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PROCEEDINGS AND DEBATES OF THE 91st CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Monday, March 23, 1970*

The House met as 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

All the paths of the Lord are stedfast love and faithfulness for those who keep His covenant and His testimonies.—Psalm 25: 10.

O God, our Father, whose power is without measure and whose judgments are true and righteous altogether, from the busy world about us and at the beginning of another day we would quiet our hearts in Thy presence and wait for Thy still, small voice.

Grant unto us the wisdom to know what we should do and the strength to do it Thy way. Undergird our lives that we may make decisions wisely, walk the high road of noble purpose faithfully, and with outreaching sympathy seek to heal the wounds of our human family.

We may move along an unknown path but we go forward with a firm faith in the reality of goodness, truth, and love and with the abiding assurance that Thou art with us.

In the name of the Master of men we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, March 19, 1970, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendments of the House to the joint resolution (S.J. Res. 158) entitled "A joint resolution to authorize the minting of clad silver dollars bearing the likeness of the late President of the United States, Dwight David Eisenhower," with amendments in which concurrence of the House is requested.

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 162. Joint resolution in recognition of the Fifth International Conference on Water Pollution Research.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11959) entitled "An act to amend chapters 31, 34, and 35 of title 38, United States Code, in order to increase the rates of vocational rehabilitation, educational assistance, and special training allowance paid to eligible veterans and persons under such chapters."

DISTRICT OF COLUMBIA COURT REFORM AND CRIMINAL PROCEDURE ACT OF 1970

[Pursuant to the order of the House on Thursday, March 19, 1970, the proceedings by which the provisions of H.R. 16196 were substituted for the provisions of S. 2601 and the bill passed, are printed herewith, as follows:]

The SPEAKER pro tempore (Mr. ALBERT). Pursuant to the provisions of House Resolution 881, the Committee on the District of Columbia is discharged from further consideration of the bill, S. 2601.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. M'MILLAN

Mr. McMILLAN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Motion offered by Mr. McMILLAN: Strike out all after the enacting clause of the bill S. 2601, to reorganize the courts of the District of Columbia, and for other purposes, and insert in lieu thereof the provisions of H.R. 16196, as passed, as follows:

That this Act may be cited as the "District of Columbia Court Reform and Criminal Procedure Act of 1970".

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TITLE I—REORGANIZATION OF DISTRICT OF COLUMBIA COURTS

SHORT TITLE

SEC. 101. This title may be cited as the "District of Columbia Court Reorganization Act of 1970".

PART A—REVISION OF TITLE 11 OF THE DISTRICT OF COLUMBIA CODE

REVISION OF TITLE 11

SEC. 111. Title 11 of the District of Columbia Code is amended to read as follows:

"TITLE 11.—ORGANIZATION AND JURISDICTION OF THE COURTS

"Chap. Sec.
"1. General Provisions 11–101
"3. United States Court of Appeals for the District of Columbia Circuit 11–301
"5. United States District Court for the District of Columbia 11–501
"7. District of Columbia Court of Appeals 11–701
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"Chapter 1.—GENERAL PROVISIONS

"Sec.
"11–101. Judicial power.
"11–102. Status of District of Columbia Court of Appeals.

"§ 11–101. Judicial power

"The judicial power in the District of Columbia is vested in the following courts:

"(1) The following Federal courts established pursuant to article III of the Constitution:

"(A) The Supreme Court of the United States.

"(B) The United States Court of Appeals for the District of Columbia Circuit.

"(C) The United States District for the District of Columbia.

"(2) The following District of Columbia courts established pursuant to article I of the Constitution:

"(A) The District of Columbia Court of Appeals.

"(B) The Superior Court of the District of Columbia.

"§ 11–102. Status of District of Columbia Court of Appeals

"The highest court of the District of Columbia is the District of Columbia Court of Appeals. Final judgments and decrees of the District of Columbia Court of Appeals are reviewable by the Supreme Court of the United States in accordance with section 1257 of title 28 of the United States Code.

"Chapter 3.—UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

"Sec.
"11–301. Jurisdiction of appeals from the District of Columbia Court of Appeals.

"§ 11–301. Jurisdiction of appeals from the District of Columbia Court of Appeals.

"In addition to its jurisdiction as a United States court of appeals and any other jurisdiction conferred on it by law, the United States Court of Appeals for the District of Columbia Circuit has jurisdiction of appeals from judgments of the District of Columbia Court of Appeals—

"(1) with respect to violations of criminal laws of the United States which are not applicable exclusively to the District of Columbia if a petition for the allowance of an appeal from that judgment is filed within ten days after its entry; or

"(2) entered before the effective date of the District of Columbia Court Reorganization Act of 1970 in any other case if a petition for the allowance of an appeal from that judgment is filed within ten days after its entry.

"Chapter 5.—UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

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"11–501. Civil jurisdiction.
"11–502. Criminal jurisdiction.
"11–503. Removal of cases from the Superior Court of the District of Columbia.

"SUBCHAPTER II.—AUDITOR

"11–521. Appointment of auditor.

"SUBCHAPTER I.—JURISDICTION

"§ 11–501. Civil jurisdiction

"In addition to its jurisdiction as a United States district court and any other jurisdiction conferred on it by law, the United States District Court for the District of Columbia has jurisdiction of the following:

"(1) Any civil action or other matter begun in the court before the effective date of the District of Columbia Court Reroganization Act of 1970 other than any matter over which the Superior Court of the District of Columbia takes jurisdiction under section 11–921(a)(4)(B).

"(2) Any civil action begun in the court during the eighteen-month period beginning on such effective date under—

"(A) chapter 3 of title 21 (relating to gifts to minors);

"(B) chapter 5 of title 21 (relating to hospitalization of the mentally ill);

"(C) chapter 7 of title 21 (relating to property of the mentally ill);

"(D) chapter 11 of title 21 (relating to commitment and maintenance of mentally retarded persons);

"(E) chapter 13 of title 21 (relating to appointment of committees for alcoholics and addicts);

"(F) chapter 15 of title 21 (relating to appointment of conservators); or

"(G) chapter 29 of title 16 (relating to partition of property and assignment of dower).

"(3) Any civil action or other matter filed in the court during the eighteen-month period beginning on such effective date—

"(A) which would have been within the jurisdiction of the Orphans Court of Washington County, District of Columbia, before June 21, 1870;

"(B) relating to the execution or validity of wills devising real property within the District of Columbia, and of wills and testaments properly presented for probate in the United States District Court for the District of Columbia, and the admission to probate and recording those wills;

"(C) relating to the proof of wills of either personal or real property and the revocation of probate of wills for cause;

"(D) involving the granting and revocation for cause of letters testamentary, letters of administration, letters and colligendum and letters of guardianship, and the appointment of successors to persons whose letters have been revoked;

"(E) involving the hearing, examination, and issuance of decrees upon accounts, claims, and demands existing between executors or administrators and legatees or persons entitled to a distributive share of an intestate estate, or between wards and their guardians;

"(F) involving the enforcement of the rendition of inventories and accounts by executors, administrators, collectors, guardians, and trustees required to account to the court;

"(G) involving the enforcement of distribution of estates by executors and administrators and the payment or delivery by guardians of money or property belonging to their wards; or

"(H) otherwise within the probate jurisdiction of the court on the day before such effective date.

"(4) Any civil action (other than a matter over which the Superior Court of the District of Columbia has jurisdiction under paragraph (3) or (4) of section 11–921(a)) begun in the court during the thirty-month period beginning on such effective date wherein the amount in controversy exceeds $50,000.

"§ 11–502. Criminal jurisdiction

"In addition to its jurisdiction as a United States district court or any other jurisdiction conferred on it by law, the United States District Court for the District of Columbia has original jurisdiction of the following:

"(1) Any criminal case began in the court by the return of an indictment or the filing of an information before the effective date of the District of Columbia Court Reorganization Act of 1970.

"(2) Any criminal case which is begun in the court by the return of an indictment or the filing of an information during the eighteen-month period beginning on such effective date and which—

"(A) involves a violation of any one of the following sections of the Act entitled 'An Act to establish a code of law for the

District of Columbia', approved March 3, 1901:

"(i) section 809 (D.C. Code, sec. 22–201) (relating to abortion),

"(ii) section 803 (D.C. Code, sec 22–501) (relating to assault with intent to kill, rob, rape, or poison),

"(iii) section 823(a) (D.C. Code, sec. 22–1801(a)) (relating to a burglary in the first degree),

"(iv) section 812 (D.C. Code, sec. 22–2101) (relating to kidnaping),

"(v) sections 798 through 802 (D.C. Code, secs. 22–2401 through 22–2405) relating to murder and manslaughter),

"(vi) section 808 (D.C. Code, sec. 22–2801) (relating to rape),

"(vii) section 810 (D.C. Code, sec. 22–2901) (relating to robbery); or

"(B) involves any other offense under any law applicable exclusively to the District of Columbia which offense is joined in such information or indictment with any of offenses listed in subparagraph (A).

"(3) Any offense under any law applicable exclusively to the District of Columbia which offense is joined in the same information or indictment with any Federal offense.

"§ 11–503. Removal of cases from the Superior Court of the District of Columbia

"A civil action or criminal prosecution in the Superior Court of the District of Columbia is removable to the United States District Court for the District of Columbia in accordance with chapter 89 of title 28, United States Code.

"SUBCHAPTER II.—AUDITOR

"§ 11–521. Appointment of auditor

"For so long as the business of the court may require, the United States District Court for the District of Columbia may appoint an auditor for the court.

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"SUBCHAPTER I.—CONTINUATION AND ORGANIZATION

"§ 11–701. Continuation of court; court of record; seal

"(a) The District of Columbia Court of Appeals (hereafter in this subchapter referred to as the 'court') shall continue as a court of record in the District of Columbia.

"(b) The Court shall have a seal.

"§ 11–702. Composition.

"The court shall consist of a chief judge and eight associate judges.

"§ 11–703. Judges; services; compensation

"(a) The chief judge and the judges of the court shall serve in accordance with chapter 15 of this title.

"(b) Judges of the court shall be compensated at the rate of $36,000 per annum. The chief judge, during his service in that position, shall receive an additional $500 per annum.

"§ 11–704. Oath of judges

"Each judge, when appointed, shall take the oath prescribed for judges of courts of the United States.

"§ 11–705. Assignment of judges; divisions; hearings

"(a) Judges of the court shall sit on the court and its divisions in such order and at such times as the chief judge directs.

"(b) Cases and controversies shall be heard and determined by divisions of the court unless a hearing or rehearing before the court in banc is ordered. Each division of the court shall consist of three judges.

"(c) A hearing before the court in banc may be ordered by a majority of the judges of the court in regular active service. The court in banc for a hearing shall consist of the judges of the court in regular active service.

"(d) A rehearing before the court in banc may be ordered by a majority of the judges of the court in regular active service. The court in banc for a rehearing shall consist of the judges of the court in regular active service, except that a retired judge may sit as a judge of the court in banc in the rehearing of a case or controversy if he sat on the court or a division of the court at the original hearing thereof.

"§ 11–706. Absence, disability, or disqualification of judges; vacancies; quorum

"(a) When the chief judge of the court is absent or disabled, his duties shall devolve upon and be performed by such associate judge as the chief judge may designate in writing. In the event that the chief judge is (1) disqualified or suspended, or (2) unable or fails to make such a designation, his duties shall devolve upon and be performed by the associate judge of the court next in seniority according to the date of his original commission.

"(b) A chief judge whose term as chief judge has expired shall continue to serve until redesignated or until his successor has been designated. When there is a vacancy in the position of chief judge, the position shall be filled temporarily as provided in subsection (a).

"(c) Two judges shall constitute a quorum of a division of the court, and six judges shall constitute a quorum of the court sitting in banc.

"§ 11–707. Assignment of judges to and from Superior Court

"(a) The chief judge of the District of Columbia Court of Appeals may designate and assign temporarily one or more judges of the Superior Court of the District of Columbia to sit upon the District of Columbia Court of Appeals or a division thereof whenever the business of the District of Columbia Court of Appeals so requires. Such designations or assignments shall be in conformity with the rules or orders of the District of Columbia Court of Appeals.

"(b) Upon presentation of a certificate of necessity by the chief judge of the Superior Court of the District of Columbia, the chief judge of the District of Columbia Court of Appeals may designate and assign temporarily one or more judges of the District of Columbia Court of Appeals to serve as a judge of the Superior Court of the District of Columbia.

"§ 11–708. Clerks and secretaries for judges

"Each judge may appoint and remove a personal law clerk and a personal secretary.

"§ 11–709. Reports

"Each judge shall submit to the chief judge such reports and data as the chief judge may request.

"SUBCHAPTER II.—JURISDICTION

"§ 11–721. Orders and judgments of the Superior Court

"(a) The District of Columbia Court of Appeals has jurisdiction of appeals from—

"(1) all final orders and judgments of the Superior Court of the District of Columbia—

"(2) interlocutory orders of the Superior Court of the District of Columbia—

"(A) granting, continuing, modifying, refusing, or dissolving or refusing to dissolve or modify injunctions;

"(B) appointing receivers, guardians, or conservators or refusing to wind up receiverships, guardianships, or the administration of conservators or to take steps to accomplish the purposes thereof; or

"(C) changing or affecting the possession of property; and

"(3) orders or rulings of the Superior Court of the District of Columbia appealed by the United States or the District of Columbia pursuant to section 23–104 or 23–111 (d)(2).

"(b) Except as provided in subsection (c) of this section, a party aggrieved by an order or judgment specified in subsection (a) of this section, may appeal therefrom as of right to the District of Columbia Court of Appeals.

"(c) Review of judgments of the Small Claims and Conciliation Branch of the Superior Court of the District of Columbia and of judgments in the Criminal Division of that court where the penalty imposed is a fine of less than $50 for an offense punishable by imprisonment for one year or less, or by fine of not more than $1,000, or both, shall be by application for the allowance of an appeal, filed in the District of Columbia Court of Appeals.

"(d) When a judge of the Superior Court of the District of Columbia, in making in a civil or criminal case a ruling or order not otherwise appealable under this section, shall be of the opinion that the ruling or order involves a controlling question of law as to which there is substantial ground for a difference of opinion and that an immediate appeal from the ruling or order may materially advance the ultimate termination of the litigation or case, he shall so state in writing in the ruling or order. The District of Columbia Court of Appeals may thereupon, in its discretion, permit an appeal to be taken from that ruling or order, if application is made to it within ten days after the issuance or entry of the ruling or order. An application for an appeal under this subsection shall not stay proceedings in the Superior Court of the District of Columbia unless that court or a judge of the District of Columbia Court of Appeals shall so order.

"(e) On the hearing of any appeal in any case, the District of Columbia Court of Appeals shall give judgment after an examination of the record without regard to errors or defects which do not affect the substantial rights of the parties.

"§ 11–722. Administrative orders and decisions

"The District of Columbia Court of Appeals has jurisdiction to review orders and decisions of the Commissioner of the District of Columbia, the District of Columbia Council, and any agency (including the District of Columbia Redevelopment Land Agency, the Board of Zoning Adjustment of the District of Columbia, the Zoning Commission of the District of Columbia, and the Public Service Commission of the District of Columbia) in accordance with the District of Columbia Administrative Procedure Act (D.C. Code, secs. 1–1501—1–1510), or in the case of orders and decisions of the Public Service Commission of the District of Columbia under section 8 of the Act of March 4, 1913 (D.C. Code, title 43), in accordance with that section.

"SUBCHAPTER III.—MISCELLANEOUS PROVISIONS

"§ 11–741. Contempt powers

"In addition to the powers conferred by section 402 of title 18, United States Code, the District of Columbia Court of Appeals, or a judge thereof, may punish for disobedience of an order or for contempt committed in the presence of the court.

"§11–742. Oaths, affirmations, and acknowledgments

"Each judge of the District of Columbia Court of Appeals and each employee of the court authorized by the chief judge may administer oaths and affirmations and take acknowledgments.

"§ 11–743. Rules of court

"The District of Columbia Court of Appeals shall conduct its business according to the Federal Rules of Appellate Procedure unless the court prescribes or adopts modifications of those Rules.

"Chapter 9.—SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

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"SUBCHAPTER I.—CONTINUATION AND ORGANIZATION

"§ 11–901. Continuation of courts; court of record; seal

"The District of Columbia Court of General Sessions, the Juvenile Court of the District of Columbia, and the District of Columbia Tax Court are consolidated in a single court to be known as the Superior Court of the District of Columbia (hereafter in this title referred to as the 'Superior Court'). The Superior Court shall be a court of record in the District of Columbia and shall have a single seal.

"§ 11–902. Organization of the court

"The Superior Court shall consist of the following divisions: Criminal Division, Civil Division, Family Division, Tax Division, and Probate Division. The divisions of the Superior Court may be divided into such branches as the Superior Court may by rule prescribe.

"§ 11–903. Composition

"(a) On the effective date of the District of Columbia Court Reorganization Act of 1970 the Superior Court shall consist of a chief judge and thirty-six associate judges.

"(b) Eighteen months after such effective date, three additional associate judges shall be appointed to the Superior Court.

"§ 904. Judges; service; compensation

"(a) The chief judge and the judges of the Superior Court shall serve as provided in chapter 15 of this title.

"(b) Judges of the Superior Court shall be compensated at the rate of $34,000 per annum. The chief judge, during his service in that position, shall receive an additional $500 per annum.

"§ 11–905. Oath of judges

"Each judge of the Superior Court, when appointed, shall take the oath prescribed for judges of courts of the United States.

"§ 11–906. Administration by chief judge; discharge of duties

"(a) The chief judge shall administer and superintend the business of the Superior Court, as provided in chapter 17 of this title. He shall give his attention to the discharge of the duties especially pertaining to his office and to the performance of such additional judicial work as he is able to perform.

"(h) He shall, insofar as is consistent with this title, arrange and divide the business of the Superior Court and fix the time of sessions of the various divisions and branches of the Superior Court.

"§ 11–907. Absence, disability, or disqualification of chief judge

"(a) When the chief judge of the court is absent or disabled, his duties shall devolve upon and be performed by such associate judge as the chief judge may designate in writing. In the event that the chief judge is (1) disqualified or suspended, or (2) unable or fails to make such a designation, his duties shall devolve upon and be performed by the associate judge of the court next in seniority according to the date of his original commission.

"(b) A chief judge whose term as chief judge has expired shall continue to serve until redesignated or until his successor has been designated. When there is a vacancy in the position of chief judge, the position shall be filled temporarily as provided in subsection (a).

"§ 11–908. Designation and assignment of judges

"(a) The chief judge may designate the number of judges to serve in any division and branch of the Superior Court and may assign and reassign each judge to sit in any division and branch. When making assignments to the Family Division and Tax Division, the chief judge shall consider the qualifications and interest of the judges. Each associate judge shall attend and serve in the division and branch to which he is assigned.

"(b) When the business of the Superior Court requires, the chief judge may certify to the chief judge of the District of Columbia Court of Appeals the need for temporary assignment of an additional judge or judges as provided in section 11–707.

"§ 11–909. Meetings and reports

"(a) The judges of the Superior Court shall meet together at such times as may be specified in the rules of the Superior Court, and at the call of the chief judge, to consider matters relating to the business and operations of the Superior Court.

"(b) Each associate judge shall submit to the chief judge such reports and data as the chief judge may request,

"§ 11–910. Clerks and secretaries for judges

"Each judge of the Superior Court may appoint and remove a personal law clerk and a personal secretary.

"SUBCHAPTER II.—JURISDICTION

"§ 11–921. Civil jurisdiction

"(a) Except as provided in subsection (b), the Superior Court shall have jurisdiction of any civil action or other matter (at law or in equity) brought in the District of Columbia. Such jurisdiction shall vest in the court as follows:

"(1) Beginning on the effective date of the District of Columbia Court Reorganization Act of 1970, the court shall have jurisdiction of any civil action or other matter begun before such effective date in the District of Columbia Court of General Sessions, the Juvenile Court of the District of Columbia, or the District of Columbia Tax Court.

"(2) Beginning on such effective date, the court shall have jurisdiction of any civil action or other matter, at law or in equity (other than a matter over which the United States District Court for the District of Columbia has jurisdiction under paragraph (1), (2), or (3) of section 11–501), which is begun in the Superior Court on or after such effective date and in which the amount in controversy does not exceed $50,000.

"(3) Beginning on such effective date, the court shall have jurisdiction (regardless of the amount in controversy) of any civil action or other matter, at law or in equity, which is begun in the court on or after such effective date and which—

"(A) is brought under—

"(i) subchapter I of chapter 11 of title 16 (relating to ejectment);

"(ii) subchapter II or III of chapter 13 of title 16 (relating to the condemnation of land on behalf of the District of Columbia);

"(iii) chapter 19 of title 16 (relating to writs of habeas corpus directed to persons other than Federal officers and employees).

"(iv) chapter 25 of title 16 (relating to change of name);

"(v) chapter 33 of title 16 (relating to quieting title to real property);

"(vi) subchapter II of chapter 35 of title 16 (relating to writ of quo warranto);

"(vii) chapter 37 of title 16 (relating to replevin of personal property);

"(viii) the Hospital Treatment for Drug Addicts Act for the District of Columbia (D.C. Code, secs. 24–601 through 24–611) (relating to commitment of narcotics users); or

"(ix) section 2 of the Act of August 3, 1968 (D.C. Code, sec. 1–804(b)) (relating to contractors bonds);

"(B) involves an appeal from or petition for review of any assessment of tax (or civil penalty thereon) made by the District of Columbia;

"(C) is brought under chapter 23 of title 16; or

"(D) is based upon personal injury or property damage (or both) if all the parties to such action are residents of the District of Columbia and the conduct giving rise to the action occurred in the District of Columbia.

"(4) Immediately following the expiration of the eighteen-month period beginning on such effective date, the court shall have jurisdiction (regardless of the amount in controversy)—

"(A) of any matter (at law or in equity)—

"(i) which would have been within the jurisdiction of the Orphans Court of Washington County, District of Columbia, before June 21, 1870;

"(ii) relating to the execution or validity of wills devising real property within the District of Columbia, and of wills and testaments properly presented for probate in the court, and the admission to probate and recording of those wills;

"(iii) relating to the proof of wills of either personal or real property and the revocation of probate of wills for cause;

"(iv) involving the granting and revocation for cause of letters testamentary, letters of administration, letters ad colligendum and letters of guardianship, and the appointment of successors to persons whose letters have been revoked;

"(v) involving the hearing, examination, and issuance of decrees upon accounts, claims, and demands existing between executors or administrators and legatees or persons entitled to a distributive share of an intestate estate, or between wards and their guardians;

"(vi) involving the enforcement of the rendition of inventories and accounts by executors, administrators, collectors, guardians, and trustees required to account to the court;

"(vii) involving the enforcement of distribution of estates by executors and administrators and the payment or delivery by guardians of money or property belonging to their wards; or

"(viii) otherwise within the probate jurisdiction of the United States District Court for the District of Columbia on the day before such effective date; and

"(B) any matter (at law or in equity) described in subparagraph (A) which was begun in the United States District for the District of Columbia.

"(5) Immediately following the expiration of the eighteen-month period beginning on such effective date, the court shall have jurisdiction (regardless of the amount in controversy) of any civil action or other matter, at law or in equity, brought under—

"(A) chapter 3 of title 21 (relating to gifts to minors);

"(B) chapter 5 of title 21 (relating to hospitalization of the mentally ill);

"(C) chapter 7 of title 21 (relating to property of the mentally ill);

"(D) chapter 11 of title 21 (relating to commitment and maintenance of mentally retarded persons);

"(E) chapter 13 of title 21 (relating to appointment of committee for alcoholics and addicts);

"(F) chapter 15 of title 21 (relating to appointment of conservators); or

"(G) chapter 29 of title 16 (relating to partition of property and assignment of dower).

"(6) Immediately following the expiration of the thirty-month period beginning on such effective date, the court shall have jurisdiction (regardless of the amount in controversy) of any civil action or other matter, at law or in equity, brought in the District of Columbia.

"(b) The Superior Court shall not have jurisdiction over any civil action or other matter (1) over which exclusive jurisdiction is vested in a Federal Court in the District of Columbia, or (2) over which jurisdiction is vested in the United States District Court for the District of Columbia under section 11–501 (relating to civil actions or other matters begun in such court before the expiration of the thirty-month period beginning on the effective date of the District of Columbia Court Reorganization Act of 1970).

"(c) For purposes of subsection (a)(3)(D) and section 11–922(b)(1)(B) the term 'resident of the District of Columbia' shall not include (1) any elective officer of the Government of the United States, (2) any employee on the staff of an elected officer if such employee is a bona fide domiciliary of the State of residence of such elected officer, (3) any officer of the executive branch of the Government whose appointment to the office held by him was by the President of the United States and subject to confirmation by the Senate of the United States and whose tenure of office is at the pleasure of the President if such officer is a bona fide domiciliary of a State of the United States, or (4) any officer of a foreign government or any employee of a foreign government or international organization or association if such person is a bona fide domiciliary of a foreign country.

"§ 11–922. Transfer of civil actions to Superior Court

"(a) In a civil action begun in the United States District Court for the District of Columbia before the effective date of the District of Columbia Court Reorganization Act of 1970 (other than an action for equitable relief), where it appears to the satisfaction of the court at or subsequent to any pretrial hearing but before trial thereof that the action will not justify a judgment in excess of $10,000 and does not otherwise invoke the jurisdiction of the court, the court may certify the action to the Superior Court for trial.

"(b) In a civil action begun in the United States District Court for the District of Columbia during the thirty-month period beginning on the effective date of the District of Columbia Court Reorganization Act of 1970, the court may certify the action to the Superior Court if it appears to the satisfaction of the United States District Court at or subsequent to any pretrial hearing, but before the trial thereof that—

"(1) the action—

"(A) will not justify a judgment in excess of $50,000; or

"(B) is based upon personal injury or property damage (or both), all parties thereto are residents of the District of Columbia, and the conduct on which the action is based occurred in the District of Columbia; and

"(2) the action does not otherwise invoke the jurisdiction of the court.

"(c) When an action is transferred under this section, the pleadings in the action, together with a copy of the docket entries and copies of any orders entered therein, and the deposit for costs, shall be sent to the Superior Court. The Superior Court shall thereafter treat the case as though it had been filed originally in that court, except that the jurisdiction of the court shall extend to the amount claimed in the action even though it exceeds the applicable jurisdictional limitation.

"§ 11–923. Criminal jurisdiction; commitment

"(a) The Superior Court has jurisdiction over all criminal cases pending in the District of Columbia Court of General Sessions before the effective date of the District of Columbia Court Reorganization Act of 1970.

"(b)(1) Except as provided in paragraph (2), the Superior Court has jurisdiction of any criminal case under any law applicable exclusively to the District of Columbia.

"(2) The Superior Court shall not have jurisdiction of any criminal case under any law applicable exclusively to the District of Columbia begun in the United States District Court for the District of Columbia under section 11–502(2) by the return of an indictment or the filing of an information during the eighteen-month period beginning on such effective date.

"(c)(1) With respect to any criminal case over which the Superior Court has jurisdiction, that court may make preliminary examinations and commit offenders either for trial or for further examination, and may release or detain offenders in accordance with chapter 13 of title 23.

"(2) With respect to any criminal case over which the United States District Court for the District of Columbia has jurisdiction, the Superior Court (A) may make preliminary examinations and commit offenders, either for trial or for further examination, but only during the eighteen-month period beginning on the effective date of the District of Columbia Court Reorganization Act of 1970, and (B) may release or detain offenders in accordance with chapter 13 of title 23.

"SUBCHAPTER III.—MISCELLANEOUS PROVISIONS

"§ 11–941. Issuance of warrants; record

"Judge of the Superior Court may, at any time, including Sundays and legal holidays, on complaint or application under oath or actual view, issue warrants for arrest, search or seizure, or electronic surveillance in connection with crimes and offenses committed within the District of Columbia, or for administrative inspections in connection with laws relating to the public health, safety, and welfare. Each proceeding respecting a warrant shall be recorded as prescribed by the court. Warrants shall be issued free of charge.

"§ 11–942. Subpenas

"(a) The Superior Court may compel the attendance of witnesses by attachment. At the request of any party, subpenas for attendance at a hearing or trial in the Superior Court shall be issued by the clerk of the court. A subpena may be served at any place within the District of Columbia, or at any place without the District of Columbia that is within twenty-five miles of the place of the hearing or trial specified in the subpena. The form, issuance, and manner of service of the subpena shall be as prescribed by rule of the court.

"(b) A subpena in a criminal case in which a felony is charged may be served at any place within the United States upon order of a judge of the court.

"§ 11–943. Process

"(a) All process other than a subpena may be served at any place within the District of Columbia, and, when authorized by statute, by the Federal Rules of Civil Procedure, or by the Federal Rules of Criminal Procedure, at any place without the District of Columbia.

"(b) Service upon a third-party defendant, upon a person whose joinder is needed for just adjudication, and upon persons required to respond to any order of commitment for civil contempt may be served at all places outside the District of Columbia that are not more than one hundred miles from the place of hearing or trial specified.

"(c) The form, issuance, and manner of service of process shall be as prescribed by rule of the court.

"§ 11–944. Contempt power

"In addition to the powers conferred by section 402 of title 18, United States Code, the Superior Court, or a judge thereof, may punish for disobedience of an order or for contempt committed in the presence of the court.

"§ 11–945. Oaths, affirmations, and acknowledgments

"Each judge and each employee of the Superior Court authorized by the chief judge may administer oaths and affirmations and take acknowledgments.

"§ 11–946 Rules of court

"The Superior Court shall conduct its business according to the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure (except as otherwise provided in title 23) unless it prescribes or adopts modifications of those Rules. Modifications of the Federal Rules shall be submitted for the approval of the District of Columbia Court of Appeals, and they shall not take effect until approved by that court. The Superior Court may adopt and enforce other rules as it may deem necessary without the approval of the District of Columbia Court of Appeals if such rules do not modify the Federal Rules.

"Chapter 11.—FAMILY DIVISION OF THE SUPERIOR COURT

"'Sec.

"11–1101. Exclusive jurisdiction.

"§ 11–1101. Exclusive jurisdiction

"The Family Division of the Superior Court shall be assigned exclusive jurisdiction of—

"(1) actions for divorce from the bond of marriage and legal separation from bed and board, including proceedings incidental thereto for alimony, pendente lite and permanent, and for support and custody of minor children;

"(2) applications for revocation of divorce from bed and board;

"(3) actions to enforce support of any person as required by law;

"(4) actions seeking custody of minor children, including petitions for writs of habeas corpus;

"(5) actions to declare marriages void;

"(6) actions to declare marriages valid;

"(7) actions for annulments of marriage;

"(8) determinations and adjudications of property rights, both real and personal, in any action referred to in this subsection, irrespective of any jurisdictional limitation imposed on the Superior Court;

"(9) proceedings in adoption;

"(10) proceedings under the Act of July 10, 1957 (D.C. Code, secs. 30-301 to 30-324);

"(11) proceedings to determine paternity of any child born out of wedlock;

"(12) civil proceedings for protection involving intrafamily offenses, instituted pursuant to chapter 10 of title 16;

"(13) proceedings in which a child, as defined in section 16-2301, is alleged to be delinquent, neglected, or in need of supervision;

"(14) proceedings under chapter 5 of title 21 relating to the commitment of the mentally ill; and

"(15) proceedings under chapter 11 of title 21 relating to the commitment of the mentally retarded.

"Chapter 12.—TAX DIVISION OF THE SUPERIOR COURT

"Sec.
"11-1201. Exclusive jurisdiction.
"11-1202. Abolition of other remedies.
"11-1203. Rules and regulations.

"§ 11-1201. Exclusive jurisdiction

"The Tax Division of the Superior Court shall be assigned exclusive jurisdiction of—

"(1) all appeals from and petitions for review of assessments of tax and civil penalties thereon made by the District of Columbia; and

"(2) all proceedings brought by the District of Columbia for the imposition of criminal penalties pursuant to the provisions of the statutes relating to taxes levied by or in behalf of the District of Columbia.

"§ 11-1202. Abolition of other remedies

"Notwithstanding any other provisions of law, the jurisdiction of the Tax Division of the Superior Court to review the validity and amount of all assessments of tax made by the District of Columbia is exclusive. Effective on and after the effective date of the District of Columbia Court Reorganization Act of 1970, any common-law remedy with respect to assessments of tax in the District of Columbia and any equitable action to enjoin such assessments available in a court other than the former District of Columbia Tax Court is abolished. Actions properly filed before the effective date of that Act are not affected by this section and the court in which any such action has been filed may retain jurisdiction until its disposition.

"§ 11-1203. Rules and regulations

"The Superior Court may make such rules and regulations for conducting business in the Tax Division, consistent with the statutes applicable to such business and with the Superior Court's general rules of practice and procedure, as it may deem necessary and proper. Rules and regulations for the Tax Division shall, insofar as possible, assure the prompt disposition of matters before the Tax Division to the end that the taxing statutes of the District of Columbia shall be fairly and efficiently enforced.

"Chapter 13.—SMALL CLAIMS AND CONCILIATION BRANCH OF THE SUPERIOR COURT

"SUBCHAPTER I.—CONTINUATION AND SESSIONS

"Sec.
"11-1301. Continuation of Branch.
"11-1302. Sessions.

"SUBCHAPTER II.—JURISDICTION AND PROCEDURES

"11-1321. Exclusive jurisdiction of small claims.
"11-1322. Arbitration and conciliation.
"11-1323. Certification of cases by Superior Court judges; recertification.

"SUBCHAPTER I.—CONTINUATION AND SESSIONS

"§ 11-1301. Continuation of Branch

"The Small Claims and Conciliation Branch shall continue as a branch of the Civil Division in the Superior Court.

"§ 11-1302. Sessions

"The Small Claims and Conciliation Branch, with a judge in attendance, shall be open for the transaction of business on every day of the year except Saturday afternoons, Sundays, and legal holidays, and shall hold evening sessions whenever necessary.

"SUBCHAPTER II.—JURISDICTION AND PROCEDURES

"§ 11-1321. Exclusive jurisdiction of small claims

"The Small Claims and Conciliation Branch has jurisdiction over all cases within the jurisdiction of the Superior Court in which the amount of the plaintiff's claim or the claimed value of personal property in controversy does not exceed $500, exclusive of interest, attorney fees, protest fees, and costs.

"§ 11-1322. Arbitration and conciliation

"In order to effect the speedy settlement of controversies, and with the consent of the parties thereto, the Small Claims and Conciliation Branch may settle cases, irrespective of the amount involved, by the methods of arbitration and conciliation. The judges sitting in the Branch may act as referees or arbitrators, either alone or in conjunction with other persons, as provided by rule of the court. A judge, officer, or employee of the Superior Court may not accept any fee or compensation in addition to his salary for services performed pursuant to this section.

"§ 11-1323. Certification of cases by Superior Court judges; recertification

"When the interests of justice seem to require and all parties consent thereto, a judge of the Superior Court may certify a case to the Small Claims and Conciliation Branch for conciliation, or to endeavor to obtain a complete or partial agreed statement of facts or stipulation, which will simplify and expedite the ultimate trial of the case. With the consent of all parties, the trial of the case may be completed in the Branch. In the absence of consent, the case shall be recertified to another judge of the Civil Division for trial.

"Chapter 15.—JUDGES OF THE DISTRICT OF COLUMBIA COURTS

"SUBCHAPTER I.—APPOINTMENT; QUALIFICATIONS; SERVICE OF JUDGES

"Sec.
"11-1501. Appointment and qualifications of judges.
"11-1502. Tenure.
"11-1503. Designation of chief judge.
"11-1504. Service of retired judges.

"SUBCHAPTER II.—THE DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

"11-1521. Establishment of Commission.
"11-1522. Membership.
"11-1523. Term of office—members; vacancy; continuation of service by a member; term of office—alternates.
"11-1524. Compensation.
"11-1525. Operation; personnel; administrative services.
"11-1526. Removal; involuntary retirement; proceedings.
"11-1527. Procedures.
"11-1528. Privilege; confidentiality.
"11-1529. Judicial review.

"SUBCHAPTER III.—RETIREMENT

"11-1561. Definitions.
"11-1562. Eligibility for retirement.
"11-1563. Withholding of retirement payments.
"11-1564. Computation of retirement salary; election to credit other service.
"11-1565. Service by retired judges.
"11-1566. Survivor annuity; election; relinquishment.
"11-1567. Survivor annuity; payments to fund.
"11-1568. Survivor annuity; entitlement; computation.
"11-1569. Survivor annuity payment; order of procedence.
"11-1570. Retirement and Annuity Fund.
"11-1571. Periodic increases; existing rights.

"SUBCHAPTER I.—APPOINTMENT; QUALIFICATIONS; SERVICE OF JUDGES

"§11-1501. Appointment and qualifications of judges

"(a) The President of the United States shall nominate, and by and with the advice and consent of the Senate, shall appoint all judges of the District of Columbia courts. He shall have power to fill all vacancies that may occur in those courts during a recess of the Senate, by granting commission which shall expire at the end of the next session of the Senate.

"(b) A person may not be appointed a judge of a District of Columbia court unless he—

"(1) is a citizen of the United States;

"(2) (A) is a member of the bar of the District of Columbia, and (B) (i) has been a member of such bar for a period of at least five years, or (ii) in the case of a professor of law in a law school in the District of Columbia or of an attorney employed in the District of Columbia by the United States or the District of Columbia, has been eligible for membership in the bar of the District of Columbia for at least five years prior to his appointment; and

"(3) has been actively engaged, for at least five of the ten years immediately prior to his appointment, as an attorney in the practice of law in the District of Columbia, as a judge of a District of Columbia court, as a professor of law in a law school in the District of Columbia, or as an attorney employed in the District of Columbia by the United States or the District of Columbia.

During his term of service and for one year after the termination thereof, no member of the District of Columbia Commission on Judicial Disability and Tenure shall be eligible for nomination or appointment to a District of Columbia court.

§ 11-502. Tenure.

"Subject to the provisions of subchapters II and III of this chapter, a judge of a District of Columbia court shall serve for a term of ten years, and upon completion of such term, such judge shall continue to serve until his successor is appointed and qualifies.

"§ 11-1503. Designation of Chief Judge

"(a) The chief judge of a District of Columbia court shall be designated by the President of the United States from among the judges of the court in regular active service, and shall serve for a term of four years or until his successor is designated. He shall be eligible for redesignation. A judge may relinquish his position as chief judge, after giving notice to the President.

"(b) If a chief judge is not redesignated, or relinquishes the office of chief judge, he shall continue as an associate judge.

"§ 11-1504. Service of retired judges

"A judge retired for reasons other than disability may perform, upon designation of a chief judge, those judicial duties which he is willing and able to undertake.

"SUBCHAPTER II.—THE DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

"§ 11-1521. Establishment of Commission

"There shall be a District of Columbia Commission on Judicial Disabilities and

Tenure (hereafter in this subchapter referred to as the 'Commission'). The Commission shall have power to suspend, retire, or remove a judge of a District of Columbia court, as provided in this subchapter.

"§ 11–1522. Membership

"(a) The Commission shall consist of seven members appointed by the President as follows:

"(1) Two members shall be appointed from active or retired Federal judges serving in the District of Columbia.

"(2) Two members shall be appointed from members of the bar of the District of Columbia who are actively engaged in the practice of law in the District of Columbia.

"(3) Three members shall be appointed from residents of the District of Columbia, at least two of whom are not members of the bar of the District of Columbia.

The Chairman of the Commission shall be designated by the concurrence of at least four members. The term of the Chairman shall be two years.

"(b) There shall be four alternate members of the Commission appointed by the President as follows:

"(1) One alternate member shall be appointed from active or retired Federal judges serving in the District of Columbia.

"(2) Two alternate members shall be appointed from members of the bar of the District of Columbia who are actively engaged in the practice of law in the District of Columbia.

"(3) One alternate member shall be appointed from residents of the District of Columbia who are not members of the bar of the District of Columbia.

"(c) No member or alternate member (other than a Federal judge appointed under subsection (a) or (b)) shall be an officer or employee of an executive or military department of the Government of the United States (listed in section 101 or 102 of title 5 of the United States Code), an officer or employee of the United States employed in the legislative or judicial branch of the Government of the United States, or an officer or employee of the District of Columbia government.

"§ 11–1523. Term of office—members; vacancy; continuation of service by a member; term of office—alternates

"(a)(1) The terms of office for the members of the Commission shall be six years, except that upon appointment of the first members; two members shall serve for two years; two for four years; two for six years; and one for three years, as designated by the President at the time of appointment. A member appointed to fill a vacancy occurring before the expiration of the term of his predecessor shall serve only for the remainder of that term. Any vacancy in the Commission shall be filled pursuant to section 11–1522.

"(2) If approved by the Commission, a member may serve after the expiration of his term for purposes of participating until conclusion in a matter, relating to the suspension, retirement, or removal of a judge, begun before the expiration of his term. A member's successor may be appointed without regard to the member's continuation in service, but his successor may not participate in the matter for which the member's continuation in service was approved.

"(b) The terms of office for the alternate members of the Commission shall be six years. An alternate member shall serve as a member pursuant to rules adopted by the Commission.

"§ 11–1524. Compensation

"Any member or alternate who is an officer or employee of the United States shall serve without compensation. Other members or alternate members shall receive the daily equivalent of the rate provided for GS–18 of the General Schedule contained in section 5332 of title 5, United States Code when actually engaged in service for the Commission.

"§ 11–1525. Operations; personnel; administrative services

"(a) The Commission may make such rules and regulations for its operations as it may deem necessary, and such rules and regulations shall be effective on the date specified by the Commission. The District of Columbia Administrative Procedure Act (D.C. Code, secs. 1–1501 to 1510) shall be applicable to the Commission only as provided by this subsection. For the purposes of the publication of rules and regulations, judicial notice, and the filing and compilation of rules, sections 5, 7, and 8 of that Act (D.C. Code, secs. 1–1504, 1–1506, and 1–1507), insofar as consistent with this subchapter, shall be applicable to the Commission; and for purposes of those sections, the Commission shall be deemed an independent agency as defined in section 3(5) of that Act (D.C. Code, sec. 1–1502). Nothing contained herein shall be construed to require prior public notice and hearings on the subject of rules adopted by the Commission.

"(b) The Commission is authorized, without regard to the provisions governing appointment and classification of District of Columbia employees, to appoint and fix the compensation of, or to contract for, such officers, assistants, reporters, counsel, and other persons as may be necessary for the performance of its duties. It is authorized to obtain the services of medical and other experts in accordance with the provisions of section 3109 of title 5, United States Code, but at rates not to exceed the daily equivalent of the rate provided for GS–18 of the General Schedule.

"(c) The District of Columbia is authorized to detail, on a reimbursable basis, any of its personnel to assist in carrying out the duties of the Commission.

"(d) Financial and administrative services (including those related to budgeting and accounting, financial reporting, personnel, and procurement) shall be provided to the Commission by the District of Columbia, for which payment shall be made in advance, or by reimbursement, from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the District of Columbia government. Regulations of the District of Columbia for the administrative control of funds shall apply to funds appropriated to the Commission.

"§ 11–1526. Removal; involuntary retirement; proceedings

"(a)(1) A judge of a District of Columbia court shall be removed from office upon the filing in the District of Columbia Court of Appeals by the Commission of an order of removal certifying the entry, in any court within the United States, of a final judgment of conviction of a crime which is punishable as a felony under Federal law or which would be a felony in the District of Columbia.

"(2) A judge of a District of Columbia court shall also be removed from office upon affirmance of an appeal from an order of removal filed in the District of Columbia Court of Appeals by the Commission (or upon expiration of the time within which such an appeal may be taken) after a determination by the Commission of—

"(A) willful misconduct in office,

"(B) willful and persistent failure to perform judicial duties, or

"(C) any other conduct which is prejudicial to the administration of justice or which brings the judicial office into disrepute.

"(b) A judge of a District of Columbia court shall be involuntarily retired from office when (1) the Commission determines that the judge suffers from a mental or physical disability (including habitual intemperance) which is or is likely to become permanent and which prevents, or seriously interferes with, the proper performance of his judicial duties, and (2) the Commission files in the District of Columbia Court of Appeals an order of involuntary retirement and the order is affirmed on appeal or the time within which an appeal may be taken from the order has expired.

"(c)(1) A judge of a District of Columbia court shall be suspended, without salary—

"(A) upon—

"(i) proof of his conviction of a crime referred to in subsection (a)(1) which has not become final, or

"(ii) the filing of an order of removal under subsection (a)(2) which has not become final; and

"(B) upon the filing by the Commission of an order of suspension in the District of Columbia Court of Appeals.

Suspension under this paragraph shall continue until termination of all appeals. If the conviction is reversed or the order of removal is set aside, the judge shall be reinstated and shall recover his salary and all other rights and privileges of his office.

"(2) A judge of a District of Columbia court shall be suspended from all judicial duties, with such retirement salary as he may be entitled to pursuant to subchapter III of this chapter, upon the filing by the Commission of an order of involuntary retirement under subsection (b) in the District of Columbia Court of Appeals. Suspension shall continue until termination of all appeals. If the order of involuntary retirement is set aside, the judge shall be reinstated and shall recover his judicial salary less any retirement salary received and shall be entitled to all the rights and privileges of his office.

"(3) A judge of a District of Columbia court shall be suspended from all or part of his judicial duties, with salary, if the Commission (A) upon the concurrence of four members, orders a hearing for the removal or retirement of the judge and determines that his suspension is in the interest of the administration of justice, and (B) files an order of suspension in the District of Columbia Court of Appeals. The duration of the suspension shall be specified in the order but may be modified, as appropriate, by the Commission.

§ 11–1527. Procedures

"(a)(1) On its own initiative, or upon complaint or report of any person, formal or informal, the Commission may undertake an investigation of the conduct or health of any judge. After such investigation as it deems adequate, the Commission may terminate the investigation or it may order a hearing concerning the health or conduct of the judge. Nothing in this subchapter shall preclude any informal contacts with the judge, or the chief judge of his court, by the Commission, whether before or after a hearing is ordered, to discuss any matter related to its investigation.

"(2) A judge whose conduct or health is to be the subject of a hearing by the Commission shall be given notice of such hearing and of the nature of the matters under inquiry not less than thirty days before the date on which the hearing is to be held. He shall be admitted to such hearing and to every subsequent hearing regarding his conduct or health. He may be represented by counsel, offer evidence in his own behalf, and confront and cross-examine witnesses against him.

"(3) Within ninety days after the adjournment of hearings, the Commission shall make findings of fact and a determination regarding the conduct or health of a judge who was the subject of the hearing. The concurrence of at least five members shall be required for a determination of grounds

for removal or retirement. Upon a determination of grounds for removal or retirement, the Commission shall file an appropriate order pursuant to subsections (a) and (b) of section 11–1526. On or before the date the order is filed, the Commission shall notify the judge, the chief judge of his court, and the President of the United States.

"(b) The Commission shall keep a record of any hearing on the conduct or health of a judge and one copy of such record shall be provided to the judge at the expense of the Commission.

"(c) (1) In the conduct of investigations and hearings under this section the Commission may administer oaths, order and otherwise provide for the inspection of books and records, and issue subpenas for attendance of witnesses and the production of papers, books, accounts, documents, and testimony relevant to any such investigation or hearing. It may order a judge whose health is in issue to submit to a medical examination by a duly licensed physician designated by the Commission.

"(2) Whenever a witness before the Commission refuses, on the basis of his privilege against self-incrimination, to testify or produce books, papers, documents, records, recordings, or other materials, and the Commission determines that the testimony or production of evidence is necessary to the conduct of its proceedings, it may order the witness to testify or produce the evidence. The Commission may issue the order no earlier than ten days after the day on which it served the Attorney General with notice of its intention to issue the order. The witness may not refuse to comply with the order on the basis of his privilege against self-incrimination, but no testimony or other information compelled under the order (or any information directly or indirectly derived from the testimony or production of evidence) may be used against the witness in any criminal case, nor may it be used as a basis for subjecting the witness to any penalty or forfeiture contrary to constitutional right or privilege. No witness shall be exempt under this subsection from prosecution for perjury committed while giving testimony or producing evidence under compulsion as provided in this subsection.

"(3) If any person refuses to attend, testify, or produce any writing or things required by a subpena issued by the Commission, the Commission may petition the United States district court for the district in which the person may be found for an order compelling him to attend and testify or produce the writings or things required by subpena. The court shall order the person to appear before it at a specified time and place and then and there shall consider why he has not attended, testified, or produced writings or things as required. A copy of the order shall be served upon him. If it appears to the court that the subpena was regularly issued, the court shall order the person to appear before the Commission at the time or place fixed in the order and to testify or produce the required writings or things. Failure to obey the order shall be punishable as contempt of court.

"(4) In pending investigations or proceedings before it, the Commission may order the deposition of any person to be taken in such form and subject to such limitation as may be prescribed in the order. The Commission may file in the Superior Court a petition, stating generally, without identifying the judge, the nature of the pending matter, the name and residence of the person whose testimony is desired, and directions, if any, of the Commission requesting an order requiring the person to appear and testify before a designated officer. Upon the filing of the petition the Superior Court may order the person to appear and testify. A subpena for such deposition shall be issued by the clerk of the Superior Court and the deposition shall be taken and returned in the manner prescribed by law for civil actions.

"(d) It shall be the duty of the United States marshals upon the request of the Commission to serve process and to execute all lawful orders of the Commission.

"(e) Each witness, other than an officer or employee of the United States or the District of Columbia, shall receive for his attendance the same fees, and all witnesses shall receive the allowances, prescribed by section 15–714 for witnesses in civil cases. The amount shall be paid by the Commission from funds appropriated to it.

"§ 11–1528. Privilege; confidentiality

"(a) The filing of papers with and the giving of testimony before the Commission shall be privileged. Unless otherwise authorized by the judge whose conduct or health is the subject of the proceedings under section 11–1527(a), the hearings before the Commission, the record thereof, and all papers filed in connection with such hearings shall be confidential. But on prosecution of a witness for perjury or on review of a decision of the Commission, the record of hearings before the Commission and all papers filed in connection therewith shall be disclosed to the extent required for the prosecution or review.

"(b) If the Commission determines that no grounds for removal or involuntary retirement exist it shall notify the judge and inquire whether he desires the Commission to make available to the public information pertaining to the nature of its investigation, its hearings, findings, determinations, or any other fact related to its proceedings regarding his health or conduct. Upon receipt of such request in writing from the judge, the Commission shall make such information available to the public.

"§ 11–1529 Judicial review

"(a) A judge aggrieved by an order of removal or retirement filed by the Commission pursuant to subsection (a) or (b) of section 11–1526 may seek judicial review thereof by filing notice of appeal with the Chief Justice of the United States. Notice of appeal shall be filed within thirty days of the filing of the order of the Commission in the District of Columbia Court of Appeals.

"(b) Upon receipt of notice of appeal from an order of the Commission, the Chief Justice shall convene a special court consisting of three Federal judges designated from among active or retired judges of the United States Court of Appeals for the District of Columbia Circuit and the United States District Court for the District of Columbia.

"(c) The special court shall review the order of the Commission appealed from and, to the extent necessary to decision and when presented, shall decide all relevant questions of law and interpret constitutional and statutory provisions. It shall affirm or reverse the order of the Commission or remand the matter to the Commission for further proceedings.

"(d) The special court shall hold unlawful and set aside a Commission order or determination found to be—

"(1) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

"(2) contrary to constitutional right, power, privilege, or immunity;

"(3) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right;

"(4) without observance of procedure required by law; or

"(5) unsupported by substantial evidence. In making the foregoing determinations, the special court shall review the whole record or those parts of it cited by the judge or the Commission, and shall take due account of the rule of prejudicial error.

"(e) As appropriate and to the extent consistent with this chapter, the Federal Rules of Appellate Procedure governing appeals in civil cases shall apply to appeals taken under this section.

"(f) Decisions of the special court shall be final and conclusive.

"SUBCHAPTER III.—RETIREMENT

"§ 11–1561. Definitions

"For purposes of this subchapter—

"(1) The term 'judge' means any judge of the District of Columbia Court of Appeals or the Superior Court or any person with judicial service as described in paragraph (2) of this section.

"(2) The term 'judicial service' means service as a judge in the District of Columbia Court of Appeals, the Superior Court, or the former Juvenile Court of the District of Columbia, District of Columbia Tax Court, police court, municipal court, or District of Columbia Court of General Sessions.

"(3) The terms 'retire' and 'retirement' include retirement, resignation, or failure to be recommissioned or reappointed upon the expiration of a commission.

"(4) The term 'fund' means the District of Columbia Judicial Retirement and Survivors Annuity Fund as provided in section 11–1570.

"(5) The term 'widow' means a surviving wife of a judge who has either (A) been married to the judge for at least two years preceding his death or (B) is the mother of issue by the marriage and has not remarried.

"(6) The term 'widower' means a surviving husband of a judge who has either (A) been married to the judge for at least two years preceding her death or (B) is the father of issue by the marriage and has not remarried.

"(7) The term 'Commissioner' means the Commissioner of the District of Columbia.

"(8) The term 'child' means—

"(A) an unmarried child under eighteen years of age, including (i) an adopted child, and (ii) a stepchild or recognized natural child who lived with the judge in a regular parent-child relationship;

"(B) such unmarried child regardless of age who is incapable of self-support because of mental or physical disability incurred before age eighteen; or

"(C) such unmarried child between eighteen and twenty-two years of age who is a student regularly pursuing a full-time course of study or training in residence in a high school, trade school, technical or vocational institute, junior college, college, university or comparable recognized educational institution. For the purpose of this paragraph, a child whose twenty-second birthday occurs before July 1 or after August 31 of a calendar year, and while he is regularly pursuing such a course of study or training, is deemed to have become twenty-two years of age on the first day of July after that birthday. A child who is a student is deemed not to have ceased to be a student during an interim between school years if the interim is not more than five months and if he shows to the satisfaction of the Commissioner that he has a bona fide intention of continuing to pursue a course of study or training in the same or different school during the school semester (or other period into which the school year is divided) immediately after the interim.

"(9) The term 'lump-sum credit for retirement' means the unrefunded amount consisting of—

"(A) retirement deductions made from the basic salary of a judge;

"(B) amounts deposited covering earlier judicial and nonjudicial service; and

"(C) interest on the deductions and deposits at 4 per centum a year to December 31, 1947, and 3 per centum a year thereafter compounded annually to December 31, 1956, or, in the case of a judge separated or transferred to a position not within the purview of this section before he has completed five years of

service, to the date of the separation or transfer;

but the term 'lump-sum credit for retirement' does not include interest—

"(i) if the service covered thereby aggregates one year or less; or

"(ii) for the fractional part of a month in the total service.

"(10) The term 'lump-sum credit for survivor annuity' means the unrefunded amount consisting of—

"(A) survivor annuity deductions made from the salary of a judge;

"(B) amounts deposited for survivor annuity covering earlier judicial and nonjudicial service; and

"(C) interest on the deductions and deposits at 4 per centum a year to December 31, 1947, and 3 per centum a year thereafter compounded annually to December 31, 1956, or, in the case of a judge separated or transferred to a position not within the purview of this section before he has completed five years of service, to the date of the separation or transfer;

but the term 'lump-sum credit for survivor annuity' does not include interest—

"(i) if the service covered thereby aggregates one year or less; or

"(ii) for the fractional part of a month in the total service.

"§ 11–1562. Eligibility for retirement

"(a) A judge is eligible for retirement under this subchapter when he has completed ten years of judicial service, whether continuous or not, or upon mandatory retirement as provided in section 11–1502.

"(b) The retirement salary of a judge who retires shall commence as follows:

"(1) With twenty or more years of judicial service, at age fifty.

"(2) With less than twenty years of judicial service, at age sixty, unless he elects to receive a reduced salary beginning at age fifty-five or at the date of retirement if subsequent to that age.

"(c) A judge with five years or more of judicial service, including civilian service performed by the judge which is creditable under section 8332 of title 5, United States Code, may voluntarily retire for a mental or physical disability which is or is likely to become permanent and which prevents, or seriously interferes with, the proper performance of judicial duties. Such disability shall be established by furnishing to the Commission a certificate of disability signed by a duly licensed physician, approved by the Surgeon General of the United States, and containing such information and conclusions as the Commissioner by regulation may require consistent with this subsection.

"(d) A judge involuntarily retired for permanent disability pursuant to subchapter II of this chapter shall be eligible for retirement salary if he has five years or more of service, judicial or judicial and civilian, performed by the judge which is allowable under section 8332 of title 5, United States Code. The retirement salary of a judge who retires under this subsection shall commence upon the date his retirement becomes effective.

"§ 11–1563. Withholding of retirement payments; lump sum credit

"(a) There shall be deducted and withheld from the basic salary of each judge appointed after October 31, 1964, and each judge appointed before November 1, 1964, who has elected to come within the provisions of this subchapter an amount equal to 3½ per centum of his basic salary. Amounts so deducted and withheld shall be deposited in the fund in accordance with procedures established by the Commissioner. Each judge subject to this section shall be deemed to consent and agree to such deductions from basic salary, and payment less such deductions shall constitute a full and complete discharge and acquittance of all claims and demands whatsoever for all regular service during the period covered by such payment, except the right to the benefits to which he shall be entitled under this subsection, notwithstanding any law, rule, or regulation affecting the Judge's salary.

"(b) If he has not previously so deposited, each judge subject to this section shall deposit in the fund, with interest at 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter, compounded on December 31 of each year, a sum equal to 3½ per centum of his basic salary received for judicial service performed by him as a judge prior to the date he became subject to the District of Columbia Judges Retirement Act of 1964. Each judge may elect to make such deposits in installments during the continuance of his judicial service in such amounts as may be determined in each instance by the Commissioner. Notwithstanding the failure of any judge to make such deposits, credit shall be allowed for the service rendered by the retirement pay for such judge shall be reduced by 10 per centum of such deposit remaining unpaid unless the judge shall elect to eliminate the service involved for purposes of retirement salary computation, except as provided in section 11–1564(d).

"(c) If any judge who is subject to this section is removed, resigns, or fails to be recommissioned or reappointed, he is entitled to be paid his lump-sum credit for retirement if application for payment is filed with the Commissioner at least thirty-one days before the commencing date of any retirement salary for which he is eligible. The receipt of the lump-sum credit for retirement by the judge voids all retirement salary rights under this subchapter, until he is reemployed in judicial service subject to this subchapter.

"(d) If a judge who has not elected to bring himself within the survivor annuity provisions of this subchapter dies while in regular active service, the lump-sum credit for retirement shall be paid, upon the establishment of a valid claim therefor, to the person or persons surviving him in the order of precedence established in section 11–1569 (b). Such payments shall be a bar to recovery by any other person.

"§ 11–1564. Computation of retirement salary; election to credit other service

"(a) The retirement salary of a judge who retires pursuant to section 11–1562 (a) and (b) shall be paid annually in equal monthly installments during the remainder of his life and shall bear the same ratio to his basic salary immediately prior to the date of his retirement as the total of his aggregate years of service bears to the period of thirty years. A judge who elects to receive a reduced retirement salary pursuant to section 11–1562 (b) (2) shall have his retirement salary reduced by one-twelfth of 1 per centum for each month or fraction of a month he is under the age of sixty at the time of the commencement of his reduced retirement salary. In no event shall the retirement salary of a judge exceed 80 per centum of his basic salary immediately prior to the date of his retirement.

"(b) The retirement salary of a judge retired for disability pursuant to section 11–1562 (c) or (d) shall be paid annually in equal monthly installments during the remainder of his life and shall be computed as provided in subsection (a). If a judge is retired for disability, his retirement salary shall not be reduced because of his age at the time of retirement. In no event shall the retirement salary of a judge retired for disability be less than 50 per centum or exceed 80 per centum of his basic salary immediately prior to the date of his retirement.

"(c) In computing the retirement salary of a judge retiring under section 11–1562, the judge shall be entitled, if he so elects during the continuance of his judicial service or at the time of his retirement, to receive, in addition to the amount provided for in subsection (a) of this section, an amount (payable annually in equal monthly installments during the remainder of his life) based on military and civilian service performed by the judge which is creditable under section 8332 of title 5, United State Code, computed in accordance with section 8339 (a), (b), (c), (d), (g), and (h) of that title, as applicable, subject to the provisions of section 8334 (c) and (d) of that title and the provisions of subsection (d) of this section; except that average pay for the purpose of the computation shall be deemed to be the basic salary of the judge immediately prior to the date of his retirement under section 11–1562.

"(d)(1) The crediting of service with respect to any judge under subsection (c) of this section shall be made on the standard basis of a deposit in a sum equal to 3½ per centum of his basic salary, pay, or compensation for civilian service creditable under section 8332 of title 5, United States Code, with interest as provided in paragraph (2) of this subsection.

"(2) Interest on deposits under this subsection is computed from the midpoint of each service period included in the computation to the date of deposit or the commencing date of the retirement salary of the judge, whichever date is the earlier. Interest is computed at the rate of 4 per centum a year to December 31, 1947, and 3 per centum a year thereafter, compounded annually. Interest may not be charged for a period of separation from the service which began before October 31, 1956.

"(3) Deposit under this subsection may not be required for—

"(A) service before August 1, 1920;

"(B) military service; or

"(C) service for the Panama Railroad Company before January 1, 1924.

"(4) If a judge elects to be credited with service under subsection (c) of this section, his lump-sum credit, or any remaining balance thereof, in the Civil Service Retirement and Disability Fund or in the retirement fund of any other retirement system for civilian employees of the Government of the United States or the District of Columbia, shall be transferred to the District of Columbia Judicial Retirement and Survivors Annuity Fund. The judge shall be deemed to consent to the transfer. The transfer shall be a complete discharge and acquittance of all claims and demands against the retirement system from which the funds were transferred on account of the service so credited.

"(5) A judge whose lump-sum credit is transferred to the fund under paragraph (4) of this subsection is not required to make deposits in addition to the amount transferred for periods of service for which full contributions were made to the retirement system from which the transfer was made.

"(6) In the case of a judge whose lump-sum credit has been transferred to the fund under paragraph (4) of this subsection and who has not elected a survivor annuity under section 11–1566, or prior corresponding provision of law, the Commissioner shall refund to the judge any amount which the Commissioner determines to be in excess of the amount of the deposit required by this subsection. In the case of a judge whose lump-sum credit has been transferred to the fund under paragraph (4) of this subsection and who, prior to the effective date of this section, had elected a survivor annuity and made deposits to the fund for survivor annuity purposes, the Commissioner shall refund to the judge any amount which the Commissioner determines in excess of the amount of the deposit required by section 11–1567.

"(7) If any civilian service performed by the judge which is creditable under section 8332 of title 5, United States Code, is not covered by the amount of the lump-sum credit transferred under paragraph (4) of

this subsection, the judge may make deposit, on the standard basis prescribed by paragraph (1) of this subsection, with interest as provided in paragraph (2) of this subsection, in accordance with and subject to the applicable provisions of section 8334 (c) and (4) of that title, of the amount or amounts necessary for him to receive full credit for that service for the purposes of subsection (c) of this section. The deposit may be made, as the judge may elect, in installments, during the continuance of his judicial service, in such amounts as the Commissioner may determine in each instance, or in a lump sum prior to or at the time of his retirement under section 11–1562. A judge electing to make installment deposits shall not be given full credit for the service until the total required deposit is made.

"(8) For the purpose of survivor annuity, deposits authorized by this subsection also may be made by the survivor of a judge.

"(e) Nothing in this subchapter shall prevent a judge eligible therefor from simultaneously receiving his retirement salary under this section and any annuity or retired pay to which he would otherwise be entitled under any other law without regard to this subchapter. However, in computing the retirement salary of a judge under this section, service used in the computation of such other annuity shall not be credited.

"§ 11–1565. Service by retired judges

"Any retired judge performing full-time judicial duties on the District of Columbia Court of Appeals or the Superior Court shall be entitled, during the period for which he serves, to receive the salary of the office in which he performs such duties, but there shall be deducted from such salary an amount equal to his retirement salary for that period. No deduction shall be withheld for health benefits, Federal employees' life insurance, or retirement purposes from the salary paid to a retired judge during judicial service. The performance of such judicial service shall not create an additional retirement, change a retirement, or create or in any manner affect a survivor annuity.

"§ 11–1566. Survivor annuity; election; relinquishment

"(a) Any judge, whether or not subject to sections 11–1562 to 11–1565, may, by written election filed with the Commissioner within six months after the date on which he takes office or is reappointed or recommissioned, or within six months after he marries, bring himself within the survivor annuity provisions of this subchapter.

"(b) Any judge in regular active service or any retired judge, who shall have elected survivor annuity, and who after that election is unmarried and does not have a dependent child, may elect—

"(1) to terminate the deductions and withholdings from his salary under section 11–1567(a) and any installment payments elected to be made under the section 11–1567 (b); and

"(2) to have paid to him the lump-sum credit for survivor annuity.

Any election under this subsection shall be made in writing and filed with the Commissioner.

"(c) If any judge who shall have elected survivor annuity resigns from office otherwise than under the provisions of this subchapter or is removed, he shall be entitled to be paid the lump-sum credit for survivor annuity.

"(d) Payment of the lump-sum credit for survivor annuity as provided in this section shall extinguish all claims with respect to survivor annuity.

"§ 11–1567. Survivor annuity; payments to fund

"(a) There shall be deducted and withheld from the salary (whether basic or retirement) of each judge who has elected survivor annuity a sum equal to 3 per centum of that salary. The amounts so deducted and withheld shall, in accordance with such procedures as may be prescribed by the Commissioner, be deposited in the fund. Every judge who elects survivor annuity shall be deemed thereby to consent and agree to the deductions from his salary as provided in this subsection, and payment less such deductions shall constitute a full and complete discharge and acquittance of all claims and demands whatever for all judicial services rendered by such judge during the period covered by such payment, except the right to the benefits to which he or his survivors shall be entitled under the survivor annuity provisions of this subchapter.

"(b) If he has not previously so deposited, each judge who has elected survivor annuity shall deposit to the fund, with interest at 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter, compounded on December 31 of each year, a sum equal to 3 per centum of his salary received for judicial service and of retirement salary (but excluding salary for judicial service under section 11–1565); and a sum equal to 3 per centum of his basic salary, pay, or compensation for civilian service creditable under section 8332 of title 5, United States Code, with interest as provided in section 11–1564(d). Except to the extent that the Commissioner has made refund to the judge under section 11–1564 (d)(6), deposit is not required with respect to that portion of the service of the judge covered by the transfer, under section 11–1564(d)(4), of his lump-sum credit to the fund. In addition, deposit may not be required for the types of service described in section 11–1564(d)(3). Each judge may elect to make deposits under this subsection in installments during the continuance of his judicial service in such amounts as may be determined in each instance by the Commissioner. Deposits under this subsection also may be made by the survivor of a judge.

"(c) If a judge or survivor fails to make such deposits, credit shall be allowed for the service, but the annuity of the widow or widower of such judge shall be reduced by an amount equal to 10 per centum of the deposit required by this section, computed as of the date of the death of the judge, unless the widow or widower elects to eliminate the service not covered by deposit entirely from credit for computation purposes except as provided in section 11–1564(d)(3).

"§ 11–1568. Survivor annuity; entitlement; computation

"(a) The service of a judge for the purpose of computing a survivor annuity includes his judicial service (and retired service for which deductions are made) and, subject to section 8334(d) of title 5, United States Code, his military and civilian service which is creditable under section 8332 of that title.

"(b) Nothing in this subchapter shall prevent a widow or widower eligible therefor from simultaneously receiving a survivor annuity under this subchapter and any other annuity (survivor or otherwise) or retired pay to which he or she would otherwise be entitled under any other law without regard to this subchapter. However, in computing the surivor annuity of that widow or widower under this subchapter, service used in the computation of such other survivor annuity shall not be credited.

"(c) If a judge who has elected a survivor annuity dies in regular active service or after having retired from such service with at least five years of allowable service under this section for which payments have been withheld or deposits made, the survivor annuity shall be paid as follows:

"(1) If the judge is survived by a widow or widower but no child, the widow or widower shall receive, beginning on the day after the judge dies, an amount computed as provided in subsection (e); or

"(2) If the judge is survived by a widow or widower and one or more children—

"(A) the widow or widower shall receive an immediate annuity in the amount computed as provided in subsection (e); and

"(B) there also shall be paid to or on behalf of each such child an immediate annuity equal to one-half the amount of the annuity of such widow or widower, but not to exceed the lesser of (i) $2,700 per year divided by the number of such children or (ii) $900 per child per year; or

"(3) If the judge leaves no surviving widow or widower but leaves a surviving child or children, there shall be paid to or on behalf of each such child an immediate annuity equal to the amount of the annuity to which the widow or widower would have been entitled under paragraph (1) of this subsection had he or she survived, but not to exceed the lesser of (A) $3,240 per year divided by the number of children or (B) $1,080 per child per year.

An annuity payable to a widow or widower under this section shall be terminable upon death or remarriage. The annuity payable to a child shall be terminable upon his death or marriage or his ceasing to be a child as defined in section 11–1561(8). In case of the death of a widow or widower of a judge leaving a child or children of the judge surviving, the annuity of such child or children shall be recomputed and paid as provided in paragraph (3) of this subsection. In any case in which the annuity of a child is terminated, the annuities of any remaining child or children, based upon the service of the same judge, shall be recomputed and paid as though the child whose annuity was terminated had not survived the judge.

"(d) Questions of disability or other eligibility requirements of a child under this section shall be determined by the Commissioner who may order such medical or other examinations at any time as he deems necessary with respect to determining the facts concerning the disability of a child receiving or applying for an annuity under this subchapter. An annuity may be denied or suspended for failure to submit to examination.

"(e) The annuity of a widow or widower of a judge electing survivor annuity shall be an amount equal to the sum of—

"(1) 1¼ per centum of the average annual salary received for service allowable under subsection (a) during the last three years of such service prior to death or retirement multiplied by the sum of his years of judicial service and his Member, congressional employee, and his military service allowable under subsection (a); and

"(2) three-fourths of 1 per centum of such average annual salary multiplied by his years of all other civilian service allowable under subsection (a).

A survivor annuity shall not exceed 44 percentum of the average annual salary described in paragraph (1) of this subsection and shall be subject to reduction as provided in section 11–1567(c).

"§ 11–1569. Survivor annuity; payment; order of precedence

"(a) Survivor annuities shall accrue monthly and shall be due and payable in monthly installments on the first business day of the month following the month or other period for which the annuity shall have accrued.

"(b) In any case in which—

"(1) a judge who has elected survivor annuity shall die (A) while in regular active service after having rendered five years of allowable service as provided in section 11–1568(a) or while receiving retirement salary under this subchapter but without a survivor or survivors entitled to annuity under section 11–1568(c) or (B) while in regular active service but before having rendered five years of allowable service; or

"(2) the right of all persons entitled to an annuity under section 11–1568(c) based on

the service of the judge shall terminate before a valid claim therefor shall have been established;

the lump-sum credit shall be paid, upon the establishment of a valid claim therefor, to the person or persons surviving at the date title to the payment arises, in the following order of precedence, and such payment shall be a bar to recovery by any other person:

"First, to the beneficiary or beneficiaries whom the judge may have designated in writing to the Commissioner prior to the judge's death;

"Second, if there be no such beneficiary, to the widow or widower of the judge;

"Third, if none of the above, to the child or children of the judge and the descendants of any deceased children by representation;

"Fourth, if none of the above, to the parents of the judge or the survivor of them;

"Fifth, if none of the above, to the duly appointed executor or administrator of the estate of such judge;

"Sixth, if none of the above, to such other next of kin of the judge as may be determined by the Commissioner to be entitled under the laws of the domicile of the judge at the time of his death.

Determination as to the widow, widower, or child of a judge for purposes of this subsection shall be made by the Commissioner without regard to the definitions in section 11–1561.

"(c) In any case in which the annuities of all persons entitled to annuity based upon the service of a judge shall terminate before the aggregate amount of annuity paid (together with any amounts received by the judge as retirement salary) equals the total amount credited to the individual account of the judge, with interest at 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter, compounded on December 31 of each year, to the date of the death of such judge, the difference shall be paid upon establishment of a valid claim therefor, in the order of precedence prescribed in subsection (b).

"(d) Any accrued annuity remaining unpaid upon the termination (other than by reason of death) of the annuity of any person based upon the service of a judge shall be paid to such person. Any accrued annuity remaining unpaid upon the death of any person receiving an annuity based upon the service of a judge shall be paid, upon establishment of a valid claim therefor, in the following order of precedence:

"First, to the duly appointed executor or administrator of the estate of the annuitant;

"Second, if there is no such executor or administrator, payment may be made, after the expiration of thirty days from the date of death of the annuitant, to such person or persons as may appear in the judgment of the Commissioner to be legally entitled thereto, and such payments shall be to a bar to recovery by any other person.

"(e) Where any payment under sections 11–1566 to 11–1569 is to be made to a minor or to a person mentally incompetent or under other legal disability adjudged by a court of competent jurisdiction, such payment may be made to the person who is constituted guardian or other fiduciary by the law of the jurisdiction wherein the claimant resides or is otherwise legally vested with the care of the claimant or his estate. Where no guardian or other fiduciary of the person under legal disability has been appointed under the laws of the jurisdiction wherein the claimant resides, payment may be made to any person who, in the judgment of the Commissioner, is responsible for the care of the claimant, and the payment bars recovery by any other person.

"§ 11–1570. Retirement and annuity fund

"(a) The District of Columbia Judicial Retirement and Survivors Annuity Fund is hereby continued in the Treasury and appropriated for the payment of retirement salaries, annuities, refunds, and allowances as provided in this subchapter. If at any time the balance of the fund is insufficient to pay current obligations arising under this subchapter, there is authorized to be appropriated to the funds, out of any moneys in the Treasury of the United States to the credit of the District of Columbia not otherwise appropriated, such amounts as may be necessary to pay current obligations. The Secretary of the Treasury shall prepare the estimates of the annual appropriations required to be made to the fund, and shall make actuarial evaluations of the fund at intervals of five years or more if deemed necessary by the Secretary.

"(b) The Secretary shall invest, from time to time, in interest-bearing securities of the United States or Federal farm loan bonds, any portions of such funds as in his judgment may not be immediately required for payments from the fund and the income derived from such investments shall constitute a part of the fund.

"(c) All amounts deposited by, or deducted and withheld from the salary of, any judge for credit to the fund shall, under regulations prescribed by the Commissioner, be credited to an individual account of the judge.

"(d) None of the moneys mentioned in this subchapter shall be assignable, either in law or in equity, or be subject to execution, levy, attachment, garnishment, or other legal process.

"§ 11–1571. Periodic increases; existing rights

"(a) The retirement salary of any judge, or the annuity of any person based upon the service of a judge, who, on the effective date of any increase which, after the effective date of this section, becomes payable under the provisions of section 8340(b) of title 5, United States Code, is receiving such salary or annuity (1) under the provisions of this subchapter, or (2) under the provisions of section 11–1701, as in effect prior to the effective date of this section, and its predecessor laws, shall be increased on the effective date of the increase by a percentage equal to the percentage of such increase under section 8340 of title 5, United States Code.

"(b) Nothing in this subchapter shall defeat or diminish rights acquired under section 11–1701, as in effect prior to the effective date of this section, and its predecessor laws, except on the election and with the consent of the judge, annuitant, or other person affected.

"Chapter 17.—ADMINISTRATION OF DISTRICT OF COLUMBIA COURTS

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"11–1741. Court operations and organizations.
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"SUBCHAPTER 1.—COURT ADMINISTRATION

"§ 11–1701. Administration of District of Columbia court system

"(a) There shall be a Joint Committee on Judicial Administration in the District of Columbia (hereafter in this chapter referred to as the 'Joint Committee') consisting of: The Chief Judge of the District of Columbia Court of Appeals, who shall serve as Chairman, an associate judge of that court elected annually by the judges thereof, the Chief Judge of the Superior Court, and two associate judges of that court elected annually by the judges thereof.

"(b) The Joint Committee shall have responsibility within the District of Columbia court system for the following matters:

"(1) General personnel policies, including those for recruitment, removal, compensation, and training.

"(2) Accounts and auditing.

"(3) Procurement and disbursement.

"(4) Submission of the annual budget requests of the District of Columbia Court of Appeals and the Superior Court to the Commissioner of the District of Columbia as the integrated budget of the District of Columbia court system, except that such requests may be modified upon the concurrence of four of the five members of the Joint Committee.

"(5) Approval of the bonds of fiduciary employees within the District of Columbia court system.

"(6) Formulation and enforcement of standards for outside activities of and receipt of compensation by the judges of the District of Columbia court system.

"(7) Development and coordination of statistical and management information systems and reports supporting the annual report of the District of Columbia court system.

"(8) Liaison between the District of Columbia court system and the court systems of other jurisdictions, including the Judicial Conference of the United States, the Judicial Conference of the District of Columbia Circuit, and the Federal Judicial Center.

"(9) With the concurrence of the respective chief judges of the District of Columbia courts, other policies and practices of the District of Columbia court system and resolution of other matters which may be of joint and mutual concern of the District of Columbia Court of Appeals and the Superior Court.

"(c) The Joint Committee, with the assistance of the Executive Officer of the District of Columbia courts, shall—

"(1) consider and evaluate the business of the courts and means of improving the administration of justice within the District of Columbia court system and shall report thereon in its annual report;

"(2) prepare and publish an annual report of the District of Columbia court system regarding the work of the courts, the performance of the duties enumerated in this chapter, and of any recommendations relating to the courts;

"(3) recommend from time to time to the Congress changes in the organization, jurisdiction, operation, and procedures of the courts which are appropriate for legislative action, and institute such changes, pursuant

to the responsibilities enumerated in subsection (b), in the methods of administering judicial business in the court system as would improve the administration of justice; and

"(4) arrange for such training seminars, and other related services, as are desirable and feasible for judges and other court personnel, including services from the Federal Judicial Center on a reimbursable basis.

"(d) The Joint Committee shall have authority to issue all orders and directives necessary to implement the responsibilities and duties enumerated in this section.

"§ 11–1702. Responsibilities of chief judges in the respective courts

"(a) The Chief Judge of the District of Columbia Court of Appeals, in addition to the authority conferred on him by chapter 7 of this title, shall supervise the internal administration of that court—

"(1) including all administrative matters other than those within the responsibility enumerated in section 11–1701(b), and

"(2) including the implementation in that court of the matters enumerated in section 11–1701(b),

consistent with the general policies and directives of the Joint Committee.

"(b) The Chief Judge of the Superior Court, in addition to the authority conferred on him by chapter 9 of this title, shall supervise the internal administration of that court—

"(1) including all administrative matters other than those within the responsibility enumerated in section 11–1701(b), and

"(2) including the implementation in that court of the matters enumerated in section 11–1701(b),

consistent with the general policies and directives of the Joint Committee.

"§ 11–1703. Executive Officer of the District of Columbia courts; appointment; compensation

"(a) There shall be an Executive Officer of the District of Columbia courts (hereafter in this chapter referred to as the 'Executive Officer'). He shall be responsible for the administration of the District of Columbia court system subject to the supervision of the Joint Committee and the chief judges of the respective courts as provided in this chapter. He shall be subject to the supervision of the Joint Committee regarding administrative matters that are enumerated in section 11–1701(b). He shall be subject to the supervision of the chief judges in their respective courts: (1) regarding all administrative matters other than those within the responsibility enumerated in section 11–1701(b), and (2) regarding the implementation in the respective courts of the matters enumerated in section 11–1701(b), consistent with the general policies and directives of the Joint Committee.

"(b) The Executive Officer shall be selected by, and subject to removal by the President.

"(c) The Executive Officer shall receive the same compensation as an associated judge of the Superior Court.

"§ 11–704. Oath and bond of the Executive Officer

"(a) The Executive Officer shall take an oath or affirmation for the faithful and impartial discharge of the duties of his office.

"(b) The Executive Officer shall give bond, with two or more sureties, to be approved by the Joint Committee, in an amount prescribed by the Joint Committee, faithfully to discharge the duties of his office.

"SUBCHAPTER II.—COURT PERSONNEL

"§ 11–1721. Clerks of courts

"The District of Columbia Court of Appeals and the Superior Court shall each have a clerk who shall perform such duties as may be assigned to him.

"§ 11–1722. Director of Social Services

"(a) There shall be a Director of Social Services in the Superior Court who shall have charge of all social services for the Superior Court, subject to the supervision of the Executive Officer. With respect to adults, he shall provide probation services, intake procedures, marital and family counseling, social casework, rehabilitation and training programs, and such other services as the court shall prescribe. With respect to juveniles, he shall provide intake procedures, counseling, education and training programs, probation services, and such other service as the court shall prescribe.

"(b) To the maximum extent feasible, the Director shall coordinate with and utilize the services of appropriate public and private agencies within the District of Columbia, and shall coordinate and provide administrative services to volunteers utilized by the Superior Court or any divisions thereof.

"(c) As directed by the Executive Officer, the Director shall conduct studies and make reports relating to the utilization of social services as an adjunct to the Superior Court.

"(d) The Director shall make recommendations with respect to the consolidation or disposition of causes before the court relating to members of the same family or household.

"§ 11–1723. Fiscal Officer; Auditor, bond

"(a) (1) There shall be a Fiscal Officer in the District of Columbia court system who shall be responsible for the budget of the court system and for the accounts of the courts, subject to the supervision of the Executive Officer.

"(2) The Fiscal Officer shall receive, safeguard, and account for all fees, costs, payments, and deposits of money or other items, and shall be responsible for depositing in the Treasury of the United States all fines, forfeitures, fees, unclaimed deposits, and other moneys.

"(3) The Fiscal Officer shall be responsible for the approval of vouchers and the internal auditing of the accounts of the courts and shall arrange for an annual independent audit of the accounts of the courts by the District of Columbia government.

"(b) There shall be an Auditor in the District of Columbia court system who shall be responsible for the auditing of accounts filed in actions and matters before the District of Columbia courts. He shall be subject to the supervision of the Executive Officer.

"(c) The Fiscal Officer and the Auditor shall each give bond with two or more sureties, to be approved by the Joint Committee, in an amount prescribed by the Joint Committee, faithfully to discharge the duties of his respective office.

"§ 11–1724. Appointment of nonjudicial personnel

"(a) Subject to the approval of the Joint Committee, the Executive Officer shall appoint, and may remove, the Fiscal Officer, and such other personnel whose principal function is to perform duties for both District of Columbia courts.

"(b) The Executive Officer shall appoint, and may remove, the Director of Social Services, the clerks of the courts, the Auditor, and all other nonjudicial personnel for the courts as may be necessary (except the personal law clerks and secretaries of the judges) subject to—

"(1) regulations approved by the Joint Committee; and

"(2) the approval of the chief judge of the court to which the personnel are or will be assigned.

Appointments and removals of court personnel shall not be subject to the laws, rules, and limitations applicable to the District of Columbia employees, except as otherwise specified in the District of Columbia Court Reorganization Act of 1970.

"§ 11–1725. Compensation

"(a) The Executive Officer shall fix the compensation of all nonjudicial employees of the courts without regard to chapter 51, and subchapter III of chapter 53, of title 5, United States Code. He may fix compensation for one position at a rate not to exceed the maximum rate for GS–17 of the General Schedule; and three positions at a rate not to exceed the maximum rate for GS–16 of the General Schedule. He shall be guided, in fixing the rates of compensation of all other nonjudicial employees, by the rates of compensation fixed for other Federal or District of Columbia employees in the judiciary or the executive in the same or similar positions or in positions of similar responsibility, duty, and difficulty.

"§ 11–1726. Court reporters

"(a) The Executive Officer shall appoint reporters who shall be full-time employees of the courts. When necessary, the Executive Officer may contract for additional temporary reporting services. Nothing in this section shall be construed to preclude the Superior Court of the District of Columbia from providing by rule for the sound recording of proceedings in lieu of mechanical (audio or manual) transcription in any branch, division or courtroom of the court. Court reporters shall, in addition to being subject to the general supervision of the Executive Officer, be subject to the supervision of the chief judges of the courts and of the other District of Columbia judges for whom they perform services, regarding the performance of their duties in the respective courts.

"(b) In addition to their annual salaries, court reporters may charge and collect from parties, including the United States and the District of Columbia, who request transcripts of the original records of proceedings, only such fees as may be prescribed from time to time by the Executive Officer. The reporters shall furnish all supplies at their own expense. The Executive Officer shall prescribe such rules, practice, and procedure pertaining to fees for transcripts as he deems necessary, conforming as nearly as practicable to the rules, practice, and procedure established for the United States District Court for the District of Columbia. A fee may not be charged or taxed for a copy of a transcript delivered to a judge at his request or for copies of a transcript delivered to the clerk of a court for the records of the court. Except as to transcripts that are to be paid for by the United States or the District of Columbia, the reporters may require a party requesting a transcript to prepay the estimated fee therefor in advance of delivery of the transcript.

"§ 11–1727. Recruitment and training of personnel

"The Executive Officer shall be responsible for recruiting such qualified personnel as may be necessary for the District of Columbia courts and for providing in-service training for court personnel.

"§ 11–1728. Service of United States marshal

"The United States Marshal for the District of Columbia shall continue to serve the courts of the District of Columbia, subject to the supervision of the Attorney General of the United States.

"§ 11–1729. Reports of court personnel

"(a) Judges of the courts shall furnish time and attendance records to the respective chief judges, with a copy to the Executive Officer.

"(b) All nonjudicial personnel of the courts shall furnish such reports and information to the Executive Officer as he shall request.

"§ 11–1730. Reports of other personnel

"The Executive Officer or the chief judge may request such reports as may be necessary to the efficient administration of the courts from—

"(1) the United States Attorney for the District of Columbia.

"(2) the Corporation Counsel,

"(3) the United States Marshal for the District of Columbia,

"(4) the Commissioner of the District of Columbia,

"(5) the superintendent of any hospitals or institutions to which persons have been committed by the Superior Court,

"(6) the District of Columbia Public Defender Service,

"(7) the District of Columbia Bail Agency,

"(8) the District of Columbia Department of Corrections,

"(9) the Chief of the Metropolitan Police Department,

"(10) the District of Columbia Department of Public Health, and

"(11) the District of Columbia Department of Public Welfare.

These officials, agencies, and departments shall furnish such reports and information as may be requested pursuant to this section.

"SUBCHAPTER III.—DUTIES AND RESPONSIBILITIES

"§ 11–1741. Court operations and organizations

"Within the respective District of Columbia courts, and subject to the supervision of the chief judges thereof, the Executive Officer shall—

"(1) supervise, analyze, and improve case assignments, calendars, and dockets;

"(2) provide improved services and introduce new methods to better utilize the time of and accommodate government and other witnesses;

"(3) supervise, analyze, and improve the management of jurors;

"(4) recommend changes and improvements in court rules and procedures affecting his administrative responsibilities;

"(5) report periodically to the appropriate chief judge with respect to case volumes, backlogs, length of time cases have been pending, number and identity of incarcerated defendants awaiting trial, and such other information as the respective chief judges may request;

"(6) mechanize and computerize court operations and services where feasible and desirable, and carry on continuing studies and evaluations of increased and innovative uses of mechanization and computerization;

"(7) conduct studies and research with respect to court operations on his own initiative or on request of the respective chief judges; and

"(8) perform such other duties as may be assigned to him by a chief judge.

"§ 11–1742. Property and disbursement

"(a) The Executive Officer shall be responsible, subject to the supervision of the Joint Committee, for arranging with the appropriate Federal or District of Columbia agencies for the operation, maintenance and repair of such buildings and space as may be assigned to the courts. The allocation of space therein shall be vested in the chief judges of the District of Columbia courts.

"(b) The Executive Officer shall be responsible for the procurement of necessary equipment, supplies, and services for the courts and shall have power, subject to applicable law, to reimburse the District of Columbia government for services provided and to contract for such equipment, supplies, and services as may be necessary.

"(c) The Executive Officer shall serve as disbursing officer and payroll officer of the District of Columbia courts and shall assign and distribute necessary equipment and supplies.

"§ 11–1743. Annual budget

"(a) The Joint Committee shall prepare and submit to the Commissioner of the District of Columbia annual estimates of the expenditures and appropriations necessary for the maintenance and operations of the District of Columbia court system.

"(b) All such estimates shall be forwarded to the Bureau of the Budget by the District of Columbia without revision, but subject to the recommendations of the District of Columbia. Similarly, all estimates shall be included in the budget without revision by the President but subject to his recommendations.

"§ 11–1744. Information and liaison services

"The Executive Officer shall be responsible for—

"(1) collecting and compiling statistical information with respect to the volume and disposition of the work of the courts and the personnel of the courts;

"(2) printing and distribution of court rules;

"(3) keeping the courts advised of pending legislative and executive actions relating to the courts;

"(4) serving as the public information officer of the courts; and

"(5) performing such other duties as may be assigned to him by the Joint Committee and the chief judges in their respective courts.

"§ 11–1745. Reports and records

"(a) The Executive Officer shall prepare and publish, subject to the approval of the Joint Committee, the annual report of the District of Columbia court system of the work of the courts and their operations during the preceding year together with any recommendations relating to the courts. Nothing in this chapter shall prevent the respective chief judges from preparing and publishing any other reports as they may wish.

"(b) The Executive Officer shall be responsible for maintaining and safeguarding the records of the courts. Except for those records required by law to be kept under court seal, he shall make the records available at all reasonable times to—

"(1) the United States Department of Justice,

"(2) the Commissioner of the District of Columbia,

"(3) the District of Columbia Commission on Judicial Disabilities and Tenure, and

"(4) such other agencies as the Joint Committee may specify.

"§ 11–1746. Certification of copies of papers or documents filed in District of Columbia courts

"The Executive Officer shall provide that if any person filing any paper or document in a District of Columbia court requests a certification of such filing, a copy of such paper or document provided by such person shall be appropriately marked for such person to show the time and date of such filing and the identity of the individual with whom such paper or document was filed. Such certified copy shall be prima facie evidence in any proceeding that the original of such paper or document was filed as shown by the certification.

"§ 11–1747. Delegation of authority

"The Executive Officer and court officers appointed by him may delegate to their subordinates authority and responsibility to perform the functions vested in them by law.

"Chapter 19.—JURIES AND JURORS

"Sec.
"11–1901. Qualifications of jurors.
"11–1902. Single jury selection system.
"11–1903. Grand jury; additional grand jury.
"11–1904. Assignment of jury panels.
"11–1905. Length of service.
"11–1906. Fees of jurors.

"§ 11–1901. Qualifications of jurors

"Jurors serving within the District of Columbia shall have the same qualifications as provided for jurors in Federal courts.

"§ 11–1902. Single jury selection system

"There shall be a single system in the District of Columbia for the selection of jurors for both Federal and District of Columbia courts. The selection system shall be that prescribed by Federal law and executed in accordance therewith as provided by the United States District Court for the District of Columbia.

"§ 11–1903. Grand jury; additional grand jury

"(a) A grand jury serving in the District of Columbia may take cognizance of all matters brought before it regardless of whether an indictment is returnable in the Federal or District of Columbia courts.

"(b) If the United States Attorney for the District of Columbia certifies in writing to the chief judge of the United States District Court for the District of Columbia, or the chief judge of the Superior Court, that the exigencies of the public service require it, the judge may, in his discretion, order an additional grand jury summoned, which shall be drawn at such time as he designates. Unless sooner discharged by order of the judge, the additional grand jury shall serve until the end of the term for which it is drawn.

"§ 11–1904. Assignment of jury panels

"The names of persons to serve as jurors in the United States District Court for the District of Columbia and the Superior Court shall be drawn from time to time as may be required, and such persons shall be assigned to jury panels within those courts as the courts may decide.

"§ 11–1905. Length of service

"Petit jurors summoned for service in the District of Columbia shall serve for such period of time and at such sessions as the particular court shall direct, but, unless actually engaged as a trial juror in a particular case, may not be required to serve in the court for more than one month in any twelve consecutive months.

"§ 11–1906. Fees of jurors

"Jurors serving in the Superior Court shall receive the same fees as jurors serving in the United States District Court for the District of Columbia.

"Chapter 21.—REGISTER OF WILLS

"Sec.
"11–2101. Continuation of office.
"11–2102. Appointment; oath; bond.
"11–2103. Services as clerk.
"11–2104. Powers and duties; restrictions; penalties.
"11–2105. Deputies and other employees.
"11–2106. Accounts.

"§ 11–2101. Continuation of office

"The Office of the Register of Wills shall continue as an office in the Probate Division of the Superior Court.

"§ 11–2102. Appointment; oath; bond

"The Superior Court shall appoint the Register of Wills. The Register of Wills shall—

"(1) take an oath for the faithful and impartial discharge of the duties of his office; and

"(2) give bond, with two or more sureties, to be approved by the chief judge of the Superior Court, in the amount designated by the court, faithfully to discharge the duties of his office, and seasonably to record (A) the decrees and orders of the court in any matters over which the court exercises probate jurisdiction or powers, (B) all wills proved before him or the court, and (C) all other matters directed to be recorded in the court or in his office.

The bond shall be entered in full upon the minutes of the Superior Court and the original filed with records of the Superior Court.

"§ 11–2103. Services as clerk

"With respect to the Probate Division of the Superior Court, the Register of Wills shall perform such duties as clerk as the chief judge of the Superior Court may assign.

"§ 11–2104. Powers and duties; restrictions; penalties

"(a) The Register of Wills may—

"(1) receive inventories and accounts of sales, examine vouchers, and state accounts of executors, administrators, collectors, and guardians, subject to final approval of the court;

"(2) take the probate of claims against the estates of deceased persons that are properly brought before him, and approve or reject claims not exceeding $300; and

"(3) take the probate of wills and accept the bonds of executors, administrators, collectors, and guardians, subject to approval of the court.

"(b) In matters over which the Superior Court has probate jurisdiction or power, the Register of Wills shall—

"(1) make full and fair entries, in separate records, of the proceedings of the court;

"(2) make fair record in strong bound books of all wills proved before him or the court, keeping separate books for wills within the jurisdiction of the court;

"(3) make fair and separate record of other matters required by law to be recorded in the court;

"(4) lodge in places of safetv, designated by the court, original papers filed with him;

"(5) make out and issue every summons, process and order of the court;

"(6) make fair and uniform tables of his fees, and post them in a conspicuous place in his office for the inspection of persons having business therein;

"(7) prepare and submit such reports as may be required to the Executive Officer of the District of Columbia courts; and

"(8) in every respect, act under the control and direction of the court.

"(c) The Register of Wills may not—

"(1) practice law in any court of the District of Columbia or of the United States; or

"(2) demand or receive any fee, gratuity, gift, or reward for giving his advice in any matter relating to his office.

"(d) The Register of Wills shall forfeit to the court the sum of $50 for each day that the tables referred to in subsection (b)(6) are missing through his neglect, which may be recovered as other debts for the same amount are recoverable.

"(e) If the Register of Wills or a person acting for him takes a greater fee than the fee provided for by law, he shall pay the party injured $100, which may be recovered as other debts for the same amount are recoverable.

"§ 11–2105. Deputies and other employees

"The Executive Officer of the District of Columbia courts shall appoint and remove such personnel as may be needed by the Register of Wills, pursuant to chapter 17 of this title.

"§ 11–2106. Accounts

"All fees, costs, and other moneys, except uncollected fees not required by law to be prepaid, collected by the Register of Wills with respect to matters within the jurisdiction of the Superior Court shall be turned over to the Fiscal Officer of the District of Columbia courts.

"Chapter 23.—MEDICAL EXAMINER

"Sec.

"11–2031. Medical Examiner; Deputies; appointment, qualifications, and compensation.

"11–2302. Supporting services and facilities.

"11–2303. Former duties of coroner; oaths; teaching.

"11–2304. Deaths to be investigated; notification and investigation of deaths.

"11–2305. Possession of evidence and property.

"11–2306. Further investigation; autopsy.

"11–2307. Autopsy by pathologist other than Medical Examiner.

"11–2308. Delivery of body; expenses.

"11–2309. Records; reports, fees for other services.

"11–2310. Records as evidence.

"11–2311. Autopsies performed by court order.

"11–2312. Tissue transplants.

"§ 11–2301. Medical Examiner; Deputies; appointment, qualifications, and compensation

"(a) The Commissioner of the District of Columbia shall designate or appoint a Chief Medical Examiner and such Deputy Medical Examiners for the District of Columbia as may be necessary.

"(b) The Chief Medical Examiner and his deputies shall be physicians licensed in the District of Columbia. The Chief Medical Examiner and at least one deputy shall be certified in anatomic pathology by the American Board of Pathology or be board eligible. They may be designated from among physicians practicing in the District of Columbia Department of Public Health.

"(c) The Commissioner shall fix the compensation of the Chief Medical Examiner and his deputies at a rate or rates not in excess of the per diem equivalent of the maximum rate for GS–18 of the General Schedule contained in section 5332 of title 5 of the United States Code.

"§ 11–2302. Supporting services and facilities

"The Commissioner shall furnish or make available such investigative, technical, and clerical personnel, facilities, and equipment as the medical examiners shall require, or he may arrange or contract for such services, equipment, and facilities with the United States Government or universities and hospitals in the District of Columbia.

"§ 11–2303. Former duties of Coroner; oaths; teaching

"(a) The Chief Medical Examiner shall be responsible for all the medical functions formerly performed by the coroner in the District of Columbia, consistent with the provisions of this chapter, and the Chief Medical Examiner and his deputies may administer oaths and affirmations and take affidavits in connection with the performance of their duties.

"(b) The Chief Medical Examiner and his deputies may be authorized by the Commissioner of the District of Columbia to teach medical and law school classes, to conduct special classes for law enforcement personnel, and to engage in other activities related to their work.

"§ 11–2304. Deaths to be investigated; notification and investigation of deaths

"(a) Under regulations established by the Chief Medical Examiner, the following types of human deaths occurring in the District of Columbia shall be investigated:

"(1) Violent deaths, whether apparently homicidal, suicidal, or accidental, including deaths due to thermal, chemical, electrical, or radiational injury, and deaths due to criminal abortion, whether apparently self-induced or not.

"(2) Sudden deaths not caused by readily recognizable disease.

"(3) Deaths under suspicious circumstances.

"(4) Deaths of persons whose bodies are to be cremated, dissected, buried at sea, or otherwise disposed of so as to be thereafter unavailable for examination.

"(5) Deaths related to disease resulting from employment or to accident while employed.

"(6) Deaths related to disease which might constitute a threat to public health.

"(b) All law enforcement officers, physicians, undertakers, embalmers, and other persons shall promptly notify a medical examiner of the occurrence of all deaths coming to their attention which are subject to investigation under subsection (a) of this section and shall assist in making dead bodies and related evidence available to the medical examiner for investigation and autopsy.

"(c) Any physician, undertaker, or embalmer who willfully fails to comply with this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than $100 nor more than $1,000.

"(d) The Chief Medical Examiner shall by regulation prescribe procedures for taking possession of a body following a death subject to investigation under subsection (a) of this section and for obtaining all essential facts concerning the medical causes of death and the names and addresses of as many witnesses as it is practicable to obtain.

"§ 11–2305. Possession of evidence and property

"(a) At the scene of any death subject to investigation under section 11–2304, a law enforcement officer or the medical examiner shall take possession of any objects or articles useful in establishing the cause of death and shall hold them as evidence.

"(b) In the absence of the next of kin, a police officer or the medical examiner may take possession of all property of value found on or in the custody of the deceased. If possession is taken of the property, the police officer or medical examiner shall make an exact inventory of it, and deliver the property to the property clerk of the Metropolitan Police Department.

"§ 11–2306. Further investigation; autopsy

"(a) If, in the opinion of the medical examiner, the cause of death is established with reasonable medical certainty, he shall complete a report thereon.

"(b) If, in the opinion of the Chief Medical Examiner, or the United States attorney, further investigation as to the cause of death is required or the public interest so requires, a medical examiner shall either perform, or arrange for a qualified pathologist to perform, an autopsy on the body of the deceased. No consent of next of kin shall be required for an autopsy performed pursuant to this section.

"(c) The medical examiner shall make a complete record of the findings of the autopsy and his conclusions with respect thereto and shall prepare a report, and, upon request, furnish a copy to the appropriate law enforcement agency.

"§ 11–2307. Autopsy by pathologist other than medical examiner

"(a) If an autopsy is performed by a pathologist other than a medical examiner by request of a medical examiner, the pathologist shall furnish to the medical examiner a complete record of the findings of the autopsy and his conclusions with respect thereto. The medical examiner shall thereupon prepare a report, indicating the name of the pathologist performing the autopsy and his findings and conclusions, and the medical examiner's own comments with respect thereto, if appropriate, and, upon request, shall furnish a copy thereof to the appropriate law enforcement agency.

"(b) A pathologist other than a medical examiner who performs an autopsy at the request of a medical examiner shall be compensated in accordance with a fee rate established by the Commissioner of the District of Columbia.

"§ 11–2308. Delivery of body; expenses

"(a) Following investigation or autopsy, the medical examiner shall release the body of the deceased to the person having the right to the body for purposes of burial pursuant to law. If there is no such person, he shall dispose of it according to law.

"(b) Expenses of transportation of a body by a medical examiner and of autopsies performed pursuant to this chapter shall be borne by the District of Columbia.

"§ 11–2309. Records; reports; fees for other services

"(a) The Chief Medical Examiner shall be responsible for maintaining full and complete records and files, properly indexed, giving the name, if known, of very person whose death is investigated, the place where the body was found, the date, cause, and manner of death, and all other relevant information and reports of the medical examiner concerning the death, and shall issue a death certificate.

"(b) The records and files maintained under the provisions of subsection (a) of this section shall be open to inspection by the Commissioner of the District of Columbia or his authorized representative, the United States attorney and his assistants, the Metropolitan Police Department, or any other law enforcement agency or official; and the medical examiner shall promptly deliver to such persons copies of all records relating to every death as to which further investigation may be advisable.

"(c) Any other person with a legitimate interest may obtain copies of records maintained under the provisions of subsection (a) upon such conditions and payment of such fees as may be prescribed by the Chief Medical Examiner. If such person fails to meet the prescribed conditions, he may obtain copies of such records pursuant to court order if the court is satisfied that he has a legitimate interest.

"(d) The Chief Medical Examiner shall prepare an annual report to the Commissioner of the District of Columbia containing information on the number of autopsies performed, statistics as to cause of death, and such other relevant information as the Commissioner of the District of Columbia shall require. The report shall be open to inspection by the public. The report shall not identify by name deceased persons examined.

"(e) Medical examiners may charge fees, at rates prescribed by the Chief Medical Examiner for completing insurance forms or performing similar services for private parties.

"§ 11–2310. Records as evidence

"The records maintained pursuant to section 11–2309, or reproductions thereof certified by the Chief Medical Examiner, are admissable in evidence in any court in the District of Columbia, except that statements made by witnesses or other persons and conclusions upon non-medical matters are not made admissible by this section.

"§ 11–2311. Autopsies performed by court order

"In the case of sudden, violent, or suspicious death when the body is buried without investigation, the United States attorney, on his own motion or on request of a medical examiner or the Metropolitan Police Department, may petition the appropriate court for an order to conduct an inquiry. The court may order the body exhumed and an autopsy performed. In such cases, records and reports shall be filed as if the autopsy were performed prior to burial except that a copy of the report shall be furnished directly to the court.

"§ 11–2312. Tissue transplants

"The medical examiner may allow the removal of tissue pursuant to section 9 of the District of Columbia Tissue Bank Act (D.C. Code, sec. 2–258).

"Chapter 25.—ATTORNEYS

"Sec.
"11–2501. Admission to bar; regulations; prior admission.
"11–2502. Censure, suspension, or disbarment for cause.
"11–2503. Disbarment upon conviction of crime; procedure for censure, suspension, or disbarment.
"11–2504. Censure, suspension, or disbarment by other courts.

"§ 11–2501. Admission to bar; regulations; prior admission

"(a) The District of Columbia Court of Appeals shall make such rules as it deems proper respecting the examination, qualification, and admission of persons to membership in its bar, and their censure, suspension, and expulsion.

"(b) Members of the bar of the District of Columbia Court of Appeals shall be eligible to practice in the District of Columbia courts.

"(c) Members of the bar of the United States District Court for the District of Columbia in good standing on April 1, 1972, shall be automatically enrolled as members of the bar of the District of Columbia Court of Appeals, and shall be subject to its disciplinary jurisdiction.

"§ 11–2502. Censure, suspension, or disbarment for cause

"The District of Columbia Court of Appeals may censure, suspend from practice, or expel a member of its bar for crime, misdemeanor, fraud, deceit, malpractice, professional misconduct, or conduct prejudicial to the administration of justice. A fraudulent act or misrepresentation by an applicant in connection with his application or admission is sufficient cause for the revocation by the court of his admission.

"§ 11–2503. Disbarment upon conviction of crime; procedure for censure, suspension or disbarment

"(a) When a member of the bar of the District of Columbia Court of Appeals is convicted of an offense involving moral turpitude, and a certified copy of the conviction is presented to the court, the court shall, pending final determination of an appeal from the conviction, suspend the member of the bar from practice. Upon reversal of the conviction the court may vacate or modify the suspension. If a final judgment of conviction is certified to the court, the name of the member of the bar so convicted shall be struck from the roll of the members of the bar and he shall thereafter cease to be a member. Upon the granting of a pardon to a member so convicted, the court may vacate or modify the order of disbarment.

"(b) Except as provided in subsection (a), a member of the bar may not be censured, suspended, or expelled under this chapter until written charges, under oath, against him have been presented to the court, stating distinctly the grounds of complaint. The court may order the charges to be filed in the office of the clerk of the court and shall fix a time for hearing thereon. Thereupon a certified copy of the charges and order shall be served upon the member personally, or if it is established to the satisfaction of the court that personal service cannot be had, a certified copy of the charges and order shall be served upon him by mail, publication, or otherwise as the court directs. After the filing of the written charges, the court may suspend the person charged from practice at its bar pending the hearing thereof.

"§ 11–2504. Censure, suspension, or disbarment by other courts

"The Federal courts in the District of Columbia and the Superior Court may censure, suspend, or expel an attorney from practice at their respective bars, for a crime involving moral turpitude, or professional misconduct, or conduct prejudicial to the administration of justice. If an attorney is expelled from practice under this section, the court expelling him shall notify the other Federal courts in the District of Columbia and the District of Columbia Court of Appeals of the action taken."

PART B—PROCEEDINGS REGARDING JUVENILE DELINQUENCY AND RELATED MATTERS

SEC. 121. (a) Chapter 23 of title 16 of the District of Columbia Code is amended to read as follows:

"Chapter 23.—FAMILY DIVISION PROCEEDINGS

"SUBCHAPTER I.—PROCEEDINGS REGARDING DELINQUENCY, NEGLECT, OR NEED OF SUPERVISION

"Sec.
"16–2301. Definitions.
"16–2302. Transfer of criminal matters to Family Division.
"16–2303. Retention of jurisdiction.
"16–2304. Right to counsel.
"16–2305. Petition; contents; amendment.
"16–2306. Service of summons, and petition.
"16–2307. Transfer for criminal prosecution.
"16–2308. Initial appearance.
"16–2309. Taking into custody.
"16–2310. Criteria for detaining child.
"16–2311. Release or delivery to Family Division.
"16–2312. Detention or shelter care hearing; intermediate disposition.
"16–2313. Place of detention or shelter.
"16–2314. Consent decree.
"16–2315. Physical and mental examinations.
"16–2316. Conduct of hearings; evidence.
"16–2317. Hearings; findings; dismissal.
"16–2318. Order of adjudication noncriminal.
"16–2319. Predisposition study and report.
"16–2320. Disposition of child who is neglected, delinquent, or in need of supervision.
"16–2321. Disposition of mentally ill or mentally retarded child.
"16–2322. Limitation of time on disposition orders.
"16–2323. Modification, termination of orders.
"16–2324. Support of committed child.
"16–2325. Court costs and expenses.
"16–2326. Probation revocation; disposition.
"16–2327. Interlocutory appeals.
"16–2328. Finality of judgments; appeals; transcripts.
"16–2329. Time computation.
"16–2330. Juvenile case records; confidentiality; inspection; and disclosure.
"16–2331. Juvenile social records; confidentiality; inspection; and disclosure.
"16–2332. Police and other law enforcement records.
"16–2333. Fingerprint records.
"16–2334. Sealing of records.
"16–2335. Unlawful disclosure of records.
"16–2336. Additional powers of Director of Social Services.
"16–2337. Emergency medical treatment.

"SUBCHAPTER II.—PATERNITY PROCEEDINGS

"Sec.
"16–2341. Representation.
"16–2342. Time of bringing complaint.
"16–2343. Blood tests.
"16–2344. Exclusion of public.
"16–2345. New birth record upon marriage of natural parents.
"16–2346. Reports to Director of Public Health.
"16–2347. Death of respondent; liability of estate.
"16–2348. Paternity records; confidentiality; inspection; and disclosure.

"SUBCHAPTER I.—PROCEEDINGS REGARDING DELINQUENCY, NEGLECT, OR NEED OF SUPERVISION

"§ 16–2301. Definitions

"As used in this subchapter—

"(1) The term 'Division' means the Family Division of the Superior Court of the District of Columbia.

"(2) The term 'judge' means a judge assigned to the Family Division of the Superior Court.

"(3) The term 'child' means an individual who is under 18 years of age, except that the term 'child' does not include an individual who is—

"(A) sixteen years of age or older and who is charged by the United States attorney

with (i) murder, manslaughter, rape, mayhem, arson, kidnaping, burglary, robbery, any assault with intent to commit any such offense, or assault with a dangerous weapon, or (ii) an offense listed in clause (i) and any other offense properly joinable with such an offense;

"(B) charged with an offense referred to in subparagraph (A) (i) and convicted by plea or verdict of a lesser included offense; or

"(C) sixteen years of age or older and who is charged with a traffic offense.

For purposes of this subchapter the term 'child' also includes a person under the age of twenty-one who is charged with an offense referred to in subparagraph (A) or (C) committed before he attained the age of sixteen, or a delinquent act committed before he attained the age of eighteen.

"(4) The term 'minor' means an individual who is under the age of twenty-one years.

"(5) The term 'adult' means an individual who is twenty-one years of age or older.

"(6) The term 'delinquent child' means a child who has committed a delinquent act and is in need of care or rehabilitation.

"(7) The term 'delinquent act' means an act designated as an offense under the law of the District of Columbia, or of a State if the act occurred in a State, or under Federal law. Traffic offenses shall not be deemed delinquent acts unless committed by an individual who is under the age of sixteen.

"(8) The term 'child in need of supervision' means a child who—

"(A) (i) being subject to compulsory school attendance, is habitually and without justification truant from school;

"(ii) has committed an offense not classified as criminal or is one applicable only to children; or

"(iii) is habitually disobedient of the reasonable and lawful commands of his parent, guardian, or other custodian and is ungovernable; and

"(B) is in need of care or rehabilitation.

"(9) The term 'neglected child' means a child—

"(A) who has been abandoned or abused by his parent, guardian, or other custodian;

"(B) who is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his physical, mental, or emotional health, and the deprivation is not due to the lack of financial means of his parent, guardian, or other custodian;

"(C) whose parent, guardian, or other custodian is unable to discharge his responsibilities to and for the child because of incarceration, hospitalization, or other physical or mental incapacity; or

"(D) who has been placed for care or adoption in violation of law.

No child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for that reason alone, be considered a neglected child for purposes of this subchapter.

"(10) The term 'mentally ill child' means a child who is mentally ill within the meaning of section 21–501.

"(11) The term 'mentally retarded child' means a child who is mentally retarded within the meaning of section 21–1101.

"(12) The term 'custodian' means a person or agency, other than a parent or legal guardian, to whom legal custody of a child has been given by court order and who is acting in loco parentis.

"(13) The term 'detention' means the temporary, secure custody of a child in facilities, designated by the Division, pending a final disposition of a petition.

"(14) The term 'shelter care' means the temporary care of a child in physically unrestricting facilities, designated by the Division, pending a final disposition of a petition.

"(15) The term 'detention or shelter care hearing' means a hearing to determine whether a child who is in custody should be placed or continued in detention or shelter care.

"(16) The term 'factfinding hearing' means a hearing to determine whether the allegations of a petition are true.

"(17) The term 'dispositional hearing' means a hearing, after a finding of fact, to determine—

"(A) whether the respondent in a delinquent or need of supervision case is in need of care or rehabilitation and, if so, what order of disposition should be made; or

"(B) what order of disposition should be made in a neglect case.

"(18) The term 'probation' means a legal status created by court order following an adjudication of delinquency or need of supervision, whereby a minor is permitted to remain in the community subject to appropriate supervision and return to the Division for violation of probation at any time during the period of probation.

"(19) The term 'protective supervision' means a legal status created by Division order in neglect cases whereby a minor is permitted to remain in his home under supervision, subject to return to the Division during the period of protective supervision.

"(20) The term 'guardianship of the person of a minor' means the duty and authority to make important decisions in matters having a permanent effect on the life and development of the minor, and concern with his general welfare. It includes (but is not limited to)—

"(A) authority to consent to marriage, enlistment in the armed forces of the United States, and major medical, surgical, or psychiatric treatment; to represent the minor in legal actions; and to make other decisions concerning the minor of substantive legal significance;

"(B) the authority and duty of reasonable visitation (except as limited by court order);

"(C) the right and responsibility of legal custody when guardianship of the person is exercised by the natural or adoptive parent (except where legal custody has been vested in another person or an agency or institution); and

"(D) the authority to exercise residual parental rights and responsibilities when the rights of his parents or only living parent have been judicially terminated or when both parents are dead.

"(21) The term 'legal custody' means a legal status created by court order which vests in a custodian the responsibility for the custody of a minor which includes—

"(A) physical custody or the determination of where and with whom the minor shall live;

"(B) the right and duty to protect, train, and discipline the minor; and

"(C) the responsibility to provide the minor with food, shelter, education, and ordinary medical care.

A court order of 'legal custody' is subordinate to the rights and responsibilities of the guardian of the person of the minor and any residual parental rights and responsibilities.

"(22) The term 'residual parental rights and responsibilities' means those rights and responsibilities remaining with the parent after transfer of legal custody or guardianship of the person, including (but not limited to) the right of visitation, consent to adoption, and determination of religious affiliation and the responsibility for support.

"§ 16–2302. Transfer of criminal matters to Family Division

"(a) If it appears to a court, during the pendency of a criminal charge and before the time when jeopardy would attach in the case of an adult, that a minor defendant was a child at the time of an alleged offense, the court shall forthwith transfer the charge against the defendant, together with all papers and documents connected therewith, to the Division. All action taken by the court prior to transfer of the case shall be deemed null and void unless the Division transfers the child for criminal prosecution under section 16–2307.

"(b) If at the time of an alleged offense, a minor defendant was a child but this fact was not discovered by the court until after jeopardy has attached, the court shall proceed to verdict. If judgment has not been entered, the court shall determine on the basis of the criteria in section 16–2307(e) whether to enter judgment or to refer the case to the Division for disposition. If judgment has been entered, it shall not be set aside on the ground of the defendant's age.

"(c) The court making a transfer shall order the minor to be taken forthwith to the Division or to a place of detention designated for children by the Superior Court. The Division shall then proceed as provided in this subchapter.

"(d) Nothing in this section shall affect the jurisdiction of a court over a person twenty-one years of age or older.

"§ 16–2303. Retention of jurisdiction

"For purposes of this subchapter, jurisdiction obtained by the Division in the case of a child shall be retained by it until the child becomes twenty-one years of age, unless jurisdiction is terminated before that time. This section does not affect the jurisdiction of other divisions of the Superior Court or other courts over offenses committed by a person after he ceases to be a child. If a minor already under the jurisdiction of the Division is convicted in the Criminal Division or another court of a crime committed after he ceases to be a child, the Family Division may, in appropriate cases terminate its jurisdiction.

"§ 16–2304. Right to counsel

"(a) A child alleged to be delinquent or in need of supervision is entitled to be represented by counsel at all critical stages of Division proceedings beginning at the time of admission or denial of allegations in the petition and at all subsequent stages. If the child and his parent, guardian, or custodian are financially unable to obtain adequate representation, the child shall be entitled to have counsel appointed for him in accordance with rules established by the Superior Court. In its discretion, the Division may appoint counsel for the child over the objection of the child, his parent, guardian, or other custodian.

"(b) When a child is alleged to be neglected, the parent, guardian, or custodian of the child named in the petition is entitled to be represented by counsel at all critical stages of the Division proceedings and, if financially unable to obtain adequate representation, to have counsel appointed in accordance with rules established by the Superior Court. The Division shall, where appropriate, appoint separate counsel to represent the child, as provided in section 16–918.

"§ 16–2305. Petition; contents; amendment

"(a) Complaints alleging delinquency, need of supervision, or neglect shall be referred to the Director of Social Services who shall conduct a preliminary inquiry to determine whether the best interests of the child or the public require that a petition be filed. If judicial action appears warranted, under intake criteria established by rule of the Superior Court, the Director shall recommend that a petition be filed. If the Director decides not to recommend the filing of a petition, the complainant in a delinquency or neglect case shall have a right to have that decision reviewed by the Corporation Counsel, and the Director shall notify the complainant of such right of review.

"(b) Petitions initiating judicial action may be signed by any person who has knowl-

edge of the facts alleged or, being informed of them, believes they are true, except that petitions alleging need of supervision may only be signed by the Director of Social Services, a representative of a public agency or a nongovernmental agency licensed and authorized to care for children, a representative of a public or private agency providing social service for families, a school official, or a law enforcement officer. Petitions shall be verified and verification may be upon information or belief.

"(c) Each petition shall be prepared by the Corporation Counsel after an inquiry into the facts and a determination of the legal basis for the petition. If the Director of Social Services has refused to recommend filing of a delinquency or neglect petition, the Corporation Counsel, on request of the complainant, shall review the facts presented and shall prepare and file a petition if he believes such action is necessary to protect the community or the interests of the child. Any decision of the Corporation Counsel on whether to file a petition shall be final.

"(d) Petitions shall be filed by the Corporation Counsel within ten days after the complaint has been referred to the Director of Social Services, except as otherwise provided in section 16–2312. A petition shall set forth plainly and concisely the facts which give the Division jurisdiction of the child under section 11–1101(13) and in delinquency cases the petition shall state the specific statute or ordinance on which the charge is based; and, if delinquency or need of supervision is alleged, a statement that the child appears to be in need of care or rehabilitation. The petition shall contain such other facts and information as may be required by rules of the Superior Court.

"(e) A petition may be amended by leave of the Division on motion of the Corporation Counsel or counsel for the child, at any time prior to the conclusion of the factfinding hearing. The Division shall grant the Corporation Counsel, the child, and his parent, guardian, or custodian notice of the amendment and, where necessary, additional time to prepare.

"(f) The District of Columbia shall be a party to all proceedings under this subchapter.

"§ 16–2306. Service of summons and petition

"(a) When a petition is filed, the Division shall set a time for initial appearance and shall direct the issuance of summonses. If delinquency or need of supervision is alleged, a summons, together with a copy of the petition, shall be served upon the child and upon his spouse (if any) and his parent, guardian, or other custodian. If neglect is alleged, the summons, together with a copy of the petition, shall be served on the parent, guardian, or other custodian of the child named in the petition. Where appropriate to the proper disposition of the case, the Division may direct service of summonses upon other persons. A summons issued pursuant to this section shall advise the parties of the right to counsel as provided in section 16–2304.

"(b) Upon request of the Corporation Counsel, the Division may endorse upon the summons an order directing the parent, guardian, or other custodian of the child to appear personally at the hearing and directing the person having physical custody or control of the child to bring the child to the hearing.

"(c) If it appears, from information presented to the Division, that there are grounds to take the child into custody as provided in section 16–2309, or that the child may leave or be removed from the jurisdiction of the Superior Court or will not be brought to the hearing, notwithstanding service of the summons, the Division may endorse upon the summons an order that the officer serving the summons shall at once take the child into custody. If the child is taken into custody under this section, the provisions of sections 16–2309 to 16–2311 shall apply.

"§ 16–2307. Transfer for criminal prosecution

"(a) Within ten days of the filing of a delinquency petition, or later for good cause shown, and prior to a factfinding hearing on the petition, the Corporation Counsel, following consultation with the Director of Social Services, may file a motion, supported by a statement of facts, requesting transfer of the child for criminal prosecution, if—

"(1) the child was fifteen or more years of age at the time of the conduct charged, and is alleged to have committed an act which would constitute a felony if committed by an adult;

"(2) the child is sixteen or more years of age and is already under commitment to an agency or institution as a delinquent child; or

"(3) a minor eighteen years of age or older is alleged to have committed a delinquent act prior to having become eighteen years of age.

"(b) Following the filing of the motion by the Corporation Counsel, summonses shall be issued and served in conformity with the provisions of section 16–2306.

"(c) When there are grounds to believe the child is mentally retarded or mentally ill, the Division shall stay the proceedings for the purpose of obtaining an examination. After examination, the Division shall proceed to a determination under subsection (d) unless it determines that the child is incompetent to participate in the proceedings, in which event it shall order the child committed to a mental hospital pursuant to section 16–2315 or section 927 of the Act of March 3, 1901 (D.C. Code, sec. 24–301(a)).

"(d) The Division shall conduct a hearing on each transfer motion for the purpose of determining whether there are reasonable prospects of rehabilitating the child prior to his majority, unless a commitment pursuant to subsection (c) has intervened. Unless the Division finds that there are reasonable prospects for rehabilitating the child prior to his majority, it shall transfer the child for criminal prosecution and notify the United States attorney. Accompanying the order of transfer shall be a statement of the reasons, with respect to the five factors set forth in subsection (e) of this section, for transferring the child. This statement shall be available, upon request, to any court in which the transfer is challenged, but shall not be available to the trier of fact on the criminal charge prior to verdict.

"(e) Evidence of the following factors shall be considered in determining whether there are reasonable prospects for rehabilitating a child prior to his majority:

"(1) the child's age;

"(2) the nature of the present offense and the extent and nature of the child's prior delinquency record;

"(3) the child's mental condition;

"(4) the nature of past treatment efforts and the nature of the child's response to past treatment efforts; and

(5) the techniques, facilities, and personnel for rehabilitation available to the Division and to the court that would have jurisdiction after transfer.

The rules of evidence at transfer hearings shall be the same as those that govern disposition proceedings in delinquency cases, as set forth in section 16–2317. At a transfer hearing, only the propriety of eventual Division disposition shall be considered, and evidence bearing on probable cause or the likelihood that the child committed the act alleged shall not be admitted.

"(f) Prior to a transfer hearing, a study and report, in writing, relevant to the factors in subsection (e), shall be made by the Director of Social Services. This report and all social records that are to be made available to the judge at the transfer hearing shall be made available to counsel for the child and to the Corporation Counsel at least five days prior to the hearing.

"(g) A judge who conducts a hearing pursuant to this section shall not, over the objection of the child whose prospects for rehabilitation were at issue, participate in any subsequent factfinding proceedings relating to the offense.

"(h) Transfer of a child for criminal prosecution terminates the jurisdiction of the Division over the child with respect to any subsequent delinquent acts.

"§ 16–2308. Initial appearance

"At the time set forth in the summons, or at such later time as may be authorized by rule of the Superior Court, the child named in a delinquency or need of supervision petition or the parent, guardian, or custodian of a child named in a neglect petition shall appear before a judge assigned to the Division and shall be advised of the contents of the petition and of the right to counsel as provided in section 16–2304. At that time the child, or in neglect cases the parent, guardian, or custodian, may admit or deny the allegations in the petition, but it shall not be necessary at the initial appearance for the Corporation Counsel to establish probable cause to believe that the allegations in the petition are true. At the initial appearance, the judge may set the time for the factfinding hearing or continue the matter until a later time. This section shall not apply in any case where prior to or at the time of the initial appearance, a detention or shelter care hearing is required by section 16–2312.

"§ 16–2309. Taking into custody

"A child may be taken into custody—

"(1) pursuant to order of the Division under section 16–2306 or 16–2311;

"(2) by a law enforcement officer when he has reasonable grounds to believe that the child has committed a delinquent act;

"(3) by a law enforcement officer when he has reasonable grounds to believe that the child is suffering from illness or injury or is in immediate danger from his surroundings, and that his removal from his surroundings is necessary; or

"(4) by a law enforcement officer when he has reasonable grounds to believe that the child has run away from his parent, guardian, or other custodian.

§ 16–2310. Criteria for detaining children

"(a) A child shall not be placed in detention prior to a factfinding hearing or a dispositional hearing unless he is alleged to be delinquent or in need of supervision and unless it appears from available information that detention is required—

"(1) to protect the person or property of others or of the child, or

"(2) to secure the child's presence at the next court hearing.

"(b) A child shall not be placed in shelter care prior to a factfinding hearing of a dispositional hearing unless it appears from available information that shelter care is required—

"(1) to protect the person of the child, or

"(2) because the child has no parent, guardian, custodian, or other person or agency able to provide supervision and care for him, and the child appears unable to care for himself.

"(c) The criteria for detention and shelter care provided in this section, as implemented by rules of the Superior Court, shall govern the decisions of all persons responsible for determining whether detention or shelter care is warranted prior to the factfinding hearing.

"§ 16–2311. Release or delivery to Family Division

"(a) A person taking a child into custody shall with all reasonable speed—

"(1) release the child to his parent, guardian, or custodian upon a promise to bring

the child before the Division when requested by the Division, unless the child's placement in detention or shelter care appears required as provided in section 16–2310; or

"(2) bring the child before the Director of Social Services, or to a medical facility if the child appears to require prompt treatment or to require prompt diagnosis for medical or evidentiary purposes.

Any person taking a child into custody shall give prompt notice to the Corporation Counsel and to the parent, guardian, or custodian (if known) together with the reasons for custody.

"(b) When a child is brought before the Director of Social Services, the Director shall in all cases review the need for detention or shelter care prior to the admission of the child to the place of detention or shelter care. The child shall be released to his parent, guardian, or custodian unless the Director of Social Services finds that detention or shelter care is required under section 16–2310.

"(c) If a parent, guardian, or custodian fails, when requested, to bring the child to the Division as provided in subsection (a)(1), the Division may issue a warrant directing that the child be taken into custody and brought before the Division.

"§ 16–2312. Detention or shelter care hearing; intermediate disposition

"(a) When a child is not released as provided in section 16–2311—

"(1) a detention or shelter care hearing shall be commenced not later than the next day (excluding Sundays) after the child has been taken into custody or transferred from another court as provided by section 16–2302; and

"(2) a petition shall be filed at or prior to the detention or shelter care hearing.

"(b) Prompt notice of the detention or shelter care hearing shall be given, if delinquency or need of supervision is alleged, to the child, or to his spouse (if any), parent, guardian, or custodian, if he can be found, or, if neglect is alleged, to the child, and to the parent, guardian, or custodian named in the petition if he can be found. Counsel for the child, and in neglect cases counsel for the parent, guardian, or custodian, shall be entitled to a copy of the petition prior to the hearing.

"(c) at the commencement of the hearing the judge shall advise the parties of the right to counsel, as provided in section 16–2304, and shall appoint counsel if required. He shall also inform them of the contents of the petition and shall afford the child, or in a neglect case, the parent, guardian, or custodian, an opportunity to admit or deny the allegations in the petition. He shall then hear from the Corporation Counsel to determine whether the child should be placed or continued in detention or shelter care under the criteria in section 16–2310. The child and his parent, guardian, or custodian shall have a right to be heard in their own behalf.

"(d) When a judge finds that a child's detention or shelter care is not required under the criteria in section 16–2310, he shall order the child's release, and may impose one or more of the following conditions:

"(1) Placement of the child in the custody of a parent, guardian, or custodian or under supervision of a person or organization agreeing to supervise him.

"(2) Placement of restrictions on the child's travel, activities, or place of abode during the period of release.

"(3) Any other condition reasonably necessary to assure the appearance of the child at a factfinding hearing or his protection from harm, including a requirement that the child return to the physical custody of the parent, guardian, or custodian after specified hours.

"(e) When a judge finds that a child's detention or shelter care is required under the criteria of section 16–2310, he shall then hear evidence presented by the Corporation Counsel to determine whether there is probable cause to believe the allegations in the petition are true. The child, his parent, guardian or custodian may present evidence on the issues and be heard in their own behalf.

"(f) When a judge finds there is probable cause to believe the allegations in the petition are true, he shall order the child to be placed or continued in detention or shelter care and set forth his reasons. When a judge finds that there is no probable cause to believe the allegations in the petition are true, he shall order the child to be released.

"(g) For good cause shown, the Division may grant a continuance of the detention or shelter care hearing, or any part thereof, for a period not to exceed five days. During the period of the continuance, the Division may order the child to be placed or continued in detention or shelter care.

"(h) On motion by or on behalf of the child, a child in custody shall be released from custody if his detention or shelter care hearing is not commenced within the time set herein.

"(i) If a child is not released after his detention or shelter care hearing and the parent, guardian or custodian did not receive notice thereof, the Division may, in the interest of justice, conduct a new hearing in accordance with rules prescribed by the Superior Court.

"(j) Upon objection of the child or his parent, guardian or custodian, a judge who conducted a detention or shelter care hearing shall not conduct a factfinding hearing on the petition.

"§ 16–2313. Place of detention or shelter

"(a) A child who is alleged to be neglected and who is in custody may be placed at any time prior to disposition, only in—

"(1) a foster home;

"(2) a group home, youth shelter, or other appropriate home for nondelinquent children; or

"(3) another facility for shelter care designated by the division, including an appropriate facility operated by the District of Columbia.

No child alleged to be neglected may be placed in a facility described in paragraph (3) of subsection (b) of this section.

"(b) A child who is alleged to be in need of supervision or (except as provided in subsection (d) or (e)) is alleged to be delinquent and who is in custody may be detained at any time prior to disposition only in—

"(1) a foster home;

"(2) a group home, youth shelter, or other appropriate home for allegedly delinquent children; or

"(3) a detention home for allegedly delinquent children or children alleged to be in need of supervision, designated or operated by the District of Columbia.

Unless the Division shall by order so authorize, no child may be detained in a facility described in paragraph (3) if it would result in his commingling with children who have been adjudicated delinquent and committed by order of the Division.

"(c) A child in detention or shelter care may be temporarily transferred to a medical facility for physical care and may, on order of the Division pursuant to section 16–2315, be temporarily transferred to a facility for mental examination or treatment.

"(d) Except as provided in subsection (e), no child under eighteen years of age may be detained in a jail or other facility for the detention of adults, unless transferred as provided in section 16–2307. The appropriate official of a jail or other facility for the detention of adults shall inform the Superior Court immediately when a child under the age of eighteen years is received there (other than by transfer) and shall (1) deliver him to the Director of Social Services upon request, or (2) transfer him to a detention facility described in subsection (b)(3).

"(e) A child sixteen years of age or older who is alleged to be delinquent and who is in detention, whose conduct constitutes a menace to other children, and who cannot be controlled, may on order of the Division be transferred to a place of detention for adults, but shall be kept separate from adults.

"§ 16–2314. Consent decree

"(a) At any time after the filing of a delinquency or need of supervision petition and prior to adjudication at a factfinding hearing, the Division may, on motion of the Corporation Counsel or counsel for the child, suspend the proceedings and continue the child under supervision, without commitment, under terms and conditions established by rules of the Superior Court. Such a consent decree shall not be entered unless the child is represented by counsel and has been informed of the consequences of the decree nor shall it be entered over the objection of the child or of the Corporation Counsel.

"(b) A consent decree shall remain in force for six months unless the child is sooner discharged by the Director of Social Services. Upon application of the Director of Social Services or an agency supervising the child made prior to the expiration of the decree, a consent decree may, after notice and hearing, be extended for not more than six additional months by order of the Division.

"(c) If prior to the expiration of the decree or discharge by the Director of Social Services, the child fails to fulfill the express conditions of the decree or a new delinquency or need of supervision petition is filed concerning the child, the original petition under which the decree was filed may, in the discretion of the Corporation Counsel following consultation with the Director of Social Services, be reinstated. The child shall thereafter be held accountable on the original petition as if the consent decree had never been entered.

"(d) If a child completes the period of continuance under supervision in accordance with the consent decree or is sooner discharged by the Director of Social Services, the Division shall dismiss the original petition.

"§ 16–2315. Physical and mental examinations

"(a) At any time following the filing of a petition, on motion of the Corporation Counsel or counsel for the child, or on its own motion, the Division may order a child to be examined to aid in determining his physical or mental condition.

"(b) Wherever possible examinations shall be conducted on an outpatient basis, but the Division may, if it deems necessary, commit the child to a suitable medical facility or institution for the purpose of examination. Commitment for examination shall be for a period of not more than sixty days unless the Division, for good cause shown, shall extend the commitment for a further period not to exceed sixty days.

"(c)(1) If as a result of a mental examination the Division determines that a child alleged to be delinquent is incompetent to participate in proceedings under the petition by reason of mental illness or mental retardation, it shall, except as provided in subsection (2), suspend further proceedings and the Corporation Counsel shall initiate commitment proceedings pursuant to chapter 5 or 11 of title 21.

"(2) If a motion for transfer for criminal prosecution has been filed pursuant to section 16–2307 and the Division determines that a child alleged to be delinquent is incompetent to participate in the transfer proceedings by reason of mental illness, it shall suspend further proceedings and order the child confined to a suitable hospital or facility for the mentally ill until his competency is restored. If prior to the time the child reaches the age of 21 it appears that he will not regain his competency to participate in the proceedings, the Corporation Counsel

shall initiate commitment proceedings pursuant to chapter 5 of title 21.

"(3) If, as a result of mental examination, the Division determines that a child alleged to be in need of supervision is incompetent to participate in proceedings under the petition by reason of mental illness or mental retardation, it shall suspend further proceedings. If proceedings are suspended, the Corporation Counsel may initiate commitment proceedings pursuant to chapter 5 or 11 of title 21.

"(d) The results of an examination under this section shall be admissible in a transfer hearing pursuant to section 16–2307, in a dispositional hearing under this subchapter, or in a commitment proceeding under chapter 5 or 11 of title 21. The results of examination may be admitted into evidence at a factfinding hearing to aid the Division in determining a material allegation of the petition relating to the child's mental or physical condition, but not for the purpose of establishing a defense of insanity.

"(e) Following an adjudication at a factfinding hearing that a child is neglected, the Division may order the mental or physical examination of the parent, guardian, or custodian of the child whose ability to care for the child is at issue. The results of the examination are admissible at a dispositional hearing on the petition alleging neglect.

"§ 16–2316. Conduct of hearings; evidence

"(a) The Division shall, without a jury, hear and adjudicate cases involving delinquency, need of supervision, or neglect. The Corporation Counsel shall present evidence in support of all petitions arising under this subchapter and otherwise represent the District of Columbia in all proceedings.

"(b) Evidence which is competent, material, and relevant shall be admissible at factfinding hearings. Evidence which is material and relevant shall be admissible at detention hearings, transfer hearings under section 16–2307, and dispositional hearings.

"(c) All hearings and proceedings under this subchapter shall be recorded by appropriate means. Except in hearings to declare a person in contempt of court, the general public shall be excluded from hearings arising under this subchapter. Only persons necessary to the proceedings shall be admitted, but the Division may, pursuant to rule of the Superior Court, admit such other persons (including members of the press) as have a proper interest in the case or the work of the court on condition that they refrain from divulging information identifying the child or members of his family involved in the proceedings.

"(d) If the Division finds that it is in the best interest of the child, it may temporarily exclude him from any proceeding except a factfinding hearing. If the petition alleges neglect, the child may also be temporarily excluded from a factfinding hearing. In any case, counsel for the child may not be excluded.

"§ 16–2317. Hearings, findings; dismissal

"(a) Except as otherwise provided by statute or court rule, all motions shall be heard at the time of the factfinding hearing.

"(b) After a factfinding hearing on the allegations in the petition, the Division shall make and file written findings in all cases as to the truth of the allegations, and in neglect cases, he shall also make and file written findings as to whether the child is neglected. If the Division finds that the allegations in the petition have not been established by the preponderance of the evidence it shall dismiss the petition and order the child released from any detention or shelter care.

"(c) If the Division finds on the basis of the preponderance of the evidence that a child alleged to be delinquent or in need of supervision committed the acts alleged in the petition, it may proceed immediately to hear evidence as to whether he is in need of care or rehabilitation or may postpone the proceedings to await a predisposition study and report. Material and relevant evidence shall be admissible to determine need for care or rehabilitation even though not competent at a factfinding hearing. In the absence of evidence to the contrary, a finding of the commission of an act which would constitute a criminal offense is sufficient to sustain a finding of need for care or rehabilitation.

"(d) If the Division finds that the child is not in need of care or rehabilitation it shall terminate the proceedings and discharge the child from detention, shelter care, or other restriction previously ordered. If it finds the child is in need of care or rehabilitation in a delinquency or need of supervision case, or that the child is neglected, the Division shall proceed immediately, or at a postponed hearing to make proper disposition of the case.

"(e) After a factfinding hearing if the proceedings are not terminated, the Division shall review the need for detention or shelter care of the child.

"§ 16–2318. Order of adjudication noncriminal

"A consent decree, order of adjudication, or order of disposition in a proceeding under this subchapter is not a conviction of crime and does not impose any civil disability ordinarily resulting from a conviction, nor does it operate to disqualify a child in any future civil service examination, appointment, or application for public service in either the Government of the United States or of the District of Columbia.

"§ 16–2319. Predisposition study and report

"After a motion for transfer has been filed, or after the Division has made findings pursuant to subsection (b) of section 16–2317 sustaining the allegations of a petition and, in neglect cases, the conclusion that the child is neglected, the Division shall direct that a predisposition study and report to the Division be made by the Director of Social Services or a qualified agency designated by the Division concerning the child, his family, his environment, and other matters relevant to the need for treatment or disposition of the case. Except in connection with a hearing on a transfer motion, no predisposition study or report shall be furnished to or considered by the Division prior to completion of the factfinding hearing.

"§ 16–2320. Disposition of child who is neglected, delinquent, or in need of supervision

"(a) If a child is found to be neglected, the Division may order any of the following dispositions which will be in the best interest of the child:

"(1) Permit the child to remain with his parent, guardian, or other custodian, subject to such conditions and limitations as the Division may prescribe, including but not limited to medical, psychiatric, or other treatment at an appropriate facility on an outpatient basis.

"(2) Place the child under protective supervision.

"(3) Transfer legal custody to any of the following—

"(A) a public agency responsible for the care of neglected children;

"(B) a child placing agency or other private organization or facility which is licensed or otherwise authorized by law and is designated by the Commissioner of the District of Columbia to receive and provide care for the child; or

"(C) a relative or other individual who is found by the Division to be qualified to receive and care for the child.

"(4) Commitment of the child for medical, psychiatric, or other treatment at an appropriate facility on an in-patient basis if, at the dispositional hearing provided for in section 16–2317, the Division finds that confinement is necessary to the treatment of the child. A child for whom medical, psychiatric or other treatment is ordered may petition the Division for review of the order thirty days after treatment under the order has commenced, and, if, after a hearing for the purpose of such review, the original order is affirmed, the child may petition for review thereafter every six months.

"(5) Make such other disposition as may be provided by law and as the Division deems to be in the best interests of the child and the community.

"(b) Unless a child found neglected is also found to be delinquent, he shall not be committed to, or confined in, an institution for delinquent children.

"(c) If a child is found to be delinquent or in need of supervision, the Division may order any of the following dispositions for his supervision, care, and rehabilitation:

"(1) Any disposition authorized by subsection (a).

"(2) Transfer of legal custody to a public agency for the care of delinquent children.

"(3) Probation under such conditions and limitations as the Division may prescribe.

"(d) No child found in need of supervision, unless also found delinquent, shall be committed to or placed in an institution or facility for delinquent children, unless otherwise specified by the Division.

"(e) No delinquent child shall be committed to a penal or correctional institution for adult offenders, except that, on order of the Division, a child sixteen years of age or older who has been committed to another institution or other facility may be transferred after a hearing at which the child is present and represented by counsel and upon a finding by the Division that the child's conduct while in custody constitutes a menace to other children and cannot be controlled. The transfer shall be to a facility maintained by or available to the District of Columbia pursuant to the provisions of section 5025 of title 18, United States Code.

"§ 16–2321. Disposition of mentally ill or mentally retarded child.

"(a) If no previous examination has been made under section 16–2315 and the Division, after factfinding but before a dispositional hearing, has reason to believe that a child is mentally ill or mentally retarded, it may order an examination as provided in section 16–2315.

"(b) If as a result of the examination the child is found to be mentally ill or mentally retarded, the Division may, in lieu of other disposition, direct the appropriate authority to initiate commitment proceedings under chapter 5 or 11 of title 21. The Division may order the child detained in suitable facilities pending commitment proceedings.

"(c) If the examination does not indicate that commitment proceedings should be initiated or if the proceedings do not result in commitment, the Division shall proceed to disposition pursuant to this subchapter.

"§ 16–2322. Limitation of time on dispositional orders

"(a)(1) A dispositional order vesting legal custody of a child in a department, agency, or institution shall remain in force for an indeterminate period not exceeding two years. Unless the order specifies that release is permitted only by order of the Division, the department, agency, or institution may release the child at any time that it appears the purpose of the disposition order has been achieved.

"(2) An order vesting legal custody of a child in an individual other than his parent shall remain in force for two years unless sooner terminated by order of the Division.

"(3) An order of probation or a protective supervision order shall remain in force for a period not exceeding one year from the date entered, but the Director of Social Services or the agency providing supervision may terminate supervision at any time that it

appears the purpose of the order has been achieved.

"(b) A dispositional order vesting legal custody of a child in a department, agency, or institution may be extended for additional periods of one year, upon motion of the department, agency, or institution to which the child was committed, if, after notice and hearing, the Division finds that—

"(1) in the case of a neglected child, the extension is necessary to safeguard his welfare; or

"(2) in the case of a child adjudicated delinquent or in need of supervision, the extension is necessary for his rehabilitation or the protection of the public interest.

"(c) Any other dispositional order may be extended for additional periods of one year, upon motion of the Director of Social Services, if, after notice and hearing, the Division finds that extension is necessary to protect the interest of the child.

"(d) A release or termination of an order prior to expiration of the order pursuant to subsection (a) (1) or (3), shall promptly be reported in writing to the Division.

"(e) Upon termination of a dispositional order a child shall be notified in writing of its termination. Upon termination of an of the Division under this subchapter in accordance with rules of the Superior Court, of his right to request the sealing of his records as provided in section 16–2334.

"(f) Unless sooner terminated, all orders of the Division under this subchapter in force with respect to a child terminate when he reaches twenty-one years of age.

"§ 16–2323. Modification, termination of orders

"(a) An order of the Division under this subchapter shall be set aside if—

"(1) it was obtained by fraud or mistake sufficient to set aside an order or judgment in a civil action;

"(2) the Division lacked jurisdiction; or

"(3) newly discovered evidence so requires.

"(b) A child who has been committed under this subchapter to the custody of an institution, agency, or person, or the parent or guardian of the child, may file a motion for modification or termination of the order of commitment on the ground that the child no longer is in need of commitment, if the child or his parent or guardian has applied to the institution or agency for release and the application was denied or not acted upon within a reasonable time.

"(c) The Director of Social Services shall conduct a preliminary review of motions filed under subsection (b) and shall prepare a report to the Division on the allegations contained therein. The Division may dismiss the motion if it concludes from the report that it is without substance. Otherwise, the Division, after notice, shall hear and determine the issues raised by the motion and deny the motion, or enter an appropriate order modifying or terminating the order of commitment, if it finds such action necessary to safeguard the welfare of the child or the interest of the public.

"(d) A motion may be filed under subsection (b) no more often than every six months.

"§ 16–2324. Support of committed child

"Whenever legal custody of a child is vested in any agency or individual other than the child's parent, after due notice to the parent or other persons legally obligated to care for and support the child and after hearing, the Division may, at the dispositional hearing or thereafter, order and decree that the parent or other legally obligated person shall pay, in such manner as the Division may direct, a reasonable sum that will cover in whole or in part the support and treatment of the child after the decree is entered. If the parent or other legally obligated person willfully fails or refuses to pay such sum, the Division may proceed against him for contempt, or the order may be filed and shall have the effect of a civil judgment.

"§ 16–2325. Court costs and expenses

"If, at the dispositional hearing or thereafter, the Division finds, after due notice and hearing, that the parent or other person legally obligated to care for and support a child subject to proceedings under this subchapter is financially able to pay, the Division may order him to pay all or part of the costs of—

"(1) physical and mental examinations and treatment of the child ordered by the Division; and

"(2) reasonable compensation for services and related expenses of counsel appointed by the court to represent the child, or, in neglect cases, himself.

Payment shall be made as prescribed by rules of the Superior Court.

"§ 16–2326. Probation revocation; disposition

"(a) If a child on probation incident to an adjudication of delinquency or need of supervision commits a probation violation he may be proceeded against in a probation revocation hearing.

"(b) A proceeding to revoke probation shall be commenced by the filing of a revocation petition by the Corporation Counsel. The petition shall be in such form as may be prescribed by rule of the Superior Court and shall be served together with a summons in the manner provided in section 16–2306.

"(c) Probation revocation proceedings shall be heard without a jury and shall require establishment of the facts alleged by a preponderance of the evidence. As nearly as may be appropriate, probation revocation proceedings shall conform to the procedures established by this subchapter for delinquency and need of supervision cases.

"(d) If a child is found to have violated the terms of his probation, the Division may modify the terms and conditions of the probation order, extend the period of probation, or enter any other order of disposition specified in section 16–2320 for a delinquent child.

"§ 16–2327. Interlocutory appeals

"(a) A child who has been ordered transferred for criminal prosecution under section 16–2307 or detained or placed in shelter care or subjected to conditions of release under section 16–2312, may, within three days of the date of entry of the Division's order, file a notice of interlocutory appeal.

"(b) Such appeals shall be given precedence over other cases and shall be expedited.

"(c) In cases involving transfer for criminal prosecution, the pendency of an interlocutory appeal shall act to stay criminal proceedings. Until the time for filing an interlocutory appeal has lapsed, or if an appeal is filed until its completion, no child who has been ordered transferred for criminal prosecution shall be removed to a place of adult detention, except as provided in section 16–2313, or otherwise treated as an adult.

"(d) The decision of the District of Columbia Court of Appeals shall be final.

"§ 16–2328. Finality of judgments; appeals; transcripts

"(a) Except as otherwise expressly provided by law, in all hearings and cases tried before the Division pursuant to this subchapter, the judgment of the Division is final.

"(b) In all appeals from decisions of the Division with respect to a child alleged to be neglected, delinquent, or in need of supervision, the child shall be identified only by initials in all transcripts, briefs, and other papers filed, and all necessary steps, as prescribed by rule of the District of Columbia Court of Appeals, shall be taken to protect the identity of the child.

"(c) Upon the filing of a motion and supporting affidavit stating that he is financially unable to purchase a transcript, a party who has filed notice of appeal or of interlocutory appeal shall be furnished, at no cost or at such part of cost as he is able to pay, so much of the transcript as is necessary adequately to prepare and support the appeal.

"(d) An appeal does not operate to stay the order, judgment, or decree appealed from, but on application and hearing whenever the case is properly before the appellate court, that court may order otherwise if suitable provision is made for the care and custody of the child.

"§ 16–2329. Time computation

"(a) In all proceedings in the Division, time limitations shall be reasonably construed by the Division for the protection of the community and of the child.

"(b) The following periods shall be excluded in computing the time limits established for proceedings under this subchapter:

"(1) The period of delay resulting from a continuance granted, upon grounds constituting unusual circumstances, at the request or with the consent, in any case, of the child or his counsel, or, in neglect cases, also of the parent, guardian, or custodian.

"(2) The period of delay resulting from other proceedings concerning the child, including but not limited to an examination or hearing on mental health or retardation and a hearing on a transfer motion.

"(3) The period of delay resulting from a continuance granted at the request of the Corporation Counsel if the continuance is granted because of the unavailability of evidence material to the case, when the Corporation Counsel has exercised due diligence to obtain such evidence and there are reasonable grounds to believe that such evidence will be available at the later date; or if the continuance is granted to allow the Corporation Counsel additional time to prepare his case and additional time is required due to the exceptional circumstances of the case.

"(4) The period of delay resulting from the imposition of a consent decree.

"(5) The period of delay resulting from the absence of unavailability of the child.

"(6) A reasonable period of delay when the child is joined for a hearing with another child as to whom the time for a hearing has not run and there is good cause for not hearing the cases separately.

"§ 16–2330. Juvenile case records: confidentiality; inspection and disclosure

"(a) As used in this section, the term 'juvenile case records' refers to the following records of a case over which the Division has jurisdiction under section 11–1101(13):

"(1) Notices filed with the court by an arresting officer pursuant to this subchapter.

"(2) The docket of the court and entries therein.

"(3) Complaints, petitions, and other legal papers filed in the case.

"(4) Transcripts of proceedings before the court.

"(5) Findings, verdicts, judgments, orders, and decrees.

"(b) Juvenile case records shall be kept confidential and shall not be open to inspection; but, subject to the limitations of subsection (c), the inspection of those records shall be permitted to—

"(1) judges and professional staff of the Superior Court;

"(2) the Corporation Counsel and his assistants assigned to the Division;

"(3) the respondent, his parents or guardians, and their duly authorized attorneys;

"(4) any court or its probation staff, for purposes of sentencing the respondent as a defendant in a criminal case and the counsel for the defendant in that case;

"(5) public or private agencies or institutions providing supervision or treatment or having custody of the child, if supervision,

treatment, or custody is under order of the Division;

"(6) the United States Attorney for the District of Columbia, his assistants, and any other prosecuting attorneys involved in the investigation or trial of a criminal case arising out of the same transaction or occurrence as a case in which a child is alleged to be delinquent; and

"(7) other persons having a professional interest in the protection, welfare, treatment, and rehabilitation of the respondent or of a member of his family, or in the work of the Superior Court, if authorized by rule or special order of the court.

Records inspected may not be divulged to unauthorized persons; but the prosecuting attorney inspecting records pursuant to paragraph (6) of this subsection may divulge the contents to the extent required in the prosecution of a criminal case, and the United States Attorney for the District of Columbia and his assistants may inspect a transcript of the testimony of any witness and divulge the contents to the extent required by the prosecution of the witness for perjury, without, wherever possible, naming or otherwise revealing the identity of a child under the jurisdiction of the Division.

"(c) Notwithstanding subsection (b), the Superior Court may by rule or special order provide that particular items or classes of items in juvenile case records shall not be open to inspection except pursuant to rule or special order; but, in dispositional proceedings after an adjudication, no item considered by the judge (other than identification of the sources of confidential information) shall be withheld from inspection (1) in delinquency or need of supervision cases, by the attorney for the child, or (2) in neglect cases, by the attorney for the child and an attorney for the parent, guardian, or other custodian of the child.

"(d) The Superior Court may by rule or special order provide procedures for the inspection or copying of juvenile case records by persons entitled to inspect them. No person receiving any record or information pursuant to this section may publish or use it for any purpose other than that for which it was received without a special order of the court.

"(e) No person shall disclose, inspect, or use records in violation of this section.

"§ 16–2331. Juvenile social records; confidentiality; inspection and disclosure

"(a) As used in this section, the term 'juvenile social records' refers to all social records made with respect to a child in any proceedings over which the Division has jurisdiction under section 11–1101(13), including preliminary inquiries, predisposition studies, and examination reports.

"(b) Juvenile social records shall be kept confidential and shall not be open to inspection; but, subject to the limitations of subsection (c), the inspection of those records shall be permitted to—

"(1) judges and professional staff of the Superior Court and the Corporation Counsel and his assistants assigned to the Division;

"(2) the attorney for the child at any stage of a proceeding in the Division, including intake;

"(3) any court or its probation staff, for purposes of sentencing the child as a defendant in a criminal case, and, if and to the extent other presentence materials are disclosed to him, the counsel for the defendant in that case;

"(4) public or private agencies or institutions providing supervision or treatment, or having custody of the child, if the supervision, treatment, or custody is under order of the Division; and

"(5) other persons having a professional interest in the protection, welfare, treatment, and rehabilitation of the respondent or of a member of his family, or in the work of the Division, if authorized by rule or special order of the court.

Records inspected may not be divulged to unauthorized persons.

"(c) Notwithstanding subsection (b), the Superior Court may by rule or special order provide that particular items or classes of items in juvenile social records shall not be open to inspection except pursuant to rule or special order; but, in dispositional proceedings after an adjudication, no item considered by the judge (other than identification of the sources of confidential information) shall be withheld from inspection (1) in delinquency or need of supervision cases, by the attorney for the child, or (2) in neglect cases, by the attorney for the child and an attorney for the parent, guardian, or other custodian of the child.

"(d) The Superior Court may by rule or special order provide procedures for the inspection or copying of juvenile social records by persons entitled to inspect them. No person receiving any record or information pursuant to this section may publish or use it for any purpose other than that for which it was received without a special order of the court.

"(e) No person shall disclose, inspect, or use records in violation of this section.

"§ 16–2332. Police and other law enforcement records

"(a) Law enforcement records and files concerning a child shall not be open to public inspection or shall their contents or existence be disclosed to the public unless a charge of delinquency is transferred for criminal prosecution under section 16–2307, the interest of national security requires, or the court otherwise orders in the interest of the child.

"(b) Inspection of records and files is permitted by—

"(1) the Superior Court, having the child currently before it in any proceeding;

"(2) the officers of public and private institutions or agencies to which the child is currently committed, and those professional persons or agencies responsible for his supervision after release;

"(3) any other person, agency, or institution, by order of the court, having a professional interest in the child or in the work of the law enforcement department;

"(4) law enforcement officers of the United States, the District of Columbia, and other jurisdictions when necessary for the discharge of their current official duties;

"(5) a court in which a person is charged with a criminal offense for the purposes of determining conditions of release or bail;

"(6) a court in which a person is convicted of a criminal offense for the purpose of a presentence report or other dispositional proceeding, or by officials of penal institutions and other penal facilities to which he is committed, or by a parole board in considering his parole or discharge or in exercising supervision over him; and

"(7) the parent, guardian, or other custodian and counsel for the child.

"(c) Photographs may be displayed to potential witnesses for identification purposes, in accordance with the standards of fairness applicable to adults.

"(d) No person shall disclose, inspect, or use records or files in violation of this section.

"§ 16–2333. Fingerprint records

"(a) The contents or existence of law enforcement records and files of the fingerprints of a child shall not be disclosed by the custodians thereof, except—

"(1) to a law enforcement officer of the United States, the District of Columbia, or other jurisdiction for purposes of the investigation and trial of a criminal offense; or

"(2) pursuant to rule or special order of the court.

"(b) When a child is transferred for criminal prosecution under section 16–2307, law enforcement records and files of his fingerprints relating to any matter so transferred shall be deemed those of an adult.

"(c) No person shall disclose, inspect, or use records in violation of this section.

"§ 16–2334. Sealing of records

"(a) On request of a person who has been the subject of a petition filed pursuant to section 16–2305, or on the Division's own motion, the Division shall vacate its order and findings and shall order the sealing of the case and social records referred to in sections 16–2330 and 16–2331 and the law enforcement records and files referred to in section 16–2332, or those of any other agency active in the case if it finds that—

"(1) (A) a neglected child has reached his majority; or

"(B) two years have elapsed since the final discharge of the person from legal custody or supervision, or since the entry of any other Division order not involving custody or supervision; and

"(2) he has not been subsequently convicted of a crime, or adjudicated delinquent or in need of supervision prior to the filing of the motion, and no proceeding is pending seeking such conviction or adjudication. "(b) Reasonable notice of a motion shall be given to—

"(1) the person who is the subject of the petition;

"(2) the Corporation Counsel;

"(3) the authority granting the discharge, if the final discharge was from an institution parole, or probation; and

"(4) the law enforcement department having custody of the files and records specified in section 16–2332.

"(c) Upon the entry of the order, the proceedings in the case shall be treated as if they never occurred. All facts relating to the action including arrest, the filing of a petition, and the adjudication, filing, and disposition of the Division shall no longer exist as a matter of law. The Division, the law enforcement department, or any other department or agency that received notice under subsection (b) and was named in the order shall reply, and the person who is the subject matter of the records may reply, to any inquiry that no record exists with respect to such person.

"(d) Inspection of the files and records included in the order may thereafter be permitted by the Division only upon application by the person who is the subject of such records, and only to those persons named in the application; but the Division in its discretion may, by special order in an individual case, permit inspection by or release of information in the records to person having a professional interest in the protection, welfare, treatment, and rehabilitation of the person who is the subject of the petition or other members of his family.

"(e) Any adjudication of delinquency or need of supervision or conviction of a felony subsequent to sealing shall have the effect of nullifying the vacating and sealing order.

"(f) A person who has been the subject of a petition filed under this subchapter shall be notified of his rights under subsection (a) at the time a dispositional order is entered and again at the time of his final discharge from supervision, treatment, or custody.

"(g) No person shall disclose, receive, or use records in violation of this section.

"§ 16–2335. Unlawful disclosure of records; penalties

"Whoever wilfully discloses, receives, makes use of, or knowingly permits the use of information concerning a child or other person in violation of sections 16–2330 through 16–2334, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $250 or imprisoned not more than ninety days, or both. Violations of this section shall be prosecuted by

the Corporation Counsel in the name of the District of Columbia.

"§ 16–2336. Additional powers of the Director of Social Services

"In addition to the powers and duties prescribed in section 11–1722, the Director of Social Services shall have power to take into custody and place in detention or shelter care, in accordance with this subchapter, children who are under his supervision as delinquent, in need of supervision, or neglected, or children who have run away from agencies or institutions to which they were committed under this subchapter.

"§ 16–2337. Emergency medical treatment

"Nothing in this subchapter shall prevent a public agency having custody of a child who is under the jurisdiction of the Division from providing the child with emergency medical treatment.

"SUBCHAPTER II.—PATERNITY PROCEEDINGS

"§ 16–2341. Representation

"(a) Where a public support burden has been incurred or is threatened, the Corporation Counsel, or any of his assistants, shall bring a civil action on behalf of any wife or child in the Family Division to enforce support of such wife or child, the Division having jurisdiction under paragraph (3), (4), (10), or (11) of section 11–1101.

"(b) In all cases over which the Division has jurisdiction under paragraphs (3), (4), (10) and (11) of section 11–1101, where the court deems it necessary and proper, an attorney shall be appointed by the court to represent the respondent.

"(c) Nothing in this section shall be construed to interfere with the right of an individual to file a civil action over which the Division has jurisdiction under the paragraphs of section 11–1101 referred to in subsection (b).

"§ 16–2342. Time of bringing complaint

"Proceedings over which the Division has jurisdiction under paragraphs (3) and (11) of section 11–1101 to establish paternity and provide for the support of a child born out of wedlock may be instituted after four months of pregnancy or within two years after the birth of the child, or within one year after the putative father has ceased making contributions for the support of the child. The time during which the respondent is absent from the jurisdiction shall be excluded from the computation of the time within which a complaint may be filed.

"§ 16–2343. Blood tests

"When it is relevant to an action over which the Division has jurisdiction under section 11–1101, the court may direct that the mother, child, and the respondent submit to one or more blood tests to determine whether or not the respondent can be excluded as being the father of the child, but the results of the test may be admitted as evidence only in cases where the respondent does not object to its admissibility. Where the parties cannot afford the cost of a blood test, the court may direct the Department of Public Health to perform such tests without fee.

"§ 16–2344. Exclusion of public

"Upon trial or proceedings over which the Division has jurisdiction under paragraph (3), (4), (10), or (11) of section 11–1101, the court may exclude the general public and, at the request of either party, shall exclude the general public.

"§ 16–2345. New birth record upon marriage of natural parents

"When a certified copy of a marriage certificate is submitted to the Director of Public Health, establishing that the previously unwed parents of a child born out of wedlock have intermarried subsequent to the birth of the child, and the paternity of the child has been judicially determined or acknowledged by the husband before the Commissioner of the District of Columbia or his designated agent, or has been acknowledged in an affidavit sworn to by the husband before a judge or the clerk of a court of record, or before an officer of the armed forces of the United States authorized to administer oaths, and the affidavit is delivered to the Commissioner or his designated agent, a new certificate of birth bearing the original date of birth and the names of both parents shall be issued and substituted for the certificate of birth then on file. The original certificate of birth and all papers pertaining to the issuance of the new certificate shall be placed under seal and opened for inspection only upon order of the Family Division.

"§ 16–2346. Reports to Director of Public Health

"(a) Upon entry of a final judgment determining the paternity of a child born out of wedlock, the clerk of the court shall forward a certificate to the Director of Public Health of the District of Columbia, or his authorized representative in the jurisdiction in which the child was born, giving the name of the person adjudged to be the father of the child.

"(b) Upon receipt of the certificate provided for by subsection (a) of this section, the Director of Public Health or his authorized representative shall file it with the original birth record, and thereafter may issue a certificate of birth registration including thereon the name of the person adjudged to be the father of the child.

"§ 16–2347. Death of respondent; liability of estate

"If the respondent dies after paternity has been established and prior to the time the child reaches the age of 18 years, any sums due and unpaid under an order of the court at the time of his death shall constitute a valid claim against his estate.

"§ 16–2348. Paternity records; confidentiality; inspection and disclosure

"(a) Except on order of the Family Division, no records in a case over which the Division has jurisdiction under section 11–1101(11) shall be open to inspection by anyone other than the plaintiff, respondent, their attorneys of record, or authorized professional staff of the Superior Court. The Family Division, upon proper showing, may authorize the furnishing of certified copies of the records or portions thereof to the respondent, the mother, or custodian of the child, a party in interest, or their duly authorized attorneys. Certified copies of the records or portions thereof may be furnished, upon request, to the Corporation Counsel for use as evidence in nonsupport proceedings and to the Director of Public Health as provided by section 16–2346(a).

"(b) No person shall disclose, receive, or use records in violation of this section. Whoever willfully discloses, receives, makes use of, or knowingly permits the use of information in violation of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $250 or imprisoned not more than ninety days, or both. Violations of this section shall be prosecuted by the Corporation Counsel in the name of the District of Columbia."

(b) The item relating to chaper 23 in the analysis of title 16 of the District of Columbia Code is amended by striking out "Juvenile Court" and inserting in lieu thereof "Family Division".

PART C—INTRAFAMILY OFFENSES; JURISDICTION AND PROCESS OUTSIDE THE DISTRICT OF COLUMBIA; COMPETENCY OF WITNESSES

INTRAFAMILY OFFENSES

SEC. 131. (a) Title 16 of the District of Columbia Code is amended by inserting after chapter 9 the following new chapter:

"Chapter 10.—PROCEEDINGS REGARDING INTRAFAMILY OFFENSES

"Sec.
"16–1001. Intrafamily offense.
"16–1002. Complaint of criminal conduct; referrals to Family Division.
"16–1003. Petition for civil protection.
"16–1004. Petition; notice; temporary order.
"16–1005. Hearing; evidence; protection order.
"16–1006. Dismissal of petition; notice.

"§ 16–1001. Intrafamily offense

"(a) An intrafamily offense is an act, punishable as a criminal offense, committed—

"(1) by one spouse against the other;

"(2) by a parent, guardian, or other legal custodian against a child; or

"(3) by one person against another person with whom he shares a mutual residence and is in a close relationship rendering the application of this chapter appropriate.

"(b) For purposes of this chapter the terms 'complainant' or 'family member' include any individual in the relationship described in subsection (a).

"§ 16–1002. Complaint of criminal conduct; referrals to Family Division

"(a) If, upon the complaint of any person of criminal conduct by another or the arrest of a person charged with criminal conduct, it appears to the United States Attorney for the District of Columbia (hereafter in this chapter referred to as the 'United States attorney') that the conduct involves an intrafamily offense, he shall notify the Director of Social Services. The Director of Social Services may investigate the matter and make such recommendations to the United States attorney as the Director deems appropriate.

"(b) The United States attorney may also (1) file a criminal charge based upon the conduct and may consult with the Director of Social Services concerning appropriate recommendations for conditions of release taking into account the intrafamily nature of the offense; or (2) refer the matter to the Corporation Counsel for the filing of a petition for civil protection in the Family Division of the Superior Court (hereafter in this chapter referred to as the 'Family Division'). Prior to any such referral, the United States attorney shall consult with the Director of Social Services concerning the appropriateness of the referral. A referral to the Corporation Counsel by the United States attorney shall not preclude the United States attorney from subsequently filing a criminal charge based upon the conduct, if he deems it appropriate, but no criminal charge may be filed after the Family Division begins receiving evidence pursuant to section 16–1005.

"§ 16–1003. Petition for civil protection

"(a) Upon referral by the United States attorney, or upon application of any person or agency for a civil protection order with respect to an intrafamily offense committed or threatened, the Corporation Counsel may file a petition for a civil protection in the Family Division.

"(b) In any matter referred to the Corporation Counsel by the United States attorney in which the Corporation Counsel does not file a petition, he shall so notify the United States attorney.

"§ 16–1004. Petition; notice; temporary order

"(a) Upon a filing of a petition for civil protection by the Corporation Counsel, the Family Division shall set the matter for hearing, consolidating it, where appropriate, with other matters before the Family Division involving members of the same family.

"(b) The Family Division shall cause notice of the hearing to be served on the respondent, the complainant and, if appropriate, the family member endangered (or, if a child, the person then having physical custody of the child), the Director of Social Services, and the Corporation Counsel. The respondent shall be served with a copy of the petition together with the notice and shall be

directed to appear at the hearing. The Family Division may also cause notice to be served on other members of the family whose presence at the hearing is necessary to the proper disposition of the matter.

"(c) If, upon the filing of the petition, the Division finds that the safety or welfare of a family member is immediately endangered by the respondent, it may, ex parte, issue a temporary protection order of not more than ten days duration and direct that the order be served along with the notice required by this section.

"§ 16–1005. Hearing; evidence; protection order

"(a) Members of the family receiving notice shall appear at the hearing. In addition to the parties, the Corporation Counsel and the Director of Social Services may present evidence at the hearing.

"(b) Notwithstanding section 14–306, in a hearing under this section, one spouse shall be a competent and compellable witness against the other and may testify as to confidential communications, but testimony compelled over a claim of a privilege conferred by such section shall be inadmissible in evidence in a criminal trial over the objection of a spouse entitled to claim that privilege.

"(c) If, after hearing, the Family Division finds that there is good cause to believe the respondent has committed or is threatening an intrafamily offense, it may issue a protection order—

"(1) directing the respondent to refrain from the conduct committed or threatened and to keep the peace toward the family member;

"(2) requiring the respondent, alone or in conjunction with any other member of the family before the court, to participate in psychiatric or medical treatment or appropriate counseling programs;

"(3) directing, where appropriate, that the respondent avoid the presence of the family member endangered;

"(4) directing the respondent to perform or refrain from other actions as may be appropriate to the effective resolution of the matter; or

"(5) combining two or more of the directions or requirements prescribed by the preceding paragraphs.

"(d) A protection order issued pursuant to this section shall be effective for such period up to one year as the Family Division may specify, but the Family Division may, upon motion of any party to the original proceeding, extend, rescind, or modify the order for good cause shown.

"(e) Any final order issued pursuant to this section and any order granting or denying extension, modification, or rescission of such order shall be appealable.

"(f) Violation of any temporary or permanent order issued under this chapter and failure to appear as provided in subsection (a) shall be punishable as contempt.

"§-16–1006. Dismissal of petition; notice

"(a) The Family Division may dismiss a petition if the matter is not appropriate for disposition in the Family Division.

"(b) If a petition dismissed under subsection (a) was originated by referral from the United States attorney, and the dismissal, was prior to the receipt of evidence pursuant to section 16–1005, the Family Division shall notify the United States attorney of the dismissal."

(b) The analysis of title 16 is amended by adding after the item relating to chapter 9 the following:

"10. Proceedings Regarding Intrafamily Offenses ..... 10–1001".

JURISDICTION AND PROCESS OUTSIDE THE DISTRICT OF COLUMBIA

SEC. 132. (a) Title 13 of the District of Columbia Code is amended by inserting after chapter 3 the following new chapter:

"Chapter 4.—CIVIL JURISDICTION AND SERVICE OUTSIDE THE DISTRICT OF COLUMBIA

"SUBCHAPTER I.—GENERAL PROVISIONS

"Sec.
"13–401. Relation to other provisions of law.
"13–402. Uniformity of interpretation.

"SUBCHAPTER II.—BASES OF PERSONAL JURISDICTION OVER PERSONS OUTSIDE THE DISTRICT OF COLUMBIA

"13–421. Definition of person.
"13–422. Personal jurisdiction based upon enduring relationship.
"13–423. Personal jurisdiction based upon conduct.
"13–424. Service outside the District of Columbia.
"13–425. Inconvenient forum.

"SUBCHAPTER III.—SERVICE OUTSIDE THE DISTRICT OF COLUMBIA

"Sec.
"13–431. Manner and proof of service.
"13–432. Individuals eligible to make service.
"13–433. Individuals to be served; special cases.
"13–434. Assistance to tribunals and litigants outside the District of Columbia.

"SUBCHAPTER I.—GENERAL PROVISIONS

"§ 13–401. Relation to other provisions of law

"Except in cases of irreconcilable conflict, this chapter shall be construed to augment, and not to repeal, any other law of the District of Columbia authorizing another basis of jurisdiction or permitting another procedure for service in civil proceedings in the District of Columbia courts.

"§13–402. Uniformity of interpretation

"When the statutory language so permits, this chapter shall be so interpreted and construed as to make uniform the laws of those jurisdictions which enact in comparable form the first two articles of the Uniform Interstate and International Procedure Act.

"SUBCHAPTER II.—BASES OF PERSONAL JURISDICTION OVER PERSONS OUTSIDE THE DISTRICT OF COLUMBIA

"§ 13–421. Definition of person

"As used in this subchapter, the term 'person' includes an individual, his executor, administrator, or other personal representative, or a corporation, partnership, association, or any other legal or commercial entity, whether or not a citizen or domiciliary of the District of Columbia and whether or not organized under the laws of the District of Columbia.

"§ 13–422. Personal jurisdiction based upon enduring relationship

"A District of Columbia court may exercise personal jurisdiction over a person domiciled in, organized under the laws of, or maintaining his or its principal place of business in, the District of Columbia as to any claim for relief.

"§ 13–423. Personal jurisdiction based upon conduct

"(a) A District of Columbia court may exercise personal jurisdiction over a person, who acts directly or by an agent, as to a claim for relief arising from the person's—

"(1) transacting any business in the District of Columbia;

"(2) contracting to supply services in the District of Columbia;

"(3) causing tortious injury in the District of Columbia by an act or omission in the District of Columbia;

"(4) causing tortious injury in the District of Columbia by an act or omission outside the District of Columbia if he regularly does or solicits business, engages in any other persistent course of conduct, or derives substantial revenue from services used or consumed, or services rendered, in the District of Columbia;

"(5) having an interest in, using, or possessing real property in the District of Columbia; or

"(6) contracting to insure or act as surety for or on any person, property, or risk, contract, obligation, or agreement located, executed, or to be performed within the District of Columbia at the time of contracting, unless the parties otherwise provide in writing.

"(b) When jurisdiction over a person is based solely upon this section, only a claim for relief arising from acts enumerated in this section may be asserted against him.

"§ 13–424. Service outside the District of Columbia

"When the exercise of personal jurisdiction is authorized by this subchapter, service may be made outside the District of Columbia.

"§ 13–425. Inconvenient forum

"When any District of Columbia court finds that in the interest of substantial justice the action should be heard in another forum, the court may stay or dismiss such civil action in whole or in part on any conditions that may be just.

"SUBCHAPTER III.—SERVICE OUTSIDE THE DISTRICT OF COLUMBIA

"§ 13–431. Manner and proof of service

"(a) When the law of the District of Columbia authorizes service outside the District of Columbia, the service, when reasonably calculated to give actual notice, may be made—

"(1) by personal delivery in the manner prescribed for service within the District of Columbia;

"(2) in the manner prescribed by the law of the place in which the service is made for service in that place in an action in any of its courts of general jurisdiction;

"(3) by any form of mail addressed to the person to be served and requiring a signed receipt; or

"(4) as directed by the foreign authority in response to a letter rogatory.

"(b) Proof of service outside the District of Columbia may be made by affidavit of the individual who made the service or in the manner prescribed by the law of the District of Columbia, the order pursuant to which the service is made, or the law of the place in which the service is made for proof of service in an action in any of its courts of general jurisdiction. When service is made by mail, proof of service shall include a receipt signed by the addressee or other evidence of personal delivery to the addressee satisfactory to the court.

"§ 13–432. Individuals eligible to make service

"Service outside the District of Columbia may be made by an individual who is permitted to make service of process under the law of the District of Columbia or under the law of the place in which the service is made or who is designated by a District of Columbia court.

"§ 13–433. Individuals to be served; special cases

"When the law of the District of Columbia requires that in order to effect service one or more designated individuals be served, service outside the District of Columbia under this article must be made upon such designated individual or individuals.

"§ 13–434. Assistance to tribunals and litigants outside the District of Columbia

"(a) A District of Columbia court may order service upon any person who is domiciled or can be found within the District of Columbia of any document issued in connection with a proceeding in a tribunal outside the District of Columbia. The order may be made upon application of any interested person or in response to a letter rogatory issued by a tribunal outside the District of Columbia and shall direct the manner of service.

"(b) Service in connection with a proceeding in a tribunal outside the District of

Columbia may be made within the District of Columbia without an order of court.

"(c) Service under this section does not, of itself, require the recognition or enforcement of an order, judgment, or decree rendered outside the District of Columbia."

(b) The analysis of title 13 is amended by inserting after the item relating to chapter 3 the following new item:

"4. Civil Jurisdiction and Service Outside the District of Columbia ---------- 13–401".

COMPETENCY OF WITNESSES

SEC. 133. (a) Section 14–305 of the District of Columbia Code is amended to read as follows:

"§ 14–305. Competency of witnesses; impeachment by evidence of conviction of crime

"(a) No person is incompetent to testify, in either civil or criminal proceedings, by reason of his having been convicted of a criminal offense.

"(b)(1) Except as provided in paragraph (2), for the purpose of attacking the credibility of a witness, evidence that the witness has been convicted of a criminal offense shall be admitted if offered, either upon the cross-examination of the witness or by evidence aliunde, but only if the criminal offense (A) was punishable by death or imprisonment in excess of one year under the law under which he was convicted, or (B) involved dishonesty or false statement (regardless of punishment). A party establishing conviction by means of cross-examination shall not be bound by the witness' answers as to matters relating to the conviction.

"(2)(A) Evidence of a conviction of a witness is inadmissible under this section if—

"(i) the conviction has been the subject of a pardon, annulment, or other equivalent procedure granted or issued on the basis of innocence, or

"(ii) the conviction has been the subject of a certificate of rehabilitation or its equivalent and such witness has not been convicted for a subsequent criminal offense.

"(B) In addition, no evidence of any conviction of a witness is admissible under this section if a period of more than ten years has elapsed since the later of (i) the date of the release of the witness from confinement imposed for his most recent conviction of any criminal offense, or (ii) the expiration of the period of his parole, probation, or sentence granted or imposed with respect to his most recent conviction of any criminal offense.

"(c) For the purposes of this section, to prove conviction of crime it is not necessary to produce the whole record of the proceedings containing the conviction, but the certificate, under seal, of the clerk of the court wherein the proceedings were had, stating the fact of the conviction and for what cause, shall be sufficient.

"(d) The pendency of an appeal from a conviction does not render evidence of that conviction inadmissible under this section. Evidence of the pendency of such an appeal is admissible."

(b) The item relating to section 14–305 in the analysis of chapter 3 is amended to read as follows:

"14–305. Competency of witnesses; impeachment by evidence of conviction of crime."

PART D—CONFORMING AMENDMENTS

Subpart 1—Amendments to District of Columbia Code

AMENDMENTS TO TITLE 12

SEC. 141. Title 12 of the District of Columbia Code is amended as follows:

(1) Section 12–102 is amended to read as follows:

"§ 12–102. Substitution of parties

"The substitution of parties in civil actions in the United States District Court for the District of Columbia and the Superior Court of the District of Columbia is governed by the Federal Rules of Civil Procedure."

(2) Section 12–309 is amended by striking out "Board of Commissioners" and inserting in lieu thereof "Commissioner".

AMENDMENTS TO TITLE 13

SEC. 142. Title 13 of the District of Columbia Code is amended as follows:

(1)(A) Chapter 1 is repealed.

(B) The analysis of title 13 is amended by striking out the item relating to chapter 1.

(2) Section 13–301 is amended to read as follows:

"§ 13–301. Courts to which applicable

"Except as otherwise specifically provided by law or rules of court, this chapter applies to the District of Columbia courts."

(3) Section 13–302 is amended by striking out ", and the District of Columbia of General Sessions, including the Domestic Relations Branch thereof" and inserting in lieu thereof "and the Superior Court of the District of Columbia";

(4) Section 13–331(1) is amended by inserting "chapter 4 of this title or," after "including".

(5)(A) Chapter 7 is repealed.

(B) The analysis of title 13 is amended by striking out the item relating to chapter 7.

AMENDMENTS TO TITLE 14

SEC. 143. Title 14 of the District of Columbia Code is amended as follows:

(1) Section 14–103 is amended by striking out the period at the end thereof and inserting in lieu thereof ", or by leave of a judge of the Superior Court of the District of Columbia in the manner prescribed by the rules of that court."

(2)(A) Section 14–104 is amended—

(i) by striking out "Court of General Sessions" in the section heading and inserting in lieu thereof "Superior Court";

(ii) by striking out "District of Columbia Court of General Sessions" and inserting in lieu thereof "Superior Court of the District of Columbia"; and

(iii) by striking out all after the first sentence and inserting in lieu thereof "The testimony shall be taken as provided in the rules of the Superior Court."

(B) The item relating to section 14–104 in the analysis of chapter 1 is amended by striking out "Court of General Sessions" and inserting in lieu thereof "Superior Court".

(3) Section 14–307 is amended—

(A) by striking out "courts of the District of Columbia" in subsection (a) and inserting in lieu thereof "Federal courts in the District of Columbia and District of Columbia courts";

(B) by striking out "where the accused raises a defense of insanity" in subsection (b)(2); and

(C) by striking out "or" at the end of paragraph (1) of subsection (b), by striking out the period at the end of paragraph (2) of such subsection and inserting in lieu thereof "; or", and by adding after paragraph (2) the following new paragraph:

"(3) evidence relating to the mental competency or sanity of a child alleged to be delinquent, neglected, or in need of supervision in any proceeding before the Family Division of the Superior Court."

(4) Section 14–309 is amended by striking out "courts of the District of Columbia" and inserting in lieu thereof "Federal courts in the District of Columbia and District of Columbia courts".

(5) Section 14–503 is amended by striking out "the United States District Court for the District of Columbia, or by the former orphans' court of the District" and inserting in lieu thereof "a court in the District of Columbia".

(6) Section 14–505 is amended by striking out "by the secretary or an assistant secretary of the Board of Commissioners" and substituting in lieu thereof "as provided by the Commissioner".

AMENDMENTS TO TITLE 15

SEC. 144. Title 15 of the District of Columbia Code is amended as follows:

(1) Paragraph (2) of section 15–101(a) is amended to read as follows:

"(2) Superior Court of the District of Columbia,".

(2) Section 15–102 is amended by striking out "District of Columbia Court of General Sessions" wherever it appears and inserting in lieu thereof "Superior Court of the District of Columbia".

(3) Sections 15–108 and 15–111 are each amended by inserting "or the Superior Court of the District of Columbia" after "District of Columbia".

(4)(A) Subchapter II of chapter 1 is repealed.

(B) Chapter 1 is amended by striking out the heading "SUBCHAPTER I.—GENERALLY".

(C) The analysis of chapter 1 is amended by striking out the heading "SUBCHAPTER I.—GENERALLY" and by striking out the matter relating to subchapter II.

(5) Section 15–307 is amended by inserting "or the Superior Court of the District of Columbia" and "United States District Court for the District of Columbia".

(6)(A) Section 15–310 is repealed.

(B) Section 15–301 is amended by striking out "15–310,".

(C) The analysis for chapter 3 is amended by striking out the item relating to section 15–310.

(7) Sections 15–311, 15–318, and 15–320 are each amended by striking out "District of Columbia Court of General Sessions" and inserting in lieu thereof "Superior Court of the District of Columbia".

(8)(A) Subchapter II of chapter 5 is amended—

(i) by striking out "District of Columbia Court of General Sessions" in sections 15–521 and 15–522 and inserting in lieu thereof "Superior Court of the District of Columbia"; and

(ii) by striking out in the subchapter heading "COURT OF GENERAL SESSIONS" and inserting in lieu thereof "SUPERIOR COURT".

(B) The analysis of chapter 5 is amended by striking out in the heading relating to subchapter II "COURT OF GENERAL SESSIONS" and inserting in lieu thereof "SUPERIOR COURT".

(9) Section 15–706(a) is amended—

(A) by striking out paragraph (14),

(B) by inserting "and" at the end of paragraph (13), and

(C) by redesignating paragraph (15) as paragraph (14).

(10)(A) Section 15–707 is amended to read as follows:

"§ 15–707. Probate fees

"(a) Except as provided in subsection (b), the Register of Wills may demand and receive in advance for services performed by him such fees as shall be set by the Superior Court.

"(b) Where the estate does not exceed two hundred dollars in value the Register of Wills shall receive no fees, and where the estate does not exceed five hundred dollars in value the fees may not exceed ten dollars."

(B) The item relating to section 15–707 in the analysis of chapter 7 is amended by striking out "Court".

(11)(A) Section 15–708 is amended by striking out "the probate court" in the first sentence and inserting in lieu thereof "probate", and by striking out "court" in the section heading.

(B) The item relating to section 15–708 in the analysis of chapter 7 is amended by striking out "Court".

(12)(A) Section 15–709 is amended—

(i) by striking out "District of Columbia Court of General Sessions" and inserting in

lieu thereof "Superior Court of the District of Columbia",

(ii) by striking out "the Court of General Sessions" and inserting in lieu thereof "the Superior Court",

(iii) by amending subsection (b) to read as follows:

"(b) Fees for services by the United States marshals for processes issued by the Superior Court shall be prescribed by rules of that court."; and

(iv) by amending the section heading to read as follows:

"§ 15–709. Fees and costs in Superior Court."

(B) The item relating to section 15–709 in chapter 7 is amended to read as follows:

"15–709. Fees and costs in Superior Court."

(12) Section 15–710 is repealed and the item relating to that section in the analysis of chapter 7 is repealed.

(13)(A) Sections 15–711, 15–712, and 15–713 are each amended by striking out "District of Columbia Court of General Sessions" and inserting in lieu thereof "Superior Court of the District of Columbia".

(B) The section heading for each of those sections and the items relating to those sections in the analysis of chapter 7 are each amended by striking out "Court of General Sessions" and inserting in lieu thereof "Superior Court".

(13)(A) Section 15–714 is amended—

(i) by striking out "District of Columbia Court of General Sessions" in subsections (a) and (b) and inserting in lieu thereof "Superior Court of the District of Columbia";

(ii) by adding after subsection (b) the following new subsection:

"(c) No travel allowance shall be paid to any witness residing within the District of Columbia."; and

(iii) by striking out "Court of General Sessions" in the section heading and inserting in lieu thereof "Superior Court".

(B) The item relating to section 15–714 in the analysis of chapter 7 is amended by striking out "Court of General Sessions" and inserting in lieu thereof "Superior Court".

(14) Section 15–716 is repealed and the item relating to that section in the analysis of chapter 7 is repealed.

(15) Section 15–717 is amended by striking out "District of Columbia Court of General Sessions" and inserting in lieu thereof "Superior Court of the District of Columbia".

AMENDMENTS TO TITLE 16

SEC. 145. (a) Chapter 3 of title 16, District of Columbia Code, is amended as follows:

(1) Section 16–301 is amended—

(A) by striking out "Domestic Relations Branch of the District of Columbia Court of General Sessions" in subsection (a) and inserting in lieu thereof "Superior Court of the District of Columbia"; and

(B) by striking out "Commissioners" in subsection (b)(3) and inserting in lieu thereof "Commissioner".

(2) Sections 16–304, 16–305, 16–307, and 16–314 are each amended by striking out "Board of Commissioners" and "Board" each place they appear and inserting in lieu thereof "Commissioner".

(b) Chapter 5 of title 16, District of Columbia Code, is amended as follows:

(1) Sections 16–501 and 16–502 are each amended by striking out "District of Columbia Court of General Sessions" and inserting in lieu thereof "Superior Court of the District of Columbia".

(2) Sections 16–516 and 16–549 are each amended by striking out "Probate Court" and inserting in lieu thereof "Superior Court".

(3)(A) Sections 16–533 and 16–577 are each amended (i) by striking out "District of Columbia Court of General Sessions" and inserting in lieu thereof "Superior Court of the District of Columbia", and (ii) by striking out "Court of General Sessions" in the section heading and inserting in lieu thereof "Superior Court".

(B) The items relating to such sections in the analysis of chapter 5 are each amended by striking out "Court of General Sessions" and inserting in lieu thereof "Superior Court".

(4) Section 16–578 is amended (A) by striking out "docketed in the United States District Court of the District of Columbia" and inserting in lieu thereof "filed and recorded", (B) by striking out "six years" and inserting in lieu thereof "twelve years", and (C) by striking out "section 15–132(a)" and inserting in lieu thereof "section 15–101".

(5) Section 16–581 is amended by striking out "District of Columbia Court of General Sessions" and inserting in lieu thereof "Superior Court of the District of Columbia".

(c) Section 16–601 of the District of Columbia Code is amended by—

(1) striking out ", or a judge thereof," in the first sentence and inserting in lieu thereof "or the Superior Court of the District of Columbia,", and

(2) striking out "has" in the first sentence of the second paragraph and inserting in lieu thereof the following: "(as specified in section 11–501) and the Superior Court of the District of Columbia (as specified in section 11–921) have".

(d) Chapter 7 of title 16, District of Columbia Code, is amended as follows:

(1) Section 16–701 is amended to read as follows:

"§16–701. Rules and regulations

"The Superior Court may make such rules and regulations for conducting business in the Criminal Division of the Court, consistent with statutes applicable to such business and in the manner provided in section 11–946, as it may deem necessary and proper."

(2)(A) Section 16–702 is amended to read as follows:

"§ 16–702. Prosecution by indictment or information

"An offense prosecuted in the Superior Court which may be punished by death shall be prosecuted by indicement returned by a grand jury. An offense which may be punished by imprisonment for a term exceeding one year shall be prosecuted by indictment, but it may be prosecuted by information if the defendant, after he has been advised of the nature of the charge and of his rights, waives in open court prosecution by indictment. Any other offense may be prosecuted by indictment or by information. An information subscribed by the proper prosecuting officer may be filed without leave of court."

(B) The item relating to section 16–702 in the analysis of chapter 7 is amended to read as follows:

"16–702. Prosecution by indictment or information."

(3) Section 16–703 is amended to read as follows:

"§ 16–703. Process of criminal division; fees

"(a) The Criminal Division of the Superior Court may issue process for the arrest of a person against whom an indictment is returned, an information is filed, or a complaint under oath is made.

"(b) Process shall—

"(1) be under the seal of the court;

"(2) bear teste in the name of a judge of the court; and

"(3) be signed by a clerk or employee of the court authorized to administer oaths.

"(c) In cases arising out of violations of any of the ordinances of the District of Columbia, process shall be directed to the Chief of Police, who shall execute the process and make return thereof in like manner as in other cases.

"(d) In all other criminal cases, the process issued by the Superior Court may be directed to the United States marshal or to the Chief of Police.

"(e) For Services pursuant to subsection (d) of this section the marshal shall receive the fees prescribed by section 15–709(b)(2)."

(4) Section 16–705 is amended to read as follows:

"§ 16–705. Jury trial; trial by court

"(a) In a criminal case tried in the Superior Court in which, according to the Constitution of the United States, the defendant is entitled to a jury trial, the trial shall be by jury, unless the defendant in open court expressly waives trial by jury and requests trial by the court, and the court and the prosecuting officer consent thereto. In the case of a trial without a jury, the trial shall be by a single judge, whose verdict shall have the same force and effect as that of a jury.

"(b) In any case where the defendant is not under the Constitution of the United States entitled to a trial by jury, the trial shall be by a single judge without a jury, except that if—

"(1) the case involves an offense which is punishable by a fine or penalty of more than $300 or by imprisonment for more than ninety days (or for more than six months in the case of the offense of contempt of court), and

"(2) the defendant demands a trial by jury and does not subsequently waive a trial by jury in accordance with subsection (a), the trial shall be by jury.

"(c) The jury shall consist of twelve persons, unless the parties, with the approval of the court and in the manner provided by rules of the court, agree to a number less than twelve."

(5) Section 16–706 is amended to read as follows:

"§ 16–706. Enforcement of judgments; commitment upon non-payment of fine

"The Superior court may enforce any of its judgments rendered in criminal cases by fine or imprisonment, or both. Except as otherwise provided by law, and subject to the relief provided in section 3569 of title 18, United States Code, in any case where the court imposes a fine, the court may, in the event of default in the payment of the fine imposed, commit the defendant for a term not to exceed one year."

(6) Sections 16–704, 16–707, 16–709, and 16–710 are each amended by striking out "Court of General Sessions" and "District of Columbia Court of General Sessions" wherever they appear and inserting in lieu thereof "Superior Court of the District of Columbia".

(7) The heading of chapter 7 is amended by striking out "COURT OF GENERAL SESSIONS" and inserting in lieu thereof "SUPERIOR COURT".

(e) Chapter 9 of title 16, District of Columbia Code, is amended as follows:

(1) Section 16–901 is amended by striking out "Domestic Relations Branch of the District of Columbia Court of General Sessions" and inserting in lieu thereof "Superior Court of the District of Columbia".

(2)(A) Section 16–916 is amended—

(i) by redesignating subsection (c) as subsection (d) and by adding after subsection (b) the following new subsection:

"(c) Whenever any father or mother shall fail to maintain his or her minor child or children, the court may decree that he or she shall pay reasonable sums periodically for the support and maintenance of his or her child or children, and the court may decree that the father or mother pay court costs, including counsel fees, to enable plaintiff to conduct the cases.", and

(ii) by amending the section heading to read as follows:

"§ 16–916. Maintenance of wife and minor children; maintenance of former wife; maintenance of minor children; enforcement".

(B) The item relating to section 16–916 in

the analysis of chapter 9 is amended to read as follows:

"16–916. Maintenance of wife and minor children; maintenance of former wife; maintenance of minor children; enforcement".

(3) (A) Section 16–918 is amended to read as follows:

"§ 16–918. Appointment of counsel; compensation

"(a) In all uncontested divorce cases, and in any other divorce or annulment case where the court deems it necessary or proper, a disinterested attorney shall be appointed by the court to enter his appearance for the defendant and actively defend the cause.

"(b) In any proceeding wherein the custody of a child is in question, the court may appoint a disinterested attorney to appear on behalf of the child and represent his best interests.

"(c) An attorney appointed under this section may receive such compensation for his services as the court determines to be proper, which shall be paid by the parties as the court directs."

(B) The item relating to section 16–918 in the analysis of chapter 9 is amended to read as follows:

"16–918. Appointment of counsel; compensation."

(f) Chapter 13 of title 16, District of Columbia Code, is amended as follows:

(1) Section 16–1301 is amended to read as follows:

§ 16–1301. Jurisdiction of District Court

"The United States District Court for the District of Columbia has exclusive jurisdiction of all proceedings for the condemnation of real property authorized by subchapters IV and V of this chapter, with full power to hear and determine all issues of law and fact that may arise in the proceedings."

(2) Subchapter I is amended by adding at the end thereof the following new section:

"§ 16–1303. Jurisdiction of Superior Court

"The Superior Court of the District of Columbia has jurisdiction of all proceedings for the condemnation of real property authorized by subchapters II and III of this chapter with full power to hear and determine all issues of law and fact that may arise in the proceedings."

(3) Section 16–1311 is amended—

(A) by striking out "Board of Commissioners" and inserting in lieu thereof "Commissioner",

(B) by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "Superior Court",

(C) by striking out "name of the Board" and inserting in lieu thereof "name of the District of Columbia", and

(D) by striking out "Board of Commissioners" in the heading and inserting in lieu thereof "District of Columbia".

(4) Section 16–1312 is amended to read as follows:

"§ 16–1312. Juries for condemnation proceedings

"For purposes of this subchapter, a special jury list shall be prepared of not less than one hundred persons who are qualified jurors in the District of Columbia. When a jury is required for a condemnation proceeding under this subchapter, the names of such number of persons as may be necessary shall be selected from this list by lot and furnished to the Superior Court."

(5) Section 16–1314(a) is amended by striking out "members of the Board of Commissioners" in the first sentence and inserting in lieu thereof "Commissioner", and by striking out "Commissioners" in paragraph (5) of the second sentence and inserting in lieu thereof "Commissioner".

(6) The third sentence of section 16–1318 is amended to read as follows: "If the appraisement is vacated and set aside, the court shall order the necessary number of new persons selected from the special jury list and, from among the persons so selected, shall appoint a new jury of five capable and disinterested persons who shall proceed as in the case of the first jury."

(7) Sections 16–1319, 16–1321, and 16–1336 are each amended by striking out "Board of Commissioners" and inserting in lieu thereof "Commissioner".

(8) Section 16–1331 is amended by striking out "Board of Commissioners of the District of Columbia, and agencies of the United States authorized by law to acquire real property," and inserting in lieu thereof "Commissioner of the District of Columbia".

(9) Section 16–1332 is amended by striking "Board of Commissioners of the District of Columbia and agencies of the United States authorized by law to acquire real property" in subsection (a) and inserting in lieu thereof "Commissioner of the District of Columbia", and by striking out ", and where the property sold was acquired under an appropriation authorized for the use of the District of Columbia, moneys received from the sale shall be deposited in the Treasury" in subsection (c).

(10) Section 16–1334 is amended by striking out "or the United States" wherever it appears.

(11) Section 16–1337 is repealed and section 16–1338 is redesignated as 16–1337.

(12) The first sentence of section 16–1357 is amended to read as follows: "When the date for trial has been set, as provided by section 16–1356, the court shall order the names of a number of persons, not less than twenty, selected from the special jury list provided by section 16–1312, and the names of the persons selected shall be certified to the clerk of the United States District Court for the District of Columbia as a panel of prospective jurors."

(13) Chapter 13 is amended by adding at the end thereof the following new subchapter:

"SUBCHAPTER V.—EXCESS PROPERTY FOR THE UNITED STATES

"§ 16–1381. Acquisition of property in excess of needs

"In order to promote the orderly and proper development of the seat of government of the United States, agencies of the United States authorized by laws to acquire real property, may acquire, in the public interest, by gift, dedication, exchange, purchase or condemnation, fee simple title to land, or rights in or on land or easements or restrictions therein, within the District of Columbia for public uses, works and improvements authorized by Congress, in excess of that actually needed for and essential to their usefulness, in order to preserve the view, appearance, light and air and to enhance their usefulness to prevent the use of private property adjacent to them in such a manner as to impair the public benefit derived from the construction thereof, or to prevent inequities or hardships to the owners of adjacent private property by depriving them of the beneficial use of their property.

"§ 16–1382. Retention, for public use, of excess property

"When the authorities of the United States having jurisdiction of real property, rights or easements acquired pursuant to this subchapter, elect to retain any of them for the use of the United States, they may use the property, rights or easements for park, playground, highway, or alley purposes, or for any other lawful purposes that they deem advantageous or in the public interest.

"§ 16–1383. Availability of appropriations for purchases of excess property

"When real property is purchased pursuant to this subchapter in excess of that needed for a particular project or improvement, appropriations available for the payment of the purchase price, costs, and expenses incident to the project or improvement may be used in the payment of the purchase price costs, and expenses of excess real property purchased in connection with the project or improvement, as provided by this subchapter.

"§ 16–1384. Condemnation of excess real property by United States agencies; payment of awards, damages and costs

"(a) When excess real property is condemned by agencies of the United States as provided by the subchapter, the condemnation proceedings for the acquisition of the property shall be in accordance wtih subchapter IV of this chapter, or any laws in effect at the time of the commencement of condemnation proceedings for the acquisition of real property in the District of Columbia for the use of the United States.

"(b) Appropriations available for the condemnation of property pursuant to subchapter IV of this chapter may be used in the payment of awards, damages, and costs in condemnation proceedings pursuant to that subchapter for the acquisition of excess real property as provided in this subchapter.

"§ 16–1385. Construction of subchapter

"This subchapter does not repeal any provisions of existing law pertaining to the condemnation or acquisition of streets, alleys, or land, or the laws relating to the subdividing of lands in the District of Columbia."

(16) The analysis of chapter 13 is amended by—

(A) by adding after the item relating to section 16–1302 the following:

"16–1303. Jurisdiction of Superior Court.";

(B) by amending the item relating to section 16–1311 to read as follows:

"16–1311. Condemnation proceedings by District of Columbia.";

(C) by amending the item relating to section 16–1312 to read as follows:

"16–1312. Juries for condemnation proceedings.";

(D) by striking out the item relating to section 16–1337 and by striking out "16–1338" and inserting in lieu thereof "16–1337"; and

(E) by adding at the end thereof:

"SUBCHAPTER V—EXCESS PROPERTY FOR THE UNITED STATES

"16–1381. Acquisition of property in excess of needs.

"16–1382. Retention, for public use, of excess property.

"16–1383. Availability of appropriations for purchases of excess property.

"16–1384. Condemnation of excess real property by United States agencies; payment of awards, damages and costs.

"16–1385. Construction of subchapter."

(g) Chapter 15 of title 16, District of Columbia Code, is amended as follows:

(1) Sections 16–1501 and 16–1505 are each amended by striking out "District of Columbia Court of General Sessions" and inserting in lieu thereof "Superior Court of the District of Columbia".

(2) Section 16–1504 and the item relating to that section in the analysis of chapter 15 are repealed.

(h) (1) Section 16–1901 of title 16, District of Columbia Code, is amended—

(A) by striking out "the United States District Court for the District of Columbia" in the first sentence and inserting in lieu thereof "the appropriate court";

(B) by inserting "(a)" immediately before "A person" and by adding after the last sentence the following:

"(b) Petitions for writs directed to Federal officers and employees shall be filed in the United States District Court for the District of Columbia.

"(c) Petitions for writs directed to any other person shall be filed in the Superior Court of the District of Columbia."; and

(C) by striking out "to District Court" in the section heading.

(2) The item relating to section 16–1901 in the analysis of chapter 19 of title 16 is amended by striking out "to District Court".

(i) Section 16–2501 of title 16, District of Columbia Code, is amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "Superior Court".

(j) The second paragraph of section 16–2701 of title 16, District of Columbia Code, is amended by striking out "United States Court of Appeals for the District of Columbia Circuit" and inserting in lieu thereof "appellate court".

(k) Chapter 29 of title 16 of the District of Columbia Code is amended as follows:

(1) Sections 16–2901 and 16–2921 are each amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "Superior Court of the District of Columbia".

(2) Section 16–2901(d) is amended by striking out "section 21–213" and inserting in lieu thereof "sections 21–145 and 21–704".

(3) Sections 16–2923, 16–2924, and 16–2925 are each amended by striking out "District Court" and inserting in lieu thereof "court".

(l) Chapter 31 of title 16, District of Columbia Code, is amended as follows:

(1) Section 16–3101 is amended to read as follows:

"§ 16–3101. Definition

"As used in this chapter, the term 'Probate Court' means the Superior Court of the District of Columbia."

(2) Sections 16–3103, 16–3105, and 16–3106 are each amended by striking out "powers of enforcement and punishment as provided by section 401 of title 18, United States Code" and inserting in lieu thereof "contempt power".

(3) Section 16–3104(b) is amended by striking out "to the United States".

(m) Section 16–3301 of title 16 of the District of Columbia Code is amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "Superior Court of the District of Columbia".

(n) Chapter 35 of title 16, District of Columbia Code, is amended to read as follows:

"Chapter 35.—QUO WARRANTO

"SUBCHAPTER I.—ACTIONS AGAINST OFFICERS OF THE UNITED STATES

"Sec.

"16–3501. Persons against whom issued; civil action.

"16–3502. Parties who may institute; ex rel. proceedings.

"16–3503. Refusal of Attorney General or United States attorney to act; procedure.

"SUBCHAPTER II.—ACTIONS AGAINST OFFICERS OR CORPORATIONS OF THE DISTRICT OF COLUMBIA

"16–3521. Persons against whom issued, civil action.

"16–3522. Parties who may institute; ex rel. proceedings.

"16–3523. Refusal of United States attorney or Corporation Counsel to act; procedure.

"SUBCHAPTER III.—PROCEDURES AND JUDGMENTS

"16–3541. Allegations in petition of relator claiming office.

"16–3542. Notice to defendant.

"16–3543. Proceedings on default.

"16–3544. Pleading; jury trial.

"16–3545. Verdict and judgment.

"16–3546. Usurping corporate franchise; judgment.

"16–3547. Proceedings against corporate directors and trustees; judgment and order; enforcement.

"16–3548. Recovery of damages from usurper; limitation.

"SUBCHAPTER I.—ACTIONS AGAINST OFFICERS OF THE UNITED STATES

"§ 16–3501. Persons against whom issued; civil action

"A quo warranto may be issued from the United States District Court for the District of Columbia in the name of the United States against a person who within the District of Columbia usurps, intrudes into, or unlawfully holds or exercises a franchise conferred by the United States or a public office of the United States, civil or military. The proceedings shall be deemed a civil action.

"§ 16–3502. Parties who may institute; ex rel. proceedings

"The Attorney General of the United States or the United States attorney may institute a proceeding pursuant to this subchapter on his own motion or on the relation of a third person. The writ may not be issued on the relation of a third person except by leave of the court, to be applied for by the relator, by a petition duly verified setting forth the grounds of the application, or until the relator files a bond with sufficient surety, to be approved by the clerk of the court, in such penalty as the court prescribes, conditioned on the payment by him of all costs incurred in the prosecution of the writ if costs are not recovered from and paid by the defendant.

"§ 16–3503. Refusal of Attorney General or United States attorney to act; procedure

"If the Attorney General or United States attorney refuses to institute a quo warranto proceeding on the request of a person interested, the interested person may apply to the court by certified petition for leave to have the writ issued. When, in the opinion of the court, the reasons set forth in the petition are sufficient in law, the writ shall be allowed to be issued by any attorney, in the name of the United States, on the relation of the interested person on his compliance with the condition prescribed by section 16–3502 as to security for costs.

"SUBCHAPTER II.—ACTIONS AGAINST OFFICERS OR CORPORATIONS OF THE DISTRICT OF COLUMBIA

"§ 16–3521. Persons against whom issued; civil action

"A quo warranto may be issued from the Superior Court of the District of Columbia in the name of the District of Columbia against—

"(1) a person who within the District of Columbia usurps, intrudes into, or unlawfully holds or exercises, a franchise conferred by the District of Columbia, a public office of the District of Columbia, civil or military, or an office in a domestic corporation; or

"(2) one or more persons who act as a corporation within the District of Columbia without being duly authorized, or exercise within the District of Columbia corporate rights, privileges, or franchises not granted them by law in force in the District of Columbia.

The proceedings shall be deemed a civil action.

"§ 16–3522. Parties who may institute; ex rel. proceedings

"The United States attorney or the Corporation Counsel may institute a proceeding pursuant to this subchapter on his own motion, or on the relation of a third person. The writ may not be issued on the relation of a third person except by leave of the court, to be applied for by the relator, by a petition duly verified, setting forth the grounds of the application, or until the relator files a bond with sufficient surety, to be approved by the clerk of the court, in such penalty as the court prescribes, conditioned on the payment by him of all costs incurred in prosecution of the writ if costs are not recovered from and paid by the defendant.

"§ 16–3523. Refusal of United States attorney or Corporation Counsel to act; procedures

"If the United States attorney or Corporation Counsel refuses to institute a quo warranto proceeding on the request of a person interested, the interested person may apply to the court by certified petition for leave to have the writ issued. When, in the opinion of the court, the reasons set forth in the petition are sufficient in law, the writ shall be allowed to be issued by any attorney, in the name of the District of Columbia, on the relation of the interested person, on his compliance with the conditions prescribed by section 16–3522 as to security for costs.

"SUBCHAPTER III.—PROCEDURES AND JUDGMENTS

"§ 16–3541. Allegations in petition of relator claiming office

"When a quo warranto proceeding is against a person for usurping an office, on the relation of a person claiming the same office, the relator shall set forth in his petition the facts upon which he claims to be entitled to the office.

"§ 16–3542. Notice to defendant

"On the issuing of a writ of quo warranto the court may fix a time within which the defendant may appear and answer the writ. When the defendant cannot be found in the District of Columbia, the court may direct notice to be given to him by publication as in other cases of proceedings against nonresident defendants, and upon proof of publication, if the defendant does not appear, judgment may be rendered as if he had been personally served.

"§ 16–3543. Proceedings on default

"If the defendant does not appear as required by a writ of quo warranto, after being served, the court may proceed to hear proof in support of the writ and render judgment accordingly.

"In a quo warranto proceeding, the defendant may demur, plead specially, or plead "not guilty" as the general issue, and the United States or the District of Columbia, as the case may be, may reply as in other actions of a civil character. Issues of fact shall be tried by a jury if either party requests it. Otherwise they shall be determined by the court.

"§ 16–3545. Verdict and judgment

"Where a defendant in a quo warranto proceeding is found by the jury to have usurped, intruded into, or unlawfully held or exercised an office or franchise, the verdict shall be that he is guilty of the act or acts in question, and judgment shall be rendered that he be ousted and excluded therefrom and that the relator recover his costs.

"§ 16–3546. Usurping corporate franchise; judgment

"Where a quo warranto proceeding is against persons acting as a corporation without being legally incorporated, the judgment against the defendants shall be that they be perpetually restrained and enjoined from the commission or continuance of the acts complained of.

"§ 16–3547. Proceedings against corporate directors and trustees; judgment and order; enforcement

"Where a quo warranto proceeding is against a director or trustee of a corporation and the court finds that at his election either illegal votes were received or legal votes rejected, or both, sufficient to change the result if the error is corrected, the court may render judgment that the defendant be ousted, and that the relator, if entitled to be declared elected, be admitted to the office,

and the court may issue an order to the proper parties, being officers or members of the corporation, to admit him to the office. The judgment may require the defendant to deliver to the relator all books, papers, and other things in his custody or control pertaining to the office, and obedience to judgment may be enforced by attachment.

"§ 16–3548. Recovery of damages from usurpér; limitation

"At any time within a year from a judgment in a quo warranto proceeding, the relator may bring an action against the party ousted and recover the damages sustained by the relator by reason of the ousted party's usurpation of the office to which the relator was entitled."

(o) Chapter 37 of title 16 of the District of Columbia Code is amended—

(1) by repealing subchapter II;

(2) by striking out the heading "SUBCHAPTER I.—GENERAL PROVISIONS"; and

(3) by striking out the items relating to subchapter II in the chapter analysis and by striking out "SUBCHAPTER I.—GENERAL PROVISIONS" in that analysis.

(p) Chapter 39 of title 16 of the District of Columbia Code is amended as follows:

(1) The chapter heading is amended by striking out "COURT OF GENERAL SESSIONS" and inserting in lieu thereof "SUPERIOR COURT".

(2) Section 16–3901 is amended to read as follows:

"§ 16–3901. Practice; applicability of other laws and rules of court

"All provisions of law relating to the Superior Court of the District of Columbia and the rules of the court apply to the Small Claims and Conciliation Branch of the court as far as they may be applicable and are not in conflict with this chapter or chapter 13 of title 11. In case of conflict, this chapter and chapter 13 of title 11 control."

(3) Section 16–3902 is amended—

(A) by striking out "of the District of Columbia Court of General Sessions" in subsection (a); and

(B) by striking out "District of Columbia Court of General Sessions" and "Court of General Sessions" in the form prescribed by subsection (e) and inserting in lieu thereof "Superior Court of the District of Columbia".

(4) Sections 16–3903 and 16–3905 are each amended by striking out "of the District of Columbia Court of General Sessions".

(5) The third sentence of section 16–3904 is amended to read as follows: "When the set-off or counterclaim is for more than the jurisdictional limit of the Small Claims and Conciliation Branch, as provided by section 11–1321, but within the jurisdiction of the Superior Court, the action shall nevertheless remain in the Branch and be tried therein in its entirety."

(6) Section 16–3907 is amended by striking out "District of Columbia Court of General Sessions" and inserting in lieu thereof "Superior Court of the District of Columbia".

(7) Section 16–3910 is amended by striking out ", or the rules prescribed pursuant to section 13–101(c)" and inserting in lieu thereof "or the rules of the court" and by striking out "of the District of Columbia Court of General Sessions".

AMENDMENTS TO TITLE 17

SEC. 146. (a) Title 17 of the District of Columbia Code is amended as follows:

(1) Chapter 1 and the item relating to such chapter in the chapter analysis are repealed.

(2)(A) Section 17–301 is amended—

(i) by striking out "Court of General Sessions" in the section heading and inserting in lieu thereof "Superior Court",

(ii) by striking out "District of Columbia Court of General Sessions" and inserting in lieu thereof "Superior Court of the District of Columbia", and

(iii) by striking out "section 11–741(c)" and inserting in lieu thereof "section 11–721(c)".

(B) The item relating to section 17–301 in the analysis of chapter 3 is amended by striking out "Court of General Sessions" and inserting in lieu thereof "Superior Court".

(3)(A) Section 17–303 is amended to read as follows:

"§ 17–303. Appeals from administrative orders and decisions

"An appeal from an order or decision of an administrative agency, as provided for in section 11–722, is commenced by filing within the time prescribed pursuant to section 17–307(a), the written petition for review provided by section 11 of the District of Columbia Administrative Procedure Act (D.C. Code, sec. 1–1510). The District of Columbia Court of Appeals may prescribe the necessary rules and procedures for review of administrative orders and decisions, consistent with section 11 of the Administrative Procedure Act."

(B) The item relating to section 17–303 in the analysis of chapter 3 is amended by striking out "; petition; records, procedure".

(4) Section 17–304 is amended by striking out "Board of Commissioners" and inserting in lieu thereof "Commissioner or Council" and by inserting after "District of Columbia," the first time it appears the following: "by the independent agency,".

(5) Section 17–305 is amended to read as follows:

"§ 17–305. Scope of review

"(a) In considering an order or judgment of a lower court or any of its branches, brought before it for review, the District of Columbia Court of Appeals shall review the record on appeal. When the issues of fact were tried by jury, the court shall review the case only as to matters of law. When the case was tried without a jury, the court may review both as to the facts and the law, but the judgment may not be set aside except for errors of law unless it appears that the judgment is plainly wrong or without evidence to support it.

"(b) The provisions of section 11 of the District of Columbia Administrative Procedure Act (D.C. Code, sec. 1–1510) shall apply with respect to review by the District of Columbia Court of Appeals of an order or decision under that Act."

(6) Section 17–306 is amended by striking out "branch" and inserting in lieu thereof "division" and by striking out "order or decision of an administration agency" and inserting in lieu thereof "administrative order or decision".

(7) Section 17–307 is amended by striking out "section 11–741 or 11–742" in subsection (a) and inserting in lieu thereof "section 11–721 or 11–722", by striking out "District of Columbia Court of General Sessions" in subsection (b) and inserting in lieu thereof "Superior Court of the District of Columbia", and by striking out "section 11–741(c)" in subsection (b) and inserting in lieu thereof "section 11–721(c)".

AMENDMENTS TO TITLE 18

SEC. 147. Title 18 of the District of Columbia Code is amended as follows:

(1) The last paragraph of section 18–101 is amended to read as follows:

" 'Probate Court' and 'court', respectively, mean the Superior Court of the District of Columbia."

(2) Subsection (d) of section 18–505 is amended to read as follows:

"(d) The rules of the court with respect to the taking and use of testimony of out-of-District witnesses apply to testimony taken pursuant to this section. The original will or codicil shall be sent with the notice or order of appointment or commission or letters rogatory, and exhibited to the witnesses."

(3)(A) Section 18–513 is amended to read as follows:

"§ 18–513. Rules of procedure

"The court shall prescribe rules of procedure governing the trial of issues when a a caveat is filed, including provisions for notice, appointment of guardians ad litem, trial by jury, and effect of judgments."

(B) The item relating to section 18–513 in the analysis of chapter 5 is amended to read as follows:

"18–513. Rules of procedure."

AMENDMENT TO TITLE 19

SEC. 148. Title 19 of the District of Columbia Code is amended as follows:

(1) Sections 19–701 is amended by striking out "Commissioners" and inserting in lieu thereof "Commissioner".

(2)(A) The following new section is added after section 19–114:

"§ 19–115. Definition

"For purposes of this chapter, the term 'Probate Court' means the Superior Court of the District of Columbia."

(B) The analysis of chapter 1 is amended by adding at the end thereof the following new item:

"19–115. Definition."

AMENDMENTS TO TITLE 20

SEC. 149. Title 20 of the District of Columbia Code is amended as follows:

(1) Sections 20–302, 20–332(a)(2), 20–502(b), and 20–1107 are each amended by striking out "to the United States".

(2) Sections 20–312, 20–337, and 20–501 are each amended by striking out in the forms referred to therein "the Chief Judge of the United States District Court for the District of Columbia" and inserting in lieu thereof "the Chief Judge of the Superior Court of the District of Columbia".

(3) Section 20–351(a)(2) is amended by striking out "an insane person" and inserting in lieu thereof "a mentally-ill person".

(4) Section 20–364(a) is amended by striking out "in the name of the United States" and inserting in lieu thereof "in the name of the District of Columbia".

(5) Section 20–502 is further amended by striking out in the form referred to therein "Probate Court of the District of Columbia" and "Probate Court of the District" and inserting in lieu thereof "Probate Court".

(6) Section 20–1110 is amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "Probate Court", and by striking out "shall be given to the United States and".

(7) Sections 20–1320 and 20–1505 are each amended by striking out "Probate Court of the District of Columbia" and inserting in lieu thereof "Probate Court".

(8)(A) Section 20–2301 is amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "Probate Court" and by striking out "United States attorney" in the section heading and inserting in lieu thereof "Corporation Counsel".

(B) The item relating to section 20–2301 in the analysis of chapter 23 is amended by striking out "United States attorney" and inserting in lieu thereof "Corporation Counsel".

AMENDMENTS TO TITLE 21

SEC. 150. (a) Chapter 1 of title 21, District of Columbia Code, is amended as follows:

(1) Section 21–112 is amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "Probate Court".

(2) Section 21–115 is amended by striking out "to the United States".

(3) Section 21–158 is amended by striking out "in the name of the United States".

(4) Section 21–301(4) of title 21, District of Columbia Code, is amended by striking

out "United States District Court for the District of Columbia" and inserting in lieu thereof "Superior Court of the District of Columbia".

(b) Chapter 5 of title 21, District of Columbia Code, is amended as follows:

(1) Sections 21–501 and 21–502(a) are each amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "Superior Court of the District of Columbia".

(2) Section 21–521 is amended by striking out "the family physician" and inserting in lieu thereof "a physician".

(3) Sections 21–544, 21–564(a), 21–564(b), and 21–590 are each amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "Superior Court of the District of Columbia".

(4) Section 21–564(a) is further amended by striking out "Board of Commissioners" and inserting in lieu thereof "Commissioner".

(5)(A) Section 21–581 is amended—

(i) by striking out "Commissioners" in subsection (a) and in the section heading and inserting in lieu thereof "Commissioner", and

(ii) by striking out "(a)" and subsection (b).

(B) The item relating to section 21–581 in the analysis of chapter 5 is amended by striking out "Commissioners" and inserting in lieu thereof "Commissioner".

(6) Section 21–584 is amended by striking out "witnesses in the courts of the United States" and inserting in lieu thereof "other witnesses in the court".

(7)(A) The following new section is added after section 21–591:

"§ 21–592. Return to hospital of an escaped mentally ill person

"When a person has been ordered confined in a hospital or institution for the mentally ill pursuant to this chapter and has left such hospital or institution without authorization or has failed to return as directed, the court which ordered confinement shall, upon the request of the administrator of such hospital or institution, order the return of such person to such hospital or institution."

(B) The analysis of chapter 5 is amended by adding after the item relating to section 21–591 the following:

"21–592. Return to hospital of an escaped mentally ill person."

(c) Members of the Commission on Mental Health established under section 21–502 of title 21 of the District of Columbia Code who are in office on the effective date of this title shall continue in office as provided in subsection (b) of that section.

(d) Section 21–706(a) of title 21, District of Columbia Code, is amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "Superior Court of the District of Columbia".

(e) Section 21–906 of title, 21, District of Columbia Code, is amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "Superior Court of the District of Columbia".

(f) Chapter 11 of title 21, District of Columbia Code, is amended as follows:

(1) Sections 21–1101, 21–1102, 21–1103, 21–1104, 21–1105, 21–1106, 21–1107, 21–1108, 21–1110, 21–1111, 21–1113, 21–1115, 21–1118, and 21–1123 are each amended by striking out "feeble-minded" each place it appears and inserting in lieu thereof "retarded".

(2) Sections 21–1102 and 21–1120 are each amended by striking out "Department of Public Welfare" and inserting in lieu thereof "District of Columbia Council".

(3) Section 21–1103 is amended—

(A) by striking out "United States District Court for the District of Columbia" in subsection (a) and inserting in lieu thereof "Superior Court of the District of Columbia", and

(B) by striking out "of District Court as to feeblemindedness" in the section heading and inserting in lieu thereof "mental retardation".

(4) Section 21–1104 is amended by strikign out "District Court of the United States for the District of Columbia" and inserting in lieu thereof "Superior Court of the District of Columbia".

(5) Section 21–1109(a) is amended by striking out "running to the United States."

(6) Section 21–1111(a) is amended by striking out "Commissioners" and inserting in lieu thereof "Commissioner".

(7) Section 21–1114 is amended—

(A) by striking out "juvenile court of the District of Columbia as a dependent or delinquent child" and inserting in lieu thereof "Family Division of the Superior Court upon allegations that he is delinquent, neglected, or in need of supervision",

(B) by striking out "feeble-minded" and insertaing in lieu thereof "retarded",

(C) by inserting ", other than proceedings on a motion to transfer pursuant to section 16–2331," after "the proceedings" in the first sentence, and

(D) by striking out "brought before juvenile court appears feeble-minded" in the section heading and inserting in lieu thereof "brought before Family Division appears retarded".

(8) Sections 21–1116 and 21–1122 are each amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "Superior Court of the District of Columbia".

(9) Section 21–1117 is amended—

(A) by striking out "feeble-mindedness" and inserting in lieu thereof "retardation", and

(B) by striking out "feeble-minded" in the section heading and inserting in lieu thereof "retardation".

(10) the analysis of chapter 11 is amended—

(A) by striking out "of District Court as to feeble-mindedness" in the item relating to section 21–1103 and inserting in lieu thereof "mental retardation", and

(B) by striking out "before juvenile court appears feeble-minded" in the item relating to section 21–1114 and inserting in lieu thereof "before Family Division appears retarded", and

(C) by striking out "feeble-minded" in the items relating to sections 21–1117 and 21–1118 and inserting in lieu thereof "retarded".

(g) Chapter 13 of title 21, District of Columbia Code, is amended as follows:

(1) Section 21–1301 is amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "Superior Court of the District of Columbia".

(2) The first sentence of section 21–1302 is amended by striking out "to the United States".

(h) Chapter 15 of title 21, District of Columbia Code, is amended as follows:

(1) Section 21–1501 is amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "Superior Court of the District of Columbia".

(2) Section 21–1506 is amended by striking out "of the Civil Division".

AMENDMENTS TO TITLE 28

SEC. 151. (a) Sections 28–2103 and 28–2104 of title 28 of the District of Columbia Code are each amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "court having probate jurisdiction".

(b) Section 28–2105 of title 28 of the District of Columbia Code is amended by striking out "District Court" and inserting in lieu thereof "court having probate jurisdiction".

SUBPART 2—AMENDMENTS TO OTHER LAWS REDESIGNATION OF COURTS

SEC. 155. (a) Except as otherwise provided in this Act, all laws of the United States (other than this Act) applicable exclusively to the District of Columbia in force on the effective date of this Act in which reference is made to the—

(1) justice of the peace,

(2) justice of the peace court,

(3) police court of the District of Columbia,

(4) Municipal Court of the District of Columbia,

(5) Municipal Court for the District of Columbia (established by the Act of April 1, 1942 (56 Stat. 190)), and

(6) District of Columbia Court of General Sessions (established by the Act of July 8, 1963 (77 Stat. 77)), or any division or branch of that Court

are amended by substituting "Superior Court of the District of Columbia" for each such reference.

(b) Except as otherwise provided in this Act, all laws of the United States (other than this Act) applicable exclusively to the District of Columbia in force on the effective date of this Act in which reference is made to the Municipal Court of Appeals for the District of Columbia (established by the Act of April 1, 1942), are amended by substituting "District of Columbia Court of Appeals" for such reference.

(c) The following laws of the United States applicable to the District of Columbia, in force on the effective date of this Act, are amended by striking out all references therein to the United States District Court for the District of Columbia and inserting in lieu thereof "Superior Court for the District of Columbia":

(1) The following sections of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901:

(A) Section 491a of such Act (D.C. Code, sec. 7–202).

(B) Section 491n of such Act (D.C. Code, sec. 7–215).

(C) Section 1608e of such Act (D.C. Code, sec. 7–313).

(D) Section 1610 of such Act (D.C. Code, sec. 7–323).

(E) Section 869b of such Act (D.C. Code, sec. 22–1510).

(F) Section 632 of such Act (D.C. Code, sec. 29–228).

(G) Section 586 of such Act (D.C. Code, sec. 29–413).

(H) Section 586f of such Act (D.C. Code, sec. 29–419).

(I) Section 973 of such Act (D.C. Code, sec. 29–725).

(J) Section 1225 of such Act (D.C. Code, sec. 45–910).

(2) Section 12 of the Boiler Inspection Act of the District of Columbia, approved June 25, 1936 (D.C. Code, sec. 1–713).

(3) Section 2 of the Act of August 3, 1968 (D.C. Code, sec. 1–804b).

(4) Section 41 of the Act entitled "An Act to regulate the practice of the healing art and to protect the public health in the District of Columbia", approved February 27, 1929 (D.C. Code, sec. 2–132).

(5) Section 4 of the Act of July 2, 1940 (D.C. Code, sec. 2–304).

(6) Section 7 of the Act entitled "An Act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes", approved May 7, 1906 (D.C. Code, sec. 2–606).

(7) Section 3 of the Act entitled "An Act to amend the Act to regulate the practice of podiatry in the District of Columbia", approved June 29, 1940 (D.C. Code, sec. 2–703).

(8) Section 29 of the Act entitled "An Act to provide for the examination and

registration of architects and to regulate the practice of architecture in the District of Columbia", approved December 13, 1924 (D.C. Code, sec. 2–1029).

(9) The following sections of the Professional Engineers' Registration Act, approved September 19, 1950:

(A) Section 8 of such Act (D.C. Code, sec. 2–1808).

(B) Section 9(b) of such Act (D.C. Code, sec. 2–1809(b)).

(10) Section 13 of the District of Columbia Charitable Solicitation Act, approved July 10, 1957 (D.C. Code, sec. 2–2112).

(11) The following sections of the District of Columbia Securities Act, approved August 30, 1964:

(A) Section 11 of such Act (D.C. Code, sec. 2–2410).

(B) Section 12 of such Act (D.C. Code, sec. 2–2411).

(12) Section 18 of the District of Columbia Public Assistance Act, approved October 15, 1962 (D.C. Code, sec. 3–217).

(13) Section 389 of the Revised Statutes of the United States Relating to the District of Columbia (D.C. Code, sec. 4–135).

(14) The following sections of the Act entitled "An Act to punish false swearing before the trial board of the Metropolitan police force and fire department of the District of Columbia, and for other purposes", approved May 11, 1892:

(A) Section 1 of such Act (D.C. Code, sec. 4–601).

(B) Section 3 of such Act (D.C. Code, sec. 4–603).

(15) Section 2 of the Act entitled "An Act providing for the establishment of a uniform building line on streets in the District of Columbia less than ninety feet in width", approved June 21, 1906 (D.C. Code, sec. 5–202).

(16) Section 11 of the Act entitled "An Act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes", approved March 19, 1906 (D.C. Code, sec. 5–311).

(17) Section 7 of the Act entitled "An Act to provide for means of egress for buildings in the District of Columbia, and for other purposes", approved December 24, 1942 (D.C. Code, sec. 5–323).

(18) Section 8 of the Act entitled "An Act to regulate the height of buildings in the District of Columbia", approved June 1, 1910 (D.C. Code, sec. 5–408).

(19) Section 7(a) of the District of Columbia Redevelopment Act of 1945, approved August 2, 1946 (D.C. Code, sec. 5–706).

(20) The third proviso of section 11(a) of the Horizontal Property Act of the District of Columbia, approved December 21, 1963 (D.C. Code, sec. 5–911).

(21) Section 1 of the Act of March 4, 1929 (D.C. Code, sec. 6–505).

(22) Section 5 of the Act of December 15, 1932 (D.C. Code, sec. 7–405).

(23) The fifth paragraph of so much of the first section of the Act of March 3, 1905, as relates to bridges (D.C. Code, sec. 7–505).

(24) The second paragraph of so much of the first section of the Act of June 29, 1932, as relates to bridges (D.C. Code, sec. 7–514).

(25) Section 1 of the Act entitled "An Act to provide for the elimination of the Michigan Avenue grade crossing in the District of Columbia, and for other purposes", approved March 3, 1927 (D.C. Code, sec. 7–520).

(26) The third paragraph of so much of the first section of the Act of July 3, 1930, as relates to bridges (D.C. Code, sec. 7–523).

(27) Section 11 of the District of Columbia Public Space Utilization Act, approved October 17, 1968 (D.C. Code, sec. 7–950).

(28) Sections 1 and 2 of the Act entitled "An Act to provide for the elimination of grade crossings of steam railroads in the District of Columbia, and for other purposes", approved March 3, 1927 (D.C. Code, sec. 7–1215 (a), (b)).

(29) Section 1 of the Act entitled "An Act to provide for the establishment of a municipal center in the District of Columbia", approved February 28, 1929 (D.C. Code, sec. 9–201).

(30) The Act entitled "An Act to prohibit the introduction of contraband into the District of Columbia penal institutions", approved December 15, 1941 (D.C. Code, sec. 22–2603).

(31) Section 5 of the Hospital Treatment for Drug Addicts Act for the District of Columbia, approved June 24, 1956 (D.C. Code, sec. 24–605).

(32) Section 345 of the Public Health Service Act, approved July 1, 1944 (D.C. Code, sec. 24–614).

(33) Section 26 of the District of Columbia Alcoholic Beverage Control Act, approved January 24, 1934 (D.C. Code, sec. 25–126).

(34) Section 3 of the Act entitled "An Act concerning common-trust funds and to make uniform the law with reference thereto", approved October 27, 1949 (D.C. Code, sec. 26–703).

(35) Section 5 of the Act entitled "An Act to provide for the incorporation and regulation of medical and dental colleges in the District of Columbia", approved May 4, 1896 (D.C. Code, sec. 31–904).

(36) The Act entitled "An Act to amend the Code of Law for the District of Columbia", approved April 16, 1934 (D.C. Code, sec. 35–205).

(37) The following sections of the Life Insurance Act, approved June 19, 1934:

(A) Section 13, chapter II of such Act (D.C. Code, sec. 35–412).

(B) Section 24, chapter II of such Act (D.C. Code, sec. 35–423).

(C) Section 15, chapter III of such Act (D.C. Code, sec. 35–515).

(38) Section 5, title II of the Act of September 19, 1918 (D.C. Code, sec. 36–435).

(39) The following sections of the Act of March 4, 1913:

(A) Section 8, paragraph 97(a) of such Act (D.C. Code, sec. 43–201).

(B) Section 8, paragraph 35 of such Act (D.C. Code, sec. 43–405).

(C) Section 8, paragraph 48 of such Act (D.C. Code, sec. 43–418).

(40) Section 5 of the Act entitled "An Act to authorize the Metropolitan Railroad Company to change its motive power for the propulsion of the cars of said company", approved August 2, 1894 (D.C. Code, sec. 44–208).

(41) Section 305 of the District of Columbia Real Estate Deed Recordation Tax Act, approved March 2, 1962 (D.C. Code, sec. 45–725).

(42) The following sections of the Act of August 25, 1937:

(A) Section of such Act (D.C. Code, sec. 45–1409).

(B) Section 11 of such Act (D.C. Code, sec. 45–1411).

(43) The following sections of the Act entitled "An Act to regulate rents in the District of Columbia, and for other purposes", approved December 2, 1941:

(A) Section 7 of such Act (D.C. Code, sec. 45–1607).

(B) Section 10 of such Act (D.C. Code, sec. 45–1610).

(44) The following sections of the Act entitled "An Act to provide for unemployment compensation in the District of Columbia, authorize appropriations, and for other purposes", approved August 28, 1935:

(A) Section 3(c)(10) of such Act (D.C. Code, sec. 46–303(c)(10)).

(B) Section 4(e) of such Act (D.C. Code, sec. 46–304(e)).

(C) Section 12 of such Act (D.C. Code, sec. 46–312).

(D) Section 13(h) of such Act (D.C. Code, sec. 46–313(h)).

(45) Section 13 of the Act of August 14, 1894 (D.C. Code, sec. 47–606).

(46) The Act entitled "An Act to authorize reassessment for improvements and general taxes in the District of Columbia, and for other purposes", approved April 24, 1896 (D.C. Code, sec. 47–721).

(47) Section 1 of the Act entitled "An Act to provide for enforcing the lien of the District of Columbia upon real estate bid off in its name when offered for sale for arrears of taxes and assessments, and for other purposes", approved March 2, 1936 (D.C. Code, sec. 47–1011).

(48) Section 5 of the Act of July 3, 1926 (D.C. Code, sec. 47–1209).

(49) The following sections of the District of Columbia Revenue Act of 1937, approved August 17, 1937:

(A) Section 1, title I of such Act (D.C. Code, sec. 47–1401).

(B) Section 6, title I of such Act (D.C. Code, sec. 47–1406).

(C) Section 3, article III, title V of such Act (D.C. Code, sec. 47–1618).

(50) Section 29 of the District of Columbia Income Tax Act, approved July 26, 1939 (D.C. Code, sec. 47–1529).

(51) Section 3 of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved July 16, 1947 (D.C. Code, sec. 47–1586b).

(52) Section 145 of the District of Columbia Sales Tax Act, approved May 27, 1949 (D.C. Code, sec. 47–2622).

(53) Section 8 of the Act entitled "An Act to provide for the regulation of closing-out and fire sales in the District of Columbia", approved September 1, 1959 (D.C. Code, sec. 47–3008).

(54) Section 11 of the Act of July 3, 1926 (D.C. Code, sec. 48–211).

(55) Section 2 of the Act of February 18, 1932 (D.C. Code, sec. 48–402).

(d) The Act of February 26, 1907 (D.C. Code, sec. 45–707), is amended to read as follows: "That the Recorder of Deeds of the District of Columbia shall recopy such of the records in his office as may, in his judgment and that of a judge of the Superior Court of the District of Columbia appointed for that purpose, need recopying in order to preserve the originals from destruction. The expense of such recopying may not in any fiscal year exceed $1,000 and such expense shall be certified by a judge of the Superior Court appointed for that purpose and audited by the General Accounting Office."

AMENDMENTS REDESIGNATING DISTRICT OF COLUMBIA TAX COURT

SEC. 156. (a) Section 303 of the District of Columbia Revenue Act of 1949 (D.C. Code, sec. 40–603–1) is amended by striking out "Board of Tax Appeals for the District of Columbia" and inserting in lieu thereof "Superior Court of the District of Columbia".

(b) Section 314 of the Act of March 2, 1962 (D.C. Code, sec. 45–734), is amended by striking out "District of Columbia Tax Court" and inserting in lieu thereof "Superior Court of the District of Columbia".

(c) Section 5 of the Act entitled "An Act to define the real property exempt from taxation in the District of Columbia," approved December 24, 1942 (D.C. Code, sec. 47–801e), is amended by striking out "Board of Tax Appeals for the District of Columbia" and inserting in lieu thereof "Superior Court of the District of Columbia".

(d) Subsection (e) of the Act entitled "An Act to provide for the taxation of rolling stock of railroad and other companies operated in the District of Columbia, and for other purposes," approved December 15, 1945 (D.C. Code, sec. 47–1215(e)), is amended by striking out "Board of Tax Appeals for the District of Columbia" and inserting in lieu thereof "Superior Court of the District of Columbia".

(e) Sections 31 and 34 of the District of Columbia Income Tax Act, approved July 26, 1939 (D.C. Code, secs. 47–1531, 47–1534), are each amended by striking out "Board of Tax Appeals for the District of Columbia" and

inserting in lieu thereof "Superior Court of the District of Columbia".

(f) Section 11 of title XII and section 1 of title XV of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, secs. 47–1586j, 47–1593) are each amended by striking out "Board of Tax Appeals for the District of Columbia" and inserting in lieu thereof "Superior Court of the District of Columbia".

(g) Sections 7 and 13 of title IX of the District of Columbia Revenue Act of 1937 (D.C. Code, sec. 47–2407, 47–2412) are each amended by striking out "the Board" and inserting in lieu thereof "the Court".

(h) All other laws of the United States applicable exclusively to the District of Columbia in force on the effective date of this Act in which reference is made to the Board of Tax Appeals for the District of Columbia or to the District of Columbia Tax Court are amended by substituting "Superior Court of the District of Columbia" for such reference.

MISCELLANEOUS AMENDMENTS RELATING TO TRANSFERS OF JURISDICTION

Criminal Jurisdiction

SEC. 157. (a) Section 40 of the Act entitled "An Act to regulate the practice of the healing art to protect the public health in the District of Columbia", approved February 27, 1929 (D.C. Code, sec. 2–131), is amended by striking out "in the United States District Court for the District of Columbia" and inserting in lieu thereof "in the District of Columbia".

(b) Section 8 of the Act entitled "An Act to establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes", approved July 15, 1932 (D.C. Code, sec. 22–2601), is amended by striking out "in any court of the United States".

(c) The Act entitled "An Act to provide for the treatment of sexual psychopaths in the District of Columbia, and for other purposes", approved June 9, 1948, is amended as follows:

(1) Section 201 of such Act (D.C. Code, sec. 22–3503) is amended—

(A) by amending paragraph (2) to read as follows:

"(2) The term 'court' means a court in the District of Columbia having jurisdiction of criminal offenses or delinquent acts.", and

(B) by striking out "an offense in the juvenile court of the District of Columbia" in paragraph (4) and inserting in lieu thereof "a delinquent act".

(2) Section 202(a) of such Act (D.C. Code, sec. 22–3504) is amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "Superior Court of the District of Columbia".

(d) Section 164A(f) of the Uniform Narcotic Drug Act (D.C. Code, sec. 33–416a(f)) is amended by striking out "United States branch of the municipal court" and inserting in lieu thereof "Superior Court of the District of Columbia".

Settlement of Claims

(e) The Act entitled "An Act authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia", approved February 11, 1929, is amended as follows:

(1) The first section of such Act (D.C. Code, sec. 1–902) is amended by striking out "court of the District of Columbia" and inserting in lieu thereof "courts in the District of Columbia".

(2) Section 2 of such Act (D.C. Code, sec. 1–903) is amended by striking out "United States District Court for the District of Columbia, the United States Court of Appeals for the District of Columbia," and inserting in lieu thereof "courts in the District of Columbia".

Law Enforcement Council

(f) Section 401(b) of the District of Columbia Law Enforcement Act of 1953, approved June 29, 1953 (D.C. Code, sec. 2–1901(b)), is amended by striking out paragraph (12) and by redesignating paragraphs (13) through (15) as paragraphs (12) through (14), respectively.

Real Property Actions

(g) Section 1227 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 45–912) is amended by striking out ", either in said United States District Court for the District of Columbia or before a justice of the peace".

Tort Claims

(h) Paragraph (b) of section 2 of the District of Columbia Employee Non-Liability Act (D.C. Code, sec. 1–921) is amended to read as follows:

"(b) 'Court' means the court in the District of Columbia having the necessary civil jurisdiction pursuant to section 11–501 or 11–921 of the District of Columbia Code."

Damages to National Guard Property

(i) Section 38 of the Act entitled "An Act to provide for the organization of the militia of the District of Columbia" approved March 1, 1889 (D.C. Code, sec. 39–513), is amended by striking out "any justice of the peace, with the right of appeal to the United States District Court for the District of Columbia, or before the United States District Court for the District of Columbia" and inserting in lieu thereof "the court in the District of Columbia having jurisdiction of the amount in controversy".

Unclaimed Freight

(j) Section 643 of the Act entitled "An Act to establish a code of law for the District of Columbia, approved March 3, 1901 (D.C. Code, sec. 44–102), is amended—

(1) by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "Superior Court of the District of Columbia", and

(2) by striking out the proviso.

AMENDMENTS REFLECTING TRANSFER OF PROBATE JURISDICTION

SEC. 158. (a) The Revised Statutes of the District of Columbia are amended as follows:

(1) Section 416(b) of such Revised Statutes (D.C. Code, sec. 4–159) is amended—

(A) by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "court having probate jurisdiction", and

(B) by striking out "Probate Court" and inserting in lieu thereof "court having probate jurisdiction".

(2) Section 454 of such Revised Statutes (D.C. Code, sec. 29–514) is amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "court having probate jurisdiction".

(b) The Act entitled "An Act regulating admissions to the Institution of the Association for Works of Mercy in certain cases, and for other purposes," approved October 12, 1888, is amended as follows:

(1) The first section of such Act (D.C. Code, sec. 32–101) is amended by striking out "the judge of the orphans' court of the District of Columbia" and inserting in lieu thereof "a judge of the court having probate jurisdiction".

(2) Section 4 of such Act (D.C. Code, sec. 32–104) is amended by striking out "orphans' court of the District of Columbia" and inserting in lieu thereof "court having probate jurisdiction".

(c) The Act entitled "An Act to establish a code of law for the District of Columbia," approved March 3, 1901, is amended as follows:

(1) Section 534 of such Act (D.C. Code, sec. 45–611) is amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "court having probate jurisdiction".

(2) Section 537 of such Act (D.C. Code, sec. 45–619) is amended by striking out "said United States District Court for the District of Columbia" and inserting in lieu thereof "the court having probate jurisdiction".

(3) Section 669 of such Act (D.C. Code, sec. 27–113) is amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "court having probate jurisdiction".

(4) Section 746 of such Act (D.C. Code, sec. 26–334) is amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "court having probate jurisdiction".

(d) The District of Columbia Revenue Act of 1937 is amended as follows:

(1) Section 3 of article I of title V of such Act (D.C. Code, sec. 47–1603) is amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "court having probate jurisdiction".

(2) Section 5 of article I of title V of such Act (D.C. Code, sec. 47–1605) is amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "court having probate jurisdiction".

(3) Section 9 of article III of title V of such Act (D.C. Code, sec. 47–1624) is amended—

(A) by striking out "United States District Court for the District of Columbia" each place it occurs and inserting in lieu thereof "court having probate jurisdiction", and

(B) by striking out "said District Court" and inserting in lieu thereof "such court".

(e) Section 9 of the Act entitled "An Act to create a board for the condemnation of insanitary buildings in the District of Columbia and for other purposes," approved May 1, 1906 (D.C. Code, sec. 5–624), is amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "court having probate jurisdiction".

(f) Section 5 of the Act entitled "An Act authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia," approved February 11, 1929 (D.C. Code, sec. 1–906), is amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "court having probate jurisdiction".

(g) Section 2 of the Act of April 5, 1939 (D.C. Code, sec. 31–711), is amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "court having probate jurisdiction".

AMENDMENTS RELATING TO THE JURISDICTION OF THE FAMILY DIVISION

SEC. 159. (a) Section 5 of the Act entitled "An Act to provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children", approved November 6, 1966 (D.C. Code, sec. 2–165), is amended by striking out "Juvenile Court" both times it appears and inserting in lieu thereof "Family Division of the Superior Court".

(b) Section 4 of the Act entitled "An Act to provide for the care of dependent children in the District of Columbia and to create a board of children's guardians", approved July 26, 1892 (D.C. Code, sec. 3–116), is amended by striking out "police court or the criminal court of the District" and inserting in lieu thereof "Family Division of the Superior Court".

(c) The first section of the Act entitled "An Act to enlarge the powers of the courts

of the District of Columbia in cases involving delinquent children, and for other purposes" approved March 3, 1901 (D.C. Code, sec. 3–120), is amended by striking out "criminal and police courts" and inserting in lieu thereof "Family Division of the Superior Court".

(d) Section 405 of the District of Columbia Law Enforcement Act of 1953 (D.C. Code, sec. 24–106) is amended to read as follows:

"PSYCHIATRIST AND PSYCHOLOGIST

"SEC. 405. The Commissioner shall appoint a qualified psychiatrist and a qualified psychologist whose services shall be available to the following officers to assist them in carrying out their duties:

"(1) In criminal cases, the judges and probation officers of the United States District Court for the District of Columbia and the judges and Director of Social Services of the Superior Court of the District of Columbia.

"(2) The judges and such personnel assigned to the Family Division of the Superior Court as the Chief Judge may designate.

"(3) Such officers of the Department of Corrections as the Director thereof shall designate.

"(4) The Board of Parole of the District."

(e) Section 927(a) of the Act entitled "An Act to establish a code of law for the District of Columbia, approved March 3, 1901 (D.C. Code, sec 24–301), is amended by striking out "juvenile court" and inserting in lieu thereof "Family Division of the Superior Court".

(f) The Act entitled "An Act to improve and extend, through reciprocal legislation, the enforcement of duties of support in the District of Columbia", approved July 10, 1957, is amended as follows:

(1) Section 2(d) of such Act (D.C. Code, sec. 30–302 (d)) is amended by striking out "Domestic Relations Branch of the Municipal Court for the District of Columbia" and inserting in lieu thereof "Family Division of the Superior Court".

(2) Section 22 of such Act (D.C. Code, sec. 30–322) is amended by striking out "civil branch of the municipal court for the District of Columbia" and inserting in lieu thereof "Superior Court of the District of Columbia in civil cases".

(g) Section 3 of article III of the Act entitled "An Act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes", approved February 4, 1925 (D.C. Code, sec. 31–213), is amended by striking out "juvenile court" and inserting in lieu thereof "Family Division of the Superior Court".

(h) Section 2 of the Act entitled "An Act for the protection of children in the District of Columbia and for other purposes", approved February 13, 1885 (D.C. Code, sec. 32–209), is amended—

(1) by striking out "police court" and inserting in lieu thereof "Family Division of the Superior Court", and

(2) by striking out the proviso at the end thereof.

(i) Section 6 of the Act entitled "An Act to regulate the placing of children in family homes, and for other purposes", approved April 22, 1944 (D.C. Code, sec. 32–786), is amended by striking out "Domestic Relations Branch of the Municipal Court" each time it appears and inserting in lieu thereof "Family Division of the Superior Court".

(j) The Act entitled "An Act to regulate the employment of minors within the District of Columbia", approved May 29, 1928, is amended as follows:

(1) The third sentence of section 22 of such Act (D.C. Code, sec. 36–222) is amended by striking out "juvenile court" and inserting in lieu thereof "Family Division of the Superior Court".

(2) Section 26 of such Act (D.C. Code, sec. 36–228) is amended by striking out "juvenile court" and inserting in lieu thereof "Family Division of the Superior Court".

AMENDMENTS RELATING TO THE CHIEF MEDICAL EXAMINER

SEC. 160. (a) The Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901, is amended as follows:

(1) Section 683 of such Act (D.C. Code, sec. 27–125) is amended—

(A) by striking out "coroner of said District" each place it appears and inserting in lieu thereof "Chief Medical Examiner", and

(B) by striking out "Coroner" each place it appears and inserting in lieu thereof "Chief Medical Examiner".

(2) Section 686 of such Act (D.C. Code, sec. 27–128) is amended to read as follows:

"SEC. 686. This subchapter shall not be construed to (1) interfere with or prevent the disinterment of any body in accordance with section 11–2311 of the District of Columbia Code, or (2) interfere with the disposal of the ashes of bodies which have been cremated."

(3) Section 802(a) of such Act (D.C. Code, sec. 40–606) is amended by striking out the second paragraph.

(b) Section 9 of the District of Columbia Tissue Bank Act (D.C. Code, sec. 2–258) is amended to read as follows:

"SEC. 9. OFFICE OF THE CHIEF MEDICAL EXAMINER.—(a) The Commissioner is authorized to appoint physicians to perform the functions of the Chief Medical Examiner, in accordance with chapter 23 of title 11 of the District of Columbia Code.

"(b) The Chief Medical Examiner of the District of Columbia may, in his discretion, allow tissue to be removed from any dead human body in his custody or under his jurisdiction. Such tissue removal shall not interfere with other functions of his Office. Any person who, in accordance with section 8, is entitled to the body for burial, shall first authorize the tissue removal."

AMENDMENTS RELATING TO THE REVENUE LAWS OF THE DISTRICT OF COLUMBIA

SEC. 161. (a) The District of Columbia Revenue Act of 1937 is amended as follows:

(1) Section 1 of title IX of such Act (D.C. Code, sec. 47–2401) is amended—

(A) by striking out "The word 'Board', means the Board of Tax Appeals for the District of Columbia created by this title.", and

(B) by striking out "The word 'court' shall mean the United States Court of Appeals for the District of Columbia." and inserting in lieu thereof "The word 'court' shall mean the Superior Court of the District of Columbia, unless the context indicates otherwise."

(2) Section 2 of title IX of such Act (D.C. Code, sec. 47–2402) is amended (A) by striking out the first four paragraphs, (B) by striking out "(a)", and (C) by striking out the paragraph designated "(b)".

(3) Section 3 of title IX of such Act (D.C. Code, sec. 47–2403) is amended to read as follows:

"SEC. 3. Any person aggrieved by any assessment by the District of any personal-property, inheritance, estate, business-privilege, gross-receipts, gross-earnings, insurance premiums, or motor-vehicle-fuel tax or taxes, or penalties thereon, may within six months after payment of the tax, together with penalties and interest assessed thereon, appeal from the assessment to the Superior Court of the District of Columbia. The mailing to the taxpayer of a statement of taxes due shall be considered notice of assessment with respect to the taxes. The court shall hear and determine all questions arising on appeal and shall make separate findings of fact and conclusions of law, and shall render its decision in writing. The court may affirm, cancel, reduce, or increase the assessment."

(4) Section 4 of title IX of such Act (D.C. Code, sec. 47–2404) is amended to read as follows:

"SEC. 4. (a) Decisions of the Superior Court on civil tax cases are reviewable in the same manner as other decisions of the court in civil cases tried without a jury. The District of Columbia Court of Appeals has the power to affirm, modify, or reverse the decision of the Superior Court with or without remanding the case for hearing.

"(b) The decision of the Superior Court shall become final (1) upon the expiration of the time allowed for filing a petition for review, if no petition is filed within that time; (2) upon the expiration of time allowed for filing a petition for certiorari if the decision of the Superior Court has been affirmed on appeal, or the appeal has been dismissed, or no petition for certiorari has been filed; (3) upon denial of a petition for certiorari if the decision of the Superior Court has been affirmed on appeal, or the appeal has been dismissed; or (4) upon the expiration of thirty days from the date of issuance of the mandate of the Supreme Court, if that Court has affirmed the decision of the Superior Court or dismissed the petition for review.

"(c) If the Supreme Court directs that the decision of the Superior Court be modified or reversed, the decision rendered in accordance with the Supreme Court's mandate shall become final upon the expiration of thirty days from the time it was rendered unless within that time either the District or the taxpayer has instituted proceedings to have the decision corrected to accord with the mandate, in which event the decision of the Superior Court shall become final when so corrected.

"(d) If the decision of the Superior Court is modified or reversed by the Court of Appeals and if (1) the time allowed for filing a petition for certiorari has expired and no such petition has been filed, (2) the petition for certiorari has been denied, or (3) the decision of the Court of Appeals has been affirmed by the Supreme Court, then the decision of the Superior Court rendered in accordance with the mandate of the Court of Appeals shall become final upon the expiration of thirty days from the time the decision of the Superior Court was rendered, unless within that time either the District or the taxpayer has instituted proceedings to have the decision corrected so that it will accord with the mandate, in which event the decision of the Superior Court shall become final when corrected.

"(e) If the Supreme Court orders a rehearing, or if the case is remanded by the Court of Appeals for rehearing and if (1) the time allowed for filing of a petition for certiorari has expired and no petition has been filed; (2) the petition for certiorari has been denied; or (3) the decision of the Court of Appeals has been affirmed by the Supreme Court, then the Decision of the Superior Court rendered upon such rehearing shall become final in the same manner as though no prior decision had been rendered.

"(f) As used in this section the term 'mandate', in case a mandate has been recalled prior to the expiration of thirty days from the date of issuance, means the final mandate."

(5) Section 5 of title IX of such Act (D.C. Code, secs. 47–709, 47–710, 47–711, 47–712, 47–716 and 47–2405) is amended by striking out "ninety days" wherever it appears and inserting in lieu thereof "six months."

(6) Sections 6, 8, and 9 of title IX of such Act (D.C. Code, secs. 47–2406, 47–2408, and 47–2409) are repealed.

(7) Section 14 of title IX of such Act (D.C. Code, sec. 47–2413) is amended to read as follows:

"SEC. 14. (a) Where there has been an overpayment of any tax, the amount of the overpayment shall be refunded to the taxpayer. No refund (other than inheritance and estate taxes) shall be allowed unless the taxpayer files a claim before the expiration

of that period. The amount of refund of taxes (other than inheritance and estate taxes) shall not exceed the portion of the tax paid during the two years immediately preceding the filing of the claim or, if no claim is filed, then the two years immediately preceding the allowance of the refund. No refund of inheritance and estate taxes shall be allowed after three years from the date the tax is paid unless the taxpayer files a claim before the expiration of that period. The amount of refund of inheritance and estate taxes shall not exceed the portion of the tax paid during the three years immediately preceding the filing of the claim or, if no claim is filed, then during the three years immediately preceding the allowance of the refund. Every claim for refund must be in writing under oath, must state the specific grounds on which it is founded, and must be filed with the Assessor. If the Assessor disallows all or any part of the refund claim, he shall notify the taxpayer by registered or certified mail. After receiving notice of disallowance, if the claim is acted upon within six months of filing, or after the expiration of six months from the date of filing if the claim is not acted upon, the taxpayer may appeal as provided in sections 3 and 4 of this title. This subsection does not apply to real estate tax nor does it apply to taxes imposed by the District of Columbia Income Tax Act; by the District of Columbia Income and Franchise Tax Act of 1947; or by titles I and II of the District of Columbia Revenue Act of 1949, refunds of which are otherwise provided by law.

"(b) In any proceeding under this title the Superior Court has jurisdiction to determine whether there has been any overpayment of tax and to order that any overpayment be credited or refunded to the taxpayer, if a timely refund claim has been filed.

"(c) Any other provision of law to the contrary notwithstanding, if it is determined by the Assessor or by the Superior Court that there has been an overpayment of any tax, whether as a deficiency or otherwise, interest shall be allowed and paid on the overpayment at the rate of 4 per centum per annum from the date the overpayment was paid until the date of refund, but with respect to that part of any overpayment which was not assessed and paid as a deficiency or as additional tax interest shall be allowed and paid only from the date of filing a claim for refund or a petition to the Superior Court as the case may be.

"(d) For purposes of this section, any interest or penalties paid by the taxpayer in connection with an overpayment of tax shall be deemed to be a part of the overpayment of tax."

(b) Section 34 of the District of Columbia Income Tax Act (D.C. Code, sec. 47–1534) is amended by striking out the last sentence.

(c) Section 34 of the District of Columbia Income Tax Act (D.C. Code, sec. 47–1534) is amended by striking out "ninety days" and inserting in lieu thereof "six months".

(d) The District of Columbia Revenue Act of 1949 is amended as follows:

(1) Section 611 of such Act (D.C. Code, sec. 47–2810) is amended by striking out ", except for such violations as are felonies, and prosecutions for such violations as are felonies shall be by the United States attorney in and for the District of Columbia, or any of his assistants".

(2) Section 303 of such Act (D.C. Code, sec. 40–603–1) is amended—

(A) by striking out the second sentence thereof, and

(B) by striking out "ninety days" and inserting in lieu thereof "six months".

(3) Section 141 of such Act (D.C. Code, sec. 47–2618) is amended to read as follows—

"SEC. 141. (a) Any vendor or purchaser aggrieved by a final determination of tax or denial of an application for refund of any tax may appeal to the Superior Court in the same manner and to the same extent as set forth in sections 3, 4, 7, 10 and 11 of title IX of the District of Columbia Revenue Act of 1937.

"(b) If it is determined by the Assessor or by the Superior Court that any part of any tax which was assessed as a deficiency, and any interest thereon paid by the taxpayer, was an overpayment, interest shall be allowed and paid on the overpayment of tax at the rate of 4 per centum per annum from the date the overpayment was paid until the date of refund."

(e) The Act of March 2, 1962, is amended as follows:

(1) Section 314 of such Act (D.C. Code, sec. 45–734) is amended—

(A) by striking out subsection (b), and

(B) by striking out "(a)".

(2) Section 320 of such Act (D.C. Code, sec. 45–740) is amended by striking out ", except for such violations as are felonies, and prosecution for such violations as are felonies shall be by the United States attorney in and for the District of Columbia, or any of his assistants".

(f) Section 4 of the Act entitled "An Act to designate parcels of land in the District of Columbia for purposes of assessment and taxation, and for other purposes", approved February 23, 1905 (D.C. Code, sec. 47–407), is amended by inserting after "clerk of the United States District Court for the District of Columbia," the following: "clerk of the Superior Court of the District of Columbia,".

(g) Paragraph 11 of section 6 of the Act of July 1, 1902 (D.C. Code, sec. 47–1213), is repealed.

(h) The Act entitled "An Act to amend the laws relating to assessment and collection of taxes in the District of Columbia, and for other purposes", approved February 18, 1929, is amended as follows:

(1) The first section of such Act (D.C. Code, sec. 47–1304) is amended by inserting after "shall be available also" in the second sentence thereof the following: "in the Superior Court of the District of Columbia".

(2) Section 2 of such Act (D.C. Code, sec. 47–1305) is amended by striking out "equity court" and inserting in lieu thereof "Superior Court of the District of Columbia".

(i) Section 2 of title XV of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, sec. 47–1593a) is repealed.

(j) Section 7 of the Act entitled "An Act to amend certain tax laws applicable to the District of Columbia", approved July 10, 1952 (D.C. Code, sec. 47–2414), is repealed.

(k) Section 1 of title XV of the District of Columbia Income and Franchise Tax Act of 1947 (D.C. Code, sec. 47–1593) is amended by striking out "ninety days" and inserting in lieu thereof "six months".

AMENDMENTS TO THE DISTRICT OF COLUMBIA ADMINISTRATIVE PROCEDURE ACT

SEC. 162. Section 11 of the District of Columbia Administrative Procedure Act (D.C. Code, sec. 1–1510) is amended—

(1) in the first sentence, by striking out ", except" and all that follows thereafter and inserting in lieu thereof a period; and

(2) by repealing the last sentence.

ADDITIONAL AMENDMENTS RELATING TO ADMINISTRATIVE PROCEDURE

SEC. 163. (a) The second proviso of section 586d of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 29–417), is amended by striking out "have the action of the said Board of Higher Education reviewed by the United States District Court for the District of Columbia at an equity term thereof" and inserting in lieu thereof "appeal as provided in the District of Columbia Administrative Procedure Act (D.C. Code, sec. 1–1501 to 1–1510)".

(b) Subsection (c) of section 137 of the District of Columbia Business Corporation Act (D.C. Code, sec. 29–948(c)) is amended to read:

"(c) Appeals from all final orders and judgments entered by the court under this section may be taken by either party to the proceeding within sixty days after service on the party of a copy of the order or judgment of the court."

(c) The first paragraph of section 28 of the Life Insurance Act, approved June 19, 1934 (D.C. Code, sec. 35–427), is amended by striking out "from the ruling of the superintendent to the United States District Court for the District of Columbia, in equity" and all that follows and inserting in lieu thereof "as provided by the District of Columbia Administrative Procedure Act (D.C. Code, secs. 1–1501 to 1–1510)."

(d) Section 1210 of the District of Columbia Insurance Placement Act, approved August 1, 1968 (D.C. Code, sec. 35–1709), is amended by striking out "section 11–742 of the District of Columbia Code" and inserting in lieu thereof "the District of Columbia Administrative Procedure Act (D.C. Code, secs. 1–1501 to 1–1510)".

(e) Subsection (b) of section 10 of the Act entitled "An Act to provide for voluntary apprenticeship in the District of Columbia", approved May 21, 1946 (D.C. Code, sec. 36–130(b)), is amended by striking out the fourth sentence and all that follows and inserting in lieu thereof "Any person aggrieved by the action of the Council may appeal as provided in the District of Columbia Administrative Procedure Act (D.C. Code, secs. 1–1501 to 1–1510)".

(f) Subsection (a) of section 9 of the Act of September 19, 1918 (D.C. Code, sec. 36–409), is amended by striking out the second sentence and all that follows thereafter and inserting in lieu thereof "The review shall be governed by the District of Columbia Administrative Procedure Act (D.C. Code, secs. 1–1501 to 1–1510)."

(g) The District of Columbia Traffic Act, 1925, is amended as follows:

(1) Subsection (a) of section 13 (D.C. Code, sec. 40–302(a)) is amended by striking out "sections 11–742, 17–303, 17–304, 17–305 (b), 17–306 and 17–307 of the District of Columbia Code" and inserting in lieu thereof "the District of Columbia Administrative Procedure Act (D.C. Code, secs. 1–1501 to 1–1510)".

(2) Subsection (d) of section 6 (D.C. Code, sec. 40–603(d)) is amended by striking out "and jurisdiction is hereby conferred upon the Court of Appeals of the district for this purpose".

(h) The second paragraph of section 4 of the Motor Vehicle Safety Responsibility Act of the District of Columbia, approved May 25, 1954 (D.C. Code, sec. 40–420), is amended by striking out the second and succeeding sentences and inserting in lieu thereof "Appeal shall be as provided in the District of Columbia Administrative Procedure Act (D.C. Code, secs. 1–1501 to 1–1510)".

(j) Section 8 of the Act of March 4, 1913, is amended as follows:

(1) Paragraph 50 of such section (D.C. Code, sec. 43–420) is amended by striking out "circuit courts" and inserting in lieu thereof "the Superior Court of the District of Columbia".

(2) Paragraph 65 of such section (D.C. Code, sec. 43–705) is amended by striking out the third paragraph.

(3) Paragraph 68 of such section (D.C. Code, sec. 43–708) is repealed.

(k) The Act entitled "An Act to provide for unemployment compensation in the District of Columbia, authorize appropriations, and for other purposes", approved August 28, 1935, is amended as follows:

(1) Section 3(c)(10) of such Act (D.C. Code, sec. 46–303(c)(10)) is amended by striking out the last sentence thereof.

(2) Section 12 of such Act (D.C. Code, sec. 46–312) is amended by striking out subsection (b).

AMENDMENTS RELATING TO REVIEW OF ADMINISTRATIVE ACTIONS REGARDING OCCUPATIONS AND PROFESSIONS

SEC. 164. (a) The Act entitled "AN Act to regulate the practice of the healing art to protect the public health in the District of Columbia", approved February 27, 1929, is amended to read as follows:

(1) Section 38 of such Act (D.C. Code, sec. 2–129) is amended to read as follows—

"SEC. 38. The Commission may refuse to license or to register any person for any cause that in the judgment of the Commission would authorize suspension or revocation of a license or registration under section 27 of this Act. Before the Commission refuses to license or register any applicant for cause under this section, it shall give him an opportunity to be heard in person or by attorney and to produce witnesses in his behalf. Witnesses may be produced on behalf of the Commission and on behalf of any interested person. The attendance and testimony of witnesses may be compelled by subpena issued by the Superior Court, and that court is authorized to issue and enforce the subpenas on petition of the Commission. Any person failing or refusing, without just cause, to appear and testify in response to a subpena, or in any way obstructing the course on any hearing to which he has been subpenaed, is guilty of contempt of court and may be punished as other persons guilty of contempt of court are punished. Any member of the Commission may administer oaths at any hearing. Review of the Commission's action may be had in accordance with the District of Columbia Administrative Procedure Act (D.C. Code, secs. 1–1501 to 1–1510)."

(2) Section 27 of such Act (D.C. Code, sec. 2–123) is amended to read as follows—

"SEC. 27. Suspension or revocation by the Commission of any license issued or registration effected under this Act, with respect to a person guilty of misconduct or professionally incapacitated, shall be governed by the District of Columbia Administrative Procedure Act (D.C. Code, secs. 1–1501 to 1–1510)."

(b) The Act of July 2, 1940, is amended as follows:

(1) Section 11 of such Act (D.C. Code, sec 2–311) is amended—

(A) by striking out all that precedes paragraph (a) and inserting in lieu thereof "The Board may revoke or suspend the license of any dentist in the District of Columbia upon proof satisfactory to the Board—", and

(B) by striking out "the said court" in the last sentence and inserting in lieu thereof "the Board".

(2) The last sentence of section 25 of such Act (D.C. Code, sec. 2–325) is amended to read as follows: "The license of a dentist who permits a dental hygienist, operating under his supervision, to perform any operation other than that permitted under this section, may be suspended or revoked, and the license of the hygienist violating this Act may also be suspended or revoked, in accordance with section 12 of this Act."

(3) Section 12 of such Act (D.C. Code, sec. 2–312) is amended to read as follows:

"SEC. 12. Suspension or revocation by the Board of any license issued or registration effected under this Act, with respect to a person guilty of misconduct or professionally incapacitated, shall be governed by the District of Columbia Administrative Procedure Act (D.C. Code, secs. 1–1501 to 1–1510)."

(c) The Act entitled "An Act to amend the Act to regulate the practice of podiatry in the District of Columbia", approved June 29, 1940, is amended as follows:

(1) Section 7 of such Act (D.C. Code, sec. 2–707) is amended—

(A) by striking out all that precedes paragraph (a) and inserting in lieu thereof "The Board may revoke or suspend the license of any podiatrist in the District of Columbia upon proof satisfactory to the Board—", and

(B) by striking out "the said court" in the last sentence and inserting in lieu thereof "the Board".

(2) Section 8 of such Act (D.C. Code, sec. 2–708) is amended to read as follows:

"SEC. 8. Suspension or revocation by the Board of any license issued or registration effected under this Act, with respect to a person guilty of misconduct or professionally incapacitated, shall be governed by the District of Columbia Administrative Procedure Act (D.C. Code, secs. 1–1501 to 1–1510)."

(d) Section 6 of the Act entitled "An Act to define the term of 'registered nurse' and to provide for the registration of nurses in the District of Columbia" approved February 9, 1907 (D.C. Code, sec. 2–407), is amended by striking out all after the first sentence and inserting in lieu thereof "Suspension or revocation by the Nurses' Examining Board of any license issued or registration effected under this Act, with respect to a person guilty of misconduct or professionally incapacitated, shall be governed by the District of Columbia Administrative Procedure Act (D.C. Code, secs. 1–1501 to 1510)."

(e) Section 7 of the Act of March 2, 1929 (D.C. Code, sec. 2–406), is amended by striking out "sections 11–742, 17–303, 17–304, 17–305(b), 17–306, and 17–307 of the District of Columbia Code" and inserting in lieu thereof "the District of Columbia Administrative Procedure Act (D.C. Code, secs. 1–1501 to 1–1510)".

(f) Section 4(d) of the District of Columbia Tissue Bank Act (D.C. Code, sec. 2–253) is amended by striking out ", and may seek review by the United States Court of Appeals for the District of Columbia" and all that follows and inserting in lieu thereof a period.

(g) The District of Columbia Practical Nurses' Licensing Act is amended as follows:

(1) Section 15 of such Act (D.C. Code, sec. 2–434) is amended by striking out ", and may seek a review by the United States Court of Appeals" and all that follows and inserting in lieu thereof a period.

(2) Section 8(b) of such Act (D.C. Code, sec. 2–427) is amended by striking out "in accordance with the provisions of subsection (c), section 5 of the Act of April 1, 1942 (56 Stat. 193, ch. 207; sec. 11–756(c), D.C. Code, 1951 edition)".

(h) Section 14 of the Physical Therapists Practice Act (D.C. Code, sec. 2–463) is amended by striking out ", and may seek a review by the United States Court of Appeals for the District of Columbia" and all that follows and inserting in lieu thereof a period.

(i) The third sentence of section 10 of the Act entitled "An Act to regulate the practice of veterinary medicine in the District of Columbia", approved February 1, 1907 (D.C. Code, sec. 2–810), is amended by striking out ", as provided by section 11–742, 17–303, 17–304, 17–305(b), 17–306 and 17–307 of the District of Columbia Code".

(j) The second paragraph of section 10 of the Act entitled "An Act to regulate barbers in the District of Columbia, and for other purposes", approved June 7, 1938 (D.C. Code, sec. 2–1110), is amended by striking out "in the manner provided by sections 11–742, 17–303, 17–304, 17–305(b), 17–306 and 17–307 of the District of Columbia Code".

(k) The fourth paragraph of section 7 of the Act entitled "An Act to regulate the practice of pharmacy and the sale of poisons in the District of Columbia, and for other purposes", approved May 7, 1906 (D.C. Code, sec. 2–606), is amended by striking out ", in the manner provided by sections 11–742, 17–303, 17–304, 17–305(b), 17–306 and 17–307 of the District of Columbia Code".

(l) Section 28 of the Act entitled "An Act to provide for the examination and registration of architects and to regulate the practice of architecture in the District of Columbia", approved December 13, 1924 (D.C. Code, sec. 2–1028), is amended by striking out ", in the manner provided by sections 11–742, 17–303, 17–304, 17–305(b), 17–306 and 17–307 of the District of Columbia Code".

(m) Section 7(a) of the Act entitled "An Act to regulate and license pawnbrokers in the District of Columbia" approved August 6, 1956 (D.C. Code, sec. 2–2007), is amended by striking out "in accordance with the provisions of subsection (c), section 5 of the Act of April 1, 1942 (56 Stat. 193, ch. 207; sec. 11–756(c), D.C. Code, 1951 edition)".

(n) Section 9 of the Professional Engineers Registration Act (D.C. Code, sec 2–1809) is amended—

(1) by amending subsection (e) to read as follows:

"(e) Any person aggrieved by the action of the Board may appeal as provided in the District of Columbia Administrative Procedure Act (D.C. Code, secs. 1–1501 to 1–1510).", and

(2) by striking out subsections (f) through (h).

(o) Section 9 of the Act of August 25, 1937 (D.C. Code, sec. 45–1409), is amended by striking out "sections 11–742, 17–303, 17–304, 17–305(b), 17–306 and 17–307 of the District of Columbia Code" and inserting in lieu thereof "the District of Columbia Administrative Procedure Act (D.C. Code, secs. 1–1501 to 1–1510)".

(p) Paragraph 42 of section 7 of the Act of July 1, 1902 (D.C. Code, sec. 47–2101), is amended by striking out "sections 11–742, 17–303, 17–304, 17–305(b), 17–306 and 17–307 of the District of Columbia Code" and inserting in lieu thereof "the District of Columbia Administrative Procedure Act (D.C. Code, secs. 1–1501 to 1–1510)".

AMENDMENTS RELATING TO ENFORCEMENT OF SUPPORT

SEC. 165. (a) The Act of March 23, 1906 (D.C. Code, secs. 22–903, 22–904, 22–905), is repealed.

(b) The proviso of so much of the first section of the Act of May 18, 1910, as appears under the heading "COURTS" and subheading "JUVENILE COURT" (D.C Code, sec. 22–906) is repealed.

(c) Subsection (c) of section 19 of the District of Columbia Public Assistance Act of 1962 (D.C. Code, sec. 3–218), is repealed.

(d) Section 6 of the Act entitled "An Act to improve and extend, through reciprocal legislation, the enforcement of duties of support in the District of Columbia", approved July 10, 1957 (D.C. Code, sec. 30–306), is amended to read as follows:

"SEC. 6. Proceedings to enforce duties of support initiated by the District of Columbia shall be commenced by the filing of a complaint irrespective of the relationship between the plaintiff and defendant. Jurisdiction of all proceedings under this Act is vested in the Family Division of the Superior Court which shall have all power and authority heretofore vested in the Domestic Relations Branch of the District of Columbia Court of General Sessions."

AMENDMENTS RELATING TO THE CONDEMNATION OF LAND

SEC. 166. (a) Section 2(b) of the District of Columbia Alley Dwelling Act approved June 12, 1934 (D.C. Code, sec. 5–104), is amended by striking out "the Act entitled 'An Act to provide for the acquisition of land in the District of Columbia for the use of the United States', approved March 1, 1929" and inserting in lieu thereof" chapter 13 of title 16 of the District of Columbia Code".

(b) Section 5 of the District of Columbia Redevelopment Act of 1945 (D.C. Code, sec. 5–704) is amended by striking out "the Act entitled 'An Act to provide for the acquisi-

tion of land in the District of Columbia for the use of the United States', approved March 1, 1929 (45 Stat. 1415) or Acts which may amend or supplement said Act" and inserting in lieu thereof "chapter 13 of title 16 of the District of Columbia Code".

(c) Section 1 of the Act of March 4, 1929 (D.C. Code, sec. 6–505), is amended by striking out "Chapter XV of the Code of Law for the District of Columbia" and inserting in lieu thereof "chapter 13 of title 16 of the District of Columbia Code".

(d) Section 491d of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 7–205), is amended to read as follows:

"SEC. 491d. After the return of the marshal and filing of proof of publication of the notice provided for in section 491c, the court shall order the selection of a condemnation jury as provided in section 16–1312 of the District of Columbia Code. The jury shall consist of five persons and each juror take an oath or affirmation that he is not interested in any manner in the land to be condemned, is not related to the parties interested therein, and will fairly and impartially ascertain the damages each owner of land to be taken may sustain by reason of the opening, extension, widening, or straightening of the street, avenue, road, or highway, and the condemnation of land needed for the purpose thereof, and to assess the benefits resulting therefrom as hereinafter provided."

(e) Section 491h of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 7–209), is amended by striking out "shall order the jury commission to draw from the special box the names of as many persons as the court may direct, and from among the persons so drawn the court shall thereupon appoint" and inserting in lieu thereof "shall order the selection in accordance with section 491d of".

(f) Section 491m of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 7–214), is amended by striking out "court of appeals of the District of Columbia" and inserting in lieu thereof "District of Columbia Court of Appeals".

(g) Section 3(a) of the Act entitled "An Act to authorize the Commissioners of the District of Columbia to acquire, operate, and regulate public off-street parking facilities, and for other purposes", approved February 16, 1942 (D.C. Code, sec. 40–804(a)), is amended by striking out "sections 483 to 491, inclusive, of chapter XV, as amended, of the Code of Law for the District of Columbia, approved March 3, 1901 (31 Stat. 1265–1266)" and inserting in lieu thereof "chapter 13 of title 16 of the District of Columbia Code".

AMENDMENTS RELATING TO LANDLORD-TENANT ACTIONS

SEC 167. The Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901, is amended as follows:

(1) Section 1235 of such Act (D.C. Code, sec. 45–909) is amended to read as follows—

"SEC. 1235. Whenever real and personal property are leased together, as, for example, a house with furniture contained therein, the landlord, either in an action of ejectment or in the summary proceeding for possession, in the Superior Court of the District of Columbia, may have a judgment for recovery of the personality as well as the realty."

(2) Section 1225 of such Act (D.C. Code, sec. 45–910) is amended by striking out "or the landlord may bring an action to recover possession before a justice of the peace, as provided in chapter one, subchapter one, aforesaid".

(3) Section 1228 of such Act (D.C. Code, sec. 45–914) is repealed.

AMENDMENTS RELATING TO ACTIONS BY AND AGAINST CERTAIN BUSINESSES

SEC. 168. (a) The Act of March 4, 1913, is amended as follows:

(1) Paragraph 64 of section 8 of such Act (D.C. Code, sec. 43–704) is amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "District of Columbia Court of Appeals".

(2) Paragraph 65 of section 8 of such Act (D.C. Code, sec. 43–705) is amended by striking out "United States District Court for the District of Columbia" each time it appears and inserting in lieu thereof "District of Columbia Court of Appeals".

(3) Paragraph 67 of section 8 of such Act (D.C. Code, sec. 43–707) is amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "District of Columbia Court of Appeals".

(4) Paragraph 94 of section 8 of such Act (D.C. Code, sec. 43–401) is amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "District of Columbia Court of Appeals".

(5) Section 11 of such Act (D.C. Code, sec. 43–502) is amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "Superior Court for the District of Columbia".

(6) Section 7 of the Act of April 22, 1904 (D.C. Code, sec. 43–1515) is amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "Superior Court of the District of Columbia".

Business Corporations

(b) The District of Columbia Business Corporation Act, approved June 8, 1954, is amended as follows:

(1) Section 2(r) of such Act (D.C. Code, sec. 29–902(r)) is amended to read as follows:

"(r) 'The court', except where otherwise specified, means the court in the District of Columbia having jurisdiction of civil actions wherein the amount in controversy exceeds $50,000."

(2) Sections 81, 89, and 90 of such Act (D.C. Code, secs. 29–930e, 29–931a, 29–931b) are each amended by striking out "United States District Court for the District of Columbia" each time it appears and inserting in lieu thereof "court".

(3) Section 137 of such Act (D.C. Code, sec. 29–948) is amended by striking out "United States District Court for the District of Columbia" each time it appears and inserting in lieu thereof "court".

(c) The Act entitled "An Act to establish a Code of laws for the District of Columbia", approved March 3, 1901, is amended as follows:

(1) Section 639d of such Act (D.C. Code, sec. 29–240) is amended—

(A) by striking out "the United States District Court for the District of Columbia" the first time it appears and inserting in lieu thereof "the court having jurisdiction of civil actions wherein the amount in controversy exceeds $50,000".

(B) by striking out "the United States District Court for the District of Columbia" the second time it appears and inserting in lieu thereof "such court", and

(C) by striking out "said United States District Court for the District of Columbia" each time it appears and inserting in lieu thereof "such court".

(2) Sections 768, 782, and 786 of such Act (D.C. Code, secs. 29–701, 29–715, and 29–719) are each amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "court having jurisdiction of civil actions wherein the amount in controversy exceeds $50,000".

(d) The District of Columbia Nonprofit Corporation Act is amended as follows:

(1) Section 2(k) of such Act (D.C. Code, sec. 29–1002(k)) is amended to read:

"(k) 'The court', except where otherwise specified, means the court in the District of Columbia having jurisdiction of civil actions wherein the amount in controversy exceeds $50,000."

(2) Section 55 of such Act (D.C. Code, sec. 29–1055) is amended by striking out "The United States District Court for the District of Columbia" and inserting in lieu thereof "The Court".

(3) Section 94 of such Act (D.C. Code, sec. 29–1094) is amended by striking out "the United States District Court for the District of Columbia" each place it appears and inserting in lieu thereof "the court".

Insurance Companies

(e) Section 20 of chapter II of the Life Insurance Act (D.C. Code, sec. 35–419) is amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "court having jurisdiction of civil actions wherein the amount in controversy exceeds $50,000".

(f) Section 5 of chapter II of the Fire and Casualty Act (D.C. Code, sec. 35–1308) is amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "court having jurisdiction of civil actions wherein the amount in controversy exceeds $50,000".

Partnerships

(g) Section 25 of the Uniform Limited Partnership Act (D.C. Code, sec. 41–425) is amended by striking out "United States District Court for the District of Columbia" and inserting in lieu thereof "court having jurisdiction of civil actions wherein the amount in controversy exceeds $50,000".

AMENDMENTS RELATING TO ILLEGAL ACTION BY CORPORATIONS

SEC. 169. The Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901, is amended as follows:

(1) Section 632 of such Act (D.C. Code, sec. 29–228) is amended by striking out "to the United States" and inserting in lieu thereof "to the District of Columbia".

(2) Section 786 of such Act (D.C. Code, sec. 29–719) is amended by striking out "in the name of the United States".

(3) Section 793 of such Act (D.C. Code, sec. 29–725) is amended by striking out "in the name of the United States."

AMENDMENT RELATING TO HOSPITALIZATION OF ADDICTS

SEC. 170. Section 3 of the Act entitled "An Act to provide for the treatment of users of narcotics in the District of Columbia, approved June 24, 1953 (D.C. Code, sec. 24–602), is amended by striking out "Juvenile Court Act of the District of Columbia, as amended" and inserting in lieu thereof "chapter 23 of title 16 of the District of Columbia Code."

AMENDMENT RELATING TO TRANSFER OF PRISONERS

SEC. 171. So much of the first section of the Act of March 2, 1911, as relates to the workhouse (D.C. Code, sec. 24–403) is amended by inserting after "United States District Court for the District of Columbia" each time it appears the following: ", Superior Court of the District of Columbia.".

AMENDMENTS TO THE UNITED STATES CODE

SEC. 172. (a)(1) Section 1257 of title 28, United States Code, is amended by adding after and below paragraph (3) the following new sentence: "For the purposes of this section, the term 'highest court of a State' includes the District of Columbia Court of Appeals."

(2)(A) Chapter 133 of title 28, United

States Code, is amended by adding at the end thereof the following new section:

"§ 2113. Definition

"For purposes of this chapter, the terms 'State court', 'State courts', and 'highest court of a State' include the District of Columbia Court of Appeals."

(B) The analysis of chapter 133 is amended by adding at the end thereof the following new item:

"2113. Definition."

(b) Section 1869(f) of title 28 of the United States Code is amended by striking out everything following "Canal Zone Code" and inserting in lieu thereof a semicolon and the following: "except that for purposes of sections 1861, 1862, 1866(c), 1866(d), and 1867 of this chapter such terms shall include the Superior Court of the District of Columbia;"

(c)(1) Chapter 85 of title 28 of the United States Code is amended by adding at the end thereof the following new section:

"§ 1363. Construction of references to laws of the United States or Acts of Congress.

"For purposes of this chapter, references to laws of the United States or Acts of Congress do not include laws applicable exclusively to the District of Columbia."

(2) The analysis of chapter 85 is amended by adding at the end thereof the following new item:

"1363. Construction of references to laws of the United States or Acts of Congress.".

(d)(1) Chapter 89 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 1451. Definitions

"For purposes of this chapter—

"(1) The term 'State court' includes the Superior Court of the District of Columbia.

"(2) The term 'State' includes the District of Columbia."

(2) The analysis of chapter 89 is amended by adding at the end thereof the following new item:

"1451. Definitions."

(e) Section 5102(c)(4) of title 5 of the United States Code is amended to read as follows:

"(4) teachers, school officials, and employees of the Board of Education of the District of Columiba whose pay is fixed under Chapter 15 of title 31, District of Columbia Code; the chief judges and the associate judges of the Superior Court of the District of Columbia and the District of Columbia Court of Appeals; and nonjudicial employees of the District of Columbia court system whose pay is fixed under chapter 17 of title 11, District of Columbia Code;".

AMENDMENTS RELATING TO THE DISTRICT OF COLUMBIA'S SHARE OF EXPENSES OF THE FEDERAL COURTS

SEC. 173. (a)(1) All outstanding and future obligations of the Commissioner of the District of Columbia with respect to the District of Columbia's share of the cost of construction, operation, maintenance, and repair of the United States courthouse in the District of Columbia, as required by the Act of May 14, 1948 (62 Stat. 235), are canceled upon the effective date of this title.

(2) Beginning on the effective date of this title, the Executive Officer of the District of Columbia courts shall reimburse to the United States from any funds in the Treasury to the credit of the District of Columbia courts the amount determined by the administrator of General Services to be necessary to cover seventy-five per centum of the costs of operation, maintenance, and repair of space used by the United States attorney and the United States marshal for the District of Columbia.

(b) Section 7 of the Act of June 30, 1906 (D.C. Code, sec. 47–204), is amended to read as follows:

"SEC. 7. (a)(1) Until the day before the effective date of the District of Columbia Court Reorganization Act of 1970, the Commissioner of the District of Columbia shall reimburse the United States for 60 per centum of the expenditures made on or before that day for the expenses of the United States District Court for the District of Columbia that are described in paragraph (2). During the thirty-month period beginning on such effective date, the Executive Officer of the District of Columbia courts shall reimburse the United States for expenditures made during that period for such expenses at the following rates of reimbursement:

"(A) 40 per centum for the first eighteen months of such period.

"(B) 20 per centum for the remainder of such period.

"(2) The expenses referred to in paragraph (1) are fees of witnesses, fees of jurors, pay of baliffs and criers (including salaries of deputy marshals who act as bailiffs or criers), and all other miscellaneous expenses of the United States District Court for the District of Columbia.

"(b) Beginning after the thirty-month period referred to in subsection (a), the Executive Officer of the District of Columbia courts shall reimburse the United States for the District of Columbia's share of the cost for jury selection and grand jury expenses, as determined by the Director of the Administrative Office of the United States Court. Estimates of the District of Columbia's share of such cost for each fiscal year shall be submitted to the Joint Committee on Judicial Administration of the District of Columbia courts for transmission with the annual estimate of the District of Columbia courts under section 11–1743 of title 11 of the District of Columbia Code.

"(c) Reimbursement made under this section shall be made from funds in the Treasury to the credit of the District of Columbia."

(c) Section 6 of the Act of August 2, 1949 (D.C. Code, sec. 47–213), is amended by inserting before the period at the end thereof ", until eighteen months after the effective date of the District of Columbia Court Reorganization Act of 1970".

PART E—TRANSITION PROVISIONS; APPOINTMENT OF ADDITIONAL JUDGES; AND EFFECTIVE DATE

EXISTING RECORDS, FILES, PROPERTY, AND FUNDS

SEC. 191. (a) The files, records, property, and unexpended balances of appropriations and other funds of the former District of Columbia Court of General Sessions, the Juvenile Court of the District of Columbia, and the District of Columbia Tax Court are transferred to the Superior Court of the District of Columbia.

(b) The files, records, and property of the United States District Court for the District of Columbia with respect to its jurisdiction on the day before the effective date of this title under section 11–522 of title 11 and chapters 5, 7, 11, 13, and 15 of title 21, respectively, of the District of Columbia Code, as in effect on such day, are transferred to the Superior Court of the District of Columbia.

EXISTING PERSONNEL

SEC. 192. (a) The personnel of the former District of Columbia Court of General Sessions, the Juvenile Court of the District of Columbia, and the District of Columbia Tax Court shall be transferred to the Superior Court of the District of Columbia and shall, with respect to all rights, privileges, and benefits, be considered as continuous employees of that court without break in service. Personnel of the United States District Court for the District of Columbia performing functions incident to jurisdiction transferred under this Act to the Superior Court shall be entitled to transfer to the Superior Court, and upon such transfer shall retain all of their rights, privileges, and benefits, and shall be considered as continuous employees of the Superior Court without break in service.

(b) Nothing in this title shall affect the status of persons in the competitive civil service on the date of enactment of this Act, but such persons may be assigned within the District of Columbia court system without regard to such status.

RETIREMENT OF CERTAIN DISTRICT OF COLUMBIA JUDGES

SEC. 193. (a) The person serving as judge of the District of Columbia Tax Court on the day prior to the effective date of this title may, within sixty days of such date, elect to retain retirement benefits under section 2 of title IX of the District of Columbia Revenue Act of 1937 (D.C. Code, sec. 47–2402), or relinquish such benefits and elect retirement benefits under chapter 15 of title 11 of the District of Columbia Code, as amended by part A of ths title.

(b)(1) Any judge of the District of Columbia Court of Appeals, the District of Columbia Court of General Sessions, the Juvenile Court of the District of Columbia, or the former District of Columbia Municipal Court of Appeals or Municipal Court, who had retired prior to the effective date of this subsection, may elect to have his retirement salary recomputed and paid in accordance with this subsection. Such election may be made in writing within sixty days after such effective date and shall be filed with the Commissioner of the District of Columbia.

(2) The retirement salary of each judge making such election shall be recomputed in accordance with applicable law then in effect at the time of his retirement, except that, in the recomputation of such retirement salary, the salary of the corresponding judicial office on the day immediately following the effective date of this subsection shall be deemed to be the salary which such judge was receiving immediately prior to the date of his retirement.

(3) Each judge who elects recomputation of his retirement salary in accordance with this subsection shall—

(A) deposit in the District of Columbia Judicial Retirement and Survivors Annuity Fund an amount equal to 3½ per centum of his basic salary received for judicial service, with interest at 4 per centum per annum thereafter, compounded on December 31 of each year; or

(B) have his retirement salary, as recomputed in accordance with this subsection, reduced by 10 per centum of the amount of such deposit remaining unpaid.

(4) The retirement salary of any judge which is recomputed in accordance with this subsection shall be payable only with respect to those months beginning on and after the first day of the first month following the date of the election made by such judge under this subsection.

CONTINUATION OF SERVICE OF JUDGES OF DISTRICT OF COLUMBIA COURTS

SEC. 194. A judge of the District of Columbia Court of General Sessions, the Juvenile Court of the District of Columbia, or the District of Columbia Tax Court who is serving as a judge of such a court on the day before the effective date of this title under an appointment made before such date shall on such date continue to serve as a judge of the Superior Court of the District of Columbia, but no amendment made by this title shall be construed to extend the term of such judge under such appointment. No amendment made by this title shall be construed to extend the term of office of a judge of the District of Columbia Court of Appeals appointed before the effective date of this title. The chief judge of the District of Columbia Court of Appeals and the chief judge of the District

of Columbia Court of General Sessions serving on the day before the effective date of this title shall, on and after such date, serve as chief judges of the District of Columbia Court of Appeals and the Superior Court of the District of Columbia, respectively, until their successors have been designated under section 11–1503 of title 11 of the District of Columbia Code, as contained in the revision made by part A of this title.

APPOINTMENT OF ADDITIONAL JUDGES AND EXECUTIVE OFFICER OF DISTRICT OF COLUMBIA COURTS

SEC. 195. (a)(1) The President of the United States shall nominate, and by and with the advice and consent of the Senate shall appoint, three additional judges to the District of Columbia Court of Appeals who shall have the qualifications prescribed by section 11–1501 of title 11 of the District of Columbia Code as contained in the revision made by part A of this title, and who shall, upon taking the oath required by law, enter into immediate service on that court.

(2) The President of the United States shall nominate, and by and with the advice and consent of the Senate shall appoint, ten additional judges to the District of Columbia Court of General Sessions who shall have the qualifications prescribed by section 11–1501 of title 11 of the District of Columbia Code as contained in the revision made by part A of this title, and who shall, upon taking the oath required by law, enter into immediate service on that court.

(b) The President shall appoint an Executive Officer of the District of Columbia courts. Until the effective date of this title, the Executive Officer shall receive the same compensation as is prescribed for an associate judge of the District of Columbia Court of General Sessions. The Executive Officer in office on the effective date of this title shall continue to serve in such office until his successor has been selected in accordance with subchapter 1 of chapter 17 of title 11 of the District of Columbia Code, as contained in the revision made by part A of this title.

ASSIGNMENT OF JUDGES TO THE JUVENILE COURT OF THE DISTRICT OF COLUMBIA

SEC. 196. Notwithstanding the provisions of title 11 of the District of Columbia Code, as in effect on the date of enactment of this title, the chief judge of the District of Columbia Court of General Sessions may assign associate judges of that court to sit as judges of the Juvenile Court of the District of Columbia, under the supervision of the chief judge of the Juvenile Court, during the period beginning on the date of the enactment of this title and ending on the day before the effective date of this title.

EFFECTIVE DATE

SEC. 197. (a) The effective date of this title (and the amendments made by this title) shall be the first day of the seventh calendar month which begins after the date of the enactment of this Act.

(b) Notwithstanding subsection (a), the following provisions shall take effect as provided in the following paragraphs:

(1) The provisions of chapter 25 (relating to attorneys) of title 11 of the District of Columbia Code, as contained in the revision made by part A of this title, shall take effect on April 1, 1972. The provisions of chapter 21 (relating to attorneys) of title 11 of the District of Columbia Code, in effect on the day before the effective date of this title, shall remain in effect until April 1, 1972.

(2) The provisions of chapter 21 (relating to the Register of Wills) of title 11 of the District of Columbia Code, as contained in the revision made by part A of this title, shall take effect immediately following the expiration of the eighteen-month period beginning on the effective date of this title. The provisions of sections 11–504 through 11–506 of title 11 of the District of Columbia Code (relating to the Register of Wills) in effect on the day before the effective date of this title, shall remain in effect until the expiration of such eighteen-month period.

(3) The amendments made by the following sections of this Act (relating to those matters over which the United States District Court for the District of Columbia retains temporary jurisdiction) shall take effect immediately following the expiration of the eighteen-month period beginning on the effective date of this title: Sections 144(10), 145(b)(2), 145(k)(1), 145(l), 147(1), 148(2), 149(2), 149(4), 149(6), 149(8), 150(a), 150(b)(1), 150(b)(3), 150(d), 150(e), 150(f)(3), 150(f)(4), 150(f)(8), 150(g), and 150(h)(1).

(4) Section 146(a)(1) (relating to the repeal of certain review provisions) shall not apply with respect to any appeal from the District of Columbia Court of Appeals over which the United States Court of Appeals for the District of Columbia Circuit has jurisdiction under section 11–301 of title 11 of the District of Columbia Code as in effect immediately before the date of enactment of this Act.

(5) Section 11–722 of the District of Columbia Code, as contained in the revision made by part A of this title, shall take effect with respect to petitions filed after the effective date of this title for review of decisions or orders.

(6) The amendments made by subpart 2 of part D of this title to section 8 of the Act of March 4, 1913, shall not apply with respect to proceedings brought in the United States District Court for the District of Columbia on or before the effective date of this title.

(7) The amendments made by section 162 shall take effect with respect to petitions filed after the effective date of this title for review of decisions or orders.

(8) Sections 195 and 196 shall take effect on the date of the enactment of this Act.

(c) For purposes of this title and any amendment made by this title, the term "effective date of the District of Columbia Court Reorganization Act of 1970" means the first day of the seventh calendar month which begins after the date of the enactment of this Act.

TITLE II—CRIMINAL LAW AND PROCEDURE

SENTENCING OF MULTIPLE OFFENDERS

SEC. 201. (a) Section 907 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (D.C. Code, sec. 22–104), is amended to read as follows:

"SEC. 907. Except as provided in section 907A(b), if any person—

"(1) is convicted of a criminal offense (other than a non-moving traffic offense) under a law applicable exclusively to the District of Columbia, and

"(2) was previously convicted of a criminal offense under any law of the United States or of a State or territory of the United States which offense, at the time of the conviction referred to in paragraph (1), is the same as, constitutes, or necessarily includes the offense referred to in that paragraph,

such person may be sentenced to pay a fine in an amount not more than one and one-half times the maximum fine prescribed for the conviction referred to in paragraph (1) and sentenced to imprisonment for a term not more than one and one-half times the maximum term of imprisonment prescribed for that conviction. If such person was previously convicted more than once of an offense described in paragraph (2), he may be sentenced to pay a fine in an amount not more than three times the maximum fine prescribed for the conviction referred to in paragraph (1) and sentenced to imprisonment for a term not more than three times the maximum term of imprisonment prescribed for that conviction. No conviction with respect to which a person has been pardoned on the ground of innocence shall be taken into account in applying this section."

(b) Such Act is amended by adding after section 907 the following new section:

"SEC. 907A. (a)(1) Except as provided in subsection (b), if any person—

"(A) is convicted in the District of Columbia of a felony, and

"(B) before the commission of such felony, was convicted of at least two felonies,

and the court is of the opinion that the history and character of such person and the nature and circumstances of his criminal conduct indicate that extended incarceration or lifetime supervision, or both, will best serve the public interest, the court may, in lieu of any sentence otherwise authorized for the felony referred to in subparagraph (A), impose such greater sentence as it deems necessary, including imprisonment for the natural life of such person.

"(2) For purposes of subparagraph (B) of paragraph (1)—

"(A) a person shall be considered as having been convicted of a felony if he was convicted (i) of a felony in a court of the District of Columbia or of the United States, or (ii) in any other jurisdiction of a crime classified as a felony under the laws of that jurisdiction or punishable by imprisonment for more than two years; and

"(B) a person shall be considered as having been convicted of two felonies if his initial sentencing under a conviction of one felony preceded the commission of the second felony for which he was convicted.

No conviction with respect to which a person has been pardoned on the ground of innocence shall be taken into account in applying this subsection.

"(b)(1) If any person—

"(A) is convicted in the District of Columbia of a violent crime, and

"(B) before the commission of such violent crime, was convicted of at least two violent crimes,

the court shall (unless it imposes the death sentence) sentence him to imprisonment for his natural life, with eligibility for parole only after the expiration of twenty years from the date his imprisonment begins. Imposition or execution of sentence under this subsection shall not be suspended, probation shall not be granted, and chapter 402 of title 18 of the United States Code (Federal Youth Corrections Act) shall not apply.

"(2)(A) For purposes of this subsection, the term 'violent crime' means any violation of the laws of the United States (including laws applicable exclusively to the District of Columbia) or a State or territory of the United States, which violation would constitute under the laws applicable exclusively to the District of Columbia any of the following crimes: Murder, manslaughter, rape, arson, mayhem, maliciously disfiguring another, abduction, kidnaping, burglary in the first degree, robbery, housebreaking, indecent acts against children, assault with intent to kill, to commit rape, or to commit robbery, assault with a dangerous weapon, assault on a police or correctional officer, or assault with intent to commit any offense punishable by imprisonment for more than one year.

"(B) For purposes of this subsection, (i) a person shall be considered as having been convicted of two violent crimes if his initial sentencing under a conviction of one such crime preceded the commission of the second violent crime for which he was convicted, and (ii) no conviction with respect to which a person has been pardoned on the ground of innocence shall be taken into account in applying this subsection."

CONSPIRACY

SEC. 202. Such Act of March 3, 1901, is further amended by adding after section 908 the following new section:

"SEC. 908A. (a) If two or more persons

conspire either to commit a criminal offense or to defraud the District of Columbia or any court or agency thereof in any manner or for any purpose, each shall be fined not more than $10,000 or imprisoned not more than five years, or both, except that if the object of the conspiracy is a criminal offense punishable by less than five years, the maximum penalty for the conspiracy shall not exceed the maximum penalty provided for that offense.

"(b) No person may be convicted of conspiracy unless an overt act is alleged and proved to have been committed by one of the conspirators pursuant to the conspiracy and to effect its purpose.

"(c) When the object of a conspiracy contrived within the District of Columbia is to engage in conduct in a jurisdiction outside the District of Columbia which would constitute a criminal offense under an Act of Congress applicable exclusively to the District of Columbia if performed therein, the conspiracy is a violation of this section if (1) such conduct would also constitute a crime under the laws of the other jurisdiction if performed therein, or (2) such conduct would constitute a criminal offense under an Act of Congress exclusively applicable to the District of Columbia even if performed outside the District of Columbia.

"(d) A conspiracy contrived in another jurisdiction to engage in conduct within the District of Columbia which would constitute a criminal offense under an Act of Congress exclusively applicable to the District of Columbia if performed within the District of Columbia is a violation of this section when an overt act pursuant to the conspiracy is committed within the District of Columbia. Under such circumstances, it is immaterial and no defense to a prosecution for conspiracy that the conduct which is the object of the conspiracy would not constitute a crime under the laws of the other jurisdiction."

SECOND DEGREE BURGLARY EXTENDED TO BREAKING AND ENTERING VENDING MACHINES AND SIMILAR DEVICES

SEC. 203. Section 823(b) of such Act of March 31, 1901 (D.C. Code, sec. 22–1801), is amended by inserting after "deposited and kept for the purpose of trade," the following: "or any parking meter, coin telephone, vending machine dispensing goods or services, money changer, or any other device designed to receive currency,".

PENALTY FOR RAPE

SEC. 204. Section 808 of such Act of March 31, 1901 (D.C. Code, sec. 22–2801), is amended to read as follows:

"SEC. 808. Whoever has carnal knowledge of a female forcibly and against her will or whoever carnally knows and abuses a female child under sixteen years of age, shall be imprisoned for any term of years or for life."

COMMITTING CRIME OF VIOLENCE WHILE ARMED

SEC. 205. (a) Section 2 of the Act entitled "An Act to control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes", approved July 8, 1932 (D.C. Code, sec. 22–3202), is amended to read as follows:

"SEC. 2. (a) If any person commits a crime of violence in the District of Columbia when armed with or having readily available any pistol or other firearm (or imitation thereof) or other dangerous or deadly weapon (including a sawed-off shotgun, shotgun, machinegun, rifle, dirk, bowie knife, butcher knife, switchblade knife, razor, blackjack, billy, or metallic or other false knuckles) he shall, in addition to the punishment provided for the crime of violence—

"(1) if he is convicted for the first time of having so committed a crime of violence in the District of Columbia, be sentenced to a minimum period of imprisonment of not less than three years, and a maximum period of imprisonment which may not be less than three times the minimum sentence imposed and which may be up to life imprisonment.

"(2) if he is convicted more than once of having so committed a crime of violence in the District of Columbia, be sentenced to a minimum period of imprisonment of not less than ten years, and a maximum period of imprisonment which may not be less than three times the minimum sentence imposed and which may be up to life imprisonment.

"(b) Where the maximum sentence imposed under this section is life imprisonment, the minimum sentence imposed under subsection (a) may not exceed fifteen years' imprisonment.

"(c) Any person sentenced under this section may be released on parole in accordance with the Act of July 15, 1932 (chapter 2 of title 24 of the District of Columbia Code), at any time after having served the minimum sentence imposed under this section.

"(d)(1) Chapter 402 of title 18 of the United States Code (Federal Youth Corrections Act) shall not apply with respect to any person sentenced under paragraph (2) of subsection (a).

"(2) The execution or imposition of any term of imprisonment imposed under this section may not be suspended and probation may not be granted. Nothing contained in this section shall be construed as reducing any sentence otherwise imposed or authorized to be imposed.

"(e) No conviction with respect to which a person has been pardoned on the ground of innocence shall be taken into account in applying this section."

(b) Section 13 of such Act is amended by striking out "This" and inserting in lieu thereof the following: "Except as provided in section 2 and section 14(b) of this Act, this".

RESISTING ARREST

SEC. 206. Subsection (a) of section 432 of the Revised Statutes relating to the District of Columbia (D.C. Code, sec. 22–505(a)) is amended by inserting at the end thereof the following: "It is neither justifiable nor excusable cause for a person to use force to resist an arrest when such arrest is made by an individual he has reason to believe is a law enforcement officer, whether or not such arrest is lawful."

INSANE CRIMINALS

SEC. 207. Section 927 of the Act of March 3, 1901 (D.C. Code, sec. 24–301), is amended—

(1) by striking out "Whenever a person is arrested" and all that follows down through "period of probation" in the first sentence of subsection (a) and inserting in lieu thereof the following: "Whenever a person is arrested or indicted for, or charged by information with, an offense, or a child is the subject of a transfer motion in the Family Division of the Superior Court of the District of Columbia pursuant to section 16–2331 of the District of Columbia Code, and before the imposition of sentence, the expiration of any period of probation, or prior to hearing on the transfer motion, as the case may be,";

(2) by striking out the period at the end of the second sentence of subsection (a) and inserting in lieu thereof "or to participate in transfer proceedings.";

(3) by inserting after "stand trial" in the third sentence of subsection (a) "or to participate in transfer proceedings";

(4) by inserting after "stand trial" in both places it appears in subsection (b) "or to participate in transfer proceedings";

(5) by amending subsection (d) to read as follows:

"(d) If any person tried upon an indictment or information for an offense raises the defense of insanity and is acquitted solely on the ground that he was insane at the time of its commission, he shall be committed to a hospital for the mentally ill until such time as he is eligible for release pursuant to subsection (e).";

(6) by adding at the end of subsection (j) the following sentence: "No person accused of an offense shall be acquitted on the ground that he was insane at the time of its commission unless his insanity, regardless of who raises the issue, is affirmatively established by a preponderance of the evidence."; and

(7) by adding at the end thereof the following new subsection:

"(k)(1) A person in custody or conditionally released from custody, pursuant to the provisions of this section, claiming the right to be released from custody, the right to any change in the conditions of his release, or other relief concerning his custody, may move the court having jurisdiction to order his release, to release him from custody, to change the conditions of his release, or to grant other relief.

"(2) A motion for relief may be made at any time.

"(3) Unless the motion and the files and records of the case conclusively show that the person is entitled to no relief, the court shall cause notice thereof to be served upon the prosecuting authority, grant a prompt hearing thereon, determine the issues, and make findings of fact and conclusions of law with respect thereto. On all issues raised by his motion, the person shall have the burden of proof. If the court finds that the person is entitled to his release from custody, either conditional or unconditional, a change in the conditions of his release, or other relief, the court shall enter such order as may appear appropriate.

"(4) A court may entertain and determine the motion without requiring the production of the person at the hearing.

"(5) A court shall not be required to entertain a second or successive motion for relief under this section more often than once every six months. A court for good cause shown may in its discretion entertain such a motion more often than once every six months.

"(6) An appeal may be taken from an order entered under this section to the court having jurisdiction to review final judgments of the court entering the order.

"(7) An application for habeas corpus on behalf of a person who is authorized to apply for relief by motion pursuant to this section shall not be entertained if it appears that the applicant has failed to apply for relief, by motion, to the court having jurisdiction to entertain a motion pursuant to this section, unless it also appears that the remedy by motion is inadequate or ineffective to test the validity of his detention."

NARCOTIC DRUGS

SEC. 208. Section 23 of the Uniform Narcotic Drug Act (D.C. Code, sec. 33–423) is amended to read as follows:

"SEC. 23. (a) Except as hereinafter provided, a person violating any provision of this Act, or any regulation made by the Commissioner of the District of Columbia or the District of Columbia Council under authority of this Act, for which no specific penalty is otherwise provided, shall be fined not less than $100 nor more than $1,000, or imprisoned for not more than one year, or both.

"(b) A person convicted of an offense punishable pursuant to this section, who shall have previously been convicted in the District of Columbia of such an offense, or who shall have previously been convicted, either in the District of Columbia or elsewhere, of a violation of the laws of the United States or of a State or subdivision thereof which would have been a violation of this Act and

punishable pursuant to this section if committed in the District of Columbia and prosecuted pursuant to this Act, shall be fined not less than $500 nor more than $5,000 or imprisoned for not more than ten years, or both.

"(c) For additional penalties for two or more violations of this Act, see sections 907 and 907A of the Act of March 3, 1901 (as amended by title II of the District of Columbia Court Reform and Criminal Procedure Act of 1970)."

POSSESSION OF CERTAIN DESTRUCTIVE DEVICES

SEC. 208A. Section 14 of the Act of July 8, 1932 (D.C. Code, sec. 22–3214), is amended in subsection (c) by striking out "this section" and inserting in lieu thereof "subsection (a) or (b) of this section" and by adding at the end thereof the following new subsection:

"(d)(1) No person shall, without lawful authority, possess any incendiary device within the District of Columbia.

"(2) For the purpose of this subsection, the term 'incendiary device' means any flame producing—

"(A) bomb,

"(B) grenade,

"(C) mine, or

"(D) device similar to any of the devices described in the preceding clauses.

"(3) Whoever violates this subsection shall be imprisoned—

"(A) in the case of a first offense, for a period of not less than two years,

"(B) in the case of a second or subsequent offense, for a period of not less than ten years."

CODIFICATION OF TITLE 23 OF DISTRICT OF COLUMBIA CODE

SEC. 209. (a) The general and permanent laws of the District of Columbia relating to criminal procedure are revised, codified, and enacted as title 23 of the District of Columbia Code, "Criminal Procedure", and may be cited "D.C. Code, sec. ", as follows:

"TITLE 23.—CRIMINAL PROCEDURE

"Chap.	Sec.
"1. General Provisions	23–101
"3. Indictments and Informations	23–301
"5. Warrants and Arrests	23–501
"7. Extradition and Fugitives from Justice	23–701
"9. Fresh Pursuit	23–901
"11. Professional Bondsmen	23–1101
"13. Bail Agency and Pretrial Detention	23–1301
"15. Out-of-State Witnesses	23–1501
"17. Death Penalty	23–1701

Chapter 1.—GENERAL PROVISIONS

"Sec.

"23–101. Conduct of prosecutions.

"23–102. Abandonment of prosecution; enlargement of, time for taking action.

"23–103. Statements prior to sentence.

"23–104. Appeals by United States and District of Columbia.

"23–105. Challenges to jurors.

"23–106. Witnesses for defense; fees.

"23–107. Discharge or acquittal of joint defendant during trial in order to be witness.

"23–108. Depositions.

"23–109. Powers of investigators assigned to United States attorney.

"23–110. Remedies on motion attacking sentence.

"23–111. Proceedings to establish previous convictions.

"23–112. Concurrent and consecutive sentences.

"§ 23–101. Conduct of prosecutions

"(a) Prosecutions for violations of all police or municipal ordinances or regulations and for violations of all penal statutes in the nature of police or municipal regulations, where the maximum punishment is a fine only, or imprisonment not exceeding one year, shall be conducted in the name of the District of Columbia by the Corporation Counsel for the District of Columbia or his assistants, except as otherwise provided in such ordinance, regulation, or statute, or in this section.

"(b) Prosecutions for violations of section 6 of the Act of July 29, 1892 (D.C. Code, sec. 22–1107), relating to disorderly conduct, and for violations of section 9 of that Act (D.C. Code, sec. 22–1112), relating to lewd, indecent, or obscene acts, shall be conducted in the name of the District of Columbia by the Corporation Counsel or his assistants.

"(c) All other criminal prosecutions shall be conducted in the name of the United States by the United States attorney for the District of Columbia or his assistants, except as otherwise provided by law.

"(d) An indictment or information brought in the name of the United States may include, in addition to offenses prosecutable by the United States, offenses prosecutable by the District of Columbia, and such prosecution shall be conducted by the United States attorney in the name of the United States, if the written consent of the Corporation Counsel (or his assistant authorized to consent to such prosecution) is filed in such case.

"(e) Separate indictments or informations, or both, charging offenses prosecutable by the District of Columbia and by the United States may be joined for trial if the offenses charged therein could have been joined in the same indictment. Such prosecution may be conducted either solely by the Corporation Counsel or his assistants or solely by the United States attorney or his assistants if the other prosecuting authority consents.

"(f) If in any case any question shall arise as to whether, under this section, the prosecution should be conducted by the Corporation Counsel or by the United States attorney, the presiding judge shall forthwith, either on his own motion or upon suggestion of the Corporation Counsel or the United States attorney, certify the case to the District of Columbia Court of Appeals, which court shall hear and determine the question in a summary way. In every such case the defendant or defendants shall have the right to be heard in the District of Columbia Court of Appeals. The decision of such court shall be final.

"§ 23–102. Abandonment of prosecution; enlargement of time for taking action

"If any person charged with a criminal offense shall have been committed or held to bail to await the action of the grand jury and within nine months thereafter the grand jury shall not have taken action on the case, either by ignoring the charge or by returning an indictment, the prosecution of such charge shall be deemed to have been abandoned and the accused shall be set free or his bail discharged, as the case may be: but, the court having jurisdiction to try the offense for which the person has been committed, when practicable and upon good cause shown in writing and upon due notice to the accused, may from time to time enlarge the time for the taking action in such case by the grand jury.

"§ 23–103. Statements prior to sentence

"Before imposing sentence the court may disclose to the defendant's counsel and to the prosecuting attorney, but not to one and not the other, all or part of any pre-sentencing report submitted to the court in the case. The court also prior to imposing sentence shall afford counsel an opportunity to speak on behalf of the defendant and shall address the defendant personally and ask him if he wishes to make a statement in his own behalf and to present any information in mitigation of punishment. At any time when the defendant or his counsel addresses the court on the sentence to be imposed, the prosecuting attorney shall, if he wishes, have an equivalent opportunity to address the court and to make a recommendation to the court on the sentence to be imposed and to present information in support of his recommendation. Such information as the defendant or his counsel or the prosecuting attorney may present shall at all times be subject to the applicable rules of mutual discovery.

"§ 23–104. Appeals by United States and District of Columbia

"(a)(1) The United States or the District of Columbia may appeal an order, entered before the trial of a person charged with a criminal offense, which directs the return of seized property, suppresses evidence, or otherwise denies the prosecutor the use of evidence at trial, if the United States attorney or the Corporation Counsel conducting the prosecution for such violation certifies to the judge who granted such motion that the appeal is not taken for purpose of delay and the evidence is a substantial proof of the charge pending against the defendant.

"(2) A motion for return of seized property or to suppress evidence shall be made before trial unless opportunity therefor did not exist or the defendant was not aware of the grounds for the motion.

"(b) The United States or the District of Columbia may appeal a ruling made during the trial of a person charged with a criminal offense which suppresses or otherwise denies the prosecutor the use of evidence on the ground that it was invalidly obtained, if the United States attorney or the Corporation Counsel conducting the prosecution for such violation certifies to the judge that the appeal is not taken for purpose of delay and that the evidence is a substantial proof of the charge being tried against the defendant. The court shall either adjourn the trial until the appeal shall be resolved or declare a mistrial and continue the case until the appeal shall be resolved.

"(c) The United States or the District of Columbia may appeal an order dismissing an indictment or information or otherwise terminating a prosecution in favor of a defendant or defendants as to one or more counts thereof, except where there is an acquittal on the merits.

"(d) The United States or the District of Columbia may appeal any other ruling made during the trial of a person charged with an offense which the United States attorney or the Corporation Counsel certifies as involving a substantial and recurring question of law which requires appellate resolution. Such an appeal may be taken during a trial only with leave of the court, and upon allowing such an appeal during a trial the court shall adjourn the trial until the appeal shall be resolved or declare a mistrial and continue the case until the appeal shall be resolved. Such an appeal may be taken after trial, and the appellate court shall decide the question of law which has been certified as substantial and recurring, but a verdict in favor of the defendant shall not be set aside.

"(e) Any appeal taken pursuant to this section either during or prior to trial shall be expedited.

"(f) Pending the prosecution and determination of an appeal taken pursuant to this section, the defendant shall be detained or released in accordance with chapter 13 of this title or chapter 207 of title 18, United States Code.

"§ 23–105. Challenges to jurors

"(a) In a trial for an offense punishable by death, each side is entitled to twenty peremptory challenges. In a trial for an offense punishable by imprisonment for more than one year, each side is entitled to ten peremptory challenges. In all other criminal cases, each side is entitled to three peremptory challenges. If there is more than one defendant, or if a case is prosecuted both by

the United States and by the District of Columbia, the court may allow additional peremptory challenges and permit them to be exercised separately or jointly, but in no event shall one side be entitled to more peremptory challenges than the other.

"(b) The court may direct that jurors in addition to the regular jury be called and impaneled to sit as alternate jurors. In addition to those otherwise allowed, each side is entitled to one peremptory challenge if one or two alternate jurors are to be impaneled, to two peremptory challenges if three or four alternate jurors are to be impaneled, and to three peremptory challenges if five or six alternate jurors are to be impaneled.

"(c) Any juror or alternate juror may be challenged for cause.

"(d) No verdict shall be set aside for any cause which might be alleged as ground for challenge of a juror before the jury is sworn, except when the objection to the juror is that he had a bias against the defendant such as would have disqualified him, such disqualification was not known to or suspected by the defendant or his counsel before the juror was sworn, and the basis for such disqualification was the subject of examination or request for examination of the prospective jurors by or on request of the defendant.

"§ 23–106. Witnesses for defense; fees

"The court shall order at any time that a subpoena be issued for service upon a named witness on behalf of a defendant if the defendant makes an application for such an order and makes a satisfactory showing that he is financially unable to pay the fees of the witness and that the presence of the witness is necessary to an adequate defense. If the court orders the subpoena to be issued the cost incurred by the process and the fees of the witness so subpoenaed shall be paid in the same manner in which similar costs and fees are paid in case of a witness subpoenaed in behalf of the prosecuting authority.

"§ 23–107. Discharge or acquittal of joint defendant during trial in order to be witness

"(a) When two or more persons are jointly indicted or charged by information, or charged by separate indictments or informations which have been joined for trial, the court may, with the consent of the prosecuting authority, direct that a defendant who has not gone into his defense be discharged so that he may be a witness for the prosecution.

"(b) When two or more persons are jointly tried, a person desiring that another defendant testify on his behalf may request a judgment of acquittal on behalf of such defendant, which the court shall consider in the same manner as a motion made by such defendant.

"(c) At the request of a defendant who wishes to testify on behalf of another person with whom he is jointly tried, if the evidence against such defendant is sufficient to be submitted to the jury and if such other person consents, the court may submit the case concerning such defendant to the jury separately so that his testimony may not be considered against him by such jury.

"(d) A discharge granted pursuant to subsection (a), or an acquittal secured pursuant to subsection (b) or (c), shall be bar to another prosecution for the same offense of the defendant so discharged or acquitted.

"§ 23–108. Depositions

"(a) If a material witness for either the prosecution or the defendant resides more than twenty-five miles from the place of holding court, is sick or infirm, or is about to leave the District of Columbia, and the prosecution or the defendant applies in writing to the court for a commission to examine such witness when the deposition is to be taken beyond the District of Columbia, the court may grant the commission and enter an order stating for what length of time notice shall be given to the other party before such witness shall be examined. At or before the time fixed in the notice, when the examination is upon written interrogatories, the other party may file cross-interrogatories, but if he fails to do so the clerk shall file the following interrogatories:

"(1) Are all your statements in the foregoing answers made from your own personal knowledge? If not, show what is stated upon information and give its source.

"(2) State everything you know in addition to what is stated in your above answers concerning this case favorable to either the prosecution or the defendant.

"(b) The court may order in any case that the examination be conducted orally.

"(c) The commission shall issue from the clerk's office, the examination of the witnesses shall be made and certified, and the return thereof made in the same manner as in civil cases, and unimportant irregularities or errors in the proceedings under the commission shall not cause the deposition to be excluded where no substantial prejudice can be wrought to the prosecution or the defendant by such irregularities or errors.

"§ 23–109. Powers of investigators assigned to United States attorney

"Any special investigator appointed by the Attorney General and assigned to the United States attorney for the District shall have authority to execute all lawful writs, process, and orders issued under authority of the United States, and command all necessary assistance to execute his duties, and shall have the same powers to make arrests as are possessed by members of the Metropolitan Police Department of the District of Columbia.

"§ 23–110. Remedies on motion attacking sentence

"(a) A prisoner in custody under sentence of the Superior Court claiming the right to be released upon the ground that (1) the sentence was imposed in violation of the Constitution of the United States or the laws of the District of Columbia, (2) the court was without jurisdiction to impose the sentence, (3) the sentence was in excess of the maximum authorized by law, (4) the sentence is otherwise subject to collateral attack, may move the court to vacate, set aside, or correct the sentence.

"(b) A motion for such relief may be made at any time.

"(c) Unless the motion and files and records of the case conclusively show that the prisoner is entitled to no relief, the court shall cause notice thereof to be served upon the prosecuting authority, grant a prompt hearing thereon, determine the issues, and make findings of fact and conclusions of law with respect thereto. If the court finds that (1) the judgment was rendered without jurisdiction, (2) the sentence imposed was not authorized by law or is otherwise open to collateral attack, (3) there has been such a denial or infringement of the constitutional rights of the prisoner as to render the judgment vulnerable to collateral attack, the court shall vacate and set the judgment aside and shall discharge the prisoner, resentence him, grant a new trial, or correct the sentence, as may appear appropriate.

"(d) A court may entertain and determine the motion without requiring the production of the prisoner at the hearing.

"(e) The court shall not be required to entertain a second or successive motion for similar relief on behalf of the same prisoner.

"(f) An appeal may be taken to the District of Columbia Court of Appeals from the order entered on the motion as from a final judgment on application for a writ of habeas corpus.

"(g) An application for a writ of habeas corpus in behalf of a prisoner who is authorized to apply for relief by motion pursuant to this section shall not be entertained by the Superior Court or by any Federal or State court if it appears that the applicant has failed to make a motion for relief under this section or that the Superior Court has denied him relief, unless it also appears that the remedy by motion is inadequate or ineffective to test the legality of his detention.

"§ 23–111. Proceedings to establish previous convictions

"(a)(1) After conviction of (but before pronouncement of sentence on) a person for an offense under the laws applicable exclusively to the District of Columbia the United States attorney or the Corporation Counsel, as the case may be, shall file an information informing the court of any previous convictions that would subject such person to increased punishment. A copy of such information shall be served upon counsel for the person before sentence is imposed.

"(2) An information may not be filed under this section if the increased punishment which may be imposed is imprisonment for a term in excess of three years unless the person either waived or was afforded prosecution by indictment for the offense for which such increased punishment may be imposed.

"(3) Whenever an information has been filed under this section with respect to a person who stands convicted following a plea of guilty, the court shall allow the person to withdraw the plea upon a showing that, at the time the plea was entered, the person did not know that his previous convictions would subject him to increased punishment.

"(b) If the prosecutor files an information under this section, the court shall inquire of the person with respect to whom the information was filed whether he affirms or denies that he has been previously convicted as alleged in the information, and shall inform him that any challenge to a previous conviction which is not made before sentence is imposed may not thereafter be raised to attack the sentence.

"(c)(1) If the person denies any allegation of the information of previous conviction, or claims that any conviction alleged is invalid, he shall file a written response to the information. A copy of the response shall be served upon the prosecutor. The court shall hold a hearing to determine any issues raised by the response which would except the person from increased punishment. The hearing shall be before the court without a jury and either party may introduce evidence. Except as otherwise provided in paragraph (2) of this subsection, the prosecuting authority shall have the burden of proof beyond a reasonable doubt on any issue of fact. At the request of either party, the court shall enter findings of fact and conclusions of law.

"(2) A person claiming that a conviction alleged in the information was obtained in violation of the Constitution of the United States shall set forth his claim, and the factual basis therefor, with particularity in his response to the information. The person shall have the burden of proof by a preponderance of the evidence on any issue of fact raised by the response. Any challenge to a previous conviction, not raised by response to the information before an increased sentence is imposed in reliance thereon, shall be waived unless good cause be shown for failure to make a timely challenge.

"(d)(1) If the person files no response to the information, or if the court determines, after hearing, that the person is subject to increased punishment by reason of previous convictions, the court shall proceed to impose sentence upon him as provided by law.

"(2) If the court determines that the person has not been convicted as alleged in the information, that a conviction alleged in the information is invalid, or that the person is otherwise not subject to an increased sentence as a matter of law, the court shall, at

the request of the prosecutor, postpone sentence to allow an appeal from that determination. If no such request is made, the court shall impose sentence as provided by law. The person may appeal from an order postponing sentence as if sentence had been pronounced and a final judgment of conviction entered.

"§ 23–112. Consecutive and concurrent sentences

"A sentence imposed on a person for conviction of an offense shall, unless the court imposing such sentence expressly provides otherwise, run consecutively to any other sentence imposed on such person for conviction of an offense, whether or not the offense (1) arises out of another transaction, or (2) arises out of the same transaction and requires proof of a fact which the other does not.

"Chapter 3.—INDICTMENTS AND INFORMATIONS

"SUBCHAPTER I—GENERAL PROVISIONS

"Sec.
"23–301. Prosecution by indictment or information.

"SUBCHAPTER II—JOINDER

"23–311. Joinder of offenses and of defendants.
"23–312. Joinder of indictments or informations for trial.
"23–313. Relief from prejudicial joinder.
"23–314. Joinder of inconsistent offenses concerning the same property.

"SUBCHAPTER III—SUFFICIENCY

"23–321. Description of money.
"23–322. Intent to defraud.
"23–323. Perjury.
"23–324. Subordination of perjury.

SUBCHAPTER 1—GENERAL PROVISIONS

"§ 23–301. Prosecution by indictment or information

"An offense prosecuted in the Superior Court which may be punished by death shall be prosecuted by indictment returned by a grand jury. An offense which may be punished by imprisonment for a term exceeding one year shall be prosecuted by indictment, but it may be prosecuted by information if the defendant, after he has been advised of the nature of the charge and of his rights, waives in open court prosecution by indictment. Any other offense may be prosecuted by indictment or by information. An information subscribed by the proper prosecuting officer may be filed without leave of court.

"SUBCHAPTER II—JOINDER

"§ 23–311. Joinder of offenses and of defendants

"(a) Two or more offenses may be charged in the same indictment or information in a separate count for each offense if the offenses charged, whether felonies or misdemeanors or both, are of the same or similar character or are based on the same act or transaction or on two or more acts or transactions connected together or constituting parts of a common scheme or plan.

"(b) Two or more offenses may be charged in the same indictment or information as provided in subsection (a) even though one or more is in violation of the laws of the United States and another is in violation of laws applicable exclusively to the District of Columbia and may be prosecuted as provided in section 11–502(3).

"(c) Two or more defendants may be charged in the same indictment or information if they are alleged to have participated in the same act or transaction or in the same series of acts or transactions constituting an offense or offenses. Such defendants may be charged in one or more counts together or separately and all of the defendants need not be charged in each count.

"§ 23–312. Joinder of indictments or informations for trial

"The court may order two or more indictments or informations or both to be tried together if the offenses, and the defendants if there is more than one, could have been joined in a single indictment or information. The procedure shall be the same as if the prosecution were under such single indictment or information.

"§ 23–313. Relief from prejudicial joinder

"If it appears that a defendant or the government is prejudiced by a joinder of offenses or of defendants in an indictment or information or by such joinder for trial together, the court may order an election or separate trials of counts, grant a severance of defendants, or provide whatever other relief justice requires. In ruling on a motion by a defendant for severance the court may order the attorney for the government to deliver to the court for inspection in camera any statements or confessions made by the defendants which the government intends to introduce in evidence at the trial.

"§ 23–314. Joinder of inconsistent offenses concerning the same property

"An indictment or information may contain a count for larceny, a count for obtaining the same property by false pretenses, a count for embezzlement thereof, and a count for receiving or concealing the same property, knowing it to be stolen or embezzled, or any of such counts, and the jury may convict of any of such offenses, and may find any or all of the persons indicted guilty of any of said offenses.

"SUBCHAPTER III—SUFFICIENCY

"§ 23–321. Description of money

"In every indictment or information, except for forgery, in which it is necessary to make an averment as to any money or bank bill or notes, United States Treasury notes, postal and fractional currency, or other bills, bonds, or notes, issued by lawful authority and intended to pass and circulate as money, it shall be sufficient to describe such money, bills, notes, currency, or bonds simply as money, without specifying any particular coin, note, bill, or bond; and such allegation shall be sustained by proof that the accused has stolen or embezzled any amount of coin, or any such note, bill, currency, or bond, although the particular amount of species of such coin, note, bill, currency, or bond be not proved.

"§ 23–322. Intent to defraud

"In an indictment or information in which it is necessary to allege an intent to defraud, it shall be sufficient to allege that the party accused did the act complained of with intent to defraud, without alleging an intent to defraud any particular person or body corporate. On the trial of such an indictment or information it shall not be necessary to prove an intent to defraud any particular person, but it shall be sufficient to prove a general intent to defraud.

"§ 23–323. Perjury

"In every information or indictment for perjury, it shall be sufficient to set forth the substance of the offense charged upon the defendant, and by what court, or before whom the oath was taken (averring such court, or person or persons, to have a competent authority to administer the same) together with the proper averment or averments to falsify the matter or matters wherein the perjury or perjuries is or are assigned; without setting forth the bill, answer, information, indictment, declaration, or any part of any record of proceeding either in law or equity, other than as aforesaid; and without setting forth the commission or authority of the court, or person or persons before whom the perjury was committed; any law, usage, or custom to the contrary notwithstanding.

"§ 23–324. Subornation of perjury

"In every information or indictment for subornation of perjury, or for corrupt bargaining or contracting with others to commit perjury, it shall be sufficient to set forth the substance of the offense charged upon the defendant, without setting forth the bill, answer, information, indictment, declaration, or any part of any record or proceeding either in law or equity, and without setting forth the commission or authority of the court, or person or persons before whom the perjury was committed, or was agreed or promised to be committed, any law, usage, or custom to the contrary notwithstanding.

"Chapter 5.—WARRANTS AND ARRESTS

SUBCHAPTER I—DEFINITIONS

"Sec.
"23–501. Definitions.

"SUBCHAPTER II—SEARCH WARRANTS

"23–521. Nature and issuance of search warrants.
"23–522. Applications for search warrants.
"23–523. Time of execution of search warrants.
"23–524. Execution of search warrants.
"23–525. Disposition of property.

"SUBCHAPTER III—WIRE INTERCEPTION AND INTERCEPTION OF ORAL COMMUNICATIONS

"23–541. Definitions.
"23–542. Authorization for interception of wire or oral communications.
"23–543. Procedure for interception of wire or oral communications.
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"SUBCHAPTER IV—ARREST WARRANT AND SUMMONS

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"SUBCHAPTER I—DEFINITIONS

"§ 23–501. Definitions

"As used in subchapters II, IV, and V of this chapter—

"(1) the term 'judicial officer' means a judge of the Superior Court of the District of Columbia or of the United States District Court for the District of Columbia, or a United States Commissioner or magistrate for the District of Columbia;

"(2) the term 'law enforcement officer' means an officer or member of the Metropolitan Police Department of the District of Columbia or of any other police force operating in the District of Columbia, or an investigative officer or agent of the United States;

"(3) the term 'prosecutor" means the United States attorney for the District of Columbia or his assistant, the Corporation Counsel of the District of Columbia or his assistant, or an attorney employed by, and who has entered an appearance on behalf of, the United States or the District of Columbia in a criminal case or in an investigation being conducted by a grand jury.

"SUBCHAPTER II—SEARCH WARRANTS

"§ 23–521. Nature and issuance of search warrants

"(a) Under circumstances described in this subchapter, a judicial officer may issue a search warrant upon application of a law enforcement officer or prosecutor. A warrant may authorize a search to be conducted anywhere in the District of Columbia and may be executed pursuant to its terms.

"(b) A search warrant may direct a search of any or all of the following:

"(1) one or more designated or described places or premises;

"(2) one or more designated or described vehicles;

"(3) one or more designated or described physical objects; or

"(4) designated persons.

"(c) A search warrant may direct the seizure of designated property or kinds of property, and the seizure may include, to such extent as is reasonable under all circumstances, taking physical or other impressions, or performing chemical, scientific, medical, or other tests or experiments of, from, or upon designated premises, vehicles, objects, or persons.

"(d) Property is subject to seizure pursuant to a search warrant if there is probable cause to believe that it—

"(1) is stolen or embezzled;

"(2) is contraband or otherwise illegally possessed;

"(3) has been used or is possessed for the purpose of being used, or is designed or intended to be used, to commit or conceal the commission of a criminal offense; or

"(4) constitutes evidence of or tends to demonstrate the commission of an offense or the identity of a person participating in the commission of an offense.

"(e) A search warrant may be addressed to a specific law enforcement officer, or to any law enforcement officer of a designated classification, or to any officer of the Metropolitan Police Department of the District of Columbia or other designated agency authorized to make arrests or execute process in the District of Columbia.

"(f) A search warrant shall contain—

"(1) the name of the issuing court, the name and signature of the issuing judicial officer, and the date of issuance;

"(2) the name, classification, or department or agency of the officer or agent to whom it is addressed;

"(3) a designation of the premises, vehicles, objects, or persons to be searched, sufficient for certainty of identification;

"(4) a description of the property whose seizure is the object of the warrant;

"(5) a direction that the warrant be executed during the hours of daylight or, on the basis of a request made in accordance with section 23–522(c), an authorization for execution at any time of day or night;

"(6) where the judicial officer has found cause therefor, including one of the grounds set forth in paragraph (1), (2), (3), or (5) of section 23–591(c) an authorization that the executing officer may enter premises or vehicles to be searched without giving notice of his identity and purpose; and

"(7) a direction that the warrant and an inventory of any property seized pursuant thereto be returned to the court on the next court day after its execution.

"§ 23–522. Applications for search warrants

"(a) Each application for a search warrant shall be made in writing upon oath or affirmation to a judicial officer.

"(b) Each application shall include—

"(1) the name and title of the applicant;

"(2) a statement that there is probable cause to believe that property of a kind or character described in section 23–521(d) may be found in designated premise in a designated vehicle or object, or upon designated persons;

"(3) allegation of fact supporting such statement; and

"(4) a request that the judicial officer issue a search warrant directing a search for and seizure of the property in question.

The applicant may also submit depositions or affidavits of other persons containing allegations of fact supporting or tending to support those contained in the application.

"(c) The application may also contain—

"(1) a request that the search warrant be made executable at any hour of the day or night, upon the reasonable belief that (A) it cannot be executed during the hours of daylight, (B) the property sought is likely to be removed or destroyed if not seized forthwith, or (C) the property sought is not likely to be found except at certain times or in certain circumstances; and

"(2) a request that the search warrant authorize the executing officer to enter premises or vehicles to be searched without giving notice of his identity and purpose, upon reasonable grounds to believe that one of the conditions set forth in paragraph (1), (2), (3), or (5) of section 23–591(c) may exist at the time and place at which such warrant is to be executed.

Any request made pursuant to this subsection must be accompanied and supported by allegations of fact supporting such statement.

"§ 23–523. Time of execution of search warrants

"(a) A search warrant shall not be executed more than ten days after the date of issuance and shall be returned to the court after its execution or expiration in accordance with section 23–521(f)(7).

"(b) A search warrant may be executed on any day of the week and, in the absence of express authorization in the warrant pursuant to section 23–521(f)(5), shall be executed only during the hours of daylight.

"§ 23–524. Execution of search warrants

"(a) An officer executing a warrant directing a search of a dwelling house, other building, or a vehicle shall, except as provided in sections 23–521(f)(6) or 23–591(c), give, or make reasonable effort to give, notice of his identity and purpose to an occupant thereof before breaking and entering therein.

"(b) An officer executing a warrant directing a search of a person shall give, or make reasonable effort to give, notice of his identity and purpose to the person, and, if such person thereafter resists or refuses to permit the search, may use such force against the person or any other person aiding his resistance or refusal as is necessary to execute the warrant.

"(c)(1) An officer or agent executing a search warrant shall write and subscribe an inventory setting forth the time of the execution of the search warrant and the property seized under it.

"(2) If the search is of a person, a copy of the warrant and of the return shall be given to that person.

"(3) If the search is of a place, vehicle, or object, a copy of the warrant and of the return shall be given to the owner thereof if he is present, or if he is not, to an occupant, custodian, or other person present; or if no person is present, the officer shall post a copy of the warrant and of the return upon the premises, vehicle, or object searched.

"(d) A copy of the warrant shall be filed with the court whose judge or magistrate authorized its issuance on the next court day after its execution, together with a copy of the return.

"(e) An officer or agent executing a search warrant may seize any property discovered in the course of such execution which he reasonably believes to be subject to seizure pursuant to section 23–521(d), even if the property is not enumerated in the warrant or the application therefor, and no additional warrant shall be required to authorize such seizure, if the property is fully set forth in the return. Such seizure may include taking physical or other impressions or performing chemical, scientific, or other tests or experiments.

"(f) An officer or agent executing a search warrant may take photographs and measurements during the execution.

"(g) An officer executing a warrant directing a search of premises or a vehicle may search any person therein (1) to the extent reasonably necessary to protect himself or others from the use of any weapon which may be concealed upon the person, or (2) to the extent reasonably necessary to find property enumerated in the warrant which may be concealed upon the person.

"§ 23–525. Disposition of property

"An officer or agent who seizes property in the execution of a search warrant shall cause it to be safely kept for use as evidence. No property seized shall be released or destroyed except in accordance with law and upon order of a court or of the United States attorney or Corporation Counsel for the District of Columbia or one of their assistants.

"SUBCHAPTER III—WIRE INTERCEPTION AND INTERCEPTION OF ORAL COMMUNICATIONS

"§ 23–541. Definitions

"As used in this subchapter—

"(1) the term 'wire communication' means any communication made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable, or other like connection between the point of origin and the point of reception furnished or operated by any person engaged as a common carrier in providing or operating such facilities for the transmission of interstate or foreign communications;

"(2) the term 'oral communication' means any oral communication uttered by a person exhibiting an expectation that the communication is not subject to interception under circumstances justifying the expectation;

"(3) the term 'intercept' means the aural acquisition of the contents of any wire or oral communication through the use of any electronic, mechanical, or other device;

"(4) the term 'electronic, mechanical, or other device' means any device or apparatus which can be used to intercept a wire or oral communication other than—

"(A) any telephone or telegraph instrument, equipment, or facility, or any component thereof, (i) furnished to the subscriber or user by a communications common carrier in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business; or (ii) being used by a communications common carrier in the ordinary course of its business, or by an investigative or law enforcement officer in the ordinary course of his duties; or

"(B) a hearing aid or similar device being used to correct subnormal hearing to not better than normal;

"(5) the term 'investigative or law enforcement officer' means any officer of the United States or of the District of Columbia who is empowered by law to conduct investigations of or to make arrests for offenses enumerated in this subchapter, and any attorney authorized by law to prosecute or participate in the prosecution of such offenses;

"(6) the term 'contents', when used with respect to any wire or oral communication, includes any information concerning the identity of the parties to the communication or the existence, substance, purport, or meaning of that communication;

"(7) the term 'judge' means a judge of the Superior Court of the District of Columbia, a judge of the District of Columbia, a judge of the District of Columbia Court of Appeals, a judge of the United States District Court for the District of Columbia, and a judge of the United States Court of Appeals for the District of Columbia;

"(8) the term 'judge of competent jurisdiction' means, in addition to the judges included in paragraph (7)—

"(A) a judge of a United States district court or a United States court of appeals not in the District of Columbia; and

"(B) a judge of any court of general criminal jurisdiction of a State who is authorized by a statute of that State to enter orders authorizing interceptions of wire or oral communications;

"(9) the term 'aggrieved person' means a person who was a party to any intercepted

wire or oral communication or a person against whom the interception was directed; and

"(10) the term 'communication common carrier' has the same meaning which is given the term 'common carrier' by section 3(h) of the Communications Act of 1934 (47 U.S.C. 153(h)).

"§ 23-542. Authorization for interception of wire or oral communications

"(a) The United States attorney for the District of Columbia may authorize an application to a judge for, and the judge may grant, in conformity with section 2518, title 18, United States Code, and section 23-543 of this subchapter, an order authorizing or approving the interception of wire or oral communications by investigative and law enforcement officers when the interception may provide or has provided evidence of the commission of or a conspiracy to commit any of the following offenses:

"(1) Any of the offenses specified in the Act entitled 'An Act to establish a code of law for the District of Columbia', approved March 3, 1901, and listed in the following table:

"Offense:	Specified in—
Abortion	section 809 (D.C. Code, sec. 22-201).
Arson	sections 820, 821 (D.C. Code, secs. 22-401, 22-402).
Blackmail	section 819 (D.C. Code, sec. 22-2305).
Bribery	section 861 (D.C. Code, sec. 22-701).
Burglary	section 823 (D.C. Code, sec. 22-1801).
Destruction of property of value in excess of $200.	section 848 (D.C. Code, sec. 22-403).
Gambling	sections 863, 866, 869e (D.C. Code, secs. 22-1501, 22-1505, 22-1513).
Grand larceny	section 826 (D.C. Code, sec. 22-2201).
Kidnaping	section 812 (D.C. Code, sec. 22-2101).
Manslaughter	section 802 (D.C. Code, sec. 22-2405).
Murder	sections 798, 800 (D.C. Code, secs. 22-2401, 22-2403).
Obstruction of justice.	section 862 (D.C. Code, sec. 22-703).
Receiving stolen property of value in excess of $100.	section 829 (D.C. Code, sec. 22-2205).
Robbery	section 810 (D.C. Code, sec. 22-2901).

"(2) Bribery as specified (A) in the second paragraph under the center heading 'General Expenses' in the first section of the Act of July 1, 1902 (D.C. Code, sec. 22-702), and (B) in the Act of February 26, 1936 (D.C. Code, sec. 22-704).

"(3) Extortion and threats as specified in sections 1501 and 1502 of the Omnibus Crime Control and Safe Streets Act of 1968 (D.C. Code, secs. 22-2306, 22-2307).

"(4) Offenses involving dealing in narcotic drugs, marihuana, and other dangerous drugs as specified in sections 2 and 16 of the Uniform Narcotic Drug Act (D.C. Code, secs. 33-402, 33-416) and section 203 of the Dangerous Drug Act for the District of Columbia (D.C. Code, sec. 33-702).

"§ 23-543. Procedure for interception of wire or oral communications

"(a) Each application for an order authorizing or approving the interception of a wire or oral communication shall be made in writing upon oath or affirmation to a judge and shall state the applicant's authority to make the application. Each application shall include—

"(1) the identity of the investigative or law enforcement officer making the application, and the officer authorizing the application;

"(2) a full and complete statement of the facts and circumstances relied upon by the applicant to justify his belief that an order should be issued, including (A) details as to the particular offense that has been, is being, or is about to be committed, (B) a particular description of the nature and location of the facilities from which or the place where the communication is to be intercepted, (C) a particular description of the type of communications sought to be intercepted, and (D) the identity of the person, if known, committing the offense and whose communications are to be intercepted;

"(3) a full and complete statement as to whether or not other investigative procedures have been tried and failed or why they reasonably appear to be unlikely to succeed if tried or to be too dangerous;

"(4) a statement of the period of time for which the interception is required to be maintained, and if the nature of the investigation is such that the authorization for interception should not automatically terminate when the described type of communication has been first obtained, a particular description of facts establishing probable cause to believe that additional communications of the same type will occur thereafter;

"(5) a full and complete statement of the facts concerning all previous applications, known to the individual authorizing and making the application, made to any judge for authorization to intercept, or for approval of interceptions of, wire or oral communications involving any of the same persons, facilities, or places specified in the application, and the action taken by the judge on each such application; and

"(6) where the application is for the extension of an order, a statement setting forth the results thus far obtained from the interception, or a reasonable explanation of the failure to obtain results.

"(b) The judge may require the applicant to furnish additional testimony or documentary evidence in support of the application.

"(c) Upon application the judge may enter an ex parte order, as requested or as modified, authorizing or approving interception of wire or oral communications within the District of Columbia, if the judge determines on the basis of the facts submitted by the applicant that—

"(1) there is probable cause for belief that an individual is committing, has committed, or is about to commit a particular offense enumerated in section 23-542;

"(2) there is probable cause for belief that particular communications concerning that offense will be obtained through the interception;

"(3) normal investigative procedures have been tried and have failed or reasonably appear to be unlikely to succeed if tried or to be too dangerous; and

"(4) there is probable cause for belief that the facilities from which, or the place where, the wire or oral communications are to be intercepted are being used, or are about to be used, in connection with the commission of the offense, or are leased to, listed in the name of, or commonly used by the individual referred to in paragraph (1).

"(d) Each order authorizing or approving the interception of any wire or oral communication shall specify—

"(1) the identity of the person, if known, whose communications are to be intercepted;

"(2) the nature and location of the communication facilities as to which, or the place where, authority to intercept is granted;

"(3) a particular description of the type of communication sought to be intercepted, and a statement of the particular offense to which it relates;

"(4) the identity of the agency authorized to intercept the communications, and of the person authorizing the application; and

"(5) the period of time during which the interception is authorized, including a statement as to whether or not the interception shall automatically terminate when the described communication has been first obtained.

"(e) No order entered under this section may authorize or approve the interception of any wire or oral communication for any period longer than is necessary to achieve the objective of the authorization, nor in any event longer than thirty days. Extensions of an order may be granted, but only upon application for an extension made in accordance with subsection (a) of this section and the court making the findings required by subsection (c) of this section. The period of extension shall be no longer than the authorizing judge deems necessary to achieve the purposes for which it was granted and in no event for longer than thirty days. Every order and extension thereof shall contain a provision that the authorization to intercept shall be executed as soon as practicable, shall be conducted in such a way as to minimize the interception of communications not otherwise subject to interception under this subchapter, and must terminate upon attainment of the authorized objective, or in any event in thirty days.

"(f) Whenever an order authorizing interception is entered pursuant to this subchapter, the order may require reports to be made to the judge who issued the order showing what progress has been made toward achievement of the authorized objective and the need for continued interception. Reports shall be made at such intervals as the judge may require.

"(g) Notwithstanding any other provision of this subchapter, any investigative or law enforcement officer, specially designated by the United States attorney for the District of Columbia, who reasonably determines that—

"(1) an emergency situation exists with respect to conspiratorial activities threatening the national security interest or to conspiratorial activities characteristic of organized crime that requires a wire or oral communication to be intercepted before an order authorizing the interception can with due diligence be obtained, and

"(2) there are grounds upon which an order could be entered under this subchapter to authorize interception,

may intercept the wire or oral communication if an application for an order approving the interception is made in accordance with this section within forty-eight hours after the interception has occurred, or begins to occur. In the absence of an order, the interception shall immediately terminate when the communication sought is obtained or when the application for the order is denied, whichever is earlier. In the event the application for approval is denied, or in any other case where the interception is terminated without an order having been issued, the contents of any wire or oral communication intercepted shall be treated as having been obtained in violation of this subchapter, and an inventory shall be served as provided for in subsection (h)(4) of this section on the person named in the application.

"(h) (1) The contents of any wire or oral communication intercepted by any means authorized by this subchapter shall, if possible, be recorded on tape or wire or other comparable device. The recording of the contents of any wire or oral communication under this subchapter shall be done in such way as will protect the recording from editing or other alterations. Immediately upon the expiration of the period of the order, or extensions thereof, the recordings shall be made available to the judge issuing the order and sealed under his directions. Custody of the recordings shall be wherever the judge orders. They shall not be destroyed except upon an order of the issuing or denying judge and in any event shall be kept for ten years. Duplicate recordings may be made for use or disclosure pursuant to the provisions of subsections (1) and (2) of section 2517, title 18, United States Code, for investigations. The presence of the seal provided for by this subsection, or a satisfactory explanation for the absence thereof, shall be a prerequisite for the use or disclosure of the contents of any wire or oral communication or evidence derived therefrom under subsection (3) of section 2517 of title 18, United States Code.

"(2) Applications made and orders granted under this subchapter shall be sealed by the judge. Custody of the applications and orders shall be wherever the judge directs. The applications and orders shall be disclosed only upon a showing of good cause before a judge of competent jurisdiction and shall not be destroyed except on order of the issuing or denying judge, and in any event shall be kept for ten years.

"(3) Any violation of the provisions of subsection (h) may be punished as contempt of court.

"(4) Within a reasonable time but not later than ninety days after the filing of an application for an order of approval under subsection (g) which is denied, or the termination of the period of any order or extensions thereof, the issuing or denying judge shall cause to be served, on the persons named in the order or the application, and such other parties to intercepted communications as the judge may determine, in his discretion, are necessary in the interest of justice, an inventory which shall include notice of—

"(A) the fact of the entry of the order or the application;

"(B) the date of the entry and the period of authorized, approved, or disapproved interception, or the denial of the application; and

"(C) the fact that during the period wire or oral communications were or were not intercepted.

The judge, upon the filing of a motion, may in his discretion make available to the person or his counsel for inspection such portions of the intercepted communications, applications, and orders as the judge determines to be in the interest of justice. On an ex parte showing of good cause to a judge, the serving of the inventory required by this subsection may be postponed.

"(i) The contents of any intercepted wire or oral communication or evidence derived therefrom shall not be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in court unless each party, not less than ten days before the trial, hearing, or proceeding, has been furnished with a copy of the court order, and accompanying application, under which the interception was authorized or approved. This ten-day period may be waived by the judge if he finds that it was not possible to furnish the party with the above information ten days before the trial, hearing, or proceeding and that the party will not be prejudiced by the delay in receiving the information.

"(j) (1) Any aggrieved person in any trial, hearing, or proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States or the District of Columbia, may move to suppress the contents of any intercepted wire or oral communication, or evidence derived therefrom, on the grounds that—

"(A) the communication was unlawfully intercepted;

"(B) the order of authorization or approval under which it was intercepted is insufficient on its face, or

"(C) the interception was not made in conformity with the order of authorization or approval.

The motion shall be made before the trial, hearing, or proceeding unless there was no opportunity to make the motion or the person was not aware of the grounds of the motion. If the motion is granted, the contents of the intercepted wire or oral communication, or evidence derived therefrom, shall be treated as having been obtained in violation of this subchapter. The judge, upon the filing of the motion by the aggrieved person, may in his discretion make available to the aggrieved person or his counsel for inspection such portions of the intercepted communication or evidence derived therefrom as the judge determines to be in the interests of justice.

"(2) In addition to any other right to appeal, the United States attorney shall have the right to appeal from an order granting a motion to suppress made under paragraph (1) of this subsection, or the denial of an application for an order of approval, if the United States attorney shall certify to the judge or other official granting such motion or denying the application that the appeal is not taken for purposes of delay. Appeal shall be taken within thirty days after the date the order was entered and shall be diligently prosecuted.

"§ 23–544. Procedure for approval of interception of wire or oral communications

"When an investigative or law enforcement officer while engaged in intercepting wire or oral communications in the manner authorized by section 23–543, intercepts wire or oral communications relating either to offenses other than those specified in the order of authorization or to offenses other than those offenses for which interception was made pursuant to section 23–543(g), he shall make an application to a judge as soon as practicable for approval for disclosure and use of the information intercepted, in accordance with section 2517 of title 18, United States Code.

"SUBCHAPTER IV—ARREST WARRANT AND SUMMONS

"§ 23–561. Issuance, form, and contents

"(a) (1) A judicial officer may issue a warrant for the arrest of any person upon a sworn complaint which states facts constituting an offense over which the judicial officer has jurisdiction for trial or preliminary examination, and establishing probable cause to believe that the person committed the offense. More than one warrant may issue on the same complaint.

"(2) Upon request of the prosecutor a summons shall issue instead of an arrest warrant. More than one summons may issue on the same complaint. If a person fails to appear in response to a summons, a warrant shall issue for his arrest.

"(b) (1) An arrest warrant shall be signed by the judicial officer and shall state or contain the name of the issuing court, the date of issuance of the warrant, a description of the offense charged, and the name of the person to be arrested or, if his name is unknown, any name or description by which he can be identified with reasonable certainty. It shall command that the person be arrested and brought before the issuing court or officer. If the complaint establishes reasonable grounds to believe that one of the conditions set out in paragraphs (1) through (5) of section 23–591(c) may exist at the time and place at which such warrant is to be executed, the warrant may contain an authorization that it be executed as provided in subsection (a) of section 23–591.

"(2) A summons shall be in the same form as an arrest warrant except that it shall summon the person named to appear before the issuing court or officer at a stated time and place.

"(c) An arrest warrant may be directed to a specific law enforcement officer, or to any law enforcement officer of a designated classification, or to any officer of the Metropolitan Police of the District of Columbia or other designated agency authorized to make arrests or execute process.

"(d) Each complaint shall be made in writing upon oath or affirmation. Except for good cause shown, no warrant shall be issued unless the complaint has been approved by an appropriate prosecutor.

"§ 23–562. Execution and return

"(a) (1) A warrant issued pursuant to this subchapter shall be executed by the arrest of the person named. The officer need not have the warrant in his possession at the time of the arrest, but upon request he shall show the warrant to the person as soon as possible. If the officer does not have the warrant in his possession at the time of the arrest, he shall inform the person of the offense charged and of the fact that a warrant has been issued.

"(2) A summons shall be served upon a person by delivering a copy to him personally, or by leaving it at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein, or by mailing it to the person's last known address.

"(b) (1) The officer executing a warrant shall make return thereof to the judicial officer before whom the person is brought for preliminary examination. At the request of the appropriate prosecutor any unexecuted and unexpired warrant shall be returned to the issuing court or judicial officer and shall be canceled.

"(2) On or before the return day the person to whom a summons was delivered for service shall make return thereof to the court or officer before whom the summons is returnable.

"(3) At the request of the appropriate prosecutor made at any time while the complaint is pending, a warrant returned unexecuted and not canceled or expired or a summons returned unserved or a duplicate thereof may be delivered by the judicial officer to the marshall or other authorized person for execution or service.

"(c) (1) A law enforcement officer within the District of Columbia making an arrest under a warrant issued pursuant to this subchapter, making an arrest without a warrant, or receiving a person arrested by a special policeman or other person pursuant to section 23–582, shall take the arrested person without unnecessary delay before the court or other judicial officer empowered to commit persons charged with the offense for which the arrest was made. This subsection, however, shall not be construed to conflict with or otherwise supersede section 3501 of title 18, United States Code. When a person arrested without a warrant is brought before a judicial officer, a complaint or information shall be filed forthwith.

"(2) Before taking an arrested person to a judicial officer, a law enforcement officer shall perform all recording, fingerprinting, photographing, and other preliminary police duties required in the particular case, and if such duties are performed with reasonable promptness, the period of time required therefor shall not constitute a delay within the meaning of this section.

"§ 23–563. Territorial and other limits

"(a) A warrant or summons for an offense punishable by imprisonment for more than one year issued by the Superior Court of the District of Columbia may be served at any place within the jurisdiction of the United States.

"(b) No warrant or summons issued by the Superior Court of the District of Columbia for an offense punishable by imprisonment for not more than one year, or by a fine only, or by such imprisonment and a fine, may be executed at any place more than twenty-five miles from the place where the court is held, or more than one year after the date of issuance.

"(c) A person arrested outside the District of Columbia on a warrant issued by the Superior Court of the District of Columbia shall be taken before a judge, commissioner, or magistrate, and held to answer in the Superior Court pursuant to the Federal Rules of Criminal Procedure as if the warrant had been issued by the United States District Court for the District of Columbia.

"(d) When an application alleges that an act which would constitute a felony if committed by an adult has been committed by a child, and that the child may not with due diligence be found within the District of Columbia, a judicial officer may issue a warrant for the arrest of the child as if he were an adult. When the child is brought before the issuing court or officer pursuant to the warrant he shall be ordered transferred to the Family Division of the Superior Court pursuant to section 16–2302.

"SUBCHAPTER V—ARREST WITHOUT WARRANT

"§ 23–581. Arrests without warrant by law enforcement officers

"(a)(1) A law enforcement officer may arrest, without a warrant having previously been issued therefor—

"(A) a person whom he has probable cause to believe has committed or is committing a felony;

"(B) a person whom he has probable cause to believe has committed or is committing an offense in his presence;

"(C) a person whom he has probable cause to believe has committed or is about to commit any offense listed in paragraph (2) and, unless immediately arrested, may not be apprehended, may cause injury to others, or may tamper with, dispose of, or destroy evidence.

"(2) The offenses referred to in subparagraph (C) of paragraph (1) are the following:

"(A) The following offenses specified in the Act entitled 'An Act to establish a code of law for the District of Columbia', approved March 3, 1901, and listed in the following table:

"Offense:	Specified in—
Assault	section 806 (D.C. Code, sec. 22–504).
Petit larceny	section 827 (D.C. Code, sec. 22–2202).
Receiving stolen goods.	section 829 (D.C. Code, sec. 22–2205).
Unlawful entry	section 824 (D.C. Code, sec. 22–3102).

"(B) Attempts to commit the following offenses specified in such Act and listed in the following table:

"Offense:	
Burglary	section 823 (D.C. Code, sec. 22–1801).
Grand larceny	section 826 (D.C. Code, sec. 22–2201).
Unauthorized use of vehicles.	section 826b (D.C. Code, sec. 22–2204).

"(b) A law enforcement officer may, even if his jurisdiction does not extend beyond the District of Columbia, continue beyond the District, if necessary, a pursuit commenced within the District of a person who has committed an offense or whom he has probable cause to believe has committed or is committing a felony, and may arrest that person in any State the laws of which contain provisions equivalent to those of section 23–901.

"§ 23–582. Arrests without warrant by other persons

"(a) A special policeman shall have the same powers as a law enforcement officer to arrest without warrant for offenses committed within premises to which his jurisdiction extends, and may arrest outside the premises on fresh pursuit for offenses committed on the premises.

"(b) A private person may arrest another—

"(1) whom he has probable cause to believe is committing in his presence—

"(A) a felony, or

"(B) an offense enumerated in section 23–581(a)(3); or

"(2) in aid of a law enforcement officer or special policeman, or other person authorized by law to make an arrest.

"(c) Any person making an arrest pursuant to this section shall deliver the person arrested to a law enforcement officer without unreasonable delay.

"SUBCHAPTER VI—AUTHORITY TO BREAK AND ENTER UNDER CERTAIN CONDITIONS

"§ 23–591. Authority to break and enter under certain conditions

"(a) Any officer authorized by law to make arrests or to execute search warrants, or any person aiding such an officer, may break and enter any premises, any outer or inner door or window of a dwelling house or other building, or any part thereof, any vehicle, or anything within such dwelling house, building, or vehicle, or otherwise enter to execute search or arrest warrants, to make an arrest where authorized by law without a warrant, or where necessary to liberate himself or a person aiding him in the execution of such warrant or in making such arrest.

"(b) Breaking and entry shall not be made until after such officer or person makes an announcement of his identity and purpose and the officer reasonably believes that admittance to the dwelling house, building, or vehicle is being denied or unreasonably delayed.

"(c) An announcement of identity and purpose shall not be required prior to such breaking and entry if the warrant expressly authorizes entry without notice, or where such officer or person reasonably believes—

"(1) his identity or purpose is already known to any person in the premises;

"(2) such notice is likely to result in the evidence subject to seizure being easily and quickly destroyed, disposed of, or concealed;

"(3) such notice is likely to endanger the life or safety of the executing officer or another person;

"(4) such notice is likely to enable the party to be arrested to escape; or

"(5) such notice would otherwise be a useless gesture.

"(d) Whoever, after notice is given under subsection (b) or after entry where such notice is unnecessary under subsection (c), destroys, conceals, disposes of, or attempts to destroy, conceal, or dispose of, or otherwise prevents or attempts to prevent the seizure of evidence subject to seizure shall be fined not more than $5,000 or imprisoned for not more than 5 years, or both.

"(e) As used in this section, and in section 23–524(a), the terms 'break and enter' and 'breaking and entering' include any use of physical force or violence or other unauthorized entry but does not include entry obtained by trick or strategem.

"(f) With regard to (1) the execution of a warrant directing a search of a person under section 23–524(b), (2) the execution of a warrant directing the arrest of a person under subchapter IV of this chapter, or (3) an arrest authorized by law without a warrant under subchapter V of this chapter, the notice requirements of this section are applicable only where it is necessary to enter a dwelling house, building, or vehicle to effect such a search or arrest.

"Chapter 7.—EXTRADITION AND FUGITIVES FROM JUSTICE

"Sec.

"23–701. Warrants for the arrest of fugitives from justice.
"23–702. Procedure on arrest of fugitives.
"23–703. Failure to appear.
"23–704. Extradition.
"23–705. Removal proceedings and returns to foreign countries not affected.
"23–706. Confinement.
"23–707. Definitions.

"§ 23–701. Warrants for the arrest of fugitives from justice

"Whenever any person who is (1) within the District of Columbia, (2) charged with any offense committed in any State, and (3) liable by the Constitution and laws of the United States to be delivered over upon the demand of the Governor of that State, any judge of the Superior Court may, upon complaint on oath or affirmation of any credible witness, setting forth the offense, that the person is a fugitive from justice, and such other matters as are necessary to bring the case within the provisions of law, issue a warrant to bring the person so charged before the Superior Court, to answer the complaint.

"§ 23–702. Procedure on arrest of fugitives

"(a) Any person arrested upon a warrant issued pursuant to section 23–701, or arrested within the District of Columbia as a fugitive from justice without a warrant having been issued, shall be taken before the Criminal Division of the Superior Court for preliminary examination on a complaint charging him as a fugitive.

"(b) If, upon the examination of the person charged, it shall appear to the court that there is reasonable cause to believe that the complaint is true and that the person may be lawfully demanded of the chief judge, the person shall be detained or released according to law, in like manner as if the offense had been committed in the District of Columbia, to appear before the court at a future date, allowing thirty days to obtain a requisition from the Governor of the State from which the person is a fugitive. The complaint of fugitivity from another jurisdiction shall create a presumption that the person is unlikely to appear if released, which may be overcome only by clear and convincing proof.

"(c) If the person so released or detained shall appear before the court upon the day ordered, he shall be discharged, unless he shall be demanded by requisition pursuant to subsection (g) of this section or section 23–704, or unless the court shall find cause to detain or to release him as provided by subsection (b) until a later day; but regardless of whether the person shall be detained or released as provided in subsection (b) or discharged, his delivery to any person authorized by the warrant of the Governor shall be a discharge of any bond or obligation.

"(d) The Chief of Police of the Metropolitan Police Department shall give notice to the police official or sheriff of the city or county from which the person is a fugitive that the person is so held in the District of Columbia.

"(e) A person detained as provided by this section shall not be detained in jail longer than to allow a reasonable time for the person receiving the notice required by subsection (d) to apply for and obtain a proper requisition for the person detained according to the circumstances of the case and the distance of the place where the offense is alleged to have been committed.

"(f) (1) At any time prior to the filing of a requisition, a person arrested pursuant to this section may in open court waive further proceedings pursuant to this chapter.

"(2) Following waiver, a judge of the Superior Court may, in his discretion, if the United States attorney consents, release the person upon such conditions as the judge shall deem necessary to insure his appearance before the proper official in the State from which he is a fugitive, and shall otherwise order his return to the jurisdiction of that State in the custody of a proper official.

"(3) Following waiver, a person not released pursuant to paragraph (2) of this subsection shall be ordered to return to the jurisdiction from which he is a fugitive in the custody of a proper official, and may be detained to await return.

"(4) A person detained pursuant to paragraph (3) for more than three days (not including Saturdays, Sundays, and holidays) shall be returned to the court and shall thereupon be released pursuant to paragraph (2), unless the court shall find good reason to extend his detention for an additional three days to obtain the attendance of a proper official of the demanding jurisdiction.

"(g) If a person has not waived further proceedings pursuant to subsection (f), and a requistion from the Governor of the jurisdiction from which the person is a fugitive is presented to the court, the court shall order the requisition to be filed and referred to the chief judge for extradition proceedings pursuant to section 23–704, and shall order the person committed pending those proceedings.

"§ 23–703. Failure to appear

"Any person released pursuant to section 23–702 who fails to appear as required shall be punished by a fine not exceeding $5,000 or imprisonment for not more than five years, or both.

"§ 23–704. Extradition

"(a) In all cases where the laws of the United States provide that fugitives from justice shall be delivered up, the chief judge of the Superior Court shall cause to be apprehended and delivered up fugitives from justice who shall be found within the District of Columbia, in the same manner and under the same regulations as the executive authority of a State is required to do by the provisions of chapter 209 of title 18, United States Code, and all executive and judicial officers are required to obey the lawful precepts or other process issued for that purpose, and to aid and assist in that delivery.

"(b) The chief judge of the Superior Court may also surrender, on demand of the Governor of any State, any person in the District of Columbia charged in that State in the manner provided in subsection (a) of this section with committing an act in the District of Columbia, or in another State, intentionally resulting in a crime in the State whose executive authority is making the demand, even though the accused was not in that State at the time of the commission of the crime, and has not fled therefrom.

"(c) No person apprehended in accordance with the provisions of subsections (a) and (b) of this section shall be delivered over to the agent whom the executive authority demanding him shall have appointed to receive him unless he shall first be taken before the chief judge of the Superior Court of the District of Columbia who shall inform him of the demand made for his surrender, and of the crime with which he is charged, and that he has the right to demand and procure legal counsel.

"(d) If the person or his counsel shall state that he desires to test the legality of the person's arrest, the chief judge shall hold a hearing to determine whether the person shall be delivered over as demanded. At the hearing, the person shall have the same rights to challenge his detention and extradition as if the hearing were upon a writ of habeas corpus.

"(e) If the chief judge shall order the person delivered over, he may appeal, within twenty-four hours, from that order to the District of Columbia Court of Appeals if the chief judge who rendered the order, or a judge of the District of Columbia Court of Appeals, issues a certificate of probable cause. The appeal shall be expedited by the District of Columbia Court of Appeals. An application for a writ of habeas corpus on behalf of a person who is authorized to demand a hearing pursuant to this subsection shall not be entertained if it appears that the applicant has failed to demand such a hearing or that the chief judge, after hearing, has ordered him delivered over, unless it also appears that the remedy by hearing is inadequate or ineffective to test the legality of his detention.

"(f) Nothing contained in this subsection shall prevent a person from waiving his right to appear before the chief judge of the Superior Court and voluntarily returning in custody of a proper official to the jurisdiction of the State which is demanding him.

"(g) No person demanded by the Governor of a State pursuant to this section shall be released upon bond or other obligation except pursuant to an order of a court of the demanding state.

"(h) Any associate judge designated by the chief judge or acting chief judge shall have the same power to act pursuant to this section as the chief judge.

"§ 23–705. Removal proceedings and returns to foreign countries not affected

"Nothing contained in this chapter shall repeal, modify, or in any way effect existing law concerning the procedure for the return of any person apprehended in the District of Columbia to a Federal judicial district to answer a Federal charge, or repeal, modify, or affect existing law or treaty concerning the return to a foreign country of a person apprehended or detained in the District of Columbia as a fugitive from a foreign country.

"§ 23–706. Confinement

"(a) The agent of the demanding State to whom the prisoner may have been delivered in accordance with the provisions of section 23–704, may, when necessary, confine the prisoner in a facility of the District of Columbia Department of Corrections, and the Department of Corrections must receive and safely keep the prisoner for such reasonable time as will enable the officer or person having charge of him to proceed on his route, such officer or person being chargeable with the expense of keeping.

"(b) The officer or agent of a demanding State to whom a prisoner may have been delivered following extradition proceedings in another State, or to whom a prisoner may have been delivered after waiving extradition in the other State, and who is passing through the District of Columbia with a prisoner for the purpose of immediately returning the prisoner to the demanding State, may, when necessary, confine the prisoner in a facility of the Department of Corrections. The Department of Corrections must receive and safely keep the prisoner for such reasonable time as will enable the officer or agent to proceed on his route, such officer or agent being chargeable with the expense of keeping. That officer or agent shall produce and show to the Department of Corrections satisfactory written evidence of the fact that he is actually transporting the prisoner to the demanding State after a requisition by the executive authority of the demanding State. The prisoner shall not be entitled to demand a new requisition while in the District of Columbia.

"§ 23–707. Definitions

"For purposes of this chapter—

"(1) the term 'State' includes any territory or possession of the United States; and

"(2) the term 'Governor' means the executive authority of a State.

"Chapter 9.—FRESH PURSUIT

"Sec.

"23–901. Arrests in the District of Columbia by officers of other States.
"23–902. Hearing; commitment; discharge.
"23–903. 'Fresh pursuit' defined.

"§ 23–901. Arrests in the District of Columbia by officers of other States

"Any member of a duly organized peace unit of any State (or county or municipality thereof) of the United States who enters the District of Columbia in fresh pursuit and continues within the District of Columbia in fresh pursuit of a person in order to arrest him on the ground that he is believed to have committed a felony in such State shall have the same authority to arrest and hold that person in custody as has any member of any duly organized peace unit of the District of Columbia to arrest and hold in custody a person on the ground that he is believed to have committed a felony in the District of Columbia. This section shall not be construed so as to make unlawful any arrest in the District of Columbia which would otherwise be lawful.

"§ 23–902. Hearing; commitment; discharge

"If an arrest is made in the District of Columbia by an officer of another State in accordance with the provisions of section 23–901, he shall without unnecessary delay take the person arrested before a judge of the Superior Court of the District of Columbia, who shall conduct a hearing for the purpose of determining the lawfulness of the arrest. If the judge determines that the arrest was lawful, he shall order the release or detention of the person arrested, pursuant to section 23–702, to await for a reasonable time, a requisition from the Governor of the State demanding the extradition of the person arrested. If the judge determines that the arrest was unlawful he shall order the person discharged.

"§ 23–903. 'Fresh pursuit' defined

"For purposes of this chapter, the term 'fresh pursuit' shall include fresh pursuit as defined by the common law, also the pursuit of a person who has committed a felony or one whom the pursuing officer has reasonable grounds to believe has committed a felony. It shall also include the pursuit of a person whom the pursuing officer has reasonable grounds to believe has committed a felony, although no felony has actually been committed, if there is reasonable ground for believing that a felony has been committed. Such term shall not necessarily imply an instant pursuit, but pursuit without unreasonable delay.

"Chapter 11.—PROFESSIONAL BONDSMEN

"Sec.

"23–1101. Definitions.
"23–1102. Bonding business impressed with public interest.
"23–1103. Procuring business through official or attorney for a consideration prohibited.
"23–1104. Attorneys procuring employment through official or bondsman for a consideration prohibited.
"23–1105. Receiving other than regular fee for bonding prohibited; bondsmen prohibited from endeavoring to secure dismissal or settlement.
"23–1106. Posting names of authorized bondsmen; list to be furnished prisoners; prisoners may communicate with bondsmen; record to be kept by police.

"23-1107. Bondsmen prohibited from entering place of detention unless requested by prisoner; record of visit to be kept.
"23-1108. Qualifications of bondsmen; rules to be prescribed by courts; list of agents to be furnished; renewal of authority to act; detailed records to be kept; penalties and disqualifications.
"23-1109. Giving advance information of proposed raid prohibited.
"23-1110. Designation of official to take bail or collateral when court is not in session.
"23-1111. Penalties.
"23-1112. Enforcement.

"§ 23-1101. Definitions

"For purposes of this chapter—

"(1) the term 'bonding business' means the business of becoming surety for compensation upon bonds in criminal cases in the District of Columbia; and

"(2) the term 'bondsman' means any person or corporation engaged in the bonding business either as a principal or as an agent, clerk, or representative of another engaged in such business.

"§ 23-1102. Bonding business impressed with public interest

"The bonding business is impressed with a public interest.

"§ 23-1103. Procuring business through official or attorney for a consideration prohibited

"It shall be unlawful for any bondsman, either directly or indirectly, to give, donate, lend, contribute, or to promise to give, donate, lend, or contribute any money, property, entertainment, or other thing of value whatsoever to any attorney at law, police officer, deputy United States marshal, jailer, probation officer, clerk, or other attaché of a criminal court, or public official of any character, for procuring or assisting in procuring any person to employ the bondsman to execute as surety any bond for compensation in any criminal case in the District of Columbia. It shall be unlawful for any attorney at law, police officer, deputy United States marshal, jailer, probation officer, clerk, bailiff, or other attaché of a criminal court, or public official of any character, to accept or receive from a bondsman any money, property, entertainment, or other thing of value whatsoever for procuring or assisting in procuring a person to employ a bondsman to execute as surety any bond for compensation in a criminal case in the District of Columbia.

"§ 23-1104. Attorneys procuring employment through official or bondsman for a consideration prohibited

"It shall be unlawful for any attorney at law, either directly or indirectly, to give, loan, donate, contribute, or to promise to give, loan, donate, or contribute any money, property, entertainment, or other thing of value whatsoever to, or to split or to divide any fee or commission with, any bondsman, police officer, deputy United States marshal, probation officer, bailiff, clerk, or other attaché of any criminal court for causing or procuring or assisting in causing or procuring a person to employ the attorney to represent him in a criminal case in the District of Columbia.

"§ 23-1105. Receiving other than regular fee for bonding prohibited; bondsmen prohibited from endeavoring to secure dismissal or settlement

"It shall be lawful to charge for executing a bond in a criminal case in the District of Columbia, but it shall be unlawful for a bondsman, either directly or indirectly, to charge, accept, or receive a sum of money, or other thing of value, other than the regular fee for bonding, from a person for whom he has executed bond, for any other service whatever performed in connection with any indictment, information, or charge upon which the person is bailed or held in the District of Columbia. It also shall be unlawful for any bondsman to settle, or attempt to settle, or to procure or attempt to procure the dismissal of any indictment, information, or charge against any person in custody or held upon bond in the District of Columbia, with a court, or with the prosecuting attorney in a court in the District of Columbia.

"§ 23-1106. Posting names of authorized bondsmen; list to be furnished prisoners; prisoners may communicate with bondsmen; record to be kept by police

"A typewritten or printed list alphabetically arranged of all persons engaged under the authority of any of the courts of criminal jurisdiction in the District of Columbia in the business of becoming surety upon bonds for compensation in criminal cases shall be posted in a conspicuous place in each police precinct, jail, prisoners dock, house of detention, and every other place in the District of Columbia in which persons in custody of the law are detained, and one or more copies thereof kept on hand; and when a person who is detained in custody in a place of detention shall request a person in charge thereof to furnish him the name of a bondsman, or to put him in communication with a bondsman, the list shall be furnished to the person in charge of the place of detention within a reasonable time to put the person detained in communication with the bondsman selected, and the person in charge of the place of detention shall contemporaneously with that transaction make in the blotter or book of record kept in the place of detention, a record showing the name of the person requesting the bondsman, the offense with which the person is charged, the time at which the request was made, the bondsman requested, and the person by whom the bondsman was called, and preserve that as a permanent record in the book or blotter in which entered.

"§ 23-1107. Bondsmen prohibited from entering place of detention unless requested by prisoner; record of visit to be kept

"It shall be unlawful for a bondsman to enter a police precinct, jail, prisoner's dock, house of detention, or other place where persons in the custody of the law are detained in the District of Columbia for the purpose of obtaining employment as a bondsman, without having been previously called by a person detained or by some relative or other authorized person acting for or on behalf of the person detained. Whenever a bondsman enters a police precinct, jail, prisoner's dock, house of detention, or other place where persons in the custody of the law are detained in the District of Columbia, he shall forthwith give to the person in charge thereof his mission there and the name of the person calling him and requesting him to come to such place. That information shall be recorded by the person in charge of the place of detention and preserved as a public record, and the failure of the bondsman to give that information, or the failure of the person in charge of the place of detention to make and preserve a record of that information, shall constitute a violation of this chapter.

"§ 23-1108. Qualifications of bondsmen; rules to be prescribed by courts; list of agents to be furnished; renewal of authority to act; detailed records to be kept; penalties and disqualifications

"(a) It shall be the duty of the United States District Court for the District of Columbia and the Superior Court of the District of Columbia, each, to provide, under reasonable rules and regulations, the qualifications of persons and corporations applying for authority to engage in the bonding business in criminal cases in the District of Columbia, and the terms and conditions upon which the business shall be carried on, and no person or corporation shall, either as principal, or as agent, clerk, or representative of another, engage in the bonding business in either court until he shall, by order of the court, be authorized to do so. The courts, in making these rules and regulations, and in granting authority to persons to engage in the bonding business, shall take into consideration both the financial responsibility and the moral qualities of the person so applying, and no person shall be permitted to engage, either as principal or agent, in the bonding business, who has ever been convicted of an offense involving moral turpitude, or who is not known to be a person of good moral character. It shall be the duty of each of the courts to require every person qualifying to engage in the bonding business as principal to file with the court a list showing the name, age, and residence of each person employed by the bondsman as agent, clerk, or representative in the bonding business, and require an affidavit from each of these persons stating that he will abide by the terms and provisions of this chapter. Each of the courts shall require the authority of each of those persons to be renewed from time to time at such periods as the court may by rule provide, and before the authority shall be renewed the court shall require from each of those persons an affidavit that since his previous qualification to engage in the bonding business he has abided by the provisions of this chapter, and any person swearing falsely in any of the affidavits shall be guilty of perjury.

"(b) Each court shall prescribe such rules and regulations as may be necessary to insure that whenever a bondsman becomes surety for compensation upon a bond in a criminal case before the court, the bondsman shall make a record, which shall be accurate to the best of the maker's knowledge and belief and shall thereafter be open for inspection by the court or its designed representative, and by the designated representative of other law enforcement agencies of the District of Columbia, of the following matters:

"(1) the full name and address of the person for whom the bond is executed (referred to in this subsection as the 'defendant') and the full name and address of his employer, if any;

"(2) the offense with which the defendant is charged;

"(3) the name of the court or officer authorizing the defendant's admission to bail;

"(4) the amount of the bond;

"(5) the name of the person who called the bondsman, if other than the defendant;

"(6) the amount of the bondsman's charge for executing the bond;

"(7) the full name and address of the person to whom the bondsman presented his bill for the charge;

"(8) the full name and address of the person paying the charge; and

"(9) the manner of payment of the charge.

Whoever violates any rule or regulation prescribed under this subsection shall be fined not more than $500 or imprisoned not more than six months, or both, and if he is a bondsman shall be disqualified from thereafter engaging in any manner in the bonding business for such period of time as the trial judge shall order.

"§ 23-1109. Giving advance information of proposed raid prohibited

"It shall be unlawful for any police officer or other public official, in advance of any raid by police or other peace officers or public officials or the execution of any search warrant or warrant of arrest, to give or furnish, either directly or indirectly, any information

concerning the proposed raid or arrest to any person engaged in any manner in the bonding business, or to any attorney at law; but it shall not be unlawful for any police or other peace officer, in conducting any raid or in executing any search warrant or warrant of arrest, to communicate to any attorney at law or person engaged in the bonding business, any fact necessary to enable the officer to obtain from the attorney at law or person engaged in the bonding business information necessary to enable the officer to carry out the raid or execute the process.

"§ 23–1110. Designation of official to take bail or collateral when court is not in session

"(a) The judges of the Superior Court of the District of Columbia shall have the authority to appoint some official of the Metropolitan Police Department to act as a clerk of the court with authority to take bail or collateral from persons charged with offenses triable in the Superior Court at all times when the court is not open and its clerks accessible. The official so appointed shall have the same authority at those times with reference to taking bonds or collateral as the clerk of the Municipal Court had on March 3, 1933; shall receive no compensation for those services other than his regular salary; shall be subject to the orders and rules of the Superior Court in discharge of his duties, and may be removed as the clerk at any time by the judges of the court. The United States District Court for the District of Columbia shall have power to authorize the official appointed by the Superior Court to take bond of persons arrested upon writs and process from that court in criminal cases between 4 o'clock postmeridian and 9 o'clock antemeridian and upon Sundays and holidays and shall have power at any time to revoke the authority granted by it.

"(b) (1) An officer or member of the Metropolitan Police Department who arrests without a warrant a person for committing a misdemeanor may, instead of taking him into custody, issue a citation requiring the person to appear before an official of the Metropolitan Police Department designated under subsection (a) of this section to act as a clerk of the Superior Court.

"(2) Whenever a person is arrested without a warrant for committing a misdemeanor and is booked and processed pursuant to law, an official of the Metropolitan Police Department designated under subsection (a) of this section to act as a clerk of the Superior Court may issue a citation to him for an appearance in court or at some other designated place, and release him from custody.

"(3) No citation may be issued under paragraph (1) or (2) unless the person authorized to issue the citation has reason to believe that the arrested person will not cause injury to persons or damage to property and that he will make an appearance in answer to the citation.

"(4) Whoever willfully fails to appear as required in a citation, shall be fined not more than the maximum provided for the misdemeanor for which such citation was issued or imprisoned for not more than one year, or both. Prosecution under this paragraph shall be by the prosecuting officer responsible for prosecuting the offense for which the citation is issued.

"§ 23–1111. Penalties

"Any person violating any provision of this chapter shall be fined not less than $50 nor more than $100, or imprisoned for not less than ten nor more than sixty days, or both, where no other penalty is provided by this chapter; and if the person so convicted is (1) a police officer or other public official, he shall upon recommendation of the trial judge also be forthwith dismissed from office, (2) a bondsman, he shall be disqualified from thereafter engaging in any manner in the bonding business for such a period of time as the trial judge shall order, or (3) an attorney at law, he shall be subject to suspension or disbarment as attorney at law.

"§ 23–1112. Enforcement

"It shall be the duty of the Superior Court and of the United States District Court for the District of Columbia to see that this chapter is enforced, and upon the impaneling of each grand jury in the District of Columbia it shall be the duty of the judge impaneling such jury to charge it to investigate the manner in which this chapter is enforced and all violations thereof in connection with the matter under investigation by such jury.

"Chapter 13.—BAIL AGENCY AND PRETRIAL DETENTION

SUBCHAPTER I.—DISTRICT OF COLUMBIA BAIL AGENCY

"Sec.
"23–1301. District of Columbia Bail Agency.
"23–1302. Definitions.
"23–1303. Interviews with detainees; investigations and reports; information as confidential; consideration and use of reports in making bail determinations.
"23–1304. Executive committee; composition; appointment and qualifications of Director.
"23–1305. Duties of Director; compensation; tenure.
"23–1306. Chief assistant and other agency personnel; compensation.
"23–1307. Annual reports to executive committee, Congress, and Commissioner.
"23–1308. Budget estimates.

"SUBCHAPTER II—RELEASE AND PRETRIAL DETENTION

"Sec.
"23–1321. Release in noncapital cases prior to trial.
"23–1322. Detention prior to trial.
"23–1323. Detention of addict.
"23–1324. Appeal from conditions of release.
"23–1325. Release in capital cases or after conviction.
"23–1326. Release of material witnesses.
"23–1327. Penalties for failure to appear.
"23–1328. Penalties for offenses committed during release.
"23–1329. Penalties for violation of conditions of release.
"23–1330. Contempt.
"23–1331. Definitions.
"23–1332. Applicability of subchapter.

"§ 23–1301. District of Columbia Bail Agency

"The District of Columbia Bail Agency (hereafter in this subchapter referred to as the 'agency') shall continue in the District of Columbia and shall secure pertinent data and provide for any judicial officer in the District of Columbia or any officer or member of the Metropolitan Police Department issuing citations, reports containing verified information concerning any individual with respect to whom a bail or citation determination is to be made.

"§ 23–1302. Definitions

"As used in this chapter—

"(1) the term 'judicial officer' means, unless otherwise indicated, the Supreme Court of the United States, the United States Court of Appeals for the District of Columbia Circuit, the District of Columbia Court of Appeals, United States District for the District of Columbia, the Superior Court of the District of Columbia or any justice or judge of those courts or a United States commissioner or magistrate; and

"(2) the term 'bail determination' means any order by a judicial officer respecting the terms and conditions of detention or release (including any order setting the amount of bail bond or any other kind of security) made to assure the appearance in court of—

"(A) any person arrested in the District of Columbia, or

"(B) any material witness in any criminal proceeding in a court referred to in paragraph (1).

"§ 23–1303. Interviews with detainees; investigations and reports; information as confidential; consideration and use of reports in making bail determinations

"(a) The agency shall, except when impracticable, interview any person detained pursuant to law or charged with an offense in the District of Columbia who is to appear before a judicial officer or whose case arose in or is before any court named in section 23–1302(1). The interview, when requested by a judicial officer, shall also be undertaken with respect to any person charged with intoxication or a traffic violation. The agency shall seek independent verification of information obtained during the interview, shall secure any such person's prior criminal record which shall be made available by the Metropolitan Police Department, and shall prepare a written report of the information for submission to the appropriate judicial officer. The report to the judicial officer shall, where appropriate, include a recommendation as to whether such person should be released or detained under any of the conditions specified in subchapter II of this chapter. If the agency does not make a recommendation, it shall submit a report without recommendation. The agency shall provide copies of its report and recommendations (if any) to the United States attorney for the District of Columbia, to the Corporation Counsel of the District of Columbia (if pertinent), and to counsel for the person concerning whom the report is made. The report shall include but not be limited to information concerning the person accused, his family, his community ties, residence, employment, and prior criminal record (if any), and may include such additional verified information as may become available to the agency.

"(b) With respect to persons seeking review under subchapter II of this chapter of their detention or conditions of release, the agency shall review its report, seek and verify such new information as may be necessary, and modify or supplement its report to the extent appropriate.

"(c) The agency when requested by any appellate court or a judge or justice thereof, or by any other judicial officer, shall furnish a report as provided in subsection (a) of this section respecting any person whose case is pending before any such appellate court or judicial officer or in whose behalf an application for a bail determination shall have been submitted.

"(d) Any information contained in the agency's files, presented in its report, or divulged during the course of any hearing shall not be admissible on the issue of guilt in any judicial proceeding, but such information may be used in proceedings under sections 23–1327, 23–1328, and 23–1329, in perjury proceedings, and for the purposes of impeachment in any subsequent proceeding.

"(e) The agency, when requested by a member or officer of the Metropolitan Police Department acting pursuant to court rules governing the issuance of citations in the District of Columbia, shall furnish to such member or officer a report as provided in subsection (a).

"(f) The preparation and the submission by the agency of its report as provided in this section shall be accomplished at the earliest practicable opportunity,

"(g) A judicial officer in making a bail determination shall consider the agency's report and its accompanying recommendation, if any. The judicial officer may order such detention or may impose such terms and set such conditions upon release, including requiring the execution of a bail bond with

sufficient solvent sureties as shall appear warranted by the facts, except that such judicial officer may not order any detention or establish any terms or conditions for release not otherwise authorized by law.

"(h) The agency shall—

"(1) supervise all persons released on nonsurety release, including release on personal recognizance, personal bond, nonfinancial conditions, or cash deposit or percentage deposit with the registry of the court;

"(2) make reasonable effort to give notice of each required court appearance to each person released by the court;

"(3) serve as coordinator for other agencies and organizations which serve or may be eligible to serve as custodians for persons released under supervision and advise the judicial officer as to the eligibility, advisability, and capacity of such agencies and organizations;

"(4) assist persons released pursuant to subchapter II of this chapter in securing employment or necessary medical or social services;

"(5) inform the judicial officer and the United States attorney for the District of Columbia of any failure to comply with pretrial release conditions or the arrest of persons released under its supervision and recommend modifications of release conditions when appropriate;

"(6) prepare, in cooperation with the United States marshal for the District of Columbia and the United States attorney for the District of Columbia, such pretrial detention reports as are required by Rule 46 (h) of the Federal Rules of Criminal Procedure; and

"(7) perform such other pretrial functions as the executive committee may, from time to time, assign.

"§ 23–1304. Executive committee; composition; appointment and qualifications of Director

"(a) The agency shall function under authority of and be responsible to an executive committee of five members of which three shall constitute a quorum. The executive committee shall be composed of the respective chief judges of the United States Court of Appeals for the District of Columbia Circuit, the United States District Court for the District of Columbia, the District of Columbia Court of Appeals, the Superior Court, or if circumstances may require, the designee of any such chief judge, and a fifth member who shall be selected by the chief judges.

"(b) The executive committee shall appoint a Director of the agency who shall be a member of the bar of the District of Columbia Court of Appeals.

"§ 23–1305. Duties of Directors; compensation; tenure

"The Director of the agency shall be responsible for the supervision and execution of the duties of the agency. The Director shall receive such compensation as may be set by the executive committee but not in excess of the compensation authorized for GS–16 of the General Schedule contained in section 5332 of title 5, United States Code. The Director shall hold office at the pleasure of the executive committee.

"§ 23–1306. Chief assistant and other agency personnel; compensation

"The Director, subject to the approval of the executive committee, shall employ a chief assistant and such assisting and clerical staff and may make assignments of such agency personnel as may be necessary properly to conduct the business of the agency. The staff of the agency, other than clerical, shall be drawn from law students, graduate students, or such other available sources as may be approved by the executive committee. The chief assistant to the Director shall receive compensation as may be set by the executive committee, but in an amount not in excess of the amount authorized for GS–14 of the General Schedule contained in section 5332 of title 5 United States Code, and shall hold office at the pleasure of the executive committee. All other employees of the agency shall receive compensation, as set by the executive committee, which shall be comparable to levels of compensation established in such chapter 53. From time to time, the Director, subject to the approval of the executive committee, may set merit and longevity salary increases.

"§ 23–1307. Annual reports to executive committee, Congress, and Commissioner

"The Director shall on June 15 of each year submit to the executive committee a report as to the agency's administration of its responsibilities for the previous period of June 1 through May 31, a copy of which report will be transmitted by the executive committee to the Congress of the United States, and to the Commissioner of the District of Columbia. The Director shall include in his report, to be prepared as directed by the Commissioner of the District of Columbia, a statement of financial condition, revenues, and expenses for the past June 1 through May 31 period.

"§ 23–1308. Budget estimates

"Budget estimates for the agency shall be prepared by the Director and shall be subject to the approval of the executive committee.

"SUBCHAPTER II—RELEASE AND PRETRIAL DETENTION

"§ 23–1321. Release in noncapital cases prior to trial

"(a) Any person charged with an offense, other than an offense punishable by death, shall, at his appearance before a judicial officer, be ordered released pending trial on his personal recognizance or upon the execution of an unsecured appearance bond in an amount specified by the judicial officer, unless the officer determines, in the exercise of his discretion, that such a release will not reasonably assure the appearance of the person as required or the safety of any other person or the community. When such a determination is made, the judicial officer shall, either in lieu of or in addition to the above methods of release, impose the first of the following conditions of release which will reasonably assure the appearance of the person for trial or the safety of any other person or the community, or, if no single condition gives that assurance, any combination of the following conditions:

"(1) Place the person in the custody of a designated person or organization agreeing to supervise him.

"(2) Place restrictions on the travel, association, or place of abode of the person during the period of release.

"(3) Require the execution of an appearance bond in a specified amount and the deposit in the registry of the court, in cash or other security as directed, of a sum not to exceed 10 per centum of the amount of the bond, such deposit to be returned upon the performance of the conditions of release.

"(4) Require the execution of a bail bond with sufficient solvent sureties, or the deposit of cash in lieu thereof.

"(5) Impose any other condition, including a condition requiring that the person return to custody after specified hours of release for employment or other limited purposes.

No financial condition may be imposed to assure the safety of any other person or the community.

"(b) In determining which conditions of release, if any, will reasonably assure the appearance of a person as required and the safety of any other person or the community, the judicial officer shall, on the basis of available information, take into account such matters as the nature and circumstances of the offense charged, the weight of the evidence against such person, his family ties, employment, financial resources, character and mental conditions, past conduct, length of residence in the community, record of convictions, and any record of appearance at court proceedings or of flight to avoid prosecution or failure to appear at court proceedings.

"(c) A judicial officer authorizing the release of a person under this section shall issue an appropriate order containing a statement of the conditions imposed, if any, shall inform such person of the penalties applicable to violations of the conditions of his release, shall advise him that a warrant for his arrest will be issued immediately upon any such violation, and shall warn such person of the penalties provided in section 23–1328.

"(d) A person for whom conditions of release are imposed and who, after twenty-four hours from the time of the release hearing, continues to be detained as a result of his inability to meet the conditions of release, shall, upon application, be entitled to have the conditions reviewed by the judicial officer who imposed them. Unless the conditions of release are amended and the person is thereupon released, the judicial officer shall set forth in writing the reasons for requiring the conditions imposed. A person who is ordered released on a condition which requires that he return to custody after specified hours shall, upon application, be entitled to a review by the judicial officer who imposed the condition. Unless the requirement is removed and the person is thereupon released on another condition, the judicial officer shall set forth in writing the reasons for continuing the requirement. In the event that the judicial officer who imposed conditions of release is not available, any other judicial officer may review such conditions.

"(e) A judicial officer ordering the release of a person on any condition specified in this section may at any time amend his order to impose additional or different conditions of release, except that if the imposition of such additional or different conditions results in the detention of the person as a result of his inability to meet such conditions or in the release of the person on a condition requiring him to return to custody after specified hours, the provisions of subsection (d) shall apply.

"(f) Information stated in, or offered in connection with, any order entered pursuant to this section need not conform to the rules pertaining to the admissibility of evidence in a court of law.

"(g) Nothing contained in this section shall be construed to prevent the disposition of any case or class of cases by forfeiture of collateral security where such disposition is authorized by the court.

"(h) The following shall be applicable to any person detained pursuant to this subchapter:

"(1) The person shall be confined, to the extent practicable, in facilities separate from convicted persons awaiting or serving sentences or being held in custody pending appeal.

"(2) The person shall be afforded reasonable opportunity for private consultation with counsel and, for good cause shown, shall be released upon order of the judicial officer in the custody of the United States marshal or other appropriate person for limited periods of time to perpare defenses or for other proper reasons.

"§ 23–1322. Detention prior to trial.

"(a) Whenever a judicial officer determines that no condition or combination of conditions of release will reasonably assure the safety of any other person or the community, he may, subject to the provisions of this section, order pretrial detention of a person charged with—

"(1) a dangerous crime as defined in section 23–1331(3);

"(2) a crime of violence, as defined in section 23–1331(4), if (i) the person has

been convicted of a crime of violence within the ten-year period immediately preceding the alleged crime of violence for which he is presently charged; or (ii) the crime of violence was allegedly committed while the person was, with respect to another crime of violence, on bail or other release or on probation, parole, or mandatory release pending completion of a sentence; or

"(3) any offense if such person, for the purpose of obstructing or attempting to obstruct justice, threatens, injures, intimidates, or attempts to threaten, injure, or intimidate any prospective witness or juror.

"(b) No person described in subsection (a) of this section shall be ordered detained unless the judicial officer—

"(1) holds a pretrial detention hearing in accordance with the provisions of subsection (c) of this section;

"(2) finds that—

"(A) there is clear and convincing evidence that the person is a person described in subsection (a) of this section;

"(B) based on the factors set out in subsection (b) of section 23–1321, there is no condition or combination of conditions of release which will reasonably assure the safety of any other person or the community; and

"(C) except with respect to a person described in paragraph (3) of subsection (a) of this section, on the basis of information presented by proffer or otherwise to the judicial officer there is a substantial probability that the person committed the offense for which he is present before the judicial officer; and

"(3) issues an order of detention accompanied by written findings of fact and the reasons for its entry.

"(c) The following procedures shall apply to pretrial detention hearings held pursuant to this section:

"(1) Whenever the person is before a judicial officer, the hearing may be initiated on oral motion of the United States attorney.

"(2) Whenever the person has been released pursuant to section 23–1321 and it subsequently appears that such person may be subject to pretrial detention, the United States attorney may initiate a pretrial detention hearing by ex parte written motion. Upon such motion the judicial officer may issue a warrant for the arrest of the person and if such person is outside the District of Columbia, he shall be brought before a judicial officer in the district where he is arrested and shall then be transferred to the District of Columbia for proceedings in accordance with this section.

"(3) The pretrial detention hearing shall be held immediately upon the person being brought before the judicial officer for such hearing unless the person or the United States attorney moves for a continuance. A continuance granted on motion of the person shall not exceed five calendar days, unless there are extenuating circumstances. A continuance on motion of the United States attorney shall be granted upon good cause shown and shall not exceed three calendar days. The person may be detained pending the hearing.

"(4) The person shall be entitled to representation by counsel and shall be entitled to present information by proffer or otherwise, to testify, and to present witnesses in his own behalf.

"(5) Information stated in, or offered in connection with, any order entered pursuant to this section need not conform to the rules pertaining to the admissibility of evidence in a court of law.

"(6) Testimony of the person given during the hearing shall not be admissible on the issue of guilt in any other judicial proceeding, but such testimony shall be admissible in proceedings under sections 23–1327, 23–1328, and 23–1329, in perjury proceedings, and for the purposes of impeachment in any subsequent proceedings.

"(7) Appeals from orders of detention may be taken pursuant to section 23–1324.

"(d) The following shall be applicable to persons detained pursuant to this section:

"(1) To the extent practicable, the person shall be given an expedited trial.

"(2) Such person shall be treated in accordance with section 23–1321—

"(A) upon the expiration of sixty calendar days, unless the trial is in progress or the trial has been delayed at the request of the person; or

"(B) whenever a judicial officer finds that a subsequent event has eliminated the basis for such detention.

"(3) The person shall be deemed detained pursuant to section 23–1325 if he is convicted.

"(e) The judicial officer may detain for a period not to exceed five calendar days a person who comes before him for a bail determination charged with any offense, if it appears that such person is presently on probation, parole, or mandatory release pending completion of sentence for any offense under State or Federal law and that such person may flee or pose a danger to any other person or the community if released. During the five day period, the United States attorney or the Corporation Counsel for the District of Columbia shall notify the appropriate State or Federal probation or parole officials. If such officials fail or decline to take the person into custody during such period, the person shall be treated in accordance with section 23–1321, unless he is subject to detention under this section. If the person is subsequently convicted of the offense charged, he shall receive credit toward service of sentence for the time he was detained pursuant to this subsection.

"§ 23–1323. Detention of addict

"(a) Whenever it appears that a person charged with a crime of violence, as defined in section 23–1331(4), may be an addict, as defined in section 23–331(5), the judicial officer may, upon motion of the United States attorney, order such person detained in custody for a period not to exceed three calendar days, under medical supervision, to determine whether the person is an addict.

"(b) Upon or before the expiration of three calendar days, the person shall be brought before a judicial officer and the results of the determination shall be presented to such judicial officer. The judicial officer thereupon (1) shall treat the person in accordance with section 23–1321, or (2) upon motion of the United States attorney, may (A) hold a hearing pursuant to section 23–1322, or (B) hold a hearing pursuant to subsection (c) of this section.

"(c) A person who is an addict may be ordered detained in custody under medical supervision if the judicial officer—

"(1) holds a pretrial detention hearing in accordance with subsection (c) of section 23–1322;

"(2) finds that—

"(A) there is clear and convincing evidence that the person is an addict;

"(B) based on the factors set out in subsection (b) of section 23–1321, there is no condition or combination of conditions of release which will reasonably assure the safety of any other person or the community; and

"(C) on the basis of information presented to the judicial officer by proffer or otherwise, there is a substantial probability that the person committed the offense for which he is present before the judicial officer; and

"(3) issues an order of detention accompanied by written findings of fact and the reasons for its entry.

"(d) The provisions of subsection (d) of section 23–1322 shall apply to this section.

"§ 23–1324. Appeal from conditions of release

"(a) A person who is detained, or whose release on a condition requiring him to return to custody after specified hours is continued, section 23–1321(d) or section 23–1321(e) by a judicial officer, other than a judge of the court having original jurisdiction over the after review of his application pursuant to offense with which he is charged or a judge of a United States court of appeals or a Justice of the Supreme Court, may move the court having original jurisdiction over the offense with which he is charged to amend the order. Such motion shall be determined promptly.

"(b) In any case in which a person is detained after (1) a court denies a motion under subsection (a) to amend an order imposing conditions of release, (2) conditions of release have been imposed or amended by a judge of the court having original jurisdiction over the offense charged, or (3) he is ordered detained or an order for his detention has been permitted to stand by a judge of the court having original jurisdiction over the offense charged, an appeal may be taken to the court having appellate jurisdiction over such court. Any order so appealed shall be affirmed if it is supported by the proceedings below. If the order is not so supported, the court may remand the case for a further hearing, or may, with or without additional evidence, order the person released pursuant to section 23–1321(a). The appeal shall be determined promptly.

"(c) In any case in which a judicial officer other than a judge of the court having original jurisdiction over the offense with which a person is charged orders his release with or without setting terms or conditions of release, or denies a motion for the pretrial detention of a person, the United States attorney may move the court having original jurisdiction over the offense to amend or revoke the order. Such motion shall be considered promptly.

"(d) In any case in which—

"(1) a person is released, with or without the setting of terms or conditions of release, or a motion for the pretrial detention of a person is denied, by a judge of the court having original jruisdiction over the offense with which the person is charged, or

"(2) a judge of a court having such original jurisdiction does not grant the motion of the United States attorney filed pursuant to subsection (c),

the United States attorney may appeal to the court having appellate jurisdiction over such court. Any order so appealed shall be affirmed if it is supported by the proceedings below. If the order is not so supported, (A) the court may remand the case for a further hearing, (B) with or without additional evidence, change the terms or conditions of release, or (C) in cases in which the United States attorney requested pretrial detention pursuant to sections 23–1322 and 23–1323, order such detention.

"§ 23–1325. Release in capital cases or after conviction

"(a) A person who is charged with an offense punishable by death shall be treated in accordance with the provisions of section 23–1321 unless the judicial officer has reason to believe that no one or more conditions of release will reasonably assure that the person will not flee or pose a danger to any other person or to the property of others. If such a risk or flight or danger is believed to exist, the person may be ordered detained.

"(b) A person who has been convicted of an offense and is awaiting sentence shall be detained unless the judicial officer finds by clear and convincing evidence that he is not likely to flee or pose a danger to any other person or to the property of others. Upon such finding, the judicial officer shall treat the person in accordance with the provisions of section 23–1321.

"(c) A person who has been convicted of an offense and sentenced to a term of confinement or imprisonment and has filed an appeal or petition for a writ of certiorari shall be detained unless the judicial officer

finds by clear and convincing evidence that (1) the person is not likely to flee or pose a danger to any other person or to the property of others, and (2) the appeal or petition for a writ of certiorari raises a substantial question of law or fact likely to result in a reversal or an order for new trial. Upon such findings, the judicial officer shall treat the person in accordance with the provisions of section 23–1321.

"(d) The provisions of section 23–1324 shall apply to persons detained in accordance with this section.

"§ 23–1326. Release of material witnesses

"If it appears by affidavit that the testimony of a person is material in any criminal proceeding, and if it is shown that it may become impracticable to secure his presence by subpena, a judicial officer shall impose conditions of release pursuant to section 23–1321. No material witnesses shall be detained because of inability to comply with any condition of release if the testimony of such witness can adequately be secured by deposition, and further detention is not necessary to prevent a failure of justice. Release may be delayed for a reasonable period of time until the deposition of the witness can be taken pursuant to the Federal Rules of Criminal Procedure.

"§ 23–1327. Penalties for failure to appear

"(a) Whoever, having been released under this title prior to the commencement of his sentence, willfully fails to appear before any court or judicial officer as required, shall, subject to the provisions of the Federal Rules of Criminal Procedure, incur a forfeiture of any security which was given or pledged for his release, and, in addition, shall, (1) if he was released in connection with a charge of felony, or while awaiting sentence or pending appeal or certiorari prior to commencement of his sentence after conviction of any offense, be fined not more than $5,000 and imprisoned not less than one year and not more than five years, (2) if he was released in connection with a charge of misdemeanor, be fined not more than the maximum provided for such misdemeanor and imprisoned for not less than ninety days and not more than one year, or (3) if he was released for appearance as a material witness, be fined not more than $1,000 or imprisoned for not more than one year, or both.

"(b) Any failure to appear after notice of the appearance date shall be prima facie evidence that such failure to appear is willful. Whether the person was warned when released of the penalties for failure to appear shall be a factor in determining whether such failure to appear was willful, but the giving of such warning shall not be a prerequisite to conviction under this section.

"(c) The trier of facts may convict under this section even if the defendant has not received actual notice of the appearance date if (1) reasonable efforts to notify the defendant have been made, and (2) the defendant, by his own actions, has frustrated the receipt of actual notice.

"(d) Any term of imprisonment imposed pursuant to this section shall be consecutive to any other sentence of imprisonment.

"§ 23–1328. Penalties for offenses committed during release

"(a) Any person convicted of an offense committed while released pursuant to section 23–1321 shall be subject to the following penalties in addition to any other applicable penalties:

"(1) A term of imprisonment of not less than one year and not more than five years if convicted of committing a felony while so released; and

"(2) A term of imprisonment of not less than ninety days and not more than one year if convicted of commiting a misdemeanor while so released.

"(b) The giving of a warning to the person when released of the penalties imposed by this section shall not be a prerequisite to the application of this section.

"(c) Any term of imprisonment imposed pursuant to this section shall be consecutive to any other sentence of imprisonment.

"§ 23–1329. Penalties for violation of conditions of release

"(a) A person who has been conditionally released pursuant to section 23–1321 and who has violated a condition of release shall be subject to revocation of release, an order of detention, and prosecution for contempt of court.

"(b) Proceedings for revocation of release may be initiated on motion of the United States attorney. A warrant for the arrest of a person charged with violating a condition of release may be issued by a judicial officer and if such person is outside the District of Columbia he shall be brought before a judicial officer in the district where he is arrested and shall then be transferred to the District of Columbia for proceedings in accordance with this section. No order of revocation and detention shall be entered unless, after a hearing, the judicial officer finds that—

"(1) there is clear and convincing evidence that such person has violated a condition of his release; and

"(2) based on the factors set out in subsection (b) of section 23–131, there is no condition or combination of conditions of release which will reasonably assure that such person will not flee or pose a danger to any other person or the community.

The provisions of subsections (c) and (d) of section 23–1322 shall apply to this subsection.

"(c) Contempt sanctions may be imposed if, upon a hearing and in accordance with principles applicable to proceedings for criminal contempt, it is established that such person has intentionally violated a condition of his release. Such contempt proceedings shall be expedited and heard by the court without a jury. Any person found guilty of criminal contempt for violation of a condition of release shall be imprisoned for not more than six months, or fined not more than $1,000, or both.

"(d) Any warrant issued by a judge of the Superior Court for violation of release conditions or for contempt of court, for failure to appear as required, or pursuant to subsection (c)(2) of section 23–1322, may be executed at any place within the jurisdiction of the United States. Such warrants shall be executed by a United States marshal or by any other officer authorized by law.

"§ 23–1330. Contempt

"Nothing in the subchapter shall interfere with or prevent the exercise by any court of the United States of its power to punish for contempt.

"§ 23–1331. Definitions

"As used in this subchapter:

"(1) The term 'judicial officer' means, unless otherwise indicated, any person or court in the District of Columbia authorized pursuant to section 3041, title 18, United States Code, or the Federal Rules of Criminal Procedure, to bail or otherwise release a person before trial or sentencing or pending appeal in a court of the United States, and any judge of the Superior Court.

"(2) The term 'offense' means any criminal offense committed in the District of Columbia, other than an offense triable by court-martial, military commission, provost court, or other military tribunal, which is in violation of an Act of Congress.

"(3) The term 'dangerous crime' means (A) taking or attempting to take property from another by force or threat of force, (B) unlawfully entering or attempting to enter any premises adapted for overnight accommodation of persons or for carrying on business with the intent to commit an offense therein, (C) arson or attempted arson of any premises adaptable for overnight accommodation of persons or for carrying on business, (D) rape, carnal knowledge of a female under the age of sixteen, assault with intent to commit either of the foregoing offenses, or taking or attempting to take immoral, improper, or indecent liberties with a child under the age of sixteen years, or (E) unlawful sale or distribution of a narcotic or depressant or stimulant drug (as defined by any Act of Congress) if the offense is punishable by imprisonment for more than one year.

"(4) The term 'crime of violence' means murder, forcible rape, carnal knowledge of a female under the age of sixteen, taking or attempting to take immoral, improper, or indecent liberties with a child under the age of sixteen years, mayhem, kidnaping, robbery, burglary, voluntary manslaughter, extortion or blackmail accompanied by threats of violence, arson, assault with intent to commit any offense, assault with a dangerous weapon, or an attempt or conspiracy to commit any of the foregoing offenses, as defined by any Act of Congress or any State law, if the offense is punishable by imprisonment for more than one year.

"(5) The term 'addict' means any individual who habitually uses any narcotic drug as defined by section 4731 of the Internal Revenue Code of 1954 so as to endanger the public morals, health, safety, or welfare.

"§ 23–1332. Applicability of subchapter

"The provisions of this subchapter shall apply in the District of Columbia in lieu of the provisions of sections 3146 through 3152 of title 18, United States Code.

"Chapter 15.—OUT-OF-STATE WITNESSES

"Sec.

"23–1501. Definitions.

"23–1502. Hearing on recall of out-of-State witnesses by State courts; determination; travel allowance; penalty.

"25–503. Certificate providing for attendance of witnesses at criminal prosecutions in the District of Columbia; travel allowance; penalty.

"23–1504. Exemption from arrest.

"§ 23–1501. Definitions

"As used in this chapter—

"(1) The term 'witness' includes a person whose testimony is desired in any proceeding or investigation by a grand jury or in a criminal action, prosecution, or proceeding.

"(2) The term 'State' includes the Commonwealth of Puerto Rico, the District of Columbia, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

"(3) The term 'summons' includes a subpena, order, or other notice requiring the appearance of a witness.

"§ 23–1502. Hearing on recall of out-of-State witnesses by State courts; determination; travel allowance; penalty

"(a) If a judge of a court of record in any State which by its laws has made provision for commanding persons within that State to attend and testify in the District of Columbia certifies under the seal of the court (1) that there is a criminal prosecution pending in that court, or that a grand jury investigation has commenced or is about to commence, (2) that a person within the District of Columbia is a material witness in the prosecution or grand jury investigation, and (3) that his presence will be required for a specified number of days, upon presentation of that certificate to any judge of the Superior Court of the District of Columbia, except as provided in subsection (c), such judge shall fix a time and place for a hearing, and shall make an order directing the witness to appear at a time and place certain for the hearing.

"(b) If at the hearing the judge determines that the witness is material and neces-

sary, that it will not cause undue hardship to the witness to attend and testify in the prosecution or grand jury investigation in the requesting State, and that the laws of such State and of any other State through which the witness may be required to pass by ordinary course of travel, will give to him protection from arrest and the service of civil and criminal process, he shall issue a summons, with a copy of the certificate attached, directing the witness to attend and testify in the prosecution or grand jury investigation, as the case may be, at a time and place specified in the summons. In any such hearing the certificate shall be prima facie evidence of all the facts stated therein.

"(c) If the certificate presented under subsection (a) recommends that the witness be taken into immediate custody and delivered to an officer of the requesting State to assure his attendance, in the requesting State, the judge may in lieu of notification of hearing, direct that the witness be forthwith brought before him for a hearing. If the judge at the hearing is satisfied of the desirability of the custody and delivery of the witness, he may, in lieu of issuing subpena or summons, order the witness to be forthwith taken into custody and delivered to an officer of the requesting State. The certificate shall be prima facie proof of the desirablity of the custody and delivery of the witness.

"(d) Any witness who is summoned as above provided and, after being paid or tendered by some properly authorized person the fees and allowances authorized for witnesses in criminal cases in United States district courts, fails without good cause to attend and testify as directed in the summons, shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from the Superior Court.

"§ 23–1503. Certificate providing for attendance of witnesses at criminal prosecutions in the District of Columbia; travel allowance; penalty

"(a) If a person in any State, which by its laws has made provision for commanding persons within its borders to attend and testify in criminal prosecutions or grand jury investigations in the District of Columbia, is a material witness in such a prosecution or a grand jury investigation in the District of Columbia which has commenced or is about to commence, a judge may issue a certificate under seal stating these facts and specifying the number of days the witness will be required. The certificate may include a recommendation that the witness be taken into immediate custody and delivered to an officer of the United States or the District of Columbia to assure his attendance in the District of Columbia. This certificate shall be presented to a judge of a court of record in the county in which the witness is found.

"(b) If the witness is summoned to attend and testify in the District of Columbia he shall be tendered the fees and allowances authorized for witnesses in criminal cases in the United States district courts. A witness who has appeared in accordance with the provisions of the summons shall not be required to remain within the District of Columbia for a period longer than that specified in the certificate, unless otherwise ordered by the court. If the witness, after coming into the District of Columbia, fails without good cause to attend and testify as directed in the summons, he may be punished in the manner provided for the punishment of any other witness who disobeys a summons issued from the court in the District of Columbia where the prosecution has been instituted or the grand jury investigation has commenced or is about to commence.

"§ 23–1504. Exemption from arrest

"(a) Any person who comes into the District of Columbia in obedience to a summons directing him to attend and testify in the District of Columbia shall not, while in the District of Columbia, pursuant to the summons, be subject to arrest or the service of process, civil or criminal, in connection with any matter which arose before his entrance into the District of Columbia under the summons.

"(b) Any person who is in the process of passing through the District of Columbia for the purpose of proceeding to or returning from a State which has summoned him to attend and testify shall not be subject to arrest or the service of process, civil or criminal, in connection with any matter which arose at some other time.

"Chapter 17.—DEATH PENALTY

"Sec.
"23–1701. Capital punishment.
"23–1702. Provision for death chamber; appointment of executioner and assistants; fees.
"23–1703. Sentences to be in writing and certified copy furnished.
"23–1704. Who may be present at executions; fact of execution to be certified to clerk of court.
"23–1705. Place of execution.

"§ 23–1701. Capital punishment

"The mode of capital punishment in the District of Columbia shall be by the process commonly known as electrocution. The punishment of death shall be inflicted by causing to pass through the body of the convict a current of electricity of sufficient intensity to cause death, and the application of the current shall be continued until the convict is dead. The time fixed for the execution of the sentence shall not be considered an essential part of the sentence, and if it be not executed at the time therein appointed, by reason of the pendency of an appeal or for other cause, the court may appoint another day for carrying the same into execution.

"§ 23–1702. Provision for death chamber, appointment of executioner and assistants; fees

"The Commissioner of the District of Columbia shall provide a death chamber and necessary apparatus for inflicting the death penalty by electrocution and designate an executioner and necessary assistants, not exceeding three in number. The District of Columbia Council shall fix the fees for the executioner and his assistants.

"§ 23–1703. Sentences to be in writing and certified copy furnished

"If a person is sentenced to death for a conviction in the District of Columbia the presiding judge shall sentence the convicted person to death according to the terms of this chapter, and make the sentence in writing, such sentence shall be filed with the papers in the case against the convicted person, and a certified copy thereof shall be transmitted, by the clerk of the court in which such sentence is pronounced, to the District of Columbia Department of Corrections not less than ten days prior to the time fixed in the sentence of the court for the execution.

"§ 23–1704. Who may be present at execution; fact of execution to be certified to clerk of court

"At the execution of the death penalty there shall be present only the following persons: The executioner and his assistant; the prison physician and one other physician if the condemned person so desires; the condemned person's counsel and relatives, not exceeding three, if they so desire; the prison chaplain and such other ministers of the Gospel, not exceeding two, as may attend by desire of the condemned; the superintendent of the prison, or, in the event of his disability, a deputy designated by him; and not fewer than three nor more than five respectable citizens whom the superintendent of the prison shall designate, and, if necessary to insure their attendance, shall subpena to be present. The fact of execution shall be certified by the prison physician and the executioner to the clerk of the court in which sentence was pronounced, which certificate shall be filed by the clerk with the papers in the case. No person under the age of twenty-one years shall be allowed to witness any execution.

"§ 23–1705. Place of execution

"Any person adjudged to suffer death shall be executed within the walls of the designated facility of the Department of Corrections, or within the yard or inclosure thereof, and not elsewhere."

(b) The following provisions of law are repealed on the effective date of this Act, except with respect to rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this Act:

(1) Sections 397 and 398 of the Revised Statutes of the District of Columbia (D.C. Code, secs. 4–140, 4–141).

(2) The following provision of British law in effect in the District of Columbia: 23 Geo. II, chapter 11, sections 1 and 2 (D.C. Code, secs. 23–204, 23–205).

(3) The following sections of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901:

(A) Sections 911 to 914 (D.C. Code, secs. 23–301 to 23–304).

(B) Sections 915 to 917 (D.C. Code, secs. 23–201 to 23–203).

(C) Sections 918 to 924 (D.C. Code, secs. 23–107 to 23–113).

(D) Section 926 (D.C. Code, sec. 23–114).

(E) Sections 930 and 931 (D.C. Code, secs. 23–401, 23–402).

(F) Sections 932 and 933 (D.C. Code, secs. 23–101, 23–102).

(G) Sections 935 and 938 (D.C. Code, secs. 23–105, 23–106).

(H) Section 939 (D.C. Code, sec. 23–104).

(I) Section 1200 (D.C. Code, sec. 23–706).

(J) Section 1203 (D.C. Code, sec. 23–705).

(4) Act of January 30, 1925 (43 Stat. 798; D.C. Code, secs. 23–701 to 23–704).

(5) Act of April 21, 1928 (45 Stat. 440; D.C. Code, secs. 23–403 to 23–410).

(6) Act of March 3, 1933 (47 Stat. 1482; D.C. Code, secs. 23–601 to 23–612).

(7) Section 5 of the Act of April 5, 1938 (52 Stat. 198, 199; D.C. Code, sec. 23–305).

(8) Uniform Act on Fresh Pursuit (53 Stat. 1124; D.C. Code, secs. 23–501 to 23–504).

(9) Act of March 5, 1952 (66 Stat. 15; D.C. Code, secs. 23–801 to 23–804).

(10) Sections 207, 402, and 407(b) of the District of Columbia Law Enforcement Act of 1953 (67 Stat. 90, 96, 102, 106; D.C. Code, secs. 23–306, 23–115, and 23–411).

(11) The District of Columbia Bail Agency Act (80 Stat. 327; D.C. Code, secs. 23–901 to 23–909).

(12) Act of July 30, 1968 (82 Stat. 460; D.C. Code, sec. 23–101a).

TITLE III—PUBLIC DEFENDER

REDESIGNATION OF LEGAL AID AGENCY AS PUBLIC DEFENDER SERVICE

SEC. 301. The Legal Aid Agency for the District of Columbia is redesignated the District of Columbia Public Defender Service (hereafter in this title referred to as the "Service").

AUTHORITY OF SERVICE

SEC. 302. (a) The Service is authorized to represent any person in the District of Columbia who a District of Columbia court determines is financially unable to obtain adequate representation in each of the following categories:

(1) Persons charged with an offense punishable by imprisonment for a term of six months, or more.

(2) Persons charged with violating a condition of probation or parole.

(3) Persons subject to proceedings pursuant to chapter 5 of title 21 of the District of Columbia Code (Hospitalization of the Mentally Ill).

(4) Persons for whom civil commitment is sought pursuant to title III of the Narcotic Addict Rehabilitation Act of 1966 (42 U.S.C. 3411, et seq.) or the provisions of the Hospital Treatment for Drug Addicts Act for the District of Columbia (D.C. Code, sec. 24–601, et seq.).

(5) Juveniles alleged to be delinquent or in need of supervision.

(6) Persons subject to proceedings pursuant to section 7 of the Act of August 4, 1947 (D.C. Code, sec. 24–527) (relating to commitment of chronic alcoholics by court order for treatment).

Representation may be furnished at any stage of a proceeding, including appellate, ancillary, and collateral proceedings. Not more than 60 per centum of the persons annually determined to be financially unable to obtain adequate representation in each of the above categories may be represented by the Service, but the Service may furnish technical and other assistance to private attorneys appointed to represent persons described in the above-enumerated categories. The Service shall determine the best practicable allocation of its staff personnel to the courts where it furnishes representation.

(b) The Service shall establish and coordinate the operation of an effective and adequate system for appointment of private attorneys to represent persons specified in subsection (a), but the courts shall have final authority to make such appointments. The Service shall report to the courts at least quarterly on matters relating to the operation of the appointment system and shall consult with the courts on the need for modifications and improvements.

(c) Upon approval of its Board of Trustees, the Service may perform such other functions as are necessary and appropriate to the duties described above.

(d) The determination whether a person is financially unable to obtain adequate representation shall be based on information provided by the person to be represented and such other persons or agencies as the court in its discretion shall require. Whoever in providing this information knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry shall be fined not more than $1,000 or imprisoned not more than one year, or both.

BOARD OF TRUSTEES OF SERVICE

SEC. 303. (a) The powers of the Service shall be vested in a Board of Trustees composed of seven members. The Board of Trustees shall establish general policy for the Service but shall not direct the conduct of particular cases.

(b) (1) Members of the Board of Trustees shall be appointed by a panel consisting of—

(A) the chief judge of the United States Court of Appeals for the District of Columbia Circuit;

(B) the chief judge of the United States District Court for the District of Columbia;

(C) the chief judge of the District of Columbia Court of Appeals;

(D) the chief judge of the Superior Court of the District of Columbia; and

(E) the Commissioner of the District of Columbia. The panel shall be presided over by the Chief Judge of the United States Court of Appeals for the District of Columbia Circuit (or in his absence, the designee of such judge). A quorum of the panel shall be four members.

(2) Judges of the United States courts in the District of Columbia and of District of Columbia courts may not be appointed to serve as members of the Board of Trustees.

(3) The term of office of a member of the Board of Trustees shall be three years. No person shall serve more than two consecutive terms as a member of the Board of Trustees. A vacancy in the Board of Trustees shall be filled in the same manner as the original appointment. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term.

(c) The trustees of the Legal Aid Agency for the District of Columbia in office on the effective date of this Act shall serve the unexpired portions of their terms as trustees of the Service.

(d) For the purposes of any action brought against the trustees of the Service, they shall be deemed to be employees of the District of Columbia.

DIRECTOR AND DEPUTY DIRECTOR OF SERVICE

SEC. 304. The Board of Trustees shall appoint a Director and Deputy Director of the Service, each of whom shall serve at the pleasure of the Board. The Director shall be responsible for the supervision of the work of the Service and shall perform such other duties as the Board of Trustees may prescribe. The Deputy Director shall assist the Director and shall perform such duties as he may prescribe. The Director and Deputy Director shall be members of the bar of the District of Columbia. The Board of Trustees shall fix the compensation to be paid to the Director and the Deputy Director, but such compensation shall not be less than $17,500 nor more than $27,500.

STAFF

SEC. 305. (a) The Director shall employ a staff of attorneys, clerical and other personnel necessary to provide adequate and effective defense services. The Director shall make assignments of the personnel of the Service. The salaries of all employees of the Service, other than the Director and the Deputy Director, shall be fixed by the Director, but shall not exceed the salaries which may be paid to persons of similar qualifications and experience in the Office of the United States Attorney for the District of Columbia. All attorneys employed by the Service to represent persons shall be members of the bar of the District of Columbia.

(b) No attorney employed by the Service shall engage in the private practice of law or receive a fee for representing any person.

FISCAL REPORTS

SEC. 306. (a) The Board of Trustees of the Agency shall submit a fiscal year report of the Service's operations to the Congress of the United States, to the chief judges of the Federal courts in the District of Columbia and of the District of Columbia courts, and to the Commissioner of the District of Columbia. The report shall include a statement of the financial condition of the Service and a summary of services performed during the year.

(b) The Board of Trustees shall annually arrange for an independent audit to be prepared by a certified public accountant or by a designee of the Administrative Office of the United States Courts.

APPROPRIATIONS

SEC. 307. For the purpose of carrying out the provisions of this title, there is authorized to be appropriated for each fiscal year, out of any moneys in the Treasury to the credit of the District of Columbia, such sums as may be necessary to implement the purposes of this title. Such sums shall be appropriated for the judiciary to be disbursed by the Administrative Office of the United States Courts to carry on the business of the Service. The Administrative Office in disbursing and accounting for such sums, shall follow, so far as possible, its standard fiscal practices. The budget estimate for the Service shall be prepared in consultation with the Commissioner of the District of Columbia.

TRANSITION PROVISION

SEC. 308. All employees of the Legal Aid Agency for the District of Columbia on the effective date of this Act shall be deemed to be employees of the District of Columbia Public Defender Service and shall be entitled to the same compensation and benefits as they are entitled to as employees of the Legal Aid Agency for the District of Columbia.

REPEAL

SEC. 309. The District of Columbia Legal Aid Act (D.C. Code, secs. 2–2201 to 2–2210) is repealed.

TITLE IV—ATTORNEY'S FEES IN ACTIONS FOR WRONGFUL ARREST BROUGHT AGAINST OFFICERS OR MEMBERS OF THE METROPOLITAN POLICE DEPARTMENT

ATTORNEY'S FEES IN ACTIONS FOR WRONGFUL ARREST

SEC. 401. (a) Chapter 7 of title 5 of the District of Columbia Code (relating to fees and costs) is amended by adding at the end the following new section:

"§ 15–717. Attorney's fees to be awarded in certain civil actions brought against members or officers of the Metropolitan Police Department

"In a civil action in the United States District Court for the District of Columbia or any District of Columbia court brought against a member or officer of the Metropolitan Police Department for damages resulting from an alleged wrongful arrest by such officer or member, the judgment of such court, whether for the plaintiff or the defendant, shall include an award of a reasonable attorney's fee to such member or officer."

(b) The table of sections for chapter 7 of title 15 of the District of Columbia Code is amended by adding at the end the following new item:

"15–717. Attorney's fees to be awarded in certain civil actions brought against members or officers of the Metropolitan Police Department."

EFFECTIVE DATE

SEC. 402. The amendments made by this title shall take effect with respect to civil actions in the United States District Court for the District of Columbia or any District of Columbia court brought after the date of enactment of this Act against a member or officer of the Metropolitan Police Department for damages resulting from an alleged wrongful arrest by such officer or member.

TITLE V—TRANSFER TO BUREAU OF PRISONS OF CERTAIN FACILITIES OF DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS

TRANSFER

SEC. 501. (a) Section 2 of the Act entitled "An Act to create a Department of Corrections in the District of Columbia", approved June 27, 1946 (D.C. Code, sec. 24–442), is amended by striking out ", the Reformatory at Lorton in the State of Virginia,".

(b) Section 6 of the Act entitled "An Act to establish a Board of Public Welfare in and for the District of Columbia, to determine its functions, and for other purposes", approved March 16, 1926 (D.C. Code, sec. 3–106), is amended by striking out "(b) the reformatory at Lorton in the State of Virginia;".

(c) All the functions, powers, and duties of the Commissioner of the District of Columbia and the District of Columbia Council with respect to (1) the institutions of the District of Columbia that are located in Fairfax County, Virginia, and are operated by the Department of Corrections of the gov-

ernment of the District of Columbia, and (2) the care, custody, discipline, instruction, and rehabilitation of persons committed to, or otherwise residing in, such institutions, are transferred to the Attorney General. The Attorney General may from time to time make such provisions as he shall deem appropriate authorizing the performance of any of the functions, powers, or duties transferred to him by this section by any officer, employee, or organizational entity of the Department of Justice.

(d) The personnel—

(1) who the Director of the Bureau of the Budget determines were employed in connection with any function, power, or duty transferred by this section, and

(2) who are subject to the provisions of title 5 of the United States Code governing appointment in the competitive service and compensated in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates

shall be transferred to the Attorney General and shall continue to have the employment privileges and rights they had under part III of title 5, United States Code, before their transfer under this section. The transfer of personnel pursuant to this section shall be without reduction in classification or compensation for one year after such transfer.

(e) For the purposes of the twenty-second paragraph under the center heading "UNITED STATES COURTS" in the first section of the Act of March 3, 1915 (D.C. Code, sec 24–424), each institution of the District of Columbia described in section 2 of this Act shall be considered a Federal penitentiary.

TITLE VI—ABOLITION OF COMMISSION ON REVISION OF THE CRIMINAL LAWS OF THE DISTRICT OF COLUMBIA

ABOLITION OF COMMISSION

SEC. 601. (a) Title IX of the Act entitled "An Act relating to crime and criminal procedure in the District of Columbia", approved December 27, 1967 (Public Law 90–226), is repealed.

(b) The Committees on the District of Columbia of the Senate and House of Representatives shall make a full and complete review and study of the statutory and case law applicable in the District of Columbia for the purpose of formulating a revised code of criminal law for the District of Columbia.

TITLE VII—INTERSTATE COMPACT ON JUVENILES

FINDINGS AND PURPOSE

SEC. 701. (a) The Congress finds that (1) juveniles who are not under proper supervision and control, or who have absconded, escaped, or run away, are likely to endanger their own health, morals, and welfare, and the health, morals, and welfare of others and (2) the cooperation of the District of Columbia with the States is necessary to provide for the welfare and protection of juveniles and other persons in the District of Columbia.

(b) The Congress intends, in authorizing the District of Columbia to adopt the Interstate Compact on Juveniles, to have the District of Columbia cooperate fully with the States (1) in returning juveniles to those States requesting their return, and (2) in accepting and providing for the return of juveniles who are residents of the District of Columbia and who are found or apprehended in a State.

AUTHORITY TO ENTER INTO COMPACT

SEC. 702 (a) The Commissioner of the District of Columbia (hereafter in this Act referred to as the "Commissioner") is authorized to enter into and execute on behalf of the District of Columbia a compact with any State or States legally joining therein in the form substantially as follows:

"THE INTERSTATE COMPACT ON JUVENILES

"The contracting states solemnly agree:

"ARTICLE I—Findings and Purposes

"That juveniles who are not under proper supervision and control, or who have absconded, escaped, or run away, are likely to endanger their own health, morals and welfare, and the health, morals and welfare of others. The cooperation of the states party to this compact is therefore necessary to provide for the welfare and protection of juveniles and of the public with respect to (1) cooperative supervision of delinquent juveniles on probation or parole; (2) the return from one state to another, of delinquent juveniles who have escaped or absconded; (3) the return, from one state to another, of non-delinquent juveniles who have run away from home; and (4) additional measures for the protection of juveniles and of the public, which any two or more of the party states may find desirable to undertake cooperatively. In carrying out the provisions of this compact the party states shall be guided by the non-criminal, reformative and protective policies which guide their laws concerning delinquent, neglected or dependent juveniles generally. It shall be the policy of the states party to this compact to cooperate and observe their respective responsibilities for the prompt return and acceptance of juveniles and delinquent juveniles who become subject to the provisions of this compact. The provisions of this compact shall be reasonably and liberally construed to accomplish the foregoing purposes.

"ARTICLE II—Existing Rights and Remedies

"That all remedies and procedures provided by this compact shall be in addition to and not in substitution for other rights, remedies and procedures, and shall not be in derogation of parental rights and responsibilities.

"ARTICLE III—Definitions

"That, for the purposes of this compact, 'delinquent juvenile' means any juvenile who has been adjudged delinquent and who, at the time the provisions of this compact are invoked, is still subject to the jurisdiction of the court that has made such adjudication or to the jurisdiction or supervision of any agency or institution pursuant to an order of such court; 'probation or parole' means any kind of conditional release of juveniles authorized under the laws of the states party hereto; 'court' means any court having jurisdiction over delinquent, neglected or dependent children; 'state' means any state, territory or possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico; and 'residence' or any variant thereof means a place at which a home or regular place of abode is maintained.

"ARTICLE IV—Return of Runaways

"(a) That the parent, guardian, person or agency entitled to legal custody of a juvenile who has not been adjudged delinquent but who has run away without the consent of such parent, guardian, person or agency may petition the appropriate court in the demanding state for the issuance of a requisition for his return. The petition shall state the name and age of the juvenile, the name of the petitioner and the basis of entitlement to the juvenile's custody, the circumstances of his running away, his location if known at the time application is made, and such other facts as may tend to show that the juvenile who has run away is endangering his own welfare or the welfare of others and is not an emancipated minor. The petition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the document or documents on which the petitioner's entitlement to the juvenile's custody is based, such as birth certificates, letters of guardianship, or custody decrees. Such further affidavits and other documents as many be deemed proper may be submitted with such petition. The judge of the court to which this application is made may hold a hearing thereon to determine whether for the purposes of this compact the petitioner is entitled to the legal custody of the juvenile, whether or not it appears that the juvenile has in fact run away without consent, whether or not he is an emancipated minor, and whether or not it is in the best interest of the juvenile to compel his return to the state. If the judge determines, either with or without a hearing, that the juvenile should be returned, he shall present the appropriate court or to the executive authority of the state where the juvenile is alleged to be located a written requisition for the return of such juvenile. Such requisition shall set forth the name and age of the juvenile, the determination of the court that the juvenile has run away without the consent of a parent, guardian, person or agency entitled to legal custody, and that it is in the best interest and for the protection of such juvenile that he be returned. In the event that a proceeding for the adjudication of the juvenile as a delinquent, neglected or dependent juvenile is pending in the court at the time when such juvenile runs away, the court may issue a requisition for the return of such juvenile upon its own motion, regardless of the consent of the parent, guardian, person or agency entitled to legal custody, reciting therein the nature and circumstances of the pending proceeding. The requisition shall in every case be executed in duplicate and shall be signed by the judge. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of such court. Upon the receipt of a requisition demanding the return of a juvenile who has run away, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No juvenile detained upon such order shall be delivered over to the officer whom the court demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of a court in the state, who shall inform him of the demand made for his return and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisition is in order, he shall deliver such juvenile over to the officer whom the court demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

"Upon reasonable information that a person is a juvenile who has run away from another state party to this compact without the consent of a parent, guardian, person or agency entitled to his legal custody, such juvenile may be taken into custody without a requisition and brought forthwith before a judge of the appropriate court who may appoint counsel or guardian and litem for such juvenile and who shall determine after a hearing whether sufficient cause exists to hold the person, subject to the order of the court, for his own protection and welfare, for such a time not exceeding 90 days as will enable his return to another state party to this compact pursuant to a requisition for his return from a court of that state. If, at the time when a state seeks

the return of a juvenile who has run away, there is pending in the state wherein he is found any criminal charge, or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such State, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and all state party to this compact, without interference. Upon his return to the state from which he ran away, the juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

"(b) That the state to which a juvenile is returned under this Article shall be responsible for payment of the transportation costs of such return.

"(c) That 'juvenile' as used in this Article means any person who is a minor under the law of the state of residence of the parent, guardian, person or agency entitled to the legal custody of such minor.

"ARTICLE V—Return of Escapees and Absconders

"(a) That the appropriate person or authority from whose probation or parole supervision a delinquent juvenile has absconded or from whose institutional custody he has escaped shall present to the appropriate court or to the executive authority of the state where the delinquent juvenile is alleged to be located a written requisition for the return of such delinquent juvenile. Such requisition shall state the name and age of the delinquent juvenile, the particulars of his adjudication as a delinquent juvenile, the circumstances of the breach of the terms of his probation or parole or of his escape from an institution or agency vested with his legal custody or supervision, and the location of such delinquent juvenile, if known, at the time the requisition is made. The requisition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the judgment, formal adjudication, or order of commitment which subjects such delinquent juvenile to probation or parole or to the legal custody of the institution or agency concerned. Such further affidavits and other documents as may be deemed proper may be submitted with such requisition. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of the appropriate court. Upon the receipt of a requisition demanding the return of a delinquent juvenile who has absconded or escaped, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such delinquent juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No delinquent juvenile detained upon such order shall be delivered over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of an appropriate court in the state, who shall inform him of the demand made for his return and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisition is in order, he shall deliver such delinquent juvenile over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

"Upon reasonable information that a person is a delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, such person may be taken into custody in any other state party to this compact without a requisition. But in such event, he must be taken forthwith before a judge of the appropriate court, who may appoint counsel or guardian ad litem for such person and who shall determine, after a hearing, whether sufficient cause exists to hold the person subject to the order of the court for such a time, not exceeding 90 days, as will enable his detention under a detention order issued on a requisition pursuant to this Article. If, at the time when a state seeks the return of a delinquent juvenile who has either absconded while on probation or parole or escaped from an institution or agency vested with his legal custody or supervision, there is pending in the state wherein he is detained any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the delinquent juvenile being returned, shall be permitted to transport such delinquent juvenile through any and all states party to this compact, without interference. Upon his return to the state from which he escaped or absconded, the delinquent juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

"(b) That the state to which a delinquent juvenile is returned under this Article shall be responsible for the payment of the transportation costs of such return.

"ARTICLE VI—Voluntary Return Procedure

"That any delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, and any juvenile who has run away from any state party to this compact, who is taken into custody without a requisition in another state party to this compact under the provisions of Article IV(a) or of Article V(a), may consent to his immediate return to the state from which he absconded, escaped or ran away. Such consent shall be given by the juvenile or delinquent juvenile and his counsel or guardian ad litem if any, by executing or subscribing a writing, in the presence of a judge of the appropriate court, which states that the juvenile or delinquent juvenile and his counsel or guardian ad litem, if any, consent to his return to the demanding state. Before such consent shall be executed or subscribed, however, the judge, in the presence of counsel or guardian ad litem, if any, shall inform the juvenile or delinquent juvenile of his rights under this compact. When the consent has been duly executed, it shall be forwarded to and filed with the compact administrator of the state in which the court is located and the judge shall direct the officer having the juvenile or delinquent juvenile in custody to deliver him to the duly accredited officer or officers of the state demanding his return, and shall cause to be delivered to such officer or officers a copy of the consent. The court may, however, upon the request of the state to which the juvenile or delinquent juvenile is being returned, order him to return unaccompanied to such state and shall provide him with a copy of such court order; in such event a copy of the consent shall be forwarded to the compact administrator of the state to which said juvenile or delinquent juvenile is ordered to return.

"ARTICLE VII—Cooperative Supervision of Probationers and Parolees

"(a) That the duly constituted judicial and administrative authorities of a state party to this compact (herein called 'sending state') may permit any delinquent juvenile within such state, placed on probation or parole, to reside in any other state party to this compact (herein called 'receiving state') while on probation or parole, and the receiving state shall accept such delinquent juvenile, if the parent, guardian or person entitled to the legal custody of such delinquent juvenile is residing or undertakes to reside within the receiving state. Before granting such permission, opportunity shall be given to the receiving state to make such investigations as it deems necessary. The authorities of the sending state shall send to the authorities of the receiving state copies of pertinent court orders, social case studies and all other available information which may be of value to and assist the receiving state in supervising a probationer or parolee under this compact. A receiving state, in its discretion, may agree to accept supervision of a probationer or parolee in cases where the parent, guardian or person entitled to the legal custody of the delinquent juvenile is not a resident of the receiving state, and if so accepted the sending state may transfer supervision accordingly.

"(b) That each receiving state will assume the duties of visitation and of supervision over any such delinquent juvenile and in the exercise of those duties will be governed by the same standards of visitation and supervision that prevail for its own delinquent juveniles released on probation or parole.

"(c) That, after consultation between the appropriate authorities of the sending state and of the receiving state as to the desirability and necessity of returning such a delinquent juvenile, the duly accredited officers of a sending state may enter a receiving state and there apprehend and retake any such delinquent juvenile on probation or parole. For that purpose, no formalities will be required, other than establishing the authority of the officer and the identity of the delinquent juvenile to be retaken and returned. The decision of the sending state to retake a delinquent juvenile on probation or parole shall be conclusive upon and not reviewable within the receiving state, but if, at the time the sending state seeks to retake a delinquent juvenile on probation or parole, there is pending against him within the receiving state any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for any act committed in such state or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of the sending state shall be permitted to transport delinquent juveniles being so returned through any and all states party to this compact, without interference.

"(d) That the sending state shall be responsible under this Article for paying the costs of transporting any delinquent juvenile to the receiving state or of returning any delinquent juvenile to the sending state.

"ARTICLE VIII—Responsibility for Costs

"(a) That the provisions of Articles IV(b), V(b) and VII(d) of this compact shall not be

construed to alter or affect any internal relationship among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.

"(b) That nothing in this compact shall be construed to prevent any party state or subdivision thereof from asserting any right against any person, agency, or other entity in regard to costs for which such party state or subdivsion thereof may be responsible pursuant to Articles IV(b), V(b) or VII(d) of this compact.

"ARTICLE IX—Detention Practices

"That, to every extent possible, it shall be the policy of states party to this compact that no juvenile or delinquent juvenile shall be placed or detained in any prison, jail or lockup nor be detained or transported in association with criminal, vicious or dissolute persons.

"ARTICLE X—Supplementary Agreements

"That the duly constituted administrative authorities of a state party to this compact may enter into supplementary agreements with any other state or states party hereto for the cooperative care, treatment and rehabilitation of delinquent junveniles whenever they shall find that such agreements will improve the facilities or programs available for such care, treatment, and rehabilitation. Such care, treatment and rehabilitation may be provided in an institution located within any state entering into such supplementary agreement. Such supplementary agreements shall (1) provide the rates to be paid for the care, treatment and custody of such delinquent juveniles, taking into consideration the character of facilities, services and subsistence furnished; (2) provide that the delinquent juvenile shall be given a court hearing prior to his being sent to another state for care, treatment and custody; (3) provide that the state receiving such a delinquent juvenile in one of its institutions shall act solely as agent for the state sending such delinquent juvenile; (4) provide that the sending state shall at all times retain jurisdiction over delinquent juveniles sent to an institution in another state; (5) provide for reasonable inspection of such institutions by the sending state; (6) provide that the consent of the parent, guardian, person or agency entitled to the legal custody of said delinquent juvenile shall be secured prior to his being sent to another state; and (7) make provision for such other matters and details as shall be necessary to protect the rights and equities of such delinquent juveniles and of the cooperating states.

"ARTICLE XI—Acceptance of Federal and other Aid

"That any state party to this compact may accept any and all donations: gifts and grants of money, equipment and services from the federal or any local government, or any agency thereof and from any person, firm or corporation, for any of the purposes and functions of this compact, and may receive and utilize, the same subject to the terms, conditions and regulations governing such donations, gifts and grants.

"ARTICLE XII—Compact Administrators

"That the governor of each state party to this compact shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

"ARTICLE XIII—Excution of Compact

"That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form or execution to be in accordance with the laws of the executing state.

ARTICLE XIV—Reunification

"That this compact shall continue in force and remain binding upon each executing state until renounced by it. Renunciation of this compact shall be by the same authority which executed it, by sending six months' notice in writing of its intention to withdraw from the compact to the other states party hereto. The duties and obligations of a renouncing state under Article VII hereof shall continue as to parolees and probationers residing therein at the time of withdrawal until retaken or finally discharged. Supplementary agreements entered into under Article X hereof shall be subject to renunciation as provided by such supplementary agreements, and shall not be subject to the six months' renunciation notice of the present Article.

"ARTICLE XV—Severability

"That the provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstances shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters."

(b) The Commissioner may enter into and execute on behalf of the District of Columbia the following additional articles to the Interstate Compact on Juveniles:

"ARTICLE XVI—Additional Provision Relating to Return of Minor Children

"This article shall provide additional remedies, and shall be binding only as among and between those party states which specifically execute the same.

"For the purposes of this article, 'child', as used herein, means any minor within the jurisdictional age limits of any court in the home state.

"When any child is brought before a court of a state of which such child is a resident, and such state is willing to permit such child's return to the home state of such child, such home state, upon being so advised by the state in which such proceeding is pending, shall immediately institute proceedings to determine the residence and jurisdictional facts as to such child in such home state, and upon finding that such child is in fact a resident of said state and subject to the jurisdiction of the court thereof, shall within five days authorize the return of such child to the home state, and to the parent or custodial agency legally authorized to accept such custody in such home state, and at the expense of such home state, to be paid from such funds as such home state may procure, designate, or provide, prompt action being of the essence.

"ARTICLE XVII—Additional Provision Concerning Interstate Rendition of Juveniles Alleged to be Delinquent

"This article shall provide additional remedies, and shall be binding only as among and between those party states which specifically execute the same.

"All provisions and procedures of Articles V and VI of the Interstate Compact on Juveniles shall be construed to apply to any juvenile charged with being a delinquent by reason of a violation of any criminal law. Any juvenile, charged with being a delinquent by reason of violating any criminal law shall be returned to the requesting state upon a requisition to the state where the juvenile may be found. A petition is such case shall be filed in a court of competent jurisdiction in the requesting state where the violation of criminal law is alleged to have been committed. The petition may be filed regardless of whether the juvenile has left the state before or after the filing of the petition. The requisition described in Article V of the compact shall be forwarded by the judge of the court in which the petition has been filed."

COMPACT ADMINISTRATOR

SEC. 703. (a) The Commissioner shall appoint or designate an officer of the government of the District of Columbia (hereafter in this Act referred to as the "compact administrator") to administer the compact. The compact administrator shall serve at the pleasure of the Commissioner.

(b) The compact administrator, acting jointly with like officers of party States, shall promulgate rules and regulations to carry out more effectively the terms of the compact. The compact administrator shall cooperate with all departments, agencies, and officers of the government of the District of Columbia in facilitating the proper administration of the compact or of any supplementary agreement entered into by the compact administrator under subsection (c) of this section.

(c) Subject to the approval of the Commissioner, the compact administrator may enter into supplementary agreements with appropriate State officials for the purpose of administering the compact.

(d) Subject to the approval of the Commissioner, the compact administrator may make or arrange for any payments necessary to discharge any financial obligations imposed upon the District of Columbia by the compact or by any supplementary agreement entered into under subsection (c) of this section.

ENFORCEMENT

SEC. 704. The courts, departments, agencies, and officers of the District of Columbia shall enforce the compact and shall take such action as may be necessary to carry out the purposes and intent of the compact which may be within their respective jurisdictions.

CONSTRUCTION OF COMPACT

SEC. 705. The compact shall not be construed to prohibit the adoption of any other plan or procedure for the District of Columbia for the return of any runaway juvenile.

CONGRESSIONAL AUTHORITY

SEC. 706. The right to alter, amend, or repeal this Act is hereby expressly reserved by the Congress.

TITLE VIII—EFFECTIVE DATE

EFFECTIVE DATE

SEC. 801 (a) Except as provided in part E of title I, section 402, and subsection (b) of this section, this Act and the amendments made by this Act shall take effect on the first day of the seventh calendar month which begins after the date of its enactment.

(b) Section 601 shall take effect on the date of the enactment of this Act. The amendments made by sections 201 and 205 of this Act shall apply with respect to any person who commits an offense after the effective date of this Act.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 16196) was laid on the table.

AUTHORIZING CERTAIN CORRECTIONS TO BE MADE IN THE ENROLLMENT OF H.R. 11959

Mr. DORN. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 554)

and ask unanimous consent for its immediate consideration.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 554

Concurrent resolution authorizing certain corrections to be made in the enrollment of H.R. 11959

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives is hereby authorized and directed, in the enrollment of the bill (H.R. 11959) to amend chapters 31, 34, and 35 of title 38, United States Code, in order to increase the rates of vocational rehabilitation, educational assistance, and special training allowance paid to eligible veterans and persons under such chapters, to make the following corrections, namely: In section 202 of the bill, delete the subsection designation "(a)" immediately after "Sec. 202.", and delete all of subsection (b) thereof; in section 1969(a) of the new subchapter added by section 204(a)(4) of the bill, delete "section 1682(b) of this title" and insert in lieu thereof "subsection (b) of this section"; and in the parenthetical matter contained in section 242(a) of the new subchapter added by section 214(a) of the bill, insert "need for" immediately after "including their".

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

Mr. GROSS. Mr. Speaker, reserving the right to object, do I correctly understand that this concurrent resolution provides no substantive changes in the legislation?

Mr. DORN. The gentleman is correct. The conference report passed the House unanimously on March 18. These are only technical corrections in the phraseology of the bill.

Mr. GROSS. There are no additions by way of substantive legislation?

Mr. DORN. Absolutely not.

Mr. GROSS. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

(Mr. DORN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. DORN. The concurrent resolution, Mr. Speaker, which I have just presented, is one which deals with errors in the conference report, House Report No. 91–918, on the bill H.R. 11959 which was adopted unanimously by the House last Wednesday, March 18. The matters are technical in nature and do not substantially alter the conference agreement or form the basis for any different action on the part of the House. They were simply oversights which occur when a report is being prepared under considerable pressure as was the case in this instance.

The corrections are as follows: First, a section relating to apprentice training, which the conferees agreed to remove, was erroneously left in the bill; second, this corrects an incorrect cross reference relating to the method of paying under the PREP program; and third, two words "need for" were erroneously omitted from section 242 relating to veterans' assistance offices.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

FARBSTEIN CALLS FOR JUSTICE IN POSTAL CRISIS

(Mr. FARBSTEIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FARBSTEIN. Mr. Speaker, the seriouness of the nationwide postal crisis is now apparent to all. Everyone acknowledges the fact that the carriers' action is illegal; everyone also acknowledges the legitimate grievances of the Nation's postal employees. The question confronting the President and the Members of Congress is what can be done to bring the men back to work.

I suggest that one principle and one principle alone must guide us in seeking a solution. That principle is justice. There has been much talk about the degree to which the mail is subsidized but no one has talked about who is really subsidizing postal operations. Postal operations have been chiefly subsidized by the postal workers, themselves who work for substandard wages.

Justice demands that the burden for subsidized postal operations be spread evenly among the population and not rest exclusively on the backs of hard-working postal employees.

Justice demands that Federal employees be paid a decent wage. It is criminal that postal wages are so low that 7 percent of the post office employees in New York must supplement their income with welfare payments.

Justice requires that the President and Members of Congress state unequivocally now their support for immediate and substantial wage increases with no penalties imposed on those who have not been at work.

Justice for post office employees will end the crisis now confronting us. The mail must move once again—but by justly compensated postal employees, not by the Army. The President and the Members of Congress, acting justly, have nothing to fear.

THE POSTAL STRIKE

(Mr. FISHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FISHER. Mr. Speaker, the current illegal strikes by 20 percent of postal employees against the U.S. Government is most unfortunate and cannot be tolerated. Additional legislation designed to prevent a repetition is imperative.

The present prohibition against such work stoppages seems difficult to enforce, even though it carries a penalty of a year's imprisonment and a $1,000 fine, and the guilty employee must be dismissed and cannot be reemployed for 3 years. As the Washington Post on last Saturday pointed out:

Except in flagrant cases, this is law that is difficult to invoke.

Therefore, if the Congress is to meet its obligation to protect the public interest, and prevent a recurrence of this defiance of the law, it naturally follows that additional legislation is required.

Today I have introduced a bill which I believe will accomplish that purpose. It provides that any Government employee—including, of course, postal employees—who willingly engages in an illegal strike, that person shall then, automatically and by operation of law, be reduced in grade by one level, and a promotion will be prohibited for at least 2 years.

Mr. Speaker, recent events have demonstrated that this type of legislation is absolutely necessary if the Congress wants to be doubly certain that in the future there will be no more strikes against the Government of the United States.

POSSIBILITY OF STRIKE BY OTHER CIVIL SERVANTS

(Mr. HAYS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, I read an article in the paper this morning that some civil servants in other departments—and it mentioned the Pentagon, the Departments of Agriculture and Health, Education and Welfare—are going to strike. Now, I think the postal strike can cause us a lot of trouble because most postal employees work, but I suggest that a strike by these others might be very helpful if they would stay off for about a week. Congress might then get the message that they do not do anything, that we do not need them, and we might invite them not to come back at all.

DANGER OF MOOD CONTROL DRUGS

(Mr. HANNA asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. HANNA. Mr. Speaker, a week or so ago I addressed the House on the question of mood control drugs. I brought up the problem we face in terms of the permissive toleration on the part of our society regarding mood control drugs. The problem effects both the adults who are using these drugs legally as well as the children who are using them illegally.

I was very impressed to find that Dr. James L. Goddard, the former Chief of the Food and Drug Administration, testifying before one of our committees, posed the problem that some American housewives are themselves "junkies." The housewife gulps pills to pep her up, others to calm her down, and still others to let her sleep.

On medical grounds Dr. Goddard says that we probably do not need over a million of the 8 billion amphetamine tablets produced annually. Of the 8 billion barbiturates and 4 billion tranquilizers, only a small percentage are really necessary. He proposes that we immediately tax these legally produced pills to provide funds with which we can then use to educate our people as to the medical effects of what we are doing both to our adult and to our child populations.

Perhaps we can then begin to unwind this problem that has been plaguing our society for some time.

WHY NOT DIVIDE MONEY POURED INTO CONGO AMONG POSTAL WORKERS?

(Mr. DICKINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKINSON. Mr. Speaker, I was very interested in reading in this morning's Post an article of Mobutu's Congo regime wherein it was pointed out with great pride the great stability that he has brought to that country of some 16 million people.

But, Mr. Speaker, I was also very amazed and surprised to learn that in the past 9 years the United States has poured in almost a half billion dollars into this country to bring it to its present state of stability.

I might say, Mr. Speaker, in view of the postal employees wildcat strike, that if we had taken just this money and divided it among the 750,000 postal employees, they could get an annual raise of $667 per postal employee or $255 more than the average increase at 5.4 percent per employee that was passed by the House.

We should have met the problem that has been plaguing us here at home instead of pouring $1½ billion down the rathole in the Congo. What priority should come first? Stability at home or stability in the Congo, financed by U.S. taxpayers? For my money, I prefer stability in the United States as the No. 1 priority.

NORTH CAROLINA POSTAL WORKERS COMMENDED

(Mr. MIZELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MIZELL. Mr. Speaker, during the past week, many parts of the Nation have been faced with a major crisis as a result of the massive walkout staged by postal workers in some of the major cities of the Northeast and Midwest. Labor negotiations are often very difficult, and postal workers, because of the importance of their jobs, are somewhat restricted as to the ways that they can legally express their desires. At a time these Federal employess are in need of financial consideration, and when emotions are running high in all areas of the country, I commend the postal workers in the Fifth District as well as throughout North Carolina for recognizing their responsibility to serve the people and for remaining on their job.

Inflation has taken its toll and these people deserve to be able to maintain a decent standard of living.

The need for wide-range postal reform is great, and I am happy to say that long awaited legislation designed to solve many of our postal problems has now been ordered out of the House Post Office and Civil Service Committee. When this legislation will reach the floor of the House, I cannot say. It is entirely up to the House leadership. I cannot overemphasize the immediate need for this vital reform, and it is my wish that the entire Congress have the opportunity to consider this legislation as soon as possible. In the meantime, I strongly commend our North Carolina postal employees for their patience and for recognizing their commitment to serve the people and the businesses of this Nation.

SENATOR MILTON R. YOUNG—25 YEARS IN THE SENATE

(Mr. KLEPPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEPPE. Mr. Speaker, Thursday, March 19, marked the 25th consecutive year of distinguished service in the Senate of the United States by my good friend and fellow North Dakotan, Senator MILTON R. YOUNG.

Not many Members of the Congress have been privileged to serve for a quarter of a century. He is the first from North Dakota to achieve that mark.

Even more impressive than the length of his service is the quality of the dedicated service he has given to the people of his State and Nation, MILT YOUNG has been a doer and a mover since the first day he came to the Senate. His imprint is on virtually every piece of major legislation relating to farm programs, rural electrification, and conservation which has been enacted during the last quarter of a century.

Today, as ranking minority member of the Senate Appropriations Committee and second ranking minority member of the Senate Agriculture Committee, and as a man who has earned the highest respect of his colleagues, MILT YOUNG stands among the top leaders of the Senate. Before coming to Washington, he served with distinction in both the North Dakota House and Senate.

His own modesty would prevent him from thinking of himself as a statesman, but he is one, nevertheless. His integrity, his constant devotion to the best interests of his country have, I know, made him a statesman of first rank in the eyes of the people of North Dakota and all who know him.

No one has been more helpful to me than MILT YOUNG during my time in Washington. I have found his counsel, his broad knowledge of legislation, invaluable. For this and other reasons, I have an especially warm and personal friendship for him.

On his 25th year in the Senate, I wish him all the best and many, many more years of service to his State and Nation.

POSTAL SITUATION

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute.)

Mr. PUCINSKI. Mr. Speaker, the President intends to announce to the Nation at 2 o'clock this afternoon what his plan is to break the tragic impasse between the postal workers and the Post Office Department which has stopped delivery of mail in this country.

It occurs to me that the most expeditious way to solve this problem would be for the President to advise the chairman of the Senate Post Office Committee and the chairman of the House Post Office Committee to send him up H.R. 13000 forthwith and he will sign it.

There is no reason why there should be this stoppage and impasse in this country. Nor can anyone defend or justify an illegal strike against the Government of the United States.

But, this House last October passed legislation providing for a two-step increase in postal salaries, 5½ percent retroactive to October 1, 1969, and another 5½ percent effective as of July 1 of this year.

The Senate on December 12 passed its own version, which provides a somewhat lower postal pay raise than the House version.

There is really no reason why we should have this work stoppage today. The postal workers saw this Chamber act 6 months ago, but the money is still not in their weekly paycheck. I honestly believe that if the President would separate the question of postal pay from postal reform—and I intend to support him on postal reform—but I think if the President would separate those two, then we could have mail flowing late this afternoon or early this evening. It is my hope that the President stop trying to come up with any more gimmicks and address himself to this fundamental problem.

Postal workers in the city of Chicago get less money than dishwashers in a restaurant. That is what this whole dispute is all about. The fact of the matter is that all of us know that they are underpaid and that the answer to this problem is to give them some money in their pay envelope, in their April 1 paycheck.

Mr. Speaker, I spoke to many of these postal workers during the weekend and they all say they are determined not to return merely on a promise of a pay raise. They want concrete proof the additional money will be forthcoming and that is why I believe the best approach now is to have the President state he will approve a pay raise now and work out details on postal reform as quickly as possible.

JETS TO ISRAEL

(Mr. ADDABBO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADDABBO. Mr. Speaker, the President's decision to postpone the sale of additional jets to Israel is a serious error and a direct contradiction of statements by this administration that there has been no change in our Mideast policy.

I call on my colleagues on both sides of the aisle to speak out in bipartisan expression of our disappointment with the President's decision and to urge the President to reverse the current policy of retreating from the support of our ally, the nation of Israel. This decision is a blun-

der which will encourage Arab nations to pursue their policy of terrorism in the Middle East. The Congress must not allow this decision to destroy our close ties with Israel but rather we must assume the responsibility for correcting this mistake and healing diplomatic wounds inflicted on Israel by an administration which apparently does not understand the scope or implication of the Mideast crisis.

I believe that the majority of House Members disagree with the President's decision and will support efforts to change the President's mind on the Israel request for additional aircraft.

I cannot understand how the present administration can talk about balance while we train Arab pilots here in the United States and the President of France has recently announced the sale of 100 planes to Libya.

I call upon the President and his advisers to reassess their statements and position and bring them back into true and just balance, which must heed the needs of Israel.

PERMISSION FOR SUBCOMMITTEE ON FISHERIES AND WILDLIFE, COMMITTEE ON MERCHANT MARINE AND FISHERIES, TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Fisheries and Wildlife of the Committee on Merchant Marine and Fisheries may sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

THE RESPONSIBILITY IS WITH CONGRESS

(Mr. RHODES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RHODES. Mr. Speaker, I am sure that all Members of the House are desirous of ending the impasse in the postal delivery situation as rapidly as possible. The gentleman from Illinois has just made a point which I think is a good one, that there is legislation which is pending which can be sent to the White House. I suggest, however, that he has placed the responsibility for sending that legislation on the wrong shoulders. The Constitution provides for a separation of powers. The Congress sends legislation to the President which it deems wise and which it believes should be adopted. The President then either signs the bill or he vetoes it.

The President has never had a chance either to sign or veto this piece of legislation. I am suggesting to the gentleman from Illinois that the proper subject of his plea for action is the Congress of the United States and not the President.

I also suggest that it would not be wise—and I think the gentleman might agree with me—for any legislative action to be taken as long as an illegal strike is in progress, as long as the mails are being impeded, and not being delivered as a result of a wildcat, illegal strike.

I sincerely hope that this Congress and the administration will not act "under the gun." I think if we were to do so, it would constitute a precedent which would rise to haunt us for many, many years in the future.

PAN-AMERICAN DAY, APRIL 14, 1970

Mr. FASCELL. Mr. Speaker, I offer a resolution (H. Res. 889) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 889

Resolved, That the House of Representatives hereby designates Tuesday, April 14, 1970, for the celebration of Pan-American Day, on which day, after the reading of the Journal, remarks appropriate to such occasion may occur.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

MARCH 23, 1970.

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR SIR: I have the honor to transmit herewith a sealed envelop addressed to the Speaker of the House of Representatives from the President of the United States, received in the Clerk's Office at 12:17 p.m., on Friday, March 20, 1970, and said to contain a message from the President concerning Small Business.

With kind regards, I am
Sincerely yours,
W. PAT JENNINGS,
Clerk, U.S. House of Representatives.
By W. RAYMOND COLLEY.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House a Message from the President of the United States.

CALL OF THE HOUSE

Mr. ASHBROOK. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 57]

Anderson, Calif.	Dulski	Monagan
Bell, Calif.	Eckhardt	Montgomery
Bevill	Edwards, La.	Moorhead
Biaggi	Eshleman	Morton
Bingham	Fish	Murphy, N.Y.
Blanton	Flowers	Obey
Blatnik	Flynt	Ottinger
Boggs	Foley	Podell
Bolling	Ford, Gerald R.	Powell
Brademas	Ford, William D.	Purcell
Brasco	Frelinghuysen	Reid, Ill.
Brown, Calif.	Fulton, Tenn.	Reid, N.Y.
Broyhill, N.C.	Fuqua	Roberts
Bush	Gallagher	Rostenkowski
Camp	Gray	St Germain
Carey	Halpern	St. Onge
Cederberg	Heckler, Mass.	Sandman
Chisholm	Hosmer	Scheuer
Clancy	Howard	Shipley
Clark	Jacobs	Sisk
Clay	Jarman	Slack
Colmer	Jones, Ala.	Steiger, Ariz.
Conte	Jones, N.C.	Steiger, Wis.
Conyers	Jones, Tenn.	Symington
Corbett	Kirwan	Taft
Coughlin	Kyros	Teague, Tex.
Cowger	Landgrebe	Tunney
Cramer	Lennon	Weicker
Cunningham	Lowenstein	Whalley
Daddario	Lukens	Wilson, Bob
Davis, Ga.	McCarthy	Wilson, Charles H.
Dawson	McKneally	Winn
Delaney	MacGregor	Wolff
Dent	Miller, Calif.	Wright

The SPEAKER pro tempore (Mr. PRICE of Illinois). On this rollcall 328 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

SMALL BUSINESS ADMINISTRATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-284)

The SPEAKER pro tempore. The Clerk will read the message from the President to the Congress of the United States.

The Clerk read the message, as follows:

To the Congress of the United States:

Seventeen years ago President Eisenhower established the Small Business Administration (SBA). This marked the first peacetime recognition by the Federal Government of the special needs of small businesses.

—Today there are in the United States an estimated 5,400,000 independent businesses, of which 95 percent are small by SBA size standards.

—97 percent of our nation's firms employ fewer than 100 full-time workers.

—The small business sector of the economy contributes roughly 37 percent of the gross national product and is responsible for over 40 percent of U.S. employment.

We all know the almost legendary stories of men in the past and in our time who have started out in small business with little more than an idea and a belief in themselves and have gone on to great

financial success. Yet small business can also mean other things.

—It can mean for the nation a source of independent innovation which continually offers new products and services needed by any economy if it is to remain vital.

—It can mean the everyday success of the average businessman whether he owns his own retail or service enterprise or heads a small manufacturing concern. It is a quiet kind of success that doesn't make the big news on the financial page, but makes life more rewarding for millions of Americans. It is the kind of success that offers personal services to consumers—and personal satisfaction to the businessman.

—It can mean a chance for a young American to bring not only his talent but his individuality to the challenges of the business world.

—It can also mean an opportunity for dignity and for economic and social progress for many Americans previously without access to the economic system of our nation. Small business in a way to become a part of that system—and, after seeing it work, believe in it, in its promises and in its challenges.

THE REPORT OF THE TASK FORCE ON IMPROVING THE PROSPECTS OF SMALL BUSINESS

In order to discover ways in which we could help improve the prospects of small business in the United States, I appointed a Task Force, chaired by Mr. J. Wilson Newman of New York, to report to me. In line with recommendations in their report, I am:

—Directing the Small Business Administration to emphasize its role as the advocate of the interest of small business. I am further directing all agencies to take these interests fully into account in their activities affecting small business.

—Proposing legislation to expand research to provide a clear picture of the problems, the trends and the needs of small business and a clear picture of the impact of Government on small business.

—Proposing legislation to create a new position of Assistant Secretary in the Department of Commerce to assist in formulating policy for the Office of Minority Business Enterprise (OMBE). I established OMBE early in my Administration to coordinate programs and activities within the Federal Government aimed at assisting minorities to enter the American economic mainstream. This is an extremely important undertaking.

The Task Force identified three major problem areas that can be found in all parts of the small business community, including that of the disadvantaged entrepreneur:

—The need for capital and for recognition of the special financial problems small firms may face in their early years;

—The need for sound management counseling; and

—The need for people and especially for trained people.

In order to help small business in these areas, I am proposing a far-reaching legislative program.

FINANCIAL ASSISTANCE

The Small Business Task Force found in surveys of businessmen across the nation that one-fifth of those consulted ranked financing first among their problems. Interest assistance, incentives to make loans, tax reform, bonding for small contractors and Minority Enterprise Small Business Investment Companies (MESBIC) are five major areas for action.

INTEREST ASSISTANCE

The risk of failure for small business is high, and the early years are the most perilous. These are the years in which the small businessman most often finds himself short of working capital and when high interest rates can have their greatest impact. In order to help small businessmen in such crucial early years, I propose legislation to authorize the Small Business Administration to make grants to borrowers whose loans are guaranteed by the SBA. These grants would narrow the gap between the prevailing interest rates and the statutory interest rate for SBA direct loans.

INCENTIVES TO MAKE LOANS

Another problem area of financing is that of providing adequate incentives to the private sector to make high-risk loans to small business. The cost of processing a small loan may and often does equal or exceed the cost of processing a large loan. In order to help the man who needs a small loan that carries a higher-than-usual degree of risk, I am proposing legislation that would offer compensation in the form of tax incentives to those lenders who bear the additional cost of making such loans. The incentive would be an income tax deduction equal to 20 percent of the interest earned on SBA-guaranteed loans.

To further assist in this area, I am proposing legislation that the SBA be permitted to delegate to the banks to the full extent it deems advisable the authority to make loans that the SBA guarantees, provided the bank retains a portion of the risk. Also, the SBA is revising its procedures so that a bank, with SBA approval, can use its regular loan forms rather than the special SBA forms.

A variety of organizations other than banks—foundations, trusts, church groups, community groups and others—are also interested in assisting the small business efforts of the disadvantaged by loan programs. To encourage these efforts, I also propose legislation to give the SBA the authority to guarantee loans by such organizations.

TAX REFORMS FOR SMALL BUSINESS

The man who is willing to take the financial risks involved in beginning a small business should be encouraged. In recognition of these risks, I propose legislation to provide the following tax reforms:

—Revision of "Subchapter S" of the Internal Revenue Code to make it easier for small business to be treated like a partnership for tax purposes.

—A ten-year tax loss carry-forward period, instead of the present 5-year period. This extension will be of special use to those new businesses that find it necessary during the early years to spend large amounts of money on research and development.

BONDING

No treatment of the problems of small business—especially those problems in the inner city—would be complete without consideration of the problem of insurance, including crime and property protection and surety bonds for construction.

On June 30, 1970, the Federal Insurance Administrator will report on these matters as required by the Housing and Urban Development Act of 1968. However, the urgency of the need to provide assistance relative to surety bonds for small business calls for immediate action. Accordingly, I am proposing legislation that would enable the SBA to guarantee, for a fee, as much as 90 percent of surety bonds up to $500,000 for small contractors who are qualified by SBA standards but lack the resources to qualify for bonding in the open market. Additional action regarding bonding may be called for in the Federal Insurance Administrator's report.

MINORITY ENTERPRISE SMALL BUSINESS INVESTMENT COMPANY

The MESBIC concept shows promise of becoming an important tool for the generation of capital and as a source of managerial assistance for the disadvantaged who need help in small business. The Federal government matches the MESBIC sponsor on a "2 for 1" basis. The "leverage" power of this concept can be seen in an example: If a sponsor puts $150,000 into his MESBIC, the government lends it $300,000. This $450,000, with the application of other loans it generates, can result in over $2 million for new enterprises. Of equal importance is the availability of the sponsor's managerial talents.

To provide additional tools to assist this program, I propose legislation to provide:

—Statutory authorization for a bank to become involved in the program as the sole sponsor of a MESBIC.

—Ordinary income tax deductions for contributions to MESBICs organized and operating under non-profit corporation statutes. This would provide a tax incentive for doubling the commitment of funds.

The legislation being proposed also reflects the intention that the program assist all the socially and economically disadvantaged who need such assistance.

PERSONNEL AND MANAGEMENT ASSISTANCE

In its survey, the Small Business Task Force discovered that two out of every five responses listed the quality and availability of personnel as a major problem. It also is probably the most difficult one to solve. However, there are steps that can be taken at this time.

JOBS PROGRAM

The Secretary of Labor is initiating an expansion of the Federal JOBS (Job Opportunities in the Business Sector) Program that will aid small business. The JOBS Program until now has been in practice suitable only to larger corporations. But under this new program, consortiums of small businessmen—with the cooperation of local organizations such as boards of trade and chambers of commerce—will receive Federal assistance to offset the extraordinary costs of training employees until they become fully productive.

STOCK OPTIONS

In order to offset the advantages large businesses have in attracting managerial talent, I am sending legislation to the Congress which would revise the tax rules for stock options as they relate to small business. The proposal would extend the qualified option exercise period from five to eight years and reduce the required holding period for the stock from three years to one year. This should substantially assist small, technically-oriented growth companies in their competition with larger companies for managerial and other talent.

MANAGERIAL TRAINING ASSISTANCE

In order to help disadvantaged entrepreneurs get the kind of business know-how needed for success in small business, I propose legislation that would provide management training for those among the disadvantaged who are entrepreneurs and prospective entrepreneurs. Assistance would be offered for extension courses, night school and other management training courses.

Small business is an important part of our national life; it has been an important part of my personal life as well. My father knew the challenges and the rewards of owning and operating a small store. To him—and to our family—that store meant more than a source of income; it meant a daily challenge, a place where we could work out the destiny of the family in our own way, taking the risks, and enjoying the satisfactions of ownership. Looking back on those years, I know now that our store was a success not only because of what it did for our family budget, but for what it did for our spirit. I know that today, in helping Americans in small business, we are helping their spirit—and the spirit of our nation.

RICHARD NIXON.

THE WHITE HOUSE, *March 20, 1970.*

The message was, without objection, referred by the Speaker pro tempore (Mr. PRICE of Illinois) to the Committee of the Whole House on the State of the Union and ordered to be printed.

CENTENNIAL OF THE NATIONAL WEATHER SERVICE

(Mr WOLD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLD. Mr. Speaker, man has always watched the weather, sometimes praising, sometimes lamenting. Man, however, has never studied the weather more carefully and followed and reported its behavior more accurately than during the last 100 years in this country. The U.S. Weather Service, established in 1870, is enjoying its centennial.

I want to recognize and commend the men and women of this fine branch of the Department of Commerce who have provided this service. In Wyoming, a State in which adverse weather, if not accurately traced and predicted, can have devastating impact on the extensive agricultural industry, we are especially proud of our weather specialists, Mr. Thomas Rule and Mr. John Alyea, of Cheyenne; Mr. Diel Coulter, of Casper; Mr. Ivin Gee, of Lander, and Mr. William Troxler, of Sheridan. These men and their staffs are our important weather eyes and ears. We realize their importance and thank them for their fine work.

AUTHORIZING EXTENSION OF CERTAIN NAVAL VESSEL LOANS AND NEW LOANS

Mr. O'NEILL of Massachusetts. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 876 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 876

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15728) to authorize the extension of certain naval vessel loans now in existence and new loans, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 876 provides an open rule with 1 hour of general debate for consideration of H.R. 15728 to authorize the extension of certain naval vessel loans now in existence and new loans, and for other purposes.

The purpose of H.R. 15728 is to authorize the extension for an additional 5 years of existing loans of one submarine for Greece and one submarine to Pakistan and to authorize a new loan for two destroyer escorts to the Republic of Vietnam, two destroyers and two submarines to Turkey, and three submarines to the Republic of China.

The submarine loaned to Greece and the one loaned to Pakistan were loaned under the act of 1961 and each requires congressional authorization for the extension.

The 11 ships involved are not now required for the defense of the United States and may be recalled if necessitated.

Enactment of the legislation will involve the expenditure of approximately $17 million. In the case of Turkey, costs will be charged to funds programed for it under foreign aid or to funds provided by that country. The cost associated with the Republic of Vietnam would under existing procedures be absorbed within current available Navy funds. The cost associated with the Republic of China would be charged to that Government.

Mr. Speaker, I urge the adoption of House Resolution 876 in order that H.R. 15728 may be considered.

Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as stated by the distinguished gentleman from Massachusetts, House Resolution 876 does provide for 1 hour of general debate under the rule for consideration of the bill (H.R. 15728) to authorize the extension of certain naval vessel loans now in existence and new loans, and for other purposes.

The purpose of the bill is to extend our existing naval vessel loan program to several countries, and to authorize the broadening of the program to include other nations under the provisions.

Existing loans of one submarine to Greece and one submarine to Pakistan are continued by the bill. New loans are also authorized. These include the loan of two destroyer escorts to the Republic of Vietnam, two destroyers and two submarines to Turkey, and three submarines to the Republic of China.

The 11 ships on loan or to be loaned are not needed by the U.S. Navy. The loan program is in our best interest as well as that of the countries to whom the loans are made.

Cost of the legislation is estimated at $17 million. Part of this amount will be charged to funds already made available to the recipient country or will be absorbed within current Navy funds.

The Department of Defense supports the bill but was not consulted after the three submarines for the Republic of China were added to the bill.

There are no minority views.

Mr. Speaker, I urge adoption of House Resolution 876.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. RIVERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole on the State of the Union for the consideration of the bill (H.R. 15728) to authorize the extension of certain naval vessel loans now in existence and new loans, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 15728, with Mr. DORN in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from South Carolina (Mr. RIVERS) will be recognized for 30 minutes and the gentleman from Indiana (Mr. BRAY) will be recognized for 30 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. RIVERS).

Mr. RIVERS. I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 15728.

This bill is one of the ship loan bills and would extend loans of one submarine to Greece and one submarine to Pakistan. It would also authorize new loans of two destroyer escorts to the Republic of Vietnam, two destroyers and two submarines to the Government of Turkey, and three submarines to the Republic of China.

Mr. Chairman, as you know, the Navy recently has removed a large number of ships from active service. These ships are still considered valuable enough to be carried on the Register of Naval Vessels. Loaning these ships to our allies will help put into effect the Nixon doctrine of letting our allies bear more responsibility for their local defenses. All of these ships will be available for antisubmarine warfare—ASW—operations at a time when our own ASW operations are being curtailed and when the Soviet submarine operations are expanding.

The Department of Defense regards as most important the achievement of a strong antisubmarine capability in the areas where these ships are loaned. This contribution by the recipient countries to offsetting a prospective submarine threat enhances the total defense capability of the free world. To the extent that recipient countries develop an antisubmarine capability, U.S. naval forces will be freed for other antisubmarine tasks.

Although the U.S. Navy Reserve Fleet is a source of great potential naval strength, this potentiality would be increased if all the ships could be adequately manned, operated, and maintained in an active status. The cost of such operation by the United States is prohibitive in peacetime. Operation and maintenance of the vessels by allies can assist in keeping the equipment ready for use and in good condition.

At the present time the Navy has had severe cuts in the size of its fleet. Within the past year the active fleet dropped from 894 to 722. Of the ships that have been retired from active service some of them have been found still to be capable of further use to the Navy as part of the Reserve Fleet. It is from this group of ships which are being retired that the additional ships involved in this bill will be drawn.

Of these additional ships, it is proposed to lend two destroyers and two submarines to the Government of Turkey. Turkey's strategic position astride the Bosporus makes it important that we continue to give her assistance. This is especially so in view of the large buildup of Soviet ships operating in the Mediterranean—most of which traverse the Bosporus. The destroyers and the submarines will be especially helpful to the United States in NATO antisubmarine warfare activities in the Mediterranean. The two submairnes authorized by this bill permit the retirement by Turkey of two submarines previously loaned which no longer have even a marginal capability.

The two destroyer escorts which are being loaned to the Republic of Vietnam will help the President's policy of Vietnamization of the war in Southeast Asia.

In the overall defense of the Western Pacific the Republic of China had undertaken a role of participating in antisubmarine-warfare activities. Permitting China to have three submarines does not introduce a new weapons system into the area but lets China replace the United States in the localization of the defense of an area where the Communist Chinese have over 30 *Whiskey* class submarines provided by the Soviets and flying the Red Chinese flag. In addition to helping to meet their threat, providing the submarines to China at this time will permit China to continue having submarines to use in ASW training since the services the United States has heretofore provided for this training are being curtailed. The area for which China is exercising some ASW responsibility is one of the areas where we will be providing reduced protection due to the cutbacks in our Pacific surface and submarine fleet.

I think it is important to note one thing about the bill at this time. This bill is an authorization. It is not a mandate. The Committee on Armed Services saw the need for the submarines for China at a time when it had a legislative bill before it. Rather than wait for the wheels of the executive branch to grind out a legislative proposal, we added the submarines for China. The need is there. If the President in his wisdom does not want to make use of this authorization, he need not. This bill gives him the power to go ahead but he will make the decision whether to use this power.

With respect to the ships whose loans are being extended by this legislation, the submarine which is being continued in Greece will also be available for NATO exercises in the Mediterranean while the submarine which is being continued in Pakistan will provide a small proxy for U.S. presence in the Indian Ocean at a time when the Soviets are now moving to fill the vacuum created by the withdrawal of British naval forces in that area.

Mr. Chairman, I urge passage of H.R. 15728.

Mr. ARENDS. Mr. Chairman, I rise in support of H.R. 15728. Over the period of years since 1951 the Congress has passed a number of bills under which we have loaned ships to allies. This bill would continue that practice as is required by section 7307 of title 10 in the United States Code.

This year we come before you with a bill which would renew the loan of one submarine to Greece and one to Pakistan. In addition, it would authorize new loans of two destroyers to Vietnam, two destroyers and two submarines to Turkey and three submarines to the Republic of China.

One of the biggest threats facing the United States at this time is the Soviet fleet of over 375 submarines. This bill which is before you today would allow each of the nations to participate a little more in antisubmarine warfare activities in their local areas and this will relieve the United States of this burden.

The lending of ships to our allies, while it started by statute in 1951, is also in support of the Nixon doctrine as announced at Guam. There he promised that we would provide material to those who are threatened in a non-nuclear-type situation but that the local country would have to be the primary source of manpower.

Because of the recent inactivation of a large number of ships in the U.S. Navy, we have ships which we can keep in operating condition by lending them to our allies in accordance with the provisions of this bill. Otherwise, these ships would be mothballed and laid up in storage. If they are needed in any future emergency we can, if we so desire, recall them for use with our own active fleet.

The loans to Greece and Pakistan are merely extensions of earlier loans. The destroyers to Vietnam are being turned over to that country as part of the effort in the Vietnamization of the war in Southeast Asia. The destroyers and submarines which would be loaned to Turkey would enable Turkey to protect its interest, particularly in the Bosporus. Both Greece and Turkey are members of NATO and will employ their ships in NATO exercises and NATO defenses. With respect to submarines to China, the committee saw the need for these in light of the withdrawal of U.S. submarines from the area and added the submarines out of the group being retired by the Navy. In this manner the committee is making available to the President the statutory authority to transfer these submarines to the Republic of China without having to wait for further legislative action. This bill merely authorizes the loan of the ships, it does not require it. If the President does not want to use this power he need not. However, having seen the problem at a time when we have the ship loan bill before us we thought it best to proceed.

Mr. Chairman, I strongly support H.R. 15728.

Mr. BRAY. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I believe the matter has been fully explained by the distinguished chairman of the committee (Mr. RIVERS). All this legislation calls for is for renewed loans of one ship to Greece and one to Pakistan. It adds two destroyers to Vietnam, two destroyers and two submarines to Turkey, and three submarines to Nationalist China.

As has already been pointed out, these are ships that the United States does not need, ships that we are not now using, and ships, however, that can be valuable to the interests of the United States because they will be in the hands of friendly countries. In fact, as to Nationalist China, if it had not been for President Truman, and later President Eisenhower's action in furnishing equipment for the defense of that island, the country now probably would be under the Red Chinese, under the iron hand of a Communist government. Today Nationalist China is one of the most prosperous countries in Asia and is a friend of the United States.

Mr. Chairman, I do not think there was any opposition in the committee to

this. I yield back the balance of my time.

Mr. RIVERS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Minnesota (Mr. FRASER).

Mr. FRASER. Mr. Chairman, I rise to question the wisdom of providing in this bill for the loan of three submarines to the Republic of China. I think certain facts are undisputed; first, the Republic of China—Taiwan—has no submarines today; second, they lack trained personnel to operate the submarines; and, third, they lack the capability to repair the submarines.

It is also undisputed that the loan authority was not requested by the President.

Finally, it is clear to us, or to those of us who heard Under Secretary Elliot Richardson the other day that, at least, for his part, there has not been an adequate case made for this loan.

One of the questions that needs to be answered is: Is Taiwan threatened today by Red China? An examination of the deployment of the forces of mainland China indicates that they are deployed in a defensive posture. This is established in an analysis published by the Institute for Strategic Studies located in London.

Moreover, if one examines the naval capability of the Communist Chinese it becomes evident that they lack the capability to transport sufficient troops to adequately carry on any invasion. Admiral McCain last year indicated in testimony before the Foreign Affairs Committee that in his opinion an attack on Taiwan by mainland China would be foolhardy. He said that the Taiwanese have steadily developed their capability to deter the Chinese Communists from attempting an invasion.

With those facts reasonably well established in the record, the question arises, "Why should we not, nevertheless, loan the Taiwan Government these three submarines?"

In the first place, this introduces a new weapons system so far as the Republic of China is concerned. They do not have any submarines today and this would put at their disposal these U.S. submarines for their use and under their control and for their purposes—not under our control and for our purposes—but under their control for their purposes. That is an important distinction. It is true that in the Western Pacific there are submarines today, whether they be Soviet, United States, or Red Chinese—but to give to the Government of Taiwan, the Republic of China, submarines, puts into their hands a military capability, a new weapons system which they do not have today.

Now beyond this it adds to the cost of maintaining a military establishment in Taiwan. The estimates we have from the Department of Defense indicate that it would cost at least $6 million to bring these submarines up to the point where they would be transferred to the Government of Taiwan and then the annual operating costs of those submarines would be on the order of $7 million a year—closer to $8 million a year.

It is provided that in this bill that these costs would be borne by the Government of Taiwan, the Republic of China. The fact of the matter is that the Republic of China today continues to be the beneficiary of the military assistance program and there cannot be any doubt that whether this money is spent by the Government of Taiwan or whether it is considered to come out of our military assistance program, the effect is the same—it increases the cost of the Military Establishment being maintained by the Government of Taiwan by that amount.

Today the Government of Taiwan, the Republic of China, maintains some 400,000 army troops. I think it can be argued and I think the Department of State and the Department of Defense would say that this is larger than that government needs to maintain, for purely defensive purposes.

Were it not for the Vietnam war, we would be suggesting to that government that they ought to scale down and not to increase, but to scale down the size of the military establishment that they maintain, as being in excess of the needs for their defensive purposes and creating a burden which should not be placed either on the military assistance program or on the people of Taiwan.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman.

Mr. YATES. In reading the report, I do not see any statement by the Department of Defense with respect to these submarines for Taiwan. Is the Department in favor or opposed to the grant?

Mr. FRASER. The Department of Defense, to my knowledge has not made any formal statement. The only statement from the administration which I am aware of is a statement by the Under Secretary last week, on the Hill, when he said that he did not believe a sufficient case had been made for the transfer of these submarines.

Mr. YATES. I thank the gentleman.

Mr. LOWENSTEIN. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman.

Mr. LOWENSTEIN. I want first to say how much I admire the effort of the gentleman from Minnesota to spotlight this issue and to get the House at least to think about what it will be doing if it votes to authorize the loan of these submarines. We are continually indebted to the gentleman from Minnesota for his unstinting work in the little grinding ways that make such a difference here in the long run, as well as for the courage and intelligence of his leadership on great problems.

One aspect of this proposed transaction that troubles me is the degree to which "loaning" submarines might involve the United States in further military activity on or near the Asian mainland. Does the gentleman have any idea of what would happen if Nationalist China used these submarines against Communist China and if Communist China then retaliated against Nationalist China? How deeply involved in defending Nationalist China would we then be? Might not our treaty commitments come into play? In short, might not the transfer of submarines—added to the transfer of the jet bombers—does all this not begin to smack of, or at least, risk, escalating the Chinese civil war in such a way as to make increased American involvement very likely?

Mr. FRASER. The United States does have a bilateral defense treaty with Taiwan supplemented by the Formosa resolution, all going back some years. But if a war breaks out in which Taiwan is attacked, we are under an obligation and I do not know the precise range of it, to be involved in her defense.

Mr. Chairman, I think that points up one of the problems we have here. This new weapons system is to be placed at the disposal of the Taiwan Government which is maintaining troop forces which are larger than it needs for defensive purposes. There is being placed at their disposal a means of harassing the mainland—harassing the mainland in a number of ways—by the harassment of shipping through covert means and by enabling her to land saboteurs and raiding parties on the mainland.

There may be some who think that is a good idea, but I doubt that it really is. Right now there is no hot war between the two Chinas. There remains an unfinished civil war.

Two percent of the Chinese population is on the island of Taiwan and the other 98 percent is on the mainland. Both sides agree that there is only one China, but thus far they have not sought to bring that conflict to an end through military means, and one would hope that so long as both sides persist in the one-China concept, they would look to a peaceful solution to the civil war.

It seems to me that the United States, bound by treaty to Taiwan, ought to attempt to insure that our involvement there would only come about in the event there were a major threat, followed by a real attack on Taiwan. We ought not put into the hands of the Taiwan government the offensive capabilities which could draw us into more military adventures in the far Pacific.

I do not advocate turning our backs on our treaty responsibilities to Taiwan, but I do advocate our urging that government to scale down its military forces. We certainly should not engage in an enlargement of the range and sophistication of the weaponry we give to Taiwan, particularly weaponry with offensive capabilities. We should not put those kinds of sophisticated weapons into the hands of the Taiwan government.

Mr. Chairman, at the appropriate time I will move to strike the authorization for the three submarines to Taiwan until such time as a better case has been made for them.

Mr. RIVERS. Mr. Chairman, I yield myself 1 minute. As I said in my earlier statement, the bill does not put anything into the hands of anybody. It merely gives the President the right to do these things.

Some time ago, when we had a ship construction bill, in 1967, the DOD did not ask for additional destroyers, but during consideration of the legislation the committee added three new ships, one destroyer for the Republic of China and two for Korea. The Department did not ask for them. The President, in his

wisdom, saw that we were further down the road than he was, and he implemented the authorization. The bill does not make him do anything. At the proper time I will answer this question more fully, but I wish to point out now that if these three submarines were used as the gentleman suggests, it would be the first time in the history of civilization that three submarines from a little island called Formosa invaded China, a place containing more than 800 million people. That would really be something for the books.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman from Illinois.

Mr. FINDLEY. I thank the gentleman for yielding. On page 9 of the report, the following statement appears:

> The Department of Defense and the Bureau of the Budget have no objection to this bill, except that they have not been asked about the submarines to China.

That language strikes me as a very curious statement. I wonder if you could inform us why the Departments were not asked to state their views on submarines to China.

Mr. RIVERS. Of course, we did not ask the DOD about it. We heard their witnesses. Let me answer you by saying that we do not rubberstamp the Department of Defense.

Mr. FINDLEY. I think that is commendable.

Mr. RIVERS. Of course it is commendable.

Mr. FINDLEY. The gentleman asked for their views on all other items except this one and you received an expression from them.

Mr. RIVERS. We have never followed that course and we never will. The Department of Defense submitted the basic bill. We questioned responsible witnesses. The Navy cut down the number of active ships in its fleet. If the gentleman was here when I was speaking at the outset of the debate, he heard me say that they have cut the number down at least 172 ships.

We are leaving the Taiwan Straits. If the President wants to stay out, there is nothing mandatory about this bill. The Navy would like to see this. What else does the gentleman want?

Mr. FINDLEY. I think the gentleman has somewhat weakened his case by failing to ask the Departments as to their reaction. The report sets forth that they have no objection to all other parts.

Mr. RIVERS. The Department of Defense does not operate anything. The Navy operates our ships. The Department of Defense forms the policy.

Mr. FINDLEY. Has the Navy set forth its position as to the other provisions in this bill?

Mr. RIVERS. I have told the gentleman the Navy would like to have these.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RIVERS. Mr. Chairman, I have no further requests for time.

Mr. BRAY. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I rise in support of the proposed amendment offered by the gentleman from Minnesota (Mr. FRASER). At the outset I will state I do not like to get into someone else's bill. Unfortunately, I have had this same experience when we brought in our military assistance bill, and other people interfered in that one.

Also, I have great respect for the chairman of this committee and for the ranking minority member, and I thank the gentleman for giving me this opportunity to speak, but I am greatly concerned about this issue and that is why I take this time to support the amendment.

The proposal to loan these three subs to Taiwan to me looks like what something this body did with reference to the foreign aid bill. I refer, of course, to the fight we had over the giving of Phantom jets to China last December. As my colleagues will recall, I strongly opposed the gift of those jets. I am just as opposed at this time to the sub deal worked out by the Committee on Armed Services. The reasons for my opposition are many, and I would like to share them with my colleagues.

To begin with, the loan, as stated in this colloquy, was never requested by the administration. Moreover, the Armed Services Committee clearly states in its report:

> The three submarines for the Republic of China were added in committee before the views of the DOD were requested.

I repeat, the Department of Defense was not even asked about these subs. For that matter, a careful reading of the hearings indicates that the Department of Defense, which is charged with great responsibility in this area, does not support the loan. But even if this were not clear, I think it is obvious that Defense would require a great deal of time to think the proposed loan over because of all its ramifications.

One such ramification is the all-important foreign policy aspect. Here we are with President Nixon trying to improve relations with mainland China. So what do we do? We would not even give him or the Department of State a chance to see what this loan would do to that new, and very delicate, policy.

I would also remind my colleagues there is a very practical question that should be raised. Does China have the military capability to handle the subs we propose to loan it? They have no subs right now. They have no sub personnel. They have no sub training facilities. They have no sub repair facilities. In view of all this, I certainly think the question should be raised, and adequately answered, before we go ahead with these plans.

Mr. Chairman, I am very disturbed by the way in which this loan was included in the bill before us. As I read the hearings, I get the feeling that the committee was searching very hard for a reason to loan some subs to China. I feel as I did in the case of the jets last year. That is, if China needs these subs, then let a request for them come through normal and legitimate channels.

Let the Department of Defense come to us and say the subs are essential to both the Chinese and the U.S. military posture in the Far East. Let the Department of State come up and say they have studied the foreign policy implications of this loan, and they are satisfied it will not conflict with President Nixon's policy toward mainland China. Then give us a chance to study these positions and decide whether or not the proposed loan is justified.

Mr. Chairman, seldom before in the history of our great Nation have the processes of government come under such close scrutiny as they have today. As Members well know, seldom before has our military policy been so carefully analyzed and criticized.

No time is the right time for us, the elected representatives of all the people, to operate outside the established rules of this body. Today is obviously not the time to violate this principle of government.

I therefore urge my colleagues to support the amendment to be offered by the gentleman from Minnesota.

I might say here, Mr. Chairman, that only a few weeks ago we had General Warren up before our Committee on Foreign Aid. At that time my last inquiry to him was. "General, is this all you want for Formosa? I have been a great supporter of military assistance to Formosa, but I do not want to go down on the floor of the House in 2 months, when we bring this bill out, and be confronted by a secret document handled by a Member of this House saying that Formosa now needs some Phantom jets and they need some destroyers or they may need some other military equipment. Is this all you are asking in military assistance for Formosa?"

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. BRAY. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. CONTE. He said, "Yes, this is it."

I realize that this is a loan and does not come under the MAP program, but he said, "Yes, this is all we need."

Let me tell the Members this: After we voted that military assistance bill in this House and finally knocked out those jets, Formosa was treated pretty well. They got a beautiful Christmas package, with over 30 C–119's. I will not give the exact figures, because they are classified. There were over 35 F–100's, over 20 F–104's, and they got a good many tanks. They got thousands of M–14 rifles. We treated Formosa pretty well. There was over $150 million in military goodies plus what we had in the bill for Formosa under the military assistance program.

All I am saying is, let us have hearings, so we could question these people handling this program to find out whether the subs actually are needed.

Mr. RIVERS. Mr. Chairman, I yield to the gentleman 1 additional minute.

Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from South Carolina.

Mr. RIVERS. Has the gentleman's own committee ever handled a ship loan bill?

Mr. CONTE. No. I mentioned that. We do not have the loan program. We only have the military assistance program.

Mr. BRAY. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Chairman, I stand here as a member of the Committee on Armed Services who asked and obtained permission for this bill to be delayed until such time as many of the explanations that have been asked here today were made by the proper authorities of the Department of Defense and certainly the Department of the Navy.

I have been thoroughly satisfied in my requests for this further information as to the mutual advantages of this foreign military loan, under one of the devices by which we may make these ships available to member nations of NATO and to other sovereign nations who will help us in our continually reduced ability to satisfy our security commitments around the world.

Those mutual advantages are as listed in the report, internal and external security, and a much-needed antisubmarine capability.

Mr. Chairman, there is nothing that helps to track another killer submarine as much as a submarine. Readiness and maintenance with prepositioning of equipment around the world and dispersion of our reserve fleet rather than the costly process of putting it in mothballs. Also a favorable extension of what is referred to in the Department of State as the U.S. influence.

I think it is terribly wrong to compare the loan of submarines or the sale of ships under the Foreign Military Sales Act to the Republic of China, to the question of the jet aircraft recently considered in the foreign aid bill and marked out in conference. This is a proposition to fill the vacuum left by the 7th U.S. Fleet which had been patrolling the Straits of Taiwan until recently but even more than that these ships were not available at the time the original bill came over to the Congress with the DOD or the U.S. Navy request. They have now been scheduled for deactivation. They are now available and hence have been added to this bill.

I think it must be borne in mind that up until now the Republic of China has had no submarine capability and certainly we can control these three submarines if we have to supply all the parts and replacements. This is standard whether it is aircraft, important ships of the Navy, or whatnot. The Republic of China on Taiwan does have a sizable surface antisubmarine warfare force which up to now has required a target submarine for training purposes. It is wrong to say that there is no aggression on the part of the aggressor when still on alternate days the islands of Quemoy and Matsu are being shelled from the Communist China mainland. These submarine target vessels have been previously furnished by the 7th Fleet. In the cutback and the pullout, with our naval forces spread thinner and thinner around the world, we can no longer do that. With the provision of these submarines the Republic of China on Taiwan can furnish this themselves. We can continue with our substantial reduction. We will also have prepositioned capable ments of our 7th Fleet.

I am thoroughly satisfied that with our capability for overhaul and repair plus follow-on parts, that it is a good thing. I hope that after this explanation there will be no amendment, because the overall defense of the western Pacific is vital to the peace of the entire world.

Mr. RYAN. Mr. Chairman, will the gentleman yield to me?

Mr. HALL. The Red Chinese have 30 *Whiskey* class submarines supplied of their own making or from Communists elsewhere around the world. That fact alone requires that, at the very least, we provide the Republic of China, a nation friendly to us and sharing the same ideals, with a capability of continuing to maintain its existing ASW capability. These submarines are essential if the Republic of China is to continue their capability, and we are to withdraw eleunits of our reserve fleet.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BRAY. Mr. Chairman, I have no further requests for time.

Mr. RYAN. Mr. Chairman, will the gentleman yield an additional minute to the gentleman from Missouri?

Mr. BRAY. I yield one additional minute to the gentleman from Missouri (Mr. HALL).

Mr. RYAN. Mr. Chairman, I should like to inquire of the gentleman from Missouri whether or not the Nationalist Chinese have any trained submarine personnel.

Mr. HALL. Mr. Chairman, I would state to the gentleman from New York that they do not have the trained personnel, and that we would furnish that training and remain the source of required spare parts and equipment. That is how, I will say in answer further to the question of the gentleman, we would maintain control of these three vessels proposed for loan to the Republic of China.

Mr. RYAN. So that in addition to the three submarines it would be necessary for the United States to set up a training course in order to train personnel to operate these submarines, is that correct?

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mr. RYAN. Mr. Chairman, will the gentleman yield to the gentleman from Missouri an additional minute in order to answer my last question?

Mr. BRAY. Mr. Chairman, I yield 1 additional minute to the gentleman from Missouri.

Mr. HALL. May I say to the gentleman that these people have had ASW training, they are running the antisubmarine patrol at this time. I happen to have been over there. I have flown over the island. I know their radar, their offensive capability, their defensive and sonar capability. The only thing that would be necessary would be for them, as the submarines are reconditioned, to be on board and take "on the job training," so to speak, in order to handle these ships for the patrol fleet. The gentleman must understand that we are not transferring our new sophisticated ASW submarines, and of course, these are not nuclear-powered submarines. These submarines, as I would hope the gentleman would recognize, are submarines of the vintage of the end of World War II.

Mr. RYAN. Mr. Chairman, I direct the attention of the gentleman to page 5853 of the hearings, where Captain Hagerman, U.S. Navy, Director, Foreign Military Assistance Division, stated one of the problems created by the proposed submarine loan. He said:

> But the problem is we have to set up special courses to train them. This could be done. I am just indicating a comment or two.

Mr. HALL. I am trying to indicate to the gentleman that the information I have tried to provide the committee is essentially along those lines, and updates the hearings.

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mr. BRAY. Mr. Chairman, I yield 1 additional minute to the gentleman from Missouri.

Mr. GUBSER. Mr. Chairman, will the gentleman yield?

Mr. HALL. I yield to the gentleman from California.

Mr. GUBSER. Mr. Chairman, I would like to inquire of the gentleman from Missouri as to whether or not the missions which these submarines will perform are now being performed with or without passage of this bill, and is not the question whether the Chinese are going to assume this mission with Chinese personnel, or whether it is going to go by default if it is not performed by the 7th Fleet with U.S. personnel?

Mr. HALL. Mr. Chairman, I am sure that the distinguished gentleman from California knows our capability, and our commitments. As I stated in my original statement, this has been previously performed by combatant ships of the 7th Fleet. I am sure that we all would agree how nice it would be, instead of having to provide this service ourselves, to have it performed by a friendly foreign nation. How much better it is to have these ships prepositioned and under use of our friendly allies than to have them scrapped or put in the expensive mothball fleet.

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mr. BRAY. Mr. Chairman, I yield 1 additional minute to the gentleman from Missouri.

Mr. FISHER. If the gentleman will yield further, throughout the debate there has been some concern expressed by some of the speakers that if this provision is not stricken out of this bill, and the submarines should be loaned to our friends on Formosa, it might hurt the feeling of Red China or Peking. I would like to ask the gentleman if he does not regard the Republic of China as one of the most dependable and probably one of the most valuable friends the United States has in this whole world today?

Mr. HALL. I not only so regard them, I want to say to the distinguished gentleman from Texas, but I admire them for what they have done, and how they have lifted themselves economically up by their own bootstraps so that now they no longer require economic aid.

I know they have performed beautifully, in a difficult geophysical and geoeconomic position, to the point where they are a staunch and capable ally and, indeed, are an outpost of freedom around the world.

Mr. FISHER. Would the gentleman agree with me that at this time when this great struggle for power is going on between the free world and the Communist world, it behooves us to examine a situation such as this with care and with concern, always anxious to help those who are in a position to help us in this great struggle?

Mr. HALL. I certainly do agree with the gentleman. It has been one of my duties and privileges to inspect our military assistance program around the world, in other sovereign nations' capitals, and determine the effectiveness of the use of this power. The prime part of this program is indeed a loan program, of the providing of ships, for example, that are no longer required by the active U.S. fleet. This action is tantamount to maintaining the balance of power in the free world versus our aggressors.

I think it is essential that we should do a thing like this, and this action has the additional advantage of prepositioning these ships in a location far better than the reserve fleet. I strongly recommend this bill.

Mr. FISHER. When we make a gesture of this kind, relatively small though it be, in behalf of our friend, the Republic of China, is it not true that over—even more important than just helping that one country that certainly needs it in a strategic position, that it is helping the United States and our overall strategic capability through strengthening the defenses of one of our most dependable allies.

Mr. HALL. I do not think the gentleman could say it any better unless he were to liken this action to a symbolic stretching of the arm of freedom of the Statue of Liberty around the world, because that is exactly what has happened.

I think it is most worthwhile. I have had the opportunity to provide this modicum of additional information in order to quiet some of the qualms that have been expressed today. But the real point is—it is the duty of those of the Committee on Armed Services who are appointed on the need-to-know basis to inquire into this type of situation and become fully advised, and then inform other members of the Committee on Armed Services and to try to exercise prudent judgment based on full information about the need to strengthen these dependable allies around the world so that we can maintain our defense posture despite reductions in the size of our fleet.

I, for one, am in strong favor of those countries who are willing to assist in and share in the protection of freedom around the world.

This is exactly what this bill does, and I thank the gentleman for his questions.

Mr. MONAGAN. Mr. Chairman, I have recorded my vote against this bill, not because I am opposed to the majority of the provisions therein nor because I disagree with the principle of the legislation, but because this bill is another example of the disregard of the regular legislative process which we saw previously with the foreign aid bill when provisions not passed upon in the regular process were pressed into the bill by short cut of the regular procedure.

While it is true that the Committee did take action here, nevertheless, the Defense Department did not recommend the addition of the ships for China nor did the Department of State and, therefore, I want to show unhappiness with this process especially in this field where weapons are spread throughout the world.

I do want to make clear, however, that I am for adequate defense and assistance in proper cases where the full process of departmental review and recommendation has been followed.

Mr. RIVERS. Mr. Chairman, I have no further requests for time.

Mr. BRAY. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 15728

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding section 7307 of title 10, United States Code, or any other law, the President may extend on such terms and under such conditions as he deems appropriate the loan of ships, previously authorized as indicated, as follows: (1) Greece, one submarine (Act of October 4, 1961 (75 Stat. 815)) and, (2) Pakistan, one submarine (Act of October 4, 1961 (75 Stat. 815)).

MOTION OFFERED BY MR. KOCH

Mr. KOCH. Mr. Chairman, I offer a motion.

The Clerk read as follows:

Mr. KOCH moves to amend H.R. 15728 by striking the language on page 1, beginning with line 3 and ending with the period on line 9, and substituting the following therefor:

"That notwithstanding section 7307 of title 10, United States Code, or any other law, the President may extend on such terms and under such conditions as he deems appropriate the loan of one submarine to Pakistan previously authorized by the Act of October 4, 1961 (75 Stat. 851)."

Mr. KOCH. Mr. Chairman, I rise in support of my amendment for a very simple reason. It is this: I cannot in my mind justify our providing the Greek junta with arms and economic aid to oppress its own people. When we had the foreign aid bill before us last year, that was one of the items that I found most reprehensible and, indeed, incomprehensible. I do not even know yet how much moneys are being given to the Greek junta under that bill, because it is classified information. And when I discussed with colleagues the possibilities of doing something about striking out aid to Greece, they said it simply would be impossible to get the votes for such an amendment on the floor of the House.

I said to myself, "But why is it impossible to expect this Congress to bar military aid to Greece?"

It is not that we ought to require that every country be made over in our own image. It is not that before we give aid to a country it has got to have a democratic form of government. It would be nice if that were so, but, as far as I am concerned, this is not necessary. But I do believe that we should never provide moneys to a government that oppresses its own people.

I am not the only one who believes the Greek junta oppresses its own people. The Council of Europe, a very distinguished body that represents the countries of Europe, issued a report in November of 1969, and I quote them, when they said that "Torture is officially tolerated in Greece." That means that the Greek Government tortures its own people.

I am certain that no one in this room would ever say that they approve of torture, but it is happening and by supporting that government with military and economic aid we share the responsibility and we are condoning it. A NATO committee said—and we belong to NATO and we generally trot them out to talk about how we have to help our friends—that Greece is a "police state." Is there anyone in this Chamber who will stand up and say that we have a duty, an obligation to provide arms and aid to a state that oppresses its own people? We are not even talking about providing arms to Greece to prevent an external aggressive act against it.

I do not suggest that we depose the Greek junta. The people of Greece have got to do that. But, I suggest that we not aid the junta. We are asked to give them this submarine, just as we were asked to give them an unknown amount of assistance in the foreign aid bill last year, and I am sure we will be asked to do so again this year. I believe this is the time to call a halt. I, therefore, urge you to support this amendment.

Mr. RIVERS. I wonder if we can come to some kind of agreement on time. I ask unanimous consent that all debate on this motion and all amendments thereto expire in 10 minutes.

Mr. EDWARDS of California. I object.

Mr. RIVERS. Mr. Chairman, I ask unanimous consent that all debate on this motion and all amendments thereto expire in 20 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Chairman, like other Members of this body, I have had a personal interview with Papadopoulos, the dictator of Greece. I have heard his story, and after hearing it, I assure you that I hold no brief for his regime. I think it is regressive, backward, and totalitarian. I think it is most unfortunate that Papadopoulos has not seen fit to schedule elections, to restore basic liberties, and to lift martial law.

But at the same time I think there is another overriding consideration here, and that is the importance of Greece to the NATO alliance. Greece occupies a very crucial position in that alliance. It is very clearly established, despite internal political deterioration, that so far as the alliance participation is concerned Greece has cooperated all the way through without any exceptions.

The submarine in question is a part of the Greek naval force. It has responsibilities well beyond its own waters. Greece occupies a very strategic position in the developing defense of the Mediterranean which has been so seriously threatened by Soviet advances.

Under these circumstances, while I admire the spirit in which this amendment was offered, I do think it would be a mistake to accept this amendment and thereby take away from the Greek fleet a vessel which does have military importance and which is now functioning as a part of our unified NATO military defense, which I might say is the most unique of all defense obligations any group of nations has ever pledged to each other. We have, in fact, pledged to go to war automatically to defend the territory of any member state of NATO which is attacked, and so has Greece. This is a very grave responsibility, and before we act to reduce the military effectiveness of any single member state of NATO, we ought to think very carefully—and I do not think this amendment reflects thinking.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. LOWENSTEIN)

Mr. LOWENSTEIN. Mr. Chairman, I am deeply saddened by the comments of my friend, the very distinguished gentleman from Illinois. I think the whole concept that we are somehow strengthening NATO by assisting the present government of Greece is very wrong, is precisely backwards, in fact. I am among those millions of people who supported NATO since its inception, as a barrier against Communist aggression in Western Europe. What has done most to weaken NATO over the years is the realization that the danger of Communist aggression against Western Europe has receded. What can now finally destroy it is the sense that is becoming a prop for other kinds of totalitarian governments, just so they call themselves anti-Communist.

Freedom in Europe is not strengthened by the destruction of freedom in Greece. How then can it be in the interest of freedom in Europe to add to the military strength of those who destroyed freedom in Greece? There is no danger of a Communist invasion of Greece. The only danger to the Greek Government is from its own people, their liberty snuffed out, their king in exile, their political and cultural leaders in prison under terrible conditions or silenced by the fear of prison.

We weaken NATO by contributing anything to the maintenance of this kind of government in a NATO country.

Further, we weaken the position of the United States in Europe and elsewhere when we become the chief supplier of military aid to a government that has become a pariah among Western democracies and a symbol of totalitarian repression among men concerned about freedom everywhere.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. LOWENSTEIN. I yield to the gentleman from Illinois for a question.

Mr. FINDLEY. Mr. Chairman, I want to add a point I failed to mention, and that is that the Nixon administration has very properly not seen fit to resume the shipment of tanks and other items of military hardware to Greece. I commend them for this policy.

But, Mr. Chairman, we are considering here a step which would take away something which is now part of the Greek military establishment.

Mr. LOWENSTEIN. Mr. Chairman, this House adopted a resolution not long ago that set free elections as our primary goal in Vietnam. What about free elections in Greece? Are we only for free elections where we have to send in half a million American troops and spend a hundred and thirty billion dollars to try unsuccessfully to force them on unwilling armies? If we are so big for free elections, could not we show our devotion to them where we could influence governments toward allowing them by withdrawing financial and military support instead of by pouring it in? Could not we start withdrawing such aid from Greece, where free elections have been snuffed out, and which faces no Communist aggression and so needs no further military aid—unless it is to be used against the Greek people?

The able gentleman from Ohio remarks that a submarine is not a tank and implies that therefore the Greek Government cannot use this piece of equipment against its own people. Who, in fact, can it be used against? Turkey? Is not it plain when you think about it that the chief purpose and value of leaving this submarine in the hands of the Greek Government at this moment is in fact to use it precisely against the Greek people, to advertise the fact that the U.S. Government supports their oppression? Is it not plain that this submarine is in fact designed to torpedo not Communist ships but democratic hopes?

This is generally a terrible bill. I must warn that if the Koch amendment fails, its bad effects will reach to the heart of NATO as well as to the heart of the Greek people.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. EDWARDS).

Mr. EDWARDS of California. Mr. Chairman, I rise in support of the amendment of the gentleman from New York.

The amendment proposes to us a moral issue. It has been nearly 3 years since this small clique of colonels took over, seized in a coup d'état, the Government of Greece. There was no Communist threat at the time. This is something the Council of Europe determined officially.

The Greek military dictatorship is the first Fascist government to rise in Europe since the 1930's, since the governments of Hitler and Mussolini. It is really a very tragic thing to think that Greece would have that happen to her.

In the last 3 years there have been mass arrests, newspapers closed, and prison sentences, as well as savage torture—savage torture.

It really is a myth that there are Greek Armed Forces left to support us in NATO. Many of the NATO trained officers have been dismissed or are in jail, and they have been replaced by men whose only expertise might be in conspiracy.

The real problem is not one submarine, more or less. The real problem is that the people of Greece think that the CIA was heavily involved in the coup which took democracy away from Greece 3 years ago.

Our European friends who cherish democracy have expressed their disapproval of this position, but we have not.

We are still giving them large amounts of military aid. In 1966 it was $78 million. In 1967 it was $41 million. In 1968 it was $53 million. In 1969 it was $56 million.

We were warned by the gentleman from Illinois that Greece is a loyal NATO ally, but let us remember for a moment the preamble to the NATO constitution:

> The parties are determined to safeguard the freedom, common heritage and civilization of their peoples founded in the principles of democracy, individual liberty and the rule of law.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. YATES yielded his time to Mr. EDWARDS of California.)

Mr. EDWARDS of California. I thank the gentleman.

Does Greece qualify under the preamble? I believe the evidence is clear it does not.

Of course we should not intervene in Greece to try to restore democracy. We do not want another Vietnam.

As the gentleman from New York pointed out, this is Greece's problem more than ours, but we are intervening now by giving this police state large military aid, and the Greek people in the countryside and in the villages think that the United States is propping up the Junta.

The Senate, by a vote of 45 to 38, came close to removing military aid, to taking it away from Greece. I would hope we can do better than that in the House.

Approval of the amendment of the gentleman from New York would be a signal that America does still care about freedom and democracy in Greece, which is, after all, where democracy really began.

Mr. BURTON of California. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to my friend from California.

Mr. BURTON of California. I rise to commend my distinguished colleague from California (Mr. EDWARDS) and to associate myself with his remarks.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Illinois.

Mr. FINDLEY. I thank the gentleman for yielding.

I agree with the gentleman that our relationship with Greece does pose a very serious dilemma. The question is how far should we go in trying to impair the military capability in order to encourage reform of the Greek regime?

I would be curious to know how far the gentleman thinks we should go. Should we try to get Greece completely out of NATO? Would that not be the logical end result of the reasoning the gentleman has put forth? Does he believe we should go that far under these circumstances.

Mr. EDWARDS of California. We are asking only for a very simple thing, and that is to stop military aid to Greece. Perhaps that would be enough to give the signal to the people of Greece that this police state is not being supported 100 percent by the United States.

This is what all of the exiles would like us to do. The most distinguished citizens of Greece have been exiled and are living in Paris and Rome and all over Europe.

Mr. FINDLEY. The Nixon administration persisted in the policy of halting additional military hardware sales to the Greek Government.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Illinois.

Mr. YATES. The gentleman himself just read the statistics relating to the giving of ammunition and weapons by the Nixon administration to the present Government of Greece. This amendment is necessary to show that the United States does not believe the present Government of Greece ought to receive military assistance from us.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Chairman, it has been pointed out that some of our European friends are objecting to the structure of the present Greek Government. Most of these countries have socialist governments, and one is Sweden, which is a haven for deserters from the U.S. forces. Now, I suggest that the Greek Government is a matter of that country's own internal affairs, but the defense of the free world is very much our affair, and this amendment would hurt the defense of the free world.

I question that most of us will want to return at the Easter holidays to our friends of Greek extraction in our own districts and say to them almost on the occasion of the Greek Independence Day celebrations that we in the Congress refused to help the Greek nation in their efforts to remain independent. These valiant people are an anchor to NATO's south. Yet the military forces of Greece are far behind in modernization. One reason for this is that the United States has failed to keep its word to make available to them new and modern weapons. It would be extreme folly, Mr. Chairman, to compound this situation today by a direct affront to a stanch friend which has demonstrated its willingness to stand with the United States. We should be doing a great deal more than we are doing to help modernize the Greek forces, and we should not under any circumstances take away the very small amount of assistance that is proposed in the bill before us.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. GROSS).

(By unanimous consent, Mr. GROSS yielded his time to Mr. HALL.)

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Chairman, let us get it crystal clear that in this proposed legislation we have asked for the renewal of a submarine loan for the Royal Hellenic Navy. In addition to that, Greece's task force and destroyers need modernization and they have actually requested replacement ships to fulfill their NATO commitments. However, we have not requested additional ships in view of the military assistance program restriction on furnishing additional major items to that country at this time.

I want to make it particularly clear that in addition to helping the alliance, NATO south, and thereby helping ourselves, that we are asking for a maintenance of access on the part of the U.S. forces. We do have commitments; it is necessary that we keep them. Perhaps it has been blown out of proportion, but psychologically, symbolically, and practically the Greeks expect us to keep these commitments.

Why is it important that we consider increases to Greece? First of all, because it is in the western end of the Mediterranean. Second, I need not remind you that we have recently lost the Wheelus Air Force Base in Libya. Third, I know that whenever we have asked the Greeks, whether it be before the junta or afterward, for flyover rights, or for communication needs, that it has been granted on the basis that we are allies, we are freedom lovers, and we are anti-Communist.

There are valuable secondary considerations involved in this area. Think with me for just a minute, Members of the Committee, about Greece's importance as a logistical and tactical base, and this has been highlighted in recent years with France's disengagement from the alliance and, as has been brought out by the fact of the more recent invasion of Czechoslovakia, by the Soviet Union, and third by the increased Soviet Union's naval activities in the eastern Mediterranean, the use of their amphibious and helicopter landing ships, including the *Moskva*, and fourth, by the greater political sensitivity in other sovereign nations relating to the American presence there.

Mr. KOCH. Mr. Chairman, will the gentleman yield?

Mr. HALL. Now, continued U.S. presence, including command control and all communications of the 6th Fleet, are vital.

Mr. Chairman, let me put it to you this way: Greece has cooperated without question on contact use of airfields and overfly rights in the air bridge that was established during the evacuation of U.S. refugees from Israel in 1967, and from the Congo previously. We had better keep our presence there in view of the situation in the Middle East at this time.

Second, the Royal Hellenic Navy has become an active participant in the NATO exercises and, more particularly, in support of the alliance in their area.

Finally, I want to point out that ports in Crete, in the Hellenic Islands, and the mainland, provide a safe haven for units of the 6th Fleet and their crews, as well as sources of POL and ammo storage and needed training facilities, targets, and ranges. So much needs to be said in making a decision to authorize the continuation of this loan as signifying the attitude on the part of the commitment of the U.S. Government, that I find difficulty expressing it adequately.

Now, I will be more than glad to yield, having made my statement.

Mr. SIKES. I thank the gentleman for yielding, and I would add to what the gentleman has said by stating that there are not many places left in that part of the world where the U.S. Fleet is welcome.

Mr. HALL. That is exactly what I was trying to point out, with the loss of our base in Libya, and with the decrease in the size of the 6th Fleet, and with the fluid situation of the world, and the nervousness of other sovereign nations about our presence, and finally the possible need to evacuate Israel, perhaps, or any other place where turmoil is liable to break out at any time, we must keep our 6th Fleet in places where we have suitable establishments.

Mr. KOCH. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Missouri has expired.

The Chair recognizes the distinguished chairman of the committee, the gentleman from South Carolina (Mr. RIVERS), to close debate on this motion.

Mr. RIVERS. Mr. Chairman, to begin with Greece has this submarine now. This permits the President to extend the loan. Greece has spent a million dollars on the submarine getting it ready for continued service. Greece is on the border of Yugoslavia, Albania, and Bulgaria and they are infiltrating her borders every day. They do not need to assault Greece by armed force. They are doing it from within. The loan of submarine is designed to keep military forces in NATO. What more do you want? They are faithfully fulfilling their mission to NATO. On the other hand, there is Papandreou who would like to be the head of Greece and everyone knows which side he is on.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman, of course.

Mr. ARENDS. I am glad the gentleman is making this point for the simple reason is that anything we do here today that would prove in time detrimental to the NATO forces in that part of the world would be detrimental to the cause of peace.

Mr. RIVERS. Of course, have you forgotten that it was the same man in that country, when that same crowd began to take over? Do not be surprised. Do not be fooled. If you vote to take this submarine out, it will be a signal to the world that the Nixon doctrine is not working. Nixon is doing a lot of things that we cannot put out here and tell you about. He is trying to bring about a lot of things that we know about, and this is only one of them.

We do not have too many of our friends left in these other nations. We have to have a place where we can put our submarine in a base in a country that will be with us.

The CHAIRMAN. The question is on the motion offered by the gentleman from New York (Mr. KOCH).

The question was taken; and on a division (demanded by Mr. KOCH), there were—ayes 10, noes 50.

Mr. KOCH. Mr. Chairman, I demand tellers.

Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Evidently a quorum is not present.

The Clerk will call the roll.

PARLIAMENTARY INQUIRY

Mr. HÉBERT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HÉBERT. Mr. Chairman, is it in order to call for a quorum when a call for a teller vote is asked for and should be in progress at that moment—you cannot interrupt a vote.

The CHAIRMAN. The Chair will state that the gentleman from New York made the point that a quorum was not present.

Mr. HÉBERT. No, no—the RECORD will show that he asked for a teller vote and then asked for a quorum.

The CHAIRMAN. It is the understanding of the Chair that the gentleman asked for a teller vote and then made the point of order that a quorum was not present.

Mr. HÉBERT. That is it—when he asked for a teller vote, he asked for a vote to be taken and that vote comes automatically. Having made that motion, he cannot get the other.

The CHAIRMAN. The Chair will advise the distinguished gentleman from Louisiana that the Committee cannot do business without a quorum, and since it has been established a quorum is not present, the Chair has directed the Clerk to call the roll.

The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 58]

Adams	Edwards, La.	Murphy, N.Y.
Anderson, Calif.	Eshleman	Obey
Bell, Calif.	Fish	O'Neill, Mass.
Bevill	Flowers	Ottinger
Biaggi	Flynt	Patman
Blanton	Ford, Gerald R.	Powell
Boggs	Fulton, Tenn.	Pucinski
Bolling	Gallagher	Purcell
Brademas	Goldwater	Railsback
Brasco	Gray	Reid, Ill.
Brown, Calif.	Halpern	Reid, N.Y.
Broyhill, N.C.	Hansen, Wash.	Reifel
Bush	Harsha	Rosenthal
Camp	Horton	Rostenkowski
Carey	Howard	St Germain
Cederberg	Jacobs	Scheuer
Celler	Jarman	Shipley
Chisholm	Jones, Ala.	Slack
Clancy	Jones, N.C.	Smith, Calif.
Clark	Jones, Tenn.	Steiger, Ariz.
Clausen, Don H.	Kee	Symington
Cohelan	Kirwan	Taft
Colmer	Kyros	Teague, Tex.
Corbett	Landgrebe	Tunney
Cowger	Lennon	Waggonner
Cramer	Lukens	Weicker
Cunningham	McCarthy	Whalley
Daddario	McKneally	Widnall
Davis, Ga.	MacGregor	Wiggins
Dawson	Michel	Wilson, Bob
Dent	Mikva	Winn
Diggs	Mills	Wolff
Dingell	Monagan	Wright
	Moorhead	
	Morton	

Accordingly the Committee rose; and the Speaker pro tempore (Mr. PRICE of Illinois) having resumed the chair, Mr. DORN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 15728, and finding itself without a quorum, he had directed the roll to be called, when 329 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

PARLIAMENTARY INQUIRY

Mr. RIVERS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from South Carolina will state his parliamentary inquiry.

Mr. RIVERS. Is the first order of business the ordering of tellers?

The CHAIRMAN. The gentleman is correct. When the point of order was made that a quorum was not present, the gentleman from New York (Mr. KOCH) had demanded tellers. The question before the Committee is on the question of ordering tellers.

Tellers were refused.

So the motion was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. Notwithstanding section 7307 of title 10, United States Code, or any other provision of law, the President may lend two destroyer escorts to the Republic of Vietnam and two destroyers and two submarines to the Government of Turkey and three submarines to the Republic of China in addition to any ships previously authorized to be loaned to these nations, with or without reimbursement and on such terms and under such conditions as the President may deem appropriate. All expenses involved in the activation, rehabilitation, and outfitting (including repairs, alterations, and logistic support) of ships transferred under this section shall be charged to funds programed for the recipient government as grant military assistance under the provisions of the Foreign Assistance Act of 1961, as amended, or successor legislation, or to funds provided by the recipient government. The authority of the President to lend naval vessels under this section shall terminate on December 31, 1971.

AMENDMENT OFFERED BY MR. FRASER

Mr. FRASER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FRASER:

On page 2, line 3, strike out "and three submarines to the Republic of China"

Mr. FRASER. Mr. Chairman, this is an amendment to strike the authorization in the bill which would provide for the transfer to the Government of Taiwan, the Republic of China, three submarines. As indicated earlier in the debate in the committee, there are certain facts which I think are beyond any dispute.

Let us lay those out on the table first: First, the Republic of China has no submarines at present; second, it lacks any trained personnel; and third, it has no capability to repair submarines.

Moreover, this authority was not asked for by President Nixon.

Under Secretary of State Elliot Richardson told us last week on a visit to the Hill that in his judgment there had not been a sufficient case made for the transfer of these three submarines to the Government of Taiwan.

Mr. Chairman, I think it is agreed that at the present time Red China is not readying an invasion of Taiwan. The deployment of mainland Chinese troops is essentially defensive. That government lacks a navy adequate to carry on an invasion.

The problem with the transfer of these submarines to Taiwan lies, therefore, in the fact that these are unnecessary and that they would be an unwarranted expense. We can say, as the committee report suggests, it would be an expense to the Government of Taiwan. But the fact of the matter is, we are subsidizing the military establishment in Taiwan. If we add to the cost of that defense establishment, it simply means our money is going into the maintenance of these submarines. We ought not to kid ourselves about that. If we will say we are not going to give Taiwan any more assistance, then we could argue they are going to take over the operation of these ships—which will run $8 million a year.

This places at the disposal of a foreign government a new offensive capability, a new weapons system for them to do as they choose.

Mr. Chairman, the people on Taiwan today do not enjoy the full range of fundamental rights that we would like to see them exercise, but I think that condition is changing. There are many who are familiar with Taiwan's development who hold out hope that one day there will emerge a substantial degree of democratic self-government—and perhaps to a greater degree than we might expect to find in other developing nations.

But, Mr. Chairman, today Taiwan is a poor nation. Despite the fact there is very good economic growth, the per capita income on Taiwan is still only $300 a year. They are trying to maintain an oversized army, far in excess of what they need for defensive purposes, and now we propose to add to the size of that military establishment.

Mr. Chairman, supposing the Soviet Union were to announce tomorrow they were going to give three submarines to Cuba. Would we think that a friendly act? Would we say, well, that is the way it is, or would we be concerned? I think the fact is we would be concerned. Similarly, Red China, I think can reasonably interpret our announcement that we are proposing to give Taiwan three submarines capable of interdicting or harassing, capable of landing parties on the mainland, including spies, saboteurs, and landing parties as a threatening act. They may see this in that light.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. FRASER. Mr. Chairman, I ask unanimous consent that I may proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

Mr. RIVERS. Mr. Chairman, of course, I will not object to this request, but in the future I will object.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The CHAIRMAN. The gentleman from Minnesota is recognized for 3 additional minutes.

Mr. FRASER. Mr. Chairman, Red China today is hostile to the United States. Make no mistake about that. Red China today claims that Taiwan is an integral part of China. Make no mistake about that. But Taiwan agrees there is only one China.

The question is, Will the end of the Chinese civil war, which finds 2 percent of the Chinese population on Taiwan and 98 percent on the mainland, come in a blood bath, or will it come to an end with some kind of political accommodation or settlement?

I do not know the answer to that question.

But I want to say it is not in our interest nor in the interest of the Taiwan Chinese nor those on the Chinese mainland for us to exacerbate the situation.

The Taiwan Government does not need these submarines. Our President has not asked that they be transferred to Taiwan. This transfer comes at a time when I think, wisely, the Nixon administration is trying to build some bridges, trying to open some windows or some doors, if you will, to the mainland of China. As the Chinese acquire nuclear capability and the ability to deliver it against the United States, we must have the interests of the survival of this Nation in mind. We must try to moderate the Chinese regime and try to influence it to pursue an evolutionary course toward more openness and more moderation.

These three submarines go in the wrong direction. There is no good reason for loaning these submarines. They have not been requested by the President. There is every reason to put off this authorization until such time as the President asks for this authorization and until the matter is carefully reviewed.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I am glad to yield to the gentleman from Michigan.

Mr. CONYERS. I should like to say the gentleman's statement is one of forthrightness. I believe it is clear. I am proud to associate myself with it. I hope many other Members, upon reflection, will do so as well.

Mr. FRASER. I thank the gentleman.

Mr. Chairman, all the amendment would do is to say, "Not this year. Let us wait until the President asks for this authorization; let us wait until we look at it with some care. Let us be sure, if we are going to do something of this kind, that it is consistent with our interests and promotes those interests as well as those of the Chinese."

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Illinois.

Mr. ARENDS. Would the gentleman be inclined to vote for it if the President requested it?

Mr. FRASER. I should like to hear the President's reasons.

I might add, I have asked the President to indicate his position. The only response we have had is from the Under Secretary, Mr. Elliot Richardson, who has indicated he did not think a case had been made for the transfer.

Mr. RIVERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. CONYERS. Mr. Chairman, I object.

Mr. RYAN. Mr. Chairman, I object.

Mr. RIVERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. RYAN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. FINDLEY. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, in my view the inclusion of the language about submarines to Taiwan is unfortunate. It raises once more an issue that, in all probability, will not redound to the advantage of our ally on Taiwan and, perhaps, it will not redound to the advantage of President Nixon, either, in his efforts to establish and promote a new policy toward Communist China. The experience of the Congress in dealing wth the question of fighter jets should have been an ample warning of what lies at hand right now. It is very true that this is permissive language. It does not impose a mandate upon the President. But when the Congress, which is asked to speak in a legislative way, does so, the result has weight. The statement is noted not only in Communist China and Taiwan, but elsewhere around the world. I think we ought to realize in voting against this amendment that those who vote against it inevitably will be interpreted as being in a position critical of the President's new initiatives toward Communist China. Very clearly——

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I am glad to yield, of course.

Mr. RIVERS. Of course, the gentleman is quite conversant with the mutual aid agreement and treaty that we have with Nationalist China and the fact this bill only gives the President this authority if he deems to exercise it. There is nothing mandatory about it.

Mr. FINDLEY. I understand that. The gentleman will agree with me, I am sure, that when the Congress speaks with language like this in behalf of even permissive authority of the President that it has great weight and will be noted throughout the world.

Mr. RIVERS. The gentleman can read this. This is not the first time that we did this. We gave the President authority to give two destroyers to South Korea although he did not ask for it, but it was authorized.

Mr. FINDLEY. The gentleman will agree with me that there is no program now that will give them the right——

Mr. RIVERS. Will the gentleman yield further?

Mr. FINDLEY. Of course.

Mr. RIVERS. There is not anybody who knows more about the discussions that the Navy has had with Nationalist China than the President with regard to the Taiwan Straits. He knows this.

Mr. FINDLEY. I will say to the gentleman that he made a very serious mistake, if that is the fact, in including in the committee report the language on page 9 which says that they, meaning the Department of Defense, have not been asked about the question of submarines to China. The only reasonable conclusion anyone can draw from the presence of that language is that the committee did not seek a response from the Department of Defense because you were sure that the response would be negative.

Mr. RIVERS. Will the gentleman yield to me further?

Mr. FINDLEY. Of course.

Mr. RIVERS. That is absolutely 100 percent wrong. The representative of the Department of Defense was the Navy Department, a Captain Hagerman.

Mr. FINDLEY. Is that not a part of the Department of Defense.

Mr. RIVERS. The Department of Defense never testified on a bill of this character. One branch of the military is delegated to handle it, and that is the Department of the Navy. When this representative came over——

Mr. FINDLEY. Why do you say in the report, then, that the Department of Defense has no objection to other parts of this bill if they were never asked for their opinion on this legislation? Why is DOD's view included?

Mr. RIVERS. If we had to go to the Department of Defense for everything, then we would not need the Committee on Armed Services, and we are just not a rubberstamp.

Mr. FINDLEY. Why go to them on 90 percent and skip the other 10 percent?

Mr. RIVERS. I did not go to them; they sent over their representative. We did not go to them. However, we interrogated their representative and their representative said, "I think it would be good for the United States." And based on his testimony we supported it 100 percent unanimously, and I am very glad to clear that up.

Mr. FINDLEY. Why did you put it in the committee report at all?

Mr. RIVERS. I am very glad to clear it up for the gentleman because he does not know how it operates.

Mr. FINDLEY. I guess that is the fact. It is quite clear to all of us that the committee did not seek and get the view of the Department of Defense on submarines to Taiwan, because it would have been negative.

Mr. RIVERS. The representative of the Department of Defense was asked what his personal opinion was on letting Nationalist China have these three submarines——

The CHAIRMAN. The time of the gentleman has expired.

MOTION OFFERED BY MR. RIVERS

Mr. RIVERS. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close at 3:45 p.m.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. RYAN. Mr. Chairman, I demand tellers.

Tellers were refused.

So the motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. SIKES).

(By unanimous consent Mr. HÉBERT yielded his time to Mr. SIKES.)

(By unanimous consent, Mr. MONTGOMERY yielded his time to Mr. SIKES.)

(By unanimous consent, Mr. LONG of Maryland yielded his time to Mr. SIKES.)

(By unanimous consent, Mr. HAGAN yielded his time to Mr. SIKES.)

Mr. SIKES. Mr. Chairman, I am most appreciative of the courtesy of my colleagues in yielding me additional time. The President has said in effect that we are not going to continue to fight other people's wars but that we will help to strengthen our allies by providing the weapons and the supplies which most of them obviously are unable to manufacture or produce for themselves.

Mr. Chairman, I trust the amendment will be defeated.

Now, despite these assurances of help in weapons and equipment, the fact remains that we are doing very, very little in this field. Other than the South Vietnamese forces, U.S. military assistance has been limited and the equipment freqently is obsolescent. Everyone knows this but the American public, which sees no headlines that tell of the weakened defenses of most of our allies. Nor do we see headlines which tell the true facts of Communist support for the Iron Curtain countries. It is known that Communist military forces are, almost without exception, better equipped both from the standpoint of number of weapons and modernization than are allied forces. For instance, we and our allies in NATO hope to contain a thrust of 20,000 modern Soviet tanks with 7,000 allied tanks, many of them not fully modern, if war should come. Yet, next to South Vietnam, it is the NATO Forces North where the best and most modern allied equipment is found. Some of our allies are expected to make do on World War II equipment, and not much of that, notwithstanding the fact that two, and in some instances three, generations of new weapons and equipment have been developed since the days of World War II.

The amendment before the Committee to strike from the bill the authority to provide three submarines for Taiwan. Taiwan has no submarines, but it is well known that just across the straits are large Red Chinese naval forces which include more than 30 submarines. It is also true that Red China has capability and is manufacturing submarines with which to add to their already impressive fleet. Our own submarine fleet is spread thin. We have a worldwide commitment, and the threat to our fleet from Russian submarines is increasing daily. The Russians are again in the midst of a major submarine building program, and they are producing fully modern, quiet, fast submarines which are, in some particulars, better than anything we have.

This means that in time of serious trouble, our comparatively small fleet of modern submarines may be tied up elsewhere. In the early days of conflict, they could not be of much help to the Taiwanese forces. During those crucial first days, Taiwan could fall to an overwhelming strike by the Red Chinese. This their government recognizes. That is why they want even a limited number of submarines with which to counter the Red Chinese threat. It is not much that they are asking—just a few outmoded submarines which are of no more value to us. But the time may come when they will help Nationalist China to remain free and independent and to demonstrate that there are places in the world where capitalism still can succeed. It has been stated that the per capita income of Taiwan is only $300. It should be stated that this is several times as high as the per capita income of the Communist countries around Taiwan.

I would think that we would overwhelmingly support this effort to help a gallant friend; that we do not take a step which could help to cripple Taiwan's efforts to remain free of Communist control. Taiwan is one of the few countries in the world which has offered military forces to support the allied cause in Vietnam. Taiwan is one of the few countries in Southeast Asia which has no truck whatever with communism. Taiwan is one of the few places left where U.S. forces are welcome and where no strings are placed on our deployment or choice of weapons.

We do not have a better friend than Taiwan, and the presence of a strong, even though small, defense establishment in Taiwan provides one additional brake against Communist aggression. Adoption of this amendment would be a slap in the face to a country that demonstrates in every conceivable way its determination to stand with us and to combat communism.

There are some who say this is no time to help Taiwan. They do not want to risk offending Red China. Efforts are in progress ot establish better relations between the United States and China. If there is a way to establish better relations with Red China, it certainly does not lie in appeasement. It does not lie in weakening our friends. Red China is an outlaw nation. They are the principal supplier of weapons for North Vietnam. They are creating revolution in every country around their borders. They are building a military road deep into Laos and pointed at the border of Thailand, and to all intents and purposes, in this way they have annexed a big portion of Laos. They have shown no measurable interest in better relations with the West. They have done nothing to contribute to peace in the world. This is not a time to hurt a friend by helping an enemy. Taiwan is our friend. Red China is our enemy.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. GROSS).

(By unanimous consent, Mr. GROSS yielded his time to Mr. HALL.)

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. RYAN).

(By unanimous consent, Mr. KOCH yielded his time to Mr. RYAN.)

Mr. RYAN. Mr. Chairman, the gentleman from Illinois (Mr. FINDLEY) asked a very significant question. Why was the Department of Defense not asked for a report on the submarine loan to Nationalist China? The answer to that question lies in the committee hearings at page 5857 when, in response to a request from our colleague, Congressman LENNON, that the committee obtain a written recommendation from the Department of Defense, the chairman said:

> If they (Department of Defense) come back and say they don't need it, then people on the floor latch onto it. I think we better do it our own way.

That clearly shows that the House Committee on Armed Services believed the Department of Defense would not make such a recommendation and, therefore, should proceed in its own way. I say it is time to stop that "own way." Doing it "our own way" added $54 million for a squadron of sophisticated jet fighter planes to Taiwan last December. Now it is submarines.

Let us look at another gem that appears in the hearings, I refer to page 5840, at which point our colleague, the gentleman from New York (Mr. PIKE) asked why the statement of the Director of the Bureau of Politico-Military Affairs, Department of State, had been classified, and in that discussion the chairman of the Committee on Armed Forces said:

> I tell you you can't trust these American people too much. Maybe you are right [to classify the statement]. Because it is pretty dangerous to give them any information. These are the only people you are denying this information to.

In other words, the only people being denied information are the American people. Who has the right to know the basis for military and foreign policy decisions if not the American people? I say, let us begin to trust the American people. Congress can no longer permit important decisions to be made behind closed doors without informing the American people of the justification.

These three submarines have not been requested by the Department of Defense; they are not needed militarily; and as a matter of foreign policy the proposed loan to Taiwan conflicts with the policy of the Nixon administration which is beginning to open the doors toward rapprochement with mainland China.

The President himself stated, in his state of the world message, that, in regard to mainland China:

> (I)t is certainly in our interest, and in the interest of peace and stability in Asia and the world, that we take what steps we can toward improved practical relations with Peking.

On March 16 the State Department spokesman, Robert J. McCloskey, announced a relaxation of the ban on American travel to China, stating that the United States would follow "a more liberal policy."

The sole justification for the loan of these three submarines is couched in military terms in the committee report—report No. 91-838, which states:

> This loan lets China (sic) replace the United States in the localization of the defense of an area where the communist Chinese have over 30 Whiskey class submarines and that providing the submarines

permits China (sic) to continue having submarines to use in ASW (anti-submarine warfare) training.

This assessment of the Republic of China's military needs is purely the creation of the House Armed Services Committee. There is no indication that the Department of Defense subscribes to this assessment. In fact, as I pointed out before, the record of the hearings held on February 3 specifically show that the chairman of the committee rejected the suggestion that a written recommendation be obtained from the Defense Department.

It is difficult to understand how a committee can undertake a move of such consequence and intentionally avoid consulting with the executive, for fear that the executive might disagree with it.

What is even more, there is not even any indication in the hearings and committee report that the Republic of China has itself requested, or needs, these three submarines. And even had it made such a request, the hearings make clear that there are no trained personnel to run the submarines and to maintain them. In fact, the United States would have to set up special courses to train them. Hearing page 5853.

Any move which entails such serious military and foreign affairs implications deserves the most stringent analysis. The record is so barren of any such analysis that passage of the authorization for these vessels cannot be a responsible action on the part of the House.

What is more, the manner in which this authorization has been included in H.R. 15728 calls into the most serious question the functioning of this House and its committees.

Once again, the House Armed Services Committee has undertaken to construct foreign and military policy. Once again, the China lobby has come to the fore. History repeats itself quickly; only last December we were faced with a proposed foreign assistance appropriation providing $54,500,000 for the purpose of providing a squadron of F–4D aircraft to the Republic of China in Taiwan.

Again, in that instance, there was no request for funds for these aircraft; again no justification was offered, in that case before the Foreign Affairs Committee. The $54,500,000 was a surprise amendment adopted on the floor of the House after some very fancy footwork.

In view of the lack of justification and the manner in which the submarine loan for Taiwan has been brought to the House, the amendment to delete the three submarines should be adopted.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Chairman, I would like to make just two points: First, enactment by the Congress of the provision in this bill for three submarines for Taiwan is an act with acute foreign policy implications affecting our posture toward Nationalist China and the President's moves with regard to mainland China. Yet we have not officially heard from the Secretary of State, nor has the Committee on Foreign Affairs been given an opportunity to consider this important foreign policy question. This is irresponsible.

Second, argument has been made here that this transfer will simply relieve the U.S. Navy of the need for carrying out the same sort of a mission that these submarines will perform. But this overlooks the fact that in Nationalist Chinese hands, these submarines may conduct raids and other provocative action that could lead to extensive hostilities.

I hope the gentleman's amendment is adopted. If it is not, I will be constrained to vote against the bill as a whole.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

Mr. GILBERT. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from New York.

Mr. GILBERT. Mr. Chairman, I intend to vote in favor of the Fraser amendment to delete sending three submarines to Nationalist China.

I will do so because I believe there is little need by Nationalist China for submarines. But even more, the United States should use its resources to help Israel retain its freedom.

The present administration is fond of setting priorities, Mr. Chairman, and I think it is only proper to express my view of national priorities on the same day President Nixon expressed his.

The President has decided not to sell needed jet aircraft to Israel at this time. I disagree fundamentally with his reasoning. It is ironic at the least that on the very day he dashes the hopes and aspirations of a brave, heroic people, the Congress should consider extending the war force of a nation with less need than demonstrated by Israel.

If we must set priorities, then let us set them on the basis of human need, not on a cold and calculated diplomacy.

Mr. CONYERS. Mr. Chairman, I take this time not to discuss the substantive issues that have been raised by the Fraser amendment but rather to complain as one Member of the House of Representatives about the way it is being handled. For example, I have only three-quarters of a minute to express to you the fact that in the very brief period allotted for debate of this amendment, my colleague from Minnesota (Mr. FRASER), has stated his case most ably. But what of the other Members that seek to be heard? What contributions would they have made if there were no attempts to prematurely cut off debate on this subject? If supporting our allies and warding off the threat of international communism is so important, why, then, need we limit debate? There ought to be the fullest discussion of the merits of this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York. (Mr. LOWENSTEIN).

Mr. LOWENSTEIN. Mr. Chairman, I believe we have now heard just about everything in the peculiar and continuing saga of gifts for Nationalist China. Evidently we are determined to make it Christmas all year-round in Taiwan. We cannot even sell jets to Israel, we cannot pay a living wage to our postal employees, but we can give an air force to the Chiangs. And now we are told it is "appeasement" if we do not hand over a navy as well.

Does everyone understand? If the House does not vote to authorize giving things to Nationalist China that neither the President nor the Department of Defense have asked us to authorize giving, we will be guilty of "appeasing" someone, presumably Red China. We will, in fact, be soft on communism. The President is not guilty of appeasement for not asking for such authorization. Neither is the Department of Defense. But if we do not vote to give what no one outside the House has asked us to give, we become appeasers. I wonder if anyone really believes it is Red China we are in danger of trying to appease when this matter comes to a vote.

We are told it is ridiculous to suggest that a tiny naval force like this one might invade mainland China. But we are not told what a tiny naval force like this one will, in fact, do. Perhaps it will only harrass mainland China. And then if the tiger whose tail is tweaked strikes back, will this tiny force be transformed into an armada powerful enough to defend itself and Taiwan against retaliation? Or does its tweaking lead to our fighting?

Is there some reason we should now risk—or perhaps, seek—another battlefront in Asia? Are all these gifts to the Chiangs really only a kind of deranged and dangerous charity? Or are they, possibly, traces of a shrewd and deliberate effort to involve us in a new and grander confrontation with Communist China? Either way, this proposal does not have much to commend it. The President tells us we are trying to normalize relations with Red China. And surely it is clear by now that we should not be courting more wars involving Americans on or near the mainland of Asia. In view of these facts, is there any rational purpose that can be served by placing American naval and airpower under the direction of a government that is committed to waging a war of revenge against Red China?

If it is appeasement not to give the President authority he has not asked for to give ships to a foreign government pledged to use them in ways contrary to our own national interest, can you imagine what it would be if we do not fight to defend that government's right to use our ships against our national interest?

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. FRASER. Mr. Chairman, I do not think there is too much to add to this debate. I am sorry that we do not have fuller participation under a more generous time arrangement than we have. One of the reasons I thought it was important to offer this amendment is so that we do not start automatically turning over military equipment to the different governments around the world. If our idea of how we are to relate to the rest of the world does not get looked at more carefully than we have looked at it in the past, we will find this country involved in military adventures which are not our

interest, which the American people are going to be unhappy about. We need to look at these matters carefully and think about them as they affect our own security interest, and not just react automatically every time somebody calls for more military assistance.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. BRAY).

(By unanimous consent, Mr. BRAY yielded his time to Mr. HALL.)

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Chairman, I am sure that no Member of this body would want any member of the committee to think that these are new submarines we are suggesting be supplied to the Republic of China on Taiwan. They are old ones and, in fact, the reason that they were not included in the original request, according to information I have at hand and available to any Member to see, is that they were not in the reserve situation due to it being prior to the cutback in connection with this year's austerity.

I also want everyone to understand that this is not comparable to the question of jets to the Republic of China. Furthermore, I think this relieves the 7th Fleet from its patrol duty in the Straits of Formosa. I think it provides the Nationalist Chinese the capability of providing their own subsurface target ship for already in being antisubmarine warfare detection capability that they have from the air.

This is good. If it is not supplied by this means of depleting our Reserve Forces, rather than scraping them or putting them in mothballs, we will have to do it with the 7th Fleet in order to maintain this capability.

I repeat these are old, beyond the *Whiskey*-class-type submarines. At the present time the Chinese Navy does not contain this capability. We will maintain control, as I said in general debate, by the act of maintaining follow-on supplies and repairs of the submarines. These Chinese are people who fly jets, and they have one of the better armies of the world, and they have defended Quemoy and Matsu and their own shoreline of Taiwan against invasion, and they have the technical know-how to handle our sophisticated tanks, so certainly they can control our old *Whiskey*-class submarines and use them for detection of subsurface vessels, by their aircraft submarine detection system and warning setup.

Mr. Chairman, it will enable us to make our forces more thin and to deploy our Reserve Forces farther around the world. I certainly recommend this amendment be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from Alabama (Mr. BUCHANAN).

Mr. BUCHANAN. Mr. Chairman, I rise in opposition to the amendment. I commend the committee for inclusion of these submarines for the Republic of China.

As the distinguished gentleman from Missouri made clear, there is a need.

As far as foreign policy is concerned, nothing could be better now—today—than that this Congress should say to the people of Nationalist China, that we do stand behind them, and although our President does seek to communicate with the Communist government on the mainland of China, this does not mean that we are turning away from or equivocating in our support of Taiwan.

The government of Red China is the most repressive in the world, and is possessed of a leadership as irrational as it is tyrannical. On the other hand, the government and the people on Taiwan are the depositories of the culture of China. The best hope for all the people of China is vested in the survival of those great values conserved in Taiwan even as Mao has sought to systematically destroy them on the mainland. In vivid contrast to the chaos and poverty of the mainland. Taiwan is blossoming like a rose, and is in many ways a model for the entire world of developing nations. If we are concerned about the welfare of all the people of China, we could render them no greater service than by underlining our continued support for the Republic of China, and our continued concern for the security of the government and people on Taiwan.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. COUGHLIN).

Mr. COUGHLIN. Mr. Chairman, for some months I have been calling attention to the spiraling international trade in arms. This trade has so often led to military adventures which could escalate into major wars.

I would like to go on record as being opposed to the authorization for the loan of three submarines to the Republic of China—Taiwan—which was included in the House Armed Services Committee report.

It would apear from the report, that the committee should have considered this authorization with more scrutiny. The Departments of State and Defense were not consulted about this particular authorization. There are various foreign policy implications in this particular loan and I would hope that before we decide this matter, that the appropriate departments would be given the time to evaluate this entire situation.

It is also interesting to note that the Nationalist Chinese do not have any submarines. They have no trained submarine personnel, nor do they have submarine training facilities or repair facilities at their disposal. I find it hard to comprehend the effectiveness of this authorization under the given circumstances.

Rather this authorization appears to be part of our "nonpolicy" toward the international arms trade and another step in the escalation of that trade.

I am hopeful that my fellow Members of Congress will see the implications that are involved in an unrestrained international trade in arms and I suggest that we vote in favor of deleting these submarines from H.R. 15728, until an appropriate and timely investigation can be made in this matter.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina (Mr. RIVERS) to close debate on this amendment.

Mr. RIVERS. Mr. Chairman, I rise in opposition to the motion. The opposition to the loan of three submarines to China is based on the fear that the Chinese might use them to land saboteurs and infiltrators on the mainland of China.

Let me remind you that there is an existing mutual defense treaty between the United States and the Republic of China, signed on December 2, 1954.

This treaty pledges that the parties:

> Separately and jointly by self-help and mutual aid will maintain and develop their individual and collective capacity to resist armed attack and communist subversive activities directed from without against their territorial integrity and political stability.

In addition, article 5 provides, in part:

> Each party recognizes that an armed attack in the West Pacific Area directed against the territories of either of the parties would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.

This is a valid and binding commitment for the United States to help the Republic of China.

In ratifying the treaty, the Senate had the same fear that China might carry out raids against the mainland as is now expressed in connection with the submarines. Therefore, in the report on the treaty the Senate Committee on Foreign Relations said:

> It is the understanding of the Senate that the obligations of the parties under Article 5 apply only in the event of external armed attack; and that military operations by either party from the territories held by the Republic of China shall not be undertaken except by joint agreement.

Thus, the opposition's fear was taken care of by the Foreign Relations Committee in its report in 1954. This understanding was cemented by an exchange of notes dealing with this very point between the United States and the Republic of China as set forth in the Foreign Relations Committee report.

How would the opposition prevent the Chinese Communists from using its existing fleet of over 30 Soviet-built submarines from landing parties on Taiwan? We are giving the Republic of China the ability to provide its antisubmarine defenses against such raids.

In the President's recent report on the U.S. foreign policy for the 1970's, President Nixon again reasserted his Guam doctrine which held that in types of nonnuclear aggression the United States would furnish military and economic assistance but we would "look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense." That is exactly what we are doing in this case except we are providing China with the submarines, we hope in time, for China to learn how to operate them. They are being given to China at a time when our defenses are being diminished in the Western Pacific for fiscal and not diplomatic reasons.

All we are doing is carrying out the Nixon doctrine to help the Republic of

China in its defense against an existing Communist Chinese threat of over 30 submarines already provided to Red China by the Soviets.

Mr. Chairman, we have a mutual agreement with Nationalist China which Nationalist China has faithfully upheld. She has never made an offensive move to embarrass us despite the aid we have given her.

Do Members want the world to believe that with three submarines—which will turn out to be training submarines—this country will invade China? How ridiculous can we get? They have planes and they can move with them every day, based on what is happening at Quemoy.

We questioned a representative of the Department of Defense. The U.S. Navy wants these. How far shall we go? How far must we go? We have hidden nothing from Members. It was unanimous from our committee. To knock these three submarines out now would be the most open and outrageous violation of the friendship existing between the two nations.

Building bridges to China? That is like building bridges to Cuba. We could not build a bridge to China if we stayed here forever. This is so ridiculous, it is ridiculous.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. FRASER).

The question was taken; and on a division (demanded by Mr. FRASER) there were—ayes 27, noes 84.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. All new loans and loan extensions executed under this Act shall be for periods not exceeding five years, but the President may in his discretion extend such loans for an additional period of not more than five years. Any agreement for a new loan or for the extension of a loan executed under this Act shall be made subject to the condition that the agreement may be terminated by the President if he finds that the armed forces of the borrowing country have engaged, at any time after the date of such agreement, in acts of warfare against any country which is a party to a mutual defense treaty ratified by the United States. All loans and loan extensions shall be made on the condition that they may be terminated at an earlier date if necessitated by the defense requirements of the United States.

SEC. 4. No loan may be made or extended under this Act unless the Secretary of Defense, after consultation with the Joint Chiefs of Staff, determines that such loan or extension is in the best interest of the United States. The Secretary of Defense shall keep the Congress currently advised of all loans made or extended under this Act.

SEC. 5. The President may promulgate such rules and regulations as he deems necessary to carry out the provisions of this Act.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair (Mr. DORN) Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 15728) to authorize the extension of certain naval vessel loans now in existence and new loans, and for other purposes, pursuant to House Resolution 876, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. RIVERS. Mr. Speaker, on that I demand the yeas and nays.

PARLIAMENTARY INQUIRY

Mr. FRASER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FRASER. I was on my feet seeking recognition for the purpose of making a motion to recommit at the time the Speaker was beginning to move to the point of putting the question.

The SPEAKER. The Chair wants to be absolutely fair. The Chair believes the Members know that.

Without objection, the action taken on the question of the passage of the bill will be vacated.

There was no objection.

MOTION TO RECOMMIT OFFERED BY MR. CONTE

Mr. CONTE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. CONTE. I certainly am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CONTE moves to recommit the bill H.R. 15728 to the Committee on Armed Services.

Mr. RIVERS. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. RIVERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 281, nays 66, not voting 83, as follows:

[Roll No. 59]

YEAS—281

Abbitt	Broomfield	Daddario
Abernethy	Brotzman	Daniel, Va.
Adair	Brown, Mich.	Daniels, N.J.
Addabbo	Brown, Ohio	Davis, Wis.
Albert	Broyhill, Va.	de la Garza
Alexander	Buchanan	Delaney
Anderson, Ill.	Burke, Fla.	Denney
Anderson, Tenn.	Burke, Mass.	Dennis
Andrews, Ala.	Burleson, Tex.	Derwinski
Andrews, N. Dak.	Burlison, Mo.	Devine
Annunzio	Burton, Utah	Dickinson
Arends	Byrne, Pa.	Dingell
Ashbrook	Cabell	Donohue
Aspinall	Caffery	Dorn
Baring	Carter	Dowdy
Beall, Md.	Casey	Downing
Belcher	Celler	Dulski
Bennett	Chamberlain	Duncan
Betts	Chappell	Dwyer
Blackburn	Clancy	Edmondson
Blatnik	Clark	Edwards, Ala.
Bow	Clawson, Del	Erlenborn
Bray	Cleveland	Esch
Brinkley	Collier	Evans, Colo.
Brock	Collins	Evins, Tenn.
Brooks	Corbett	Fallon
	Cowger	Fascell
	Crane	Feighan
	Findley	McClure
	Fisher	McCulloch
	Flood	McDade
	Foreman	McDonald, Mich.
	Fountain	McEwen
	Frelinghuysen	McFall
	Frey	McMillan
	Friedel	Macdonald, Mass.
	Fulton, Pa.	Madden
	Fuqua	Mahon
	Galifianakis	Mailliard
	Garmatz	Mann
	Gaydos	Marsh
	Gettys	Martin
	Giaimo	Mathias
	Goldwater	Matsunaga
	Gonzalez	May
	Goodling	Mayne
	Green, Oreg.	Meeds
	Griffin	Melcher
	Gross	Michel
	Grover	Miller, Calif.
	Gubser	Miller, Ohio
	Gude	Mills
	Hagan	Minish
	Haley	Minshall
	Hall	Mize
	Hamilton	Mizell
	Hammer-schmidt	Mollohan
	Hanley	Montgomery
	Hanna	Morgan
	Hansen, Idaho	Murphy, Ill.
	Hansen, Wash.	Myers
	Harsha	Natcher
	Harvey	Nelsen
	Hastings	Nichols
	Hays	O'Konski
	Hébert	O'Neal, Ga.
	Henderson	O'Neill, Mass.
	Hicks	Passman
	Hogan	Patman
	Holifield	Patten
	Horton	Pelly
	Hull	Pepper
	Hungate	Perkins
	Hunt	Pettis
	Hutchinson	Philbin
	Ichord	Pickle
	Johnson, Calif.	Pirnie
	Johnson, Pa.	Poage
	Jonas	Poff
	Kazen	Pollock
	Kee	Preyer, N.C.
	Keith	Price, Ill.
	King	Price, Tex.
	Kleppe	Pryor, Ark.
	Kluczynski	Quie
	Kuykendall	Quillen
	Kyl	Randall
	Landrum	Rarick
	Langen	Reifel
	Latta	Rhodes
	Lloyd	Rivers
	Long, La.	Roberts
	Lujan	Robison
	McClory	Rodino
	McCloskey	Rogers, Colo.
		Rogers, Fla.
		Rooney, N.Y.
		Rooney, Pa.
		Roth
		Roudebush
		Ruth
		Sandman
		Satterfield
		Saylor
		Schadeberg
		Scherle
		Schwengel
		Scott
		Sebelius
		Shriver
		Sikes
		Sisk
		Skubitz
		Smith, Calif.
		Smith, Iowa
		Smith, N.Y.
		Snyder
		Springer
		Stafford
		Staggers
		Stanton
		Steed
		Steiger, Wis.
		Stephens
		Stratton
		Stubblefield
		Stuckey
		Sullivan
		Talcott
		Taylor
		Teague, Calif.
		Thompson, Ga.
		Thomson, Wis.
		Udall
		Ullman
		Vander Jagt
		Vigorito
		Waggonner
		Wampler
		Watkins
		Watson
		Watts
		Weicker
		Whalen
		White
		Whitehurst
		Whitten
		Widnall
		Wiggins
		Williams
		Wilson, Charles H.
		Wold
		Wydler
		Wylie
		Wyman
		Yatron
		Young
		Zablocki
		Zion
		Zwach

NAYS—66

Adams	Fraser	O'Hara
Ashley	Gibbons	Olsen
Biester	Gilbert	Pike
Bingham	Green, Pa.	Podell
Boland	Griffiths	Rees
Burton, Calif.	Harrington	Reuss
Button	Hathaway	Riegle
Clay	Hawkins	Roe
Cohelan	Hechler, W. Va.	Rosenthal
Conable	Heckler, Mass.	Roybal
Conte	Helstoski	Ruppe
Conyers	Karth	Ryan
Corman	Kastenmeier	St. Onge
Coughlin	Koch	Schneebeli
Culver	Leggett	Stokes
Diggs	Long, Md.	Thompson, N.J.
Eckhardt	Lowenstein	Tiernan
Edwards, Calif.	Mink	Van Deerlin
Eilberg	Morse	Vanik
Farbstein	Mosher	Waldie
Foley	Moss	Yates
Ford, William D.	Nedzi	
	Nix	

NOT VOTING—83

Anderson, Calif.	Bolling	Chisholm
Ayres	Brademas	Clausen, Don H.
Barrett	Brasco	Colmer
Bell, Calif.	Brown, Calif.	Cramer
Berry	Broyhill, N.C.	Cunningham
Bevill	Bush	Davis, Ga.
Biaggi	Byrnes, Wis.	Dawson
Blanton	Camp	Dellenback
Boggs	Carey	Dent
	Cederberg	

Edwards, La.	Landgrebe	Reid, N.Y.
Eshleman	Lennon	Rostenkowski
Fish	Lukens	St Germain
Flowers	McCarthy	Scheuer
Flynt	McKneally	Shipley
Ford, Gerald R.	MacGregor	Slack
Fulton, Tenn.	Meskill	Steiger, Ariz.
Gallagher	Mikva	Symington
Gray	Monagan	Taft
Halpern	Moorhead	Teague, Tex.
Hosmer	Morton	Tunney
Howard	Murphy, N.Y.	Whalley
Jacobs	Obey	Wilson, Bob
Jarman	Ottinger	Winn
Jones, Ala.	Powell	Wolff
Jones, N.C.	Pucinski	Wright
Jones, Tenn.	Purcell	Wyatt
Kirwan	Railsback	
Kyros	Reid, Ill.	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Kyros for, with Mr. McCarthy against.
Mr. Lennon for, with Mr. Monagan against.
Mr. Teague of Texas for, with Mr. Mikva against.
Mr. Biaggi for, with Mr. Brown of California against.
Mr. Anderson of California for, with Mr. Brademas against.
Mr. Boggs for, with Mr. Carey against.
Mr. Cunningham for, with Mrs. Chisholm against.
Mr. Cramer for, with Mr. Powell against.
Mr. Bob Wilson for, with Mr. Railsback against.

Until further notice:

Mr. Ottinger with Mr. Dellenback.
Mr. Symington with Mr. Ayres.
Mr. Murphy of New York with Mr. Halpern.
Mr. Gallagher with Mr. Bell of California.
Mr. Gray with Mr. Byrnes of Wisconsin.
Mr. Barrett with Mr. Eshleman.
Mr. Bevill with Mr. Camp.
Mr. Brasco with Mr. Fish.
Mr. Jones of North Carolina with Mrs. Reid of Illinois.
Mr. Howard with Mr. Hosmer.
Mr. Tunney with Mr. Don H. Clawson.
Mr. Wolff with Mr. McKneally.
Mr. Wright with Mr. Bush.
Mr. Moorhead with Mr. Meskill.
Mr. Pucinski with Mr. MacGregor.
Mr. Flynt with Mr. Landgrebe.
Mr. Edwards of Louisiana with Mr. Berry.
Mr. Rostenkowski with Mr. Gerald R. Ford.
Mr. St Germain with Mr. Morton.
Mr. Slack with Mr. Lukens.
Mr. Jarman with Mr. Broyhill of North Carolina.
Mr. Jacobs with Mr. Taft.
Mr. Colmer with Mr. Whalley.
Mr. Davis of Georgia with Mr. Winn.
Mr. Dent with Mr. Wyatt.
Mr. Obey with Mr. Reid of New York.
Mr. Flowers with Mr. Cederberg.
Mr. Fulton of Tennessee with Mr. Shipley.
Mr. Jones of Tennessee with Mr. Kirwan.
Mr. Jones of Alabama with Mr. Blanton.
Mr. Scheuer with Mr. Dawson.
Mr. Purcell with Mr. Steed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. RIVERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

PERMISSION FOR HOUSE MANAGERS TO FILE CONFERENCE REPORT ON H.R. 4148

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until midnight tonight to file a conference report on the bill (H.R. 4148) to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERSONAL STATEMENT

Mr. PUCINSKI. Mr. Speaker, on the rollcall just concluded I was unavoidably detained on hearings on the impact bill. We had educators from all over the country before the committee. Had I been present, I would have voted "yea."

PERSONAL STATEMENT

Mr. DON H. CLAUSEN. Mr. Speaker, I was unavoidably detained in the Committee on Interior and Insular Affairs at the time of the last rollcall. Had I been present during the recording of the vote just passed, I would have voted "yea."

STOP BLACKJACKING THE POSTAL WORKERS

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KOCH. Mr. Speaker, I believe it would be outrageous to call in the Army or National Guard to break the strike of the postal unions. The strike is illegal and I do not condone it; however, the actions of the Chief Executive of this country, President Nixon, and his Postmaster General, Winton Blount, in bringing us to this impasse and in refusing to negotiate with the postal workers pending their return to work, while not illegal, must be condemned.

There is nothing in the law which prohibits the President from negotiating with the postal workers at this time even while some of their members are still striking. The postal workers are so correct in their demands for pay increases that I have yet to meet a single individual in the city of New York or here in Congress who does not agree that they are entitled to the immediate pay increases so long requested and so long deferred. This Congress is also not without blame. The respective committees of the House and Senate have permitted the President to use the pay increases as a blackjack to obtain the consent of the postal unions to the President's postal corporation bill. And the Senate succumbed to the President's threat of a veto. There is no question that postal reform is long overdue but it must stand on its own merits and should not be tied to the equitable salary demands of the postal workers.

I urge the President and his Cabinet members not to tarry and dillydally but to work through the day and night without letup over the bargaining table and arrive at an equitable salary agreement with the postal workers.

Instead of lagging so far behind in setting wage rates the Federal Government has an obligation to be a pacesetter so that it can encourage private industry to pay fair and reasonable wages. Unfortunately, the Federal Government is paying sweatshop wages to Federal employees so that some of them are eligible for welfare. It is to this country's shame that an estimated 7 percent of New York City's postmen are receiving welfare benefits because their salaries for full-time employment are so low.

Let us not add to the shame of this Government the additional blot which would never be forgiven or forgotten by calling out the troops.

POSTAL PAY INCREASES

(Mr. OLSEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. OLSEN. Mr. Speaker, the House has functioned very well on the proposition of hearing the postal workers on their request for a pay increase. As a matter of fact, we had hearings most of last year on the subject. My own bill, H.R. 10000, would have remedied their situation. It was introduced on April 19 and was heard by the House Committee on Post Office and Civil Service. That bill would have increased the postal employees' beginning salary to $7,500 per year from the present $6,176 starting point and would have increased their top pay after 6 years service from what is now $8,442 to $10,000. The present pay commences at $6,176 and after 21 years becomes $8,442. My bill would have changed the pay to commence it at $7,500 per year and after 6 years service reach $10,000. The bill approved by the House on October 18 was H.R. 13000. This bill would change the $6,176 commencement pay to $6,588 and after 6 years service reach $8,706.

H.R. 13000 went to the Senate and was passed on December 12 but was passed at a very reduced rate. I think the postal employees would have even accepted that bill passed in December by the Senate, but I do not think they will now.

I am inserting in my remarks an analysis of the provisions with a comparison of those between H.R. 13000 passed by the House and H.R. 13000 as it came out of the Senate for the benefit of all Members, but I want to say that because of this great time lag between last spring and now, with no adjustment in salaries, the postal employees have been grievously wronged, and we should correct the situation.

We should be very busy about pay and separate it from postal reform. Postal reform should stand on its own feet. This Congress should not be blackjacked into discussing postal reform and postal pay at the same time. We should discuss them each on their own merits and separately.

I have outlined the differences in my statement between H.R. 10000 and H.R. 13000 as passed by the House. Supplementing my remarks I set forth H.R. 10000; H.R. 13000 as passed by the House and by the Senate together with a text of comparison between H.R. 13000 as passed by the House and by the Senate.

The material follows:

H.R. 10000

A bill to reclassify certain positions in the postal field service, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 3512A of title 39, United States Code, is amended by changing the title to read:

"§ 3512A. Positions in salary level 3".

(b) Section 3513 of title 39, United States Code, is amended by changing the title to read:

"§ 3513. Positions in salary level 4".

(c) Section 3514 of title 39, United States Code, is amended by changing the title to read:

"§ 3514. Positions in salary level 5".

(d) Section 3515 of title 39, United States Code, is amended by changing the title to read:

"§ 3515. Positions in salary level 6".

(e) Section 3516 of title 39, United States Code, is amended by changing the title to read:

"§ 3516. Positions in salary level 7".

(f) Section 3517 of title 39, United States Code, is amended—

(1) by striking out

"§3517. Positions in salary level 7";

and

(2) by redesignating paragraphs (a) and (b) as paragraphs (f) and (g), respectively, and such redesignated paragraphs shall become a part of section 3516 of title 39, United States Code, as amended by this section.

(g) Section 3515(b)(2) of title 39, United States Code, is amended by striking out clause (J) and redesignating clauses (K), (L), and (M) as clauses (J), (K), and (L), respectively.

SEC. 2. (a) Section 3542(a) of title 39, United States Code, is amended to read as follows:

"(a) There is established a basic compensation schedule for positions in the postal field service which shall be known as the Postal Field Service Schedule and for which the symbol shall be 'PFS'. Except as provided in sections 3543 and 3544 of this title, basic compensation shall be paid to all employees in accordance with such schedule.

"POSTAL FIELD SERVICE SCHEDULE

	Per annum rates and steps					
"PFS	1	2	3	4	5	6
1	$5,000	$5,250	$5,500	$5,750	$6,000	$6,250
2	5,250	5,550	5,850	6,150	6,450	6,750
3	5,800	6,100	6,400	6,700	7,000	7,300
4	6,500	6,850	7,200	7,550	7,900	8,250
5	7,000	7,500	8,000	8,500	9,000	9,500
6	7,500	8,000	8,500	9,000	9,500	10,000
7	8,000	8,500	9,000	9,500	10,000	10,500
8	8,500	9,000	9,500	10,000	10,500	11,000
9	9,000	9,500	10,000	10,500	11,000	11,500
10	9,500	10,000	10,500	11,000	11,500	12,000
11	10,500	11,025	11,550	12,075	12,600	13,125
12	11,500	12,025	12,550	13,075	13,600	14,125
13	13,000	13,550	14,100	14,650	15,200	15,750
14	14,000	14,550	15,100	15,650	16,200	16,750
15	15,500	16,050	16,600	17,150	17,700	18,250
16	17,000	17,600	18,200	18,800	19,400	20,000
17	18,500	19,150	19,800	20,450	21,100	21,750
18	20,000	20,750	21,500	22,250	23,000	23,750
19	22,500	23,300	24,100	24,900	25,700	26,500
20	25,000	25,850	26,700	27,550	28,400	29,500
21	28,000	29,000	30,000	31,000	32,000	".

(b) Section 3543(a) of title 39, United States Code, is amended to read as follows:

"(a) There is established a basic compensation schedule which shall be known as the Rural Carrier Schedule and for which the symbol shall be 'RCS'. Compensation shall be paid to rural carriers in accordance with this schedule.

"RURAL CARRIER SCHEDULE

	Per annum rates and steps					
	1	2	3	4	5	6
Fixed compensation per annum	$3,420	$3,800	$4,180	$4,560	$4,940	$5,320
Compensation per mile per annum for each mile up to 30 miles of route	126	130	138	142	146	* 146
For each mile of route over 30 miles	25	25	25	25	25	25".

(c) Chapter 45 of title 39, United States Code, is amended—

(1) by adding a new section to read as follows:

"§ 3558. Longevity step increases

"(a) There are established for each employee longevity steps A, B, and C. For each promotion to a longevity step, each employee shall receive $500 per annum.

"(b) Each employee shall be assigned to—

"(1) longevity step A at the beginning of the pay period following completion of eight years of service;

"(2) longevity step B at the beginning of the pay period following eleven years of service; and

"(3) longevity step C at the beginning of the pay period following the completion of fourteen years of service.

For the purposes of this section, 'service' includes service performed by an employee before, on, or after the date of enactment of this section."; and

(2) by inserting in the table of contents—

"3558. Longevity step increases."

immediately above—

"3559. Promotions.".

SEC. 3. (a) Section 3574 of title 39, United States Code, is amended to read as follows:

"§ 3574. Nightwork

"(a) Nightwork is any work between the hours of 6 postmeridian and 6 antemeridian, standard or daylight saving time, depending upon which time is observed where the work is performed, and includes—

"(1) periods of absence with pay during such hours due to holidays; and

"(2) periods of leave with pay during such hours.

"(b) An employee shall be paid extra compensation for each hour of nightwork at the rate of 20 per centum of his hourly rate of basic compensation.".

(b) Section 3573(h) of title 39, United States Code, is amended by adding a new clause to read as follows:

"(4) 'basic compensation' means the rate of annual or hourly compensation specified by law plus extra compensation for nightwork."

SEC. 4. (a) Each employee subject to the Postal Field Service Schedule or Rural Carrier Schedule, as the case may be, immediately prior to the effective date of this section, shall be given full credit for all prior satisfactory service and assigned—

(1) to numerical step 1, 2, 3, 4, 5, or 6, on the basis of one step higher for each 52 calendar weeks of prior satisfactory service;

(2) to longevity step A, B, or C, on the basis of eight, eleven, or fourteen years, respectively, of prior satisfactory service; or

(3) to the same numerical step which he had attained immediately prior to the effective date of this section if in steps 1 through 6;

whichever is appropriate and results in assignment to the higher step. Service credit in excess of the credit used to assign an employee to the appropriate step shall be preserved for further step-increase purposes.

(b) The assignment of an employee to a higher step or level by reason of the enactment of this Act shall not be deemed to be an equivalent increase within the meaning of section 3552(a) of title 39, United States Code.

SEC. 5. The foregoing provisions of this Act shall become effective on the first day of the first pay period which begins on or after the date of enactment of this Act.

H.R. 13000

A bill to implement the Federal employee pay comparability system, to establish a Federal Employee Salary Commission and a Board of Arbitration, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Salary Comparability Act of 1969".

SEC. 2. Sections 5301 and 5302 of title 5, United States Code, are amended to read as follows:

"§ 5301. Policy

"(a) It is the policy of Congress that rates of pay for employees within the purview of this section be based on the principles that—

"(1) there be equal pay under each pay system for substantially equal work;

"(2) pay distinctions be maintained in keeping with work distinctions; and

"(3) rates of pay be comparable, on a national basis, with private enterprise rates of pay for the same levels of work.

"(b) Rates of pay shall be adjusted annually, in accordance with the policy set forth in subsection (a) of this section and the procedures prescribed by section 5302 of this title, for those employees subject to—

"(1) section 5332 of this title, relating to employees under the General Schedule;

"(2) part III of title 39, relating to employees in the postal field service;

"(3) sections 867 and 870 of title 22, relating to officers, staff officers, and employees in the Foreign Service of the United States; and

"(4) section 4107 of title 38, relating to physicians, dentists, and nurses in the Department of Medicine and Surgery, Veterans' Administration.

"§ 5302. Federal Employee Salary Commission; Federal Employee Salary Board of Arbitration

"(a) There is established, as a permanent agency of the Government, a Federal Employee Salary Commission, referred to as the 'Commission'.

"(b) The Commission shall be composed of 8 members and 3 associate members, as follows:

"(1) the Chairman of the Civil Service Commission or, in his absence, his designee, who shall be Chairman;

"(2) 1 designated by the Director of the Bureau of the Budget;

"(3) 1 designated by the Secretary of Defense;

"(4) 1 designated by the Postmaster General;

"(5) 1 designated by the organization of employees having the largest number of members in the General Schedule;

"(6) 2, one designated by each of the 2

employee organizations having the largest number of members in the postal field service;

"(7) 1 designated by an employee organization, other than an organization designating a member pursuant to paragraph (5) or (6) of this subsection, selected each year by the Chairman of the Civil Service Commission on a rotating basis after consultation with representatives of such employee organizations as the Chairman determines appropriate; and

"(8) 3 associate members, one each designated by employee organizations, other than organizations designating members pursuant to paragraph (5), (6), or (7) of this subsection, selected each year by the Chairman of the Civil Service Commission on a rotating basis after consultation with representatives of such employee organizations as the Chairman determines appropriate.

A member of the Commission has—

"(A) 1 vote, if designated under paragraph (2), (3), (4), (5), or (7) of this subsection;

"(B) one-half vote, if designated under paragraph (6) of this subsection; or

"(C) 1 vote to be cast only to break a tie vote of the Commission, if serving under paragraph (1) of this subsection.

Each associate member of the Commission is entitled to attend all meetings of, consult with, and be heard by, the Commission, on all matters, but does not have a vote.

"(c) The Commission shall, in accordance with the policy set forth in section 5301(a) of this title, after consultation with representatives of such agencies and employee organizations as it determines appropriate—

"(1) prescribe, and revise from time to time as it deems appropriate, a comparability pay survey—

"(A) which will develop valid comparisons of (i) the rates of pay for employees within the purview of section 5301(b) of this title and (ii) the rates of pay for the same levels of work in private industry; and

"(B) which shall be conducted annually by the Bureau of Labor Statistics in the Department of Labor;

"(2) prepare annually a comparative statement of the rates of pay for such employees and the rates of pay for the same levels of work in private industry as disclosed by the comparability pay survey;

"(3) determine and prescribe, on the basis of information and data disclosed by the annual comparability pay survey, the exact national rates of pay for such employees which are necessary to effect the policy set forth in section 5301(a) of this title;

"(4) review, annually, the comparability of the rates of pay and step increase policies within and between the various pay systems for such employees, taking into consideration such matters as the Commission determines have affected or may affect the comparability, including, but not limited to—

"(A) within-grade rates of pay employees are receiving due to differing length of service requirements for step increases, step increases without regard to length of service, or different number of within-grade steps;

"(B) different rates of pay under the various pay systems for the same level of work;

"(C) pay distinctions not being maintained in keeping with work distinctions, the degree of responsibility placed, the scope and variety of tasks involved, or the extent of decisionmaking authority required; and

"(D) premium pay policies; and

"(5) except as provided in subsection (e) and subsection (g) of this section, prepare and submit annually to the Congress a report setting forth—

"(A) the comparison of rates of pay prepared pursuant to paragraph (2) of this subsection;

"(B) the exact national rates of pay for such employees prescribed by the Commission in accordance with paragraph (3) of this subsection; and

"(C) recommendations or legislation as may be necessary to achieve the comparability policy set forth in section 5301(a) of this title or to achieve comparability within and between pay systems for employees within the purview of section 5301(b) of this title.

"(d)(1) In the exercise of the authority and the performance of the duties vested in and imposed upon the Commission by this section, the Commission—

"(A) shall seek the views, in such manner as the Commission may provide, of such employee organizations as the Commission considers appropriate; and

"(B) give thorough consideration to those views.

"(2) All decisions of the Commission shall be by a majority vote. The votes shall be recorded. A record shall be maintained of the views, assenting or dissenting, of the members of the Commission. The record of votes and views shall be available for public inspection and copying pursuant to section 552 of this title.

"(e) If a member of the Commission determines, and advises the Commission, that the rates of pay applicable to the appropriate pay system, as the rates are prescribed by the Commission, are not in conformity with the policy set forth in section 5301(a) of this title, the Commission shall submit, not later than February 1 following that determination, the rates of pay to the Board established by subsection (f) of this section for consideration by the Board.

"(f)(1) There is established, as a permanent agency of the Government, a Federal Employee Salary Board of Arbitration, referred to as the 'Board', which shall be composed of 7 members as follows:

"(A) 2 Members of the United States Senate designated by the President pro tempore of the Senate, each from a different political party;

"(B) 2 Members of the United States House of Representatives designated by the Speaker of the House, each from a different political party;

"(C) 1 designated by the Chairman of the Civil Service Commission;

"(D) 1, who may serve not more than 2 consecutive years, designated by a majority vote of the presidents of the four employee organizations which have designated members currently serving on the Commission under paragraph (5), (6), or (7) of subsection (b) of this section with each president of the employee organization under paragraph (5) or (7) having one vote and each president of the organizations under paragraph (6) having one-half vote; and

"(E) 1 designated by a majority of the members of the Board referred to in paragraphs (A) to (D), inclusive, of this subsection from the membership of the American Arbitration Association, who shall be Chairman of the Board.

"(2) The Board shall consider the rates of pay submitted to it by the Commission pursuant to subsection (e) of this section and determine whether or not the rates of pay conform with the policy set forth in section 5301(a) of this title. If the Board determines that the rates of pay do not so conform, the Board shall prepare the rates of pay as will conform with that policy. The Board shall transmit to the Commission not later than the 30th day following the date the Board received the rates of pay submitted to it by the Commission, a report setting forth—

"(A) the decision of the Board with respect to the rates of pay submitted by the Commission;

"(B) the reasons for the decision of the Board; and

"(C) such rates of pay as the Board shall have determined to be necessary to conform with the policy set forth in section 5301(a) of this title.

The decision of the Board, and such rates of pay as it may prepare in accordance with this paragraph, shall be final and conclusive.

"(g)(1) Except as provided in paragraph (2) of this subsection, the Commission shall submit to the Congress the first report pursuant to paragraph (5) of subsection (c) of this section, based on the 1969 national survey of professional, administrative, technical, and clerical pay, not later than February 1, 1970, and subsequent reports pursuant to such paragraph (5) not later than February 1 of each year thereafter.

"(2) In the case of the submission of rates of pay by the Commission to the Board pursuant to subsection (e) of this section, the Commission, immediately upon receipt of the final and conclusive decision of the Board, shall submit to the Congress the decision of the Board and such rates of pay as the Board shall have determined to be necessary to conform with the policy set forth in section 5301(a) of this title.

"(h)(1) Except as provided in paragraph (2) of this subsection, all or part (as the case may be) of the rates of pay submitted to the Congress as provided in subsection (c)(5) or subsection (g) of this section become effective at the beginning of the first pay period that begins on or after the first day of the year in which the rates of pay are submitted; but only to the extent that, within 30 days after the rates of pay are submitted to the Congress—

"(A) there has not been enacted into a law a statute establishing rates of pay other than those proposed by all or part of such recommendations,

"(B) neither House of Congress has passed a resolution specifically disapproving all or part of the recommendations, or

"(C) both.

"(2) Any part of the recommendations, in accordance with express provisions of the recommendations, may be made operative on a date earlier than the date on which the recommendations otherwise are to take effect.

"(3)(A) The rates of pay of United States attorneys and assistant United States attorneys whose annual salaries are fixed pursuant to section 548 of title 28 shall be increased, effective on the first day of the first pay period which begins on or after the first day of the year in which increases become effective pursuant to this section by amounts equal, as nearly as may be practicable, to the increases provided pursuant to this section for corresponding rates of pay.

"(B) Notwithstanding section 665 of title 31, the rates of pay of employees of an Executive agency and of the government of the District of Columbia whose rates of pay are fixed by administrative action pursuant to law and are not otherwise increased pursuant to this section are hereby authorized to be increased, effective on the first day of the first pay period which begins on or after the first day of the year in which increases become effective pursuant to this section, by amounts not to exceed the increases provided pursuant to this section for corresponding rates of pay in the appropriate schedule or scale of pay.

"(C) This section does not authorize any increase in the rates of pay of employees whose rates of pay are fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates or practices.

"(D) This section does not impair any authority pursuant to which rates of pay may be fixed by administrative action.

"(4) Retroactive pay shall be paid by reason of this section only in the case of an individual in the service of the United States (including service in the armed forces) or the government of the District of Columbia on the day immediately following the close of the 30-day period specified in subsection (h)(1) of this section, except that such retroactive pay shall be paid—

"(A) to an employee who retired, during the period beginning on the first day of the

first pay period which began on or after January 1, and ending on the day immediately following the close of the 30-day period specified in subsection (h)(1) of this section, for services rendered during that period, and

"(B) in accordance with subchapter VIII of chapter 55 of this title, relating to settlement of accounts, for services rendered, during the period beginning on the first day of the first pay period which began on or after January 1, and ending on the day immediately following the close of the 30-day period specified in subsection (h)(1) of this section, by an employee who died during that period.

Such retroactive pay shall not be considered as basic pay for the purposes of subchapter III of chapter 83 of this title, relating to civil service retirement, or any other retirement law or retirement system, in the case of any such retired or deceased employee.

"(5) For the purposes of paragraph (4) of this section, service in the armed forces, in the case of an individual relieved from training and service in the armed forces or discharged from hospitalization following such training and service, includes the period provided by law for the mandatory restoration of the individual to a position in or under the Government of the United States or the government of the District of Columbia.

"(i) Each member and each associate member of the Commission and each member of the Board is entitled to travel expenses, including a per diem allowance in accordance with section 5703(b) of this title. Each such member or associate member who is not a Member of Congress or an employee is entitled to pay at a rate equal to the per diem equivalent of the maximum rate of basic pay of the General Schedule for each day he is engaged in the performance of services for the Commission or the Board, as the case may be, except that the member from the American Arbitration Association may be paid the usual fees prescribed by that Association.

"(j)(1) Without regard to the provisions of this title governing appointments in the competitive service and of chapter 51 of this title and subchapter III of this chapter, relating to classification and General Schedule pay rates—

"(A) the Commission and the Board each may appoint an Executive Director and fix his basic pay at the rate provided for level V of the Executive Schedule by section 5316 of this title; and

"(B) with the approval of the Commission or the Board, as appropriate, the Executive Director may appoint and fix the basic pay (at respective rates not in excess of the maximum rate of the General Schedule) of such additional personnel as may be necessary to carry out the functions of the Commission or of the Board, as applicable, and may obtain services of experts or consultants in accordance with section 3109 of this title, but at rates for individuals not to exceed that of General Schedule 18.

"(2) Upon the request of the Commission or of the Board, the head of any department, agency, or establishment of any branch of the Government of the United States may detail, on a reimbursable basis, any of the personnel of such department, agency, or establishment to assist the Commission or the Board, as appropriate, in carrying out its functions.

"(k) The Commission and the Board may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

"(l) The Administrator of the General Services shall provide administrative support services for the Commission and the Board on a reimbursable basis.

"(m) The rates of pay that take effect under this section shall modify, supersede, or render inapplicable, as the case may be, to the extent inconsistent therewith—

"(1) all provisions of law enacted prior to the effective date or dates of all or part (as the case may be) of such rates (other than any provision of law enacted in the 30-day period in paragraph (1) of subsection (h) of this section with respect to such rates); and

"(2) any prior recommendations or adjustments which took effect under this section or prior provisions of law.

"(n) The rates of pay that take effect under this section shall be printed in—

"(1) the statutes at large in the same volume as public laws;

"(2) the Federal Register; and

"(3) the Code of Federal Regulations.

"(o) Any increase in rates of pay that takes effect under this section is not an equivalent increase in pay within the meaning of section 5335 of this title or section 3552 of title 39.

"(p) Any rate of pay that takes effect under this section shall be initially adjusted, effective on the effective date of such rate of pay, under conversion rules prescribed by the President or by such agency as the President may designate.

(q) The rates of pay of personnel subject to sections 210 and 213 (except subsections (d) and (e)) of the Federal Salary Act of 1967 (81 Stat. 633, 635; Public Law 90–206), and any minimum or maximum rate, limitation, or allowance applicable to any such personnel, shall be adjusted, effective on the first day of the first pay period which begins on or after the first day of the year in which increases become effective pursuant to this section, by amounts which are equal, insofar as practicable and with such exceptions as may be necessary to provide for appropriate relationships between positions, to the amounts of the adjustments made pursuant to this section, by the following authorities—

"(1) the Director of the Administrative Office of the United States Courts, with respect to the judicial branch of the Government; and

"(2) the Secretary of Agriculture, with respect to individuals employed by the county committees established under section 590h (b) of title 16.

Such adjustments shall be made in such manner as the appropriate authority concerned deems advisable and shall have the force and effect of statute.".

SEC. 3. The table of contents of subchapter I of chapter 53 of title 5, United States Code, is amended by striking out—

"5302. Annual reports on pay comparability."

and inserting in lieu thereof—

"5302 Federal Employee Salary Commission; Federal Employee Salary Board of Arbitration.".

SEC. 4. Section 3552(a) of title 39, United States Code, is amended to read as follows:

"(a)(1) Each employee subject to the Postal Field Service Schedule and each employee subject to the Rural Carrier Schedule who has not reached the highest step for his position shall be advanced successively to the next higher step as follows:

"(A) to steps 2, 3, 4, 5, 6, and 7—at the beginning of the first pay period following the completion of 26 calendar weeks of satisfactory service; and

"(B) to steps 8 and above—at the beginning of the first pay period following the completion of 52 calendar weeks of satisfactory service.

"(2) The receipt of an equivalent increase during any of the waiting periods specified in this subsection shall cause a new full waiting period to commence for further step increases.

"(3) An employee subject to the Postal Field Service Schedule who returns to a position he formerly occupied at a lower level may, at his request, have his waiting periods adjusted, at the time of his return to the lower level, as if his service had been continuous in the lower level.".

SEC. 5. (a) Each employee in levels 1 through 11 of the Postal Field Service Schedule and each employee subject to the Rural Carrier Schedule—

(1) who is in a step below the 2 top steps of his level shall be advanced 2 steps; or

(2) who is in either of the 2 top steps of his level shall receive basic compensation at a rate equal to his rate of basic compensation in effect immediately prior to the effective date of this subsection plus the amount of 2 step increases of his level.

Changes in levels or steps which would otherwise occur on the effective date of this subsection without regard to the enactment of this subsection shall be deemed to have occurred prior to adjustments under this subsection. Each such employee who receives an adjustment under this subsection shall commence a new full waiting period, for further step increase purposes under section 3552(a) of title 39, United States Code, on the first day of the first pay period which begins on or after July 1, 1970, and service by such an employee on or after the effective date of this section and prior to the beginning of such pay period in July 1970 shall not be credited for such step increase purposes.

(b) For the purposes of the initial application of section 3552(a) of title 39, United States Code, as amended by section 4 of this Act, credit for satisfactory service performed by an employee in levels 12 or above of the Postal Field Service Schedule since his last step increase prior to the effective date of section 4 of this Act, shall be granted in an amount not in excess of the amount of service required for a one step increase applicable to the step category of the employee.

(c) The Postmaster General shall advance each employee in level 12 or above of the Postal Field Service Schedule—

(1) who was in level 12 or above on the effective date of this section and who did not receive a two-step increase pursuant to this section;

(2) who is senior with respect to total postal service to an employee in the same post office (A) who received a two-step increase pursuant to this section and (B) who is promoted to the same level on or after the effective date of this section; and

(3) who is in a step in the same level below the step of the junior employee described in clauses (A) and (B) of subparagraph (2) of this subsection.

Such advancement by the Postmaster General shall be to the highest step which is held by any such junior employee. Any increase under the provisions of this subsection is not an equivalent increase within the meaning of section 3552 of title 39, United States Code. Credit earned prior to advancement under this subsection for advancement to the next step shall be retained for step increase purposes under such section 3552.

SEC. 6. Section 5545(c)(2) of title 5, United States Code, is amended to read as follows:

"(2) an employee in a position in which the hours of duty cannot be controlled administratively, and which requires substantial amount of irregular, unscheduled, overtime duty with the employee generally being responsible for recognizing, without supervi-

sion, circumstances which require him to remain on duty, shall receive premium pay for this duty on an annual basis instead of premium pay provided by other provisions of this subchapter, except for regularly scheduled overtime, night, and Sunday duty, and for holiday duty. Premium pay under this paragraph is determined as an appropriate percentage, not less than 10 per centum nor more than 25 per centum, of such part of the rate of basic pay for the position as does not exceed the minimum rate of basic pay for GS–10, by taking into consideration the frequency and duration of irregular unscheduled overtime duty required in the position.".

SEC. 7. (a) Section 5942 of title 5, United States Code, is amended to read as follows:

"§ 5942. Allowance based on duty at remote worksites

"Notwithstanding section 5536 of this title, an employee of an Executive department or independent establishment who is assigned to duty, except temporary duty, at a site so remote from the nearest established communities or suitable places of residence as to require an appreciable amount of expense, hardship, and inconvenience on the part of the employee in commuting to and from his residence and such worksite is entitled, in addition to pay otherwise due him, to an allowance of not to exceed $10 a day. The allowance shall be paid under regulations prescribed by the President establishing the rates at which the allowance will be paid and defining and designating those sites, areas, and groups of positions to which the rates apply.".

(b) Notwithstanding section 5536 of title 5, United States Code, and the amendment made by subsection (a) of this section, and until the effective date of regulations prescribed by the President under such amendment—

(1) allowances may be paid to employees under section 5942 of title 5, United States Code, and the regulations prescribed by the President under such section, as in effect immediately prior to the effective date of this section; and

(2) such regulations may be amended or revoked in accordance with such section 5942 as in effect immediately prior to the effective date of this section.

(c) The table of contents of subchapter IV of chapter 59 of title 5, United States Code, is amended by striking out—

"5942. Allowance based on duty on California offshore islands or at Nevada Test Site."

and inserting in lieu thereof—

"5942. Allowance based on duty at remote worksites.".

SEC. 8. (a) Subchapter IV of chapter 59 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 5947. Quarters, subsistence, and allowances for employees of the Corps of Engineers, Department of the Army, engaged in floating plant operations

"(a) An employee of the Corps of Engineers, Department of the Army, engaged in floating plant operations may be furnished quarters or subsistence, or both, on vessels, without charge, when the furnishing of the quarters or subsistence, or both, is determined to be equitable to the employee concerned, and necessary in the public interest, in connection with such operations.

"(b) Notwithstanding section 5536 of this title, an employee entitled to the benefits of subsection (a) of this section while on a vessel, may be paid, in place of these benefits, an allowance for quarters or subsistence, or both, when—

"(1) adverse weather conditions or similar circumstances beyond the control of the employee or the Corps of Engineers prevent transportation of the employee from shore to the vessel; or

"(2) quarters or subsistence, or both, are not available on the vessel while it is undergoing repairs.

"(c) The quarters or subsistence, or both, or allowance in place thereof, may be furnished or paid only under regulations prescribed by the Secretary of the Army.".

(b) The table of sections of subchapter IV of chapter 59 of title 5, United States Code, is amended by adding—

"5947. Quarters, subsistence, and allowances for employees of the Corps of Engineers, Department of the Army, engaged in floating plant operations."

immediately below—

"5946. Membership fees; expenses of attendance at meetings; limitations.".

(c) The Act entitled "An Act to authorize the furnishing of subsistence and quarters without charge to employees of the Corps of Engineers engaged on floating plant operations", approved May 13, 1955 (69 Stat. 48; Public Law 35, Eighty-fourth Congress) is repealed.

SEC. 9. (a) This section, the first section, and sections 2 and 3 of this Act shall become effective on the date of the enactment of this Act.

(b) Sections 5, 6, 7, and 8 of this Act shall become effective on the first day of the first pay period which begins on or after October 1, 1969.

(c) Section 4 of this Act shall become effective on the first day of the first pay period which begins on or after July 1, 1970.

COMPARATIVE ANALYSIS OF HOUSE AND SENATE ACTION ON H.R. 13000

FEBRUARY 1970

HOUSE	SENATE
Salary adjustment	*Salary adjustment*
A 2-step within grade adjustment for postal employees in levels 1 through 11 effective October 1, 1969, representing increases averaging 5.4 percent. (Sec. 5, p. 19).	A pay increase effective in January 1970 for employees under the four statutory salary systems (Postal, General Schedule, Veterans, and Foreign Service). The increases in the GS schedule, which also apply in similar amounts in other schedules, are as follows: 4 percent, GS 1–9; 3 percent, GS 10–12; 2 percent, GS 13–14; 1 percent, GS 15; and no increases in GS–16, –17, and –18. (Sec. 2–8, p. 26.)
Higher level employees (PFS–12 and above) will be given an earned step advancement on July 1, 1970, as a part of the accelerated advancement program authorized under sec. 4. (Sec. 5(b), p. 20).	
Cost: Fiscal year 1970, $254.2 million; fiscal year 1971, $352.7 million.	Cost: Fiscal year 1970, $360 million.
Federal Employees Salary Commission established as a permanent agency to prescribe the guidelines for the annual pay comparability survey and to recommend adjustments annually, beginning February 1970, to the Congress for pay adjustments under the four statutory pay systems (Postal Service, General Schedule, Veterans' Administration, and Foreign Service).	No comparable provision, however the Federal Salary Comparability provisions (5 U.S.C. 5302) are amended to authorize the appointment of 4 representatives of employee organizations to participate directly in all phases of evaluating the pay comparability presentation to the President. (Sec. 9, p. 35).
The Commission composed of 8 members: 4 from the Executive Branch, the Chairman of the Civil Service Commission, the Director of the Bureau of the Budget, the Secretary of Defense, and the Postmaster General (or a designee of each); and 4 from employee organizations, 1 designated by the organization having the largest number of employees in the General Schedule, 2 designated by the two organizations having the largest number of employees in the Postal Field Service, and 1 additional member representing an individual employee organization. Each member would have 1 vote with the exception of the 2 designated from postal employee organizations who have one-half vote each. (Sec. 2, p. 2).	
Federal Employee Salary Board of Arbitration established to rule on matters referred from the Salary Commission when there is a disagreement on the recommendations by a member of the Commission.	**No provision.**
The Board will consist of 7 members, 2 from the House, 2 from the Senate, 1 designated by the Chairman of the Civil Service Commission, 1 designated by an employee organization, 1 designated by employee organizations and a chairman selected by the 6 from the American Arbitration Association. (Sec. 2(f)(1), p. 7).	
Pay adjustments recommended by the Commission, or the Board as appropriate, will be submitted to the Congress each February, beginning in 1970, but the adjustments will become effective only after adoption by both Houses of Congress, within 60 days after submission, of a concurrent resolution approving such rates. (Sec. 2, p. 10).	Authorizes the President to make a comparability adjustment in July 1970 of the salaries under the four statutory pay systems based on the 1969 Bureau of Labor Statistics survey. Such adjustment may not be less than 3 percent. (Sec. 10, p. 36).
Cost: No estimate.	Cost: Fiscal year 1971, $720 million.

COMPARATIVE ANALYSIS OF HOUSE AND SENATE ACTION ON H.R. 13000—Continued
FEBRUARY 1970

Miscellaneous fringe benefits	*Miscellaneous fringe benefits*
Postal employee step advancement will be revised to permit employees to reach the top pay step in 8 years instead of the present 21 years (Sec. 4, p. 18). Presently (39 U.S.C. 35552(a)) provides within grade waiting periods as follows: steps 2 through 7, 52 week between each step; steps 8 and above, 156 weeks between each step. The revision would reduce the waiting period to 26 weeks for steps 2 through 7, and to 52 weeks for steps 8 and above. Cost: Fiscal year 1971, $207 million. When fully implemented, $425 million per year.	No provision.
Premium pay is authorized for certain employees for Sunday, night, holiday, for overtime work. This provision applies primarily to border patrolmen, deputy U.S. marshals, Customs and Internal Revenue personnel, and Federal Bureau of Investigation. (Sec. 6, p. 21).	**No provision.**
Allowance at remote worksites is authorized, not to exceed $10 per day, to defray expenses of civilian employees assigned to duty at remote worksites. (Sec. 7, p. 22).	**No provision.**
Allowances for floating plant operations will be authorized for employees in the Corps of Engineers engaged in floating plant operations when the employees are prevented from boarding the vessel under circumstances beyond their control such as hazardous weather conditions, or while the vessel is in a shipyard for repairs. (Sec. 8, p. 23).	**No provision.**

LON C. HILL—AMERICAN

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LA GARZA. Mr. Speaker, a remarkable citizen of south Texas celebrated his 81st birthday March 14.

I am speaking of Mr. Lon Carrington Hill, the distinguished son of a distinguished father, known familiarly in south Texas as "Mr. Mose." His father established the town of Harlingen in what is now the 15th Congressional District of Texas. The son is a second-generation empire builder whose contributions to south Texas reach productively across the fields of agriculture, education, finance, industry, and human well-being.

Through a period of half a century Lon C. Hill has blazed trails of progress, economic development, and prosperity in my region. To his rugged determination and devoted leadership is due much of the credit for the fact that south Texas today is a pulsating empire with a population of more than 1 million, with a diversified and sound economy, and with an unlimited future.

This man deserves to be called Mr. South Texas, and this name is given him for many reasons. Mr. Speaker, the lifeline of our area is water—and "Mr. Mose" has done more to enlighten the people of our area about the necessity for conservation and careful utilization of the available water by building dams than any other single person. Years ago he sponsored and advocated the construction of Falcon Dam on the Rio Grande—a remarkable achievement. This was followed by the construction of Amistad Dam—and only recently he was responsible for raising money to pay the area's share of a project to remove the salinity from Rio Grande water—a problem which had threatened the very lifeblood of the area.

With all his personal attention to solving the problems of the area, this outstanding gentleman also worked brilliantly and diligently in the business world. Mr. Hill served as president of Central Power & Light Co. from 1939 until 1954 and as chairman of the company's board of directors until 1959. During this 20-year period the company grew and prospered—and so did south Texas, becoming an area of tremendous industrial strength and a new tourism frontier of national significance. Naturally, Lon Hill was in the midst of the action. He was instrumental in helping eastern industrialists to locate plant sites along the Texas coast, in boosting the south Texas tourist trade, and in joining wholeheartedly in a multitude of worthwhile civic endeavors.

South Texans honor Lon Hill for his service as chairman of the Corpus Christi Area Development Committee, member of the board of regents of Texas College of Arts and Industries in Kingsville, president of the Coastal Bend Tourist Association and the Corpus Christi Area Convention and Tourist Bureau, president of the Tex-Mex Holiday Council, trustee of the Southwest Research Institution and the Southwest Agricultural Institute of San Antonio, director of the Texas Research League, president of the Lower Rio Grande Valley Historical Society, member of the executive committee of the Lower Rio Grande Water Committee, and first honorary counselor of the Texas A. & M. Research Foundation. He has headed many successful fund drives for civic projects.

His honors have been many. All were well deserved.

"Mr. Mose" is a devoted family man—a husband and father whose prideful joy is his family.

He is loyal to his friends—and they are a multitude.

I am proud to salute Lon C. Hill on the occasion of his birthday—and proud to call him my friend. He is a great human being.

THE LOS ANGELES SCHOOL DESEGREGATION CASE

(Mr. CORMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. CORMAN. Mr. Speaker, a recent Los Angeles Superior Court decision—the case of Crawford against Board of Education of the City of Los Angeles—has been given considerable attention nationally.

Judge Gitelson, who wrote the decision, has been subject to criticism and rebuke by a number of people, including the Secretary of the Department of Health, Education, and Welfare, Robert Finch. I suspect that much of this abusive comment comes from persons who may not have had an opportunity to read the decision in detail.

The subject matter involved in this case is of national importance. It deals with the constitutional right of every American child to be treated equally under the law. Although the text is long, I urge my colleagues to read it because it raises issues that are important to each of us in the House.

Neither I nor any other lawyer can predict what may happen to this case on appeal, but it does seem to me that the judge's decision is rooted in sound constitutional law and basic morality.

As for those who may be assessing political winds, I would hope that they too would avail themselves of an opportunity to read the decision carefully before making Justice Gitelson a prime target of their criticism.

The full text of the decision follows:

[Superior Court of the State of California for the County of Los Angeles, Feb. 11, 1970; Hon. Alfred Gitelson, judge]

MINUTE ORDER OF COURT'S INTENDED FINDINGS OF FACT, CONCLUSIONS OF LAW, JUDGMENT, AND FOR PEREMPTORY WRIT OF MANDATE

(*No. 822, 854—Mary Ellen Crawford, a Minor by Helen Crawford, her Guardian Ad Liten; Dollie Ruth Miles, a Minor, by Anne Mary Miles, her Guardian Ad Litem; et al., for and on behalf of themselves and all similarly situated pupils attending schools within the Los Angeles School District, Petitioners, Board of Education of the City of Los Angeles, Respondent.*)

This cause came on duly and regularly for trial (prior hearings having been had on December 14, 1967 and April 29, August 9, 13 and 15, and October 11, 1968) in this Department 19, Alfred Gitelson, Judge presiding without a jury, trial by jury having been duly and regularly waived, on October 28, 1968, and was heard on said day and on the 29, 30, 31 days of October, November 1, 4, 6, 12, 13, 14, 15, 19, 20, 21, 22, 25, 26, 27 and 29, of 1968, and February 3, 4, 5, 6, 19, and March 4, 5, 6, 7, 10, 11, 12, 13, 17, 18, 19, 20, 21, 24, 25, 26, 27, 28, and April 1, 2, 3, 4, 7, 8, 11, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 28, 29, 30, and May 1 and 2, and June 9, of 1969.

Petitioners [Petnrs. or Students] appeared by Bayard F. Berman, Sol Rosenthal, Michael Bergman, A. L. Wirin, Fred Okrand, Thomas G. Neuson, Samuel C. Sheats, Herbert A. Bernhard, Lawrence Sperber, and Edward Medvene, by Bayard F. Berman, and during a portion of the time Sol Rosenthal, Michael Bergman and Loren Miller, Jr., their Counsel. (Messrs. William Pintala and Peter Smoot on "PETITIONERS' POST-TRIAL MEMORANDUM ON THE EVIDENCE". The Court is indebted to them therefor.)

Respondent [Board] appeared by Dr. Robert E. Kelley, Assistant Superintendent of Education, Dr. Robert Purdy, Associate Superintendent of Education, Sam Hammerman, Assistant Superintendent of Education, and by John D. Maharg, County Counsel, Clarence H. Langstaff, Assistant County Counsel, Raymond W. Schneider, Deputy County Counsel, Alfred C. De Flon, Deputy County Counsel, Ronald J. Apperson, Deputy County Counsel, Jerry F. Halverson, Legal Advisor to Board, by Jerry Halverson, Clarence H. Langstaff and Raymond W. Schneider, on or about December 29, 1968, and thereafter Alfred Charles De Flon took his place, its Counsel.

This cause was tried and heard upon:

(1) The "SECOND AMENDED AND SUPPLEMENTAL PETITION FOR WRIT OF MANDATE" [Pet.] (filed July 6, 1966) [the original "COMPLAINT FOR DECLARATORY JUDGMENT AND INJUNCTION" was filed August 1, 1963]. On July 19, 1966 the parties executed and filed their "STIPULATION * * * FOR WAIVER OF OBJECTION TO CONSIDERATION OF FACTS OCCURRING SUBSEQUENT TO FILING OF COMPLAINT". Thereby they did, among other things stipulate:

"(4) The parties hereto shall not file or make any motion herein or take any other steps intended or resulting in precluding any party from introducing in evidence or in precluding the court from considering as material and relevent, evidence pertaining to events occurring subsequent to the date upon which the first complaint was filed herein merely because said events occurred subsequent to the date which the first complaint was filed herein. The rights of petitioners, if any, and the duties of respondent, if any, shall be determined as of the time or trial."

On July 23, 1968, it was ordered: That though by the Stipulation (filed June 6, 1968) a dismissal without prejudice had been filed and entered as to the original Petitioner, Mary Ellen Crawford (first named), that because from the date of the filing of the Complaint (August 1, 1963) the action had been designated thereby and all filings made thereunder, the caption of the cause should retain for identification purposes only as the first named Petitioner the name Mary Ellen Crawford;

(2) "AMENDMENT TO PETITIONER'S SECOND AMENDED AND SUPPLEMENTAL PETITION FOR WRIT OF MANDATE" (filed June 11, 1969) [Amm. Pet.] [The Petition and Amendment thereto are hereafter collectively designated as Pet. unless otherwise expressly stated.]

It was stipulated by Petitioners and ordered (June 9, 1969), that all of the allegations of the Amm. Pet. should be by Board deemed denied, both generally and specifically, and all affirmative defense existing under law deemed pleaded thereto;

(3) "ANSWER OF DEFENDANT TO SECOND AMENDED PETITION FOR WRIT OF MANDATE" (filed October 14, 1966) [Ans.]. (The "SIXTH FURTHER AND SEPARATE DEFENSE" (page 5 of Ans.) was by the Court on August 9, 1968 overruled:

(4) "REPLY TO RESPONDENT'S ANSWER TO SECOND AMENDED PETITION FOR WRIT OF MANDATE" (filed July 23, 1968) [Rep.]:

(5) It was ordered: (a) That the rights, duties, and obligations of the parties shall be those existing at the time of trial and therefore no Supplemental Petitions of Answers need be filed; and (b) (12/14/67) That the period of time commencing on or about the first day of May 1963 (Report of the Ad Hoc Committee on Equal Educational Opportunities made to Los Angeles City Board of Education (Court's Exh. 5A)) and thereafter shall be the period of time to be first tried and heard as to the issues involved; that no evidence prior to said date need be or should be offered by either party, and that in the event either party shall desire to do so, such party shall make a motion for leave to so do; and it would then be ruled upon by the Court.

Evidence oral and documentary was received. Argument was heard throughout the trial. Points and Authorities were filed prior to and at the close of evidence. [Though invited by the Court to so do, Respondent did not file, though Petitioners did file, a Memorandum on the Evidence. The Court regrets that Respondents did not do so. It would have possibly made the Court's burden less onerous.] The Court considered all of the foregoing.

The Cause was submitted to the Court for its decision. The Court being advised in the premises now makes and files this its Minute Order of its Intended Findings of Fact, Conclusions of Law, Judgment and Peremptory Writ of Mandate.

Findings of fact

I. The following allegations of the Pet. were admitted by the Ans. and therefore accepted by the Court as true:

I.1 "Respondent Board of Education of the City of Los Angeles (hereafter referred to as "Respondent") is a governing agency administering the public schools within the district." (Par. 5 of Pet., admitted by Par. III of Ans.)

II. The following facts were either stipulated to or admitted or conceded, and therefore accepted by the Court as true:

II.1 "1. Petitioner Dolly Ruth Miles was a fourteen year old Negro child attending Markham Junior High School within the Los Angeles City School District.

"2. Petitioner Verde Darnell Miles was an eleven year old Negro child attending Ritter Elementary School within the Los Angeles City School District.

"3. Petitioner Maryann Miles was a seven year old Negro child attending public school within the Los Angeles City School District.

"4. Petitioner David Rodriquez was a six year old child of Mexican descent attending public school within the Los Angeles City School District.

"5. Petitioner Patricia Ann Sanchez was a ten year old child of Mexican descent attending Soto Street Elementary School within the Los Angeles City School District.

"6. Petitioner Raymon Jose Sanchez was a twelve year old child of Mexican descent who was enrolled in, and who subsequently attended, Hollenbeck Junior High School within the Los Angeles City School District.

"7. Petitioner Raoul Joaquin Sanchez was a twelve year old child of Mexican descent who was enrolled in, and who subsequently attended, Hollenbeck Junior High School within the Los Angeles City School District.

"8. Petitioner Karen Patricia Lynn Wheeler was a five year old Negro child who was enrolled in, and who subsequently attended, public school within the Los Angeles City School District.

"9. Petitioner Loretta May was a fourteen year old Negro child attending Markham Junior High School within the Los Angeles City School District.

"10. Petitioner Lenard May was a twelve year old Negro child attending Markham Junior High School within the Los Angeles City School District.

"11. Petitioner Autumn Renee Wright was a five year old Negro child who was enrolled in, and who subsequently attended, Trinity Street Elementary School within the Los Angeles City School District.

"12. Petitioner Alfred Graylin Wright was an eight year old Negro child attending Mar Vista Elementary School within the Los Angeles City School District.

"IT IS FURTHER STIPULATED AND AGREED THAT:

"13. Annie Mary Miles, the guardian ad litem of petitioners Dolly Ruth Miles, Verde Darnell Miles and Maryann Miles is a Negro lady.

"14. Celia Rodriquez, the guardian ad litem of petitioner David Rodriquez, is a lady of Mexican descent.

"15. Josefa Sanchez, the guardian ad litem of petitioners Patricia Ann Sanchez, Raymon Jose Sanchez and Raoul Joaquin Sanchez, is a lady of Mexican descent.

"16. Kaye Wheeler, the guardian ad litem of petitioner Karen Patricia Lynn Wheeler, is a Negro lady.

"17. Lucille May, the guardian ad litem of petitioners Loretta May and Lenard May, is a Negro lady.

"18. Margaret Wright, the guardian ad litem of petitioners Autumn Renee Wright and Alfred Graylin Wright, is a Negro lady." ("STIPULATION" dated Jan. 26, 1970, Court's Exh. 79 for identification.)

II.2 "Respondent does not generally provide transportation for, open school permits." (Ans. to Interrogatory [Interr.] No. 7, (Pet's 31A.) [Hereinafter: Petitioner's Exhibits will be designated "P." followed by its number; Respondent's Exhibits will be designated "R." followed by its designation; Points and Authorities filed will be designated, as to Petitioner, "P. PT.A." followed by the date of filing, and as to Respondents, "R. PT.A." followed by date of filing.]

II.3 "Permit policies of the Defendant (see Exh. 3C) do not provide free transportation or its equivalent to any pupil who was granted a permit to transfer pursuant to said policy,' (Ans. to "REQUEST FOR ADMISSION NO. 12", (P. 31A, p. 14.))

II.4 "Exhibit [P.] 19A shows the date of original construction of each school listed in Exhibit A [of the Pet.]. It also shows the year the original school was replaced." (Ans. to Interr. No. 19, (P. 31A, p. 166.))

II.5 "With respect to each of the schools listed in Exhibit A [of Pet.], the total amount expended each year on capital improvements to said school, commencing with school year 1962–63, is indicated in Exhibit [P.] 21A." (Ans. to Interr. No. 21, (P. 31A, p. 166.))

II.6 "With respect to each of the schools listed in Exhibit B [of the Pet.], the total amount expended each year on capital improvements to said school, commencing with school year 1962–63, is indicated in Exhibit [P.] 21A." (Ans. to Interr. No. 22, (P. 31A, p. 166.))

II.7 "That the subject matter of this action is a matter of interest to Negro pupils and pupils of Mexican descent attending the schools listed in Exhibit A hereto." (Request for Admission No. 248 (P. 31, (p. 114) admitted by Res. Ans., (P. 31B, p. 379.))

II.8 "Defendant maintains no records of racial or ethnic breakdown of student body population prior to November, 1966. * * * The following factors were not studied or considered because they would involve a change in existing policies of the Board of Education:

"(i) The effect of possible pairings or other combinations of schools with revised grade patterns;

"(ii) The effect of other approaches to improving the ethnic balance in the relevant areas and the District as a whole."

(Part of Ans. to Interr. No. 151, (P. 31B, pp. 303,304.))

II.9 "Defendant admits that the number of Negro and Mexican-American pupils attending school in the District is too large to permit all such pupils to be parties to this

action." (Portion of Ans., Interr. No. 245 (P. 31B, p. 379.))

II.10 "That all of the demands, plans, or requests specifically set forth in paragraph 16 of the Petition were made upon respondent." (Ans. to Request for Admission No. 279, (P. 31, p. 118; 31B, p. 391.))

II.11 That partial integration of the District would not be effective; and, "that the only way to have effective integration is at least district wise." That partial integration or attempted partial integration of the District, "for example, around the periphery of the ghetto, would not be an efficacious means of integrating these areas."

(Stip., March 27, 1969; Transcript, vol. 42, pp. 7751–7754, 7774, line 6 to line 14, p. 7775.)

III. The following facts have been heretofore judicially found and adjudged as existing, and the following principles and holdings of law adjudicated. The Court and the parties hereto are bound thereby. (Cal. Const., Art. I, Sec. 3; *Auto Equity Sales, Inc. v. Superior Court* (1962), 57 Cal. 2d 450.). Board as the agent and instrumentality of the State of California [State] (*Cooper v. Aaron*, 358 U.S. 1, 16; 78 Supreme Court 1401, 1408; 3 L. ed. 2d 5, 16 (9/29/58)), is collaterally estopped from disputing the facts found and is bound by the law adjudicated thereby. (Art. I, Sec. 3, Cal. Const.):

(i) (*Brown v. Board of Education of Topeka* [Brown I] (May 17, 1954); 347 U.S. 483, 74 Supreme Court 686, 98 L. ed. 873) "Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.

"Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other 'tangible' factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does."

"In *Sweatt v. Painter* (US) supra, in finding that a segregated law school for Negroes could not provide them equal educational opportunities, this Court granted relief in large part on 'those qualities which are incapable of objective measurement but which make for greatness in a law school.' In *McLaurin v. Oklahoma State Regents*, 339 US 637, 94 L. ed. 1149, 70 S. Ct. 851, supra, the Court, in requiring that a Negro admitted to a white graduate school be treated like all other students, again resorted to intangible considerations. '* * * his ability to study, to engage in discussions and exchange views with other students, and, in general, to learn his profession.' Such considerations apply with added force to children in grade and high schools. To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone. The effect of this separation on their educational opportunities was well stated by a finding in the Kansas case by a court which nevertheless felt compelled to rule against the Negro plaintiffs:

"Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law; for the policy of separating the races is usually interpreted as denoting the inferiority of the Negro group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has a tendency to [retard] the educational and mental development of Negro children and to deprive them of some of the benefits they would receive in a racial[ly] integrated school system.

"Whatever may have been the extent of psychological knowledge at the time of *Plessy v. Ferguson*, this finding is amply supported by modern authority. * * *

"We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment." (98 L. ed. pp. 880, 881.)

(ii) (*J. R. Jackson, Jr., et al. v. Pasadena City School District, et al.* [Jackson] (6/27/63); 59 Cal. 2d 876, 880–881.) "The segregation of school children into separate schools because of their race, even though the physical facilities and the methods and quality of instruction in the several schools may be equal, deprives the children of the minority group of equal opportunities of education guaranties them equal protection and due process of the law. (Citations.) In view of the importance of education to society and to the individual child, the opportunity to receive the schooling furnished by the state must be made available to all on an equal basis. Because of intangible considerations relating to the ability to learn and exchange views with other students, segregated professional schools have been held not to provide equal educational opportunities, and such considerations apply with added force to children in grade and high schools. The separation of children from others of similar age and qualifications solely because of race may produce a feeling of inferiority which can never be removed and which has a tendency to retard their motivation to learn and their mental development. (Citations.) * * * Improper discrimination may exist notwithstanding attendance by some white children at a predominantly Negro school or attendance by some Negro children at a predominantly white school. * * * A racial imbalance may be created or intensified in a particular school not only by requiring Negroes to attend it but also by providing different schools for white students who, because of proximity or convenience, would be required to attend it if boundaries were fixed on a non-racial basis. * * * even in the absence of gerrymandering or other affirmative discriminatory conduct by a school board, a student under some circumstances would be entitled to relief where, by reason of residential segregation, substantial racial imbalance exists in his school. So long as large numbers of Negroes live in segregated areas, school authorities will be confronted with difficult problems in providing Negro children with the kind of education they are entitled to have. Residential segregation is in itself an evil which tends to frustrate the youth in the area and to cause anti-social attitudes and behavior. When such segregation exists it is not enough for a school board to refrain from affirmative discriminatory conduct. The harmful influence on the children will be reflected and intensified in the classroom if school attendance is determined on a geographic basis without corrective measures. The right to an equal opportunity for education and the harmful consequence of segregation require that school boards take steps, insofar as reasonably feasible, to alleviate racial imbalance in schools regardless of its cause."

(iii) (*U.S. of America, et al. v. Jefferson County Board of Education, et al.* (3/29/67); 38 Fed. 2d 835; Cert. denied Oct. 9, 1967; 88 Supreme Court 72, 77.) "If Negroes are ever to enter the main stream of American life as school children, they must have equal opportunities with white children." (p. 389.)

IV. The Court additionally finds true:

(Though the Court has found that the facts of harm to minority students by segregated education and the principles of law applicable thereto have been judicially and finally found and adjudged, (III), it is nevertheless bound to make Findings on the evidence received.

Respondent contending that its segregated schools were *de facto* and fortuitous, asserted that none of the facts found and adjudication thereof in the decisions cited in III hereof were applicable to Board or its schools, insisted upon, and the Court granted to them, the right to introduce evidence thereon and in addition in support of their contentions, persisted in to this date, "It is Respondent's view that the federal constitution requires racial mixing in the schools if, and only if, the racial separation of students in schools is of a *de jure* nature, or if, and only if, in the case of *de facto* segregation, the academic achievement of the minorities in the school will be raised by racially mixing students and the achievement of the 'majority' will not be substantially reduced by such racial mixing." (R. PT. A., 10/14/69, line 27, p. 2, to 1.1, p. 3.) "In the view of the board of education it should provide to all students a minimum educational offering in such amount and quality that the average achievement of the racially higher achieving group will not substantially decline. In addition the school district should provide to racial minorities, to the extent that it has the financial wherewithal, educational offerings in addition to the basic minimum offering to attempt to close the gap between the average achievement of white students and that of the racial minorities." (R. PT. A., 8/22/69, p. 14.)

Petitioners, though of course agreeing with the Findings and adjudications set forth in the foregoing III, insisted that they had the right, and the Court granted to them the right, in light of Respondent's contentions, to introduce evidence assertedly impelling the same Findings of Fact and the same Conclusions of Law as in said decisions found and adjudicated. Therefore, the following Findings of Fact and Conclusions of Law are based on the evidence introduced and received.

IV.I Throughout the following Findings of Fact and Conclusions of Law:

(i) The word "segregated" as it refers to schools and the phrase "segregated school" without further description thereof, such as *de jure* or *de facto* or white, denote a school or schools in which the students are minorities (Negro, Mexican-American and Orientals and comprise all or substantially all or substantially in excess of 50% of the student body of such school or schools; and

(ii) The phrase "racial imbalance" denotes a school or schools whose students do not approximately or substantially conform to the approximate racial composition of Board district; and

(iii) The phrase "segregated white" or "white segregated" or "white" denotes a school or schools whose students are all, or substantially all, or substantially in excess of 50%, white; and

(iv) (The citations of authority are not nor intended to be exhaustive, but merely illustrative. Reference to Exhibits or portions of the Transcript are not intended to nor are they inclusive of all of the Exhibits or of all portions of the Transcript applicable to

the particular Finding or Conclusion for which they are cited. They are merely illustrative;) and

(v) Board being an agency and instrumentality of the State of California [State], the word "State" or "State action" or "State involvement" refers to action or omission by Board. State is not directly a party hereto; and

(vi) The word "Minority" designates and includes students of Negro or Mexican-American or Oriental ancestry; and

(vii) The word "Board" as used refers to and designates the Board of Education of the City of Los Angeles as an entity, and therefore includes and also refers to the Executive Staff and the Members of Board [Members]. (The Members of Board are part-time employees. Their task is monumental, including ultimate responsibility for: approximately 775,000 students attending grades K–12; 434 elementary schools, 73 junior high schools; and 54 senior high schools; an area of approximately 711 square miles; receipts and expenditure per school year of approximately $730,000,000; and approximately 48,000 employees. They must, administratively, necessarily rely entirely upon their Executive Staff, the Superintendent of Education, Assistant Superintendents, Associate Superintendents and the Assistants to each thereof (the Executive Staff is large). (R. Exh. 372, 372A, 372B, 372G). Members do not have a "Watchdog" or "Efficiency Expert" or "Expeditor" or "Executive Officer" or "Economist" or "Business Administrator" accountable only and directly to them. Members can adopt what resolutions they may be advised, generally proposed by the Executive Staff [Staff], but are essentially entirely dependent upon Staff for the fulfillment thereof, and by reason of the alleged expertise involved generally accept Staff's reasons, excuses and rationalizations for the nonfulfillment thereof. The Findings hereinafter of acts, omissions and bad faith on the part of Board in its failure and omission to integrate its schools are not intended to nor are they Findings of personal bad faith or personal acts or omissions on the part of the Members of Board, but rather of the operations of the Department which may or may not have been known to the Members.)

IV.2 That Petitioners and all of class on whose behalf the Petition was filed and proceedings had are citizens of State, free from any disability, qualified to and attending and entitled, by law, to equal educational opportunities in the public schools of Board, free from discrimination, directly or indirectly, by Board.

IV.3 That prior to 1966, Board did not officially assemble nor collect ethnic data of its schools. It only commenced to do so when required by State in 1966.

IV.4 In 1966, of a total of 441 Elementary Schools:

(i) 165 were minority segregated. Thereof: 52 were Mexican-American segregated; 74 were Negro segregated; 1 Oriental segregated; 17 Mexican-American and Negro segregated; 3 were Negro and Oriental segregated; 6 Mexican-American and Oriental segregated; 4 Mexican-American, Negro and Oriental segregated.

(ii) 191 were white segregated schools, and

(iii) 80 were in various stages of racial imbalance but not segregated.

IV.5 As of 1968: the racial imbalance in the Elementary Schools increased; segregated schools became larger in number of minority students; enrollment of white students generally increased in the white schools and generally decreased in the minority segregated schools.

IV.6 Six new elementary schools were opened between 1966 and 1968: three were white; two were Negro; and one Negro and Oriental.

IV.7 In 1966, of a total of 73 Junior High Schools: 24 were white; 9 Negro; 1 Negro and Mexican-American; 2 Negro and Oriental; 5 Mexican-American; 1 Mexican-American and Negro; 31 racially imbalanced.

IV.8 Between 1966 and 1968, two new Junior High Schools were opened. Both thereof were white (Laurence—1512 white, 64 minorities; Bethune—1585 white, 44 minorities).

IV.9 In 1956, of 56 Senior High Schools, 16 were white; 8 were Negro; 4 were Mexican-American; 8 were Mexican-American and Negro; 3 were Negro, Mexican-American and Oriental; 15 were in various stages of racial imbalance.

IV.10 Three Senior High Schools were opened in 1967. They were Negro and Mexican segregated (Locke—1821 Negro, 3 white, 19 Mexican-American and 2 Oriental. Riis—307 Negro, 1 "other nonwhite". Ross—47 Negro, 8 white, 20 Mexican-American.

IV.11 One Senior High School was opened in 1968: Crenshaw, with 2321 Negroes, 98 Orientals, 41 Mexican-Americans and 35 white.

IV.12 The schools which were segregated, minority and white, in 1966, and have and will remain segregated, caused to and will continue to be caused to so remain by Board, by its mandating neighborhood school system, including site selection mandating school attendance areas and boundaries of such schools, transportation policies, and restrictive, impracticable and non-effective, for integration transfer policies.

None of the schools opened subsequent to 1966 were designed to, in location or school attendance boundaries, effectuate desegregation or integration in education.

IV.13 In our present society the opportunity for an equal education, as a minimum equal to that afforded the socio-economic advantaged, in our public schools is indispensable to a meaningful life; to the preservation of our democracy, our form of government and society. Its deprivation from any segment of our people is a denial of their rights as a human being, the inalienable rights of life, liberty, and pursuit of happiness as citizens of our State and Country. "Education is a basic right because it is indispensable to the development of human beings." (Robert M. Hutchins, The Center Magazine, Nov., 1969, p. 90.) Education is the developing and training of the mental, physical, moral, cultural, philosophical and sociological powers and capabilities of the human being. "A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liabilities of the people * * *." (Cal. Const., Art. IX, Sec. 1.) There is an inalienable right on the part of every child in our State to an education. Therefore, in partial fulfillment thereof, and of the duties thereby imposed on State and Board, attendance in school is compulsory. (Edu. Code, Ch. 6, div. 9, pt. 2.)

The right existing, a duty is imposed upon Board to provide such education within its district. That duty to provide education, the right of all students thereto, includes the right to and the duty of Board to provide to all of its students an equal educational opportunity, being concomitant with equal protection of the law, due process of law. Separate, with allegedly separate but equal facilities, is not equal education. Therefore the duty on the part of Board to provide integrated education so that all of its students—white, Negro, Mexican-American, Oriental—receive together the same equal educational opportunities. The duty of Board is affirmative, not negative. (Art. I, Secs. 1, 2, 3; Art. IX, Secs. 1, 5; Cal. Const. "Bill of Rights", 5th and 14th Amm., U.S. Const.) "The education of the children of the State is an obligation which the State took over by the adoption of the Constitution." (*Piper v. Big Pine School District*, 193 Cal. 664, 668–669 (1924).)

IV.14 Board is an agency, an instrumentality of the State for the local operations of the State School System and for the observance and performance of the constitutional duties and obligations of State. (*Hall v. City of Taft*, 47 Cal. 2d 177, 181–182 (1956).) " * * * the state, because it had undertaken through school districts to provide educational facilities to the youth of the state, was required to do so in a manner which avoided segregation and unreasonable racial imbalance in its schools." (*Mulkey v. Reitman*, 64 Cal. 2d 529, 537 (5/66).)

State and therefore Board may not therefore use its funds to create or maintain or perpetuate segregated education. (Art. IX, Sec. 5, Cal. Const.; Edu. Code 5001 et seq., 8001 et seq.; *Kennedy v. Miller*, 97 Cal. 429, 434 (1893).)

IV.15 Negro and Mexican children suffer serious harm when their education takes place in public schools which are racially segregated, whatever the source of such segregation may be. Negro and Mexican children who attend predominantly Negro or Mexican schools do not achieve as well as other children—Negro, Mexican and White in integrated schools. Their aspirations become more restricted than those of other children. They do not have as much confidence that they can influence their own futures. When they become adults they are less likely to participate in the mainstream of American society, and were likely to fear, dislike and avoid white Americans. It "affects their hearts and minds in ways unlikely ever to be undone." It applies equally to segregation not compelled by law (allegedly *de facto*) as when compelled by law (allegedly *de jure*). The harm results not alone from the deprival of equal educational opportunity, but additionally in the attitudes which such segregation generates and the effect of those attitudes upon motivation to learn and achieve. Negro and Mexican children are caused to believe that their schools are stigmatized and regarded as inferior by the community as a whole. Their belief is shared by their parents and by their teachers. Their belief is founded in fact. (Racial Isolation in Public Schools, p. 193, P. 436.)

Education is one of the most important functions of State and local governments. That finding was and is the basis for the conclusion and the imperative of Art. IX, Sec. 1, Cal. Const. (1849). Therefore the mandate, "The Legislature shall encourage by all suitable means the promotion of intellectual, scientific, moral and agricultural improvement." Compulsory school attendance laws (Edu. Code. Sec. 12101, et seq., ch. 6, pt. 2, div. 9) and the great expenditures for education (Board for its District alone within our State, approximately $730,000,000 per fiscal year) demonstrate the importance of education to our democratic society.

Equal educational opportunity is the foundation of the right to be a human being, of good citizenship, the wakening of the child to and motivation for cultural values to help him adjust normally to his environment, to prepare him for later training, the ability to support himself and his subsequent family, to enjoy his life, his liberty and to pursue happiness. It is doubtful, though there may be some exceptions, that any child may reasonably be expected to succeed in life if he is denied the opportunity of an equal education. This does not mean that any gifted child or any child having a greater capability to learn may or shall be deprived of his or her opportunity of learning more. It does mean that every child shall have the equal opportunity to learn to the best of his or her ability. That opportunity must be made available to all on equal terms. (*Brown v. Jackson.*) "In a society such as ours, it is not enough that the 3R's are being taught properly for there are other vital considerations. The children must learn to respect and

live with one another in multi-racial and multi-cultural communities and the earlier they do so the better. It is during their formative school years that firm foundations may be laid for good citizenship and broad participation in the mainstream of affairs. Recognizing this, leading educators stress the democratic and educational advantages of heterogeneous student populations and point to the disadvantages of homogeneous student populations, particularly when they are composed of a racial minority whose separation generates feelings of inferiority." (*Booker v. Board of Education*, 45 N.J. 161, 212 Atl. 2d 1, 11 ALR 3d 754, 763 (1965); *Hobson v. Hansen*, 259 Fed. Supp. 504, 506; Ev. Code Sec. 452 (a), (b), (h).)

IV.16 Segregation of children in public schools deprives the children of the minority group of equal educational opportunities and this irrespective of whether the segregation be described or classified as *de facto* or *de jure*.

This Court finds as a fact from the evidence introduced in this cause that, "If Negroes [and Mexicans] are ever to enter the mainstream of American life as school children, they must have equal educational opportunity with white children." (*U.S. v. Jefferson County Board of Education*, 380 F. 2d 385, 389 (U.S. 5th Circuit, 3/29/67) Cert. denied, 88 S. Ct. 72, 77, 10/19/67.) Integrated education affords better educational opportunities to both minority and majority students. (Trans., pp. 8635, 8636, 8051, 8053.)

IV.17 Minority students in minority segregated schools do not receive equal educational opportunity measured either by educational inputs or outputs. There are significant disadvantages. Board knew or had reasonable grounds to know thereof. (R. 32D, P. 43–C–1, 36, 31B, 34B, 43A, 53; Trans., pp. 1405–08, 1409–16, 2676, 3022, 7885 to 7927.)

Minority segregated schools do tend to result in low aspirations, low achievement, lower educational competition and attitudes, to institute disbelief in ability to learn and a lack of qualifications.

The segregated schools, plant, teachers, physical facilities are in fact of less quality.

Segregated education tends to induce and create both on the part of the minorities and majority racial intolerance, misunderstanding, suspicion and fears. "Integration of education tears down the misunderstanding and fears that are based on ignorance of what the other person is really like." (R. 32J, 140–141.) The opportunity thereby to learn that all persons are human beings, to alleviate the fears, ignorance, prejudices and a bias otherwise existing, the teaching thereof and the opportunity to learn thereof is as much a part of the educational opportunity of the majority as of the minority. Only thus can the democratic ideals of equality, worth, freedom and dignity of every person be taught or experienced. (P. 15, R. 32J, Trans. pp. 8634–8665, 12055–12069.) It results in schools of predominantly low socio-economic status. It adds a stigma both to the minority pupil and the minority segregated school he is compelled to attend. The stigma is inimical to achievement and tends to erode further educational aspirations of the segregated minority.

Segregated education results in the assignment of grades within the segregated school unrelated to real performance. It causes and results in higher dropout rates of minority students. (P. 47, 31B (McCone Commission Report, pp. 55, 56).)

IV.18 There can be no equality of education "input" without integrated education. Only thereby will all students receive the same basic "inputs", to-wit, plant, books, teachers, curriculum and facilities so that each shall receive his just share. That is the equality of education, the equality of "inputs" and the opportunity of general educational "output." The latter is substantially affected by the former.

Though it is true that generally educational "output" is personal to each student dependent upon many factors as human beings, and the law does not and could not legislate equal ability to achieve, Board may not justify its lack of equal opportunity in "input" by the alleged superiority of "outputs" of the white students.

Board postulates that having a group, white, whose "output" makes a better showing for Board and its educational system that it therefore should concentrate thereon and only from any excess funds attempt to achieve through integrated education the same "outputs" by the minority. That may be Board's educational concept, but it is not the constitutional concept for equal opportunity to learn, to be able to achieve, the right not to be discriminated against, the right initially to be fed equal "inputs" at the source of the stream of man's humanity.

IV.19 Board has, since at least May of 1963, by and through its actual affirmative policies, customs, usages and practices, doings and omissions, segregated, *de jure* its students, in that it has knowingly, among other things:

(i) Adopted and slavishly practiced and adhered to its policy of selecting and purchasing sites and building neighborhood schools without regard to integration. It did so within racially imbalanced, segregated and ghetto areas; knowing and intending that the students of the area were required to attend thereat; the establishing of mandatory attendance areas and boundaries around said neighborhood schools perpetuated and created segregated schools; and (ii) Set its school attendance areas and boundaries without regard to creating racially balanced integrated schools. The attendance boundaries were knowingly set, knowing, or having reasonable cause to know, that the school affected thereby would either become or be perpetuated as a minority segregated school or a white segregated school or a racially imbalanced school. Board knew that its rights and powers to establish school attendance areas was and is subject to constitutional guarantee of equal protection and due process. (*Jackson, supra*, p. 879); and (iii) Never adopted or instructed or directed its staff, including the department establishing the school attendance boundaries, of any definition of educational integration or desegregation or racial balance or racial imbalance. (Court's 5–D–3); and (iv) Board did not establish any Feeder School Policies so as to create integration or desegregation or racial balance. It knew, or in the exercise of reasonable care should have known, that the policies established by it perpetuated or created racial imbalance and segregation; and (v) Established transportation policies for its students which in fact perpetuated and created segregation. Students living within 2½ miles of a neighborhood school were not provided with transportation. Board knew that many if not all of socio-economic disadvantaged students could not afford private transportation to schools outside of the area of nontransportation, and therefore that its transportation policy would cause all, if not substantially all, thereof to attend the segregated neighborhood school; and (vi) Consistently taken the legal position that it would only expend sums to create racial balance (though it had not officially defined what constituted racial balance) and would only affirmatively attempt to create, other than by token effort for public relations purposes, integration from surplus funds, surplus to all of its programs which it deemed necessary for the accomplishment of educational "output", which surplus funds it defines as that given to it by outside grants, either Federal or State; and (vii) Constantly taken the position, without first having made any true, in-depth study of the cost thereof, that the cost of providing integrated education would wrongfully require it to be compelled to divert such large financial or other resources from academic programs that the academic achievement of the pupils will literally suffer a significant decline. (Court's 5–D–3 (3/3/69)); and (viii) Contends, asserts, and acts thereunder, that separate but allegedly equal schools are equal educational opportunity; and that, unless and until it is compelled by the Court to do otherwise, that is what it will continue to provide to its students. The Court finds that throughout the period of time involved Board's separate but allegedly equal schools were not equal in fact, either as to plant or facilities or teachers or curriculum, and that Board has not made available to all its students equal educational opportunity. Board still asserts and contends, educationally and legally, that integrated schools are not reasonably necessary to equal educational opportunity; and that there is no legal mandate, constitutional, Federal and/or State, or Statute of State, imposing any duty upon it to desegregate its segregated schools or to remedy racial imbalance in its schools or to integrate its schools, and that it will not so do unless and until it, in its absolute, arbitrary and uncontrolled discretion, believes it to be "feasible" to integrate its schools (R. PT. A., 10/14/69, pp. 2, 3, 14, 16, 24, 25; R. PT. A., 5/1/69, pp. 4, 5); and (ix) Has expended the stupendous amount of taxes received by it in maintaining, protecting, or creating its segregated and racially imbalanced schools; and (x) Deliberately chose to assign and compel students to attend schools on the basis of geographic criteria when it knew that, having knowledge of the residential patterns, the assignments would perpetuate or create racial imbalances and segregation.

Board had, and knew that it had, the power and had the duty specially imposed by law, though denied by it, to adopt school assignment policies that incorporated other than geographical criteria, policies that would rectify the existing racial imbalances, that would create or tend to create racial balance and integration. It had the power and duty to select school sites for that aim, purpose and end. It had the power and duty, though it denied that duty, to readjust attendance zones and areas and to select school sites to meet and overcome the effect of population movement. It knew, or should have reasonably known, of the population movements within its district. Board did not execute those or any of these powers or perform those, or any of these duties specially imposed by law.

("When a thing contingency occurs/Not on that account find it natural." (Brecht))

IV. 20 Board asserts as its obligation and duty:

"The respondent board of education is concerned primarily with school effects—with students' achievement. It views school inputs not as ends in themselves, but only as factors which affect students' achievement. For purposes of illustration, suppose it to be true that there exist in a school district one group of schools whose student bodies are composed predominantly of white students and another group of schools whose student bodies are predominantly Negro (or other minority) students. Suppose also that the average achievement of white pupils is substantially greater than that of Negro students. Using achievement as the criterion of equal educational opportunity, it is obvious that Negro students do not have equal educational opportunity because they are not achieving as well on the average as white students. What are the school district's obligations under such state of facts? As viewed by the respondent board its obligation is to raise the average achievement of the Negro students as close as it possibly can within the limits of its available resources to that of the white students. Again, viewing equal educational opportunity in a substantive sense—in terms of educational results—the

board should allocate its resources to student education in such manner as to minimize the disparities between the average achievements of Negro and white students. On the other hand respondent board does not believe it to be its obligation to effect equality of educational achievement by so withdrawing academic offerings from white students that the average academic achievement of white students diminishes to the level of achievement of the Negro students. To use a rather extreme example for illustrative purposes, the respondent board would not consider it proper to reduce the basic high school offering to a three-period day, and then use the monies thus saved for compensatory education of Negro students.

"In the view of the board of education it should provide to all students a minimum educational offering in such amount and quality that the average achievement of the racially higher achieving group will not substantially decline. In addition the school district should provide to racial minorities, to the extent that it has the financial wherewithal, educational offerings in addition to the basic minimum offering to attempt to close the gap between the average achievement of white students and that of the racial minorities." (R. PT. A. 8/22/69, 1. 11, p. 13 to 1. 16, p. 14)

No credible evidence was introduced by Board, and the Court finds not true, that the educational abilities of the Negroes and Mexicans are inherently or genetically inferior to the whites. Board's said position is based upon an erroneous assumption, to-wit, that the educational opportunities made available by it in the minority segregated schools is in fact equal to that offered in the white school.

It is true that the minority children have not been taught as efficiently and effectively, with emphasis, compassion and understanding at their schools as the white school. "American education is most undemocratic when it accepts ideas of inferiority." (Dr. Kenneth B. Clark, Editor, Psychologist, President of Metropolitan Applied Research Center, N.Y., Nov. Bulletin of the Council for Basic Education.) (Though it was not received into evidence, Dr. Clark's standing and expertise is such that his opinions are entitled to consideration. The Court therefore quotes the following portion thereof: "I do not know of a single situation in which minority group children have been taught efficiently, effectively and with compassion and understanding and skill, in which their performance has not been at or close to the norm of the performance of other children equally well taught. * * * I think that the people who propose special education, special this, special that, for minority group children are violating the law of parsimony. When equal conditions have been established and it is found that the children do not respond, then and only then are we justified in looking for special methods, special techniques. * * * If children are taught well, they don't need it [compensatory education]. Every compensatory education program that I know of is merely a program in which these children are being taught. The critical variable is that children who previously have not been well taught are now, under the guise of some special program, being taught well * * *."

("Arthur Jensen by his claim that the reason for the failures of compensatory education can be found in the lower I.Q.'s of minority group children * * * hasn't been attacked enough. It is an insidious article; that is, it is an insidious approach. Scientifically, it is preposterous. Dr. Jensen doesn't know what he is talking about when he talks about genes, about genetic determination. The whole area of genetics is so complex, so unexamined. In this complicated and mysterious area of biology, geneticists are only beginning to understand the relationship between gene patterns and physical characteristics. They are a long way from understanding the relationship between genetic determiners and psychological characteristics. I don't think Dr. Jensen is a racist, he's just naive. Apparently, he has never understood the work of Franz Boas or Otto Klineberg and the cultural anthropologists, who, as early as the 1930's, were presenting evidence to show that the significant variable in understanding differences among human beings was not, as far as we know, inherent biological determinants, but the complexity of social and environmental forces that interact with whatever biological potential exists in particular individuals." (Wall Street Journal, Dec. 26, 1969.))

Board has not in good faith created, studied, analyzed, tested and understood the effects upon education of integrated schools or racially balanced schools which have been operated for a school [K. to 12] generation or other substantial period of time. Its alleged conclusions are based solely on tests in its low socio-economic segregated schools, schools in which the educational opportunity was not equal to the educational opportunities of the white segregated school.

IV.21 No credible evidence was introduced by Board proving, and the Court finds not true, that the offering and extending of equal educational opportunity to all by integrating schools would reduce either the educational "inputs" or "outputs" or motivation or achievement of the white students or that it would require Board to withhold from them any academic offerings.

The right, inherent, to an education, equal educational opportunity by and through equal integrated schools so that the opportunity to learn received by one is received by all, cannot be denied or abridged upon the fears or assumptions or grounds, if it existed: that whites are superior in learning ability and therefore have rights to a white segregated or superior or better education than minorities; or that the whites will be held back or deprived of educational opportunities; or that the average academic achievement of white students [will] diminishes to the level of achievement of the Negro students by integrated education. (R. PT.A., 8/22/69, p. 13) Citizenship, its rights and duties, knows no color. Schools, equal educational opportunity, should know no color between its students. There is no right to the duty specially imposed by law upon Board prohibits, minimization of cost of education of the minorities, whether socio-economically disadvantaged or not, so as to enable the alleged "racially higher achieving group" to achieve higher grades, receive better, higher-quality education, greater achievements, and be prepared for a better life than the minorities, and at their expense. Only when all, equally, have been provided with equal educational opportunity and, the minorities requiring it, created by the heretofore segregated education, have received educational offerings in addition to the minimal offers to attempt to close the gaps between the average achievement of the white student and that of the racial minorities, will Board have performed its duty imposed by law.

Board's policy and action thereunder to perpetuate in favor of the white students the disparity which it has found to exist and which it has caused to exist or continue to exist by segregated schools is educational discrimination. It is a denial of equal protection of the laws, of due process of law, of the inalienable and constitutional rights, the right to be a human being.

Board having only provided to "* * * all students a minimum educational offering in such amount and quality that the average achievement of the racially higher achieving group will not substantially decline" was and constituted state action of discrimination against the minorities in favor of the whites to perpetuate the disparity existing and caused to exist by Board through segregated education.

IV.22 Additionally to the constitutionally imposed prohibitions and duties, similar duties and prohibitions, the duty to integrate, prohibition against segregation in education, are imposed upon Board by our State Statutes.

After the commencement of this action, State Board adopted its Rules 2010 and 2011. (Rules 2010 of St. Board of Education; Court's 10A, 10B (filed 2/21/69, effective 3/21/69.)) Though adopted subsequent to the commencement of this action, in fact during the trial hereof, Petitioners' rights and Board's duties are to be determined, adjudged, as of the date of trial and judgment herein. The Rules have the force and effect of statutes. (*Viner v. Civil Service Comm.* (1943), 59 Cal. App. 2d 458, 465; *Bruce v. Civil Service Board* (1935), 6 Cal. App. 2d 633, 637; *Duke Holner, etc. Liquor Co. v. Martin* (May, 1960), 180 Cal. App. 2d 873, 884.

IV.23 Board also "is of the opinion that prejudice, bias and misunderstanding in society may tend to be reduced through closer contact of individuals of different races and cultures." (R. PT. A., 10/11/68, p. 2, 11.16 to 18.)

IV.24. Even if the doctrines and contentions of Board were legally valid and based on true principles of education, they are inapplicable. The segregated schools of Board are not equal in plant, or facilities or teachers, or curriculum with the white segregated schools.

IV.25 There is in fact no difference in terms of education, equal educational opportunity and educational discrimination, between *de jure* and *de facto* schools. The harm, the denial of equal educational opportunity, is the same. (Trans. pp. 1886, 1887, 2727, 2977–78, 3047–49, 3467.)

(Respondent attempts to differentiate Brown I and its progeny and Jackson and its progeny upon the ground, primarily, that each related to de jure segregated schools as distinguished from de facto segregated schools, contending that all of its schools, if any segregation or racial imbalance exists therein, which it does not admit, are *de facto* and not *de jure*. The findings of fact of each thereof as to the educational detriments of segregation were not related to or predicated upon *de jure* or *de facto* segregation, but segregation itself.)

"School segregation is 'inherently unequal' by any name and wherever located," found as a fact in *U.S. v. Jefferson County, supra,* (p. 389). It is true that the Court therein did "leave the problems of *de facto* segregation in a unitary system to solution in appropriate cases by appropriate Courts." "This Court did not 'excuse' neighborhood schools in the North and West which have *de facto* segregation. No case involving that sort of school system was before the Court." Having found and held that:

"School desegregation cases involve more than a dispute between certain Negro children and certain schools. If Negroes are ever to enter the mainstream of American life, as school children they must have equal educational opportunities with white children."

its reference to *de facto* segregation were restricted to the question of legal "solutions". This Court agrees:

"The Negro children in Cleveland, Chicago, Los Angeles, Boston, New York, or any other area of the nation which the opinion classifies under *de facto* segregation, would receive little comfort from the assertion that the racial make-up of their school system does not violate their constitutional rights because they were born into a *de facto* society, while the exact same racial make-up of the school system in the 17 Southern and border states violates the constitutional rights of their counterparts, or even their blood brothers, because they were born into

a *de jure* society. All children everywhere in the nation are protected by the Constitution, and treatment which violates their constitutional rights in one area of the country, also violates such constitutional rights in another area. The details of the remedy to be applied, however, may vary with local conditions. Basically, all of them must be given the same constitutional protection. Due process and equal protection will not tolerate a lower standard, and surely not a double standard. The problem is a national one." (Dissenting opinions, Gewin and Griffin B. Bell (Circuit Judges), *U.S. v. Jefferson,* 380 Fed. Rep. 2d 397–398.)

IV.26 From an educational standpoint, to achieve greater understanding, reduction of prejudice, minimization of racial conflicts, a better and greater educational opportunity, it is sounder to integrate minority and majority children when they enter kindergarten or elementary school and give them an integrated education experience all the way through public schools rather than keeping minority and majority children in segregated schools until they reach junior high or senior high school. Board knew thereof. P. 43–C, p. 204; Trans. pp. 8170–77).

IV.27 Board's alleged open enrollment policies (Second and Further Separate Affirmative Defense, par. I of Ans.) was not and is not a policy of integration or desegregation or of corrections of racial imbalance. It was and is not even a technique for the achievement of any thereof.

It was and is not mandatory. Integration, the creation of racial balance, the elimination of racial imbalance, must be mandated.

It was and is not a "right" of transfer, but only a "privilege" of transfer on the basis of "first come, first served." It was not equal.

A plan and its methods, means, mechanics and techniques of integration, of desegregation, of remedying racial imbalances and creating racial balance must be designed to and work and achieve its objectives. It did not. (Court's Exh. 5A, pp. 14–18; R. 14A, Trans. pp. 1764–71.)

No provision was or is made for the transportation of students from the "sending school" to the "receiving school". Board knew that the socio-economic disadvantaged could not avail itself of any alleged privilege to transfer without transportation being made available to them by Board. The effect of the alleged policy was to permit white students attending racially imbalanced schools to transfer to white schools. (Trans. pp. 1965–67, 7364–65, 4827–4828, 4831–4843, 5414–15, 5442–5461, 6046—48.)

IV.28 Board, in its failure and omission since Brown I (1954), Brown II (1955), Jackson (1963) and the adoption by State Board of its original Regulation 2010 (October 23, 1962), to thereafter with all due and deliberate speed, in good faith, give to all students, white, Negro, Mexican, Oriental, equal educational opportunity in integrated schools so that every student of the District would be given substantially the same educational factors, both tangible and intangible, as every other student of the District and so that there be only schools, not white or Negro or Mexican or Oriental, has been guilty of bad faith, the failure to exercise the highest of good faith, the good faith that a trustee, and Board is a trustee (*Pass School, et al. v. Hollywood, et al.,* 156 Cal. 416, 420 (1909)), owes to its beneficiary.

IV.29 Board has and has a duty, in all matters relating to the education of its students, to act in the highest of good faith. (CC § 2228.) A knowing, deliberate omission or refusal to perform a duty specially imposed by law by reason of the relationship existing, without just cause or excuse, and thereby denying to the beneficiaries that which is justly owing, is bad faith.

Fifteen and a half years have elapsed since Brown I. Approximately seven years have elapsed since the original adoption by State Board of Rule 2010. More than six years have elapsed since Jackson. Six years and seven months have elapsed since the filing of this proceeding. Though "[t]he Board of Education reaffirmed its responsibility to provide equal educational opportunity to children of all races, religions and cultures on June 7th, 1962, when it adopted the motion establishing the Ad Hoc Committee. The Board felt and feels that it has followed a policy directed toward the goal of equality in that the pupil-teacher ratio, basic curriculum, books per student, and transportation rules are equally applied throughout the District. It is conceded, however, that this formula falls far short of providing true equality for thousands of children who enter our schools from educationally and economically disadvantaged environments. They are in no way able to compete equally with children living under more favorable circumstances." (Court's Exh. 5–A "PREFACE", p. 1), and thereafter the Ad Hoc Committee recommended to Board (May 20, 1963):

"The Committee recommends that the Board of Education adopt the following statement of policy:

"The Board of Education believes that equality of opportunity in the total community for all ethnic groups is a desirable goal for our society. Therefore, the Board establishes a formal policy of providing equal educational opportunity for all pupils regardless of racial or socio-economic background, recognizing that equal opportunity is best achieved in schools which provide pupils an opportunity for interaction with persons of differing cultures and ethnic backgrounds.

"In furtherance of this policy the Board recognizes an obligation to act positively within the framework of its educational responsibilities, at all levels and in all areas of the school system)

"a. By encouraging actions and programs designed to maintain in the Los Angeles City Schools a position of leadership in the avoidance of segregation or discrimination in such matters as school boundaries; student discipline; educational and vocational counseling; teacher placement, transfer, and promotion; and any other matter affecting equal educational opportunity)

"b. By insuring that all such policies are continuously and clearly communicated to all school personnel and to the public."

(Court's Exh. 5–A, pp. 2–3), it was not until approximately four years later (December 21, 1967) that Board purportedly adopted the Ad Hoc Committee's Recommendation (Court's Exh. 5–C, pp. 1–4), resolving, among other things, that "Further, in order to clarify its position, that the Los Angeles Board of Education accepts Directive No. 1 of the 1963 Ad Hoc Report as policy. In addition, the Board of Education sets as its goal an integrated system at all levels and divisions and instructs the staff to develop every feasible technique and program to accomplish this goal." Board did not take and has not taken any meaningful steps nor adopted any meaningful means or methods or mechanics or techniques therefor, nor even to this date adopted definitions of "integration" or "desegregation" or "racial balance" or "racial imbalance".

On February 13, 1969, State Board adopted its Amended Rules, Secs. 2010 and 2011 (Title 5, Calif. Admin. Code), to become effective March 1969. On March 3, 1969, Board adopted its Superintendent's recommendations and interpretation of said Rules, to wit:

"* * * The Superintendent therefore construes Sec. 2010 to mean that each school board shall seriously and earnestly engage in an 'effort to prevent and eliminate racial and ethnic imbalance' WHERE FEASIBLE, and that prevention and elimination of such imbalance shall be *one* of the principal or primary goals of the district. The State Board *did not say* that the prevention and elimination of racial and ethnic imbalance shall be the first, and if necessary, the exclusive priority of each school district. [Emphasis ours.]

* * * * *

"Inference may be made from Sec. 2011 (a) (1) that the State Board regards a school to be in ideal or perfect racial and ethnic balance where the respective proportions of ethnic and racial groups in each grade of the school are precisely the same proportions that such racial and ethnic groups represent in the total school district pupil population. Sec. 2011(a), subsections 1 to 4, seem to require each district continually to strive, *insofar a* [sic.] *seems feasible,* to achieve this ideal racial and ethnic balance. However, the Superintendent does not construe Sec. 2011 (a) to require a school district to neglect its academic program in seeking to achieve such concept of ideal racial and ethnic balances, * * *.

"* * * The Superintendent further construes Secs. 2010 and 2011 to require the School District to racially and ethnically balance school populations, and ideally, grade populations within schools, *where feasible.* The extent to which the achievement of ethnic and racial balance *is feasible* is a decision legally committed to the Board of Education. The Board is to make its decision by weighing the *feasibility factors* specified in Sec. 2011(c), including the items set forth in subsections 1–4, in the manner there stated.

* * * * *

"In summary, the Superintendent interprets these Rules to mean that the Board of Education is not required by Secs. 2010 and 2011 (as amended) to allocate its financial and other resources to the achievement of racial and ethnic balance if student academic achievement would likely suffer any significant decline because of any required reduction in the academic programs. * * *" (Emphasis ours.) (Court's Exh. 5–D–3.)

Notwithstanding said Resolution, Board did not then undertake or make the study, and has not formulated any plans, "for the relief and amelioration of racial and ethnic imbalance existing within some of the schools of the District". Approximately one year has elapsed from the adoption of said Resolution.

The Court hereafter concludes that the duty imposed upon Board, constitutionally and under 2010 and 2011, to desegregate and integrate its schools, district-wide, is absolute, not merely to "seriously and earnestly engage in an 'effort to prevent and eliminate racial and ethnic imbalance' where feasible" in the opinion of Board or only "seem[s] to require each district continually to strive, insofar a [sic.] seems feasible" to Board "to achieve this ideal racial and ethnic balance".

Board had and has no right to condition, a condition precedent, its duty to the time when, in its opinion, integration would be "feasible", that is, when and only when it may feel that it has "excess" funds, excess to its segregated education, and when it, in its absolute, arbitrary and uncontrolled discretion, may determine and resolve that "the academic achievement of the 'minorities' in the schools will be raised by racially mixing students and the achievement of the 'majority' will not be substantially reduced by such racial mixing." (R. Pt. A., 10–14–69, pp. 2–3); because, it asserts, "its obligation is to raise the average achievement of the Negro students as close as it possibly can within the limits of its available resources to that of the white students. * * * [to] allocate its resources to student education in such manner as to minimize the disparities between the average achievements of Negro and white students. * * * [and not] to effect equality of educational achievement by so withdrawing academic offerings from white students that the average academic achievement of white students diminishes to the level of achievement of the Negro students * * *

[and, therefore,] it should provide to all students a minimum educational offering in such amount and quality that the average achievement of the racially higher achieving group will not substantially decline * * * [and thereafter] should provide to racial minorities, to the extent that it has the financial wherewithal, educational offerings in addition to the basic minimum offering to attempt to close the gap between the average achievement of white students and that of the racial minorities." (R. Pt. A., 8–22–69, pp. 13–14.)

Board is still committed to its policy, contrary to the duty specially imposed by law: that separate but equal is equal; and that no duty exists on its part to affirmatively seek, cause and create integration; and that neither constitutionally (U.S. and State) or statutorily (Reg., State Board, 2010), do minority students have any right to education by and through racially integrated schools. (R. 32B, R. 32D, R. Pt. A., 8–22–69, pp. 6, 14, 23; R. 373–2; Trans., pp. 12082–83.)

After the adoption by Board of its Resolution (Court's 5–C), hereinbefore set forth, the Court prepared its "COURT'S UNDERSTANDING OF REPRESENTATIONS OF COUNSEL FOR RESPONDENT'S INTENTION AND MEANING OF COURT'S EXHIBIT 5–C" (November 29, 1968). The Court thereby stated its understanding thereof as:

"(1) That the Board 'recognizing that equal opportunity is best achieved in schools which provide pupils an opportunity for interaction with persons of different cultures and ethnic backgrounds' 'establishes a formal policy of providing equal educational opportunity for all pupils regardless of racial or socio-economic background' by and through 'an integrated system at all levels and divisions.'

"(2) Therefore, the Board: 'recognizes an obligation to act positively within the framework of its educational responsibilities, at all levels and in all areas of the school system; adopts Directive 1 of the ad hoc Committee Report of 1963'; and 'instructs the staff to develop every' 'feasible technique and program to accomplish this goal' of an 'integrated system at all levels and divisions.'"

The Court requested confirmation thereof by Board. Board did not make any reply thereto until May 1, 1969. ("RESPONDENT'S POSITION RE EQUAL EDUCATIONAL OPPORTUNITY AND DESEGREGATION".) It did not directly or unequivocally agree with the aforesaid construction of its said Resolution (allegedly "Director 1"). It purported not to have an understanding of the phrase "equal educational opportunity". It conceived "of at least three different sets of conditions constituting school district activities that may be indicated by the phrase". Included therewith was: "(1) One such set might be that every pupil of the district is presented with precisely the same educational factors, both tangible and intangible, as every other pupil of the district * * *"; and, as to that, Board was of the position "that there would be little point in seeking 'equal educational opportunity' according to the first set of conditions postulated". There is incorporated herein, hereat, verbatim, the said statement of the Board's position.

Board, notwithstanding its said Resolutions, Motions and Directives, is still committed to the policies that, unless and until it is "clearly demonstrated that integration has a substantial effect on student achievement in a positive sense", and when and only when it (in its arbitrary and uncontrolled judgment) so decides, would it "put our money into integration". (Trans. pp. 11106–07, 11412–13.)

That, by reason of all of the facts herein found, true and not true, Board, in its denial to Petitioners and the class in whose behalf the Petition was filed of equal educational opportunities by integrated education, has been and is guilty of bad faith.

IV. 30 Board will not, unless ordered so to do and supervised therein, within any reasonable period of time, formulate and adopt a Master Plan, including methods, manners, means, mechanics and techniques for the consummation thereof, for the integration of its schools.

IV. 31 Board's unwillingness and refusal to racially integrate its schools, unless compelled to do so, is in part based on fears and genetic assumptions—Fears: that the costs of integration, which costs it does not know, will financially compel a reduction in the educational inputs and therefore outputs of the majority; that integration will reduce the motivation and therefore the achievement of the majority and reduce the learning capability average of the majority to the assumed lesser-learning capabilities of the minority.

Board has not made any comprehensive, in-depth, good-faith study of the costs or effects of integrated education. Its data is from segregated minority, disadvantaged, low socio-economic schools with its high-advantaged, high socio-economic, white, segregated schools. Board did not introduce any credible evidence to support its fears and assumptions. The Court finds them not founded in fact and not true.

IV.32 Board may not, cannot, constitutionally, federal and state, justify segregated education, a denial of equal educational opportunity, upon the basis of maintaining a status quo or other desire to create or achieve an alleged superior educational race or majority. It was and is the very purpose of the constitutional requirement of equal educational opportunity not only to allow but to require the rendering of the same equal educational inputs to all students so as to assure to all equal rights to be a human being and better qualified to understand and be a part of society and the country.

IV.33 Board knew, actually and constructively (*Westminster School District of Orange County v. Mendoza* (April 14, 1947, corrected August 1, 1947) 161 F. 2d 774, 776–79, 780–81), that no Statutes of State or Rules or Regulations of State Board provided for or allowed segregated schools or required or allowed such adherence to neighborhood schools which would create or maintain or perpetuate segregated schools.

Board has and does maintain, perpetuate and create segregated schools and a segregated school system by slavish adherence to its neighborhood school policy and foundless hopes of voluntary integration. (Court's Exh. 5–A; Trans. pp. 1798, 2707–08, 3808–39, 1387–91, 1969–74.)

IV.34 Board made no racial summary of its schools until the year 1966, when directed to do so by State Board. (Trans., p. 11816.) Prior thereto, it collected such data only by general geographic automobile survey. Board knew or should have known that it could not comply with its constitutional duties without such data. Board had been requested, commencing with on or about 1962 to collect and collate such data. (Trans. pp. 11818–22.) Board knew or should have known, upon the original adoption (1962) by State Board of its Rule 2010, that it could not comply therewith without the collection and collation of such data.

IV.35 The new school sites selected by Board after 1963 were not selected to achieve integration in its schools. Board has not done so to this date. It has not, to this date, promulgated any definitions thereof nor instructions to its staff as to the selection of sites therefore. (Trans. pp. 3939, 4162–68, 4267–87, 11709–10.) Therefore, Board's staff were unable to and did not select sites to achieve integration. Eighteen school sites were acquired and schools built and completed between May, 1963, and January, 1968. (R. 148A, 36A.) Prior to the acquiring of the sites and the building of the schools, no consideration was given to alternate sites which would have had substantial effect upon racial balance. (R. 148B; Trans. pp. 3902–08, 4212, 4475.) The staff of Board, by reason of the failure and omission on the part of Board to define "integration", "segregation", "desegregation", "racial balance", "racial imbalance", and to instruct its site selection staff thereof, caused its staff to assume that racial balance was improved if only one white student was added to an otherwise segregated school. (Trans. pp. 3171–87.) No instructions were given to staff to consider, in changing attendance areas and boundaries, pairing of schools or consolidation of attendance areas and boundaries, or otherwise, to facilitate or create integration. (Trans. pp. 6092–96, 11708–10.) Board and its staff, in selecting, approving and resolving upon the creation or changing of attendance districts and boundaries, did not have any written data before it in approximately seventy-five percent of the sites selected prior to 1966 (Trans. pp. 4392–94), and, even in the remaining percentage thereof, did not have sufficient information upon which a decision for racial integration of its schools could be predicated.

IV.36 Board has, to the present time, knowingly and intentionally omitted, failed and refused to define and instruct its staff as to what it intended by "integration" or "racial balance" or "racial imbalance" or "equal educational opportunity." (Trans. pp. 4161–63, 7936–41, 8192–93, 9055–58, 11708–10, 12066–68.) It was not until on or about August 2, 1966, that Board talked about an experimental approach to integration in education (R. 32B, as distinguished from a/or any comprehensive plans for mandatory integration.

IV. 37 Board has since 1963 collected and spent billions in taxes, without calculably, affirmatively, actively and effectively seeking or attempting to achieve or achieving racial integration in any substantial part of its schools. The sums have, in effect, been expended to maintain and to perpetuate the segregation existing in its schools, without any progress for integration. Board rationalized its failure and omission so to do by asserting as hereinbefore found. Board's Directives, sounding as if it were in fact seeking and ordering integration, were solely for public relations, to attempt to keep the minorities pacified. (Court's Exh. 57; Trans. pp. 7984–94, 7996–98, 8032–44, 8047–50; R. 373–3B P. 35, p.5; R. 373–2, p.2) Board has not, since May, 1963, put into motion or maintained any effective integration program. (Trans. pp. 7893–7924.)

IV. 38 State Board's Rules 2010 and 2011 (Court's Exhs. 10–A, 10–B) are based on the recognition of the facts: That segregation or racial imbalance, however caused, is one of the fundamental factors contributing to the educational deprivation of disadvantaged children from minority ethnic groups. (Trans. pp. 9879, 9986.) That compensatory education programs are no substitute for integrated education. (Trans. p. 9982.)

IV. 39 The allegations of Paragraphs 1; 2; 3; 4; 6; 7; 8; 9; 10; 11; 12; Lines 14–18, p. 5, of Pet., of 13; 15; 16; 17; 18 and 19 of Pet.

IV. 40 The allegations of Paragraph 20 of Pet. (added by Amm. to Pet., Par. 1 thereof, filed June 11, 1969).

IV. 41 That to and only to the extent funds are granted to Board by the Federal Government or the State of Califorina, but not otherwise, Board has established and is operating compensatory educational programs for "its educationally or culturally deprived students, most of whom are from a racial minority group". (Lines 13–14, p. 2, of Ans.)

IV. 42 That compensatory educational programs are methods of substantial cost attempting to alleviate educational and cultural deficits sustained principally and substantially by the Negro and Mexican-American minority groups, "deprived stu-

dents", students in segregated and racially imbalanced schools, by reason of the failure and omission by Board to, in the past, give to them equal educational opportunity by and through integrated schools.

IV. 43 That Board has "historically * * * selected its school sites and has built its school plants as close as financially possible to the center of the area in which the pupils live" (Lines 30–32, p. 2, of Ans.), neighborhood schools, without reference to integration and without regard to the effect of segregated education. That said school sites were selected and said school plants constructed and thereafter maintained within known segregated areas or areas which Board knew or should have known in the exercise of reasonable care and skill would be within a reasonable period of time a segregated area. That the attendance area zones had been and are selected without regard to the integration of Board's schools. "[A]ttendance area zone surrounding such school plants are based upon capacity of the school, safety and hazard factors, distance to be traveled between home and school, natural, geographic or other physical barriers" (Lines 9–12, p. 3, of Ans.), without regard to integration or the educational effects thereof, segregation or the educational effects thereof, or the rights of equal educational opportunity. The sites were selected, the schools were built, though Board knew or should have known, in advance, that their student body would be all or substantially all minority.

IV. 44 The instituting of this Petition for Writ of Mandamus in behalf of all of the students of Board similarly situated, the prosecution of this action, an involved and difficult one, requiring capable, experienced and diligent Counsel, was necessary, made necessary by Board, to compel it to perform the duties specially imposed upon it by law, to wit, to give to all of the students attending its schools, irrespective of race, color or creed, economic or social circumstances, equal protection of the laws, due process of law, equal educational opportunity, by rearranging, reestablishing, reconstructing, regrouping and otherwise as may be reasonably necessary therefor, its schools, so as to constitute racially unitary schools, not white, not black, not Mexican, not Oriental, but just schools.

Petitioners are but nominal petitioners in behalf of all students of Board. Petitioners could not, cannot, and should not be expected to, from their own resources, finance this proceeding. The research of the facts and law, the assembling of evidence (see for example P. 31), the preparation of briefs (see for example the Memorandum On the Evidence, 10–29–69), the selecting, interviewing and procuring of Experts to testify (for example: Dr. John Caughey; Dr. David K. Cohen; Dr. C. Wayne Gordon; Dr. Neil V. Sullivan; Dr. Dan W. Dodson), the taking of depositions (for example: Dr. Jack Crowther, Board's Supt. of Education; Arthur F. Gardner; Dr. Hugh C. Willett; Dr. Ralph Richardson; Mrs. Georgiana Hardy, Members of Board; Jewell Chambers, Member of Board) required the devoting of tremendous amounts of time of Counsel, aside from the trial. The trial for Counsel, was practically a twelve- to eighteen-hour day.

To undertake to pay the reasonable value thereof would require and is only within the financial ability of the rich. The Petitioners are not of that class.

It was therefore necessary for Petitioners to procure Counsel philosophically in accord, economically able to take the risk of, imbued with the same convictions, and therefore willing to devote the time, to make the time available and to undertake an unpopular cause, unpopular with the majority, for the protection of the rights of minorities, socio-economically disadvantaged, and therefore willing to undertake and to perform the substantial services required and involved upon, as to their compensation, a contingency, that is, if successful, for such sum, if any, as the Court might allow.

This is an equitable proceeding, having for its objective the compelling of Board to perform the duties specially imposed upon it by law. Without the undertaking of this cause by Counsel, without the allowing by the Court of reasonable compensation thereto, Petitioners and all others of the class for whose benefit the proceeding was filed would be at the mercy of Board.

It is necessary in our system of government that the governed be allowed to seek out, find and have represent them capable, experienced Counsel, willing to be a "watchdog" of the government as to the rights of the governed, always having in mind that where discretion is reposed, there lie the seeds of tyranny.

This proceeding is in behalf of and for the benefit and to protect the rights of not only the minority but the majority—though it is reasonable to assume that the majority will vehemently deny that fact. This type of proceeding is necessary to avoid, among other things, the possibility of any apartheid doctrine or policy in our country.

All of our people, whites, Orientals, Negroes and Mexican-Americans, will benefit by integrated living and experience in integrated schools, learning that race, color, creed, economic and social circumstances or station in life do not make anyone more or less than a human being. Integrated education will tend to teach all of the students to lose their fears of different races, their prejudice, their bias, their bigotry, to seek and do Justice, to walk humbly with their fellow beings, to love mercy, to temper righteousness with mercy, and to allow to every person their right to worship as they will. The parents, in participating in integrated educational processes, will also so learn. Board will learn of the benefit to all of its students by and from integrated education and will, hopefully, lose its assumptions of inferiority of one race when compared with another.

The right of Counsel to reasonable compensation should not be restricted or inhibited by a doctrine which limits the compensation of services of Counsel to causes which provide monetary recovery. The protection and preservation of the inalienable constitutional rights of any class of citizens, the enforcement of duties of government, imposed upon it by law, to its citizens, is at least as valuable, if not more so, than the recovery by litigation of money. Rights, particularly the inalienable constitutional rights, are a species of property. In a country of laws, the reaffirming, enforcement and preserving thereof, including the most sacred and invaluable of the rights, the right to life, liberty and the pursuit of happiness, to be a human being, for every person to receive the same equal protection of our laws, is one of the highest callings of Counsel; and when done in behalf of those otherwise unable to do so, the disadvantaged, Justice requires, demands, that they receive reasonable compensation therefor.

To the extent that there is recovered through this action by a large proportion of the students of Board (the minorities (1968) comprising approximately 349-thousand out of a total of approximately 775-thousand students of Board) substantial benefits, by causing Board to perform the duties specially imposed upon it by law, it raises the standard of the fiduciary relationship of Board to all of its students and so serves important considerations of public policy.

If the Court does not have, is denied, the power, the right, to allow reasonable compensation for the services of Counsel in causes like this and particularly when they skillfully, efficiently and effectively re-establish the rights of the class in whose behalf the action is brought, the bringing of such actions would be discouraged instead of, as it should be, encouraged.

Board had at its command in its defense practically unlimited resources. It appropriated a substantial sum to fight this cause. (Trans. p. 6908, Line 11, to Line 6, p. 6909; 6470, Line 21, to Line 11, p. 6472.) It had at its command County Counsel, able and experienced lawyers, and in addition capable, experienced private Counsel. (The Court commends all Counsel for a job well done.) Additionally, it used and made available to its Counsel the abilities, education and skill of its staff, among the very persons enjoined by law to render and perform the duties imposed by law sought to be enforced by Petitioners. It had daily transcript.

Board, as a Trustee, could have, and in the highest ideals of a trustee with the complete impartiality owed to all of its beneficiaries, should have, filed its own action or cross-complaint for declaratory relief to have the Court adjudicate its rights, duties and obligations to and among all of its students, assuming an imparial position, introduced all of the evidence available to it, and being willing, even desirous, of performing the duties imposed by law, asked the Court for a declaration thereof. Instead, it defended against the Petition, denied duties sought to be re-adjudicated, and caused to be performed. Its defense was strenuous, capable and hard.

Board would not have preformed the duties specially imposed upon it by law to grant to all of its students integrated, equal, educational opportunity but for this proceeding. To this very day, Board denies any such duties.

It is therefore reasonable, just, within the concepts of equity, the administration and preservation of Justice, and required by the conscience of the Court, that Counsel be allowed reasonable compensation to be paid by Board, and through it the peoples for whose benefit the proceeding was brought and prosecuted.

It is reasonably to be anticipated that Board will take an appeal from the Judgment herein. It is to be hoped that present Counsel for Petitioners will continue to represent them upon the appeal. Counsel shall be entitled to reasonable compensation therefor. It is, therefore, proper that the Court retain jurisdiction to, in the event of and upon entry of the final Judgment herein, allow to Counsel such additional compensation as may be just and reasonable under all of the circumstances for their services on such appeal. (*Knoff v. City and County of San Francisco*, 1 Cal. App. 3rd 184, 203–204 (October 27, 1969); *Ball v. School Board*, 321 F. 2d 494 (4th Circuit, 1963); *Rolfe v. County Board*, 282 F. Supp. 192 (E.D. Tenn. 1966) affirmed 391 F. 2d 77 (6th Circuit, 1965); *Hill v. Franklin County Board of Education*, 390 F. 2d 583 (6th Circuit, 1968).)

IV.45 The reasonable value of the service of Counsel for Petitioners, for the instituting and prosecuting of this proceeding to the date hereof and hereafter the preparation of the formal Findings of Fact, Conclusions of Law, Judgment and Peremptory Writ of Mandamus, the settlement thereof, and the reasonably certain to be made Motion for New Trial by Board, is the sum of $65,000.00, plus Petitioners' and Counsels' costs and disbursements herein.

IV.46 The Court retains jurisdiction to allow to Counsel for Petitioners reasonable compensation for their services on appeal and such other additional services which may be reasonably required to be rendered in any subsequent proceedings in this cause.

(There have been and are a number of persons of counsel for Petitioners. They shall agree, in writing, among themselves as to the participation of each in the fee allowed and hereafter, if any, allowed. In the event they are unable to do so, the Court retains juris-

diction to allocate the fees among them, based upon the contribution of each to the total of the services rendered. This cause was assigned to this Judge for all purposes. It is, therefore, to be anticipated that he will preside upon all subsequent proceedings herein.)

IV.47 The Court may not be, as Board asserts, qualified as an educator, nor should it, generally, interfere in the educational processes adopted by Board and taught to its students.

However, the adjudicating of constitutional and statutory rights and the enforcement thereof is within its jurisdiction, its powers, its duty and its honor.

IV.48 Board will only meaningfully adopt, in good faith, integrated education, a wholly unitary system of schools, as its aim, purpose and goal, with all due diligence and speed; will only evolve and adopt a Master Plan of and for integration, together with the manner, means, mechanics and techniques for the carrying out thereof, a plan, method, means, mechanics and techniques which will effectuate integration in Board's schools within a reasonable period of time, when commanded by this Court to do so.

IV.49 To attempt to assure the doing thereof in good faith and with all due diligence and speed; having in mind the long period of time already elapsed, during which Board has knowingly, deliberately failed and omitted to perform the duties specially imposed upon it by law; that, upon completion and adoption by Board of said Master Plan and of the methods, means, mechanics and techniques for the consummation thereof, it will be required to submit all thereof to this Court for its approval as conforming to law and the Peremptory Writ of Mandamus to be issued; to avoid the four to five years of hearings that have occurred in other cases (*U.S. v. Montgomery Board of Education,* 23 L. Ed. 2d 263, 272 (1969)); to avoid a repetition of the six years and nine months that have elapsed since the filing of the Complaint herein (August 1, 1963); Expert evidence (Evidence Code § 720) will be required by the Court to assist it in assuring the performance by Board of its said duties, and to assist the Court upon the review of any such Master Plan and the manner, means, methods, mechanics and techniques for the fulfillment thereof. Therefore, the Court's Expert shall be required to audit the proceedings of Board and to be of such assistance to it as may be within his power to assist Board in conforming to the Judgment and Writ of the Court and the duties imposed by law. "We were not content, however, to leave this task in the unsupervised hands of local school authorities, trained as most would be under the old laws and practices, with loyalties to the system of separate white and Negro schools." (*U.S. v. Montgomery County Board of Education,* 23 L. Ed. 2d 263, 268; *Green v. County School Board,* 391 U.S. 430, 439, 88 S. Ct. 1689, 20 L. Ed. 2d 716, 724 (1968): "There is no universal answer to complex problems of desegregation; there is obviously no one plan that will do the job in every case. The matter must be assessed in light of the circumstances present and the options available in each instance. It is incumbent upon the school board to establish that its proposed plan promises meaningful and immediate progress toward disestablishing state-imposed segregation. It is incumbent upon the district court to weigh that claim in light of the facts at hand and in light of any alternatives which may be shown as feasible and more promising in their effectiveness. Where the court finds the board to be acting in good faith and the proposed plan to have real prospects for dismantling the state-imposed dual system 'at the earliest practicable date,' then the plan may be said to provide effective relief. Of course, where other, more promising courses of action are open to the board that may indicate a lack of good faith; and at least it places a heavy burden upon the board to explain its preference for an apparently less effective method. Moreover, whatever plan is adopted will require evaluation in practice, and the court should retain jurisdiction until it is clear that state-imposed segregation has been completely removed.")

It is just, proper and provided by statute (Ev. C. § 731) that the reasonable compensation of said Court's Experts, as may be allowed by the Court, shall be paid by Board.

The Court, therefore, retains jurisdiction to, upon motion of either of the parties or upon the Court's own motion, appoint such Expert or Experts and to allow reasonable compensation for his or their said services. (The provisions of Chapter 3, Article 1, Article 2, §§ 720–733, of the Evidence Code shall be applicable thereto.)

V. The Court finds not true:

V.1 That "Respondent is as committed as Petitioners appear to be to the integration of the schools." (R. Pt. A., 10–11–68, p. 1, Lines 23–24; R. 373–3; Trans., pp. 8075–80.)

V.2 That "Respondent has made and will continue to make every feasible effort" or has been and is seeking or will seek every or any feasible means toward or to effect the integration of the schools or school systems. (R. Pt. A., 10–11–68, p. 2, Lines 1–2.)

The Court finds that Respondent will only do so when commanded by the Courts.

V.3 That "[c]ommencing with the large immigration of students of minority group derivation in the Los Angeles Metropolitan area, Respondent's basic policy has been, when confronted with two or more educationally sound courses of action, to select that course of action which is most likely to lead to school integration." (R. Pt. A., 10–11–68, Lines 8–12, p. 2.)

V.4 Respondent's view, the Court also holding it as contrary to law:

"* * * that the federal constitution requires racial mixing in the schools if, and only if, the racial separation of students in the schools is of a *de jure* nature, or if, and only if, in the case of *de facto* segregation, the academic achievement of the 'minorities' in the schools will be raised by racially mixing students and the achievement of the 'majority' will not be substantially reduced by such racial mixing." (R. Pt. A., 10–14–69, p. 2, Line 27, to p. 3, Line 1.)

That, under the duties specially imposed upon it by law, Respondent is only obligated to "provide to all students a minimum educational offering in such amount and quality that the average achievement of the racially higher achieving group will not substantially decline. In addition the school district should provide to racial minorities, to the extent that it has the financial wherewithal, educational offerings in addition to the basic minimum offering to attempt to close the gap between the average achievement of white students and that of the racial minorities." (R. Pt. A., 8–22–69, p. 14, Lines 9–16);

That it has any right, a choice, to create or maintain or perpetuate substantial allegedly *de facto* segregation because, in its alleged opinion, "a higher level of student achievement" will result than under integrated education. (R. Pt. A., 8–22–69, p. 24, Line 30, to Line 5, p. 25.)

The Court does find true that it [Board] has and will continue to so do until commanded otherwise by the Court.

V.5 that, no credible evidence having been introduced by Board so proving, the integration of Board's schools will significantly or substantially reduce the funds available for the education of its pupils.

V.6 That Board has not had available to it "any hard data indicating that classroom education as it is commonly understood will be enhanced through integration." (R. Pt. A., 10–11–68, p. 2, Lines 13–15.)

V.7 That racial imbalance and segregation existent in Board's schools since 1963 and thereafter is fortuitous. That the segregation in Respondent's schools is *de facto* and not *de jure.*

V.8 That, no credible evidence having been introduced by Board so proving, the educational ability or educational output of white students will be adversely affected by integrated education, either under the Rules of State Board (2010, 2011) or under the finding that integrated education requires not less than ten percent nor more than forty-nine percent of minorities, the residue being white, or by racially balanced schools, that is, wherein the percentage of minorities and whites in each school approximates the racial composition in Board's entire district. (Trans. pp. 967–69, 659–81, 1399, 2686–88, 3535, 3623; P. 43–C; National Conference, U.S. Commission on Civil Rights, pp. 280–84; Cohen, School Desegregation and White Achievement.)

V.9 That Board has not racially balanced all of its schools during the past years because it lacked or lacks funds to do so. That it could not have done so without sacrificing the academic achievement of the white or any of the students of Board.

V.10 That, no credible evidence having been introduced by Board so proving, integration would require massive expenditure of funds or that the costs thereof can only be created by substantial reductions in the educational processes.

The Court does find true: That when and only when Board evolves and adopts a Master Plan of integration, together with the manner, means, methods, mechanics and techniques therefor, and, as a part thereof, makes a thorough, unprejudiced study of the costs thereof, that is, the costs of the manner, means, methods, mechanics and techniques of putting said Master Plan into effect, will it know with reasonable probability the costs thereof. Upon the trial Board conceded that it did not claim impossibility of, or financial frustration preventing it from, if it was compelled by law to do so, integrating its schools. (Trans. p. 11092, Line 13, to Line 2, p. 11093.) That R. 379 is not credible proof either of the needs for or the costs of transportation. It is merely an exercise in mathematics. It is not predicated upon any, nor is it a, thorough study or plan, even though not a Master Plan, of integration. It was founded upon assumptions not justified by any of the studies of or for integration. It was caused to be prepared by Board during the trial of this cause as "an estimate" (R. Pt. A., 10–14–69, p. 14, Line 26) of the largest possible amount of possible costs of transportation to support its contentions (R. Pt. A., 5–1–69, p. 7) "that the expenditure of such sums upon certain specific current school programs would have greater beneficial effects upon achievement than expending the same sum for purposes of racial mixing." (R. Pt. A, 10–14–69, p. 14, Line 31, to Line 2, p. 15.)

V.11 The affirmative allegations of Paragraph IV of Board's Ana, excepting only that the Court does find true that, to and only to the extent that Board receives grants, federal and state, or mandated programs, does it establish and operate compensatory educational programs "for its educationally or culturally deprived students, most of whom are from a racial minority group."

V.12 The affirmative allegations of Paragraph V of Board's Ans., excepting only the Court finds true "that historically it [Board] has selected its school sites and has built its school plants as close as financially possible to the center of the area in which the pupils live", even though thereby it created or maintained and perpetuated segregated schools; and "that the attendance area zones surrounding such school plants are based upon capacity of the school, safety and hazard fac-

tors, distance to be traveled between home and school, natural, geographic or other physical barriers", without regard to integration and without regard to the affect upon equal educational opportunity of the students thereof by virtue of said schools being, or to become within a relatively short period of time, segregated schools.

V.13 The affirmative allegations of Paragraph VI of Board's Ans., excepting only that Board has had and does have policies of "issuing permits to pupils authorizing them to attend schools other than the school serving the area of their residence whenever there is unused capacity in such other schools"; but said policies do not provide transportation for disadvantaged children, did not educate the parents of minority students of the existence and benefits to be derived therefrom, were on a first-come, first-issued basis, and the alleged unused capacity was minimal, so that, in effect, said policies inured only to the benefit of the white students seeking to transfer to get out of a segregated or racially-imbalanced school into a white school.

V.14 The affirmative allegations of Paragraph VII of Board's Ans. Board introduced no credible evidence thereof. Board will not know whether the facts alleged by it therein are true unless and until it evolves and adopts a Master Plan of integration, together with the methods, means, mechanics and techniques thereof

V.15 The affirmative allegations of Paragraph VIII of Board's Ans.

The Court does find true: that the Bill of Rights, 5th and 14th Amendments of the Constitution of the United States, Article I, Section 11, Article IX, Section 1, of the California Constitution, and Rules 2010 and 2011 of the State Board require Board to grant to all of its pupils equal educational opportunity; that such equal educational opportunity can only exist in integrated schools; that to perform the said duty specially imposed upon it by law Board has the power to, and must, compel students to attend certain schools, to be designated by it, because of his race or color and to deny to students the right to attend a school selected by him or his parents solely because of his race or color. (*United States* v. *Jefferson County, supra,* p. 390.) Board stands *in loco parentis* to its pupils and is mandated by law to render to them said equal educational opportunities. Duties compelled by law confer all powers reasonably necessary for the performance thereof. A pupil has no right to select and determine the particular public school which he shall attend. That, since and only since 1966 when Board was mandated by State Board so to do, it has made a compilation of ethnic compositions of its schools. That its schools are approximately 561 in number (kindergarten, elementary, junior high, senior high), Board no longer having jurisdiction over junior colleges. That the area served by Board is approximately 711 square miles with a total student body of approximately 775,000.

V.16 The allegations of Paragraph IX of Board's Ans., excepting only that the Court does find true that Board has established a few insignificant pilot school programs, alleged integration, but did not make any in-depth analysis thereof so as to be enabled to determine the effect thereof. They were not, in fact, programs of or studies of integration, in that Board had never formulated or adopted any definition thereof.

VI. The Court makes no finding upon:

VI.1 The allegations, Line 22, p. 5, to Line 4, p. 6, of Petition. The Court hereinafter adjudging Board's duties specially imposed by law and ordering the issuance of a Peremptory Writ of Mandate directed to Board, ordering it to, in good faith and with all reasonable and due diligence, evolve and adopt a Master Plan, together with methods, means, manner, mechanics and techniques for the carrying out thereof, having for its objective and purpose the integration of all of its schools, and thereupon to present it to the Court for its approval as fulfilling said Writ and the duties imposed upon it by law, the Court should not and does not, in advance, make any findings thereon, excepting only that said Master Plan shall be applicable to the entire of Board's District Board is and should be allowed, in good faith, to evolve, evaluate and thereupon adopt the best and most expeditious Master Plan and the modes, means, manners, steps, mechanics and techniques for the integration of its District, which will work, and will have the burden, upon the return thereof to and hearings by the Court, to show that said Master Plan will work and will achieve such integration.

VII. In the event that any of the following Conclusions of Law are claimed or held to be Findings of Fact, they are by reference incorporated herein, hereat, verbatim.

As Conclusions of Law from the foregoing Findings of Fact

CONCLUSIONS OF LAW

I. In the event that any of the foregoing Findings of Fact are claimed or held to be Conclusions of Law, they are by reference incorporated herein, hereat, verbatim.

II. That Petitioners and the class in whose behalf this proceeding was instituted and prosecuted did not and do not have any plain or speedy or adequate remedy at law. Their only remedy is this proceeding for Writ of Mandate to compel performance of a duty specially imposed by law.

III. The right to equal educational opportunity is an inalienable right, within the Bill of Rights, the 5th and 14th Amendments of the United States Constitution, and Article I, Sections 1, 3 and 13, and Article IX of the California Constitution, and State Board's Regulation 2010. The right of all students, K through 12 being involved herein, to attend school and to receive the opportunity to acquire an equal education, equal to the educational opportunity offered to all other students, irrespective of race, color, creed, economic or social circumstances, is a fundamental right, a legal right, a species of property, equal to, if not greater than, other tangible property rights, it being the right to be a human being, and requires that he receives said opportunity in integrated schools.

IV. Though, in its narrowest construction, the 14th Amendment to the Constitution of the United States is a limitation on, a prohibition of, State, and through it Board, action, it at the same time imposes a duty on the part of State and Board, as State's agency and instrumentality, that when any action is undertaken thereby it must conform to, effectuate and confer equal protection of the laws, due process of law, equal educational opportunity. Its actions need not be the sole cause of the denial thereof, to constitute a breach of its duties. Its duties specially imposed by said laws, and the prohibition thereof, are breached when discrimination "results" at least in part from its action which is sufficiently, to some significant extent, involved. (*Mulkey* v. *Reitman* (May, 1966), 64 Cal. 2d 529, 535–36.)

Board action, State action, was and is significantly involved in the discriminations existent within its segregated schools and segregated education so as to fall within the prohibitions of the 5th and 14th Amendments because:

(i) "* * * it had undertaken through school districts to provide educational facilities to the youth of the state, (and) was required to do so in a manner which avoided segregation and unreasonable racial imbalance in its schools" (*Mulkey* v. *Reitman, supra,* p. 537);

(ii) it lent its power and authority and finances and processes to create, maintain and perpetuate segregated schools and segregated education, and its action "discourages integration or instigates or encourages segregation" (*Mulkey v. Reitman, supra,* p. 540), even though that goal was not within Board's purposes. (*Mulkey v. Reitman, supra,* 537, "* * * it is established that even where the state can be charged with only encouraging discriminatory conduct, the color of state action nevertheless attaches." (p. 540.) "* * * state *authorization* to discriminate was no less state action than state *imposed* discrimination." (pp. 540–41.) "It is thus apparent that, while state action may take many forms, the test is not the novelty of the form but rather the ultimate result which is achieved through the aid of state processes. And if discrimination is thus accomplished, the nature of prescribed state action must not be limited by the ingenuity of those who would seek to conceal it by subtleties and claims of neutrality." (p. 542).) (*Bell v. Maryland,* 378 U.S. 226, 84 S. Ct. 1814, 12 L.Ed.2d 822, Opinion by Mr. Justice Goldberg, p. 833–36) (June 22, 1964):

"The Declaration of Independence states the American creed: 'We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.' This ideal was not fully achieved with the adoption of our Constitution because of the hard and tragic reality of Negro slavery. The Constitution of the new Nation, while heralding liberty, in effect declared all men to be free and equal—except black men who were to be neither free nor equal. This inconsistency reflected a fundamental departure from the American creed, a departure which it took a tragic civil war to set right. With the adoption, however, of the Thirteenth, Fourteenth, and Fifteenth Amendments to the Constitution, freedom and equality were guaranteed expressly to all regardless 'of race, color, or previous condition of servitude.' United States v. Reese, 92 US 214, 218, 23 L ed 563, 564.

"In light of this American commitment to equality and the history of that commitment, these Amendments must be read not as 'legislative codes which are subject to continuous revision with the changing course of events, but as the revelation of the great purposes which were intended to be achieved by the Constitution as a continuing instrument of government.' United States v. Classic, 313 US 299, 316, 85 L ed 1368, 1378, 61 S Ct 1031. The cases following the 1896 decision in Plessy v. Ferguson, 163 US 537, 41 L ed 256, 16 S Ct 1138, too often tended to negate this great purpose. In 1954 in Brown v. Board of Education, 347 US 483, 98 L ed 873, 74 S Ct 686, 38 ALR2d 1180, this Court unanimously concluded that the Fourteenth Amendment commands equality and that racial segregation by law is inequality. Since Brown the Court has consistently applied this constitutional standard to give real meaning to the Equal Protection Clause 'as the revelation' of an enduring constitutional purpose. [p. 833.]

"The dissent argues that the Constitution permits American citizens to be denied access to places of public accommodation solely because of their race or color. Such a view does not do justice to a constitution which is color blind and to the Court's decision in Brown v. Board of Education, which affirmed the right of all Americans to public equality.

* * * * *

"The Thirteenth, Fourteenth and Fifteenth Amendments do not permit Negroes to be considered as second-class citizens in any aspect of our public life. Under our Constitution distinctions sanctified by law between

citizens because of race, ancestry, color or religion 'are by their very nature odious to a free people whose institutions are founded upon the doctrine of equality.' Hirabayashi v. United States, 320 US 81, 100, 87 L ed 1774, 1786, 63 S Ct 1375. We make no racial distinctions between citizens in exacting from them the discharge of public responsibilities: The heaviest duties of citizenship—military service, taxation, obedience to laws—are imposed evenhandedly upon black and white. States may and do impose the burdens of state citizenship upon Negroes and the States in many ways benefit from the equal imposition of the duties of federal citizenship. Our fundamental law which insures such an equality of public burdens, in my view, similarly insures an equality of public benefits. This Court has repeatedly recognized and applied this fundamental principle to many aspects of community life.

* * * * *

[p. 834.]

"A few years later, in 1880, the Court had occasion to observe that the e Amendments were written and adopted 'to raise the colored race from that condition of inferiority and servitude in which most of them had previously stood, into perfect equality of civil rights with all other persons within the jurisdiction of the States.' Ex parte Virginia, 100 US 339, 344–345, 25 L ed 676, 679. In that same Term, the Court in Strauder v. West Virginia, 100 US 303, 307, 25 L ed 664, 665, stated that the recently adopted Fourteenth Amendment mu:t 'be construed liberally, to carry out the purposes of its framers.' Such opinions immediately following the adoption of the Amendments clearly reflect the contemporary understanding that they were 'to secure to the colored race, thereby invested with the rights, privileges, and responsibilities of citizenship, the enjoyment of all the civil rights that, under the law, are enjoyed by white persons . . .' Neal v. Delaware, 103 US 370, 386, 26 L ed 567, 570.

* * * * *

[p. 835.]

"In Strauder v West Virginia, supra, this Court had occasion to consider the concept of civil rights embodied in the Fourteenth Amendment:

" 'What is this but declaring that the law in the States shall be the same for the black as for the white; that all persons, whether colored or white, shall stand equal before the laws of the States, and, in regard to the colored race, for whose protection the amendment was primarily designed, that no discrimination shall be made against them by law because of their color? The words of the amendment, it is true, are prohibitory, but they contain a necessary implication of a positive immunity, or right, most valuable to the colored race,—the right to exemption from unfriendly legislation against them distinctively as colored,—exemption from legal discriminations, implying inferiority in civil society, lessening the security of their enjoyment of the rights which others enjoy, and discriminations which are steps towards reducing them to the condition of a subject race.' Id., 100 US at 307–308, 25 L ed at 665.

* * * * *

" 'The Fourteenth Amendment makes no attempt to enumerate the rights it designed to protect. It speaks in general terms, and those are as comprehensive as possible. Its language is prohibitory; but every prohibition implies the existence of rights and immunities, prominent among which is an immunity from inequality of legal protection, either for life, liberty, or property.' Id., at 310, 25 L ed at 666. (Emphasis added.)" (p. 836.);

(iii) Board has expended millions of tax funds for the protection, maintenance and perpetuating of its segregated schools, selecting and purchasing sites and building of schools in segregated neighborhoods, knowing that said schools would be upon opening segregated or racially imbalanced; and

(iv) it set attendance boundaries and mandated the school attendance at minority segregated schools of minorities, preventing or prohibiting or impeding them from attending white or substantially all-white schools (Ambler Avenue Elementary School, P. 33, p. 1, 2155; Hyde Park Elementary (Trans. pp. 4707 to 4718), P. 48, B. 4, P. 48, D. 4; Bethune Junior High School (Trans. pp. 4744–58), P. 48, E. 1, P. 48, E. 2; El Camino Real High School, P. 48, F. 1, F. 2, F. 3 (Trans. pp. 4858–60); Washington High School, P. 34, B. pp. 61, 63, 64; Lawrence Junior High School, P .48, I. 1; Van Gogh Elementary School (Trans. pp. 4905–57); Filmore; Vaughn; Pacoisa; Hadden (Trans. pp. 5100–5101); Burnside Avenue Elementary School, P. 4801 (Trans., p. 5150); Harding Street Elementary School, R. 148B., pp. 3 and 4; Muir Junior High School; O'Shea Junior High School; Carver Junior High School (Trans., pp. 5428–30); Crenshaw High School (Trans. pp. 5485–86, 5497–98, 5492–93); Frost Junior High School (Trans., pp. 5662–65); Wilson Senior High School (Trans., pp. 5728–32).)

The segregation, both white and minority, in Board's Schools was not, is not, *de facto*. It is *de jure*.

V. The labeling of segregation as *de jure* or *de facto* does not change the fact of segregation. Each is merely a legal designation, a legal handle in the formulation of duties. The duty to grant and give to all students, including the minority students, equal education opportunity, is affirmative, the counterpart of depriving by prohibiting.

The Fifth and Fourteenth Amendments prohibited the denial of the rights thereof and imposed a duty on Board, at the very least, not to do anything to perpetuate the withholding of the rights, a duty not to do anything which in fact educationally discriminated against the right, a duty to in no manner or by any means aid in the deprivation of the right.

Therefore, was Board prohibited: from selecting sites and erecting and maintaining schools which perpetuated, if not created, segregation; from creating segregation by selecting sites and building schools, knowing that they upon opening thereof would be all or substantially all white or all or substantially all minority; from establishing mandatory attendance boundary areas which prevented or impeded the attendance of minority students at white schools; from denying transportation to socio-economically disadvantaged minority students to enable them to attend a school out of their segregated neighborhood.

The doing thereof by Board has factually, practically, a prohibition, a prevention, of the rights of its students and was *de jure* segregated education. (*Shelley* v. *Kraemer*, 334 U.S. 1, 68 S. Ct. 836, 92 L. Ed. 1161 (1948).)

It is practically impossible, in the creation and maintenance of neighborhood schools, and the mandating of attendance thereat, which are in fact segregated, and schools being created and maintained by tax money, to have only *de facto* segregation.

"Segregation in public education is not reasonably related to any proper governmental objective and thus it imposes on Negro children [all minorities] a burden that constitutes an arbitrary deprivation of their liberty in violation of the Due Process Clause and the Equal Protection of the Law Clause (5th and 14th Amendments of the United States Constitution)." (*Bolling v. Sharpe* (May 17, 1957), 347 U.S. 497, 501, 74 S. Ct. 693, 98 L. Ed. 884, 887.)

VI. The issue herein is not a social issue (R. Pt. A., 10–14–69, pp. 16, 18), but one of constitutional rights, whether separate but allegedly equal is equal. Board has great discretionary powers in determining the curriculum, the mode and manner of teaching, establishing and maintaining the public schools and the educational processes; and the Court will not impose its judgments thereon. But Board is a Trustee, a fiduciary, to all of its students, and owes to each of them a duty, in the highest of good faith, not to discriminate but rather to give and make available to all equal educational opportunity, not to give to one that which it denies or withholds from another, but equally, without favoritism, without preconceived assumptions of superior or inferior educational capabilities, without segregation, whether by reason of race, color, creed, economic or social circumstances.

The position of the Board that "the school district should compare the educational effects of a given number of dollars spent on one input with the educational effects of the same number of dollars spent upon another school input" (R. Pt. A., 10–14–69, p. 9, Lines 19–22), in deciding whether it will integrate education, overlooks its duty to all of its said students. The duty cannot be performed by favoring one race over another because of Board's belief, assumed, that minorities inherently are less educable. There can only be a true comparison of effect of expenditure of a given number of dollars spent on one input with educational effects of the same number of dollars spent on another input when all of the students have first had, and for a reasonable period of time sufficient to overcome the detrimental effects of the discrimination heretofore, equal educational opportunity, so that when dollars are spent on one input they will have been spent on all of the students having had the benefits of the same equal educational opportunity. (Only then, when all be treated equally, will we be enabled to disavor the cynicism and sophistry, "The law, in its magnificent equality, forbids both the rich and the poor from sleeping under bridges, begging in the streets and stealing bread." (Anatele France).)

VII. Nothing herein is intended to, nor shall it, prevent Board from expending any surplus funds, surplus after having first created equal educational opportunity, for special programs for all gifted children and other forms of higher educational processes.

VIII. Board, as an agency and instrumentality of State Board, is bound by and must comply with State's determinations and definitions of integrated education and its regulations thereon, they complying with the students' constitutional rights. (*Pass School District, et al.*, v. *Hollywood City School District* (1909), 156 Cal. 416–18; California Administrative Code, Title 5, Rules 2010, 2011 (Court's Exbs. 10–A, 10–B); Edu. Code § 152; Art. IX, Calif. Const.; Gov't. Code §§11501 et seq., 11440 et seq.)

State Board, during the course of the trial, adopted, pursuant to the power vested in it (Edu. Code §152), its amended Rules 2010 and 2011. Neither the Fifth nor Fourteenth Amendments to or the Bill of Rights of the U.S. Constitution, nor Article I, Section 11, nor Article IX, Sections 1 or 5, of the California Constitution, nor any of the Sections or Divisions (Divisions 6 or 7 or 9) of the Education Code, nor Brown I or II, nor Green, nor Jackson, nor United States v. Montgomery County Board of Education, 23 L. Ed. 2d 263 (June 2, 1969), define "integration" or "racial balance" or "racial imbalance". It was left for the states to do so. Therefore, Board adopted said Rules to effectuate integration. They are binding on Board. Board must comply therewith.

Rules 2010 and 2011 being in fulfillment of State's duties, the Court must, if reasonably able to do so, construe them so as to be constitutional.

IX. Rules 2010 and 2011 should, therefore, be construed to provide and require:

2010. "• • • [T]hat [all] persons or agencies [County organizations (Division 3, Education Code), local educational agencies (Division 4, Education Code), etc.] responsible [under the Education Code] for the establishment of school attendance centers or the assignment of pupils thereto shall [mandatory] exert [put in vigorous action, do] all [every] effort [strength, force, power] to *prevent* and eliminate *racial and ethnic imbalance* [however caused or from whatsoever resulting] *in pupil enrollment. The prevention and elimination of such imbalance shall* [mandatory] *be given high priority* [a governing factor, control] *in all decisions relating to school sites, school attendance areas and school attendance practices.*"

2011. "*School District and State Responsibilities in preventing and Eliminating Racial and Ethnic Imbalance.*

"*(a) School Sites. Attendance Areas and Attendance Practices. In carrying* [to carry] *out* [fulfilling] *the policy of Section 2010, consideration* [give effect to] *shall* [mandatory] *be given to factors such as the following:*

"*(1) A comparison of the numbers and percentages of pupils of each racial and ethnic group in the district with their numbers and percentages in each school and each grade.* [of the district]

"*(2) A comparison of the numbers and percentages of pupils of each racial and ethnic group in certain schools with those in other schools in adjacent areas of the district.*

"*(3) Trends and rates of population change among racial and ethnic groups within the total district, in each school, and in each grade.*

"*(4) The effects on the racial and ethnic composition of each school* [in the district] *and each grade of alternate plans for selecting or enlarging school sites, or for establishing or altering school attendance areas and school attendance practices.*

"*(B) RACIAL AND ETHNIC SURVEY. The governing board of each school district shall* [mandatory] *periodically, at such time and in such form as the Department of Education* [State] *shall prescribe, submit statistics sufficient to enable a determination to be made of the numbers and percentages of the various racial and ethnic groups in every public school under the jurisdiction of each such governing board.*

"*(C) DETERMINATION OF RACIAL AND ETHNIC IMBALANCES AND CORRECTIVE PLANS. For purposes of these regulations, a racial or ethnic imbalance is indicated* [exists, shown, denoted, pointed out, known, signified, evidence] *in a school if the percentage of pupils of one or more racial or ethnic groups differs significantly* [significant extent] *from that in all the schools of the district. Insofar as reasonable feasible* [capable of being done] *in the development of corrective plans, the district should consider* [conclude] *that imbalance is indicated* [exists, shown, denoted, pointed out, known, signified, evidenced] *when the percentage of pupils of one or more racial or ethnic groups in a school differs by more than 15 percentage points from the district-wide percentage.*"

"Shall", wherever used, is mandatory. (Edu. Code § 36.)

(The definitions and synonyms inserted by the Court within the foregoing are from Webster's New International Dictionary, Second Edition.)

No discretion or right is vested in Board by 2010 to decide whether, in its opinion, integrated education will or will not affect the educational achievement of its students or whether or not, in Board's opinion, it is or is not "feasible" for board to comply therewith. Board is under a duty to comply therewith.

State Board does and must have the power to promulgate said Rules, for otherwise there could possibly be as many definitions and rules of integrated education, racial balance and imbalance as there are Districts within the State. The rules and definitions of integration, segregation, racial balance and imbalance must be uniform throughout the State for it is State action. Only if State Board should fail to define and provide for integrated education throughout the State, or if its definitions and rules were contrary to the constitutional rights of the students throughout the entire State, they being the students of State Board, may the Courts become involved, and then only upon a direct review thereof as provided by Gov't Code §11440. (CCP §1094.5.)

X. The Court does not have jurisdiction, in this proceeding, to review Rules 2010 and 2011, or promulgate a new or different definition of integration. Administrative remedy having been provided (Gov't. Code §11440), the parties must first exhaust this. It is a prerequisite, a condition precedent, to jurisdiction of the Court to review. (*Abelleira* v. *District Court of Appeal*, 17 Cal. 2d 280, 292 (1941); *Clark* v. *State Personnel Board*, 61 Cal. App. 2d 800, 802 (1943); *Allen C. Woodward, III, et al.*, v. *Broadway Federal, et al.*, 111 Cal. App. 2d 218, 220–(1952).)

Therefore, the Court may not herein determine whether: the "15 Percentage Points" is "Wholly Unsuited To Conditions In The Los Angeles City School District" (P. Pt. A., 3–3–69, P. 13); or that "it would produce more problems than it would solve. It would impose intolerable administrative and logistical burdens" (P. Pt. A., 3–3–69, p. 14, Lines 22–24); or that "the state yardstick is not grounded in the findings of the social scientists". (p. 14, Lines 27–28.)

Additionally, State not being a party hereto, any declaration or finding thereon or attempted adjudication thereof by this Court would inequitably affect or possibly jeopardize State's interests or rights, and the Court has no jurisdiction to do so. (CCP §389.)

Board also contending that said Rules are either wholly unsuited to the conditions existing in its District, unusable, would produce more problems than they would solve, would impose intolerable administrative or logistical burdens, has the right to, and, if they will prevent it from formulating a practical, workable Master Plan of integration, the duty to, petition State Board for a reconsideration of its said Rules. Petitioners have the same rights.

Petitioners' proposed yardstick, that is, "less than 50% but not less than 10% minority enrollment", is the finding of the federal studies of integration, and, if the Court were to find thereon, it would so find; but State Board has the first jurisdiction and right to consider the questions involved, including any claims, if any, of invalidity of its Rules 2010 and 2011. (*U.S. v. Superior Court*, 19 Cal. 2d 189, 194–95 (1941).) This Court's jurisdiction and power is solely under Gov't. Code § 11440 and CCP § 1040.5. (*Contractors' State License Board v. Superior Court*, 187 Cal. App. 2d 557, 560–62 (1960); *Caminetti v. Imperial Etc. Life Ins. Co.*, 54 Cal. App. 2d 514, 518 (1942).)

This Court is well aware of the horrendous period of time consumed in litigation such as this (August 1, 1963, to date), that a full generation, K–12, has elapsed since Brown I, and that minority students in Board's segregated schools have suffered not only a deprivation of their constitutional rights but as well in having received inferior educational opportunities; but, as we are a country of laws, the parties must comply therewith. Without law, there are no rights or liberties or a democracy.

XI. The fact that Rules 2010 and 2011 "have made little progress towards desegregation of" Board's schools (P. Pt. A., 3–3–69, p. 17) is not solely the fault of Board. It is the combination of the omission of State Board to enforce them and the refusal by Board to abide by and put them into operation until judicially forced to do so.

Therefore, "whatever plan is adopted [by Board] will require evaluation in practice, and the court should retain jurisdiction until it is clear that state-imposed segregation has been completely removed." (*Green v. County School Board* (May 27, 1968), 20 L. Ed. 2d 716, 724, 88 S. Ct. 1694, 1696.)

XII. Board has urged that, if integrated education be imposed within its entire District, whites will flee therefrom. Whether or not that be true, when integration be imposed upon the entire District, the Court makes no Finding thereon at this time; but the "fleeing of the whites", if it should occur, cannot and does not justify segregated education. Whites are not to be induced to, or caused to, remain within Board's District by depriving the minority of their constitutional, inalienable rights.

(*Cooper v. Aaron*, 3 L. Ed. 2d 5, 15–18, 78 S. Ct. 1401, 358 U.S. 1 (1958):

"The constitutional rights of respondents are not to be sacrificed or yielded to the violence and disorder which have followed upon the actions of the Governor and Legislature. As this Court said some 41 years ago in a unanimous opinion in a case involving another aspect of racial segregation: 'It is urged that this proposed segregation will promote the public peace by preventing race conflicts. [p. 15.] Desirable as this is, and important as is the preservation of the public peace, this aim cannot be accomplished by laws or ordinances which deny rights created or protected by the Federal Constitution.' Buchanan v. Warley, 245 US 60, 81, 62 L ed 149, 163, 38 S Ct 16, LRA 1918c 210, Ann Cas 1918A 1201. Thus law and order are not here to be preserved by depriving the Negro children of their constitutional rights.

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"• • • Thus the prohibitions of the Fourteenth Amendment extend to all action of the State denying equal protection of the laws; whatever the agency of the State taking the action, see Virginia v Rives, 100 US 313, 25 L ed 667; Pennsylvania v Board of Directors of City Trusts of Phila, 353 US 230, 1 L ed 2d 792, 77 S Ct 806: Shelley v Kraemer, 334 US 1, 92 L ed 1161, 68 S Ct 836, 3 ALR 2d 441, or whatever the guise in which it is taken, see Derrington v Plummer (CA 5 Tex) 240 F 2d 922; Department of Conservation & Development v Tate (CA 4 Va) 231 F 2d 615. In short, the constitutional rights of children not to be discriminated against in school admission on grounds of race or color declared by this Court in the Brown case can neither be nullified openly and directly by state legislators or state executive or judicial officers, nor nullified indirectly by them through evasive schemes for segregation whether attempted 'ingeniously or ingenuously.' Smith v Texas, 311 US 128, 132, 85 L ed 84, 87, 61 S Ct 164. [p. 16.]

• • • • •

"• • • that the federal judiciary is supreme in the exposition of the law of the Constitution, and that principle has ever since been respected by this Court and the Country as a permanent and indispensable feature of our constitutional system. It follows that the interpretation of the Fourteenth Amendment enunciated by this Court in the Brown Case is the supreme law of the land, and Art 6 of the Constitution makes it of binding effect on the States 'any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.' Every state legislator and executive and judicial officer is solemnly committted by oath taken pursuant to Art 6, cl 3, 'to support this Constitution.'

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"It is, of course, quite true that the responsibility for public education is primarily the concern of the States, but it is equally

true that such responsibilities, like all other state activity, must be exercised consistently with federal constitutional requirements as they apply to state action. The Constitution created a government dedicated to equal justice under law. The Fourteenth Amendment embodies and emphasized that ideal. State support of segregated schools through any arrangement, management, funds, or property cannot be squared with the Amendment's command that no State shall deny to any person within its jurisdiction the equal protection of the law. The right of a student not to be segregated on racial grounds in schools so maintained is indeed so fundamental and pervasive that it is embraced in the concept of due process of law. Bolling v Sharpe, 347 US 497, 98 L ed 884, 74 S Ct 693. The basic decision in Brown was unanimously reached by this Court only after the case had been briefed and twice argued and the issues had [p. 17] been given the most serious consideration. Since the first Brown opinion three new Justices have come to the Court. They are at one with the Justices still on the Court who participated in that basic decision as to its correctness, and that decision is now unanimously reaffirmed. The principles announced in that decision and the obedience of the States to them, according to the command of the Constitution, are indispensable for the protection of the freedoms guaranteed by our fundamental charter for all of us. Our constitutional ideal of equal justice under law is thus a living truth." (p. 18).)

Nor does white and Negro racism excuse Board's non-compliance. (Trans. pp. 7794–7801.)

XIII. Board's alleged open-transfer policies not having been designed to meet realistically desegregation, not being a plan of desegregation or integration, and segregation being the inevitable consequence thereof, is invalid. Open transfer plans must be reasonably designed to and must meet realistically the problems of desegregation.

XIV. Board is under a duty specially imposed by law to, in the highest of good faith: (i) with all due diligence and speed, evolve and adopt a meaningful Master Plan of integration, a plan that will realistically work within a reasonable period of time, having for its aim, purpose and object a racially non-discriminatory unitary school system within all of its schools as a whole and not merely for one or a group of schools, leaving others segregated; and (ii) as a part of said Master Plan, to evolve and adopt the methods, means, mechanics and techniques to make it work, and which shall work; and (iii) the Master Plan shall be made legally effective within and upon the entire of Board's District at one time, though the consummation thereof may require, and if it does State may do so, in steps, over a reasonable period of time; and (iv) the integration shall be in accordance with Rules 2010 and 2011 of State Board as now and hereafter existing. If Board cannot comply therewith within its District, pending the hearings on Board's petitions for the amendment or modification thereof so as to be practical and workable, Board's Master Plan of integration shall provide for and Board shall effectuate integration consisting of not less than approximately ten percent of minorities and not to exceed fifty percent of minorities in each of its schools. The transition to a unitary, non-racial system of public education was and is the ultimate end to be brought about" (*Green* v. *County School Board, et al., supra,* 722); and (v) therefore, the Master Plan shall, among other things, by its terms: provide for and the manner and means of its periodic public review, with reasonable notice to parents of children involved so that its schools shall at all times be integrated; and (vi) the Master Plan shall provide for, and the methods, means, manner, mechanics and techniques shall effect, the selection of new school sites and construction of schools for and they shall eliminate segregation and create integration.

XV. Therefore, Board shall, and a Writ of Mandate shall be issued herein commanding it to, on or before the 1st day of June, 1970, present to this Court, for its approval, in compliance with the Judgment of this Court and said Writ, upon notice to petitioners and, as shall be prescribed by the Court, notice to the parents of Board's pupils of the hearing thereon, said Master Plan together with the method, means, manner, mechanics and techniques thereof. Said Master Plan shall be designed for and be placed into operation prior to the school year commencing on or about September, 1970, so that in and during said school year and not to exceed under any circumstances the school year commencing September 1971, it be made effective as to all of the schools of Board.

Only a prompt start, diligently, in good faith, pursued, to eliminate racial segregation from Board's schools, can constitute good-faith compliance. Board is duty bound, and the Peremptory Writ shall command it, to devote every effort toward initiating the desegregation of, bringing about the elimination of racial discrimination in, its public school system, at and within the times aforesaid.

The Court retains jurisdiction to hear, approve or disapprove said Master Plan and its methods, means, manner, mechanics and techniques for the carrying out thereof.

XVI. Board shall not, and the Peremptory Writ shall command it not to, pending the adoption and approval of said Master Plan of integration, do anything, including, by way of specification and not by way of limitation, selection of sites, construction of new schools, construction of additions to existing schools, adoption or modification of transfer policies or transportation policies, adoption, changes or modification of school attendance boundaries, which will continue or preserve or tend to preserve the segregation presently existing in its schools. Board shall, during said period of time, only select sites, build schools, build additions to its existing schools, adopt or modify transfer policies, adopt or modify transportation policies and all other things for the purpose of integrating its schools and to desegregate these now segregated.

XVII. That Petitioners, through and for its Counsel and to be paid directly thereto, shall have and recover of and from Board, as the reasonable value of their services herein, the sum of $65,000.00, together with their costs and disbursements herein.

XVIII. The Court retains jurisdiction to, upon entry of final Judgment herein, allow to Petitioners for their said Counsel, and to be paid to them, the reasonable value of the services which may be performed by them from and after the entry of the Order on Motion for New Trial anticipated to be made by Board and until the Judgment shall become final.

XIX. Let a Peremptory Writ of Mandate issue, commanding Board as hereinbefore adjudged and commanding it to appear before this Court as aforesaid upon notice as aforesaid, on or before the 1st day of June, 1970, at the hour of 9:00 a.m., then and there to show cause what it has done to comply with said Writ.

XX. Judgment shall be entered accordingly.

(Counsel for Petitioners shall prepare the proposed formal Findings of Fact, Conclusions of Law, Judgment and Peremptory Writ of Mandate, substantially in accordance with the foregoing; shall serve them upon Counsel for Respondent, and thereupon lodge them with the Court. The preparation thereof shall not constitute an agreement therewith or acquiescene therein or waiver of any rights.

(The Court invites the attention of all Counsel to CCP § 634 and suggests their compliance therewith. Upon the close of the evidence, in lieu of oral argument, the Court invited and provided for the filing by all Counsel of Points and Authorities, including a review or Memorandum on the Evidence. Petitioners did so. Respondent filed Points and Authorities but no Review of or Memorandum on the Evidence. The Court assumes that Counsel for Board will avail themselves of the rights under CCP § 634, and requests that, with its objections to and requests for additional findings, it serve and file a Memorandum on the Evidence, which should include all evidence bearing upon the objections and requests.

(When, as and if the Judgment be entered, and the Peremptory Writ issue, unless Board shall procure a stay thereof, upon motion by the party or upon Court's own motion, a hearing shall be had as to the appointment by the Court of the Court's Expert or Experts, as hereinbefore found.)

(The Clerk shall send a copy hereof to each of the parties, to Petitioners by Bayard F. Berman, Michael Bergman and Sol Rosenthal; to Board by County Counsel, attention of Alfred Charles DeFlon, and to Jerry S. Halverson, Legal Advisor to the Board.)

Dated: February 11, 1970.

ALFRED GITELSON,
Judge of the Superior Court.

THE FACTS ABOUT PRAYER IN SCHOOLS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GIBBONS. Mr. Speaker, 7 years ago the Congress was wracked by fiery suggestions as a result of the Supreme Court's decisions on religion in our schools. From time to time certain groups and certain demagogic organizations picked up this hue and cry, trying to stir up the Nation that religion was dying and that belief in God had been banned.

After 7 years that have been demonstrated by foolishness and loose talk, it is refreshing that someone has written intelligently about the effect of the Supreme Court decisions.

I commend to the Members of the House the following article written by Mr. Louis Cassels, religion writer for United Press International, which appeared in the March 23, 1970, issue of U.S. News & World Report. I also call attention to the headnote in which Mr. David Lawrence, distinguished editor of the U.S. News & World Report, comments on the article. The article follows:

THE FACTS ABOUT PRAYER IN SCHOOL

(Note.—Here is a succinct article on prayer in schools distributed by United Press International for publication a few days ago. It deserves the attention of school authorities everywhere, David Lawrence, Editor.)

(By Louis Cassels, religion writer for United Press International)

Few legal opinions have ever been more widely misinterpreted than those handed down by the U.S. Supreme Court concerning prayer and Bible reading in public schools.

Even among school authorities and journalists, who should know better, the idea persists that the Court "banned" prayer and Bible reading from public school classrooms. It did not.

All that it held unconstitutional was the formerly widespread practice of beginning

each school day with a miniature worship service, which typically included a devotional reading from the Scriptures and unison recitation of the Lord's Prayer.

This practice, the Court said, infringed religious liberty and transgressed the line of separation between church and state drawn by the First Amendment to the Constitution.

In the Engel v. Vitale case of 1962, the Court held that a public school may not require the recitation of an officially sponsored prayer as part of a classroom religious exercise.

In Abington School District v. Schempp the following year, the Court said that a public school may not require the reading of a portion of the Bible or the recitation of the Lord's Prayer as part of a classroom religious exercise. That is all the Court has forbidden public schools to do.

The Court went out of its way to emphasize that there is no constitutional objection to any of the following activities in public schools:

Use of the Bible as a reference work for teaching secular subjects.

Study of the Bible for its literary and historic qualities.

Objective instruction in comparative religion.

Study of the history of religion and its role in the advancement of civilization.

Reciting historical documents, such as the Declaration of Independence, which contain reference to God.

Singing the National Anthem or patriotic hymns, which include the composers' profession of faith in God.

References to God in patriotic or ceremonial occasions

Far from "banning" recognition of America's religious heritage, the Court went to unusual lengths to urge that public schools pay more systematic and effective attention to teaching about it.

"It might well be said that one's education is not complete without a study of comparative religion or the history of religion and its relationship to the advancement of civilization," the Court said in Abington v. Schempp. "It certainly may be said that the Bible is worthy of study for its literary and historic qualities."

What about "voluntary" prayers in the schoolroom?

If they are the private prayers of an individual, or the group prayers of students meeting on their own time and of their own volition, they are clearly permissible under the terms of the Court rulings.

But if they are part of an official classroom exercise conducted under the aegis of an agent of the Government (the teacher), they would violate the spirit if not the letter of the Court rulings.

Some school districts have inaugurated periods of "silent meditation" in which students are free to pray privately, to think deep thoughts, or just stare out the window, as they see fit. This practice has thus far encountered no objection from federal courts.

Other school districts—a UPI survey last fall indicates the number is substantial and growing—are simply ignoring the Court rulings and going back to the old custom of classroom worship services. This is clearly a defiance of the law as interpreted by the highest court, but a local school may get away with it so long as no parent goes to court to challenge the practice.

Relatively few school districts have had the courage and imagination to teach about religion and the Bible in the objective, constitutional way recommended by the Court. Some school authorities use the Court rulings as an excuse for avoiding what they see as a ticklish and difficult task—a dodge that helps to perpetuate public misunderstanding of the rulings.

Others say that no suitable curriculum materials are available. But this is no longer true. Plenty of good textbooks and course outlines are now on the market.

Any school district or Parent-Teachers Association seriously interested in learning what can be done in public schools—what is being done successfully in some schools—can obtain detailed information from the Religious Instruction Association, Inc., 4001 Fairfield Avenue, Fort Wayne, Ind., 47807.

STRIKE MUST BE DEPLORED

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute and revise and extend his remarks.)

Mr. EDWARDS of Alabama. Mr. Speaker, the wildcat strike of postal employees now besetting various parts of our Nation must be deplored. At the same time one can sympathize with the plight of the postal workers who in some cases must go on welfare or take a second job to support his family. Nevertheless, the tactics being used by a minority of these workers should be soundly condemned and no action taken until normalcy is restored.

The question of a postal pay raise is elementary. These men perform a vital service for the economy and well-being of our Nation. Yet they have seen their pay rates fall steadily behind those of other federally employed workers. When a man must go on welfare to support his family despite working full time for the post office, then something is wrong.

But, Mr. Speaker, in great part the answer to the problem lies in the adoption of the postal reform legislation. The reform bill contains many of the provisions the postal workers are contending for. And yet, is it not ironic that they are the very one who have been opposing the reform bill with such vigor.

The reform bill would allow bargaining on a regional basis, it would provide for higher wages, for nonpolitical settlements, for grievance procedures, for arbitration, for a chance for promotion, and it generally offers many other benefits for postal workers.

Yet, the Democratic leadership in Congress has refused to bring the needed reform measures to the floor. The Postal Reform Act should be passed immediately. It is long overdue.

But there is another issue in this postal strike. And it is very simple. The strike is illegal. There can be no way to justify it. It is not only contrary to law, it violates a lawful court order. Postal workers have taken to the streets and neither the Congress nor the President should respond to the pressures of street politics.

Mr. Speaker, the frustration which the postal worker is experiencing today is a product of the same old political system which brought him to this point. Instead of taking to the streets illegally, he should be here lobbying for the postal reform bill so as to get this monkey off his back.

At any rate, I am not willing to vote for any bill granting additional benefits to any postal worker who is engaging in an illegal strike. I am just happy to note that the postal workers of the First District of Alabama have not engaged in such illegal activity.

GOVERNMENT MUST OPERATE POST OFFICES

(Mr. RARICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, the current postal strike, which is not called a strike because to do so would be a felony crime serves to point up for all to see a serious and growing threat to our Government.

We have, in the past, enacted laws to cover exactly this sort of situation. There is no need for further talk here about the action or inaction of the Congress. The laws which we have passed—and they are the law of the land—are now being flagrantly violated. I refer particularly to 5 U.S.C. 7311 and to 18 U.S.C. 1918, which I include at this point in my remarks:

SUBCHAPTER II—LOYALTY, SECURITY, AND STRIKING

§ 7311. Loyalty and striking

An individual may not accept or hold a position in the Government of the United States or the government of the District of Columbia if he—

(1) advocates the overthrow of our constitutional form of government;

(2) is a member of an organization that he knows advocates the overthrow of our constitutional form of government;

(3) participates in a strike, or asserts the right to strike, against the Government of the United States or the government of the District of Columbia; or

(4) is a member of an organization of employees of the Government of the United States or of individuals employed by the government of the District of Columbia that he knows asserts the right to strike against the Government of the United States or the government of the District of Columbia.

Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 524.

§ 1918. Disloyalty and asserting the right to strike against the Government

Whoever violates the provision of section 7311 of title 5 that an individual may not accept or hold a position in the Government of the United States or the government of the District of Columbia if he—

(1) advocates the overthrow of our constitutional form of government;

(2) is a member of an organization that he knows advocates the overthrow of our constitutional form of government;

(3) participates in a strike, or asserts the right to strike, against the Government of the United States or the government of the District of Columbia; or

(4) is a member of an organization of employees of the Government of the United States or of individuals employed by the government of the District of Columbia that he knows asserts the right to strike against the Government of the United States or the government of the District of Columbia;

shall be fined not more than $1,000 or imprisoned not more than one year and a day, or both. Added Pub. L. 89–554, § 3(d), Sept. 6, 1966, 80 Stat. 609.

Just who is running this country?

Many Americans have been aware for years that the important foreign policy decisions are not made by either the President or the Secretary of State, but by bureaucrats who have been imbedded in the State Department for years, no matter whether the President is Democratic or Republican. Worse, the decisions of these bureaucrats are actually made by a select group of real decision-makers outside of the Government, not elected, not even appointed, and fre-

quently not even known. The whole sellout to "agrarian reformers" in Red China, repeated in Red Cuba, is an example of this seizure of power by individuals neither entitled nor in any sense qualified to wield it.

Recently we have seen the Department of Justice follow the trend and abdicate its policymaking functions to low level bureaucrats, particularly in the Civil Rights Division where radicals simply were attached to the public payroll to further the purposes of the radical organizations from which they came. Then, these same radicals contributed from their salaries to further the purposes of the radical organizations they were supposedly opposing. See my remarks, "Parallel Government," February 10, 1970, RECORD page 3295. The policies of the Department of Justice have been loudly and publicly attacked by its own employees—even in the courts where they were supposed to be promoting them.

Not long ago we saw the same kind of revolt in the HEW bureaucracy, where some 2,000 minor employees demanded an audience with Secretary Robert Finch for the purpose of making him alter the policies of the Department more to their liking. That intolerable spectacle was tolerated by those in authority in that Department. Even the ultimate removal of a high level employee who disagreed with the established policy—the Panetta case—was due to pressure from outside the Department.

In the Armed Forces we have seen deliberate and most dangerous infiltration—for the sole purpose of subversion. Whether we are talking about such a thing as a soldiers' union, or the seditious and subversive "GI Coffee Houses," or about the divisive cancer of "black power" in uniform, the idea is totally improper and cannot be tolerated—if we are to maintain a fighting force.

Now some of the postal employees have decided that they will ignore the law, ignore their individual oaths to their country, ignore the sound advice of their union officers, and blackmail the Congress into giving them more money from the Public Treasury. This is called extortion—and it is not a situation to be taken lightly. It represents to many of the informed Americans a probe for the purpose of determining whether the time is ripe for the disintegration of our system—for the long sought attack on the "establishment."

The genius of our system of Government—a sovereign Nation of sovereign States, governed by law, not men—is what is being tested. The time rapidly approaches when a decision must be made—whether our system shall continue or whether it shall be replaced by one keeping the forms, but not the substance of freedom. If we, the elected and responsible representatives of the American people do not make this decision—if we abdicate our responsibility—then the people will decide. The time for the Third Continental Congress may be approaching.

We know that if the people are truly sovereign, then those designated by that people to run their Government must do so. To let outsiders control the Government of the people is a violation of the sovereignty of the people. This is the disease which destroyed both the Third and Fourth Republics in France. It cannot be permitted to occur in the United States.

Strikes against the Government, by employees of the Government, and particularly those undertaken for the purpose of influencing policy decisions of the Government, amount to sedition and should be dealt with as such. There cannot be two governments in one land—and we have acknowledged that fact. That is why we enacted statutes to immediately fire and to punish as criminals those who undertake such strikes.

I call on the President to enforce the law of the land—to live up to his oath of office—to perform his constitutional duty—and to take whatever steps may be necessary to cause the Government to operate the postal service as it is charged to do. Like the war power, this is the subject of an unmistakable constitutional mandate from the people and from the States.

The operation of public schools and the internal organization of labor unions are of highly doubtful Federal interest under our system, but plainly, the mails must go through.

GILBERT ASKS ADMINISTRATION TO RECONSIDER ISRAEL POLICY

(Mr. GILBERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GILBERT. Mr. Speaker, though we credit the Nixon administration with the most honorable of intentions, it is difficult to reconcile its present course in the Mideast with our Nation's long-established support of Israel's integrity.

It now seems clear that the present Arab course is one of attrition, to use raiding parties to provoke retaliation with the specific intention of depleting Israel's superior air might. The Arabs seemingly now have not only Russian equipment but Russian antiaircraft crews to man them. Russia also is supplying missiles to be used against Israel.

It is, Mr. Speaker, a chillingly shrewd appraisal of the military situation in the Mideast. While it is true that Israel's superior airpower now makes direct attack on that tiny nation a form of military suicide, if she cannot replenish her planes as they are downed, Israel soon will become vulnerable to the hostile hoards that surround her.

It is no idle fear that the present U.S. policy may play directly into the hands of the Arabs. Not only do we train Arab pilots here in the United States where we do not train Israel pilots, we apparently have sold jet fighters to Libya within the last 24 months. Now the administration has decided not to furnish Israel with new jet fighter planes until that isolated nation reaches some arbitrary breaking point.

Mr. Speaker, if we withhold our help until then, it may be too late to save Israel from annihilation. Israel has not survived these years because of parity but because of superiority. In the Middle East, parity is a code name for Israel's destruction.

Let us make it perfectly clear, Mr. Speaker, that our greed for Arabian oil has let us compromise our moral obligations in the Middle East. If the Israelis are belligerent about returning territories taken during the 6-day war of 1967, I daresay they have ample cause. The territories are not the roadblock to peace, nor in a sense, are the Arab nations who continue to agitate for Israel's destruction.

It is the powerful nations of the world, including ourselves, who are to blame for the perpetual crisis in the Mideast. As long as the Arab nations continue to receive arms, Israel must be armed. As long as Arabs and Israelis have armies, there will be wars.

The United States might be headed on the road to peace when it proposes de-escalating the arms race in the Middle East. But that precarious situation is not one where unilateral action can succeed. It will only result in additional bloodshed. Until we can reach accord with the Russians and other nations about a guaranteed reduction of arms on both sides, we simply cannot allow Israel's military might to be diminished.

Unless our present course of action is changed quickly, I fear we may be responsible for additional fighting in the Middle East. I urge the administration to reconsider its present stance as quickly as possible.

The President once asked us to consider not what he said but what he did. Mr. Speaker, we are watching closely.

MUTUAL FUND REFORM

(Mr. MOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MOSS. Mr. Speaker, the Subcommittee on Commerce and Finance has begun markup on the pending mutual fund reform legislation. This legislation, in one form or another, has been pending before the Congress since 1967 and I am personally hopeful that we will be able to report out a bill in the very near future.

I want to commend to my colleagues the following article on the mutual fund reform bill by a distinguished and knowledgeable commentator, Mr. Henry Ansbacher Long. The article was published in the January edition of Trusts and Estates, as follows:

INVESTMENT COMPANY NEWS

(By Henry Ansbacher Long)

ENACTMENT OF FUND REFORM BILL SHOULD BE DELAYED NO LONGER

On July 31, 1967, almost two and one-half years ago, this columnist made his first of many visits to Washington to attend Congressional hearings on the proposed mutual fund reform legislation. Now, once again, the bill appears to be stalled because of a belated proposal of the industry for a self-regulatory association which, in the first instance, would determine the adequacy of management fees, and the refusal of the contractual companies to accede to what had been believed to be a compromise agreement with the SEC on the front-end load. We deplore such delays, particularly after the long-drawn out efforts of the Commis-

sion to arrive at an acceptable measure, weakened through it had been from the original draft. The self-regulatory proposal we deem primarily a "red-herring" merely introduced to insure defeat of the legislation.

The members of the House Ways and Means subcommittee now considering adoption of the bill, in fact, might well also insure its effectiveness by adding a prohibition against the investment in so-called "restricted securities" by all mutual funds. The potential inequities are too great where price is determined directly underlying asset value and redeemability is a primary consideration. A maximum percentage investment in such securities, a half-way measure, would not provide an adequate solution to the problem. While we would not excise the proposal for a stretched-out front-end load at the present time, we would exclude the corollary alternate provision for the load as it now exists with a three-year refund of sales excess over 15%.

SEC Chairman Budge's negative reaction to the industry's recent hastily conceived sketchy proposal for self-regulation and his plea for prompt passage of the legislation as currently drafted was well-publicized on his final appearance before Congressman John Moss' subcommittee in mid-December. Nevertheless, the Committee staff was continuing discussions at a subsequent meeting along with the Investment Company Institute, the NASD and, presumably, representatives of the Commission. Such discussion had involved the technical problems that might be encountered in establishing the association, far removed as yet from the negotiation stage. Congressman Moss, however, had not appeared too friendly to the idea, when it had been first proposed to his Committee at previous hearings in November by Robert L. Augenblick, president of the ICI. The latter had stated in his prepared testimony that the 1963 SEC Special Study of Securities Markets had concluded that "ideally, official self-regulation should be extended to include all elements of the securities business that feasibly can be regulated."

Mr. Moss did not recall, as did some other knowledgeable persons, that the ICI had rejected such a suggestion in the past, but he did ask "what recent events caused this consideration now" when, for 6 years, the industry had not followed up the idea. The fund executive was also disputed when he said that the presently drafted management fee proposal would "open the floodgates to litigation." The legislator responded that "during 21 years of legislative experience" he had heard this argument, but it had proved otherwise.

THE SILENT MAJORITY

In his testimony, Mr. Augenblick had emphasized that "the public is well satisfied with their mutual fund investments and there is no public dissatisfaction with costs." Chairman Budge, resuming his testimony in December, noted that Congress in the '40 Act had directed the SEC to make recommendations for legislation as industry growth created problems for the protection of investors. With the apparent dissipation of compromise, it was necessary to review full why the legislation was "vitally important to investment company shareholders, the one group who has not appeared before you because they depend upon the Commission to speak for them and the Congress to act for them." These mutual fund investors are a truly great silent majority. They represent the myriad number of mutual shareholders who have experienced the unprecedented almost uninterrupted rise in stock prices during the last two decades. But given a really prolonged decline in equity markets and a number of industry "happenings," they will become readily identifiable vocal number. If for no other reason, it would reflect more wisdom than has thus far been observed in these long-drawn out legislative proceedings on the part of the investment company industry were it to accept the reform bill as now drafted rather than, as Representative Moss has suggested, find itself subject to a more restrictive measure in the future.

The proposed compromise with the contractual plan sector of the industry is particularly apposite. The Commission initially was strongly in favor of The Front-End Load's abolition. Chairman Budge pointed out in his December testimony that, most importantly contractual investors pay commission substantially higher than do other fund investors. Even the statistics presented by the industry to indicate that the majority of such investors realize profits show that most do not complete their payments and pay actual commissions of 15 to 50 percent.

Testimony presented by the plan sponsors also shows the need for updated statistics in order that the Commission may review the background of its recommendations. Data presented in November was essentially the same as that used for three years before the Congress and for over twice as long with the SEC. Naturally the great majority of these investors showed a profit if they held their plans long enough since their programs were initiated in 1953. Commissioner Budge observed that "it is rather terrifying to consider the fate of the small investor paying a 50% load if we should ever encounter a real bear market again."

NORMAN DACEY'S TESTIMONY

But there did appear before the House subcommittee one witness for the great silent majority of contractual investors accompanied by a very live and unbiased set of statistics. If anyone can claim experience with the distribution of mutuals it is this veteran. Our first remembrance of him goes back to November 1936, for he was the fellow who topped the list of prize turkey winners when we, too, were trying to sell what were later to be known as mutual funds. That Norman Dacey is a controversial figure, there is no gainsaying, especially among the readers of this mgaazine, but to deny his expertise in the mutual fund area is not possible.

From the record of 350 contractual accounts on his company's books Mr. Dacey compiled a study showing the actual investment results from inception to liquidation. Dates of the accounts commence in 1952 and thereafter. Amount and number of monthly payments made plus the sum of income dividends and gains distributions reinvested were totaled equaling the cost of the plan for tax purposes. Subtracting the amount realized on liquidation gives the net loss figure for the account. Although slightly exaggerated, Mr. Dacey finds the average 5.9% return from dividends and gain distributions on all the accounts "not dissimilar to what the investors would have earned in a deposit account" and thus equates the account loss to the lack of "profit reward" which the investor experienced for having taken "the risk of equity investment." Excluded are plans terminated in three years or less. These are plans originated by First Investors Corp. invested in Wellington and Fundamental Investors.

Although conceding that perhaps contractual plans offered by other sponsors show happier results, Mr. Dacey avers that "everyone who bought these contractual plans lost money . . . We *do* have such accounts on our books which show a profit," he explained, "but they are accounts which have run from 15 to 20 years." He clinches his statistical presentation with the observation that "mutual funds are offered as an investment hedge against inflation and the years covered by his survey were the most inflationary in our history."

Mr. Dacey also had something to say about restricted stock "The respectable element in the mutual fund industry regards investment letter stock as an invitation to disaster. It cannot be valued," he told Mr. Moss' committee. "Its purchase by mutual funds should not be permitted." Mr. Dacey had brought suits against Mates Investments of Value Line Special Situations Fund and Enterprise Fund because of inadequate disclosures in their prospectuses on investment letter stock.

He noted in his Congressional testimony that the mutual is required to value its investments at the close of the NYSE each day but "if the restricted stocks in your portfolio cannot be sold, how do you determine their value?" He called attention to the "instant performance" of several funds during the last few years that had resulted from a hasty marking up of restricted stock purchased at bargain prices. Others tend to agree with Mr. Dacey. Oscar Lasdon, senior editor of *The Bankers Magazine* wrote in an editorial published last May in the *Securities Regulation and Transfer Report* that the SEC should outlaw further open-end purchases of letter stock. And in the questioning following his last prepared testimony, Commissioner Budge agreed with House Committee Chairman Moss that such shares should be excluded from Mutual portfolios. Inquiry has confirmed, however, that the Committee has no intention of dealing with this problem in the proposed reform bill.

OTHER TESTIMONY

David Silver, General Counsel of the ICI, explained during the recent program on mutual funds, presented in mid December by the Practising Law Institute of New York City, that the SEC did not prohibit the use of restricted stock by open-end investment companies (although suggesting a 10% portfolio limitation) because it thought the small investor should not be denied the opportunity such securities offered. Alan Gorden, senior vice president of Shareholders Management Co. which includes a closed-end company concentrating investments in restricted securities among the funds it supervises, noted the difficulty often experienced even by informed people in deciding whether stock was actually restricted.

The SEC will now require the identification of all restricted stock in fund prospectuses. As to the difficulties experienced by the Mates Investment Co. resulting from suspension in trading of Omega Securities which represented 16% of its asset value, this could have happened also had Mates held *unrestricted* Omega stock. However, Mr. Gordon failed to point out that other restricted shares accounted for another 21% of Mates' assets. Mr. Gordon suggested that the ICI, NASD and SEC get together and decide how restricted stock should be valued.

In another PLI panel concerned with management fees, Richard M. Phillips of the Washington law firm of Surrey, Karasik, Greene and Hill and former SEC assistant general counsel, questioned whether advisory fees had been reduced by 23% since 1946 because of competition. Rather he felt it had been due to the pressure generated by the many law suits, the Wharton School Study and the fear of impending legislation. Mr. Augenblick of the ICI had referred in his previous Congressional testimony to "the substantial decline in advisory fee rates and expense ratios" over the years and the "mounting competition in the mutual fund industry." He emphasized his industry's position thus: "We have never believed that this type of legislation in the management fee area was really necessary." We believe that in this testimony, alone, he negates any possibility of benefit to be derived from a self-disciplinary body that purportedly would regulate management fees. For is it not a reasonable assumption that the self-policing organization will be represented by ICI membership.

Chairman Budge devoted a substantial portion of his testimony to special comments on the ICI's statistical presentation concerning management costs borne by the mutual shareholder. Referring to the industry trade group's data as a "homogenized statistical universe," he went into specific cases to show

that expense ratios were generally considerably higher than represented by the industry. As to the proposed self-policing unit, noting that its members "would gain nothing except immunity from judicial scrutiny of advisory fees," he stated:

"As the discussions our staff has had with the ICI have shown, it is doubtful that an objective standard could, in fact, be developed and applied fairly to such a diverse industry . . . The ICI recognizes that this may not work. They do not know just how they would propose to go about this self regulation . . . Another problem is the manner and extent to which unreasonable fees, in violation of the rules the Association may adopt, will be recoverable for the fund. Under the proposal the association could direct the repayment of unreasonable fees but the enforceability of such an order . . . is not clear. Further, the constitutionality of this approach is doubtful."

AT THE PLI SEMINAR

The proposal now in the draft bill that management "has a fiduciary duty to see that the management fee is reasonable" troubled Allan F. Conwill, former general counsel and Director, Division of Corporate Regulation of the SEC. No one knows what is meant by "reasonableness." Inclusion of this provision is going to result in a proliferation of suits. Further, if the Commission brings a suit, the court will feel that it has a special administrative expertise in this area that does not exist. But Richard M. Meyer of Pomerantz, Levy, Haudek and Block explained that the proposed bill was rather restrictive as to private rights of action. Defendants are limited to the actual recipients of the fee. Relative insulation of directors is not general in corporate law. In addition there is a one year statute of limitation. As to the relevant criteria in determining the reasonableness of the fee he listed ten factors: (1) Size of the funds and of the fee; (2) Expenses of the advisor; (3) Size of the advisor's staff; (4) Advisor's income from other funds; (5) Advisor's other income from the fund (e.g., brokerage); (6) Performance and risk assumption; (7) Fees of other advisors to investment companies, bank trust departments, etc. (Of particular importance may be the role of insurance companies and banks as they enter the mutual fund field; (8) Extent of any recapture of brokerage commissions; (9) Amount of consideration and analysis given by the directors; and (10) Effect of ratification and approval.

EIGHT NTS THESES CHOSEN FOR LIBRARY COLLECTIONS

The National Graduate Trust School chose eight of the 68 theses submitted by the Class of 1969 to be added to the library collections of The American Bankers Association and Northwestern University. Judgment is based on adequacy of research, readability, organization and the soundness of all conclusions as well as grammatical form.

The Class of 1969 is the third to complete the full three-year program at The National Graduate Trust School, held annually on the campus of Northwestern University by The American Bankers Association.

The list of bankers whose theses have been entered in the library collections follow:

Colin A. Browning, National Newark and Essex Bank, Newark, N.J.: "Why Pension Funds Should Buy Common Stock."

Benjamin S. Carroll, First National Bank, Birmingham, Ala.: "Federal Income Taxes and Trust Accounting For Timber."

Thomas L. Channell, Bank of California, Santa Ana: "Real Estate Investments In Trusts and Estates."

Joseph B. Crossan, III, Bank of Delaware, Wilmington, Del.: "Dividend Units: Their Treatment In Estates and Trusts."

Richard L. Jackson, Huntington National Bank, Columbus, Ohio: "The Ohio Fiduciary Company—Will It Work?"

William A. Johnson, Mercantile Trust Company, St. Louis, Mo.: "Default Administration of Corporate Trust Indentures."

Paul I. Kampner, Continental Illinois National Bank and Trust Company, Chicago, Ill.: "The Variable Retirement Benefit Under Qualified Employee Benefit Plan"

Floyd L. Williams, South Carolina National Bank, Columbia, S.C.: "The Quest For Investment Performance."

HENRY ANSBACHER LONG INDEX OF MUTUAL FUNDS

	Portfolio Policy		Principal performance base (100): bid price June 30, 1950					Income net investment dividend percent on average month-end offering price		
	Percent common stocks lower grade bonds and preferred stocks			June 30, 1950 to November 28, 1969		Current November 28, 1969				
	Recent September 30, 1968	7-year range	Pre war December 1939	Low	High	Bid and capital distribution	Bid only	Last 12 months		5-year averages
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Balanced funds				72.9	95.6	285.3	254.7	153.5	3.35	3.15
American Business Shares	52.8	62.8	42.3	72.4	97.5	[1] 201.1	182.8	829.0	4.17	3.75
Axe-Houghton Fund "A"	81.8	(2)	(2)	63.1	95.3	[1] 389.3	320.8	158.3	1.77	1.92
Axe-Houghton Fund "B"	(2)	(2)	(2)	55.5	95.9	[1] 351.0	289.3	159.7	3.32	3.00
Boston Fund	[3] 70.2	72.2	53.7	69.4	95.5	271.5	243.8	155.9	3.12	3.14
Channing Balanced Fund	64.2	85.4	55.1	----------	95.5	[1] 352.0	[1] 313.7	[1] 190.8	2.88	2.76
Commonwealth Investment Co	59.6	75.1	59.7	57.6	97.0	283.5	[1] 257.5	[1] 165.3	3.28	2.93
Diversified Investment, Inc	(2)	(2)	(2)	----------	88.0	289.3	[1] 253.6	[1] 157.7	3.52	3.34
Eaton & Howard Balanced Fund	67.3	70.9	60.2	67.0	96.3	[1] 262.1	236.6	157.4	3.75	3.29
Full Administered Fund (Group Securities)	66.0	86.0	66.0	87.0	96.4	[1] 211.1	[1] 194.6	[1] 119.5	4.21	3.78
Eaton & Howard Income Fund	56.2	72.2	50.5	91.7	97.2	[1] 258.3	225.8	124.1	4.55	3.88
Investors Mutual	(2)	(2)	(2)	----------	96.6	250.5	224.1	160.0	3.46	3.40
Massachusetts Fund	76.2	76.2	57.2	----------	97.2	276.3	241.1	168.0	2.94	2.70
National Securities—Income Series	(2)	(2)	(2)	----------	96.8	234.3	[1] 211.0	[1] 127.7	4.38	4.12
Nation-Wide Securities	56.4	66.4	53.8	82.3	97.2	[1] 246.7	226.7	144.2	3.92	3.57
George Putnam Fund	65.9	(2)	(2)	83.5	97.5	336.6	[1] 312.9	[1] 183.6	2.94	2.76
Scudder Stevens & Clark Balanced Fund	66.2	72.3	63.8	74.6	97.3	236.7	[1] 215.2	[1] 118.8	2.98	2.91
Shareholders Trust of Boston	71.3	76.7	49.0	----------	96.3	[1] 344.1	298.9	166.8	3.15	3.19
Stein Roe & Farnham Balanced Fund	68.6	69.1	58.3	----------	96.8	377.0	348.6	225.3	2.82	2.52
Wellington Fund	67.2	71.8	51.4	70.9	97.3	241.9	[1] 219.0	[1] 129.2	33.3	3.34
Whitehall Fund	66.6	65.5	50.4	----------	95.8	292.3	277.7	174.8	2.52	2.77
Flexible funds:				74.3	95.9	410.7	375.6	237.8	2.45	2.27
Broad Street Investing Corp	86.0	94.6	83.5	65.1	93.7	420.8	394.0	259.6	2.83	2.91
Delaware Fund	75.4	98.2	62.4	69.3	95.3	437.9	[1] 388.0	[1] 180.4	2.36	1.79
Dreyfus Fund	91.6	96.7	83.0	----------	96.4	[1] 886.7	791.9	581.8	1.97	1.75
Fidelity Fund	82.6	97.9	76.0	----------	95.4	[1] 512.9	477.1	258.7	2.60	2.30
First Investors Fund	(2)	(2)	(2)	84.6	95.7	[1] 244.0	[1] 222.4	[1] 123.2	2.83	2.35
Johnston Mutual Fund [3]	85.6	94.6	61.3	----------	96.6	[1] 483.3	471.4	357.5	1.45	1.58
Knickerbocker Fund	84.3	97.8	78.2	101.1	96.4	[1] 287.6	252.2	143.7	2.61	2.47
Loomis-Sayles Mutual Fund	70.8	80.0	56.6	60.5	96.6	257.9	239.2	134.1	3.31	3.14
Sigma Trust Shares	63.0	65.6	53.2	78.4	97.2	[1] 238.8	[1] 209.1	[1] 118.0	3.44	3.10
Selected American Shares	91.4	98.8	86.7	74.0	94.3	399.6	366.7	186.3	2.08	1.93
Sovereign Investors	80.9	98.1	80.9	98.3	98.2	[1] 390.1	347.2	239.6	2.95	2.69
State Street Investment Corp	93.2	93.7	79.8	56.8	95.3	[1] 368.6	[1] 350.8	[1] 198.2	1.67	1.79
Wall Street Investment Corp	85.0	87.1	79.8	----------	96.1	434.0	385.4	334.7	2.29	2.12
Wisconsin Fund, Inc	80.3	98.6	77.2	56.8	95.4	[1] 387.9	363.0	213.7	1.94	1.86
Common Stock funds				65.3	94.7	515.8	480.3	312.8	2.26	2.26
Affiliated Fund [4]	[3] 88.3	90.8	85.1	68.0	93.6	[1] 379.1	[1] 339.5	[1] 176.3	3.46	3.28
Bullock Fund	85.4	92.8	80.2	68.0	93.6	[1] 425.7	[1] 397.3	[1] 225.3	2.55	2.54
Dividend Shares	91.7	96.7	87.1	73.5	93.6	383.6	354.3	231.9	2.71	2.65
Eaton & Howard Stock Fund	97.0	97.0	85.3	62.2	95.2	522.5	457.8	324.1	2.20	2.13
Fundamental Investors	94.8	99.2	88.5	54.4	94.4	482.5	433.2	261.1	2.19	2.03
Group Securities—Common Stock	91.8	99.1	91.8	----------	95.1	[1] 346.1	[1] 311.2	[1] 179.4	3.59	3.25
Investment Company of America	80.1	95.5	74.5	64.1	94.1	548.2	502.9	272.8	2.41	2.13
Keystone Growth Common (S-3)	[3] 89.3	(2)	(2)	71.7	97.4	[1] 628.4	572.3	252.3	1.58	1.48
Massachusetts Investors Growth Stock Fund	95.9	99.7	90.0	69.9	94.7	745.2	[1] 721.5	[1] 569.1	1.30	1.39
Massachusetts Investors Trust	98.4	99.7	96.9	76.6	95.3	504.0	[1] 468.5	[1] 330.4	2.56	2.63
National Investors	94.3	99.9	88.3	57.6	92.7	702.8	689.7	527.2	1.48	1.61
National Securities—Stock Series	92.0	99.1	86.6	----------	93.6	[1] 348.9	303.2	175.6	3.35	3.39
T. Rowe Price Growth Stock Fund	91.4	94.9	82.1	----------	94.6	[1] 884.7	871.5	689.4	1.52	1.62
Putnam Investors Fund	88.2	97.1	82.4	59.8	96.6	[1] 418.5	405.7	197.3	1.45	1.71
Scudder Steven & Clark Common Stock Fund	95.7	99.6	93.9	----------	94.5	464.5	432.2	[1] 300.3	1.91	2.14
United Income Fund	[3] 86.9	95.9	83.0	----------	95.4	467.9	423.5	291.6	1.84	2.14
500 Stock index (Standard and Poor's) [5]				70.7	94.3	----------	530.3			
Consumer Price Index (B.I.S.) [5]				58.5	100.00	[1] 156.5				

[1] Ex-dividend or high or low price reached during current month.
[2] Portfolios not available.
[3] Latest reporting date: Classified as balanced fund until June 30, 1964.
[4] Leverage operated until 2d quarter of 1950
[5] Adjusted to June 30, 1950 base.

Note: T—Tentative; R—Revised. For detailed explanation as to selection and interpretation of data see July 1959 issue, p. 690. (Reprints are available without charge from Trusts & Estates).

RAIL PASSENGER SERVICE

(Mr. TIERNAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, I am today placing in the RECORD the testimony which was submitted to the Committee for Improved Passenger Service at the meeting held in late February. We have held the record open for further statements from interested parties. To date, we still have no statement from the Penn Central Co.

Mr. Speaker, as is evidenced by the tremendous turnout at the February CIPS meeting, there is great need to revive rail passenger service in the New England region. I want to assure the Members of this body that this subject will not be allowed to die.

Within the near future, the CIPS membership will hold a followup meeting to discuss the different suggestions made at the February hearing. Out of this meeting will come a concrete proposal which a majority, if not all, of the New England congressional delegation can back. Before the year is out, we want the passenger trains back on the road to full, efficient and clean service.

The testimony follows:

TESTIMONY BEFORE COMMITTEE FOR IMPROVED PASSENGER SERVICE

Congressman TIERNAN. I am Congressman Tiernan and I want to welcome you here today. The difficulty we are facing is that we had a vote on the Floor and some of the members are still there. They will be joining us as soon as their responsibilities are relieved. We are pleased to have Senator Pell and Mr. Gibson with us. Governor Sargent will be joining us shortly. The purpose of this meeting today is to try to get ideas on what New England needs in the way of rail passenger service and hopefully to see if we can get some kind of legislation to come out of this meeting. I will serve as the moderator—allowing 3 minutes for each person to speak concerning the problem we are facing with regard to service on passenger trains, or ideas which you might have to help train service increase its efficiency. We will call on witnesses who have asked to testify. Please submit copies of your statements in full. The Committee intends to meet again in two to three weeks to come up with concrete suggestions that all in the New England area may get behind. As you know, legislation is now pending in the House where hearings were held this morning. Thank you for the responses which have been very good. I would appreciate all recommendations.

I would like to introduce Senator Pell.

Senator PELL. Congressman Tiernan deserves a vote of congratulations for working out the forum of this meeting.

Congressman TIERNAN. I want to thank Senator Pell because not only is he a colleague of mine, but he is one of the Members of Congress who has done such great work in this respect. I appreciate your comments. I would like to comment that we have Mr. Robert Nelson, the former Director of High Speed Ground Transportation in DOT, who is now at Brookings Institute, and serving here without compensation.

I would like to introduce Mr. Anthony Haswell.

Mr. HASWELL. I would like to give you my thoughts on several points discussed in the two New England Regional Commission reports, the first of November 1968 covering regional needs for all kinds of transportation, and the second of October 1969 dealing specifically with high speed rail service between New York and Boston.

The high speed report suggests that part of the construction cost of the new and improved track and right-of-way be raised through the sale of securities to the public. If for no other reasons than uncertainties regarding interest rates, ultimate construction cost, and projected ridership, I think that a sounder course would be to build the fixed facilities in their entirety as a public works project with private operators providing equipment and paying user charges.

Moreover, we must remember that the competing air and highway facilities have been financed in large part out of the public treasury. In the case of airports and the airways control system, only a small portion of these expenditures have been recovered by user charges. It seems questionable that private capital will rush in to build a new railroad in that kind of environment, no matter how favorable the projections are. We need look no further than the present situation of rail freight service. While the railroads continue to be willing and able to finance the purchase of new freight cars, they simply will not make the required investment to adequately maintain and improve track and roadbed. The result is that while freight cars and trains are getting longer, heavier, and faster, the track is steadily deteriorating and train derailments are skyrocketing. The conclusion is compelling that construction and maintenance of roadway and track must be a government function, while the financing of rolling stock and operation of trains can be left to private enterprise.

If the above conclusion is accepted, the next question is where the money is going to come from. Outside of the possibility of getting some grade crossing elimination funds, existing federal programs will not provide it. I suggest that either the mass transit program be broadened or a new "corridor" program be enacted to provide federal money on a ⅓-⅔ matching basis to states and/or regional agencies for this type of project. I would not hesitate to push for a general appropriation; this project is at least as important to New England as are waterway improvements to the midwest and multi-purpose dams to the far west.

The question is raised by United Aircraft whether or not the large investment required for this project will be prematurely rendered obsolete by the development of new technology such as tracked air cushion vehicles. I do not think so. The new right of way between New Haven and Providence might well be converted from a railroad to a tracked air cushion guideway—perhaps at the time the Stamford-New Haven bypass is built. Even if conversion is not feasible, I believe that by 1985 a new line would be useful for freight service only, and the improvements between New Haven and New York would continue to benefit both commuters and freight shippers. I think the present emphasis on routing freight via the Selkirk, New York gateway is only temporary, and that before too long a combined freight and transit tunnel will be built between Brooklyn and Staten Island, making the Shore Line once again the main freight artery to and from New England.

I am more optimistic than is the report on possibilities for revival of intercity rail passenger service in northern New England. When the Boston-New York service gets going, I think there will be an irresistible demand for good connecting service to and from the major cities of New Hampshire and Maine. Consideration should be given to building a tunnel between North and South Stations in Boston, a project that would benefit Boston area commuters and freight shippers as well as thru intercity passengers.

Congressman TIERNAN. Where is the money coming from? Are you suggesting that Mass Transportation or new carrier programs provide Federal money?

Mr. HASWELL. I would not start to push for a general approach. This project is as important to New England as to the midwest. The right of way between New Haven and Providence is most important and then new railroad lines might be connected.

Congressman TIERNAN. Thank you Mr. Haswell. I would like to introduce Reginald Whitman who is representing Secretary Volpe.

Mr. WHITMAN. I am representing Secretary Volpe and I am the Federal Railroad Administrator. I do not have a prepared statement. Passenger problems involve all of us. Something's got to be done and we have been very busy in this past year trying to do something about it. I came here today with members of my staff in the hope that we could take notes and garnish some ideas to be used in our long range programs.

Congressman TIERNAN. If I may interrupt you Mr. Whitman, for the gentlemen in the audience who might be interested, we will make a compilation of the testimony here today and make that available to anyone who is interested. We will also keep the record open for anyone who wants to submit to the Committee a prepared paper. We will keep the record open for two weeks after this hearing.

Mr. WHITMAN. I would say that I made a few notes as I was sitting here and one of the greatest opportunities of our governmental body is, I believe, the transportation field. I think it is a big one. Transportation is not an end in itself but it is a service, because most of our citizens use public transportation or transportation of some sort—it has a bearing on practically all urban and interurban problems.

I think that through the years probably we have had quite an imbalance, as Mr. Haswell pointed out, in that the railroads have not had the advantage of Federal assistance to the same extent as the other modes and they have thereby suffered. I think we are probably reaping this harvest today, and so to the extent that you gentlemen can bring to bear upon this, I think this is a point well taken and you certainly have my support.

Congressman TIERNAN. I appreciate your coming to the full committee today. I understand that you have other commitments with members of your staff. Senator Pell do you have any questions? Go right ahead, Senator, before I introduce you, I would like to acknowledge Senator Kennedy's presence. Senator Pell—

Senator PELL. Mr. Whitman, I believe from our own conversations and the wonderful hospitality that Secretary Volpe has given us that you have been very interested in the whole project. Nevertheless, there are two questions that really bother me. One, why do you not support the concept of $8.64 million more for prudence on the New England section of the New York passenger—New York—Penn Central Railroad? As you know, in hearings at the Appropriations Committee, Senator Stennis indicated he would consider this during the hearings on supplemental budget requests. The Transportation Department has indicated that they do not support this idea. Why is that?

Mr. WHITMAN. Well, I think that others in the Transportation Department really should answer this, but for my part——

Senator PELL. You're the railroad representative this directly concerns.

Mr. WHITMAN. I will try to answer the way I see it. This is a part of a very large problem and we have been focusing our efforts on the national aspects of it primarily, rather than the regional aspects. And that while we are advocating some type of railroad leg-

islation, it has not been passed on as yet. This legislation, if it does come to pass, will be of a national nature rather than of a regional nature. For this reason, I think the feeling was that we should wait until we get the national picture a little more in focus, which may result in some regional priorities.

Senator PELL. But for eight years, I've been hearing let's wait until we do another study before we go further. It's been studied right down the line. It's been studied inside and outside and we can't do better than the Doyle Report of the late '50's. I still cannot get it through my head that if we can spend $8 million to upgrade the New Haven tracks, cut off 15 minutes up to 30 minutes before we're through on the time from New York to Providence to Boston, and the Congress is willing to appropriate these funds, why are you so reluctant?

Mr. WHITMAN. I agree with you. It has been studied to death and I think it is time to bring it into focus.

Senator PELL. One other question. I don't want to hog the time here. Through the years, and it was my bill originally that created it, I watched the Office of High Speed Ground Transportation under Bob Nelson's excellent leadership. Now it seems to me it is almost being dissolved and you no longer have the systems approach on this. What is the present status and what are your plans for the Office of High Speed Ground Transportation which concerns us and all of the New England corridor?

Mr. WHITMAN. Well, I don't agree that the Office of High Speed Ground Transportation is being deleted at this time. As you say, we have made many many studies, probably way too many. Now is the time to actually bring these into focus and actually do something about it. And while it may take a little different direction than studies, I would hope that in another year that you will be more complimentary than I know your feeling is today.

Senator PELL. I have no objection to what you're saying but I thought both these problems should be brought forth. Thank you.

Congressman TIERNAN. Thank you very much Mr. Whitman. I would like to call on Governor Sargent for any remarks that he might want to make.

Governor SARGENT. Thank you very much Mr. Chairman. Do you want me to sit here or at the table?

Congressman TIERNAN. I think that would be fine Governor.

Governor SARGENT. It's very comfortable. I see that the Senator's enjoying it. Mr. Chairman and distinguished members of the committee, I am very pleased and honored today to be with you. Earlier this month, I announced a decision to reverse Massachusetts' transportation policy, particularly with respect to the metropolitan area of Boston. A special Task Force—which I had appointed to reexamine the transportation programs of my state—concluded that insufficient attention had been given the development of balanced metropolitan transportation systems. Highway construction had dominated our transportation thinking; yet roads clogged by rush-hour traffic had demonstrated that highways alone were not the solution.

Consequently, I decided to develop an integrated and balanced transportation system for the metropolitan Boston region. At the same time, I am seeking changes in Federal transportation policies which are necessary if Massachusetts is to build such a system.

This situation, which Massachusetts faces on the metropolitan level, has similarities with the problems confronting medium-range intercity transportation. The highways are reaching their limits in terms of speed; and new ones are quickly filled in terms of numbers. The airways, too, are overcrowded and cannot continue to absorb all the slack. At the same time, Federal transportation funding policies preclude the growth of the one mode of transportation that can solve the medium-range intercity problem—high speed rail service.

We currently have two demonstration projects operating in the Northeast megapolitan corridor. The "Metroliner" between New York and Washington has proved successful, disappointing to many of us but successful in certain respects. The "Turbotrain" between Boston and New York has been confronted with substantial operating difficulties. However, the "Metroliner" has demonstrated the practicality of high-speed rail service.

Still, more steps must be taken if high-speed rail service is to become an everyday reality—not only between Boston and Washington, but also, for example, between Boston, Worcester, Springfield and Albany. Federal financial support must be forthcoming—in one form or another—so that rail service no longer is forced to operate at such a severe competitive disadvantage with respect to the airplane and the automobile.

The formation of the "Committee for Improved Passenger Service" is, I believe, an important step towards this goal. The Governors of New England have developed a working relationship to coordinate our efforts to maintain and improve rail transportation in the region. Perhaps, what we are seeking today is an emergency of a coalition of those in Congress, those executives in the state houses, and I see Governor Licht of Rhode Island here, and interested citizens that will be an important force in improving New England's rail transportation. I am pleased also to be submitting to you, Mr. Congressman, a statement from Walter Peterson, Governor of New Hampshire, with relation to this matter.

Congressman TIERNAN. Thank you very much Governor. At this time, I would like to call on the Governor of my state, Frank Licht.

Governor LICHT. Mr. Chairman and members of this distinguished Committee, I want to take this opportunity as Governor of Rhode Island to thank you for this opportunity to appear to discuss with you a matter of vital importance not only to my state, but to the whole of Southern New England. I think you are all familiar with the problems with which we are confronted and the progress we've made to preserve rail passenger service. Basically, we have employed two methods. One has been the partial tax relief which began in the early 1960's and with some modification has continued up until the present time. New York, Connecticut and Massachusetts have also provided various measures of tax relief.

In 1963, because of the cash attrition taking place in its finances, the New Haven required further assistance, and a second method of aid was inaugurated. This involved cash subsidy payments in the aggregate amount of $6,000,000 annually to keep the railroad in operation. In 1969, the payments were reduced, due in part to the fact that the Penn Central had taken over the New Haven operation.

All throughout the decade, however, both the New Haven and the Penn Central lost substantial sums of money in providing rail passenger service, and the threat of discontinuance has been ever present. And all during that period of time, the service has deteriorated, the equipment has deteriorated, passenger service has been faulty and unacceptable and we have been plagued with the problem not only with difficult passenger service but as well, freight service.

The vast majority of passengers on the thru-trains between Boston and New York travel in interstate commerce, and thus under both the supervision and the regulation of a Federal Agency. It is therefore difficult to understand why the railroad was forced, even in the first instance, to turn to the states through which it operated to obtain financial assistance necessary to keep it in operation.

The Federal government, through its various agencies, has long been aware of the dire financial circumstances of the carrier. In fact, the states, through their representatives, have made repeated pleas for the Federal government to assume a portion of the financial burden required to continue this rail carrier operation, but without success. On each occasion we at the state level have been reminded that there was no Federal statute under which cash funds could be provided for continuing this interstate carrier. Thus, this has evolved as a unique example of using state tax monies to keep in operation an interstate service, which is under the regulation of the Federal government.

Moreover, the payment of cash subsidies is providing to be an ever increasing burden on the tax resources of the concerned states, especially in light of the fact that the railroad has not really demonstrated a truly comprehensive effort to improve its passenger service. In short, the subsidy we have provided has resulted in neither greatly improved service nor in substantially improved facilities.

While passenger service is of critical importance, I would hope that you would include in your deliberations the question of the adequacy of freight service as well. Within the past week, some fifteen of Rhode Island's major industries met to discuss the present situation with regard to the railroad and to begin work on the establishment of what they believe should be guidelines concerning the expected performance of the railroad's freight service. They are most concerned with the availability of cars, the quality of the cars they receive, and the communication they have with the railroad company. As a matter of fact, I might tell this Committee that they do not even know where the cars are supposed to be delivering freight in this section of the country. At present, they are dissatisfied with service in each of these areas, and they believe considerable improvement is an absolute necessity.

I firmly believe that any approach toward the solution of the problems we now face in passenger service must be comprehensive. It must include careful examination of freight service. The other and equally important half of this entire railroad question.

As long ago as 1898, Mr. Justice Harlan, speaking for the United States Supreme Court in the famous case of Smyth v. Ames (169 U.S. 466, 544) said: "A railroad is a public highway, and none the less so because constructed and maintained through the agency of a corporation deriving its existence and powers from the state. Such a corporation was created for public purposes. It performs a function of the State. Its authority to exercise the right of eminent domain and to charge tolls was given primarily for the benefit of the public."

And, if rail service were discontinued in Southern New England, the effect would be devastating. It would have a grave impact upon the public and the private sector. Our economy would most certainly suffer. As a matter of fact, talk of the break-down itself brought the New England Governors together and we took an inventory of what the situation would be if rail service was shut down. I am talking now not only of passenger service but also of freight service, and we have information that makes it very plain, not only to my state but all of the New England area, and I suggest that the whole nation will turn out to be a disaster in a short time.

If rail service were withdrawn, we would face higher transportation costs, which would presumably raise the prices of consumer goods. Abandonment of rail lines would severely inhibit the future growth of our

economy, for any new industry relying on rail transportation for raw materials or component parts could not consider a Southern New England location. Many of our citizens depend upon the passenger service provided by the railroad, and many more are dependent for their jobs on the continued freight service of the railroad.

Increasingly, there is awareness at the national level that the Federal government has a responsibility in preserving rail service. That awareness, however, must take its place in action. Our need for intercity rail passenger and freight service will continue, but the many demands upon our state tax dollars mean that our ability to continue financial assistance is seriously in question.

Without Federal involvement, it is doubtful that either passenger or freight rail transportation can long be maintained in Southern New England. It is therefore, Mr. Chairman and Members of this Committee, my sincere hope that this session of Congress will not adjourn without coming to grips with this most important and most serious problem.

Congressman TIERNAN. On behalf of the Committee, Governor, I want to thank you for your testimony and for the help you have given this Committee. We appreciate you taking the time to come before us.

Governor LICHT. Thank you very much. I'm glad that you gave me this opportunity.

Congressman TIERNAN. At this time, I would like to call on my colleague, Congressman Harold Donohue, from Massachusetts, who will introduce the next witness to testify before this Committee.

Congressman DONOHUE. Thank you very much Mr. Chairman. Senator Kennedy, Governor Sargent, my colleagues in the House, my purpose in being here today is, of course, to support the position that each and everyone of you has taken with regard to the railroad situation. I'm sorry I overlooked you Senator Pell. I just want to say that it is a real pleasure and privilege for me to introduce three very distinguished gentlemen from my home state of Massachusetts: Mr. John Floyd, Chairman of the Worcester City Passenger Study Commission and Manager of the Transportation Department, Chamber of Commerce; Mr. Roy B. Hakenson, Massachusetts Legislative State Representative of United Transportation; and Mr. Lincoln Harrison, a member of the Worcester Rail Commission and Secretary of the Railroad Locomotive and Historical Society, Library of the Harvard Business School in Boston. Now these three gentlemen, Mr. Chairman and my colleagues, have been long and deeply concerned with the problem of rail transportation in our region and throughout the country. They could really be called pioneers in recognizing the problem and in directing public and government attention to the necessity of helping provide High-Speed rail passenger service to the people of our state and nation. I am certain that these three gentlemen will provide you, the members hearing this matter today, with very interesting and instructive information about this problem. May I first present to you for his testimony, Mr. John Floyd.

Mr. FLOYD. My name is John T. Floyd. I am Chairman of a Commission created by the City of Worcester to try to solve the problem of disappearing rail passenger service in our area. Participants in this Commission are the municipalities of Springfield, Westboro, Framingham and Newton. also the Joint Civic Agencies of Greater Springfield, as well as the Worcester Area Chamber of Commerce.

First, a brief tribute to Senator Pell, the father of the High-Speed Ground Transportation Program in the megalopolis corridor.

While the Metroliner continues to offer greater relief to airport and highway congestion in the New York-Washington segment of the Northeast Corridor, track conditions have prevented comparable progress in the Boston-New York end of the corridor, notwithstanding the recorded speed capability of the Turbo Train on the test in New Jersey (174.4 miles per hour). The High-Speed Program in New England needs help. The Boston-New York air route is the heaviest traveled in the world. Logan Airport will reach saturation by 1975 and no site has been selected so far for a reliever airport. Worse still, 35 percent of Logan boardings are destined for New York and flights are held frequently at Logan until the time slot is open at New York. Worcester is affected by the time slot problem at New York, and our flights are limited. Highway congestion and air pollution mounts. We propose a three step program. First—upgrading of the Shore Line to permit the Turbo Train to fulfill its purpose on that route. Second—recognition that the inland route between Boston and New York via Worcester-Springfield and Hartford, is only three miles longer than the Shore Line and almost a million more people. We therefore recommend, immediately following the Shore Line improvement, that the inland route be upgraded and comparable service instituted. Third—investigation of the economic feasibility of extending service up the Connecticut Valley from Springfield and from Worcester through Lowell, Lawrence, and Haverhill to Portland. The third phase to be developed after the improved service on the Shore Line and Springfield Line has demonstrated its ability to attract the business on a profitable basis.

We stress that the inland route via Worcester, Springfield and Hartford is at the center of population of New England and would also benefit southern Vermont and southern New Hampshire through fast highway connections. The inland route, or so-called Springfield Line, never had comparable service to the Shore Line and because the NY, NH & H as an independent railroad was only interested in total Boston-New York earnings via its Shore Line, and was not inclined to split the revenue with the Boston & Albany at Springfield. Now all southern New England is one railroad, Penn Central.

Senator Pell has recorded in the Congressional Record that he feels that a non-profit Transportation Planning and Operating Organization such as Geo-Transport, Inc., may be the solution to the problem in New England. Geo-Transport recognizes the need for the Inland route too, and proposes a loop concept between New Haven and Boston. Metroliners can and do operate through east to New Haven on occasion. We urge Federal support of Geo-Transport in setting up a comsat type consortium of public and private financing.

We emphasize that while there is only one string of cities between New York and Washington, there are two strings between Boston and New York. Intermediate cities need service. The Providence-New York travel market is one-tenth that of the Boston-New York market, but Providence boards 50 percent of the Boston travel on the Turbo Train.

In other words, because the Providence-New York elapsed time on the Turbo Train is more competitive with air than the Boston-New York time, Providence patronage is relatively greater. The same situation would exist at intermediate points of Worcester, Springfield, and Hartford, particularly the latter two cities with Bradley Field remote from both, compared to the distance from downtown Providence to Green Airport.

We in Massachusetts hope this year will see the enactment of Massachusetts House Bill #4349 to create a Boston-Worcester-Springfield Transportation Authority, which can work with the Connecticut Transportation Authority and the Federal government or other agencies to solve the problem in New England. Thank you.

Congressman TIERNAN. I want to thank you for your testimony and I think you will receive the award for being the fastest reader of the day. Your thoughts were well put. I would mention at this time, Mr. William Miller, President of GEO Transportation, sent his regrets. However, he will participate in the future with regard to our objectives.

I acknowledge Mr. Roy Hakenson.

Mr. HAKENSON. The New England end of the High Speed Ground Experimental Program needs help badly. True the Turbo Train is popular in that it has about 80 percent occupancy on its daily Boston-New York round trip.

Please remember that a key objective of the High Speed Ground Transportation Program is to relieve the major airports of short haul travel in the Boston-Washington megalapolis corridor. The Metroliner between New York and Washington operates six round trips a day and is offering some real measurable relief to air travel congestion between these two cities. Yet the New York-Washington air travel market (about 2800 per day) is smaller than the Boston-New York air travel market (3200 per day). Logan needs relief.

If the Turbo Train operated more frequently between Boston and New York and operated via both the Shore Line and the Springfield Line between Boston and New New Haven, connecting with Metroliner service at New Haven, in some instances, at New York in others, more passengers would be attracted from the airlines. Certainly the airline load would be diminished at Logan if passengers could board a Turbo Train for New York at Worcester. Over half the air travelers from Worcester for New York, Philadelphia, Baltimore and Washington journey to Logan.

As has been so clearly portrayed in Senator Pell's classic "Megalapolis Unbound", development of High Speed rail transportation in the Boston-New York-Washington corridor is a far less costly way to handle the traffic than building additional 10,000 foot runways and new airports.

Will truly High Speed rail service relieve the airports? The Japanese High Speed rail line, 325 miles between Tokyo and Osaka, took over a third of the airline business within a few years after opening. Business on this line continues to grow and the investment will be amortised.

The same situation occurred in England with the introduction of High Speed rail service between London and Liverpool, which is in the same mileage bracket as Providence-New York or Worcester-New York. One third of the airline passengers went to the rail. Not only were fast schedules introduced, but frequent service.

The situation in Massachusetts is now at a critical point as regards preservation of railroad rights-of-way. Because of a small state subsidy in Massachusetts, Penn-Central management has in the making a petition to the ICC to abandon all North-South service from Massachusetts to the Shore Line, with the exception of the Boston-Providence route. Specifically, I refer to Pittsfield-South Norwalk, Springfield-Hartford, and Worcester-New London. In fact, the Penn-Central management has stated that they may have to even seek authority to abandon the little remaining Boston-Worcester local passenger service. Herein lies the demonstration of the likelihood of loss of double track rights-of way needed for both thru service and commuter. The Massachusetts Turnpike Authority owns the right-of-way between Boston and Riverside. If Penn-Central were to abandon passenger service on this line, freight demands could be accommodated with a single track. Abandonment of one track would cause the unused portion of the right-of-way to revert to the Turnpike Authority, closing the door on future use of either thru service or commuter service.

May we point out that another witness for

our commission has cited the possibility of eventual link-up of the Boston-New York inland route to the Merrimac Valley and Portland.

Already, through the foresight of Senator Cotton of New Hampshire, as reported in the press, the $10 billion mass transit bill has a rider permitting the State of New Hampshire to negotiate an agreement with the Massachusetts Bay Transportation Authority for extension of its service to Nashua, Manchester and Concord. This would tie into a Worcester-Portland extension of the inland route at Lowell and bring New Hampshire into the picture, not only at Dover but also at these Merrimac Valley cities.

At the New York end, Connecticut and New York have received authority from Congress to negotiate a take-over and lease-back of the railroad between New Haven and New York to improve passenger service on this four track division. The fastest commutation service in the country is the Penn-Central mail line between New York and Trenton. In either case, the commutation tracks are different from the thru service and commuter.

State and Federal governments are now already involved in the rail passenger problem. The railroad will not risk their freight obtained revenues to gamble on passenger services when interstate highways and airways exist to a large degree on Federal funding. It is time to correct the imbalance and solve the problems of highway and airway congestion, noise and pollution to a degree. High Speed rail will do this.

Congressman TIERNAN. Thank you very much. Before going on to the other gentleman, I would like to at this time acknowledge Speaker John McCormack and would like to mention also that this committee is a dues paying committee which is a strange thing in the Congress. We had all members pay a slight dues of $10 for Improved Passenger Service. The Speaker has paid his dues in full. Mr. Speaker would you like to say a few words?

Speaker MCCORMACK. Thank you, Congressman Tiernan and my distinguished colleagues, ladies and gentlemen, I have always felt that the less I talk, the more I will hear.

Mr. HARRISON. My name is H. Lincoln Harrison, formerly assistant to the Professor of Transportation, Department of Economics, University of New Hampshire, and at present Secretary of the Railway and Locomotive Historical Society Bake Library, Harvard Business School in Boston, Massachusetts. I have made one, two or three studies of transportation in each of the continents of the world except Australia. I am a member of the Worcester Rail Study Commission.

In 1957, I rode the "Mistrial," which is the French breakthrough train whose technology has been utilized all across Europe, and realized we had nothing in this country to compare it to. Three years past, I rode the Tokida Line from Tokyo to Osaka, over 325 miles in a little over three hours which took the title of the world's fastest train away from the "Mistrial," and knew we could not equal it in this country unless there was a radical change in the thinking in governmental circles of the United States.

Much public money has gone into airports and their related facilities which we may well be proud of. However, we have made it so attractive as to cause overcrowding in Metropolitan areas so that secondary landing areas are being considered 25 or more miles from destination and a 250 mile run could be a three vehicle trip—this is not good transportation.

More public money has gone into highways, starting with the promise of helping the farmer or isolated business to get their products to market, through a period of intercity building, to the present concept of national road network which has now built roads parallel, and within five miles, destination to destination, of most trunk railroads in New England. Road building continues at present along secondary rail routes. These roads are of help to our excellent bus industry and have an impact on the private car driver who may be tempted to commute longer distance to the city in his auto, adding to our major cause of air pollution and the congestion and parking problem of the inner city. Roads tend to build traffic to the fearable level of congestion at which point the ecological stress factor comes into play with possible cardiac or adrenal changes.

A public official finds it difficult to refuse a road he does not need or want if only 10% of the cost is to be borne locally and he sees it as a way to get back some of the money taken from his area. Hence most of the roads that are suggested get built even with the knowledge that the price of oils in New England are set above the world market price by national government policy.

Public money early went into the building of railroads followed by a long period when they were thought of only as a source of tax revenue on plant and structure they bought and built themselves. In one town where the railroad is the largest taxpayer, it follows that it pays the biggest amount of the support of the local airport. It is long past the time of tax revenue thinking. Railroads are a part of our transportation complex, and the National mobility potential, some of which they do better than anyone else, let us think of them in that context.

We need not be ashamed of our air industry or our highways but we do have the poorest rail travel facilities of any advanced nation I have been in around the world. We got to this position partly by the good things we have accomplished. When air service is improved, it will attract some highway and some rail users. A new highway presents new equations of choice to the private car owner (and we have the largest number of private cars in the world) some of whom will leave the air and rail routes. At this point, there should be a rail service improvement to maintain a balanced transport pattern (and except in this country there has been). No plan to eliminate one form of transport could be more effective than to continue to improve the alternative carriers over a quarter of a century. Fewer passengers produce lower revenue which leads to cancelled runs or connections, at which point the passenger must change his mode of travel. In January, my son was invited by Mayor Daley in Chicago to the opening of the new Logan Square rapid transit line. He went out on Penn-Central, and was to return to New York on the Lake Cities of the Erie. The train was dropped early in January, and he had to come back on the C&O B&O George Washington via Washington to New York.

At Mardi Gras he went to Cincinnati on Penn-Central and to New Orleans on L&N. He planned to return on the Crescent via Montgomery which no longer runs and used the Southern via Birmingham. Last week he tried to buy a ticket to New York from Tarpon Springs, Florida, the agent would only sell him a ticket to Jacksonville as the company wants the train off and does not wish to show a demand for thru New York traffic.

Are we ready to face the population explosion with an air and highway system alone? Probably the answer is "no". Ecology which we never worried about ten years ago will force and influence more and more of our decisions in the coming years, as will air pollution.

Among other things, railroads can (and do in other countries) handle commuter and intercity runs of up to 300 miles better than any other form of transport available, and the cost of upgrading to present standards of a dozen other countries will be only a fraction of what we have already spent on air and highway improvement. A basic pattern should include: Portland, Maine; Concord, New Hampshire; Boston, Worcester, Springfield, Massachusetts with Connecticut and New York.

Congressman TIERNAN. Thank you very much. I think Congressman Macdonald would like to ask a question.

Congressman MACDONALD. One of you indicated that a new Mass Transit Department would be formed.

Mr. FLOYD. We hope there will be one.

Congressman MACDONALD. What I wanted to inquire was how far had these plans been put into effect. I have been a member of the Authorization Committee that deals with railroad legislation for three years now. I served on the Sub-committee on Transportation and have heard nothing from the State of Massachusetts dealing with the great problem of commuter transportation. It would be helpful if they did have such a Department. In short, can you tell me how far away this is to becoming a reality.

Mr. HARRISON. Massachusetts House Law 4349 relates to this.

Congressman MACDONALD. Has the bill been filed? We are aware of the problems of transportation in the Western part of the state. Is your interest in these problems in Boston, Wellesley, Lowell, etc.? Which part of the state is covered by this? Don't you think it would be a pretty good idea to have something of this sort covered the entire state since it is a state problem? I think perhaps we in Congress should pay more attention to the problem by way of legislation as a state. I am not quite sure they live up to their objectives. I would suggest that you include all of Massachusetts.

Congressman TIERNAN. Acknowledged Mrs. Heckler.

Mrs. HECKLER. It is my understanding, and I stand to be corrected if I'm wrong, Governor Sargent has established a comprehensive task study commission.

Congressman MACDONALD. We have more commissions in study than passenger service.

Mrs. HECKLER. I must say that I agree with your frustrations over studies.

Congressman MACDONALD. I would rather have less commissions and more action.

Congressman TIERNAN. I want to remind all who have not signed the guest book, to please do so and indicate your address. We will try to keep you informed of testimony before the Committee. Anyone who has testified, please leave a copy of your statement so we can check it against the transcript.

Congressman TIERNAN. I would like to call on Mr. Burke to introduce some gentlemen who are here from the State of Massachusetts.

Congressman BURKE. We have James Loughlin of the Massachusetts State Labor Council, AFL–CIO and Executive Member of the New England Council, and Mr. Richard Fleming of the Massachusetts Port of Authority.

Mr. LOUGHLIN. I believe that the rail transportation in Massachusetts and New England should have a complete overhauling and face lifting. The rail passenger service needs an entire new type of service with modern, up-to-date trains and passenger cars. I believe that this is long overdue and that with the help of your committee we can get this through Congress with the necessary money appropriated and we will be able to have a good rail service. Thank you very much.

Congressman TIERNAN. Would you care to comment with regard to the compact?

Mr. LOUGHLIN. I have been associated with all of these since 1961. Mr. Kanell is the one who should answer these questions.

Congressman TIERNAN. How much are the states of Connecticut and New York receiving under contract?

Mr. LOUGHLIN. The Federal government is subsidizing $28 million.

Congressman TIERNAN. The state of Connecticut and New York will match it as I understand it.

Mr. LOUGHLIN. Yes.

Congressman TIERNAN. Thank you Mr. Loughlin.

I will now call on Mr. Goodfellow, President of the Association of American Railroads, with regard to their position.

Mr. GOODFELLOW. I appreciate the opportunity to be here. I will offer a statement if that is satisfactory to you. (The following is Mr. Goodfellow's statement.)

Since the end of World War II the use of intercity passenger trains has constantly and drastically declined. The intercity traveler has unmistakably demonstrated his preference for other modes of transportation which have enjoyed vigorous promotion through large expenditures of public funds. As businessmen, we've certainly taken a hard look at the future of intercity passenger trains in today's jet and automobile age. Reluctantly, we've had to conclude that the only likely future for such train service lies in the heavily populated corridors—between Washington, New York and Boston, for example.

While in the years following World War II the railroad industry made tremendous expenditures for new equipment and various promotional activities, it was unable to reverse this trend. Between 1946 and 1958, the Class I railroads of the United States and the Pullman Company invested $1,343,000,000 in passenger train equipment. They gave the American public the world's finest passenger trains. And they spent many millions of dollars promoting and advertising them. But during those same years, the railroads' share of the for-hire intercity passenger traffic dropped from 72.9 percent to 31.1 percent while the airlines' share increased from 2.7 percent to 38 percent. Even more significantly, the private automobile's share of the total intercity passenger traffic increased from 58.8 percent to 90.1 percent—and its stayed at about that level to this day.

This loss of business—I repeat—happened during a period when the railroads were pouring large sums of money into their passenger operations in an effort to hold their own against airline and automobile competition. The American railroads gambled heavily on the traveling public—and lost.

Congress recognized the serious nature of this problem and in the Transportation Act of 1958 established a procedure by which the railroad industry was enabled to discontinue many unnecessary passenger trains that were operating at substantial losses. Despite this Act, the railroad industry is being required today to operate many passenger trains which fail to earn their cost of operation. A recent study by the Interstate Commerce Commission revealed that the railroads incurred an avoidable loss of well over two hundred million dollars on intercity railroad passenger train operations in 1968.

No part of the private sector of our national economy should be made to bear the burden of enforced public service without just and adequate compensation for such service. When a public service is required to be performed by private enterprise and the users of such service do not pay the cost thereof, then the public nature of such service demands public payment therefor.

As applied to a particular railroad passenger train service, this principle means that when performance of such service is enforced by the public upon a railroad and the service does not pay its own way, then responsibility for the cost thereof should rest upon the body public.

If the railroad industry is to continue to provide intercity passenger train service, it is essential that legislation be enacted establishing means by which the industry may be relieved of the large losses which it sustains in providing this public service.

Two pending bills, S. 2750 and H.R. 14661, afford the most reasonable way to preserve passenger train service required by public convenience and necessity. Enactment of either would insure the preservation of passenger operations considered necessary while solutions to the over-all problem of moving people—involving all modes—are being worked out and the proper role of rail service determined.

At hearings before the House Committee on H.R. 14661 the Association of American Railroads was asked to submit its idea of a package bill. We subsequently did so, in the nature of suggested amendments to H.R. 14661 and a copy of such draft bill is attached. The bill, as drafted, contains the following provisions:

1. The payment of operating losses on any train ordered by the Interstate Commerce Commission to be continued in operation.

2. Equipment required to perform the ordered service would, if not then owned by the carrier and reasonably available for such use, be furnished by the Secretary of Transportation.

3. The Commission would be authorized to prescribe standards of service on those trains which it ordered to be continued in operation.

4. Reasonable limitations, short of a moratorium, would be placed on the filing with the Commission of notices to discontinue trains.

We suggest that the CIPS support S. 2750 and H.R. 14661, or in the alternative, support the draft legislation described above and attached to this statement.

Congressman MACDONALD. I remember your testimony before the Committee about control being taken away from states.

Mr. GOODFELLOW. I do not know if I testified to take control away from states, but to have the Federal government step in.

Congressman MACDONALD. When you say the Federal government should step in to take control, what do you mean?

Mr. GOODFELLOW. The Federal government should take the loss.

Congressman TIERNAN. Do you have any other suggestions?

Mr. GOODFELLOW. If equipment is desired, then the Secretary of Transportation should take over. This is in a bill in Congress.

Congressman MACDONALD. We have heard often that many of the railroad lines deliberately cut off service not only on a certain line but at inconvenient times, they turn off air conditioning in summer and heat in winter. Have they never held anyone in a responsible position to account for this?

Mr. GOODFELLOW. I cannot speak for other railroad executives in this country but as for me, I have never in 13 years told anyone to do anything like that. A man may mistakenly turn off the air conditioning or the heat.

Congressman MACDONALD. Does your company's overall plan include stopping passenger service?

Mr. GOODFELLOW. We can no longer stand this loss from passenger service. The ICC has come up with costs that pretty well settle this squabble.

Congressman CONTE. On figuring those losses they want to be subsidized by the Federal government, would you take into consideration the bids and the use of freight trains?

Mr. GOODFELLOW. Most of the discussion on losses has been available. I will have to explain it to you if you want to hear it. A freight train runs 50 miles an hour and short amount of maintenance will keep it in service. If you want to run a faster train, you are going to have to put more money into it.

Congressman TIERNAN. Introduced Congressman KYROS.

Congressman KYROS. Thank you Mr. Chairman. I want to congratulate you and Mr. Burke for setting up this meeting. I am also delighted that the Speaker is here. I suggest we come out with some kind of prompt decision. We ought to consider all methods of financing.

(Mr. Kyros subsequently submitted the following letter from one of his constituents.)

OLD ORCHARD BEACH, MAINE,
February 27, 1970.

Representative PETER KYROS.

DEAR SIR: Just listened to an interview on Channel 6 concerning railroads. I agree with you 100%. I have to go to Boston every month and do not like bus or air travel. It used to be nice to ride the train but those days are gone but I believe can be revived. Nothing is lost by trying.

SAMUEL R. HENDERSON.

Congressman TIERNAN. Did you have someone from Maine you would like to introduce?

Congressman KYROS. Yes, Mr. William Fernald, Director of the Transportation Division, Maine Public Utilities Commission.

Congressman TIERNAN. Nice to have you with us.

Mr. FERNALD. Rather than repeat what Mr. Kyros said, I will say that the State of Maine is working closely with the Federal government on this. I am not in a position to make a public recommendation. Conditions change rapidly and the need for service is imperative. Thank you for listening to my views.

Congressman TIERNAN. A reminder again that the record will be open for two weeks and you may submit a statement. At this time, I would like to introduce Professor Poulsen of the University of Rhode Island. He is also the Director of the Research Center for Business Economics and is a Professor of Finance He has done quite a bit of work recently on a paper contrasting the financing of airports and airlines versus the support of transportation in the area of railroads. Professor Poulsen.

Professor POULSEN. Mr. Chairman, members of the committee, I had just finished a paper on the problem of hauling hogs by rail when I received your request to present a paper on hauling people by rail, so I will try to keep these two categories separate as I make my statement.

Congressman TIERNAN. You mean sometimes they are not kept separate?

Professor POULSEN. The New Haven, which I would like to refer to first, has lost money on freight service. Last year it lost $10 million on its freight service and $12 million on its passenger service. This was in 1968 for a total loss of almost $25 million. I used to send my students down to deck the New Haven's locomotives with flowers since the railroad was already dead before it was discontinued and became part of the Penn Central. Apparently, the New Haven has come back and has given more liveliness to the Penn Central. But, the 1969 financial report is a very unhappy one.

The ultimate conclusion I would like to present is to include the rail right-of-way as part of the Interstate Highway System. I think this would give Mr. Volpe and the road gang a very good opportunity to look at a chapter in their engineering books, to apply their road manual to rail rights-of-way and allow us to get Senator PELL'S straight high speed railroad system in operation in southern New England.

The problem that the railroads have basically is that they're property heavy. They have the right-of-way on which taxes are paid, as well as maintenance costs for the rights-of-way and the signal system. These costs are not borne by the trucking industry nor by the airlines. The Federal Aviation Administration has 4,000 Federally employed persons. Most of these employees are air traffic controllers.

When you begin projecting population figures to the year 2000, we will have 320 million people in this country and one-quarter of the United States population will

be in this Eastern megalopolis. When you begin projecting the berthing of motor cars, the situation is perhaps just as bad. We have 120, excuse me, we have 87 million cars on the road now and by 1980, it is projected that we will have 124 million, an increment of 37 million cars. We have a rather irrational zero pricing policy for the use of highways which has resulted in an overuse of highway facilities.

The automobile of today is causing pollution of the air, it is presenting problems with noise and it is also taking a great deal of landspace for roads and parking. So I would like to suggest the possibility of instituting vehicle ration days; days of the week in which one would not be permitted to drive his car. This would basically take 1/7th of the cars off the road in one feld swoop. This would eliminate congestion, would eliminate air pollution, and of course would give an aid to the public transportation system in that those who could not drive their cars on a particular day would use rail, bus or air transportation and would give back, in Senator Pell's terms, some of the cross working hours which are lost while we drive our private motor car.

Secondly, the idea of a car-rail ferry system, whereby the motorist could bring his car to a marshaling yard, such as on Route 128 in Boston or near Providence on any large area, and place the vehicle on a rail car to be transported to the outskirts of say New York. This again would have a bonus of minimizing pollution and highway congestion. I think that completes the basic ideas of my system.

Congressman TIERNAN. Thank you very much Professor. Mr. Burke has a question.

Congressman BURKE. I would just like to comment with relation to the excellent statements our witnesses have made here today. According to highway statistics, the Division of the Bureau of Public Roads, the total highway expenditure in the United States for the five year period from fiscal 1965, and that includes 1970, was $24,753,000,000; for the expenditures towards railroads and passenger service, I doubt if it reaches even one-half million dollars. So you can see that while we have tremendous highways, there is really nothing along the lines of railroad passenger service.

Congressman CONTE. Mr. Poulsen, you intrigue my curiosity when you started banning automobiles from the road. It may be good and it may not be good. Do you have any details about who's going to do the banning and for what reason?

Professor POULSEN. Well the reasons are the pollution, noise and space problems connected with automobiles.

Congressman CONTE. I understand the reasons why we need less cars on the road. How are you going to say to at least 60,000 people: well, once a week, only 10,000 of you can use your cars?

Professor POULSEN. I would visualize that each car would have a different color number plate so that if you had a blue plate, you would not drive say on Thursday, while your neighbor might have a red plate and a car pool and you could travel with him on that particular day.

Congressman CONTE. Seven different kinds of registration in Rhode Island?

Professor POULSEN. No, seven different colors to indicate the day of the week when you might not use your vehicle. That would remove one-seventh.

Congressman CONTE. Who picks the people who get assigned the various colors?

Professor POULSEN. This could be at random or you could just pick your own color.

Congressman CONTE. What if everyone said well they didn't want to drive on Monday, which would you choose?

Professor POULSEN. Well it could become a lottery.

Congressman BURKE. Mr. Chairman, I might comment here that it isn't beyond the realm of possibility that in the future years a vehicle traffic will have to be banned from our urban areas just to clear the air so that we can breathe once a week because of pollution. I think that's what you might have in mind.

Congressman TIERNAN. Professor, your paper said in the fiscal year 1969, budget authority for the ICC was $24 million, whereas the FAA 1969 budget was $75 million, You make the point, which I think is very important, that the maintenance of the air traffic control system is fully at government expense, whereas the railroad has to maintain the safety devices that are required by the Federal government and by the states they operate in.

Professor POULSEN. What I'm suggesting in terms of making the railroad an Interstate Highway System is to allow them to join the socialized airplane companies that do not own the airport nor hire the controllers.

Congressman TIERNAN. Doctor, I want to thank you and I hope to have the benefit of some further assistance from you as we proceed along. The Senator has just joined us and I think we may have a question or two before I call on the next witness.

Senator PELL. None, except that I've long known and admired Dr. Poulsen and just put an article of his in the Record. Thank you.

Professor POULSEN. Thank you Senator. (Professor Poulsen submitted for the record the following statement.)

In classes at the University I provide my students at the start of each semester with a handout titled "Words of the 1970's." Many of the words are applicable to our concern here today: Megalopolis; Boswash; Northeast Transportation Corridor; SST; Metroliner. Adding some of the other words in the list: lasers; atomic power, ABM; and Age of Acquarius one gets the message. We are for better or worse on the sharply rising part of a graph whose vertical axis is labelled "change" and the horizontal axis, "time." The degree of change and the rapidity of change threaten the system as we have known it with a major breakdown. The problems of the 60's have not been solved by the turning of the calendar page to a new decade. Herman Kahn, amongst others, in his work "The Year 2000: A Framework for Speculation on the next Thirty-Three Years" (MacMillan Company, 1967), suggests some of the changes with which the transportation system must cope. By the start of the next century world population will reach 6 billion, while the U.S. will grow to 320 million. Of this total, one fourth (80 million) will bless the Boswash Megalopolis. Together with the growth of human population will come an ample birthing of new motorcars. By 1980, the AAA estimates motorcars in use will total 124 million compared with the present 87 million for a ten year increment of 37 million vehicles. If this forecast for the private sector proves correct, there will be required sizeable additional public investments in new roadways to be carved out of our diminished supply of parks, forests, playgrounds, marshes and city centers; enough to keep the "road gang" reasonably happy during this decade. The social cost side of this vehicle boom will be found in at least a troika of pollution factors—air, noise and visual—as well as the continued claim against an increasingly scarce resource—space.

In our cities and suburbs we have followed an irrational zero pricing system for highway users. In consequence of this policy, we suffer from severe highway congestion which leads to the demand for more highways to end the road overutilization brought about by the mistaken zero pricing policy.

In congested city centers, the pricing process has forced investors to recognize the high cost of horizontal space. The result has been tall buildings. On the other hand, the automobile industry and the motorist have not had to consider his economic fact of life and instead of tall cars we have cars 17–20 feet long, 6 feet wide but only waist high. Elsewhere I have proposed a graduated vehicle space use tax to counter this propensity to purchase space gobbling vehicles.

In view of the predicted increase in vehicle numbers and use, a manifestation of a latter day frontier of laissez faire spirit in a world far removed from either condition—the freedom to unlimited use of the motorcar—needs rethinking. A few years ago, Mr. Luther Hodges, then Secretary of Commerce, was most critical of commuter or vehicle space-use taxes, seeing in them a threat to "our right to come and go as we please". He saw this as "a heritage of our frontier days". This social nostalgia has been especially well described by Max Ways in *The Negro and the City* (New York, Time-Life Books, 1968). He points to the affluent white families who, seeking to live out the Jeffersonian dream, have "fled to the mini-meadows of the suburbs where each acts out the agrarian fantasy by owning a mini-farmhouse."

In the past an increase in the supply of motorcars has been met (with a lag) with an increase in roadspace. In the Galbraithian sense, the supply of vehicles has been the creator of demand for roadspace. A breach in this pattern is now developing. Recently Massachusetts Governor Francis Sargent decreed a virtual halt to roadbuilding and proposed the beginning of a balanced transportation system. A few days later (February 16, 1970), Governor Frank Licht of Rhode Island ruled out the construction of I895, a controversial segment of the Federal Interstate Systems. At the December sessions in Boston of the American Association for the Advancement of Science, the suggestion was made that in the future not all demands should be met, especially if to satisfy such demands would foul the air or water or further glut the highways.

Goods and services are all rationed by a social invention called price. Those who are unable to pay the dollar amount required are excluded from the consumption of the product. For example, those lacking the means to purchase an automobile are offered the opportunity to use public transportation or to walk. Other limits to human activities have developed in the post-frontier days. These include zoning regulations, speed limits, licensing requirements, building codes, air pollution controls, etc. Vehicle ration days, days of the week when one would be denied the use of the family car(s), would be merely an extension of such controls. In this case it would provide for affluent motorcar users who are the major dispensers of air pollution and the moving power in forcing the carving of white commuter expressways through black housing areas, the opportunity to join the poor one or more days of the week in travelling via public transportation.

A number of bonuses would be forthcoming from such a vehicle ration system. These would include a sizeable cutback in air pollution and road congestion. One bus can transport 41 persons occupying some 200 square feet of roadspace (and no parking space) versus the 3,400 square feet that private motorcars for that many drivers would occupy. It would also be a boom to the passenger railroad traffic, causing those travellers who might make an intercity trip such as from Boston to New York by car, to turn to the rail service on vehicle ration days. Further, although automobile related employment would probably decline, the need for workers to build, service and man the rail and bus passenger equipment would

grow sharply. Lastly, in Senator Pell's terms, it would recover some of the time lost from our Gross National working hours, as persons relieved of the burden of the motorcar on ration days could devote the time required for their trip by public transportation to reading or writing, work that could not be done in the private car enroute to its destination.

Despite limitations on vehicle usage, congestion and pollution problems will continue to grow. To mitigate these destructive forces a car rail ferry system would be especially useful. Such a system would allow the middle-aged love affair with the motorcar to continue with not too great a modification. The traveller in the Boston area, for example, desiring to go to New York City would be able to drive to a marshaling yard at Route 128 where he could put his car on one of a fleet of rail ferries operating on frequent and speedy schedules to an offloading point in the outskirts of New York City. Such a system would provide the same lineup of benefits as described above, but of course, would be especially beneficial to the railroad companies providing this different type of passenger service. When the new roads connecting major urban centers were completed, the driving time was drastically cut. For example, the New York-Boston trip time was halved. However, average speed on these and other routes has begun to fall, due to the number of vehicles using the roadspace and especially the large number of local users entering and leaving the expressways in Providence, New Haven, Stamford and Bridgeport. Escape from this speed-slowing congestion could be achieved at modest costs by an adjunct to the Interstate Highway System already in place and with ample excess capacity—the shoreline route of the New Haven region of the Penn Central put to use as a car rail ferry system.

Implementation of these proposals will require some period of time. In the meantime the passenger trains will continue to disappear and the rails will be pulled up unless prompt public financial aids are devised and put into effect. A look at the ills of the New Haven Railroad (NHRR) (now the New Haven Region of the Penn Central Transportation Company) reveals the difficulties which beset any railroad which provides passenger service.

Even though the NHRR traverses the heavily populated Boston-New York corridor, its long haul passenger business has declined year after year. Committed to the carrying of commuter traffic also, the losses by year have been:

Passenger losses

Year:	
1960	$13,257,000
1961	12,293,000
1962	10,899,000
1963	8,587,000
1964	10,508,000
1965	9,886,000
1966	8,699,000
1967	10,281,000

Judge Anderson, Justice of the United States Court of Appeals and responsible for the bankrupt railroad, stated especially well the plight of the New Haven when he noted that "a train proceeding from New York to Boston has truck competition on one side, sea borne competition on the other and air competition overhead. All of these other forms of transportation directly or indirectly are subsidized. Meanwhile the railroad has to maintain the tracks, roadbed and other facilities."

At the Federal level and concerned with railroads, motor carriers, pipelines, etc., is the Interstate Commerce Commission. The stated purpose of the ICC is "to regulate carriers engaged in transportation in interstate commerce, including regulation of carrier rates and enforcement of statutes and regulations affecting carriers." In fiscal 1969, the ICC had 1906 employees and was supported by a budget authority of $24,664,000.

Similar sorts of concerns exist at the state level. For example, the Rhode Island Public Utilities is responsible for the protection of the public in its dealings with common carriers and is specifically responsible for the operation and rate structure of public utilities and common carriers (rail, motor, pipeline). These state functions required the employment of 109 persons and program expenditures of $228,238 in fiscal 1969.

On the other hand the agencies concerned with aviation affairs are mainly supportive of the activity. A look at the statement of purpose of the Federal Aviation Administration bears this out. Under the Act of 1958, "the administrator of the FAA was made responsible for the development and operation of a common system of air traffic control . . . the regulation of air commerce to promote its safety, the promotion and development of civil aeronautics . . . as well as the installation and operation of navigation facilities". For these supportive/promotional activities, the FAA in fiscal 1969 employed more than 44,000 persons with Federal budget support amounting to $705,383,000. Of this total, over $498,000,000 was devoted to the operations and maintenance of the air traffic control system.

In Rhode Island, the Division of Aeronautics employed in 1969, 143 persons with total state supported personnel services of $958,362 and operating expenses of $908,758. Net cost to the state after revenue collections amounted to $994,120.

I believe these comparisons bring out the regulatory aspect of Federal and state agencies concerned with rail and truck services and the supportive/promotional aspect of the public agencies concerned with the air transportation industry, an industry largely dependent on passenger business as is the NHRR.

A further factor to hamper the railroads is found in their property heavy condition. A recent study points out that property taxes have absorbed nearly 3.5 percent of rail operating revenues, but only 0.4 percent for motor carriers and 0.2 percent for air carriers. The property tax plight of the railroads is borne out at the annual meetings of the National Tax Association. While a whole session is spent discussing various aspects of railroad property tax problems, no sessions are devoted to the property tax problems of the trucking or airline industries.

Other current costs are also implied in the property heavy designation. These include expenses incurred for the replacement of ties, new ballast, snow removal, maintenance of the right-of-way, and the signal system, etc. A specific New Haven expenditure item, that for cross ties, is shown below:

Year	Cross ties replaced	Cost per tie	Total cost
1956	100,367	$3.76	$337,380
1960	106,359	3.87	411,609
1963	86,761	3.85	334,030
1964	84,465	3.77	318,433
1965	87,191	3.98	347,020
1966	97,974	4.97	486,931
1967	50,543	5.04	254,736

During the decade from 1957 to 1967, another cost, that of new rails for replacement of track, rose from $99.61/ton (1957) to $127.93/ton (1967).

Another measure of the property heavy designation and cost of the railway is seen in the investment in transportation property which has ranged from $292,509,000 in 1963 to $274,879,000 in 1967. The third largest cost to the railroad has been that required to be expended on the maintenance of the right-of-way.

Railroads all over the country are rushing to invest in non-railroad ventures following the path blazed by the Chicago and Northwestern Railway with its Northwest Industries Corporation. This conglomerate business now includes chemicals, wearing apparel (Fruit of the Loom), electrical components, and insulated wire and steel (Lone Star Steel). Although non-rail income continued to advance, the $9.9 million deficit from railroad operations reduced per share earnings in 1967 by $9.13.

Penn Central, another conglomerate, fared somewhat better on rail operations. However, of the $3.11 per share earned in 1967, only $0.67 came from rail operations. A similar story is seen in the case of non-rail income of the Santa Fe ($28 million), Northern Pacific ($24.5 million), and Southern Pacific ($57 million).

The New Haven had few of these non-rail sources of income to fall back on to buoy its income position. However, in a sense the plight of the New Haven as a railroad was the plight of all railroad operations. In the long run, the local problem may become more widespread. Even now several other smaller lines are almost ready to go the bankruptcy route.

How can the situation be remedied? It is my belief that a large part of the problem could be resolved if the New Haven and other railroads were made property light. Relieved of the heavy burden for the right-of-way in ties alone the New Haven has in place over 9,600,000 with a total replacement cost of $48,384,000, the signal system, and freight and passenger terminals, the railroad would be viable.

A start toward a solution to the rail passenger problems could be accomplished by bringing the same kinds of government support as cited earlier to the rail operation as have long been afforded competitive modes of transportation. In this respect, a railroad signal system is analogous to the air traffic control system and the stated FAA responsibility for installing and operating aids to air navigation and traffic control. To this end, it is proposed that the Department of Transportation be empowered to assume the responsibility for the installation, operation and maintenance of the railroads' signal system, thus relieving the railroads of the expenses associated with these activities.

Second, the Department of Transportation would take over all rail passenger (and freight) terminals and be responsible, as the FAA is for air facilities, for their operation, maintenance, design and construction.

The third and final proposal would entirely free the railroad industry of its property heavy disadvantages. This proposal would have the rights-of-way purchased for inclusion as a part of the Interstate Highway System and leased back to the railroads. Charges to the railroads could take the form of locomotive registration fees or a tax on diesel fuel, or both. Such charges would place the railroads in a position similar to that of interstate truck and bus operators who do not build or own their rights-of-way. Furthermore, Federal support of a 90/10 variety would allow the state highway departments to undertake to improve the rights-of-way so that they would be compatible with the high-speed passenger equipment as well as allowing speedier freight services.

It appears doubtful that passenger railroad operations in the Northeast corridor will remain viable in the face of rising land and real estate assessments and maintenance of way costs in this densely populated part of the country. As the values and costs rise, so will the local property taxes charged the railroads, thus giving further advantage to the buses and trucks using highways upon which no property taxes are payable. To allow those involved to take advantage of the basic efficiencies of the railroads, a quantum change in the way the railroad industry is viewed seems to be necessary. To begin the implementation of such changes by giving as much public support to passen-

ger railroad facilities as that provided rail competitors, seems an especally good choice.

Congressman TIERNAN. At this time, I would like to call on another member of the panel, Mr. Ernest Gibson III, who is the Chairman of the Vermont Public Service Board. He has been most patient sitting here while other members of the panel and other witnesses have spoken. I would appreciate his comments in relation to what Vermont feels we might be able to do.

Mr. GIBSON. Thank you, Congressman Tiernan. I am very happy to be here today to participate in this panel. I think it is a very important matter. I think maybe a better person to be here in my place is my wife. She is most ardent and enthusiastic in trying to encourage the resumption of rail passenger service. I hear about it regularly from her.

I appear as a state regulator, on behalf of the state, a region which has no rail passenger service. Congressman Kyros mentioned that Maine, New Hampshire, and Vermont presently have no rail passenger service. Vermont lost its last passenger trains in September 1966. Vermont has had other railroad problems in the past.

Some time ago, in the early 1960's, the State of Vermont was confronted with an abandonment petition of the Rutland Railway Corporation. This railroad was not in the passenger business, but it provided a vital freight service up and down the western side of the state. Abandonment of this service could have resulted in the relocation of a number of businesses, and this would have been a severe blow to the economy of the state. The Vermont Legislature, however, appropriated a sum of money to be used for the purchase of the principal portions of this railroad located in Vermont, and following negotiations, the state did purchase major segments of the railroad. These segments were, in turn, leased to two privately owned railroad corporations, which are continuing rail operations.

Although the State of Vermont was able to take positive action on its own behalf in that situation, it and any other state is unable to go it alone with respect to passenger service. The Rutland Railroad had rail connections with other railroads so that freight could get in and out. However, unless there are appropriate passenger connections at the borders of a state, it will not do a state much good to try to provide passenger service on its own to such points.

The State of Vermont would like to indicate here its support for the Railpax concept, and we would urge that this concept be expanded to include those areas of northern New England which do not now have any rail passenger service. I know that there is interest in Maine and New Hampshire in having service into the Boston area. Vermont also has a community of interest with Boston, and in addition, for years there was also excellent passenger service between Montreal and New York City through Vermont. We believe that service between the metropolitan areas of Montreal and Boston and Montreal and New York should be reinstituted.

We would ask that the planning and thinking concerning rail passenger service include at the outset the states of Maine, New Hampshire, and Vermont which do not presently have any rail passenger service, and I assure you that the Public Utility Commissions of these states will be glad to assist in this in any way possible. Thank you.

Congressman BURKE. Thank you very much. We will now hear from Mr. Richard T. Fleming, Washington Representative of the Massachusetts Port Authority.

TESTIMONY BY MR. FLEMING

The Massachusetts Port Authority has demonstrated in a most significant and practical way its support of rail service between Boston and New York. The Authority is developing the New England Trade and Transportation Center at the South Station which we trust will anchor rail service to downtown Boston.

This Trade and Transportation Center will represent an investment of over 60 million dollars. Its major components will include a 500 unit motor hotel, 5000 space parking garage, special-use office building, a trade mart, and a combined terminal for rail and bus lines. This facility will be connected with the downtown retail center by minibus and moving sidewalks.

By this commitment to a new trade and transportation center for Boston, the Massachusetts Port Authority has manifested its belief in the potential of high speed rail service to carry significant passenger volumes between Boston and New York. Through the Governors Advisory Council on Transportation, the Authority has supported proposals for the creation of a structure of government and business cooperation, to reconstitute Boston-New York rail service, on a sound, long term basis.

The Massachusetts Port Authority respectfully submits that it is highly desirable, as as matter of public policy, to maintain rail service between Boston, New York, and Washington as a transport alternative to the airways and highways.

We submit further that the capital costs involved in developing an adequate rail transport system in the Northeast Corridor are too high to expect that they can be met by private organizations without participation by the government.

Therefore, it is earnestly suggested that the Federal government present a rail transportation policy and plan in which the New England Regional Commission, state governments, local governments, and business interests can cooperate.

Policy and guidance might well come from the Federal Railway Administration. Congress has given this agency basic responsibilities for the development of interstate transportation.

If a plan is forthcoming from the Federal Railway Administration and if it is implemented by other levels of government and by the railroads, it will be matched by a handsome trade and transportation center of the Massachusetts Port Authority on the site or the present South Station in Boston.

Senator PELL. Thank you very much and thank you for coming down. There are a couple of people of great interest in the audience. I can't help but see Mr. Horner of United Aircraft who has given as much as anybody of himself and his company to make the Turbo Train. I see Dick Wright of the New England Council. I don't know if either of them can be persuaded to come forth. I think it would be helpful to the record. I turn it back to my good colleague.

Congressman BURKE. I introduce Mayor Phil Noel of the City of Warwick, Rhode Island.

Mayor NOEL. As Mayor of the City of Warwick, Rhode Island, the second largest in the state and part of the Providence Metropolitan area, I am very aware of the problems which beset the residents of our entire area in terms of transportation.

Within our city is located 9 miles of the main line of the Penn Central Railroad. Our residents find daily requirements to commute to Boston and frequent trips to New York. We are part of the Northeast Corridor so frequently referred to as the most densely populated area of our country.

The Northeast corridor of the United States is probably the most unique human settlement in the world. This fact was pointed out by Jean Gottman in his book, *Megalopolis*, in which he noted that this type of urban development was a prototype of what is expected to eventually be a world wide phenomenon. Because of this point, the solutions to transportation problems that are developing in this area must by their nature be of major significance to the entire nation.

This section of the United States is the country's most heavily developed area. Because so many cities have developed in such close proximity to each other, and because their metropolitan areas have grown together, great problems have arisen in travel between, within, and out of these centers.

Three types of transportation can be identified concerning the northeast corridor; 1, travel between centers in the corridor and centers outside of it, 2, travel between centers within the corridor, and 3, travel within each center and metropolitan area in the corridor.

Travel out of or into the region is for the most part provided by air transport; in spite of many problems this mode of transportation basically serves this need.

A more significant problem of concern is travel between the different metropolitan areas. This is a need that cannot be served adequately by either the automobile or the airplane, by the very nature of their technological capabilities. A trip between, for example, Providence and New York or Boston, becomes a lengthy and frustrating experience if made by automobile; likewise, if the trip were made by plane it would have the disadvantage of excessive cost. Only rail travel has the potential of being an acceptable mode of transportation for a trip of this nature, when considering cost and time. The importance of the railroads as a means of inter-metropolitan transportation cannot be overemphasized because of the reasons just noted, but it is just this type of transit that has been and continues to be discouraged.

Similarly, as the metropolitan regions have grown, intra-metropolitan travel has been increasing as a major problem. In many sections use of the automobile on congested highways has become no longer a functional mode of transportation. Existing highways are already taxed beyond their capacities, and new highways are meeting economic, social and political rejection. Highways are simply incapable of adequately meeting the transit demands in metropolitan areas. Here again is an instance where rail transit or other forms of mass transportation are the only feasible solution. But it is here also that rail transportation is being discouraged and constantly reduced.

Given this position, it is evident that any further curtailment of inter-metropolitan and intra-metropolitan rail transit for passengers would be disastrous in the long run. In fact, this rail passenger service should not only be saved from further curtailment, but should be expanded to meet the need that exists for it and its further modification.

In recognizing these needs, we make several points which we feel to be of utmost significance.

1. That state compacts for the subsidization of the railroad by state governments are not viable; and even more important, that this subsidization procedure cannot be continued indefinitely, especially as long as there is no long-term program designed to eliminate the need for this subsidization.

2. That during the 1970's, the Federal government must establish the same commitment for the passenger railroads and other forms of mass transit that it did in the 1950's for the automobile with the Interstate Highway Program and with it must provide 90–10 Federal funding.

3. That although the major emphasis should be on rail or other mass transit, this should not be to the exclusion of other modes of transportation as has been done in the past. This need for coordination of all forms of transportation, while emphasizing mass transit, could be experimented with via a prototype system to determine what could be done. The New England region could be

selected as the study area for the prototype, in which case the vehicle for study and enaction of the program could be the New England Regional Commission.

4. Finally, that the Federal money demonstrating this commitment should be intended either for improvement of capital facilities (such as terminal facilities, rail beds, etc.) or for operational subsidies, and with either should be restricted to passenger-oriented service.

Surely the railroads are not the panacea for all of our transportation problems; but they must be recognized as one of the important networks in the comprehensive transportation picture. They have too long been cast aside as a mode of transporting passengers. They must be retained and expanded to serve their respective sector of the transportation market, but be designed to work together with and compliment other modes of transit to provide an adquate and functional total network for transporting passengers.

Congressman TIERNAN. Thank you very much Mayor. I understand that Steward Lamprey will take the stand and testify. I also would like to acknowledge the fact that Mr. Tucker from the Penn Central RR, New Haven Division has been present most of the afternoon and has been required to leave occasionally for business but has asked that he be allowed to submit a comprehensive statement with regard to some of the suggestions that have been made here and some of the statements that have been made. He will make that sometime before we close the record. Please step forward at this time.

Mr. LAMPREY. Mr. Chairman, the New England Regional Commission's purpose is primarily to foster the economic development of the region, and of course one of the vital areas of economic development is transportation. I think it would be a fair question to ask, "What has the New England Regional Commission's involvement been relating to this problem of transportation"? First, we began by making a broad comprehensive study of the transportation needs of the entire region, and based uopn that study we followed up with a high speed rail transportation study. We have formulated an advisory board, whereby at least one person from each State is represented to advise us on rail transportation.

The more important aspect and developments of the New England Regional Commission has been in the backing and the allocation of funds: $50,000 to the transport corporation to see if we could develop a privately sponsored organization to carry out the passenger service transportation facilities. On top of that, if our 1971 budget is approved by Congress we have tentatively allocated $45,000 for this project. We've been searching for information, allocating funds and we hope to be of service to this Committee, to the Congress or wherever we might be able to help solve this problem. I would now like to introduce Mr. Wright.

Mr. WRIGHT. I don't believe that there is anything that I can add. I think the Federal Co-Chairman has very succinctly stated our interests. We are vitally concerned in health, housing, education, environment and transportation. We look to the deliberations of the people who appeared today to find the actual solutions to the problems.

Senator PELL. With regard to the Turbo, would the papers be taken over by GEO because it is not doing well financially?

Mr. WRIGHT. That's one of the thoughts.

Senator PELL. Can you think of any project that would be more suitable for the New England Regional Commission?

Mr. WRIGHT. Trains and environment are probably the basics of our problems in New England.

Congressman TIERNAN. I want to thank you both for taking the time to come down to testify.

Mr. WRIGHT. If there is any way we can help, please call on us.

Congressman TIERNAN. Is the Mayor of Newton here. Nice to have you with us Mayor.

Mayor BASBAS. My name is Monte Basbas, Mayor of Newton, Massachusetts. I appreciate this opportunity to address myself to the subject of public transportation because it has been an area of great concern to me during the four-plus years of my administration.

Newton is a city of almost 95,000 people in 18 square miles and sits astride all of the transportation facilities leading into and out of Boston from the west. One of the most important facilities we have is the Penn Central rail line running from Boston to New York via Worcester, Springfield, Hartford and New Haven. We are essentially a bedroom community and many of our citizens work in Boston. Thus, Mass Transit, including Penn Central commuter service, is most essential to us.

It is interesting to note, however, that a recent study submitted to the Massachusetts Port Authority, which operates Logan International Airport, indicates that Newton is the center of air traffic generation in metropolitan Boston. Our population, comprised of a large percentage of business and professional people, has interests that extend beyond the boundaries of Massachusetts and travel a great deal. The vast percentage of flights out of Logan, of course, are to New York City.

The downtown to downtown travel time is increasing every day because of air congestion, traffic congestion between airports and city centers and the mounting congestion in the skies. Many people drive to New York, preferring the four to five hour drive to the plane trip and all of the aggravation and delays involved on many occasions.

Our country aided the railroads when they were first established early in the last century, but since that time any public monies invested in transportation have built roads or aided air travel in one way or another. The railroads have proved conclusively, either intentionally or unintentionally, that private enterprise cannot cope with mass transportation of people. No serious effort has yet been made, however, to determine whether or not the railroads and government together can offer a comfortable, convenient, competitive, as to time and price, alternative to air travel in mid-distance trips between 100 and 500 miles. I respectfully suggest that this effort should and must be made. I further suggest that, for reasons already cited, the Penn Central inland route should be included in any such experiments.

My primary interest must of necessity be in metropolitan mass transportation. I was most pleased when our Governor halted the road building and called for a study of a balanced transportation plan with greater emphasis on mass transit. I would not want anything to blunt that trust now.

From the larger view, however, I would be remiss in my duties to my citizens if I did not view with alarm the problems of transportation between metropolitan areas or mass transit for the megalopolis, if you will. I urge your most serious consideration of the concepts envisioned in such a plan as railpax.

Congressman TIERNAN. Thank you, Mayor—what type of passenger service do you have now?

Mayor BASBAS. We do have a passenger line available.

Congressman TIERNAN. Has there been any discontinuance?

Mayor BASBAS. There have been attempts but we have been able to avoid it to date.

Congressman TIERNAN. Thank you, Mayor. I want to introduce Mr. Archie Smith, the Utility Commissioner from the State of Rhode Island. He has been here all day and has been doing a good job trying to keep Penn Central on the ball. He has to make a 5 o'clock flight and I wanted to acknowledge him before he left. Mr. Horner of United Aircraft.

Mr. HORNER. We can provide a total transportation system, complete with train fleet and supporting maintenance supervision. We have built 2 prototype Turbo Trains, equivalent in capacity to 4 Metroliner cars, and have operated continuously with one train, with one standby, since April 1969 with an on-time record of 95%. Our trains have left Boston in the early A.M. daily with an average of 40 passengers, later to be filled to capacity on arriving in New York most of the time with a load-factor of 65%–70%, leaving New York filled every night.

The key to the train's performance is a pendulous suspension system which permits substantially higher speed on curves than do standard cars having 2–2 axle trucks per car. The trains have received good passenger response. People like the trains. We are looking forward to the continuation of this program.

Congressman TIERNAN. Could you tell me what capacity the train is running at?

Mr. HORNER. The train is running at 65% capacity.

Congressman TIERNAN. What is the total capacity of the train?

Mr. HORNER. 242 total capacity.

(The following is the complete testimony submitted after the hearings by Mr. Horner.)

Wherever a railroad passenger service, meeting modern standards of speed, comfort and frequency, has been placed into operation in a densely populated corridor, the results have been rewarding. The Boston-New York corridor is such a location. The United Aircraft Turbo Train provides the necessary type of service and the passenger response to the service has demonstrated that it satisfies a public need. Furthermore, the Turbo Train technology, existing today, meets the goal of investment minimization.

Both social and economic considerations justify public support of rail passenger service. The public is becoming increasingly concerned with conservation of the total environment. Proliferation of freeways is meeting more and more public opposition because of the dislocation of people, the destruction of small businesses, the diversion of prime land from the tax rolls and the increasing air pollution caused by automobile exhausts.

Increased use of the rails does not disrupt lives or businesses. The rights-of-way have existed for decades, and both residential and industrial site patterns have long since adjusted to their existence. Each track on a railroad has passenger carrying capacity equal to approximately 20 lanes of freeway. The rails are not used to capacity. Up-to-date statistics are not available, but in 1962, only 600,000 passengers traveled between New York and Boston by rail. The same year, 4,200,000 made the trip by auto. Each 325-passenger Turbo Train can carry, at the normal load factor, the passengers now occupying 228 autos. This would reduce the horsepower producing exhaust pollutants from roughly 45,000 horsepower to only 2,000 horsepower, roughly 5%.

The population and economic activity of the three southern New England states are concentrated along the railroads of the region. More than 60% of the three state population resides in the cities along the routes between Boston and New York, either along the shore line or along the New Haven-Springfield-Boston route. Noncommuting rail passenger traffic along these routes dropped from 3,000,000 in 1955 to 680,000 in 1968. Independent studies project that rail patronage on these routes can grow to 2,100,000 by 1975 if full Turbo Train service is introduced. All figures are approximate. Such a corridor system would serve both routes, with a total of 11 Turbo Trains operating on a three-hour schedule between Boston and New York. De-

pending upon the route segment, from four to 11 train schedules each way would be provided.

The Turbo Train portion of the Northeast Corridor High-Speed Rail Demonstration has been under way since October 1968. It expires in October 1970 unless extended by the U.S. Department of Transportation or taken over by others. To date, it has had excellent passenger acceptance. Of Turbo Train passengers polled in a DOT survey, 45% had used trains on their next previous trip. Seventy-five percent intended to use the Turbo Train on succeeding trips. The validity of the survey is supported by the fact that Turbo Train load factors have averaged 67% compared to 30% for intercity passenger trains nationally. This success is due not only to the improvements in comfort and decor designed into the Turbo Train, but also to the improvement in schedule it has made possible. The Turbo Train has reduced the Boston-New York schedule from 4 hours and 15 minutes to 3 hours and 39 minutes, with no improvements tracks or signals. With minimum such improvements and with better protection at road crossings, the Turbo Train can further reduce this schedule to three hours or less.

The two principal design features of the Turbo Train affecting economics are the ability to take curves at higher speeds and the high-powered performance available from the compact, lightweight, aircraft type gas turbines. These two features reduce the investment required for roadbed improvements and eliminate the need for electrification of this route. As the result, it is estimated that a complete, modern New England Corridor Turbo Train system can be established for approximately $105,100,000. Not all of these funds need be expended initially. The present demonstration could be expanded to more frequent service on the present attractive schedule by the addition of Turbo Trains only. Other physical improvements could then be applied to further enhance the service. An approximate schedule of expenditures is as follows:

[Dollars in millions

	1971	1972	1973	1974	1975	Total
Turbo train equipment	5	10	12.5			27.5
Roadbed improvements (minimum amount 3 hours shoreline New York to Boston)	2	4	2.6			8.6
Stations and parking	2	2	2			6.0
Grade crossing elimination	2	4	8	9	9	32.0
Signalling improvement	1	4	8.0	9	9	31.0
Total	12	24	33.1	18	18	105.1

Logical sources for these funds are the Federal Railway Administration, the Federal Highway Administration, the states and the cities.

Senator PELL. It's almost a state secret to find the Turbo Train on the Penn Central RR schedule. Penn Central has reluctantly run the train. Middle management in PC is not interested in hauling people. Mr. Saunders, Chairman, PCRR, is interested. Organized labor wants to run the train. United Aircraft has built the trains with their own funds, and nobody wants to buy them now. The Turbo Train demonstration program contract with DOT expires on October 22, 1970. I understand that UAC has more overhead personnel required to support a lessor number of maintenance people. I understand that UAC could support 20 trains with the maintenance personnel they have now. The PC has not spent any money on advertising the Turbo Train.

Congressman TIERNAN. You have a question Dr. Poulsen?

Professor POULSEN. The railroad industry is not aware of advertising. Running a business without advertising is like kissing in the dark; you know that you're doing but no one else does.

Congressman TIERNAN. Recognized James Kelso, Executive Vice-President of the Greater Boston Chamber of Commerce. Mr. Kelso asked permission to submit a written statement following the meeting. The following testimony was sent to CIPS by Mr. Kelso:

The problem of maintaining adequate and effective means of intercity and interstate rail transportation becomes increasingly heavy with each passing day. The roadways and air traffic lanes are becoming not only congested but are raising serious questions of safety. It is the opinion of the Greater Boston Chamber of Commerce that development of high-speed ground transportation is the highest priority. The Chamber would like to direct its attention to the specific problem of congestion in the Boston-New York corridor. This area is rapidly growing in population and will shortly become one of the country's highest density populations. Between Boston and New York, on an annual basis, 2 million travel by airplane, ½ million by bus and approximately ¼ million by rail and another 16 million by private car over the highways.

The Federal government has accepted the responsibility of providing a balanced national transportation policy which requires appropriate financial aid to the nation's bus passengers, air travelers and railroad passengers. The Federal government is now preparing to submit legislation for a 5 years, $3.1 billion transit aid program sponsored by Senator Harrison A. Williams, to give financial aid for public transportation. His program is the first phase of an extended $10 billion program as outlined by President Nixon's administration. The most important part of this legislation is that it does work with rapid transit facilities. There will be a need, there is no question, by rapid transit within the major cities, such as Boston, for a large infusion of Federal aid as well as that raised by local authorities. In addition, at least $1.3 billion will be required for the improvement of commuter railroad systems in the Northeast cities.

The Chamber would like to go on record that, in addition to these many needs, there is a very pressing interest on the part of the business community to provide high-speed rail transportation between Boston and New York via Providence. Unless a solution to the rail problem can be developed, increasingly huge expenditures must be made to increase highway and airway capacities. It is our opinion, as shown by the recent experiments with the Turbo Train from Boston to New York, and that also run on the Metroliner from New York to Washington, that people can be encouraged to travel by railway. It must be admitted that the present railroad service has not done much to encourage the use of the railroads by the public.

I would hope that the Congress of the United States would immediately pass legislation to provide limited assistance for rail transportation in the emerging megalopolis of New York-Boston and Washington. Clearly private enterprise cannot do this. Large expenditures must be made for the improvement of road beds, as well as provide for adequate equipment.

It would seem that such expenditures might not be justified if one looks at the dollar amount alone. We should like to point out that it would provide indirect benefits such as reduction of air pollution and noise and the reduction of expenditures necessary to increase the capacity of the air-highway transportation systems and provide stimulus to urban redevelopment.

The Greater Boston Chamber of Commerce would like to urge that Federal legislation be enacted to provide adequate substance to the promotion of ultra-highspeed rail transportation between Boston and New York. A minimum of three years would be required for construction and since congestion on airways and highways is upon us, no time should be lost in obtaining the necessary Federal government action. If action were taken this year, 2½ hour service between New York and Boston could be reached by 1974. Such a service would do much to build and to bolster the economy of the Northeast.

I introduce Armistead Rood.

Mr. ROOD. The following is written testimony by Mr. Rood.

Protect the Commonwealth's option to buy the Boston & Providence Railroad by intervening at once in US Supreme Court proceeding No. 882.

Massachusetts Senate Bill 1122 calls for the Commonwealth to exercise its present option to buy the properties of the Boston & Providence RR Corporation at a price based on original cost with adjustments. The Commonwealth reserved the option when it created the B&P Corporation in 1831. B&P is on the verge of having its properties sold by a court plan to the New Haven RR Co. for resale to Penn Central, a foreign corporation. The court sale will cut off the Commonwealth's present option.

B&P owns the main line between Boston and Providence—via South Cove, Back Bay, the South End, Northeastern University, Roxbury Crossing, Jamaica Plain, Forest Hills, Hyde Park, Readville, Route 128 Station, Canton, Sharon, Mansfield, Attleboro, Pawtucket. B&P owns branch railroads to Roslindale, West Roxbury, Dedham, Stoughton, East Providence. B&P owns the Back Bay Station and the Southwest Corridor, extensive lands and shops at Readville, Providence lands and half of Providence Union Station. B&P shares with Penn Central the Midland Route from Readville to Boston including South Boston yards.

Particular values for the Commonwealth include—a ready-made suburban mass transit system via Forest Hills; a straight line for the Boston-Providence-New York high-speed route; the Southwest Expressway route; routes for local streets and avenues, especially in South End; land for Northeastern University (removing the Chinese Wall); lands for various urban developments; air rights for development in Boston (with Mass. Turnpike) and fast route to new airport for Boston, Worcester, Providence.

U.S. Senate Bill 3154 would provide $3,100,000,000 in Federal subsidy to States and local agencies such as MBTA to acquire and develop railroads and other facilities but not highways for mass transport routes in urban areas. New York, Connecticut, New Jersey will get large share. Connecticut is taking over the New York route west of New Haven, why not Massachusetts too?

A pending court plan would force sale of B&P's properties to Penn Central. The plan price is based on low scrap value. The District Court in Boston approved the sale because no other buyer showed up.

The Commonwealth can expect Penn Central to charge high prices. The other day Penn Central charged the MBTA $7,000,000 for 24 acres of surplus yard land. The Commonwealth cannot take the Boston and Providence franchise by eminent domain which would in any event require a very high price. Its only right is founded on the option reserved in B&P's 1831 Charter. Eminent domain values are indicated by the 1965 B&P appraisal of Boston area properties at $43,274,923. The ICC calculated original cost of all B&P properties at $20,659,622, except for land valued at $5,316,180.

Congressman TIERNAN. I want to know if the Commonwealth of Massachusetts is the

only one who has the option to purchase the line?

Mr. ROOD. Yes, it is the only one with the right to purchase the Boston to Providence line. Boston and Providence will be sold and New London will sell to Penn Central. What the Penn Central plans, no one knows. It is part of a package deal.

Congressman TIERNAN. Why is Boston-Providence selling?

Mr. ROOD. Boston-Providence is forced to sell because of reorganization costs.

Congressman TIERNAN. Are there any other questions? Thank you very much.

Senator PELL. I want to compliment you for your leadership in calling attention to the adversity of viewpoints here. It was an altogether excellent meeting.

Congressman TIERNAN. Thank you very much Senator. I want to indicate that this is just the beginning. We will compile the minutes of this meeting and distribute them. A meeting of the CIPS membership in order to go over the suggestions made today will take place in approximately a month. One further word, I hope you all took the time to notice the CIPS program. It was prepared by a young student intern of mine from Mt. Vernon Junior College, Tina Hyland: As you can see, she did an excellent job.

(Subsequent testimony was submitted by the following persons. We apologize to Senator Pell, whose statement below was given at the opening of the meeting. Senator Pell; Congressman Burke; Congressman Harrington; Gov. Walter Peterson of New Hampshire; Hon. Kevin H. White, Mayor of Boston; Mr. G. Wm. Miller, Textron, GEO-Transport Foundation of N.E.)

Senator PELL. Congressman Tiernan, Senator Brooke, and other Distinguished Members of the Panel and of the Committee for Improved Passenger Service.

After eight years of lonely advocacy for improved passenger service, I must say how encouraged I am with the formation of the Committee on Improved Passenger Service. I am very impressed by the distinguished gathering of people concerned with rail passenger service which are here today. So much so, that I believe that if everyone in this room could agree to support one substantial bill to assist rail passenger service, legislation to aid rail passenger service could pass the Congress this year.

I do not think we can afford to delay legislation any longer. In 1958 there were over 1400 intercity interstate trains, today there are only 448 intercity trains. Never have I seen the condition of rail passenger service in worse shape, and never in my eight years working at the rail passenger problem have I seen so much public support for Congressional action.

I do not think that the Congress can afford to await a Presidential message on rail passenger service which may never come. I believe the basic Legislation we need to save passenger service exists, and that this Committee should serve as the catalyst for moving the House and the Senate to pass legislation this year.

Our first concern should be directed to our Legislative Committees.

In short, I would ask our respective Houses of the Congress to consider passage of the omnibus bill which I have outlined in my testimony for the Commerce Committee tomorrow and which testimony is available to you here today.

The omnibus bill I suggest contains three sections:

The first section would be my own bill, the Regional Intercity Passenger Authority Act of 1969. My bill provides for the creation of a regional authority based on interstate compacts to operate passenger service. The Federal government would guarantee up to $1 billion of the bonds which an Authority would issue to raise capital. The States would be required to subsidize any operating loss of trains not included in the National Transportation System provided for in Section 2 of the omnibus bill.

Section two of the omnibus bill would be a modified version of the Senate Commerce Committee's proposal for the provision of new passenger equipment, and for authority for the Interstate Commerce Commission to regulate the quality of passenger service. I would modify the Commerce Committee's print to make my Regional Authorities eligible for the same limited and temporary subsidy and passenger equipment assistance for which the railroad industry would be eligible.

Section three of the omnibus bill I suggest would be the National Transportation Act which has been introduced in the Senate and in the House. The National Transportation Act calls for regional commission to undertake balanced transportation planning and demonstrations for all transportation modes in the major regions of the country.

Our second and more immediate concern should be the Appropriations Committees. In the Senate I hope to attach to the Administration's budget supplemental request an appropriation of $8.6 million for improving the roadbed used by the Turbo train between Boston and New York. This amendment would have numerous safety and speed benefits and I would hope the House members of this ad hoc Committee could gain some support for my amendment within the House Appropriations Committee.

Our third concern should be to provide money in the 1971 budget for the New England Regional Commission to pick up the contract for the Turbo train if the Department of Transportation does not continue the contract October, 1970.

Rather than take any more time of the panel, I am making available to the committee two statements in which I have outlined in more detail my thinking about improving rail passenger service.

To sum up, I would simply add to the statement which Stuart Saunders, President of Penn Central, made last fall regarding the condition of the rail passenger industry. He said, "The house is on fire." I would say in response, "We need public fire engines not a bucket brigade to save passenger service!"

Congressman BURKE. The problem of maintaining effective modes of transportation along the Northeast Corridor becomes increasingly acute with each day. The congested roadways and heavy air traffic have made the inception of high-speed ground transportation in New England an item of the highest priority.

There is one encouraging aspect to the cry for Government help that went up from the Nation's railroads. It is simply that they have finally begun to face up to the fact that they are not going to be allowed to get completely out of the passenger business. This is the crucial first step towards creating a national transportation policy in which the railroads have a major role.

The first response to the Metroliners running between Washington and New York City indicates there is a substantial and perhaps growing market for the railroads on intercity runs, particularly in heavily populated sections of the country. And, as the airways and the highways steadily grow more crowded, there may even be a future for the railroads in the summer vacation travel.

To tap such markets, however, the railroads have a generation of neglect to overcome. The tragedy of rail transportation is that the industry after World War II was seized by the idea that its future lay solely in freight operations. Instead of responding to the challenge presented by the airlines, many railroads set out to destroy their own passenger train operations and did almost everything they were allowed to do to make traveling by train as inconvenient and uncomfortable as possible.

If the railroads are to overcome this era of neglect, they need ask for more than just a Government subsidy to non-profitable trains. It is going to take railroad management that is creative and eager to build up public interest once again in "getting there" by train. This means fares that are competitive, cars that are clean and comfortable, tickets and reservations that are simple to obtain, other passenger services that are the equivalent of those offered to air travelers, and a strong effort to convince the public of the advantages, such as arriving on time, of rail transportation.

The Metroliner experiment, in which both the Federal Government and the Penn Central are expending substantial funds, has provided the impetus this moribund industry needs. The railroads may be correct in claiming they need governmental support in order to be competitive with air and highway transportation, both of which are heavily supported by tax revenue.

The greatest era for the construction of rapid transit facilities in the history of American cities will occur in the decade of the 1970's.

During the 1970's at least $17 billion is expected to be spent for creating entirely new rapid transit systems and for modernizing and extending older systems in the major cities of the United States, as well as for improving commuter railroad operations.

Not since the turn of the century when the initial rapid transit systems were built in such cities as New York, Boston, Philadelphia and Chicago will there be such a surge in this important construction activity in public transportation.

In fact, the construction of rapid transit facilities in the 1970's will far surpass anything we have experienced. In addition to improvements to older systems, this vital form of high-speed, grade-separated public transportation is expected to be brought for the first time to at least eight other major cities.

Underlying this high level of rapid transit construction will be an extensive public awareness of the crucial need for modern transportation facilities. Also of special importance will be the further recognition by all levels of government—city, county, state and federal—of the need for providing the best in public transportation for our growing metropolitan areas.

In the 1960's the need for public financing of rapid transit facilities, as well as other transit improvements, was recognized by Congress and the federal government by the passage of the Urban Mass Transportation Act.

Now, the federal government is preparing to give further financial assistance and recognition to the need for new public transportation facilities in a five-year, $3.1 billion transit aid program sponsored as a bi-partisan measure by Senator Harrison A. Williams (D.-N.J.) with the backing of the administration of President Nixon.

This five-year program is to be the first phase of a 12 year, $10 billion program set forth by the Nixon administration as the federal government's contribution to the vast rapid transit and other transit improvements that are needed.

One of the most important features of this new program is that it will provide the long-term guarantees of federal aid which states and cities need to embark upon the construction of new modern mass transportation facilities which requires some years to complete.

Over $17 billion is estimated as the minimum expenditure needed for rapid transit facilities in the 1970's. Likewise, in the decade of the 1970's it is estimated that $8 billion will be spent for modernization and extensions of existing rapid transit systems in New York, Chicago, Boston, Cleveland, Philadelphia, and the South Jersey area. This total is expected to include $2.6 billion for modernization and $5.4 billion for extensions and other facilities.

During the 1970's it is expected that more than 8,000 new rapid transit and other commuter cars will have to be built to meet the needs of replacing outmoded equipment on existing systems and to fill the equipment requirements for new systems.

In addition to rapid transit facilities, the estimated $17 billion in expenditures for the 1970's also include approximately $1.3 billion for improving commuter railroad systems, mostly in the New York, Boston, Philadelphia, and New Jersey areas.

The Northeast Corridor of our Nation is faced with real problems. The Corridor is saturated with highway and air traffic often to the point of near immobility. The highway-airlane congestion persists in this populous Corridor and is becoming more of a problem every day. We are fast approaching the day when the Northeast Corridor will become so clogged with planes and autos that they will be unable to move.

We in New England must face the facts—either we start now to take steps to remedy the chaotic problems that lie ahead or we allow the states of Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont and Maine to die on the vine.

According to the Highway Statistics Division of the Bureau of Public Roads, the total highway expenditures in the United States from fiscal year 1965 to fiscal year 1970 totaled:

Year:	*Million*
1965	$4,026
1966	3,965
1967	3,973
1968	4,171
1969	4,151
1970 estimate	4,467
1965–70 year total (highway)	24,753

The French National Railways is in the form of a commercial corporation, with the Government holding 51 percent of the stock and private holdings accounting for the remaining 49 percent. The average daily speed for French passenger trains is considered to be quite high. For instance the Paris-Dijon run reaches 82 miles per hour; from Calais to Amiens, 87 miles per hour; and the short run from Anas to Longveau (some 41 miles in length) averages 84.9 miles per hour.

In Italy the present day Italian State Railways is an amalgamation of three large private railroad systems. The system now is Government owned and operated, and includes all railroad mileage in the country except for some small local lines which are privately held. The good express trains of Italy are fast, often averaging 75 miles per hour.

The railroads of the German Federal Railway are Government owned and operated. Speeds are relatively high. For example, the Hamburg-Frankfurt 435 mile trip is made in just 7½ hours, and includes 13 stops.

Approximately half of Canada's railway net is publicly owned and operated while the other half is private. Speeds are reported to be high. For instance, the Rapido, installed in 1965, is billed as North America's fastest intercity passenger train. It covers the 335 miles between Montreal and Toronto in 5 hours, with one stop, reaching speeds of 90 miles an hour.

In Japan, since June, 1949, the major railway network has been in the hands of a public corporation called the Japanese National Railways, under the supervision of the Minister of Transport. To achieve greater efficiency, most of the central authority was decentralized to six regional offices in 1957; enlarged to nine in 1959. Speed wise, Japan's railroads have achieved a notable success. The much publicized Tokyo-Osaka line is 320 miles long. Opened in 1964, the line serves a corridor encompassing nearly 50 percent of the country's population. The average day sees 170 trains covering the route, carrying a total of 180,000 passengers. The run is made regularly at speeds up to 125 miles per hour, and consumes 3 hours and 10 minutes, including several stops. This is an average of 101 miles per hour.

It is interesting to note the two nations that allegedly lost World War II have made far greater strides in improvements in railroad passenger service, than our Nation the United States. It is quite apparent that we in the United States, being able to place men on the moon, now find it difficult to move people from city to city in our most populous areas by a modern pattern of passenger service. It is my sincere hope that at this meeting held today that Members of the New England Congressional Delegation, including Senators and Congressmen, Governors, Mayors, State Legislative leaders, State Public Utility Commissioners, railroad officials, and other interested parties will ignite a spark to awaken New England to a real problem that requires immediate and further action. The railroad passenger line traveling from Boston to New York in 2½ hours connecting with the Metroliner to Washington, D.C., would make it possible to travel to Washington, D.C., in approximately 5 hours. This should be one of our goals.

Mr. HARRINGTON. Over 11 million people live in the New England Northeast Corridor Area. The population of this area continues to grow at the rate of 1.2% per annum. In spite of this continuing concentration of population and urban development, the New England area still must contend with a transportation system that is largely inherited over its 250-year history. The single major improvement in transportation service has been the continued expansion of the interstate highway facility. Yet, the impact of this new highway construction and the greatly increased use of private automobiles has been the primary factor leading to the widespread abandonment of passenger trains throughout much of the New England area.

Since 1955, rail service between a dozen cities has been discontinued. Service to Vermont, New Hampshire, and Maine has been abandoned altogether. The only service remaining of significance is the subsidized commuter service between Springfield, Worcester and Boston, and Springfield and New York. In the same period, we have seen the emergence of air service becoming the predominant public carrier service connecting New England with the rest of the Northeast Corridor and the nation.

In excess of 10 million person trips are made annually between the New England cities and cities in the remainder of the Northeast Corridor. The rail share of this market has slipped from a high of 20% in 1960 to under 5% today. The numbers of passengers traveling between Boston and New York reached a war-time peak of over 4 million passenger travelers in 1944. Since then, the number has decreased to less than 320,000 in 1969. The remaining rail service still in operation has deteriorated to the point of reaching barely tolerable levels of cleanliness, reliability and comfort. Only in the last two years, through the introduction of limited turbo train service in 1969 between Boston and New York, has hope been given to restoration of improved rail travel. These runs are only experimental in nature and have been designed primarily to test new and improved equipment, but not service. The abandonment of this experiment in September 1970 appears imminent.

The only promising commitment by the railroads is a statement by Chairman Saunders—Penn-Central Railroad—that despite heavy losses from passenger operations, the Penn-Central is stepping up efforts to provide cleaner cars and better service with the use of conventional equipment. Yet, the Penn-Central, on absorbing the bankrupt New Haven Railroad last year reduced the number of Boston/New York round trips to eight trains daily.

The need for improved passenger service in the New England area must be placed in context with the dilemma of the total transportation system in this area. There are many who make the argument that rail service should be abandoned in light of its advanced stage of deterioration. Except for the brief experiment with the turbo trains, the public would appear to have abandoned rail service in favor of either the private automobile or air travel for over 80% of their travel. But the argument is false.

During the next decade, continuation and improvement of passenger service is likely to be the one prospect remaining, i.e., for improvement of service between the New England area and the rest of the Corridor cities. In spite of expansion programs at Boston's Logan Airport and Hartford's Bradley Field, demand for air service will exceed the capacity of these fields before the end of the decade. The prospects for new international airports in this area are slim until the mid-1980's. The air traveler, over the next five years, will experience increasingly long delays due to air traffic congestion. The air travelers' problems will be further intensified by the difficulties of access between home, business centers and the three major commercial airports located in Boston, Providence and Hartford. Increasing traffic congestion will be experienced on urban highways in our major metropolitan areas with little prospects of improvement over the next decade.

But the problems of access within metropolitan areas will continue to worsen with the small prospect of improvement of urban highway facilities.

Therefore, the arguments for maintaining and improving passenger railroad service are clear. It is the single public mode that has the available capacity and the ability to move a large number of people between our major metropolitan areas and New York City and the remainder of the Corridor. Average travel costs by rail are less than costs by air and no greater than the costs of using one's own automobile.

Travel time to New York by rail including line haul and other times, i.e., access to and from railroad stations, is just over five hours.

Travel time by air including the access time at both ends of the trip now exceeds 2½ hours between Boston and New York. Well over half of this time is spent on the ground waiting for airplanes or in access to and from the downtown areas. Coincident with the marginal prospects of continuing air service at its present level, we can expect to see dramatic increases in the air travel time as a result of increasing delays through air traffic congestion and longer access times to central city and businesses. Auto driving times and travel times by bus exceed the five hours by rail. Over the next decade, rail remains the single prospect of improved travel service, i.e., reduction in door-to-door times. Increases in travel times by all other private and public carrier modes are imminent.

The resounding conclusion has to be the commitment for improved passenger rail service connecting the major New England cities, New York and the rest of the Corridor. Therefore, the challenge is not whether we continue the service, but rather how we bring about improvements in service without increasing the debt requirement on the private railroads on the one hand, and not requiring high capital expenditures by public authorities, local, state and federal, on the other hand. This challenge is prefaced by an understanding of the current status of the rail passenger service.

STATUS OF RAIL PASSENGER SERVICE IN NEW ENGLAND

The former New Haven Railroad, now the New Haven region of the Penn-Central, resulted from many mergers and several rebuildings. The last major rebuilding of

tracks occurred in the late 1890's and the early 1900's when the main line from New York to New Haven was reconstructed from two to four tracks and the entire length grade separated. However, the absence of a coastal plain in New England necessitated a track alignment closely following the shoreline resulting in a route with considerable amount of curvature and numerous bridges. Electrification of the tracks between New York and New Haven took place between 1907 and 1925. This was possible without the expense of major construction. The remainder of the line, however, to Boston is not electrified, and except for several passing tracks for freight, is a two-track route. The last few miles from Readville to South Station are again four tracks. Consequently, over this alignment between New Haven and Boston little prospect exists for the use of the new Metroliner trains between Boston and New York.

The rail terminals in the New Haven region predate World War I, except for the Route 128 terminal in Boston, built in 1953. Except for the Route 128 station, the terminals lack adequate parking facilities, and as a result are in an advanced state of deterioration and are located in parts of the city which make them attractive hangouts for derelicts and other undesirable elements of our society.

With the exception of the new Turbotrain, the standard coaches and parlor cars used in the New Haven region are over 20 years old. Many of the cars in this part of the region were built in pre-war years and are still in use. As a rule, maintenance has been deferred on all passenger rail equipment due to the poor financial condition of the railroad and the lack of profit in the passenger service. To save maintenance costs, cars in need of repair have been taken out of service instead of being maintained. The decline of intercity passenger rail travel has made this policy of the railroads possible, resulting in a steady decline in the number of usable cars. During the peak period, these poor cars are pressed into service, increasing the likelihood of breakdowns and further aggravating the passengers.

This maintenance policy was especially true of the New Haven Railroad during its period of receivership. Since assuming the obligations of the New Haven Railroad, Penn-Central has begun a program to renovate both commuter and regular passenger cars. This program is proceeding at the rate of 6 cars a month, accounting for 20% per year of the New Haven fleet. Recent statements by Chairman Saunders continue to confirm this policy of improving the quality of the railroad passenger cars.

The major problem facing improvement in passenger service is the severe speed restriction on train operations over the road bed between New York and Boston. For 15 miles immediately north of Penn Station, speeds are limited to 40 mph or less because of curves, track conditions and severe grades over the roadbed. Track condition, signal spacing alignment from New Haven to Providence are superior to the New York to New Haven portion, allowing conventional passenger train speeds of 80 mph over considerable distances.

There are, however, severe curves at several locations including Branford, the Connecticut River crossing, New London, Groton, Mystic, Stonington, and several locations south of Providence. In many locations, horizontal and vertical clearances at overpasses, underpasses, and catenary support structures at curves are inadequate to permit higher speed operations. Multi-million dollar expenditures would be required to replace the tracks or rebuild these structures to improve this situation. More restrictive curves exist through Providence and north into Massachusetts.

Speed restrictions also result from the mix of traffic, including freight, commuter and intercity passenger trains on a single rail line. Trains are normally operated on a priority basis, with passenger trains having priority over freight. A number of draw bridges exist between New York and Boston. Ten in total exist on the New Haven line. The one at New London is probably the most frequently opened because of the submarine base upstream, where traffic comes to a halt in order to permit naval movement. Many grade crossings exist on the New Haven track of which many are seldomly used or are nonexistent, except for legal consideration. The continued presence of these grade crossings adds to a safety dilemma both for automobile traffic and the railroad operation.

While a number of facility improvements are being made by the Penn-Central on the facilities between New York and Washington, no specific plans have been given for the New Haven area mainline. Between New York and Washington, a considerable amount of welded rail has been laid to permit high speed travel. Installation of centralized traffic control over the entire line is under way in order to improve safety. Few improvements are being made in the New Haven region. Many reasons are stated for the lack of plans for the New Haven region, the main one being the diversion of through-freight from the present shoreline alignment to the Boston/Albany mainline due to the completion and operation of the Selkirk Yard. The diversion of this freight traffic now leaves some doubt about the desire of the Penn-Central to maintain the New Haven line as a high grade facility. *Only through public action requiring commuter area improvements and general upgrading programs does there remain a prospect for improved trackage, new welded rail, signal improvements, removal of grade crossings, elimination of curvatures, etc.*

The future outlook and continuation of rail service in the New England area will depend upon governmental willingness to guarantee the operation against a loss on the part of the railroads. Due to high loss in its operation, it is a matter of time before passenger service will be reduced drastically or discontinued entirely. The commuter rail service in metropolitan Boston is now subsidized and otherwise would be discontinued. Without some form of assistance, such as subsidy or capital grants, the railroads can be expected to request abandonment of their service in the near future. *The challenge, therefore, is how to respond to this need to provide adequate support and funding to revitalize and improve passenger rail service in the Northeast, one of the few prospects for improved transportation service over the next decade for New England travelers.*

AN ACTION PROGRAM FOR IMPROVEMENT OF PASSENGER SERVICE IN NEW ENGLAND AREA

Based upon the evidence outlined above, I believe a definite requirement exists for improvement of passenger service to link our major metropolitan areas to New York and the rest of the Northeast Corridor—Philadelphia, Washington, and Baltimore. With the anticipation of increased air traffic congestions, large delay times in air travel, and increasing problems in the urban areas with urban highway traffic congestion, *a clear prospect for improved metropolitan service and intercity service is the continuation and improvement of rail service for commuters and line haul operations.*

A vital link exists between the Boston & Maine commuter rail service such as serves the Congressional District 6 and downtown Boston, and its direct connection to the mainline of the Penn-Central New Haven regional service to New York City. This service is vital to the continued prosperity and growth of our progressive New England area. The problems facing the improvement of this service are largely financial. In our race to accommodate the automobile, and take advantage of highspeed intercity service by air, we have neglected our vital network of railroads and allowed their rapid deterioration.

Expenditures for new highways over the next decade will exceed a billion dollars for this area. A new international airport in Connecticut and Massachusetts will require expenditures in excess of a billion dollars, and yet will not be completed in time to meet traffic demands of this decade. *Surely, modest investment in improvements in the rail passenger service, both in the roadbed and the equipment are justified.*

We can no longer expect the railroad industry, whose annual net profit is less than 2.3% and this amount coming largely from non-transportation operations to continue to subsidize and write-off multi-million dollar losses on passenger service, let alone expect the railroads to make improvements in equipment, trackage and signals, all vital to the continued improvement of this necessary service.

A three-pronged action oriented attack is required to provide a workable solution for the transportation dilemma facing us over this decade. A commitment is required from three levels of government, the federal, state, and metropolitan/local. In light of the requirement for improved passenger service and the deficit ridden operation of the railroads, formation of a Quasi-Public Transportation Authority is warranted and urgently needed to find the solution to this problem. The need for improved passenger service requires a multi-jurisdictional commitment by all of the New England States—Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island and Vermont. By special act of Congress, a six-state compact would be formed involving participation by the Federal Government, Department of Transportation, and each of the six states to band together for a concerted commitment of improvement of passenger service. By public take over, or long term lease, the compact would acquire the operating assets of the railroads for the purpose of continuing and expanding intercity passenger rail service.

Long term financing for the compact would be arranged and guaranteed through several sources as follows:

1. Sales of revenue bonds guaranteed by the State and municipal authorities affected.

2. Capital grants or long term financing through appropriated funds by State Legislature. For example, precedent has already been set by the State of Connecticut which has appropriated in excess of $20 million for subsidy of the operation of the New Haven Railroad.

3. Capital grants and long term low interest loans from the Federal Government under the Mass Transportation Act or other special appropriations by Act of Congress.

In reference to the third point, it is suggested that funds under the Mass Transportation Act be made available to this compact in recognition that the intercity transportation problem is becoming more and more a problem of providing service within metropolitan areas and the total metropolis in the New England area. Clearly, the distinction between intercity operations and urbanized commuter rail operations are diminishing as urban development and population sprawl continues to develop all available land in the area.

It is estimated that in the neighborhood of $50 million will be required for immediate improvements over the next five years, for new roadbed, signal and elimination of grade crossings over New Haven region roadbed. In addition, $5–10 million will be required for the revitalization and refurbishment of conventional train coaches for improvement of the service. Finally, limited subsidies in the neighborhood of $3–5 mil-

lion dollars annually will be required initially to maintain operations between Boston and New York. This level of capital investment and subsidization of passenger service operations are warranted. This commitment over the next 5 years would result in improvement in passenger service, reduction in travel times up to an hour between Boston and New York, and should eventually lead to significant increases in ridership on rail passenger equipment.

In conclusion, I recommend immediate action on new legislation:

1. to create a six-state concept for the purpose of operating intercity passenger rail service;

2. for clarification in the pending mass transportation legislation to permit the use of capital grant funds and long term loans for improvements in the metropolitan area portions of the intercity passenger rail service;

3. for legislation to permit the sale of revenue bonds for long term financing of passenger rail service to be underwritten by and guaranteed by Federal, state and local government.

Governor PETERSON. For the nine year period between 1958 and 1967, passenger service in New Hampshire was gradually reduced to the point of elimination. During the last two years of this period, a single round trip daily was operated between Concord, New Hampshire, and Boston, Massachusetts, and a single round trip Monday through Friday was operated between Dover, New Hampshire, and Boston. This last single round trip on each line was provided essentially for commuters, most all of whom traveled daily to their work in Boston and returned.

The Massachusetts Bay Transportation Authority was created in 1964. Contracts were made with railroads and other transportation agencies to provide passenger service between Massachusetts points and Boston. Rail passenger service has been continued and is being operated to Lowell, Massachusetts, on the line previously serving Concord; to Haverhill, Massachusetts, on the line previously extending to Dover, and to Newburyport, Massachusetts, on that which formerly extended to Portsmouth, New Hampshire.

The 1969 session of the New Hampshire Legislature adopted Joint Resolution No. 62 requesting the Public Utilities Commission to "Examine the action that will be necessary to re-establish rail passenger service between Nashua, Manchester, Concord and Boston, and Dover and Boston, and is authorized, subject to the approval of the Governor and Council to enter into such agreement or arrangements as may be determined appropriate with interested agencies."

The final report concerning this has not been submitted, but it has been found that there is no passenger equipment available at present to provide this service. Such equipment as is available is under contract with the Massachusetts Bay Transportation Authority, and this Authority is not empowered to enter into agreements or contracts with other states.

It is quite apparent that no restoration of passenger service can be made as an extension of existing service, because there is no overall agency authorized to coordinate the extension of the Massachusetts service into New Hampshire. Service once discontinued is much more expensive to reactivate.

Most students of transportation feel that ultimately rail passenger service will be required from central New Hampshire and from southeastern New Hampshire into the Boston area. This is particularly true when the new high speed service between Boston and New York becomes a reality. One of the greatest factors in competition with rail service is the private automobile operating over express or interstate highways into central and southeastern New Hampshire. Looking toward the future, and with direct connections in the Boston area for high speed service, it is well within the realm of possibility that speeds in excess of 100 miles per hour can be operated north of Boston to provide for facilities required for the expanded population and the phenomenal growth that is being realized in New Hampshire.

To adequately provide for these requirements, we, in New Hampshire, feel that it is absolutely essential to have some agency authorized to cross over the boundary lines of New England, such as the New England Regional Commission or an interstate authority, to adequately plan and authorize or require such action as is necessary to meet the public demands for rail passenger transportation.

Mayor WHITE. Good afternoon. I am Kevin White, mayor of Boston. When Congressman Burke asked me to appear today, I told him that I already had commitments in Boston, but that I would make every effort to be present, because I always support his efforts to help New Englanders.

Jim Burke has long fought for the people of New England. He has fought to make sure that we were not overlooked when Federal funds were allocated. Soon we will have a modern mass transit system serving the areas south of Boston. In no small measure, we in Boston can thank Jim Burke because that system never would have been possible without a Federal commitment of funds.

This afternoon we are looking for another Federal commitment—a commitment to help the people of New England build a modern rail line between New York and Boston. And so that there can be no mistake, let me clearly state that I favor the creation of such a system.

A high-speed ground system betwen New York and Boston. And so that there can be no mistake, let me clearly state that I favor the creation of such a system.

A high-speed ground system between New York and Boston would be the heart of an efficient transportation network for all of New England. Let me outline for you some of the benefits for Boston.

First, a high-speed ground system would dramatically reduce traffic at Boston's Logan Airport. Roughly 40 percent of the passengers at Logan travel between New York and Boston. A study for the New England regional commission estimates that half of these would switch to a fast ground system—resulting in a 20 percent reduction in total Logan passengers. Fewer passengers mean fewer flights, less air pollution from planes, lower noise levels, and less congestion on highways near the airport.

Second, fast, dependable transportation is essential for the continued growth of the new Boston. Even if we built a dozen new airports in Boston, we might not have adequate air transportation to New York because of the severe overcrowding of the New York airports. Planes cannot take off if there is no place for them to land—and a fourth airport for New York has never gotten off the drawing boards. If the flow of commerce between Boston and New York is restricted, the growth of both cities will be retarded.

Third, a rail system would draw over a million passengers a year away from our highways. Highways have become, in many respects, an inner city's worst enemy. Our highways are congested; they contribute to the pollution of our air; they deface the landscape; they destroy homes and buildings; and they consume vast amounts of scarce land. In fact, a highway occupies ten times as much land as a railroad of equal capacity. If we wish to save our inner cities, we must find ways to take pressures off the highway network.

Some observers have argued that we should not build a high-speed rail system at this time—that we should await technological advances such as development of air-cushion vehicles. To them, I answer that we cannot afford to wait. If the Penn Central passenger service is truly in serious financial distress, the cost of waiting could be the loss of *all* passenger rail service. And the result will be another 600,000 travelers each year dumped onto our already overcrowded highways and airways.

I've briefly outlined for you several reasons why we in Boston need a fast rail service to New York.

Now let me express just two thoughts on how to pay for such a system.

First, I am convinced that this system will be self-supporting in the long run. Just as the New York-Washington service has exceeded expectations, I am sure that a new York-Boston route would be more heavily utilized than we dare estimate at this time. What government must do is provide the spark—invest in the necessary research and development to begin the process. Therefore, I strongly recommend that developmental funds be appropriated immediately to the Federal Railroad Administration to allow engineering and development work to proceed. As soon as firm financial requirements are outlined, the Federal Railroad Administration should be required to submit to Congress a financing plan utilizing to the maximum extent feasible private financial sources. The Federal Government should supply only loan guarantees plus any direct subsidy required during the early years of operation.

Second, I am wary of using for this system resources which are currently set aside for urban mass transit. We should not be robbing the commuter to pay for the intercity traveler. As a nation we can afford to meet the needs of both—and we should.

Thank you.

TEXTRON,
Providence, R.I., March 16, 1970.

HON. ROBERT O. TIERNAN,
Longworth House Office Building,
Washington, D.C.

DEAR BOB: I regret being unable to personally participate in your recent public meeting on the problems of passenger service. However, as you have requested, the following statement represents the views of the Geo-Transport Foundation of New England of which I am President:

"The provision of high speed intercity ground transportation services in the corridors between Boston, Providence, Rhode Island—central Connecticut and New York, is an objective of established public policy (as evidenced by the Northeast Corridor Demonstration Project and by existing state and federal plans and programs).

"The United States Department of Transportation's East Coast Corridor Program is conceptually and technically sound, but has been seriously hampered north and east of New York by the lack of an adequate mechanism for implementation.

"The present situation calls for an evolutionary approach, starting with an improvement of existing rail intercity passenger services and progressing through several stages of development to the design, construction and operation of an entirely new high speed ground service utilizing the best of the new technologies (such as tracked air cushion vehicles or gravity vacuum tubes).

"The implementation of any plans of this magnitude will require the active support and cooperation of local, state and federal governments and of private industry. However, no organizational mechanism presently exists for establishing this essential cooperation and implementing the resulting service.

"There exists a demand for high speed passenger transport over shorter route segments (such as Hartford to New York, and Providence to New York) where highways are congested and good air service is expensive to support and difficult to provide. Fur-

ther, the Boston-New York market is growing so fast there is need right now for a good high-speed ground transport system to supplement air and highway facilities, these being areas where future major increases in capacity will be difficult and costly to achieve."

Studies indicate that with modest local, state, and federal assistance it would be possible to create and maintain an attractive useful intercity high speed passenger transport service on a self-supporting basis in the Boston-New York corridors, both for an ultimate new-technology high speed service and for an interim fast railroad service.

The Geo-Transport Foundation of New England was formed with the specific task of setting up a new agency which can:

(i) Take over and operate intercity railroad passenger services.

(ii) Design, build and operate a new-technology high-speed ground passenger transport system.

(iii) Effectively blend public and private capital in the conduct of these tasks.

(iv) Be eligible to receive grants from local, state and federal transportation assistance programs.

The Geo-Transport Foundation of New England (GTF) was incorporated under the laws of Massachusetts in February 1969 as a not-for-profit organization concerned with the evolutionary development and implementation of high speed intercity ground transport in New England. It is intended to be a regional organization in nature, supported by New England industry and government, and therefore responsive to local interests and concerns.

GEO-TRANSPORT FOUNDATION OBJECTIVES

The GTF is intended as a transitional organization which will bridge the gap between an informal study group and the creation of a new, permanent agency which can actually finance, acquire, build and operate interstate high speed ground passenger transport systems. GTF has as its principal task the creation of this new agency and getting it set up and in business. The following objectives are the basis of the Foundation's future plans and programs:

(a) The principal objective is the design, construction and operation of a new high speed ground transportation system in New England, based upon utilization of the best of the new transport technologies.

(b) It is estimated completion of the new technology routes will require between 15 and 20 years. During this period it is planned to design and operate modern, fast railroad intercity passenger services based on the use of existing railroad tracks and facilities (but with some improvements), and new equipment.

(c) A secondary objective is to develop a means for blending public and private investment in a manner which will preserve the advantages of each.

(d) The third objective is to fill an existing void by providing an organizational instrument which can effectively carry out the implementation of plans for the design, construction and operation of interstate, intercity passenger services. Service will be restricted to the handling of passengers and their baggage, priority mail, and of priority parcel-express packages.

Sincerely.

G. WILLIAM MILLER.

PRESIDENT'S ACTION ON POSTAL STRIKE

(Mr. ARENDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ARENDS. Mr. Speaker, this afternoon President Nixon in a very forthright and firm speech on television and radio, set forth his views on the present postal strike. He did not equivocate or mince words. He spoke as I feel the citizens of this Nation wanted him to speak. He clearly stated the facts of the issue so all might understand. He gave assurance that all issues were negotiable after the postal workers have returned to work. It was necessary to send into the New York post office the needed military personnel that the all-important mail shall continue to move. They dare not be in defiance of the law of the land regardless of what the grievances of any group might be. I salute the loyal, patriotic workers who remained at their posts of duty. My hat is off to them.

I am including with my remarks: First, the President's declaration of a national emergency; second, his Executive order; and third, his complete remarks on the issues involved.

I most heartily support and endorse the President's action.

DECLARING A NATIONAL EMERGENCY

(By the President of the United States of America)

A PROCLAMATION

Whereas certain employees of the Postal Service are engaged in an unlawful work stoppage which has prevented the delivery of the mails and the discharge of other postal functions in various parts of the United States; and

Whereas, as a result of such unlawful work stoppage the performance of critical governmental and private functions, such as the processing of men into the Armed Forces of the United States, the transmission of tax refunds and the receipt of tax collections, the transmission of Social Security and welfare payments, and the conduct of numerous and important commercial transactions, has wholly ceased or is seriously impeded; and

Whereas the continuance of such work stoppage with its attendant consequences will impair the ability of this nation to carry out its obligations abroad, and will cripple or halt the official and commercial intercourse which is essential to the conduct oi its domestic business:

Now, therefore, I, Richard Nixon, President of the United States of America, pursuant to the powers vested in me by the Constitution and laws of the United States and more particularly by the provisions of Section 673 of Title 10 of the United States Code, do hereby declare a state of national emergency, and direct the Secretary of Defense to take such action as he deems necessary to carry out the provisions of the said Section 673 in order that the laws of the United States pertaining to the Post Office Department may be executed in accordance with their terms.

In witness whereof, I have hereunto set my hand this twenty-third day of March in the year of our Lord nineteen hundred and seventy, and of the Independence of the United States of America the one hundred and ninety-fourth.

RICHARD NIXON.

EXECUTIVE ORDER—CALLING INTO SERVICE MEMBERS AND UNITS OF THE NATIONAL GUARD

Whereas certain employees of the Postal Service are engaged in an unlawful work stoppage which has prevented the delivery of the mails and the discharge of other postal functions in various parts of the United States; and

Whereas the laws of the United States, including Sections 707, 5102, 6001, and 6101 of Title 39, United States Code require that the business of the Post Office Department, including the expeditious processing and delivery of the mail, be regularly carried on; and

Whereas the aforesaid unlawful work stoppage has prevented and is preventing the execution of the aforesaid laws relating to the Post Office Department; and

Whereas the breakdown of the postal service in the numerous areas affected by the said unlawful work stoppage is a matter of grave national concern; and

Whereas I am charged by the Constitution of the United States to take care that the laws be faithfully executed, and I have determined that I am unable solely with the regular forces to cause the aforesaid laws to be executed:

Now, therefore, I, Richard Nixon, by virtue of the authority vested in me by the Constitution and laws of the United States, including Sections 3500 and 8500 of Title 10 of the United States Code and Section 301 of Title 3 of the United States Code, do hereby order as follows:

Section 1. The Secretary of Defense is authorized and directed to take all appropriate steps to respond to requests of the Postmaster General for assistance in restoring and maintaining Postal service and to executive the Postal laws of the United States.

Section 2. In furtherance of the authorization and direction contained in section 1 hereof, the Secretary of Defense is authorized to use such of the Armed Forces of the United States as he may deem necessary.

Section 3. I hereby authorize and direct the Secretary of Defense to call into the active military service of the United States, as he may deem appropriate to carry out the purposes of this order, any or all of the units of the Army National Guard and of the Air National Guard that he deems appropriate to serve in the active military service of the United States for an indefinite period and until relieved by appropriate orders. In carrying out the provisions of this order, the Secretary of Defense is authorized to use the units, and members thereof, of the Army National Guard and of the Air National Guard called into the active military service of the United States pursuant to this section.

Section 4. The Secretary of Defense is authorized to delegate within the Department of Defense any of the authority conferred upon him by this Executive Order.

RICHARD NIXON.

THE WHITE HOUSE, *March 23, 1970.*

THE WHITE HOUSE.

REMARKS OF THE PRESIDENT IN THE TELEVISION AND RADIO ADDRESS REGARDING THE POSTAL WORKERS' STRIKE

My fellow Americans: I want to report to you on developments in the postal work stoppage and on the actions I have decided to take.

First, the overwhelming majority of postal workers across the nation remain on their jobs—upholding their tradition, and their oath, to support the Constitution of the United States.

Second, in many communities where walkouts occurred last week, postal employees are returning to their jobs.

However, in several large cities, the post offices are shut down. In New York, for example, the mail system is wholly paralyzed by the illegal walkouts; and essential services have been halted.

Last Saturday, I pledged to the nation that, if the current situation existed on Monday—today—I would take action to fulfill my constitutional obligation to move the mails and I am taking that action now.

Injunctions have been sought, and in most cases already granted, forbidding striking postal workers from interferring with those who wish to return to work.

I directed the Attorney General to take whatever action he believes necessary to see that these court orders are obeyed, and work-

ing with local authorities, to see that no illegal picket lines interfere with workers returning to work.

Secondly, I have just now directed the activation of the men of the various military organizations to begin in New York the resortation of essential mail services. New York City is where the current illegal stoppages begin; it is where the mail has been halted the longest; it is where the resultant problems have become most acute. If the Postmaster General deems it necessary to act in other affected major cities, I will not hesitate to do so.

These replacements are being sent in as a supplemental work force to maintain essential services. Only as many workers as are necessary to accomplish that will be used and they will be withdrawn as the striking postal workers return to their jobs.

Let me now address my comments to both the postal workers who have stayed on the job—and those who are engaging in the work stoppage.

The United States Postal System is a vital element of our entire communications system. The poor depend heavily upon it for medical services and also for Government assistance. Veterans depend upon it for their compensation checks. The elderly depend upon it for their Social Security checks. The nation's businesses depend upon it as a way to stay in business so they can meet their payrolls and our men in Vietnam depend upon "mail call" as their only link with their loved ones at home.

From the time I came to Congress 23 years ago, I have recognized that the hundreds of thousands of fine Americans in the mail service—the Post Office Department—are underpaid and they have other legitimate grievances.

For the past year, almost since the day we took office, both the Postmaster General and I have been working to alleviate not only the legitimate grievances of postal workers but to move to eliminate the source of those grievances—that is, the obsolete postal system itself, a system that no longer serves its employees, its customers or the country as it should.

That was why that among our first legislative proposals was wholesale reform of the United States Post Office. Included have been requests for increased pay for postal workers, for increased benefits, for compression by 60 percent of the time it takes a worker to move from the bottom to the top of the pay scale.

I believe that if that postal reform had become law we wouldn't have the current crisis. But that crisis is here and it has brought additional grievances to the fore. The country has recognized these inequities in postal pay and benefits.

This Administration has always been willing to work them out. As the Secretary of Labor and postal union leaders indicated again Saturday, we stand ready to begin negotiations, discussions on all issues including pay immediately after postal workers are back on their jobs. But we cannot and we will not negotiate while thousands of postal workers are participating in an illegal work stoppage.

At this time, it is only those who have struck and are staying off the job who are preventing meaningful negotiations and resolution of their problems through those negotiations and the legislative process.

And so I urge you to return to your jobs so that these negotiations can begin with an urgent but reasonable climate.

Just as this issue goes beyond the question of mail service, so my remarks at this time are addressed to all Americans. What has occurred here is that some employees of the Federal Government are now not only going against the best interests and the best tradition of their service, but against the recommendations of their national union leader, against the oath of office that they took, against orders handed down by the Federal Courts and they are cutting off service essential to thousands, millions of Americans.

What is at issue then is the survival of a government based upon law. Essential services must be maintained and, as President, I shall meet my Constitutional responsibility to see that those services are maintained.

And I am asking for the understanding and support of every American in this decision that I have made in behalf of our country.

THE POSTAL STRIKE

(Mr. ZABLOCKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZABLOCKI. Mr. Speaker, I wish to associate myself with the remarks of our esteemed colleague, the gentleman from Montana, a ranking member of the Post Office and Civil Service Committee.

This House has favorably acted upon comparability measures four times. H.R. 13000 was approved by the House on October 14, 1969 by the overwhelming vote of 311 to 51. There is no excuse why the legislative branch has not completed action on this measure. It should have been sent to the President for further consideration months ago.

Understandably the patience of the postal workers, including those of Milwaukee, has worn thin. I regret, however, that they have resorted to the unprecedented illegal action of a "wildcat" strike against the Government. I sincerely hope that the plea of the officers of the National Association of Letter Carriers urging the striking postal employees to return to work will be heeded. They have made their point emphatically, albeit illegally. As they return to work Congress must act immediately on the pending pay raise legislation, H.R. 13000 to rectify an inequity perpetrated on the postal employees.

Mr. Speaker, regardless of prior plans to recess for the Easter holidays, I believe the Congress should stay in session until legislative action has been completed on the postal pay raise bill.

Mr. OLSEN. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Montana.

Mr. OLSEN. Mr. Speaker, I think the fact must be reiterated again that we have the word of the gentleman from the other body, the chairman of the Senate Committee on Post Office and Civil Service, that the President has threatened he would veto the lesser bill, H.R. 13000, and for that reason the gentleman in the other body will not go to conference with the House. H.R. 13000, which was passed by this House in cooler days and with cooler heads, last October 18, would be effective. At any time, with the kind of strike we have the thing to do is to try to settle it.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I also certainly agree that we have a responsibility in the legislative branch of the Government. I would join the gentleman in urging that Congress send the bill to the President with no further delay. I hope that the chairman of the Committee on Post Office in the other body would call the chairman of the House committee within the next few minutes, arrange a meeting forthwith, and arrive at a compromise so they can report this bill out and send it to the President. If the President wants to veto it, let him take that responsibility.

PRESIDENT'S ACTION ON POSTAL STRIKE

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, I would like to take this opportunity to commend the President of the United States for his leadership and his forthright action regarding the unlawful work stoppage of certain employees of the Postal Department.

The President recognized his constitutional obligation. He also recognized the necessity of the continuous expeditious operation of this vital element of our entire communication system.

His statement, together with his declaration of emergency and the Executive order were the actions of a diligent and courageous President.

PRESIDENT'S ACTION ON POSTAL STRIKE

(Mr. LATTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LATTA. Mr. Speaker, I support the action that the President took this afternoon and in so doing would respectfully urge all postal employees to return to their jobs which will make the use of Federal troops unnecessary. We all realize that this is an unprecedented action but a necessary action on the part of the President.

The mails have to move, and they have to move now. We would hope that these individuals—and there is a small majority of them now out—would return to their jobs before those troops arrive.

POSSIBLE POSTPONEMENT OF EASTER RECESS

(Mr. ALBERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALBERT. Mr. Speaker, while I have not been able to discuss this matter with the distinguished minority leader, I think the Members of the House should be aware that the emergency of considerable proportions which has developed this week may cause a postponement or a delay in commencement of the Easter recess.

I believe the Members should be so advised.

Mr. RHODES. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Speaker, does the majority leader have any way of knowing at what time in the future he might be able to be more specific concerning the adjournment for Easter?

Mr. ALBERT. Mr. Speaker, as the gentleman knows, this is a matter over which no one has any real control, but we will advise the Members just as soon as we have facts that might enable them to govern themselves accordingly.

Mr. RHODES. If the gentleman will yield further, is it the feeling of the gentleman that there will be a recess for Easter at some time, and of uncertain duration?

Mr. ALBERT. I would state to the gentleman from Arizona that the entire recess may be possible; it depends on events. I wish I could say that the problem will be resolved by Thursday night so that we can recess on schedule, because nothing would suit me better. I hope that it is possible, and if it is possible we will recess in accordance with the previously announced schedule. If it is not possible to resolve this matter at any time between now and Monday, and it is resolved at that time, then we will recess at that time for such time as we may be able to take off.

I have just been advised by the distinguished leader of the other body, Mr. MANSFIELD, that they have only 2 days of recess scheduled, and that they will forgo that recess if necessary.

POSTAL STRIKE

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. PUCINSKI. Mr. Speaker, I want to congratulate the distinguished majority leader for suggesting we may have to bypass the Easter recess to deal with the problem that, of course, confronts the whole country. We would be foolish to even consider a recess if this crisis is not resolved by week's end. But I must say that it is indeed a sad and dismal day for America when the President of the United States has to call out the troops to keep the mail moving in New York. I regret that the President had not first made an effort to call on the chairman of the House Committee on Post Office and Civil Service and on the chairman of the Senate Committee on the Post Office and Civil Service in an effort to see whether or not the impasse which has held up the pay raise for postal workers—a pay raise that has been approved by this Chamber back in October, and approved by the Senate in December, could be resolved by legislative action. It has been held up because the President had threatened to veto it. The President has developed a habit of threatening vetoes. He used a veto on the education bill, and he threatened to use the veto on the only decent mine safety bill that was ever passed by the Congress, and now he threatens to veto a pay raise for the postal workers who are getting less in Chicago than a dishwasher in a restaurant.

Mr. Speaker, these postal workers have had it. They have seen the House of Representatives pass a bill by a substantial majority for a pay raise last October. And then they see the President delaying and delaying, and holding the pay raise as a hostage for postal reform.

Again I say this is a sad day for America when there is no leadership coming out of the White House to solve this problem.

Thankfully, I have reason to believe the Chicago postal employees will go back to work tomorrow, and no military threat will be needed to get them back. Late this afternoon, Henry Zych, president of the Chicago Letter Carriers, urged his men to return to work. We cannot let these men down by any further delays in their pay boost.

THE POSTAL STRIKE

(Mr. LOWENSTEIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOWENSTEIN. Mr. Speaker, I want to associate myself with the remarks of the gentleman from Illinois. I also want to say that I think Congress should abandon the idea of recessing this week if this crisis has not been resolved. The President in my judgment has played a peculiarly cynical and dangerous kind of politics with the post office workers, and the primary responsibility for getting us into this mess is plainly his. But the Congress is far from blameless—especially the Senate, which seems to have allowed one or two men to stymie its capacity to function on these matters while so many crucial months have passed.

But alloting blame for the failures of the past is not the point now. The point is that we are faced with a totally needless national calamity. Dedicated public workers are on strike against the Government they have served loyally for decades, and the people of the country are suffering multiplying inconveniences which cannot be allowed to continue—and which will soon seem minor if we do not deal with this situation properly and swiftly. The President ought to move at once to end the strike by ending its causes. He could do that simply and swiftly. There is nothing unreasonable in the demands of the postal workers—we all know that.

But if the President will not lead in this spirit and in this direction, Congress will have to. To start with, we should pass H.R. 13000—finally, immediately, now. If the President vetoes it, we must then override his veto, or at any rate find out who besides the President is willing to deny simple minimum justice to millions of Americans.

Surely it is clear how much it would help at this point for the Government to show some degree of good faith to the postal workers after so many years of broken promises and buck-passing. And before anyone says we should not now start to undo long-standing injustices because a strike constitutes blackmail, let us remember that the House adopted H.R. 13000 by an overwhelming vote last October—on its merits. The Senate passed a somewhat similar bill not long after that—on its merits. Is it not awkward to accuse someone of blackmail for asking what you have long since said is rightfully his? The blackmail, if "blackmail" is an issue, lies with those who would deny—who have denied—the postal workers their due in hope of extracting support for other legislative proposals—as if a man's right to fair wages in the Federal employ is dependent on how he, or rather someone else, resolves other issues.

People employed by the U.S. Government do not like being paid starvation wages any better than anyone else likes to be paid starvation wages. I hope most of us here are ashamed that the Government of the most enlightened and wealthiest Nation on earth pays such wages. I do not like illegal strikes. Neither do those who are on strike. Neither do I like the public to suffer massive dislocation because their Government cannot find an orderly way to do what literally everyone concerned knows it ought to have done long ago. None of these terrible things needed to happen, which makes the whole situation even sadder and more absurd.

Under these circumstances, I cannot believe the President will fail to act immediately to correct the worst of the injustices that afflict the postal workers. Once he starts to do that, there will be time to work out other problems. Meanwhile, no matter how eager we may be to get away from each other, it seems to me that we have no business going on a recess until there is a resolution of this situation that guarantees people their mail and guarantees people working in the post office some minimal form of justice.

POSTAL STRIKE

(Mr. SCOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCOTT. Mr. Speaker, in response to the gentleman from Illinois, I believe we realize that both bodies of the Congress are controlled by the Democratic Party and it must assume a part of the blame.

I agree with the distinguished gentleman that the President did threaten a veto. But a pay raise in different forms has passed both bodies, and if the Democratic leadership wanted this bill passed by the Congress, they could have had a conference between the two bodies. I think it is wrong to lay the entire responsibility at the White House without the Democratic leadership assuming a portion of the blame. So I would disagree with the distinguished gentleman when he places the entire blame at the steps of the White House. Our responsibility today is to cooperate with the President in attempting to resolve the present dilemma. It transcends party loyalty and it would seem to be contrary to the best interest of the country to attempt to obtain political mileage out of the illegal strike now in progress.

Mr. GUBSER. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman.

Mr. GUBSER. Mr. Speaker, I must say that I was appalled to hear the gentleman from Illinois assert that this House, a coequal branch of the Government, is cowardly and acts only because of a threat from the executive branch. I will not accept that as a Member of this body. The gentleman from Illinois may speak for himself, but he does not speak for me.

POSTAL STRIKE

(Mr. WILLIAM D. FORD asked and was given permission to address the House for 1 minute.)

Mr. WILLIAM D. FORD. Mr. Speaker, I am sorry that the gentleman from Virginia chose to make this a direct partisan issue by his assertion that the Democrats were responsible in some way for holding this up. The gentleman and I both serve on the Post Office and Civil Service Committee, and he may remember that less than 10 days ago he, a Republican, and I, a Democrat, voted the same way against what we both, I assume, believed at that time was a blackjack effort by President Nixon trying to blackmail us into accepting his postal corporation as a condition of doing anything for postal employees, or for that matter, all of the Government employees in the form of pay raise legislation.

That goes beyond the simple threat of a veto and goes to the actual intervention by the President, using direct force and coercion, of all kinds that are available to him as a President within his political party and within the use of that office—offering rewards or threats of reprisal against those people who would not cooperate in trying to accomplish his overall aim of creating a postal corporation to replace the postal service.

POSTAL REFORM

(Mr. SAYLOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAYLOR. Mr. Speaker, it has been most interesting to listen to the colloquies that have occurred here on the floor in the last few minutes.

Some of my colleagues on the other side of the aisle apparently have short memories. I wonder if they ever heard of Lawrence F. O'Brien, the former Postmaster General, who widely proclaimed the need for postal reform and who has been serving as cochairman of the Citizens Committee for Postal Reform with headquarters here in Washington. Even his former executive assistant in the Post Office Department—Claude J. Desautels—is executive director of the group now pushing for the Corporation plan.

I have yet to see one word from Mr. O'Brien, the current Democratic National Chairman, denouncing what he proposed when he was Postmaster General and has been "plugging" ever since he left office.

Let us not put the blame at the steps of the White House today, and this administration, but start looking a little in your own backyard.

SENATORS MOVE TO REGAIN WARMAKING POWERS

(Mr. GUDE asked and was given permission to extend his remarks in the body of the RECORD and to include extraneous material.)

Mr. GUDE. Mr. Speaker, in an interview in the Christian Science Monitor on March 2, 1970, our former colleague, Mr. MATHIAS of Maryland, discussed his resolution to repeal four resolutions passed by previous Congresses to authorize the President to commit American troops to the defense of foreign states. Because of the great interest in this proposal in the Congress and the Nation, I commend Mr. MATHIAS' explanatory remarks to the attention of my colleagues.

The resolution would repeal the resolutions pertaining to Formosa, Lebanon, Cuba, and the Tonkin Gulf, in order to clear the books of stale authorizations and allow for a fresh look by Congress at our international defense commitments. I am a cosponsor of legislation to repeal the Gulf of Tonkin resolution effective December 31, 1970, because I agree with Mr. MATHIAS' observations on the dangers of open-ended delegations of authority to commit American troops to foreign wars and the abdication of responsibility by Congress for the waging of war and peace. In addition, I concur in his judgment that our military presence in Laos should not be intensified without consultation between the Congress and the Executive. He concludes by pointing out that Congress cannot guide domestic policy in America so long as decisions on foreign commitments are regarded as the exclusive preserve of the Executive. Our resources do not permit us to make decisions on either domestic priorities or foreign policies without considering the other.

The interview follows:

SENATORS MOVE TO REGAIN WARMAKING POWERS

(By Godfrey Sperling, Jr.)

WASHINGTON.—A significant move is gaining ground in the Senate that would limit the power of the executive in making military commitments abroad.

Leading in this effort is Maryland's new Republican Sen. Charles McC. Mathias Jr., whose Mathias resolution would, in his words, "recover" these powers of military commitments from the President and "restore them to Congress."

The Senate wants any further military escalation in the world, such as that which possibly lies ahead in Laos, first to be approved by Congress.

He would like to see terminal dates of a year or 18 months put on any future delegations of such power to a president—"so that we don't have what amounts to an open-ended delegation of power to the President which the Constitution vests in the Congress."

In a taped interview with The Christian Science Monitor the Senator:

Underscored danger signs of a U.S. military commitment in Laos. He warned that "when our troops are cheek and jowl with local troops who may be engaged in fighting, it is almost inconceivable that we won't be drawn into some of it."

Said that there is significant bipartisan leadership support for his amendment and that, with administration backing, the resolution could become law.

The interview follows:

Just how are you progressing, Senator, in your effort to limit the power of the executive in making military commitments abroad—where are you?

The resolution which I offered in the Senate now has been presented to the Senate Foreign Relations Committee. I was very much pleased and very much honored when Senator Mansfield offered to sit next to me at the witness table before the Senate Foreign Relations Committee.

I have had very interesting assurances from a number of members of the Senate who for one reason or another didn't want to cosponsor the resolution but are very much interested in it. Some of them would like to see a word changed here or a comma placed in a different place, or a stylistic change. But the main thrust of the resolution seems to appeal to a great many members of the Senate.

Briefly, the resolution says what?

The resolution has several aspects. One is to, as we have said, clear away the debris of the cold war.

It repeals the four cold-war resolutions which were passed by both the House and the Senate and by the then-President. These are:

The Formosa resolutions of 1955 which authorize the President to commit American forces to the defense of the China Strait area.

The Lebanon resolution of 1957, which authorizes the President to admit forces, and I quote, "in accordance with the Constitution" for the defense of any country in the Middle East and again I quote "which is threatened by a Communist-controlled country"—phrases that are obviously out of tune with the '70's.

The Cuba resolution of 1962 which deals with the export of communism from Cuba.

And the Tonkin Gulf resolution, which has, of course, been the most effective of all of these resolutions, inasmuch as Lyndon Johnson again and again in my presence used it as the basis for the orders he was giving to troops in Vietnam.

The resolution further deals with the limitation or the termination of the Korean war emergency which has existed since 1950 when it was proclaimed by President Truman and which immediately brought into being a wide range of presidential emergency powers, none of which have been allowed to lapse for the last 20 years and which are a catalog of the executive authority that certainly should be reviewed after a 20-year period of exercise by the president.

But you want more than review, Senator. Don't you really want these powers restored to Congress?

I want these powers recovered by the Congress and, if there is a current need to regrant these powers, to redelegate them to the President for the current world situation then I am perfectly willing to consider that we should give them back to the President. But when we do it again, I would make one very vast change from what was done in the past, and that is, I would put in a terminal date:

That we will grant to the President authority to do such and such for one year, or a period of 18 months, or whatever the appropriate time is—so that you don't have what amounts to an open-ended delegation of power to the President which the Constitution vests in the Congress.

Does the present administration support you in this? Isn't this in line with the President's Guam doctrine?

Well, I feel very strongly that the administration should support this measure, that it is an opportunity to clear the slate, that it is an opportunity for President Nixon to enunciate a Nixon doctrine in crystal-clear terms.

Yes, it is consistent with what the President said at Guam and again at Manila—

the fact that we are not going to have an Asian policy which ignores commitments but at the same time we're not going to have one which involves the commitment of troops.

It should then be in line really with the mood of the administration?

It's entirely in line with the mood of the administration, and it has a particularly significant value to the administration at this moment in history because you have Senator Mansfield, the majority leader of the Senate, who cosponsored it; you have Senator Fulbright, the chairman of the Senate Foreign Relations Committee, who has made favorable comments on it; you have a wide range of congressional support for it.

Thus, at this moment, a Republican administration can get the help of the Democratic leaders of Congress in an enunciation of the administration's policy. There hasn't been a moment in history like this, I don't believe, since Vandenberg and other Republicans joined together to support Truman in the adoption of the Marshall Plan, essentially setting the framework for foreign policy which existed from that time to this.

Now this is a watershed of history. I think the President would be very well advised to seize this opportunity to bring the whole government together . . . both parties, both branches, in a foreign-policy statement which I think could give the set to American foreign policy for the next decade, maybe far longer.

Looking at the Far East, and specifically at Laos, is there any possibility that there might be some incident there that might cause the American Government now to escalate our military commitment. Does the Tonkin Gulf provision apply there?

Well, this brings me to the other portions of the resolution. I believe that the Tonkin Gulf resolution might be utilized by an aggressive president as at least the color of law for committting troops in Laos or Thailand.

The language, as I recall it, refers to Southeast Asia, which is a big territory.

Now my resolution specifically gives congressional approval to the President's plan for the withdrawal of American troops from the area. And I think that if the Congress spoke in those terms, it would clearly be indicating a lack of assent to expanding the theater of operations in Southeast Asia.

The resolution further provides for congressional encouragement of a broader-based government in Saigon and for the President to invite other nations of the world to join in a multilateral plan of reconstruction in Southeast Asia and for the recruitment of an international peace-keeping force, preferably of Asian character, which would be there to help keep the peace after the departure of American troops, to prevent reprisals by North against South or South against North.

Now all of these bear on the stability of the whole Southeast Asian area once the shooting stops and the Americans leave. Again I think that it could help to stabilize the situation. It would make American intentions clear.

Is there any indication from anyone in the administration that there is support for your resolution?

Well, there are very interesting signs. The State Department, as you know, has sent down categorical letters of disapproval of every other resolution in this area. They have just simply said, "We are opposed." They have sent a letter to Senator Fulbright with respect to the Mathias-Mansfield resolution saying, "We're studying it: we are continuing to study it; we are going to be continuing to study it." So it is obviously not one of those they are dismissing out of hand as they have others.

You have also talked to Mr. Kissinger, haven't you?

I have talked to Henry Kissinger and talked to the State Department at great length on several occasions. They are extremely interested. They are extremely cautious . . . cautious, I think, from both a domestic and a foreign point of view.

I view this primarily as a domestic reordering of our affairs to bring the conduct of our foreign policy and our military policy back into the constitutional framework and thereby to lessen the chance of our accidental commitment abroad.

They fear that some foreign nation might read into this an isolationist trend, which I don't think should be read into it. That is one of the fears they have expressed.

Do you suppose the administration has some anxieties about the difficulties it might have in dealing with Laos and perhaps Thailand if this resolution were passed?

What it would mean is this: that the Constitution would have to be observed, and there would have to be some consultation with Congress. That's what it would mean, what it is intended to mean. And I think that's what the President has clearly indicated he is willing to do. This is the Nixon doctrine.

Do you see any present entanglement in Laos?

The reports I get, the information I get is that we have very large numbers of troops there. The fact that we have troops on the ground there—this is the very point of the whole thing: that when we have troops on the ground there, that when there are battles raging there and that when our troops are cheek by jowl with local troops who may be engaged in fighting, it is almost inconceivable that we won't be drawn into some of it or some phase of this. And once the first shot is fired who knows where the end of it will be?

Are you sure we aren't drawn into it already?

I think the only honest answer to that would be the question of degree.

Yes, I see. But at some point if the military commitment would really be escalated it would be quite possible now for the President to do this under the Tonkin Gulf resolution—isn't that right?

Yes, the Tonkin Gulf resolution, I think, gives a very broad grant of power to the President; and it is a grant of power which, of course, Lyndon Johnson had every intention and actually did exercise to the fullest extent of every word that was written in it.

Yes, but very specifically, if there would be any new commitment in Laos, you would like to have the President first go to the Congress for permission?

I think the American people deserve that as a very minimum. I think there should be consultation with the Congress as to whether the Congress and beyond the Congress, the American people, will support an extension of foreign policy in the military activity in a new theater of war.

Wouldn't your resolution actually handcuff the President in Vietnam? Wouldn't it also perhaps hurt him at the negotiating table? If Hanoi knew that all of a sudden the President could not escalate without going to Congress to get new permission, wouldn't this be a handicap to the President?

The administration has said frequently that its policy of withdrawal is irreversible. I believe it. I think it is irreversible. I think Hanoi thinks it is irreversible. I don't think that Congress saying it again is going to make it either more or less irreversible. I think it just is.

Wouldn't the more logical phase line and moment for the passage of a resolution such as you suggest . . . wouldn't that come at a time when we have withdrawn most of our troops from the enemy area?

On the contrary, I think one of the serious blocks to negotiations is the question on the part of Hanoi as to what our real intentions are. I think if we said the Congress and the President both agree on the gradual withdrawal of American troops; if we state it as national policy that we are going to have the intervention of an international peace-keeping force, if we are going to talk about the reconstruction of Asia under multilateral auspices—then all of these things would encourage rather than discourage the success of the negotiations in Paris.

What do you see in this next decade, Senator? Will it be one in which the national commitment will be based mainly on domestic problems and much less on military commitments abroad?

As we go through the next few months and years—and I think it is going to be clear that the first line of defense of America is in America—that we will recognize that the children we are educating today and the sick we are healing today and the jobs we are creating and training people for today are all the real strength, the real future, and the real hope of America. And so I think that in a very real sense we will be turning inward.

It's a curious thing about American history that we have had the greatest influence in the world when we have been performing well as a nation, not as the world policeman, not as a world evangelist, but as an example—showing what a free society, a dynamic society, and a pluralistic society can do.

And I think that in this sense we can look forward to a renaissance of enormous prestige and influence in the world by improving the conditions within our own borders which are so desperately out of kilter right now.

POSTAL PAY AND POSTAL REFORM

(Mr. UDALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UDALL. Mr. Speaker, a lot has been said here about the postal strike, and I suppose if we are going to start assessing the blame for the situation in which we find ourselves there will be enough blame to go around. But there is one lesson out of all this that is clear to me: Whether the solution is a postal corporation, a postal authority, or the present Post Office Department, the old annual congressional pay-fight system of fixing pay just will not do. It will not do. It is not adequate. We will have crisis after crisis and injustice to all concerned until we get a better system.

The bill that the House reported last October established a salary commission on which the employee organizations were represented. This commission would have had the authority to meet annually and determine precisely what comparability adjustments are necessary, and to recommend an adjustment every January. Under that bill we would have had the first installment last January. The postal reform bill which the House committee reported on March 12 has a similar provision, which would permit the employees, at long last, not to come hat in hand to the Congress, and to be at the mercy of budget considerations and inflation, but to demand and negotiate comparability every year plus the absolute right to take their grievances to binding arbitration if they could not get their just deserts at the hands of the postal authority.

Let us learn one lesson out of all of this. Some better regular, orderly way must be found to give justice to the postal employees because they have some legitimate grievances.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. I cannot understand the statements of the gentleman that the reform corporation would be a cure-all. The only thing I can see in the reform proposal is the opportunity for some people in this country to gain control of about $6 billion in cash which they will be able to filter around the Nation among lending institutions, and which will prove to be very profitable to the lending institutions at the high rates at which money is now loaned.

Mr. UDALL. There are many sincere people who feel that a postal authority would be a big mistake. I happen to think it is the kind of reform that will give both better postal service to our people and justice to postal employees. The gentleman is entitled to his opinion. But I think whatever we do, we must have a better system for resolving postal pay disputes and for giving the employees the kind of regular adjustments to which they are entitled.

POSTAL PAY AND POSTAL REFORM

(Mr. KLUCZYNSKI asked and was given permission to address the House for 1 minute.)

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. KLUCZYNSKI. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I thank my colleague. The gentleman from Arizona has put his finger squarely on this issue. The colloquy just had with the gentleman from Massachusetts clearly indicates how complex the problem of the postal corporation is. It is not going to be resolved in the next 48 or 72 hours. The committees, both in the House and in the Senate, have labored on this whole proposal for postal reform, but the fact of the issue is—and you cannot deny it—and the gentleman from Pennsylvania can make all the speeches he wants to about Larry O'Brien—the President has held the postal pay raise as a hostage for his postal reform bill.

Now, he did not do that in the case of military pay increases. He has not done it in any other case. We have pay raises coming before this Congress, and we treat them all separately. But in this particular instance, postal employees were not so treated. Postal employees in Chicago earn less than dishwashers and are being told, "You just sit tight and wait. You are not going to get the pay raise the House and the Senate have voted until the House and the Senate is willing to give the White House, lock, stock, and barrel, the kind of postal reform the White House wants."

I say to you that all over this country citizens are now becoming aware of what this is all about. Last week, when we met with people in Chicago, they had no idea that the House had already acted on a pay raise and that the Senate had acted on a pay raise, and that the only reason the President had not signed the pay raise into law is because he said, "Do not bother sending it up. I am going to veto it unless it includes postal reform."

You can talk about the separation of powers all you want but there must be cooperation between the executive and the legislative if we are to get legislation through. I believe President Nixon errs when he insists on treating postal pay increase and postal reform as one issue. I hope we can get the House and the Senate to move on the postal pay raise and send it to the President. I said earlier today, Congress must execute its responsibility by sending the bill to the President. If he wants to veto, that is his responsibility.

But the fact of the matter is, these postal workers would have had the pay raise in their envelopes long ago if the President had not threatened the veto.

POSTAL PAY RAISE

(Mr GROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, this is the third time I have heard the same statement made by the same gentleman on the floor of the House today. I do not know how many times the gentleman has been recognized on his own for a 1-minute speech, and at least twice today someone has gotten time for him under the 1-minute rule. The gentleman from Illinois can slice it as thick or as thin as he wants to and the fact remains that his side of the aisle had the votes in the last session of Congress and in this session of Congress, regardless of any threat of the President, to bring forth the bill—H.R. 13000—in some form.

If the gentleman wants to continue to play his tune of blaming the President, let us get the facts straight. The gentleman and his Democrat colleagues have had the votes for months to bring out the bill—H.R. 13000—irrespective of what President Nixon wanted.

Bring the bill out and let us see what he will do with it, but do not blame the President for no action on H.R. 13000. The gentleman knows and every Member of the House knows that a President—any President—cannot veto a bill until and unless both Houses of Congress pass it and send it to him.

TRIBUTE TO RABBI JOSEPH GITIN OF TEMPLE EMANU-EL, SAN JOSE, CALIF.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GUBSER) is recognized for 15 minutes.

Mr. GUBSER. Mr. Speaker, I have asked for this time so I may, with my colleague, the Honorable DON EDWARDS, pay tribute to a great spiritual and community leader in the county of Santa Clara, Calif., which we both represent. I refer to Rabbi Joseph Gitin of Temple Emanu-El in San Jose, Calif.

On April 5, Rabbi Gitin will be honored with a testimonial dinner in San Jose when his friends of the San Francisco Bay area will join in expressing their esteem for all the years of unselfish service he has rendered to mankind.

Rabbi Gitin's background and education superbly qualified him for his life of service to humanity. He received his bachelor's degree at the University of Cincinnati and later received a degree of bachelor of Hebrew literature at Hebrew Union College. In 1932 he was ordained a rabbi at the same college.

Then he occupied pulpits in Buffalo, N.Y.; Butte, Mont.; Berkeley, Calif.; Stockton, Calif.; and finally San Jose.

He has served as director of the B'nai B'rith Hillel Foundation at the Universities of North Carolina, Duke, and California. He is a member of the Central Conference of American Rabbis and a former lecturer at the College of the Pacific in Stockton. In 1960 he served as president of the Board of Rabbis of Northern California and later as president of the Western Association of Reform Rabbis. He holds the degree of doctor of divinity from the Jewish Institute of Religion, Hebrew Union College.

His fine professional and educational background has been utilized in the fullest sense in his service to our community.

At this time, I take pleasure in yielding to my colleague, Congressman EDWARDS, who will relate some of Rabbi Gitin's outstanding contributions and service to the area which we both represent.

Mr. EDWARDS of California. Mr. Speaker, I am delighted that my distinguished colleague from California (Mr. GUBSER) took this time today to bring the attention of the House of Rep-representatives to the life and career of Rabbi Joseph Gitin.

Some men take much from their community and give little in return. Other men give much and take little for themselves. The Rabbi Joseph Gitin, of San Jose's Temple Emanu-El is the latter sort. Rabbi Gitin will soon be celebrating the 20th anniversary of his rabbinate in one of the oldest synagogues on the west coast. This coming Sunday, April 6, members of his congregation, friends and civic leaders will give him a testimonial dinner in recognition of nearly one-third of a lifetime devoted, as a close associate of his recently said to be "24-hour-concern" for his community and its members, particularly those who suffer.

His concern has been shown and has made itself felt in many ways. He has been an untiring workhorse on behalf of many charities; he was a founding member of the board of trustees of Good Samaritan Hospital; he was chairman of trustees of Agnews State Hospital. His present involvement includes the City Entertainment Commission, the advisory committee to the police department, the advisory committee to San Jose City College, the National Conference of Christians and Jews, the Santa Clara County Advisory Committee on Children and Youth, the Jewish Community Relations Council, the County Medical Society's

Committee on Religion and Medicine, and the NAACP.

But an impressive list of memberships does not a community leader make, nor does it say much about the man. More important are such facts as these: That when social tensions were at a peak in San Jose, Rabbi Gitin went into the minority community to seek reconciliation; when jail facilities were inhumanly bad, he was the first to demand their replacement; when overzealous individuals sought to cram movie censorship down the throats of an unsuspecting public, he fought against it in the interest of freedom of choice; when it was unpopular to support open housing for minorities, he was outspokenly for it; before "ecumenical" became a household word, he brought ministers of other faiths to his pulpit—in short, he has courageously and consistently accepted the responsibility shared by all men to, in his own words, "transform the global neighborhood into a brotherhood of service." His devotion to that goal is reflected in his work and the works of his congregation, whose adults give to the organized efforts of less fortunate members of the community to improve their lot, and whose youth give of themselves through such programs as tutoring for disadvantaged.

A brave, warm, and witty man, who has put works above words in his rabbinate and has carried his ministry beyond the walls of the synagogue to encompass the whole of the community, Rabbi Gitin provides a model from which all of us may benefit. As he once said:

> We need a sense of balance; perspective on our problems and on life. We need a sense of humor to console us for what we are. We need faith in ourselves and our potentialities.

His favorite lines from the Talmud is: "Man's relationship to man is as important as man's relationship to God." A good man, Rabbi Gitin, a man worthy of our appreciation and gratitude.

Mr. GUBSER. I thank my colleague.

In conclusion, Mr. Speaker, let me state that we both hold the utmost respect for Rabbi Gitin and the great force which he has exerted in bettering human life through spreading the gospel of good will.

I wish all human beings could live life as Rabbi Gitin has lived it. If so, this would indeed be a better world.

THE STRANGE CASE OF THE ARMY'S TOW MISSILE, OR CAN CONGRESS PREVENT ANOTHER BILLION-DOLLAR BOO-BOO?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. STRATTON) is recognized for 1 hour.

Mr. STRATTON. Mr. Speaker, as members of the House Armed Services Committee with special interest in the Army's tank and antitank programs, the gentleman from California (Mr. GUBSER) and I have taken this time today to discuss the perplexing and baffling question of why the Army—at a time when all elements of the Defense Establishment are supposedly operating under conditions of the strictest austerity—insists on seeking a second $100 million in this year's budget—the second step down a road that could ultimately cost the taxpayers nearly $1 billion—for development of a new weapon, the TOW antitank missile, which is simply a duplication of one which is already in the Army's inventory in quantity, the Shillelagh. And what is even more baffling to us is that the Army is pursuing this costly redundancy in direct defiance of the specific instructions of Congress contained in the conference report on the 1970 defense authorization bill.

As long-time members of the committee the gentleman from California (Mr. GUBSER) and I have consistently supported an adequate and up-to-date defense. But at the same time we have always regarded it as an equally important part of our responsibility as committee members to seek out and vigorously oppose any unnecessary and wasteful defense spending. To both of us we find the defiance of the Army in the case of the TOW missile, and its insistence on spending another billion dollars for a missile it does not need in a time of budget austerity, so strange as to be almost inexplicable.

Just what is up anyway?

Here are the facts. Last year you will recall that I reported to the committee and to the House that our subcommittee's investigation into the Army's tank program had led us to conclude that the two missile systems, TOW and Shillelagh, were virtually identical in their performance, and as a result the House voted no funds for the new duplicating TOW missile. Unfortunately the House had to compromise in the conference, including $100 million of the $142 million requested for TOW. But in so doing the conference committee added language to the report directing the Army, before obligating these funds, to conduct a shoot-off between the TOW and Shillelagh missile in the infantry and the helicopter mode. And the report indicated that both committees would monitor closely the comparison of these two duplicating systems.

We may have reacted too late last year in bringing the facts of these two duplicating systems to the attention of this body and the one at the other end of the Capitol. But this year we are determined not to be late. And so we are placing the case once again before the Congress, and taking it to the American public. Not only the case we made last year, but the bizarre developments that have been taking place this year. We are betting that any informed person will see, if the Army is allowed to proceed as it wants to, we are in the process of committing another "billion dollar boo-boo."

This time the House has an excellent opportunity to exercise real leadership in the control of our defense spending. We have the opportunity, here and now, to cut off an unnecessary and wasteful billion dollar procurement program before it has escalated, overrun, and piled cost upon cost, rather than, as with other programs, having to wait until the money has been spent and the damage done, and then crying over milk already spilt.

The TOW missile—a tube-launched, optically-tracked, wire-guided missile for antitank purposes—started out several years ago to be a lightweight, economical infantry weapon carried by the soldier into battle. Over the years, however, it grew in size, grew in complexity, grew in weight, until virtually none of its important characteristics now remain. Compared to the Shillelagh, the TOW launcher and tube weighs virtually the same, the missile diameter is the same, the required range is the same. The Shillelagh missile itself weighs some ten pounds heavier, but it has a larger warhead and there's more bang.

The basic financial facts are even more impressive. The Shillelagh, after the learning curve, after mass production, after the field tests, and after having been accepted as standard "A" for production, costs—on a firm, fixed-price basis—less than a third of the cost of the TOW which is still in the development stage. And we already have tens of thousands of Shillelaghs on hand. So far we have only a few hundred TOW's. And the prospects of lower costs in TOW production is much in debate. Obviously we can save hundreds of millions of dollars by using the antitank Shillelagh on jeeps, tanks, and helicopters. On the other hand, if we continue down the road with a duplicate TOW production, we will end up paying for both systems. Our credibility as a Congress is in question; our attention to detail is in question; our job as watchdog of the defense purse strings is in question in this case.

Last year, our subcommittee investigated the Army tank program. We found plenty of things wrong. One of the things we found right was the Shillelagh missile. It is simple, reliable, and lethal. It has been in the Army inventory for 2 years. It works. I saw it fired last month in Germany, and I was tremendously impressed. So were the troops. It works well. It works well at low cost. Now, a number of people have asked me why our committee had not discovered the problems with the Army tank program until money had been spent, programs accelerated, and we were left with what amounted to an Army surplus store full of unusable equipment.

At that time I became determined to find the problems before they erupted, if I possibly could, to root out duplication and waste before they could weaken our national defense, or boondoggle dollars to no use. Just such a situation confronted us last year with TOW and now confronts us even more ominously today; we have the opportunity to modify, easily and with relatively little expense, an existing, proven antitank missile system that is already in our inventory and will meet and beat any Army requirements in Europe or elsewhere—at minimum cost. Here in the House we can look our critics in the eye and tell them we caught this one and did something about it. Let us forget we made a mistake and appropriated money last year for TOW production. If and when the TOW missiles get built, and if and when they ever get rated standard A, we'll use them. But let us not build any more.

By using the already developed TOW tripod with the Shillelagh, we can save on development costs, combining the best

of both systems with the already-in-mass-production Shillelagh. We can keep the production line open, maintaining the low cost of the Shillelagh, building on proven costs, not gambling on overruns that can't help but happen with TOW.

But this is not the way the Army is operating at all, this year, and this is what disturbs and perplexes me. In spite of the clear-cut direction of the Congress to continue to explore the possibility of using the cheaper, on-the-shelf Shillelagh for all the roles projected for the newly developed TOW, the Army has ignored these directions and has proceeded hell bent to get TOW into production at any cost. Here are some of the more curious new developments:

First. Last year the Army's chief argument for TOW was that it was basically an infantryman's weapon, hand-carried onto the battlefield, in contrast to Shillelagh, which was designed primarily for vehicles. But the facts as they have emerged this year are quite the contrary. At a recent TOW demonstration presented to committee members at the Redstone Arsensal in Huntsville, Ala., the Army showed that its major plans for use of the TOW now involve mounting it on jeeps, mules, and the M–113 armored personnel carrier. It is just too heavy—230 pounds to be exact—for infantrymen to manhandle for more than a very few yards. Actually, the TOW is not the Army's infantry antitank weapon at all. That is really the Dragon, which is light enough and disposable enough to be carried on the battlefield. as the TOW is decidedly not.

Second. Last year Congress directed the Army to test the relative merits of TOW and Shillelagh in the ground mode by means of a comparison shootoff. Money was specifically earmarked for this purpose. The Army had claimed earlier that Shillelagh is unacceptable in a ground configuration for two reasons: the blast from the rear makes it unsafe to be fired by troops sitting on the ground; and the missile dips slightly after firing, and thus cannot be fired from a position only a few feet off the ground.

These two points could be settled quickly and easily. If the Army's contentions are true, then there is no need for proceeding further with the ground configuration. But the Army has persistently and repeatedly dragged its feet in carrying out this simple, practical shootoff. They have professed to be studying the situation and have claimed no such shootoff could take place for several months—incidentally, well after the time the House committee is scheduled to report out the 1971 defense procurement bill. At the same time I have continued to press them for compliance with our congressional instructions. Last Thursday the chief of Army Research and Development appeared before our committee. His prepared statement went into great detail about the 6 to 8 months of tests, between TOW and Shillelagh, that the Army intended to carry out this year in compliance with the congressional mandate. But 5 minutes after the hearing began, I received a hand-delivered letter from the Secretary of the Army telling me they had decided not to carry out any tests after all. Their cost calculations, Mr. Resor told me, had convinced them an actual shootoff was unnecessary. And so, in defiance of Congress, they were not going to hold the shootoff, at all, and were proceeding with TOW just as though Congress did not exist.

Why, I wonder?

Why all the hesitation about a shootoff? Probably because the Army knows that any proper shootoff will destroy once and for all the myth that there is anything particularly special about the TOW which the Shillelagh, already in the inventory, cannot match, and do so more cheaply and simply.

Third. The Army's major reason for defying the congressional directive on a shootoff between TOW and Shillelagh was its cost analysis data, as I have just noted. This whole subject of cost projections on TOW, however, opens up an even more curious Alice-in-Wonderland aspect of this whole procurement program.

When the Army made its fiscal year 1970 request for TOW it projected a long-range massive procurement at a total cost of $1.2 billion, which made the total TOW buy just about double the cost of Shillelagh. As soon as the House Armed Services Committee challenged this program on cost grounds, the Army suddenly revised its figures downward, and claimed it now found it really needed only about two-thirds of the TOW missiles originally requested to meet the grave Soviet tank threat in Europe. And it was on the basis of these revised figures that the conference committee reached its final compromise.

This year, as TOW has again come under attack within the committee, a sudden further cost reappraisal has been undertaken, on the basis of which the Army now refuses to conduct any shootoff at all. I have so far been unsuccessful in getting the supporting data that led to this amazing new conclusion. All they will show me are the briefing slides, not the computations themselves. But in effect the Army has suddenly reduced its long-term requirement a second time, this time cutting the revised figure about in half. How come? If the threat was so serious a year ago that we needed so many to do the job, how is it that all we need today is only a third of that figure?

And over the weekend, as I was loudly protesting the Army's refusal to give me the necessary supporting data for their refusal to conduct the congressionally mandated shootoff, I learned the Hughes Co. has now suddenly promised to supply them all the TOW missiles the Army wants at a figure almost identical with the basic unit cost of Shillelagh. Far from convincing me, however, this latest development smacks more of trading in a Turkish covered bazaar than any careful husbanding of Government funds in a time of budget austerity. What is going on, anyway? Why is the Army so eager to avoid a close inspection of their cost figures? Why are they so eager to avoid a shootoff? Why are they so eager to get a second production line going, come hell or high water?

We believe these are all questions that the House as well as the American public will want the answers to. As members of the committee we intend to do all we can to find those answers. Surely this is not the year to waste another $100 million, certainly not another billion dollars, in unnecessary defense spending. We have too many unmet needs already. Our basic defense research is being cut back very drastically at the very time the Soviets are moving ahead in new development in a geometrical progression. Our antisubmarine forces are being cut dangerously just as the Soviet Polaris missile fleet is being deployed at sea. Our Navy, as Chairman RIVERS has frequently pointed out, is fast approaching a crisis of obsolescence that could shift the world power balance dangerously against us.

Surely this is not the time for phony figures, for last minute bargain counter procurement practices, or for wasting hundreds of millions of dollars for weapons that only duplicate others already on hand, and for the additional supply and maintenance pipelines that would be required to keep this separate system going. Here is one billion-dollar boo-boo this Congress should certainly not let happen.

Mr. GUBSER. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I am glad to yield to my distinguished friend from California.

Mr. GUBSER. I thank the gentleman for yielding.

Mr. Speaker, I had the pleasure and the honor of serving with the gentleman from New York on the subcommittee which thoroughly explored this matter, and I can say that I have never served under a subcommittee chairman who did his job more thoroughly or more completely. That is why the facts which we bring before the House today are, in my honest opinion, uncontrovertible facts and things which the House should consider. I certainly wish to associate myself with the gentleman's remarks, and I shall ask unanimous consent to include a formal statement following his giving my views on the subject.

But before doing so I must perform a task which I perform with great regret. I have never been the type of person that stands here in this Chamber and makes public utterances after having just sniffed the winds of the latest bit of public opinion. I have not joined the forces that are now seeking to convince the American public that all you need to do to solve the problems of the ghetto and do away with poverty and all other social ills that beset this generation is simply to go to that bottomless well of money called the Defense budget. On the other hand, I cannot sit idly by and see the Army duplicate a weapons system which will not do a thing that a system which is cheaper and already in production can do just as well. I regret and I regret deeply that I have to say here and now that it is my opinion that the Army has sold this duplicating weapons system on false premises.

Let me list them:

Last year when this matter was deleted from the House bill by our committee and was later included by the Senate high officials of the Army convinced certain Members that this was to be a weapon which could be carried into

battle by the infantry soldier, and could, therefore, fulfill an urgent requirement that could not be met presently. They did not tell you that the SS–1, a French wire-guided missile, which can do practically what the TOW will do was in the NATO inventory and could fulfill the requirement for the time necessary to miniaturize and adapt Shillelagh to the ground mode.

What was even more shocking is that while they were selling it as something the infantryman would carry on his back they were making plans all the time to deploy the TOW missile system on M–113 personnel carriers and other vehicles. The Army has ordered the mounting brackets to place these TOW missiles on a missile launcher or a vehicle, and they have ordered these in the quantity of one for one. In other words, one mounting bracket to go on a jeep or personnel carrier for one missile.

If this was ever to be something the infantryman carries into battle, why did they order the mounting brackets in this quantity?

They did not tell us last year they are about ready to let a contract to procure still another missile, on the Dragon, which can be carried by the infantryman.

They told us that this missile, the TOW, can be fired not only to the range called for in the specifications, but can be fired to the so-called desired range specified by the Army. That range is classified, and I cannot tell you what it is. But it is rather interesting that when they make this claim they do not bother to tell you that the wires which pay out in this missile, and which are responsible for guiding it, have never been wound on a missile so that it could reach this so-called desired range—never once.

They have not told you that if you fire it against a stationary target it requires a length of wire as long as the straight line between two points. Nor did they say that if you fire it at a moving target, that wire must turn as you follow the moving vehicle, and you do not have a straight line between two points, and the wire will pay out far short of the desired range.

These are the things that were not told to the Members of Congress who finally influenced the decision that we were to go ahead and procure the TOW missile.

Then the Army promised us shootoff so that we could go to our taxpayers and say, "Yes, we have seen one missile fired against the other in the ground mode, and we know which will work the best, and which will be the cheapest." But then last Thursday Secretary Resor goes back on the Army's word and tells us that the taxpayers will not have the right to see a shootoff, and find out what is going to happen.

On last Thursday, the decision not to proceed with the shootoff, was justified because according to Secretary Resor the cost figures had been reviewed and there was not any doubt that TOW was the best deal.

Today TOW is costing somewhere between $5,000 and $6,000 per missile. The Shillelagh which will do the same job is in production and is costing less than $2,000 per missile. Yet, these figures of $5,000 to $6,000 were the basis of a judgment by Secretary Resor last Thursday that we should not even have a shootoff.

But listen to what happened on Saturday. We are informed the Hughes Co. which is the contractor for the TOW missile said to the Army that they would guarantee delivery of the TOW missile at a figure not to exceed $2,500 per missile.

So on Thursday Secretary Resor justified a decision based upon figures between $5,000 and $6,000 and we know positively that the Secretary of the Army did not know of this so-called unsolicited proposal which was to come from Hughes until Saturday.

How can a Secretary of Army justify something on a cost of $5,000 to $6,000 on Thursday, when on Saturday the contractor says, "I can deliver it for $2,500."

Only one of two explanations is possible. The Army is either getting gypped or we have got a buy-in situation. Let me tell you what a buy-in situation is.

A couple of years ago I participated in an investigation into the light observation helicopter. A contract was let at a fixed price, again to the same Hughes company. This fixed price was to deliver helicopters and airframes, for a fixed amount. Anyone who knew anything about the helicopter business knew that that figure meant that they would have to lose money.

But what happened? They got the contract established. They got themselves in business. Nobody else was in a position to compete. So when the follow-on contracts came along, how much does the price increase? Not 20 percent—not 50 percent—the price was increased by 250 percent.

Now this obviously was a buy-in, if I have ever seen one. I wonder today if the same company is not trying to buy in again and the Secretary of the Army is allowing this to go on.

Mr. Speaker, my patience has run out. I have sat as the ranking minority member of the Stratton subcommittee, and as a member of the Armed Services Committee through the entire debate over the Shillelagh and the TOW. Chairman STRATTON and I have studied the issue, investigated the entire Army tank program, debated the matter on the floor, wrestled with the issue in conference, and have shown the Army in logical, precise terms that it is about to confirm one of its biggest mistakes. Yet, now we hear that Secretary Resor is planning to go stubbornly ahead and refuses to even allow a "shoot off" between the two weapons.

Last year, our subcommittee uncovered—to use the Chairman's words—discrepancies, mismanagement and irregularities in the Army tank program described as a billion dollar boo-boo. This year, the Army is about to commit a boo-boo again, smaller in dollar value, but the more distressing because it can clearly be prevented. Several hundred millions of dollars is about to be poured down a rathole by the Army.

Mr. Speaker, I have never been one who sniffs the strong winds of public opinion which prevail today and advocates ill-advised degradation of our national defense. Quite to the contrary I have repeatedly pointed out that this is still a dangerous world. I have pointed out that the Communist world is continuing to accelerate its effort to achieve offensive military superiority while ours, relatively speaking, is going down. I believe that we are making mistakes today which may subject us to nuclear blackmail at some conference table during the 1970's.

With such an attitude, I cannot for the life of me understand why the Army insists upon a half-billion-dollar boo-boo which is certain to be pointed to as another example of the military-industrial complex working against the interest of the taxpayers. Why cannot the Army realize that the American public is tired of being given the double dip—and that is exactly what it is being given with this duplicating development of the TOW and the Shillelagh.

How can the Army expect those of us who believe in a strong national defense to go on fighting the tide when they pull stunts like this which lend credibility to the current arguments regarding the military-industrial complex.

Nearly 10 years ago, the Army contracted for the Shillelagh antitank missile. By the mid-1960's the missile was being fired with phenomenal accuracy and reliability and, to date, a substantial number have been produced and placed at the disposal of combat troops. Because the development has been complete, because the quantities are large, because the errors have been ironed out, the missile is sold for less than $2,000—and the contractor continues to sell them for that because he is on a fixed-price contract. In the meantime, in 1961 the Army began to develop another weapon: the TOW, a tube-launched, optically tracked, wire-guided missile. Yes, wire guided: two hairlike wires stretching out behind the missile as it is fired. The TOW was to be used by the infantrymen; was to be portable; was to be lightweight; simple and reliable. It was to be economical. Well, it's none of these. If you compare a TOW with a Shillelagh prepared for the infantry role, you find these facts: the weight of TOW launchers and Shillelagh launchers are virtually the same; although the TOW tube is longer and heavier. The required Army range is virtually identical. The electronics are similar, except the Shillelagh uses an infrared guidance system, and the TOW uses its wires. The diameter of the missiles is the same, although the slightly heavier Shillelagh delivers a larger punch.

The big difference is in cost. The Shillelagh is a proven, field-tested, lab-tested missile system, now rated standard A by the Army and deployed. It costs us less than $2,000 a copy. The TOW is unproved, still not accepted by the Army as standard A, is currently costing us approximately $6,000 a copy. It is true that costs tend to decrease during large production runs, but the TOW is starting out as 35 percent more expensive than the Shillelagh started out—in the same time frame. It is pretty difficult to start higher and end up lower, given the same number of missiles to be purchased.

I made some of these arguments last year when subcommittee chairman STRATTON and I advocated no funds for the TOW missile. And to prove our point, we urged a requirement that the Army demonstrate the Shillelagh in the infantry mode to satisfy those who wanted

additional proof of what we already knew: the Shillelagh would work as well or better in the infantry role than the TOW. The other body did not agree, and we compromised in conference. We compromised by giving TOW $100 million for a year's production. It was a mistake then and it is a mistake now. And I might point out, with respect to the Army evaluation, that only last Thursday did the brass tell us they might go ahead, after further evaluation, with a feasibility demonstration of Shillelagh.

Now we learn that the Army does not want to be further confused by the truth. Secretary Resor is hellbent to make this gigantic mistake and has determined not to have a shootoff. And what is most amazing is that on Friday he based this decision on current production costs of between $5,000 and $6,000 per TOW missile. He knew we would challenge his figures. Then on Saturday the contractor comes in with a supposedly unsolicited proposal of $2,500 per missile. As Alice said, "Things get curiouser and curiouser."

I have lost my patience in another way. Last year, we were told by some very articulate spokesmen for the Army that the TOW was truly an infantryman's weapon. An infantryman, we were told, would carry it into combat, set it up in 90 seconds, and fire it. Well, let me say that I have seen infantrymen trying to carry the TOW. When it is unpacked, one man carries the tube, one carries the guidance equipment, one carries the missile, and one carries the tripod. The tripod weighs 72 pounds—72 pounds. I challenge any articulate spokesman for the Army to carry that tripod on a 10-mile march, a 5-mile march, or even half a mile. It is possible the committee misunderstood. It is possible that Army spokesmen were misinformed. It is possible that a wrong impression was created and not corrected. Whatever happened, the Congress was sold the false impression that TOW would be carried into battle by foot soldiers. Well, my friends, once burned, twice shy. The first time, shame on you, the second time, shame on me. I, for one, believe that the committee should not be taken in again.

I have lost my patience in still another way. The articulate gentlemen of the Army have said that the need for TOW is now. Well, if the Army wants an antitank weapon now, it can use presently deployed ENTACS and M–105 systems, it can trundle out its Sheridans and fire Shillelaghs. Remember, TOW will also be fired from vehicles. It can use the SS–11 missile system deployed with German forces in Europe. I have seen that missile fire, and it fires well, I assure you. The Army has gotten along without the TOW for a number of years, and I fail to understand why the sudden urgency about TOW production. The Shillelagh launch system can be miniaturized and deployed within approximately 2 years at a cost of approximately $30 million. The miniaturization is well within the start of the art.

And, finally, I have lost my patience with the technical gentlemen of the Army who could not believe that the Shillelagh could work. Perhaps they believe a fish cannot swim. The Army itself had movies of the Shillelagh in test firings from open breech 9 years ago. Yet, incredibly, we were told last year that the Shillelagh missile might drop out of the launch tube, that it might dip into the ground and explode, that it might endanger its crew, that it might need costly modification. Now, this year we are informed that further review will be required before initiating an infantry mode feasibility demonstration program.

The Shillelagh can be used in all places TOW can be used: on helicopters, on tanks, and on the ground. The TOW, on the other hand, cannot be used on tanks. If it can be used on helicopters, I want to see how. Those wires dangling from the missile have already gotten tangled in treetops during tests.

And then there is the important matter of costs. With Shillelagh we know what our costs will be. The TOW, on the other hand, has already missed its early production cost targets and is currently costing more than $5,000 per missile. Now we have a last minute, supposedly unsolicited offer of $2,500 per TOW missile for an overnight price reduction of about 50 percent. Mr. Chairman, I cannot forget a similar offer and contract for light observation helicopters made by the same Hughes Aircraft Co. for a firm fixed price. Later, in follow-on buys, the price increased by 250 percent! That was a case of "buying in" and I wonder if this last-minute manipulation is not a new example of the same thing.

For these reasons, I have lost my patience. I hope this House loses its patience. I hope we bring to light the out-and-out duplication of the Shillelagh and TOW missile systems, admit our mistake in compromising to buy a year's worth of TOW's and get on with our business. This year, of all years, is not the time to permit the American public the luxury of the double-dip.

Mr. CHARLES H. WILSON. Mr. Speaker, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman.

Mr. CHARLES H. WILSON. First, let me correct the gentleman, my colleague from California, to say that it was the Hughes Tool Co. that was involved in the helicopters. That is an entirely different company. They do have the same name "Hughes," but it is not the same company. I think the record should show that.

Now to both of my distinguished colleagues, let me say I disagree with you completely as to the conclusions that you have come to. I was not prepared today to present the case for the TOW.

I recognize that you gentlemen have held hearings. I think there was some prejudice in the hearings. Unfortunately, neither of you were at the Armed Services Committee meeting this morning when Secretary Resor and General Westmoreland were there and defended it completely. They will be at the meeting tomorrow and I think it is important both of you should be there if it is at all possible so that you can lay these charges at their feet and let them answer—and charge them exactly as you have done here today and let us see what their answer is.

I would like to hear that myself. I think you have made some very serious charges and I think it is a very unfortunate thing.

Mr. STRATTON. I appreciate the gentleman's statement, the gentleman from California I mean (Mr. CHARLES H. WILSON), but I think if the gentleman will inspect the record, he will see that every possible opportunity has already been given to the Army to justify this proposed procurement of theirs. The facts that the gentleman from California (Mr. GUBSER) was citing a moment ago are clear cut and on the record.

As far as I am concerned, I was presented with a letter from Mr. Resor on Thursday that stated that a new cost calculation had been made that made it possible for the Secretary of the Army to defy the clearly expressed direction and mandate of the Congress. I called Mr. Resor on the telephone. I asked him if he would present that calculation to me because I wanted to examine it. I had been offered a briefing, but a briefing is a very transient thing. You flash a few slides on the screen and you have a glib and articulate briefer. But there is no real opportunity to sit down and analyze the figures.

The Secretary said, "Oh, certainly, I will get those figures over to you."

I said, "I am leaving early on Friday. I would like to have them in the afternoon."

He said ,"I can't get them to you until the evening."

I said, "Get them there in the early evening and that will be fine."

When the Army messenger came to my home, all he had to deliver was a photostatic copy of slides that the Army was going to use in their briefing, without any supporting data whatsoever. Surely if the Secretary of the Army has data which he uses to make a determination so vital that he concludes he can safely ignore the clearly expressed will of Congress, that data should be readily available, and I do not accept any statement that they had to rework the data, that it was not available, or anything of that kind.

This kind of jockeying can go on just so long, and the gentleman from California and I had reached the conclusion it was about time the Congress of the United States and the Committee on Armed Services should no longer be trifled with. That is why we made the statement that we did. If the Secretary of the Army wants to come before the committee and present his calculations, all right. But I think we ought to know what has transpired in reaching his conclusions, and I think the Congress ought to know and the members of the committee ought to know. If he has any new information, let us bring it up here, not just in a briefing, but on the record.

I have a perfectly open mind, but when the Army tells us that they are developing a weapon to be carried on the back, and that weapon turns out to weigh 230 pounds and four or five men can struggle over no more than a few hundred yards with it, and it is actually

being attached to vehicles, as the gentleman from California (Mr. GUBSER) points out, then there is a crisis in credibility. If the members of the Armed Services Committee cannot be told the truth by the Army and are not going to be given the facts, then we do have a serious situation.

This is a crisis in credibility. A great many people have said the members of the Armed Services Committee just rubberstamp what the services want, that any member of the services can come up to our committee and ask for anything and get it. But that is not our job. Our job is to be critical, to exercise an independent judgment. The subcommittee which I had the privilege of heading last year, and on which the distinguished gentleman from California was a very valuable member, saved the American people over $100 million because of what we had found by careful probing regarding the Sheridan. We also effected a major change in the Navy Ship Systems Command because of what we found with regard to carelessness and shocking mismanagement that led to the sinking of the nuclear submarine *Guitarro* at Mare Island.

We shall continue to do our job, and I make no apology for that job to any Member.

POSTAL CHAOS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California (Mr. HOLIFIELD) is recognized for 30 minutes.

Mr. HOLIFIELD. Mr. Speaker, I very seldom take the floor under special order, but I am deeply concerned about the situation among our postal employees. While Los Angeles is not in my district, I point out that, unless something has happened in the last hour, the postal employees in Los Angeles are out. I understand most of them have gone back to work in San Francisco, but they are still out in Berkeley and in certain other places in the State.

We are faced today with utter chaos in the U.S. Post Office Department.

Over 200,000 workers have walked away from their jobs and mountains of mail pile up in our cities and centers of transportation.

Business mail, pension checks, social security checks, and unemployment checks are undelivered. We face a breakdown in written communications at every level.

How did this situation develop?

A story too long to tell lies behind the problem.

I served on the House Post Office and Post Roads Committee in 1943 and 1944, and I served on the successor committee for 4 years in the 1950's, the House Committee on Post Office and Civil Service. My first speech on the floor of the House in 1943 was based on advocacy of a fully automated annual adjustment of post office salaries through annual raises based on the cost of living. This was a novel suggestion at that time, although the principle is common today in labor-management contracts.

Needless to say, it was not accepted, due mainly to the post office union representatives at the Washington level who were fearful such a policy might decrease their usefulness to and control over the rank-and-file employees. At least, that is the only reason I can think of.

It was not until 1962, almost 20 years later, when Congress passed the Pay Comparability Act which asserted the U.S. Post Office and civil service employees should be paid comparable money to that paid employees in private industry for doing the same level of work. This was a step forward. Unfortunately Congress and the administration have failed to comply with the legislative mandate.

The civil service and postal employees have been denied increases in pay because of a lack of action on the Comparability Act, and they are now 21 months behind in pay raises between achieving comparability with private employees doing the same kind of work.

In the meantime inflation has reduced the value of their salaries 4.2 percent in 1968, and 6.3 percent in 1969, and inflation continues in 1970 at the current rate of 6.6 percent.

Under the circumstances do Members wonder why Government employees are disillusioned and embittered? Do Members wonder that they are voluntarily walking off the job against the orders of their union leaders and the requests of their leaders?

These 200,000 people are loyal Americans, not troublemakers. They know they can be fined $1,000 and denied reinstatement for 3 years. They have wives and children to feed and clothe and house. Only desperate men would take such chances. The carriers start at $6,176 a year and then 20 years later they increase to $8,422. Think of the hopelessness of their plight. Think of the quiet desperation and the poverty level at which they live in a time of 5-percent to 6-percent inflation annually in our Nation.

We hear some say that Congress should not act while 200,000 of the 750,000 employees are in an illegal strike. What about the 550,000 employees who have stayed on the job? These people deserve consideration too.

We hear some talk about Congress refusing to act under duress from the striking employees. What about the ultimatum of the President when he tells the Congress that he will veto a pay bill long overdue unless we pass the postal reform bill he wants? I say to the Members the reform of the Post Office Department is a separate issue and the President is not justified in his attempt to obtain his transformation of the Post Office into a separate corporate entity at the expense of the living standards of 750,000 loyal Government employees.

We passed right here in the House in October 1969 the bill—H.R. 13000—with a two-stage pay bill. The other body passed a similar bill on December 13, 1969. There were some differences in those bills, however. Now I say those bills should go to conference at once and a report should be prepared without delay.

I want to make it very clear that I make no charge of delay against the chairman of the committee, the gentleman from New York, (Mr. DULSKI) or the members of the House Committee on Post Office and Civil Service. In my opinion they have acted wisely and properly and promptly. I say again that H.R. 13000 should go to conference, and a conference report on the pay bill alone should be negotiated with the other body.

We would vote later on the Post Office reform bill. If the President wants to veto the bill, fine, that is his privilege. And it is his responsibility. Our responsibility is to fulfill our obligation under this 1962 Comparability Pay Act. We are 21 months behind on pay raises under the 1962 act. We have no control over the actions of a committee in the other body, but I hope sincerely they will go to conference.

This matter can be solved as far as congressional action is concerned. If the Congress discharges its final responsibility on pending legislation, we shall have done our part. If the President believes he should veto the bill, so be it. We can continue from there. I doubt very much, personally, if the President would veto a just bill for pay raises which are long overdue and are in complete harmony with congressional policy under the 1962 Comparability Act.

Mr. WILLIAM D. FORD. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Michigan.

Mr. WILLIAM D. FORD. As a member of the Committee on Post Office and Civil Service, I should like to compliment the gentleman on his very fine statement, which lays before the people of this country more clearly, I am sure, than the President did today the real issues involved here.

As a member of the committee, I can say we have been meeting as regularly as we could ever since this crisis became apparent, trying to lend whatever assistance we could to the administration, without pointing the finger or without any recriminations toward the President or toward the Postmaster General.

As a matter of fact, we met with the Postmaster General himself and sought from him his advice about what he anticipated the situation was going to be and what he had in the way of plans to meet it. We had an agreement we would not quote him in any way after that meeting. It was also agreed we were all at liberty to respond to the substance of what he had to say.

Speaking for myself, the substance of what he had to say was that they had no plans.

Mr. HOLIFIELD. Had no what?

Mr. WILLIAM D. FORD. They had no plans for dealing with this situation. Very frankly, as the spokesman for the administration, he gave me the impression that they were going to rely entirely on the fact that the Federal courts would issue injunctions to restrain employees from striking; that it is, in fact, against the Federal law for a person to withhold his services if he is a Federal employee, notwithstanding the fact that public employees at all levels of employment across this country have reacted to their frustrations in trying to keep up with the private sector by withholding their services contrary to State laws, local city charters, and local laws.

This is a fact of life we have to live with. The administration seems unwilling to recognize that this is 1970 and that the traditions which led to the passage of that law may not be relevant to the pressures employees find themselves responding to today.

When the President came on television this afternoon and announced to the American people that rather than opening up avenues of discussion with these people who—whether we in this body agree with everything they say or any part of what they say or not—believe themselves sincerely to be aggrieved, he is going instead to suggest that the work stoppage or strike, if one wishes to use that term, be terminated or interrupted by supplanting their employment or replacing their employment with military people; this is a dreadful mistake on the part of the President, for two reasons.

The first one is that it will undoubtedly exacerbate the situation and lead to a broadening of the strike and lead to mounting tempers and tensions, increasing the probability that we will not be able to get together across the bargaining table.

More importantly, he will be putting into the Post Office Department to handle very valuable and very precious mail, mail that affects the lives of millions of people, untrained people who should not be called upon to exercise this kind of responsibility.

I am not speaking in any way in derogation of the capability of our young men in the military, but they are not trained.

Mr. HOLIFIELD. As a matter of fact, is it not true, if the gentleman will respond to this, that there are more than 550 zip codes to be learned, for the United States, and that many of these letters have to be handled four or five or six times before they get to their final destination, and they are handled on the basis mostly of the zip code reference.

Mr. WILLIAM D. FORD. Yes. It is tragic there are so very few people right in this Congress who have any understanding at all of how complex the job of handling the mail in this country is.

How pitiful the wages are for these men who have to study these ZIP codes and study the method of throwing letters into the different slots that they have to throw them into for separation and for respective routing. They do not understand this unless they go into a post office and see a big post office in operation.

Mr. Speaker, we were saddened, and honestly I think it is my opinion—and others have expressed the same opinion—that one of the things that led the employees to believe this administration had abandoned them was a remark made by the Postmaster General to the press when he was in Tokyo just before the end of the year where, after examining and visiting some Japanese post offices—which no one on our committee is very impressed with, because we all know that we do a better job more efficiently and cheaper than any country in the world, including Japan—but the Postmaster General responded to a newspaperman who asked him what he thought about what he had seen that the average Japanese post office clerk can sort mail faster than the fastest machinery we have in the automated post offices that we have in the United States. Then he volunteered the further information that it is because the Japanese postal worker has not forgotten how to work. That was in an article that appeared in the Los Angeles Times. It did not stay in the Los Angeles Times but was reproduced all across the country. It came at a time when the employees were asking whether or not the people who were in charge of running the postal service understood the seriousness of the problems they were facing. It could have clearly been interpreted by them, as it was by me, to be an indication that the people at the top just do not understand the job they are supposed to be doing.

I would like to call the attention of the House to the fact that a group of us from the Detroit metropolitan area, Democrats and Republicans, sent President Nixon a telegram 4 days ago on the morning when this crisis began. It is addressed to the President at the White House, and I will quote the telegram:

MARCH 20, 1970.

Hon. RICHARD M. NIXON,
President of the United States,
The White House,
Washington, D.C.

The spreading postal stoppage appears on the verge of developing into a national disaster. In view of the fact there are now no lines of communication open between labor and management which could lead to a settlement, we urge you to use your power as Chief Executive of the United States to immediately take the following steps: (1) appoint a high-level mediation panel composed of citizens recognized as broadly representative of the interests of the public, postal management and the postal employees, and (2) call upon all postal employees to return to work immediately and restore postal service with your assurance that you will give full and prompt consideration to the findings of this mediation panel, and will initiate and support all reasonable action to secure immediate implementation of the recommendations of the panel appointed by you.

WILLIAM D. FORD, JAMES G. O'HARA, LUCIEN G. NEDZI, JOHN D. DINGELL, MARTHA GRIFFITHS, WILLIAM S. BROOMFIELD, JACK MCDONALD, CHARLES C. DIGGS, JR., JOHN CONYERS, JR., Members of Congress.

This telegram was signed by nine Members of the House, both Democrats and Republicans, from the Detroit metropolitan area. I am sorry and saddened to see that they have not even had the courtesy in the White House to acknowledge that they received our telegram. It is quite obvious from the statements that the President made this afternoon on television that if he did receive the telegram, he thought that we should not have written it rather than accepting the recommendations coming from Members of this body that we should be negotiating this difference across the table like adults instead of making recriminations of a lack of patriotism on the part of these employees.

Mr. Speaker, I want to close by saying that I take as a personal insult on behalf of the postal employees that I worked with since I have been a member of this committee, the suggestion by the President of the United States to that effect—and not at all a very subtle one at that—that a patriotic American would be back at work whether he had his grievances satisfied or not. To equate these employees' attempts to draw attention to their long-smoldering unhappiness with a long list of grievances that have been neglected by the previous administration and by this administration and to some extent by the Congress—to equate their actions with being unpatriotic it seems to me is beneath the dignity of the office that Mr. Nixon now holds.

Mr. HOLIFIELD. Mr. Speaker, I thank the gentleman for his contributions.

Mr. CHARLES H. WILSON, Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I yield to my colleague, the gentleman from California (Mr. CHARLES H. WILSON).

Mr. CHARLES H. WILSON. Mr. Speaker, I thank the gentleman very much for yielding, and I want to commend the gentleman for the statement he has made. I think he has brought into proper focus what the real problem is here. The American people just do not understand the tragic conditions that face our letter carriers or postal clerks, and those who are below the sixth grade of our Federal pay system.

The unfortunate thing, too, is that they have no bargaining rights or bargaining powers. They are operating under an Executive order that does not give them the opportunity to sit down and really have something to negotiate when they are in disagreement with the progress of legislation that should be moving along its way in order to give them a better lot in connection with their brothers in private industry.

Also it is unfortunate that earlier today, when the 1-minute speeches were going on, some uninformed Members who were not aware of many of the things that have been happening, things that have been brought up before our committee, made some of the remarks that they did. We got into a rather partisan discussion at that time, and I think the RECORD should show that there were five of the Democrat Members who have been supporters of the President's proposal, the reform program, right from the very start, including myself.

Two weeks ago when the bill was passed in the committee, which included the pay raise that the gentleman from Arizona (Mr. UDALL) earlier made reference to, there were more Democrats on the committee who supported that bill and voted for its passage than there were Republican members. There were nine Democrats and eight Republicans who voted to pass the bill out by a 17-to-6 vote.

I think that many of the Democrat members have tried to act as responsibly as they could, and those who did not vote the way we, who supported the corporation proposal did, did it in a sincere manner. I think that the differences were well debated. There were three members

on the Republican side who did not follow the leadership of their President, and the Postmaster General, and who voted against the corporation proposal.

I think the House of Representatives has acted very responsibly. I think it is unfortunate that the postal employees of New York would not give us time to try to move the bill that we recently passed in the House through the Committee on Rules, and give us time to work on it the way it should have been in order to accomplish what they need.

Also I think it is unfortunate that the other body would not meet in conference with the members of our House committee in connection with the bill H.R. 13000, which we passed last October. They had their own version which they passed in December, but they were either unable or unwilling to meet with our conferees, and this was part of the delay.

Mr. HOLIFIELD. Does not the gentleman agree with me that they should at this time under the dire circumstances we are faced with nationally, with uniformed soldiers coming in to do the work of civilians in the post offices in New York? And that when we resort to this extreme measure does not the gentleman believe that the Members of the other body should now meet in conference and solve this problem that is a congressional obligation, and one that we can discharge?

But there is not much to be gained by recrimination. I heard someone say something about Larry O'Brien. I can remember him sending up the reform legislation, but I do not remember him sending up the reform legislation and saying unless you pass this you cannot pass pay legislation.

Mr. CHARLES H. WILSON. No. Absolutely not.

Mr. HOLIFIELD. And I do not remember any threatening of a veto.

Mr. CHARLES H. WILSON. Absolutely not.

Mr. HOLIFIELD. I do not remember him threatening a veto on the Post Office pay raise that we passed last year, unless we attached the reform bill to it. That is the thing that I object to and resent very bitterly.

This is duress. This is Presidential duress on the Congress. They talk about the duress of striking employees, staying away from work—duress on the Congress. A minority, I might say, of 200,000 out of 750,000 people, but 550,000 stayed on the job doing their work the best they can under trying circumstances. So why we should get so proud as to say that we cannot take action because of these 200,000 desperate people who have felt that they had to call attention to their plight, I cannot understand.

Mr. CHARLES H. WILSON. The gentleman is so right. The conferees should be in session right now so far as I am concerned—and if not tonight then they should be in session tomorrow.

Mr. HOLIFIELD. That is right.

Mr. CHARLES H. WILSON. I think the majority leader was correct when he urged Members to prepare to stay here during this crisis rather than to go on a recess. I think it would be unconscionable for the Congress to take a recess when there are a lot of things we should do and could be doing to help in this situation. We should be doing everything we possibly can.

Mr. HOLIFIELD. If there is anything we can do, we should stay here and get this work done because there are thousands of families which are being denied a pay raise which they need to take care of food and living costs of their families. I agree with the gentleman that we should do everything that we can at the congressional level. Then let the President discharge his responsibility. If he thinks he should veto the bill because it is not a good piece of legislation, which is remote from it and not connected directly with the pay raise of employees, then let him veto the bill and let him see how the Congress responds to it.

I am willing to vote on it. I have not made up my mind on this reform corporation bill, but I am ready to look at the bill with an open mind. I have not decided one way or the other.

Mr. BINGHAM. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman.

Mr. BINGHAM. I commend the gentleman from California on his comments.

Mr. BLACKBURN. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman.

Mr. BLACKBURN. Mr. Speaker, I have enjoyed the colloquy that has been carried on but I do want to take very strong exception to the comments made by the gentleman from Michigan (Mr. WILLIAM D. FORD) in which he attempted to put the whole blame for this thing at the doorstep of the President. The gentleman from Michigan commented that he and several others sent a telegram to the President, and apparently he has some exalted idea that five or 10 Congressmen can get together and agree on a matter affecting the whole Nation's postal system.

The gentleman from Michigan is thoroughly aware that we do have committees of this Congress which must act and he is aware that the Congress, both branches—the House and Senate—have to act.

We have acted on a pay raise and because of the differences between the House and Senate and their inability to get together—and I do not attempt to pass judgment on this—but I do know this that any implication that the gentleman from Michigan was intimidated by the President into not voting for or against anything because of the threat of a veto just will not hold water because he voted for the HEW bill and additional appropriations in the face of a threat of a Presidential veto. I do not think he or any other Member of this House has been intimidated by any threat of a Presidential veto.

I think if there is any question about the responsibility of this House or its ability to act, the question is—and I refer to the House and to the Senate—why have we not acted? Let us not try to throw this thing down on 1600 Pennsylvania Avenue. Let us do our business and then let the President do his.

Mr. HOLIFIELD. I will say to the gentleman, in essence I agree that the Congress, both Houses, should do what they can do. But as to what effect a threat of the President to veto this bill unless the type of reform bill is added in committee to that, I do not know. I cannot pass judgment on that. But whatever it may be, now is the time I think to have a conference and let the Congress discharge fully its duties and then leave it up to the President.

I do not believe in the face of the need of 750,000 employees and their families—I do not believe the President—and he is a Republican President and I am a Democrat—but I do not believe he would veto this justifiable raise, which is in complete harmony with the policy of the Congress expressed in the 1962 act.

I would like to give him the opportunity to say that he does care for these 750,000 people and their families.

Mr. WILLIAM D. FORD. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman.

Mr. WILLIAM D. FORD. Mr. Speaker, I would like to say that President Nixon could not intimidate me if he had a club. I was not even intimidated by the student prince uniforms that he put on his policemen down there.

So far as being exalted about anything, I want to say this. I had become accustomed, prior to this administration, to the fact that as an elected Representative of about 570,000 people in my district in the State of Michigan, that when I wrote to the President on an important matter that affected the daily livelihood, I at least got an acknowledgement from a member of the staff. That is all I said. There were nine of us who did not even know if the President received the telegram. They had not been kind enough to tell us even—to go jump in the lake.

But I would like to recall to the gentleman a little bit of history. It is not the House committee that has been intimidated. This piece of legislation has been tied up in the other body.

It is no secret that the administration and the lackeys in the Post Office Department have been doing everything from promising new buildings to cutting off buildings for those who have not been cooperative, to canceling projects, to appointing people to jobs and doing everything that you can imagine to put through this postal corporation.

In the process of doing this it has been no secret to us or to the employees that the pay bill that is over there in the Senate is being held hostage for movement of the postal corporation bill, and the President did not say, "I will veto any pay bill." What the President has been feeding back down here is the statement, "I will not sign a pay bill unless you give me with the pay bill the postal corporation in the form in which I want it."

I do not blame the President for doing all he wants to get his legislative program, but if he is going to deal under the table, as he did in connection with the HEW appropriation bill, where he told 30 million Americans on television that the worst program in education was

impact aid, and then they came back over here and promised my colleagues on this floor that had impact money in their districts that if they would help him to sustain his veto, he would guarantee that he would not cut any impact aid—I challenge the gentleman on the other side of the aisle to take a look at where the President used the discretion that the other body gave him to cut money from education programs, and you will find that he cut the rubella program, the measles program, he cut every health program, and he cut every education program except one, and the one program that Nixon did not cut one single nickel out of was impact aid.

I am not advocating that he cut impact aid. I am only saying that this is typical of how he tells the American people one thing when he deals under the table for something altogether different. That is the kind of dealing that has been going on in this Capitol that I say is not in keeping with the dignity of the office of Mr. Nixon that has been responsible, along with the unkept promises of previous administrations and the unkept promises of this Congress in the past that has accumulated into a list of grievances that are not going to be resolved, as Mr. WILSON said, in 48 hours. It will take time. But they are not going to be solved by sending troops or by using court injunctions. They will be solved only when the administration recognizes, not where we came from, but where we are now, and let the President use the power he has, as previous Presidents have had the courage to do when faced with similar emergencies in transportation, and appoint a high-level commission of people who will be respected for their position, respected by management, labor, and the public, and let them begin to mediate these differences so the mail can start to move. And then and only then will I back off and acknowledge he is right to go on television as he did today, and not offer a solution to the problem, but offer recriminations against individuals by suggesting that they are unpatriotic for withholding their services.

Mr. BLACKBURN. Mr. Speaker, will the gentleman yield?

Mr. HOLIFIELD. If I have time, I yield to the gentleman from Georgia.

Mr. BLACKBURN. I must respond to the gentleman from Michigan by saying that he has perpetrated one of the biggest frauds I have seen perpetrated on this floor in many years when he attempts to represent that the President did not cut impacted aid though he had authority to cut it. The gentleman knows, as do all of us, that the impact aid program is a mandatory expenditure. Expenditures are required to be made under that program by formula. The President has no discretion in those matters, and because this body saw fit to increase the impacted area aid over and above what the President requested, he had to cut funds from other areas in which he did have discretion. He had no alternative. I resent the implication that he is wheeling and dealing, because he has spent the money that we, the Congress, required him to spend according to a mandate.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. WILLIAM D. FORD. Mr. Speaker, I ask unanimous consent that the gentleman from California be allowed to continue for 3 additional minutes.

The SPEAKER pro tempore (Mr. GIAIMO). Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. WILLIAM D. FORD. Mr. Speaker, with all due respect to the gentleman who just spoke, I do not think the gentleman kept track of that bill all the way through to its conclusion, because when the Health, Education, and Welfare appropriation went to the other body, they gave the President of the United States authority to cut up to 2 percent. They directed him to cut up to 2 percent of the total of that appropriation, except for the trust fund. When the administration applied its power to the cutting, it did, in fact, cut money under that authority from every single education program and every health program except for two items. The only education program that was not cut by one single penny after the President had been given authority by that body, and we voted over here to accept that authority and we gave it to him too, was the impact aid.

The only health program that was not cut was the hospital construction under the Hill-Burton formula.

Automatic spending or the formula had nothing to do with it. Congress specifically authorized the President to cut, but after he told the people of this country what he was going to do, he decided the politics of the situation was a little different from what he had gaged it to be when he gave that political speech, and when we gave him the authority to do it, he backed down and played backroom politics—and we cannot characterize it by any nicer name than that.

Mr. DON H. CLAUSEN. Mr. Speaker, it is indeed regrettable that the President was forced to take the action he did in ordering military units into the New York area to keep the mail moving.

I am convinced that many people are to blame for this emergency crisis we are now faced with. The postal workers do have, in my judgment, some very serious grievances that need resolving but I do not think they should refute the law as appears to be the case.

It is possible that this action will work to the ultimate detriment of the postal workers themselves because the American people strongly feel that "The mail must go through."

A special point must be made of the fact that there is precedent for this action. During the Christmas mail rush, military units have been called in to provide the necessary supplemental manpower required to fulfill the personnel needs during the Christmas season.

The President's action is in keeping with this precedent. Now, I hope the conference committee of the Congress will move now to finalize action on the postal salary comparability legislation in question.

The innocent victims of this impasse are the postal workers and their families. They are plagued with inflation and cost-of-living problems.

The Congress must press the conferees on H.R. 13000 to move on the measure that will resolve this pending crisis.

This is no time for partisan bickering. I want to see responsible postal improvements that will help the employees, the Government, and the people and I also want to see the postal employees get their pay raise.

Mr. BINGHAM. Mr. Speaker, I am dismayed that the President has seen fit to order troops into the post offices in New York to process and deliver the mail. I am afraid this will only make a bad situation worse.

Yesterday morning I sent President Nixon the following telegram, with a copy to the Postmaster General:

The faithful letter carriers and postal clerks who are on strike are expressing their desperation at the failure of the U.S. Government to move in response to their legitimate grievances. Postal workers are supposed to enjoy security but inflation without compensating pay increases has been destroying his security, and they are reacting in a way which is understandable, even though it is against the law. They have seen many other groups break the law and benefit by it.

These men are not revolutionaries. But they may be driven to desperate action if the National Guardsmen are ordered to become strike breakers and handle the mail.

You have urged that compulsory arbitration be established for national strikes of an emergency character. Whatever the merits of that proposal in other cases, I believe compulsory arbitration is the proper course to follow here, and I urge you so to propose to the Congress.

While the disgracefully low postal pay scales are now set by law, there is no reason why Congress cannot authorize that they be set in accordance with some other process, namely arbitration.

The arbitration idea fits in with your proposal that the Post Office should be run by a corporation, and not as other government agencies are. Also you should recognize that, if the employees are to accept the idea of such a different status, they should receive much higher pay than they do now.

By the process of arbitration the long-sought goal of comparability—that is, pay comparable to what private enterprise would pay for comparable work—would be achieved.

The legislation required to put this plan into effect could be drafted by the technical experts overnight on a crash basis, and the Congress could act on it immediately.

I see no other way to overcome the present deadlock which is reaching a point of severe polarization and stiffening of attitudes on both sides. If this situation is allowed to continue to deteriorate without bold and imaginative steps on the part of the U.S. Government, it may prove to be one of the great tragedies of our nation's history.

I sent a similar telegram to the disguished chairman of the Post Office and Civil Service Committee in each House.

Other Members of this body have recommended mediation by impartial experts, but this would still leave it to the Congress to enact legislation to put the recommendations of the mediators into effect.

The recommendations I have made for binding arbitration would, if adopted, solve the problem at one stroke.

Mr. LOWENSTEIN. I thank the disguished gentleman from California for taking the initiative so we could continue this very important discussion. I said earlier today that I believe this situation could be resolved rather quickly without inflicting further hardship on the general public. Some of us have sent telegrams or other messages to the President urging him to exert the kind of leadership that is so desperately needed now. If he does that, partisanship can be minimized. So can the inconvenience, the bitterness, the bad precedents, and the increasing suffering that must otherwise result.

I include in the RECORD at this point the text of some remarks I made in the House some time ago. I have no gift of prophecy, and these remarks were not particularly unique or prescient. They are, in fact, rather typical of many remarks made by many Members for a very long time. I include them in the RECORD again now precisely in order to remind the House of how many warnings we have had for how many years of what would happen if we failed to act fairly. And to remind us as well of what simple steps could have been taken to avoid this situation—steps whose merit and whose fairness are apparently virtually undeniable, since virtually no one tries to deny their merit and fairness. Can we not then take these steps now, before we earn further grief by failing to do what is just and is now so long overdue?

The following is the text of my statement of October 31, 1969:

STATEMENT BY MR. LOWENSTEIN

Mr. Speaker, it is almost 8 years since the Congress committed itself to the principle that Federal employees deserve salaries comparable with that earned by workers in private industry. Last week the House finally passed H.R. 13000, a small step toward fair pay for postal employees, but I rise today to remind the House that that action was only a start, if we are to fulfill our obligation to pay those that handle the mail what they deserve on the basis of their needs, skills, and efforts.

For postal employees are among those Americans treated most unfairly in these times of uneven progress toward social justice. In part, this is because these devoted public servants have lived up to their celebrated motto so faithfully that they tend to be taken for granted in the public mind. On they toil, faithfully and unobtrusively, while all around them wheels squeak noisily and get greased.

But what neither snow nor rain nor sleet nor hail have been able to do over the centuries, national neglect is now threatening to accomplish. At last the dedicated and almost-forgotten men and women of the postal service are growing desperate.

We trust them to ferry much of the national commerce, to respect and deliver our personal secrets, to sort and transport tons of literature of all kinds. But we will not pay them nearly what they could be paid for doing less and easier work in other callings. We expect them to do forever what no one else is asked to do except in short periods of national emergency: to accept appeals for loyalty to the country they love in lieu of fair treatment by that country. It is wrong to ask this of any Americans. More than that, it is demeaning to all Americans when any of their fellow citizens are put in this kind of situation. And it is certainly not in the national interest to allow the wage scale of those who work for the Federal Government to become a national disgrace.

Salaries in private industry continue to rise, but pay increases are denied to postal employees in the name of combating inflation. The result is that postal employees suffer twice over—prices rise, but not their salaries. How long can we go on telling people who we underpaid to begin with, and who additionally are being crushed by inflation, that they cannot be paid fairly because if they were paid fairly it would contribute to inflation?

Even after 21 years of service, the best a postal employee can hope for is almost $2,000 a year less than what the Bureau of Labor Statistics has found to be the minimum level for a moderate standard of living. It is no mystery in these circumstances why postal employees abandon their jobs twice as frequently as do other Government workers. What is mysterious is how the public can expect to get better mail service by paying poverty-level wages to those who must provide the service.

Is it not high time we realized that one service must be to improve the working conditions of those who do the serving? Many Members of this House have worked hard to ease the financial hardships of postal workers. Each time we get our own increased paychecks, we are reminded that their paychecks remain the same. One would think the President would be experiencing the same reminders.

Someone said earlier that those of us who have been pressing for the enactment of H.R. 13000 have made "nuisances" of ourselves. Let it be clear that if that is what we have been doing we will continue to make nuisances of ourselves until H.R. 13000 becomes law, and until other reforms are enacted that will bring justice to postal employees at last.

GENERAL LEAVE TO EXTEND

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ADDITIONAL RESEARCH NEEDED ON BABY PIG KILLER—TGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 20 minutes.

Mr. FINDLEY. Mr. Speaker, I address you today representing a concern which is currently foremost in the minds of all farmers in the Nation who produce pork. While it most directly affects these farmers, it also threatens the interests of all citizens who enjoy pork products and those involved in processing and merchandising our red meat supply.

An insidious disease has recently been hitting hard the swine herds in the Nation's "pork belt" killing baby pigs by the thousands. The disease is transmissible gastroenteritis, commonly known as TGE. My district is right in the heart of the pork production area of the Midwest and for the past 2 years farmers have been losing thousands of dollars a day from the deaths of baby pigs during the winter months which are the peak of the TGE season.

In my view, and in the view of expert livestock production and disease specialists, TGE is by all odds the most serious problem facing the swine industry today. It has already reached epidemic proportions in some of our best hog producing areas and continues to rise in severity with no relief in sight.

TGE first became known about 1943 and has now spread to a point where the mere mention of it fills a farm family with fear that their entire income from their hog operation will be wiped out for most of the year. The disease is doubly painful for those hit because it has reached epidemic levels during the past 2 years when live hog prices have been at a relatively good level.

TGE strikes a death blow to baby pigs 4 to 10 days old, primarily, but it also hits adult breeding stock and market hogs being finished for slaughter. It does not often kill adult breeding stock but many hogs nearly finished and ready for slaughter are killed if they contract the disease.

TGE has been running rampant throughout the hog producing area of Illinois and other States where hogs are grown. No known cure exists even though several land grant universities have devoted considerable research efforts toward finding a cure. The USDA and several serum or biological manufacturing firms have also been doing research. The disease is caused, it is felt, by an intestinal virus. The difficulty of isolating the virus and controlling it can be attested to by the fact that nearly all the land grant schools which have conducted research into the cause and control of the disease have given up in frustration. The USDA reports that only a small two-man research project at the USDA Animal Research Laboratory at Ames, Iowa, another small project in California, and a continuation of the research efforts at the University of Illinois continue.

In an effort to trace the pattern of occurrence of the disease, the University of Illinois Pork Producers Association have been conducting a voluntary survey of the effects of TGE among the swine growers of the Midwestern States. A majority of the work, understandably, has been done in Illinois.

One outstanding feature of the disease this ongoing survey has uncovered is that the disease seldom strikes the same farm repeatedly with any predictable occurrence. It might wipe out an entire farrowing of hogs one season and may not hit the herd again for several years or it might be back again next year. Most often it can be expected to strike about three times in 5 years once it hits a farm swine herd.

Extremely heavy losses generally occur among the baby pigs when TGE does strike. Let me cite some examples from the voluntary survey mentioned earlier. It should be pointed out that followup checks on the survey indicate that about 10 percent of the farmers who have been

hit by the disease in a community report their experiences in the voluntary survey.

One of the counties in my district, Adams County, Ill., had reported death losses of baby pigs during the 1968–69 farrowing season totaling 2,285 on 38 farms. The losses to the farmers on these 38 farms, as estimated by University of Illinois economists, total $88,768. If, in fact, this does represent ten percent of the swine losses, an annual loss of more than three-fourths of a million dollars to the economy of a county is far too much to ignore any longer.

In another county in my district in which the reported TGE losses have been totaled, Pike County, 16 farms have reported deaths of 3,990 pigs diagnosed by veterinarians as TGE resulting in an economic loss of $131,670 to these farmers. Again, if this represents just 10 percent of the actual losses in the county, we are witnessing losses of more than one million dollars.

Actual cases of the disease hitting a herd of swine are enough to cause one to understand very easily why the farmers are frustrated over the disease as they face the future without any known cure or anything on the horizon which hopefully will bring about a cure.

Some typical losses of Illinois farmers to TGE: A Pike County farmer had 300 pigs born, 250 died because of TGE; another, out of 1,300 pigs born, 850 died; 850 out of 1,000 pigs killed by the disease. In neighboring Adams County, a farmer had 300 pigs born and lost 270 of them to TGE at the rate of 5 to 25 per day.

Another Adams County farmer lost all 280 baby pigs and in addition had 10 older pigs killed by the disease after feeding them to near market weights.

Outside my district in Illinois, in Woodford County, 300 of 350 baby pigs killed by TGE; Madison County, all 22 baby pigs killed; McLean County, 1,200 out of 1,500 baby pigs killed in 3 weeks. Just imagine the disheartening effect of day by day watching your entire income for a year claimed by death as you and your veterinarians stand helpless, unable to do anything but bury the dead.

To get a bit more recent, I list here the deaths in 10 pork-producing States between August 1969 and Februray 14 of this year which were reported to the University of Illinois through the voluntary survey in the table below. You can easily see that TGE is hitting all States surrounding Illinois and no doubt in much greater numbers than this survey is able to report. The reports shown in this table ended just as the peak of the TGE season was arriving, about the middle of February until the middle or late part of March.

Using the figure of $33 per baby pig lost, it is easy to determine the losses the affected farmers suffered in these States. The $33 per baby pig represents a direct economic loss of $8 per pig to cover the cost of keeping and feeding the sow during the year and $25 representing the opportunity loss of each baby pig which could be made at today's live finished hog prices if the pig was fed to maturity.

According to a USDA research staff member at the Beltsville facility:

The level of research funding for a cure for the disease is minuscule compared to the losses farmers are suffering from the disease.

Simply stated, much more needs to be done to locate a cure for TGE. Before much more can be done to hasten the day when a cure or control of this dread baby killer is found, more research funds must be appropriated.

Present TGE research efforts are woefully inadequate compared with the magnitude of farmer losses. I request that you consider boosting the level of funding for TGE research during the coming budget year. Currently just two full-time scientists are researching a cure for the disease from funds provided by the USDA. This is far too little effort to expect an early cure.

USDA Agricultural Research Division specialists have estimated that it will take nearly 40 scientific man-years of research to develop the necessary background to effectively control TGE. A man-year is defined as the full-time research efforts of one scientist.

If funding for TGE research continues at its present rate, no effective cure for TGE will be known for nearly 20 more years. That is far too long to expect the Nation's swine industry to accept the magnitude of losses they currently are experiencing.

A man-year of research costs about $80,000 for all that is needed to equip and pay a scientist to conduct basic research. Using the USDA estimate of time and personnel necessary, it will cost in today's dollars $2,560,000 to approach a cure for this insidious disease.

DIARRHEAL DISEASE IN SWINE (NEARLY ENTIRELY DUE TO TGE) REPORTED BETWEEN AUG. 1969 AND FEB. 14, 1970

State	Number of outbreaks	Pigs dead
Illinois	156	[1] 8,954
Iowa	12	594
Ohio	3	338
Michigan	1	200
Arkansas	1	111
Tennessee	1	110
Indiana	2	102
Minnesota	2	74
Missouri	1	26
Wisconsin	1	6
Total	180	10,515

[1] Losses on 113 farms; many farms had no pigs under 2-weeks old, but suffered weight losses in older swine.

A more practical goal for stepping up the needed research efforts would be $400,000 annually for the next 3 years. If this amount of research funds is appropriated, they could be allocated and assigned to the several land-grant universities which have conducted research to carry out certain specific projects which are needed to arrive at a control or cure for TGE.

One of these universities probably would be the University of Illinois, according to the USDA Agricultural Research Service, and the dean of the University of Illinois College of Veterinary Medicine, Dr. L. Meyer Jones, has outlined for me how he feels he and his staff could best research a cure for the disease if adequate research funds were made available.

According to Dean Jones, TGE was first described in the United States in 1943 and subsequently in many other parts of the world. Laboratory research led to isolation of the TGE virus. The virus was cultivated in tissue cells in the test tube and some of its biological characteristics were studied.

A vaccine was developed for hypodermic injection but its field use proved unsuccessful because it did not adequately protect against the disease. The reason the vaccine given hypodermically failed was that it did not protect the digestive tract against local invasion by the TGE virus ingested with feed and water. This may be an oversimplified explanation because of the highly complex interrelations of the diseased sow and the pigs that she carries. A solution to this problem requires much further research before we can expect to understand the phenomena on which depends the production of a successful vaccine or other methods of controlling TGE.

Research at the University of Illinois on TGE was started in 1965 when the swine producers obtained funds from the State legislature for veterinary experimentation on the disease. Many experiments on TGE have been performed to date in the following areas: TGE virus isolation and characterization; a study of the infective process and damage to the digestive tract of the baby pigs; development of diagnostic tests for TGE; and the experimental production of two vaccines for research purposes, viz., a tissue cell culture vaccine which did not give adequate protection in field trials, and an oral capsule vaccine, or live virus, which produced adequate immunity but was insufficiently safe from the disease-control viewpoint.

These and other problems need answers that must come from the basic science laboratory before we can expect to produce a biological product for controlling TGE on the farm. It is now apparent that the TGE virus differs from other kinds studied in the past and that a new kind of approach and new knowledge is needed before a control of TGE will be forthcoming.

Recent findings at the University of Illinois have revealed certain interrelated processes previously unknown between the sow and the fetus. Administration of vaccines to pregnant sows caused certain tissue responses in the sow and the newborn pigs. These responses in turn apparently interfered with the mechanics of protection transferred from the sow to her pigs. The proposed research is designed to study the basics of these interrelated responses and processes caued by exposure of the pregnant sow to the TGE virus. A full understanding of these factors is necessary for development of an effective control of TGE.

The College of Veterinary Medicine at the University of Illinois has continued its investigation on TGE and at present is one of only two laboratories in the United States with an active, although reduced research program. The university proposes that the Agricultural Research service, USDA, be allocated money to fund research on TGE over a 5-year period which hopefully

would lead to measures for this No. 1 disease now causing extensive losses throughout the swine-producing areas of the Nation.

The University of Illinois anticipates that it would share in any such appropriations because it has an active research program on TGE and because it is one of the leading swine-producing States of the Union. Therefore, this proposal lists a research program on TGE at the University of Illinois College of Veterinary Medicine consisting of three projects:

Project I. Investigators, Dr. Miodrag Ristic and associates.

Objectives: There are two objectives. First, to detect, isolate, and characterize protective anti-TGE virus antibodies in serum and milk of sows exposed to TGE virus and to determine the relationship between the time of exposure, the appearance, the concentration, and the persistence of this antibody; and second, to ascertain the roles of tolerance and/or sensitivity produced by exposure of pregnant swine to the TGE virus on the protection conferred by this animal to her newly born pigs.

Budget: $50,000 annually for 5 years.

Project II. Investigators, Dr. Wayne A. F. Tompkins and associates.

Further characterization of the virus with special reference to unusual properties and characteristics of this antigen.

Studies of cell responses in tissues of feti derived from sows exposed to TGE during pregnancy.

Budget: $30,000 annually for 5 years.

Project III. Investigators, Dr. Deam Ferris and associates.

A continuation of the TGE incidence studies in Illinois begun in 1968 by the College of Veterinary Medicine.

A study of the initial field outbreak of TGE that appears in Illinois in epidemic proportions. This kind of study is essential to explain the reappearance of TGE each year.

Budget: $15,000 annually for 5 years.

It should be obvious that swine producers are facing an extremely complicated and costly killer in their farrowing operations—a killer which we cannot permit to continue to drain the profits needlessly from farming.

The amount of funds USDA spokesmen in animal health research indicates are needed to combat the disease certainly seems reasonable and I encourage you to increase the TGE research budget for the coming year. The plan outlined by the University of Illinois and the background of its staff indicates the money would be well used by our land grant institutions and if funding is increased, we could expect confidence to grow among our farmers that a cure for this killer is on the way.

The $400,000 specified earlier is a modest investment to cure a disease that last year cost Illinois farmers alone $10 million.

Following are several farmer case histories of losses from TGE in Illinois during the past 2 years.

Listed below are swine losses due to TGE infestation of farm swine herds in the 20th District of Illinois as reported by farmers through a voluntary survey program conducted by the University of Illinois and the Illinois Pork Producers Association during the 1968 and 1969 farrowing seasons. Based on followup personal contacts, it is estimated that only about 10 percent of the farmers experiencing TGE losses report them through this program.

ADAMS COUNTY, ILL.

Losses due to TGE were reported by 38 farmers during the above period. These farmers reported they had 3,885 pigs born of which 2,285 were killed by TGE. While 1,357 baby pigs survived the disease, the loss of weight, feed conversion ratios, and setbacks in the feeding cycle resulting in later marketings, cannot be estimated from the information available. The 38 farms in Adams County suffered losses of $88,768 from the death of baby pigs killed by TGE.

Pork producer	Number baby pigs	Pigs sick, lived	Pigs died	Number of dams	Dams sick	Number other swine	Other swine sick	Other swine died [1]
1. Hofmeister	130	0	130	14	14			
2. Meyer				8	8	75	75	2
3. Abert						40	40	0
4. Moore						160	160	0
5. Blickhan	72	9	63	8	7			
6. Redman	200	0	200	20	20			
7. Chick						119	119	0
8. Meyer				27	10	214	80	0
9. Talcatt	140	0	140					
10. Smith	60	30	30	10	10			
11. Cramm	130	110	20	20	20	632	632	0
12. Wittler				55	8	470	400	34
13. Meyer				27	10	214	80	0
14. Albameryor				78	78	185	185	80
15. Cornwell	540	420	120	40	40			
16. Tallcott	220	80	140	21	21			
17. Wilcox				15	15	129	100	3
18. Dedert				44	37	318	266	5
19. Beckman				30	15	240	180	60
20. Sims Bros	310	0	275	40	40			
21. Buzzard	280	0	280	123	123	190	190	10
22. Dedert				44	3	250	[2] 250	([3])
23. Beeler						400	400	
24. Todd				26	26	110	110	0
25. Mixer				7	7	56	35	21
26. Moorman Manufacturing Co	359	44	206	34	3			
27. Crawford				11	11	90	70	20
28. Green	300	25	175	30	20			
29. Ippensen	250	50	200	23	23			
30. Orr Bros				20	20	200	200	0
31. Benz	75	0	75	70	35			
32. Mayfield				51		425	265	160
33. Pfamscchmidt				12	0	420	60	4
34. Richards				32	8			
35. Echtenkamp				20	20	100	0	100
36. House	374	324	51	38	38			
37. Hagau	410	265	145	51	51			
38. Beeler	25	0	25	8	8			
Total	3,885	1,357	2,285	1,057	749	5,037	3,897	489

[1] Largely pigs between 2 weeks and 1 month of age. [2] Approximate. [3] Few.

PIKE COUNTY, ILL.

Sixteen farms reported deaths of 3,990 baby pigs due to TGE during the 1968 and 1969 farrowing seasons: Using the formula outlined earlier, this results in a loss of $131,670 for the farmers which reported their losses. In addition, 4,767 additional swine were ill and were set back in their normal feeding cycle for which no loss figure can be compiled.

Pork producer	Number of baby pigs	Pigs sick, lived	Pigs died	Number of dams	Dams sick	Other swine sick	Other swine died
Cadwell	([1])		300				
DeHart	189	12	167	23	5		
Martin	400	25	375	48	40	225	11
McIntire	377	9	368	53	1		8
Heavner	279	227	52	46	49	210	
Bradshaw	360	50	250	40	39	([2])	([2])
Springer	1,306	1,200	850	400	160	1,200	
Birch	240	150	75	30	10	250	
Shepard	53	0	53	50	50	280	
Haskins	600	300-400	40	155	85	700	1
Morgan	1,000	100	800-900	90	60	800	1
Bauer	300	50	250	60	60	264	1
Richards	170	127	43	34	34		
Peck	350	200	150	45	45	63	
Draper	110	38	72	42	42	375	20
Paxton						200	3
Total	5,668	2,588	3,945	1,102	671	4,767	45

Footnotes at end of table.

BROWN COUNTY, ILL.

Pork producer	Number baby pigs	Pigs sick, lived	Pigs died	Number of dams	Dams sick	Other swine	Other swine sick	Other swine died
Klingele	140	0	140	19	19	44		
Keltz	250	70	180	32	32	45		
Busen	65	61	4	65	65	92	2	
Total	455	131	324	116	116	181	2	

CALHOUN COUNTY, ILL.

Brangenberg	250	25	225	27	27	90		
Wineland	900	300	600	180				
Total	1,150	325	825	207	27	90		

GREENE COUNTY, ILL.

Reno	135	135	0	63	1			
Nichols	260	30	230	11	11	45		
Baise	700	0	700		130			
Griswold	87	35	52	35	35			
Roth	400	100	300	50	50	327		
Dixon	145	10	135	17	17	375		
Roberts	125	125	0	45		235		
McCollister	180	100	80	28	20			
Muntz	300	70	230	75	3			
Pennel	165	20	145	35	0			
Pregler	100	85	15	90	90	24		
Kuhnline	220	18	202	25	25	151	80	
Farms (Dickson)	66	24	42	17	15	220		
Wagner	50	20	30	40	40	330	330	
Longmeyer	129	120	0	33	18	15		
Kirback				0	0	430	430	
Dixon	360	298	62	52	15	600		
Schnelton	230	190	40	28	28	560		
Schnelton & Tepen	42	8	34	12	12	590	497	
Godar	60	30	30			290	60	
Gerson	260	65	155	34	34	500	400	
Peters				31	0	248	78	
Andrews	60	4	56	10	9	170		
Swires				20	20			
Koster	250	240	10	37	37	27	4	
Koster	45	0	45			77	77	
Hartwins	40	7	33	15	15	112	112	
Walker	170	60	110	20	9			
Total	4,570	1,794	2,736	823	634	5,322	2,068	

HANCOCK COUNTY, ILL.

Gordon	270	1	269	25	18	800		
Linkman	210	192	18	30	30	696		
Hufendick	53	30	23	19	19	125		
Mulch	288	8	280	30	30	850		
Cockran	390	330	60	40	40	164		
Bergman	120	88	32	13	13	120		
Beeler	120	0	120	11	1	700		
Froman	175	5	170	93	93	117		
Total	1,626	654	972	261	244	3,672		

McDONOUGH COUNTY, ILL.

Pork producer	Number baby pigs	Pigs sick, lived	Pigs died	Number of dams	Dams sick	Other swine	Other swine sick	Other swine died
Thurman	112	82	30	14	14			
Sims	100	95	5	23	23			
Clayton	28	13	15	25	9	13		
Total	240	190	50	62	46	13		

MORGAN COUNTY, ILL.

Werries	350	250	100	200	41			
Clayton	80	60	20	10	4			
LaKamp	63	0	63		7			
Tauts	120	120	0	16	16	18	18	
Smith	300	100	200	100	100	375	375	
Anderson				45	21			
Hess	170	166	4	70	38	340		
(Not given)	60	10	50	70	50			
Massey	15	15	0	11	4			
Hymes	100	60	40	70		150		
Schome Bros	250	70	180	40	30	118		
Henderson	100	50	50	14	10			
Turner						230	200	
Flynn	28	9	19	62	50	154	95	
(Not given)				16	16			
Wohlers	32			7	7	129	79	
Wilson	6	2	4	1	1	228	228	
Hoots	110	19	91	20	18	63	63	
Mawson	0	0	0	13	0	250	230	
Werries	160	0	160	15	15	190	190	
Total	1,944	931	981	780	428	2,245	1,478	

SANGAMON COUNTY, ILL.

Frazee	90	19	71	20	20	232		
Carney	212	182	30	18	18	3	0	
Total	302	201	101	38	38	235	0	

SCHUYLER COUNTY, ILL.

Hampton	125	114	11	15	15	64	34	
Gruber	40	38	2	4	4	217		
Total	165	152	13	19	19	281	34	

SCOTT COUNTY, ILL.

Krems	100	100	0	12	6			
Clayton	60	30	30	6	3	184		
Clayton	124	6	118	13	6	248		
Total	284	136	148	31	15	432		
Grand total	20,290	8,459	12,380	4,496	2,987	17,512	12,246	534

[1] Figure not given. [2] Others, but not numbered.

Examples of individual Illinois farmer swine losses outside the 20th Congressional District due to TGE:

Monroe County, 40 pigs born, 36 died due to TGE.

Woodford County, 350 pigs born, 300 died.

Edwards County, 110 pigs born, 52 died.

Madison County, 22 pigs born, all 22 died.

Tazewell County, 250 pigs born, 150 died.

Crawford County, 1,600 pigs born, 250 died.

Livingston County, 138 pigs born, 110 died.

Stephenson County, 85 pigs born, 79 died.

McLean County, 642 pigs born, 600 died.

ILLINOIS TOTAL DEATHS REPORTED—TGE REPORTED IN BABY PIGS AND THEIR SOWS IN ILLINOIS, WINTER, 1968-69

Region	Number baby pigs	Pigs sick, survived	Pigs died	Number dams	Dams sick	Number farms reported
Northwest	17,011	10,275	5,901	2,214	1,936	61
Northeast	2,543	2,170	373	824	233	8
West	11,802	6,941	4,882	1,504	1,076	56
Central	2,763	1,626	1,048	334	230	12
East	5,348	3,796	1,549	1,113	776	14
West Southwest	13,954	5,315	8,423	2,442	1,568	54
East Southeast	110	94	16	14	14	1
Southeast	1,184	289	341	158	123	5
Total	54,315	30,506	22,533	8,603	5,946	211

TGE REPORTED IN SWINE OTHER THAN BABY PIGS AND THEIR SOWS, 1968-69

Region	Total swine	Number affected	Number of farms
Northwest	10,403	6,018	42
Northeast	373	373	3
West	7,914	7,496	24
Central	1,227	1,152	5
East	1,427	1,077	5
West Southwest	12,004	10,529	34
East Southeast	20	20	1
Southwest	1,928	1,898	3
Total	35,296	28,536	123

CONGRESS MUST ACT ON CRIPPLING WORK STOPPAGES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. RHODES) is recognized for 5 minutes.

(Mr. RHODES asked and was given permission to revise and extend his re-

marks, and to include extraneous matter.)

Mr. RHODES. Mr. Speaker, the Congress must address itself to the problem of crippling work stoppages.

Whether it be the postal system or railroads, the steel mills or hospitals, the airlines or garbage collection, the situation resulting from widespread work stoppages is potentially dangerous, if not catastrophic.

It is abundantly clear that our present institutional machinery for the settlement of these kinds of labor disputes is inadequate. Moreover, Congress is manifestly ill-equipped to legislate labor contracts for the railroads, just as it has done a poor job of establishing equitable pay scales for the thousands of individual postal workers across the country.

What is needed, in my judgment, is a separate and permanent procedure for the determination of disputes which the parties themselves, after exhausting all other procedures, are unable to resolve.

On February 18, I introduced legislation that would expand our machinery for dealing with such disputes. H.R. 15956 would establish a U.S. Court of Labor-Management Relations which would serve as a backstop in the collective-bargaining process and protect the public interest against the devastating consequences of a protracted work stoppage in industries affecting the general welfare, health, or safety.

On February 27, the President sent a message to the Congress recommending the enactment of emergency strike legislation but restricted its application to the transportation industry. Of course, the consequences that would accompany any nationwide transportation shutdown would be most serious. But I believe that meaningful legislation addressed to the problem of work stoppages should, if at all possible, be broader in scope.

Today, I am reintroducing this measure with the following distinguished cosponsors: Mr. MCCULLOCH, Mr. GOODLING, Mr. LUKENS, Mr. MIZE, Mr. ROBISON, and Mr. STEIGER of Arizona.

Mr. Speaker, it is imperative that the Congress act on this or other emergency strike legislation as quickly as possible. I welcome the support of my colleagues who wish to join me on the measure.

H.R. —

A bill to provide for the establishment of a United States Court of Labor-Management Relations which shall have jurisdiction over certain labor disputes in industries substantially affecting commerce.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "United States Court of Labor-Management Relations".

DECLARATION OF PURPOSE AND POLICY

SEC. 2. The Congress finds, and hereby declares it to be the policy of the United States—

(a) that sound and stable industrial peace and advancement of the general welfare, health, and safety of the Nation and of the best interests of employers and employees can most satisfactorily be secured by the settlement of issues and disputes between employers and employees through the processes of conference and collective bargaining between employers and the representatives of their employees;

(b) that the settlement of issues and disputes between employers and employees through collective bargaining should continue to be advanced by and through full and adequate governmental facilities for conciliation, mediation, and voluntary arbitration to aid and encourage employers and the representatives of their employees to reach and maintain agreements concerning rates of pay, hours, and working conditions, and to make all reasonable efforts to settle their differences by mutual agreement reached through conferences and collective bargaining, or by such methods as may be provided for in any applicable agreement for the settlement of such disputes; and

(c) that when such differences or disputes cannot be settled and resolved and when such differences or disputes result in a threatened or actual strike or lockout in an industry or industries substantially affecting commerce, or engaged in the production of goods for commerce, and when such threatened or actual strike or lockout, if permitted to occur or to continue, will adversely affect the general welfare, health, or safety of the Nation, then the same must be expeditiously enjoined and finally settled, on the basis of law, equity, and justice, in a duly established and impartial court, consisting of judges trained and experienced in law and in the fields of economics, industrial relations, and the peaceful settlement of disputes.

CREATION AND ORGANIZATION OF THE COURT

SEC. 3. (a) The President shall appoint, by and with the advice and consent of the Senate, a chief judge and four associate judges who shall constitute a court to be known as the United States Court of Labor-Management Relations (hereafter referred to in this Act as the "court"). Such judges shall be appointed solely on the grounds of fitness to perform the duties of the office and shall hold office for a term of twelve years (except that of the judges first appointed one judge as designated by the President shall hold office for a term of four years, one judge as designated by the President shall hold office for a term of eight years, and the chief judge as designated by the President shall hold office for a term of twelve years, from the date of the appointment of the first judge under this Act).

(b) The chief judge of the court shall receive the same compensation (including retirement) as is received by the chief judge of a United States district court and each of the associate judges of the court shall receive the same compensation (including retirement) as is received by judges of a United States district court.

(c) The principal seat of the court shall be in the District of Columbia, but it may meet or exercise any or all of its powers at any other place.

(d) The court may appoint and fix the compensation of such officers and employees, and may incur such other expenses, as may be necessary to enable it to carry out its functions.

(e) The court with the concurrence of a majority of all the judges thereof may appoint one or more standing or special masters to which the court may refer actions pending before it under such terms and conditions as the court may fix by rule. The order of reference to the master may specify or limit his powers and may direct him to report only upon particular issues or to do or perform particular acts or to receive and report evidence only and may fix the time and place for beginning and closing the hearings and for the filing of the master's report. Subject to the specifications and limitations stated in the order, the master has and shall exercise the power to regulate all proceedings in every hearing before him and to do all acts and take all measures necessary or proper for the efficient performance of his duties under the order.

JURISDICTION OF THE COURT

SEC. 4. (a) The court shall have jurisdiction only over labor disputes in industries substantially affecting commerce that have resulted in, or threaten to result in, a strike, lockout, or other concerted work stoppage which adversely affects, or if permitted to occur or to continue, will adversely affect the general welfare, health, or safety of the Nation.

(b) The jurisdiction of the court may be invoked—

(1) upon application of the Attorney General of the United States, on behalf of the President, only after all other procedures for enjoining such strike, lockout, or other concerted work stoppage under the Labor-Management Relations Act of 1947, and the Railway Labor Act have been exhausted; or

(2) upon application of any party to such labor dispute, regardless of the availability of alternate procedures for settling such dispute.

POWERS AND DUTIES OF THE COURT

SEC. 5. (a) Whenever the jurisdiction of the court is invoked the court may, pending final resolution of such dispute, enjoin such strike, lockout, or other concerted work stoppage, or other continuance thereof, and make such other orders, including orders affecting rates of pay and working conditions, as may be necessary or appropriate.

(b) Whenever the court has issued an order, as provided by subsection (a), it shall be the duty of the parties to the labor dispute giving rise to such order, in addition to any other duties imposed upon them by law or by their collective bargaining agreements, to make every effort, under the supervision and direction of the court (which shall have continuing jurisdiction over the dispute and the parties thereto) to adjust and settle their differences.

(c) During the period commencing on the date of the order issued by the court under subsection (a), with respect to any labor dispute and ending not more than eighty days after such date, the court may require the parties to attend hearings and produce testimony and documentary evidence with respect to the causes and circumstances of the dispute, and to attend conferences or sessions of the court in order to consider and discuss the positions of the parties and possibilities or proposals for settlement; and the court may make such orders as are necessary or appropriate to require the parties, or any of them, to make every effort in good faith voluntarily to adjust and settle their differences.

(d) If, at the conclusion of the period referred to in subsection (c), the parties have not voluntarily adjusted and settled all of the disputes, issues, or differences which resulted in the granting of the injunction of the court, or if the parties fail or refuse voluntarily to agree to continue to attempt to adjust and settle such disputes, issues, or differences subject to the continued effectiveness of the injunction issued by the court and to the court's continuing supervision over such settlement attempts, the court shall thereupon, on its own motion, continue such injunction in full force and effect and set the matter down for immediate hearings and final determination by the court on the merits of the dispute or controversy. If the parties agree to continue, after the expiration of such period, to attempt to negotiate a

settlement, subject to the court's continuing supervision, and thereafter advise the court that a negotiated settlement is impossible, then the court shall, at the time it is so advised, continue the injunction in effect and set the case down for immediate hearing and determination by the court.

(e) Whenever the court sets a case down for final determination it shall afford the parties a reasonable opportunity to present all facts and arguments in support of their respective positions regarding the issues in the case. After hearing all such facts and arguments, the court shall make a final determination of all issues in the case and shall enter a final judgment which will settle all such issues. The court shall have the power to settle and establish in such judgments, among other things, rates of pay, hours and conditions of work, and any other matters proper and necessary to a determination of the dispute or controversy.

(f) Any final judgment, order, or decree of the court shall be the subject of a full written opinion in each case, containing a statement of the facts which the court finds and the legal principles and standards which the court uses as a basis for such judgment, order, or decree.

(g) In making a final determination of any case with respect to which there is in effect a valid collective bargaining agreement or other valid contract defining the rights, duties, and obligations of the parties to the case, the power of the court, with respect to any matter in dispute which is governed by any such agreement or contract, shall be limited to applying or interpreting such agreement or contract, and the application or interpretation of such agreement or contract by the court shall be final and binding on the parties. In any case wherein the court is required to fix rates of pay or other conditions of employment in order to resolve the disputes or controversies between the parties, the court shall have the power to fix only such rates or conditions as, on the basis of the evidence submitted, are fair and equitable to both employers and employees taking into consideration, among other things, the financial condition of the employer, the wages and other conditions of employment in comparable enterprises, and changes in labor productivity. In all cases, the court must consider, as a primary factor, the national and public interest involved in a fair and just settlement which will promote, to the greatest extent possible, fair, equitable, and workable industrial relations between the parties in the future.

(h) No decree of the court relating to rates of pay or conditions of employment shall be retroactive to a date prior to the date that such rates of pay or conditions of employment ceased to be governed by a valid collective-bargaining agreement or other valid contract between the parties; and, in any case, the question of retroactivity shall rest in the sound discretion of the court.

(i) Any judgment, order, or decree of the court shall be effective for such period as may be specified in such judgment, order, or decree or until such time as the court shall thereafter vacate or discharge the same, whichever first occurs. The court shall forthwith vacate any judgment, order, or decree entered by it whenever (1) it shall determine that any work stoppage which might occur as the result of the vacation of same will not adversely affect the general welfare, health, or safety of the Nation, (2) it shall determine that, by reason of a collective bargaining or other agreement, the parties have voluntarily settled the issues in dispute between them to such an extent that the vacation of any such judgment, order, or decree would not result in a work stoppage which would adversely affect the general welfare, health, or safety of the Nation, or (3) the Attorney General of the United States makes a motion for the vacation of such judgment, order, or decree, which motion is supported by a certification of all the parties to the dispute or controversy that the granting of the motion will not result in a work stoppage which will adversely affect the general welfare, health, or safety of the Nation.

(j) The decisions of the court shall be final, unless they are arbitrary and capricious or are violative of a right conferred by the Constitution of the United States, in which case the Supreme Court shall have exclusive jurisdiction upon petition for a writ of certiorari.

(k) The court and each judge thereof shall possess all the powers of a district court of the United States for preserving order, compelling the attendance of witnesses and the production of evidence, and the provisions of section 401 of title 18, United States Code (relating to authority to punish for contempt), and section 1651 of title 28 of such Code (relating to the issuance of writs) shall be applicable to the court. Process of the court may be served within the territorial jurisdiction of any court of the United States.

(l) The proceedings of the court shall be conducted in accordance with such rules of practice and procedure (other than rules of evidence) as the court may prescribe and, so far as practicable, in accordance with the rules of evidence applicable in the district courts of the United States under the rules of procedure for such district courts.

SUSPENSION OF ADMINISTRATIVE PROCEEDINGS

SEC. 6. Whenever a matter before any agency or board established by the United States is the subject of a proceeding in the court, the agency or board, if so ordered by the court, shall suspend all proceedings in such matter pending further action by the court. If proceedings in a matter are so suspended that they may be resumed by the agency or board only if (and to the extent that) an order of the court so provides.

DEFINITIONS

SEC. 7. When used in this Act—

(a) The term "commerce" means trade, traffic, commerce, transportation, transmission, or communication among the several States, or between the District of Columbia or any possession of the United States and any State or other possession, or between any foreign country and any State, possession, or the District of Columbia, or within the District of Columbia or any possession or between points in the same State but through any other State or any possession or the District of Columbia or any foreign country.

(b) The term "industry substantially affecting commerce" means any industry or activity in commerce or any industry or activity in which a labor dispute would substantially burden or obstruct commerce or substantially tend to burden or obstruct commerce, or the free flow of commerce.

(c) The term "labor dispute" means any dispute, concerning terms, tenure, or conditions of employment between an employer and his employees or their duly designated representatives.

(d) The term "party" means (A) the employer, or (B) any labor organization the representatives of which are designated or selected for the purpose of collective bargaining by the majority of the employees in a unit appropriate for such purposes.

(e) The term "employer" includes any person acting as an agent of an employer, but shall not include the United States, or any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization.

(f) The term "employee" shall include any employee, and shall not be limited to the employees of a particular employer, and shall include any individual whose work has ceased because of any labor dispute, and who has not obtained any other regular and substantially equivalent employment.

TECHNICAL AMENDMENTS

SEC. 8. (a) Sections 206, 207, 208, 209, and 210 of the Labor-Management Relations Act of 1947 (relating to national emergencies occasioned by strikes or lockouts), are hereby repealed.

FEDERAL JUDICIAL CENTER

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Virginia (Mr. POFF) is recognized for 10 minutes.

Mr. POFF. Mr. Speaker, under the leadership of Mr. Justice Tom Clark, retired, the Federal Judicial Center has just issued its second midyear report addressed to the Judicial Conference of the United States.

I am much impressed with the work of the Center and I am anxious to share the important data in this report with my colleagues. Accordingly, I quote herewith the full content of the report:

SECOND MIDYEAR REPORT OF THE FEDERAL JUDICIAL CENTER TO THE JUDICIAL CONFERENCE OF THE UNITED STATES, MARCH 16, 1970

This abbreviated report covers the period October 1969 to March 1970. The Annual Report of the Center circulated to Conference members before its Fall session reports on Center activities for the year preceding.

I. THE BUDGET

The Fiscal 1970 budget, as finally approved, is $600,000, double the previous fiscal year. It is divided as follows: $246,000 for personnel; $18,000 for personnel benefits; $126,000 for education and training; $13,000 for communications and postage; $9,000 for printing; $179,000 for contractual research studies; $8,000 for supplies and equipment, and a $1,000 amount for any miscellaneous expenditures. The budget request for Fiscal 1971 is $975,000, an increase of $375,000 as follows: $110,000, personnel compensation and benefits; $50,000, education and training; and $215,000, contractual research, systems development, innovation, etc.

II. DISTRICT COURTS ADOPTING INDIVIDUAL CALENDAR

(1) *District of Columbia Individual Calendar Criminal Docket Project:* The entire criminal docket was divided between eight judges on October 1, 1969. With a total of 2,224 cases pending during the next three months period, the eight judges reduced the docket of 947 active cases by January 1, 1970, not including 320 fugitive and mentally committed defendants which were non-triable. This cut the criminal docket in two. On this basis this docket will be current by July 1, 1970. The judges attribute this record to the use of the individual calendar, the permanent assignment of two assistant U.S. Attorneys to each judge, the cooperation of counsel, omnibus pretrial hearing techniques, and hard work by both judges and counsel. The Center is now providing by contract with Computer Retrieval Systems, Inc. computerized reports to the judges and a permanent criminal calendar control for

the District. The judges are considering the extension of the individual calendar to the civil docket.

(2) *Eastern District of Pennsylvania Individual Calendar:* After conducting a Center project on individual calendaring in the last quarter of 1969 the District voted to change its entire docket to the individual system as of October 1st. Civil dispositions increased 65% in the next quarter over the comparable period in 1968. The 7,000 case backlog should be current by July 1, 1971. (By "current" is meant a backlog of about 250 cases per judge.) Criminal cases are reached in four to six weeks with an average of 32 criminal cases per judge pending—one-half of the national figure. (Criminal calendars are "current" when tnere are 30 to 35 cases pending before each judge.)

(3) *Southern District of New York Individual Calendar Project:* By action of Chief Judge Sugarman pursuant to a vote of the judges, on October 1st four judges volunteered to test out the use of the individual calendar. Each judge was assigned his pro rata of the 13,000 civil and 2,500 criminal cases on the docket, which ran about 600 civil and slightly over 100 criminal cases. All four judges report that their criminal dockets are now current. Civil calendars have been reduced about 50% by total number of cases and each of the four judges should be current by July 1, 1970.

(4) *Eastern District of New York Individual Calendar:* This district also changed to the individual calendar on October 1, 1969, and now shows civil dispositions running 25% higher than the comparable period of 1968. The criminal docket runs about ten less cases per judge than the national average. This should improve with the staffing of the U.S. Attorney's Office.

(5) *Northern District of California Individual Calendar:* This district likewise changed to the individual calendar on October 1st. Criminal dispositions increased during the last three months of 1969 over the comparable period of 1968 by 25%, while the civil case closings were 52% higher. However, filings increased appreciably. The criminal docket is now well below the national average and the civil docket should be current in 18 months.

(6) *District of Minnesota Individual Calendar:* This district has also switched to the individual calendar and reports that its dockets are current.

III. THE COURTS OF APPEALS PROGRAMS

(1) *Meeting of the Chief Judges:* The fourth meeting of the Chief Judges of the Courts of Appeals will be held at the Federal Judicial Center on March 18, 1970. The Chief Judges have found these meetings (held in conjunction with the Judicial Conference dates) to be helpful in discussing mutual problems. In addition, they have furnished a forum for an exchange of techniques, ideas and improved procedures. The subjects cover such matters as records on appeal, screening, motions, clerical functions, use of law clerks, summary dispositions, opinion writing, rules, circuit councils, etc.

(2) *Screening in the Fifth Circuit:* This project has been so successful that the Circuit is having difficulty in finding sufficient cases for April. The latest statistic shows that 40.9% of the cases are disposed of without argument. Civil cases lead this list, habeas corpus and Sec. 2255's are next and criminal appeals are third. Prior to screening, 1,300 cases required 48 weekly sittings while presently 1,775 filings are disposed of in 40 weeks of argument. In short this means that two weeks of sittings have been cut off of each judge's load (about 25%) and the use of judges outside the Fifth Circuit entirely eliminated. The Supreme Court has denied certiorari in three cases in which the screening practice was attacked.

(3) *Delay in the Filing of Transcripts:* The Circuits are especially interested in reducing the delay on transcripts. The Fourth Circuit has drawn some tentative rules requiring appeals to be perfected without full transcripts with the right to enlarge on motion of the parties or the court.

In addition, the Center has been developing the use of "readers" for stenotype reporters which will eliminate some of the delay. Finally, experiments in tape recording are being organized in some of the Districts.

(4) *The Tape Recording of Courts of Appeals Argument Sessions:* The use of tape recorders in Courts of Appeals courtrooms is being explored in some of the Circuits. Through this device the necessity for the keeping of minutes of these sessions by the Clerk and the time of law clerks devoted to attending the sessions might be eliminated.

IV. RESEARCH PROJECTS

(1) *Automobile Accident Study for Department of Transportation:* The Center has now completed its report, based on findings of the Mitre Corporation which contracted with the Center to conduct an empirical study of the problem. It will not be made public presently but when accepted by the Department of Transportation will be circulated to the Conference.

(2) *Weighted Caseload Index:* The District Judges time study which began in October 1969, was concluded March 1st. The contractor for the Center, the Graduate School of the Department of Agriculture, will computerize the judges' work sheets and, in conjunction with the Subcommittee on Statistics of the Judicial Conference, prepare an index for all categories of cases. This index will then be tested out for refinement purposes before its adoption. The extremely high percentage of participating District Judges is not only greatly appreciated but should make for an extremely accurate index, which in turn will not only be helpful to the judges but also in budgetary problems.

(3) *Post Conviction Remedies Report:* The first tentative draft has been submitted by William and Mary Law School to the Center and circulated to the State-Federal Relations Advisory Committee. Comments have been received from the committee members and forwarded to the Law School. Work continues and the final draft will be released in late March of 1970.

This report will be the most thorough and comprehensive inquiry into the operation of post conviction review procedures in the state courts. It should be of great value as background for continuing discussions between state and federal courts. It is hoped that such discussions, aided by the work of this study, will cut down on the filings of state habeas corpus petitions in federal courts.

(4) *Prison Legal Assistance Clinics at Law Schools:* The Center has expanded this project in federal prisons since the need for the service has been demonstrated and its operation shown to be of direct benefit to the courts. The wardens report that these activities are highly desirable, that inmate morale is improved, and administrative problems reduced. While the programs are just beginning we find that numerically the federal prisoner petitions are reduced, those that are filed are more substantial, and the moving papers are better prepared. The projects now include: Danbury Prison (Yale); Alderson Reformatory for Women (Washington & Lee); Terminal Island (UCLA); Lompoc (USC); McNeil Island (University of Washington); Leavenworth (University of Kansas); Atlanta Prison (Emory); and Springfield Medical Center (University of Missouri). The Center staff have kept in touch and coordinated with the Bureau of Prisons and with law schools and bar associations in order to provide the necessary service without duplication or overlapping. Research connected with these services will be aimed at quantifying the impact on court work loads, attitudinal changes of prisoners, and impact on prison administration.

(5) *Probation Case Aide Project:* The Center continues to support and work with this project being conducted by the University of Chicago and the Northern District of Illinois. The project is aimed at acquiring the necessary experience upon which to develop volunteer and non-professional caseworkers in the rehabilitation of criminal offenders. It offers great promise in the probation area.

(6) *Probation Supervision; San Francisco Project:* Working with the Probation Division of the Administrative Office, the Center is collecting data in five districts on offenders subjected to degrees of supervision. The objective of the project is to enlarge our knowledge about the relationship between varying degrees of supervision and successful probation experience. This knowledge will permit the more efficient use of the limited resources presently available to the supervision of offenders.

(7) *Presentence Investigation Procedures:* The first of several inquiries into presentence investigation and report practices is a Center report done by contract with the *Georgetown Law Journal* on investigations before conviction. The report deals with the manner in which such investigations are conducted, their utilization in the districts that follow the practice, and an analysis of the legal problems present. The report is in press at Georgetown. Additional distribution will be made when available by the Center to judges and probation officers.

(8) *Judge's Bench Book:* The Judge's Bench Book has now been distributed to all federal judges. As new District Judges are appointed the Book is sent them. The Bench Book Committee made up of Judges Dooling, Maxwell, and Will, will meet again on March 14, 1970, at the Center, to discuss the method to be followed in keeping the Book current. The overwhelming response from the federal judges gives reason to believe that the Bench Book is of great service to them. There have been numerous requests for the Book, other than from the federal judges, but it has been the policy of the Center to restrict distribution to the federal judiciary.

(9) *Complex and Multidistrict Litigation Manual:* Under the sponsorship of the Federal Judicial Center a Board of Editors appointed by the Director has prepared a manual to preserve the experience that has been gained in recent cases of multidistrict and complete litigation. The Board of Editors (Judges Clary, Boldt, Estes, Robson, Becker, Will, Zirpoli and Wyatt) has prepared a manual designed to provide guideposts to judges handling such litigation for the first time. The manual has been published by Mathew Bender as a part of Moore's Federal Practice and by Clark Boardman Company as a separate loose-leaf publication. The Editors constantly review and update the materials. The first supplement is now in preparation and should be printed in mid-summer.

A study of the problem of class actions is now being conducted by Professor Charles Wright of the University of Texas and his staff.

(10) *Research on the Manual for Magistrates:* The Institute of Criminal Law of Georgetown University is collaborating with the Center and the Administrative Office in the research necessary for the preparation of a manual for the new magistrates.

(11) *Geographical Reorganization of the Circuits:* A survey covering the geographical reorganization of the circuits is being or-

ganized with the Trial Practice Committee of the Judicial Conference. It should be ready for distribution at the Fall meeting of the Conference.

V. EDUCATION AND TRAINING

(1) *Magistrates:* The Center presented a program on the Magistrates Act at each of the 1969 circuit judicial conferences. In addition to the District Judges of those districts having pilot magistrate projects the panels at these meetings included the new magistrates themselves and the Directors of the Center, Administrative Office and of Education and Training.

(2) *Seminar for Magistrates:* The first Seminar for Magistrates will be held at Dolley Madison House on May 7–9, inclusive. The program has been designed to cover subjects of concern to the Magistrates in the discharge of their day-to-day responsibilities, including such topics as Search Warrants, Preliminary Hearings, Bail, Omnibus Hearings, Pretrial Conferences, etc. All of the Magistrates presently in office and four Clerks will attend.

(3) *Seminar for Newly Appointed District Court Judges:* Thirty District Judges, recently appointed or who had not previously attended such a seminar, met at the Center on January 23–31, 1970, for the Ninth District Judges Seminar. A copy of the schedule showing subjects, hours, and the names of "faculty-judges" participating is attached. Chief Judge Alfred P. Murrah, who has always been our seminar Chairman, declared the seminar the best yet. Questionnaires to all of the student-judges have now been returned and all agree that the seminar was highly successful. The faculty-judges report that this is the most responsive and eager class in their experience. The Center is grateful to Chief Judge Murrah and the other faculty-judges who participated. All were District Judges, save two from the Court of Appeals.

(4) *Circuit Judges' Seminars:* Two seminars for the Circuit Judges of two and one-half days each were held in February of 1970, with a total of 54 student-judges attending, most of whom were recently appointed. These were the first Circuit Judge seminars ever held. The schedule, which was identical for each, is attached. The faculty were all recruited from the Courts of Appeals save for two Circuit Clerks and two prominent educators, Bernard Witkin and James C. Quarles. While the questionnaires, which were mailed to the student judges, have not yet been returned, the Center has received enthusiastic letters from practically all of them. Our appreciation goes out to all of the faculty judges for their dedicated service.

(5) *State-Federal Relations Committee* [Chief Justices Taft, Knutson, Kenison and Ethridge; Pringle and Burke, Associate Justices]: Following through with the suggestions of members of this committee, the Director contacted all the Chief Justices of the states to inquire whether they felt meetings jointly attended by federal and state judges would be mutually beneficial. Their replies indicate that such meetings would be helpful. The main problem areas to both state and federal courts are engaged counsel, release of prisoners for trial in the other jurisdiction, review by the federal courts of state convictions, procedures involving prisoners convicted on both state and federal offenses, joint use of computerized juror lists, and data banks on habeas corpus filings in state and federal courts [Title 28 U.S.C. Sec. 2254]. Plans are currently being made for several seminars, some state-wide and others on a regional basis. At the suggestion of the Executive Committee of the Appellate Judges Conference, the Director has also initiated plans for a State-Federal appellate judges' seminar, tentatively scheduled for November at the Center, which would be attended by Supreme Court Justices of the States and Federal Courts of Appeals Judges.

(6) *Implementation of Minimum Standards for Criminal Justice:* In 1970 the Center will conduct programs at four Circuit Conferences, i.e., Fifth, Seventh, Eighth, and Ninth, on the ABA Minimum Standards for Criminal Justice. In addition, copies of the Standards, when requested, are sent to each judge with a recommendation that the same be cited in appropriate opinions.

(7) *Probation Officers' Training Program:* The Center in conjunction with the Administrative Office is studying the reorientation of probation officers' training programs. In conjunction with Ben Meeker, Chief Probation Office of the Northern District of Illinois, a format is being designed that will be oriented to the needs of the probationers and the probation officers as well. It will be tested out at the next seminars of the Service.

(8) *Sentencing Techniques:* Conferences have been held with Chairman Reed of the Parole Board and the Director of the Bureau of Prisons in an effort to devise a program that will keep the judges informed as to the action of these agencies with relation to prisoners sentenced by the judge. The Board is organizing a study to demonstrate new scientific dimensions in parole decision making. The cooperation of the Center and the Administrative Office has been requested and granted.

The object of the Center is not only to give sentencing techniques a higher priority but to review sentencing in the light of prison activity and parole decision making with a view to trial correlation. In cooperation with Chief Judge Hoffman, Chairman of the Judicial Conference Committee on the Administration of the Probation System, the Center proposes to organize a combination study and training program in presentence reports, the use of various alternatives in sentencing and their relationship to the parole and probation of the prisoner. The cooperation of the Prison Bureau and the Parole Board in such programs will furnish new light and enable the judges to perform the sentencing function with greater certainty and understanding.

VI. INNOVATION AND SYSTEMS DEVELOPMENT

(1) *North American Rockwell Report:* Since this report was circulated to the Chief Judges, the Center has received dozens of requests for copies of it. Since we did not have copies and a reprint job of the two volumes would have been very costly, a 50-page summary was prepared and has been mailed to every Circuit Court and District Court Judge. The major recommendation of the report was that a separate and distinct organizational structure be established for administration and management of all judicial support activities. This recommendation included establishing the position of a U.S. Courts Executive and the training and assignment of Court Executives to each Circuit and to each large District Court. The latter recommendation was very much in line with the Bill currently pending in Congress and the creation of the Institute for Court Management. The report emphasizes that an improved management system is necessary to achieve more uniformity and to enhance the performance of Clerks' Offices throughout the federal system. Many other areas of court organization and administration were reviewed and recommendations for improvement were made for each of these areas. The survey team concluded that a better information system and improved statistical measures were required in almost every area of court administration. However, it was emphasized that only through the use of computers will it be possible to meet many of the identified needs. Mr. Joseph Ebersole, who was in charge of the North American Rockwell survey team which prepared the report, has now taken a position at the Center as its Director of Innovation and Systems Development. In this position he will be responsible for planning and guiding the implementation of many of the recommendations contained in the report.

(2) *Work Measurement Study:* In November of 1969 the National Archives & Records Service (NARS) submitted to the Center its report on this project. The study was made to determine the feasibility of establishing a series of work standards for measuring and quantifying the clerical work performed by the Clerks of Court. The standards were proposed to be used as guides for staffing Clerks' Offices, and to be used as a basis for recommended improvements in current office methods and procedures. Sixteen District Courts were used as the basis for the study, jurisdictions felt to be representative of a cross section of the federal court system throughout the country. Composite flow charts of case-processing procedures in Clerks' Offices have been drafted and submitted with the report, which has now been distributed to the Chief Judges of all 16 districts. The major finding of the study was that "the essential similarity does not exist today among the U.S. Courts to the degree necessary for a workable work measurement system." However, it was stated that enough data was obtained to be able to clearly demonstrate that such a system is feasible and can be effectively applied in the management of the U.S. Courts. Since the basic steps in the processing of cases are essentially identical, the report recommended there be a centrally coordinated effort to develop and apply common court management practices and uniform clerical procedures. The first step in such an effort would be the development of a model Court Clerk's Office system which would be refined and proven by field operations in one court and would then be applied in other courts.

In pursuance of this objective, the Center is now funding the development of a model system in the District Court of the Northern District of California. On February 10, 1970, the Director, accompanied by the NARS team working on this project, at the invitation of Chief Judge Harris of the Northern District of California, met with all the District Judges in this jurisdiction to discuss implementing some of the recommendations contained in this report. The judges are enthusiastic and cooperative and work is moving along quickly to start a program which is expected to be completed by spring or early summer of 1970.

(3) *Louisiana Eastern Pilot Computer Project:* A master computer file of information on all pending civil cases has now been completed. At the present time we are engaged in the preparation of computer programs which will produce several experimental judicial management reports. These reports will be reviewed for management usability by the Judges and key members of the Clerk's Office. In addition, an analysis of civil system capabilities will be made to determine other specific applications in the civil case management area. The initial design of a master computer file for criminal case information was completed last month and a review of design applications is being made by Center personnel to determine the initial product which should be generated by this part of the total system. Mr. Geiger of the Center has spent considerable time in this court over the past nine months in developing the experimental approach to

this project. He is leaving the Center this month to accept a position with private industry and we are now negotiating with a computer systems expert who will fill his slot and continue the development work on the Louisiana Eastern project.

(4) *Southern District of New York Monitoring:* The Center has started a project in this court for the purpose of monitoring and evaluating the implementation of the individual assignment pilot project. In addition to preparing an evaluation report, the project will involve working with the Clerk's Office in order to determine and recommend changes which could result in improved operations. As a key element in the project approach, coordination will be maintained with the NARS project in California Northern and the computer project in Louisiana Eastern in order to determine the applicability of developments of these projects to the New York Southern Court. Mr. Harvey Solomon, who recently joined the Center, will be spearheading this project. Mr. Solomon was in practice for eight years before returning to Harvard for his Masters in Public Administration. After receiving this degree, he worked for a year and a half as a key member of the staff which performed the Management Study of the District of Columbia Courts.

(5) *Survey of Juror Management Systems:* In mid-February the Center discussed with the Public Systems Management Services Division of the Westinghouse Electric Corporation, the possibility of that company undertaking, at no cost to the Center, a preliminary study of juror management and utilization in selected District Courts. It is contemplated that the preliminary study will focus on four or five of the District Courts spending the most on juror services. The proposed survey will document the juror management techniques used in each court and as part of the analysis will develop detailed recommendations for a thorough study of the areas offering potential improvement and saving. A target date for completion of the survey is April 15, 1970.

(6) *District of Columbia Criminal Docket Management:* The Center has contracted with Computer Retrieval Systems, Inc. for the development and operation of a series of computer programs which will produce judicial management reports for the criminal part of the court. Several months ago, Computer Retrieval Systems on a non-cost basis developed some initial reports as an experiment. The judges on the criminal individual assignment calendar found them to be extremely useful. As a result of this successful experience some additional reports were requested which would provide increased assistance to the judges. The project will continue until at least June 30, 1970, at which time the computer programs developed as a part of the contract will be turned over to the court for operation. During the period of the contract, Computer Retrieval Systems, Inc. will prepare all the reports for the court. The judges are enthusiastic about the project and the Clerk's Office is designating personnel who will work full time with the contractor to gain experience that will enable them to continue the reporting system after the contract is completed.

VII. OFFICE OF THE PROFESSIONAL ASSISTANT

(1) *Publications: The Third Branch.* This bulletin continues to be published bimonthly and mailed to approximately 4,500 individuals including federal judges and their supporting personnel, law libraries, deans of law schools, the Chief Justices of the States, etc. The mounting requests for copies indicate that it is widely read in many areas of the law both at home and abroad.

The Federal Judicial Center Report is an official publication of the Center and will contain articles and reports related to the Center work which deserve permanent binding and preservation. It serves a different purpose than the bulletin, which is aimed more at keeping its readers abreast of current developments.

(2) This office is charged with the fiscal affairs of the Center, including the preparation of the budget figures, writing the justifications for the budget, and making available to the Director monthly reports on expenditures.

(3) The personnel of the Center come under the supervision of the Professional Assistant, whose responsibility includes not only the handling of special legal matters and assistance to the Director, the compilation of the *Center Report* and the *Third Branch,* but covers budgetary and general management operations. The fiscal details are under the Administrative Office.

VIII. SPECIAL ACTIVITIES

(1) *Customs Court Bill:* The Center, at the request of the Customs Court and the Treasury and Justice Departments, consulted and assisted in the drafting of the Act reorganizing the Customs Service and Court currently pending in Congress. S. 2624 has now passed the Senate and is awaiting House action. The Director recently testified on this Bill, at the request of the House Judiciary Committee.

(2) *National Court Assistance Act:* At the request of the Senate Judiciary Committee the Director testified on the merits of this Act on February 27, 1970.

(3) *National Commission on Reform of Federal Criminal Law:*

The Director is acting as Chairman of the Advisory Committee to this Commission. A preliminary report of the Commission is expected in the next few weeks. The Center is cooperating with the Commission in the matter.

CONCLUSION

This month will mark the second year of existence of the Center. Its activities, the cooperation of all of the judges and the fervor of all participants in its work expresses more clearly than any report the high esteem that the Center enjoys. It has made a lasting impact on the federal judiciary and is an exemplar in the field of judicial administration. With the continued support of the judges its place in the judicial firmament shall never be denied.

It has been a personal pleasure to serve as the Center's first Director. I give up the post with appreciation for having had the opportunity to serve in this important capacity and with grateful thanks to all who have so generously contributed to the Center's cause. There can be no higher calling. I wish for my successor all that I had hoped for myself.

Respectfully submitted.

TOM C. CLARK,
Director.

SEMINAR FOR NEWLY APPOINTED U.S. DISTRICT COURT JUDGES, WASHINGTON, D.C.

Hours	Friday Jan. 23	Saturday Jan. 24	Sunday Jan. 25	Monday Jan. 26	Tuesday Jan. 27	Wednesday Jan. 28	Thursday Jan. 29	Friday Jan. 30	Saturday Jan. 31
8:30 a.m.	Introduction: Murran, C. J.	Trial of a law suit, civil and criminal, jury and nonjury. Arraj, C. J.; Murray, J.; Real, J.	Free time.	Bail and commitment. Hunter, J.; Gasch, J.	Post conviction. Hunter, J.; Hopkins, J.	Administrative Office: Ernest Friesen.	Federal Judicial Center projects: Joseph Ebersole, Dr. John Holden, Mr. Ralph Stauber, Mr. Dale Stauder.	Community relations. Wright, J.; Devitt, C. J.	Discussion and conclusion.
9:00 a.m.	Welcome: The Chief Justice.								Closing remarks: the Chief Justice.
9:30 a.m.	Proceedings before trial.								
10:00 a.m.	Will, J.; Crary, J.; Rubin, J.								
10:30 a.m. to 10:45.	Coffee break.	Coffee break.		Coffee break.	Coffee break.	Coffee break.	Coffee break.	Coffee break.	Coffee break.
11:00 a.m.	Proceedings before trial.	Trial of a law suit.		Sentencing. Hoffman, C. J.	Magistrates. Stanley, C. J.	Federal Judicial Center: Mr. Justice Clark. Handling 3 Judge Court. Will, J.	Multidistrict Litigation: Becker, C. J.	Circuit Court-District Court relations. Feinberg, J.; Tyler, J.	Closing and adjournment: Mr. Justice Clark.
11:30 a.m.									
12:00 noon	Will, J.; Crary, J.; Rubin, J.								
12:30									
1:00 p.m. to 2:00 p.m.	Lunch.	Free time.		Lunch.	Lunch.	Lunch.	Lunch.	Lunch.	Adjournment.
2:00 p.m.	Study period.			Study period or elective: Patent-Copyright. Rich, J.; Lane, J.	Study period or elective: Antitrust. 2–3:30 p.m. Gesell, J. 3:30–4:30 p.m. Estes, C. J.	Handling difficult cases. Macmahon, J.; Wilson, C. J.; Robson, J.	Study period or elective: Admiralty. Dooling, J.	Study period.	
2:30 p.m.									
3:00 p.m.									
3:30 p.m.									
4:00 p.m.									
4:30 p.m.									
5:00 p.m.									
5:30 p.m.	Group discussion.			Group discussion.	Group discussion.	Group discussion.	Group discussion.		
6:00 p.m.									
6:30 p.m.									
7:00 p.m.									
7:30 p.m.	Reception for seminar participants and wives. Dolley Madison House. Informal.		7:00–9:00 p.m. Group discussion.	8:00–10:00 p.m. Reception for seminar participants and wives. State Department. Informal.				Banquet at Supreme Court. Black tie preferred.	

SEMINAR FOR NEWLY APPOINTED U.S. DISTRICT COURT JUDGES, WASHINGTON, D.C.—Continued

Hours	Thursday, Feb. 26	Friday, Feb. 27	Saturday, Feb. 28
9:00 a.m.	Introduction of participants: Mr. Justice Clark—Chief Judge Murrah Welcome: The Chief Justice	Opinion writing: Chief Judge Bailey Aldrich Dean James C. Quarles Bernard Witkin, Esq.	The function of the circuit council and its powers: Chief Judge Alfred P. Murrah Judge Griffin B. Bell
9:15 a.m.	Organizing the work of the Court of Appeals; Handling 3 judge cases: Judge Frederick G. Hamley Judge Albert V. Bryan		
9:30 a.m.			
10:00 a.m.			
10:30–10:45 a.m.	Coffee break	Coffee Break	11:00–11:15: Coffee Break
10:45 a.m.	Organizing the work of the Court of Appeals; Handling 3 judge cases.	Opinion writing: Continuation.	Discussion of special problems concerning individual judge; Summary and Conclusion: The Chief Justice.
11:00 a.m.			
11:30 a.m.			
12:00 noon			
12:30–1:30 p.m.	Lunch	Lunch	Adjournment
1:30 p.m.	Control of the Dockets: Judge Griffin Bell Chief Judge Harry Phillips	Administration of the Court: Chief Judge J. Edward Lumbard Daniel A. Fusaro, Clerk, CA–2 Thomas F. Quinn, Clerk, CA–3	
2:00 p.m.			
2:30 p.m.			
3:00 p.m.			
3:30–3:45 p.m.	Coffee break	Coffee break	
3:45 p.m.	The Record on Appeal: Judge Albert V. Bryan Judge Griffin B. Bell	Relationship between the Court of Appeals and District Court: Chief Judge Lumbard Judge Harold R. Tyler, Jr.	
4:00 p.m.			
4:30 p.m.			
5:00 p.m.			
5:30 p.m.			

IPI APPEALS TO PUPILS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. BYRNE), is recognized for 15 minutes.

Mr. BYRNE of Pennsylvania. Mr. Speaker, it was with great interest and satisfaction that I read the other day an article in the New York Times describing the work done by Research for Better Schools in the field of truly educating our children.

Research for Better Schools, a private, nonprofit regional education laboratory authorized by the Congress in 1965, is located at 1700 Market Street, Philadelphia, within my district, making me doubly proud of the exciting work RBS is doing in the field of teaching.

RBS is a pioneer in individually prescribed instruction, a system whereby pupils learn at their own capability rate, regardless of "class" designation. It is designed not only for the exceedingly bright pupil, who is doing work well beyond his "grading," but also for the slower child, who might be utterly lost in the more conventional instructional system.

Admittedly, IPI is still in its developmental stage, although well beyond experimentation. I, for one, view IPI as the wave of the future in education. And when this becomes a reality, I will be able to say proudly that much of this success is due to the efforts of my constituent, Research for Better Schools, its board of directors, and its dynamic executive director, James W. Becker.

Knowing the interest of my colleagues in education, I ask unanimous consent to reprint this article from the March 16 edition of the New York Times so that they may share my enthusiasm.

The article follows:

PUPILS ENJOY SETTING OWN PACE

(By M. A. Farber)

QUAKERTOWN, PA., March 15.—Mrs. Jule Loftus, who has taught at Richland Elementary School in this middle-class Bucks County community for seven years, regards herself as a woman with few illusions about educational innovation.

She does not think that Individually Prescribed Instruction, a federally funded program designed to allow each pupil to proceed at his own pace in work tailored to his readiness and ability; is "a dream come true."

"I'd have to have a lot more facts before saying that," she remarked, although Richland has been using the program for three years.

"But I'll say this," Mrs. Loftus added, keeping a watchful eye on her students from a classroom doorway, "if I told my kids they weren't going to have I.P.I. math on a given day, I'd get groans and boos. Before this program, I'd get a lot of hurrahs."

A WAY OF TEACHING

I.P.I. is an instructional system—a way of teaching—rather than a new curriculum. It was devised at the University of Pittsburgh's Learning and Research Center six years ago. Since then, it has spread to 175 schools in 32 states, involving 47,000 students and 1,160 teachers. Few schools have used the program longer or more intensively than Richland Elementary.

Critics say that the program is costly—it requires more paper and other instructional materials—and that I.P.I. teachers are using a system for which they were not trained. But its adherents believe firmly that this program, and others that are following in its wake, could "rehumanize" schools if accorded sufficient time and money, as well as opportunity for teacher training.

I.P.I. sponsors have been asked to report on the program's progress claiming exceptional success at this stage, particularly in improving student achievement levels. But they hold that pupils in I.P.I. are, on the whole, enjoying schools more than are pupils whose classes are organized in the traditional lecture fashion. And this, they say, is what the program really set out to accomplish.

TESTED BY LABORATORY

The refinement and field testing of I.P.I. has been the responsibility of Research for Better Schools, in Philadelphia, one of 15 private, nonprofit regional education laboratories authorized by Congress in 1965.

Dr. James E. Allen Jr., United States Commissioner of Education, has described I.P.I. as "a jewel in the crown" of the regional laboratories.

At Richland School, Scott Kemmerer, a 7-year-old blond youngster, leaned over his desk in Room 111 and cautiously marked his reading work paper.

Moments later his performance was graded by his teacher, Mrs. Ruth Fest, who had been roaming from student to student. After receiving a "prescription" from Mrs. Fest for his next task, Scott was on his way to a "materials" center down the hall, to respond privately to a recorded lesson.

A CROSSWORD PUZZLE

"Hello, today we're going to do a crossword puzzle," Scott heard over earphones while a small brown disk began to revolve in front of him. He filled in the blanks of a puzzle form—he knew the "SM" in smile, the "SH" in shine and the "A" in bake but missed the "L" in slice—then handed the disk back to a teacher's aide.

Scott promptly and quietly returned to class, past hallway drawings of a friendly state trooper who advised him not to run in winter and to "think safety." The boy had his quiz graded and was soon tackling a related assignment. He seemed substantially engrossed.

A teacher in the program does little lecturing to groups of pupils. Much of her effort is given to evaluating the independent work of students, diagnosing each youth's special needs and assigning lessons—or "prescriptions"—to help the youth along from one objective to the next.

One third-grade student may be doing sixth-grade mathematics; a fifth-grade pupil may be reading at a third-grade level. Ideally, a teacher would know where each youth stands academically at any time.

According to the laboratory, surveys of 120 teachers show them to be "highly positive" about the program. Extensive interviews with youngsters, the laboratory says, demonstrate that "I.P.I. pupils like school better than non-I.P.I. pupils" and that the program contributes heavily to the youngsters' sense of "self-assurance" in dealing with difficult subjects.

The laboratory has found that on standard achievement tests, "I.P.I. pupils do as well as non-I.P.I. pupils," with I.P.I. pupils doing significantly better than others on such tests in two of six schools where the program has been most closely monitored

James W. Becker, the bouncy executive director of the Philadelphia laboratory, does not belabor the results of standard tests

measuring academic accomplishment. He views such tests as an "inadequate" instrument for I.P.I.

Moreover, Mr. Becker said, in terms of "humanization" the results are "just beginning to come in."

There is, he believes, "a desperate need for this program."

PROGRAM OF VETERANS OF WORLD WAR I OF THE U.S.A., INC.

(Mr. HALEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HALEY. Mr. Speaker, at a recent meeting of the Committee on Veterans' Affairs it was our privilege to receive the national commander, Mr. Edgar G. Burkhardt of the Veterans of Foreign Wars. I was privileged to serve as acting chairman that day and to welcome Mr. Burkhardt to our committee. He presented an unusually fine statement, and one which all members of the committee who were privileged to hear it felt that it contained many worthwhile and positive suggestions to which the committee and the Congress can give their attention in the time remaining in this session. Under leave to extend my remarks, I include the full text of Commander Burkhardt's statement:

STATEMENT OF EDGAR G. BURKHARDT, NATIONAL COMMANDER, VETERANS OF WORLD WAR I OF THE U.S.A., INC., BEFORE THE VETERANS' AFFAIRS COMMITTEE, MARCH 11, 1970

Mr. Chairman and Members of this Committee: I would like to express my personal thanks to you and the appreciation of the Veterans of World War I, whose average age is 74 years, for this opportunity to present the views of our members pertaining to legislation on behalf of World War I veterans and their dependents. These resolutions were unanimously adopted at our 1969 National Convention in Milwaukee, Wisconsin, and as their National Commander, I was instructed to present them to this Committee.

Recently National Commanders of other Veterans' organizations have expressed their views and that of their members, as being disturbed and disappointed that funds have not been made available for efficient operation of our V.A. Hospitals. We join in their request that this condition be rectified without further delay.

We are the older veterans of our country who have served honorably in a war that seems to have been forgotten by many of our citizens due to the subsequent wars and conflicts. However, statistics prove that there were more casualties per combat day in World War I than in any previous or subsequent war involving our country. Our loyalty and patriotism can never be questioned because of the fact that many men and women who served in World War II and in Korea are our sons and daughters, and today many of our grandchildren are serving in Viet Nam. In our lifetime, we have lived through a period of trying times. We urged and supported the establishment of the Veterans Administration, of Veterans Hospitals and introduced and fought for the G.I. benefits for the Veteran and his dependents. We suffered through the depression at a tremendous cost in material things. We have contributed through our intelligence, our craftsmanship, and our hard work to make our country a more prosperous and better place in which to live than we found it when we were born. In summation, no American has ever been called upon to serve our country so much or so often as the World War I veterans and their wives, the Mothers of our children.

Now that we are fast approaching the final days of our life on this earth, the problems of merely existing in the face of the continuing, ever-increasing cost of living and the problem of old age, over which we have no control, have caught up with us. In all sincerity and in all fairness, we ask that you give serious consideration and approval to the enactment of our legislative proposals.

The two bills the Chairman, Mr. Teague, has introduced; H.R. 15571 on the establishment of the National Cemeteries under a separate division of the Veterans Administration, and H.R. 15572 deals with an increase to $400 in burial allowance, which would relieve the demands upon plots in the National Cemeteries. Chairman Teague is to be congratulated for his efforts in this respect.

The two bills introduced by Mr. Haley and Mr. Duncan relate to Nursing Care facilities and out-patient treatment. Increasing the number of nursing home beds under the direction of the Veterans Administration is most worthy and necessary. The bill providing for out-patient treatment for the non-service connected veteran on pension is similar to that which is presently available to the service-connected veteran on compensation. From an economic view, treatment that can be rendered in a Doctor's office would often relieve the demand for hospital beds.

The two bills introduced by Mr. Dorn and Mr. Adair relate to the increase in pensions due to the increase in Social Security passed by this Congress. There are valid reasons that Social Security and Public Annuities should not be counted to determine the eligibility for pensions. However, this is another subject and is covered by another bill.

We congratulate you Gentlemen on bringing a more equitable and realistic pension schedule through the passage of P.L. 90–275. We ask serious consideration of these bills by Mr. Dorn to increase the income limitations and the monthly pensions in the various sections of H.R. 15708 and H.R. 15709.

Mr. Chairman, I am sure the Members of the Committee are very familiar with the report of the United States Veterans' Advisory Commission. It was to this Committee that they first submitted their recommendations. For approximately 18 months, this Commission traveled throughout the United States, holding hearings for the purpose of determining future just legislation for the veteran and his dependents. Not the least doubt was expressed as to the qualifications of these members, for the Commission was made up of Past National Commanders of Veterans' Organizations, State Directors of Veterans' Affairs, Consultants from the Veterans Administration, and a well qualified Administrative staff. The Members of this Committee congratulated them for a job well done and the Administrator of the Veterans Administration praised them highly for their efforts. They were thanked and personally received citations from the President of the United States for their untiring efforts in this field, and that their final report would no doubt be a guideline for future veterans' legislation.

May I call your attention to Recommendation No. 17 of this report that read as follows:

"The Commission recommends that pension, as a benefit for War Veterans and their survivors, should be maintained as a Federal program providing financial aid above and beyond the levels of public assistance, and that, within reasonably improved limits, increases in other forms of income would not adversely affect veterans' pension benefits."

In addition, on the same page is the background for this recommendation.

After reading this, I feel you will agree that the veteran on pension, in circumstances similar to a person on public assistance, does not receive the financial aid nor the fringe benefits, such as free medication, out-patient treatment, hospitalization for himself and family, food stamps, rent subsidy and so forth, as those receiving public welfare.

On behalf of our 220,000 members and our 100,000 members of our Ladies Auxiliary, and indeed all veterans who served in World War I, I certainly hope you will give favorable consideration to our request in approving these bills. Every bill introduced by you Gentlemen has been favorably recommended as justified, in this Advisory Commission report.

S. 2658 introduced by Senator Yarborough and several similar bills in the House are mandates of our Convention. We firmly believe, as I am sure many of you do, that we older veterans should be eligible for benefits on an equal basis as veterans of previous wars.

S. 3359 introduced by Senator Yarborough provides that Social Security payments not be counted as income to determine pension eligibility. This view is supported by many Members of Congress and we hope that we will be given the opportunity when these bills are scheduled for hearings, to present our statement.

It is ironic that H.R. 372 is held in a Senate Committee and not released for passage, in view of several facts; namely, reliable Government sources estimate that passage of this bill would save one half million dollars, and with the efforts to hold down Federal spending, there is no logical reason for delaying H.R. 372.

H.R. 693 passed by the House, nearly unanimously, was passed by the Senate, but with amendments contrary to the bill passed by the House. We appeal to you Gentlemen to urge passage of H.R. 693 in the same form as the House passed this bill, at this time.

The bills by Senator Yarborough and other Members of Congress are also part of our program. We expect to ask for consideration of these bills at a later opportunity.

Again, I appreciate very much your time and patience in giving me an opportunity to present these bills.

A FATHER'S EULOGY TO HIS SON

(Mr. CORMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous material.)

Mr. CORMAN. Mr. Speaker, on February 27 in a Fullerton, Calif., church, Warren J. Ferguson—who incidentally is a U.S. district judge and a good friend of mine—delivered a simple eulogy over the flag-draped casket of his 18-year-old son, Jack, who had been killed in Vietnam by a sniper's bullet while on patrol duty.

The awfulness of war is always the brave men—most of them so very young—who never return to live out the full years of their lives. To the Nation, these men are rightfully heroes. To their families, their loss is the tragedy, the sadness, and often the bitterness that comes when there are no answers to such manner of death.

The honor that Judge Ferguson paid to his son with the words of his eulogy also honors himself and Mrs. Ferguson. Notwithstanding the loss of a beloved

son, whose life held so much promise and who died 10,000 miles from home in an alien land, Judge Ferguson spoke quietly of the boy, of his honesty, his compassion, and his goodness.

The Fergusons created a precious family life, filled with love and understanding for each other. This is what gave young Jack his special kind of courage to join the Marine Corps, although a minor physical ailment would have prevented his being drafted. And, it is this love and understanding that has given his family the strength to bear their loss.

Mr. Speaker, I would like to insert Judge Ferguson's eulogy to his son into the RECORD.

The eulogy follows:

EULOGY TO MY SON

I wish to share some memories with you in honor of my son.

When someone so dear and precious dies, the only words that come are, "Why—why Jack?" It is his mother, in her patient, quiet, understanding way who provides the thoughts that make his death bearable. She says, "We must thank God for giving us Jack for 18 years. Think how lonely life would have been if we had not had him at all."

He did not have time to set records in the Rose Bowl. Surely he would have. He did not have time to create a noble work of art. Certainly he could have.

But he lived long enough for those of us who knew him to realize what a fine, outstanding, courageous young man he was. His passion was honesty, and as long as people were honest he was patient. He couldn't stand dishonesty.

He adored his mother, and rightfully so. There wasn't a night before he went to bed when the two of them didn't talk. Both made each understand the other. He always brought his friends home, because, as he said, "I would like everyone to have a mother like mine".

It was with his sister Faye that he had his first experience with violence. They were at the Ambassador Hotel, where they witnessed the assassination of Robert Kennedy. It was a tragedy which bonded them close together.

Teresa provided the gleam in Jack's eye. His sister was his dream, and he carried snapshots of her which he proudly showed his friends. If he had lived just a few more month the Marine Corps probably would have adopted Teresa as their sweetheart.

His brother Pete kept him laughing. They made each other happy. Life was good for both of them when they were together.

I think Jack knew that Laura and I might some day lose him, so the very first day in the Marine Corps he found someone special for us, that we could take into our hearts, Gerry White. We are proud to call him our son. Gerry lost two brothers in Vietnam, and he didn't have to go. But he understood Jack's tenderness and compassion and wanted to be with him. Gerry brought Jack home.

There is no one more close in spirit with Jack than his cousin Lt. Bruce Keyes, United States Marine Corps, who feels the intense pain of grief.

Jack's greatest love was children. It is difficult to put into words the vivid memories we have of his love for them. It was an emotional experience every time he picked up a baby with those big, strong hands, holding it to his chest. We learned of his death last Saturday afternoon. That morning we received a roll of film from him. It was a happy morning, because we looked forward to having the film developed. Some pictures portray the brutality of war, but there are also beautiful pictures of Jack surrounded by Vietnamese children. He was making headway, because most of them were making the peace sign.

Shortly after Jack's death, one of his friends came by to visit with us. We asked him what he remembered most about Jack. He replied, "When he used to play with my four-year-old brother".

His religious faith was never worn on his sleeve. He was very quiet, and unless you read his letters and papers you would not realize his deep religious conviction. Laura told me of one of his papers in the 5th grade. The students were supposed to write what they wanted to be—what they would like—what they wanted to do. He wrote, "I want to be alone on a desert island with God." Then the little boy in him came out, and he wrote, "And God and I would have lots of good things to eat".

In Vietnam he spent his 56 days in the outposts, and he never had the opportunity to go to Mass. But his letters would tell us how beautiful the stars were. He wrote, "The stars I see are the same stars over you". The thing that brought him peace in that war was saying the Rosary under those stars.

Jack was hurt inside many times. But the thing that hurt him most—the thing that distressed him—was prejudice. He never felt sorry for himself, but he agonized over the misfortunes of others. Prejudice to him was something that didn't exist, and he could never understand why others forgot that all men are made in the image of God.

His personal courage was as great as his love, tenderness, compassion and religion. He didn't have to go in the Marine Corps. He didn't have to die. He had asthma and was hospitalized twice in the States. He could have easily gotten out, and no one would have called him a slacker. But that wasn't his way. He never let his own feelings and hurts interfere with what he should do best. He never asked for a dime; never asked for a favor; never asked for anything but to face life proudly with moral and physical courage.

It would be an easy thing for us to become bitter because of his death, but that is such a cowardly emotion. We are sad and hurt, and life will never be the same, but we are not bitter. If we were, we would not be honoring our son.

It may be said he was so wonderful because he did not live long enough to acquire anger, prejudice or hatred. I say to that, "Never, not Jack." But if it be true, I can say God must have loved him so much that he did not want him to be hurt like the rest of us.

Finally, I pray to God with all my heart that whatever I do hereafter my son will approve.

CONSTRUCTION INDUSTRY IS IN A DEPRESSION TODAY

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, this week the Building and Construction Trade Department, AFL–CIO, is holding its National Legislative Conference in Washington.

Many of the members of this group will be on Capitol Hill to explain the growing problems in the construction industry.

The problems in the construction industry stem from one cause—high interest rates.

Earlier today I had the opportunity to address the delegates to this conference and I told them that homebuilding does not have a chance unless there is a rollback in high interest rates. President Nixon should and could demand an immediate rollback of interest rates to put the construction industry back on its feet.

Mr. Speaker, the construction industry is today in a full-scale depression despite the rosy statements being issued by administration spokesmen. It is time that the Congress and the administration regarded the problems of this industry as a crisis—a crisis which affects all Americans. We must bring down interest rates and live up to our promises to provide decent homes for all Americans.

Mr. Speaker, I place in the RECORD a copy of my remarks to the National Legislative Conference of the Building and Construction Trades Department:

REMARKS TO THE 15TH NATIONAL LEGISLATIVE CONFERENCE, BUILDING AND CONSTRUCTION TRADES DEPARTMENT, AFL–CIO

(By Hon. WRIGHT PATMAN)

Thank you very much for inviting me here this afternoon.

I am happy to see you in Washington. I hope your presence here will help cut through some of the double talk we are getting from the Administration experts about inflation, recession and high interest rates.

You people are on the receiving end of the high interest rate policies and I don't think any of you are going to be fooled by high-sounding Presidential messages designed to lull you while standing in the unemployment lines.

Republicans, since the days of Herbert Hoover, have been masters at putting a good face on recessions, depressions and rising unemployment. The Nixon Administration is no exception.

Almost daily some Administration spokesman cranks up the mimeograph machines for a new pronouncement to explain away rising prices, rising interest rates, declining housing starts and higher unemployment.

Just the other day, Mr. Herbert Stein, one of the inner circle of Mr. Nixon's Economic Advisors, announced that all of these economic troubles were simply a "test of the people's maturity."

The latest figures released by the Labor Department show that the construction industry has an unemployment rate of 7.9 per cent. In other words, one out of every twelve construction workers is out of a job. This is apparently what Mr. Stein means when he describes the Nixon policies as a "test of maturity."

The Nixon Administration needs fewer high-sounding phrases from its economists and more hard-nosed action to bring down interest rates before every segment of this economy is plunged into a recession, if not an outright depression.

It is a time for the Nixon Administration to stop hoodwinking the American people about the economic facts. Just yesterday the New York Times quoted the President as stating:

"This country is not in a recession at the present time . . . We are going to take action to avoid a recession at the same time we are taking action to cool the fires of inflation."

President Nixon's analysis of the economy is obviously highly selective. Echoing the words of his advisors, Mr. Nixon states, "We are not in a recession now."

He obviously isn't talking about the construction business, the homebuilding industry, or the thousands of state and local projects stopped dead in their tracks because of high interest rates. The construction trades are faced with eight per cent unemployment and the President says we are not now in a recession. Housing construction in 1969 was less than half of the minimum of the national housing goal of 2.6 million new units and the President says we are not now in a recession. Estimates for 1970 indicate that housing starts may drop below a million new units and that total construction activity may fall off 10 per cent from the 1969 figures. And the President says we are not now in a recession.

If these figures don't spell depression in the construction business then I would like to see President Nixon s definition of the word. If eight per cent unemployment in the construction trades isn't a recession then what does it take—10 per cent, 15 per cent, or 20 per cent unemployment before the Nixon Administration stops issuing rosy statements?

Many of this Administration's closest friends are from the big bank fraternity and Mr. Nixon may well be looking at their profit margins when he concludes "we are not in a recession now." It was not uncommon for these banks—the big ones—to record profit increases of 20, 30 and even up to 60 per cent during 1969. And when you have this kind of profit, it is pretty hard to think that anyone is in a recession.

But outside those bank boardrooms, there is rising unemployment, a continuing decline in the construction industry and a continuing rise in inflation.

At one moment, we hear an Administration spokesman declare that we have brought inflation under control. The next day's newspapers bring the news that prices are up. Just last week, amid assurances that inflation was under control, the Consumer Index reported that prices rose again in February—to 6.3 percent above the figures of a year ago.

At the same time, other Administration spokesmen are off assuring us that no recession is in sight and the newspapers report that unemployment has risen to the highest level in four years.

The Nixon Administration has accomplished what no economist thought possible—inflation and recession at the same time. And the American people—the workers—are caught in the squeeze.

The President's insistence on ignoring the economic facts won't solve the problem. The President really ought to look at the economic Report he sent to the Congress in January.

One of the principles he enunciated was: "Government must say what it means and mean what it says. Economic credibility is the basis for ongoing prosperity."

Rising unemployment and rising prices just don't match the Administration's assurances that there is no recession and no inflation. And these assurances don't match Mr. Nixon's call for economic credibility.

Our economic troubles can't be solved through any simple, easy formula. It will take some hard decisions on the part of the Administration and this will mean that the toes of some pretty big fellows will have to be stepped on. The big banks are going to have to be told that the profit making binge is over and that they will have to furnish loans at reasonable costs for home construction and other badly-needed projects.

The President will have to stand up and exert his authority over monetary affairs. He will have to insist that the Federal Reserve System follow a course of action that will bring about lower interest rates and al-suffering a recession or a depression such as locate credit in the areas of the economy now construction.

These are tough decisions that require a lot of political courage. I realize that but it must be done to protect the public interest and to prevent this recession from trailing off into a depression.

Instead, the Administration continues to send up messages and legislation designed only to tinker with the problem, not solve it. On March 17, the President sent the Congress a message on "construction inflation" and last Thursday, the Secretary of Housing and Urban Development sent forward a housing bill.

Many of the things contained in these messages and bills are fine, but for the most part they are just a tinkering here and a tinkering there with the economic problems that are holding back housing and other construction.

Our housing problems will never be solved until there is a definite and mandatory allocation of credit to this sector of the economy. The construction industry simply cannot compete with the big corporations, the stock speculators, the gamblers, and others for the limited supply of funds made available in a tight money market. The homebuyer—and thus the construction industry—is at an impossible disadvantage when he must compete with these fast-buck artists. And we ought not have public policies which force the homebuyer into such a situation.

For many years, I have advocated that the Federal Reserve System purchase housing paper directly from Government housing agencies and in the open market. Through the purchase of these mortgages at a reasonable interest rate—certainly not more than 6 per cent—billions of dollars worth of credit could and would be channelled where it is needed—into homebuilding and other necessary construction projects.

Virtually every developed country in the world allocates credit to such areas of their economy. But in this country, the big banks have such a stranglehold over economic policymaking that we have never been able to push through such a program.

Some of the bank apologists argue that such allocation of credit is against the free enterprise way of doing things. This is so much hogwash. Credit is being allocated today—it always has been. But the trouble is that it is being allocated all in one direction—to the big corporations, to the speculators, to the big operators. All I am asking is that a small percentage of this allocation of the people's credit go where it is needed and where the people want it to go—into housing and other necessary development. The speculators can get by with a slight reduction in their credit capability.

Allocation of credit is the big thing that must be done to save the construction industry. There are other moves that could also help along with the allocation of new credit into this sector.

For example, I have introduced H.R. 14639, which would create a National Development Bank which could make direct loans or guarantee loans for low and moderate income housing, public facilities, and similar projects. This would be modeled after the old Reconstruction Finance Corporation. The bank would be capitalized with $1 billion but would have loan making ability 20 times that amount—in other words, a $20 billion bank. This would be an important new source of credit—of big credit.

In an effort to help the housing industry back on its feet, I have also introduced legislation which would encourage the private pension funds to invest a larger share of their assets in housing mortgages guaranteed by the Federal Government. These private pension funds—which are all tax-exempt—now have more than $115 billion in assets and the figure is growing rapidly. Yet only about $3.7 billion of the total is invested in real estate or mortgage loans. If more of these funds could be channelled into mortgages, we would see an immediate and sharp jump in homebuilding.

These are programs that the American people will support if they get the true facts about our economy. Unfortunately, they are being fed a lot of half-baked ideas about present economic conditions, particularly as they affect the homebuilding and construction industries.

Many politicians who don't want to step on the toes of the big bankers are talking about everything except high interest rates on home construction. They love to talk about rising labor costs, the high cost of material, the inflation in land prices, and so forth.

But they avoid—when they can—the big item—high interest rates. It is high interest rates that have priced nearly half of the U.S. population out of the housing market and forced apartment rents up across the Nation.

People who claim that labor and material costs are the villains are just dodging the issue. The figures are there in black and white and no army of economists can refute them.

Today, a $20,000, 30-year mortgage will cost the homebuyer more than $38,000 in interest payments. In other words, a $20,000 house will actually cost $58,000 with nearly two-thirds of the cost being the cost of the loan . . . interest payments. The interest charges—the payments to the lenders—are nearly double all of the labor, lumber, glass and land combined.

So if anyone is really serious about bringing down the cost of construction, they have to talk about interest rates first.

Homebuilding doesn't have a chance unless interest rates are rolled back.

In the past few weeks, a handful of small independent banks in scattered parts of the Nation have announced a deduction in their prime lending rates. The big banks—the ones that really control interest rates—haven't followed the lead of these smaller banks. They are still sitting there enjoying the fattest profits in years. They don't want to budge until they are forced to move.

Therefore, the big banks in New York and Chicago and the other money centers are watching the Administration closely. They are watching the statements of President Nixon and his key economic advisors—people like Secretary of the Treasury David Kennedy.

These big banks would roll back the prime rate before nightfall should President Nixon walk out on the front porch of the White House and make a strong suggestion that the Administration wanted action in this direction. A little moral suasion would do the job and we could start a general rollback of interest rates and put the homebuilding industry back on its feet.

When these smaller banks announced their rollback a few weeks ago, President Nixon had a wonderful opportunity to act. He could have simply urged the money center banks to follow a trend already started. But he remained silent and the big banks got the message—they saw that they didn't have to

act. They saw that the President wasn't going to force their hand.

President Nixon missed this opportunity to help the American people get lower interest rates. But he still could do the job if he would speak up and demand a rollback. It should be done today. Under present economic conditions, the prime rate could easily be moved back from its present level of 8-1/2 per cent to at least seven per cent. And, in a short time, it should be moved back to the vicinity of six per cent.

The President should act and I hope that this union will do everything to encourage him to take this vital step.

Thank you.

AUTO EXCISE REVENUES SHOULD BE EARMARKED

(Mr. FINDLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FINDLEY. Mr. Speaker, the year 1956 was a critical turning point in U.S. transportation progress. The Federal Aid Highway Act of 1956, which was paired with the Highway Revenue Act of 1956, represented a significant change in national highway policy. Previously, funding for improvements or expansion in the highway system at the Federal level had occurred through the general fund, a system with well-known faults. It became obvious that Federal excise taxes had to be earmarked specifically for highway purposes in order to insure that the impending highway crisis could be adequately dealt with. The passage of the Federal Aid Highway Act and the establishment of the Federal highway trust fund marked the beginning of the most far reaching program of highway construction by the Federal Government in partnership with the State governments. The pay-as-you-go principle embodied in the highway trust fund has proved to be successful, underpinning the construction of 42,500 miles of Interstate highway systems and paying the costs of the ABC Federal aid highway program.

As we near completion of the interstate highway program we see that the goals of the Federal Aid Highway Act of 1956 have been realized to a considerable extent. Significant strides have been made in the construction and maintenance of our primary, secondary, and urban road systems.

Not only has the Federal highway trust fund been highy successful in aiding the construction of the Interstate System, it has also relieved the Federal general fund of the cost of the ABC highway programs. The State governments in partnership with the Federal Government have undertaken vast highway construction and improvement programs.

But much remains to be done. Because of developments unforeseen at the time of the passage of the Federal Aid Highway Act, primarily in the areas of rising costs and expanded and more complex construction standards, there is need not only to extend the life of the Federal highway trust fund, but also to insure that its revenues are augmented from at least one new source. With the possible demise of the Federal highway trust fund on September 30, 1972, the attention of the Congress must be focused upon the fact that highway transportation problems are mounting rapidly and a stable means of financing the solutions will have to be found.

The need for a continuing, stable source of highway funds is clear. Additions have been made to the originally planned interstate system; standards for the construction of interstate highways have been updated to cope with modern transportation needs; greater attention has been devoted to the careful location of highways in urban areas with attendant higher costs; highway construction cost themselves have increased greatly; and in addition inflation has taken its toll on the highway construction dollar.

The Federal highway trust fund has met the acid test of governmental success—it has worked and worked well. Although in some cases there are arguments against earmarking governmental revenues to specific purposes, the arguments for the existence and continuation of the highway trust fund are persuasive.

The highway trust fund facilitates long range, efficient planning because it avoids abrupt changes in financing. The highway trust fund lends stability to our highway programs by removing the question of highway financing from the arena of momentary partisan politics. The existence of the highway trust fund with dedicated revenues also demonstrates that the topic of highways is of such crucial importance that it is generally beyond the scope of partisan controversy.

I therefore propose that the Federal highway trust fund be extended from October 1, 1970 to October 1, 1976, that the revenues received from the Federal automobile excise tax, which currently go into the general fund, be specifically earmarked for the Federal highway trust fund as long as the automobile excise tax is in existence.

The automobile excise tax is a tax upon the motoring public. Long ago Congress declared its belief that taxes upon motorists should be used for the construction and maintenance of highways. Since 1956, Congress has increased the tax rates on gasoline, trucks, buses, and trailers, tires and tubes, and also imposed new taxes on heavyweight motor vehicles. These funds, together with tax revenues from highway-used lubricating oils, truck and bus parts and accessories, which were previously designated for the general fund, have been included by Congress in the highway trust fund.

In fiscal 1969, collections from the Federal automobile excise tax totaled almost $1.9 billion, approximately 29 percent of all Federal highway user taxes received. This figure shows the extent to which the Nation's motorists are not receiving their fair share of roads constructed for dollars paid in highway-user taxes. Of course, should Congress decide to terminate the automobile excise tax, this source of revenue to the trust fund would cease.

With the inclusion of the Federal automobile excise tax into the Federal highway trust fund so long as the tax exists, and the continuation of the trust fund for another 4 years, massive programs to update existing highways and construct new ones, such as those recently undertaken in the State of Illinois under the leadership of Gov. Richard B. Ogilvie, can be successfully completed with overcommitting general revenues of State governments.

The Federal Government clearly has a continuing role to play in the construction and maintenance of modern highways throughout the United States. Our national well-being and economic progress depend upon the existence of a modern transportation system.

Because of its demonstrated success, the Federal-aid highway program based upon the Federal highway trust fund should not only be continued with respect to Federal aid for ABC roads but also additional revenues should be supplied to complete the jobs which Congress and the States have begun.

H.R. 3

A bill to extend the Highway Trust Fund and the time for completion of the Interstate Highway System until 1976, and to include automobile excise taxes in the Highway Trust Fund

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

EXTENSION OF TIME FOR COMPLETION OF SYSTEM

SECTION 1. (a) The second paragraph of section 101(b) of title 23, United States Code, is amended by striking out "eighteen years' " and inserting in lieu thereof "twenty years' " and by striking out "June 30, 1974", and inserting in lieu thereof "June 30, 1976".

(b) The introductory phrase and the second and third sentences of section 104(b)(5) of title 23, United States Code, are amended by striking "1974" where it appears and inserting in lieu thereof "1976", and such section 104(b)(5) is further amended by striking out "final" in the antepenultimate sentence and by inserting before the last sentence the following: "The Secretary shall make a final revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1973. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1975, and June 30, 1976."

EXTENSION OF HIGHWAY TRUST FUND

SEC. 2. (a) Subsections (c)(1), (c)(3), (f)(1), (f)(3), (f)(4), and (f)(6) of section 209 of the Highway Revenue Act of 1956 are each amended by striking out "1972" wherever it appears and inserting in lieu thereof "1976".

(b) Subsections (c)(3), (e)(1), (f)(3), and (f)(4) of such sections are each amended by striking out "1973" wherever it appears and inserting in lieu thereof "1977".

INCLUSION OF AUTO EXCISE TAX IN HIGHWAY TRUST FUND

SEC. 3. Section 209(c)(1) of the Highway Revenue Act of 1956 (70 Stat. 397) is amended to add a new subparagraph to read:

"(I) 100 percent of the taxes received after June 30, 1971, under section 4061(a)(2) (tax on automobiles, etc.),"

DISPOSITION OF FEDERAL HIGHWAY-USER TAXES FISCAL YEAR, 1957–69

[Dollars in thousands]

	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	Total 1957–69
To highway trust fund:														
Motor fuel tax [1]	1,325,545	1,607,889	1,656,646	2,043,764	2,360,660	2,373,419	2,461,927	2,642,805	2,736,392	2,846,237	3,124,318	3,095,949	3,180,813	31,456,364
Truck and bus excise [2]	34,409	110,506	107,386	141,944	115,598	127,974	311,160	357,345	393,305	441,969	524,549	509,958	540,846	3,716,949
Tires, tubes and tread rubber [3]	93,455	274,494	276,231	315,607	274,512	367,453	408,293	413,246	429,453	496,614	543,276	512,250	609,818	5,014,702
Highway use tax [4]	25,499	33,227	33,852	37,712	46,768	79,844	97,318	105,761	99,279	101,983	111,534	98,495	129,320	1,000,592
Parts, accessories trucks and buses [5]										7,000	69,155	80,520	93,537	250,212
Lubricating oil [6]										23,000	68,030	81,713	82,842	255,585
Total trust fund receipts	1,478,908	2,026,116	2,074,115	2,539,027	2,797,538	2,948,690	3,278,698	3,519,157	3,658,429	3,916,803	4,440,862	4,378,885	4,637,176	41,694,404
Motor Fuel Tax as a percent of trust fund receipts	89.6	79.4	79.9	80.5	84.4	80.5	75.1	75.1	74.8	72.7	70.4	70.7	68.9	75.4
To general fund:														
Passenger car excise [7]	1,144,233	1,170,003	1,039,272	1,331,292	1,228,629	1,300,440	1,559,510	1,745,969	1,887,691	1,492,225	1,413,833	1,530,777	1,863,956	18,707,830
Truck and bus excise [8]	161,592	95,586	107,885	129,994	121,061	128,301								744,419
Parts and accessories [5]	157,291	166,720	166,234	189,476	188,819	198,077	224,507	228,762	252,874	196,546	7,000			1,976,306
Lubricating oil [6]	73,601	69,997	73,685	81,679	74,296	73,012	74,410	76,316	76,095	67,776				740,867
Total to general fund	1,536,717	1,502,306	1,387,076	1,732,441	1,612,805	1,699,830	1,858,427	2,051,047	2,216,660	1,756,547	1,420,833	1,530,777	1,863,956	22,169,422
Total, Federal highway user taxes	3,015,625	3,528,422	3,461,191	4,271,468	4,410,343	4,648,520	5,137,125	5,570,204	5,875,089	5,673,350	5,861,695	5,909,662	6,501,132	63,863,826
Percent of total Federal highway-user taxes to general fund	51.0	42.6	40.1	40.6	36.6	36.6	36.2	36.8	37.7	31.0	24.2	25.9	28.7	34.7

[1] Represents net proceeds from 3 cents tax from July 1, 1956 to Sept. 30, 1959 and 4 cents tax from Oct. 1, 1959 to June 30, 1969.

[2] Represents trust fund receipts of ½ of the 10 percent excise tax for 1958–62; full proceeds for 1963–69 fiscal years. During 1957, only 20 percent of the 10 percent excise tax was committed to the trust fund.

[3] Represents proceeds from 8 cents per pound on tires; 9 cents per pound on tubes; and 3 cents per pound on tread rubber from July 1, 1956 to June 30, 1961 and 10 cents per pound for tires and tubes and 5 cents per pound for tread rubber after July 1, 1961.

[4] $1.50 per 1,000 pounds on trucks and buses having a gross weight of more than 26,000 pounds from July 1, 1956 to June 30, 1961 and $3 per 1,000 pounds after July 1, 1961.

[5] Represents the proceeds of the 8 percent excise tax on parts and accessories. Effective Jan. 1, 1966 the tax on automobile parts and accessories was repealed; the tax on truck and bus parts and accessories remains in effect with revenue transferred to the trust fund from the general fund.

[6] Represents the proceeds of the 6 cents per gallon excise tax on lubricating oil; includes industrial and agricultural use estimated at 37 percent of total from July 1, 1956 to Dec. 31, 1965. Effective Jan. 1, 1966 this tax transferred to the trust fund from the general fund and applied only if used for highway purposes.

[7] Represents the proceeds from the 10 percent excise tax on passenger automobiles from July 1, 1956 to May 14, 1965; 7 percent from May 15, 1965 to Dec. 31, 1965; 6 percent from Jan. 1, 1966 to Mar. 15, 1966 and 7 percent after Mar. 16, 1966.

[8] Represents the difference of total collections and receipts transferred to the trust fund during 1958–62 period. Although the law provided that ½ of the 10 percent excise tax was to be transferred to the trust fund and the balance remain in the general fund, the totals differ slightly since transmittals from the Internal Revenue Service lagged reporting dates for end of fiscal years 1958–62 for both BPR and IRS.

Sources: U.S. Bureau of Public Roads, Quarterly Report on the Federal-Aid Highway Program; Internal Revenue Service, Internal Revenue Collections of Excise Taxes.

NEW HOPE FOR HOUSING

(Mr. ANDERSON of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANDERSON of Illinois. Mr. Speaker, the official arrival of spring last week carries with it the promise of new life and new hope. The symbolic significance of the week was not lost on the administration, and several developments in the area of home construction also carried the promise of new life and new hope. Because the home construction industry has been so heavily hit by inflation, we still do not have cause for unbridled optimism and rejoicing, any more than last week's weather was cause for celebrating the rites of spring, despite its official arrival. But on both counts we are justified in echoing the poet Shelley who asked: "Can spring be far behind?"

On Tuesday of last week President Nixon sent to the Congress a message on "combating construction inflation and meeting future construction needs." The message outlines several new initiatives being taken by the administration to combat the effects of inflation and stimulate increased housing starts. The need for such initiatives is obvious: Inflation coupled with other restraints have made a mockery of the 1968 housing goal of 2.6 million units per year over the next decade. We are barely moving along at half that rate and thousands of American families are feeling the pinch. Mortgage money is costly and scarce and reasonably priced homes are hard to find. As President Nixon pointed out, "today, the average price of all new houses offered for sale is $27,000."

Over the past year, the administration took several actions to offset the impact of inflation on home construction including increasing the flow of funds into mortgages, improving the operation of the mortgage market and increasing special assistance funds. Last week the administration recommended further steps including a doubling in the production of subsidized housing over last year, reallocating $1.5 billion of special assistance funds to programs to increase housing starts, and authorizing the Federal National Mortgage Association to deal in conventional as well as FHA and VA mortgages.

A contributing factor in the inflationary pinch on housing construction has been the high cost of labor. As President Nixon has pointed out in his message, the shortage of skilled construction labor has been largely responsible for the inflationary wage settlements in the construction industry. While wage settlements in other industries last year reflected an average increase of 7 percent, those in the construction industry were nearly double that amount. In the President's words:

> Employment opportunities in construction will multiply in the years ahead. We must provide people with the skills needed to take advantage of those opportunities and bring supply more nearly in line with demand.

It is estimated that between now and 1978, almost 2 million news jobs will be created in the construction industry. The normal operation of the labor market will supply many of these, but it is evident that new training and apprentice programs will be required to meet this need. The President has instructed various government agencies to accelerate such efforts in both vocational education and various Department of Labor programs with emphasis on apprenticeship, veterans' training, supplementary training, Federal construction projects and equal employment opportunity. To underscore the importance which the administration places on this, the President has called on the Secretary of Labor to submit a plan within 60 days, "expanding present enrollment in Department of Labor programs providing training for construction skills by 50 percent, increasing this pace over the next 5 years."

In the area of Federal construction projects, the President has directed all Federal Government agencies to include a clause in construction contracts requiring the employment of apprentices and trainees on such projects, and further requiring that one-fourth of these be in their first year of training.

In the area of equal employment opportunity, President Nixon has stated unequivocally—

> There can be no social justice until there is economic justice, and equal employment opportunity is the key to economic justice in America.

We are all familiar with the administration's commitment to the Philadelphia Plan which is an attempt to increase the opportunities for minority groups in the highly skilled construction trades. In addition, the administration is pushing for full enforcement of Executive Order 11246 and title VII of the 1964 Civil Rights Act, both of which deal with discriminatory job hiring policies.

All the above recommendations and programs are being monitored by the President's Cabinet Committee on Construction which is responsible for maintaining an overview on such matters, improving upon current information systems, and making its findings and recommendations to the President.

President Nixon has correctly cautioned against trying to pin the blame for the housing crisis on any one group; it is the result of a system that urgently needs reform and modernization. In the President's words:

> We must take care, in making those reforms, to treat fundamentals rather than symptoms—essentially to bring the supply and demand of labor, money and materials into better balance. That is the only constructive way to stop the spiral of construction costs.

Last Thursday, the administration's housing bill was forwarded to the Hill by Housing and Urban Development Secretary George Romney. Among other things the administration is recommending homownership for the poor through the public housing program and the elimination of the 3-percent downpayment on FHA-backed mortgages.

Secretary Romney also announced that he was ordering local public housing authorities to reduce rents for families now paying more than 25 percent of their income for housing, effective immediately.

I want to commend the administration for these bold initiatives. It is my feeling that homeownership is fundamental to local community pride and can be a spur to cleaning up our ghettos. In Secretary Romney's words:

> There's no comparison between the way . . . people maintain these properties if they own the unit (rather than) rent the unit.

Finally, Mr. Speaker, I cannot resist the temptation to mention "Operation Breakthrough" in connection with this spring housing report, since spring is also a time for breakthrough. I believe it was Noel Coward who wrote, "I'll see you again, whenever spring breaks through again." Operation Breakthrough, as you know, is aimed at producing low-cost, high-quality housing on a volume by utilizing new technologies and materials. Last month the 22 finalists were announced in the Breakthrough competition, and they will soon begin their prototype housing construction at some 11 sites around the country. These prototypes will be subjected to extensive testing and evaluation and those which do well will receive the HUD seal of approval. It is my considered opinion that Operation Breakthrough offers the best hope for solving our national housing crisis and realizing our goal of 26 million new units by 1978.

At this point in the RECORD, Mr. Speaker, I wish to include certain extraneous material relating to the developments about which I have been speaking. These include a New York Times editorial praising the President's housing message, a Wall Street Journal article describing the administration's efforts to combat job bias in construction apprenticeship programs, a news release from Assistant Labor Secretary Arthur A. Fletcher on the same subject, and a Washington Post article on the administration's housing bill which was sent to Congress last Thursday. The items follow:

[From the New York Times, Mar. 18, 1970]

SPUR TO HOUSING

The actions taken by President Nixon yesterday to revive the sagging construction industry have three useful purposes: to ease the acute nationwide shortage of housing, to keep inflation control from exacting too high a price in unemployment and to speed the admission of Negroes and other minorities to skilled construction jobs.

What remains obscure, unfortunately, is how the program will contribute to checking the runaway rise in construction costs—a rise so steep it has made it all but impossible to build unsubsidized housing in this city at a monthly rent of less than $125 a room. The situation is not much more cheerful anywhere else. As the President noted, the resulting cost in crime, disease and community decay is intolerably high.

Some beneficial effect on the cost spiral undoubtedly will result from the steps the President has initiated to expand Federal support for mortgage loans. That effect will become even more pronounced if the Federal Reserve follows Mr. Nixon's far from subtle hint that the time has come for a general lowering of interest rates in the housing field.

But these gains may be more than offset by the incentive the Nixon moves to expand construction and work opportunities have given the overfat unions in the building trades to step up their wage demands. Restraint has always been a stranger to these unions. Last year they fed the inflationary fires by signing three-year agreement providing increases of 45 to 50 per cent for a half-million construction workers. Twice as many workers will be affected by negotiations starting next month, and there is every present indication that the unions will seek even larger pay boosts this time.

The outlook for greater union responsibility is somewhat brighter in the effort to break down the walls restricting Negro entry into top-rated construction crafts. The interaction of intensified outside pressure and voluntary union action has produced significant breakthroughs.

The Administration's "Philadelphia Plan" for compelling increased minority hiring on Federal construction projects has just won its first court test. The Human Resources Center at the University of Pennsylvania has come up with an alternate strategy for accomplishing the same basic ends through direct cooperation of unions, contractors and other groups. Harvard University pioneered last month by putting such a plan into operation on two new projects there. In Chicago and Pittsburgh the exclusionist unions and the black community are experimenting with negotiated plans to hasten employment. The more success such attempts achieve, the less need there will be for Philadelphia Plans and other forms of Government compulsion.

[From the Wall Street Journal, Mar. 17, 1970]

ADMINISTRATION TO PRESS ANTIBIAS EFFORTS IN CONSTRUCTION APPRENTICESHIP PROGRAMS

(By Richard J. Levine)

WASHINGTON.—The Nixon Administration will soon launch a new effort to promote equal employment opportunity in construction industry apprenticeship programs.

President Nixon is expected, probably this week, to direct the Labor Department to make a broad review of the effectiveness of Federal regulations designed to eliminate discrimination in apprenticeship programs.

The current regualtions were issued in 1963 by former Labor Secretary Willard Wirtz. They provide the Federal certification be withheld from apprenticeship programs that fail to select persons on the basis of "qualification alone." But, as currently written, the regulations don't require "affirmative action" programs for bringing in minority-group members.

About two-thirds of the nation's 360,000 apprentices currently are enrolled in programs registered either with the Labor Department or with state apprenticeship agencies.

Such registration, or certification, carries with it a number of advantages. Participation in a registered program can be the basis for an apprentice obtaining a draft deferment. If a program is registered, an employer is permitted to pay apprentices lower wages on Federal construction projects. And finally there is a prestige factor—apprentices in registered programs receive a completion certificate from the Labor Department's Bureau of Apprenticeship and Training.

MESSAGE IN WORKS

The review of the apprenticeship system is expected to be disclosed in a Presidential statement on construction labor. White House officials indicated such a message was in the works last week after two Presidential economic advisers outside the Government said they expected unemployment would continue to rise swiftly this year.

The President's statement, Government sources indicate, also may direct that two other steps be taken in the construction labor field. These are:

Expansion of Project Transition efforts to prepare more soon-to-be released servicemen for work in the construction industry. Project Transition, a Defense Department program launched during the Johnson Administration, readies GIs nearing completion of their tours for jobs in private industry through job-training, conseling and other assistance.

Establishment of a pilot project to use the rapidly growing system of employment service job banks for placing persons in construction work. The job banks provide a daily computer-prepared list of job openings in metropolitan areas.

But it is the review of the equal employment provisions of Federal apprenticeship regulations that is likely to stir the most interest and controversy.

Almost since taking office, the Nixon Administration has borne down on discriminatory practices in the construction industry. The establishment of the so-called Philadelphia Plan, which calls for contractors to make a "good faith effort" to meet minority-group hiring "goals" on Federally aided projects, angered both industry and building trades union officials. The AFL–CIO has re-

peatedly attacked the Administration for making the unions "whipping boys" and asserted that the Philadelphia Plan can't work.

Any attempt to tighten the regulations covering registered programs would almost certainly enrage union officials, who have vowed to resist attempts to force them to "water down" apprentice standards. Certified apprentice programs are run either jointly by unions and management or by employers alone.

However, with the wages in the construction industry increasing 15% a year and the prices of new construction rising sharply, Administration moves to increase the supply of labor in the building trade could prove politically popular.

Yesterday, the Labor Department reported that more than 8,000 apprentices from minority groups were admitted to certified programs in 1969. The 8,000 persons, Labor Secretary Shultz said, represented a record 11% of the 73,000 new apprentices admitted.

Mr. Shultz said the percentage of minority apprentices in all outgoing registered programs now is nearly 7.8%, up from 4.4% in 1966. Apprentice programs usually take about four years to complete.

About half the minority-group apprentices were Negro. Almost all the rest were Spanish-speaking American; about 1% were Indian and Oriental.

FLETCHER HAILS NIXON CONSTRUCTION STATEMENT AS "ONE OF STONGEST" EQUAL OPPORTUNITY CALLS EVER MADE BY A PRESIDENT

President Nixon's recent statement on meeting construction industry problems "is one of the strongest" pronouncements on equal job opportunity ever made by a U.S. President, Assistant Labor Secretary Arthur A. Fletcher declared today.

In a March 17 statement on combatting construction inflation and meeting future construction needs, President Nixon said, "There can be no social justice until there is economic justice, and equal employment opportunity is the key to economic justice in America."

Mr. Fletcher said that the President not only made a strong commitment to economic justice but ordered Federal agencies to take positive steps for insuring equal opportunity in Federally-funded construction work. Mr. Nixon directed:

All Federal agencies and departments to review their construction programs to make certain they are in accordance with the Executive Order (11246) requiring equal job opportunity in Federally-funded work and to provide assistance in Labor Department activities designed to bring about equal opportunity in the construction industry.

The Secretary of Labor to review and propose appropriate revisions of federal regulations governing equal employment opportunity in approved apprenticeship programs.

All agencies and departments to report to the Cabinet Committee on Construction by July 1 each year on their programs to insure that equal job opportunity exists in their direct and assisted construction projects.

Addressing a human relations workshop for teachers sponsored by the Phoenix (Ariz.) Union High School, Mr. Fletcher noted that the President estimated there will be 2 million new construction jobs by 1978.

"What this means," said Mr. Fletcher, "is that this Nation is presented with a golden opportunity to provide employment opportunities for its nonwhite labor supply by making a deliberate effort to see to it that an appreciable portion of those 2 million new jobs that will be in existence in the construction industry go to those who are members of the Nation's minority group labor supply."

Emphasizing that such an effort "could not and should not be interpreted as preferential treatment," the Assistant Secretary of Labor for Wage and Labor Standards said:

"What it would amount to is that a deliberate effort be made to share the wealth that will come into being in the construction industry with that portion of the Nation's labor supply that has been systematically denied an opportunity to share the wealth in this industry in the past."

[From the Washington Post, Mar. 20, 1970]

UNITED STATES PROPOSES HOME AID FOR POOR, NO-DOWN FHA

(By Robert J. Samuelson)

Praising the virtues of home ownership, the Nixon administration yesterday proposed using the public housing program to give poor families title to their own homes or apartments.

In a new housing message sent to Congress, the administration also urged elimination of the existing down payment—a minimum of 3 per cent—on homes financed with mortgages backed by the Federal Housing Administration. If the legislation passes, initial payments by FHA home buyers would be limited to "closing costs" of the purchase, which usually total less than $1,000.

At the same time, the Department of Housing and Urban Development announced that it is ordering local public housing authorities to reduce rents for any families that pay more than 25 per cent of their income for housing.

The reduction becomes effective this Tuesday. If local housing authorities need more time to calculate the changes for individual families, the cuts will be made retroactive, HUD said.

According to HUD statistics, as many as a quarter of the 800,000 families living in public housing may receive reductions.

In Washington, Edward Aronov, executive director of the National Capital Housing Authority, estimated that perhaps 3,000 of 10,000 families here might pay lower rents. Detailed projections, he said, would not be available until NCHA has had the opportunity to apply HUD's definition of "income" to all local tenants.

HUD Secretary George Romney announced the rent changes, ordered by the Housing Act of 1969, at a news conference called yesterday to disclose the administration's ideas for new housing legislation.

Under HUD's proposals, public housing families could take control of their existing housing projects or buy new homes with the aid of a large federal subsidy.

The government has traditionally helped support public housing by paying the cost of the mortgages used to build the projects. These outlays, the legislation proposes, could be used to back mortgages for families who wanted to buy their own homes.

For existing housing projects, families could receive government payments by forming tenant associations.

"NO COMPARISON"

"There's no comparison between the way . . . people maintain these properties if they own the unit (rather than rent the unit)" Romney said.

HUD officials have become increasingly despondent over the growing physical deterioration of many housing projects. If tenant associations decided to buy their own projects, they would assume the management functions now exercised by local housing authorities.

Tenant groups that select this alternative, however, would receive less government support than existing housing authorities would under the legislation. Another provision of the bill recommends that HUD begin providing annual "operating" subsidies to local housing authorities. Tenant associations—or individual homeowners—would not be eligible for this assistance.

The "operating" payments would be aimed at covering annual maintenance and utility costs. Rents, which traditionally supported these expenses, are providing insufficient for more and more authorities, including Washington's.

Though most of the new provisions in the legislation deal with subsidized housing, the bill proposes some important changes for middle-income families.

Not only is the down payment on FHA mortgages eliminated, but the permissible ratio of the mortgage loan to the total value of the home is increased.

The loan can be 100 per cent of the first $20,000 of value, 90 per cent of the value between $20,000 and $30,000 and 80 per cent for the value over $30,000. Present law sets the mortgage limit at 97 per cent for the first $15,000, 90 per cent between $15,000 and $25,000, and 80 per cent over $25,000.

Though the home buyer is allowed to borrow more, the change also implies that his monthly repayments of mortgage principal and interest will be larger.

There was little comment yesterday on the new Housing Act, but the revision in welfare rents evoked criticism from a variety of housing interests.

However, Sen. Edward Brooke (R-Mass.) who sponsored the amendment to last year's housing legislation which mandated the changes, criticized the administration for not going far enough.

Under HUD's announcement, the government will pay local housing authorities a subsidy equal to the money they lose by reducing rents to 25 per cent of a family's income. But, Brooke contended, the legislation required the government to make more generous payments to improve maintenance, add recreational facilities and provide guard protection.

The National Tenants Organization said HUD's action—by providing subsidies only when nominal rents exceed 25 per cent of a family's income—would actually tempt many local public housing authorities to raise their rates to receive more government money.

CRITICISM OF VETERANS' HOSPITALS

(Mr. DUNCAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DUNCAN. Mr. Speaker, all too often these days we find a tendency in our society to accentuate the negative—we see this on our television sets, in our newspapers, in our streets, and in other aspects of our daily lives. It is a trap that is easy to fall into, and, short of that, we must beware of contributing in even small ways to chipping away the structures of our society that we have built and nutured over the years.

The Congress has built a system of Veterans' Administration hospitals that is the largest, and I believe the finest hospital system in the world. That system has come under fire in recent days from many sources. Some of the criticism is justified, I am sure. Some of it results from ignorance. And unfortunately some of it is inspired. I think my colleagues in the Congress and my friends among the millions of veterans in this country would do well to look carefully at the sources of criticism and give particular attention to the purposes that the inspired criticism seeks to further. Moreover, we must not lose sight of the dam-

age that even a friendly but heavy helping hand can cause in a situation as complex as measuring the quality of medical care being provided in our VA hospitals.

The committee of Congress, with all of their know-how in this area, must themselves proceed with caution in unleashing critical commentary on our VA hospital or in providing a sounding board for critics whose primary purpose is not that of helping veterans receive better medical care.

We have had instances where one of the critics of medical care, using a congressional committee as a sounding board, has referred to today's returning Vietnam veteran as an "intruder" into our society, in effect a potential time bomb, possibly destined one day in the future to react not to the rigors of war, its loneliness, its fear-ridden aspects, but react with violence or breakdown because of concluding that he sacrificed himself in a "filthy, ambiguous war." It should surprise no one that this critic of VA medicine and the Vietnam war has been active in SDS and less than a week before his appearance before a subcommittee of the other body delivered himself of a lecture on "American massacres in Vietnam." Other critics of VA medical care are sounding off and in attempting to gain support for their views maintain they are, at least for the present, "disregarding the war as a moral issue."

Other more responsible critics of the VA hospital system—and more knowledgeable, I might add—can, if they are not careful, nickel and dime the system to death. A suggestion has been made—and it is not new—that our VA hospitals should be limited to caring only for service-connected patients. I do not endorse the suggestion. But if we are going to measure the quality of medical care being delivered in VA hospitals solely on the basis of an arbitrary staff ratio, consider, if you will, the puffed-up staff ratios that would result if we did not admit our eligible non-service-connected veterans.

For some little time we have had more heat than light reflected on the situation in our VA hospitals. I have not been satisfied that we are doing everything possible to insure that our veterans receive medical care second to none. Critical problems exist today that require resolution. The policies which govern the delivery of VA medical care are substantially policies developed by the House Veterans' Affairs Committee on which I am privileged to serve, under the able chairmanship of our distinguished colleague OLIN TEAGUE.

I am sure these policies will be reviewed in forthcoming hearings because they are the heart of our system of delivering medical care to veterans. The House Veterans' Affairs Committee has itself reviewed and found what it considers deficiencies in the funding of our VA medical programs. I hope as we proceed we can look at policies and deficiencies and not confuse the two.

As to the deficiencies that exist or did exist, the record of the Veterans' Administration under Donald E. Johnson is clear. They have been or are being dealt with. And may I say that deficiencies are nothing new at the VA. Those that Don Johnson is coping with were present when he arrived. I was pleased that last Tuesday before the full House Veterans' Affairs Committee it was acknowledged by all of those who addressed themselves to the problem that those matters requiring our attention today, in order to provide quality medical care for all veterans, persisted as problems through the administrations of Presidents Kennedy and Johnson. As our hearings approach we would do well to look forward from a vantage point of understanding that war and inflation have, over the past 8 to 10 years, put the squeeze on VA medical programs and have as well put the squeeze on the millions of veterans receiving compensation, pension, or other fixed income.

The President is waging a war against inflation. He has positioned himself so as to win this war. And with the help of many Members of the Congress of both parties he is making up ground. As we approach hoped-for success we are all concerned with the reallocation of priorities and resources on the national level and within the Veterans' Administration.

But we must first get our economy under control. We must live within our means as a Nation and, of course, we must do so as individuals. There is no more insidious peril to the beneficiaries of the Veterans' Administration than inflation. The major part of the resources placed in the hands of the Veterans' Administration are dollars—dollars that are literally passed on directly to beneficiaries.

These are lifegiving dollars and we mean for them to have value. Most of the dollars that the VA does not issue to veterans in the form of payments are lifesaving dollars. And we mean for them to have value as well. I could think of no more hopeless endeavor, one that no responsible veteran leader would want any part of, than to struggle for and obtain more and more dollars that provide less and less lifegiving payments and lifesaving services.

There are many positives to report in the Veterans' Administration. An excellent report was made recently by Donald E. Johnson, Administrator of Veterans' Affairs. In his 8 short months Don Johnson has the VA moving. The record of progress during these 8 months may be found in Don Johnson's statement to the 47th Annual National Rehabilitation Conference of the American Legion in Washington, D.C., March 4, 1970. Mr. Speaker, I submit the Administrator's statement for the RECORD.

REMARKS BY THE HONORABLE DONALD E. JOHNSON

Chairman Lenker . . . distinguished members and guests of the American Legion's National Rehabilitation Commission . . . and my fellow-Legionnaires:

As always . . . it is a great personal pleasure for me to meet with you Legionnaires. However . . . this 47th annual National Rehabilitation Conference is especially meaningful to me.

Although I had the privilege of extending brief greetings to the Legion National Convention in Atlanta last August . . . this is my first opportunity . . . as Administrator of Veterans Affairs . . . to report to a National American Legion meeting.

I know that Dr. Jim Musser, Olney Owen . . . and their associates in the Veterans Administration's Department of Medicine and Surgery . . . and Veterans Benefits . . . have answered . . . as fully and frankly as possible . . . the many serious, thought-provoking questions which you submitted for this Conference.

I can add little to the detailed, technical information which they provide. Let me say here and now . . . however . . . that the door to my office is open . . . and it will always be open . . . so that any or all of you can come in to discuss those matters which you sincerely believe require my personal attention.

I come before you today . . . not as a Past National Commander of the American Legion . . . because . . . while I am proud of this title . . . and grateful for the many Legionnaires I am privileged to call friends . . . I realize full well that there is nothing so past as a Past National Commander.

Rather . . . I am here today as Administrator of Veterans Affairs . . . to give you some of the impressions I have formed after a little more than eight months in office . . . and to report on what is being done to achieve the mutual goal of the Veterans Administration and the American Legion.

This goal . . . of course . . . is service to those who served . . . and to their dependents and survivors . . . the delivery of a broad range of veteran benefits . . . when these benefits are needed . . . where they are needed . . . and in the amount needed.

One of my first and strongest impressions is that my concept of the service mission of the Veterans Administration is shared fully and enthusiastically by the VA's 170,000 able and dedicated employees.

With you Legionnaires . . . and with me . . . they believe that they have not only the responsibility . . . but the opportunity and the privilege . . . to provide:

Unsurpassed service to those who served . . . and to their dependents and survivors . . . and compassionate service . . . that goes far beyond the bounds of what they are required to do.

It is a matter of record that . . . until just a few years ago . . . the Veterans Administration operated on the premise that it existed to make available to veterans and their families the benefits provided by Congress . . . but it was up to them to learn about these benefits . . . establish their entitlement . . . and take the initiative in obtaining the benefits to which they were entitled.

There has been a revolutionary change in the veteran benefits philosophy of the Veterans Administration. As far as I am concerned . . . this change is not only welcome . . . but long overdue.

Now . . . the Veterans Administration operates on the premise that veterans and their families not only have a RIGHT to know about the benefits to which they are entitled . . . but MUST know about them if they are to take advantage of the benefits Administration's Out Reach program . . . and WANTS them to use.

The result of this change is the Veterans Administration's Out Reach program . . . a program with which you are very familiar . . . more than this . . . one to which the American Legion and our other national service organizations have made . . . and are continuing to make . . . such an indispensable contribution.

Because of your interest and involvement in Out Reach . . . I would like to review quickly today some of the activities and accomplishments of this vital and . . . I sincerely believe . . . most successful program.

Without question . . . the most dramatic chapter of the Out Reach story has been written on the battlefields of Vietnam.

For the first time in American military history . . . Veterans Administration representatives have been giving our combat troops overseas information and counseling on their veteran benefits.

In the past three years . . . more than 1 million 140 thousand G.I.'s have been briefed by Veterans Administration representatives in Vietnam. A total of 54 VA Contact officers . . . including nine now stationed there . . . have served average tours of six months in Vietnam. Two have given their lives in this important work.

I am sure you realize that all of these representatives have volunteered for Vietnam duty.

Less dramatic perhaps . . . but no less important . . . has been the Veterans Administration's program of counseling sick and disabled servicemen in stateside military hospitals . . . and those at separation points awaiting discharge.

Since this phase of the overall Out Reach effort began, . . . more than 1.7 million G.I.'s in these hospitals and separation points have been briefed on their veteran benefits. Many of them . . . especially hospitalized servicemen . . . have been given in-depth interviews at their bedsides . . . and assisted in applying for disability compensation, vocatonal rehabilitation training, and other benefits.

The Out Reach battle has been . . . and is being . . . fought on many fronts. One of the most strategic . . . and one to which the resources, experience and know-how of the American Legion have been committed so effectively . . . is our United States Veterans Assistance Center program.

Launched just two years ago . . . this Out Reach campaign has resulted in 600,000 Vietnam veterans being interviewed . . . assisted in applying for education and training . . . or helped in finding jobs.

Every veteran benefit is important. And every effort of the Veterans Administration . . . the American Legion . . . and our other service organizations . . . to assure maximum use of each benefit . . . is essential.

I think we can agree here today . . . however . . . that no single benefit will contribute more to the welfare of our Vietnam veterans . . . and to the welfare of America . . . than the Vietnam G.I. Bill education and training program.

It follows . . . of course . . . that the Out Reach efforts to contract our returning Vietnam veterans . . . and to convince them that they should use their education and training entitlement . . . are especially significant.

Let me emphasize that the Vietnam G.I. Bill cannot be considered completely successful until every eligible veteran has been contacted . . . and at least been made aware of . . . and fully assisted in applying for . . . his education and training entitlement.

This is especially true of the Vietnam veteran who did not complete high school before entering service . . . and who is considered to be educationally disadvantaged.

Nonetheless . . . I believe we can be encouraged by the increasing rate of participation of Vietnam veterans in the G.I. Bill education and training program.

Let me give you a quick "for instance."

We expect the peak enrollment in education and training this spring to top 810,000 . . . or about 35 percent more than the number of veterans and servicemen enrolled in training last spring.

Enrollment in college level training will hold at or near the 60 percent of total enrollment which has obtained from the outset of the Vietnam G.I. Bill . . . and which has been much higher than under the World War II and Korean programs.

I think we can safely say that because of these tremendous out reach efforts that our Vietnam era veterans are better informed about their benefits than have been the veterans of any of our earlier conflicts. To me this is the more satisfying, for certainly they have had to fight America's loneliest war as far as national solidarity is concerned.

Judging from my mail, however, I would say there are many Americans sincerely concerned because of recent publicity about the VA's capacity to provide medical care for these younger veterans.

I have seized every opportunity to give assurance that the VA does now, and will continue to provide care for these veterans just as we have for our older veterans. During the past fiscal year only some 44,000—or slightly over five-percent—of the total VA patients treated were Vietnam veterans, and it looks now as though their numbers will increase to only about 60,000 in this fiscal year. The numbers will grow, of course, just as has VA's ability to treat more and more veterans each year.

I don't need to tell this audience that there have been many news stories and newscasts in recent months about the VA medical program.

I do want to tell you, though, that I do not for one minute question either the propriety or the sincerity of the Congressional committees in bringing this matter to the attention of the public. Furthermore, I accept as well-intentioned the criticisms that have been voiced by the many critics in or out of government.

Nor do I discount in any degree the earnest belief by our VA hospital directors that they could effectively use more funds and staff, for I am sure this belief has prevailed for many years.

Without at this time entering into the controversy about VA medical care, I would like—in fairness to the army of dedicated employees now providing care in our 166 hospitals—to emphasize some of the "positives"; some of the progress that is being made in this vitally important field.

First, the matter of money.

The President on November 26, 1969, approved the F.Y. 1969, VA budget which included nearly 1-billion, 542-million dollars for medical care. This was the amount recommended by the outgoing Chief Executive and by Congress, and represented the most money ever appropriated for this purpose. And all of these monies have been made available to the agency.

Then, just about one month ago, the President submitted to Congress for F.Y. 1971 a budget that included 1-billion, 702-million dollars for VA medical care—another record sum.

To the 1-billion, 542-million dollars already appropriated for this fiscal year will be added another 91-million dollars to help cover salary increases.

On top of this, the VA received approval—just today—to ask Congress for still another 15-million dollars to become available this year in the quarter starting next April first.

Let me tell you some of the things this extra money will permit us to do.

Some 9.8-million dollars will be earmarked for our dental outpatient program. We will be able to complete 50,000 additional free examinations, and 45,000 more treatment cases, thus reducing the workload to a normal operating level considering the present, unprecedented demands.

Another 3-million dollars will go for specialized medical services. In a word, this means that instead of waiting until the next fiscal year . . . this money can be devoted to fully staffing specialized units, including pulmonary function—alcoholism treatment—day hospital treatment—and speech pathology units . . . as well as an extra blind clinic, an epilepsy center, and another spinal cord injury center . . . plus more than 600 coronary and intensive care beds.

Some 200-thousand dollars will help us beef up the staffs at our six existing spinal cord injury units by 71 full-time employees . . . 1-million dollars will go into the home dialysis program . . . and another 1-million will help meet increased demands for drugs and medicines.

We are today treating more sick and disabled veterans than ever before in the history of the Veterans Administration.

This fiscal year we expect to treat in our own hospitals an all-time high of more than 780,000 veteran patients. Next year this figure should go up to about 875,000.

To really evaluate this remarkable accomplishment we need to go back a few years. Back to 1958, for instance, when VA was able to treat only 608-thousand patients—172-thousand less than we will care for this year. Or even back to the mid-1960s when we were treating about 50,000 fewer patients.

It is worthy of note, I believe, to point out that in 1958—when we were treating 172-thousand *fewer* patients—VA was operating 121-thousand, 200 hospital beds, which is over 19-thousand *more* than are in operation today.

What I am pointing out is that how effectively beds are used is more important than sheer numbers of beds. The number of operating beds necessary to do the job has been declining steadily for many years. In F.Y. 1969 VA operated some 107-thousand beds; this year the number required has been a bit more than 100-thousand, and the *estimate* for Fiscal Year 1971 is 95-thousand-plus—and yet we have or will be treating more patients in each of these years.

I purposely stressed the word "estimate" in talking about the 1971 figure by way of clarification. Although VA estimated when the budget was prepared some months ago that we would need to operate some 5-thousand fewer beds in 1971, there is nothing sacred or binding about that estimate. If actual experience indicates more beds are needed—then I assure you we will place more beds in operation.

Although the estimate right now for hospital beds is down in the next fiscal year . . . we will have a 28-percent increase in nursing beds in VA hospitals . . . going from the present 4,000 beds to 5,155.

Another improvement I would mention concerns the staffing of our hospitals.

Just six months ago—at a time when he was reducing employment elsewhere in the government by about 50-thousand jobs—the President authorized a VA increase of 1,500 employees, with the vast majority of the increase ticketed for the medical program.

The new budget for the next fiscal year calls for another increase of 2,150 medical employees.

The ratio of hospital staffs to patients has increased steadily . . . from 146.2 employees per 100 general hospital patients last year to 150.2 this year, and this will go up to 156.8 next year.

Hopefully indicative of VA's ability to recruit physicians is the fact that as of the last reporting date there were 5,137 full-time doctors on the rolls, including 800 scarce-category psychiatrists. This is 373 more doctors than we had nine months earlier, including 26 more psychiatrists.

The outlook for hospital construction constitutes another "positive." Following on the heels of an appropriation of less than 8-million dollars in Fiscal Year 1969, and the government-wide moratorium on most construction projects this year . . . we have asked for 59-million dollars for construction in the next fiscal year. This will be the largest volume of construction placed under contract in 21 years.

The fact that VA is treating ever-more patients has, of course, had an impact on hospital waiting lists. The records reveal there were more than 25,000 on the waiting

list in 1958, and the number was nearly 17,000 in 1964. Today the list numbers only 2,700 nonservice-connected veterans in the continental United States.

Medical research funds have grown from an appropriation of 48-million dollars in F.Y. 1969 to 57.6 million dollars this year . . . and we are asking for 59.2-million dollars in the new budget.

I have not cited these few examples of progress with the intention of rebutting any of the VA critics, for I realize full well that there will always be differences among sincere and reasonable men in a field as difficult to measure as medicine.

Instead, I have spoken out in the belief that all of us need to remind ourselves—as well as the thousands of veterans who will be VA patients in the days ahead—that there is much that is good about the VA medical program.

I am well aware of the adage that the mind can absorb only as much as the seat can endure.

Despite that awareness, I am moved to tax your patience with one more observation.

Although I have been Administrator of Veterans Affairs for only a little more than eight months, I learned early on the job that a considerable amount of criticism—from a wide variety of sources covering a broad range of subjects—is part and parcel of the position I hold.

Mind you, I am not complaining. I appreciate that any operation as mammoth and complex as the Veterans Administration is bound to have lots of critics. And I think this is as it should be, for constructive criticism not only is welcome, but enables us to do a better job.

Although I like to think that I do a pretty good job of maintaining my "cool," I must confess to you that I was hurt by that portion of your National Commander's statement yesterday morning before the House Committee on Veterans Affairs in which he linked my name with some mysterious, long-range program to phase out the medical and hospital program of the Veterans Administration.

To you, Commander Patrick, and to all my other friends in the great American Legion let me make this point absolutely clear.

I speak for the President of the United States as well as Don Johnson when I tell you that there is *no* program—long-range, short-range or intermediate-range—to phase out, or in any manner diminish VA hospital and medical care.

It strikes me, as a matter of fact, that providing more funds, and treating more sick and disabled veterans than ever before in the history of our nation is an odd way to go about phasing out a program.

I yield to no man in this audience, including your present National Commander, in my determination to maintain—and to strengthen the great VA medical program—as a separate entity as it is now constituted.

Should there ever be at anytime in the future . . . any attempt . . . by anyone in or out of the government . . . to phase out, destroy, or in any way lessen the importance of the VA medical program . . . let me assure you of one thing.

The first person they will have to deal with is Don Johnson.

And those of you who remember the fight I led in 1965 against the VA hospital closings decreed by the former President might agree, I believe, that Don Johnson can battle pretty effectively when veteran programs are threatened.

I am the same Don Johnson. My title may have changed, but certainly not my regard for veterans, nor my concern for their welfare.

Again . . . I apologize for taking so much of your valuable time.

However . . . I want you to know how grateful I am for the opportunity you have given me to join once again a gathering of this body of great Americans.

There have been times in the past . . . as there will be in the future . . . when the American Legion and the Veterans Administration don't see eye to eye.

There has never been a time . . . however . . . and I know that there never will be . . . when we shall seriously question the other's honor and integrity and dedication to the welfare of America's veterans, their dependents and survivors

This is all any of us could ever ask.

This is all America's veterans will ever need.

Thank you.

POSTAL STRIKE

(Mr. SCHADEBERG asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SCHADEBERG. Mr. Speaker, as the postal strike continues, one thing is abundantly clear: This is not the time for quibbling. This is not the time to go searching for the blame in order to place it squarely on the shoulders of the administration, on the unions, or on the striking workers. The important thing is to realize why we are in this mess which threatens our economy and to move swiftly to correct the problem areas.

Congress has the authority to regulate the postal system. It is our responsibility to see that things are done in this area as expeditiously and efficiently as possible. There is no question that we have created an inefficient postal department and have contributed to the tremendous deficit under which the postal department has been forced to operate for years.

The postal department, like all others, has been created to do a public service. Yet, we have expanded the areas of involvement to the point that the Department is incapable of doing its main job and purpose—delivering the mails. The result has been to create a tremendous deficit that has been pushed onto the shoulders of the postal workers.

Let us examine certain of these. First of all, the franking privileges which we as Members of Congress enjoy should not be charged to the administration of the postal department, but to the House and Senate administration appropriations. The mailing privileges of the various departments and agencies should not be charged to the postal department. They should be borne by the respective departments and agencies. Each should pay its own way. The postal department should not be required to administrate pornographic mailings. The Justice Department would be the more appropriate agency.

As a result of the Department being forced to bear the administrative costs, that do not relate to delivery of the mails, the postal department has a hard time in clearing the cost of the mails. I have heard mention that we cannot give higher wages at this time because of the inflationary effect, but it is abundantly clear that we can give better wages and better working conditions without being inflationary if Congress would only address itself to the actual purpose of the Department—the delivery of the mails.

No one would question that the Department of Defense must bear all of its own expenses. It is not so required because it deals in a service—the defense of our Nation. Why then insist that the service provided by the postal department be any different? We constantly try to reduce the excess costs of the Defense Department. We can do the same with the postal department.

In the same fashion that we do not require that the men serving in the military make up for the deficit spending in the Defense Department, why then must we require the 750,000 postal employees, the men and the women who move the mails, to carry the burdens of this inefficient program that is a result of Congress' failure to act.

I believe that it does no good at this time to question whether Congress should legislate under the threat of a strike. Those persons who have engaged in this strike can be dealt with by the law after the mails are moving once again. But we must not make them the whipping boys for Congress' failures.

I firmly believe that it is Congress' responsibility to act now on the postal workers' salary schedules. The matter can take under consideration the needed reform at a later time, without undue reform.

We have the constitutional authority to regulate the mails. We must act now.

BRINKMANSHIP AND THE LETTER CARRIERS' STRIKE

(Mr. ADDABBO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ADDABBO. Mr. Speaker, I am very disturbed over the policy of brinkmanship which the President has adopted in handling the mail carriers' strike.

The House of Representatives met its constitutional obligations last year and passed a postal pay bill but the President, by his threat of a veto and insistence on postal reform, has crippled Senate action on the measure. Congress has adopted a policy of "comparability" in postal pay measures and the President has failed to meet his responsibility to report to Congress on pay scales for postal employees comparable to private industry.

Title 5, United States Code, sections 5301 and 5302, passed in the 1962 postal pay bill, states:

It is the policy of Congress that federal pay fixing be based on the principles that (1) there be equal pay for substantially equal work and pay distinction be maintained in keeping with work and performance distinctions; and (2) Federal pay rates be comparable with private enterprise pay rates for the same level of work.

The President shall (1) direct an agency to prepare and submit to him annually a report which compares the rates of pay for federal employees with the same levels of work in private industry as determined by an annuel survey by the Bureau of Labor Statistics. Considering the views of employee organizations, he shall report annually to congress this comparison of federal and private industry rates and make such recommendations for revision of statute regarding pay schedules as he considers advisable.

I urge the President to address himself to the real issues involved in this crisis—to pledge his efforts to achieve comparable pay for postal workers and to admit that postal reform, while a high priority, is a separate subject. This is the only way the President can meet his constitutional obligation without aggravating an already dangerous situation.

Mr. Speaker, I call to the attention of my colleagues in the House an editorial which appeared in the March 21 edition of the Long Island Press. I include the text of the editorial in the RECORD at this point:

THE BITTER FRUIT OF INDIFFERENCE

No one—not even the strikers themselves—condones a walkout of the dimensions and disastrous implications of the postal strike, but as Francis S. Filbey, president of the AFL–CIO United Federation of Postal Clerks, said yesterday, "the public ought to know that this work stoppage is the bitter fruit of low wages and intolerable working conditions."

He might well have added governmental indifference and callousness.

The postmen have been pleading for a wage increase for a long, long time, but they have been squeezed in a power play between the President and Congress. Only Congress can grant the pay increase, but legislation has been stalled since last December because of President Nixon's insistence that it be tied to his postal reform proposal.

Why should reform be tied to what these men need to support their families? It is easy to condemn the strikers for putting pressure on everybody else to make their case. After all, this is against the law. But why is there no law to protect men in such a situation from being pawns in another battle?

Not only were they caught in this bind, but they had to struggle all this time on wages at the bottom of the governmental pay scale, and far below comparable work in the private sector. With inflation growing as fast as it is, these are the people who feel the pinch first and hardest.

COMMENTS ON BLS FEBRUARY COST OF LIVING REPORT

(Mr. ALBERT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ALBERT. Mr. Speaker, the Bureau of Labor Statistics report that the cost of living surged further upward during February, the sharpest increases being for food, clothing, and shelter, is but one more communique picturing another disastrous route in President Nixon's "no win" war against inflation. Press Secretary Ronald Ziegler's Pollyanna pronouncement from the White House, "every indicator that we have is that inflation is coming under control," is little short of tragic mockery. The mother vainly trying to stretch her devaluated dollar to outfit her children for Easter will find little solace in Mr. Ziegler's consoling words. The American housewife on her weekly shopping trip to the supermarket will find his remarks bereft of comfort. If her husband has been laid off or finds himself on a reduced workweek, she may well question whether or not she and Mr. Ziegler dwell in the same world. The young couple, who after years of sacrifice have finally purchased a home only to find themselves saddled with unconscionable interest payments, will certainly find the Press Secretary's comments both irrelevant and in poor taste. In order to meet their inflated mortgage payments, this couple will now be required to deny their children the amenities and, yes, in some cases, the necessities of life. The money which might have been used for Mary's piano lessons or the orthodontic treatment Jackie so urgently needs, must now go to pay the high interest tribute which this administration has levied on the American family of modest means.

The economic policies being pursued by the Republican administration are demonstrably an unqualified failure. Of far greater consequences, however, are their demeaning results on the quality of American family life.

INFLATION

(Mr. McCORMACK (at the request of Mr. ALBERT) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. McCORMACK. Mr. Speaker, the cost of living rose once again in February, and the rate of increase was the sharpest in 20 years.

The administration, oblivious to the human effects of its inflationary policies, tried to delude the public with statements that inflation is being controlled.

Spokesmen at the White House said that inflation was defeated. The President, once again, said his policies are working.

The record speaks otherwise. In the period Mr. Nixon has held office, this Nation has seen a sharp increase in inflation, big jumps in unemployment, and a constant recessionary trend.

Talking about curing inflation will not cure the problem. The housewife knows that President Nixon's statement that inflation is under control is not correct when she finds posted price increases every time she visits the grocery store. The small businessman who has to pay excessive interest rates for money to stay in business will not believe it.

The millions who remember the series of comments of White House spokesmen, going back more than a year, that inflation was being controlled will also not believe it.

This Congress has provided the President with powers that need to be used in the fight against inflation. The President also must bring to bear the powers of the office he holds against the spiraling price increases of big concentrated industries, if there is to be effective Government action against rising prices.

Rhetoric will not reverse the inflationary spiral which is costing this Nation so dearly. President Nixon should use the authority which Congress gave him, and the powers of his office, to bring stability to our economy.

The large financial interests may not feel inflation's sharp bite, but the family of modest and middle income suffers daily from its effects. This Congress stands ready to work with the Executive in any sincere effort to combat the ever-increasing cost of living.

PEACE RESOLUTIONS OF THE GREATER MIAMI JEWISH FEDERATION

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, it is with apprehension that I have been observing the worsening situation in the Middle East and with sadness that I have seen the administration inflict an unjust and almost "punishing" policy on our most staunch ally and friend, Israel.

As Americans concerned with peace and safety, the Greater Miami Jewish Federation, representing over 200,000 Jews in Dade County, has recently expressed its anxiety over the administration's policy changes in the Middle East in the text of five resolutions.

I wish at this time to present these resolutions with the accompanying letter, transmitted to me by Mr. Morton Silberman, chairman of the community relations committee of the Greater Miami Jewish Federation, and to affirm my own commitment to our historic role of assistance and friendship to Israel.

The material follows:

GREATER MIAMI JEWISH FEDERATION,
March 18, 1970.

HON. CLAUDE PEPPER,
House of Representatives,
Washington, D.C.

MY DEAR MR. PEPPER: We are hereby transmitting to you five resolutions passed at our Organizational Conference on the Middle East held in Miami on the 1st of March.

At the same time we wish to express our appreciation to you for the support you have given to the State and the people of Israel, and especially for your understanding of the fact that to help Israel is beneficial to the aims and purposes of our own United States.

Sincerely yours,

MORTON SILBERMAN,
Chairman, Community Relations Committee.

RESOLUTION No. 1

The delegates of the Dade County Jewish Organizations representing over 200,000 Jews in Dade County assembled in Miami, Florida on March 1, 1970, to express their deep anxiety over the direction of the Department of State and its policies in the Middle East.

We, as Americans, are profoundly concerned for our country's national interest and we share all mankind's yearning for peace.

Since the founding of the State of Israel, the people and government of the United States have affirmed their interest in America and have affirmed that it is in America's national interest to support the sovereignty and security of Israel.

We have read President Nixon's message to the National Emergency Conference on Peace in the Middle East this past January and note with satisfaction his statements of friendship, understanding and support for Israel. We also note that the President has stated that "the United States does not intend to negotiate the terms of peace." This follows his earlier statement that the Four Powers "cannot dictate a settlement in the Middle East."

We believe that the attempts of the Four Powers to draft the framework for a settle-

ment have in fact impeded the progress toward peace.

We believe that the specific proposals submitted in December by our State Department, which suggest pre-determined borders between Israel and Egypt, and with Jordan, and that Jordan share in the administration of Jerusalem, and that there be a repatriation of Arab refugees which would flood Israel with a fifth column bent upon its destruction—that all of these endanger the security of Israel and imperil the cause of a lasting peace in the Middle East.

We therefore resolve to call upon Secretary of State Rogers to withdraw these proposals so that Arab Israeli direct negotiations (which have been called for by President Nixon) be undertaken without any preconditions. We believe that the role of America is to bring the parties together in direct negotiations: to stand firm against Soviet pressure; and to provide Israel with sufficient economic and military strength to deter any further Arab aggression.

RESOLUTION No. 2

We, the delegates of the Dade County Jewish organizations, assembled in Miami, Florida, on March 1, 1970, noting the historic friendship between the peoples and governments of the United States of America and the State of Israel, and applauding their respective efforts to promote world peace and secure an end to a state of war in the Middle East, do hereby resolve that:

1. The United States continue to supply economic and military assistance to the State of Israel in sufficient time, quality and quantity to obtain and maintain a balance of arms in the Middle East between Israel and her belligerent Arab neighbors; and that

2. The United States make a concerted effort, independently and through the United Nations, to secure face-to-face negotiations between Israel and the Arab States with no pre-conditions by either side; and that

3. The United States continue its participation in the so-called Big Four talks on the Middle East only so long as it specifies that there be no imposed settlement upon either Israel or the Arab States.

RESOLUTION No. 3

The delegates of the Dade County Jewish organizations, assembled in Miami, Florida, March 1, 1970, concerned with achieving peace in the Middle East and deeply perturbed by anti-Israel actions of French President George Pompidou:

1. Applaud the stand of the French press and people in publicly and vigorously opposing the Middle East policy of President Pompidou, and recall the historic friendship between France and Israel; and

2. Urge that France cancel the sale of 110 jet fighter planes to Libya, which sale would further increase the arms imbalance in the Middle East in favor of the Arabs; and

3. Call upon France to allow delivery to Israel of the 50 Mirage planes purchased and paid for by Israel prior to June, 1967.

RESOLUTION No. 4

The delegates of the Dade County Jewish Organizations assembled in Miami, Florida, on March 1, 1970, after noting the acts of terrorism against innocent civilians, Israelis, Americans, and citizens of other countries by Arab guerrillas, and noting that these acts are being committed not only in Israel, but also in Switzerland, Greece, Germany and other places:

1. Condemn these acts and all acts of air piracy committed by any or all nations or by their nationalis with their connivance as uncivilized and barbaric, and call upon the free nations of the world to join in such condemnation; and

2. Call upon the free nations and upon all world airlines to continue passenger, freight, and mail flights to Israel; and

3. Call upon these nations and airlines to bar all flights to Egypt, Syria, Lebanon, Iraq, Saudi Arabia, Morocco, Algeria, and Libya, until the Arab States take positive and effective action to end any and all additional acts of terrorism and air piracy.

RESOLUTION No. 5

The delegates of the Dade County Jewish organizations, assembled in Miami, Florida, on March 1, 1970, acknowledging the fortitude, and the vigorous and speedy action of Switzerland in acting against Arab nationals within her borders:

1. Note that the Swiss Government thereby formally recognized the relationships between the belligerent Arab States and the Palestinian terrorists, without which the Arab guerrillas could not be maintained; and

2. Do herewith commend the action of the people and Government of Switzerland in promoting world peace and ending acts of indiscriminate murder against innocent civilians.

THE ADMINISTRATION'S REFUSAL TO RECOGNIZE ISRAEL'S NEEDS FOR SURVIVAL

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, the administration's position in declining Israel's request for a commitment of additional fighter planes now is, I am very much afraid, going to encourage aggression against Israel and create a greater risk of war in the Middle East. In view of the declared determination of the Arab nations, aided by Russia, to destroy Israel, the only way there can be any hope of either the survival of Israel or peace in the Middle East is for the United States either physically to maintain the defensive force of Israel at a level in all critical weapons which will discourage aggression by the Arabs because it would be in vain; or for the United States to give positive and clear-cut notice to Russia that we will supply immediately, when needed, all the weapons Israel may need at all times to assure that she can successfully repel any aggression against her.

Our administration has done neither.

As long as we equivocate and dodge the issue of what we are going to do, we encourage the danger of Arab aggression which may well lead to the outbreak of a full-scale world war.

While the administration declines to send planes to Israel, the Russians are sending the most effective antiaircraft weapons to Egypt. And still we do not state a definite position as to what we are doing or going to do.

Only a little while ago, the situation was made worse in the Middle East by the position the United States took, giving the impression that we were trying to force a settlement upon the parties there, rather than putting all of our efforts into a program to try to get the contending parties face to face in negotiations.

I am afraid that this move is also going to cause a dangerous situation to deteriorate more. I hope the administration will promptly take a more clear-cut position in the interest of peace in the Middle East and in the world.

PEP PILL QUOTA—AN URGENT NEED

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, at this time, I would like to remind my colleagues of three bills now pending before the Subcommittee on Public Health and Welfare of the Committee on Interstate and Foreign Commerce.

These bills deal with the overproduction of amphetamines, or pep pills, and were all introduced by members of the Select Committee on Crime as a result of information developed during a series of hearings held by the committee across the country.

H.R. 16123, introduced by myself, Congresswoman MARTHA GRIFFITHS, Mr. ROBERT NIX, and Mr. JEROME WALDIE, would establish a quota system for the production of amphetamines in this country. It would also tighten up production and distribution controls so that we may be certain that legally produced amphetamines are produced legally.

Congressman CHARLES WIGGINS' bill, H.R. 16118, is identical to our bill, but also contains a no-knock search warrant provision. Congressman ROBERT V. DENNEY'S bill is similar to Mr. WIGGINS', but deletes the quota provision.

Our committee is convinced we need this legislation now. We have conveyed our concern to the subcommittee, and so that you may share our testimony, I ask that our remarks be printed in the RECORD at this point:

STATEMENT OF THE HONORABLE CLAUDE PEPPER, CHAIRMAN, HOUSE SELECT COMMITTEE ON CRIME

Mr. Chairman and Members of the Subcommittee, I very much appreciate the opportunity that you gentlemen have afforded me this morning.

As you know, my Bill H.R. 16123 is before your Committee. I was pleased that Congresswoman Griffiths, Mr. Nix and Mr. Waldie also joined in that bill as co-spsonsors. Congressman Wiggins, also of our House Select Committee on Crime has introduced H.R. 16151 which is also before your Committee. Mr. Wiggins' bill is identical to ours except that it includes a "no-knock" provision dealing with search warrants. Congressman Denney of our Committee has introduced H.R. 16118 which, except for production quotas and the designation of the Attorney General rather than the Secretary of H.E.W. to determine which substances should be controlled, is identical to Mr. Wiggins' bill.

All of us join in support of H.R. 13743 which was introduced by your distinguished Chairman, Mr. Staggers. However, we feel that this bill which is similar to S. 3246 which passed the Senate last December, does not go far enough in attempting to combat this extremely difficult problem.

As you perhaps know, our Committee held hearings here in Washington, D.C. and in several cities throughout the country. Substantial portions of those hearings were devoted to the subject of narcotics and dangerous drugs. The House Select Committee on Crime, which I am privileged to serve as Chairman, also held hearings in Boston,

Omaha, San Francisco, Columbia, South Carolina and Miami during the past year. We have just concluded four days of hearings in Metropolitan Washington, D.C. In every city that we visited, it was conclusively shown that, with the exception of San Francisco the drug problem has grown by leaps and bounds within just the last two years. San Francisco has been faced with a large problem for the last five years.

It is my understanding that narcotics and marihuana are not before the Committee at this time. For that reason, my remarks will be limited to amphetamines, barbiturates, tranquilizers and hallucinogens which are the substances covered in H.R. 16123. Our bill is essentially the Senate passed bill with narcotics and marihuana deleted. Because of the time element involved and the bisected nature of our bill and others before you, no doubt you will wish to make a number of technical changes. Basically, however, we are advocating S. 3246 with the following modifications:

1. A method for establishing quotas is incorporated for amphetamines; this would be done by the Attorney General along the same line that he now does for narcotics;

2. All people manufacturing, distributing or dispensing dangerous substances are required to obtain a license rather than the registration which is provided for the Senate passed Bill; specific authorization is given for pre-license inspection, whereas the Senate Bill is somewhat fuzzy in this area;

3. A requirement for separate and segregated record keeping in all controlled dangerous substances;

4. Approved order forms would be required for all controlled dangerous substances instead of just Schedule I and Schedule II substances.

5. The Secretary of H.E.W., instead of Attorney General would determine which substances should be controlled; however, the Attorney General would be the person to issue licenses and renewals, as is provided for in the Senate passed Bill;

6. The Senate Bill on prescription drugs for amphetamines, barbiturates and tranquilizers allows a six-month prescription with five refills; our Bill would limit the prescription to three months and three refills;

7. An outright ban on the production of methamphetamines, except for scientific research—this incorporates the same concept which is contained in H.R. 15432 which has already been introduced by our Committee.

1. PRODUCTION QUOTAS FOR AMPHETAMINES

Evidence induced in hearings around the country convinced all of the Committee Members that abuse of this substance is a menace to the public health and safety. Though oral use of amphetamines may cause difficulties, including psychological dependence and paranoid psychosis, it is more likely that these effects will be maximized through intravenous injections. It would appear that those who are now using amphetamines for this purpose, prefer methamphetamines, (popularly known as speed) which is a part of the general class of amphetamines. A "speed freak" is someone who engages in high dose methamphetamine abuse on a regular basis. With each injection, the abuser experience a "rush" or a "flash". The result of those injections is euphoria and hyperactivity. This phase can be prolonged by repeated injections for several days. The only limitation on the length of the user's trip is when he, because of exhaustion, is forced to come down; this is called "crashing". It is at this point in time that the paranoid reaction is most likely to occur. Then depending upon the psychological makeup of the individual, he could attack others or jump out of a window.

Other harmful side effects are, of course, hepatitis, malnutrition and undermining of the individual's health because of irregular sleep and eating patterns. There are also numerous recorded cases of permanent brain damage and even death.

Unfortunately, there was evidence in every city that we visited that there are a substantial number of young people engaging in this type of activity. Of course, these are not the only substances that are being abused; heroin, cocaine, L.S.D., barbiturates, marihuana, etc., are available for anyone with money to purchase them.

One must ask himself how these substances are so readily available. Since our Committee, to some extent, narrowed its inquiry to amphetamine abuse, I will try to limit most of my comments to that class of substance. The production of amphetamines in the United States vastly exceeds the legitimate medical needs of this country. I know we have received testimony that there are over 8 billion pills manufactured annually. According to figures furnished us from Federal Bureau of Narcotics and Dangerous Drugs, production in the United States of amphetamines and methamphetamines for calendar year 1968 as follows:

Amphetamine:
Total bulk production: 34,397 kg.
Amount exported: 10 kg.
Amount available for domestic use: 34,387 kg (3,438,700,000).[1]
Desoxyephedrine (methamphetamine):
Total bulk production: 12,372 kg.
Amount exported: none.
Amount available for domestic use: 12,372 kg. (1,237,200,000).[1]

Because of the Committee's extreme concern, on November 18, 1969, we held one day of hearings here on Capitol Hill dealing exclusively with the subject of amphetamines. The evidence to support imposing production quotas on amphetamines is overwhelming and supported by reputable medical testimony.

A handbook on drug dependency published by the American Medical Association lists eight uses for which amphetamines are prescribed by physicians:

1. Control of symptoms of narcolepsy.
2. Control certain hyperkinetic behavioral disorders of children.
3. Relieve or prevent fatigue in individuals with deteriorated psychomotor performance.
4. Treat mild depression.
5. Antagonize the pharmacological actions of depressant drugs.
6. Control appetite.
7. Induce insomnia and counteract fatigue in persons occasionally required to perform mental or physical tasks of long duration.
8. Enhance the action of analegisic drugs.

But except for the first two uses—control of narcolepsy and hyperkinetic behavior—the handbook notes that the other uses are subject to "varying degrees of professional controversy."

While amphetamines have a legitimate role in the treatment of narcolepsy and hyperkineticism, these are both exceedingly rare diseases. Dr. Sidney Cohen, Director of the Division of Narcotic Addiction and Drug Abuse of the National Institute of Mental Health has told our Committee the number of amphetamine tablets needed to treat these diseases would be a few thousand a year, not the eight billion which are now produced annually.

What, then, are these billion of amphetamine tablets being used for?

Dr. Cohen told us that 99 percent of total legal amphetamine production goes for weight and fatigue control.

These are both highly questionable uses of amphetamines.

[1] Average dosage unit strength for amphetamines and desoxyephedrine 10 mg. F.B.N.D.D. also advises that over 80% of their seizures of illegal amphetamines were originally legally manufactured.

Studies have shown that dieters will lose an average 6.75 pounds more during a six to twenty week course of treatment using amphetamines than if they were given a placebo. This additional weight loss is hardly sufficient to justify the dangers connected with using amphetamines. Because amphetamines increase blood pressure and have a direct action on the heart, they can seriously aggravate pre-existing diseases.

The argument for using amphetamines for weight control is further weakened by the availability of Fenfluramine, an appetite depressant which is not a stimulant drug.

The use of amphetamines for fighting fatigue runs from the college student who takes a tablet so he can stay up all night to study for an exam to the truck who swallows large numbers of pills so he can make exceedingly long trips without sleeping. Athletes sometimes use amphetamines to excel in a contest.

But even under the most minimal type of amphetamine misuse, deaths have been reported. For those taking large doses of amphetamines regularly, addiction can occur, and there is the possibility that brain damage can result.

In 1962, the Food and Drug Administration determined that there were over 100,000 pounds of amphetamines and methamphetamines available in this country. That works out to 25 to 50 doses a year for every man, woman and child in America. Evidence previously previously given indicates that amphetamine production has increased in the eight years since that survey.

Gentlemen, the health of this nation and especially its young people are at stake. If Sweden and Japan can place strict controls on amphetamines, I submit we must do likewise.

No doubt some Committee could productively make specific inquiry into the quantities of barbiturates and tranquilizers produced in this country, also. It is my understanding that Dr. Egeberg, Assistant Secretary has already appeared before you and advised that 10 billion sedative dosage units will be produced this year. This figures out to be 50 doses for every man, woman and child in this country.

It is not enough, however, to control the legitimate production of amphetamines. The immediate precursors also have to be restricted. In San Francisco we heard testimony from one Richard G. Bennetto to the effect that with an initial investment of $200 and a monthly overhead of $1800, he had managed to make a net profit of over $30,000 a month on sales of methamphetamine, "speed" from his clandestine lab. Bennetto was no chemist but he was taught all he needed to know by a fellow inmate during a 40-day jail term. Once he was released, he encountered no diffculties in purchasing equipment and chemicals from legal sources. Pebble Palace is a store in Daly City, California where such materials could be purchased with relative ease. Gene Meyers, Proprietor of the Pebble Palace, explained to the Committee his chemical sales operations. At the suggestion of a large chemical wholesale company Van Waters and Rogers, Meyers began stocking small amount of chemicals along with the glassware and jewelry that he sold. Van Waters and Rogers referred customers to the Pebble Palace and when orders came in for phenyl-2-propanone and methylamine 40 percent, the basic ingredients for speed, Meyers would in turn order the chemical in bulk from Van Waters and Rogers. Meyers' customers would place their orders for supplies for their so-called photography labs, their perfume companies or shrubbery sprays by telephone or in person. The whole operation was casual; invoices were recorded under first names and few questions were asked.

Meyers claimed that he would supply the Bureau of Narcotics with information on

his customers but that he was not really concerned about the chemicals he was selling, nor was he aware that they were being used for illicit purposes until a customer was blown up in a clandestine lab. The explosion happened in March of 1969 at which time Meyers stopped selling phenyl-2-propanone. It was also in March that the B.N.D.D. agents asked Meyers to stop selling that line of chemicals and that phenyl-2-propanone became a controlled substance in California. The California reclassification of phenyl-2-propanone might slow down the the production of speed, but as long as the chemical can still be bought in the neighboring states, in much the same way that it was formerly purchased in California, the production will continue.

Certainly, if we ban the production of methamphetamine, stricter controls of precursors will be necessary to prevent illegal manufacturers from picking up the slack.

Realizing strict controls on amphetamines would cause considerable comment, we decided to contact others on the subject. The Committee solicited the opinions of the Deans of seventy-five medical schools and sixteen other groups such as the World Health Organization and the American Society of Bariatrics on the subject of the legitimate use of amphetamines.

Though few would welcome a total ban similar to that imposed in Sweden, the majority agreed that tighter controls were needed and that amphetamines were needed primarily for the treatment of such rare conditions as narcolepsy and hyperkinetic children. Only one source claimed that amphetamines were effective and should be used in the early stages of diet programs.

This information would seem to support our contention that 8 billion amphetamines are not needed to treat the rare cases of narcolepsy and hyperkinetic children. Few people supported their use as anti-depressants or stimulants.

For your information, I would like to submit at this time a tabulation of the responses and a cross-section of portions of the letters received:

AMPHETAMINES, DRUG ABUSE

Total letters sent	88
Medical Schools	75
Others	13
Number of responses to date	53
Number of responses promised	7
Responses:	
No research conducted at School or by group	26
Support total ban similar to program in Sweden	4
Needed for hyperkinetic children	11
Needed for treatment of narcolepsy	1
Needed for treatment of depressions	3
Needed for early stages of diet programs	1
Needed for treatment of Parkinsons Disease	3
Needed for research programs	2
Needed for improvement of performance when fatigued or bored	2
Support partial ban, tighter controls	3
Total ban would encourage illicit labs	9
Safe if used under doctor's supervision	9

UNIVERSITY, RESPONSE, AMPHETAMINES

Boston University: Hazard results from dosage and indiscriminate use. Should be used only under physician supervision.

UCLA School of Medicine: Amph. & Meth. used commonly in pharmacological research in animals and tissues to obtain info on normal physiological mechanisms.

Case Western Reserve (T. George Bidder, M.D.): If just amph. removed from scene, will solve nothing as will encourage experimentation with other drugs. Have to tackle whole drug problem not isolate drugs. Useful and effective when used properly under medical supervision. Little use for meth.

Dartmouth Medical (Dr. Richard Reth): Does have legitimate clinical use. Lack of patient follow-up accounts for some addiction and abuse. Suggests better control of distribution of legally manufactured drug. Also tighter control on prescribing and dispensing.

Duke University (Dr. Ellinwood): Amph. indispensable in treatment of hyperkinetic children, no alternative drug discovered yet. Good for treatment of Parkinson Disease. Good for short term treatment of obesity patients.

Emory University: Not want to see production and sale of amph. discontinued. Does have use in medical practice. If banned will be replaced by other drugs for abuse.

Georgetown University (Dr. Frank Standaert): Useful for control of certain disorders—narcolepsy, hyperkinetic children, depressions—when properly administered. Banning of amph. would not solve abuse problem. Commercially produced amph. are abused, but commercially produced products are not suitable for most dangerous form of abuse—intravenous injection. Such material is produced in clandestine labs. Ban would withhold it from those who need the drug for medical purposes and it would not curb illegal lab production.

University of Kansas: Little medical use for amphetamines. Patients do become tolerant to appetite suppressant effect after several weeks of continuous use. Also geriatric practice uses small doses for depressions. Feels that abuse potential outweighs medical value.

University of Kentucky (Dr. Harris Isbell): Only currently accepted uses of amph. that have any scientific proof are in the treatment of narcolepsy and hyperikinetic children. For treatment of depressions other drugs have been found. Of almost no value as anorexics of obesity. Intravenous abuse is the most dangerous. Illicit lab production accounting for an increasing amount of illegal trade—laws directed against manufacturers seem rather futile. Could do without amph. but making legal control tougher would likely stimulate illegal synthesis.

University of Nebraska: Amph. of value in certain experimental studies. Also, for depressions and neurasthenic neurosis, narcolepsy and hyperkinetic children. Not necessary for weight control.

University of Pittsburgh: Dr. Emil S. Trellis: Dr. Trellis works with those who hurt themselves with drugs in a psychiatric capacity. "Approx. 2 or 3 years ago, I was asked to testify in the defense of a woman who killed her husband. At the time she had been taking 90 mg. of amph. a day for several months as prescribed by a 'diet doctor'. Prior to her seeing this physician, she had two psychiatric hospitalizations during each of which she had been diagnosed as being psychotic. Approx. 2 weeks before the murder, she was reported by her family to be confused, agitated, and 'talking to herself' which suggested to me that she had been hallucinating. My testimony was a major factor. I was cross-examined for 45 minutes. My position was and is, that an amount of amph. could very well precipitate psychosis in a pre-psychotic individual. It took the jury approx. one hour to acquit her. The real issue seemed to me whether or not malpractice should have been considered."

University of Rochester: Report submitted by Drs. Bernard Weiss and Victor Laties. Amph. is effective and safe when used under strict controls to enhance performance and to improve performance degraded by fatigue or boredom. Tested on athletes, combat troops, pilots. No severe side effects when properly used. Physiologically and psychologically amph. is rather benign. Need more research into high dose levels to determine the reasons for the increasing abuse.

University of Tennessee, Dean Callison: Personal opinion in own experience that amph. are more harmful than useful. Hopes that U.S. follows example of Sweden.

University of Texas, Dallas: Dr. J. Crout: Abuse potential outweighs therapeutic benefits in adult medicine. But useful agent for disturbed children. Dr. K. Charalampous: Amph. could be dangerous when used to treat depressions. Limited usefulness for treatment of obesity. But amph. are good for treatment of disturbed children and narcolepsy. Should be controlled through production of limited quantities for rare appropriate usage.

Tufts University, Dean W. F. Maloney: Amph. should be dispensed only on prescription by a doctor. Outlawing of the drugs would lead to less rather than more control by creating an underground market. On this last point there is close to unanimous agreement, particularly among faculty members who work with drug abuse problems.

Tulane University, Dr. Robert Heath: Amph. useful for treatment of disturbed children. Should not be used for treatment of obesity.

University of Utah, Dr. K. Castelton: Amph. of some value in treatment of narcolepsy, hyperkinetic children, parkinsons disease, epilepsy and as anorectics. Also, has shown to produce actual improvement in human performance under conditions of fatigue and boredom.

University of Virginia, Dr. John A. Owen, Jr.: Has had bad experiences with clinical use of amph. as anorexigenic agents. Believes that few "thoughtful internists" would object if the U.S. followed the example of Sweden.

University of Wisconsin, Dr. P. L. Eichman: As a neurologist has used amph. for treatment of narcolepsy and brain damaged children. Sees problem as control of manufacturers and distributors rather than abuse through prescriptions.

University of Washington, Dr. J. M. Dille: Amph. are of medical and therapeutic value when properly used. Dr. Dille works in Open Door Clinic in Seattle for hippy community with drug problems. Sees abuse of amphetamines as most difficult problem at this time. But complete abolition of amph. would not be solution. Amph. are too easy to synthesize in clandestine labs. Possible solution would be to place amph. under restrictions similar to those enforced for narcotics. Present control of amph. not sufficient.

University of Vermont, Dean E. C. Andrews: Opinion of those involved in research that there is probably little justification for continued manufacture of amph. and class of compounds. Use should be limited to few well qualified investigators for experiments to evaluate therapeutic effect in specific conditions. Should follow example of Sweden.

Johns Hopkins University, Dr. Solomon Snyder: Amph. useful in treatment of disturbed children and Parkinsons disease. Also very useful agent for brain research. Therefore should remain available for these purposes.

University of Michigan, Dr. Maurice Seevers: Dr. Seevers presented a paper at the symposium in Stockholm in November, 1968 which established the basis on which the Swedish government decided to ban amph. Has been acquainted with the rapid development of abuse in Sweden. Also serves as a consultant to Minister of Health and Welfare for Japanese government in drug abuse program. After epidemic of amph. abuse after World War II, which reached its peak in 1955 with estimated 1 or 2 million users Japanese government took strong punitive measures and practically abolished their use except for a few medical specialists. Class of central stimulants, including cocaine and amph. are most dangerous drugs of abuse. Because of

marked increase in violent crimes associated with the 2 major epidemics of abuse of amph., and the fact that amph. abuse and central stimulants is on the increase in metropolitan areas, and doubtful therapeutic advantages, Dr. Seevers believes that more rigid controls will *have* to be imposed on these drugs in the U.S.

University of Minnesota: Dr. Burtrum C. Schiele: used for treatment of narcolepsy, hyper. children, mild depressions. Vastly overused in treatment of obesity. Many more drugs are manufactured than are needed for legitimate purposes. If amph. were outlawed could use other central nervous system stimulants instead but would also be used for abuse. Though badly abused, would not want to see amph. become totally unavailable.

Dr. F. S. Abuzzahab, Sr.: Used in treatment of hyperkinetic children though there are other more effective and safer drugs that could be used in transquilizer field, e.g. haloperidol (Haldol). Limited value in obesity treatment. Supports legal control similar to the Swedish program where is available to those who need the drug.

2. LICENSING AND PRELICENSE INSPECTION

H.R. 16123 wouold require a license rather than registration for manufacturers, distributors and dispensers of controlled dangerous substances. It seems to me that stricter controls could best be effective under the terms of a license rather than simple registration.

We also felt that specific statutory authority should be given to the Attorney General to inspect prior manufacturing records of production and sale. Section 302(e) limits authority to inspect facilities, but no mention is made of records. Similar treatment should be accorded distributors. These provisions are contained in Section 303 (a1) and (b1) of H.R. 16123.

At the direction of our Committee, members of our staff have met with several people from private industry to discuss the Federal—state division of responsibility for licensing. Although not provided for in any of the bill submitted by Members of our Committee, you might wish to consider the following divisions of responsibility:

Federal

1. Licensing of interstate drug handlers by Federal government:
(a) Manufacturers.
(a) Repackers.
(c) Wholesalers.
(d) Other interstate handlers.
2. Responsibility for pre-inspection and auditing of records.
3. Referral of suspect leads to appropriate state agency.
4. Followup of state leads in interstate commerce.
5. Publication of all interstate and intrastate licensed controlled drug handlers each year.
6. Development of federal/state agreement in each state with single agency. Agreement based on following factors:
(a) Existence of state laws parallel to Federal laws.
(b) Agreement by state to conduct specified licensing inspections and audits.
(c) Federal government funding of state agency in ratio with number of licensed handlers reported by state.
(d) Federal assistance in training of state agency personnel.
7. Development and distribution of guidelines for parties licensed by Federal and State agency.

State

The state agency responsible would perform the following functions:

1. Licensing and preinspection of the following:
(a) Physicians.
(b) Pharmacies.
(c) Other intrastate handlers.
2. Conduct audits of records of all intrastate licensees.
3. Referral to Federal agency of all leads involving intrastate traffic.
4. Provide Federal agency with up-to-date list of all state-licensed handlers.

3. SEPARATE AND SEGREGATED RECORDS FOR ALL CONTROLLED DANGEROUS SUBSTANCES

As previously mentioned, we subpoenaed invoices from many drug manufacturers and distributors doing business on the West Coast in conjunction with our San Francisco hearings. After going through boxes and boxes of invoices, the need for segregated records concerning dangerous drugs became apparent.

It is a time-consuming task to pick out amphetamines and barbiturates from invoices which contain dozens of other items, such as Vitamin B12 and aspirin. I would venture to estimate that thousands of hours are lost yearly by F.B.N.D.D. agents painstakingly going through invoices, item by item, attempting to track down a particular drug shipment.

If controlled drugs and their immediate precursors were kept in a separate book, it would be a simple matter to locate and document the sale of these substances. Although Section 307(a) requires complete and accurate records, no provision is made for segregation. Under that Section in H.R. 16123, segregation would be required.

4. ORDER FORMS FOR ALL CONTROLLED DANGEROUS SUBSTANCES

In S. 3246, order forms under Section 308 of that Bill are required only for controlling dangerous substances contained in Schedules I and II. It would be my suggestion that order forms be required for all controlled dangerous substances. Although we very much realize, the increased bookkeeping that would be necessitated by such a requirement, the ease with which these drugs and their precusors can be obtained, dictates such a step.

For instance, in San Francisco my Committee heard testimony from James F. Hogan, Special Agent, Bureau of Narcotics and Dangerous Drugs, Ernest Sandler, President, Interstate, Drug Exchange, Plainview, New York, a mail order drug wholesaler, and Joseph Ashkin, President, Darby Drug, Inwood, Long Island, New York, also a mail order drug wholesaler.

Mr. Hogan, acting upon information given to him attempted to order controlled drugs from Interstate Drug Exchange four times. In three cases he passed himself off as a Doctor of Osteopathy or a Medical Doctor. In the fourth case he simply ordered the drugs under the name Mr. Hogan. He was denied only one shipment, that one calling for 25,000 units of amphetamine tablets.

From Darby Drug, Mr. Hogan, using similar tactics, ordered two shipments, one small which he received with no objection. The second shipment called for 25,000 units. The company sent him a letter requesting verification of his medical practice. He did not reply. Two days later the 25,000 pills were delivered in the mail.

It is true that in both firms' cases, when the large orders were received, the client's legitimacy was investigated. When the companies suspected that something was out of line they did cooperate with the BNDD. It is also true that a strong liaision exists between the companies and the BNDD and that the errors reported were human errors rather than criminal acts. But that doesn't stop the pills from being delivered.

Mr. Hogan testified that in his opinion, despite company-instituted controls, a smart dealer could acquire a large number of pills and divert them into the illicit market by placing small orders that would not attract attention.

Mr. Ashkin stated that his company spent $150,000 on computer equipment to help eliminate improper sale of drugs. The intention is honorable, but clearly it has not been effective.

Order forms would also prevent the bizarre situation exposed by our Committee investigations on the West Coast last Fall. A drug manufacturer in Chicago had been shipping millions of amphetamines over the last few years to a drug store in Tiajuana, Mexico. We had subpoenaed records of the American companies doing business in the area. We were able to show that there was, in fact, no drug store and that the address was fictitious. In fact, if one were to take the given street address literally, it would have been the eleventh hole of the Tijuana Country Club Golf Course. Acting on a tip from our investigators, the FBNDD was able to seize 1.2 million pep pills in transit to the fictitious drug store.

Now you and I know where those pills were destined. They would have been smuggled across the border into the United States. Or perhaps they would not even bother, since they could send a so-called agent to pick up the order from the customs broker in San Ysdiro.

The law must be changed to prevent situations such as I have just described. The order form provisions and the export-import controls contained in H.R. 16123 are designed to bring about that desirable end.

5. HEW RATHER THAN THE DEPARTMENT OF JUSTICE SHOULD DESIGNATE THE SUBSTANCES TO BE CONTROLLED

As the Committee knows, Title II of S. 3246 gives the authority, after consultation with the Secretary of Health, Education, and Welfare and the Scientific Advisory Committee to designate which substances will be controlled and on what schedule they should appear. H.R. 16123 would vest this authority in the Secretary of H.E.W.

When the House Select Committee on Crime considered this matter, at Executive Session, a majority of our members came to the conclusion that this function more logically would lie with the Department of Health, Education, and Welfare. The decision is essentially a scientific and medical one with incidental law enforcement aspects. I firmly believe that since the decision we are talking about involves the public health of this country, it should be made by that Department of Government which is charged with that overall responsibility.

Although it is not contained in my bill, I think your Committee should consider the amendment to Section 602 of the Senate passed bill offered by Senator Hughes of the floor at the time that bill was considered. That amendment was as follows:

Amendment No. 451

On page 64, beginning with line 8 delete all through line 20 and insert in lieu thereof the following:

"SEC. 602. (a) The Attorney General is authorized and directed to carry out educational and research programs directly related to enforcement of the control provisions set forth an this Act. Such programs may include—

"(1) educational and training programs on dangerous substance law enforcement for local, state and Federal personnel;

"(2) studies or special projects designed to compare the deterrent effects of various enforcement strategies on drug use and abuse;

"(3) studies or special projects designed to access and detect accurately the presence of controlled dangerous substances in the human body, including the development of rapid field identification methods which would enable agents to detect micro-quantities of such substances;

"(4) studies or special projects designed to evaluate the nature and sources of the supply of illegal drugs throughout the country;

"(5) studies or special projects to develop more effective methods of manufacture or distribution to prevent diversion of controlled dangerous substances into illegal channels."

On page 64, line 22, immediately before "educational" insert "such".

Again, and in this point I am joined by a number of my colleagues on our Committee, public education and medical research more logically lie with H.E.W. Certainly, however, the Attorney General should have the authority and responsibility, to undertake research and public education with respect to the problems involved in enforcement of the law in this area.

6. PRESCRIPTION

Schedule III of Senate passed drug bill covers amphetamines and barbiturates. Under Section 309(b) prescriptions for those substances "may not be filled or refilled more than 6 months after the date thereof or be refilled more than 5 times after the date of the prescription unless renewed by the practitioner." H.R. 16123 would limit such prescriptions to three months and only permit three refills.

One of the facts uncovered by our Committee investigators was the practice of many addicts and some dealers, to go to a number of doctors and obtain the same prescription. This limitation would cut down on the quantity available through the use of this practice. It would also cut down on the number of unwitting addicts. These substances can create psychological dependency and in some cases physical addiction. It seems to me that an individual patient should not be allowed to go longer than three months without review of his condition by a physician when drugs that can produce these results are involved.

Your Committee might consider the approach taken to this problem by the State of California. They have set up a procedure whereby all prescriptions concerning these drugs must be transmitted to a central location and put on a computer. Parameters for normal usage by patients and usual quantities of selling by dispensers are programed into the computer. Print-outs are obtained on a systematic basis which will then show individuals who are obtaining these drugs in excess of legitimate medical need and pharmacies who are dispensing suspiciously large quantities of these drugs. This information is then transmitted to the appropriate law enforcement agency for their investigation.

7. BAN ON METHAMPHETAMINES?

To demonstrate the overriding concern of our Committee about speed, on December 23, 1969, we introduced H.R. 15432. As you know, methamphetamines are a class of amphetamines and have the same legitimate medical applications as amphetamines.

Unfortunately, this substance is preferred on the street over other amphetamines. Since there are other substances which can meet the legitimate medical needs, we felt legal sale should be stopped. The Bill does not stop all manufacture of methamphetamines and its ingredients. Since it does allow medical and scientific research. Such research would have to be authorized by a permit obtained from the Secretary of Health, Education, and Welfare.

Investigation on the West Coast revealed that a critical enforcement problem existed as far as illicit laboratories are concerned. No violation of existing law could be proved unless the operator had the finished product in his possession. H.R. 15432 makes it illegal to possess the necessary ingredients that go into speed.

As a result of our San Francisco hearings, Burroughs Wellcome Company of Tuckahoe, New York, notified us that two days after those hearings, the Directors of that Company voted to discontinue manufacturing methadrine. Similarly, Bates Laboratories of Chicago, the company which figured in the 11th hole of the Tijuana Country Club situation, has informed us that his company has also stopped production.

However, further research by our staff, indicates that we only attack a small portion of the problem if we put a total ban on methamphetamines. For instance there is very little difference between D-amphetamines and methamphetamines. Not only do the two drugs have a very similar chemical structure, but the initial effects and relative potency is about the same. Clinical reports indicate that the difference is slight and it would appear that methamphetamine addicts would switch to amphetamines with no coaxing, if the former drug was not available.

For the above reasons, I have modified my personal position to advocate that methamphetamine production be assigned a quota just the same as all other amphetamines. This would also be consistent with the treatment of these substances recommended by the World Health Organization Expert Committee on Drug Dependence. Manufacturers of that substance would have to go before the Secretary of Health, Education, and Welfare to justify the efficacy of the drug and the amount needed to be produced to cover the legitimate medical need. However, if the Interstate and Foreign Commerce Committee is not agreeable to setting production quotas for all amphetamines, then I would be willing to again consider a ban on methamphetamines. This approach would at least be a partial solution to the problem.

SUMMARY

Mr. Chairman and Members of the Subcommittee, I wish to again thank you for allowing me to appear before you this morning.

As further backup for my testimony I would like to offer into the record at this point the transcript of testimony received at our hearings held in Washington, D.C. on November 18th, 1969, entitled, "Crime in America—Why 8 Billion Amphetamines?"

Because of time, I have only highlighted some of the testimony that was taken by our Committee in San Francisco last fall. Almost the entire record of those proceedings deals with the subject matter of your hearings. Since they are voluminous, I do not request that they be included in the record, but I have brought along sufficient copies for each Member of the Subcommittee. It would be my hope that each of you will have an opportunity to go through them.

In conclusion, I know that I am joined by all the members of my Committee in making the request that early action be taken on the proposals which are now before you. It is, of course, realized that drugs are necessary and make a substantial contribution to the public health of this country. Therefore, I recognize that your actions can not be precipitous. However, the problem faced is immediate and critical. For that reason, you can be assured of our support when legislation dealing with this subject is reported to the floor.

STATEMENT OF THE HONORABLE JEROME R. WALDIE, MEMBER, HOUSE SELECT COMMITTEE ON CRIME

Mr. Chairman, Members of the Subcommittee, I appreciate this opportunity to testify on behalf of H.R. 16123, which I have sponsored in conjunction with my colleagues on the Select Committee on Crime: Chairman Pepper, Congresswoman Griffiths, and Congessman Nix.

Our legislation is basically the same as S. 3246 with the deletion of narcotics and marihuana and the addition of what we consider several important modifications.

The most important difference in our bill is the establishment of quotas for the production of amphetamines. These quotas would be established by the Attorney General, much the same way that he presently establishes quotas for the legitimate production of narcotics; however, I would not be offended if this function were discharged by the Secretary of H.E.W. A second major addition in our bill is that all persons concerned with manufacturing, distributing, or dispensing all dangerous substances would be required to obtain a license to do business rather than merely register, as provided by the Senate bill. Our bill also provides for pre-license inspection of anyone desiring to engage in these fields.

Separate and segregated records would be required for all controlled dangerous substances so that those concerned with monitoring these substances would not have to wade through voluminous and irrelevant files.

An approved order form would be required for all controlled dangerous substances instead of just those on Schedule I and Schedule II of the Senate bill.

We propose that the Secretary of Health, Education, and Welfare be the one to determine which substances should be controlled, rather than the Attorney General.

Our bill also limits a prescription for amphetamines, barbiturates and tranquilizers to three months and three refills. The Senate passed bill allows a six-month prescription with five refills.

Mr. Chairman, I cannot over-emphasize the importance of controlling dangerous substances in our society. In the hearings our Committee has held throughout this country, we have learned that the direst predictions of drug abuse are all-too-often true. Our young are increasingly turning to drugs as an escape from a society which they neither understand nor empathize with. Our hearings have shown that drug abuse is reaching lower and lower into the schools, with drugs readily available now even in junior high and elementary schools.

Mr. Chairman, since your Committee is now concerned with non-narcotic dangerous substances, I will limit my remarks largely to the abuse of amphetamines. Abuse of this substance has reached truly epidemic proportions. They are readily available, usually inexpensive, painless to ingest, and potentially deadly. What is perhaps the most frightening aspect of amphetamine abuse is that most amphetamines encountered on the illegal drug market were legally produced by ethical drug manufacturers. Testimony before the Select Committee on Crime indicates that some 8 billion legally produced amphetamines reach the market every year. I ask why, Mr. Chairman? Why? I am convinced, and the medical testimony supports my conviction, that amphetamines have a limited legitimate use in medicine today. I have no objection for their use in treatment of narcolepsy and hyperkinetic behavior, but these two diseases are so rare that several doctors with long and large practices have told us that they have never encountered either. Where, then, are the rest of these pills going? A frightening percentage of these 8 billion amphetamines finds its way onto the ilegal drug market. An equally as frightening percentage are used by law abiding, ordinary, American citizens who want to lose weight. The use of amphetamines in weight control, however, is a highly questionable medical practice and even when advisable, amphetamine treatment is useful for only a short period of time. But there are countless men and women who have fallen prey to the infamous "fat doctors" who convince them that taking a daily dosage of amphetamines is all that is required to lose weight. These persons are doubly fooled. First, because most weight loss they will experience will come at the beginning of their treatment, and secondly, because they run the very real risk

of becoming habituated to the drug they are taking. The use of amphetamines in diet control is the subject of considerable controversy within the medical profession, but the profession itself has yet to take measures that would restrict its use. The imposition of amphetamine production quotas would go a long way toward insuring that amphetamines are available for legitimate medical needs only.

Another abuse connected with the widespread prescription of amphetamines is that many young people are obtaining amphetamines on prescriptions that were originally written for their parents. An enterprising youngster can easily ask a druggist to refill a prescription for "his mother" after his mother has, in fact, stopped using the drug. This is why we have proposed that refills be limited to three, rather than the five contained in the Senate Bill. For a patient who needs more than three refills, a physician can easily write another prescription. The ease with which people can legally obtain amphetamines for illegal use must be stopped. The use of the quotas and the licensing provision contained in our bill would also help stop the kind of fantastic situation our Committee uncovered in our hearings in San Francisco. The Chairman has already told this Committee of the case of barrels of legitimately produced amphetamines headed for the 11th hole of the Tiajuana Country Club golf course. This one dramatic incident should make it clear to all concerned that the present system of controlling amphetamines simply does not work. That an ethical drug manufacturer can send millions of pills across the Mexican border to a non-existent address, and do this for years before someone uncovers the truth, is the kind of situation that we can simply no longer tolerate in this country. If the ethical drug manufacturer involved in this case can unwittingly become involved in the illicit amphetamine trade, consider how simple it must be for those whose avowed purpose is the illegal sale of amphetamines.

I would like to now briefly explain why we have designated the Secretary of Health, Education, and Welfare as the agent to determine which substances should be controlled instead of permitting the Attorney General to do so. It seems to me that the decision is overwhelmingly and completely a medical decision, and the Attorney General—any Attorney General—no matter what his qualifications may be, does not normally pretend to an expertise in medicine. The Attorney General is a law enforcement officer and our bill rightly provides him with that function. But H.E.W., with the medical and scientific facilities available to it, is the only agency which has the necessary knowledge to rationally and scientifically determine which substances are dangerous and which are not. By permitting H.E.W. to make this determination, I feel we give more credibility to our law, make it seem more legitimate in the eyes of young people. The youth of this country is sophisticated enough to know that the Attorney General is not a doctor. Just because the Attorney General says a substance is dangerous is not an overwhelming argument to many people to consider the substance dangerous. But H.E.W., I feel, does have the necessary respect so that its decision can carry some weight. H.E.W. can also carry out the necessary educational measures that are needed to convince people that these drugs are harmful. Again, in education, H.E.W. has the credibility that the Attorney General's office does not. In the end, just as this country could not legislate effectively prohibition, it will not be able to legislate abstinence from drugs. We must admit that drug abuse is a symptom of our time rather than a cause of much of the ills of our society. When people do not feel it necessary to use drugs, there will be little or no drug abuse. So our drug laws must be both firm and understanding. They must make it difficult to obtain harmful substances, but they must be realistic in determining what is harmful and penalties to be attached to violation of these laws.

Mr. Chairman, I urge your Subcommittee to carefully examine our legislation and give it the early consideration the problem so obviously requires. The time to act was long ago; the least we can do now is try to catch up.

Thank you very much.

STATEMENT OF HON. ROBERT N. C. NIX

Mr. Chairman and Members of the Subcommittee, I welcome this opportunity to vigorously urge your full support of H.R. 16123, which I have co-sponsored with my colleagues of the Select Committee on Crime.

The problem of drug abuse in America is far older than the current public consciousness of the problem. In the ghettos of New York and my own city of Philadelphia, drugs have long been a major means of escape from squalid surroundings. But just as those squalid surroundings went unnoticed for generations, so too did the problem of the drug abuse in the ghetto. Now that drug abuse has become a nation-wide experience, affecting all classes of Americans, the public and Congress is paying long overdue attention to a seriously neglected situation. Now, we find that our laws are inadequate to deal with the situation, as, indeed, they have always been. Let us now use the intense public interest in the problem of drug abuse to remedy this old and neglected situation.

I consider the bill which I have joined in sponsoring a major departure from both past legislation and the Senate-passed drug bill. Our bill goes one step further than the Senate bill in its establishment of production quotas for amphetamines.

A once important pharmacological discovery, amphetamines have now become a cancer in our society. They are legal drugs overwhelmingly used in illegal and questionably legal usage. They are the cheap and easy to obtain pep pills of the streets which find their way into the possession of many youngsters as well as adults. They are so easy to obtain, in fact, that to think that there is any effective control over their use today is almost absurd. The testimony our Committee has heard concerning the diversion of legally produced amphetamines into illegal channels is enough to make one wonder whether the present system even begins to cope with the problem. I, for one, think it does not.

We must, as our bill attempts, once again make amphetamines a drug used in the treatment of illness and nothing else. We must produce enough amphetamines to satisfy this legitimate medical need and we must not allow any production that would be surplus to this need.

To further strengthen this control of legitimately produced amphetamines, our bill tightens up procedures for their production. Rather than merely registering as provided in the Senate bill, our bill requires those engaged in amphetamine production and trade to receive a license.

Such licenses would be granted after an inspection of the facilities which would help determine whether there are adequate safeguards over production and distribution to insure that pills do not fall into the wrong hands. We would also permit a prescription for controlled substances to be refilled only three times within three months rather than the five times within six months as provided for in the Senate bill. The abuse of drugs obtained through legal prescriptions is so widespread as to require the adoption of this measure. I submit that it would create no hardship for those who legitimately need these substances, for their physician could simply write another prescription. But there are simply too many cases of people getting refills on prescriptions that were not written for them.

We also designate the Secretary of Health, Education, and Welfare as the agent to determine which substances should be controlled and the Attorney General as the agent to determine the quotas for amphetamine production. The entire problem of drug abuse is logically and naturally a medical problem, and we feel that the maximum involvement of H.E.W. in any attempted solution is required. H.E.W. has the facilities and the manpower for determining the nature and seriousness of these substances as well as for inaugurating the kind of educational programs that will be necessary to eradicate their use.

May I urge you, Mr. Chairman, and Members of your Subcommittee, to give our bill your most serious consideration. I am sure that you share my concern, and the concern of my Committee colleagues, that we must act and we must act quickly. The abuse of drugs is a much older problem than is generally recognized, and now that there is some momentum for change, I cannot urge too strongly that we act while this moment exists.

Thank you very much, Mr. Chairman.

STATEMENT OF HON. MARTHA W. GRIFFITHS

Mr. Chairman and Members of the Subcommittee, I take great pleasure in supporting H.R. 16123, which I have co-sponored with three other Members of the Select Committee on Crime.

I need not stress the urgency of the enactment of a comprehensive controlled dangerous substances measure. The urgency is evident every day in stories in our newspapers, in the eyes of our children on the streets and in the hearts of every parent who worries about his youngster.

I am sure that Members of the Subcommittee are familiar with the provisions of our Bill and the ways in which it differs from the Senate passed Controlled Dangerous Substances Act, S. 3246.

I, like my colleagues who are testifying on behalf of our Bill, will limit my remarks to the portions of our Bill dealing with amphetamines and licensing and prescription practices. The illegal use and abuse of amphetamines today is potentially as serious a problem as hard narcotic abuse. The fact that amphetamines are legitimate drugs only worsens the problem. Since doctors prescribe amphetamines for a variety of reasons, not all of them compelling, many potential drug abusers can rationalize their first experiences with these dangerous substances. If a doctor can prescribe amphetamines for fatigue, why shouldn't young people try to experience the same high as their elders? The casual use of a few illegally obtained amphetamine tablets can be the first step on the road to a life of serious and dangerous drug abuse. There is only one solution to this aspect of the problem: amphetamines must be made substantially more difficult to obtain, and then only for legitimate and necessary medical needs.

The ease with which amphetamines may be obtained, and their low cost, constitute all too great a temptation in this thrill-seeking-through-drugs period. Making amphetamines more difficult to obtain will not, of course, end the problem of their abuse. Many amphetamines are illegally produced for illegal consumption channels. The eventual and most meaningful solution to the problem of drug abuse in America will not be through legislation. Instead, it will be through a massive program of public health

education that convinces all Americans that the abuse of drugs is no solution, even temporarily, to the real or imagined problems they feel. The abuse of drugs is a medical and psychological problem, not a legal one. This country has had ample evidence in the past to testify to the fact that outlawing a substance does not curtail its use unless the public accepts the reasons for making the substance illegal. I would like, Mr. Chairman, to emphasize that our Bill designates the Secretary of the Department of Health, Education and Welfare as the agent to determine which substances are dangerous and to issue permits for their use in research projects. This provision, I feel, is a vitally important part of our Bill. The Congress of the United States appropriates millions and millions of dollars to H.E.W. annually. The least we ought to do is get a return on our investment by seeking and accepting their judgment as doctors and scientists as to which substances are dangerous and which are not. The Attorney General is not a doctor and while he is familiar with the problems of enforcing the law, he ought not to be the one to determine what substances fall under the law he is enforcing.

Our Bill does permit the Attorney General to set the production quotas for substances found dangerous by H.E.W., but I would even prefer to see H.E.W. set the quotas themselves. Who is in a better position to determine the adequate medical supply of amphetamines necessary than the medical staffs of the Department of Health, Education, and Welfare? What particular expertise in calculating the amount of amphetamines necessary yearly does the Attorney General have? Again, I insist, this entire question is a medical one, not a legal one. The Attorney General ought and should enforce the law and the quotas that are established under it, but he should not be in the position of enforcing a quota which was not set by competent medical authorities. Furthermore, permitting the Attorney General to both set the quota and enforce it puts him in the positon of both legislator and law enforcement officer. We have always guarded against this practice, for it often leads to abuse, improper judgment and a lack of perspective. Simply because the problem of drug abuse is foremost in the minds of most Americans today is no reason to bend a law that will have to last considerably longer than the current interest in drugs.

Ours is a Bill, Mr. Chairman, which I feel must be passed. We must take action on the problem of drug abuse. We must do so quickly. Eight billion amphetamines a year is both medically and socially dangerous. I urge you to examine the testimony the Select Committee on Crime has received concerning amphetamine abuse, and I am sure that if you do, you will share the sense of urgency felt by all the Members of our Committee. Perhaps the only thing more criminal than the illegal use of illegal amphetamines is the illegal use of legally produced, profitable drugs.

Thank you very much, Mr. Chairman.

STATEMENT OF ROBERT V. DENNEY

Mr. Chairman and members of the subcommittee: Last week I introduced a bill providing for strict controls on the manufacturing and dispensing of dangerous drugs.

My bill, H.R. 16118, is designed to provide new means for the control of amphetamines, barbiturates and hallucinogenic drugs and their immediate precursors.

In large measure my bill is similar to the Controlled Dangerous Substance Act of 1969 which passed the Senate in late December of last year. As a member of the House Select Committee on Crime, I have come to the reluctant conclusion that the controls proposed in that bill are not adequate. Our committee has held hearings in Boston, Omaha, San Francisco, Columbia, S.C., and Miami during the past year. We have just concluded four days of hearings in metropolitan Washington, D.C. A large portion of those hearings were devoted to the subject of dangerous drugs. The evidence is abundantly clear that substantial portions of legally manufactured drugs are being diverted into illicit markets.

For instance, in our hearings in San Francisco in late October, 1969, we were able to show that millions of pep pills were being sold by an American manufacturer to an alleged drug store in Tijuana. It was brought out in the hearings that the manufacturer had never made any attempt to check up on his purchaser. It was further shown that the drug store did not exist, that the address given was in fact the 11th hole of the Tijuana Country Club. Under existing law, these sales were apparently legal, even though it is obvious they were to be smuggled back into the U.S.

Also, as a part of those hearings, at the direction of the committee, we nad an agent of the Federal Bureau of Narcotics and Dangerous Drugs order amphetamines and barbiturates from drug mail order houses around the country. In almost every instance, this agent was able to have his order filled merely by calling himself a doctor and citing some fictitious medical degree after his name.

The tragedy of "blown minds", wrecked lives and paranoid behavior, has created a condition that this country can no longer tolerate. My bill would essentially adopt the controlled dangerous substance act with the following changes:

(1) Require licensing of manufacturers, distributors and dispensers of dangerous drugs rather than registration as is provided in the Senate bill;

(2) Specific authorization for pre-license inspection;

(3) An outright ban on methamphetamine, i.e., speed—this incorporates the same concept which is contained in HR 15432 which has already been introduced by the committee;

(4) Require separate and segregated record keeping for all controlled dangerous substances;

(5) The Senate bill allows a 6-month prescription with five refills for amphetamines, barbiturates and tranquilizers. My bill would limit the prescription to three months and three refills.

Substantial evidence was induced in our hearings indicating that there is a vast overproduction of amphetamines, barbiturates and tranquilizers which far exceeds the legitimate medical needs of this country. It was shown during 1968 that there were 40 amphetamine dosage units manufactured for every man, woman and child in this country. This past year the figure has gone up to 50. Some of my colleagues on the committee, in reaction to this fact have suggested that quotas be established for the amount of amphetamines that can be legally manufactured. I believe such action to be precipitous at this time. We should proceed with the stricter controls that are included in my bill to see whether or not they will do the job.

I would like to feel that the drug companies will voluntarily exercise restraint. However, should the situation persist, then I feel we would be forced to take another look at the situation.

POSTAL PAY

(Mr. DULSKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DULSKI. Mr. Speaker, at the request of my colleagues, and for the information of all Members of the House, I am presenting the following summary of the situation with respect to salary legislation for postal and other Federal employees.

SALARY LEGISLATION

Public hearings on salary legislation were conducted by our Compensation Subcommittee early in the first session of the 91st Congress, and the committee reported H.R. 13000 to the House on September 9, 1969.

The House of Representatives on October 14, 1969, passed H.R. 13000, the general Federal Employees' Salary Act.

The Senate passed H.R. 13000 on December 12, 1969, but completely rewrote the text.

THE HOUSE BILL

Key benefits in the House bill were:

For postal employees: A 5.4-percent raise, effective October 1, 1969, for employees in the first 11 pay levels;

A one-step increase July 1, 1970, for employees in pay levels 12 and above;

Acceleration of advancement of employees in their respective pay levels, so that each will reach the top salary step after 8 years of service, instead of the 21 years now required; and

For postal and all other Federal employees: Estbalishment of a permanent "Federal Employees' Salary Commission" to make recommendations to Congress in each February, beginning in 1970, for "comparability" salary adjustments—adjustments which would become effective upon approval by both Houses of Congress within 60 days of a concurrent resolution of approval.

During the floor debate in the House the distinguished minority leader read a statement by the President of the United States implying that the House version of H.R. 13000 would be vetoed if passed by both Houses and submitted to him.

THE SENATE BILL

The Senate struck out all of the House provisions and, in lieu thereof, provided—

For postal and all other Federal employees: Across-the-board percentage increases, effective in January of 1970, of 4 percent in the first nine grades—or levels—3 percent in grades 10 to 12, 2 percent in grades 13 and 14, and 1 percent in grade 15, with no increases above grade 15, and authorized the President to grant "comparability" adjustments in July of 1970 of not less than 3 percent.

The Senate's comparability adjustment would be reduced by whatever was paid under earlier increases except that no employee would receive less than 3 percent in July.

I have made repeated requests of the chairman of the Senate Conferees to meet promptly in conference on H.R. 13000, without result. The latest request was made this afternoon. The House Conferees stand ready to meet at any time of the day or night.

POSTAL PAY—POSTAL CORPORATION MIX

Six days after the Senate passed H.R. 13000 last December, there was presented in our committee a hybrid "compromise" measure, consisting of a mod-

ified postal corporation and part of the postal employees' pay raises already included in H.R. 13000.

This measure would have given each postal employee in pay level 11 or below a two-step increase effective in January 1970, and reduced the time required for a postal employee to reach the top pay rate for his level from 21 to 8 years. These are roughly equivalent to two items included in H.R. 13000, but exclude any comparability salary increase in 1970 or any other time. Nothing was provided for other Federal employees.

That measure was rejected later by those who originally presented it before the committee.

However, it was reactiviated some 2 weeks ago and rammed through our committee as a substitute for H.R. 4, the postal reform bill which the committee had been marking up quite effectively.

There was only one major change—the pay benefits for postal employees were largely confined to employees in the first six pay levels. Again, this substitute excluded any comparability pay raise for postal or other Federal employees in 1970 or at any other time.

The position of the administration, as outlined in the President's fiscal 1971 budget message, is that any comparability pay raise for Federal employees, including postal workers, should be postponed 6 months until next January.

This is notwithstanding the policy of Congress, laid down first in 1962 and reiterated three times since, that postal and other Federal employees are entitled to comparability pay adjustments each July to bring them in line with comparable civilian pay scales as of the previous July.

Postal and other Federal workers are now 21 months behind comparable civilian wage rates and the administration-recommended delay would put them 30 months behind. Little wonder then that the employees are complaining.

COMPULSORY UNIONIZATION ISSUE

(Mr. BLACKBURN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, the postal strike which is now gripping many cities in this Nation has brought to national attention the problem of compulsory unionism. I believe that now is the time for Congress to again investigate this issue since it will be a main point of controversy in the postal reform legislation which will be coming before this body within the near future.

Recently one of our foremost national syndicated columnists, David Lawrence, wrote an article concerning problems which arise as a result of compulsory unionism. For the information of my colleagues, I hereby insert this column into the RECORD:

[From the Washington Star, Mar. 11, 1970]

THE COMPULSORY UNIONIZATION ISSUE

(By David Lawrence)

The latest survey shows that nearly 83 percent of the union contracts made with companies nowadays provide some requirement either for membership in the union or dues paying on the part of the employee.

The Bureau of National Affairs, Inc., which has just completed a comprehensive study, says that the most prevalent form of union security is the "union shop," which requires all employees to join the union after 30 days on the job and to maintain membership as a condition of employment.

Eighty-six percent of the contracts cited in the survey call for the deduction of union dues from pay envelopes; in 9 percent of the contracts, employees who do not become members are required to pay service fees equal to the amount of union dues.

Hiring provisions—for example, requiring only that preference be given to workers living in the area or to those with prior experience in the industry—are found in 17 percent of the contracts. But agreements expressly stipulating that union members be hired are almost nonexistent, as these are illegal in companies subject to the Taft-Hartley Act.

In construction and other skilled trade unions, the labor union office supplies the worker when an employer begins a building project in a new area or expands his working force. As a practical matter, a building contractor who operates under a union contract usually asks the union office to send out carpenters, plumbers and other skilled craftsmen for jobs that open up.

This is where union leaders run into conflict with the government's efforts to impose racial quotas on hiring of new employees. Labor leaders complain that the government is trying to force them to take into their unions—and into construction jobs—unqualified Negroes.

Labor unions for the most part conduct their internal affairs amicably, though frequently there are bitter contests between rival candidates for office inside a union which stir up ill feelings. Officials of labor unions have found over the years that they can be re-elected only if they push steadily for wage increases. In a sense they are prompted by what may be called "labor union politics."

Employers recognize often that the union leaders would at times welcome some outside panel to pass judgment on their demands because strikes are costly and occasionally do not yield the anticipated benefits.

Labor unions have steadily grown in size until today the membership is approximately 19 million. The entire labor force is estimated at about 82 million. The unorganized labor population, however, is largely in rural districts and in occupations in which it would be difficult to effect organization.

Broadly speaking, labor union leaders feel that over the years they have benefited by collective bargaining, and that they have in many cases prevented the passage of legislation unfavorable to their own interests.

The power of the national labor union has grown extensively in recent decades. When a strike is called, an entire industry can be shut down because the local unions obey the orders of the leaders of the national union with which they are affiliated. Workers in the skilled trades are almost completely unionized. They have a monopoly in virtually all the manufacturing industries.

Nineteen states have what are known as "right-to-work" laws. These prohibit any labor union from compelling a worker to join a labor organization as a means of getting a job or remaining in a job. The labor groups, however, have managed to prevent the spread of such laws to other states.

What is surprising, of course, is that with all the talk about "liberalism" and "individual rights," a worker in numerous industries must join a union after 30 days in order to keep his job. The employer, moreover, has agreed to the mandate. The courts have never ruled against this obvious invasion of individual rights.

The argument usually heard is that the nonmembers can hardly bargain by themselves and that the labor union represents the only organized body which can conduct collective bargaining negotiations. But the compulsion nevertheless remains, and it is this factor which has led to the development of a National Right-to-Work Committee, which carries on a continuous crusade against any form of compulsory unionization.

ISRAEL'S NEED FOR AIRCRAFT

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, I am dismayed by the Nixon administration's decision denying Israel's request for additional jet planes. It is not particularly reassuring that the denial is made on an interim basis, subject to review in the light of developments.

Clearly, the Arab States already have six or seven times as many jets as Israel because of the enormous assistance given to them by the Soviet Union. The United Arab Republic alone has 2½ to 3 times as many combat jets as Israel. This ratio represents a dangerous imbalance, in spite of the great superiority of the Israeli pilots and aircraft maintenance.

A very ominous new factor is the Soviet's decision to send in SAM missiles and Russian personnel to man them. It is impossible for me to understand why the President did not withhold his announcement until this new factor had been fully considered in all its implications.

I intend to press in this House for action to bring about a swift reconsideration and reversal of the President's announced decision.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. HOSMER, from 3:30 p.m. for the balance of the day, on account of eye examination.

To Mr. LENNON (at the request of Mr. ALBERT), for today and the remainder of the week on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. STRATTON, today, for 1 hour, to revise and extend his remarks and to include extraneous material.

Mr. HOLIFIELD (at the request of Mr. CHARLES H. WILSON), for 30 minutes today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. BLACKBURN) and to revise and extend their remarks and include extraneous matter:)

Mr. FINDLEY, for 20 minutes, today.

Mr. RHODES, for 5 minutes, today.

Mr. POFF, for 10 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. CHARLES H. WILSON) and to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. BYRNE of Pennsylvania, for 15 minutes, today.

Mr. BRINKLEY, for 60 minutes, on March 25.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. O'NEILL of Massachusetts in five instances.

Mr. ARENDS (at the request of Mr. BRAY) on H.R. 15728 and to follow the remarks of Mr. RIVERS.

Mr. MADDEN and to include extraneous matter.

Mr. EDWARDS of California in two instances.

Mr. GUBSER (at the request of Mr. STRATTON) to extend his remarks following those of Mr. STRATTON and prior to the colloquy.

(The following Members (at the request of Mr. BLACKBURN) and to include extraneous matter:)

Mr. BROWN of Ohio in three instances.
Mr. BURTON of Utah in five instances.
Mr. BROOMFIELD.
Mr. AYRES.
Mr. ZWACH in two instances.
Mr. MCCLORY.
Mr. SCHERLE.
Mr. CARTER in four instances.
Mr. ASHBROOK in two instances.
Mr. WYMAN in two instances.
Mr. LANGEN in two instances.
Mr. MYERS.
Mr. WOLD.
Mr. BERRY.
Mr. ROBISON in four instances.
Mr. DERWINSKI in two instances.
Mr. DICKINSON.
Mr. SEBELIUS.
Mr. BEALL of Maryland in two instances.
Mr. QUIE.
Mr. STEIGER of Wisconsin.
Mr. MIZE.
Mr. SCHWENGEL.
Mr. ESCH in two instances.
Mr. CRAMER in two instances.
Mr. GROSS.
Mr. FRELINGHUYSEN.
Mr. BOW.

(The following Members (at the request of Mr. CHARLES H. WILSON) and to include extraneous matter:)

Mr. MONTGOMERY.
Mr. BOLAND.
Mr. LONG of Maryland.
Mr. HARRINGTON.
Mr. DADDARIO in five instances.
Mr. ULLMAN in 10 instances.
Mr. GONZALEZ in two instances.
Mr. NATCHER.
Mr. O'HARA.
Mr. POWELL in five instances.
Mr. GILBERT in two instances.
Mr. DENT.
Mr. BIAGGI in 10 instances.
Mr. EVINS of Tennessee in four instances.
Mr. RARICK in three instances.
Mr. FASCELL in two instances.
Mr. GRIFFIN in two instances.
Mr. BARING.
Mr. MAHON in two instances.
Mr. CELLER.
Mr. FOUNTAIN in two instances.
Mr. HELSTOSKI in three instances.
Mr. WOLFF in four instances.
Mr. FEIGHAN in five instances.
Mr. RODINO.
Mr. GALLAGHER.
Mr. TEAGUE of Texas in eight instances.
Mr. ROE.
Mr. BURKE of Massachusetts.
Mr. SYMINGTON.
Mr. PEPPER.
Mr. HATHAWAY in two instances.
Mr. PICKLE in three instances.
Mr. RYAN in two instances.
Mr. HAGAN in two instances.
Mr. GARMATZ.
Mr. BROWN of California in five instances.
Mr. BINGHAM.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 162. Joint resolution in recognition of the Fifth International Conference on Water Pollution Research; to the Committee on Foreign Affairs.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3786. An act to authorize the appropriation of additional funds necessary for acquisition of land at the Point Reyes National Seashore in California.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on March 20, 1970, present to the President, for his approval bills of the House of the following titles:

H.R. 6543. An act to extend public health protection with respect to cigarette smoking and for other purposes; and

H.R. 15700. An act to authorize appropriations for the saline water conversion program for fiscal year 1971, and for other purposes.

ADJOURNMENT

Mr. CHARLES H. WILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 42 minutes p.m.), the House adjourned until tomorrow, Tuesday, March 24, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1809. A communication from the President of the United States transmitting certain amendments to the 1971 budget for the Office of Education, Department of Health, Education, and Welfare (H. Doc. No. 91–285); to the Committee on Appropriations and ordered to be printed.

1810. A letter from the Assistant Secretary of Defense, transmitting a report relative to the cost of disposal of surplus military supplies and production of lumber products for the first half of fiscal year 1970, pursuant to the provisions of section 612 of Public Law 91–171 and 10 U.S.C. 2665; to the Committee on Appropriations.

1811. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notification of the location, nature, and estimated cost of an armory project proposed to be undertaken for the Army National Guard, and certain cancellations of projects listed in previous notifications, pursuant to the provisions of 10 U.S.C. 2233a(1); to the Committee on Armed Services.

1812. A letter from the Assistant to the Commissioner, District of Columbia, transmitting a draft of proposed legislation relating to education in the District of Columbia; to the Committee on the District of Columbia.

1813. A letter from the Assistant to the Commissioner, District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Code to increase the jurisdictional amount for the administration of small estates, to increase the family allowance, to provide simplified procedures for the settlement of estates, and to eliminate provisions which discriminate against women in administering estates; to the Committee on the District of Columbia.

1814. A letter from the Secretary of Labor, transmitting a draft of proposed legislation to amend the Longshoremen's and Harbor Workers' Compensation Act and improve its benefits, and for other purposes; to the Committee on Education and Labor.

1815. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to extend and amend the Higher Education Act of 1965, and for other purposes; to the Committee on Education and Labor.

1816. A letter from the Assistant Secretary of the Interior, transmitting the first annual report of the Governor of Guam, pursuant to the provisions of Public Law 90–601; to the Committee on Interior and Insular Affairs.

1817. A letter from the Secretary of Commerce, transmitting a report of activities under the Flammable Fabrics Act for 1968 and 1969, pursuant to the provisions of section 14(b) of the act, as amended by Public Law 90–189; to the Committee on Interstate and Foreign Commerce.

1818. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize an additional Assistant Secretary of Commerce; to the Committee on Interstate and Foreign Commerce.

1819. A letter from the Acting Secretary of Transportation, transmitting a draft of proposed legislation to extend for 1 year the act of September 30, 1965, as amended by the act of July 24, 1968, relating to high-speed ground transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

1820. A letter from the Chairman, Federal Communications Commission, transmitting a draft of proposed legislation to amend section 1114 of title 18 of the United States Code to make the killing, assaulting, or intimidating of any officer or employee of the Federal Communications Commission performing investigative, inspection, or law-enforcement functions a Federal criminal offense; to the Committee on the Judiciary.

1821. A letter from the Administrator, General Services Administration, transmitting a report of the status of construction,

alteration, or acquisition of public buildings for the year ending December 31, 1969, pursuant to the provisions of section 11(a) of the Public Buildings Act of 1959, as amended; to the Committee on Public Works.

1822. A letter from the Director, National Science Foundation, transmitting a report on the Federal support of research and development at universities and colleges and selected nonprofit institutions, for the fiscal year 1968, pursuant to the provisions of the National Science Foundation Act, as amended; to the Committee on Science and Astronautics.

1823. A letter from the Administrator, Small Business Administration, transmitting a draft of proposed legislation to clarify and extend the authority of the Small Business Administration, and for other purposes; to the Committee on Banking and Currency.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on March 19, 1970 the following report was filed on March 20, 1970]

Mr. DAWSON: Committee on Government Operations. Report on the British Drug Safety System (Rept. No. 91–931). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted March 23, 1970*]

Mr. MILLER of California: Committee on Science and Astronautics. Report on Issues and Directions for Aeronautical Research and Development (Rept. No. 91–932). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROGERS of Colorado: Committee on the Judiciary. S. 980. An act to provide courts of the United States with jurisdiction over contract claims against nonappropriated fund activities of the United States, and for other purposes; with amendments (Rept. 91–933). Referred to the Committee of the Whole House on the State of the Union.

Mr. BRADEMAS: Committee on Education and Labor. H.R. 16065. A bill to amend the National Foundation on the Arts and Humanities Act of 1965, as amended (Rept. No. 91–936). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of New York: Committee on the Judiciary. H.R. 13740. A bill for the relief of Kimball Brothers Lumber Co.; with an amendment (Rept. No. 91–934). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 15760. A bill for the relief of Dr. Anthony S. Mastrian (Rept. No. 91–935). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES:

H.R. 16589. A bill to amend the Longshoremen's and Harbor Workers' Compensation Act to improve its benefits, and for other purposes; to the Committee on Education and Labor.

By Mr. BURTON of Utah:

H.R. 16590. A bill to adjust agricultural production, to provide a transitional program for farmers, and for other purposes; to the Committee on Agriculture.

By Mr. FISHER:

H.R. 16591. A bill to amend title 5, United States Code, to provide penalties of reduction in pay for employees in the competitive service who participate in strikes against the United States, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FLOOD:

H.R. 16592. A bill to amend the National Foundation on the Arts and the Humanities Act of 1965, as amended; to the Committee on Education and Labor.

By Mr. FOLEY:

H.R. 16593. A bill to amend the Land and Water Conservation Fund Act, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HUTCHINSON:

H.R. 16594. A bill to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. MILLER of California:

H.R. 16595. A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes; to the Committee on Science and Astronautics.

By Mr. SIKES:

H.R. 16596. A bill to amend section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended, to authorize the Secretary of Agriculture to furnish financial assistance in carrying out plans for works of improvement for land conservation and utilization, and for other purposes; to the Committee on Agriculture.

By Mr. TEAGUE of Texas (by request):

H.R. 16597. A bill to amend section 1682 of title 38 of the United States Code to require that more emphasis be given to supervised work experience in the farm cooperative training program; to increase the educational assistance allowance rates for such program; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WYDLER:

H.R. 16598. A bill to establish a commission appointed by the President to conduct an immediate study of the pay system of postal field service employees and recommend necessary changes therein to the Congress, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ASHLEY:

H.R. 16599. A bill to preserve, protect, develop, restore, and make accessible the lake areas of the Nation by establishing a National Lake Areas System and authorizing programs of lake and lake areas research, and for other purposes; to the Committee on Public Works.

By Mr. BURLESON of Texas (for himself and Mr. LANDRUM):

H.R. 16600. A bill to combine and improve the Federal-State programs of public assistance for the aged, blind, and disabled so as to increase payment levels and achieve greater uniformity of treatment of recipients under such programs, and for other purposes; to the Committee on Ways and Means.

By Mr. BUTTON:

H.R. 16601. A bill to provide for the crediting of certain past employment by certain persons subject to the National Guard Technicians Act of 1968; to the Committee on Armed Services.

By Mr. CHAMBERLAIN:

H.R. 16602. A bill to restrict travel in violation of area restrictions; to the Committee on the Judiciary.

By Mr. DOWNING (for himself, Mr. GARMATZ, Mr. LENNON, and Mr. DINGELL):

H.R. 16603. A bill to authorize a program of exploratory fishing for the purpose of assisting in the development and utilization of species of fish suitable for industrial uses, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. FINDLEY:

H.R. 16604. A bill to extend the highway trust fund and the time for completion of the Interstate Highway System until 1976, and to include automobile excise taxes in the highway trust fund; to the Committee on Ways and Means.

By Mr. GUBSER:

H.R. 16605. A bill to provide for the adoption of the adjusted Gregorian calendar; to the Committee on Foreign Affairs.

By Mr. MELCHER:

H.R. 16606. A bill to amend the Internal Revenue Code of 1954 to provide for the continuation of the investment tax credit for small businesses, and for other purposes; to the Committee on Ways and Means.

By Mr. MOSHER (for himself and Mr. MAILLARD):

H.R. 16607. A bill to amend the Marine Resources and Engineering Development Act of 1966 to continue the National Council on Marine Resources and Engineering Development; to the Committee on Merchant Marine and Fisheries.

By Mr. MURPHY of New York:

H.R. 16608. A bill to amend title 10 of the United States Code to require the presentation of full military honors at the burial of veterans; to the Committee on Armed Services.

By Mr. MURPHY of New York (for himself, Mr. THOMPSON of Georgia, Mr. FRASER, Mr. UDALL, Mr. HALPERN, Mr. BINGHAM, Mr. HATHAWAY, Mr. PODELL, Mr. WOLFF, Mr. POWELL, Mr. ST. ONGE, Mr. HARRINGTON, Mr. SANDMAN, Mr. MIKVA, Mr. ROE, Mr. MOORHEAD, Mr. EDWARDS of California, Mr. MATSUNAGA, Mr. HELSTOSKI, Mr. THOMPSON of New Jersey, Mr. DADDARIO, and Mr. MANN):

H.R. 16609. A bill to require the establishment of marine sanctuaries and to prohibit the depositing of any harmful materials therein; to the Committee on Merchant Marine and Fisheries.

By Mr. STRATTON:

H.R. 16610. A bill to provide for the establishment of standards of financial responsibility to be met by private vocational schools operated for profit in the District of Columbia; to the Committee on the District of Columbia.

By Mr. VANIK (for himself, Mr. DIGGS, Mr. HARRINGTON, Mr. HELSTOSKI, Mr. MATSUNAGA, and Mr. MCCARTHY):

H.R. 16611. A bill to amend the Internal Revenue Code of 1954 by imposing a tax on the transfer of explosives to persons who may lawfully possess them and to prohibit possession of explosives by certain persons; to the Committee on Ways and Means.

By Mr. MCMILLAN (for himself and Mr. NELSEN):

H.R. 16612. A bill to amend the District of Columbia Bail Agency Act to provide additional funds for the District of Columbia Bail Agency for fiscal year 1970; to the Committee on the District of Columbia.

By Mr. HOLIFIELD (for himself and Mr. WIGGINS):

H.J. Res. 1144. Joint resolution authorizing the President to annually issue a proclamation designating the first Monday in October as "Free Enterprise Day"; to the Committee on the Judiciary.

By Mr. MINISH:

H. Con. Res. 555. Concurrent resolution urging the President to determine and undertake appropriate actions with respect to stopping armed attacks on aircraft and passengers engaged in international travel; to the Committee on Foreign Affairs.

By Mr. OTTINGER (for himself, Mr. SCHEUER, Mr. PODELL, Mr. ADDABBO, Mr. BRASCO, Mr. BIAGGI, Mr. RYAN, Mr. HALPERN, Mr. FARBSTEIN, Mr. KOCH, Mr. BINGHAM, Mr. GILBERT, Mr. PEPPER, Mr. POLLOCK, Mr. MOORHEAD, Mr. FRIEDEL, Mr. VANIK, Mr. STOKES, Mr. LUKENS, Mr. BROWN of California, Mr. BURTON of California, Mr. LEGGETT, Mr. REES, and Mr. EDWARDS of California):

H. Con. Res. 556. Concurrent resolution on the Middle East; to the Committee on Foreign Affairs.

By Mr. PATMAN:

H. Res. 890. Resolution authorizing the printing of additional copies of the "Report of the Joint Economic Committee"; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GUDE:

H.R. 16613. A bill for the relief of Rea Republica Ramos; to the Committee on the Judiciary.

By Mr. KOCH:

H.R. 16614. A bill for the relief of Mrs. Maya Jabbour Grigg; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 16615. A bill for the relief Dr. Clara Satanowsky Becker; to the Committee on the Judiciary.

H.R. 16616. A bill for the relief of Luc Pal Emil Fafard; to the Committee on the Judiciary.

H.R. 16617. A bill for the relief of Dr. Kazi Mobin-Uddin; to the Committee on the Judiciary.

By Mr. ROONEY of New York:

H.R. 16618. A bill for the relief of Virgilio Cruz Leynes; to the Committee on the Judiciary.

By Mr. VAN DEERLIN:

H.R. 16619. A bill for the relief of Victoria B. Toia; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

338. By the SPEAKER: A memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to restoring funds for the agricultural conservation program; to the Committee on Agriculture.

339. Also, a memorial of the General Court of the Commonwealth of Massachusetts, relative to providing import quotas to aid the shoe industry; to the Committee on Ways and Means.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

420. By the SPEAKER: Petition of Henry Stoner, York, Pa., relative to calling an advisory conference to meet on wages, prices, and profits; to the Committee on Banking and Currency.

421. Also, petition of the council of the city of Philadelphia, Pa., relative to ending the tragic waste of American lives and resources in Vietnam; to the Committee on Foreign Affairs.

422. Also, petition of the central council of the Popular Democratic Party of Puerto Rico, San Juan, P.R., relative to the designations to ad hoc committees for the integral growth of the Commonwealth of Puerto Rico; to the Committee on Interior and Insular Affairs.

423. Also, petition of the council of the city of San Diego, Calif., relative to repealing the provisions of the Emergency Detention Act of 1950; to the Committee on Internal Security.

SENATE—*Monday, March 23, 1970*

The Senate, as in legislative session, met at 11 o'clock a.m. and was called to order by Hon. THOMAS F. EAGLETON, a Senator from the State of Missouri.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Lord of life and God of our salvation, who has brought us to this week of holy recollection, grant that in our work and in our meditation we may be aware of Thy presence, strengthened by Thy power, and guided by Thy spirit. Give us eyes to see that the cycle of death and resurrection is the law of life, that to lose life for others is to find it again in service to Thee.

Teach us, O Lord, that suffering can be redemptive, that truth is invincible, and life impervious to physical death. Let the life of the spirit be nourished in us, that being made new by Thy grace we may serve Thee and this Nation for the welfare of all Thy children and for the establishment of that kingdom whose builder and maker is God. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 23, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. THOMAS F. EAGLETON, a Senator from the State of Missouri, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. EAGLETON thereupon took the chair as Acting President pro tempore.

THE LEGISLATIVE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the legislative Journal of the proceedings of Friday, March 20, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER DISPENSING WITH THE CALL OF THE CALENDAR UNDER RULE VIII

Mr. MANSFIELD. Mr. President, as in legislative session, I ask unanimous consent to waive the call of the calendar of unobjected-to bills under rule VIII.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent to limit statements to 3 minutes in relation to the transaction of routine morning business as in legislative session.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 10 O'CLOCK TOMORROW MORNING

Mr. MANSFIELD. Mr. President, because of a change in plans of a Senator, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning, rather than 9:30.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR SMITH OF MAINE FOR 10 MINUTES TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Maine (Mrs. SMITH) be recognized for not to exceed 10 minutes tomorrow morning, after the prayer.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW AND CONSIDERATION OF CONFERENCE REPORT ON ELEMENTARY AND SECONDARY EDUCATION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business tomorrow morning, as in legislative session, not to exceed 15 minutes, and that statements therein be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. I also ask unanimous consent that at the conclusion of morning business tomorrow, within a 15-minute limitation, the Senate proceed to the consideration of the conference report on the elementary and secondary education bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Mr. MANSFIELD. Mr. President, in executive session, I ask unanimous consent that the Senate proceed to the consideration of the nomination on the Executive Calendar under new report.

The ACTING PRESIDENT pro tempore. The nomination on the Executive Calendar will be stated.

The assistant legislative clerk read the name of Robert Harry Nooter, of Missouri, to be an Assistant Administrator of the Agency for International Development.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. SYMINGTON. Mr. President, I ask unanimous consent that I may proceed for 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE NOMINATION OF JUDGE GEORGE HARROLD CARSWELL

Mr. SYMINGTON. Mr. President, an appointment to the Supreme Court should be one that would heal, rather than further fragment, the restless mood currently characteristic of America.

Such an appointee could well come from the many distinguished and outstanding lawyers or jurists in any section of the country—North, South, East, and West; and because an otherwise qualified preeminent southern jurist or lawyer could serve to enhance the esteem of and confidence in the Court, such an appointee would have my support.

Judge George Harrold Carswell of the U.S. Court of Appeals for the Fifth Circuit has been nominated by the President and approved by a majority of the Senate Judiciary Committee. We are now called upon to assess the merits of this nomination.

In the dry statistics of the matter, Judge Carswell's career may be briefly summarized as follows: After graduation from Duke University in 1942, he served as a lieutenant in the Navy in World War II. He ran for public office once—for the State Legislature of Georgia—and during the course of that campaign made a speech with which all are now familiar. Upon passing the bar in Georgia in 1948, and in Florida in 1949, he practiced law for 4 years. In 1953, he became a U.S. attorney for the northern district of Florida.

After 5 years' service in that post, Judge Carswell became a U.S. district judge in 1958 and served for 11 years until last year, when he was named to the appellate bench of the fifth circuit.

As one reads the testimony before the Judiciary Committee, it is clear that the service of Judge Carswell as a district judge has been without any discernible distinction. His performance as a district judge offers no seeds of promise that he has the much larger and much greater wisdom that will be needed as one of nine men who, when necessary, determine the constitutionality of the Nation's proceedings.

A dean of one of the Nation's outstanding law schools, Louis H. Pollak, Yale Law School, who canvassed a wide range of Judge Carswell's district court opinions stated:

> There is nothing in these opinions that suggests more than at very best a level of modest competence, no more than that, and I am talking now about the general run of contract, of tort, of Federal jurisdiction, of tax cases, the run of cases which a District Judge has before him.

And in regard to civil rights cases, he found a propensity to dispose of cases through techniques that avoided hearings. As a result, litigants could have been deprived of a day in court. Dean Pollak concluded that—

> The nominee presents more slender credentials than any nominee for the Supreme Court put forth in this century.

Perhaps, however, the most disturbing testimony before the committee was that of a former litigant in civil rights matters who appeared before Judge Carswell's court and who presently is an associate professor of law. Leroy D. Clark, associate professor of law, New York University Law School, who was representing the National Conference of Black Lawyers, discussed the long period of delay and dilatory tactics which he found characteristic of Judge Carswell's rulings. He also told the committee:

> It was not unusual for Judge Carswell to shout at a black lawyer who appeared before him while using a civil tone to opposing counsel. . . . Judge Carswell was insulting and hostile. . . . I have been in Judge Carswell's court on at least one occasion in which he turned his chair away from me when I was arguing. . . . Judge Carswell was the most hostile Federal District Court Judge I have ever appeared before with respect to civil right matters.

There was similar testimony from other attorneys.

We know that a trial judge's job is not an easy one. He is human. He will at times appear gruff and arbitrary. The testimony is nevertheless disturbing and my feeling about it was not relieved by Judge Carswell's general reply as to his belief that a judge should be courteous to counsel.

The Supreme Court is a high and independent branch of Government, which deserves the best talent that America has to offer. Particularly now when our country is torn by rifts and doubts, those who are to serve this Nation on that High Court should be capable of commencing that service in the knowledge that they can and do inspire confidence and unity.

We may hold a jurist in high honor even though we disagree with his decisions. In light of all the circumstances, the kind of stature that brings the respect of all Americans does not appear to be present in the professional credentials and attainments of Judge Carswell. For these reasons, I shall vote against confirmation.

VETERANS EDUCATION AND TRAINING AMENDMENTS ACT OF 1970—CONFERENCE REPORT

Mr. CRANSTON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 11959) to amend chapters 31, 34, and 35 of title 38, United States Code, in order to increase the rates of vocational rehabilitation, educational assistance, and special training allowance paid to eligible veterans and persons under such chapters. I ask unanimous consent for the present consideration of the report.

The ACTING PRESIDENT pro tempore. The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of March 18, 1970, pp. H1891–H1894, CONGRESSIONAL RECORD.)

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. CRANSTON. I yield.

Mr. SCOTT. I am happy to say that I know of no objection on this side to the immediate consideration of the conference report.

I congratulate the Senator from California for bringing it up at this time. I am in favor of it.

Mr. CRANSTON. Mr. President, I express my thanks to the distinguished minority leader.

There has been a bipartisan approach in the Senate, and I am delighted that this has been true, all the way through to final action.

Mr. President, today is a momentous day for all Vietnam veterans as this most comprehensive piece of veterans education and training legislation reaches the culmination of a long process that began well over a year ago. Final congressional action on this landmark bill is surely an appropriate event to mark the first legislative day of a new season—a season of growth and life just as the GI bill has meant so much growth and advancement for more than 8 million veterans since World War II.

It has been a great privilege for me over the past year to serve as chairman of the Veterans' Affairs Subcommittee of the Labor and Public Welfare Committee, following in the footsteps of the illustrious leadership provided by three former chairmen and present fellow members of that committee who have been of such great assistance in passing this measure. So I wish to pay especial tribute and express my deep appreciation today to these three colleagues: the full committee chairman (Mr. YARBOROUGH), my immediate predecessor as subcommittee chairman (Mr. KENNEDY), and the

ranking majority member of the full committee (Mr. RANDOLPH).

Particularly, I want to call to the attention of the Senate the deep devotion and dedication brought to the work of writing, considering, and passing this measure and then hammering out an equitable compromise in conference by my distinguished friend from Texas (Mr. YARBOROUGH). His unceasing championship of veterans benefits, especially those relating to education and training needs and rights in three decades has brought us to the point we have reached today—where we are finally to offer Vietnam era veterans a really viable GI bill program, suited to the demands of the 1970's and with benefits approximating the degree of coverage under the Korean conflict program. Senator YARBOROUGH deserves the highest praise from all veterans for fighting to insure that these benefits are being raised to levels reasonably commensurate with the enormous inflation in education costs over the last 20 years. In working out a final resolution in the conference, he has been a valiant fighter, a shrewd negotiator and a wise counsellor, and I thank him for all this.

Also deserving special consideration for his great work on this bill is the most able assistant majority leader (Mr. KENNEDY). His sensitivity and insight in introducing S. 2361 a year ago served as an inspiration for and forerunner of S. 2668 which I subsequently introduced last June and the basic provisions of which are today traveling the next to last step toward enactment into law. Senator KENNEDY worked with me closely in developing the legislative scheme of the bill's title II programs aimed at dramatically improving opportunities for educationally disadvantaged and academically deficient veterans. And so I specially thank him today, also.

Senate consideration of this bill has been characterized by bipartisan and unanimous support and cooperation from subcommittee—October 6—and full committee—October 9—consideration to floor consideration—77 to 0 on October 23 and again on December 18—through the three long conference sessions—February 5, March 10 and March 17—and on to the floor today for final action. Indispensable to securing this bipartisan approach has been the most effective leadership of the ranking minority member of the subcommittee (Mr. SCHWEIKER) and the ranking minority member of the full committee (Mr. JAVITS), both cosponsors of virtually all the Senate measures in the bill. I thank them for the extremely valuable work they have contributed to this bill and our Vietnam veterans.

The remaining Senate conferees on the bill—Mr. MONDALE, Mr. HUGHES, Mr. DOMINICK, Mr. SAXBE, and Mr. SMITH—also contributed substantially to the ability of the Senate conferees to present a united, firm, yet reasonable position in the negotiations. They were most dedicated and generous with their valuable time. And I thank and congratulate them all.

Finally, and perhaps of greatest note is the most helpful attitude and conciliatory spirit and approach of the chairman of the House Committee on Veterans' Affairs, OLIN E. TEAGUE, who chaired the conference with such outstanding assurance, equanimity and openmindedness. Without his advice, forbearance, and leadership of the House conferees, ably assisted by his ranking majority and minority members and the outstanding work of the House committee staff director and his staff, there would be no bill today.

Although the conference required three long sessions and countless hours of staff work over 40 days and 40 nights to iron out the 19 differences between the House and Senate versions, I hope everyone will agree that the results were well worth the effort in order to bring to rest—so to speak—legislative ark and discharge these many new programs to the world. After I have described the provisions in the bill, I believe all will agree that their significance justifies my rhetoric.

TITLE I

Senator YARBOROUGH will speak about the GI bill rates in title I of the bill, but as chairman of the Senate conferees, I wish to report some basic matters to the Senate in justification of the conference recommendations.

The basic GI bill rate—the educational assistance allowance rate—would be increased by 34.6 percent under the conference bill. For the veteran with no dependents, studying full time, this means an increase from the present $130 per month to $175. For a veteran with two dependents, for example, this bill will mean an increase from the present $175 to $230 if he is studying full time. The same 34.6-percent rate increase also applies to the apprenticeship/on-job-training allowance and the farm cooperative education assistance allowance.

This amount of increase represents a compromise between the 27-percent increase proposed in the August 4 House bill and the 46 percent in the Senate October 23 bill. Although there was general agreement among all the conferees that it was vital to increase allowances to provide a comparable degree of coverage of comprehensive education costs—room, board, and tuition—to the proposition covered under the Korean GI bill program, initial disagreement arose in the conference about how most accurately to compute the cost figures in order to achieve this comparability. I believe we have struck a balance which is reasonable and equitable, although the Senate conferees fought tenaciously for higher rates.

According to Office of Education statistics, the average comprehensive college education costs in 1952–53 were $718. The nine monthly payments of the $110 allowance then in effect covered 138 percent of those costs for the veteran attending a public institution. The comparable 1969–70 public education costs are $1,110, and nine $175 monthly payments will cover 142 percent of those costs; this provides somewhat of a hedge against the expected education cost inflation for the first year.

So, as far as veterans in public schools are concerned, there can be no dispute that the results of the conference are completely appropriate. With reference to veterans attending nonpublic schools, however, the results are not quite so satisfactory. For 1952–53, comprehensive education costs at nonpublic institutions were $1,219, and the GI bill payment then covered 81.2 percent of those costs. Whereas the $175 monthly allowance recommended by the conference will cover only 65.9 percent of 1969–70 nonpublic education costs of $2,391.

A very substantial mitigating factor regarding coverage of nonpublic education costs is that whereas 37 percent of Korean veterans attended nonpublic institutions under that GI bill, the proportion has dropped to 27 percent under the present program. Admittedly, this is due in part to the fact that the rates have been wholly inadequate to cover private college education costs. But it also is undoubtedly a function of the vast improvement in the quality of public higher education and the tremendous competition for admission to private colleges.

Then Senate conferees would certainly have preferred an education assistance allowance rate, which would have been more equitable across the board. A more appropriate increase, taking into consideration the proportion of veterans attending nonpublic institutions, would have been a flat 40-percent increase—to $182. This figure would have almost exactly approximated the proportion of coverage of 1952–53 education costs averaged between public and nonpublic institutions on a weighted basis, counting 63 percent of public costs and 37 percent of the nonpublic. This formula shows coverage in 1952–53 of 113 percent of the average education costs so weighted. Whereas, in order to cover a 1969–70 weighted average, counting public costs as 73 percent and nonpublic as 27 percent, an $183 allowance is required.

With regard to the vocational rehabilitation subsistence allowance, now $110 a month for a veteran who has a 30-percent or greater service-connected disability, who is taking full-time institutional study, the conferees agreed upon a $25 increase, or 22.7 percent, to $135. The disparity between the House and Senate versions was very substantial on this provision, the Senate having increased the allowance to $160 per month and the House to $127. It was recognized that this allowance is intended for living purposes since the Veterans' Administration under chapter 31 of title 38, United States Code, pays the full education and training costs for such veterans. Because these rates were last increased in 1965, a cost-of-living increment was added to overcome the 20.6-percent increase since then in cost of living, according to the most recent Consumer Price Index figure. The additional 2.1 percent provides a small hedge against inflation.

The need for a significant increase in this subsistence allowance is well documented in the following excerpts from a recent letter to the subcommittee:

I attend Baylor University as a disabled veteran seeking vocational rehabilitation.

In favor of giving additional training allowances to our class are these facts:

1. While we do receive free tuition and text books, we have to buy many supplementary books (over $100 in one education class), supplies, fees, dues, etc. not paid for by the VA.

2. The VA pays the "going rate" at the school for tutors. This in Baylor's case is $1.75. I have had to pay the difference between $1.75 an hour and $5.00 an hour for several tutors. Tutors are not easy to come by. I am 55 years old and did not complete the third year of high school during the depression.

3. Disabled veterans frequently cannot drive cars or get driver's licenses. This has the double effect of making transportation to school more expensive and causing—in my case—the purchase of many supplementary texts and professional journals that are on reserve lists or not available at the library during the hours I am on campus. There is no public transportation available after 5:30 p.m. nor on Sundays in Waco, (and many other small cities).

4. The younger Viet Nam and Korean veterans (and Cold War), are likely to be able to hold part time jobs. The reason the VA is sending me to school is that I am "unemployable." I am unable to locate part time work. . . .

5. When I started to Baylor on the VA program, Cokes were 5¢. Now they are 15¢. Bus fare was 20¢. Now it is 35¢. To change a course was $5.00 and I was billed. Now it is $10 and cash must be on the barrel head. . . .

6. Once I get thru college, I'll probably be off the VA rolls. The government will likely gain substantial taxes from me whereas now my entire income is tax free—and at government expense.

To meet these escalating needs of vocational rehabilitation trainees, the Senate conferees sought to achieve a substantially higher increase than 22.7 percent, but were unable to prevail on the House conferees.

Finally, regarding the overall rate structure, it is important to point out that despite a substantial influx of Vietnam veterans into GI bill training over the past 8 months, the absolute proportion of participation in GI bill training has increased only slightly—about 10 percent—since June of 1969. At that time, only 20.7 percent of post-Korean veterans had participated as compared with 26.5 and 25.9 percent after 36 months of operation of the Korean conflict and World War II GI bill programs, respectively.

Through November 1, 1969, 23 percent of post-Korean trainees had entered training under the present GI bill, as compared with 30.5 and 30.3 percent after 41 months of operation under the prior two programs, respectively. So actually, despite some absolute increase in the current participation rate, that rate is now considerably further behind the Korean and World War II program rates than it was last June. In fact, it is now lagging by about 33 percent.

It is the hope of the Senate conferees that participation will be greatly encouraged and expanded by the new rate schedules.

Before leaving title I of the bill, I wish to report to the Senate with regard to the new farm cooperative and private pilot training loan programs contained in sections 102 (d) and (c), respectively, of H.R. 11959 as it passed the Senate on October 23. Although the Senate conferees eventually receded on these programs, neither of which was contained in either the August 4 or December 18 House bill, we did so only after the most extended debate and consideration in the conference and after every effort was exhausted to convince the House conferees of the need for these programs. In this effort, Senator YARBOROUGH, the author of these two provisions, did valiant service. And I think it is a great credit to him that despite his very strong personal convictions regarding these programs, when he saw no glimmer of compromise from the House side on them he placed as the highest priority the welfare of all Vietnam era trainees and the need to move this bill out of conference. In return for Senate recession on these provisions, however, the House conferees agreed to hold hearings promptly on a House bill containing the Yarborough farm cooperative program to be introduced by the chairman of the House committee.

Now, I will turn to title II of the conference bill.

TITLE II

Title II of the bill will, I believe, prove to be of enduring significance for many of the 1 million educationally disadvantaged veterans who will have separated from the service in the 5 fiscal years through fiscal 1971. The provisions to which I am referring arose out of S. 2668, S. 2506, and S. 2700 which I introduced last summer. They constitute the first major programs for academically deficient and culturally and educationally deprived veterans ever enacted in a GI bill.

The greatest need for these special programs and provisions is illustrated in a great variety of ways. First, despite the slight absolute increase, described earlier, in the present GI bill overall participation rate, there is no indication whatsoever that participation by those who need education and training the most, the high school dropout veteran has increased above the level in June 1969. Then that rate was only 6.1 percent of all post-Korean veterans without high school diplomas, three times lower than dropout participation in the two prior programs.

The result of this enormous underutilization is that, based on a recent study of 114,000 men recently separated from the Army after one term, unemployment among high school dropout veterans is 9.2 percent, considerably more than twice as high as the 3.5 rate for the total population at the time these figures were compiled. And the unemployment rate for black dropout veterans—18.4 percent—is twice again as high as the rate for all dropout veterans. A remarkable and highly disturbing statistic is that among black veterans with Armed Forces qualification test scores in the three highest percentiles, the employment rate averages more than 10 percent. This demonstrates graphically that our society is letting a most valuable potential resource be dissipated.

Further indication of the disadvantages of untrained veteran dropouts, especially blacks, is provided by the study's data on postservice occupations and average earnings. These are discussed in an excellent column by Richard Harwood, entitled "Greater Commitment Needed To Assist Vietnam Veterans," which appeared in the Washington Post on March 18. Mr. President, I ask unanimous consent that this article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GREATER COMMITMENT NEEDED TO ASSIST VIETNAM VETERANS

(By Richard Harwood)

At least one version of the unpublished report of the President's Committee on the Vietnam Veteran is in circulation here and it contains a poignant paragraph on the plight of the poorly educated foot soldiers who have been saddled with the burden of this unpopular war:

"They return to civilian life very much the same as when they entered active service, except that they are a bit older, perhaps more cynical and more poorly motivated for readjustment. The alternatives available to such persons are very limited."

How limited these alternatives are is reflected in some post-service studies of what happens to these young men after they come home. If they are black and have less than a high-school education, 12 per cent find themselves unemployed, a rate that is three times the national average. The rate for the same class of white veterans is also high—5 per cent.

Those among the least educated who find jobs are not made affluent overnight by a grateful society. The black veteran without a high-school diploma averages $104 a week; his white counterpart averages $120. The situation is not much different when all returning veterans are considered—the well-educated as well as the poorly educated. Their average wage is $125 a week.

The explanation is simple. Only 5 per cent of these men wind up in the desirable professional and white-collar jobs this society has to offer. Out of 105,688 ex-service men covered in a Defense Department job survey 18 months ago, only 92 became lawyers or judges; 391 went into the medical and health fields; fewer than 1,600 went into architecture and engineering.

The rest wound up in the obscure clerical and blue-collar jobs that are the lot of Middle America—in factories, on construction gangs, in record-keeping, warehousing and truck-driving.

Only 12 per cent of the white veterans with high school diplomas and only 9 per cent of the blacks go on to college. And among those who take that step the going is rough. The government gives the single veteran $130 a month to buy higher education and to support himself, a figure that was settled upon as "non-inflationary" in 1967 and that has since been eroded by a 15 per cent increase in educational costs.

When President Nixon appointed his Committee on the Vietnam Veteran in June, 1969, he said he was "shocked and surprised" at the small number of veterans—between 20 and 25 per cent—who were taking advantage of the current version of the GI bill. One reason for this, his committee has learned, is that about half of the 800,000 or so men sent back to civilian life each year are never counseled or advised of their opportunities.

Moreover, the most handicapped GIs—those with the lowest IQs and fewest educational credentials—needed more than a friendly chat and a handful of pamphlets churned out by the Veterans Administration. They need, one critic of the present system

has written, "convincing" forms of help that will enable the man on the bottom rungs of society to overcome "his cynicism by persuading him that he really does have a chance to obtain an education, acquire status, and become a productive member of the society from which he has been almost completely alienated . . . Regretfully, I find very little of this consciousness or planning in the President's Committee Report."

"Convincing" forms of help for these men will cost money and up to now there has been no suggestion whatever from the Nixon administration that it is prepared to raise the ante for returning GIs.

That was the attitude of the Johnson administration, too. It opposed efforts to provide more liberal education and training allowances in 1967 and continuing pressures from this administration to hold down costs are reported on Capitol Hill. There are strong arguments that this may be a shortsighted policy.

Stuart Feldman, a recent consultant to HEW Secretary Robert Finch on veterans problems, has written:

"Our continuing prosperity since 1945 has occurred on such a grand scale because of the trained labor force and management that the GI bill provided. The Vietnam returnees represent this same potential. The 80,000 black returnees discharged each year especially do. They are among the country's best chance to obtain black leaders. If the black veterans get an adequate education, they will provide the potential black lawyers, teachers, principals, corporate officials and technical employees the nation seriously needs if it is to become truly integrated."

The amount of money required is small as the bureaucracy measures money. What is needed is a commitment from Congress and the administration to do the right thing for people who have done the hard thing for this country since 1965.

Mr. CRANSTON. Moreover, this study shows that 10 months after service only 29.5 percent of these 1968 separatees were in school or training programs, and the figure for those using their G.I. bill benefits is only 26 percent. This is slightly higher than the overall 23 percent participation rate for the post-Korean program, but the significant factor is that almost all of the 114,000 men surveyed were 25 years old or under, and the participation rate for that same age group in the World War II program was 61 percent.

This study further shows that a veteran's likelihood of taking advantage of GI bill benefits is determined almost entirely by his preservice educational achievement rather than by his aptitude. For example, three times more veterans with some prior college experience returned to school than those who had not gone to college. Yet both groups were found to be equally intelligent.

Similarly, high school dropouts are four times less likely to take any further education or training than men who have had 2 or 3 years of college. Men of average intelligence who complete high school are twice as likely to further their education as high school dropouts with the same aptitude.

An excellent discussion of the problems and attitudes of returning black veterans appeared in the March 1970 issue of Trans-Action, and I ask unanimous consent, Mr. President, that this article, entitled "Black Veterans Return," by James Fendrich and Michael Pearson be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered. (See exhibit 1.)

Mr. CRANSTON. The new programs contained in title II of the conference bill were fully explained and justified on pages 30 through 63 of Senate Report No. 91-487, to which I would refer all those seeking specific guidance.

SECTION-BY-SECTION ANALYSIS OF TITLES II AND III

In the section-by-section analysis of titles II and III I have discussed only those provisions in which changes of substance are made in the conference bill.

Section 201. Subsections (a) and (b), which were originally contained in sections 201 (a) and (b) of the Senate version, were accepted by the House in section 201 (a) and (b) of its December 18 amendment to the Senate amendment to the bill.

Section 202. Subsection (a) was originally contained in section 2 of H.R. 6808—which passed the House on May 19, 1969—and was also contained in section 202(a) of the House December 18 amendment. The Senate accepted the House provision with the modification contained in the "unless" clause in paragraph (2) which is intended to embody the qualifying language set forth on page 3 of the House committee report on H.R. 6808—House Report No. 91-243, 91st Congress, first session, 1969.

Subsection (b) was inadvertently included in the conference bill as it was accepted by the House on March 19, 1970. This provision was originally contained in section 2(b) of H.R. 6808 and was also contained in section 202(b) of the December 18 House amendment. A concurrent resolution to correct this technical error by directing that in the enrollment of the bill this subsection be deleted will be introduced and, it is expected, passed, in the House of Representatives today. As soon as it reaches the Senate, I plan to ask unanimous consent for its immediate consideration. The House conferees agreed to recede on this provision and instead to treat this issue by the amendment contained in section 212 of the conference bill. The Senate conferees objected to this provision because of its intended effect to permit the Veterans' Administration to disregard a State law requirement that certain periods of apprenticeship or on-job training were necessary.

Section 203. Subsection (a) was originally contained in section 102(a) of the October 23 Senate amendment to H.R. 11959 and was accepted by the House in section 203(a) of the December 18 amendment.

Subsection (b), which was originally contained in section 2(c) of H.R. 6808, was contained in section 205 of the Senate October 23 amendment and was accepted by the House in its December 18 amendment.

Section 204. Subsections (a) (1) and (2) were originally contained in section 202(a) of the Senate October 23 amendment.

Subsection (a) (3) was added in conference in order to require that educational assistance allowance payments in the predischarge education program be advanced in a lump sum after the first month's payment and to permit similar educational assistance allowance advances to be made to eligible veterans pursuing training on less than a half-time basis under the regular GI bill. The required advances for PREP trainees were thought necessary to insure that trainees would receive their allowances under the PREP program in time to pay the approved charges to the school prior to the discharge of the "preveteran."

Subsection (a) (4) is substantially the same as subsection 202(a) (3) of the Senate October 23 amendment except as I shall indicate. This subsection adds two new subchapters to chapter 34 of title 38, United States Code.

Subchapter V—Special Assistance for the Educationally Disadvantaged. Section 1691. Clause 2 in subsection (b) of this section in the October 23 Senate amendment was deleted in light of assurances from the Veterans' Administration that its regulations were sufficiently flexible to permit substantial latitude to educational institutions designing college preparatory programs for eligible veterans under this provision. For example, the language regarding "supervised program work" in the original Senate measure was intended to permit approval of courses taught in other than a strict classroom setting. Under this provision in the conference bill, such a course may be part of an approvable precollege program if the college grants credit for it; and, by virtue of the "notwithstanding" provision and the new definition of full-time college training in section 206(a) of the conference bill, a full-time allowance could be received by the enrolled veteran if he was carrying 6 credit and 6 noncredit hours of courses—or their equivalent on a nonsemester semester basis—and the institution considered 12 hours or its equivalent a full-time load. If a veteran in this college preparatory program is fully occupied in the education program designed by the institution, in accordance with VA regulations permitting maximum flexibility, it is intended that he should be able to receive a full-time educational assistance allowance.

Section 1692 provides for payment of a special supplementary assistance allowance to a veteran enrolled in a post-secondary course at an educational institution on a half-time or more basis in order for him to purchase individualized tutoring services essential to correct a marked deficiency in a subject which is part of prerequisite or indispensable to his satisfactory pursuit of an approved program of education at that institution. When the educational institution properly certifies to the Veterans' Administration as to the essentiality of the tutorial assistance to correct such a marked deficiency, the qualifications of the tutor and the reasonableness of his charges, the veteran is entitled to receive a supplemental payment to his regular educational assistance allowance to purchase those services. The tutor could

either be arranged for by the veteran, the school or perhaps a veteran's voluntary service group on the campus, as long as the institution makes proper certification.

Regarding section 1692, the House conferees believed strongly that, as with the modified PREP program in section 1695 et seq., payments should be made to the individual veteran under the GI bill rather than directly to an educational institution on the veteran's behalf, as was provided for in the Senate October 23 amendment. Also, the conferees agreed that the inclusion of remedial or refresher courses in this section was unnecessary in light of their coverage under the "notwithstanding" provision, permitting counting noncredit courses for payment of educational assistance allowance purposes, which is contained in section 206(a) of the conference bill; and that such an allowance was not needed for students at lower than a post-secondary level in light of the generally free or very low cost education available to them.

The words "marked deficiency" are intended to limit the tutorial assistance to veterans in academic difficulty for the purpose of preventing them from failing courses and permitting them to make satisfactory progress in them, rather than permitting them to achieve academic excellence or merely improve already satisfactory academic performance. For example, supplementary assistance would be available for a veteran needing tutoring in a subject prerequisite to taking a college credit course needed for graduation; a veteran needing tutoring in such a credit course itself; or a veteran needing tutoring in language skills, such as for a veteran of foreign descent, in order to pursue satisfactorily any college-level work taught in the English language.

The tutorial assistance may be provided by a qualified, certified tutor at the same time to two or three veterans requiring such assistance. But the clear purpose of the provision is that individual, special tutorial attention be available to the academically deficient veteran, and, therefore, no larger groups should be approved.

The tutoring allowance was limited to $50 per month for a total entitlement period of 9 months during a veteran's GI bill training. This should allow about 20 hours of tutoring per month at present going rates for undergraduate tutors—$2.50 per hour. It is recognized that some veterans may require more than 20 tutoring hours per month for more than 9 months during the period of their post-secondary education. The conferees felt, however, that in the case of a new, untried program it was more prudent to begin at a somewhat lower than optimum level of benefits and, after some experience in administering the program has been acquired, review the sufficiency of the benefits and entitlement, determine how carefully schools are carrying out their certification requirements, and whether there are abuses under this new program. Toward this end, the Veterans' Administration should consider the desirability of providing by regulation a reasonable limitation on the monthly tutorial hours for which one tutor can be certified by the educational institution.

Section 1693 contains the basic provision which was contained in section 1694 in section 202(a)(3) of the Senate October 23 amendment. The Senate receded on the proposed section 1693 contained in section 202(a)(3) of the Senate version, regarding grants and contracts for special veterans educational programs. The conferees were generally in agreement as to the desirability of these types of special educational programs for educationally disadvantaged or academically deficient veterans, and the agreed-upon conference language for section 1690 includes a specific encouragement to educational institutions to develop varieties of special educational assistance programs for veterans. However, the House conferees believed that the Veterans' Administration's general method of operation was not well suited to a grant or contract approach for such programs. Rather, it was felt that the VA format of individual veterans' entitlements should be maintained, and that many of the programs which the section 1693 provision would have authorized were covered under sections 1691, 1692 and the PREP program in section 1695 et seq., as they were modified in conference, as well as by existing VA contract authority under section 213, title 38, United States Code.

Subchapter VI—Predischarge education program. This program is substantially the same as, and even somewhat expanded over, the original provision in the Senate October 23 amendment. Three adjustments were made to tighten the program administratively and accord more with the philosophy of the House conferees. First, as with the special supplementary assistance allowance, payments would be made directly to the individual "preveteran" under the GI bill rather than directly to an educational institution on the veteran's behalf, as was provided for in the Senate October 23 amendment. Payments would be gaged to cover the cost of tuition and fees—including all reasonable admissions costs and those for determining suitability for enrollment—and necessary schoolbooks and supplies up to $175 per month. Under section 204(a) of the conference bill, these payments would be required to be advanced for the full term to the "preveteran" after the first month's payment.

The new subsection (b) in 1696 is intended to provide maximum flexibility to educational institutions in designing PREP training, just as with the college preparatory program in section 1691(a)(2) and (b), except that the language of section 1696(b) recognizes that there are unlikely to be any "same" programs in which "similarly circumstanced nonveterans" are enrolled and so leaves discretion to the Veterans' Administration to compute allowable rates in accordance with charges for similiar programs, a legislative gloss already placed on the present section 1682(b), on which this subsection was modeled. The reference in section 1696(a) to "in section 1682(b) of this title" should read "in subsection (b) of this section," and this will be rectified by authority of the concurrent resolution I alluded to earlier.

The PREP program contemplates that participating educational institutions will be able to recoup the full, reasonable costs entailed in providing predischarge education or training. Although it is recognized that some institutions may not generally charge tuition or fees for regular courses, it seems unreasonable that such institutions would be expected to provide special programs, such as PREP, without charging enrolled students appropriately.

Second, the role of the Commissioner of Education is eliminated, although the Administrator may, of course, utilize the resources of the Office of Education in establishing regulations.

Third, as insisted upon by the House conferees, the exemptions from present sections 1673(d) and 1675, which were in section 1697 in the Senate October 23 amendments, have been eliminated so as to exclude proprietary institutions from PREP participation unless the requirements of those sections are met; and correspondence courses are explicitly excluded in light of the availability to servicemen of the excellent U.S. Armed Forces Institute correspondence program.

On the other hand, the PREP program in the conference bill permits any serviceman after 180 days of active duty to enroll in an elementary or secondary school level program without charge to the regular GI bill entitlement under present section 1661, in the same manner as is provided for veterans under section 1691(a)(1), and to receive an educational assistance allowance computed to cover the costs of such education up to $175 per month.

It is important to stress that section 1697, which is derived from section 1698 of the Senate October 23 amendment, contemplates that educational and vocational guidance will be provided by the Veterans' Administration, through contract with the educational institution providing PREP or otherwise, at both ends of PREP programs: first, to counsel and assist the serviceman in enrolling in a PREP program and, second, at the end of the PREP program to insure that the then PREP'ed "preveteran" will be motivated and able to carry out the purpose set forth in section 1695—that he then go on to pursue future education or training under the GI bill.

Section 205, which was originally contained—with somewhat different language—in section 2(d) of H.R. 6808, was contained in section 206 of the Senate October 23 amendment and was accepted in section 204 of the December 18 House amendment.

Section 206. Clause (3) to be added to the present section 1684(a) of title 38, United States Code, was originally contained in section 3(c) of H.R. 11959 as it passed the House on August 4. It was accepted in section 203 of the Senate October 23 amendment. Clause (4) and the "notwithstanding" provision were originally contained in section 203 of the Senate October 23 amendment. The

"notwithstanding" provision was accepted in section 206 of the December 18 House amendment. The House conferees receded on clause (4).

Section 207 was originally contained in section 208 of the October 23 Senate amendment, and the House receded on that provision. However, as to the implementation of this provision, see the discussion under section 301 below.

Section 208, which was originally contained in section 3 of H.R. 6808, was contained in section 207 of the October 23 Senate amendment and was accepted in section 207 of the House December 18 amendment.

Section 209, which was originally contained in section 3(c) of H.R. 6808, was contained in section 208 of the House December 18 amendment, and the Senate receded on this provision with the same amendment added to section 202(a) of the conference bill.

Section 210, which was originally contained in section 3(d) of H.R. 6808, was contained in section 209 of the House December 18 amendment, and the Senate receded on this provision. Regarding section 205 in the House December 18 amendment, applying the same Philippines peso treatment to chapter 34 as section 210 of the conference bill applies to chapter 35 and originally contained in section 2(e) of H.R. 6808, the House receded on this provision in view of the Senate's view that any such restriction applied only to those overseas veterans residing in the Philippines was unfairly discriminatory.

Section 211, which was originally contained in section 4 of H.R. 6808, was contained in section 209(1) of the Senate October 23 amendment and was accepted in section 210 of the House December 18 amendment.

Section 212 was added in conference as a substitute for the amendment to section 1673—which through inadvertance appears in section 202(b) of the conference bill. This provision was originally contained in section 2(b) of H.R. 6808 and was contained in section 202(b) of the House December 18 amendment. The addition of "and supervised" to the present section 1777(a) is intended to make clear that, in order to be approved for GI bill training, an on-the-job training program must have genuine on-job supervision of the trainee by a qualified instructor.

Section 213, which was originally contained in section 5 of H.R. 6808, was contained in section 209(2) of the Senate October 23 amendment and accepted in section 211 of the House December 18 amendment.

Outreach services program. Section 214 was basically contained in section 204 of the October 23 Senate amendment and the House receded on this provision with certain amendments. Provisions from section 241 of the original Senate provision are contained in sections 241 and 242 of the conference bill.

Section 241. Clause (1), regarding written advice of benefits at discharge, especially to dropouts, expands on the clause (1) contained in section 241(d) in the original Senate provision and generally codifies present Veterans' Administration practice.

Clause (2), regarding distribution of full information on VA and other benefits, is substantially the same as clause (1) in the original Senate provision.

Clause (3), regarding provision of aid and assistance to veterans, eligible dependents and Armed Forces members, is substantially the same as clause (3) in the original Senate provision. It also includes the crux of subsection (4) in the original Senate provision as well as the basic personal-interview requirement contained in clause (2) of that provision.

Clauses (3), (4), and (6) in section 241(d) in the original Senate provision were not retained, essentially because they are subsumed under other included provisions: as to clause (3), clauses (1) and (3) in section 243 in the conference bill include its basic thrust; as to clause (4) it is subsumed under aid and assistance in clause (3) in the conference bill; and as to clause (6), its substance is implicit in section 244 in the conference bill requiring an annual report to Congress.

Section 242. Subsection (a) is virtually identical to the original Senate section 241(a), except that the addition of the parenthetical carriers over the thrust of subsection (b) in section 241 in the original Senate provision. The words "need for" were inadvertantly omitted from the parenthetical after "including their", and this will be rectified by authority of the concurrent resolution I alluded to earlier. The new subsection (b) in section 242 of the conference bill was added to provide clear authority for the use of special telephone tielines to provide outreach services to more remote cities and communities.

Section 243 is substantially the same as section 242 of the original provision except that clauses (1) and (2) of the original Senate provision are merged in clause (2) of section 243 in the conference provision, and clause (5) of the original Senate provision was not included since basic contract authority is already contained in section 213, title 38, United States Code.

Clause (1) of section 243 in the conference bill provides clear recognition of the Veterans' Administration's responsibility to negotiate with and oversee the Department of Labor's veterans' employment and training functions and carries over the thrust of clause (3) in section 241(d) in the original Senate provision.

Section 244 carries over the thrust of section 243 in the original Senate provision and subsumes the followup requirements contained in clause (6) of section 241(d) in the original Senate provision.

The Senate conferees receded with respect to the relocation assistance allowance provision contained in section 241 (e) of the Senate provision. The House conferees believed that such a measure was more appropriate for inclusion in general manpower and training legislation. A general relocation assistance provision is contained in the administration's proposed comprehensive manpower bill, S. 2838, section 101(8), currently pending in the Employment, Manpower, and Poverty Subcommittee. However, there was agreement that job assistance for veterans and identification of veterans special employment and training needs was highly desirable and that the budget of the veterans employment service requires substantial expansion. And I am currently preparing amendments to S. 2838, in cooperation with that bill's sponsor, Senator JAVITS, to accomplish these and other purposes.

Overall, the veterans outreach services program which would be established by section 214(a) of the conference bill represents a clear congressional determination that a more extensive and intensive program of veterans' benefit counseling and outreach efforts is badly needed. Such a program can be of great service, not only to the educationally disadvantaged veteran, but also to any veteran who is unclear about the extent of his entitlements and where his future lies.

As the Senate report makes clear, the present VA USVAC program is not doing the necessary job, largely because of unreasonable budgetary and personnel restrictions imposed upon the VA by the Bureau of the Budget. A hopeful approach is represented by the Veterans' Administration's recent steps to cooperate with the Department of Labor, the California Department of Human Resources, and the County of Los Angeles in the establishment of a Veterans Service Center in the East Los Angeles, Calif., community in order to meet the needs of Mexican-American veterans residing in that area. Such intergovernmental and interagency programs may be an excellent method of effectively carrying out the new outreach functions.

The overall cost estimate of the bill for fiscal year 1971 does not include a figure for this program, because it is expected that the Veterans' Administration will proceed to survey its present contact and outreach facilities and develop plans for expanding these services in line with the provisions of this new subchapter. It is then expected that the Veterans' Administration will promptly submit to the appropriate congressional committees these plans and a recommendation for an expanded budget for this program in fiscal year 1970.

Section 215, which was originally contained in sections 6 and 7 of H.R. 6808, was contained in section 212 of the December 18 House amendment, and the Senate receded on this technical change.

TITLE III

Section 301. Regarding the effective date of the rate amendments in title I, the Senate October 23 amendment was retroactive to September 1, 1969, 7 weeks prior to passage, and the House actions were both prospective by about 2 months. The February 1 date retains almost exactly the same 7-week retroactivity originally provided for in the Senate October 23 amendment and should permit coverage of most of the second semester of the 1969–70 school year for most trainees.

Regarding sections 204(a), 206, 210, and 213, it is understood by the conferees that the Veterans' Administration will

be able to implement the immediate effective date as to educational assistance allowance checks issued in May for April entitlements, assuming the bill is not signed until April. It is recognized, however, that certain administrative difficulties may be unavoidable and that some retroactive payments may have to be made.

Regarding section 207, the original Senate provision was made effective July 1, 1970, by section 210 of the October 23 Senate amendment. It is understood that the Veterans' Administration will be able to implement this provision fully on a current basis in May 1970 and that at that point it will provide retroactive notification for any eligible person who may have been missed between the effective date and that time.

Finally, regarding the PREP program in section 204(a) of the conference bill, it is recognized that that program cannot be implemented until the Veterans' Administration issues the regulations required under section 1696(a); it is understood, however, that those regulations will be promulgated, after consultation with the Secretary of Defense, at the earliest possible date.

EXAMPLE OF TITLE II BENEFITS

Before concluding discussion of title II of the bill, I think it would be most helpful to an understanding of the scope and sweep of the new special benefits and programs established in that title if I traced how they might affect one hypothetical veteran exposed to all of them.

Let us take a Mexican American from east Los Angeles who dropped out of high school after the 10th grade and was drafted at age 19. After he completes his 6 months basic training, he is approached by a college counselor under PREP who convinces him of the importance of continuing his schooling and he enrolls under PREP in a special accelerated program at a nearby private college to assist him in securing credits toward his high school diploma. He makes significant progress but is held back by his lack of facility in spoken and written English.

He then is sent to Vietnam; and after his tour, while awaiting discharge, is again recruited into a special 4-month college preparatory PREP program run by a nearby community college on the base where he is stationed. He shows such sufficient promise that the school suggests he enter their special college preparatory program for one semester, after which, should he perform satisfactorily, he would be granted an equivalency certificate and enrolled in the regular college program. However, during the end of the PREP program he becomes disillusioned due to his English language deficiencies, and fails to follow through despite the urging of the counselor working with the program that he go on to the college preparatory program.

He is discharged, after receiving the basic Veterans' Administration packet of materials about his benefits, to which, unfortunately, he is in no frame of mind to pay attention, and he returns home to East Los Angeles to search for a job. But to no avail; his lack of a high school diploma, his language deficiency, and his overall alienation and frustration at this point make him a very unsalable commodity on a job market already oversupplied with veterans and others with his same limitations.

One day in his 20th year, 6 months after his discharge, after having just exhausted his entitlement to veterans unemployment compensation, he is visited at home by another Chicano whom he remembers from his high school class and who is now enrolled in the nearby State college, having recently returned from the service. He is employed part time in the East Los Angeles Veterans Service Center, performing the outreach activities assigned to the VA in the new legislation. He empathizes with our veteran and vice versa; they share their common high school, Army, and Vietnam experiences; and before long our veteran has applied to the special veterans preparatory program at UCLA. There he takes sufficient psychology and sociology credit hour courses and enough remedial and refresher math and English courses to qualify for a full-time GI bill allowance under the new full-time definition and noncredit/credit provision. He also has some time available to work part time to help out with his family's finances.

After one semester, he is granted a G.E.D. equivalency certificate and enrolles in UCLA, where he begins to use his 36 months of regular GI bill entitlement, all prior benefits not having been charged against that entitlement. He carries the minimum number of hours to qualify for a full-time GI bill allowance, for he is uncertain of his ability to succeed. Because his English is still weak, UCLA certifies to the VA the essentiality of correcting that deficiency as prerequisite to his satisfactory performance in college undergraduate work, and secures for him an excellent tutor for 5 hours per week, whom he pays with his supplementary assistance allowance from the VA. He begins to improve markedly in the overall stimulating college environment—he has moved onto the campus—and at the end of his first semester, after 4 months of tutoring, his classwork has picked up and he has earned a "B" and three "C's" in his college course.

He then proceeds through college rather uneventfully except when, during the last semester of his senior year, he falls in danger of failing a European history course required for graduation. The university again assigns him a tutor, and he receives a supplementary assistance allowance from the VA for 3 more months, enabling him to pass the course and graduate from UCLA. He is then hired by IBM in a special junior executive minority hiring program.

Now, of course, it is highly unlikely that any one veteran would require or take advantage of all these special benefits; nor is it our intention that the assistance be quite so intensive in most cases. But all of this could happen, and who will say that producing this 24-year-old young man with a college degree from UCLA with a job and a starting salary of $8,500 per year, with a fine future and with self-esteem and dignity was not well worth all the effort and the relatively small extra Federal investment in his and our future. That total VA expenditure for this achievement, spread out over 6 years, was $8,580, $6,300 of which was for the 36 months of his regular GI bill entitlement. The total cost breaks down as follows:

Program, rate, and total cost	
Six months special precollege program under PREP at $100 a month	$600
Three months college preparatory PREP prior to discharge at $150 a month	450
Outreach worker efforts at $2.50 per hour for 2 hours	5
Regular GI bill under special $175 a month for college preparatory program at UCLA, 5 months	875
Regular GI bill, $175 a month for 36 months	6,300
Special supplementary assistance allowance, $50 a month for 7 months	350
Total	8,580

If these new statutory authorities are to have any real impact, it is up to the junior colleges, colleges, and universities of our land—public and private—to develop these special veterans programs—under PREP, the college preparatory on-campus provision, the noncredit/credit provision and the special supplementary assistance provision—as well as cooperating closely with the local VA outreach services program.

There has already been recognition of the potential of these programs in the junior college community. The Carnegie Corp. recently granted the American Association of Junior Colleges $293,000 to extend and expand community college services to military personnel and veterans.

Mr. President, the AAJC/Carnegie program is described in a December 14 press release, which I ask unanimous consent be printed in the RECORD at this point.

The AAJC effort is an important start, but a major nationwide effort is urgently needed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C., December 12.—G.I.'s will receive assistance in making education and career plans under a new $293,000 national program announced today by the American Association of Junior Colleges.

The program, funded by Carnegie Corporation of New York, will concentrate on extending and expanding the services of junior and community colleges for military personnel prior to and after separation from the services, according to Edmund J. Gleazer, Jr. executive director of AAJC.

In general, the program will aim at increasing the employability or educationability of military personnel through predischarge training programs, and will open doors to community colleges following separation, Gleazer said. He pointed out that most two-year colleges already have both academic and vocational programs to meet needs of returning servicemen, but that military personnel are often not aware of the available opportunities.

AAJC will work closely with the Department of Defense and the U.S. Office of Education in developing necessary liaison with

military separation centers, and with member community colleges in strengthening education and training programs. Project Transition, a Defense Department program for service people, provides a base for organizing of the AAJC effort.

"More than 1,000 community colleges are now operating," said Gleazer, "and most of these institutions offer a wide variety of programs through which veterans may further their education and improve their chances for rewarding jobs or advanced studies. Low costs and flexibility of admissions also add to their appeal for returning servicemen."

Under the Carnegie grant, AAJC will establish a national office to coordinate the program and will engage regional consultants to act as program expediters in assisting individual community colleges with program development. A series of regional conferences will be held to identify common problems and to effect cooperation among military commanders, military separation officers and college officials. The project will also include development of publications to guide servicemen in making appropriate choices, and to assist colleges in the developing and funding of new programs.

Gleazer pointed out that over three million men have been separated from the military during the Vietnam era—and that about 900,000 men are being discharged yearly. "While the military separation centers and the Veterans' Administration, as well as other government agencies, have tried to ease the transition from service to civilian life, the job is large, the job is personal, and all the resources of the nation are needed to bring it off," he added.

"The community colleges of the nation constitute one of the resources that has not been fully utilized. We believe the new AAJC program will be a step toward bridging an important gap between military and civilian life."

Mr. CRANSTON. The AAJC effort is an important start, but a major nationwide effort is urgently needed. At the same time, a major commitment will be needed from the Department of Defense to establish participation in PREP as a major national priority so that military base commanders will accord maximum cooperation to schools wishing to establish PREP programs.

CONFERENCE RECAPITULATION

In summary, Mr. President, in the conference negotiations, I think it can fairly be said that the Senate conferees were true to the mandate afforded by the 77-to-0 vote in the Senate on October 23. The Senate conferees prevailed in whole or with minor modifications on six of the 19 differences between the versions—Nos. 7, 8, 10, 11, 12, and 13—the four rate differences and the effective date—Nos. 1 through 4 and 19—as well as three other provisions, were compromised—Nos. 14, 15, and 16—the Senate conferees receded from three provisions—Nos. 5, 6, and 9—and accepted two House provisions. These differences and a brief outline of them are shown on a chart, H.R. 11959, "schedule of differences and conference action," which I ask unanimous consent, Mr. President, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 11959—SCHEDULE OF DIFFERENCES AND CONFERENCE ACTION

Provision	Senate	House	Conference Action
1. Vocational rehabilitation subsistence allowance rates.	46 percent increase for single veteran w/no deps. from present $110 to $160/month for full-time training. Increases in other columns are straight 46 percent in all categories.	18 percent increase for single veteran w/no deps. from present $110 to $130/month for full-time training. Increases in other columns are straight 18 percent in all categories.	22.7 percent increase; to $135 per month Straight 22.7 percent increases in other columns.
2. Educational assistance allowance rates for veterans (including correspondence courses and flight training) and war orphans, wives and widows.	46 percent increase for single veteran w/no deps. from present $130 to $190/month for full-time training. Increases in other columns are based on flat dollar increase equal to amount of increase in col. 1 plus 10 percent cost of living increase in dependency add-on.	31 percent increase for single veteran w/no deps. from present $130 to $170/month for full-time training. Increases in other columns are straight 31 percent in all categories.	34.6 percent increase; to $175 per month. Straight 34.6 percent increases in other columns.
3. Farm cooperative educational assistance allowance rates.	46 percent increase for single veteran w/no deps. from present $105 to $153/month for full-time training. Increases in other columns are straight 46 percent in all categories. No part-time rates provided.	31 percent increase for single veteran w/no deps. from present $105 to $138/month for full-time training. Increases in other columns are straight 31 percent in all categories, including part-time rates.	34.6 percent increase; to $141 per month. Straight 34.6 percent increases in other columns.
4. Apprenticeship monthly training allowance rates.	46 percent increase for single veteran with no dependents from present $80 to $116 per month for full-time training. Increases in other columns are straight 46 percent in all categories.	31 percent increase for single veteran with no dependents from present $80 to $105 per month for full-time training. Increases in other columns are straight 31 percent in all categories.	34.6 percent increase; to $108 per month. Straight 34.6 percent increases in other columns.
5. Farm cooperative program stressing on-farm training.	Provision similar to Korean GI bill farm cooperative program with no part-time rates.	No provision	Senate recedes.
6. Flight training loan program for private pilot's license.	Provision for loans up to $1,000 or 90 percent of regular charges for private pilot's license course.	do	do.
7. Expansion of special assistance for educationally disadvantaged.	Provision substituting new subchapter in lieu of present § 1678 (special training for educationally disadvantaged) expanding GI bill payment without charge to entitlement to all pre-college academic training (including elementary) regardless of where offered and making more flexible measurement of full-time training in such courses.	do	House accepts modified Senate provision (sufficient flexibility of measurement of courses exists under present V.A. law and regulations).
8. Special supplementary assistance allowance.	Provision for supplementing regular GI bill allowance payments for remedial, tutorial counselling or other special supplementary assistance up to $100 per veteran/per month.	do	House accepts modified Senate provision (remedial and refresher courses adequately covered under other provision already accepted by House—section 206(a) of bill—; tutorial allowance paid as supplement to veteran's regular GI bill allowance—not directly to school—limited to $50 per month with a 9 months total period of entitlement when college or post-secondary technical school certifies to VA that tutoring is essential to correct marked deficiency in subject required as part of prerequisite to, or which is indispensable to the satisfactory pursuit of, an approved education program).
9. Contracts and grants for special veterans' programs.	Provision authorizing appropriation of $15 million for fiscal year 1970 and $30 million for fiscal year 1971 for VA grants or contracts with educational institutions to plan and develop and in some instances conduct special educational programs for eligible veterans. Provision authorizing VA contracts and grants for private nonprofit organizations to conduct outreach activities (Diff. 12.).	do	Senate recedes (covered in part by provisions in 7 and 8 above and 10 below and existing V.A. authority).
10. Predischarge Educational Program (PREP).	Provision for payments up to $150 per month per veteran to educational institutions offering "pre-veterans" education or training prior to discharge to encourage them to prepare for further education under GI bill.	do	House accepts modified Senate provision (payments up to $175/month or cost of fees, tuition, books and supplies, whichever lesser, made directly to any "pre-veteran"—not to school directly—without charge to basic 36 months entitlement, after 6 months on active duty, with advance for full program required with second month's check).
11. Measurement of full-time college undergraduate courses under chs. 34 and 35.	Provision to liberalize 14-hour requirement for full-time study (and part-time requirements administratively) in general accordance with college's definition of full-time study.	do	House recedes.

H.R. 11959—SCHEDULE OF DIFFERENCES AND CONFERENCE ACTION—Continued

Provision	Senate	House	Conference Action
12. Veterans outreach services program.	Provision for expanded and reoriented VA outreach programs in local communities, employing former educationally disadvantaged veterans, to locate educationally disadvantaged veterans and advise them of their entitlements to GI bill and other benefits and assist them in gaining employment (including payment of relocation allowances).	do	House accepts modified Senate provision (basically shortened but not altered substantively except for addition of authority—already exercised to limited extent by VA—to use special telephone tie-lines to provide outreach services, and deletion of relocation assistance allowance provision believed more appropriate for inclusion in overall manpower bill).
13. Notification of children of eligibility under ch. 35.	Provision to require VA to notify eligible war orphans and children of totally disabled veterans of eligibility for GI bill benefits by their 13th birthday.	do	House recedes.
14. Bar to approval of bartending, personality development, or nonspecialized sales training courses for chs. 34 and 35.	No provision	Provision to add such specific prohibitions to ch. 34 for veterans in addition to existing bar against vocational or recreational courses; House report language permits nonspecialized sales management course to be approved if it can show placement of more than half its graduates in jobs. Provision to revise ch. 35 specific approval bars in present law to accord with proposed ch. 34 language, deleting present bar against dancing courses.	Senate accepts modified House provision (incorporating in provision House report language on exceptions for non-specialized sales management courses).
15. Apprenticeship limitation	do	Provision to prohibit State approving agency approval of apprenticeship training when VA judges trainee has achieved journeymanship level of capability regardless of State law determination to contrary.	Senate accepts modified House provision.
16. Philippines education payment	do	Provision to authorize 50 cents on the dollar payment of allowances to veterans residing in Philippines (including Old Philippine Scouts) and such veterans' war orphans, wives, and widows residing in the Philippines.	Senate accepts House provision on ch. 35 House recedes on ch. 34 provision.
17. Nonduplication of Federal benefits law repeals	do	Provision to repeal provisions of Public Health Service Act and Higher Education Act of 1965 (added in 1968) which are void as a result of modification of nonduplication bar in both versions of H.R. 11959.	Senate recedes.
18. Less than part-time training for war orphans, wives, widows under ch. 35.	do	Provision permits less than half-time training (now prohibited by subsec. (c) of sec. 1732 which is deleted) for war orphans, wives, and widows under ch. 35 and computes payments for such training on the basis of the lesser of (A) the cost of tuition and fees or (B) $170—the amount proposed in the House bill for full-time training.	Do.
19. Effective date:			
(a) Rates	Feb. 1, 1970	1st day of 2d calendar month beginning after date of enactment.	Feb. 1, 1970.
(b) Notification of children's eligibility (diff. 13).	July 1, 1970 (diff. 13)	No provision	Upon enactment.
(c) Farm cooperative: savings clause.	1st day of 3d calendar month after date of enactment (diff. 5).	do	Senate recedes.
(d) Other provisions			Upon enactment.

Mr. CRANSTON. Mr. President, the total fiscal year 1970 and 1971 estimated costs of the conference bill are as follows:

COSTS FOR CONFERENCE REPORT ON H.R. 11959

[In millions of dollars]

	January 1, 1970	Fiscal year 1971
Title I (Effective February 1, 1970):		
Chapter 31	3.0	5.9
Chapter 34	117.8	239.0
Chapter 35	10.5	22.4
Subtotal	131.3	267.3
Title II (Effective May 1, 1970):		
Tutorial assistance	.6	3.6
Ancillary flight training	(1)	.6
PREP	(1)	1.0
Full-time college measurement	.2	1.4
Nonduplication of benefits	.5	2.9
Philippines peso (savings) Chapter 35 only	(.2)	(1.3)
Subtotal	1.1	8.2
Grand total	132.4	275.5

[1] Nominal.

Mr. President, it would be a singular oversight if I did not recognize the invaluable assistance in drafting, analyzing, and revising the conference bill and all of the other bills, the provisions of which it now contains, on the part of Hugh Evans of the Senate Legislative Counsel's Office, and the fine cooperation and technical assistance throughout this long process of Alfred Bronaugh and Charles Johnston, Assistant General Counsel and Deputy Assistant General Counsel, respectively, of the Veterans' Administration.

The counsel for the Veterans' Affairs Subcommittee, Jon Steinberg, contributed immensely to the entire effort in a remarkably creative, dedicated, and effective way. His loyal assistants, Marian Mertens and Bette Noble, put in many early and late hours, too, for which I am most grateful.

Finally, I wish once more to express my appreciation for the leadership and assistance of Chairman TEAGUE and the House committee staff director, Oliver Meadows, who despite many years' work on improving the GI bill were able to bring to our deliberations a singular receptivity to new ideas and approaches. And, again, I thank Senator RALPH YARBOROUGH, chairman of the Labor and Public Welfare Committee, and all the members of that committee.

Mr. President, I recommend strongly to my colleagues that they agree to the conference report.

EXHIBIT 1

BLACK VETERANS RETURN

(By James Fendrich and Michael Pearson)

"In every period of historical crisis there are groups, occupations and classes who are 'accidentally' located in the nutcrackers of history. Such groups experience in extreme form all the cross-pressures, tensions and contradictions of a society in the process of tearing itself apart."—Joseph Bensman

Black veterans of Vietnam now number well over 100,000 men, and their ranks are growing every day. Their presence in the racially polarized United States is causing a good deal of nervous apprehension in some quarters, and not a little gleeful anticipation in a few others. The reasoning is the same in both cases: black veterans are assumed to be as alienated from American society as other young blacks, if not more so; and when push comes to shove, as many Americans on both sides of the color line believe it inevitably will, then the black veterans—trained, hardened and glamorized by the experience of combat—will naturally assume leadership in the racial struggle.

The analogy, of course, is the Algerian war of liberation against the French. In countryside as well as city, the Algerian leadership cadres were drawn from among those men who had served in French forces during World War II, and in Indochina. So too in America, it would seem only reasonable to suppose that leadership of an insurgent black movement would pass to men who, if they had gotten nothing else out of the Vietnam War, had at least received a (for once) truly relevant education.

Many people will probably dismiss the foregoing as alarmist nonsense, or wishful nonsense, which is often hard to distinguish from the alarmist variety. Most writing on radical social movements has suggested one of two answers to the question of where one should look to find the alienated core of activists that will provide the movement with its most dedicated leaders and followers. The first answer is psychological: leaders and followers are thought to be drawn from the "true believers," "misfits," "deviants," "marginal men" and other personally unstable members of the society. The second answer, of course, stresses the class basis of participation. The early Marxists emphasized the industrial proletariat as the major source of activism, but later theorists, looking at the experience of Third World countries, pointed to the cities' lumpen-proletariat and the peasants as the most promising recruits, led by disaffected or relatively deprived bourgeois.

All of these interpretations provide fruitful insights into the dynamics of leadership and participation in radical social move-

ments. We would simply like to suggest another line of investigation here, one that examines a particular social grouping within a social class, but a group whose members are subject to tremendous structural strains in a time of rapid social change. Few would deny that black members and veterans of the armed forces of this country constitute such a group.

Until recently, the black community placed high value on joining the military; it was an investment in upward mobility. The military was thought to be the most colorblind institution in white society, offering a way of life in which a man was evaluated and rewarded for his achievements alone. Then, not so long ago, values and beliefs began to emerge in the black community that conflicted with those that had supported military service. Black spokesmen excoriated the war in Vietnam. Military virtues came under heavy fire from all segments of the society. National leaders close to the civil rights movement pointed to the devastating distortion of national priorities allegedly brought about by the military industrial complex. In Vietnam itself, blacks did not fail to notice that they were suffering a disproportionate number of casualties, a function of the fact that black soldiers stood a much better chance of being sent into combat than whites did. Black leaders back home tasted the bitterness of seeing their people fighting for a so-called democracy abroad while democracy had not yet been realized in their own lives. In 1967 Martin Luther King spoke out with eloquence:

"We are taking the young black men who have been crippled by our society and sending them 8,000 miles away to guarantee liberties in Southeast Asia which they had not found in Southwest Georgia and East Harlem. So we have been repeatedly faced with the cruel irony of watching Negro and white boys on TV screens as they kill and die together for a nation that has been unable to seat them together in the same school. So we watch them in brutal solidarity burning the huts of a poor village, but we realize that they could never live on the same block in Detroit."

Evidence of the strain produced on the black soldier could be found everywhere. Reenlistment rates, once a source of pride and proof of opportunity for blacks, dropped by 50 percent between 1966 and 1967. In R & R (rest and recreation) areas in Southeast Asia, there have been repeated outbreaks of racial hostilities among the troops, and similar conflicts have plagued training camps in the States, especially those of that paragon of esprit de corps, the marines. Here and abroad there have been attempts to organize black power groups within the services.

Within the black community at home, opinion surveys such as Gallup's reflect increased ambiguities about black participation in the armed services. In 1966, 35 percent of American blacks opposed the war in Vietnam because they felt they had less freedom to fight for; in 1969 the proportion was 56 percent. Today, by a margin of two to one, blacks feel that their sons and relatives are fighting a disproportionate share of the war. Seven out of eight believe that Vietnam costs are hurting the war on poverty at home. Given this climate of opinion, it is little wonder that a large percentage of black soldiers have decided to leave military service.

Yet when a young black man is discharged, he is exposed to new sources of strain. After having served the military as best he could, he will doubtless have evolved a set of expectations of rewards and recognitions due him as a veteran. However unrealistic these expectations may be, the second-class citizenship that awaits him will be real enough. The black veteran returns to a society that is racist by its own admission, a society, furthermore, that is unwilling to reform itself even to the extent recommended by its own presidential commissions—unless the recommendations concern new ways of controlling civil disturbances. Moreover, although the data are incomplete, it appears that black participation in veterans' benefits is much lower than their participation in similar benefits after World War II and Korea. Such being the conditions of the blacks' rediscovered civilian status, one is surely justified in asking whether these conditions aren't likely to promote exceptionally high levels of alienation among black veterans, as well as strong identification with the most militant aims of the black power movment.

HOW ALIENATED?

The purpose of this study was to explore the independent variables associated with alienation among black veterans. We wanted to define the correlates of alienation first in the experience of blacks in the armed services, then in their experiences in adjusting to civilian life and finally in certain indicators of weak or strong social controls operating on them.

The data were collected during the fall of 1968 by interviewing a random probability sample of 199 black veterans who lived within the Jacksonville, Florida metropolitan area and who had been discharged from active military service since January 1, 1963.

Because of the unique difficulties in sampling and interviewing black veterans, we arranged for the cosponsorship of the Jacksonville Urban League. Black veterans were hired and trained to complete the enumeration: 25 pilot interviews under field conditions and the 199 cases used in this investigation. Before going into the field, our way was prepared by a local television station, two radio stations and the black weekly newspaper, which explained the general objectives of the study to the black community.

First, however, we had to weigh the truth of our assumption that black veterans are indeed alienated men. Black alienation here means, not political apathy, but an active rejection of white institutions and values, as well as support for those beliefs and representatives of the black community that encourage sentiments of black nationalism and separatism. We considered alienation to be high when a man expressed distrust in white political authorities because they are regarded as incompetent, stupid and opposed to the realization of the collective goals of black people. Such a man would reject a public philosophy that pays lip service to the beliefs of justice, equality and opportunity and replace it with a positive black identification, a set of attitudes that fosters a separate social psychological identity leading to demands for political and social separation of blacks from white America. At the same time he would express support for leaders and organizations that have rejected traditional militant reform efforts and advocated in their rhetoric and action the restructuring of American society. Finally, such a man could be expected to be sympathetic to the use of violence as a constraining influence on white society.

Having defined alienation in these terms, we then attempted to measure the degree to which our respondents could be said to fit the description. We did this by asking them to reply to a 29-item questionnaire. The results, which follow, were somewhat equivocal but clear.

The first dimension of alienation we measured was distrust in white authorities. The two most distrusted authorities were policemen (57 percent) and labor leaders (37 percent). There were only two white authorities that were trusted more than distrusted. They were congressman (37 percent compared to 22 percent) and members of a civil rights commission (56 percent compared to 13 percent) The latter was the only white authority that was trusted by more than 50 percent of the veterans.

The second dimension was rejection of the public philosophy. Seventy-seven percent of the veterans believed that this nation is more concerned with law and order than with justice. Sixty-seven percent believed the concept of equal opportunity was only a myth. Finally, only 40 percent of the veterans believed they were being judged on their abilities instead of their race.

The third dimension was favorable sentiment for political and social separation. This was a somewhat more extreme manifestation of alienation than the preceding dimensions. However, 40 percent of the black veterans prefer preferential hiring practices for blacks, 39 percent want blacks to run their own schools and 38 percent feel blacks should work separately outside the Democratic and Republican party in order to gain more political power. Possibly because the question was stated in absolute terms, only 11 percent agreed that blacks and whites could *never* live peacefully together.

The fourth dimension was sympathetic support for violence as a constraining influence against whites. Although 5.2 percent felt black leaders should only try to peacefully persuade white leaders to change their politics on race relations, 36 percent agreed that violence is the only way for blacks to obtain their rights. Fifty-eight percent agreed that a major race riot could easily break out in Jacksonville and 33 percent felt black-white relations are going to get much worse before they get better.

On the fifth dimension, positive black identification, the responses indicated a high degree of proud race-consciousness. Ninety percent agreed that African history should be part of the curriculum for black children. Sixty-five percent identified themselves first as black men and then as Americans. Fifty percent considered Afro-hairstyles appropriate for black women and 46 percent agreed to the principle that blacks should buy from black merchants.

THE BLACK VANGUARD

The last dimension was support for radical black leaders and organizations. Their leaders and five organizations were selected because of their public rejection of the traditional reform efforts of the black moderates and their advocacy of a radical restrucing of American society. None of the leaders and only two of the organizations were evaluated positively by a majority of the veterans. The latter were the Congress of Racial Equality (60 percent) and the Student Nonviolent Coordinating Committee (58 percent). In the summer of 1969 SNCC dropped the word "nonviolent" from its title and substituted "national.") While a majority of the veterans did not positively evaluate radical leaders and organizations, the lowest level of support was 33 percent for both the Deacons for Defense and Justice and the Black Muslims. It is also interesting to note the rather even split on the Black Panthers. Of those veterans who had opinions, 39 percent gave the Panthers a positive evaluation and 40 percent a negative evaluation. Of the three black leaders Stokely Carmichael was given a slightly more positive evaluation (43 percent) than H. Rap Brown (38 percent) or Malcolm X (37 percent).

Some precautions are necessary in interpreting the results. The sample was drawn from a list compiled in one large southern city and may not be representative of the larger population of black veterans. Studies of political participation do however suggest that urbanism is a more important source

of bias than regional differences; that, urban samples of blacks in both the North and South may be more similar in their degree of black alienation than rural and urban samples of southern blacks. Therefore, the findings of this study may reflect the characteristics of veterans who return to metropolitan areas rather than regional variations.

After examining our findings on alienation, it is possible to conclude that the majority of black veterans are not highly alienated and not likely to join a radical social movement, and therefore will not be a significant force in determining the future of black-white relations. It should be noted, however, that the course of the black protest movement during the last 15 years has never been determined by majority opinion. Instead, there have been vanguards of blacks that have been thrust into active forms of participation when their particular qualifications and skills became important to the protest movement as it evolved. The number of black Vietnam veterans is already substantial and can be expected to increase; if only 10 percent of these men became actively involved, they could provide a sizeable core of a radical movement.

ALIENATION AND MILITARY EXPERIENCE

Next, we looked into the question of the relation between these black veterans' alienation and their experiences in the armed services. As expected, there was a very strong correlation between their attitudes toward the military and their degree of alienation. Those who had the most negative attitudes toward the military were also the most alienated. But, beyond this, some interesting details were revealed in this second part of our survey.

Men who had been drafted were more alienated than those who had enlisted. Fifty-eight percent of those who were drafted fell into the highly alienated group compared to 34 percent who enlisted. Those who had achieved a rank of sergeant or above in the service were much less alienated than those in lower ranks. Only 39 percent of these men were highly alienated, whereas 47 percent of the privates and 54 percent of the corporals were highly alienated. Length of service was also related to alienation, with those who had served for two years or less being more highly alienated than those who had served three, four, five or more years. The most recently discharged veterans were also the most alienated.

Another factor we wanted to uncover was the relationship between a man's alienation and the amount of contact the veteran had had with whites. We expected that those black veterans who had made few, if any, white friends would be more alienated than those who had made more. This proved to be correct. However, our guess that the greater the proportion of blacks in the unit, the greater the alienation, proved to be wrong. So too was any association between alienation and combat duty in Vietnam, although those who had seen action in Vietnam did tend to be somewhat more alienated than others who had been sent there.

WHEN JOHNNY COMES MARCHING HOME

When a black man is discharged from the armed forces, he is exposed to a new set of experiences that can foster alienation. After fulfilling the requirements of being a soldier, there are the serious ambiguities of not receiving adequate recognition and rewards as a veteran. And our survey indicates that the black veterans' recognition and rewards are inadequate indeed.

Although the data are incomplete, it appears that black veterans' current participation in veterans' benefits is much lower than in previous years. The participation of World War II and Korean veterans in educational benefits was 53 percent for nonwhite veterans and 45 percent for white. In 1968, less than 20 percent of the veterans were taking advantage of the GI bill. Moreover, special programs such as Project Transition have not been very effective in helping Vietnam veterans readjust to civilian life because of various bureaucratic difficulties in getting release time to take advantage of the program. The lack of meaningful reforms and the strains of adjusting to second class citizenship suggest the development of alienation and potential participation in black radical movements.

We asked the veterans if they had been in contact with the local Veterans Administration office and whether they had received adequate assistance. Although the number of respondents is small, 73 percent of those who sought but did not receive adequate help from the VA were highly alienated. This is compared to 52 percent who did not contact the VA office and 40 percent of those who sought and received assistance. The same pattern exists for participation in educational and/or vocational training. Forty-one percent of those who had participated in the GI bill were highly alienated, as against 51 percent who had not participated. The veterans were also asked if they had sought and received adequate assistance in finding work from public and private employment agencies. Sixty-one percent who received an inadequate amount of help were alienated, whereas 53 percent of those who didn't bother to seek help were alienated, as compared with only 22 percent who sought and received help.

Why more of the veterans did not seek assistance is puzzling. It could be because they felt they had adequate incomes and jobs, or they didn't know about the available assistance, or the grapevine convinced them the help they were entitled to wasn't worthwhile. The first alternative is least plausible. Only 14 percent of the sample were in white-collar jobs, 16 percent were skilled workers, 51 percent were either semi-skilled or unskilled, 13 percent were unemployed and 6 percent were full-time students. Morover, the median income was less than $100 a week for those who were working. The second alternative would indicate insufficient outreach for those agencies authorized to assist veterans. Either because of insufficient resources or different priorities, VA and the employment offices were not encouraging black veterans to utilize these benefits. The third alternative could apply to those who had looked for help in finding work. Of this group, 49 receive adequate help, but 43 did not. With that large a minority, it is easy to see how the word could get around that would discourage others from seeking assistance. Whatever the reasons, a large proportion of these veterans are not participating in the benefits and rewards theoretically their due, and these are more alienated than participants.

The potential for alienation is also manifest in the veteran's background in the explosive ghetto. The ghetto has been decribed by David Boesel and his colleagues as a system for the maintenance of racial hegemony that is composed of a series of functionally reciprocal institutions that are run by whites, and control the black community.

The mutual reciprocity of those institutions has caused them to fit together as parts of a control system through which the decisions of white people with power determine the major outlines of the lives of black people without power.

Not surprisingly in such a system, there are only rather weak institutional forms of social control developed by the ghetto itself, for example, the family and the churches.

But unlike some elements of his community, the returning veteran is not totally subject to the full intensity of white social control. He is neither on parole nor up to his neck in debt, nor under the influence of white school and welfare officials. And he may well have only a marginal commitment to his job. Moreover, being young and frequently single, he is less likely to be under the influence of black institutional control as well.

Predictably, then, our survey showed that veterans under 22 were much more alienated (76 percent) than those who were 23 or 24 (52 percent), 25 to 28 (40 percent), and 29 and over (21 percent). Since a wife and family frequently act as a conservative influence on attitudes and behavior, single or divorced men were expected to be more alienated than those who were married. This pattern was confirmed. Sixty percent of the single or divorced veterans were highly alienated compared to only 38 percent of the married veterans. Active religious participation was also considered as exposure to a set of beliefs and practices that counteract the growth of alienation. We found that only 37 percent of the actively involved were highly alienated compared to 55 percent of the nonparticipants.

There is a good deal of debate these days about the possibility of an increasingly radical movement. Reports of planned subversive activities, sabotage and sniping have been proclaimed by segments of the news media as evidence of a new revolutionary direction of the black protest movement. Some social scientists have pointed out the sensationalism of the reports and the reasons why police and reporters would magnify the threat of violence, as for example Terry Ann Knopf's article in the July/August 1969 issue of Trans-action. And the cover letter to the *Riot Data Review* states these reports "have been composed of two parts fantasy to one part fact." While the *Review* and Miss Knopf give a good descriptive analysis of what actually occurred, the disclaimers in their interpretation have played down the existence of small-scale subversive attempts at spontaneous uprisings and terrorism.

We hold rather more realistic (some would say gloomy, others hopeful) views on the possibility of a black radical movement. If these assessments prove to be correct, we believe black veterans will contribute a significant proportion of the membership. Not only are they caught in the "nutcracker of history" while serving in the military, they also experience in their civilian adjustment strains that are most conducive to their involvement in a radical movement. Unless there is a significant reduction in the sources of strain and a more effective rather than repressive social control, veterans like Robert Williams and Ahmed Evans and veterans' organizations such as the original group of Deacons for Defense and Justice may be harbingers of a whirlwind of defensive and offensive violence.

We cannot help but wonder what Alexis de Tocqueville would say if he were to visit the United States today. But surely he might exclaim, "My God, the Americans are a peculiar people! They have set up a welfare system that penalizes any poor person who shows initiative. They have a Department of Agriculture that has destroyed the family farm. They develop a Peace Corps and yet spend 80 billion dollars on a war machine. They are legislated by a committee system of government, controlled by southerners who are frequently elected by a minority of their constituents. But most importantly of all, in their own unique form of social engineering, they train young black men in the armed forces, return them to a society that does not want to provide them opportunities, and then turn them loose in a volatile ghetto as eminently qualified black revolutionaries."

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. CRANSTON. I am delighted to

yield to the distinguished chairman of the full Labor and Public Welfare Committee who has done such distinguished work in this field of aid to veterans.

Mr. YARBOROUGH. Mr. President, today we have before us for consideration another landmark piece of legislation in the field of veterans education. After long and careful consideration, the conferees on H.R. 11959 were able to agree on a bill that makes significant increases in the education and training allowances provided for under the cold war GI bill. These increases are intended to fulfill three principal purposes:

First, to ease the financial burdens of those young veterans who are struggling to obtain an education;

Second, to provide reasonable allowance rates which will encourage more veterans to use their valuable educational benefits; and

Third, to restore comparability between the cold war GI bill benefits and those paid veterans under the Korean conflict GI bill.

With the consideration of this conference report, we are coming to the end of a struggle that began in January of 1969 when I introduced S. 338, the original rate increase bill. My reason for introducing this bill was because of my great concern over the lack of participation in the education and training programs under the cold war GI bill. Under the World War II GI bill, 50 percent of the eligible veterans used their benefits. Forty-two percent of the veterans of the Korean conflict participated in education programs under the Korean conflict GI bill. However, out of the over 7 million eligible veterans of the cold war and Vietnam era, only 1.3 million have used their benefits under the cold war GI bill. This constitutes a participation rate of only 20.7 percent, or one out of each five veterans. One cause of the low participation in the cold war GI bill education and training programs was stated by the Veterans' Administration to be the low allowance rates paid a veteran each month, which did not meet the inflationary costs of education. Evidence presented before our subcommittee revealed that the cost of tuition and fees in private colleges have increased by almost 107 percent since 1958, and that these costs in public colleges have increased by 67 percent during the same period. In addition, the cost of living has also skyrocketed. The evidence also revealed that monthly educational allowances paid veterans were woefully inadequate to meet these costs and in fact, the cold war GI bill was simply not doing the job the Korean conflict GI bill did. More specifically, the Korean conflict GI bill paid approximately 98 percent of the average tuition, board and room costs at public and nonpublic colleges whereas the cold war GI bill is presently paying only 67 percent of these costs. What this means is that the veterans of the cold war and Vietnam era are getting shortchanged in their educational opportunities.

After thorough hearings and study, the Senate Veterans Affairs Subcommittee unanimously reported out to the full Labor and Public Welfare Committee a comprehensive bill which not only included my bill to increase the allowance rates but also included several new programs designed to help the educationally disadvantaged veteran and to counsel veterans on their rights under the cold war GI bill. This bill received unanimous support in the committee. The Senate demonstrated an unusual display of nonpartisan support for this bill by passing it by a vote of 77 to 0 despite the threat of a Presidential veto. The House in the meantime passed a bill which contained much smaller rate increases than the Senate bill and did not contain the new programs.

In conference, the objective of the Senate conferees was to produce a bill that would benefit as many veterans as possible and retain the new programs which are badly needed. After long and hard bargaining, we believe we have accomplished a substantial part of that objective.

The bill that we are considering today provides for an increase of almost 35 percent in the monthly payments for veterans enrolled in the education, farm training, and apprenticeship programs. What this amounts to in dollars and cents is that a single veteran with no dependents who is attending college on a full-time basis will receive a monthly allowance of $175 instead of the present allowance of $130 a month. This is an increase of $45 over the present rate. Under this bill a veteran with one dependent will receive an allowance of $205 per month instead of $155 as provided under the present law. The veteran with two dependents will now receive a monthly allowance of $230 whereas the present law pays only $175 a month to those veterans.

Veterans with more than two dependents will receive an additional $13 per month for each such dependent instead of $10 as is provided in the present law.

Veterans who are enrolled on a full-time basis in the farm cooperative and have no dependants or in the training program will receive, under this bill, a monthly allowance of $141 instead of the present allowance of $105. Veterans with one dependent will have their monthly allowance rate increased from $125 to $165, and veterans with two dependents will now receive $190 per month instead of $145. For each dependent over two, the veteran will receive $10 per month under this bill instead of $7 per month as provided in the present law.

Single veterans who are enrolled in apprenticeship and other on-the-job training programs will receive $108 per month during the first 6 months training period instead of the present allowance of $80. During the second 6 months period the veteran will receive $81 a month instead of $60, for the third 6-month period he will receive $54 a month instead of $40, and the fourth 6-month period he will receive $27 a month instead of $20 a month. Like the other programs, the veterans with dependents will receive proportional increases for each dependent.

Veterans who participate in these programs on a part-time basis will, of course, also receive, on a proportional basis, the 35-percent increase. These increases are retroactive to February 1, 1970, so that veterans can participate in the expense allowances for the full spring semester of school.

In addition to these increases, the bill provides a 22.7-percent increase for funded veterans who are taking vocational rehabilitation training. A single veteran with no dependents who is participating in this program on a full time basis would receive an allowance of $135 a month instead of the present $110 a month.

In addition to the important allowance rate increases, the Senate conferees were successful in retaining the major portions of title II of H.R. 11959 which are intended to assist the educationally disadvantaged veteran obtain the education and training he needs to prepare him for a useful and productive career. Title II of H.R. 11959 contains three programs designed to carry out this purpose.

First, this bill provides for a special supplementary assistance program which would pay to a veteran who is having academic difficulty an amount not to exceed $50 per month for a maximum of 9 months for tutorial help. This program is intended to furnish a veteran who is having difficulty with a course the additional help he needs to prevent him from failing. In many cases, special tutoring will prove to be the margin of difference between success and failure in college.

Second, this portion of H.R. 11959 establishes a predischarge education program which is designed to assist servicemen in preparing for future education while they are still on active duty. Under the PREP program, the VA would pay to the veteran an amount which would reimburse him for the cost of tuition, fees, books and supplies he incurs in taking remedial or refreshertype courses prior to his discharge from the service. This program will prepare the veteran for advanced education and give him the confidence he needs to continue his education.

Third, title II establishes a veterans outreach program which would expand the VA's counseling services to insure that veterans understand their rights under the cold war GI bill. One reason for the low participation in GI bill education programs is that many veterans leave the service without knowing that these benefits are available to them. This program should prove to be of great benefit to all veterans.

These three new programs are the result of the thought, planning, and hard work of the distinguished chairman of the Subcommittee on Veterans' Affairs, Senator CRANSTON. I commend him for introducing these new measures which will increase participation in the cold war GI bill education programs. I also commend Chairman TEAGUE and the other House conferees for recognizing the need for these programs and agreeing to accept them.

I also wish to commend Senator CRANSTON for the leadership he has provided in obtaining this great veterans bill. As a result of his tireless efforts and great dedication, we were successful in obtain-

ing this bill which will mean so much to the veterans of America. American veterans are indeed fortunate in having Senator CRANSTON representing their interest in Congress. It has been a pleasure for me to work with him, and I encourage him to continue his fine work for better veterans laws.

I also wish to commend the excellent work of the members of both political parties of the Labor and Public Welfare Committee and especially the members of the Subcommittee on Veterans' Affairs. They have put aside partisan considerations and given their full support to this bill. I wish to commend Senator SCHWEIKER, the ranking minority member of the Subcommittee on Veterans' Affairs, and Senator JAVITS, the ranking minority member of the Labor and Public Welfare Committee, for their leadership and assistance on behalf of our veterans.

The bill that the conference committee has agreed to is sound, both financially and morally. Never has it been needed more. I urge all my colleagues to give it their full consideration and support.

Mr. MANSFIELD. Mr. President, will the Senator from California yield?

Mr. CRANSTON. I yield.

Mr. MANSFIELD. Mr. President, how much of an increase in GI educational benefits was allowed by the Senate when the measure passed the Senate last October?

Mr. CRANSTON. The figure that is being paid now is $130 a month. The Senate passed a bill that would have provided $190 a month.

Mr. MANSFIELD. Was that a 46 percent increase?

Mr. CRANSTON. The Senator is correct.

Mr. MANSFIELD. And what is the final agreement of the conference committee?

Mr. CRANSTON. $175 a month, which is a 35-percent increase.

Mr. MANSFIELD. And now that the conference report has been approved unanimously by the Senate, it will go to the White House for final approval?

Mr. CRANSTON. The Senator is correct.

Mr. MANSFIELD. I congratulate the distinguished Senator from California for his tenacity and doggedness in this area. I also congratulate the distinguished Senator from Texas (Mr. YARBOROUGH) for the same attributes. They are both strong and effective advocates in behalf of veterans and they have shown it by their action—performance is always the true test of commitment. I recall the many years that the distinguished Senator from Texas (Mr. YARBOROUGH) fought to extend these educational benefits to veterans of the Armed Forces who served since the Korean conflict. I recall his great success in this endeavor. I am happy to vote that the able and distinguished Senator from California has joined this effort. As chairman of the Subcommittee on Veterans' Affairs he has performed splendidly.

Mr. CRANSTON. Mr. President, I thank the distinguished majority leader for his support and for his very welcome comments on the work we have been doing together on this measure.

I thank the distinguished chairman of the full Committee on Labor and Public Welfare, the senior Senator from Texas (Mr. YARBOROUGH), for his work and for his comments regarding my work. I congratulate him on the results today of the fine leadership he has offered.

Mr. YARBOROUGH. Mr. President, I join and associate myself with the remarks of the distinguished Senator from California.

The distinguished majority leader has been a bulwark of strength in the fight for justice for these cold war and Vietnam veterans.

This is another milestone in my 12-year fight for justice for the veterans of the cold war era. My first GI bill was passed in 1966, after an 8-year fight. We improved it by an amended GI bill in 1967, and then improved it further by another amendment in 1968. This is the fourth cold war GI bill. We are making some progress.

We have always had the aid of the distinguished majority leaders in our efforts. I thank him for his continued support. We are now up to 10 percent of the level of the payments made under the Korean GI bill. It is not enough; however, it is a major step forward. Many of the veterans have been denied an education because of the low payments allowed them. Only about 21 percent, or one out of five, of the discharged veterans have received any kind of educational training under the cold war GI bill.

I think this is a disgrace.

We must continue our efforts to obtain meaningful educational benefits for the veterans of the cold war and Vietnam era.

I again thank the distinguished Senator from California for his dedication and skilled leadership with regard to this measure.

CRISIS IN CALIFORNIA VETERANS' ADMINISTRATION HOSPITALS

Mr. CRANSTON. Mr. President, my colleague in the other body, the chairman of the Veterans' Affairs Committee, has been rendering a great public service in publishing the results of his committee's survey of the conditions in Veterans' Administration hospitals on a State-by-State basis. In every case the survey has shown a critical shortage in both funding and staffing.

Today, the survey results of Veterans' Administration health facilities in California were released. As with the surveys for the 28 States so far released, the one for California indicates "that California VA hospitals are not receiving sufficient support to provide the kind of medical care that California veterans deserve," and, in my mind, must have. An alarming funding deficiency of at least $5.6 million—the third largest deficiency in the Nation after New York and Pennsylvania—exists in California VA hospitals for the current fiscal year. This deficiency exists despite a January augmentation of $1,001,382 from the Veterans' Administration Central Office to California hospitals—based on the Congress unrequested additional appropriation of $17,600,000 for fiscal year 1970. This $5.6 million deficiency is a very conservative estimate; for example, many unreported deficiencies at the West Los Angeles Veterans' Administration Center are still under study; and a final tabulation will very likely show California's shortages to be the greatest in the Nation.

New figures just released by the Veterans' Administration, and hence not included in the results of the House committee survey, show that California VA hospitals have just been allotted $1,226,700 for the last quarter of fiscal year 1970. Of this sum, $821,100 is for fee dental services largely for Vietnam veterans. This additional money will be expended, with Bureau of the Budget approval, on a deficiency basis in anticipation of a supplemental fiscal year 1970 appropriation of $15,000,000 for medical care through an amendment to the President's March 12 Supplemental Appropriations Message to Congress. That the Veterans' Administration has been successful in squeezing even this amount from the administration is no small task, and I hope that the efforts of Chairman TEAGUE in the other body and our Veterans' Affairs Subcommittee's 6 days of oversight hearings were helpful in that budget exercise.

The fact remains, however, that the $405,700 augmentation for medical care other than dental services represents only a small portion of the California VA hospital deficiency—slightly more than one-quarter factoring through the 3 months' funding on the basis of a full year's deficiency of $5.6 million—not including dental care needs. Although fee dental needs, estimated by VA central as $2.5 million, seem to have been fairly well covered for the final quarter of fiscal year 1970 by the allocation of $821,000 for that purpose, there is no assurance that a similar level of funding will be carried over for fiscal year 1971 or subsequent years for that category or the general medical category. And I am continuing to study the dental care situation with respect to fiscal year 1971 needs. In sum, despite California's veteran population of more than 11 percent of our Nation's veterans, it has received only 8 percent of the supplemental $15,000,000 allocation to meet its great funding shortages.

These shortages mean the hospitals will be unable to provide needed drugs, medical and dental supplies, prosthetic arms, legs, artificial eyes, and other sensory aids to many veterans requiring them. Funds in the amount of over $2.8 million have not been made available to fill existing personnel vacancies, let alone to provide the 2,900 staff which would bring staffing ratios up to minimal levels to achieve some comparability with ratios in community hospitals.

These shortages demonstrate clearly that in our Nation's largest State, where more than 11 percent of our Nation's veterans reside, the Veterans' Administration health care situation is extremely grave. The deficiencies highlighted in the House committee survey are actually preventing the VA system from delivering the same level of care provided in fiscal year 1969.

Over $461,000 is lacking to meet the

costs of community nursing care expenses for those veterans who no longer need the intensive care provided in the hospital facility and should be moved to these less intensive and less expensive facilities.

These deficiencies in the ability of Veterans' Administration hospitals to provide high-quality medical care to California veterans are shocking. The commendably candid statement of the Director of the West Los Angeles Veterans' Administration Center, the largest single VA complex in the country, that a major crisis is impending, that morale is atrocious and that patient care is subminimal is unfortunately symptomatic of problems in many VA facilities across the Nation.

Recently, the Subcommittee on Veterans' Affairs, which I am privileged to chair, completed 6 days of oversight hearings on the quality and quantity of medical and hospital care in VA facilities. Testimony from some of the Nation's most outstanding medical experts, Veterans' Administration hospital staffs, service organizations, and individual veterans, clearly indicate that we are facing a nationwide crisis in VA medicine; that staffing ratios are at dangerously low levels; and that much needed renovations, equipment purchases, and construction have been put off far too long.

In short, as will be illustrated fully by a subcommittee report now in preparation, the hearings in the Senate completely corroborate the findings of the House survey.

The Senate Veterans' Affairs Subcommittee hearings revealed the California VA system is failing to operate or utilize fully highly expensive and urgently needed specialized medical units, for example:

At the Fresno VA hospital, the surgical recovery room is not being fully utilized because of a $31,000 deficiency. The inhalation therapy program and the mental hygiene clinic are both underfunded and underutilized—the inhalation therapy program short $32,000, and the mental hygiene clinic short $42,000

At the Livermore VA Hospital, the surgical intensive care unit, the pulmonary function laboratory, and a special nuclear medical unit are underutilized because of a staff shortage created by a deficiency of about $145,000.

At the Long Beach Hopsital, underutilized units because of staffing shortages are a surgical intensive care unit, a mental hygiene clinic, and a day treatment center. Funds were not available for approximately 40 positions to properly staff these units.

At the Martinez VA hospital, approximately $67,000 is needed for adequate staffing of special medical units specializing in speech pathology, nuclear medicine, cardiac catheterization, pulmonary function, and electron microscopy.

At Palo Alto, the VA General Medical Hospital, because of funding deficiencies, was unable to fill 12 nursing positions for special coronary care and intensive care units. As a result, these units are now operating at substandard levels.

At Sepulveda, the VA hospital has 18 vacancies which a deficiency of $200,000 prevents them from filling. These positions are needed to staff fully the hospital's surgical intensive care unit, the day treatment center, and the mental health center.

Several specialized medical programs for which construction has been completed and equipment made available were not activated until the last half of the current fiscal year, and were activated at that time only because of a Bureau of the Budget decision to release the $17,600,000 which congressional action restored to the VA appropriation to achieve the level originally requested by the Johnson administration. These programs included intensive care units at Palo Alto, Fresno, Los Angeles, San Francisco, and Sepulveda: an alcohol treatment program and an organ replacement program at Los Angeles; programs for electron microscopy and stereotactic brain surgery at the Long Beach hospital; and a special reference laboratory at the San Francisco Hospital.

In addition, utilization of some specialized units has been postponed entirely for fiscal year 1970. These are an intensive care unit, a coronary care unit, and a speech pathology program at the Long Beach VA hospital, for which staffing costs would total about $141,000; a prosthetic treatment center at San Francisco which would cost about $17,000 to staff; and a speech pathology program at Martinez which would require about $23,000 for staffing.

To meet these deficiencies, I intend to press for substantially increased VA funding, both in the expected VA supplemental budget request for the current fiscal year, and in the appropriations for the next fiscal year. I have been working closely with the chairman of the House Veterans' Affairs Committee, and we plan to develop a coordinated approach in both the House and the Senate.

It is essential to add supplemental funds in a number of areas not only to insure adequate continuation of vital fiscal year 1970 programs, but also to enable the VA to finance these programs at a supplemental level when it begins to operate under a fiscal year 1971 continuing resolution. Otherwise, under the terms of the expected continuing resolution, the VA will be restricted to the fiscal year 1970 level, and needed expansions in health care will be deferred still further.

Specifically, I feel we must supplement the VA's 1970 budget in at least three most critical areas: community nursing home care, Vietnam veterans' dental care, and hospital maintenance and essential equipment replacement costs. Supplemental funds are also needed to open and fully operate most of the 65 specialized medical programs in VA hospitals—four of which are in California—which are not planned for activation in fiscal year 1970 at all. Supplemental funds must also be provided to permit the understaffed spinal cord injury units—of which the only one west of the Mississippi is in California—which care for and rehabilitate some of our most severely disabled veterans, to operate at the staffing ratios recommended by the VA's own SCI medical advisory group. These seem to be the most acute needs requiring immediate action in the supplemental appropriation for the current fiscal year.

Turning to the budget for the next fiscal year as proposed by the administration, it offers no increased resources to meet the vast needs we have been uncovering. It is at best a stand-still budget in light of inflation in the cost of providing medical care and salary increases. Substantial additional money is needed in many areas. The following at least must be done: increase the medical care staffing ratio and appropriation item to make a significant start toward achieving an adequate staffing level; and catch up on long-deferred construction of new facilities and renovation of the old, and particularly, begin a stepped-up effort to air condition the 33 VA hospitals in the hottest parts of the country—some of the most critical needs are in California.

I also will recommend substantial increases for funding the VA health personnel training and education program, and shall seek to make that item a separate figure in the appropriation bill to permit an expanded, on-going effort. The same separate appropriations treatment should be given the research budget, rather than lumping it with education and training in the medical care appropriation item. It is widely recognized that as research, education, and training programs in VA hospitals improve, so will the quality of the care provided the veterans there.

I am giving serious attention to the need for an increase in VA research funds to study cost effectiveness in the delivery of care and to engage in substantial programs to monitor the provision of health services. Also, I am considering the need to establish a fourth VA blind center, to serve the Southeastern United States, as well as to insure that the West Haven Center is expanded to its full complement of 20 beds.

Although substantial appropriations increases will have a decided impact on improving the VA hospital and medical care system, I am also convinced that much new legislative authority is needed for the VA health care program. Among the measures I am planning to introduce soon are bills aimed at improving the staffing situation in VA hospitals. These bills will provide the VA with new responsibilities: first, to train and employ more doctors, nurses, and allied health professionals—especially physician's assistants; second, to revise personnel authorities to enable the VA to compete more effectively for scarce health professionals; third, to install an ongoing continued educational program for all such personnel with greater emphasis on career ladder development at all levels; and fourth, to require that every VA facility attain within 3 years, a staff-to-patient ratio comparable with an index community hospital. Present disparities are enormous: 1.5 to 1 for the VA general hospital, 2.7 to 1 for the average community hospital, and 3.5 to 4.0 to 1 for the university hospital.

Increased staffing and funding alone will not provide all the solutions to the

shortcomings the Veterans Affairs Subcommittee and the House Veterans Affairs Committee has documented. For the VA medical program to provide first quality care for our veterans I have become convinced that several principles should be followed, and I plan to introduce additional legislation to implement these principles. First, the VA system must be viewed as part of a larger pattern of community medical care if it is to prosper as a modern high quality health system. The VA's problems cannot be resolved in isolation. Thus, I will shortly introduce legislation to build upon the present VA relationships with regional medical programs and other community planning efforts.

Another principle I feel should be put into effect is that the VA system be more fully responsive to the medical needs of all veterans and their families. I plan to introduce a family bill which would provide VA hospital care for the dependents of totally and permanently disabled living veterans, as well as survivors receiving disability and indemnity compensation, and also enable the VA to treat a veteran's family where that is necessary for the veteran's total care and rehabilitation, as in the instance of mental illness, and physical disability. Provision will also be made for the VA to stress home care programs.

In line with the ideal of total health care of the veteran, I am considering another bill to amend present restrictions on the treatment of conditions which are unrelated to service-connected disabilities for which the veteran is hospitalized and to permit outpatient care for non-service-connected disabilities in order to prevent, as well as prepare for, reasonably foreseeable periods of hospitalization. Other bills I am working on would stress the provision of comprehensive restorative programs for the severely disabled veterans; would establish care in a VA nursing home as a clear component of hospital care; would greatly expand the present presumption of service connection for actively psychotic mental conditions; and would enable a doctor to satisfy his military obligation by serving as a VA hospital staff physician.

In coordination with Senator HAROLD HUGHES, chairman of the Special Subcommittee on Alcoholism and Narcotics, I am preparing a bill to provide for a comprehensive program of treatment and rehabilitation of chronic alcoholism and drug dependency for veterans in need of such services.

Enactment of these proposals coupled with substantially increased funding for VA medical programs will, I believe, go a long way toward remedying many of the deficiencies in the current program uncovered by the subcommittee's recent hearings as well as by the excellent House committee survey. I am sure there will be wide public and congressional support for these efforts to counteract the deterioration in the VA medical system which is so aptly illustrated by the California situation.

Mr. BYRD of West Virginia. Mr. President, in adopting today the conference report on H.R. 11959, a bill which would sharply boost the education and training benefits for our Vietnam veterans, the Senate will have taken final action on a most meritorious piece of legislation. It was adopted unanimously by the other body, and deserves our support.

The conferees recommended a 34.6 percent increase in the monthly allowances provided for under existing law for veterans participating in education and training programs under the GI bill. For the single veteran, this means an increase in benefits from $130 to $175 monthly. The same relative percentage increase is provided for the widows and children of brave Americans killed in combat or who died from service-connected disabilities. In addition, wives and families of totally disabled service-connected veterans will likewise benefit if they are enrolled in programs of education or training.

The conference report is a compromise between the pressing needs of our veterans, and the fiscal responsibility obligated to our hard-pressed taxpayers. I am sure all Senators wish that more could have been done for these gallant men. Yet, this legislation, based on the wishes, of the President, is a fair and reasonable increase in benefits.

Mr. President, if we are going to spend the taxpayers' money on the education of our youth, it is far better to do it for veterans who have served their country well, than on federally subsidized hippies, yippies, and leftwing professors who spend their time bent on destroying the basic structure of our educational system and our Government.

There are over 4,300 veterans attending colleges and universities in my State of West Virginia who will benefit from this legislation. I would hope that more of the 37,000 West Virginian veterans of the Vietnam war who have not participated and who are eligible, would take advantage of these programs. I am proud to state that West Virginians are men who are proud to stand and say that they fought in Vietnam, proud to say they served their country and their flag.

Mr. President, the Senate is about to complete work on this legislation, but its work on behalf of our veterans is far from done. We must not forget those veterans who cannot attend school, who cannot seek employment, and cannot start a family. For Vietnam is a modern war, where our boys wounded in action are but minutes from a field hospital where miracle drugs and modern medical techniques prevent death.

These brave Americans, sent to faraway lands, inflicted by wounds of horrifying weapons which would have killed in any preceding war, are cruelly crippled for life. These men return, not met by flags flying, or bands playing, or by patriotic citizens waving their hands in appreciation. They are shuffled off to hospitals or their homes, where they can lie forever watching on television the burning of draft cards, rioting in the streets, and the mockery made of our courts of law. All this in a country to which these men have given their most personal sacrifice.

Mr. President, we must not allow any veteran to become a second-class citizen. As they have willingly supported the commitments made by our Government we in turn must not forget them. They deserve the best in medical care and rehabilitation. The proper utilization of personnel, equipment and health care must continue to be improved. The Veterans' Administration must be afforded the continuing support of a grateful Nation, if it is to meet its obligation to all veterans and particularly to the 270,000 Americans wounded in Vietnam.

Mr. President, we owe our American veterans the best.

Mr. SCHWEIKER. Mr. President, I support the conference report on H.R. 11959, the veterans education and training bill.

As ranking minority member of the Subcommittee on Veterans' Affairs of the Committee on Labor and Public Welfare, it was my privilege to help fashion this legislation from the subcommittee level on and to be a cosponsor of many of the separate bills for innovative veterans' programs which became incorporated into this final piece of legislation. The Senator from California (Mr. CRANSTON) has done an outstanding job as chairman of the subcommittee, and we in the Senate have been fortunate on this bill to have the strong contributions of both the committee chairman, the Senator from Texas (Mr. YARBOROUGH), and the ranking minority member of the full committee, the Senator from New York (Mr. JAVITS). We have at all times approached this bill from a bipartisan viewpoint.

The bill approved by the conference committee will raise the GI educational assistance allowance by 34.6 percent. Applying this to a single veteran with no dependents, he presently receives $130 a month and now would get $175 a month. This represented a compromise between the 46 percent rise passed by the Senate and the 27 percent increase passed by the House. While it is not as great an increase as we in the Senate would have liked to achieve at this time, it goes a long way toward closing the gap between the GI allowances and the rising expense of getting a college education today.

The innovative provisions of title II of the Senate bill, while modified through the action of the conference, remain substantially intact. These are: a supplementary tutoring allowance to returning veterans in college, at the rate of $50 a month for up to 9 months; the PREP program of predischarge educational opportunities for servicemen; the extension of GI benefits to veterans enrolled in remedial or refresher courses, and the new outreach program.

As a cosponsor of these provisions when they first appeared as separate bills, I strongly support them and hope that these new programs, like the general increase in GI education benefits, will help close the growing education gap which our returning veterans have been encountering, particularly those who have educationally disadvantaged backgrounds.

I feel strongly that our returning Vietnam veterans, quite aside from the education opportunities they deserve from a grateful Nation, are a vital human resource. We must not allow our returning

veterans to lose out on the education and job opportunities that are only accessible to well-trained young men. We need a system that will not only reward the well-trained veteran but also help the educationally handicapped veteran to catch up. This legislation, with its new programs which I am proud to say have originated in the Subcommittee on Veterans' Affairs of this body, is a good beginning toward this goal.

Before concluding my remarks, I would like to mention action taken by the conferees to eliminate a provision from the bill affecting veterans who are apprentice barbers.

The House bill contained a provision which prohibited Veterans' Administration approval of a veteran's apprenticeship or on-the-job training where the Administrator "finds that by reason of prior training or experience such veteran is performing or is capable of performing the job operations of his objective at the same performance level as the journeyman in the occupation."

The Senate committee considered this provision after it was passed by the House as part of H.R. 6808, but the committee found insufficient justification for including it in its version of the bill.

This provision, according to the Veterans' Administration, would have resulted in a cutoff of VA on-the-job training payments to veterans in Pennsylvania who had completed their formal barber training in a 9-month school but who were still serving their 15 months of apprentice training to qualify for a journeyman barber's license.

The Veterans' Administration, if the provision became law, was prepared to rule that these apprentice barbers were performing at journeyman level once they finished school. Hence they would not be eligible for on-the-job training benefits. But in Pennsylvania, a barber does not receive his journeyman license until he has trained for 24 months—which usually comes as 9 months in a barber college, followed by the 15 months of apprenticeship. During the 15 months, the apprentice barber must work for an established barber. He is barred by law from going into business for himself, and he usually finds it difficult to attract customers during this period when he is still learning his craft.

The conferees resolved the disagreement by eliminating the provision. However, as a safeguard against paying VA benefits to barbers who might be "apprentices" in name only, a new requirement that on-the-job training must be "supervised" as well as "organized" was added to the law. I feel this is a solution that will allow barber apprentices in my State to continue receiving VA on-the-job training benefits, instead of having these benefits arbitrarily stopped. At the same time, we added new language to safeguard against abuses of this highly worthwhile assistance.

Mr. President, I urge that the conference report on H.R. 11959 be promptly adopted.

Mr. CRANSTON. Mr. President, I move the adoption of the conference report.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from California.

The motion was agreed to.

DELIVERY OF MILITARY MATERIEL TO THE GOVERNMENT OF CHIANG KAI-SHEK ON TAIWAN

Mr. HARRIS. Mr. President, I note with some alarm that efforts continue unabated with respect to delivering uncalled-for amounts of military materiel to the government of Chiang Kai-Shek on Taiwan. In testimony before the House Armed Services Committee last week, a spokesman for the Office of the Chief of Naval Operations called for loaning three U.S. submarines to Taiwan, in spite of the fact that the administration itself had not deemed it necessary to request them. The committee accepted this argument and added this provision to the bill it reported.

Representative DONALD M. FRASER has taken the lead in fighting this attempt to introduce a new weapons system into an already tense area under provocative circumstances, and I would like to commend him for this effort.

There are several reasons why I believe it would be unwise to allow this action of the House Armed Services Committee to stand. Nationalist China at present has no submarines, and no trained submarine personnel, I am informed. It would take a long period of time, perhaps as much as 2 years, to take the submarines in question from the reserve fleet, prepare them for active service, and train the necessary Chinese crews. Once in service with the Chinese Navy, the United States would retain little control over their use. It is one thing to use submarines to provide anti-submarine-warfare training for Chinese surface ships and aircraft, and another to employ such vessels in ways which might increase tension in East Asia. These submarines would not increase Nationalist China's security, would cost a considerable amount of money and time to place into active service, and might make us the reluctant beneficiaries of the byproducts of excess zeal on the part of the Nationalist Chinese.

Robert M. Smith of the New York Times has provided a useful summary of recent developments in this matter, and I commend it to the attention of Members of the Senate who may be distressed, as I was, to learn of this unnecessary initiative. I ask unanimous consent that Mr. Smith's article, which appeared on March 14, 1970, be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

LOAN OF THREE U.S. SUBS TO TAIWAN IS ASKED

(By Robert M. Smith)

WASHINGTON.—The House Armed Services Committee has proposed a loan of three United States submarines to Nationalist China.

The Administration, which proposed lending some vessels in the bill under discussion, had not included Taiwan on its list of recipients, and the addition seems likely to provoke a floor fight when the bill is considered in the House next Wednesday.

The Armed Service Committee, whose chairman is Representative L. Mendel Rivers, Democrat of South Carolina, sent to the floor an Administration-sponsored bill last month that extended the long-term loan of one submarine to Greece and one to Pakistan. The bill would also provide two destroyer escorts each to South Vietnam and Turkey.

In addition, however, the committee added the loan of two submarines to Turkey and of three to Taiwan.

Earlier this winter, a provision of the foreign aid bill that would have given Taiwan a squadron of Pantom jet fighters stirred such controversy that it was finally dropped.

Representative Donald M. Fraser, Democrat of Minnesota and chairman of the liberal Democratic Study Group, said today that he would offer an amendment to the committee's bill striking the loan of the submarines to Taiwan.

The Defense Department supports the loan of vessels to Greece, Pakistan, Turkey and South Vietnam but has not taken a position of those for Nationalist China.

The Defense Department's witness before the Armed Services Committee, Capt. G. M. Hagerman, director of the foreign military assistance division in the office of the Chief of Naval Operations, said that in his opinion the United States should lend Taiwan the submarines. The reasons he gave were stricken from the hearing report for security reasons.

Asked for its position on the loan this evening, the State Department said the issue was "under review."

"It has to be considered at a senior level," a department spokesman said.

VESSELS ON RESERVE

The action of the Armed Services Committee came to the attention of Capitol Hill today when the Democratic Study * * * summarizing the bill's provisions and pointing out that it would reach the floor next week.

The submarines involved are diesel-powered and would come from the Navy's reserve fleet.

According to Captain Hagerman's testimony, Taiwan has no submarines and no personnel trained to operate any.

The committee's report on the bill said the submarines would allow Taiwan to mount an antisubmarine defense in an area where the United States was cutting back on its own naval forces.

"In the over-all defense of the western Pacific," the report said. "The Republic of China had undertaken a role in participating in antisubmarine warfare activities." He continued:

"Permitting China to have three submarines does not introduce a new weapons system into the area, but lets China replace the United States in the localization of the defense of an area where the Communist Chinese have over 30 whiskey-class submarines provided by the Soviets and flying the Red Chinese flag." "W" class Soviet submarines are medium-range patrol vessels, although some have been equipped with missiles.

"In addition to helping to meet their threat, the report added, "providing the submarines to China at this time will permit China to continue having submarines to use in antisubmarine warfare training, since the services the United States has heretofore provided for this training are being curtailed.

"The area for which China is exercising some antisubmarine warfare responsibility is one of the areas where we will be providing reduced protection due to the cutbacks in our Pacific surface and submarine fleet."

An aide to Representative Fraser said that the Congressman opposed the loan of the vessels to Taiwan because he felt it would introduce another weapon in an already tense area, and would be a provocative gesture.

ADDRESS BY MAJ. GEN. CARROLL H. DUNN BEFORE THE ARKANSAS BASIN DEVELOPMENT ASSOCIATION

Mr. McCLELLAN. Mr. President, the Arkansas Basin Develoment Association has just completed its annual meeting in Tulsa, Okla., which I had the pleasure of attending. Maj. Gen. Carroll H. Dunn, Deputy Chief of the Corps of Engineers, was one of the featured speakers.

In his excellent speech, General Dunn illustrated the tremendous impact of the Arkansas River navigation project by calling attention to the fact that the project has already attracted industrial pledges for actual construction exceeding the $1½ billion mark. Although the navigation complex will undoubtedly result in unprecedented industrial growth and economic expansion, General Dunn stated that with effective management the Arkansas River project could prove that efficient navigation projects and the preservation of ecological and esthetic values can be compatible. Certainly, pollution control must be an integral part of the industrialization of the Arkansas River, and I shall do all that I can to insure that the water and air in the Arkansas River Valley remains clean and uncontaminated.

Mr. President, I ask unanimous consent that General Dunn's remarks be printed in the RECORD.

There being no objection the remarks were ordered to be printed in the RECORD, as follows:

FOR A PROTECTED ENVIRONMENT

(By Maj. Gen. C. H. Dunn)

Senator McClellan, Senator Bellmon, Congressman Belcher, other members of Congress, honored guests, members of the Arkansas Basin Development Association, Ladies and Gentlemen: Even though today is Friday 13th, I consider it lucky to be here—not only to renew old and lasting friendships made during my years in the Southwestern Division, but to share a few thoughts with you along the lines of where we should go from here.

The Arkansas River Project today basks in the Nation's water resource spotlight. It has given meaning to President Theodore Roosevelt's great line: "Conservation means development as much as it means protection."

Even critics of damming rivers and digging navigation channels must be impressed with the size of this undertaking and the spirit with which it was pushed forward. Even those who want the Nation to march back to the wilderness must marvel at the foresight, enthusiasm, energy, and unity of purpose displayed by this Association and backed by the people of the Arkansas Basin in bringing this project to the threshold of completion. But, this project would have gotten nowhere had it not been for the impetus provided by such men as the late Senator Bob Kerr, Senator McClellan, Page Belcher, and other members of the Congressional delegations who provided the most essential element of all—support for the necessary appropriations. I hope you will join me in paying these men a debt of gratitude.

Even as an unfinished project, this waterway has attracted industrial pledges and actual construction which have already passed the one half billion dollar mark. Permits have been issued for construction of 35 ports and 17 marinas valued at more than $30 million. Last year, 76 million people visited the 53 reservoirs and six navigation pools completed in the basin, and increase of 10 million over 1968.

The wonders of the Arkansas River Project have been recognized on another front with its entry in the competition for the American Society of Civil Engineers Outstanding Civil Engineering Achievement for 1970.

No doubt it will take more years of observation and striking examples of project performance before there is a conversion of some of those who have in the past opposed river basin development. It does, at the same time, present a real challenge to build a better environmental "mousetrap." This project must be not only practical but also appealing.

People have to live and eat. To do this they must exist in a balanced environment, one which combines an adequate supply of good clean water, clean air, freedom from flood and drought, electricity, transportation, recreation—benefits you have here in ever growing abundance. In the crowded population corridors in the Boston-New York-Washington, and Cleveland-Detroit-Chicago areas, people are growing weary of the day-to-day drudgery, working to make a living in an atmosphere of smog-laden air, polluted water, and that hemmed-in feeling. Millions are gazing toward the Southwest. In Arkansas and Oklahoma, there have been more reservoirs built since World War II than in any other similar part of the country. This may well start an increasing population growth in the area, just the opposite of the migration of the thirties.

Rather than break our arms patting each other on the back, however, let's not forget that completion of the construction phase of this development is by no means the signal to disband and let the future take care of itself. Your President spoke of this in his report this morning. The big effort in the field of water resource development before, during, and after construction continues to be planning. The same applies to developing an effective management program for a newly completed project such as this one.

Waterway development presents many special environmental problems and the Arkansas Project is no exception. Some say efficient navigation projects and preservation of ecological and esthetic values can't mix. This project will be watched closely on this score.

You must protect what you have and one sure-fire way of doing this is to keep your environment in balance. In recent years, objectives other than engineering and economic ones have become increasingly important and competitive. Heavy emphasis is being placed on good stewardship of the natural environment, the conservation of fish and wildlife, the provision of expanding opportunities for healthful outdoor recreation, and other measures contributing to a better and happier life.

The rapid and massive expansion of our urban-industrial society keeps pushing the countryside—the open spaces—further and further back. Many people are deeply concerned that we may be sacrificing too much of the natural environment in order to fulfill our material requirements. This is particularly true in the more thickly populated portions of our country, where the tensions of modern life are generally greatest and the need for relaxation and recreation more pressing.

As cities continue to grow, residents will want to be able to leave their homes, leave their crowded highways, and find beautiful landscapes, green fields, wooded hillsides, and clean water somewhere nearby. Riverbank development must be controlled to insure that the air above and the water flowing by will remain clean. By comparison with many of our other major river basins, you now have little contamination from municipal or industrial wastes with which to contend.

A solution to the serious natural pollution problem posed by the salt content of the Arkansas River is required. I can assure you that the Corps of Engineers, other Federal agencies, and the States involved are doing their utmost to find a solution. In this connection, the Tulsa District has recommended a 250 million dollar project calling for construction of improvements in the Red and Arkansas River Basins to reduce brine pollution from natural resources. This is being coordinated at the Washington level. That salt pollution resulting from petroleum and natural gas operations is being dealt with through State action.

I am pleased to note that a bill designed to curb pollution of Oklahoma streams is now pending in your Legislature. You must have adequate regulatory safeguards and strict enforcement to insure that your rivers will not become polluted as new population centers and industrial development take place.

I mentioned earlier that effective management must go hand in hand with the planning necessary to protect your development and keep your environment in balance. The Arkansas River project must have an organization that will treat this region as an entity rather than leaving the planning function solely to each community along the river bank on a piecemeal basis.

Essentially then, there must be a broadly based organization which will consider all viewpoints objectively and without the personal, vested interests of a particular section. Such an organization will be called upon to weigh the merits of conflicting uses for the best overall public good. I urge that this Association be such an organization prepared to make recommendations to the Governors and State agencies involved. You have come too far and accomplished too much to stop now. You have the knowledge and the background as to the needs of this basin, both from geographic and use points of view. You constitute a natural body to continue an enlightened overview and to help plan the development as a whole.

In closing, let me tell you of a comment in one of the Washington papers last week quoting a college girl from Indiana who was one of the participants at a student-editor conference on the environment. She said: "If you lived in the Wabash Valley, you'd be very much against pollution. There are no pretty days in Terre Haute."

There are many pretty days and good times ahead for the Arkansas Basin. Let's make sure it is kept that way.

Thank you very much.

MOTION PICTURE CLASSIFICATION SYSTEM

Mr. McCLELLAN. Mr. President, I continue to receive a number of communications relating to my statements concerning trends in the motion picture industry, the film classification system, and the possibility that films which have been rated as not appropriate for minors may be performed on television. Recently the American Legion and the American Legion Auxiliary, Ninth District, Arkansas Department, adopted resolutions endorsing my efforts in this field.

In my previous statements I have not expressed my personal opinions about particular movies but have quoted the comments and observations of critics, performers, educators, and concerned parents. Dr. Benjamin Spock in his recent book "Decent and Indecent" discusses this subject in a section of the book entitled, "A Reactionary View of

Obscenity and Brutality." Dr. Spock and I are not usually in agreement concerning issues of public policy, however, his thoughts on this subject are very similar to the observations I have previously made. Since Dr. Spock is probably this country's best known authority on child care his views are of particular interest. He writes:

For decades I was an uncompromising civil libertarian and scorned the hypocrisy usually involved in the enforcement of obscenity laws. But recent trends in movies, literature, and art toward what I think of as shock-obscenity, and the courts' acceptance of it, have made me change my position somewhat, particularly in view of other brutalizing trends . . .

To justify legal or customary standards of decency I don't think it should be necessary to prove that adults have committed sex crimes or that adolescents have lost their virtue as a direct result of reading a story or looking at a picture.

No single experience will make that difference. However, various psychological observations have shown clearly that people's standards are always being modified—sometimes down, sometimes up—by the ethical atmosphere in which they find themselves. This applies to sexual behavior and to violence. Experiments have proved that after viewing films of violence, people become at least slightly more cruel in their relations with others. . . . Adolescents from even protective families are allowed to choose their own movies. Yet in a recent federal court decision concerning a film about delinquency that depicted "scenes of brutality, prostitution, homosexuality and sodomy," two of the three judges agreed that, though they were "revolted," the film was not obscene according to the stipulations of the Supreme Court because (1) it was not "designed to appeal to the prurience of the average American" and (2) was not "utterly without redeeming social significance." Another recent film showed a mother practicing a perversion on her child. . . .

I'd suggest that, for public presentations, there be levels of tolerance of taboo. What is allowed to be displayed openly on newsstands and in bookstores for children as well as adults to buy, and what is shown on television during children's viewing hours and in theaters open to all ages, should only be what average citizens would consider not disturbing to children, not debasing to their ideals. This would not mean that immorality, coarseness, or social wrongs could not be indicated, provided it was done in a way that would not crudely shock the average child. . . .

I agree that plays, movies, late television programs, books, magazines should be able to deal seriously or lightly with themes that involve sexuality and immorality—for the purpose of education, catharsis of the emotions, escape, or titillation—without harm to adults over eighteen. I appreciate and approve of all these kinds of works. But I think they should be labeled and reserved for adults. To be sure, some adolescents will see them but only after taking the initiative in circumventing the law or their parents—which will make the experience have a different meaning for them if society allows the producer to offer them such productions. . . .

I'd distinguish today a third category of movies, plays, novels, articles, and paintings in which a primary aim is to shock, revolt, or embarrass by explicitly depicting sexual intimacies—especially those of a loveless, perverse, or brutal kind—and other works that horrify with vivid details of nonsexual brutality. Most though not all of these works are obviously feeble in their artistic or social significance. . . .

Now it is mainly writers, artists and producers with little discernible artistic or social integrity who are leading the assault on standards. And the courts are using as their only criteria for guilt the "appeal to prurience" and the "utter lack of social significance," which are too limited and technical to bar the kinds of material I consider destructive.

Of course I'd be best satisfied if people would decline in such great numbers to support shocking presentations that the producers would give up in discouragement. This would be the ideal way to bring about change without submitting to the arbitrariness of laws and judges. But since I don't believe that an overwhelming revulsion is likely to occur for another ten years, I would now join a majority, if such developed, in favor of new laws which would determine guilt simply on the basis of judges' and juries' sense of shock and revulsion. . . .

I do recognize that what is considered shocking or brutalizing will vary with the times. I admit that the laws I suggest might delay the publication of a future "Lady Chatterly's Lover," which would be a substantial loss in the interval; but its worth would be vindicated in the end. I agree that my reasoning is the same that all censors and prophets of doom have used. On the other hand, nations and civilizations have actually disintegrated when their belief in themselves and their adherence to standards were lost.

Mr. President, almost every day I read in the press or receive in the mail news clippings which vividly describe the current situation in the motion picture industry. A recent issue of the Washington Daily News contained a description by columnist Don McLean of the film entitled "The Damned." Mr. McLean's column reads in part:

The other night I went to a movie that I don't think even I'M going to be mature enough to see for at least 10 or 15 years. The name of the picture is "The Damned," and it was produced by Warner Bros. I saw it at the Motion Picture Association screening room, a temple of entertainment built by MPA President Jack Valenti about a block from the White House. "The Damned" has been playing for about a week at the MPA, to selected audiences—namely the press and various embassy delegations. I attended on Italian night, along with a few other reporters and many people from the Italian Embassy.

And now to "The Damned." This is a heartwarming story about free enterprise carried to extremes. The main characters are part of an enormously wealthy German family that's in the steel and munitions business. It manages to survive all of Germany's wars and peacetimes and always gets along with the party in power. Naturally, this doesn't sound like any German family anyone has ever heard about, so the film must be sheer fiction. The movie family's name is von Essenbeck. The time is just as Hitler is solidifying his dictatorship.

As the story opens, the whole family is gathered for the birthday of Grandpa von Essenbeck. (He is later murdered in his bed and we get to see all the bullet holes.) Part of the entertainment consists of Martin von Essenbeck, the 21-year-old grandson, doing a female impersonation. (Right away we know he has problems.) There's a tremendous power struggle going on for control of the family business. There are a couple of nude scenes with Friedrich Bruckmann (Dirk Bogarde) and Baroness Sophie von Essenbeck in bed. Meanwhile, Martin von Essenbeck is attempting to fondle his 8-year-old niece. Later, we see Martin, who leads an incredibly varied sex life, violating a little girl; making love to a grown woman; AND raping his mother. (This is NOT a stag film.)

Meanwhile, the German SA has a homosexual orgy, with lecherous old men chasing around young boys wearing women's undergarments. All of them are machine-gunned by the SS (the only good idea it ever had) and we get to see punctured bodies stacked up and blood all over the falls. At the end of the picture, us newsmen and diplomats went out into the party room, swilled champagne and talked about the movie's socially redeeming qualities.

The Washington Evening Star recently published a review by their Drama Critic, Harry MacArthur, of the "R" rated movie "The Honeymoon Killers." A single paragraph of this review is adequate to appreciate the social and artistic values of this film. He writes:

You will not find much in "The Honeymoon Killers" to arouse empathy. Martha and Ray are a couple of vicious, amoral goons and their victims are just plain stupid, or at best pitiable. It is doubtful that you'd want to spend two minutes with anyone involved, even on a movie screen. To make the whole thing even less palatable, Kastle has taken full advantage of the current permissiveness to pursue realism by resorting to the crude and vulgar whenever possible. He finds it possible frequently. When you have a movie in which a leading character doesn't even bother to close the door when he rushes into the bathroom, you have a revolting movie.

These are examples of the "R" and "X" rated films, which motion picture companies clearly intend in the future to offer for sale to television—perhaps with one or two minutes of film deleted. According to the president of the Motion Picture Association, the production of such films is "enhanced" by the rating system. These films are examples of the industry's concept of "self-restraint." They are also evidence of why I have previously announced that I plan to conduct hearings on the entire subject of film classification.

Mr. President, I ask unanimous consent that the resolution of the Ninth District, Arkansas Department, the American Legion, be printed in the RECORD.

There being no objection the resolution was ordered to be printed in the RECORD, as follows:

NINTH DISTRICT, ARKANSAS DEPARTMENT, THE AMERICAN LEGION RESOLUTION COMMENDING HON. JOHN L. MCCLELLAN, SENATOR

Whereas; Many films are being produced by the motion picture industry which are banned to youngsters under 17 years of age owing to "sexy scenes" and other permissive matter; and

Whereas; The United States Supreme Court, in recent years, has consistently ruled that adults can see and read whatever they choose; and

Whereas; The motion picture industry relied on the sales of films to the television media to recover some of the expenses of producing the films; and

Whereas; The showing of sex and violence films on television could be available to children to see without parental supervision; and

Whereas; The news media reports that Senator John O. Pastore (Dem. R.I.) last year began hammering away at "sex and violence" on television, leading the networks to pay closer attention to their regular programs; further that now Senator John L. McClellan, (Dem. Ark) is preparing to hold hearings later this year that will define the issues even more sharply and McClellan points out that

those X-rated films are going to be ripe for television sales and that if they weren't fit to be seen by youngsters in motion picture theatres they won't be fit to be seen by youngsters on television screens;

Be it therefore resolved by; The Ninth District, Arkansas Department, The American Legion, assembled in regular session, in Pine Bluff, Arkansas, on this 1st day of March, 1970, go on record as highly commending the Hon. John L. McClellan for his proposed plans to question the whole theory and practice of motion picture ratings and his intention of meeting with Dean Burch, Chairman of the Federal Communications Commission, to discuss possible course of action.

Copies of this resolution to be sent to the Hon. John L. McClellan; the Hon. J. Wm. Fulbright; the Hon. David Pryor and to Chairman Dean Burch of FCC.

Signed:

HOMER B. WEATHERFORD,
Ninth District Commander.

Official:

LARRY FRENCH,
Ninth District Adjutant.

ABA RESOLUTION REGARDING S. 2022—THE ILLEGAL GAMBLING BUSINESS CONTROL ACT OF 1969

Mr. McCLELLAN. Mr. President, I would like to bring to the attention of my colleagues here in the Senate and in the other body a resolution recently adopted by the American Bar Association which supports S. 2022, the Illegal Gambling Business Control Act of 1969. S. 2022 has, of course, now been incorporated into S. 30, the Organized Crime Control Act of 1969, as title VIII of that measure, which overwhelmingly passed the Senate by a vote of 73 to 1 on January 23 of this year and is now pending in the House Judiciary Committee.

I certainly welcome the formal support of the American Bar Association on this aspect of the legislation, which is, of course, representative of the major thrust of S. 30. I am hopeful that our colleagues in the House now will expeditiously act on this badly needed legislation and that their action will reflect the nearly unanimous thinking of the Senate when we passed this proposal after prolonged study, hearings, and debate.

Mr. President, I ask unanimous consent that a letter containing the American Bar Association resolution supporting S. 2022—title VIII of S. 30—be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN BAR ASSOCIATION,
Chicago, Ill., March 13, 1970.

Hon. JOHN MCCLELLAN,
Chairman, Subcommittee on Criminal Laws and Procedures, U.S. Senate, Washington, D.C.

DEAR SENATOR MCCLELLAN: At the meeting of the House of Delegates of the American Bar Association held Februrary 23–24, 1970, the following resolution was adopted upon recomemndation of the Section of Criminal Law:

Resolved, that the American Bar Association approves and supports in principle legislation represented by S. 2022, 91st Congress, 1st Session, cited as the "Illegal Gambling Business Control Act of 1969," a Bill "To permit the Federal Government to further assist the States in the control of illegal gambling, and for other purposes"; and

Be It Further Resolved, that the Section of Criminal Law is authorized to indicate support of the Association for such legislation by appearances before Committees of the Congress or in such other ways as may be appropriate.

This resolution is being transmitted for your information and whatever action you may deem appropriate. We would appreciate your advising Donald E. Channell, Director of the American Bar Association Washington Office, 1705 De Sales Street, N.W., if hearings are scheduled on the subject of the resolution.

Sincerely yours,

WM. REECE SMITH, Jr.,
Secretary.

THE INVASION OF LEGITIMATE BUSINESS, THE ORGANIZED CRIME CONTROL ACT OF 1969, AND FALSE CLAIMS OF CIVIL LIBERTIES VIOLATIONS

Mr. McCLELLAN. Mr. President, the Wednesday, February 25, 1970—page 41, column 1—New York Times contained an article by Nancy Moran concerning the "big-time" criminal residents of Yonkers, N.Y. Toward the end of the article the following appears:

Former United States Attorney Robert M. Morgenthau once described John Jr.'s father (John Mariello) as "a prime example of a Mafia figure operating illegitimately in legitimate channels."

The article describes many instances of illegitimate operation of legitimate organizations by mob members. I commend it to each Senator for careful reading.

Mr. President, title IX of S. 30, the Organized Crime Control Act of 1969, which the Senate passed on January 23, by a vote of 73 to 1, is expressly aimed at removing the baneful influence of organized crime from our legitimate commercial endeavors that are all too often today conducted in an illegitimate manner by the forces of organized crime. Title IX, patterned on the antitrust laws, allows both civil and criminal actions to effect this removal. An action may be brought by the Government where a pattern of criminal activity is proven in connection with the conduct of the organization's affairs. The remedies available include divestiture, dissolution, criminal forfeiture, and prevention of return to the industry by the violators. As might be expected, there were attempts made to categorize our efforts as unconstitutional and to suggest that they somehow involved a violation of civil liberties.

During the debate on S. 30 on January 22, on pages 851–855 of the RECORD, a "detailed analysis of the manner in which the provisions of the proposed bill run counter to the law and spirit of the Constitution" was offered for the consideration of the Senate. In that analysis the following statement was made:

Although Title IX clearly contemplates that the records obtained in this dragnet fashion may be used in subsequent criminal as well as civil proceedings, no provision in the statute safeguards the individual's Fifth Amendment privilege against self-incrimination in a later proceeding. If material acquired in connection with a civil investigation can be used in a subsequent criminal case, any Fifth Amendment privilege would thereby be destroyed. Unless this privilege covers all prosecutions which result from the gathering of this information, broad civil investigative powers in an area involving criminal activity would clearly be unconstitutional. The question of availability of the privilege in such a case is currently pending in the Supreme Court, *United States* v. *Kordel,* 407 F. 2d 570 (6th Cir. 1968), *cert. granted,* 395 U.S. 932 (1969) (O.T. 1969, No. 87). (p. S425)

At hearings on S. 30, before the Subcommittee on Criminal Laws and Procedures, the following testimony was given by the same civil liberties organization that prepared the insert:

In addition, it is apparently contemplated that the material may ultimately be used in both criminal and civil cases. Subsection 4 of section 1968 provides that when any attorney has been designated to appear on behalf of the United States before *any court* or *grand jury* in *any* case or proceeding involving any alleged violation of this *chapter,* the custodian may deliver to such attorney such documentary material in possession of the custodian as such attorney determines to be required for use in the presentation of such case or proceeding on behalf of the United States. *This utterly destroys the Fifth Amendment privilege with regard to this material in a subsequent criminal proceeding, and we believe is clearly unconstitutional.* Just this week, the Supreme Court agreed to hear *United States* v. *Kordel* (No. 2191) in which this very issue is raised. It would, therefore, appear to be most *foolhardy* for Congress to rush to pass this legislation while a kingpin in its theory is being considered by the Court. (Hearings, p. 447) (italics added)

The Supreme Court on February 24, 1970—*Kordel* v. *United States,* 87 U.S. Sup. Ct. 2–24–70—has now determined that we were not as "foolhardy" when we placed our seal of approval on S. 30 as this civil liberties organization attempted to suggest. The Supreme Court confirmed by its decision in Kordel that the Senate was fully justified in giving short shrift to these fanciful "constitutional" objections when it stated:

It would stultify enforcement of federal law to require a governmental agency such as the FDA invariably to choose either to forgo recommendation of a criminal prosecution once it seeks civil relief, or to defer civil proceedings pending the ultimate outcome of a criminal trial. (p. 10)

In this decision, which was pending when the civil liberties organization wanted us to delay action, the Court responded, in effect, to the allegation of the organization that "this utterly destroys the fifth amendment privilege."—hearings, page 477—when it observed:

Without question he could have invoked his Fifth Amendment privilege against compulsory self-incrimination. Surely Feldton was not barred from asserting his privilege simply because the corporation had no privilege of its own, nor because the proceeding in which the Government sought information was civil rather than criminal in character.

Mr. President, the records of our hearings clearly demonstrate that each member of the Criminal Laws and Procedures Subcommittee is fully concerned that its work-product be in accord with our Constitution. I will take second seat to no man in the concern for the civil liberties of all of our citizens. But I also recognize that the Constitution does not prevent prosecution for crime, that it does allow for protection of society, and that not

every cry that a proposed item of legislation should be rejected because it is a violation of civil liberties must be blindly accepted at face value. There are among us today some who have gone far toward, in the words of Mr. Justice Jackson in *Terminiello* v. *Chicago*, 337 U.S. 1, 15 (1949):

> accepting the doctrine that civil liberty means the removal of all restraints . . . and that all . . . attempts to maintain order are impairments of the liberty of the citizen. The choice is not between order and liberty. It is between liberty and order and anarchy without either. There is danger that, if . . . [we do] not temper . . . [our] doctrinaire logic with a little practical wisdom, it will convert the constitutional Bill of Rights into a suicide pact.

Mr. President, the Kordel case makes it all too clear that although an organization with the name of "Civil Liberties" may claim an invasion of those liberties it is not necessarily true. All too often, unfortunately, these so-called invasions are, as here, simply and patently ill-reasoned and wrong-minded.

Mr. President, I ask unanimous consent that the text of the New York Times article be printed in the RECORD at this point in order that the extent of infiltration of our legitimate organizations will be more apparent. I also ask unanimous consent that the Kordel opinion be printed at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 25, 1970]

YONKERS IS BEDROOM AND OFFICE FOR MAFIA CHIEFS

(By Nancy Moran)

YONKERS.—"So many big-time Mafia members live in Yonkers," a law-enforcement officer familiar with organized crime said recently, "that we think of the city as a little Newark."

Last week Yonkers police broke up what was described as a $30-million-a-year numbers operation and arrested six men. Among those arrested was Sabato Milo, a nephew of Bo and Tommy Milo, who have been identified by the Justice Department as members of the Mafia family of the late Vito Genovese.

On March 4 John (Gentleman Johnny) Masiello and his 28-year-old son, John Jr., both Yonkers residents who have been identified as members of the Genovese Mafia family, are scheduled to be sentenced on a charge of bribing post office officials who supervised mail trucking contracts in New York.

A special Westchester County grand jury is now looking into racketeering, organized crime and official corruption in this city of 220,000 people. The grand jury was impaneled last month after the State Commission of Investigation charged that pressure from Mafia leaders and politicans had produced "intimidation, servility, favoritism, mismanagement, inefficiency and waste" in the Yonkers city government.

BOOKMAKING INQUIRY

A special Federal grand jury is hearing evidence on a national Mafia-controlled bookmaking operation frequently making its headquarters in Yonkers that is alleged to gross $70-million a year.

Sources close to the investigations say they could result in a scandal comparable to the one in Newark, where Mayor Hugh J. Addonizio and 14 other men, including a reputed Mafioso, Anthony (Tony Boy) Boiardo, and a number of city officials, were indicted last December on charges of sharing kickbacks totaling $248,000 from an engineering firm that had been awarded municipal contracts.

"Before last November's elections it was widely felt that no one could get a city contract in Yonkers without kicking back some of it," a Federal investigator said in a recent interview.

The investigator added that he believed that the new administration of Mayor Alfred D. DelBello, a former Democratic Councilman, was "scrupulously honest."

The most powerful of the reputed Mafiosi here is Nicholas (Cockeyed Nick) Rattenni, alleged to be a captain in the Mafia family formerly controlled by Genovese. According to Joseph Fisch, chief counsel for the S.I.C., Rattenni has moved up in the last few years from a "button man," or common soldier, to the captain's position formerly held by James Angeina, who died in 1967.

RATTENNI FREE ON BAIL

The 63-year-old Rattenni, who has a lengthy arrest record, but was convicted only once, in 1927, and sentenced to two and a half to five years for robbery, for which he served three years in Sing Sing. Arrested along with several other reputed Mafiosi last month and charged with conspiring to bribe Internal Revenue Service agents, he is now free on $20,000 bail.

Rattenni's name has long been linked with those of well-known gangsters. Federal investigators say that in the nineteen-thirties and nineteen-forties he was an associate of the late Frank Erickson, the New York bookmaker. In 1953 Herbert Brownell, Jr., who was then United States Attorney General, described him as a chief lieutenant of Frank Costello, the gambler.

When Rattenni moved to Yonkers from the Bronx 25 years ago and entered the private carting business, he rented garbage trucks from Joseph (Joey Surprise) Feola, who vanished in 1962 and is believed to have been murdered in a war between the Carlo Gambino and Genovese Mafia families over the refuse-removal contract at the Ford Motor Company assembly plant in Mahwah, N.J.

Over the years Rattenni's business prospered, and today 90 per cent of the private garbage collection here is done by his two firms, the Westchester Carting Company and the Fleetwood Haulage Company.

SON ENTERS BUSINESS

His 25-year-old adopted son, Nick Jr., entered the family business last year when he became president of A-1 Compaction, Inc., a new firm listed at the same address as Westchester Carting Company.

The Rattennis' business practices were a major subject of the recent S.I.C. investigation. The commission charged that Westchester Carting Company trucks had been allowed to use the city incinerator while the city's own trucks were forced to go elsewhere. The practice was said to cost Yonkers $1 million a year. The matter is currently under investigation by the Westchester District Attorney's office.

The S.I.C. was particularly disturbed by Rattenni's friendships with past and present city officials.

For example, during the Commission's investigation Councilman Frank Adamo, who was recently elected to a third term, testified that he had visited Rattenni at home, had frequently driven him to his office and had used the office telephone to call City Hall to inquire about zoning changes. The commission described the relationship as "unhealthy."

A $250,000 HOME

Despite his alleged Mafia connections, Rattenni leads many successful Westchester businessmen. He lives with his second wife, Evelyn, and their 12-year-old son, Robert, in a secluded $250,000 home at 107 Rockledge Avenue, in the exclusive western residential section of Yonkers.

The dark-red shingled house sits on 12 acres of land that includes a three-bedroom playhouse, a 200-yard driving range and a putting green. The Rattennis belong to the Willow Ridge Country Club in Harrison, where Nick Jr. is golfing champion.

The elder Rattenni is a far poorer golfer than his son, but, according to one story, he was good enough to beat Frank Erickson in a match where $100,000 was at stake. Erickson, law officers say, paid his debt by giving Rattenni 6,400 shares of Roosevelt Raceway stock. That was in the early nineteen-fifties.

Last year Rattenni sold the stock for $1,322,676. The sale came to light in a recent lawsuit involving the raceway's stock. Rattenni is in no way involved in the lawsuit.

One indication of Rattenni's power is the dozen "button men" who served as bodyguards or merely came to listen when he testified before the S.I.C. last December.

Among the reputed Mafiosi noted among the spectators by state investigators were Frank Sacco, another reputed member of the Genovese family, who has been arrested numerous times on loan-sharking charges in Yonkers, and 28-year-old John A. Masiello Jr.

Former United States Attorney Robert M. Morgenthau once described John Jr.'s father as "a prime example of a Mafia figure operating illegitimately in legitimate channels."

The Masiellos control ANR Leasing Corporation, of 332 East 149th Street, the Bronx, which has mail hauling contracts until the Post Office Department canceled them in June, 1968. Last month both father and son were convicted of bribing post office officials who supervised mail trucking contracts in New York.

In 1965, the Small Business Administration awarded ANR a loan of $400,000, but official investigators believe the money was used to finance the elder Masiello's loan-sharking activities. Investigators say that Masiello has substantial interests in other metropolitan area trucking firms and "virtually controls trucking out of Kennedy International Airport."

The 50-year-old Masiello lives in a $100,000 home on Durst Place, a quiet residential street in the western part of the city. Just around the corner, at 192 Dunwoodie Street, is the spacious home of Vincent John Rao, the 72-year-old consiglieri (counselor) of the Mafia family of the late Thomas (Three Finger Brown) Luchese.

Like Vito Corleone, the Mafia leader in the novel "The Godfather," Rao has housed his two married daughters in homes next door. The three-house compound with swimming pool and playhouse is reportedly valued at $500,000.

After Luchese died in 1967, the short, Sicilian-born Rao could have had the leadership of the family if he'd wanted it, according to law officials. However, with his fortune and a craving for respectability, he apparently preferred to fade into the background.

The exact amount of Rao's fortune is uncertain, but he is said by Federal officials to have made millions of dollars through real estate holdings and businesses that include a Yonkers restaurant, a construction company and a New Jersey oceanfront hotel.

Rao is now in jail, serving a five-year perjury sentence but the police say his business affairs are being handled by his associates.

[Supreme Court of the United States, No. 87, October term, 1969]

UNITED STATES, PETITIONER, v. LELORD KORDEL AND ALFRED FELDTEN, ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

FEBRUARY 24, 1970

MR. JUSTICE STEWART delivered the opinion of the Court.

The respondents are the president and vice president, respectively, of Detroit Vital Foods,

Inc. They were convicted in the United States District Court for the Eastern District of Michigan, along with the corporation, for violations of the Federal Food, Drug, and Cosmetic Act.[1] The Court of Appeals for the Sixth Circuit reversed the respondents' convictions on the ground that the Government's use of interrogatories to obtain evidence from the respondents in a nearly contemporaneous civil condemnation proceeding operated to violate their Fifth Amendment privilege against compulsory self-incrimination.[2] We granted certiorari to consider the questions raised by the Government's invocation of simultaneous civil and criminal proceedings in the enforcement of federal law.[3]

In March 1960 the Division of Regulatory Management of the Food and Drug Administration (hereafter "FDA") instructed the agency's Detroit office to investigate the respondents' possible violations of the Food, Drug, and Cosmetic Act. Within a month the Detroit office recommended to the Division a civil seizure of two of the respondents' products, "Korleen" and "Frutex"; within another month the Division similarly recommended seizure to the FDA's General Counsel. On June 6, 1960, the General Counsel requested the United States Attorney for the Eastern District of Michigan to commence an *in rem* action against these products of the corporation, and the United States Attorney filed a libel three days later. The corporation, appearing as the claimant, answered the libel on September 12, 1960. An FDA official in the Division of Regulatory Management then prepared extensive interrogatories to be served on the corporation in this civil action. The United States Attorney filed the agency's interrogatories on January 6, 1961, pursuant to Rule 33 of the Federal Rules of Civil Procedure.[4]

After the Division official had drafted the interrogatories, he recommended that pursuant to § 305 of the Food, Drug, and Cosmetic Act the FDA serve upon the corporation and the respondents a notice that the agency contemplated a criminal proceeding against them with respect to the transactions that were the subject of the civil action.[5] On January 9, 1961, three days after the filing of the interrogatories in the civil action, the Detroit office received an instruction from the Division to serve the statutory notice. The Detroit office complied 10 days later, and on March 8, 1961, the agency held a hearing on the notice.

On April 10, the corporation, having received the FDA's interrogatories but not yet having answered them, moved to stay further proceedings in the civil action or, in the alternative, to extend the time to answer the interrogatories until after disposition of the criminal proceeding signaled by the § 305 notice. The motion was accompanied by the affidavit of counsel. The moving papers urged the District Court to act under Rule 33 "in the interest of substantial justice" and as a "balancing of hardship and equities of the respective parties. . . ." Permitting the Government to obtain proof of violations of the Act by resort to civil discovery procedures, the movant urged, would be "improper" and would "work a grave injustice against the claimant"; it would also enable the Government to have pretrial discovery of the respondents' defenses to future criminal charges. Counsel expressly disavowed any "issue of a self-incrimination privilege in favor of the claimant corporation." And nowhere in the moving papers did counsel raise a claim of the Fifth Amendment privilege against compulsory self-incrimination with respect to the respondents.

On June 21, 1961, the District Court denied the motion upon finding that the corporation had failed to demonstrate that substantial prejudice and harm would result from being required to respond to the interrogatories. The court reasoned that the § 305 notice did not conclusively indicate the Government would institute a criminal proceeding, that six to 12 months could elapse from the service of the statutory notice to initiation of a criminal prosecution, and that the Government could obtain data for a prosecution from the testimony in the civil action or by subpoenaing the books and records of the corporation. Accordingly, the court concluded, the interests of justice did not require that the Government be denied the information it wanted simply because it had sought it by way of civil-discovery procedures. On September 5, 1961, in compliance with the court's directive, the corporation, through the respondent Feldten, answered the Government's interrogatories.

On July 28, 1961, five weeks after the District Court's order but more than a month before receipt of the answers to the interrogatories, the Director of the FDA's Detroit office recommended a criminal prosecution to the Division. The Division forwarded the recommendation to the General Counsel on August 31, 1961, still prior to receipt of Feldten's answers. While the matter was pending in the General Counsel's office, the Division officer who had originally drafted the proposed interrogatories recommended that additional violations of the statute be alleged in the indictment. On June 13, 1962, the Department of Health, Education, and Welfare requested the Department of Justice to institute a criminal proceeding, and about two months after that the latter department instructed the United States Attorney in Detroit to seek an indictment. The civil case, still pending in the District Court, proceeded to settlement by way of a consent decree in November 1962, and eight months later the Government obtained the indictment underlying the present judgments of conviction.

I

At the outset, we assume that the information Feldten supplied the Government in his answers to the interrogatories, if not necessary to the proof of the Government's case in the criminal prosecution, as the Court of Appeals thought, at least provided evidence or leads useful to the Government.[6] However, the record amply supports the express finding of the District Judge who presided at the criminal trial, and who held an extensive evidentiary hearing on the respondents' pretrial motion to suppress evidence, that the Government did not act in bad faith in filing the interrogatories. Rather, the testimony before the trial court demonstrated that the Division of Regulatory Management regularly prepares such interrogatories upon the receipt of claimants' answers to civil libels, and files them in over three-fourths of such cases, to hasten their disposition by securing admissions and laying the foundation for summary judgments.

The Court of Appeals thought the answers to the interrogatories were involuntarily given. The District Judge's order denying the corporation's motion to defer the answers to the interrogatories, reasoned the court, left the respondents with three choices: they could have refused to answer, thereby forfeiting the corporation's property that was the subject of the libel; they could have given false answers to the interrogatories, thereby subjecting themselves to the risk of a prosecution for perjury; or they could have done just what they did—disclose the requested information, thereby supplying the Government with evidence and leads helpful in securing their indictment and conviction.[7]

In this analysis we think the Court of Appeals erred. For Feldten need not have answered the interrogatories. Without question he could have invoked his Fifth Amendment privilege against compulsory self-incrimination.[8] Surely Feldten was not barred from asserting his privilege simply because the corporation had no privilege of its own,[9] nor because the proceeding in which the Government sought information was civil rather than criminal in character.[10]

To be sure, service of the interrogatories obliged the corporation to "appoint an agent who could, without fear of self-incrimination, furnish such requested information as was available to the corporation."[11] The corporation could not satisfy its obligation under Rule 33 simply by pointing to an agent about to invoke his constitutional privilege. "It would indeed be incongruous to permit a corporation to select an individual to verify the corporation's answers, who because *he* fears self-incrimination may thus secure for the corporation the benefits of a privilege it does not have."[12] Such a result would effectively permit the corporation to assert on its own behalf the personal privilege of its individual agents.[13]

The respondents press upon us the situation where no one can answer the interrogatories addressed to the corporation without subjecting himself to a "real and appreciable" risk of self-incrimination.[14] For present purposes we may assume that in such a case the appropriate remedy would be a protective order under Rule 30(b), postponing civil discovery until termination of the criminal action.[15] But we need not decide this troublesome question. For the record before us makes clear that even though the respondents had the burden of showing that the Government's interrogatories were improper,[16] they never even asserted, let alone demonstrated, that there was no authorized person who could answer the interrogatories without the possibility of compulsory self-incrimination.[17] To the contrary, the record shows that nobody associated with the corporation asserted his privilege at all. The respondents do not suggest that Feldten, who answered the interrogatories on behalf of the corporation, did so while unrepresented by counsel or without appreciation of the possible consequences. His failure at any time to assert the constitutional privilege leaves him in no position to complain now that he was compelled to give testimony against himself.[18]

Kordel's claim of compulsory self-incrimination is even more tenuous than Feldten's. Not only did Kordel never assert the privilege; he never even answered any interrogatories. The Court of Appeals nevertheless reversed his conviction because it thought it "clear from the record that Detroit Vital Foods, Inc., was merely the corporate device through which Kordel sold his products. The Government naturally wanted to cut through the facade and get to Kordel who was the president and dominant personality in the corporation."[19] We disagree. The Government brought its libel against the goods; the corporation, not Kordel, appeared as claimant. The Government subsequently prosecuted Kordel as an officer of the company. If anyone has sought to cut through the corporate facade so far as the Fifth Amendment privilege is concerned, it is Kordel: he has, in effect, attempted to fashion a self-incrimination claim by combining testimony that he never gave and an assertion of the privilege that he never made with another assertion of the privilege that his company never had.

The Court of Appeals thought that Kordel must go free in any event because the Government had used Feldten's admissions in proving its criminal case against both respondents, in violation of the rule in *Bruton* v. *United States*.[20] This too was error. Feldten's admissions were never introduced in evidence at the trial, and thus Kordel cannot maintain that the reception in evidence of a codefendant's inculpatory statements violated his Sixth Amendment right to confrontation.[21]

Footnotes at end of article.

II

The respondents urge that even if the Government's conduct did not violate their Fifth Amendment privilege against compulsory self-incrimination, it nonetheless reflected such unfairness and want of consideration for justice as independently to require the reversal of their convictions. On the record before us, we cannot agree that the respondents have made out either a violation of due process or a departure from proper standards in the administration of justice requiring the exercise of our supervisory power. The public interest in protecting consumers throughout the Nation from misbranded drugs requires prompt action by the agency charged with responsibility for administration of the federal food and drug laws. But a rational decision whether to proceed criminally against those responsible for the misbranding may have to await consideration of a fuller record than that before the agency at the time of the civil seizure of the offending products. It would stultify enforcement of federal law to require a governmental agency such as the FDA invariably to choose either to forgo recommendation of a criminal prosecution once it seeks civil relief, or to defer civil proceedings pending the ultimate outcome of a criminal trial.[22]

We do not deal here with a case where the Government has brought a civil action solely to obtain evidence for its criminal prosecution [23] or has failed to advise the defendant in its civil proceeding that it contemplates his criminal prosecution; [24] nor with a case where the defendant is without counsel [25] or reasonably fears prejudice from adverse pretrial publicity or other unfair injury; [26] nor with any other special circumstances that might suggest the unconstitutionality or even the impropriety of this criminal prosecution.[27]

Overturning these convictions would be tantamount to the adoption of a rule that the Government's use of interrogatories directed against a corporate defendant in the ordinary course of a civil proceeding would always immunize the corporation's officers from subsequent criminal prosecution. The Court of Appeals was correct in stating that "the Government may not use evidence against a defendant in a criminal case which has been coerced from him under penalty of either giving the evidence or suffering a forfeiture of his property." [28] But on this record there was no such violation of the Constitution, and no such departure from the proper administration of criminal justice.

Accordingly, the judgment of the Court of Appeals is reversed, and the case is remanded to that court for further proceedings consistent with this opinion.

It is so ordered.

MR. JUSTICE BLACK did not take part in the decision of this case.

FOOTNOTES

[1] 21 U.S.C. § 301 *et seq.*

[2] *United States* v. *Detroit Vital Foods, Inc.*, 407 F. 2d 570. The Court of Appeals initially reversed the judgments of conviction of all three defendants, but on the Government's petition for rehearing it affirmed with respect to the corporation.

[3] 395 U.S. 932.

[4] Rule 33 provides in pertinent part: "Any party may serve upon any adverse party written interrogatories to be answered by the party served or, if the party served is a public or private corporation or a partnership or association, by any officer or agent, who shall furnish such information as is available to the party."

[5] Section 305 of the Act, 21 U.S.C. § 335, provides,

"Before any violation of [the Act] . . . is reported by the Secretary [of the Department of Health, Education, and Welfare] to any United States attorney for institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given appropriate notice and an opportunity to present his views, either orally or in writing, with regard to such contemplated proceeding." Service of the statutory notice did not necessarily mean that a criminal prosecution would follow; the testimony before the District Court on the respondents' pretrial motion to suppress evidence indicated that fewer than 10% of the matters involving a § 305 notice reach the stage of either indictment or information.

[6] Compare 407 F. 2d, at 575, with *id.*, at 572.

[7] *Id.*, at 573.

[8] *Wilson* v. *United States*, 221 U.S. 361, 377, 385; *Boyd* v. *United States*, 116 U.S. 616, 633–635; cf. *United States* v. *42 Jars . . . "Bee Royale Capsules,"* 162 F. Supp. 944, 946, aff'd, 264 F. 2d 666.

[9] *Curcio* v. *United States*, 354 U.S. 118, 124; *Wilson* v. *United States, supra*, at 385; *United States* v. *3963 Bottles . . . of . . . "Enerjol Double Strength,"* 265 F. 2d 332, 335–336, cert. denied, 360 U.S. 931; *United States* v. *30 Individually Cartoned Jars . . . "Ahead Hair Restorer . . .,"* 43 F.R.D. 181, 187; cf. *Shapiro* v. *United States*, 335 U.S. 1, 27. That the corporation has no privilege is of course long-established, and not disputed here. See *George Campbell Painting Corp.* v. *Reid*, 392 U.S. 286, 288–289; *Oklahoma Press Pub. Co.* v. *Walling*, 327 U.S. 186, 196, 208, 209–210; *United States* v. *Bausch & Lomb Optical Co.*, 321 U.S. 707, 726–727; *Essgee Co.* v. *United States*, 262 U.S. 151, 155–156; *Wheeler* v. *United States*, 226 U.S. 478, 489–490; *Baltimore & Ohio R. Co.* v. *ICC*, 221 U.S. 612, 622–623; *Hale* v. *Henkel*, 201 U.S. 43, 74–75; cf. *Curcio* v. *United States, supra; White* v. *United States*, 322 U.S. 694, 698, 705.

[10] *Gardner* v. *Broderick*, 392 U.S. 273, 276; *McCarthy* v. *Arndstein*, 266, U.S. 34, 40; *Counselman* v. *Hitchcock*, 142 U.S. 547, 562, 563–564; *Boyd* v. *United States, supra; United States* v. *The Saline Bank*, 1 Pet. 100, 104; 8 J. Wigmore on Evidence § 2257, at 339–340 (McNaughten ed. 1961); C. McCormick on Evidence § 123, at 259 (1954).

[11] *United States* v. *3963 Bottles . . . of . . . "Enerjol Double Strength," supra*, at 336; cf. *United States* v. *48 Jars . . . "Transquilease,"* 23 F. R. D. 192, 195, 196; 2A W. Barron & A. Holtzoff, Federal Practice and Procedure § 651, at 101 (1961).

[12] *United States* v. *3963 Bottles . . . of . . . "Enerjol Double Strength," supra.*

[13] Cf. *George Campbell Painting Corp.* v. *Reid, supra*, at 289; *Hale* v. *Henkel, supra*, at 69–70.

[14] Cf. *Minor* v. *United States*, 396 U.S. 87, ——; *Leary* v. *United States*, 395 U.S. 6, 16; *Marchetti* v. *United States*, 390 U.S. 39, 48; *Mason* v. *United States*, 244 U.S. 362, 365.

[15] See *Paul Harrigan & Sons* v. *Enterprise Animal Oil Co.*, 14 F.R.D. 333.

[16] *Lucy* v. *Sterling Drug, Inc.*, 240 F. Supp. 632, 634; *Glick* v. *McKesson & Robbins, Inc.*, 10 F.R.D. 477, 479, 480; *Bowles* v. *Safeway Stores, Inc.*, 4 F.R.D. 469, 470; *Blanc* v. *Smith*, 3 F.R.D. 182, 183. The respondents, urging that the Government had the burden of establishing the availability of an agent to answer for the corporation, rely upon the decision of the Court of Appeals for the District of Columbia Circuit in *Communist Party* v. *United States*, 118 U.S. App. D.C. 61, 331 F. 2d 807, cert. denied, 377 U.S. 968. But there the court departed from the customary allocation of the burden on the ground that the mere act of volunteering the information sought, or even of showing that an effort had been made to find someone who would answer, was itself potentially incriminatory. *Id.*, at 68–69, 331 F. 2d, at 814–815.

[17] See *United States* v. *American Radiator & Standard Sanitary Corp.*, 388 F. 2d 201, 204, cert. denied, 390 U.S. 922; *United States* v. *Simon*, 373 F. 2d 649, 653, cert. granted *sub nom. Simon* v. *Wharton*, 386 U.S. 1030, vacated as moot, 389 U.S. 425; but see *Nat'l Discount Corp.* v. *Holzbaugh*, 13 F.R.D. 236, 237.

[18] *Gardner* v. *Broderick*, 392 U.S. 273, 276; *Rogers* v. *United States*, 340 U.S. 367, 372–375; *United States* v. *Monia*, 317 U.S. 424, 427; *Vajtauer* v. *Commissioner of Immigration*, 273 U.S. 103, 113; *Brown* v. *Walker*, 161 U.S. 591, 597.

[19] 407 F. 2d, at 575.

[20] 391 U.S. 123. See 407 F. 2d, at 575.

[21] See *Bruton* v. *United States, supra*, at 126.

[22] Cf. *Standard Sanitary Mfg. Co.* v. *United States*, 226 U.S. 20, 51–52 (Sherman Act).

[23] Cf. *United States v. Procter & Gamble Co.*, 356 U.S. 677, 683–684; *United States* v. *Pennsalt Chemicals Corp.*, 260 F. Supp. 171; and see *United States* v. *Thayer*, 214 F. Supp. 929; *Beard* v. *New York Cent. R. Co.*, 20 F. R. D. 607.

[24] See *Smith* v. *Katzenbach*, 122 U. S. App. D. C. 113, 114–116, 351 F. 2d 810, 811–813; *United States* v. *Lipshitz*, 132 F. Supp. 519, 523; *United States* v. *Guerrina*, 112 F. Supp. 126, 128.

[25] Cf. *Nelson* v. *United States*, 93 U.S. App. D. C. 14, 19, 21, and n. 19, 208 F. 2d 505, 510, 512, and n. 19, cert. denied, 346 U.S. 827.

[26] Cf. *United States* v. *American Radiator & Standard Sanitary Corp.*, 388 F. 2d 201, 204–205, cert. denied, 390 U. S. 922.

[27] Federal courts have deferred civil proceedings pending the completion of parallel criminal prosecutions when the interests of justice seemed to require such action, sometimes at the request of the prosecution, *Campbell* v. *Eastland*, 307 F. 2d 478, cert. denied, 371 U. S. 955; *United States* v. *Bridges*, 86 F. Supp. 931, 933; *United States* v. *30 Individually Cartoned Jars . . . "Ahead Hair Restorer . . .,"* 43 F.R.D. 181, 187, n. 8; *United States* v. *One 1964 Cadillac Coupe DeVille*, 41 F. R. D. 352, 353–354; *United States* v. *$2,437 United States Currency*, 36 F. R. D. 257; *United States* v. *Steffes*, 35 F. R. D. 24; *United States* v. *Maine Lobstermen's Assn.*, 22 F. R. D. 199; *United States* v. *Cigarette Merchandisers Assn.*, 18 F. R. D., 497; *United States* v. *Linen Supply Institute*, 18 F. R. D. 452, sometimes at the request of the defense, *Kaeppler* v. *Jas. H. Matthews & Co.*, 200 F. Supp. 229; *Perry* v. *McGuire*, 36 F. R. D. 272; cf. *Nichols* v. *Philadelphia Tribune Co.*, 22 F. R. D. 89, 92.

[28] 407 F. 2d, at 575–576.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

The ACTING PRESIDENT pro tempore (Mr. EAGLETON) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

COMMUNICATION FROM AN EXECUTIVE DEPARTMENT

The ACTING PRESIDENT pro tempore (Mr. EAGLETON) laid before the Senate the following letter, which was referred as indicated:

REPORT OF ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

A letter from the Chairman, Advisory Commission on Intergovernmental Relations, Washington, D.C., transmitting, pursuant to law, a report of that Commission, dated January 31, 1970 (with an accompanying report); to the Committee on Government Operations.

PETITION

The ACTING PRESIDENT pro tempore (Mr. EAGLETON) laid before the Senate a resolution adopted by the City Council of Philadelphia, Pa., praying that the President of the United States use his good offices to protest the mounting rage of indiscriminate terrorism against innocent travelers to Israel, which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. YARBOROUGH, from the Committee on Labor and Public Welfare, with amendments:

H.R. 13448. An act to authorize the exchange, upon terms fully protecting the public interest, of the lands and buildings now constituting the U.S. Public Health Service Hospital at New Orleans, La., for lands upon which a new United States Public Health Hospital at New Orleans, La., may be located (Rept. No. 91–746).

By Mr. GOODELL, from the Committee on the District of Columbia, with amendments:

S. 2999. A bill to authorize, in the District of Columbia, the gift of all or part of a human body after death for specified purposes (Rept. No. 91–747).

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. DODD:

S. 3621. A bill for the relief of Ana Maria Conceicao; to the Committee on the Judiciary.

By Mr. BENNETT:

S. 3622. A bill for the relief of Robert T. Barnes; to the Committee on the Judiciary.

By Mr. GOLDWATER (for himself and Mr. FANNIN):

S. 3623. A bill to amend title 39 of the United States Code in order to prevent the insulting and profane use of the U.S. mails as a means to distribute unsolicited and unwanted sexually-offensive advertisements; to the Committee on Post Office and Civil Service.

(The remarks of Mr. GOLDWATER when he introduced the bill appear later in the RECORD.)

By Mr. HARRIS (for Mr. HOLLINGS):

S. 3624. A bill to amend title V of the Housing Act of 1949 to provide assistance in the purchase of mobile homes in rural areas; to the Committee on Banking and Currency.

(The remarks of Mr. HARRIS when he introduced the bill appear later in the RECORD under the appropriate heading.)

S. 3623—INTRODUCTION OF A BILL CLAMPING DOWN ON THE SMUT SCOUNDRELS

Mr. GOLDWATER. Mr. President, it was my hope to appear last Friday before the Senate Committee on Post Office and Civil Service in support of stronger laws against pornography. However, I recognize that all eyes of the Nation were then, and are now, on the mail halt and that members of the committee might well wish to concentrate their attention on this sudden and unfortunate situation whose bounds are not yet known.

Therefore, while I was disappointed that Friday's hearing was canceled, I can appreciate the reasons for the interruption. I will only say that I hope my good friend, the distinguished Senator from Wyoming (Mr. MCGEE) will find it possible to reschedule the postal obscenity hearing in the very near future.

Mr. President, the movement to clean up the mails of the unbelievable filth which is pouring through it is one in which I have joined since first resuming my service in this Chamber last year. I addressed the Senate seven times in the past year on this subject, and during last November and December I was privileged to appear before both the House Subcommittee on Postal Operations and the House Judiciary Committee to urge the adoption of new laws which will crack down on the smut scoundrels who are polluting the Nation's mails.

Mr. President, in connection with the forthcoming hearing by the Senate Committee on Post Office and Civil Service, I have discovered that the positive, comprehensive proposal drawn up by President Nixon to deal with sexually offensive advertisements has not yet been introduced in bill form on this side of the Hill.

In order to be certain that the administration request will get before the committee once it meets to handle legislation in this field, I have decided to join with my distinguished colleague from Arizona (Mr. FANNIN) in introducing a bill which incorporates the departmental measure.

Since the senior Senator from Arizona (Mr. FANNIN) is a member of that committee, our action will assure that the administration request will be fully discussed and considered within the committee.

Mr. President, the appropriate moment to discuss our measure will be during the upcoming hearing. For now, I would only like to mention that our bill is designed to completely bar the doors to any further use of the U.S. mails as a means to distribute unsolicited and unwanted sexually offensive advertisements.

It will achieve this by permitting any person to place his name, as well as the names of his minor children, on a list of people who desire not to receive sexually oriented advertisements. That list will be maintained by the Postmaster General, but the costs of defraying such list will be borne by the smut peddlers themselves through payment of a service charge.

Every smut dealer will be prohibited from sending his dirty material to any person whose name is on the list.

If he fails to purge his own mailing list of the names of unwilling recipients, our bill provides machinery for both the civil and criminal enforcement of its proscription.

One significant feature of the measure is the authority which it grants the Attorney General to seek temporary restraining orders and preliminary injunctions either before or during the course of judicial enforcement proceedings.

This device could prove to be the means Americans have long been seeking in order to put a halt to the improper operations of smut peddlers immediately, rather than waiting around for them to exhaust a time-consuming flood of legal motions and other technical maneuvers.

Mr. President, the bill which my distinguished colleague from Arizona (Mr. FANNIN) and I have drafted rests on solid constitutional grounds. Since it is founded upon the twin powers of Congress to protect the fundamental personal right to privacy of the American people and their inherent right to raise their children in a wholesome, healthy environment, we have no doubt that the legislation will be upheld when it goes before our judicial brethren.

Finally, I will add that our bill is intended to close up the strange gap which exists in the present postal obscenity laws under which the original source of pornography is left untouched. Oddly enough, under current laws it is only the person who deposits obscene matter in the mails who is caught by the Federal postal regulations.

It is high time that the postal obscenity laws were extended to reach the smut mills that actually produce this garbage as well as the distributor who merely mails it. Our bill will do exactly that.

In short, I believe the bill which we are offering will provide a major and effective new approach to stopping the profane intrusions which now threaten the last preserve of American freedom—the sanctity of American households.

Mr. President, I ask unanimous consent that the bill which is coauthored by the senior Senator from Arizona (Mr. FANNIN) and myself shall be printed in the RECORD at this point, which is the end of my remarks.

The PRESIDING OFFICER (Mr. DOLE). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3623) to amend title 39 of the United States Code in order to prevent the insulting and profane use of the U.S. mails as a means to distribute unsolicited and unwanted sexually offensive advertisements, introduced by Mr. GOLDWATER, for himself and Mr. FANNIN, was received, read twice by its title, referred to the Committee on Post Office and Civil Service, and ordered to be printed in the RECORD, as follows:

S. 3623

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—INVASION OF PRIVACY BY MAILING OF SEXUALLY ORIENTED ADVERTISEMENTS

FINDINGS

SEC. 101. (a) The Congress finds—

(1) that the United States mails are being used for the indiscriminate dissemination of advertising matter so designed and so presented as to exploit sexual sensationalism for commercial gain;

(2) that such matter is profoundly shocking and offensive to many persons who receive it, unsolicited, through the mails;

(3) that such use of the mails constitutes a serious threat to the dignity and sanctity of the American home and subjects many persons to an unconscionable and unwarranted intrusion upon their fundamental personal right to privacy;

(4) that such use of the mail reduces the ability of responsible parents to protect their minor children from exposure to material which they as parents believe to be harmful to the normal and healthy ethical, mental, and social development of their children; and

(5) that the traffic in such offensive advertisements is so large that individual citizens will be helpless to protect their privacy or their families without stronger and more effective Federal controls over the mailing of such matter.

(b) On the basis of such findings, the Congress determines that it is contrary to the public policy of the United States for the facilities and services of the United States Post Office Department to be used for the distribution of such materials to persons who do not want their privacy invaded in this manner or to persons who wish to protect their minor children from exposure to such material.

SEXUALLY ORIENTED ADVERTISEMENTS

SEC. 102. (a) Chapter 51 of title 39, United States Code, is amended by adding at the end thereof the following new sections:

"§ 4011. Mailing of sexually oriented advertisements

"(a) Any person who mails or causes to be mailed any sexually oriented advertisement shall place on the envelope or cover thereof his name and address as the sender thereof and such mark or notice as the Postmaster General may prescribe.

"(b) Any person, on his own behalf or on the behalf of any of his children who has not attained the age of nineteen years and who resides with him or is under his care, custody or supervision, may file with the Postmaster General a statement, in such form and manner as the Postmaster General may prescribe, that he desires to receive no sexually oriented advertisements through the mails. The Postmaster General shall maintain and keep current, insofar as practicable, a list of the names and addresses of such persons and shall make the list (including portions thereof or changes therein) available to any person, upon such reasonable terms and conditions as he may prescribe, including the payment of such service charge as he determines to be necessary to defray the costs of compiling and maintaining the list and making it available as provided in this sentence. No person shall mail or cause to be mailed any sexually oriented advertisement to any individual whose name and address has been on the list for more than thirty days.

"(c) No person shall sell, lease, lend, exchange, or license the use of, or, except for the purpose expressly authorized by this section, use any mailing list compiled in whole or in part from the list maintained by the Postmaster General pursuant to this section.

"(d) 'Sexually oriented advertisement' means any advertisement that depicts, in actual or simulated form, or explicitly describes, in a predominantly sexual context, human genitalia, any act of natural or unnatural sexual intercourse, any act of sadism or masochism, or any other erotic subject directly related to the foregoing. Material otherwise within the definition of this subsection shall be deemed not to constitute a sexually oriented advertisement if it constitutes only a small and insignificant part of the whole of a single catalogue, book, periodical, or other work the remainder of which is not primarily devoted to sexual matters.

"§ 4012. Judicial enforcement

"(a) Whenever the Postmaster General believes that any person is mailing or causing to be mailed any sexually oriented advertisement in violation of section 4011 of this title, he may request the Attorney General to commence a civil action against such person in a district court of the United States. Upon a finding by the court of a violation of that section, it may issue an order including one or more of the following provisions as the court deems just under the circumstances:

"(1) a direction to the defendant to refrain from mailing any sexually oriented advertisement to a specific addressee, to any group of addressees, or to all persons;

"(2) a direction to any postmaster to whom sexually oriented advertisements originating with such defendant are tendered for transmission through the mails to refuse to accept such advertisements for mailing; and

"(3) a direction to any postmaster at the office at which registered or certified letters or other letters or mail arrive, addressed to the defendant or his representative, to return the registered or certified letters or other letters or mail to the sender appropriately marked as being in response to mail in violation of section 4011 of this title, after the defendant, or his representative, has been notified and given reasonable opportunity to examine such letters or mail and to obtain delivery of mail which is clearly not connected with activity alleged to be in violation of section 4011 of this title.

"(b) The statement that remittances may be made to a person named in a sexually oriented advertisement is prima facie evidence that such named person is the principal, agent, or representative of the mailer for the receipt of remittances on his behalf. The court is not precluded from ascertaining the existence of the agency on the basis of any other evidence.

"(c) In preparation for, or during the pendency of, a civil action under subsection (a) of this section, a district court of the United States, upon application therefor by the Attorney General and upon a showing of probable cause to believe the statute is being violated, may enter a temporary restraining order or preliminary injunction containing such terms as the court deems just, including, but not limited to, provisions enjoining the defendant from mailing any sexually oriented advertisement to any person or class of persons, directing any postmaster to refuse to accept such defendant's sexually oriented advertisements for mailing, and directing the detention of the defendant's incoming mail by any postmaster pending the conclusion of the judicial proceedings. Any action taken by a court under this subsection does not affect or determine any fact at issue in any other proceeding under this section.

"(d) A civil action under this section may be brought in the judicial district in which the defendant resides, or has his principal place of business, or in any judicial district in which any sexually oriented advertisement mailed in violation of section 4011 has been delivered by mail according to the direction thereon.

"(e) Nothing in this section or in section 4011 shall be construed as amending, preempting, limiting, modifying, or otherwise in any way affecting section 1461 or 1463 of title 18 or section 4006, 4007, or 4009 of this title."

(b) The table of contents of chapter 51 of such title is amended by adding at the end thereof the following new items:

"4011. Mailing of sexually oriented advertisements.
"4012. Judicial enforcement."

CRIMINAL PENALTIES

SEC. 103. (a) Chapter 83 of title 18, United States Code, relating to offenses against the postal service, is amended by adding at the end thereof the following new sections:

"§ 1735. Sexually oriented advertisements

"(a) Whoever—

"(1) willfully uses the mails for the mailing, carriage in the mails, or delivery of any sexually oriented advertisement in violation of section 4011 of title 39, or willfully violates any regulation of the Postmaster General issued under such section; or

"(2) sells, leases, rents, lends, exchanges, or licenses the use of, or, except for the purpose expressly authorized by section 4011 of title 39, uses a mailing list maintained by the Postmaster General pursuant to such section;

shall be fined not more than $5,000 or imprisoned not more than five years, or both, for the first offense, and shall be fined not more than $10,000 or imprisoned not more than ten years, or both, for any second or subsequent offense.

"(b) For the purposes of this section, the term 'sexually oriented advertisement' shall have the same meaning as given it in section 4011(d) of title 39.

"§ 1736. Restrictive use of information

"(a) No information or evidence obtained by reason of compliance by a natural person with any provision of section 4011 of title 39, or regulations issued thereunder, shall, except as provided in subsection (c) of this section, be used, directly or indirectly, as evidence against that person in a criminal proceeding.

"(b) The fact of the performance of any act by an individual in compliance with any provision of section 4011 of title 39, or regulations issued thereunder, shall not be deemed the admission of any fact, or otherwise be used, directly or indirectly, as evidence against that person in a criminal proceeding, except as provided in subsection (c) of this section.

"(c) Subsections (a) and (b) of this section shall not preclude the use of any such information or evidence in a prosecution or other action under any applicable provision of law with respect to the furnishing of false information."

(b) The table of contents of chapter 83 of such title is amended by adding at the end thereof the following new items:

"1735. Sexually oriented advertisements.
"1736. Restrictive use of information."

SEPARABILITY

SEC. 104. If any provision of this title, or the application thereof to any person or circumstance, is held invalid, the remainder of this title and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

EFFECTIVE DATE

SEC. 105. The provisions of this title shall become effective on the first day of the sixth month which begins after the date of enactment.

TITLE II—EXTENDING POSTAL OBSCENITY LAWS TO MAKER OF SEXUALLY RELATED MAIL MATTER

Sec. 201. (a) Chapter 83 of title 18, United States Code, relating to offenses against the postal service, is amended by further adding at the end thereof the following new section:

§ 1737. Manufacturer of sexually related mail matter

"(a) Whoever shall print, reproduce, or manufacture any sexually related mail matter, intending or knowing that such matter

will be deposited for mailing or delivery by mail in violation of section 4009 or 4011 of title 39, United States Code, or in violation of any regulation of the Postmaster General issued under such section, shall be fined not more than $5,000 or imprisoned not more than five years, or both, for the first offense, and shall be fined not more than $10,000 or imprisoned not more than ten years or both, for any second or subsequent offense.

"(b) As used in this section, the term 'sexually related mail matter' means any matter which is within the scope of section 4009(a) or 4011(d) of title 39, United States Code."

(b) The table of contents of such chapter 83 is amended by adding at the end thereof—

"1737. Manufacturer of sexually related mail matter."

S. 3624—INTRODUCTION OF A BILL TO PROVIDE ASSISTANCE IN THE PURCHASE OF MOBILE HOMES IN RURAL AREAS

Mr. HARRIS. Mr. President, for the Senator from South Carolina (Mr. HOLLINGS), I introduce a bill to amend title V of the Housing Act of 1949 to provide assistance in the purchase of mobile homes in rural areas, and ask unanimous consent that the bill and statement by the Senator from South Carolina (Mr. HOLLINGS) be printed in the RECORD.

The PRESIDING OFFICER (Mr. DOLE). The bill will be received and appropriately referred; and, without objection, the bill and statement will be printed in the RECORD.

The bill (S. 3624) to amend title V of the Housing Act of 1949 to provide assistance in the purchase of mobile homes in rural areas, introduced by Mr. HARRIS, for Mr. HOLLINGS, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 3624

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Title V of the Housing Act of 1949 is amended by adding a new section as follows:

MOBILE HOMES

"SEC. 524. (a) Notwithstanding the provisions of any other section of this title, the term "housing" as used in this title shall, to the extent deemed practicable by the Secretary, include mobile homes; *Provided,* That the Secretary is hereby authorized and directed, with respect to mobile homes financed under this title to (1) prescribe minimum property standards to assure the livability and durability of the mobile home and the suitability of the site on which the mobile home is to be located, and (2) obtain assurance from the borrower that the mobile home will be placed on a site which complies with the standards prescribed by the Secretary and other applicable local requirements.

"(b) Loans for the purchase of mobile homes shall be on such terms and conditions and in such amounts as the Secretary deems necessary, subject to the following limitations:

"(1) there is reasonable assurance of repayment of the loan;

"(2) the amount of the loan may not exceed $10,000;

"(3) the loan bears interest at a rate determined by the Secretary, not to exceed the maximum rate provided in Title I of the National Housing Act: *Provided,* That with respect to low and moderate income families otherwise eligible for assistance under section 521 of this title, the rate shall not exceed the rate for housing required pursuant to section 521; and

"(4) the loan is repayable within not more than twelve years and thirty-two days."

STATEMENT BY SENATOR HOLLINGS

Mr. President, today I am introducing a bill which will provide a change in Title 5 of the Housing Act of 1949 to permit the term "housing" to include a definition of mobile homes which will provide assistance in the purchase of mobile homes in rural areas. Presently, FHA programs regarding mobile homes are basically urban oriented. On July 31, 1969 I introduced a bill which would permit the Federal Housing Administration to insure loans financing the purchase of mobile homes to be used by the purchaser as his principal residence. During the debate on the floor of S. 2864, the Housing and Urban Development Act of 1969, I offered my bill as an amendment which was accepted by the Senate and is presently part of P.L. 91–152. The proposal I offer today would revise existing law to permit the Farmers Home Administration to finance mobile homes comparable to the conditions set forth in my previous bill, but with the major difference that they would be available for housing in rural non-farm areas and farm areas. This would include areas of up to 5500 persons or less.

In my judgment, Mr. President, the mobile home offers a low-cost form of housing desperately needed by our population. James Smith, Administrator of the Farmers Home Administration, stated on February 7 before the House Banking and Currency Committee that there were approximately five million homes in rural non-farm areas which were deteriorating, substandard or in need of major repairs. Because the impact of inflation has particularly hurt the residents in rural America, I feel this bill will provide a manner in which they can obtain adequate and standard housing within their financial means.

ADDITIONAL COSPONSORS OF BILLS

S. 1290

Mr. McCLELLAN. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Maryland (Mr. MATHIAS) and the Senator from New Hampshire (Mr. McINTYRE) be added as cosponsors of S. 1290, a bill to incorporate the College Benefit System of America.

The ACTING PRESIDENT pro tempore (Mr. EAGLETON). Without objection, it is so ordered.

S. 3425

Mr. JAVITS. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from New Mexico (Mr. ANDERSON) be added as a cosponsor of S. 3425, to amend the Wagner-O'Day Act to extend the provisions thereof to severely handicapped individuals who are not blind, and for other purposes.

The PRESIDING OFFICER (Mr. DOLE). Without objection, it is so ordered.

S. 3466 THROUGH S. 3472

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Pennsylvania (Mr. SCOTT), I ask unanimous consent that, at the next printing, the name of the Senator from Nebraska (Mr. HRUSKA) be added as a cosponsor of S. 3466 through S. 3472, the environmental control bills.

The PRESIDING OFFICER, Mr. BAYH). Without objection, it is so ordered.

ADDITIONAL STATEMENTS OF SENATORS AS IN LEGISLATIVE SESSION

REMARKS OF SENATOR McCLELLAN BEFORE NATIONAL RIVERS AND HARBORS CONGRESS

Mr. STENNIS. Mr. President, the National Rivers and Harbors Congress held its 57th annual convention banquet at the Mayflower Hotel last Thursday night.

Senator JOHN L. MCCLELLAN, of Arkansas, was the principal speaker for this occasion. Senator MCCLELLAN, president of the National Rivers and Harbors Congress for 10 years, now serves as chairman emeritus of the organization. He also is a past president of the Mississippi Valley Flood Control Association.

Senator MCCLELLAN's address to the congress was most timely in view of today's concern over our environmental conditions. His message was most informative, and I commend it to every Member of the Senate. I ask unanimous consent that it be printed in the RECORD.

There being no objection the remarks were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM REMARKS OF SENATOR JOHN L. MCCLELLAN

Mr. Chairman, water is one of the four major and indispensable elements of man's environment. From the time God decreed that the water under the heaven should be gathered together and called the Seas, man has shown an exceptional ambivalence towards this most precious life-sustaining natural resource.

He has blessed the rain when it drenched the parched earth and quenched nature's thirst; and he has cursed it when its raging torrents and catastrophic floods have cleaved paths of destruction and devastation.

Man has stored and hoarded water to generate hydroelectric power, to irrigate the soil, to preserve wildlife and to provide recreation. He has wasted it in arid areas by not retaining and conserving it for use in times of draught and need—and has often squandered it by not profitably re-using it.

Man has consecrated and sanctified water in the ordinance of baptism, but too often he neglects and rejects the use and consumption of the proper quantity that is necessary for his own good health and physical well being.

He has abused and polluted many lakes, rivers, and harbors by allowing them to become contaminated repositories for every conceivable kind of waste and decay.

Indeed, with respect to the abundant water resources with which our nation is so richly endowed, we find that, as a people, we have in some areas exercised the highest and best in vision and wisdom; and in other areas, we have exhibited the worst in practice and habit.

The "best" is demonstrated by the marvelous multiple-purpose improvements we have made on many of our major streams for flood control, hydroelectric power, recreation, irrigation, and navigation. The "worst" is evidenced by the reckless neglect and

abuses that have contaminated and polluted our rivers and lakes, particularly in metropolitan areas, with waste, filth, and sewage which now stigmatizes so many of our congested industrial and crowded centers of population.

* * * * *

Today, when we are engaged in an unpopular war—incidentally, a war we have not tried to win—a war which is requiring expenditures of more than $25 billion annually and which has already cost us in excess of $100 billion, our Government is spending only a fraction of that amount to preserve and develop for the accommodation of our rapidly increasing population the vital water resources of our land. (The Vietnam War from 1966 to 1970 has cost $106.2 billion. Whereas, construction funds appropriated for rivers, harbors, and flood control in that same period of time was only $4.4 billion or 4 percent of the cost of the Vietnam War. For a whole decade of the sixties, our Federal Government spent only $8.5 billion for construction of river and harbor projects.) Thus, it is apparent that man's ambivalent attitude has contributed mightily towards the contamination and deterioration of this basic and indispensable natural resource.

With clean water so vital to man's sheer survival and with the great bulk of both international and domestic commerce dependent upon water transportation, one would think that the development and preservation of our national water resources would be assured; that its quality would be guaranteed and that its value would now in this enlightened age be enshrined in the hearts of mankind.

Our water transportation carries more than 25 percent of the goods moving in domestic commerce. This is second only to the railroads which carry 36.5 percent of our domestic commerce. And while the exact figures are not available, we know that probably ¾'s or more of our international commerce is carried on ships that traverse the seas.

It seems, therefore, incongruous that our Federal water projects are generally heavily saddled with stringent, precise—and often unrealistic—mathematical formulas and requirements to assay and justify the benefits of our river and harbor development programs before they can be authorized and before even usually inadequate appropriations are begrudgingly and stingily made for their construction.

Indeed, water improvement projects are unique among Federal programs in that regard. We have spent nearly $150 billion in foreign aid—in the past quarter of a century—and billions more on domestic programs that were hastily conceived, ill prepared and poorly implemented in pursuit of vague and illusionary objectives. However laudatory the goals in these programs may have been, many have completely failed of achievement; others at best have been greatly disappointing. Ironically, none of these were subjected to the preliminary surveys and appraisals nor to the rigorous standards that are imposed on our river and harbor projects.

So varied and abundant are the benefits derived from investments in river and harbor projects, however, that we have been able to meet the test and live with those standards, and still see our mighty waterways developed. These developments have resulted in lands being reclaimed and irrigated, in hydroelectric power being generated and in bringing flood control protection to our major valleys. The bountiful harvests reaped from these improvements have greatly surpassed all original estimates and expectations.

One of the most rewarding aspects of my three decades of service in the National Congress has been my labors in the vineyard of water resource development. I share with your organization, and with you, a real sense of pride and accomplishment with the construction of each new project. And, especially, am I proud of the tremendous, although belated, progress that we have made in Arkansas.

I have a personal interest in the Arkansas River Development Program which I co-authored and which is now nearing completion. Indeed, that one project alone, in my state, stands as a monumental re-affirmation of the great progress that can be made with the pursuit and implementation of these programs.

Construction did not begin on the Arkansas River Program until 1958. The first section of river navigation—to Little Rock—opened a decade later in December of 1968—and the second section—navigation on to Fort Smith—opened a year later in December, 1969. The third and final section of this 450-mile inland navigation project is scheduled for completion to Tulsa, Oklahoma, in early 1970.

This magnificent mulple-purpose project which was frequently condemned and ridiculed by many in the early stages of its conception and development has converted 450 miles of a flood-plagued river into a controlled navigable, inland waterway system that will connect Tulsa, Fort Smith, Little Rock, and Pine Bluff and give that area an outlet to all inland ports of the United States and to the ocean ports of the world.

This Arkansas project to me is symbolic of the cooperation and dedication of yours and of similar organizations working closely with the Congress, the Executive Branch, and especially with the Corps of Engineers. By reason of this vast development, the Arkansas River Valley is already experiencing tremendous industrial growth and expansion and the amount of cargo that has been generated on this system to date has equalled three times the original estimate.

It is now predicted that during the last thirty years of this century, an additional 100 million Americans will inhabit the United States. To accommodate this additional number of people in so short a time will require intensive planning and action on a massive scale. Hundreds of new towns will be needed, and water problems, already verging on the critical stage—in many areas—will become more and more acute unless we do what is necessary to conserve our abundant water resources and to restore to good quality, where possible, the polluted waters of the major streams in our nation.

The path leading to our present day economic affluence and over crowded metropolitan cities has been strewn with litter and beclouded by pollution. So much so that many scientists are today prophesying doom unless we launch an immediate and massive campaign to clear our air, clean our streams, and intelligently handle the gigantic waste created by our industrial economy and affluent society.

Certainly, when our main cities, those shining citadels of yester-year, are shrouded in suffocating smog, when life-giving streams are choked with raw sewage, chemicals and debris, and the truck gardens that used to surround our towns are today's garbage dumps, it is time to act to save and protect our environment. It somehow seems ironic for us to reach to the stars and ignore the deteriorating life-supporting elements of our planet.

For years, many have labored under a false illusion that there is an over abundance of water in our country. But we know that is not true. Your organization is well aware of the old adage that "the waste of plenty is the resource of scarcity". Unless we conserve and keep clean our fresh water supply, we may find before the end of the century that we have a "resource of scarcity".

* * * * *

The Congress and the President are becoming committed to a number of programs to improve our environment. I wholeheartedly support the general objective of all such programs. But, at the same time, I have urged the Administration to launch an immediate campaign aimed at preventing further crowding and congestion in our major cities which are today the prime centers of pollution. This can be done by reversing present trends and stopping the massive influx of people into the already overly-populated metropolitan areas.

We should take all practical steps possible to halt the sprawling, haphazard, and often unmanageable growth of urban areas and give them—and especially our decaying inner cities—time to restructure and clean up. At the same time, we should be making every effort to develop the potential of our rural areas. A national policy to achieve these objectives should be adopted and properly promoted and supported, would:

1. Ease the proliferating population growth in the main centers of congestion and pollution;

2. Relieve the major metropolitan areas of their growing pains and pressures; and

3. Afford an opportunity for sustained, orderly, growth in rural areas for present and future generations.

We stand on the threshold of the seventies. We must look beyond this decade and the next and adopt policies and inaugurate programs that will exalt our water resources and not exploit them. We know that a population crisis is coming. Let us prepare to meet it by decentralizing industry and by creating job opportunities for our people in environments that are not already overcrowded, congested and polluted. Let us be prudent and make adequate provisions to orderly accommodate the additional 100 million Americans who are expected by the end of this century. We can, if we will, insure them an environment in and near the smaller cities of our nation that will be conducive to good health and pleasant living. Thus, they will not have to become numberless, faceless members of a collective group in the environs of an air and water polluted, transportation congested metropolitan conglomerate.

THE HARD WORK OF ENVIRONMENT—ADDRESS BY SENATOR MUSKIE

Mr. HART. Mr. President, the Senator from Maine (Mr. MUSKIE) is the leading Senate expert on pollution problems as chairman of the Air and Water Pollution Subcommittee.

In his remarks at the University of Michigan Environmental Teach-In March 13, the Senator outlined the philosophical and political background of today's earth crisis. And he again suggested a National Survival Corps for youthful activities to do the "hard work of environment."

Mr. President, I ask unanimous consent that the text of Mr. MUSKIE's Michigan speech be printed at this point in the RECORD.

There being no objection the remarks were ordered to be printed in the RECORD, as follows:

DEALING WITH THE ROOTS OF THE CRISIS

(Remarks by U.S. Senator EDMUND S. MUSKIE)

"Every individual carries a set of about a hundred thousand genes—an inheritance

he has received from all the living beings who preceded him and concentrated their qualities in him. That is the heritage he will pass on. If all the genes from the world's three and a half billion people were baked together, they would form a small ball with a diameter of about one millimeter. The contents of this small ball is what holds us together as a species, and is, essentially, all we own as human beings."

We do not own very much, and we are spread quite thin. All of what we own—our total environment of human and natural resources—is stretched around the earth no thicker than the skin around an apple. Any scar, any scratch, any nick can be fatal.

This is all we have. There are no replacements, no surplus stocks with which to replenish our supplies. We hang together by tenuous bonds that are now strained as they have never been strained before—and as they never must be strained again. We live in a world of limited natural resources and fragile human resources, and we cannot survive an undeclared war on our future. We must lay down *all* of our weapons of self-annihilation.

THE ROOTS OF THE CRISIS

The Teach-In this evening has focused on the roots of the environmental crisis. This is important, because unless we understand what has brought us to this confrontation with our future, we will continue to make the same mistakes we have made in the past. We can no longer afford the luxury of environmental error.

The roots of the environmental crisis stretch as far back as the nation itself. Life in America was cheap in the beginning. Natural resources were plentiful, and the idea that there had to be limits on our material growth never entered our minds.

Thus, early farming paid scant attention to conserving the land that produced the crops. We took trees from the forests without thinking of the possibility that our timber supply was not endless. Soon after industry first came to America, some of our rivers were seriously polluted and the air in some of our cities and towns was foul.

Even while our cities grew and became more crowded, enough Americans could escape from the confines of soot and clutter so that the voices of those who were trapped were never really heard.

As long as there was enough affluence in city, the squalor of the tenements was obscured. As long as people left the slums, they forgot their misery.

And when people left the urban-industrial center, what did they leave behind? True, they escaped from foul air, dirty water, and littered and noisy streets. But they also escaped from the tenements, the disease, the ugliness, and the poverty of the city.

So pollution was isolated by the very size and openness of America. A river here, a forest there, a few of our larger, more industrialized cities—these early examples of environmental destruction seemed a small price to pay for our prosperity. Most people could escape, and those who could not were never really heard. This was the frontier ethic: America pushing ahead and getting ahead, with an unlimited future—with a manifest destiny ahead of us.

Now we find that we have overreached our destiny. The frontier ethic helped us build the strongest nation in the world. But it also led us to believe that our natural and human resources were endless, that our rivers could absorb as much sewage as we could pour in them, that there was automatic equal opportunity for everyone, that our air would always be clean, and that hunger and poverty didn't really exist in America.

Our problems are not really new. Rather, they have multiplied. They have spread to all our rivers and all our cities. Everyone is affected by them.

The frontier ethic that we never really abandoned has caught up with us. There is nowhere left for escape.

We have reached a point where man, his environment, and his industrial technology intersect. We confront our deteriorated environment, our devouring technology and our fellow men. Relative harmony has become a three-cornered war—a war where everyone loses.

No society has ever reached this point before, no society has ever solved this problem. We have no past experience to guide us.

So we will need all the enthusiasm, all the concern, and all the dedication we can muster. At the same time there are some dangers involved in this surge of concern.

THE TOTAL HUMAN ENVIRONMENT

I hope that the issue of environmental protection does not become a smokescreen that will obscure the overall crisis of life in America.

I am concerned that the environment will obscure the unmet challenge of equal opportunity, and there appears to be good cause for concern.

The great danger of the environmental issue is that we may not recognize that the total environment is at stake in America.

Whatever form your efforts take after Earth Day, the focus of your efforts must be *man*—man today, man tomorrow, and man in relation to all the other forms of life which share our biosphere. And in addition to the air, the water, and the land, man's environment includes the shape of the communities in which he lives, his home, his schools, his places of work, and his society.

The environmental conscience that has gripped the nation should hold great promise—not only for our air, our water and our land, but also for the future of people searching for ways out of poverty, hunger and neglect. The environmental conscience may be the way to turn the nation around.

The study of ecology—man's relationship with his environment—should finally teach us that our relationships with each other are just as intricate and just as delicate as those with our natural environment. We cannot afford to correct our history of abusing nature and neglect the continuing abuse of our fellow man.

We should have learned by this time in our development as a nation that we must find ways to live together in peace. And we should have learned that the only way to achieve peace among ourselves is to insure that all Americans have equal access to a healthy environment—to a healthy total environment.

That can mean nothing less than equal access to good schools for our children, to meaningful job opportunities, to adequate medical care, and to decent housing.

For the last ten years we have been groping toward the realization that the total environment is at stake.

We have seen the destruction of poverty, and declared a war on it.

We have seen the ravages of hunger, and declared a war on it.

We have seen the costs of crime, and declared a war on it.

And now we have awakened to the pollution of our environment, and we have declared another war.

We have fought too many losing battles in those wars to continue this piece-meal approach to self-preservation.

The only strategy that makes sense is a total strategy to protect the total environment.

We must do it now—not when inflation eases, not in a few years, not sometime soon, but now. For the sake of the environment if nothing else, we ought to find it possible to put-off grand tours of space, faster planes, and greater overkill.

This will not be merely a summertime war. The protection of our environment will be a long, hard pull. The action you take as students, will be important, but the greatest challenges will come when you assume your roles in the communities of the future.

We must forge a wholesale change in our priorities and our values. We must redefine our standard of living, reflecting the knowledge that both our human and natural resources are at stake.

This will not be easy. Walter Lippmann stated the problem very well when he said that "The supreme question before mankind . . . is how men will be able to make themselves willing and able to save themselves."

We must turn away from uncontrolled economic and technological growth that ignores the increasing strain on the environment. As we seek to control this growth, the kinds of difficult decisions you will have to make will be surprising. As community leaders—and as students—you must see that the right decisions are made.

Our technology has reached a point in its development where it is producing more than we want, more than we need, and more than we can live with.

We have to learn to choose, to say no, and to give up some luxuries. These kinds of decisions are the acid test of our commitment to a healthy environment. Right now we are failing that test.

Look at the budget for 1971. That "balanced budget" represents shamefully unbalanced priorities. That budget "balances" $275 million for the SST against $106 million for air pollution control. It "balances" $3.4 billion for the space program against $1.4 billion for housing. And it "balances" $7.3 billion for arms research and development against $1.4 billion for higher education.

It is a sham to say that we cannot afford the protection of our environment—just yet; or the fight against hunger and poverty—at this time; or homes and medical care for our people—for a few years. We can afford these programs now, if we admit that there are less important programs that we cannot afford.

These are the kinds of choices that have to be reversed. If they are not reversed, our concern and rhetoric will mean nothing.

There are other decisions that must be made, and they are ones in which students should take a hand.

POLITICAL ACTION

First, concerned students should take advantage of the laws that are now on the books. While we have accumulated and inherited most of our environmental problems, we have also accumulated some legislation.

The laws are not now as strong as we would like, but they provide an important start. The Air and Water Quality Acts were passed before the environmental crisis was universally recognized. In the hope that the public would become concerned, we sought to guarantee the right of the public to effective participation in the standards-setting process.

Water and Air Quality standards are being set in the States now. These standards and the implementation and enforcement plans must comply with criteria issued by the Federal Government. But they are set at the State level so that the public can participate. The public can decide what kind of air and water they want and how they want to achieve it.

If the opportunity for influencing these decisions is abdicated on a "let George-do-it-basis," then this procedure will fail. On the other hand, if students and other concerned citizens seize these opportunities, we can have tough, effective Air and Water Quality standards.

These provisions for public participation are the greatest promise for clean air and water we have, and we intend to build on them.

Once Air and Water Quality standards are set, they must be enforced. I have suggested amending both the Air and Water Quality Acts so that citizens can bring class suits to enforce these standards, extending the concept of public participation to the enforcement process. But the primary responsibility for enforcement will rest with the State agencies. These agencies should be reminded—over and over again—that standards must be enforced.

You must take your campaign where most of the important battles are fought—to the State and local levels.

Too many people, for too long, have assumed that participating in a democracy begins and ends at the ballot box. State and local agences charged with the protection of the environment have functioned in the abyss of public neglect. Those who have been able to afford constant representation in legislative lobbies and in City Halls have dominated the decision-making process—often only because of their constant presence.

The public has abdicated civil responsibility, and the result has been devastating. It could worsen. If we destroy our environment through public neglect of the political process, we will have only ourselves to blame. The public must combine the power of voices, votes and pocketbooks to make its presence felt.

CITIZEN'S LOBBY

I hope that all of you who have participated in the Teach-In will move beyond these demonstrations of concern to continuing political involvement.

A Citizen's Lobby for Environmental Protection would be an excellent way to do it.

A Citizen's Lobby could voice effective demands for tough legislation. It could support candidates for public office who have shown a continuing commitment to strong environmental legislation. And it could bring pressure to bear to spend the money that must be spent.

At the same time, a Citizen's Lobby could keep a watchful eye on industry. Selective purchasing policies may be a means to discourage the use of non-degradable packaging, non-return bottles, or phosphate-heavy detergents. These policies would also encourage industries to install the best possible pollution control equipment.

Student members of Lobby could use employment interviews as an opportunity to question the interviewer about his industry's commitment to environmental quality.

The creation of a successful Citizen's Lobby will not be easy, but Earth Day could be an important first step. Government and industry will respond to the concern expressed here this week and all across the nation next month only if your voices and your power are directed at the political process.

EDUCATION

Everyone must be brought into the act to protect the environment. The educational task will be enormous.

We must create new values for life in a kind of world that man has never known—a world of increasingly delicate balances between man and his environment.

The University of Michigan and a few other colleges and universities have developed comprehensive programs of environmental and ecological studies, but there is much more that we can and should do.

First, we should broaden the mission of our land-grant Universities. We must move from a production-oriented educational system to a system designed to preserve a balanced and healthy environment. Our universities must reach out to the people of their States with programs of environmental extension services.

Second, we should develop a system of National Environmental Laboratories to explore the effects of technology and growth on the human and natural environments.

Finally, Teach-Ins must become Teach-Outs. The urgent message you are developing this week at the University of Michigan must be taken to the people of the whole State of Michigan in the coming months and years.

NATIONAL SURVIVAL CORPS

While we educate, we must also act. The energies and commitment of young people who want to do something should not be lost because there is nothing to do but talk.

Pollution emission sources must be monitored; waste treatment plants must be built and operated; debris must be cleared from our cities, our parks, and our waterways. This is the hard work of environmental protection.

If young people are willing to do this work, then there should be a way to do it. I would suggest the creation of a National Survival Corps for this purpose, and plan to introduce legislation in the Senate to establish it. The Corps could work on Federal projects and lands, reclaiming mines and forests and performing emergency tasks such as oil-spill clean up. At the same time, members of the Corps would be available to States and cities for similar purposes.

This suggestion is an example of the flood of ideas engendered by this sense of urgency. I thought the National Survival Corps was a good idea. Then Secretary Hickel voiced a similar thought. I still think I have a good idea!

However we fight this battle for survival, man must learn to live with his environment and with himself. This is a very small world, and it is crowded. We have little time to learn what we should have been learning for thousands of years.

The Santa Barbara Declaration of Environmental Rights put this thought very well. "Today is the first day of the rest of our life on this planet. We will begin anew."

We cannot really begin anew because we cannot recreate the earth. But we can protect and enhance what we have left. It is about time man learn to appreciate what he has been given.

THE "CARVEYOR" SYSTEM OF MOVING SIDEWALKS AND RAMPS

Mr. SAXBE. Mr. President, an Ohio-based firm recently introduced a pollution-free urban transportation system which utilizes moving sidewalks and ramps plus small passenger cars riding on a series of conveyor belts. Because of the moving ramps and sidewalks, it can be used by 100 percent of the traveling public, including those who are handicapped and unable to use escalators.

The "Carveyor" system, developed by the Goodyear Tire & Rubber Co., of Akron, Ohio, without the aid of tax moneys or grants, was featured in Washington last month during National Engineers' Week. A working model was on display at George Washington University.

Because it represents one answer to our problem in downtown traffic congestion, automobile pollution, and pedestrian travel in cities and at airports, I ask unanimous consent to have printed in the RECORD newspaper articles about this transportation system published in the Wall Street Journal, the Washington Daily News, and the Dayton, Ohio, Journal Herald.

There being no objection the items were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 24, 1970]

GOODYEAR UNVEILS PLAN FOR "WAITLESS" URBAN TRANSPORTATION SYSTEM; SAN JOSE, CALIF., TO BE SITE FOR "CARVEYOR," WHICH CAN HANDLE UP TO 22,000 PEOPLE AN HOUR

AKRON.—Goodyear Tire & Rubber Co. unveiled plans for a "waitless" urban transportation system it said could solve traffic problems in urban and congested areas, and later announced that the City of San Jose, Calif., plans to install one of the new systems.

Called "Carveyor," Goodyear's system consists of small, wheel-less cars propelled by a continuously moving network of conveyor belts. Goodyear said the system can handle up to 22,000 people an hour at speeds of up to 15 m.p.h.

In San Jose, Olney G. Smith, executive director of the city's redevelopment agency, said construction would begin in 1972 on a six-mile Carveyor system. Cost of the San Jose system wasn't disclosed, but Goodyear said the system's basic cost runs from $5 million to $7 million a mile, indicating a cost of from $30 million to $42 million for the San Jose system.

Mr. Smith said the first phase of San Jose's system will link a perimeter area with the city's San Antonio Plaza and Park Center redevelopment project in the downtown area. Goodyear said its system is primarily designed for such locations and for use between airport terminals, boarding areas and parking lots, but also can be employed at such other sites as suburban shopping centers and athletic stadiums.

Robert E. Mercer, general manager of Goodyear's Industrial Products division, said the company also is negotiating with one other city and "hopes to make an announcement about that city shortly." The executive added that Goodyear is prepared to begin production immediately.

The Carveyor system, which Goodyear says is unique among the urban "people-movers" currently being developed by industry, eliminates stop-and-start aspects of mass transit. In stations, the passenger cars move at 1.5 miles per hour, with passengers entering from a "moving sidewalk" conveyor belt running alongside the cars at the same speed. After leaving the station, faster-moving belts accelerate the cars to a speed of 15 miles per hour.

[From the Journal Herald, Mar. 3, 1970]

THE IVORY TOWER

(By Charles T. Alexander)

Just after the "Ivory Tower" on mass transit appeared the other day, I spotted a story in the Wall Street Journal about a "Carveyor" system, developed by Goodyear, which essentially carries out a principle I was suggesting.

Wheelless cars about the size of limousines operate on a continuous network of conveyor belts. They can handle up to 22,000 passengers an hour at speeds up to 15 or 20 miles per hour.

I was intrigued by the story, so I got on the phone to R. E. Pauley, assistant to the general manager, Industrial Products Division of Goodyear. Now Mr. Pauley is a dynamo who's really got the bug.

I posed a question about the system, and he grabbed the ball. "We're ready to go. We're not fooling," he quickly assured me.

He went on to talk of studies of transit and studies of studies and said they weren't for Goodyear. "It won't take us millions of dollars and years of research and development. We've got something here that's ready to go right now."

The "Carveyor" system is not of the magnitude I was discussing last week. It is not, in its present form, practicable for a system that runs more than three or four miles, and it must be a closed system—that is, it must have no end. It can be a square, a

figure eight, or whatever, but the end and the beginning must be joined. Goodyear sees it as ideal for linking parking facilities with stores and hotels several blocks distant, or for moving passengers within a central shopping district.

It is an elevated system 10 or 11 feet above the ground which carries completely enclosed small cars. They run continuously and whenever you want to get on one, it's there. As Mr. Pauley says, "If you miss the 5:18 you take the 5:18" because it's a continuous chain.

The cars are individually heated and air-conditioned, have molded seats—"so that vandals can't carve them up"—and the entire system costs $3 million to $5 million per lineal mile to construct. The network could be designed to move cargo in off-hours if that were desired, he said.

The City of San Jose, Calif., has plans to install a six-mile system, beginning in 1972. Closer to home, Mr. Pauley says that Goodyear made a presentation just last week "to the people who are tearing down the old Deshler-Wallick hotel to run a system from the hotel site across from the Statehouse at Broad and High two miles across the river to a parking facility.

It would take about two minutes from the parking site back to the square. "You can't walk, run, or drive and make that trip in less time," Mr. Pauley said, noting that an auto could go faster, but not likely in that downtown Columbus traffic.

Goodyear doesn't think the "Carveyor" is practical for runs under 1,000 feet. "We've got moving sidewalks for that distance," Mr. Pauley said.

I gave Mr. Pauley an opening to project that in the future such a system might be expanded so that it would operate over longer distances. I was thinking of from one end of the town to the other. But he put me down on that one. He has a specific system to sell, he's sold on its use in the here and now with the capacity it currently offers, and he's not going to go beyond that.

It set me to thinking, however. The center city concept puts a transportation center somewhere down Main Street near Sixth, on which Union Station now is. All forms of transportation—intercity rail, rapid transit (some perhaps over present tracks from the suburbs), buses would all converge in one multilevel terminal. There would also be parking for autos, as I recall. Now suppose you got off your train and walked across the terminal and stepped directly onto a "Carveyor,"—no waiting, Mr. Pauley would remind us—and within less than five minutes you would be at your place of business or the store where you want to shop or the restaurant where you want to eat. Or at a theater. And you get there out of the weather in heated or air-conditioned comfort.

I repeat what I said last week: Dayton's limping transportation system may be its greatest asset for the moment because it offers the opportunity to turn away from conventional methods if something better comes along.

Whether or not the "Carveyor" is a partial answer, it proves that there are minds and dollars at work looking for better, more convenient methods of moving people and things about. And a city on the move has to keep people on the move or they'll move elsewhere.

[From the Washington Daily News, Mar. 2, 1970]

CARVEYOR COULD BE USED HERE

(By Donald Saltz)

If the Goodyear Tire and Rubber Co. can do enough of a selling job, a number of cities—perhaps even Washington—will have a unique system for moving people short distances—quickly and easily. Goodyear recently announced—displaying a model at George Washington University last week during National Engineers Week—a Carveyor, or large conveyor belt with cars for people which eliminates a need for auto or bus traffic in places where mass movement is necessary.

The Carveyor system, which stemmed from Goodyear's 57 years of experience in conveyor belt manufacturing, starts off with a moving sidewalk—but one moving only 1½ miles an hour or half normal walking speed—and goes from there to glass-enclosed cabs seating from two to 10 persons each or more, moving along over the belt to the next station, usually half a mile or so away.

BUSINESS DISTRICT

Paul Freitag, Goodyear's chief salesman for the concept, said it can be used with success in central business districts, at major activity centers such as around auditoriums, and for airport terminals. It may also find use near large shopping centers.

Already, officials of San Jose, Calif., and Columbus, Ohio, are seriously investigating the plan which, Mr. Freitag noted, would cost only $3.46 an hour for power to move 3,500 persons in four-seat cars in Columbus, or less than the usual hourly wage for a bus driver.

"The real advantage to the Carveyor," Mr. Freitag said, "is the immediate service—there's no waiting."

Persons walk onto the moving sidewalk and simply enter a car which is moving alongside at comparable speed. Within 20 or 30 seconds, the cars leave the station and within 72 feet accelerate from 1½ to 15 miles an hour.

Mr. Freitag thinks the system can be successfully utilized at parking areas on the fringe of cities' downtown. He said the most practical systems would probably be two to four miles long, but they can be under, on, or above ground. Cost is $5 million to $7 million per mile.

SUBWAY AIDE

"It can also serve as a distribution system for a subway," he said, bringing people quickly from parking or living areas to nearby subway stations.

When the wheelless cars reach their top speed of 15 miles an hour, they are 90 feet apart. A bank of accelerator wheels increases their speed as they leave a station; similarly, a bank of decelerator wheels slows them down as they enter bumper-to-bumper.

Maintenance is an advantage, Mr. Freitag said. He said a system can be operated by two or three employes per shift with the cost of maintenance only 1½ to 2 per cent of the total cost. Weather doesn't affect operations as the conveyor belt is self-cleaning.

The systems, he said, would be monitored by close-circuit television during the length of the ride.

Operating at peak efficiency, the Carveyor plan could move 22,000 persons thru a given point in an hour, Mr. Freitag stated.

THE ODER-NEISSE QUESTION: THE IMPORTANCE OF REMOVING UNNECESSARY IRRITANTS

Mr. DODD. Mr. President, according to an article in last week's issue of Newsweek, the recognition of Poland's claim to the Oder-Neisse territories, which it acquired from Germany after World War II, is the one issue on which Communist and Catholics in Poland are passionately united.

From numerous conversations with Poles in this country, I believe this estimate to be correct.

The Newsweek article further makes the point that it would enormously strengthen the position of Communist Party Boss Wlasdyslaw Gomulka if he can claim personal credit for obtaining Western recognition of the Oder-Neisse frontier, for this would enable him to usurp the mantle of protector of the Polish people.

I believe that this article points to the need for a frank reassessment of the Western position on the tortured question of the Oder-Neisse frontier.

As Senators know, I have never suffered from any illusions about Communist intentions. Indeed, I have more than once taken the floor to urge that Communist protestations of their desire for a detente be examined in the light of their overall record.

But in denying the actual existence of the so-called detente, I have made it clear that I was not opposed to a detente in principle. If peace is to be preserved, then we are going to have to do our utmost, despite all the difficulties and all the frustrations, to bring about a genuine relaxation of tensions between East and West.

In line with this approach, I believe that it is proper for the Western nations to seek to remove meaningless irritants to East-West relations, where such irritants exist.

The so-called Oder-Neisse problem is one such irritant.

I think a tribute is due to Chancellor Willy Brandt for the effort he has been making over the past 2 years to put to rest the uneasiness and suspicions engendered by the Oder-Neisse problem.

The Oder-Neisse problem had its genesis in the negotiations between the allies which preceded the end of World War II. At the Potsdam Conference, an agreement was reached that the future frontiers between Germany and Poland should follow the line of the Oder and Neisse Rivers.

The Poles have been blamed for the mass expulsions of the German population from the territory east of the Oder-Neisse line.

I do not like mass expulsions, nor would I attempt to condone them.

But before blame is cast it would be well to remember the terrible suffering which the Polish people endured at the hands of the Germans during World War II, and all the reasons they had for resentment.

Against this background of suffering, it would have been difficult to expect the Poles to behave with tenderness toward their former conquerors.

Before blame is cast, too, it would be well to remember that at Potsdam the Western Allies joined the Soviet Union in recommending to the Polish Government that the German population east of the Oder-Neisse line be transferred to the occupation zones of Germany. If there is blame, therefore, Britain and the United States must share it equally with the Governments of the Soviet Union and Poland.

The formal position of the Western Allies and of the Federal German Republic today is that the Oder-Neisse line cannot legally be recognized as the final frontier between Poland and Germany until the conclusion of a peace treaty terminating World War II.

But after 25 years, there is general agreement that the wheels of history cannot be turned back; and there is also

a growing disposition in Germany, as well as in Britain, France, and the United States, to accept the finality of the Oder-Neisse line in order to remove this completely pointless irritant from the relations between East and West.

Until recently, it would have been exceedingly difficult for any German politician, even the most courageous, to take a stand in favor of recognizing the Oder-Neisse line as the permanent frontier between Germany and Poland.

The memory of World War II was too fresh, and the political pressure from the millions of Germans expelled from the eastern territories was too great.

But virtually all of the expellees have now been absorbed into the Western German economy, and it is highly questionable whether many of them would now want to return to the eastern territories, even if this became politically possible.

The internal pressures in Germany against the acceptance of the Oder-Neisse line have, therefore, been fading with each passing year.

That German public opinion would today be prepared to accept the recognition of the Oder-Neisse line is further indicated by the fact that the Catholic bishops of Germany and the Protestant bishops, in separate statements, have both urged the recognition of the present Polish frontier in the interests of peace.

Nevertheless, it was an act of great courage on the part of Willy Brandt, who was then Foreign Minister of the Federal German Republic, when he wrote in Foreign Affairs for April 1968:

> The drawing of borderlines should not impede the establishment of a peaceful order in Europe. If forces in Europe are strong enough to create a system of security and ultimately a stable and equitable order, they will not be held up by border questions of the past. Perhaps the declarations we have offered regarding the renunciation of force can be formulated and safeguarded in such a way that the present borders of Poland can be recognized for the period for which the Federal Republic can commit itself, i.e., until a peace settlement.

In repeated statements since that time, both as Foreign Minister and as Chancellor of the German Federal Republic, Brandt has called for an agreement on the renunciation of force and has underscored the need to establish conditions which would enable the peoples of Europe to live within secure borders.

Despite the lack of certainty that the practical acceptance of the Oder-Neisse line will persuade the Communists to conduct their foreign policy in a more civilized manner, I believe that it is clearly to our advantage to make explicit something that has for all practical purposes been implicit for some time now.

Regrettably the language that has thus far been used in dealing with the Oder-Neisse question, both in our own country and in Germany, is something less than definitive. It still has about it an element of ambiguity which is bound to feed the fears and suspicions of the Poles.

And based on recent history, no one can deny that the Poles have some justification for their fears and suspicions.

I do not believe that there is any real ambiguity about our own intentions or about the intentions of Chancellor Brandt and his government. But a Pole reading his article in Foreign Affairs might conclude from the wording employed that the Chancellor was willing to recognize the Oder-Neisse frontier until a peace treaty was negotiated, but that he was reserving the right to reopen this question when the negotiations for a peace treaty actually got underway.

If the Government of the Federal Republic of Germany and our own Government are agreed that frontiers cannot be changed by force; if they implicitly accept the permanence of the Oder-Neisse line; then it seems to me that it would be advantageous to remove all ambiguity from their statements and make it clear, without equivocation and without reservation, that they do accept the Oder-Neisse line as the frontier between Poland and Germany.

It is my fervent hope that the Government of the Federal Republic of Germany, with the support and encouragement of our own Government and of the other Western allies, will take this simple and clearcut and historically inevitable course.

I am afraid that we bog down in legalisms when we take the stand that we cannot accept the Oder-Neisse line as final until there is a peace treaty which formally terminates World War II.

World War II has been over for 25 years now, and there is still no peace treaty. And, looking at things realistically, I think the chances are better than even that 25 years hence we will still be without a formal treaty terminating World War II.

It seems to me, therefore, that the Western nations hurt only themselves when they put off dealing with this question in a formal legal manner until the never-never day when a peace treaty is signed.

There are some who may cry that such a concession at this time would constitute appeasement. I disagree with them.

Indeed, I believe that the acceptance of the Oder-Neisse line, because it constitutes an acceptance of what is an accomplished and irreversible fact, in no way constitutes appeasement and would in no way weaken the West. It would, if anything, strengthen the West and strengthen the cause of freedom and make the peace of Europe more secure.

It would remove a completely pointless and outdated irritant from the relations between Poland and the Warsaw Pact states on the one hand, and the NATO nations on the other hand.

It would make all Poles feel less dependent on Moscow, and to that extent would serve to encourage the pro-Western and pro-democratic elements in the Polish nation.

That such recognition would also serve to weaken the hold of the infamous Ulbricht government in East Germany is apparent from the almost openly negative attitude of the East German Government to the prospect of even a limited rapprochement between the Polish Government and the Government of West Germany.

Since recognition of the Oder-Neisse frontier is bound to come in any case, surely it makes sense for the Western nations to grant such recognition of their own accord, and without delay. Surely this would be better than acceding to it after protracted negotiations, thus permitting the Polish Communist Government to claim credit for it.

While the immediate impact of the acceptance of the Oder-Neisse line would be justification enough, a larger justification can be found in the effect that such acceptance may have on the future peace of Europe.

The peace of Europe has been plagued over the centuries by a series of national antagonisms. The ancient Franco-German antagonism was foremost among these. But not very far behind it in rank has been the traditional hostility between Poles and Germans.

The Franco-German antagonism has now been laid to rest, even though many people not so long ago would have considered such a development impossible. There is, therefore, reason for hoping that the Polish-German antagonism, similarly, can be buried in the darker pages of past history, opening the way to a new era of collaboration and friendship between these two strong and remarkably virile people.

The coming period will be one of testing at many points, and there will be many issues on which we cannot yield to Communist demands without sacrificing principle or our basic interests.

We must stand fast on the issue of allied rights in Berlin, for example, because the fate of all Europe may very well hinge on our continued ability to guarantee the freedom of West Berlin and to compel Soviet compliance with the series of agreements relating to Berlin.

We must also make it clear to the Soviets that we will refuse to recognize the validity of the so-called Brezhnev doctrine, under which Moscow claims the right to intervene militarily in all socialist countries. As Senators will recall, shortly after the doctrine was promulgated, I introduced a resolution calling for a public repudiation of the doctrine by the United States. I regret that this resolution has not been acted on to date.

But, having said all this, I still believe that we should seek to remove irritants and sources of tension wherever they can be removed, in the hope that somehow, somewhere along the line, a larger understanding between East and West can be evolved.

The final recognition of the Oder-Neisse boundary might be a good place to start.

PRESIDENT NIXON'S ROLE IN CURBING TEXTILE IMPORTS

Mr. THURMOND. Mr. President, on Sunday, March 22, an editorial entitled "Nixon Can't Abdicate Role in Curbing Textile Imports" was published in the Charlotte Observer.

President Nixon has on several occasions indicated his support for the protection of the domestic textile industry. In August of 1968 Mr. Nixon, then a can-

didate for the Presidency, in a telegram committed himself to the protection of this vital industry.

Since that time the administration has been engaged in efforts to secure voluntary agreements with importing countries through the office of Secretary Stans.

In his statement of position on America's world trade policy issued in November 1968, the President advocated free trade but he took special cognizance of the textile import problem, referring to it as "a special circumstance that requires special measures."

The editorial to which I refer states that the administration reportedly is about to abdicate its leadership on the textile import question and says in effect that President Nixon is not going to make good his promises concerning textile imports.

The article indicates that if President Nixon should not go forward with strong proposals and strong leadership, it will be unlikely that textile legislation can be secured.

Mr. President, I hope that the editorial is unduly pessimistic; however, it is important that the administration continue to take a firm stand on the import question and promote and sponsor protective legislation.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection the editorial was ordered to be printed in the RECORD, as follows:

[From the Charlotte Observer, Mar. 22, 1970]

NIXON CANNOT ABDICATE ROLE IN CURBING TEXTILE IMPORTS

The Nixon administration is reportedly about to take a line on textile imports that is an abdication of leadership and a "copout" on the President's own campaign pledges.

Indications are that the administration will go along with the textile industry's request to call off further negotiations for voluntary quotas with the Japanese. But the White House seems unwilling, at the moment, to propose other remedies.

This is a prescription for deep and, perhaps, dangerous confusion. In effect, it proclaims that there is no alternative except for industry spokesmen in Congress to produce legislative limits on imports.

Legislative action would be tricky even with a strong proposal and strong leadership from the administration. A score of other industries with friends in Congress want protection as much as the textile industry and its friends in the South. So it is unlikely that legislators concerned with textiles can line up a voting majority for textile protection without including protection for other industries which would seriously threaten to upset the uneasy balance of trade.

The difficulty of getting import controls for a single industry from Congress is one reason the Nixon administration shied away from that remedy. It has helped put the President in a tight spot.

But he cannot escape this dilemma by simply bucking the textile import issue along to Congress. When he campaigned through the South for the presidency, he declared that he could handle the textile import question.

In the overall context of Nixon's campaign—in which he identified himself as a champion of free trade—he also implied that he could handle the textile import question without upsetting trade and bringing on retaliation that would close vital markets to American exporters.

The job isn't as easy as it looked during the campaign. But easy or not, the President himself is on the hook to provide the leadership he promised on the textile import question.

To duck that responsibility now would be to discredit himself and risk a serious setback for free trade principles.

THE JOURNALISM AWARD TO TOM BROWN, ANCHORAGE, ALASKA, DAILY NEWS

Mr. GRAVEL. Mr. President, last September, I had the pleasure of placing in the RECORD what I considered an outstanding piece of journalism. It was a series of articles on the 1969 Alaska oil rush, written by Tom Brown, staff writer of the Anchorage Daily News. The Scripps-Howard Foundation was impressed enough with the series to name Mr. Brown the winner of first place in its 1969 Edward J. Meeman Awards.

The late Mr. Meeman was conservation editor from the Scripps-Howard newspapers. Awards in his name, totaling $5,000, go to newspapermen and women for superior work in promoting conservation.

As Senator from Alaska, I share with thousands of other Alaskans pride in Mr. Brown's work. Environmental problems are uppermost in the minds of many Americans. I am certain that I speak for millions of American citizens, Mr. President, when I publicly congratulate Mr. Brown for bringing the many facets of this issue into public view, and the Scripps-Howard Foundation for placing high emphasis on environmental studies.

I ask unanimous consent that an article on the subject be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

PROMOTING CONSERVATION—PIPELINE STORY WINS TOP MEEMAN AWARD

NEW YORK, March 9.—A series setting out the dangers posed by Alaska's oil boom and a planned 800-mile pipeline to rivers, forests and wildlife, today won for Tom Brown of the Anchorage (Alaska) Daily News the $1,000 first place in the Scripps-Howard Foundation's 1969 Edward J. Meeman Awards.

The awards—totaling $5,000—go to newspapermen and women for superior work in promoting conservation thru reporting, editorials, cartoons and photography.

They were established by the late Edward J. Meeman, a pioneer conservationist, while he was editor of the Memphis Press-Scimitar, a Scripps-Howard newspaper. He later became Scripps-Howard Conservation Editor.

Mr. Brown, 28, was a United Press International correspondent before joining the Anchorage paper.

William Steif, whose major series on environmental pollution, titled "American Despoiled", was published in the Washington Daily News and other Scripps-Howard newspapers, received a $750 second prize.

Second prizes of $750 each also went to Herc Ficklen, Dallas Morning News cartoonist; William Logan of the Rocky Mountain News, Denver; and a three-man team, Mike Albertson, Paul Jasper and Bill Prime of the Pensacola (Fla.) News-Journal.

Five third prizes of $200 each were awarded to Mark A. Stuart, editorial writer for The Record, Hackensack, N.J.; Franz Scholz of the Lowell (Mass.) Sun; Paul G. Hayes, Milwaukee Journal; Don Bliss of the Louisville Times; and Chester S. Davis of the Winston-Salem Journal Sentinel.

Pollution of the natural environment received the major emphasis in this year's competition, the judges noted. They were Don E. Weaver, Scripps-Howard Conservation Editor, and Alfred C. Andersson of the Memphis Press-Scimitar, a longtime associate of Mr. Meeman's.

Mr. Brown's first-place entry, reported in detail in a series of articles, warned of the fragile ecology of Alaska and what hasty exploitation could mean to the future of the area.

ARMS SALES TO ISRAEL

Mr. CRANSTON. Mr. President, it is ironic that only days after the Soviets announced that SAM–3 missiles—which reportedly may have Russian crews, are in the United Arab Republic, that the Department of State decided not to sell additional aircraft to Israel.

The administration is playing a very dangerous game in the Middle East. The Soviets send in the SAM's while we continue to hold back on the planes. The only conclusion the Soviets and their Arab allies possibly could reach is that we are not prepared to stand firmly behind Israel during this period of heightened tension.

If the SAM's become operational, the balance in the area will have shifted, and Israel for very real reasons of national survival cannot be expected to allow this to happen. In short, this is a time when we should be reassuring our Israeli friends, not shaking their confidence in us.

Yet the Nixon administration continues its shortsighted policy of seemingly rewarding our enemies and punishing our friends. The administration continues to pour billions of American dollars and hundreds of American lives into Southeast Asia to prop up corrupt, repressive dictatorships but will not even allow our Israeli friends the right to purchase arms to defend themselves against Soviet-equipped and Soviet-trained Arab armies in the Middle East.

All Israel has asked for are the tools to defend herself with. We have the moral responsibility to provide these tools. The consequences of our failure to do so could be disastrous not only for Israel and for the Middle East but for world peace.

We must show the Arab nations and the Soviet Union that Israel does not stand alone now before it is too late—too late for Israel and too late for us.

OUR SITUATION IN VIETNAM

Mr. FULBRIGHT. Mr. President, the Washington Post of Sunday, March 22, contains an exceptionally perceptive article, written by Mr. Arthur M. Cox, concerning our situation in Vietnam. I believe it is worthy of the closest attention by all Senators. I ask unanimous consent that it be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

ACTUAL DEFEAT A VIETNAM PERIL

(By Arthur M. Cox)

(NOTE.—Cox, a former senior fellow at the Brookings Institution, is a consultant, writer

and lecturer on foreign affairs and a former government specialist on communism.)

President Nixon last November announced a Vietnam policy which cannot possibly achieve its stated objectives. Even so, the President has won the support of much of the nation with "Vietnamization," a strategy built on the quicksand of unwarranted optimism which has characterized U.S. policy in Vietnam especially since 1965. Unless the Nixon program is soon revised, it will lead to chaos and create the possibility of outright U.S. military defeat.

Given the political realities, the only way this war can end in the near future is through negotiation. President Nixon has stated in all of his recent speches that "there has been no progress whatever on the negotiating front." Of course there has been no progress; the U.S. has manifested absolutely no willingness to negotiate about the only subject with which a compromise settlement would deal—a new government in Saigon.

The issue of who runs Saigon is the reason for the war. The Commission believes it should be theirs and we have blocked them. Negotiations leading successfully to settlement could result only if both sides compromised. The Communists would have to give up their objective of takeover and we would have to give up the Thieu-Ky regime. The result could be a neutralist regime. Quite clearly, the Nixon administration has not been moving in this direction.

In his November speech, President Nixon said, "I recognized that we might not succeed in bringing an end to the war through negotiation. I, therefore, put into effect another plan to bring peace." That plan, which Secretary of Defense Laird named "Vietnamization," calls for the United States to withdraw gradually most of its troops while transferring progressively more of the fighting to the South Vietnamese. The United States will continue to provide air support and certain noncombat military services while increasing its supply of military hardware to the South Vietnamese army, leading in time to a situation in which the Saigon regime and its military hopefully can defend themselves.

President Nixon says "we were proceeding in our pursuit for peace on two fronts—a peace settlement through negotiations or, if that fails, ending the war through Vietnamization." That assertion won't stand examination. The United States has never moved for serious negotiation because it has refused to discuss the central question of a new Saigon regime. Instead, the United States has launched its Vietnamization policy, and Vietnamization and negotiation are absolute incompatibles. To have any chance of success, the Vietnamization policy must rely on the continuity of the Thieu-Ky regime and its military establishment. The Vietnamization policy, in other words, locks the United States into a position of unwavering commitment to Thieu and Ky. A policy of negotiation, on the other hand, would require the United States to persuade Thieu and Ky to step aside in favor of other politicians who would accept a compromise government, including some Communist participation.

FLIMSY OPTIMISM

The President says Vietnamization is a plan "which will bring the war to an end regardless of what happens on the negotiating front." That is an impossibility which has been allowed to go unchallenged. The war will end only when one side wins a military victory or when a settlement has been negotiated. Since Vietnamization rules out serious negotiation, the only conceivable other assumption must be that the President is counting on the South Vietnamese to win their own war. Surely that is optimism of an even more flimsy sort than that of President Johnson and his advisers during the 1965–68 period. President Johnson thought that 540,000 Americans plus the South Vietnamese and the other allies could win the war. He was very wrong. How can President Nixon contemplate that the South Vietnamese can win when most Americans have gone? President Johnson discovered that limited wars must have limited objectives, and military victory is not one of them.

It must be hoped that President Nixon has not succumbed to the siren's song of those mystics among U.S. policy advisers who have crooned that the Communists would sooner or later fade away. After more than 25 years of fighting, with more than a million dead, it would appear most unlikely that the Communists have any intention of fading away, especially since they continue to be supported by both Russia and Communist China.

All of this might be accepted as part of the game of American politics if it were not so potentially threatening to the very roots of our nation and our society. Each month that the Vietnamization policy proceeds, the more dangerous our predicament becomes. For every 100,000 troops we withdraw, our bargaining position with both Thieu and the Communists is that much diminished.

It is impossible to state the exact point when we will rely on Thieu more than he relies on us, but it will come. When it comes, we will be so dependent that we will have no alternative but to stay with Thieu at least until the end of his present term in September, 1971. At that time, the United States undoubtedly would support Thieu's re-election, because the process of Vietnamization would collapse if an opponent of the war should win.

It is also impossible to state at what level our military presence ceases to be a bargaining counter with the Communists. Certainly for the next several months we will still have enough troops present to bargain for a genuinely neutral government in Saigon; to bargain for an international peace-keeping force to observe a cease-fire, and to obtain guarantees that anti-Communists will not be liquidated after a settlement. But each time our troops are cut back, our bargaining position decreases.

BY 1971 IT MAY BE TOO LATE

If we want to end the war, the time to negotiate had better be 1970; next year probably will be too late. When the point is reached where the Communists are confident they can obtain on the battlefield what they can't obtain at the conference table, we will be in deep trouble. As long as they are persuaded that victory is doubtful and that another 100,000 to 200,000 Communists may die in battle, they may be interested in a political compromise; but when that point is passed, there will be no turning.

One of the most ominous aspects of the Vietnamization policy is that even after most of the U.S. combat forces are withdrawn, it is contemplated that a small U.S. force be left in Vietnam. Secretary of Defense Laird has even referred to a "residual force" to remain in South Vietnam after hostilities end, just as we continue a farce of 55,000 troops in South Korea. The sad thing about such observations by Secretary Laird and other administration spokesmen is that they assume the hostilities are going to end. How? They might end by a negotiated settlement which creates a neutral government. Most assuredly such a government would not be supported by our military defeat after we have reduced our troops to the point of no return. In either case, there will be no "residual force" in South Vietnam.

One of the great self-deceptions of recent times has been the frequent comparison of South Vietnam with Korea. Many Americans were deluded by Secretary Rusk and others into thinking that the 38th parallel in Korea and the 17th parallel in Vietnam are similar issues. They are not.

The Korean war was a clear case of military aggression across a recognized international boundary line. It was settled after many months at Panmunjom when the Communists agreed to stay on their side of the 38th parallel. In Vietnam, the 17th parallel was accepted in the Geneva Accords of 1954 as a temporary line behind which troops would regroup pending a free election to be held in 1956. The election was not held because South Vietnam's President Diem, supported by the United States, blocked it. Ever since, the Communists have been fighting to gain by force that which was denied in an election which former President Eisenhower in his memoirs acknowledged they would have won. No, there is no similarity in the two parallels. In South Korea, American troops live in relative safety; in South Vietnam, they always will be subject to attack until the war is over.

If this analysis is valid, the question must be raised as to why the President has not been more effectively challenged? There seem to be two major reasons. The first is that the Democratic Party is still in a shambles as a result of the disastrous Vietnam policy of the Johnson administration. The other is that very few of the opposition leaders have been willing to face the hard realities involved in pressing for a negotiated political settlement. Instead, the opposition leaders have been grasping for easy solutions—solutions either totally unacceptable to the Communists or unacceptable to most of the American people.

THE CHICAGO DEBATE

The closest the nation has come to a great debate on the issue of ending the Vietnam war was at the 1968 Democratic Convention at Chicago. The Kennedy and McCarthy supporters were narrowly defeated by backers of the Johnson policy. They advanced the case for starting negotiations by stopping the bombing and moving ahead to a political settlement based on the establishment of a provisional government in Saigon. President Johnson finally did stop the bombing and the talks did start. But there has been no negotiation about the formation of a new government—because both Presidents Johnson and Nixon have been committed to the continuity of Thieu and Ky.

The principal challenge to President Nixon's Vietnamization policy has been a call for complete withdrawal of U.S. forces, either at once or within a year or 18 months. This is a policy of abandonment, of leaving the anti-Communists to their fate. We would be welshing on the promises of four American Presidents that the government of South Vietnam not be established by military conquest. We would be unilaterally departing, in abject defeat, from a war which we have been running since 1965. If we followed such a course, how many of our allies would continue to trust our agreements? No matter how mistaken our original commitments may have been, no matter how tragically wrong our decision to take over command of the war, it is not surprising that a majority of the American people do not support immediate withdrawal of U.S. forces.

But most Americans do want the war to end, and they believe that gradual withdrawal will result ultimately in an end of U.S. involvement. They believe it because President Nixon has told them so. Most Democratic "doves" have been so eager for troop withdrawal, any troop withdrawal, that they have not looked into the chasm which lies ahead. They are just as responsible for the looming disaster as is the president.

President Nixon is gambling everything on the success of Vietnamization. Certainly the South Vietnamese have a much more experienced, better led, better trained and better equipped army than in 1965, when they faced certain defeat. They have been assuming a much larger share of the fighting. They also

have a stronger, more effective police force. The Thieu government has been in power long enough to learn from experience and is unquestionably better than the government of 1965. But is that good enough? Is it as disciplined, tenacious, tough and loyal as the Communist opposition? What will happen when the crunch comes—when the people of South Vietnam know that U.S. troops are down to 100,000 and will never return again?

The Communists will step up the tactics of terror, threatening those who remain loyal to Thieu with slit throats. At the same time, those who support the Communists will be promised land and better living conditions for their families. As in the past, Communist political action will probably be more effective in the mandarin village structure of South Vietnam than the methods employed by the U.S.-trained forces commanded by the Saigon generals. If this proves to be so, what will happen to the U.S. commitment for self-determination when the Communists begin to turn the tide?

What might happen is that the prediction of the Communist Chinese would come to pass. The Chinese have urged the Vietnamese Communists to fight a long war of attrition, forecasting that in time the combination of economic drain, military casualties and political dissension within the United States would bleed us to death—would result in our military defeat. If the South Vietnamese political and military structure began to collapse, it seems most unlikely that the American people would stand for another rescue operation involving increased American troops.

The more likely alternative would be for the remaining 100,000 U.S. troops to join with the South Vietnamese forces in enclaves surrounding the major cities. This might hold off the Communists awhile in a stalemated situation. However, in time, the Communists would control the entire countryside while the United States financed the survival of the cities. Gradually, as the people became aware of their encircled existence, progressive rot and corruption would set in with an inevitable atrophy of the whole structure of such government as remained.

Admittedly, this gloomy prognosis might not come to pass for four or five years. Something better might eventuate from Vietnamization, but it does seem prudent to examine the gamble the President is taking. Based on the record of overoptimism up to now, it seems wiser to anticipate the problems rather than to rest the future of our country on fragile hopes.

The better course would seem to be to start serious negotiations with the Communists about a new government in Saigon which would be based on political compromise. This would mean slowing the withdrawal of troops and moving for genuine settlement now. Of course, if we are not going to negotiate, there is no point in checking the troop withdrawal. But there shouldn't be any more playing with the question of negotiation: Either we mean to talk seriously, or we should get out of Paris.

It is still not too late. There are strong, tough South Vietnamese who are not Communists, such as Big Minh, Gen. Don and others less well known who believe that the war can be brought to settlement through negotiated compromise. It will only happen, though, if the U.S. decides to pursue a policy of negotiation instead of Vietnamization. Rather than perpetuating Thieu and Ky in power, we will have to persuade them to step aside in favor of others who can successfully form a neutral government.

The situation probably will be irreversible by 1971, but the point of no return has not yet been reached. The Communists have long claimed a willingness to negotiate a compromise settlement based on a neutral regime in Saigon. The time to test that position is now.

INTERAGENCY COMMITTEE FOR MINORITY ENTERPRISE

Mr. SAXBE. Mr. President, in March 1969, in response to a request from Secretary of Commerce Stans, an Interagency Committee for Minority Enterprise was created by the Nixon administration. Mobilization of the resources and skills of the Federal Government is vital and a major charge of the committee. The project was discussed recently by Hon. Rocco C. Siciliano, Under Secretary of Commerce, in a speech in Cleveland.

I ask unanimous consent the remarks be printed in the RECORD.

There being no objection the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF THE HONORABLE ROCCO C. SICILIANO, UNDER SECRETARY OF COMMERCE

This conference is of special significance to the Department of Commerce. You are engaged in a pilot project which affects an area of vital interest to the Department—small business.

Unfortunately, the Department of Commerce in the past was associated by some with big business and big industry. Such is not the case at all. Our constituency is all of private enterprise, big and small. All big industries had their genesis in small business. It is the hallmark of our economic system that the opportunity for growth be available to every beginning enterprise. All that really matters, of course, is that a business be viable.

While the basis for our present industrial structure is in the small beginnings of individual entrepreneurs, it is self-evident that if our economy is to maintain its unparalled growth and prosperity we must continue to provide opportunities for the ambitious, the persistent and the confident and to assist them in making their start.

In essence, this is the philosophy to which we in the Department of Commerce subscribe and it is the purpose of the program which we are implementing—a program of expanded opportunity to participants in the private enterprise system. We are convinced it will have a tremendous influence, both socially and economically on our national future. For private enterprise—capitalism if you will, is not a naughty word. It is the cornerstone of our economic system.

To achieve this purpose, President Nixon, on March 5—two months after taking office—signed an Executive Order and created the Office of Minority Business Enterprise in the Department of Commerce.

At that time, he set the goal of fostering the economic status of members of our minority groups by seeking to involve them more fully in our private enterprise system. Blacks, Mexican-Americans, Puerto Ricans, Indians, and others were to be encouraged to enter the field of business, both in the areas where they now live and in the larger commercial community—and not only as workers, important as that is, but also as managers and owners.

The Nixon Administration is unequivocally committed to a policy which assures all Americans an equal opportunity at the starting line:

By creating—in cooperation with corporate America—new business opportunities;

By finding—in cooperation with financial America—sources of venture capital; and

By identifying—in cooperation with the minority communities of America—the individual who has the ambition and the potential to become a businessman.

This obviously is not a simple task. It demands an acceleration of the evolutionary process through massive assistance by an understanding America—because while a history of entrepreneurship, with its successes and failures, is the heritage of the majority—it is a novel experience for the millions whose forebears were deprived of the opportunity to develop specialized skills.

The philosophy which guides us in defining the mission of OMBE is clear and evident. Our task is to provide an opportunity for every American who wants the chance to start his own business—who is willing to pit his ambitions and skills against the challenge of the market place—who is not afraid to risk failure—who wants only to participate in the American experience.

Identification of the basic needs and the search for their pragmatic solutions is OMBE's immediate task.

Two are paramount—one, opportunities which contain sources of continuing assistance and guidance in basic business management, and two, assurance of venture capital to enable start-up and follow-on.

Detailed study of the American business community indicates that the former can be obtained through participation in the fast expanding franchise industry or by association with corporations which grow through either independently owned or managed sales branches.

Your conference and exposition here is another important vehicle toward achieving our national objective. Here are assembled exhibits of the products and materials which major business firms seek to obtain from small businesses as subcontractors.

Importantly, you also have provided counseling to small businessmen on how to become prime contractors for the hundreds of items of supply and the specialized products which the Federal Government purchases.

Creation of opportunity for the small manufacturer and supplier is a vital factor in our over-all program.

We are convinced that one method is to create access for the minority contractor to the multi-billion dollar market created by Federal procurement. This policy makes it possible to provide marketing opportunities for the minority manufacturer and supplier, and to assist him, both technically and in management, to assure contract performance.

The mechanics for its implementation have been achieved through the organization of the Inter-Agency Committee for Minority Business Enterprise, with a special Task Force on Federal Procurement. As a result minority contract opportunities totaling $17,650,000 in the current fiscal year have been committed to date, and a $100 million goal has been set for Fiscal Year 1971.

The procurement program revolves around Section 8(a) of The Small Business Act which is regarded as the best vehicle for minority participation in government procurement since there is no competitive bidding and a cost differential is allowed.

This is how the 8(a) program operates:

The minority businessman contacts his local SBA office. He advises the SBA procurement specialist what products he is able to produce. SBA's recently expanded Business Development Office in Washington then visits the businessman's plant and makes an on-site field survey and evaluation of capacity to perform.

If the man has the capabilities to produce specific items, SBA then locates and identifies appropriate products and seeks out a federal agency buyer who wishes to buy them. SBA conducts the necessary negotiations between the manufacturer and the buying government agency before the contract is consummated.

Mr. Robert Kunzig, the Administrator of

the General Services Administration, has already committed $10 million in procurement monies to minority manufacturers. This will involve purchases of such diverse items as furniture, textile goods, toiletry products and garden tools. This represents only an initial commitment by GSA, and we are assured that more procurement money will be available when the initial amount is exhausted.

In similar efforts, the Post Office Department has committed $2.4 million to the minority procurement program and the Department of Transportation has earmarked $4.25 million. Other agencies will be following suit in the very near future. The SBA, as prime contractor for all government agencies, has set a goal of $100 million worth of commitments by July 1971.

Although our program in a measure is experimental, it is designed to develop procedures with cooperating procurement agencies and to determine the approach and techniques involved in the complex process of establishing small manufacturing concerns which, it is hoped, eventually will become independent and self-sustaining in our normal competitive environment. For the most part, these contracts represent the initial productive input for newly organized business concerns.

In many instances, the Small Business Administration (SBA) has found it necessary to furnish direct management and technical assistance to assure performance of the contract by the fledgling company, since their lack of experience makes it necessary that SBA maintain a continuous review.

Thus, we assure an opportunity for the company to obtain that vital management and technical capability which too often is lacking among minority groups and other disadvantaged persons.

We are aware that this availability of Federal business is unknown to hundreds of producers of products which the Government buys. To acquaint those unfamiliar with the scope of the Federal procurement program, the items sought and the techniques involved in getting the business, OMBE is scheduling a series of procurement conferences over the nation.

Two already have been scheduled—the first will be held on February 20 in Philadelphia and the second on March 20 in Washington, with other area centers under consideration. Representatives of the various Federal Agencies involved will explain to the thousands invited what their departments are seeking; will provide counseling; and will designate the minimum requirements for qualification. Those attending will also be fully briefed on the proper bidding procedures.

By bringing the information directly to the supplier, we hope to encourage the widest possible participation. Specifically, what we are doing is creating an opportunity through Federal contracting for a company owned and operated by members of the minority community to obtain the management experience mandatory for its continuance as a business.

The Administration is determined to open the doors of business opportunity to *all* Americans. To explain our purpose, to present our programs, and to search out and identify qualified individuals, the Secretary of Commerce, Maurice H. Stans, is currently engaged in visits to various cities over the nation.

During each of those visits, the program which I merely have highlighted today will be explained in detail to industrial and business leaders and representatives of the minority community so that all will be informed and all desiring to become involved in the opportunities for entrepreneurship developed by OMBE will have a chance to participate.

The term "jawboning" has become a popular phrase for describing a lot of talk without any action. This is not our purpose.

We know—as must all of you—that this nation cannot grow, cannot flourish, cannot achieve its destiny if the doors of opportunity remain closed to *any* of our fellow citizens.

There is no room within our democracy—no place within our system—for denying the capable and qualified from meeting the challenge of the marketplace. No one should, or shall, be frustrated in his ambition to become a full partner in our economy.

And we are confident that what we seek is no "impossible dream," but the attainable—the inevitable.

We want it to happen. It shall happen.

AFL–CIO ON THE WORLD AROUND US

Mr. DODD. Mr. President, the AFL–CIO, in recent deliberations at Bal Harbour, Fla., showed its concern over nagging crises afflicting us at home and abroad. This great American trade union organization, always cognizant of the national interest, made its views known in a series of pointed declarations.

Some received publicity at the time of presentation; others did not. Those covering the foreign field merit more consideration and reflection. I refer particularly to statements by the AFL–CIO Executive Council on the Middle East, AID, NATO, and Nigeria.

I ask unanimous consent that four statements issued by the AFL–CIO Executive Council be printed in the RECORD.

There being no objection the statements were ordered to be printed in the RECORD, as follows:

URGENT ALTERNATIVES IN MIDDLE EAST

For months, the "Big Four"—U.S., Britain, France and USSR—have been conferring on the problem of securing peace in the Middle East. The deliberations were doomed to failure the very moment they began. Two of the participants were not qualified to play the role of peacemakers.

For fourteen months, the Soviet Government has been providing the most aggressive Arab regimes with huge supplies of modern weapons for the destruction of Israel. More recently, the USSR has become the chief provider and trainer of the Arab terrorist commandos which are seeking not only to bleed Israel but also to subvert and replace the more moderate Arab governments (Jordan and Lebanon) with Nasser-type dictatorships. For years, Paris has refused to deliver to Israel planes she paid for, planes vital to the defense of her existence. More recently, the French government agreed to provide the Libyan military junta with more than a hundred of the most up to date warplanes. This armada is obviously destined for bolstering Nasser's faltering airpower.

There has been much talk about the Big Four seeking a political rather than a military solution of the Arab-Israeli conflict. The Soviets have joined such talks only to mask their unceasing efforts to feed the flames of military struggle. They have been actively encouraging the defeated Arab regimes to believe that, with the backing of the Warsaw Pact countries, they would regain through diplomatic pressures all the territory they lost in the war of June 1967. The Kremlin rulers are also interested in dragging out these deliberations in order to gain time for training more effectively the aggressive Arab forces and the terrorist commandos. In this situation, the Big Four could not possibly join hands in rallying their influence and prestige for getting the Arab and Israeli representatives to a conference table for negotiating a peaceful settlement. The bitter fruit of their labors to date has been to further Arab-Israeli armed confrontation instead of negotiation.

So far, only the U.S. government has clearly declared that peace in the Middle East "can be based only on agreement between the parties and that agreement can be achieved only through negotiations between them" (President Nixon) and that "an agreement among the powers cannot be a substitute for agreement among the parties themselves." (Secretary of State Rogers).

It actually hurts the cause of peace for our Government to persist in its futile quest for joint efforts with the USSR to achieve an equitable and durable settlement in the Middle East, since Moscow seeks only to corrode our basic position by securing piecemeal concessions at the expense of Israel—thus strengthening Nasser and his associates in their determination to prevent all direct negotiations with Israel.

In view of its experience with the Big Four negotiations to date, our government, would be well advised to seek alternative measures for promoting peace in the Middle East. Our country should now rally world opinion for having both Arabs and Israeli honor fully the cease-fire arrangements they accepted in June 1967.

Despite the courage and capacities of the Israeli fighting forces, they are at a tremendous disadvantage because of the heavy military imbalance in the Middle East. Israeli armaments lag far behind those of the Arabs. The latest count is a ratio of four to one. Only a correction of this imbalance could convince the aggressive Arab rulers that it is better to negotiate an honorable peace with Israel than risk another confrontation with her. Only the correction of this imbalance can prevent another war in the Middle East which might lead to a nuclear world conflagration. Our country's vital national interests and the best hopes for world peace demand that our government should provide Israel with planes and the other military supplies she urgently needs for self-defense and survival—especially in view of the escalation of Soviet and French arms shipments to Egypt and other belligerent Arab regimes.

The Israeli people are now spending over three million dollars a day in fighting for their self-preservation. Eighty percent of Israel's tax revenue is consumed by national defense needs. Our country should help Israel to shoulder this terrible burden imposed on her by the harsh military realities she faces. The United States has a vital political as well as moral interest in helping Israel preserve her nationhood. We must never forget that the very forces which preach and seek the destruction of Israel are the ones who are actively engaged in seeking to drive U.S. influence and all American interests out of the Middle East and subjecting this entire pivotal area to Soviet Domination. We dare not shut our eyes to the gravity of this mounting threat. Were these forces to succeed in attaining their two-fold objective, it would be an irreparable disaster for all the peoples in the Middle East—Arabs and Israeli alike—and a catastrophe for world peace, human and social progress.

NO DISMEMBERMENT OF AID

Within the last two years there has been developing in our country a determined opposition to our nation's overseas assistance program. The latest foreign assistance appropriation by Congress amounts to $1.8 billion which is $800 million below the far from adequate request by President Nixon and only 0.33 percent of our gross national product. While other countries have been increasing their contributions, the U.S. share has been declining and has dropped to eighth place among the donor countries. Scarcely a place of honor for the wealthiest nation with the most powerful economy!

This development is a distressing manifestation of the growing neo-isolationist tendency in our country, towards running away from world responsibilities. If continued, this emerging shift in foreign policy is bound to curtail further the already inadequate assistance to the developing nations and harm the prospects for world peace.

The AFL–CIO warns against this trend as harmful to the best interests of the American people. We view with deep concern the desperate needs of the two-thirds of humanity who are poor. Our nation's prosperity cannot have a lasting foundation in a world plagued by massive poverty.

President Nixon's correct insistence "that other nations must play a role" must never serve as an excuse for our own country disengaging and retreating from world responsibility. Similarly, the talk about channelling more American aid through international institutions should never serve as a screen for hiding the efforts of those who would dismantle our country's increasingly effective foreign aid machinery. Whether an assistance program is to be bi-lateral or multi-lateral should be decided in each instance solely on comparative merits.

The Executive Council reaffirms its vigorous opposition to all moves, under whatever guise, to weaken or eliminate the Agency for International Development by "re-structuring" it in any manner which would tend to deprive it of its vital functions. Every agency of our government should be under constant scrutiny. There is, however, a vast difference between scrutinizing for improvement and scuttling an agency which has made so many valuable contributions to the development of self-help and economic growth among the poorer nations.

We hope that the Presidential Task Force, headed by Rudolph Peterson, former president of the Bank of America, will not yield to the various isolationist pressures and will come forward with recommendations commensurate with our country's world responsibilities. The two-year authorization period, granted the Agency for International Development for the first time, should be utilized for strengthening rather than strangling it.

It is high time to realize that the mere transfer of capital, whether it be public or private, no matter how much the latter is governmentally protected against risks, and an increase in the GNP will not by themselves overcome the standard of living gap among the nations of the world. A cardinal need of all developing nations is the fostering of education, self-help and self-reliance through responsible voluntary agencies. Unless this need is met, the technical know-how made available to them cannot serve adequately for their achievement of viable economies with decent conditions of work and equitable standards of living. More consideration should, therefore, be given to individual human beings, social institutions, and a fair distribution of wealth than to raising the GNP as such.

Whether in Latin America, Africa, or Asia, there is among the developing nations an overriding need for a literate, skilled, and healthy work force—in addition to capable technicians, able managers, and sound intellectuals. Recognition of this need must be paramount if there is to be any sound investment in the development of human resources. Hence, the great importance of responsible effective free trade unions in nation-building.

In this connection, the positive contributions made to date, despite rather limited resources, by the American Institute for Free Labor Development, the African-American Labor Center, and the Asian-American Free Labor Institute, show the way to solid progress in developing the human resources without which there can be no elimination of the perilous economic and social gap among the nations of the world.

There can be no truly "rational division of labor in the Hemisphere" (Western or Eastern) when such division undermines the living standards in the poorer countries. Combining false and harmful policies with preferential tariffs and similar incentives will serve to expand the profits of the few rather than eliminate the poverty of the many, though it might stimulate the spread of multi-national conglomerates.

It is important to note that there is also a gap within the developing countries—between the privileged few and the impoverished great mass of the people. The development of International fair labor standards is, therefore, the indispensable first requirement for overcoming the poverty gap. Low purchasing power for the great mass of people does not spell sound economic progress anywhere. American interests establishing runaway plants in lower wage countries are not helping to overcome the poverty gap but only perpetuating unacceptable living standards in the poorer countries.

The living standards of the lower-paid workers in any country will never be raised by lowering the wage scale of the higher paid workers in other countries. The prosperity of our nation's economy can be helped by the higher and not by the lower purchasing power of other lands.

The Executive Council reaffirms the position taken by the Eighth Constitutional Convention of the AFL–CIO declaring that "continuous progress towards narrowing this gap is essential to mankind's peaceful achievement of social progress and maintenance of world peace. To help the realization of this goal is not only our responsibility but also our great opportunity."

NATO—Shield of Peace and Freedom

Twenty years ago, the United States took the initiative in establishing NATO in order to block the Soviet Union from extending its control over the entire European continent. Our nation did this because two world wars had taught us that American national security is dependent upon a Europe free from the hegemony of a single power.

NATO has succeeded in keeping the peace in Europe and preserving the freedom of our European allies. It has served as an effective obstacle to a third world war and has thus assured the Western nations two decades of unparalleled progress and prosperity.

Throughout these years, the United States has been the backbone of the Atlantic Alliance. America's commitment to defend Europe has given our allies security and enabled them to withstand Moscow's threats, attempts at intimidation and ultimatums. The U.S. has backed its commitment fully. The most visible and convincing proof of our determination to honor our pledge has been the stationing of U.S. troops on European soil, mainly in West Germany. Friend and foe realize that any aggression against West Europe would at once bring American forces into battle—with all the consequences this would have for the aggressor. The presence of a substantial number of American troops has, therefore, served as a reassurance to our allies and a warning to our enemies.

This cornerstone of the Atlantic Alliance is now in danger of being undermined by the demand for a speedy and major withdrawal of American forces from Europe—a demand expressed in the resolution submitted by Senator Mansfield.

The AFL–CIO Executive Council views this proposal with great concern. It regards a drastic cut in American troop strength in Europe at the present time as a grave threat to the security of the United States, the freedom of Europe and the peace of the world. We consider the assumptions underlying the Mansfield resolution as unrealistic and fallacious. Its main assumption is that the Soviet Union no longer harbors expansionist designs in Europe. Unfortunately, all available evidence points to the contrary.

As witnessed by the international conference of Communist parties held last June in Moscow, and by the WFTU Congress held last October in Budapest, the Kremlin has stepped up its subversive campaign against the West European countries; it lends increased support to the efforts of the French and other Communist parties to gain power; it seeks to penetrate—and not without success—mass organizations in West Germany such as trade unions, student movements and church groups.

On the diplomatic field, it attempts to exploit the new Ostpolitik of the Brandt government, not only for winning recognition of its World War II conquests, but also to weaken the freedom of West Berlin and loosen the ties binding the Federal Republic to the West and especially NATO. Likewise, the main purpose of the so-called conference on European security, ardently sought by the Soviet government, is the consolidation of Moscow's East European conquests and the dismantlement of NATO. This continues to be the over-riding preoccupation of the Soviets.

Moscow has ordered a worldwide mobilization of all its front organizations to promote this objective. At the October 1969 WFTU Congress, Shelepin, former political police chief and now head of the Soviet "trade unions", proposed that this world body wage a carefully prepared, step by step, campaign to lure the free trade unions of Western Europe to join with the Communist-controlled labor organizations in a conference to consider the "security of the continent."

This political drive has been accompanied by the continuous buildup of Soviet military power. To the disadvantage of NATO, Moscow's strategic position has considerably improved in recent years. With the occupation of Czechoslovakia, Russian troops are now stationed at the Czech-German border. The presence of strong Soviet naval forces in the Mediterranean threatens the Southern flank of NATO and endangers oil supplies for West European countries. And the integration of Moscow Pact troops under Soviet control has been further advanced.

A second fallacy in the Mansfield resolution is the belief that a U.S. troop cutback would bring about a lessening of tension in the heart of Europe. Actually, such a unilateral move would have the opposite effect. The NATO member states have repeatedly called upon the Soviet Union to negotiate with them a mutual and balanced reduction in the armed forces confronting each other. The Soviet government has ignored this appeal. Moscow expects large numbers of U.S. troops to leave Europe without the Soviets having to reciprocate. It is clear that our unilateral action will dim the chances for an agreement with the Soviet Union on a similar cutback in Warsaw pact forces.

A third fallacy is the assumption that U.S. troops could be easily replaced by European forces and that, therefore, an American withdrawal would have no dangerous consequences. It is true that our European allies have not kept fully their promises regarding conventional arms. While we should press for the fulfillment of their commitments, we must realize that this situation cannot be remedied overnight. Even if it were possible to replace, reasonably soon, U.S. troops by European forces, this would not repair the damage caused by a major American cutback. Such a cutback would be widely interpreted as a sign of disinterest in a disengagement from Europe—as a return to isolationism. The Mansfield resolution has already caused dismay and apprehension among our Euro-

pean allies. Its adoption and implementation would, in all probability, encourage and facilitate the Soviet Union to step up its pressure and blackmail tactics in the hope of frightening the countries of West Europe into submission.

Confronted with a much smaller number of American troops, the Soviets might even be emboldened to commit aggressive acts. In such a case, the United States would be left with a choice only between accepting capitulation or risking nuclear war in order to assure Europe's and, finally, our own survival as a free nation.

A fourth fallacy is the assumption that improved transport facilities would enable American combat units to return speedily to Europe in the event of an emergency. However, this argument does not take into account the danger of planes being intercepted; it underrates the time factor and ignores the possibility that a Soviet massive blitz attack might destroy all landing places in allied hands.

Senator Mansfield and other sponsors of his resolution have mainly adduced financial grounds in arguing for a reduced U.S. military establishment in Europe. They maintain that our European allies can well afford to make a greater contribution to their defense needs. For years, the AFL–CIO has been calling for a more fair sharing of NATO expenditures. We now urge our government to step up its efforts to secure more equitable arrangements. Our government should seek an agreement under which NATO costs would be financed through a joint budget. This would facilitate a just solution of this crucial problem and serve the best interests of all concerned.

Finally, we should not forget that we have commitments to our European allies not only under NATO. When we urged them to sign the Non-Proliferation Treaty we assumed an additional moral responsibility for their defense. Any substantial reduction in our armed forces now might be regarded as a betrayal of their trust in us. Compared with 1962, there are today almost 100,000 fewer U.S. soldiers in Europe. Any further major reduction would weaken our military presence to such an extent that the credibility of our commitment might be seriously questioned.

For these reasons, the Executive Council of the AFL–CIO calls upon the Administration to maintain an adequate level of U.S. troop strength in Europe as long as the Soviet threat persists and an agreement on a reciprocal and balanced troop withdrawal has not been concluded with the U.S.S.R.

NIGERIA

Now that the tragic war in Nigeria is over, maximum speedy aid to the victims of the war is most urgent. At the same time, it is vital to reinforce Nigerian national unity through massive programs of rehabilitation and reconstruction of the war-torn country.

These objectives merit the full support of our government and every sector of our nation. We, of American labor, pledge to assist these efforts in cooperation with the free trade union movement in Nigeria—the United Labour Congress of Nigeria.

The AFL–CIO Executive Council calls upon our government and the American people to channel all assistance to the Nigerian people through the legitimate recognized national institutions of the country.

It is, therefore, most important that our country help counteract and overcome the costly consequences of the war by providing all-out economic and social assistance to the people of Nigeria to be distributed equitably and speedily. In this way, we will not only bring effective aid to needy people but also strengthen the forces of Nigerian national unity and democracy.

NEW AIRPORT PROGRAM MUST INCLUDE TERMINALS

Mr. RANDOLPH. Mr. President, several of our colleagues are participating in a conference concerning H.R. 14465, the Aviation Facilities Expansion Act. I recognize that the conferees have before them a number of difficult issues to resolve. I believe it is incumbent on me to speak to one of those issues.

The purpose of my comment today is to be assured that the conferees on that important legislation bear in mind the very firm position of the Senate with respect to assistance for public facilities in airport terminals. The strength of this body's approbation of such assistance was underscored by a vote of 69 to 20, rejecting elimination of the terminal aid provision.

The Congress took a wise step in 1961 when it eliminated from the Federal aid-airport program the eligibility of funds for terminal areas. At that time, available funds were severely limited and were urgently needed to improve safety through airfield construction. In addition, the appropriations were made from the general funds of the Treasury. The situation today, however, is altogether different. Now all the money for airport needs will be coming from a user-supported trust fund and not from the general taxpayer.

All of us know how serious is the problem of congestion at many of our airports. With the increasing use of air transportation the congestion will become ever more severe. We will be misleading the public—yes, defrauding them—if we let them believe that the new airport program will be a solution to congestion while at the same time we withhold funds from critical terminal construction projects.

Under the terms of H.R. 14465, some of the funds are earmarked for each airport location. There exist today situations in which there is no need for more runway or other airfield construction, but an immediate need for terminal funds. It would be a shameful waste of money not to provide such locations the money to which they are entitled, simply because their need is for terminals and not for runways.

PARAMEDICAL COURSE A CARDOZO SUCCESS

Mr. YARBOROUGH. Mr. President, the Health Training Improvement Act of 1970, which I introduced last week, extends and improves the Allied Health Professions Personnel Training Act of 1966, as amended. I am convinced that passage of the bill will greatly enhance the existing program. One amendment in particular holds a great deal of promise for our economically disadvantaged. This amendment would provide grants to help identify individuals of financial, educational, or cultural need with a potential for education or training in the allied health fields. These funds could also be used to encourage such individuals where appropriate to complete secondary school, undertake postsecondary training in the allied health professions or publicize existing sources of financial aid to undertake training or education in the allied health professions.

The need for this section of the bill became very evident when I came across an item in the Washington Evening Star of March 9, 1970, which indicated very vividly that when given an opportunity the economically disadvantaged will respond. The article discusses how 29 hard-core unemployed, underemployed, or welfare recipients received training in an 11-month paramedical course given by the Community Group Health Foundation, Inc., with financial assistance from the Office of Economic Opportunity and ended up with $4,900-a-year GS–3 positions.

Mr. President, I was much impressed with the article in question and would commend it to the Senate. For the benefit of those who missed it, I ask unanimous consent to have printed in the RECORD the article entitled "Paramedical Course a Cardozo Success," published in the Evening Star of March 9, 1970.

There being no objection the article was ordered to be printed in the RECORD, as follows:

PARAMEDICAL COURSE A CARDOZA SUCCESS—29 ARE GRADUATED

The graduates passed no written exams, there were no grade sheets and there was no valedictorian. And instead of white gowns and mortar boards, the graduates wore blue hospital uniforms.

But then, it's not every day that hard-core unemployed, underemployed or welfare recipients get a degree. But that's what happened yesterday afternoon when commencement exercises were held for 29 Upper Cardozo residents who graduated from an 11-month paramedical training course.

The training program was given by Community Group Health Foundation, Inc., at 14th Street and Park Road NW, a community medical and dental center.

A $1.5 MILLION GRANT

The clinic started more than a year ago with five people, a $1.5 million grant from the Office of Economic Opportunity, and an idea—to give useful jobs to the hard-core unemployed. In April the clinic advertised for community residents who were interested in being trained as medical aides and technicians. The only qualification required was that the trainee present evidence that he or she was disadvantaged—underemployed, unemployed or on welfare.

The office was inundated with 250 responses. "I guess that's evidence of the size of the need for a program like this in this neighborhood," Dr. James D. Shepperd Jr. commented. Shepperd, the director of the project, said 42 applicants were selected.

The average age of the trainees was 29, and their average schooling was Grade 10—although one was a qualified nurse and one man partially qualified as a physician.

During the course, the students were paid $2 an hour for training as health workers, laboratory technicians, dental assistants or clerks.

"It was an idea whose time had come. It resulted from a community's desire to do something for itself—to give something to the community and do for itself," one enthusiastic community resident said.

Freedmens Hospital and the College of Medicine at Howard University were among area participants in the training project, along with Change, Inc., and Group Health Association.

Dr. Shepperd admitted that relations with

OEO were not always cordial: "We caught a little hell now and then," he said. But in spite of critics, mistakes and program changes, the project managed to continue, dropping 13 trainees along the way for a variety of reasons ranging from personal problems to better job offers.

"It took dedication for them to carry through," Shepperd said of the 29 graduates. "And commitment and will to make a success."

GET GS-3 JOBS

The project's first graduating class walked down the aisle to receive their certificates to the strains of Mendelssohn's "War March of the Priests." Their graduation was based on approval by clinic personnel, and they were not required to pass written exams, nor were they given grade sheets.

As they proudly accepted their diplomas yesterday in the basement of the Shrine of the Sacred Heart Church, 16th Street and Park Road NW., the paramedical graduates walked off the welfare rolls and into $4,900-a-year GS-3 positions.

The medical clinic's project—which now handles 80 patients a day—has recently been refunded with $1.8 million OEO grant, Shepperd said.

"It's been one of the more successful of OEO projects, and it's been a big success," he reflected. "We've just had an increase in money and we'll continue for at least another two years."

THE BUSINESS OF A UNIVERSITY

Mr. SAXBE. Mr. President, one of the more lucid articles I have read in a long time appeared in Sunday's New York Times Magazine. Its title is "What Business Is a University In?" and it was written by Mr. Irving Kristol, coeditor of the Public Interest and Henry Luce, Professor of Urban Values at New York University. Because the article is about a timely topic, I ask unanimous consent that it be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

WHAT BUSINESS IS A UNIVERSITY IN?

(By Irving Kristol)

The American nation today—especially the most educated part of it—seems to be even more confused than usual. On practically every campus of this country, learned professors are vociferously demanding the prohibition of cyclamates or DDT or whatever—while in the same breath arguing for the legalization of marijuana or hashish or whatever. Similarly, most professors and college administrators have concluded that they have neither the obligation nor the capacity to supervise the sexual habits or elevate the moral characters of their students—but they appear to have concluded simultaneously that they do have the obligation and capacity to solve our urban problems, conduct American foreign policy, reshape the American economy and perfect the American national character. They will abolish violence from American life—but they will stoically tolerate it on the campus rather than take "repressive" action. They will protect their students from air pollution—but not from veneral disease, drug addiction, pregnancy or psychedelic psychosis. Never has one had better cause to appreciate the cogency of William F. Buckley's observation that he would rather be governed by the first 2,000 names in the Boston telephone directory than by the Harvard faculty.

It is a familiar sociological phenomenon that, when an institution no longer knows what it is doing, it starts trying to do everything. The loss of genuine purpose is invariably accompanied by the lust for a dozen pseudo purposes. It would be a truly revolutionary event if the administration and faculty of one of our major universities were to meet in solemn conclave and then announce to the world: "Look, let's face it. We don't know what in hell to do with the money you give us or the young people you send us. Our traditional procedures and practices are obviously no longer relevant to the present situation. The reforms we have introduced in recent years seem not to have made much difference—except, perhaps, for the worse. We're not even sure whose fault it is: ours, the students' or the world's. But we are, at this moment in time, a losing proposition. We are therefore disbanding for a year and are going home to think things over."

One need not be a prophet to know that this scenario is a highly improbable one. What is more likely is that such a conclave would abolish all surviving parletal rules, all required courses and all grades—while declaring its intention of using its collective intelligence in order to save our cities. Should anyone chance to wonder aloud whether the university indeed possessed a "collective intelligence" suitable for this purpose, he would be dismissed as a frivolous heckler.

And yet, this very question, as to whether a university possesses something that can be called a "collective intelligence," and if it does what the range of such intelligence is, is really at the heart of the matter. For the idea of "corporate responsibility"—the idea that "the university" must act so as to solve our social problems—makes no sense without it.

Now, if I may somewhat simplify a complicated matter, an institution can be said to have a corporate responsibility to the extent that (a) its actions reflect the consent, active or passive, of the majority of its members; (b) it is organized in such a way as to make collective decisions and take collective actions, and (c) its decisions are, in some way and to some degree, a constraint upon its members. It follows that an individual, when he elect to join such an institution, accepts responsibility for its actions and decisions—accepts responsibility for them as a whole, and regardless of his disagreement with particular ones. Particular disagreements are inevitable, of course, but they are irrelevant to the question of general responsibility.

Is a university this kind of institution? I think one has to reply—yes, it is: but only to a trifling degree and only in a limited area. The degree has to do with the extent to which the university is something more than—or, if you prefer, less than—a community of scholars (more precisely, a community of teaching scholars).

The ideal of "a community of scholars" is still very much alive—at least the phrase is still used. No doubt the reality frequently falls far short of the ideal. But I believe that it is an authentic ideal, sincerely celebrated for the most part, and actually in existence here and there. What is puzzling, however, is that the very same people who say the university is a community of scholars will also assert that the university has a collective and corporate responsibility for rebuilding our cities, ending the war in Vietnam and solving our racial crisis. These two notions would appear to be—I should say they are—totally incompatible.

In a community of scholars, there may be *individual scholars* who wish—some because they sense that their expert knowledge would be useful, some others because their conception of the good citizen prescribes it, and still others because they are simply bored with their work—to get involved in public affairs. Such an action, by an individual scholar, poses no intellectual problem. It has always been assumed, since the birth of the university in the Middle Ages, that a scholar had a right *not* to get involved with worldly matters, if that was his choice. In the past century, the struggle for what was called "academic freedom"—a struggle that has been largely, if not entirely, successful—has given the scholar the positive right to get involved, if he does wish to. The number of scholars who have exercised this right, during this past decade, is larger than ever before in our history. I need only mention the names of Daniel Patrick Moynihan, John Kenneth Galbraith, Henry Kissinger, Arthur Burns, W. W. Rostow and Arthur Schlesinger.

But I do not see how a "community of scholars" can *collectively* and *institutionally* decide either to abstain from politics or to participate in politics in a particular fashion. That kind of decision-making is precisely what a "community of scholars" is incapable of, if it is to remain true to its self-definition. For, in order to make such decisions, it would have to become a *political community*—which is to say that *power* would be the focus of organization. A leadership would have to be instituted; modes of selecting this leadership would have to be established; formal channels of communication between leaders and members would have to be defined; a system of judicial restraint, constraints and punishments would have to be erected; an administrative hierarchy would be needed to carry out the decisions—and so on and so on.

We all know what such collectivities—whether they be in the public sector or the private, whether their intentions be philanthropic or mercenary—are like. They are *organizations*. And whatever the difficulties inherent in giving substance to the idea of a "community of scholars," I know of no one who ever argued that these difficulties could be overcome by transforming the academic community into an academic organization, and by converting scholars into organization men.

To be sure, there are many people these days—mainly younger people, both students and faculty—who criticize the very ideal of a "community of scholars" as being antiquated and, in the light of our present condition, even reactionary. These younger people are moved by an urgent sense of crisis—and this is to their credit, because the crisis we are living through is real enough and urgent enough. And it seems to them an act of flagrant irresponsibility for the intelligent and learned men in our universities not to be contributing to the solution of this crisis. An understandable sentiment—but, I fear, an invalid one, in that it is based on profound misconceptions of the nature of the social sciences and of the relationship between theory and practice in the realm of human affairs.

My meaning, stated bluntly, is this: There is no reason to think—there is not the slightest shred of evidence—that the organized, collective intelligence of professors has anything whatsoever to contribute to the solving of our social, economic, political or moral problems.

In this respect, the social sciences differ radically from the physical sciences. In the latter, the whole is very often greater than the sum of its parts—a team of scientists, organized for joint endeavor, is capable of achieving things that no single scientist, however brilliant, can hope to accomplish. (For instance, it can build an atom bomb.) I suspect that this analogy is in the minds of those who would have sociologists, economists, philosophers, historians, even professors of English unite for benign social purposes. But the analogy, for better or worse, is false. I know of no organized enterprise in the social sciences—no research project, no experiment—that has been notably creative. On the contrary: it is the work of individual scholars that represents the major contributions, while the organized teams usually contend themselves with exploring the significance and implications of *his* work.

Governments and other political authorities, to be sure, when they consult social sci-

entists, always try to consult with a group rather than with an individual. But this is for reasons political, not scientific; it is an effort to diffuse responsibility rather than achieve truth. There is no reason whatsoever to think that the Council of Economic Advisers, for instance, is more likely to be right, in its analysis and predictions, than any individual economist. And it is very easy to find many instances where it has been wrong. Similarly, there is no reason to think that 10 criminologists, or demographers, or housing experts, working together, are more likely to achieve a correct understanding of a social problem than would one of them, working alone. Indeed, anyone who has ever participated in a meeting of such experts has soon realized that original creative thinking does not easily survive the press of conflicting opinions.

Why the social sciences should differ from the physical sciences in this way, I leave it to the philosophers of knowledge to explain. That they *do* differ is, I submit, a fact. Yet, oddly enough, this is a fact that many social scientists themselves find incredible. In college after college, in this country today, members of departments of sociology, anthropology, economics, etc., are insisting that it is incumbent upon them—not only as a possible moral obligation for the individual but as a necessary political obligation for the group—to "get involved in solving our social problems."

Perhaps the explanation has something to do with the fact that the population explosion in our universities has brought on to campus a great many professors who have little interest in, or talent for, scholarship, but who simultaneously feel that the mere possession of a Ph.D. gives them a title to political and moral authority that society insufficiently respects. Perhaps there are other and truer explanations. One wouldn't mind seeing *this* problem studied—though I wouldn't recommend that anyone hold his breath until it is.

A second misconception involves the relation of social theory to political practice. It is not merely that conflicting *interests* make it difficult to act according to a persuasive piece of social or economic analysis—though this is true enough, and certainly not unimportant. What is even more serious is that social problems usually reflect conflicts of *values*—between different sections of the populations, of course, but also *within* the hearts and minds of the majority of individuals who compose the entire community.

The reason politics is such a difficult art is less that people are insufficiently enlightened and more that it is in the nature of human beings to want incompatible things at the same time. We want to diminish air pollution, but we are not willing to stop driving automobiles. We want less noise in the skies, even as we fly on faster jets. We want low-cost housing for poor people but, once we have seen it, we decide that what we really need is *expensive* low-cost housing for poor people—with no increase in taxes, naturally. And so on, and on, and on—the catalogue is endless.

It is because our social problems are of this nature that the prime political virtue is, not theoretical rectitude, but practical sagacity (what the ancients used to call "prudence"). This is not an academic virtue; indeed, where it exists it can be an academic weakness. We want our social theorists to be bold and keen and unconstrained in the use they make of their imaginative and analytical powers. And it is precisely because we want this that we must look askance at the proposition that academic men ought, as a species, to get involved in the management of our society.

I have mentioned that there is a sense in which the university, as an institution, *does* have a corporate responsibility—but that this is so only to a trifling degree and in a limited area. No university is merely a "community of scholars." In order for such a community to exist and survive, it needs to be buttressed by an organizational component, by an administration which manages money and real estate and employes and relations with the world outside. Such organization and administration do indeed imply responsibilities. More precisely, they imply a responsibility—the responsibility to be reasonable with regard to the interests and sensibilities of other organizations and other people. And I don't think they imply anything more than that.

For example, a university that has a building program has the same responsibility as a business corporation or a government agency to see to it that injurious consequences to residents of the neighborhood are minimized if they cannot be entirely avoided. I do not think its responsibility is *more* than this. I certainly do not think that the university has the responsibility to create a "model" neighborhood or a "model" environment around it. For one thing, such a "model" reflects a man's personal values, not his academic knowledge. Nor can academic knowledge itself tell us how to translate a model into a reality—otherwise, philosophers would indeed have the divine right to be kings! Moreover, no one has given the university the authority to impose its notions of a "good" neighborhood or a "healthy" environment upon its environs. To assume such authority, therefore, would be an illicit usurpation of power. One might even call it "impudent," were that word still in good standing.

Similarly, the university has the obligation to invest its money to achieve the highest return, yet in such a way as not to offend the sensibilities of the academic community that resides within the university's organizational shell. If the members of this community feel it improper for such funds to be invested in, say, South African securities, then a reasonable administration will respect these sensibilities and avoid such investments.

On the other hand, an administration should pay no attention to those who insist that it select its investments mainly for the beneficent social consequences they will have. No one knows which investments have such consequences. After all, an investment in today's low-cost housing may mean an investment in tomorrow's outrageous slum—and the benevolent university might find itself in the position of actually being a malevolent "slumlord."

In addition, of course, there are acts of pure philanthropy that a well-heeled institution ought to perform out of a sense of *noblesse oblige*. It would be both nice and proper if Harvard established and supported a free private school in the slums of Roxbury. On the other, I am appalled at suggestions that Harvard devote its resources to "solving the problems of ghetto education."

There are no grounds for thinking that Harvard's faculty members—even if they be in the School of Education—are any better at solving the problems of ghetto education than anyone else. (At the moment, indeed, the Harvard faculty would seem to have its hands full trying to solve the problems of Harvard education.) Yes, of course, there are individual scholars at Harvard who know a great deal about ghetto education. There are also scholars at Harvard who know a great deal about the sociology of the family, but that doesn't mean they'd necessarily make good marriage counselors. It only means their books ought to be read by marriage counselors.

Activities of the kind I have mentioned seem to me pretty much to exhaust the question of the university's corporate responsibilities to the community at large. There are, to be sure, a whole series of borderline cases. Should the university accept Government contracts for research? I see no way of giving an a priori answer to this question. If such contracts and such research fit into its educational program, I see no reason why a university shouldn't accept them—if it wants to. I don't see that it has any *obligation* to accept them. The Government can always get such research done outside the university, if it has to. And in this connection, I see no difference in principle in research for the Department of Agriculture and research for the Department of Defense. What counts is the way such research fits into the *educational* program of the university. It ought to go without saying that, if it has no relevance to education, then it has no place in the university.

The question—now agitating many minds—as to whether a university should take a position on the Vietnam war or some other controversial issue of the day strikes me as being simply beneath discussion. If critics of the Vietnam war can get an overwhelming majority of the faculty to sign an *ad hoc* statement in opposition to the war, why should they then insist that the university senate *officially* subscribe to such statement? Such official action only makes sense if it in some way binds the dissenting minority. Since it does nothing of the sort, its only meaning is the expectation that it might intimidate this minority into silence—through fear, through shame, through embarrassment. This is as neat a definition of McCarthyism as one can find. And, in truth, the present demand that the university, by a majority vote, take a stand on such political issues is nothing but an expression of McCarthyism from the Left. I repeat: it is *nothing* but that—no matter how many ingenious rationalizations are provided and no matter how self-righteous the proponents.

I do not wish to end on a negative note. I am aware that I have mainly been arguing what the responsibility of the university is not. Let me therefore propose a positive thought. The university does indeed have one major collective responsibility which it has been shamefully neglecting; this is its responsibility for education.

We are all of us aware that university education in the United States today is an utter shambles. We have all seen bright, young high-school graduates move on to our college campuses and, after only a relatively short period, display a feebler intellect, a less cultivated sensibility and a greater vulgarity of soul than either God or their parents bequeathed to them. I have a son who is now preparing to enter college and, frankly, I am heartsick at the thought that this young man—who may be a budding scholar—is going to have to live through four years at one of our institutions of higher learning. Other parents, I know, are similarly perplexed and distressed at the prospect of plunging their children into the psychedelic phantasmagoria of campus life, where the college chaplain is more likely to have faith in encounter therapy than in a mere deity.

Now, I know that this is a fearfully difficult situation. The university today must cope with a large, heterogeneous student body. It must confront a "counterculture" that often renders young minds impervious to the very idea of education. It must take into account the proliferation of scientific, social-scientific and quasi-scientific disciplines, and of the decay of the traditional conception of a curriculum. It must satisfy the demands of high-minded students, professionally minded students, vocationally-minded students and students who go to college with no ulterior—or even discernible—motive whatsoever.

All of this, and other things too, make for crisis and disarray. The faculty and administration of our universities cannot fairly be blamed for creating or provoking this crisis—

though they often are so blamed, the human penchant for scapegoating being as powerful as it is. But they *can* be blamed for the pitiful inadequacy of their response. Why, one wonders, are practically all campus newspapers in the hands of the extreme left? Why are the student unions and student funds controlled by militant minorities? Why don't the administration and the faculty demand a student referendum on these matters—with compulsory voting, if that is needed to make student elections meaningful? The reason, I suspect, is that they fear the left would lose—and would then be even more troublesome than it is. So, fearful of democracy, they try bribery, with predictable results.

And where, one may ask, are the philosophies of education appropriate to our new condition? Where are even the intellectual controversies over the nature and function of higher education? Where are the bold definitions and redefinitions of the purpose of the curriculum? Where are the fine distinctions among the different kinds of education suitable for different kinds of students?

They are nowhere, so fas as I can see, though scholars are supposed to be good at precisely this sort of thing. Instead, we have endless committee meetings that result in a mindless shuffling and reshuffling of bits and pieces of the educational structure—together with an amiable willingness to label *anything* as education if that will only buy some temporary peace on the campus.

The collective responsibility of the university is education. That is its original mission, that is its original purpose, that is the only thing it can claim expertise or authority for. To return to this original purpose, with renewed seriousness, would be an action at once radical and constructive.

KEN KEATING, A GREAT AMBASSADOR

Mr. PROXMIRE. Mr. President, today's New York Times contains an article entitled "Indians Warm to Keating's Style," written by Sydney H. Schanberg, about our friend and former colleague Kenneth Keating, who is now Ambassador to India.

There are many from the school, who believe that the State Department and American embassies should be run on the model of an outdated British diplomacy, who deplore the appointment of noncareer ambassadors.

Ken Keating's stewardship in New Delhi is the complete rebuttal to that rather old fashioned and stuffy point of view. He exemplifies the very best in the tradition that noncareer appointees make the very best ambassadors. And no country has had a more distinguished list of such ambassadors than has India—John Sherman Cooper, John Kenneth Galbraith, Chester Bowles, and now Ken Keating.

Ken Keating is exactly what the job calls for. He is a genuine friend of the Indians. He represents the very best in American public life. And he is a warm, ebullient, outgoing Ambassador who gives the job the extra dimension which is needed; namely, not only a representative from Government to Government, but a representative from the people of the United States to the people of India.

His methods may not always endear themselves to the hidebound, traditional, career hands of the Department of State. But I can say without question that his friends and colleagues in the U.S. Senate believe that Ken Keating's methods exemplify everything that is best in the relationship both between countries and between peoples.

As a House Member for 12 years, as a U.S. Senator for 6 years, as a justice of the New York State Court of Appeals, as a warm human being, and as a man with a quick and responsive sense of humor, he embodies all those qualities which make a good Ambassador, a good citizen, and a good man.

We need more like him.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 23, 1970]

INDIANS WARM TO KEATING'S STYLE

(By Sydney H. Schanberg)

NEW DELHI, March 22.—Threeeeeep! Threeeeeep! Threeeeeep! Threeeeeep! a shrill call pierces the quiet of New Delhi's lengthening dusk. Is it the hoopoe bird calling to its mate or the white-cheeked bulbul practicing its song?

Not even close. It's Kenneth B. Keating, the United States Ambassador to India, calling his 50 guests to dinner—with a police whistle.

The whistle is only one of many unorthodox touches Mr. Keating has brought to diplomatic life here, and while traditionalists in his embassy wince, the 69-year-old former Republican Senator and judge from Rochester, N.Y., is charming the Indians and having a good time doing it.

Even his recent no-nonsense criticism of the Indian Government's decision to close down five American cultural centers has not dampened the warmth Indian officials feel for him.

"We consider him a friend, beyond question," an official at the External Affairs Ministry says in a typical comment, "a warm, congenial, open-minded, open-hearted man. They couldn't have made a better choice."

Which is a long way from the somewhat disappointed remarks the Indians were making when Mr. Keating replaced Chester Bowles nearly nine months ago and when they had the impression that he was a relatively unknown, relatively undistinguished politician who had no particular influence with the President.

Mr. Keating—who looks like central casting's idea of the perfect ambassador, with his elegant shock of white hair and his pipe and boutonniere—had spent those nine months barnstorming around the country in the embassy's two-engine Convair, shaking hands, waving at crowds, making speeches, holding news conferences.

He makes no apologies about being a political animal. On the contrary, he revels in it.

When he was planning a trip to volatile Calcutta some time ago, he heard that the Communists were preparing to greet him with a "black-flag" protest demonstration over the Vietnam war. The Ambassador stuffed a black silk handkerchief into his pocket to wave back at the black flags, but the demonstration never materialized, and he said later, only half-joking, that he was "a little disappointed."

There was one angry man in the Calcutta crowd, however, who kept screaming: "Yankee yellow dog—go home!" Though the Ambassador waved good-naturedly at him, the police hauled him in. Mr. Keating got him out the next day with a letter to the authorities arguing that "he incited no one" and that dissent was "the right of every man."

In similar style a month later, while introducing the Apollo 11 astronauts to a huge Bombay crowd, he decided to add the words "Jai America!" (Hail America!) to the "Jai Hind!" (Hail India!), which is the usual ending of patriotic speeches here. The crowd roared its approval.

"My staff didn't like the idea," Mr. Keating said, "but the crowd voted against the staff. So the old ham had to play up to the crowd."

SOME VOICE RESERVATIONS

Some career Foreign Service officers at the 550-man embassy frown at the Ambassador's flamboyant methods.

They contend he spends too much time "still running for office" and "seeing how many inches he got in the local papers" and too little time on important policy matters—such as how to put the diminishing aid money to the best use here and how to persuade Congress to stop diminishing it.

"He's not interested in Indian sociology or the dynamics of a developing agricultural society under stress," said a critic. "He's status quo conscious—unrest makes him uncomfortable. He sees everything as a political issue, and then only as it relates to his personal success or failure. This might be good short term for him, but it's bad long term for the United States."

Still other critics say his effectiveness as a listening post is hampered by the fact that he does not meet with any of the political opponents of Prime Minister Indira Gandhi, seeking out only her friends.

Many of the complaints, endemic in the small-town atmosphere of all diplomatic communities, seem overdrawn.

Even the strongest critics of his style concede that in his primary function of explaining President Nixon's low-profile-in-Asia policy to India, and Indian policy to the White House, Mr. Keating has been successful.

They also agree that while he does more entertaining than information gathering in his meetings with Indian bigwigs, "he butters them up and makes it easier for other embassy officers to get things out of them later."

His fans insist flatly that a politician, not an intellectual, is what the Delhi post needs in the present supercharged Indian political atmosphere. And critics and fans alike applaud his straight-talking toward the Indian Government.

"It's great to be free of the old Bowlesian syndrome where we had to be soft on India and love the place all the time," said one embassy hand.

Soon after Mr. Keating arrived, he established his credentials as a friend of India—with an interview in The New York Times backing Mrs. Gandhi's socialist policies that got wide notice here—and he has since used this as a talking point when he has something critical to say.

"The interview did me more good than any single thing I've done," he says. "Now, if something comes up, like the closing of these cultural centers, where I think they're wrong, I go to them as a friend and they know that. I don't mince words. And I can really talk, I think, more forcefully as a friend."

The cultural center episode is only a facet of a larger issue—Washington's concern that India too often draws her foreign policy inspiration from the Soviet Union. "I think it's important," says Mr. Keating, "to keep this country nonaligned."

For a man of his years the Ambassador keeps a long working day—rising at 7:30 a.m. and going to bed around midnight still carrying office reading with him.

Asked if he had given any thoughts to slowing his pace or retiring, he blurts: "No. Hell, I'd die."

To keep fit—he is 5 feet 9½ and weighs 155 pounds—he jogs three or four hundred steps in his bathroom in the morning and makes a daily ritual of the sauna bath and

outdoor pool in the spacious backyard of Roosevelt House, the ambassadorial residence.

When possible he takes an hour's nap in the early evening before going out to the inevitable dinner or reception. He himself gives a dinner about once a week at Roosevelt House; dessert often includes fudge, a Keating favorite.

At the office, he always dresses in a suit, no matter how intense the Delhi heat—a practice that brought to an end, to the chagrin of some of the staff, the more casual Bowlesian era of "bushshirt diplomacy."

STAFF DRIVEN HARD

Mr. Keating says that he drives his staff hard—in particular, his able 39-year-old special assistant, Richard N. Viets, who seems to thrive on it.

The Ambassador has no particular hobbies. His reading is confined almost entirely to office papers. "I don't read more than two books in a year at the present rate," he says, somewhat guiltily. The unread volumes at his bedside include a book of poetry the State Department sent him as part of its cultural program for ambassadors.

Being a widower, Mr. Keating sometimes drafts a standin hostess from the embassy community, such as Dr. Margaret Clapp, the cultural attaché who is a former president of Wellesley College, or Marina Viets, the wife of his special assistant.

His humor is gently bawdy and he likes to tease, especially women.

The other day he and Dr. Clapp were having lunch with his daughter and son-in-law, visiting from New Jersey, and the Ambassador mentioned that he had been photographed in his pajamas that morning for a newspaper story.

"Which pajamas?" Miss Clapp asked, kiddingly.

EXCHANGE BRINGS BLUSH

"My blue ones," he shot back, "you know the ones." Her blush set him chortling.

One of the Ambassador's favorite pastimes is reminiscing about his career—his first stay in India, 1943 to 1946, as an officer in the Allies' Southeast Asia Command in New Delhi, his subsequent days in Washington as a Representative (12 years) and Senator (six years), and finally his three and a half years as a justice on New York's highest tribunal, the Court of Appeals, which he forsook for the ambassadorship because "I found it too sedentary for my body chemistry."

Mr. Keating, a lawyer and a moderate Republican, frankly confesses that while he is enjoying himself here, he would rather be back in politics. (He was defeated in his bid for a second term in the Senate, which he terms "the greatest institution in the world," in 1964, by Robert F. Kennedy.)

"I'd like to be able to accomplish more," he says of his ambassadorship. "I don't feel fully fulfilled, because sometimes I would like to hit the rafters—when he is annoyed with Indian policy—like you would as a Senator. Well, you can't do that here. I've got to button up my mouth and pull in my horns."

PRESIDENT MOVES FIRMLY IN POSTAL STRIKE

Mr. BENNETT. Mr. President, I commend President Nixon for his timely and courageous action in calling out the Army to handle the mail crisis in New York City.

Moving with strength into the biggest and most crucial crisis, he has let all striking postal workers everywhere know that he means business and that, if necessary, he will take the steps to meet any other mail strike crisis anywhere in the Nation.

At the same time, the President has repeated his offer to negotiate in good faith, so I hope the number of strikers returning to work will increase and before long include those in New York making actual use of the military unnecessary.

I should also point out that in this entire crisis the leaders of the postal unions have opposed the wildcat strikes throughout the country.

Once again, we have been privileged to witness a President at work who is determined to meet his constitutional responsibilities to the American people, a President who cannot and will not be intimidated, a President who is fully capable of dealing with crisis situations. I applaud the President's action and publicly express to him my support. It is clear now that the issue of postal reform and deteriorating mail service must be resolved. I call upon Congress to meet this crisis at the earliest possible time.

A DISTINGUISHED JURIST SPEAKS OUT ON FOREIGN POLICY

Mr. YARBOROUGH. Mr. President, recently a considerable amount of debate has taken place on the floor of the Senate about the American involvement in the war in Laos. One would think that the Nation which similarly drifted into the tragic, immoral and costly war in Vietnam would be very careful about involvement in the conflicts in any other nation in Southeast Asia or in any other part of the globe.

Recently, I received a letter from Judge W. C. Boyd, district judge of the 16th judicial district of Texas at Denton, Tex. Although it is a brief letter, I think it gives an indication of the concern that many of our more thoughtful citizens feel about our continuing involvement in Southeast Asia. Judge Boyd is recognized in Texas as an able concerned jurist, who rates high with bench and bar.

Mr. President, I ask unanimous consent that the letter dated February 18, 1970, be printed in the RECORD.

There being no objection the letter was ordered to be printed in the RECORD, as follows:

W. C. BOYD,
Denton, Tex., February 18, 1970.

Senator RALPH YARBOROUGH,
Senate Office Building,
Washington, D.C.

DEAR RALPH YARBOROUGH: Instead of disengaging and getting out of Viet Nam, as he promised, Nixon is now expanding the war openly into Laos and covertly into Cambodia and Thailand.

Every responsible voice in Congress must be raised in protest to expansion of this war, and raised in demanding that we disengage and get out of Viet Nam forthwith. We know that we can depend on you.

We feel so impotent and vulnerable, please let us know if there is anything we, as citizens, can do.

Yours truly,

W. C. BOYD,
District Judge, 16th Judicial District of Texas.

VIOLENCE ON THE CAMPUS

Mr. GOLDWATER. Mr. President, on relatively few of the 2,500 campuses in America has trouble been caused by students or faculty. In spite of this, one depending on the media for news gets the impression that every campus is beset with incomparable, uncontrollable problems.

We in Arizona are very proud of our three major universities because the strength of the leadership of these schools has prevented the type of violence generally but wrongly associated with students and faculty alike.

Recently, at the University of Arizona there was a disturbance at the gymnasium because the university was playing Brigham Young University, which is a Mormon school. The display went past decent and normal bounds protected by the right of petition and the right of assembly. The president of the university, Richard Harvill, in his usual strong and wise manner, rejected the unreasonable demands made by the perpetrators of the trouble. His statement, which was contained in the student newspaper, the Arizona Daily Wildcat, indicates the kind of strength that I think is needed on the relatively few campuses where the leadership has either not been able to or has refused to keep the small handful of demonstrators in line.

I ask unanimous consent that the text of his message be printed in the RECORD.

There being no objection the message was ordered to be printed in the RECORD, as follows:

FROM PRESIDENT RICHARD A. HARVILL: A LETTER TO THE UNIVERSITY COMMUNITY

(EDITOR'S NOTE.—The following is the complete text of University President Richard A. Harvill's message following his rejection of UFO demands.)

This statement is addressed to the university community. In it are comments concerning the nature of a university, relationships with Brigham Young University, and the matter of communications within this institution. There is also a brief comment on the incident at Bear Down Gymnasium.

DEMANDS

Traditionally the university has closely guarded the right of faculty and students to pursue knowledge without interference or intimidation. It has done this out of the long-established tradition that an open-minded approach to knowledge through fact and reason is the only basis upon which education can be built. The university has deliberately developed within its community a high regard for rational processes. It seeks to recognize intelligence and reason. It resists intimidation, demands, and compulsion.

Demands upon the university are not consistent with these traditions. A demand betrays a rigidity of thinking and a dogmatic assurance inimical to the intellectual processes that are the hallmark of a university. Those who present demands assume their own infallibility, virtue, and rationality.

BYU

Certain groups and individuals have called upon the University of Arizona to terminate relationships with Brigham Young University because of alleged racial discrimination.

The whole question of the correctness of this institution's relationships with Brigham Young University needs clarification. It is essential that the policies of Brigham Young University concerning minority students not be confused with the doctrines of the Mormon Church. The Mormon Church is not a member of the Western Athletic Conference. Brigham Young University must be judged on the way it admits and deals with stu-

dents. This judgment has already been made by the Office of Civil Rights, March 27, 1969, when it found Brigham Young University to be in full compliance with civil rights legislation.

A number of outstanding programs have been developed at Provo for students from varying ethnic backgrounds. The institution enrolled, for example, 279 American Indian students the first semester of this academic year. More than 1000 students were enrolled from 70 countries other than the United States. Black students are actively being recruited. The relatively limited black enrollment at Brigham Young University is occasioned in part by the very small number of black families living in Provo and the comparatively small black population in the state of Utah. It is partly because of public misunderstanding regarding the policies and practices of Brigham Young University.

The regulations under which the Western Athletic Conference operates stipulate that even if a member institution withdraws from the Conference, it would be required to engage in scheduled athletic events with all members institutions through the term of its binding agreements. The University of Arizona has binding agreements to play football with Brigham Young University and other Conference teams through the 1974-75 school year. It has similar obligations to play Conference basketball games through the 1971–72 academic year.

The University of Arizona cannot commit itself to the special crusades of any group. It must remain a forum for the presentation and free discussion of ideas and principles. Part of its role is to permit and encourage the presentation of all sides of an issue. A university certainly cannot allow itself to be made an official instrument for evaluation of religious doctrines. If it does this in the case of one church, it could conceivably be called upon to do the same thing in other cases.

BEAR DOWN INCIDENT

There have been requests that the University of Arizona administration bring about the revision or elimination of charges filed as a result of the January 8th incident at the gymnasium. This is something the University administration cannot do. Furthermore, it cannot discuss the matter in detail for fear of prejudicing the positions of those involved as parties in the cases now before the courts.

COMMUNICATIONS

Much has been said lately about communication on this campus. Obviously, this is a topic which merits continued attention. This institution has changed radically from what it was fifteen or twenty years ago, when most members of the university community knew each other personally and communication was easy, informal and effective. As the University takes on a greater variety of responsibilities, communication becomes more complex and greater delegation of responsibility and authority becomes necessary.

These are reasons that the University has set up channels which provide for the expression and exchange of viewpoint by students, faculty, staff, and administrators and for the orderly conveyance of those viewpoints to the various groups comprising the university community. There are many channels: most faculty members consider it part of their professional responsibility to talk with and listen to students and to transmit their complaints or suggestion to department heads, deans or administrative officials; a number of administrative officers (such as those of the Dean of Men and the Dean of Women) exist solely to serve students; the Vice President for University relations has been delegated a large measure of responsibility in dealing with students; student representation on departmental, college, and universitywide committees has increased; the academic deans and their staffs offer a variety of counseling services. The list could be extended. The point is that the communication network within the University is not neatly hierarchial; there are crisscrossing lines of communication which allow for redress of grievances and discussion of issues.

What needs to be clearly understood, however, is that not all of those lines need be connected directly to the President's office. The president of a university cannot and should not be personally involved in every decision relating to the governance of the institution. He has neither the time nor the encyclopedic knowledge to act judiciously in every such case. Consequently, it is both necessary and desirable that many decisions and responsibilities be delegated to the faculty, the students, and other administrative officials.

Furthermore, it is naive to assume that the president has unlimited authority to act on suggestions and demands for changes in the governance or programs of the University. He clearly does not. Certain prerogatives, particularly those pertaining to academic matters, belong to the faculty and to committees made up of faculty, students and administrators; the Board of Regents exercises many legal controls; ASUA has been entrusted with many responsibilities; and the president of any university is reluctant to overturn regularly the decisions of responsible administrative officials.

For these and other reasons, certain types of inter-university communication which have been suggested are of dubious value. For example, a "town hall" meeting consisting of remarks by the president and questions and criticisms from the audience would likely prove disappointing. If a very large percentage of the university community turned out, the opportunities for a rational exchange of ideas appear slim.

Continuing attention needs to be given to the problem of communications. Some weeks ago the general faculty established an ad hoc committee to study ways of improving communication among students, faculty and administration. Several other groups have also come forward with suggestions and proposals. I am confident that out of these studies and recommendations will come a good, workable plan.

ACADEMIC FREEDOM

In conclusion I would like to add that the task of the president of a large institution is never a simple one. He cannot please all segments of the university at all times. It is not possible for him to attend to all matters personally. He must exercise his discretion about the most effective utilization of his time.

There are, however, certain responsibilities he must carry out, regardless of criticism, in order that the university continue to thrive. Among them, he must assure responsible freedom of speech in the classroom and on the campus. He must hold this position against all outside criticism and pressure. This he has always done and will continue to do.

At the same time he must protect the property of the state and insure that the activities of the university community are employed to resist those who would use force and violence to achieve their goals. Force and violence which disrupt the process of the university community will be resisted.

Presidents of a number of institutions across the nation have indicated that failure to act immediately to prevent disruptions on their campuses precipitated further disturbances. It is important that violence and disruption be avoided on this campus. Forceful interference with the right of others cannot be tolerated in any community.

WORLD ARMS BILL SINCE 1964: $1 TRILLION

Mr. PROXMIRE. Mr. President, the Arms Control and Disarmament Agency has just issued a disconcerting report. It shows that in the last 6 years more than $1 trillion has been spent by governments around the world for arms, armament, and military forces.

It shows that the rate of spending on arms is still increasing. While the rate of increase has slowed somewhat for the big, developed countries, the developing countries have been increasing their spending on arms and armanments at a rate which is twice the rate of increase of the world as a whole.

The study further shows that while the standard of living of individuals in the world has remained almost stable in real terms, the per capita burden of military spending has been increasing. Last year it averaged $56 for every man, woman, and child in the world.

The world spent as much for armaments as it did for all forms of public education and health.

The biggest spenders in actual amounts were the members of NATO and of the Warsaw Pact. What a peaceful dividend could come to the peoples of the world if these two great power blocs could end their differences and if mutual reduction of armaments could occur.

But the countries spending the largest proporation of their national income on arms and armaments—10 percent or more per year—were smaller nations in the eye of the hurricane and at the center of the world trouble spots.

Mr. President, it is time for mutual deescalation of terror. It is time for thoughtful men and for thoughtful countries to stop the mad rush to oblivion. The world must soon come to its senses. We need not only to reorder priorities at home, but it is obvious that the world and all mankind must reorder its priorities if food, health, and education, rather than the armament makers, are to eat up the treasure of the world.

I ask unanimous consent that an article reporting on the Arms Control and Disarmament Agency's report, and published in today's New York Times, be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 22, 1970]

WORLD ARMS BILL: TRILLION SINCE 1964—REPORT SAYS SPENDING RISES SHARPLY IN SMALL NATIONS

(By Robert M. Smith)

WASHINGTON.—More than a trillion dollars has been spent for arms and armed forces around the world over the last six years, the Arms Control and Disarmament Agency reports.

In a new study, the agency finds that the increase in arms expenditures of the big countries has slowed somewhat in the last two years while the amounts spent by the developing countries have increased sharply. The military budgets of the small countries seem to be growing at a rate twice as high as the world total.

The report also discloses that although the world's economic standard of living has improved little in real terms in the last six years, the per capita burden of military spending has increased.

The figures show that military spending last year averaged $56 for every person in the world. This breaks down to an average of $179 for every person in the developed countries and $10 for every person in the developing countries.

RATE OF INCREASE SLOWS

"The diversion of resources to military purposes had expanded in step with the world's capacity to produce" says the Arms Control Agency's fourth annual report on world military expenditure. The organization is an independent agency of the United States Government.

The one hopeful note in the 26-page report is that between 1965 and 1967, world military spending rose at the rate of 13 per cent a year; in 1968 and 1969, it rose only 5 per cent a year.

"If the pattern of the last two years continues," the report says, "it will mean some reduction in the ratio of military spending to world income."

"On the other hand," it continues, "it will take more than a diminished rate of increase to lessen significantly the heavy economic burden of world military expenditures. If recent spending patterns continue, the nations of the world by the end of the seventies will be devoting more than $300-billion a year to defense."

$200 BILLION SPENT IN '69

The six-year total of world military spending took as much public money, according to the report, "as was spent by all governments on all forms of public education and health care."

Some $200-billion was spent on the world's arms and armies last year. The North Atlantic Treaty Organization accounted for $108-billion of this total; the Warsaw Pact nations, $63-billion.

Each bloc spent some $3-billion more than in 1968. Given inflation, however, this represents no increase. In fact, the NATO outlays went down $2-billion if inflation is considered.

On the other hand, the military budgets of countries outside these blocs accounted for an increasing proportion of the money the world spent on arms.

"Military budgets of these countries appeared to be growing at a rate more than twice that of the world total," the report says. This reflects "an accelerated arms race among the developing countries," it says.

COUNTRIES LISTED

The study also points out that it took half of all the people in the world to produce a share of all the worlds' goods and services equal to that devoted to military outlays.

The study reports that the following countries spent more than 10 per cent of their total output of goods and services, or gross national product, on their armed forces: Laos, United Arab Republic, North Vietnam, South Vietnam, Taiwan, Iraq, Jordan, North Korea, Syria, Saudi Arabia and Israel.

The following spent between 5 and 10 per cent of their gross product: Burma, Somali Republic, Cambodia, Mainland China, Albania, Iran, Mongolia, Portugal, Cuba, Poland, Soviet Union, France, United Kingdom, Kuwait, and United States.

Spending less than 1 per cent of their gross product were Malawi, Nepal, Sierra Leone, Costa Rica, Peru, Jamaica, Mexico, Panama, Trinidad and Tobago, Japan and Iceland.

The data in the report came mostly from statistics prepared by the United States Agency for International Development and such international agencies as the United Nations Educational, Scientific and Cultural Organization and the World Health Organization.

BILINGUAL SCHOOL REACHING TRUANTS IN BOSTON

Mr. YARBOROUGH. Mr. President, the value of the bilingual education program established in 1968 is becoming evident wherever there are children in school whose language at home is other than English.

One such success story about Spanish-speaking children in Boston is told in the New York Times. The parents of these children have come from Puerto Rico. An estimated 5,000 of the 7,800 school-age children in this population group were not in school when this bilingual program was created.

I point out that the instigation for bilingual teaching in this instance came from the local education development center, one of the regional laboratories created in the Elementary and Secondary Education Act of 1965. Before the President calls for extensive new machinery for educational research and evaluation, I suggest that he review his own budget restrictions that resulted in the closing of five of the 20 regional laboratories, which are now doing much of the task the President thinks is needed.

I ask unanimous consent to have printed in the RECORD the story entitled "A Bilingual School Reaching Truants in Boston," published in the New York Times of March 14, 1970.

There being no objection the article was ordered to be printed in the RECORD, as follows:

A BILINGUAL SCHOOL REACHING TRUANTS IN BOSTON

(By M. A. Farber)

BOSTON, March 13.—A bilingual school for Spanish-speaking children who are shunning regular classes or failing to progress in them has been started by the Boston School Committee at the urging of a federally funded education laboratory here.

The school board acted at the behest of the Education Development Center, one of 15 private, nonprofit regional education laboratories, authorized by the Government five years ago to aid in the discovery, testing and dissemination of new educational ideas and programs.

Activities of the regional laboratories account for nearly a fourth of the $100-million spent annually by the United States Office of Education for research and development. These activities receiving particular scrutiny in Washington now in connection with President Nixon's recent demand for a more productive and "coherent" approach to education spending.

MADE OUT OF SCHOOL

Last year the laboratory here began mounting pressure for the model bilingual "transitional" school when surveys led it to conclude that 5,000 of the city's 7,800 Puerto Ricans 6 to 18 years old were not going to school while hundreds of others were "vegetating" in classes that could not help them.

"Unless a concerted, extensive and extended effort is made to see that Spanish-speaking children can succeed in school and remain in school to enter the working force at the highest level of their ability, we will be the architects of a massive welfare subculture," the center said.

The laboratory says the failure of Puerto Rican youths to attend school can be attributed to an amalgam of factors: acute language difficulties; boredom and despair from sitting in classes with younger students; apathy of parents who may be illiterate; inadequate food and clothing, and fear of physical harm in a supposedly "hostile" environment.

RISE IN POPULATION

A center official, who asked not to be identified, said that the problem was compounded by the reluctance of some Puerto Ricans to have social contact with Negroes.

A study by the laboratory found that there were 1,200 Puerto Ricans in Boston in 1960, chiefly in the South End. Today the number is estimated to be at least 20,000, with increasingly large Spanish-speaking populations in Roxbury and North Dorchester, predominantly Negro neighborhoods. The future, the study said, "points to tremendous growth, especially in the school age segment."

In New York City, the latest figures available show 240,746 Puerto Rican pupils were enrolled in the public schools in 1968, or 21.5 per cent of the total enrollment. In 1957, the first ethnic census showed 128,980 Puerto Rican pupils, or 13.5 per cent.

PROGRAMS IN NEW YORK

Several New York City public schools have bilingual programs for Spanish-speaking pupils, and the Boston effort is concerned with developing a prototype for such programs.

The Boston laboratory, which has its headquarters in nearby Newton, chose to initiate the undertaking in its own metropolitan area, working closely with Sister Frances Georgia of the Boston Diocese Urban Planning Office.

Last month the school, using three rented buildings, opened with 150 Spanish-speaking students 5 to 15 years old, 12 bilingual teachers and eight teachers' aides. The center had spent $60,000 in the planning phase; the city recently allocated $200,000 for the first year of operation.

Denison House, in Roxbury, is one of the school sites. The three-story structure had been abandoned as a regular school, and the grime on its sullen, red brick exterior is further testament to age and disregard. Inside, however, Denison House is very much alive—too lively, in fact, for some discipline-minded Puerto Rican parents.

On the first floor, bright pink walls bear pictures of "Los Animales" next to the English alphabet and drawings by pupils, and the Rev. Dr. Martin Luther King Jr. looks down from the calendar supplied by Arrington's Fruit and Vegetable Market.

"Que color es este?" repeats Rose Amodeo, a dark-haired, 25-year-old teacher who came to her present job after two years as a Peace Corps volunteer in Colombia. The pupil, Jose, she has found, does not know any colors except red. "Enséname un triángulo rojo," she continues.

GETTING USED TO SCHOOL

Few people associated with the new school talk much about academic advancement at this stage, but they note that the children are there. "The learning situation is frustrating for them at the start," Miss Amodeo observed, "but we're getting them used to coming to school now."

The center's promotion of the school, viewed as a waystation preparing pupils for regular classes, in part of the laboratory's plan for "total intervention" in educational affairs here, from curriculum revision to teacher training to community assistance.

Formed in 1967 by a merger of Education Services, Inc., and the Institute for Educational Innovation, the center is nationally known for its curriculum projects, particularly in science, mathematics and social studies.

"We still see curriculum as a key thing," said Mrs. Mary Lela Sherburne, director of the center's pilot communities program, including the transitional school.

DEALING WITH VARIABLES

"But the sum is greater than its parts," Mrs. Sherburne, a 40-year-old biologist, went on. "And if you're going to change schools, you have to deal with all the variables. Before we were taking a limited view, now we're fixing on a variety of leverage points."

Robert R. Hind, the laboratory's president, said, "If you want to renew the schools

generally, you must go into that system as a friend. It's the only way."

Dr. Hind warned against severely limited programs of aid that, he said, often aroused "feelings of being used" in the community and among teachers and administrators. "Until you can work in the schools without being suspects," he remarked, "the most elegant curriculum you might install won't be worth a damn."

THE FEDERAL APPROACH

The Nixon's Administration's desire for a more comprehensive and coordinated Federal approach to educational research and development is not unlike the goal set by President Johnson in 1966, after the regional laboratories were approved in Title IV of the Elementray and Secondary Education Act of 1965.

The laboratories, numbering 20 until five were cut off from Federal funds in a budget squeeze last year, have focused on early childhood programs, instructional techniques for teachers, new curriculums and "individualized" learning, and a host of other educational matters—with mixed success.

NO EROSION ON CIVIL RIGHTS

Mr. HART. Mr. President, the American Jewish Committee recently issued a statement warning that without the explicit commitment of Government leaders to equality and justice, progress toward those goals is slowed if not halted.

As we await the President's message on school desegregation scheduled to be delivered this week, the committee's statement, made by David Sher, chairman of the organization's board of governors, reminds us that each individual should be committed to building a united yet pluralistic society.

Mr. President, I ask unanimous consent that the statement by the American Jewish Committee be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

EQUALITY AND JUSTICE

The American struggle for equality and justice is the essence of what our nation is all about. It is therefore critical that our governmental institutions and leaders be unalterably committed to these goals. When they falter, the national resolve is weakened and progress is halted.

We commend the Administration for its leadership in the development of new and creative welfare legislation. We are heartened by the Administration's condemnation of the recent violence attendant to school integration in Lamar, South Carolina.

However, other recent events provide us with reason for great concern. Unless the direction indicated by these events is reversed, we face a dangerous erosion of a decade of slow but significant progress in achieving an improvement in the condition of minority groups in this nation.

We refer to the Administration and Congressional efforts to achieve a slowdown in school desegregation. We have always opposed de facto segregation as well as de jure segregation. But the most serious predictable consequence of the Stennis amendment will be that de facto segregation will not be affected while the slow process of reducing de jure segregation will be halted.

We refer to the Administration's attempt to weaken the Voting Rights Act.

We refer to the incident in which the Director of the Civil Rights Division of the Department of Health, Welfare and Education was forced to resign because he fought too vigorously to enforce school desegregation.

We refer to the Civil Service Commission's Chairman's statement that the Administration would now ease pressure on government job opportunities for minority workers—a statement which caused great consternation despite the fact that he was soon forced to retract it.

The gains that America made in civil rights in the past 15 years came as a result of firm and committed leadership. That leadership is not furthered by recommendations for "benign neglect," which tend too accurately to reflect the pattern of recent deterioration in the field of human rights. To close the remaining gap—which is still tremendous—we need the same kind of firm resolute leadership, not only of government, but of the religious community, business, labor, and the minority groups themselves.

The American Jewish Committee maintains its faith that America can be a unified and yet pluralist society. It will support steps aimed at eliminating the remaining legal barriers to an integrated society while strengthening those programs for full and fair housing, welfare, education, and jobs, which could eliminate the basic conditions that bring about de facto segregation and inequality. We call upon our fellow Jews and Americans to stand firm against the growing tide which is eroding the significance of major Supreme Court decision, of vital civil rights legislation, and of the interreligous and interracial unity that forged a vibrant and effective civil rights movement.

PURIFICATION OF THE NATION'S WATERS

Mr. YARBOROUGH. Mr. President, the words "environment" and "pollution" have become national bywords. They are the subject of campus teach-ins, political speeches, great public indignation over oil spills, they receive the legislative attention of Congress, and less often the budgetary consideration of the Executive.

The earliest attack upon environmental pollution was in 1956, when the first Water Pollution Control Act was passed by Congress. But although cleaning up the national water supply has had the first priority, and the most money spent on it, we are hardly keeping water purity from getting worse.

The New York Times of March 17 outlines the extent of the problem remaining before us in controlling water pollution. It should be read by every interested person, because it sets forth the financial dimension of pollution abatement. The cost of cleaning up just the waterways will be staggering. The question of "national priorities" can no longer be simply a debating point, if we are to take seriously the necessity of a livable and civilized natural environment.

I ask unanimous consent that the Times article, entitled "Purification of Nation's Waters Expected To Be Long and Costly," be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

PURIFICATION OF NATION'S WATERS EXPECTED TO BE LONG AND COSTLY

(By Gladwin Hill)

Federal experts are finding that restoration of the nation's waters to something approaching satisfactory cleanliness is many years—and many billions of dollars—in the future.

Into a computer at the Interior Department's Federal Pollution Control Administration's building, overlooking the dirty Potomac River, these experts have fed reams of figures that can instantly give a statistical profile of sewage-plant construction in Buffalo or recapitulate Federal grants to the state of Michigan.

Up to now, according to the officials who must translate the data into action, the computer has presented this picture:

The condition of the nation's waterways is disheartening, perhaps worse than a decade ago.

The over-all problem is being aggravated by new types of pollution.

Current plans to step up antipollution efforts are promising, but their realization hinges on forthcoming judgments of Congress on some highly controversial questions.

President Nixon, in his environmental message of Feb. 10, outlined a $10-billion, four-year plan for new sewage plants ($4-billion in Federal subsidies, $6-billion to come from states and localities); a system of new financing aid to localities, and greatly expanded Federal authority in combating water pollution.

No one familiar with the problem is suggesting that this will be a cure-all. Ten billion dollars is only a drop in the nation's bucket of dirty water. The cost of cleaning up Lake Michigan alone has been expertly estimated as high as $10-billion. The ultimate prospective cost of cleaning all the nation's waterways is out of sight, somewhere beyond $100-billion.

"But this new program is the springboard we need," says Carl L. Klein, the burly, aggressive Assistant Secretary of the Interior for Water Quality and Research.

The water section of President Nixon's message came right from Mr. Klein's desk, and the former Illinois lawyer-legislator comments buoyantly: "We went for broke in what we asked. And the White House bought it."

HEARING TO BEGIN SOON

Typical of a dozen major proposals in bills that Congressional Committees will soon begin hearings on is a potentially controversial provision extending Federal pollution abatement powers from interstate waters to virtually all waters of the country.

Another is a requirement that the states establish "effluent standards," or permissible discharge limits, for each and every pollution source—standards subject to Federal approval.

These are radical steps, measured against fast pollution-control measures, and they are expected to elicit opposition of many sorts from members of Congress, states, cities and industry. It has taken years of argument and maneuvering simply to shape a law covering the relatively uncontroversial problem of maritime oil spills.

A complicating element in the whole outlook is the fact that Mr. Nixon's party does not control Congress. Moreover, the chief Congressional shepherd of water pollution legislation for years has been Maine's Senator Edmund Muskie, who has criticized the Nixon program as inadequate and who is a putative electoral opponent of the President.

But the sweeping new proposals were conceived as vital to getting pollution abatement off what Assistant Secretary Klein calls "dead center."

REASON FOR CONCERN

Why all the attention to dirty water when, with modern drinking water systems, instances of death or sickness have become almost nonexistent?

Essentially the reason is that the nation needs clean water not only for drinking but also for industry, agriculture and recreation.

In the last two decades, waterways be-

came so overburdened with fluid refuse as to point toward only one conclusion: a day not far off when rivers and lakes would be nothing but open sewers.

It was evident to all concerned that rehabilitating enough water for domestic and commercial uses would be problematical or prohibitively expensive and that the natural attributes serving recreation—fish and plant life and general beauty—might be destroyed forever.

Federal efforts against large-scale water pollution date to 1956, when a law set forth what has become known as the "conference procedure." Under this, Federal officials step into an interstate pollution situation, join with state officials in a public hearing on conditions and formulate a scheduled corrective program theoretically enforceable by Federal court action.

PROGRAM OF INCENTIVES

Using this procedure, 50 formal abatement actions have been instituted, involving most of the states, 2,000 communities and 2,000 industrial sources.

This policing action was coupled with an incentive program: Federal subsidies to localities to cover up to 55 per cent of construction costs of sewage treatment facilities. Some 9,000 projects have been so aided.

Secretary of the Interior Stewart L. Udall calculated in 1968 that this carrot-and-stick approach had brought improvement to upward of 50,000 miles of waterways.

But with population, industry and the volume of pollutants increasing by the day, these tactics began to appear glaringly insufficient.

There is general agreement that the subsidy program has been hamstrung by Federal budget-cutting. The conference procedure has proved cumbersome and slow. Abatement actions have dragged on for years while Federal officials tried to cajole, prod and cudgel state authorities—many of them plainly under the influence of polluters—into taking decisive action.

Progressive segments of industry have spent hundreds of millions of dollars on pollution abatement. Hundreds of municipalities have improved their sewerage systems. New York State alone mounted a billion-dollar water cleanup program, as the first phase of what Governor Rockefeller sees as a $3-billion task.

But such activities seemed neither extensive enough nor coherent enough. A factory's reduction of its discharges into a river might be offset by increased emissions from an overtaxed sewage plant.

ACCOUNTING OFFICE STUDY

A Federal General Accounting Office study last year concluded that despite the expenditure of $1.2-billion in Federal grants and $4.2-billion by localities for new sewage treatment facilities, there had not been improvement in the quality of the nation's waterways.

"In the last 10 years," says David D. Dominick, the youthful, bespectacled Commissioner of the Federal Water Pollution Control Administration, "the quality of the nation's water has probably degenerated."

While it has always been assumed that community water systems could transform even tainted supplies into something harmless and potable, that assurance is wearing thin.

"Our treatment plants," says Dr. C. C. Johnson, head of the Department of Health, Education and Welfare's consumer protection division, "are not designed for, nor are they prepared to take the chemical onslaught now coming from our streams."

FEW PURE STREAMS LEFT

For evidence, most citizens need look no farther than the nearest river. The only conspicuously unsullied streams in the country are the few that have been insulated in the Federal "Wild Rivers" wilderness preservation program.

The Hudson's lower reaches are filthy. Major rivers like the Ohio, the Mississippi and the Missouri are still heavily polluted. The Detroit River, the Cuyahoga at Cleveland, and the Houston ship canal are essentially industrial, sewers. Lake Erie, in scientists' estimation, is an ecological disaster area. Lake Michigan is heavily contaminated in some areas. Even the clarity of Lake Superior is threatened.

All of these situations and many others are theoretically in the course of improvement under Federal abatement actions. But abatement involves design, engineering and construction—a process measured in years, not months. Polluters haggle endlessly with state and Federal officials over their technical and financial capabilities.

A new industrial facility can, generally speaking, incorporate proper waste-water treatment for no more than 10 per cent of total construction costs. With an old facility, economically marginal already, a big corrective outlay may be a back breaker. This is when the foot-dragging sets in, mainly.

NEED FOR MONEY CITED

Many communities have long since bonded themselves to the limit for public facilities. They plead that they just can't raise the money for the new sewage plant they need.

According to the latest data of the pollution control agency, only some 140 million of the nation's 200 million people are served by any kind of sewer system. The sewage of nearly 7 per cent of those 140 million, including many right in New York City, is discharged "raw," or untreated. With only about 85 million of the nation's people does sewage get the "secondary," or two-stage, treatment now considered minimal.

Yet many states have resisted Federal intervention. Iowa contended last year that it was unconstitutional. Colorado's Gov. John A. Love is on record as saying it would be "traitorous" for states to submit to Federally prescribed water quality standards.

Such attitudes are so prevalent that the Federal states standards program enacted by Congress in 1965 is still bemired, despite repeated official statements that water quality commitments from all 50 states had been "approved."

A recent check with the Pollution Control Agency disclosed that arduous negotiations were still going on with most of the states to bring their stated water quality goals—not accomplishments—to a satisfactory level.

CUTS IT. APPROPRIATIONS

States and cities, on their parts, have been vexed that Federal appropriations for matching-fund subsidies for sewerplant construction over the last three years have run nearly $1-billion short of what Congress originally authorized, and that the Government owes 19 states some $800-million as its share of construction projects approved and started. (The largest such obligation is $382,618,000 to New York.)

As an interim move to outflank the various obstacles to expeditious abatement, Secretary of the Interior Walter J. Hickel last September invoked an unused section of the 1965 water pollution law providing for direct Federal action against individual polluters.

Over bitter protests from the State of Ohio, he gave four steel companies there and the City of Toledo six months to get specified corrective measures under way or face Federal suits.

The action elicited quick compliance. But the maneuver of bypassing state administration was exemplary rather than a serviceable long-term tactic. There are countless thousands of polluters, industrial and municipal, and the Federal Government does not have the machinery to pursue them individually.

Recapitulating the highlights of this travail in a recent interview, Assistant Secretary Klein said: "It was imperative that we get new tools to do the job people are expecting to be done."

The measures now before Congress in effect shrink down to six months the indefinite period of years over which the law now allows meaningful remedial action to be protracted.

If a polluter does not start satisfactory remedial action to be protracted.

If a polluter does not start satisfactory remedial action in six months after due notice and a hearing, the Secretary of the Interior could ask the Department of Justice to bring court action leading to fines of up to $10,000 a day.

In place of the present often tortuous process of establishing that pollution is interstate, the Interior Department would have jurisdiction over any water pollution, even of invisible ground-water.

Communities' financing problems would be eased by creating a new Federal agency to buy their bonds and in turn issue its own bonds with the more marketable Federal imprimatur.

A TACIT COMMITMENT

The matching-grant subsidy program would be continued, on the $4-billion four-year basis, with a tacit commitment from the Nixon Administration to fund Congress' authorizations instead of chopping them with the budgetary cleaver.

President Johnson cut a $700-million authorization for fiscal year 1969 to $214-million and President Nixon last year cut a $1-billion authorization to $214-million, but Congress overrode him and appropriated $800-million.

Thus, regardless how long it takes Congress to broaden interior's policing powers, the subsidy program is on a firmer footing.

How big a dent it will make in the over-all problem remains to be seen. Secretary Udall a year ago estimated basic national pollution control needs through 1973 as totalling nearly $30-billion—$8-billion for sewage treatment plants, over $6-billion for sewer lines, some $6-billion for industrial treatment facilities, and nearly $6-billion for new operating and maintenance costs.

Senator Muskie has suggested that the Federal Government should be spending $12.5-billion in matching-fund grants over the next five years, to stimulate upward of $25-billion in construction rather than the $4-billion in the Nixon program.

Current projections, by whomever, are generally premised on providing only two-stage treatment for sewage—precipitation of gross solids, and neutralizing of most of the other pollutants by biological or chemical action. But this leaves some stubborn residual substances, notably nitrogen and phospohrous—natural fertilizers that propagate undesirable plant growths in waterways, disrupting their entire ecology.

The belief is growing that the only ultimate solution is widespread "tertiary" or three-stage treatment, which will remove practically all adulterants and leave clean, if slightly saline, water.

This cost twice as much as two-stage treatment (including amortization of plant costs), but is already being applied on a small scale in a number of places. Assistant Secretary Klein sees it as essential, for instance, in rehabilitating the Potomac, now overburdened with inadequately treated District of Columbia sewage.

THERMAL POLLUTION

Meanwhile the over-all water pollution problem has been growing in complexity. A new focus of attention is the detergents—of which some 5 billion pounds were sold last year—because they consist of up to 44 per cent of phosphate.

The detergent industry contends that its product is only a secondary source of such troublesome nutrients (human waste being

another). But Canada has announced plans to ban phosphate detergents, and a Federal representative recently told an international conference that his agency favored "an immediate reduction of phosphate levels in detergents."

Another growing problem is "thermal" pollution of waterways by heat from industrial cooling water, particularly power plants. Some fish species are blighted by as little as a four-degree chronic alteration of their accustomed milieu.

Thermal pollution will worsen as atomic power plants, which produce more waste heat, replace conventional fossil-fueled plants. The pollution control agency in February instituted its first thermal pollution abatement proceeding, against a Florida electric plant that is heating part of Biscayne . . . degrees, an intolerable temperature for fish and aquatic plants.

Nor do any of the current cost estimates cover two big pollution sources that will have to be controlled to really clean up the nation's waters.

One is agricultural wastes, ranging from manure to fertilizers, which some officials have suggested may be responsible for as much contamination as municipal and industrial wastes. Little has been done about this because it is hard to get at.

The other problem is urban storm-water run-off. In most communities it goes down the same pipe as sewage, and often is nearly as dirty. But the volume at the time of a downpour is more than any sewage plant can handle. So sewage plants customarily "blow the switch," diverting large amounts of both storm water and sewage toward waterways untreated.

The only solution is to separate sewage and storm-water conduits and somehow handle storm water by itself. Commissioner Dominick estimates this alone as a $50-billion problem.

THE UNITED STATES MUST TAKE THE LEAD IN PROTECTING THE POLITICAL RIGHTS OF WOMEN INTERNATIONALLY

Mr. PROXMIRE. Mr. President, I invite the attention of the Senate to an article entitled "Political Rights of Women Internationally," which was published in the March issue of the National Business Woman magazine. This excellent article on women's rights was written by Mr. Bruno V. Bitker, a prominent Milwaukee lawyer and a tireless fighter for Senate ratification of the human rights treaties. As a member of the President's Commission for Observance of Human Rights Year, Mr. Bitker has spoken out forcefully and eloquently or many occasions for international protection of women's political rights and Senate ratification of the U.N. Convention on the Political Rights of Women.

The end of this month will mark the 17th year since the U.N. convention on women's rights was opened for signature. As Mr. Bitker points out, the inaction of the U.S. Senate in regards to women's rights creates a highly embarrassing and incongruous situation for this country.

The same basic political rights protected by the U.N. treaty are guaranteed by our Federal Constitution and State laws. Senate ratification of this treaty would not alter national or State policies in any way. Senate ratification would, on the other hand, demonstrate to the world that we are concerned with this vital issue. It would reinforce our present national policies and laws, and extend our influence in this area to the international sphere.

The United States must exert its moral leadership in the international protection of the political rights of women. Not to do so, as Mr. Bitker points out, only creates the impression that this country sides with those nations that violate these basic rights.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

POLITICAL RIGHTS OF WOMEN INTERNATIONALLY

(Bruno V. Bitker)

It is unbelievable—but it is a fact—that the United States is not one of the nations which has ratified the UN Convention on the Political Rights of Women, approved 18 years ago by the UN General Assembly.

It is unbelievable because the convention deals with fundamental rights already guaranteed by the federal Constitution; because it is not in conflict with state laws, and because it is a part of the accepted standards to which the United States is already committed.

The incongruity of the country's failure to support the convention becomes evident at international conferences. It is always a matter of embarrassment at such meetings when we are charged with failure to adopt this and other human rights treaties. I experienced this personally at the UN International Conference on Human Rights in Tehran in 1968. Although our delegation voted for endorsement of this and other treaties, the inconsistency between our statements and our failure to sign on the dotted line was obvious.

Of the 126 member nations of the UN, only a dozen or so deny women the right to vote and hold office. Our failure to act appears on the surface to give support to that handful of nations rather than to our own constitutional provision of national political equality.

An early obstacle to ratification was the claim that Article 3 of the convention, which covers equality of men and women in "public office," might be construed to include military service. When the United States, acting through our then representative, Mrs. Eleanor Roosevelt, cast its vote for the convention in the General Assembly, it was formally recorded that the U.S. did so with the understanding that Article 3 did not include military service. President Kennedy included a similar understanding when he transmitted the convention to the Senate in 1963. This should suffice to still any doubts on that point.

Numerous official and private witnesses, including BPW, were *unanimous for ratification* in testimony before a special subcommittee of the Senate Committee on Foreign Relations early in 1967. The full Committee later tabled the convention, however, following opposition by the American Bar Association, on the grounds that the convention was a matter of domestic, not international concern—a contention without merit, according to many legal scholars.

The 1968 U.S. Commission for Observance of International Human Rights Year recommended that the United States ratify the convention.

But the convention remains tabled, although the Senate Foreign Relations Committee chairman has stated that it could be taken off the table whenever the Committee so decided.

Thus it is up to organizations like the The National Federation of Business and Professional Women's Clubs, Inc., to demand that the matter of the convention be reopened. *If sufficient voices are heard either in the Senate or the White House, the matter will get attention.* The question is, if we are really serious in our support, should we not back up our words with added deeds?

What better way to observe the 25th anniversary year of the UN than by making sure our voices are heard in the highest councils of our government in behalf of this measure.

If this Administration and this Senate are listening for the silent majority to express itself then let the message go forward from American men and women that the United States commits itself by treaty to supporting the political rights of women throughout the family of nations.

CHAIRMAN CRANSTON REPORTS ON WORK OF THE SENATE SUBCOMMITTEE ON VETERANS' AFFAIRS

Mr. SCHWEIKER. Mr. President, as ranking minority member of the Subcommittee on Veterans' Affairs of the Committee on Labor and Public Welfare I have been privileged to work closely, in a truly bipartisan manner, with the chairman of the subcommittee, the able Senator from California (Mr. CRANSTON).

Our subcommittee has, in the past year, reported out six different measures to improve the hospital and medical care available to veterans, and all have been passed by the Senate. Three have been signed into law by the President and three are pending in the House. We have also written the comprehensive veterans education and training bill which passed the Senate 77 to 0 last October and has just been reported out of a conference with the House.

Senator CRANSTON discussed the work of our subcommittee at a recent meeting here in Washington of the American Legion's National Legislative and Rehabilitation Commissions. In his address he outlined both the past accomplishments of the subcommittee under his leadership and the future plans he has for new legislation to improve the VA health care program. I recommend Senator CRANSTON's remarks to all Senators and ask unanimous consent that it be printed in the RECORD:

There being no objection the remarks were ordered to be printed in the RECORD, as follows:

SPEECH BY SENATOR ALAN CRANSTON

It is a great privilege for me to address you this morning—one year after my maiden voyage—so to speak—as chairman of the Veterans Affairs Subcommittee of the Labor and Public Welfare Committee of the Senate. When I spoke to you a year ago, I had very little to report. But today I am in a position to give you a concrete report on the Subcommittee, and a preview of the activities I plan in the second session of this Congress.

Let me first pay well-deserved tribute to the outstanding efforts of your Washington staff. We have received excellent testimony from Legion witnesses through the help of Herald Stringer, Chuck Mattingly and Terry Wertz, and Ed Golembieski and Austin Kerby have greatly aided us on rehabilitation and economic matters.

I also want to thank your California State Director of Rehabilitation, Lou Sloneker, who testified so ably at our Subcommittee medi-

cal hearings in Los Angeles. All of these gentlemen have given me valuable counsel and assistance, and I am deeply appreciative.

On the cooperation theme, I wish to emphasize the excellent bipartisan help of Senator Richard Schweiker of Pennsylvania, the ranking minority member of the Subcommittee, and Senator Ralph Yarborough, who is both the ranking majority member and, of course, the chairman of the full Labor and Public Welfare Committee. All the legislation we have reported from Subcommittee has been acted on unanimously and I plan to do all I can to continue this bipartisan approach.

This cooperation extends beyond our own committee to include Senator Herman Talmadge of Georgia, chairman of the Veterans Legislation Subcommittee of the Finance Committee, and Congressman Olin E. Teague of Texas, chairman of the House Veterans Affairs Committee. I will speak more about the great work of these gentlemen later.

Now to the work accomplished thus far during the 91st Congress.

The Subcommittee has conducted 12 days of hearings, involving over one hundred witnesses. We have considered 19 bills. The Senate has already passed six improving and expanding hospital and medical care. Three have been signed into law:

H.R. 2768—to provide unlimited care in community nursing homes for veterans hospitalized with service-connected conditions;

H.R. 3130—to authorize outpatient care for the non-service-connected disabilities of a totally and permanently disabled veteran;

H.R. 9334—to improve and expand VA aid to state veterans' homes and hospitals.

Three others are pending in the House:

H.R. 693—dealing with the requirements for admission to VA hospitals and domiciliaries and with drugs, medicines and medical care for the most severely disabled;

H.R. 9634—providing needed administrative authorities for the VA;

S. 1279—creating a rebuttable presumption of service-connection for the disabilities of former prisoners of war and certain other veterans whose military medical records are destroyed.

Last October the Senate passed 77–0 a comprehensive Veterans Education and Training bill, which included the provisions of 9 bills. In the form of a substitute amendment to the House-passed H.R. 11959, it is now pending in conference with the House.

The Senate version of this bill contains a much-needed 46 percent increase in G.I. bill rates, retroactive to last September, to restore comparability with Korean G.I. bill coverage. It also contains several new programs to make education available to those who need it most—the high school drop-outs. Drop-outs represent about 25 percent of all men separated from the service. Yet, sadly, less than one-tenth of them take advantage of their G.I. bill benefits.

Our society cannot afford to waste these resources, to "turn-off" again men who have been turned off once already. These new programs, drawn from three bills I introduced last summer, will help the veteran student who is in academic difficulty or who needs part-time work. It also is aimed at helping the serviceman who doesn't have either a marketable skill or a college degree.

The great need for these programs is made clear by recent studies of 109,000 army veterans discharged in 1968. They show that a veteran's likelihood of taking advantage of G.I. bill benefits is determined almost entirely by his pre-service educational achievement rather than by his aptitude. For example, three times more veterans with some prior college experience returned to school than those who hadn't gone to college. Yet both groups were found to be equally intelligent.

Similarly, high school drop-outs are four times less likely to take any further education or training than men who have had two or three years of college. Men of average intelligence who complete high school are twice as likely to further their education as high school drop-outs with the same aptitude. These participation rates, which seem virtually inverse to need, are what Title 2 of the Senate bill seeks to correct.

This bill was the subject of a conference with the House on February 5. At the direction of the conferees, the two committee staffs have worked together intensively to boil down and reconcile the differences, and find common ground to resolve disputed statistics. They have been quite successful in laying valuable groundwork for agreement. Mr. Teague and his most able and experienced Committee staff director, Oliver Meadows, have been most cooperative, and I can tell you that the conference is now scheduled to reconvene on March 10. I shall continue to do all in my power to see that a fair and equitable bill is agreed to and sent to the President as quickly as possible.

Next in the Subcommittee's activities were our oversight hearings into the quality and quantity of medical and hospital care in VA facilities. I announced the hearings on Veterans Day as the most meaningful tribute I could pay to the war dead and the war maimed.

That very same day, appropriately enough, the Senate considered the VA fiscal year 1970 appropriation. I offered an amendment to restore the full amount cut by the administration from President Johnson's budget. The House had already restored one-half. I withdrew that amendment only after Senator Pastore, chairman of the Independent Offices Appropriations Subcommittee, assured me he would sympathetically consider my recommendations after the hearings.

We then held six days of oversight hearings, which we completed in January. Testimony should be published in about a week and my specific recommendations will be forthcoming shortly. I intend to urge significantly more money not only in the 1970 VA supplemental appropriation, but also in the 1971 budget request.

The Subcommittee has received over 500 pages of testimony from some of the country's most outstanding medical experts in medical schools, hospitals, service organizations, the VA residents and interns, and from individual veterans themselves. They have given clear and convincing evidence that we are facing a crisis in VA medicine; that staffing ratios are at dangerously low levels, and that much needed renovations, equipment purchases and construction have been put off far too long.

All this is happening at a time of increasing strain on VA facilities because of the influx of wounded Vietnam veterans.

They are victims of what is probably our nation's most crippling war. At least 10 percent of the men surviving severe wounds in Vietnam would have died in earlier wars. We must ensure that the crisis medical attention they receive at the battlefield that enables them to survive is continued with the same urgency when they are transferred to VA hospitals for longer term care.

More money is an answer to many of the VA's problems. In a coordinated effort with "Tiger" Teague, who we all know is performing an outstanding service, as always, I plan to press for substantially more VA funding so Vietnam veterans will receive the high quality of care to which they are entitled. We will fight to see that all veterans of all wars receive the highest possible quality and quantity of care.

The VA's supplemental budget request has not yet been submitted to the Congress. Hence, final Congressional action is unlikely until late April. That means we may be dealing with only the last two or three months of this fiscal year. Thus, the amounts to be requested and ultimately expended will be only a portion of a full year's needs.

But it is urgent to add supplemental funds in a number of areas not only to ensure adequate continuation of vital FY 1970 programs, but to enable the VA to finance these programs at a supplemented level when it begins to operate under a FY 1971 continuing resolution. That will undoubtedly occur beginning July 1 prior to passage of the FY '71 appropriation. Otherwise, under the terms of the continuing resolution, the VA will be restricted to the FY '70 level, and needed expansions in care will be deferred still further. This underscores the need for immediate action on the supplemental appropriation before this fiscal year ends.

With this background, I will mention a few of the specific recommendations I am considering.

First, as is being illustrated by the state-by-state press releases of the House Veterans Affairs Committee, there are numerous VA hospital budgetary deficiencies, just in maintaining the level of FY '69 care. And that care, of course, now costs much more to deliver than it did a year ago. We thus must supplement the VA's budget to hold the line in the most critical areas. Some of the most glaring shortages are in the community nursing home care field, in the Vietnam veterans' dental care programs, and in hospital maintenance and essential equipment replacement costs.

Supplemental funds are also needed to open and fully operate as soon as possible most of the 61 specialized medical programs in VA hospitals which are not planned for activation in FY 1970 at all. Also, we will seek funds to permit understaffed spinal cord injury units to operate at the staffing ratios recommended by the VA's advisory group.

Also under consideration are additional supplemental funds for veterans' benefits personnel to help cut into mounting application backlogs across the country, backlogs that many of you who work in this field are well aware of. Finally, there will have to be supplemental funds added to meet the costs of G.I. bill legislation eventually passed by Congress.

Unfortunately, the VA FY '71 budget really offers no increased resources to meet the dimensions of the needs we have been uncovering. A great deal more money is needed to move the VA medical care staffing ratio to an adequate level, to construct new facilities and renovate the old, particularly to begin air conditioning the 33 VA hospitals in the hottest parts of the country.

I also will recommend substantial increases for funding the VA health personnel training and education program, and I shall seek to make that item a separate figure in the appropriation bill to permit and expanded, on-going effort. I also think the same separate appropriations treatment should be accorded the research budget, rather than lumping it with education and training in the medical care appropriation item.

But I do not think even substantial appropriations increases will make the VA hospital and medical care system what it really should be. I am convinced that much new legislative authority is needed for the VA health care program, and I would like to outline some of the legislation I hope to introduce in the next several weeks.

I believe several principles should guide the VA medical program in producing first quality care for our veterans.

First, the VA system must be viewed as part of a larger pattern of community medical care if it is to prosper as a modern, high-quality health system. Now, I am not suggesting diluting the VA system or its distinctive veterans orientation. But the VA

cannot share in innovations and new techniques if it is not involved in planning the health activities of the communities where its facilities are located.

Time and again, our hearings have shown the VA health care crisis to be symptomatic of a massive nationwide medical care crisis. The VA's problems cannot be resolved in isolation. In virtually every community, there are shortages of doctors, nurses, allied health professionals, medical equipment, physical facilities, and outpatient care.

Thus, I will shortly introduce legislation to build upon the present VA relationship with regional medical programs and other community health planning efforts. The bill would require that both the VA and the Department of Defense be represented on the national and area-wide regional medical program advisory councils. I am also asking that they be represented on the state advisory groups of comprehensive health planning agencies and community mental health centers. This should increase coordination and promote an interchange of ideas to improve the VA's and the community's capacity to deliver quality medical care.

I will also introduce, with some modifications, an administration proposal to permit VA hospitals to participate more actively in regional medical programs. It will also authorize the VA to receive direct grants for multi-program projects, and to enter into subcontracts with regional medical grantees for coordinated improvements in VA programs, on heart, cancer or stroke.

Another principle of which I am convinced is that the VA system should be more fully responsive to the medical needs of all veterans and their families. The system is dedicated to them. If there is a lessening demand for hospital beds as the VA contends—although restrictive admission policies could very well be the cause of reduced inpatient levels—then we must change eligibility requirements if we don't want to dangerously weaken the whole system. I plan to introduce a number of bills to meet this crisis.

One is a "Family Bill" to provide full VA medical and hospital care for the dependents of totally and permanently disabled living veterans, as well as survivors receiving disability and indemnity compensation. Caring for the dependents of sick or deceased service-connected veterans surely should be a vital purpose of the VA.

Existing personnel capacities, especially at VA hospitals affiliated with medical schools, appear adequate for this job. And broadening the variety of cases to include children and women should help the VA recruit higher calibre medical personnel.

This "family" bill will also enable the VA to treat a veteran's family where that is necessary for the veteran's total care and rehabilitation. Two examples will illustrate my intention.

Eminent psychiatrists have pointed out that most patients with psychological disturbances cannot be properly treated apart from their family situation. But the law doesn't permit family treatment and so it is often bootlegged. I maintain that when the veteran's total care requires that his family be treated with him, he should be entitled to such total care for his condition through his family.

Similarly, total care of a physically disabled veteran may require that his family be fully oriented on the philosophy of his rehabilitation program. The VA should be able to bring key family members to the hospital for this orientation, as is done now on a limited basis at the blind centers, with non-appropriated funds.

This "family" bill also would provide specific authority for the VA to stress home care programs for any hospitalized veteran. Although a start has been made by the VA in home kidney dialysis, much more needs to be done, especially in the psychiatric field. Most medical experts agree that institutional care is the least desirable. Alternatives should be fully explored.

"Home care", employing mobile teams to train families and conduct post-hospital follow-up, can in many cases provide more compassionate, more effective and far more economical care.

In line with the idea of total care, I am considering another bill to amend present restrictions on care for a non-service-connected condition unrelated to the condition for which a veteran was hospitalized. Clearly, a physician cannot ethically assume responsibility for only a portion of his patient's health, and we should stop asking doctors to walk this impossible line. Instead, we should authorize necessary medical care for any illness of a hospitalized veteran.

Along these same lines, I am exploring expanding prehospital outpatient care for non-service-connected conditions to include reasonably necessary care to prevent hospitalization, as well as to prepare for it.

Another bill I am working on would insert into VA law a full definition of rehabilitative services.

It would stress the right of a severely disabled veteran to a comprehensive program aimed at restoring him to his family and community as a productive, self-respecting, and self-sustaining member of our society. The VA is hampered by many difficulties in this area, and new legal definitions will not resolve all of them. But at least the goal would be clearly and authoritatively established. Moreover, I plan other steps to implement it, such as fighting for necessary appropriations for staffing spinal cord injury units.

Another bill I plan to introduce would establish nursing home care as a clear part of hospital care, thereby permitting veterans to apply for direct admission to a VA nursing home without prior VA hospitalization. This bill would also raise the present statutory minimum of 4,000 VA nursing home beds to 6,000. There is an unmet demand for VA nursing home beds by World War I veterans which will expand as our World War II veterans grow older. We should consider converting hospital beds not being fully utilized into VA nursing home beds. Community nursing homes are already greatly in demand among the aging non-veteran.

Another bill I will shortly offer would deal with psychiatric disturbances, alcoholism and drug abuse among Vietnam veterans. These problems may prove to be enormous in the years ahead. I propose expanding the present presumption of service-connection for mental conditions, which now applies only to an active psychosis occurring within two years of discharge, to include any psychosis, neurosis or character disorder or chronic alcoholism or drug abuse problem arising within three years of separation. That would make outpatient treatment available to men whose problems were accelerated or aggravated, if not caused, by their service. Outpatient care is often the most appropriate for low-grade emotional disturbances and drug abuse. Vietnam veterans seem especially likely to suffer from these problems.

Also being developed is a bill to provide the VA with new responsibilities to train and employ more doctors, nurses, and allied health professionals, especially so-called physicians assistants. It would also revise personnel authorities to enable the VA to compete more effectively for scarce health professionals. The VA must be able to enlarge its training program if it is ever going to make up its personnel shortages. The VA should perhaps be authorized to pay special salary differentials for posts they are having difficulty filling. And the VA should be able to peg general salaries geographically to an index community hospital.

Such a personnel system bill would also require that every VA facility reach a comparable staff-to-patient ratio with an index community hospital within three years. The present disparities are shocking: 1.5 for the VA general hospital, 2.7 for the average community hospital, and 3.5 to 4.0 for the university hospital; and that means inadequate care, inadequate attention, and inadequate time for the veterans in those hospitals.

Legislation I plan to introduce for Armed Services Committee consideration in related fields would require the military to consider chronic alcoholism a disease. Rehabilitative services and disability retirement, when indicated, would be provided for chronic alcoholics. I might add that Senator Harold Hughes of Iowa, Chairman of the Special Subcommittee on Alcoholism and Narcotics, and I are both convinced that the armed services are doing a very inadequate job in dealing with the alcoholic problem at present.

Another bill would enable a doctor to satisfy his military obligation by serving as a VA hospital staff physician. That proposal would be written in a way that would not detract from the Defense Department's needs for physicians.

It would merely give VA medical service at least the same national priority as the Public Health Service. And why they should not have that same priority is a mystery which we intend to unravel. Hundreds of doctors meet their military obligation through the P.H.S. every year. I don't think the VA is any less essential to our national security.

I hope you will agree that this is an ambitious and comprehensive veterans legislation medical program for one session.

And I will also be introducing at least three other pieces of veterans legislation in different fields. One will eliminate the delay of several months in the arrival of the first G.I. bill allowance check. I will probably propose an immediate automatic $200 educational assistance allowance advance, interest-free, to any eligible veteran certifying his intention to enroll in an approved course. The advance would be repaid through withholdings from his monthly G.I. bill payments. He could also pay off his advance payment by doing special work for the VA, such as helping in G.I., bill registration and processing or serving in the VA outreach and veteran benefit program.

Another piece of legislation, which I have already announced in the Senate, would amend the administration's proposed manpower training act to stress job training opportunities for veterans. That provision was recommended by your national economic commission director in testimony February 9 before the Employment, Manpower and Poverty Subcommittee.

A third bill will incorporate the administration's proposal to cede concurrent jurisdiction over VA installations to the states on an across-the-board basis rather than waiting for jurisdictional problems to occur and then proceeding legislatively in piecemeal fashion as we have in the past.

Before closing, I want to comment on the outstanding work being done for our veterans by Senators Talmadge and Long on the Finance Committee. I was privileged to join with Senator Talmadge last session in sponsoring the D.I.C. program bill which recently became law, as well as the bill, which passed the Senate last session, to increase S.G.L.I. insurance coverage.

This session I have been delighted again to join with Senator Talmadge in introducing bills to improve and expand benefits under both the compensation and pension programs. Senator Talmadge, for his part, has closely cooperated with me in our recent VA medical care investigation and will work with me to obtain the appropriations and new legislative authorities needed for the VA.

That, then, is the past record and the prognosis of my veterans legislation program that I am working on. I solicit your views and sug-

gestions. I urge your support. The program needs it.

And I welcome your assistance in the critical days ahead to help me improve and expand health care, education and training for the men and women who serve our nation.

WE OFTEN FORGET THE IMPORTANCE OF VETERINARIANS

Mr. YARBOROUGH. Mr. President, last week I discussed a letter I received from Dean Price, College of Veterinary Medicine, Texas A. & M. University, on the role of veterinary medicine in our society. I invite the attention of the Senators to an article I read sometime ago on the subject of veterinary medicine which I feel is equally applicable. The article, written by Frank B. Berry, M.D., is entitled "We Often Forget the Importance of Veterinarians," and was published in the Resident Physician of June 1968.

As the title indicates, Dr. Berry discusses the important contributions of veterinary medicine to the betterment of American society. Clearly, veterinary medicine is vital to the health and welfare of man. Unfortunately this fact is often overlooked by the general public.

Mr. President, I ask unanimous consent that Dr. Berry's article be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

WE OFTEN FORGET THE IMPORTANCE OF VETERINARIANS

(By Frank B. Berry, M.D.)

In 1904, the Regius Professor of Physic at the University of Cambridge, T. Clifford Allbutt, M.A., M.D., delivered an address at the St. Louis Congress, on the "Historical Relations of Medicine and Surgery." In it he stated, "One cause of the poverty and defect of medieval medicine lay in the jealous secretiveness of its practitioners, a reticence which they carried even into their private consultations." And in a footnote: "A veterinary surgeon, who flourished greatly in Yorkshire some hundred years ago as a marvelously successful operator, astutely evaded all prying and questioning into his secret, even when in imminent peril on a bed of sickness. He survived to carry all before him for many years longer. At length, bowed down by old age and decreptitude, he was again implored by his son to tell what he did in the secret half hour before operating. Life was ebbing at last, and the worn out old man whispered with his passing breath 'I biles my tools'."

One may be almost sure that he washed his hands and the animal also. Thus this old veterinary surgeon was more than half a century ahead of his brothers, in both human and veterinary surgery, in the realization that cleanliness and sterilization of instruments meant better results and saving of lives following surgery, thus anticipating the revolutionary work of Lister.

When I was in medical school in the early years of World War I, little attention was given to veterinary medicine and its close relation to human medicine. Of course, we heard about vectors, parasites, rabies, anthrax, glanders and a few other diseases of animal origin; the risk of rats, certain snakes, and animals; and the great work of Walter Reed in Cuba and Gorgas in Panama. But these were all regarded as a branch of human medicine, which of course they are, but little attention was given to the veterinary aspect.

Fortunately, however, Dr. Theobald Smith met with us during part of our course in bacteriology. He was an extraordinary person and one of the leaders of his time in both human and animal bacteriology. It was he who introduced us to the close relationship between animal and human diseases and their bacteriology and pathology. He had demonstrated some years previously that filtrates of the bacillus of hog cholera conferred immunity on injected animals, and that the cattle tick was the vector in causing Texas cattle fever. Both of these were major contributions to veterinary medicine. And, furthermore, he differentiated the bovine from the human tubercle bacilli; and in 1903 he had discovered the sensitization to specific proteins on re-inoculation.

Over the years, the veterinary profession has played an ever increasing role in our food inspection: livestock, poultry, dairy products, and processed and canned foods. This is performed incredibly well and with little fanfare by veterinarians in the Department of Agriculture, the Army, Air Force, and Public Health Service, as well as by veterinarians in state and municipal employ. And now also, with the large numbers of all sorts of animals used in medical, toxicological, and aerospace research, the demand for veterinary pathologists is increasing. There is likewise a growing need in large animals husbandry and research in animal genetics.

At present, there are somewhat over 100 diseases that are transmissible from animals, insects, and parasites to man; and with the increase in communications and travel (both in speed and numbers), and in the many exotic animals, birds, and reptiles that are benig imported for various purposes, the veterinary load and responsibilities are greatly augmented.

In the February 1, 1968 issue of the *"Journal of the American Veterinary Medical Association,"* there is a letter from Dr. Robert B. Northway, D.V.M., in which he describes a boa constrictor "loaded" with ticks that was brought to him for riddance of the ticks. He stated that these ticks were very similar to two species that transmit Rocky Mountain spotted fever, and then remarked that heartwater (Nairobi) sheep disease could readily enter this country in a similar manner. He made a sound plea for careful veterinary inspection for all such animal "immigrants" both at the port of embarkation and again as they enter the United States.

Some years ago, when I was at Bellevue Hospital, New York City, a patient was shown at a combined chest conference with many tiny cysterceri scattered throughout his lungs. He was a professional snake handler and it was thought that these were the intermediate stage of a tapeworm acquired from the snakes.

THE VET AND PUBLIC HEALTH

At the annual meeting of the American Veterinary Medical Association in Dallas last July, both President H. E. Furgeson and President-elect Robert J. Schroeder emphasized the need for more schools of veterinary medicine. Dr. Furgeson said that expansion of veterinary medical education meant more than a building program; it meant also bringing it in step with the times and demanded constant critical examination. He then spoke of the importance of the veterinarian in the large animal industry, where the vet's "chief stock in trade will be the tools of the diagnostician, the epizootiologist, and the expert in preventive medicine, and (where he) is likely to apply these tools as a member of a team of highly skilled specialists."

Dr. Schroeder spoke of the present lack of control of advertising of veterinary foods and nostrums, and the present lack of adequate regulations and screening for those desiring to run animal laboratories. He then made a cogent criticism: "Despite our close relations with agriculture, we all insist that we are a medical profession. However, by and large, I believe that our insistence that we are a part of medicine has fallen on deaf or at least indifferent ears. It seems that whenever recommendations are made concerning the medical sciences, physicians and dentists are invariably named, while veterinarians often are not. This happens particularly in legislation involving such things as educational facilities, public health activities, recognition of military status, and salary considerations. It is often only after considerable effort on the part of AVMA and our constituent associations that we are added to the medical team. I intend to speak out for more recognition of veterinarians as major partners in our national and state health activities."

And so they are.

THE AIR FORCE B–111

Mr. GOLDWATER. Mr. President, once again the Air Force's B–111 is coming under investigation of the McClellan subcommittee. I sincerely hope that this effort is carried through to a final decision because a lot of things should be made known about this aircraft, although its modern-day performance is not the chief point.

What should be thoroughly investigated, in my opinion, is the way the contract was handled which was given to the highest bidder at a time when the Pentagon was supposedly cost conscious. I have flown this aircraft myself, and I find it wonderfully adapted for tactical bombing and for strategic bombing, but under no manner of judgment could it be called a fighter, which is why I have labeled it the B–111, or, if we want to be exact, we could call it the AB–111.

This airplane was really a sort of dream of Gen. F. F. Everest when he became Commander of the Tactical Air Command in 1959.

Mr. Orr Kelly has written a most interesting article on this subject, which was published in the Sunday Washington Post. I ask unanimous consent that it be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

THE IMPOSSIBLE DREAM FOR THE F–111 IS COMING TRUE

(By Orr Kelly)

Gen. F. F. Everest had an impossible dream when he became commander of the Tactical Air Command early in 1959.

His dream was an airplane that could cross the ocean without refueling and yet fly supersonic speeds when it got close to its target; a plane that could fly high and slow or low and fast; a plane that could find its own way in and out of increasingly sophisticated defenses.

The dream has come true. But it also has, in many ways, become a nightmare.

The plane is the F–111, once known as the TFX.

Sen. John J. McClellan, D-Ark., will resume hearings Tuesday on the TFX program that filled the headlines for 10 months in 1963 and then went into hibernation after the assassination of President Kennedy.

Ironically, after all the controversy surrounding the program, the F–111 now is almost exactly what Everest dreamed of in 1959—and almost all the other factors that made the program so controversial have faded away.

One of the major issues about the plane was the decision of Robert S. McNamara, in one of his earliest actions after taking office as defense secretary, to push the Air Force and Navy into developing the same plane to serve them both.

Since the Air Force first dreamed of its plane, the program has gone through five transformations—and is now back essentially to the original Air Force concept.

But, largely because of the long controversy, the Air Force will get far fewer of the planes than it had hoped for. Air Force officials have told Congress in recent days that the money requested in the 1971 budget will be used both to carry out an expensive inspection program to avoid problems with the wing structure and to buy enough planes to fill out a fourth wing of F–111 fighter-bombers. This will end the construction program, at least as things stand now.

This is a far cry from the plans in 1964 when a total purchase of 2,411 planes for the Air Force and Navy was approved.

The Navy dropped out of the program in early 1968, shortly after McNamara left the Pentagon, and is now developing its own plane, the F–14, as it had wanted to do all along. The British, who had originally hoped to buy their own F–111 fleet, dropped out and the Australians are talking, as if they, too, want to get out.

The result is that, of six different models of the plane to be developed and built, only two will go into service. There will be 77 strategic bomber versions for the Air Force and the remainder will be tactical fighter-bombers.

The McClellan Committee, in its renewed hearings, thus will find that the cost of each plane has risen far above the original estimates.

In recent testimony, Gen. James Ferguson, commander of the Air Force Systems Command, outlined the reasons for the increase in costs, which included technical problems and inflation.

"However," he added, "the biggest single cause of the increase in unit flyaway cost has been caused by the decrease in the total quantity procured and the extended time frame in which the remaining aircraft were to be produced.

"For this reason, we have seen the estimated average unit flyaway cost rise from $2.8 million to just over $8 million."

The decision to cut back on production of the plane is a source of considerable frustration for both Air Force officers and officials of General Dynamics, which won the contract over Boeing in a bitterly contested competition in the early 1960s.

According to an analysis done by the company, 58 percent of the work done by fighter-bombers in World War I, Korea and Vietnam has been interdiction—hitting military and transportation targets behind the enemy's front lines. This, according to the analysis, is exactly what the F–111 is designed to do best.

The analysis also shows that the decision to cut off F–111 production has come when the cost for each additional plane could be expected to drop sharply.

If the number of planes to be produced under present plans is divided into the program's total cost, the amount for each plane comes to $13.3 million. (Ferguson's figure of $8 million included only the airframe, engines and electronic equipment for each plane and not a share of the research and development costs.)

But the company's analysis shows that most of the money to be invested in the program already has been spent and that the cost of additional planes could drop to as little as $1.8 million apiece if construction were continued.

As things stand now, the total number of planes to be built probably will work out to 552. Of these, 77 are strategic bombers; two are the British version, now used for testing; seven are the Navy versions, also used for testing and 24 are the Australian version, which could end up in the U.S. Air Force. The remaining 442, which include 18 research and development planes, are the tactical fighter version.

The McClellan hearings are expected to last as long as two weeks, with a break for the Easter recess.

In the more than six years that have elapsed since they attracted such attention, much of the heat has left the F–111 controversy.

McNamara has moved on to the World Bank, the contract has turned out to be something less than a golden bonanza for General Dynamics and the plane, despite the wing problem that has grounded most of the fleet, has a good safety and performance record.

When the hearings end, it is unlikely that an answer will have been found to one of the most intriguing questions surrounding the whole F–111 program. That is whether or not the fight over the F–111 was a necessary and desirable part of McNamara's effort to exert civilian control over the Pentagon and whether, after all the controversy and cost, that effort was successful and worth the cost.

PRISONERS OF PRINCIPLE

Mr. HART. Mr. President, a number of weeks ago, Chief Justice Burger advocated a massive reform be undertaken of our Nation's prison facilities and activities. At that time, Chief Justice Burger was quoted as saying that "to put a man behind walls and not to try to change him is to deny him his humanity—and ours." He was quoted as going on to say that he would like to consider prison sentences "a period of enforced education" rather than a period of "enforced and frustrating idleness."

Mr. President, it is with these thoughts in mind that I invite the attention of Senators to an article published in Christianity and Crisis for December 22, 1969. Willard Gaylin, who is a practicing psychoanalyst in New York City and an associate professor of psychiatry at Columbia University, has done a study on what happens to some of our young men during their stay in prison. On the group which Mr. Gaylin chose to study, he found that prison causes a "hardening, an increasing hostility toward the environment, combined with an increasing distrust of self."

Mr. President, I believe that Mr. Gaylin documents the statements made by Chief Justice Burger about our need for prison reform. I ask unanimous consent that the article entitled "Prisoners of Principle" be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

PRISONERS OF PRINCIPLE

(By Willard M. Gaylin)

In September, 1967, I was approached by a friend who was concerned about his son, a graduate student. When the draft was revised to deny deferment for graduate study he dropped out, his sole motivation for advanced study having been eliminated. He was now eligible for induction and unalterably opposed to the war. He was not a religious objector in the sense defined by law, nor a pacifist opposed to wars in general. He would not lie (he later did) and, therefore, realized that the only courses open to him were to go to jail or to flee the country.

The father approached me as both a friend and an expert. He wanted facts or at least a professional estimation as to the potentially harmful effects of the two alternatives. It was a reasonable question logically directed to precisely the person who should be expected to know. In fact, I was totally unequipped to present any intelligent answer.

Although one of my special interests had been the borderline area of psychiatry and the law, I had never spent one hour within the walls of any penal institution. My subjective impression of prison had been formed at an early age by watching too many Warner Bros. movies at Saturday matinees. Balancing this was a limited intellectual conception based on those few articles on prison reform or rehabilitation that I had chanced upon.

Being so personally ignorant I began to wonder on what facts a 19-year-old boy bases his decision, particularly since the problem for him is not a theoretical one but a matter of survival.

Examination of the literature uncovered no papers published on the imprisoned war resister. Assuming that many incomplete studies must be ongoing, I inquired at the Bureau of Prisons. To my amazement I found that no one, at least officially, was currently doing research in this area. Even such pertinent information as the number of imprisoned objectors and their stated reasons for choosing prison had not been tabulated.

I felt that it was urgent that some understanding of who these men are, why they chose to go to prison and what became of them while in prison be made part of the public record. To this end I requested the permission of the Bureau of Prisons to start a pilot study of a sample of these youth, perhaps 20 to 25, to be interviewed over the period of their prison stay. I have been involved in this research now for two years. Since the research is still on-going many of my conclusions are still tentative, although certain things have emerged with absolute clarity.

ALIENS IN A HOSTILE ENVIRONMENT

Neither the prisons nor the prisoners were what I expected. It is not within the scope of this article to go into the nature of the prisons, but I might say that if the Warner Bros. picture of "screws" and "cons" and clanking tin cups is an inaccurate one, so are the official publications of the Bureau of Prisons with their emphasis on rehabilitation, educational opportunities, etc.

The feel, the pressure, the tensions of the typical prison are hard to describe and contain elements of both the above reports. It is true that there are no tin cups (there is a cafeteria); on the other hand, it is still true that there are homosexual rapes, physical violence, personal intimidation and humiliation of prisoners by personnel.

I began to find that my ignorance of conditions in prison was shared by most of my friends in the professions. Physicians, lawyers, ministers—all of the major groups from whom the young would seek counsel—might be expected to have some authoritative knowledge of conditions of prison life. This is, of course, not the case. The professions in general are servants of the middle class in our society; for the most part, prisons are a working-class institution.

The political prisoners, however, are from the middle class, and this immediately creates a problem. Automatically, there is a de facto, unintended discrimination exercised against them. They cannot learn or advance themselves in their professions, they cannot utilize the facilities of the library, they cannot educate themselves—their level in all of these things is beyond the ordinary scope of facilities of the prison. Instead, they are often found in the scullery or shovelling manure.

In addition, they are aliens in a hostile environment where their middle-class manner is resented and arouses hostility, or is interpreted as weakness and invites exploitation. To some degree they are protected by being put in minimal custody camps. Here their

fellow prisoners expect discharge relatively soon and are presumed to have sufficient self-control not to attempt escape or misbehave. Despite this (though my research has been of short duration and with a fairly small group) there were two physical assaults of a nonsexual nature, one rape and one serious group-rape attempt.

The special nature of these prisoners makes them susceptible to a unique kind of discipline—if they do not toe the line, they can always be transferred to the parent institution, a maximum security prison. The implications are obvious. Few punishments that the administration can do directly are as potentially severe as what might be done by a general prison population. Even if they manage to avoid direct assault, it is at the cost of constant vigilance and constant terror.

SERVING CONSCIENCE RATHER THAN A CAUSE

Who are these men who find themselves in this position? When I began my actual visits to the prison on June 20, 1968, there were 739 imprisoned violators of the Selective Service law. This is an artificial figure because over three-fourths of them are Jehovah's Witnesses; their primary objection is not necessarily on a political or moral ground to this or any war; it is in terms of allegiance. They refuse to serve the government in any form. The decision was made for them; they are men obedient to authority—in this case, their church rather than their country.

Eliminated also are those who were not opposed to the war but who had been involved in conflict with law in general. They registered for nothing, were chronic criminals, and not registering for the draft was merely one of many crimes committed. I was not interested in either of these groups but in those who had made a decision of conscience to enter prison. Thus, I was left with somewhere between 60 and 70 men. Therefore, my small sample ended up being close to one-third of the total imprisoned population of war resisters.

Most people will visualize the war resister in prison in terms of the college radical. The imprisoned war resister is not this at all. He is generally less political, less self-dramatizing or self-serving, quieter, more withdrawn, more idealistic, more introspective and not generally an aggressive leader type. He is someone who is primarily serving his conscience rather than a cause. This, of course, is a generalization that is only partially true, for the most striking feature of the group is this heterogeneity.

An interesting aspect is that about 40 percent of these boys were eligible for draft deferments. Some were seminarians. Some were 4-F: one limped badly from childhood polio, one had severe asthma, another was almost blind. Invariably they refused to take this course, and the reasons most often given were twofold. First, if they are to preach or counsel against the war, what respect could a person receiving such counsel have for someone protected by a 4-F status. Second, they felt it would be an abandonment of all those who shared their emotional beliefs but had no built-in excuse for avoiding this crucial decision.

A SCAPEGOAT GROUP

In essence then, what we have, as demonstrated by the small number and nature of these men, is a testament of the effectiveness of the draft law. The United States Government has assumed that if you punish people severely for not going to the army, they will go—and, indeed, for the most part they do.

Not all of them though, because there are thousands who emigrate to Canada. More important, however, are the devices available—if the conscience of the individual permits—for avoiding the draft besides going to jail. You can lie and claim to be a religious objector, which will be effective in some cases; you can manufacture false medical records; you can claim to be a homosexual; you can claim to be a drug addict; you can become a drug addict.

All of these dodges are readily used, for while there are only a litle over 700 imprisoned war resisters, there are estimates of 25,000 to 30,000 draft evaders. And draft evaders do not include those who have legitimate deferments for illegitimate reasons, i.e., those who have developed physical or psychological ailments for purposes of evasion.

In addition, until recent years, the perpetual graduate student role became a way out. Prison authorities expected a flood of Selective Service violators when draft deferment was not allowed for graduate studies. The flood has not materialized. What has been flooded instead are the teaching professions. Draft deferment is offered by many larger cities in critical and often not so critical areas. In New York City alone, with the changing of the draft laws, there was an increase of 20,000 in the number of applications for teaching positions, primarily from men under the age of 26. So there are many ways to beat the draft.

What we have in prison, then, is a population that chooses not to "beat the draft" but chooses instead to bear witness against it. In essence it is a scapegoat group because under the broader interpretation of the law most of these prisoners are sincere conscientious objectors. It is presumed that their imprisonment will serve as a deterrent to others who may not have the same idealism.

Society may find it necessary to have such scapegoats in order to function, but one would think that there might be some recognition of this role and a consequent tempering of justice with mercy. The opposite seems to be the effect. The political war resisters are discriminated against in every way. Whereas Jehovah's Witnesses can expect parole after 12 to 15 months imprisonment, the political war resisters or moral objectors cannot. Up until recently they have not been granted parole at all. And as the frustration with the war increases to do the sentences—up to four and five years now.

ONE SEES A HARDENING

What happens to these young men when they enter the prison? Prison is both easy and hard—easy in the sense of the rawness of life, hard in the psychological sense. There is less brutality and more humiliation. A serious deterioration often occurs, a marked increase in depression, a loss of self-confidence, a sense of despair. These men feel they are isolated from the world about them, that they are forgotten men, and indeed they are. There is very little hue and cry in the community. They find few allies within the prison (the conventional prison chaplain and the chaplaincy service in general does not do credit to the churches).

These young men are struggling through a difficult period of their lives. Because of their youth their sense of identity has not yet been established, and they are put into a situation where individuality and identity are discouraged. They are treated as property to be moved around. The result is an arrest in that self-pride and self-confidence normally consolidated in this period.

This situation is particularly destructive in the sexual area. When you take a 19-year-old who has not yet completely established his sexual identity, who is not firmly in command of himself as a man, deprive him of his normal sexual outlets and then expose him constantly to homosexual seduction you run the risk of crippling or distorting his normal sexual development.

Another aspect of these men is their coarsening in all areas. They become less gentle and considerate, more survival oriented, more paranoid. They are keenly aware of this and are frightened that the changes may not be reversible after release. Their thought is also directed away from pacifism and idealism. They learn to hate the country and its institutions because, as represented by the prison, they warrant hatred.

Almost to a man they describe their change as a reconsideration of the idea of nonviolent resistance. A former Catholic seminarian said to me: "When I came in here I knew precisely where I stood. I would have called myself a Christian pacifist. Now all that is changed."

"Which has changed," I asked, "the Christian or the pacifist?"

"Both, I'm afraid, the pacifist as an act of reason, the Christian as an act of despair."

In every direction, therefore, what one sees is a hardening: an increasing hostility toward the environment, combined with an increasing distrust of self.

It is an enormous price we extract, not just from these men but from all prisoners. This country has ruled out cruel and unusual punishments. We no longer flog a man, cut off an ear or brand him for crimes; we merely "imprison." But the problem with imprisonment is that it becomes a word and words become institutionalized, and the vast majority of thinking men have never visited a prison. (How many readers of this journal have spent any appreciable time in a prison?)

What is cruel and what is unusual? We are taking from these youths two to five years of their lives. If a man is given an option whether he will sacrifice a lung that has become malignant to guarantee a continuation of life for a few more years, it is a rare person who refuses it. And this usually occurs in the middle or late years. What, then, is the value of these irreplacable years of youth, vigor and virility? What severity of crime warrants this punishment?

Yet how readily does society deprive these young men of this most precious and rarest of commodities, and how readily do the normal watchdogs of our society, the keepers of morality, the defenders of right close their eyes, maintain their silence, and sleep with conscience.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

SUPREME COURT OF THE UNITED STATES

The ACTING PRESIDENT pro tempore (Mr. EAGLETON). In executive session, the Chair lays before the Senate the pending question, which the clerk will state.

The ASSISTANT LEGISLATIVE CLERK. The question is, Will the Senate advise and consent to the nomination of George Harrold Carswell to be an Associate Justice of the Supreme Court of the United States?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CUSTOMARY CONFIRMATION TEST IS NOT SUITABLE FOR SUPREME COURT NOMINEES

Mr. CHURCH. Mr. President, the Senate is being asked to advise and consent

to the appointment of Judge George Harrold Carswell as an Associate Justice of the Supreme Court of the United States. If he is to be given the benefit of every reasonable doubt, which is the usual practice of the Senate in passing on Presidential appointments, then Judge Carswell should be confirmed. The question is, Whether the usual practice should be followed when it comes to filling vacancies on the Supreme Court.

I believe that it should not.

The Supreme Court, a separate and coordinate branch of the Federal Government, plays too vital a role in our national life to allow for the appointment of men whose qualifications are subject to serious doubt. During the 1968 presidential campaign, Richard Nixon said that he would appoint only men of high distinction to the Supreme Court. The record clearly reveals that Judge Carswell fails to meet such an exacting test.

If he were being nominated for a legal position in the executive branch of the Government, there is no question but that Judge Carswell should be confirmed. In such cases, the Senate quite properly gives the President wide latitude in the exercise of his discretion. As the Nation's Chief Executive, it has long been recognized that the President is entitled to have in his administration men and women of his own choice. Except on those rare occasions when the evidence points to immoral or unethical conduct on the part of the nominee, the consent of the Senate is given in a routine manner for the purpose of accommodating the President.

After all, executive branch officials, from the highest to the lowest, act on behalf of the President. The most important among them form his executive "team." Whether they serve as members of his Cabinet, as directors of Federal agencies, or as his ambassadors abroad, they must be individuals in whom the President can repose personal confidence, with whom he can easily work, and from whom he can expect full political support.

For example, a Secretary of State, though charged with great responsibility in the conduct of American foreign policy, remains, nevertheless no more than an arm of the Presidency. He may offer advice which the President is free to accept or reject. However, once the President makes his decision, the Secretary of State is obliged both to accept and to implement the decision to the best of his ability.

Typically, a Secretary of State might urge the President to submit a larger foreign aid bill to the Congress. Taking his entire budget into account, the President might decide against it, thereby overruling his principal foreign policy adviser. It then becomes the duty of the Secretary to publicly defend the smaller bill as if never a doubt had crossed his mind.

A treaty may be waiting submission to the Senate. The Secretary of State privately urges the President to delay moving it, owing to the delicacy of current negotiations on another front. But the President feels that other considerations are of greater importance. Despite the Secretary's dissent, the President instructs that the treaty be submitted to the Senate. That settles the matter.

Presidential primacy over the executive branch is too well settled for argument. Abraham Lincoln once dramatized it when he submitted a proposition to his Cabinet and called for a vote. Every member of the Cabinet voted "No." The President voted "aye," and announced "The 'ayes' have it." Those who act as the President's agents—no matter how highly placed in the executive branch—draw their authority from Presidential writ. They act upon the direction of the President and they serve at his pleasure.

Now, I submit that this principal-and-agent relationship which exists within the executive branch has no applicability whatever to the Supreme Court. An Associate Justice of the Supreme Court is not a subordinate of the President. Unlike executive officials, a Justice is part of no political administration. He takes no directions from the President. Indeed, he is expected to stay aloof. Mr. Abe Fortas, although a longtime friend of President Johnson, learned how ill advised it is to remain a White House confidant, once appointed to the Supreme Court.

The framers of the Constitution took special precautions to safeguard the independence of the Federal judiciary. The Federal courts are protected against being bent to the will of Congress or the President by specific constitutional guarantees for maintenance of salary and lifetime tenure. Moreover, the Founding Fathers implicitly recognized the gulf which separates Federal judges from the appointive officers in the executive branch. The latter generally may be removed from office on order of the President. But a Supreme Court Justice, like the President himself, can be removed from the bench only by Congress through the difficult procedure of impeachment.

There is yet another striking contrast between nominees for judicial and executive branch positions, even though both are filled by Presidential appointment subject to senatorial confirmation. When a President leaves office, he is customarily joined by members of his executive team who had served under him in appointive posts during his administration. But this is certainly not true of the men he has appointed to the Federal judiciary. Least of all is it true of the Supreme Court.

In fact, we have today, as sitting members of the Supreme Court, two Associate Justices who have rendered decisions while six Presidents occupied the White House—Roosevelt, Truman, Eisenhower, Kennedy, Johnson, and Nixon. There are three other Associate Justices who first took their seats on the Supreme Court during Dwight Eisenhower's term, four Presidencies ago. It must be clearly understood, consequently, that a nomination to the Supreme Court is "for the ages," not merely for the duration of the administration of that President who makes the appointment. It should be a sobering point to reflect upon, as we deliberate the nomination of Judge Carswell, that his expectancy in office is not limited to the 1970's but might last through the 1980's and extend into the 1990's as well.

Surely, the reasons why the Senate customarily applies a lenient standard to Executive appointments, giving the President so much latitude in the selection of his own official family, are utterly lacking in relevance when applied to the Supreme Court of the United States. Under our Constitution, the Supreme Court, highest tribunal in the land, presides over an independent judiciary, separate and apart from the legislative and executive branches of the Federal Government.

As the institution of the Supreme Court is unique, so the standard applied by the Senate in passing on appointments to the Supreme Court should be unique. If the test is to fit the office, it must be one of singular excellence.

A nomination to the Supreme Court belongs in the highest category of Presidential appointments. Such is the stature of the Court that it has been graced through the years with men of great distinction—John Marshall of Virginia and John Harlan of Kentucky; Charles Evans Hughes of New York and Earl Warren of California; Oliver Wendell Holmes and Felix Frankfurter of Massachusetts and Benjamin Cardozo of New York. These were men of differing political and philosophical inclinations, but they possessed probing intellects, profound insights and sensitive perceptions. These and others have represented all sections of the Nation—North, West, East, and South.

President Nixon has indicated a desire to fill the pending vacancy on the Court with a southerner. There are many fine legal minds in the South. There are Senators in this Chamber representing the South, serving today, whom I would willingly support for a seat on the Supreme Court. There are others already serving with distinction on the Federal judiciary in the South. But the President does not send us the nomination of one of these. Instead, he sends us a man of little depth and breadth.

In the course of the hearings, two distinguished law school scholars addressed themselves to the question of Judge Carswell's qualifications.

Louis Pollak, dean of the Yale University Law School, testified that Judge Carswell has "more slender credentials than any other nominee for the Supreme Court put forth in this century."

Prof. William Van Alstyne, who we should remember publicly supported the nomination of Clement Haynsworth to the Supreme Court, stated that Judge Carswell has shown nothing in the performance of his profession "to warrant any expectation whatever that he could serve with distinction on the Supreme Court of the United States."

In earlier times, such damning testimony from expert witnesses would surely have resulted in rejection of the nominee. During the last century, the Senate refused to "rubberstamp" Presidential nominations to the Supreme Court. On the average, one out of four were defeated prior to 1900. The Senate exercised its confirmation role in a far more responsible way during the first 110

years of our Nation's existence than it has in the last 70. The time has come for us to begin once more to perform properly our constitutional duty.

In examining Judge Carswell's record on the Federal bench, one searches in vain for a mark of excellence. We have yet to be shown a single decision he has handed down that reveals any exceptional qualities of learning, any flash of brilliance, or any special insight. Taken altogether, Judge Carswell's service has been utterly pedestrian in character.

Even his suporters make no claim that Judge Carswell's career has been particularly distinguished. The strangest argument of all delivered in his behalf comes from Senator HRUSKA, of Nebraska, who was recorded in a radio interview as having said:

He is a good judge, has been and has great potential. But suppose he isn't a good judge? Even if he were mediocre, there are a lot of mediocre judges and people and lawyers. Aren't they entitled to a little representation and a little chance?

In all charity, this extraordinary statement should serve as a fitting epitaph in the Carswell nomination.

The Supreme Court, our tribunal of last resort, calls for jurists of the highest caliber, who will dispense justice with fine impartiality and keen intelligence. Above all, the Court calls for jurists whose comprehension of the Constitution is as profound as their duty to uphold it is imperative.

As measured against these criteria, George Harrold Carswell is indubitably deficient. I must vote against his confirmation.

Mr. President, in the course of the last few weeks I have received a number of letters and telegrams from Idaho, from constituents who have voiced their opposition to the confirmation of Judge Carswell. I have selected a few of these letters as a representative sampling of this opinion. I have not had an opportunity to secure the consent of these correspondents to include their names in the RECORD. Rather than do so without their permission, I would prefer to read from their letters and to withhold their names, at this time. But, taken together, these letters do represent a cross-section of opinion in my State against the confirmation of Judge Carswell.

Here is a letter from Boise, Idaho. It reads:

DEAR SENATOR CHURCH: All I know about Carswell is what has been brought out in the news media. His record on civil rights and racism—alone would be enough to disqualify him from serving on the Supreme Court but I do not think his ability and stature as a Judge and Attorney warrant his confirmation to this high post.

I know you will vote as you think best—but it is my hope that you will vote against his confirmation. If he is confirmed we will have him for 30 years.

Here is a telegram from Moscow, Idaho:

Please vote against Judge Carswell's nomination for the Supreme Court.

Here is a letter from the AFL–CIO in Boise, Idaho. It reads:

DEAR FRANK: We urge you to vote against the nomination of Judge G. Harrold Carswell to be an Associate Justice of the United States Supreme Court.

We feel his record reflects a lack of reasoning, care, or judicial sensitivity overall, and nothing in the quality of the nominee's work to warrant any expectation whatever that he could serve with distinction in the Supreme Court of the United States. Further, that the Administration's sole guide in making its selection was its southern political strategy.

We feel that for the senate to allow a nomination that is a calculated political attack on the responsible Negro leadership of this country would be a national tragedy. The Idaho State AFL–CIO urges the Senate to refuse to confirm the nomination.

Here is another letter which comes from Nampa, Idaho. It reads:

DEAR SENATOR: I have been asked as the executive officer of our Local to ask you to oppose the appointment of Judge Carswell to the Supreme Court.

We certainly felt that you took the proper stand when you opposed Judge Haynsworth and feel that Judge Carswell should be opposed for the same reasons.

We want to take this opportunity to thank you for your assistance and your concern so often in the past, and look forward to continued cooperation.

Here is a letter from a constituent in Pocatello, Idaho. It reads:

DEAR SENATOR CHURCH: Hopefully you will carefully consider the qualifications of Judge Carswell. His past history suggests a lack of competence and a tendency to conduct himself in a bigoted manner where minority races are concerned.

Here is another letter from Pocatello, Idaho. It reads:

DEAR SENATOR CHURCH: It seems like every time Nixon nominates another nobody to the Supreme Court you get a letter from me. In comparison to Mr. Carswell, Judge Haynsworth was by far the better man. In any event, I urge you to consider what the mediocrity of Mr. Carswell can do to the progressive ideas supported by the U.S. Supreme Court. It is truly amazing that out of several thousand qualified people Nixon would choose a man of such lack-lustre qualifications. Think about it!

Here is another letter from Moscow, Idaho, It reads:

SIRS: The nomination of G. Harrold Carswell to the Supreme Court is surrounded by conflicting testimony. If this man is not outstanding as a jurist and as a citizen, I urge you to vote against his confirmation. Mediocrity and expediency will accelerate the national divisiveness originated by the last administration and promoted by the present one. Confirmation of this man as a simple courtesy to the President would be a tragic neglection of responsibility at a time when people like myself are looking to see if the government can and will act to develop the nation so that life can be worthwhile for everyone.

A further letter from Boise, Idaho. It reads:

DEAR SENATOR CHURCH: I commend your rejection of the nomination of Judge Clement Haynsworth to the Supreme Court, and heartily support your conservation measures.

Now I strongly urge you to reject the nomination of Judge Harrold Carswell to the Supreme Court. Fatigue and harassment do not justify his confirmation: his presence would be an offense to the Blacks of the nation, and to anyone who opposes mediocrity on the bench.

Here is another letter from Boise, Idaho. It reads:

DEAR SENATOR: I would like to voice my opinion against the appointment of Judge G. Harrold Carswell.

The Supreme Court decides the most important cases in the nation in all legal fields, including labor law, civil rights, and civil liberties. If confirmed, Judge Carswell will sit on the Court for life, or until he resigns. His term is, therefore, likely to be several decades. The decisions he makes could affect the ability of Unions to organize and bargain collectively as much as any act of Congress. His treatment of lawyers appearing before him, his advice to sheriffs on how to re-arrest men whom he had freed, his aid to prosecutors to keep people in jail and counter his own decisions from the bench make him a dangerous addition to the U.S. Supreme Court.

I ask you to oppose the confirmation of Judge Carswell.

Here is another letter from Nampa, Idaho. It reads:

DEAR SENATOR CHURCH: As an Idaho citizen, I want to ask that you oppose the appointment of Judge Carswell to the Supreme Court.

I know that you opposed the appointment of Judge Haynsworth, and I feel that Carswell is even less qualified for this high position.

I know that we in Idaho can expect you to give this your most serious consideration and know that we can count on you to always have our best interests at heart.

Here is a letter from Osburn, Idaho. It reads:

DEAR SENATOR: I am writing to ask you to vote against the appointment of Judge Harrold Carswell to the Supreme Court. When the now famous "White Supremacy" speech of 1949 was publicized, I was willing to give Judge Carswell the benefit of the doubt (I, too, am a native Southerner who has changed his mind), but just yesterday I read newspaper reports that Judge Carswell has, in very recent years, sold residential property with racially restrictive clauses in the deed. I am not so charitable about that. If these latest allegations are true, then, perhaps the Judge's attitudes about the races have not changed so much after all, and if this is so, he is not qualified to sit on the highest court in the land.

Here is a letter from Coeur D'Alene, Idaho. It reads:

DEAR SENATOR CHURCH: I still feel, as I mentioned to you in my letter of November 26, that the appointment of a strict constructionist to the Supreme Court is a mistake, especially since below the Mason-Dixon line, "strict constructionist" is only another of the many euphemisms which boil down to "anti-Negro." Although I would personally favor a liberal judge, such as Judge Traynor of the California Supreme Court, probably the best choice for the country would be someone whose philosophy is midway between his and that of the latest nominee, Judge Carswell. Feeling as I do, it is my hope that you will oppose the Carswell nomination if you can do so in good conscience.

Here is a letter from Bovill, Idaho. It reads:

DEAR SENATOR CHURCH: The enclosed clippings say so much better than I can what is a serious problem in government today. We can not have the best when political

bartering makes us accept mediocrity. Please vote against Carswell and speak out against him. Yours is a voice that is heard.

Finally, a letter from Pocatello, Idaho. It reads:

DEAR SENATOR CHURCH: My husband and I wish to ask you to vote against confirmation of Judge G. Harrold Carswell to the U.S. Supreme Court.

After reading many reports about him in the newspapers and several newsweeklies, we can not see how it is possible for him to be qualified to sit in the seat that was too good for Abe Fortas.

The low esteem the judicial system in the U.S. is held in now will not be helped by a Carswell.

(At this point Mr. PELL took the chair as Presiding Officer.)

Mr. CHURCH. Mr. President, these are representative samples of opinions from many of my constituents against the confirmation of Judge Carswell.

Let me sum up the reasons why I shall vote against this nominee: In doing so I should like, once again, to stress the special responsibility that falls upon the Senate where nominations to the Supreme Court of the United States are concerned.

As I have attempted to point out, there is a vast difference between confirming appointees to the executive branch of the Government and confirming judges who will sit as members of an independent and coordinate branch of Government, a branch which is neither subject to direction by the President nor within his administrative jurisdiction.

As I mentioned earlier, the Senate, in the last century, used to recognize this distinction. It did not regard its responsibility to pass upon an appointment to the Supreme Court as comparable to the confirmation role of the Senate when it came to other Presidential appointees. As a result, one out of four nominations to the Court, on the average, was rejected by the Senate prior to 1900.

I think it is unfortunate that the Senate has tended, in more recent years, to blend all Presidential appointments together, and to assume that considerations which are applicable to the executive branch, where the President is entitled to wide latitude in the selection of his own official family, are also applicable to every other Presidential appointment. There is no logical reason why this should be so. Least of all, is there any reason why it should be so when it comes to men who will sit on the highest court of the land. Here, it seems to me, a special test is required, a test of unusual excellence.

When that test is applied to the nomination now before the Senate for confirmation, the nominee simply does not meet it. I have looked at the record. I have reviewed the hearings. I have carefully examined the committee report, fully weighed the arguments of those who favor the nomination and those who oppose it. I cannot find anywhere any evidence which would suggest that Judge Carswell has served on the Federal bench with that measure of distinction which ought properly to obtain when it comes to elevating him to the highest court of the land. If there is evidence, then let someone present it. If there is anyone with evidence that this high standard of excellence which should apply to the Supreme Court is met, in one way or another, and can be found in an examination and review of Judge Carswell's record on the Federal bench, then let it be presented now. No such evidence has been forthcoming, because no such evidence exists.

I have been handed a paper entitled "A Note on Senatorial Consideration of Supreme Court Nominees," a paper which will appear in the Yale Law School Review. It is a scholarly and careful examination of the question that is now before us.

I should like to read a portion of that article, because it bears out so strongly the argument I have made this morning.

The author writes:

I shall, however, open the discussion by taking strongly the position that a Senator voting on a presidential nomination to the court not only may, but generally ought to, vote in the negative if he firmly believes on reasonable grounds that the nominee's views on the large issues of the day will make it harmful to the country for him to sit and vote on the court, and that on the other hand no Senator is obligated simply to follow a presidential lead in this regard or can really discharge his own duty by doing so.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. TYDINGS. Mr. President, I am sure the Senator is acquainted with this matter, but let me refresh his recollection.

Does the Senator recall the circumstances confronting the Committee of Detail of the Constitutional Convention of the United States with respect to the selection of Supreme Court Justices?

Mr. CHURCH. I am generally acquainted with that discussion. And I think it is particularly pertinent to the question of whether the Senate should confirm the pending nomination.

Mr. TYDINGS. Is my recollection correct that the original draft or proposal prepared for the Constitutional Convention provided that the members of the Supreme Court were not to be selected by the President, but by the Senate of the United States?

Mr. CHURCH. The Senator is correct. As I recall, the reason for that proposal was to provide an additional check and balance, and also to fortify the independence of the judiciary and protect it against the possibility of executive control.

Mr. TYDINGS. Let me ask the Senator if it was not as a result of a compromise between those who felt that the President should nominate Justices of the Supreme Court and those who felt that the power should be retained in the hands of the Senate that the final terms of article II as they appear today were agreed upon—namely, that although the President would select a nominee, and send to the Senate the name of a candidate to fill a vacancy on the Supreme Court, that nominee would not sit on the Supreme Court until the Members of the Senate had seen fit to advise and consent on it.

Mr. CHURCH. The Senator is correct. And both roles were regarded as equally important. The President was to nominate; the Senate was then to pass judgment on the qualifications of the nominee to sit on the Supreme Court of the United States. And the confirmation power was viewed by the Founding Fathers as equally important as the appointive power.

Mr. TYDINGS. As a matter of fact, the relevant Federalist Papers, which were authored by Mr. Hamilton, spelled out the Senate's responsibility of advising and consenting and indicated that unwise choices of men who represented purely sectional or political nominations would not be permitted because the Senate would intervene.

Mr. CHURCH. The Senator is absolutely correct. It was contemplated that the Senate should exercise a checkrein on nominations to the Supreme Court to avoid this kind of possible abuse.

Mr. TYDINGS. Would the Senator agree that there is considerable difference between the responsibility and the function of the Senate of the United States in advising and consenting to the nomination of a member of the President's own personal Cabinet and the responsibility and the function of the Senate in advising and consenting to the nomination of what amounts to a lifetime position on the Supreme Court of the United States?

Mr. CHURCH. I not only agree, but I also endeavored in the course of my prepared remarks this morning to point out the great gulf that separates highly placed officers in the executive branch of the Government from Justices of the Supreme Court.

One can point to so many basic differences, but I suppose the most important of all is that anyone who serves as a Presidential appointee in the executive branch of the Government serves as an agent of the President. These executive officers are subordinates of the President. They take their instructions from the President. Their judgment can readily be, and often is, overruled by the President.

They serve at the President's pleasure and are subject to his dismissal. They are, in every sense of the word, Presidential agents, a part of his own administration, for which ultimately the President himself must assume responsibility.

Now, none of this is true—none of it—concerning a Justice of the Supreme Court. He is not a part of the President's administration. He is not subject to the President's direction or control. While he holds office, his salary may not be reduced. He holds lifetime tenure. When he makes a decision, he does not consult with the President concerning it. Indeed, he associates with the President, even in an informal way, at his peril—as the sad experience of Justice Abe Fortas so well bears out.

Everything about the Supreme Court, every specific provision contained in the Constitution intended to strengthen and fortify the independence of the judiciary, makes it clear that appointees to the court were to be treated differently from those who serve under the President in the executive branch of Government. So

the lenient standard we use in the latter case should not be applied to the former. Indeed, the importance of the Court is such that the Senate ought to insist upon a standard of the highest excellence, in passing judgment upon Presidential nominees to the Supreme Court. Many of them, as I earlier pointed out, serve during the terms of many Presidents. Two of them today served with six different Presidents. In a very real sense, an appointment to the Supreme Court is an appointment for the ages.

I want to underscore what the Senator from Maryland had in mind in asking me this question. When it comes to Supreme Court nominees, it is the duty of the Senate to apply an exacting standard. That standard simply is not met by this nominee; and no Member of this body has produced any evidence to suggest otherwise.

Mr. TYDINGS. I wonder if the distinguished Senator from Idaho would permit me to read to him from some very pertinent pages of Federalist Papers Nos. 76 and 77, which deal directly with the responsibility of the Senate to advise and consent on nominations to the Supreme Court. Before quoting from Federalist Papers 76 and 77, again I wish to point out, as we have discussed and as the distinguished Senator discussed earlier, in the Constitutional Convention there was much support for appointment of Judges by the Senate alone, a mode which was approved on July 21, 1787, and carried through into the draft of the Committee of Detail. The change to the present mode came on September 4 in the report of the Committee of Eleven and was agreed to nem. con. on September 7.

This last part, I think it can be reasonably concluded, must have meant that those who wanted appointment by the Senate alone, and in some cases by the whole Congress, were satisfied that a compromise had been reached and did not think the legislative part in the process had been reduced to the minimum, as some of our colleagues in the Senate would have us believe today.

The whole process today suggests a very reverse of the idea that the Senate was to have a confined role. I think these passages from Federalist 76 and 77, written by Alexander Hamilton, are to the point. I now quote from Federalist No. 76:

> But might not his nomination be overruled? I grant it might, yet this could only be to make place for another nomination by himself. The person ultimately appointed must be the object of his preference, though perhaps not in the first degree. It is also not very probable that his nomination would often be overruled. The Senate could not be tempted, by the preference they might feel to another, to reject the one proposed; because they could not assure themselves, that the person they might wish would be brought forward by a second or by any subsequent nomination. They could not even be certain, that a future nomination would present a candidate in any degree more acceptable to them; and as their dissent might cast a kind of stigma upon the individual rejected, and might have the appearance of a reflection upon the judgment of the chief magistrate, it is not likely that their sanction would often be refused, where there were not special and strong reasons for the refusal.
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> To what purpose then require the cooperation of the Senate? I answer, that the necessity of their concurrence would have a powerful, though, in general, a silent operation. It would be an excellent check upon a spirit of favoritism in the President, and would tend greatly to prevent the appointment of unfit characters from State prejudice, from family connection, from personal attachment, or from a view to popularity. In addition to this, it would be an efficacious source of stability in the administration.
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> It will readily be comprehended, that a man who had himself the sole disposition of offices, would be governed much more by his private inclinations and interests, than when he was bound to submit the propriety of his choice to the discussion and determination of a different and independent body, and that body an entire branch of the legislature. The possibility of rejection would be a strong motive to care in proposing. The danger to his own reputation, and, in the case of an elective magistrate, to his political existence, from betraying a spirit of favoritism, or an unbecoming pursuit of popularity, to the observation of a body whose opinion would have great weight in forming that of the public, could not fail to operate as a barrier to the one and to the other. He would be both ashamed and afraid to bring forward, for the most distinguished or lucrative stations, candidates who had no other merit than that of coming from the same State to which he particularly belonged, or of being in some way or other personally allied to him, or of possessing the necessary insignificance and pliancy to render them the obsequious instruments of his pleasure.
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> If it be said they might sometimes gratify him by an acquiescence in a favorable choice, when public motives might dictate a different conduct, I answer, that the instances in which the President could be personally interested in the result, would be too few to admit of his being materially affected by the compliances of the Senate. The power which can originate the disposition of honors and emoulments, is more likely to attract than to be attracted by the power which can merely obstruct their course. If by influencing the President be meant restraining him, this is precisely what must have been intended.

I think the language in the Federalist Papers stating:

> He [the President] would be both ashamed and afraid to bring forward, for the most distinguished or lucrative stations, candidates who had no other merit than that of coming from the same State to which he particularly belonged, or of being in some way or other personally allied to him, or of possessing the necessary insignificance and pliancy to render them the obsequious instruments of his pleasure.

The paper almost could have been written having in mind the debate on the present nomination now before the Senate.

Mr. CHURCH. I agree with the Senator completely. I think that the extracts he has read into the RECORD from the Federalist Papers establish beyond refutation that the Founding Fathers believed the confirmation role of the Senate to be of the most serious and important character. As I mentioned a moment ago, it was the equivalent in every way of the appointive power itself.

It was meant, particularly where the Supreme Court is concerned, to hold the President to a high standard.

If we are not going to do what the Founding Fathers intended, if we are not going to be mindful of our responsibility, or the way the Senate exercised it during the last century; if we are going to make our standards ever more lenient so that the President can do pretty much as he pleases, even when it comes to the appointment of the highest Justices of the land; then we fail in our duty and we do not give effect to the role that was intended for the Senate by the Founding Fathers.

I know that the Senator shares with me an apprehension about the declining role that the Congress of the United States plays in the Government. Nearly every serious student of government today has observed that the Congress is, and has for a long period of years been, in decline. I think that is a tragic development. I know that there are many Members of this body so greatly exercised about it that an attempt is now being made to reassert senatorial prerogatives in many fields—in the field of foreign policy, where we have largely abdicated our role to the Presidency to the point where Presidential powers have become practically plenary in deciding on war or peace. I know that an attempt is being made to restudy the function of the Congress in the matter of regaining the control that the Constitution intended us to wield over the public money.

More and more, the purse strings have fallen into the hands of the President.

If we are to uphold the Senate, if we are to keep faith with what the Constitution of the United States intended, then the time has come for us to begin to give substance once more to the confirmation role of the Senate. Otherwise, our powers will continue to erode, the Presidency will loom ever larger until, at last, it becomes a Caesardom.

Anyone weighing the trend of power over the past 50 years who is unconcerned about the declining role of Congress has little regard for the checks and balances which were written into the Consitution to preserve the Republic.

As the Senator well knows, every representative government is jeopardized by the growth of excessive executive power. That is what happened to the Roman Republic. Let it not happen to ours.

Mr. TYDINGS. I wonder if I could address another line of questioning to the distinguished Senator from Idaho. I wonder if the Senator would agree with me that in the function of a judge, whether he be a police magistrate in a small West Virginia county, or whether it be a judge in a U.S. District Court for the Northern District of Florida sitting in Tallahassee, or whether he be a judge for the circuit court of Harford County sitting in Bel Air, Md. There is no more vital or important requisite than the ability to give every person before him a fair trial, no matter how poor or unpopular.

Would the Senator comment on that?

Mr. CHURCH. I agree fully.

Mr. TYDINGS. I know the Senator from Idaho has been very busy, but has the Senator, by any chance, been aware of the testimony of a young Department of Justice lawyer named Knopf, who, after subpena, came before the Judiciary Committee of the U.S. Senate and told what to me was a shocking story of judicial intemperance and unfairness that

would have been unbecoming for a trial magistrate in the poorest county in my State or in any other State, but, coming from a U.S. district judge, was unbelievable.

Mr. CHURCH. As a member of the committee who heard that testimony, I was going to suggest to the Senator that he read it into the record.

Mr. TYDINGS. Let me, first of all, tell how Mr. Knopf, who was a young lawyer for the Department of Justice, came to testify before the Judiciary Committee of the U.S. Senate.

After the first several days of the hearings, he called my office—I had never heard of Mr. Knopf before—and said that he had material relating to the Carswell nomination that he felt was important. This was a man who was employed at the will of the present Attorney General of the United States. I said I would see him. I did see him.

I could scarcely believe what he told me, except that it correlated or confirmed the testimony given Thursday by another lawyer from New York City.

I asked Mr. Knopf whether or not he would be willing to testify. He said he was fearful, and he felt that he could only testify if he were to receive a subpena from the Senate of the United States.

So he was served with a subpena from the Senate of the United States, and he came to testify. Although the national news media had little to say about his testimony, and although there were very few members of the Judiciary Committee present when he testified, I was present and heard what he said, and it is in the record; and it is absolutely incredible that a man nominated to the Supreme Court of the United States should have engaged in the intemperate that Mr. Carswell did when he was a judge of the U.S. district court for the Northern District of Florida.

Let me read now from his testimony. I am particularly interested in the testimony that appears on pages 175 and 177, I will be quite frank with Senators, until this testimony came in I was not as deeply disturbed by this nomination as I have been since the testimony came into the record.

Mr. Knopf, by way of background, attended Columbia law school. When he graduated from law school and passed the bar, he volunteered to work with the law students civil rights research council. This was an organization of law students who wished to assist civil rights lawyers. Being law students or recent gradutes, they did no try any cases. They went down to assist various lawyers, who had volunteered for 1-week or 2-week periods to work with a voter registration project in the South, including the panhandle of Florida.

Mr. Knopf went down to Florida and was there in August, and part of September. He was assigned to a CORE voter registration project to register black people in the northern area of Florida.

The CORE volunteer workers, many of whom were from Florida itself, some of whom came from the North, did assist in the registration of black people so that they could vote in the Federal elections in November.

I shall now quote directly from the testimony of Mr. Knopf, on page 175:

As I stated, the town, the whole general area was extremely hostile. We were harassed by the police. We were harassed by the white populace in general. We felt that there was no chance of a fair trial in the local courts. I believe the courtrooms were still segregated. Negroes did not use—they had special rest room facilities and so on. We believe there hadn't been Negroes serving on the jury. This was our understanding anyway, and we were under the belief that Federal law permitted these registration workers, gave them the right to go and solicit, constitutional right and statutory right to go and help black people register in Federal elections, and we felt that this right would be thwarted, if it had to be, if workers were to be tried in a court where it was felt they could not be assured of impartial treatment.

Therefore, the attorneys instructed me to file removal papers, believing that it was a Federal matter, since these workers were operating under Federal law, there were Federal statutes regarding the right to vote, and that perhaps they would get a fairer trial within the Federal court.

Now, he is referring to a specific instance when several volunteers, the majority of them from Florida, went on to a plantation to suggest that black sharecroppers register to vote. One of those black sharecroppers was a relative of one of the young people endeavoring to get them to register. The property that they were on was reached by a road leading from the public highway and was not posted and not fenced.

The overseer of the farm or plantation heard about it, came along, and asked them what their purpose was in being on the property. They explained to him that they were encouraging the people to register and vote. He told them that they were trespassing, it was on private property. They said they did not realize it, that they would walk right to the road and get off.

He said, "Oh, no, you are going to be arrested."

He had them arrested, and he took them into a local court, where the local judge refused to permit them to be represented by counsel, because the counsel was not admitted to the bar in Florida, and even had the counsel thrown out of the courtroom. He refused to honor their removal petition to the U.S. district court, although under the law the filing of the removal petition automatically divests the State court of jurisdiction. The mere filing of the removal paper is all that is necessary.

These young people were thrown in jail, and they were fearful for their physical safety. So they filed a writ of habeas corpus in Judge Carswell's court to insure the removal of their case, as was their statutory right, to the U.S. district court in Judge Carswell's district.

Let me read to you from Mr. Knopf's own testimony—and remember that by his mere presence at the hearing, he was risking his job with the Department of Justice.

I asked him:

Tell the committee to the best of your memory what you observed.

Mr. KNOPF. Yes.

Senator TYDINGS. And we are particularly interested in Judge Carswell's attitude.

Now, remember, this is not some lawyer from New York, or some lawyer from Minnesota or Maryland or somewhere else. This was an employee of the Department of Justice, testifying under subpena before the Committee on the Judiciary of the U.S. Senate. I am only sorry that more of my colleagues were not there to listen to him.

I quote, now, from the testimony of Mr. Knopf. Senators will find this on page 177 of the hearings record:

Mr. KNOPF. It is relatively clear in my mind. I remember this. This was my first court room experience—

Any lawyer in this body knows he remembers his first court room experience very well.

This was my first courtroom experience, really, out of law school, and I remember quite clearly Judge Carswell. He didn't talk to me directly. He addressed himself to the lawyer, of course, Mr. Lowenthal, who explained what the habeas corpus writ was about, and I can only say that there was extreme hostility between the judge and Mr. Lowenthal. Judge Carswell made clear, when he found out that he was a northern volunteer and that there were some northern volunteers down, that he did not approve of any of this voter registration going on and he was especially critical of Mr. Lowenthal in fact he lectured him for a long time in a high voice that made me start thinking I was glad I filed a bond for protection in case I got thrown in jail.

How is that? How is that for judicial temperament, for a starter?

I really thought we were all going to be held in contempt of court. It was a very long strict lecture about northern lawyers coming down and not members of the Florida Bar and meddling down here and arousing the local people against—rather just arousing the local people, and he in effect didn't want any part of this, and he made it quite clear that he was going to deny all relief that we requested.

I ask the Senator from Idaho, is it not the basic requisite of any judge, whether he is a people's court magistrate or a judge of the U.S. district court, that he is basically fair, and does not prejudge a case on the basis of his own personal biases and prejudices?

Mr. CHURCH. The Senator is quite right. The capacity for objectivity is one of the most important attributes that a judge can have, as well as a capacity to pass upon questions that are brought before him in a calm and unimpassioned manner.

Mr. TYDINGS. If this were the only instance in the record where this man, nominated to be a Justice of the Supreme Court, had permitted his prejudices, his hostility, and his biases to show and to influence his conduct as a judge, perhaps we might forgive him. But this record is replete with instances of that kind.

When I hear that some of my colleagues are tired and fatigued, worn out because they have had one fight on a nomination from the President, which was turned down, and that even though this nominee is much less fit than the former, they are too worn out or too fatigued to make a fight, I am concerned.

Mr. CHURCH. That is just a confession of abdication of our responsibilities.

Mr. TYDINGS. Let me call the attention of the Senator from Idaho to another witness we had, Professor Clark, who was responsible for the entire civil rights litigation in the State of Florida.

His testimony is equally strong, or even stronger than Mr. Knopf's. I refer the Senator particularly to page 227 of the record.

Mr. President, I ask unanimous consent that all of Professor Clark's testimony, beginning on page 221, be printed in the RECORD, at this point.

There being no objection the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF LEROY D. CLARK, ASSOCIATE PROFESSOR, NEW YORK UNIVERSITY LAW SCHOOL

Mr. CLARK. My name is Leroy D. Clark, and I am an associate professor at the New York University School of Law. I have been on the faculty at New York University for approximately the last 2 years. From 1962 through 1968, I was staff counsel to the NAACP Legal Defense Fund, and in that capacity after the now Judge Motley left our office, I was put in charge of the entire civil rights litigation in the State of Florida, and I come to make a statement with that background, because I would suggest that there is not a lawyer in the country today who has appeared before Judge Carswell on more cases with specific reference to civil rights matters, and indeed on each occasion on which I appeared before Judge Carswell, it was in connection with a civil rights case.

I come here, however, not as a staff member of the NAACP legal defense fund, but to represent the National Conference of Black Lawyers. Our organization was founded in Virginia in December of 1968, to challenge the racism in our legal system, to articulate the needs of the black community, and to provide the legal expertise necessary in the black American's struggle for equality. We number in our ranks attorneys representing the entire spectrum of both the private and public sectors, as well as elected governmental officials from the local, State and national levels.

On behalf of the National Conference of Black Lawyers, I come before you today to speak in opposition to the confirmation of Judge G. Harrold Carswell. In the view of our organization, Judge Carswell is fit neither professionally nor personally to sit as an Associate Justice of the U S. Supreme Court. The acquisition of equal rights of citizenship for black people in this country has been a long and difficult task and in numerous instances almost totally dependent upon rulings by the Federal courts. As a Federal district judge prior to his recent elevation to the court of appeals, Judge Carswell was in a position to fulfill some of the American promise of equal rights under law. However, in disregard of the civil rights pronouncements of the Supreme Court, Judge Carswell frequently announced prosegregationist rulings which were then reversed by the court of appeals.

Moreover, repeatedly through the use of procedural devices, in cases in which I appeared before him, and the exercise of his broad judicial discretion, Judge Carswell caused unconscionable delay in civil rights cases, and limited their holdings to the narrowest possible scope.

In *Augustus* v. *Board of Public Instruction of Escambia County, Florida,* 306 F. 2d 862 (1962) the court of appeals unanimously rejected the school desegregation plan approved by Judge Carswell and required the school board to take further action toward desegregating the public schools. In that case, the court of appeals also unanimously reversed Judge Carswell's procedural ruling which had eliminated the claims of racial discrimination in the assignment of teachers and other school personnel.

Whether as a question of law or one of fact, we do not think that a matter of such importance should be decided on a motion to strike. (306 F2d at 868.)

I would suggest that no competent unbiased judge could have made that kind of blatantly inappropriate ruling which as a matter of Federal procedure was long settled.

In *Due* v. *Tallahassee Theaters Inc.,* an action against theater managers, city officials, and the county sheriff alleging a conspiracy to enforce segregation, Judge Carswell again dismissed the complaint against some of the defendants and granted summary judgment as to another.

The court of appeals again reversed Judge Carswell, and in many of these cases you will note that no elaborate description of the law is given because none is needed, because the law was firmly settled on these procedural points at that time. Judge Carswell took these procedural devices, I would suggest, as a means of delaying the civil rights goal.

The court in that case said:

"The orders of the trial court dismissing the complaint for failure to state a claim on which relief could be granted can be quickly disposed of. These orders were clearly in error. (333 F. 2d 630 (1964) at 631.)"

Singleton v. *Board of Commissioners of State Institutions* was a case in which I was counsel. This was a case which arose out of the St. Augustine demonstration. We had four young black children ranging in age from 14 to 16 years old, who were incarcerated in the State reformatory for participation in a sit-in demonstration which subsequently was found to be unconstitutional. We were trying to get the children released from the reformatory. We filed a writ of habeas corpus asserting that the incarceration was illegal.

At this time the children had not even been convicted. We were simply trying to get them out of the reformatory prior to their trials. The trial judge in St. Augustine held children were not entitled to bail, so that adults who were arrested in the same demonstration were released and these four children were put into the State reformatory.

We tried all sorts of collateral proceedings in the State court to have the children released. We then decided that tactically the only way we could get those children out of that reformatory was to take the risk of filing a suit to desegregate that reformatory.

The reformatory was in fact segregated from top to bottom, with the black children being kept in what I can only describe as shacks, while the white children were put in the new buildings on the grounds.

We were running one of two risks: That the children would be kept in the reformatory and subjected to harassment, or that the reformatory officials would want to get these troublemakers out. Fortunately, they did the latter, and within 2 weeks after filing our complaint in the Federal district court, the children were released from the reformatory.

I note also they were released prior to the time they were supposed to be released. I anticipated that Judge Carswell would at that point dismiss our complaint to desegregate the reformatories. That is precisely what Judge Carswell did. And, I took Judge Carswell up on appeal, and he was reversed.

He asserted that the case was moot because our four plaintiffs were no longer in the reformatory. Again, I suggest to you that it was either one of two things, either judicial incompetence or bias, because the law was fairly settled that when a major public institution such as those State reformatories were proven to be segregated, that the case was not moot on the set of facts which Judge Carswell had before him.

I will not repeat the long period of delay and dilatory tactics which Judge Carswell adopted in the *Steele* case.

Senator TYDINGS. What case?

Mr. CLARK. The *Steele* case, *Steele* v. *Board of Public Instruction of Leon Country,* which Congressman Conyers has given you the details on. It took me, and I was counsel in that case, from May of 1964 until May of 1967 to secure a change in a desegregation plan where I was prepared to prove in 1964 that in a black school population of 16,000 students, only four students were attending white schools, and Judge Carswell did not see fit to revise that desegregation plan.

Senator TYDINGS. Would you tell us a little bit about it? I think that the *Steele* case is a very important case. You go into a little more detail in your statement, and I think it would be interesting for the Senators to hear a little bit more about how that case was delayed for 3 years.

Mr. CLARK. We followed the typical process after a suit has already been filed in a county, as had been done in this county. It was to bring on a motion for further relief.

At the point where it was clear that the desegregation plan was not working, and in 1964 it was impossible for any judge sitting anywhere in the Fifth Circuit to not know that four children out of 16,000 was an inadequate plan, we filed a motion for further relief.

This was the appropriate form to revise the desegregation plan. We could not get a hearing, and I finally had to file a motion for a hearing. These hearings in other courts and before other judges, when they were filed were granted as a matter of course. That is, the filing of the motion meant you got a hearing date, and I would suggest also that the periods of time that it took to get a hearing before Judge Carswell were inordinately long, if I compared it to my appearance before other judges in the State of Florida, and I appeared before practically every judge in that State, including a few who are now on the Court of Appeals.

When we got our hearing, then there was another delay before you get a ruling, and then when the ruling came, it did not address itself to the basic issue in the motion, namely, a revision of the plan.

Judge Carswell at that point told us that the defendants were complying with his previous order, which was not the point of the motion at all. We were saying, look, this plan is not working, and it must be revised. So we don't get a ruling.

Now, I suggest that that, again, is either one of two things, either it is judge who has not read your papers, and therefore does not know what your basic allegations are, or has deliberately ignored your basic allegations, because as any lawyer who knows anything about procedural matters would know, at that point you could not take an appeal; because if you took an appeal, the appellate court would say: But the judge has not addressed himself to your basic allegations, so therefore we don't know what his ruling is.

So you could bounce up, get essentially a meaningless kind of statement from the court of appeals, and you would be right back in the district court and, again, you would have lost 5 or 6 months, and I suggest that from my view Carswell knew that.

We then had to file a motion asking him: Would you please rule on our motion, and finally we got from Judge Carswell this statement, because I asked for a ruling on a motion or at least a hearing, so we could produce evidence to show him how this desegregation plan was operating.

Judge Carswell's statement in ruling on my motion was that no evidence could persuade the court to reorganize a desegregation plan, and evidence to that end "would just be an idle gesture regardless of the nature of the testimony."

Now, I can only read that as a statement that no matter what we showed Judge Carswell about the inadequacy of the desegregation plan, some 7 or 8 years after the Brown decision, that he was not going to review that case.

Now, one can view that as strict construction, literal construction, or one can view it as a deliberate attempt to rule against plaintiffs with limited resources and limited amounts of money, and limited numbers of

lawyers, and say: All right, take me up. Get me reversed.

If I had had time, I could document now at least 12 or 13 other instances in which Judge Carswell ruled against us on subsidiary motions for subsidiary points of law, in which he was wrong, but in which we could not take an appeal because we literally did not have the money and the time, and we had to devote our energies to other priorities.

For example: in *NAACP* v. *The State Board of Parks*, I filed a suit to desegregate the State Parks. In 1964, all of the State Parks in the State of Florida were segregated. Brochures were sent out announcing to black people as to which parks they could attend and which parks whites could attend. There were racial signs up at entrances.

We could prove this. It was a very simple matter of proof. We had photographs, we had witnesses, and indeed when the other side came in, they admitted that the parks were segregated and had been segregated. They did not assert that they had at that moment any plan for desegregation. They said that: Well, we will start on it.

So I said to Judge Carswell: But we would like an injunction. I know that they say they are going to start to desegragate the parks, but we would like an injunction. And I believe that under the law we are entitled to it, and indeed we were, because if at that point you prove your case, the defendant cannot come in and say: Oh, I am sorry, I am going to do better in the future.

You have a right to be protected by an injunction of a court of law, so that if the defendant continues this behavior in the future, you have the right to come back in on a contempt proceedings, from which other kinds of consequences flow.

Need I say that Judge Carswell refused the injunction in that case, and asserted that, well, the defendants say they are going to desegregate. We had no way under those circumstances, really, to require reporting from the defendants, which we would have required if there were an injunction.

They could have been made to come back 6 months later and say: We have taken down the signs, we have revised the brochures, we have informed our employees that this is the policy of this board.

We were totally unprotected in that circumstance. We had to rely on the good faith of people who did not see the need to desegregate their institution until we filed suit.

Now, this unfortunately occurred at the time of the St. Augustine demonstrations, with three to four hundred people being arrested every week. There was absolutely no time or energy to spend on that kind of appeal, so we could not take the appeal. But Judge Carswell was wrong.

I do not want to belabor this with the committee; I know you have heard many witnesses today, and a great deal of rhetoric.

Senator TYDINGS. Professor, you take the time. We want to hear everything you have to say.

Mr. CLARK. In closing, let me say this. That the National Conference of Black Lawyers urges this committee to weigh carefully, the analysis we have made of Judge Carswell's suitability for the United States Supreme Court and weigh it along with those others that will be and have been made on his professional and other qualifications.

The constitutional requirement of confirmation by the Senate must mean more than a perfunctory ratification of the President's choice. The Supreme Court plays a unique role in the shaping and growth of our institutions. It describes the contours of freedom and sets the course of national direction. It is the court from which there is no appeal—the last resort of the man who accepts and believes in our system of law.

Whatever may have been Judge Carswell's suitability to serve on a lower Federal court, completely different considerations must come into play when the question is one of a seat on the highest court in the land. We are not in the realm of a simple "liberalism" versus "conservatism" debate. We are in the altogether different dimension of questions concerning our national destiny. Black people do not want their destinies in the hands of G. Harrold Carswell; nor can the Nation as a whole—black and white—afford to have any part of its destiny there.

Black people have long been the victims of the law in this society. It was the law which created, protected and enhanced the institution of American chattel slavery. It was the law which provided the onerous slave codes to govern in oppressive detail the lives of millions of blacks before their emancipation, and which returned to perform the same function through the notorious Black codes after emancipation.

The Report of the National Advisory Commission on Civil Disorders, May 1, 1968, told the Nation that we live in a racist society. Black people—and in particular, black lawyers—have known this for some time. Thus far, the law has proved inadequate in attempts to remedy this condition, but some advance has been made.

If, relying on the legal system, we are to continue to give our people hope, then that system must give us cause for hope. If we are to continue growing into health as a Nation of free and diverse men, we cannot afford a retreat now from the struggle for racial justice. The ascendance of Judge Carswell to the Bench of the U.S. Supreme Court, as the first step in such a retreat, would dim the light of hope for change through legal means in the hearts of millions of Americans and diminish, worldwide, confidence in the American system of justice.

For all of the foregoing reasons, the National Conference of Black Lawyers respectfully, but vigorously, urges this august committee to disapprove the nomination of George Harrold Carswell to the U.S. Supreme Court.

Senator BURDICK. Thank you, Professor Clark.

Senator Kennedy?

Senator KENNEDY. Professor, while I missed the earlier part of your testimony, I did come in at the time that you were describing your own personal experience in trying cases before Judge Carswell. You testified to that, I believe.

Mr. CLARK. Yes, I did.

Senator KENNEDY. And you have practiced quite extensively in the other Districts of Florida, as well?

Mr. CLARK. That is correct. Perhaps I should describe that in some detail. I was on the staff of the NAACP Legal Defense Fund. The senior lawyers had areas, geographical areas, which they were to supervise, and Florida was one of the States that was under my supervision. Now that meant that I knew every single lawyer in the State of Florida who practiced civil rights law, white and black, and indeed I know what their evaluation of Carswell was. In a sense I tried to manage the flow, you know, the ebb and flow of litigation, what was to be filed, what appeals would be taken, trying to deploy lawyers in areas where there were few lawyers who would handle civil rights matters, so that in that capacity I not only got to know the civil rights lawyers but I had to appear in practically every district court in the State of Florida.

Senator KENNEDY. How many times did you appear before Judge Carswell?

Mr. CLARK. I would say at least nine or 10 times.

Senator KENNEDY. And as far as the other districts in Florida, this was an area of prime responsibility for you. Did you appear in the middle district nine or 10 times?

Mr. CLARK. Yes, that is true.

Senator KENNEDY. And in other districts as well in the State of Florida about a similar number of times, or did the nature of your practice bring you more often in front of Judge Carswell?

Mr. CLARK. I would say my practice or appearances in Jacksonville, Fla., and Tallahassee were roughly equal. I appeared before Judge Brian Simpson when he was on the Federal district bench at that time, and before Judge McRae in Jacksonville. To some extent in Tampa, Fla., to a lesser extent in a place like Miami. They had fewer segregation problems in that area of the State.

Senator KENNEDY. And your comment regarding the judge's attitude on civil rights questions is really based upon your own extensive personal experience in terms of appearances before the judge, as well as preparing your appearances before the judges, and his attitudes on these questions, and your appearances before other Federal judges and their attitudes as well?

Mr. CLARK. That is correct.

Senator KENNEDY. And based upon that experience over how many years?

Mr. CLARK. From 1962 through 1968, roughly 6 years.

Senator KENNEDY. And it is based upon that personal experience, plus your own rather unique background, that you express the serious reservations for yourself and the group which you represent in terms of the attitude of the nominee toward civil rights cases and attorneys?

Mr. CLARK. That is correct. I have said this before to the press, and I will repeat it for the benefit of this committee.

Judge Carswell was the most hostile Federal District Court judge I have ever appeared before with respect to civil rights matters.

Senator KENNEDY. That is a very serious charge, and I hope you would be prepared to justify that claim and that charge.

Mr. CLARK. Well, let me say I have gone through in my testimony many of the cases, and I am sure there will be other persons who will appear before you who privy to Mary Kurzan's doctoral thesis. I, by the way, was probably the first to receive the thesis. Mary Kurzan was a friend of my wife when she was at the Yale Law School, and so I saw the document, but I had had by that time extensive experience with Carswell.

Let me talk a bit about his demeanor with respect to lawyers. And I say that with this caveat: I believe that the documentation as to his judicial performance is much more important than his demeanor with respect to myself and other civil rights attorneys.

Judge Carswell was insulting and hostile, I have been in Judge Carswell's court on at least one occasion in which he turned his chair away from me when I was arguing. I have said for publication, and I repeat it here, that it is not, it was not an infrequent experience for Judge Carswell to deliberately disrupt your argument and cut across you, while according, by the way, to opposing counsel every courtesy possible.

It was not unusual for Judge Carswell to shout at a black lawyer who appeared before him while using a civil tone to opposing counsel. But I mention those as asides, really, and I don't think them important because I am sophisticated enough, and other lawyers, black lawyers who appeared before him, were sophisticated enough to sustain that kind of personal insult.

What I am concerned about is whether it indicates that Judge Carswell is not only a political segregationist but is a personal segregationist, because that will have a great deal to do with whether or not this man can change when he is in a different environment.

Is Carswell, a man who really, personally, does not like black people? That is the question which you will have to answer, it seems to me.

With respect to what happened to us, to

some extent we expect that kind of thing. And I don't think it is as important as his record, but I put it before you for whatever it is worth.

Senator KENNEDY. How many Federal district judges have you appeared before or practiced before?

Mr. CLARK. I would say I have appeared before, maybe, 10, 11, 12 district court judges, ranging from Florida to Alabama and Mississippi. I have appeared before Judge Clayton when he was in Senator Eastland's State. I have appeared before Judge Algood in Birmingham, Ala.; Frank Johnson in Alabama; so that I have had a fair contact with men functioning at that level of the district.

Senator KENNEDY. No further questions.

Senator BURDICK. Senator Hruska?

Senator HRUSKA. No questions.

Senator TYDINGS. In response to Senator Kennedy's question, you said you had appeared before other judges in the South such as Frank Johnson of Alabama. Have you ever been insulted or treated rudely in any other Federal District Court?

Mr. CLARK. No.

Senator TYDINGS. Senator Kennedy was interrogating you about your overall supervision of the lawyers involved in voting rights and other civil rights litigation. You said because of your work and supervision, that you knew personally and were in contact with lawyers, black and white, who handled civil rights litigation in Florida. Is that true?

Mr. CLARK. That is correct.

Senator TYDINGS. What was their evaluation of Judge Carswell insofar as his ability to be fair and unbiased toward black and white lawyers representing civil rights petitioners?

Mr. CLARK. I have not polled them since this nomination became a possibility, but I can tell you on the basis of general conversation with them that it was the view of the lawyers in the State that Carswell was the most difficult judge you could appear before, and indeed whenever I took a young lawyer into the State, and he or she was to appear before Carswell, I usually spent the evening before making them go through their argument while I harassed them, as preparation for what they would meet the following day.

Senator TYDINGS. You mentioned a treatise by a woman named Kurzan. Would you describe for the committee that treatise to which you referred?

Mr. CLARK. Yes, Mary Kurzan is the young woman who is married to Mike Kurzan, an attorney here in Washington, D.C., and she did her doctoral thesis at Yale University on a performance of Federal District Court judges from 1953 through 1963, so that essentially her document is a supplement to the testimony I have given here.

I have talked only about cases occurring after 1963. And indeed I was not involved in the cases that she used for her thesis. She used a number of indices of essentially whether or not a decision was pro-civil rights or anti-civil rights, and she used the more crucial index, that is the number of times the man had been reversed on appeal, and her study included 31 district court judges throughout the South, and their performance in the civil rights area.

Using these two indices of a pro- or anti-civil rights decision and the number of reversals, she found that Judge Carswell was 23d on a spectrum of 31 judges, moving toward the segregationist spectrum. She also found that his reversal record was above 50 percent, and she had private anonymous evaluations from men at the court of appeals level that if a given Federal district court judge was reversed over 50 percent of the time in any given area of the law, they would consider that poor performance.

Senator TYDINGS. Did you ever discuss with Mrs. Kurzan her evaluation of Judge Carswell?

Mr. CLARK. No, I did not. She was working solely from documents, recorded cases in the Federal supplements or through the Race Relations Law Reporter, so I would imagine that her evaluation really would arise out of her report.

It is a fairly long document, I would say some 35 or 40 pages, in which, by the way, I think one of her conclusions was that many of the Republican judges in the South were the best men in the civil rights area, so that on the basis of her documents, and certainly my experience in the South, those men who were Republicans were quite often the most liberal on the civil rights issue, and it would seem to me that even if the President had to choose a Republican and had to choose a southerner, that he had a spectrum of judges who functioned with integrity around that issue, which is very crucial.

Senator TYDINGS. Professor Clark, you are quoted in Time magazine of February 2, 1970, at page 9, and I just want to ask you if this quote is correct that, "He," referring to Carswell, "was probably the most hostile judge I have ever appeared before. He was insulting to black lawyers, and he rarely would let me finish a sentence."

Is that quote correct?

Mr. CLARK. Surprisingly, yes.

Senator TYDINGS. Mr. Chairman, I ask unanimous consent that Professor Clark's entire statement be incorporated in the record at this point.

Senator BURDICK. Without objection, it is so ordered.

STATEMENT OF THE NATIONAL CONFERENCE OF BLACK LAWYERS BEFORE THE UNITED STATES SENATE JUDICIARY COMMITTEE

I represent the National Conference of Black Lawyers. Our organization was founded in Capahosic, Virginia in December, 1968 to challenge the racism in our legal system, to articulate the needs of the black community and to provide the legal expertise necessary in the black American's struggle for equality. We number in our ranks attorneys representing the entire spectrum of both the private and public sectors, as well as elected governmental officials from the local, state and national levels.

On behalf of the National Conference of Black Lawyers, I come before you today to speak in opposition to the confirmation of Judge G. Harrold Carswell. In the view of our organization, Judge Carswell is fit neither professionally nor personally to sit as an Associate Justice of the United States Supreme Court. The acquisition of equal rights of citizenship for black people in this country has been a long and difficult task and in numerous instances almost totally dependent upon rulings by the federal courts. As a federal district judge prior to his recent elevation to the Court of Appeals, Judge Carswell was in a position to fulfill some of the American promise of equal rights under law. However, in disregard of the civil rights pronouncements of the Supreme Court, Judge Carswell frequently announced pro-segregationist rulings which were then reversed by the Court of Appeals. Moreover, repeatedly through the use of procedural devices and the exercise of his broad judicial discretion, Judge Carswell caused unconscionable delay in civil rights cases, and limited their holdings to the narrowest possible scope.

In *Augustus* v. *Board of Public Instruction of Escambia County, Fla.*, 306 F2d862 [1962] the Court of Appeals unanimously rejected the school desegregation plan approved by Judge Carswell and required the school board to take further action toward desegregating the public schools. In that case, the Court of Appeals also unanimously reversed Judge Carswell's procedural ruling which had eliminated the claims of racial discrimination in the assignment of teachers and other school personnel.

Whether as a question of law or one of fact, we do not think that a matter of such importance should be decided on a motion to strike, 306 F2d at 868.

In *Due* v. *Tallahassee Theaters Inc.*, an action against theater managers, city officials and the county sheriff alleging a conspiracy to enforce segregation, Judge Carswell dismissed the complaint against some of the defendants and granted summary judgment as to another. The Court of Appeals unanimously reversed and stated:

The orders of the trial court dismissing the complaint for failure to state a claim on which relief could be granted can be quickly disposed of. These orders were clearly in error. 333 F.2d 630 [1964] at 631.

In *Singleton* v. *Board of Commissioners of State Institutions*, an action to desegregate Florida reform schools, Judge Carswell again dismissed the complaint and again the Court of Appeals reversed unanimously. 356 F2d771 [1966].

The school desegregation case, *Steele* v. *Board of Public Instruction of Leon County*, graphically illustrates Judge Carswell's practice of delaying civil rights litigation for extraordinary periods of time, giving defendants additional time under a segregated system.

In this case black plaintiffs filed a motion for further relief on May 7, 1964. May 26, 1964 the court sustained defendants school boards objections to interrogatories inquiring into teacher segregation. No further hearings were ordered before school opened and September 28, 1964 plaintiffs filed a motion for a hearing. January 20, 1965 the court found defendants to be in compliance with the outstanding order entered in 1963. February 15, 1965, plaintiffs filed a motion for hearing requesting an opportunity to present evidence on the motion for further relief noting that the January 20, 1965 order made no mention of the additional relief requested in the motion for further relief filed the previous May. April 5, 1965, plaintiff renewed the motion for further relief and asked for clarification as to whether the court intended to deny the motion for further relief by its order of January 20th. April 7, 1965, the court granted the motion for clarification declaring that the motion for further relief was denied, as it sought to change the basic structure of the desegregation plan.

A hearing was set for April 20th to determine if there was any necessity for an evidentiary hearing to reexamine the ruling on the motion for further relief. April 20th, the court reaffirmed its denial of the motion for further relief stating that no evidence could persuade the court to reorganize the desegregation plan and evidence to that end "would just be an idle gesture regardless of the nature of the testimony." Plaintiffs appealed to the Court of Appeals which remanded the case on January 18, 1967 for consideration in the light of its decision in *United States* v. *Jefferson County Board of Education*, 372 F2d 836. This was tantamount to a reversal. It was not until May 1, 1967 that Judge Carswell finally entered a Jefferson decree, requiring the school board to follow the standard as enunciated by the Supreme Court. At the time of filing the motion for further relief, in early 1964, there were already at that time, several Fifth Circuit and Supreme Court decisions entitling plaintiffs to the relief sought.

Nor has Judge Carswell's failure to follow the dictates of the Supreme Court in civil rights cases been limited to the distant past. In 1968, the Supreme Court ruled unanimously that school desegregation plans must offer a realistic promise of immediately integrating the schools in order to comply with the school boards duty to eliminate the racially segregated school systems created under segregation laws and practices. The Court particularly criticized the freedom of choice method of school desegregation then in widespread use throughout the South.

Green vs. *County School Board of New Kent County, Va.*, 391 U.S. 430 (1968). Black plaintiffs filed motions for relief consistent with *Green* in the three school cases pending before Judge Carswell. Despite the *Green* decision, Judge Carswell entered orders allowing the continued use of freedom of choice in all three cases. The Court of Appeals unanimously reversed all three of Judge Carswell's rulings. *Wright* vs. *Board of Public Instruction of Alachua County, Fla.*; and *Youngblood* vs. *Board of Public Instruction of Bay County, Fla.*, (both decided *en banc sub nom Singleton* vs. *Jackson Municipal Separate School System* 5th Cir. No. 25285 Dec. 1, 1969). *Steele* vs. *Board of Public Instruction of Leon County, Fla.*, No. 28143 5th Cir decided Dec. 12, 1969.

In his entire record as a district court judge, Judge Carswell was affirmed in only one of the seven appeals taken from his rulings on civil rights cases—his denial of relief to a Negro teacher seeking the opportunity to teach in an integrated school. *Knowles* vs. *Board of Public Instruction of Leon County, Fla.*, 405 F. 2d 1206 (1969). We submit that this record evidences a strong judicial bias against blacks asserting civil rights claims which should not be rewarded with confirmation as an Associate Justice of the Supreme Court.

In recent times, we have become increasingly aware of the importance of scrutinizing a judge's conduct off the bench as well as his judicial craftsmanship. In this regard, Judge Carswell must be found severely deficient.

In 1948, Mr. Carswell, while seeking public office, appealed for public support on the basis of some of the most blatantly racist assertions imaginable. His speech contained the following remarks:

I am a Southerner by ancestry, birth, training, inclination, belief and practice. And I believe that segregation of the races is proper and the only practical and correct way of life in our states. I have always so believed and I shall always so act.

If my own brother were to advocate such a program [of integration], I would be compelled to take issue with him and to oppose him to the limit of my ability.

I yield to no man, as a fellow citizen, in the firm, vigorous belief in the principles of white supremacy, and I shall always be so governed. (Taken from New York Times, January 22, 1970, p. 15)

More recently in 1956, while serving as United States Attorney, Judge Carswell participated as an incorporator, in the conversion of a municipally controlled golf club to a privately controlled country club which excludes blacks from membership or guest privileges.

A person with the types of segregationists personal involvements and demonstrated judicial hostility to blacks is simply not suited to sit on the nation's highest court. Surely in 1970 a non-white litigant should not be forced to plead his case before a Supreme Court which includes a jurist who has made and acted upon such blatant racial assertions.

The National Conference of Black Lawyers urges this Committee to weigh carefully the analysis we have made of Judge Carswell's suitability for the United States Supreme Court and weigh it along with those others that will be and have been made on his professional and other qualifications. The constitutional requirement of confirmation by the Senate must mean more than a perfunctory ratification of the President's choice. The Supreme Court plays a unique role in the shaping and growth of our institutions. It describes the contours of freedom and sets the course of national direction. It is the court from which there is no appeal—the last resort of the man who accepts and believes in our system of law. Its impact and influence transcends administrations to determine and characterize whole eras of our history as a people. Whatever may have been Judge Carswell's suitability to serve on a lower federal court, completely different considerations must come into play when the question is one of a seat on the highest court in the land. We are not in the realm of a simple "liberalism" versus "conservatism" debate. We are in the all together different dimension of questions concerning our national destiny. Black people do not want their destinies in the hands of G. Harrold Carswell; nor can the nation as a whole—black and white—afford to have any part of its destiny there.

Black people have long been the victims of the law in this society. It was the law which created, protected and enhanced the institution of American chattel slavery. It was the law which provided the onerous slave codes to govern in oppressive detail the lives of millions of blacks before their emancipation, and which returned to perform the same function through the notorious Black Codes after emancipation. It was with the law that the racist architects of segregation built a Jim Crow society which is still intact a decade and a half after *Brown* vs. *Board of Education* and more than a century after the Emancipation Proclamation.

The Report of the National Advisory Commission on Civil Disorders (May 1, 1968) told the nation that we live in a racist society. Black people—and in particular, black lawyers—have known this for some time. Thus far the law has proved inadequate in attempts to remedy this condition, but some advance has been made. If, relying on the legal system, we are to continue to give our people hope, then that system must give us *cause* for hope. If we are to continue growing into health as a nation of free and diverse men, we cannot afford a retreat now from the struggle for racial justice. The ascendance of Judge Carswell to the bench of the United States Supreme Court, as the first step in such a retreat, would dim the light of hope for change through legal means in the hearts of millions of Americans and diminish, worldwide, confidence in the American system of justice.

For all of the foregoing reasons, the National Conference of Black Lawyers respectfully, but vigorously, urges this august Committee to disapprove the nomination of George Harrold Carswell to the United States Supreme Court.

CONTINUATION OF TESTIMONY

Senator KENNEDY. Thank you very much.

Mr. CLARK. Thank you.

Senator BURDICK. Senator Thurmond.

Senator THURMOND. Thank you, Mr. Chairman. No question.

Senator BURDICK. Senator Cook?

Senator COOK. No questions. Thank you for appearing.

Senator BURDICK. Senator Mathias?

Senator MATHIAS. I would like to thank Dr. Clark for his conclusive testimony. It is very impressive.

Senator BURDICK. I believe that I have just a few questions.

Mr. CLARK. Certainly.

Senator BURDICK. You referred to some situations where you deemed Judge Carswell had decided wrongly but that for various reasons there was no appeal taken, so that we had no judicial determination whether he was right or wrong?

Mr. CLARK. That is correct, and indeed perhaps I shouldn't have referred to that.

Senator BURDICK. What appeals did you take during your experience down there in Florida? Can you name the cases?

Mr. CLARK. Yes.

Senator BURDICK. Do you have them in the record?

Mr. CLARK. I don't remember them all, but *Singleton* v. *The Board of Commissioners of State Institutions, Steele* v. *Board of Public Instruction of Leon County*. I am not sure but the Steele case might have gone up twice. And I was involved in the *Augustus* case, but I was not included on the brief at that time. I did research, but I had not been admitted to the bar.

Senator BURDICK. These two you handled, though?

Mr. CLARK. Yes, in *Singleton* and *Steele*, I was the prime lawyer.

Senator BURDICK. How far did those cases go?

Mr. CLARK. *Singleton* went to the court of appeals, and *Steele* went to the court of appeals.

Senator BURDICK. And what was the result?

Mr. CLARK. In *Singleton*, Judge Carswell was reversed. In *Steele*, so much time had gone by that the court had gone beyond even what I was requesting in my early relief in 1964, and they remanded the case and ordered the judge to revise the order in the light of the *Jefferson* case, which occurred at 372 F. 2d 836, but during the entire course of the proceedings from 1964 until May of 1967 there was absolutely no move made with respect to the court order in that case.

Senator BURDICK. The *Singleton* case was reversed?

Mr. CLARK. That is right.

Senator BURDICK. Are there any other cases?

Mr. CLARK. As I say, I worked on *Augustus* and that was reversed.

Senator BURDICK. And this is in your full statement, is it?

Mr. CLARK. That is right.

Senator BURDICK. Are there further questions?

Senator MATHIAS. Mr. Chairman, just one further thing, following up the question that you raised.

Senator BURDICK. Proceed.

Senator MATHIAS. You say there were a number of motions that, for lack of money, time, or people, you had to let go by the board. Can you estimate the number?

Mr. CLARK. It would be a loose statement, but I would say that, given the fact that I handled about nine or 10 cases in his court, and we were constantly trying to get revisions of the segregation plans, it must have occurred maybe 10 or 12 times, something like that, in which I took no appeal, so perhaps it is not appropriate to comment, but I felt that the judge had ruled against us on subsidiary issues of law, and it was clear that we had a right to get the relief which was requested.

In many instances, it was questions about the scope of discovery, how much could we inquire into the extent of teacher segregation, and the judge would cut off or limit the scope of the inquiry, things like that.

Senator MATHIAS. Were these matters which you felt were substantial?

Mr. CLARK. No.

Senator MATHIAS. Or would they have had an ultimate impact on the outcome of the litigation?

Mr. CLARK. They had an impact of slowing down litigation, but we had to make judgments in terms of priorities, so that if we felt that there was a major impediment to be created by a decision, then we took an appeal.

For instance, if a complaint were dismissed, which meant we would get no relief whatsoever, then in those instances we would take an appeal, but if it simply meant you would lose 6 months, or even sometimes a year, then we sometimes did not take an appeal.

Senator MATHIAS. Your feeling is that, taken as a body, that this amounted to a dilatory tactic?

Mr. CLARK. That was my impression, that that was the effect of it.

Senator MATHIAS. If you had been counsel for a large corporation with a big legal staff and plenty of money, would you have advised appeal?

Mr. CLARK. Then my testimony might here have gone on all day.

Senator BURDICK. Any other questions?

(No response.)

Senator BURDICK. Thank you.

The next witness will be Mr. Thomas Harris. I presume you have to be sworn, Mr. Harris.

Do you swear on this matter before the committee that you will tell the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. CHURCH. Does the Senator have reference to page 227?

Mr. TYDINGS. Yes.

In response to a question from the Senator from Massachusetts with respect to a public statement Mr. Clark had made, Mr. Clark responded in the following manner:

Mr. CLARK. That is correct. I have said this before to the press, and I will repeat it for the benefit of this committee.

Judge Carswell was the most hostile Federal District Court judge I have ever appeared before with respect to civil rights matters.

Senator Kennedy said:

That is a very serious charge.

Which indeed it was, particularly in view of the fact that Mr. Clark tried cases before judges throughout the South, not just in the State of Florida.

Mr. CLARK. Well, let me say I have gone through in my testimony many of the cases, and I am sure there will be other persons who will appear before you who are privy to Mary Kurzan's doctoral thesis.

He is referring now to a thesis prepared by a Yale law student which shows Mr. Carswell very, very low on a proficiency rating. Back to Mr. Clark's testimony.

Let me talk a bit about his demeanor with respect to lawyers. And I say that with this caveat: I believe that the documentation as to his judicial performance is much more important than his demeanor with respect to myself and other civil rights attorneys.

I do not necessarily agree with Mr. Clark on that point, but let us concede that point.

Judge Carswell was insulting and hostile. I have been in Judge Carswell's court on at least one occasion in which he turned his chair away from me when I was arguing. I have said for publication, and I repeat it here, that it is not, it was not an infrequent experience for Judge Carswell to deliberately disrupt your argument and cut across you, while according, by the way, to opposing counsel every courtesy possible.

As a lawyer who has tried many cases, in my judgment, there is no more despicable conduct a judge can engage in than showing outright preference to one lawyer over another lawyer in the trial of a case. This undermines the fundamental constitutional system of judicial fairness under our system of law.

Let me go on:

It was not unusual for Judge Carswell to shout at a black lawyer who appeared before him while using a civil tone to opposing counsel. But I mentioned those as asides, really, and I don't think them important, because I am sophisticated enough, and other lawyers, black lawyers who appeared before him, were sophisticated enough to sustain that kind of personal insult.

What I am concerned about is whether it indicates that Judge Carswell is not only a political segregationist but is a personal segregationist, because that will have a great deal to do with whether or not this man can change when he is in a different environment.

Is Carswell a man who really, personally, does not like black people? That is the question which you will have to answer, it seems to me.

With respect to what happened to us, to some extent we expect that kind of thing. And I don't think it is as important as his record, but I put it before you for whatever it is worth.

I would have to ask the Senator from Idaho whether or not the Senator agrees with me, and perhaps disagrees with Mr. Clark, that the manner in which a judge treats litigants, particularly poor and unpopular litigants in his court, is a fundamental sign of his basic judicial temperament and his ability to be a judge.

Mr. CHURCH. Of course it is. His demeanor is a mirror of his own deeply held personal feelings. If he is unable, while sitting on the court, to restrain himself, it is a serious reflection on his capacity as a judge.

Mr. TYDINGS. Let me just direct the Senator's attention to one other paragraph in the testimony of Mr. Clark. He responded to a question I directed to him.

Mr. CHURCH. On what page?

Mr. TYDINGS. Page 228. This is directed to Mr. Clark:

Senator TYDINGS. Senator Kennedy was interrogating you about your overall supervision of the lawyers involved in voting rights and other civil rights litigation. You said because of your work and supervision, that you knew personally and were in contact with lawyers, black and white, who handled civil rights litigation in Florida. Is that true?

Mr. CLARK. That is correct.

Senator TYDINGS. What was their evaluation of Judge Carswell insofar as his ability to be fair and unbiased toward black and white lawyers representing civil rights petitioners?

Mr. CLARK. I have not polled them since this nomination became a possibility, but I can tell you on the basis of general conversation with them that it was the view of the lawyers in that State that Carswell was the most difficult judge you could appear before, and indeed whenever I took a young lawyer into the State, and he or she was to appear before Carswell, I usually spent the evening before making them go through their argument while I harassed them, as preparation for what they would meet the following day.)

Would the Senator agree that the ability to give a fair trial and not to prejudge because of your personal biases or prejudices is as important as whether or not you have owned a security or have failed to mention a security which you owned in a company that was involved in litigation or matter before your court?

Mr. CHURCH. I think that the attribute to which the Senator refers is really indispensable in a man who would be a competent judge.

Let me say that implicit in the Senator's question is the assumption many Members of the Senate have come to make, which is that when it comes to passing upon a Presidential nominee, it is somehow bad form to vote against him unless there is some evidence of illegal or unethical conduct on the part of the nominee that has cropped up in the course of the hearing. If we are going to exercise our confirmation power only in those rare, unusual cases where that kind of evidence is uncovered, then we have narrowed it almost to the point where it becomes meaningless.

I can understand why Presidents want us to view our powers in this restricted way, because it naturally tends to reduce the importance of the Senate in our political life. But I find it hard to understand how readily Senators acquiesce in this demeaning definition of the senatorial role. Yet, this has happened to us—even though our history shows that it was not so intended by the Founding Fathers, and that it was not so practiced by the Senate in the last century; and I would hope——

Mr. TYDINGS. It will not be.

Mr. CHURCH. That as a result of this debate, and as a result of the earlier deliberation of the Senate on the nomination of Judge Haynsworth, that finally we are awakening again to our constitutional duty.

I think that the questions which the distinguished Senator from Maryland has raised have been penetrating questions and have been very helpful in making the record against the confirmation of the nomination of Judge Carswell.

Mr. TYDINGS. I think that the distinguished Senator from Idaho has made a great contribution. I think it is important that the people of the United States know that the man whose name has been sent to the Senate for confirmation as an Associate Justice of the Supreme Court of the United States is, as Dean Pollak described him, a man of the most slender credentials. I think it is important that they know his entire record. I think that before this debate is over they will know that entire record. I think that when the time comes, the Senate will vote against the nomination and discharge its responsibilities to the American people and will not be a rubber-stamp of the President of the United States.

Mr. CHURCH. I thank the Senator very much.

Mr. HARRIS. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I yield.

Mr. HARRIS. I join the distinguished Senator from Maryland and others in commending the distinguished Senator from Idaho for an excellent and helpful address with regard to the confirmation of Judge Carswell.

Particularly do I commend the Senator for his commentary upon the constitutional responsibilities of the Senate, especially in regard to confirmation of appointments by the President. I think the distinguished Senator from Idaho has pointed out usefully and well the extra importance of appointment to the Supreme Court as distinguished from other appointments of the President.

In recent days, I have heard a report which I thought I might ask the Senator from Idaho to comment upon; namely, an article in the Philadelphia Enquirer recently which reported that President Nixon was supposed to have said that if the Senate should reject the nomination of Judge Carswell, he might thereafter appoint another person who would be even less to the liking of those of us who oppose this nomination.

I have also heard from sincerely concerned Members of the Senate from time to time the question: What, if we were to turn down this nomination, and get one that we like even less.

What would be the response of the Senator in that regard?

Mr. CHURCH. I have seen this commentary in the press. I think it needs to be rebutted. I cannot think of a less persuasive argument than that we should confirm the present nominee because, if we do not, then the next one may be worse.

The answer to that specious argument is simple enough: If the President keeps sending us nominees who rate lower and lower on the scale of qualifications that should properly apply to the Supreme Court, then the Senate should continue to reject them, and should go on rejecting them until the President sends us a man who qualifies to serve on the Supreme Court of the United States.

That is what our power is for. That is why it is in the Constitution. We are duty bound as Senators to discharge that power in a responsible way.

If the Senate were to reject this nomination, I have no doubt the President would get the message, and the next nomination he would make would be one that meets the high standards that should apply to so important a post.

The Senate had no difficulty confirming the new Chief Justice of the United States. He was nominated by President Nixon. We found him fully to qualify and we confirmed the appointment.

There is nothing of a partisan character in our opposition to Judge Carswell, but clearly this man lacks those elements of distinction in his own career as a judge on the Federal bench that should be necessary to qualify him for service on the Supreme Court of the United States.

Thus the answer is, Keep rejecting nominations which are deficient until the President sends up here the name of a man who meets the criteria that properly should apply to the Supreme Court of the United States.

If we reject Judge Carswell, I do not think that we will get a worse nomination. I think that we will get a much better one. The next nomination, in all likelihood, will be one that we can readily confirm.

Mr. HARRIS. I certainly agree with the response of the distinguished Senator from Idaho. I think that his comments should set at rest what has been a spurious argument used by some and the concern expressed by others. I agree with the distinguished Senator from Idaho. I think that we must presume, if the Senate makes its position clear, that that message will be received clearly by the President of the United States. I also think that fear of a repeated error by the President is not the proper basis upon which the Senate should exercise its constitutional responsibilities. I think, instead, that we should presume that the error will not be persisted in, if it is so labeled by the Senate in the pursuance of its duties.

Again I commend the Senator for an excellent address. I hope that it will be heard throughout the country as well as in the Senate.

Mr. CHURCH. I thank the Senator very much for his comments.

(At this point Mr. GRAVEL took the chair as Presiding Officer.)

Mr. PELL. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I yield.

Mr. PELL. Mr. President, I had the good fortune to be sitting in the chair as the Senator from Idaho was advancing his ideas. There is great merit in his thought that when it comes to confirmation, there is one set of rules which should apply for the executive branch, which is under the President, but it is not the same thing when we are dealing with confirmation to office in the third branch of Government, the judiciary, which is not under the direction of the President. But, I must add here, we have already confirmed Judge Carswell twice for the courts.

How would the Senator from Idaho equate those confirmations with the present, strong views held against him? Should not those views have come to light before? Should not they have surfaced earlier?

Mr. CHURCH. There is no question that they should and would have surfaced earlier if the Senate had the time to make a searching inquiry into every appointment made by the President to the district and appellate courts. Then, I am sure, those objections to Judge Carswell would have surfaced earlier.

But, as the Senator knows, we are so burdened with our workload here that we cannot possibly spread ourselves over the entire appointive field. I think that this is unfortunate but, nonetheless, we must recognize that it is true. As the Constitution prescribes our confirmation role, it covers a vast array of appointive offices. Every time a second lieutenant in Armed Forces of the United States is promoted to a first lieutenant, the confirmation of the Senate is required. We have long lists of appointments that come in here as thick as these hearings on Judge Carswell, and we are asked to confirm them. Naturally, the Government has grown so large, and the Nation so big, that we cannot give the scrutiny we might like to each appointment. But when it comes to the Supreme Court, our duty is plain, because here we are dealing with Justices of great importance on the court of last resort, whose decisions will have a lasting and indelible effect upon the country. As to them, we cannot discharge our duty in a perfunctory way. It is incumbent upon us to make a searching examination of each nominee.

As the Senator has pointed out, twice we failed to do this in the case of Judge Carswell, but in the earlier cases he was not being urged upon us as an Associate Justice of the Supreme Court. That makes a big difference.

Mr. PELL. I thank the Senator. I think his argument is compelling. I had not properly considered it until it was being advanced at this time, that there is this peculiar situation applying to that small number of people who are appointed to the third branch of the Government.

In connection with the Senator's statement that he thought if Judge Carswell is rejected, we might hope for a nominee of a higher caliber. I gather that the Senator discounts the press reports that the administration was giving thought to sending General LeMay to law school. [Laughter.]

Mr. HOLLAND. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I yield.

Mr. HOLLAND. Of course, it is true that Senators do not have time to give complete consideration to judges nominated to the lower courts. It happens, however, that Judge Carswell is from my State.

I gave very careful consideration to his nomination both at the time he was appointed to the district court and at the time he was appointed to the circuit court of appeals. In neither case was he my nominee, because he was appointed both times under a Republican administration. On both occasions there were good judges, whom I nominated, who came from the other side of the political scene and who were just as competent.

I did, however, give careful consideration to Judge Carswell. And I would not want the record to be in such a state as to indicate that the two Senators from Florida, simply because a judge came from their State, would be willing to confirm just anyone.

That is not the case. The Senator from Florida was offered a district judgeship himself many years ago, and he turned it down. And he was offered a circuit court judgeship, and he turned it down.

I know something of what is required of judges. And I know that Judge Carswell has a fine record. He was named by all of the judges of the fifth circuit to represent them on the Judicial Conference, which is a matter of great honor and would not have happened unless they regarded him highly.

I had occasion to testify in Judge Carswell's court a number of years ago in the largest case ever tried there. The case was very hotly contested, with some 20 or 30 lawyers involved, some of them lawyers from outside of Florida, one of them a former Attorney General. I sat there all day and answered questions, and many times there were objections to those questions.

I felt and feel now that Judge Carswell handled himself in a careful and fair manner. That was the case of Crummer against du Pont, and others. It involved, as I recall, a $39 million claim for damages and involved alleged gross violations of the antitrust laws of the United States.

After that case was tried and the jury rendered a verdict, the attorneys on the losing side—and there were many and they were capable—both from my State

and outside of my State, decided that the record was so clean that they would not appeal the case. That is unusual in a case of that size and of that degree of controversy.

I do not want the record to stand upon the mere statement that we simply gave a rubberstamp approval to Judge Carswell when he was named to the district court, not as my nominee, and when he was named to the circuit court of appeals, not as my nominee, because quite the contrary is true.

On both occasions, I had strong recommendations regarding him, aside from what I knew from my own observation. I had strong nominations from members of the Circuit Court of Florida and of the district court of appeals, which is next to the circuit court, and from circuit court judges as well as some officers of the bar association and numerous other outstanding lawyers.

I would not want the record to appear as some of these columnists and television speakers like to put it, that here is a man who is unqualified, who has not done good work, and who is not entitled to be considered as a candidate for a judgeship on a sound basis.

I thank the Senator for yielding.

Mr. CHURCH. Mr. President, I appreciate the comments of the Senator from Florida. I would be the last to suggest or even intimate that he would support the nomination of Judge Carswell simply because he comes from Florida.

If the Senator from Florida were persuaded that Judge Carswell were not fit to sit on the Supreme Court, the fact that he is a Floridian would have no effect upon him.

Mr. HOLLAND. Mr. President, I thank the Senator for that statement, which I hope is true, and I believe it to be true.

Mr. CHURCH. Mr. President, in conclusion, I ask unanimous consent that the article to which I referred, by Charles L. Black, Jr., Luce professor of law, Yale University Law School, entitled "A Note on Senatorial Consideration of Supreme Court Nominees," which will appear in the April issue of the Yale University Law Journal, be printed here in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A NOTE ON SENATORIAL CONSIDERATION OF SUPREME COURT NOMINEES

(By Charles L. Black, Jr.)

If a President should desire, and if chance should give him the opportunity, to change entirely the character of the Supreme Court, shaping it after his own political image, nothing would stand in his way except the United States Senate. Few constitutional questions are then of more moment than the question whether a Senator properly may, or even at some times in duty must, vote against a nominee to that Court, on the ground that the nominee holds views which, when transposed into judicial judgments, are likely, in the Senator's judgment, to be very bad for the country. It is the purpose of this piece to open discussion of this question; I shall make no pretense of exhausting that discussion, for my own researches have not proceeded for enough to enable me to make that pretense [1] I shall, however, open the discussion by taking, strongly, the position that a Senator, voting on a presidential nomination to the Court, not only may but generally ought to vote in the negative, if he firmly believes, on reasonable grounds, that the nominee's views on the large issues of the day will make it harmful to the country for him to sit and vote on the Court, and that, on the other hand, no Senator is obligated simply to follow the President's lead in this regard, or can rightly discharge his own duty by so doing.

I will open with two prefatory observations.

First, it has been a very long time since anybody who thought about the subject to any effect has been possessed by the illusion that a judge's judicial work is not influenced and formed by his whole lifeview, by his economic and political comprehensions, and by his sense, sharp or vague, or where justice lies in respect of the great questions of his time. The *loci classici* for this insight, now a platitude, are in such writers as Oliver Wendell Holmes, Jr., Felix Frankfurter, and Learned Hand. It would be hard to find a well-regarded modern thinker who asserted the contrary. The things which I contend are both proper and indispensable for a Senator's consideration, if he would fully discharge his duty, are things that have definitely to do with the performance of the judicial function. The factors I contend are for the Senator's weighing are factors that go into composing the quality of a judge. The contention that they may not properly be considered therefore amounts to the contention that some things which make a good or bad judge may be considered—unless the Senator is to consider nothing—while others may not.

Secondly, a certain paradox would be involved in a negative answer to the question I have put. For those considerations which I contend are proper for the Senator are considerations which certainly, notoriously, play (and always have played) a large, often a crucial, role in the President's choice of his nominee; the assertion, therefore, that they should play no part in the Senator's decision amounts to an assertion that the authority that must "advise and consent" to a nomination ought not to be guided by considerations which are hugely important in the making of the nomination. One has to ask, "Why?" I am not suggesting now that there can be no answer; I only say that an answer must be given. In the normal case, he who lies under the obligation of making up his mind whether to advise and consent to a step considers the same things that go into the decision whether to take that step. In the normal case, if he does not do this, he is derelict in his duty.

I have called this a constitutional question, and it is that (though it could never reach a court), for it is a question about the allocation of power and responsibility in government. It is natural, then, for American lawyers to look first at the applicable text, for what light it may cast. What expectation seems to be projected by the words, "The President . . . shall nominate, and by and with the Advice and Consent of the Senate shall appoint . . . Judges of the Supreme Court . . ."? [2] Do these words suggest a rubber-stamp function, confined to screening out proven malefactors? I submit that they do not. I submit that the word "advice," unless its meaning has radically changed since 1787, makes next to impossible that conclusion.

Procedurally, the stage of "advice" has been short-circuited.[3] Nobody could keep the President from doing that, for obvious practical reasons. But why should this procedural short-circuiting have any effect on the *substance* so strongly suggested by the word "advice"? He who merely *consents* might do so perfunctorily, though that is not a necessary but merely a possible gloss. He who *advises* gives or withholds his advice on the basis of *all* the relevant considerations bearing on decision. Am I wrong about this usage? Can you conceive of sound "advice" which is given by an advisor who has deliberately barred himself from considering some of the things that the person he is advising ought to consider, and does consider? If not, then can the Presidents, by their unreviewable short-circuiting of the "advice" stage, magically have caused to vanish the Senate's responsibility to consider what it must surely consider in "advising"? Or is it not more reasonable to say that, in deciding upon his vote at the single point now left him, every Senator ought to consider everything he would have considered if, procedurally, he were "advising"? Does not the word "advice" permanently and inescapably define the *scope* of Senatorial consideration?

It is characteristic of our legal culture both to insist upon the textual reference-point, and to be impatient when much is made of it, so I will leave what I have said about this to the reader's consideration, and pass on to ask whether there is anything else in the Constitution itself which compels or suggests a restriction of Senatorial consideration to a few rather than to all of the factors which go to making a good judge. I say there is not; I do not know what it would be. The President has to concur in legislation, unless his veto be overridden. The Senate has to concur in judicial nominations. That is the simple plan. Nothing anywhere suggests that some duty rests on the Senator to vote for a nomination he thinks unwise, any more than a duty rests on the President to sign bills he thinks unwise.

Is there something, then, in the whole structure of the situation, something unwritten, that makes it the duty of a Senator to vote for a man whose views on great questions the Senator believes to make him dangerous as a judge? I think there is not, and I believe I can best make my point by a contrast. The Senate has to confirm—advise and consent to—nominations to posts in the executive department, including cabinet posts. Here, I think, there is a clear structural reason for a Senator's letting the President have pretty much anybody he wants, and certainly for letting him have people of any political views that appeal to him. These are his people; they are to work with him. Wisdom and fairness would give him great latitude, if strict constitutional obligation would not.

Just the reverse, just exactly the reverse, is true of the judiciary. The judges are *not* the President's people. God forbid! They are not to work with him or for him. They are to be as independent of him as they are of the Senate, neither more nor less. Insofar as their policy-orientations are material—and, as I have said above, these can no longer be regarded as immaterial by anybody who wants to be taken seriously, and are certainly not regarded as immaterial by the President—it is just as important that the Senate think them not harmful as that the President think them not harmful. If this is not true, why is it not? I confess here I cannot so much as anticipate a rational argument to which to address a rebuttal.

I can, however, offer one further argument tending in the same direction. The Supreme Court is a body of great power. Once on the Court, a Justice wields that power without democratic check. This is as it should be. But is it not wise, before that power is put in his hands for life, that a nominee be screened by the democracy in the fullest manner possible, rather than in the narrowest manner possible, under the Constitution? He is appointed by the President (when the President is acting at his best) because the President believes his worldview will be good for the country, as reflected in his judicial performance. The Constitution certainly permits, if it does not compel, the taking of a second opinion on this crucial question, from

Footnotes at end of article.

a body just as responsible to the electorate, and just as close to the electorate, as is the President. Is it not wisdom to take that second opinion in all fullness of scope? If not, again, why not? If so, on the other hand, then the Senator's duty is to vote on his whole estimate of the nominee, for that is what constitutes the taking of the second opinion.

Textual considerations, then, and high-political considerations, seem to me strongly to thrust toward the conclusion that a Senator both may and ought to consider the life-view and philosophy of a nominee, before casting his vote. Is there anything definite in history tending in the contrary direction?

In the Constitutional Convention, there was much support for appointment of judges *by the Senate alone*—a mode which was approved on July 21, 1787.[4] and was carried through into the draft of the Committee of Detail.[5] The change to the present mode came on September 4th, in the report of the Committee of Eleven[6] and was agreed to *nem. con.* on September 7th.[7] This last vote must have meant that those who wanted appointment by the Senate alone—and in some cases by the whole Congress—were satisfied that a compromise had been reached, and did not think the legislative part in the process had been reduced to the minimum. The whole process, to me, suggests the very reverse of the idea that the Senate is to have a confined role.

I have not reread every word of *The Federalist* for this opening-gun piece, but I quote here what seem to be the most apposite passages, from Numbers 76 and 77:

"But might not his nomination be overruled? I grant it might, yet this could only be to make place for another nomination by himself. The person ultimately appointed must be the object of his preference, though perhaps not in the first degree. It is also not very probable that his nomination would often be overruled. The Senate could not be tempted, by the preference they might feel to another, to reject the one proposed; because they could not assure themselves, that the person they might wish would be brought forward by a second or by any subsequent nomination. They could not even be certain, that a future nomination would present a candidate in any degree more acceptable to them; and as their dissent might cast a kind of stigma upon the individual rejected, and might have the appearance of a reflection upon the judgment of the chief magistrate, it is not likely that their sanction would often be refused, where there were not special and strong reasons for the refusal.

"To what purpose then require the cooperation of the Senate? I answer, that the necessity of their concurrence would have a powerful, though, in general, a silent operation. It would be an excellent check upon a spirit of favoritism in the President, and would tend greatly to prevent the appointment of unfit characters from State prejudice, from family connection, from personal attachment, or from a view to popularity. In addition to this, it would be an efficacious source of stability in the administration.

"It will readily be comprehended, that a man who had himself the sole disposition of offices, would be governed much more by his private inclinations and interests, than when he was bound to submit the propriety of his choice to the discussion and determination of a different and independent body, and that body an entire branch of the legislature. The possibility of rejection would be a strong motive to care in proposing. The danger to his own reputation, and, in the case of an elective magistrate, to his political existence, from betraying a spirit of favoritism, or an unbecoming pursuit of popularity, to the observation of a body whose opinion would have great weight in forming that of the public, could not fail to operate as a barrier to the one and to the other. He would be both ashamed and afraid to bring forward, for the most distinguished or lucrative stations, candidates who had no other merit than that of coming from the same State to which he particularly belonged, or of being in some way or other personally allied to him, or of possessing the necessary insignificance and pliancy to render them the obsequious instruments of his pleasure."

If it be said they might sometimes gratify him by an acquiescence in a favorite choice, when public motives might dictate a different conduct, I answer, that the instances in which the President could be personally interested in the result, would be too few to admit of his being materially affected by the compliances of the Senate. The *power* which can *originate* the disposition of honors and emoluments, is more likely to attract than to be attracted by the *power* which can merely obstruct their course. *If my influencing the President be meant restraining him, this is precisely what must have been intended.* [emphasis supplied] And it has been shown that the restraint would be salutary, at the same time that it would not be such as to destroy a single advantage to be looked for from the uncontrolled agency of that Magistrate. The right of nomination would produce all the good of that of appointment, and would in a great measure avoid as evils.[9]

I cannot see, in these passages, any hint that the Senators may not or ought not, in voting on a nominee, take into account anything that they, as serious and public-spirited men, think to bear on the wisdom of the appointment. It is predicted, as a mere *probability*, that Presidential nominations will not often be "overruled." But "special and strong reasons," thus generally characterized, are to suffice. Is a Senator's belief that a nominee holds skewed and purblind views on social justice not a "special and strong reason"? Is it not as "special and strong" as a Senator's belief that an appointment has been made "from a view to popularity"—a reason which by clear implication *is* to suffice as support for a negative vote? If there is anything in *The Federalist Papers* neutralizing this inference, I should be glad to see it.

When we turn to history, the record is, as always, confusing and multifarious. One can say with confidence, however, that a good many nominations have been rejected by the Senate for repugnancy of the nominee's views on great issues, or for mediocrity, or for other reasons no more involving moral turpitude than these. Jeremiah Sullivan Black, an eminent lawyer and judge, seems to have been rejected in 1861 because of his views on slavery and secession.[10] John J. Crittenden was refused confirmation in 1829 on strictly partisan grounds.[11] Wolcott was rejected partly on political grounds, and partly on grounds of competence, in 1811.[12] There is the celebrated Parker case of this century.[13] The perusal of Warren[14] will multiply instances.

I am very far from undertaking any defense of each of these actions severally. I am not writing about the wisdom, on the merits, of particular votes, but of the claim to historical authenticity of the supposed "tradition" of the Senators' refraining from taking into account a very wide range of factors, from which the nominees' views on great public questions cannot, excepted arbitrarily, be excluded. Such a "tradition," if it exists, exists somewhere else than in recorded history. Of course, all these instances may be dismissed as improprieties, but then one must go on and say why it *is* improper for the Senate, and each Senator, to ask himself, before he votes, *every* question which heavily bears on the issue whether the nominee's sitting on the Court will be good for the country.

I submit that this "tradition" is just a part of the twentieth-century mystique about the Presidency. That mystique, having led us into disastrous undeclared war, is surely due for reexamination. I do not suggest that it can be or should be totally rejected. I am writing here only about a little part of its consequences.

To me, there is just no reason at all for a Senator's not voting, in regard to confirmation of a Supreme Court nominee, on the basis of a full and unrestricted review, not embarrassed by any presumption, of the nominee's fitness for the office. In a world that knows that a man's social philosophy shapes his judicial behavior, that philosophy is a factor in his fitness. If it is a philosophy the Senator thinks will make a judge whose service on the Bench will hurt the country, then the Senator can do right only by treating this judgment of his, unencumbered by deference to the President's, as a satisfactory basis in itself for a negative vote. I have as yet seen nothing textual, nothing structural, nothing prudential, nothing historical, that tells against this view. Will someone please enlighten me?

FOOTNOTES

[1] I shall not provide this discussion with an elaborate footnote apparatus. I am sorry to say that I cannot acknowledge debt, for I am writing from my mind; experience teaches that, when one does this, one unconsciously draws on much reading consciously forgotten; for all such obligations unwittingly incurred I give thanks. I have had the benefit of discussion of many of the points made herein with students at the Yale Law School, of whom I specifically recollect Donald Paulding Irwin; I have also had the benefit of talking to him about the piece after it was written. A specific addendum in proof: Harris, "The Advice and Consent of the Senate" (1963) came to my attention and hands, after the present piece had gone to the printer. This excellent and full account of the whole function would doubtless have fleshed out my own thoughts, but I see nothing in the book that would make me alter the position taken here, and I hope a single-shot thesis like the present may be useful.

[2] U.S. Const. art. II. § 2. cl. 2.

[3] Even this short-circuiting is not complete. First, the President's "appointment," *after* the Senate's action, is still voluntary (Marbury v. Madison, 5 U.S. (1 Cranch) 137, 155 (1803)), so that in a sense the action of the Senate even under settled practice may be looked on as only "advisory" with respect to a step from which the President may still withdraw. Secondly, nominations are occasionally withdrawn after public indications of Senate sentiment (and probable action) which may be thought to amount to "advice."

[4] "2 Records of the Federal Convention of 1787" at 83 (M. Farrand ed. 1911).

[5] *Id.* at 132, 146, 155, 169. 183.

[6] *Id.* at 498.

[7] *Id.* at 539.

[8] "The Federalist No. 76," at 494–495 (Modern Library 1937) (Alexander Hamilton).

[9] *Id.* No. 77, at 498 (Alexander Hamilton).

[10] 2 C. Warren, "The Supreme Court in United States History" 364 (rev. ed. 1926).

[11] 1 *Id.* at 704.

[12] *Id.* at 413.

[13] L. Pfeffer, "This Honorable Court, a History of the United States Supreme Court" 288 (1965).

[14] C. Warren, "The Supreme Court in United States History" (rev. ed. 1926).

Mr. RIBICOFF. Mr. President, under our Constitution the Senate is assigned responsibility for confirming or rejecting the Supreme Court nominations of the President. This is one of our most important duties, for Justices of the Su-

preme Court occupy a unique position in the judicial system. They sit over more than 300 district judges and nearly 100 appellate judges. The cases which come before them involve more than technical questions of law. Inevitably they involve sensitive questions of constitutional law, economic and social policy. In deciding them a Justice cannot always rigidly apply past precedents. Life does not stand still, neither can the law. The legal rules which were adequate for an earlier day may be inappropriate today or tomorrow. The Supreme Court, at the pinnacle of the judicial system, often must lead the way.

Nearly 170 years ago Marbury against Madison established the position of the Supreme Court under our Constitution. Since that time, the Court has played a major role in developing the rules by which our society lives.

It would be very difficult to overestimate the importance of the Supreme Court in our system of government. It is the final authority on all questions of Federal law—antitrust, labor, and taxation—to name just a few. It is also the arbiter of relations between the States and the Federal Government, defining and adjusting their respective roles to keep them in tune with the times.

However, the heart of the Court's work is interpretation of the Constitution. This is a demanding task. As Judge Learned Hand aptly said:

> The words (a Justice) must construe are empty vessels into which he can pour nearly anything he will.

Accordingly, we must be sure that the men appointed to the Court meet the highest intellectual and moral standards. They must have more than knowledge. They must possess wisdom, which is knowledge tempered with judgment. They must demonstrate a sensitive understanding of the major issues confronting society. And they must show by sustained superior performance that they are worthy of elevation to a seat of great trust and responsibility.

In examining Judge Carswell's credentials, one should properly begin with the objective record he compiled on the bench. The Ripon Society has made a comprehensive study of his 11 years as a district judge. Using five relevant criteria—reversals on appeal, reversals in general, citation by other courts, elaboration of opinions and use of authority—the Ripon Society concluded that "they form a most impressive indictment of Judge Carswell's judicial competence."

Let me quote from the Ripon Society paper:

> 1. Reversals on Appeal: During the eleven years (1958–1969) in which Judge Carswell sat on the federal district court in Tallahassee, 58.8% of all of those cases where he wrote printed opinions (as reported by West) and which were appealed resulted ultimately in reversals by higher courts. By contrast in a random sample of 400 district court opinions the average rate of reversals among all federal district judges during the same time period was 20.2% of all printed opinions on appeal. In a random sample of 100 district court cases from the Fifth Circuit during the 1958–1969 time period the average rate of reversals was 24.0% of all printed opinions on appeal.
>
> 2. Reversals in General: Carswell's rate of reversals for all of his printed cases was 11.9% as compared to a rate of 5.3% for all federal district cases and 6% for all district cases within the Fifth Circuit during the same time period.
>
> The majority of cases before any federal district judge ordinarily do not result in appeals, hence precluding the possibility of reversals in those cases. It is significant however, that Carswell's overall reversal record for his printed cases is more than twice the average for federal district judges. When additional unprinted opinions are included, Carswell is found to have an overall reversal rate of 21.6%.
>
> 3. Citation by Others: Carswell's 84 printed opinions while he was serving as a district court judge were cited significantly less often by all other U.S. judges than is the average for the opinions of federal district judges. Carswell's first 42 opinions during his first five years on the federal judiciary (1958–1963) have been cited an average of 1.8 times per opinion. Two hundred opinions of other district judges randomly chosen from district court cases spanning this same time period have been cited an average of 3.75 times per opinion. The 42 most recent of Carswell's printed district court opinions have been cited an average of 0.77 times per opinion.
>
> Two hundred opinions of other district judges randomly chosen from cases spanning the same 1964–1969 time period have been cited an average of 1.57 times per opinion.
>
> 4. Elaboration of opinions: Carswell's printed district court opinions average 2.0 pages. The average length of printed opinions for all federal district judges during the time period in which Carswell sat on the district bench was 4.2 pages.
>
> 5. Use of authority: In the 84 abovementioned Carswell opinions the average number of citations of cases is 4.07 per opinion, and the average number of citations of secondary source material is 0.49 per opinion. The average for all district judges during the 1958–1968 time period was 9.93 case citations per opinion and 1.56 citations of secondary source material per opinion.

At the Senate hearing on Judge Carswell's nomination several noted authorities on constitutional law reviewed Judge Carswell's opinions and found that he lacks the necessary qualifications for appointment to the Court. Louis Pollak, dean of Yale Law School, said:

> I am forced to conclude that the nominee has not demonstrated the professional skills and the larger Constitutional wisdom which fits a lawyer for elevation to our highest Court.

Prof. William Van Alystyne, who had testified in favor of Judge Haynsworth's nomination, told the committee:

> There is, in candor, nothing in the quality of the nominee's work to warrant any expectation that he could serve with distinction on the Supreme Court.

Later, after considering the full printed hearings, Professor Van Alystyne wrote me a letter expanding his views. He said:

> A particular President can serve for no more than eight years, but one whom the Senate confirms to serve on the Supreme Court may influence the quality of American life for more than thirty years. The Constitution provides that the Senate shall advise the President on the appropriateness of such an appointment, rather than that it simply defer or acquiesce. In this instance, the need for advice rather than consent is surely compelling.
>
> No one appearing in behalf of Mr. Carswell was able to identify or commend any piece of work whatever during his eleven years on the federal bench as reflecting evidence of judicial stature. Nothing at all could be cited to contrast with Dean Pollak's observation 'that the nominee presents more slender credentials than any nominee for the Supreme Court put forth in this century,' and that 'as my mind ran and my eye ran back through all of the men who have sat on the Court in this past 70 years, it did seem to me striking the paucity of this nominee's qualifications as compared with all of the others.' Nothing was offered in derogation of my own reluctant conclusion, in contrast to what I was able to say of Judge Haynsworth, that:
>
> "More disturbing in the cases generally, and by generally I mean not to restrict myself to the area of race relations at all, although intrinsically far more difficult to illustrate in the nature of the shortcoming, there is simply a lack of reasoning, care, or judicial sensitivity overall, in the nominee's opinions."
>
> The testimony by Mr. (Thomas E.) Harris, moreover, closely reviewed the comparison of this appointment which the President had sought to make with previous judicial figures including Holmes, Hughes, Brandeis, and Frankfurter, adequately underscoring the near ludicrousness of such comparisons. It was repeatedly observed as well that these are not partisan concerns—that there are a number of judges including many in the South of Republican affiliation whom the President might nominate and of whom no similar criticism would have been made.

Judge Carswell's proposed appointment has evoked criticism from lawyers throughout the country. A statement signed by 457 prominent lawyers concluded:

> He does not have the legal or mental qualifications essential for service on the Supreme Court.

Never in history has there been such an outpouring of disapproval of a nominee from the most notable and respected members of the bar.

I can find nothing in Judge Carswell's record to convince me that he is qualified for the Supreme Court.

One searches his entire career, as a lawyer, U.S. attorney, and Federal judge for a significant contribution to the law, but there is none. His record is barren of accomplishment.

He was not highly regarded as a lawyer or a scholar before his appointment to public office. He introduced no innovations in law enforcement when U.S. attorney. As a judge his record has been unimpressive. His opinions have not been notably enlightening or clear sighted, nor has he shown particular moral courage. Overall, Judge Carswell's performance can be rated no better than mediocre, hardly qualifying him for the Supreme Court.

Mr. President, so far, I have discussed only Judge Carswell's general qualifications for appointment to the Supreme Court. I want to turn now to his civil rights record.

Inscribed across the facade of the Supreme Court building are the words, "Equal Justice Under Law." In the past 16 years the Supreme Court has led the way in transforming them from cold stone into a living reality for millions of Negroes across the land. By any standard, race relations is a major issue of our time. Any judge qualified for the Su-

preme Court must, at a minimum, show that he has followed the law in this area. Even more, he must demonstrate a commitment to the principle of a single society, with equal opportunity open to all.

But Judge Carswell's civil rights opinions remind one of King Canute, who tried to hold back the tide. For like him, Judge Carswell has tried to forestall and delay compliance with the law.

At the hearings, Prof. Gary Orfield said:

The record of Carswell's stewardship during the ordeal of school desegregation was one of magnificent inaction. While other judges were exploring ways to dismantle the system of separate schools, Carswell granted time for local delays. The results were clear. Two of the three districts under his supervision were among the only four reported Florida districts maintaining totally segregated faculties into 1967. More than 90 percent of the black children in the Tallahassee schools were still in separate and completely segregated schools that same year . . . Judge Carswell had put local values above his responsibility to uphold the Constitution.

And on this point Prof. Van Alystyne wrote me:

Finally, then, with the failure of any affirmative reason to confirm this appointment, must you not agree that the evidence otherwise brought forward makes this appointment singularly inappropriate and impossible to accept? Not until his very appearance twenty-two years later before the Committee did Mr. Carswell express a single word of regret for his avowal of white supremacy as an adult, lawyer, businessman, World War II veteran, and candidate for national office. Nothing in the course of the hearings furnished evidence of more reassuring events to keep the Court hereafter from reasonable suspicion of bias. To the contrary, first hand testimony from several attorneys, including one still with the Justice Department, attested to a conscious or unconscious hostility to Negro plaintiffs, volunteer attorneys in race cases, and Northern lawyers willing to furnish representation in a community described even by a long time resident as hostile and somewhat to the right of Louis XIV. The pattern of reversals by the court of appeals in the many cases where civil rights complaints were dismissed out of hand without a hearing must surely trouble you . . .

Mr. President, the nomination of Judge Carswell has impelled many individuals and organizations to speak out in opposition who are not normally heard on such matters. One of these is the National Education Association.

The NEA has furnished me with a penetrating analysis of Judge Carswell's school desegregation opinions.

I should like to read from it:

1. On June 24, 1960, Judge Carswell summarily struck portions of a school desegregation complain involving Pensacola, Florida seeking desegregation of teachers and principals, without even holding a hearing to determine the effects of faculty segregation on the rights of black students to an integrated education. *Augustus* v. *Board of Public Instruction of Escambia County, Fla.*, 185 F. Supp. 450 (N.D. Fla. 1960)

The black children claimed that "assignment of school personnel on the basis of race and color is . . . predicated on the theory that Negro teachers, Negro principals and other Negro school personnel are inferior . . . and, therefore, may not teach white children." 185 F. Supp. at 451. The intent of the 1954 decision, they argued, was the creation of a non-racial school system which they contended was impossible so long as completely segregated faculties signalled to the community and the children that one set of schools was "Negro" and another "White."

Judge Carswell not only dealt with this serious issue in an arbitarary manner, but treated it mockingly, stating: "Students herein can no more complain of injury to themselves of (sic) the selection or assignment of teachers than they can bring action to enjoin the assignment to the school of teachers who were too strict or too lenient." 185 F. Supp. at 43.

The Fifth Circuit unanimously reversed this decision, stating ". . . we do not think that a matter of such importance should be decided on motion to strike" and that Judge Carswell had erred in using a "drastic remedy" appropriate only where the question "has no possible relation to the controversy." 306 F.2d 862, 868 (5th Cir. 1962)

2. Judge Carswell did not obtain a desegregation plan from the defendants in the Pensacola suit until a year and a half had elapsed from the filing of the complaint. Then, in 1961, he entered a desegregation order which required only that the school board continue assigning students under the Florida Pupil Assignment Law. Under that law, every black student desiring to attend a white school had to pass a battery of tests that no white child wishing to remain in his segregated white school had to undergo. Judge Carswell's plan allowed the school board to assign every pupil to a segregated school at the start of each school year, and placed the burden of integration on the shoulders of black students asking for reassignment and willing to undertake the tests. Up to the time of Judge Carswell's order, the Florida Pupil Assignment Law had resulted in the perpetuation of a fully segregated school system. 6 Race Rel. L. Rep. 689.

This action of Judge Carswell in 1961 was taken in the face of an explicit decision of the Fifth Circuit in 1959, reaffirmed in 1960, that a school board's adoption of the Florida Pupil Assignment Law did not meet the requirements of a plan of school desegregation or constitute a "reasonable start toward full compliance" with the *Brown* decision. *Gibson* v. *Board of Public Instruction of Dade County, Fla.*, 272 F. 2d 763, 766 (5th Cir. 1959); *Mannings* v. *Board of Public Instruction of Hillsborough County, Fla.*, 277 F. 2d 370, 372, (5th Cir. 1960).

The 1961 order of Judge Carswell, being in clear conflict with prior decisions of the Fifth Circuit, was unanimously reversed by that court, which required that additional steps be taken. 306 F. 2d 862, 869. Yet Judge Carswell—notwithstanding the clearly enunciated contrary position of the Fifth Circuit—subsequently approved other desegregation plans under which pupils were assigned to the segregated schools they were then attending and black pupils seeking to attend an integrated school were required to go through the procedures of the Florida Pupil Assignment Law, *Steele* v. *Board of Public Instruction of Leon County, Fla.*, 8 Race Rel. L. Rep. 932, 933–34; 8 Race Rel L. Rep. 934; *Youngblood* v. *Board of Public Instruction of Bay County, Fla.*, 9 Race Rel. L. Rep. 1206, 1208–09.

It is instructive to compare Judge Carswell's treatment of the pupil assignment issue with that of Judge Skelly Wright, then sitting in the Eastern District of Louisiana. In *Bush* v. *Orleans Parish School Board*, 204 F. Supp. 568, 570–71 (E.D.La. 1962), Judge Wright concluded that: "To assign children to a segregated school system and then require them to pass muster under a pupil placement laws *is* discrimination in its rawest form." (emphasis added). This language was quoted with approval by Judge Wisdom of the Fifth Circuit in affirming this part of Judge Wright's decision. 308 F. 2d 491, 495.

3. In addition to flouting controlling precedents by approving plans based on the Florida Pupil Assignment Law, Judge Carswell continued to order grade-a-year desegregation and to refuse to modify such orders in the teeth of Fifth Circuit decisions expressly holding this rate of school desegregation inadequate.

After the Fifth Circuit had reversed his earlier order in *Augustus* v. *Board of Public Instruction of Escambia County*, Judge Carswell ordered elimination of dual attendance zones at the rate of a grade a year. 8 Race Rel. L. Rep. 58. On April 20, 1965, Judge Carswell denied plaintiffs' motion for changes in the plan, and entered a further order denying plaintiffs relief in October 1965. 11 Race Rel. L. Rep. 148.

On April 22, 1963, Judge Carswell ordered grade-a-year elimination of such dual attendance zones in *Steele* v. *Board of Public Instruction of Leon County*, 8 Race Rel. L. Rep. 934. On three separate occasions in 1965, he denied plaintiffs' motions for changes in this plan. 10 Race Rel. L. Rep. 607.

On July 20, 1964, Judge Carswell ordered grade-a-year elimination of such dual attendance zones in *Youngblood* v. *Board of Public Instruction of Bay County*, 9 Race Rel. L. Rep. 1206.

At the desegregation rate decreed by Judge Carswell, dual attendance zones based on race would not have been completely eliminated in Escambia County until the 1973–74 school year; in Leon County until the 1974–75 school year, and in Bay County until the 1975–76 school year—twenty-one years after the *Brown* decision.

On June 18, 1964—a month *before* Judge Carswell ordered grade-a-desegregation in the Bay County case—the Fifth Circuit held that a grade-a-year plan was impermissible even though, in the case pending before it, a large metropolitan school system was involved. Rejecting the view that the size of the system justified such a slow rate of desegregation, the court said:

"Plans providing for the integration of only one grade a year are now rare; and the possibility of judicial approval of such a grade-a-year plan has become increasingly remote due to the passage of time since the Brown decisions." *Armstrong* v. *Board of Education of the City of Birmingham, Alabama*, 333 F. 2d 47, 51 (5th Cir. 1964).

This was clear enough, but the Fifth Circuit made its position even clearer on February 24, 1965, months before Judge Carswell denied motions to change the grade-a-year plans in Escambia County and Leon County. On that date the Fifth Circuit handed down its decision in *Lockett* v. *Board of Education of Muscogee County School District, Ga.*, 342 F. 2d 225 (5th Cir. 1965), which outlawed any use of grade-a-year plans in the circuit. The court specifically traced the judicial decisions putting grade-a-year plans to rest, concluding that it had become clear "beyond peradventure that a shortening of the transition period was mandatory." 342 F. 2d at 227. The court noted that in five cases it had decided the previous summer, it had ruled that all grades in the school system had to be desegregated by September 1969," . . . or earlier, as we pointed out, if the school boards are unable to justify the delay on a future complaint." 342 F. 2d at 228. The court expressly noted that these decisions had laid out "minimal standards" to be applied in other cases. Id. at 229. Accord, *Bivins* v. *Board of Public Education and Orphanage for Bibb County, Georgia*, 342 F. 2d 229 (5th Cir. 1965).

4. Examination of the Carswell record in handling school desegregation cases also indicates that Judge Carswell engaged in protracted delays in processing cases.

An analysis by the Washington Research Project Action Council notes that in the Pensacola case, Judge Carswell, after striking the portions of the complaint seeking desegregation of faculties, denied plaintiff's

motion for summary judgment. 5 Race Rel. L. Rep. 645. On October 26, 1960, he set a date three months later for a factual hearing 6 Race Rel L. Rep. 73. The hearing was held on January 16, 1961. He waited until March 16, 1961—two months after the hearing—to write a two-paragraph order requiring the school board to develop a plan of desegregation. Id. The order gave the school board 90 days to develop its plan. Taking the full time allotted, the board, on June 14, 1961, submitted a two-paragraph plan with an accompanying letter to be sent to parents informing them that students could transfer to other schools under the Pupil Placement Law, and that the school administration would consider such applications without regard to race, 6 Race Rel. L. Rep. 689.

Judge Carswell waited two months before holding a hearing on this "plan." The hearing eventually was held on August 17, 1961. On September 8, 1961, shortly after the start of the 1961–62 school year, he accepted the plan with minor modifications. Since it was so late, the effective date of the plan was postponed until the 1962–63 school year.

The Fifth Circuit reversed Judge Carswell's September 8 decision on July 24, 1962, before it was to become effective. In its opinion, the Court of Appeals noted that it was too late to order changes in the plan for the 1962–63 school year, but indicated that the district court should examine the problem of time and implement the changes for that year if possible. 306 F. 2d at 869.

Judge Carswell, however, made no attempt to determine whether time permitted implementation of the changes for the 1962–63 school year. He waited until November 29, 1962—more than four months after the Fifth Circuit had cautioned him on the time problem—to order implementation of the Fifth Circuit's mandate. He then postponed its effective date until the 1963–64 school year. 8 Race Rel. L. Rep. 58.

5. Judge Carswell's attitude towards school desegregation is reflected in his actions when sitting by designation on a school desegregation case as a member of a three-judge panel on the Fifth Circuit. In *Gaines v. Dougherty County Board of Education*, 334 F. 2d 983 (5th Cir. 1964)—decided ten years after *Brown*—the court of appeals ruled that a minimum requirement was desegregation of the first two grades of school plus desegregation of the twelfth grade, "in order that every Negro child in the . . . school system have at least an opportunity to enjoy a desegregated education during his school career." 334 F. 2d at 984. The majority was concerned that a decade of children would otherwise have gone to school since Brown in completely segregated schools.

Judge Carswell found it impossible to go along with this not very radical doctrine. In an angry dissent, he used the following odd terminology in characterizing the action of the court of appeals: "In my view, this simply violates the long-standing, and wise, view that no court should *rain down* injunctions unless there be some demonstrated factual necessity to insure compliance with the law" (emphasis added). Judge Carswell apparently could see no basis for the limited injunction ordered by the court of appeals notwithstanding ten years of total segregation in the system following the *Brown* decision. On the contrary, he thought the local officials were "entitled to a presumption of good faith when they represent, as here, an intention to effectuate the law." 334 F. 2d at 986.

6. In assessing Judge Carswell's posture in these school desegregation cases, it is significant that the counties with which he was dealing were not black belt counties with large black majorities. The problems in these countries were manageable. Judge Carswell sat in a state which at the time was under relatively responsible political leadership. Florida, moreover, was the first state in the South to have all school districts not under court order in compliance with HEW's school desegregation guidelines. Most Florida school districts, in fact, opened all grades to freedom of choice desegregation in September 1965.

It is also significant that other Federal district judges in Florida were rendering contemporaneous decisions in marked contrast with those of Judge Carswell. For example, Judge Simpson, in the adjoining district, ordered two school districts, on August 21, 1962, to submit plans for the complete desegregation of teachers and other school personnel. *Braxton v. Board of Public Instruction of Duval County, Florida*, 7 Race Rel. L. Rep. 675; *Tillman v. Board of Public Instruction of Duval County, Fla.*, 7 Race Rel. L. Rep. 687. The Fifth Circuit affirmed Judge Simpson in an appeal from this portion of the Duval County order. 326 F. 2d 616 (1964) cert, den., 377 U.S. 924 (1964). Another Florida district judge ordered Indian River County to complete free choice desegregation by 1967. *Sharpton v. Board of Public Instruction of Indiana River County*, 11 Race Rel. L. Rep. 702.

Judge Carswell's actions in these cases throw light on his underlying attitude toward racial questions. Taken together, they show that he did everything possible to evade and resist the mandate of higher courts.

His behavior outside the courtroom shows a similar pattern of consistent hostility toward Negroes. To begin with, there was his 1948 statement in support of white supremacy. Some have said this should be dismised as a youthful indiscretion. I might be inclined to accept his repudiation of these words now if his conduct in the intervening years had not confirmed his original statement. But on three separate occasions he was involved in discriminatory acts against Negroes.

In 1953, he drafted a charter for a Florida State University Boosters Club that limited membership to white people.

In 1956, while U.S. attorney for the northern district of Florida, he joined in a scheme to subvert the law by leasing Tallahassee's public municipal golf course to a private group, so that it could remain segregated. Though the racist purpose of the plan was commonly known in the community, Judge Carswell claims he was unaware of it.

And in 1966, Judge Carswell sold land with a restrictive covenant for whites only.

Mr. President, this is the case against Judge Carswell. In my view it establishes that he is unqualified for a seat on the high court.

His nomination is regrettable. But it would be tragic to confirm him. For his elevation would decrease the Court's stature across the land.

Many years ago, Paul Freund, a noted authority on the Supreme Court, warned us:

> The quality of the institution depends not alone on its traditions but on the character of the individuals who man it.

Inferior men make a second-rate institution.

That is why this is a bad nomination. It is depleting the Court's prestige.

Ultimately, compliance with the law cannot be secured by force. It must be freely given as a result of moral suasion.

Under our system the majority agrees to redress the legitimate grievances of the minority, and the minority pledges to work through the established processes. In this way we have been able to reform our society again and again.

Judge Carswell's nomination is divisive.

Finally, Mr. President, I want to point out that last year at a news conference President Nixon listed the justices of the Supreme Court he particularly admired. They were Brandeis, Holmes, Cardozo, and Frankfurter. These are men of superior caliber and unquestioned merit. They set a high standard for Supreme Court nominees.

Judge Carswell does not measure up either to their standards or to those so well recognized by the President. Accordingly, I shall vote against his confirmation.

MOUNTING OPPOSITION TO CARSWELL NOMINATION

Mr. BROOKE. Mr. President, the tide of opinion against confirmation of Judge G. Harrold Carswell to be a member of the Supreme Court has mounted steadily. Thoughtful Members of the Senate of widely varying persuasions have felt growing doubts about this nomination.

Illustrative of this trend is the report by Roscoe and Geoffrey Drummond in Friday's Philadelphia Inquirer. As the Drummonds make clear, there is a grave apprehension on the part of many Senators that confirmation of this nomination would impair the Supreme Court and weaken its stature in our national life. The extraordinary frequency of reversals of Judge Carswell's opinions is one distressinig measure of the degree to which he has been out of step with modern constitutional practice. I believe that all Members of the Senate will be interested in the perceptive commentary of the Drummonds and I ask unanimous consent that be printed at this point in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

[From the Philadelphia Inquirer, Mar. 20, 1970]

DOUBTS INCREASING IN CARSWELL CASE

(By Roscoe and Geoffrey Drummond)

Liberal Republican senators—enough to determine if Judge G. Harrold Carswell will be confirmed or rejected for the Supreme Court—are having a painful time deciding how to vote.

Most of them are publicly uncommitted. They prefer to support their President. They recognize that his is the primary responsibility.

But some of them are becoming very uneasy. As facts have come out which were apparently not known to President Nixon at the time of the nomination, as testimony against Judge Carswell from impressive sources has grown, their doubts are mounting.

Some of them are beginning to lean against confirming Judge Carswell. They wonder if the appointment of a man of below-quality stature would not only impair the Supreme Court but would also signal to the aggrieved, the disadvantaged, the racially injured that the Establishment—President, Congress and court—is turning against them.

These uncommitted Republicans are not against naming a Southerner to the Supreme

Court. They are not against naming a conservative to the Supreme Court. They are not against naming a strict constructionist to the Supreme Court.

They are concerned with larger issues. They are concerned that now when the nation is finally coming to grips with racial justice, school integration and equal rights for all, Judge Carswell has so long been facing mostly in the opposite direction, that he is out of step with the times and that his elevation to the highest court could only be evidence that government is turning its back on the social and political reforms which are still only half achieved.

Those who are still pondering how to vote are asking themselves how out of step with the needs of the times is Judge Carswell? What levels of judicial competence would he bring to the Supreme Court?

One disturbing answer they find is that in all the cases which came before Judge Carswell on the Federal bench and were appealed to higher courts, 59 percent of his decisions were reversed.

Undoubtedly he called them as he saw them and rendered his decisions to the best of his ability.

Is this 59 percent reveral unusual? It is 300 percent higher than the national average of all Federal judges.

The Republicans who are now beginning to lean away from Carswell are aware that a committee of the American Bar Association indorsed his appointment.

It was their judgment that he lacks distinction and isn't even qualified for his present seat on the 5th Circuit Court of Appeals.

Those who are earnestly trying to weigh the evidence find their doubts increased by the kind of reply which Carswell supporters make to this point. Sen. Roman Hruska (R., Neb.) says the President has the right to name a "mediocre" judge. He actually said it. His words:

"Even if he (Carswell) were mediocre, there are a lot of mediocre judges and people and lawyers. They are entitled to a little representation, aren't they, and a little chance?"

One uncommitted liberal Republican senator put his central thinking on Carswell this way:

"Nothing is more crucial today than to do everything we can to keep the justly discontented working within the political system and reasonably confident that our system is capable and intent upon dealing with just grievances. We must not give them any signal that their government is turning against them. I wonder if all the circumstances of the Carswell nomination won't do just that."

So do many others.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill (H.R. 3786) to authorize the appropriation of additional funds necessary for acquisition of land at the Point Reyes National Seashore in California.

The message also announced that the House had agreed to the concurrent resolution (H. Con. Res. 554) authorizing certain corrections to be made in the enrollment of H.R. 11959, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H.R. 3786) to authorize the appropriation of additional funds necessary for acquisition of land at the Point Reyes National Seashore in California.

SUPREME COURT OF THE UNITED STATES

The Senate continued with the consideration of the nomination of George Harrold Carswell to be an Associate Justice of the Supreme Court of the United States.

Mr. HARRIS. Mr. President, Mark Twain reminded us:

> It is easy to find fault if one has that disposition. There was once a man who, not being able to find any other fault with the coal delivered for his furnace, complained that there were too many prehistoric toads in it.

Supporters of the nomination of Judge G. Harrold Carswell to be Associate Justice of the Supreme Court would like to cast the opposition in such a role, and they have endeavored to center the debate on such supposed issues as partisan politics, geography, and the conservative label.

If, indeed, these were the issues, this nomination would, by now, have already been confirmed. In fact, I think we all expected that the President would nominate a Republican, a southerner, and a strict constitutional constructionist, whatever that is interpreted to be.

Democrats do not think they have an exclusive claim on excellence and high qualification for office. We freely admit that the President had available to him many excellent choices for this position from within his own party.

The confirmation process should be free of partisan interests, and I am not aware of anyone attempting to make a partisan issue of the confirmation of this nominee. In fact, every effort has been made to keep the process free of partisanship. Indeed, it may well be easier for Democrats to shed their partisanship, since the President is not a member of their party, than for Republicans to do so, but it is important that it be done. The recent, mixed vote rejecting the nomination of Judge Clement F. Haynsworth, Jr., attests to the fact that, because of the importance of the Supreme Court, the Senate has not chosen to make the confirmation process a partisan one.

Likewise, the apparent desire of the President to appoint a southerner, is not in issue. I am content that the President should nominate a southerner, although I can think of no position where geography is less important. Justice is neither partisan nor sectional.

The final question concerning the label of constitutional conservative or strict constructionist is difficult to meet squarely. The thesis of conservative or strict interpretation of the Constitution is well within the framework of acceptability.

But there are matters concerning which this often artificial dichotomy between conservative and liberal ceases to exist. There is no conservative judicial error, no conservative concept of human equality—and certainly no conservative justice. Error is error. The only alternative to justice is injustice—there is nothing in between.

What is then the real issue? To answer this question one must first, I think, understand the power of the Senate to advise and consent as provided in article II, section 2 of the Constitution.

The advise and consent of this body was never intended to be an act of acquiescence. The Federalist Papers clearly set forth the arguments which were made during the Constitutional Convention in support of various methods of appointing judges and other Federal officers.

At one point during the Convention, it was agreed that the President should appoint all officials. At another point, it was agreed that judges should be appointed by the second branch of the legislature, and that other officials should be appointed by the President. And, from time to time, during the Convention, an effort was made to vest the full appointing power in the upper branch of the legislature by those who feared that to give the President alone such power would surely lead to a monarchy.

Out of controversy and dispute a compromise provision was finally agreed to, giving the President the power to nominate and the Senate the power to advise and consent.

Those who favored appointment by the upper branch alone would never have agreed to this compromise, to give the Senate only the power of "advise and consent" if they had not assumed the Senate would assert itself fully in this role. Particularly do we know this is true because we also know that they feared the giving of absolute power of appointment to the President would lead to a monarchy.

Alexander Hamilton, in the Federalist Papers confirmed this when he stated:

> To what purpose then required the cooperation of the Senate? I answer, that the necessity of their concurrence would have a powerful, though, in general, a silent operation. It would be an excellent check upon a spirit of favortism in the President, and would tend greatly to prevent the appointment of unfit characters from State prejudice, from family connection, from personal attachment, or from a view to popularity. In addition to this, it would be an efficacious source of stability in the administration.

The fact that the Senate, over the years has rejected 22 nominees indicates that the Senate has considered these responsibilities under the Constitution to be very serious and important ones; it has not permitted the power to nominate to become the power of automatic appointment. We have done better than the Englishman in the poem "Lord Tomnoddy" who, when asked what qualification Lord Tomnoddy had to rule, replied:

> One!
> He's the Earl of Fitzdotterel's eldest son.

Nomination and appointment are not, and should never be, synonymous—especially when applied to the process of confirming Justices of the Supreme Court.

Our duty, individually and collectively as a body, is to give careful consideration to the qualifications of nominees.

We must determine, on the basis of the hearings of the Senate Judiciary Committee and all other facts that have been

brought to light, whether the nominee before us today possesses the intellectual and philosophical qualifications demanded for service on the highest court in the Nation, a Court which must serve as an example for every court in our country, and which should deserve the full faith and confidence of every man in the justness of its decisions.

Perhaps our role would not be so burdensome if a member of the Court served for a limited period of time only. Most Federal executives serve at the President's pleasure, and can be removed if they prove unfit for the job. Even commissioners of independent agencies, although appointed for specific terms of several years, can be denied reappointment if they become unsuitable in the judgment of the President or the Congress. But, a Justice of the Supreme Court serves for life, and, for life, hears final appeals for human justice. This is as it should be, if the Court is to retain the independence envisaged for it by the makers of our Constitution.

The Supreme Court should be coequal with the legislative and executive branches in our system of checks and balances, which has generally served us so well, and it has a distinct and vital role to play. That role, since the days of John Marshall, has been to decide the great controversies of the day on the basis of the fundamental principles of the Constitution. One reason our Constitution has survived for 18 decades is that its authors in their wisdom realized that changing times would weaken such a charter if the charter were to deal in too great specificity. They relied on succeeding generations to match guiding principles with specific details of important current cases.

This can only be accomplished if the men who are to do the matching, the Justices of the Supreme Court, have a sophisticated and subtle understanding of the Constitution and previous interpretations, of the Nation's history, and of the social trends and problems out of which both current laws and current litigation arise. Whether conservative or liberal in approach, these men must have a breadth of vision and a genuine feeling for the rights so clearly stated by the Constitution. They must also be innovators and groundbreakers, not merely the passive followers of interpretations laid down by others.

The landmark cases decided by the Court through the years have been important, precisely because these decisions provided what had been lacking until each such Court opinion had been given—the meshing of constitutional principle, precedent, current law, and individual dispute.

Think back across the rich panoply of American constitutional history. From *Marbury* v. *Madison*, 1 Cr. 137 (1803), in which Chief Justice John Marshall made explicit the review powers implicit in the Constitution, to *Reitman* v. *Mulkey*, 387 U.S. 369 (1967), in which the Court mandated equal protection of the laws with respect to housing, and all the landmark decisions in between, one continuing element persists. That is the need for high intelligence and compassion in the way the Court approaches its job of melding all the elements together.

Whether the Court found itself defining the relationship between the three branches as it has in cases such as *Youngstown Co.* v. *Sawyer*, 343 U.S. 579 (1952), explicating the requirements of our federal system as it did in *Chisholm* v. *Georgia*, 2 Dall. 419 (1793), or developing the commerce powers of Congress, as in *NLRB* v. *Jones and Laughlin Steel Corp.*, 301 U.S. 1 (1937), the task has demanded judicial excellence.

However, intelligence enough to deal with the complex issues is not enough, when the matter under consideration falls within the category of human rights, in consideration of which the compassion necessary to fairly weigh the impartiality of the law with the dignity of the individual is vital. Without compassion, the compelling arguments of Brandeis in his brief on the condition of women employees in *Muller* v. *Oregon*, 208 U.S. 412 (1908), would have gone for naught and those engaged in unfair labor practices would not have been placed on notice that henceforth their activities would have to meet the due process tests of the courts. Without social conscience, *Plessy* v. *Ferguson*, 163 U.S. 537 (1896) would not have been reversed by *Brown* v. *Board of Education*, 347 U.S. 483 (1954).

Thus, we see that demands on Justices of the Supreme Court are extremely heavy. We do the country a grave disservice when we give "advice and consent" to nominees who do not meet the high standards required of them if they are to function effectively. As Justice Frankfurter has written:

> Such functions surely call for capacious minds and reliable powers for disinterested and fair-minded judgment. It demands the habit of curbing any tendency to reach results agreeable to desire or to embrace the solution of a problem before exhausting its comprehensive analysis. One in whose keeping may be the decision of the Court must have a disposition to be detached and withdrawn. To be sure, these moral qualities, for such they are, are desirable in all judges, but they are indispensable for the Supreme Court. Its task is to seize the permanent, more or less, from the feelings and fluctuations of the transient.

Thus, when it is determined that a nominee does not meet the high standards test for membership on the Supreme Court, it is the duty of the Senate to reject the nominee, rejection not of any one man, but an expression of intention to demand the highest standards of excellence for all future nominations to the Court.

Does Judge G. Harrold Carswell possess the qualifications the Senate should demand of any nominee? I think that the record reveals otherwise.

The hearings of the Judiciary Committee are replete with statements to the effect that there is nothing "in the quality of the nominee's work to warrant any expectation whatever that he could serve with distinction on the Supreme Court of the United States." Prof. William Van Alystyne, professor of law, Duke University Law School, who supported the confirmation of Judge Clement F. Haynsworth, Jr., but now opposes confirmation of Judge Carswell, said of the nominee's opinions:

> There is simply a lack of reasoning, care, or judicial sensitivity overall, in the nominee's opinions.

Two of the nominee's own judicial colleagues, Judge Elbert P. Tuttle, retired chief judge of the U.S. Fifth Circuit and Judge John Minor Wisdom of the same court, have withheld their support of the confirmation of Judge Carswell to serve on the Supreme Court.

Nine of the 15 faculty members of Florida State University Law School, which the nominee helped to establish, have written the President requesting that this nomination be withdrawn.

Recently, a group of 457 prominent law professors and lawyers, of diverse political affiliations and from different areas of the Nation, urged rejection of the nominee, or "at the very least," a reopening of the hearings so that an official investigation could be made by independent counsel for the Senate Judiciary Committee.

More and more concerned citizens have begun to question the qualifications of Judge Carswell since a survey has revealed that, as a Federal district court judge, he was reversed on 58.8 percent of all those cases in which he wrote a printed opinion. This rate of reversal was three times the average rate among all Federal district judges. The same survey revealed that Judge Carswell's rate of reversals for all of his printed cases was 11.9 percent, in contrast to a rate of 5.3 percent for all Federal district cases, and 6 percent for all district cases from the fifth circuit.

In an editorial which appeared in the February 27 edition of the Tallahassee Transaction, concern was expressed about the growing opposition to the nomination. The editorial writer stated:

> The extraordinary anguish among law school faculty members and leading lawyers over the nomination of Judge G. Harrold Carswell to the Supreme Court should alert every Senator to consider his responsibility to country and constitution.

The fact that such distinguished men and an increasing number of citizens are questioning whether the nominee has the requisite high competence and superior ability is disturbing enough, but the context in which this questioning is taking place is even more disturbing. The 1948 public words of the nominee, "I yield to no man as a fellow candidate, or as a fellow citizen, in the firm, vigorous belief in the principles of white supremacy, and I shall always be so governed," permeates the entire process of considering his qualifications.

President Nixon, in a news conference on January 30, 1970, defended the nominee's statement on the basis that it was made 22 years ago and stated that we should not "question his integrity in his late years because in his early years in the South he took the position that other southerners were taking." To prove his point, the President referred to a statement made by the late and distinguished Ralph McGill, editor of the Atlanta Constitution, in 1940 when he wrote a column, "in which he came out unalterably against integration of education of southern schools," to use President Nixon words. However, rather than proving the point the President hoped to make, the

reference to Ralph McGill and his career in the field of human rights disprove the point. We all know that Ralph McGill's long record on civil rights was outstanding. No one doubts that, through the influence of his column, carried not only in the Atlanta Constitution, but also in other southern newspapers, much was done to "bridge the river of misunderstanding."

Does the judicial record of Judge Carswell indicate that he has changed his mind concerning segregation of the races as a way of life? Has he adopted a different philosophy?

In the case of *Due* v. *Tallahassee Theatres, Inc.*, 333 F. 2d 630 (Fifth Circuit, 1964), attempts were made by theater corporations and local officials in Tallahassee to keep black people out of the theaters. Judge Carswell granted summary judgment in favor of the local officials. The granting of summary relief under circumstances where facts had been alleged showing a violation of certain civil rights, and which facts were disputed, was strongly criticized by the circuit court in reversing Judge Carswell.

In the case of *Singleton* v. *Board of Commissions of State Institutions*, 356 F. 2d 771 (Fifth Circuit, 1966), the issue was desegregation of the Florida State reform schools. Suit was brought by Negro children, who were convicted but out on probation for participation in a sitin at one of the institutions, to enjoin the segregation, and to have declared unconstitutional a State statute requiring the segregation. Judge Carswell dismissed the suit on the ground that the plaintiffs lacked standing to sue even though the probation could be revoked at any time. Again the circuit court reversed Judge Carswell.

In *Dawkins* v. *Green*, 285 F. Supp. 772, reversed in 412 F. 2d 644 (1969), Negro civil rights workers sought to enjoin certain county officials from enforcing statutes on a discriminatory basis for the purpose of preventing the workers from carrying out their civil rights movement. Again Judge Carswell granted summary judgment and again was reversed by the circuit court for granting summary judgment.

I think it should be remembered that Judge Carswell's persistent granting of summary judgments took place at a time when the Supreme Court and the circuit courts were admonishing district judges to grant such relief only in cases where clearly there was no issue of fact, and no reason to secure any additional facts.

In the case of *Augustus* v. *Board of Public Education of Escambia County*, 185 F. Supp. 450 (1960), reversed 306 F. 2d 862 (Fifth Circuit, 1962), the issue was faculty segregation. The relief sought in the complaint, filed on behalf of Negro students, was for an injunction of segregation in the schools and racial assignment of the teachers. Without holding a hearing on the issue of faculty segregation, Judge Carswell on a motion to strike ruled that the matter should be stricken from the complaint. Reversal by the circuit court followed.

In numerous desegregation cases Judge Carswell approved grade-a-year desegregation plans even though the third, fourth, fifth, and eighth circuits had previously held such a slow rate to be constitutionally unacceptable. This was true in the cases of: *Augustus* v. *Board of Public Education of Escambia County*, supra; *Steele* v. *Board of Public Instruction of Leon County*, 371 F. 2d 395 (Fifth Circuit, 1967); and *Youngblood* v. *Board of Public Instruction of Bay County*, 230 F. Supp. 74 (1964).

Professor Van Alstyne considered the cases just discussed in the context of the statement made by Judge Carswell in 1948. In this regard he said:

> I would agree with those who believe that unless that statement can be significantly discounted by clear and reassuring events since that time, 20 years ago, it would be uniquely inappropriate for the Senate to consent to his nomination as an Associate Justice of the Supreme Court. But an examination of his decisions and opinions as a district judge since that time, even laying his earlier statement entirely aside, provides no feeling for a basis of reassurance whatever.

Nor are we reassured by the conduct of Judge Carswell on the bench, that he has changed his views since 1948. Proof has been furnished to the committee that on numerous occasions civil rights lawyers were subjected to improper judicial treatment, particularly if they were volunteers or from out of the State.

Prof. LeRoy Clark of New York University, who ran the NAACP legal defense fund litigation in Florida between 1962 and 1968, called Judge Carswell:

> The most hostile federal district court judge I have ever appeared before with respect to civil rights matters.

Professor Clark recited incidents wherein the nominee attempted to disrupt the argument of civil rights lawyers, even shouting at them at times, while according every courtesy to opposing counsel. Professor Clark stated:

> Whenever I took a young lawyer into the state, and he or she was to appear before Carswell, I usually spent the evening before making them go through their argument while I harassed them, as preparation for what they would meet the following day.

In one case, another witness before the Judiciary Committee reported that Judge Carswell had not only acted in a hostile manner toward civil rights lawyers, lecturing them at length about northern lawyers coming to Florida and arousing the local populace, but had also made it clear that he was going to deny all relief the lawyers had requested for their clients. This he proceeded to do, exhibiting resentment toward the clients, who had been arrested for trespass while attempting to aid sharecroppers in registering to vote.

He made unnecessarily complicated the filing of a habeas corpus petition in behalf of the clients, who were being held in a county jail because a local judge refused to recognize the removal jurisdiction of Judge Carswell's court.

When the lawyers finally convinced Judge Carswell that he had no choice under the law except to grant habeas corpus, his actions still kept the civil rights workers in jail by granting the petition, and, then immediately remanding the cases right back to the county court. This was done on his own motion, without being requested by any of the involved parties and without a hearing or opportunity to present testimony or argument.

In an earlier case, Judge Carswell's actions resulted in nine clergymen freedom riders having permanent criminal records after they had been arrested in the Tallahassee airport restaurant. When appeals in the State court were terminated on a technicality, Judge Carswell, sitting as a Federal district judge, denied habeas corpus without allowing a hearing. This ruling was modified by order of the fifth circuit which provided that an immediate hearing should be held before Judge Carswell if the State court did not grant such a hearing. In a meeting with the clergymen's lawyer and the city attorney, Judge Carswell suggested that the whole case could be concluded by reducing the sentences of the clergymen to the time already served, in spite of the fact that they had not requested such a reduction and, in fact, wished to have their case decided on the merits so that their records would thereby be cleared. Mr. Ernst Rosenberger, who participated in this meeting with Judge Carswell, told the Judiciary Committee that his advice "could have no other effect except to moot the entire question" which would leave the clergymen "with no way for vindication," insuring them a permanent criminal record.

In short, Judge Carswell advised the city attorney in a State court proceeding how to circumvent an order of the circuit court. His advice was followed, despite the efforts of Mr. Rosenberger, and this action totally preempted the legitimate efforts of the clergymen to obtain a judicial ruling. If Judge Carswell had in fact moderated his early segregationist views by the time these incidents took place, his conduct on the bench failed clearly to show such a change.

At the time of his 1948 speech, Judge Carswell was a private citizen, while in the 1960's, when these events occurred, he was a Federal judge, sworn to uphold the Constitution and to provide equal protection under the law to all citizens.

Nor was Judge Carswell a private citizen when he participated in the well-known Tallahassee golf course matter—he was at that time the U.S. attorney.

The record clearly shows that in 1956 Judge Carswell and other citizens of Tallahassee undertook a course of action that would result in denying to the black community of Tallahassee the use of the municipal golf course. This was done by forming a private corporation to which the city transferred the golf course.

Judge Carswell has disputed that it was his intent to deny the use of this public facility to blacks and to circumvent a ruling of the Supreme Court making it unconstitutional for city or State to segregate any of its public recreational facilities. Judge Carswell does admit having knowledge of similar practices occurring in other cities in the South.

A group of distinguished professors and members of the bar commented on Judge Carswell's explanation of his involvement in the incident stating:

If true, (the explanation) shows him to be lacking the intelligence of a reasonable man and to be utterly callous to the implications of the scheme to which he was lending himself.

I think the obvious conclusion to be reached, based on the facts and the matters discussed, is that while America has come a long way since 1948, when it might have been acceptable in certain parts of the South to campaign as a white supremacist, it cannot be demonstrated from the record that Judge Carswell, personally, has come an equal distance.

Judge Carswell has said that he regrets having made the notorious white supremacy speech in 1948. But his record does not prove such a change of heart. Indeed, it raises serious questions as to whether such a change has taken place.

We are not the same nation we were in 1954. The Supreme Court has become the symbol of our awakening to the curse of racism, our growing commitment to eradicate it, and our renewed dedication to the dream of full freedom and complete equality of opportunity for all men.

We need no one to tell us that we are still far from our goal, however great our progress. But in the midst of our failures and disappointments, our frustrations and small victories, the Supreme Court has been like a lighthouse in a storm—an unfailing symbol of our highest ideals. It has been a beacon of hope to people who have regarded other institutions as their enemies.

It is hard for most of us to understand how one could feel so far outside the concern or benefit of laws or courts as to view them as enemies. Serving on the National Advisory Commission on Civil Disorders—Kerner Commission—enabled me to understand this better.

We traveled throughout America, listening to the voice of her people, seeing how they lived, and we said:

Our Nation is moving toward two societies, one black, one white—separate and unequal.

It has been said that there should be a balance on the Court, but I maintain that there should not be a dilution of basic and fundamental constitutional principles which uphold the inherent worth and value of every human being.

So far as I know, it is unprecedented that a judge's own colleagues, the men who know him best, would indicate their lack of support for him and for his appointment to a higher court. Yet, that is the situation in regard to Judge Carswell. Only lately has it become known that former Chief Judge Elbert P. Tuttle and Judge John Minor Wisdom declined to join in support for Judge Carswell, and there is even some question that this fact in regard to Judge Tuttle was not presented to the Judiciary Committee with full candor.

This newly developed circumstance causes me to believe strongly that this nomination should be referred back to the Senate Judiciary Committee for further consideration. Particularly appropriate, I believe, would be discussions by the committee, even privately, with Judge Tuttle and Judge Wisdom to obtain their views concerning this nomination and the reasons therefor.

I would hope that the President of the United States and Members of the Senate who support this nomination would gracefully agree to refer it back to the committee. It would be my hope that the committee might then decide to postpone further consideration of the nomination indefinitely.

In any event, I hope that the general public will have the time to become more fully aware of the serious objections to the confirmation of Judge Carswell. Fully informed, the people and the Senate will decide against confirmation.

Mr. President, I urge that the Senate do not advise and consent to the nomination of Judge G. Harrold Carswell to be Associate Justice of the U.S. Supreme Court.

Mr. President, the New York Times on March 23, 1970, published an editorial in regard to this matter, in which it was said that a group of distinguished lawyers, including Francis T. P. Plimpton, president of the New York Bar Association, as well as the deans of leading law schools, have charged that the qualified rating given Judge Carswell by the Federal Judiciary Committee of the American Bar Association is seriously misleading.

Mr. President, the Washington Post for Sunday, March 22, 1970, published a lengthy editorial on this same subject in which it says in part:

Judge Carswell is a bad choice, and the Senate should reject him out of its obligation to safeguard the paramount interests of our highest court. In the process of refusing his confirmation, the Senate has an opportunity, not just to say *No*, but also to say *Enough*—of insensitivity and indifference, of legislative retrogression and of catering to racist tendencies for political gain, of talking about blacks as if there were no blacks in the room. The Senate, in this fashion, could broadcast from at least one seat of government a signal to all races—a signal which at this stage can no longer be broadcast, in a way that would be believable, by anybody else.

Mr. President, I ask unanimous consent that the New York Times and the Washington Post editorials to which I just referred, be printed in full at this point in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 23, 1970]

RATING JUDGE CARSWELL

The Senate, in its desultory debate over whether to confirm the nomination of Judge G. Harrold Carswell to the Supreme Court, is giving an uninspiring demonstration of its sense of responsibility on an issue of grave national concern.

President Nixon, in his weekend press conference, urged Senators to weigh, not the mail, but the evidence. It is precisely on the evidence that Judge Carswell emerges with a mediocre judicial record and with questionable attitudes toward social justice.

Senator Roman L. Hruska, Republican of Nebraska, in apparent contempt for excellence in American institutions, championed the right of all who are mediocre to be represented by mediocrity on the Supreme Court. Application of this view to the Senate is bad enough; to extend it to the highest court is intolerable. Yet, this appears to be the intent of those who deliberately spurn all honest assessment of evidence unfavorable to Judge Carswell.

For example, it has now become known that Elbert P. Tuttle, the retired Chief Judge of the United States Court of Appeals for the Fifth Circuit in the South, who originally backed the nomination, subsequently decided to withdraw his endorsement. But Judge Carswell's supporters let the impression of Judge Tuttle's approval be used as continuing support for him.

A group of distinguished lawyers, including Francis T. P. Plimpton, president of the New York Bar Association, as well as the deans of leading law schools, have charged that the "qualified" rating, given Judge Carswell by the Federal Judiciary Committee of the American Bar Association, is seriously misleading. They consider the issue sufficiently grave to demand that the committee reopen the case and provide a more explicit rating, as it does in the case of other Federal judges.

Judge Carswell's supporters have used the A.B.A. rating as a judgment of high merit, when it is little more than an evasive rubber stamp. Attorney General Mitchell, who undoubtedly knows the real meaning of the A.B.A.'s faint praise, has stated publicly that his nominee comes "highly recommended" by the association.

These misleading tactics amply justify the demand for a more enlightening reappraisal. An explicit rating would do much to help the Senators when they ultimately cast their vote on the dictates of both fact and conscience. The legal profession surely has a responsibility to offer credible guidance and, at the very least, make sure that its testimony cannot be abused in ways that might demean the Supreme Court.

[From the Washington Post, Mar. 22, 1970]

JUDGE CARSWELL: THE WRONG SIGNAL . . .

It is a longish leap from the fun and games at the Gridiron Club last weekend to the Senate debate on Judge Carswell. But bear with us because there is a logical connection here between the appointment of a decidedly second-rate judge to the Supreme Court and the ease with which President Nixon and Vice President Agnew stole the Gridiron show. As you may have read, the two men joined in a piano duet, with the President playing a medley of the favorite tunes of his predecessors and the Vice President interrupting him by playing "Dixie." Doubtless you had to be there to get it into the right context, to hear the rough but good-natured jibes at the Administration on race issues that preceded the surprise finale, and thus to appreciate the joke. Almost everybody agreed it was a *tour de force* gracefully done and quite in keeping with the spirit of an affair at which the tensions and antagonisms of the real world are supposed to be set aside.

So it is with no intent to disparage the performance of the President and the Vice President that we take note of this event. Still, at the risk of sounding stuffy, it strikes us as a small piece of a bad scene, and a significant measure of how great is the power of the Presidency to influence a public attitude. All of a sudden, it is all right to joke about something that responsible people in high places once used to handle with care and compassion and deadly seriousness.

In theory, a sense of humor is supposed to be a saving grace. So why not make sport of a Southern Strategy? The answer, of course, is that Southern Strategy is a euphemism for something that isn't funny. On its face it is no more than a cynical political tactic designed to innoculate the South against George Wallace for the sake of winning it for the Republicans, the better to secure a second term for President Nixon in 1972. As a political objective, this is fair enough—some people even see in it an admirable toughmindedness. But there is nothing admirable about the logical consequences of this strategy, for to bring it off it becomes necessary for the Administration to cultivate indifference, not to say hostility, toward the

fundamental principle of human rights in general, and the equality of education available to black children in particular. Putting it another way, and bluntly, Southern Strategy means a form of racism, tacit or explicit, by people in high places, because there can be no successful effort to undercut George Wallace in the South that does not play the segregation game.

It is important to be clear in our minds about the issue here. We are well aware that the White House will be publishing next week what has been billed as the most complete, the most comprehensive, the most closely argued legal brief ever composed on school desegregation and it is not our purpose here to judge it in advance. For that is not what this is all about. We are not talking just about schools, or doubts held by responsible people about busing or other methods for dealing with the de facto segregation which occurs as a result of natural, geographic imbalance. We are talking about what a President or an Administration can do, or not do, to create an atmosphere that is conducive, not to miracles, but to continuing progress, against racial discrimination all along the line. And this, in turn, is what is so troubling about the ease with which we now laugh at jokes about a Southern Strategy. It is what links the hijinks at the Gridiron with the nomination of Judge Carswell and a lot of other things—the abrupt removal of a Leon Panneta from HEW because he tried too hard; the effort to subvert Negro voting rights; the insensitivity, in tone and phrase, to black pride; the country club mentality.

Mr. Harry Dent, a presidential assistant, receives a written offer of campaign funds from a Georgia Republican leader in exchange for the restoration of Federal school aid in a Georgia school district. He casually passes it along to HEW—and nobody seems to mind. The Vice President brushes off the idea of quotas for black students by asking the crude question, "Do you wish to be attended by a physician who entered medical school to fill a quota . . .?" Mr. Jerris Leonard, the Justice Department's civil rights enforcer, thinks it clever, or something, to say that one reason blacks just out of law school are not attracted to Justice Department jobs is that they haven't yet bought their first cashmere topcoat. Confronted with a question about Judge Carswell's involvement with segregated clubs, the President thinks it an adequate defense to say, in effect, that everybody's doing it: ". . . if everybody in government service who has belonged or does belong to restricted golf clubs were to leave the service, this city would have the highest rate of unemployment of any city in the country."

And so it goes, right down to the vote on Judge Carswell, with the Administration's men telling Republicans who opposed Judge Haynsworth—in almost every respect a much superior choice—that they can't rebuff their President twice running. They can, of course, and they should, because this is nothing so narrow as a test of party loyalty. It is a test of policy and principle—a kind of Tonkin Resolution on race, if you accept the theory recently advanced in Life Magazine by Hugh Sidey that the race issue could be for President Nixon the disaster that Vietnam was for President Johnson.

The Tonkin Resolution on Vietnam was a fraud, and while that became clearer later, it might have been clearer at the time if the right questions had been pressed, if Congress had not closed its eyes out of misplaced deference to the President and waved him down a wrong road. Therein lies the analogy. Judge Carswell is a bad choice, and the Senate should reject him out of its obligation to safeguard the paramount interests of our highest court. In the process of refusing his confirmation, the Senate has an opportunity, not just to say *No*, but also to say *Enough*—of insensitivity and indifference, of legislative retrogression and of catering to racist tendencies for political gain, of talking about blacks as if there were no blacks in the room. The Senate, in this fashion, could broadcast from at least one seat of government a signal to all races—a signal which at this stage can no longer be broadcast, in a way that would be believable, by anybody else.

Mr. BAYH. Mr. President, will the Senator from Oklahoma yield?

Mr. HARRIS. I yield.

Mr. BAYH. I hesitate to interrupt the eloquent remarks of my friend and colleague from Oklahoma, but he appears to be headed into the area of the judge's qualifications, and I wanted to commend him for discussing at the outset of his remarks the broader question of whether Members of the Senate really do, in fact, have the authority to advise and consent.

As the Senator from Oklahoma knows, we have in this nomination the second distasteful disagreement with the President. During the first one, the Senator from Indiana had the opportunity to do some significant research in this area of qualification and some questions were brought to light by the Senator from Oklahoma. I suppose the Senator from Oklahoma is of the opinion that if, indeed, our constitutional fathers meant anything, when they gave us the authority to advise and consent they did in fact intend for us to speak out when we differed with the President on the matter of Supreme Court nominees.

Mr. HARRIS. I certainly do agree. The Senator from Indiana is chairman of the Subcommittee on Constitutional Amendments of the Committee on the Judiciary and is, therefore, especially well qualified on the meaning of the provisions written into the Constitution by the Founding Fathers, particularly because of his interest in the high quality of the judiciary in this country which is a basic and fundamental need if our system is to continue. The Senator from Indiana is well qualified to discuss the "advice and consent" powers of the Senate. I think that their importance, which he has indicated, is quite correct.

Mr. BAYH. The Senator has been helpful in pointing out the number of nominees who have not been confirmed to the Supreme Court. Can the Senator recall the study we conducted earlier, that 25 percent of all nominees who have been recommended have either been turned down by the Senate or withdrawn by the President? I wonder whether the Senator is familiar with that rather significant percentage, as we look back over the nearly 200 years of history, in which Members of this body have taken as their personal responsibility, and rightly so, to speak out when they differ with the President.

The Senator from Indiana feels that there is inconsistency in some Members of the Senate who stand upon the floor of the Senate and bemoan the fact there seems to be a creeping executivism, so far as spreading of the powers of the executive is concerned, yet they are timid in exerting themselves in the area where their responsibility is most clear.

Mr. HARRIS. The Senator from Indiana makes a very important point. My own research, aided by two able legislative assistants in my office, Fred Gipson and Frank Cowan, has revealed to me a number of judicial appointments which had been rejected by the Senate. I had not realized that amounted to a percentage which was as high as the Senator from Indiana has indicated. That is an important point. I know that the Senator from Indiana would agree with me, and with the comments that have been previously made in the Senate about the extra responsibility which the Constitution places upon the Senate and Members of the Senate in regard to judicial appointments, as opposed to appointments of the President to his Cabinet and so forth.

I think that the percentage of rejections by the Senate points up that over the years the Senate has considered this to be a very important duty which it has under the Constitution.

Mr. BAYH. One further point, and then I will let the Senator proceed. He has been very kind to yield. The reason I brought this other figure up was the fact that the Senator from Oklahoma had suggested over the weekend on a nationwide news program, and has suggested here today on the floor of the Senate, that the Judiciary Committee have the opportunity to look at this nomination again in view of everything that has come to the fore. It is interesting to note that if the President were to withdraw this nomination, it would not be the first time in history that that course of action had been followed.

Mr. HARRIS. I agree with the Senator from Indiana that that is the course which should be followed here. If we are not ready to reject this nomination when we come back here after the Easter recess—and I do not think that we should vote on it before the Easter recess, because I think the general public has not had a full opportunity to know all the serious objections to the nomination—it might be well worthwhile to consider referring the nomination back to the committee. If I were the nominee, I would want that.

Serious questions have been raised about it which have only now come to light. It seems that former Judge Tuttle has declined actively to support the nomination. There has been some implication that that fact was not presented to the Judiciary Committee with full candor. Very serious questions have been raised about the effect of the American Bar Association's position with regard to this or any other nomination, which I think could well be gone into further now, since they have been raised. Thus, I think it might be well to do that.

If I were the nominee, this kind of nomination being so serious, I would not—if the man is to be confirmed—I would not, if I were he, want to embark upon my duties with these kinds of serious objections raised. If I were the President who had nominated him, I would not want that to be true.

Mr. BAYH. I appreciate the Senator's replies to my questions.

Mr. LONG. Mr. President, will the Senator from Oklahoma yield?

Mr. HARRIS. I yield.

Mr. LONG. Mr. President, may I say to the Senator that I personally have undertaken to find out, as best I could, all

about Judge Carswell, from people who know him and have worked and served with him. So far as I can determine, everyone I know of, including those who represent the State of Louisiana on the district court bench, who have served with the man, all urge that I vote to confirm him.

There are two or three who would like not to be quoted because they feel it is not appropriate for a judge to engage in saying whether a man should be confirmed or not.

One went to some pains to explain to me that he felt that there were political considerations involved in the appointment of a judge and that he had very grave doubts as to whether a judge ought to be telling the Senate whether a man should be a judge or not. The overwhelming majority of judges to whom I talked were willing to express their views.

And they were unanimous in the opinion that this man should be confirmed. Can the Senator say that I should not be willing to vote to confirm a man if everything is as I have related?

Mr. HARRIS. Mr. President, if the distinguished Senator from Louisiana is convinced that Judge Carswell is qualified and meets the high standards of a Cardozo or a Holmes or the kind of men that he and I would want to consider and act upon the law and the facts in a case regarding ourselves; if the Senator thinks this nominee is of the quality and caliber that he ought to be in order to serve as one of only nine men who sits for the rest of his life to hear last and final appeals for human justice—then I think he ought to speak in favor of the nomination.

If, on the other hand, the distinguished Senator from Louisiana is in the position that a growing number of members of the general public, as well as a growing number of the Members of the Senate, are, and upon reflection on the qualifications of this nominee and the full facts concerning the matter, the Senator is beginning to doubt that this appointment should be confimred, I think he ought to listen carefully to the statements made in the Senate and elsewhere and either join with me in suggesting that we refer the nomination back to the Judiciary Committee or that we go ahead and reject it.

I would call the attention of the distinguished Senator to an editorial which appeared in the Norman Transcript, of Norman, Okla., on Tuesday, March 17, 1970, because it bears upon the Senator's own position perhaps.

The Norman Transcript started out, as did the Senator from Louisiana, feeling that it probably ought to support the nomination.

The Norman Transcript is not known as a "liberal" newspaper. As a matter of fact, the editorial starts out saying that the identities of those opposing Judge Carswell made them want to support him.

They point out that among those opposing Judge Carswell are, as they say, "extreme civil rights advocates and organized labor," and "social activists." So, this is not a particularly liberal newspaper.

The Norman Transcript at first, then, determined, as maybe the distinguished Senator from Louisiana did, that perhaps it was a nomination which should be rather summarily approved.

Then the Norman Transcript said:

In the light of later information, however, and specifically on grounds of the nominee's evidenced racism and inadequate legal qualifications—the large number of his decisions in the field of civil rights that have been reversed on appeal—many people are having second thoughts.

While Judge Carswell is conceded to be honest, there is no question his record is one of unsurpassed mediocrity. The highest court in the land needs more than that, especially in view of the lowered esteem it enjoys in the eyes of much of the public and after the soul-wrenching crises of the past. It needs someone to add not only moral integrity, but also wisdom and judicial resourcefulness that will give the court more understanding of the practical effect of its decisions and make it less stubbornly doctrinaire.

About all that recommends Judge Carswell is that he is a southerner and thus, Nixon can meet his campaign promises to the South. But, if he cannot bring judicial talent to the bench, he probably should not be confirmed.

In that event, the President should look elsewhere than in Dixie for a man who would strengthen the Supreme Court—not only for now, when strengthening is so desperately needed, but for the years to come.

Mr. President, I ask unanimous consent that the editorial from the Norman Transcript from which I have read briefly be printed in full at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DOUBTS CAST ON CARSWELL BY RECORD OF MEDIOCRITY

To examine the identies of those who are opposing Senate confirmation of President Nixon's nomination of Judge G. Harrold Carswell to the Supreme Court is to understand the reason for their stand.

Invariably they are associated with groups holding a vested interest in a continuation of the social-activist type of court carried to the extreme during the tenure of former Chief Justice Earl Warren. The more extreme civil rights advocates and organized labor have not retreated in their battle to prevent a turning of the court into a more constructionist mold, the avowed aim of the President. A large share of the American public apparently agrees with him that the Supreme Court should be interpreting the Constitution rather than breaking new social ground.

With this principle in mind and with such substantial backing, it is unfortunate that the President and his advisers chose a nominee with an undistinguished judicial record. Precisely because of the critical conversion he was seeking to impose on the court's makeup and precisely because of the bitter opposition the liberals could be expected to mount, the administration should have been extra careful to pick a man whose credentials—moral, judicial and philosophical—were as much beyond question as possible.

While the nomination of Judge Carswell did not seem too inspiring when it was made, many, including this newspaper, felt the country should be spared another bitter fight over confirmation such as occurred with Judge Clement F. Haynsworth Jr. Even the senators opposed to Haynsworth seemed to lack enthusiasm for another all-out battle.

We derived some solace, too, from the absence of any evidence of financial conflict of interest or wrong-doing on the part of Judge Carswell. His disavowal of the views expressed in a segregationist speech he made years ago in a Deep South community, when the temper of the country was far different from what it is now, appeared to satisfy most people. It just didn't seem that the lack of an outstanding record was worth another divisive fight.

In the light of later information, however, and specifically on grounds of the nominee's evidenced racism and inadequate legal qualifications—the large number of his decisions in the field of civil rights that have been reversed on appeal—many people are having second thoughts.

While Judge Carswell is conceded to be honest, there is no question his record is one of unsurpassed mediocrity. The highest court in the land needs more than that, especially in view of the lowered esteem it enjoys in the eyes of much of the public and after the soul-wrenching crises of the past. It needs someone to add, not only moral integrity, but also wisdom and judicial resourcefulness that will give the court more understanding of the practical effect of its decisions and make it less stubbornly doctrinaire.

About all that recommends Judge Carswell is that he is a southerner and, thus, Nixon can meet his campaign promises to the South. But, if he cannot bring judicial talent to the bench, he probably should not be confirmed.

In that event, the President should look elsewhere than in Dixie for a man who would strengthen the Supreme Court—not only for now, when strengthening is so desperately needed, but for the years to come.

Mr. HARRIS. Mr. President, I read that editorial not to confirm or approve all of the statements in the editorial, but simply to say to the distinguished Senator from Louisiana that I hope what has happened to this editorial writer might also happen to the distinguished Senator from Louisiana and to other Members of the Senate generally who have tended to favor the nomination, and upon reflection the Senator will see that the nomination ought not to be confirmed.

Mr. LONG. Mr. President, the Senator started out by saying or suggesting that we ought to have someone of the caliber of Judge Cardozo or Judge Holmes on the Court. Then he said something about Judge Carswell having been overruled by the fifth circuit.

My impression was that Judge Holmes was known in his day as the Great Dissenter. He dissented more than did anyone else on the Court. And in that respect, one can consider that he was overruled by the Supreme Court more than anyone else on the Court during that period of time. Yet, he was regarded as one of the great judges of all times.

I would think the fact that Judge Carswell might have been overruled a number of times by the court of appeals might reflect in about the same way.

I have tried to determine something about the point that the Senator raised. And on the basis of my information basically, I believe that if one is writing cases to be reviewed by the fifth circuit and he wants to be affirmed by the Supreme Court, the safe thing for him to do is to always go to the liberal side, because one can err to a very considerable extent on the liberal side and still be confirmed.

However, if one errs on the conservative side, he will be overruled by that court.

That is a circuit which, above all, prides itself on the extent to which it has overruled district judges. And if that be a source of pride, they can certainly claim it.

Some people may not agree. But I see nothing upon the basis of which one should not vote to confirm Judge Carswell.

Someone brought up the country club episode. I point out that the Senate voted unanimously in 1964 for an amendment that provided that if one had a private club which was, in fact, a private club, he could discriminate in the matter of membership of that club in any way he wanted. I know, because I offered the amendment.

That is how it was in 1964. I recall that former Senator Hubert Humphrey, later Vice President of the United States, was managing the bill at the time. And the Justice Department attorneys thought it was all right. They helped to draft the amendment. They agreed with it

It is very difficult for me to see how we could have voted at that time unanimously to provide that it is perfectly all right to discriminate in any way one wants with respect to the activities of a private club, and now say that Judge Carswell should not be confirmed.

It seems to me that if we follow the same logic, it would mean that every Senator who participated in that action is not qualified to be a Senator today on the same basis, because he voted to legalize the very thing that he is accusing Judge Carswell of doing in 1956.

Mr. HARRIS. Mr. President, I would not have so voted had I been a Member of the Senate at the time. However, that is not the same situation.

Judge Carswell was not a private citizen. He was a U.S. attorney at the time of the so-called Tallahassee matter in 1956. He at that time joined with other citizens in a course of action, the result of which was to exclude black people from the use of a golf course which, up until the time of their action, had been a public municipal golf course.

That result was achieved by forming a private corporation to which that previously public facility was then transferred.

Judge Carswell, I understand, has disputed it was his intent by taking part in that course of action to deny black people the use of what had been up to that time a public facility; to deny them the use of it in direct contravention of and to circumvent the ruling of the Supreme Court which had held it unconstitutional for a city or State to segregate any of its public recreational faciilties. But Judge Carswell does admit having knowledge of similar practices occurring in other cities in the South for that purpose.

I would simply call the attention of the distinguished Senator from Louisiana to the fact that if Judge Carswell was ignorant that such was the intent or would be the result of the course of action in which he participated, I think that alone raises a very serious question about his qualification and his basic intelligence to serve in this kind of very important position. But I would go further and state on that same point, and say to the distinguished Senator from Louisiana, that it seems to me that questions in regard to that very incident have been raised, since Judge Carswell's appearance before the Committee on the Judiciary, with such seriousness that Judge Carswell himself should ask to come again before the Committee on the Judiciary and, if he can, clear up those objections.

If I were he, I would not want to begin upon my duties as a member of the Supreme Court with that and other serious objections still unanswered, and, as far as we know, never to be answered by the man who can answer them best.

I take it Judge Carswell is not just looking for a job. He has a job. I take it he would like to serve on the Supreme Court because he thinks that would be a place of honor and service to the general public. If that is so, which I assume it is, because there is no other reason he would want to serve, I would want to clear up these matters were I he.

Mr. LONG. Do I understand the Senator was not a Member of this body in 1964?

Mr. HARRIS. I came to the Senate, I remind the Senator from Louisiana, in the latter part of 1964, taking office too late to take part in the session of Congress that year.

Mr. LONG. May I say to the Senator that when we voted on that Civil Rights Act of 1964, the Senate—and it was by unanimous vote; there was no objection to it—accepted the amendment I offered to make clear that a private club was not subject to that act and that that private club, so far as the law was concerned, could discriminate in any fashion it chose. That has been the law since then. The amendment I offered made clear that the test would be not whether the club was organized in good faith; the words "bona fide" were used originally but there were substituted the words "in fact." The private club could discriminate in any way it wanted to discriminate. That could be Negroes organizing a private club for their own; it could mean Students for a Democratic Society if they wanted to organize a private club for their own. Any truly private group could do whatever they wanted with regard to whom they might accept as members and with whom they wanted to participate.

That action was taken by the Senate 8 years after the time the Senate was talking about. The House concurred. The President signed that bill into law, which stated that with regard to private clubs those people could do whatever they wanted to do.

I find it most difficult to understand how a Senator would object to a man being confirmed because he did something in 1956, just about 14 years ago, which not only was legal, but also there was nothing to censure that conduct at that moment; and with regard to which Congress placed its explicit stamp of approval at a date 8 years later.

So I say to the Senator that while he may say he was not a Member of this body at the time, the same thing would not be true of a great number of Senators. I think a majority of Senators now serving sat in this Chamber and made legal what they now would condemn Judge Carswell for having done. That being the case, those Senators should either go and tell their constituents they do not know what they are doing in this body and that they are not qualified, or in the alternative that Judge Carswell is qualified to be a Justice of the Supreme Court.

Mr. HARRIS. The Senator from Louisiana persists, it seems to me, in arguing the wrong kind of conclusion from a set of facts he sets forth. The situation which the distinguished Senator from Louisiana relates is not the situation here. The situation here is of an officer of the court, a U.S. district attorney, who entered upon a course of action, the result of which was to take what had previously been a publicly owned and operated municipal golf club and transfer it into the hands of a private corporation for the purpose of keeping black people—they being members of the taxpaying general public—from using what up to that time had been a public facility.

If that was not the intent, then the circumstances are very suspect. I would think someone would come forward, and, what would be better, as I said a moment ago, would be that Judge Carswell himself ask for the opportunity to come back before the Committee on the Judiciary and relate what his intent was at that time; and better than that, respond to questions from members of the Committee on the Judiciary in relation to it.

The Senator from Louisiana said that was a long time ago. It was in 1956. The President used an argument something like that, and I think erroneously, in referring to the late Ralph McGill, who was a friend of mine and, I think, one of the most distinguished and useful men in the history of this country. The President said that Ralph McGill changed his views during his lifetime in regard to segregation. But I point out to the Senator from Louisiana that, while I will not hold a man responsible forever for the follies of his youth, and while I would not automatically condemn Judge Carswell for the white supremacy speech he made in 1948, nevertheless, I would think that a rebuttable presumption arises because of those facts and that kind of speech, which Judge Carswell's record thereafter does not show has been changed. If one looks at Judge Carswell's opinions and at his actions, all of which are spread upon the plain record of the Committee on the Judiciary, I think he will find that the record certainly fails to demonstrate that he ever changed his mind on these issues.

If he did, it seems to me we ought to have stronger proof. I do not say that he did not. I believe every man has a right to change his views. As a matter of fact, if he had been in error, as I think Judge Carswell was, he was under a moral duty to change his views. But I do not think we ought to just come in here and say, "Well, it has been 14 or 16 years ago, and we will not still hold him responsible for that." I might agree if there was anything in the record to the contrary, but where is it?

Mr. LONG. Mr. President, if the Sen-

ator will yield further, when President Kennedy became President—perhaps the Senator from Oklahoma was not aware of this, but I was—President Kennedy refused to belong to some of the better men's clubs because no Negro members were allowed in them. He used his leverage to try to see that they were admitted. One could say that all those who were members in those clubs should not be permitted to be on the Supreme Court or in some other high positions in Government. The same argument could be applied to Judge Warren. He was a member of a club here that had no Negro members for a long period of time. I believed that is the case even now. Yet, we all recognize Judge Warren as being one of the great leaders of the liberal movement, and I would think one of the great heroes of the civil rights groups.

From the best information I have obtained with regard to Judge Carswell's record regarding the opinions the Senator mentions, I find that he has made a record of one who is not an extremist on one side or the other. He is not an extremist on the civil rights side. He is not an extremist on the other side.

I am sure the Senator would be willing to admit that, insofar as it serves the interests of civil rights, to appoint one who is an extremist on the civil rights side or civil rights advocates, about all that could be done in that direction has been done. After all, Thurgood Marshall was appointed to the Supreme Court, and there was no determined effort to defeat the confirmation of that nomination by those who thought he had extremist views on that issue.

Mr. HARRIS. Does the Senator think that that was the appointment of an extremist on that issue?

Mr. LONG. Was he not the attorney for the NAACP?

Mr. HARRIS. And the Senator thinks that proves he was an extremist on that issue?

Mr. LONG. I think he went about as far as he could go on behalf of integration. Could the Senator tell me of someone who could have gone further?

Mr. HARRIS. I think the decisions of the Supreme Court in favor of the innate worth and dignity of every human being and equality of opportunity for every child in America of every color, is not extremism. In a way, that is conservatism. It carries out what has been the intent of the Constitution of the United States to guarantee the dignity, value, and worth of every human being. I do not know of any religion or philosophy worthy of the name, if I may say to the Senator, which would allow us to distinguish between people on the basis of their color and still have any moral regard for our own rightness.

I do see it as a matter of "balance." Some persons have talked about balance. I certainly would not want to have even one person on the court who did not believe in the Constitution of the United States and the innate value and equality of every person, regardless of color. I think the possible dilution of constitutional principle is involved. It is not a matter of extremism to uphold the value of every person.

Mr. LONG. Mr. President, will the Senator yield?

Mr. HARRIS. I yield.

Mr. LONG. I think when the Senator talks about little white children and little black children, we should bear in mind that it involves busing a white child 30 miles away from his home to get him into a school so that we will have there what someone has determined is a proper quota of white children. It involves taking a little black child and busing him 30 miles away from his home to put him into a school which, by someone's judgment, has the proper quota of children of the opposite color in it. It also involves the parents of both children violently protesting this action. Thus, the Negroes oppose it and the whites oppose it. Anybody who imposes that system on them, in my judgment, is an extremist, and is denying both the Negro child and his parents and the white child and his parents their rights as they see them. I think a person who would impose that condition on our citizens is an extremist.

It is these same people who say, "No, no, that is not extremism at all. That is upholding the Constitution." Nowhere in the Constitution does it say that. Therefore, when some functionary in the Department of Health, Education, and Welfare says that that is a constitutional delegation of authority, I would call that extremism.

If the Senator feels that way, more power to him. I think a man should be true to his convictions. But it seems to me that the court has gone about as far as one would want to go to say the Constitution means just about everything the liberals on the civil rights issues would like to have it say. I think that Judge Carswell's views since he has been on the court have been very moderate, and I think impartial persons looking at that record would tend to think that. But it is not going to satisfy those of the view that we must appoint on the court someone who is going to vote the way Judge Marshall is going to vote all the time, for example.

Mr. HARRIS. I reply to the Senator from Louisiana: Who would have stood up for that little black child who did not have equal education in 1954 if it had not been for the Supreme Court of the United States? Nobody else did. Nobody else had, and nobody else would.

Just consider my home county, for example. I point these matters out to the Senator so that it may be noted that I do not come here with any assertion of special insight. If I can come to see these things, anyone can.

In my home county of Cotton County, the county seat is Walters, a town of about 2,000 population. No black people lived in that town, because in earlier days they had what was called a "sundown ordinance," the effect of which was that black people could not live there. Just south is the town of Temple, Okla., population 1,500. There were a few black people who lived in that town, but there were not sufficient black students to have a black high school. Prior to 1954, we had in Oklahoma, as was true in the Senator's State, and throughout America, particularly in the South, a dual school system by law.

By law, we had a black school system and a white school system. The white people in Temple went to a white high school, but there were not very many black students, so there was no black high school. Those black children who lived in Temple, Okla., did not go to the white school, although they could have walked a few blocks from the black section and could have gone to that school. Instead, by law, on taxpayer's money, including those taxes that black people themselves paid on their earnings from rather menial jobs, those eight or nine black students were bused out of Temple, were bused past Walters, Okla., and bused some 30 miles to Lawton, Okla., on a bus which was known as the tin can.

Who would have stopped that kind of inhumane, unconstitutional, degrading treatment of so many children in this country, if it had not been the Supreme Court in 1954? The Supreme Court said in effect, "You cannot have a dual school system under the Constitution. It is inherently unconstitutional to do so."

In my home county at that time, Comanche County, at Lawton, we had a superintendent of schools who stood up and said that the law was the law and that we in our town were law-abiding people, and that the Court had said that there cannot be dual school systems, and that there were not going to be dual school systems. The Court said that affirmative action had to be taken. In Lawton, we did that. We abolished the dual school system.

Now, in some areas of the country, people are saying, "Give us a little more time, and let us not have this extremist business of doing away with our dual school system." But I say to the Senator that objection comes 16 years following the case of Brown against Board of Education. Now is the time.

I tell the Senator that what we need in this country are people who are going to stand up and say, "The law is the law. Let us join together and see if we cannot work this matter out," instead of continuing an unconscionable delay which only makes matters worse and often results in harsher orders.

Mr. LONG. Let us just assume that the same child the Senator is talking about wants to go to that school right across the street from him, but he is still being put on that tin can and bused 30 miles to go to school somewhere else. Who is standing up for him now? Certainly not the Senator from Oklahoma. That is the kind of problem we are complaining about now in Louisiana.

I thought that the 1954 decision meant that every child was entitled to go to the school nearest his home. But some people, perhaps the Senator is one of them, I do not know——

Mr. HARRIS. Does the Senator feel that, black or white, a child should be able to go to the school that is closest to him and that that should have been allowed all along for black children?

Mr. LONG. That is what the 1954 decision meant to me. Apparently, however, some people were disappointed to find that some of the Negro children

were proud to be like the people who made them, proud of their fathers and proud of their mothers, and wanted to be like them and go to school with people like them. Because some people seemed to feel that even though that little Negro child wants to go to that school next door, we are not going to let him go there, we are going to bus him 30 miles away, on that old tin can the Senator is talking about, where somebody in the Department of Health, Education, and Welfare thinks his presence would make for better racial balance.

Furthermore, in the school where I went to school, Louisiana State University, any Negro who wants to go there can show his high school diploma and go there, that is all there is to it.

But over on the north side of the same city where I live, is Southern University. It is the pride of all the Negroes of Louisiana. I am proud to say that the band from Southern University performed at the Super Bowl game—I hope the Senator was watching; 80 million other Americans were watching. They did a magnificent job, and I heard a Heisman Trophy winner sitting right behind me in the stadium say, "That is the best half-time show I have ever seen."

But those people are now being told that Southern University has to become a part of LSU, whether they want to or not. They are saying, "Please, won't you let us continue being Southern University, rather than being a part of Louisiana State University?"

They very well know that every last one of them is eligible for admission to LSU next semester. Why should they be discriminated against in that fashion? I say we are discriminating against both the white and the Negro, and I say that anyone who tries to do that is an extremist on the subject.

Mr. HARRIS. Mr. President, if the Senator from Louisiana feels that the black people in the South have not had equal opportunity for jobs, or equal opportunity for education, or an equal chance for a good house in a decent neighborhood, only because they chose not to, I say that the Senator from Louisiana has not been looking at the same country I have been looking at.

Mr. LONG. I asked the Senator a question. He can only yield for a question, and I am trying to ask him this question: Why should not those Negroes in Southern University be entitled to have and be proud of their own university, if the whites are willing to let them have it?

Mr. HARRIS. Mr. President, they are proud, and I am proud for them that they are proud of being black. I think the very fact that the term "black" is being used today is a good innovation.

But I would just say to the Senator from Louisiana that he knows and I know, as every person in America knows, that we have not done right by black people. We came along, after the Civil War, and there were Members of this body and distinguished people generally throughout the country who said that it is not enough to give the black man, at long last, his freedom, but we have got to help him toward the fullness of the meaning of freedom; and some of our wisest men advocated, among other things, that Congress enact a system of Federal aid to education, and that that money be divided up among the States on some ratio which involved the number and percentage of students whose families were poor.

The intent was particularly to give some compensatory attention to the education of black people, who until that time had been overtly held down and kept from education.

That was a measure of particular importance to the South, because the South at that time, as the Senator knows, did not have, by and large, in many of the States, the kind of strong system of education that it should have had.

Moreover, it was of vital importance to the country. There were people who said, "However Louisiana runs its school system is Louisiana's business. If Louisiana wants to discriminate against little black children, that is its business. If Oklahoma decides that it wants to give an inferior education to its students, black or white, that is Oklahoma's business."

Mr. President, as the distinguished Senator from Louisiana will, I am sure, admit, that was never true. It was always America's business how its young people were reared, what sort of chance they had, and what kind of education our system afforded them. We have now found out, much to our regret, Mr. President, how untrue it was. Because we have found that people do not stay in the same place. From Louisiana they move up to New York, or from Oklahoma, they move to Detroit; and we have found that if people were discriminated against anywhere, not only was that immoral, as we should always have known, but it was also going to be felt by all of us, to our detriment, in this country, and our country would be generally weakened by it.

So, the shams and dodges began to put into effect, after the Civil War, though not for a good while thereafter, when America made that awful mistake, and finally began, in the late 1800's, to pass all those Jim Crow laws, so that by the early 1900's even Washington itself, the Federal City, which most of all symbolized the American dream, became a segregated city. When that happened, Mr. President, America did something that was not only shameful, but something that has cost it dearly in blood and treasure and trouble with its conscience.

Now, Mr. President, it is time for us to move ahead. It is not, I submit, a time for "benign neglect." These problems will get worse if neglected. They are problems which demand the highest qualities in every one of us. The problems are difficult; the solutions are not easy. But what we need to insure in America, Mr. President, is that if a black person wants to live among black people alone, he ought to have that right, but if he wants to live in the previously all-white suburbs which, up to now, in most of the cities of America, has been the only place he could be near a good job and have a good house, he ought to have that right of individual self-determination.

Mr. President, that right has not been real. If a black person wants to go to an integrated school, he ought to have that right, Mr. President, and that has not been true. We have, in many of the States of this country, my own and the Senator's included, restricted some young people from doing what the rest of us in this country were allowed to do.

I say, Mr. President, that was unconscionable to do, and I agree with the Supreme Court of the United States, who has said and said repeatedly that affirmative steps are necessary to correct that terrible blot on the history of this country.

Mr. LONG. Mr. President, will the Senator yield?

Mr. HARRIS. I am happy to yield.

Mr. LONG. The Senator said we have done it by law. So far as I know, I have not voted for any law to do that, and so far as I know the Senator has not.

Mr. HARRIS. No, but I think, Mr. President, that our saying that the Senator and I have not, by our own voting on some law, held down little black children in this country, or black people generally, does not absolve us from the active responsibility to correct that kind of injustice.

Mr. LONG. Mr. President, may I say to the Senator, I know some things that we have done. I know a few things I have tried to do by law in the direction of trying to see to it that the Negro schools in my State and my community had that which was coming to them. I helped raise money in my State to provide facilities to see to it that Negro schoolteachers were paid every bit as well as white schoolteachers, even though, in many instances, they could not present the same credentials, that they were provided with all the wherewithal they needed to go to school, and that their schools were every bit as good as the white ones.

The Senator said one thing that interested me, because I did not know it reflected his views. He said that if a Negro citizen wanted to live among Negro citizens, he ought to have that privilege. Would the Senator be willing to say that if the Negro citizen wanted his children to go to school at the same school with other Negro children, and the white community had no objection to that, they should be permitted to do so?

Mr. HARRIS. Mr. President, I do not intend to answer that kind of theoretical question, which the Senator from Louisiana surely knows is exactly the kind of question which has so long been used as a subterfuge to keep people from realizing their constitutional rights.

Mr. LONG. Mr. President, will the Senator yield for a question?

Mr. HARRIS. I yield.

Mr. LONG. Is the Senator aware of the fact that that is a problem we have, right in my hometown, with two universities?

A considerable number of Negroes are going to Louisiana State University. But there are several thousand Negroes in Southern University who prefer to go there. That is a concrete fact and is not theoretical.

Incidentally, when they started the law school at Southern, they started by

borrowing LSU faculty. That faculty would teach by morning at Louisiana State and by afternoon at Southern. Those people had enough pride in their own rights that they wanted their own law professors, and they brought in some very fine Negro professors to teach there.

If that is how those people want it and prefer it, is the Senator here to tell them they should not be permitted to do so?

Mr. HARRIS. The distinguished Senator from Louisiana well knows that the "happy darky" syndrome was one that southerners used and people in my own State used for years. They said, "Leave them alone. They like it." I do not think the black people of America did like having menial jobs. I do not think they did like having indecent housing. I do not think they did like having inferior schools and colleges. I never did think that those people were correct who said, "If you will just leave our black people alone, if we will just not have some outside agitators stirring them up, they will be all right."

I believe that black people knew that the promise of the Constitution was not being delivered to them; and I, therefore, have been one of those who, at every opportunity, has tried to actively strike down those awful barriers which have tortured young people and helped to destroy children in this country for far too long.

Mr. President, I think we have an active responsibility here. If we want to see this become one country, where people have a chance to live together as citizens of one country, then all of us have the responsibility, in the way our conscience moves us to do so, to take active steps within the democratic system to see that opportunity is equal in America. And it has not been.

As the distinguished Senator from Louisiana knows, I served as a member of the National Advisory Commission on Civil Disorders, the Kerner commission. I walked the ghettos of this country; I walked the rural poverty areas of America; and what I saw made me awfully sick at heart. The facts were not that much new to me, because, like most Americans, I knew the basic facts. But when I finished the study on the Kerner commission, it was not just a matter of knowing it in my head. I felt it in the pit of my stomach.

We said, on the Kerner commission, quite as truthfully as we knew how that America was becoming two societies, separate and unequal. We said that not only is that unacceptable, not only is that morally indefensible, but, also, it is costing us in untold treasure and lives and has done so throughout the foot-dragging history of this Nation's compromising actions in regard to the central issue of race.

One year later, I served with Mayor John Lindsay and others on a committee sponsored by the Urban Coalition and by Urban America, Inc. We took another look at this country, and we said, 1 year later, following the Kerner commission, that the problems were just 1 year worse. I venture to say that the situation is not sufficiently improved since that time.

Now, Mr. President, here we consider the appointment of a man to be one of nine to serve for the rest of his life as a member of the U.S. Supreme Court, which is the last bastion of the safeguarding of what the Constitution promises to each of us; and if we would take a nominee whose qualifications fall far, far short of what they ought to be, and whose own record raises terrible suspicions about his feelings on the central issue of race, then it seems to me that we will commit grave error. This nomination surely ought not be confirmed; and with my vote, it will not be confirmed.

Mr. LONG. Mr. President, will the Senator yield for a question?

Mr. HARRIS. I yield.

Mr. LONG. The Senator has said he was not going to answer the question, so I assume that he is going to make another speech and decline to answer the question again.

Mr. HARRIS. Mr. President, I have all the time in the world, and the Senator from Louisiana is quite within his right—at my indulgence—to ask me whatever questions he wants. But it also is quite within my right to answer however I may please or as fully as I may please, since I have the floor, and since this is one of the matters of greatest importance which the Senate will consider in our lifetime.

Mr. LONG. May I ask the same question of the Senator, hoping to get an answer? What I am asking is this: There is a black community and at some distance a white community, and the black citizens want their children in the school located in the black community and the white citizens want their children in the school located in the white community. Does the Senator favor, against the will of those black parents, busing their children to the school in the white community and, against the will of the white parents, busing their children to the school in the black community?

Mr. HARRIS. If the distinguished Senator from Louisiana would like to be sworn in and testify in regard to a particular case he wants me to decide, I will do it. But I think what we are dealing with here is not the decision of some particular case. I dare say the Senator does not have a particular case in mind. If he does have a particular case in mind, surely he would present it in more detail, if he wanted a judge or jury to decide it.

Mr. LONG. Shall I detail it?

Mr. HARRIS. The distinguished Senator from Louisiana knows that principle is what is involved here. Are we going to take the tragic step we took after Reconstruction? Are we going to say, "Don't bother me any more with these basic human questions that are involved in the black-white crisis which still afflicts America?" Are we going to sort of put those questions out of our minds and get on to something a little more popular or a little easier to decide or a little less inflammatory and explosive? That is the question, Mr. President.

The question involved in the nomination of Judge Carswell is that one, and another. The first question is, Will we require the highest qualifications for those who would serve on the highest court of this land or not? The second question is equally basic, perhaps more so: Are we going to require that a man appointed to the Supreme Court of the United States believe in the promise and ideal of the Constitution to which each of us pledges our support?

Those are the questions, as I see it. Senators may differ on how they see it, but that is the way I see it.

This nominee has given black people throughout the country, and a great many others, every reason to be fearful about what he holds in his heart in regard to them and in regard to full equality in this country. I do not know what is in his heart. All I know is what is in the record. The record, it seems to me, is one which does not clearly demonstrate that the white supremacy views which he voiced in 1948 have been changed.

Ralph McGill, whom the President alluded to—a great man—spent a lifetime trying to bind up the country's wounds, trying to help see that black people in America have an equal chance, trying to change this awful kind of immoral white supremacy that the Senator from Louisiana and I know has been a rampant and ugly ghost in our country.

We have not seen proved a change of heart since this nominee made that horrible speech in 1948. That is why it is necessary that we be awfully careful in our decision.

Mr. LONG. Mr. President, will the Senator from Oklahoma yield?

Mr. HARRIS. Yes; I yield.

Mr. LONG. I do not think our Negro citizens are ever going to achieve the full equality that they are entitled to, and that I want them to have, until they are willing to stand up and recognize themselves as being equal. A part of that has to do with pride in one's self, in one's mother and in one's father; with confidence, just as I am confident the case is, in his father and his mother, and his grandfather and his grandmother; until Negroes believe that they are just as good and worthy as anyone else and can take pride in themselves.

Unless we encourage them to have such confidence, we are discriminating against them, just as we discriminate against anyone else when he is made to believe that he is not worthy of having pride in his own mother and his own father, and of being proud to live in his own community, and proud to have a school that he can go to and have a teacher whom he likes, a teacher who comes from the same kind of people from whom he comes.

The Senator from Oklahoma may find something evil about that. I do not. The Senator has not answered my question. Is it not fine to see outstanding Negro citizens put on a plane that they can be proud of? Proud of wanting to learn? Proud of wanting to do their best? Proud of their fine performance in a band? Proud of wanting their own university, so that they can assert their racial identity?

If the Senator wants to see the pride of the Negro race, he can go to Southern University, where he will find Negroes who are proud of what they have achieved in the past and hope to achieve in the future.

Mr. HARRIS. Mr. President, I want to help see that black people can be as fully proud of this country as they are of themselves.

That is the issue here.

Pride in America. I want them to be able to be proud that America's promise is as real for them as it is for the distinguished Senator from Louisiana and myself.

That is the issue here.

The Senator says, "until they have pride in themselves, until they have pride in their mothers, until they have pride in each other."

I do not think that is the question at issue here.

I do not believe it was lack of black pride that built two school systems in America.

I do not believe it was lack of black pride which forced black people to endure that.

I do not believe it was lack of black pride which confined black people to the worst sections of the cities, towns, and rural areas of America to live in substandard, indecent housing, as the law and our actions did for so long, until this Senate, at long last—far too late—last year, with my active support—decided that we were going to say that a country which taxes everyone on an equal basis, and which drafts young men equally to fight for their country, will finally write into the law that a person in this country has a right to live wherever he wants to.

I do not blame black people for saying, "I am not going to say thank you, Senator HARRIS, for giving me the right to vote in 1965. I thought I already had the right in this country."

I do not think it was a matter of black pride which for so long excluded black people from the basic American right of voting in America.

I do not think it was lack of black pride that caused the awful discrimination and racism in this country from which, as I say, all of us have suffered so terribly.

Racism is the No. 1 mental health problem in America today. It cripples far more little children than does schizophrenia or mental retardation. I am not just talking about the victims of it. I am talking about the people who are taught it, as well.

There is a crippling kind of illogic in people who can stand up and profess to believe in the tenets of the Christian religion and, at the same time, somehow believe that black people are not as good as white people, or that Mexican Americans, or Indians, or any other minority in this country are not the same kind of full-fledged citizens.

Now, Mr. President (Mr. DOLE), there is no reason, at long last, at this late date, for any of us to say that we did not know any of that existed, or that we did not know any of that now exists, that suddenly the States which had a dual school system and those who upheld them have changed their minds, 16 years later, after Brown against Board of Education.

Mr. President, we are all grown men. We all know what the facts are. We can all read the Constitution and the cases. We can also, I trust, see how far short of that constitutional ideal this country has fallen in the past.

Mr. President, I see no other way. If one wants this country to continue to move ahead, if one wants to see the black-white crisis compromised again, or wants to see this country move on toward the things it says it believes in, then this is a terribly important decision facing the Senate today as to whether it will confirm the nomination of Judge G. Harrold Carswell.

It may be politically popular, for the short run, to say that what the issues need and what the black-white crisis needs is to be left alone.

If the "ideological eunuchs" or the "liberal intellectuals" of America manufactured the problems of the cities, why, then, we should leave them alone.

If we do not have a health crisis in this country, if it is not true that America is the richest and most medically knowledgeable country in the world but still stands 14th in infant mortality—a euphemism which means that your child is dead—then we should, indeed, ignore the problem.

If it is not a fact that the black-white crisis continues to worsen in America, if it is not true that 95 percent of black children continue to go to all black schools and that 95 percent of all white children continue to go to all white schools, and that that presents serious obstacles to binding up the Nation's wounds and allowing us to come together as one people in one country, and not as separate and unequal people living one country—if that is not a real problem, then we should, indeed, forget it.

If it is not a real problem that hunger continues in America, that 25 million Americans still live in poverty—if those are not real problems, then a little "benign neglect" is, indeed, the indicated treatment.

But, I say those problems are real, Mr. President.

And, since they are real, if they are not acted upon, if they are not moved against actively and vigorously, they will get worse. Leaving alone the black-white crisis in America, which is the central issue of our day, as it has been, for much, much too long, will make the problem worse.

I would say that those in charge, ourselves included, while those problems get worse during inaction, will be held accountable by the people of this country—and should be held accountable.

Mr. President, were we now considering the appointment of an Attorney General, we would have a chance to go to the people of the country in 1972 and say, as President Nixon did in his remarks to the Republican convention regarding Ramsey Clark, "Elect our candidate President, and we will have a new Attorney General."

Mr. President, what will we say in 1972 in regard to Judge Carswell? Should the Senate confirm him, he will not go out of office, as President Nixon goes out of office in 1972 or in 1976, but he will continue in office for life.

I want Members of the Senate to put themselves in the place of any black person in America who has read that supremacy speech of 1948. And I venture to say that a great many black people have had more cause to read it than do many of us who are white.

I would like to have Senators put themselves in the place of black people and look at that white supremacy speech and at the Tallahassee Golf Course matter in 1956, and then look at these decisions that the nominee has rendered as a judge, and particularly as a member of the Fifth Circuit Court of Appeals, and then ask, "Is that the kind of Supreme Court Justice America promises me? Is that the kind of man that the President should appoint and the Senate confirm to sit in judgment on basic constitutional questions involving human rights? Is that the kind of Supreme Court Justice that I am entitled to and that America should have?" I think the answer of the Senate would be "No."

EXCLUSION OF CERTAIN PERSONS FROM THE NUMERICAL LIMITATION OF WESTERN HEMISPHERE IMMIGRATION

Mr. ERVIN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2593.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2593) to exclude executive officers and managerial personnel of Western Hemisphere businesses from the numerical limitation of Western Hemisphere immigration, which were to strike out all after the enacting clause and insert:

That (a) section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)), is amended to read as follows:

"(H) an alien having a residence in a foreign country which he has no intention of abandoning (i) who is of distinguished merit and ability and who is coming temporarily to the United States to perform services of an exceptional nature requiring such merit and ability; or (ii) who is coming temporarily to the United States to perform temporary services of labor, if unemployed persons capable of performing such service or labor cannot be found in this country; or (iii) who is coming temporarily to the United States as a trainee; and the alien spouse and minor children of any such alien specified in this paragraph if accompanying him or following to join him."

(b) Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended by adding at the end thereof the following new subparagraphs:

"(K) an alien who is the fiancée or fiancé of a citizen of the United States and who seeks to enter the United States solely to conclude a valid marriage with the petitioner within ninety days after entry, and the minor children of such fiancée or fiancé accompanying him or following to join him.

"(L) an alien who, immediately preceding the time of his application for admission into the United States, has been employed continuously for one year by a firm or corpora-

tion or other legal entity or an affiliate or subsidiary thereof and who seeks to enter the United States temporarily in order to continue to render his services to the same employer or a subsidiary or affiliate thereof in a capacity that is managerial, executive, or involves specialized knowledge, and the alien spouse and minor children of any such alien if accompanying him or following to join him."

SEC. 2. Section 212(e) of the Immigration and Nationality Act ((8 U.S.C. 1182(e)) is amended to read as follows:

"(e) No person admitted under section 101(a)(15)(J) or acquiring such status after admission whose (i) participation in the program for which he came to the United States was financed in whole or in part, directly or indirectly, by an agency of the Government of the United States or by the government of the country of his nationality or his last residence, or (ii) who at the time of admission or acquisition of status under section 101(a)(15)(J) was a national or resident of a country which the Secretary of State, pursuant to regulations prescribed by him, had designated as clearly requiring the services of persons engaged in the field of specialized knowledge or skill in which the alien was engaged, shall be eligible to apply for an immigrant visa, or for permanent residence, or for a nonimmigrant visa under section 101(a)(15)(H) or section 101(a)(15)(L) until it is established that such person has resided and been physically present in the country of his nationality or his last residence for an aggregate of at least two years following departure from the United States: *Provided*, That upon the favorable recommendation of the Secretary of State, pursuant to the request of an interested United States Government agency, or of the Commissioner of Immigration and Naturalization after he has determined that departure from the United States would impose exceptional hardship upon the alien's spouse or child (if such spouse or child is a citizen of the United States or a lawfully resident alien), or that the alien cannot return to the country of his nationality or last residence because he would be subject to persecution on account of race, religion, or political opinion, the Attorney General may waive the requirement of such two-year foreign residence abroad in the case of any alien whose admission to the United States is found by the Attorney General to be in the public interest: *And provided further*, That the Attorney General may, upon the favorable recommendation of the Secretary of State, waive such two-year foreign residence requirement in any case in which the foreign country of the alien's nationality or last residence has furnished the Secretary of State a statement in writing that it has no objection to such waiver in the case of such alien."

SEC. 3. (a) Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended by inserting after "101(a)(15)(H)" the language "or (L)".

(b) Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended by adding at the end thereof the following new subsection:

"(d) A visa shall not be issued under the provisions of section 101(a)(15)(K) until the consular officer has received a petition filed in the United States by the fiancée or fiancé of the applying alien and approved by the Attorney General. The petition shall be in such form and contain such information as the Attorney General shall, by regulation, prescribe. It shall be approved only after satisfactory evidence is submitted by the petitioner to establish that the parties have a bona fide intention to marry and are legally able and actually willing to conclude a valid marriage in the United States within a period of ninety days after the alien's arrival. In the event the marriage with the petitioner does not occur within three months after the entry of the said alien and minor children, they shall be required to depart from the United States and upon failure to do so shall be deported in accordance with sections 242 and 243. In the event the marriage between the said alien and the petitioner shall occur within three months after the entry and they are found otherwise admissible, the Attorney General shall record the lawful admission for permanent residence of the alien and minor children as of the date of the payment of the required visa fees."

And amend the title so as to read: "An Act to amend the Immigration and Nationality Act to facilitate the entry of certain nonimmigrants into the United States, and for other purposes."

Mr. ERVIN. Mr. President, as passed by the Senate on August 13, 1969, S. 2593 provided for the facilitation of the entry into the United States of executive officers and managerial personnel of Western Hemisphere businesses having branch offices, affiliates, or subsidiary corporations in the United States. Such aliens would have been admitted as immigrants and excluded from the 120,000 annual limitation on quotas applicable to Western Hemisphere immigration.

The bill, as amended and passed by the House, is in the nature of a substitute for the Senate bill and while it would accomplish the original purpose of S. 2593, its coverage is broader and includes provisions relating to other categories of nonimmigrants. The principal provisions of the bill, as amended by the House, are as follows:

First. As a substitute for the Senate provision admitting Western Hemisphere managerial employees as immigrants, a new nonimmigrant classification is established for any alien who has been employed abroad for at least 1 year by a corporation or other legal entity in the capacity that was executive, managerial, or required specialized knowledge and who is seeking to enter the United States to continue employment with the same employer. This proposal would provide relief for the problems of businesses in both Eastern and Western Hemispheres in transferring key personnel to the United States for temporary tours of duty.

Second. The bill modifies the classification of nonimmigrant aliens of distinguished merit and ability who are coming temporarily to the United States to perform temporary services needed in the United States and will facilitate their temporary admission regardless of whether the nature of the position is permanent or temporary.

Third. The bill establishes a new nonimmigrant classification for aliens coming to the United States for the purpose of marrying a U.S. citizen. The visas would only be available upon approval of a visa petition filed by the prospective citizen spouse. The fiance who marries a U.S. citizen within 90 days after temporary admission would be granted permanent residence through regular immigration procedure, if found otherwise admissible. A petition would have been filed by the American citizen in behalf of the intended spouse to authorize temporary admission to the United States. Their marriage within the specified time would exempt the alien spouse, as an "immediate relative," from the annual numerical limitation on visa issuance. The alien spouse, regardless of place of birth, if admissible, would be eligible for permanent resident status under a procedure similar to that provided in section 245. The required fee paid in connection with the change to permanent resident status would be considered as payment of the visa fee when the record of permanent residence is created. In the event the marriage fails to occur, provision is made for the alien's deportation.

Fourth. The bill also would effect some changes in the present provisions of section 212(e) of the Immigration Act requiring exchange visitors to reside for a period of 2 years in their country of nationality or last residence before being eligible to apply for a visa or permanent residence in the United States. As amended that provision would impose the 2-year foreign residence requirement only where the exchange visitor's participation was financed by the United States or his own government or, regardless of financing, the alien was a national of a country which the Secretary of State had designated as requiring his talents and skills. The amended section would retain the provision for waiver of the foreign residence requirement in cases of hardship to the alien's citizen or permanent resident spouse or child, and the waiver based upon the request of an interested government agency, and would add provisions for a waiver if the alien cannot return to his home country because he would be subject to persecution and a waiver upon the recommendation of the Secretary of State in cases where a statement in writing is obtained from the alien's home country that there is no objection to a waiver in the alien's case.

Mr. President, my interest in this legislation stems from conversations which I had with members of the Canadian Parliament during a visit to Canada in 1969 for participation in the 12th Canada-United States interparliamentary meeting. After I returned from the meeting, I received several letters from two members of the Canadian Parliament, Hon. Marcel Lambert, and Hon. J. Judd Buchanan, which outlined in detail the unfair restrictions which our new Immigration Act had imposed upon Canadian businessmen. Because of their importance to the legislative history of S. 2593, I ask unanimous consent that these letters be printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD as follows:

HOUSE OF COMMONS,
Ottawa, Canada, June 19, 1969.

Hon. SAM J. ERVIN,
The Senate,
Washington, D.C.

DEAR SENATOR: My wife and I were sorry to part company with you and your charming wife in Calgary but were so pleased that Jasper and Banff were so pleasant and the trip West had been such a success. We hope that your return to Washington was both pleasant and uneventful.

At various times during the conference in Ottawa and out West, I spoke to you about a

problem that has arisen out of United States quota restrictions affecting Canadians who wish to enter the United States as landed immigrants. The detail of the quota regulations is immaterial, except that Canada for the first time is caught by these restrictions. However, our business, cultural and trading relations are of such a nature that these new regulations do work some rather peculiar hardships upon Canadians. It is about these that I am writing.

A large number of Canadian firms have subsidiaries or related companies in the United States. In the normal course of business operations, it is necessary to promote or transfer personnel. Now that the State Department has imposed a first-come first-serve method of dealing with applications for landed immigrant visas—and such a visa is required for any Canadian to work in the United States, even though it is for a Canadian company—the interpretation of the regulations and the volume of applications has caused excessive delays of many months. In fact, at the present time, I am told that applicants in the earlier part of this year were told that their applications might come up for consideration in mid 1970 or later. Many of our banks who operate in New York and other firms just cannot wait for this type of delay. American firms on the contrary are entitled to move their personnel back and forth at will within Canada and we feel that Canadian firms, who are in a similar position in the United States should also have the same privilege.

There is another feature, particularly in the oil industry, and I think it also may effect a good deal of the secondary manufacturing in Ontario, although I am not so familiar with this aspect of it. In western Canada most of the oil industry is either owned or controlled by American interests. These firms, either of the subsidiary or branch type operation, have been very good in employing Canadians as a great majority of their middle range executive and management personnel. These persons are part of the whole operation and many of them ultimately are promoted or transferred horizontally to either the parent company or to some related operation into the United States. This allows for a free hiring policy and, of course, makes the entry of these firms most welcome in the various industries in which they operate in Canada. However, now many of these firms cannot transfer Canadians back to the United States within the normal course of their operations unless they are prepared to put up with extensive delays. I have knowledge of a number of cases in which Canadian personnel were advised that they were being transferred to the U.S. and that they were being replaced by a U.S. resident in the normal course of affairs. The Canadian could not move and yet the American citizen was coming up to Canada. If these restrictions continue to apply with regard to Canadians, then I fear that American companies will abandon their very welcome and expected practice of hiring as many Canadians as they can for operations in Canada simply because they will not be able to move them without difficulty beyond Canada. Canadians will have a very limited future within these companies. I don't think that this can be considered as an acceptable state of affairs.

I have queried a number of State Department officers at the consular level and they tell me that their instructions are that these applications must be handled on a strict first-come first-serve basis, with certain minor exceptions. Whether their interpretation is correct or not, I do not know, but I am informed by them that their instructions are that any changes have to come through the legislative process. I am, therefore, drawing this matter to your attention so that it could be looked at. I would appreciate your comments.

Canada has always maintained a free immigration policy with the United States but I must say that I would regret any restrictions imposed upon Canadians to their prejudice and see a pressure build up here in Canada for reciprocal treatment or the institution of an exchange of one for one within the business community. It is my understanding that there has been some informal exchange of views between our respective governments on this subject but I have not been able to elicit any information as to the outcome of such discussions.

I have taken the liberty of writing in a similar vein to a number of your co-delegates both in the Senate and the House of Representatives.

With best personal regards, I remain,

Yours sincerely,

MARCEL LAMBERT.

P.S.—I do not know whether your regulations require landed immigrant status for Canadians who wish to join the American Armed Forces. I am informed at the present time there are some 20,000 Canadians in the U.S. Armed Forces with a great number of these serving in Vietnam or who have served there. It would be rather ironic that Canadians who wish to join the U.S. forces with a view to going to Vietnam or otherwise would have to wait on a first-come first-serve basis while their applications for landed immigrant status were caught up in the present red-tape.

HOUSE OF COMMONS,
Ottawa, Canada, July 2, 1969.

Senator SAMUEL J. ERVIN, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ERVIN: It was very kind of you to take the time to drop a note to my wife, Kay, and myself expressing your appreciation. It was a great pleasure for us to have the opportunity of meeting you and all of your colleagues and their wives.

I believe that such exchanges can't help but to greatly improve the close feeling between our countries.

Possibly you will recall my mentioning the problem we were having with immigration for employees of subsidiary companies in Canada and the United States. As you and Senator Mansfield suggested, I am gathering together the pertinent materials and will be in touch with Senator Mansfield to see if there is some way of overcoming our difficulties by means of a treaty between our two countries.

Again, thank you for the honour you did by visiting us and we look forward to seeing you again in the not too distant future.

Yours sincerely,

J. JUDD BUCHANAN,
Member of Parliament.

HOUSE OF COMMONS,
Ottawa, Canada, September 12, 1969.

Hon. SAM J. ERVIN, Jr.,
The Senate,
Washington, D. C.

DEAR SENATOR ERVIN: This will acknowledge the receipt during my absence, about two weeks ago, of the report with regard to Bill S. 2593 as it passed the Senate. I want to thank you very much for this and for your unflagging concern with the problems I had raised with you last June. I have noted that the bill was amended in the Senate to apply to "executive officers and managerial employees." I hope that administrative interpretation will not be too restrictive so as to seriously detract from the original intention of your bill which provided for "officer or employee."

I am unaware of the subsequent procedures that are required for this particular bill to have the force of law. I presume that ultimately the bill will require executive signature. I hope that whatever remains to be done will be done in the normal course of events and that we will have the benefit of the change in the law as proposed and enacted upon by the Senate.

We are presently enjoying an adjournment period which was very welcomed, but the time for resumption of our sessions in late October is just around the corner, and in the interval we have a great deal of work to do with policy conferences and committee meetings which are now being organized preparatory to the forthcoming session.

Mrs. Lambert joins me in wishing Mrs. Ervin and yourself the best of health and enjoyment, and continued success in your very busy political activities.

Yours sincerely,

MARCEL LAMBERT.

HOUSE OF COMMONS,
Ottawa, Canada, September 19, 1969.

Sen. SAMUEL J. ERVIN, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ERVIN: A belated thank you for the considerable effort which you have made on behalf of subsidiary and associated companies in the U.S. and Canada.

I have mentioned your efforts to several of my colleagues here in Ottawa and they asked me to express their appreciation to you. I believe that your efforts will remove an impediment which impaired the efficiency of the international companies operating in your country and mine.

Thank you again and kindest personal regards.

Yours sincerely,

J. JUDD BUCHANAN,
Member of Parliament.

Mr. ERVIN. Mr. President, after the House amended the Senate bill, I sent an explanation of the House amendments to the members of the Senate Committee on the Judiciary which had original jurisdiction of the Senate bill and advised them that if they had any objections to approving the House amendments, they should let me know. I have been advised of no objection by any member of the Senate Committee on the Judiciary. And, so far as I know there is no objection by the Senate to approving the House amendments.

Mr. JAVITS. Mr. President, I join in the request of the Senator from North Carolina.

The amendment to section 212(e) dealing with the visa for ultimate residence requirements for those who came as exchange visitors without in any way being the subject of the United States or their own country's financing is a reform for which my office has contended for the last 7 years.

Mr. President, I am extremely gratified that S. 2593, as amended, has been finally accepted by the Senate.

The passage of this bill signals the end of a long struggle beginning in April 1963 the first time I wrote a letter to Secretary of State Rusk and again in April 1964 when I wrote again pointing out how over the last few years my office had been flooded with hundreds of exchange-visitor cases where use of the "exchange-visitor visa" also known as the J visa had been extended to cover large numbers of foreign nationals teaching or otherwise employed here who were issued J visas but were not sponsored by the U.S. Government within the meaning of Public Law 87–256 or the predecessor laws. These people were not supported

in any way from public funds or funds provided for the purpose of the program by private organizations of either the United States or their own countries. All came to the United States without travel grants and in many cases without any type of grant, but because they were participants in a program designated by the Secretary of State and were issued a J visa; they were not eligible to apply for permanent residence until they had resided and been physically present in the country of their nationality for an aggregate of at least 2 years following departure from the United States.

I recommended that action be taken with all possible speed to amend all improperly issued J visas and that the holders of these visas be reclassified so that an alien of distinguished merit and ability coming temporarily to the United States would be eligible to apply for adjustment of status.

S. 2593, as amended, changes section 212(e) of the Immigration and Nationality Act, and imposes a foreign residence requirement only where the exchange visitor's participation was financed by the United States. Section 101(a)(15)(H)(1) is amended to permit entry of aliens for a temporary period to perform services which may be temporary in nature or permanent in nature. Before this amendment, aliens admitted on an (H)(1) petition could only come to the United States if the position were temporary in nature.

I would like to single out for special praise Mary McFerran of my staff who has labored long and hard over the past 7 years for the passage of this bill. I am very pleased her labors have finally borne fruit. I ask unanimous consent that my letters of April 10, 1963; April 14, 1964; and New York Times articles on this problem appearing on June 23, 1963, and August 22, 1964, be inserted in the RECORD as part of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL 10, 1963.

Hon. DEAN RUSK,
Secretary of State,
State Department,
Washington, D.C.

DEAR MR. SECRETARY: According to a "Memorandum For The General Counsel" on the "Study of the Defense Scientists Immigration Program" dated June 16, 1962 and signed by Dr. Harold Brown, Director of Defense Research And Engineering less than 10 percent of the exchange visitors now here have been sponsored by our Government within the meaning of PL 87–256.

Under this law, all visits and interchanges are financed for studies, research, instruction and other educational activities between the United States and other countries, of students, trainees, teachers, instructors, leaders, experts in fields of specialized knowledge or skill and other influential or distinguished persons.

In the revised edition of the Department of State Publication 7201, released June 1961 on page 14, it is noted that two types of grants are available. A limited number of all expense grants and the other type of grant which covers only travel expenses. Under law, a participant in a program designated by the Secretary of State is issued a (J) visa and is not eligible to apply for permanent residence until he has resided and been physically present in the country of his nationality for an aggregate of at least two years following departure from the United States.

Over the last few years my office has been flooded with hundreds of exchange-visitor cases and it has been found that in practice use of the "exchange-visitor visa" has been extended to cover large numbers of foreign nationals teaching or otherwise employed here who were issued (J) visas but were not sponsored by the U.S. Government within the meaning of PL 87–256 or the predecessor laws. These people were not supported in any way from public funds or funds provided for the purpose of the Program by private organizations of either the United States or their own countries. All came to the United States without travel grants and in many cases without any type of grant.

We have a critical shortage in our universities, research laboratories and hospitals, yet because these needed foreign nationals were improperly issued (J) visas, they were automatically brought under the two years residence abroad requirement. Even if first preference petitions are granted after their required two years of residence abroad, sixty percent come from oversubscribed quota areas so our country loses these needed established professional men and women, not for two years but for many years. I am bringing this to your attention because under Section 221(i) of the Immigration & Nationality Act, the Secretary of State is given discretion to revoke such improper documentation.

I recommend a complete revision of policy and regulations in the issuance of the (J) visa and in the granting of program numbers, to be sure that the exchange program number is a Q-program which means that the exchange visitor receives an all expense grant or a grant which does cover travel expenses. I recommend that all the schools of learning and institutions conducting the exchanges are within the meaning of PL 87–256 or the predecessor laws.

I believe that my recommendations are in full accord with the legislative history of PL 87–256 recorded in both reports accompanying this legislation, Senate Report No. 372 of the 87th Congress by Senator Fulbright and House Report No. 1094 by Representative Hays.

On Page 18 of Senate Report No. 372, Senator Fulbright defined one of the purposes of this legislation: . . . "(3) to permit more choice between visa categories so that foreign scholars and medical personnel not covered by a U.S. Government program would not necessarily have to enter this country as exchange visitors and be subject to the provisions of Public Law 555, 84th Congress . . ." ". . . Some of the problems in this field seem to be more administrative than legislative in character . . .".

On Page 16 of House Report No. 1094, the author of this legislation, Representative Hays stated: . . . "The main purpose of this new language as to reserve the (F) visa for students other than exchange students and make the new (J) type of nonimmigrant visa available *solely* to nonimmigrants *selected* under the exchange program. The placing of exchange aliens in a separate category (J) will also simplify the administration of the 2-year foreign residence requirement contained in the new subsection (b) . . .". (emphasis added)

In the many reports rendered on the Mutual Educational and Cultural Exchange Act by representatives of all Professional Groups and Foundations, it has been strongly recommended to the Congress that the Program should not be used for staffing purposes; yet, it is my understanding that upward of 1700 program members have been issued without any attempt to check out whether or not the hospitals, schools or institutions of learning are conducting exchanges and training courses within the meaning of the law.

In the appendix to this letter, you will find the outline of a few cases selected at random from my files. I am sure study of these case histories will serve to illustrate the situation outlined in this letter.

I feel it is imperative because of the critical shortage of certain skills that action be taken with all possible speed to amend all improperly issued (J) visas of these needed foreign nationals now here in the United States under the authority granted under Section 221(i) of the Immigration & Nationality Act.

The holders of these visas may properly be reclassified under Section 101(a)(15)(F)(i) of the Immigration & Nationality Act which gives a foreign national the right to come here as a bona fide student qualified to pursue a full course of study; or Section 101(a)(15)(H)(i) an alien who is of distinguished merit and ability coming temporarily to the United States to perform other temporary services of an exceptional nature requiring such merit and ability; or (ii) an alien who is coming temporarily to the United States to perform other temporary services or labor, if unemployed persons capable of performing such service or labor cannot be found in this country; or (iii) an alien who is coming temporarily to the United States as an industrial trainee. In this way, they would be eligible to apply for adjustment of status where such adjustment is found by the Attorney General to be in the public interest.

The policy and change of regulations I recommend should, of course, apply also to applicants for visas who have not yet entered the United States so as to insure their entry in the proper nonimmigrant status.

I would appreciate your early attention to these recommendations because of the urgency of the matter and a reply at your earliest convenience.

Sincerely,

JACOB K. JAVITS,
U.S. Senator.

APRIL 14, 1964.

Hon. DEAN RUSK,
Secretary of State,
State Department,
Washington, D.C.

DEAR MR. SECRETARY: You received a letter from me dated April 10, 1963 explaining in full detail why I recommended a complete revision of policy and regulations in the issuance of the (J) visas and in the granting of program numbers to be sure that the exchange program number is a G-program which means that the exchange-visitor receives an all expense grant or a grant which does cover travel expenses. I recommended that all the schools of learning and institutions conducting the exchanges be within the meaning of PL 87–256 or the predecessor laws. I pointed out that less than 10 percent of the exchange visitors now here have been sponsored by our Government within the meaning of PL 87–256. I brought this to your attention because under Section 221(i) of the Immigration & Nationality Act, the Secretary of State is given discretion to revoke such improper documentation.

Your reply of June 8, 1963 advised that you were awaiting a determination as to your authority under the Immigration and Nationality Act to substitute for a (J) visa another type of visa where the holder of the (J) visa at the time of his initial application appeared qualified for another type visa, and that your Legal Adviser was consulting on this question with the legal staff of the Department of Justice, since that Department has concurrent jurisdiction in this area.

I do not have to emphasize the critical shortage in the United States in all professional fields, yet many of those who were improperly issued (J) visas are highly skilled specialists needed desperately by our universities, research laboratories and hospitals.

These people were not supported in any way from public funds provided for the purpose of the Program. They came to this country without travel grants and in many cases without any tye of grant, but because of the improperly issued (J) visas, Government agencies cannot grant waivers to them except in exceptional cases.

One year after my initial letter to you, this situation is now, more than ever, in a state of chaotic confusion. The necessity for immediate action is not in the near future; it is now in the present.

I would, therefore, appreciate a prompt answer to the question I raised in my letter of April 10, 1963. I would like to know why immediate action cannot be taken to revoke such improperly issued (J) visas because under Section 221(i) of the Immigration & Nationality Act, the Secretary of State may at any time, in his discretion, revoke such visa or other documentation; and why the holders of these visas cannot be reclassified under Section 101(a)(15)(F)(i) or Section 101(a)(15)(H) (i) or (ii) or (iii).

Sincerely,

JACOB K. JAVITS,
U.S. Senator.

[From the New York Times, June 23, 1963]

U.S. VISA POLICY REVIEWED TO AVOID OUSTING STUDENTS

(By Warren Weaver, Jr.)

WASHINGTON, June 22.—The State Department is reviewing a particularly vexing application of the nation's immigration policy that is threatening with deportation hundreds, perhaps thousands, of persons who came to the United States as cultural exchange students.

Secretary of State Dean Rusk had promised critics in Congress that he would examine the problem. Because of it otherwise eligible skilled workers and professional people from abroad are being prevented from settling permanently in the United States.

The problem involves two groups of persons who entered the country under special exchange visas that require them to return to their own countries for two years before they can seek permanent residence here.

JAVITS AND LINDSAY PROTEST

The first group consists of foreigners who were given this restricted type of visa in error, in some cases apparently for reasons of speed, when they actually qualified for an entry permit easily convertible to United States citizenship.

The second group consists of persons who were given this type of visa properly, later married in this country and perhaps had children, and are now being forced to leave for a two-year waiting period abroad.

Complaints have been lodged with the State Department by Senator Jacob K. Javits and Representative John V. Lindsay, both New York Republicans, and others.

Mr. Rusk has informed the Senator that his legal aides and the Department of Justice are studying the possibility of substituting an unrestricted visa for the exchange visa in cases where the foreign visitor was originally eligible for the former.

If such a substitution could be made, the individual involved could apply at once for permanent residence, the first step toward United States citizenship, and avoid any possibility of deportation and a two-year wait.

In almost all cases, immigration quotas are open for persons here on exchange visas because of their specialized education or professional background.

Switching to another type of visa is not considered possible for the second group of visitors because the exchange visa is the only one they were ever eligible for.

However, the State Department and the Immigration and Naturalization Service of the Department of Justice are trying to work out an easing of the requirements for an "exceptional hardship" waiver of the two-year deportation.

MANY APPEALS RECEIVED

Many of the exchange students who married while in the United States have appealed to the Immigration Service for such waivers.

The standard reply has been that "the existence of a citizen or permanent-resident spouse or children and possible two-year separation incident to fulfilling the foreign residence requirement do not, in themselves, establish the exceptional hardship" required for a waiver.

A typical case is that of an English girl who came to the United States on a Fulbright grant in 1958 for graduate study at Cornell University. She married a graduate chemistry student there in 1959, and in 1960 they became the parents of a daughter.

Her exchange visa expired last August, and the Government is trying to deport her. She contends that it would involve "exceptional hardship" for her to take her daughter to England for a two-year wait or, alternatively, for her husband to postpone his career in the United States by spending two years in England.

PRIVATE BILLS SOUGHT

The Immigration Service decided two weeks ago that "exceptional hardship" was not involved, and is proceeding with deportation proceedings. She is now working to get a private immigration bill introduced in Congress on her behalf, which would stay the proceedings temporarily.

These cultural-exchange immigration problems have increased the number of private bills considerably. As long as an immigration bill remains alive in either house, its subject cannot be deported.

Cases where the foreign visitors are threatened with deportation because they were given a cultural exchange visa by mistake are equally perplexing.

A special bill is now pending, for instance, to clear for a citizenship application a 68-year-old Roman Catholic nun who is presently superintendent of a New York hospital.

Italian by birth and a member of a missionary order, she worked in the United States from 1914 to 1922 and had applied for citizenship when she was transferred to China, where she remained for 25 years. She returned to Italy in 1952 and was admitted to the United States in 1955 on a cultural exchange visa.

She should have received a returning resident-alien visa. Since she was not traveling to the United States to study under any public or private grant, she was probably not really eligible for the exchange visa.

But an exchange visa is what she was given, so that she is now barred from applying for permanent residence here until she returns to Italy for a two-year wait.

There are about 100 immigration bills involving cultural exchange visas now pending. No one knows how many other cases have not reached the legislation stage and perhaps never will.

[From the New York Times, Aug. 22, 1963]

THE UNITED STATES MAY REVISE STUDENT'S VISAS—HOUSE GROUP TOLD OF PLAN TO WAIVE RETURN CLAUSE

(By Warren Weaver, Jr.)

WASHINGTON, August 21.—The State Department proposed today to ease the threat of deportation that hangs over many foreign students who have married and raised families in the United States.

Students who come to this country now under the cultural exchange program receive visas that require them to return to their homelands for a minimum of two years before they can re-enter the United States.

Lucius D. Battle, Assistant Secretary of State for Educational and Cultural affairs, suggested that the two-year return requirement be waived where it would produce enforced separation of families and thus additional hardships.

Waivers of this requirement are theoretically available now, but the Immigration and Naturalization Service of the Justice Department has refused to grant them merely on the ground that the applicant has a husband, wife or children from whom he or she would be separated by deportation.

WANTS GROUP'S APPROVAL

Mr. Battle made his proposal at a hearing of the House Immigration subcommittee. He said it had the approval of the Defense and the Health, Education and Welfare departments and the Immigration Service, but would not be put into effect unless the subcommittee approved.

There was some question about subcommittee sentiment. Several members urged Mr. Battle to submit a set of specific standards that would be used in deciding whether or not a married exchange student should be deported.

The subcommittee chairman, Representative Michael A. Feighan, Democrat of Ohio, called Mr. Battle's description of what hardship would justify a deportation waiver as very unclear, nebulous, even innocuous.

Mr. Battle reported that the State Department and the other agencies were also prepared to grant visas with no two-year return provision to foreign doctors, nurses, scientists and teachers, many of whom now enter the exchange program and thus are forced to leave after a year or two.

OPPOSED BY AMA

The State Department official noted that this recommendation had been unanimously opposed by professional organizations in the health field, such as the American Medical Association, but endorsed by the Government agencies nonetheless.

Questioned by subcommittee members, Mr. Battle emphasized that doctors, interns or nurses now in this country on exchange visas would not be permitted to shift to visas without the return provision. Such a move would be of doubtful legality, he said.

There are a number of skilled foreign professionals threatened with deportation from the United States now because they were given exchange visas with the two-year-return provision by mistake, when they might have entered on a less restrictive authorization. They would not benefit from the State Department plan.

No one really knows how many exchange students could escape deportation if the new waiver policy is adopted, but there would be hundreds, perhaps even thousands. More than 25,000 such students have been coming to the United States a year.

One reason the subcommittee held the hearing was because it has been flooded with requests for special bills, each designed to hold up by statute the deportation of a single exchange student who faces the two-year return to his homeland.

Members of the subcommittee urged Mr. Battle to review the program under which private companies sponsor students abroad who then are able to come to the United States and work for them under the special exchange visa.

Some immigration authorities feel that this program could be improved by eliminating access to the easily obtained exchange visa and restricting participants to visas issued only to highly skilled specialists.

Mr. JAVITS. Mr. President, I am very pleased that this measure has now borne fruit. I express my appreciation to the Senator from North Carolina who has piloted this measure all the way through.

I assure the Senate that it will be a blessing to many people who have had to experience great difficulty in using their talents based upon the skills which they have learned for the benefit of the United States because of this very terrible and mistaken utilization of the so-called J visas which require 2 years of residence and a further period of study or training in the United States.

I thank the Senator for yielding.

Mr. ERVIN. Mr. President, I thank the Senator from New York, who has been one of the stanch supporters of the measure since its very inception.

I move that the Senate concur in the House amendments to S. 2593.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from North Carolina.

The motion was agreed to.

PRESIDENT DECLARES NATIONAL EMERGENCY IN POSTAL STRIKE

Mr. SCOTT. Mr. President, this afternoon President Nixon issued a declaration of national emergency in the form of a proclamation, which reads as follows:

DECLARING A NATIONAL EMERGENCY

(A proclamation by the President of the United States of America)

Whereas certain employees of the Postal Service are engaged in an unlawful work stoppage which has prevented the delivery of the mails and the discharge of other postal functions in various parts of the United States; and

Whereas, as a result of such unlawful work stoppage the performance of critical governmental and private functions, such as the processing of men into the Armed Forces of the United States, the transmission of tax refunds and the receipt of tax collections, the transmission of Social Security and welfare payments, and the conduct of numerous and important commercial transactions, has wholly ceased or is seriously impeded; and

Whereas the continuance of such work stoppage with its attendant consequences will impair the ability of this nation to carry out its obligations abroad, and will cripple or halt the official and commercial intercourse which is essential to the conduct of its domestic business:

Now, therefore, I, Richard Nixon, President of the United States of America, pursuant to the powers vested in me by the Constitution and laws of the United States and more particularly by the provisions of Section 673 of Title 10 of the United States Code, do hereby declare a state of national emergency, and direct the Secretary of Defense to take such action as he deems necessary to carry out the provisions of the said Section 673 in order that the laws of the United States pertaining to the Post Office Department may be executed in accordance with their terms.

In witness whereof, I have hereunto set my hand this 23d day of March in the year of our Lord nineteen hundred and seventy, and of the Independence of the United States of America the one hundred and ninety-fourth.

The President signed this declaration during a bipartisan meeting of Members of the two bodies of Congress. At the same time he signed an Executive order calling into service members and units of the National Guard.

Mr. President, I ask unanimous consent to have printed in the RECORD the Executive order.

There being no objection the Executive order was ordered to be printed in the RECORD, as follows:

EXECUTIVE ORDER CALLING INTO SERVICE MEMBERS AND UNITS OF THE NATIONAL GUARD

Whereas certain employees of the Postal Service are engaged in an unlawful work stoppage which has prevented the delivery of the mails and the discharge of other postal functions in various parts of the United States; and

Whereas the laws of the United States, including Sections 707, 5102, 6001, and 6101 of Title 39, United States Code require that the business of the Post Office Department, including the expeditious processing and delivery of the mail, be regularly carried on; and

Whereas the aforesaid unlawful work stoppage has prevented and is preventing the execution of the aforesaid laws relating to the Post Office Department; and

Whereas the breakdown of the postal service in the numerous areas affected by the said unlawful work stoppage is a matter of grave national concern; and

Whereas I am charged by the Constitution of the United States to take care that the laws be faithfully executed, and I have determined that I am unable solely with the regular forces to cause the aforesaid laws to be executed;

Now, therefore, I, Richard Nixon, by virtue of the authority vested in me by the Constitution and laws of the United States, including Sections 3500 and 8500 of Title 10 of the United States Code and Section 301 of Title 3 of the United States Code, do hereby order as follows:

Section 1. The Secretary of Defense is authorized and directed to take all appropriate steps to respond to requests of the Postmaster General for assistance in restoring and maintaining Postal service and to execute the Postal laws of the United States.

Section 2. In furtherance of the authorization and direction contained in section 1 hereof, the Secretary of Defense is authorized to use such of the Armed Forces of the United States as he may deem necessary.

Section 3. I hereby authorize and direct the Secretary of Defense to call into the active military service of the United States, as he may deem appropriate to carry out the purposes of this order, any or all of the units of the Army National Guard and of the Air National Guard that he deems appropriate to serve in the active military service of the United States for an indefinite period and until relieved by appropriate orders. In carrying out the provisions of this order, the Secretary of Defense is authorized to use the units, and members thereof, of the Army National Guard and of the Air National Guard called into the active military service of the United States pursuant to this section.

Section 4. The Secretary of Defense is authorized to delegate within the Department of Defense any of the authority conferred upon him by this Executive Order.

RICHARD NIXON.

THE WHITE HOUSE, *March 23, 1970.*

Mr. SCOTT. The President said this morning that his purpose is to use the greatest persuasion and the least compulsion possible, that what is necessary is firmness in the execution of his office, but it is his desire to leave open every possibility for early termination of the work stoppage.

Therefore, at this time the order will be applied in the New York City postal system only, in order to use military personnel, who will be unarmed and in military fatigues, and prepared to work directly and solely under the supervision of civilian postal employees in this area for the purpose of getting out that portion of the first-class mail which is of an emergency and essential character.

The President addressed the people of the United States pointing out that it is impossible for the executive department to negotiate with postal workers until the violations of the law cease.

The bipartisan leadership of Congress did not in any way dissent from the President's recommendation. I do not wish to quote individuals by name, but there was no indication there other than that Congress could not possibly act on legislative matters pertaining to postal pay increases until after the illegal work stoppages have ended. Neither Congress nor the Executive could hardly act with a gun at their heads.

We in Congress desire to act for the relief of postal employees. The President recognizes, as do Senators and Members of the House, that postal employees are underpaid, that they are entitled to certain comparability provisions, that they are entitled to relief; and that they have just and legitimate grievances, some of long standing. The sooner the work stoppage is ended, the sooner we can give them the kind of relief to which they are justly entitled.

Mr. President, at this point I yield to the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, I wish to join the Senator from Pennsylvania in pledging support to the action taken by the President today. The delivery of our mail is of paramount importance. When the delivery of the mail is stopped it affects all Americans. We have on the statute books laws prohibiting strikes against the Government. The President called this to the attention of postal workers, the overwhelming majority of whom are abiding by the law and continue to work. I hope it will be unnecessary to use military forces in New York or in any other area, but the President took the only step he could and that is to protect the interest of all the country.

Last week with that thought in mind I introduced a resolution pointing out that we do have laws on the books prohibiting strikes against the Government, and the penalties embraced therein, and called on the administration to enforce these laws. If necessary, Congress may want to consider that resolution and thereby pledge its support of the action that the President took today.

Congress does stand behind the President in this action and I believe the American people will also support his decision. While the postal workers do have some justifiable grievances, as the Senator pointed out, it is recognized that this is not the way to get them adjusted. The postal workers must return to work so that the matter may be worked out in negotiations and by the action of Congress.

Let us emphasize we are a government of laws and not men, nor any group of men have a right to violate these laws merely because they may disagree.

Neither the President nor Congress can work under the threat of blackmail. We cannot condone in this country a strike against the Federal Government.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. JAVITS. Mr President, as I said last week, the President is under a duty which he must perform to keep the Government going and not allow the functions of the United States, to grind to a halt, as they would if the mail does not move. Therefore, the President did what he had to do. I regret he had to do it and I regret he picked out New York City, but that is the penalty we pay for being the financial and commercial hub we are.

However, I have a practical suggestion I would like to lay before the President, the distinguished minority leader, and the people of the country. When the President said we will not negotiate until the men come back, I think that is being unrealistic and likely to harden attitudes on the part of the Government and the men, who are pretty angry. They have a right to be angry.

The Government has failed them. There is no question about that. Their pay raise is long overdue. It has been tied into a postal reorganization, which may be fine—indeed, I am for it—but it should not be the price of a pay raise, nor should postal workers have been made the "patsies" in the fight on inflation.

The presidents of the postal unions have not been parties to the work stoppage. They have done the best they could to get the men back to work. As is true in many conflicting situations, many things lean on each other.

I believe if the opportunity were afforded to work with the leaders, with the presidents of the postal unions, most of whom are in Washington—and who have done their utmost to bring the men back—and if Members of Congress and the President were tied into the effort, it would accelerate bringing the men back to work. I have no doubt about that.

The Senator from Delaware, the distinguished minority leader, and I could all agree that anything we can do without undue rigidity, which will bring this situation back to normal in the shortest possible period and curtail the use of armed forces to a bare minimum, would be highly desirable. I submit that suggestion, and I know the Senator will give it every consideration, as will the President. I ask unanimous consent that a statement I have just released concerning the President's address be made part of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR JAVITS

It is most regrettable that the President has found it necessary to call out the troops to get the mails through. I cannot fault the President for having made this decision. He has a constitutional responsibility to see that the mails get through, and this is what he has done. I regret, too, that he felt he had to single out New York City, but I assume that is the price New York City must pay for being the nation's financial and commercial hub.

The one aspect of the President's announcement which I do deplore is the refusal to enter into negotiations until the postal workers return to their jobs. Now is the time for a little more flexibility, because I feel that rigidity can only serve to harden the attitudes of the U.S. government and of the striking workers. I hope that the President will modify his stand so that a spirit of greater reasonableness can prevail on both sides.

The strikers are very mad, and with real cause. They have been underpaid and taken for granted for too long. That does not mean, however, that they are free to flout the law. They must be urged to return to their jobs, but the best way to do that is for the Administration to sit down and begin negotiating with the postal union leaders, who have taken a most responsible stand against the walkout. I believe that if they come up with a package that has Administration and Congressional support, the postal workers will return to their jobs promptly.

Mr. SCOTT. I thank the Senator.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. SCOTT. I yield to the Senator from Nebraska.

Mr. CURTIS. Mr. President, I thank the Senator for yielding.

I want to pledge my support to the President and commend him for the action he has taken. It would be very unwise to permit the strike to go on and let the deliveries of the mails bog down.

It would be totally wrong to negotiate or concede the strikers any of their demands as long as they are in violation of law.

The basic issue is whether or not the citizens of the United States can violate those laws that they decide are unjust and that they have a right to. That has been preached from high places. It may lead to the downfall of our Government. But this is the first demonstration we have had of it in the Government itself.

The delivery of mail is a Government function. It is a violation of law to strike or assert the right to strike, and that law should be enforced.

I want to commend the vast army of postal workers who have had no part in this strike. I want to commend those leaders who have discouraged them. But I raise the question, Mr. President, Are we going to say to any segment of the American people that if they suffer an economic injustice, that gives them the right to violate the law?

I know many older people who, in spite of social security, are receiving too small an amount of money. I know many farmers whose income is not what it ought to be. I know many people who are working in the only job available to them, and it is not as much as they ought to have.

Are we going to say to all of those people that they have a right to flout the law and to disobey the law? That is the issue.

After the strike is settled, the time will come to discuss what kind of postal legislation we should have. All Americans should wholeheartedly support the President and condemn those people who, with knowledge and intent, openly violate the law of the United States.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. SCOTT. I had promised to yield first to the Senator from Michigan (Mr. GRIFFIN), but before I do so, I ask unanimous consent to have printed at this point in the RECORD the remarks made by the President at 2:15 p.m. today.

There being no objection the statement was ordered to be printed in the RECORD, as follows:

REMARKS OF THE PRESIDENT IN A TELEVISION AND RADIO ADDRESS REGARDING THE POSTAL WORKERS' STRIKE

My fellow Americans: I want to report to you on developments in the postal work stoppage and on the actions I have decided to take.

First, the overwhelming majority of postal workers across the nation remain on their jobs—upholding their tradition, and their oath, to support the Constitution of the United States.

Second, in many communities where walkouts occurred last week, postal employees are returning to their jobs.

However, in several large cities, the post offices are shut down. In New York, for example, the mail system is wholly paralyzed by the illegal walkouts; and essential services have been halted.

Last Saturday, I pledged to the nation that, if the current situation existed on Monday—today—I would take action to fulfill my constitutional obligation to move the mails and I am taking that action now.

Injunctions have been sought, and in most cases already granted, forbidding striking postal workers from interfering with those who wish to return to work.

I directed the Attorney General to take whatever action he believes necessary to see that these court orders are obeyed, and working with local authorities, to see that no illegal picket lines interfere with workers returning to work.

Secondly, I have just now directed the activation of the men of the various military organizations to begin in New York the restoration of essential mail services. New York City is where the current illegal stoppages began; it is where the mail has been halted the longest; it is where the resultant problems have become most acute. If the Postmaster General deems it necessary to act in other affected major cities, I will not hesitate to do so.

These replacements are being sent in as supplemental work force to maintain essential services. Only as many workers as are necessary to accomplish that will be used and they will be withdrawn as the striking postal workers return to their jobs.

Let me now address my comments to both the postal workers who have stayed on the job—and those who are engaging in the work stoppage.

The United States Postal System is a vital element of our entire communications system. The poor depend heavily upon it for medical services and also for Government assistance. Veterans depend upon it for their compensation checks. The elderly depend upon it for their Social Security checks. The nation's businesses depend upon it as a way to stay in business so they can meet their payrolls and our men in Vietnam depend upon "mail call" as their only link with their loved ones at home.

From the time I came to Congress 23 years ago, I have recognized that the hundreds of thousands of fine Americans in the mail service—the Post Office Department—are underpaid and they have other legitimate grievances.

For the past year, almost since the day we took office, both the Postmaster General and I have been working to alleviate not only the legitimate grievances of postal workers but to move to eliminate the source of those grievances—that is, the obsolete postal system itself, a system that no longer serves its employees, its customers or the country as it should.

That was why that among our first legislative proposals was wholesale reform of the United States Post Office. Included have been requests for increased pay for postal workers, for increased benefits, for compression by 60 percent of the time it takes a worker to move from the bottom to the top of the pay scale.

I believe that if that postal reform had become law we wouldn't have the current crisis. But that crisis is here and it has brought additional grievances to the fore. The country has recognized these inequities in postal pay and benefits.

This Administration has always been willing to work them out. As the Secretary of Labor and postal union leaders indicated again Saturday, we stand ready to begin negotiations, discussions on all issues including pay immediately after postal workers are back on their jobs. But we cannot and we will not negotiate while thousands of postal workers are participating in an illegal work stoppage.

At this time, it is only those who have struck and are staying off the job who are preventing meaningful negotiations and resolution of their problems through those negotiations and the legislative process.

And so I urge you to return to your jobs so that these negotiations can begin with an urgent but reasonable climate.

Just as this issue goes beyond the question of mail service, so my remarks at this time are addressed to all Americans. What has occurred here is that some employees of the Federal Government are now not only going against the best interests and the best tradition of their service, but against the recommendations of their national union leader, against the oath of office that they took, against orders handed down by the Federal courts and they are cutting off service essential to thousands, millions of Americans.

What is at issue then is the survival of a government based upon law. Essential services must be maintained and, as President, I shall meet my Constitutional responsibility to see that those services are maintained.

And I am asking for the understanding and support of every American in this decision that I have made in behalf of our country.

Mr. SCOTT. I yield now to the Senator from Michigan (Mr. GRIFFIN).

Mr. GRIFFIN. Mr. President, I rise briefly to associate myself with the remarks of the distinguished minority leader and other Senators who are commending the President for the action he announced today.

I think it is particularly noteworthy that the President's message and his tone were conciliatory. He moved at a time of serious domestic crisis with a calm determination which has become his hallmark as President of the United States—no appeal to passion, but a quiet appeal to reason.

He has, I think, used the minimum of force which he could call upon under the circumstances, and has left the maximum amount of flexibility and room for negotiation and reason.

I, too, want to join the Senator from Nebraska in paying tribute to the many thousands of postal workers who have not left their job, and to remind ourselves and the Nation that the overwhelming majority of postal workers have continued to abide by the oath they took when they became employees of the Government. I also want to commend the national and local leaders of postal unions who have done their utmost to keep postal workers on the job.

I hope, as all the other Members of the Senate do, that it will not be necessary even to use troops in New York City; that before it becomes necessary, those few workers out of many will see the correctness of responding to the President's appeal.

I thank the minority leader for yielding to me.

Mr. SCOTT. I yield now to the distinguished Senator from South Carolina (Mr. THURMOND).

Mr. THURMOND. Mr. President, I wish to thank the distinguished minority leader. I made a statement on this matter last Friday. I wish now to be associated with the remarks of the distinguished Senator from Nebraska.

Mr. President, the President of the United States today has made an urgent but reasonable appeal to the postal workers to return to their jobs throughout the country. It was a firm speech but a moderate one. There were no polemics, no hysterics, no threats.

There was, however, every indication the administration would act—and act with conviction and with speed—to get the mail service of this country moving again.

The President said he would call on the military to help handle the crisis. But he mitigated this by saying he would use troops immediately only in New York City, and use only the number of troops needed to get the mail going again.

He also warned the postal workers who are still out on strike that there can be no negotiations with any of them until all of them are back on the job.

The President fully recognizes that the postal workers of the United States deserve more pay, better benefits, and more reasonable working conditions. But, he said, the Federal Government would not be blackjacked into action by an illegal strike; and I commend him for taking this position.

Altogether, Mr. President, his statement on the postal crisis was a logical, reasonable, and most rational one. If the postal workers accept what he said in the spirit in which it was said, the crisis will be over and we can get on about the business of resolving the issues involved.

KERNER COMMISSION RECOMMENDATIONS—SPECIAL IMPACT PROGRAM

Mr. JAVITS. Mr. President, the National Advisory Commission on Civil Disorders, in its report of over 2 years ago, recommended a war on poverty on four fronts. The first, and largest was employment; the second, economic development of poverty areas and encouragement of ghetto business ownership; the third, reform of the present welfare system; and the fourth, a national system of income supplementation. In the context of the consideration of the administration's proposals for a new comprehensive manpower system and for an historic reform in our welfare structure, this Congress has the opportunity to move substantially toward implementation of the Kerner Commission recommendations on three of these four fronts.

However, despite growing interest in the slogans of economic development and of minority enterprise and ambitious new initiatives by this and the previous administration, we have not developed an economic development or minority enterprise strategy. Businesses continue to leave the core cities at an alarming rate. Between 1954 and 1965, almost two-thirds of all new industrial buildings and a little over half of all new stores were constructed outside the central cities. The situation, in depressed rural areas, as measured in migration statistics is just as great. Between 1950 and 1960 some 11 million Americans migrated from rural to urban areas and there is every indication that the 1970 census will show a continued movement at equal or higher rates. The most recent reports indicate that minorities still own and operate less than 1 percent of the nearly 5 million private businesses in the country, and that fewer than 3 percent of the 1.5 million Americans who classify themselves as self-employed are of minorities. And present economic conditions make us aware that the unemployment rate in depressed urban and rural areas averages well above the national rate and that in those areas soaring rates of 12 percent are not uncommon.

We need a number of programs to overcome these realities, but I have long held that the principal need is for a new quasi-public institution to stimulate the influx of low-interest capital for economic development of our depressed urban and rural areas. In 1967, I proposed the establishment of a domestic development bank, a profitmaking corporation authorized to make and participate in long-term, low-interest loans and guarantees and to provide supportive technical assistance, in order to stimulate employment opportunities and minority entrepreneurship in such areas. The proposal envisions the use of governmental funds and resources essentially as levers to move the private forces into positions that can supplement current strictly governmental efforts to fight poverty. The bank would be authorized to make long-term, low-interest loans and guarantees, to participate in loans with public or private lenders to sell participations in its loans, and to provide supportive technical assistance. In essence, it is very much similar to the highly successful World Bank in its purpose, operations and structure.

Since my introduction of the Domestic Development Bank Act, there has been a growing recognition of the need for an additional institution to provide such capital. The domestic bank concept has received favorable recognition from such groups as the Kerner Commission and the Urban Coalition and was embodied in the Community Self-Determination Act introduced in October 1968 by a bipartisan group of more than 35 Senators and of which I was a primary sponsor.

Others in Congress have made great contributions in underscoring the need for an additional financial institution.

Senator PROXMIRE's Commodity Credit Expansion Act and hearings conducted by his subcommittee of the Banking and Currency Committee have provided important direction. Senator SPARKMAN's introduction of the Urban Development Bank Act has also called attention to this need.

The Office of Economic Opportunity now proposes to "test" these proposals through an economic development demonstration program funded in large part under the special impact program authorized in title ID of the Economic Opportunity Act which I coauthored with the late Senator Robert Kennedy and which has been implemented with such success in Bedford-Stuyvesant in my State.

Under the demonstration program, the Office of Economic Opportunity plans to fund an experimental Opportunity Funding Corp., a nonprofit corporation, to conduct activities in a large number of low-income communities throughout the country. The Opportunity Funding Corp., would be composed of three units, each of which would offer a different kind of financial incentive.

The first unit, the opportunity guarantee component, would demonstrate the feasibility of various guarantee techniques in attracting private resources to assist low income communities, by attempting to remove the risk aversion of private institutions to committing capital and credit to the needs of the poor.

The second unit, a community development discount component, will be a small discount facility intended to demonstrate the feasibility of a mechanism to purchase SBA and EDA-backed obligations and other commercial paper generated by enterprises in low-income communities.

The third unit, an incentive simulator component, is intended to field test various new financial inducements—including simulated tax incentives—to encourage privately undertaken projects and investment in low-income communities.

Mr. President, the Labor and Public Welfare Committee, of which I am the ranking member, in its October 1969 report on the economic opportunity amendments urged a full implementation of the special impact program in order to realize the full potential of community-based economic development both in terms of expanding the program to permit the funding of a number of proposals now pending from community groups and in terms of exploring the potential for further private involvement. On the latter point, the report stated:

> The committee hopes that as the program develops it will look into ways and means to involve the business community effectively in Special Impact programs as a source of both capital and technical assistance to developing community based corporations.

With this commendable initiative from the Office of Economic Opportunity, I think that it is an appropriate occasion for the Subcommittee on Employment, Manpower and Poverty, chaired by Senator GAYLORD NELSON, to hold a series of hearings to fully examine the potential of the special impact program, as well as the Office of Economic Opportunity's proposed demonstration programs and related programs and initiatives so that we can move thoughtfully with all possible speed toward a total economic development and minority enterprise strategy.

Accordingly, I hope that the chairman of the Labor and Public Welfare Committee, Senator YARBOROUGH, and the chairman of the Subcommittee on Employment, Manpower, and Poverty, Senator NELSEN—who have themselves made significant contributions in this area—will add such hearings to the committee's schedule.

FINANCE COMMITTEE REPORTS UNEMPLOYMENT COMPENSATION BILL

Mr. LONG. Mr. President, last week, the Committee on Finance met in executive session and concluded its work on H.R. 14705, the Employment Security Amendments of 1969. The bill was ordered reported to the Senate with a number of committee amendments. I plan to report it before the Easter recess begins. It is a bill which the Senator from Oklahoma favors and which I believe I also favor. We may differ on amendments, but we do favor the bill.

The committee bill extends unemployment compensation coverage to about 4.4 million workers who, up until now, have not been protected by this program. It also would enact a major program of extended benefits for workers who are unable to find jobs after their regular benefits have been exhausted in periods when unemployment rates are quite high.

So that all Senators might know of the details of the committee action on this important measure, I ask unanimous consent that the committee's announcement of its decisions on the bill be printed in the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

UNEMPLOYMENT COMPENSATION BILL REPORTED

Honorable Russell B. Long (D., La.), Chairman, Committee on Finance, announced today that the Committee had concluded its work on H.R. 14705, the Employment Security Amendments of 1969 and had ordered the bill reported favorably to the Senate. He noted that while most features of the House bill were approved without change, the Committee did modify several provisions in the House bill. The important actions taken by the Committee are generally described in the following paragraphs:

1. *Farm Workers.*—The Committee agreed to extend unemployment compensation coverage to employees of large farms. Under the Committee amendment, farm employers who have eight or more employees in each of 26 different weeks during the year would be brought under the program, and all their employees would become eligible for unemployment compensation benefits. However, agricultural crew leaders and their employees would not be included in this extension of coverage. The Committee felt that experience should be gained by both the Federal and State governments in administering this new farm coverage before extensions to additional agricultural groups is considered. Under the Committee amendment, about 22,000 new employers—2 percent of all farm employers—and about one quarter of a million farm employees—about one-fifth of all farm employees—are brought under the unemployment compensation program.

2. *Small Firms.*—The Committee agreed to delete the provision in the House bill which would have extended coverage to employees in small firms—those which employ one or more employees in each of 20 weeks, or which pay wages of $800 or more in a quarter. The present law test of four employees in 20 weeks is retained by this Committee amendment.

3. *Hospitals and Colleges of Higher Education.*—The Committee agreed to the provisions of the House bill which extend coverage to certain employees of non-profit organizations and State hospitals and institutions of higher learning.

However, the Committee also agreed to bring faculty, research and administrative employees of institutions of higher learning into the program, and to indicate in the statute that these additional employees are not to be considered unemployed if they have a contract to resume work after the summer vacation.

The Committee further agreed to permit employees of a county or municipal hospital or institution of higher education to be covered at the option of the governmental unit under an agreement to make payments in lieu of taxes.

4. *Clients of Sheltered Workshops.*—The Committee agreed to extend coverage under the non-profit provision of the House bill to include the "clients" of a sheltered workshop—the blind or other handicapped persons for whom employment is provided in the sheltered workshop. The amendment would affect an estimated 100,000 handicapped persons employed in about 1,500 sheltered workshops. Just as the House bill provided with respect to their regular employees, the sheltered workshop would be permitted to finance benefits for its "clients" either on a reimbursable basis or by electing to pay the regular unemployment compensation tax in the State.

5. *Taxable Wage Base.*—The Committee on Finance agreed to the provisions in the House bill which increase the taxable wage base for unemployment tax purposes from $3,000 per employee under existing law to $4,200. It also agreed to increase the net Federal tax from 0.4 percent to 0.5 percent. As under the House bill, the higher Federal tax rate would become effective with respect to wages paid in 1970. The higher wage base would become effective with respect to wages paid in 1972.

6. *Extended Benefit Program.*—The Committee agreed to the provisions in the House bill which provide for a period of extended unemployment compensation benefits (after regular benefits are exhausted) when unemployment reaches specified levels. Under this new program, the cost of the extended benefits would be shared equally between the Federal government and the State governments. The Committee rejected amendments which would have (a) financed the extended benefits wholly from Federal funds, and (b) provided for a temporary Federally financed program of extended benefits in the interim between the date of enactment of the bill and January, 1972, when the permanent Federal-State program becomes effective.

7. *Effective Date.*—The Committee generally agreed to the effective dates contained in the House bill, but it modified them so that a State which does not have a meeting of its legislature in 1971 would have an additional six months, until July 1, 1972, to approve the changes in State law necessary to implement these new requirements.

8. *Federal Benefit Standards.*—The Committee rejected amendments offered by Senator Abraham Ribicoff (D., Conn.) and Senator Eugene J. McCarthy (D., Minn.) to fix Federal standards on unemployment compensation benefits. The Ribicoff amendment in effect would have required States to pay a benefit equal to 50 percent of the unemployed individual's wage up to 50 percent of the average wage paid in the State. The McCarthy amendment would have imposed a similar requirement, and in addition, would have required the payment of benefits for at least 26 weeks and would have set standards on eligibility under State laws. These amendments were not agreed to.

TAX AMENDMENT—U.S.S. "PUEBLO"

The Chairman also announced that the Committee on Finance had approved H.R. 8654, which provides that enlisted men who were detained by North Korea when the U.S.S. *Pueblo* was seized by that nation in 1968 may exclude from gross income for Federal tax purposes amounts received as compensation during the period of their detention. Commissioned officers who were detained would be allowed to exclude the first $500 per month of compensation received for each month they were imprisoned.

AMERICAN POLICY ON ARMS SALES AND ECONOMIC ASSISTANCE TO ISRAEL

Mr. JAVITS. Mr. President, I wish to make a brief statement on the administration's announcement regarding the policy of arms sales to Israel.

The failure of the administration to specify the number of additional Phantoms to be provided for Israel's security is disappointing. But the reiteration of the President's policy to maintain an arms balance for Israel; his awareness of the threat of the Soviet SAM missiles, manned by Soviet technicians, now being deployed in Egypt; his understanding of Israel's need for replacement of downed planes, and his assurance of economic assistance for Israel—all are gratifying.

I firmly believe that considering the problem of attrition and of Israel's peril, the security situation would appear to require—now—our assurances to Israel of continued deliveries of Phantoms and Skyhawks. The administration's decision against such a specific commitment now must be considered more political than military.

Considering the pressures on Israel's economy, the administration's understanding of and response to Israel's request for economic assistance is certainly a vital factor in ameliorating the unfavorable effect of the decision on the Phantoms.

This is an occasion also for putting in proper perspective our relationship with Israel in the Middle East crisis in terms of the large number of Americans who so much admire Israel's courage and resourcefulness. The fact is that Israel is a real friend in the Eastern Mediterranean, a friend well able to see to its own security. All it asks is to be able to buy the weapons. In the longer term, the example of Israel should serve to encourage modernization and democracy in an area of the world overwhelmed by feudalism, dictatorship, poverty, and ill health.

To assume that the United States can win favor with the radical Arab States by denying Israel Phantoms now is grave self-deception. Their demand is for Israel's extinction—nothing less—and this obviously the American people cannot support or condone. Accordingly, it is in our national interest to assist in conserving the stimulative power to the whole area which Israel possesses, especially as it has already been made clear that Israel will negotiate for a permanent peace with no preconditions whatsoever on even the most sensitive subject.

The President's decision leaves us about where we were. We have a right to expect the administration to be vigilant, alert, and immediately responsive to the needs for the survival of Israel which are so closely connected to the prospects for peace and development in the area.

As the President himself said during his 1968 campaign:

> As long as the threat of Arab attack remains direct and imminent, sufficient power means the balance must be tipped in Israel's favor. . . . I support a policy that would give Israel a technological military margin to more than offset her hostile neighbors' numerical superiority.

ORDER OF BUSINESS

Mr. HARRIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ASIAN DEVELOPMENT BANK MEETING—APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. DOLE). The Chair, on behalf of the Vice President, appoints the Senator from Rhode Island (Mr. PELL) and the Senator from Utah (Mr. BENNETT) to attend the Asian Development Bank Meeting in Seoul, Korea, on April 9–11, 1970.

THE DENIAL OF PLANES TO ISRAEL

Mr. SYMINGTON. Mr. President, I regret the decision not to sell to the State of Israel the planes their government says are essential to their future security.

For 20 years the Soviet Union has been steadily increasing its military strength in and around the Mediterranean. In addition, the U.S.S.R. has been loading up with modern military equipment, its now many satellites on the north littoral of Africa, including those on the Mediterranean itself. This has and does include both offensive and defensive weapons, land, sea, and air.

Israel is a small nation, one which, in some parts, is a bare 40 miles wide. That fact is a cause for serious apprehension on the part of its military experts. Obviously, this narrowness is a serious weakness from a security standpoint because of the heavy shortening of military time and space in this nuclear era.

We are justifying the policy of fighting with our own lives and treasure various Communist satellites in the Far East, on the grounds that such a policy, and the programs incident thereto, are essential to our security; and to that end we give arms to many nations in that far away area.

Although Israel is one of the few countries in the world today resisting successfully Communist arms and Communist satellite aggression without the support of American troops, apparently we are now refusing even to sell them the arms they believe necessary for their survival.

In the past, the United States has defended giving arms to some of the radical Arab States, as well as selling them to Israel, on the ground that we believed in preserving a military balance. If that balance was right in the past, however, how can it now be right, after the approval by France of 100 more planes to Libya, a government which recently demanded that this country get out of our large air base at Tripoli in their country; and has expressed openly its sympathy with, and support for, the Communist satellite countries in the area.

The only other countries capable of furnishing the type and character of sophisticated weaponry that Israel asserts are essential to its security are France and the Soviet Union. These are the only two countries in the world in addition to the United States, which make such weaponry; and both of these other countries are now heavily supplying said weaponry to the radical Arab States.

This decision could create more interest on the part of Israel to join the nuclear club. We do not see how, in turn, that could be anything but a negative contribution to the steadily and ever more important search for permanent world peace.

Mr. JAVITS. Mr. President, I think the statement just made by the distinguised senior Senator from Missouri regarding the denial of the sale of weaponry, especially aircraft to Israel, is very important. I hope very much that the administration and the Pentagon will give it very serious consideration.

The Senator from Missouri speaks from an enormous wealth of experience, especially as it concerns air armament. He raises critically important questions, especially about the balance of power. The Senator especially raises the problem of leadtime which is involved for these planes. If the leadtime is not taken into account, the planes will not be there when the time comes when they are needed.

This introduces an element of grave security doubt in a time which is likely to be an emergency for us, and as it would be really for Israel if things get hotter than they are now. If a grave emergency occurs and the Phantom aircraft or other military aircraft are not available because the leadtime has not been taken into account. The consequences could be irreparably damaging.

This is an open and not a closed door in terms of what policy should be pursued regarding these aircraft.

I think the Senator from Missouri has made a very significant contribution. And I am grateful to him.

Mr. SYMINGTON. Mr. President, I thank the able senior Senator from New York for his thoughtful and kind remarks.

What worries me about this decision is that possibly some of the same people who made it have had something to do with our policies in recent years as we waged war in other lands.

Everyone knows that the State of Israel, because of its size and its young economy, is hard pressed for money. But that state has never requested a single soldier or airman, nor has it ever asked to receive in the form of gifts some like those which in the past we have actually given to some of its Arab enemies.

If this country, therefore, despite its now serious economic situation, desires to buy those planes because of conviction that said planes are essential to its security, it is incredible to me why we refuse to sell.

As has been well said, the Arabs can lose 100 battles, but the Israelis cannot lose one.

Mr. JAVITS. Mr. President, I am very grateful to my colleague for his comments.

Again, I repeat that we had better listen to advice when it comes from so authoritative a source.

Mr. SYMINGTON. I thank my colleague for his observations.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO PRESIDENT NIXON FOR HIS DECISION ON POST OFFICE SITUATION

Mr. GOLDWATER. Mr. President, throughout the 1960's we have heard proclaimed the doctrines of civil disobedience:

> If you don't like a law, disobey it; a man looks to his individual conscience to decide what law to obey.

Mr. President this self-serving disobedience has spread. And now, the U.S. mail itself has been disrupted. Mr. President, the time has come to reestablish the principle of government of laws, not of men.

Millions of Americans are applauding the courageous action of the President of the United States. He has ordered the mails to go through. The tactics of negotiation by duress will fail because the President will not stand for it.

The President sees the needs of the poor, the elderly, the veterans, businesses which must meet their payrolls. He insists that the mails must go through.

The President has also seen the needs of the postal workers and the postal system. But this Democratic Congress has dragged its feet and helped produce an illegal work stoppage.

The President's action is carefully, calmly tailored to the situation. It is orchestrated with the courts, and the many returning postal workers. The President's action is restrained, a reasonable one. All issues will be discussed when the postal workers return to work.

The statesmanlike and nonpolitical postal reform system proposed by the President will go through eventually. A just pay raise will also go through.

But most important, the President has squarely met the basic issue.

Survival of a government based upon law. Survival of the concept of obedience to the law.

FREE FLIGHTS FOR INFLUENTIAL CITIZENS AT TAXPAYERS' EXPENSE

Mr. PROXMIRE. Mr. President, I rise today to protest against the continuing practice of the Pentagon and the military services of providing free flights to influential citizens to military installations for public relations and propaganda purposes.

The practice is objectionable for at least two major reasons. First, it is an obvious attempt by the military to build up a group of influential citizens to back its huge budget and to lobby for its weapons systems. In fact, within the last year I have received a number of letters from those who have taken such trips calling on me to support the weapons systems which they have examined.

Second, the practice costs money which could be spent either for more important programs or returned to the overburdened and overwrought American taxpayer through a reduction in his taxes.

The practice is nefarious on all counts. It should be stopped and stopped now. At a time when the country faces rapidly rising prices and inflationary pressures, on the one hand, and rising unemployment and cutbacks in jobs and hours of work, on the other, it is impossible to justify the expenditures of hundreds of thousands of dollars by the Pentagon on propaganda flights which are not even specifically authorized by the Congress.

THE FACTS

What are the facts? Last December I wrote to the Secretaries of the Air Force, the Navy, and the Army asking them for specific information about the number and costs of flights during 1969 of community and business leaders to military installations for the purpose of briefing them on the mission of the service.

I asked how many flights had been flown, how many civilian passengers were flown, how many military passengers were flown, how many planes were used for this purpose, how many members of airplane crews were involved, how many flying hours were flown for such purposes, the cost per flying hour, and the total cost of the flights.

I have now received the answers which I shall share with the Senate.

AIR FORCE FLIGHTS

The Air Force replied that it had flown 216 different civic groups to and from major command installations for briefings and orientations during calendar year 1969.

The Air Force flights involved 4,923 civic and community leaders. They were accompanied by 461 military personnel.

Some 1,184 aircrew members were used as flight personnel for the aircraft during the flights.

The Air Force flew 1,672 flying hours at an average cost of $275 per hour, which included personnel per diem costs.

The Air Force said that the total operating costs of its flights was $459,800, or just short of half a million dollars.

NAVY FIGURES

The Navy also provided the information I requested. They flew 30 groups of influential business and community leaders to Navy installations. These flights involved some 1,075 civilians who were accompanied by 86 military passengers. Twenty-one different aircraft were involved with an average of 3.3 crew members per flight or 99 altogether.

The Navy planes flew 312.3 flying hours at an average cost of $275.32 per hour.

The total cost of the flights was given by the Navy at $35,982.30.

ARMY FLIGHTS

The Army sponsored some 51 groups of influential citizens on flights to Army installations for the purpose of promoting community relations.

These involved 812 civilians and 160 military passengers. Some 262 air crewmen were involved.

The Army-sponsored flights logged 853 flying hours at an average cost of $215 per hour, which included personnel per diem costs.

The total costs of the Army flights was given as $184,030.

TOTAL FIGURES

When the facts about the free flights of all three services are added together we find that the program is an extremely extensive one. It involves several thousand people and costs several hundreds of thousands of dollars.

Altogether some 297 influential business and community groups were airlifted by the Pentagon in 1969 to major military installations for briefings and orientation conferences.

The services flew 6,810 civilian community and civic leaders on the flights. They were accompanied by 707 military personnel. Some 1,545 members of air crews were needed to man the flights.

The planes flew a total of 2,837 flying hours at a cost which averaged between $215 and $275 per hour.

The total costs of these flights by all three services was $679,812.30, or over two-thirds of a million dollars.

I ask unanimous consent that a table giving the details for each of the three services be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

DETAILS ON FLIGHTS IN 1969 BY THE MILITARY SERVICES OF REPRESENTATIVES OF CIVIC AND COMMUNITY ORGANIZATIONS TO MAJOR MILITARY INSTALLATIONS FOR PURPOSES OF BRIEFING AND ORIENTATION

	Flights by—			
	Air Force	Navy	Army	Total
Number of groups briefed	216	30	51	297
Number of civilians flown	4,923	1,075	812	6,810
Number of military personnel accompanying civilians	461	86	160	707
Air crew members	1,184	99	262	1,545
Number of flying hours	1,672	312	853	2,837
Cost per hour	$272	$275	$215	
Cost of flights	$459,800	$35,982.30	$184,030	$679,812.30

ALLEGED JUSTIFICATIONS

Mr. PROXMIRE. Over the years a number of justifications have been made for this program. Generally, it is argued that there is little or no expense to the military because the influential civilians are flown on training flights. It is argued that the flights would be made, the planes flown, and the crew would be in the air in any case.

In the letters just sent to me, this argument is made. Major General Murphy of the Air Force wrote:

No specific aircraft or aircrews are reserved solely for this program.

Hours flown in support of this program, are included in and justified to Congress as part of the overall Air Force allocation of aircrew proficiency flying and training time, and are not in addition thereto.

General Murphy claimed that "the aircraft operating costs reflected above are not, therefore, additive to aircrew proficiency training costs."

That may be said, but many of us find it very hard to believe that an Air Force training flight just happens to be going between Madison, Wis., and the SAC Headquarters at Omaha, Nebr., as one did recently. It strains our credulity when the Army arranges to fly influential Pennsylvania citizens, as it did on March 10 to 14 this year from Middletown, Pa., to Ft. Bliss, Tex., and thence to Ent Air Force Base in Colorado Springs, and back to Middletown and justifies the use of Air Force planes as a "part of authorized allocations for normal aircrew proficiency flying time." And argues they "are not an additional allocation."

OPERATION UNDERSTANDING

This trip, incidentally, was called Operation Understanding. The Army claimed that the "Operations Understanding program provides a means of enhancing community relations and fostering better public understanding of the mission, activities and accomplishments of the Army, Air Defense Command and, consequently the Army's role in the air defense of our country."

What it really was, in fact, was a thinly disguised attempt to sell influential citizens on the ABM. The program for this group from Pennsylvania included briefings on current and future air defense weapons systems, the firing of the Nike-Hercules missile, a look at the Chaparral-Vulcan and Redeye air defense weapons, and an orientation tour of the North American Air Defense Command combat operations in the Cheyenne Mountains. These briefings and firings were to take place at Fort Bliss, Tex., White Sands Missile Range, N. Mex., and the Army Air Defense Command Headquarters at Colorado Springs.

Incidentally, the program also included a voluntary sightseeing tour in Juarez, Mexico, and lunch as the guest of the commanding general, U.S. Army Air Defense Command.

COUNTY OFFICIAL OBJECTS TO "BRAIN WASHING"

One county official from Pennsylvania who was invited to take part wrote to me complaining about the trip in the following terms:

I object strenuously to programs of this type as they are put together for propaganda purposes.

I object further to this type of program because it is designed to brain wash public officials into thinking vast expenditures for such programs as the A.B.M. are justified and therefore it is my contention that this is another example of the military becoming involved in political decisions.

Various individuals and groups are invited. In this case, it was a county commissioner. In others it is the members of local civil organizations, leading businessmen and labor leaders, and college and university officials. In general, the military invites the members of the local establishment and power structure in the community to partake of its largess. In their letter to me, the Air Force refers to these as "public affairs airlift for distinguished civic leaders and community businessmen."

The free flights I am talking about today do not include those which the military offers for inspection trips to Members of Congress and the administrative agencies, or for educators to visit the military academies in advisory capacities.

JUSTIFIED BY MEANINGLESS EUPHEMISMS

Various reasons are given in support of these free flights. Meaningless euphemisms are concocted and substituted for the real purpose of the junkets. This year it was "enhancing community relations and fostering better public understanding." A few years back the military justified similar activities to the General Accounting Office on grounds that their purpose was "to acquaint the public through its influential citizens with the problems, workings, and accomplishments of the Defense Department and the disposition of their defense dollars."

I think almost all Americans are concerned about "the disposition of their defense dollars." One way to make them less concerned is to put a stop to these junkets—for that is what they are.

STOP THE LOBBYING

They are junkets at the expense of the American taxpayers to propaganize, to build support, and to lobby for highly questionable military weapons systems.

They are a waste of money. They should be stopped.

They are not paid for by direct appropriations. They are not a line item in the annual budget, authorization bill, or appropriation bill.

At a minimum such future flights should be justified in the budget and requested specifically. If that were required it is my judgment that these expenditures would be the first to be cut.

We should strike them from the defense budget. They are wasteful, unnecessary, and have the lowest priority.

I call on the Defense Department to reform itself. Cut out the free flights to influential citizens. Stop the propaganda. Live within your means.

I ask unanimous consent that a copy of one of the letters I addressed to the services, and the replies I received from the Air Force, Navy, and Army be printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DECEMBER 15, 1969.

Hon. ROBERT C. SEAMANS, Jr.,
The Secretary of the Air Force,
Department of Defense,
Washington, D.C.

DEAR MR. SECRETARY: One of the practices of the Air Force and of other military Departments is to fly representatives of community businesses and organizations to Air Force, Navy, Army and other installations for the purpose of briefing them on the work of the service.

One such flight took place this past year from Madison, Wisconsin to the Headquarters Strategic Air Command, at Offutt Air Force Base in Omaha. Several dozen local citizens were flown there for an orientation briefing and conference.

I would like to get from your office the following information.

In calendar year 1969 how many such flights were flown by the Air Force?

How many civilian passengers were flown?

How many military passengers were flown?

How many planes were used for this purpose?

How many members of Air Force crews were involved?

How many flying hours were flown for such purposes?

What was the average cost per flying hour and the total cost of these flights?

I would like this information as soon as it is conveniently possible for you to furnish it.

With best wishes.

Sincerely,

WILLIAM PROXMIRE,
U.S. Senate.

DEPARTMENT OF THE AIR FORCE,
Washington, January 22, 1970.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: The Secretary of the Air Force has asked me to respond to your inquiry requesting information from the Air Force concerning public affairs airlift for distinguished civic leaders and community businessmen.

The Air Force flew 216 different civic groups to and from major command installations for briefings and orientations during calendar year 1969. Participating in these tours were 4,923 civic and community leaders, together with 461 accompanying military personnel. There were 1,184 aircrew members used to crew the aircraft for these flights. Nine different types of aircraft were used. The 1,672 hours for the trips cost an average of $275 per hour which includes personnel per diem cost. The total operating cost of these flights was $459,800.

No specific aircraft or aircrews are reserved solely for this program. Air Force regulations require that invitees pay for their own meals, incidental expenses and billets.

The hours flown in support of this program are included in and justified to Congress as part of the overall Air Force allocation of aircrew proficiency flying and training time, and are not in addition thereto. The aircraft operating costs reflected above are not, therefore, additive to aircrew proficiency training costs.

We trust that this information is responsive to your inquiry.

Sincerely,

JOHN R. MURPHY,
Major General, USAF, Director, Legislative Liaison.

THE SECRETARY OF THE NAVY,
Washington, D.C., February 10, 1970.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR BILL: This is in further reply to your recent letter in which you requested certain information concerning the Navy flights carrying representatives of community businesses and organization to Navy installations for the purpose of briefing them on the work of the Navy.

The following information is provided in response to your questions:

In calendar year 1969, how many such flights were flown by the Navy? Answer: 30.

How many civilian passengers were flown? Answer: 1,075.

How many military passengers were flown? Answer: 86.

How many planes were used for this purpose? Answer: 21 different aircraft of 3 different types.

How many members of air crews were involved? Answer: Average of 3.3 crew members per air lift.

How many flying hours were flown for such purposes? Answer: 312.3 flying hours.

What was the average cost per flying hour and the total cost of these flights? Answer: Average cost per flying hour is $275.32, and the total cost of the flights is $35,942.30.

In addition to the flights in which you are interested, certain specific groups of educators have been transported to the U.S. Naval Academy in advisory capacities.

I hope this information will be helpful to you.

Sincerely yours,

JOHN H. CHAFEE.

JANUARY 27, 1970.

Hon. WILLIAM PROXMIRE,
U.S. Senate.

DEAR SENATOR PROXMIRE: This is in reply to your inquiry concerning air transportation for community leaders to visit Army installations in conjunction with community relations projects.

During Calendar Year 1969, the Army world-wide sponsored 51 groups in which 812 civilian and 160 military passengers, including escorts were flown in 66 aircraft to various locations for the purpose of touring military installations. A total of 262 air crewmen logged 853 flying hours at an average cost of $215 per flying hour in support of these tours to include personnel per diem costs. The total cost of these flights was $184,030.

These tours are conducted by Army Commands to provide information on the Army's state of readiness and how it trains and takes care of its soldiers. This does not include the educator tour program of the U.S. Military Academy which provides information to civilian educators to permit them to counsel youths on opportunities at the academy.

Aircraft are provided primarily by the U.S. Air Force with no aircraft or air crews specifically allocated to these programs. The hours flown are part of authorized allocations for normal aircrew proficiency flying time and are not an additional allocation. Cost for meals, incidental expenses and billets are borne by the participants.

I trust the above information will be of assistance to you.

Sincerely,

RAYMOND T. REID,
Colonel, GS, Office, Chief of Legislative Liaison.

PRIDE OF THE NATION'S PRESS UNANIMOUSLY OPPOSES CARSWELL

Mr. PROXMIRE. Mr. President, yesterday and today three newspapers that I receive and read daily, and for which I have the greatest respect, editorialized in a telling fashion against the nomination of G. Harrold Carswell to the Supreme Court. Two of the papers probably are read by the vast majority of my Senate colleagues on a regular basis—the New York Times and the Washington Post. The third is the pride of the Midwest and at the top of the scale of national competence—the Milwaukee Journal.

Both the Journal and the Times make short shrift of some remarks made on this floor last week to the effect that those Americans of modest scholastic attainments should have their representative on the Court. The Journal states it this way:

> Since many Americans are mediocre, as the case is put, they should have one of themselves on the court! To state the premise is to demolish it.

The Times calls the application of such a principle to the Senate "bad enough; to extend it to the Highest Court is intolerable."

The Times goes on to cite certain misleading tactics used by Judge Carswell's supporters. For instance:

> It has now become known that Elbert F. Tuttle, the retired Chief Judge of the United States Court of Appeals for the Fifth Circuit in the South, who originally backed the nomination, subsequently decided to withdraw his endorsement. But Judge Carswell's supporters let the impression of Judge Tuttle's approval be used as continuing support for him.

In another instance Attorney General Mitchell transformed a lukewarm American Bar Association endorsement of Carswell as "qualified" into a misleading "highly recommended" label.

The Post and the Journal come down hard on Carswell's civil rights record—the Journal pointing to Carswell's 15 unanimous reversals in civil rights cases, and the Post calling for his rejection as a signal to all races that the Senate will not permit the executive branch to pursue a southern strategy that exacerbates relations between black and white for political gain.

The Times characterizes Carswell's record as "mediocre" and demonstrating "questionable attitudes toward social justice." The Journal terms him "lacking the professional competence demanded by the position." The Post calls him "a decidedly second rate judge."

These are the very reasons I am voting against the Carswell nomination—the reasons the dean's of the Nation's finest law schools are opposing the nomination and the reasons why the Senate should not hesitate to send the nomination back to the White House stamped "unacceptable."

I ask unanimous consent that the three editorials I have referred to be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Milwaukee Journal, Mar. 22, 1970]

SENATE SHOULDN'T CONSENT TO CARSWELL NOMINATION

Some supporters of the nomination of Judge Carswell for the U.S. Supreme Court, finding nothing else to extol in the man, are now driven to extol his mediocrity. Since many Americans are mediocre, as the case is put, they should have one of themselves on the court!

To state the premise is to demolish it. Resort to it depicts the poverty of any argument for Carswell's confirmation, and the desperation of his supporters as they contemplate the tide of conviction spreading across the land (outside the South) that he simply won't do.

Carswell's notorious white supremacy speech of 1948 has turned out to be inexcusable as a mere aberration of youth, conforming to the rules of southern white politics at the time. For he did not repudiate it by word or deed throughout his later career; in fact, he gave it life by many actions right down to the present. He now says himself that it was "a matter of convenience"—which only now has become convenient to repudiate.

Even if racial bias were deemed tolerable in a Supreme Court justice, however, lacking the professional competence demanded by the position cannot be. Neither can lack of "sensitivity to injustice"—a lack in Carswell to which many legal scholars have attested after studying his record as a U.S. prosecutor and trial judge.

Law Dean Louis Pollak of Yale has concluded that Carswell's credentials are "more slender than those of any other nominee for the Supreme Court in this century." His "level of competence," says Dean Derek Bok of Harvard, is "well below the high standards that one would presumably consider appropriate and necessary for service in the court."

Prof. Gary Oldfield of Princeton: ". . . an obscure judge who has made no visible contribution to the development of the law. His chief qualification appears to be an abiding unwillingness to protect constitutional rights of black Americans." ". . . A judge who would rather risk bad law and repeated reversals than offend the feelings of local segregationists."

Carswell's record of foot dragging in civil rights includes 15 unanimous reversals by courts of appeal, in which he had persistently gone opposite to the guidance of higher courts in parallel cases. This shows him not to be even a conscientious judicial workman.

Danger that such a man may be confirmed stems from an inclination by most of the Republican senators who had blocked President Nixon in the Haynsworth case to feel that they should let him win this one. That puts political etiquette above the country's need for great jurists on the Supreme Court, which Nixon once acknowledged but now denies in practice.

Making Nixon a winner with Carswell would make the court and the country losers. If the role of the Senate to "advise and consent" means anything, it means that a Senate filling the role will not permit this to happen.

[Fom the Washington Post, Mar. 22, 1970]

JUDGE CARSWELL: THE WRONG SIGNAL

It is a longish leap from the fun and games at the Gridiron Club last weekend to the Senate debate on Judge Carswell. But bear with us because there is a logical connection here between the appointment of a decidedly second-rate judge to the Supreme Court and the ease with which President Nixon and Vice President Agnew stole the Gridiron show. As you may have read, the two men joined in a piano duet, with the President playing a medley of the favorite tunes of his predecessors and the Vice President interrupting him by playing "Dixie." Doubtless you had to be there to get it into the right context, to hear the rough but good-natured jibes at the Administration on race issues that preceded the surprise finale, and thus to appreciate the joke. Almost everybody agreed it was a *tour de force* gracefully done and quite in keeping with the spirit of an affair at which the tensions and antagonisms of the real world are supposed to be set aside.

So it is with no intent to disparage the performance of the President and the Vice President that we take note of this event. Still, at the risk of sounding stuffy, it strikes us as a small piece of a bad scence, and a significant measure of how great is the power of the Presidency to influence a public attitude. All of a sudden, it is all right to joke about something that responsible people in high office used to handle with care and compassion and deadly seriousness.

In theory, a sense of humor is supposed to be a saving grace. So why not make sport of a Southern Strategy? The answer, of course, is that Southern Strategy is a euphemism for something that isn't funny. On its face it is no more than a cynical political tactic designed to innoculate the South against George Wallace for the sake of winning it for the Republicans, the better to secure a second term for President Nixon in 1972. As a political objective, this is fair enough—some people even see in it an admirable toughmindedness. But there is nothing admirable about the logical consequences of this strategy, for to bring it off it becomes necessary for the Administration to cultivate indifference, not to say hostility, toward the fundamental principle of human rights in general, and the equality of education available to black children in particular. Putting it another way, and bluntly, Southern Strategy means a form of racism, tacit or explicit, by people in high places, because there can be no successful effort to undercut George Wallace in the South that does not play the segregation game.

It is important to be clear in our minds about the issue here. We are well aware that the White House will be publishing next week what has been billed as the most complete, the most comprehensive, the most closely argued legal brief ever composed on school desegregation and it is not our purpose here to judge it in advance. For this is not what this is all about. We are not talking just about schools, or doubts held by responsible people about busing or other methods for dealing with the *de facto* segregation which occurs as a result of natural, geographic imbalances. We are talking about what a President or an Administration can do, or not do, to create an atmosphere that is conductive, not to miracles, but to continuing progress against racial discrimination all along the line. And this, in turn, is what is so troubling about the ease with which we now laugh at jokes about a Southern Strategy. It is what links the hijinks at the Gridiron with the nomination of Judge Carswell and a lot of other things—the abrupt removal of a Leon Panneta from HEW because he tried too hard; the effort to subvert Negro voting rights; the insensitivity, in tone and phrase, to black pride; the country club mentality.

Mr. Harry Dent, a presidential assistant, receives a written offer of campaign funds from a Georgia Republican leader in exchange for the restoration of Federal school aid in a Georgia school district. He casually passes it along to HEW—and nobody seems to mind. The Vice President brushes off the idea of quotas for black students by asking the crude question: "Do you wish to be attended by a physician who entered medical school to fill a quota . . .?" Mr. Jerris Leonard, the Justice Department's civil rights enforcer, thinks it clever, or something, to say that one reason blacks just out of law school are not attracted to Justice Department jobs is that they haven't yet bought their first cashmere coat. Confronted with a question about Judge Carswell's involvement with segregated clubs, the President thinks it an adequate defense to say, in effect, that everybody's doing it: ". . . if everybody in government service who has belonged or does belong to restricted golf clubs were to leave the service, this city would have the highest rate of unemployment of any city in the country."

And so it goes, right down to the vote on Judge Carswell, with the Administration's men telling Republicans who opposed Judge Haynsworth—in almost every respect a much superior choice—that they can't rebuff their President twice running. They can, of course, and they should, because this is nothing so narrow as a test of party loyalty. It is a test of policy and principle—a kind of Tonkin Resolution on race, if you accept the theory recently advanced in Life Magazine by Hugh Sidey that the race issue could be for President Nixon the disaster that Vietnam was for President Johnson.

The Tonkin Resolution on Vietnam was a fraud, and while that became clearer later, it might have been clearer at the time if the right questions had been pressed, if Congress had not closed its eyes out of misplaced deference to the President and waved him down a wrong road. Therein lies the analogy. Judge Carswell is a bad choice, and the Senate should reject him out of its obligation to safeguard the paramount interests of our highest court. In the process of refusing his confirmation, the Senate has an opportunity, not just to say *No*, but also to say *Enough*—of insensitivity and indifference, of legislative retrogression and of catering to racist tendencies for political gain, of talking about blacks as if there were no blacks in the room. The Senate, in this fashion, could broadcast from at least one seat of government a signal to all races—a signal which at this stage can no longer be broadcast, in a way that would be believable, by anybody else.

[From the New York Times, Mar. 23, 1970]

RATING JUDGE CARSWELL

The Senate, in its desultory debate over whether to confirm the nomination of Judge G. Harrold Carswell to the Supreme Court, is giving an uninspiring demonstration of its sense of responsibility on an issue of grave national concern.

President Nixon, in his weekend press conference, urged Senators to weigh, not the mail, but the evidence. It is precisely on the evidence that Judge Carswell emerges with a mediocre judicial record and with questionable attitudes toward social justice.

Senator Roman L. Hruska, Republican of Nebraska, in apparent contempt for excellence in American institutions, championed the right of all who are mediocre to be represented by mediocrity on the Supreme Court. Application of this view to the Senate is bad enough; to extend it to the highest court is intolerable. Yet, this appears to be the intent of those who deliberately spurn all honest assessment of evidence unfavorable to Judge Carswell.

For example, it has now become known that Elbert F. Tuttle, the retired Chief Judge of the United States Court of Appeals for the Fifth Circuit in the South, who originally backed the nomination, subsequently decided to withdraw his endorsement. But Judge Carswell's supporters let the impression of Judge Tuttle's approval be used as continuing support for him.

A group of distinguished lawyers, including Francis T. P. Plimpton, president of the New York Bar Association, as well as the deans of leading law schools, have charged that the "qualified" rating, given Judge Carswell by the Federal Judiciary Committee of the American Bar Association, is seriously misleading. They consider the issue sufficiently grave to demand that the committee reopen the case and provide a more explicit rating, as it does in the case of other Federal judges.

Judge Carswell's supporters have used the A.B.A. rating as a judgment of high merit, when it is little more than an evasive rubber stamp. Attorney General Mitchell, who undoubtedly knows the real meaning of the A.B.A.'s faint praise, has stated publicly that his nominee comes "highly recommended" by the association.

These misleading tactics amply justify the demand for a more enlightening reappraisal. An explicit rating would do much to help the Senators when they ultimately cast their vote on the dictates of both fact and conscience. The legal profession surely has a responsibility to offer credible guidance and, at the very least, make sure that its testimony cannot be abused in ways that might demean the Supreme Court.

SUPREME COURT OF THE UNITED STATES

The Senate continued with the consideration of the nomination of George Harrold Carswell to be an Associate Justice of the Supreme Court of the United States.

Mr. GURNEY. Mr. President, I have had several communications over the last few days during the debate on the nomination of Judge Carswell, many of which I put in the RECORD, others of which I wish to put in the RECORD now.

One of them is of particular interest, and I wish to bring it to the attention of the Senate. It is written by a woman lawyer, a member of a large law firm in Tallahassee, Fla.

KEEN, O'KELLEY & SPITZ,
Tallahassee, Fla., March 20, 1970.

Hon. EDWARD J. GURNEY,
Senator for the State of Florida,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR: I hope that I am not being presumptious in feeling that you might be interested in my views concerning the nomination of Judge Carswell since my background is not that of the typical Tallahassee lawyer now practicing before him. I was born and educated in Minnesota and have been exposed to judges in such diverse places as Minnesota, the District of Columbia, Arkansas and Florida. I also have taught in a law school: the University of Arkansas Law School. And I am a woman lawyer.

I graduated from the Law School of the University of Minnesota, class of 1941 and was a member of the editorial board of the Law Review and elected to Order of the Coif. I present this background to convince you that I have some basis for evaluating a judge.

I have been engaged in practicing law in Tallahassee, Florida, for the past four years and have had a fairly extensive practice in the District Court before Judge Carswell. He has always been eminently fair and courteous to all parties, he has displayed a deep learning in the law and his opinions have a clarity that is sadly lacking in many that

I must wade through in the course of my daily work. Perhaps they lack a degree of literary grace, as is deplored by Max Lerner and others of his ilk, but I am sure that Judge Carswell's opinions will gain in style when they are no longer the product of the heaviest case load of any judge in the federal system.

It has also been my observation that whatever reversals Judge Carswell has sustained at the hands of the Fifth Circuit have been the result of his being willing to use the summary judgment rule, a rule to which the Fifth Circuit is avowedly opposed.

I have been unable to see any racial bias in Judge Carswell and I am sure that I would see it if it existed: I spent my formative years in Minnesota and living in the South has not changed my attitudes as is attested by the fact that I am currently representing a black plaintiff in a civil rights case against a municipality and its officers. I can also refute the silly "sexist" charge levied against Judge Carswell. I have been treated with exactly the same degree of courtesy and consideration as any other advocate, no more and no less. I also know, of my own knowledge, that when Judge Carswell was elevated to the Fifth Circuit he selected as his law clerk a woman law school graduate.

I have no personal interest in Judge Carswell's nomination for I am not a social friend and professionally I would be better served by his being retained in the Fifth Circuit where I do practice but this feeling is outweighed by the duty I owe my profession.

I am of the unswerving belief that Judge Carswell would make an excellent Supreme Court judge and I earnestly request you to give real, and fair, consideration to his nomination.

Sincerely yours,

HELEN CAREY ELLIS.

Of course, this is just another instance of what I have said on the Senate floor again and again during this debate; namely, that these are the endorsements that impress me, not what a law school professor in the North may say or what a Wall Street lawyer may say or what their opinions may be about Judge Carswell.

Another thing of interest is that some credence has been given to the argument that some law school faculty members of Florida State University are opposed to the nomination of Judge Carswell. That is true. One of my lawyer friends addressed a letter the other day to the Senator from Iowa (Mr. MILLER). I ask unanimous consent that the text of the letter be printed in the RECORD in the course of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ERVIN, PENNINGTON,
VARN & JACOBS,
Tallahassee, Fla., March 20, 1970.

Hon. JACK MILLER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MILLER: I have read with a great deal of concern of the action of some nine members of the teaching staff at Florida State University College of Law. That teaching staff consists of eighteen; the nine who seem to have opposed Judge Carswell's nomination consisted of eight of the teaching faculty and one librarian. Of those who do not oppose Judge Carswell, most, including Dean Joshua Morse and former Dean Mason Ladd (now in a teaching position) have strongly endorsed Judge Carswell's nomination.

Because of that concern, I have tried to determine the basis for the action of the nine critics. I am, therefore, attaching a list of their names, their teaching positions, colleges attended and ages, and years on the teaching faculty at Florida State University, as well as their political affiliations if they are registered in Leon County, Florida.

It is quite significant that none of the nine critics is a member of The Florida Bar. Because The Florida Bar is an integrated bar, they are not allowed to practice before the courts in our state. I, therefore, respectfully suggest that none of the nine is qualified to speak as to Judge Carswell's abilities or qualifications.

I am enclosing for your further information a copy of the February 1970 issue of *The Florida Bar Journal*. Beginning on page 88 is an item concerning Judge Carswell and on page 73 is an apt comment on the courts and the criticism of Judge Carswell.

I have known Judge Carswell personally since 1952. In 1954 I became Assistant United States Attorney and served with him while he was United States Attorney for the Northern District of Florida. When he was elevated to the District Court bench, I became United States Attorney. Since February 1961, I have been engaged in the general practice of law in Tallahassee, which practice includes civil and criminal litigation in the Federal Court. Based on my personal knowledge of the man, on my personal experience as United States Attorney and as a practicing lawyer, I recommend his nomination to you and to the United States Senate and urge that his nomination be speedily confirmed.

Very truly yours,

WILFRED C. VARN.

Enclosures.

Name	Age	Years teaching FSU	Member of Florida bar	Political affiliation
Robert P. Davidow, associate professor, Dartmouth, Michigan, Harvard.	32	Less than 1 year	No.	Unknown.
Jarret Oeltjen, associate professor, Nebraska, Chicago	28	do	No.	Do.
Edwin M. Schroeder, Librarian, Tulane	33	do	No.	Do.
John W. Van Doren, associate professor Harvard, Yale	35	do	No.	Do.
Kenneth Vinson, full professor, Texas, Yale	34	do	No.	Do.
Raymond Maguire, assistant professor, Canisius, Harvard, Columbia.	31	Just short of 2 years	No.	Do.
John Yetter, assistant professor, Duquesne, Yale	30	do	No.	Do.
David F. Dickson, associate professor Princeton, Yale, FSU	37	4 years	No.	Republican.
Francis N. Millett, associate professor, Harvard, North Carolina, Alabama.	38	4 years	No.	Do.

Mr. GURNEY. The interesting thing is that these nine members of the faculty from Florida State University Law School who oppose the nomination of Judge Carswell are as follows:

Robert P. Davidow came from Dartmouth, Michigan, and Harvard, but has been teaching at Florida State less than 1 year.

Jarret Oeltjen, age 28, has been at Florida State University less than 1 year.

Edwin M. Schroeder is listed as a librarian. He does not even teach law. He has been at Florida State University less than 1 year.

John W. Van Doren went to Harvard and Yale. That does not surprise me. He is 35 years old and has been teaching at Florida State University less than a year.

Kenneth Vinson has been a teacher at Florida State University less than 1 year.

Raymond Maguire comes from Harvard and Columbia, is 31 years old, and has been teaching at Florida State University just short of 2 years.

John Yetter came from Duquesne and Yale, is 30 years old, and has been at Florida State University just short of 2 years.

David F. Dickson came from Princeton and Yale—there is a great background—is 37 years of age, and has been at Florida State University 4 years.

Francis N. Millett came from Harvard, is 38 years old, and has been at Florida State 4 years.

Not a single one of these members of the faculty are members of the Florida bar—not one. Though I do not know it, I doubt whether any of them has been in court; and, needless to say, they know nothing of Judge Carswell—again typical of the kind of opposition Judge Carswell is getting.

Here is another letter that I think is worthwhile bringing to the attention of the Senate. It is from a man named David L. Middlebrooks. I know him well, because I recommended his appointment to the U.S. district court to replace Judge Carswell. He is a longtime personal friend of mine, one of the outstanding lawyers in Florida.

As a matter of fact, he was one of the outstanding students of Florida University Law School. I wish I had his biography. I think he was first in his class, president of the student body, a member of the Law Review, and has other credentials like that. I called him up and asked him to write me a letter to explain what he knew about Judge Carswell, mainly because he probably practiced in Judge Carswell's court more than any other lawyer who came before him. This is what he said:

U.S. DISTRICT JUDGE,
Tallahassee, Fla., March 19, 1970.

Hon. EDWARD J. GURNEY,
U.S. Senator, New Senate Office Building, Washington, D.C.

DEAR SENATOR GURNEY: You inquired this date by telephone of my acquaintance with the Honorable G. Harrold Carswell whose nomination as Associate Justice of the United States Supreme Court is presently being considered by the United States Senate.

I have known Judge Carswell since my admission to the Bar of Florida in the year 1956. Since his elevation from the position of United States Attorney to the position of Judge of the United States District Court for the Northern District of Florida, I have had numerous occasions to be before Judge Carswell in many different capacities as a lawyer. I doubt seriously if many practicing attorneys in the Northern District of Florida have had a better opportunity to become acquainted with this man or to learn as much as I have as to his character and ability.

During my entire legal career I was a member of two of the largest law firms in west Florida and as can be expected these law

firms handled a large portion of the litigation in Federal Court. Being primarily a trial attorney I had the occasion to be before Judge Carswell in both civil and criminal cases. For approximately seven years prior to my being appointed as United States District Judge for the Northern District of Florida, I was a member of a committee who recommended a list of attorneys to Judge Carswell for appointment to represent indigent defendants charged with offenses against the United States and as a member of this committee I was almost always present when the criminal docket was sounded and attorneys were appointed to represent indigents. In addition I was a member of a three-man committee to examine applicants for admission to the Bar of the United States District Court as to their qualifications to practice before this Court. I was appointed by Judge Carswell as Chairman of the Admiralty Rules Committee to suggest possible revision of the existing admiralty rules.

There were few times when Judge Carswell held Court in Pensacola that I did not appear before him in a contested matter or as his representative in the selection of competent attorneys to represent persons accused of crime. In these capacities I was able to witness his courtroom appearance and his attitude toward members of the Bar, both black Americans and white Americans. It goes without saying that I also had an opportunity to see how Judge Carswell treated those persons appearing before him as defendants in criminal cases.

Long before Judge Carswell was appointed as a Judge of the Fifth Circuit Court of Appeals, I had made the statement to many of my lawyer friends and other friends that it was my opinion that he was one of the best trial Judges in the State of Florida. I wish that it were possible that a poll be taken of the hundreds of lawyers who appeared before Judge Carswell to determine from these lawyers their opinions of Judge Carswell's ability as a jurist. I am confident that the great majority of them would share my opinion of this man.

Judge Carswell always treated lawyers and litigants with the respect that all human beings deserve and was especially anxious and determined to see that all persons accused of crime in his Court received competent counsel to represent them. Not once did I observe Judge Carswell treat a lawyer or litigant unfairly or harshly. He is the type of Judge who always rose from his chair when lawyers and litigants would enter his Chambers and meet them with a ready handshake.

There has been some comment made that Judge Carswell's manner in his association with counsel was other than courteous. It should be pointed out that during most of the years that Judge Carswell was Judge of the United States District Court that he handled the entire case load in the Northern District of Florida with little assistance. He was the only Judge in the Northern District of Florida which stretches geographically from Pensacola to Gainesville, a distance of some 350 miles. Congress saw fit to add an additional Judge in the Northern District of Florida approximately two years ago. I am sure that the heavy case load and the distance Judge Carswell was required to travel influenced him in attempting to handle litigation in the Northern District of Florida as promptly as possible. This might account for some comment that he was brusque in manner at times in Court proceedings.

During these many years I have also had an opportunity to visit with Judge Carswell socially and firmly believe that if Judge Carswell had any feeling of superiority where black Americans were concerned I would have observed it. No one could convince me that G. Harrold Carswell is a racist.

I felt obliged to give you the benefit of my observations of Judge Carswell because of the many criticisms made by persons who could not possibly know Judge Carswell as I have known him through the years. In my opinion he would be an outstanding United States Supreme Court Justice.

Sincerely,

D. L. MIDDLEBROOKS.

This, again, is from one who is now a U.S. district judge in the northern district of Florida, and really one of the outstanding members of the Florida bar, a man of unimpeachable credentials, and a man who appeared in Judge Carswell's court, probably, more than any other lawyer in his entire district.

I ask unanimous consent to have printed at this point in the RECORD, in addition to the letters I have read, a letter from Robert T. Mann, judge of the district court of appeals, Lakeland, Fla.; a letter from Frank A. Orlando, judge of the juvenile court of Broward County, Fla.; a letter from James W. West, county judge of Sumter County, Fla.; and a letter from John W. Booth, judge of the fifth judicial circuit, Bushnell, Fla.; and many telegrams which I have received as well.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LAKELAND, FLA.,
March 16, 1970.

Hon. EDWARD GURNEY,
U.S. Senate,
Washington, D.C.

DEAR ED: I am disturbed by the unfair and excessive criticism of Judge Harrold Carswell. I write to suggest to you that the prolongation of this controversy can only serve to discredit our judiciary.

Perhaps I am slightly biased by his recent citation with approval of one of my opinions, but I view Judge Carswell as a man of impeccable character and reputation. I do not know him intimately, but I know of nothing which would warrant his rejection by the Senate. It is, after all, the President's prerogative to nominate Justices. The Constitution contemplates that the Supreme Court will reflect a diversity of viewpoint.

The maintenance of a just and orderly society is a complex task in which we are all involved. It deserves our best efforts and our best men. I fully expect Judge Carswell to serve as Justice with far greater distinction than his detractors think possible.

I am pleased to hear that your wife is improving. Elizabeth and I join our prayers to yours for her speedy and complete recovery.

Sincerely,

BOB.

JUVENILE COURT OF BROWARD COUNTY,
Fort Lauderdale, Fla., March 20, 1970.

Re Judge G. Harrold Carswell.
Senator EDWARD GURNEY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR GURNEY: This letter is in response to the attached newspaper article concerning the appointment of Judge G. Harrold Carswell to the United States Supreme Court. I feel my response is necessary since, in my opinion, many unwarranted and untrue statements are being made by members of the judiciary with reference to Judge Carswell's appointment to the Supreme Court.

Before becoming a Judge of the Juvenile Court for Broward County in March of 1968, I served for four years as an Assistant Attorney General for the State of Florida. During that time I appeared before Judge Carswell representing the State of Florida in several cases. All of these cases had to do with Civil Rights and desegregation of state institutions or local school systems. I can say without a doubt that Judge Carswell was fair, impartial and applied the law of the land as it was written at the time we were presenting our cases to him. In a specific case dealing with the desegregation of the State Training Schools, Judge Carswell struck down a Florida Statute which required these institutions to be operated on a segregated basis. However, in order to give the State of Florida a reasonable time to make an orderly transition, he allowed us approximately three months to prepare and implement a desegregation plan. This, in my opinion, showed great judicial discretion on his part and, at the time of the case, was satisfactory to all parties involved.

As one who has known Judge Carswell both professionally and socially, I am quite disappointed in the members of the judiciary who have chosen to speak out against Judge Carswell without really knowing what type of a man he is.

It is a shame because a man does not have pro-labor or pro-civil rights activities in his background he cannot, without going through great embarrassment and unreasonable criticism, become a member of the United States Supreme Court. I am hopeful you will be able to prevail upon members of the United States Senate to see that Judge Carswell will be a true representative of the feelings of the American People and interpret the Constitution as it is written—not as he thinks it should be applied.

If there is anything I can do as a member of the Florida State Judiciary to assist you in your attempts to have Judge Carswell confirmed, please do not hesitate to call.

Thanking you very much, I am,

Sincerely,

FRANK A. ORLANDO,
Presiding Judge, Juvenile Court of Broward County.

BUSHNELL, FLA.,
March 18, 1970.

Hon. EDWARD J. GURNEY,
U.S. Senator,
Washington, D.C.

DEAR SENATOR: Please continue to do everything in your power to get a good man on the Supreme Court. Please keep pushing for Judge Carswell.

Respectfully,

JAMES W. WEST,
County Judge, Sumter County.

STATE OF FLORIDA,
March 17, 1970.

Hon. EDWARD J. GURNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR GURNEY: The appointment of a conservative man such as Judge G. Harrold Carswell to the United States Supreme Court is long overdue, and now that we have the opportunity of securing such an appointment, I sincerely and earnestly urge that you, as our Senator, give your unqualified support to this appointment.

I am sure that the opposition will continue to raise smoke screens and attempt to defeat this selection by our President. The people of Citrus, Hernando and Sumter Counties, where I serve as presiding judge, are, in my opinion, solidly behind Judge Carswell and your part in assisting in his confirmation by the Senate would be well received.

Yours very truly,

JOHN W. BOOTH,
Circuit Judge.

PENSACOLA, FLA.,
March 19, 1970.

Hon. EDWARD J. GURNEY,
U.S. Senate,
Washington, D.C.:

I respectfully urge your favorable consideration of Judge G. Harrold Carswell for the

United States Supreme Court. It could possibly be said that I am a member of a so-called minority group. I have had the privilege of trying cases before Judge Carswell on numerous occasions and found him to be fair, impartial, intelligent, and profound in his legal opinions. I would stake everything I own that Judge Carswell is not prejudiced against any person because of his race or religion and I feel that those who suggest such a thing are doing a terrible disservice to a great jurist and outstanding human being.

DAVID H. LEVIN.

VERO BEACH, FLA.,
March 19, 1970.

Senator EDWARD GURNEY,
New Senate Office Building,
Washington, D.C.:

As a practicing attorney in Vero Beach, Florida I would like to express to you that in my opinion that I and most lawyers in this area strongly support the nomination of Judge Harrold Carswell to the U.S. Supreme Court. The impression that the lawyers of Florida do not support Judge Carswell is in error.

CHER CLEM.

VERO BEACH, FLA.,
March 20, 1970.

Senator EDWARD J. GURNEY,
New Senate Office Building,
Washington, D.C.:

As a practicing attorney and President of the Indian River County Bar Association in Vero Beach, Florida, I would like to express to you that in my opinion that I and most lawyers in this area strongly support the nomination of Judge Harrold Carswell to the U.S. Supreme Court. The impression that the lawyers of Florida do not support Judge Carswell is in error.

ROBERT JACKSON.

MARIANNA, FLA.,
March 19, 1970.

Senator EDWARD GURNEY,
Senate Office Building,
Washington, D.C.:

Sincerely believe circus has lasted long enough. For sake of a strong court system commanding respect of all, urge your efforts to end farce involving Judge Carswell and press for immediate confirmation.

R. ROBERT BROWN,
County Judge, Juvenile Court Judge.

MONTICELLO, FLA.,
March 19, 1970.

Hon. ED GURNEY,
U.S. Senator, U.S. Congress,
Washington, D.C.

DEAR SENATOR GURNEY: I have known Judge Harrold Carswell since he became US District attorney. I have practiced before his court when he was district judge. He is most eminently qualified to sit on the US Supreme Court especially when viewed from the standpoint of the qualification of some present and former Justices. I sincerely believe he will interpret the law rather than legislate. I urge that the verification and the defamation spawned by Senators Bayh et. al. cease, and the Senate get on with immediate confirmation.

Respectfully,

KENNETH E. COOKSEY,
Judge, Monticello, Fla.

DE FUNIAK SPRINGS, FLA.,
March 19, 1970.

HON. EDWARD GURNEY,
U.S. Senate, Washington, D.C.

SIRS: I have been a county judge in Walton County, Fla for 21 years. I wish to say that the Hon Harrold Carswell is qualified in every respect. I give him my unqualified support. All my friends also feel this way.

JOE DAN TROTMAN.

MIAMI, FLA.,
March 20, 1970.

Hon. ED. J. GURNEY,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR GURNEY: Strongly support confirmation of Judge Carswell to the Supreme Court.

DAVID POPPER,
Dade County Courthouse.

FT. LAUDERDALE, FLA.,
March 20, 1970.

Hon. ED GURNEY,
New Senate Office Building,
Washington, D.C.:

Judge Carswell is eminently qualified because of his record of many years on the bench and a record of many sound decisions.

STEWART F. LAMOTTE, Jr.,
Circuit Judge, 17th Judicial Circuit.

PANAMA CITY, FLA.,
March 20, 1970.

Senator ED GUERNEY,
Senate Office Building,
Washington, D.C.:

Add my name to the growing list of Florida attorneys who without reservation endorse the nomination of Judge Harrold G. Carswell as justice of the United States Supreme Court. Based upon my practice before Judge Carswell I am of the opinion that he is a man of unusual ability, especially equipped for the responsibilities and demands of this high office.

DAYTON LOGUE.

PALM BEACH, FLA.,
March 20, 1970.

Hon. EDWARD GURNEY,
U.S. Senator,
Senate Office Building,
Washington, D.C.:

First telegram transcribed in error. Corrected copy reads as follows: Judge Harrold Carswell is eminently qualified to serve as associate justice and I earnestly recommend immediate and favorable action on his behalf by the Senate.

GEORGE W. HERSEY.

PALM BEACH, FLA.,
March 20, 1970.

Senator EDWARD GURNEY,
Senate Office Building,
Washington, D.C.:

Judge Harrold Carswell is eminently qualified to serve as associate justice and I fervently recommend immediate and favorable action on his behalf by the Senate.

GEORGE W. HERSEY.

PENSACOLA, FLA.,
March 20, 1970.

Hon. EDWARD J. GURNEY,
Senate Office Building,
Washington, D.C.:

Considerable contact with Honorable G. Harrold Carswell while he was judge of the U.S. District Court for the Northern District of Florida has given me a very high regard for his character, mind and judicial abilities. I therefore strongly urge his approval by the Senate in his appointment to the United States Supreme Court.

WILLIAM FISHER, Jr.

ST. PETERSBURG, FLA.,
March 20, 1970.

HON. EDWARD J. GUERNEY,
Senate Office Building,
Washington, D.C.:

I wish to record my wholehearted endorsement of Judge Carswell for elevation to the Supreme Court.

MARK R. MCGARRY, Jr.,
Circuit Judge.

TAMPA, FLA., *March 21, 1970.*

Senator ED GURNEY,
Senate Office Building,
Washington, D.C.:

Having tried cases before Judge Carswell, winning and losing, and having recently argued in the U.S. Supreme Court, I can assure that Judge Carswell would be a valuable member of that Court. Press reports that he is not competent or is not intelligent are simply not based on the facts. The truth is he is too intelligent and too incisive in his thinking to be taken in by inept analogy or loose argument and he has an instinct for doing justice. As for the argument that he has been reversed in civil rights cases, would it not be fair to ask "who has not". I hope you can make those who think they should vote against confirming Judge Carswell know that they are being misled by people who have never, or rarely, practiced before him or have little idea of what a judge's duty is. If I can help in any way I hope you will let me know.

DEWEY R. VILLAREAL, JR.,
Flower White, Gillen Humkey and Kinney.

PANAMA CITY, FLA.,

Hon. EDWARD J. GURNEY,
U.S. Senate,
Washington, D.C.

I would like to reaffirm my convictions in support of Judge Carswell as a candidate for the Supreme Court. I practiced before Judge Carswell for approximately seven years and selfishly regretted his elevation to the fifth circuit court of appeals because of his extreme competence as a jurist on the district court level. However, there is no doubt that his ability demanded such consideration of Judge Carswell based on Judge Carswell demonstrated abilities. I feel extremely earnest in stating that all citizens would be well served by him as a member of our Supreme Court and accordingly I urge you to influence your colleagues to confirm Judge Carswell for membership on the Supreme Court.

ROWLETT. W. BRYANT.

MIAMI, FLA., *March 21, 1970.*

Senator EDWARD GURNEY,
Senate Office Building,
Washington, D.C.:

I wish to thank you for your support for Judge Carswell. He is highly qualified to serve on the U.S. Supreme Court. I am proud that President Nixon has nominated and that you will vote to confirm a Southern jurist who is gifted with common sense and practical experience as well as intellectual capability.

ROBERT W. RUST,
U.S. Attorney, Miami, Fla.

MIAMI, FLA.,
March 22, 1970.

Senator EDWARD J. GURNEY,
New Senate Office Building,
Washington, D.C.:

I urge your support for confirmation of Judge Carswell.

THOMAS E. LEE, Jr.,
Circuit Judge.

MIAMI, FLA.,
March 21, 1970.

Senator EDWARD J. GURNEY,
Washington, D.C.

I urge support for confirmation of Judge Carswell.

THOMAS E. LEE, Jr.,
Circuit Judge.

WASHINGTON, D.C.,
March 20, 1970.

Senator EDWARD GURNEY,
Senate Office Building,
Washington, D.C.

Telegram sent to Judge G. Harrold Carswell, New Orleans, Louisiana. Quote, as you may know, we of N.E.G.R.O. have spoken out

in support of your nomination to the United States Supreme Court. As we have neither met nor communicated it would seem useful on the eve of your confirmation by the Senate for me to explain to you why I consider that confirmation in the best interests of black America and the Nation.

Our country finds itself a cauldron of hatred and in the search for headlines and recognition too many of us can only throw more coals on the fire.

In this rush to self-destruction I * * * to tell which the participants hate more, their opponents or themselves. America needs to stop the shouting, to give iitself a second chance and in our view you, Judge G. Harrold Carswell, have become the symbol of that second chance. Blind forgetfulness and turning the other cheek may be attributes of saints and perhaps proper aspirations for men but for most of us your recent public recantation of views expressed in 1948 will do. We take you at your word. If at some instance we must believe that you are insincere, that man cannot grow in understanding that there is no personal redemption, then I would not be writing to you as a neurosurgeon, the president of N.E.G.R.O., or even as an American citizen but would be, as were my ancestors, a slave. Hopefully you are not the last, but certainly not the first, distinguished American to change his mind. But lest I be guilty of the naivete critics of my position claim for me, let me say that sincere or insincere your public recantation of racist views is a watershed in American history. It is a signal to all that your interest and those of any man who aspires to play a significant role in national life can no longer be served by the expression or practice of racism.

As an American I am aware of the need to give ourselves a second chance, but it is as a Negro that I must accept the censure of many to support your nomination as a symbol of the second chance my people need so desperately. For Negroes to insist on a national policy which precludes the concepts of rehabilitation and redemption of the individual is to close the door forever on our black brothers who, because they have been the victims of the very bigotry we decry are today chronic welfare recipients, drug addicts, alcoholics, and convicted criminals. To deny a Judge Carswell the chance to repudiate the task position that we abhor is to deny the black underprivileged as a group the hope that is implied in the principle of redemption. The cry from our people that all America must hear and need is the cry for a second chance.

In human history it has always been the best of us who have identified with the least of us. For you to serve as a symbol of the second chance for America's black forgotten is an opportunity hard one. I sincerely hope that history will record your career on the Supreme Court as distinguished service to that deeply human concept.

In the heat and rancor of national debate there seems little time or inclination today to concern oneself with the personal, human feelings of participants. May I now, regardless of past, present or future disagreement, take the opportunity to express to you as a fellow human being my own deep personal concern for your private self during this protracted period of intense public attention.

THOMAS W. MATTHEW, M.D.,
President, NEGRO.

PANAMA CITY, FLA.,
March 19, 1970.

Hon. EDWARD GURNEY,
U.S. Senator,
Washington, D.C.:

The following information relative to Marianna Civil Action No. M-572 Bay County, Florida, desegregation suit filed in January 1964. First counsel for Negro plaintiffs was Charles F. Wilson, Pensacola, Florida, who I understand, has filed a letter supporting Judge Carswell's nomination to Supreme Court. Present counsel, Theodore Bowers, is one of 14 different lawyers representing individual plaintiffs against school board in 7 years that this case has been pending. Judge Carswell was district judge for approximately 6 of those 7 years. During 6 years Judge Carswell actively encouraged and challenged the parties to pursue voluntary desegregation, failing which he entered numerous desegregation orders. He was constantly calling counsel together to determine desegregation progress. Voluntary efforts without court orders resulted in the total integration of high schools in 1967 by closing county's only all-Negro school. Presently there are no all black schools in Bay County, Florida. Indicative of Judge Carswell's fair play and fair rulings is that in 6 years of continuous desegregation litigation, plaintiffs and NAACP, thought it necessary to appeal his orders only one time and that in 1969 resulting in the Fifth Circuit Court of Appeals, en banc, saying of the Bay County desegregation efforts: "This system is operating on a freedom of choice plan. The plan has produced impressive results but they fall short of establishing a unitary school system." Page 23 of slip opinion—Sing Leton et al v. Jackson Municipal Separate School District et al, case No. 27863.

In 6 years I saw Judge Carswell patiently listen to all arguments of all counsel. No allegation made in any pleading anywhere or on appeal to higher court of mistreatment of any client or counsel by Judge Carswell at any time. No attorney in my 6 years before the court complained to the court of any alleged mistreatment, publicly or privately, prior to nomination of Judge Carswell to U.S. Supreme Court. Judge Carswell did request Justice Department representing USA to try to assign the same lawyer to our case for continuity in order to avoid the court having to review for new counsel old ground already covered and former rulings of the court on evidentiary matters. His patience and courtesy in bringing each new counsel up to date was remarkable to behold. All counsel were treated with respect and fairness. Judge Carswell constantly chided the school board to do better. He told us after Green v. New Kent County, that freedom of choice was out and that we must come up with some other plan. Presently school system operating on straight neighborhood zone plan with all black schools integrated with white students. Letter to follow.

JULIAN BENNETT.

Mr. GURNEY. Again I say to the Senate that it seems to me that if we are going to be fair in our judgment of this nominee to the Supreme Court, we certainly ought to weigh the evidence, as lawyers say—and many of us here are lawyers, including those who have made arguments on the floor of the Senate in the last few days—and in weighing that evidence, it seems to me that the best evidence which we have, certainly, is the evidence of men who know Judge Carswell, who practiced in his court, who met him socially, and who know him as a lawyer and as a judge, rather than the opinion of some law school professor, or some New York lawyer, or some other chap who is hundreds or thousands of miles away and who does not know the judge personally at all.

THE POSTAL STRIKE

Mr. GURNEY. Mr. President, great harm has been done to the Nation by the willful action of a small group of men who have engineered and led the walkout of postal employees.

They have hurt every segment of our society.

They have done great damage to many firms depending on airmail to do business. They have made life more miserable for the poor and the elderly who get their pension or welfare checks through the mail. They have struck a harsh blow at the morale of our troops in Vietnam who are not getting letters. They have struck a blow at the morale of many thousands of mothers and fathers, sisters and wives, of servicemen—particularly our young men overseas—because the mail is not being delivered.

This they have done because, in the minds of many of these postal workers, they have grievances that go beyond reason and make the kind of illegal action they have taken preferable to continued inaction.

This postal strike would not have been necessary—from their point of view—had the Congress of the United States acted in good time. For nearly a year now there have been major postal reform bills before the Congress. And for all those months the leadership of this Congress has refused to meet its obligations and take the action necessary to enact those administration proposals into law.

Mr. President, I call upon the leadership of the Congress to respond as quickly and as firmly as the President has responded to this crisis.

I call upon the leadership to act with speed, and reason, to the needs of the Nation and the postal workers.

Mr. CASE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the role.

Mr. HARRIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING CORRECTIONS IN THE BILL (H.R. 11959) TO INCREASE EDUCATIONAL ALLOWANCES TO VETERANS

Mr. HARRIS. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Concurrent Resolution 554.

The PRESIDING OFFICER. (Mr. DOLE) laid before the Senate House Concurrent Resolution 554, which was read by the bill clerk, as follows:

H. CON RES. 554

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives is hereby authorized and directed, in the enrollment of the bill (H.R. 11959) to amend chapters 31, 34, and 35 of title 38, United States Code, in order to increase the rates of vocational rehabilitation, educational assistance, and special training allowance paid to eligible veterans and persons under such chapters, to make the following corrections, namely: In section 202 of the bill, delete the subsection designation "(a)" immediately after "SEC. 202.", and delete all of subsection (b) thereof; in section 1696(a) of the new sub-

chapter added by section 204(a)(4) of the bill, delete "section 1682(b) of this title" and insert in lieu thereof "subsection (b) of this section"; and in the parenthetical matter contained in section 242(a) of the new subchapter added by section 214(a) of the bill, insert "need for" immediately after "including their".

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, House Concurrent Resolution 554 was considered and agreed to.

SUPREME COURT OF THE UNITED STATES

The Senate resumed the consideration of the nomination of George Harrold Carswell to be an Associate Justice of the Supreme Court of the United States.

Mr. TYDINGS. Mr. President, I should like to address myself to the fitness of Judge G. Harrold Carswell to occupy a position on the highest court of our land.

My conclusion, after sitting through the hearings and studying the record, is that Judge G. Harrold Carswell has demonstrated neither the judicial temperment and fairness nor the professional competence commensurate with the high standard of excellence that must be demanded and should be demanded of a Justice of the Supreme Court. Therefore, I must oppose confirmation of the nomination.

As chairman of the Senate Subcommittee on Improvements in Judicial Machinery, I have been very much concerned with improving the operation of our Federal judicial system. I have chaired countless hearings over the past 5 years, initiated legislation, helped to draft legislation, modified and amended legislation—substantial legislation—dealing with the administration, practices and procedures of the Federal judicial system, including the creation of the Federal jury selection system now in operation, the complete overhauling—indeed, the abolition—of the U.S. commissioners system, setting up the new Federal magistrates system, the development of an effective approach to multidistrict litigation, the management of numerous omnibus judgeship bills, and involving many other legislative areas concerned with the improvement of the Federal judicial system.

Because of this legislative background as well as my personal inclinations and background, I feel a deep responsibility to my colleagues and to the Nation to delve deeply into the issues touching upon the effectiveness of Federal judiciary. Nothing is more relevant to that effectiveness than the process of assuring that the Federal bench and, in particular, the Supreme Court are manned by appointees of the highest quality. Men appointed to the Supreme Court have, for practical purposes, life tenure, with no effective means for discipline or removal. Their influence on our national life may very well transcend that of the President who appointed them.

The role of the Supreme Court in our society is too vital to be endangered by the appointment of men whose judicial temperament or professional qualifications are subject to serious doubt.

In considering those named by the President to vacancies on the Federal district and circuit courts over the past 5 years, and in considering previous nominees for the Supreme Court, I have consistently adhered to the position that, barring an unusual situation, the nomination of a man selected by the President for the Federal bench should be confirmed by the Senate if he has demonstrated a character beyond reproach, professional competency equal to the task set for him, and a proper judicial temperament.

As I stated earlier, the role of our Supreme Court in our society is far too vital to be endangered by the appointment of a man or of men whose judicial temperament or professional qualifications are subject to serious doubt. The notion that a Senator does not have an obligation to insist on a high degree of competence, ability, and judicial fairness runs completely contrary to the Constitution of the United States and to the entire history of our great Nation. There is only one reason why our Founding Fathers wrote into article III provisions requiring Senate advice and consent on Supreme Court nominees, and it is that they expected the Senate to exercise a high influence over the President—to, in the words of Alexander Hamilton, in Federalist Papers No. 76 or 77, put sufficient influence on the President of the United States in order to assure that:

> He would be both ashamed and afraid to bring forward, for the most distinguished or lucrative stations, candidates who had no other merit than that of coming from the same State to which he particularly belonged, or of being, in some way or other, personally allied to him, or of possessing the necessary insignificance and pliancy to render them the obsequious instruments of his pleasure.

Our Founding Fathers did not intend for the U.S. Senate to sit idly by and have that type of man nominated for the Supreme Court of the United States.

The man selected by the President for the Federal bench should have a character beyond reproach, professional competency equal to the task set for him, and a proper judicial temperament. By "proper judicial temperament" I mean at least the ability to put aside one's own prejudices and biases so as to be able to approach every case with a fair and open mind.

These criteria are not always easy to apply. I have made every effort to apply them in a consistent manner to those nominees whose names have been placed before the Senate.

In 1965, the first year I was in the Senate, I opposed the nomination to the district court of Massachusetts of Francis X. Morrissey, a man sponsored by two of my closest personal friends in the Senate, because I believed that his record did not demonstrate the legal ability requisite for a Federal judge. When the Governor of Mississippi, James P. Coleman, was nominated to the fifth circuit, I spoke in his favor on the floor of the Senate and voted to confirm, despite the firm opposition of many civil rights groups in my State. My examination of his record convinced me that he would make a fair and objective judge. Although I had supported the initial appointed of Mr. Justice Fortas, I took the lead in calling for his resignation when the unanswered questions surrounding his nonjudicial activities cast a cloud over the reputation of the Supreme Court. I also supported President Nixon's choice of Judge Warren Burger for Chief Justice, although I have not always agreed with him on substantive issues.

Now the Senate is asked to advise and consent to the appointment of Judge G. Harrold Carswell to be an Associate Justice of the Supreme Court.

I aproached the hearings on Judge Carswell's appointment seeking to learn not what he was when he delivered his infamous racial supremacy speech in 1948, but what he is in 1970, what kind of judge—what kind of man.

Unfortunately, some of the most revealing testimony was presented to the Judiciary Committee after Judge Carswell testified and the members of the committee were not able to review it with him. A request that he be recalled was rejected. Moreover, the short, general rebuttal letter that he submitted for the record was unresponsive and unenlightening. On the whole, however, the hearings were enlightening, indeed shocking, but hardly reassuring.

I will not dwell on Judge Carswell's willingness in 1965 to lend his name and the prestige of his office as U.S. attorney to an effort to circumvent the mandates of the Constitution by converting a public golf course into a private one. Nor will I attempt to analyze similar events that have come to light, such as his attempt, in 1969, to amuse the members of the Georgia Bar Association with a racial joke. These are serious matters, but not, I believe the keys to the case against Judge Carswell.

JUDGE CARSWELL'S LACK OF JUDICIAL TEMPERAMENT

Our judicial system must accord litigants a fair hearing. Justice is not dispensed when a judge's personal views and biases invade the judicial process. In Judge Carswell's court, the poor, the unpopular and the black were all too frequently denied their basic right to be treated fairly and equitably.

Judge Carswell was simply unable or unwilling to divorce his judicial functions from his personal prejudices. His hostility toward particular causes, lawyers and litigants was manifest not only in his decisions but in his demeanor in the courtroom.

Prof. Leroy Clark of New York University supervised the NAACP legal defense fund litigation in Florida between 1962 and 1968. In this capacity he was in charge of the entire civil rights litigation in the State of Florida. Professor Clark believes that there is not a lawyer in the country who has appeared before Judge Carswell on more cases involving civil rights matters. Professor Clark appeared before Judge Carswell in no less than nine or 10 civil rights cases. Testifying before the Judiciary Committee hearings on the nomination, Professor Clark called Judge Carswell—

(T)he most hostile federal district court judge I have ever appeared before with respect to civil rights matters. . . .

Judge Carswell was insulting and hostile. I have been in Judge's Carswell's court on at least one occasion in which he turned his chair away from me when I was arguing. I have said for publication, and I repeat it here, that it is not, it was not an infrequent experience for Judge Carswell to deliberately disrupt your argument and cut across you, while according, by the way, to opposing counsel every courtesy possible.

It was not unusual for Judge Carswell to shout at a black lawyer who appeared before him while using a civil tone to opposing counsel. . . ."

* * * * *

(W)henever I took a lawyer into the State, and he or she was to appear before Carswell, I usually spent the evening before making them go through their argument while I harassed them, as preparation for what they would meet the following day.

Mr. President, a man with that sort of record, whether sitting as a police magistrate, a people's court judge, or a circuit court judge, is not fit to sit on any court, let alone the Supreme Court of the United States.

Another lawyer who has represented various clients in litigation before Judge Carswell in cases involving the civil rights of black people is Theodore R. Bowers. Mr. Bowers has been admitted to practice in all the courts of the State of Florida, the U.S. District Court for the Northern District of Florida and the U.S. Court of Appeals for the Fifth Circuit. He actively practiced before Judge Carswell from 1965 until 1969, when Judge Carswell was elevated to the U.S. Court of Appeals. Mr. Bowers prepared an affidavit in which he strongly reinforces the opinion of Prof. Leroy Clark that Judge Carswell was antagonistic toward rights of minority groups.

Mr. Bower's affidavit states:

Honorable G. Harrold Carswell was very antagonistic toward cases and parties seeking to secure and vindicate the civil rights of Negroes. . . .

Mr. President, I ask unanimous consent to have printed in the RECORD, Mr. Bower's affidavit in full.

There being no objection the affidavit was ordered to be printed in the RECORD, as follows:

AFFIDAVIT

STATE OF FLORIDA,
County of Bay:

Theodore R. Bowers being duly sworn deposes and says:

1. That he is an Attorney at Law admitted to practice in all the courts of the State of Florida, the United States District Court for the Northern District of Florida and the United States Court of Appeals for the Fifth Circuit.

2. That he has represented various clients in litigation before the Honorable G. Harrold Carswell, as District Judge, in cases involving the civil rights of black people; that he actively practiced before said judge from 1965 until 1969, when Judge Carswell was elevated to the United States Court of Appeals for the Fifth Circuit.

3. That the Honorable G. Harrold Carswell was very antogonistic toward cases and parties therein seeking to secure and vindicate the civil rights of Negroes.

4. That I am engaged in the practice of law, full time, in the state Courts in the northern part of Florida; that with the exception of a few Municipal Court Judges and judges of inferior state courts of limited jurisdiction (courts below circuit court jurisdiction—the principal trial courts in Flordia), Judge Carswell is, in my opinion, the most prejudice judge before whom I have had the honor to practice.

Dated this 5th day of February, 1970.

THEODORE R. BOWERS.

Sworn to and subscribed before me this 5th day of February, A. D. 1970.

———— ————,
Notary Public.

Mr. TYDINGS. Mr. President, another member of the Florida bar, Maurice Rosen, an attorney involved in various civil rights cases in northern Florida between 1963 and 1964, in an affidavit prepared under oath, states:

That the reputation of Judge Harrold G. Carswell among attorneys handling civil rights cases during that period was that he was not sympathetic to the civil rights movement and that they could not expect to win a civil rights related case before him.

Mr. President, I ask unanimous consent to have the entire affidavit printed in the RECORD.

There being no objection the affidavit was ordered to be printed in the RECORD, as follows:

AFFIDAVIT

STATE OF FLORIDA,
County of Dade, ss:

Before me, the undersigned authority, personally appeared Maurice Rosen, who, being duly sworn upon oath, deposes and says:

1. That he is an attorney and member of the Bar of the State of Florida.

2. That he was involved in various civil rights cases in northern Florida during 1963 and 1964 as an attorney.

3. That the reputation of Judge Harrold G. Carswell among attorneys handling civil rights cases during that period was that he was not sympathetic to the Civil Rights Movement and that they could not expect to win a civil rights related case before him.

Further, affiant sayeth naught.

MAURICE ROSEN.

SWORN TO AND SUBSCRIBED before me this 5th day of February, 1970.

THELMA KAROSHIK,
Notary Public, State of Florida.

My commission expires December 12, 1972.

Mr. TYDINGS. Mr. President, another Florida lawyer, representing clients asserting their constitutional rights before Judge Carswell, James B. Sanderlin, a member of the Florida bar, sent me a telegram which I received this morning, and I ask unanimous consent to have the entire telegram printed in the RECORD.

There being no objection the telegram was ordered to be printed in the RECORD, as follows:

ST. PETERSBURG, FLA.,
March 23, 1970.

Senator JOSEPH TYDINGS,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR TYDINGS: I am a member of the Florida bar and have practiced law in Florida for approximately seven years and have handled a number of civil rights cases. Whenever a colleague and I were discussing the filing of a civil rights case we always tried to avoid Judge Carswell because we could never be sure that we could get an unbiased ruling from him. In his orders in a couple of cases I had before him rather than give the relief asked for in an order he wanted us to accept the good faith of the defendant who we were having to bring into court to seek relief against. By reputation in the field among all the lawyers who handled civil rights cases the feeling was that Judge Carswell could not be relied on for a fair impartial and equitable disposition of civil rights matters.

JAMES B. SANDERLIN.

Mr. TYDINGS. Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BAYH). The Senator from Massachusetts is recognized.

Mr. BROOKE. Mr. President, supporters of Judge G. Harrold Carswell have maintained throughout the debate that there is no reason, or at least no legitimate reason, to deny him confirmation to the Supreme Court. I confess that I have been intrigued by their arguments and would like at this time to deal with these issues briefly.

First, it has been pointed out that Judge Carswell was nominated by the President, he is the President's choice, and this fact deserves some weight in our deliberations. I agree. But I am also conscious of the fact that under the Constitution there is a dual responsibility involved in the selection of a judge. The President nominates, but the Senate must give its advice and consent.

At no time in our history has it been expected, even by the men who drafted the Constitution, that the Senate should defer to the President's choice against its own best judgment.

James Madison, in the famous Federalist Papers, emphasized the supremacy of the Legislature in this regard, and believed it would be a check upon "political appointments" by the Executive.

Thus, our congressional mandate is clear: We would not be true to ourselves or to the people we represent if we were to allow ourselves to be governed solely by the President's will.

Second, it has been held that Judge Carswell has earned the highest respect of those with whom he has worked over the years. The Judiciary Committee of the American Bar Association has twice recommended him for confirmation to the Supreme Court. His own colleagues on the Fifth Circuit Court of Appeals have warmly endorsed his nomination. Lawyers who have practiced before him have given him high ratings for his fair and judicial handling of their cases.

But let us look more closely at these supposed indications of support. The American Bar Association has chosen not to rate nominees for the Supreme Court in the same manner that they rate appointees to the lower court. A recommendation of "qualified" in this case, therefore, carries with it no qualitative reference. We do not know if the members of the committee who investigated Judge Carswell's record regard him as "highly qualified," "exceptionally well qualified," or just "barely qualified." There is no indication whatsoever as to what they really think of the man. My guess is that a man would have to be an exceptionally poor candidate for any post to receive an "unqualified" recommendation from the committee, especially after he had been chosen by the President himself to sit on the highest court of the land.

I believe, therefore, that the ABA's en-

dorsement of Judge Carswell has been evaluated by his supporters in a manner all out of proportion to its actual significance.

The ABA committee hearings were far from extensive. They did not have all the evidence before them at the time they made their recommendations. They were, in fact, simply giving their pro forma stamp of approval to the name already selected by the President.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. TYDINGS. Is it not a fact that the ABA committee declined to hear testimony from all of the lawyers who testified against the nomination before the Senate Judiciary Committee?

Mr. BROOKE. It is my understanding that is a fact.

Mr. TYDINGS. Is it not also a fact that they did not take time to receive a full statement from Mr. Lowenthal even after Mr. Lowenthal requested the opportunity to place a written statement before them?

Mr. BROOKE. It is my further understanding that is also a fact.

Mr. TYDINGS. Is it not a fact that they gave their endorsement before they even took the trouble to read the hearing or the testimony taken at the hearings before the Judiciary Committee of the Senate?

Mr. BROOKE. I understand that is true.

Mr. TYDINGS. I thank the Senator.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. MATHIAS. Mr. President, I am a member of the American Bar Association. Very frankly, the association's participation in the last two nominations to the Supreme Court have resulted in a great deal of controversy.

It is a long time since I went to law school, but perhaps the distinguished Senator from Massachusetts, a former attorney general, may be able to refresh my recollection.

As I recall it, there is a rule of law that if one sees a casualty on the highway, he is under no obligation to stop and render first aid. But if he does, he has to do it well.

Mr. BROOKE. The Senator is correct.

Mr. MATHIAS. I think this is a situation of that sort. If the American Bar Association injects itself into these proceedings, it ought to be well done, if it is done at all.

I must confess that I think there is something wrong with the system. There is nothing wrong with the men. I know a great many of the men who serve on that Judicial Selection Committee. They are fine men. They are excellent lawyers. It seems to me that the commission they have been given is improperly drawn or we would not be ending up with the kind of controversial situation we have.

Regardless of the outcome of the pending nomination, regardles of how any individual Senator may act upon it, I think this is a very regrettable development.

Mr. BROOKE. Mr. President, as the Senator has very rightly pointed out, I think it is a great misfortune that the American Bar Association entered into this deliberation in the first instance.

The American public has been led to believe that the American Bar Association has conducted a rather exhaustive study and extensive review of the nominee's qualifications for the position to which he has been appointed.

The proponents, those who have been debating in favor of Judge Carswell, have been using the American Bar Association's approval as the highest recommendation possible that this nominee could receive. And I think it has been with some justification that the American people have been relying upon the American Bar Association's recommendation and approval.

I am a member of the American Bar Association, as is the distinguished junior Senator from Maryland.

I see the distinguished senior Senator from New Jersey on the floor, the distinguished Senator from Maryland, the distinguished senior Senator from Michigan, and the distinguished junior Senator from Michigan, also. I think we all are or have been at some time members of the American Bar Association.

Mr. CASE. Mr. President, would the Senator admit the senior Senator from New Jersey to that hallowed circle?

Mr. BROOKE. Mr. President, I think I named the distinguished senior Senator from New Jersey first.

Mr. CASE. Mr. President, I am sorry. I was reading, and I did not hear the Senator mention my name.

Mr. BROOKE. I think there are others who are also members of the American Bar Association. It has always appeared to represent the pinnacle of the legal profession. Therefore, for a long period of time this association has been called upon to make investigations and make recommendations to the President of the United States relative to his appointments to the Supreme Court.

Let me back up for a moment, before the nomination of Clement Haynsworth, and the most recent nomination to the Supreme Court, to the promotion of Mr. Justice Fortas to the position of Chief Justice of the United States. It is my understanding—and some Senator may correct me if I am wrong—that when the American Bar Association was called upon to make its recommendation to President Johnson in connection with his elevation of Justice Fortas to the highest and most exalted position of Chief Justice of the United States, there was a conference phone call made at 7 o'clock in the morning to the members of the judiciary committee of the American Bar Association to solicit their approval. This is incredible to me. If this is a fact—and I understand it to be a fact—it is incredible that this constituted the full extent of the investigation and the examination into Mr. Justice Fortas that the American Bar Association's judiciary committee was performing at the time it was to make its recommendation to the President.

I know that Mr. Fortas was a member of the Supreme Court, so that his qualifications, at least to sit as a member of that body, had already been examined. He was a member of that body. But still, here the President was asking for a recommendation for a Chief Justice of the United States from this highly legal body, the American Bar Association, and they oblige with a conference telephone call at 7 o'clock in the morning in order to make recommendations. As the distinguished senior Senator from Maryland pointed out in colloquy on the floor of the Senate this afternoon, little or no investigation was made into qualifications of the nominee now before us.

Mr. TYDINGS. Mr. President, will the Senator yield at that point?

Mr. BROOKE. I yield.

Mr. TYDINGS. Did the Senator know that John Lowenthal, professor of law at Rutgers University, whose testimony was so tremendously persuasive before the Committee on the Judiciary—and which is found at page 139 of the record and thereafter in the hearings—was invited by this committee of the American Bar Association to give his opinion of Judge Carswell's competence to sit on the Supreme Court; that he asked for time to submit a written statement and certain documentation; that within a day or two, before he had a chance to submit the documentation he was told that the committee had already made up its mind?

I do not know whether the committee would have been influenced by the testimony Professor Lowenthal produced at our hearings before the Committee on the Judiciary, but as one lawyer, I was very impressed, and I cannot help but think some members of that American Bar Association committee would have been equally impressed. I say this because I know that the individual members of this committee are outstanding lawyers and gentlemen who would like to view this nomination with an open mind.

I cannot help but think also, as the Senator reflected on the American Bar Association custom of passing on justices for the Supreme Court, how very different their treatment for handling justices of the Supreme Court is from handling judicial nominations for U.S. district judges and judges for U.S. circuit courts of appeal. In the latter instances, the Attorney General, at least in recent cases, has submitted names of candidates for district judges or judges for the U.S. courts of appeal to the American Bar Association and their committee. In one instance a nomination brought up here, proposed by two of my closest friends in the Senate—which nomination I opposed and it later was withdrawn, Frank Morrissey—was opposed by the American Bar Association after careful screening. But when one comes to Supreme Court nominations this procedure is not followed. Rather the President expects his selection to be quickly rubber stamped without careful evaluation of the nominee. Thus, the whole system of the American Bar Association's approval or disapproval of Supreme Court nominations is broken down because it appears to be nothing more or less than confirming or almost rubberstamping a nomination already announced by the President.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. BROOKE. Does not the Senator feel that this is in fact a misrepresentation to the President, to the Senate, and to the American people? The President has every right to believe, the Senate has every right to believe, and the American people have every right to believe that when the American Bar Association gives approval or makes a recommendation, that judgment is based upon some extensive, if not exhaustive, examination of the total qualifications of the nominee.

Mr. TYDINGS. I think the Senator is absolutely correct. And because it is clearly not based on an exhaustive examination of the total qualifications of the nominee, something is wrong with the system. I do not see how it can be considered a fair examination.

Certainly, if ever there was an example that pointed out the failure of the Committee on Judicial Selections of the American Bar Association to do the job the lawyers of America have a right to expect of them, and which all of us who are members of the American Bar Association have a right to expect of them, that example is the nomination now pending before the Senate.

Mr. BROOKE. I have one comment on the point which the Senator from Maryland just raised relative to those judges who sat with the proposed nominee. I submit that the, supposed recommendation of those who practiced with Judge Carswell on the fifth circuit court of appeals is also open to question. There are 15 members of that court, of which he is one. Five letters of recommendation appear in the transcript of hearings, of which one, the letter of Judge Elbert B. Tuttle, has since been modified—and I might add by virtue of the investigation of the senior Senator from Maryland—it has been modified so significantly as to indicate a withdrawal of support.

According to Judge Tuttle, he indicated to Judge Carswell in a telephone conversation of January 28, 1970, while the confirmation hearings were still in progress, that: "I could not testify in support of his nomination."

Since then it has come to light, primarily through press reports that Judge Miner Wisdom, also of the fifth circuit, also withheld his endorsement. And that it was two other judges on the court who objected to the circulation of a joint letter endorsing the nominee.

Therefore, of the 15 judges on the court, the record stands at four and four with six judges, excluding Judge Carswell as an interested party, uncommitted. Given the natural reluctance of many members of the bench to comment on a matter that is constitutionally within the province of the legislative and executive branch to decide, this is a remarkable record.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. MATHIAS. I would like to make one thing clear. With reference to the participation of the American Bar Association in this proceeding, it is not only the senatorial members of the American Bar Association that are unhappy with the events that have evolved in connection with both the Haynsworth and the Carswell nomination. I hear from other members of the bar who are important members of the American Bar Association, that they are unhappy.

I think it also should be clear that it is apparently the system that is at fault because they are good men, strong men, and able and discerning men on the committee.

I think what we need to know is what commission that committee was given. Were they supposed to undertake a thoughtful evaluation of the kind that goes to the editors of Good Housekeeping, when they undertake to put the seal of approval on some product, which involves a thorough and comprehensive examination? Or is it just supposed to be like the medical examinations for draft boards during World War II; if the body was warm and breathed a little, they shot it through. What is the commission of that bar association committee?

Mr. TYDINGS. The Senator would agree that we need to know more about their mandate.

Mr. MATHIAS. I think we ought to know what job it was given, because I do not think we ought to be unfair to the members of the committee.

Mr. BROOKE. Mr. President, if the Senator will yield, we should know not only what job they were given, but what could be rightly expected by the Senate and by the Nation as to their recommendation.

Mr. MATHIAS. I think this is where every member of the American Bar Association assumes some responsibility, because I think the public, at least, thinks the commission given to it was the commission that Good Housekeeping is given in putting the seal of approval on something—evaluating the product, testing, checking the product's reputation, and everything else. That is where the bar association and where we in the Senate bear some responsibility.

Mr. CASE. Mr. President, will the Senator yield?

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. BROOKE. Mr. President, I had yielded to the Senator to ask a question. I thank the Senator from West Virginia for protecting my rights.

Mr. BYRD of West Virginia. I say to the able Senator, I may not continue to protect them very long.

If the Senator will yield further, may I ask how long this filibuster is expected to continue?

Mr. BROOKE. May I say to the distinguished Senator from West Virginia that even before coming to this august body I had always objected to filibusters, and certainly I have no intent of participating in a filibuster now. It was my understanding that this was a debate on the nomination of G. Harrold Carswell to be a member of the Supreme Court of the United States; that the proponents and opponents would be engaged in a debate which would be very helpful to the Senate in arriving at whatever decision it ultimately will come to in the days ahead. So I want to assure my very distinguished friend that, if this is a filibuster, I am not aware of it, and certainly not a party to it.

The matter which I am discussing here with my colleagues is one, I think, of great importance, and obviously they think it is of great importance to be here this late in the evening discussing these matters.

Again, I thank the distinguished Senator for protecting my rights to debate the nomination of G. Harrold Carswell.

Mr. MATHIAS. Mr. President, will the Senator yield for one final observation?

Mr. BYRD of West Virginia. Mr. President, will the able Senator yield?

Mr. BROOKE. I think, in all fairness, I should certainly yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, let me assure the distinguished Senator I have no objections to filibusters when they become necessary in the interest of a worthy purpose, but if we are going to have one, I think we ought to play by the rules, and a filibuster is a pretty tough, hard game. I think we ought soon to begin to apply the rules, and I think those who want to continue in this extended debate should be put on notice that there will come a time, if this is going to be a filibuster—I have no objection, as I say, to filibusters; there are times when I think filibusters are proper, and I have participated in them myself—but there are rules of the Senate which I think, when it becomes evident that a filibuster is in progress on this nomination, should be utilized and rigidly applied by Senators who wish to bring this matter to a vote in due time.

Mr. BROOKE. I am aware of the Senator's feelings about filibusters and the fact that he has participated in them, but I want to assure him that he and I disagree in this regard. I object to filibusters, as I have said, and, I repeat, I am not a party to a filibuster, if it is one. I spoke on this nomination before, and I said then I expected to speak on it further, because certain issues have come to mind that I would like to debate. But I have other matters to debate, and I am sure the Senator stands for my right to debate them, and debate them without their being characterized as filibusters.

Mr. BYRD of West Virginia. If the Senator will permit me to just say that I certainly want to hear him when he discusses these matters further, I certainly defend his right to say what he wishes and to speak as long as he desires. But if this is going to be a filibuster—and my remarks are not directed to the Senator solely—then I think there comes a time when we have to apply the rules, and one rule we are breaking right now, should any Senator wish to object, is that of yielding for other than a question. The able Senator yielded to me, and I thank him.

Mr. CASE. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. CASE. Does the Senator know—and this is to elicit information—whether in the course of our discussions the exact letter of the selection committee of the American Bar Association to the chairman of our Judiciary Committee of January 26, 1970, has been placed in the CONGRESSIONAL RECORD?

Mr. BROOKE. I do not know.

Mr. CASE. If not, would the Senator object if I asked at the appropriate time to do so, or if I asked him if he would insert that letter into the RECORD at this point, perhaps, together with a statement by the standing committee on Federal judiciary, which is the same committee to which I referred, which sets out precisely the considerations that were taken into account and those that were not taken into account?

Mr. BROOKE. I assure the Senator that I would not object, and would consider it a contribution if the Senator would have it printed in the RECORD at this point.

Mr. CASE. If the Senator will yield for that purpose, I wonder if the Senator from West Virginia would object if I asked permission to insert it in the RECORD at this time.

Mr. BYRD of West Virginia. Yes, I object.

Mr. CASE. Mr. President, if the Senator will yield further——

Mr. BYRD of West Virginia. Mr. President, I withdraw my objection.

The PRESIDING OFFICER. The Chair would like to be advised of what the will of the Senate is.

Mr. BROOKE. Mr. President, the distinguished Senator from West Virginia has withdrawn his objection, so the distinguished Senator from New Jersey can insert the matter into the RECORD.

Mr. CASE. Mr. President, I ask unanimous consent that I may have printed in the RECORD at this point the American Bar Association letter on the Judge Carswell nomination, and also a statement of the qualifications it considered in connection with the matter.

There being no objection, the statement and letter were ordered to be printed in the RECORD, as follows:

REPORT OF THE AMERICAN BAR ASSOCIATION STANDING COMMITTEE ON FEDERAL JUDICIARY, FEBRUARY 20, 1970

It is our pleasure to report that the relations between President Nixon's administration and our Committee continue to be excellent. Attorney General Mitchell and Deputy Attorney General Kleindienst have pursued an unbroken policy of recommending to the President for appointment to the Federal District Courts and Courts of Appeals only lawyers found by our Committee to be qualified, well qualified or exceptionally well qualified. President Nixon is the first President who has maintained this policy, unbroken, during his first year in office when political pressures upon a new administration are often most intense.

GENERAL ACTIVITY OF THE COMMITTEE

Since January 20, 1969 the Committee has submitted a total of 46 Informal Reports and 39 Formal Reports. Six Formal Reports and three Informal Reports are still in progress.

Of the Formal Reports submitted, 24 were for vacancies in the District Courts and 15 were for vacancies in the Courts of Appeals. Four of the candidates were found to be "Exceptionally Well Qualified", 20 were found to be "Well Qualified", and 14 were found to be "Qualified". One was found "Not qualified by reason of age".

Of these investigated informally, 40 were found qualified or better and six not qualified. Five names were withdrawn from consideration while an investigation was in progress.

The Committee has also reported favorably to the Judiciary Committee of the Senate as to the professional competence, integrity and judicial temperament of a nominee for the office of Chief Justice of the United States, Warren E. Burger, and of two nominees for the office of Associate Justice of the Supreme Court of the United States, Chief Judge Clement E. Haynsworth and Judge G. Harrold Carswell. The problem posed to the Committee by these nominations will be discussed at greater length at the end of this report.

The Committee deeply appreciates the ready cooperation which it has received from members of this Association.

PRESIDENTIAL APPOINTMENTS AND NOMINATIONS

Since January 20, 1969 President Nixon has nominated 31 persons for judicial office other than the Supreme Court. Of these, four have been found "Exceptionally Well Qualified", 15 "Well Qualified" and 12 "Qualified". Of these, 27 have been confirmed. In addition, four vacancies exist in Courts of Appeals and 12 in District Courts for which nominations have not yet been submitted. Three of these vacancies are over one year old, the others less than seven months.

Attached as Exhibit A is a list of vacancies in existence since January 20, 1969 and the President's action taken as to each.

APPEARANCE AT INDUCTION CEREMONIES

The Committee has continued the practice established several years ago of appearing through one of its members or authorized representatives at the induction ceremonies of judges. At such occasions, when appropriate under the procedures of the Court in question, the representative of the Committee has made a brief statement outlining its function, emphasizing the objective of the American Bar Association to encourage the appointment of qualified judges, and extending congratulations and best wishes to the new judge. We believe that these appearances are valuable to the Association and to the profession. We are grateful to all of the lawyers who have given their time to assist the Committee in this effort.

ANTICIPATED WORKLOAD

In addition to the usual vacancies arising from retirement, resignation and death, the Committee anticipates a large increase in its work as a result of the expected passage of pending bills which will add approximately 70 new federal judgeships.

AGE RESTRICTIONS

Since the last meeting of the Association, the Committee has reconsidered its guideline as to the maximum age at which persons under consideration for judicial nomination should be considered qualified. As to persons *not* already in the Federal judicial system, there has been no change: A person over the age of 64 will not be considered qualified for nomination to a United States District Court or Court of Appeals; a person over 60 will not be approved unless he would otherwise have been found well qualified or exceptionally well qualified. As to United States District Judges who are under consideration for appointment to a Court of Appeals, if they are over the age of 64 they will be approved only if they would otherwise have been well qualified or exceptionally well qualified; after reaching the age of 68, they will be considered not qualified by reason of age. This represents a liberalization of the rule as expressed in our last report in that the requirement for District Judges between the age of 64 and 68 has been dropped from exceptionally well qualified to well qualified and eligibility for retirement has been eliminated as a basis in itself for disqualification.

SUPREME COURT APPOINTMENTS

In his first year in office, President Nixon has nominated three lower court judges for vacancies on the Supreme Court. The first, Judge Warren E. Burger of the Court of Appeals for the District of Columbia was nominated and confirmed as Chief Justice of the United States. Chief Judge Clement E. Haynsworth of the Fourth Circuit Court of Appeals was nominated for the office of Associate Justice but was not confirmed by the Senate. Judge George Harrold Carswell, of the Fifth Circuit Court of Appeals was then nominated for this vacancy. His nomination is now awaiting action by the Senate.

All of these nominees were reported favorably by our Committee. President Nixon has followed his announced policy of not consulting the Committee with respect to the nomination of Supreme Court justices. In each case, however, the Senate Committee on the Judiciary has requested the Committee's views as to persons nominated for this Court.

In accordance with past practices, the Committee has restricted its comments to matters of professional qualification—integrity, judicial temperament, and professional competence. As to Judge Haynsworth, the Committee's view was expressed by the formulation in use for several years—"highly acceptable from the viewpoint of professional qualifications." At that time, however, the Committee decided to discontinue the future use of this obscure formulation and to limit its rating to "qualified" or "not qualified". Accordingly, in the case of Judge Carswell, the Committee responded to the inquiry of the Senate by letter and in more expanded form. A copy of this letter is attachted hereto as Exhibit B. In this letter the Committee expressly stated that its investigation was limited to the professional competence, integrity and judicial temperament of the nominee.

Notwithstanding the limitation which the Committee has expressed in one form or another as to the scope of its evaluation of Supreme Court nominees, critics from time to time have attacked its views as though they constituted full endorsement of the President's selection. Yet professional qualification was only one of a number of equally important factors properly considered by the President in making his selection which the Committee has never attempted to evaluate—and which it is accordingly in no position to explain or defend.

The minimum standards of integrity, judicial temperament and professional competence which the Committee traditionally applies to Supreme Court nominees are substantially the same as those applied for federal Courts of Appeals. The Committee has not attempted to suggest that these standards be different for the Supreme Court. This does not imply that added distinction is not to be sought in Supreme Court nominees but rather that this quality is not as readily measurable in the narrow terms of professional competence as in the case of the lower courts, because of the unique powers of the Supreme Court.

If the Committee adheres to its present practice, its evaluations will continue to be criticized at least in part on the basis of factors not within the relatively narrow scope of its investigation. On the other hand, if it were to depart from its previous policy and undertake to express its view as to a nominee's ideology, stature and distinction it would be drawn into areas involving nonprofessional matters and areas in which evaluation is extremely subjective.

The Committee has been and is continuing to review its procedures and scope of in-

vestigation with emphasis on its role as to Supreme Court appointments which, unlike those for other federal courts, are made without consultation with the Committee. It will welcome the suggestions of members of this House for its improvement.

Respectfully submitted.

Sumner H. Babcock, Albert R. Connelly, Harry G. Gault, Robert H. Harry, Charles A. Horsky, Richard E. Kyle, Norman P. Ramsey, Miles G. Seeley, John A. Sutro, Sr., Robert L. Trescher, Sherwood W. Wise, Lawrence E. Walsh, Chairman.

AMERICAN BAR ASSOCIATION,
New York, N.Y., January 26, 1970.

HON. JAMES O. EASTLAND,
Chairman, U.S. Senate Judiciary Committee, Washington, D.C.

DEAR SENATOR: Thank you for your telegram of January 21, 1970 inviting the comments of the American Bar Association Standing Committee on the Federal Judiciary with respect to Judge G. Harrold Carswell, who has been nominated for the office of Associate Justice of the Supreme Court of the United States. The Committee is unanimously of the opinion that Judge Carswell is qualified for this appointment.

This committee has previously investigated Judge Carswell for appointment to the District Court in 1958 and for appointment to the Court of Appeals for the Fifth Circuit in 1969. On each occasion Judge Carswell was reported favorably for these appointments. The Committee has now supplemented these investigations within the limits fixed by your telegram.

With respect to nominations for the Supreme Court, the Committee has traditionally limited its investigation to the opinions of a cross-section of the best informed judges and lawyers as to the integrity, judicial temperament and professional competence of the proposed nominee. It has always recognized that the selection of a member of the Supreme Court involves many other factors of a broad political and ideological nature within the discretion of the President and the Senate but beyond the special competence of this Committee. Accordingly, the opinion of this Committee is limited to the areas of its investigation.

In the present case the Committee has solicited the views of a substantial number of judges and lawyers who are familiar with Judge Carswell's work, and it has also surveyed his published opinions. On the basis of its investigation the Committee has concluded, unanimously, that Judge Carswell is qualified for appointment as Associate Justice of the Supreme Court of the United States.

Respectfully yours,
LAWRENCE E. WALSH,
Chairman.

Mr. MATHIAS. Mr. President, will the Senator from Massachusetts yield one further time to me?

Mr. BROOKE. I yield.

Mr. MATHIAS. Mr. President, as we entered the debate on this second controversial nomination, it appeared to me that it would be helpful to learn how much controversy there had been in previous confirmation debates in this century. I asked the Library of Congress to take a look into that question. The Library reports that, including the Haynsworth debate, there had been 13 prior rollcalls on confirmations in this century, the first being that of Justice McReynolds, in 1914.

As one reviews those rollcalls, he is compelled to note the absence of any high degree of controversy in most of the cases.

I think it is very instructive that although there were rollcalls in these 13 cases, in most of them the opposition which is recorded is very small; and of course in a number of cases there was approval of confirmation by voice vote—the roll was not even called—which is evidence that there was very little controversy on those matters.

My only point is that certainly the Senate was not any less aggressive, or any less concerned, or any less interested in the quality of the Supreme Court during those years than it is now. I think we have to assume that our predecessors were as vigilant in the public interest during this whole period as we are. But the point is that, I think, someone had done his homework in almost every one of these cases; and I think it is regrettable that the country is again in the situation in which we now find ourselves.

I ask unanimous consent to have these rollcalls printed at this point in the RECORD. I believe they are instructive and helpful, and outline the historical perimeter of the problem we now face.

There being no objection, the rollcalls were ordered to be printed in the RECORD, as follows:

[From the Journal of Executive Proceedings of the Senate, Vol. XLVII]

NOMINATION OF JUDGE MCREYNOLDS

SATURDAY, AUGUST 29 (LEGISLATIVE DAY, AUGUST 25) 1914

The Senate proceeded to consider executive business at 11 o'clock and 20 minutes a.m., with the Vice President in the chair.

Consideration of the nomination of James Clark McReynolds to be an Associate Justice of the Supreme Court of the United States was resumed.

After discussion, the question being, Will the Senate advise and consent to the said nomination? Mr. Norris demanded the yeas and nays, and the demand being adequately seconded, the Vice President directed the Secretary to call the roll. The call resulted, 44 yeas and 6 nays, as follows:

Yeas: Messrs. Bankhead, Brady, Bryan, Burton, Chamberlain, Chilton, Clarke of Arkansas, Colt, Culberson, Dillingham, Fall, Gallinger, Hughes, Lea of Tennessee, Lee of Maryland, Lewis, McCumber, Martin, Martine, Myers, Nelson, Newlands, O'Gorman, Overman, Perkins, Pittman, Pomerene, Ransdell, Reed, Shafroth, Sheppard, Shields, Simmons, Smith of Maryland, Smith of Michigan, Smith of South Carolina, Smoot, Swanson, Thomas, Thompson, Thornton, Townsend, White, and Williams—44.

Nays: Messrs. Clapp, Cummins, Jones, Norris, Poindexter, and Vardaman—6.

Accordingly, it was

Resolved, That the Senate advise and consent to the appointment of the said James Clark McReynolds to be an Associate Justice of the Supreme Court of the United States agreeably to his nomination.

By unanimous consent, Mr. Smith of Georgia, who had been unavoidably absent during the roll call, was permitted to state that if he had been present he would have cast his vote in favor of Mr. McReynolds' confirmation.

[From the CONGRESSIONAL RECORD—Senate, June 1, 1916, Vol. 53, p. 9032]

CONFIRMATION OF JUDGE BRANDEIS

EXECUTIVE SESSION

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 30 minutes spent in executive session the doors were reopened.

NOMINATION OF LOUIS D. BRANDEIS

The injunction of secrecy was removed from the following proceedings in executive session:

UNANIMOUS-CONSENT AGREEMENT, MAY 26, 1916

That not later than Thursday, June 1, 1916, the majority members of the Committee on the Judiciary and the minority members thereof may file reports upon the nomination of Louis D. Brandeis to be an Associate Justice of the Supreme Court of the United States, which reports shall forthwith be printed in confidence for the use of the Senate; that, on the said day—Thursday, June 1, 1916—at not later than 4:55 o'clock p.m., the Senate shall proceed to the consideration of executive business, and that at 5 o'clock p.m., on the said day, the Senate shall proceed to vote, without debate, upon the said nomination to a final conclusion.

It is further ordered that, after the said vote, the said reports and the proceedings upon the vote shall be printed in the RECORD, and the injunction of secrecy removed from all matters in relation to said nomination.

Vote on the question of advising and consenting to the appointment of Mr. Brandeis. Yeas and nays asked by Mr. CHILTON.

YEAS, 47

Ashurst, Bankhead, Beckham, Broussard, Chamberlain, Chilton, Culberson, Fletcher, Gore, Hardwick Hitchcock, Hollis.

Hughes, Husting, James, Kern, La Follette, Lane, Lea, Tenn., Lee, Md., Lewis, Myers, Norris, O'Gorman.

Overman, Owen, Phelan, Pittman, Poindexter, Ransdell, Reed, Saulsbury, Shafroth, Sheppard, Shields, Simmons.

Smith, Ariz., Smith, Ga., Smith, Md., Smith, S.C., Stone, Taggart, Thomas, Thompson, Underwood, Vardaman, Walsh.

NAYS, 22

Brady, Brandegee, Clark, Wyo., Cummins, Curtis, Dillingham, du Pont, Fall, Gallinger, Harding, Lippit, Lodge.

Nelson, Newlands, Oliver, Page, Smith, Mich., Sterling, Sutherland, Townsend, Warren, Works.

NOT VOTING, 27

Borah, Bryan, Burleigh, Catron, Clapp, Clarke, Ark., Colt, Goff, Gronna, Johnson, Me., Johnson, S. Dak., Jones, Kenyon, McCumber.

McLean, Martin, Va., Martine, N.J., Penrose, Pomerene, Robinson, Sherman, Smoot, Swanson, Tillman, Wadsworth, Weeks, Williams.

Announcing the vote, the Vice President stated that the resolution of confirmation had been agreed to, and announced that the nomination had been confirmed.

Mr. FALL. I have a general pair with the Senator from New Jersey (Mr. Martine). I transfer my pair to the Senator from Utah (Mr. Smoot) and vote "nay." If the Senator from New Jersey (Mr. Martine) were present and not paired he would vote "yea."

Mr. HOLLIS. I have a pair with the junior Senator from New York (Mr. Wadsworth). I transfer that pair to the Senator from Maine (Mr. Johnson). If the Senator from Maine were present he would vote "yea." If the Senator from New York (Mr. Wadsworth) were present he would vote "nay." I vote "yea."

I also desire to state that if the Senator from Minnesota (Mr. Clapp) were present he would vote "yea." He is paired with the Senator from Iowa (Mr. Kenyon), who would vote "nay."

Mr. JONES. I have a pair with the junior Senator from Virginia (Mr. Swanson) and therefore withhold my vote.

Mr. LA FOLLETTE. The Senator from Idaho (Mr. Borah) is paired with the Senator from North Dakota (Mr. Gronna). If the Senator from Idaho were present he would vote "nay."

and the Senator from North Dakota would vote "yea."

Mr. THOMAS. The Senator from Virginia (Mr. Martin) is necessarily absent. If he were present he would vote "yea."

Mr. HUGHES. My colleague (Mr. Martine) is necessarily absent from the Senate. If present he would vote "yea." He is paired with the Senator from New Mexico (Mr. Fall).

Mr. OWEN. I have a pair with the Senator from New Mexico (Mr. Catron). I transfer that pair to the Senator from Florida (Mr. Bryan) and vote "yea."

Mr. JAMES. I desire to announce that the Senator from Ohio (Mr. Pomerene) is paired with the junior Senator from Massachusetts (Mr. Weeks). If present the Senator from Ohio would vote in favor of the confirmation of Mr. Brandeis and the Senator from Massachusetts would vote against the confirmation.

Mr. SAULSBURY. I am paired with the junior Senator from Rhode Island (Mr. Colt). I transfer that pair to the Senator from South Dakota (Mr. Johnson) and vote "yea." If the Senator from South Dakota were present he would vote "yea."

Mr. SUTHERLAND. I have a general pair with the senior Senator from Arkansas (Mr. Clarke), who is absent, but I am at liberty to vote on this question and I vote "nay."

Mr. THOMAS. I have a general pair with the Senator from North Dakota (Mr. McCumber). I transfer that pair to the senior Senator from Virginia (Mr. Martin) and vote "yea."

Mr. LODGE. I desire to announce that my colleague (Mr. Weeks) is paired with the senior Senator from Ohio (Mr. Pomerene). If my colleague were present he would vote "nay."

Mr. WILLIAMS. I have a general pair with the senior Senator from Pennsylvania (Mr. Penrose). If present he would vote "nay" and I would vote "yea," if I had the privilege; but I withhold my vote in consequence of my pair.

Mr. THOMPSON. I have a pair with the Senator from Illinois (Mr. Sherman), but under an arrangement with the Senator from Illinois, if his vote is not controlling, I am permitted to vote on this nomination. I therefore vote "yea." I am requested to announce that if he were present he would vote "nay."

Mr. TILLMAN. I have a pair with the junior Senator from West Virginia (Mr. Goff). If I were at liberty to vote I would vote "yea."

Mr. CURTIS. I have been requested to announce that the Senator from Maine (Mr. Burleigh) is paired with the Senator from Arkansas (Mr. Robinson).

Mr. NEWLANDS (after the result of the vote had been announced). Regarding my vote, I should like to say that I have great admiration for Mr. Brandeis as a propagandist and publicist, but I do not regard him as a man of judicial temperament, and for that reason I voted against his confirmation.

[From the CONGRESSIONAL RECORD—Senate, vol. 64, p. 813]

CONFIRMATION OF JUDGE BUTLER

EXECUTIVE SESSION

Mr. JONES of Washington, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 3 hours and 40 minutes spent in executive session the doors were reopened.

CONFIRMATION OF PIERCE BUTLER

In executive session this day, following the confirmation of Pierce Butler to be an Associate Justice of the Supreme Court of the United States, on motion by Mr. NORRIS and by unanimous consent, the rules were suspended, and it was

Ordered, That the vote by which the Senate declined to rerefer the nomination to the Committee on the Judiciary and the vote by which Mr. Butler was confirmed be made public.

The vote, on the motion of Mr. LA FOLLETTE to recommit the nomination to the Committee on the Judiciary, resulted—yeas 7, nays 63, as follows:

YEAS, 7

Harris, Heflin, La Follette, McKellar, Norris, Sheppard, Trammell.

NAYS, 63

Ashurst, Ball, Bayard, Brandegee, Broussard, Bursum, Cameron, Caraway, Colt, Cummins, Curtis, Dial, Dillingham, Ernst, Fernald, Fletcher.

Frelinghuysen, George, Glass, Gooding, Hale, Harrison, Hitchcock, Johnson, Jones, N. Mex., Jones, Wash., Kellogg, Kendrick, Keyes, King, Lenroot, Lodge.

McCumber, McLean, McNary, Moses, Myers, Nelson, New, Nicholson, Norbeck, Oddie, Overman, Page, Pepper, Phipps, Poindexter, Reed, Mo.

Reed, Pa., Robinson, Shortridge, Smoot, Stanley, Sterling, Sutherland, Townsend, Wadsworth, Walsh, Mass., Walsh, Mont., Warren, Watson, Weller, Williams.

NOT VOTING, 26

Borah, Brookhart, Calder, Capper, Couzens, Culberson, Edge, Elkins, France, Gerry, Harreld, Ladd, McCormick, McKinley.

Owen, Pittman, Pomerene, Ransdell, Shields, Simmons, Smith, Spencer, Stanfield, Swanson, Underwood, Willis.

Mr. BROOKHART announced his pair with Mr. CALDER, and stated that if he were not paired he would vote "yea."

So the Senate refused to recommit the nomination to the Committee on the Judiciary.

The vote on confirmation resulted—yeas 61, nays 8, as follows:

YEAS, 61

Ashurst, Ball, Bayard, Brandegee, Broussard, Bursum, Cameron, Caraway, Colt, Cummins, Curtis, Dial, Dillingham, Ernst, Fernald, Fletcher.

Frelinghuysen, Glass, Gooding, Hale, Harrison, Hitchcock, Johnson, Jones, N. Mex., Jones, Wash., Kellogg, Kendrick, Keyes, King, Lenroot, Lodge, McCumber.

McLean, Moses, Myers, Nelson, New, Nicholson, Oddie, Overman, Page, Pepper, Phipps, Poindexter, Pomerene, Reed, Mo., Reed, Pa., Robinson.

Shortridge, Smoot, Spencer, Stanley, Sterling, Sutherland, Townsend, Wadesworth, Walsh, Mass., Walsh, Mont., Warren, Warson, Williams.

NAYS, 8

George, Harris, Heflin, La Follette, Norbeck, Norris, Sheppard, Trammell.

NOT VOTING, 27

Borah, Brookhart, Calder, Capper, Couzens, Culberson Edge, Elkins, France, Gerry, Harreld, Ladd, McCormick, McKellar.

McKinley, McNary, Owens, Pittman, Ransdell, Shields, Simmons, Smith, Stanfield, Swanson, Underwood, Weller, Wills.

Mr. BROOKHART announced his pair with Mr. CALDER, and stated that if at liberty to vote he would vote "nay."

So the nomination of Pierce Butler as Associate Justice of the Supreme Court of the United States was confirmed.

[From the CONGRESSIONAL RECORD—Senate, vol. 66, p. 3057]

NOMINATION OF JUDGE STONE

The PRESIDING OFFICER. The yeas and nays have been ordered on confirming the nomination of Mr. Stone, and the Secretary will call the roll.

The reading clerk proceeded to call the roll, and Mr. ASHURST responded "yea."

Mr. SHORTRIDGE. For the benefit of the RECORD, I ask unanimous consent that the report of the hearings before the Committee on the Judiciary be incorporated as a part of the proceedings of this day.

Mr. HEFLIN. Mr. President, does that contain the testimony of those who have appeared against Mr. Stone?

Mr. CURTIS. Mr. President, I will have to make a point of order against the request of the Senator from California. The roll call was commenced and there had been a response.

The PRESIDING OFFICER. The Chair sustains the point of order. The Secretary will proceed with the roll call.

The reading clerk resumed the calling of the roll.

Mr. CURTIS (when his name was called). I have a pair with the senior Senator from Arkansas (Mr. Robinson), who is absent, but on this vote I understand that were he present he would vote as I shall vote, and I therefore vote "yea."

Mr. NORRIS. (when Mr. La Follette's name was called). I was requested to announce that the senior Senator from Wisconsin (Mr. La Follette) is absent on account of illness. If he were present, he would vote "nay."

Mr. WALSH of Montana (when his name was called). In view of the fact that I am counsel for Senator WHEELER, I ask to be excused from voting.

Mr. WATSON (when his name was called). I have a pair with my colleague (Mr. Ralston). If he were present, he would vote as I intend to vote, and therefore I vote "yea."

Mr. WHEELER (when his name was called). Mr. President, I shall refrain from voting on this question, with the permission of the Senate.

The roll call was concluded.

Mr. CURTIS. I was requested to announce that the Senator from Illinois (Mr. McCormick) is unavoidably detained from the Senate. Were he present, he would vote "yea."

Mr. BROUSSARD (after having voted in the affirmative). I have a general pair with the senior Senator from New Hampshire (Mr. MOSES), who, if he had been present, would have voted as I have voted.

Mr. JONES of Washington. I desire to announce that the Senator from New Hampshire (Mr. Moses), the Senator from Missouri (Mr. Spencer), and the Senator from West Virginia (Mr. Elkins) are necessarily absent, and if present they would vote "yea."

Mr. JONES of New Mexico. I was requested to announce that the Senator from Maryland (Mr. Bruce) is necessarily absent, and that if present, he would vote "yea."

The rollcall resulted—yeas 71, nays 6, as follows:

YEAS—71

Ashurst, Ball, Bayard, Bingham, Borah, Brookhart, Broussard, Bursum, Butler, Cameron, Capper, Caraway, Copeland, Couzens, Cummins, Curtis, Dale, Dial.

Edge, Edwards, Ernst, Fornald, Ferris, Fess, Fletcher, George, Glass, Gooding, Greene, Hale, Harreld, Harrison, Howell, Johnson, Calif., Jones, N. Mex., Jones, Wash.

Kendrick, Keyes, Ladd, McKeller, McKinley, McLean, McNary, Mayfield, Means, Metcalf, Neely, Norbeck, Oddie, Overman, Pepper, Phipps, Ransdell, Reed, Mo.

Reed, Pa., Sheppard, Shields, Shortridge, Simmons, Smith, Smoot, Stanfield, Stanley, Sterling, Swanson, Wadsworth, Walsh, Mass., Warren, Watson, Weller, Willis.

NAYS—6

Frazer, Heflin, Johnson, Minn., Norris, Shipstead, Trammell.

NOT VOTING—19

Bruce, Dill, Elkins, Gerry, Harris, King, LaFollette, Lenroot, McCormick, Moses.

Owen, Pittman, Ralston, Robinson, Spencer, Stephens, Underwood, Walsh, Mont., Wheeler.

The PRESIDENT pro tempore. Upon the ques-

tion, Shall the Senate advise and consent to the nomination of Harlan Fiske Stone to be Associate Justice of the Supreme Court of the United States the yeas are 71 and the nays are 6. So the Senate advises and consents to the nomination.

Mr. CURTIS. I ask that the President be notified of the action of the Senate.

The PRESIDENT pro tempore. The President will be notified.

[From the CONGRESSIONAL RECORD—House, Feb. 13, 1930, Vol. 72, p. 3591]

NOMINATION OF JUDGE HUGHES

Mr. KEYES (when Mr. Moses's name was called). My colleague (Mr. Moses) is necessarily absent. If present, he would vote "yea."

Mr. FESS (when Mr. Reed's name was called). I desire to announce that the senior Senator from Pennsylvania (Mr. Reed) is detained at the Naval Arms Conference in London. If present, he would vote "yea."

Mr. SHEPPARD (when the name of Mr. Robinson of Arkansas was called). The senior Senator from Arkansas has been paired, at his request, in favor of the confirmation. He is paired with the junior Senator from Nebraska (Mr. Howell), who, if present, would vote "nay." The Senator from Arkansas is detained in attendance at the Naval arms conference in London.

Mr. THOMAS of Oklahoma (when his name was called). On this question I have a pair with the junior Senator from Indiana (Mr. Robinson). I understand that if he were present he would vote "yea." If I were permitted to vote, I would vote "nay."

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from South Carolina (Mr. Smith), who is detained at home by reason of illness, and who, I am informed, would vote "nay" if present. I transfer my pair to the senior Senator from Pennsylvania (Mr. Reed) and vote "yea."

The roll call was concluded.

Mr. SHEPPARD. The senior Senator from Maryland (Mr. Tydings) is unavoidably detained from the Senate. If present, he would vote "nay." He is paired with the senior Senator from Rhode Island (Mr. Metcalf), who would, if present, vote "yea."

Mr. FESS. The junior Senator from Kentucky (Mr. Robsion), if present, would vote "yea."

The result was announced—yeas 52, nays 26, as follows:

YEAS, 52

Allen, Ashurst, Baird, Barkley, Bingham, Broussard, Capper, Copeland, Dale, Deneen, Fess, Fletcher, Gilbert.

Glenn, Goff, Goldsborough, Gould, Greene, Grundy, Hale, Harrison, Hastings, Hatfield, Hebert, Jones, Kean.

Kendrick, Keyes, McCulloch, McNary, Oddie Patterson, Phipps, Pine, Ransdell, Schall, Shortridge, Smoot, Steck.

Steiwer, Stephens, Sullivan, Swanson, Thomas, Idaho, Townsend, Trammell, Vandenberg, Wagner, Walcott, Walsh, Mass., Waterman, Watson.

NAYS, 26

Black, Blaine, Blease, Borah, Bratton, Brookhart, Connally, Couzens, Dill, Frazier, George, Glass, Harris, Hawes.

Johnson, La Follette, McKellar McMaster, Norbeck, Norris, Nye, Overman, Sheppard, Simmons, Walsh, Mont., Wheeler.

NOT VOTING, 8

Brock, Caraway, Cutting, Hayden, Heflin, Howell, King, Metcalf, Moses, Pittman.

Reed, Robinson, Ark., Robinson, Ind., Robsion, Ky., Shipstead, Smith, Thomas, Okla., Tydings.

So the Senate advised and consented to the nomination of Charles Evans Hughes to be Chief Justice of the United States.

The VICE PRESIDENT. The President will be notified.

[From the CONGRESSIONAL RECORD—Senate, Vol. 72, p. 8487]

NOMINATION OF JUDGE PARKER

The VICE PRESIDENT. Eighty-four Senators have answered to their names. A quorum is present. The question is, Will the Senate advise and consent to the nomination?

Mr. HARRISON and Mr. McKellar called for the yeas and nays, and they were ordered.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. TRAMMELL (when Mr. Fletcher's name was called). I desire to announce the unavoidable absence of my colleague (Mr. Fletcher) on account of illness.

Mr. ROBINSON of Arkansas (when Mr. George's name was called). The Senator from Georgia (Mr. George) is absent. If he were present, he would vote "nay."

Mr. GLENN (when his name was called). On this matter I have a special pair with the senior Senator from Florida (Mr. Fletcher), who is unavoidably absent from the Chamber. I understand that if present he would vote "yea." If I were at liberty to vote, I should vote "nay."

Mr. BLACK (when Mr. Heflin's name was called). My colleague the senior Senator from Alabama (Mr. Heflin) is absent on important business. He is paired with the Senator from South Dakota (Mr. Norbeck). If my colleague were present, he would vote "nay," and if the Senator from South Dakota were present I am informed that he would vote "yea."

Mr. LA FOLLETTE (when Mr. McMaster's name was called). The junior Senator from South Dakota (Mr. McMaster) is unavoidably absent. If present, he would vote "nay."

Mr. MCNARY (when his name was called). On this question I have a pair with the senior Senator from South Carolina (Mr. Smith). If he were present, he would vote "yea." If I were at liberty to vote, I should vote "nay."

Mr. KEYES (when Mr. Moses's name was called). My colleague (Mr. Moses) is unavoidably absent. He is paired with the junior Senator from Oklahoma (Mr. Thomas). If present, my colleague would vote "yea."

Mr. PHIPPS (when his name was called). I have a pair with the Senator from Georgia (Mr. George), who is necessarily absent. If I were at liberty to vote, I should vote "yea."

Mr. STEIWER (when his name was called). On this question I have a pair with the junior Senator from Pennsylvania (Mr. Grundy), who is necessarily absent from the Chamber. I find that I can transfer my pair to the junior Senator from South Dakota (Mr. McMaster), and I transfer the pair and will vote. I vote "nay."

Mr. THOMAS of Oklahoma (when his name was called). On this question I have a special pair with the senior Senator from New Hampshire (Mr. Moses). As stated, if present he would vote "yea." If I were at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. HATFIELD. My colleague the senior Senator from West Virginia (Mr. Goff) has a special pair with the junior Senator from Iowa (Mr. Brookhart). If my colleague were present, he would vote "yea," and I am informed that if the junior Senator from Iowa were present he would vote "nay."

Mr. FESS. I desire to announce that the junior Senator from Kentucky (Mr. Robsion) is paired with the junior Senator from Utah (Mr. King). If the junior Senator from Kentucky were present and at liberty to vote, he would vote "nay," and the junior Senator from Utah would vote "yea."

YEAS—39

Allen, Baird, Bingham, Blease, Broussard, Dale, Fess, Gillett, Glass, Goldsborough, Gould, Greene, Hale, Harrison, Hastings, Hatfield, Hébert, Jones, Kean, Keyes, McCulloch, Metcalf, Oddie, Overman, Patterson, Ransdell, Reed, Shortridge, Simmons, Smoot, Steck, Stephens, Sullivan, Swanson, Thomas, Idaho, Townsend, Walcott, Waterman, Watson.

NAYS—41

Ashurst, Barkley, Black, Blaine, Borah, Bratton, Brock, Capper, Caraway, Connally, Copeland, Couzens, Cutting, Deneen, Dill, Frazier, Harris, Hawes, Hayden, Howell, Johnson, Kendrick, La Follette, McKellar, Norris, Nye, Pine, Pittman, Robinson, Ark., Robinson, Ind., Schall, Sheppard, Shipstead, Steiwer, Trammell, Tydings, Vandenberg, Wagner, Walsh, Mass., Walsh, Mont., Wheeler.

NOT VOTING—16

Brookhart, Fletcher, George, Glenn, Goff, Grundy, Heflin, King, McMaster, McNary, Moses, Norbeck, Phipps, Robsion, Ky., Smith, Thomas, Okla.

So the Senate refused to advise and consent to the nomination.

[From the CONGRESSIONAL RECORD—Senate, vol. 81, p. 9103]

CONFIRMATION OF JUSTICE BLACK

I further announce that the Senator from Connecticut (Mr. Maloney) is absent because of illness.

The Senator from Montana (Mr. Wheeler), the Senator from Nevada (Mr. McCarran), the Senator from South Carolina (Mr. Smith), and the Senator from Massachusetts (Mr. Walsh) are unavoidably detained.

The result was announced—yeas 63, nays 16, as follows:

YEAS—63

Adams, Andrews, Ashurst, Bankhead, Barkley, Berry, Bilbo, Bone, Brown, Mich., Brown, N.H., Bulkley, Bulow, Byrnes, Capper, Caraway, Chavez.

Clark, Connally, Dieterich, Donahey, Ellender, Frazier, George, Gillette, Green, Guffey, Harrison, Hatch, Herring, Hitchcock, Holt, Hughes.

Johnson, Colo., La Follette, Lee, Lewis, Logan, Lonergan, Lundeen, McAdoo, McGill, McKellar, Minton, Moore, Murray, Neely, Nye, Overton.

Pepper, Pittman, Pope, Radcliffe, Reynolds, Schwartz, Schwellenbach, Sheppard, Shipstead, Smathers, Thomas, Okla., Thomas, Utah, Truman, Van Nuys, Wagner.

NAYS—16

Austin, Borah Bridges, Burke, Byrd, Copeland, Davis, Gerry.

Glass, Hale, Johnson, Calif., King, Lodge, Steiwer, Townsend, White.

NOT VOTING—16

Bailey, Black, Duffy, Gibson, Hayden, McCarran, McNary, Maloney, Norris, O'Mahoney, Russell, Smith, Tydings, Vandenberg, Walsh, Wheeler.

So the nomination of Senator Hugo L. Black, of Alabama, to be Associate Justice of the Supreme Court of the United States, was confirmed.

Mr. NEELY. Mr. President, for friendly reasons which all will understand, I move that the Senate reconsider the vote by which it has just advised and consented to the confirmation of the nomination of Senator Black.

Mr. BARKLEY. Mr. President, I move to lay that motion on the table.

The VICE PRESIDENT. The question is on the motion of the Senator from Kentucky.

The motion to lay on the table was agreed to.

Mr. BARKLEY. Mr. President, I now move that the President be notified of the action of the Senate in advising and consenting to this nomination.

The VICE PRESIDENT. The question is on the motion of the Senator from Kentucky.

The motion was agreed to.

[From the CONGRESSIONAL RECORD—Senate, Apr. 4, 1939, vol. 84, p. 3788]

CONFIRMATION OF JUDGE WILLIAM O. DOUGLAS

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of William O. Douglas to be an Associate Justice of the Supreme Court of the United States?

Mr. BARKLEY. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BARKLEY (when Mr. Tydings' name was called). The Senator from Maryland (Mr. Tydings) is unavoidably detained. I am authorized to say that if he were present he would vote "yea."

The roll call was concluded.

Mr. BYRNES (after having voted in the affirmative). I have a pair with the Senator from Maine (Mr. Hale). I transfer that pair to the senior Senator from Illinois (Mr. Lewis), and let my vote stand.

Mr. AUSTIN. The Senator from Wisconsin (Mr. Wiley) and the Senator from Vermont (Mr. Gibson) are necessarily absent from the Senate. If present, both Senators would vote "yea."

I also announce that the Senator from Minnesota (Mr. Shipstead), who is necessarily detained, would, if present, vote "yea."

Mr. MINTON. I announce that the Senator from California (Mr. Downey), the Senator from Iowa (Mr. Herring), the Senator from Oklahoma (Mr. Lee), and the Senator from Florida (Mr. Pepper) are detained in Government departments. I am advised that if present and voting these Senators would vote "yea."

The Senator from Oklahoma (Mr. Thomas), the Senator from Missouri (Mr. Truman), the Senator from Illinois (Mr. Lucas), and the Senator from Idaho (Mr. Clark) are unavoidably detained. I have been requested to announce that if present and voting these Senators would vote "yea."

The Senator from Montana (Mr. Wheeler) is detained in a meeting of the Committee on Interstate Commerce.

The Senator from West Virginia (Mr. Holt) is absent because of a death in his family.

The Senator from North Carolina (Mr. Bailey), the Senator from iVrginia (Mr. Glass), the Senator from Indiana (Mr. Van Nuys), the Senator from Ohio (Mr. Donahey), and the Senator from Massachusetts (Mr. Walsh) are unavoidably detained.

Mr. MCKELLAR (after having voted in the affirmative). I inquire if the senior Senator from Delaware (Mr. Townsend) has voted?

The PRESIDING OFFICER. The Chair is informed the Senator from Delaware has not voted.

Mr. MCKELLAR. I have a pair with the senior Senator from Delaware, which I transfer to the junior Senator from Illinois (Mr. Lucas), and allow my vote to stand.

Mr. HILL. My colleague the senior Senator from Alabama (Mr. Bankhead) is detained from the floor on official business. I am authorized to say that if present he would vote "yea."

Mr. BARKLEY. The senior Senator from Illinois (Mr. Lewis) is absent on important public business. I am authorized to say that if present he would vote "yea."

Mr. OVERTON. The junior Senator from Louisiana (Mr. Ellender) is absent, attending a committee meeting. I am authorized to say that if present he would vote "yea."

The result was announced—yeas 62, nays 4, as follows:

YEAS—62

Adams, Andrews, Ashurst, Austin, Barbour, Barkley, Bilbo, Bone, Borah, Brown, Burlow, Burke, Byrd, Byrnes, Caraway, Chavez.

Clark, Mo., Connally, Danaher, Davis, George, Gerry, Gillette, Green, Guffey, Gurney, Harrison, Hatch, Hayden, Hill, Holman, Hughes.

Johnson, Colo., King, LaFollette, Logan, Lundeen, McCarran, McKellar, McNary, Maloney, Mead, Miller, Minton, Murray, Neely, Norris, O'Mahoney.

Overton, Pittman, Radcliffe, Reynolds, Russell, Schwartz, Schwellenbach, Sheppard, Smathers, Smith, Steward, Taft, Thomas, Utah, Wagner.

NAYS—4

Frazer, Lodge, Nye, Reed.

NOT VOTING—30

Bailey, Bankhead, Bridges, Capper, Clark, Idaho, Donahey, Downey, Ellender, Gibson, Glass, Hale, Herring, Holt, Johnson, Calif., Lee, Lewis.

Lucas, Pepper, Shipstead, Thomas, Okla., Tobey, Townsend, Truman, Tydings, Vandenberg, Van Nuys, Walsh, Wheeler, White, Wiley.

So the nomination of William O. Douglas, of Connecticut, to be Associate Justice of the Supreme Court of the United States was confirmed.

Mr. BARKLEY. Mr. President, I ask unanimous consent that the President be notified of the confirmation of the nomination of Mr. Douglas.

The PRESIDING OFFICER. Without objection, the President will be notified.

[From the CONGRESSIONAL RECORD—Senate, Mar. 16, 1955, vol. 101, p. 3036]

CONFIRMATION OF JUDGE HARLAN

The PRESIDING OFFICER (Mr. Frear in the chair). A quorum is present.

The question is, Will the Senate advise and consent to the nomination of John Marshall Harlan to be an Associate Justice of the Supreme Court of the United States?

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCOTT (when his name was called). On this vote I have a pair with the senior Senator from Oregon (Mr. Morse), who is absent. If he were present and voting he would vote "yea." If I were permitted to vote I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. CLEMENTS. I announce that the Senator from Georgia (Mr. George), the Senator from Michigan (Mr. McNamara), the Senator from Oregon (Mr. Morse), the Senator from Montana (Mr. Murray), the Senator from Alabama (Mr. Sparkman), and the Senator from Missouri (Mr. Symington) are absent on official business.

The Senator from Massachusetts (Mr. Kennedy) is absent by leave of the Senate because of illness.

I further announce that the Senator from Massachusetts (Mr. Kennedy), the Senator from Michigan (Mr. McNamara), and the Senator from Missouri (Mr. Symington) if present and voting, would each vote "yea."

Mr. KNOWLAND. I announce that the Senator from New Hampshire (Mr. Bridges), the Senator from Massachusetts (Mr. Saltonstall), the Senator from Kansas (Mr. Schoeppel), the Senator from New Jersey (Mr. Smith), and the Senator from North Dakota (Mr. Young) are absent on official business.

The Senator from Kansas (Mr. Carlson) is necessarily absent.

If present and voting the Senator from Massachusetts (Mr. Saltonstall) and the Senator from New Jersey (Mr. Smith) would each vote "yea."

The result was announced—yeas 71, nays 11, as follows:

YEAS—71

Aiken, Allott, Anderson, Barkley, Barrett, Beall, Bender, Bennett, Bible, Bricker, Bush, Butler, Byrd, Capehart, Case, N.J., Case, S. Dak., Chavez, Clements, Cotton, Curtis, Daniel, Dirksen, Douglas, Duff.

Dworshak, Ellender, Flanders, Frear, Fulbright, Goldwater, Gore, Green, Hayden, Hennings, Hickenlooper, Holland, Hruska, Humphrey, Ives, Jackson, Jenner, Johnson, Tex., Kefauver, Kerr, Kilgore, Knowland, Kuchel, Lehman.

Long, Magnuson, Malone, Mansfield, Martin, Iowa, Martin, Pa., McCarthy, Millikin, Monroney, Mundt, Neely, Neuberger, O'Mahoney, Pastore, Payne, Potter, Purtell, Robertson, Smith, Maine, Thye, Watkins, Wiley, Williams.

NAYS—11

Eastland, Ervin, Hill, Johnston, S.C., Langer, McClellan, Russell, Smathers, Stennis, Thurmond, Welker.

NOT VOTING—14

Bridges, Carlson, George, Kennedy, McNamara, Morse, Murray, Saltonstall, Schoeppel, Scott, Smith, N.J., Sparkman, Symington, Young.

So the nomination was confirmed.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith of the confirmation of the nomination of John Marshall Harlan, of New York, to be an Associate Justice of the Supreme Court of the United States.

[From the CONGRESSIONAL RECORD—Senate, May 5, 1959, Vol. 105, p. 7472]

CONFIRMATION OF JUDGE STEWART

I also announce that the Senator from Missouri (Mr. Symington) is necessarily absent.

I further announce that, if present and voting, the Senator from Pennsylvania (Mr. Clark), the Senator from Utah (Mr. Moss), the Senator from Montana (Mr. Murray), the Senator from West Virginia (Mr. Randolph) and the Senator from Missouri (Mr. Symington) would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Colorado (Mr. Allott), the Senator from Indiana (Mr. Capehart), and the Senator from Wisconsin (Mr. Wiley) are absent on official business.

The Senator from Nebraska (Mr. Curtis), the Senator from Iowa (Mr. Hickenlooper), and the Senator from New York (Mr. Javits) are necessarily absent.

If present and voting, the Senator from Colorado (Mr. Allott), the Senator from Indiana (Mr. Capehart), the Senator from Nebraska (Mr. Curtis), the Senator from New York (Mr. Javits), and the Senator from Wisconsin (Mr. Wiley) would each vote "yea."

The result was announced—yeas 70, nays 17, as follows:

YEAS—70

Aiken, Anderson, Bartlett, Beall, Bennett, Bible, Bridges, Bush, Butler, Byrd, W. Va., Cannon, Carlson, Carroll, Case, N.J., Case, S. Dak., Chavez, Church, Cooper, Cotton, Dirksen, Dodd, Douglas, Dworshak, Engle.

Frear, Goldwater, Gore, Green, Gruening, Hart, Hartke, Hayden, Hennings, Hruska, Humphrey, Jackson, Johnson, Tex., Keating, Kefauver, Kennedy, Kerr, Kuchel, Langer, Lausche, McCarthy, McGee, McNamara, Magnuson.

Mansfield, Martin, Monroney, Morse, Morton, Mundt, Muskie, Neuberger, O'Mahoney, Pastore, Prouty, Proxmire, Saltonstall, Schoeppel, Scott, Smathers, Smith, Williams, N.J., Williams, Del., Yarborough, Young, N. Dak., Young, Ohio.

NAYS—17

Byrd, Va., Eastland, Ellender, Ervin, Fulbright, Hill, Holland, Johnson, S.C., Jordan, Long, McClellan, Robertson, Russell, Sparkman, Stennis, Talmadge, Thurmond.

NOT VOTING—11

Allott, Capehart, Clark, Curtis, Hickenlooper, Javits, Moss, Murray, Randolph, Symington, Wiley.

So the nomination of Potter Stewart to

be an Associate Justice of the Supreme Court of the United States was confirmed.

Mr. DIRKSEN. Mr. President, I move that the vote by which the nomination was confirmed be reconsidered.

Mr. JOHNSON of Texas. Mr. President, I move to lay on the table the motion to reconsider.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

[From the CONGRESSIONAL RECORD—Senate, Aug. 30, 1967, Vol. 113, p. 24656]

CONFIRMATION OF JUDGE THURGOOD MARSHALL

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the affirmative). On this vote I have a live pair with the distinguished Senator from Mississippi (Mr. Stennis). If he were present and voting he would vote "nay." If I were permitted to vote I would vote "yea." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. Bible), the Senator from Virginia (Mr. Byrd), the Senator from Alaska (Mr. Gruening), the Senator from Oklahoma (Mr. Harris), the Senator from Minnesota (Mr. McCarthy), the Senator from Maine (Mr. Muskie), and the Senator from New Mexico (Mr. Montoya) are absent on official business.

I also announce that the Senator from Indiana (Mr. Hartke), the Senator from North Carolina (Mr. Jordan), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), the Senator from Montana (Mr. Metcalf), the Senator from Wisconsin (Mr. Nelson), the Senator from Georgia (Mr. Russell), the Senator from Florida (Mr. Smathers), and the Senator from Mississippi (Mr. Stennis) are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. Bible), the Senator from Alaska (Mr. Gruening), the Senator from Indiana (Mr. Hartke), the Senator from South Dakota (Mr. McGovern), the Senator from Montana (Mr. Metcalf), the Senator from Maine (Mr. Muskie), and the Senator from New Mexico (Mr. Montoya) would each vote "yea."

On this vote, the Senator from Oklahoma (Mr. Harris) is paired with the Senator from Florida (Mr. Smathers).

If present and voting, the Senator from Oklahoma would vote "yea" and the Senator from Florida would vote "nay."

On this vote, the Senator from Wisconsin (Mr. Nelson) is paired with the Senator from Georgia (Mr. Russell).

If present and voting, the Senator from Wisconsin would vote "yea" and the Senator from Georgia would vote "nay."

On this vote, the Senator from Minnesota (Mr. McCarthy) is paired with the Senator from Arkansas (Mr. McClellan).

If present and voting, the Senator from Minnesota would "yea" and the Senator from Arkansas would vote "nay."

Mr. KUCHEL. I announce that the Senator from Iowa (Mr. HICKENLOOPER) and the Senator from California (Mr. MURPHY) are absent by leave of the Senate on official business.

The Senator from Arizona (Mr. FANNIN) is detained on official business.

If present and voting, the Senator from California (Mr. MURPHY) would vote "yea."

The result was announced—yeas 69, nays, 11, as follows:

[No. 240 Ex.]

YEAS—69

Aiken, Allott, Anderson, Baker, Bartlett, Bayh, Bennett, Boggs, Brewster, Brooke, Burdick, Cannon, Carlson, Case, Church, Clark, Cooper, Cotton, Curtis, Dirksen, Dodd, Dominick, Fong.

Fulbright, Gore, Griffin, Hansen, Hart, Hatfield, Hayden, Hruska, Inouye, Jackson, Javits, Jordan, Idaho, Kennedy, Mass., Kennedy, N.Y., Kuchel, Lausche, Long, Mo., Magnuson, McGee, McIntyre, Miller, Mondale, Monroney.

Morse, Morton, Moss, Mundt, Pastore, Pearson, Pell, Percy, Prouty, Proxmire, Randolph, Ribicoff, Scott, Smith, Spong, Symington, Tower, Tydings, Williams, N.J., Williams, Del., Yarborough, Young, N. Dak., Young, Ohio.

NAYS—11

Byrd, W. Va., Eastland, Ellender, Ervin, Hill, Holland, Hollings, Long, La., Sparkman, Talmadge, Thurmond.

NOT VOTING—20

Bible, Byrd, Va., Fanning, Gruening, Harris, Hartke, Hickenlooper, Jordan, N.C., Mansfield, McCarthy, McClellan, McGovern, Metcalf, Montoya, Murphy, Muskie, Nelson, Russell, Smathers, Stennis.

So the nomination was confirmed.

Mr. HART. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

[From Record Vote Analysis, Vote No. 27, June 9, 1969]

WARREN EARL BURGER—NOMINATION

Subject: Warren E. Burger—Nomination to be Chief Justice of the United States. Vote on confirmation.

Action: Confirmed.

Synopsis: Background—In June 1968, President Johnson accepted "effective at (his) pleasure" the resignation of Earl Warren as Chief Justice of the United States and he subsequently sent to the Senate the nomination of Abe Fortas, Associate Justice of the Supreme Court, to succeed Earl Warren as Chief Justice. After hearings, that nomination was reported to the Senate in September 1968, where it was debated at some length until October 1, 1968, when a motion to invoke cloture failed (see Vote No. 569, 90th Cong., 2d sess.). On the following day President Johnson withdrew the nomination. On May 14, 1969, Associate Justice Fortas resigned, following disclosures concerning certain of his financial activities while on the bench.

On May 23, 1969, President Nixon sent to the Senate the nomination of Warren E. Burger, a judge of the U.S. Court of Appeals for the District of Columbia to succeed Earl Warren as Chief Justice.

Those favoring confirmation contended:

Judge Burger was superbly qualified to serve as Chief Justice. He was educated at the University of Minnesota and at St. Paul College of Law (St. Paul, Minn.) where he received an LL.B. degree, magna cum laude, in 1931. He thereafter practiced law in St. Paul until he was appointed by President Eisenhower to be an Assistant Attorney General of the United States in 1953. Since 1956 he had served on the U.S. Court of Appeals for the District of Columbia.

While on the bench, Judge Burger had been a strict constructionist of the Constitution. He had counseled judicial restraint in his opinions. Apparently he felt the court should interpret the law, but not legislate. His record indicated he believed in strong enforcement of the law, and in equal treatment—with favoritism toward none.

As Chief Justice, Judge Burger would have the chance to be the leader in the reform of judicial philosophy. By example and by leadership, as Chief Justice he could exert a powerful force to restore the reputation of the Supreme Court and to make the Court once again the object of universal respect.

Judge Burger had been subject to the acid test of having to pass upon highly controversial matters. No other circuit court in the Nation had more such matters submitted to it than did the U.S. Court of Appeals for the District of Columbia.

The nominee had participated in 13 years of decisions, some written by him for the majority and some in which he agreed with the majority. However, a great many of them were dissenting opinions in which, without overstepping the bounds of decency and personal accommodation which must prevail on such a high court, he nevertheless was found speaking out fully and clearly for the high principles of constitutional law or of jurisdictional law. He had not hesitated to speak out strongly at times against decisions dominated by other members of the court. With him as Chief Justice one could look ahead to a time when the quality manifested by him so frequently in those 13 years would prove helpful to our country, to the restored strength of the meaning of the Constitution as it was meant to be interpreted, to law enforcement officers, to the lower courts, and to our whole people, in that the whole people would have greater confidence in our judicial processes.

It was a good thing at this juncture that the President had nominated as Chief Justice a person whose record as a lawyer and as a judge could be evaluated from objective information, from decisions he had rendered, and from his philosophy as illustrated by those decisions. His confirmation would have a stabilizing influence and would be welcomed throughout the United States. However, some speeches in favor of confirmation reflected upon the Court and upon the retiring Chief Justice. The Supreme Court, like other institutions, had made errors in decisions. But that Court, under the leadership of Chief Justice Warren had followed the spirit and intent of the Constitution. It had made notable strides to make the promise of the Constitution a living reality.

When a man had been nominated, admittedly for one of the highest offices in the land, he should be subjected to the closest scrutiny. But not one single cogent point had been raised during this debate why the Senators should not vote on this nomination.

With respect to criticism concerning procedure on this nomination, on May 26 a notice was placed in the Congressional Record giving public notice of the time and place at which the hearing would be held. Prior to that date one individual had requested the opportunity to testify. She was subsequently asked to submit a written statement to the commitee and she did so.

On the morning of June 3, the date of the hearing, the committee was open for business at 8 a.m. One individual sent a telegram to the committee counsel requesting a postponement for 3 days in order that he might testify on the nomination. The committee declined that request. Thereafter, committee counsel suggested he submit a statement to the committee but he failed to do so.

After the hearing started, a Mr. Randolph Phillips came into the committee office and complained that he had not been able to hear the testimony, but he did not request the opportunity to testify at any time.

Sixty or seventy witnesses were present in

favor of confirmation, among them five or six former presidents of the American Bar Association. The committee did not hear them but it would have heard this gentleman if he had made a timely request. One could not come in just before a committee meeting and expect to be heard. Under the rules, he would have had no right to testify if someone had invoked the rule.

The members of the committee were unanimously satisfied, 13–0, that this nomination should be approved. The committee could not manufacture testimony against the nominee nor could it manufacture witnesses against him. The committee had before it no grounds of objection to the appointment.

This matter was on the calendar by action of the majority party. If there were those who thought it should not have been brought up on this day, they missed their forum. They could have taken it up within their own caucus or their own steering committee.

Those opposing confirmation contended:

They were opposing the nomination not on the merits, but because the hearing record had been received only that morning and they had not had a chance even to read it. After the recent unfortunate affair on the Court, assurances were being given by everyone that there would be a careful review of any of the appointments. The Senators had a responsibility to read the record of the hearings before voting for a Chief Justice.

There was also the statement circulated among some Senators by Randolph Phillips, chairman of the Committee Opposed to the Confirmation of Judge Warren Earl Burger to be Chief Justice of the United States. When Mr. Phillips saw on the day of the hearing that he would not be admitted to the hearing, he asked the Secretary to the committee counsel to seek from Senator Mansfield office authorization for him to be admitted. The secretary refused, saying that he was at the head of the line and would be admitted as soon as there was a seat.

Only 1 hour and 45 minutes was given to a public hearing before the committee. When lawyers wished to testify, who apparently were not publicity seekers, consideration should be given to deferring the matter for a few days.

One Senator opposed confirmation because in 1952 the nominee was an active participant against him in his campaign for reelection. The Senator objected to the manner in which the issues were presented to the people of his district that year because he felt they misrepresented his position and they were designed to elicit an emotional if not prejudiced response.

Action: The nomination was confirmed.

The result was announced—yeas 74, Nays 3, as follows:

YEAS 74

Aiken, Allen, Allott, Anderson, Baker, Bayh, Bellmon, Bennett, Bible, Boggs, Brooke, Burdick, Byrd, Va., Byrd, W. Va., Cannon, Case, Cooper, Cotton, Curtis, Dirksen, Dodd, Dole, Dominick, Eagleton, Eastland.

Ellender, Ervin, Fannin, Goodell, Griffin, Gurney, Hansen, Harris, Hartke, Hatfield, Holland, Hruska, Jackson, Jordan, N.C., Jordan, Idaho, Kennedy, Long, Magnuson, Mathias, McClellan, McGee, McGovern, Miller, Mondale, Montoya.

Mundt, Muskie, Packwood, Pearson, Proxmire, Randolph, Russell, Saxbe, Schweiker, Scott, Smith, Sparkman, Spong, Stennis, Stevens, Symington, Talmadge, Thurmond, Tower, Tydings, Williams, N.J., Williams, Del., Yarborough, Young, N. Dak.

NAYS 3

McCarthy, Nelson, Young, Ohio.

ANSWERED "PRESENT" 1

Fulbright.

NOT VOTING 22

Church, Cook, Cranston, Fong, Goldwater, Gore, Gravel, Hart.

Hollings, Hughes, Inouye, Javits, Mansfield, McIntyre, Metcalf, Moss.

Murphy, Pastore, Pell, Percy, Prouty, Ribicoff.

	Republicans (43)	Democrats (57)
Analysis of vote:		
Yeas (74)	36	38
Nays (3)	0	3
Present (1)	0	1
Not voting (22)	7	15
Positions of Senators not voting:		
Not paired—Position "yea"	[1] 7	[2] 11
Not paired—No position	0	[3] 4

Note: Absent: Official business: Church, Fong, Hart, Inouye' Javits, Mansfield, Percy. Necessarily absent: Cook, Cranston' Goldwater, Gore, Hollings, Hughes, McIntyre, Metcalf, Moss' Murphy, Pastore, Pell, Prouty, Ribicoff. Because of a death in the family: Gravel.

[1] Cook, Fong, Goldwater, Javits, Murphy, Percy, Prouty.

[2] Church, Cranston, Gravel, Hollings, Hughes, Mansfield, McIntyre, Moss, Pastore, Pell, Ribicoff.

[3] Gore, Hart, Inouye, Metcalf.

[From the CONGRESSIONAL RECORD—Senate, Nov. 21, 1969, Vol. 115, p. 35396]

NOMINATION OF CLEMENT F. HAYNSWORTH, JR.

The question is, Will the Senate advise and consent to the nomination of Clement Haynsworth, Jr., to be an Associate Justice of the Supreme Court of the United States?

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The clerk will call the roll.

The VICE PRESIDENT. The Chair wishes to caution the gallery that there will be no outbursts at the announcement of this vote.

The legislative clerk called the roll.

The result was announced—yeas 45, nays 55, as follows:

[No. 154 Ex.]

YEAS—45

Aiken, Allen, Allott, Baker, Bellmon, Bennett, Boggs, Byrd, Va., Byrd, W. Va., Cook, Cotton, Curtis, Dole, Dominick, Eastland.

Ellender, Ervin, Fannin, Fong, Fulbright, Goldwater, Gravel, Gurney, Hanson, Holland, Hollings, Hruska, Jordan, N.C., Long, McClellan.

Mundt, Murphy, Pearson, Prouty, Randolph, Russell, Smith, Ill., Sparkman, Spong, Stennis, Stevens, Talmadge, Thurmond, Tower, Young, N. Dak.

NAYS—55

Anderson, Bayh, Bible, Brooke, Burdick, Cannon, Case, Church, Cooper, Cranston, Dodd, Eagleton, Goodell, Gore, Griffin, Harris, Hart, Hartke, Hatfield.

Hughes, Inouye, Jackson, Javits, Jordan, Idaho, Kennedy, Magnuson, Mansfield, Mathias, McCarthy, McGee, McGovern, McIntyre, Metcalf, Miller, Mondale, Montoya, Moss, Muskie.

Nelson, Packwood, Pastore, Pell, Percy, Proxmire, Ribicoff, Saxbe, Schweiker, Scott, Smith, Maine, Symington, Tydings, Williams, N.J., Williams, Del., Yarborough, Young, Ohio.

So the nomination was rejected.

Mr. BROOKE. Mr. President, I ask the distinguished Senator from Maryland whether he thinks that the American Bar Association has lived up to its responsibility in regard to the recommendation that has been received in the case of G. Harrold Carswell.

Mr. MATHIAS. As I have already indicated to the distinguished Senator from Massachusetts, I think whatever the members of the American Bar Association judicial selection committee may have felt about their conclusion, we ought to be entitled to feel that it was plenary, comprehensive, complete, and final; and I do not believe that the results have fulfilled that definition which the public expected.

Mr. BROOKE. I asked the Senator what weight, if any, he feels the Senate should give to the recommendation of the American Bar Association in this matter of the nomination of G. Harrold Carswell.

Mr. MATHIAS. I had felt, as a new Member of this body, when I approached the first confirmation proceeding in which I was involved, that we should give very great weight to it, that it would be very helpful in a decision—not final nor determinative, but worthy of great weight. But I must confess that I have retreated somewhat from that position.

Mr. BROOKE. I certainly do not want to thrust the Senator to the wall, but the Senator is a very distinguished member of the Committee on the Judiciary, and, as has been pointed out in this colloquy, the American Bar Association committee apparently did not have the benefit of the hearings of the Judiciary Committee and apparently did not conduct an extensive inquiry into the qualifications of the nominee, G. Harrold Carswell. So I ask the Senator from Maryland what weight he will give to its recommendation. Does he feel that he is bound in any way by the recommendation of the American Bar Association of G. Harrold Carswell?

Mr. MATHIAS. Let me say immediately that I consider myself bound in no way whatever, and that I am extremely disappointed in the course that events have taken. That is why I again point out that I think there may be some dichotomy between what the members of that committee thought they were doing and what we and the members of the general public thought they did. I think it would be of value, both in this case and in any future case, to understand fully what that dichotomy may be, if one does exist.

Mr. BROOKE. Did the Senator know that the American Bar Association generally rates nominees "highly qualified," "exceptionally well qualified," and "qualified"; and that it is my understanding—I may be corrected if I am in error—that this is the first time that a person nominated to be Supreme Court Justice has been recommended simply as "qualified," without the use of the adjectives "highly qualified" or "exceptionally well qualified"?

Mr. CASE. Mr. President, if the Senator will yield, in its own report to our Committee on the Judiciary, the Bar Association Committee described exactly what it did. This is the first time that it has limited its judgment, or its expression of its judgment, on a Supreme Court Justice to the single word "qualified."

It had another formulation in regard to Judge Haynsworth, which, I am sorry, has been sent to the Office of the Official Reporters for inclusion in the RECORD; but it is obviously, as the Senator suggests, a much more comprehensive statement.

The thrust of the Senator's remarks is absolutely in the right direction. I personally have never seen a report which was so apologetic as the one which the American Bar Association committee,

headed by Judge Walsh, from New York, made in this case. One of the most significant statements in it is that the committee is unhappy, in effect, because its critics have thought that it was rendering a comprehensive judgment, and it expressly disclaims having done that. It expressly states it is not rendering a comprehensive judgment on Judge Carswell's qualifications.

(At this point Mr. HART assumed the chair as Presiding Officer.)

Mr. BAYH. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. BAYH. The Senator from Massachusetts, who has the floor, has been very kind, and I must say that while acting as Presiding Officer I listened with great interest to the point that has been raised here. I appreciate the Senator from Michigan (Mr. HART) making it possible for me to express a thought in this general direction.

As a relatively young Member of this body, and also a relatively young member of the American Bar Association, I must say very frankly that the exposition of the almost cavalier manner in which our professional association has treated these last two nominations to the Supreme Court is a matter of some significant concern to me, and I am hopeful that, because of the manner in which it is being discussed now, and because several learned members of the bar and legal scholars, I understand, have sent telegrams to the Bar Association asking that it be changed, the result of this discussion will be that greater attention will be given to this significant choice.

As Senators know, there was a considerable amount of concern over the approval given by the Bar Association committee to the Haynsworth nomination. At that particular time, the committee was called into an unusual second Sunday session, and they met most of the day. It seemed to me rather ironic that although there had been documented, at least to the satisfaction of the Senator from Indiana, several areas in which that nominee had violated specific canons of ethics that had been promulgated by the bar association itself, nevertheless, two-thirds of that committee still felt compelled to go ahead and endorse the nomination.

I just wonder if the members of the committee—and, indeed, all of us in the American Bar Association—realize that we are permitting this organization, of which we are all members, to more or less put the Good Housekeeping seal of approval on a nominee, with not the kind of attention that should be given to a decision of this consequence. I think the Senator from Massachusetts and the others who have participated in this colloquy have rendered a significant service, not just in permitting us to examine the nominee before us but, of greater consequence, in perhaps changing the approach to this by the bar association committee, to that in the future a greater degree of study will go into it before recommendation is made.

I salute the Senator from Massachusetts for bringing this matter to our attention.

Mr. BROOKE. I thank the distinguished Senator from Indiana.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article entitled "The American Bar: A Failure of Responsibility," written by the distinguished columnist Anthony Lewis, and published in today's New York Times.

There being no objection the article was ordered to be printed in the RECORD, as follows:

THE AMERICAN BAR: A FAILURE OF RESPONSIBILITY

(By Anthony Lewis)

LONDON.—Some of us have an instinctive respect for the legal profession. We believe with Holmes that "the practice of law, in spite of popular jests, tends to make good citizens and good men." But the performance of the organized bar of the United States is making it hard to sustain that view.

The constitutional rights and legal traditions that protect Americans from arbitrary treatment by authority are under intense attack these days. Lawyers, of all people, might be expected to understand and speak out. But with some honorable exceptions, the voice of the bar is unheard.

RIGHTS UNDER ATTACK

For example, it has long been a fundamental assumption that the police may not invade a man's house or his person without some notice and some showing of cause. Now, in the name of fighting crime, legislation is being pushed to let policemen break into homes, and take blood or fingerprints or other physical evidence from suspects without their consent.

The Nixon Administration has sought, and the House has passed, legislation authorizing the "preventive detention" of men accused but not convicted of crime. There may be good arguments for the idea. But at the least it faces weighty objections in a constitutional system based on the assumption of trial first, sentence after.

The American Bar Association might have discussed some of the pressing issues of official power and individual freedom at its meeting last month in Atlanta. Instead, the delegates debated genocide—and managed to find dangers in the notion of a stand against mass murder. A small majority opposed the Administration's request that the United States join every other major country in ratifying the 1949 treaty on genocide.

Twenty years ago Philip L. Graham, late publisher of the Washington Post and a lawyer himself, told a group of lawyers that their profession had "substantially failed to meet its proper obligation of supporting individual freedom." It had silently acquiesced, he said, in restrictions that not long before "would have raised the collective hairs of this association straight on end."

Mr. Graham happened to be speaking to one legal group that did and does take a serious view of its public duty: The Association of the Bar of the City of New York. But for most of the profession has judgment is even more painfully true now than when he spoke.

THE BAR'S RESPONSIBILITY

The bar surely should feel a special responsibility toward the Supreme Court of the United States. In Britain it would be unthinkable for the profession to stay silent in the face of a political assault on the judicial process, yet that is what in fact is now happening in the United States.

Worse yet, the American Bar Association is playing a supporting role in what must be taken as a calculated effort to demean the Supreme Court. That is the nomination of Judge G. Harrold Carswell to the Court.

The A.B.A.'s Committee on the Federal Judiciary has found Judge Carswell "qualified." This of a nominee whose supporters have been unable to find a single opinion, a speech, a professional activity to which they can point as evidence of the slightest legal distinction. While Judge Carswell sat on the Federal District Court, his decisions taken to appeal were reversed 59 per cent of the time. If he is "qualified" to sit on the Supreme Court, it would be simpler for the A.B.A. committee to do its work by keeping current a list of lawyers who would be "unqualified"—possibly about five.

The irony is that the president of the A.B.A., Bernard G. Segal, must know as well as anyone what an insult to the Court and to the American legal profession the nomination of Judge Carswell is. Mr. Segal is an enlightened man who was for years the dedicated chairman of the A.B.A. Judiciary Committee. One understands the restraints upon him but still wishes he would speak out.

In failing to fulfill its public function the organized bar is surely inflicting wounds upon itself. Bright young people already question the outlook of the legal profession; the big firms are having a very difficult time attracting the best law graduates. If lawyers want to retain their traditional place of honor and influence in American life, they will have to remember, and live by, those other words of Justice Holmes: "The law is the witness and external deposit of our moral life. Its history is the history of the moral development of the race."

Mr. BROOKE. Mr. President, in view of this laxness on the part of the American Bar Association, I do not regard it as surprising that a number of outstanding legal scholars have recently petitioned the ABA to reconsider its recommendation, and to exercise its responsibility by applying to this nomination the same standards it would apply to nominees for lower courts. I concur in this request, and hope that another meeting of the ABA judiciary committee will be held in the near future.

At the same time that the view of the ABA judiciary committee is considered, attention should also be paid to the many hundreds of members of that organization who have openly expressed their strong opposition to the nomination. To cite but a few examples:

Four hundred and fifty-seven lawyers and legal scholars from all over the Nation signed a letter accusing Judge Carswell of having a "closed mind," and being unfit for service on the highest court in the land.

The entire faculty of the University of Iowa College of Law has let it be known, in letters to President Nixon and to Senator MILLER:

We are profoundly disturbed that you and others are willing to support apparent bias and proven mediocrity in order to find (a conservative justice).

The majority of the faculty at Florida State University School of Law in Tallahassee—the law school which Judge Carswell helped to found—has expressed their opposition to his confirmation.

The Washington State Trial Lawyers Association said a poll of its members showed 64 percent were opposed to the appointment of Judge Carswell to the Supreme Court.

A letter signed by over 50 percent of the students at the University of Colorado College of Law, future members of

the ABA, registered their opposition to Judge Carswell's appointment.

There are a multitude of other examples which could be cited. But these are representative of the widespread feeling of dissatisfaction and dismay among members of the legal profession with the present nomination. They throw considerable question on the value of the ABA committee's own unanimous endorsement.

The judge's own qualifications are often cited as reason for the confirmation of his nomination. He is a graduate of law school, a former district attorney, a district judge, and a member of the circuit court of appeals: Seventeen years of continuous public service, in which his nomination was three times confirmed by the Senate for the positions he held.

Mr. President, I have serious doubts about the efficacy of a system which would three times give a man its unqualified support for increasingly responsible posts without once looking into his record. I have read the transcript of his three previous hearings. The longest hearing took 15 minutes, and at no time was an issue of substance raised. I give no credence whatsoever, therefore, to the fact that he has thrice been confirmed by his body.

His record of public service over the last several years has been widely debated in this body, and I do not intend to reiterate the innumerable points which have been made in nearly 2 weeks of public debate on the nomination.

It is worth noting, however, that this "record of public service" includes active participation of then U.S. Attorney Harrold Carswell in a scheme to circumvent the law of the land which he was sworn to uphold. It includes repeated charges of abuse and rudeness directed toward plaintiffs and counsel in numerous civil rights cases, which some have suggested is a violation of the Florida canon of ethics for judicial procedure. It includes a record of 59 percent reversals in his written decisions which were appealed to a higher court—a reversal rate which is 2½ times that of the national average for Federal judges. It includes five reversals in a single year in habeas corpus cases where previous appellate rulings should have governed. And it includes the incorporation in a property deed in the late 1960's of clauses requiring the enforcement of "white only" provisions, a practice declared illegal by the Supreme Court in 1948. (Shelley v. Kraemer, 334 U.S. 1, 1948).

"Seventeen years of public service" says nothing about the quality of that service. Judge Carswell's record in my judgment, hardly qualifies him for higher judicial appointment.

I have no quarrel with the argument that we need a "strict constructionist" on the Supreme Court of the United States. Indeed, I would be willing to vote for such a man if I were convinced that he went to the Court with a reasonably open mind, and that he had the capacity to be fair in his judgments. But I have no such confidence in the case of Judge Carswell. As I said in my speech of February 25, announcing my opposition to his confirmation after the most exhaustive—and discouraging—review of his record:

> The law is ever complex, and a judge's decisions must necessarily include some contradictions and ambiguities. Nevertheless, the judge's decisions afford no sufficient reassurance that he has come to recognize his responsibilities to protect the equal rights of all those appearing before him.

Several highlights stood out in the record then; for me, they stand out even more clearly now:

The judge gives the appearance of having consistently moved at the slowest possible pace, stretching out judicial action and effectively delaying relief for those seeking reasonable compliance with the 1954 Brown decision.

The judge consistently dismissed habeas corpus hearings without even granting the evidentiary hearing which an increasing number of appellate reversals clearly indicated were required.

The judge dismissed a civil rights case in 1968 purely on the basis of a defendant's affidavit, which previous higher court rulings had shown had no probative value.

Are such decisions the mark of a true conservative, a "strict constructionist" of constitutional law and requirements, or do these and other cases more properly suggest a pattern of dilatory, minimal action which tended to frustrate rather than promote the cause of justice?

Mr. President, I have tried to deal today with some more of the arguments which have been raised in Judge Carswell's favor. I find them lacking in substance. I continue to oppose the nomination, and will work actively toward that end.

But my concern is far broader than the prospects of having one unworthy man sit among the other eight distinguished Justices of this Nation. My concern is with respect for the law which is the essential component of a government of laws; with confidence in the justness of Government which is one of the twin pillars of democracy.

Let us look to the Nation, to its needs and expectations. Let us look to the future, to its hopes and aspirations. Let us reject the nomination now before us, and find us a man who, whatever his political philosophy or ideology, is a man of breadth and scope, and wise impartiality in the handling of the law.

Mr. President, a majority of the professors at my law school alma mater, Boston University, recently expressed in a joint letter to me their opposition to the confirmation of Judge Carswell's nomination. In their letter, these professors of the law stressed the need for "outstanding professional and intellectual qualifications" on the Supreme Court, and the need to appoint only fairminded individuals. On both counts, they believe Judge Carswell is lacking.

I ask unanimous consent that the text of the letter be printed at this point in the RECORD.

There being no objection the letter was ordered to be printed in the RECORD, as follows:

BOSTON UNIVERSITY,
SCHOOL OF LAW,
Boston, Mass., March 13, 1970.

HON. EDWARD W. BROOKE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR BROOKE: As law teachers deeply concerned about the law and its administration, we oppose the appointment of Judge G. Harrold Carswell to the United States Supreme Court.

We believe that no one should be appointed to our highest tribunal whose qualifications do not meet the most exacting standards. An appointment to the Supreme Court is the highest honor our nation can bestow on a lawyer. If our judiciary is to remain respected, that honor must be earned by outstanding professional and intellectual credentials. It is our considered judgment that Judge Carswell's record fails to show that he meets these requirements.

We further believe that in the present times only someone whose record of fairmindedness to all citizens is completely unblemished should be appointed to our highest tribunal. Judge Carswell does not meet this requirement. His racial statements in the past and the more recent charges of abuse to civil rights lawyers made against him by responsible members of the bar, inescapably cast doubt on his impartiality and fairness in civil rights cases. As we all know, in these matters it is more important than ever to avoid any grounds for suspicion of bias in our system of law.

A judiciary that can claim the respect of even those who disagree with its decisions is a foundation on which this nation has been built. We urge you not to undermine this foundation, for to do so will only fortify those disenchanted groups who claim that the courts and legal process offer no hope for meaningful justice.

We earnestly request that you vote not to confirm the appointment of Judge Carswell.

Respectfully yours,

David A. Rice, Daniel G. MacLeod, Paul McCarthy, Daniel G. Partan, Henry Paul Monaghan, Eugene C. Roemele, Phillip I. Blumberg, Leonard P. Strickman, Clarence R. Laing, Stanley Z. Fisher, Albert R. Beisel, Jr., Banks McDowell, Ernest M. Haddad, John P. Wilson, William E. Ryckman, Paul M. Siskind, Paul J. Liacos, Members of the Faculty of Law.

Mr. BROOKE. Mr. President, I yield the floor.

ORDER FOR RECOGNITION OF SENATOR HOLLAND TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the conclusion of the remarks by the able senior Senator from Maine (Mrs. SMITH) on tomorrow, the able senior Senator from Florida (Mr. HOLLAND) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER (Mr. BAYH). Without objection, it is so ordered.

PRESIDENT NIXON'S STATEMENT ON POSTAL STRIKE

Mr. HRUSKA. Mr. President, President Nixon today has made a clear and concise statement regarding the postal strike now affecting many of the major cities of this Nation. I commend the President's determination to meet his constitutional obligation, and insure that the mails will go through.

I join the President in urging the striking postal employees to return to work so that negotiations concerning their legitimate grievances can begin.

Mr. President, Congress has declared strikes by Federal workers illegal because their services are essential to the orderly functioning of our Government and our society. The postal service must not be interrupted if we are to maintain our economic system, and insure the free flow of personal and private communications. Americans are particularly dependent on mail service and the country cannot tolerate prolonged interruption for any reason.

I am in agreement that the present postal salaries are inadequate. I have voted for increases in the past and intend to do so in the future. However, I am in total agreement with the President that negotiations cannot proceed under the club of an outlaw strike.

Perhaps even more dismaying is the fact that this illegal strike, if it is allowed to continue, may give encouragement to the lawless and the dissidents. If Federal employees are allowed to disregard their oath of office and blatantly violate Federal law, how can we ask others with grievances to act differently?

We simply cannot allow any Federal Government workers to defy the law and the injunction of the courts. If they succeed in this defiance, the Nation will be at the mercy of every public employee group with any sort of grievance.

Mr. President, I urge the striking postal workers to return to work so that we can get on with the business of negotiating a fair and just return for their services.

DISRUPTION OF POSTAL SERVICE

Mr. PELL. Mr. President, the disruption of postal service is a tragedy for both the postal workers and the American public. It is already dealing a body blow at our business and national welfare, and soon can cause immense anguish to all social security and veterans' benefit recipients, including 122,271 Rhode Island recipients of social security checks and 33,884 Rhode Island recipients of veterans checks.

The tragedy lies in the fact that this disruption has resulted from the backfiring of the tactic of tying postal reform to the pay raise. Yet, while the President may have believed this justified, there has been too much cute legislative gamesmanship involved.

One thing is clear: Full postal service must be restored promptly throughout the country.

I sympathize deeply with the frustration of our postal workers with their wage structure, particularly in view of the general wage increases that have been occuring in private industry and their annoyance with our own action in having raised congressional salaries with raising their salaries.

The postal workers need and deserve a pay raise, and it should be granted to them promptly. At the same time, I am most disappointed that postal workers, in pursuit of a redress of their grievances, have seen fit to disregard their sworn obligation not to strike.

Personally, I have supported every postal pay raise bill that has come before the Congress since I became a Member of the Senate. During that time, since January 1961, I have voted for postal pay raises that have increased pay rates by more than 50 percent.

Indeed, 3 months ago, I voted in the Senate for a bill, H.R. 13000, that would have provided another pay raise for postal workers. But that bill has been effectively blocked in conference because the President decided there would be no pay raise unless it were linked to his postal reform proposal.

I urge the President, Members of Congress, and the postal workers, be they the leadership or rank and file, to work together in order that the mails may move quickly, the present unfair wage structure brought more nearly in line with that of others doing equivalent work, and agreement reached on the outline of a postal structure that can more efficiently handle our mails as we move into the 1970's.

REDEFINING THE LAW OF THE SEA

Mr. PELL. Mr. President, I invite the attention of Senators to an editorial entitled "Redefining the Law of the Sea," published recently in the New York Times.

While the editorial bears primarily on the State Department's recent announcement in favor of a 12-mile territorial sea, the point is also made that this decision could be of little value unless the United States reaches a decision on the outer limits of the Continental Shelf. In this regard the editorial states:

> The United States has attempted to keep these questions separated. . . . But some American legal experts have pointed out that unlimited American claims to rights to exploit the sea bed could encourage claims by other nations to other rights above the ocean floor.

To point up the justification for this observation, I need only remind Senators of the 200-mile claims on the part of Chile, Ecuador, and Peru.

Mr. President, as chairman of the Subcommittee on Ocean Space of the Foreign Relations Committee, I know for the past couple of years that the executive branch has done little more than wring its hands over the Continental Shelf boundary issue, primarily as a delaying tactic to placate the oil industry. The Nation's interest can no longer afford the luxury of such contrived delay; and to paraphrase the memorable words of William Jennings Bryan, I think the American people have the right to demand that this administration stop sacrificing the national interest on a "cross of oil."

I hope that Senators will give serious consideration to the points raised in the New York Times editorial. I ask unanimous consent that it be printed in the RECORD.

There being no objection the editorial was ordered to be printed in the RECORD, as follows:

REDEFINING THE LAW OF THE SEA

The United States has taken a useful but limited first step toward redefining its position on the limits of national jurisdiction over the seas with the announcement by a State Department official that this country now favors extending territorial waters of all countries to a distance of 12 miles.

The United States decision, reversing longstanding insistence on a narrower territorial sea, will help speed United Nations plans for a new conference on the law of the sea to eliminate ambiguities left by earlier conferences in 1958 and 1960. It should assure agreement on the 12-mile limit, already widely accepted, providing that other nations go along with a reasonable American demand for guarantees of free passage through and above international straits that could otherwise be closed under a 12-mile regime.

In disclosing the decision in a speech at Philadelphia recently John R. Stevenson, the State Department's legal counselor, also called for "carefully defined preferential fishing rights for coastal states on the high seas." This proposal could indicate a disposition to move at last toward a compromise agreement to end this country's prolonged dispute with several Latin American states over American fishing activities off the West Coast of the Southern Hemisphere.

Unfortunately, the Stevenson address and a more recent United States statement before the United Nations Seabed Committee leave in doubt the American position on another sea law issue that is of more urgent interest to many U.N. members. That is the question of the limits of national rights on the continental shelf.

In calling for preparatory steps toward a conference on the Law of the Sea last December, the General Assembly made clear it expected the conference to deal with this issue, too, noting that "the problems relating to the high seas, territorial waters, contiguous zones, the continental shelf, the superjacent waters, and the sea-bed and ocean floor beyond national jurisdiction, are closely linked together."

The United States Government has attempted to keep these questions separated. It has appeared to drag its feet on efforts to limit national jurisdiction over the shelf and to establish an international regime that would oversee the orderly exploitation of the sea bed for the benefit of all mankind. This American posture helps to perpetuate an ambiguous 1958 agreement which permits practically unlimited exploitation of the sea bed, an anarchic state of affairs strongly favored by American oil interests, among others.

But some American legal experts have pointed out that unlimited American claims to rights to exploit the sea bed could encourage claims by other nations to other rights above the ocean floor. "I am persuaded wherever the coastal state has sovereign rights for the purposes of exploiting natural resources, it acquires in the long run . . . exclusive rights for other and probably all purposes," Professor Louis Henkin of Columbia University told a Senate subcommittee recently. "Wide continental shelves, then, will mean wide areas under the increasing control of other coastal states from which various uses by the United States could be effectively barred."

If professor Henkin's interpretation is correct—and it is persuasive—the new United States position on territorial seas will be of limited value unless it is accompanied by a decision also to join with other nations to curtail national exploitation of the continental shelves.

NEED FOR NEW WAYS TO VIEW THE WORLD

Mr. PELL. Mr. President, the Saturday Review for March 7 contains an article written by Frank K. Kelly which I commend to Senators and other readers of the RECORD.

It is brought home to us in many ways that, if we are to survive, we must have some new ways of viewing the world. We need an end to hatred and violence among men and a new reverence for the earth which supports all life.

Mr. Kelly's article supports this view and contains an interesting proposal for action toward this end.

Mr. President, I ask unanimous consent that Mr. Kelly's article be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

THE POSSIBILITIES OF TRANSFORMATION—A REPORT ON THE STATE OF MANKIND: 1970

(By Frank K. Kelly)

At the very moment of lift-off there is no sense of movement, an astronaut said. Man may have passed his own moment of lift-off into ultimate change. Now we have a sense of voyaging in ways that are stranger than our dreams.

The word has passed through cities and towns of Europe and the Americas, through the ancient streets and paths of Asia and Africa, to the nomads carrying transistor radios in the Himalayas and the Andes and along the Amazon and the Nile: Man lives on a beautiful colored ball, traveling at high speed through enormous darkness toward the fires of countless suns. The landing on the moon confirmed the solidity of other worlds. Many of us expected to see what we saw; many accepted it with a shrug or a smile. To young people already aware of science fiction, it was a happening that had happened long before. But the sight of our little globe shining in space made us realize that we can be inside and outside at the same time.

In each of us, now that we know so much and know how little that is, there are two states of being, embracing and struggling: Mankind I and Mankind II. We are still attached to the earth, but our minds move in and out in a dizzying rhythm. We are changing so swiftly that we do not know what we are or what we may become.

Since Hiroshima, we have known that the old man must die. The man of devouring ambition, the consuming man, must give way to the new man, the learning man, the man of understanding, the servant of life. The future depends upon our opening of ourselves to the emergence of the servant. The great transformation as we enter the Seventies is the realization that everything can be transformed. Men and nations still fight for land and resources, for principles and pride, but the skies are full of satellites riding high above the drawn lines. No one is dominant over his own destiny; no one can really control any territory anymore.

As we awaken to the knowledge that we have been lifted into ultimate changes beyond our dreams, some of us are fearful; others feel a terrible joy. Many believe that scientists will develop fairly clear explanations of where we are going or build a Great Computer that will bring together all the factors necessary to make a new web of life. There may be thousands, perhaps millions, of unknown factors—but they will be found, the worshipers of New Science believe.

Many have refused to think any longer about immortality of the soul; they contend that man is on the verge of discovering ways of everlasting physical survival. A temporary embodiment of invisible forces, he is learning how to remold the body in which he finds himself. With fabricated parts, man may go on and on from world to world. Death will be confined to lesser forms of life.

Many others believe they are participating in a revolution of the spirit. Institutional churches may be dying, but there are religious torrents running among the young and the old, among people of all ages and places. Mankind II may combine this spiritual revolution with an enormous effort to preserve or reconstruct the web of physical life. The blood sacrifices of Jesus and Gandhi, of Martin Luther King, of John and Robert Kennedy, of all those torn by violence, may be truly honored by those who make the future.

We now have a growing awareness of the importance of the person. Each man is a universe penetrated by other universes. A world begins with each of us, and no one knows its end. What spirals on toward an unknown destination cannot be contained in a vehicle of culture and civilization or described as a collection of invisible atoms linked together into a visible whole. The urgency that shook atoms together into a brain, that began to look through eyes and speak with tongues, is transforming man as man transforms all.

In this transformation we naturally want the strength and goodness of the old man to survive in the new. But the kind of valor and toughness in the old man may now have to yield to a new valor—the courage to surrender joyfully, to accept the fact that we are all closely related to one another, breathing upon one another, touching one another whether we want to touch or not.

The signals that will guide us in the continuing voyage into the future will be the signals of persons in contact—mysterious persons with universal human rights, men like women and women like men, aware that the whole wonder of mankind can be deciphered in every human face, aware that we are all going together and we won't know where we're going until we get there—and then we'll go beyond.

The spread of compassion in the midst of killing the world over indicates that the old man is being replaced. He may refuse to acknowledge that there is any grace in surrendering to peaceful change. He sinks slowly down within us, with roars and rages, retreating into darkness with his scarred shield firmly held, dying with a warning that he may return. Cool eyes of cameras in the skies record the monstrous miseries, the self-inflicted wounds, the crucifixions that men put upon others and upon themselves. But such things are not regarded as inevitable anymore. Even those who say that fighting cannot be quickly stopped—and a bitter truth is on their side—do not want war anymore.

In the United States, Japan, Germany, and other nations where radical groups have been controlled by force leaders seek better solutions to the problems that provoked the violence. Many are calling for drastic changes in the technological society that has crippled or alienated so many people. Wars are no longer considered profitable; industrialists and students alike have recognized that settlement of disputes by armed conflicts must be abandoned.

The gloomiest predictions made during the years since the establishment of the United Nations have not yet come true. The U.N. has been relatively feeble from the beginning—largely dependent upon the major nations, which have often failed to give that support. Yet the U.N. and related agencies—the World Health Organization, the Food and Agriculture Organization, the International Labor Office, the International Bank, UNICEF, the U.N. Development Fund, and many others—have helped to build the foundations for a community of man. U Thant has cited the process of decolonization that has "liberated nearly a billion people in less than a quarter of a century—a development on a scale that was inconceivable in 1945 and in which the U.N. has played a central role. . . . The obligation of the rich nations to assist the poor ones is now widely regarded as a normal feature of life and a new moral precept in the international community. And I think of the Universal Declaration of Human Rights, the effort to make it increasingly applicable, and the endless struggle against racism and discrimination in all their different forms that has been and is being waged at the United Nations."

The Secretary General also has stressed the increasing internationalism of young people. "Nothing could do more," he commented, "to increase the effectiveness of the United Nations than a modification of the concept of national sovereignty in harmony with the intellectual and technological realities of our time. There I believe that artists, scientists, businessmen, those who deal with communications of all kinds, and the young people can help us in a decisive way."

The young sing of answers "blowin' in the wind." All people now realize that the world's winds blow from one continent to another. We breathe our neighbors' air, and they breathe ours. Without clean air, we will choke and die together.

In matters of environment, the implication is clear. Mankind will have to choose between material progress and the continuation of life on Earth.

Sverker Astrom, the Swedish Ambassador to the United Nations, recently proposed a resolution calling for a world conference on what man is doing to his environment. Representatives of fifty-three nations endorsed the proposal, and it was adopted unanimously by the General Assembly. The conference will be held in Stockholm in 1972, but all governments concerned by the swelling tide of pollution obviously have been confronted by demands for more immediate action.

Ambassador Astrom told the Assembly: "Even if we avoid the risk of blowing up the planet, we may, by changing its face, unwittingly be parties to a process with the same fatal outcome. Indiscriminate and uncontrolled use of modern technology, indispensable as such technology is for economic and social progress, may set trends in motion which lead to unforeseen harmful effects in unexpected places."

Ambassador Astrom suggested that the conference might prepare a "Universal Declaration on the Protection and Betterment of the Human Environment." He said he did not know whether many of the damaging effects of runaway technology are irreversible, but he felt that steps to halt pollution have to be taken as swiftly as possible.

In Sweden, a national Consultative Board for Environmental Problems has been created to check the contamination of air and water. Swedish experts found that many pollutants were coming from the high chimneys of Britain and West Germany. Builders of such chimneys in Britain had claimed that their acrid fumes would be carried far from the United Kingdom—perhaps as far as Moscow. The Russians, becoming alarmed, have begun to show more interest in international efforts to control pollution.

Man may have to consider the effects of weather-changing experiments. Should the weather-modifying projects conducted by the United States, Israel, and other countries be monitored by an international commission? Israel has produced rain vital to a parched land in the Middle East, but what will be the long-range consequences? Can computers take into account all the filth spewed by factory chimneys, fallout from hydrogen bombs tested in the atmosphere by Communist China and perhaps others, effects on the earth's crust of underground explosions set off by the Soviet Union and the United States, and all the other repercussions of technological devices?

The crisis of environment will certainly be one of the great issues of the Seventies. President Nixon has established a council to con-

sider all environmental problems, and the governors of many states are studying what needs to be done. Representative Richard L. Ottinger and other members of Congress have proposed a Constitutional amendment that provides for an "Environmental Bill of Rights." Senator Gaylord Nelson of Wisconsin has called for a "national land and ocean use policy that will set environmental standards with immediate sanctions for violations."

Political scientist Harvey Wheeler has predicted a "new politics of ecology." This issue, Wheeler said, produces "conflicts in the realm of knowledge and thought, in Teilhard de Chardin's 'noösphere.' Here we need new policy-forming institutions, based on a different kind of representation, eventually producing new parties devoted to the politics of ecology."

The question of saving life on Earth has become most pressing in the United States; the effects of pollution have become most noticeable here. In California and New York protesters with a wide range of political views have become almost as concerned about the preservation of environment as they are about the Vietnam War.

Divisions between reactionaries and radicals, conservatives and liberals, have become blurred in the struggle to save the air, water, and fertile earth necessary for human survival. Activist students participated in a conference convened by Governor Ronald Reagan of California and heard Mr. Reagan admit that California had been severely damaged. "We messed it up to begin with," Reagan said. "And we can clean it up. The opportunity is ours. The responsibility is ours."

Two powerfully phrased resolutions offered by California students were adopted at conferences on "People and Air" and "People and Water." A twenty-year-old girl from the University of California at Davis asked the state government to ban internal combustion engines in California by 1975. Another resolution, offered by a student from Berkeley, demanded reconsideration of a gigantic water project on which the California state government has already spent many millions of dollars. The resolution said: "Recycling of waste water and desalinization must be given a higher priority than long-distance water transport." It added that "the California water plan must not undergo any further development without further study of the degradation of the ecology of California." Meeting at Stanford University, 200 student leaders formed a confederation to create "more public awareness of our environmental crisis through wide-spread education, the electoral process, lobbying, economic boycotts, and public demonstrations of concern."

People in other states have prodded legislators and governors, judges and city managers, industrialists and union leaders to join the struggle while time remains.

The sign of unity is a sign of hope. This spring there will be a gathering in San Francisco to celebrate the first twenty-five years of the United Nations, to look at the dangers through which mankind has passed, and to renew mankind's confidence in the future. In my view, this would be the right time to present a report on mankind and life on Earth. California would be the right place to assemble those who might produce the ideas and the fiery determination needed to have Earth as a home for man.

Two other major issues to be faced by mankind are population control and the expansion of food production to feed the hungry millions now on the planet.

The prospects for many countries have improved enormously in the last few years, with the doubling of wheat, rice, and corn crops in Asia, Africa, and Latin America through the use of new types of gains, spoilage control, availability of fertilizers, better irrigation methods, and more use of machines. Barring unforeseen disasters, India expects to produce enough food for her 550 million people in 1970–71. Mexico now produces enough wheat for her population and ships a half-million tons of the grain to other countries. Indications are that Pakistan and Turkey will also be exporting grain in the next few years. A study recently released by the U.N. Food and Agriculture Organization indicates that by 1985 the demand for food in the poorer countries will be about two-and-a-half times the 1962 level. New types of wheat, rice, and other cereals are expected to meet this demand, using only one-third of the area now under cultivation. Land not used for cereals will be released for other crops.

These trends may give us enough time to bring the world's population under control before mass starvation occurs. Two distinguished groups recently have issued reports strongly recommending the establishment of a U.N. Commissioner for Population. The United Nations Association Policy Panel—headed by John D. Rockefeller, 3rd—said that such a commissioner should be added to the U.N. Development Program and should administer a fund of $100-million annually for family planning activities. The Commission on International Development, supported by the World Bank and headed by Lester Pearson, former Prime Minister of Canada, recommended that "the United Nations should appoint a Commissioner for Population. An international program should be launched through the World Bank in consultation with the World Health Organization for the mobilization of research in the field of fertility control."

There has been a most hopeful change in attitude toward population control in India, Japan, Pakistan, and other countries, where thousands of men have submitted voluntarily to sterilization. If the new man—the man of compassion, cooperation, understanding—is to dominate the development of mankind in the future, every human being must cooperate. It is clear that people in all parts of the world are awakening to this necessity.

The material resources of the earth are limited and must be conserved. But limitations on the resources of the spirit—the functioning of the mind, the outreach of human sympathy, the awareness that many men still have of an awesome presence given the name of God—have not yet been discovered.

U Thant pointed out the bitter paradoxes of the last twenty years: "On the one hand, there is the remarkable effort of the international community to define common aspirations on a world-wide and regional basis. On the other hand, it is clear that, in spite of the greater awareness and demand for the respect of the individual, serious violations of human rights, including resort to violence and terror, continue to occur."

In 1970 the struggle for human rights will be given more attention than ever before. Many people, young and old, black and white, rich and poor, socialists and businessmen, intellectuals and activists, are now seeking ways of coming together. Huge gaps in understanding and communication have always existed. But this is an age in which these gaps are being recognized and fully explored.

As Mankind II develops, a global dialogue on the rights and duties of man must be initiated and supported by people with many varying views. As we travel outward and inward on the immense journey into an ultimate transformation, we must speak of what we owe to one another as well as what we expect of one another. Our duties to one another in the crisis of our age are very great.

Many eyes have been opened. Many governments have begun to see the folly of what is being done to the earth. The Strategic Arms Limitation Talks indicate that the United States and the Soviet Union want to turn away from the monstrous arms race that has been devouring our substance and shadowing our lives. The emergence of man as the servant of life must be encouraged. The reasons for hope must be shown as clearly as the reasons for alarm.

All education institutions and nongovernmental organizations concerned with the building of a "social and international order" for the attainment of universal human rights should unite to sponsor a continuing report on the state of mankind.

The Center for the Study of Democratic Institutions, the World Man Fund, the Fund for Peace, the World Academy of Arts and Sciences, the John XXIII International Institute, the World Law Fund, the Center for the Study of the Future of Man, the United Nations Associations, the World Federalists, the Cooperators (a newly founded society), and others should devote part of their resources to the formation of a Council for Humanity. The council would present a series of statements by spokesmen for mankind: men and women from a wide variety of countries and cultures.

The council might be composed of leaders from the sponsoring organizations. Half the members would be chosen by youth organizations, and none could serve more than a year. The council would have a very small staff, so that no opportunity for the formation of a bureaucracy would arise.

The first council would simply be charged with beginning a discussion on the state of mankind. Council members would examine the vital issues and make recommendations for national and regional action. Every country would be asked to provide at least four hours of free broadcasting time each month for statements by council speakers. Additional time would be provided for commentaries and criticisms and suggestions for statements from other viewpoints. Newspapers and leading magazines in all nations would be asked to carry the texts of these statements or extensive summaries.

At the end of each year, a day for mankind might be celebrated. The statements of the spokesmen would be published in many languages, in an annual report, and distributed to schools and libraries all over the world. The people of the earth would be urged to write to the council, giving their views and their ideas of speeding the development of a world civilization.

The vast resources of information available through the U.N. and other organizations could be used by members in preparing their statements—but they would speak as persons, communicating with other persons, not as officials speaking for governments or to governments.

There is a turn against war. There is a turn toward the unity of man, stronger than all strife and divisions. There is a turn toward hope. There is a growing realization that we have lifted off into a new age. There is pain ahead. There is suffering. There is a stretching of the very being of man, and the fear that the transformation of this time will change us more than we ever want to change. But while there are voices that we can hear, let us listen to them. Beyond the darkness, there may be light.

PROGRAM

Mr. BYRD of West Virginia. Mr. President (Mr. BAYH), for the benefit of the Senate, and before the Senate shortly adjourns until 10 o'clock tomorrow morning, I shall recapitulate the orders previously entered by the able majority leader.

Following the disposition of the reading of the Journal tomorrow morning, the able senior Senator from Maine (Mrs. SMITH) will be recognized for 10 minutes. The senior Senator from Florida (Mr. HOLLAND) will then be recog-

nized for not to exceed 15 minutes; after which there will be a brief period for the transaction of routine morning business, not to exceed 15 minutes with statements therein limited to 3 minutes, following which the Senate will proceed to the consideration of the conference report on H.R. 514.

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 10 minutes p.m.) the Senate adjourned until tomorrow, March 24, 1970, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate March 23, 1970:

FEDERAL POWER COMMISSION

John N. Nassikas, of New Hampshire, to be a member of the Federal Power Commission for the term of 5 years expiring June 22, 1975. (Reappointment)

U.S. MARSHAL

William B. Henderson, of Kentucky, to be U.S. marshal for the western district of Kentucky for the term of 4 years vice Harry M. Miller, retired.

CONFIRMATION

Executive nomination confirmed by the Senate March 23, 1970:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Robert Harry Nooter, of Missouri, to be an Assistant Administrator of the Agency for International Development.

EXTENSIONS OF REMARKS

SITUATION IN GREECE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. EDWARDS of California. Mr. Speaker, the situation in Greece seems to be worsening every day. Not only are more and more individuals suffering the barbarism of a government which uses torture to keep its citizens in line, but the country which was the first democracy and remained a symbol to the free world for years, under the reign of the junta is turning more and more toward the East and away from the principles of freedom. I request that two articles which appeared in the most recent issue of News of Greece be included in the RECORD. The first is the preface from a new book by James Becket, "Barbarism in Greece," whose report for Amnesty International was the first comprehensive account of the use of torture by the Greek junta. The second describes the growing alliance of the junta with the Eastern European countries, while still enjoying a great deal of military support from the United States. How can the United States, in good conscience, still continue its support for such a government?

The articles follow:

BARBARISM IN GREECE

The subject of this book is horrible. Torture belongs on the darkest side of human behavior, yet in the Greek case there are entries to be made on the credit side of the human ledger. People outside of Greece, especially in Europe, have cared about what was going on, and public opinion has played a role. The European Press has vigorously pursued the subject. The international community through its oragnizations has shown that it is willing to try to do something about it. The Scandinavian governments brought their case before the European Commission of Human Rights not for any commercial or territorial advantage, but because they believed in human rights. Despite pressure from many sides, they had the perseverance to see the case through to its conclusion. The members of the Commission conscientiously discharged their duty, concluding that the Greek regime tortures political prisoners as a matter of policy. Most important of all. Greeks themselves, at great personal sacrifice, had the courage to tell their stories and give their names.

I am convinced that because of this fewer Greeks have been tortured than would have been if the regime had a free hand. Efforts from abroad, however, have their limits, which are tragically demonstrated by the fact the regime continues to torture prisoners. In a sense the possible international effort has now been made, and torture has not been stopped. The future is uncertain. All that has happened, all that is described in these pages cannot be simply forgotten by Greeks. If there is not a change soon, it is difficult to see how Greece can avoid great bloodshed.

GREECE AND THE WORLD: JUNTA TURNS EAST

Relations between the colonels and their Communist neighbors have always been based on expediency, rather than on the ringing denunciations of "communism" and "fascism" which the two parties have uttered for public consumption. They have become especially close in the past year, as both have been estranged from the West European democracies by the objections of the latter to torture in Greece and the invasion of Czechoslovakia.

Two recent developments are especially striking. One is the conclusion of a new economic agreement with the U.S.S.R., under which Soviet exports to Greece are to be stepped up and receive most-favored-nation treatment. At the same time, the Soviet Union is to send technicians to the area north of Kavalla to look for peat (and according to some reports other minerals) and prepare plans for electric production based on it. Greece is to pay for this survey with some of its perennially surplus tobacco. From the Soviet point of view, however, one cigaret might seem an adequate recompense. For the area in question is the site of major American top-secret radar installations. And the Soviet technicians, hunting for minerals with the aid of modern electronic devices, might reasonably be expected to discover other things as well.

The second development is the resumption of trade with Albania for the first time since the end of World War II. The announcement of this agreement between the junta and Communist China's only satellite does not specify what commodities are involved. An appropriate exchange, however, might give Greece a supply of the little red book of Mao's thoughts in return for an equal quantity of the book in which Papadopoulos has embalmed his commentaries.

The junta has also decided to station a permanent trade representative in East Germany, while agreeing to increase its trade with Bulgaria. And Hungary has sent a trade delegation to Athens in connection with the holding of a "Hungarian Festival" there—at a time when the intellectual and artistic world of democratic countries is engaged in a cultural boycott of the Greek dictatorship. "Agreement in principle" has also reportedly been reached on a trade pact with Peking.

The junta will certainly find itself more at home ideologically with the Eastern dictatorships than with the democracies which just chased it out of the Council of Europe. Yet in the present state of the world Papadopoulos may soon find himself faced with the necessity of making an agonizing choice between Moscow and Peking: "Under which king, Bezonian? Speak or die!"

FINAL ACTIONS IN APPROPRIATION BILLS, 91ST CONGRESS, FIRST SESSION—INCLUDING FOREIGN ASSISTANCE AND LABOR-HEW-OEO

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. MAHON. Mr. Speaker, as Members will recall, when the House adjourned sine die on December 23 last, two of the appropriation bills for the current fiscal year 1970 had not been finally enacted—the foreign assistance bill and the Labor-HEW-OEO bill. Conference reports on both bills were pending at adjournment.

Summaries of the appropriations business of the session—including those in the CONGRESSIONAL RECORD, volume 115, part 30, page 41213—were made on the basis of the enacted bills plus the amounts in the two conference agreements.

The session-end summaries on the foregoing tentative basis disclosed that in the appropriation bills Congress had, with respect to budget requests for fiscal year 1970 appropriations, reduced the President's budget request by the net amount of $5,604,000,000.

In the final enactments with respect to the two pending bills on which action has now been completed, further reductions, aggregating $766,659,624, were made. The foreign assistance bill was reduced $54,650,000 from the original conference agreement. In the enacted Labor-HEW-OEO bill, H.R. 15931, further reductions, aggregating $712,009,624, were made from the conference agreement on H.R. 13111 which the President vetoed and the House failed to override. The $365,233,000 of the latter sum was in reductions

against specific items. The remainder, $346,776,624, is the 2-percent reduction imposed by section 410 of the bill.

Thus, Mr. Speaker, the revised aggregate net reduction by Congress in budget requests for appropriations for fiscal year 1970 in the appropriation bills is $6,370,000,000, that is, $766,000,000 more than the previously reported figure of $5,604,000,000.

I include a revised comparative table by bills of the session:

FINAL ACTIONS ON BUDGET ESTIMATES OF NEW BUDGET (OBLIGATIONAL) AUTHORITY IN APPROPRIATION BILLS—91ST CONG., 1ST SESS. (AS OF DEC. 23 1969), 91ST CONG., 2D SESS. (AS OF MAR. 5, 1970)

[Does not include any "back-door" type budget authority; or any permanent (Federal or trust) authority, under earlier or "permanent" law,[1] without further or annual action by the Congress]

Bill and fiscal year	House actions			Senate actions		Enacted	(+) or (−), latest action compared with budget requests
	Budget requests considered	Reported by committee	Approved by House	Budget requests considered	Approved by Senate		
A. Bills for fiscal 1970:							
1. Treasury-Post Office (H.R. 11582) (net of estimated postal revenues appropriated)	[2] $2,314,714,000	[2] $2,272,332,000	[2] $2,272,332,000	[2] $2,314,714,000	[2] $2,280,195,000	[2] $2,276,232,000	−$38,482,000
(Memoranda: Total, including authorizations out of postal funds)	(8,821,727,000)	(8,779,345,000)	(8,779,345,000)	(8,821,727,000)	(8,787,208,000)	(8,783,245,000)	(−38,482,000)
2. Agriculture (H.R. 11612)	6,967,562,050	6,806,655,000	6,806,655,000	7,237,562,050	7,642,797,650	7,488,903,150	+251,341,100
3. Independent offices-HUD (H.R. 12307) (including 1971 advance)	15,380,413,600	14,907,089,000	14,909,089,000	15,512,969,600	[3] 14,985,449,000	15,111,870,500	−401,099,100
(Fiscal year 1970 amounts only)	(15,205,413,600)	(14,732,089,000)	(14,734,089,000)	(15,337,969,600)	[3] (14,985,449,000)	(15,111,870,500)	(−226,099,100)
4. Interior (H.R. 12781)	1,390,096,500	1,374,434,000	1,374,286,700	1,390,856,500	1,382,766,900	1,380,375,300	−10,481,200
5. State, Justice, Commerce, and Judiciary (H.R. 12964)	2,475,704,600	2,534,134,200	2,335,634,200	2,475,704,600	2,382,354,700	2,354,432,700	−121,271,900
6. Labor-HEW-OEO:							
The vetoed bill (H.R. 13111)	16,495,237,700	16,651,039,700	17,573,602,700	[4] 19,834,125,700	21,363,391,700	19,747,153,200	−86,972,500
(Fiscal year 1970 amounts only)	(16,495,237,700)	(16,651,039,700)	(17,573,602,700)	(18,608,125,700)	(20,245,811,700)	(19,747,153,200)	(+1,139,027,500)
The approved bill (H.R. 15931)	18,608,125,700	19,301,520,200	19,381,920,200	[4] 19,834,125,700	[5] 19,035,143,576	[5] 19,035,143,576	−798,982,124
(Fiscal year 1970 amounts only)	(18,608,125,700)	(19,301,520,200)	(19,381,920,200)	(18,608,125,700)	[5] (19,035,143,576)	[5] (19,035,143,576)	(+427,017,876)
7. Legislative (H.R. 13763)	311,374,273	284,524,057	284,524,057	372,152,949	342,310,817	344,326,817	−27,826,132
8. Public works (and AEC) (H.R. 14159)	4,203,978,000	4,505,446,500	4,505,446,500	4,203,978,000	4,993,428,500	4,756,007,500	+552,029,500
9. Military construction (H.R. 14751)	1,917,300,000	1,450,559,000	1,450,559,000	1,917,300,000	1,603,446,000	1,560,456,000	−356,844,000
10. Transportation (H.R. 14794) (including 1971 advances)	2,090,473,630	2,095,019,630	2,095,019,630	2,090,473,630	2,147,152,630	2,143,738,630	+53,265,000
(Fiscal year 1970 amounts only)	(1,840,473,630)	(1,875,019,630)	(1,875,019,630)	(1,840,473,630)	(1,947,152,630)	(1,929,738,630)	(+89,265,000)
11. District of Columbia (H.R. 14916) (Federal funds)	228,842,000	188,691,000	188,691,000	228,842,000	173,547,000	168,510,000	−60,332,000
(District of Columbia funds)	(751,575,300)	(683,106,300)	(683,106,300)	(752,944,300)	(657,064,600)	(650,249,600)	(−102,694,700)
12. Defense (H.R. 15090)	75,278,200,000	69,960,048,000	69,960,048,000	75,278,200,000	69,322,656,000	69,640,568,000	−5,637,632,000
13. Foreign assistance (H.R. 15149)	3,679,564,000	2,558,020,000	2,608,020,000	3,679,564,000	2,718,785,000	[7] 2,504,260,000	[7] −1,175,304,000
14. Supplemental (H.R. 15209)	298,547,261	235,057,761	244,225,933	314,597,852	296,877,318	278,281,318	−36,316,534
Total, these bills—							
As to fiscal 1970 (including the vetoed Labor-HEW-OEO bill)	132,607,007,614	125,428,049,848	126,213,133,720	135,200,040,881	130,317,578,215	129,541,115,115	−5,658,925,766
As to fiscal 1970 (including the approved Labor-HEW-OEO bill)	134,719,895,614	128,078,530,368	128,021,451,220	135,200,040,881	129,106,910,091	128,829,105,491	−6,370,935,390
As to fiscal 1971 (including the vetoed Labor-HEW-OEO bill)	425,000,000	395,000,000	395,000,000	1,651,000,000	1,317,580,000	214,000,000	−1,437,000,000
As to fiscal 1971 (including the approved Labor-HEW-OEO bill)	425,000,000	395,000,000	395,000,000	1,651,000,000	200,000,000	214,000,000	−1,437,000,000
Total 1970 bills (including the vetoed Labor-HEW-OEO bill)	133,032,007,614	125,823,049,848	126,608,133,720	136,851,040,881	131,635,158,215	129,755,115,115	−7,095,925,766
Total 1970 bills (including the approved Labor-HEW-OEO bill)	135,144,895,614	128,473,530,368	128,416,451,220	136,851,040,881	129,306,910,091	129,043,105,491	−7,807,935,390
B. Bills for fiscal 1969:							
1. Unemployment compensation (H.J. Res. 414)	36,000,000	36,000,000	36,000,000	36,000,000	36,000,000	36,000,000	
2. Commodity Credit Corporation (H.J. Res. 584)	[6] 1,000,000,000	[6] 1,000,000,000	[6] 1,000,000,000	[6] 1,000,000,000	[6] 1,000,000,000	[6] 1,000,000,000	
3. 2d supplemental (H.R. 11400)	4,364,006,956	3,783,212,766	3,783,212,766	4,814,305,334	4,459,669,644	4,352,357,644	−461,947,690
Release of reserves (under Public Law 90-364)	(82,463,000)	(82,766,000)	(82,766,000)	(79,999,000)	(80,230,000	(80,230,000)	(+231,000)
Total, 1969 bills	5,400,006,956	4,819,212,766	4,819,212,766	5,850,305,334	5,495,669,644	5,388,357,644	−461,947,690
C. Cumulative totals for the session:							
1. Including vetoed Labor-HEW-OEO bill:							
House	138,432,014,570	130,642,262,614	131,427,346,486				−7,004,668,084
Senate				142,701,346,215	137,130,827,859		−5,570,518,356
Enacted				142,701,346,215		[7] 135,143,472,759	[7] −7,557,873,456
2. Including approved Labor-HEW-OEO bill:							
House	140,544,902,570	133,292,743,134	133,235,663,986				−7,309,238,584
Senate				142,701,346,215	134,802,579,735		−7,898,766,480
Enacted				142,701,346,215		134,431,463,135	−8,269,883,080

[1] In round amounts, the revised (April 1969) budget for fiscal 1970 tentatively estimated total new budget (obligational) authority for 1970 at $219,600,000,000 gross ($205,900,000,000 net of certain offsets made for budget summary purposes only), of which about $80,700,000,000 would become available, through so-called permanent authorizations, without further action by Congress, and about $138,900,000,000 would require "current" action by Congress (mostly in the appropriation bills). Also, the April Review of the budget contemplated budget requests for advance fiscal 1971 funding in 4 items totaling $1,661,000,000.

[2] These figures do not reflect the fiscal year 1970 budget proposal for postal rate increases, valued in the Summer Review of the 1970 budget at $315,800,000. Also, they do not reflect a revision downward of some $137,800,000 in postal revenues as estimated in the summer review.

[3] Reflects reduction of $175,000,000 for Appalachian highway program for 1970 and $175,000,000 for advance funding for 1971. Authorization act provided for contract authority in lieu of new obligational authority, with payments for liquidation to be appropriated later.

[4] Includes $1,226,000,000 fiscal 1971 advance funding estimate for elementary and secondary education, not considered by House in any bill (and not in the enacted bill).

[5] Reflects reduction of 2 percent ($346,776,624) imposed by section 410 of enacted bill (sec. 411 of Senate bill).

[6] Shifted from fiscal 1970 budget, a portion of which is technically classified in the budget as "liquidation of contract authorization" rather than as new budget (obligational) authority.

[7] Reflects further reduction of $54,650,000 (in the foreign assistance bill) as a result of the second conference agreement which took place in the 2d session.

Prepared in the House Committee on Appropriations.

THE CAREER EDUCATION PROGRAM

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. QUIE. Mr. Speaker, the career education program proposed in the President's long needed message on higher education reform will bring the Federal Government further into partnership with the State in the formation and improvement of post high school educational institutions in critical skill areas. These have shown their great potential for providing occupational programs at a lower cost per student than 4-year institutions can. However, many States have been unable to provide postsecondary opportunities for career education because of fiscal problems. The entrance of the Federal Government into the field with the States will insure that we will be able to meet the demand for postsecondary programs.

The problem of postsecondary education goes beyond the construction and staffing of junior colleges. What is also needed is a well-defined vocational and

technical education component in these schools, for we must recognize that all high school graduates need or can use a 4-year degree, while at the same time there is a growing need for technicians and trained personnel in industry, government, health, research, and many other fields. While not limited to them, the junior and community colleges are uniquely situated to provide these career programs, and yet many of the postsecondary institutions have not been able to provide these kinds of courses up until now. The emphasis of the President's message is on assisting the States in meeting the costs of starting new programs to teach critically needed skills. Thus, we can provide students with much-needed skills in fields in which they can establish careers. This is a most significant endeavor for the future of our country and its educational institutions. I urge my colleagues to join me in supporting this valuable program.

THE CLOSING OF TEXTILE PLANTS

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Monday, March 23, 1970

Mr. THURMOND. Mr. President, in furtherance of the remarks I made on Friday, March 20, concerning the plight of the domestic textile industry, I wish to place in the RECORD an article published in the Greenville News of March 18, 1970, and an editorial published in the Greenville News of Thursday, March 19, 1970, concerning the closing of two textile plants in South Carolina and one in North Carolina. As a result of these closings, 2,000 employees will be without work between March 27 and April 5.

These people are out of work as a direct result of the continuing imports of synthetic fiber.

This is tragic news, as 2,000 people will be without paychecks and income with which to support their families during this time. This is the reason why we must curb imports immediately.

Mr. President, I ask unanimous consent that the article, entitled "J. P. Stevens To Close Plants in North Carolina, South Carolina," and the editorial, entitled "Time To Act To Save Textiles," be printed in the Extensions of Remarks.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

MONAGHAN, WATTS, TUXEDOS J. P. STEVENS TO CLOSE THREE PLANTS IN NORTH CAROLINA, SOUTH CAROLINA

J. P. Stevens & Co. Inc., confirmed Tuesday night that it would close two South Carolina plants and one in North Carolina for a week because of "poor business conditions and a need to adjust inventories."

A company spokesman said Monaghan mill here, the Watts plant at Laurens and the Tuxedo plant at Tuxedo, N.C., will be closed for the week, laying off more than 2,000 employees for the week of March 27–April 5.

An earlier report that the big Dunean mill Stevens operates at Greenville would be involved was denied by the company spokesman.

There were no other industry reports of other companies curtailing work at this time.

"We regret that business conditions are such that this curtailment has been necessary, but poor sales and abnormal inventories allow us no other choice.

"We are concerned that any of our people must lose work because of these conditions, one of the primary causes being the continuing imports of synthetic fibers such as these plants produce." the company official said.

The temporary layoffs brought an immediate reaction Tuesday in Washington, where 4th District Rep. James R. Mann reported he had taken the news to Chairman Wilbur Mills (D-Ark.) of the Ways and Means Committee and urged quick passage of pending legislation aimed at curbing textile imports.

"Although the reason given for the layoffs was simply 'business conditions,' I am persuaded that the great increase in cheap textile imports is at the root of the problem," Mann said.

"Mr. Mills was sympathetic and agreed that the situation is at the critical stage. I was very encouraged when he advised me that the committee would begin work on this problem 'very shortly'," Mann said.

Mann also said he was advising President Nixon of the development in this district "with the hope it will speed action by him."

"I feel Congress would give President Nixon any legislation he may need to deal with this critical problem that jeopardizes the economic well-being of so many people in our country," he said.

[From the Greenville News, Mar. 19, 1970]

TIME TO ACT TO SAVE TEXTILES

The one-week loss of work faced by more than 2,000 textile employes in Greenville, Laurens and Tuxedo, N.C., is a severe blow to them and their families and to the economy of this region and the state of South Carolina.

It represents a tragic loss of income for people who can ill afford it, especially as prices continue to rise. It is difficult to calculate the amount of individual hardship which will result from the shutdowns of Monaghan Mill in Greenville, Watts Mill in Laurens and the Tuxedo, N.C., plant during the week of March 27–April 5.

J. P. Stevens and Co., Inc., announcing the temporary closing of the synthetics fibers plants because of poor sales and rising inventories, rightly expressed concern for the people laid off for one week. There is cause for concern and reason to fear that more of the same may be in store in this region.

Although the textile industry long has been suffering general weakness in employment in the form of layoffs, overtime loss, curtailments and closing of some small, marginal plants, the drastic action by a major company brings home the full impact of the foreign imports problem faced by the industry, its workers and the region in which textile plants are concentrated.

The Stevens announcement noted that one of the primary causes for the shutdowns is "the continuing imports of synthetic fibers such as these plants produce."

This action by one of the nation's strongest textile companies ought to remove whatever doubts may have existed about the serious situation imposed on the industry by the unlimited flood of foreign imports into this country. There no longer is any excuse for Japan and other foreign countries to argue that the American textile industry has not been hurt.

At last report Japan continued to refuse any sort of voluntary agreement to limit the flood of Japanese textiles into the United States. That makes negotiations with other foreign nations impossible.

The time clearly has come for legislation to deal with a situation which threatens to ruin an industry vital to a wide area of the United States. Senators and House members from the textile area now must mount a concerted effort for relief in the form of action by Congress.

The time has come for the President of the United States strongly to advocate passage of relief legislation. President Nixon's administration has tried hard for months to deal with the Japanese. Apparently all efforts to negotiate have failed. As a result Mr. Nixon now must go to Congress in order to redeem the written pledge made to the textile industry and its workers to relieve them of the intolerable burden of unmerciful foreign competition in the domestic market.

The stark fact is that the textile industry cannot endure without serious damage the twin burdens of the domestic economic slowdown and unlimited foreign competition.

The nation cannot afford to let the industry deteriorate, because it is too important to the Southeast and to the effort to help lift minority groups up the economic ladder.

Rhetoric and maneuvering around no longer suffice. Concerted action by both the administration and Congress now becomes necessary.

IN MR. NIXON'S SILENCES IS A SHADOW OF A DOUBT

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. HELSTOSKI. Mr. Speaker, it appears that we have another credibility gap on our hands. This time as it relates to Laos.

It is well spelled out in the following column by Mr. Stuart H. Loory as carried in the Record of Hackensack, N.J., on March 12, 1970:

IN MR. NIXON'S SILENCES IS A SHADOW OF A DOUBT

(By Stuart H. Loory)

Now President Nixon has bared some—but certainly not all—of the secrets of the clandestine war in Laos he inherited from two previous administrations. The United States, he openly admits, is neck deep in a part of the southeast Asia jungle war outside Vietnam.

In six years of fighting, 400 American airmen have become casualties, 400 airplanes have been lost—about as many as, maybe even more, than the number of fixed-wing airplanes the United States has lost over South Vietnam.

These facts emerged from the torpid calm of the Southern White House—the Key Biscayne, Fla., vacation retreat to which the President retired late last week to make his Laos statement.

Why not speak from Washington? If Mr. Nixon wanted to be completely candid, why not make the statement at a news conference where his words and intentions could really be probed and clarified?

Unfortunately, Mr. Nixon's statement on Laos was a politically reflexive reaction to a growing clamor for candor in the White House. It was intended to break the silence that has surrounded the secret war, to show that the nation harbors no secret guilt. But it was only half candid; and so it was wholly unsatisfactory.

The unhappy experience with the Gulf of Tonkin resolution of August 1964, originally presented as a show of solidarity behind President Lyndon B. Johnson but then construed by him as a virtual declaration of war, has taught Congress and the American

people to read words carefully. The presentation of selected facts by the Johnson administration to bolster its case for the massive intervention in South Vietnam in 1965 has cautioned the American people to check and double-check on a President's facts.

And so, when Mr. Nixon says of Laos, "We have no plans for introducing combat forces into Laos," one must look for the loopholes like a Philadelphia lawyer.

No plans? Does that mean plans may be developed later? Maybe.

Ground combat forces? Does that mean more ground combat support forces—engineers to build roads and bridges, suppliers to carry ammunition to combat troops, repairmen to fix disabled weapons, advisers to aim and show the Laotians how to fire the weapons—might be dispatched?

Ground combat forces? What about escalating the American involvement through the introduction of more aircraft to fly cover for the CIA-trained and supplied Laotian forces as well as the Royal Laotian Army?

The President said: "The levels of our assistance have risen in response to the growth of North Vietnamese combat activities."

The clear implication of that sentence is that as North Vietnamese activities continue to grow, so will the United States'. And that, one remembers, was exactly the situation claimed in February 1965, when the State Department issued its famous white paper on South Vietnam as justification for escalating the Vietnam war.

Mr. Nixon says it is his goal to reduce American involvement in Laos. But he leaves no doubt that he is willing to escalate that involvement if necessary.

If Mr. Nixon wanted to dispel doubts about American intentions in Laos he could have started by promising not to send ground combat troops to Laos without consulting Congress. He could have been far more candid about the activities of the CIA in Laos. He could have admitted the United States' violation of the 1962 Geneva agreement on Laos more candidly at the same time he charged violation by the North Vietnamese. Then, starting from ground zero, he might win the true support of the American people.

Robert Bridges, the poet, once wrote:

"I told my secret out
So that none might be in doubt."

Unfortunately, there is still too much silence about Laos in the Nixon administration, and that leaves the suspicion that there is still secret guilt not only about actions there but about intentions.

A TEENAGER SPEAKS OUT IN BEHALF OF HER COUNTRY

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. MYERS. Mr. Speaker, there is increasing evidence that the silent majority among this Nation's young people are fed up with wearing the label of hippie, yippie, and peacenik which rightfully belongs to but a small percentage of their populace. An example of how one teenager has chosen to speak out in behalf of her country and those who have made the ultimate sacrifice to protect all that it stands for appeared recently in the Danville Commercial News in my district. When asked to name the American she most respected and why, this was the heart warming response from Miss Sharon Connor, 17, a high school senior from Rural Route 1, Covington, Ind.:

I don't know this particular man's name but I read about him everyday in the newspaper and I hear him everyday on the radio. I know that he has left his family, friends and everything he's ever had, except his pride, at home so that he and everyone may have the most important possession, freedom.

He's at work early in the morning before some of us have ever gone to bed and he works until it's impossible to go on. He doesn't receive much pay for the work he's doing even though this job is possibly the most important one in our country.

He takes a lot of criticism from other people who don't know a thing about his feelings. The man is ready to go to another country for long periods of time knowing that he may never come back to his country again.

He is willing to run across enemy territory if there is a chance of its doing any good for all the people back home.

I guess I could find out this man's name if I went to an airport where I could watch for a man in uniform to step from a plane.

Or I could take a drive through any cemetery. All I'd have to do is to look for the little American flag which would be waving across his grave. He had to be somewhere.

THE 25TH ANNIVERSARY OF THE FUTURE HOMEMAKERS OF AMERICA

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. NATCHER. Mr. Speaker, the week of April 5 through 11 has been designated National Future Homemakers of America Week and this year's observance by 1,200 local high school chapters is particularly significant since it marks the 25th anniversary of this outstanding organization.

The theme for this national week is "25 Years of Sterling Opportunity" and this, together with the 1970 objective—"To Promote Communication for the Enrichment of Human Relationships"—goes a long way toward accurately describing exactly what the FHA is all about.

During these 25 years some 15 million home economic students in junior and senior high schools have been provided the training and experiences that broaden the home economic education program and the opportunities for improving their personal, family, and community life. In reflecting upon the splendid accomplishments of the 604,000 members of this voluntary organization since it was founded June 11, 1945, I think it is especially gratifying to know that these constructive and commendable activities have taken place not only in the United States but also in Puerto Rico, the Virgin Islands, and in a number of our American schools overseas. I have a special reason for this statement because I have the high honor and good fortune to be an honorary member of the Future Homemakers of America and am naturally very much in favor of increasing its scope wherever possible so that these young people can, through meaningful communication, promote understanding, and strengthen our relationship with all peoples.

Furthermore, I take particular pride in the fact that Kentucky was the first State FHA Association to affiliate with the national organization. We now have 261 chapters with a membership of 17,328 and, based upon the splendid achievements of the chapters in the Second Congressional District, I can assure you, Mr. Speaker, that this organization continues to be an impressive asset in our State.

Certainly during these days of dissent and demonstrations it is good to know that above the din of confusion and revolt we have thousands of fine young people hard at work on projects and programs to promote this country's future. In my opinion the Future Homemakers of America long ago established themselves as a vital and integral part of this country's youth community. I am confident that they are fully aware that they are the future of their country and that they are not only equipped but eager to meet the challenges that lie ahead. The creed of this organization assures the concern and consideration of these young people for their fellowman.

In extending congratulations for 25 years of pride, progress, and purpose, and in paying tribute to these outstanding young individuals I want to express the hope that the unlimited enthusiasm and endurance which they have exhibited in pursuing their various projects during this quarter of a century will continue to flourish at a pace in keeping with their remarkable accomplishments of the past.

HIGHER EDUCATION OPPORTUNITY ACT OF 1970

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. SEBELIUS. Mr. Speaker, I am pleased to see that the administration has proposed, through the Higher Education Opportunity Act of 1970, to do something about increasing funds available to college students for educational loans. As you may remember, during the last session Congress was called upon to provide remedy when banks were unable to make further guaranteed student loans because the prime rate had exceeded the ceiling which the Secretary of Health, Education, and Welfare was authorized to certify. The President has prepared legislation which should prevent such a situation in the future, and which, in fact, should encourage even greater participation by banks.

Basically, the proposal calls for the creation of a National Student Loan Association to provide liquidity in the student loan credit market. This institution would buy student loans back from the banks, colleges, and universities allowing them to use these funds to make

additional loans. The President has estimated that at least $1 billion in new funds would be drawn into the student loan market by the NSLA, all of it at no additional cost to the Government.

Mr. Speaker, I urge speedy action on this very worthwhile proposal.

POLLUTION COSTLY PROBLEM TO SOLVE

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. ZWACH. Mr. Speaker, this is to be the decade of the environment. The administration, the Congress, and the people are committed to cleaning up the pollution problems we have been creating since the birth of our country.

While everyone agrees that this is a most worthwhile endeavor, too many people fail to give the cost factor the serious consideration it deserves. However, many of our newspaper editors in the Sixth Congressional District do not have veils over their eyes.

They are pointing out to their readers that this is a costly campaign that must be pursued carefully and patiently.

Typical of these comments is an editorial by Gordon E. Duenow, editor of the Little Falls Daily Transcript. I commend for reading to my colleagues and insert it in the RECORD:

POLLUTION COSTLY PROBLEM TO SOLVE

"The time has come when we can wait no longer to repair the damage already done and to guide us in the future," President Nixon told Congress in his special message yesterday in which he asked for huge federal expenditures to control pollution. Nixon's proposal calls for federal expenditures of $4 billion with states and local governments contributing another $6 billion.

Nixon urged "total mobilization" of all Americans in a concentrated effort to clean the air and purify the nation's polluted waters.

The president had indicated in his "state of the union" message that he would send a special message on pollution to Congress.

What response will be received at the state and local government level remains to be seen. These governmental units are hard pressed for money just to meet operating costs without adding millions for pollution control even though it is evident that the problem is rapidly becoming desperate.

Response of industry, which is the cause of much of the pollution problem we have, is another question. In fact, U.S. Steel Monday told the Minnesota Pollution Control Agency it does not intend to spend money to clean up smoke output from open hearth furnaces at Duluth. "Although U.S. Steel does not intend to quit making steel in Minnesota, that would be the alternative if pollution control standards and deadlines are enforced," Dunsmore said.

U.S. Steel estimates it will cost $4.5 to $5 million to install air cleaners for the furnaces.

Attorney General Douglas Head also has initiated three separate court actions in an effort to stop further pollution of the Watonwan River in southern Minnesota and Stanchfield Creek in Isanti County. He also has obtained a permanent injunction against Aldrich Milk Products, Inc., prohibiting them from further polluting the Partridge River in Wadena County.

The village of Madelia was one of those involved in court action as it was charged with causing pollution of the Watonwan River.

Several years ago the state itself was involved in Morrison County when an inadequate sewer system at Camp Ripley contributed to a pollution problem in the Mississippi River. This problem now has been corrected.

Little Falls also was forced to initiate an extensive storm sewer system project in order to alleviate a serious condition at the sanitary sewer plant. This project cost thousands of dollars and the problem still has not been entirely eliminated. It also remains a possibility that the expansion of home building along the Mississippi River may create additional pollution problems in the future.

So it can easily be seen that there is a serious problem but hard pressed local governmental units find it almost impossible to finance the needed projects. A little government aid will help but probably will not be adequate to do the job without placing new and serious burdens on already desperate property taxpayers.

Without question the problem is there, looking us right in the face. But where do we find the money?

PUBLIC OPINION POLL IN FOURTH DISTRICT OF TENNESSEE REFLECTS DEEP CONCERN OVER NATIONAL PROBLEMS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. EVINS of Tennessee. Mr. Speaker, a public opinion poll which I recently conducted in the Fourth Congressional District of Tennessee, which I am honored to represent in the Congress, indicates a deep and growing concern over such national problems as the conflict in Vietnam, pollution, crime, and security for our older citizens, among others.

Because of the interest of the American people and my colleagues in these major problems, I place my newsletter concerning the poll in the RECORD herewith.

My newsletter, Capitol Comments, follows:

CAPITOL COMMENTS

(By Hon. JOE L. EVINS)

PUBLIC OPINION POLL REFLECTS DEEP CONCERN OVER NATIONAL PROBLEMS: VIETNAM, POLLUTION, CRIME, SECURITY FOR OLDER CITIZENS, AMONG OTHERS

The tremendous response to my recent public opinion poll in the Fourth Congressional District indicates a deep and growing concern over major national problems. Results of the poll have just been released to the press of Tennessee. Hundreds of citizens felt so strongly about issues of current public interest and importance that they wrote letters explaining their views and opinions in more detail. A total of 12,589 responses have been received to date.

Concerning major national issues, the poll showed that:

Virtually all of our people responding want our American troops to be returned home from Vietnam as soon as possible—80 percent favored gradual withdrawal as the South Vietnamese assume an increasingly greater share of combat responsibility, while 17 percent favored immediate withdrawal.

The matter of pollution of air and water and our environment is a grave concern to our people with 89 percent responding favoring increased Federal expenditures to curb pollution.

Crime and lawlessness is another major issue of great concern. A total of 85 percent favored increased Federal appropriations to strengthen state and law enforcement agencies with only 10 percent opposed.

Concern for security for our older citizens was also apparent. A total of 74 percent of those responding favored a system of cost-of-living increases in Social Security.

Inflation is an over-riding concern. A total of 66 percent of those responding favored price and wage controls in the battle against inflation and 60 percent opposed the present policy of high interest rates.

Rural development is considered vital and necessary. Sixty-six percent favored legislation to provide for tax credit for business and industry as an incentive for locating or expanding in rural and small town areas.

Other important results of the poll include these:

72 percent opposed the proposed new welfare legislation which would provide for a minimum income of $1,600 guaranteed to all families at an initial annual cost of $5 billion.

47 percent favored a professional volunteer army with 41 percent opposed—and 44 percent favored further reform of the Selective Service System.

56 percent were opposed to turning the Post Office Department over to a private corporation, 54 percent favored substantial reductions in the space program and 59 percent were opposed to foreign aid.

This informed opinion poll reflects the concern of our citizens over current public issues.

MAURITIUS INDEPENDENCE DAY

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. POWELL. Mr. Speaker, the people of this small island in the Indian Ocean attained their full independence on March 12, 1968. These ethnically quite various peoples seem to have been united in their aim of achieving independence, following the end of the last war they succeeded in proving it to their overlords. Fortunately for them the British Government, which had ruled the people of Mauritius for more than 100 years, was not in position to deny them the claim of self-government and eventual full national independence.

Mauritius is a rather crowded island, with an area of about 720 square miles and a population of more than 800,000. Its inhabitants are mostly agriculturists, and their most valuable product is sugar, though tea and tobacco are also raised there. They have a parliamentary form of government. The government has chosen to remain in the British Commonwealth. Mauritius is also a member of the United Nations. The leaders and people of Mauritius have shown the ability and maturity to govern themselves peaceably and have attained some measure of economic independence. We wish them power to continue their progress in peace.

JOHN WILL ANDERSON BOYS' CLUB OF GARY, IND.

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. MADDEN. Mr. Speaker, the great Calumet industrial region, located in the northwest corner of Indiana immediately adjacent to the city of Chicago, Ill., boasts of many large industries. In this area are located three major steel mills, many oil refineries operated by the Nation's leading oil companies, and several hundred other major and smaller industries.

The community is especially proud of an internationally known manufacturing company, the Anderson Co., which is the Nation's largest manufacturer of automobile and airplane windshield wipers known as Anco products.

The founder of this company was John Will Anderson, internationally known industrialist and one of the Indiana Calumet region's outstanding citizens. The former head of the Anderson Co. passed away several years ago. Previous to his passing he, along with Mr. Edward C. Larson and other officials of the company, conceived and established the John Will Anderson Boys' Club. Recently, I attended ceremonies in Gary, Ind., honoring Mr. John W. Anderson and his cooriginators of the John Will Anderson Boys' Club. Special tribute during the ceremony was paid to Mr. Edward C. Larson, president of the Anderson Co. of Gary, and also the director who continued the great work of the John Will Anderson Boys' Club and expanded its facilities and multiplied its membership to accommodate additional thousands of boys in the Gary and surrounding community.

EDWARD C. LARSON, PRESIDENT OF THE ANDERSON COMPANY

Mr. Larson has been elected a National Director of the Boys' Clubs of America, and this honor to him was announced at a White House dinner for the Board of Directors of the National Boys' Clubs of America.

The people of Gary are justifiably proud of the accomplishments of Mr. Larson and the John Will Anderson Boys' Club. This club in little over 2 years of operation has made a tremendous contribution to the lives of the young people of their community.

The scope of the John Will Anderson Boys' Club, which operates in conjunction with the Steel City Boys' Club, Inc., includes promotion of educational and recreational activities which aim at the development of character and the finest qualities of citizenship among youth in the Gary area.

The club, founded by the late John Will Anderson and directed by Einar Johansen, provides comprehensive programs and facilities for over 2,000 young people. These include athletic and physical development programs, specialized job training, arts and crafts schooling, musical and photography training. A boys' club library is available, for reading and studying, as well as for the development of powers of expression and communication on the part of young boys.

Of special significance in the clubs' operation is the furnishing of complete and well-balanced meals to young members each day, under a program conducted in cooperation with the U.S. Department of Agriculture's special food service program for children.

Through the Edward C. Larson scholarship fund, any young member of the Anderson Boys' Club is eligible for financial aid in order to pursue a course of study at either a liberal arts college or a technical vocational school.

Earn and learn programs offer boys an opportunity to work with hand and power tools. A metal finishing class provides young men from 15 to 18 years of age job training in the field of metal refinishing of office equipment. An agreement between the John Will Anderson Boys' Club and one of Gary's largest office equipment dealers has made this job training both a source of income and a vehicle of community good will for the club.

In addition, the club's physical department offers both team and individual sports to members. During the basketball season, the boys' clubs had four teams representing Gary in boys' club State tournaments. The ages of boys on the teams ranged from 10 to 18. The team for players 13 and 14 years of age won the Indiana State Boys Club Association championship. Along with basketball, gymnastics, tumbling, four bowling lanes are available at the club. Instructional, league and individual bowling are offered daily.

Educational opportunities are both numerous and diversified at the boys' club. A year-round schedule of trips affords members many opportunities to visit interesting sites both in Gary and elsewhere. Boys' club members have visited museums in Chicago, farms in southern Indiana, the Great Lakes Naval Training Center, sporting events in Chicago, and the time trials at the Indianapolis 500. Through such activities, boys have a chance to travel outside of their immediate area, meet new people, and see places they had previously only heard of or read about.

Indeed, the successful operation of the John Will Anderson Boys' Club is a source of pride to the people of Gary. But beyond this, the contribution being made by this club serves as a source of inspiration and dedication for citizens throughout the country to give added support to boys' club operations in their own communities.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

OIL IMPORT CONTROL

HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. HATHAWAY. Mr. Speaker, I would like to call to the attention of my colleagues a letter signed by 48 Members and sent to President Nixon last week. The letter urges the President to immediately implement the recent recommendation of his own Task Force on Oil Import Control by replacing the current quota system with a system of tariffs. The letter also urges the President to consider eventual removal of all control over oil imports—a move which could save the average American family nearly $100 a year in fuel costs.

I insert the letter in the RECORD at this point:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 18, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We are disappointed by your failure to implement the recommendations of your Cabinet Task Force on Oil Import Control. The present restrictions on oil imports, which will remain unchanged unless you act, forced American consumers to pay an extra $5 billion for oil products last year. The annual cost to consumers will rise to $8.4 billion per year by 1930 unless changes are made.

Last year alone, the oil import quota system cost the average American family of four an extra $96 for gasoline and heating oil. In many parts of the country the extra cost greatly exceeded this—in Vermont the average family of four paid an extra $180, and in Wyoming it paid $228 extra.

We can understand your concern for the well-being of the oil industry. However, it is the security of the nation, and not that of the oil industry, that the oil import control program is intended to protect. As your Cabinet Task Force put it:

"The governing statute authorizes government intervention in support of domestic price and production only for the extraordinary and compelling purpose of protecting the national security."

The Task Force then went on to state that the fixed quota limitations, which you are retaining, "bear no reasonable relation to current requirements for protection either of the national economy or of essential oil consumption.

"We find," the Task Force said, "that a phased-in liberalization of import controls would not so injure the domestic industry as to weaken the national economy to the extent of impairing our national security."

The Task Force then recommended that the current import quota system be phased out over a period of three to five years, and that a system of variable tariffs be substituted for it. The initial tariff on Eastern Hemisphere crude oil would be $1.45 a barrel, with a ceiling (10 percent of domestic demand) on oil from that region. Oil from more secure Western Hemisphere sources would be subject to preferential lower tar-

iffs. The immediate effect of the plan would be a reduction in the price of domestic crude oil from $3.30 to $3.00 per barrel, with savings to consumers estimated at less than a penny per gallon of gasoline.

This is truly a modest proposal, since removing import controls entirely would save consumers around 4 cents a gallon on gasoline. But it is a step in the right direction and we regret that you have declined to take it.

A necessary further step has been recommended by the Chairman of the Task Force, Labor Secretary George P. Shultz. He has urged that a planning schedule be established now to phase in a reduction of the tariff to $1.00 over a three to five year period. This would reduce the price the consumer has to pay for gasoline by another one cent per gallon.

Finally, we are concerned that the Cabinet Task Force may have dismissed the alternative of total removal of all import controls too hastily. The benefit to American consumers from this alternative—more than $8 billion a year by 1980—requires that it receive careful and continuing consideration. The Task Force said only that it was "unable on present evidence to rule out the possibility" that adopting this alternative would, in the case of certain "conceivable" supply interruptions, leave us with an inadequate supply of oil. "Whether such conceivable interruptions are "reasonably possible," the Task Force said, "is a matter on which judgments may vary."

We urge you, therefore, to direct the Oil Policy Committee which you have established to give full consideration to the possibility of totally eliminating controls on oil imports as part of their task of considering "both interim and long-term adjustments that will increase the effectiveness and enhance the equity of the oil import program."

Sincerely,

Henry S. Reuss, Lee H. Hamilton, Clarence D. Long, Richard Bolling, Edward P. Boland, Richard L. Ottinger, Brock Adams, James G. O'Hara, Donald M. Fraser, Allard K. Lowenstein, George E. Brown, Jr., Thomas M. Rees, Peter W. Rodino, Jr., William D. Ford, Louis Stokes, John C. Culver.

William Clay, James H. Scheuer, Lester L. Wolff, Robert O. Tiernan, Hugh L. Carey, Peter N. Kyros, Robert N. Giaimo, Edward I. Koch, William D. Hathaway, David R. Obey, Benjamin S. Rosenthal, Joshua Eilberg, Leonard Farbstein, William L. St. Onge, John V. Tunney, Abner Mikva.

John Brademas, Joseph P. Addabbo, Sam M. Gibbons, Michael J. Harrington, Dante B. Fascell, Bertram L. Podell, Jonathan B. Bingham, William S. Moorhead, Richard D. McCarthy, Frank J. Brasco, William F. Ryan, James J. Howard, Torbert H. Macdonald, Emilio Q. Daddario, Henry Helstoski, Don Edwards.

GIVE US MORE AGNEWS

HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. BERRY. Mr. Speaker, what the public needs is more Agnews to give the public views to the news media.

The news media has been spoon feeding the public with half-truths and innuendoes with no one else in high public life to give the public the truth.

Another glaring example was in the Sunday Washington Post in the column of Richard Harwood who wrote among other things:

It was an electorate that proved, in the 1960's, to be murderous enough to assassinate three national leaders, vengeful enough to depose a sitting President, fickle enough to switch nearly a third of its votes between 1964 and 1968, apathetic enough that more people (40 million plus) failed to vote in 1968 than voted for any of the candidates for the presidency.

How can anyone say it was the electorate who assassinated any of the three. The truth is it was three "maniacs" who did it—not the American electorate.

But this is part of the great propaganda program. Give us more Agnews to give the views of the public and the electorate.

HIGHER EDUCATION REFORM

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. MIZE. Mr. Speaker, President Nixon's message on higher education reform spelled out several areas which are in need of change. Not the least of these is in the area of Federal assistance to students in institutions of higher learning. For many years we have supported a whole range of programs designed to help students finance their educations. For the most part, these programs assisted students from both low- and middle-income families alike, and strains on the Federal budget made it impossible to provide enough assistance for all who wished to receive it. But now the President has proposed a thorough realinement of these programs to insure that there are loans and grants available to the children of the Nation's poorest families for higher education. For students whose families are better able to assist their education, he has proposed the creation of the National Student Loan Association to enable students to obtain Government-guaranteed loans.

This NSLA will serve to widen the availability of guaranteed student loans by creating a market for existing loans to which the banks and other lending institutions can sell their loan paper, thus increasing the pool of resources available for lending to students. Liquidity of student loans will solve the main problem which has kept a large percentage of the Nation's banks from participating in the program. By expanding credit in this manner it would be possible to terminate the payments now made to banks to induce them to make student loans, and interest rates on these loans will fluctuate at the market rate. Additionally, the length of time over which recipients must repay their loans will be expanded to ease the burden on those who have received the loans.

The proposals contained in the President's message are worthy of our support. I urge all my colleagues to get behind this effort.

MAINE SUGARBEET INDUSTRY

HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. LANGEN. Mr. Speaker, my heart is always gladdened when an individual or a group of people tries to give a hand to someone less fortunate. In 1962, it seemed on the surface that it was in good faith that the Federal Government through its Area Redevelopment Administration and later the Economic Development Administration tried to lend a hand in providing jobs and economic stability to Aroostook County, Maine.

However, Mr. Speaker, there were some who said at the time that what appeared to be a worthwhile project on the surface was neither beneficial to the northern New England area nor was it economically practical. Those who made these observations in 1962 and in 1963 have been proven correct in their analysis.

Many of these same people are now charging that continued meddling in the agricultural industry and the ecology of Aroostook County is disruptive, expensive, and politically motivated. If the Economic Development Administration persists in its efforts to salvage a losing venture by further investment of taxpayers' money in the Aroostook County sugarbeet processing plant, it can easily damage its own credibility and impair its ability to secure private financing in its future efforts to expand economic opportunities.

I am one who, in 1963, called to the attention of this Congress the errors in judgment that compounded themselves in Aroostook County. My area of concern was the allocation of the sugarbeet quota to an area of the country which was not proven a sugarbeet producing region. I was deeply concerned because there is a strictly enforced sugarbeet acreage allotment. If the allotment is divided in such a way as to restrict sugarbeet production in an area where sugarbeet production is a major source of income and is a thriving industry in order to entice sugarbeet production where it is not economical, then the Department of Agriculture is cooperating in a gross violation of faith placed in it by Congress and America's farmers. But this is exactly what it has done.

Today, some $10 million in Federal funds has been invested in the Aroostook County plant of Maine Sugar Industries. Another $8 million has been secured through private financing which is guaranteed by the State of Maine and which may soon become the liability of the taxpayers of that State. The damage to Prestile Stream in the form of pollution may never be estimated in terms of dollars. The loss of revenue suffered by two other New England sugar processors is continuing and I have not seen the estimates by these private, free-enterprise firms who have found it necessary to compete with Maine Sugar Industries, a federally subsidized operation.

We should have taken a cue from Great Western Sugar Co., a large national sugar refining firm, who decided that the investment was unwarranted. But, instead, EDA found a firm which had never been involved in sugar refining.

Not to say that this is not enough of a loss to warrant an investigation of the EDA procedures involved, but my concern is for the sugarbeet producers in States like mine where the industry is successful and where the sugar is refined by hard-working businessmen who not only operate their businesses to compete with Maine Sugar Industries, but who also have to pay the taxes we are spending to try to make job opportunity out of a sow's ear.

Whatever errors in judgment were made in 1962 and 1963 by the Area Redevelopment Administration and the Economic Development Administration were abetted by the Department of Agriculture in April 1964, when it announced it was allocating 33,000 acres of the national sugarbeet quota to Aroostook County, Maine. I said at the time that job opportunity and economic development could best be realized by expanding the sugarbeet quota in the Red River Valley of North Dakota and Minnesota where farmers have a proven record of efficient sugarbeet production and where the industry has been built through years of hard work and free enterprise.

In a recent issue of the Wall Street Journal, I note that Maine Sugar Industries has offered 3 million common shares at $6 a share on the open market. The company anticipates revenue from the sales of $18 million. Firm records indicate that the company showed a loss of $2.4 million during the 9-month fiscal period ending last July 31. Moreover, three creditors have filed suit against Maine Sugar Industries asking a U.S. district court to adjudge the company bankrupt. The losses were blamed, according to the March 16 issue of the paper, on a disappointing sugarbeet crop.

Even the German variety of beets which were imported just for this fiasco did not meet expectations. Farmers will not grow them because they have neither the inclination to experiment with a new crop which they cannot trust nor the confidence in the failing firm which has failed to pay farmers for nearly $1.5 million worth of the crop planted, harvested, and processed. The New York beet growers who have not received payment for their product are now considering suit against Maine Sugar Industries.

The community of Easton, Maine, where the plant is located, is owed $300,000 in back taxes and the Federal Water Pollution Control Agency has granted $196,000 to help clean up Prestile Stream, a stream where 5 years ago the trout fishing was considered excellent. Of the 33,000 acres of the national sugarbeet quota allocated to Maine, a mere 3,000 acres has been planted.

Since there was obviously not enough local sugarbeet production, EDA has already advanced Maine Sugar Industries another $2.5 million to convert its plant to a sugarcane processing plant. Now, raw sugar is imported from overseas to again try to bail out the Aroostook plant. The end result is that the domestic sugarbeet quota is limited by the allocation to New England where the beets are not grown. The domestic sugar industry further pays the bill for MSI because of the impact of imported sugar. Everyone pays the taxes that are used to hold up the Easton, Maine, plant. And everyone pays the taxes that are used to try to clean up the river that their tax money has been used to pollute.

Mr. Speaker, I believe in development and I support many Federal and State efforts to improve economic opportunity wherever opportunity is needed. I would be the first to support a plan to help improve the economic stability of Aroostook County, Maine. I have supported in the past and continue to support plans to improve the economic condition of rural America.

But I have never advocated or approved of a plan that simply steals what rightfully belongs in one place in an attempt to curry favor in another place. And I do not continue to defend an unworkable and impractical project after it has proved to be failure.

Mr. Speaker, the Red River Valley of Minnesota and North Dakota is not a wealthy area. There are many hard-working, business-like, and independent people in the valley. A good number of them raise sugarbeets in order to make a living for themselves and their families. There are over 100,000 acres of sugarbeets under cultivation in the Red River Valley. By allocating the 33,000 acres to this area instead of to New England, the benefits can be reaped by Minnesota and North Dakota farmers. They ask no Federal funds and no heavy EDA investment in a charity drive. They ask only the opportunity to work and to expand their industry.

If there is also a need for economic development in Aroostook County, Maine, I will support a well-considered plan of assistance. But there is also a need for economic development in an area with which I am familiar.

The Department of Agriculture can provide an economic boost in the Red River Valley and it can do it for about $20 million less than in Aroostook County, Maine. This is an example of what I have been saying on this floor for many years: People solve problems: Federal money does not solve problems. Give people a chance where they have demonstrated their ability and industry. They will not fail us. Take from their right to earn a living in order to bolster a dubious venture such as this one and you will destroy the incentive of both the people of the Red River Valley and the people of Aroostook County, Maine.

SCHOOL PRAYER

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. BURKE of Massachusetts. Mr. Speaker, I had the great pleasure of recently conversing with the Reverend Robert G. Howes, national coordinator, Citizens for Public Prayer. Father Howes also holds an associate professorship and is chairman of City and Regional Planning at Catholic University, Washington, D.C.

I think that Father Howes' remarks on the subject of school prayer will prove of interest to the Members of this body and I would like to take this opportunity to submit them for the RECORD.

The article is as follows:

CHALLENGE TO THE DEMOCRACY: PUBLIC REVERENCE

(By Rev. Robert G. Howes)

When the U.S. Supreme Court interprets the First Amendment of the Federal Constitution in a manner which radically contradicts the consistent practice of the majority of the states, it does no singular, minimal thing. Whatever the particular practice, that interpretation immediately becomes a precedent affecting the whole future of religion in our public life. As such it must deeply concern not only those whose practice is denied but also those who are involved in any way with religion as subject to and supportive of public policy.

On June 25, 1962, the Supreme Court interpreted the First Amendment as barring the following prayer:

"Almighty God, we acknowledge our dependence upon Thee and we ask Thy blessings upon us, our parents, our teachers, and our country."

The prayer had been composed by a committee of religious leaders. It was made available by the State of New York for an entirely voluntary recitation by pupils and teachers in its public schools. Justice Stewart, in dissent, noted:

"The Court has misapplied a great constitutional principle . . . What is relevant to the issue here is not the history of an established church in 16th century England or in 18th century America, but the history of the religious traditions of our people, reflected in countless practices of the institutions and officials of our government."

On June 17, 1962, the Supreme Court widened this interpretation to ban the Lord's Prayer and Bible reading in the public schools of Maryland and Pennsylvania. Once again, no teacher had been required to lead prayer, no pupil to join in reciting it. Specific provision was made for abstention on the part of those who did not wish to participate. There are many pleasant phrases in the two majority decisions. Most of them are collateral remarks, *obiter dicta*, that is remarks incidental to the real deciding reason. One could, and some did, assemble such remarks and claim that the court had done nothing more serious than to rule out a residual unfairness, leaving public religion itself wholly intact.

There are, however, other *obiter dicta* which are less sanguine. For instance, in the first decision Justice Douglas enumerates various instances of government accommodation to religion. Bishop James Pike, appearing before a Senate committee in 1962, called such reasonable accommodation "the great American middle way." Justice Douglas says "our system at the federal and state levels is presently honey-combed" with accommodation. "Nevertheless," he continues, "I think it is an unconstitutional undertaking whatever form it takes." In fact, the deed of the decisions, what the then Harvard Law School Dean Erwin Griswold called "the absolute and . . . extreme" reasoning of the court, is dangerously basic. Henry P. Van Dusen, then President of Union Theological Seminary, wrote:

"The corollary in both law and logic of the Supreme Court's recent interdictions is inescapable, prohibition of the affirmative recognition and collaboration by government at

all levels with all organs of religion in all relationships and circumstances." [1]

Fordham University Law School Professor Charles E. Rice said:

"The school prayer decisions, if followed, predictably will have the effect of raising agnosticism to the rank of the official public religion of the United States. The Court has now cast aside the historical affirmation by government in this country of the essential truth of theism, has embarked upon a search for 'neutrality,' a search incapable of success, and has substituted agnosticism for the theistic affirmation to which a small minority has objected so strongly. And for its action the Court can point to no durable justification beyond its own inflated rhetoric and a tortured historical interpretation." [2]

The Boston Pilot editorialized:

"All Public Life Affected.

"The Supreme Court in the Lord's Prayer and Bible ruling has continued along a path unhappily familiar to all from its earlier decisions. The same tedious arguments emphasizing the 'establishment of religion' clause are brought forth to support a position which turns its back on the total American tradition and outlaws the present practices of 39 states . . . Let us suppose that the Lord's Prayer and the Bible are excluded from the American public schools for precisely the reasons given by the Supreme Court. What is the next step? Clearly, all other expression of religion in public life must now be deleted . . ." [3]

To suggest that pleasant phrases en route to decision can override the deed of the decisions themselves is to ignore the heart of the matter. That heart clearly is the equation by the Supreme Court of "establishment" with public reverence, whether free or not, whether institutional and sectarian or not. Even to question such an equation, the court said in its second decision, is "of value only as academic exercises!" The situation is, in short, as it was a century ago when Abraham Lincoln commented on the Dred Scott decision;

"When all the words, the collateral matter was cleared away from it, all the chaff was fanned out of it, it was a bare absurdity. . . . The Dred Scott decision covers the whole ground, and while it occupies it, there is no room for the shadow of a starved pigeon to occupy the same ground." [4]

Five years have passed since the first prayer ban. In those years, several significant things have happened.

(1) Literally hundreds of bills were introduced in both the House and Senate calling for a clarifying amendment to restore the First Amendment to its preban interpretation and to forestall a further widening of the court's logic. There were 117 such bills on the House side alone in the spring of 1964. Senate Joint Resolution Number 1 of the 90th Congress was signed by 42 senators of both parties. It proposed a restorative constitutional amendment which would read:

"Nothing contained in this Constitution shall abridge the right of persons lawfully assembled in any public building which is supported in whole or in part through the expenditure of public funds, to participate in nondenominational prayer."

(2) Catholic response to the prayer bans was openly mixed, though there is no possible doubt that Catholics were in great numbers part of the massive proamendment majority across the nation. The National Council of Catholic Youth officially recorded itself as opposed to the prayer bans and called upon all of its local units to work for reversal. Otherwise, where Catholic apathy and even support of the decisions showed itself, it has been suggested that an underlying cause was self-interest:

"It may be that some of it is motivated by the thought that if public education can be completely secularized (so that, as it has been said, 'religion' in such quarters becomes 'a dirty word'), then there will be an increased public demand for sectarian education which can combine religion with general education. This could then be an argument in favor of parochial schools, and as public schools decline, the argument for public support of parochial schools can be advanced in one guise or another." [5]

I hope this estimate is inaccurate. I fear it may be, in at least a partial sense, accurate. Our bishops wrote once that "religion is our chief national asset," and as such what happened to it anywhere at law must affect it everywhere. I am afraid some of us have simply failed to make the vital connection between what occurred in the prayer ban decisions and those aspects of the First Amendment which preoccupy us more immediately. Too many Catholics have simply failed to appreciate that any fundamental interpretation of the First Amendment by the Supreme Court must over a period of time operate in all areas of religion and public policy, including the area of government aid to nonpublic schools under religious auspices.

(3) Eleven of the 13 justices who passed on the New York prayer issue prior to its arrival at the Supreme Court ruled it constitutional. The attorneys general of 19 states submitted a "friend of the court" brief to the Supreme Court, prior to the first decision, which said in part:

"Our founding fathers, together with the great and God-fearing leaders of the last century and a half, would be profoundly shocked were they to have been told in their day that in this year of our Lord . . . a voluntary nondenominational acknowledgment of a Supreme Being and a petition for His blessings recited by American children in their classrooms is being seriously attacked as a violation of the Constitution of the United States." [6]

It was clear from Congressional reaction that a massive mail concurring with such judgments was hitting Capitol Hill. "Kingsize" was how Senator Dirksen described it. Resolutions endorsing what came to be called the Peoples Amendment for Public Prayer came from the National Conference of Governors, the National Conference of Mayors, legislatures of several states, the National Jaycees, the Veterans of Foreigns Wars, the American Legion, and from such men as Billy Graham, Cardinal Cushing, the late Cardinal Spellman and Bishop Fulton Sheen. Sampling after sampling confirmed the will of the nation. The Gallup Poll in September 1963 recorded a three-to-one majority for reversing the court in its prayer decisions. In October 1964 the Harris Poll put the figure at 82 percent for amendment. Congressional home district polls backed the national sampling. Again and again there was no subject on which more of a congressman's constituents were united than on the need for a prayer amendment, and no subject in which "don't knows" ran lower, or majorities ran consistently higher. At each hearing on prayer amendment proposals, thousands of proamendment petitions were presented. About 40,000 petitions were introduced on the very first day of the House hearings (1964) by Congressman Fallon of Maryland. To the Senate hearings (1966), we introduced in behalf of amendment 35,000 petitions from Pennsylvania, 30,000 from New York and 50,000 from the Midwest. In the spring of 1967 *Good Housekeeping* magazine came up again with an 80-plus percentage for amendment.

(4) Despite all this, *not one single normal floor vote has been held in five-and-a half years in either house of Congress on even the technicality of proposing a prayer amendment to the nation.* And hearings in this critical matter were forced in the House Judiciary Committee only after a discharge petition to by-pass Chairman Emanuel Celler, who was bitterly negative, had nearly succeeded.

(5) In the wake of the prayer ban decisions, things have not stood still. A number of trends have developed. Two are of major importance. First, a trend toward a kind of fearful indecision on the part of public authority. School boards everywhere were from the start anxiously uncertain about whether and how religion was to survive in the public classroom. In some instances, boards have defiled the court, but this is, patently, no solution to the problem. In a few instances, boards have tried to substitute various procedures, such as God sandwiched between Thoreau and Ben Franklin for morning assembly reading. These instances, however, remain so are that each one is the subject of national notice. In most cases the net result has been one of the following: a) to rule religion out entirely; b) to emasculate religion before it is permitted in the school, thus reducing it to the merest art, history or literature; c) to decide any particular question involving religion in the classroom in favor of parents who might conceivably object to it along lines indicated in the prayer ban record. Secondly, there has been a trend toward enlargement of the prayer ban to affect other practices of public reverence. Courts and some attorneys general have relied on prayer ban decisions to strike down kindergarten prayers and such substitutes as the singing of patriotic anthems. In the fall of 1966 the Supreme Court relied significantly on the decisions to knock out aid for church-related colleges in Maryland.

Meanwhile, it was again and again made clear by such opponents of religion in public life as Madalyn Murray O'Hair that the prayer ban would be used as a launching pad for further attacks on all surviving instances of public reverence. It is, of course, impossible to predict with precision just how far the court will go toward accommodating these attacks, but its defenses against them must be seriously weakened by the majority reasoning in the prayer ban cases.

Of course, at the very base of the prayer amendment issue stands the issue of parental rights. There is no question that God belongs in the homes and the churches of America. There is no question that a serious reexamination of His presence there is imperative. But religion is not strengthened at the hearth and the sectarian altar by denying it entry to the public classroom. Religion is not strengthened in the heads and hearts of American youth by wiping it off their lips precisely where most of them prepare for citizenship in a reverent society. What is rather indicated in a joint activity, carefully respectful of the right of dissent, which involves church, home and school. In its 1951 Statement of Belief, which recommended school prayer, the New York State Board of Regents said:

"We believe that thus the school will fulfill its high function of supplementing the training of the home, even intensifying in the child that love for God, for parents and for home which is the mark of true character training and the sure guarantee of a country's welfare."

In its Decree on Education Vatican II underlined how the principle of subsidiarity applies in public education:

"The Church gives high praise to those civil authorities and civil societies that show regard for the pluralistic character of modern society and take into account the right of religious liberty, by helping families in such a way that in all schools the education of their children can be carried out according to the moral and religious convictions of each family."

It is suggested by those who oppose a prayer amendment that the court banned only "prescribed" prayer and that other types of religious presence in the public classroom stand unaffected, indeed encouraged. There

Footnotes at end of article.

is at the very base of the court's decisions a fatal, secularizing equation. Once this equation has been repealed, there is certainly place for reexamination of the entire gamut of that presence. Various approaches to religion as a force for morality and civic strength can and should be tested. Citizens for Public Prayer fully support such testing, but at the right time. So long as the prayer ban remains, however, there can be no compromise. Generally, those who ask substitutes for the brotherhood of prayer call for a moment of silent mediation, classes in comparative religion or the rendition of God strictly in paintings, dates and poetry. Each substitution has its weakness. Collectively, they are totally inadequate to the need of the situation.

Let's take mediation first. It is most significant that the same day the Massachusetts legislature sanctioned mediation in the public schools of the state it petitioned Congress in support of a prayer amendment. A quiet God is better than no God. But a quiet God cannot provide that experience in pluralism which a spoken God encourages. One great advantage of the brotherhood of prayer consists, precisely, in the fact that through it children from various religious backgrounds are taught that although they go freely to their separate churches and synagogues over the weekend, still they can freely find and pronounce together common words of uniting reverence each day during the week. Besides, mediation is extremely difficult even for adults. To suppose that grade school youngsters can meditate properly is a delusion.

As for classes in comparative religion, it may be that once the prayer ban is repealed we can move along these lines. But such classes will require teachers who have the wisdom of Solomon, and are objective enough to relate one religion to another without bias. And should these teachers fail even slightly, offended parents will rise to challenge them in the courts, just as parents who objected to the earlier prayer did.

In regard to religion as art, history and literature, it is true that under these aspects it belongs in many classes, so that children of a reverent people may review their inheritance. But what a tragedy it would be if God could come into school only as a footnote in classes otherwise preoccupied and minus any factor of reverence whatsoever! Religion is more than dates and pretty pictures and nice phrases. Religion is reverence. Any proposal which drains it of its prayerful blood is anemic to start with. In short, none of the suggested substitutes is, at least in its present state of refinement, adequate. None would in any way remove the tragic precedent of the two prayer ban decisions. Finally, the closer any one of them came to being a real collective reverence, the more likely it is that it would be challenged and struck down by courts under the compulsion of prayer ban logic.

MAJORITY-MINORITY PROBLEM

There is another item in the prayer amendment debate which must be pondered. This is the item of majority-minority relationships in a democracy. It has two facets. The first is: How should society accommodate in its practices a majority will against which there is marshaled a loud minority will? The second is: In the public classroom how should the dissent from prayer and the desire for prayer be handled with justice all around? In regard to the first question, it must at the outset be agreed that 50 percent plus one does not of itself make a thing right. Democracy must never be a matter of a bullheaded majority tyrannizing over a cowed minority. Neither must it ever be an oligarchy in which a miniscule elite, somehow wiser, forces its preference on an unwilling majority. This latter state becomes what *The Boston Pilot* has called a "tyranny of the few." One thing is clear: As in all such controversial situations, a dissenting minority must be assured to the maximum reasonable extent its right of silence and abstention. To permit a minority's preference to dominate public practice, however, thus denying to an overwhelming majority its will, is an intolerable travesty of democracy. In this case, a strong argument can be mounted in support of the traditional, pre-ban interpretation of the First Amendment. Even Justice Brennan, siding with the majority in the second prayer ban decision, concedes that its factual position is far from conclusive:

"On our precise problem, the historical record is at best ambiguous, and statements can readily be found to support either side of the proposition.[1]

But even if the court's reading of the history and the semantics were accurate, the case for a clarifying amendment would still stand. No people in a free society are required to be prisoners of words which, in that hypothesis, do not say what the people wish them to say and do not permit practices which the people overwhelmingly wish to provide for themselves and for their children. As in the flag salute situation, what is required of a wise judiciary is not a decision rendering the majority silent before an intolerant minority but one that allows the greatest prudential accommodation for dissent while the majority will prevails. The second facet of majority-minority relationships here can be expressed in a question: Is school prayer an unconscionable intrusion on the rights of the dissenting child and his parents? It must be repeated that in the three prayer ban states, school prayer had been entirely voluntary for both teacher and pupil. Tolerance is, and must continue to be, a two-way street. So long as he is respected in his right to be different, the dissenting child must learn to respect the right of the majority of his fellow students who wish to pray together. Dean Griswold's treatment of this critical matter is excellent:

"Must all refrain because one does not wish to join? . . . No compulsion is put upon him (i.e. the dissenting child). He need not participate. But he, too, has the opportunity to be tolerant. He allows the majority of the group to follow their own tradition, perhaps coming to understand and respect what they feel is significant to them. Is not this a useful and valuable and educational and, indeed, a spiritual experience for the children of what I have called the minority group?"[7]

A related question is often posed. Whose prayer? The answer is simple. Once the civil right of public reverence is restored in the public school, the American people again will select, with a minimum of mistakes and a maximum of good common sense, a reasonably nondenominational prayer. To suppose that any group of Americans with a sectarian majority would be so callous of its neighbors as to insist on a sectarian prayer in their public schools is to fly in the face of the great bulk of American experience. But even should, in a rare instance, such a prayer be proposed, recourse for remedy would still be open with the courts. What is clearly urgent in this entire issue of majority-minority rights is a reasonable pluralism, the kind of adjustment and prudential accommodation which mature men make with their neighbors in any complex matter in which a common decision is required. With such a responsible pluralism, the solution to difficulties such as wording a proper amendment and coming up with consensus prayers is easy. Without it, we become quickly a jungle of selfish predatory religious groups, careless of neighbors and haggling over every approach to that harmony which has so long been the major motif of our people.

A few words of prayer by children in a public place will not alone change the world. The brotherhood of prayer remains an important part of an important pattern. Clearly, however, much more than this is at stake in the fight to write a Peoples Amendment for Public Prayer. The whole matter of a reasonable and reasoned pluralism is involved here. So is the survival intact of all practices of public reverence. So is every other controversial aspect of church-state relationship. So, finally, is the very workability of the democracy itself. It is simply incredible that there are still Catholics concerned with democracy, education and pluralism who cannot, or will not, understand these things. John Donne wrote that "no man is an island!" It can be said with equal force that no decision of the Supreme Court fundamentally interpreting the First Amendment against the expressed will of the nation is an island—a minimal, a singular thing. Remedial action now, loud and long, is emphatically indicted. Seldom has the alternative to such action been more strongly put than by Father Joseph Costanzo, S.J., professor of history jurisprudence at Fordham University: [8]

"American believers are losing by default. They have taken their spiritual heritage for granted. They have allowed a creeping gradualism of secularism, under the specious pretext or another, to take over their public schools. A vociferous and highly organized pressure is exercising its own form of indirect coercive pressure upon the American community.

FOOTNOTES

[1] The New York Times, July 7, 1963.

[2] The Supreme Court and Public Prayer (New York, 1964), page 24.

[3] June 21, 1963, The Boston Pilot is the official publication of the Catholic Archdiocese of Boston.

[4] Columbus, Ohio, Sept. 16, 1859; Galesburg, Ill., Oct. 13, 1858.

[5] Griswold, Erwin N., Utah Law Review, Vol. 8, No. 3 (Summer 1963).

[6] United States Supreme Court, October term, 1961, Document No. 168.

[7] Op. cit.

[8] This Nation Under God (New York, 1964), pp. 131–32.

PRAYER IN THE PUBLIC SCHOOL—QUESTIONS AND ANSWERS

(This material is provided by Citizens for Public Prayer, 3004 Adams Street, N.E., Washington, D.C. 20018. It is meant to help you join us in a leadership role. Use it to familiarize yourself with the basic arguments for our common cause and the frequent objections raised to it. Seek chances to spread the word wherever and as often as you can. Remember, it is critically important that we offer the nation the whole truth about school prayer to counteract arguments and pamphlets which minimize and oppose our great cause. Some of this opposition, it must be noted, emerges from so-called "religious" groups. You may re-print this material in any way you like. Try to get it into as many hands as possible. We have been too long a silent majority who wish to see the civil right of free public prayer restored in America. We can be silent no longer. Will you help? Will you take this material, study it and then go out yourself to speak, write and otherwise press loud and long until with the grace of God we win?)

1. What happened which makes a Peoples' Amendment for Public Prayer necessary?

(a) On June 25, 1962, the Supreme Court said, without citing any precedent, that the following prayer freely recited by pupils and teachers in New York State public schools was unconstitutional:

"Almighty God, we acknowledge our dependence upon Thee and we ask Thy blessings upon us, our parents, our teachers, and our country."

(b) On June 17, 1963, the Supreme Court banned the Lords prayer and Bible reading

from the Schools of Maryland and Pennsylvania though in both instances recitation had been by statute free.

(c) The only effective way to reverse a precedent-making decision by the Supreme Court is through a carefully worded Constitutional amendment. This we propose.

2. What did the Court really do?

As in all Court decisions there are brave and good words here. What is important, however, is not the incidental remarks but the deed of the decisions. President Abraham Lincoln had once commented on the Dred Scott decision—"When all the words, the collateral matter was cleared away from it, all the chaff was fanned out of it, it was a bare absurdity." Such is the case here. In its first decision, the Court equated "establishment" with public reverence, whether free or not, whether institutional or not, whether sectarian or not. In its second decision, the Court said that even to question the historic validity of this equation was "of value only as academic exercises." Inserted into such an equation, despite the Court's occasional assurance to the contrary, all practices of public reverence among us must fall. This, in fact, is what the Court did. The fight for a Peoples' Amendment for Public Prayer is, thus, a fight to eradicate what we have called the fatal equation. Much more is involved here than the prayer alone!

3. Are we attacking the Court?

We attack the integrity neither of the persons nor the institutions of the Court as then constituted. Simply, following in the steps of Abraham Lincoln and many others, we seriously question the traditional, historic and legal validity of its prayer-ban decisions.

4. What, then, is really at stake here?

First and foremost, return of the civil right of free public prayer to the classroom.

Second, a process of creeping secularism which, unless now radically checked, could continue to wipe out one by one all other practices of public reverence among us. Examples: attack on the Christmas prayer of the astronauts (1968), on the Pageant of Peace near the White House (1969), on other spiritual exercises in public schools! By forcing the issue of free school prayer, we ask the American people to reflect again on the role of God in their midst, to examine the national conscience again. This could be the critical beginning in a great grass roots effort to make American again a Nation on its knees. Fourth, to reaffirm the democratic process in which the will of the vast majority of our people determines the law under which we shall live.

5. Some say we can still teach about religion in public schools. Is this true?

Religion is more than dates and pictures and which pope ruled when and who reformed what! Religion is essentially effective, the up-reach of the spirit toward a concerned God. Religion, stripped of affection and spirit, is not religion at all. Teaching about religion may be useful. It cannot suffice. Besides any surviving religion in public schools, while it may last for a time, will most surely be subject to attack by the same intolerant few who succeeded in having the prayer-ban decisions handed down. Besides, to accept teaching about religion in places of the civil right of free school prayer does absolutely nothing to erase the fatal precedent now placed by the two prayer-ban decisions.

6. What about substitutions for prayer in the public schools—such as meditation, classes in comparative religion, God sandwiched between Buddha and Einstein in a series of morning exercises?

The same argument holds as in 5 above. Many proposed substitutions are not religion at all. Meditation, of course, is better than nothing. A silent God is better than no God. But since when can little children effectively meditate? Why must God be quiet when He enters a school? Besides, silent meditation by its very nature is individual. It does nothing to fulfill the purpose accomplished by the beautiful brotherhood of free prayer with which most of our school districts began the school day for many decades prior to the prayer-ban decisions. In any case, no substitute would do anything to remove the fatal precedent of the prayer-ban decisions. Those who use the argument from substitution to oppose a prayer amendment (and most substitutors do not support an amendment) are, quite frankly, our foes just as much as those who want all religion removed from the public classroom. They fail to see, honestly or dishonestly, that by accepting a substitute they are permitting a cancer to remain and grow while applying salve to the external wound. All effective substitutes are susceptible to attack from the same kind of intolerant few who secured the prayer-ban in the first place. What is necessary is that a Peoples' Amendment for Public Prayer be written into the Constitution and then further thought be given to the whole matter of religion and morality in education not vice versa!

7. Why should we tamper with the First Amendment?

The First Amendment has already been tampered with by the Court. We propose simply to restore it to its original and traditional meaning. S.J. Res. 6, a sample of possible prayer amendment wording, reads: "Nothing contained in this Constitution shall abridge the right of persons lawfully assembled in any public building which is supported in whole or in part through the expenditure of public funds, to participate in nondenominational prayer."

8. Would not a "sense of the Senate resolution" be enough?

There are some Congressmen who may be using this device honestly. We cannot help but feel, however, that many are using it dishonestly. A sense of the Senate resolution would change nothing whatsoever. Only a carefully worded amendment will accomplish what must be done—namely a fundamental reversal of the two prayer-ban decisions.

9. Suppose the Court in fact accurately interpreted the words of the First Amendment?

Even if this were true—and it is not—still our case remains. The people must not be made prisoners of words which do not say what they clearly wish the Amendment to say.

10. Doesn't religion belong rather in home and church than in school?

Religion belongs everywhere in the life of a reverent republic. We do not, certainly, strengthen religion in the heads and hearts of children by wiping it off their lips in that place where they begin to learn the arts and sciences of life together. A God reduced to purely private dimensions is wholly foreign to the religious traditions of the nation.

11. Whose prayer would be used in public schools if an amendment passes?

For generations, with a maximum of good sense and a minimum of error, the American people had free prayer in their public schools. There is no reason why this cannot again be accomplished, and particularly in this new era of enlightened relations between all religions among us. As in all such delicate matters, the question can and will be adjudicated in each school district. Should anyone of these districts be so callous and so foolish as to institute a sectarian prayer, recourse would still lie with the courts.

12. What about minority rights and tolerance?

Tolerance is a two way street. So long as his rights to silence or abstention are recognized the dissenting child can do one of two things. He can deny others their rights by loudly demanding his selfish privilege, or he can refrain from participation recognizing in the process that others think differently than he and respecting their rights to do so. This is a perfect preparation for citizenship in a pluralistic society in which, often, delicate decisions have to be made in which there are majorities and minorities. The dissenter must always be free in his conscience, no pressure must be put on him to conform. But to suggest that this entitles him to deny the great majority the right to do what they feel in their consciences they should do is a travesty of the democratic process. A responsible pluralism in this, as in similar matters, is the very basis of our way of life together.

13. Is common prayer not in fact harmful to real religion?

By no means. True some children mumbled the morning prayer, but some children sing "The Star Spangled Banner" badly and some look out the window while reciting "The Gettysburg Address." This is no reason for abolishing the practice. What a magnificent experience, the children who have attended no religious exercise on the week-end or who have gone to various temples and churches on different days during that week-end come together on Monday and find common words to say to a common though differently experienced father! Who shall say that this experience is not meaningful?

14. How will the prayer-ban decisions effect other church-state cases?

Once the First Amendment has been fundamentally misinterpreted, it is clear that all other cases arising under it will be tainted by that misinterpretation. Make no mistake, the prayer-ban decisions are not dead but living. They will rise in case after case to affect the outcome.

15. What connection is there between the prayer-ban decisions and national sanity?

We cannot, nor do we, contend that all the tragic occurrences in the United States since 1962 can be traced back to the prayer-ban decisions. We do suggest a serious decline in morality among us. We do point to anarchy, arrogance, crime-increase, over-sexism and all the rest. We do say that the prospect of making America again a nation on its knees through a prayer amendment might do much to reverse the national moral crisis.

For further information read: "The Supreme Court and Public Prayer" by Professor Charles E. Rice, Fordham University Press, New York City, 1964.

Whenever you write us, please enclose a self-addressed and stamped envelope. Union in prayer.

The Restoration of the Civil Right of Free Public Prayer Could be the Critical Beginning of a National Return to God

(Testimony of Rev. Robert G. Howes, National Coordinator of Citizens for Public Prayer, Washington, D.C., and Associate Professor at the Catholic University of America, before the City Council of Baltimore, Maryland, on 2 March 1970, supporting a bill to provide for free non-denominational prayer in the public schools of Baltimore.)

How very appropriate that we meet tonight in Baltimore, Maryland, the city from which once Madalyn Murray O'Hair succeeded in driving free school prayer! How very appropriate that the instant resolution bears the signatures of a Councillor Gallagher and a Councillor Kaplan!

The subject before us all here is, technically, a moment in the morning, nothing more. And yet in an extremely real sense, the subject is the future of this nation. I do not suggest, of course, that restoration of the civil right of free public prayer in the classrooms of Baltimore will in and by itself cure the deep diseases now eating inside us. I do suggest that there is in such a restoration the same potential which existed in the penny on the pound of tea which once activated Boston toward revolution. I do suggest there is here a great symbolic moment, a critical break-boundary as Marshall

McLuhan would call it, a turning point. Your action in restoring the civil right of free prayer to school children in that city which now stands blotted before the American people as the first city from which school prayer was specifically banned could indeed begin Operation Break-through for a great national crusade to make America again a nation on its knees! And never in our history together since Valley Forge has such a crusade been essential!

I am here, then, both to support the resolution before you and to invite your attention to the larger issue within it. We in Citizens for Public Prayer have fought for nearly seven years to reverse the two tragic prayer-ban decisions of the United States Supreme Court. We continue to fight. We remained convinced that, while what you do is important, only a carefully worded Peoples' Amendment for Public Prayer is adequate to the need of the situation. Only an amendment which will forever wipe out the precedent of those two decisions can do the job which must be done. Even as you deliberate on this resolution, we invite you and the people of Baltimore to look upon it not as an end but as a vital and triumphant beginning in a process the term of which will be the type of Peoples' Amendment for Public Prayer now supported by 44 Senators of both parties on the Hill but unfortunately bearing the signature of neither of the two Senators from the State of Maryland!

What is actually at stake in the matter before us here?

(a) first and foremost, *the restoration of that free brotherhood in prayer with which for long and good decades American young people began their school day.* This was accomplished with a minimum of mistake and a maximum of common sense. It is a wonderful preparation for responsible citizenship in this pluralistic republic.

(b) *the democratic process* itself. Despite hundreds of bills and evidence of massive public support, in nearly eight years since the first prayer-ban decision not one single proposal for a prayer amendment has reached the floor of either House or Senate for a normal vote. All bills remain blocked in committee. This is almost unbelievable. Even those who disagree with supporters of free public prayer should now join them in demanding a free and fair chance for the issue to be heard first in the Congress, then in the fifty States!

(c) *a re-affirmation of the role of God in our life together as a people.* As school prayer is debated in fifty States, a re-examinaiton of our national conscience and a re-dedication to our national purposes "under God" are inevitable. Seldom has this been more necessary.

(d) *the reversal of a process of creeping secularism.* Attacks on the moon prayer of the Christmas astronauts (1968), on the Peace Pageant at the White House (1969), and similar practices demonstrate conclusively that denial of free school prayer is by no means the end but rather a significant beginning in the creeping secularism which now threatens our reverential national practices. Mrs. Madalyn Murray O'Hair is fully aware of this. Too many who disagree with her are not. Only reversal of the two prayer-ban decisions can once and for all prevent a widening of the ban to strike down one by one all other surviving instances of public reverence among us.

Who supports prayer in the public school?

It will often be contended that only the people support prayer in the public school. And this, of course, is in part true. Somewhere in the vicinity of 75% of the nation endorse free school prayer. It will also be contend that "church leaders" agree with the Court. And this too is in part true. Many whom we call "generals without armies", so-called religious leaders who do *not* speak for their own congregations, have incredibly refused to recognize the evil in the two prayer-ban decisions. But, all the same, the list of supporters of free school prayer is significant. It includes Patrick Cardinal O'Boyle of Washington whose Thanksgiving Day 1969 address to the Kiwanis and Rotary Clubs in Washington, D.C., strongly criticized the Court for its prayer-ban rulings. Also included are Dr. Billy Graham, the National Association of Evangelicals, the National Council of Catholic Youth, the Daughters of Isabella nationally, the Jaycees, the National Governors' Conference, the National Conference of Mayors, the American Legion, the Veterans of Foreign Wars, the Diocesan Council of Catholic Women in Buffalo, New York, and the legislatures of Maryland, Massachusetts and New Jersey! There are many others. A recent poll by Congressman Lawrence J. Hogan (5th Maryland District) showed 71% of all respondents in favor of a constitutional prayer amendment.

Again congratulations. Indeed tonight you may begin to fire the shot which will be heard around the country.

THE LINK BETWEEN THE PROBLEMS OF RURAL AND URBAN AMERICA

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. WOLD. Mr. Speaker, in the period since 1914 there has been a great demographic shift in the United States. Attendant with this shift has been an equally great social and economic restructuring of the United States.

In short the United States has been transformed from a rural agrarian, sparsely settled society to an urban, industrialized, and populated nation. The transformation has not been without benefits, but increasingly we are finding that a tremendous economic and social cost has been exacted in the process.

The scope of the problem is vividly portrayed in an editorial by James M. Flinchum, the editor of the Cheyenne, Wyo., State Tribune.

I include it in the RECORD at this point in my remarks:

[From the Cheyenne (Wyo.) State Tribune, Mar. 6, 1970]

NO ANT HILLS ON OUR HORIZON

The Wall Street Journal in an editorial this week headed "Danger: Anthills Ahead" says that high on the list of national priorities should be a program aimed at preventing America from degenerating into an anthill society.

The anthills mentioned in the editorial amounts to a metaphorical refernce to our urban centers, and as the Journal notes, was used by Secretary of Commerce Maurice Stans recently in warning about what could happen to America in the next 30 years when by the year 2000 a total population of 300,000,000 may be expected in this country, 85 per cent of that concentrated in the urban centers.

It is not very pleasant to contemplate what such an anthill society would mean to this nation," said Stans. Among the probable evils likely are increases in congestion, pollution, crimes and youthful alienations; some local governments might be unable to provide the necessary services for their citizens and thus disintegrate heading to megalopolitan governments of a police state nature.

"Skyrocketing costs of public services, moreover," says the Journal, "could drain so much tax revenue as to produce practically a state-controlled economy."

In one respect we disagree with this thesis: The anthill society is not in the future. It already is here. Consider the problem of New York City; constant friction of one kind or another in this teaming, over-crowded community has led to certain forms of stagnation. An example is a gravediggers' strike that has led to the accumulation of hundreds of bodies that are stacked up in the cemeteries because they cannot be placed underground. Garbage collection is another prime problem, rampant crime in the streets another.

All about us in the nation's megapolitan areas, the anthills are teeming; the situation exists on both coasts: Vast concentrations of people who by their very numbers create an almost insuperable problem. But at the same time the concentrations are encouraged; the tremors of social disorder that are set off by these antheaps are contributed to by the herd instincts of industry and commerce. There is some sign that the danger is recognized; a few industries are moving out of megalopolis and into the hustings, but not in sufficient volume yet.

Perhaps more encouragement is necessary; this need not be in the form of government compulsion, says the Wall Street Journal, but through devices of encouragement such as investment tax credits, liberalized depreciation allowances, planned decentralization of government facilities and continued assistance to new communities.

From a social standpoint, the problem deserves the intense scrutiny and study of the Nixon Administration for it has shown that it possesses the courage and candor to make such an approach rather than contribute to further escalation of the antheaps through the social action programs espoused by its two predecessor administrations which shore up the anthills rather than arrest their development or erode them.

Finally, we wish some public-spirited citizen or agency might take out a full page ad in a publication such as the Wall Street Journal that would convey the message that there are no anthills in Wyoming.

Perhaps a photograph or one of Connie Schwiering's great paintings depicting the Tetons would aid such a message; no anthills, only mountains and magnificent, but largely, empty landscapes.

A little people distribution would help everybody all around.

Our cities would be even more overburdened; our rural areas would have deteriorated even more had it not been for the reluctance of legislators from rural areas of the United States to adopt the great social programs of the past decades.

But the onc man-one vote ruling has increased the power of urban areas and soon will give political power to direct the Nation's resources and energies solely toward the solution of the Nation's urban problems.

Another article which sheds light on the problems and outlines some general starting points toward rural development is the recently published findings of the President's Task Force on Rural Development.

As Mr. Flinchum has stated so eloquently, however, problems cannot be solved through ignoring rural America. To do so would be a very unwise policy and would multiply the already existing problems of both areas.

In the past decade, a few farsighted

individuals have noted the link. But these findings were buried in the clarion cries for help by the cities.

Despite this an increasing number of persons have noticed the connection. Indeed, the recognition has progressed to the point where urban leaders recognize that at least a portion of the Nation's resources must be directed toward a solution of the Nation's rural problems if theirs are not to be compounded.

There are many paths the revitalization of the Nation's rural areas may take. Mr. Flinchum points out some possibilities—investment tax credits, liberalized depreciation allowances, planned decentralization of Government facilities, and continued assistance to new communities.

THE STUDENT IN THE UNIVERSITY AND SOCIETY OF TODAY, NO. 5

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. McCLORY. Mr. Speaker, I include in the RECORD as a part of my remarks today the second half of a report by the National Association of State Universities and Land-Grant Colleges entitled "Constructive Changes To Ease Campus Tensions: State and Land-Grant Universities Take Positive Steps To Involve Students and Curtail Campus Disruptions."

The remarks follow:

POLICIES AND PROCEDURES ON CONDUCT AND DISRUPTION

Largely in response to the growing threat of violence and disruption on college and university campuses, institutions of higher learning throughout the country have in the past two years developed specific procedures and policies to protect their campuses and to guarantee the rights of those engaged in normal university activities to continue their pursuits unhampered. The examples in the following sections illustrate recent activities along these lines. Institutions not listed here have been excluded not because they have not been taking steps to deal with disruptive demonstrations but only because the Office of Institutional Research lacked specific information on their activities at the time this compilation went to press.

POLICIES ON OBSTRUCTION AND DISRUPTION

In this section are examples of the kinds of specific policy and warning statements state universities have been adopting recently with regard to campus disruption. These statements make it clear that state universities will not tolerate violence, disruption, and interference with the rights of others and that they will initiate disciplinary proceedings against those who engage in such tactics. Penalties are clearly spelled out, and in many cases include expulsion or suspension.

Alabama

Auburn University in October 1969, revised its policy for campus disruptions, to warn that students "engaged in or contributing to any disruptive or destructive activity will be subject to prompt disciplinary action and, if appropriate, to civil action." Non-students, it warns, will be brought before the proper civil authorities.

Furthermore, in response to concern expressed by student leaders, disciplinary procedures and penalties for offenses including rioting, disruption of University operations, dishonesty, and possession or use of illegal drugs have been clearly defined and published in the student handbook.

Arizona

In July 1968, the Arizona Board of Regents adopted a policy clamping down on acts of disruption or violence on university property.

Arizona State University's new code of conduct warns expulsion or suspension may result from offenses including the following:

"Intentional obstruction or disruption of teaching, research, administration, disciplinary proceedings, or other University activities, including public service functions and other duly authorized activities on University premises.

"Occupation or seizure in any manner of University property, a university facility or any portion thereof for a use inconsistent with prescribed, customary, or authorized use; preventing, obstructing, or substantially interfering with the use of a facility or a portion thereof by those persons for whom or to whom the space is assigned.

"Participating in or conducting an assembly, demonstration, or gathering in a manner which threatens or causes injury to person or property; which interfers with free access, ingress, or egress to University facilities . . . remaining at the scene of such an assembly after being asked to leave by a representative of the Office of Student Affairs or a campus security officer."

California

University-wide rules which are applicable on all nine campuses of the *University of California* state that one of the specific categories of misconduct for which students are subject to discipline is "obstruction or disruption of teaching, research, administration, disciplinary procedures, or other University activities, including its public service functions, or of other authorized activities on University premises."

Colorado

In September 1968, Regents of the *University of Colorado* approved a general tightening up of regulations governing student conduct. This was the first major revision of the Laws of the Regents since 1960. The new laws spell out standards of conduct expected of students in more detail than the old ones and they specifically state that CU officials shall not discuss student grievances "under conditions of coercion, intimidation or where ultimatums are present or implied."

The ultimate authority for disciplinary action is vested in a Faculty Committee.

In addition, a resolution passed by the Faculty Council empowers the chairman of any public meeting held on campus to take all necessary steps to see that speakers can be heard and are treated with courtesy.

Colorado State University's "procedure for accommodating peaceful assembly on campus" was revised in March, 1969. This policy statement guarantees the rights of peaceful assembly and prohibits demonstrations which interfere with educational functions. Demonstrations are prohibited in classrooms during hours they are scheduled for use. Demonstrators refusing to leave when directed by authorized university personnel are subject to immediate temporary suspension and arrest under applicable city and state laws.

Connecticut

At the *University of Connecticut* during the past two years, students have comprised a large majority of the special committee which formulated policies related to recruitment and related demonstrations. Several students now serve as voting members on a special committee developing guidelines for responsible dissent and demonstration on the campus.

All matters of student conduct and disciplines are accountable to the Student Conduct Committee. This board is comprised of three faculty members and seven students and acts autonomously under the authority of the Dean of Students.

Delaware

In August 1968, the *Delaware State College* Board of Trustees declared its college policy "to make clearly understood that vandalism, disruptive activity, taking over or otherwise occupying or using the College grounds, buildings or facilities without proper authorization, intimidation and violence are unacceptable modes of behavior and will not be tolerated."

The *Delaware State College* student handbook warns that "any student who initiates or participates in a demonstration or any form of protest on campus that obstructs the academic process, interferes with the rights of others on campus, or results in physical violence or property damage is subject to serious disciplinary action."

Delaware State College and the *University of Delaware* have declared they will permit students to demonstrate, picket, and distribute leaflets. But whatever steps necessary will be taken to control picketing that interferes with university functions.

Florida

At *Florida State University*, a new student code details "offenses" which may lead to expulsion or lesser penalties:

"Deliberately impeding or interfering with the rights of others to enter, use, or leave any University facility, service, or scheduled activity.

"Deliberate interference with members of the University community in carrying out their normal functions or duties.

"Participation in unlawful demonstrations, riots, affrays, or assemblies in violation of policies, rules and regulations of the Board of Regents and the Florida State University, or in violation of the law.

"Destruction, damage, or misuse of University property . . .

"Unlawful or unauthorized entry into or upon University owned or controlled buildings, property or facilities."

The *University of Florida's* policy governing demonstrations was adopted by and has the support of faculty and student leaders. As explained by UF President Stephen C. O'Connell: "The policy is a simple one. Briefly stated, under it freedom of speech and action is guaranteed everyone entitled to be on our campus, so long as the individual obeys the law, does not interfere with the rights of others, or interfere with the orderly operation of the University. If anyone by his action threatens to disrupt, he is warned to desist. If he persists, he will be suspended pending hearing. If he still doesn't stop, he will be arrested."

Georgia

The Board of Regents of the *University System of Georgia* has adopted a policy on disruptive and obstructive behavior, which is said to be consistent with resolutions adopted in 1968 by the AAUP, AAC, and AHE Executive Committee condemning actions taken to disrupt the operations of institutions of higher education. It warns as follows:

"Any student, faculty member, administrator, or employee, acting individually or in concert with others, who clearly obstructs or disrupts, or attempts to obstruct or disrupt any teaching, research, administrative, disciplinary or public service activity, or any other activity authorized to be discharged or help on any campus of the University System of Georgia is considered by the Board to have committed an act of gross irresponsi-

bility and shall be subject to disciplinary procedures, possibly resulting in dismissal or termination of employment.

Hawaii

A proposed addition to the Student Handbook of the *University of Hawaii* pertaining to judicial procedures is currently before the university's governing bodies. It specifies a variety of sanctions that could be involved in cases where students are found guilty of actions which disrupt any university function.

Idaho

In April, the *University of Idaho* Board of Regents adopted a Faculty Council-approved University policy calling for "prompt and firm action" interminating any disruptive protest demonstration or sit-in.

Illinois

In September 1968, the *University of Illinois* Board of Trustees warned that "acts of violence, disruption, and interference with the rights of others" . . . (are) wholly antagonistic to the spirit and purpose of the University . . . Such actions constitute unacceptable behavior on the part of any University student or member of the faculty and staff."

The *University of Illinois* has a new "Policy on Demonstrations," which brings together all current policies and procedures of the University for maintaining order on its various campuses. Included are actions of the Board of Trustees and the president and a statement adopted by the Senate committee on Student Discipline. A step by step approach to the handling of disruptive activity has been set up at each campus of the University, according to the document. It also notes that liaison with state, county and local law enforcement bodies has been established to assure their availability if needed. The "Policy" is signed by President David D. Henry.

Indiana

On August 28, 1969, the *Purdue University* Board of Trustees amended its June 8, 1968, resolution covering conditions of student conduct leading to suspension or expulsion from the University to include obstruction and disruption of university activities as grounds for automatic suspension for a minimum of one full academic semester plus the remainder of the semester during which the offense occurred.

The resolution also noted that "demonstrations are not of themselves misconduct. Demonstrations which do not involve conduct beyond the scope of Constitutionally-protected rights of free speech and assembly are, of course, permissible. However, conduct which is otherwise improper cannot be justified merely because it occurs in the context of a demonstration."

In September, Purdue added to its statement of principles and policies for academic tenure originally issued in October 1964 a section warning that faculty staff members would be dismissed if found guilty of disruption or obstruction of university activities.

Iowa

In February 1968, the State Board of Regents in Iowa designated as acts of misconduct subjecting the violator to disciplinary action "intentionally disrupting the orderly processes of the university; intentionally obstructing or denying access to services or facilities by those entitled to use such services or facilities; or intentionally interfering with the lawful rights of other persons on the campus, or inciting others to do these acts."

This policy applies to all Regents institutions in the state.

At the *University of Iowa*, it has been incorporated in the current Code of Student Life distributed to all students and in the general catalog.

At *Iowa State University*, it has been incorporated into the regulations concerning student behavior that appear in the 1969–71 student handbook.

Iowa State University also warns that admission or re-entry to the university as a student may be qualified or denied to anyone who while not registered as a student commits acts that would have subjected a registered student to disciplinary proceedings.

Kentucky

The *University of Kentucky* Student Code warns students that disruptive or coercive acts may lead to suspension or expulsion. Any action constituting "interference with, or coercive action against, any registered, organization or any individual on property owned or operated by the University . . . or prevention of ingress to and egress from buildings" is a disciplinary offense at the University.

Louisiana

Louisiana State University has banned Students for a Democratic Society from all its campuses. The Board of Regents said it could "find no reason why it should encourage destruction of the university system by according SDS, or any other similar organization, official status."

Maine

The *University of Maine* has distributed a Statement on Campus Disorder, approved in October, 1969 by the Student Senate and the Council of Colleges. The statement includes policies approved in 1967 by the Faculty Council and Board of Trustees stating that normal university functions may not be disturbed and the free flow of traffic may not be disrupted by individuals or groups. The statement also outlines relevant disciplinary regulations and procedural guidelines for dealing with campus disorders.

In addition, the University's Code of Student Conduct, currently under review, confines demonstrations to the outside of University buildings and warns that demonstrations must not block access to buildings or interfere with either the free movement of anyone on university grounds or the normal conduct of university affairs.

Maryland

Current regulations of the *University of Maryland* warn that "disciplinary sanctions will be imposed not only for individual misconduct which demonstrates a disregard for institutional behavioral standards, but, as well, for conduct which indicates disregard for the rights and welfare of others, as members of an academic community. Such conduct may ultimately call into question the student's membership in the university community, either because he has violated elementary standards of behavior necessary for the maintenance of an educational milieu, or because his continued presence at the University adversely affects the ability of others to pursue their educational goals."

The University of Maryland regulations also forbid destruction or theft of personal or university property and warn that disciplinary action may include restitution to the University or to the individual(s) involved.

Massachusetts

Under the leadership of the President, Provost, Dean of Institute Affairs, and the Chairman of the Faculty, a code of behavior relating to dissent on the campus has been developed at the *Massachusetts Institute of Technology*. Faculty-student committees have been appointed to apply this policy to specific instances of disruption and violence which may involve the civil authorities or the Discipline Committee of M.I.T.

The Code of Student Conduct for the *University of Massachusetts* has been amended by joint committee action to include defined limits and procedures for campus protest and dissent. These standards are under continuing study by the committee at the direction of the Board of Trustees Committee on Student Activities.

Minnesota

On April 24, 1968, a student-faculty committee at the *University of Minnesota* issued a report on campus demonstrations and made various recommendations. The implementation of the report has been initiated and supported by faculty and students. In summary, the report states that orderly demonstrations as an expression of favor or dissent should be permitted and encouraged on a university campus, because of the very purpose, nature and functions of a university. It adds, however, that "demonstrations which disrupt the functioning of a university endanger its existence."

Michigan

University of Michigan President R. W. Fleming at a faculty meeting on September 29 of 1969 said: "We can within the University of Michigan, tolerate as much dissent and turbulence, I suppose, as any university in the country. But we cannot tolerate continued harassment and disruption which makes our primary purpose for being here impossible."

In June 1968, the *Michigan State University* Board of Trustees passed a resolution warning that attempts to interfere with university activity may subject participants to legal and disciplinary action, "including suspension and expulsion."

Mississippi

Mississippi State University has revised certain regulations and procedures relating to campus disturbances.

Missouri

A strong policy statement warning that the *University of Missouri* will not tolerate actions by any groups or individuals that interfere with its normal and regular activities was issued in fall 1968 by President John C. Weaver. The statement has the unanimous support of the Board of Curators and applies to all four University campuses. It warns that any students or employees who interfere with normal activities "will face immediate suspension and may suffer ultimate dismissal."

Montana

The *University of Montana* has long had a general policy which insures the student's right to freedom of speech and expression through demonstrations or otherwise so long as the exercise of this right does not interfere with the normal operation of the university. In the event the normal operation of the university is in fact interfered with, then a policy statement has been prepared to be read to the students participating in any such violation of University regulations which informs them that if the violation continues, the university will, upon recommendation of the Attorney General of the State of Montana, take the necessary steps to obtain an injunction against its continuance.

Nebraska

The *University of Nebraska* Board of Regents adopted a policy on "campus disorders and response to disruptive action" on April 19, 1969. In this instance, students, faculty, and administration agreed on the policy which was presented to the Regents for approval. This policy states in effect that when disruption occurs, sanctions will be imposed on the spot. If these sanctions are ignored, university officials can invoke police force. The policy also provides for the right of any individual or group to petition for public hearing.

New Hampshire

At the *University of New Hampshire*, faculty, student, and administration committees dealing with specific issues, such as

ROTC, recruitment as well as student rights, have all emphatically rejected physical disruption of the University's normal operations as a tactic. The committees also suggested peaceful means for recording opposition to campus situations that seem undesirable.

New Jersey

The *Rutgers University* policy on demonstrations states that any demonstration that interferes with the freedom of other members of the academic community will not be tolerated. This includes all actions which interrupt the normal activity of the institution, e.g., occupying buildings, obstructing traffic, or committing any act of trespass or vandalism. The University warns that such activities, if carried out, can result in disciplinary measures, including possible suspension, expulsion, or the application of civil remedies as appropriate. Where disciplinary measures are required, due process will be observed in accordance with well-defined procedures established by each college and division of the university.

New Mexico

In January 1968, the Deans' Council of *New Mexico State University*, working with the President's office, widely publicized the University's position on rights and responsibilities of students. The statement specifically warns against activities "which hinder a faculty member or administrative officer in the performance of his university duties or which put obstacles in the way of students going about their legitimate university concerns." Such activities "must be considered irresponsible, and the individuals involved will be subject to disciplinary action," the statement continues.

The Regents of the *University of New Mexico* approved a Student Standards Policy for the University several years ago. It guarantees procedural due process to students in violation of university regulations and sets up standards of student behavior. The policy calls for disciplinary action "if a students acts in such a way as to affect adversely the University's educational function or disrupt community living on campus."

New York

In July 1969, the *State University of New York* Board of Trustees adopted new rules and regulations for maintaining public order on state university campuses. These regulations were distributed on SUNY campuses this fall. They are binding on all persons on university-controlled premises. They detail "prohibited conduct" which may subject violators to penalties including expulsion and/or dismissal. Among the prohibited activities are the following:

Entering into private administration or faculty offices without permission "express or implied."

Remaining in any building or facility without authorization after normal closing hours.

Deliberately disrupting or preventing the orderely conduct of classes, lectures, and meetings; or deliberately interfering with the freedom of any person to express his views, including invited speakers.

Willfully damaging or destroying property of the institution or under its jurisdiction.

Entering or remaining in any building in a manner that obstructs its authorized use by others.

A report by a Special Trustees' Committee on Campus Unrest at *Cornell University* endorsed the adoption of a new university-wide judicial system, formulated and approved by both the Faculty Council and Board of Trustees. The major thrust of the new system is that there will be no negotiations under duress and no amnesty to offenders. Students refusing to abide by university codes and regulations will be suspended or expelled.

New regulations designed to prevent disruption of public order are also in force this year at *Cornell*. The rules were adopted by the Board of Trustees in compliance with a new section of the New York State Education Law.

The regulations affirm the rights of peaceful dissent and free speech on campus. Regarding "Standards of Conduct," they summarize as follows: "All persons shall conduct themselves on University premises in a manner which does not disrupt or obstruct university operations or functions or infringe upon or interfere with the lawful exercise of the rights and freedoms of others." Specific kinds of prohibited conduct are listed, including using force against persons or property, obstructing access to University premises, and preventing the participation of others in employment interviews and other authorized activities.

To help enforce the regulations, the Trustees, acting on recommendations from a student-faculty-administration task force, created two boards to hear cases and appeals involving alleged violations and also created the post of judicial administrator. These positions were filled this fall.

In June, 1969, the Board of Higher Education of *The City University of New York* adopted an eight-rule code dealing with the maintenance of order on its campuses. Included are specific prohibitions against: Obstruction or forcible prevention of others from the exercise of their rights; interference with the institution's educational process or facilities; unauthorized occupancy or obstruction of university facilities; disorderly/or indecent conduct; possession of weapons on campus; theft or damage to university property or the property of any person on university premises, and use of language or actions likely to provoke or encourage physical violence.

A range of specific penalties to which violators will be subject is also spelled out. The rules were drafted by the Board's Education's Law Committee following consultations with representatives of the university's Faculty Senate, Student Advisory Council, and Deans of Students.

North Carolina

The Executive Committee of the *University of North Carolina* Board of Trustees adopted on July 7, 1969, a statement defining University policy in cases of disruption of the educational process; and on September 12, 1969, a statement of procedures to implement the policy.

It defines disruptive conduct and warns as follows:

"Any student, faculty member (including full-time or part-time instructor), or employee who willfully by use of violence, force, coercion, threat, intimidation or fear, obstructs, disrupts, or attempts to obstruct or disrupt the normal operations or functions of any of the component institutions of the University, or who advises, procures, or incites others to do so, shall be subject to suspension, expulsion, discharge, or dismissal from the University."

In implementing the statements, each chancellor was to appoint a student-faculty-administration board of inquiry and a university hearings committee.

In September the Chancellors of the six units of the *University of North Carolina* distributed copies of these statements to all students, staff, and faculty.

At *North Carolina A & T State University*, a code to student life, widely distributed this fall, sets down guidelines for protests, picketing, and demonstrations by student groups. It requires specific grievances, issues, "or other potential protest or demonstration concerns" to be submitted 96 hours in advance to the president of the Student Government Association, who will conduct a hearing on them and submit his findings and recommendations to the Dean of Student Affairs. Applications to assemble for purposes of protests in the case of unreconciled grievances must be made at least 24 hours in advance. Assemblies and demonstrations must be conducted so as not to interfere with or obstruct normal traffic flow onto, about or around the campus. The use of the campus "as a staging area" for off-campus protests or demonstrations will be discouraged.

The code to student life also warns that "any student or faculty member who willfully, by use of violence, force, coercion, threat, intimidation or fear, obstructs, disrupts, or attempts to obstruct or disrupt the normal operations or functions of the University, or who advises, procures, or incites others to do so, shall be subject to suspension, expulsion, discharge, or dismissal from the University."

North Dakota

A statute enacted by the 1969 session of the North Dakota Legislature mandates the State Board of Higher Education or the administration on the campus involved to take certain steps in the event that any person is found to have willfully damaged any university property or willfully obstructed the normal administration of the university.

The course of action required includes the following:

(1) The filing of a civil suit for damages against the person;

(2) The signing of a criminal complaint charging him with a violation of the law;

(3) If the person is a student, his expulsion from the school; and

(4) If the person is a faculty or staff member, the bringing of a hearing on the charge of breach of his employment contract.

The statute does not grant the administration of a college the authority to withdraw the civil or criminal complaints once they are filed. Therefore, no requests for amnesty or withdrawal of charges can be honored.

In a policy statement on campus disruption, the *North Dakota State University* Administrative Council cited the provisions of the statute. The statement added that, in the event that any seizure or forcible occupation of university property falls short of the willful destruction or obstruction prohibited, the Academic Council of NDSU will take action, including:

(1) All negotiations, if any, with the occupying group will be terminated immediately.

(2) The occupying group will be advised that the university authorities are prepared to meet with a limited number of representatives of that group at a time and place when and where reasoned discussion can be had, but only after the seizure or forcible occupancy has ceased, and only with the understanding that such seizure or forcible occupancy will not be repeated.

(3) The occupying group will be notified publicly to vacate.

(4) If the notice to vacate is not followed, all necessary steps to ensure compliance will be taken.

The *University of North Dakota* is currently in the process of drawing up more detailed statements of policy and procedures to be followed in the case of serious interruptions of normal university activities than are found in its "Conduct Code and Disciplinary Procedures," its current guide in handling student violations of regulations.

Ohio

The *Ohio State University* Board of Trustees has adopted a set of rules dealing with disruption of university operations and with the university committee on discipline. The rules provide that students found to have engaged in disruptive acts may be subject to expulsion, with or without prosecution in civil courts.

The Policy for the Conduct of Members of the *Ohio University* Community was adopted in September, 1968. It specifically declares

as unacceptable conduct for members of the University community and visitors "obstruction or disruption of teaching, research, administration, disciplinary procedures, or other university activities, including the University's public service functions, or of other authorized activities, on University-owned or controlled property."

Violators may be ejected from University property, suspended or expelled from the University, or liable to legal prosecution as appropriate.

Oregon

The *University of Oregon* Code of Student Conduct has detailed provisions which include offenses relating to the physical abuse of another person in the academic community and to the malicious destruction, damage, or misuse of University property or of private property on campus. It also proscribes improper disruptions of classes.

Oregon State University's Student Handbook has undergone considerable revision to insure that it defines in detail the code of conduct for all students. Sections include: Responsibility of Individuals, All University Policies and Regulations, Disciplinary Actions and Procedures, Responsibility of Student Organizations, and the recently adopted statement on "Students Rights, Freedoms and Responsibilities at Oregon State University."

Pennsylvania

Last March, in a letter to parents, *Pennsylvania State University* President Eric A. Walker reaffirmed the University's determination "that no class shall be interrupted nor action tolerated that threatens others or interferes with the educational programs of the University."

South Carolina

A policy concerning the conduct of students, adopted by the Board of Trustees in 1965, still is the standard at *Clemson University*. The policy recognizes that "there is a valid function performed by faculty and student body alike in considering and supporting any and all issues controversial or noncontroversial within the framework of orderly peaceful and lawful decorum, demeanor and processes." At the same time, it empowers the president of the university to take any disciplinary action that he feels the circumstances warrant to prevent acts of violence, unlawful use and misappropriation of institutional property and facilities, criminal acts and public acts which reflect adversely on the maintenance of discipline and on the good name and reputation of the university, its student body, and faculty.

A statement in the rules and regulations of the *University of South Carolina* recognizes the rights of students to peaceable assembly, freedom of opinion, freedom of speech, and freedom to engage in the normal educational and institutional processes of the university. It adds that the university will use all of its resources to see that no one connected with the university interferes with the free exercise of these rights. Appropriate legal and disciplinary sanctions will be invoked in cases of "physical obstruction or interference, interference by noise, and actions which offend or outrage normal sensibilities . . ."

South Dakota

South Dakota State University's regulations state that students may have peaceful demonstrations but they cannot interfere with the normal operations of the institution in teaching, research, and extension. They cannot interfere with the rights of any other student or citizen, and they cannot destroy property which belongs to individuals, the state, or federal government.

A policy adopted at the *University of South Dakota* states that student demonstrations are recognized as a legitimate means of expression to the point that there is no interference with the freedom of others or disruption of regular scheduled university activities.

Tennessee

On June 20, 1968, the *University of Tennessee's* Board of Trustees approved a resolution that "conduct or activities which are disruptive of the educational process will not be tolerated on any campus of the University of Tennessee." The Board authorized the president and administration of the University to take "any lawful action which is necessary to maintain law and order and the integrity of the institution . . . This board will not tolerate any form of civil disobedience or disruption of the University's orderly business."

The University's policy permits campus demonstrations in areas generally available to the public provided demonstrations are orderly and do not interfere with university traffic and activities.

On March 27, 1969, the *University of Tennessee* Administrative Council approved an itemized list of "misconduct for which students are subject to discipline." It includes "obstruction or disruption of teaching, research, administration, discriminary procedures, or other University activities, including its public service functions, or of other authorized activities on University premises."

Student regulations have been updated at *Tennessee State University* to be more specific regarding penalties for disruptive acts.

Texas

In April 1968, the Board of Regents of the ten-institution *University of Texas System* amended its rules and regulations dealing with disruption of educational activities by force or violence. Penalties including expulsion for students and dismissal for employees were set for those who "acting singly or in concert with others, obstruct or disrupt, or attempt to obstruct or disrupt, by force or violence, or by threat of force or violence, any teaching, research, administrative, disciplinary, public service or other activity authorized to be held or conducted on the campus of a component institution of the UT System."

Texas Tech University regulations forbid "the use of force or violence which in fact causes obstruction or disruption of teaching, research, administration, disciplinary procedures, or other university-authorized activities, including its public service functions, or of other authorized activities on university premises . . . The words 'force or violence' include such acts, for example, as are commonly called 'stand-ins,' 'sit-ins' and 'lie-ins' only when such acts are in fact obstructive or disruptive of any of the authorized activities as set out above."

Texas Tech President Grover E. Murray has warned that "the administration and the Board of Directors of the university neither condones, nor will tolerate, irresponsibility of actions or interruptions of the orderly processes conducive to maintenance of a desirable learning atmosphere. The administration and the Board of Directors of Texas Tech intend unequivocally that abrogation of the university's requirements of conduct and behavior shall make the offender liable to disciplinary action including separation from the University community."

In a statement issued last May, the *Texas A & M University* Board of Directors noted that "the doors of Texas A & M University have been, and will continue to be, open for orderly constructive change as recommended by anyone with noble purpose. But change which would disrupt due academic processes—change thrust upon this institution under the ugly veil of threat or demand—will not be considered or tolerated."

A statement issued last March by *University of Houston* President Philip Hoffman warned students that disrupting the normal educational program or threatening life or property could lead to fines or prison. He specifically warned that occupation of buildings, classrooms, offices, laboratories, or other University facilities in such a way as to interfere with their normal use would not be tolerated, nor would blocking of access of those facilities be allowed. Persons failing to end disruptions when so requested by university spokesmen will be subject to university disciplinary action, as well as civil arrest and prosecution. In making his statement, President Hoffman noted that he also represented "the unanimous viewpoint of the Board of Regents."

Virginia

At the *University of Virginia*, in May, 1968, University President Edgar F. Shannon, following a meeting with student leaders, stressed that "University officials will not negotiate . . . under conditions of duress, such as unauthorized occupation of university property." In September, 1969, he issued a statement confirming the university's commitment to academic freedom, freedom of speech, and the right of students to indicate publicly their views in ways not disruptive of academic activities, scheduled events, or other normal university functions. The university's catalogs state that "any student found guilty of participating in or inciting a riot or an unauthorized or disorderly assembly is subject to suspension."

A detailed statement on procedures to be observed in the event disruptive activities develop was adopted in 1968 by the University Council and Board of Visitors at *Virginia Polytechnic Institute*. The statement was distributed to all students and faculty during fall registration for the 1968–69 and 1969–70 academic sessions. The statement outlines procedures for orderly picketing and demonstrations. In the event these activities become disruptive or interfere with normal University programs or the individual rights of others, specific steps for restoring order are outlined in the statement.

Washington

Washington State University President Glenn Terrell last March in an open letter reiterated university policy of using all resources available "to prevent disruptive action on the campus on the part of anyone—faculty, students, staff, or outsiders." Members of the university community "who violate the rights of others" are subject to disciplinary procedures.

Last November, the *University of Washington* Regents issued a statement declaring explicitly "what it has regarded as implicit heretofore, namely, that it will not condone actions on the university campus . . . which threaten the destruction of university facilities, records, or property, or which prevent students, faculty, or staff from carrying forward their regular activities and responsibilities . . ." The Regents warned that individuals resorting to disruptive activities "expose themselves to university discipline or action of the courts, or both."

Wisconsin

Recently-enacted Regent regulations applying to all *University of Wisconsin* campuses prohibit intentional conduct which seriously damages university property, indicates serious danger to the personal safety of members of the university community, and which obstructs or seriously impairs university activities. Other new regulations require identification cards, authorize chancellors to close campuses to outsiders in emergencies, severely limit the use of bullhorns at campus rallies, regulate picketing and other assemblies to limit interference to regular campus activities, and prohibit the entry on campus for specified periods by students who have been suspended or expelled as a result of obstructive or dangerous conduct

and by non-students who are convicted of crimes involving danger to persons or property on campus.

Wyoming

The *University of Wyoming* has declared it will permit students to demonstrate, picket, and distribute leaflets so long as the procedures are orderly and do not interfere with the rights of others or hamper normal university functions.

STUDENT CODES

At a number of institutions, all regulations pertaining to student behavior have been assembled into a comprehensive document known as the student code. Students are expected to familiarize themselves with their codes and to abide by the regulations laid out in them. These codes have in many cases been developed by and/or with the assistance of students. In recent years, a number of these codes have been revised to deal more explicitly with disruption of campus activities and the penalties for such disruption. The Office of Institutional Research has in its files complete copies of a number of these student codes and will furnish further information or samples upon request.

Alabama

Although the *University of Alabama* has no official Code of Conduct, officials are now bringing together all policies and procedures relating to students, with a view toward making these more readily available to students.

Arizona

Following more than two years of work by the Student Affairs Committee and other groups, *Arizona State University* has for the first time this fall a single code of conduct, bringing together in one document materials formerly found in a variety of publications not spelled out at all. Pending formal adoption by appropriate campus governing groups, the code of conduct went into effect this summer as a "provisional but operating regulation."

California

At the nine campuses of the *University of California* each enrolled student is given a student handbook which includes an extensive section on the rights and obligations of students and the procedures involved in disciplinary action. Revision of these rules at either the campus or University-wide level occurs only after extensive consultation between students, faculty, and administrators.

Colorado

Colorado State University distributes a handbook entitled "The Rights and Responsibilities of Students and Student Groups at Colorado State University." The handbook contains general policy statements affecting students and their organizations along with pertinent city and state regulations.

Delaware

University of Delaware President E. A. Trabant has set as a major "problem" to be solved this year the development of documents on student rights and responsibilities, along with the development of a new judicial system and a new constitution for the Student Government Association. Drafts of the needed documents were prepared last year by student-faculty committees. They currently are awaiting revisions needed to eliminate conflicts with the University's charter and inconsistencies.

Florida

At *Florida State University*, a new code of conduct, entitled "Rights and Responsibilities of Students at the Florida State University" went into effect this fall. The code was developed with the assistance of both students and faculty.

President Stanley Marshall early in the fall of 1969 was to appoint a commission representing all segments of the University to undertake an extensive study of the relationships of the students to the University and to recommend additional changes in the code as needed during the academic year.

The *University of Florida* has a Student-Affairs Committee which constantly reviews the need for changes in the University Code of Conduct. A revised code is now receiving the consideration of the committee.

Georgia

Each institution in the *University System of Georgia* either has revised or is in the process of revising its rules governing student conduct in the light of recent court decisions in this area. Generally students are being given a more active role in decision making, particularly with regard to the discipline of their fellow-students.

Hawaii

A detailed Statement of Standards for the *University of Hawaii* is currently under consideration by the university's governing bodies. The document consists of a community bill of rights plus a designation of behavior that would be unacceptable from students, faculty or administrators. The statement notes that "the achievement of excellence in the University is promoted by the unification of the academic community in a common purpose: The mutual enhancement of educational experiences." The statement guarantees rights to academic freedom to participate with equal status in formulation of purposes and policies of an all-university nature to engage in peaceful protest, and to due process, among other rights listed.

Idaho

The *University of Idaho* is now revising its rules and regulations as well as procedures for handling disturbances to determine whether they need strengthening. A new student code of conduct is expected to be developed soon.

Indiana

The *Indiana University* Board of Trustees presented a new student code of conduct to all students during registration for the fall quarter this year. It spells out in detail the rights of students to appeal and to due process of law. The document received an enthusiastic endorsement from the student body president.

Iowa

At the *University of Iowa*, a current "Code of Student Life" has been published as the result of last year's work of an all-university Committee on Student Life, which establishes rules and regulations governing standards of conduct at the University. Six years ago only four students sat on this committee; now there are seven student members on the 15-man committee. Although in effect now, the code is subject to refinements and revisions.

At *Iowa State University*, the "Code of the Student Community" is published as part of the student handbook, "The Chart." A subcommittee of the Council on Student Affairs is currently developing a procedure for greater consultation with students and other segments of the university community in making future revisions of "The Chart."

Kansas

At the *University of Kansas* a subcommittee of the Student Senate is currently developing a new Student Code of Conduct for ratification by the Student Senate.

Kentucky

The *University of Kentucky* Board of Trustees revised the University's Code of Student Conduct in July 1969. The revised code spells out penalties for disruptive and coercive actions. Student and faculty trustee representatives were included on the Board committee that studied the code.

Maine

A Disciplinary Code adopted at the *University of Maine* in 1968 deals quite specifically with the maximum sanctions that may be imposed for various forms of conduct. Dismissal is the maximum sanction for acts of destruction of property or for knowingly giving false information to university officials in pursuit of their official duties. Suspension is the maximum sanction for trespass, or intentionally placing a person in fear of physical harm. Disciplinary probation is the maximum sanction for disorderly behavior. The code also outlines the procedure to be followed by the University in disciplining a student when policies are violated.

In addition, the University's current Student Handbook includes a Code of Student Conduct adopted in May, 1967. The Student Matters Committee of the Student Senate is reviewing this code this year and Student Senate action on a revised code is expected before the end of the year.

Massachusetts

The Student Matters Committee of the Senate at the *University of Massachusetts* is presently reviewing the university's Code of Student Conduct, and Student Senate action on a revised code is expected before the end of the academic year.

Michigan

The Commission on Student Government of *Wayne State University* is currently completing a comprehensive bill of student rights and responsibilities. It will enlarge and make current a similar bill enacted by the university's Student-Faculty Council four years ago.

Minnesota

At the *University of Minnesota* a new Student Code of Conduct is presently being considered by a special Study Committee on Student Affairs. The committee will make its report early in 1970.

Montana

At the *University of Montana*, Standards of Student Conduct have been adopted and approved jointly by the students, faculty, and administration. All violations are concerned with the lawful missions, processes, or functions of the University.

Montana State University is currently reviewing all disciplinary rules, regulations, and penalties, as well as the philosophy behind required student conduct. Revised rules will be compiled for distribution to all students.

Nebraska

The *University of Nebraska* Board of Regents, Faculty Senate, and the Associated Students of the University of Nebraska have adopted, as institutional policy, a document on "The Student in the Academic Community." This document outlines general rights and responsibilities, rights and responsibilities in the classroom, and rights and responsibilities in the instructional settings. The new University Council on Student Life is an outgrowth of this effort.

During the summer of 1969, a publication entitled "Expectations for University Students" was mailed to each student's home address. This publication included information on student conduct, codes, the policy on disruptive action and the document on "the Student in the Academic Community."

Nevada

At the *University of Nevada, Reno*, a subcommittee of the Office of Student Affairs, including the student body president and a faculty member, has been delegated the responsibility of surveying, organizing, and collating existing policies and regulations affecting students.

New Hampshire

A joint student-faculty-administration committee established by the *University of New Hampshire* Senate in 1968–69 developed a lengthy "Declaration of Student Rights and Responsibilities" which sets forth University policy guidelines in eight areas—freedom to learn, freedom of access to higher education, faculty-student relations, student

records, student affairs, student conduct on and off the campus, procedural standards for student discipline, and enforcement of the Declaration's provisions. In brief, the Declaration establishes that "students are free to learn and to challenge" and to "support causes by orderly means which do not disrupt the regular and essential operation of the University or violate the rights of other members of the academic community and of the community at large." The Declaration, now incorporated as the introductory section of UNH's Student Rights and Rules Book, makes clear provision for due process procedures in any disciplinary actions undertaken by University officials.

New Jersey

Rutgers University has endorsed the principles espoused in the "Joint Statement on the Rights and Freedoms of Students."

New Mexico

A Statement of Rights and Responsibilities for the *University of New Mexico*, adopted by the Board of Regents, affirms the student's right of free speech and honest expression of opinion. It calls for disciplinary action only in cases where "a student acts in such a way as to affect adversely University's educational function or disrupt community living on campus."

New York

New codes and student conduct are being developed on campuses of the *State University of New York* during the 1969–70 academic year in compliance with the requirements of the new New York State Education Law. The law requires that all colleges "chartered by the regents or incorporated by special act of the legislature shall adopt rules and regulations for the maintenance of public order on college campuses and other college property used for educational purposes and provide and program for the enforcement thereof." The new rules must govern the conduct of students, faculty and other staff as well as visitors and other licencees and invitees on campus. The document must also clearly set forth penalties for violation of the rules. The new codes will be used concurrently with the new "Rules and Regulations for Maintenance of Public Order on Premises of State-Operated Institutions of the State University of New York," adopted by the SUNY Board of Trustees.

Rules of Student Conduct regarding drug violations have recently been revised at the *State University of New York, Stony Brook*. The new rules provide sanctions which vary according to the character and quantity of the drugs involved and the nature of the offense itself. Students are prohibited from possessing marijuana; central nervous system stimulants, such as amphetamine or barbiturates; Peyote, LSD or other hallucinogenic drugs, and narcotic drugs such as opium or heroin. The maximum sanction for possession of the former two types of drugs is suspension, and the maximum sanction for possession of the latter two types is explusion.

The penalty for selling marijuana and stimulant and depressant drugs is suspension for a first offense and explusion for any subsequent violations. The penalty for selling narcotics or hallucinogenic drugs is expulsion.

Cornell University's student code, which was first issued in 1963, was revised last year. The updated code went into effect, on at least an interim basis, this fall.

In August, Cornell published a "Policy Notebook for Students," containing the University's basic documents concerning student conduct. The booklet states that "the establishment of policies concerned with student life has been the result of the combined efforts of students, faculty, and administration."

North Carolina

Student codes of conduct are under constant revision at the *University of North Carolina at Chapel Hill* either by the Student Legislature or by the referendum device. Two matters of current concern to students are:

A belief that action should be taken by the university only when the offense occurs "on campus."

A desire to add the Double Jeopardy amendment to the Constitution which will bar action by the university in cases where a student is being prosecuted in the civil courts.

North Carolina A & T State University this year has distributed a booklet called "Code to Student Life: Some Policies and Guidelines."

Ohio

At *Miami University*, faculty, students, and administration have worked cooperatively in the last few years to define reasonable and effective student conduct regulations.

In response to a state legislative mandate, representatives of the faculty, student body, and administration at *Ohio University* developed a statement of campus conduct standards, which was approved by the Board of Trustees in September 1968. Copies of this statement were distributed by Ohio University President Claude R. Sowle to all members of the Ohio University community this fall.

Oregon

A document on Student Rights, Freedoms and Responsibilities is in effect this fall at *Oregon State University*. It was approved by the Associated Students OSU Senate and the OSU Faculty Senate and signed by the OSU president. The document deals with academics, student affairs—particularly pertaining to freedom of association and freedom of inquiry and expression, off-campus freedom, and disciplinary measures.

South Carolina

Contained in "Student Rules and Regulations" of the *University of South Carolina* is a "Statement of Student Rights and Freedoms Within the Academic Community," initiated by the Student Senate, passed by the Faculty, and approved by the Board of Trustees.

South Dakota

At the *University of South Dakota* students publish their own handbook and, under the Student Court System, they have developed their own codes of conduct and penalties for infractions thereof.

Texas

Rules on student services and activities at the *University of Texas at Austin* have been compiled and are published in the General Information Bulletin of the university as well as in a separate pamphlet. Areas dealt with include: Orientation, admissions policies, student financial aid, the Student Health Center, housing, student organizations, intramural sports, the Texas Union, student records, the use of university facilities, and student discipline and conduct.

Utah

At *Utah State University*, a student-faculty committee last year reviewed and rewrote, where advisable, all university policies involving the student community and collected them into a single document referred to as "The Student Code."

Washington

At the *University of Washington*, major revisions in regulations covering student conduct and discipline have been adopted by the Regents on recommendation of the University Senate in the first major restructuring of regulations since 1959. A major point of the new code is creation of a Joint Council on Student Conduct and Activities, composed of students and faculty. It will be responsible for a "continuous review of the general standards of conduct . . . rules and regulations on student activities and procedures for student discipline as they affect both individual students and student organizations."

The new code places regulations and discipline in a more specific framework than previously with more highly specified and regulated student participation.

West Virginia

At *West Virginia University*, students wrote and voted approval of a Statement on Student Rights and Responsibilities, commonly called the Student Code. The University Senate referred the Statement to a conference committee consisting of five students and five faculty members to develop a jointly prepared statement that will be presented to the University Senate and the student body for approval.

Wyoming

Every enrolled student of the *University of Wyoming* receives a student handbook which outlines the rights and obligations of students and details procedures to be followed in disciplinary actions. At the present time, administrators and students are completing work on a student Bill of Rights.

UNIVERSITY PREPAREDNESS FOR DISRUPTION

Although university officials have increased their efforts to maintain viable channels of communication and to deal with legitimate student concerns, they remain alert to the possibility that disruption of their operations may in fact be threatened. Rather than be caught unprepared, most institutions have developed detailed plans for handling disturbances should they occur. In many cases, these plans include coordination among students, faculty, and administration groups, as well as with campus and local police authorities.

Alabama

Auburn University has worked out a detailed procedure which will be followed should protest activities interfere with the normal activities of the University. The procedure provides for injunctions and criminal prosecution. It also outlines activities for the campus security officers, Office of Student Affairs staff, student leaders, and others. Approximately 30 student leaders have agreed to help control mass demonstrations under the direction of the Student Affairs staff.

Arizona

The *University of Arizona* has in the past sought and secured restraining orders in certain cases and has been ready in other cases, if necessary, to secure the action of civil authorities to maintain an orderly campus. It would not resort to court action and police enforcement, however, unless necessary. As President Richard A. Harvill says: "Preparedness though is absolutely essential."

Arkansas

In 1967, the Arkansas Legislature passed an act enabling all Arkansas agencies and institutions to confer peace officer status upon their security personnel. The act also defined certain violations of the law and the actions that the agency or institution could take. With other existing laws, the University believes it has the tools needed to handle disturbances that might occur on a campus.

California

UCLA Assistant Dean of Student Activities, Allan Wiesblott, reported: "We have avoided a battle plan, believing it would lead to a war situation. Instead of planning for trouble we're trying to prevent it."

Colorado

Colorado State University's administration began developing plans for handling disrup-

tion shortly after the 1964 occupation of Sproul Hall at Berkeley. These plans have been reviewed and modified at regular intervals. The University's student handbook and "procedure for accommodating peaceful assembly on campus" outline the procedure to be followed by campus administrators and security officers in the case of demonstrations that are not peaceful.

Florida

On October 1, the *University of Florida* added to the staff of the Vice President for Student Affairs a special assistant on matters of student conduct. The new official's duties will include representing the University in investigating alleged violations of the Student Conduct Code, and, when necessary, presenting the facts of a charge before the Committee on Student Conduct; determining matters of conflicting jurisdiction between campus judicial bodies; referring charged persons to appropriate University counseling courses; maintaining files of all charges and dispositions; acting as a depository for records of the Committee on Student Conduct and for current rules of procedure of all judicial branches; recommending changes needed in such procedures; and preparing orders of expulsion for signature by the chairman of the Committee on Student Conduct.

Georgia

In the case of disruption, the *University of Georgia* will handle the situation in accordance with guidelines set down in a formal written memorandum between the Department of Public Safety (Campus Police) and the Division of Student Affairs.

Maine

The *University of Maine's* 1969 Statement on Campus Disorder spells out in some detail procedural guidelines to be followed "whenever possible" in dealing with campus disorders. It calls for a "control group" made up of students, faculty, and administrators to advise the university president in "extraordinary" situations.

Maryland

University of Maryland President Wilson H. Elkins has noted that "It is the policy of this university to deal with disruption, seizures, or other illegal action as quickly as possible with whatever legal means are necessary." He added that Maryland "will not negotiate with any individual or group under threat of force."

Massachusetts

The president of the *University of Massachusetts* has a formally established emergency advisory committee, composed of members of both the Faculty Senate and the Student Senate. This body provides broad-based community involvement and advice to the president in the event that emergency situations may require community participation in developing a decision.

In the single instance where there was a disturbance on campus, the university terminated it with the assistance of state police. Violators were brought before the civil courts. This process was successful in that neither damage nor injury resulted to any person involved in the action.

In the case of a recent disruption, the *Massachusetts Institute of Technology* obtained a restraining order from the court prior to any instance of violence. Separate committees of students, faculty, and administrators have been set up to deal with the problem of disruption. A Task Force of administrators works closely with the Campus Patrol and the civil authorities in dealing with problems of violence.

Michigan

The *University of Michigan* last summer developed plans for use in case of building occupations or violent demonstrations. The University also fireproofed and bombproofed files containing important documents.

Minnesota

In a policy statement issued September 29, *University of Minnesota* President Malcolm Moos listed standards for determining whether an event is to be considered "disruptive," set down procedures for faculty members faced with disruptions, and defined the disciplinary procedures followed by the University after a disruption. Faculty chairmen of public meetings, and other university officers are instructed to call university police immediately if a disruption appears to threaten life or property. In the event of potential or pending disruption, staff members of the Office of Student Affairs are to be called to assist in resolving any conflict which could escalate into a serious disruption. The guidelines are considered interim procedures pending the report of an extensive study expected in 1970.

Missouri

At *Lincoln University* the "Student Handbook" has been revised with special emphasis given to the "University's expectation of students regarding change, dissent and unrest." While certain specific infractions are listed along with possible University actions, the "Handbook" employs a positive approach by emphasizing expectations rather than an exhaustive list of "do's and don'ts," replete with matching penalties. This "Code of Expectations" is being emphasized in the release of the "Handbook" by the University's Office of Public Affairs.

Montana

At the *University of Montana,* plans to deal with campus disruption have been worked out in some detail among the faculty and the administration in conjunction with local and state authorities. It has been determined, upon the advice of the Attorney General of the State of Montana, that the injunction is the proper legal tool to be used in the event of campus disruption, and the University has been assured by civil authorities that adequate force will be made available upon request in a timely manner to deal with any disruption which may occur.

Montana State University has developed procedures which will go into effect should the normal operation of the university be obstructed.

New Hampshire

At the *University of New Hampshire,* during 1968–69, when some kind of student disruption seemed possible, a group of interested faculty and administrators, all of whom had had direct contact with students, met to develop a policy for handling disturbances. This group proved to be invaluable in controversies which developed over recruiting by organizations such as Dow Chemical, CIA, and others. This group also helped formulate a plan which could be implemented in case of subsequent confrontations. That plan is currently being updated to take account of new issues and new personalities which have arisen in the course of this new academic year.

New Jersey

The various colleges of Rutgers University have adopted specific and detailed policy statements on campus dissent, demonstrations and disruptions, spelling out the steps to be taken in case of disruption. As an example, Rutgers' University College has established a student-faculty-administration Committee on Campus Disruptions with the authority to deal with emergencies.

New Mexico

As student disturbances increased on various campuses around the country last year, it was decided at *New Mexico State University* that additional policy statements of a specific nature were needed. Two such statements were adopted for use in case of disruption at NMSU. Both statements warn participants to desist and spell out the possible consequences they face. The first statement deals with the problem of students attempting to take over University buildings. The second concerns student sit-ins. Both have been publicized on campus.

The *University of New Mexico* developed a plan for dealing with violence on campus in 1966. It assigns responsibilities aimed at maintaining and/or restoring to various members of the university community, including the Student Body President. The student officer will also be consulted in decisions on appropriate steps to be taken following a demonstration.

New York

At the *State University of New York at Buffalo,* guidelines articulated by President Myerson outline procedures used since fall of 1968 in response to threatening disruption on campus. When disruption threatens, a student-faculty-administration special security task force and a student-faculty observer corps go into operation.

The task force is convened to maintain campus procedures. If disruption or violation increases rather than diminishes, the task force considers calling campus security guards. At the same time, the observer corps tries to provide a moral influence against the use of force. Should the problem go beyond the influence of the observers or the campus security agents, calling for outside law enforcement assistance is considered. A representative of the task force is to suggest to the outside police, if called, the importance of avoiding violence and actions against innocent persons. The security task force remains in session for further decisions. The observers remain prepared to serve as witnesses at any subsequent judicial proceedings and to receive reports of any infringement of rights and liberties.

Cornell University President Dale Corson announced in September that he would appoint two committees, one representing students and the other faculty, to advise the administration in the event of campus disruptions involving public order. The committees will be developed "to meet quickly when a crisis is pending or has developed in order to provide the administration with assessments of student and faculty sentiment regarding both the situation confronting the University and the various courses of action which could be pursued at such times."

In September 1969, *The City University of New York's* Administrative Council, composed of college presidents and the chancellor, passed a resolution calling for the establishment on each college campus of a consultative committee composed of elected representatives of the faculty and student body which would participate along with the college administration in formulating general policy guidelines in advance of emergency situations and which would be available for immediate consultation in emergency situations.

The resolution also called for the establishment of a university-wide consultative committee composed of representatives from each of the college consultative committees with university-level purposes and functions similar to those of the college committees. The chairman and vice chairman of the Faculty Senate, the chairman of the Student Advisory Council, and the chancellor serve ex officio on this university committee.

In the event of serious disruptive activity on a college campus, no action is taken until the above consultative procedures have been implemented except in extreme situations where it would be impossible to implement such procedures.

Ohio

At *Kent State University* last April 1, temporary restraining orders—which have been used at other colleges primarily to break up demonstrations—were used to enjoin certain

persons from coming onto the campus. The persons were non-students who were major leaders fo SDS and who took part in a demonstration at the Kent State Administration Building the previous day. Had they come on the campus, they would have been in contempt of court and subject to immediate arrest. The University is reported ready to use such orders again should the occasion arise.

Miami University has "planned for appropriate firmness, if necessary, in order to maintain order" according to President Phillip Shriver. "The Ohio legislature has provided adequately for state support to maintain order should such support be required. Provision has also been made for the utilization of court injunctions if necessary . . . . We believe that we are adequately prepared for campus disorders and violence should such occur."

In a letter to all members of the university community this September, *Ohio University* President Claude R. Sowle warned that should disruption of normal campus operations occur, "I would have no choice but to use any and all means at my disposal to restore order and permit the University to return to its proper activities and pursuits."

Ohio State University administrators have adopted a set of procedures to be followed in the event of a disruption.

Oklahoma

In the event of a disturbance, officials at *Langston University* have developed a plan with which to deal with it. The plan has not been made publics, but is known to the few key people who would be responsible for putting it into effect. It would subject disrupters to both university suspension and criminal arrest.

Oregon

Plans are in existence at *Oregon State University* to deal with all forms of disorder, with emphasis being placed on cooperative efforts by all members of the university community to resolve problems and forestall impending campus disruptions through the means of rational discussion. These plans were utilized in the summer of 1969 during a "sit-in" at the office of the Dean of Humanities and Social Sciences and provided an effective means to minimize the disturbance.

Rhode Island

Guidelines adopted by the Board of Trustees of the *University of Rhode Island* call for a meeting between the president of the university or his designated representative and any probable protesting group or groups prior to a campus visit by a potentially controversial person. Purpose of the meeting is to establish mutually agreeable arrangements.

The guidelines also prohibit demonstrations that block sight, hearing, access or egress, or otherwise interfere with the orderly conduct of an event being protested. To attain this objective, certain areas in which protest activity is prohibited may be defined in advance by mutual agreement between the University and the protesting parties.

A special university committee, representing the administration, the campus police force, the faculty, and the student body has been set up to formulate special rules and procedures in the event of a visit by a highly placed government official or highly controversial person.

South Dakota

In the event that action occurs on the *University of South Dakota* campus which interferes with the freedom of others, disruption of regular university activities, or destruction of property, university security officials are instructed to inform the offenders that they have a given time to disperse or they will be subject to arrest and possible suspension from the university.

Texas

A letter signed by Grover E. Murray, President of *Texas Tech University*, including ten key university regulations that were adopted by the College's Board of Directors in June 1968, is reproduced annually in the Code of Student Affairs, a copy of which is given each student each year at registration.

The regulations were carefully developed with legal counsel and are under constant review by the college's new resident legal counsel to ensure that Texas Tech is in a secure, legal position to take fast and effective action in the event of any destructive or disruptive activities on the campus.

Officials of the *University of Texas* system have "anticipated contingencies and set out certain procedures" for dealing with unrest.

Utah

Utah State University's administration has plans for dealing with student interruption of university programs if these should occur.

Virginia

Under detailed procedures worked out in the spring of 1968 by the University Council and Board of Visitors, *Virginia Polytechnic Institute* has specific plans for dealing with disruption. Persons involved in a disruptive act will be asked by the Director of Security to disperse immediately. Failure to respond when advised will lead to arrest. Following arrest, university actions with regard to those arrested will be held in abeyance until each case is resolved in the courts. In accordance with university policies, all students and staff members involved in disruptive activities will be held individually responsible for their actions.

Wisconsin

The *University of Wisconsin* last summer developed plans for use in case of building occupations or violent demonstrations.

Wyoming

According to *University of Wyoming* President William D. Carlson, plans have been developed for use in case of disruptions, seizures, or other illegal actions.

POLICIES AND PRACTICES REGARDING POLICE

Realizing that the use of police on campus has in the past caused problems, a number of institutions have taken steps to coordinate their activities in advance with local and campus police authorities. A few examples of such activities, as well as policies on police involvement that have been adopted, are listed in this section. There are no doubt many similar examples but the OIR is simply listing those in its files. These activities further reflect the advance planning many institutions have engaged in to be sure they are prepared to deal with potential campus disruption.

Alabama

A plan developed by *Auburn University* in conference with Auburn City personnel includes specific provisions for the role of campus and city police. When an emergency situation exists, campus police will alert the city police who will position themselves as observers until called upon for assistance by campus police. Auburn's policy for campus disturbances specifies that accusers must be prepared to identify positively those accused of committing violent acts and to swear out warrants for their arrests.

Arkansas

At the *University of Arkansas*, appropriate University officials have been working closely with the county sheriff, the Mayor and Chief of Police of the city of Fayetteville, and other law enforcement officials in developing plans to handle disruptions. "We believe we have developed procedures which will be effective in maintaining control in the event of disturbances," says UA President David W. Mullins.

California

The *University of California at Berkeley* is doubling its campus police force this year.

Connecticut

The *University of Connecticut* has, in consultation with students, developed a working relationship with both on-campus and state authorities designed to provide for public safety and security.

Georgia

The *University of Georgia* has an established procedure for coordinating activities with local police. This is outlined in a memorandum of agreement involving the president of the university, the Public Safety Department, and the Division of Student Affairs.

Maine

Noting that "the presence of uniformed officers at the scene of a student disturbance frequently incites the group to expanded action," the *University of Maine's* Statement on Campus Disorder states that in general only the ranking or senior officer available on campus is authorized to call campus security forces. Exceptions are made 'in the unlikely event that personal injury, bloodshed, fire or other destruction of public property occurs without prior warning so as to constitute an emergency situation."

Maryland

The *University of Maryland* this year expects increased participation by campus police in enforcing regulations. The campus police force has been doubled. The University also has a new supervisor of public safety and security and 47 security officers. The new director, who is 29 years old and holds a degree in criminology from Florida State University, hopes to foster better relationship between his department and students. "I can react better to students because I haven't been out of college that long myself," he says.

Massachusetts

At *Massachusetts Institute of Technology* a general policy has been adopted for solving problems on campus without calling the police. All other avenues for solving the problem will be explored prior to calling in outside authorities.

Minnesota

At the *University of Minnesota* close coordination is maintained among the campus police, the administration, and city police.

Montana

Montana State University meets annually with representatives of the various law enforcement bodies to exchange ideas and information and to agree on practices. In extreme emergencies campus security will summon assistance from off-campus law enforcement bodies. Otherwise this is done only at the direction of the president or his representative.

At the *University of Montana*, repeated conferences have been held with the city administration and city police officials, as well as county enforcement officers and the County Attorney's office, and the office of the Attorney General of the State of Montana. Lines of communication have been established and alternative courses of action in response to possible situations have been explored at length.

Nebraska

The *University of Nebraska* has adopted a policy making clear that the institution "abhors the use of force as a method for settling disagreement and will always make exhaustive attempts to deal with issues by rational methods." When, however, such rational efforts prove ineffective or when imminent danger to life or property exists, more forceful methods shall be used to protect

the rights and property of members of the community.

New Jersey

Rutgers University policy is that violators will be dealt with by University authorities in all cases possible. But the president of the University or his designated representative has the right to call upon the civil authorities if he deems it necessary.

At the same time, through the efforts of its Security Department, Rutgers University has established good working relationships with all enforcement agencies which might be involved with campus disruptions. No such agency will "invade" any campus of the University unless invited or unless it has proper warrant, in which case university authorities are to be informed before the warrant is enforced.

New Mexico

New Mexico State University reports that in the past year in particular and in the years before that, University officials have met on numerous occasions with the law enforcement personnel of the community and state. As a consequence, the University has a close working relationship with the local police, state police, and New Mexico National Guard. If disruption does occur, procedures are clear and well-planned. Officials hope there is no occasion to resort to force; but they also state that if force is necessary, they will act promptly and decisively. "Experience at other campuses tells us that prompt and decisive action is one of the important keys to the successful handling of student-caused disruption," says Phil S. Ambrose, Vice President-Student Affairs.

During the 1968–69 school year, conferences were held between the *University of New Mexico* and state and city police. It was decided that if the university required major police assistance, the president would contact off-campus security forces.

North Carolina

The campus security force of the *University of North Carolina at Chapel Hill* has been strengthened during the past year. In addition, a detective agency is now providing night watchmen around residence halls occupied by women students. Excellent liaison exists between the campus security force and city and state police authorities in the event that additional police are needed on campus.

Oregon

Campus security personnel are appointed as peace officers by Oregon law and have authority to deal with all violations of the law or of university regulations. By university policy, however, they normally restrict their activities to campus traffic control and the enforcement of university regulations, with offenses that violate state or local laws being left to local law enforcement officers with whom the Campus Marshal maintains continuous liaison and coordination.

South Dakota

South Dakota State University has decided on procedures to be followed by administrators if an interruption occurs on the campus. First, either the president or the next in line of authority will appear and warn the students that they have five minutes to move. If they do not move in that time, the administration will act to bring in first of all the campus police, secondly the city police and highway patrol, and if that does not work, the National Guard. The president has outlined the procedure he will follow to his Board of Regents.

In the case of a disturbance of a critical nature in which police action would be required, a "command car" concept has been organized at the *University of South Dakota*. The President, the Director of Student Affairs, the Sheriff, the Chief of Campus Security, and the Chief of Police would ride together in this car. Any decisions made, therefore, would be representative of a combined opinion on action to be taken.

Texas

The *University of Texas at Austin* has increased its security force on all campuses this year "partly because we want to be ready for anything," says a spokesman. The force includes some 50 officers trained in FBI-sponsored schools for peace officers.

Utah

The *Utah State University* administration has reviewed its relationship with local law enforcement officials in providing assistance if help is needed.

Wisconsin

During the last year, the administrations of the Madison and Milwaukee campuses of the *University of Wisconsin* have not hesitated to invite the local police on their campuses whenever student demonstrations were likely to grow too large for the campus security forces to handle.

Wyoming

The *University of Wyoming* has conferred with city, county, and state officials concerning the roles of campus and off-campus police units in emergency situations.

POLICIES ON FIREARMS

In this section are examples of specific university policies in effect regarding the use and possession of firearms on the campus. In many cases these policies are part of an overall student code. In all of the examples that follow firearms are expressly banned from the campus. A majority of state universities have policies regulating firearms.

Alabama

At the *University of Alabama* possession of firearms or dangerous weapons is prohibited.

Arizona

Arizona State University's new code of conduct forbids "possession or use of any firearm, incendiary device or explosive, except in connection with a university-approved activity."

Connecticut

The *University of Connecticut* for many years has explicitly prohibited the possession or use on its campus of firearms and other weapons defined by state statute to be dangerous. It also prohibits specifically a wide range of other dangerous materials and devices. A specific prohibition against firearms and dangerous weapons was also enacted a year ago by the Student Senate.

Delaware

The current Student Handbook of *Delaware State College* notes that "the use and/or storage of firearms, ammunition, or explosives of any kind in motor vehicles, buildings, or elsewhere on the college premises is prohibited. The possession or discharge of firearms, firecrackers, or any lethal weapon, the use of candles and starting a fire on the college premises are not permitted."

Florida

Florida State University's new code of conduct lists as a specific violation "unauthorized possession or discharge on the FSU campus or property of ammunition, weapons, explosives, or fireworks."

Georgia

Students are prohibited from possessing firearms on *University of Georgia* property except with permission from the Department of Public Safety.

Iowa

The *University of Iowa's* Code of Student Life lists as an act of misconduct "use or possession of serviceable firearms, ammunition, explosives, fireworks, or other dangerous articles within any University building or University approved housing, on the campus, or at any University sponsored or supervised function or event, except in authorized facilities."

Iowa State University's "Code of the Student Community" states that students "shall not possess or use serviceable firearms, ammunition, explosive or other dangerous weapons or materials on the campus except as specifically described by the Department of Residence for purpose of storage, or as authorized by the chief of campus security or as authorized for instructional and research purposes."

Kansas

At the *University of Kansas*, firearms may be carried only by "persons authorized to do so by the Chancellor or his designated representative." The University warns that "violation of this rule will result in immediate dismissal from the University."

Maryland

At the *University of Maryland*, 1969–70 University Regulations forbid the use or possession of fireworks or firearms.

Massachusetts

A new Massachusetts law bans all firearms on college and university campuses in the Commonwealth except for certain weapons required for security purposes by authorized personnel. This reinforces existing regulations at the *University of Massachusetts* and *Massachusetts Institute of Technology* banning firearms.

Minnesota

State statutes forbidding unauthorized firearms on state property apply to *University of Minnesota* students.

Montana

Students at *Montana State University* are permitted to have hunting rifles or shotguns. Gun rooms are provided in the residence halls where all guns and ammunition must be stored and signed in and out. No handguns are permitted. Concealed weapons are a violation of the law and campus regulation.

Nebraska

University of Nebraska students residing in residence halls are allowed to have firearms but they must store them in a central area. Special storage areas for firearms are provided on the first floor of each residence hall.

New Hampshire

The *University of New Hampshire's* "Student Rights and Rules Book" has for many years carried strict prohibitions against the keeping of "firearms, explosives and fireworks" in men's and women's residence halls and provides for confiscation of such materials and disciplinary action against the owner. During 1968–69, the University also developed and instituted policies which are designed to restrict the use of armed campus police officers. Under the new policy, campus police officers are not armed while they are performing routine traffic control duties or normal day-time patrols of the campus.

New Jersey

Each of the several colleges of *Rutgers University* has had policies prohibiting firearms for at least 25 years. In addition, the New Jersey state legislature in 1969 passed a bill prohibiting unauthorized persons from possessing firearms while on the premises of an educational institution.

New York

Regulations adopted by the trustees of the *State University of New York* last summer include as prohibited conduct knowingly possessing upon university premises "any rifle, shotgun, pistol, revolver, or other firearm or weapon without the written authorization of the chief administrative officer whether or not a license to possess the same has been issued."

New regulations in effect this year at *Cornell University* contain this section dealing with firearms: "The possession, carrying, or use of firearms, including rifles and shotguns, ammunition, explosives, or other dangerous weapons, instruments, or substances in or upon University premises, except by law enforcement officers or except as specifically authorized by the University, is prohibited." Students may have such weapons on university property only by depositing them with the Division of Safety and Security for safekeeping until the students leave the city to go home. Rules and regulations for the maintenance of public order adopted by the Board of Higher Education of *The City University of New York* contain a section on firearms which states:

"No individual shall have in his possession a rifle, shotgun or firearm or knowingly have in his possession any other dangerous instrument or material that can be used to inflict bodily harm on an individual or damage upon a building or the grounds of the University/college without the written authorization of such educational institution."

North Carolina

The Consolidated University of North Carolina, and *North Carolina A & T State University* expressly forbids "the possession of bowie knives, dirks, daggers, loaded canes, sword canes, machetes, pistols, rifles, repeating rifles, shotguns, pump guns, or other firearms or explosives upon any University campus or in any University-owned or operated facility, unless explicitly permitted by the appropriate Chancellor or his designated representative in writing." Violation of this prohibition is grounds for suspension from the University.

South Dakota

The use of firearms or the possession of firearms on any state-owned property within the *University of South Dakota* campus is prohibited.

Tennessee

Following an incident in which a student was injured at *Tennessee State University*, President Andrew P. Torrence issued a firm memorandum to all students of the university, in which he cited the university policy with reference to firearms. The policy states that the possession of any type of firearms, long knives, pellet guns, or any other type of weapons or firecrackers is prohibited on campus. The president warned that the policy would be rigidly enforced and that violation of the policy is grounds for immediate expulsion from the university.

The *University of Tennessee* lists in its standards of conduct as a category of misconduct for which students are subject to discipline "possession, while on University-owned or controlled property or at University-sponsored or supervised activities, or any weapons such as, but not limited to rifles, shotguns, ammunition, handguns and air guns, including explosives such as firecrackers, etc., unless authorized in writing by the Superintendent of Safety and Security."

Texas

Rules of the *University of Texas System* include a section which quotes the state law making it unlawful to interfere with the normal activities of any institution of higher education by "exhibiting or using or threatening to exhibit or use a firearm."

Virginia

At the *University of Virginia* the possession, storage, and use of any kind of ammunition, firearms, fireworks, explosives, air rifles, or air pistols on university property, in fraternity houses, and on fraternity property, is prohibited.

Washington

A new gun control policy at *Washington State University* provides for locked storage of all student-owned guns in residence halls or the Safety Building. The policy was recommended by the student-faculty Student Affairs Advisory Committee.

West Virginia

Possession of firearms, firecrackers, or other explosives on university property, including in university-supervised residence halls, has long been prohibited at *West Virginia University*. This regulation is clearly spelled out in a new Student Handbook published in 1969.

Wisconsin

Regent regulations applicable to all campuses of the *University of Wisconsin* prohibit carrying or using firearms on university property with certain exceptions.

Wyoming

University of Wyoming regulations forbid the possession of firearms, incendiary devices, or explosives within university buildings or university housing.

STATEMENT IN EXPLANATION OF A BILL TO AMEND THE LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

HON. WILLIAM H. AYRES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. AYRES. Mr. Speaker, the purpose of this bill is to improve the Longshoremen's and Harbor Workers' Compensation Act by increasing benefits, liberalizing certain provisions of the act, and removing the dual liability of stevedore and ship repair contractors for employment injuries to employees covered by the act. At the present time, these employers are liable for compensation required by the act and may also be liable for reimbursement to shipowners of amounts paid in damages by the shipowners to the same employees for the same injuries.

A comparatively small number of employees now recover substantial damages for their employment injuries from shipowners which must be ultimately paid by the Longshore Act employer, while the benefits under the act, which the great majority of employees depend on for income when disabled, are inadequate and out of date. The proposal combines provisions to break the circular liability chain and significantly improve benefits.

CIRCULAR LIABILITY CHAIN—LONGSHOREMEN V. SHIPOWNERS V. STEVEDORES

The initial point for consideration in the present circular liability chain which exists with respect to the Longshore Act is that the act explicitly states that the liability of the employer for damages for injury or death resulting from employment of employees covered by it shall be exclusive.

The Longshore Act covers approximately 266,000 longshoremen and harbor workers. Of this number, 14,464 received workmen's compensation at some time during fiscal year 1968. In that same fiscal year, 1,320 cases were filed by Longshore Act employees in the U.S. district courts against third-party shipowners for damages for employment injuries.

Beginning in 1946 the courts established the principle that a shipowner owes an absolute warranty for seaworthiness to Longshore Act employees. This warranty has no relation to negligence and, under the decisions, makes a shipowner a virtual insurer for any employment injury which befalls a longshoreman, ship repairman, or harbor worker aboard ship.

Under existing principles also formulated by the courts and first stated in 1955, the Longshore Act employer is liable to reimburse the shipowner for recoveries by Longshore Act employees for injuries for which the employer stands primarily liable under the act. Since election between receiving compensation from an employer and bringing suit against a shipowner for the same injury is not required, the same employees are involved in an unknown number of both claim and litigation cases. Recoveries made by employees against shipowners, however, are offset against compensation payments under the act. The courts in 1963 began applying the new principle that a shipowner employing longshoremen directly to unload his ship—acting as his own stevedore—is subject to damage suits by the longshoremen for employment injury, despite the fact that the shipowner is an employer under the Longshore Act.

The provisions of this bill relating to the circular and enhanced liability of Longshore Act employers are intended to reinstate the exclusive liability principle of the act.

INCREASE OF PRESENT MAXIMUM AND MINIMUM COMPENSATION

The existing minimum disability compensation payment of $18 weekly was established in 1956 and the existing maximum payment of $70 weekly was established in 1961. In the interim since 1961 to June 1969, the average weekly wage in ship and boat building and repair has increased by 35 percent.

We estimate that in 1970 most longshoremen will be earning nearly $200 a week. The base rate under union contracts will be $4.60 an hour in all ports except San Francisco and the Great Lakes. The base rate in San Francisco will average $4.81 an hour for a standard 8-hour day, including a guarantee of 2 hours overtime daily. In the Great Lakes the basic rate will be $4.02 an hour, increasing to $4.71 an hour in 1971. The 1970 rates for the west coast become effective in June 1970, for the east and gulf coasts in October 1970, and April for the Great Lakes.

In 1961, when the present $70 weekly maximum was put into effect, the average earnings of a longshoreman working a 40-hour week, handling general cargo, were $129.60. In 1970, the comparable figure will be $192.60 an increase of 49 percent. The weekly earnings in 1970, again assuming a 40-hour week and using the general cargo rate, will be $184 in most east and gulf coast ports and $160.80 on the Great Lakes. These earnings represent increases over 1961 of more than 50 percent. It should be noted, however, that these calculations are made on basic general cargo rates. Most workers will earn considerably more because of penalty cargo rates paid for handling certain types of cargo and for different working conditions.

In view of the above facts, an increase in the maximum compensation under the Longshore Act to $119 a week is recommended.

Since wages in the District of Columbia, to which the Longshore Act applies, average approximately $132 a week, a lower maximum of $85 is set for employment injuries in that jurisdiction and a proportionate overall maximum increase for temporary total disability to $29,160.

The minimum compensation would also be increased from $18 to $35 weekly to provide a totally disabled employee with sufficient funds to meet the cost of minimum subsistence. Employees whose wages do not exceed the new minimum are entitled to their entire wages free of the act's percentage limitation otherwise applicable. With today's living costs it is evident that employees making less than $35 weekly would not be able to subsist on 66⅔ percent of their earnings.

The act presently provides that temporary total disability benefits may not exceed $24,000. An increase in this overall maximum proportionate to the increase in the weekly maximum is provided. The increase would be to $40,800 except in the District of Columbia.

INCREASE IN DEATH BENEFIT PERCENTAGES AND AUTHORIZATION OF STUDENT BENEFITS

The percentage of an employee's wage which may be drawn by a widow is increased from 35 to 45 percent, and of surviving grandchildren and sisters and brothers eligible for benefits, from 15 to 20 percent.

Further, surviving children in a student status, as defined by the bill, would be authorized to continue to receive benefits after reaching 18 years of age.

DISFIGUREMENT

The lump sum payment of $3,500 is extended to be paid for disfigurement of the neck, as well as of the face and head, and also of other normally exposed areas which would affect employability.

REDUCTION IN LENGTH OF DISABILITY BEFORE ELIMINATION OF WAITING PERIOD AND EXTENSION NOTICE AND CLAIM TIME

Since 1956 the act has provided that there must be a 3-day waiting period unless the disability continues for at least 28 days. The bill reduces the period to 21 days, after which compensation is payable for the waiting period. This improvement is in line with modern workmen's compensation law trends.

The act now provides that notice of injury or death shall be given within 30 days and claim for compensation or death shall be filed within 1 year after the injury or death. These time limits do not take into consideration the later development of latent disability from a relatively minor accident, or disease causally related to the employment. The time for giving notice of injury and filing claim for compensation or death is, therefore, extended to 60 days after the employee or the beneficiary is aware, or in the exercise of reasonable diligence should have been aware, of a relationship between the disabling condition or the death and the employment.

SPECIAL FUNDS

Two special funds are established under the act. One, is for employees covered by the Longshore Act and its extensions; and the other, for workers in the District of Columbia. The funds provide continuing compensation for permanently disabled workers, or their survivors, when so-called second injuries are suffered by employees with existing physical impairments. The special fund payments begin when payments attributable to the second injury have been completed by the employer or insurance carrier who is liable.

The funds also provide compensation payments when an employer becomes insolvent, and for expenses of vocational rehabilitation when necessary in certain cases, including a living allowance not to exceed $25 a week.

Financing of the funds is provided by fines and penalties collected under the act, interest, and sums of $1,000 paid into the fund in nonsurvivor death cases. The Longshore Act fund is now in a precarious state. Annual disbursements are in excess of annual income, and the outstanding liabilities against the fund exceed the amounts it contains.

In order to finance the Longshore special funds adequately, the bill requires that employers or insurance carriers in cases where an employee suffering employment injury dies and there is no eligible beneficiary pay into the funds any amounts remaining unpaid under a schedule award. It also increases from $1,000 to $20,000 the amount which must be contributed by employers or carriers into the funds in all cases where an employee dies from an employment injury and there is no eligible beneficiary. At present compensation levels, the average compensation paid in fatal cases under the Longshore Act is $35,000. The contribution of $20,000, therefore, where the potential liability is so much greater appears reasonable.

Provision is made also for an appropriation when necessary to supplement the special fund.

ADMINISTRATION EXPENSES

In line with the policy of defraying the cost of Government programs related to particular industries by charges on the industries, the bill also authorizes financing of the cost of the act's administration, including the safety program conducted pursuant to section 41, by a pro rata assessement made by the Secretary upon carriers and self-insurers upon the basis of gross premiums paid to the carriers or the amounts self-insurers would have paid if they purchased insurance. Procedures for making the assessment are provided. Authorization is made for appropriation from Congress until the assessments are collected and when funds are not otherwise available.

In view of the length of time since improvements have been made in the compensation program under the Longshore Act early action is sought to provide income maintenance for injured employees within its terms in keeping with wages and other current economic factors.

A summary of the bill to amend the act follows:

SECTION BY SECTION SUMMARY OF BILL TO AMEND THE LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

Section 1—*Definitions*—(a) Amends section 2(4) of the Act to extend the definition of "employer" to include "vessel."

(b) Amends section 2 of the Act by renumbering paragraph (20) and adding a new paragraph (19) to define "vessel."

Section 2—*Liability for Compensation*—Amends section 4 of the Act, requiring employers to secure compensation, to except vessels unless another employer of an employee entitled to benefits under the Longshore Act does not secure compensation. Provides further that when an employer, as defined under the Act, secures compensation, such compensation shall be the exclusive remedy against any employer.

Section 3—*Waiting Period*—Amends section 6(a) of the Act to permit payment of compensation without a waiting period when the disability exceeds 21 days. A three-day waiting period is now specified unless the disability exceeds 28 days.

Section 4(a) and (b)—*Maximum and Minimum*—Amends section 6(b) of the Act to increase the maximum of $70 a week to $119 a week; the minimum from $18 to $35; and amends section 14(m) to increase the overall money limit for temporary and partial disability from $24,000 to $40,800.

Section 5—*Disfigurement*—Amends section 8(c)(20) of the Act to expand the meaning of compensable disfigurement to include, in addition to the face and head, disfigurement of neck, or of any other area normally exposed while employed which would handicap an employee in obtaining or holding employment.

Section 6—*Injury following previous impairment*—Amends section 8(f)(1) to clarify and make definite the conditions under which an employer provides compensation for disability caused by subsequent injuries and thus to encourage employment of handicapped persons.

Section 7—*Student benefits*—(a) Amends section 2(14) of the Act to add "student" to definition of eligible "child" and adds a new paragraph (21) to define "student" for the purpose of continuing benefits to certain surviving dependents while they are in school.

(b) Amends section 8(d) to allow surviving dependents to receive benefits beyond 18 years of age if in a student status.

Section 8—*Death benefits*—(a) Amends section 9 (b) and (c) of the Act to increase the death benefits to the surviving wife or dependent husband from 35 to 45 percent of the deceased employee's average wages.

(b) Amends section 9(d) to increase the death benefit for dependent grandchildren, brothers or sisters from 15 to 20 percent of such average wages.

(d) Amends section 9(e) to increase the maximum weekly wages for computation of death benefits from $105 to $178.50 and increases the minimum from $27 to $52.50.

(d) Amends section 9(g), which provides for the commutation of compensation benefits to certain aliens who are not residents of the United States or Canada. The section now requires the Secretary, upon application of an insurance company, to commute future installments of compensation to such aliens by paying one-half the commuted amount of future compensation. The amendment removes the requirement for commutation payments and permits the Secretary to commute in his discretion.

Section 9—*Defense Base Act—Benefits to Alien Survivors*—The Defense Base Act extends the benefits of the Longshoremen's and Harbor Workers' Compensation Act to employees of contractors at United States bases or on public works where such contracts are performed outside the continental United States. Section 2(b) of that Act respecting compensation payments for nonresident aliens is similar to section 9(g) of the Longshoremen's Act. This bill, therefore, amends section 2(b) of the Defense Base Act to conform to amendment to Longshore Act described in preceding section.

Section 10—*Time for Notice and Claim*—Amends section 12(a) to extend the time for

giving notice of injury or death to the deputy commissioner and to the employer, from 30 days after the injury or death to 60 days after the employee or the beneficiary is aware or in the exercise of reasonable diligence should have been aware of a relationship between the injury or death and the employment.

(b) Amend section 13(a) to defer the time for filing a claim for compensation for injury or death in latent disability cases. The Act now provides that a claim must be filed within one year after the injury or death, or if payment of compensation has been made without an award a claim may be filed within one year after the date of the last payment. The amendment provides that the time for filing claim shall not begin to run until the employee or beneficiary is aware, or by the exercise of reasonable diligence should have been aware of the relationship between the injury or death and the employment.

Section 11—*Special Fund*—(a) Amends section 8(d) by providing for payment into the special fund, described in section 44(a) of the Act, of any disability compensation due to an employee under a scheduled award when he has no survivors.

(b) Amends section 44(c)(1) by substituting $20,000 for the $1,000 now required to be paid into the special fund by the employer or insurance carrier upon the death of an employee resulting from employment injury when there are no survivors.

Section 12—*Administration Expenses*—Amends section 45(a) to add new subsections (c) through (1) providing for the Secretary at the end of each fiscal year to assess carriers and self-insurers for cost of administration for next fiscal year.

Section 13—*Appropriation*—Amends section 46, (a) to authorize appropriation of amounts necessary for administration of Act in fiscal year beginning July 1, 1970, pending receipt of assessments authorized by section 45, (b) authorizes appropriations for administration when sufficient assessments are not collected, and (c) authorizes supplementary funds as necessary to meet obligations of special fund under section 44 of the Act.

Section 14—*D.C. Workmen's Compensation Act*—(a), (b) and (c)—Provides that the maximum compensation rate in the District of Columbia under extension of the Longshore Act in 45 Stat. 600, will be $85 a week and the overall maximum in temporary total disability cases will be $29,160.

(d) Provides the basis for computing death benefits shall be considered to be no more than $127.50.

Section 15—*Technical Amendment*—Makes grammatical change of substituting "or" for "nor" in Section 3(a)(1) of the Act.

Section 16—Repeals section 47 "Availability of Appropriations." No longer needed.

Section 17—*Effective Date*—Provides for effective dates for different sections and that higher benefits and other related provisions shall apply only to injuries and deaths therefrom sustained after the effective date indicated.

FAMILY ASSISTANCE ACT

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. BROWN of Ohio. Mr. Speaker, I am glad to see that the Family Assistance Act is now ready for House action.

I want to underscore the fact that this is a program of employment assistance as much as it is a program of income assistance, workfare rather than welfare.

Among its many advantages, the family assistance approach separates the making of financial payments from the provision of social services.

Our graduate schools train social workers. But what these social workers then do mostly is perform the paperwork of administering allowance payments. They also serve as investigators.

Social workers who have no time to do social work are not going to get people off the welfare rolls.

Social workers who are the welfare "detectives" are not going to establish the kind of helping relationship with their clients that will enable those who need held to become self-supporting.

Under the family assistance plan, social workers will be able to do their job, and a separate agency will worry about the money.

I consider this a critical reform.

ABNER MIKVA DOES IT AGAIN

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. KOCH. Mr. Speaker, our colleague, ABNER MIKVA, has introduced a bill entitled "Handgun Control Act of 1970." It is superb legislation, absolutely necessary, and should be enacted immediately. His proposal has received the editorial support of the New York Times. With the thought it would be of interest to the Members of this House, I am setting forth a copy.

The editorial follows:

SATURDAY NIGHT SPECIALS

The 1968 gun control laws were passed in the wake of the assassinations of Robert F. Kennedy and Martin Luther King as the beginning of efforts by the Federal Government to prohibit interstate mail-order sales of firearms and over-the-counter sales to minors. Because Federal licensing and registration were not built into the laws, the burden was placed on states and municipalities to fill the breach with strong regulations of their own.

The states have failed to tighten the loopholes, especially in the hidden area of handguns. The National Violence Commission rated only New York, Massachusetts and New Jersey as strict enforcers of their permit requirements.

Gun control is both a Federal and a state concern. Neither type of limitation works without enforcement by the other. A startling example is the "Saturday night special" the cheap, nonsporting concealed gun that is the criminal's favorite weapon. The 1968 gun laws helped to stop the importation of such guns; they were coming into the United States at a rate of 750,000 a year.

However, a new "cottage industry" has grown up in this country to replace the imported handguns. Through use of cheap parts from abroad, "Saturday night specials" are now being produced by the hundreds of thousands here. The Internal Revenue Service estimates that domestic production equals and possibly exceeds the flow of cheap handguns that the 1968 law was supposed to stop.

A Handgun Control Act of 1970, introduced in Congress by Representative Abner J. Mikva of Illinois, is directed at pistols, revolvers and other concealable weapons. It would halt the importation, manufacture, transfer and transportation within the United States of any handgun, except by law enforcement officers, military personnel and certain qualified persons licensed by the Secretary of the Treasury. The bill does not go so far as to ban possession of handguns by those legally owning them now. There is, however, a procedure for giving up weapons to law enforcement officials.

The new proposal could be an important advance because it prohibits the further legal manufacture of "Saturday night specials." It could also be the basis for regulation of a similar nature by states and municipalities. Confiscation cannot get past the legislatures, but controls can and must, to stop the stockpiling of private arsenals.

U.S. DISTRICT COURT OF COLORADO DECISION IN PROJECT RULISON CASE

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. HOSMER. Mr. Speaker, Project Rulison is an AEC experiment being conducted with the cooperation of the Department of the Interior and Austral Oil Co. CER Geonuclear Corp. is the program manager. It is part of AEC's Plowshare program, a research and development effort to develop peaceful uses of nuclear explosive technology.

Project Rulison is essentially a study of the economic and technical feasibility of nuclear stimulation of the low permeability gas-bearing Mesaverde sandstone formation in the Rulison area of Colorado. Nuclear stimulation is accompanied by the detonation of a nuclear device to create a cavity and a fracture system to stimulate the production of natural gas. Because of its low permeability, the Mesaverde formation does not produce natural gas in commercial quantities, although it does contain a significant gas reserve.

Several plaintiffs brought suit against AEC, Austral Oil Co., Inc., and CER Geonuclear Corp. to stop Project Rulison. The plaintiffs were comprised of a number of individuals, the Colorado Open Space Coordinating Council, Inc.—a nonprofit public benefit Colorado corporation—and a Colorado district attorney.

Before the nuclear device was detonated at a depth of 8,431 feet on September 10, 1969, this lawsuit sought to prevent the shot; however, the court denied the request for an injunction and the denial was sustained by the 10th Circuit Court of Appeals. Plaintiffs then sought a permanent injunction to prohibit the planned flaring of the gas contained within the cavity created by the nuclear detonation. The general purpose of the proposed flaring is to determine the extent of stimulation of production, the dimensions and configuration of the cavity and fracture system, and the feasibility of the entire project.

The court's decision on March 16, 1970,

was generally in favor of AEC's position, and will permit Project Rulison to proceed. The judge found AEC's project plans to be reasonable and adequate from health and safety standpoints.

Several issues of law and of fact were before the court. On the issues of law, the court essentially found as follows:

First. Did the plaintiffs have standing to sue? The court held that they did—except for the district attorney—that there was a question of possible irreparable injury to their health and safety as a consequence of an action by AEC beyond its statutory limits.

Second. Was there a justiciable controversy? The court held that there was—that the principal question revolved around the proposed flaring and whether that activity would be carried out with due regard to public health and safety as required by the Atomic Energy Act.

Third. Was this a suit against the sovereign and consequently barred by the doctrine of sovereign immunity? The court held that it was not because the complaint was to the effect that the proposed action would be beyond AEC's statutory authority.

Fourth. Were plaintiffs attempting to stop discretionary acts of the AEC that were not really subject to judicial review? The court decided that its review should be limited to whether the health and safety arrangements of the AEC for the proposed flaring constituted an abuse of discretion. The judge indicated his belief that "there is clearly a necessity for review to insure that the AEC discretion does not become a citadel impregnable to challenge by the concerned public, to insure that it is not so exercised as to fail to exercise the standard established by law, that is, the protection of the public health and safety." The court decided that the plaintiffs were not seeking review of discretionary acts immune from judicial review.

Fifth. Were plaintiffs entitled to their requested order to direct AEC to answer all questions and to turn over to plaintiffs all information regarding the project? The court held in the negative.

Sixth. Were AEC's plans for protecting health and minimizing danger to life and property a reasonable exercise of its statutory authority? The court found that they were.

With respect to the issues of fact, the key question was whether the proposed flaring of the gas from the Rulison cavity would endanger the life, health or property of the plaintiffs in contravention of the requirements of the Atomic Energy Act respecting health and safety. In pursuing this main inquiry, five subsidiary points were entailed:

First. Were AEC's plans reasonably adequate?

Second. Was the plan for flaring within the radiation protection standards of the AEC and the Federal Radiation Council?

Third. Were the defendants prepared and equipped actually to implement the plans, thereby insuring health and safety protection?

Fourth. Were AEC and FRC radiation protection standards reasonably adequate to protect life, health, and property?

Fifth. Were there safe economical alternatives to the proposed flaring as a means of determining the effectiveness of the Rulison shot?

The judge answered the key factual issue and the first four subsidiary questions in the affirmative; regarding the last question, he found that the plaintiffs had failed to establish that any such alternative existed and, besides, that the proposed flaring was reasonable.

In considering the factual questions, Judge Arraj reviewed the effects of the detonation, the plans for reentry and the attendant provisions for health and safety of the public. He discussed at length AEC's plans for reentry into the Rulison cavity. He then proceeded to consider the plan for production testing, including the monitoring program, the processing of the gas produced during the flaring operations, the analysis systems, and the planned environmental surveillance activities to be carried out under the supervision and control of the Southwestern Radiological Health Laboratory of the U.S. Public Health Service. This will include elaborate sampling and monitoring before reentry, in order to establish background levels of radiation, as well as during reentry and flaring operations. The decision specifies that all of the data gathered under the surveillance plan, the meteorological support plan and the onsite monitoring program are to be disseminated by AEC to the public.

With respect to releases of tritium and krypton-85, the court noted that AEC's plans were based upon a maximum release of 10,000 curies of tritium and 960 curies of krypton-85 The court found from the evidence in all probability the Rulison device produced significantly less tritium that the plans contemplated. The judge referred to Dr. Holzer's testimony to the effect that the maximum percentage of tritium that would probably reach the surface in the flaring operation was 19 percent of which about 9 percent would be flared—a small fraction of what AEC included in its plans for its postulated "maximum hypothetical accident." The judge found AEC's plans for limiting releases of radionuclides within established levels to be reasonable. Judge Arraj referred to the testimony of Dr. Victor Bond, Associate Director of Brookhaven National Laboratory, in regard to the properties of tritium and krypton-85 and dosage implications. He noted that plaintiffs offered no substantial testimony to contradict Dr. Bond's testimony; he also noted the testimony offered in November 1969 by Dr. Radford before the Subcommittee on Air and Water Pollution of the Senate Committee on Public Works, and found that it does not controvert Dr. Bond's testimony that the dose from the Rulison flaring will not constitute a health threat. The court concluded that the preponderance of the evidence shows that the Rulison plans for the release of gas from the cavity "make reasonable provision for the protection of the health and safety of human, plant, and animal life."

The decision includes a detailed consideration of the reasonable adequacy of the FRC and AEC radiation protection standards for the protection of life, health, and property. Much of the evidence and testimony at the trial went to this particular point. The court refused to insinuate itself into the risk-benefit evaluation, inherent in the setting of exposure standards, with respect to the need for the natural gas locked in the Mesaverde formation at Rulison. The decision states that this was for Congress to decide, and that the court's task is "to insure that the AEC has not exceeded congressional standards established to protect the public in a utilization of atomic energy which Congress has authorized, presumably after having evaluated the risk-benefit equation presented by the Rulison project." The court found that Rulison plans did not entail a departure from the protection standards.

The decision discusses the concept of linear relation between dose and damage to living cells. The decision states:

> We find that the adoption of this assumption constitutes a conservative approach by the standards setters and does not constitute a recognition of the scientific validity of the linear theory.

In regard to the expressed views of Drs. Tamplin and Gofman, the judge says:

> Thus, although the plaintiffs claim that their demand for a lowering of the standards is supported by "hard evidence," they have failed to produce in this Court any "hard evidence" of radiation effects at or below the low dose levels of the radiation protection standards.

The decision includes a discussion of the practical threshold theory, and the court finds that there is evidential support for the theories of threshold and practical threshold; the court notes that this evidence was not taken into consideration in the establishment of the current standards. The court expresses the following opinion:

> The field of radiation protection is constantly changing with the appearance of new scientific knowledge on the biological effects of ionizing radiation. Careful decisions must be made in the context of contemporaneous knowledge. Such decisions cannot be indefinitely postponed if the potentials of atomic energy are to be fully realized. All that is required to establish reasonableness of the decision setting a standard under the statutory directive to protect the public health and safety is that it be made carefully in light of the best of available scientific knowledge. Absolute certainty is neither required nor possible.

The concluding portion of the decision includes these statements:

> We conclude that the evidence shows that the AEC is following the Congressional mandate and its own rules and regulations, and that the actions and plans of the AEC in the prosecution of the conclusory phase of Project Rulison constitute a reasonable exercise of its statutory authority to conduct research in the utilization of atomic energy while providing for the protection of the health and safety of the public. * * *

Lest our ruling today be misunderstood, some additional words are required. This opinion, our findings, conclusions and ruling apply only to the specific factual situation presented by this litigation. We approve only of the flaring of the gas from the one well in the Rulison unit in which a nuclear device was detonated on September 10, 1969. We are not here and now approving continued detonations and flaring operations in the Rulison field. Such determination must be made in the context of a specific factual situation, in light of contemporary knowledge of science and medicine of the dangers of radioactivity, at the time such projects are conceived and executed.

Further although we have found that the plans for the flaring do provide reasonably for the health and safety of the public and that the specific plans for surveillance are reasonable, we determine that the Court should retain jurisdiction in order to insure that the plans we today approve as reasonable are in fact reasonably and safely executed. To aid this retention of jurisdiction we further determine that the defendants should file with this Court data and reports of the information collected by the surveillance system outlined in Appendix A.

A copy of this more than 60-page decision is available in the Joint Committee on Atomic Energy office, Room H403 in the Capitol.

VFW VOICE OF DEMOCRACY WINNING ESSAY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. TEAGUE of Texas. Mr. Speaker, each year the Veterans of Foreign Wars of the United States sponsors a Voice of Democracy program in which high school students are asked to write a broadcast script. All five winners of this year's contest on "Freedom's Challenge" were guests of honor at the VFW congressional dinner and received a personal congratulation from President Nixon. I would like to include the essay of the first place winner, Lawrence N. Slaughter, of North Charleston, S.C. A 17-year-old North Charleston High School student, Lawrence is vice president of the student council, and plans to study for the ministry at Emory University in Atlanta. The VFW should be commended for their sponsorship of such a fine program. After reading this essay, I think you will agree that we all can take pride in the patriotism and faith in America displayed by this young student.

The essay follows:

FREEDOM'S CHALLENGE

(By Lawrence N. Slaughter)

Well, what is it, I mean, I hear you talking all the time about it, but I don't know what you mean. I just can't get it. What is this thing—"freedom."

It isn't that I haven't tried to find out what it is; I looked it up in the dictionary and it said that it was the "lack of restraint." That sounded good to me—"lack of restraint." But then I got confused all over again. You told me that I had freedom. But I can't drive on the left side of the street. I cant' scream and yell outside if I want to. There's a lot of things that I can't do. Who's lying, you or Noah Webster?

I wonder if I'll ever know what it means. I wonder if anyone ever knew what it really means. I know that I'm not the only one that was ever told that he had freedom. What did freedom mean to the man that enlisted in the army of Adolf Hitler and was told that he was of the superior race and he should kill to have freedom. What did freedom mean to the Russian peasant whose land was burned—for freedom? What does freedom mean to the Vietnamese whose family is killed—for freedom? What is freedom to the poverty stricken American who is bound by hunger in this the "land of the free." But what I really want to know is what is freedom to me. You say that I have freedom; but the militants tell me that I don't, and I ought to kill you to get it and the radical right says I ought to kill the militant so that I can keep this freedom that I'm not sure I even have. I'm confused.

Wait you say that my freedom "stops when another man's freedom begins." Hey now that makes sense. That's why I can't exercise my freedom to scream and yell, because it violates another man's freedom to have peace. I can have freedom as long as I let another man have his. That means I can have freedom of speech as long as I don't yell "fire" in a crowded theater. I can have freedom of the press as long as I don't use it to use the paper to lie about someone else. Now, that makes sense; I guess you could say that I'm "free and bound."

That's quite a responsibility isn't it. I've been given this freedom and I guess it was given to me so that I might keep it long enough to give it to someone else. That must be what you mean by this "Freedom's Challenge" bit. It is a challenge and the challenge seems twofold. I've got to keep this freedom and I've got to give it away, too. Now that's a paradox. I've got to protect my freedom so that someone else may have it after I'm gone. I've got to cherish this thing, freedom; but then again, I can't cherish it so much that I won't let others have this right that I enjoy. I guess I've got to protect his freedom as much as I have to protect mine. If that means that I've got to work with him to save our freedom together, I guess that's what I'll have to do. If it means that I have to leave him alone because he doesn't like me, that's his freedom, and I've got to protect it.

Now I know what freedom means and this worries me more than not knowing. Now that I know, I'm worried. It's staggering to think that I have this responsibility of protecting both mine and others' freedom. I am free—and I am bound to protect this freedom. What a responsibility; and what a challenge! I hope I can live up to it. Can you?

WCOC RADIO STATION IS TOPS

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. MONTGOMERY. Mr. Speaker, I am happy to rise today in recognition of radio station WCOC in my hometown of Meridian, Miss. Owner and manager of the station is Mr. Withers Gavin, who also publishes an outstanding weekly newspaper in Quitman, Miss.—the Clarke County Tribune. WCOC has been in continuous operation for 45 years and has been an affiliate of the Columbia Broadcasting System since May 1, 1937. It was only recently that CBS presented WCOC and Mr. Gavin a gold microphone in recognition of this affiliation. WCOC is tops in my book. I am pleased to be able to recognize this outstanding station and call its accomplishments to the attention of my colleagues.

MR. A. B. CULBERTSON PROVIDES A TIMELY MESSAGE

HON. ALBERT W. WATSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. WATSON. Mr. Speaker, my good friend, Mr. A. B. Culbertson of Laurens, S.C., has generously provided me with two very timely and inspirational poems which I would like to share with my colleagues. Mr. Culbertson speaks from the heart; yet, his thoughts reflect his deep wisdom and keen awareness of life. I commend his poems to the attention of the Congress as follows:

OUR HERITAGE WE PONDER

(By A. B. Culbertson)

From the blue-capped hills of South Carolina
To the wave-kissed sands on the plains below;
Out where we live in the wide open spaces
Down where the blessed breezes blow;
Where the cotton fields all bid you welcome
And the textile mills are humming low,
There's a simple pride in honest living
And the legions yet to come must keep it so.

From the hallowed walls of old Fort Sumter
Where patriots stormed in the long ago
For the sovereign rights of America's childhood,
South Carolina is the place you know,
To the sacred shrine of John C. Calhoun
Where lives the spirit of devotion of yore
To the things we love in the good old Southland,
The dreams of long ago will keep it so.

Let me go forth on the sunset trail,
In a land where the sweet magnolias grow;
Where the honey bees mingle with the golden jasmine
And the sparkling streams will always flow;
Where the peaches bloom in perfumed splendor
And the luscious fruit hangs row on row;
Where the sun shines through in every window
And the heavens, smiling down, will forever keep it so.

OUR PLIGHT WE PONDER

(By A. B. Culbertson)

There is a horde of depraved souls
Where filth and sin abound
On hand-out alley's sorry domain
And the vicious cycle goes round.

The soothing dole goes up and up
And the morals still come down
On the cradle that rocks the wretchedness
In degradation town.

The time has come to remove this curse,
So hopelessly unsound,
To protect the ones who deserve a hand
And assist them off the ground.

To restore in each the founding faith
And guide them safely around
The crippling snares of "The Great Society,"
Where the vultures of graft abound.

To redeem the pride in honest work,
Wherever it is found,
And the way of life that's far removed
From degradation town.

Arise ye patriots, your country calls again,
To restore a government that is sound
And make the lights to shine again
On every soul in every town.

THE POSTAL STRIKE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. BIAGGI. Mr. Speaker, it finally came—the threatened postal strike that I tried to warn the Congress about on February 19.

My warnings and those of 16 of my distinguished colleagues from the New York City metropolitan area went unheeded, and as a result of continued foot dragging here in the Congress and at the White House, frustrated and bitter postal employees carried out the first postal strike in history.

On March 10, 1970, my colleagues and I wrote a letter to the Postmaster General, urging him to give immediate attention to this serious situation in New York City. We asked him at that time to call for the establishment of a special interim measure which would enact and employ title VI, section 5303 of the United States Code, providing for the higher rates of basic compensation for New York postal employees. But, our efforts went unnoticed.

Despite their pleas for action, and their desire to be heard, New York postal employees received no interim relief from extremely low and relatively unattractive entrance salary levels.

If the Postmaster General had moved to institute this interim pay policy until promised postal pay legislation was passed, the wildcat strike might have been averted.

I am disturbed, Mr. Speaker, because too few took seriously the appeal of Gustave Johnson, president of the Metropolitan Postal Council and Local Branch 36, and of Mr. Moe Biller, of the National Postal Union. These gentlemen did all they could to avert this walkout. They made a special trip to Washington to meet with members of the House Post Office and Civil Service Committee and New York City delegation "to tell it like it was."

Their main appeal was to urge the House membership to move promised postal pay legislation through the Congress as quickly as possible, but this cry fell on deaf ears.

I find it hard to understand why the President would promise postal pay equality with private enterprise and then use "budget considerations" to deny it shortly thereafter. To make matters worse, the President publicly threatened to veto postal pay raises if they were not accompanied by his postal reform bill. And, if that were not enough, the pay increase in the bill provides for a 5.4 percent raise, retroactive to January 1, 1970, for postal workers in grades 1 through 6 only. What happened to the postal supervisors? Do they not have to eat, too? Does inflation affect them less than it does any other citizen and taxpayer?

I feel our postal workers must be given every hope that they will not be sidetracked again in their efforts to finally obtain pay parity with other Government employees and workers in private industry. The 5.4-percent salary increase included in the House bill is just a first step in this direction. Another necessary step would be a guarantee that they will receive an additional 5.7-percent increase on July 1, 1970, as previously promised.

Short-lived promises can only bring harsh reaction. We're dealing with bread-and-butter issues for those who must try to feed and shelter their families on unbelievably low postal salaries. With the high cost of living in New York, postal workers must struggle on their low salaries just to make ends meet—I know, because I myself experienced these conditions when I was a postal worker.

It is a pity that my warnings to Congress in my initial remarks on this subject went unheeded and my fears were confirmed. In Italy, the postal workers had to strike before their promised and deserved benefits were obtained. Regrettably, their American counterparts were driven to the same measure in an effort to obtain their just deserts. This, only after all other forms of redress were exhausted. This is only the case because the administration has insisted on tying salary issues to unrelated organizational reform.

Now a serious burden has been placed on our shoulders. The public and business communities in the largest city in the United States are suffering because the U.S. mails are not being delivered.

I fully sympathize with the public and the business communities, but I also appreciate the plight of the woefully underpaid postal worker.

The responsibility for reestablishing the mail service rests with us, Mr. Speaker, and with the President. Court injunctions will not end the miserable salary conditions of postal employees—only fast and equitable salary increases will.

Yesterday I met with Mr. Gustave J. Johnson, president of the Metropolitan Postal Council in New York. I appealed to him and his membership to move through "mercy mail," which includes mail to and from Vietnam and other major military areas, social security mail for widows, widowers, and pensioners, and similar essential mail of a humanitarian nature.

While Mr. Johnson feels this appeal involves several complicated facets, he expressed a willingness to ask his membership to comply. He also stated, in response to my request, that if the strike continues beyond the first few days of April—when social security and the bulk of other welfare-type mail passes through the system—postal employees will enter the postal stations to identify and move as much of this mail as possible.

Mr. Speaker, the postal crisis is rapidly spreading across the Nation. I urge the Congress to prevent this crisis from becoming one of overwhelming proportions by considering immediately salary action for our postal employees.

Personally, I have wired the President to use the power of his Office to stimulate such action. In addition, I will do all I can to guarantee our postal employees, of every level, fair salary treatment and to return normal mail service to our Nation.

MASS TRANSPORTATION

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. SYMINGTON. Mr. Speaker, the Housing Subcommittee of the House Banking and Currency Committee has recently completed hearings on mass transportation proposals. Two distinguished St. Louis area officials, Mayor Raymond S. Zielinski of Bellefontaine Neighbors, representing the East-West Gateway Coordinating Council and the County Municipal League, and Mr. Robert S. Knapp, chairman of the Bi-State Development Agency of the Missouri-Illinois Metropolitan District, submitted testimony to the committee to urge substantial Federal contributions toward the solution of urban transportation problems. While the text of the hearings will be published at a later date, I feel their statements enumerate the plight of many of our Nation's urban areas and I include them, and my own, at this point in the RECORD:

STATEMENT OF CONGRESSMAN JAMES W. SYMINGTON, SECOND DISTRICT, MISSOURI

The inscription on Sir Christopher Wren's tomb at St. Paul's Cathedral in London reads: "If you seek my monument look around you." In this decade of the 70's, the quality of the environment will be our monument. And the quality of our environment, in such a highly mobile society, depends on the quality of transportation we provide. Automotive pollution, traffic congestion and paved-over land reflect the impact of our transportation system and the need for better solutions to the transit problem. We have the technology and the resources to leave a proud legacy in this decade—we need only the commitment. H.R. 6007, the bill which I have co-sponsored, seeks to provide that commitment.

The need for resolve is clear. In the U.S. we are experiencing rapid growth in urbanization, industrialization and in automotive usage. In fact, we are now producing automobiles faster than we are producing people. In Metropolitan St. Louis, the total area population increased 32 percent between 1950 and 1965, while during this same period the rise in automobile registration was 87%, or 2.7 times the rise in population. Moreover, between 1957 and 1965, the total number of vehicles entering and leaving the central business district of St. Louis during an average weekday increased by 30 percent. This increase, stimulated by completion, and improvement of two major highways and con-

struction of new parking areas, only underscores the urgent need to develop and use fast and convenient mass transportation vehicles and systems.

We cannot continue to encourage the American love affair with the automobile, at the expense of rapid transit. In most of our major urban areas the transit systems available are inadequate to say the least. Local, state and Federal agencies responsible for development of these systems have been encouraged to overlook pollution and the congestion caused by various transportation designs, while emphasizing expanded highway construction. There is today no attractive alternative to the automobile for those who can afford private vehicles and even less comfort for those who must patronize public transportation.

It is not difficult to believe, therefore, that the average American commuter spends 13% of each workday breathing the fumes of the car in front of him. In fact, these automobile fumes have become the most important single source of air pollution in the United States today. In his statement before the Senate Public Works Subcommittee on Air and Water Pollution the Honorable Lawrence K. Roos, Supervisor of St. Louis County, pointed to the increase in and the difficulty of controlling, pollution from automotive sources:

"According to the best available estimates the sources of air pollution emanating from St. Louis County breaks down as follows: 5% open burning, 25% industrial sources, and 65% motor vehicles. Six years ago, prior to the inception of our air pollution control program, 30% of estimated pollution came from open burning, 30% from industrial sources and 40% from motor vehicles."

Clearly, the control of auto pollution has not kept pace with efforts in other areas. Even with stricter standards of emission we cannot be assured of adequate protection since the increase in the auto population will offset any reduced emission per vehicle. It is quite clear, in terms of congestion and pollution, that we can little longer afford the privilege of individual transportation by means of internal combustion engines within our metropolitan areas.

Even relatively modest support of innovations with existing transit systems have had noticeable effects on automobile usage. As an example, a recent high speed rail project from the Village of Skokie to downtown Chicago initiated by the Chicago Transit Authority with financial assistance from the Department of Housing and Urban Development, shifted approximately 2,000 auto trips to mass transit facilities. While this achievement, not imposing in itself, gives cause for optimism, it is equally clear that we must make a massive Federal investment in the development and installation of mass transit systems.

There is also some optimism that such an investment is forthcoming. The Senate has passed S3154 which provides $1.86 billion over the next five years with contract authority totaling $3.1 billion. H.R. 6007 would also make a substantial commitment, providing $10 billion over the next four years. It would establish an Urban Mass Transportation Trust Fund, financed by the existing 7% automobile manufacturer's excise tax, which would be very similar to the Highway Trust Fund now financed by the 4¢ gasoline tax. This bill would also provide a major improvement in mass transit funding by raising the limitation on federal participation from the current 2/3 to 90%.

Mr. Chairman, I feel that H.R. 6007 provides both long term assured financing and a more meaningful level of funding. Without an investment of such magnitude, municipalities will not be able to develop physical and financial plans of sufficient scope to have a measurable effect on our transportation problem. Whichever method of funding the committee adopts, however, the primary concern must be an adequate level of financing.

This critical need for financial support was emphasized by Robert S. Knapp, Chairman of the Bi-State Development Agency of the Missouri-Illinois Metropolitan District, in his statement to this Committee:

"In six years since the enactment of the Urban Mass Transportation Act of 1964, we have been able to raise only $650,000 of the general obligation funds needed to furnish the local share necessary for implementing a program of $38,000,000. Without long range commitment in advance of federal help, there is scant possibility of raising the local general obligation share needed to implement a rapid transit plan of hundreds of millions of dollars."

Our cities and municipalities, faced with this problem of raising the local one-third of the funds prior to receiving a federal commitment to a capital grant, have not been successful. We have witnessed the repeated failures of local school bond issues in recent years as taxpayers refuse to authorize further municipal expenditures. I think it is safe to say that taxpayers who refuse school bonds will give little consideration to transportation revenue raising. Moreover, many metropolitan areas such as mine are divided into many small governmental jurisdictions with diversified budget cycles and funding restrictions, covering 100 or more separate municipalities. This fragmentation makes raising the necessary local revenues for mass transit an insurmountable task.

Mr. Chairman, as I have said we must seek massive funds to do justice to our urban areas in their quest for adequate, safe transportation systems. I believe H.R. 6007 provides these funds with equitable and realistic financing provisions.

We cannot permit our urban centers to continue this fight with token assistance from the federal government. It is a common problem crucial to us all and we must secure funds to complete the task. Without real progress on mass transit in this decade, the legacy we leave will not be a proud one.

STATEMENT OF MAYOR RAYMOND S. ZIELINSKI OF BELLEFONTAINE NEIGHBORS

I am Raymond S. Zielinski, mayor of the city of Bellefontaine Neighbors, Missouri. I serve on the board of directors of the East-West Gateway Coordinating Council in the Metropolitan St. Louis area: am president of the St. Louis County League of Municipalities; and also serve on the transportation committee for the National League of Cities. I am here in consideration of the Public Transportation Assistance Act of 1969—Senate Bill 3154.

Because of my enthusiasm for the development of a rapid transit system, I was asked by Governor Warren E. Hearnes of Missouri to organize a group to study the transit facilities in Montreal and Toronto, Canada in October 1969. Mayors of twenty county municipalities, thirty-six other city officials in and around St. Louis County, and representatives of most daily and weekly newspapers in the metropolitan area made the two day trip. They were absolutely excited about the transit systems they saw in operation in Canada and the desirability of promoting similar facilities in the St. Louis metropolitan area.

This encouraging response prompted Governor Hearnes to invite State legislators from the metropolitan area to accompany him on December 3 on a similar study. Strong support for the project in the legislature is essential because enabling legislation to authorize the establishment of a transit tax district will be the first step toward making the idea a reality.

Governor Hearnes has promised me that he well make every effort to introduce enabling legislation in the very near future.

A rapid transit system could be a major step toward elimination of air pollution. Other advantages are speed, safety, convenience, and economy.

"Social acceptability" is the key to the ultimate success of any rapid transit system in the St. Louis metropolitan area. We have to educate residents of St. Louis and St. Louis County to believe, as our Canadian neighbors do, that it's perfectly proper to hop into a subway train whatever the occasion. When that day arrives, we will have no problem getting the public support we need to finance the transit system the St. Louis metropolitan area must have if it is going to pay the necessary cost of a rapid transit system.

The public must be informed about these advantages, as well as the disturbing prediction that by 1980 the local highway system will be so clogged with cars that movement will be practically impossible.

I believe the project very definitely feasible, however, financing it will require a tremendous amount of money. This fact, not lack of local interest or a belief that the system is not needed or practical, is the principal barrier to progress with definite plans for rapid transit here.

No one familiar with existing rapid transit systems suggests that it is possible for them to be self-supporting, although an official for the Toronto system predicts that in time, it will be recognized as so valuable that the system will be supported entirely by taxation and there will be no charge for riders!

I am sure that any system developed in the St. Louis metropolitan area will require extensive Federal and State aid, in addition to funds raised by local taxation. The public Transportation Assistance Act of 1969, Senate Bill 3154, is a step in the proper direction as far as rapid transit is concerned.

Federal aid must be provided at a level substantially higher than the present program. In addition, that assistance must be provided in a manner consistent with the realities of financing local long term capital improvements.

Adding more dollars to the present program will not do the complete job. A firm long term commitment of Federal assistance for better urban public transportation services is necessary.

Any new Federal mass transit funding program must meet three criteria:

1. A level of funds sufficient to provide enough Federal dollars to pay that share of the cost of improvements to local public transportation systems which cannot be financed from local sources.

2. Assured availability of funds which localities can depend upon to implement long term capital improvement programs in public transportation.

3. A financing method which is parallel to that of other programs aiding improvement of urban transportation systems so that system development can proceed without distortions caused by ease in financing one mode over another in the total system.

Improvements to public transportation on the scale necessary to solve the urban transportation crisis will require major long term *local* capital commitments. Before localities make these commitments, they must have reciprocal long term commitments of *Federal* aid.

Too often in the recent past, proponents of assistance to local governments have succeeded in winning substantial authorizations for new programs to aid local governments, creating great expectations that substantial Federal aid would be forthcoming, only to see these authorizations turn into shallow promises unfulfilled when tested against the hard realities of the appropriations process.

Localities which went ahead and made commitments for new programs on the assumption that authorized Federal aid would be forthcoming have faced fiscal crisis when authorized funds were not appropriated. They have had to scrape the bottom of the financial barrel to get cash to finish projects which it was assumed could not be completed without Federal aid when the project started. Now, the cities say, "We must have a commitment we can depend upon in new public transportation legislation."

Programs aiding housing, education, highway safety, air pollution, crime control, and *public transportation* have all been funded at well below authorized levels. Experience in the water pollution program has been particularly bitter. There, the Nation's cities supported and agreed to enforcement of Federal standards on the assumption that substantial Federal assistance would be available to aid construction of waste treatment facilities. Now, the standards are being enforced, but Federal aid has fallen behind. This pattern should not be repeated for public transportation.

There is a vast difference between the capital improvement program we are discussing here and operating programs whose level of expenditure can be regulated on a year-to-year or even a month-to-month basis. When a community undertakes to buy a new fleet of buses or construct a subway system, firm contracts must immediately be made requiring set dollar commitments over a number of years. These contracts provide funds to support planning, design, construction or manufacture, and other related functions. At the same time, contracts for the capital goods and facilities are made, other contracts establish the financing for the local share of the cost of these goods and facilities—such contracts establish commitments often ranging from ten to thirty years with set payments to be made at fixed times and enforceable penalties charged in case of default. The local element of these long term programs must be supported by an equally guaranteed Federal commitment. It cannot be a commitment which is scaled up or down in the shifting nature of short term priorities. Such shifting can create disaster in local Capital programs which depend on availability of specific dollar amounts at set points as the program progresses.

Senate bill 3154 uses the same mechanism as the Federal Aid Highway program to assure substantial and continuing federal assistance. It also preserves legislative oversight of program management and effectiveness; and, recognizes that financing by user charges would be self defeating and that the whole community benefits from improved transportation; as well as avoids the necessity of earmarking other tax revenues into a trust fund account. The source of funds would be provided from general funds. The measure authorizes loans for advance acquisition of land for transit right-of-way and inclusion of such costs in capital grants. It requires that copies of grant applications be sent to the governor of the state for his comments. It requires public hearings on project applications under certain conditions. Participation in the program would be further encouraged by clarifying provision of existing law relating to private carrier contribution of local share of project costs.

Submitted herewith is a motion made at our last regular meeting wherein the St. Louis County League of Municipalities requests that consideration be given by Congress to solving the serious problems of mass transportation as expeditiously as possible with a view towards the best possible methods of funding nad financing rapid mass transportation systems throughout the United States; and, further, that this motion be presented to Congress, as I am doing today, for appropriate action. This was unanimously adopted by our entire membership.

Also submitted is a motion from the city of Bellefontaine neighbors wherein the board of aldermen requests that this measure be adopted.

Submitted also is a resolution wherein the east-west gateway coordinating council of the metropolitan St. Louis area recommends that the Congress pass this measure as being essential for the implementation of a rapid transit system in this area and does further memorialize Congress to provide in this public transportation act the same 90%–10% federal grant program as is currently provided in the Interstate Highway System Act, in lieu of the ⅔–⅓ grant program currently provided in the bill.

I wish to thank you for this opportunity to be heard and urge prompt speed in the consideration of various types of funding measures by your committee.

STATEMENT OF MR. ROBERT S. KNAPP, CHAIRMAN OF BI-STATE DEVELOPMENT AGENCY OF THE MISSOURI-ILLINOIS METROPOLITAN DISTRICT

The Bi-State Development Agency is a body corporate and politic established in 1949 by Compact between the States of Missouri and Illinois, and consented to by the Congress. The Agency is similar in concept to the Port of New York Authority, and is empowered to own and operate many types of facilities in the general field of transportation. Its operations are limited to the geographic area of the Missouri-Illinois Metropolitan District comprising the City of St. Louis and the Counties of St. Louis, St. Charles and Jefferson in Missouri and St. Clair, Madison and Monroe Counties in Illinois. The Agency has no taxing authority and must raise all project funds by means of revenue bonds.

Prior to the formation of the consolidated, area-wide Bi-State Transit System on April 1, 1963, metropolitan St. Louis was served by 15 privately-owned transit companies each operating as a separate entity. From the standpoint of the transit rider, the then existing situation was most unsatisfactory for many reasons. Further, most of the privately-owned transit companies were in financial distress and, as a result, they were forced to provide poor service with run-down equipment. In fact, if Bi-State had not entered the picture, many of the communities would have been without transit service today.

Much has been accomplished during the past seven years in the improvement of transit service in this metropolitan area. However, despite the many advantages gained under Bi-State ownership, our transit system is confronted with a serious situation brought about by increased costs and a decline in riding due primarily to the tremendous and continuing increase in the sale of automobiles. During the past two decades, the number of automobiles in our nation has approximately tripled, while the population itself has grown only one-third. Billions of tax dollars have been spent for improvement of streets and highways with the result that more and more automobiles are clogging the streets of our city every day. In turn, there has been a decreasing use of transit facilities forcing a deterioration of service, all of which threatens the very existence of our cities, including St. Louis. Thus the problem we face is a part of a national trend.

With automobile usage growing much faster than the population, and with the estimated upward surge of population in the metropolitan area during the next decade, there is an urgent need for achieving a balanced transportation system. By balanced, we mean that as much attention must be made to the development and improvement of transit as made to highway and parking facilities.

We are of the opinion that a grade-separated, high-speed rapid transit network to complement the present surface system is a must for all cities such as St. Louis. Steps in this direction for our area have already been taken by Bi-State and a rapid transit study is being undertaken by a firm of transportation engineers selected by the Agency. Although we must continue to work toward the goal of rapid transit, we know that its construction is still many years in the future.

In view of this time lag, it is obvious that immediate steps should be taken now to improve our present bus surface network while awaiting the development of a rapid transit system, it would, of course, have to be coordinated with the surface system—so whatever steps are taken to improve the present operation would continue to be of benefit to the future.

Unfortunately, the revenues of our Bi-State Transit System do not permit any such steps to be taken without outside financial assistance. In fact, the present trends of increase in costs and decline in riding can only result in a continuing cycle of higher fares and curtailed service. Certainly this is not what we want to do and we are confident that it is not what the people of the St. Louis Metropolitan Area want. We believe that it is essential to preserve and improve the usefulness and attractiveness of our present transit system. With this end in view, we have recently developed a broad scale plan to accomplish this end during the period between now and the eventual achievement of a rapid transit network.

Our Transit Development Program 1969–1975, which was adopted last year, will require for revitalization and modernization of our existing bus system the expenditure of $38,000,000 over the next six years. Although the final report on our rapid transit system will not be due for approximately one year, our preliminary estimates indicate a total system cost could be in the range of 500 to 600 million dollars. Thus, our Agency, on its own, will need expenditures in the range of 25 to 100 million dollars annually over the next 8 to 10 years.

Although Bi-State has been eligible under existing laws for federal capital grants for the purchase of new equipment, the necessity of raising the local one-third *prior* to obtaining a federal commitment has proved an almost insurmountable barrier. The area served by our Bi-State Transit System is fragmented into numerous small governmental jurisdictions. Approximately 20 percent of our mileage is in Illinois and 80 percent in Missouri, and each State operates on different budgetary cycles and has its own constitutional restriction on obligation of funds. The Missouri area is further fragmented between the City of St. Louis and about 100 outlying municipalities beyond the St. Louis City limits. Our Illinois service is similarly broken down into 20 smaller communities.

In the six years since enactment of the Urban Mass Transportation Act of 1964, we have been able to raise only $650,000 of the general obligation fund needed to furnish the local share necessary for implementing a program of $38,000,000. Without long-range commitment in advance of federal help, there is scant possibility of raising the local general obligation share needed to implement a rapid transit plan of hundreds of millions of dollars.

We believe that the provisions of S–3154 as now written will go a long way toward restoring the concept of balanced transportation to our urban areas. However, progress must not stop here. We feel that continuous long run additional support for urban transportation systems is needed, and that ultimately there must be provisions for an

assured source of income and the acceptance for a greater federal share in the overall cost.

We urge the enactment of the Public Transportation Assistance Act of 1969 in the general form as given in Senate Bill 3154.

NATIONAL POSTAL CRISIS

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. ROE. Mr. Speaker, Washington fiddles while the Nation faces economic chaos.

In a telegram to President Nixon, I said:

I respectfully implore your full support in behalf of pay increases for the Nation's dedicated postal workers.

Each and every working American is entitled to just compensation for work he performs. It is written, "A laborer is worthy of his hire."

Immediate action in the form of postal pay increases is essential to avoid unnecessary hardship and economic chaos to the people of our Nation.

This unjustifiable situation strikes at the very conscience and integrity of our representative government.

The attitude of Congress and the administration is callous and there is a lack of forthright action on the postal crisis. This attitude is forcing postal workers into the poverty class, how can the Congress talk about welfare reform if its present posture in regard to postal workers will force these dedicated employees to seek Federal welfare in order to survive.

In telegrams to Speaker of the House, JOHN W. MCCORMACK, Majority Leader CARL ALBERT, and Representative THADDEUS J. DULSKI, chairman of the Post Office and Civil Service Committee, I said:

The unjust treatment of dedicated postal workers is a national disgrace—immediate, forthright action on the past of Congress is essential to avoid national economic chaos.

Recommend immediate suspension of all cumbersome procedures of the House to clear the way for immediate action on pending legislation for pay increases for all postal employees.

Any protracted delay will be economically disastrous to the people of the Nation.

It is abundantly clear that not only is the Federal Government's position not justified, but it is wreaking havoc with the Nation's economy. If the postal strike continues, hundreds of thousands of people will be thrown out of work. Already we are hearing the plaintiff cries of mail order houses, banks, stock markets, senior citizens waiting for their checks, retirees, and others.

Who can deny that the postal workers of the Nation are entitled to a decent living salary. Their starting pay is a little over $6,000 a year and it takes them 21 years to reach the top of $8,400—I unequivocally support the pay increases for postal workers.

I think that it is reprehensible that a situation such as the Nation is now involved in can continue. The control of inflation is not working when the administration and Congress express concern about inflation but then agree to a $1.8 billion allocation for foreign aid and deny a decent salary to hundreds of thousands of American citizens working in a crucial area involving the entire Nation. There is something fundamentally wrong with this kind of thinking.

The Federal postal pay is now 21 months behind comparable scales in private enterpise. A 5-percent increase in postal workers' pay was passed by the House of Representatives last October 14, the Senate approved the increase in December, and now President Nixon asks that the pay increase be delayed until January 1, 1971, because "It is inflationary."

These people have gone on strike in sheer desperation, over 50 percent of them hold two jobs and many depend on their wives to work in order to meet family living expenses. They have got to feed their families and educate their children and you cannot do this on a substandard salary. While the cost of living is increasing every month, Washington dilly-dallies on a meager pay increase that will not even come up to last year's increase in the cost of living.

I want immediate action for the postal workers of this country.

UNITED NATIONAL CONFERENCE AT GEORGETOWN UNIVERSITY

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, a young constituent of mine, Bradford J. Wing of Annandale, Va., recently informed me of his participation in the North American Invitational Model United National Conference at Georgetown University, February 19 through 22, an event which went largely unnoticed in the Washington press in spite of the fact that some 2,500 high school students from all over the Nation were involved.

As I feel participation in this activity represents a very real interest on the part of many of our young people in developing realistic attitudes toward international affairs, I insert Bradford's report on the conference at this point in the RECORD:

THE NORTH AMERICAN INVITATIONAL, MODEL UNITED NATIONS CONFERENCE

(By Bradford J. Wing)

International understanding is one of the most important things for people to strive for. Toward that goal, the United Nations provides a forum for nations to discuss their views of world problems. Similarly, the North American Invitational Model United Nations (NAIMUN) Conference is one of the best ways for students to become aware of the virtue of facing and resolving issues over a conference table.

NAIMUN is sponsored by Georgetown University and was last held from the 19th through the 22nd of February, 1970, at the Shoreham Hotel here in Washington, D.C. About 2500 high school students came from all over the United States to represent various nations in the four-day conference of the model U.N. Much research is done prior to the convention so that the participants will understand their adopted nation's point of view. Students leave the convention more appreciative of the world's problems, having been brought to understand why most of those problems can't be solved overnight. Compromise and the art of diplomacy are found to be necessary for a nation to survive.

Another facet of the NAIMUN Conference is represented by the "political games." There, students take on the roles of officials responsible for imaginary nations confronted with realistic problems. The political make-up, economics, social nature, resources (human and natural), and the military situation of the country must all be taken into account. Trade agreements, military alliances and/or mutual non-agression pacts consistent with the nation's internal and foreign policies must all be negotiated. The variables in the functioning of a nation's economy, as well as the pressures on that country's leaders, are much better felt at the end of involvement in these political games.

The net effect of the whole NAIMUN Conference is to instill a more realistic attitude toward international affairs in those participating. This attitude turns out to be contagious. For example, the group from W. T. Woodson High School, Fairfax, Virginia, that has twice played a part in NAIMUN was so enthusiastic about the possibilities of such conventions that they organized the Fairfax Area Model United Nations (FAMUN) for Fairfax County high school students.

It is through projects such as these, that today's youth can favorably influence the future of the world.

THE FAMILY ASSISTANCE ACT

HON. J. GLENN BEALL, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. BEALL of Maryland. Mr. Speaker, I think the President's Family Assistance Act, which is now before us, is the most constructive social legislation in decades.

We have finally stopped trying to patch the AFDC program. It cannot be done, because that approach is a failure, and the record has proven it.

The Family Assistance Act replaces AFDC. It changes the whole structure of welfare by—

Establishing a Federal floor to reduce inequities among the States;

Providing uniform eligibility standards;

Creating a payment system that encourages work;

Improving the manpower training program for welfare recipients;

Providing a uniform, and firm, work requirement; and

Providing adequate day care so mothers can go to work.

The time has come to take bold action. I commend the President and the Ways and Means Committee for their wisdom

in taking the first steps toward building a welfare system aimed not at perpetuating the dole but at taking and keeping people off of it.

LEAA ORGANIZED CRIME TRAINING CONFERENCE

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. FASCELL. Mr. Speaker, among the critical items on the agenda for the 91st Congress requiring prompt congressional action are the legislative proposals aimed at eradicating the menace of organized crime. While we must reshape some of our laws and create new ones to achieve that purpose, we must do more to train all elements of the criminal justice system, at all levels of government, to deal more effectively with syndicated criminal operations.

The Law Enforcement Assistance Administration of the Department of Justice has held three regional organized crime law enforcement training conferences for the purpose of extending to State and local criminal justice personnel new techniques and procedures for use against organized crime. An indirect and significant benefit of these conferences is the establishment of rapport among the participants. Trust and rapport constitute the foundation for cooperation and coordination.

At the most recent LEAA Organized Crime Law Enforcement Training Conference held at Norman, Okla., more than 300 State and local investigators, judges, and prosecutors, attended a 4-day working session at which many of the country's experts on organized crime conducted seminars on every aspect of the problem. An indication of the value of such conferences is the following joint statement drafted subsequent to the conference by the 21-man delegation from the State of Washington:

The delegates from the State of Washington to the Third Organized Crime Law Enforcement Training Conference sponsored last week in Norman, Oklahoma, by the Law Enforcement Assistance Administration of the U.S. Department of Justice, stated they planned to work toward the development of a statewide pooling of information on organized crime activities in this state. They said that the information gained at the conference, when considered in the light of their experience, indicates that organized crime exists in the State of Washington today. They agreed that only through a cooperative effort could our state guarantee that it is ready to meet this challenge. The delegates said they hoped to obtain Federal funds to implement this project.

The delegates represented all parts of the criminal justice system and all areas of the State of Washington.

Because it can serve as a model for future conferences by groups in the public or private sector, I am inserting the agenda of the recent LEAA Organized Crime Law Enforcement Training Conference at Norman, Okla.:

MONDAY, MARCH 2, 1970

GENERAL SESSION

9:00–9:30 a.m.—Orientation: Martin Danziger, Forum Room.

9:30–10:30 a.m.—Speech: "Patterns of Organized Crime," Ralph Salerno, Forum Room.

10:30–10:45 a.m.—Refreshment Break, Corridor B.

10:45–12:00 noon—Workshops: "Defining Organized Crime":

Police	Prosecutors	Planners	Judges	
1–20	1–5	1–9	1–3	Dennis M. Crowley, seminar room B1.
21–40	6–10	10–18	4–5	Harold Yarnell, seminar room B2.
41–60	11–15	19–27	6–7	Vincent Piersante, seminar room B3.
61–80	16–20	28–36	8–9	Earl Johnson, seminar room B4.
81–101	21–25	37–45	10–11	Joseph A. Nardoza, conference room A.
102–122	26–30	46–55	12–13	Ralph Salerno, conference room B.

12:00–1:30 p.m.—Lunch, Commons Dining Room.

2:00–2:15 p.m.—Introduction: Dale Crowder, Executive Director, Oklahoma Crime Commission, Forum Room.

Welcoming Remarks: Honorable Dewey Bartlett, Governor of Oklahoma.

2:15–2:45 p.m.—Speech: "Intelligence Sharing," Harold Yarnell, Forum Room.

POLICE, JUDGES AND PLANNERS SESSION

2:45–3:45 p.m.—Workshops: "The Intelligence Function"—1. Organization of an Intelligence Unit; 2. Selection and Training of Intelligence Agents; and 3. Sharing Intelligence:

Police	Planners	Judges	
1–17	1–8	1	Ray Holt, seminar room B–1
18–34	9–16	2	Joseph A. Nardoza, seminar. room B–2.
35–51	17–24	3	Vincent Pierstante, seminar room B–3.
52–68	25–32	4	Marion B. Phillips and Don Lowe, seminar room B–4.
69–86	33–40	5	Harold Yarnell, seminar room B–5.
87–104	41–48	6–7	Dennis M. Crowley, seminar room B–6.
105–122	49–55	8–9	Ralph Salerno, conference room B.

3:45–4:00 p.m.—Refreshment Break.

4:00–5:00 p.m.—Workshops: "The Intelligence Function," Return to same Seminar Rooms.

PROSECUTORS AND JUDGES SESSION

2:45–3:45 p.m.—Workshops: "The Prosecutor's Role in the Investigatory Process"—1. Investigations; 2. Preparation for Grand Jury; and 3. Grand Jury:

Prosecutors	Judges	
1–10	1–5	Michael DeFeo, seminar room A2.
11–20	6–9	Edward Joyce, seminar room A4.
21–30	10–13	Louis Scalzo, seminar room A5.

3:45–4:00 p.m.—Refreshment Break, Corridor B.

4:00–5:00 p.m.—Talk: "Contempt and Immunity," Conference Room A.

GENERAL SESSION

6:00–7:00 p.m.—Dinner, Commons Dining Room.

8:00–9:00 p.m.—Talk: "The Nature and Scope of La Cosa Nostra"; "New Demands for Sophisticated Intelligence Capability"—Gerald Shur, Forum Room.

TUESDAY, MARCH 3, 1970

GENERAL SESSION

9:00–9:30 a.m.—Talk: "Title III, Omnibus Crime Control and Safe Streets Act of 1968, Wiretapping and Electronic Surveillance"—Charles Ruff, Forum Room.

9:30–10:00 a.m.—Speech and Demonstration: "Electronic Equipment," Frank J. Jameson, Forum Room.

10:00–10:15 a.m.—Refreshment Break, Corridor B.

10:15–10:30 a.m.—Talk: "Confidential Funds," Frederick Rody, Forum Room.

10:30–12:00 noon—Panel: "Electronic Surveillance Equipment." 1. Special Uses; 2. Limitations; 3. Quality of Equipment; 4. Training; and 5. Counter-Measures—Frank J. Jameson, Joseph A. Nardoza, Frederick Rody, Forum Room.

12.00–1:30 p.m.—Lunch.

2:00–2:45 p.m.—Panel: "Development of Tax Cases; Cases Involving Commercial Transactions and Frauds"—Intelligence Division, United States Internal Revenue Service—Richard A. Nossen; William Owens; Joseph R. Rosetti.

PLANNERS AND JUDGES SESSION

2:45–3:45 p.m.—Panel: "Planning Organized Crime Components of State Law Enforcement Plans"—Martin B. Danziger; Melvin Axilbund; Donald R. Cressey; Earl Johnson; Sheldon Krantz; and Raymond McConnell—Forum Room.

3:45–4:00 p.m.—Refreshment Break, Corridor B.

4:00–5:00 p.m.—Workshops: "Planning Organized Crime Components of State Law Enforcement Plans":

Planners	Judges	
1–27	1–3	Sheldon Krantz, Donald R. Cressey, seminar room A2.
28–55	4–7	Raymond McConnell, Earl Johnson, seminar room A4.

POLICE, PROSECUTORS, JUDGES SESSION

2:45–3:45 p.m.—Workshops: "Development of Tax Cases; Cases Involving Commercial Transactions; and Frauds":

Police	Prosecutors	Judges	
1–61	1–15	8–10	Richard Nossen, conference room A.
62–122	16–30	11–13	Joseph R. Rosetti, conference room B.

3:45–4:00 p.m.—Refreshment Break, Corridor B.

4:00–5:00 p.m.—Continuation of Workshops: "Development of Tax Cases; Cases Involving Commercial Transactions; and Frauds," Conference Rooms A and B.

GENERAL SESSION

6:00–7:00 p.m.—Dinner, Commons Dining Room.

Introduction: Calvin K. Hamilton—Speech: "Corruption and Organized Crime"—Clarence M. Kelley, Chief of Police, Kansas City, Missouri Police Department. Forum Room.

8:00 p.m.—Movies: "The Corrupt City"; "Biography of a Bookie Joint."

WEDNESDAY, MARCH 4, 1970

GENERAL SESSION

9:00–10:15 a.m.—Panel: "Federal Investigative Agencies—Relation to State and Local Efforts to Combat Organized Crime"—William Behen; Ralph Erickson; Charles A. Miller; Patrick P. O'Carroll; Frederick Rody;

Robert Snow; and Theodore Thoma—Forum Room.

10:15–10:30 a.m.—Refreshment Break, Corridor B.

PLANNERS AND JUDGES SESSION

10:30–12:30 noon.—Workshops: "Planning Organized Crime Components of State Law Enforcements Plans."

Planners	Judges	
1–27	1–3	Sheldon Krantz, Donald R. Cressey, seminar room A2.
28–55	4–7	Raymond McConnell, Earl Johnson, seminar room A4.

POLICE, PROSECUTORS AND JUDGES SESSION

10:30–12:00 noon—Workshops: "Federal Investigative Agencies—Relation to State and Local Efforts to Combat Organized Crime":

Police	Prosecutors	Judges	
1–61	1–15	8–10	Group I[1], conference room A.
62–122	16–30	11–13	Group II[2], conference room B.

[1] 10:30–11:15 a.m.—Charles A. Miller, Patrick P. O'Carroll, Robert Snow. 11:15–12 noon—William Behen, Ralph Erickson, Frederick Rody, Theodore Thoma.

[2] 10:30–11:15 a.m.—William Behen, Ralph Erickson, Frederick Rody, Theodore Thoma. 11:15–12 noon—Charles A. Miller, Patrick P. O'Carroll, Robert Snow.

GENERAL SESSION

12:00–1:30 p.m.—Lunch, Commons Dining Room.

2:00–3:00 p.m.—Talk: "Undercover Operations," Forum Room.

3:00–3:15 p.m.—Refreshment Break, Corridor B.

3:15–4:45 p.m.—Workshops: "Corruption and Organized Crime":

Police	Prosecutors	Planners	Judges	
1–20	1–5	1–9	1–3	Louis Scalzo, seminar room, B1.
21–40	6–10	10–18	4–5	John Gardiner, seminar room, B2.
41–60	11–15	19–27	6–7	Raymond McConnell, seminar room, B3.
61–80	16–20	28–36	8–9	Joseph A. Nardoz, seminar room, B4.
81–101	21–25	37–45	10–11	Joseph R. Rosetti, seminar room, B5.
102–122	26–30	46–55	12–13	Martin B. Danziger, conference room, B.

4:45–5:30 p.m.—Panel: "Combating Organized Crime Through Business and Professional Organizations"—Mark H. Furstenberg; Patrick F. Healy; and Wayne Hopkins—Forum Room.

6:00–7:00 p.m.—Dinner—Speech: "Combating Organized Crime—Concepts and Methods"—William S. Lynch, Chief, Organized Crime and Racketeering Section, Department of Justice—Commons Dining Room.

THURSDAY, MARCH 5, 1970

GENERAL SESSION

9:00–10:00 a.m.—Panel: "Sentencing in Organized Crime Cases"—Clayton Anderson; Richard Hecht; Sol Rubin, and Judge Pearce Young—Forum Room.

10:00–10:15 a.m.—Refreshment Break, Corridor B.

10:15–10:30 a.m.—Evaluation, Forum Room.

10:30–10:45 a.m.—Talk: "The Role of LEAA"— Ivan E. Levin—Forum Room.

10:45–11:45 a.m.—Speech: "Organized Crime in the Ghetto"—Oliver Lofton—Forum Room.

11:45–12:00 noon—Closing Remarks—Forum Room.

(Numbers in grids reflect those assigned to participants.)

NEEDED BOOST FOR CAREER EDUCATION

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, during the past few years, many educators have noted the frustrations felt by students who have little interest in the traditional 4-year course of study, but have the desire to acquire some form of post-secondary education. For these students the junior or community college and the technical institute have often filled the bill.

President Nixon took note of the unique characteristic of these schools in his recent message on higher education, and commented that "a traditional diploma is not the exclusive symbol of an educated human being." It might also be noted that this traditional diploma is not the exclusive key to a well-paying occupation. Many of the skills taught by these 2-year schools are in great demand. I am certain that persons of all ages who wish to further their education will benefit from the proposed career education program. This program would provide $100 million in fiscal 1972 to assist the States and colleges in starting career education programs in community and junior colleges and technical institutes. I think that these sums will be some of the best ever spent by the U.S. Government.

A RESOLUTION BY THE ZIONIST ORGANIZATION OF DETROIT

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. BROOMFIELD. Mr. Speaker, it was my great pleasure recently to address the Zionist Organization of Detroit concerning the worsening situation in the Middle East. Following my talk the organization adopted the following resolution which I call to the attention of my colleagues. A copy has been forwarded to the President with my endorsement:

Be it resolved, by the Zionist Organization of Detroit that it hereby respectfully implores Richard Nixon, the President of the United States, to immediately take steps to ship necessary aircraft and other weapons of defense under favorable terms to the State of Israel; that the long term and short term interests of the United States are parallel and co-extensive with the needs and aspirations of the State of Israel and its valiant people. As loyal American citizens of the Jewish faith, we urge you to counter Russian influences in the Near East at once by reaffirming the traditional policy of the United States to stand by the Jewish people as it struggles to fashion a new life and a new world for its peoples who have made it its home in the last several decades, and who are each day absorbing new immigrants from various parts of the world.

DOMESTIC TRANQUILLITY THREATENED BY INTERNAL SUBVERSION

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. BURTON of Utah. Mr. Speaker, I wish to bring to the attention of my colleagues an article in this week's issue of Barron's the well-known national weekly of the business and financial community. It concerns the systematic assault that has been taking place against American universities and industries, and the alarming fact that much of this revolutionary action is instigated by young people from the "best" homes and schools in America. The article follows:

[From Barron's, Mar. 23, 1970]

NO MAD BOMBERS: SUBVERSION HAS BECOME A CLEAR AND PRESENT DANGER

To the handful of bankers who stand up to be counted (Barron's, March 16) albeit belatedly or reluctantly, add the names of Messrs. A. W. Clausen and Louis B. Lundborg, president and chairman of the board of directors, respectively, of the Bank of America. At the annual meeting of the largest commercial bank in the U.S. last week, both executives, in response to the sniping of a few dissident shareholders and to outside radical attacks, succeeded in taking a stand of sorts. Mr. Lundborg ruled out of order a resolution offered by a group of respectable peaceniks urging an immediate, total withdrawal of U.S. forces from South Vietnam. He also defended the bank's financial activities in that embattled land, and refused "positively" to consider shutting up shop in Saigon. Mr. Clausen, in turn, assailed the "pernicious propaganda" spread by "agitators" from Isla Vista, small community near the University of California campus and site of a Bank of America branch which "rampaging demonstrators—students and nonstudents"—burned to the ground late in February. At that time Bank of America, in full-page advertisements, broke the majority's silence on the issue of violence, which it urged all its countrymen, heedless of differences, to join hands in shunning. "We believe that at some time and in some place Americans must decide whether they intend to have their decisions, indeed their lives, ruled by a violent minority. We are but one bank, but we have decided to take our stand in Isla Vista."

Nothing like a burning branch to make one see the light. Or perhaps coercive picket lines flung around the homes of executives, demonstrations on company property and dynamite blasts at offices and plants will do just as well. If so, business and banking alike can scarcely fail to realize that they are under siege. Last spring, Barron's warned: "'Enlightened' or otherwise, capitalism has come under direct assault from a hit-and-run coalition of radical students and alienated members of minority groups who seek not to achieve higher wages, improved working conditions or more jobs, but . . . to shake the Establishment and ultimately bring it down. Scorning such bourgeois expedients as collective bargaining, they opt for tactics like infiltration, intimidation, boycott, sabotage and violence." Since then the plot, so to

speak, has thickened. In one labor dispute after another, left-wing extremists have sought to forge an alliance between students and workers. To judge by what happened last week at the Bank of America and Hercules Powder—as well as by disclosures in the underground press of plans for a widespread campaign against "war profiteers" and "polluters"—the annual meeting, like the campus, is destined to become a battleground. Corporate headquarters, after a spate of recent bombings, already have wound up on the casualty list.

Along with the office equipment, furniture and files, the explosions should have shattered a few pervasive myths about the origins of revolution and the means needed to combat it. Communism is supposed to spring from misery and poverty, yet the most ruthless of the plotters emerge as daughters (and sons) of riches. "Workers of the world unite," cry Students for a Democratic Society (obscene misnomer); if they succeed, however, all power will be wielded by so-called intellectuals, who, from secure command posts deep in the groves of academe, push the buttons. Neither free enterprise nor freedom, finally, can long endure without learning how to protect itself. As Eastman Kodak and Ford, two early targets, found out the hard way, corporate statesmanship and a social conscience are open invitations to trouble; IBM, showcase of enlightened capitalism, is still cleaning up the bomb-blasted rubble. Instead, commerce and industry should close ranks behind internal security legislation (now pending in the Senate Judiciary Committee) which would rebuild the nation's defenses against sedition and subversion. Full-page ads denouncing violence are all well and good as expressions of moral indignation and righteous wrath; amidst a clear and present danger, survival demands more.

The thrust at the corporate jugular takes many forms, some at the outset at least, little more than harassment. Last week, for example, 30 young militants picketed headquarters of Hercules, Inc., handing out leaflets accusing the company, which supplies the military in Vietnam, of "war crimes." Radical "agitators" denounced the Bank of America as capitalist "profiteers," charges which the top executives indignantly denied. During the next six weeks or so, other strategic annual meeting throughout the country are targeted for demonstration, invective or worse. Here are the militants' marching orders, as disclosed in the latest issue of "New Mobilizer": "April is seen as the time to focus on the the economic issues of the war around the theme 'Who Pays for the War? Who Profits From the War?' . . . In East Hartford, Conn., on April 14 we will bring publicity to bear on United Aircraft. In Seattle, Washington, on April 27 we will confront Boeing. . . . Plans for April 15 in Cleveland are moving ahead well. A lot of work has gone into demonstrations at the annual stockholders' meeting of AT&T to be held at the Public Auditorium in Cleveland on the 15th . . . Buffalo . . . A detailed scenario has been mapped out. Leafleting will take place at three local steel plants early in the week of April 15: Bethlehem, Republic and Allegheny-Ludlum . . . On April 28 we will be demonstrating at Gulf Oil in Pittsburgh and Honeywell, Inc., in Minneapolis . . . Honeywell, Inc., makes the antipersonnel fragmentation bomb, the most hideous weapon presently used against the Vietnamese."

Violent words, moreover, long ago escalated to deeds. In February of last year, hundreds of students from riot-torn San Francisco State College joined the picket line of refinery workers striking against Standard Oil Co. of California. In Seattle the University of Washington SDS pinned a United Fruit recruiter against a wall and forced him to watch a film purporting to depict his company's depredations in Latin America. In Washington, D.C., nine anti-war demonstrators broke into the offices of Dow Chemical Co., ransacked the files and splattered blood on the walls. At Ford Motor Co 's assembly plant in Mahwah, N.J., a group of workers known as the United Black Brothers staged a wildcat strike, and, with SDS help, set up a picket line that temporarily disrupted production. During the prolonged shutdown at General Electric, a cause which SDS and its allies in the Progressive Labor Party promptly embraced as their own, student activists sought to run GE recruiters off college campuses at Michigan State, Princeton, Rutgers and the University of Chicago. "The revolutionary assault on American universities and industries," warned Representative William E. Brock (R., Tenn.) at the December Congress of the National Association of Manufacturers, "is a calculated attempt to weaken and eventually destroy private enterprise in America. Students for a Democratic Society and their allies are trying to forge a Marxist student-worker alliance which will create disruption in industry."

Violence inevitably has led to destruction of property, personal injury and death (which fate, with fine irony, so far has reserved for the radicals). Last August an explosive device with the force of 24 sticks of dynamite ripped through the Marine Midland Building in New York City, devastating the eighth floor and injuring 19; "It was a miracle," said one victim, "that nobody was killed." Others were hurt in mid-November, when bombs went off in the Chase Manhattan, General Motors and RCA Buildings. Two weeks ago bombs caused extensive damage in offices of General Telephone & Electronics, IBM, and Mobil, while an accidental detonation recently destroyed a bomb factory (and killed several activists) in a town house in Greenwich Village. Repeated bombings also have occurred in San Francisco, Seattle and Detroit.

The first explosions were something of a mystery—The New York Times even speculated that they might be the handiwork of some new Mad Bomber. Subsequent events soon disclosed the method in the madness. In November an anonymous letter to the newspapers, denouncing "the giant corporations," acknowledged the deed. This month a group which calls itself "Revolutionary Force 9" claimed the credit. "IBM, Mobile (sic) and GTE are enemies of all life," said the market communique. "All three profit not only from death in Vietnam, but also from American imperialism in the Third World. They profit from racist oppression, from the exploitation and degradation of employes forced into lives of antihuman work, from the pollution and destruction of our environment."

Beginning to get the picture? A closer look at those who have been arrested in connection with the bombings, or managed to blow themselves up, reveals a clear-cut pattern of left-wing extremism. Not that squalor is much in evidence—on the contrary, two of the victims found in the ruins of the Greenwich Village townhouse, as well as one of the survivors (whose father owned the $250,000 dwelling), came from wealthy families. They were graduates of "good" schools (notably Swarthmore and Bryn Mawr, which, on the basis of the fragmentary evidence to date, assay remarkably high in radicalism; Bryn Mawr last fall appointed as Professor of Black Studies Herbert Aptheker, noted "theoretician" of the Communist Party, U.S.A.) Most of them had traveled to Cuba, rioted in Chicago or elsewhere and belonged to the "Weathermen" or some other ultra-violent wing of SDS, which J. Edgar Hoover, in the FBI Law Enforcement Bulletin for June 1969 has described as "rapidly gaining a definite Marxist-Leninist coloration."

Such disclosures seemed to astound both the so-called communications media and the public. They should have come as no surprise to readers of Barron's, who, thanks to the skill and courage of crusading journalists like Alice Widener, have long been alerted to the growing menace of the New Left and their Old Left mentors. Year-by-year Mrs. Widener, virtually single-handed, has covered the annual conferences of Socialist Scholars, at which blueprints for the radicalization of American college youth have been unveiled with increasingly open arrogance. At the first such affair (held, fittingly, at McMillin Theater, Columbia University, scene of bloody student riots several years later) Prof. Staughton Lynd, then of Yale University (and then and now associated with organizations cited by the U.S. Attorney-General as subversive), urged his fellow scholars to be ready at any time to put aside their books and go for "the jugular." "I wonder whether every teacher who calls himself a Socialist," he mused, "doesn't have the duty to become a professional revolutionary."

The Second Conference played host to a meeting of leaders of the Radical Education Project, an enterprise of SDS, which outlined a proposed "network of people in the U.S. and abroad who will serve the movement as quick, incisive sources of intelligence . . . such a network, including scholars, journalists, leftist youth leaders, government officials, guerrilla leaders etc. can provide us with firsthand reports of the action of insurgent movements, the workings of the foreign policy apparatus, impending developments. . . ." Guest of honor at the Third Conference was Owen Lattimore, whom the U.S. Senate Internal Security subcommittee has labeld "a conscious, articulate instrument of the Soviet conspiracy," while the Fourth, held at Rutgers in September 1968 featured an address by Ernest Mandel, Belgian Marxist and a chief strategist of the bloody French student revolts (for which he has been banned from France). Mandel advocated "mass strikes and mass movements," with students as the "detonators in the formula for triggering a social explosion, creating a revolutionary situation."

Barred from the U.S. as well, he used blunter language in a taped message to a rapt audience in New York's Town Hall last fall: "As a revolutionary Marxist you must know that you cannot destroy capitalism piecemeal. You can abolish the structure only by overthrowing it." Yet The New York Times denounced his ban as the the "blacklisting" of a distinguished person who only sought to participate in "academic discussions," while last week, it reported, "six American Scholars" (in point of fact, four of them Socialist Scholars) brought suit in federal court to restrain the Attorney-General from barring M. Mandel and keeping him from a scheduled "lecture tour."

Finally, at the Fifth Annual Conference, the Socialists dropped all pretense of scholarship. According to the official program, they plan the widespread reproduction and distribution of SSC papers in pamphlets "for assignment in the college classroom of materials written from an explicitly socialist perspective. . . ." As Mrs. Widener summed up (Barron's, September 15, 1969): "There you have it. Sure of immunity, the Socialist Scholars no longer need the 'convenience' of dissimilation concerning aims, methods and acts. They no longer need put on a false front of academic objectivity; they no longer need pretend that there is a separation between activities off-campus and on-campus, out-of-classroom and in-class.'

Whence comes such immunity? Why, largely from the U.S. Supreme Court, which, under the influence of Earl Warren and his fellow-traveling associate, William O. Douglas (whose new book openly sanctions violent revolution) over the years has syste-

matically gutted the nation's internal security laws. It would come to an abrupt end if Congress enacted various measures now in committee. One bill, supported by Rep. J. Herbert Burke, (R., Fla.), would restore the power of the Secretary of State (stricken down by the High Court in 1967) to limit the travel of U.S. citizens to hostile countries, notably Cuba; Fidel Castro, charged the Congressmen, "is operating a university of revolution in the hills of Pinar del Rio, where new left Americans receive training in bombing tactics and guerrilla warfare." A more comprehensive piece of legislation, currently in the Senate Judiciary Committee, would prohibit, without regard to the immediate effect thereof, the willful or knowing teaching or advocacy of the duty or need to overthrow by force or violence the government of the United States. If such statutes were passed and enforced few Socialist Scholars or SDS members would be walking around loose.

McCarthyism, some will cry, repression! We say that actions—notably dynamite bomb blasts—speak louder than words. The Preamble to the U.S. Constitution, following "in order to form a more perfect union, establish justice," sets forth as the next high purpose "to insure domestic tranquility." Today no task is more compelling.

SGT. RICHARD G. HILL

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. LONG of Maryland. Mr. Speaker, one of my constituents, Mrs. Carmine Danesie, Jr., lost a fine young son in Vietnam. Sgt. Richard G. Hill was an outstanding soldier and I am proud to know he was representing Maryland. His mother sent me the following letter which she received from the Department of the Army, listing the numerous awards her son won while serving in the Army. I would like to honor Sergeant Hill's memory by including that letter in the RECORD:

DEPARTMENT OF THE ARMY,
OFFICE OF THE ADJUTANT GENERAL,
Washington, D.C.

DEAR MR. AND MRS. DANESIE: I have the honor to inform you that your son has been awarded posthumously the Distinguished Service Cross for heroism, Bronze Star Medal (First Oak Leaf Cluster), Air Medal, Purple Heart, and the Good Conduct Medal.

Prior to death, Richard had been awarded the Bronze Star Medal, Army Commendation Medal for heroism, Purple Heart with Third Oak Leaf Cluster, National Defense Service Medal, Vietnam Service Medal with One Bronze Service Star, Vietnam Campaign Medal, Combat Infantryman Badge, and the Sharpshooter Badge with rifle and pistol bars.

Arrangements are being made to have these awards presented to you in the near future by a representative of the Commanding General, First United States Army.

The representative selected will communicate with you in the next few weeks to arrange for presentation. Any inquiry or correspondence concerning presentation should be addressed to the Commanding General, First United States Army, Fort George G. Meade, Maryland 20755.

My continued sympathy is with you.

Sincerely,

ROBERT E. LYNCH,
Colonel, AGC,
Acting, the Adjutant General.

CONFRONTATION IN THE MIDDLE EAST

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. CELLER. Mr. Speaker, under leave to extend my remarks in the RECORD, I am pleased to include the keynote address delivered by Eugene V. Rostow, sterling professor of law and public affairs, Yale University, 1966–69, formerly Under Secretary of State for Political Affairs, at the Emergency Connecticut Jewish Leadership Delegate Assembly on Peace in the Middle East, Millard Auditorium, University of Hartford, West Hartford, Conn., on March 8, 1970. The address follows:

CONFRONTATION IN THE MIDDLE EAST

We have come together today as citizens to consider the problem of peace and war in the Middle East. Naturally, those of us who are Jews feel a special concern for the Jews of Israel. But there is no conflict between our obligations as citizens, and our sympathies as Jews. The policy of Israel is to make peace with its Arab neighbors, in accordance with the Security Council Resolution of November 22, 1967. The national interest of the United States is the same—that the parties to the conflict make peace in the Middle East, pursuant to the Resolution, and in ways which are fair and dignified for Israel, for the Arab refugees, and for the Arab nations alike.

Our government, and that of Israel, do not always agree. That is normal in the relations of even the most friendly states. We and our European Allies have important interests in the Arab Middle East, which Israel respects, but doesn't necessarily share. But on the central problem of the Middle East crisis, the United States and Israel are fully agreed:—the time has come to make peace, not to restore the Armistice of 1949. On this critical issue, President Nixon and Secretary of State Rogers are just as clear and explicit as President Johnson and Secretary of State Rusk. This fact is the rock on which all else must be built.

I stress this point at the outset, for I believe it to be fundamental for all of us.

I shall discuss the crisis in the Middle East in the framework of our foreign policy as a whole. Within that framework, I shall try to concentrate on the broader and more basic problems, and put issues of detail, however urgent, into the context of larger considerations.

The situation in the Middle East is poisonously difficult and poisonously dangerous. There is no magic which can persuade the Arabs to give up their sense of grievance as to the existence of Israel. At best, that bitter feeling will take many, many years to fade. And most of the issues of the transient headlines have no real bearing on the course of events. It would be a mistake, for example, to divert much attention from the underlying problems to secondary ones like the French sale of planes to Libya. Egypt hardly lacks planes. There has been much criticism, too, of Secretary Rogers' recent speech. I think concern about that speech is unjustified. The speech parallels President Johnson's speeches of June 19, 1967, and September 10, 1968. While the diplomatic application of these policies may show change—a possibility on which I have no information—the principles on which they rest are sound, and deserve bipartisan support. In any event, the nuances of a particular speech or statement mean little in themselves. President Nasser will not be brought to the table of peace by a speech. The *pattern of events* is dominated by *something quite different:* the massive, ominous, increasing *pressure of Soviet policy,* which is exploiting Arab hostility to *Israel in order to transform* the whole region. There is no hope of containing and controlling that pressure without the calm and steady application of the full influence of the United States. No other force in world politics can deter such prolonged and determined Soviet pressure.

I submit that no citizen has the right to urge the invocation of that influence—that is, the full influence of the United States—unless vital interests of the nation are at stake. Our first post-war Presidents, and the Congresses which passed and reaffirmed the Middle East Resolutions in 1957 and 1961, have believed that vital national security interests of the United States are indeed at stake in the Middle East. I fully agree with their assessment. These interests are now affected by the process of Soviet penetration of the area. They would be critically threatened by a threat to Israel, both in itself, and for the consequences in Saudi Arabia, Egypt, South Arabia and the Levant; in the Magreb of North Africa; and in the Persion Gulf. Such changes would imperil our access, and the access of Europe and Japan, to the oil and the space of this strategic region, and call into question our position in Europe and the Mediterranean. As President Nixon has recently said, "The United States would view any effort by the Soviet Union to seek predominance in the Middle East as a matter of grave concern."

But present trends could well lead to this dangerous end—the end, that is, of Soviet predominance—unless the process of Soviet penetration is halted.

For the Arab-Israeli conflict has become more than a regional quarrel; it has been used by the Soviet Union to generate a major confrontation with NATO as a whole. President Pompidou was right the other day when he said the Mediterranean was the soft underbelly of Europe, and compared the Soviet presence there to the Cuban missile crisis. These are words of tremendous resonance. But they are not exaggerated. They underscore the importance of our acting promptly, quietly, and firmly, in concern with our Allies where possible, to prevent these nightmares from becoming reality. The United States can have no objections to the presence of the Soviet Union in the Mediterranean. We should have no wish to claim these vital international waters as a NATO lake. But the possibility of hegemony and predominance is another matter, especially when the Soviet Union states as official policy that one of its goals is the withdrawal of the Sixth Fleet from the Mediterranean.

I propose to open the discussion this afternoon in that perspective—the perspective, that is, of a bipartisan foreign policy, addressed to basic national concerns and interests. No other premise for policy matches the gravity of events. The American people have long had a warm and admiring interest in Israel, and we have taken on deep moral and political responsibilities, both by sponsoring the creation of Israel in a hostile Arab world, and by committing ourselves repeatedly to uphold her freedom, and that of the other states of the region. These aspects of our relationship to Israel are important, and I do not minimize them. But they should be viewed, I believe, as reinforcing our interests as a nation, which could be adversely affected in many ways by a continuance of present trends in the region.

This is not the ocacsion for a full review of the history of the twenty years' crisis in the area. But the suggestions I shall make today require a few points of reference, by way of background.

II

The basic positive element in the situation, and the compass of our policy, and of Israel's, is the Security Council Resolution of November 22, 1967. After months of diplomatic effort, including the Glassboro meetings, that Resolution received unanimous support from the Council. It was backed by the assurance of the key countries that they would accept the Resolution, and work with Ambassador Jarring to implement it.

It is important to recall what the Resolution requires. It calls upon the parties to reach an agreement which would definitively settle the Arab-Israeli controversy, and establish conditions of just and lasting peace in the area. That agreement, the Security Council said, should establish secure and recognized boundaries between Israel and its neighbors, to replace the Armistice Demarcation Lines established in 1949, and the cease-fire lines of June, 1967. The Israeli armed forces should withdraw to such lines, as part of a package deal, dealing with all the issues of the Resolution, and in a condition of peace. The agreement should establish demilitarization and other security arrangements, guarantees for maritime rights in the Suez Canal and the Strait of Tiran, embody a fair settlement of the refugee problem, and assure the right of every nation in the region to live in security and peace. It was provided that the Secretary General should appoint a representative to consult with the parties, and assist them in reaching the agreement required by the Resolution.

Thus far, it has been impossible to initiate the final stages of the processes of consultation and negotiation which are necessary to the fulfillment of the Resolution. The reason for the stalemate is simple. The government of the United Arab Republic has refused to implement the Resolution. It has rejected procedures for negotiation accepted by other parties to the conflict. And thus far it has been backed in that posture by the Soviet Union. President Nasser could not long persist in this stand against the will of the Soviet Union. Under these circumstances, and in the nature of Arab opinion, no other party to the conflict can move towards peace.

I am convinced that a peace in accordance with the principles of the Resolution is possible, if the United Arab Republic reaches the conclusion that peace is in its best interests, and must be made.

There is a great skepticism among the parties: a skepticism altogether natural against the background of more than twenty years of history. The Arabs fear that Israel has no intention of withdrawing, even to secure and recognized boundaries; Israel fears that the Arabs have no intention of making peace. After the deceptions and disappointments of 1957, Britain, the United States, and many other countries have said that Israel must not be asked to withdraw except to a condition of secure peace. That is the basic idea of the Security Council Resolution.

But Israel has said repeatedly and officially that it has no territorial claims as such; that its sole interest in the territorial problem is to assure its security, and to obtain real guarantees of its maritime rights; and that even on the difficult issue of Jerusalem, it is willing to stretch its imagination in the interest of accommodating Jordanian and international interests in the Holy City.

These assurances by Israel have been the foundation and the predicate of the American position in the long months since June, 1967. If the Arabs are skeptical of Israeli professions, their remedy is obvious: put them to the test of negotiation. They could be sure, as Prime Minister Golda Meir remarked the other day, that the position of the United States in negotiating process would come more than half way to meet their claims.

It is by no means self-evident that either the Soviet Union or the United Arab Republic is now interested in peace. They have gained positions, and aroused forces, which seem for the moment to enhance their influence, and diminish that of Nasser's Arab rivals. Arab raids and Israeli reprisals have generated an atmosphere of turbulence and violence which is dissolving many sectors of Arab society, and bringing more and more extremists to positions of influence and power. As Nasser has recently said, recent changes in Libya and the Sudan are basic changes in the whole Middle Eastern situation.

Despite the attractions of continued war and proxy war in the Middle East to Soviet and Egyptian policy makers, however, they should also be conscious of its risks, which directly threaten the life of Israel, and other fundamental state interests of the United States and its Allies.

One consequence of President Nixon's recent statement on Soviet predominance in the Middle East, which I read a few moments ago, should be to make sure that there is no misunderstanding, and no miscalculation, by anyone on this critical point.

III

How can the dangerous stalemate in the Jarring Mission be brought to an end?

I should like to suggest seven lines of political action as the key elements of an urgent and coordinated diplomatic camgaign—a crash program, undertaken to achieve a prompt breakthrough in the Jarring Mission. The danger is mounting. We should act on a crisis basis now, to prevent another round of full-scale war in the not very distant future.

1. The first, obviously, is to persuade President Nasser, and the Soviet Union, that their present course involves risks which no man can foresee or control.

Diplomacy has ways of conveying such thoughts discreetly, and reinforcing their implications with action. On this basic issue, we should not venture to formulate a program here, save to note its primordial importance. Unless President Nasser and the leaders of the Soviet Union are led to this conclusion, we can expect the situation to deteriorate, and perhaps to explode. It is hardly a favorable sign that the Soviet Union has recently refused even to support the restoration of the cease-fire, and has launched a menacing propoganda campaign against Israel, both within the Soviet Union, and in the world community.

It is in this setting that we should view the question of providing Phantoms and other arms to Israel. Obviously, such arms are important in themselves. They should help to convince both President Nasser and the Soviet Union that a "war of attrition" against Israel is not only a crime but a folly. And they should underscore the fact that there can be no alternative in the Middle East but a fair political settlement under the Security Council Resolution—a settlement establishing a condition of peace. On arms supply, I believe, the American government agonizes too much. Our policy in this regard should be crisp and predictable, and dominated by the idea, which both President Johnson and Secretary of State Rogers have expressed, that the military situation must not become an incentive for war, from any quarter. If this point is clearly understood, the chance of peace should be improved.

Assuming that this basic condition is met, what other courses of action are open to us to achieve a breakthrough?

2. The second step I should suggest is to press for a restoration of the cease-fire in the Security Council, despite Soviet opposition at the moment. In connection with the restoration of the cease-fire, we should propose effective police action to treat the war against airliners, and other aspects of the guerrilla campaign, as international piracy. Under international law, a state is fully responsible for irregular hostilities conducted from its territories. If it cannot control such activities, the international community is authorized to do so. You will recall that one of our earliest ventures in international politics was the suppression of the Barbary pirates in the Mediterranean in the late eighteenth century.

3. The attempt to renew the cease-fire should be linked, I believe, to a direction by the Security Council that Ambassador Jarring convene a conference of the parties in his presence, on or before a day named by the Council, to initiate the process of reaching the agreement of peace called for by the Security Council Resolution of November 22, 1967. This action should be based on the assurances Ambassador Jarring has received that the parties have accepted the Resolution, and are prepared to implement it. President Nasser once said publicly that he could accept a procedure like that at Rhodes in 1949. The Security Council should insist on pressing the point.

Even if the Soviet Union should be prepared to veto a restoration of the cease-fire, and a call to a conference, the effort of seeking Council consensus should help to crystallize public opinion and concern, and lead governments, particularly those of our European Allies, to take responsible positions in a crisis that directly and vitally affects their interest.

4. Parallel to these efforts, we should vigorously and visibly pursue NATO consultations on the Middle East, and develop the Middle East programs and initiatives the NATO Council decided to undertake in 1967. These steps, especially if they involved increased naval and air activities by the Alliance, and a presence in Malta, could help to deveolp the counter-currents the situation so manifestly requires.

5. It would be irresponsible dangerous, at this point, to withdraw American forces from Europe. I should oppose that course for many reasons, which have just been restated both by President Nixon and Undersecretary of State Richardson. But the situation of the Middle East is a special and distinct reason for maintaining our troop strength in Europe. With the Middle Eastern crisis becoming more and more volatile, the availability of mobile forces may become criticaly important both as a deterrent, and as an emollient influence. No one should wish to have the President face such problems with only nuclear weapons in his hand. And a withdrawal at this stage would be the wrong diplomatic signal in every sense, if our goal as it must be, to exert every influence at our command to deter catastrophe.

I should therefore urge that the Mansfield Resolution on troop withdrawals be deferred, as an act to strengthen the President's diplomatic position, and give him every possible resource for minimizing the risk of war, and of great power confrontation, in the Middle East.

6. If troop withdrawal would be a dangerous and misleading signal of our intentions in the Middle East, it would be twice as dangerous even to consider Senator Mathias' proposal to repeal President Eisenhower's Middle Eastern Resolution, which authorizes the use of force in the area. Sentaor Mathias is an attractive and intelligent man, whom I admire and respect. But in this venture, he is emulating King Canute. Repealing the Resolution can't repeal the problem. Our legitimate interests in the Middle East are under far more pressure today than was the case in 1957. We cannot hope to protect those interests, and lessen the danger of war, by intensifying doubt about the seriousness of our purpose.

7. Finally, I should propose that we offer to guarantee an agreement of peace reached by the parties in accordance with the Security Council Resolution of November 22, 1967. I can conceive of no step more likely

to change the political climate, to overcome Arab fears, however irrational, and to offer the Arabs a genuine alternative to their present course. With an American guarantee for the peace, Arab reliance on Soviet support should lose some of its attractiveness. And with such assurances, it should become possible for Israel to sign the Non-Proliferation Treaty.

It might be contended that such a step would increase our obligations in world politics. This is not the case. We now have the inescapable obligation to protect our interests in the Middle East, under circumstances of rising and changing pressure. Since 1950, we have repeatedly promised, often with our Allies, to support the territorial integrity and political independence of all the states of the area, and we have acted many times in the name of that principle in behalf of Lebanon, Saudi Arabia, Egypt, Israel and other countries. And the Eisenhower Doctrine stands on the statute books, far more general and open ended than the Treaty I am recommending.

What I propose is something limited, and greatly in our interest, an American guarantee to a condition of peace for Israel, for Egypt, for Lebanon, for Jordan, and indeed for Syria and Iraq, if they choose to make peace. Such a guarantee should help make negotiations possible, and end the war which has brought so much waste, and so much tragedy to the peoples of the Middle East, and has become, in President Johnson's phrase, a burden to world peace.

IV

I have tried today to stress what I consider to be the most important elements of the situation in the Middle East, and those which most urgently require considered and responsible action. I have talked only about what our government should do, and what it should not do, to protect our interests in the Middle East, including our national interest in Israel. The situation is not easy. It cannot be brought to a successful resolution if we falter.

But there is no reason for despair, if American opinion soberly faces the facts. We have the resources, the influence, and the will, to bring about an era of negotiation with the Soviet Union, which might genuinely end the Cold War. But that goal cannot be achieved without the hardest kind of national effort, based on a clear national understanding.

We may not succeed, but we must try. For the prospect would be dismal to put it mildly if the world had to endure another twenty years of increasing hostility in the Middle East, backed by increasingly sophisticated arms—a process which could always threaten to escalate into nuclear war. On the other hand, with peace achieved, Israel could start a new phase of its mission among the nations. And its neighbors could turn to policies and programs which represent their interests far more truly than the sterile yearning for revenge.

THE GREAT SOUTH ASIAN WAR

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. RYAN. Mr. Speaker, the revelations of past weeks about U.S. military and paramilitary activities in Laos portend a repetition of the tragic history of our involvement in Vietnam.

Any student of these events must conclude that there is more than happenstance which accounts for America's involvement in Vietnam. Nor is the United States increasing role in Laos unintentioned.

Michael Klare, a staff member of the North American Congress on Latin America, has written a remarkable analysis of U.S. policy in Asia entitled "The Great South Asian War." This article appeared in the March 9, 1970, issue of the Nation. It is Mr. Klare's thesis that:

To gain a world-historical perspective on the war in Vietnam, one must see it as but one episode in a Great South Asian War that began almost immediately after World War II, and can be expected to continue into the 1970's, if not well beyond them.

In support of this thesis, Mr. Klare points out that—

United States military activity in Southeast Asia has actually increased in the past few months, with most of this increase taking place in Laos.

And he maintains that—

The Pentagon is now preparing for combat operations in the neighboring regions of South Asia.

Mr. Klare predicts that future conflicts are inevitable. These conflicts stem from the United States' "stabilization of Asia's dependent status vis-a-vis the United States, as a supplier of raw materials and market for manufactured goods." This strategy "will doom South Asia to a condition of permanent underdevelopment, and most of its inhabitants—especially those in rural areas—to a condition of permanent impoverishment."

Michael Klare concludes:

It has become abundantly clear that American plans for creation of a mercantile empire in South Asia will require the continued presence and intervention of United States troops (or native troops under American command) for as long as one can see into the future.

I commend this article to my colleagues, and urge that they give it the most careful and thoughtful consideration.

I further urge them to support the creation of a joint congressional Committee on Foreign Policy, which I have proposed in House Concurrent Resolution 531, and in which 17 of my colleagues have joined. This instrument would enable Congress to analyze and assess from all aspects those political and economic moves by this Nation which all too often result in military involvement up to, and even including, intervention. Clearly, the warning Mr. Klare sounds in his article should awaken Congress so it defaults no longer on its responsibility to the American people by failing to render effective oversight of our foreign policy.

The article referred to follows:

[From the Nation, Mar. 9, 1970]

THE GREAT SOUTH ASIAN WAR

(By Michael Klare)

(Mr. Klare, a staff member of the North American Congress on Latin America, is completing a book on counterinsurgency planning in the United States.)

To gain a world-historical perspective on the war in Vietnam, one must see it as but one episode in a Great South Asian War that began almost immediately after World War II, and can be expected to continue into the 1970s, if not well beyond them. The Great War has already encompassed the Indo-Chinese War of Independence (1946–54), the guerrilla war in Malaya (1948–60), intermittent warfare in Laos (continuing), guerrilla skirmishes in Thailand (continuing), and other armed struggles in Burma, Malaysia and Indonesia. Combatants in these conflicts have included, in addition to troops of the countries named, the armies of Great Britain, France, Australia, New Zealand, South Korea, Nationalist China and, of course, the United States.

These episodes constitute a common war not only because they occupy overlapping zones in a single theatre of war but also because they spring from a common cause: the determination of the advanced industrial nations of the West (led by the United States) to intensify their control over the destinies of the underdeveloped lands of Asia. The Western presence in South Asia is naturally a military and economic challenge to Communist China, whose real or imagined influence has been a factor in each of these struggles. But it is not the threat of Chinese bellicosity that lends unity to all these episodes; it is rather the determination of the region's indigenous peoples to secure a future that will be free of foreign control. Because the nations of South Asia are frozen in a state of underdevelopment, and because national boundaries (which, more often than not, were established by European powers) do not always conform to ethnic distribution, these conflicts often take the form of "insurgencies"—i.e., local struggles against centralized authority—and the response to them has been a succession of "counterinsurgencies." Although the doctrine of counterinsurgency was originally formulated to substitute a strategy of "limited warfare" for the obsolete strategies of "all-out" (i.e., nuclear) warfare, in South Asia counterinsurgency threatens to become *unlimited* in its duration.

At the end of World War II, the United States and its allies in Western Europe agreed to sanction the re-establishment of one another's spheres of influence in Asia. The United States, having conquered Japan, was to be dominant in the western Pacific (China, Japan, the Philippines, etc.); France would remain in Indo-China, and Britain in the Indian Ocean area (India, Burma, Malaya, Signapore, etc.). The Allies also apportioned responsibility for the maintenance of a defense perimeter, corresponding to their colonial holdings, which encircled the eastern half of Asia from Korea to Kashmir, and pledged to assist one another if any point on the perimeter came under heavy attack. This "gentleman's agreement" was soon put to the test, for the restoration of colonial regimes in South Asia (revoking wartime promises of independence) produced guerrilla warfare throughout the region. Several countries won their independence this way, where continued occupation would have been unprofitable (Burma) or beyond the capacity of the home economy (Indonesia). But in Southeast Asia proper, the colonialists were prepared to engage in protracted counterguerrilla struggles to maintain their control of the area's resources. In Malayia it took Britain (with the aid of Australia and Gurkha tribesmen) twelve years to force the last remnants of the Malayan Races Liberation Army across the border into Thailand. In Indo-China, France faced an even more formidable foe. In 1950, confronted with a deteriorating military situation in Vietnam and growing discontent at home, France appealed to the United States to honor its commitment and help prevent a breach of the Asian defense perimeter. Although the United States had already deployed its troops in South Korea to protect the northern

flank of the perimeter, it nevertheless agreed to supply France with arms and badly needed funds (the total U.S. contributions to the French military struggle in Indo-China amounted to $2.6 billion, or 80 per cent of the cost of the war).

Despite this help, the Viet Minh won at Dienbienphu, and the French army withdrew from Southeast Asia, leaving a substantial military vacuum at the mid-point of the Asian defense perimeter. The United States—which until this time had considered Southeast Asia to be of secondary importance to its Pacific territories—quickly moved in. The French colonial apparatus had not completed its removal from Saigon when America's first paramilitary legions began arriving. To circumvent the Geneva Accords, which prohibited the introduction of new weapons or foreign military personnel into Vietnam, the Michigan State University Group (MSUG) was established to provide a "cover" for the CIA team which armed and trained Ngo Dinh Diem's secret police and palace guard. The gradual intensification of U.S. military activity in Vietnam—from the arrival of the first Special Forces "advisers" to the deployment of a half-million-man army—is too familiar to need repeating. Less familiar, perhaps, is the history of U.S. involvement in Laos and Thailand; it is only in the past few months, in fact, that the public has learned that the United States maintains a substantial—and active—military establishment in Laos, and that we are bound to the Bangkok government by secret military protocols. Despite the well-publicized U.S. troop withdrawals from South Vietnam, U.S. military activity in Southeast Asia has actually *increased* in the past few months, with most of this increase taking place in Laos.

During his recent eleven-nation tour of Asia, Vice President Spiro Agnew stated in Australia that "despite a great deal of speculation and rumor, the United States is not withdrawing from Asia and the Pacific." Thanks to the assiduous journalism of a few "Establishment" newspapers—particularly those which have come under attack from Mr. Agnew—there can no longer be any denying that the U.S. war effort in Vietnam has "spilled over" into the rest of Southeast Asia. What is *not* known by most Americans is that the Pentagon is now preparing for combat operations in the neighboring regions of South Asia.

On January 16, 1968, Prime Minister Harold Wilson announced that Great Britain would withdraw all its troops stationed east of the Suez Canal by the end of 1971. British bases in Asia—located in Singapore, Malaysia and several Persian Gulf sites—formed the backbone of a defense line extending across the entire Indian Ocean. Britain's impending withdrawal from this region produced consternation in Washington, where it had always been assumed that the English could be counted upon to protect America's western flank in Asia. One U.S. strategist, James D. Atkinson, wrote: "For almost a century the vast Red Sea-Persian Gulf-Indian Ocean complex was an area of relative stability. This was so because . . . British forces were on hand throughout these sea spaces and able to respond quickly for any needed police actions." With Britain no longer willing to perform this police function, the Pentagon began making plans to assume responsibility for defense of the Indian Ocean area. These preparations—including the acquisition of new bases and the development of new combat capabilities—have been artfully camouflaged in Defense Department statements, with the result that very few Americans know that such plans exist. Nevertheless, it can be shown that the United States is developing the ability to fight a naval war in the Indian Ocean or a land war on the peaks of the Himalayas.

The military does not plan in a milieu devoid of political and economic considerations; before proceeding with a discussion of U.S. military strategy in South Asia it is necessary, therefore, to investigate the principal nonmilitary factors which have determined the limits of that strategy.

The Pacific-Indian Ocean area has achieved parity with Latin America and Europe as an outlet for U.S. trade and investment. According to the Commerce Department, U.S. trade with Asia and Oceania amounted to $12.9 billion in 1967, compared with $9.4 billion in Latin America and $18.5 billion in Europe. Direct U.S. investment in this area is only $6.8 billion, the comparable figures for Latin America and Europe being $10.3 billion and $17.9 billion, but earnings are unusually high: $1.7 billion in 1968, compared with $1.4 billion for Latin America and only $1.3 billion for Europe. While trade with Japan (America's leading trading partner after Canada) accounts for a large bulk of U.S. commerce in the Pacific, our economic relation with other Asian countries are growing steadily. To be sure, the current boom in favored Pacific countries is largely the result of Vietnamese War spending—Japan, Okinawa, South Korea and the Philippines all provide essential goods and services for the U.S. forces, and profit handsomely from our installations on their territory. But long-term investments—particularly in mining and oil refining—indicate that U.S. economic interest in the area will grow.

Closer examination of trade and investment data suggests that the center of gravity of U.S. economic activity in Asia is shifting southwestward, from the North Pacific to Southeast Asia, Australia and Indonesia (thus following the line of military advance sketched above). Although direct American trade and investment in the Indian Ocean has not increased as rapidly as in the Pacific, the region is a principal market for countries like Australia and Japan whose economies, through the agency of "multinational corporations," are becoming increasingly linked to that of the United States. Furthermore, the Indian Ocean itelf has acquired considerable strategic importance (particularly since the closing of the Suez Canal) as a major sea route for oil. The Middle East's abundant fields now supply 50 per cent of the oil imports of Western Europe, 90 per cent of Japan, 65 per cent of Australia's, and 83 per cent of Africa's (as well as most of the oil used by the United States in Vietnam). Some of it is carried by pipe line to the Mediterranean, but the bulk of it goes by tanker across or around the Indian Ocean. Finally, one must never forget that the Indian Ocean borders on the second, fifth and sixth most populous countries in the world (India, Indonesia and Pakistan), whose allegiance to the West is considered a major objective of U.S. policy. If any of these countries were to undergo a Communist revolution, Western domination of the entire area would be threatened as other Asian countries readjusted their trade and political relations to accommodate the changed strategic balance.

Long-term U.S. strategy in the Pacific and Indian Ocean areas can perhaps best be described as the "Latin Americanization" of South Asia—i.e., the stabilization of Asia's dependent status vis-à-vis the United States, as a supplier of raw materials and market for manufactured goods. As in other parts of the Third World, the United States has cultivated partnership arrangements with the more advanced nations in the region (in this case, Australia and Japan), in order to exploit more efficiently the resources of the whole area. Because this strategy will doom South Asia to a condition of permanent underdevelopment, and most of its inhabitants (especially those in rural areas) to a condition of permanent impoverishment, conflict is inevitable. The revolutionary tide which swept through the colonial nations after World War II has not diminished with the attainment of nominal self-rule: everywhere in the Third World rebellious peasants are demanding that their economic emancipation be postponed no longer. In Vietnam, the United States has learned at tremendous cost the hard lesson that even poor farmers—once inspired by the promise of a better life for their children—can stop the most powerful armies in the world. It has become abundantly clear that American plans for the creation of a mercantile empire in South Asia will require the continued presence and intervention of U.S. troops (or native troops under American command) for as long as one can see into the future.

This analysis is evidently shared by military planners in the Pentagon, for despite Presidential promises of a U.S. troop withdrawal from Asia following the cessation of hostilities in Vietnam, the Pentagon has shown that it expects to maintain a military establishment in the area for the indefinite future. In its fiscal 1970 budget report to the Congress, the Defense Department stated that it will "be necessary for the United States to continue some form of military presence in the region for some time and this must include appropriate basing arrangements." But popular disaffection with the Vietnamese War in particular, and with defense spending in general, has created a problem for Pentagon strategists. To solve it, they have evolved a three-pronged strategy that is designed to minimize direct U.S. involvement in Asia, while assuring our mastery of future guerrilla battlefields. This scheme, constituting the U.S. defense plan for the Great South Asian War, can be summarized as follows:

The creation of client regimes in each Asian nation, backed by the native military establishment and dependent on U.S. economic assistance for survival, which are obliged to provide indigenous troops for counterinsurgency operations planned and directed by U.S. "advisers."

The establishment of an "Anglo-Saxon Alliance"—the United States, New Zealand, Australia and ultimately the Union of South Africa—to protect the Asian interests of the (white) people inhabiting these former British colonies.

The formation of an elite counterinsurgency "fire brigade," composed of U.S. servicemen trained and equipped for combat in irregular jungle and mountain terrain, which can be flown to trouble spots in Asia from rear-area bases in the United States when serious emergencies occur.

Each of these goals will now be discussed in detail.

Client regimes. Throughout the Third World, the United States has so manipulated the social and economic relationships of native populations as to create subgroups which place loyalty to Washington over that to their fellow countrymen. U.S. foreign aid programs, import subsidies and military grants are all designed to create in each country a privilege stratum dependent upon continued American beneficence for its prosperity. When such a group acquires control of the national government, the United States ultimately exercises the power. Since the ruling group remains dependent on U.S. aid even when in control of the governmental apparatus (in order to finance development projects and meet military payrolls), Washington can compel a client regime to provide troops for U.S.-led counterinsurgency campaigns. This process of cultural subversion is easily discerned in South Vietnam, but the same mechanisms prevail elsewhere in Asia, particularly in Thailand, South Korean and Laos. This arrangement affords two advantages to the United States: it reduces the need to maintain large over-

seas garrisons, and avoids local antagonism to the overt American presence.

In every country where U.S. funds provide a significant percentage of the military budget, native troops are being armed and trained for counterguerrilla operations. In Thailand, for instance, the U.S. military assistance program (estimated at $100 million per year) is being used to provide the entire army of more than 100,000 men with M16 rifles, machine guns, radios and other standard light equipment designed for jungle conditions. Thai recruits are trained in their homeland by U.S. Special Forces instructors, and then sent for further "on-the-job" experience in Vietnam and Laos, where they participate in combat operations under U.S. command. Thai troops in Vietnam (now numbering 11,000) are rotated frequently, so that as many soldiers as possible acquire some familiarity with anti-guerrilla warfare. Whereas most Americans assume that these troops were brought in as a publicity gesture to "internationalize" the U.S. intervention, it is now clear that an equally important objective is to provide advanced counterguerrilla training to troops that may some day be called upon to employ their skills in other countries (or perhaps in their own).

The Pentagon apparently prefers to concentrate its efforts on the formation of small, well-equipped and highly motivated units, rather than on large, general purpose armies made up of undisciplined recruits of questionable loyalty. Thus each country receiving substantial military aid has been obliged to create special counterguerrilla units, variously called "Rangers" or "Special Forces" after their American counterparts. They usually receive their training from Special Forces instructors, and attend special indoctrination courses developed by American social scientists. Again taking Thailand as an example, the Green Berets have helped organize the Thai Special Forces Group, a 1,000-man unit regarded by some observers as the best military force in Thailand. Crack units of this sort often develop a closer relationship to their American advisers (who, moreover, pay their salaries), than to native officers. It is not surprising, therefore, that in Vietnam, such units often outperform regular South Vietnamese troops.

Though most U.S. military assistance programs in Asia are designed to strengthen the internal security capabilities of the regular armed forces, in some instances the Pentagon and CIA have by-passed the native military establishment to create irregular military forces which operate independently of the regular army, and usually under direct U.S. command. The mercenaries who serve in these independent armies are frequently recruited from the minority groups which can be found in most South Asian countries. Many of them have suffered at the hands of the dominant ethnic group, and are thus susceptible to psychological pressure designed to turn them against guerrilla units drawn from the majority group. Thus in Vietnam the Americans created the Civilian Irregular Defense Groups, made up of Montagnard tribesmen, and stationed them in border areas where they could be used for raids into Cambodia, Laos and North Vietnam. A similar force, know as the Armée Clandestine and composed of Meo tribesmen, has been active in Laos since the 1950s. According to *The New York Times*, this force of 15,000 mercenaries, "is armed, equipped, fed, paid, guided strategically and tactically, and often transported into and out of action by the United States." The Armée Clandestine is commanded by CIA operatives attached to the U.S. Embassy in Vientiane, and functions independently of the Laotian High Command. It is credited with several recent victories against Pathet Lao troops, and is considered more reliable than regular Laotian units, which often retreat in the face of concerted enemy attacks.

Even the "nonmilitary" components of the U.S. foreign aid program are designed to foster the development of surrogate counterguerrilla armies in Asia. It has been established that a major portion of funds channeled through AID are used to subsidize the police forces of many Asian nations. Approximately half of the AID budget in Thailand, for instance, is devoted to this purpose; U.S. funds are being used to construct 1,000 new police stations in rural areas (especially in the troubled Northeast), each of which is to be manned by at least twenty members of the Thai National Police or paramilitary Border Patrol Police. Before assuming their new posts, these officers will receive six weeks of counterinsurgency and jungle warfare training provided by AID's "Public Safety Advisers."

The long-range objectives of U.S. assistance programs in Asia were summed up by former Defense Secretary Clark M. Clifford in an unusually candid statement to Congress on January 15, 1969:

"Clearly, the overriding goal of our collective defense efforts in Asia must be to assist our allies in building a capability to defend themselves. *Besides costing substantially less* (an Asian soldier costs about 1/15 as much as his American counterpart), *there are compelling political and psychological advantages on both sides of the Pacific for such a policy.* [Emphasis added.] Moreover, as our experience with the South Korean Army has so well demonstrated, there are no insuperable obstacles to the development of good local land forces capable of offering a credible deterrent to a Communist aggression."

Aside from the curious remark on the dollar value of Asian soldiers, this statement is noteworthy as a straightforward expression of the policies discussed above.

Anglo-Saxon alliance. In the alliances which the United States has contracted during the cold-war era, there exists an unspoken but evident differentiation between contracts of convenience and contracts of conviction. While the State Department may speak glowingly of U.S.-Vietnamese friendship, U.S.-Korean friendship, or U.S.-Thai friendship, there are very few countries which Washington trusts implicitly—trusts, that is, with secret military information or access to the inner circles of defense policy making. The small group of countries which do enjoy these privileges have two striking characteristics in common: they are all former colonies of Great Britain, and are all ruled by the white descendants of European immigrants. At present, this select group includes Canada, Australia and New Zealand; if the Pentagon had its way, and diplomatic considerations were set aside, the Union of South Africa would also be admitted to this exclusive club. Military officers of these favored countries routinely receive copies of secret U.S. intelligence reports, are kept informed of Pentagon work on chemical and biological warfare and other secret projects, and participate as equals in military strategy conferences. In order to cement this working relationship still more firmly, the Pentagon has initiated Project Mallard, which will ultimately provide a "joint tactical international communication system for the armies, navies and air forces of the United States, United Kingdom, Canada and Australia." One does not share military communications channels with any but the closest allies.

Anglo-Saxon cooperation in the Pacific is guaranteed by the ANZUS Pact (Security Treaty Between Australia, New Zealand and the United States), which commits these countries to assist one another in the event of an attack on any one of them, or upon any of their Pacific dependencies. Australia and New Zealand are further associated with the United States as members of the Southeast Asia Treaty Organization (the only other Asian members are Thailand and the Philippines—both heavily dependent upon U.S. military assistance). The strength of the ties which bind the military establishments of Australia and New Zealand to that of the United States is perhaps best shown by the fact that both countries have supplied combat troops for Vietnam, despite widespread domestic opposition. When Vice President Agnew arrived in Canberra, he referred to Australia's contribution to the U.S. war effort in Korea and Vietnam, and stated that in its future endeavors, Australia "will always have the unfailing support and loyal friendship of the United States of America." In a subsequent press conference, Agnew spoke of the "common English ancestry" of Australia and America. The Vice President was told by Prime Minister Gorton that "you have never been more welcome than you are here in the capital of Australia."

The close relations that developed in recent years among the United States, Australia and New Zealand spring not just from a common language and cultural heritage but also from some very real policy considerations. The United States, as said above, seeks to replace its forces in Asia with foreign troops whose loyalty to U.S. objectives can be relied upon; Australia and New Zealand, for their part, must be assured of unhampered trade with, and sea routes to, the nations bordering the Pacific and Indian Oceans. Australia, moreover, is motivated by policies of racial exclusion; like the whites of South Africa. Australians dread the traditional southward migration patterns of colored peoples, and are therefore willing to provide military assistance to their northern neighbors (Australia provides such aid to Malaysia and Singapore, just as South Africa does to Rhodesia) in order to establish a buffer zone against further migrations. These racial considerations are not incompatible with U.S. policy, which seeks to maintain Western (i.e., white) hegemony in the Pacific-Indian Ocean area. Thus in return for its promise to come to the assistance of Australia and New Zealand in any future emergencies, the United States has been invited to establish new military installations in those countries, and can expect their help in the reconstitution of the Asian defense perimeter following the withdrawal of Great Britain in 1971.

The U.S. naval operations in the South Pacific and Indian Ocean will be greatly facilitated upon completion of communications facilities in Canterbury, New Zealand, and North West Cape, Australia. These will house very low frequency (VLF) radio transmitters (for use in communicating with submerged Polaris submarines) in addition to conventional transmitters. The Canterbury station, part of the "Omega" communications system, has provoked some local opposition, but the Australian facility is well under construction. Known as U.S. Naval Communications Station Harold E. Holt (for the late Prime Minister), the North West Cape installation will house the most powerful VLF transmitter in the world.

When it is completed, the United States will have acquired the requisite communications capacity for expanded naval operations along the eastern rim of the Indian Ocean (a similar facility at Asmara, Ethiopia, performs the same role in the western part of the ocean). The operational capability of U.S. naval vessels sent to the Indian Ocean would be enhanced even further if present diplomatic sanctions against South Africa were dropped. The Navy is particularly eager to gain access to the Simonstown naval base, strategically located on the Cape of Good Hope, for refueling and repair work. The Defense Department would also like to cooperate with South Africa in the collection of intelligence data on naval and maritime activity along the coast of Africa. Although the Pentagon has heretofore spoken cautiously on this subject, a number of influential Con-

gressmen, including Sen. Strom Thurmond, are urging the White House to adopt some kind of formula for limited military cooperation (excluding internal security ventures) with South Africa.

The cooperation of Australia and New Zealand will become even more useful to the United States in December 1971 when the last British troops leave South Asia. Britain is currently pledged to provide for the defense of the Federation of Malaysia (which incorporates the former colonies of Malaya, Sarawak and North Borneo and the island state of Singapore. These two countries, whose combined armies boast only 40,000 men and a handful of aircraft, are threatened by lingering guerrilla activity along the Thai border, by territorial disputes with the Philippines and Indonesia, and by internal racist unrest. Because of their strategic location, and the high potential for conflict, the impending British withdrawal has compelled the United States to contemplate some police role. Since, however, the stability of this area is also considered vital to the security of Australia and New Zealand, the United States will be able to leave primary defense to its Anglo-Saxon allies. Australia and New Zealand will jointly maintain a battalion each at Singapore, with one company on rotation in Malaysia. They will each station a naval vessel in the area at all times, and Australia will keep two squadrons of jet aircraft at Butterworth, near the Thai border. Australia has also promised to supply the Malaysian Air Force with ten Sabre-jet fighters and the necessary maintenance equipment.

While neither Australia nor New Zealand—with armies of 84,000 men and 13,000 men—can be considered major military powers, their role in maintaining the Asian defense perimeter is not insigificant and renders the burden of the United States that much more manageable.

The Fire Brigade. It now appears that upon the conclusion of the war in Vietnam, the United States will remove most of its troops from the mainland of Asia, leaving behind only those communications, supply and intelligence officers and Special Forces personnel necessary for the reliable performance of native armies. (Defense Secretary Laird recently stated that we would maintain several thousand men for advisory and training duty in Vietnam *after* the fighting had ceased.) In previous epochs, this move would have denied a colonial power the ability to intervene quickly when native insurrections threatened the *status quo.* Thanks to the foresight of Robert McNamara, however, the Pentagon now has the capacity to intervene in any future emergency by airlifting its counterinsurgency "fire brigade" from bases in the United States to back-country airfields in Asia. The fire brigade concept, made possible by new advances in aircraft technology, permits the United States to give up the overseas bases usually associated with a large empire, while nevertheless retaining the option of employing its troops whenever it deems intrusion necessary.

In a 1965 message to the Senate Appropriations Committee, Defense Secretary McNamara outlined America's strategic alternatives: "Either we can station large numbers of men and quantities of equipment and supplies overseas near all potential trouble spots, or we can maintain a much smaller force in a central reserve in the United States and deploy it rapidly where needed." Of these two approaches, McNamara argued, "a mobile 'fire brigade' reserve, centrally located . . . and ready for quick deployment to any threatened area in the world, is, basically, a more economical and flexible use of our military forces." Selecting a unit to serve as such a mobile reserve was easy enough (the 82nd Airborne Division was given the job), but McNamara soon discovered that our existing air-lift capability—consisting mainly of propeller-driven C–124 Globemasters and jet-powered C–141 Starlifters—did not have the range, speed or capacity to provide a satisfactory alternative to locally based troops. His solution was to develop the CX–HLS Heavy Logistics Transport—now famous as the C–5A transport aircraft.

The C–5A was the subject of considerable Congressional debate in 1969 because of excessive cost "overruns" (the final procurement program, involving 120 aircraft, would have cost an estimated $6 billion, or $2.6 billion more than originally calculated). In order to overcome mounting Congressional criticism of defense contracting procedures, the Pentagon finally decided in November to limit its purchase to the eighty-one aircraft previously authorized by Congress. Even the curtailed C–5A program will, however, provide the United States with a vastly expanded air-lift capacity. Each super-jet can carry 600 troops and their equipment, or an equivalent combintion of troops, vehicles and artillery. The initial group of fifty-eight C–5As will permit the Pentagon to ship an entire combat division, plus ammunition and supplies, a distance of 5,800 nautical miles (more than enough range to fly from San Francisco to Tokyo) without stopping for fuel. Once arriving in a theatre of combat, the transport's "high flotation" landing gear permits it to land on short, relatively primitive airfields.

Unfortunately, the budgetary aspects of the C–5A debate have had the effect of obscuring the long-run strategic implications of the whole air-lift program. But if there were any doubts concerning the Pentagon's intentions, they were dispelled in mid-March 1969 when the Defense Department staged its first air-lift exercise in the Far East. Some 2,500 soldiers of the 82nd Airborne Division were flown 8,500 miles from their regular quarters in Fort Bragg, N.C., to a training area 40 miles south of Seoul, South Korea. Immediately upon arrival in the test area, the paratroopers joined South Korean troops in simulated counterguerrilla maneuvers. (The whole trip was to have taken thirty-one hours, but a snow storm caused a twenty-five-hour delay in Okinawa.) According to Pentagon press statements, the exercise was designed "to test the rapid reaction capability of the United States-based strike command forces to deploy in the Pacific Command ready for tactical employment." From what has been published concerning the event, the Defense Department was satisfied with the outcome of the exercise.

When the first squadrons of C–5As are stationed at bases in the United States, Robert McNamara's fire brigade concept—best described as garrisons *in absentia*—will have finally come of age.

At this point, my review of U.S. military strategy in the Pacific-Indian Ocean area would be substantially complete if it were not for the fact that southern Asia harbors some of the most rugged terrain to be found on the face of the earth. Men and equipment that can be counted on to perform respectably in temperate regions—and even elite units like the 82nd Airborne—can be defeated by harsh and unfamiliar environments. While many extreme terrain conditions can be found in South Asia, two are of particular concern to the military: the tropical rain forest and high-mountain environments. The geological, biological and climatic conditions which characterize these regions have become the subject of what the Pentagon calls research on "environmental extremes." A number of little known Army agencies participate in these studies, among them the U.S. Army Institute of Environmental Medicine, and the Cold Regions Research and Engineering Laboratories. Much of this research appears to be relatively innocuous; the function of the former, for instance, is to conduct "basic and applied research to determine how heat, cold, high terrestrial altitude, and work affect the soldier's life processes, his performance, and his health. The goal is to understand . . . the techniques, equipment, and procedures best calculated to make the soldier operationally effective to the optimal degree." Nevertheless, an awareness of this research enables one to anticipate some of the Pentagon's incursions into new areas. Thus if in 1962 we had known what kinds of studies were being undertaken at the Army Tropic Test Center in the Panama Canal Zone and at the Thai-U.S. Military Research and Development Center in Bangkok (e.g., engineering studies of vehicle movement in the "swamp forest environment"), the subsequent build-up of U.S. troops in Vietnam would have been somewhat less surprising. With this experience as background, a final word must be said about the Army's program of research on "high terrestrial altitude."

Between July 29 and August 26, 1966, some 200 soldiers of the 3rd Special Forces Group participated in an unprecedented troop exercise in the vicinity of Mt. Evans, Colo. According to Army spokesmen, these Green Berets staged "the first field maneuver conducted by the U.S. Army above the critical 10,000-foot terrestrial elevation level." Mt. Evans was chosen for the exercise because it "provided the desired terrain at 11,500 to 13,500 feet, the minimal elevation considered essential to evaluate effects of 'thin atmosphere' on performance and health." These maneuvers, identified as a part of the "High Terrestrial Altitude Research Program," were sponsored by the U.S. Army Institute of Environmental Medicine and the Pentagon's Advanced Research Projects Agency. The program was designed, according to Army statements, "to insure a functional U.S. soldier properly adjusted, trained, equipped and supported to engage in combat at high elevations." A year later, the Army established "the world's highest research station" at the 17,600-foot level of Mt. Logan in the Yukon Territory of Canada. The Mt. Logan project was sponsored by the Cold Regions Laboratories and other Army agencies, and conducted by the Arctic Institute of North America. Like the Mt. Evans exercise, this project was designed to increase "U.S. Army knowledge of physiological factors associated with operations in a high-mountain environment."

Why is the Army so concerned with "physiological factors" occurring above the "critical 10,000-foot-level"? The answer can be found in a close reading of Army research reports. In a paper on "The Military Significance of Mountain Environment Studies," appearing in the May 1967 issue of *Army Research and Development,* a Pentagon scientist explains that mountainous terrain "occupies the whole southern frontier of Communist power from Central Europe to Vietnam." Since "mountains in many strategic areas will be barred to us for study purposes . . . it will often be necessary to find an accessible mountain range in which the environment seems quite similar, and study the nature of such [physiological] stresses there." With this advice in mind, one notes that the Mt. Logan project was intended to investigate "factors generally associated with activities in similar high altitudes in other parts of the world, *such as the Himalayan Mountains in India.*" [Emphasis added.] The Himalayan Mountains constitute the western flank of the Asian defense perimeter, now being vacated by Great Britain.

The army says of the Mt. Evans maneuvers that "in view of the likelihood that the enemy may be fully acclimatized" to high elevations, the United States must be able to overcome the environmental effects of such regions on troop performance. Since the only

"enemy" likely to be acclimatized to 10,000-foot-plus elevations are the inhabitants of the Himalayan region, it is becoming ominously clear that the U.S. counterinsurgency intervention in South Asia may some day stretch from the beaches of Danang to the furthest reaches of Nepal and Tibet.

UNITED STATES DONATES $600,000 FOR RADICAL UNITS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. ASHBROOK. Mr. Speaker, the March 20 issue of the Chicago Tribune carried an account of how more Federal funds have been used to finance the activities of subversive and militant organizations. Based on the testimony of Sgt. Robert Thoms of the Los Angeles Police Department, the story provides further depressing evidence of how funds emanating from Washington are used to forment disruption in other parts of the Nation, in this case in Los Angeles. It seems the best that the involved Federal agencies can do in the way of corrective action is to cut off the funds—after the funds have been spent and the damage done. Perhaps if more of the people in the Federal agencies responsible for these abuses were fired, a marked decline in this area would result.

I include the above-mentioned article by Ron Koziol of the Chicago Tribune in the RECORD at this point:

UNITED STATES DONATES $600,000 FOR RADICAL UNITS

(By Ronald Koziol)

Federal funds totaling more than $600,000 have been given to subversive and militant organizations and individuals in the last two years, Senate investigators have discovered.

The story of taxpayers' money being used to finance known radicals and militant groups, many committed to bringing about a revolution in this country, is contained in formerly secret testimony released today by the Senate subcommittee on internal security.

It includes detailed evidence that the government gave a $2,000 scholarship to at least one identified Communist, and other scholarships to 42 militants who have participated in disorders on the west coast.

FINANCE RADICAL PROGRAM

Taxpayers also financed a student leadership program in which participants were instructed in methods of making demands and carrying out disruptive measures.

Government agencies involved in the grants are the office of economic opportunity [OEO], the department of health, education, and welfare [HEW], and the department of housing and urban development [HUD].

The testimony was given to the subcommittee, headed by Sen. James O. Eastland [D., Miss.], by Sgt. Robert Thoms of the Los Angeles police department.

Thoms' testimony was based on an eight-month investigation of militant and subversive funding in the Los Angeles area. He later told THE TRIBUNE that he has received information that the government funding of known militants is prevalent throughout the country.

THE TRIBUNE disclosed in December that the Student Health organization, which openly has supported the Communist party, received more than one million dollars in federal funds in the last two years. The disclosure led to congressional demands of an investigation which has been ordered by Robert Finch, secretary of HEW.

In 1968, the Senate permanent investigations subcommittee heard testimony concerning one million dollars in OEO funds which were channeled to leaders of the Blackstone Rangers street gang, and used to aid and abet criminal activity. The charges led to the OEO dropping further funding of the south side program.

In his testimony, Thoms said that $250,000 was funded by HEW for an educational project at California State College of Los Angeles for 124 students. Scholarships from $2,000 each were given to the individual students for the one-year program.

Thoms said that David Mares, who has been identified as a member of the Communist party, was one of the recipients of the money. Another 42 were members of militant groups, many of whom participated in high school demonstrations and later were indicted by a county grand jury.

A $50,000 grant made by HEW for a student leadership program at the University of California in Los Angeles also was explained by Thoms. Among the lecturers of the one-month course were several militant figures, including Sal Castro, the leader of a series of high school disruptions.

The alleged purpose of the program was to take hard-core students with radical views and teach them there are means of accomplishing their goals without resorting to violence, said Thoms.

However, Thoms testified, an informant said the students were taught methods of making demands and carrying out disruptive tactics.

According to Thoms, when the proposal was submitted to HEW, certain films and books were listed as training aids. Among the films were, "The Chicago Riot," "No Vietnamese Ever Called Me a Nigger," "Off the Pig," "Mexican American Student Revolt," "Malcolm X," and the "Battle of Algiers."

The books listed were, "The Rebel," "Mao's Red Book," "Black Power" by Stokeley Carmichael, and "Essays on Liberation," by Herbert Marcuse, a controversial teacher at San Diego State college. Marcuse also served as a lecturer for the course.

Thoms also cited the Venice Community Improvement union in Los Angeles which is funded thru an OEO grant of $183,000.

"Its chairman, Robert Castile, is one of the most militant anti-police figures in Venice," said Thoms. "The funds are alleged to have been used to finance the legal defense of persons arrested in the Venice community, and to purchase property."

According to Thoms, the property purchased by the group follows the proposed boundaries of a Federal Housing administration site for low income housing project to be financed thru the FHA, and includes 20 locations.

THE PUBLIC TRUST REQUIRES FINANCIAL DISCLOSURE

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. ULLMAN. Mr. Speaker, the ethical standard of elected and appointed Government officials is a critical issue in the Nation today. Public concern that minimum standards of official conduct should be raised is reflected in the searching inquiry of recent weeks in the Senate as it has reviewed nominations to the Supreme Court. The Senate has probed more deeply than perhaps ever before to enlighten itself and the public of the ethical standards of the Court nominees. Its investigation has included a demand for full financial disclosures.

These high standards should apply for all branches of Government. Certainly Members of Congress should be accountable for any possible conflict between the public interest and their private financial holdings.

Regulations under House Resolution 1099 passed by the 90th Congress already require House Members to disclose certain financial interests. These include income from ownership or management in corporations doing business with the Federal Government, and remuneration for official services in any professional organization. Hearings were held last month by the House Committee on Standards of Official Conduct to consider a proposal designed to strengthen this disclosure system.

Because of justifiable public concern about this problem, I submit for publication in the RECORD the following statement of my current financial affairs:

Annual statement of income and investments, December 31, 1969, Congressman Al Ullman

INCOME, 1969

Salary	$39,375
Dividends/interest	2,473
Rentals	1,220
Capital gains/losses	Net loss
Honorariums	1,750

INVESTMENTS

	Current value
Stocks and bonds:	
U.S. Government notes	$13,000
	Assessed value
Real estate:	
1 acre unimproved—California	$1,050
47 acres farmland—Virginia	15,560
10 acres unimproved—Baker, Oreg.	7,300
2 lots unimproved—Baker, Oreg	600
Accounts/notes receivable:	
Real estate contract—Baker, Oreg.	6,997
Accounts/notes payable:	
Real estate mortgage—National Permanent Savings & Loan	32,000

ST. CLAIR SHORES, MICH., "ROADRUNNERS" DEFEND NATIONAL PEE WEE HOCKEY LEAGUE TITLE

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. O'HARA. Mr. Speaker, I am proud to report that the St. Clair Shores, Mich., "Roadrunners," defending national Pee Wee Hockey League champions have again won the Michigan State title and this coming weekend will defend their national championship in Portland, Oreg.

These 15 youngsters—all 11 and 12 years old—led by Capt. Keith Zoldak are exemplary athletes and fine young Americans.

They are recognized as such by the community of St. Clair Shores, Macomb County, and the State of Michigan, which are now joined in an effort to raise the funds required to send the team to the national championships.

I want to take this opportunity to call the team's achievement to the attention of my colleagues and to endorse the efforts of the community to assist them in their trip to Portland.

POTENTIAL HAZARD OF THERMAL POLLUTION

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. WOLFF. Mr. Speaker, I have been most concerned with the potential impact upon the environment of nuclear powerplants. In light of the importance of this matter, I would like to extend my remarks to include a recent editorial from the distinguished Long Island newspaper, Newsday. This editorial which deals with the problem of thermal pollution is a most informative and well-written editorial, and one which I feel we all can benefit from. It follows:

ATOMS ON THE SOUND

"Pollution is not within our jurisdiction," a spokesman for the Atomic Energy Commission told Newsday a few weeks ago. Neither, when the licensing of atomic power plants is at issue, are land use, or ecological balance, or any of the many other considerations that ought to go into a decision on construction of any power generating station. AEC has contended for years that nuclear issues are the only ones it can legitimately concern itself with. There is considerable question how even-handedly it has been concerned with these. It has scattered 19 nuclear plants around the country over the past 13 years. Many of these have proved white elephants, producing little or no power. All have proved expensive when compared with power from coal or hydroelectric generation. There is also the question of safety. Two noted experts from AEC's own Lawrence Radiation Laboratory at Livermore, Calif., have stirred a storm into the atomic community by insisting that AEC's standards for radiation exposure by the public are *10 times* too high. AEC managed for months to avoid acting on the warnings of its own experts, and has finally agreed to examine its standards only after being asked to do so by Robert Finch, the secretary of Health, Education and Welfare. Whatever the relationship of the present radiation standards to power reactors, we can find little confidence in the circumstance that an agency so reluctant to examine the one is responsible for assuring the safety of the other.

Conflict of interest is built into AEC's charter. It is charged both with promoting the development of atomic energy, and with regulating its allies in the promotion effort.

And this is the agency which will decide whether Long Island Sound should become the atomic generation center of the United States. The prospect is for at least three reactors percolating along on the Long Island shore alone, and another four in Connecticut. This must, we feel, not be permitted to happen without the kind of fact-finding AEC has never yet provided on any previously authorized power reactor.

The immediate issue is the Shoreham plant, between Shoreham and Wading River, where the Long Island Lighting Co. proposes to generate 829,000 kilowatts of electricity. It is some indication of AEC's approach to the atomic power question that, after two years of work by LILCO, much of it in close cooperation with the commission, AEC gave opponents of the reactor 30 days to prepare a case against the plant. AEC has now postponed its hearing, at the request of the Lloyd Harbor Study Group, until May 25, thus providing almost three months for the preparation of an opposition case. This is a very short time indeed to pull together the relevant material, especially when the majority of experts who might provide technical assistance have direct or indirect financial relationships with AEC or interested corporations.

We do not mean to say that the atomic power issue is settled and that the country should forget about nuclear generation. The United States is going to have to find ways to satisfy its gargantuan electrical appetites and nuclear plants may, over the long run, prove the best mechanisms for doing this job. The problem is that the issue now is virtually settled *in favor of* atomic power, despite a poor performance record and the intimidating potentialities inherent in nuclear powerplants.

LEONARD CARRIERE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. DERWINSKI. Mr. Speaker, Leonard Carriere is a columnist for the Blue Island, Ill., Star and an outstanding attorney. Therefore his commentary on the complications in the nomination of Judge Carswell as well as the performance of Attorney Kunstler is extremely penetrating coming as it does from a man highly respected in the legal profession:

IN PASSING

(By Leonard Carriere)

We have indeed reached a sad state of affairs to have mediocrity proclaimed as virtue. It is this "asset" that has been ascribed to Judge Carswell, most recent appointee to the U.S. Supreme Court.

I fully realize that over the years there have been at most a couple of hundred U.S. Supreme Court Justices, most of whom would be categorized as having average ability for the position, and only a few of whom turned out to be outstanding. This is in the nature of things. Most of us, in all walks of life are but average. Society is structured for the average man, and when performing at an average level one is doing the job expected of him.

"Average" is at least a much better designation than "mediocre". Somehow, his adherents, in using the terminology, demean the man. He certainly cannot feel too flattered. Now, it must be understood that they are talking about the man's intellectual and academic background, which, even if mediocre, would not preclude him from performing at a satisfactory level if a member of the Court.

Nixon has had more than his share of trouble with his Court appointments. While Carswell may not be blocked, it will get him off to a poor start. It's unfortunate that the Court, because of recent difficulties, has come under a cloud.

The legal profession has been in the limelight in various ways of late, none of them flattering. Time was when the advocacy took place at the bar, now both sides take it to the streets. Kunstler has been on the lecture-tour, ostensibly to raise money. The government doesn't have that excuse.

Somehow none of this seems right to me, whatever their reasons may be—for either of them.

SCHWENGEL COMMENDS IOWA COUNTY DRUG EDUCATION PROGRAM

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. SCHWENGEL. Mr. Speaker, recently when speaking to constituents in Iowa County, they informed me of a program they have launched to combat drug abuse. Because I feel this kind of local effort should be encouraged, I want to briefly outline the program which is presently being organized in Iowa County.

The effort in Iowa County was spurred by the sheriff, William Spurrier, who called a meeting of interested people last November to discuss the drug abuse problem.

By February 1970, a decision was made to set up a formal organization. Larry Gile, of the Iowa County Department of Special Education along with students Guy Wendler and Howard Dietrich of Amana, Rich Gerard and Larry Hurd of Millersburg, and Loren Wilkinson of Marengo were responsible for drawing the organizational plans. With minor changes, the plans were approved at a March meeting.

Student cochairmen of the Iowa County Committee on Drug Abuse elected are Joe Fraker of Victor and Howard Dietrich of Amana. Larry Gile, staff psychologist of the Iowa County Special Education Department was selected to serve as the adult chairman.

The objectives of the Iowa County Committee on Drug Abuse are clear.

First. To inform the community of the possible hazards of drug abuse.

Second. To establish a continuing dialog between parent and student, student and student, parent and parent, young and old.

Third. To determine and work toward the alleviation of the causality of drug abuse and related symptoms.

The committee's "main body" will consist of 35 members; these students from each school district, one adult from each school district, one community leader from each school district, county attorney, county sheriff, school psychologist, a physician, and a minister. The main body plans to meet quarterly with the meetings open to the public.

The main body will provide overall coordination of programs and efforts. It will share specific concerns, provide advice and disseminate information and it will mobilize countywide support and concern for the purpose of the group.

The main body will elect from its own membership a guidance council consisting of 12 people, one student, and one

adult from each school district. The guidance council will direct and assign specific activities to six subcommittees and will be responsible for the ongoing functions of the Iowa County Committee on Drug Abuse.

As noted earlier, there will be six subcommittees. A school district subcommittee will work directly with each school district to develop activities within each one relating to drug education. The subcommittee will keep the guidance council and main body informed as to activities in each of the schools.

A publicity subcommittee will attempt to keep the public informed as to the Iowa County committee activities in each of the schools and the communities.

A school education program subcommittee will work on developing effective special programs and on making any changes in the curriculum which would enhance the chances of meeting objectives of the county committee.

An adult education program subcommittee will develop, organize, and carry out educational programs aimed at the adult population in Iowa County.

A resources subcommittee will act as a gathering agency for sample resources from throughout the county. It will establish a central library of available resources and will develop resources for use by county schools and other groups and organizations.

A liaison subcommittee will act as a contact for the county committee with other organizations throughout the State, county, and country in an effort to share ideas and activities.

The effort undertaken in Iowa County is to be commended. While no serious drug abuse problem exists there today, it is apparent people in Iowa County are determined to see that it does not occur.

The primary effort in Iowa County for rest of this school year will be to develop their organization. Next year, they hope to be in full operation.

Mr. Speaker, I believe what the people in Iowa County have done can be a model for other areas. I will be sending information on the Iowa County program to the Department of Health, Education, and Welfare, the Department of Justice, and the White House. I commend the program to the attention of all Members of the House.

CANTON, OHIO, LETTER CARRIERS VOTE TO STAY ON JOB

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. BOW. Mr. Speaker, the letter carriers of Canton, Ohio, voted on Saturday to continue on the job despite the very real temptation to follow the lead of less responsible persons in some of the major cities. I applaud that decision and wish to include with my remarks the text of a telegram I have sent to Mr. Karl Shank, the new president of the Canton letter carriers who assumed office Saturday night; Mr. Nick Amantides who was the letter carriers' president up to and including their meeting earlier on Saturday and whose leadership helped to prevent a work stoppage in Canton, and to Hanley Wheeler, president of the Canton clerks who voted to follow the example of the carriers. The telegram follows:

I want you to know that I approve and am deeply gratified by your decisions to remain on the job, thus placing the welfare of postal patrons above self-interest, and that I will do all in my power to bring about necessary wage adjustments to give your members equity. The majority party leadership could have brought such a package to the House for passage at any time and can still do so. President Nixon has difficult job of keeping vital services operating, but the President has no authority to raise wages. Only Congress has responsibility and authority to enact legislation to satisfy your demands and Congress should do so at once. Your patience and support are appreciated. In return I will support your legislation as I have always done.

FRANK T. BOW,
Member of Congress.

Mr. Speaker, I have watched the television programs and listened to the radio reports over the weekend, and I am beginning to be dismayed by the emphasis on "who struck John" and whose political ox is being gored. I have been hearing how the President inhibited any legislation that could have prevented this walkout. I deplore the interjection of politics in this serious situation, but I must speak out at this time for the President.

The President has endeavored sincerely and openly for the past 13 months to bring about postal reform and improved working conditions. His proposals have been the subject of endless hearings and executive meetings in both Houses of the Congress while the problem grew, frustration increased and post office employees remained in uncertainty about the future of their jobs and whether or not any wage increase would be forthcoming. The leadership in this body could have brought a reasonable pay and reform package to the floor any time since May of last year. The other body could have done the same. Either body can do so tomorrow.

The President has the grave responsibility of keeping postal service in operation. He is doing his best to discharge his duty, repugnant as it must be for him to call troops into service in this way. But no matter what is said, in the last analysis it is not the President who can negotiate these issues and it is not the Secretary of Labor nor the Postmaster General who can negotiate the issues. It is the Congress of the United States that must take action now to enact proper and suitable legislation. There can be no doubt in anyone's mind about the issue. We do have to negotiate to identify the grievances. We only need to act on the basis of the volumes of testimony that have been available to us for the past year and more.

I want to state at this time that I support fully the President's determination to provide mail service despite this illegal walkout. I want to state further that I would like to be able to vote tomorrow on a postal package that would pay these men adequately and give them fair working conditions and provide the postal reform that is necessary to keep these working conditions abreast of the rest of society while at the same time reorganizing the service so that we can give the kind of postal service the people are paying for and to which they are entitled. I have supported fair postal wages in the past and I will do so again.

RESULTS OF PUBLIC OPINION POLL IN FOURTH DISTRICT OF TENNESSEE ANNOUNCED

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. EVINS of Tennessee. Mr. Speaker, I wanted to make available to my colleagues and to the American people the results of a public opinion poll which I conducted in the Fourth Congressional District on important national issues and matters before the Congress.

The response to the poll was excellent, as 12,589 responses were received.

My news release on the results of the poll follows:

REPRESENTATIVE EVINS ANNOUNCES RESULTS OF PUBLIC OPINION POLL

Representative Joe L. Evins (D-Tenn.) today announced the results of a public opinion poll he conducted in the 21 counties of the Fourth Congressional District of Tennessee.

"I am pleased by the response," Evins said, "and I am gratified by the interest and participation in the poll."

Evins said hundreds of citizens wrote letters in addition to their responses to the questions, outlining in detail their concerns and views on current public issues.

"Some 12,589 responses have been received to date," the Fourth District Congressman said, "an impressive percentage return and display of expression of public opinion."

Results of the poll showed the following of those responding:

80 percent (10,071) favored the President's plan of gradual withdrawal of American troops from South Vietnam with the South Vietnamese assuming an increasingly greater share of combat responsibility while 13 percent (1,637) were opposed and 7 percent (881) expressed no opinion.

69 percent (8,686) were opposed to immediate withdrawal from Vietnam while 17 percent (2,140) were in favor and 14 percent (1,763) listed no opinion.

60 percent (7,554) were opposed to continuing the policy of high interest rates and sharp reductions in domestic programs such as aid to education, health and welfare, and rural water district programs, among others, as a means of controlling inflation while 24 percent (3,021) favored the present policy and 16 percent (2,014) gave no opinion.

66 percent (8,309) were in favor of price and wage controls in the battle against inflation with 23 percent (2,895) against and 11 percent (1,385) giving no opinion.

77 percent (9,694) favored a system of revenue sharing of Federal funds with the states with a certain percentage of each year's Federal income being returned to the states to be distributed by the state governments to municipalities and counties with 13 percent (1,637) opposed and 10 percent (1,258) with no opinion.

56 percent (7,050) favored setting requirements to assure that revenue sharing funds would be expended for worthwhile programs and projects while 36 percent (4,532) were in favor of turning over the Federal funds to the states with no Federal standards for their use.

47 percent (5,917) were in favor of a professional volunteer army and the complete elimination of the Selective Service System with 41 percent (5,161) opposed and 12 percent (1,511) with no opinion.

44 percent (5,539) were in favor of further reforms of the Selective Service System, eliminating deferments based on college enrollment and hardship situations while 43 percent (5,413) were against and 13 percent (1,637) gave no opinion.

56 percent (7,050) were opposed to changing the postal system with the operation of the Post Office taken out of the hands of the United States Post Office Department and the Congress and placed under the jurisdiction of a private corporation while 39 percent (4,910) were in favor and 5 percent (629) gave no opinion.

89 percent (11,204) were in favor of increased Federal expeditures to control steadily increasing pollution of our environment such as air and water pollution with 9 percent (1,133) opposed and 2 percent (252) giving no opinion.

66 percent (8,309) were in favor of legislation providing for tax credits to business and industry for locating or expanding plants in rural areas and small towns while 28 percent (3,525) were opposed and 6 percent (755) gave no opinion.

54 percent (6,798) were in favor of substantial reductions in the space program while 38 percent (4,783) favored the continuation of the space program at present levels.

85 percent (10,701) were in favor of increased Federal appropriations to strentghen state and local law enforcement agencies and reduce the crime rate in the country with 10 percent (1,259) against and 5 percent (629) giving no opinion.

72 percent (9,064) were opposed to changing the welfare system with a minimum income of $1,600 guaranteed to all families at an increased cost to the Federal Government of $5 billion per year while 21 percent (2,644) favored the plan and 7 percent (881) gave no opinion.

74 percent (9,316) were in favor of automatic increases in Social Security tied to the cost of living index with 21 percent (2,644) opposed and 5 percent (629) giving no opinion.

59 percent (7,428) were opposed to continuing the Foreign Aid program while 28 percent (3,525) were in favor and 13 percent (1,636) gave no opinion.

The poll indicated as the greatest areas of concern the matter of curbing pollution, the Vietnam conflict and increased Social Security benefits, Representative Evins said.

Counties comprising the Fourth Congressional District are:

Anderson, Campbell, Cannon, Clay, Coffee, Cumberland, DeKalb, Fentress, Grundy, Jackson, Morgan, Overton, Pickett, Putnam, Roane, Scott, Smith, Van Buren, Warren, White, Wilson.

SCRAP THE CONSTITUTION?

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. GROSS. Mr. Speaker, an editorial in the March 17 issue of the Waterloo, Iowa, Daily Courier sets forth clearly and without loss of words the case against the enactment of a Federal statute, rather than an amendment to the Constitution, to provide for the lowering of the voting age from 21 to 18 years.

I agree completely with the argument set forth in the editorial which follows:

The U.S. Constitution would at long last become a worthless piece of paper if Congress succeeds in reducing the voting age for federal officials from 21 to 18 by statute instead of by Constitutional amendment.

The Constitution says flatly that those who vote for U.S. representative and U.S. senator "shall have the qualifications requisite for electors of the most numerous branch of the state legislatures." The Constitution also gives to states the authority to determine how presidential electors are selected.

This State authority has been affirmed in several Supreme Court decisions, including Minor v. Happersett, 1874; Lassiter v. Northampton Election Board, 1959; Carrington v. Rash, 1965; and Karmer v. Union Free School District, 1969.

True, under the "equal protection" clause of the 14th Amendment the court has outlawed such things as property qualifications for voting and payment of a poll tax as a prerequisite.

But the Senate has passed a voting rights law which includes a provision for voting by 18-year-olds. Sen. Mike Mansfield, Democratic leader in the Senate, declares that he will insist on adoption of this provision in conference committee even if it is rejected in the House.

But, Rep. Emanuel Celler, chairman of the House Judiciary Committee, says he will fight to the end to prevent the reduction in the voting age by statute.

We should think that other liberals, including the United World Federalists and others who promote world government, would also fight to preserve a written constitution. For what chance is there of enforcing world law under a limited world government if the great American experiment in limiting federal powers by a written constitution has proved a failure? Certainly Americans would be cynical about limiting the power of a world government to interfere in domestic affairs if the American Constitution so rapidly became worthless.

Those who vote for this provision are literally violating their oath of office.

UTAH'S TEACHER OF THE YEAR

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. BURTON of Utah. Mr. Speaker, on December 12, 1969, Mrs. Eleanor Roberts, a fourth-grade teacher at Delta Elementary School, Delta, Utah, was named Utah's Teacher of the Year. Her teaching philosophy is summed up in a story about her in the January 1970 issue of UEA Action, the official publication of the Utah Education Association. I believe Mrs. Roberts' comments will be of interest to other educators and to parents generally, and therefore take this means of bringing her ideas to their attention:

FOR AWHILE, THE LAW WOULDN'T LET HER TEACH

Back in 1935, a young lady from Sutherland, Utah, received an associate degree after studying to become a first-grade teacher.

She later taught in kindergarten, second, third, fourth, fifth, and sixth grades—but not the first. Nevertheless, the 25 years she has spent in classrooms since then produced what Mrs. Eleanor Roberts calls some "exciting, happy moments."

One of her latest "exicting, happy moments" came December 12, when she was named Utah's Teacher of the Year.

The two runners-up for Utah Teacher of the Year honors are Miss Loye Painter, Logan Junior High School physical education teacher; and Mrs. Leona White Bradford, kindergarten teacher at Peteetneet Elementary School in Nebo School District.

Mrs. Roberts, a fourth-grade teacher at Delta Elementary School, will compete for National Teacher of the Year in a program sponsored by *Look* Magazine.

Judges will find that she has a definite philosophy about teaching.

"I'm a pragmatist," she said. "I think every child should have the right to develop in his own unique way, but I don't think adults should sit by and let a child do anything he pleases if we can see he's headed toward disaster."

Her 25 years before the blackboard have not only given her a definite philosophy, they've convinced her that sometimes she should laugh at herself.

Mrs. Roberts confessed that sometimes she gets riled in the classroom. "Once, I slapped my knee with a ruler and it started a run in my stocking," she recalled.

Another time she had to smile at herself was when KUED was broadcasting a program that she showed her class. Mrs. Roberts herself was the star of that show, but she didn't tell her pupils.

When it ended, a little girl said:

"That looks just like your twin sister, only older."

When Mrs. Roberts, who doesn't have a twin sister, was younger, things were considerably different in the profession.

She began teaching at Cedar City in 1935, after receiving an associate degree from the Branch Agricultural College there. Her first principal was L. C. Miles, Sr.

"He never did come in my classroom to observe," she remembered. "But he kept his bulletin board eraser in my room, and he was *always* popping in to get the eraser."

Two years later, Mrs. Roberts had to leave the profession. She married Brose H. Roberts from Sutherland, a small community seven miles from Delta. Utah then had a law which said if a female teacher married, she couldn't teach.

That ended with the World War manpower shortage, though. Mrs. Roberts went back to the classroom in 1956, earned her bachelor's degree, then went on to win a master's degree. Over the years she's been teaching, Mrs. Roberts picked up a technique that works well for her on just about every occasion she uses it.

It's the way she greets parents when they come to school unexpectedly.

"Do we have a problem?" she asks.

"This question establishes, irrevocably, the fact that we are both on the same side—the child's side. I have found, too, that honesty about his child is what the parent wants to hear.

"He wants it 'laid on the line' in a conference, but he wants to be told with understanding, kindness and compassion."

Mrs. Roberts also gave her view of how the teacher's role has changed over the years.

"The traditional teacher was . . . the authoritative source of all information and he had to maintain his position if his personal security remained stable," she said.

"In today's classroom . . . the teacher is a counselor, a diagnostic, a prescriber, a friend and confidante, a director of learning."

The Teacher of the Year told of an incident which shows she fits her own description of today's teacher.

Years ago, she heard a classroom door slam,

saw a boy hurrying down the hall, and intercepted him.

The boy was upset.

"He doubled up his fists," Mrs. Roberts recalled. "He was as big as I, and it frightened me. But I didn't dare flinch. A few long seconds passed. His hands went slowly down to his sides and the crisis was over."

It turned out that the boy had troubles the teacher hadn't suspected. Soon they were friends, and years later the boy returned to thank her for being kind to him.

Mrs. Roberts has long been a champion of individualization, and did research work in cooperation with the Rocky Mountain Educational Laboratory in developing a program of individualized science teaching.

She is also a keen observer of student behavior.

Once her school got new desks, and had to dispose of the old ones. So the faculty decided to let the pupils tear them up in the schoolyard.

"It was interesting that the youngsters who went at their work with the most enthusiasm were the one who caused the most disturbances," she said.

Mrs. Roberts has some definite ideas on the outlook of children, too. She said:

"Children's sophistication demands that we 'tell it like it is' and I am not borrowing the modern cliche to make a point. Children can tell fact from fancy and they'll reject both the fabrication and the person who tries to enforce it. They want reasons based on logic.

"Their actions also are indicative of their freedom to choose an alternate behavior. We are seeing this clearly in the adult youth, but in the elementary schools, too, the change in attitude is evident."

The Teacher of the Year comes from a family of teachers. Three of her sisters are teachers and so are four sisters-in-law.

Mrs. Roberts taught both her children at Sutherland Elementary School, and both—Barrett H. Roberts and Mrs. Calvin Kunz—became teachers.

Professional activity has also kept Mrs. Roberts busy. She once served on the UEA Salary Committee, as president of Millard County Teachers Association, a member of the Legislative Council of the DCT, and is currently president of her association's credit union.

When she was teaching principal of Sutherland Elementary School, she was president and secretary of Millard Principals Association.

The classroom, she said, has changed considerably since she started teaching in 1935.

"I just had a chalkboard then," she said. "Now in my classroom I have a piano, a TV, phonograph, tape recorder, overhead projector, film strips and slides, movie projector and a huge supply of films."

Salaries have increased somewhat, she said. A starting teacher received $660 a year then—ten checks for $66.

"And Iron County had one of the higher paying districts then," Mrs. Roberts recalled.

SENATE—*Tuesday, March 24, 1970*

The Senate, in executive session, met at 10 o'clock a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

The Reverend Dr. Berthold Jacksteit, minister, Central Schwenkfelder Church, Worcester, Pa., offered the following prayer:

Father of us all, we who have so much pray for a compassion which will reach out in helpfulness to all who have so little; we who are so strong pray for a generosity of spirit which will respect and value all who are so weak and seek to reassure and strengthen them; we who wield such power pray for a humility which will temper this power with mercy so that it may heal and bless and not destroy; we who have the responsibility of making such awesome decisions pray for a wisdom which will keep the weight of our influence at the forefront of everything that blesses mankind and furthers the cause of justice and righteousness, of peace and brotherhood throughout the earth. For Thy mercy's sake we pray. Amen.

ORDER OF BUSINESS

Mr. HOLLINGS obtained the floor.

Mr. SCHWEIKER. Mr. President, will the Senator from South Carolina yield?

Mr. HOLLINGS. I yield.

THE PRAYER

Mr. SCHWEIKER. Mr. President, I was very much pleased this morning to have the opportunity to hear the minister from my church of Worcester, Pa., give the opening invocation.

I want to say, since I come from a rather small denomination, that this is probably the first time a member of my faith has had the opportunity to present the opening prayer in either the House or Senate.

I deeply extend my appreciation to the Senate's Chaplain for his kind courtesy in bringing about this honor and thank the Senator from South Carolina for yielding to me.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. HOLLINGS. Mr. President, I ask unanimous consent, notwithstanding the previous order, that the Senate, as in legislative session, conduct routine morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. HOLLINGS. Mr. President, I ask unanimous consent to limit statements to 3 minutes in relation to routine morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE JOURNAL

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, March 23, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. HOLLINGS. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CARSWELL AND MEDIOCRITY

Mr. EAGLETON. Mr. President, I will vote not to confirm the nomination of Judge Carswell to the Supreme Court of the United States.

My opposition to Judge Carswell is not derived from the fact that he is classified as a "judicial conservative." Chief Justice Burger was widely hailed as a "judicial conservative" and I voted in favor of his nomination.

I oppose Judge Carswell because a very careful examination of his record as a Federal trial and appellate judge indicates that he is a jurist of the most pedestrian and distressingly mediocre talents and with a remarkable proclivity for being reversed by higher courts.

About the best that could be furnished in affirmative support of Judge Carswell's judicial and intellectual capacity was the testimony of one law professor who thought Judge Carswell had "growth potential."

Numerous individuals and groups—including some of the most prestigious legal scholars of the country—have voiced opposition to Judge Carswell because of his obviously meager judicial record.

Here are some of their observations:

With all deference, I am impelled to conclude that the nominee presents more slender credentials than any nominee for the Supreme Court put forth this century.—Louis Pollak, dean, Yale Law School.

A level of competence well below the high standards that one would presumably consider appropriate and necessary for service on the court.—Derek Bok, dean, Harvard Law School.

That he is an undistinguished member of his profession, lacking claim to intellectual

stature.—Twenty members of the University of Pennsylvania Law School faculty.

. . . has none of the legal or mental qualifications essential for service on the Supreme Court or on any high court in the land, including the one where he now sits. Presidents, past and present, Bar Association of the City of New York.

His record is totally devoid of any special attributes of learning, experience, or statesmanship, which should be the hallmarks of a Supreme Court Justice. Chicago Council of Lawyers.

Judge Carswell does not have the legal or mental qualifications essential for service on the Supreme Court. 350 lawyers and law professors in the United States.

Perhaps the most interesting statement in opposition to Judge Carswell came from Prof. William Van Alstyne of Duke University Law School, one of the most respected legal scholars in the South. Professor Van Alstyne, it will be remembered, testified in support of Judge Haynsworth's nomination. He strongly opposes the Carswell nomination and states as follows:

There is, in candor, nothing in the quality of the nominee's work to warrant any expectation whatever that he could serve with distinction on the Supreme Court of the United States. Judge Carswell's decisions reflect a lack of reasoning, care, or judicial sensitivity overall.

I must conclude that Judge Carswell, considered in the most favorable light, is a man of remarkably mediocre attainment for a position in which mediocrity can be ill afforded.

Senator ROMAN L. HRUSKA, of Nebraska, the principal advocate of Judge Carswell, had this to say on the subject of mediocrity as it relates to Judge Carswell:

Even if he were mediocre, there are a lot of mediocre judges and people and lawyers. They are entitled to a little representation, aren't they, and a little chance. We can't have all Brandeises and Frankfurters and Cardozos and stuff like that there.

I disagree.

The Supreme Court of the United States, consisting of only nine members who serve for life, is a vital institution.

I realize that men of limited capacity have served on the Court in the past. For every Louis Brandeis, one can cite a James C. McReynolds. For every Oliver Wendell Holmes, we can dredge up an Edward T. Sanford. For every Benjamin N. Cardozo, one can point to a Pierce Butler. Of course, we can never predict with absolute certainty the future performance of a judicial nominee.

However, the significant difference between Judge Carswell and other judicial also-rans is that Judge Carswell's woefully meager capacity is apparent now, while his nomination is under consideration by the Senate, whereas the shortcomings of these others became obvious only after they had served on the Court.

For this reason—Judge Carswell's obvious mediocrity—I oppose his nomination.

(At this point Mr. ALLEN took the chair as presiding officer.)

CORRECTION OF ANNOUNCEMENT ON VOTE

Mr. METCALF. Mr. President, on Thursday, in the vote on March 5, on Senator HRUSKA's motion to table the modified amendment in the nature of a substitute offered by Senator SCOTT to the voting rights bill, the proceedings in the CONGRESSIONAL RECORD on page 6169 incorrectly state that if I were present and voting I would vote "Yea."

Had I been present and voting, I would have voted "Nay."

I ask unanimous consent that the permanent RECORD be corrected.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. HOLLAND. Mr. President, I understand that, under the previous order, I am now allowed to proceed for 15 minutes; is that not correct?

The PRESIDING OFFICER. That is correct.

NOMINATION OF JUDGE G. HARROLD CARSWELL

Mr. HOLLAND. Mr. President, I regret very much to hear the statement just made by the distinguished Senator from Missouri (Mr. EAGLETON). The Senator does not know Judge Carswell as I do, and have for some years. I hope that he will check the record of the expressions of the leading judges in the courts of Florida.

Mr. President, on March 16, I placed in the RECORD a resolution adopted by the Governor and cabinet of the State of Florida commending the appointment of Judge Carswell to the Supreme Court. I also placed in the RECORD a telegram from Mr. Pat Thomas, chairman of the Democratic Executive Committee of the State of Florida, and telegrams signed by 17 of the judges in Florida, all strongly supporting the nomination of Judge Carswell, namely, John T. Wigginton, Donald K. Carroll, Dewey M. Johnson, John S. Rawls, and Sam Spector, judges of the District Court of Appeals, First District; and Tom Barkdull of the District Court of Appeals, Third District; W. May Walker, Ben C. Willis, Guyte P. McCord, Jr., and Hugh M. Taylor, all circuit judges of the Second Judicial Circuit; John A. Murphree, George L. Patten, and John J. Crews, circuit judges of the Eighth Judicial Circuit; B. C. Muszynski of the Ninth Judicial Circuit; Roger F. Dykes of the 18th Judicial Circuit; and D. C. Smith and Wallace Sample of the 19th Judicial Circuit.

At this time, Mr. President, I ask unanimous consent to have printed in the RECORD a telegram received from the Honorable Richard W. Ervin, chief justice, Florida Supreme Court, speaking for that entire court, as well as a telegram from the Honorable Fred O. Dickinson, Jr., comptroller of Florida, who was elected statewide in our State.

There being no objection the telegrams were ordered to be printed in the RECORD, as follows:

TALLAHASSEE, FLA., *March 16, 1970.*
HON. SPESSARD L. HOLLAND,
Senate Office Building,
Washington, D.C.:

I am authorized by the members of the Florida supreme court to advise we strongly endorse the nomination of Judge G. Harrold Carswell as associate justice of the U.S. Supreme Court. We know him to be a good citizen, fairminded, and judicially and temperamentally suited to render great service as a Justice in the Nation's highest court.

We believe him to be eminently qualified as a learned jurist for service in the Supreme Court and that he will make an outstanding record in keeping with the highest traditions of the American judiciary.

We discount totally criticism that he will allow prejudice or racial bias to sully his service on the Court. On the contrary, we believe his record of service on the court in the area of human rights will prove noble and worthy of an enlightened civilization.

For the Court:

RICHARD W. ERVIN,
Chief Justice.

TALLAHASSEE, FLA., *March 17, 1970.*
HON. SPESSARD L. HOLLAND,
Senate Office Building,
Washington, D.C.:

The cabinet of Florida, representing the executive branch of Florida government proudly reiterates its support of and recommends confirmation of the Honorable G. Harrold Carswell to the Supreme Court of the United States.

The cabinet officially endorsed Judge Carswell on January 27, 1970.

We hope you will bring this to the attention of your colleagues.

FRED O. DICKINSON, Jr.,
Comptroller of Florida.

Mr. HOLLAND. Mr. President, I now ask unanimous consent to insert communications from other circuit judges of the State; namely: Woodrow M. Melvin, presiding judge of the First Judicial Circuit; Martin Sack, Gerald B. Tjoflat, Lamar Wingeart, Jr., Charles A. Luckie, Albert W. Graessle, Jr., Henry F. Martin, Jr., Marion W. Gooding, and Thomas A. Larkin, circuit judges of the Fourth Judicial Circuit; W. Troy Hall, Jr. and John W. Booth, circuit judges of the Fifth Judicial Circuit; Ben F. Overton, Mark R. McGarry, Jr., Robert O. Beach, and Charles R. Holley, circuit judges of the Sixth Judicial Circuit; Parker Lee McDonald, and Claude R. Edwards, circuit judges of the Ninth Judicial Circuit; James Lawrence King, David Popper, and Thomas E. Lee, Jr., circuit judges of the 11th Judicial Circuit; John D. Justice, Lynn N. Silvertooth, Robert E. Willis, and Robert E. Hensley, circuit judges of the 12th Judicial Circuit; H. John Moore II, O. Edgar Williams, L. Clayton Nance, and Stewart F. LaMotte, Jr., circuit judges of the 17th Judicial Circuit; and Lynn Gerald and Archie M. Odom, circuit judges of the 20th Judicial Circuit.

There being no objection, the communications were ordered to be printed in the RECORD, as follows:

MILTON, FLA.,
March 18, 1970.
Senator SPESSARD HOLLAND,
Senate Building,
Washington, D.C.:

We circuit judges of the First Judicial Circuit of Fla. have had the pleasure of knowing Judge G. Harrold Carswell as a lawyer and as a judge. It is a pleasure to vouch for him and urge his confirmation. Best wishes.

WOODROW M. MELVIN,
Presiding Judge.

JACKSONVILLE, FLA.,
March 17, 1970.
Senator SPESSARD HOLLAND,
Washington, D.C.:

You have our unqualified endorsement in urging the confirmation of Judge Carswell.

Judges Martin Sack, Gerald Tjoflat, Lamar Wingeart, Charles Luckie, Albert Graessle, Henry Martin, Marion Gooding, Thomas Larkin, 4th Judicial Circuit of Florida.

TAVARES, FLA.,
March 17, 1970.

Hon. SPESSARD L. HOLLAND,
Senate Office Building,
Washington, D.C.:

I respectfully recommend Judge Carswell for your favorable consideration and urge you support his nomination by President Nixon as an Associate Justice of the United States Supreme Court.

Sincerely submitted.

W. TROY HALL, JR.,
Circuit Judge, Leesburg, Fla.

STATE OF FLORIDA, JUDICIAL DEPARTMENT, FIFTH JUDICIAL CIRCUIT,
March 17, 1970.

Hon. SPESSARD L. HOLLAND,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HOLLAND: The appointment of a conservative man such as Judge G. Harrold Carswell to the United States Supreme Court is long overdue, and now that we have the opportunity of securing such an appointment, I sincerely and earnestly urge that you, as our Senator, give your unqualified support to this appointment.

I am sure that the opposition will continue to raise smoke screens and attempt to defeat this selection by our President. The people of Citrus, Hernando and Sumter Counties, where I serve as presiding judge are, in my opinion, solidly behind Judge Carswell and your part in assisting in his confirmation by the Senate would be well received.

Yours very truly,

JOHN W. BOOTH,
Circuit Judge.

ST. PETERSBURG, FLA.,
March 18, 1970.

Hon. SPESSARD L. HOLLAND,
U.S. Senate,
Washington, D.C.:

I personally support the Senate's confirmation of Judge Harrold Carswell as a Justice of the United States Supreme Court.

BEN F. OVERTON,
Circut Judge, Sixth Judicial Circuit.

ST. PETERSBURG, FLA,
March 20, 1970.

Hon. SPESSARD L. HOLLAND,
U.S. Senate,
Washington, D.C.:

I wish to record my wholehearted endorsement of Judge Carswell for elevation to the Supreme Court.

MARK R. MCGARRY, JR.,
Circuit Judge.

ST. PETERSBURG, FLA.,
March 23, 1970.

Senator SPESSARD HOLLAND,
U.S. Senate,
Washington, D.C.:

I urge your vote for approval of Judge Carswell nomination to the United States Supreme Court.

ROBERT O. BEACH,
Circuit Judge, Sixth Judicial Circuit, State of Florida.

BELLEAIR, FLA.
March 18, 1970.

Senator SPESSARD L. HOLLAND,
Senate Office Building,
Washington, D.C.:

I urge the confirmation of Judge Carswell.

CHARLES R. HOLLY,
Circuit Judge,
Clearwater Fla.

ORLANDO, FLA.,
March 18, 1970.

Honorable SPESSARD HOLLAND,
United State Senator,
Washington, D.C.:

The Judicial Administration Committee of the Florida Bar considers Judge Harrold Carswell to be eminently qualified, competent and learned to serve as Supreme Court Justice. We urge his confirmation without further delay. I also personally recommend this action.

PARKER LEE MCDONALD,
Circuit Judge and
Chairman of Committee.

ORLANDO, FLA.,
March 23, 1970.

Honorable SPESSARD HOLLAND,
U.S. Senate,
Washington, D.C.:

Respectfully urge you to continue pressing for Judge Carswell's appointment.

Best regards,

CLAUDE R. EDWARDS,
Circuit Judge.

MIAMI, FLA.,
March 17, 1970.

Hon. SPESSARD L. HOLLAND,
U.S. Senator,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR HOLLAND: I respectfully urge that the Senate confirm the appointment of G. Harrold Carswell of Tallahassee to the United States Supreme Court. While I do not know Judge Carswell personally, I have, upon many occasions, reviewed opinions cited to me in which Judge Carswell has participated either as a district or appellate judge. These decisions reflect a sound and thorough grasp of the law. In addition, through conversation with my colleagues and general observations of Judge Carswell I believe that he is possessed of the proper judicial requirements and temperament to fill this vacancy.

The selection of any person to the United States Supreme Court is, as you might imagine, a subject of keen interest to lawyers and judges throughout the land. Although I do not proport to speak for the twenty-two Circuit Judges of the Eleventh Judicial Circuit, I can state with considerable accuracy that the judges of my Circuit unanimously believe that the appointment of Judge Carswell to this position is an excellent choice. We feel that the selection of a person to the Supreme Court should be based upon ability and judicial temperament rather than partisan political considerations. I respectfully invite your attention to the fact that twenty-one of our twenty-two judges are, like myself, registered democrats.

Cordially,

JAMES LAWRENCE KING.

MIAMI, FLA.,
March 20, 1970.

Hon. SPESSARD HOLLAND,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HOLLAND: We strongly support confirmation of Judge Carswell to U.S. Supreme Court.

DAVID POPPER,
Circuit Judge, Dade County Courthouse.

MIAMI, FLA.,
March 20, 1970.

Senator SPESSARD L. HOLLAND,
Senate Office Building,
Washington, D.C.:

I urge your support for confirmation of Judge Carswell.

THOMAS E. LEE,
Circuit Judge.

SARASOTA, FLA.,
March 16, 1970.

Senator SPESSARD HOLLAND,
Washington, D.C.:

We the undersigned circuit judges of Twelfth Judicial Circuit, Florida join with many other good Floridians urging confirmation of Honorable Harrold Carswell to Supreme Court Bench.

JOHN D. JUSTICE,
LYNN N. SILVERTOOTH,
ROBERT E. WILLIS,
ROBERT E. HENSLEY,

FORT LAUDERDALE, FLA.,
March 17, 1970.

Senator SPESSARD L. HOLLAND,
U.S. Senate,
Washington, D.C.

I urgently and respectfully request your favorable consideration and affirmation vote for confirmation of Judge Carswell's nomination.

H. JOHN MOORE,
Circuit Judge.

FT. LAUDERDALE, FLA.,
March 17, 1970.

Sen. SPESSARD L. HOLLAND,
Senate Office Building,
Washington, D.C.:

Recommend nomination of Judge Harrold Carswell be approved.

O. EDGAR WILLIAMS,
Circuit Judge.

FT. LAUDERDALE, FLA.,
March 18, 1970.

Sen. SPESSARD L. HOLLAND,
New Senate Office Building,
Washington, D.C.:

I urge confirmation of Judge Carswell on nonpartisan basis.

L. CLAYTON NANCE,
Circuit Judge.

FT. LAUDERDALE, FLA.,
March 20, 1970.

Hon. SPESSARD L. HOLLAND,
New Senate Office Building,
Washington, D.C.:

Petty politics should be set aside and Judge Carswell should be seated because of his qualifications.

STEWART F. LAMOTTE, JR.,
Circuit Judge.

FORT MYERS, FLA.,
March 16, 1970.

Hon. SPESSARD L. HOLLAND,
Old Senate Office Building,
Washington, D.C.:

We sincerely endorse Judge G. Harrold Carswell for Associate Justice of the United States Supreme Court.

LYNN GERALD,
Circuit Judge,
ARCHIE M. ODOM,
Circuit Judge.

Mr. HOLLAND. Mr. President, I also ask, at this time, unanimous consent to place in the RECORD communications from the following county judges: Joe Dan Trotman, of Walton County; Kenneth E. Cooksey, of Jefferson County; Monroe E. Treiman, of Hernando County; R. R. Brown, of Jackson County; and James W. West, of Sumter County.

There being no objection, the communications were ordered to be printed in the RECORD, as follows:

DEFUNIAK SPRINGS, FLA.,
March 19, 1970.

Senator SPESSARD HOLLAND,
U.S. Senate,
Washington, D.C.

SIRS: I have been a county judge in Walton County Florida for 21 years. I wish to

say that the Hon. Harrold Carswell is qualified in every respect. I give him my unqualified support. All my friends also feel this way.

JOE DAN TROTMAN.

MONTICELLO, FLA.,
March 19, 1970.

Hon. SPESSARD L. HOLLAND,
U.S. Senator,
U.S. Congress, Washington, D.C.

DEAR SENATOR HOLLAND: I have known Judge Harrold Carswell since he became U.S. District Attorney. I have practiced before his court when he was district judge. He is most eminently qualified to sit on the U.S. Supreme Court especially when viewed from the standpoint of the qualification of some present and former justice. I sincerely believe he will interpret the law rather than legislate. I urge that the verification and the defamation spawned by Senators Bayh et al. cease, and the Senate get on with immediate confirmation, respectfully.

KENNETH E. COOKSEY,
County Judge, Monticello, Fla.

BROOKSVILLE, FLA.,
March 17, 1970.

Senator SPESSARD HOLLAND,
Washington, D.C.

DEAR SENATOR: Your support for Judge Carswell as Justice of the Supreme Court sincerely appreciated by the Judiciary of Florida. Carswell is a qualified jurist.

MONROE W. TREIMAN,
County Judge, Hernando County.

MARIANNA, FLA.,
March 19, 1970.

Senator SPESSARD L. HOLLAND,
Senate Office Building,
Washington, D.C.:

Sincerely believe circus has lasted long enough. For sake of a strong court system commanding respect of all, urge your efforts to enforce involving Judge Carswell and press for immediate confirmation.

R. ROBERT BROWN,
County Judge, Juvenile Court Judge.

BUSHNELL, FLA.,
March 18, 1970.

Hon. SPESSARD L. HOLLAND,
U.S. Senator,
Washington, D.C.

DEAR SENATOR: Please continue to do everything in your power to get a good man on the Supreme Court. Please keep pushing for Judge Carswell.

Respectfully,

JAMES W. WEST,
County Judge, Sumter County.

Mr. HOLLAND. I ask unanimous consent, also, Mr. President, to insert in the RECORD at this point telegrams from Robert W. Rust, U.S. attorney for the southern district of Florida and from Robert Eagan, State attorney for the ninth judicial circuit.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

MIAMI, FLA.,
March 21, 1970.

Senator SPESSARD HOLLAND,
Senate Office Building,
Washington, D.C.:

I wish to thank you for your support for Judge Carswell. He is highly qualified to serve on the U.S. Supreme Court. I am proud that President Nixon has nominated him and that you will vote to confirm a southern jurist who is gifted with common sense and practical experience as well as intellectual capability.

ROBERT W. RUST,
U.S. Attorney.

ORLANDO, FLA.,
March 16, 1970.

Senator SPESSARD HOLLAND,
Senate Office Building,
Washington, D.C.:

Urge your confirmation of Justice Carswell.

Very truly yours,

ROBERT EAGAN,
State Attorney
Ninth Circuit, Orlando, Fla.

Mr. HOLLAND. I ask unanimous consent, Mr. President, to insert in the RECORD at this point telegrams which I have received from a number of professors at the State universities who have endorsed Judge Carswell; namely, J. M. Morse III, dean, College of Law, Florida State University; Dexter Delony, professor of law, University of Florida; and Norman A. Faulkner, associate professor of law and director of law placement, University of Florida.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

TALLAHASSEE, FLA.,
March 19, 1970.

Senator SPESSARD L. HOLLAND,
U.S. Senate,
Washington, D.C.:

I support the nomination of G. Harrold Carswell for Associate Justice of the Supreme Court of the United States. In my opinion he is qualified by training, experience, and temperament for the position. Dean Mason Ladd joins me in support of Judge Carswell.

J. M. MORSE III,
Dean, College of Law,
Florida State University.

GAINESVILLE, FLA.,
March 19, 1970.

Senator SPESSARD L. HOLLAND,
U.S. Senate,
Washington, D.C.:

I vigorously urge confirmation of Judge Harrold Carswell.

DEXTER DELONY,
Professor of Law, University of Florida.

GAINESVILLE, FLA.,
March 19, 1970.

Senator SPESSARD L. HOLLAND,
U.S. Senate,
Washington, D.C.:

Please add my name to those that strongly support and urge the immediate confirmation of Judge G. Harrold Carswell to the United States Supreme Court.

NORMAN A. FAULKNER,
Associate Professor of Law and Director of Law Placement, Spessard L. Holland Law Center, University of Fla.

Mr. HOLLAND. I mention in closing, Mr. President, that the CONGRESSIONAL RECORD of March 17 shows the following communications in support of Judge Carswell's nomination: letters from Mason Ladd, visiting professor and former dean, Florida State University, dean emeritus of Iowa; William Vandercreek, law professor of Southern Methodist University; and Frank E. Maloney, dean of the University of Florida Law School.

Mr. President, I have previously inserted into the RECORD telegrams and letters from most reputable judiciary and legal professional personages, all of whom have knowledge of Judge Carswell's ability. I now ask unanimous consent to insert into the RECORD the following letters or portions thereof from men of the judiciary and of the legal profession whom I regard most highly and on whom I would prefer to rely as to the ability, integrity, and qualifications of Judge Carswell than would rely on persons of the profession, totally unfamiliar with Judge Carswell or who I believe have not taken the time to analyze the man and his character but yet are willing to demean him by signing petitions against his appointment. These letters are all relative to Judge Carswell's appointment to the circuit court of appeals but reflect the true expressions of persons well qualified to judge the ability of the man now nominated for the Supreme Court.

First, I ask unanimous consent to have a letter which I received from Campbell Thornal, chief justice, Supreme Court of Florida, printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TALLAHASSEE, FLA.,
April 14, 1966.

Hon. SPESSARD L. HOLLAND,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR: I am told that there is a possibility that District Judge Harrold Carswell may be considered for one of the several vacancies to be filled on the Court of Appeals, Fifth Circuit.

I am sure that you know Judge Carswell quite well. It is my impression that he has rendered an excellent service as a Federal District Judge. He enjoys the confidence of the Bar, is diligent in dispatching the business of the Court and has an excellent reputation among the judges who know him here in Florida. Additionally, we in the state judiciary have appreciated the very cordial and congenial relationship with Judge Carswell as one of our Federal Trial Judges. I certainly have no reluctance to commending him to your favorable consideration in the event that he is among those considered for the Court of Appeals appointment.

With warmest regards, I remain,

Sincerely,

CAMPBELL THORNAL.

Mr. HOLLAND. Second, I ask unanimous consent to have a letter which I received from Elwyn Thomas, justice of the Supreme Court of Florida, printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF FLORIDA,
Tallahassee, April 4, 1966.

Hon. SPESSARD HOLLAND,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SPESSARD: There has been some discussion hereabouts with reference to the appointment of Judge Harrold Carswell to the Circuit Court of Appeals in which case we would have two Federal District Judges in North Florida as well as a Tallahassee Judge on the Circuit Court. This seems to me a wise solution of the present situation and, certainly, Harrold is abundantly qualified by training, character and experience to perform the duties of the higher court.

I am not too familiar with the efforts that are being made to secure these places but it occurs to me that this would be a very sensible move.

Please forgive me for the liberty I take in addressing you on the subject but if there is any possibility that this arrangement could be made, I should like to be counted as favoring it enthusiastically.

With warm personal regards, I am

Sincerely yours,

ELWYN THOMAS.

Mr. HOLLAND. Third, I ask unanimous consent to have a letter which I received from Ben C. Willis, circuit judge, Second Judicial Circuit of Florida, printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SECOND JUDICIAL CIRCUIT,
Tallahassee, Fla., April 4, 1966.

Hon. SPESSARD L. HOLLAND,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I have heard rumors that United States District Judge Harrold Carswell is being considered for appointment to the United States Court of Appeals for the Fifth Circuit to replace Judge Jones, who is retiring. If he should be nominated and confirmed, I feel that he would serve ably and creditably and would be governed by sound legal judgments in the decisions he would reach. Of course, I have had no opportunity to observe him, but from the reports I receive from members of the bar and from other sources, he has been an excellent District Judge. I feel the nation would be well served by him on the appellate court and that his type of man is very much needed in such positions.

With kindest personal regards and all good wishes, I am,

Sincerely,

BEN C. WILLIS.

Mr. HOLLAND. Fourth, I wish to read a portion of a letter which I received from Stephen C. O'Connell, then justice of the Supreme Court of Florida, now President of the University of Florida:

Yesterday I was told that Judge Harrold Carswell is being considered for appointment to the Court of Appeals and I was asked to express my views to you on this. I endorsed Harrold's appointment to his present office and his record has made me proud that I did so. I believe he would make an excellent appellate judge.

Fifth, I wish to read a portion of a letter which I received from Millard F. Caldwell, then chief justice of the Supreme Court of Florida and former Governor of the State I have the honor to represent in part. In writing about the vacancy on the Fifth Circuit Court of Appeals, last year he said:

My best suggestion is the appointment of Harrold Carswell to one of the vacancies. His calm common sense approach to the tough problems of the day would be helpful, to say the least. I do not need to remind you that he has rendered splendid service to the Federal Bench, a service recognized by the Circuit and District Judges of the Fifth Circuit in electing him District Judge Representative to the United States Judicial Conference.

Sixth, I ask unanimous consent to have a letter and enclosed editorial which I received from Douglass B. Shivers, of the law firm of Cotton, Shivers, Gwynn & Daniel, Tallahassee, Fla., printed in the RECORD at this point.

There being no objection, the letter and editorial were ordered to be printed in the RECORD, as follows:

COTTEN, SHIVERS, GWYNN & DANIEL,
Tallahassee, Fla., January 24, 1969.

Hon. SPESSARD HOLLAND,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HOLLAND: Enclosed is an editorial which appeared in the Pensacola Journal on January 22, 1969, endorsing our mutual good friend and able United States District Judge Honorable Harrold Carswell for appointment to the United States Circuit Court of Appeals.

We enthusiastically endorse this editorial. Judge Carswell has done an outstanding job on the United States District Court bench and he would make an excellent Judge for the United States Circuit Court of Appeals.

Warm personal regards.

Respectfully yours,

DOUGLASS B. SHIVERS.

[From the Pensacola (Fla.) Journal, Jan. 22, 1969]

MAN FOR THE JOB

We hope reports of the proposed appointment of Federal Judge G. Harrold Carswell of Tallahassee to the position of judge of the U.S. Circuit Court of Appeals are correct, and the appointment is speedily confirmed.

We can think of no man better suited for the job.

When Judge Carswell, at age 38, was appointed to the judgeship of this federal court district, there were complaints as to his "limited" experience in the practice of law and his "total lack" of judicial experience.

There can be no such complaints now, however. Judge Carswell has served as district judge in this area for more than 10 years, and served for several years prior to that time as U.S. Attorney in the same district. He finished law school in 1948, giving him more than 20 years of law experience in all.

Furthermore, in his years of service on the district court bench, despite a tremendous work load, Judge Carswell has done what we believe has been an outstanding job.

Now, approaching 50, he has the maturity and experience needed and yet is still young enough and active enough to offer many years of service to this nation in this high level position on the appeals court, embracing Florida, Georgia, Alabama, Mississippi, Louisiana, and Texas.

To be practical about it, Judge Carswell is a Republican, as is the new President of the United States and the new U.S. Senator for the State of Florida.

Two new judges are to be named for the Appeals Court, making a total of 13, and at present only one state, Texas, has sent three men to this bench. Florida should be in line now for one such appointment, as the fastest growing of the states involved, and—again being practical—as the adopted state of President Nixon.

We have long contended that judges should be appointed not from the standpoint of political cronyism, but from the standpoint of experience and demonstrated ability.

Judge Carswell, without question, has both, as well as the political credentials which have always been necessary in the past.

We hope the job will be his.

Mr. HOLLAND. Seventh, I ask unanimous consent to have a letter which I received from Joseph C. Jacobs of the law firm of Ervin, Pennington, Varn & Jacobs, Tallahassee, Fla., printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ERVIN, PENNINGTON, VARN & JACOBS,
Tallahassee, Fla., June 18, 1969.

Re Hon G. Harrold Carswell, U.S. district judge.

Hon. SPESSARD L. HOLLAND,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HOLLAND: I have noted newspaper accounts to the effect that Judge Carswell's record in the field of civil rights has been attacked by some individuals.

I believe that I am uniquely qualified to attest to Judge Carswell's judicial temperament and his performance in civil rights cases. For 10 years, I was Assistant Attorney General here in Tallahassee, and for two years was Chief Trial Counsel in the Attorney General's office; therefore, I either personally handled or had supervisory responsibility for all civil rights cases in which the state was a party. I certainly did not agree with all of Judge Carswell's decisions and, in fact, vehemently disagreed with many of them; but he was always fair, courteous, and exhibited the judicial temperament of a good judge—many times under trying circumstances.

In the past five years, I have been in the private practice of law, actively engaged in trial work with a very active firm requiring the handling of similar cases and cases generally before the Federal District Court here and throughout the State of Florida. Viewing Judge Carswell's activities from the vantage point of the other side of these cases. I can again report that he is fair and exhibited the same judicial temperament which I had observed in my representation of the state in his court and the other federal courts in the state.

I have properly avoided—and respectfully suggest that it is inappropriate in the evaluation of any judge—to summarize the decisions which Judge Carswell has rendered in any particular area. A judge, like a lawsuit, must be judged on the basis of each individual decision and each individual set of circumstances as it develops through our court system. Any attempt to form a composite view of a judge's performance based on cases handled in one particular area would give a distorted view of the qualifications of the individual judge involved.

I have discussed this with other members of my firm and lawyers generally throughout Florida, and can assure you that the above opinion is shared by the vast majority of lawyers who practice in the District Court of the Northern District of Florida.

Sincerely,

JOSEPH C. JACOBS.

Mr. HOLLAND. Eighth, I also ask unanimous consent to have a letter which I received from Carl R. Pennington, Jr., of the law firm of Ervin, Pennington, Varn & Jacobs, Tallahassee, Fla., printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ERVIN, PENNINGTON, VARN & JACOBS,
Tallahassee, Fla., November 26, 1968.

Senator SPESSARD L. HOLLAND,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HOLLAND: Although it may be somewhat presumptuous on my part, I would like to add my endorsement and support to Harrold Carswell in connection with his consideration for appointment to the Circuit Court of Appeals, Fifth Circuit. I am certain that you are more aware of Harrold's political philosophies than I am. Suffice it to say that we all hold to the same basic beliefs. I believe that it is equally apparent that Harrold possesses all of the requisite qualifications, and that it will be difficult to find anyone as well qualified for this judgeship. As a practicing attorney I believe that his appointment would add both to the stature and quality of the Court.

Very truly yours,

CARL R. PENNINGTON, Jr.

Mr. HOLLAND. Ninth, I ask unanimous consent to have a letter which I received from Marion B. Knight of the law firm of Marion B. Knight and/or

Philip J. Knight Blountstown, Fla., to be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARION B. KNIGHT AND/OR PHILIP J. KNIGHT,
Blountstown, Fla., December 9, 1969.

Hon. SPESSARD L. HOLLAND,
U.S. Senate
Attention Mr. Merrill Winslett,
Washington, D.C.

DEAR MERRILL: At the meeting of our Fourteenth Judicial Circuit Bar Association in Marianna, Saturday afternoon, I discussed the appointment of one of the Judges of the Circuit Court of Appeal for the Fifth Circuit, with some of our lawyers who are familiar with both Judges, and since I represented the Marianna Division of the U.S. District Court, Northern District of Florida in Gainesville, at the Enrobing of Judge Bud Arnow, and since I am the oldest acting practitioner in our circuit, I agreed to write this letter to you directly and request that you take the matter up on your confidential meeting with Senator Holland to be sure that it gets to his attention.

I have only been intimately acquainted with Judge Harrold Carswell, our Senior Judge since a short time before his appointment.

I have also known Judge McRae since Law School days in the early twenties, which of course is not quite as long as I have known you, but still longer than I have personally known Senator Holland.

It is my opinion, which is concurred in by the active lawyers in this Division, that we recommend Judge Carswell to be elevated to the Circuit Court of Appeals.

He is not only judicially qualified, but has not lost the practical ability to observe matters and persons in a qualified manner, and I sincerely recommend that he be appointed with the utmost confidence that he will lend dignity to the profession, reflect honor to Senator Holland and merit the confidence of the other members of the Court and reflect honor to himself.

With kindest personal regards to you and Senator Holland.

Yours sincerely,

MARION B. KNIGHT.

Mr. HOLLAND. Mr. President, I have received numerous letters attesting to the ability of Judge Carswell and strongly endorsing his nomination to the Supreme Court. These letters are from persons in all walks of life. In order not to enlarge the RECORD too greatly, I will not ask that all of them be placed in the RECORD. I do feel, however, that certain letters from members of the bar are most appropriate, and I ask unanimous consent to have these letters printed in the RECORD.

The first is a letter addressed to Senator EASTLAND, a copy of which was sent to me, from the Honorable Bryan Simpson, circuit judge, U.S. Court of Appeals, Fifth Judicial Circuit.

The second letter is one from the Honorable Ben F. Barnes of the firm of Barnes & Grant, Marianna, Fla.

The third is a letter from the Honorable Bryon B. Block of the firm of Glickstein, Crenshaw, Glickstein, Fay & Allen, Jacksonville, Fla.

The fourth is a letter addressed to Mr. Melvin L. Kodas, chairman, section on judicial administration law, American Trial Lawyers Association, Kansas City, Mo., from the Honorable Perry Nichols, a copy of which was forwarded to me.

The fifth is a letter from the Honorable Phillip W. Knight of the firm of Fowler, White, Humkey, Burnett, Hurley & Banick of Miami, Fla. The last paragraph of this letter is more of a personal nature regarding my pending retirement deleted this from the letter.

The sixth letter and enclosure which I ask unanimous consent to have printed in the RECORD is one I received from the Honorable Edward E. Hedstrom, president of the Putnam County Bar Association, Palatka, Fla., enclosing a resolution adopted by the Putnam County Bar Association endorsing the nomination and confirmation of Judge Carswell.

I ask unanimous consent that the letters and the resolution be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. COURT OF APPEALS,
FIFTH JUDICIAL CIRCUIT,
Jacksonville, Fla., January 22, 1970.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

MY DEAR SENATOR EASTLAND: The purpose of this letter is to attest to you and the members of your committee, for whatever value it may have, my personal judgment of the qualifications of U.S. Circuit Judge G. Harrold Carswell to become an Associate Justice of the United States Supreme Court.

I have been closely associated with Judge Carswell as a brother Florida federal judge since he became a District Judge in the spring of 1958. We worked closely together over the years. In recent months that association has continued on the Court of Appeals. I knew him slightly, but mainly by reputation, in the early Fifties when he was U.S. Attorney for the Northern District of Florida.

He possesses and uses well the requisite working tools of the judge's trade: industry, promptness, learning, attentiveness and writing skills. He is a competent and capable judicial craftsman, experienced in the diverse and complex areas of federal law as well as the almost limitless variety of cases coming to us under the diversity jurisdiction. In the six or seven months he has been a member of our Court and in extensive service thereon as a visiting judge over the prior years, he has shown a steady capacity for high productivity without the sacrifice of top quality in his work.

More important even than the fine skill as a judicial craftsman possessed by Judge Carswell are his qualities as a man: superior intelligence, patience, a warm and generous interest in his fellow man of all races and creeds, judgment and an open-minded disposition to hear, consider and decide important matters without preconceptions, predilections or prejudices. I have always found him to be completely objective and detached in his approach to his judicial duties.

In every sense, Judge Carswell measures up to the rigorous demands of the high position for which he has been nominated. I hope that the Judiciary Committee will act promptly and favorably upon his nomination. It is a privilege to recommend him to you without reservation.

With kind personal regards, I am.

Sincerely,

BRYAN SIMPSON.

BARNES & GRANT,
Marianna, Fla., January 19, 1970.

Hon. SPESSARD L. HOLLAND,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I am advised that Judge Carswell was nominated by the President for appointment to the United States Supreme Court this afternoon.

Since Judge Carswell's appointment to the District Court, I have been before him on numerous occasions each year, in criminal matters, by virtue of appointment generally, and from time to time in civil matters. I have appreciated the manner and form in which he operated his Court; his ability to comprehend the issues immediately, even in complicated civil matters; and to make decisions, without hesitation, regardless of the parties.

I sincerely hope that you will do everything within your power to assure Judge Carswell's confirmation by the Senate.

With best personal regards, I am

Sincerely,

BEN F. BARNES.

GLICKSTEIN, CRENSHAW,
GLICKSTEIN, FAY & ALLEN,
Jacksonville, Fla., January 23, 1970.

Hon. HARROLD CARSWELL,
Federal Building,
Tallahassee, Fla.

DEAR JUDGE CARSWELL: It was with a great deal of pleasure that I read of your nomination to the Supreme Court of the United States. I am confident that the Senate of the United States will recognize your ability and integrity in promptly confirming President Nixon's most recent nomination to the highest Court in the land.

As a native Tallahasseean and Floridian I recognize the deep significance your appointment has for the Florida Bar and am confident that your tenure on the Supreme Court will be a continuation of your distinguished service in the District Court and Fifth Circuit Court of Appeals.

Again, let me extend my heartiest congratulations.

Respectfully,

BYRON BLOCK.

NICHOLS & NICHOLS,
Miami, Fla., January 27, 1970.

Re Judge G. Harrold Carswell, Nixon appointee to the U.S. Supreme Court.

Mr. MELVIN L. KODAS,
Chairman, Section on Judicial Administration Law, American Trial Lawyers Association, Kansas City, Mo.

DEAR SIR: I highly recommend the confirmation of Judge G. Harrold Carswell, recent appointee to the Supreme Court of the United States, and I am sending to each member of President Wolfstone's Judicial Committee a copy of this letter.

I have personally known Judge Carswell for about twenty years. He has an outstanding record as a fine trial lawyer, as an excellent prosecuting attorney, as a Federal District Trial Judge and on the 5th Circuit Court of Appeals. This is well recognized by all lawyers who have been before him and who know him in this territory.

In addition to the above, I have had the privilege of being on a number of annual deer hunting trips, on which there were about fifteen prominent lawyers, doctors, insurance men and other friends, where we spent several days on a deer hunt at Cumberland Island, off the lower coast of Georgia. On several occasions, Judge Carswell has been a guest in this group, and I have had the privilege and opportunity to visit with him man to man and under circumstances which were informal and you could talk "off the record," without embarrassment, and I can tell you that Judge Carswell is a moderate conservative. He likewise, however, is a fine judge and follows the law of the land and the Constitution and decisions of the Supreme Court of the United States. He has applied these without favoritism and without regard to race, color or creed.

Concerning Judge Carswell's remark about integration immediately after graduating from Mercer College, when he was running for the legislature, I call it to your attention that the Constitution of the State of Georgia required segregation at that time, and the United States Supreme Court decisions had

approved segregation. At that time he was following the Constitution of his state and the decisions of the Supreme Court of the United States. His views today are as liberal and as modern as the decisions of the United States Supreme Court.

Judge Carswell is a hard worker. He keeps his calendar in good up-to-date shape and tends to the Court's business with dispatch.

He has a fine family and a good, high moral personal reputation in this state and in his own community where they know him best.

Having been president of the American Trial Lawyers Association and the International Academy of Trial Lawyers, as well as serving on the Judicial Council of Florida for six years dealing with the judicial system, qualifications and appointments of judges in this area, I unhesitatingly recommend Judge G. Harrold Carswell for confirmation to this high office. I feel he will grace the Bench and serve with honor and distinction and, at the same time, reflect credit upon the office itself.

Yours very truly,

PERRY NICHOLS.

FOWLER, WHITE, HUMKEY, BURNETT, HURLEY & BANICK,
February 2, 1970.

Senator SPESSARD HOLLAND,
Washington, D.C.

DEAR SENATOR: Please excuse this belated opportunity to extend my congratulations to you for your excellent bipartisan efforts in assisting the President in his selecting Judge Carswell as nominee to the Supreme Court. Judge Carswell's appointment will strengthen the Supreme Court immeasurably.

Being a "strict constructionist" myself, I sincerely urge your continued efforts to secure the Senators' consent of his nomination. Such action will improve the stature of the Bar, the Judiciary, the State of Florida, and the nation as a whole.

Respectfully yours,

PHILLIP W. KNIGHT.

DOWDA, MILLER & HEDSTROM,
Palatka, Fla., January 29, 1970.

Hon. SPESSARD L. HOLLAND,
U.S. Senate, Washington, D.C.

DEAR SIR: Enclosed is the Resolution adopted by the Putnam County Bar Association endorsing the nomination and confirmation of Judge G. Harrold Carswell as an Associate Justice of the United States Supreme Court.

We respectfully submit this Resolution as an expression of our confidence in Judge Carswell.

Very truly yours,

EDWARD E. HEDSTROM,
President, Putnam County Bar Association.

Enclosure.

RESOLUTION

Whereas, the Putnam County Bar Association, a corporation not for profit, of the State of Florida, desires to express its views concerning the nomination of the Honorable G. Harrold Carswell for the position of Associate Justice of the United States Supreme Court; and

Whereas, this Association is convinced that Judge Carswell is fully worthy of appointment to the United States Supreme Court, is a man with a distinguished record as a jurist, and should be confirmed as soon as possible;

Now, therefore, be it resolved by the Putnam County Bar Association of Putnam County, Florida, in special meeting assembled this 26th day of January, A.D. 1970, that this Association does hereby endorse and support the nomination of the Honorable G. Harrold Carswell for appointment as Associate Justice of the Supreme Court of the United States of America, and does urge the United States Senate to confirm his appointment at the earliest possible date; and,

Be it further resolved that copies of this Resolution be forwarded to the President of the United States, to the president of the United States Senate, to the United States Senators from the State of Florida, and to the Honorable G. Harrold Carswell.

Passed and adopted this 26th day of January, A.D. 1970.

PUTNAM COUNTY BAR ASSOCIATION,
EDWARD E. HEDSTROM, *President.*

Mr. HOLLAND. Mr. President, in addition, I have received 232 telegrams, which I shall not ask to have printed in the RECORD because that would unduly encumber the RECORD. All of these telegrams are from reputable members of the bar in my State. I think I know pretty well the members of the bar of my State, having practiced there since 1916 and being a native of my State. I do not know every one of them but I know by far the greater majority of them.

It would be inconceivable to me that all these judges of our State, Governors, and cabinet members of our State, regardless of party, and all these fine practicing attorneys would recommend Judge Carswell so strongly for confirmation unless he is vastly more than a mediocre judge.

As I have said, I had the pleasure to sit as a witness in the largest case ever tried during my lifetime in my State, when Judge Carswell was presiding. I have stated how thoroughly I was impressed with his character in presiding and his rulings. There were some 20 to 30 lawyers on the two sides. When the case was decided by the jury there was no appeal. There can be no stronger endorsement of a trial judge than that.

Mr. President, I close by asking that there be printed in the RECORD a telegram from the president, vice president, and treasurer of the Student Bar Association; the president of Phi Delta Phi legal fraternity; editor in chief, Law Review and others, of the Florida State University College of Law strongly endorsing Judge Carswell for this appointment.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

TALLAHASSEE, FLA.,
March 19, 1970.

Hon. SPESSARD L. HOLLAND,
U.S. Senator,
Senate Office Building,
Washington, D.C.:

As students of Florida State University College of Law we urge the confirmation of Judge Harrold Carswell to the Supreme Court of the United States. We are in complete agreement with the mature judgment of Dean Joshua Morse, Dean Mason Ladd and Professor William Von der Creek in our complete support of Judge Carswell. We feel that his judicial record is outstanding, his character is impeccable and his judicial philosophy is sound.

Robert B. Cyrus, President, Student Bar Association; J. Michael Huey, Executive Vice President, Student Bar Association; Edwin A. Green, Vice President, Student Bar Association; Michael P. Casterton, Treasurer, Student Bar Association; William C. Martin III, President, Phi Delta Phi Legal Fraternity; Wendell J. Kiser, Editor in Chief, Law Review; Lee L. Willis, Paul M. Ruff, Zollie Maynard.

PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate, as in legislative session, will proceed to the consideration of routine morning business, with a 3-minute limitation for the remainder of the 15 minutes previously allotted for that purpose.

Is there further morning business?

ABORTION REFORM

Mr. PACKWOOD. Mr. President, several weeks ago I introduced a bill to eliminate restrictions on abortion in the District of Columbia. It is my feeling that a woman, as a matter of voluntary decision and private right, should have the decision left to her as to whether or not she wants to terminate the pregnancy.

Since that time the State of Hawaii has passed a law making it a private decision between the woman and her physician whether she wants to terminate a pregnancy. The State of Washington has referred a similar law to the electorate, to be decided by them at the general election this fall. One house of the New York Legislature and one house of the Maryland Legislature have passed laws which would, in essence, do the same thing; that is, give the woman the private right to determine whether she wants to abort a pregnancy.

Courts in several States, including the California Supreme Court, and the Federal districts courts in Wisconsin and the District of Columbia have held abortion laws of those States to be unconstitutional.

Recently both the New York Times and the Wall Street Journal editorialized in favor of these changes. I will now read from the editorial published in the New York Times:

While fully recognizing the depth and sincerity of feeling of those who believe that abortion is an immoral act, we have come to the conclusion that it is not a matter for the state to decide but that each woman, in consultation with her physician, should have the right to determine whether to continue a pregnancy or not, just as she should have the right to decide whether to begin one or not.

The editorial in the Wall Street Journal states:

In addition, the question of how many children should be up to the discretion of the woman or the husband and wife as the case may be. Generally speaking they have that right now—they do not have to have any children if they do not want to—and the right, it seems to us, should include the possibility of terminating an unwanted pregnancy.

To put it another way, this is an area where government has no necessary or appropriate function.

Mr. President, considering the stature of the New York Times and the Wall Street Journal, I ask unanimous consent that the full text of these two editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 20, 1970]

AT LAST, ABORTION REFORM

After years of delay in Albany, when an abortion reform measure could not even get out of committee for floor debate and a vote, the Senate has now approved the most sweeping reform yet enacted in any state. Its prospects for approval in the assembly are encouragingly good.

Abortion reform is long overdue. The state's present law, enacted in the 19th century, permits abortions only when a licensed physician has "a reasonable belief that such is necessary to preserve the life" of the prospective mother. It is a cruelly restrictive law that has doomed countless thousands of women to continued unwanted pregnancies, even those that might have resulted from incest or rape or those that might pose a threat to physical or emotional health.

The reform approved by the State Senate repeals the language restricting abortions to cases in which the life of the prospective mother can be said to be endangered if the pregnancy is allowed to continue. It would permit abortions when a woman and her physician agree that one is desirable.

This may seem like too sweeping a reform of too restrictive a statute. It is, however, probably the only kind of change that will ultimately withstand court challenges that have already been mounted in various states against existing abortion laws.

While fully recognizing the depth and sincerity of feeling of those who believe that abortion is an immoral act, we have come to the conclusion that it is not a matter for the state to decide but that each woman, in consultation with her physician, should have the right to determine whether to continue a pregnancy or not, just as she should have the right to decide whether to begin one or not. We therefore urge the Assembly and Governor Rockefeller to join the Senate in establishing this as the public policy of the State of New York.

[From the Wall Street Journal, Mar. 20, 1970]

REPEALING ABORTION LAWS

A growing number of Americans are coming to the conclusion that the best reform of abortion laws is outright repeal, and the state of Hawaii has already acted on that premise.

It is a rather remarkable turnaround. Only a couple years ago no one would think that anything so "radical" as a repeal proposal would have any chance at all. Yet today several states have liberalized their laws and one house of the New York State legislature this week approved what would amount to Hawaii-like repeal.

The changing attitude is not, in our opinion, just one more manifestation of the new permissiveness of the times. On the contrary, it attests to a greater awareness of the anguish suffered by the victims of the harsh laws that remain on the books.

The objections to repealing abortion laws have by no means, of course, been completely stilled.

Abortion is anathema to certain religions, and while they have every right to their views, they have no right to impose their views on the society at large. Legalizing abortion obviously does not require Roman Catholics or anyone else to practice it; they are as free as ever to shun it and indeed to denounce it.

Some contend that legal abortion would aggravate the sexual latitude of the age. We doubt it. Presumably no one wants an abortion if there is a better choice; and as it is the number of illegal abortions is appallingly high. Taking abortion out of the legal realm altogether might therefore not mean any significant increase in the total number of the operations.

Then there is the objection on the ground of moral philosophy: That abortion is the taking of human life. One answer to it is that no consensus, let alone proof, exists among medical practitioners or moralists. The fact is that many doctors would long since have been performing abortions had it been legal to do so.

For our layman's part, we find it particularly hard to accept that the embryo (first three months of pregnancy) is a human being in any real sense; we incline to the thesis that it is still part of the mother, manifestly incapable of independent existence.

Against these objections, the arguments for repeal seem far more persuasive.

First is that it is simply humanitarian. We have mentioned the suffering of the victims. It involves the degradation, humiliation and mental strain imposed by unwanted pregnancy and the effort to remedy it. A civilized society should not have such draconian laws, although it certainly can and should require that abortions be performed by licensed physicians under sanitary conditions.

Probably legalizing abortion would not be a significant population-control measure in this country (it has been highly effective in Japan). However, it fits in with the new concern—even apprehension—that unless population is controlled, the nation will in the not too distant future be so inundated that decent living conditions will be impossible.

In addition, the question of how many children should be up to the discretion of the woman or the husband and wife as the case may be. Generally speaking they have that right now—they do not have to have any children if they do not want to—and the right, it seems to us, should include the possibility of terminating an unwanted pregnancy.

To put it another way, this is an area where government has no necessary or appropriate function. These severe laws go back to a time and a mentality in which the State assumed it should closely regulate people's private lives; the statutes are, or are analogous to, sumptuary laws. We do not think they accord well with the concept of individual liberty.

Needless to say, there are still other areas where the State's intrusion is questionable. As a broad criterion in such matters, we believe that where the situation is truly private—that is, where the conduct of the individual or couple or family does not impinge on society or hurt anyone—government should refrain from intervention.

For whatever it is worth, it seems to us that abortion, unhappy though it be at best, belongs in that category.

ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further morning business?

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following letters, which were referred as indicated:

REPORT OF RECEIPTS AND DISBURSEMENTS TO APPROPRIATIONS FROM DISPOSAL OF MILITARY SUPPLIES, EQUIPMENT, AND MATERIEL AND LUMBER OR TIMBER PRODUCTS

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, a report of receipts and disbursements to appropriations from disposal of military supplies, equipment, and materiel and lumber or timber products, as of December 31, 1969 (with an accompanying report); to the Committee on Armed Services.

REPORT ON CERTAIN PROJECTS UNDERTAKEN FOR THE ARMY NATIONAL GUARD

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), reporting, pursuant to law, on certain projects undertaken for the Army National Guard; to the Committee on Armed Services.

PROPOSED SMALL BUSINESS AMENDMENTS OF 1970

A letter from the Administrator, Small Business Administration, Washington, D.C., transmitting a draft of proposed legislation to clarify and extend the authority of the Small Business Administration, and for other purposes (with accompanying papers); to the Committee on Banking and Currency.

PROPOSED ADDITIONAL ASSISTANT SECRETARY OF COMMERCE

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize an additional Assistant Secretary of Commerce (with an accompanying paper); to the Committee on Commerce.

PROPOSED EXTENSION FOR ONE YEAR OF ACT RELATING TO HIGH-SPEED GROUND TRANSPORTATION

A letter from the Acting Secretary of Transportation, Washington, D.C., transmitting a draft of proposed legislation to extend for 1 year the act of September 30, 1965, as amended by the act of July 24, 1968, relating to high-speed ground transportation, and for other purposes (with accompanying papers); to the Committee on Commerce.

PROPOSED AMENDMENT OF SECTION 1114 OF TITLE 18, U.S. CODE

A letter from the Chairman, Federal Communications Commission, Washington, D.C., transmitting a draft of proposed legislation to amend section 1114 of title 18 of the United States Code to make the killing, assaulting, or intimidating of any officer or employee of the Federal Communications Commission performing investigative, inspection, or law-enforcement functions a Federal criminal offense (with accompanying papers); to the Committee on Commerce.

REPORT OF ACTIVITIES UNDER THE FLAMMABLE FABRICS ACT

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report of activities under the Flammable Fabrics Act, for the calendar year 1969, plus 3 months of calendar year 1968 (with an accompanying report); to the Committee on Commerce.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need to strengthen concrete inspections and testing requirements in the construction of low-rent public housing projects, Department of Housing and Urban Development, dated March 24, 1970 (with an accompanying report); to the Committee on Government Operations.

REPORT ON GUAM ECONOMIC DEVELOPMENT FUND ACT OF 1968

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a report of the Governor of Guam on the Guam Economic Development Fund Act of 1968 (with an accompanying report); to the Committee on Interior and Insular Affairs.

PROPOSED IMPROVEMENT OF LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

A letter from the Secretary of Labor, transmitting a draft of proposed legislation to amend the Longshoremen's and Harbor Workers' Compensation Act to improve its benefits, and for other purposes (with accompanying papers); to the Committee on Labor and Public Affairs.

PROPOSED HIGHER EDUCATION OPPORTUNITY ACT OF 1970

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to extend and amend the Higher Education Act of 1965, and for other purposes (with accompanying papers); to the Committee on Labor and Public Welfare.

REPORT OF THE COMMISSIONER OF EDUCATION

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report of the Commissioner of Education, for the fiscal year ended June 30, 1969 (with an accompanying report); to the Committee on Labor and Public Welfare.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. METCALF):

Resolutions of the Commonwealth of Massachusetts; to the Committee on Finance:

"RESOLUTION OF THE COMMONWEALTH OF MASSACHUSETTS

"Resolutions memorializing the Congress of the United States to help preserve the shoe and allied industries in the Commonwealth of Massachusetts

"Whereas, Shoe manufacturing is, and has been for more than a century, a major industry in the Commonwealth of Massachusetts currently employing almost thirty thousand persons, plus an additional ten thousand persons who are employed in allied industries; and

"Whereas, Many of the four hundred companies employing these persons have plants located in cities and in small towns where they supply the major source of income and employment; and

"Whereas, The Massachusetts footwear and allied manufacturing industries face continuing and expanding competition from imports of foreign footwear, which have expanded dramatically from seventy-eight million pairs in nineteen hundred and fifty-five to one hundred and seventy-five million pairs in nineteen hundred and sixty-eight and an estimated two hundred and ten million pairs in nineteen hundred and sixty-nine; and

"Whereas, Such imports have curtailed the growth and eliminated many job opportunities and resulted in the liquidation of some thirty companies employing over four thousand persons in the years nineteen hundred and eighty-eight and nineteen hundred and sixty-nine and in the loss of eighteen thousand jobs since nineteen hundred and sixty; and

"Whereas, The footwear and allied manufacturing industries in the commonwealth are labor intensive industries and cannot compete with foreign footwear imports produced by low-wage workers; now, therefore, be it

"Resolved, That the General Court of the Commonwealth of Massachusetts respectfully requests the Congress of the United States to enact legislation that will provide for quotas limiting future importation of foreign footwear for a period sufficient to enable the federal government to develop effective alternative methods of aiding the shoe industry and the workers employed therein; and be it further

"Resolved, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, to the Secretary of Commerce, to the presiding officer of each branch of Congress and to the members thereof from this Commonwealth."

A concurrent resolution of the Legislature of the State of New York; to the Committee on Finance:

"RESOLUTION OF STATE OF NEW YORK

"Whereas, The State of New York has undertaken a comprehensive program for the development of mass transportation facilities and has provided two and one-half billion dollars to assist in the development of said program; and

"Whereas, Comprehensive studies of the problems of mass transportation have been commenced leading to the development of a comprehensive state-wide master plan for mass transportation needs and techniques in the course of which certain problems arising from the existing relationship of state and federal funding have become apparent; and

"Whereas, The federal funding programs have in the past generally been orientated in favor of the private automobile, a policy which has contributed significantly to metropolitan sprawl with its injudicious planning and uses of land and a general weakening of public transportation systems in the central cities, and has created serious relocation problems in urban areas for citizens and businesses displaced by new highway construction; and

"Whereas, The Federal Highway Trust Fund annually receives approximately four and one-half billion dollars for highway construction, which funds, under the Highway Act of 1956, are used to pay ninety per cent of the cost of approved highway construction by all of the states, with the result that highway construction has received preferential treatment in transportation development; and

"Whereas, The studies of the Joint Legislative Committee on Mass Transportation of this Legislature has revealed the desirability of encouraging a comprehensive development of mass transit systems so that federal funding for such programs can be established on an equal basis with that of the highway program on a 90–10 basis between federal and state funds, now, therefore, be it

"Resolved (if the Assembly concur), That the Congress of the United States be and it hereby is memorialized to enact legislation amending the Urban Mass Transportation Act of 1964 by providing for the establishment of a Mass Transportation Trust Fund financed by an extension of the federal automobile excise tax with an increasing proportion earmarked for mass transportation projects each year and to provide for the continuance of the Federal Airport Aid program with an amendment to provide for its funding by means of an increased federal excise tax on airline passenger tickets and aviation fuels, it being the intention of such amendments to create trust funds which will participate in the development of mass transportation and aviation projects on the basis of payment by the federal government of ninety percent of the cost of such approved projects by all of the states similar to the payments as presently provided for the construction and development of highways under the Highway Act of 1956; and be it further

"Resolved (if the Assembly concur), That copies of this resolution be transmitted to the Congress of the United States by forwarding one copy thereof to the Secretary of the Senate, one copy to the Clerk of the House of Representatives and one copy to each member of the Congress from the State of New York."

A resolution adopted by the United Nations Association of Minnesota, Minneapolis, Minn., praying for ratification of the Genocide Convention; to the Committee on Foreign Relations.

A resolution adopted by the City Council of Philadelphia, Pa., praying for an immediate end to the loss of lives and resources in Vietnam; to the Committee on Foreign Relations.

A resolution adopted by the Village of Hazel Crest, Ill., praying for obedience to the law and courtesy to others; to the Committee on the Judiciary.

A resolution adopted by the City Council of San Diego, Calif., praying for the enactment of legislation to repeal the provisions of the Emergency Detention Act of 1950; to the Committee on the Judiciary.

The petition of Ohio Bell, of Chicago, Ill., praying for a redress of grievances; to the Committee on the Judiciary.

ENROLLED BILL SIGNED

The ACTING PRESIDENT pro tempore (Mr. METCALF) announced that on today, March 24, 1970, he signed the enrolled bill (H.R. 3786) to authorize the appropriation of additional funds necessary for acquisition of land at the Point Reyes National Seashore in California, which had previously been signed by the Speaker of the House of Representatives.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

H.R. 14289. An act to permit El Paso and Hudspeth Counties, Tex., to be placed in the mountain standard time zone (Rept. No. 91–748).

By Mr. FULBRIGHT, from the Committee on Foreign Relations, with amendments:

S. Res. 211. Resolution seeking agreement with the Union of Soviet Socialist Republics on limiting offensive and defensive strategic weapons and the suspension of test flights of reentry vehicles (Rept. No. 91–749).

EXECUTIVE REPORT OF A COMMITTEE

The following favorable report of a nomination was submitted:

By Mr. SPARKMAN, from the Committee on Banking and Currency:

Allan Oakley Hunter, of California, to be President of the Federal National Mortgage Association.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. METCALF:

S. 3625. A bill to amend section 614 of the Bankruptcy Act to extend the scope of relief available during the pendency of proceedings for wage earners' plans; to the Committee on the Judiciary.

(The remarks of Mr. METCALF when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. MOSS:

S. 3626. A bill to authorize the Interstate

Commerce Commission, after investigation and hearing, to require the establishment of through routes and joint rates between the motor common carriers of property, and between such carriers and common carriers by rail, express, and water, and for other purposes; to the Committee on Commerce.

(The remarks of Mr. Moss when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. INOUYE (for himself and Mr. FONG):

S. 3627. A bill to provide for the establishment of the Puukohola Heiau National Historic Site, in the State of Hawaii, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FULBRIGHT (by request):

S. 3628. A bill to authorize an increase in the resources of the International Monetary Fund and the International Bank for Reconstruction and Development, and for other purposes; to the Committee on Foreign Relations.

(The remarks of Mr. FULBRIGHT when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. PROUTY:

S. 3629. A bill to amend the Longshoremen's and Harbor Workers' Compensation Act to improve its benefits, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. PROUTY when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. PASTORE (for himself and Mr. COTTON):

S. 3630. A bill to amend the joint resolution establishing the American Revolution Bicentennial Commission; to the Committee on the Judiciary.

By Mr. NELSON:

S. 3631. A bill to amend the Outer Continental Shelf Lands Act, to establish a National Marine Mineral Resources Trust, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. NELSON when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. TOWER:

S.J. Res. 184. A joint resolution to authorize the Secretary of the Interior to conduct a study of the solar rays with a view to determining the potential of such rays as an alternative source of electrical energy; and

S.J. Res. 185. A joint resolution to authorize the Secretary of the Interior to conduct a study of the tides of oceans and other bodies of water with a view to determining the potential of such tides as an alternative source of electrical energy; to the Committee on Commerce.

(The remarks of Mr. TOWER when he introduced the joint resolutions appear later in the RECORD under the appropriate heading.)

S. 3625—INTRODUCTION OF A BILL TO AMEND SECTION 614 OF THE BANKRUPTCY ACT

Mr. METCALF. Mr. President, I introduce, for appropriate reference, a bill to amend section 614 of the Bankruptcy Act to extend the scope of relief available during the pendency of proceedings for wage earners' plans.

Under the Bankruptcy Act a wage earner may file under chapter XIII and pay off his debts over a 36-month period, free from garnishment and harassment by creditors. One practical interference with the success of the wage-earner plan is that in order to avoid garnishments by creditors it is often necessary to file for both the husband and the wife and incur double legal fees and double filing costs. One attorney who tried to get the court to issue an injunction to protect the wife's wages after the husband had filed for a wage-earner plan, found the court rejecting his plea. *Reed* v. *General Finance Loan Co. of Norfolk*, 394 F. 2d 509 (1968).

The use of the wage-earner plan has been encouraged by the Judicial Conference of the United States and by many referees in bankruptcy and lawyers involved in bankruptcy court practice. It is one way that a man who has made financial errors can pay off his creditors and still retain his self-esteem and dignity without the stigma of bankruptcy. The remedy ought to be further encouraged by amending the Bankruptcy Act to permit the referee in bankruptcy to enjoin the garnishment of the wife's salary or property during the period of the plan.

The bill I introduce today would provide this remedy.

I ask unanimous consent to have printed at this point in the RECORD a copy of the bill, the court decision to which I made reference and the foreword from "Wage Earner Plans Under Chapter XIII of the Bankruptcy Act," Hilliard and Hurt, published by the Section of Corporation, Banking and Business Law of the American Bar Association.

The PRESIDING OFFICER (Mr. ALLEN). The bill will be received and appropriately referred; and, without objection, the bill and material will be printed in the RECORD.

The bill (S. 3625) to amend section 614 of the Bankruptcy Act to extend the scope of relief available during the pendency of proceedings for wage earners' plans, introduced by Mr. METCALF, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 3625

That section 614 of the Bankruptcy Act (11 U.S.C. 1014) is amended by inserting therein, immediately after the word "debtor", wherever it appears therein, the words "or a debtor's spouse".

The material furnished by Mr. METCALF is as follows:

JAMES DELANO REED, APPELLANT, v. GENERAL FINANCE LOAN COMPANY OF NORFOLK, APPELLEE, NO. 11951, UNITED STATES COURT OF APPEALS, FOURTH CIRCUIT, ARGUED MARCH 8, 1968. DECIDED MAY 3, 1968

Bankruptcy proceeding under Chapter XIII. The debtor applied for restraining order against garnishment proceedings begun against wages of his wife. The referee in bankruptcy denied the application and the United States District Court for the Eastern District of Virginia, Newport News, Walter E. Hoffman, Chief Judge, affirmed the denial. The debtor appealed. The Court of Appeals held that where husband had filed petition for Chapter XII arrangement with creditors but wife had not so petitioned, referee in bankruptcy and district court properly denied restraining order against garnishment proceedings begun against wife's wages on account of joint debt.

Affirmed.

Bankruptcy—1101

Where husband had filed petition for Chapter XIII arrangement with

Richard W. Hudgins, Warwick, Va., and William C. Worthington, Norfolk, Va., Worthington, White & Harper, Norfolk, Va., on the brief, for appellant.

No appearance for appellee.

Before Boreman and Butzner, Circuit Judges, and Russell, District Judge.

Per curiam:

Appellant-Debtor, proposing an Arrangement with his creditors under a Chapter XIII proceedings,[1] appeals from a denial of a restraining order against garnishment proceedings begun against the wages of his wife on account of a joint debt of the Debtor and his wife. He contends that "the wages of the wife of the debtor are (were) essential and necessary for the family and for the stability of the proposed Plan," and that the garnishment proceedings, if maintained, will make his Plan ineffective. The Referee in Bankruptcy denied the application for a restraining order, "the wife not having filed a Chapter XIII, and she not being a party to the proceedings." Although finding that the garnishment would "seriously affect the operation of the debtor's extension plan", the District Court sustained the ruling of the Referee. In so doing, it expressed sympathy "with the position of the debtor" and suggested that injunctive relief could be secured if the wife would "file a debtor proceeding in her own behalf." We agree.

Affirmed.

AN APPEAL FOR THE USE OF CHAPTER XIII

In the past forty years consumer credit in the United States has risen from an aggregate of one billion dollars in outstanding debts to more than sixty-three billion in 1963. It would appear we have geared ourselves—perhaps inextricably—to a consumer-credit economy. A new and extremely numerous class of debtors has been created, and continues to increase, made up of those whose incomes are derived from wages, salaries, or commissions.

The Bankruptcy Act of 1898, intended to cope with business failures, did not envision the problems of wage-earner debtors or afford realistic procedures with respect to them.

As we have been instructed through a long series of federal decisions, the purpose of that Bankruptcy Act was: (1) to apply the property of the insolvent person or corporation to the payment of the debts with as little expense and delay as would be consistent with the interests of the creditors, and (2) to relieve the honest and unfortunate debtor from his debts and give him another opportunity in the industrial life of the community.[2] With the advent of consumer credit one of the primary purposes of the Act was not being met for in the great majority of bankruptcy cases (today almost 90%) there are virtually no assets for distribution to creditors.

The great depression of the 1930's found many non-business debtors in deep distress. Mostly they were insolvent in the bankruptcy sense and uniformly they were unable to pay their debts as they matured. Congress, recognizing the necessity of measures for their relief, in keeping with the changing order of things, took action through enactment of Chapter XIII, one of the many 1938 amendments of the Bankruptcy Act. Chapter XIII created a method by which a wage earner debtor may, under the protection and guidance of the Bankruptcy Court, pay his creditors in full in installments or effect a composition entailing payment of a

[1] Section 1001 et seq., Title 11, U.S.C.A.

[2] In re Munford, 255 Fed. 108 (1919); Kothe v. R. C. Taylor Trust, 280 U. S. 224 (1930); Local Loan Co. v. Hunt, 292 U.S. 234 (1934).

percentage of his debts over a time, in each instance without becoming a bankrupt.

When Chapter XIII was first passed, it was limited to those whose income did not exceed $3,600. In 1950 the limit was rasied to $5,000. In 1959 all monetary restrictions were eliminated. Under the Chapter both secured and unsecured debts may be adjusted, excepting debts secured by liens on real property which are excluded by the terms of Section 606(1). Unsecured debts must be dealt with on equal terms. Secured debts may be dealt with severally. By virtue of Sections 621 and 622 a Chapter XIII petition may be filed in a pending bankruptcy proceeding, either before or after adjudication, or if no bankruptcy proceeding is pending, as an original petition.

Chapter XIII has worked, *where it has been used*. But its use has not been uniform or distributed in any discernibly logical pattern. Its greatest employment has been in the following 8 states in which the ratio of Chapter XIII cases to total bankruptcy filings over the perod 1957–1962 has been as follows: Missouri (12.4%), Iowa (24.3%), Georgia (29.2%), Maine (36.3%), Tennessee (43.1%), Kansas (53.9%), Arkansas (61%), and Alabama (86%). The remaining 42 states, in the ratio of Chapter XIII cases to straight bankruptcies, descend from 15% in Idaho to less than 1%. Although there were only 6 federal districts in the United States in which no Chapter XIII cases were filed in 1962, there were six districts wherein more than 1,000 such cases were filed, six additional districts with more than 500, and 18 districts with more than 100 Chapter XIII filings.

Although the use of Chapter XIII has varied widely it has been gradually increasing in popularity and to an accelerated degree in the last few years, as the following progression of figures shows for the filings in the years 1957 through 1962:

1957	11,549
1958	13,391
1959	12,993
1960	13,599
1961	19,723
1962	22,880
1963	24,329

This has been due in part to the endorsement of its use by the Judicial Conference of the United States and the promotional efforts of the Bankruptcy Division of the Administrative Office of the United States Courts. A total of $6,344,660 was paid to creditors in Chapter XIII proceedings successfully completed in fiscal year 1962. During the last ten years (1953 thru 1962) a total of $37,824,436 has been paid to creditors in cases successfully concluded under Chapter XIII, of which amount $25,805,371 was paid during the years 1958 through 1962.

The use of Chapter XIII also has depended and will depend on personal factors, the disparate attitudes of those who actively favor the device; who dislike it; who have not familiarized themselves with it; and who choose to ignore it. Some of these are to be found in each of these groups: Creditors, especially of the merchant, finance-company and collection-agency classes to whom innumerable relatively small debts are due; employers, especially those who are affected and usually annoyed or enraged by garnishments and collection methods used to obtain payments from their employees; the referees in bankruptcy, upon whom fall the burden of supervising the use of Chapter XIII; debtors' attorneys, who must advise debtors as to the relief they should seek; and, of course, the debtors, the persons whose inability to pay lies at the root of the problem.

There is no reason whatever why Chapter XIII should not be widely used and its use welcomed by all in the groups mentioned and the economy as a whole be thereby benefited. In the areas in which the use of Chapter XIII is widespread, the creditors are getting nearly 100% of their accounts; whereas in straight bankruptcy proceedings throughout the whole country less than 10% of the cases produce anything at all for the creditors, and even in those cases only small dividends are paid. Certainly the creditor class ought to want to promote the use of Chapter XIII. Employers ought to be for it, for its use definitely stimulates the morale of their employees and their ability to concentrate on their employment; it protects employers from the burdens of garnishments and collection calls without the necessity of their employees resorting to the extreme and desperate straight bankruptcy proceedings, and thus is beneficial to the whole community; and indirectly in the overall cases in the community it also results in employers being able to collect from their debtors. The referees ought to be for it for it is their duty to carry out the spirit and purpose of the Act and to promote the public good; and they are or should be keenly aware of the tremendous financial losses straight bankruptcy is causing and of the lowering of the moral tone which wholesale bankruptcy is producing; and they ought to remember that the Judicial Conference of the United States has called upon them to urge the use of Chapter XIII in all feasible cases. And the debtors ought to be for it because it enables them to pay their debts, relieve themselves from collection procedures and pressures, discharge both their legal and moral obligations and hold their heads high, and avoid the stigma of bankruptcy.

On initial consideration some attorneys have wondered why they should recommend Chapter XIII to a debtor when he may be relieved of all his debts without payment by petitioning for straight bankruptcy. Fundamentally the question is, what is in the best interest of the debtor-client. If, with a reasonable effort, the debtor is able to pay his debts out of future earnings, he should be advised that in the event of straight bankruptcy he may be faced with the following problems: (1) Some obligations may not be dischargeable in straight bankruptcy and so despite the proceedings the bankrupt may be surprised by being faced with future legal action on debts that he thought would be wiped out by bankruptcy. (2) He will no longer be able to obtain credit from some banks, merchants, finance companies and other credit grantors. His credit on major obligations is likely to be determined by the amount of real security that he can thereafter offer. Many applications for credit ask "have you ever been a bankrupt". A debtor under Chapter XIII is not a bankrupt and can answer "no". (3) Some types of future employment may not be open to him, or he may be prejudiced in obtaining certain jobs or positions. Many employers are concerned with an employee's ability to handle his personal affairs, including family finances. This is why employment applications often require statements as to indebtedness and whether the applicant has been a bankrupt. (4) The bankruptcy may be a continuing matter of embarrassment to the family and relatives for many look upon it as a failure to live up to moral obligations. (5) At least some neighbors, friends and fellow employees are likely to look upon the action as a blot on the character of the debtor. (6) There is likely to be a loss of some self-respect, for only a very callous person can approach straight bankruptcy without feeling that he has let someone down—and in some it creates the feeling of hiding in the closet.

It is conceded, of course, that some straight bankruptcies are inevitably necessary. Many wage earners are confronted with factual situations which preclude the use of Chapter XIII. But the experience of the districts in which Chapter XIII has been accepted proves that nearly all wage earners can and should file under that Chapter. If they had, the bankruptcy statistics for a recent year show, the creditors would have received payments aggregating $177,515,000.00, whereas in 1961 they actually received $5,150,000.00, a startling difference of $112,365,000.00. It is clear we are not dealing with trifling sums or trifling problems when we compare Chapter XIII and straight-bankruptcy results.

This appeal, therefore, is addressed to all creditors, employers, debtors, and debtors' attorneys. The people of the United States have nothing to lose and much to gain if there is more and more use of Chapter XIII in appropriate cases. And Chapter XIII will work if all understand the problems of the harassed debtor as he seeks to pursue the Chapter XIII route. The cooperation of every one involved will result, we are convinced, in making the use of Chapter XIII the rule and bankruptcy the exception.

Denver, April 10, 1963.

BENJAMIN C. HILLIARD, Jr.
WILLSON HURT

S. 3626—INTRODUCTION OF A BILL TO AUTHORIZE THE ICC TO ESTABLISH THROUGH ROUTES AND JOINT RATES

Mr. MOSS. Mr. President, I introduce a bill to authorize the Interstate Commerce Commission, after investigation and hearing, to require the establishment of through routes and joint rates between motor common carriers of property, and between such carriers and common carriers by rail, express, and water, and for other purposes.

There is presently pending before the Commerce Committee, S. 2245, a bill introduced at the request of the Interstate Commerce Commission, which has the same objective as my bill. However, my bill differs in that it contains certain standards or safeguards to prevent undue burdens upon the carriers who may be required by the ICC to establish through routes and joint rates. These standards are that the duty of the carriers to establish such routes and rates is limited to instances where there has been a reasonable request therefore; that the carrier with whom another carrier is required to interchange traffic is and remains financially responsible; and that the rate or charge fixed by the Commission is just and reasonable with reference to the facts and circumstances attending the service to which the rate or charge is applicable.

This bill gives the Commission the power it seeks in appropriate cases while at the same time it protects the rights of persons affected thereby.

This bill may not be the only or even the best solution, but it should be considered at the same time as hearings are held on S. 2245.

The PRESIDING OFFICER (Mr. CRANSTON). The bill will be received and appropriately referred.

The bill (S. 3626) to authorize the Interstate Commerce Commission, after investigation and hearing, to require the establishment of through routes and joint rates between the motor common carriers of property, and between such carriers and common carriers by rail, express, and water, and for other purposes introduced by Mr. Moss, was received, read twice by its title, and referred to the Committee on Commerce.

S. 3628—INTRODUCTION OF A BILL TO AUTHORIZE AN INCREASE IN THE RESOURCES OF THE INTERNATIONAL MONETARY FUND AND THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

Mr. FULBRIGHT. Mr. President, by request, I introduce, for appropriate reference, a bill to authorize an increase in the resources of the International Monetary Fund and the International Bank for Reconstruction and Development, and for other purposes.

The bill has been requested by the Secretary of the Treasury and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Secretary dated March 17, 1970, to the Vice President.

The PRESIDING OFFICER (Mr. GRAVEL). The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the RECORD.

The bill (S. 3628) to authorize an increase in the resources of the International Monetary Fund and the International Bank for Reconstruction and Development and for other purposes, introduced by Mr. FULBRIGHT, by request, was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S. 3628

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Bretton Woods Agreements Act (22 U.S.C. 286–286k–2) is amended by adding at the end thereof the following new sections:

"SEC. 22. (a) The United States Governor of the Fund is authorized to consent to an increase of $1,540,000,000 in the quota of the United States in the Fund.

"(b) In order to pay the increase in the United States quota in the Fund provided for in this section, there is hereby authorized to be appropriated $1,540,000,000 to remain available until expended.

"SEC. 23. (a) The United States Governor of the Bank is authorized—

"(1) to vote for an increase of $3,000,000,000 in the authorized capital stock of the Bank, and

"(2) if such increases become effective, to subscribe on behalf of the United States to 2,461 additional shares of the capital stock of the Bank.

"(b) In order to pay for the increase in the United States subscription to the Bank provided for in this section, there is hereby authorized to be appropriated $246,100,000 to remain available until expended."

SEC. 2. Section 6 of the Special Drawing Rights Act (22 U.S.C. 286q) is amended to read as follows:

"Unless Congress by law authorizes such action, neither the President nor any person or agency shall on behalf of the United States vote to allocate in each basic period Special Drawing Rights under article XXIV, sections 2 and 3, of the Articles of Agreement of the Fund so that allocations to the United States in that period exceed an amount equal to the United States quota in the Fund as authorized under the Bretton Woods Agreements Act of 1945, as amended."

The letter, presented by Mr. FULBRIGHT, is as follows:

THE SECRETARY OF THE TREASURY,
Washington, March 17, 1970.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a draft of a proposed bill, "To authorize an increase in the resources of the International Monetary Fund and the International Bank for Reconstruction and Development, and for other purposes," in order to allow the United States to participate with other members of the International Monetary Fund and the World Bank in an increase in the resources of these two institutions.

The International Monetary Fund and the International Bank for Reconstruction and Development (the World Bank) are outstandingly successful international organizations. The Fund is the principal instrument of international monetary cooperation and has contributed immeasurably to the maintenance of a strong international monetary system that is so essential to a prosperous world economy. The World Bank conducts the joint efforts of over a hundred nations in the task of promoting economic development. As of December 31, 1969, the Bank had made 651 loans in 88 countries totaling over $13.4 billion. The Bank has achieved a high reputation for its expertise, for the quality of its judgment and for its concrete contribution to the economic growth of its less-developed members.

Proposals have now been made to increase their resources so that these institutions may continue to play an effective role in carrying out their objectives. The Fund has recently completed its five year review of the size of its members' quotas to determine whether it is able to provide adequate resources of conditional liquidity on the scale required by the growth of the world economy. In the light of this review and on the recommendation of the Executive Directors of the Fund, the Board of Governors on February 9, 1970, adopted a proposal for increases in total quotas from the current level of $21.3 billion. This $7.6 billion increase, shared in by members in varying degrees taking into account changes in their relative economic positions, will provide a sufficient growth in conditional liquidity to accommodate rapidly expanding world trade and payments.

An increase of 29.8 percent is proposed in the United States quota, raising it from $5,160 million to $6,700 million. Of this amount, 25 percent is equivalent to a general increase and 4.8 percent is equivalent to a selective increase for the United States, taking account of our economic growth during the past five years relative to that of other countires. A large number of other Fund members will also be receiving special increases. The relatively large special increases for Canada, France, Germany, Italy and Japan are particularly welcome since these countries have experienced rapid economic growth and are now in a better position to contribute proportionately more to the resources of the Fund.

Since the establishment of the Bank and the Fund, it has been a general principle that countries receiving special increases in their Fund quotas increase their subscription to the capital of the Bank by a corresponding amount. The basic reason for following the principle of parallel contributions is that a selective increase in a Fund member's quota is generally considered to be a reflection of an increase in that member's overall economic strength. It has been the judgment of both institutions that this overall increase in economic strength should permit a country to add to the resources of the Bank. While the United States has not previously had a selective increase in its Fund quota, and thus has not had an opportunity to accept a special increase in the Bank, the United States has strongly supported the policy of parallel contributions and this policy has resulted in a fairer sharing of contributions to the capital of the Bank.

It is anticipated that the countries which are eligible for Fund quota increases in excess of 25 percent will subscribe to additional Bank shares corresponding to the special increase they consent to in the Fund. If all member countries participate fully, the Bank, in accordance with the terms of the proposed resolution, will be authorized to accept special subscriptions from 75 members totaling $2,222.0 million. As a result of the increase in the United States Fund quota, an increased subscription of Bank capital is proposed for the United States in the amount of $246,100,000. If this increase is accepted it would bring the present United States Bank subscription of $6,350 million to a total of $6,596.1 million.

The Bank does not presently have sufficient authorized capital for the proposed special increases in subscriptions. In order to accommodate the increases in subscriptions which have been recommended by the Executive Directors of the Bank, and to have available sufficient unsubscribed capital (approximately $1.6 billion) for future individual increases and for subscriptions for new members, the Executive Directors have also submitted a resolution to the Board of Governors of the Bank which would increase the authorized capital stock of the Bank by $3 billion.

The enclosed draft bill would authorize the United States Governor of the Fund to consent to a $1,540 million increase in our Fund quota, and authorize the United States Governor of the Bank (1) to vote for the $3 billion increase in the capital stock of the Bank, and (2) subscribe to 2,461 additional shares of the Bank's capital. The proposed legislation would also authorize the appropriation of $1,540 million for payment of the United States increase in Fund quota and $246.1 million for payment of the Bank subscription. The Fund subscription is payable 25 percent in gold and the remainder in the form of a dollar letter of credit. Only 10 percent of the Bank subscription must be paid in, with the remaining 90 percent callable to meet obligations of the Bank.

The draft bill also provides authority for the United States to vote for allocations of Special Drawing Rights (SDRs) to the United States in any future basic period in an amount equal to the proposed new United States quota—$6,700 million. This follows the precedent of existing legislation which bases the limit on United States authority to vote for SDR allocations to the United States upon the size of the U.S. quota in the Fund. It was expected that this limit would have to be increased from time to time. The proposed new limit would set the new U.S. quota or any increased U.S. quota subsequently approved by Congress as the amount of SDR allocations to the United States which the United States Governor of the Fund could vote to create in any basic allocation period. A vote for any additional amount would require Congressional authorization.

The Bank and the Fund were created in 1945 at the initiative of the United States and since that time the United States has strongly supported their activities. Congress has indicated its continued support by authorizing increases in the United States subscriptions in the Fund and Bank in 1959

and an increase in the United States quota in the Fund in 1965. Two years ago Congress approved United States participation in the IMF's Special Drawing Rights facility.

The Fund and Bank have been of great benefit to the world economy and to the United States. The increase in resources proposed in the legislation transmitted herewith will make a significant contribution to their continued ability to carry out their assigned tasks.

Action by Congress is needed in particular so that the United States may increase its quota before the next allocation of Special Drawing Rights in January 1971. Otherwise, the United States will be allocated $130 million less SDRs than it would receive if its new quota were in effect. Moreover, as a practical matter, the increase in Bank subscriptions cannot go into effect until the United States votes on the proposed $3 billion increase in capital stock because a 75 percent weighted majority is required and the United States has almost 25 percent of the vote. Therefore, Congressional action is needed in order to allow other countries to subscribe and provide the Bank with needed resources.

For these reasons, I urge that the legislation to increase United States participation in the Fund and Bank receive prompt and favorable consideration from the Congress.

Enclosed is a report of the National Advisory Council on International Monetary and Financial Policies which strongly endorses the proposed increases in quotas and subscriptions, including those for the United States, and sets forth the details of both the Fund and Bank subscription increases.

It will be appreciated if you would lay the proposed bill before the Senate. A similar proposed bill has been transmitted to the House of Representatives.

The Department has been advised by the Bureau of the Budget that the proposed legislation is in accord with the program of the President.

Sincerely yours,

DAVID M. KENNEDY.

S. 3629—INTRODUCTION OF A BILL TO AMEND THE LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

Mr. PROUTY. Mr. President, I introduce a bill to amend the Longshoremen and Harbor Workers' Compensation Act and ask that it be appropriately referred. This bill implements the proposals made in this area by the administration which are encompassed in a message transmitted to the President of the Senate by the Secretary of Labor.

My remarks will be brief, as I intend to place a full explanation of this proposed legislation in the RECORD.

Most longshoremen today, Mr. President, average around $200 a week in wages, and an increase in the compensation payable to them for work-connected disabilities is long overdue.

Our Labor Committee has had this matter under consideration since 1967 but no legislation has been enacted. We all are aware of the inflationary aspects of our economy and the increases in the cost of living which have occurred since 1967.

These amendments do many things. Most importantly perhaps is the fact that they raise minimum compensation payments from $18 to $35 per week and maximum payments from $70 to $119 per week, while also raising the limit on total payments for total or partial disability from $24,000 to $40,800.

Other important changes which would result from these amendments, Mr. President, include increasing the death benefits payable, liberalizing the statute of limitations, eliminating the waiting period for payment of compensation, and expanding the definition of disfigurement. Another important amendment, particularly to me, as ranking minority member of our Education Subcommittee is the change in the definition of "eligible child" to include "student" in order to permit children who are surviving dependents to continue to receive benefits after reaching 18 years of age as long as they are in a student status.

I also point out that another change made by these amendments should encourage the employment of handicapped individuals as a result of clarifying in the law conditions under which an employer provides compensation for disability caused by subsequent injuries.

In my opinion, Mr. President, this is basically excellent legislation and legislation which the longshoremen of this Nation deserve to have enacted during this session of Congress.

However, I do reserve the right to offer any amendments to this bill which I feel can improve it even further. In this connection, I note that the bill provides that the costs of administration, including administration of the safety program, are to be financed by assessments upon carriers and self-insurers. The International Longshoremen's Association and the International Longshoremen and Warehousemen's Union and the industry all opposed a similar provision during the last Congress, and I can see no valid reason at the present time for changing the historical practice of having these expenses paid by the Federal Government.

Mr. President, I ask unanimous consent that the bill, together with an explanatory statement and a section-by-section analysis be printed in the RECORD.

The PRESIDING OFFICER (Mr. GRAVEL). The bill will be received and appropriately referred; and, without objection, the bill, statement, and analysis will be printed in the RECORD.

The bill (S. 3629) to amend the Longshoremen's and Harbor Workers' Compensation Act to improve its benefits, and for other purposes, introduced by Mr. PROUTY, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 3629

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DEFINITIONS

SEC. 1. (a) Section 2(4) of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424, as amended), is amended to read as follows:

"(4) The term 'employer' means an employer any of whose employees are employed in maritime employment, in whole or in part, upon the navigable waters of the United States (including any drydock), and includes any vessel as defined herein."

(b) Section 2 of such Act is amended by renumbering paragraph (19) as (20), and adding a new paragraph (19) to read as follows:

"(19) The term 'vessel' means any vessel upon which or in connection with which any person entitled to benefits under this Act suffers injury or death arising out of or in the course of his employment, and said vessel's owner, owner pro hac vice, agent, operator, charterer or bare boat charterer, master, officer or crew member."

LIABILITY FOR COMPENSATION

SEC. 2. Section 4(a) of such Act is amended to read as follows:

"Every employer shall be liable for and shall secure the payment to his employees of the compensation payable under sections 7, 8, and 9 of this Act: Except, That a vessel shall be liable for and shall secure the payment of compensation only if another employer of the employee entitled to benefits hereunder does not secure the payment of such compensation. Where one or another employer, as defined herein, has secured compensation, such compensation shall be the exclusive remedy against any employer. In the case of an employer who is a subcontractor, the contractor shall be liable for and shall secure the payment of such compensation to employees of the subcontractor unless the subcontractor has secured such payment."

TIME FOR COMMENCEMENT OF COMPENSATION

SEC. 3. Section 6(a) of such Act is amended by striking "more than twenty-eight days" and substituting "more than twenty-one days."

INCREASES IN MAXIMUM AND MINIMUM LIMITS OF DISABILITY COMPENSATION AND ALLOWANCE

SEC. 4. (a) Section 6(b) of such Act is amended to read as follows:

"Compensation for disability, except as provided in section 14 hereof, shall not exceed $119 a week and compensation for total disability shall not be less than $35 per week: *Provided, however,* That if the employee's average weekly wages, as computed under section 10, are less than $35 per week, he shall receive as compensation for total disability his average weekly wages."

(b) Section 14(m) of such Act, except as provided in section 14 hereof, is amended by striking "$24,000" and substituting "$40,800."

DISFIGUREMENTS

SEC. 5. Section 8(c) of such Act is amended to read as follows:

"(20) Disfigurement: Proper and equitable compensation not to exceed $3,500, shall be awarded for serious disfigurement: (1) of the face, head, or neck; or (2) of other areas normally exposed while employed and which do handicap the employee in securing or maintaining employment."

INJURY FOLLOWING PREVIOUS IMPAIRMENT

SEC. 6 (a) Section 8(f)(1) of such Act is amended to read as follows:

"(f) Injury increasing disability: If an employee receives an injury which of itself would cause only permanent partial disability, but which combined with a previous disability does in fact cause permanent total disability or death, in addition to compensation for temporary total or temporary partial disability or both, the employer shall:

"(A) if the injury results in a disability which would entitle the employee to compensation for scheduled injuries under subdivision (c)(1) through (20) of this section, provide compensation as prescribed therein or for 104 weeks whichever is greater, or

"(B) if the injury results in a disability which would entitle the employee to compensation under subdivision (c)(21) of this section or death, provide compensation for 104 weeks only. After cessation of the payments for the period of weeks provided for

herein, the employee or his survivor entitled to benefits shall be paid the remainder of the compensation that would be due for permanent total disability or for death out of the special fund established in Section 44."

(b) Section 8(f) of such Act is further amended by striking paragraph (2).

STUDENT BENEFITS

SEC. 7. (a) Section 2 of such Act is further amended as follows:

(1) In paragraph (14) insert "(1)" in the fourth sentence between "are" and "under"; delete the period after "disability" at the end of the sentence; and add ", or (2) are students as defined in paragraph (21) of this section."

(2) Add a new paragraph (21) to read as follows:

"(21) The term 'student' means a person regularly pursuing a full-time course of study or training at an institution which is—

"(A) a school or college or university operated or directly supported by the United States, or by any State or local government or political subdivision thereof, or

"(B) a school or college or university which has been accredited by a State or by a State-recognized or nationally recognized accrediting agency or body, or

"(C) a school or college or university not so accredited but whose credits are accepted, or transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited, or

"(D) an additional type of educational or training institution as defined by the Secretary,

but not after he reaches the age of twenty-three or has completed four years of education beyond the high school level, except that, where his twenty-third birthday occurs during a semester or other enrollment period, he shall continue to be considered a student until the end of such semester or other enrollment period. A child shall not be deemed to have ceased to be a student during any interim between school years if the interim does not exceed five months and if he shows to the satisfaction of the deputy commissioner that he has a bona fide intention of continuing to pursue a full-time course of education or training during the semester or other enrollment period immediately following the interim or during peiods of reasonable duration which, in the judgment of the deputy commissioner, he is prevented by factors beyond his control from pursuing his education. A child shall not be deemed to be a student under this Act during a period of service in the Armed Forces of the United States or while receiving educational or training benefits under any other program authorized by the Congress of the United States."

(b) Section 8(d) of such Act is amended by striking the words "under the age of eighteen years" in paragraphs (1) and (4) thereof.

INCREASE IN DEATH BENEFITS

SEC. 8. (a) Sections 9 (b) and (c) of such Act are amended by striking "35" wherever it appears, and substituting "45".

(b) Section 9(d) of such Act is amended by striking out "15" and substituting "20".

(c) Section 9(e) of such Act is amended to read as follows:

"In computing death benefits, except as provided in section 14 hereof, the average weekly wages of the deceased shall be considered to have been not more than $178.50, nor less than $52.50, but the total weekly compensation shall not exceed the weekly wages of the deceased."

(d) Section 9(g) of such Act is amended by striking the comma after "may" and the words "at his option or upon the application of the insurance carrier shall" and "one-half of".

DEFENSE BASE ACT DEATH BENEFITS TO ALIEN AND NONNATIONAL SURVIVORS

SEC. 9. Section 2(b) of the Defense Base Act (55 Stat. 622), as amended, is amended by striking the comma after "may" and the words "at his option or upon the application of the insurance carrier shall" and "one-half of".

TIME FOR NOTICE AND CLAIMS

SEC. 10. (a) Section 12(a) of the Longshoremen's and Harbor Workers' Compensation Act is amended to read as follows:

"(a) Notice of an injury or death in respect of which compensation is payable under this Act shall be given within sixty days after the date fo such injury or death, or sixty days after the employee or beneficiary is aware or in the exercise of reasonable diligence should have been aware of a relationship between the injury or death and the employment. Such notice shall be given (1) to the deputy commissioner in the compensation district in which the injury occurred and (2) to the employer."

(b) Section 13(a) of such Act is amended to read as follows:

"(a) Except as otherwise provided in this section, the right to compensation for disability or death under this Act shall be barred unless a claim therefor is filed within one year after the injury or death. If payment of compensation has been made without an award on account of such injury or death a claim may be filed within one year after the date of the last payment. Such claim shall be filed with the deputy commissioner in the compensation district in which such injury or such death occurred. The time for filing a claim shall not begin to run until the employee or beneficiary is aware, or by the exercise of reasonable diligence should have been aware, of the relationship between the injury or death and the employment."

SPECIAL FUND

SEC. 11. (a) Section 8(d) of such Act is amended to read as follows:

"Any compensation to which any claimant would be entitled under subdivision (c) excepting subdivision (c–21) upon his death if there is no surviving wife, dependent husband, or child, shall be payable into the special fund established under Section 44(a) of this Act. Where there are survivors if death arises from causes other than the injury such compensation shall be payable to or for the benefit of the persons following:"

(b) Section 44(c)(1) of such Act is amended by striking out "$1,000" and substtiuting "$20,000".

ADMINISTRATION EXPENSES

SEC. 12. Section 45 of such Act is amended by adding the following new subsections:

"(c) At the end of each fiscal year the Secretary shall determine the cost of the administration of this Act, including the cost of administering section 41. The cost of administration shall include any expenses to be insured or which will accrue during such fiscal year.

"(d) The total cost so determined shall be prorated among the carriers and self-insurers authorized to insure under section 32 of this Act. The assessment basis in respect to an insurance carrier shall be the gross premiums collected by the carrier for risks covered by this Act during the preceding fiscal year. The assessment basis in respect to a self-insurer shall be the amount of premium, as determined by the Secretary, which such self-insurer would have had to pay during the fiscal year if he had accrued his compensation liability under this Act by insurance, such premium to be determined without regard to merit or experience rating.

"(e) The Secretary shall assess each carrier and self-insurer for its pro rata share of the total amount of the administration costs of this Act in the fiscal year as determined under this section, and shall give written notice by certified or registered mail to each carrier or self-insurer of the assessment against it.

(f) Each assessment shall be paid upon receipt of notice provided for in subsection (e) within such time as the Secretary shall prescribe in regulations made under this section.

"(g) All assessments under this section, when collected, shall be deposited in the Treasury of the United States as a separate fund. There is hereby authorized to be made available for expenditure from the fund such amounts as the Congress may deem appropriate for the necessary expenses of the Secretary of Labor for the performance of his functions under the Act.

"(h) The Secretary shall have authority to make such regulations as he deems necessary or appropriate to carry out the purposes of this section, including, but not limited to, provisions for the making and preservation of appropriate records, the inspection of such records, and the submission by carriers and self-insurers of reports prescribed by the Secretary.

"(i) In the event of failure by any carrier or self-insurer to pay the assessments referred to in subsection (g) of this section, to make and preserve records in the form and manner required by the Secretary, or to file a report in the form and manner required by him, or a denial of the right of the Secretary to inspect records required by regulations issued under this section, the Secretary may suspend or revoke the authorization of a carrier to insure compensation or a self-insurer to act as a self-insurer under this Act.

"(j) The provisions of this section shall apply to extensions of this Act in—

"(1) the Defense Base Act, as amended, approved August 16, 1941 (55 Stat. 622);

"(2) section 4(c) of the Outer Continental Shelf Lands Act, approved August 7, 1953 (67 Stat. 463);

"(3) section 2 of the Act of June 19, 1952, as amended, entitled 'An Act to confirm the status of certain civilian employees of nonappropriated fund instrumentalities under the Armed Forces with respect to laws administered by the Civil Service Commission, and for other purposes' (66 Stat. 139);

and such extensions as may be made from time to time to provide compensation for disability or death resulting from injury occurring to persons engaged in private employment, other than extensions in which it is provided that liability for such compensation will be assumed by the United States Government or its instrumentalities. The Secretary shall treat the administration of extensions to which this section applies as a part of the administration of this Act in computing assessments due."

APPROPRIATION

SEC. 13. Section 46 of such Act is amended to read as follows:

"(a) There is authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated for the fiscal year beginning July 1, 1970, sums necessary for administration of the Act pending receipt of assessments as authorized under section 45 hereof.

"(b) There are authorized to be appropriated in succeeding years sums which may be necessary to administer this Act including sums required whenever sufficient assessments are not collected and made available to the Secretary of Labor as provided by this Act.

"(c) There are also authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, for the current fiscal year and for succeeding fiscal years

to be deposited in the special fund established under section 44 of this Act, supplementary funds as may be necessary to meet the obligations incurred under the authority of that section."

DISTRICT OF COLUMBIA WORKMEN'S COMPENSATION ACT

SEC. 14. Section 1 of the Act of May 17, 1928, as amended (45 Stat. 600), extending the Longshoremen's and Harbor Worker's Compensation Act to the District of Columbia, amended to read as follows:

"(a) The provisions of the Longshoremen's and Harbor Worker's Compensation Act and all amendments thereto, except as indicated in subsections (b), (c) and (d) hereof, shall apply in respect to the injury or death of an employee of an employer carrying on any employment in the District of Columbia, irrespective of the place where the injury or death occurs, except that in applying such provisions the term 'employer' shall be held to mean every person carrying out any employment in the District of Columbia, and the term 'employee' shall be held to mean every employee of any such person.

"(b) Compensation for disability and for death benefits in the District of Columbia shall not exceed $85 a week.

"(c) The total money allowance payable to an employee in the District of Columbia under section 14(m) of the Longshoremen's and Harbor Workers' Compensation Act shall in no event exceed the aggregate of $29,160.

"(d) In computing death benefits in the District of Columbia the average weekly wages of the deceased shall be considered to have been no more than $127.50."

TECHNICAL AMENDMENT

SEC. 15. Section 3(a)(1) of such Act is amended by striking out the word "nor" and substituting the word "or".

SEC. 16. Section 47 of such Act is repealed and sections 48, 49, and 50 are renumbered, 47, 48, and 49 respectively.

EFFECTIVE DATE

SEC. 17. (a) The amendments made by sections 1 and 2 shall become effective thirty days after enactment.

(b) The amendments made by sections 3, 4, 5, 6, 7, 8, 9, 10, 11 and 14 shall become effective six (6) months after the date of enactment and said amendments shall relate only to injuries and deaths occurring after the effective date.

(c) The amendments made by section 12 shall become effective July 1, 1970.

(d) The amendments made by section 13 shall become effective on the date of enactment.

The statement and analysis, presented by Mr. PROUTY, are as follows:

STATEMENT IN EXPLANATION OF A BILL TO AMEND THE LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

INTRODUCTION

The purpose of this bill is to improve the Longshoremen's and Harbor Workers' Compensation Act by increasing benefits, liberalizing certain provisions of the Act, and removing the dual liability of stevedore and ship repair contractors for employment injuries to employees covered by the Act. At the present time, these employers are liable for compensation required by the Act and may also be liable for reimbursement to shipowners of amounts paid in damages by the shipowners to the same employees for the same injuries.

A comparatively small number of employees now recover substantial damages for their employment injuries from shipowners which must be ultimately paid by the Longshore Act employer, while the benefits under the Act, which the great majority of employees depend on for income when disabled are inadequate and out of date. The proposal combines provisions to break the circular liability chain and significantly improve benefits.

CIRCULAR LIABILITY CHAIN—LONGSHOREMEN VERSUS SHIPOWNERS VERSUS STEVEDORES

The initial point for consideration in the present circular liability chain which exists with respect to the Longshore Act is that the Act explicitly states that the liability of the employer for damages for injury or death resulting from employment of employees covered by it shall be *exclusive*.

The Longshore Act covers approximately 266,000 longshoremen and harbor workers. Of this number, 14,464 received workmen's compensation at some time during fiscal year 1968. In that same fiscal year, 1,320 cases were filed by Longshore Act employees in the U.S. district courts against third-party shipowners for damages for employment injuries.

Beginning in 1946 the courts established the principle that a shipowner owes an absolute warranty for seaworthiness to Longshore Act employees. This warranty has no relation to negligence and, under the decisions, makes a shipowner a virtual insurer for any employment injury which befalls a longshoreman, ship repairman or harbor worker aboard ship.

Under existing principles also formulated by the courts and first stated in 1955, the Longshore Act employer is liable to reimburse the shipowner for recoveries by Longshore Act employees for injuries for which the employer stands primarily liable under the Act. Since election between receiving compensation from an employer and bringing suits against a shipowner for the same injury is not required, the same employees are involved in an unknown number of both claim and litigation cases. Recoveries made by employees against shipowners, however, are offset against compensation payments under the Act. The courts in 1963 began applying the new principle that a shipowner employing longshoremen directly to unload his ship (acting as his own stevedore), is subject to damage suits by the longshoremen for employment injury, despite the fact that the shipowner is an employer under the Longshore Act.

The provisions of this bill relating to the circular and enhanced liability of Longshore Act employers are intended to reinstate the exclusive liability principle of the Act.

INCREASE OF PRESENT MAXIMUM AND MINIMUM COMPENSATION

The existing minimum disability compensation payment of $18 weekly was established in 1956 and the existing maximum payment of $70 weekly was established in 1961. In the interim since 1961 to June 1969, the average weekly wage in ship and boat building and repair has increased by 35%.

We estimate that in 1970 most longshoremen will be earning nearly $200 a week. The base rate under union contracts will be $4.60 an hour in all ports except San Francisco and the Great Lakes. The base rate in San Francisco will average $4.81 an hour for a standard 8 hour day (including a guarantee of 2 hours overtime daily). In the Great Lakes the basic rate will be $4.02 an hour, increasing to $4.71 an hour in 1971. The 1970 rates for the West Coast become effective in June 1970, for the East and Gulf Coasts in October 1970, and April for the Great Lakes.

In 1961, when the present $70 weekly maximum was put into effect, the average earnings of a longshoreman working a 40 hour week, handling general cargo, were $129.60. In 1970, the comparable figure will be $192.60 an increase of 49%. The weekly earnings in 1970, again assuming a 40-hour week and using the general cargo rate, will be $184.00 in most East and Gulf Coast ports and $160.80 on the Great Lakes. These earnings represent increases over 1961 of more than 50%. It should be noted, however, that these calculations are made on basic general cargo rates. Most workers will earn considerably more because of penalty cargo rate paid for handling certain types of cargo and for different working conditions.

In view of the above facts, an increase in the maximum compensation under the Longshore Act of $119 a week is recommended.

Since wages in the District of Columbia, to which the Longshore Act applies, average approximately $132 a week, a lower maximum of $85 is set for employment injuries in that jurisdiction and a proportionate overall maximum increase for temporary total disability to $29,160.

The minimum compensation would also be increased from $18 to $35 weekly to provide a totally disabled employee with sufficient funds to meet the cost of minimum subsistence. Employees whose wages do not exceed the new minimum are entitled to their entire wages free of the Act's percentage limitation otherwise applicable. With today's living costs it is evident that employees making less than $35 weekly would not be able to subsist on 66⅔ percent of their earnings.

The Act presently provides that temporary total disability benefits may not exceed $24,000. An increase in this overall maximum proportionate to the increase in the weekly maximum is provided. The increase would be to $40,800 except in the District of Columbia.

INCREASE IN DEATH BENEFIT PERCENTAGES AND AUTHORIZATION OF STUDENT BENEFITS

The percentage of an employee's wage which may be drawn by a widow is increased from 35% to 45%, and of surviving grandchildren and sisters and brothers eligible for benefits, from 15% to 20%.

Further, surviving children in a student status, as defined by the bill, would be authorized to continue to receive benefits after reaching 18 years of age.

DISFIGUREMENT

The lump sum payment of $3,500 is extended to be paid for disfigurement of the neck, as well as of the face and head, and also of other normally exposed areas which would affect employability.

REDUCTION IN LENGTH OF DISABILITY BEFORE ELIMINATION OF WAITING PERIOD AND EXTENSION NOTICE AND CLAIM TIME

Since 1956 the Act has provided that there must be a three-day waiting period unless the disability continues for at least 28 days. The bill reduces the period to 21 days, after which compensation is payable for the waiting period. This improvement is in line with modern workmen's compensation law trends.

The Act now provides that notice of injury or death shall be given within 30 days and claim for compensation or death shall be filed within one year after the injury or death. These time limits do not take into consideration the later development of latent disability from a relatively minor accident, or disease causally related to the employment. The time for giving notice of injury and filing claim for compensation or death is, therefore, extended to 60 days after the employee or the beneficiary is aware, or in the exercise of reasonable diligence should have been aware, of a relationship between the disabling conditions or the death and the employment.

SPECIAL FUNDS

Two special funds are established under the Act. One, is for employees covered by the Longshore Act and its extensions; and the other, for workers in the District of Columbia. The funds provide continuing compensation for permanently disabled workers, or their survivors, when so-called second

injuries are suffered by employees with existing physical impairments. The special fund payments begin when payments attributable to the second injury have been completed by the employer or insurance carrier who is liable.

The funds also provide compensation payments when an employer becomes insolvent, and for expenses of vocational rehabilitation when necessary in certain cases, including a living allowance not to exceed $25 a week.

Financing of the funds is provided by fines and penalties collected under the Act, interest, and sums of $1,000 paid into the fund in nonsurvivor death cases. The Longshore Act fund is now in a precarious state. Annual disbursements are in excess of annual income and the outstanding liabilities against the fund exceed the amounts it contains.

In order to finance the Longshore special funds adequately, the bill requires that employers or insurance carriers in cases where an employee suffering employment injury dies and there is no eligible beneficiary pay into the funds any amounts remaining unpaid under a schedule award. It also increases from $1,000 to $20,000 the amount which must be contributed by employers or carriers into the funds in all cases where an employee dies from an employment injury and there is no eligible beneficiary. At present compensation levels, the average compensation paid in fatal cases under the Longshore Act is $35,000. The contribution of $20,000, therefore, where the potential liability is so much greater appears reasonable.

Provision is made also for an appropriation when necessary to supplement the special fund.

ADMINISTRATION EXPENSES

In line with the policy of defraying the cost of Government programs related to particular industries by charges on the industries, the bill also authorizes financing of the cost of the Act's administration, including the safety program conducted pursuant to section 41, by a pro rata assessment made by the Secretary upon carriers and self-insurers upon the basis of gross premiums paid to the carriers or the amounts self-insurers would have paid if they purchased insurance. Procedures for making the assessment are provided. Authorization is made for appropriation from Congress until the assessments are collected and when funds are not otherwise available.

In view of the length of time since improvements have been made in the compensation program under the Longshore Act early action is sought to provide income maintenance for injured employees within its terms in keeping with wages and other current economic factors.

SECTION-BY-SECTION SUMMARY OF BILL TO AMEND THE LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

Section 1—*Definitions*—(a) Amends section 2(4) of the Act to extend the definition of "employer" to include "vessel."

(b) Amends section 2 of the Act by renumbering paragraph (20) and adding a new paragraph (19) to define "vessel."

Section 2—*Liability for Compensation*—Amends section 4 of the Act, requiring employers to secure compensation, to except vessels unless another employer of an employee entitled to benefits under the Longshore Act does not secure compensation. Provides further that when an employer, as defined under the Act, secures compensation, such compensation shall be the exclusive remedy against any employer.

Section 3—*Waiting Period*—Amends section 6(a) of the Act to permit payment of compensation without a waiting period when the disability exceeds 21 days. A three-day waiting period is now specified unless the disability exceeds 28 days.

Section 4 (a) and (b)—*Maximum and Minimum*—Amends section 6(b) of the Act to increase the maximum of $70 a week to $119 a week; the minimum from $18 to $35; and amends section 14(m) to increase the overall money limit for temporary and partial disability from $24,000 to $40,800.

Section 5—*Disfigurement*—Amends section 8(c)(20) of the Act to expand the meaning of compensable disfigurement to include, in addition to the face and head, disfigurement of neck, or of any other area normally exposed while employed which would handicap an employee in obtaining or holding employment.

Section 6—*Injury following previous impairment*—Amends section 8(f)(1) to clarify and make definite the conditions under which an employer provides compensation for disability caused by subsequent injuries and thus to encourage employment of handicapped persons.

Section 7—*Student benefits*—(a) Amends section 2(14) of the Act to add "student" to definition of eligible "child" and adds a new paragraph (21) to define "student" for the purpose of continuing benefits to certain surviving dependents while they are in school.

(b) Amends section 8(d) to allow surviving dependents to receive benefits beyond 18 years of age if in a student status.

Section 8—*Death benefits*—(a) Amends section 9 (b) and (c) of the Act to increase the death benefits to the surviving wife or dependent husband from 35 to 45 percent of the deceased employee's average wages.

(b) Amends section 9(d) to increase the death benefit for dependent grandchildren, brothers or sisters from 15 to 20 percent of such average wages.

(d) Amends section 9(e) to increase the maximum weekly wages for computation of death benefits from $105 to $178.50 and increases the minimum from $27 to $52.50.

(d) Amends section 9(g), which provides for the commutation of compensation benefits to certain aliens who are not residents of the United States or Canada. The section now requires the Secretary, upon application of an insurance company, to commute future installments of compensation to such aliens by paying one-half the commuted amount of future compensation. The amendment removes the requirement for commutation payments and permits the Secretary to commute in his discretion.

Section 9—*Defense Base Act—Benefits to Alien Survivors*—The Defense Base Act extends the benefits of the Longshoremen's and Harbor Workers' Compensation Act to employees of contractors at United States bases or on public works where such contracts are performed outside the continental United States. Section 2(b) of that Act respecting compensation payments for non-resident aliens is similar to section 9(g) of the Longshoremen's Act. This bill, therefore, amends section 2(b) of the Defense Base Act to conform to amendment to Longshore Act described in preceding section.

Section 10—*Time for Notice and Claim*—Amends section 12(a) to extend the time for giving notice of injury or death to the deputy commissioner and to the employer, from 30 days after the injury or death to 60 days after the employee or the beneficiary is aware or in the exercise of reasonable diligence should have been aware of a relationship between the injury or death and the employment.

(b) Amends section 13(a) to defer the time for filing a claim for compensation for injury or death in latent disability cases. The Act now provides that a claim must be filed within one year after the injury or death, or if payment of compensation has been made without an award a claim may be filed within one year after the date of the last payment. The amendment provides that the time for filing claim shall not begin to run until the employee or beneficiary is aware, or by the exercise of reasonable diligence should have been aware of the relationship between the injury or death and the employment.

Section 11—*Special Fund*—(a) Amends section 8(d) by providing for payment into the special fund, described in section 44(a) of the Act, of any disability compensation due to an employee under a scheduled award when he has no survivors.

(b) Amends section 44(c)(1) by substituting $20,000 for the $1,000 now required to be paid into the special fund by the employer or insurance carrier upon the death of an employee resulting from employment injury when there are no survivors.

Section 12—*Administration Expenses*—Amends section 45(a) to add new subsections (c) through (1) providing for the Secretary at the end of each fiscal year to assess carriers and self-insurers for cost of administration for next fiscal year.

Section 13—*Appropriation*—Amends section 46, (a) to authorize appropriation of amounts necessary for administration of Act in fiscal year beginning July 1, 1970, pending receipt of assessments authorized by section 45, (b) authorizes appropriations for administration when sufficient assessments are not collected, and (c) authorizes supplementary funds as necessary to meet obligations of special fund under section 44 of the Act.

Section 14—*D.C. Workmen's Compensation Act*—(a), (b) and (c)—Provides that the maximum compensation rate in the District of Columbia under extension of the Longshore Act in 45 Stat. 600, will be $85 a week and the overall maximum in temporary total disability cases will be $29,160.

(d) Provides the basis for computing death benefits shall be considered to be no more than $127.50.

Section 15—*Technical Amendment*—Makes grammatical change of substituting "or" for "nor" in Section 3(a)(1) of the Act.

Section 16—Repeals sections 47 "Availability of Appropriations." No longer needed.

Section 17—*Effective Date*—Provides for effective dates for different sections and that higher benefits and other related provisions shall apply only to injuries and deaths therefrom sustained after the effective date indicated.

S. 3631—INTRODUCTION OF A BILL TO ESTABLISH A NATIONAL MARINE MINERAL RESOURCES TRUST

Mr. NELSON. Mr. President, today I am introducing a bill to establish a national marine resources trust to halt further oil drilling that is destroying the ocean environment by massive oil spills.

All remaining ocean oil and other mineral deposits under Federal jurisdiction would be held in the national trust until needed and until we can avoid environmental damage from their extraction.

The present lack of knowledge about oil in the sea makes it an environmental folly to go on drilling new ocean wells until we are better prepared to cope with the dangers.

Already, untold thousands of birds have been killed, beaches blackened, and permanent threats posed to marine life because of oil disasters from Santa Barbara to the recent spills off Florida, Massachusetts, and Nova Scotia.

Now, massive oil spills, larger even than the Santa Barbara catastrophe, has been spreading from unplugged offshore wells in the Gulf of Mexico.

Because of oil and other ocean pollu-

tion, scientists are now predicting the end of all productive life in the sea in 50 years or much less. In effect, we are slamming the door on the last chance for a livable world.

Last year, the President's Panel on Oil Spills confirmed that we do not have the technology to contain the oil from a major ocean accident. Yet by 1980, in a shocking invitation for trouble, we will be drilling 3,000 to 5,000 ocean oil wells worldwide each year.

Under the bill I am introducing today, untapped ocean oil and other minerals in the Federal domain would be held in the national trust until the Secretary of the Interior, with the concurrence of the President's Council on Environmental Quality, determines that—

First, there are technological and other means adequate to prevent damage to the marine environment resulting from exploration, extraction and transportation of marine mineral resources;

Second, ecologically sensitive areas of the marine environment, such as the Santa Barbara Channel, will be identified and permanently preserved;

Third, there is a national requirement for these resources which cannot be satisfied, consistent with the requirements of national security, by any other practicable means.

Further, the legislation would provide for any areas eventually released from the national trust after meeting the above conditions that tough environmental management plans would have to be set before the areas could be leased for oil or any other purpose.

Under this section of the bill, the Secretary of the Interior, with the aid of a scientific commission, would take an inventory of the marine environment and project all our ocean needs, including recreation and fishing, 50 years into the future.

Before oil leases could be granted, public hearings would be held, and the management plans would have to be concurred in by the President's Council on Environmental Quality. Further, and importantly, leases could not be granted unless there was convincing evidence that the mineral extraction would not harm the environment.

These broad-gaged provisions would give a major new thrust environmental protection thrust to the Outer Continental Shelf Lands Act, which they would amend. For the first time, we would have an environmental management policy for our fragile ocean resources that would protect the sea from the consequences of our escalating marine activities. The sea is a vital last frontier which we can no longer afford to treat as if it were created for our limitless plunder.

Numerous Federal and scientific reports which I and my staff have consulted in preparing this legislation including reports by the President's Panel on Oil Spills; the Commission on Marine Science, Engineering and Resources; the National Council on Marine Resources and Engineering Development and the National Academy of Sciences, all give ample evidence of the inadequacies of our present ocean policies and the need to act now to establish effective new approaches.

I ask unanimous consent, that the bill I have introduced today be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. BELLMON). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3631) to amend the Outer Continental Shelf Lands Act, to establish a national marine mineral resources trust, and for other purposes, introduced by Mr. NELSON, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 3631

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. 1331–1343) is amended by the addition of the following new sections to title 43 of the United States Code:

"SEC. 1344. (a) There is established in the Department of the Interior an Advisory Committee on the Marine Environment, appointed by the Secretary of the Interior with the concurrence of the Council on Environmental Quality, comprised of eleven members who shall be qualified by training and experience to advise the Secretary of the Interior in the management and protection of the marine environment of the United States. The disciplines represented by the members of the Committee shall include, among others, marine biology and ecology, physical or chemical oceanography, marine geology, resource economics, and marine resources law. The Committee shall consult with and advise the Secretary in the discharge of his responsibilities under section 1345 and in the development of the inventories and analyses required by subsections (c) and (d) of section 1347, and shall analyze and review management plans under subsection (e) of section 1347 and the implementation and enforcement of such plans. The Committee shall conduct annual or more frequent studies of the status and quality of the Secretary's efforts undertaken to implement section 1345, investigations of the quality and the effectiveness of management plans developed under section 1348, including investigations of the effectiveness of public participation in the development of such plans, reviews of the Secretary's actions in the implementation and enforcement of management plans, and generally shall make such investigations, studies, and recommendations at such times as are required for the successful implementation and administration of the program under sections 1344–1349. The Committee shall transmit the reports of its investigations, studies, and recommendations to the Secretary and the Council on Environmental Quality, and shall make such reports available to the public. The Committee also shall transmit to the Secretary and the Chairman of the Council and make publicly available a report annually on the progress achieved during the preceding year in protecting and enhancing the marine environment together with its recommedations.

"(b) No officer or employee of the United States or of any State shall be appointed to membership on the Committee. The Committee shall be served by a permanent professional staff comprised of persons who are qualified by training and experience in the disciplines relevant to the management and protection of marine environment.

"(c) Members of the Committee shall each receive $100 per diem when engaged in the actual performance of duties of the Committee and reimbursement of travel expenses, including per diem in lieu of subsistence, as authorized in section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73b–2), for persons employed intermittently.

"(d) The Committee shall appoint and fix the compensation of such personnel as it deems advisable in accordance with the civil service laws and the Classification Act of 1949, as amended. In addition, the Committee may secure temporary and intermittent services to the same extent as it authorized for the departments by section 15 of the Administrative Expenses Act of 1946 (60 Stat. 810) but at rates not to exceed $100 per diem for individuals.

"(e) As used in sections 1344–1348, the term—

"(1) 'marine environment' means the air, the waters, and the submerged lands of the Outer Continental Shelf lying seaward of the boundaries of the coastal States of the United States, and all the resources and values of such air, water, and submerged lands, and

"(2) 'Secretary' means the Secretary of the Interior.

"SEC. 1345. (a) The Secretary, in regular consultation with the Advisory Committee on the Marine Environment and in cooperation with other Federal and State agencies shall conduct—

"(1) comprehensive programs for the continuing collection and analysis of data concerning the physical systems existing in the marine environment including, but not limited to, data on tides and wind and ocean currents and geological and topographical data, and develop and refine models of such physical systems which will adequately describe the operation of such systems and also provide reliable predictions of the effects of various activities conducted in the marine environment upon such systems;

"(2) comprehensive programs for the continuing collection and analysis of data concerning the plant and animal life found in the marine environment and data concerning the sensitivity of unique as well as representative species of such life to changes in the marine environment resulting from development or use of the marine environment;

"(3) comprehensive investigations of the ecological systems of the marine environment, and develop and refine models of both unique and representative ecological systems which will adequately describe such systems and also provide reliable predictions of the effects of various activities conducted in the marine environment upon such systems;

"(4) a continuing comprehensive analysis of the several activities presently being conducted in the marine environment or likely to be conducted there in the reasonably immediate future, and present any likely future conflicts among such uses with a view to developing an understanding of the basic purposes which those activities serve and to minimizing such conflicts through development of novel and alternative means of serving those purposes;

"(5) a program for the development of baseline data concerning the marine environment, and a comprehensive monitoring program for the marine environment designed to provide immediate notice of changes in such environment;

"(6) far-reaching, long-range studies which will yield forecasts and predictions concerning the activities which may be carried out in, and the uses which may be made of, the marine environment and its resources during the period ending fifty years from the date of each such study, including analyses of the characteristics of

and means by which such activities and uses may be conducted, analyses of the likely impact of and constraints imposed by such activities and uses upon other uses of the marine environment, and the likely effects of such activities and uses upon the marine environment itself, predictions of the frequency and significance of future conflicts among uses of the marine environment and of the frequency and the magnitude of any damages to the marine environment which may result from such activities and uses, and recommendations concerning development of technology, management concepts, or other means of preventing or minimizing conflicts among uses of the marine environment and of preventing or minimizing adverse effects upon the marine environment;

"(7) studies necessary to the development of criteria and standards for the protective management of unique or unusually valuable types or species of plant and animal life, of types or species of plant and animal life which are particularly susceptible to damage or destruction from alteration of the marine environment, of areas of the marine environment which present special hazards of environmental damage or conflicts among uses, and of areas which exhibit unique or unusually valuable characteristics or values; and

"(8) continuing studies of the susceptibility of the marine environment and its resources to present any future beneficial uses for commercial and sport fisheries, production of fuel and other mineral resources, marine transportation, enjoyment of natural beauty and other nonexploitative recreational uses, scientific research, national defense, and other purposes.

"(b) The Secretary shall publish on a regular basis the reports and results of the studies and investigations and programs authorized by subsection (a) of this section.

"SEC. 1346. (a) The Secretary shall establish by regulation in the Department of the Interior an Inter-Agency Committee on Marine Resources Management to be comprised of one representative each of the Departments of Defense, State, Transportation, Health, Education, and Welfare, Housing and Urban Development, and Commerce, and the Chairman of the Atomic Energy Commission, the Director of the National Science Foundation, and the Secretary of the Smithsonian Institution. The Committee shall assist the Secretary in the development of management plans for the management and protection of the marine environment.

"(b) (i) Whenever the Secretary is advised by the Chairman of the Council on Environmental Quality, the head of any department or agency of the United States or other organization named in subsection (a) of this section, or the Governor of any coastal State of the United States, that any present or proposed use or uses of the marine environment involves a potential risk of serious environmental damage or potential risk of serious conflict with present or likely future uses of the marine environment, and (ii) whenever any submerged lands of the outer continental shelf are proposed to be offered for leasing for oil and gas or sulfur or other minerals, or (iii) whenever it appears to the Secretary that such action is desirable, he shall immediately publish notice pursuant to subsection (e) of section 1347 of his intention to develop a management plan, and shall thereafter proceed with the development of a management plan, for the area identified as being susceptible of potential environmental damage, or within which risks of conflicts among uses may occur, or the area proposed to be offered for leasing, or the area which he judges should be the subject of a management plan. The oil, gas, sulfur, and all other mineral resources of the Outer Continental Shelf which are unleased on the date of enactment of these amendments are hereby designated as the National Marine Mineral Resources Trust and shall be held in an unleased status until the Secretary, with the concurrence of the Council on Environmental Quality, determines (i) that there are technological, managerial, and other means adequate to prevent damage to the marine environment resulting from exploration, extraction and transportation of marine mineral resources in accordance with these amendments, and (ii) that ecologically sensitive areas of the marine environment will be identified and permanently preserved in accordance with these amendments, and (iii) that there is a national requirement for these resources which cannot be satisfied, consistent with the requirements of national security, by any other practicable means. In no event shall any submerged lands of the Outer Continental Shelf be leased except in strict compliance with a management plan developed, approved, and implemented in accordance with the provisions of sections 1344–1349.

"SEC. 1347. (a) The development of management plans shall be preceded by public notice given in the manner prescribed by subsection (b) of this section and shall reflect the results of the inventories and studies required by subsection (c) of this section, the analyses specified in subsection (d) of this section, and information developed in the course of consultations and public hearings pursuant to subsection (e) of this section in the manner specified in section 1348.

"(b) The notice required by subsection (b) of section 1346 of the Secretary's intention to develop a management plan for an area shall be published in the Federal Register and in a newspaper of general circulation in the general vicinity of the area for which the management plan will be developed. The notice shall indicate that a management plan will be developed for the marine environment in the area described in the notice, indicate that uses of the area involved will be affected by adoption of the management plan, describe the area for which the management plan will be developed, describe the procedural steps by which the management plan will be developed, and state that an opportunity will be extended to all interested persons to express their views and recommendations with respect to development of the management plan.

"(c) As soon as practicable after publication of the notice of intention to develop a management plan for an area of the marine environment pursuant to subsection (b) of section 1346 the Secretary shall develop an inventory of the plant and animal life and non-living resources and intangible values of the area, studies of the physical and ecological factors and systems present in the area, and an inventory of present uses and forecasts of future uses of the area.

"(d) Concurrently with development of the inventories and studies conducted under subsection (c) of this section, the Secretary shall analyze the characteristics of the plant and animal life and nonliving resources and intangible values of the area, the physical and ecological factors and systems present in the area, and the characteristics and purposes of the present and future uses of the area with a view to developing a comprehensive, detailed model or models of the area which will adequately describe the systems existing in the area and their responses to the activities presently being conducted in the area and also provide reliable predictions of the longer range effects of present uses of the area and reliable predictions of the effects of future activities upon the systems and resources existing in the area. In analyzing the present and future uses of the area, the Secretary shall develop information on the frequency and seriousness of present conflicts among uses of the area and the effects of such conflicts on the marine environment, and projections of the frequency and seriousness of future conflicts among such uses, including estimates of the probable frequency of such conflicts, and the types and degrees of seriousness of potential damage to the marine environment resulting from such conflicts. The Secretary also shall include in his analysis under this subsection an investigation of available technological, managerial, or other means of preventing or reducing the adverse impact of activities conducted in the marine environment on the marine environment and on other uses of it and shall identify present and future needs for new or improved technological or other means for preventing or reducing the adverse effects of particular types of activities on the marine environment or on other uses of the marine environment.

"(e) In conducting the inventory under subsection (c) of this section and the analyses required by subsection (d) of this section, the Secretary shall consult with the Advisory Committee on the Marine Environment established by section 1344 and shall request all interested departments and agencies of the Federal Government to prepare and submit to him written reports concerning their interests in the present and future uses of the area for which a management plan is being developed for commercial and sport fisheries, production of fuel and other mineral resources, marine transportation, enjoyment of scenic beauty and other nonexploitative recreational purposes, scientific research, national defense, and other uses, together with their recommendations with respect to the final form, content, and operation of the management plan. In developing the inventory and analyses, the Secretary shall solicit the views and recommendations of the Governor of the coastal State or States in the vicinity of the area for which a management plan is to be developed and invite the views and recommendations of industry and other interested groups and may hold public hearings in the vicinity of such area for the purpose of obtaining the views and recommendations of other interested persons.

"(f) The reports of inventory and analyses conducted pursuant to subsections (c) and (d) of this section, the reports submitted by the interested departments and agencies of the Federal Government, the submissions by the Governors of coastal States and by industry and other interested groups, and the records of any public hearings held by the Secretary shall be included in the administrative record of the proceedings for the development of the management plan and shall be public documents which shall be made available upon request and payment therefor to any interested person.

"SEC. 1348. (a) After completion of the inventory and analyses under subsections (c) and (d) of section 1347 and receipt of the views and recommendations of the Governors of coastal States, interested industry and other groups, and other interested persons under subsection (e) of section 1347, the Secretary shall make comprehensive written findings of fact and written conclusions concerning the area of the marine environment which will be subject to the management plan and shall develop a comprehensive management plan for the area of the marine environment described in the notice issued pursuant to subsection (b) of section 1346 which shall preserve the quality of the marine environment at the highest practicable level and enhance the quality of the marine environment to the highest practicable level where damage to the marine environment already has taken place, prevent or minimize the adverse effects of present and future activities in the marine en-

vironment on such environment and its resources and values, and prevent or minimize conflicts among competing uses of the marine environment.

"(b) The management plan shall identify, describe the locations of, and afford appropriate protection for plant and animal life, ecological systems, and recreational and other values which are so unique or valuable or important that they should not be exposed to the risks associated with particular uses of the marine environment and describe any areas of the marine environment which present special hazards of environmental damage or conflicts among uses or which exhibit unique or unusually valuable characteristics or values.

"(c) The management plan shall be expressed in the form of public regulations which shall be consistent with international law and agreements and which will provide a mandatory guide for the use of the land and water areas covered by it. To the maximum degree permitted by international law and agreements, it shall include such prohibitions, constraints, and conditions upon the conduct by citizens of the United States and of foreign nations of specified activities within specific areas covered by it as are appropriate to the protection of the environmental features within such areas or any other areas in which the effects of such activities within the specified areas might be manifested or are necessary to prevent or minimize conflicts among uses of such areas.

"(d) Upon completion of the management plan for an area of the marine environment, the Secretary shall submit such plan to the Advisory Committee on the Marine Environment and to the Council on Environmental Quality. Upon request of any interested party and after not less than thirty days' notice, he shall hold one or more public hearings in the general vicinity of the area covered by the management plan at which all interested parties shall be given an opportunity to express their views with respect to any matter pertaining to the management plan.

"(e) After considering the views of the Advisory Committee and the Council on Environmental Quality, and after reviewing the record of any public hearing held pursuant to subsection (d) of this secton, the Secretary shall affirm or modify, as appropriate the written findings and conclusions made pursuant to subsection (a) of section 1348, and the management plan, if necessary, and submit it together with his written findings and conclusions to the Council on Environmental Quality for its concurrence.

"(f) Upon the concurrence of the Council on Environmental Quality, the Secretary shall adopt and order the implementation of the management plan and shall publish comprehensive regulations embodying the management plan in the manner specified in section 553 of title 5 of the United States Code. No management plan shall be adopted by the Secretary unless it has been concurred in by the Council on Environmental Quality.

"(g) In making his written findings of fact and conclusions pursuant to subsection (a) of section 1348 and in the development and adoption of management plans pursuant to this section, particular activities and uses shall not be permitted in specific areas covered by the management plan except upon the Secretary's findings, supported by clear and convincing evidence, that such activities and uses can be conducted in such areas without significant risks of environmental damage or conflicts among uses. In no event shall any management plan afford a lesser degree of protection to the marine environment than that degree of protection afforded by the laws and regulations of the coastal State or States to marine areas under State jurisdiction which are situated adjacent to or in the vicinity of the area covered by such management plan.

"SEC. 1349. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 1344–1348."

SENATE JOINT RESOLUTION 184 AND SENATE JOINT RESOLUTION 185—INTRODUCTION OF JOINT RESOLUTIONS TO BEGIN COMPREHENSIVE RESEARCH INTO TWO CURRENTLY UNECONOMICAL SOURCES OF ENERGY—DIRECT SOLAR RAYS AND TIDAL MOVEMENTS

Mr. TOWER. Mr. President, I am introducing today two joint resolutions related to our Nation's current battle against the degradation of our environment. One of the aspects of environmental pollution which is not visible, and yet which is equally as dangerous as the air and water pollution which we can see and smell, is the generation of heat by fuel-burning power sources. Thermal pollution is justifiably causing concern in many areas, particularly where nuclear powerplants are increasing the temperature of bays and rivers and thus endangering the microscopic marine life upon which we ultimately depend for oxygen and part of our food supply.

It is time now to begin comprehensive research into two currently uneconomical sources of energy—direct solar rays and tidal movements. Such research can put us in a position technologically to utilize these sources to supplement fuel-burning powerplants at a future date when increasing power consumption makes the construction of solar and tidal powerplants feasible.

My joint resolutions would authorize the Secretary of the Interior to conduct initial surveys of the existing information in the fields of solar power and tidal power and to report to Congress within 2 years on the potential for their ultimate use as supplemental power sources. The March issue of Ocean Industry magazine, in which there appears a discussion of an ocean-power concept based on hydraulic transmission of wave motion from the coastal floor to fluid motors on shore, demonstrates that there is existing knowledge and experience in these fields which should be centralized and evaluated. Our Government should avail itself of existing knowledge on tidal and solar energy as part of its function as overseer of environmental quality. These two joint resolutions would provide this information for review by Congress within a relatively short time.

The PRESIDING OFFICER (Mr. ALLEN). The joint resolutions will be received and appropriately referred.

The joint resolutions, introduced by Mr. TOWER, were received, read twice by their titles, and referred to the Committee on Commerce, as follows:

S.J. Res. 184. A joint resolution to authorize the Secretary of the Interior to conduct a study of the solar rays within a view to determining the potential of such rays as an alternative source of electrical energy; and

S.J. Res. 185. A joint resolution to authorize the Secretary of the Interior to conduct a study of the tides of oceans and other bodies of water with a view to determining the potential of such tides as an alternative source of electrical energy.

ADDITIONAL COSPONSORS OF BILLS

S. 2561

Mr. HANSEN. Mr. President, on behalf of the Senator from Pennsylvania (Mr. SCOTT), I ask unanimous consent that, at the next printing, the name of the Senator from New York (Mr. JAVITS) be added as a cosponsor of S. 2561, to incorporate Pop Warner Little Scholars, Inc.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, it is so ordered.

S. 3072

Mr. MANSFIELD. Mr. President, on behalf of the senior Senator from Washington (Mr. MAGNUSON), I am pleased to ask unanimous consent that an additional five cosponsors be added to a bill he introduced in October of last year. The bill is the Federal Low-Emission Vehicle Procurement Act of 1969 (S. 3072) which requires the Federal Government to direct its purchasing power toward cars, trucks, and buses which produce little or no pollution. The additional cosponsors are the junior Senator from New York (Mr. GOODELL), the senior Senator from Indiana (Mr. HARTKE), the junior Senator from Rhode Island (Mr. PASTORE), the junior Senator from New Jersey (Mr. WILLIAMS), and the Senator from Montana (Mr. MANSFIELD).

The PRESIDING OFFICER (Mr. BELLMON). Without objection, it is so ordered.

S. 3466 THROUGH S. 3472

Mr. HANSEN. Mr. President, on behalf of the Senator from Pennsylvania (Mr. SCOTT), I ask unanimous consent that at the next printing, the name of the Senator from South Carolina (Mr. THURMOND) be added as a cosponsor of S. 3466 through S. 3472, inclusive, the environmental control legislation.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, it is so ordered.

S. 3598

Mr. AIKEN. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Colorado (Mr. DOMINICK), the Senator from Oklahoma (Mr. HARRIS), the Senator from Hawaii (Mr. INOUYE), the Senator from Indiana (Mr. HARTKE), the Senator from Alabama (Mr. SPARKMAN), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Illinois (Mr. SMITH), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), and the Senator from Maine (Mr. MUSKIE) be added as cosponsors of the bill (S. 3598) to amend section 32(c) of title III of the Bankhead-Jones Farm Tenant Act, as amended, to authorize the Secretary of Agriculture to furnish financial assistance in carrying out plans for works of improvement for land conservation and utilization, and for other purposes.

The PRESIDING OFFICER (Mr. BELLMON). Without objection, it is so ordered.

SENATE RESOLUTION 375—RESOLUTION SUBMITTED AND AGREED TO, TO HONOR AND COMMEND CAPT. ROBERT M. WILBUR AND COPILOT JAMES E. HARTLEY FOR THEIR HEROISM

Mr. GURNEY (for himself, Mr. DOLE, Mr. GRIFFIN, Mr. BROOKE, Mr. SCHWEIKER, Mr. THURMOND, Mr. MCGEE, Mr. EAGLETON, Mr. ERVIN, Mr. SCOTT, Mr. GOLDWATER, Mr. FONG, Mr. CANNON, Mr. HANSEN, Mr. SMITH of Illinois, Mr. CASE, Mr. PACKWOOD, Mr. NELSON, Mr. BELLMON, Mr. DOMINICK, Mr. COOPER, Mr. SPONG, Mr. SAXBE, Mr. PROUTY, Mr. PEARSON, Mr. BENNETT, Mr. BIBLE, Mr. COTTON, Mr. MANSFIELD, Mr. JORDAN of Idaho, Mr. JORDAN of North Carolina, Mr. CURTIS, Mr. HRUSKA, Mr. FANNIN, Mr. BYRD of West Virginia, Mr. ALLOTT, Mr. DODD, Mr. EASTLAND, Mr. MURPHY, Mr. MUNDT, Mr. KENNEDY, Mr. RIBICOFF, Mr. HOLLINGS, and Mr. PELL) submitted a resolution (S. Res. 375) to honor and commend Capt. Robert M. Wilbur and Copilot James E. Hartley for their heroism, which was considered and agreed to.

(The remarks of Mr. GURNEY when he submitted the resolution appear later in the RECORD under the appropriate heading.)

DISPOSAL OF CORUNDUM FROM NATIONAL STOCKPILE—AMENDMENTS

AMENDMENT NO. 558

Mr. WILLIAMS of Delaware submitted amendments, intended to be proposed by him, to the bill (S. 3083) to authorize the disposal of corundum from the national stockpile, which were ordered to lie on the table and to be printed.

DISPOSAL OF CHRYSOTILE ASBESTOS FROM NATIONAL STOCKPILE—AMENDMENTS

AMENDMENT NO. 559

Mr. WILLIAMS of Delaware submitted amendments, intended to be proposed by him, to the bill (S. 3087) to authorize the disposal of chrysotile asbestos from the national stockpile and the supplemental stockpile, which were ordered to lie on the table and to be printed.

DISPOSAL OF REFRACTORY GRADE CHROMITE FROM NATIONAL STOCKPILE—AMENDMENTS

AMENDMENT NO. 560

Mr. WILLIAMS of Delaware submitted amendments, intended to be proposed by him, to the bill (S. 3446) to authorize the disposal of refractory grade chromite from the national stockpile and the supplemental stockpile, which were ordered to lie on the table and to be printed.

DISPOSAL OF NATURAL CEYLON AMORPHOUS LUMP GRAPHITE FROM NATIONAL STOCKPILE—AMENDMENTS

AMENDMENT NO. 561

Mr. WILLIAMS of Delaware submitted amendments, intended to be proposed by him, to the bill (S. 3451) to authorize the disposal of natural Ceylon amorphous lump graphite from the national stockpile and the supplemental stockpile, which were ordered to lie on the table and to be printed.

DISPOSAL OF MOLYBDENUM FROM NATIONAL STOCKPILE—AMENDMENTS

AMENDMENT NO. 562

Mr. WILLIAMS of Delaware submitted amendments, intended to be proposed by him, to the bill (S. 3452) to authorize the disposal of molybdenum from the national stockpile, which were ordered to lie on the table and to be printed.

DISPOSAL OF NATURAL BATTERY GRADE MANGANESE ORE FROM NATIONAL STOCKPILE—AMENDMENTS

AMENDMENT NO. 563

Mr. WILLIAMS of Delaware submitted amendments, intended to be proposed by him, to the bill (S. 3456) to authorize the disposal of natural battery grade manganese ore from the national stockpile and the supplemental stockpile, which were ordered to lie on the table and to be printed.

DISPOSAL OF SURINAM TYPE METALLURGICAL GRADE BAUXITE FROM NATIONAL STOCKPILE—AMENDMENTS

AMENDMENT NO. 564

Mr. WILLIAMS of Delaware submitted amendments, intended to be proposed by him, to the bill (S. 3457) to authorize the disposal of Surinam type metallurgical grade bauxite from the national stockpile, which were ordered to lie on the table and to be printed.

DISPOSAL OF CADMIUM FROM NATIONAL STOCKPILE—AMENDMENTS

AMENDMENT NO. 565

Mr. WILLIAMS of Delaware submitted amendments, intended to be proposed by him, to the bill (H.R. 12941) to authorize the release of 4,180,000 pounds of cadmium from the national stockpile and the supplemental stockpile, which were ordered to lie on the table and to be printed.

DISPOSAL OF CERTAIN COBALT FROM NATIONAL STOCKPILE—AMENDMENTS

AMENDMENT NO. 566

Mr. WILLIAMS of Delaware submitted amendments, intended to be proposed by him, to the bill (H.R. 15021) to authorize the release of 40,200,000 pounds of cobalt from the national stockpile and the supplemental stockpile, which were ordered to lie on the table and to be printed.

DISPOSAL OF BISMUTH FROM NATIONAL STOCKPILE—AMENDMENTS

AMENDMENT NO. 567

Mr. WILLIAMS of Delaware submitted amendments, intended to be proposed by him, to the bill (H.R. 15831) to authorize the disposal of bismuth from the national stockpile and the supplemental stockpile, which were ordered to lie on the table and to be printed.

DISPOSAL OF CASTOR OIL FROM NATIONAL STOCKPILE—AMENDMENTS

AMENDMENT NO. 568

Mr. WILLIAMS of Delaware submitted amendments, intended to be proposed by him, to the bill (H.R. 15832) to authorize the disposal of castor oil from the national stockpile, which were ordered to lie on the table and to be printed.

DISPOSAL OF ACID GRADE FLUORSPAR FROM NATIONAL STOCKPILE—AMENDMENTS

AMENDMENT NO. 569

Mr. WILLIAMS of Delaware submitted amendments, intended to be proposed by him, to the bill (H.R. 15833) to authorize the disposal of acid grade fluorspar from the national stockpile and the supplemental stockpile, which were ordered to lie on the table and to be printed.

DISPOSAL OF MAGNESIUM FROM NATIONAL STOCKPILE—AMENDMENTS

AMENDMENT NO. 570

Mr. WILLIAMS of Delaware submitted amendments, intended to be proposed by him, to the bill (H.R. 15835) to authorize the disposal of magnesium from the national stockpile, which were ordered to lie on the table and to be printed.

DISPOSAL OF TYPE A, CHEMICAL GRADE MANGANESE ORE FROM NATIONAL STOCKPILE—AMENDMENTS

AMENDMENT NO. 571

Mr. WILLIAMS of Delaware submitted amendments, intended to be proposed by him, to the bill (H.R. 15836) to authorize the disposal of type A, chemical grade manganese ore from the national stockpile and the supplemental stockpile, which were ordered to lie on the table and to be printed.

DISPOSAL OF TYPE B, CHEMICAL GRADE MANGANESE ORE FROM NATIONAL STOCKPILE—AMENDMENTS

AMENDMENT NO. 572

Mr. WILLIAMS of Delaware submitted amendments, intended to be proposed by him, to the bill (H.R. 15837) to authorize the disposal of type B, chemical grade manganese ore from the national stockpile and the supplemental stockpile, which were ordered to lie on the table and to be printed.

DISPOSAL OF SHELLAC FROM NATIONAL STOCKPILE—AMENDMENTS

AMENDMENT NO. 573

Mr. WILLIAMS of Delaware submitted amendments, intended to be proposed by

him, to the bill (H.R. 15838) to authorize the disposal of shellac from the national stockpile, which were ordered to lie on the table and to be printed.

DISPOSAL OF TUNGSTEN FROM NATIONAL STOCKPILE—AMENDMENTS

AMENDMENT NO. 574

Mr. WILLIAMS of Delaware submitted amendments, intended to be proposed by him, to the bill (H.R. 15839) to authorize the disposal of tungsten from the national stockpile and the supplemental stockpile, which were ordered to lie on the table and to be printed.

NOTICE OF HEARINGS ON OMNIBUS RIVERS AND HARBORS LEGISLATION

Mr. YOUNG of Ohio. Mr. President, I wish to announce that the Subcommittee on Flood Control, Rivers, and Harbors of the Committee on Public Works will initiate hearings on an omnibus rivers and harbors bill for 1970. The subcommittee will receive testimony on river and harbor, flood control, and other resource projects that have been investigated and recommended for construction by the Chief of Engineers, U.S. Army. The subcommittee will also consider other related river and harbor and flood control matters.

The hearings will be held on Wednesday and Thursday, April 15 and 16, 1970, and will begin at 10 a.m. in room 4200, New Senate Office Building. Additional hearings as required will be announced at a later date.

Persons desiring to testify or to submit written statements in connection with these hearings should notify Mr. Joseph F. Van Vladricken, professional staff member, Committee on Public Works, room 4204, New Senate Office Building, Washington, D.C., 225–6176.

NOTICE OF HEARINGS ON HIGH COST OF NO. 2 HOME HEATING OIL

Mr. McINTYRE. Mr. President, I wish to announce that the Subcommittee on Small Business of the Committee on Banking and Currency will hold hearings on the high cost of No. 2 home heating oil.

The hearings will be held on Monday and Tuesday, April 6 and 7, 1970, in room 5302, New Senate Office Building, and will commence at 10 a.m.

ADDITIONAL STATEMENTS OF SENATORS AS IN LEGISLATIVE SESSION

NO JETS FOR ISRAEL

Mr. SCOTT. Mr. President, I ask unanimous consent that an editorial appearing this morning in the Philadelphia Inquirer titled "No Jets for Israel" be included in this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NO JETS FOR ISRAEL

Air power in the Middle East is unbalanced in favor of the Arabs against Israel, and is becoming more unbalanced every day.

While Israel is continuously losing planes by enemy attack and attrition, Egypt and Syria are receiving more and more aircraft from Soviet Russia.

A new dimension to military threat to Israel has been added by the reported deliveries by Russia of SAM–3 missiles to Egypt, complete, it is assumed, with Soviet technicians prepared to operate them.

Yet in face of this increasingly dangerous disparity, the U.S. has rejected Israel's request—"for now"—for purchase of 25 Phantom jets and 100 Skyhawks.

Almost incredibly, Secretary of State Rogers has explained this decision on the grounds that "In our judgment, Israel's air capacity is sufficient to meet its needs for the time being."

What does he mean "time being?" Is he to wait until the opening by the Arabs of a fourth-round war before the U.S. agrees to sell some planes—possibly too late to be of any help?

Hasn't the presence of the Russian missiles put an entirely new complexion on the situation and proved Israel's need now, of military planes from the only source it can possibly obtain military assistance from, the United States?

The State Department stand will not only disappoint Israel and all those who seek peace in the Middle East. It will have political and psychological effects in encouraging Arab belligerence and in giving Russia the impression that we are deserting the Israelis at a critical time.

Secretary Rogers' assurance of about $100 million in economic aid to Israel does not make up for the loss of the jets. The Nixon Administration could have agreed to economic assistance when Prime Minister Golda Meir requested it during her visit to Washington many weeks ago.

Instead the agreement has been held back until it could be used to sugar-coat the rejection of the aircraft sale. It is nothing but sugar-coating and it will leave a bitter taste in many mouths here and in Israel.

Mr. Nixon in his news conference Saturday said our goals in the Mideast are a cease-fire; reduction of the flow of arms; a political settlement; and a balance between the forces in that area.

There is nothing in Secretary Rogers' policy statement that promises the attainment of any of these goals. In fact, it makes their accomplishment more remote, and the prospects of all-out war more ominous.

CHAIRMAN BURNS SPECIFIES 3 TO 4 PERCENT MONEY SUPPLY GROWTH

Mr. PROXMIRE. Mr. President, last week the Chairman of the Federal Reserve Board, Arthur Burns, wrote me that he expects the money supply to return to a monetary growth rate of 3 to 4 percent this year. I released the letter to the press Saturday night and I ask unanimous consent that it be printed at the end of my remarks.

The letter from Chairman Burns was in response to the request of the Joint Economic Committee that the Federal Reserve Board spell out the monetary flows the country might expect in view of the President's economic report and prevailing economic conditions.

This letter is one of the frankest and most useful economic documents that has come from a Reserve Board Chairman in many years. This is by far the most specific estimate of anticipated monetary policy any Federal Reserve Chairman has ever made.

Chairman Burns qualified his 3 to 4 percent projection on the narrowly defined money supply by adding that he expects a 6 to 8 percent growth in bank credit, and he also said that such a projection is by no means the only one consistent with the GNP projection.

Chairman Burns added:

Much will depend on the public's preferences as to holdings of financial assets, on the strength of desire by banks and others to rebuild liquidity and on how aggressive banks prove to be in attempting to regain their earlier market positions.

Chairman Burns also said:

One might anticipate that interest rates would move generally downward in the year, reflecting not only relaxation of some of the pressures in the financial markets but also investor responses to reduced rates of inflation as they in fact begin to materialize.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CHAIRMAN OF THE
BOARD OF GOVERNORS,
FEDERAL RESERVE SYSTEM,
Washington, D.C., March 17, 1970.

HON. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: I have been giving very careful thought to your request for a specification of a series of possible alternative paths that monetary policy and financial developments might follow in 1970, contained in your letter of February 26. We certainly want to be responsive to the Congress in providing the information it needs in order to plan its domestic economic legislative program and to help it evaluate the performance of monetary policy. And yet I cannot help but be impressed by the many difficulties that surround such an exercise.

A problem in laying out alternative possible courses for monetary and financial developments in 1970 is that much will depend on the specific pattern and character of changes in the performance of the economy as it evolves. A particular dollar estimate for the total value of the national output of goods and services over an arbitrary time period such as a year does not tell us much about the expected state of the economy. How will that output be distributed over the course of the year? What will its composition be, and how will it accord with our notions of economic balance? To what extent will the estimated GNP reflect changes in the real volume of output as against markups in prices of goods and services? What new forces may emerge that will alter expectations for the economy into 1971 and beyond?

These are always important issues, and they are crucially so in the present environment, when all of us are working to reestablish the conditions necessary to a resumption of sustainable, noninflationary economic growth. Monetary policy—and public economic stabilization policy generally—will have to tread a narrow path in the months immediately ahead. We have made real progress over the last year or so in laying the base for an abatement of inflationary pressures. Excess demand has now been generally eliminated from the economy, and I am confident that inflation will gradually subside.

We must now be especially alert to signs that the process that was necessary to the elimination of excess demand pressures in the economy does not spiral on downward into significant recession tendencies, with

consequent social and economic costs. Prompt remedial action would be required should it appear that a recession is developing, with the intensity of the action scaled to the indicated magnitude of the problem. But we must also guard against actions that would contribute to an overly sharp rebound in output and spending later on. Expectations of inflation over the longer run are still widely held and business confidence appears to remain strong. If incautious public policies should precipitate a strong resurgence in demand, therefore, there could be real danger that inflationary patterns would again be set in motion.

The economic projection for 1970 prepared by the Council of Economic Advisers early this year as a basis for its annual report, as I understand it, traced a path that promised to minimize these possible difficulties. The GNP for the year was estimated in a range of $980–$990 billion, with a period of little or no real growth to be followed by resumption of a relatively moderate rate of expansion beginning in the spring. The price component of the GNP expansion was viewed as declining gradually as the year progresses, and the acceleration in demand growth in the latter part of the year was not seen as large enough to restimulate inflationary expectations. The increase in unemployment accompanying the flatter performance of the economy was expected to be moderate, on average, and recovery in the depressed housing industry was projected to be underway again before too long.

Now if it turns out that this projection is an accurate description of the course of the economy's development in 1970—and I have no basis for disputing its general outlines—then it is not too difficult to visualize how financial conditions might evolve. First, with progress occurring on the inflation front and aggregate demand well within the economy's capabilities, it would seem reasonable to assume that the monetary variables could gradually return to a more normal growth rate—say, 3–4 percent for the narrowly defined money supply and perhaps 6–8 percent for total bank credit. But while one can put such numbers on paper as reasonable expectations, these are by no means the only ones consistent with the GNP projection. Much will depend on the public's preferences as to holdings of financial assets, on the strength of desire by banks and others to rebuild liquidity, and on how aggressive banks prove to be in attempting to regain their earlier market positions.

Next, one might anticipate that interest rates would move generally downward in the year, reflecting not only relaxation of some of the pressures in the financial markets but also investor response to reduced rates of inflation as they in fact began to materialize. Rates could be expected to decline more in short-term than in long-term markets, partly because of the apparent continuing strength in demands for long-term funds. Net savings inflows to the banks and other depositary institutions should also recover as the relative attraction of high market rates to savers tended to diminish. Once again, however, these are speculations based on specific assumptions concerning the development of the economy in 1970.

Finally, it would be logical to expect on the basis of these assumptions that the total flow of credit—through institutions and markets combined—would expand somewhat from the relatively low levels reached in the second half of 1969. This would reflect mainly an increase in the availability of funds to those who were rationed out of the market in the restrictive credit environment of 1969, and also the gradual increase in savings flows consistent with expansion in current dollar GNP and aggregate incomes. A large increase in credit flows would not be expected in the short-run, however, since it takes time to get the process of credit generation going again in some sectors, such as mortgage finance.

I want to emphasize, however, that one can readily imagine important variations in this path of money and credit market developments, if the course of the economy does not evolve as specified above. The resurgence in economic activity, when it comes, could prove substantially stronger than anticipated, in which case rates of money and credit expansion would need to be restrained. Or the upturn could come more slowly and without the force anticipated, suggesting the need for additional encouragement to private spending through higher rates of expansion in the monetary factors and associated sharper short-run declines in interest rates. Total bank credit expansion could well run higher relative to growth in the money supply in these circumstances.

Economic developments in the weeks and months immediately ahead, of course, will be fundamental in shaping the course of monetary policy, including changes in interest rates and credit availability that actually emerge. Some major business indicators recently have shown recessive tendencies. If these deepen and intensify, the arguments for corrective action will become more forceful, and I would expect monetary policy to be modified accordingly. If, on the other hand, more positive signs appear on the economic scene, this will have to be taken into account in policy formulation. As I stated at the outset, the problem of economic stabilization policy for the time being is to walk the narrow path between the threats of recession, on the one hand, and restimulation of inflationary expectations, on the other.

As we move toward a more suitable economic environment once again, I would expect the monetary aggregates to resume a more normal rate of growth and interest rates to decline to more viable levels. But I cannot assure you that this will in fact develop. Patterns of economic change can readily be imagined that would call for either unusual monetary stimulus or continued monetary restraint, the results of which would be reflected not only in the rates of change in monetary aggregates but also in the level and pattern of interest rates and overall credit flows. Monetary policy is by nature one of the most adaptable instruments of economic stabilization, and it is my intention to do everything within my power to keep it flexible and responsively attuned to unexpected variations in the performance of the economy as they occur or come into prospect.

Sincerely,

ARTHUR F. BURNS.

PRAYER IN OUTER SPACE

Mr. TOWER. Mr. President, on November 4, 1969, I submitted a concurrent resolution expressing the sense of the Senate, with the House concurring, that there was no conflict between the expression of religious faith practiced by the astronauts during space explorations and freedom of speech and religion guaranteed by the first amendment to the Constitution. More than 400 citizens of the San Antonio, Tex., area have signed a petition expressing their support of the substance of this concurrent resolution. I ask unanimous consent that the petition, initiated by Mr. Charles Cude of San Antonio, be printed in the RECORD.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

Senator JOHN G. TOWER:

We the undersigned, demand our right, which is guaranteed in our Constitution, to our freedom of religious belief and our freedom to pray, when and where we wish, on earth or any other planet.

Our Country, the only true free country was founded on prayer, take this freedom away and we will have lost everything.

We are opposed to any person or persons who would take away these freedoms.

BRIGHAM YOUNG UNIVERSITY

Mr. MOSS. Mr. President, Brigham Young University is a great educational institution in my State of Utah. It has been in the news somewhat regularly for the past decade for several reasons—its tremendous student growth and superb campus in a wonderful small city of Provo nestled at the very base of the towering Wasatch Mountains, the growing distinction of its faculty and the high caliber of its student body, the continued excellence of its athletic teams—although this has some senseless and unwarranted interruption with its relationship with some of its competitors—but most of all it has been in the press because of a religious doctrine espoused by the Church of Jesus Christ of Latter-Day Saints which owns and operates the University.

This situation is often distorted and certainly is not widely understood. In an endeavor to clarify this matter and to present what I consider a rational presentation of the problems encountered at BYU, I ask unanimous consent to have printed in the RECORD an interesting and what I believe is a factually accurate article written by Mr. John Dart and published in the Los Angeles Times of March 23, 1970. I commend its reading to the Senate.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BYU—A CAMPUS OF PEACE AND PATRIOTISM

(By John Dart)

PROVO, UTAH.—Brigham Young University, in the eyes of its energetic and outspoken president, is destined to excel the likes of Harvard, Yale and Stanford.

BYU, operated by the Mormon Church, is already the nation's largest private university in fulltime day enrollment with more than 22,000 students.

When Ernest L. Wilkinson, now 70, took over as president of the 5,000-student school in 1951 the buildings and facilities on the mountain-backdrop campus were only 20% of what they are today.

BYU has yet to acquire an academic reputation comparable to the nation's major universities. Reputations of this kind are made in a university's graduate schools, and BYU began the first of its doctoral programs only in 1959.

CHURCH INFLUENCE STILL FELT

However, unlike other universities founded by churches and religious-minded persons such as John Harvard and Elihu Yale, noted Wilkinson in a speech to students recently, BYU has not thrown off the yoke of church influence in its 95-year existence.

"In altogether too many instances Harvard has become a mecca for those who are crassly materialistic—or rootlessly idealistic," said Wilkinson, who also pointed to Yale's and Stanford's secularization.

Himself a 1927 Harvard law school graduate, Wilkinson predicted:

"BYU is destined to be as peculiarly different from and to excel other universities to the same degree that the church differs from other churches and is destined to excel them.

"This premise is not a mere hypothesis; it is a fact. The Lord said that this church is 'the only true and living church upon the face of the whole earth with which I, the Lord, am well pleased' and this university is a part of the church."

Such doctrinal-based convictions are rarely presented to non-Mormon audiences, and not every Mormon would necessarily agree with that logic of inevitability.

LIKED BY CONSERVATIVES

But many non-Mormon conservatives in the country feel BYU already has a fine reputation in areas they feel really matter, and President Wilkinson could not be more pleased.

A recognition from the political right of BYU's adherence to "enduring values," said Wilkinson in an interview, "is a great opportunity for us and enhances our responsibility."

The campus' lack of protest demonstrations, beards, miniskirts, cigarets or stimulants of any kind plus evidence of patriotism and reverence have brought glowing praise from persons who view most other large campuses as havens for the immoral and politically radical.

Conservative columnists James J. Kilpatrick and Max Rafferty, California's superintendent of public instruction, in similar style came to BYU's defense in December, 1969, after Stanford University said it would schedule no further intercollegiate competition with Mormon-sponsored schools.

Stanford said it took the action because many of its black and white students found it offensive to have institutional links with a university whose sponsoring church denies the priesthood and some other church privileges to Negroes.

Wilkinson fired off a blistering reply to Stanford President Kennet Pitzer and Mormons in general cried religious discrimination, explaining as they have on numerous occasions in recent years that the church doctrine is God-given and can be changed only by God through revelation.

BYU athletic teams traveling to other Western campuses frequently encounter demonstrations against discrimination by the church. Mormons and BYU protest that they are open to Negroes and are believers in the brotherhood of man.

Although Stanford's actions and much of the protest elsewhere referred to church doctrine, BYU students, faculty and administrators have debated whether there is discrimination on campus.

Opinions were about evenly divided among 12 students in a recent random poll taken by the student newspaper.

TWO STUDENT OPINIONS

Karen McDonnel of Long Beach said she thinks BYU students "tend to be a little racially prejudiced because of the Mormon doctrine," but Vandra Paullin of Palos Verdes said, "The prejudice here at BYU is built in because we're white, not because we're Mormon."

Twenty per cent of the students are from California and 33% from Utah. More than 95% are members of the Mormon Church, or more formally the Church of Jesus Christ of Latter-day Saints. The Mormon students apply to the university through their local church officials.

Since relatively few Negroes belong to the Mormon Church there are only a handful of blacks at BYU. Thus, when students talk about discrimination they refer more to attitudes than actions.

Brigham Young University has attempted to change its image a bit lately. Last fall, BYU announced it would actively recruit Negro players for its football team and last month, defensive back Ron Knight, a transfer from Northeastern Oklahoma A&M, enrolled at the university. Knight would be the first Negro varsity football player at BYU.

Wilkinson, in an interview, said BYU will have a black faculty member this semester, Oscar Udo, a Nigerian graduate student in sociology who will be a teaching assistant.

"We have a course at this college which is not new," Wilkinson said. "We teach African history and the contributions to American history of blacks such as Booker T. Washington and those people."

Asked about black studies programs begun at other colleges, Wilkinson replied, "I feel it's probably a violation of the Civil Rights Act to have black teachers teaching black history to black students."

The university president, unsuccessful Republican candidate for U.S. senator from Utah in 1964, said that geography has shaped BYU's relationship to minority groups. "I don't think you'd find a lot of American Indians at a college in Brooklyn," he said.

300 INDIANS AT BYU

There are about 300 Indians at BYU, most of them students who have lived with white Mormon families for a while and gone to white schools in the church's expanding Indian placement program. Although church officials now want to put a ceiling on BYU enrollment at about the present level, Wilkinson said he hopes the Indian enrollment can be brought up to 1,000 students.

Wilkinson's law firm, based in Washington, D.C., handles many Indian claims against the government. One case in which he was involved for the Ute Indians resulted in four judgments totaling $31.5 million.

BYU officials point out that about 1,000 students are from foreign lands—as an indication that the university is open to students of all races and religions.

The Mormon Church has special religious interest in converting and educating American Indians, Latin Americans and Polynesians, They, according to the Book of Mormon, are "the blood of Israel," descendants of Jacob, the father of the 12 tribes of Israel. The Book of Mormon says that Lehi, a grandson of Jacob, and his party came to South America from Palestine about 600 B.C. The church believes that natives of North and South America and—for additional reasons—inhabitants of Polynesia are all related to Lehi.

HEREDITARY MEMBERS

"We have a special concern for the Israelites for in the 'last days' there will be a gathering of all tribes of Israel, including Jews," said Dr. Roy W. Doxey, assistant dean of religion at BYU. The predominant European-heritage membership of the Mormon Church can gain Israelite status after joining the church, but the native Indian, Polynesian and Latin American already has this distinction by heredity, according to church doctrine.

A topic of debate more widely discussed than race is the dress code at BYU.

Although the namesake of BYU—Mormon pioneer Brigham Young—and many succeeding Mormon Church presidents wore beards, chin whiskers are grounds for suspension or expulsion if a student refuses to shave them off.

So is the wearing of miniskirts, or tight clothing, or slacks (except on a few occasions) by girls. Young men are warned not to wear tight-fitting pants or let their hair grow down to the collar.

"One reason for this policy, apart from the virtue of modesty itself," said Wilkinson in a letter to parents, "is that our students have gained a great reputation for being clean, modestly dressed, good-looking young men and women."

He added: "Almost every week we get favorable newspaper and radio comments about our students . . . As a consequence, the appearance of even one person on our campus who deviates from our standards in dress or appearance impairs our reputation."

In registration for the spring semester "spotters" from the dean of students office talked with 80 to 90 students about their dress length or hair length. About 50 girls were stopped, compared with 250 last fall.

"I noticed a lot of girls that wore longer dresses on registration day, then were back to shorter ones the next day," say Ken Kartchner, the student body president.

Kartchner, an engineering student, has urged students to stop fighting the code and get their minds on more important things. At the same time, he has told Wilkinson privately that he opposes enforcement of dress standards—which drew a desk-pounding response from the university president, he said.

"For the minority of students who are fashion-conscious it's a problem," said Kartchner, "but for the majority of administrators it's a preoccupation." One administrator said beards were opposed because they are considered a symbol of the radical movement.

Cases of thievery and drug-taking do occur, administrators readily admit.

The social-political tensions that exist find their vent in groups like Young Democrats and Young Americans for Freedom (permission for Students for a Democratic Society chapter was refused), a weekly open forum at the student center and the 92 church wards (200–250 students each) on campus where Sunday discussions often range widely.

Another outlet are boy-girl relationships. "Each year thousands of our students find marriage partners on the campus," Wilkinson said. Early marriages are officially discouraged, but church officials obviously view BYU as one of the best places for young Mormons to meet one another.

However, many BYU men wear sideburns and hair as long as the rules will allow and many young women wear boots and skirts at various lengths above the knee.

BYU administrators are unhesitant about confirming the concept that the university is supposed to be a reflection of the Mormon Church. The church provides about 70% of its funds and tuition is $500 a year for church members and $750 a year for nonmembers.

However, Wilkinson said the various departments are not supposed to function merely as corroborators of Mormon doctrine. "We tell them they ought to teach any concept," said the president. "Undoubtedly, the anthropology department teaches the concepts of the Book of Mormon, but that's not the only one. You can't arrive at the truth by teaching only one phase of it."

Two of the touchiest subjects at BYU are evolution and birth control, said Dr. Joseph R. Murphy, zoology department chairman.

To church members who complain from time to time that the theory of organic evolution is given credibility in BYU classrooms, Dr. Murphy said he replies with letters from church authorities stating that the Mormon Church has never officially said that evolution contradicts the Bible.

The church has gone on record opposing contraceptives while leaving the ultimate responsibility for the decision up to the individual members, said Dr. Murphy.

A book used as supplementary reading in some courses is "Population, Evolution and Birth Control: A Collage of Controversial Ideas."

"Makes you feel you ought to have a plain brown wrapper on it here at BYU," quipped Dr. Murphy.

The zoologist said most faculty members feel the responsibility to give a synthesis of modern science to students.

"We give many of them an entirely dif-

ferent perspective on genetics," said Dr. Murphy. "If we tell them there is no such thing as 'Negro blood' that surprises some—forcing them to think to what extent differences are cultural rather than biological."

More than 56% of the faculty hold Ph.D.s, most of the degrees obtained from other universities because of the recent beginnings of doctoral programs at BYU.

The chemistry and chemical engineering departments are considered most likely to be rated among the nation's top dozen graduate schools in those fields in the next five to 10 years, said Dr. Chauncey Riddle, dean of the graduate school.

Outstanding faculty members include Dr. Harvey Fletcher, "father of stereophonic sound," Dr. H. Tracy Hall, the first man to produce artificial diamonds in high-pressure, high-temperature experiments, and Dr. Armin Hill, who helped the motion picture industry develop new types of light sources, including the radio frequency lamp.

Federal funds are not accepted by BYU for buildings or equipment, but grants are sought from federal agencies for research.

Even the Reserve Officer Training Corps buildings on campus were built by the university from nongovernment funds.

About 850 students are enrolled in BYU's Air Force and Army ROTC programs, making it second only to Notre Dame's 950 enrollees among private universities where the ROTC program is voluntary. The Army ROTC unit is only two years old at BYU and is expected to increase in numbers.

Neither the ROTC programs nor job recruiters from companies such as Dow Chemical Corp. have encountered any demonstrable opposition from BYU students, school officials have noted.

Wilkinson notes: "Our attitude of insisting on moral and spiritual as well as intellectual standards is admittedly contrary to the prevailing trend in a great many universities and colleges which have abandoned any attempt to supervise the moral life of their students. We feel, however, that to indulge irresponsible student conduct is to abdicate our role as educators."

CONSUMER BENEFIT

Mr. DODD. Mr. President, for many months we have been reading and hearing allegation after allegation that our Federal departments and agencies have but little regard for the consumer—that, at best, they only pay lipservice to the public interest.

While it may be true that you cannot please all of the people all of the time, there are, however, many governmental programs and decisions implemented with the consuming public in mind, decisions that often affect virtually everyone.

Unfortunately, however, not all of these decisions are as well publicized as they should be. For if they were, it is my opinion that we would not see nearly so much criticism from some of the so-called consumer advocate groups as we have seen in the past.

One such instance involves the Interstate Commerce Commission, which is charged with protecting the public interest as it pertains to surface transportation within the United States. Just last week the Supreme Court upheld the Commission on a very important case involving the shipment of furniture, a commodity which is certainly near and dear to us all.

The Commission's decision effectively blocked a carrier's attempt to cancel through-route, joint-rate tariff provisions applicable to shipments of furniture moving from central to southern States.

The decision by the Commission and by the Court was a landmark one. Yet only the authoritative Traffic World and Transportation Topics apparently saw the significance of it and reported it in depth to their readers. For information, and to assist Senators in realizing the importance of the decision in this proceeding, I commend the Traffic World article to their attention. I ask unanimous consent that the article be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

SUPREME COURT UPHOLDS ICC IN BLOCKING CANCELLATION OF JOINT ROUTE-RATE SERVICES

With a one-sentence ruling, the Supreme Court of the United States has upheld the Interstate Commerce Commission's right—in certain circumstances, at least—to force motor carriers to maintain through-route-joint-rate arrangements.

The court acted February 24 by affirming a lower court decision which, in turn, sustained an ICC decision issued in No. 34815, National Furniture Traffic Conference v. Associated Truck Lines (T.W., Jan. 11, 1969, p 30).

In that decision, the ICC found a fundamental inequity in Associated's attempt to cancel through-route-joint-rate tariff provisions applicable to shipments of furniture moving from central to southern states. It ordered Associated to maintain the joint-rate provisions the carriers sought to cancel. It also warned all carriers that the ICC would automatically block any future filings similar to that made by Associated and it urged carriers who previously promulgated joint-rate restrictions to remove the restrictions promptly "without the need for further formal action" although the Commission indicated that formal action would be undertaken if necessary.

The restrictions proposed by Associated were similar or identical to restrictions successfully placed in tariffs by numerous other motor carriers. Although Associated continued to offer through-route-joint-rate service on various other commodities it proposed a tariff provision to the effect that Associated "maintains no through routes, joint rates on interchange arrangements on shipments of furniture" moving between points in Central States Territory and points in Southern territories.

The furniture traffic conference protested and, in ruling, 10 commissioners touched virtually all bases.

The majority held that Associated's rule unfairly discriminated against one type of traffic. Commissioner Tuggle agreed that unlawful discrimination was present but argued that this discrimination existed between territories and between shippers capable of using single-line service and those requiring multi-line service. Commissioner Walrath argued that the interstate commerce act does not allow the ICC to require motor carriers to maintain joint rates and through routes and contended that the majority was attempting illegally to circumvent this statutory limitation.

Associated, the American Trucking Associations and the ATA's Regular Common Carrier Conference challenged the ICC's decision in the U.S. district court for the western district of Michigan but that court upheld the ICC.

Before the Supreme Court, the motor carrier interests argued that the ICC decision "rests upon the proposition that for a motor carrier to hold out through-route-joint-rate arrangements on some authorized commodities and not on others is unlawful." This viewpoint, the carrier interests said, overlooks numerous Commission decisions authorizing railroads to establish joint rates on selected commodities and amounts to a new regulatory policy requiring motor carriers either to offer joint-rate-through-route service for all traffic or abandon completely all joint-rate-through-route service.

"This decision," said the motor carrier interests, "substantially nullifies that freedom to establish through-route-joint-rate arrangements which Congress entrusted to the managerial discretion of the carriers."

The Supreme Court, however, rejected the carrier argument and granted a motion by ICC lawyers to affirm the Michigan court's decision. The action was in No. 997, Associated Truck Lines et al. v. United States and Interstate Commerce Commission.

THE 50TH ANNIVERSARY OF THE LEAGUE OF WOMEN VOTERS

Mr. HART. Mr. President, 1970 marks among other events the 50th anniversary of the League of Women Voters.

Channel WXYZ–TV in Detroit recently had an editorial commenting on this anniversary and deservedly applauding the League for its half-century of service to citizens everywhere.

The editorial particularly marks the work of League members in the State of Michigan who have contributed so significantly to our State.

I ask unanimous consent that the telecast broadcast by WXYZ–TV on February 11 and 12 be printed in the RECORD.

There being no objection the editorial was ordered to be printed in the RECORD, as follows:

A 50TH ANNIVERSARY

The League of Women Voters celebrate their 50th anniversary this Friday, February 13th. At present, there are approximately 160-thousand League members in 13-hundred local organizations. Almost 500 women belong to the Detroit League . . . some 46-hundred are members across the state. Most of the women are college-educated, middle-class wives and mothers. The League is attempting to attract more urban black and low-income women.

The League was started in 1920 to get all Americans involved in non-partisan participation in the political process. That goal has not changed in 50 years. In the Detroit area, the League of Women Voters has successfully fought for tenants rights, better police-community relations and effective open housing laws. Its services include impartial, well-researched information on almost all candidates for office. It tells what the issues are and what the issues mean . . . and it provides courses in practical politics.

The League of Women Voters has been good for Detroit and for Michigan. It has shown time and again how citizen involvement can have a direct, beneficial influence in politics.

Channel 7 congratulates the League of Women Voters on their 50th year of exceptional service.

CRITICISM OF THE VA HOSPITAL SYSTEM

Mr. TOWER. Mr. President, there has been much criticism directed at the VA hospital system of late, some of which has been directed at our VA hospital system in the State of Texas. While I

believe that constructive criticism, in the long run can benefit the VA hospital system, and ultimately the veterans for whom the system was established, I am not convinced that placing the blame for VA problems solely on the present VA administration is fair. One must ask: "If our VA hospital system is in trouble at this time, is it possible that the deterioration of the entire system could have occurred in the relatively short span of 14 months—that period during which President Nixon has been in office?" The facts indicate otherwise.

The total Veterans' Administration medical care appropriation of fiscal year 1969 was $1,474,064,000. The expected fiscal year 1970 medical care appropriation, with supplemental increases, is $1,648,099,000 or an increase of $174,035,000.

The fiscal year 1971 budget submitted to Congress by the President included the highest appropriation request in history for VA medical care. This morning the Veterans' Administration informed me that the President and the Budget Bureau have approved a VA request for $15 million in additional funds in the fiscal 1971 budget for medical programs. This is in addition to the $1.7 billion contained in the administration's original fiscal 1971 budget request. This means that the administration is asking $228 million more for fiscal 1971 than the VA appropriation for fiscal 1969 and $69 million more than for fiscal 1970. Within these resources, the VA hopes to improve hospital staffing ratio of employees to patients and increase the number of veteran beneficiaries treated in VA hospitals and clinics over previous year levels. At this point, one very important fact should be noted: Vietnam era veterans comprise less than 10 percent of the VA's total hospital patients. Furthermore, only the sickness and disabilities of approximately one-half of the younger veterans are related to military service. The fact is that the VA, through the increased use of extended care programs which have had a significant impact in reducing VA hospital beds and average census, is currently treating more eligible veterans on both an inpatient and outpatient basis than ever.

As we are aware, President Nixon continues to do all that he can to curb an extremely serious inflation problem which he inherited from the previous administration by exercising judicious fiscal restraint and wise budgetary control. At the same time, however, the President has demonstrated his continued interest in the VA's medical care program by granting an increase of 1,500 full-time employees to the VA at a time when he was reducing employment in Government by several thousand jobs. Of those 1,500 full-time employees, 83 percent of the added positions were designated specifically for the medical program. Moreover, with the fiscal year 1971 requests, the VA medical care staff will be increased by an additional 2,150 employees hereby bringing employment in the department of medicine and surgery up to 142,152 or simply the largest work force in the department's history.

On the question of physicians, comments have been made that the VA has experienced losses among its physicians as a result of deteriorating medical care and noncompetitive salaries. Again, the latest VA reports reflect a gain of 373 more doctors—including 26 more psychiatrists—over the previous number recorded some 9 months earlier.

Mr. President, the VA, under the able guidance of Mr. Donald E. Johnson, has done an outstanding job. But we all know that anyone who choses to do so can find fault with this or any other budget which is intended to provide medical care. Every hospital director and every Government administrator is reluctant to say he has enough money. After all, what hospital in the United States, be it a VA hospital, private hospital, a community, or a State hospital, could not use additional funds or additional staff? The main point is that VA hospitals are providing quality medical care on a greater scale than ever before. This is so in spite of the severe handicap of a severe cost squeeze brought on by inflation.

Mr. President, it is my opinion that we are providing no service to our gallant veterans or to the public if we permit an erroneous conclusion to be drawn regarding the quality of care a veteran may now expect from his VA hospital. Our veterans and the thousands of dedicated physicians, nurses, and other outstanding employees who stafi VA hospitals merit our further assistance and our confidence.

VETO POWER OF U.S. ATTORNEY GENERAL

Mr. ALLEN. Mr. President, the idea that the U.S. Attorney General should have the power to veto laws duly enacted by State legislatures is one of the revolutionary principles established by a liberal majority of Congress in the Johnson administration.

The principle has been endorsed and implemented with a vengeance by the Nixon administration as an aspect of the "New Federalism" we hear so much about.

Recently, the U.S. Attorney General's veto was applied to an act of the Alabama Legislature. The legislation granted thousands of servicemen the right and opportunity to become registered voters in Alabama. The veto denies them this right.

On March 18, 1970, the distinguished attorney general of Alabama, the Honorable Macdonald Gallion, expressed himself forcefully on this development in a letter to the Honorable Jerris Leonard of the Department of Justice in a news release on the subject.

I ask unanimous consent that the letter and news release be printed in the RECORD as an illustration of "New Federalism" under the practices of this administration.

There being no objection the items were ordered to be printed in the RECORD, as follows:

GALLION BLASTS U.S. CIVIL RIGHTS CHIEF OVER ABSENTEE REGISTRATION RULING

Alabama Attorney General MacDonald Gallion accused the U.S. Justice Departments Civil Rights Chief of "having the worst case of prejudice I have ever witnessed." Gallion said Jerris Leonard showed he had no understanding of the Civil Rights Law by objecting to Alabama's new law which allows servicemen to register to vote by mail.

Under the Voting Rights Act of 1965, Gallion was required to submit any new voting legislation to the U.S. Attorney General for approval before Alabama can put such laws into effect. He certified the new Absentee Registration Law (Act 604, 1969 Session) on January 13, 1970 but the Justice Departments Civil Rights Chief struck the law down on March 13th. The basis for such decision was that Act 604 requires the applicant for registration to complete a written questionnaire which is mailed to Alabama. The Civil Rights Chief felt this would "in effect impose a literacy requirement for registration," which violates the Federal Voting Rights Act. This brought on Gallion's blast at the Justice Department.

In a reply letter, Gallion said the new law was passed to allow servicemen to register to vote by mail who would otherwise have to appear personally before the Board of Registrars.

Gallion said in his letter:

"It is passing strange that the present administration which has been trying to curry favor among the electorate in the South would interpose an objection to an Act which would have the effect of broadening the electorate and giving servicemen and others a chance to vote.

"Does the present administration wish to go on record as preventing the thousands of servicemen from Alabama from becoming registered voters? Perhaps you would prefer to send Federal Registrars to Viet Nam, Laos, Cambodia, and other places throughout the world to register all servicemen, white or black, whose homes are in Alabama.

"I suggest that common sense dictates that you should reconsider your objection to said Act No. 604."

STATE OF ALABAMA,
OFFICE OF ATTORNEY GENERAL,
Montgomery, Ala., March 18, 1970.

Hon. JERRIS LEONARD,
Assistant Attorney General, Civil Rights Division, Department of Justice, Washington, D.C.

DEAR MR. LEONARD: Reference is made to your letter of March 13, 1970, which was in pertinent part as follows:

"This is in reference to Act Number 604 of the Legislature of the State of Alabama authorizing and providing for registration by mail of qualified electors who are members of the Armed Forces of the United States or who are employed outside the United States which was submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965.

"Act Number 604, *inter alia*, requires the applicant for absentee registration to complete a written questionnaire without assistance. It is our view that this provision in effect imposes a literacy requirement for registration and that such a requirement, if enforced, would violate the provisions of Section 4 of the Voting Rights Act of 1965. Therefore, I must on behalf of the Attorney General interpose an objection to Act Number 604."

As you are probably aware, prior to the passage of this Act, a person could only register as an elector by appearing in person before the appropriate Board of Registrars.

It is my understanding that when the Legislature of Alabama passed and the Governor of Alabama approved Act No. 604, it was with the intention of providing a means for those in the Armed Forces of the United States and others who were absent from the State to be able to register as electors without having to appear personally before the Board.

That was the sole purpose of the Act, and there was no intention to impose a literacy requirement on anyone.

It is passing strange that the present administration, which has been trying to curry favor among the electorate in the South would interpose an objection to an Act which would have the effect of broadening the electorate and giving servicemen and others a chance to vote.

Does the present administration wish to go record as preventing the thousands of servicemen from Alabama from becoming registered voters? Perhaps you would prefer to send Federal Registrars to Viet Nam, Laos, Cambodia, and other places throughout the world to register all servicemen, white or black, whose homes are in Alabama.

I suggest that common sense dictates that you should reconsider your objection to said Act No. 604.

Very truly yours,

MACDONALD GALLION,
Attorney General.

ARMS SHIPMENTS TO THE MIDEAST

Mr. MONDALE. Mr. President, I have grave doubts about the wisdom of the administration's recent decision not to sell Phantom and Skyhawk jets to Israel.

I appreciate the great dangers of an arms race in this area. The big powers must resist the temptation to exploit tensions or to seek their own spheres of influence at the expense of the stability of the Middle East.

At the same time, I do not think that stability in this case is enhanced by unilateral action by the United States with absolutely no promise of a reciprocal restraint on the part of the Soviet Union.

The Secretary of State admitted yesterday that there was no sign of willingness on the part of the Soviet Union to discuss joint limits on arms shipments to the Mideast. On the contrary, Russia has recently destabilized the situation by introducing in Egypt the advanced SA–3 missile with Soviet personnel to deploy the weapon.

Libya, as we all know, has recently contracted to buy 108 Mirage jets from France—a massive striking force which can only have Israel as the target.

Furthermore, there appears to be no breakthrough in the refusal of the Arab States to allow Israel the right of peace and nationhood. Their demand continues to be for nothing short of the extinction of Israel.

What little peace or "balance" is now being preserved in the Middle East is due to the superiority of Israeli air power. Given her absolute inferiority in terms of population and strategic position, her continued superiority in the air is essential to any reasonable concept of "balanced power."

I am glad that the administration is continuing to seek the cooperation of the Soviet Union in finding a way toward permanent peace in the Mideast. I am pleased that the administration is prepared to commit economic aid to relieve Israel of the crushing burden of her war debt. And I am at least relieved that we have promised to replace downed planes and retain the option of arms sales at a future date.

But I would urge the administration to carefully review their current assessment of the Mideast situation and, hopefully, to give Israel further support in her continuing fight for survival.

SMUT PEDDLERS: THEY PREY ON THE YOUTH OF AMERICA

Mr. DODD. Mr. President, the U.S. mails are the hub of the distribution system for the multimillion dollar pornography business in this country.

Much of the objectionable and obscene material that is mailed is unsolicited, and much of it is directed to children.

The Subcommittee on Juvenile Delinquency has been fighting the traffic in pornography for years, but it is a matter that requires constant watchfulness at all levels.

In an article on the wave of pornography flooding the mails, in the March 1970 issue of VFW, the magazine of the Veterans of Foreign Wars, Jean E. Laird says that everyone in America with a mailing address is on the pornographers' list. She states further that 80 percent of the more than 100 million items of objectionable material mailed each year ends up in the hands of children.

Mr. President, because of the concern we all feel over this continuing problem, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SMUT PEDDLERS: THEY PREY ON THE YOUTH OF AMERICA

(By Jean E. Laird)

Pornography is flooding the mails. Much of it is reaching our nation's youth. No reliable statistics on the amount of mailed obscenity exist, but postal authorities estimate over 100 million items of objectionable material are sent out each year.

The circulars, brochures, catalogues, pictures, books and records find their way to at least a million school children. And each of these youngsters may be passing the filth along to a half dozen others.

It is believed that 80% of all pornographic literature in the United States falls into the hands of children. William Foley, Vice-Chairman of the Citizens for Decent Literature, reports, "Children get this stuff accidentally or otherwise, then pass it among themselves at school and hide it in their lockers."

What can be done about the rising flood of pornography? Foley says citizens must pressure local law enforcement agencies, including prosecutors, to enforce existing obscenity laws.

The Veterans of Foreign Wars of the United States at its 70th National Convention in Philadelphia passed a resolution denouncing the sending of unsolicited obscene material through the mail and called for legislation to prevent it. This is a step towards shutting down the dealers in smut.

As a major target of mail order pornography, youngsters have sometimes found themselves deluged with offers of filth after innocently answering an ad for camera equipment, rare coins and stamps, or acne remedies.

This is how most people get on mailing lists of obscenity dealers. Within weeks after buying a European-made car, a Missouri housewife received an offer from Europe "of modern pornographic pictures—10 for $11." Postal inspectors caught one Louisville dealer who used the published names of blood donors as prospects for his material. And some producers of indecent publications reportedly go to the extent of purchasing grade and high school graduation lists in soliciting prospective customers.

Obscenity is a lucrative business. A Knoxville dealer had been in business only eight months, yet had already cleared $20,000 and had 100,000 new circulars ready for mailing before his arrest.

Still photos are the most common obscene item sent through the mails. These are not September Morn nudes or provocative pinups, but males and females in perverted poses. They frequently sell at $3 to $5 apiece, or six-for-$10.

Pornographic records, costing up to $6.95 apiece, rank second in volume. A firm that has mailed out tens of thousands of copies of a pornographic record catalogue was indicted as part of a crackdown by the Post Office. Still the help of parents to stop this deluge of obscenity is sorely needed.

A Detroit father of a teenage boy tells us he had caught his son reading obscene literature. Ads for it had been sent through the mail, and the boy ordered the material. He impressed upon his son the fact that peddlers of such filth use young persons as "suckers" for their racket, and are interested only in making a profit at the expense of the teenager's well-being. Instead of punishing the boy, he appealed to the boy's intelligence and sense of decency to rebuff the smut merchant and his wares.

When that teenager gets to the mail box before his parents do, and finds pornographic reading material what effect does this have on him? The experts say teenagers are deeply affected for either good or bad by what they read. Often reading pornography, they see something they had not known before, and try it out. This statement is backed by FBI records all over the country.

Dr. William E. Abramson, of Baltimore, Md., said the problem with such smut is that it "arouses and then miseducates." He explained that arousing curiosity is basically good: "That is what a professor does, he arouses curiosity and then he educates."

But, obscene literature warps the viewpoint of the child whose curiosity it arouses, Abramson pointed out. Overexposure to pornography without compensating education "is to leave the child hung up, and from hung-up kids come hung-up young people and hung-up married couples, and the continuation of the 30 or 40% divorce rate we have today," Abramson added.

President Nixon recently announced his intention to wage a "war on smut." He recognized the grave danger in the blatantly sexual materials, the sort of books typically delivered unsolicited in plain brown wrappers. This is the material against which the "war" is to be directed. A report in October states: "Uncle Sam's war on hard-core pornography will be stepped up this month. Of the 20 recognized hard-core pornographers in the nation, 12 have already been put under indictment. Four more will get the same treatment shortly."

As effective as the government's crackdown is trying to be, it is still being impeded by the soft penalties handed out by many judges.

Consider the case of two large-scale operators convicted in Ohio. At their arrest, a ton of obscene material was confiscated, along with numerous mailing lists. One of their mailings consisted of some 8,000 catalogues so vile that the Post Office was flooded with complaints from irate parents and even from businessmen whose secretaries open the mail.

Neither dealer had to serve a day in jail. Instead, the two were fined and placed on probation, even though an Act of Congress provides that sending obscene material through the mails may be punished by a prison term up to five years and a fine up to $5,000.

Recently, a Chicago man found his 12-year

old son reading a "sex book" under the bedcovers with a flashlight. This book was savage, perverted sex, hideously brutal and sadistically violent. In disgust, he began to ask why the sale of such books was permitted in his city. To his astonishment he found that recent Supreme Court decisons have made it difficult, if not impossible, for local communities or states to know what standards to apply to obscenity cases.

There is an apparent confusion among prosecutors and judges over the definition of pornography, to which U.S. Supreme Court decisions have certainly contributed. It seems that to halt by law materials which some consider immoral, or pornographic is to deprive those who do not consider them so of their constitutional rights.

The noted writer, James A. Michener, says: "Children under certain ages cannot buy cigarettes or whiskey. They are forbidden to drive cars, can't have guns, contract bills or get married. Yet in the most difficult areas, our nation has failed to set clear any enforceable standards to prevent the sale of sexually destructive materials to minors."

Federal, state and local laws deal with transmittal of obscene materials. But, law enforcement alone cannot effectively combat the obscene literature traffic. The full cooperation of the community is essential. Parents bear a heavy responsibility in seeing that their children are not harmed by exposure to filthy literature.

It is up to the ordinary citizen to keep his postal officials alerted. Turn over any obscene mailed material—including the envelope or wrapper—to your local postmaster or postal inspector, or send it to: Chief Postal Inspector, Washington, D.C. 20260.

You can also support stronger local and state legislation against pornography. And, don't be afraid to speak out against obscenity. According to the U.S. Supreme Court "contemporary community standards" is the all-important key to what is considered obscene.

By speaking out you will be helping to protect this nation's most precious resource—our youth.

THE SAFEGUARD ABM SYSTEM

Mr. TOWER. Mr. President, in the not too distant future, we shall be debating the necessity of proceeding with phase II of the Safeguard ABM system.

One of the very important reasons why we must approve phase II is the increasing Soviet strategic military threat. So that Senators can become familiar with the truly disturbing dimensions of this threat, I ask unanimous consent that an article in the March issue of Aviation Week, entitled "Soviets Press Strategic Military Expansion," be printed in the RECORD. I urge every Senator to consider this article carefully as he prepares for the upcoming debate.

There being no objection the article was ordered to be printed in the RECORD, as follows:

SOVIETS PRESS STRATEGIC MILITARY EXPANSION

(By Donald C. Winston)

Soviet military strength has continued to expand dramatically, despite Russia's apparently earnest participation in Strategic Arms Limitation Talks (SALT) and professed interest in easing East-West tensions.

Biggest growth by far has been in strategic nuclear forces, where the Russians have exceeded all earlier U.S. intelligence estimates and swept to a clear lead in the number of deployed, combat-ready intercontinental ballistic missiles (ICBM) with high-yield warheads.

At the same time, the Soviets have:

Continued intensive testing of new tactical fighter aircraft.

Flown a prototype Mach 2 variable-geometry medium bomber.

Sharply increased their missile submarine production to take advantage of a new, advanced underwater-launched strategic missile.

Improved their anti-ballistic missile (ABM) defense.

Tested new types of ICBM's.

According to Defense Dept. estimates, Soviet military, space and atomic energy research and development funding will reach the approximate equivalent of $14–17 billion for 1970. This compares with an expected U.S. expenditure of less than $14 billion during Fiscal 1971. Soviet research and development spending in these areas has shown a 10–13% annual growth rate in recent years, while the U.S. has remained on a relatively level plane.

Heavy Soviet research spending is seen as indicative of a desire to continue to improve military capabilities in the long run.

Only in the areas of medium-range nuclear missiles and strategic bombers have the Russians failed to make major advances.

A significant recent development is a super-heavy-lift logistic helicopter, the Mil Mi-12 Homer. The latter, informally nicknamed the "Butterfly" by its designers, has a running-takeoff payload capacity of nearly 40 tons and will serve as a logistic link between the Antonov An-22 heavy logistic transport and forward battle areas in a conventional land war.

Defense Secretary Melvin R. Laird, in his recent posture statement, declared that the Soviet Union is moving forward so rapidly in development and deployment of advanced weapon systems that by the mid-1970s they could "place us in a second-rate strategic position with regard to the future security of the Free World."

Laird asserted there was no Soviet budgetary response to last year's U.S. defense spending reductions, nor have there been any signs of Soviet military cutbacks to match announced lower U.S. spending for Fiscal 1971.

Specific Soviet weapon developments which most concern U.S. officials at this time include:

Mig–23 Foxbat Mach 3 fighter, whose formal introduction into the Soviet air force inventory is expected during 1970. The Mig–23 appears to have a dual role: pure interceptor and high-altitude missile-launching strategic strike aircraft. It has been tested with the 20-ft. Ash air-to-air missile, developed originally for use on the Tupolev Tu-28 Fiddler fighter. The Ash appears to be an interim weapon for the Foxbat, which will probably be fitted with an advanced missile. Up to four such missiles can be carried on the aircraft.

Mig–23 range is far longer than that of the Mig–21, currently the top-rated fighter in the Soviet inventory. Foxbat is believed capable of delivering a heavy nuclear payload from an altitude in excess of 60,000 ft. It is not designed for ground-attack missions, though it could be used for such a role in extreme circumstances or in a surprise attack.

Airborne warning and command system (AWACS). Soviets are now using a Tupolev Tu-114 transport in passenger configuration as the platform for AWACS testing, with a Tu-28 as the controlled fighter. Soviet AWACS capability is considered about on a par with that of the U.S.: not good enough for operations. The Russians appear to be three to five years away from perfecting an advanced system and may employ the Mig–23 as the controlled fighter, either as a substitute for or in conjunction with the Tu-28. Foxbat's range approaches that of the Fiddler.

Soviet inventory does not include downward-looking radar, and current tests show no apparent capability over land areas. However, components now under test are considered predecessors of an advanced AWACS.

Variable-geometry medium bomber based on the Tupolev Tu-22 Blinder design. Variable geometry is expected to provide the new bomber with a range up to 4,000 mi. and a dash capability in excess of Mach 2. Like the Blinder, the new aircraft, now flying in prototype form, has two rear-mounted engines and will probably carry a long-range air-to-surface missile.

MiG-21H fighter, which appears to be a Soviet answer to the lessons of the Arab-Israeli six-day war of 1967. New MiG carries a gun as well as missiles, and has improved avionics for all-weather flying. It can be configured for photo-reconnaissance.

SS–9 Scarp ICBM buildup, which has now exceeded 275, compared with earlier predictions of only 230 for this time. While Scarp can carry a single 25-megaton warhead, recent tests have involved three re-entry vehicles, with probable megatonnage ceilings of five each. Independently targeted re-entry vehicles have apparently not yet been tested, although the Soviets are believed interested in attaining this capability.

Continued deployment of the smaller SS–11 Savage ICBM and the SS–13, which has not yet been publicly displayed by the Soviets. Including Scarp, the Russians are estimated to have more than 1,100 ICBMs operational at this time, and at their current buildup rate will have more than 1,250 by mid-year, compared with 1,054 U.S. Air Force Minuteman launchers. Based on current Soviet construction activity at launch sites, the present missile buildup will continue at least through mid-1971, with a possible level of 2,500 launchers being reached by the middle of the decade. Approximately 10,000 separate warheads could be encompassed in this number, based on current efforts to upgrade the SS–9.

Apparent shipbuilding priority on Y-class ballistic missile submarines, which are approximately equivalent in size and range to the nuclear-powered U.S. Polaris submarines. The Y-class submarine is capable of carrying 16 Sawfly underwater-launched ballistic missiles, which are roughly equivalent to the Lockheed Polaris A–3 in warhead. Sawfly, replacing the earlier Serb missile, has a range of only 1,200 naut. mi., and the Soviets may be developing a multi-warhead follow-on missile equivalent to the Lockheed Poseidon.

Major submarine-producing facility is at Severodvinsk on the north coast of European Russia, near Archangelsk. Production capacity of Severodvinsk and other yards totals eight annually.

Although the Russians had only 45 nuclear submarine ballistic missile launchers available to them as of September, 1968, one year later the total had risen to approximately 110, with construction still on the increase. All of the added capacity is in Y-class submarines. At the present rate of production and deployment, the Russians are expected to have as many as 50 nuclear missile submarines operational by 1974–75, at which time they will have as many as 800 launchers. This level will be reached two years earlier than the estimates of only one year ago.

At present approximately 30 Soviet submarines have cruise missile capability, carrying the Styx missile.

Ballistic missile defense improvements, with 60 Galosh anti-ballistic missile (ABM) launchers now deployed in the Moscow area. The Moscow ABM system is described as "nearly complete" by U.S. officials, who believe that the slowdown in deployment noted a year ago may have been related to near-completion of the installation. Galosh is roughly equivalent to the U.S. McDonnell Douglas Spartan and provides only a broad area defense.

Meanwhile, tests at the Sari-Shagan impact range, near Lake Balkash in Soviet Kazakhstan, indicate the Russians are developing an improved Galosh-type ABM and are actively working to improve their radar. Second-generation ABM components so far include advanced phased-array radars but not a Martin Sprint-type short-range missile.

Introduction of the SA–5 Griffon surface-to-air missile at locations other than Tallin, Estonia. SA–5 has intercept capability to 95,000 ft. and was originally deployed at Tallin to protect the western air approaches of Leningrad. It is now deployed near the Black Sea military port of Ilichovsk and others.

Continued development of a retro-fired missile, which may take the form of a fractional orbit bombardment system (FOBS) or a depressed-trajectory ICBM. Both weapons would greatly complicate the U.S. missile defense mission. Tests at Sari-Shagan, which is the world's largest impact range, indicate the Soviets may be attempting to develop both weapon concepts separately as well as a single weapon which would involve elements of both. U.S. officials believe some FOBS-type warheads may already be deployed in existing SS–9 missile silos.

In long-range manned bombers, the Soviets have shown no evidence of new developments, and in fact appear to be planning a slight retrogression in the number of active aircraft.

At present, Russia has between 150 and 200 Tupolev Tu–20 Bear and Myasishchev M–4 Bison heavy bombers in inventory, roughly the same figure as three years ago. About 50 tankers are included in the force level. In addition, the Soviet air force has about 700 medium bombers, including the Tupolev Tu–16 Badger and the Tu–22 Blinder, as well as tankers.

Of these, only the Tu–22 supersonic bomber appears to be still in production, but few of these are expected to be added over the next few years. It is not known how many of the variable-geometry follow-on Tu–22s will be activated during the 1970s.

Similarly, no great increase has been observed in the size of the Soviet intermediate-range missile forces in recent years. Approximately 700 launchers have been deployed, most of them mobile, with the majority still located in western Russia and aimed at North Atlantic Treaty Organization nations. Large numbers of these missiles were redeployed to Soviet Central Asia, near the Chinese western border, several months after the 1968 Soviet invasion of Czechoslovakia, and they are still in the Chinese border area.

The major unknown in U.S. evaluation of Soviet military posture involves the degree of internal refinement the Russians intend to build into their deployed major weapons. U.S. officials can easily determine the number of aircraft the Soviets are flying and can count the number of missile launchers. But there is no effective way to determine the degree of technology embodied in these weapons.

In tactical air strength, the Soviets have boosted their manned interceptor inventory by 5% in the past year, largely in MiG–21s, Tu–28s and the new shortrange interceptor, Sukhoi Flagon A. U.S. officials believe that the Russians will permit their total interceptor force to decline later in the decade, as older MiG–19s and Yak–25s are phased out of the inventory to be placed by the higher-technology, newer aircraft.

Of present Soviet tactical air, approximately 40% is kept available for close air support, air strike and interdiction missions; another 40% for air defense and the remainder for reconnaissance and reconnaissance strike. A disproportionate number of obsolescent MiG–17 fighters and Ilyushin Il–28 light bombers are believed to be present in current ground attack and reconnaissance forces.

A major factor in Soviet tactical air is the relatively short range of the fighters. While the Russians place emphasis on the ability of their aircraft to operate from remote and unimproved fields, this very factor tends to lower the sortie rate which would be expected because of the difficulty in providing complex maintenance at such fields.

Russian tactical air is designed primarily for operations in Europe, where maintenance equipment and personnel could be quickly airlifted to advance fields, particularly with the use of the Mi–12 Homer heavy logistic helicopter.

In addition to the MiG–23 and the Flagon A, the Russians may be planning to introduce the variable-geometry MiG Flogger later in the decade, as well as Flagon B short takeoff and landing (STOL) fighter and an improved version of the Yakovlev Freehand vertical takeoff and landing (VTOL) fighter.

An armed helicopter so far has been missing from the Soviet Tactical air fleet, probably because counterinsurgency is not part of current Russian military doctrine. The Russians have been experimenting with guns on the Kamov Ka–25 helicopter, which is designated primarily for anti-submarine warfare.

TIGHTEN CONTROLS ON AUTHORIZATION CARDS

Mr. ERVIN. Mr. President, the reckless attitude of the National Labor Relations Board toward the use of union authorization cards was carefully documented in the recent report on the Board by the Judiciary Subcommittee on Separation of Powers.

The subcommittee, after extensive hearings and nearly 20 months of study, found that the NLRB often has distorted the intent of the Taft-Hartley Act by permitting these cards to be used in ways which destroy free employee choice.

The report also concluded that the NLRB has applied double standards toward employers and unions in its policy toward the cards, and has continued to issue bargaining orders based upon the cards even though the Board's own Chairman, Mr. Frank McCullough, has stated publicly that authorization cards are notoriously unreliable.

I was pleased this week to discover that the Wall Street Journal has taken up the fight against the NLRB in this important area. In an editorial published on March 19, 1970, the Journal urged that Congress take action to insure that the Board is more cautious in its acceptance of authorization cards at face value.

Mr. President, I ask unanimous consent that the Wall Street Journal editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CAUTION ON CARDS

Unions trying to organize employes often ask them to sign "authorization" cards. There's nothing wrong with that process alone, but serious problems can stem from the card's later use.

In many cases, of course, the cards merely serve as evidence to support a union's petition for a National Labor Relations Board election. In a secret-ballot vote the employes then may decide whether or not they want the union to represent them.

Trouble can arise, however, from the fact that the employe has already chosen the union as his representative. The organizer doesn't always make that fact clear, and incautious employes often don't bother to read what they're signing. Many sign the cards in the belief that they're merely supporting an NLRB election.

Nonetheless, the board in some cases has accepted the cards, in lieu of a vote, as binding evidence of the employes' desires. It may do so, for instance, if it decides that some alleged misconduct by the employer has made a fair vote "impossible." While it's conceivable that employer conduct could make a fair election difficult, even the result of that sort of vote could be more meaningful than the cards of employes who may not have had the slightest idea what they signed.

Problems also can arise when the union first presents the cards to the employer. In one case a union did so, arguing that they showed a majority of the employes wanted the union to represent them. After verifying the signatures, the employer agreed and signed a contract.

Only later did he learn that a number of employes thought they had only asked for a union election. Yet when he and some employes appealed to the NLRB to decertify the union, they found that they were struck.

"In a long line of precedents the board has stated that its general practice in representation cases is to presume the regularity and legality of an agreement entered into by an employer with a union . . . and to refuse to admit evidence on the question of whether or not a majority of employes had freely designated the union as their bargaining representative," the NLRB said. "The board normally refuses to receive evidence in representation cases that signatures on cards were unlawfully obtained or were otherwise invalid or fradulent."

The employer and employes can, if they choose, file unfair labor practice charges and start through the legal mill once more. A more sensible solution would be for Congress to insist that the board take a more cautious attitude toward the cards.

FORMER ASSISTANT SECRETARY OF INTERIOR CAIN RECEIVES AWARD

Mr. HART. Mr. President, it is with very great pleasure that I note for the CONGRESSIONAL RECORD that the Ecological Society of America earlier this year designated Stanley A. Cain as "Eminent Ecologist." This is one of the highest honors of the Ecological Society, and it is awarded most appropriately to Dr. Cain, former Assistant Secretary of the Interior for Fish, Wildlife, and Parks and currently professor of conservation in the School of Natural Resources at the University of Michigan.

Dr. Cain is greatly respected in Washington, in the Nation, and, indeed, worldwide. His selection for this honor will be widely acclaimed. I ask unanimous consent that the Ann Arbor news article which describes the citation be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

PROF. CAIN NAMED "EMINENT ECOLOGIST"

The designation "eminent ecologist," one of the highest honors of the Ecological Society of America, has been conferred upon University Prof. Stanley A. Cain.

Prof. Cain, who now serves as Charles Lathrop Pack professor of conservation in the U-M School of Natural Resources, recently completed three years as U.S. assistant secretary of the interior for fish, wildlife and parks.

The society acknowledged that Prof. Cain "has preceded us and led us in the development of the science of ecology." Ecology is that branch of biology concerned with the interrelationships between all organisms and their environment.

The citation reads in part:

"From his Hoosier days of wonder before the cypress swamps and ruins of New Harmony, he has always been guided by the double searchlight of scientific endeavor and social responsibility. Many of us have experienced the grave difficulty of choosing between scholarship and public works, bearing in mind that whatever message we might bring to our communities derived its value from our substance as scientists . . . Not so, it seems, for Stanley Cain in Indiana, Illinois, and Tennessee, when he gave himself so completely to the study of flora and vegetation, picking up clues from European workers then very poorly understood in America.

"He contributed more than anyone to break the embattled provincialism of the early 30s among American botanists, by restating and critically analyzing concepts of vegetation analysis. As for the science of floristics, his book 'Foundations of Plant Geography' set up a new framework for a tired discipline very badly in need of rejuvenation."

Educated at Butler University and the University of Chicago, Prof. Cain taught at Butler, Indiana University, the University of Tennessee and Cranbrook Institute of Science in Bloomfield Hills before joining the Michigan faculty in 1950.

ST. LAWRENCE SEAWAY

Mr. MONDALE. Mr. President, the Duluth News-Tribune, in an editorial published February 19, and the Faribault Daily News, in a March 6 editorial, commented on the hearings recently held on S. 3137, to make possible a toll reduction on the St. Lawrence Seaway. I was proud to introduce the bill with 14 cosponsors from both parties from all the States in the Upper Midwest.

The News-Tribune concluded that the "choice for Congress should be obvious." That is, to "drop the debt and allow the Seaway to fulfill its potential as an intra- and international waterway, creating jobs, stimulating trade and adding to the economy of the nation by providing a competitive avenue of commerce."

The Daily News pointed out that:

A significant reduction in toll rates . . . could produce an increase in traffic on the St. Lawrence Seaway.

I ask unanimous consent that the text of the editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

LIFT DEBT ON SEAWAY

By way of favorable decisions from the Interstate Commerce Commission and the U.S. Supreme Court, the federal government recently gave two major railroads permission to merge, thereby improving the railroads' competitive position.

It would seem only fair, then, for the federal government, through congressional action, to improve the competitive position of the St. Lawrence Seaway by removing from the seaway corporation the debt for construction of the Seaway.

It would seem especially fair considering that no other major waterway in the United States has to pay back the construction costs to the government.

Sen. Walter Mondale, D-Minn., (in a joint effort with senators from all the states bordering on the Great Lakes and therefore, which use the Seaway), last November introduced a bill to eliminate this debt. Tuesday, Mondale testified in support of that bill before a Senate subcommittee on the Great Lakes-St. Lawrence Seaway.

At present, the St. Lawrence Seaway Corp. is required to pay back to the federal government by 2009 the $120 million capital cost of developing the Seaway, plus interest. At the same time, the corporation has been required to pay the Seaway's maintaince costs.

Mondale has called this "government sanctioned discrimination," and he supports that contention by pointing out that the government has paid $56 million to develop and $50 million to operate and maintain the Gulf Intercoastal Waterway; has paid $62 million to develop and $11 million to operate and maintain the Mississippi River-Gulf Outlet; has paid $33 million and $37 million to maintain and operate the Houston Ship Channel, and has paid $130 million to develop and $140 million to maintain and operate the Delaware River Channel to Philadelphia.

Mondale has proposed that the government only write off the Seaway debt, making it a permanent investment in a commerical waterway. He has taken the position that the Seaway can pay its own operating and maintenance costs if not faced with repaying the development costs.

Dropping the debt for development is the only sensible alternative available to the government really, if it wants to have the Seaway at all. If the debt isn't dropped, then the Seaway must consider repayment through increased toll fees, and this surely would diminish the traffic on the Seaway, making it even less able to make repayment.

The government's choice, then, is quite simple: it can continue to demand repayment, and perhaps get some repayment before the Seaway becomes inoperable because of bankruptcy—or the government may drop the debt and allow the Seaway to fulfill its potential as an intra- and international waterway, creating jobs, stimulating trade and adding to the economy of the nation by providing a competitive avenue of commerce.

The choice for Congress should be obvious.

SEAWAY HAS DEFICIT

The St. Lawrence Seaway has been busy ever since it was completed and has recorded increases in shipping tonnage every year except on since it opened in 1959. Even so, toll collections of the St. Lawrence Seaway Development Corp, have been insufficient to meet payments on the $131.6 million debt to the U.S. Treasury for the American share (27 percent) of original seaway construction. An aide to Sen. Walter F. Mondale (D.Minn.) says that toll revenues of the corporation have paid off "hardly a nickel" of the debt, which now stands at around $150 million in principal and interest.

Mondale thus has sponsored a bill which would cancel the corporation's debt and permit all toll revenues to be used for meeting operation and maintenance costs. The senate commerce committee's sub-committee on Great Lakes-St. Lawrence Seaway transportation, of which Mondale is chairman, will open hearings on the bill on Feb. 17. If the measure should be approved, and if Canada were to adopt similar legislation, it might be possible to reduce seaway toll rates by as much as two-thirds.

Cancellation of the U.S. portion of seaway debt would be, in one view, an act of simple justice. Herbert D. Doan, chairman of the 10th anniversary seaway celebration, pointed out last Dec. 13 that "Billions of dollars have been spent in other parts of the country on waterways, and yet the Great Lakes Seaway is the only waterway in the United States which requires the payment of tolls." Doan urged that governors of the Great Lakes states "get together and exercise their considerable power" to demand federal help in operating the seaway. But Doan may have over-rated the power of the Great Lakes states. Several previous bills aimed at easing the seaway corporation's financial burden have failed to win approval in congress.

U.S. waterway shipping operators are proud of their efficiency. For a dollar, they say, a customer can send a ton of cargo 330 miles by barge, as compared with 66.7 miles by rail and 15.4 miles by truck. Although waterway shippers have brought into use towboats that can push in one load as much cargo as could be lifted by 1,500 of the largest trucks or by almost 1,000 railroad cars, the industry has not raised its rate of three-tenths of a cent per ton-mile in 20 years. A significant reduction in toll rates therefore could produce an increase in traffic on the St. Lawrence Seaway sufficient to partially offset the drop in toll revenue.

THE AMERICAN STAKE IN THE DEFENSE OF ISRAEL

Mr. DODD. Mr. President, when Prime Minister Golda Meir of Israel visited our country in February, she asked our Government to sell Israel an additional 25 F–4 Phantom jets and 100 A–4 Skyhawk jets. The administration undertook to consider the proposal.

The decision on Israel's request was announced by Secretary of State Rogers at his press conference yesterday. The Secretary said that in the judgment of the State Department, Israel's air capacity is sufficient to meet its needs for the time being, and that, in consequence, it had been decided to hold in abeyance the decision on Israel's request for additional aircraft.

I know that the administration agrees that it is in our national interest to help Israel preserve her freedom, and that the destruction of Israel by the forces that threaten her would be a moral and political disaster for the entire free world.

Many of our people are concerned over the possibility of American involvement in the Mideast conflict.

I understand and share this concern.

The Israelis, however, have demonstrated that they are more than able to take care of themselves, if they can get the weapons to equip their own forces.

The surest way to prevent American involvement, under these circumstances, is to make certain that Israel has the weapons it needs to defend itself against the possibility of renewed Arab aggression.

It is because of this that I have serious misgivings about the administration's decision to put off action on the requested sale and to make the sale contingent on future assessments of the situation.

Israel's neighbors, between them, have from three to four times the number of aircraft that the Israelis have.

Moreover, the Soviets, in addition to pumping in ever more aircraft, are now sending large numbers of SAM–3 antiaircraft missiles and thousands of Soviet military personnel to Egypt.

It has been argued that, although the Israel air force is far inferior to the Arab forces in numbers, the Israelis are so far ahead of the Arabs qualitatively

that, in actual fact, they enjoy superiority in the air.

As far as this present moment is concerned, there is something to this argument. In terms of the skill and elan and dedication of its pilots and the quality of its maintenance crews, the Israel air force is certainly one of the finest in the world.

The Arab air forces, on the other hand, although they have first-rate modern planes, perform abysmally because their pilot morale is low and their ground crews unskilled and unmotivated.

But the problem of aircraft attrition is a far more serious one for the Israelis than it is for the Arabs.

With their tiny air force of roughly 300 planes, the Israelis are flying virtually around the clock. The planes are even more overworked than the pilots, because the Israelis have two pilots for every plane.

Far more serious than their losses in battle is the day-in and day-out attriton that takes place, even with the best of maintenance, when planes are flown as hard as the Israelis fly theirs.

To give them the strength that they must have, a year from now or 2 years from now, to meet the continuing Arab buildup in military aviation, it is necessary that decisions be made today on future deliveries of aircraft to the Israelis. As a matter of fact, the experience has been that the average time lag between a contract for the sale of aircraft and actual delivery runs something like 18 months.

Secretary Rogers in his statement described the decision to hold up action on the sale of aircraft to Israel as an "interim decision"; and he said that if steps are taken to upset the current balance, the President would not hesitate to reconsider the matter.

The Secretary of State also confirmed that the United States would be granting economic aid totaling roughly $100 million to the State of Israel, including credits to cover payment on past military contracts.

The sincerity of the administration's commitment to the defense of Israelis, I believe, beyond challenge. But in the light of the facts I have here set forth, I hope that the administration will move to reassess the Mideast situation without undue delay, and that Israel will receive the planes she needs and has requested.

Mr. President, I ask unanimous consent to have printed in the RECORD a number of recent newspaper articles dealing with the continuing buildup of Soviet arms in the Arab countries.

There being no objection the items were ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Mar. 18, 1970]

NEW AIR-DEFENSE SYSTEM DELIVERED TO EGYPT—SOVIETS INCLUDE ANTIAIRCRAFT MISSILES, RADARS, COMPUTERS

(By John K. Cooley)

BEIRUT, LEBANON.—The Soviet Union has delivered a complete new air-defense system to the United Arab Republic.

It reportedly includes late-type antiaircraft missiles, radar, electronic guidance devices, computers, and Soviet technicians to man them.

Ten freighters brought the Soviet equipment to Alexandria from Yugoslav ports during the five-day period of March 12 to 16. More shipments were expected, a correspondent of the American Broadcasting Company's television news recently in Egypt reported.

Intelligence sources here said the shipments were of defensive equipment only, designed to repair Egyptian air defenses badly shattered to the Israeli air offensive that began last December.

Neither advanced jet aircraft such as the Soviet MIG–23 nor any surface-to-surface missiles were included, the sources added.

MISSILES INCLUDED

Main items in the shipments were Soviet SAM–3 missiles. These are two-stage antiaircraft weapons, probably of the type called Goa in NATO terminology. They are designed especially for use against low-flying aircraft usually unreachable with the earlier SAM–2 Guideline missile. Guidelines have been used by North Vietnam and Egypt and have been deployed in many Soviet-supplied countries for nearly 10 years.

Since the Israeli Air Force began heavy strikes inside Egypt last fall, the SAM–2's have knocked down only a few of the attacking Israeli planes, probably including one Phantom fighter bomber. Israeli fighter bombers have destroyed many SAM–2 emplacements.

Besides the SAM–3's, new factors in the latest Soviet shipments are much more sophisticated radar and computer equipment than the Soviet Union had supplied before, and the arrival of several hundred more Soviet technicians including, it was believed, firing crews supplied by the Soviet Red Army rocket-forces command.

Israeli commandos removed one complete Soviet radar set of an earlier type last December in a raid near Ras Gharib, on Egypt's Gulf of Suez coast, and flew it to Israel.

SPOKESMEN COMPLAIN

President Nasser has recently remarked that the United States had given Israel the most advanced possible electronic range finders and computers.

Egyptian spokesmen complained that it was difficult to obtain similar advanced equipment in these fields from the Soviets since Egypt had no sure knowledge of exactly what the Soviet inventory offered.

Soviet delivery of the new defensive weapons to Egypt is interpreted here as a signal from Moscow that it wants to reduce the damage done almost daily to Egypt by Israel's overwhelmingly superior Air Force.

At the same time, by holding off on deliveries of advanced jet planes or offensive missiles, Moscow is signaling Washington that it does not want to escalate the Mideast arms race in offensive weapons.

DISSUASION SEEN

This, the Soviets apparently feel, may dissuade President Nixon from granting Israel's requests for new United States Phantom and Skyhawk fighter bombers and for more than 100 large Sikorsky helicopters. Israel wants the helicopters for commando operations of the type it carried out against Syria March 16 and 17.

Washington reports said March 17 that President Nixon's decision, delayed past the March 1 deadline he had set, could be expected before the end of the current week.

The Soviet arms deliveries to Egypt through Yugoslavia were probably arranged in a series of talks since January between President Nasser, the Russian leadership and Yugoslav President Tito, who visited Egypt last month, Western diplomats believe.

FLEET REINFORCED

They were accompanied by a reinforcement of the Soviet Mediterranean fleet. One of the new units arriving in the Mediterranean from the Black Sea about March 11 was an 18,000-ton floating dock towed by three tugs. Turkish naval sources in Istanbul said it was headed for Egypt.

The dock might be intended for clearing or salvage operations in Egyptian harbors, such as Port Said, at the northern end of the blocked Suez Canal.

Or, naval expects here believed, it might serve Soviet naval units in some secluded but poorly equipped Egyptian Mediterranean port, such as Sollum near the Libyan frontier.

The total Soviet Mediterranean fleet strength increased during the two previous weeks, a NATO naval spokesman in Naples said March 17. There now were 50 to 52 ships including 11 to 13 submarines, he added. This was a total increase of 10 to 12 units during the period and is greater than Soviet strength at the same time last year.

The Soviet flotilla includes the helicopter carrier Moskva which reentered the Mediterranean Jan. 4. The Moskva also normally carries a contingent of Soviet marines.

[From the New York Times, Feb. 17, 1970]

SOVIET PROMISES "NECESSARY" HELP FOR ARAB STATES—SAYS IT WILL BOLSTER THEIR DEFENSES AGAINST ISRAEL'S "CRIMINAL" AGGRESSION—MIG–23'S MAY BE SENT—MOSCOW STATEMENT VOICES DESIRE TO HAVE A POLITICAL SETTLEMENT IN MIDEAST

(By Bernard Gwertzman)

Moscow.—The Soviet Union asserted tonight that it would supply the Arab countries with "the necessary support" to bolster their defenses against what it termed Israel's criminal policy of aggression.

A brief, but sharply worded statement issued by Tass, the Soviet press agency, combined what appeared to be a pledge of military aid to the Arabs with a reaffirmation of Soviet desires for a peaceful settlement of the Middle East crisis.

The statement was the latest in a series of public and private declarations by the Soviet Union since Premier Aleksei N. Kosygin's letter to Western leaders late last month calling for urgent diplomatic moves to end Israel's occupation of Arab territory.

Western diplomats tended to regard the Tass statement as an indication that barring a diplomatic solution, which seems unlikely at this moment, additional Soviet military aid, such as late model MIG–23 fighters, would be sent to the United Arab Republic and other Arab countries.

LANGUAGE IS VITUPERATIVE

The language of the statement was extremely vituperative against Israel, in line with occasional press articles here that compare Israel with Nazi Germany.

"The Soviet people resolutely denounce the barbarous aggressive actions of Israel," the statement said. "They express their solidarity with the Arab states fighting for their legitimate rights."

Asserting Soviet desire for a political settlement, the statement said: "The policy of the Soviet Union is aimed at establishing peace again in the Middle East, to make national strife and wars a thing of the past. And our country will not weaken its efforts in this direction."

NASSER SEEKS MIG–23'S

"But as long as the aggressor tramples underfoot the principles and goals of the United Nations Charter and decisions of that international organization on the liquidation of the consequences of Israeli aggression and the restoration of peace in the Middle East," the statement continued, "the Soviet Union will render the necessary support to the Arab states in strengthening their ability to uphold their security and their just interests."

The Soviet declaration did not specify what constituted necessary support.

President Gamal Abdel Nasser of the United

Arab Republic has indicated in recent weeks that he would like the MIG–23's to counter the United States-made Phantoms recently acquired by Israel.

On Friday, President Nasser said in an interview with James Reston of The New York Times that he was seeking MIG–23's as well as Soviet technological aid to offset Israeli air attacks but that he was hesitating about asking for Soviet pilots to fly the aircraft.

If additional military aid is sent, Soviet officials undoubtedly would justify it as necessary in light of Israel's recent activity and the failure of President Nixon to side with the Soviet Union against Israel.

Mr. Nixon's proposal, in answer to Mr. Kosygin's letter, for a total arms embargo on the Middle East, was rejected by the Soviet Union last week on the ground that it drew no distinction between "the aggressor" and the "victims of aggression."

GUERRILLIAS SEEM IGNORED

Western diplomats also noted that the pledge to aid "Arab states" seemed to rule out overt Soviet military support for the Palestine guerrilla organizations. Yasir Arafat, the head of Al Fatah, the largest guerrilla organization, is in the Soviet Union as the guest of the African-Asian Solidarity Group, a nongovernmental body.

Mr. Arafat has been ignored by the Soviet press, and it is assumed that he is not getting the degree of publicity he may have liked.

The statement took note of last week's bombing by Israeli aircraft of a scrap-metal processing plant near Cairo in which at least 70 civilians were killed.

It said that "in its desire to thwart a peaceful political settlement in the Middle East, the Israeli leadership is prepared, apparently, to trespass all limits, to resort to any atrocities, disregarding the elementary principles of humaneness and norms of international law."

"The Israeli militarists and those who put weapons into their hands are confident, it appears, that by means of blackmail and threats, by means of the notorious escalation of aggression, they will be able to make the Arab states, and primarily the neighbors of Israel, renounce their lawful interests and accept the imperialist demands," it said.

THANT TO MEET JARRING

UNITED NATIONS, N.Y.—Secretary General Thant and Dr. Gunnar V. Jarring of Sweden, his special representative, will meet in Geneva Wednesday to access their "roles in seeking to cope" with the "increasingly serious deterioration" of the Middle East situation, a United Nations spokesman today said.

Mr. Thant will stop in Geneva on his way home to Burma, where he will spend a week with his two brothers and his ailing mother.

Mr. Thant is known to be deeply concerned over the intensification of fighting in the Middle East and the absence of progress in the Big Four talks here. The talks, now about a year old, were called in the hope that the big powers could agree on an outline for a peaceful settlement which Dr. Jarring would then submit to the Arab and Israeli governments.

A six-nation United Nations investigative body, meanwhile, reported that it had heard charges that the Israelis had allegedly tortured prisoners in prisons in Nablus, Jerusalem and Gaza. The conclusions of the report were made public by the United Nations.

The group said that it had collected evidence and heard witnesses in New York, Geneva, Beirut, Damascus, Amman and Cairo but had not obtained any cooperation from Israel and had been barred from the territories held by Israeli forces.

"The evidence received was one-sided, nevertheless the group was able to make an evaluation of such evidence," the report said. The group included representatives of Austria, India, Peru, Senegal, Tanzania and Yugoslavia. It was set a year ago, by the United Nations Commission on Human Rights.

The reporter said that in addition to charge of torture, the group had heard witnesses contend that "Israeli forces had occasionally ill-treated and killed civilians without provocation."

[From the Christian Science Monitor, Jan. 3, 1970]

ARABS CHART NEW ARMS BUILDUP AGAINST ISRAEL

(By John R. Cooley)

BEIRUT, LEBANON.—President Nasser's announcement in Khartoum, Sudan, Jan. 1 that Egypt will raise a million-man army opened what may become a warlike 1970 for the Arab states.

As the Egyptian leader spoke, Palestinian guerrilla warfare was intensified against Israel and new Israeli air blows were aimed at Egypt and Jordan.

Egypt's antiaircraft defenses along the Suez Canal were reported to be virtually destroyed in some sectors. Jordan's vital East Ghor irrigation canal was knocked out by Israeli bombing Jan. 1 for the third time since last June. Israel had permitted its repair on two previous occasions in return for assurances by King Hussein of low military and guerrilla activity against nearby Israeli settlements.

At the same time Israeli Defense Minister Moshe Dayan and Information Minister Israel Galili both warned Lebanon of "consequences" of guerrilla warfare like those suffered by Egypt's Suez Canal towns and the villages of the Jordan River valley.

BLAME AND PRAISE

In his remarks in Khartoum President Nasser had the sharpest blame for the United States and the highest praise for France and the Soviet Union since the breakdown of the Arab summit conference in Rabat Dec. 24.

To observers here the tenor of his remarks suggested the start of new psychological warfare against the United States and possibly against "reactionary" Arab regimes, mainly Saudi Arabia and Kuwait as well.

President Nasser and Egyptian Foreign Minister Mahmud Riyad were in Khartoum Jan. 1 and 2 for celebrations of Sudan's 14th Independence anniversary and for talks with Maj. Gen. Gaaun el Numeiry's Sudanese regime.

Their visit followed tripartite talks in Tripoli forming an unofficial alliance with the revolutionary regimes of Libya and Sudan.

ARMED FORCES ASSESSED

President Nasser said Egypt now has 500,000 men "at the front and we are in the process of building a strong army of 1 million fighters to confront Israel and those behind Israel."

Last October the Institute of Strategic Studies in London estimated Egypt's total armed forces including mobilized reserves at 207,000. Mohammed Hasanain Haykal, editor of the newspaper Al Ahram and a close associate of President Nasser, called the institute's figures "wrong" without explaining where the errors lay.

"We confront not only Israel but the United States and the other imperialist powers as well," President Nasser added. He termed the recent U.S. proposals for Egyptian-Israeli and Jordanian-Israeli peace settlements as "suspicious schemes" in which "the U.S. goal is to enable Israel to grasp the throats of Arab states and keep control of Arab territory."

President Nasser made no reference to the recent flight of five embargoed French-made gunboats to Israel. confirming views of observers here that Cairo and most other Arab capitals do not plan to allow the incident to disturb French-Arab relations.

In Cairo Al Ahram said France had given Israel "a slap in the face" by demanding recall of Adm. Mordechai Limon, chief of the Israeli purchasing mission in Paris and by suspending two senior French officers connected with the affair.

In Tripoli, however, the official radio quoted Col. Muammar al Quaddafi, the Libyan chief of state, as expressing "fear that the gunboat incident may affect relations between France and the Arabs" because of "the concern felt by Arab public opinion."

ARMS SALES REVISED

Paris and Tripoli have been negotiating for the sale of French arms, including Mirage 5 fighter-bombers and AMZ 30 heavy tanks to Libya.

Last week the British Aircraft Corporation canceled "with regret" an antiaircraft weapons system contract worth about $240 million, negotiated by the government of King Idris. Libya had failed to meet installment payments on the contract.

Since the Rabat summit conference Libya has shown intentions of aligning its arms purchases and defense policies with those of Egypt. These apparently aim at building up large conventional forces in the northeast corner of Africa for an ultimate showdown with Israel.

Some military sources expect as a result of the U.A.R.-Libyan-Sudanese talks the strengthening of Sudanese forces along the Suez Canal front and the dispatch of the first battalion of Libyan troops to the canal.

Kuwati and Algerian forces also serve on the canal, and Algerian artillerymen and commandos have been reported active in combat there.

[From the New York Times, Mar. 19, 1970]

SOVIET TROOPS AND MISSILES REPORTED TO BE IN EGYPT

A large number of Soviet troops and modern SAM–3 antiaircraft missiles have arrived in the United Arab Republic in the last week, according to information reaching here from reliable diplomatic sources in Cairo.

The missiles, designed to cope with low-flying enemy aircraft, are rapidly being put into position at the port city of Alexandria, at an air base west of Cairo and elsewhere in Egypt, it was reported.

Soviet soldiers have been observed driving trucks bearing nine missiles on the desert highway linking Cairo with Alexandria.

For the last week, according to the diplomatic sources, the highway has been closed to foreigners at intervals, and there have been rumors that it may be closed indefinitely to Western residents in the United Arab Republic.

The number of Soviet troops arriving in Egypt with the missiles, estimated from 1,500 upward, suggested to diplomatic observers that the Russians would operate the antiaircraft weapons and the complex radar support facilities.

Concern has been voiced about Soviet reaction if Israeli aircraft attacked the new missile sites, killing or wounding Russians. The Soviet Union might then feel compelled, it has been said, to send fighter squadrons to protect the antiaircraft forces.

The SAM–3 missiles have become important to the defense of Egypt since the Israeli action, undertaken in January, involving low-level air strikes against military targets in the heart of the country.

Many of the Israeli raids have been directed against Soviet-supplied SAM–2 missiles, which are effective against high-flying aircraft to an altitude of 60,000 feet but are generally unable to bring down low-flying planes.

USED AGAINST U.S. PLANE

It was a SAM–2 missile, according to Soviet reports, that ended the espionage flight of the American pilot Francis Gary Powers on May 1, 1960, when his U–2 plane was brought down near Sverdlovsk, in the Urals.

American pilots have learned in North Vietnam how to evade the SAM–2 by low-level attacks and by the use of electronic devices that disoriented the missiles. Israeli pilots flying over Egypt have emulated the tactics developed in the Vietnam war.

The arrival of SAM-3 missiles in Egypt, however, appears to have confronted the Israeli Air Force with the risk of a greater loss rate if the raids are continued. Of the handful of Israeli planes shot down by Egyptians thus far, most have been brought down by conventional antiaircraft weapons. Only one instance has been reported in which an Israeli plane was brought down by a missile.

DECISION WAS EXPECTED

Moscow's decision to send antiaircraft missile units to Egypt became almost inevitable, according to some analysts, after Israeli air strikes in the vicinity of Cairo in January and early February.

The Egyptian Air Force, although superior to that of Israel in the number of aircraft, has suffered from a lack of pilots sufficiently trained for combat against the skilled and experienced Israelis.

Following an Israeli Air strike against a metal plant near Cairo on February 12, in which 80 civilian workers were killed, there were indications that the Cairo leadership was pressing the Soviet Union for aircraft capable of carrying out retaliatory raids against Israel.

The short range of Egypt's soviet-supplied Sukhol-7's and MIG–21's does not permit raids against Israel from Egyptian bases. All Egyptian air action has been directed, therefore, against Israeli positions in the occupied Sinai Peninsula, near the Suez Canal.

SPECULATION ABOUT MIG–23'S

There was much speculation that the Soviet Union might supply the Egyptian Air Force with MIG–23's, a powerful twin-engine fighter capable of speeds up to 1,800 miles an hour, faster even than the Phantoms being delivered to Israel by the United States.

This possibility has been challenged by some experts, who say that the MIG–23 is not in squadron service yet even in the Soviet Union.

The United Arab Republic has some TU–16 long-range bombers, but experts doubt that these relatively slow planes would be able to penetrate Israeli air defenses.

In any event, it is considered most unlikely that the Soviet Union would endorse any air strikes against targets in Israel.

The delivery of the defensive antiaircraft missiles appears to have been what Premier Aleksei N. Kosygin and other Soviet officials had in mind when they warned several weeks ago that Israeli air raids against Egypt would force Moscow to render more effective military support to the Arabs.

PROBLEMS OF RURAL AMERICA

Mr. BELLMON. Mr. President, the crisis facing the citizens of our country who reside in rural America has recently caused the information of the Rural Affairs Council by President Nixon. The February 21, 1970, issue of the Kansas Farmer contains an article written by the distinguished Senator from Kansas (Mr. DOLE), which discusses the problems of rural America and the approach of the Rural Affairs Council to solve this crisis.

Senator DOLE, who represents one of the most important agricultural States in the country, has long endeavored to improve conditions in rural America. Prior to his election to the Senate, he served with distinction as a member of the House Committee on Agriculture. He has sponsored and cosponsored many bills aimed at solving and preventing problems of farmers and rural people. Rural America has no more understanding or loyal friends than the junior Senator from Kansas.

I ask unanimous consent that the article written by Senator DOLE be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

THE RURAL AFFAIRS COUNCIL: A NEW APPROACH TO THE CRISIS IN RURAL AMERICA

(By Senator BOB DOLE)

Every day we hear of the crisis in our cities. Crime escalates, complexities of everyday affairs multiply and the quality of life in general continues to decline. No one disputes the severity and crucial nature of the urban situation, but there is another and equally important crisis in this country: the declining economy and eroded vitality of rural America.

On November 13, 1969, President Nixon created the Rural Affairs Council, a cabinet-level organization concerned particularly with encouraging the creation of new jobs in rural America, training people to fill those jobs and generally improving living conditions there.

In announcing the formation of the Rural Affairs Council, the President said: "We are a nation of cities, to be sure, but we are also a nation of small towns and villages, farms and forests mines and ranches, mountains and rivers and lakes. The people who live in rural America have urgent problems which deserve our attention. More importantly, they represent a great resource upon which all of us can draw."

America has always drawn upon both the natural and the human resources of her countryside, yet rural-to-urban migration brought about by the agricultural and industrial revolutions went far beyond any plans to cope with such mass relocations of people. In the cities, problems of overcrowding and strained facilities developed, and the countryside groped to adjust to the loss of jobs and the subsequent deterioration of services and institutions.

Several facts underscore the importance of the challenge we face.

60 percent of the Nation's substandard housing is in rural America.

More than 3 million rural Americans have not completed 5 years of school.

A third of our rural communities with a population of over 1,000 have no public sewage facilities.

Nearly half of the poverty-stricken of this country reside in rural America.

The improvement of the quality of living in rural America is vital to those who live there today, and to the millions more who will be born before the end of the Twentieth Century. The population of our country is likely to grow by 50 percent in the next 30 years, and the location of these next hundred million Americans is a tremendously important question for our society.

After an era in which people have moved steadily from the countryside to large and crowded cities, we must now encourage a more even distribution of population. The cities have become almost uninhabitable, but rural America has not been given the support and direction needed to offer a viable alternative to the technological and industrial concentrations of urban centers. The existence of such an alternative is important today, but it will reach critical proportions in direct relation to population increase.

The solution lies not in depopulating New York or Chicago or Detroit, but in changing rural America so Americans will have a genuine choice of where they want to live and work and raise their families. A successful program for rural America can stimulate a migration back to rural areas, remove some of the population pressure from cities, and thus improve life for all.

The membership of the Rural Affairs Council gives ample evidence of the importance attached to its mission. The broadest areas of concern and interest within the government are represented. The resources and experience of each agency or department will be available for the Council's work. The members are: the Secretaries of Agriculture, the Interior, Commerce, Health, Education and Welfare, Housing and Urban Development, Labor; the Chairman of the Council of the Council of Economic Advisors, the Director of the Bureau of the Budget and the Director of the Office of Economic Opportunity.

While giving the Council a broad mandate to assist in nonmetropolitan development, the President specifically directed it to:

Secure information on the problems confronting rural America, identify their causes, and develop means to deal with them by using available programs or initiating new ones.

Foster effective use and coordination of federal programs in the nonmetropolitan areas in order to improve the delivery of public services to the people.

Encourage the fullest cooperation between federal, state and local governments, with special concern for local initiative and local decision-making.

Encourage the most effective role possible for voluntary organizations in dealing with rural problems.

Encourage an improved geographical distribution of the population.

The Rural Affairs Council will also receive and consider recommendations of the President's Task Force on Rural Development, which was established September 29, 1969. The Task Force is made up of people outside the government who are vitally interested in rural America. It has the responsibility of reviewing the effectiveness of present rural assistance programs and recommending what might be done in both the private and public sectors to stimulate rural development. The Task Force is intended to insure that the influence of government personnel and policies will not overwhelm the efforts to promote rural development, and to give continued emphasis to the importance of the role of the private citizen and private enterprise in developing the federal government's part in this undertaking; federal programs can be delivered effectively only when and where the people want them.

And most appropriately when the initiative for evaluating local needs, assessing local resources, planning local development and carrying out programs locally comes from outside Washington, from the states and communities which will be affected. The Task Force will be a valuable stimulant for states and localities to join the federal government and private enterprise in the job of bringing new growth and development to rural America.

Among the agencies involved at the federal level, the USDA, with its extensive field staff and traditional responsibilities in rural America, will play a leading role in rural development. Secretary Hardin has created within the department a Rural Development Committee which will coordinate programs, develop policy and maintain inter-departmental liaison for the department in this field.

Secretary Hardin has foreseen vital roles to be played by the Extension Services, the state universities and land grant colleges in helping the people develop rural America.

"Rural development begins at home," he has said. "It is the responsibility of state and local organizations, groups and leaders. They will provide the channel through which the people may improve their situations" by analyzing their local needs, assessing their local potentialities, and matching their com-

munity's potential with private and public programs at all levels of government.

Extension will be asked to bring cohesiveness into community development programs through education and to help people obtain the right kind of planning, financing and technical aid from other agencies. Each director of a state Extension Service has been asked to convene a USDA Committee for Rural Development in his state. These committees will work closely with state and local people in comprehensive planning and development and also provide technical assistance. Membership will include representatives from the Forest Service, the Soil Conservation Service, the Farmers Home Administration, the Rural Electrification Administration, the State Extension Service and anyone else whose representatives feel will contribute.

In the decade of the 70's the strength of rural America will be vital as never before to the whole nation. The quality of the American way of life depends on it. To have a healthy, growing and habitable country, we must have a nonmetropolitan alternative and solution to the uninhabitable, ungovernable city. The opportunity and potential are there. With dedication to the goal and faith in our abilities, our America, urban as well as rural, will become the place we all want it to be. The Rural Affairs Council and the concept it exemplifies are a significant and encouraging beginning.

Still, it is the people of each community who will decide the future of that community. A well-developed rural America with sufficiently good employment opportunities and living environments will be a sum of the efforts of those people, working with their governments at all levels.

THE GENOCIDE CONVENTION: MORAL LEADERSHIP, NOT MORAL EXEMPTION

Mr. PROXMIRE. Mr. President, one of the arguments that has been frequently presented against Senate ratification of the Genocide Convention is that this treaty is undesirable because it would allow our leaders and Nation as a whole to be brought up before an international tribunal on charges of genocide in connection with the war in Vietnam or the Black Panthers. I have dealt earlier with such arguments from a legal viewpoint, and demonstrated that these objections distort and gloss over many of the facts.

What particularly disturbs me at this time, however, is not simply that the facts are presented incorrectly. More fundamental is that this argument results from a kind of moral arrogance. It implies that somehow the United States should not be held accountable for the crime of genocide, but that this moral exemption is an exclusive American "privilege."

Moral arrogance and aloofness toward this hideous crime is a totally unwarranted reaction. It assumes that this country holds a monopoly on morality and that our moral posture is absolutely unimpeachable.

I am not saying that this is not a great country, and that its people are not good people. I am not saying that the United States cannot be a moral leader for the rest of the world. I am saying, however, that we are not inherently entitled to an exemption from morality.

The controversy surrounding the Army's investigations into the tragedies at Songmy is a good example of the effects of claiming this exemption from morality. When the first reports of a massacre began to come in from former servicemen, the instantaneous reaction of many Americans was, "Sheer nonsense. How could our American men ever do a horrible thing like that?" In other words, this country had a claim on morality in war.

But as the facts were compiled and evaluated, the inescapable conclusion was that a tragedy of major proportions had indeed occurred. As a result of the Army's 5-month official investigation, American boys are going to be brought to court-martial on charges of murder.

The point is not, as some have charged, that we are committing genocide in Vietnam. Rather, it is that we have no exemption from morality in war. Americans, under the battle stress and severe emotional strain of war, can react in the same way as men from other countries, when faced with the same situation.

Similarly, it would be a tragedy for us to claim a moral exemption—either through fear or arrogance—from other problems facing our country today. Some people have charged that genocide is being committed in action against the Black Panther movement in the United States. I, for one, do not believe that these charges have merit. However, it is not for me to stand here and pass on the judicial aspects of this situation. That is the function of a court of law.

And that is my point: The situation involving the Black Panthers should not and must not be used as an excuse for refusing to ratify the Genocide Convention. If we oppose this treaty out of fear, then our action lends credence to the charges of genocide. If we refuse to ratify because we claim a moral exemption from genocide, then we have not paid heed to the lessons of Songmy.

Let us resolve to face up to the problems of our country, and not use them as excuses for opposition to this treaty. If there is genocide in this Nation, and it is shown to be the case, then we cannot and must not run away from the causes of the charges.

Senate ratification of the Genocide Convention would be a symbol to the rest of the world, and more importantly to ourselves, that the United States is not afraid to face up to the problems that have brought about these charges. It would be a step toward moral leadership, and a recognition of the fact that we have no special claim on morality, no moral exemption. It would be a rededication of our efforts to protect the human rights of people in our country and throughout the world.

Let us make the Senate ratification of the Genocide Convention an exemplary exercise in American moral leadership. Refusal to ratify would only be a retreat from the battle for human rights.

NEED FOR CONSTRUCTIVE DEBATE ON FOREIGN POLICY CONTINUES

Mr. MONDALE. Mr. President, in light of growing problems and tensions around the globe, the need for responsible and constructive debate on our foreign policy continues.

Vietnam remains as frightening and as far from solution as ever. Laos and Cambodia threaten to widen the war throughout all of what used to be Indochina.

New directions are needed with respect to aid, trade, foreign troops levels, and a score of other foreign-policy matters.

The Democratic Policy Council has contributed to this discussion through a report prepared by Hon. Averell Harriman.

I ask unanimous consent that the text of the statement be printed in the RECORD.

There being no objection the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY INTERNATIONAL AFFAIRS COMMITTEE, DEMOCRATIC POLICY COUNCIL

WASHINGTON, March 14.—On February 18, President Nixon submitted to the Congress "a first annual report on U.S. foreign policy"—a "State of the World" message. It is difficult to find in its 43,000 words much that adds to congressional or public understanding of the complex international issues we face. As a document that purports to be "a new approach to foreign policy," it lacks substance and candor in laying out the many serious issues the country faces, and it fails to offer a creative program of action to deal with them.

During his campaign, President Nixon declared he had a "plan for peace." Today American boys are still fighting and dying in Vietnam, and now after a year of heavy staff work the Nixon Administration has revealed its "New Strategy for Peace": "Peace requires partnership . . .; peace requires strength . . .; peace requires a willingness to negotiate . . .; peace, we have learned, cannot be gained by good will alone . . .; peace does not come simply with statemen's smiles." These are singularly empty phrases when compared to other statements such as President Kennedy's analysis of peace at American University in June of 1963.

The report is filled with unstinting self-praise for all kinds of "firsts," "new" departures and "innovations":

The Nixon Administration proclaims an "era of negotiations," disregarding the fact that there has been no shortage of negotiations in recent years and that there have been significant agreements achieved, including the limited test ban treaty, the outlawing of atomic weapons in outer space and nuclear non-proliferation.

Two decades after the Marshall Plan made "self-help and mutual assistance" the guiding principle, the Nixon Administration discovers "self-help" to be an essential ingredient in economic development.

A decade after President Kennedy initiated the "Alliance for Progress" we are told that the Nixon Administration is the first to decide that "partnership" should be the basis of our relations with Latin America.

More importantly, this simplistic sermonizing is accompanied by bureaucratic congestion. What is missing is an understanding that far more important than the procedures of decision-making are the decisions themselves and people who make them. A few good appointments are worth a score of committees. One wise decision is worth more than a stack of studies.

For page after page the report describes the "new" machinery which the Nixon Administration has created to handle foreign affairs: layer upon layer of "planning", "systematic review", "analysis", and "study of options"; committees within committees; panels within panels; groups within groups. What emerges is this picture: an Adminis-

tration that has confused system with substance, that has substituted institutionalized mechanics for creative action.

After dismantling the Alliance for Progress, President Nixon's phrase-makers offer "action for progress." It is clear, however, that the pious preachments of "partnership" mask a "benign neglect" for the growing crisis of democracy and development in our Hemisphere.

As to Europe and NATO the report adds rhetoric in describing a "mature partnership" but no new substance to policies long established.

To Africa the Administration offers more generalities: "Our assistance throughout the continent will be flexible and imaginative,"—without describing the actions to be taken. The message states "the hard facts must be faced." Yet, the commendable step of closing our consulate in Southern Rhodesia, the Administration delayed for more than eight months after the British urged this action be taken.

Regarding Asia, the report implies that the region's peoples shall henceforth make do with their own "wide range of energy and genius." But the claims of new constraints on our involvement in Asia are hard to square with the Vice President's scatter-shot of promises to Asian leaders he met on his trip. However, we commend the initial steps taken toward improved relations with Communist China.

We agree with the President that, "Good U.S. economic policy is good U.S. foreign policy." Unfortunately, stumbling domestic economic mismanagement and our unfolding recession will have harmful repercussions abroad, especially among the developing nations.

Foreign aid was originally launched with wide bi-partisan cooperation, and we feel strongly that it should be continued on that basis. The recent recommendations of the President's Task Force for a new approach on international development give an opportunity for renewed bi-partisan cooperation for an effective program. The emphasis on increased support for the World Bank and the regional development institutions should be particularly welcomed. The proposals for multi-year funding are also sensible. However, careful examination should be given to those administrative proposals which divide responsibility for development among several high-level bodies for what is, in fact, one overall problem.

With regard to East-West relations, the message is one of hobbled gradualism on all fronts:

The S.A.L.T. negotiations—Despite the report's acknowledgement that these are the "most important arms control negotiations this country has ever entered," the Nixon Administration shows none of the urgency demanded by the rapid and deadly developments in the continuing arms race. A leisurely "building block" approach, which seeks to preserve all options while we move in measured steps toward "comprehensive assessments," ignores the mounting pressures on both sides for the deployment of weapons whose complexity gravely complicates the prospects for rational verifiable control.

In this connection the Administration's recent announcement of the decision to deploy MIRVs in June is deeply disturbing. This decision invites reciprocal escalation instead of mutual restraint in the nuclear arms race. It will make it far more difficult to reach a meaningful agreement on S.A.L.T.

A.B.M. System—The report tells us that the National Security apparatus "analyzed our options for proceeding with ballistic defenses on four separate occasions." But this fact of repeated consideration does not excuse the conclusion that we should build a costly system which neither offers security against a Soviet attack nor is needed to deter other nuclear threats.

Chemical and Biological Warfare—We support the President's initiatives in these fields, including the elimination of biological-toxin weapons and his submission to the Senate for action on the ratification of the 1925 Geneva Protocol prohibiting the use of chemical and biological weapons.

Improved relations between East and West in Europe—The matter is shunted aside with some cautionary phrases about the complexities and dangers of negotiations.

East-West Trade—The Administration does not seem to regard expanded trade in non-strategic goods as a commercially profitable step toward better relations. Rather the report suggests that the Soviets must pay with political concessions for the right to buy from us such products already obtainable in large quantities from Western Europe and Japan. This is not merely fruitless but counter-productive.

Laos—It is is a measure of the message's comprehensiveness and candor that Laos was not mentioned and that less than three weeks later the Administration has had to make detailed statements on this critical problem.

The Vietnam War—What might have been the vehicle for constructive initiative for negotiated settlement reveals nothing new. The report refers to the Administration's desire for a "just peace"—without attempting to define that term in any meaningful fashion. It tells us again that the Nixon Administration is placing its reliance on Vietnamization of the war as a "plan for peace" whereas this program at best can only perpetuate the fighting with continued U.S. involvement. It fails to provide either a program or a final date for the withdrawal of all American troops in Vietnam.

It continues to give a veto over U.S. efforts for a negotiated settlement to the repressive minority government of President Thieu. That Government shares neither our objective of a negotiated compromise settlement nor the deepest desires of its own people for peace. In fact, the recent arrest and conviction of Deputy Tran Ngoc Chau—in flagrant disregard of constitutional safeguards and judicial procedures—is another shocking instance of the pressure to silence all South Vietnamese who want peace through a negotiated settlement.

These views on Vietnam are not partisan ones. They are shared in major respects by many responsible people of both parties.

The "State of the World" paper is more notable for what it fails to say than what it says. Apparently, the Administration is content to substitute rhetoric and bureaucracy for effective and enlightened initiative in foreign affairs.

THE TOTAL ENVIRONMENT

Mr. MUSKIE. Mr. President, the distinguished Senator from Michigan (Mr. HART) spoke on March 14 at Western Michigan University on a subject of particular concern to me: the total environment.

He warned that we must do more than clean our air and water. We must develop a reverence for our fellow man as well as for nature or we shall have a "dangerously polluted environment," he told the environmental teach-in at that campus.

His words demanding that environment—in its fullest meaning—be the national priority deserve our attention. I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR PHILIP A. HART

We meet today to pay homage to the latest in-thing, and to express the hope, at least on my part, that concern for man's inhumanity to nature will not only outlast the life span of its predecessors, but also grow to include other types of pollution which degrade our environment.

Remember the 1960's, when the in-things were civil rights, the war on poverty, and, for one fleeting moment, hunger in a land of plenty?

Those were in-things concerned with pollution too—the pollution of the spirit which poverty breeds, the pollution of the mind which results from malnutrition, the pollution of self-respect which is the end product of discrimination.

We don't hear so much about those wars any more. You might, if you were a stranger to our ways, think that the relative silence signifies victory.

But the truth, of course, is that we have pulled a switch on the saying which holds, "There is no substitute for victory."

There have been no victories, only substitutes of one war for another, a switching of in-things to keep the natives occupied, if not happy.

That is not to say the much described crisis facing nature is not real, but rather to warn that there can be no lasting victory for a better environment unless we rid society of all types of pollution.

To clean the air but not to feed childen, to build waste treatment plants but not to eradicate poverty, to develop a new reverence for nature but not for our fellow man will still leave us with a dangerously polluted environment.

An Indian youth said it better. He was asked what part of Indian culture he would most like to see preserved in modern life.

He answered:

"The part of Indian culture I would like to see restored is the respect for natural resources . . . an appreciation of the sky, winds and water.

"It's an appreciation of your surroundings and the people in it.

"The most important thing is your belief in those surroundings and not using them indiscriminately, especially people. It's a good thing to think and not just follow the crowd."

Use neither people nor nature indiscriminately. That says it all. If we have too long been content to measure progress for blacks in terms of *the number* of lunch counters opened to them, *the number* of school rooms integrated, we have too long measured national progress solely in terms of gross national product numbers, ignoring the damage those numbers have done to nature.

If we have been slow to see that progress for blacks can only be measured as it can be for any man—in terms of respect and self-esteem—we have been even slower in recognizing that we are also a brother to and a part of nature.

We are learning that just as respect for a man depends on approaching him as an individual, so too must we give *individual attention* to problems affecting nature.

Traditionally Congressional response to environmental problems has been to set minimum standards to define pollution and then to provide only limited means to enforce those standards.

Even if additional means of enforcement were supplied, over-reliance on this approach raises several difficulties.

There are matters of environmental importance—such as minimums for odors, deleterious effects on wildlife, esthetics—that cannot be quantified into standards.

Equally important, minimum standards encourage a minimum rather than a maximum effort to protect nature and necessarily entail an averaging of regulation which ignores special conditions and dulls the edge of regulatory effectiveness.

This is not to suggest that minimum standards must be supplemented with an approach which gives individual attention to the problem at hand and asks what is the best feasible answer from the point of view of nature.

This week Senator McGovern and I introduced a bill which would open the courts to individual appeals on individual environmental questions.

This approach establishes the right of an individual to sue for injunctive relief against any unreasonable pollution of the environment.

It rests on these assumptions:

First, that the concerned citizens lawsuit is an effective way to attack individual environmental problems.

And second, the courts are the best instrument we have for listening to arguments, sharpening issues and making decisions which take into account non-environmental and environmental factors.

Despite what one may feel about a recent happening in Chicago, I believe that the courts can fulfill this action.

Certainly they are better equipped to make decisions affecting nature than the agencies, such as AEC, the Bureau of Public Roads, the Corps of Engineers, which are charged with promoting projects which have a high capability of polluting the environment.

But neither should this function be turned over to an organization which may be biased against any alteration of nature.

Pollution problems have been caused because man acted as if he were separate from nature and free to despoil it at will.

The challenge of the environment will not be solved by going to the other extreme and once again separating man from nature, but rather acting with the understanding that man and nature are integral, indivisible components of a system called earth.

If we understand that, then we can understand that man not only shapes his environment, but is in turn shaped by it.

In the words of James Baldwin: "It means something to live where one sees space and sky, or to live where one sees nothing but rubble or nothing but high buildings."

Let us not debate the environment and national priorities, but recognize that the environment, in its fullest meaning, is the national priority.

If we do that, if we make our concern for nature part of a larger commitment to use neither people for nature indiscriminately, then we can indeed get about ridding our environment of all the pollutions which degrade it.

THE HOUSING AND URBAN DEVELOPMENT ACT OF 1970

Mr. BROOKE. Mr. President, I am pleased to join the distinguished list of sponsors of the Housing and Urban Development Act of 1970. This piece of legislation embodies concepts which I believe must serve as the bases for constructive housing programs in the future.

Specifically, Secretary Romney's proposal seeks to streamline and consolidate FHA programs from approximately 50 in number to eight. I have long championed the need for sweeping changes in FHA programs as the means of producing a greater supply of housing, at reduced costs and with diminished bureaucratic involvement. While I have not had the opportunity to review the consolidation proposals in detail or solicit the comments of responsible organizations which are interested in this legislation, I am confident that these proposals, which will be subjected to intensive scrutiny by the Senate Banking and Currency Committee in the weeks to come, will serve to move us in the right direction.

I would inject one note of caution, however. Recent legislative changes in FHA programs have created some confusion in the housing industry. Builders and nonprofit sponsors who were familiar with such programs as 202 and 221(d)(3) found that these programs were marked for extinction. We may find similar concern expressed with respect to the elimination of present programs. We must carefully weigh these considerations against the advantages of adopting the new approaches.

I concur with the need to attract greater private sector investment in low-cost housing by eliminating unnecessary bureaucratic requirements and establishing uniform criteria for subsidized housing programs. Every effort must be made to encourage the production of housing by all elements of our economy which are capable of doing so. At the same time, bureaucratic timidity cannot be permitted to frustrate housing production during this critical period.

I am somewhat disappointed that the 1970 housing proposal failed to incorporate the recommendations of the President's Commission on Mortgage Interest Rates with respect to the ceilings on FHA and VA insured mortgages and loans. I have listened carefully to the Secretary's statements on this subject and do not find them entirely persuasive. The dual system proposed by the Commission was specifically designed to function during tight money situations and was not intended to be sheltered from the vicissitudes of the marketplace. I feel that additional discussion is required before this part of the proposal can be embraced by the committee.

The public housing provisions which appear in the proposal represent a recognition of the critical problems which are facing low-income families throughout the country. They also represent the manifestation of changes in congressional attitude on the subject of public housing. Until last year there was a certain timidity on the part of HUD officials to seek the sweeping innovations which were necessary to stem the tide of deterioration in public housing. Last year, however, Congress expressed its willingness to address these problems and HUD has seen its way clear in this housing package to meet that challenge.

While the specific provisions must be scrutinized in greater detail, I commend the Department on the development of a public housing homeownership program. I believe this proposal serves as an incentive to produce more low-income housing and to provide greater family participation in the ownership and operation of these dwellings. We must not lose sight, however, of the fact that homeownership alone is not a panacea. Homeownership must be coupled with the ability and wherewithal to maintain the structures and the opportunity to realize financial gains from the homeowner's endeavors. Thus, programs must be developed to educate new homeowners concerning maintenance and repair of their properties, as well as sanitation, recreation, and other family needs.

With respect to conventional public housing, I believe the departmental proposal represents a recodifications of provisions which I sponsored as part of the Housing and Urban Development Act of 1969. It should be pointed out, however, that the Department proposes to pay subsidies equal to the difference between a 20–25 percent tenant income formula and the operating costs of the structure; whereas, last year's legislation provided for subsidies equal to the difference between 25 percent of a family's income and operating costs. Last year's legislation did not, however, require that tenant income contributions rise to a specified level as required in the present proposal. Accordingly, it is exceedingly important to determine whether the levels set forth in the instant bill are realistic. Added emphasis must be also placed on expanding the permissible categories of operating and maintenance expenses to provide for an improved standard of living which is so vitally needed in public housing. We cannot tolerate the conditions which have been allowed to persist until now. We cannot allow additional time to pass before the needs of the poor are heeded.

In this respect, I call upon the Department to fully implement the provisions of section 212 and 213 of the Housing and Urban Development Act of 1969 which were carefully designed to prevent the condition of public housing from further deteriorating. New legislation is not needed to clarify authority which HUD already possesses.

Last year, Congress authorized $75 million in contract authority to: first, offset existing operating deficits, second, maintain adequate operating and maintenance services, and third, provide additional payments to make up the amount by which rental charges exceed 25 percent of a tenant's income. To date, HUD has failed to implement the second aspect of this subsidy program. In the past, Congress has been accused of being negligent in failing to respond to the social needs of this country. In the case of public housing the administration alone carries the responsibility of committing resources to these worthwhile needs or turning aside, while the quality of life in public housing further declines. This choice does not involve the enactment of new legislation, but rather proper implementation of existing legislation.

The proposals embodied in this bill will undoubtedly be modified during the legislative process and joined by still other proposals which are designed to improve the quantity and quality of housing throughout the Nation. I cannot overemphasize the need to address these issues at this time. Last week, the Senate Banking and Currency Committee adopted several proposals designed to provide increased money to the housing industry. This legislation will be reported

to the Senate in the near future, and I am hopeful that my colleagues will give careful consideration to the provisions contained therein. Only through a recognition by Congress and by the administration of the need to provide adequate shelter for low- and middle-income families alike will the goal of a "decent home for every American" be fulfilled.

ADDRESS BY SENATOR SPONG BEFORE VIRGINIA PUBLIC RELATIONS CONFERENCE

Mr. EAGLETON. Mr. President, last Thursday, the Senator from Virginia (Mr. SPONG) in an address to the annual Virginia Public Relations Conference at Williamsburg, brought home to his audience a point that has the hard edge of truth: that in both politics and business there is often too much emphasis on public relations, or the creation of a public "image," at the expense of the substantive matters such an image should truly reflect.

Senator SPONG said:

The problem here is not the development and use of these techniques of communication which I think are invaluable to the functioning of a modern society.

The problem lies in their overuse and in the substitute of this kind of manipulation for efforts to deal with real problems.

I ask unanimous consent that Senator SPONG's address be printed in the RECORD.

There being no objection the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY SEN. WILLIAM B. SPONG, JR.

In an age that fairly glitters with accomplishments in the field of mass communications, it is ironic that we should be threatened by something called a communication gap. Yet, it is a very real problem and one which I believe could be a major force shaping the political climate in the 1970's.

In a sense, I suppose we are the victims of our own success. There may be an analogy in the story of a small-town boy who goes away to college to master the fine art of the English language only to find when he gets home that he has lost the art of communicating with his parents and friends.

The problem of the communication gap is a good deal more complicated than that, of course, but in some respects it is the same. We have so perfected the art and techniques of reaching mass audiences with appeals that can be tailored to produce almost any desired effect, that we have made a genuine dialogue with our audience not impossible but very close to redundant.

Why should an individual or a company risk the uncertain outcome of a two-way exchange when he can be sure of achieving his objective through the gentle persuasion of one-way mass communication? Why should a political candidate bother with debates on the issues when he can get by on the strength of his rhetoric and his image properly packaged in a sufficient number of five-minute time spots?

The problem here is not the development and use of these techniques of communication which I think are invaluable to the functioning of a modern society. The problem lies in their overuse and in the substitute of this kind of manipulation for efforts to deal with real problems.

We know, of course, that this approach can be highly effective at least over a limited period of time. Customers can be persuaded to continue to buy products which they know to be inferior in quality, overpriced and even dangerous to their health or safety on the basis of an irrelevant appeal to their sexual or social status. And we know now that political candidates can be sold to the public in much the same manner as a new brand of toothpaste.

But wide-spread, this practice cannot be sustained for long without fearful cost to the integrity of our institutions and to public confidence in them. There are many signs today that this confidence is already in a serious state of erosion. The demand for more and more consumer legislation is one example and one which you in public relations and advertising must be acutely conscious of.

There was a time when the consumer could live with a "buyer beware" marketplace for he could hope to keep the situation in balance with his freedom of choice. But in today's mass-production economy where purchases are enticed by a billion-dollar advertising industry and where a consumer's complaints are as often as not relegated to a computer, there is a critical need to even up the odds.

It may seem like a small thing in an economy that produces 10 million cars a year that it is a rare man who buys a new automobile that has no defects in it the day he takes delivery. Rarer still is the man who is able to get prompt and satisfactory repair of the problems.

These are small things perhaps, but multiplied by countless other experiences with indifferent service, shoddy merchandise and threats to safety, they add up to a sizeable part of what the individual thinks of as the quality of his life.

It is a curious thing that dissatisfied though he may be, a consumer will often continue to purchase the same products—such is the power of mass communication. At the same time, however, he is demanding the intervention of government on an ever increasing scale to provide him with the basic protections and guarantees he is unable to win for himself in the marketplace. Such is the extent of his frustration and disillusionment with the reality he finds behind the facade.

Over the past eight years, Congress has been actively concerned with this problem.

In the field of product safety, it has enacted the National Motor Vehicle and Traffic Safety Act of 1966, the Child Protection Act of 1969, the Natural Gas Pipeline Safety Act, the Radiation Control for Health and Safety Act and the Flammable Fabrics Act.

To assure the consumer's right to honest, factual information the Congress enacted the Cigarette Labeling Act, the Fair Packaging and Labeling Act and the Truth-in-Lending Act.

This session there are at least a dozen more bills pending concerned with everything from product reliability and deceptive sales practices to the threat of insecticides to our environment and food supply.

In many of these areas, governmental action appears necessary. But, in the last analysis, consumer protection will depend on industry and business recognizing their responsibility to those they serve. And this, in turn, will depend in large measure upon opening up the channels of communication with their customers—listening to their complaints and their needs, and trying to do something about it.

I am far from suggesting that this problem of the communication gap is confined to the business world. If anything, there may be an even more serious problem in government.

It is said that we are experiencing a new politics of public relations today, one in which rhetoric is more highly valued than performance, and where the politics of our problems receive greater attention than the problems themselves. I believe there is truth to that. Certainly I cannot remember a time in my public life when public trust and confidence in government has been so low.

To a large extent, I believe that this unhealthy trend in politics and government is directly related to the availability and the willingness of some to misuse the modern techniques of the mass media. I think many of our young people are more aware of this sham than their more jaded parents and we ought to listen when they tell us the king is wearing no clothes.

More important than the manifestations we see on the surface, I believe there is growing public disenchantment with all aspects of American society which goes unexpressed. But it is there and it is working to weaken the fabric of our national life.

In my judgment, we face no challenge so urgent as stemming this erosion of public confidence. And there is no group better situated to contribute to this goal than you of the Public relations field.

VOTING RIGHTS IN WHEELER COUNTY, OREG.

Mr. HATFIELD. Mr. President, during the voting rights debate, the Senator from Kentucky (Mr. COOPER) included in the list of counties affected by his amendment a county in Oregon: Wheeler County.

Senators will recall that soon after, I telephoned the county clerk, Arlene Stegner, and found that Wheeler County would not be affected. I reported that on the floor of the Senate.

I ask unanimous consent to have printed in the RECORD two editorials and news articles from the Portland Oregonian and Oregon Journal, and a March 11, 1970, UPI dispatch by Clarence Zaitz which amplify the Wheeler County situation.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Oregonian, Mar. 14, 1970]

WHEELER REDEEMED

Oregon's Sen. Mark Hatfield was quick on his feet the other day in the U.S. Senate when Wheeler County was named as one of the few counties in the north that would be subject to an amendment to the Voting Rights bill applying to those counties in which fewer than half those of voting age cast ballots in the 1968 general election.

He stepped off the floor to get the word by telephone from County Clerk Arlene Stegner in Fossil that it wasn't so, and he promptly so reported to the Senate.

Wheeler County did not shirk the polls in 1968. A total of 776, or more than 71 per cent, voted out of the 954 registered. If one calculates that about two-thirds the total population is 21 or over, that is about 65 per cent of the voting age population, well above the 50 per cent of the Voting Rights law standards.

The Senate sponsors of the bill got their figures from the Justice Department. Its data on Wheeler County population must be out of date. As recently as 1950, more than 3,300 residents lived there. Now there are only about 1,800, so proportions have changed.

It is not often that a congressman's telephone call can do so much directly for so many. And he didn't even have to drop in a dime to get the operator.

[From the Oregon Journal, Mar. 12, 1970]

HATFIELD "CLEARS" WHEELER'S NAME

(By Tom Stimmel)

WASHINGTON, D.C.—Sen. Mark Hatfield cleared the good name of Wheeler County during a crucial hour in the Senate voting rights debate.

Wheeler was named as one of the counties outside the South which would be subject to

Justice Department control should an amendment to the voting bill become law.

The idea is to insure all citizens their right to register and vote. It has been applied since 1965 in seven Southern states. But the amendment would include other counties, including three in New York where fewer than half the potential voters were registered or voted in 1968.

Hatfield was astounded that Wheeler, Oregon's tiniest county, was among those accused. He stepped off the Senate floor to call county clerk Arlene Stegner at the court house in Fossil.

"Why, no," Mrs. Stegner insisted. She said there are 1,800 people in all of Wheeler County, 953 registered in 1968, and 776 voted. That's 72 per cent.

"We always have a good turnout," she told the Senator after she recovered from the shock of receiving his call.

Hatfield happily reported this to the Senate. The amendment sponsors said they were sorry. The information, they said, came from the Justice Department.

EFFECT IN OREGON RESENTED

(By Clarence Zaitz)

FOSSIL, OREG.—Mrs. Arlene Stegner doesn't think this sparsely-populated county needs any federal help in registering voters.

"I think it's a bunch of bunk," declared the outspoken Wheeler County clerk.

She was referring to Senate approval Tuesday of an amendment to the 1965 voting rights act. The measure would bring a number of areas in the north under the act's automatic coverage formula.

Included would be Wheeler County—the only county in Oregon—because its registration of voters is less than 50 per cent of those eligible.

The county has a population of 1,880. Mrs. Stegner said at last count she had 918 registered voters.

"I talked to Senator Mark Hatfield yesterday about it," said Mrs. Stegner, "and we can't figure out where they got those figures."

The last school census in the county indicated slightly more than 500 children between the ages of 4 and 19. That would leave at most 1,300 persons old enough to vote.

In the last general election 762 Wheeler County voters cast ballots for presidential candidates.

"We had a turnout of 81.4 per cent of the registered voters," Mrs. Stegner said.

She was aghast that federal officials thought there was any imbalance of voter registration. "We have a dozen registrars scattered among the five precincts of the county," she explained.

"It just isn't right . . . I know of no reason . . ." Mrs. Stegner just couldn't believe that her county would be lumped in with some in the country where voter registration was discouraged.

"For heaven's sake," she said, "I think we have more persons registered than they do in some of the cities."

Fossil, the county seat, is also the largest city in the county, with 525 persons. The county's population has steadily declined since it reached a peak of 3,313 in 1950.

"I just don't think we deserve all this publicity," Mrs. Stegner complained.

HATFIELD DENIES CHANGE IN COUNTY VOTE STATUS

WASHINGTON.—Oregon's Wheeler County was mentioned as one of a scattering of areas which would be covered by an amendment to the 1965 Voting Rights Act, approved by the Senate. But Sen. Mark Hatfeld, R-Ore., said it was not so.

The agreement, sponsored by Sen. John Sherman Cooper, R-Ky., would have extended the provisions of the 1965 act to any state or county using a voter literacy test, if less than 50 per cent of its voting age population was registered or voted in the last presidential election.

Sen. Cooper said Justice Department figures showed that Wheeler County, with a population of 1,880, would be covered by the amendment. Parts of New York City and other scattered areas were also included.

However, Hatfield said during debate on the amendment that he had talked with the Wheeler County clerk and learned that 953 persons were registered to vote in the county and 776 voted in 1968 election—in both cases more than half of those old enough to vote.

Jack Thompson, assistant secretary of state, said in Salem Wednesday that Wheeler County would not fall under provisions of the amendment.

The county, the state's smallest in population, is located in north central Oregon.

WHEELER COUNTY'S INNOCENT

Wheeler County has been wronged!

In testimony in the Senate on voting rights legislation, Wheeler was singled out with counties in the East and South as subject to Justice Department control over voter registration.

When fewer than half of the eligible voters are registered, federal authorities may step in to assure that any citizens qualified to vote will not be prevented from registering.

And somehow Justice Department investigators put Wheeler County on the list.

Wheeler's total population is 1,880. By rule of thumb, about half of them would be of voting age. In 1968, more than 950 registered. There could not have been very many who did not.

Just the opposite from criticism leveled at it in the Senate, Wheeler is a model of full registration.

U.S. Justice Department, your reliability gap is showing.

J. WILLARD MARRIOTT AND IRA A. HUGGINS TO RECEIVE HONORARY DEGREES FROM WEBER STATE COLLEGE

Mr. MOSS. Mr. President, Weber State College has designated two prominent gentlemen to receive honorary doctor degrees during commencement exercises on June 6.

I am personally acquainted with both gentlemen and am pleased to see them receive this honor. They are: J. Willard Marriott, Sr., who is a well-known restaurant and hotel chain owner in Washington and Ira A. Huggins, an Ogden attorney.

The Ogden Standard Examiner published an article on their selections, I ask unanimous consent that the article be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

ATTORNEY AND ALUMNUS WIN WEBER STATE COLLEGE HONORS

J. Willard Marriott, Sr., nationally known restaurant-chain owner, and Ira A. Huggins, Ogden attorney, were selected to receive honorary doctor degrees at Weber State College commencement exercises June 6.

Selection of the recipients was made by members of the Weber State College Institutional Council, announced Mr. O. C. Hammond, Chairman.

Mr. Marriott, a Weber alumnus and native of Weber County, has been nationally known for many years as owner of the Marriott Hot Shoppes, Inc., a restaurant chain based in Washington, D.C., but having international business dealings.

He was student president of the college class in 1923 when high school courses at Weber were discontinued. Mr. Marriott had delivered the commencement address to the Weber College graduating class in 1958.

He was chairman of inaugural arrangements for President Richard M. Nixon and has been affiliated with many national organizations and interests.

Mr. Marriott will receive an honorary Doctor of Humanities degree and Attorney Huggins an honorary Doctor of Law degree at the commencement.

Mr. Huggins' executive associations with Weber State date back to the Jr. college days when he served as a member and later chairman of the old Weber College Advisory Board.

He was appointed by the Governor in 1961 to be one of the original members of the former Weber State College Board of Trustees and had served on the Board until 1969 when it was abolished. During the past four years, he had officiated as the Board Chairman. He is now a member of the newly created Utah State Board of Higher Education. Mr. Huggins was a member of the Utah Senate in 1933 when Weber was transferred from the LDS Church to the State of Utah as a junior college.

QUALITY OF CARE IN VETERANS HOSPITALS

Mr. EAGLETON. Mr. President, recent hearings held by the Senate Subcommittee on Veterans' Affairs and a survey undertaken by the House Committee on Veterans' Affairs in preparation for its forthcoming hearings reveal a shocking deterioration in the quality of care in our veterans hospitals.

Hospital after hospital has reported that it is unable to provide the type of care our veterans deserve because it does not have the funds to hire doctors, nurses, and other health personnel, nor is it able to purchase needed equipment or remodel antiquated buildings.

I believe it is imperative that adequate funds be made available as soon as possible to insure that all American veterans have access to hospital and medical care of the highest quality. I commend Senator CRANSTON and Chairman TEAGUE for their leadership in the effort to provide these funds, and assure them they will have my support.

Mr. President, I ask unanimous consent that the news release by the House Veterans' Affairs Committee on conditions in Missouri's four VA hospitals be printed in the RECORD.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

MISSOURI VA HOSPITALS UNDERFUNDED AND UNDERSTAFFED

Congressman Olin E. Teague (D.-Tex.) Chairman of the House Veterans Affairs Committee said today that Missouri VA hospitals are not receiving sufficient support to provide the kind of medical care that Missouri veterans deserve.

The House Veterans Affairs Committee Chairman said that searching in-depth hearings will get underway soon on operation of the Nation's 166 Veterans Administration hospitals. As a forerunner to the hearings, the Committee has recently undertaken an inquiry in an effort to learn whether VA hospitals are sufficiently staffed and funded to provide America's exservicemen and women with "second to none" medical care. Chairman Teague said that he was, "seriously con-

cerned about recent reports from a variety of sources indicating that many VA Hospitals were being caught in an impossible squeeze between higher medical and drug costs and rising workloads without receiving proportionally higher funding and staffing allocations." "If this is true," Teague said, "such policies, if allowed to stand will wreck the VA hospital system and undermine the veterans medical program to the point of dangerous dilution in quality."

Chairman Teague said that the Veterans Administration is attempting to provide first class medical care with an inadequate staff. Teague pointed out that the general medical community hospitals and state and local government hospitals have an average staff ratio of 2.72 employees for each patient, while the Veterans Administration has only 1.5 staff for each patient. According to Teague, the university hospitals operated in connection with medical schools are even higher, and have a staff ratio of over 3 employees for each patient. Teague has written to President Nixon and advised that he expects to seek a minimum staffing ratio for the Veterans Administration of at least two employees for each patient in most VA general medical hospitals, and a one for one ratio in psychiatric hospitals.

The Veterans Affairs Committee investigation in December 1969 of Missouri Veterans Administration hospitals revealed funding deficiencies at that time for Fiscal Year 1970 of about $1.4 million to operate over 1800 hospital beds serving approximately 637,000 Missouri veterans.

In Missouri the VA operates 4 hospitals located at Jefferson Barracks, Kansas City, Poplar Bluff, and St. Louis. The Kansas City hospital also has responsibility for providing outpatient dental services to veterans who are served by the Wadsworth, Kansas, VA hospital.

The investigation being conducted by the House Veterans Affairs Committee revealed that under the hospital staffing formula advocated by Teague, the Missouri VA hospitals are about 1,000 short of needed staff. These extra positions would cost about $9.6 million annually. A few of these positions would be difficult to fill—mostly physicians and registered nurses—but most are recruitable at present VA salary scales. The Missouri hospital directors also reported in December 1969 that the community nursing care programs were underfunded in FY 1970 by approximately $395,000. This program provides nursing care in private nursing homes at VA expense for veterans who have received maximum hospital care and who now need less expensive care in nursing homes. Additional funding allocation for the community nursing home program totalling over $73,000 was distributed to Missour' VA hospitals in January 1970, however, a sizable annual deficiency still remains in the funding of this program. Due to increased workloads for dental care, mostly created by returning Vietnam veterans, Missouri hospitals are underfunded by over $300,000 for timely treatment of these cases even though $25,500 was allocated toward this deficiency in January 1970. Overall, Missouri hospitals received approximately $673,000 in January 1970 to apply against the deficiency reported to the Committee in December of over $1.3 million.

Dr. John F. Dee, Director of the 700-bed Jefferson Barracks hospital, told the Committee in December 1969 that he lacked funding for 58 full-time permanent positions costing over $210,000 annually which had been authorized to his hospital but no funds were made available to fill them. On January 28th Dr. Dee reported to the Committee that he had received $75,000 to partially sustain current employment levels but that it would still be necessary to divert approximately $130,000 from maintenance and repair projects and equipment funds to maintain current on-duty staffing at the Jefferson Barracks hospital. In December 1969 the hospital director had reported an $80,000 deficiency for the community nursing care program at the Jefferson Barracks hospital. This program provides nursing care in private nursing homes at VA expense for veterans who have received maximum hospital care and who now need less expensive care in nursing homes. In January 1970, $23,573 in additional funding was allocated to Jefferson Barracks for this program.

Dr. Dee indicated to the Committee that there was a declining psychiatric workload at the Jefferson Barracks hospital and that it was anticipated the hospital mission would be changed from a psychiatric type hospital to a GM&S hospital. Based on the present bed capacity and other factors, if the mission of the hospital is changed from a psychiatric to a general medical and surgical hospital, over 500 additional positions would be needed at an annual cost of over $5 million to bring the Jefferson Barracks hospital staffing ratio to at least two employees to each patient as advocated by Chairman Teague.

In December 1969, Hospital Director V. J. Belda at the Kansas City, Missouri hospital reported to the Veterans Affairs Committee that he was over $281,000 short in personnel funds for FY 1970, and that it would be necessary for him to divert equipment and maintenance and repair funds of approximately $212,000 to meet this deficiency. However, on February 6, 1970, the hospital director reported that VA Central Office had made available to the Kansas City hospital over $219,000 to apply to the total deficiency reported by his station of $557,000 in December 1969. Over $34,000 will be used to meet a drug deficiency and about $4,400 will be used to pay fees for consultant physicians to augment the present hospital staff. Approximately $19,000 will be applied against the $133,000 shortage in dental care funds which are needed mostly to treat returning Vietnam veterans. About $97,000 will be used for new and replacement equipment acquisitions and maintenance and repair projects at the Kansas City hospital. Almost $45,000 will be utilized to take care of increased workloads for out-patient care services at the Kansas City hospital, and about $20,000 of the additional funds will be used to relieve the December 1969 fund shortage in the community nursing care program of over $48,000.

In December 1969, W. W. Leak, Director of the 153 bed Poplar Bluff VA Hospital, reported funding deficiencies of approximately $184,000; $127,000 of this deficiency was for hospital staffing. On January 29th the hospital director advised the Committee that he had received $29,000 in additional funding of which $23,000 would be applied against his staffing deficiency. He said, "This small increase in funds does not reduce our salary deficiency of $127,000 sufficiently to permit us to continue to operate the hospital under any type of operational curtailment plan." The hospital director pointed out that they had very little personnel turnover. Apparently the hospital is left with three options—to reduce personnel which they have been ordered not to do by VA Central Office—receive additional funds from VA Central Office—or utilize a total of $98,000 in equipment and maintenance and repair funds which have not yet been obligated to sustain on-duty personnel.

The hospital director indicated the "Immediate need for an intensive care unit" at the Poplar Bluff hospital "in order that we can provide the same quality of care to veterans as is being provided to others in the community." The Poplar Bluff hospital director indicated to the Veterans Affairs Committee that he was confident he would be given some additional funding at an early date to assist with the greatly increased outpatient workload at the hospital. He said, "The question, of course, is how much?"

After receiving aproximately $326,000 in additional funds in January 1970 from VA Central Office, Dr. Francis Dickey, Director of the St. Louis VA Hospital, indicated that the deficit reported to the Veterans Affairs Committee in December of over $630,000 would preclude further personnel reductions at the St. Louis hospital although he is operating below the hospital's year end employment figure for FY 1969 despite increased workloads. About $233,000 will be applied against the previously deficiency of $379,000 for personnel. The balance of this personnel deficiency will be made up by diverting funds from equipment and maintenance and repair budgets totalling about $111,000. Dr. Dickey stated that other "needed staffing adjustments will be made by attrition." Other funds received in January 1970 will be distributed to meet non-recurring operating expenses of about $50,000; $23,000 will be applied to a $261,000 deficiency reported in December in the community nursing care program, and $6,500 will be applied toward a $208,000 deficiency to supply dental care, mostly for Vietnam veterans who have recently been discharged from the military service.

Some curtailment of VA funding and staffing has been blamed on the "war on inflation", Teague stated. "I take the position the Vietnam veterans has contributed enough when he fights the shooting war and that he should not be expected to fight the inflation war also at the expense of his health," Teague said. "This Nation has prided itself in its service to those who have borne the burden of battle. A bi-partisan attitude has long prevailed in Congress in the funding of an adequate medical program for America's veterans, and in providing for the educational and housing needs of returning servicemen. We in Congress of both parties have always acted in the belief that the finest medical care should be made available to those who served their Country in uniform, and especially to those who returned home suffering wounds and service connected disabilities."

"I do not intend to sit idly by and allow shortsighted policies to destroy a medical program that is absolutely necessary to care for America's veterans," Teague said, "and that's why we're conducting this survey we we can make a determination if we are doing all that needs to be done to properly and promptly serve America's ex-servicemen.

THE POSTAL CRISIS

Mr. HART. Mr. President, at least, and perhaps at most, three aspects of the current postal crisis are clear.

First, postal employees have been treated badly. Their salary, particularly in big cities, and their opportunities for advancement are far short of adequate. Postal workers have good cause to complain that their grievances, long voiced through correct channels, have been neither heeded, nor, in some quarters, even heard. They have been subsidizing their fellow citizens for too long.

Second, a postal strike causes widespread hardships, hardships that while affecting much if not all of our economy, bear hardest on many of those who are paying more than their fair share of the costs of fighting inflation.

Third, both Houses of Congress last year recognized that postal employees deserved a pay raise. While, for several reasons, the House and the Senate approved different levels of increased pay, we did agree that an increase was justi-

fied, not in face of a strike, but on the merits of case.

Mr. President, that third fact is most important.

There are those who say that to approve a pay raise now, even before all striking workers have returned to the job, would be to pay blackmail.

That position ignores the fact that last year both Houses of Congress approved a pay raise when there was no pressure from a strike.

That position argues that Congress, in order to punish a few, should further delay for the many what Congress said last year they all deserved.

That position would have Congress continue to ignore its responsibility to complete action on a pay increase bill now many months old.

Mr. President, I believe, and believe strongly, that Congress should complete the job it started last year. I urge the Senate and House conferees to meet now to resolve disagreements in the two bills and to report out a pay raise bill covering at least postal workers.

Certainly serious consideration should be given to including a raise for other Federal employees, but in the interest of speed and fairness, the issue of postal reform should be separated from the question of pay.

If the President of the United States wants to veto such a bill, that is his decision, but we should not be governed by any such threat.

We should do what we think is fair, and thought fair before any strike: Take final action on postal pay.

THE 1969 ASCS PROGRAM PAYMENTS OF $25,000 OR MORE—EXCLUDING PRICE SUPPORT LOANS

Mr. WILLIAMS of Delaware. Mr. President, for many years I have been critical of the large cash payments that, under our agriculture program, are being paid to the large corporate-type farming operations.

In my opinion, if this program is to be continued, these payments should be limited not to exceed $20,000.

Today I have received a report of all cash payments in excess of $25,000 that were made in 1969 but to save space in the RECORD I have limited this report to a $60,000 minimum.

I shall ask unanimous consent that this report, listing all 1969 payments in excess of $60,000 be printed at the conclusion of my remarks.

Significantly this report shows that one company, J. G. Bosnell Co., of California, received $4,370,657.

Griffen Inc. of California, received $3,412,867.

Seven companies received in excess of $1 million each.

Fourteen companies were paid between $500,000 and $1 million each.

Fifty-four companies were paid between $250,000 and one-half million dollars each.

These are not small farmers.

The Southern National Bank of Lumberton, N.C., was paid $224,254.

The First National Bank of East North Carolina at Dunn, N.C., was paid $69,943.

The First National Bank of Dumas, Tex., was paid $69,415.

The Waccamaw Bank & Trust Co., Lumberton, N.C., was paid $58,134.

First National Bank & Trust Co., Wichita Falls, Tex., received $34,686.

The Wilbur Security Co., Wilbur, Wash., was paid $27,445.

By what line of reasoning do these banks qualify as small farmers? This is ridiculous, and Congress should correct this law and by all means induce a limit on the amount of such cash payments.

The approval of such a limitation would save the taxpayers several hundred million dollars annually.

I ask unanimous consent that this list of 1969 cash payments in excess of $60,000 be printed in the RECORD.

There being no objection the list was ordered to be printed in the RECORD, as follows:

THE 1969 ASCS PROGRAM PAYMENTS OF $25,000 OR MORE—EXCLUDING PRICE SUPPORT LOANS

Name, address, and total payments:

J. G. Boswell Co., Corcoran, Calif., $4,370,657.

Giffen Inc., Huron, Calif., $3,412,867.

South Lake Farms, Fresno, Calif., $1,807,697.

Salyer Land Co., Corcoran, Calif., $1,637,961.

Hawaiian Commercial and Sugar Company, Box 3440, Honolulu, Hawaii, $1,311,255.

U.S. Sugar Corp., Clewiston, Fla., $1,181,195.

Mt. Whitney Farms, Five Points, Calif., $1,152,294.

Kern Co. Land Co., Bakersfield, Calif., $1,080,533.

S. A. Camp Farms Co., Shafter, Calif., $928,917.

Vista Del Land Farms, Firebaugh, Calif., $778,624.

Westlake Farms, Stratford, Calif., $746,586.

Vista Del Llano Farms, Firebaugh, Calif., $731,772.

Farmers Investment Co., Sahuarita, Ariz., $673,410.

Boston Ranch Co., LeMoore, Calif., $643,006.

State of Montana, Helena, Mt., $641,341.

Bud Antle Inc., Red Rock, Ariz., $596,293.

Waialua Sugar Co., Inc., Waialua, Hawaii, $566,785.

Oahu Sugar Co., Ltd., Waipahu, Hawaii, $540,036.

South Puerto Rico Sugar Co., South Bay, Fla., $539,429.

Lihue Plantation Co., Ltd., Lihue, Hawaii, $527,688.

Telles Ranch Inc., Firebaugh, Calif., $503,285.

Lee Wilson & Co., Wilson, Ark., $500,005.

Jack Harris Inc., Coalinga, Calif., $481,237.

Ewa Sugar Co., Inc., Ewa, Hawaii, $473,470.

C. & V. Growers Inc., Maricopa, Ariz., $468,899.

Pioneer Mill Co., Ltd., Lahaina, Hawaii, $468,030.

H. B. Murphy Co., Brawley, Calif., $457,591.

Hamilton Farms, Eloy, Ariz., $436,168.

Kekaha Sugar Co., Ltd., Kekaha, Hawaii $436,060.

Kohala Sugar Co., Hawi, Hawaii, $421,292.

Youngker Farms, Buckeye, Ariz., $400,496.

Mauna Kea Sugar Co., Inc., Hilo, Hawaii, $397,837.

Vernon L. Thomas Inc., Huron, Calif., $392,790.

Red River Land Co., Stanfield, Ariz., $391,237.

Honokaa Sugar Co., Haina, Hawaii, $382,742.

Hawaiian Agricultural Co., Pahala, Hawaii, $370,389.

Airway Farms, Inc., Fresno, Calif., $368,103.

McNair Farms, Laurinburg, N.C., $366,584.

Grove Farm Co. Inc., Lihue, Hawaii, $363,999.

BKW Farms, Inc., Marana, Ariz., $359,351.

Talisman Sugar Corp., Belle Glade, Fla., $353,889.

Pepeekeo Sugar Co., Pepeekeo, Hawaii, $352,454.

Laupahoehoe Sugar Co., Papaaloa, Hawaii, $346,738.

John D. Singh, Casa Grande, Ariz., $345,064.

Tx Dept of Corr, Sugarland, Tx., $343,654.

AK Chin Farms, Maricopa, Az., $336,796.

Barkley Co of Az., Somerton, Ariz., $332,142.

The South Coast Corp., Houma, La., $331,331.

Tom J. Moore, Navasota, Tx., $325,886.

Hamakua Mill Co., Paauilo, Hi, $322,450.

J. K. Griffith, Rt. 2, Morton, Tx, $322,355.

Hutchinson Sugar Co., Ltd., Naalehu, Hi, $319,610.

W. B. Camp & Sons, PO Bx 2028, Bakersfield, Ca., $319,552.

Puna Sugar Co. Ltd., Keaau, Hi, $316,649.

McBryde Sugar Co., Ltd., Eleele, Hi, $315,704.

Wilco Produce, Box 1179, Blythe, Ca., $314,402.

Timco, 5720 S. Washoe, Mendota, Ca., $313,112.

H. H. Moore and Sons, Box 7, Navasota, Tx., $310,414.

Baughman Farms Inc., Liberal, Ks., $310,255.

Wailuku Sugar Co., Wailuku, Hi., $309,788.

Olokele Sugar Co., Ltd, Kaumakani, Hi., $304,240.

Gila River Farms, Box 397, Sacaton, Az., $303,898.

Newhall Land & Farming, 10302 Ave 7½, Firbgh, Ca., $299,641.

Gilkey Farms Inc., PO Box 426, Corcoran, Ca., $295,415.

B. V. Fms & Miller & Lux, 550 Kearney, S. Francisco, Ca., $292,961.

Bogle Farms Inc., Box 485, Chandler, Az., $286,715.

Goodyear Farms, Litchfield Park, Az., $282,417.

J. G. Stone Land Co., Box 146, Stratford, Ca., $273,699.

Raymond Thomas Inc., 25810 Avenue 11, Madera, Ca., $272,280.

John B. McKee, Jr., Friars Point, Ms., $271,743.

Arizona Farming Co., Box 907, Eloy, Az., $269,198.

Joe Mendiburu, Bx 5096, Oildale, Ca., $263,343.

F. J. McCarthy & Sons, Box 1138, Tulare, Ca., $262,890.

Riverview Farm & Cattle, 500 N. Broadway, Blythe, Ca., $262,114.

Santiaga Ranch, RR 3, Bx 893, Bakersfield, Ca., $256,016.

Houchin Bros. Farming, Bx 493, Buttonwillow, Ca., $250,579.

Potter Bros. Inc., Box 349, Arcola, Ms., $248,244.

Kirby Hughes, 7200 San Anna, Tucson, Az., $245,643.

W. J. Deal, Box 427, Mendota, Ca., $244,755.

Gragnani Bros., P.O. Box 128 A, Tranquillity, Ca., $242,080.

Bruce Church Inc., P.O. Box 1009, Yuma, Az., $241,031.

W. T. Golston Farms, Box 698, Stanfield, Az., $239,469.

W. E. Young & W. E. Young, Jr., Box 267, Calipatria, Ca., $238,428.

West Haven Farming Co., 24487 Road 140, Tulare, Ca., $238,201.

Howe Lumber Company, Inc., Wabash, Ar., $237,251.
Schramm Ranches Inc., Box 487, San Joaquin, Ca., $235,345.
Paauhau Sugar Co., Ltd., Paauhau, Hi., $229,966.
Giumarra Vineyard Corp., Bakersfield, Calif., $227,539.
Ridgeside Farms, Bakersfield, Calif., $226,709.
Irvine Co., El Centro, Calif., $226,574.
C. J. Vignolo, Shafter, Calif., $225,797.
Ben Simmons, Parker, Ariz., $225,151.
Southern National Bank, Lumberton, N.C., $224,254.
Worsham Bros., Pecos, Tex., $222,487.
Hill Farms, Hart, Tex., $221,359.
R. A. Pickens & Son Co., Pickens, Ark., $221,325.
Roy Flowers, Mattson, Miss., $221,228.
Elmore Co., Brawley, Calif., $219,917.
Southdown, Inc., New Orleans, La., $218,-144.
J. E. O'Neill, Inc., Fresno, Calif., $216,610.
David A. Shumway, Queen Creek, Ariz., $215,684.
Kahuku Plantation Co., Kahuku, Hawaii, $215,256.
L–4 Ranches, Inc., Queen Creek, Ariz., $213,273.
Jack Elmore, Brawley, Calif., $213,052.
Twin Farms, Buttonwillow, Calif., $212,687.
M. J. & R. S. Allen, Coalinga, Calif., $209,-819.
Mazzie Farms, Arvin, Calif., $207,146.
Sinclair Ranches, Calipatria, Calif., $206,202.
Clarence Matheson, Mendota, Calif., $205,755.
Florida Sugar Corp., Belle Grade, Fla., $202,669.
Sherrill-LaFollette, Phoenix, Ariz., $202,602.
Crowe Farms, Arcola, Miss., $202,041.
Campbell Farming, Hardin, Mont., $201,260.
Taft McGee, Hereford, Texas, $200,309.
Three Way Land Co., DeKalb, Tex., $198,879.
Borba Bros., Riverdale, Calif., $196,986.
Pantherburn Co., Pantherburn, Miss., $194,960.
J. W. Olberg & Son, Yuma, Ariz., $194,624.
Topanga Caine Farm, Lake Cormorant, Miss., $193,671.
John A. Wheeler, Lorenzo, Tex., $193,645.
Coury Bros., Mesa, Ariz., $193,196.
Coberly-West Co., Los Angeles, Calif., $192,043.
Nichols Farms, Hanford, Calif., $190,944.
Rancho Tierra Prieta, Eloy, Ariz., $187,815.
Bill Hilburn, Bowie, Ariz., $187,574.
R. A. Ingram, Leland, Miss., $186,397.
R. A. Rowan & Co, Stratford, Calif, $186,216.
W. R. Mayes, Mayesville, S.C., $185,089.
William C. Maloney, Itta Bena, Miss., $184,630.
Emma Lawrence, Hobbs, New Mex., $184,580.
John J. and Ola V. Lord, Tucson, Ariz., $184,118.
Gay and Robinson, Makaweli, Hi., $183,-941.
I. F. Lee, Hale Center, Tex., $183,638.
Sam Hamburg Farms, Los Banos, Calif., $183,380.
D. M. Bryant Jr., Pond, Calif., $182,994.
M. and I. Farms, Delano, Calif., $181,701.
Halsell Cattle Co., Kansas City, Mo., $180,-907.
Buckhorn Planting Co., Greenwood, Ms., $180,440.
John Garrett and Sons, Clovis, NM., $179,598.
Boyett Farming, Corcoran, Ca., $179,401.
Coit Ranch Inc., Mendota, Ca., $178,949.
Community Gin, Scottsdale, Az., $178,790.
Roberts Farms Inc., Porterville, Ca., $178,-408.
Marion Harris, Tulare, Ca., $175,380.
Wolfsen Land and Cattle, Los Banos, Ca., $175,123.
Trail Lake Plantation, Tralake, Ms., $174,-602.
Russell Bros Rches Inc., Calipatria, Ca., $173,255.
Winston Farms, Parker, Az., $172,391.
Jimmy Cluck, Hart, Tx., $172,359.
Ercell Givens, Abernathy, Tx., $172,152.
George Yarbrough, Sicily Island, La., $171,967.
State of Wa, Ephrata, Wa., $171,781.
Redfern Ranches Inc., Dos Palos, Ca., $171,-289.
Kenneth Lindeman, Pecos, Tex., $170,334.
James D. Russell, San Benito, Tx., $169,964.
So Pac Company, San Francisco, Ca., $167,-277.
Wesson Farms Inc., Victoria, Ar., $166,-762.
Southmountain Farms Inc., Laveen, Az., $166,696.
Thunderbird Farms, Phoenix, Az., $166,-248.
George B. Willoughby, El Centro, Ca., $165,-889.
Fowler E. McDaniel, Tulia, Tx., $165,831.
John Kai, Marana, Az., $165,552.
Kilauea Sugar Co. Ltd., Kilauea Hi., $162,-761.
S. K. Ranch, Visalia, Ca., $162,648.
Engelman Farms, Elsa, Tex., $162,222.
Roscoe Farm Co., Scottsdale, Az., $161,122.
Em H. Mettler & Sons, Shafter, Ca., $159,-710.
Diwan Ranches Inc., Casa Grande, Az., $158,895.
E. F. Nunn and Co., Shuqualak, Ms., $158,-448.
J. H. Williams, Natchitoches, La., $158,-203.
Heidrick Farms, Inc., Woodland, Ca., $158,-112.
McKittrick Ranch Inc., Bakersfield, Ca., $157,674.
Hugh-Hudson Ranches, Calipatria, Ca., $156,662.
Reynold M. Mettler, Bakersfield, Calif., $156,566.
J. A. Roberts, Casa Grande, Ariz., $156,415.
Talla Farms, Inc., Stanfield, Ariz., $156,190.
Allen Gray Estate, Benoit, Ms., $155,976.
V. C. Britton, Co., Firebaugh, Calif., $155,-252.
F. C. Layton, Tolleson, Ariz., $155,168.
Oakhurst Co., Clarksdale, Mass., $153,734.
Comfort Farm, Inc., Dos Palos, Calif., $153,477.
Kesey Bros., Pecos, Tex., $151,294.
J. H. Benson Ranches, Inc., Brawley, Calif., $150,300.
John Fuson, Bakersfield, Calif., $149,935.
Stephen H. Elmore, Brawley, Calif., $149,-429.
Amana Society, Amana, Iowa, $149,172.
Arizona State Penal Farm, Grady, Ariz., $148,628.
Waddell Ranch Co., Waddell, Ariz., $148,-543.
C. & A. Equipment Co., Casa Grande, Ariz., $148,039.
Garrett Corp., Clovis, N. Mex., $147,319.
McQueen Smith Farms, Prattville, Ala., $147,272.
Eastland Plantation, Inc., Doddsville, Ms., $146,792.
Pilibos Bros., Inc., Fresno, Calif., $146,223.
Clarence Martin, Friona, Texas, $145,722.
Coelho Farms, Riverdale, Ca., $144,954.
Clark and Roberts, Pecos, Texas, $144,458.
Wildwood Plantation, Greenwood, Ms., $144,288.
Coyanosa Farms, Coyanosa, Tx., $143,993.
Shuklian Bros., Inc., Tulare, Ca., $143,701.
Texas Hill Farms, Yuma, Az., $143,243.
H. K. Hammett and Sons, Greenville, Ms., $143,003.
Bowles Farming Co., Los Banos, Ca., $142,-986.
Vahlsing Christina Corp., Mathis, Texas, $142,088.
Leyton Woolf, Glendale, Az., $142,061.
Krenmueller Farms, San Juan, Tex., $141,-971.
Broughton Land Co., Dayton, Wa., $141,688.
Indian Creek Planting Co., Robinsonville, Ms., $141,155.
G. W. Nickel, Jr., Wasco, Ca., $140,768.
Bill Weaver, Lamesa, Tx., $140,462.
Arena Co. of Ariz., Glendale, Az., $140,349.
Newton Brothers, Stratford, Ca., $140,048.
Hyneman Farms Inc., Trumann, Ar., $139,-709.
W. T. Waggoner Trust Est., Vernon, Tx., $139,651.
Sterling Sugars, Inc., Franklin, La., $139,-383.
Sumner Peck Ranch Inc., Mendota, Ca., $139,100.
Schwartz Farms, Inc., Stratford, Calif., $139,075.
Hammonds Ranch, Inc., Firebaugh, Calif., $138,559.
West, Inc., RR 1, Sidon, Miss., $138,022.
Tejon Ranch Co., P.O. Box 1560, Bakersfield, Calif., $137,963.
Roundaway Planting Co., Alligator, Miss., $137,286.
Bidart Bros., RR 1, Box 860, Bakersfield, Calif., $137,096.
Hugh Bennett, Star Rt. Box 450, Buckeye, Ariz., $136,801.
Isom & Isom, 110–C E Florence Blvd., Casa Grande, Ariz., $136,433.
Arthur Blohm, RR 1, Box 100, Wellton, Ariz., $135,785.
Perrin Bros., Box 1712, Hereford, Tex., $135,748.
E. Ritter and Co., Marked Tree, Ariz., $134,-432.
Highland Lake Farm, 46 Waverly Wood, Helena, Ark,, $134,351.
Harris Cattle Co., P.O. Box 167, Queen Creek, Ariz., $133,442.
Annapeg, Inc., care of Rufus Stainback, Minter City, Miss., $132,818.
H. C. Hitch, Jr., Box 1308, Guymon, Okla., $132,717.
Holland Porter, RR 2, Caldwell, Tex., $132,-441.
Wood Ranches, P.O. Box 247, Lemoore, Calif., $132,139.
A. Duda Sons., Inc., P.O. Box 257, Oviedo, Fla., $131,527.
C. T. Dearborn, P.O. Box 6055, Calipatria, Calif., $131,032.
Homer Hill, Hart, Tex., $130,979.
Abbay and Leatherman, Inc., Robinsonville, Miss., $130,562.
Murphy Jones, Nitta Yuma, Miss., $129,481.
Charles Lakin, Suite 217, Lakin Blvd., 8990 W. Dodge, Kans., $129,148.
Husbandville Plantation, care of W. T. Robertson, Holly Ridge, Miss., $129,052.
Charles Roos III, Box 501, Rio Grande City, Tex., $128,983.
Glen Holt, RR 1, Box 27H, Parker, Ariz., $128,928.
Four Fifths Plantation, RR 3, Greenwood, Miss., $128,878.
W. H. Gentry, Box 911, Hereford, Tex., $128,604.
Overmyer Farms, care of Lee Overmyer, Francesville, Ind., $128,586.
W. A. Sullivan, 2100 Wyoming, Pecos, Tex., $128,375.
Standard Oil Co., Box 5545, Oildale, Calif., $127,995.
Ed Ambrose, Rt. 1, Box 118–B, Buckeye, Ariz., $127,912.
Torrey Wood and Son, Hollandale, Miss., $127,835.
Jerry Lynn Hilburn, Box 156, Columbus, N. Mex., $127,637.
Martori Bros., P.O. Box 878, Glendale, Ariz., $127,526.
Finley Bros., Box 196, Gilbert, Ariz., $127,-087.
Clarence Robinson, P.O. Box 1064, Blythe, Calif., $127,025.
Cote Farms, Inc., St. Anne, Ill., $126,895.

Kennedy Bros., 79700 Ave. 54, Indio, Calif., $126,458.
Raymond, Schnepf, Rt. 1, Box 42, Queen Creek, Ariz., $126,123.
Kline Planting Co., Alligator, Miss., $126,-082.
Britz Chemical Co., P.O. Box 366, Five Points, Calif., $125,804.
C. L. Ranch, Dell City, Tex., $125,740.
Me. Sugar Industries, Inc., Easton, Maine, $125,606.
New Hope Sugar Co., Palm Beach, Fla., $124,968.
James E. and John Garrett, Clovis N. Mex., $124,899.
Su. Cane Farms Co., Palm Beach, Fla., $124,556.
Duncan Farms, Inc., Inverness, Miss., $124,350.
Billups Pltn. Inc., Indianola, Miss., $124,118.
Closter Farms, Inc., Belle Glade, Fla., $124,069.
G. L. Willis, Jr., Dimmit, Tx.,$123,572.
Glen Miller, Colfax, Wa., $123,532.
Asbury Wright, Pinehurst, Ga., $123,156.
Voth Farms, Inc., Wasco, Ca., $122,779
Est. Geo. C. Chance, Bryan, Tx., $122,724.
Schuh Bros., Chowchilla, Ca., $122,642.
John A. Abbott, Harlingen, Tx., $122,397.
W. T. Touchberry, Glen Allan, Ms., $122,327.
J. E. Mayes, Mayesville, S.C., $122,198.
King & Anderson, Inc., Clarksdale, Ms., $122,117.
Jr. & J. W. Cullison, Wellton, Az., $122,053.
John Norton Farms, Blythe, Ca., $121,803.
Ryan Bros., Mendota, Ca., $121,525.
Rabb Bros., San Joaquin Ca., 121,431.
J. Levington Est. Inc., Ruleville, Ms., $121,349.
R. T. Hoover Farms, Fabens, Tx., 121,314.
W. P. Hunter, Bell City, Mo., $121.058.
Delmer, Zweygardt, Burlington, Co., $121,057.
Donald H. Cox, Brawley, Ca., $121,047.
Oscar Mayfield & Sons, Taft, Tx., $120,887.
Kelly R. Mahan, Drew, Ms., $120,734.
Franklin Trotter, Greensville, Ms., $120,699
C. M. S. Farming Co., Phoenix, Az., $120,624.
Brazos A. Varisco, Bryan, Texas, $120,624.
Brooks Griffin, Elaine, Ar., $120,537.
Hill Farms, Inc., Indianola, Ms., $120,276.
Midway Farms, Inc., Osceola, Ar., $120,178.
The Delta Company Belzoni, Ms., $120,165.
Rodgers Bros., West Memphis, Ar., $119,806.
Claude P. Polston, Jr., Blenheim, S.C., $119,570.
Kenneth, Reynolds, Calipatria, Ca., $119,256.
Carl C. May, Helena, Ark., $119,144.
Meadowlark, Fms., Sullivan, In., $118,973.
Delmar R. Durrett, Amarillo, Tx., $118,789.
E. F. Mauldin, Town Creek, Al., $118,654.
Fifield Land Co., Brawley, Calif., $118,432.
Fred Tavoleti & Sons, Clarksdale, Ms., $118,228.
Hagan and Bruton Farm, Hollandale, Ms., $117,999.
Wheeler Farms, Bakersfield, Ca., $117,869.
Dave Mendrin & Sons, Madera, Ca., $117,539.
Belding Farms, Inc., Ft. Stockton, Tx., $117,209.
J. C. Mills, Abernathy, Tx., $117,201.
Carl E. Weller, Phoenix, Ariz., $117,180.
Griffin & Griffin, Coalinga, Ca., $116,892.
Lee Moor Farms, Clint, Tx., $116,798.
Correia Brothers, Visalia, Ca., $116,773.
Woods Co., Yuma, Az., $116,531.
The Mirasol Co., Buttonwillow, Ca., $116,516.
Greater Ariz Rch, Inc., Ariz City, Az., $116,341.
South Fork Ranch, Inc., Lemoore, Ca., $116,202.
Earl Hughes, Gadsden, Az., $115,891.
O Neill Farms, Inc., Huron, Ca., $115,724.
Roger Davidson, Marks, Ms., $115,597.
S. N. Knight Sons, Inc., Belle Glade, Fl., $115,499.
Ward Walton and Asso., Inc., Upper Sandusky, Oh., $115,235.
Peterson Farms, Corcoran, Ca., $115,130.
The Brown Farm, Schlater, Ms., $114,179.
Hubert Cheek, Jr., Bowersville, Ga., $114,065.
Lawrence E. Pence, McColl, S.C., $114,020.
Race Track Plantation, Greenwood, Ms., $113,286.
Elmer Heiskell, Dalhart, Tx., $112,990.
Basil Abate, Bremond, Tx., $112,932.
Virgil F. Marsh, Hereford, Tx., $112,404.
Lockmiller and Son, Clovis, N.M., $112,051.
O. F. Bledsoe Pltn Est., Greenwood, Ms., $111,781.
Busby Farms, Olton, Tx., $111,711.
C. & W. Ranches, Inc., Marana, Az., $111,599.
Glenn Lane, Coolidge, Az., $111,064.
Willis & Kurtz, Bakersfield, Ca., $110,574.
C. and C. Farms, Ft. Stockton, Tx., $110,372.
James H. Jones, Hearne, Tx., $110,069.
Sill Prop, Inc., Bakersfield, Ca., $109,995.
Adamek & Dessert, Seeley, Ca., $109,834.
John B. Ford, Darling, Ms., $109,773.
E. T. Jordan & Sons, Yazoo City, Ms., $109,621.
Joe I McHugh, Orrville, Al., $109,505.
Warner Reid, Tulia, Tx., $109,374.
Lakeview Pltg Co., Yazoo City, Ms., $109,338.
Milliken & Farwell, Inc., Port Allen, La., $108,907.
Carl J. Kuper, Dalhart, Tex., $108,810.
Elvin Crow, Pecos, Tex., $108,758.
Cameta Plantation, Inc., c/o Milton Kline, Anguilla, Miss., $108,294.
Davis Ranch Co., Post Office Box 55, Chandler Heights, Ariz., $108,147.
Patterson Farms, Inc., c/o G. D. Patterson, Maitland, Mo., $108,112.
Harold H. Hogue, 1415 Denrock, Dalhart, Tex., $107,964.
Fifield Farms, 229 Main Street, Brawley Calif., $107,820.
Smallwood Farms, Box 1086, Pecos, Tex., $107,664.
W. J. Scott, Route 1, Box 695A, Yuma, Ariz., $107,327.
Morrison Bros., Route 1, Box 13, Highley, Ariz., $107,184.
Armorel Planting Co., Armorel, Ariz., $107,147.
Lee Ross Hammond, 1616 East 21st, Clovis, N. Mex., $106,863.
Fridenmaker Farms, 223 South 4th Street, Phoenix, Ariz., $106,771.
McCarthy Hilderbrand Farms, Route 1, Box 246–A, Eloy, Ariz., $106,609.
Alexander Farms, Inc., 46 Waverly Wood, Helena, Ar., $106,371.
Wesley Hansen, P O Box 995, Corcoran, Ca., $106,312.
Banks & Co. Box 368, Hernando, Ms., $106,-176.
H. L. Anderson, R 1 Bx 475, Peoria, Az., $106,126.
Gladden Farms, P O Box 236, Cashion, Az., $106,057.
James E. Coleman, RR 4, Yazoo City, Ms., $106,035.
Sam Sparks, Rt 1, Santa Rosa, Tex., $105,-737.
Barham, Inc., c/o Joe Barham, Oak Ridge, La., $105,702.
C. H. Moore Trust Est., S Center St., Clinton, Ill., $105,428.
H. L. Yocum & Sons, 17801 10th Ave, Hanford, Ca., $105,332.
Carlson Brothers, RR 1, Box 568, Marion, Ark., $105,243.
Guy H. Shivers, Sr., Norwood, Ga., $105,-031.
Tracy Ranch, Inc., RR 1 Bx 177, Buttonwillow, Ca., $104,933.
George Hammond, 2829 Gidding, Clovis, N.M. $104,926.
Ben Estes Bearden, Box 387, Santa Rosa, Tex., $104,874.
715 Farms, Ltd., Box D, Pahokee, Fla., $104,864.
M. T. Hardy, Webb, Ms., $104,792.
Olive W. Garvey, Box 485, Colby, Ks., $104,788.
Empire Farms, Box 698, Eloy, Az., $104,640.
Walter J. Williams, 1223 Park Circle, Las Vegas, Nev., $104,537.
Cedarville Corp., Box 1288, Pecos, Tex., $104,447.
Geo. T. Helle, Rt. 2, Box 82–E, Mission, Tex., $104,309.
Mike P. Sturdivant, Glendora, Ms., $104,-261.
Fred Enke, 1405 N. Kadota, Casa Grande, Az., $104,222.
H. R. Watson and Sons, Tunica, Ms., $104,-202.
Eldon Blackburn, Star Route, Melrose, N.M., $104,069.
J. F. Bland, Jr., Mayesville, SC, $103,725.
Belluomini Bros., RR 1, Box 89, Buttonwillow, Ca., $103, 719.
Garden City Company, Garden City, Ks., $103,611.
John Valov, Tulare, Calif., $103,442.
J. A. Howarth, Jr., Cleveland, Ms., $103,325.
Weeth Ranches, Inc., Coalinga, Ca., $103,-085.
M. B. McFarland & Sons, McFarland, Ca., $102,872.
J. H. Sherard & Son, Sherard, Ms., $102,695.
Mitco, Inc., Crosbyton, Texas, $102,667.
G. L. Pratt, Visalia Ca., $102,554.
Gaddis Farms, Inc., Raymond Ms., $102,502.
William E. Armstrong, Lubbock, Tx., $102,-222.
Epps Plantation, Epps, La., $102,181.
McGregor Land & Livestk. Co., Hooper, Wa., $101,982.
E. L. Wallace, Woodland Ca., $101,847.
Lattner and Mills, Pecos, Tx., $101,834.
Parrott Inv. Co., Chico, Ca., $101,824.
Carl C. Bamert, Muleshoe, Tex., $101,763.
J. L. Hodges Farming Co., Buckeye Az., $101,721.
Rio Farms Inc., Edcouch, Tex., $101,580.
Baker Planting Co., Leland, Ms., $101,471.
J. C. Sides Sr., Coffeeville, Ms., $101,110.
Big Creek Farms Co., Joes, Co., $100,918.
W. D. Patterson, Rome, Ms., $100,854.
Norment Foley, Uvalde, Texas, $100,836.
J. L. Golightly, Jr., Mesa, Ariz., $100,698.
Bond Pltg. Co., Clarkedale, Ark., $100,676.
Farm Development Corp., Boise, Id., $100,-631.
Jones Farms, Stratford, Ca., $100,305.
Baretta & Little Farms, Calipatria, Ca., $100,073.
Ranches of the SW, Ft Stockton Tx. $100,025.
H. G. Carpenter, Rolling Fork, Ms., $100,000.
Egypt Planting Company, Cruger, Ms., $99,-876.
William J. Asmussen, Agar, SD., $99,815.
Abatti Bros., El Centro, Ca., $99,808.
Melcombs Ranch, Inc., San Joaquin, Ca., $99,803.
Gordon Bros., Tranquillity, Ca., $99,739.
Reetex Farms, Pecos, Tex., $99,582.
Hooper Farms Inc., Chowchilla, Ca., $99,-413.
Rossi Farms Inc., Bakersfield, Ca., $99,140.
C. C. Slaughter Farms, Morton, Tx., $98,-870.
Enrico Farms Inc., Firebaugh, Ca., $98,567.
J. D. Rankin, Canton, Ms., $98,407.
J. Boyd White, Marana, Az., $98,241.
E. W. Merritt Farms, Porterville, Ca., $98,-088.
Roebuck Plantation, Sidon, Ms., $98,039.
Cornerstone Farm & Gin. Co., Pine Bluff, Ark., $98,010.
I. D. Nunnery, Jr., Arcola, Miss., $97,963.
Wedderburn Bros., Lemoore, Calif., $97,837.
Bruce Parr, Friona, Tex., $97,668.
P. Hansen Ranch, Corcoran, Calif., $97,631.
C. B. Box Co., Midnight, Miss., $97,613.
Jack Ralston, Maricopa, Ariz., $97,491.
Sarah P. Sanders Extr., Walls, Miss., $97,472.

Jack Bros. & McBurney, Inc., Brawley, Calif., $97,245.
Charles A. Russell, Beulah, Miss., $96,743.
John W. Nigliazzo, Hearne, Tex., $96,650.
Dearborn & Maraccini, Calipatria, Calif., $96,522.
Coleman Farms, Okolona, Miss., $96,423.
Richard Gumz, North Judson, Ind., $96,238.
Bibb, Inc., Tunica, Miss., $96,092.
Linneman Ranches, Inc., Dos Palos, Calif., $95,940.
David C. McAteer, Ft. Stockton, Tex., $95,920.
Donald K. Donley, Yuma, Ariz., $95,916.
Walker Farms, Inc., Stoneville, Miss., $95,858.
Dean Pruett, Altoona Ala., $95,738.
Peter J. Robertson, Coolidge, Ariz., $95,729.
M. L. Earnheart Co., Tunica, Miss., $95,699.
Kenmar Farm, Arvin, Calif., $95,424.
White Farms & Cattle Co., Canyon, Tex., $95,383.
Bruneau Sheep Co., Grandview, Idaho, $95,372.
Vence, Corpora, Hearne, Tex., $95,331.
Hoparka Plantation, Sumner, Miss., $95,203.
James S. Garvey, Colby, Kans., $95,113.
Griset Bros., Santa Ana, Calif., $95,040.
Pacific Farms Co., Firebaugh, Calif., $94,876.
Cunningham Sheep Co., Pendleton, Oreg., $94,862.
Harold Senter, Wilson, Ark., $94,856.
Hollybrook Land Co., Inc., Lake Providence, La., $94,701.
Wm. J. Schulte, El Reno, Okla., $94,559.
Gilnockie Pltg. Co., Leland, Miss., $94,369.
Ranza Boggess, Friona, Tex., $94,120.
Dudley Pillow, Jr., Delta, La., $93,960.
Goodland Farms, Inc., Hearne, Tex., $93,909.
W. H. Haggard, Jr., Buckeye, Ariz., $93,759.
Hinkhouse Bros., Burlington Colo., $93,636.
W. A. Rountree, Dublin, Ga., $93,432.
W. W. Hill, Pecos, Tex., $93,428.
L. Z. Farms, Inc., Casa Grande, Ariz., $93,389.
Simpson & Wilson, Rio Hondo, Tex., $93,027.
Kriesant Operating Co., Inc., Mendota, Calif., $92,790.
H. & H. Farms, Inc., Bakersfield, Calif., $92,750.
E. O. Mitchell, Inc., Arvin, Ga., $92,663.
J. W. Wallace & Sons, Edinburg, Tex., $92,580.
Aden Brothers, Inc., Valley Park, Mass., $92,566.
E. C. Fedric, Glendora, Mass., $92,555.
Woodrow Lewis, Chandler, Ariz., $92,521.
Wilbur Wuertz, Casa Grande, Ariz., $92,494.
L. W. Wade Farms, Inc., Greenwood, Miss., $92,276.
B. Raymond Evans, Tulia, Tex., $92,096.
J. B. Hardwicke, Co., Ptn., McAllen, Tex., $92,093.
Winterrowd Bros., Pecos, Tex., $92,045.
Raymond O'Connel & Son, Brawley, Ga., $92,010.
Jacob S. Stephens, Buckeye, Ariz., $91,912.
Allen & Brashier, Pltg., Co., Indianola, Miss., $91,823.
John H. Spearman, Clovis, N. Mex., $91,741.
Fairfax Pltn., Tribbett, Miss., $91,641.
Anthony Denena & Son, Hearne, Tex., $91,640.
G. H. J. Farms, Ltd., Johnson, Kans., $91,596.
M. Lane, Shafter, Colo., $91,561.
Combs & Clegg Rnchs, Inc., Queen Crk., Ariz., $91,466.
E. R. McDonald & Sons, Newellton, La., $91,355.
Dulaney Bros., Shallowater, Tex., $91,353.
Ed Hall, Bouse, Ariz., $91,093.
J. G. Gourlay, Rosedale, Miss., $91,021.
Harp & Hansen, Corcoran, Ga., $90,860.
F. O. Masten, Sudan, Tex., $90,792.
Hubbard W. McDonald, McColl, S.C., $90,786.
J. & J. Ranch, Firebaugh, Colo., $90,741.
William P. Scamardo, Mumford, Tex., $90,733.
Giusti Farms, Inc., Fresno, Calif., $90,676.
A. B. Foster, Pecos, Tex., $90,550.
W. J. Chandler and Sons Moundville, Ala., $90,472.
San Juan Ranching Co., Dos Palos, Calif., $90,248.
Gilkens Farms, Inc., Edwards, Miss., $90,247.
C. B. Shields, Jr., Edcouch, Tex., $90,028.
J. F. Martin, Hereford, Tex., $90,000.
M. K. & J. F. Rieves, Jr., Marion, Ark, $89,924.
E. D. Graham, Sumner, Miss., $89,809.
C. J. Ritchie, Visalia, Calif., $89,602.
Paul Pilgrim, Shafter, Calif., $89,582.
Douglas Mallette, Indianola, Miss., $89,581.
Inco Farms, Inc., Bonsall, Calif., $89,500.
Wayne Sniffin, Firebaugh, Calif., $89,359.
Cass Edwards, II, Ft. Worth, Tex., $89,341.
Thomas L. Moran, Hartley, Tex., $89,178.
Vernon B. Clinton, Rupert, Idaho, $89,125.
Pacco Inc., Turrel, Ark., $89,120.
Deavenport Ranches, Inc., Fresno, Calif., $89,081.
G. J. Parkhill, Jr., Crosbyton, Tex., $88,994.
Sanders & Sanders, Bakersfield, Calif., $88,907.
Joe Lee McMahon, Verhalen, Tex., $88,883.
Neil Fifield Co., Brawley, Calif., $88,756.
Hardesty Bros., Buckeye, Ariz., $88,609.
Howard & Blythe Plt., Lake Cormorant, Mich., $88,188.
Dearmont Oliver, East Prairie, Mo., $88,099.
McMurchy Farms, Duncan, Ms., $88,062.
Power Ranches Inc., Higley, Az., $88,031.
Frank Robinson, Panhandle, Tex., $87,999.
Gus Pugh Sons Inc., Portland, Ar., $87,873.
D. T. Reed, Hereford, Tex., $87,677.
F. H. Hogue Prod. Co., Litchfield Park, Az., $87,638.
El Tejon Cattle Co., Bksfld., Ca., $87,373.
Beckwith Farms, Progreso, Tex., $87,160.
Post Montgomery, Levelland, Tx., $87,106.
S. E. Lowrance Ranch, Tranquillity, Ca., $87,026.
Owen Brothers, Tunica, Ms., $87,008.
Cattani Bros., Bakersfield, Ca., $87,008.
Fred Nussbaumer, Wellton, Az., $86,991.
Ruby Walker, Bentonia, Ms., $86,882.
Dossett Plantation Inc., Beulah, Ms., $86,733.
Elms Planting Corporation, Altheimer, Ark., $86,720.
Ben Wood Farms, Joiner, Ar., $86,515.
Miller Farms Company, Tulia, Tx., $86,462.
Aladdin Ranch, Fresno, Ca., $86,456.
A. Angeletti Inc., Crawfordsville, Ark., $86,363.
C. Mettler, Bakersfield, Ca., $86,349.
Ballard and Hurt, Plainview, Tex., $86,180.
M. L. Dudley & Co., Fresno, Ca., $85,959.
W. W. Clem, Pecos, Tex., $85,959.
Ruby Planting Co., Money, Ms., $85,945.
Dunn Farms, Maricopa, Az., $85,860.
John & Alex Kochergen, Fresno, Ca., $85,801.
Dan Claborn, Courtland, Al., $85,783.
P. & W., Inc. & Santa Monica Farms, Brownsville, Tex., $85,725.
Pirani & Sons, Turrell, Ar., $85,723.
Anderson Bros., Oakley, Id.. $85,706.
Sunset Rnchs, Inc., Rt. 1, Box 220, Eloy, Ar., $85,683.
Meagher Sheep Co., Box 122, Vernal Ut., $85,530.
Marshall Lands, Inc., Box 3, Charleston, Mo., $85,354.
P. S. Thompson, Box 787, Eloy, Az., $85,332.
H. S. Swayze, R.R. 2, Benton, Ms., $85,320.
Louisiana State Penitentiary Angola, La., $85,219.
Loy, Kilgore, 1721 Jefferson, Pecos, Tx., $85,190.
Stimson Veneer & Lumber Trust, Dumas, Ar,. $85,107.
Sanders Farms, R.R. 3, Bx 969, Bakersfield, Ca., $84,985.
D. E. Phillips, Lind, Wa., $84,840.
W. S. Heaton, Jr., Lyon, Ms., $84,669.
Sam & D. M. Biancucci, P.O. Box 337, Firebaugh, Ca., $84,527.
Salton Sea Farms, Box 277, Calipatria, Ca., $84,514.
Tallmadge Ranch, Inc., R.R. 1, Momence, Il., $84,498.
D. M. Brown, 921 W. Northern Ave., Phoenix, Az., $84,495.
Hobson, Gary, Schlater, Ms., $84,441.
Little Panther Plantation, Leland, Ms., $84,440.
Penny Ranch, Burlington Co., $84,436.
J. F. Twist Plantation, Twist, Ar., $84,404.
M. Curti & Sons, P.O. Box 158, Waukena, Ca., $84,335.
D. H. Dew, Jr., Eden, Ms., $84,334.
D. E. Reynolds, Jr., Glendora, Ms., $84,139.
Paul Battle, Jr., R.R. 1, Box 180, Tunica, Ms., $84,069.
Wallace Bales, 401 N. 6th Ave., Buckeye, Az., $84,061.
Albemarle Corporation, Box 215, Courtland, Al., $84,045.
Lee J. Fazzino, R.R. 1, Box 259, Bryan, Texas, $83,963.
Morgan Shillington Farms Co., Box 535, Rupert, Id., $83,732.
J. L. Hill & Co., Webb, Ms., $83,689.
Wolf Island Farms, Wolf Island, Mo., $83,489.
Rogers Farming Co., P.O. Box 348, Pville, Ca., $83,385.
Miller Lumber Co., Marianna, Ar., $83,365.
Martin Talla, Box 668, Stanfield, Az., $83,364.
Travis H. Jones 609 Ironwood Dr., Buckeye, Az., $83,266.
C. Elton Green, Star Route, Clovis, N.M., $83,262.
W. L. Corcoran, R.R. 2, Eufaula, Al., $83,235.
Daniel D. McDaniel, R.R. 3, Cameron, Tx., $83,120.
Fredlo Farms, P.O. Box 174, Arvin, Ca., $83,058.
Hugh Stephens, Box 186, New Albany, Ms., $82,850.
Phil Taber, Box 296, Casa Grande, Az., $82,827.
Jerry Skelton, Collierville, Tenn., $82,779.
White Face Farms, Inc., Levelland, Tex., $82,705.
Wilson Company, Inc., Ogden, Utah, $82,688.
Duane Ellsworth, Chandler, Ariz., $82,649.
Rowe and Turnbough, Box 1, Toyahvale, Tex., $82,628.
J. F. Higgins Farms, Inc., Schuyler, Ne., $82,593.
Call-Tenn L & C Co., Box EE, Calipatria, Ca., $82,587.
Lewis Barksdale, Jr., Rt. 1, Duncan, Ms., $82,527.
Antongiovanni & Jarrard, 1318 Baldwin Rd., Bakfld, Ca., $82,512.
H. L. Holland, Box 1598, Coolidge, Az., $82,486.
Riggan Planting Co., 501 N. Missouri, West Mphs., Ar., $82,339.
Scott & Knappenberger, Blythe, Ca., $82,316.
Independent Gin Co., Grande, Az., $82,261.
Coleman Planting Co., Yazoo City, Ms., $82,248.
J. P. Terrell and Son, Navasota, Texas, $82,203.
Mauldin Mauldin, Yuma, Az., $82,175.
Texas Dept. of Corr., Sugarland, Tx., $82,155.
R. C. Godwin Farms, Inc., Hereford, Tx., $82,140.
DW & BH Malcolm, Gostwick, Ga., $82,026.
Redd Ranches, Lasal, Ut., $82,084.
Schoeneck Farms, Inc., Macungie, Pa., $81,747.
A. E. Panetta Farms, Tipton, Ca., $81,707.
Elwood Elkins, Dekalb, Tx., $81,675.
Payne Valley Farms, Inc., Hamburg, Ia., $81,656.

A. Wilberts Sons L/S Co., Plaquemine, La., $81, 639.
Delton Caddell, Ralls, Tx., $81,618.
Willson Farms, Inc., Fresno, Ca., $81,542.
A. W. Langenegger, Hagerman, NM., $81,531.
M. B. M. Farms, Phoenix, Az., $81,497.
Price Giffen Ranch, Firebaugh, CA., $81,482.
Anderson-Palmisano Fms., Maricopa, Az., $81,427.
Parsons Ranch, Buttonwillow, Ca., $81,416.
Larry Chapman, Chowchilla, Ca., $81,400.
Leonard & Henry Franz, Lind, Wa., $81,156. $81, 156.
James E. Kemp, Dallas, Tx., $81,145.
Sierra Dawn Farms, Firebaugh, Ca., $80,971.
Billy Wayne Sisson, Hereford, Tx., $80,920.
Avra Land/Cattle Co. Ptnship., Tucson, Az., $80,893.
Barney-Mecham, Queen Creek, Az., $80,775.
William Hardison, Palo Verde, Az., $80,742.
C. Ray Robinson, Elroy, Az., $80,720.
O. F. Gremaud, Perryville, Mo., $80,671.
Deseret Lvst. Co., Inc., Salt Lake, Ut., $80,618.
T Cattle Co., Eagle Lake, Tx., $80,492.
Mason & Godwin, Monroe, La., $80,437.
Cerro Bros., Bakersfield, Ca., $80,431.
Rlds. Church, Indep., Mo., $80,397.
L. A. Robertson Fms., Inc., Shafter, Ca., $80,304.
Tunney Stinnett, Elaine, Ar., $80,253.
Davis & Gandy, Edinburg, Tex., $80,244.
Wesley Kroeker, Enid, Ok., $80,048.
John Garrett, Jr., Clovis, N.M., $79,893.
P. M. Commercial Corp., Bakersfield, Ca., $79,741.
Stafford Hannon, Brawley, Ca., $79,710.
W. G. Trotter and Son, Winterville, Ms., $79,619.
Martinus & Martinus, Lockwood, Ca., $79,615.
DBA D. L. Smith arms, Harlingen, Tx., $79,611.
Sweet Brothers, Widener, Ar., $79,533.
W. & Q. Farms, Inc., Calipatria, Ca., $79,530
R. W. Owen, Inc., Tunica, Ms., $79,514
C. L. & L. Farms, Stanfield, Az., $79,506.
Heirs of Jos. F. Green, Taft, Tx., $79,493.
Lynchfield Planting Company, Tchula, Ms., $79,438.
Cowan Bros., LaGrange, Tenn., $79,392.
Sunrise Dairy, Cleveland, Ms., $79,344.
Morris Stuhaan, Visalia, Ca., $79,254.
Leon C. Bramlett, Clarksdale, Ms., $79,254.
Bruins Plng. Co., Hughes, Ark., $79,176.
Garrett & Son, Clarksdale, Ms., $79,136.
W. M. Terry, Martin, S.C., $79,037.
J. E. Mayes, Mayesville, S.C., $78,979.
W. A. & T. A. Calloway, Bosco, La., $79,835.
A. A. Mabus, Philipp, Ms., $78,812.
Ben F. Bowden, Eufaula, Al., $78,657.
Joe Pugh, Bena, Ms., $78,654.
Jess Croft & Son, Idaho Falls, Id., $78,601.
C. Bruce Mace Ranch, Inc., Davis, Ca., $78,483.
John & Ray Brorman, Adrian, Tx., $78,440.
Hicks Graves, Petty, Tex., $78,284.
Wedel Farms, Wasco, Ca., $78,255.
Wagner Brothers, Inc., Lewiston, Id., $78,236.
Mission Planting Co., Ida, La., $78,144.
A. H. Wegis & Sons, Buttonwillow, Ca., $78,120.
John W. Bookout, Hartley, Texas, $78,104.
R. D. Hughes, Blytheville, Ar., $78,056.
Graydon Flowers, Mattson, Ms., $78,021.
Churchill & Thiabut, Inc., Donaldsonville, La., $78,105.
Luis Garcis/Sons, Inc., Spur, Tx., $78,005.
George B. Doshier, Vega, Tex., $77,973.
Bozeman Farms, Inc., Flora, Miss., $77,972.
Howard Hurd, 1008 E. Tate, Brownfield, Tex., $77,965.
Fox Brothers, Box 326, Lyon, Miss., $77,912.
Framack Farms, Box 1233, Amarillo, Tex., $77,904.
H. T. Dillahunty & Sons, Hughes, Ark., $77,899.
Cotton Dixie, Inc., care of J. B. Baker, Webb, Miss. $77,898.
Dan Crumpton, Jr., 924 Oakhurst, Clarksdale, Miss., $77,879.
Herbert Friemel, Rt. 1, Canyon, Tex., $77,798.
Lakeland Farms, Rt. 1, Box 380, Hollandale, Miss., $77,769.
Carr Planting Co., O. C. Carr, Jr., Clarksdale, Miss., $77,727.
Rhodell Farms, Inc., P.O. Box 638, Avondale, Ariz., $77,708.
Raymond Brown and J. M. Brown, Anguilla, Miss., $77,663.
Sutton Bros., Rt. 3, Box 769, Phoenix, Ariz., $77,650.
Stonewall Planting Co., P.O. Box 11, Thornton, Miss., $77,585.
Dale Steele, Ford, Kans., $77,573.
Horace Hutton, Rt. 1, Box A, Muleshoe, Tex., $77,499.
Palm Farms, Inc., 4016 Stockdale Highway, Bakersfield, Calif., $77,488.
Frank Bounds, 2015 Jackson, Pecos, Tex., $77,463.
S. A. Arnold, Jr., Tunica, Miss., $77,412.
H. T. Bonds, Rt. 1, Shelby, Miss., $77,318.
Frank Schuster Rt. 1, San Juan, Tex., $77,244.
Collier Bros., Inc., Box 1058, Spearman, Tex., $77,226.
Ben Riggs & Son., Rt. 2, Box 95, Chandler, Ariz., $77,175.
O. B. Nerren, Isola, Miss., $77,159.
Gordon V. Waldrop, Rt. C, Lamesa, Tex., $77,143.
Holcomb & Black, Rt. 2, Box 29C, Weslaco, Tex., $77,085.
Forrester Ranch, Inc., Box 546, Amarillo, Tex., $77,081.
M. C. Braswell Farms, Battleboro, N.C., $77,037.
Don & Vern Thiesen, Rt. 1, Box 432A, Kingsburgh, Calif., $77,011.
G. T. Hamilton, Rt. 8, Hillsboro, Ala., $76,970.
King Plantation, 1100 Poplar, Greenwood, Miss., $76,901.
Reinauer Bros., Box 1070, Hereford, Tex., $76,866.
Charles Vonderahe, Box 215, Brawley, Calif., $76,792.
T. K. Williamson, Box 931, Morton, Tex., $76,641.
Dale Elliott, Rt. 1, Clovis, N. Mex., $76,548.
C. J. Lowrance & Sons, Driver, Ark., $76,543.
Wedgworth Farms, Inc., P.O. Box 206, Belle Glade, Fla., $76,540.
Runnymede Plantation, Box 277, Itta Bena, Miss., $76,467.
Mashburn Farms, Inc., Rt. 5, Paris, Tex., $76,349.
Verney Towns, 3713 68th, Lubbock, Tex., $76,327.
C. W. Neely, Box 72, Gilbert, Ariz., $76,319.
James Blythe, Jr., Courtland, Ala., $76,192.
Standefer-Gray, Inc., Lubbock, Tex., $76,170.
Michael Giffen Ranch, Inc., Fresno, Calif., $76,142.
W. C. Huffaker, Jr., Tahoka, Tex., $76,070.
Clarence Winger & Sons, Johnson, Kans., $76,058.
James Cannon, Lockney, Tex., $75,999.
Arnold Farms, Inc., Tunica, Miss., $75,964.
Alex Curtis, Leland, Miss., $75,880.
Phelps & Palmer, Mesa, Ariz., $75,854.
Bonanza Farms, Bakersfield, Calif., $75,848.
Hoke Propst, Anson, Tex., $75,807.
L. R. Layton, Chandler, Ariz., $75,629.
J. R. Flautt & Sons, Swan Lake, Miss., $75,575.
Panola Co., Newellton, La., $75,547.
Hawk & Sperber, Holtville, Calif., $75,512.
Delta Ranches, Inc., Blythe, Calif., $75,480.
Williams & Burkhardt, Taft, Tex., $75,353.
Lone Oak Ranch, Corcoran, Calif., $75,339.
Cokers Ped. Seed Co., Hartsville, S.C., $75,293.
Dougherty Ranch, Phoenix, Ariz., $75,247.
Herbert C. Harris, Jr., Cherokee, Ala., $75,216.
Chas. Urrea & Sons, Mesa, Ariz., $75,153.
Lipe Farms, Inc., Indianola, Ms, $75,091.
Joe Reistino, Jr., Calvert, Tx, $75,088.
J. D. Smith, Littlefield, Tx, $75,078.
B. S. Baldwin & Sons, Bksfld, Ca, $75,015.
Pinal Farms, Inc., Stanfield, Az, $75,000.
R. W. Neely, Florence, Az, $74,966.
Billy Rogers Farms, South Bay, Fl, $74,950.
J. C. Mills, Abernathy, Texas, $74,944.
Jay Wilson, Casa Grande, Az, $74,939.
Davis Beauchamp, Calipatria, Ca, $74,931.
Jason H. Allen, Lubbock, Tex, $74,759.
Elmo Stephens, Plainview, Tx, $74,748.
Harry L. Laws Co., Inc., Brusly, La, $74,745.
California Sturges Ginning Co., Yuma, Az, $74,740.
M & T, Inc., Chico, Ca, $74678.
Otto Steinberg, Plainview, Tx, $74,662.
Milo Erwin, Fresno, Ca, $74,583.
R. Creecy & T. Tate, Osceola, Ar, $74,559.
Charles E. Lynch, Bville, SC, $74,522.
W. T. Millen, Muleshoe, Tx, $74,448.
Kirkland & Best, Ulmers, SC, $74,412.
Mohead Planting Company, Lula, Ms, $74,380.
La Strawberry & Vegetable Distributing Co., McAllen, Tex., $74,352.
H. H. Twiford, Alligator, Ms. $74,299.
Skousen & Hastings, Rt. 1, Box 44, Queen Creek Az., $74,253.
John C. Alford, Box 28, Petersburg, Texas, $74,190.
L. J. Barksdale, RR 1, Marks, Ms., $74,036.
Valley Onions, Inc., P.O. Box 35, McAllen, Tx., $73,994.
Henson & Sons, RR 3, Bx 920, Bakersfield, Ca., $73,936.
Raymond Beauchamp, 605 Ross Blvd., Pecos, $73,935.
Harriet Veck, PO Box 12, Animas, NM., $73,844.
Pylate Brothers, PO Box 100, Eudora, Ar., $73,775.
Grant-Vaughn Ellsworth, 2550 E. Southern Ave., Mesa, Az., $73,755.
Dave M. Thompson, Box 1027, Friona, Texas, $73,743.
Savoie Industries, Belle Rose, La., $73,709.
Carr-Mascott Pltn, Inc., RR 2, Box 161, Clarksdale, Ms., $73,612.
Ray Tribble, Money, Ms., $73,579.
E. Batsch, 18384 Ave. 200, Strathmore, Ca., $73,563.
C. H. & G. Farms, Inc., $8297 E. Sanders Ct., Fresno, Ca., $73,545.
Millhaven Co., J. K. Boddiford, Mgr., Rt. 1, Sylvania, Ga., $73,515.
Dalton R. Pittman, 4809 Camellia Ln., Shreveport, La., $73,423.
Shannon Bros., Entp., Bx. 2863 DeSota Sta., Memphis, Tn., $73,400.
Daniel Gustafson, Box 27, Lyford, Tx., $73,392.
Carl Bruegel, Bx 175, Dimmitt, Tx., $73,324.
H. L. Kenrick, Eloy, Az., $73,312.
T. V. Cardoza & Son., Tulare, Ca., $73,286.
J. Bert Williams, Farwell, Tx., $73,167.
Grady Shepard, Hale Center, Tex., $73,058.
Haas Inv., Co., Inc., Bunkie, La., $73,021.
Moore & Taylor, Waddell, Az., $72,955.
Roseta Farms, Eagle Pass, Tx., $72,940.
J. Antongiovanni & Sons, Bakersfield, Ca., $72,885.
Alex & Norman Pretzer, Eloy, Az., $72,862.
Reyher Farms, McClave, Co., $72,770.
W. W. Boswell, Jr., Corcoran, Ca., $72,610.
L. L. Lawson, Lubbock, Tx., $72,560.
Porter Land Co., Bakersfield, Ca., $72,544.
M. C. Ewing Co., Inc., Anguilla, Ms., $72,391.
Mallory Farms, Chatfield, Az., $72,361.
Charles Hill, Chandler, Az., $72,350.
Albert J. Hoelscher, Pecos, Tx., $72,270.
A. C. T. Ranches, Inc., Eloy, Az., $72,127
Richard Berry & Sons, Cutler, Ca., $72,103.
Twilight Planting Co., Glora, Ms., $72,052.
Couture Farms, Huron, Calif., $72,022.
Pappas & Co., Inc., Mendota, Ca., $71,930.

Rio Grande Equipment Company, Harlingen, Tx., $71,920.
George H. Moore, Canton, Ms., $71,908.
Roy Smith, Corpus Christi, Tx., $71,900.
Bear Kelso Plantation, Inc., Valley Park, Ms., $71,877.
Dan L. Smythe, Tribbett, Ms., $71,762.
Ralph T. Hand, Jr., Glendora, Ms., $71,706.
Snodgrass and Carlisle, Roswell, NM., $71,678.
Wood-Sanderlin Farm, Crumrod, Ar., $71,673.
Mouren Farming Co., Huron, Ca., $71,583.
Wayne Kirschenmann, Bksfld, Ca., $71,460.
W. A. Heiden & Son, Buckeye, Az., $71,428.
O. D. Bingham, Amarillo, Tx., $71,418.
G. H. Barker, Marks, Ms., $71,407.
Bouziden Bros., Alva, Ok., $71,385.
J. G. Adams and Son, Hughes, Ar., $71,384.
M. P. Moore, Senatobia, Ms., $71,365.
Dunn Farms, Yuma, Az., $71,347.
Johnson Bros. & Jones, Cambridge, Ne., $71,077.
Melvin May, Hereford, Tx., $71,032.
G. G. Passmore, Jefferson, Pecos, $70,975.
O. H. Pattison, Clovis, NM., $70,943.
Garone Brothers, Bksfld, Ca., $70,907.
Melvin McConnell Farms, Wasco, Ca., $70,898.
X. Y. Ranch Co., Granada, Co., $70,841.
Muldrow Farms, Brownsfield, Tx., $70,834.
P. M. B. Self Estate, Marks, Ms., $70,753.
Self & Co., Marks, Ms., $70,732.
Allen B. Helms, Clarkedale, Ark., $70,612.
Wayne Q. Winsett, Altus, Ok., $70,605.
Crouch Bros., Maricopa, Az., $70,544.
J. Kroeker Sons, Shafter, Ca., $70,513.
Gerald L. Morris, Jr., McCrory, Ar., $70,323.
Clide Barnett, Keiser, Ar., $70,300.
Stanley Asmussen, Agar, SD., $70,231.
Ed Wiest, Brawley, Ca., $70,186.
R. A. Hildebrand, Bakersfield, Ca., $70,116.
Clarence D. Carnahan, Hereford, Tx., $70,106.
T. C. Buford, Glendora, Ms., $70,098.
Bloemhof Hay Co., Buttonwillow, Ca., $70,081.
Elvis Jones, Lovington, $70,057.
W. T. Jamison, Jr., Tiptonville, Tenn., $70,047.
Double D. Ranch, Inc., Loxahatchee, Fl., $70,018.
First National Bank of ENC, Dunn, N.C., $69,943.
Gene Reeves, Americus, Ga., $69,810.
Jack Hart, Gruver, Tex., $69,777.
Carter Brothers, Rolling Fork, Ms., $69,767.
W C Skates & Son, Avon, Ms, $69,747.
D & R Farms, Rt 2 Box 167, Chandler, Az., $69,655.
Torrigiani, Bros., P O Bx 223, Buttonwillow, Ca., $69,645.
George Gabel, Rt 4, Dimmitt, Tx., $69,630.
Mike A Burkholder, Box 1562, Pecos, Texas, $69,570.
W P Scruggs Est., Doddsville, Ms., $69,490.
First National Bank, Dumas, Texas, $69,415.
W H Lovett, Dublin, Ga., $69,403.
James O Payne, Star Rt Bx 96, Wasco, Ca., $69,402.
Noel Williams, RR 1, Cordele, Ga., $69,381.
John W Dawson, RR 3, Hawkinsville, Ga., $69,299.
W H Morgan and Son Inc., 960 Weightman, Greenwood, Ms., $69,284.
H Buller Farms, 1730 Locust Ravine, Bakersfield, Ca., $69,251.
Equen Planting Co., C/O Melza Wilson, Minter City, Ms., $69,244.
King Farms, Rt 1 Box 162, Buckeye, Az., $69,191.
Angelo & Eugene Fanucchi, RR 3 Bx 1022, Bksfld, Ca., $69,159.
C O Pitrat & Sons, Rt 1 Box 12, Laveen, Az., $69,155.
McIntosh and Sons, 2034 14th St, Lewiston, Id., $69,147.
Phil Ladra, 5825 W Harmont Dr, Glendale, Az., $69,138.
F L Gerdes, Jr., Box 255, Leland, Ms., $69,113.
Joe G Fanucchi & Sons, RR 2 Bx 318, Bksfld, Ca., $69,105.
Dean Nelson, Onida, Sd., $69,078.
Garcia Farms Ptns., Rt 1 Box 75, Tolleson, Az., $69,055.
Warren Mathis, RR 1, Lockney, Tx., $69,043.
Carl V Grissom, 6863 S Plainsburg Rd, Le Grand, Ca., $69,021.
Leo Jessen, Oshkosh, Neb., $69,005.
Lake Plantation, C/O L Taylor Jr., Hughes, Ar., $68,975.
Lowrance Bros & Co., Driver, Ar., $68,966.
Sebastian Cot & Gr Corp., Box 104, Sebastian, Tex., $68,897.
Lee Wong Farms Inc., P O Box 866, Glendale, Az., $68,863.
B L Davis Ranch Inc., Adams, Or., $68,838.
J E Cunningham, Tchula, Ms., $68,827.
Dorris Jones, 506 S White, Floydada, Texas, $68,798.
Richard Swearingen, 20705 S Bishop, Riverdale, Ca., $68,760.
Warren Livestock, Box 848, Cheyenne, Wy., $68,703.
Morton, S., Inc., Drawer M. Douglas, Wy., $68,699.
Ganier Brothers, Hollandale, Ms., $68,674.
Arthur P. Gumz, North Judson In., $68,666.
George L Labar & Sons, Harlingen, Tex., $68,665.
Oaklawn Plantation, Inc., Dundee, Miss., $68,541.
R. I. Bennett, Lockney, Tex., $68,532.
Paul Spanbauer, Box 838, Burley, Id., $68,511.
Verlin O. Lasley, Stratford, Texas, $68,375.
K. V. Jordon and R. B. Coplen, Laveen, Az., $68,320.
Moore Planting Co., Inc., Cary, Ms., $68,285.
Hugh L. Gordon, Dalhart, Tx., $68,252.
J. R. Broadbent, Salt Lake City, Ut., $68,247.
T. R. and G. E. King Jr., McBee, S.C., $68,135.
Stanley Snitzer, Phoenix, Az., $68,106.
Starkey and Erwin, Avenal, Ca., $68,106.
McClellan & McClellan, Sunray, Tx., $68,102.
Lonnie R. Smith, Olton, Tx., $68,099.
D. D. McColl, St. Pauls, N.C., $68,052.
Billy Joe Waldrup, Drew, Ms., $68,026.
Buford Gladden, Casa Grande, Az., $68,011.
Triple M Planting Co., Sumner, Ms., $67,993.
Knapp Farms, Weslaco, Tex., $67,976.
Donald E. Morris, Fortescue, Mo., $67,964.
Goodman Traction Ranch, Tranquillity, Ca., $67,910.
Opal Fry & Sons, Bakersfield, Ca., $67,896.
Vincent Kovacevich, Whitesbridge, Fresno, Ca., $67,880.
Garst Company, Coon Rapids, Ia., $67,860.
J. C. Andresen, Whitesbridge, Fresno, Ca., $67,846.
Leon Marks, Clovis, N.M., $67,821.
Antongiovanni Bros., Bakersfield, Ca., $67,793.
Vernon Swearingen, Riverdale, Ca., $67,778.
J. C. Reed, Leland, Ms., $67,765.
John C. Reistino, Hearne, Tx., $67,687.
Clarement Farms, Huron, Ca., $67,658.
Levert St. John Inc., Martinville, La., $67,637.
Sugarland Ind., Inc., Sugarland, Tx., $67,591.
Dom Echeverria, Longmont, Co., $67,545.
E. H. Clarke & Co., Hughes, Ark., $67,543.
Aubrey L. Lockett, Rt. 1, Ropes, Tx., $67,510.
William M. Pitts, Indianola, Ms., $67,468.
Larry R. Scott, Arizona City, Az., $67,436.
Jimmy Millar, Morton, Tx., $67,309.
R. D. Hines, Yazoo City, Ms., $67,278.
Trans Pecos Farms Inc., Pecos, Tx., $67,269.
Jack Hale, Blytheville, Ar., $67,263.
Hanes and Demaio, Clovis, N.M., $67,240.
Barnard Bros., Bakersfield, Calif., $67,234.
Maryland Planting Co., Clarksdale, Ms. $67,154.
K. L. & D. E. Morrow Ptns., Lyford, Tx., $67,061.
Merlin Hamilton, Florence, Az., $67,044.
Fangman Farms, Inc., Friona, Texas, $67,028.
Rainbow Planting Co., Webb, Ms. $66,976.
John Gray Kelly, Fairbanks, In., $66,969.
J. N. Osterkamp Rches, Brawley, Ca., $66,957.
Paul Hays, Kress, Tx., $66,928.
Larry Woodard Farms, Inc., Lepanto, Ar., $66,879.
T. J. Wilson, Pecos, Tex., $66,866.
H. Fox Tindal, Pinewood, S.C., $66,854.
Pat Scates, Sr., Shawneetown, Il., $66,852.
J. T. John Co., Inc., Laurinburg, N.C., $66,850.
James F. Davis, Jr., Lorenzo, Tx., $66,801.
Kinard Bros., Willcox, Az., $66,745.
Wm. M. Harrison, Yuma, Az., $66,710.
A. L. Cone, Lubbock, Tx., $66,709.
A. D. Swindell, Pantego, N.C., $66,692.
Thomas L. James, Canton, Ms., $66,688.
M. H. Rich, Jr., Chatham, Ms., $66,673.
E. A. Houston, Abernathy, Tx., $66,593.
R. E. Smith & Sons, Pixley, Ca., $66,589.
Tollie Barton, Bakersfield, Ca., $66,571.
James U. Yeldell, Jr., Mer Rouge, La., $66,562.
Barling Bros., Wasco, Ca., $66,362.
H. D. Smith, Hart, Tx., $66,336.
J. Melvin Taylor, Tallassee, Al., $66,297.
Starr Produce Farm Acct., Rio Grnde City, Tx., $66,251.
J. B. Baird, Inverness, Ms., $66,242.
Heglar Ranch, Inc., Burley, Id., $66,218.
Donald Damon, Est., Warden, Wa., $66,141.
Robbins & Long, Rosedale, Ms., $66,139.
F. R. Trainor, Lambert, Ms., $66,138.
Brorman Bros., Hereford, Tx., $66,092.
W. W. & Earl Cochran, Portland, Ar., $66,092.
Vernon Denson, Hereford, Tx., $66,071.
Western Vly Ranches, Inc., Los Banos, Ca., $66,055.
Quien Sabe Farms, Hereford, Tx., $66,021.
J. H. Farms, Coolidge, Az., $65,993.
R. L. Polvado, Morton, Tx., $65,976.
Ivanhoe Assoc. Inc., Natchez, Ms., $65,936.
W. C. Bradley Co., Columbus, Ga., $65,929.
Ray Scroggins, Yazoo City, Ms., $65,865.
G. E. Paxton, Tulare, Calif., $65,753.
Herbert W. Bode, San Benito, Tex., $65,744.
Chanan Singh, Rt. 2, Box 630, Grande, Az., $65,743.
Green Top Farms, Inc., Rt. 4, Richmond, Mo., $65,722.
Bryants Incorporated, Bartow, Ga., $65,717.
Three H Ranch, 1709 30th St., Bakersfield, Ca., $65,696.
R. E. Hart, Box 384, Sinton, Tex., $65,694.
Ashly Plantation, RR 2, Box 117, Tallulah, La., $65,629.
Byron Campbell EST, 795 W Rockey, Raymondville, Tx., $65,606.
Singletary Farms, 263 N Main St., Blakely, Ga., $65,605.
R. L. Calhoun, PO Box 1336, Taft, Ca., $65,585.
Johnny Deniz, 19594 Ave. 17, Madera, Ca., $65,556.
Wilbur F. Johns Farms, Box 205, Joiner, Ar., $65.510.
Sloan Osborn, Rt. 2, Friona, Texas, $65,503.
W. E. Taylor, RR 2, Box 822, Greenville, Ms., $65,496.
Davidson Bros., Box 1286, Pecos, Tex., $65,468.
Joe S. Wolf, PO. Box 591, La Feria, Tex., $65,398.
El Dorado Ranch, Inc., Box 566, Stanfield, Az., $65,389.
Warren Spikes, Hugoton, Ks., $65,383.
Morris L. Hunt, Box 862, Dumas, Tx., $65,349 .

K. K. Skousen, Rt. 1, Box 85, Chandler, Az., $65,324.
Ralph C. Dickson, Drawer KK, McCamey, Tex., $65,260.
Crosthwait Farms Inc., Osceola, Ar., $65,-244.
Rusconi Farms, PO Box 65, San Joaquin, Ca., $65,191.
Carl Schuster, Rt. 1, Box 77–A, San Juan, Tex., $65,151.
Parr Bros., Inc., 902 H St., Rupert, Id., $65,133.
Guerra Bros., Box 38, Linn, Tex., $65,133.
Pauline V. Adair, Doddsville, Ms., $65,102.
Diablo Farms, PO Box 505, Arvin, Ca., $65,062.
Pecan Grove Pltn., % George J. Rice, Indianola, Ms., $65,016.
W. J. Denton, EST, % Ruby C. Denton Exrx., Wilson, Ar., $65,005.
Tom Passmore, 1901 Jackson, Pecos, Tex., $65,000.
West AC Farms, Inc., Rt. 4, Hereford, Tx., $64,974.
Clements Corp., 1236 1St. Ntl. Pioneer Bld., Lubbock, Tx., $64,940.
J. C. Moore Mercantile Co., RR 1, Marion, Al., $64,934.
S. M. Fewell & Co., Vance, Ms., $64,925.
W. P. Haggard & Son, Rt. 1, Box 114, Laveen, Az., $64,898.
Jack Phillips, PO Box 548, Delano, Ca., $64,891.
Elbert Harp, Box 729, Abernathy, Tx., $64,-850.
M & S Rnchs., Inc., Box 546, Stanfield, Az., $64,834.
Milton Addison, 1015 E. Tate, Brownfield, Tx., $64,771.
E. E. Gasque and Son, Elloree, S.C., $64,764.
Santa Cruz Farms, Inc., Eloy, Ariz., $64,710.
Faith Pltn., Tribbitt, Ms., $64,685.
Kalcevic Farms, Inc., Aurora, Colo., $64,-624.
Clinton P. Owen, Robinsonville, Ms., $64,-614.
T. A. Densford & Son, Millington, Tenn., $64,590.
B. W. Smith, Jr., Louise, Ms., $64,566.
S. U. Smith, Louise, Ms., $64,566.
Erma Griffith, Morton, Tex., $64,527.
Melvin R. Bryce, Pima, Ariz., $64,525.
Buffalo Farms, Inc., Goodland, Tex., $64,502.
C. C. & Jack Harbison, Mercedes, Tex., $64,497.
Bill Jim Stclair, Muleshoe, Tex., $64,479.
Donald J. Wright, Dimmitt, Tex., $64,450.
Vandergrift-Wims Fms, Inc., Pahokee, Fl., $64,432.
C. J. Shannon & Sons, Tulare, Ca., $64,-420.
J. Carter Caldwell, Slaton, Tx., $64,398.
W. S. Taylor, Jr., Como, Ms., $64,381.
F. T. Leavell, Minter City, Ms., $64,367.
Roy Barefield, Alexander, Ga., $64,358.
Devin Devin & Patterson, Tulia, Tex., $64,-346.
Joe Beck Trust, Hughes, Ar., $64,313.
H. S. Mitchell, Millington, Tn., $64,297.
Arcola Planting Co., Arcola, Ms., $64,294.
Glenn Schott & Sons, Pixley, Ca., $64,249.
J. E. Polado, Morton, Tx., $64,236.
William E. Glotz, Tranquillity, Ca., $64,-072.
Schindler Brothers, Ripley, Ca., $64,059.
James W. Dixon, Friona, Tex., $64,045.
Maryland Plantation, Inc., Shelby, Ms., $63,942.
Anthony Paschel, Hereford, Tx., $63,828.
Zumbro Planting Co., Cleveland, Ms., $63,-817.
Marshall Cator, Sunray, Tex., $63,799.
Hoodco Farms, Inc., Boise, Id., $63,792.
Chase & Harmon Farms, Arvin Ca. $63,708.
John M. Welch., Indianola, Ms., $63,688.
J. L. Francis, Kress, Tex., $63,672.
James Middleton, Darlove, Ms., $63,670.
Texas Technological Research F., Pantex, Tx., $63,654.
Weeks Plantation, Inc., Clarksdale, Ms., Bonard Stice, Brownfield, Tex., $63,650.
Joe B. Mercer, Silverton, Tex., $63,649.
Schmitt Bros. Farms Ptn., Los Fresnos, Tx., $63,584.
Wheeler Robertson, Idalou, Tex., $63,507.
T. C. Clanton, Plainview, Tex., $63,423.
Pluto Planting Company, Thornton, Miss., $63,356.
Refuge Pltn., Greenville, Miss., $63,342.
Gilbreath Farm Co., Dimmitt, Tex., $63,329.
Burke Bros. & Giltz Inc., Charleston, Mo., $63,313.
A. D. Murphree, Jr., Shelby, Miss., $63,313.
Thompson Land & Live Co., Cokeville, Wyo., $63,295.
Camp & Lachenmaier, Shafter, Calif., $63,-291.
L. O. Weaks, Silverton, Tex., $63,255.
M. E. Lee, Somerton, Ariz., $63,254.
Valley Acres, Santa Rosa, Tex., $63,225.
Charles H. Mayo, Taft, Tex., $63,223.
Evans Townes Plantation, Minter City, Miss., $63,222.
Joseph A. Meyer, Adrian, Tex., $63,219.
James A. Bullard, Hereford, Tex., $63,218.
Marathon Farms, Box 206, Casa Grande, Ariz., $63,204.
John Smith, Box 57, Maricopa, Ariz., $63,-196.
R. E. and Rue Sanders, 515 S. Bernice, Spearman, Tex., $63,192.
H. B. Barker, 602 E. Lincoln, Morton, Tex., $63,134.
Kenneth Heard, Rt. 1, Littlefield, Tex., $63,062.
Jerry Block, Rt. 1, Box 422, Mission, Tex., $63,023.
Henry L. Voss, 48 W. Glenn Dr., Phoenix, Ariz., $62,998.
Valley Packing Co. of Calif., PO Box 1751, Yuma, Ariz., $62,996.
Frank & Dorothy Sturdivant, Minter City, Miss., $62,993.
D. C. Parker, RR 1, Box 254, Tunica, Miss., $62,973.
Tracy Hutchins, Rt. 2, Box 315, Casa Grande, Ariz., $62,971.
Frank Wicks, Box 246, Clovis, N. Mex., $62,964.
H. Miller Tr V Chinn, RR 3, Box 983, Bakersfield, Calif., $62,954.
W. A. Fulford, 1305 E. Buckley, Brownfield, Tex., $62,943.
Flowers Brothers, Dublin, Miss., $62,939.
Herman Koehler, Robinsonville, Minn., $62,884.
Garrard Est, % W. M. Garrard, Jr., Indianola, Miss., $62,875.
Earl S. Dobson, Rt. 1, Box 120, Chandler, Ariz., $62,873.
Kleymann Brothers, % Kleymann, Tribune, Kans., $62,865.
Barker Brothers, Soda Spring, Idaho, $62,-861.
Dessert Seed Co., Inc., PO Box 181, El Centro, Calif., $62,847.
J. W. Bryan, 1916 Jackson, Pecos, Tex., $62,-817.
Douglass & Vandiver, RR 2, Madison, Ala., $62,802.
Ben E. Pittman, Box 66, Darling, Miss., $62,774.
Broyles Pecos Farm, 509 Colpitts, Ft. Stockton, Tex., $62,769.
Batman Farms Co., Grain Valley, Mo., $62,-756.
Bell Bros., Box 335, Elsa, Tex., $62,688.
Mitchener Farms Inc., Sumner, Miss., $62,673.
N. S. Garrott & Sons, Proctor, Ark., $62,642.
Broadwell, Inc., York, Nev., $62,628.
Sam C. Jenkins, Lamesa, Tex., $62,609.
Harry Brorman, Hereford, Tex., $62,580.
M and V Farms, Ehrenberg, Ariz., $62,570.
J. A. Pickett, Morrow, La., $62,506.
Evanna Plantation, Inc., Cary, Miss., $62,494.
Dowco Land Co., Cairo, Ill., $62,492.
Robert F. Ashley, La Feria, Tex., $62,473.
John D. Hamilton, Chandler, Ariz., $62,462.
C. E. Atkinson, Bishopville, S.C., $62,450.
Thomas A. & Charles O'Neal, Blenheim, S.C., $62,424.
Carl & Paul Shannon, Visalia, Calif., $62,402.
L. C. Hewitt, Littlefield, Tex., $62,337.
S. C. Wilson & Son, C/O Shelby T. Wilson, Dundee, Miss., $62,333.
D. H. Dew Sr., Eden, Miss., $62,312.
Nash Brothers, Redstone, Mont., $62,256.
M. E. Little, RR 2, Muleshoe, Tex., $62,248.
Fuller Farms, Rt. 2, Box 52, Weslaco, Tex., $62,237.
Vernon Porter, Rt. 2, Box 203H, Dos Palos, Calif., $62,224.
Edward Ray Hooper, PO Box 316, Columbus, N.Mex., $62,219.
Robert W. Brooks, Box 431, Queen Creek, Ariz., $62,201.
Floyd Warren, Inc., Hardin, Mont., $62,080.
Trail Lake Gin Co., Billy Percy, Tralake, Miss., $62,058.
Floyd Robbs, Box 905, Willcox, Ariz., $62,-053.
S & P Farms, Inc., Box 228, Gila Bend., Ariz., $62,045.
John T. Dillard, 502 Cypress St., Leland, Miss., $62,008.
Walter B. Shaw, RR 1, Tanner, Ala., $62,003.
Menezes Bros., 6010 Ave. 184, Tulare, Calif., $61,997.
Doe Cattle & Land Company, PO Box 401, Visalia, Calif., $61,981.
Powers Company, Inc., Cary, Miss., $61,976.
Paul Morgan, 707 N. 18th, Lamesa, Tex., $61,968.
W. E. Austin, 301 Clover Dr., Indianola, Miss., $61,939.
Kempton & Snedigar, 221 E. Loma Vista, Tempe, Ariz., $61,921.
Bill White, 10769 Ave., 96, Pixley, Calif., $61,879.
Withers & Seabrook, RR 1 Box 64, Tunica, Miss., $61,846.
House & Haskell, PO Box 426, El Centro, Calif., $61,840.
Hugh M. Arant, RR 2, Ruleville, Miss., $61,839.
Joe Freitas Jr., Rt. 2 Box 89, Bakersfield, Calif., $61,836.
Z. V. Pate, Inc., Laurel Hill, N.C., $61,835.
A. R. Dillard, 217 N Texas Ave, Hereford, Tex, $61,809.
Randy Johnson, Box 610, Muleshoe, Tex., $61,783.
Yarbrough Brothers, Sicily Island, La., $61,776.
J. C., Conn., Inc,. Coalinga, Calif., $61,774.
James J. Mullis, Chester, Ga., $61,770.
C.C.G. Farms, Inc., Glendale, Ariz., $61,752.
Era Mae Barnes, Chandler, Ariz., $61,724.
Grady Easley, Calhoun City, Miss., $61,707.
J. R. Durrett Trusts, Amarillo, Tex., $61,697.
Lloyd Kontny, Goodland, Kans., $61,696.
J. Walter Hobgood, Anton, Tex., $61,671.
Tule Ranch Apts., Corcoran, Calif., $61,629.
Glen Cox, Lenorah, Tex., $61,613.
Sam Degelia, Sr., Hearne, Tex., $61,586.
James M. Hamilton, Chandler, Ariz., $61,539.
Kenneth Hitchcock, Burlington, Colo., $61,494.
Garrison Bros. & Nelson, Hereford, Tex., $61,486.
John Valpredo, Bakersfield, Calif., $61,445.
Highland Pltn., Greenville, Miss., $61,442.
R. S. Barlow, Lemoore, Calif., $61,433.
Mahan, Mahan & Radcliff, Parma, Mo., $61,432.
Billy W. Clayton, Springlake, Tex., $61,407.
Paul E. Plummer and Sons, Johnson, Kans., $61,320.
Johnson Brothers, Friars Point, Miss., $61,306.
Drew Farms, Inc., Firebaugh, Calif., $61,299.
H. C. Berry, Dexter, N. Mex., $61,264.
G. Buster Brown, Casa Grande, Ariz., $61,260.
C. H. Fletcher, Lycan, Colo., $61,153.
Jay H. Hulet, Murphy, Idaho, $61,147.
Ralph Wheeler, Edmonson, Tex., $61,141.
Hal Bogle, Dexter, N. Mex., $61,135.

Joe Friemel, Umbarger, Tex., $61,102.
K & P Farms Inc., Edison, Ca., $61,101.
Hosea Foster Estate, Canyon, Tex., $61,082.
Alazan Farms, Harlingen, Tex., $61,059.
James M. Warner, Waco, Tex., $61,046.
Otis Whitlock, Bostwick, Ga., $61,027.
Lloyd Gambrel, Ralls, Tex., $61,022.
W. D. Scarborough, Jr., Petersburg, Tex., $60,995.
Leslie H. Laffere, Fatesville, Tex., $60,945.
Jerry Cluck, Dimmitt, Tex., $60,941.
Maricopa Growers Gin, Maricopa, Ariz., $60,924.
John Trimmier, Jr., Hale Center, Tex., $60,911.
Odus Rush, McAlister, N. Mex., $60,897.
Lone Butte Ranches, Gilbert, Ariz., $60,851.
Coyne E. Killian, Lorenzo, Tex., $60,845.
A. S. Perry & Sons, Inc., Tunica, Miss., $60,771.
Svoboda & Hannah, Ogallala, Nev., $60,743.
Harry Schmidt Farms, Brawley, Calif., $60,-699.
Scopena Plantation, Bossier City, La., $60,-685.
C. E. Roemer III, Bossier City, La., $60,685.
Wayne Watkins, Cruger, Miss., $60,671.
Warren W. Sullivan, Walls, Miss., $60,655.
T. R. Joines, Abernathy, Tex., $60,647.
Tyline N. Perry, Kress, Tex., $60,619.
Frank Moore, Plainview, Tex., $60,613.
Jean D. Smith, Ralls, Tex., $60,610.
Funk Farms, Inc., Harlingen, Tex., $60,609.
E. T. Schaefer, Yazoo City, Miss., $60,602.
Jerry Falls, Webb, Miss., $60,592.
Billy Ray McInroe, Levelland, Tex., $60,590.
Seward and Harris, Midnight, Miss., $60,552.
Baconia Plantation, Inc., Cary, Miss., $60,-531.
Slaughter Hill Co., Levelland, Tex., $60,522.
Poplar Grove Pltg./Ref. Co., Pt. Allen, La., $60,518.
W. F. Ponder, Hereford, Tex., $60,468.
R. S. Reese, Westmoreland, Calif., $60,405.
Riggs Bros., Blytheville, Ark., $60,398.
J. W. Lynn Plantation, Gilliam, La., $60,368.
Robert D. Bechtel, Coolidge, Ariz., $60,352.
Thompson Farms, Inc., Decker, Ind., $60,-336.
Lloyd M. Hale, Tulia, Tex., $60,311.
Rex Neely Trust, Chandler, Ariz., $60,298.
Sundial Farming Co., Brawley, Calif., $60,-263.
Clyde Curry, Somerton, Ariz., $60,249.
L. R. Allison Co., Tornillo, Tex., $60,209.
Reuben Crosno, Selma, Calif., $60,171.
Mahalitc Bros., Eagle Lake ,Tex., $60,167.
Jones Ranches, Bowie, Ariz., $60,133.
L. R. Talley, Texico, N. Mex., $60,112.
Dick Barrett, Indianola, Miss., $60,111.
Fritz Kuhn, Jr., Centro, Calif., $60,110.
Jeanne L. James, Burlington, Colo., $60,099.
E Bar S Ranch; Mesquite, Tex. $60,072.
B. A. Holaday Co., Louise, Miss., $60,028.
Barton Ingram, Arcola, Miss., $60,022.
E. L. Goodspeed, Buttonwillow, Calif., $60,-009.

TRASH SALVAGE

Mr. BAYH. Mr. President, during these times of increasing awareness and concern over the state of our environment, a good deal of effort is underway on several fronts. The Subcommittee on Air and Water Pollution held hearings Februrary 20, 23, and 27 on S. 2005, the Resource Recovery Act of 1969, which would authorize $800 million over 5 years for Federal grants to States and municipalities for the construction of solid waste disposal plants.

During the hearings, the distinguished Senator from Missouri (Mr. EAGLETON) presented very thoughtful and constructive testimony. He said that the National Commission on Materials Policy proposed in S. 2005 should be directed to look into the effect of existing public policies, such as tax advantages and other economic incentives, on the recycling of materials. The Federal Government now offers inducements—usually in the form of tax incentives and depletion allowances—which encourage the exploitation of raw materials. He said that at a time when we are concerned about recycling the steel in junked cars, the 15-percent mineral depletion allowance reduces the cost of fresh ore, encouraging the use of ore and discouraging the use of scrap. The increase in the price of ore, resulting from the elimination of the depletion allowance, might help clear up junkyards full of old cars. He also pointed out that a 22-percent mineral depletion allowance presently decreases the price of sulfur, perhaps discouraging the recovery of sulfurous products from smokestacks.

The Senator from Missouri made a valid point in emphasizing the need to encourage the conservation of our resources by salvaging as much as possible from our wastes. It just makes good sense to me, both from the standpoint of environmental enhancement and conservation of natural resources, to establish national policies which will encourage the recycling of wastes or, at the very least, to take a long, hard look at our present policies which may actually have the effect of discouraging such practices.

I recently received a letter from a constituent in Indianapolis, Ind., Bruce Ayers, in which he expressed his concern over what he labeled a serious national crisis in the area of solid waste disposal problems. He also sent me a newsclipping from the Indianapolis News which contained an article by John Flora about a trash-salvage plan which is at present being tried in Muncie, Ind. The experiment in Muncie represents the kind of innovation which we need more of if we are to solve the vexing problem of cleaning up our environment through the reclamation of our solid wastes. I consider this effort in Muncie to be of sufficient significance to warrant the attention of Congress and the general public.

I ask unanimous consent that Mr. Ayers' letter and the article from the Indianapolis News be printed in the RECORD.

There being no objection the items were ordered to be printed in the RECORD, as follows:

INDIANAPOLIS, IND.,
March 5, 1970.

Senator BIRCH BAYH,
Old Senate Office Building,
Washington, D.C.

SENATOR BAYH: I have been reading various materials concerning our solid waste disposal problem. Until recently I did not realize it was such a serious national crisis. As of this date I have presented two speeches on our disposal problem to a class at Indiana University, and now I have become deeply concerned over it. I have enclosed an article from the Indianapolis News on how Muncie, Indiana is solving its waste problem. Of course this is not the only feasible solution. We can compress it and dump it into the ocean or use it as building material like the Japanese do; or we can build efficient incinerators that give off neither odor nor smoke. Solutions aside, we do need cures for the problem before so much of the needed life matter is locked into waste that the earth is no longer able to sustain the population living on it. Legislation would be most efficient at the federal level because then all states would be required to participate. Please, can you help us?!

Sincerely,

BRUCE E. AYERS.

TRASH SALVAGE PLAN IS TRIED IN MUNCIE
(By John Flora)

MUNCIE, IND.—Amid warnings that the world is in danger of being inundated by its own trash and garbage, Muncie has set in motion a system designed to "save" as much of the stuff as it can.

The idea is the brainchild of Ron Teal, executive vice-president of the Muncie Salvage Co., which this week began disposing of trash and garbage for the city on a temporary, day-to-day basis.

Under the agreement, the city pays $352 a day to Muncie Salvage to take the trash off its hands. City trucks haul the refuse to a processing plant on the city's Southwestside.

"This is the first plant of its kind that I know of," Teal explained above the rumble of a conveyor belt carrying refuse into a packer.

The difference is in the fact that Muncie Salvage "recycles" some of the 150 tons of trash and debris hauled in each day.

Each load is dumped in a heap on either side of a large, slow-moving conveyor in the middle of the concrete floor of the big plant.

Bulldozers shove the refuse onto a conveyor which carries it past sorters who pull out salvageable material and toss it onto another conveyor.

MAY SALVAGE 65 PERCENT

"Right now we're only salvaging paper products," Teal said, "and they amount to about 5 per cent of the total volume that comes in here.

"Eventually, we want to get this up to about 65 per cent when we start salvaging metals, wood, glass and maybe plastics."

Nonsalvageable material is carried into a packer which compresses it to a point where three unpacked truckloads will fit into one truck. From there the compacted material is loaded into Muncie Salvage trucks and carried to the firm's 1,000-acre sanitary landfill north of Muncie.

Meantime, the salvageable paper products are carried by a conveyor into a shredder which reduces everything to narrow strips. An overhead pneumatic tube carries the shredded paper to an automatic baler which compresses the paper into bales measuring 5-by-2 feet by about 30 inches.

The bales, Teal said, weigh between 805 and 1,400 pounds, depending on the type of paper. The bales are then stacked for shipment to one of nine paper mills which pay upward of $20 a ton for the paper.

"Residential trash from the city makes up only a small part of our volume," Teal said. "Most of the refuse comes from our commercial and industrial customers and a higher percentage of it is salvageable."

Sanitation Department trucks make residential pickups while Teal's trucks collect refuse from the firm's commercial and industrial customers.

SAVES TRUCKS, MANPOWER

The arrangement enables city trucks to bring most of their loads to the plant rather than drive to the sanitary landfill north of town, as before. Now, only city trucks working far Northside neighborhoods go to the landfill about 9 miles north of the city. The new method saves on gasoline, wear on trucks and man-hours.

"It remains to be seen how much we can get out of residential trash," Teal said. "We'll have to wait and see."

Recycling refuse, he said, and putting unusable material in landfills seems to be the best way of dealing with the problem.

"I don't know of any incinerators that are completely efficient and they're awfully expensive," he said.

The temporary arrangement with the city was made after Muncie Salvage's contract with the city expired and another firm, Aimco Services of Anderson, obtained a court injunction preventing action on new bids that had been sought by the city.

In earlier bidding, the city rejected bids from Muncie Salvage and Aimco because both were above the $100,000 appropriated. The court order came when a second set of bids was advertised. Aimco charged that, under the specifications, only Muncie Salvage could bid.

City sanitation officials said new bids will be sought soon.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

EXTENSION OF PROGRAMS OF ASSISTANCE FOR ELEMENTARY AND SECONDARY EDUCATION—CONFERENCE REPORT

The PRESIDING OFFICER. Under the order of yesterday, the Chair lays before the Senate the report of the committee of conference on disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes, which the clerk will state.

The bill clerk read the report, as follows:

CONFERENCE REPORT (H. REPT. No. 91-937)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Elementary and Secondary Education Amendments of 1969"

POLICY WITH RESPECT TO THE APPLICATION OF CERTAIN PROVISIONS OF FEDERAL LAW

SEC. 2. (a) It is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 dealing with conditions of segregation by race, whether de jure or de facto, in the schools of the local educational agencies of any State shall be applied uniformly in all regions of the United States whatever the origin or cause of such segregation.

(b) Such uniformity refers to one policy applied uniformly to de jure segregation wherever found and such other policy as may be provided pursuant to law applied uniformly to de facto segregation wherever found.

(c) Nothing in this section shall be construed to diminish the obligation of responsible officials to enforce or comply with such guidelines and criteria in order to eliminate discrimination in federally-assisted programs and activities as required by title VI of the Civil Rights Act of 1964.

(d) It is the sense of the Congress that the Department of Justice and the Department of Health, Education, and Welfare should request such additional funds as may be necessary to apply the policy set forth in this section throughout the United States.

TITLE I—AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

PART A—AMENDMENTS TO TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (EDUCATION OF DISADVANTAGED CHILDREN)

EXTENSION OF TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 101. (a) Section 102 of title I of the Elementary and Secondary Education Act of 1965 is amended by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1973".

(b) The third sentence of section 103(a)(1)(A) of such title I is amended by striking out "the fiscal year ending June 30, 1969," and inserting in lieu thereof "each of the succeeding fiscal years ending prior to July 1, 1972,".

(c) Section 121(d) of such title I is amended by striking out "each" where it appears after "$50,000,000" and by striking out "the succeeding fiscal year" and inserting in lieu thereof "for each of the succeeding fiscal years ending prior to July 1, 1973".

STUDY OF ALLOCATION OF FUNDS

SEC. 102. (a) The Commissioner of Education shall make a study of the allocation of sums appropriated for the purposes of title I of the Elementary and Secondary Education Act of 1965 and of the effectiveness of the various provisions of such title in making funds available to State and local educational agencies in order to meet the purposes of such title I. Such study shall make special reference to the distribution of funds to local educational agencies within counties, the means by which such funds may be concentrated in school attendance areas with the highest concentrations of children from low-income families, the appropriateness of the Federal percentage and the low-income factor provided for in subsection (c) of section 103 of such title I when considered in the light of the extra cost of providing compensatory education for educationally deprived children (including the means of providing services authorized by such title to such children residing in rural areas), and the use of special incentive grants to increase State and local effort for education.

(b) Not later than March 31, 1972, the Commissioner shall submit to the Congress a report on the study required by subsection (a), together with such recommendations as he may deem appropriate with respect to modification of programs under title I of the Elementary and Secondary Education Act of 1965. Notwithstanding the first sentence of section 103(d) of such title I, the Commissioner shall not use data for the purposes of section 103 of such title I from the 1970 census of the United States prior to July 1, 1972.

DESIGNATION OF RESPONSIBILITY FOR PROVISION OF SPECIAL EDUCATIONAL SERVICES FOR INSTITUTIONALIZED NEGLECTED OR DELINQUENT CHILDREN

SEC. 103. (a) Paragraph (2) of section 103(a) of title I of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following sentence: "Notwithstanding the foregoing provisions of this paragraph, upon determination by the State educational agency that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children, described in clause (C) of the first sentence of this paragraph, who are living in institutions for neglected or delinquent children, the State educational agency shall, if it assumes responsibility for the special educational needs of such children, be eligible to receive the portion of the allocation to such local educational agency which is attributable to such neglected or delinquent children, but if the State educational agency does not assume such responsibility, any other State or local public agency, as determined by regulations established by the Commissioner, which does assume such responsibility shall be eligible to receive such portion of the allocation."

(b) Section 103(d) of such Act is amended by adding at the end thereof the following new sentence: "For purposes of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children."

INCLUSION OF PUERTO RICO AND OTHER OUTLYING AREAS WITH RESPECT TO NEGLECTED OR DELINQUENT CHILDREN

SEC. 104. (a) Paragraph (4) of section 103(a) of title I of the Elementary and Secondary Education Act of 1965 is amended by striking out "paragraph (5)" and inserting in lieu thereof "paragraphs (5) and (7)".

(b) The amendment made by this section shall be effective after June 30, 1970.

AMENDMENTS WITH RESPECT TO HANDICAPPED AND NEGLECTED OR DELINQUENT CHILDREN

SEC. 105. (a) Paragraph (5) of section 103(a) of title I of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"(5) In the case of a State agency which is directly responsible for providing free public education for handicapped children (including mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education), the maximum grant which that agency shall be eligible to receive under this part for any fiscal year shall be an amount equal to the Federal percentage of the average per pupil expenditure in the State or, if greater, in the United States, multiplied by the number of such children in average daily attendance, as determined by the Commissioner, at schools for handicapped children operated or supported by the State agency, including schools providing special education for handicapped children under contract or other arrangement with such State agency, in the most recent fiscal year for which satisfactory data are available. Such State agency shall use payments under this part only for programs and projects (including the acquisition of equipment and where necessary the construction of school facilities) which are designed to meet the special educational needs of such children."

(b) Paragraph (7) of section 103(a) of such title I is amended by inserting after "supported by that State agency" the following: ", including schools providing education for such children under contract or other arrangement with such agency,".

(c) The amendments made by this section shall be effective after June 30, 1970.

REQUIRING GRANTS FOR MIGRATORY CHILDREN TO BE BASED ON THE NUMBER TO BE SERVED

SEC. 106. (a) The first sentence of paragraph (6) of section 103(a) of title I of the Elementary and Secondary Education Act of 1965 is, effective with the first allocation of funds pursuant to such title by the Commissioner after the date of enactment of this

Act, amended to read as follows: "A State educational agency which has submitted and had approved an application under section 105(c) for any fiscal year shall be entitled to receive a grant for that year under this part, based on the number of migratory children of migratory agriculture workers to be served, for establishing or improving programs for such children."

(b) The second sentence thereof is amended by striking "shall be" the first time it appears and inserting in lieu thereof "may be made"; and by inserting immediately before the period in such second sentence the following: ", except that if, in the case of any State, such amount exceeds the amount required under the preceding sentence and under section 105(c)(2), the Commissioner shall allocate such excess, to the extent necessary, to other States whose maximum total of grants under this sentence would otherwise be insufficient for all such children to be served in such other States".

USE OF MOST RECENT DATA UNDER TITLE I

SEC. 107. (a) The third sentence of section 103(d) of title I of the Elementary and Secondary Education Act of 1965 is amended by inserting immediately before the period at the end thereof the following: "or, to the extent that such data are not available to him before April 1 of the calendar year in which the Secretary's determination is made, then on the basis of the most recent reliable data available to him at the time of such determination".

(b) Section 103(e) of such title is amended by inserting the following after "during the second fiscal year preceding the fiscal year for which the computation is made": "(or, if satisfactory data for that year are not available at the time of computation, then during the earliest preceding fiscal year for which satisfactory data are available)".

SALARY BONUSES FOR TEACHERS IN SCHOOLS WITH HIGH CONCENTRATIONS OF EDUCATIONALLY DEPRIVED CHILDREN

SEC. 108. Paragraph (1) of Section 105(a) of the Elementary and Secondary Education Act of 1965 is amended by inserting "payments to teachers of amounts in excess of regular salary schedules as a bonus for service in schools eligible for assistance under this section," after "including the acquisition of equipment,".

PROHIBITION AGAINST SUPPLANTING STATE AND LOCAL FUNDS WITH FEDERAL FUNDS

SEC. 109. (a) Paragraph (3) of section 105(a) of title I of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"(3) that (A) the local educational agency has provided satisfactory assurance that the control of funds provided under this title, and title to property derived therefrom, shall be in a public agency for the uses and purposes provided in this title, and that a public agency will administer such funds and property, (B) Federal funds made available under this title will be so used (i) as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs and projects assisted under this title, and (ii) in no case, as to supplant such funds from non-Federal sources, and (C) State and local funds will be used in the district of such agency to provide services in project areas which, taken as a whole, are at least comparable to service being provided in areas in such district which are not receiving funds under this title: Provided, That any finding of noncompliance with this clause shall not affect the payment of funds to any local educational agency until the fiscal year beginning July 1, 1972, and Provided further, That each local educational agency receiving funds under this title shall report on or before July 1, 1971, and on or before July 1 of each year thereafter with respect to its compliance with this clause;".

(b) The amendment made by subsection (a) shall be effective with respect to all applications submitted to State educational agencies after thirty days after the date of enactment of this Act. Nothing in this section shall be construed to authorize the supplanting of State and local funds with Federal funds prior to the effective date of the amendment made by this section.

APPLICATIONS TO BE MADE AVAILABLE TO PUBLIC

SEC. 110. Section 105(a) of title I of the Elementary and Secondary Education Act of 1965 is amended by redesignating paragraphs (8) through (11) as paragraphs (9) through (12), respectively, and by inserting after paragraph (7) the following new paragraph:

"(8) that the local educational agency is making the application and all pertinent documents related thereto available to parents and other members of the general public and that all evaluations and reports required under paragraph (7) shall be public information;".

AMENDMENTS WITH RESPECT TO APPLICATIONS AND ASSURANCES

SEC. 111. (a) The parenthetical phrase in clause (A) of section 106(a)(3) of title I of the Elementary and Secondary Education Act of 1965 is amended by inserting "and of research and replication studies" immediately before the closing parenthesis.

(b) Section 105(a)(7) of such title is amended by inserting "(which in the case of reports relating to performance is in accordance with specific performance criteria related to program objectives)" after "such information".

NATIONAL ADVISORY COUNCIL

SEC. 112. Section 134 of title I of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"NATIONAL ADVISORY COUNCIL

"SEC. 134. (a) There shall be a National Advisory Council on the Education of Disadvantaged Children (hereinafter in this section referred to as the 'National Council') consisting of fifteen members appointed by the President, without regard to the provisions of title 5, United States Code, governing appointment in the competitive service, for terms of three years, except that (1) in the case of initial members, five shall be appointed for terms of one year each and five shall be appointed for terms of two years each, and (2) appointments to fill vacancies shall be only for such terms as remain unexpired. The National Council shall meet at the call of the Chairman.

"(b) The National Council shall review and evaluate the administration and operation of this title, including its effectiveness in improving the educational attainment of educationally deprived children, including the effectiveness of programs to meet their occupational and career needs, and make recommendations for the improvement of this title and its administration and operation. These recommendations shall take into consideration experience gained under this and other Federal educational programs for disadvantaged children and, to the extent appropriate, experience gained under other public and private educational programs for disadvantaged children.

"(c) The National Council shall make such reports of its activities, findings, and recommendations (including recommendations for changes in the provisions of this title) as it may deem appropriate and shall make an annual report to the President and the Congress not later than March 31 of each calendar year. Such annual report shall include a report specifically on which of the various compensatory education programs funded in whole or in part under the provisions of this title, and of other public and private educational programs for educationally deprived children, hold the highest promise for raising the educational attainment of these educationally deprived children. The President is requested to transmit to the Congress such comments and recommendations as he may have with respect to such report."

INCREASE IN LOW-INCOME FACTOR AND SPECIAL GRANTS FOR URBAN AND RURAL SCHOOLS SERVING ATTENDANCE AREAS WITH THE HIGHEST CONCENTRATIONS OF CHILDREN FROM LOW-INCOME FAMILIES

SEC. 113. (a) The second sentence of subsection (c) of section 103 of title I of the Elementary and Secondary Education Act of 1965 is amended by striking out all after "1968," and inserting in lieu thereof the following: "and for the four succeeding fiscal years they shall be 50 per centum and $3,000, respectively, and for the fiscal year ending June 30, 1973 they shall be 50 per centum and $4,000, respectively.".

(b)(1) Title I of such Act is further amended by striking out "PART A—BASIC GRANTS" where it appears before section 101 and inserting "PART A—BASIC GRANTS" before section 103.

(2) Section 101 of such title I is amended by striking out "this part" and inserting in lieu thereof "the following parts of this title".

(3) Sections 102, 105, 106, 107, and 108 of such title I are each amended by striking out "this part" and inserting in lieu thereof "this title".

(4) Sections 105, 106, 107, 108, 131, 132, 133, 134, 135, and 136 of such title I, and all references thereto, are redesignated as sections 141, 142, 143, 144, 145, 146, 147, 148, 149, and 150, respectively.

(5) Such title I is further amended by striking out the heading of part C and by inserting before the caption heading of section 141 the following:

"PART D—GENERAL PROVISIONS"

(6) Such title I is further amended by striking out all of part B thereof and inserting after section 103 the following:

"PART B—SPECIAL INCENTIVE GRANTS

"MAXIMUM ENTITLEMENT

"SEC. 121. (a) In the case of any fiscal year ending after June 30, 1969, each State shall be entitled to a special incentive grant if such State has an effort index for the second preceding fiscal year that exceeds the national effort index for such year.

"(b) The maximum amount of a special incentive grant for which a State is eligible for any fiscal year shall be determined by multiplying the amount of $1 for each 0.01 per centum by which the effort index of that State for the second preceding fiscal year exceeds the national effort index for such year times the aggregate number of children counted for the purposes of entitled local educational agencies within such State to basic grants in accordance with clauses (2), (5), (6), and (7) of section 103(a), except that no State shall be eligible to receive a special incentive grant under this part in an amount in excess of 15 per centum of the total amount available for grants under this part.

"APPLICATIONS; USE OF FUNDS

"SEC. 122. Any State desiring the special incentive grant to which it is entitled under this part for any fiscal year shall make application therefor, in accordance with the requirements set forth in section 142, to the Commissioner. Such application shall be submitted at such time and contain such information as the Commissioner shall require by regulation and shall contain a statement of such policies and procedures as will insure that funds granted to the State under this part will be (1) made available to local educational agencies within that State which

have the greatest need for assistance under this title, and (2) used, in accordance with the applicable provisions of this title, for programs and projects designed to meet the special educational needs of educationally deprived children.

"DEFINITIONS

"SEC. 123. For the purpose of this part the term 'effort index' when applied to States, means the per centum expressing the ratio of expenditures from all non-Federal sources in a State for public elementary and secondary education to the total personal income in such State, and the term 'national effort index' means the per centum expressing the ratio of such expenditures in all States to the total personal income in all States; and the term 'State' means the fifty States and the District of Columbia.

"PART C—SPECIAL GRANTS FOR URBAN AND RURAL SCHOOLS SERVING AREAS WITH THE HIGHEST CONCENTRATIONS OF CHILDREN FROM LOW-INCOME FAMILIES

"ELIGIBILITY AND MAXIMUM AMOUNT OF GRANT

"SEC. 131. (a)(1) Each local educational agency which is eligible for a grant under paragraph (2) of section 103(a) shall be entitled to an additional grant under this paragraph for any fiscal year if—

"(A) the total number of children described in clause (A), (B), or (C) of section 103(a)(2) in the school district of such agency for such year amounts to at least 20 per centum of the total number of children, aged five to seventeen inclusive, in the school district of such agency for such year; or

"(B) the total number of children described in clause (A), (B), or (C) of section 103(a)(2) in the school district is at least 5,000 and amounts to at least 5 per centum of the total number of children, aged five to seventeen, inclusive, in such school district.

"(2) Each local educational agency which is eligible for a grant under paragraph (2) of section 103(a) and which (A) is not eligible for a grant under paragraph (1) of this subsection, but (B) would be eligible for a grant under such paragraph (1) if there were in the school district of such agency a relatively small increase in the number of children, aged five to seventeen, inclusive, described in clause (A), (B), or (C) of section 103(a)(2) shall be entitled to a grant under this paragraph (2) if the State educational agency of the State in which such agency is located determines (in accordance with criteria established by regulations of the Commissioner) that such agency has an urgent need for financial assistance to meet the special educational needs of the educationally deprived children in the school district of such agency.

"(b)(1) The maximum amount of any grant to any local educational agency under paragraph (1) of subsection (a) shall be—

"(A) for the fiscal year ending June 30, 1970, 30 per centum of the amount that such agency is eligible to receive for such fiscal year under paragraph (2) of section 103(a); and

"(B) for any succeeding fiscal year, 40 per centum of the amount that such agency is eligible to receive for each such succeeding fiscal year.

The aggregate of the amounts for which all local educational agencies are eligible under this paragraph for any fiscal year shall not exceed the amount determined in the following manner:

"(i) compute the total amount for which all State and local educational agencies are eligible under this title for that fiscal year;

"(ii) subtract from such total, a sum equal to the figure set forth in paragraph (3) of section 144; and

"(iii) if that portion of such total which is attributable to amounts for which local educational agencies are eligible under this paragraph constitutes more than 15 per centum of the remainder of such total, reduce such portion until it constitutes 15 per centum of such remainder, through ratable reductions of the maximum grants for which local educational agencies are eligible under this paragraph.

"(2) The maximum amount of any grant to any local educational agency under paragraph (2) of subsection (a) shall not exceed the maximum amount to which it would have been entitled if it had been eligible under paragraph (1) of such subsection. The maximum amount which shall be available to the Commissioner for grants under such paragraph (2) of subsection (a) shall be, for the fiscal year ending June 30, 1970, equal to 3 per centum of the total amount available for grants for such fiscal year under paragraph (1) of subsection (a) and, for any succeeding fiscal year, such amount shall be equal to 5 per centum of the total amount available for grants for that year under such paragraph (1).

"(c) For the purposes of this section the term 'State' means the fifty States and the District of Columbia.

"(d)(1) In making determinations under this section the Commissioner is authorized, in accordance with regulations prescribed by him, to use the most recent satisfactory data made available to him by the appropriate State educational agency. If satisfactory data for determining the number of children described in clause (A), (B) or (C) of section 103(a)(2) in a school district for the purpose of subsection (a) are not otherwise available to the Commissioner, such determination may be made on the basis of data furnished to him by a State educational agency with respect to the amount of the maximum grant under part A of this title allocated by such State agency to the local educational agency for such district in the State for the purpose of the second sentence of section 103(a)(2), for the fiscal year preceding the fiscal year for which such determination is made.

"(2) Determinations under this section may be made on the basis of data furnished in accordance with section 103(d).

"USES OF FUNDS

"SEC. 132. (a) Funds available for grants under this part shall be used solely for programs and projects designed to meet the special educational needs of educationally deprived children in preschool programs and in elementary schools serving areas with the highest concentrations of children from low-income families, except that such funds may be used for programs and projects for such children in secondary schools serving areas with the highest concentrations of children from low-income families if the local educational agency and its State educational agency determine (in according with criteria established by regulation of the Commissioner) that—

"(A) there is an urgent need for such programs and projects for such children in secondary schools in the area to be served by the local educational agency; and

"(B) there is satisfactory assurance that such programs and projects will be at least as effective in achieving the purposes of this title as the use of such funds for programs and projects for such children in elementary schools in such area.

"(b) In addition to meeting the requirements and conditions set forth in part D, applications for grants under this part shall meet such other requirements and conditions, consistent with the purposes of this title, as the Commissioner shall establish by regulation.".

(7) Section 141(a) of such title is amended by striking out "and" at the end of paragraph (10), and by striking out the period at the end of paragraph (11) and inserting in lieu thereof "; and", and by adding at the end thereof the following new paragraph:

"(12) in the case of funds received under part C of this title, the local educational agency sets forth such procedures and policies and provides such assurances as the Commissioner may require by regulation for the uses of funds available under such part C to carry out the purposes of this title, and, for any fiscal year ending after June 30, 1970, sets forth a comprehensive plan for meeting the special educational needs of children to be served under such part C including provisions for effective use of all funds available under this title and provisions setting forth specific objectives of such plan and the criteria and procedures, including objective measurements of educational achievement, that will be used to evaluate at least annually the extent to which the objectives of the plan have been met.".

(8) Section 143 of such title I is amended—

(A) by inserting before the period at the end of paragraph (2) of subsection (a) thereof "or section 131", and

(B) by striking out "sections 103 and 144" where it appears in clause (1) of subsection (b) and inserting in lieu thereof "sections 103, 131, and 144".

(9) Section 146 of such title I is amended by striking out ", 106(b), or 121(b)" and inserting in lieu thereof "or 142(b)".

(10) Section 147 of such title I is amended by striking out ", 106(b) or 121(b)" and inserting in lieu thereof "or 142(b)".

(c) Section 144 of such title is amended (A) by striking out "paragraphs (1) and (2)" in paragraph (3) and inserting in lieu thereof "paragraphs (1), (2), and (3)", (B) by redesignating such paragraph (3) as paragraph (4), and (C) by inserting before such paragraph (4) the following new paragraph:

"(3) that part of such sums for any fiscal year which is in excess of $1,396,975,000 shall be allocated on the basis of computations in accordance with remaining entitlements under section 103(a)(2), and entitlements under sections 121 and 131, as ratably reduced, but in no case shall allocations on the basis of computations in accordance with section 131 exceed 15 per centum of such excess; and".

(d) Effective for fiscal years ending after June 30, 1972, such section 144 is further amended—

(1) by inserting after the first sentence the following new sentence: "For the purposes of parts B and C of this title, in determining entitlements under such parts, the number of children described in section 103(a) shall be ascertained by using a low-income factor of (i) $2,000 when allocations are made under clause (A) of paragraph (2) in the first sentence of this section, (ii) $3,000 when allocations are made under clause (B) of such paragraph, and (iii) $4,000 when allocations are made under clause (C) of such paragraph."; and

(2) by striking out clause (B) of paragraph (2) and inserting in lieu thereof the following:

"(B) until appropriations are sufficient to satisfy all maximum grants as computed by using a low-income factor of $3,000, any amount remaining after allocations are computed pursuant to clause (A) shall be allocated by using a low-income factor of $3,000 with respect to children described in section 103(a)(2) who are not counted for purposes of clause (A); and

"(C) until appropriations are sufficient to satisfy all maximum grants as computed by using a low-income factor of $4,000, any amount remaining after allocations are computed pursuant to clauses (A) and (B) shall be allocated by using a low-income factor of $4,000 with respect to children described in section 103(a)(2) who are not counted for purposes of clause (A) or (B); and

"(D) the aggregate amount available for

grants to local educational agencies within each State shall be not less than the aggregate amount allocated to local educational agencies within such State for the fiscal year ending June 30, 1967, until the total sums available from appropriations for that fiscal year exceed $1,500,000,000 for Part A of title I; and"

(e) Except as otherwise provided, the amendments made by this section shall be effective with respect to fiscal years ending after June 30, 1969.

TECHNICAL AMENDMENT

SEC. 114. Section 107(b)(2) of title I of the Elementary and Secondary Education Act of 1965 is amended by striking out "Wake Island,".

PART B—AMENDMENTS TO TITLE II OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (LIBRARY RESOURCES, TEXTBOOKS, AND OTHER PRINTED AND PUBLISHED MATERIALS)

EXTENSION OF TITLE II OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 121. (a) Section 201(b) of the Elementary and Secondary Education Act of 1965 is amended by striking out "and" where it appears after "1969," and by striking out "the fiscal year ending June 30, 1970" and inserting in lieu thereof "each of the fiscal years ending June 30, 1970, and June 30, 1971, $210,000,000 for the fiscal year ending June 30, 1972, and $220,000,000 for the fiscal year ending June 30, 1973".

(b) The third sentence of section 202(a)(1) of such Act is amended by striking out "the fiscal year ending June 30, 1969," and inserting in lieu thereof "each of the succeeding fiscal years ending prior to July 1, 1972,".

(c) Section 204(b) of such Act is amended by striking out "July 1, 1970" and inserting in lieu thereof "July 1, 1973".

PART C—AMENDMENTS TO TITLE III OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (SUPPLEMENTARY EDUCATIONAL SERVICES AND CENTERS)

CONSOLIDATION OF CERTAIN EDUCATION PROGRAMS

SEC. 131. (a)(1) Title III of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"TITLE III—SUPPLEMENTARY EDUCATIONAL CENTERS AND SERVICES; GUIDANCE, COUNSELING, AND TESTING

"APPROPRIATIONS AUTHORIZED

"SEC. 301. (a) The Commissioner shall carry out a program for making grants for supplementary educational centers and services, to stimulate and assist in the provision of vitally needed educational services not available in sufficient quantity or quality, and to stimulate and assist in the development and establishment of exemplary elementary and secondary school educational programs to serve as models for regular school programs, and to assist the States in establishing and maintaining programs of testing and guidance and counseling.

"(b) For the purpose of making grants under this title, there is hereby authorized to be appropriated the sum of $550,000,000 for the fiscal year ending June 30, 1971, $575,000,000 for the fiscal year ending June 30, 1972, and $605,000,000 for the fiscal year ending June 30, 1973. In addition, there are hereby authorized to be appropriated for the fiscal year ending June 30, 1971, and each of the succeeding fiscal years, such sums as may be necessary for the administration of State plans, the activities of advisory councils, and the evaluation and dissemination activities required under this title.

"ALLOTMENT AMONG STATES

"SEC. 302. (a)(1) There is hereby authorized to be appropriated for each fiscal year for the purposes of this paragraph an amount equal to not more than 3 per centum of the amount appropriated for such year for grants under this title. The Commissioner shall allot the amount appropriated pursuant to this paragraph among Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs for assistance under this title. In addition for each fiscal year ending prior to July 1, 1972, he shall allot from such amount to (A) the Secretary of the Interior the amount necessary to provide programs and prospects for the purpose of this title for individuals on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior, and (B) the Secretary of Defense the amount necessary for such assistance for children and teachers in the overseas dependents schools of the Department of Defense. The terms upon which payments for such purpose shall be made to the Secretary of the Interior and the Secretary of Defense shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this title.

"(2) From the sums appropriated for making grants under this title for any fiscal year pursuant to section 301(b), the Commissioner shall allot $200,000 to each State and shall allot the remainder of such sums among the States as follows:

"(A) He shall allot to each State an amount which bears the same ratio to 50 percentum of such remainder as the number of children aged five to seventeen, inclusive, in the State bears to the number of children in all the States, and

"(B) He shall allot to each State an amount which bears the same ratio to 50 per centum of such remainder as the population of the State bears to the population of all the States.

For the purposes of this subsection, the term term "State" does not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(b) The number of children aged five to seventeen, inclusive, and the total population of a State and of all the States shall be determined by the Commissioner on the basis of the most recent satisfatcory data available to him.

"(c) The amount allotted to any State under subsection (a) for any fiscal year, which the Commissioner determines will not be required for the period for which that amount is available, shall be available for grants pursuant to section 306 in such State, and if not so needed may be reallotted or used for grants pursuant to section 306 in other States. Funds available for reallotment may be reallotted from time to time, on such dates during that period as the Commissioner may fix, among other States in proportion to the amounts originally allotted among those States under subsection (a) for that year, but with the proportionate amount for any of the other States being reduced to the extent it exceeds the sum the Commissioner estimates that State needs and will be able to use for that period; and the total of these reductions may be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reallotted to a State under this subsection from funds appropriated pursuant to section 301 for any fiscal year shall be deemed to be a part of the amount allotted to it under subsection (a) for that year.

"(d) The amounts made available under the first sentence of subsection (c) for any fiscal year shall remain available for grants during the next succeeding fiscal year.

"USES OF FEDERAL FUNDS

"SEC. 303. (a) It is the purpose of this title to combine within a single authorization, subject to the modifications imposed by the provisions and requirements of this title, the programs formerly authorized by this title and title V–A of the National Defense Education Act of 1958, and except as expressly modified by this title, Federal funds may be used for the same purposes and the funding of the same types of programs previously authorized by those titles.

"(b) Funds appropriated pursuant to section 301 shall be available only for grants in accordance with applications approved pursuant to this title for—

"(1) planning for and taking other steps leading to the development of programs or projects designed to provide supplementary educational activities and services described in paragraphs (2) and (3), including pilot projects designed to test the effectiveness of plans so developed;

"(2) the establishment or expansion of exemplary and innovative educational programs (including dual-enrollment programs and the lease or construction of necessary facilities) for the purpose of stimulating the adoption of new educational programs (including those described in section 503(4) and special programs for handicapped children) in the schools of the State; and

"(3) the establishment, maintenance, operation, and expansion of programs or projects, including the lease or construction of necessary facilities and the acquisition of necessary equipment, designed to enrich the programs of local elementary and secondary schools and to offer a diverse range of educational experience to persons of varying talents and needs by providing, especially through new and improved approaches, supplementary educational services and activities, such as—

"(A) remedial instruction, and school health, physical education, recreation, psychological, social work, and other services designed to enable and encourage persons to enter, remain in, or reenter educational programs, including the provision of special educational programs and study areas during periods when schools are not regularly in session;

"(B) comprehensive academic services and, where appropriate, vocational guidance and counseling, for continuing adult education;

"(C) specialized instruction and equipment for students interested in studying advanced scientific subjects, foreign languages, and other academic subjects which are not taught in the local schools or which can be provided more effectively on a centralized basis, or for persons who are handicapped or of preschool age;

"(D) making available modern educational equipment and specially qualified personnel, including artists and musicians, on a temporary basis for the benefit of children in public and other nonprofit schools, organizations, and institutions;

"(E) developing, producing, and transmitting radio and television programs for classroom and other educational use;

"(F) in the case of any local educational agency which is making a reasonable tax effort but which is nevertheless unable to meet critical educational needs (including preschool education), because some or all of its schools are seriously overcrowded, obsolete, or unsafe, initiating and carrying out programs or projects designed to meet those needs, particularly those which will result in more effective use of existing facilities;

"(G) providing special education and related services for persons who are in or from rural areas or who are or have been otherwise isolated from normal educational opportunities including, where appropriate, the provision of mobile educational services and equipment, special home study courses, radio, television, and related forms of instruction, bilingual education methods and visiting teachers' programs,

"(H) encouraging community involvement in educational programs;

"(I) providing programs for gifted and talented children; and

"(J) other specially designed educational programs or projects which meet the purposes of this title; and

"(4) programs for testing students in the public and private elementary and secondary schools and in junior colleges and technical institutes in the State, and programs designed to improve guidance and counseling services at the appropriate levels in such schools.

"(c) In addition to the uses specified in subsection (b), funds appropriated for carrying out this title may be used for—

"(1) proper and efficient administration of State plans;

"(2) obtaining technical, professional, and clerical assistance and the services of experts and consultants to assist the advisory councils authorized by this title in carrying out their responsibilities; and

"(3) evaluation of plans, programs, and projects, and dissemination of the results thereof.

"APPLICATION FOR GRANTS; CONDITIONS FOR APPROVAL

"SEC. 304. (a) A grant under this title pursuant to an approved State plan or by the Commissioner for a supplementary educational center or service program or project may be made only to a local educational agency or agencies, and then only if there is satisfactory assurance that, in the planning of that program or project there has been, and in the establishment and carrying out thereof there will be, participation of persons broadly representative of the cultural and educational resources of the area to be served. The term 'cultural and educational resources' includes State educational agencies, institutions of higher education, nonprofit private schools, public and nonprofit private agencies such as libraries, museums, musical and artistic organizations, educational radio and television, and other cultural and educational resources. Such grants may be made only upon application to the appropriate State educational agency or to the Commissioner, as the case may be, at such time or times, in such manner, and containing or accompanied by such information as the Commissioner deems necessary. Such application shall—

"(1) provide that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the applicant;

"(2) set forth a program for carrying out the puposes set forth in section 303(b) and provide for such methods of administration as are necessary for the proper and efficient operation of the programs;

"(3) set forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in section 303(b), and in no case supplant such funds;

"(4) provide, in the case of an application for assistance under this title which includes a project for the construction of necessary facilities, satisfactory assurance that—

"(A) reasonable provision has been made, consistent with the other uses to be made of the facilities, for areas in such facilities which are adaptable for artistic and cultural activities,

"(B) upon completion of the construction, title to the facilities will be in a State or local educational agency, and

"(C) in developing plans for such facilities (i) due consideration will be given to excellence of architecture and design and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project), and (ii) there will be compliance with such standards as the Secretary may prescribe or approve in order to insure that, to the extent appropriate in view of the uses to be made of the facilities, such facilities are accessible to and usable by handicapped persons;

"(5) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

"(6) provide for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this title and to determine the extent to which funds provided under this title have been effective in improving the educational opportunities of persons in the area served, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and vertification of such reports.

"(b) An application by a local educational agency for a grant under this title may be approved only if it is consistent with the applicable provisions of this title and—

"(1) meets the requirements set forth in subsection (a);

"(2) provides that the program or project for which application is made—

"(A) will utilize the best available talents and resources and will substantially increase the educational opportunities in the area to be served by the applicant, and

"(B) to the extent consistent with the number of children enrolled in nonprofit private schools in the area to be served whose educational needs are of the type provided by the program and project, makes provision for the participation of such children; and

"(3) has been reviewed by a panel of experts.

"(c) Amendments of applications shall, except as the Commissioner may otherwise provide by or pursuant to regulations, be subject to approval in the same manner as original applications."

"STATE PLANS

"SEC. 305. (a)(1) Any State desiring to receive payments for any fiscal year to carry out a State plan under this title shall (A) establish within its State educational agency a State advisory council (hereinafter referred to as the State advisory council) which meets the requirements of this subsection, (B) set dates before which local educational agencies must have submitted applications for grants to the State educational agency, and (C) submit to the Commissioner, through its State educational agency, a State plan at such time and in such detail as the Commissioner may deem necessary. The Commissioner may, by regulation, set uniform dates for the submission of State plans and applications.

"(2) The State advisory council, established pursuant to paragraph (1), shall—

"(A) be appointed by the State educational agency, and be broadly representative of the cultural and educational resources of the State (as defined in section 304(a)) and of the public, including persons representative of—

"(i) elementary and secondary schools,

"(ii) institutions of higher education, and

"(iii) areas of professional competence in dealing with children needing special education because of physical or mental handicaps;

"(B) advise the State educational agency on the preparation of, and policy matters arising in the administration of, the State plan, including the development of criteria for approval of applications under such State plan;

"(C) review, and make recommendations to the State educational agency on the action to be taken with respect to, each application for a grant under the State plan;

"(D) evaluate programs and projects assisted under this title; and

"(E) prepare and submit through the State educational agency a report of its activities, recommendations, and evaluations, together with such additional comments as the State educational agency deems appropriate, to the Commissioner and to the National Advisory Council, established pursuant to this title, at such times, in such form, and in such detail, as the Secretary may prescribe.

"(3) Not less than ninety days prior to the beginning of any fiscal year in which a State desires to receive a grant under this title, such State shall certify the establishment of, and membership of, its State advisory council to the Commissioner.

"(4) Each State advisory council shall meet within thirty days after certification has been accepted by the Commissioner and select from its membership a chairman. The time, place, and manner of meeting shall be as provided by such council, except that such council shall have not less than one public meeting each year at which the public is given opportunity to express views concerning the administration and operation of this title.

"(5) State advisory councils shall be authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable them to carry out their functions under this title and to contract for such services as may be necessary to enable them to carry out their evaluation functions.

"(b) The Commissioner shall approve a State plan, or modification thereof, if he determines that the plan submitted for that fiscal year—

"(1)(A) except in the case of funds available for the purpose described in paragraph (4) of section 303(b), sets forth a program (including educational needs, and their basis, and the manner in which the funds paid to the State under this title shall be used in meeting such educational needs) under which funds paid to the State under section 307(a) will be expended solely for the improvement of education in the State through grants to local educational agencies for programs or projects in accordance with sections 303 and 304; *Provided*, That, in the case of a State educational agency that also is a local educational agency, its approval of a program or project to be carried out by it in the latter capacity shall, for the purposes of this title, be deemed an award of a grant by it upon application of a local educational agency if the State plan contains, in addition to the provisions otherwise required by this section, provisions and assurances (applicable to such programs or project) that are fully equivalent to those otherwise required of a local educational agency;

"(B) in the case of funds available for the purpose described in paragraph (4) of section 303(b), sets forth—

"(i) a program for testing students in the public elementary and secondary schools of such State or in the public junior colleges and technical institutes of such State, and, if authorized by law, in other elementary and secondary schools and in other junior colleges and technical institutes in such State, to identify students with outstanding aptitudes and ability, and the means of testing which will be utilized in carrying out such program; and

"(ii) a program of guidance and counseling at the appropriate levels in the public elementary and secondary schools or public junior colleges and technical institutes of such State; (A) to advise students of courses of study best suited to their ability, aptitudes and skills, (B) to advise students in their decisions as to the type of educational program they should pursue, the vocation they train for and enter, and the job opportunities in the various fields, and (C) to encourage students with outstanding aptitudes and ability to complete their secondary

school education, take the necessary courses for admission to institutions of higher education, and enter such institutions and such programs may include, at the discretion of such State agency, short-term sessions for persons engaged in guidance and counseling in elementary and secondary schools, junior colleges, and technical institutes in such State;

"(2) sets forth the administrative organization and procedures, including the qualifications for personnel having responsibilities in the administration of the plan in such detail as the Commissioner may prescribe by regulation;

"(3) sets forth criteria for achieving an equitable distribution of assistance under this title, which criteria shall be based on consideration of (A) the size and population of the State, (B) the geographic distribution and density of the population within the State, and (C) the relative need of persons in different geographic areas and in different population groups within the State for the kinds of services and activities described in section 303, and the financial ability of the local educational agencies serving such persons to provide such services and activities;

"(4) provides for giving special consideration to the application of any local educational agency which is making a reasonable tax effort but which is nevertheless unable to meet critical educational needs, including preschool education for four- and five-year-olds and including where appropriate bilingual education, because some or all of its schools are seriously overcrowded (as a result of growth or shifts in enrollment or otherwise), obsolete, or unsafe;

"(5) provides that, in approving applications for grants for programs or projects, applications proposing to carry out programs or projects planned under this title will receive special consideration;

"(6) provides for adoption of effective procedures (A) for the evaluation, at least annually, of the effectiveness of the programs and projects, by the State advisory council, supported under the State plan in meeting the purposes of this title, (B) for appropriate dissemination of the results of such evaluations and other information pertaining to such programs or projects, and (C) for adopting, where appropriate, promising educational practices developed through such programs or projects;

"(7) provides that not less than 50 per centum of the amount which such State receives to carry out the plan in such fiscal year shall be used for purposes of paragraphs (1) and (2) of section 303(b);

"(8) provides that not less than 15 per centum of the amount which such State receives to carry out the plan in such fiscal year shall be used for special programs or projects for the education of handicapped children;

"(9) sets forth policies and procedures which give satisfactory assurance that Federal funds made available under this title for any fiscal year (A) will not be commingled with State funds, and (B) will be so used as to supplement and, to the extent practical, increase the fiscal effort (determined in accordance with criteria prescribed by the Commissioner, by regulation) that would, in the absence of such Federal funds, be made by the applicant for educational purposes;

"(10) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State under this title;

"(11) provides for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this title and to determine the extent to which funds provided under this title have been effective in improving the educational opportunities of persons in the areas served by the programs or projects supported under the State plan and in the State as a whole, including reports of evaluations made in accordance with objective measurements under the State plan pursuant to paragraph (6), and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports;

"(12) provides that final action with respect to any application (or amendment thereof) regarding the proposed final disposition thereof shall not be taken without first affording the local educational agency or agencies submitting such application reasonable notice and opportunity for a hearing; and

"(13) contains satisfactory assurance that, in determining the eligibility of any local educational agency for State aid or the amount of such aid, grants to that agency under this title shall not be taken into consideration.

"(c) The Commissioner may, if he finds that a State plan for any fiscal year ending prior to July 1, 1973, is in substantial compliance with the requirements set forth in subsection (b), approve that part of the plan which is in compliance with such requirements and make available (pursuant to section 307) to that State that part of the State's allotment which he determines to be necessary to carry out that part of the plan so approved. The remainder of the amount which such State is eligible to receive under this section may be made available to such State only if the unapproved portion of that State plan has been so modified as to bring the plan into compliance with such requirements: Provided, That the amount made available to a State pursurant to this subsection shall not be less than 50 per centum of the maximum amount which the State is eligible to receive under this section.

"(d) A State which has had a State plan approved for any fiscal year may receive for the purpose of carrying out such plan an amount not in excess of 85 per centum of its allotment pursuant to section 302.

"(e)(1) The Comissioner shall not finally disapprove any plan submitted under subsection (a), or any modification thereof, without first affording the State educational agency submitting the plan reasonable notice and opportunity for a hearing.

"(2) Whenever the Commissioner, after reasonable notice and opportunity for hearings to any State educational agency, finds that there has been a failure to comply substantially with any requirements set forth in the plan of that State approved under section 305 or with any requirement set forth in the application of a local educational agency approved pursuant to section 304, the Commissioner shall notify the agency that further payments will not be made to the State under this title (or, in his discretion, that the State educational agency shall not make further payments under this title to specified local educational agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, no further payments shall be made to the State under this title, or payments by the State educational agency under this title shall be limited to local educational agencies not affected by the failure, as the case may be.

"(3)(A) If any State is dissatisfied with the Commissioner's final action with respect to the approval of a plan submitted under subsection (a) or with his final action under paragraph (2), such State may, within 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commisisoner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action as provided in section 2112 of title 28, United States Code.

"(B) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings.

"(C) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(f)(1) If any local educational agency is dissatisfied with the final action of the State educational agency with respect to approval of an application of such local agency for a grant pursuant to this title, such local agency may, within sixty days after such final action or notice thereof, whichever is later, file with the United States court of appeals for the circuit in which the State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the State educational agency. The State educational agency thereupon shall file in the court the record of the proceedings on which the State educational agency based its action as provided in section 2112 of title 28, United States Code.

"(2) The findings of fact by the State educational agency, if supported by substantial evidence shall be conclusive; but the court, for good cause shown, may remand the case to the State educational agency to take further evidence, and the State educational agency may thereupon make new or modified findings of fact and may modify its previous action, and shall certify to the court the record of the further proceedings.

"(3) The court shall have jurisdiction to affirm the action of the State educational agency or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"SPECIAL PROGRAMS AND PROJECTS

"SEC. 306. (a) From the amount allotted to any State pursuant to section 302 which is not available to that State under a State plan approved pursuant to section 305, the Commissioner is authorized, subject to the provisions of section 304, to make grants to local educational agencies in such State for programs or projects which meet the purposes of section 303 and which, in the case of a local educational agency in a State which has a State plan approved, hold promise of making a substantial contribution to the solution of critical educational problems common to all or several States. The Commissioner may not approve an application under this section unless the application has been submitted to the appropriate State educational agency for comment and recommendation with respect to the action to be taken by the Commissioner regarding the disposition of the application.

"(b) Not less than 15 per centum of the funds granted pursuant to this section in any fiscal year shall be used for programs or projects designed to meet the special educational needs of handicapped children.

"PAYMENTS

"SEC. 307. (a) From the allotment to each State pursuant to section 302, for any fiscal year, the Commissioner shall pay to each State, which has had a plan approved pursuant to section 305 for that fiscal year, the amount necessary to carry out its State plan as approved.

"(b) The Commissioner is authorized to

pay to each State amounts necessary for the activities described in section 303(c), during any fiscal year, except that (1) the total of such payments shall not be in excess of an amount equal to 7½ per centum of its allotment for that fiscal year or, $150,000 ($50,000 in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), whichever is greater, and (2) in such payment, the amount paid for the administration of the State plan for any fiscal year shall not exceed an amount equal to 5 per centum of its allotment for that fiscal year of $100,000 ($35,000 in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), whichever is greater.

"(c) The Commissioner shall pay to each applicant which has an application approved pursuant to section 306 the amount necessary to carry out the program or project pursuant to such application.

"(d) Payments under this section may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

"(e) No payments shall be made under this title to any local educational agency or to any State unless the Commissioner finds, in the case of a local educational agency, that the combined fiscal effort of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than such combined fiscal effort for that purpose for the second preceding fiscal year or, in the case of a State, that the fiscal effort of that State for State aid (as defined by regulation) with respect to the provision of free public eduaction in that State for the preceding fiscal year was not less than such fiscal effort for State aid for the second preceding fiscal year.

"(f)(1) In any State which has a State plan approved under section 305(c) and in which no State agency is authorized by law to provide, or in which there is a substantial failure to provide, for effective participation on an equitable basis in programs authorized by this title by children enrolled in any one or more private elementary or secondary schools of such State in the area or areas served by such programs, the Commissioner shall arrange for the provision, on an equitable basis, of such programs and shall pay the costs thereof for any fiscal year out of that State's allotment. The Commissioner may arrange for such programs through contracts with institutions of higher education, or other competent nonprofit institutions or organizations.

"(2) In determining the amount to be withheld from any State's allotment for the provision of such programs, the Commissioner shall take into account the number of children and teachers in the area or areas served by such programs who are excluded from participation therein and who, except for such exclusion, might reasonably have been expected to participate.

"RECOVERY OF PAYMENTS

"SEC. 308. If within twenty year after completion of any construction for which Federal funds have been paid under this title—

"(a) the owner of the facility shall cease to be a State or local educational agency, or

"(b) the facility shall cease to be used for the educational and related purposes for which it was constructed, unless the Commissioner determines in accordance with regulations that there is good cause for releasing the applicant or other owner from the obligation to do so.

the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

"NATIONAL ADVISORY COUNCIL

"SEC. 309. (a) The President shall appoint a National Advisory Council on Supplementary Centers and Services which shall—

"(1) review the administration of, general regulations for, and operation of this title, including its effectiveness in meeting the purposes set forth in section 303;

"(2) review, evaluate, and transmit to the Congress and the President the reports submitted pursuant to section 305(a)(2)(E);

"(3) evaluate programs and projects carried out under this title and disseminate the results thereof; and

"(4) make recommendations for the improvement of this title, and its administration and operation.

"(b) The Council shall be appointed by the President without regard to the civil service laws and shall consist of twelve members, a majority of whom shall be broadly representative of the educational and cultural resources of the United States including at least one person who has professional competence in the area of education of handicapped children. Such members shall be appointed for terms of 3 years except that (1) in the case of the initial members, four shall be appointed for terms of 1 year and four shall be appointed for terms of 2 years each, and (2) appointments to fill the unexpired portion of any terms shall be for such portion only. When requested by the President, the Secretary of Health, Education, and Welfare shall engage such technical and professional assistance as may be required to carry out the functions of the Council, and shall make available to the Council such secretarial, clerical and other assistance and such pertinent data prepared by the Department of Health, Education, and Welfare as it may require to carry out its functions.

"(c) The Council shall make an annual report of its findings and recommendations (including recommendations for changes in the provisions of this title) to the President and the Congress not later than January 20 of each year. The President is requested to transmit to the Congress such comments and recommendations as he may have with respect to such report."

(b) In the case of any fiscal year ending prior to July 1, 1973, each State submitting a State plan under title III of the Elementary and Secondary Education Act of 1965 shall assure the Commissioner of Education that it will expend for the purpose described in paragraph (4) of section 303(b) of such title III an amount at least equal to *50 per centum of* the amount expended by that State for the purposes of title V–A of the National Defense Education Act of 1968 from funds appropriated pursuant to such title V–A for the fiscal year ending June 30, 1970.

(c) Any appropriation for the purposes of title V of the National Defense Education Act of 1958 for any fiscal year ending after June 30, 1970, shall be deemed to have been appropriated pursuant to section 301 of *Elementary and Secondary Education* Act of 1965.

(*d*) The amendment made by this section shall be effective with respect to fiscal years ending after June 30, 1970.

PART D—AMENDMENTS TO TITLE V OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (STRENGTHENING STATE DEPARTMENTS OF EDUCATION)

EXTENSION OF TITLE V OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 141. Section 501(b) of the Elementary and Secondary Education Act of 1965 is amended by striking out "and" where it appears after "1969," and by striking out all that follows "1968" and inserting in lieu thereof the following: "$80,000,000 each for the fiscal years ending June 30, 1969, June 30, 1970, and June 30, 1971, $85,000,000 for the fiscal year ending June 30, 1972, and $90,000,000 for the fiscal year ending June 30, 1973".

PROVISION RELATING TO GIFTED AND TALENTED CHILDREN

SEC. 142. (a) Section 503(11) of the Elementary and Secondary Education Act of 1965 (relating to grants to strengthen State departments of education) is amended by inserting after "handicapped" a comma and the following: "and gifted and talented children".

(b) The amendment made by this section shall be effective upon enactment of this Act.

STRENGTHENING LEADERSHIP AND QUALITY IN EDUCATION; IMPROVING PLANNING AND EVALUATION OF EDUCATION PROGRAMS

SEC. 143. (a)(1) The heading of title V of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"TITLE V—STRENGTHENING STATE AND LOCAL EDUCATIONAL AGENCIES".

(2) Such title V is amended by inserting before section 501 thereof the following heading:

"PART A—GRANTS TO STRENGTHEN STATE DEPARTMENTS OF EDUCATION".

(3) Section 507 of such title V, and all references thereto, is redesignated as section 553 of such title and is amended, in subsection (a), by striking out "but it does not include a local educational agency" and inserting in lieu thereof "including local educational agencies".

(4) Such title V is amended—

(A) by striking out sections 506, 508, 509, and 510;

(B) in sections 501, 502, 503, 504, and 505, by striking out "this title" wherever it appears therein and inserting in lieu thereof "this part";

(C) in section 503, by inserting "and" at the end of clause (11), by striking out the semicolon at the end of clause (12) and inserting in lieu thereof a period, and by striking out clauses (13) and (14); and

(D) by inserting after section 505 the following:

"PART B—LOCAL EDUCATIONAL AGENCIES

"APPROPRIATIONS AUTHORIZED

"SEC. 521. (a) The Commissioner shall carry out a program for making grants to stimulate and assist local educational agencies in strengthening the leadership resources of their districts, and to assist those agencies in the establishment and improvement of programs to identify and meet the educational needs of their districts.

"(b) For the purpose of making grants under this part, there is hereby authorized to be appropriated the sum of $10,000,000 for the fiscal year ending June 30, 1970, $20,000,000 for the fiscal year ending June 30, 1971, $30,000,000 for the fiscal year ending June 30, 1972, and $40,000,000 for the fiscal year ending June 30, 1973.

"APPORTIONMENT AMONG STATES

"SEC. 522. (a) From the sums appropriated for carrying out this part for each fiscal year, the Commissioner shall reserve such amount, but not in excess of 2 per centum of such sums, as he may determine and shall apportion such amount among the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs for assistance under this part. The remainder of such sums shall be apportioned by the Commissioner as follows:

"(A) He shall apportion 40 per centum of such remainder among the States in equal amounts.

"(B) He shall apportion to each State an amount that bears the same ratio to 60 per centum of such remainder as the number of public school pupils in all the State bears to the number of public school pupils in all the States, as determined by the Commissioner on the basis of the most recent satisfactory data available to him.

For purposes of this paragraph, the term 'State' does not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(b) The amount apportioned to any State under subsection (a) for any fiscal year which the Commissioner determines will not be required for that year shall be available for reapportionment from time to time, on such dates during that year as the Commissioner may fix, to other States in proportion to the amounts originally apportioned among those States under subsection (a) for that year, but with the proportionate amount for any of the other States being reduced to the extent it exceeds the sum the Commissioner estimates the local educational agencies of such State need and will be able to use for that year; and the total of these reductions shall be similarly reapportioned among the States whose proportionate amounts were not so reduced. Any amount reapportioned to a State under this subsection from funds appropriated pursuant to section 521 for any fiscal year shall be deemed part of the amount apportioned to it under subsection (a) for that year.

"GRANTS FROM APPORTIONED FUNDS

"SEC. 523. From the amount apportioned to any State for any fiscal year under section 522 the Commissioner may, upon approval of an application in accordance with section 524 submitted to him by a local educational agency of such State, after approval by the State educational agency in accordance with section 525, make a grant or grants to such local educational agency equal to the expenditures incurred by such agency for the planning of, and for programs for, the development, improvement, or expansion of activities promoting the purposes set forth in section 521(a) and more particularly described in such application and for which such application is approved, such as—

"(1) educational planning on a district basis, including the identification of educational problems, issues, and needs in the district and the evalution on a periodic or continuing basis of educational programs in the district;

"(2) providing support or services for the comprehensive and compatible recording, collecting, processing, analyzing, interpreting, storing, retrieving, and reporting of educational data including the use of automated data systems;

"(3) programs for conducting, sponsoring, or cooperating in educational research and demonstration programs and projects such as (A) establishing and maintaining curriculum research and innovation centers to assist in locating and evaluating curriculum research findings, (B) discovering and testing new educational ideas (including new uses of printed and audiovisual media) and more effective educational practices, and putting into use those which show promise of success, and (C) studying ways to improve the legal and organizational structure for education, and the management and administration of education in the district of such agency;

"(4) programs to improve the quality of teacher preparation, including student-teaching arrangements, in cooperation with institutions of higher education and State educational agencies;

"(5) programs and other activities specifically designed to encourage the full and adequate utilization and acceptance of auxiliary personnel (such as instructional assistants and teacher aides) in elementary and secondary schools on a permanent basis;

"(6) providing such agencies and the schools of such agencies with consultative and technical assistance and services relating to academic subjects and to particular aspects of education such as the education of the handicapped, the gifted and talented, and the disadvantaged, vocational education, school building design and utilization, school social work, the utilization of modern instructional materials and equipment, transportation, educational administrative procedures, and school health, physical education, and recreation;

"(7) training programs for the officials of such agencies; and

"(8) carrying out any such activities or programs, where appropriate, in cooperation with other local educational agencies.

"APPROVAL OF APPLICATIONS BY THE COMMISSIONER

"SEC. 524. (a) An application for a grant under this part for each fiscal year shall set forth a plan under which Federal funds received by the applicant under this part for that fiscal year will be used solely for a program of activities specifically designed to strengthen the leadership resources of the applicant and to establish and improve programs to identify and meet the educational needs of the persons served by the applicant.

"(b) The Commissioner may approve an application under this part only if the application for that year—

"(1) contains or is supported by adequate assurance that Federal funds made available under the approved application will be so used as to supplement, and to the extent practical, increase the amounts of State and local funds that would in the absence of such Federal funds be made available for projects and activities which meet the requirements of section 523;

"(2) sets forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this part; and

"(3) provides for making such reports, in such form and containing such information, as the Commissioner may require to carry out his functions under this part, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"APPROVAL OF APPLICATIONS BY STATE EDUCATIONAL AGENCIES

"SEC. 525. In approving applications for the purposes of this part a State educational agency shall—

"(1) approve only such applications for proposed projects, programs, or activities as will—

"(A) make a significant contribution to strengthening the leadership resources of the applicant or its ability to participate effectively in meeting the educational needs of its district, and

"(B) involve an expenditure of at least $2,500, and

"(2) provide for an equitable distribution on the basis of need of funds provided pursuant to this part, and, to the extent possible within such a distribution, give priority to exemplary projects, programs, or activities.

"PART C—COMPREHENSIVE EDUCATIONAL PLANNING AND EVALUATION

"AUTHORIZATION

"SEC. 531, (a) The Commissioner is authorized to make comprehensive planning and evaluation grants to State and local educational agencies in order to assist and stimulate them to enhance their capability to make effective progress, through comprehensive and continuing planning and evaluation, toward the achievement of opportunities for high-quality education for all segments of the population.

"(b) For the purpose of carrying out the provisions of this part, there are hereby authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1971, $15,000,000 for the fiscal year ending June 30, 1972, and $20,000,000 for the fiscal year ending June 30, 1973.

"(c)(1)(A) From the sums appropriated for carrying out this part for each fiscal year, the Commissioner shall reserve such amount, but not in excess of 2 per centum of such per centum, as he may determine and shall apportion such amount among the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, according to their respective needs for assistance under this part. The remainder shall be apportioned by the Commissioner as follows:

"(i) He shall apportion 40 per centum of such remainder among the States in equal amounts.

"(ii) He shall apportion to each State an amount that bears the same ratio to 60 per centum of such remainder as the population of the State bears to the population of all the States, as determined by the Commissioner on the basis of the most recent satisfactory data available to him.

"(B) For purposes of this paragraph (1), the term 'State' does not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(2) The amount apportioned to any State under paragraph (1) of this subsection for any fiscal year which the Commissioner determines will not be required for that year shall be available for reapportionment from time to time, on such dates during that year as the Commissioner may fix, to other States in proportion to the amounts originally apportioned among those States under such paragraph for that year, but with the proportionate amount for any of the other States being reduced to the extent it exceeds the sum the Commissioner estimates the State and local educational agencies of such State need and will be able to use for that year; and the total of these reductions shall be similarly reapportioned among the States whose proportionate amounts were not so reduced. Any amount reapportioned to a State under this paragraph from funds appropriated pursuant to this section for any fiscal year shall be deemed part of the amount apportioned to it under paragraph (1) of that year.

"(3) Grants for any fiscal year to a State agency and any local educational agency in such State pursuant to this part shall be made from such State's apportionment for such year pursuant to this subsection.

"COMPREHENSIVE PLANNING AND EVALUATION GRANTS: ELIGIBLE AGENCIES

"SEC. 532. (a) Any State desiring to receive a grant under this part for any fiscal year shall designate or establish within its State educational agency a single office or unit (hereafter in this part referred to as the State planning and evaluation agency) as the sole agency for administering a comprehensive program of systematic planning and evaluation of elementary and secondary education in the State. The State planning and evaluation agency shall have the primary responsibility for planning and evaluating the education programs of the State and for the administration of funds received by the State under this part.

"(b) Any local educational agency desiring to receive a grant under this part must provide the Commissioner with satisfactory assurance that—

"(1) the local educational agency or agencies have a planning and evaluation office or unit which has or will have, as the result of assistance under this part, the capability

of carrying out a comprehensive program of systematic planning and evaluation meeting the purposes of this part;

"(2) the appropriate State educational agency or agencies have been consulted and have had the opportunity to comment on, and advise the local educational agencies and the Commissioner with regard to, the application; and

"(3) the planning and evaluation activities of the local educational agency or agencies will be closely coordinated with such activities of the appropriate State agencies; and must further provide the Commissioner with satisfactory assurance that—

"(4) the local educational agency serves, or, if two or more local educational agencies are making joint application, those agencies serve, an area with a population sufficient to merit a comprehensive planning and evaluation program in addition to that of the State or of other local educational agencies in the area or region to be served by the applicant; or

"(5) the local educational agency or agencies will use the funds for demonstration projects to plan, develop, test, and improve planning and evaluation systems and techniques consistent with, and to further the purposes of, this part.

"(c) In making grants pursuant to this section the Commissioner shall give special emphasis on developing coordinated and comprehensive plans for educational planning and evaluations between and among the Office of Education, State educational agencies, and local educational agencies, including projects on an interstate, regional, or metropolitan area basis.

"(d) No grant shall be made by the Commissioner to a local educational agency or agencies under this part unless the application for such grant has been submitted to the State educational agency or agencies in the State or States in which it is to be carried out. If, within sixty days of such submission or within such longer period of time as the Commissioner may determine pursuant to regulations, the State agency or agencies disapprove the proposed program or project, the Commissioner shall review the application with the appropriate State and local educational agencies before making a final decision.

"APPLICATION

"SEC. 533. (a) An application for a grant under this part shall be submitted to the Commissioner at such time or times, in such form, and containing such information as he may deem necessary. Such application shall include—

"(1) a statement of present and projected educational needs of persons residing in the area to be served;

"(2) a description of a program for meeting those needs which includes—

"(A) setting long-range areawide goals in meeting educational needs and establishing priorities among such goals,

"(B) developing long-range plans for achieving such goals, taking into consideration the resources available and the educational effectiveness of each of the alternatives,

"(C) planning new programs and improvements in existing programs based on the results of analyses of alternative means of achieving educational goals,

"(D) objectively evaluating at intermediate stages the progress and effectiveness of programs in achieving such goals, and, when appropriate, adjusting goals, plans, and programs to maximize educational effectiveness, and

"(E) utilizing available management information, planning, and evaluation systems and techniques;

"(3) a plan for developing and strengthening the capabilities of the applicant to improve its planning capacity and to conduct, on a continuous basis, objective evaluations of the effectiveness of education programs and projects;

"(4) a plan for utilizing the resources of, and coordinating with, programs affecting education of other Federal, State, and local agencies, organizations, and persons; and

"(5) a statement of policies and procedures which have been, or will be, established and implemented for developing and maintaining a permanent system for obtaining and collecting significant information necessary for the assessment of education in the area to be served by the applicant, for consulting with and involving parents of children served by the applicant, and for making full and detailed information concerning the educational planning and evaluation activities and findings of the applicant and other agencies and persons receiving assistance under this part reasonably available to the public.

"(b) Applications for grants under this section may be approved by the Commissioner only if he determines that the application—

"(1) has been submitted only after interested parents have been given reasonable notice and an opportunity to express their views thereon;

"(2) set forth, in such detail as the Commissioner may determine necessary, such policies and procedures as will provide satisfactory assurance that—

"(A) the assistance provided under this section, together with other available resources, will be so used for the purposes of this part as to result in the maximum possible effective progress toward the achievement of a high level of planning and evaluation competence, and

"(B) assistance under this part will be used primarily in strengthening the capabilities of the planning and evaluation staff of the agency, office, or unit responsible for the administration of the application plan; and

"(3) sets forth such policies and procedures as will insure that Federal funds made available under the application will be so used as to supplement, and to the extent practical, increase the amounts of State or local funds that would, in the absence of Federal funds, be made available for activities meeting the purposes of this title;

"(4) in the case of applications from States, makes adequate provision (consistent with such criteria as the Commissioner shall prescribe by regulation) for using funds granted under this section to make program planning and evaluation services available to local educational agencies in the State.

"(c) A grant made pursuant to an application under this section may be used to pay not to exceed 75 per centum of the cost of the activities covered by the application.

"REPORTS

"SEC. 534. Each recipient of a grant shall make an annual report on the activities carried out with the funds from such grant which includes such information as the Commissioner determines will permit on evaluation of the effectiveness of the program authorized by the part in achieving its purposes. Each such recipient shall also make such other reports, in such form and containing such information as the Commissioner may require to carry out his functions under this part.

"PART D—COUNCILS ON QUALITY IN EDUCATION

"NATIONAL AND STATE ADVISORY COUNCILS

"SEC. 541. (a) (1) There is hereby established a National Council on Quality in Education (hereafter referred to as the 'National Council') composed of fifteen members appointed by the President, by and with the advice and consent of the Senate. The membership of the National Council shall include persons who are familiar with the educational needs and goals of the Nation, persons with competence in assessing the progress of the education agencies, institutions, and organizations in meeting those needs and achieving those goals, persons familiar with the administration of State and local educational agencies and of institutions of higher education, and persons representative of the general public. Members shall be appointed for terms of three years, except that (1) in the case of initial members, one-third of the members shall be appointed for terms of one year each and one-third of the members shall be appointed for terms of two years each, and (2) appointments to fill the unexpired portion of any term shall be for such portion only.

"(2) The National Council shall—

"(A) review the administration of general regulations for, and operation of the programs assisted under this title at the Federal, State, and local levels, and other Federal education programs;

"(B) advise the Commissioner and, when appropriate, the Secretary and other Federal officials with respect to the educational needs and goals of the Nation and assess the progress of the educational agencies, institutions, and organizations of the Nation toward meeting those needs and achieving those goals;

"(C) conduct objective evaluations of specific education programs and projects in order to ascertain the effectiveness of such programs and projects in achieving the purpose for which they are intended;

"(D) review, evaluate, and transmit to the Congress and the President the reports submitted pursuant to clause (E) of paragraph (3) of subsection (b) of this section;

"(E) make recommendations (including recommendations for changes in legislation) for the improvement of the administration and operation of education programs including the programs authorized by this title;

"(F) consult with Federal, State, local, and other educational agencies, institutions, and organizations with respect to assessing education in the Nation and the improvement of the quality of education, including—

"(i) areas of unmet needs in education and national goals and the means by which those areas of need may be met and those national goals may be achieved;

"(ii) determinations of priorities among unmet needs and national goals; and

"(iii) specific means of improving the quality and effectiveness of teaching, curricula, and educational media and of raising standards of scholarship and levels of achievement:

"(G) conduct national conferences on the assessment and improvement of education, in which national and regional education associations and organizations, State and local education officers and administrators, and other organizations, institutions, and persons (including parents of children participating in Federal education programs) may exchange and disseminate information on the improvement of education; and

"(H) conduct, and report on, comparative studies and evaluations of education systems in foreign countries.

"(3) The National Council shall make an annual report, and such other reports as it deems appropriate, on its findings, recommendations, and activities to the Congress and the President. The President is requested to transmit to the Congress, at least annually, such comments and recommendations as he may have with respect to such reports and its activities.

"(4) In carrying out its responsibilities under this section, the National Council shall consult with the National Advisory Council on the Education of Disadvantaged Children, the National Advisory Council on Supplementary Centers and Services, the National Advisory Council on Education Professions Development, and such other advi-

sory councils and committees as may have information and competence to assist the National Council. All Federal agencies are directed to cooperate with the National Council in assisting it in carrying out its functions.

"(b)(1) Any State receiving payments under this title for any fiscal year may establish a State advisory council (hereinafter referred to as 'State council') which if it meets the requirements and has the authority specified in this subsection may receive payments pursuant to paragraph (7). The State council shall be appointed by the Governor or, in the case of States in which the members of the State educational agency are elected (including election by the State legislature), by such agency.

"(2) The State council established pursuant to this subsection shall be broadly representative of the educational resources of the State and of the public. Representation on the State council shall include, but not be limited to, persons representative of—

"(A) public and nonprofit private elementary and secondary schools,

"(B) institutions of higher education,

"(C) areas of competence in planning and evaluating education programs, and the assessment of the effectiveness of, and the administration of, such programs at the State and local levels; and

"(D) areas of competence in dealing with children for whom special educational assistance is available under this act.

"(3) The State council shall—

"(A) prepare and submit through the State educational agency a report of its activities, recommendations, and evaluations, together with such additional comments as the State educational agency deems appropriate, to the Commissioner and the National Council at such times, in such form, and in such detail, as the Commissioner may prescribe;

(B) advise the State educational agency on the preparation of, and policy matters arising in the administration of, State and local educational programs in the State, including the development of criteria for approval of applications for assistance under this title;

(C) advise State and local officials who have a responsibility for education in the States with respect to the planning, evaluating, administration, and assessment of education in the State;

"(D) review and make recommendations to the State educational agency on the action to be taken with respect to applications for assistance under this title by local educational agencies; and

"(E) evaluate programs and projects assisted under this title.

"(4) Any such State shall certify the establishment of, and membership of its State council to, the Commissioner.

"(5) Such State council shall meet within thirty days after its certification has been accepted by the Commissioner and select from among its membership a chairman. The time, place, and manner of meeting shall be as provided by the rules of the State council, except that such rules must provide for not less than one public meeting each year at which the public is given opportunity to express views concerning the operation of programs and projects assisted under this title.

"(6) Such State council shall be authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable them to carry out their functions under this title and to contract for such services as may be necessary to enable them to carry out their evaluation functions.

"(7) There are hereby authorized to be appropriated for each fiscal year such sums, not in excess of 2½ per centum of the amount otherwise appropriated for such year for the purposes of this title, as may be necessary to carry out the provisions of this subsection.

"PART E—GENERAL PROVISIONS

"ADMINISTRATION OF PLANS

"SEC. 551. (a) The Commissioner shall not finally disapprove any application from a State or a local educational agency, submitted under part A or B of this title, or any modification thereof, without affording the applicant reasonable notice and an opportunity for a hearing.

"(b) Whenever the Commissioner, after reasonable notice and an opportunity for a hearing to a State or a local educational agency administering a program under an application approved under this title, finds that there has been a failure to comply substantially with the appropriate provisions of this title or with the provisions of an application approved under this title, he shall notify the State or the local educational agency, as the case may be, that further payments will not be made to that State or that local educational agency under that application until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, no further payments shall be made to that State or that local educational agency under the application. Whenever a local educational agency is given notice under the first sentence of this subsection, notice shall also be submitted to the appropriate State educational agency.

"JUDICIAL REVIEW

"SEC. 552. (a) If any State or any local educational agency is dissatisfied with the Commissioner's final action with respect to the approval of an application submitted under part A or B of this title or with his final action under section 551(b), such State or local educational agency may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State or local educational agency is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action as provided in section 2112 of title 28, United States Code.

"(b) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(c) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code."

(b) The Act of July 26, 1954, entitled "An Act to establish a National Advisory Committee on Education" (Public Law 532, Eighty-third Congress) is hereby repealed.

(c) Subsections (a)(1) and (b)(1) of section 2 of the Cooperative Research Act are each amended by striking out "section 503(a)(4)" and inserting in lieu thereof "sections 503(4) and 523(a)(3)".

PART E—AMENDMENTS TO TITLE VII OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (BILINGUAL EDUCATION)

EXTENSION OF TITLE VII OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (THE BILINGUAL EDUCATION ACT)

SEC. 151. Section 703(a) of the Elementary and Secondary Education Act of 1965 is amended by striking out "and" where it appears after "1969," and by inserting before the period at the end thereof a comma and the following: $80,000,000 for the fiscal year ending June 30, 1971, $100,000,000 for the fiscal year ending June 30, 1972, and $135,000,000 for the fiscal year ending June 30, 1973".

APPLICATION TO INDIANS ON RESERVATIONS

SEC. 152. (a) Title VII of the Elementary and Secondary Education Act of 1965 is amended by redesignating sections 706, 707, and 708 (and references thereto) as sections 707, 708, and 709 thereof and by inserting the following new section immediately after section 705:

"CHILDREN IN SCHOOLS ON RESERVATIONS

"SEC. 706. (a) For the purpose of carrying out programs pursuant to this title for individuals on reservations serviced by elementary and secondary schools operated on such reservations for Indian children, a nonprofit institution or organization of the Indian tribe concerned which operates any such school and which is approved by the Commissioner for the purposes of this section, may be considered to be a local educational agency as such term is used in this title.

"(b) From the sums appropriated pursuant to section 703, the Commissioner may also make payments to the Secretary of the Interior for elementary and secondary school programs to carry out the policy of section 702 with respect to individuals on reservations serviced by elementary and secondary schools for Indian children operated or funded by the Department of the Interior. The terms upon which payments for that purpose may be made to the Secretary of the Interior shall be determined pursuant to such criteria as the Commissioner determines will best carry out the policy of section 702."

(b) Section 707(a) of such Act (as redesignated by this Act) is amended by inserting the following before the period at the end thereof: "or, in the case of payments to the Secretary of the Interior, an amount determined pursuant to section 706(b)".

INCREASE IN MEMBERSHIP OF ADVISORY COMMITTEE ON THE EDUCATION OF BILINGUAL CHILDREN

SEC. 153. Section 708(a) of the Elementary and Secondary Education Act of 1965 as redesignated by this Act, is amended (1) by striking out "nine" and inserting in lieu thereof "fifteen", and (2) by striking out "four" and inserting, in lieu thereof "seven".

PART F—AMENDMENTS TO TITLE VIII OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1956 (GENERAL PROVISIONS)

EXTENSION OF SECTION 807 OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1966

SEC. 161. Section 807(c) of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"(c) For the purpose of carrying out the provisions of this section, there is hereby authorized to be appropriated $30,000,000 for each of the fiscal years ending June 30, 1970, and June 30, 1971, $31,500,000 for the fiscal year ending June 30, 1972, and $33,000,000 for the fiscal year ending June 30, 1973."

DEFINITION OF "GIFTED AND TALENTED CHILDREN"

SEC. 162. Section 801 of the Elementary and Secondary Education Act of 1965 (relating to definitions) is amended by adding at the end thereof the following:

"(1) The term 'gifted and talented children' means, in accordance with objective criteria prescribed by the Commissioner, children who have outstanding intellectual ability or creative talent the development of which requires special activities or services not ordinarily provided by local educational agencies."

REVISION OF FEDERAL ADMINISTRATION SECTION

SEC. 163. Section 803(c) of the Elementary and Secondary Education Act of 1965 is amended by striking out "(1)" and by striking out everything after "by such other de-

partments and agencies" and inserting in lieu thereof a period and the following: "Federal departments and agencies administering programs which may be effectively coordinated with programs carried out under this Act or any Act amended by this Act, including community action programs carried out under title II of the Economic Opportunity Act of 1964, shall, to the fullest extent permitted by other applicable law, carry out such programs in such a manner as to assist in carrying out, and to make more effective, the programs under this Act or any Act amended by this Act."

SCHOOL NUTRITION AND HEALTH SERVICES AND RESEARCH IN CORRECTION EDUCATION SERVICES

SEC. 164. Title VIII of the Elementary and Secondary Education Act of 1965 is amended by adding to the end thereof the following new sections:

"GRANTS FOR DEMONSTRATION PROJECTS TO IMPROVE SCHOOL NUTRITION AND HEALTH SERVICES FOR CHILDREN FROM LOW-INCOME FAMILIES

"SEC. 808. (a) The Secretary shall carry out a program of making grants to local educational agencies and, where appropriate, nonprofit private educational organizations, to support demonstration projects designed to improve nutrition and health services in public and private schools serving areas with high concentrations of children from low-income families.

"(b) Funds appropriated pursuant to subsection (d) shall be available for grants pursuant to applications approved under this section to pay the cost of (1) coordinating nutrition and health service resources in the areas to be served by a demonstration project supported under this section, (2) providing supplemental health, nutritional, mental health, and food services to children from low-income families when the resources for such services available to the applicant from other sources are inadequate to meet the needs of such children, (3) nutrition and health education programs designed to train professional and other school personnel to provide nutrition and health services in a manner which meets the needs of children from low-income families for such services, and (4) the evaluation of projects assisted under this section with respect to their effectiveness in improving school nutrition and health services for such children.

"(c) Applications for a grant under this section shall be submitted at such time, contain such information, and be consistent with such criteria as the Secretary may require by regulation. Such applications shall provide for—

"(1) the use of funds available under this section and the coordination of health care facilities and resources and such nutrition resources as may be available to the applicant in order to insure that a comprehensive program of physical and mental health and nutrition services are available to children from low-income families in the area to be served;

"(2) the development of health and nutrition curriculum materials related to the specific needs of persons involved with the project and to new and improved approaches to health services and food technology;

"(3) the training of (A) school administrators, teachers, and school health and nutrition personnel in order to assist them in meeting the health and nutritional needs of children from low-income families, and (B) professional and subprofessional personnel for service in school nutrition and health programs; and

"(4) adequate provision for evaluation of the project.

"(d) For the purpose of making grants under this section there are hereby authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1970, $10,000,000 for the fiscal year ending June 3, 1971, $16,000,000 for the fiscal year ending June 30, 1972, and $26,000,000 for the fiscal year ending June 30, 1973.

"RESEARCH AND DEMONSTRATION PROJECTS IN CORRECTION EDUCATION SERVICES

"SEC. 809. (a) The Commissioner is authorized to make grants to State and local educational agencies, institutions of higher education, and other public and private nonprofit research agencies and organizations for research or demonstration projects, relating to the academic and vocational education of antisocial, aggressive, or delinquent persons, including juvenile delinquents, youth offenders, and adult criminal offenders, including the development of criteria for the identification for specialized educational instruction of such persons from the general elementary and secondary school age population and special curriculums, and guidance and counseling programs. All projects shall include an evaluation component.

"(b) The Commissioner is authorized to appoint such special or technical advisory committees as he may deem necessary to advise him on matters of general policy relating to the education of persons intended to be benefited by this section, and shall secure the advice and recommendations of the Director, Bureau of Prisons, of the Director, Office of Juvenile Delinquency and Youth Development, the Director of the Teacher Corps, the head of the National Institute of Law Enforcement and Criminal Justice, the Administrator of the Law Enforcement Assistance Administration, and such other persons and organizations as he, in his discretion, deems necessary before making any grant under this section."

TITLE II—AMENDMENTS TO PUBLIC LAWS 815 AND 874 OF THE EIGHTY-FIRST CONGRESS (IMPACTED AREAS PROGRAMS)

EXTENSION OF THE IMPACTED AREAS PROGRAMS

SEC. 201. (a)(1) Section 3 of the Act of September 30, 1950 (Public Law 815, Eighty-first Congress), is amended by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1973".

(2) Section 15(15) of such Act is amended by striking out "1965–1966" and inserting in lieu thereof "1968–1969".

(b) Sections 2(a), 3(b), and 4(a) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), are each amended by striking out "1970" wherever it appears and inserting in lieu thereof "1973".

(c) Section 16(a)(1)(A) of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), and section 7(a)(1)(A) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), are each amended by striking out "July 1, 1970" and inserting in lieu thereof "July 1, 1973".

CERTAIN REFUGEE CHILDREN

SEC. 202. (a) Section 3(b) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by striking out the second sentence and inserting in lieu thereof the following: "In the case of fiscal years ending prior to July 1, 1973, the Commissioner shall also determine the number of children (other than children to whom subsection (a) or any other provision of this subsection applies) who were in average daily attendance at the schools of a local educational agency and for whom such agency provided free public education, during such fiscal year, and who, while in attendance at such schools resided with a parent who was, at any time during the three-year period immediately preceding the fiscal year for which the determination is made, a refugee who meets the requirements of section 2(b)(3)(A) and (B) of the Migration and Refugee Assistance Act of 1962.".

(b) Section 3(c)(2) of such Act is amended (1) by inserting before "subsection (b)" both times it appears the following: "the first sentence of", and (2) by inserting after "to whom such subsection" the following: "or such sentence".

(c) Section 3(c) of such Act is amended by inserting after paragraph (2) the following new paragraph:

"(3) No local educational agency shall be entitled to receive any payment for a fiscal year with respect to a number of children determined under the second sentence of subsection (b) unless the number of children who were in average daily attendance to whom such sentence applies amounts to 20 per centum or more of the number of children who were in average daily attendance during such year and for whom such agency provided free public education, but in determining the number of such children under such second sentence no child shall be counted with respect to whose education a payment was made under section 2(b)(4) of the Migration and Refuge Assistance Act of 1962."

INCLUSION OF CHILDREN RESIDING IN LOW-RENT PUBLIC HOUSING AS FEDERALLY CONNECTED CHILDREN

SEC. 203. (a)(1) The second sentence of section 15(1) of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), is amended by striking out "and (B)" and inserting in lieu thereof "(B) any low-rent housing (whether or not owned by the United States) which is part of a low-rent housing project assisted under the United States Housing Act of 1937, and (C)".

(2) The fourth sentence of such section 15(1) is amended (A) by striking out the comma before "(B)" and inserting in lieu thereof "and", and (B) by striking out all that follows "postal services" and inserting in lieu thereof a period.

(3) Section 5(c) of such Act is amended by striking out the colon and all that follows and inserting in lieu thereof a period and the following: "In determining the eligibility of a local educational agency under this subsection and in determining the number of federally connected children who are in the average daily membership of the schools of such agency during a base year and in estimating the increase since the base year in the number of such children under subsection (a), children residing on any housing property (whether or not owned by the United States), which is part of a low-rent housing project assisted under the United States Housing Act of 1937, shall not be considered as having been federally connected during the base year if such housing project was begun after the base year 1964–1965.".

(b)(1) The second sentence of section 303(1) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by striking out ", and (C)" and inserting in lieu thereof ", (C) any low-rent housing (whether or not owned by the United States) which is part of a low-rent housing project assisted under the United States Housing Act of 1937, section 516 of the Housing Act of 1949, or part B of title III of the Economic Opportunity Act of 1964, and (D)".

(2) The fourth sentence of such section 303(1) is amended by striking out "(A) any real property used for a labor supply center, labor home or labor camp for migratory workers, (B)" and by striking out all that follows "postal services" and inserting in lieu thereof a period.

(c)(1) The amendments made by subsections (a) and (b) shall be effective after June 30, 1970.

(2) For the purposes of section 5 of such Act of September 23, 1950, the number of children in the membership of a local educational agency residing in a low-rent housing project assisted under the United States Housing Act of 1937 during the years of the base period preceding the effective date provided in paragraph (1) shall be determined

by the Commissioner on the basis of estimates.

(3) Section 3 of such Act of September 23, 1950, is further amended by inserting at the end thereof the following new sentence: "Such order of priority shall provide that applications for payments based upon increases in the number of children residing on, or residing with a parent employed on, property which is part of a low-rent housing project assisted under the United States Housing Act of 1937 shall not be approved for any fiscal year until all other applications under paragraphs (2) and (3) of subsection (a) of section 5 have been approved for that fiscal year.".

(4) Subsection (c) of section 5 of such Act of September 30, 1950, is amended to read as follows:

"ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS

"(c) (1) If the funds appropriated for any fiscal year for making payments under this title are not sufficient to pay in full the total amounts which the Commissioner estimates all local educational agencies will be entitled to receive under this title for such year, the Commissioner (A) shall determine the part of the entitlement of each such local educational agency which is attributable to determinations under subsections (a) and (b) of section 3 of the number of children who resided on, or resided with a parent employed on, property which is part of a low-rent housing project assisted under the United States Housing Act of 1937, section 516 of the Housing Act of 1949, or part B of title III of the Economic Opportunity Act of 1964, and (B) except as otherwise provided in paragraph (3), shall allocate such funds, other than so much thereof as he estimates may be required for carrying out the provisions of section 6, among sections 2, 3, and 4(a) in the proportion that the amount he estimates to be required under each such section bears to the total estimated to be required under all such sections, except that he shall not take into consideration any part of any entitlement determined under clause (A). The amount so allocated to any such section shall be available for payment of a percentage of the amount to which each local educational agency is entitled under such section. Such percentage shall be equal to the percentage which the amount allocated to a section under the second sentence of this paragraph is of the amount to which all such agencies are entitled under such section. For the purposes of this paragraph, in determining the amount to which each local educational agency is entitled under section 3 he shall include any increases under paragraph (4) of subsection (c) thereof; but he shall exclude any part of any entitlement determined under clause (A) of this paragraph.

"(2) If the funds available for allocation under paragraph (1) for any fiscal year exceed the amount necessary to fully satisfy entitlements for which allocations will be made under such paragraph, that excess shall be available for payment of a percentage of that part of the entitlement of each local educational agency determined under clause (A) of paragraph (1). Such percentage shall be equal to the percentage which the amount of such excess is of the total amount to which all such agencies are so entitled.

"(3) All funds appropriated for making payments under this title for any fiscal year shall be allocated in the manner specified in paragraphs (1) and (2), unless an Act making appropriations for making payments under this title for any fiscal year specifically makes funds available for payments on the basis of entitlements determined under clause (A) of paragraph (1), apart from other payments under this title, in which case, if the funds so appropriated are not sufficient to pay in full the total amount to which all local educational agencies are so entitled, such funds shall be available for making payments in the manner specified in paragraph (2) respecting allocations of any excess appropriations.

"(4) In case the amount allocated to a section under paragraph (1) for a fiscal year exceeds the total to which all local educational agencies are entitled under such section for such year or, in case additional funds become available for making payments under this title, the excess or such additional funds, as the case may be, shall be allocated among sections for which previous allocations are inadequate, on the same basis as is provided in paragraphs (1), (2), and (3) for the initial allocation."

MINIMUM ELIGIBILITY REQUIREMENT FOR PUBLIC LAW 815

SEC. 204. (a) The first sentence of section 5(c) of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), as amended by section 203(a)(3) of this Act, is amended to read as follows:

"(c) A local educational agency shall not be eligible to have any amount included in its maximum by reason of paragraph (1), (2), or (3) of subsection (a) unless the increase in children referred to in such paragraph, prior to the application of the limitation in subsection (d) is at least twenty and—

"(1) in the case of paragraph (1) or (2), is—

"(A) equal to at least 6 per centum of the number of all children who were in the average daily membership of the schools of such agency during the base year, or

"(B) at least one thousand five hundred, whichever is the lesser; and

"(2) in the case of paragraph (3), is—

"(A) equal to at least 10 per centum of the number of all children who were in the average daily membership of the schools of such agency during the base year, or

"(B) at least two thousand five hundred, whichever is the lesser: *Provided*, That no local educational agency shall be regarded as eligible under this paragraph (2) unless the Commissioner finds that the construction of additional minimum school facilities for the number of children in such increase will impose an undue financial burden on the taxing and borrowing authority of such agency."

(b) Section 5(d) of such Act is amended by inserting before the period at the end of the first sentence thereof the following: ", except that the number of children counted for the purposes of paragraph (1) or (2) of subsection (a) shall not be reduced by more than one thousand five hundred and that the number of children counted for the purposes of paragraph (3) of subsection (a) shall not be reduced by more than two thousand five hundred".

SCHOOL CONSTRUCTION ASSISTANCE WHERE THE IMMUNITY OF CERTAIN FEDERAL PROPERTY FROM TAXATION CREATES A SUBSTANTIAL AND CONTINUING IMPAIRMENT OF THE ABILITY TO FINANCE NEEDED SCHOOL FACILITIES

SEC. 205. (a) Section 14 of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), is amended by redesignating subsections (c), (d), (e), and (f) of such subsection, and all references thereto, as subsections (d), (e), (f), and (g), respectively, and inserting after subsection (d) the following new subsection:

"(c) If the Commissioner determines with respect to any local educational agency—

"(1) that (A) such agency is providing or, upon completion of the school facilities for which provision is made herein, will provide, free public education for children who are inadequately housed by minimum school facilities and whose membership in the schools of such agency has not formed and will not form the basis for payments under other provisions of this Act, and (B) the total number of such children represents a substantial percentage of the total number of children for whom such agency provides free public education, and (C) Federal property constitutes a substantial part of the school district of such agency,

"(2) that the immunity of such Federal property from taxation by such agency has created a substantial and continuing impairment of such agency's ability to finance needed school facilities,

"(3) that such agency is making a reasonable tax effort and is exercising due diligence in availing itself of State and other financial assistance for the purpose, and

"(4) that such agency does not have sufficient funds available to it from other Federal, State, and local sources to provide the minimum school facilities required for free public education of a substantial percentage of the children in the membership of its schools,

he may provide the assistance necessary to enable such agency to provide minimum school facilities for children in the membership of the schools of such agency whom the Commissioner finds to be inadequately housed, upon such terms and conditions, and in such amounts (subject to the applicable provisions of this section) as the Commissioner may consider to be in the public interest. Such assistance may not exceed the portion of the cost of such facilities which the Commissioner estimates has not been, and is not to be, recovered by the local educational agency from other sources, including payments by the United States under any other provisions of this Act or any other law. Notwithstanding the provisions of this subsection, the Commissioner may waive the percentage requirement in paragraph (1) whenever, in his judgment, exceptional circumstances exist which make such action necessary to avoid inequity and avoid defeating the purposes of this subsection."

DECLARATION OF POLICY WITH RESPECT TO SCHOOL CONSTRUCTION ASSISTANCE FOR INDIAN CHILDREN

SEC. 206. Section 14 of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), relating to public schools with children residing on Indian lands, is further amended by inserting at the end thereof the following:

"(h) It is hereby declared to be the policy of the Congress that the provision of assistance pursuant to subsections (a) and (b) of this section shall be given a priority at least equal to that given to payments made pursuant to section 10 of this Act."

TITLE III—AMENDMENTS TO THE ADULT EDUCATION ACT OF 1966

EXTENSION AND REVISION OF THE ADULT EDUCATION ACT OF 1966

SEC. 301. Effective on and after July 1, 1969, title III of the Elementary and Secondary Education Amendments of 1966 (the Adult Education Act of 1966) is amended to read as follows:

"TITLE III—ADULT EDUCATION

"SHORT TITLE

"SEC. 301. This title may be cited as the 'Adult Education Act'.

"STATEMENT OF PURPOSE

"SEC. 302. It is the purpose of this title to expand educational opportunity and encourage the establishment of programs of adult public education that will enable all adults to continue their education to at least the level of completion of secondary school and make available the means to secure training that will enable them to become more employable, productive, and responsible citizens.

"DEFINITIONS

"SEC. 303. As used in this title—

"(a) The term 'adult' means any individual who has attained the age of sixteen.

"(b) The term 'adult education' means

services or instruction below the college level (as determined by the Commissioner), for adults who—

"(1) do not have a certificate of graduation from a school providing secondary education and who have not achieved an equivalent level of education, and

"(2) are not currently required to be enrolled in schools.

"(c) The term 'adult basic education' means adult education for adults whose inability to speak, read, or write the English language constitutes a substantial impairment of their ability to get or retain employment commensurate with their real ability, which is designed to help eliminate such inability and raise the level of education of such individuals with a view to making them less likely to become dependent on others, to improving their ability to benefit from occupational training and otherwise increasing their opportunities for more productive and profitable employment, and to making them better able to meet their adult responsibilities.

"(d) The term 'Commissioner' means the Commissioner of Education.

"(e) The term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, except that, if there is a separate board or other legally constituted local authority having administrative control and direction of adult education in public schools therein, such term means such other board or authority.

"(f) The term 'State' includes the District of Columbia, and (except for the purposes of section 305(a)) the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands.

"(g) The term 'State educational agency' means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or if there is a separate State agency or officer primarily responsible for supervision of adult education in public schools then such agency or officer may be designated for the purpose of this title by the Governor or by State law. If no agency or officer qualifies under the preceding sentence, such term shall mean an appropriate agency or officer designated for the purposes of this title by the Governor.

"(h) The term 'academic education' means the theoretical, the liberal, the speculative, and classical subject matter found to compose the curriculum of the public secondary school.

"(i) The term 'institution of higher education' means any such institution as defined by section 801(e) of the Elementary and Secondary Education Act of 1965.

"GRANTS TO STATES FOR ADULT EDUCATION

"SEC. 304. (a) From the sums appropriated pursuant to section 312, not less than 10 per centum nor more than 20 per centum shall be reserved for the purposes of section 309.

"(b) From the remainder of such sums, the Commissioner is authorized to make grants to States, which have State plans approved by him under section 306 for the purposes of this section, to pay the Federal share of the cost of (1) the establishment or expansion of adult basic education programs to be carried out by local educational agencies and private nonprofit agencies, and (2) the establishment or expansion of adult education programs to be carried out by local educational agencies and private nonprofit agencies.

"ALLOTMENT FOR ADULT EDUCATION

"SEC. 305. (a) From the sums available for purposes of section 304(b) for any fiscal year, the Commissioner shall allot (1) not more than 2 per centum thereof among Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands according to their respective needs for assistance under such section, and (2) $150,000 to each State. From the remainder of such sums he shall allot to each State an amount which bears the same ratio to such remainder as the number of adults who do not have a certificate of graduation from a school providing secondary education (or its equivalent) and who are not currently required to be enrolled in schools in such State bears to the number of such adults in all States.

"(b) The portion of any State's allotment under subsection (a) for a fiscal year which the Commissioner determines will not be required, for the period such allotment is available, for carrying out the State plan approved under this title shall be available for reallotment from time to time, on such dates during such period as the Commissioner shall fix, to other States in proportion to the original allotments to such States under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the Commissioner estimates such State needs and will be able to use for such period for carrying out its State plan approved under this title, and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts are not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for such year.

"STATE PLANS

"SEC. 306. (a) Any State desiring to receive its allotment of Federal funds for any any grant under this title shall submit through its State educational agency a State plan. Such State plan shall be in such detail as the Commissioner deems necessary, and shall—

"(1) set forth a program for the use of grants, in accordance with section 304(b), which affords assurance of substantial progress with respect to all segments of the adult population and all areas of the State, toward carrying out the purposes of such section;

"(2) provide for the administration of such plan by the State educational agency;

"(3) provide for cooperative arrangements between the State educational agency and the State health authority authorizing the use of such health information and services for adults as may be available from such agencies and as may reasonably be necessary to enable them to benefit from the instruction provided pursuant to this title;

"(4) provide for grants to public and private nonprofit agencies for special projects, teacher-training, and research;

"(5) provide for cooperation with Community Action programs, Work Experience programs, VISTA, Work Study, and other programs relating to the antipoverty effort;

"(6) provide that such agency will make such reports to the Commissioner, in such form and containing such information, as may reasonably be necessary to enable the Commissioner to perform his duties under this title and will keep such records and afford such access thereto as the Commissioner finds necessary to assure the correctness and verification of such reports;

"(7) provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid the State under this title (including such funds paid by the State to local educational agencies and private nonprofit agencies);

"(8) provide that special emphasis be given to adult basic education programs except where such needs can be shown to have been met in the State; and

"(9) provide such further information and assurances as the Commissioner may by regulation require.

"(b) The Commissioner shall not finally disapprove any State plan submitted under this title, or any modification thereof, without first affording the State educational agency reasonable notice and opportunity for a hearing.

"PAYMENTS

"SEC. 307. (a) Except as provided in subsection (b), the Federal share of expenditures to carry out a State plan shall be paid from a State's allotment available for grants to such State. The Federal share for each State shall be 90 per centum, except that with respect to the Trust Territory of the Pacific Islands such Federal share shall be 100 per centum.

"(b) No payment shall be made to any State from its allotment for any fiscal year unless the Commissioner finds that the amount available for expenditure by such State for adult education from non-Federal sources for such year will be not less than the amount expended for such purposes from such sources during the preceding fiscal year, but no State shall be required to use its funds to supplant any portion of the Federal share.

"OPERATION OF STATE PLANS; HEARINGS AND JUDICIAL REVIEW

"SEC. 308. (a) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State educational agency administering a State plan approved under this title, finds that—

"(1) the State plan has been so changed that it no longer complies with the provisions of section 306, or

"(2) in the administration of the plan there is a failure to comply substantially with any such provision,

the Commissioner shall notify such State agency that no further payments will be made to the State under this title (or, in his discretion, that further payments to the State will be limited to programs under or portions of the State plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, no further payments may be made to such State under this title (or payments shall be limited to programs under or portions of the State plan not affected by such failure).

"(b) A State educational agency dissatisfied with a final action of the Commissioner under section 306 or subsection (a) of this section may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner or any officer designated by him for that purpose. The Commissioner there upon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112, of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Commissioner may modify or set aside his order. The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified find-

ings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or part, any action of the Commissioner shall be final, subject to the review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Commissioner's action.

"SPECIAL EXPERIMENTAL DEMONSTRATION PROJECTS AND TEACHER TRAINING

"SEC. 309. (a) The sums reserved in section 304(a) for the purposes of this section shall be used for making special project grants or providing teacher-training grants in accordance with this section.

"(b) The Commissioner is authorized to make grants to local educational agencies or other public or private nonprofit agencies, including educational television stations, for special projects which will be carried out in furtherance of the purposes of this title, and which—

"(1) involve the use of innovative methods, systems, materials, or programs which the Commissioner determines may have national significance or be of special value in promoting effective programs under this title, or

"(2) involve programs of adult education, carried out in cooperation with other Federal, federally assisted, State, or local programs which the Commissioner determines have unusual promise in promoting a comprehensive or coordinated approach to the problems of persons with educational deficiencies.

The Commissioner shall establish procedures for making grants under this subsection which shall require a non-Federal contribution of at last 10 per centum of the costs of such projects wherever feasible and not inconsistent with the purposes of this subsection.

"(c) The Commissioner is authorized to make provision for training persons engaged, or preparing to engage, as personnel in adult education programs designed to carry out the purposes of this title, including the payment of such stipends and allowances (including traveling and subsistence expenses, if any, for such persons and their dependents) as the Commissioner may determine by regulation. The Commissioner may provide such training directly or by contract or he may provide for such training by making grants to institutions of higher education, State or local educational agencies, or other appropriate public or private agencies or organizations.

"NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION

"SEC. 310. (a) The President shall appoint a National Advisory Council on Adult Education (hereinafter in this section referred to as the 'Council').

"(b) The Council shall consist of fifteen members who shall, to the extent possible, include persons knowledgeable in the field of adult education, State and local public school officials, and other persons having special knowledge and experience, or qualifications with respect to adult education, and persons representative of the general public. The Council shall meet initially at the call of the Commissioner and elect from its number a chairman. The Council will thereafter meet at the call of the chairman, but not less often than twice a year.

"(c) The Council shall advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

"(d) The Council shall review the administration, and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations. The Secretary of Health, Education, and Welfare shall coordinate the work of the Council with that of other related advisory councils.

"LIMITATION

"SEC. 311. No grant may be made under this title for any educational program, activity, or service related to sectarian instruction or religious worship, or provided by a school or department of divinity. For purposes of this section, the term 'school or department of divinity' means an institution or a department or branch of an institution whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation, or to prepare them to teach theological subjects.

"APPROPRIATIONS AUTHORIZED

"SEC. 312. (a) There are authorized to be appropriated $160,000,000 for the fiscal year ending June 30, 1970, $200,000,000 for the fiscal year ending June 30, 1971, and $225,000,000 for each of the fiscal years ending June 30, 1972, and June 30, 1973, for the purposes of this title.

"(b) There are further authorized to be appropriated for each such fiscal year such sums, not to exceed 5 per centum of the amount appropriated pursuant to subsection (a) for such year, as may be necessary to pay the cost of the administration and development of State plans, and other activities required pursuant to this title."

APPOINTMENT OF MEMBERS OF NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION

SEC. 302. Members of the National Advisory Council on Adult Education shall be appointed within ninety days after the date of enactment of this Act.

TITLE IV—AMENDMENTS TO TITLE IV OF PUBLIC LAW 90-247

GENERAL PROVISIONS

SEC. 401. (a) Title IV of the Elementary and Secondary Education Amendments of 1967 is amended in the following respects:

(1) The heading of such title is amended to read as follows:

"TITLE IV—GENERAL PROVISIONS CONCERNING EDUCATION".

(2) Section 401 of such title is amended—

(A) by adding at the end of the caption head "; DEFINITIONS; APPROPRIATIONS; SHORT TITLE", and

(B) by inserting "(a)" after "SEC. 401." and adding at the end thereof the following new subsections:

"(b) For the purposes of this title, the term—

"(1) 'Commissioner' means the Commissioner of Education;

"(2) 'Secretary' means the Secretary of Health, Education, and Welfare; and

"(3) 'applicable program' means a program to which this title is applicable.

"(c) There are hereby authorized to be appropriated for any fiscal year, as part of the appropriations for salaries and expenses for the Office of Education, such sums as the Congress may determine to be necessary to carry out the provisions of this title.

"(d) This title may be cited as the 'General Education Provisions Act'.".

(3) Section 402 of such title is amended to read as follows:

"PROGRAM PLANNING AND EVALUATION

"SEC. 402. (a) Sums appropriated pursuant to section 401(c) may include for any fiscal year for which appropriations are otherwise authorized under any applicable program not to exceed $25,000,000 which shall be available to the Secretary, in accordance with regulations prescribed by him, for expenses, including grants, contracts, or other payments, for (1) planning for the succeeding year for any such program, and (2) evaluation of such programs.

"(b) No later than July 31 of each calendar year, the Secretary shall transmit to the respective committees of the Congress having legislative jurisdiction over any applicable program a report containing (1) a brief description of each contract or grant for evaluation of such program or programs (whetner or not such contract or grant was made under this section), any part of the performance of which occurred during the preceding fiscal year, (2) the name of the firm or individual who is to carry out the evaluation, and (3) the amount to be paid under the contract or grant."

(4) Section 403 of such title is amended by striking out "Act referred to in section 401" and inserting in lieu thereof "applicable program" and by striking out "under any such Act" and inserting in lieu thereof "under such program".

(5) Sections 404 and 405 of such title are amended by striking out "Act referred to in section 401" and inserting in lieu thereof "applicable program".

(6) Section 404 of such title is amended—

(A) in the caption head thereof, by striking out "AND" and inserting in lieu thereof a semicolon and by inserting "CONTINGENT EXTENSION OF EXPIRING APPROPRIATION AUTHORITY" at the end thereof; and

(B) by inserting at the end thereof the following new subsection:

"(c) Unless the Congress—

"(1) in the regular session in which a comprehensive evaluation report required by subsection (b) is submitted to Congress, has passed or formally rejected legislation extending the authorization for appropriations then specified for any title, part, or section of law to which such evaluation relates, or

"(2) prior to July 1, 1973, by action of either House approves a resolution stating that the provisions of this subsection shall no longer apply,

such authorization is hereby automatically extended, at the level specified for the terminal year of such authorization for one fiscal year beyond such terminal year, as specified in such legislation.".

(7) Section 405 of such title is amended by inserting "loans," after "grants,".

(8) Section 405 of such title is further amended by inserting "(a)" after "SEC. 405." and by inserting at the end thereof the following new subsection:

"(b) Notwithstanding any other provision of law, unless enacted in specific limitation of the provisions of this subsection, any funds from appropriations to carry out any programs to which this title is applicable during any fiscal year, ending prior to July 1, 1973, which are not obligated and expended prior to the beginning of the fiscal year succeeding the fiscal year for which such funds were appropriated shall remain available for obligation and expenditure during such succeeding fiscal year.".

(9) Section 406 of such title is amended by inserting "and expenditure" after "obligation".

(10) Such title is further amended by inserting after section 401 the following heading: "PART A—APPROPRIATIONS AND EVALUATIONS" and by adding at the end thereof the following new parts:

"PART B—GENERAL REQUIREMENTS AND CONDITIONS CONCERNING THE OPERATIONS AND ADMINISTRATION OF EDUCATION PROGRAMS; GENERAL AUTHORITY OF THE COMMISSIONER OF EDUCATION

"SUBPART 1—GENERAL AUTHORITY

"DELEGATION OF AUTHORITY; UTILIZATION OF OTHER AGENCIES

"SEC. 411. (a) The Commissioner is authorized to delegate any of his functions under any applicable program, except the making of regulations and the approval of State plans, to any officer or employee of the Office of Education.

"(b) In administering any applicable program, the Commissioner is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon.

"COLLECTION AND DISSEMINATION OF INFORMATION

"SEC. 412. (a) The Commissioner shall—

"(1) prepare and disseminate to State and local educational agencies and institutions information concerning applicable programs and cooperate with other Federal officials who administer programs affecting education in disseminating information concerning such programs:

"(2) inform the public on federally supported education programs;

"(3) collect data and information on applicable programs for the purpose of obtaining objective measurements of the effectiveness of such programs in achieving their purposes; and

"(4) prepare and publish an annual report (to be referred to as 'the Commissioner's annual report') on (A) the condition of education in the nation, (B) developments in the administration, utilization, and impact of applicable programs, (C) results of investigations and activities by the Office of Education, and (D) such facts and recommendations as will serve the purpose for which the Office of Education is established (as set forth in section 516 of the Revised Statutes (20 U.S.C. 1)).

"(b) The Commissioner's annual report shall be submitted to the Congress not later than March 31 of each calendar year. The Commissioner's annual report shall be made available to State and local educational agencies and other appropriate agencies and institutions and to the general public.

"(c) The Commissioner is authorized to enter into contracts with public or private agencies, organizations, groups, or individuals to carry out the provisions of this section.

"CATALOG OF FEDERAL EDUCATION ASSISTANCE PROGRAMS

"SEC. 413. The Commissioner shall prepare and make available in such form as he deems appropriate a catalog of all Federal education assistance programs whether or not such programs are administered by him. The catalog shall—

"(1) identify each such program, and include the name of the program, the authorizing statute, the specific Federal administering officials, and a brief description of such program;

"(2) set forth the availability of benefits and eligibility restrictions in each such program;

"(3) set forth the budget requests for each such program, past appropriations, obligations incurred, and pertinent financial information indicating (A) the size of each such program for selected fiscal years, and (B) any funds remaining available;

"(4) set forth the prerequisites, including the cost to the recipient, of receiving assistance under each such program, and any duties required of the recipient after receiving benefits;

"(5) identify appropriate officials, in Washington, District of Columbia, as well as in each State and locality (if applicable). to whom application of reference for information for each such program may be made;

"(6) set forth the application procedures;

"(7) contain a detailed index designed to assist the potential beneficiary in identifying all education assistance programs related to a particular need or category of potential beneficiaries;

"(8) contain such other program information and data as the Commissioner deems necessary or desirable in order to assist the potential program beneficiary to understand and take advantage of each Federal education assistance program; and

"(9) be transmitted to Congress with the Commissioner's annual report.

"TECHNICAL ASSISTANCE

"SEC. 414. (a) For the purpose of carrying out more effectively Federal education programs, the Commissioner is authorized, upon request, to provide advice, counsel, and technical assistance to State educational agencies, institutions of higher education, and, with the approval of the appropriate State educational agency, elementary and secondary schools—

"(1) in determining benefits available to them under Federal law;

"(2) in preparing applications for, and meeting requirements of, applicable programs;

"(3) in order to enhance the quality, increase the depth, or broaden the scope of activities under applicable programs; and

"(4) in order to encourage simplification of applications, reports, evaluations, and other administrative procedures.

"(b) The Commissioner shall permit local educational agencies to use organized and systematic approaches in determining cost allocation, collection, measurement, and reporting under any applicable program, if he determines (1) that the use of such approaches will not in any manner lessen the effectiveness and impact of such program in achieving purposes for which it is intended, (2) that the agency will use such procedures as will insure adequate evaluation of each of the programs involved, and (3) that such approaches are consistent with criteria prescribed by the Comptroller General of the United States for the purposes of audit. For the purpose of this subsection a cost is allocable to a particular cost objective to the extent of relative benefits received by such objective.

"(c) The Commissioner's annual report shall contain a statement of the Commissioner's activities under this section.

"PARENTAL INVOLVEMENT AND DISSEMINATION

"SEC. 415. In the case of any applicable program in which the Commissioner determines that parental participation at the State or local level would increase the effectiveness of the program in achieving its purposes, he shall promulgate regulations with respect to such program setting forth criteria designed to encourage such participation. If the program for which such determination provides for payments to local educational agencies, applications for such payments shall—

"(1) set forth such policies and procedures as will ensure that programs and projects assisted under the application have been planned and developed, and will be operated, in consultation with, and with the involvement of, parents of the children to be served by such programs and projects;

"(2) be submitted with assurance that such parents have had an opportunity to present their views with respect to the application; and

"(3) set forth policies and procedures for adequate dissemination of program plans and evaluations to such parents and the public.

"USE OF FUNDS WITHHELD FOR FAILURE TO COMPLY WITH OTHER PROVISIONS OF FEDERAL LAW

"SEC. 416. At any time that the Commissioner establishes an entitlement, or makes an allotment or reallotment to any State, under any applicable program, he shall reduce such entitlement, allotment, or reallotment by such amount as he determines it would have been reduced, had the data on which the entitlement, allotment, or reallotment is based excluded all data relating to local educational agencies of the State which on the date of the Commissioner's action are ineligible to receive the Federal financial assistance involved because of a failure to comply with title VI of the Civil Rights Act of 1964. Any appropriated funds which will not be paid to a State as a result of the preceding sentence may be used by the Commissioner for grants to local educational agencies of that State in accordance with section 405 of the Civil Rights Act of 1964.

"AUTHORITY TO FURNISH INFORMATION

"SEC. 417. (a) The Commissioner is authorized to furnish transcripts or copies of tables and other records of the Office of Education to, and to make special statistical compilations and surveys for, State or local officials, private organizations, or individuals. Such statistical compilations and surveys shall be made subject to the payment of the actual or estimated cost of such work. In the case of nonprofit organizations or agencies the Commissioner may engage in joint statistical projects, the cost of which shall be shared equitably as determined by the Commissioner, provided that the purposes are otherwise authorized by law.

"(b) All moneys received in payment for work or services enumerated under this section shall be deposited in a separate account which may be used to pay directly the costs of such work or services, to repay appropriations which initially bore all or part of such costs, or to refund excess sums when necessary.

"SUBPART 2—ADMINISTRATION: REQUIREMENTS AND LIMITATIONS

"RULES: REQUIREMENTS AND ENFORCEMENT

"SEC. 421. (a) Rules, regulations, guidelines, or other published interpretations or orders issued by the Department of Health, Education, and Welfare or the Office of Education, or by any official of such agencies, in connection with, or affecting, the administration of any applicable program shall contain immediately following each substantive provision of such rules, regulations, guidelines, interpretations, or orders, citations to the particular section or sections of statutory law or other legal authority upon which such provision is based.

"(b) No standard, rule, regulation, or requirement of general applicability prescribed for the administration of any applicable program may take effect until thirty days after it is published in the Federal Register.

"(c) All such rules, regulations, guidelines, interpretations, or orders shall be uniformly applied and enforced throughout the fifty States.

"PROHIBITION AGAINST FEDERAL CONTROL OF EDUCATION

"SEC. 422. No provision of the Act of September 30, 1950, Public Law 874, Eighty-first Congress; the National Defense Education Act of 1958; the Act of September 23, 1950, Public Law 815, Eighty-first Congress; the Higher Education Facilities Act of 1963; the Elementary and Secondary Education Act of 1965; the Higher Education Act of 1965; the International Education Act of 1966; or the Vocational Education Act of 1963 shall be construed to authorize any department,

agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution or school system, or to require the assignment or transportation of students or teachers in order to overcome racial imbalance.

"LABOR STANDARDS

"SEC. 423. Except for emergency relief under section 7 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), all laborers and mechanics employed by contractors or subcontractors on all construction and minor remodeling projects assisted under any applicable program shall be paid wages at rates not less than those prevailing on similar construction and minor remodeling in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have, with respect to the labor standards specified in this section, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"RECORDS AND AUDIT

"SEC. 424. (a) Each recipient of funds from a grant or contract under any applicable program shall keep such records as the Commissioner shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant, the total cost of the prospect or undertaking in connections with which such grant or contract is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grant or contract received under any applicable program.

"PAYMENTS

"SEC. 425. Payments pursuant to grants or contracts under any applicable program may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Commissioner may determine.

"AUTHORITY TO VEST TITLE TO EQUIPMENT

"SEC. 426. The authority of the Commissioner of Education to make a grant to or contract with a local educational agency or State educational agency as such agencies are defined in sections 801(f) and 801(k) of the Elementary and Secondary Education Act of 1965, under any applicable program, shall include discretionary authority, whenever he determines that it would be in the public interest, to vest title to equipment purchased with grant or contract funds in such agency (or waive accountability to the United States for such equipment) without further obligation to the Government or on such terms or conditions as the Commissioner deems appropriate. The authority provided by this section shall be applicable to equipment purchased with funds provided by grants or contracts made on, before, or after the date of the enactment of this section.

"PART C—ADVISORY COUNCILS

"DEFINITIONS

"SEC. 431. As used in this part, the term—

"(1) 'advisory council' means any committee, board, commission, council, or other similar group (A) established or organized pursuant to any applicable statute, or (B) established under the authority of section 432; but such term does not include State advisory councils or commissions established pursuant to any such statute;

"(2) 'statutory advisory council' means an advisory council established by, or pursuant to, statute to advise and make recommendations with respect to the administration or improvement of an applicable program or other related matter;

"(3) 'nonstatutory advisory council' means an advisory council which is (A) established under the authority of section 432, or (B) established to advise and make recommendations with respect to the approval of applications for grants or contracts as required by statute;

"(4) 'Presidential advisory council' means a statutory advisory council, the members of which are appointed by the President;

"(5) 'Secretarial advisory council' means a statutory advisory council, the members of which are appointed by the Secretary;

"(6) 'Commissioner's advisory council' means a statutory advisory council, the members of which are appointed by the Commissioner;

"(7) 'applicable statute' means any statute (or title, part, or section thereof) which authorizes an applicable program or controls the administration of any such program.

"AUTHORIZATION FOR NECESSARY ADVISORY COUNCILS

"SEC. 432. (a) The Commissioner is authorized to create, and appoint the members of, such advisory councils as he determines in writing to be necessary to advise him with respect to—

"(1) the organization of the Office of Education and its conduct in the administration of applicable programs;

"(2) recommendations for legislation regarding education programs and the means by which the educational needs of the Nation may be met; and

"(3) special problems and areas of special interest in education.

"(b) Each advisory council created under the authority of subsection (a) shall terminate not later than one year from the date of its creation unless the Commissioner determines in writing not more than thirty days prior to the expiration of such one year that its existence for an additional period, not to exceed one year, is necessary in order to complete the recommendations or reports for which it was created.

"(c) The Commissioner shall include in his report submitted pursuant to section 438 a statement on all advisory councils created or extended under the authority of this section and their activities.

"MEMBERSHIP AND REPORTS OF STATUTORY ADVISORY COUNCILS

"SEC. 433. Notwithstanding any other provision of law unless expressly in limitation of the provisions of this section, each statutory advisory council—

"(1) shall be composed of the number of members provided by statute who may be appointed, without regard to the provisions of title 5, United States Code, governing appointment in the competitive service, and shall serve for terms of not to exceed three years, which in the case of initial members, shall be staggered; and

"(2) shall make an annual report of its activities, findings and recommendations to the Congress not later than March 31 of each calendar year, which shall be submitted with the Commissioner's annual report.

The Commissioner shall not serve as a member of any such advisory council.

"COMPENSATION OF MEMBERS OF ADVISORY COUNCILS

"SEC. 434. Members of all advisory councils to which this part is applicable who are not in the regular full-time employ of the United States shall, while attending meetings or conferences of the advisory council or otherwise engaged in the business of the advisory council, be entitled to receive compensation at a rate fixed by the Commissioner, but not exceeding the rate specified at the time of such service for grade GS–18 in section 5332 of title 5, United States Code, including traveltime, and while so serving on the business of the advisory council away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

"PROFESSIONAL, TECHNICAL, AND CLERICAL STAFF; TECHNICAL ASSISTANCE

"SEC. 435. (a) Presidential advisory councils are authorized to appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, or otherwise obtain the services of, such professional, technical, and clerical personnel as may be necessary to enable them to carry out their functions, as prescribed by law.

"(b) The Commissioner shall engage such personnel and technical assistance as may be required to permit Secretarial and Commissioner's advisory councils to carry out their functions as prescribed by law.

"(c) Subject to regulations of the Commissioner, Presidential advisory councils are authorized to procure temporary and intermittent services of such personnel as are necessary to the extent authorized by section 3109 of title 5, United States Code, but at rates not to exceed the rate specified at the time of such service for grade GS–18 in section 5532 of such title.

"MEETINGS OF ADVISORY COUNCILS

"SEC. 436. (a) Each statutory advisory council shall meet at the call of the chairman thereof but not less than two times each year. Nonstatutory advisory councils shall meet in accordance with regulations promulgated by the Commissioner.

"(b) Minutes of each meeting of each advisory council shall be kept and shall contain a record of the persons present, a description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the advisory council. The accuracy of all minutes shall be certified to by the chairman of the advisory council.

"AUDITING AND REVIEW OF ADVISORY COUNCIL ACTIVITIES

"SEC. 437. (a) Each statutory advisory council shall be subject to such general regulations as the Commissioner may promulgate respecting the governance of statutory advisory councils and shall keep such records of its activities as will fully disclose the disposition of any funds which may be at its disposal and the nature and extent of its activities in carrying out its functions.

"(b) The Comptroller General of the United States, or any of his duly authorized representatives, shall have access, for the purpose of audit and examinations, to any books, documents, papers, and records of each statutory advisory council.

"REPORT BY THE COMMISSIONER OF EDUCATION

"SEC. 438. (a) Not later than March 31 of each calendar year after 1970, the Commissioner shall submit, as part of the Commissioner's annual report, a report on the activities of the advisory councils which are subject to this part to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives. Such report shall contain, at least, a list of all such advisory councils, the names and affiliations of their members, a description of the function of each advisory council, and a state-

ment of the dates of the meetings of each such advisory council.

"(b) If the Commissioner determines that a statutory advisory council is not needed or that the functions of two or more statutory advisory councils should be combined, he shall include in the report a recommendation that such advisory council be abolished or that such functions be combined. Unless there is an objection to such action by either the Senate or the House of Representatives within ninety days after the submission of such report, the Commissioner is authorized to abolish such advisory council or combine the functions of two or more advisory councils as recommended in such report.".

(b) Sections 1207, 1208, 1209, and 1210 of the Higher Education Act of 1965 (as added by Public Law 90–575) are superseded by part A of title IV of Public Law 90–247 and are hereby repealed.

(c) The following provisions of law relating to the delegation of functions and utilization of the services of other agencies by the Office of Education are superseded by section 411 of Public Law 90–247 and are hereby repealed:

(1) The third sentence of subsection (a) of section 302 of the Act of September 30, 1950, Public Law 874, Eighty-first Congress (20 U.S.C. 243(a));

(2) Subsections (a) and (b) of section 803 of the Eelementary and Secondary Education Act of 1965 (20 U.S.C. 883 (a) and (b));

(3) Subsection (a) of section 13 of the Act of September 23, 1950, Public Law 815, Eighty-first Congress (20 U.S.C. 643(a));

(4) Subsections (a) and (b) of section 1001 of the National Defense Education Act of 1958 (20 U.S.C. 581 (a), (b));

(5) Section 1203 of the Higher Education Act of 1965 (20 U.S.C. 1143);

(6) Subsectons (a) and (b) of section 402 of the Higher Education Facilities Act of 1963 (20 U.S.C. 752 (a), (b));

(7) Subsection (b) of section 103 of the International Education Act of 1966 (20 U.S.C. 1174(b)); and

(d) The following provisions of law concerning dissemination of information and reports by the Commissioner of Education are superseded by sections 412, 413, and 414 of Public Law 90–247 and are hereby repealed:

(1) Section 518 of the Revised Statutes of the United States (20 U.S.C. 4);

(2) The sixth paragraph under the heading "Department of Education" in the material relating to the Department of the Interior in the Act of May 28, 1896, making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, which authorizes the Commissioner of Education to prepare and publish a bulletin concerning the condition of education (20 U.S.C. 3);

(3) Section 303 of Public Law 90–576 (20 U.S.C. 6);

(4) Section 806 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 886); and

(5) Section 1206 of the Higher Education Act of 1965 (20 U.S.C. 1146).

(e) The following provisions of law concerning requirements for rules and regulations for education programs are superseded by section 421 of Public Law 90–247 and are hereby repealed:

(1) Section 2 of Public Law 90–247 (20 U.S.C. 888); and

(2) Section 505 of Public Law 90–575 (20 U.S.C. 1001, note).

(f) The following provisions of law concerning Federal control of education are superseded by section 422 of Public Law 90–247 and are hereby repealed:

(1) Subsection (g) of section 6 and subsection (a) of section 301 of the Act of September 30, 1950, Public Law 874, Eighty-first Congress (20 U.S.C. 241(g), 242(a));

(2) Section 102 of the National Defense Education Act of 1958 (20 U.S.C. 402);

(3) Subsection (a) of section 12 of the Act of September 23, 1950, Public Law 815, Eighty-first Congress (20 U.S.C. 642(a));

(4) Section 407 of the Higher Education Facilities Act of 1963 (20 U.S.C. 757);

(5) Section 804 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 884);

(6) Subsection (a) of section 1204 of the Higher Education Act of 1965 (20 U.S.C. 1144 (a));

(7) Section 104 of the International Education Act of 1966 (20 U.S.C. 1175);

(8) Section 105 of the Vocational Education Act of 1963 (20 U.S.C. 1245).

(g) The following provisions of law concerning the payment of wages at prevailing rates on federally assisted construction projects are superseded by section 423 of Public Law 90–247 and are hereby repealed:

(1) Section 145 of title I of the Elementary and Secondary Education Act of 1965, as redesignated by this Act (20 U.S.C. 2411);

(2) Subsection (c) of section 4 of the Act of July 26, 1954, Public Law 531, Eighty-third Congress (20 U.S.C. 332a(c));

(3) Subsection (a)(4) of section 203 of the Library Services and Construction Act (20 U.S.C. 355c(a)(4)), and subsection (a)(3) of such section is amended by striking out the semicolon and the word "and" and at the end thereof inserting in lieu thereof a period;

(4) Subsection (b)(1)(E) of section 6 and subsection (d) of section 12 of the Act of September 23, 1950, Public Law 815, Eighty-first Congress (20 U.S.C. 636(b)(1)(E), 642 (d));

(5) Section 709 (as redesignated by section 152 of this Act) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 880b–6); and

(6) Section 106 of the Vocational Education Act of 1963 (20 U.S.C. 1246).

(h) The following provisions of law concerning advisory councils and committees are superseded by part C of title IV of Public Law 90–247 and are hereby repealed:

(1) Subsection (d) of section 761 and sections 1002 and 1003 of the National Defense Education Act of 1958 (20 U.S.C. 561(d), 582, 583);

(2) Subsection (c) of section 402 of the Higher Education Facilities Act of 1963 (20 U.S.C. 752(c));

(3) Subsections (c), (d), and (e) of section 510, subsection (c) of section 708, and section 802 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 870 (c), (d), (e), 880b–5(c), 882);

(4) Subsections (d) and (e) of section 109, subsection (c) of section 205, subsection (c) of section 224, subsection (c) of section 303, subsections (c) and (d) of section 469, subsections (d) and (e) of section 502, and subsections (c) and (d) of section 1205 of the Higher Education Act of 1965 (20 U.S.C. 1009 (d), (e), 1025(e), 1034(c), 1053(c), 1089(c), 1091a (d), (e), 1145 (c), (d));

(5) Subsections (c) and (d) of section 106 of the International Education Act of 1966 (20 U.S.C. 1177 (c)(d)).

(6) Paragraph (3) of subsection (a) of section 104 of the Vocational Education Act of 1963 (20 U.S.C. 1244(a)(3)).

TITLE V—CANCELLATION OF STUDENT LOANS FOR CERTAIN PUBLIC SERVICE

CANCELLATION OF LOANS FOR CERTAIN PUBLIC SERVICE

SEC. 501. (a) Section 205(a)(3) of the National Defense Education Act of 1958 is amended—

(1) by striking out "made prior to July 1, 1970 (plus interest)" and inserting in lieu thereof "(plus interest) (A)";

(2) thereafter by striking out "(A)", "(B)", or "(C)" wherever appearing therein and inserting in lieu thereof "(i)", "(ii)", or "(iii)", respectively; and

(3) by inserting before the semicolon at the end thereof a comma and the following: "and (B) shall be canceled for service after June 30, 1970, as a member of the Armed Forces of the United States at the rate of 12½ per centum of the total amount of such loan plus interest thereon for each year of consecutive service".

(b) The amendment made by this section shall apply to loans made after the date of enactment of this Act.

TITLE VI—EDUCATION OF THE HANDICAPPED

"PART A—GENERAL PROVISIONS

SHORT TITLE

SEC. 601. This title may be cited as the "Education of the Handicapped Act".

DEFINITION

SEC. 602. As used in this title—

(1) The term "handicapped children" means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education and related services.

(2) The term "Commissioner" means the Commisioner of Education.

(3) The term "Advisory Committee" means the National Advisory Committee on Handicapped Children.

(4) The term "construction", except where otherwise specified, means (A) erection of new or expansion of existing structures, and the acquisition and installation of equipment therefor: or (B) acquisition of existing structures not owned by any agency or institution making application for assistance under this title; or (C) remodeling or alteration (including the acquisition, installation, modernization, or replacement of equipment) of existing structures; or (D) acquisition of land in connection with the activities in clauses (A), (B), and (C); or (E) a combination of any two or more of the foregoing.

(5) The term "equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the functioning of a particular facility as a facility for the provisions of educational services, including items such as instructional equipment and necessary furniture, printed, published, and audio-visual instructional materials, and books, periodicals, documents, and other related materials.

(6) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands and the Trust Territory of the Pacific Islands.

(7) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(8) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary, or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(9) The term "elementary school" means a day or residential school which provides

elementary education, as determined under State law.

(10) The term "secondary school" means a day or residential school which provides secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

(11) The term "institution of higher education" means and educational institution in any State which—

(A) admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(B) is legally authorized within such State to provide a program of education beyond high school;

(C) provides an educational program for which it awards a bachelor's degree, or provides not less than a two-year program which is acceptable for full credit toward such a degree, or offers a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge;

(D) is a public or other nonprofit institution; and

(E) is accredited by a nationally recognized accrediting agency or association listed by the Commissioner pursuant to this paragraph or, if not so accredited, is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited: Provided, however, That in the case of an institution offering a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge, if the Commissioner determines that there is no nationally recognized accrediting agency or association qualified to accredit such institutions, he shall appoint an advisory committee, composed of persons specially qualified to evaluate training provided by such institutions, which shall prescribe the standards of content, scope, and quality which must be met in order to qualify such institutions to participate under this Act and shall also determine whether particular institutions meet such standards. For the purposes of this paragraph the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of education or training offered.

(12) The term "nonprofit" as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(13) The term "research and related purposes" means research, research training (including the payment of stipends and allowances), surveys, or demonstrations in the field of education of handicapped children, or the dissemination of information derived therefrom, including (but without limitation) experimental schools.

(14) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(15) The term "children with specific learning disabilities" means those children who have a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. Such disorders include such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Such term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, of emotional disturbance, or of environmental disadvantage.

BUREAU FOR EDUCATION AND TRAINING OF THE HANDICAPPED

SEC. 603. There shall be, within the Office of Education, a bureau for the education and training of the handicapped which shall be the principal agency in the Office of Education for administering and carrying out programs and projects relating to the education and training of the handicapped, including programs and projects for the training of teachers of the handicapped and for research in such education and training.

NATIONAL ADVISORY COMMITTEE ON HANDICAPPED CHILDREN

SEC. 604. (a) The Commissioner shall establish in the Office of Education a National Advisory Committee on Handicapped Children, consisting of fifteen members, appointed by the Commissioner. At least eight of such members shall be persons affiliated with educational, training, or research programs for the handicapped.

(b) The Advisory Committee shall review the administration and operation of the programs authorized by this title and other provisions of law administered by the Commissioner with respect to handicapped children, including their effect in improving the educational attainment of such children, and make recommendations for the improvement of such administration and operation with respect to such children. Such recommendations shall take into consideration experience gained under this and other Federal programs for handicapped children and, to the extent appropriate, experience gained under other public and private programs for handicapped children. The Advisory Committee shall from time to time make such recommendations as it may deem appropriate to the Commissioner and shall make an annual report of its findings and recommendations to the Commissioner not later than March 31 of each year. The Commissioner shall transmit each such report to the Secretary together with his comments and recommendations, and the Secretary shall transmit such report, comments, and recommendations to the Congress together with any comments or recommendations he may have with respect thereto.

ACQUISITION OF EQUIPMENT AND CONSTRUCTION OF NECESSARY FACILITIES

SEC. 605. (a) In the case of any program authorized by this title, if the Commissioner determines that such program will be improved by permitting the funds authorized for such program to be used for the acquisition of equipment and the construction of necessary facilities, he may authorize the use of such funds for such purposes.

(b) If within twenty years after the completion of any construction (except minor remodeling or alteration) for which funds have been paid pursuant to a grant or contract under this title the facility constructed ceases to be used for the purposes for which it was constructed, the United States, unless the Secretary determines that there is good cause for releasing the recipient of the funds from its obligation, shall be entitled to recover from the applicant or other owner of the facility an amount which bears the same ratio to the then value of the facility as the amount of such Federal funds bore to the cost of the portion of the facility financed with such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

PART B—ASSISTANCE TO STATES FOR EDUCATION OF HANDICAPPED CHILDREN

AUTHORIZATION

SEC. 611. (a) The Commissioner is authorized to make grants pursuant to the provisions of this part for the purpose of assisting the States in the initiation, expansion, and improvement of programs and projects for the education of handicapped children at the preschool, elementary school, and secondary school levels.

(b) For the purpose of making grants under this part there is authorized to be appropriated $200,000,000 for the fiscal year ending June 30, 1971, $210,000,000 for the fiscal year ending June 30, 1972, and $220,000,000 for the fiscal year ending June 30, 1973.

ALLOTMENT OF FUNDS

SEC. 612. (a)(1) There is hereby authorized to be appropriated for each fiscal year for the purposes of this paragraph an amount equal to not more than 3 per centum of the amount appropriated for such year for payments to States under section 611(b). The Commissioner shall allot the amount appropriated pursuant to this paragraph among—

(A) Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, according to their respective needs, and

(B) for each fiscal year ending prior to July 1, 1972, the Secretary of the Interior, according to the need for such assistance for the education of handicapped children on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior and the terms upon which payments for such purposes shall be made to the Secretary of the Interior shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this part.

(2) From the total amount appropriated pursuant to section 611(b) for any fiscal year the Commissioner shall allot to each State an amount which bears the same ratio to such amount as the number of children aged three to twenty-one, inclusive, in the State bears to the number of such children in all the States, except that no State shall be allotted less than $200,000 or three-tenths of 1 per centum of such amount available for allotment to the States, whichever is greater. For purposes of this paragraph and subsection (b), the term "State" shall not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

(b) The number of children aged three to twenty-one, inclusive, in any State and in all the States shall be determined, for purposes of this section, by the Commissioner on the basis of the most recent satisfactory data available to him.

(c) The amount of any State's allotment under subsection (a) for any fiscal year which the Commissioner determines will not be required for that year shall be available for reallotment, from time to time and on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (a) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for that year.

STATE PLANS

SEC. 613. (a) Any State which desires to receive grants under this part shall submit to the Commissioner through its State educational agency a State plan (not part of any other plan) in such detail as the Commissioner deems necessary. Such State plan shall—

(1) set forth such policies and procedures as will provide satisfactory assurance that funds paid to the State under this part will be expended (A) either directly or through individual, or combinations of, local educational agencies, solely to initiate, expand, or improve programs and projects, including preschool programs and projects, (i) which are designed to meet the special educational and related needs of handicapped children throughout the State, and (ii) which are of sufficient size, scope, and quality (taken into consideration the special educational needs of such children) as to give reasonable promise of substantial progress toward meeting those needs, and (B) for the proper and efficient administration of the State plan (including State leadership activities and consultative services), and for planning on the State and local level: *Provided*, That the amount expended for such administration and planning shall not exceed 5 per centum of the amount allotted to the State for any fiscal year or $100,000 ($35,000 in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), whichever is greater;

(2) provide satisfactory assurance that, to the extent consistent with the number and location of handicapped children in the State who are enrolled in private elementary and secondary schools, provision will be made for participation of such children in programs assisted or carried out under this part;

(3) provide satisfactory assurance that the control of funds provided under this part, and title to property derived therefrom, shall be in a public agency for the uses and purposes provided in this part, and that a public agency will administer such funds and property;

(4) set forth policies and procedures which provide satisfactory assurance that Federal funds made available under this part will be so used as to supplement and, to the extent practical, increase the level of State, local, and private funds expended for the education of handicapped children, and in no case supplant such State, local and private funds;

(5) provide that effective procedures, including provision for appropriate objective measurement of educational achievement, will be adopted for evaluating at least annually the effectiveness of the programs in meeting the special educational needs of, and providing related services for, handicapped children;

(6) provide that the State educational agency will be the sole agency for administering or supervising the administration of the plan;

(7) provide for (A) making such reports, in such form and containing such information, as the Commissioner may require to carry out his functions under this part, including reports of the objective measurements required by clause (5) of this subsection, and (B) keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports and proper disbursement of Federal funds under this part;

(8) provide satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this part to the State, including any such funds paid by the State to local educational agencies;

(9) provide satisfactory assurance that funds paid to the State under this part shall not be made available for handicapped children eligible for assistance under section 103(a)(5) of title I of the Elementary and Secondary Education Act of 1965;

(10) provide satisfactory assurance that effective procedures will be adopted for acquiring and disseminating to teachers of, and administrators of programs for, handicapped children significant information derived from educational research, demonstration, and similar projects, and for adopting, where appropriate, promising educational practices developed through such projects; and

(11) contain a statement of policies and procedures which will be designed to insure that all education programs for the handicapped in the State will be properly coordinated by the persons in charge of special education programs for handicapped children in the State educational agency.

(b) The Commissioner shall approve any State plan which he determines meets the requirements and purposes of this part.

(c)(1) The Commissioner shall not approve any State plan pursuant to this section for any fiscal year unless the plan has, prior to its submission, been made public as a separate document by the State educational agency and a reasonable opportunity has been given by that agency for comment thereon by interested persons (as defined by regulation). The State educational agency shall make public the plan as finally approved. The Commissioner shall not finally disapprove any plan submitted under this section or any modification thereof, without first affording the State educational agency submitting the plan reasonable notice and opportunity for a hearing.

(2) Whenever the Commissioner, after reasonable notice and opportunity for hearing to such State agency, finds—

(A) that the State plan has been so changed that it no longer complies with the provisions of this part, or

(B) that in the administration of the plan there is a failure to comply substantially with any such provision or with any requirements set forth in the application of a local educational agency approved pursuant to such plan,

the Commissioner shall notify the agency that further payments will not be made to the State under this part (or in his discretion, that further payments to the State will be limited to programs or projects under the State plan, or portions thereof, not affected by the failure, or that the State educational agency shall not make further payments under this part to specified local agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, the Commissioner shall make no further payments to the State under this part (or shall limit payments to programs or projects under, or parts of, the State plan not affected by the failure, or payments by the State educational agency under this part shall be limited to local educational agencies not affected by the failure, as the case may be).

(d)(1) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its State plan submitted under subsection (a) or with his final action under subsection (c), such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner hereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(2) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(3) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

PAYMENTS

SEC. 614. From the amounts allotted to each State under this part, the Commissioner shall pay to that State an amount equal to the amount expended by the State in carrying out its State plan.

PART C—CENTERS AND SERVICES TO MEET SPECIAL NEEDS OF THE HANDICAPPED

REGIONAL RESOURCE CENTERS

SEC. 621. (a) The Commissioner is authorized to make grants to or contracts with installations of higher education, State educational agencies, or combinations of such agencies or institutions, which combinations may include one or more local educational agencies, within particular regions of the United States, to pay all or part of the cost of the establishment and operation of regional centers which will develop and apply the best methods of appraising the special educational needs of handicapped children referred to them and will provide other services to assist in meeting such needs. Centers established or operated under this section shall (1) provide testing and educational evaluation to determine the special educational needs of handicapped children referred to such centers, (2) develop educational programs to meet those needs, and (3) assist schools and other appropriate agencies, organizations, and institutions in providing such educational programs through services such as consultation (including, in appropriate cases, consultation with parents or teachers of handicapped children at such regional centers), periodic reexamination and reevaluation of special educational programs, and other technical services.

(b) In determining whether to approve an application for a project under this section, the Commissioner shall consider the need for such a center in the region to be served by the applicant and the capability of the applicant to develop and apply, with the assistance of funds under this section, new methods, techniques, devices, or facilities relating to educational evaluation or education of handicapped children.

CENTERS AND SERVICES FOR DEAF-BLIND CHILDREN

SEC. 622. (a) It is the purpose of this section to provide, through a limited number of model centers for deaf-blind children, a program designed to develop and bring to bear upon such children, beginning as early as feasible in life, those specialized, intensive professional and allied services, methods, and aids that are found to be most effective to enable them to achieve their full potential for communication with, and adjustment to, the world around them, for useful and meaningful participation in society, and for self-fulfillment.

(b) The Commissioner is authorized, upon such terms and conditions (subject to the provisions of subsection (d)(1) of this section) as he deems appropriate to carry out the purposes of this section, to make grants to or contracts with public or nonprofit private agencies, organizations, or institutions to pay all or part of the cost of establish-

ment, including construction, which for the purposes of this section shall include the construction of residential facilities, and operation of centers for deaf-blind children.

(c) In determining whether to make a grant or contract under subsection (b), the Commissioner shall take into consideration the need for a center for deaf-blind children in the light of the general availability and quality of existing services for such children in the part of the country involved.

(d) (1) A grant or contract pursuant to subsection (b) shall be made only if the Commissioner determines that there is satisfactory assurance that the center will provide such services as he has by regulation prescribed, including at least—

(A) comprehensive diagnostic and evaluative services for deaf-blind children;

(B) a program for the adjustment, orientation, and education of deaf-blind children which integrates all the professional and allied services necessary therefor; and

(C) effective consultative services for parents, teachers, and others who play a direct role in the lives of deaf-blind children to enable them to understand the special problems of such children and to assist in the process of their adjustment, orientation, and education.

(2) Any such services may be provided to deaf-blind children (and, where applicable, other persons) regardless of whether they reside in the center, may be provided at some place other than the center, and may include the provision of transportation for any such children (including an attendant) and for parents.

EARLY EDUCATION FOR HANDICAPPED CHILDREN

SEC. 623. (a) The Commissioner is authorized to arrange by contract, grant, or otherwise with appropriate public agencies and private nonprofit organizations, for the development and carrying out by such agencies and organizations, of experimental preschool and early education programs for handicapped children which the Commissioner determines show promise of promoting a comprehensive and strengthened approach to the special problems of such children. Such programs shall be distributed to the greatest extent possible throughout the Nation, and shall be carried out both in urban and in rural areas. Such programs shall include activities and services designed to (1) facilitate the intellectual, emotional, physical, mental, social, and language development of such children; (2) encourage the participation of the parents of such children in the development and operation of any such program; and (3) acquaint the community to be served by any such program with the problems and potentialities of such children.

EARLY EDUCATION FOR HANDICAPPED CHILDREN

(b) Each arrangement for developing or carrying out a program authorized by this section shall provide for the effective coordination of each such program with similar programs in the schools of the community to be served by such a program.

(c) No arrangement pursuant to this section shall provide for the payment of more than 90 per centum of the cost of developing, carrying out, or evaluating such a program. Non-Federal contributions may be in cash or in kind, fairly evaluated, including, but not limited to, plant, equipment, and services.

RESEARCH, INNOVATION, TRAINING, AND DISSEMINATION ACTIVITIES IN CONNECTION WITH CENTERS AND SERVICES FOR THE HANDICAPPED

SEC. 624. (a) The Commissioner is authorized, either as part of any grant or contract under this part, or by separate grant to or contract with, an agency, organization, or institution operating a center or providing a service which meets such requirements as the Commissioner determines to be appropriate, consistent with the purposes of this part, to pay all or part of the cost of such activities as—

(1) research to identify and meet the full range of special needs of handicapped children;

(2) development or demonstration of new, or improvements in existing, methods, approaches, or techniques, which would contribute to the adjustment and education of such children;

(3) training (either directly or otherwise) of professional and allied personnel engaged or preparing to engage in programs specifically designed for such children, including payment of stipends for trainees and allowances for travel and other expenses for them and their dependents; and

(4) dissemination of materials and information about practices found effective in working with such children.

(b) In making grants and contracts under this section, the Commissioner shall insure that the activities funded under such grants and contracts will be coordinated with similar activities funded from grants and contracts under other parts of this title.

EVALUATIONS

SEC. 625. The Commissioner shall conduct, either directly or by contract with independent organizations, a thorough and continuing evaluation of the effectiveness of each program assisted under this part.

AUTHORIZATION OF APPROPRIATIONS

SEC. 626. There are hereby authorized to be appropriated $36,500,000 for the fiscal year ending June 30, 1971, $51,500,000 for the fiscal year ending June 30, 1972, and $66,500,000 for the fiscal year ending June 30, 1973, for the purpose of carrying out the provisions of this part.

PART D—TRAINING PERSONNEL FOR THE EDUCATION OF THE HANDICAPPED

GRANTS TO INSTITUTIONS OF HIGHER EDUCATION AND OTHER APPROPRIATE INSTITUTIONS OR AGENCIES

SEC. 631. The Commissioner is authorized to make grants to institutions of higher education and other appropriate nonprofit institutions or agencies to assist them—

(1) in providing training of professional personnel to conduct training of teachers and other specialists in fields related to the education of handicapped children;

(2) in providing training for personnel engaged or preparing to engage in employment as teachers of handicapped children, as supervisors of such teachers, or as speech correctionists or other special personnel providing special services for the education of such children, or engaged or preparing to engage in research in fields related to the education of such children; and

(3) in establishing and maintaining scholarships, with such stipends and allowances as may be determined by the Commissioner, for training personnel engaged in or preparing to engage in employment as teachers of the handicapped or as related specialists. Grants under this subsection may be used by such institutions to assist in covering the cost of courses of training or study for such personnel and for establishing and maintaining fellowships or traineeships with such stipends and allowances as may be determined by the Commissioner.

GRANTS TO STATE EDUCATIONAL AGENCIES

SEC. 632. The Commissioner is authorized to make grants to State educational agencies to assist them in establishing and maintaining, directly or through grants to institutions of higher education, programs for training personnel engaged, or preparing to engage, in employment as teachers of handicapped children or as supervisors of such teachers. Such grants shall also be available to assist such institutions in meeting the cost of training such personnel.

GRANTS OR CONTRACTS TO IMPROVE RECRUITING OF EDUCATIONAL PERSONNEL, AND TO IMPROVE DISSENINATION OF INFORMATION CONCERNING EDUCATIONAL OPPORTUNITIES FOR THE HANDICAPPED

SEC. 633. The Commissioner is authorized to make grants to public or nonprofit private agencies, organizations, or institutions, or to enter into contracts with public or private agencies, organizations, or institutions, for projects for—

(1) encouraging students and professional personnel to work in various fields of education of handicapped children and youth through, among other ways, developing and distributing imaginative or innovative materials to assist in recruiting personnel for such careers, or publicizing existing forms of financial aid which might enable students to pursue such careers, or

(2) disseminating information about the programs, services, and resources for the education of handicapped children, or providing referral services to parents, teachers, and other persons especially interested in the handicapped.

TRAINING OF PHYSICAL EDUCATORS AND RECREATION PERSONNEL FOR HANDICAPPED CHILDREN

SEC. 634. The Commissioner is authorized to make grants to institutions of higher education to assist them in providing training for personnel engaged or preparing to engage in employment as physical educators or recreation personnel for handicapped children or as educators or supervisors of such personnel, or engaged or preparing to engage in research or teaching in fields related to the physical education or recreation of such children.

REPORTS

SEC. 635. Each recipient of a grant under this part during any fiscal year shall, after the end of such fiscal year, submit a report to the Commissioner. Such report shall be in such form and detail and contain such information as the Commissioner determines to be appropriate.

AUTHORIZATION OF APPROPRIATIONS

SEC. 636. There are authorized to be appropriated for carrying out this part, $69,500,000 for the fiscal year ending June 30, 1971, $87,000,000 for the fiscal year ending June 30, 1972, and $103,500,000 for the fiscal year ending June 30, 1973.

PART E—RESEARCH IN THE EDUCATION OF THE HANDICAPPED

RESEARCH AND DEMONSTRATION PROJECTS IN EDUCATION OF HANDICAPPED CHILDREN

SEC. 641. The Commissioner is authorized to make grants to States, State or local educational agencies, institutions of higher education, and other public or nonprofit private educational or research agencies and organizations, and to make contracts with States, State or local educational agencies, institutions of higher education, and other public or private educational or research agencies and organizations, for research and related purposes and to conduct research, surveys, or demonstrations, relating to education of handicapped children.

RESEARCH AND DEMONSTRATION PROJECTS IN PHYSICAL EDUCATION AND RECREATION FOR HANDICAPPED CHILDREN

SEC. 642. The Commissioner authorized to make grants to States, State or local educational agencies, institutions of higher education, and other public or nonprofit private educational or research agencies and organizations, and to make contracts with States, State or local educational agencies, institutions of higher education, and other public or private educational or research agencies and organizations, for research and related purposes relating to physical education or recreation for handicapped children, and to conduct research, surveys, or demonstrations relating to physical education or recreation for handicapped children.

PANELS OF EXPERTS

SEC. 643. The Commissioner shall from time to time appoint panels of experts who are competent to evaluate various types of research or demonstration projects under this part, and shall secure the advice and recommendations of one such panel before making any grant under this part.

AUTHORIZATION OF APPROPRIATIONS

SEC. 644. There are hereby authorized to be appropriated $27,000,000 for the fiscal year ending June 30, 1971, $35,500,000 for the fiscal year ending June 30, 1972, and $45,000,000 for the fiscal year ending June 30, 1973, for carrying out the provisions of this part.

PART F—INSTRUCTIONAL MEDIA FOR THE HANDICAPPED

PURPOSE

SEC. 651. (a) The purposes of this part are to promote—

(1) the general welfare of deaf persons by (A) bringing to such persons understanding and appreciation of those films which play such an important part in the general and cultural advancement of hearing persons, (B) providing through these films enriched educational and cultural experiences through which deaf persons can be brought into better touch with the realities of their environment, and (C) providing a wholesome and rewarding experience which deaf persons may share together; and

(2) the educational advancement of handicapped persons by (A) carrying on research in the use of educational media for the handicapped. (B) producing and distributing educational media for the use of handicapped persons, their parents, their actual or potential employers, and other persons directly involved in work for the advancement of the handicapped, and (C) training persons in the use of eductional media for the instruction of the handicapped.

CAPTIONED FILMS AND EDUCATIONAL MEDIA FOR HANDICAPPED PERSONS

SEC. 652. (a) The Commissioner shall establish a loan service of captioned films and educational media for the purpose of making such materials available in the United States for nonprofit purposes to handicapped persons, parents of handicapped persons, and other persons directly involved in activities for the advancement of the handicapped in accordance with regulations.

(b) The Commissioner is authorized to—

(1) acquire films (or rights thereto) and other educational media by purchase, lease, or gift;

(2) acquire by lease or purchase equipment necessary to the administration of this part;

(3) provide for the captioning of films;

(4) provide for the distribution of captioned films and other educational media and equipment through State schools for the handicapped and such other agencies as the Commissioner may deem appropriate to serve as local or regional centers for such distribution;

(5) provide for the conduct of research in the use of educational and training films and other educational media for the handicapped, for the production and distribution of educational and training films and other educational media for the handicapped and the training of persons in the use of such films and media, including the payment to those persons of such stipends (including allowances for travel and other expenses of such persons and their dependents) as he may determine, which shall be consistent with prevailing practices under comparable federally supported programs;

(6) utilize the facilities and services of other governmental agencies; and

(7) accept gifts, contributions, and voluntary and uncompensated services of individuals and organizations.

NATIONAL CENTER ON EDUCATIONAL MEDIA AND MATERIALS FOR THE HANDICAPPED

SEC. 653. (a) The Secretary is authorized to enter into an agreement with an institution of higher education for the establishment and operation of a National Center on Educational Media and Materials for the Handicapped, which will provide a comprehensive program of activities to facilitate the use of new educational technology in education programs for handicapped persons, including designing and developing, and adapting instructional materials, and such other activities consistent with the purposes of this part as the Secretary may prescribe in the agreement. Such agreement shall—

(1) provide that Federal funds paid to the Center will be used solely for such purposes as are set forth in the agreement;

(2) authorize the Center, subject to the Secretary's prior approval, to contract with public and private agencies and organizations for demonstration projects; and

(3) provide for an annual report on the activities of the Center which will be transmitted to the Congress.

(b) In considering proposals from institutions of higher education to enter into an agreement under this subsection, the Secretary shall give preference to institutions—

(1) which have demonstrated the capabilities necessary for the development and evaluation of educational media for the handicapped; and

(2) which can serve the educational technology needs of the Model High School for the Deaf (established under Public Law 89–694).

AUTHORIZATION OF APPROPRIATIONS

SEC. 654. For the purpose of carrying out this part, there are hereby authorized to be appropriated not to exceed $12,500,000 for the fiscal year ending June 30, 1971, $15,000,000 for the fiscal year ending June 30, 1972, and $20,000,000 for the fiscal year ending June 30, 1973, and each succeeding fiscal year thereafter.

PART G—SPECIAL PROGRAMS FOR CHILDREN WITH SPECIFIC LEARNING DISABILITIES

RESEARCH, TRAINING, AND MODEL CENTERS

SEC. 661. (a) The Commissioner is authorized to make grants to, and contracts with, institutions of higher education, State and local educational agencies, and other public and private educational and research agencies and organizations (except that no grant shall be made other than to a nonprofit agency or organization) in order to carry out a program of—

(1) research and related purposes relating to the education of children with specific learning disabilities;

(2) professional or advanced training for educational personnel who are teaching, or are preparing to be teachers of, children with specific learning disabilities, or such training for persons who are, or are preparing to be, supervisors and teachers of such personnel; and

(3) establishing and operating model centers for the improvement of education of children with specific learning disabilities, which centers shall (A) provide testing and educational evaluation to identify children with learning disabilities who have been referred to such centers, (B) develop and conduct model programs designed to meet the special educational needs of such children, (C) assist appropriate educational agencies, organizations, and institutions in making such model programs available to other children with learning disabilities, and (D) disseminate new methods or techniques for overcoming learning disabilities to educational institutions, organizations, and agencies within the area served by such center and evaluate the effectiveness of the dissemination process. Such evaluation shall be conducted annually after the first year of operation of a center.

In making grants and contracts under this section the Commissioner shall give special consideration to applications which propose innovative and creative approaches to meeting the educational needs of children with specific learning disabilities, and those which emphasize the prevention and early identification of learning disabilities.

(b) In making grants and controls under this section, the Commissioner shall—

(1) for the purposes of clause (2) of subsection (a), seek to achieve an equitable geographical distribution of training programs and trained personnel throughout the Nation, and

(2) for the purposes of clause (3) of subsection (a), to the extent feasible, taking into consideration the appropriations pursuant to this section, seek to encourage the establishment of a model center in each of the States.

(c) For the purpose of making grants and contracts under this section there are hereby authorized to be appropriated $12,000,000 for the fiscal year ending June 30, 1970, $20,000,000 for the fiscal year ending June 30, 1971, and $31,000,000 for each of the succeeding fiscal years ending prior to July 1, 1973.

REPEALER

SEC. 662. Effective July 1, 1971, the following provisions of law are repealed:

(1) That part of section 1 of the Act of September 2, 1958 (Public Law 85–905), which follows the enacting clause and sections 2, 3, and 4 of such Act;

(2) The Act of September 6, 1958 (Public Law 85–926);

(3) Title VI of the Elementary and Secondary Education Act of 1965 (Public Law 89–10);

(4) Titles III and V of the Act of October 31, 1963 (Public Law 88–164); and

(5) The Act of September 30, 1968 (Public Law 90–538).

TITLE VII—VOCATIONAL EDUCATION

EXTENSION OF PROGRAM OF GRANTS FOR SPECIAL PROGRAMS FOR DISADVANTAGED STUDENTS

SEC. 701. Section 102(b) of the Vocational Education Act of 1963 is amended by inserting after "1970," the following: $50,000,000 for the fiscal year ending June 30, 1971, and $60,000,000 for the fiscal year ending June 30, 1972,".

TECHNICAL AMENDMENT

SEC. 702. Section 103(a)(2)(D) of the Vocational Education Act of 1963 is amended by striking out "5 per centum" and inserting in lieu thereof "15 per centum".

CLARIFYING AMENDMENT WITH RESPECT TO STATE ADVISORY COUNCILS

SEC. 703. Section 104(b)(1) of the Vocational Education Act of 1963 is amended by inserting after "State board are elected" the following: "(including election by the State legislature)".

EXTENSION OF AUTHORITY FOR RESIDENTIAL FACILITIES

SEC. 704. (a) Section 152(a)(1) of the Vocational Education Act of 1963 is amended by striking out "$15,000,000 for the fiscal year ending June 30, 1970" and inserting in lieu thereof "for each of the succeeding fiscal years ending prior to July 1, 1972".

(b) Section 153(d)(2) of such Act is amended by striking out "1969" and inserting in lieu thereof "1970, and on July 1, 1971".

PROMOTION OF KNOWLEDGE OF NUTRITION

SEC. 705. Section 161(b) of the Vocational Education Act of 1963 is amended by adding after "consumer education programs," the following: "including promotion of nutritional knowledge and food use and the understanding of the economic aspects of food use and purchase,".

EXTENSION OF WORK-STUDY PROGRAMS

SEC. 706. (a) Section 181(a) of the Vocational Education Act of 1963 is amended by inserting after "1970" a comma and the following: "$45,000,000 for the fiscal year ending June 30, 1971, and $55,000,000 for the fiscal year ending June 30, 1972,".

(b) Section 183(a) of such Act is amended by striking out "the fiscal year ending June 30, 1970" and inserting in lieu thereof "any succeeding fiscal year".

EXTENSION OF CURRICULUM DEVELOPMENT PROGRAM

SEC. 707. Section 191(b) of the Vocational Education Act of 1963 is amended by striking out "the fiscal year ending June 30, 1970" and inserting in lieu thereof "each of the succeeding fiscal years ending prior to July 1, 1972".

EXTENSION OF PART F OF THE EDUCATION PROFESSIONS DEVELOPMENT ACT

SEC. 708. Section 555 of the Education Professions Development Act (title V of the Higher Education Act of 1965) is amended by striking out "and" where it appears after "1969," and by inserting before the period at the end thereof a comma and the following: "the sum of $40,000,000 for the fiscal year ending June 30, 1971, and the sum of $45,000,000 for the fiscal year ending June 30, 1972".

TECHNICAL AMENDMENT

SEC. 709. Section 104 of the Vocational Education Amendments of 1968 is amended by striking out "this Act" and inserting in lieu thereof "the Vocational Education Act of 1963".

TITLE VIII—MISCELLANEOUS

WAIVER OF MATCHING REQUIREMENT IN THE UPWARD BOUND PROGRAM

SEC. 801. Section 408(c)(1) of the Higher Education Act of 1965 is amended by inserting after the third sentence thereof the following: "The Commissioner may, however, approve assistance in excess of such percentage if he determines, in accordance with regulations establishing objective criteria, that such action is required in furtherance of the purposes of this section. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, or services."

EXTENSION OF AUTHORIZATION FOR ADVISORY COUNCIL UNDER EDUCATION PROFESSIONS DEVELOPMENT ACT

SEC. 802. Section 502(f) of the Education Professions Development Act (title V of the Higher Education Act of 1965) is amended by striking out "two" and inserting in lieu thereof "three".

TEACHER CORPS ASSISTANCE FOR INDIAN CHILDREN

SEC. 803. The first sentence of section 513(c)(2) of the Higher Education Act of 1965 is amended to read as follows: "Not to exceed 3 per centum of the number of members of the Teachers Corps who are available shall be allocated to Puerto Rico and the Virgin Islands and not to exceed 5 per centum of such members shall be allocated to the elementary and secondary schools operated for Indian children by the Department of Interior, according to their respective needs."

STUDENT TEACHER CORPS

SEC. 804. (a) It is the purpose of this section to encourage high school and college students, parents, and other community residents to volunteer for service on a part-time or full-time basis as tutors or instructional assistants for children in disadvantaged areas and to provide support by the Teacher Corps of volunteer programs to be carried out by State and local educational agencies and institutions of higher education.

(b)(1) Section 511(a) of the Higher Education Act of 1965 is amended by deleting the word "and" at the end of paragraph (1), by deleting the period at the end of paragraph (2) and inserting in lieu thereof a semicolon and the word "and", and by inserting after paragraph (2) the following new paragraph:

"(3) attracting volunteers to serve as part-time tutors or full-time instructional assistants in programs carried out by local educational agencies and institutions of higher education serving such areas."

(2) Section 511(b) of such Act is amended by striking out "$56,000,000 for each of the succeeding fiscal years ending prior to July 1, 1971" and inserting in lieu thereof "$80,000,000 for the fiscal year ending June 30, 1970, and $100,000,000 for the fiscal year ending June 30, 1971".

(c) Paragraph (1) of section 513(a) of such Act is amended by inserting before the semicolon at the end thereof a comma and the following: "and, for such periods as the Commissioner may prescribe by regulation, persons who volunteer to serve as part-time tutors or full-time instructional assistants".

(d) Section 513(a) of such Act is further amended by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively, and by inserting after paragraph (4) the following new paragraph:

"(5) enter into contracts or other arrangements with local educational agencies or institutions of higher education, upon approval by the appropriate State educational agency, under which provisions (including payment of the cost of such arrangements) will be made (A) to carry out programs serving disadvantaged areas in which volunteers (including high school and college students) serve as part-time tutors or full-time instructional assistants in teams with other Teacher Corps members, under the guidance of experienced teachers, but not in excess of 90 per centum of the cost of compensation for such tutors and instructional assistants may be paid from Federal funds, and (B) to provide appropriate training to prepare tutors and instructional assistants for service in such programs;".

(e) Section 514(a) of such Act is amended—

(1) by inserting after "paragraph (3) of section 513(a)" a comma and the following: "or an arrangement with a local educational agency or institution of higher education pursuant to paragraph (5) of section 513(a),";

(2) by striking out in paragraph (2) "is equal to" and inserting in lieu thereof "does not exceed", and by striking out "$75 per week" in such paragraph and inserting in lieu thereof "$90 per week"; and

(3) by deleting the word "and" at the end of paragraph (1), by deleting the period at the end of paragraph (2) and inserting in lieu thereof a semicolon and the word "and", and by inserting after paragraph (2) the following new paragraph:

"(3) tutors and instructional assistants shall be compensated at such rates as the Commissioner may determine to be consistent with prevailing practices under comparable federally supported work-study programs."

TEACHER CORPS CORRECTIONS EDUCATION PROJECTS

SEC. 805. (a) Section 511(a) of the Higher Education Act of 1965 (as amended by section 804(b) of this Act) is further amended by deleting the word "and" at the end of paragraph (2), by deleting the period at the end of paragraph (3) and inserting in lieu thereof a semicolon and the word "and", and by inserting after paragraph (3) the following new paragraph:

"(4) attracting and training educational personnel to provide relevant remedial, basic, and secondary educational training, including literacy and communications skills, for juvenile delinquents, youth offenders, and adult criminal offenders."

(b) Section 513(a) of such Act is further amended by redesignating paragraphs (6), (7), and (8) (as redesignated by section 804(d) of this Act), and all references thereto, as paragraphs (7), (8), and (9), respectively, and by inserting after paragraph (5) the following new paragraph:

"(6) enter into arrangements, through grants or contracts, with State and local educational agencies, and with institutions of higher education, and such other agencies or institutions approved by the Commissioner according to criteria which shall be established by him to carry out the purposes of this paragraph, under which provisions (including payment of the cost of such arrangements) will be made to furnish to such agencies members of the Teacher Corps to carry out projects designed to meet the special educational needs of juvenile delinquents, youth offenders, and adult criminal offenders, and persons who have been determined by State or local educational agency, court of law, law enforcement agency, or any other State or local public agency to be predelinquent juveniles, but not in excess of 90 per centum of the cost of compensation for Teacher Corps members serving in such projects may be paid from Federal funds;".

(c) Section 514(a) of such Act is further amended by inserting before "shall provide" the following: "or an arrangement with any agency pursuant to paragraph (6) of Section 513(a),".

PROVISIONS RELATED TO GIFTED AND TALENTED CHILDREN

SEC. 806. (a) Section 521 of the Higher Education Act of 1965 (relating to fellowships for teachers) is amended by inserting in the last sentence thereof after the words "handicapped children" a comma and the following: "and for gifted and talented children".

(b) Section 1201 of such Act (relating to definitions) is amended by adding at the end thereof the following new paragraph:

"(k) The term 'gifted and talented children' means, in accordance with objective criteria prescribed by the Commissioner, children who have outstanding intellectual ability or creative talent."

(c)(1) The Commissioner of Education shall:

(A) determine the extent to which special educational assistance programs are necessary or useful to meet the needs of gifted and talented children.

(B) Show which existing Federal educational assistance programs are being used to meet the needs of gifted and talented children,

(C) evaluate how existing Federal educational assistance programs can be more effectively used to meet these needs, and

(D) recommend which new programs, if any, are needed to meet these needs.

(2) The Commissioner shall report his findings, together with his recommendations, to the Congress not later than one year after the enactment of this Act.

CONSOLIDATION OF TITLE III OF THE NATIONAL DEFENSE EDUCATION ACT OF 1958 AND SECTION 12 OF THE NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES ACT OF 1965

SEC. 807. (a)(1) Section 303(a) of the National Defense Education Act of 1958 is amended by striking out "science, mathematics, history, civics, geography, economics, industrial arts, modern foreign language, English, or reading" and inserting in lieu thereof "academic subjects".

(2) Section 303(a)(5) of such Act is amended by striking out "the fields of science, mathematics, history, civics, geography, economics, industrial arts, modern foreign language, English, and reading" and inserting in lieu thereof "academic subjects".

(3) The first sentence of section 301 of such Act is amended by striking out $120,000,000" and inserting in lieu thereof "$120,-

500,000" and by striking out "$130,000,000" and inserting in lieu thereof "$130,500,000".

(b) Section 12 of the National Foundation on the Arts and the Humanities Act of 1965 is hereby repealed.

ADVISORY COUNCIL ON RESEARCH AND DEVELOPMENT

SEC. 808. Section 2 of the Cooperative Research Act of 1954 is amended by adding the following new subsection at the end thereof:

"(e) (1) The Commissioner shall establish in the Office of Education an Advisory Council on Research and Development, consisting of fifteen members appointed, without regard to the civil service laws, by the Commissioner with the approval of the Secretary of Health, Education, and Welfare. The Commissioner shall appoint one such member as Chairman. Such members shall include persons recognized as authorities in the field of educational research and development or in related fields.

"(2) The Advisory Council shall advise the Commissioner with respect to matters of general policy arising in the administration of this Act."

RESEARCH ON PROBLEMS OF FINANCING ELEMENTARY AND SECONDARY EDUCATION

SEC. 809. (a) The Congress finds that—

(1) insufficient national concern has been focused upon the escalating operating expenses and construction costs faced by school districts, including serious inequities within and among States in financial support of elementary and secondary education;

(2) taxpayer resistance to the existing tax structure is growing and school bond issues and budget requests are being rejected;

(3) school districts are facing serious fiscal crises as they approach or exceed statutory limits on taxing and bonding authority; and

(4) there is a need for additional knowledge to solve these problems.

(b) It is the purpose of this section—

(1) to provide for research and reports on such problems under the Cooperative Research Act; and

(2) to provide for a National Commission on School Finance to study such problems and report to the Commissioner and the Congress within two years.

(c) Section 2(a) of the Cooperative Research Act is amended by inserting at the end thereof the following:

"(3) The Commissioner shall, pursuant to his authority under this Act, provide for research regarding the problems of financing elementary and secondary education. Such research shall include, but not be limited to, recommendations concerning—

"(A) an appropriate division of responsibility among local, State, and the Federal Government in financing elementary and secondary education;

"(B) an appropriate balance of categorical aid, general aid, and school construction aid in the total Federal responsibility for financing elementary and secondary education;

"(C) new approaches to relieve the fiscal crisis now facing the schools;

"(D) the use of Federal revenue sharing for supporting elementary and secondary education; and

"(E) methods to minimize variations within and among States in per pupil expenditures for elementary and secondary education. The Commissioner shall make a preliminary report to the Congress not later than one hundred and twenty days after the date of enactment of the Elementary and Secondary Education Amendments of 1969 identifying all existing federally financed research in this area (whether authorized under this or any other Act) and the current status of such research. Thereafter, the Commissioner shall report the results of, and recommendations with respect to, research under this paragraph as a separate and distinct part of his annual report pursuant to subsection (d)."

(d) The Commissioner shall, not later than ninety days after the date of enactment of this Act, establish a National Commission on School Finance. Such Commission shall consist of fifteen members appointed from (1) members of State and local educational agencies, (2) State and local government officials, (3) education administrators, (4) teachers, (5) financial experts, (6) parents with one or more children in a public elementary or secondary school, (7) the Office of Education, (8) the Department of the Treasury, with the approval of the Secretary of the Treasury, and (9) other appropriate fields. The Commissioner shall appoint a chairman and vice chairman from among such members. Such Commission shall make a full and complete investigation and study of the financing of elementary and secondary education, including but not limited to, the matters referred to in section 2(a)(3) of the Cooperative Research Act (as amended by subsection (c) of this section). The Commission shall report the results of such investigation and study and its recommendations to the Commissioner and the Congress not later than two years after the date of enactment of this Act. Funds available for the purposes of the Cooperative Research Act and for the purposes of section 402 of Public Law 90–247 shall be available for the purposes of this subsection.

CONSTRUCTION OF EDUCATIONAL RESEARCH FACILITIES

SEC. 810. Section 4(a) of the Cooperative Research Act (Public Law 83–531) is amended by striking out "July 1, 1970" and substituting in lieu thereof "July 1, 1973", and by striking out "July 1, 1971" and substituting in lieu thereof "July 1, 1974".

AMENDMENT RELATING TO THE AMERICAN PRINTING HOUSE FOR THE BLIND

SEC. 811. (a) The paragraph designated "First" in section 3 of the Act entitled "An Act to promote the education of the blind", approved March 3, 1879 (20 U.S.C. 102), is amended to read as follows:

"First. (A) Such appropriation shall be expended by the trustees of the American Printing House for the Blind each year in manufacturing and furnishing books and other materials specially adapted for instruction of the blind; and the total amount of such books and other materials so manufactured and furnished by such appropriation shall each year be distributed among all the public and private nonprofit institutions in the States, territories, and possessions of the United States, the Commonwealth of Puerto Rico, and the District of Columbia, in which blind pupils are educated. Each public and private nonprofit institution for the education of the blind shall receive, in books and other materials, upon requisition of its superintendent, that portion of the appropriation as is shown by the ratio between the number of blind pupils in that institution and the total number of blind pupils in all of the public and private nonprofit institutions in which blind pupils are educated. Each chief State school officer shall receive, in books and other materials, upon requisition, that portion of the appropriation as is shown by the ratio between the number of blind pupils in public and private nonprofit institutions (in the State) in which blind pupils are educated, other than institutions to which the preceding sentence is applicable, and the total number of blind pupils in the public and private nonprofit institutions in which blind pupils are educated in all of the States, territories, and possessions of the United States, the Commonwealth of Puerto Rico, and the District of Columbia. The ratio referred to in each of the two immediately preceding sentences shall be computed upon the first Monday in January of each year; and for purposes of such sentences the number of blind pupils in public and private nonprofit institutions in which blind pupils are educated shall be authenticated in such manner and as often as the trustees of the American Printing House for the Blind shall require. For purposes of this Act, an institution for the education of the blind is any institution which provides education exclusively for the blind, or exclusively for the blind and other handicapped children (in which case special classes are provided for the blind); the chief State school officer of a State is the superintendent of public elementary and secondary schools in such State or, if there is none, such other official as the Governor certifies to have comparable responsibility in the State; and a blind pupil is a blind individual pursuing a course of study in an institution of less than college grade.

"(B) The portion of the appropriation received by each chief State school officer, in such books and other materials under subparagraph (A) of this paragraph which represents the number of blind pupils in private nonprofit institutions in such State in which blind pupils are educated shall be distributed among such institutions on the basis of the number of blind pupils in each such institution as compared to the total number of such pupils in all of the private nonprofit institutions in which blind pupils are educated in such State.

"(C) All books and other materials furnished pursuant to this Act, and control and administration of their use, shall vest only in a public agency. Such books and materials made available pursuant to this Act for use of teachers and blind pupils in any State, Territory, or possession of the United States, the Commonwealth of Puerto Rico, and the District of Columbia in any school shall be limited to those books and materials which have been approved by an appropriate educational authority or agency of such State, Territory, possession, Commonwealth, or District, or any local educational authority thereof, for use, or are used, in a public elementary or secondary school therein."

(b) The paragraph designated "Fourth" of section 3 of the Act entitled "An Act to promote the education of the blind", approved March 3, 1879, as amended (20 U.S.C. 102), is amended by inserting immediately after "public", the following: "and private nonprofit".

(c) Section 4 of such Act is amended by inserting immediately after "public", the following: "or private nonprofit".

And the Senate agree to the same.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. PELL. Mr. President, I ask unanimous consent that the staff of the Committee on Labor and Public Welfare necessary for a discussion of the conference report be permitted on the floor without the usual limitation.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HOLLINGS. Mr. President, if the

Senator from Rhode Island will yield, the language of the conference report that raises a question of understanding is section 2(b) with additional language:

> Such uniformity refers to one policy applied uniformly to de jure segregation wherever found and such other policy as may be provided pursuant to law applied uniformly to de facto segregation wherever found.

I would ask the distinguished Senator from Rhode Island, after we passed the Stennis amendment by a vote of 56 to 36, what was the compulsion, if any, to add this further language, and does he think it explanatory? Does he really think this elucidates or clarifies the intent of the Senate or not?

Mr. PELL. In the first place, the Stennis amendment was hard fought in the conference. I think the conference, according to my recollection, broke up 2 or 3 days due to our standing pat on it. The language before us was offered by a House Member.

As I understand it, this language does not denigrate or dilute the Stennis amendment, but seeks to set forth the view that where de facto segregation occurs—and de facto segregation can occur in Atlanta, Ga., just as it can in Providence, R.I.—then the applicable law would apply to desegregation there, as anywhere else in the country. However, it must be noted that in this regard, no laws presently apply because de facto segregation has not been ruled unconstitutional.

I am not deeply versed or grounded in civil rights legislation, but, as I understand it, this language seeks to do what the Senator from Mississippi was seeking to do and clarifies the effect of the amendment with respect to those situations that are an outgrowth of dual school systems or previous laws, but de facto segregation would be handled in Georgia, for example, as in Chicago, or New York, or Providence.

That is what I understand the language does.

If the Senator from South Carolina disagrees with me, I shall be delighted to hear his views.

Mr. HOLLINGS. As I read the language, it says such a uniformity refers to one policy applied uniformly to de jure segregation wherever found.

Mr. PELL. That is right.

Mr. HOLLINGS. And then, on the other hand, to such other policy as may be provided pursuant to law applied uniformly to de facto segregation.

In other words, the language added in the conference report would call for uniformity of treatment as between de facto situations wherever found, on the one hand, and uniformity of treatment as between de jure situations wherever found, on the other hand; but not uniformity as between the two.

Mr. PELL. That is as I understand it.

Mr. HOLLINGS. If the Senator understands the language to be that, is it not a fact that the Stennis amendment, just above that, in section 2(a), says that when you come to segregation, when you come to discrimination, when you come to people, we do not separate them by class in this country, but that we are going to have uniformity of application. That is what the Senate said by the Stennis amendment, and this language was added in conference to the Stennis amendment under the thrust or suggestion of some of those who were talking so grandly and profoundly about civil rights, "whether de jure or de facto."

Is that not the language just above section 2(b)? It did not call for uniformity within de facto guidelines, or uniformity within de jure guidelines, but as between the two it says the U.S. Senate is not going to make any class distinction here. If we do, we have got segregation. The law has been in effect for 15 or 16 years, and whether you define it it as de jure or de facto, in and of itself it is bad, and we want uniform application of the law.

Does not the Senator agree?

Mr. PELL. That is correct. We tried to have the language left intact. From a practical, political viewpoint, there was considerable merit to leaving the language completely as it was brought to the conference, because it would have assured greater acceptance of the conference report by the House of Representatives, and the argument had been thoroughly thrashed out in the Senate.

But when we go into these conferences, we go in as managers, and try to do what we can. I think that in this case we came out, not with half a loaf, but with two-thirds of a loaf. The House would have liked us to have retreated a good deal farther. This language I thought, treated fairly the different classes of segregation around the country. But the Senator is correct; it does not lump together de facto and de jure segregation.

Mr. HOLLINGS. Is that not abhorrent to the distinguished Senator from Rhode Island, that it does not lump them together? I ask him sincerely. I know the Senator from Rhode Island is a great civil libertarian, and he believes in equality. From the viewpoint of equality, is not the language in section 2(b) abhorrent to the Senator?

Mr. EAGLETON. Mr. President, will the Senator yield?

Mr. PELL. I respect the legal ability of the Senator from Missouri very much more than my own legal ability, but to my mind, this is fair, because it treats the two kinds of segregation the same way all over the country. And you cannot wipe out history. There is a difference between the situation where a dual school system has been set up for a hundred years and the situation where there is no dual school system.

Mr. HOLLINGS. But that is the same thing as saying "separate but equal." That was the argument of me and my colleagues for 100 years. We interpreted the Constitution under the separate-but-equal doctrine of Plessy against Ferguson. But then they came along with Brown against Board of Education of Topeka, Kans., and they said there is no such thing as separate but equal; you have got to have desegregation in and of itself. Chief Justice Vinson in September of 1952 said:

> Don't give us this argument about separate but equal; talk about the constitutionality in and of itself.

Mr. PELL. The only kind of segregation that is illegal at this time is de jure segregation. De facto segregation has not been ruled illegal.

Mr. HOLLINGS. Was not the U.S. Senate, in December, saying that might be a nicety in understanding, and we can read what we can into the decisions, but in the Senate, in a conscience-ridden session extending over days, particularly distinguished by the leadership of the Senator from Maryland and that of the Senator from Mississippi on his own amendment, after all the debate that was carried through, we said regardless of all of that, we would put in there, to clarify the Stennis amendment, "whether de jure or de facto"; that we are not going to separate citizens by class in this country any longer—at least so far as the policy of the Senate and the Congress is concerned—in education in America.

Mr. PELL. Nevertheless, as I understand it, the law does not presently touch de facto segregation. What the amendment really does is provide that, in those areas of the South where segregation results from economic situations or living patterns, the efforts to desegregate would be nullified.

Mr. HOLLINGS. Does the distinguished Senator maintain that we in the U.S. Senate, are supposed to pass laws in accordance with the existing laws, or are we supposed to change laws? Is not that what we do when we pass laws?

Mr. PELL. We are supposed to pass laws that will be upheld by the courts.

Mr. HOLLINGS. Does the Senator think the Stennis amendment was unconstitutional?

Mr. PELL. No.

Mr. HOLLINGS. Does he not think this class distinction could be held unconstitutional, when we come in and talk about a distinction between types of segregation in the public education system of America, where the fundamental right in all of the school cases is based on the 14th amendment, that no State shall deny or deprive an individual because of race, color, or creed?

I say it is an individual denial, and that this is writing unconstitutional language, by saying that if the individual happens to be caught up in a de jure system, he gets one right, but if he gets caught up in a de facto system, he does not get that right at all.

Mr. PELL. I thought this was the great argument we had the other day, which led to putting into the language the phrase "de facto or de jure."

Mr. HOLLINGS. No, sir. If the Senator please, that was the language of the distinguished senior Senator from New York (Mr. JAVITS), who was bringing in all this "de jure" and "de facto." Every Member of this body came forward with fine talks about human rights, equal rights—rights, rights, rights—and then they come along, when we finally come to the question of policy, and say, "Let us not have two classes of citizens in the public schools," but then they go off into the de jure and de facto business.

What we tried to say, in the U.S. Senate, is what we did say, "whether de jure or de facto." Either one. And rather than clarifying that, does not the Senator from Rhode Island agree that rather than clarifying, the conference amendment nullifies that expression "whether de jure or de facto"?

We said it explicitly in the Stennis amendment, and the conferees explicitly changed it by applying the uniformity within the class of de jure or within the class of de facto, but not as between the two, as the language says. Is that not right?

Mr. PELL. I would imagine that both the Stennis amendment and the language we evolved in conference will have to be tested, as of course it should. I see the point of the Senator's argument. It perhaps would have been better if we could have left the language as it was, but if we had left the language as it was, there was no possibility of agreement in conference. Senators could then ask, "Why did we not come back with the point in disagreement with the House?" I think my job, as manager of the bill, was to try to resolve as much of the difference as we could. The language before you is our suggested resolution of the differing points of view.

Mr. EAGLETON. Mr. President, will the Senator yield?

Mr. PELL. I yield to the Senator from Missouri.

Mr. EAGLETON. I thank the Senator from Rhode Island. I would like to address myself to the questions propounded to him by the distinguished Senator from South Carolina, by way of background and for the purposes of clarification.

The Senator from Rhode Island is correct in his recitation of the agony, one might call it, that the conference committee went through in numerous sessions, in which the House was adamant in its refusal to accept the Stennis amendment.

Mr. HOLLINGS. Will the distinguished Senator from Missouri yield at that point?

Mr. EAGLETON. May I finish my exposition? Then I shall be happy to answer any questions the Senator has.

Mr. HOLLINGS. Very well.

Mr. EAGLETON. After meeting day after day, and after recess after recess, it became evident that if there was to be any bill reported out of conference, something had to be done with respect to this item, because it was the item most in contention among the conferees. That reemphasizes and underscores what the Senator from Rhode Island has already said.

With respect to the law and specifically with respect to the Stennis amendment, one of the hangups about the Stennis amendment is that no one is quite certain what it does mean or was intended to do. After reading the Senate debate on the Stennis amendment—which, as we all know, consumed hours and days, with many, many Senators participating—we came up with an enormous number of varying assertions as to what was meant by the Stennis amendment as modified by the Ribicoff amendment.

The Senator from South Carolina said it was the Senator from New York (Mr. JAVITS) who cluttered this amendment up with "de jure" and "de facto." Far from it. It was the Senator from Connecticut (Mr. RIBICOFF) who offered his "perfecting amendment," which was resoundingly accepted by the Senate and which introduced the words "de jure" and "de facto" into the original text of the Stennis amendment. I defy anyone today to tell me what the original Stennis amendment meant for sure. To Senator STENNIS, presumably, it meant one thing; to Senator RIBICOFF it may have meant another thing; to Senator MONDALE it meant another thing; to Senator SCOTT it meant another thing. Hence, with the cluttered record, with the gross ambiguity of what it did mean, the House conferees submitted their proposal, which is now incorporated in the bill, and which does precisely clarify the situation. Whether it is acceptable, whether it is tolerable, whether it is accepted with glee or joy, is a matter separate and apart. It, at least, is susceptible to being read and understood and applied and enforced.

It is uniform. It is constitutional. It is constitutional under the 14th amendment. What is prohibited by the 14th amendment is the State from acting in a way violative of due process and violative of the equal protection of the laws.

When the State acts, it must act uniformly—to wit, de jure segregation is, as is has been since the Brown case, unconstitutional per se, across the board. It is prohibited wherever it exists—North, South, East, or West; in California, Mississippi, Georgia, or wherever. Where the State or one of its subdivisions, a county or a school district, sets up a dual school system, one for blacks and one for whites, such is unconstitutional and illegal.

Likewise, it says with respect to de facto segregation that it shall be treated uniformly. We do not know as of this moment the constitutionality of de facto segregation, for the U.S. Supreme Court has declined to take jurisdiction in any case so as to rule on de facto segregation.

I believe one case grew out of my State in Kansas City, Mo., in which an attempt was made to take the case to U.S. Supreme Court. The Court denied certiorari. We do not know for sure what the attitude of the Court will be. The new Chief Justice seemingly wants to rule on this point, and he is advertising for business. Whether his advertisement will be answered, I do not know. Thus, at this juncture we do not know about de facto segregation insofar as its constitutionality is concerned.

Thus, section 2(b) of the conference committee report has this significance. Assume that Atlanta, Ga., years ago or even a few years ago there was a de jure segregated school system. I am making this as a hypothetical assumption. I do not know about Atlanta, Ga. What section 2(b) says is that, regardless of what it was in yesteryear, regardless of what its ancestry was, if in fact and in truth today, in 1970, it is a de facto segregated district, it is treated coequally with any other de facto segregated district.

For example, Washington, D.C., is 94.6 percent black and 5.4 percent white. It is obviously a de facto segregated district. If the same situation obtains in Atlanta, if Atlanta is in fact and in truth a de facto segregated district, then the same rules have to apply to Atlanta, to Washington, to St. Louis, to New York, to Kansas City. That is what 2(b) says. It is clear. It is unequivocal. It is not susceptible to duplicitous interpretation. It is not susceptible to the varying analyses to which I think the original Stennis amendment was susceptible.

Therefore, I think it has more to commend it than to condemn it because of its clarity and because of its uniformity of application.

I would be glad to answer any other questions.

Mr. HOLLINGS. If the distinguished Senator from Missouri would yield, it is great to listen to the arguments of what we did not know and what we did not understand. We do not know about Atlanta; we did not know about the Stennis amendment; we did not know about all those other things.

It is my contention, and the contention of the country, that position flies fully in the face of everything that occured here on the Stennis amendment debate. Everybody knew what the Senate intended.

I go back to the comment I made about the Senator from New York. I was not talking about the authorship. In the colloquy between the Senator from Connecticut and the Senator from New York, the Senator from Connecticut said, "If you want to get into that, let's just clarify it and say what we mean, whether de jure or de facto." In order to clarify it and make absolutely certain what we meant, and that was that we were going to treat all citizens alike.

The distinguished Senator talks about the agony of a conference committee. Is it not a greater agony to come up with a segregation law, one that segregates de jure from de facto? Is not the Stennis amendment putting them together, integrating them, saying uniformity, whether de jure or de facto? The distinguished Senator from Mississippi integrated them upon the Senate floor, and the Senator from Missouri went into the conference committee and segregated them.

Mr. EAGLETON. I think the Stennis amendment, regardless of what semantics one wishes to apply to it, "clutter-gated" them together. It "clutter-gated" or obfuscated the whole field of law. The Senator from Mississippi, himself, on television, after the adoption of his amendment, when he was interviewed, said it is "too early to tell for certain what its effect will be." He counseled caution to the constituents of his State and said they have to be cautious, because it is too early "to tell what the effect will be."

Mr. HOLLINGS. Exactly. But what we are talking about is intent.

Mr. EAGLETON. If the Stennis amendment on its face is confusing and susceptible of varying interpretations, I think it is in the best interest of Congress to try to tell the American public precisely—subject to no equivocation, subject to no duplicitous interpretation—what Congress was intending.

Mr. HOLLINGS. That is right. That is the intent. And the intent of Congress. The effect is always unclear in this particular field because of the duplicity—by the U.S. Supreme Court.

Congress spoke loudly, clearly, and eloquently with respect to the 1964 Civil

Rights Act on racial imbalance. But then came the U.S. Supreme Court and completely ignored it.

So we speak again clearly, and what I rather resist is the Senate trying to outdo the U.S. Supreme Court in compounding and confusing the manifest and clear intent of the Senate when it says "whether de jure or de facto," and coming around and instead asking us this morning to vote for a segregation law, and it is being led by the so-called integrationists.

That is what I am trying to get at. The Senator from Missouri is the one segregating it. We integrated the terms. We said, "whether de jure or de facto," and we made it clear.

The Senator said the effect might be clouded somewhat as it always seems to be in school litigation, but not with respect to the intent. Does the distinguished Senator from Missouri think that the language in section (b) clarifies or nullifies the language "whether de jure or de facto"? Does the Senator think that clarifies it?

Mr. EAGLETON. I will answer that. Ours is not to segregate. Ours is to specify. Ours is not to obfuscate. Ours is to elucidate.

One of the varying interpretations of the original Stennis amendment was made by the Library of Congress. The people at the Library were a little confused about it. But they came up with this "possible conclusion" of the Stennis amendment. They said that the most likely—they are not sure—the most likely result of the Stennis amendment would be to end enforcement of title VI of the Civil Rights Act against admittedly dual systems.

I take it that the Senator from South Carolina, since he is now for the total integration of statutory language, would not want to see such an evil deed result from the adoption of the original Stennis amendment—that is, the cessation of enforcement of title VI against dual school systems?

Mr. HOLLINGS. Uniformly.

Mr. EAGLETON. Uniformly segregated?

Mr. HOLLINGS. No, uniformly the elimination of dual school systems—uniformly, whether de facto or de jure. In fact, the Court gives a rather good guideline by saying "unitary." They say unitary, but we say uniformly. But a bunch of segregationist Senators going to the conference committee segregate de jure from de facto. Is that not agony to the Senator from Missouri? When the Senator talks about the agony of a conference committee, how could he agonize so and come up with that?

Mr. EAGLETON. I am much less agonized today than I was during the long, hot conferences that went on into the late hours of the night in which we were trying to effectuate some rational compromise so that the public educational system of this county could go forward. We thought it was a commendable objective, and I still believe so.

We call for the uniform application of desegregation laws in dual school system. Dual school systems have got to go now, says the Supreme Court. We also call for a uniform application of whatever rules may be devised in futuro with respect to de facto segregation.

I repeat, I think the Senator from South Carolina is overlooking a very important point here that has not heretofore been in any Federal statute to my knowledge, but will be in a Federal statute if the conference report is adopted; namely, that de facto segregation in Atlanta, if, in fact, it be that today will be treated the same as de facto segregation anywhere else in the country, regardless of the historical ancestry or origin of that de facto segregation.

Mr. ERVIN. Mr. President, will the Senator from Missouri yield?

Mr. EAGLETON. I yield.

Mr. ERVIN. If I may lapse into North Carolina vernacular here, "de fact is" that the change made in the conference committee segregates schools in the South from those in the North for the purpose of integration.

Mr. EAGLETON. I respectfully disagree with the Senator.

Mr. ERVIN. That is "de fact."

Mr. HOLLINGS. That is "de fact" both in Latin and English; right?

Mr. ERVIN. That is correct.

Mr. EAGLETON. I respectfully disagree with the Senator from North Carolina.

Mr. HOLLINGS. Well, now, let us go to New York, South Carolina, or Missouri. Missouri does not have any freedom-of-choice laws. It does not have a school law. The Senator from Missouri says freedom of choice is a thing, a gimmick, to promote and continue segregation.

Mr. EAGLETON. We did not wait for the 1954 Brown against Board of Education case. In Missouri, the 872 Missouri school districts voluntarily began the desegregation process in 1948.

Mr. HOLLINGS. Then, there is no freedom-of-choice law in Missouri?

Mr. EAGLETON. We have selective assignment laws for every student originally enrolled in his closest neighborhood school. If in a certain section of any school district there is overcrowding and if in another section of the school district there is an undersupply of students and an abundance of space, one can apply for a transfer from the original neighborhood assignment to the less crowded school.

Mr. HOLLINGS. But what about with respect to freedom of choice? Does that amount to freedom of choice?

Mr. EAGLETON. Unlike the Senator from South Carolina, I do not get hung up on the cliches or the vernacular in the involvement in this matter. All I say is that Missouri schools are integrated insofar as it is conceivably possible to have them integrated, bearing in mind the geographical and ethnic housing patterns.

Take my own city of St. Louis. Generally speaking, north St. Louis is black. Generally speaking, south St. Louis is white. Generally speaking, the schools in north St. Louis have black students. Generally speaking, the schools of south side of St. Louis have white students.

Mr. HOLLINGS. Missouri does not have segregated schools, does it?

Mr. EAGLETON. All Missouri school district are unitary school districts.

Mr. HOLLINGS. Now we are back to the vernacular.

Mr. EAGLETON. We are back to the law. That is what we are debating here. We are debating the law both what it has been and what it will be.

Mr. HOLLINGS. What has the Supreme Court said about freedom of choice? Has it not said that it has been a gimmick to continue the dual school system?

Mr. EAGLETON. I believe it has; yes.

Mr. HOLLINGS. It said that freedom of choice, generally, by law, is bad, did it not? That it is a sort of segregation law? New York has a freedom-of-choice law, has it not?

Mr. HANSEN. Mr. President, I call for the regular order. Who has the floor?

The PRESIDING OFFICER. The Senator from Wyoming calls for the regular order.

Mr. PELL. Mr. President, I yielded to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Rhode Island yielded to the Senator from Missouri and then took his seat, thus losing the floor; therefore, at this time, the Chair does recognize the Senator from Missouri in his own right.

Mr. EAGLETON. I thank the Chair.

Mr. President, the courts have said that if freedom of choice is used as a sham and a pretense and as an excuse for the furtherance of the dual school system—which has been done in many instances—then that is violative of the Brown against Board of Education decision and is violative of the 14th amendment.

Mr. HOLLINGS. New York has a freedom-of-choice system, does it not?

Mr. EAGLETON. New York has a freedom-of-choice system in a unitary school district.

Mr. ERVIN. Mr. President, will the Senator from Missouri yield?

Mr. EAGLETON. I yield.

Mr. ERVIN. Has not the Supreme Court held in the past 3 or 4 weeks that a unitary school system is a school system in which no child is effectively excluded from any school on account of race or color?

Mr. EAGLETON. By official action.

Mr. ERVIN. I agree, yes; by official action. I submitted an amendment which made clear what the bill itself undertook to do. It provided that there should be no assignment of children to any school, and no transportation of children to any school, to alter the racial composition of any school. That is clearly in harmony with the latest decisions of the Supreme Court.

Mr. EAGLETON. Pardon me. Is the Senator not talking about his amendment that was adopted in the bill and has now been taken out of the conference report?

Mr. ERVIN. Yes. So evidently the conference committee goes beyond—at least the majority on the conference committee go beyond—whatever the Supreme Court said on the question of forced integration.

Mr. EAGLETON. I must disagree with the Senator from North Carolina. I remember his amendment quite well. I remember the debate on it in the conference committee. The Senator from North

Carolina may remember that when he was proposing and debating his amendment, he had extensive colloquy on it with the Senator from Rhode Island (Mr. PASTORE). The Senator from Rhode Island was willing to accept the new additional language that the Senator from North Carolina was going to add the words: "or alter racial composition." I then asked the Senator from Rhode Island if, in his judgment, the adoption of that language, which at first he was unwilling to accept, but later did accept, in any way altered, affected, or changed the law that existed as of that moment. He said it did not and that in his judgment it was "innocuous surplusage." I agreed with the Senator from Rhode Island, and the House conferees thought it was innocuous surplusage and that it did not add or subtract much; hence, it was deleted.

Mr. ERVIN. The point I made with the Senator from Rhode Island on the floor of the Senate was that the Civil Rights Act of 1964 said that desegregation meant the assignment of children to schools without regard to race, that desegregation did not mean the assignment of children to schools to overcome racial imbalance. I thought that that was plain. But I pointed out that the necessity for my amendment was that HEW steadfastly refused to recognize the congressional intent, although it was expressed in the 1964 Civil Rights Act and had been three times reiterated since then; hence, putting in the words "or alter racial composition" meant just exactly what they said, and what Congress had said, that we could not bus children or assign children so as to make any changes, however imperceptible, in the racial composition of a school.

It seems to me that the conference committee should have retained that wording, which made that clear, and not allow any further rule for HEW to wiggle and twist and turn and disobey the acts of Congress; yet the conference committee had that chance, and the conference committee refused to avail itself of that opportunity.

Mr. EAGLETON. The Senator is correct. The conference committee did agree to delete the amendment.

I do not have the CONGRESSIONAL RECORD of the day in question in front of me, but it is my recollection that in his presentation of the amendment, the Senator from North Carolina articulated the fact that he himself saw no difference between the words racial imbalance and the words racial composition.

Again, to the Senator from North Carolina, as a student of the English language and a distinguished jurist, those words signified the same thing, and he so stated, if my recollection serves me right in his presentation. Hence, since they added nothing new, since racial composition is not a way of talking about racial imbalance, and since in our judgment they added nothing new, I did not think we were giving up very much.

Mr. ERVIN. Mr. President, I stated very emphatically on the floor of the Senate that I wanted to put it in the RECORD to make clear the meaning of the original Act 1964, because for some strange reason HEW seemed to be incapable of understanding the English language.

It seems to me that the conference committee should retain it for that reason, and I cannot escape the conviction that this change made in the Stennis amendment and the dropping by the conference committee of the amendment proposed by me is intended to accomplish the purpose which has existed since the 1964 act—for the HEW and the Federal courts to browbeat the South and ignore similar conditions which exist in other sections of the country.

I think it was designed—as I say "defact is"—to segregate the South from the rest of the country. And that will be the result of it if the HEW pursues the course of action which it has thus far taken.

Mr. EAGLETON. Mr. President, I yield briefly to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, this morning President Nixon issued a very significant and comprehensive statement on the subject of elementary and secondary school desegregation. I ask unanimous consent that the text of the statement be printed at this point in the RECORD.

There being no objection the statement was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE.

STATEMENT BY THE PRESIDENT ON ELEMENTARY AND SECONDARY SCHOOL DESEGREGATION

My purpose in this statement is to set forth in detail this Administration's policies on the subject of desegregation of America's elementary and secondary schools.

Few public issues are so emotionally charged as that of school desegregation, few so wrapped in confusion and clouded with misunderstanding. None is more important to our national unity and progress.

This issue is not partisan. It is not sectional. It is an American issue, of direct and immediate concern to every citizen.

I hope that this statement will reduce the prevailing confusion and will help place public discussion of the issue on a more rational and realistic level in all parts of the nation. It is time to strip away the hypocrisy, the prejudice and the ignorance that too long have characterized discussion of this issue.

My specific objectives in this statement are:

To reaffirm my personal belief that the 1954 decision of the Supreme Court in *Brown* v. *Board of Education* was right in both Constitutional and human terms.

To assess our progress in the 16 years since *Brown* and to point the way to continuing progress.

To clarify the present state of the law, as developed by the courts and the Congress, and the Administration policies guided by it.

To discuss some of the difficulties encountered by courts and communities as desegregation has accelerated in recent years, and to suggest approaches that can mitigate such problems as we complete the process of compliance with *Brown*.

To place the question of school desegregation in its larger context, as part of America's historic commitment to the achievement of a free and open society.

Anxiety over this issue has been fed by many sources.

On the one hand, some have interpreted various Administration statements and actions as a backing away from the principle of *Brown*—and have therefore feared that the painstaking work of a decade and a half might be undermined. We are not backing away. The Constitutional mandate will be enforced.

On the other hand, several recent decisions by lower courts have raised widespread fears that the nation might face a massive disruption of public education: that wholesale compulsory busing may be ordered and the neighborhood school virtually doomed. A comprehensive review of school desegregation cases indicates that these latter are untypical decisions, and that the prevailing trend of judicial opinion is by no means so extreme.

Certain changes are needed in the nation's approach to school desegregation. It would be remarkable if sixteen years of hard, often tempestuous experience had not taught us something about how better to manage the task with a decent regard for the legitimate interests of all concerned—and especially the children. Drawing on this experience, I am confident the remaining problems can be overcome.

WHAT THE LAW REQUIRES

In order to determine what ought to be done, it is important first to be as clear as possible about what *must* be done.

We are dealing fundamentally with inalienable human rights, some of them constitutionally protected. The final arbiter of Constitutional questions is the United States Supreme Court.

The President's Responsibility

There are a number of questions involved in the school controversy on which the Supreme Court has not yet spoken definitively. Where it has spoken, its decrees are the law. Where is has not spoken, where Congress has not acted, and where differing lower courts have left the issue in doubt, my responsibilities as Chief Executive make it necessary that I determine, on the basis of my best judgment, what must be done.

In reaching that determination, I have sought to ascertain the prevailing judicial view as developed in decisions by the Supreme Court and the various Circuit Courts of Appeals. In this statement I list a number of principles derived from that prevailing judicial view. I accept those principles and shall be guided by them. The Departments and agencies of the Government will adhere to them.

A few recent cases in the lower courts have gone beyond those generally accepted principles. Unless affirmed by the Supreme Court, I will not consider them as precedents to guide Administration policy elsewhere.

What the Supreme Court Has Said

To determine the present state of the law, we must first remind ourselves of the recent history of Supreme Court rulings in this area.

This begins with the *Brown* case in 1954, when the Court laid down the principle that deliberate segregation of students by race in the public schools was unconstitutional. In that historic ruling, the court gave legal sanction to two fundamental truths—that separation by law establishes schools that are inherently unequal, and that a promise of equality before the law cannot be squared with use of the law to establish two classes of people, one black and one white.

The Court requested further argument, however, and propounded the following questions, among others:

"Assuming it is decided that segregation in public schools violates the Fourteenth Amendment

"a. would a decree necessarily follow providing that, within the limits set by normal geographic school districting, Negro children

should forthwith be admitted to schools of their choice, or

"b. may this Court, in the exercise of its equity powers, permit an effective gradual adjustment to be brought about from existing segregated systems to a system not based on color distinctions?"

In its second *Brown* decision the following year, the Court addressed itself to these questions of manner and timing of compliance. Its ruling included these principles:

Local school problems vary: school authorities have the primary responsibility for solving these problems; courts must consider whether these authorities are acting in good faith.

The courts should be guided by principles of equity, which traditionally are "characterized by a practical flexibility in shaping its remedies and by a facility for adjusting and reconciling public and private needs."

Compliance must be achieved "with all deliberate speed," including "a prompt and reasonable start" toward achieving full compliance "at the earliest practicable date."

In 1964, the Supreme Court spoke again: "The time for mere 'deliberate speed' has run out, and that phrase can no longer justify denying these . . . children their constitutional rights."

At the same time, Congress also added to the impetus of desegragation by passing the Civil Rights Act of 1964, an Act that as a private citizen I endorsed and supported.

Although the Supreme Court in the *Brown* cases concerned itself primarily, if not exclusively, with pupil assignments, its decree applied also to teacher assignments and school facilities as a whole.

In 1968, the Supreme Court reiterated the principle enunciated in prior decisions, that teacher assignments are an important aspect of the basic task of achieving a public school system wholly freed from racial discrimination. During that same year, in another group of Supreme Court decisions, a significant and new set of principles also emerged.

That a school board must establish "that its proposed plan promises meaningful and immediate progress toward disestablishing State-imposed segregation," and that the plan must "have real prospects for dismantling the State-imposed dual system 'at the earliest practicable date.'"

That one test of whether a school board has met its affirmative duty to take whatever steps might be necessary to convert to a unitary system in which racial discrimination would be eliminated root and branch" is the extent to which racial separation persists under its plan.

That the argument that effective desegregation might cause white families to flee the neighborhood cannot be used to sustain devices designed to perpetuate segregation.

That when geographic zoning is combined with "free transfers," and the effect of the transfer privilege is to perpetuate segregation despite the zoning, the plan is unacceptable.

The most recent decisions by the Supreme Court have now rejected any further delay, adding to the Court's mandate:

"The obligation of every school district is to terminate dual systems at once and to operate now and hereafter only unitary schools."

That the obligation of such districts is an affirmative one and not a passive one.

That freedom of choice plans could no longer be considered as an appropriate substitute for the affirmative obligation imposed by the Court unless they, in fact, discharge that obligation immediately.

The Court has dealt only in very general terms with the question of what constitutes a "unitary" system, referring to it as one "within which no person is to be effectively excluded from any school because of race or color." It has not spoken definitely on whether or not, or the extent to which, "desegregation" may mean "integration."

In an opinion earlier this month, Chief Justice Burger pointed out a number of "basic practical problems" which the Court had not yet resolved, "including whether, as a Constitutional matter, any particular racial balance must be achieved in the schools: to what extent school districts and zones may or must be altered as a Constitutional matter; to what extent transportation may or must be provided to achieve the ends sought by prior holdings of this Court."

One of these areas of legal uncertainty cited by Chief Justice Burger—school transportation—involves Congressional pronouncement.

In the 1964 Civil Rights Act, the Congress stated, ". . . nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to insure compliance with constitutional standards."

In the 1966 amendments to the Elementary and Secondary Education Act, the Congress further stated, ". . . . nothing contained in this Act shall . . . require the assignment or transportation of students or teachers in order to overcome racial imbalance."

I am advised that these provisions cannot constitutionally be applied to *de jure* segregation. However, not all segregation as it exists today is *de jure*.

I have consistently expressed my opposition to any compulsory busing of pupils beyond normal geographic school zones for the purpose of achieving racial balance.

What the lower courts have said

In the absence of definitive Supreme Court rulings, these and other "basic practical problems" have been left for case-by-case determination in the lower courts—and both real and apparent contradictions among some of these lower court rulings have generated considerable public confusion about what the law really requires.

In an often-cited case in 1955 (*Briggs* v. *Elliott*), a District Court held that "the Constitution . . . does not require integration. . . . It merely forbids the use of governmental power to enforce segregation."

But in 1966 another court took issue with this doctrine, pointing out that it had been used as justifying "techniques for perpetuating school segregation," and declaring that:

". . . the only adequate redress for a previously overt systemwide policy of segregation directed against Negroes as a collective entity is a system-wide policy of integration."

In 1969, the 4th Circuit Court of Appeals declared:

"The famous *Briggs* v. *Elliott* dictum—adhered to by this court for many years—that the Constitution forbids segregation but does not require integration. . . . is now dead."

Cases in two circuit courts have held that the continued existence of some all-black schools in a formerly segregated district did *not* demonstrate unconstitutionality, with one noting that there is "no duty to balance the races in the school system in conformity with some mathematical formula."

Another circuit court decision declared that even though a district's geographic zones were based on objective, non-racial criteria, the fact that they failed to produce any significant degree of integration meant that they *were* unconstitutional.

Two very recent Federal court decisions continue to illustrate the range of opinion: a plan of a southern school district has been upheld even though three schools would remain all-black, but a northern school system has been ordered by another Federal court to integrate all of its schools completely "by the revising of boundary lines for attendance purposes as well as busing so as to achieve maximum racial integration."

This range of differences demonstrates that lawyers and judges have honest disagreements about what the law requires. There have been some rulings that would divert such huge sums of money to non-educational purposes, and would create such severe dislocations of public school systems, as to impair the primary function of providing a good education. In one, for example—probably the most extreme judicial decree so far—a California State court recently ordered the Los Angeles School Board to establish a virtually uniform racial balance throughout its 711 square mile district, with its 775,000 children in 561 schools. Local leaders anticipate that this decree would impose an expenditure of $40,000,000 over the next school year to lease 1,600 buses, to acquire site locations to house them, to hire drivers, and to defray operating costs. Subsequent costs would approximate $20,000,000 annually. Some recent rulings by federal district courts applicable to other school districts appear to be no less severe.

I am dedicated to continued progress toward a truly desegregated public school system. But, considering the always heavy demands for more school operating funds, I believe it is preferable, when we have to make the choice, to use limited financial resources for the improvement of education—for better teaching facilities, better methods, and advanced educational materials—and for the upgrading of the disadvantaged areas in the community rather than buying buses, tires and gasoline to transport young children miles away from their neighborhood schools.

What most of the courts agree on

Despite the obvious confusion, a careful survey of rulings both by the Supreme Court and by the Circuit Courts of Appeals suggests that the basic judicial approach may be more reasonable than some have feared. Whatever a few lower courts might have held to the contrary, the prevailing trend of judicial opinion appears to be summed up in these principles:

There is a fundamental distinction between so-called *"de jure"* and *"de facto"* segregation: *de jure* segregation arises by law or by the deliberate act of school officials and is unconstitutional; *de facto* segregation results from residential housing patterns and does not violate the Constitution. (The clearest example of *de jure* segregation is the dual school system as it existed in the South prior to the decision in *Brown*—two schools, one Negro and one White, comprised of the same grades and serving the same geographical area. This is the system with which most of the decisions, and the Supreme Court cases up until now, have been concerned.)

Where school boards have demonstrated a good-faith effort to comply with court rulings, the courts have generally allowed substantial latitude as to method—often making the explicit point that administrative choices should, wherever possible, be made by the local school authorities themselves.

In devising particular plans, questions of cost, capacity, and convenience for pupils and parents are relevant considerations.

Whatever the racial composition of student bodies, faculties and staff must be assigned in a way that does not contribute to identifying a given school as "Negro" or "White."

In school districts that previously operated dual systems, affirmative steps toward integration are a key element in disestablishing the dual system. This positive integration, however, does not necessarily have to result in "racial balance" throughout the system. When there is racial separation in housing, the Constitutional requirement has

been held satisfied even though some schools remained all-black.

While the dual school system is the most obvious example, *de jure* segregation is also found in more subtle forms. Where authorities have deliberately drawn attendance zones or chosen school locations for the express purpose of creating and maintaining racially separate schools, *de jure* segregation is held to exist. In such a case the school board has a positive duty to remedy it. This is so even though the board ostensibly operates a unitary system.

In determining whether school authorities are responsible for existing racial separation—and thus whether they are Constitutionally required to remedy it—the *intent* of their action in locating schools, drawing zones, etc., is a crucial factor.

In the case of genuine *de facto* segregation (i.e., where housing patterns produce substantially all-Negro or all-White schools, and where this racial separation has not been caused by deliberate official action) school authorities are not Constitutionally required to take any positive steps to correct the imbalance.

To summarize: There is a Constitutional mandate that dual school systems and other forms of *de jure* segregation be eliminated totally. But within the framework of that requirement an area of flexibility—a "rule of reason"—exists, in which school boards, acting in good faith, can formulate plans of segregation which best suit the needs of their own localities.

De facto segregation, which exists in many areas both North and South, is undesirable but is not generally held to violate the Constitution. Thus, residential housing patterns may result in the continued existence of some all-Negro schools even in a system which fully meets Constitutional standards. But in any event, local school officials *may* if they so choose, take steps beyond the Constitutional minimums to diminish racial separation.

SCHOOL DESEGREGATION TODAY

The progress

Though it began slowly, the momentum of school desegregation has become dramatic.

Thousands of school districts throughout the South have met the requirements of law.

In the past year alone, the number of black children attending southern schools held to be in compliance has doubled, from less than 600,000 to nearly 1,200,000—representing 40 per cent of the Negro student population.

In most cases, this has been peacefully achieved.

However, serious problems are being encountered both by communities and by courts—in part as a consequence of this accelerating pace.

The problems

In some communities, racially mixed schools have brought the community greater interracial harmony; in others they have heightened racial tension and exacerbated racial frictions. Integration is no longer seen automatically and necessarily as an unmixed blessing for the Negro, Puerto Rican or Mexican-American child. "Racial balance" has been discovered to be neither a static nor a finite condition; in many cases it has turned out to be only a way station on the road to resegregation. Whites have deserted the public schools, often for grossly inadequate private schools. They have left the now re-segregated public schools foundering for lack of support. And when whites flee the central city in pursuit of all- or predominantly-white schools in the suburbs, it is not only the central city schools that become racially isolated, but the central city itself.

These are not theoretical problems, but actual problems. They exist not just in the realm of law, but in the realm of human attitudes and human behavior. They are part of the real world, and we have to take account of them.

The Complexities

Courts are confronted with problems of equity, and administrators with problems of policy. For example: To what extent does desegregation of dual systems require positive steps to achieve integration? How are the rights of individual children and their parents to be guarded in the process of enforcement? What are the educational impacts of the various means of desegregation—and where they appear to conflict, how should the claims of education be balanced against those of integration? To what extent should desegregation plans attempt to anticipate the problem of *re*segregation?

These questions suggest the complexity of the problems. These problems confront us in the North as well as the South, and in rural communities, suburbs and central cities.

The troubles in our schools have many sources. They stem in part from deeply rooted racial attitudes; in part from differences in social, economic and behavioral patterns; in part from weaknesses and inequities in the educational system itself; in part from the fact that by making schools the primary focus of efforts to remedy long-standing social ills, in some cases greater pressure has been brought to bear on the schools than they could withstand.

The Context

Progress toward school desegregation is part of two larger processes, each equally essential:

The improvement of educational opportunities for all of America's children.

The lowering of artificial racial barriers in all aspects of American life.

Only if we keep each of these considerations clearly in mind—and only if we recognize their separate natures—can we approach the question of school desegregation realistically.

It may be helpful to step back for a moment, and to consider the problem of school desegregation in its larger context.

The school stands in a unique relationship to the community, to the family, and to the individual student. It is a focal point of community life. It has a powerful impact on the future of all who attend. It is a place not only of learning, but also of living—where a child's friendship center, where he learns to measure himself against others, to share, to compete, to cooperate—and it is the one institution above all others with which the parent shares his child.

Thus it is natural that whatever affects the schools stirs deep feelings among parents, and in the community at large.

Whatever threatens the schools, parents perceive—rightly—as a threat to their children.

Whatever makes the schools more distant from the family undermines one of the important supports of learning.

Quite understandably, the prospect of any abrupt change in the schools is seen as a threat.

As we look back over these sixteen years, we find that many changes that stirred fears when they first were ordered have turned out well. In many Southern communities, black and white children now learn together—and both the schools and the communities are better where the essential changes have been accomplished in a peaceful way.

But we also have seen situations in which the changes have not worked well. These have tended to command the headlines, thus increasing the anxieties of those still facing change.

Overburdening the schools

One of the mistakes of past policy has been to demand too much of our schools: They have been expected not only to educate, but also to accomplish a social transformation. Children in many instances have not been served, but used—in what all too often has proved a tragically futile effort to achieve in the schools the kind of a multiracial society which the adult community has failed to achieve for itself.

If we are to be realists, we must recognize that in a free society there are limits to the amount of government coercion that can reasonably be used; that in achieving desegregation we must proceed with the least possible disruption of the education of the nation's children; and that our children are highly sensitive to conflict, and highly vulnerable to lasting psychic injury.

Failing to recognize these factors, past policies have placed on the schools and the children too great a share of the burden of eliminating racial disparities throughout our society. A major part of this task falls to the schools. But they cannot do it all or even most of it by themselves. Other institutions can share the burden of breaking down racial barriers, but only the schools can perform the task of education itself. If our schools fail to educate, then whatever they may achieve in integrating the races will turn out to be only a pyrrhic victory.

With housing patterns what they are in many places in the nation, the sheer numbers of pupils and the distances between schools make full and prompt school integration in every such community impractical—even if there were a sufficient desire on the part of the community to achieve it. In Los Angeles, 78 per cent of all Negro pupils attend schools that are 95 per cent or more black. In Chicago the figure is 85 per cent—the same as in Mobile, Alabama. Many smaller cities have the same patterns. Nationwide, 61 per cent of all Negro students attend schools which are 95 per cent or more black.

Demands that an arbitrary "racial balance" be established as a matter of right misinterpret the law and misstate the priorities.

As a matter of educational policy, some school boards have chosen to arrange their school systems in such a way as to provide a greater measure of racial integration. The important point to bear in mind is that where the existing racial separation has not been caused by official action, this increased integration is and should remain a matter for local determination.

Pupil assignments involve problems which do not arise in the case of the assignment of teachers. If school administrators were truly color blind and teacher assignments did not reflect the color of the teacher's skin, the law of averages would eventually dictate an approximate racial balance of teachers in each school within a system.

Not just a matter of race

Available data on the educational effects of integration are neither definitive nor comprehensive. But such data as we have suggest strongly that, under the appropriate conditions, racial integration in the classroom can be a significant factor in improving the quality of education for the disadvantaged. At the same time, the data lead us into several more of the complexities that surround the desegregation issue.

For one thing, they serve as a reminder that, from an educational standpoint, to approach school questions solely in terms of race is to go astray. The data tell us that in educational terms, the significant factor is not race but rather the educational environment in the home—and indeed, that the single most important educational factor in a school is the kind of home environment its pupils come from. As a general rule, children from families whose home environment encourages learning—whatever their race—are higher achievers; those from homes offering little encouragement are lower achievers.

Which effect the home environment has de-

pends on such things as whether books and magazines are available, whether the family subscribes to a newspaper, the educational level of the parents, and their attitude toward the child's education.

The data strongly suggest, also, that in order for the positive benefits of integration to be achieved, the school must have a majority of children from environments that encourage learning—recognizing, again, that the key factor is not race but the kind of home the child comes from. The greater concentration of pupils whose homes encourage learning—of whatever race—the higher the achievement levels not only of those pupils, but also of others in the same school. Students learn from students. The reverse is also true: the greater concentration of pupils from homes that discourage learning, the lower the achievement levels of all.

We should bear very carefully in mind, therefore, the distinction between educational difficulty as a result of race, and educational difficulty as a result of social or economic levels, of family background, of cultural patterns, or simply of bad schools. Providing better education for the disadvantaged requires a more sophisticated approach than mere racial mathematics.

In this same connection, we should recognize that a smug paternalism has characterized the attitudes of many white Americans toward school questions. There has been an implicit assumption that blacks or others of minority races would be improved by association with whites. The notion that an all-black or predominantly-black school is automatically inferior to one which is all or predominantly-white—even though not a product of a dual system—inescapably carries racist overtones. And, of course, we know of hypocrisy: not a few of those in the North most stridently demanding racial integration of public schools in the South at the same time send their children to private schools to avoid the assumed inferiority of mixed public schools.

It is unquestionably true that most black schools—though by no means all—are in fact inferior to most white schools. This is due in part to past neglect or shortchanging of the black schools; and in part to long-term patterns of racial discrimination which caused a greater proportion of Negroes to be left behind educationally, left out culturally, and trapped in low paying jobs. It is not really because they serve black children that most of these schools are inferior, but rather because they serve poor children who often lack the home environment that encourages learning.

Innovative approaches

Most public discussion of overcoming racial isolation centers on such concepts as compulsory "busing"—taking children out of the schools they would normally attend, and forcing them instead to attend others more distant, often in strange or even hostile neighborhoods. Massive "busing" is seen by some as the only alternative to massive racial isolation.

However, a number of new educational ideas are being developed, designed to provide the educational benefits of integration without depriving the student of his own neighborhood school.

For example, rather than attempting dislocation of whole schools, a portion of a child's educational activities may be shared with children from other schools. Some of his education is in a "home-base" school, but some outside it. This "outside learning" is in settings that are defined neither as black nor white, and sometimes in settings that are not even in traditional school buildings. It may range all the way from intensive work in reading to training in technical skills, and to joint efforts such as drama and athletics.

By bringing the children together on "neutral" territory friction may be dispelled; by limiting it to part-time activities no one would be deprived of his own neighborhood school; and the activities themselves provide the children with better education.

This sort of innovative approach demonstrates that the alternatives are not limited to perpetuating racial isolation on the one hand, and massively disrupting existing school patterns on the other. Without uprooting students, devices of this kind can provide an additional educational experience within an integrated setting. The child gains both ways.

Good faith and the courts

Where desegregation proceeds under the mandate of law, the best results require that the plans be carefully adapted to local circumstances.

A sense of compassionate balance is indispensable. The concept of balance is no stranger to our Constitution. Even First Amendment freedoms are not absolute and unlimited; rather the scales of that "balance" have been adjusted with minute care, case by case, and the process continues.

In my discussion of the status of school desegregation law, I indicated that the Supreme Court has left a substantial degree of latitude within which specific desegregation plans can be designed. Many lower courts have left a comparable degree of latitude. This does not mean that the courts will tolerate or the Administration condone evasions or subterfuges; it does mean that if the essential elements of good faith is present, it should ordinarily be possible to achieve legal compliance with a minimum of educational disruption, and through a plan designed to be responsive to the community's own local circumstances.

This matter of good faith is critical.

Thus the far-sighted local leaders who have demonstrated good faith by smoothing the path of compliance in their communities have helped lay the basis for judicial attitudes taking more fully into account the practical problems of compliance.

How the Supreme Court finally rules on the major issues it has not yet determined can have a crucial impact on the future of public education in the United States.

Traditionally, the Court has refrained from deciding Constitutional questions until it became necessary. This period of legal uncertainty has occasioned vigorous controversy over what the thrust of the law should be.

As a nation, we should create a climate in which these questions, when they finally are decided by the Court, can be decided in a framework most conducive to reasonable and realistic interpretation.

We should not provoke any court to push a Constitutional principle beyond its ultimate limit in order to compel compliance with the court's essential, but more modest, mandate. The best way to avoid this is for the nation to demonstrate that it does intend to carry out the full spirit of the Constitutional mandate.

POLICIES OF THIS ADMINISTRATION

It will be the purpose of this Administration to carry out the law fully and fairly. And where problems exist that are beyond the mandate of legal requirements, it will be our purpose to seek solutions that are both realistic and appropriate.

I have instructed the Attorney General, the Secrtary of Health, Education and Welfare, and other appropriate officials of the Government to be guided by these basic principles and policies:

Principles of enforcement

Deliberate racial segregation of pupils by official action is unlawful, wherever it exists. In the words of the Supreme Court, it must be eliminated "root and branch"—and it must be eliminated at once.

Segregation of teachers must be eliminated. To this end, each school system in this nation, North and South, East and West, must move immediately, as the Supreme Court has ruled, toward a goal under which "in each school the ratio of White to Negro faculty members is substantially the same as it is throughout the system."

With respect to school facilities, school administrators throughout the nation, North and South, East and West, must move immediately, also in conformance with the Court's ruling, to assure that schools within individual school districts do not discriminate with respect to the quality of facilities or the quality of education delivered to the children within the district.

In devising local compliance plans, primary weight should be given to the considered judgment of local school boards—provided they act in good faith, and within Constitutional limits.

The neighborhood school will be deemed the most appropriate base for such a system.

Transportation of pupils beyond normal geographic school zones for the purpose of achieving racial balance will not be required.

Federal advice and assistance will be made available on request, but Federal officials should not go beyond the requirements of law in attempting to impose their own judgment on the local school district.

School boards will be encouraged to be flexible and creative in formulating plans that are educationally sound and that result in effective desegregation.

Racial imbalance in a school system may be partly *de jure* in origin, and partly *de facto*. In such a case, it is appropriate to insist on remedy for the *de jure* portion, which is unlawful, without insisting on a remedy for the lawful *de facto* portion.

De facto racial separation, resulting genuinely from housing patterns, exist in the South as well as the North; in neither area should this condition by itself be cause for Federal enforcement actions. *De jure* segregation brought about by deliberate school-board gerrymandering exists in the North as the South; in both areas this must be remedied. In all respects, the law should be applied equally, North and South, East and West.

This is one nation. We are one people. I feel strongly that as Americans we must be done, now and for all future time, with the divisive notion that these problems are sectional.

Policies for progress

In those communities facing desegregation orders, the leaders of the communities will be encouraged to lead—not in defiance, but in smoothing the way of compliance. One clear lesson of experience is that local leadership is a fundamental factor in determining success or failure. Where leadership has been present, where it has been mobilized, where it has been effective, many districts have found that they could, after all, desegregate their schools successfully. Where local leadership has failed, the community has failed and the schools and the children have borne the brunt of that failure.

We shall launch a concerted, sustained and honest effort to assemble and evaluate the lessons of experience: to determine what methods of school desegregation have worked, in what situations, and why—and also what has not worked. The Cabinet-level working group I recently appointed will have as one of its principal functions amassing just this sort of information and helping make it available to the communities in need of assistance.

We shall attempt to develop a far greater body of reliable data than now exists on the effects of various integration patterns on the learning process. Our effort must always be to preserve the educational benefit for the children.

We shall explore ways of sharing more broadly the burdens of social transition that

have been laid disproportionately on the schools—ways, that is, of shifting to other public institutions a greater share of the task of undoing the effects of racial isolation.

We shall seek to develop and test a varied set of approaches to the problems associated with *"de facto"* segregation, North as well as South.

We shall intensify our efforts to ensure that the gifted child—the potential leader—is not stifled intellectually merely because he is black or brown or lives in a slum.

While raising the quality of education in all schools, we shall concentrate especially on racially-impacted schools, and particularly on equalizing those schools that are furthest behind.

Words often ring empty without deeds. In government, words can ring even emptier without dollars.

In order to give substance to these commitments, I shall ask Congress to divert $500 million from my previous budget requests for other domestic programs for Fiscal 1971, to be put instead into programs for improving education in racially-impacted areas, North and South, and for assisting school districts in meeting special problems incident to court-ordered desegregation. For Fiscal 1972, I have ordered that $1 billion be budgeted for the same purposes.

I am not content simply to see this money spent, and then to count the spending as the measure of accomplishment. For much too long, national "commitments" have been measured by the number of Federal dollars spent rather than by more valid measures such as the quality of imagination displayed, the amount of private energy enlisted or, even more to the point, the results achieved.

If this $1.5 billion accomplishes nothing, then the commitment will mean nothing.

If it enables us to break significant new ground, then the commitment will mean everything.

This I deeply believe:

Communities desegregating their schools face special needs—for classrooms, facilities, teachers, teacher training—and the nation should help meet those needs.

The nation also has a vital and special stake in upgrading education where de facto segregation persists—and where extra efforts are needed if the schools are to do their job. These schools, too, need extra money for teachers and facilities.

Beyond this, we need to press forward with innovative new ways of overcoming the effects of racial isolation and of making up for environmental deficiencies among the poor.

I have asked the Vice President's Cabinet Committee on School Desegregation, together with the Secretary of Health, Education and Welfare, to consult with experts in and out of government and prepare a set of recommended criteria for the allocation of these funds.

I have specified that these criteria should give special weight to four categories of need:

The special needs of desegregating (or recently desegregated) districts for additional facilities, personnel and training required to get the new, unitary system successfully started.

The special needs of racially-impacted schools where *de facto* segregation persists—and where immediate infusions of money can make a real difference in terms of educational effectiveness.

The special needs of those districts that have the furthest to go to catch up educationally with the rest of the nation.

The financing of innovative techniques for providing educationally sound inter-racial experiences for children in racially isolated schools.

This money—the $500 million next year, and $1 billion in Fiscal 1972—must come from other programs. Inevitably, it represents a further reordering of priorities on the domestic scene. It represents a heightened priority for making school desegregation work, and for helping the victims of racial isolation learn.

Nothing is more vital to the future of our nation than the education of its children; and at the heart of equal opportunity is equal educational opportunity. These funds will be an investment in both the quality and the equality of that opportunity.

This money is meant to provide help *now*, where help is needed now.

As we look to the longer-term future, it is vital that we concentrate more effort on understanding the process of learning—and improving the process of teaching. The educational needs we face cannot be met simply with more books, more classrooms and more teachers—however urgently these are needed now in schools that face shortages. We need more effective methods of teaching, and especially of teaching those children who are hardest to reach and most lacking in a home environment that encourages learning.

In my message on education reform earlier this month, I proposed creation of a National Institute of Education to conduct and to sponsor basic and applied educational research—with special emphasis on compensatory education for the disadvantaged, on the Right to Read, on experimental schools and on the use of television for educational purposes.

I repeat that proposal—and I ask that the Congress consider it a matter of high priority.

A FREE AND OPEN SOCIETY

The goal of this Administration is a free and open society. In saying this, I use the words "free" and "open" quite precisely.

Freedom has two essential elements: the *right* to choose, and the *ability* to choose. The right to move out of a mid-city slum, for example, means little without the means of doing so. The right to apply for a good job means little without access to the skills that make it attainable. By the same token, those skills are of little use if arbitrary policies exclude the person who has them because of race or other distinction.

Similarly, an "open" society is one of open choices—and one in which the individual has the mobility to take advantage of those choices.

In speaking of "desegregation" or "integration," we often lose sight of what these mean within the context of a free, open, pluralistic society. We cannot be free, and at the same time be required to fit our lives into prescribed places on a racial grid—whether segregated or integrated, and whether by some mathematical formula or by automatic assignment. Neither can we be free, and at the same time be denied—because of race—the right to associate with our fellow-citizens on a basis of human equality.

An open society does not have to be homogeneous, or even fully integrated. There is room within it for many communities. Especially in a nation like America, it is natural that people with a common heritage retain special ties; it is natural and right that we have Italian or Irish or Negro or Norwegian neighborhoods; it is natural and right that members of those communities feel a sense of group identity and group pride. In terms of an open society, what matters is mobility: the right and the ability of each person to decide for himself where and how he wants to live, whether as part of the ethnic enclave or as part of the larger society—or, as many do, share the life of both.

We are richer for our cultural diversity; mobility is what allows us to enjoy it.

Economic, educational, social mobility—all these, too, are essential elements of the open society. When we speak of equal opportunity we mean just that: that each person should have an equal chance at the starting line, and an equal chance to go just as high and as far as his talents and energies will take him.

This Administration's programs for helping the poor, for equal opportunity, for expanded opportunity, all have taken a significantly changed direction from those of previous years—and those principles of a free and open society are the keys to the new direction.

Instead of making a man's decisions for him, we aim to give him both the *right* and *ability* to choose for himself—and the mobility to move upward. Instead of creating a permanent welfare class catered to by a permanent welfare bureaucracy, for example, my welfare reform proposal provides job training and a job requirement for all those able to work—and also a regular Family Assistance payment instead of the demeaning welfare handout.

By pressing hard for the "Philadelphia Plan," we have sought to crack the color bar in the construction unions—and thus to give black and other minority Americans both the right and the ability to choose jobs in the construction trades, among the highest paid in the nation.

We have inaugurated new Minority Business Enterprise programs—not only to help minority members get started in business themselves, but also, by developing more black and brown entrepreneurs, to demonstrate to young blacks, Mexican-Americans and others that they, too, can aspire to this same sort of upward economic mobility.

In our education programs, we have stressed the need for far greater diversity in offerings to match the diversity of individual needs—including more and better vocational and technical training, and a greater development of 2-year community colleges.

Such approaches have been based essentially on faith in the individual—knowing that he sometimes needs help, but believing that in the long run he usually knows what is best for himself. Through them also runs a belief that education is the key that opens the door to personal progress.

As we strive to make our schools places of equal educational opportunity, we should keep our eye fixed on this goal: To achieve a set of conditions in which neither the laws nor the institutions supported by law any longer draw an invidious distinction based on race; and going one step further, we must seek to repair the human damage wrought by past segregation. We must give the minority child, that equal place at the starting line that his parents were denied—and the pride, the dignity, the self-respect, that are the birthright of a free American.

We can do no less and still be true to our conscience and our Constitution. I believe that most Americans today, whether North or South, accept this as their duty.

The issues involved in desegregating schools, reducing racial isolation and providing equal educational opportunity are not simple. Many of the questions are profound, the factors complex, the legitimate considerations in conflict, and the answers elusive. Our continuing search, therefore, must be not for the perfect set of answers, but for the most nearly perfect and the most constructive.

I am aware that there are many sincere Americans who believe deeply in instant solutions and who will say that my approach does not go far enough fast enough. They feel that the only way to bring about social justice is to integrate all schools now, everywhere, no matter what the cost in the disruption of education.

I am aware, too, that there are many equally sincere citizens—North and South, black and white—who believe that racial separation is right, and wish the clock of progress would stop or be turned back to 1953. They will be disappointed, too.

But the call for equal educational oppor-

tunity today is in the American tradition. From the outset of the nation, one of the great struggles in America has been to transform the system of education into one that truly provided equal opportunity for all. At first, the focus was on economic discrimination. The system of "fee schools" and "pauper schools" persisted well into the 19th century.

Heated debates preceded the establishment of universal free public education—and even in such States as New York, New Jersey and Connecticut, the system is barely a century old.

Even today, inequities persist. Children in poor areas often are served by poor schools—and unlike the children of the wealthy, they cannot escape to private schools. But we have been narrowing the gap—providing more and better education in more of the public schools, and making higher education more widely available through free tuition, scholarships and loans.

In other areas, too, there were long struggles to eliminate discrimination that had nothing to do with race. Property and even religious qualifications for voting persisted well into the 19th century—and not until 1920 were women finally guaranteed the right to vote.

Now the focus is on race—and on the dismantling of all racial bars to equality of opportunity in the schools. As with the lowering of economic barriers, the pull of conscience and the pull of national self-interest both are in the same direction. A system that leaves any segment of its people poorly educated serves the nation badly, a system that educates all of its people well serves the nation well.

We have overcome many problems in our 190 years as a nation. We can overcome this problem. We have managed to extend opportunity in other areas. We can extend it in this area. Just as other rights have been secured, so too can these rights be secured—and once again the nation will be better for having done so.

I am confident that we can preserve and improve our schools, carry out the mandate of our Constitution, and be true to our national conscience.

Mr. HOLLINGS. Mr. President, if the Senator from Missouri will continue the discussion about one thought I had, perhaps he can clarify something for me. The Senator said New York has a freedom of choice law. Is that correct?

Mr. EAGLETON. Yes. We discussed that in the debate.

Mr. HOLLINGS. As a matter of fact, the New York Times, and I think the CBS in a New Year's roundup in December, said segregation had increased under that law in 1969; that at the end of the year segregation was on the increase.

Mr. EAGLETON. I am not familiar with that article from the Times. But if the Senator says that is what it said, that is correct.

Mr. HOLLINGS. If that is what they say occurred in New York, and that is what occurred under the law in New York, then New York is a de jure State, is it not?

Mr. EAGLETON. Mr. President, New York is one of the 50 States of the Union, but it is happily one of the States that does not apply to de jure or a dual school system.

Mr. HOLLINGS. If that is a freedom of choice, and segregation is on the increase, how does that make it de jure?

Mr. EAGLETON. The statutes of New York do not set up, nor do the New York school districts by administrative fiat set up, separate or dual school systems, one for the blacks and one for the whites.

Mr. HOLLINGS. In New York it results in segregation. But when we pass a law that applies to the South, the law must result in integration. In the North when it results in segregation, they try to maintain that it is de jure segregation and that the law does not apply to New York. However, they say the law does apply to South Carolina, which did away with its segregation 15 years ago.

Mr. EAGLETON. De jure segregation is to be affected by subsection (b) wherever found, from Maine to Hawaii, with every State included in between.

Mr. HOLLINGS. The difference depends on whether they pass a law in the South. If they happen to have had laws in 1954 which did away with that situation, they still consider it de facto. But in a State like New York that in 1969 passed a freedom of choice plan which results in segregation that is de jure segregation. Is that correct?

Mr. EAGLETON. I yield to the Senator from Minnesota.

Mr. MONDALE. Mr. President, we had a colloquy during the debate with the Senator from New York on this matter.

Mr. HOLLINGS. Does the Senator from Minnesota have the floor?

Mr. MONDALE. I do not have the floor.

Mr. EAGLETON. I yield the floor.

Mr. HOLLINGS. Mr. President, do I have the floor? I would like to have the Senator from Minnesota have the floor.

The PRESIDING OFFICER. The Senator from Missouri had the floor. He has yielded to the Senator from Minnesota.

Mr. MONDALE. Mr. President, I simply wanted to clear up one point. During the debate, the Senator from New York (Mr. JAVITS) mentioned that he opposed the New York law. He made it very clear that wherever there was official segregation, including New York, it was clearly unconstitutional and illegal and had to be eliminated.

There is a uniform rule prohibiting official discrimination. And if the law in New York seeks in any way to impair the protection of Constitutional rights it obviously is ineffective.

Mr. HOLLINGS. Mr. President, if the distinguished Senator from Minnesota would stop at that particular point, no one doubts the sincerity of the Senator from New York. But perhaps that is where the administration got its guidelines. They say, "Lower your voice. Do not judge this administration by what we say, but by what we do."

And when we, from our vantage point, looked at the distinguished State of New York and looked at the record of New York, we did not hear any objections until finally we pressured them with the Stennis amendment. We had to flush them out like rabbits out of the brier patch. Then they came up with the statement as to how they opposed the freedom of choice.

We did not see the Secretary of HEW receive any letter from New York about the application of integration guidelines in that 8- by 40-block area known as Harlem.

We find them all the time arm in arm, demonstrating in every fashion possible to show what a terrible situation exists in the South in running the schools in the South.

That is why we wonder when we hear that they got into the conference committee and justified the action of the State of New York. We begin to question it.

Does the Senator from Minnesota really believe in that segregation provision test? He did not write this in the conference committee?

Mr. MONDALE. Mr. President, I think it is probably in order to describe the matter.

Mr. HOLLINGS. Who wrote this section?

Mr. MONDALE. The President has clarified his position on civil rights today. It is all spelled out in 19 pages. I have not read it. But I know it clarifies his position.

Mr. HOLLINGS. Does the Senator know whether the President dealt with de facto and de jure? Do the words de facto or de jure appear anywhere in those 19 pages?

Mr. MONDALE. I would hope so. I believe it does.

Mr. HOLLINGS. We will both research that.

Senators who have preceded the Senator from Minnesota this morning said in the debate that it was not clear about the intent of the Stennis amendment. But is it not a fact that we said, "Let's make it clear and add the language, whether de jure or de facto. We are not going to have two classes of citizens"? Under HEW administration of school laws in America, if an individual, under the 14th amendment and the Constitution, happened to find himself under a de jure system, he had no rights; but if he was in a de facto system, he had some rights. We were trying to go back to what Chief Justice Vinson announced in the original cases in the early 1950's: Let us not have any of this "either/or"; let us treat citizens fairly and equally, regardless of de jure or de facto.

I am sure that is the creed of the Senator from Minnesota. Did the Senator join in this particular provision?

Mr. MONDALE. I think it is important to try to indicate the degree to which the conferees tried to sustain the position of the Senate, a position which initially was sustained by a vote of 48 to 46. I refer to the effort by the Senator from Pennsylvania (Mr. SCOTT) to substitute his proposal for the Stennis amendment. I recall that that effort was defeated by a 2-vote margin.

The conference was in session for nearly 2 weeks. The Stennis amendment was repeatedly brought up, but the House conferees were adamantly opposed to any Stennis amendment at all.

First the House conferees, I think with one dissenting vote, asked the Senate to recede and delete the Stennis amendment completely.

Mr. HOLLINGS. Yes, but——

Mr. MONDALE. If the Senator will let me finish this statement, I think it is important for us to get a sense of the position of the Senate conferees here.

The Senate refused to yield. Thereafter, the House offered a modification, substituting the word "discrimination"

for the word "segregation" and deleting the words "whether de facto or de jure" and deleting the words appearing in the Stennis amendment "without regard to the origin of cause of such segregation."

This amendment was offered by Representative QUIE, of Minnesota. The Senate conferees once again refused to yield; as a matter of fact, I think we refused to yield to that version on two occasions.

Then the Senate—and this was after nearly 2 weeks of debate which involved a good deal of discussion on this issue—offered a modification adding to the Stennis amendment the following phrase: "To the extent of otherwise applicable law," hoping this would provide a basis for settlement; and adding what is now subsection (c):

Providing nothing in this section will be construed to diminish the obligation of responsible officials to enforce or comply with such guidelines in order to eliminate discrimination in federally assisted programs and activities as required by title VI of the Civil Rights Act of 1964.

In other words, this was our effort to maintain what we then thought was the best and most complete Senate position that was then possible and still reach agreement. The House rejected that proposal.

Then the House offered the modified language now in the conference report. I believe it was offered by Representative FORD of Michigan.

Mr. HOLLINGS. So subsection (b) was written by Representative FORD of Michigan?

Mr. MONDALE. Yes; but I would like to get all of this in the record at this point and then go back. It was Representative WILLIAM FORD of Michigan.

Mr. HOLLINGS. Of Michigan.

Mr. MONDALE. Next, the Senate amended the House offer by substituting the original Stennis language for subsection (a) and sent this modification back to the House conferees. The House rejected the Senate amendments and re-offered the modified language now in the conference report. Finally, reluctantly, after two weeks the Senate accepted the House offer in order to complete the conference.

I assure the Senator from South Carolina that the Senate conferees tried to be, to the fullest extent possible, trustees of the action of the Senate.

I say this for the chairman of our conference committee, the distinguished Senator from Rhode Island. If ever there was a chairman of a Senate delegation who tried harder to sustain a position on a controversial point with which there may have been personal disagreement, I am not aware of it. But it was felt that the principle of the conferees in their representative character required that kind of representation, which was performed by the distinguished Senator from Rhode Island.

If the Senator from South Carolina does not object, I would like to yield to the Senator from Rhode Island on this very point.

Mr. HOLLINGS. Let me clarify the record for just a moment, since I still have the floor, and then we will proceed as the Senator requested.

Mr. MONDALE. Very well.

Mr. HOLLINGS. No one doubts the sincerity and dedication of the Senator from Rhode Island.

Mr. PELL. Mr. President, will the Senator yield to me for 1 minute?

Mr. HOLLINGS. I yield.

Mr. PELL. I would like to make the point that every member of the Senate conferees fought hard on this matter, particularly the senior Senator from New York, the ranking minority member (Mr. JAVITS), as well as the other Senate conferees who were in disagreement with the body of the Stennis amendment when it was considered on the floor. They fought for it. In fact, I think we produced a considerable surprise in the conference. One member on the House side seemed very upset. He felt all of his members were not reflecting the body as a whole and took the occasion—I believe he was from the Senator's State—to remark on what an able job Senators were doing in upholding the views of the Senate, although they were not upholding their own views on the subject.

Mr. HOLLINGS. One can understand the apprehension and somewhat sense of misgiving, when we talk about fighting hard. We know how able, resourceful, and effective the senior Senator from New York is; yet his State ends up with a freedom of choice law on the books, to which the Senator finds no objection. The Stennis amendment was adopted in the Senate by a vote of 56 to 36. We somehow get a feeling of delivering letters by rabbit when they say they fought hard.

I yield to my distinguished friend.

Mr. PELL. We did fight hard. I made a mistake. The gentleman was not from the State of the Senator from South Carolina, but from a State to the immediate north.

Mr. HOLLINGS. I see.

Mr. PROUTY. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. PROUTY. Mr. President, I voted for the Stennis amendment in the Senate, and I was a conferee. I can assure the distinguished Senator from South Carolina that the conferees, in my judgment, did everything possible to sustain the action of the Senate on the Stennis amendment. I voted for it when it was before the Senate. I did my best, and I am sure every member of the conference committee on the Senate side worked steadfastly and did everything in his power to maintain the position of the Senate.

Mr. HOLLINGS. We know the record of the House of Representatives. That is the body by which a good majority sends over here each year the Whitten amendment, which is far more stringent and far more segregationist, if we want to use colorful language, than the language of the Stennis amendment. The Stennis amendment was not segregationist at all. We clarified it and said de jure or de facto.

When the Senator talks about the conference taking 2 weeks, I am reminded of his valiant fight on open and equal housing. It took some 7 or 8 months to debate that. That bill was almost a month on the floor of the Senate. I cannot see him coming out of that conference committee and putting certain pupils in America in one house of de jure segregation and putting other pupils in another house of de facto segregation.

Is that not what we said in the Stennis amendment—that there is not going to be that classification? We said, whether de jure or de facto, there is going to be equal application under the law. I cannot imagine my friend coming up with provision for segregation in here.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield to the distinguished Senator from Pennsylvania.

Mr. SCOTT. I was not a conferee. I do not see anything greatly wrong with the substitute except that, like the original, neither one of them has any constitutional effect. Neither one is enforceable. Neither one expresses anything more than a pious hope that people will obey the law, and they ought to obey it everywhere alike. But the President, in his message this morning, demolishes completely the need for any one of these amendments, when we get down to it. Therefore, I cannot care very much whether it is section (b) or (c) or page 1, because, on page 7 of the Preseident's message on school desegregation, the President says:

To summarize: There is a Constitutional mandate that dual school systems and other forms of de jure segregation be eliminated totally. But within the framework of that requirement an area of flexibility—a "rule of reason"—exists, in which school boards, acting in good faith, can formulate plans of desegregation which best suit the needs of their own localities.

Mr. HOLLINGS. Does the Senator from Pennsylvania construe that language to mean that the President supports de facto segregation?

Mr. SCOTT. I will go on to read what the President himself says on de facto segregation. I am simply pointing out that this previous portion of the message ought to be acceptable in every section of the country as being fair. The next paragraph is equally so. I quote now from the President's statement delivered at 11 o'clock a.m.:

De facto segregation, which exists in many areas both North and South, is undesirable but is not generally held to violate the Constitution. Thus, residential housing patterns may result in the continued existence of some all-Negro schools even in a system which fully meets Constitutional standards. But in any event, local school officials may, if they so choose, take steps beyond the Constitutional minimums to diminish racial separation.

That is the end of the quotation.

What I am saying is that in this morning's meeting the President was asked about these two paragraphs and he said the evil is the same, but the approach is different, because in de facto segregation there is the difference of the law, the absence of Supreme Court decision, there is the difference in the cost of the application, as witness the Los Angeles decision, and there is a difference in the application of the remedies.

I am paraphrasing the discussion of this morning, but what I am saying is that the President's message makes it very clear that de jure segregation is one

thing and the law is going to be applied in this country in all sections fairly and justly and equally; and he is right. He says that de facto segregation is undesirable also. I go further and say it is wrong and it is evil. But he goes further to say it is not yet held to be unconstitutional, as he phrased it.

Therefore, the point I make is that I think the furor over that section or the original Stennis amendment is no longer not only unworthy but is a tempest in a teapot gone cold with disuse or no reason for its use.

Mr. HOLLINGS. That is, if the distinguished Senator from Pennsylvania lives in Pennsylvania, but if he lives in the State of South Carolina, it is no tempest gone cold. It has become very, very warm and it has been warm for years.

I cannot comment on the President's message, because I have not read it, so I will withhold comment on it, but what we are about to do in the Senate today is enact a law, and what we say in the Elementary and Secondary Education Act is, "Look, Mr. HEW, it is a policy of the United States, the guidelines and criteria, not about the Constitution, not about de jure or de facto, not North or South, not whether it is the law, or good policy or bad policy or not." Regardless of all those things, JOHN STENNIS, with the help of ABE RIBICOFF of Connecticut, made it crystal clear. They said:

> Now this government shall apply the guidelines and criteria uniformly, whether the segregation be de jure or de facto.

Is not that what the U.S. Senate said by a vote of 56 to 36?

Mr. SCOTT. It is what the distinguished Senate said, but in doing so, it, with that rare facility which we have in the Senate and as lawyers, totally ignored the law and the Constitution of the United States. That we are quite able to do, and often do, all of us. We all sin, and peccavi is our policy in that regard.

Mr. HOLLINGS. The Senator says, "the law." We have the Stennis amendment, which more nearly approximates equal justice under the law than the language in the report does. Would the Senator divide the application of the law, and make it one way under de jure and another under de facto segregation?

Mr. SCOTT. I say the equal application of the law is the most desirable result we can achieve, but we have to achieve it in accordance with what the Supreme Court has said. It has ruled on de jure segregation. It has not ruled on de facto segregation. I had nothing to do with the wording of section (b), but if it is applied to de jure segregation, it should be applied uniformly throughout the whole country.

If the Senator is talking about de facto, if it is to be applied uniformly throughout the country, as applied to de jure violations or de facto violations, the great thrust of what the President said today is that he pleads for an end to regional distinction between North and South; and again I say he is right.

Mr. HOLLINGS. Is there a better plea than the Stennis amendment? Let us get back to the Morning Show in which Secretary of Labor Shultz was commenting on the postal strike, in which a striking lady postal worker said: "Everybody else is doing it; why shouldn't we?"

It gets to the point that what is wrong is that the Department of Health, Education, and Welfare have no uniformity of application. They send their agents and bring their guidelines to one section only, and they do not apply the law uniformly. Did not this all start with the Senator from Georgia when he found that 17 HEW agents were in South Carolina and only two in Chicago, and one in the entire State of Minnesota, and I think six in New York? Was it not the thinking that all the evil was down there? And all we are saying is, invoke equal justice under the law and a better feeling about integration and allowing them in the schools together, regardless of where they live, in the South or North. They say the greater evil exists in the South. Is not that what is ruining our progress in the South, because we feel we are discriminated against when we see the leadership ignore the segregation law in some areas and we know it?

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. HOLLAND). Does the Senator from North Carolina yield to the Senator from Mississippi?

Mr. PELL. Mr. President, the Senator from South Carolina has the floor.

Mr. HOLLINGS. Mr. President, I wish to yield to the Senator from Pennsylvania to complete his thought.

The PRESIDING OFFICER. The Senator from South Carolina yields to the Senator from Pennsylvania. The Chair would suggest that the Senator from Pennsylvania did not ask the Senator from South Carolina to yield.

Mr. SCOTT. Mr. President, I admit I did not ask for it, but I had my mouth open, which is preliminary to it.

The PRESIDING OFFICER. The Senator from Pennsylvania certainly has had his mouth open for the last 5 or 10 minutes.

Mr. SCOTT. The Senator from Pennsylvania had his mouth open because of some of the illogical statements made which he heard with arrectis auribus, even though his mind rejected them.

The PRESIDING OFFICER. The Senator from Pennsylvania has been yielded to.

Mr. SCOTT. By the way, "arrectis auribus" means upright ears, if any Senator has any doubt about it. May I say I think such arguments as the Senator made, that the laws should be equally applied, I agree with. All I am saying is that the court has not yet ruled on how to apply the law as to de facto segregation. Until it does, we do not know how to apply it, either. All section (b) says is, wherever the courts have said it is de jure, apply the law equally. Wherever the courts have failed to rule on de facto, apply such law, as remains left in your hands, until it is finally decided by the courts, but apply it equally. What is wrong with that?

Mr. HOLLINGS. We are not waiting for the Supreme Court for this application, because it is a moving target in this area.

We have a very difficult time, but when you get to a conscience-ridden discussion like the debate we had on the Stennis amendment, I think it is salutary for this country. We were telling it like it is, and everybody was making his talk about equal rights and human rights, and when we added to the amendment, "whether de jure or de facto," we were setting down the policy as it concerned the legislative branch of this Government.

We were not trying to outguess the courts. We said whether they found it de facto or whatever it was, we were asking for uniformity and equal justice under the law. That is all the Senate was asking for; why recede from it? Why are we now saying, all of a sudden, we cannot say what the court is going to do, and going into all this doubletalk? What the conference report is trying to do is replace dual school systems with dual citizenship.

Mr. SCOTT. What does the Senator find wrong with what the conferees have done? They are still asking for equal application of the law so far as it has been handed down.

Mr. STENNIS. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER (Mr. HOLLAND). Does the Senator from South Carolina yield to the Senator from Mississippi?

Mr. HOLLINGS. I yield.

Several Senators addressed the Chair.

Mr. PELL. Mr. President, am I recognized?

The PRESIDING OFFICER. Just a moment. Is the Senator from Rhode Island asking for recognition? If so, for what purpose?

Mr. PELL. I was asking for recognition to yield to the Senator from Mississippi.

The PRESIDING OFFICER. Does the Senator have the floor? The Presiding Officer did not know that; he thought the Senator from South Carolina had it.

Mr. HOLLINGS. I yielded the floor, Mr. President.

The PRESIDING OFFICER. The Chair then recognizes the Senator from Mississippi.

Mr. STENNIS. Mr. President, I thank the Chair, but I did not really seek recognition. I think the Senator from Rhode Island, who is handling the conference report, is entitled to the floor if he wishes it.

Mr. PELL. I yield to the Senator from Mississippi.

Mr. STENNIS. I thank the Senator.

I wanted to make a point, Mr. President, in respect to the colloquy between the Senator from South Carolina and the Senator from Pennsylvania. If I may have the attention of the Senator from Pennsylvania, I am going to mention his State in the figures I am about to cite.

Mr. SCOTT. I would be delighted to listen to my friend.

Mr. STENNIS. The figures I am about to recite for my State were supplied by HEW. They advise me that according to their records on 118 districts in Mississippi, containing 223,784 Negro students, of that number, 50.4 percent attend either majority white schools in HEW-monitored voluntary plan districts—that means plans under HEW—or school districts which have been integrated under court order, based upon HEW-approved plans.

There are 30 districts that are not included in this tabulation I have given, and they have 30,500 Negro students. They are set aside from the tabulation because they were not in the records, because they were not drawing any Federal funds, and HEW did not have records on them; so I set them out separately.

I repeat, in these 118 districts—which is all of them, as I have stated, except 30—with 223,784 Negro students, 50.4 percent of those students are in schools that are majority white schools.

This compares with an average, for the 32 States outside the South—I call them the Northern, the Eastern, and the Western States—of 27.6 percent.

In other words, 27.6 percent of the Negro students in those States are in majority white schools. The percentage in Illinois is down as low as 13.6 percent Negro students in majority white schools. I have already stated the figures for Mississippi: 50.4 percent, leaving out these 30 districts.

In the State of California, 22.5 percent.

In the State of New York, 32.3 percent.

In the State of Michigan, 20.6 percent.

In the State of Nebraska, 27.3 percent.

In the State of Ohio, 27.7 percent.

In the State of Pennsylvania, 27.5 percent.

In the State of Indiana, 35 percent.

If I may have the attention of the Senator from Pennsylvania, I have given these figure showing the number of Negro students in majority white schools in Mississippi, excluding 30 special districts, at 50.4 percent, as compared to a figure for his State of Pennsylvania of only 27.5 percent.

Under the amendment that we discussed, Mississippi would come under the de jure classification, and would be condemned on all fours, all over the State, in spite of these favorable figures; whereas, under the amendment brought back by the committee, the State of Pennsylvania would be exempt. According to this amendment, it could not be touched.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. STENNIS. Let me finish my statement, and I shall be happy to yield.

It could not be touched, just because of a legalism, as the Senator from Pennsylvania says, which the Supreme Court has not passed on. And the Supreme Court, in case after case after case, has refused to pass on the question if the case originated outside the South, and in case after case, as the Senator already knows, they have passed on it if the case came up from the South.

If that is fairness, if that is unity, if that is equity, if that is right, then I will have to relearn everything I was ever taught. But that is exactly the situation we are up against here, and that is what we were trying to do something about.

If you want to perpetuate and protect segregation in your schools, you stand with the group that are sponsoring this amendment. If you want to get at the real problem, let us start off with something that is fair, and has equality to it, and get down to where the grubbing is, where the people are, and do something about these hundreds of thousands or millions of colored school children outside the South.

Mr. SCOTT. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator yield to the Senator from Pennsylvania?

Mr. STENNIS. I yield.

Mr. SCOTT. The Senator from Mississippi knows my very high regard for him. He has spoken of what he learned. He and I were educated in the same schools; we were taught the same things; but I suggest, with great respect, that we learned different conclusions. That is what we are arguing about here.

What I would like to point out, with the utmost respect, since the Senator has asked what is the difference between Pennsylvania and Mississippi—the distinguished Senator from South Carolina has missed his usual opportunity to refer to me as a Philadelphia lawyer; but I would not want that opportunity to be missed, and so I insert it myself—is that there is a difference, and the difference is that de jure segregation, or de jure integration, results because the Supreme Court has said that certain States took certain actions to avoid the voluntary integration of their students and to end the dual school system.

Pennsylvania does not have, and has not had within my memory, a dual school system, nor has it taken any statutory or other evasive methods to avoid the integration of its students. Yet, it does have, woefully and unfortunately, a considerable amount of de facto segregation; I admit that. I agree to it. I deplore it, if those people who are segregated de facto wish to have a different system by which they can gain their education, and many do. But the difference is that the law was passed to remedy something that was wrong, and that is in parts of the country that were not disposed to allow black children and white children to go to school together. It is as simple as that.

The Senator has not only pride of authorship; he also has a right to regret the fact that the conferees changed his amendment. It happens to all of us. But I cannot see where the change in the amendment has done any good—has done any harm or any good. No, I will make it that way, because I really meant to say—it was more than a Freudian slip—I do not think the change has done any good or any harm. I do not think either the Senator's amendment or this one has any bearing whatever on the law.

The Supreme Court has the last best guess as to the law, and the Supreme Court has decided that the law regarding de jure segregation is thus and so. It has not passed on de facto, and when it does, I hope it will do something about Philadelphia and Chicago and all the other places. But until it does, it seems to me entirely nugatory to argue that the condition in Mississippi and the condition in Pennsylvania are different. We know they are different, and it is because we want to catch one wrong situation at a time that we have the civil rights legislation.

Mr. STENNIS. Will the Senator yield to me on the point he has made?

Mr. SCOTT. I yield.

Mr. STENNIS. Does the Senator know of any State program in Pennsylvania that is trying to integrate the schools? Does Pennsylvania have a State program?

Mr. SCOTT. Yes. We have a Civil Rights Commission, which is a State organization, and we have local civil rights commissions using different designations in each community, all of whom are engaged, in one way or another, wherever the difficulty exists, in seeking to make sure that we have real quality education for all our children. It is imperfect.

Mr. STENNIS. Does the Senator know of any school that has been integrated?

Mr. SCOTT. Yes. The Henry School, which is near where I live in Philadelphia, has been integrated, for example. It is an elementary school.

Mr. STENNIS. Does the Senator object to HEW investigators and Department of Justice investigators coming in and checking these schools?

Mr. SCOTT. I personally have no objection, because they will not find any de jure violation of the law. What they will find is a residential pattern which has led to de facto segregation. That is wrong. I wish it were not so.

Mr. STENNIS. De jure segregation can come through manipulation of a school board——

Mr. SCOTT. Not in my city.

Mr. STENNIS. —by gerrymandering and resort to practices of that kind.

Mr. SCOTT. Not in our city.

If the Senator thinks I am liberal, he ought to see the head of the Philadelphia School Board, the Honorable Richardson Dilworth. I assure the Senator that there is no such deviousness in our school board.

Mr. STENNIS. Mr. President, I did not intend to get the floor. I wanted the Senator from Rhode Island to finish.

Mr. SCOTT. I am through.

Mr. STENNIS. Let me point out that what we are dealing with here is not Supreme Court decisions. This is a matter of policy to be determined by Congress. What is Congress going to do about all these segregated conditions all over the Nation? What is Congress going to do? What is HEW, which is an agency of the executive branch, going to do? What are going to be some of the guidelines that Congress would propose for the operation nationwide?

We already have Federal officials and their policy guidelines operating in all the Southern area of the country. Why is there opposition to their going in other parts of the Nation with somewhat the same standard, the same test, the same requirements? Make a start, anyway. That is what the amendment as adopted by the Senate would have done. But when it comes back here, we find that it applies to the South but protects the North.

Mr. President, I yield the floor.

Mr. PELL. I thank the Senator from Mississippi.

My recollection is that there was a case in Los Angeles, where there was some gerrymandering on the part of the school board. I believe the State court took action, and found de jure segregation.

I know that in Providence, the capital city of my State, an effort is now being made to make sure that there is no more than 20 percent minority children in any school.

Mr. MONDALE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Minnesota?

Mr. PELL. I yield.

Mr. MONDALE. I want to make one point. The statement is often made that to limit one's self solely to the enforcement of constitutional prohibitions against official discrimination is simply an anti-South position. In fact, several lawsuits have been brought against de jure discrimination in northern communities throughout this country. I placed the names of several of those in the RECORD in the debate on the original Stennis amendment.

The Los Angeles case, to which the Senator has made reference, was a State court case, but it involved the application of the Federal prohibition against official discrimination. There was a case in South Holland, Ill., and a case in Michigan. In several other places as well official discrimination has been successfully found and attacked outside the South.

It is true, as the Senator from Mississippi has said, that what may appear to be de facto discrimination, upon close examination can in fact be official discrimination. But the same constitutional point applies—that it is illegal and must be eliminated, wherever it is found.

The same is true about enforcement under title VI. Title VI does not precede the Constitution. It follows the court decisions. Under title VI there have been investigations and enforcement proceedings brought throughout this country. It is not simply a southern matter at all.

Once again, these efforts are striking at official discrimination. It is not simply a regional matter. We are talking about national uniformity.

Similarly, there may be a good deal of de facto discrimination in the South as well as the North. If we can eliminate official discrimination, we will be left with this knotty, complex, undesirable although not illegal matter of racial isolation, which is what the newly created Select Committee on Equal Educational Opportunity is designed to explore and seek to understand.

Mr. PELL. I thank the Senator from Minnesota.

Mr. DOMINICK. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Colorado?

Mr. PELL. I yield.

Mr. DOMINICK. Just for the purpose of the record, Mr. President, and to give some backing to the conference, when we were debating this issue originally with the distinguished Senator from Mississippi—who is my chairman on another commttee and for whom I have great affection—I pointed out to him that the problem with his amendment as it originally read was with the words "without regard to the origin or cause of segregation." I pointed out that this was the very issue that was being tried before a Federal court in Colorado at that moment.

This was the same issue, really, that we were fighting in committee. In trying to maintain the position of the Senator from Mississippi, over and over again, we continued to reject the House efforts to try to change this amendment, as the chairman will remember. Finally, it became apparent that we either were not going to get a bill or we had to do something which would reenforce the general emotional tenor, which was that rules should be applied uniformly across the country, while still maintaining a constitutional differential between de jure segregation and de facto segregation. I note in the President's message today, on page 14—I will read it into the RECORD if the chairman will permit me. It states in part:

> Racial imbalance in a school system may be partly *de jure* in origin, and partly *de facto*. In such a case, it is appropriate to insist on remedy for the *de jure* portion, which is unlawful, without insisting on a remedy for the lawful *de facto* portion.
>
> *De facto* racial separation, resulting genuinely from housing patterns, exist in the South as well as the North; in neither area should this condition by itself be cause for Federal enforcement actions. *De jure* segregation brought about by deliberate school-board gerrymandering exists in the North as the South; in both areas this must be remedied. In all respects, the law should be applied equally, North and South, East and West.
>
> This is one nation. We are one people. I feel strongly that as Americans we must be done, now and for all future time, with the divisive notion that these problems are sectional.

Mr. President, I subscribe to that 100 percent. It seems to me that this is exactly what the conference committee was trying to point out in its report; namely, that to the extent they are illegal de facto situations will be dealt with uniformly in all areas, and de jure situations will be dealt with uniformly in all areas, that the two policies, by necessity, must be different because they are different in their origin and different in their pattern.

I thank the distinguished Senator from Rhode Island for yielding.

Mr. PELL. Mr. President, I thank the Senator from Colorado very much. Another point backing up what the Senator from Colorado said is that subsection (b) of the amended Stennis language was inserted in the conference, recognizing that there are two types of segregation in our country, as the original amendment did, and that they exist, and that while the law of the land goes to de jure segregation, it does not go to de facto segregation.

(At this point Mr. CRANSTON took the chair as Presiding Officer.)

Mr. PELL. The conference amendment goes further and by implication says that if there is one policy for de facto segregation which at the present time is not touched by law, the policy or lack of it should be applicable in the South and the presumption that all segregation in the South is de jure segregation will no longer be in effect. What this means in practical terms is that if a school district no longer runs a dual school system and does not bus black children by a white school, or vice versa, but does have segregation by neighborhood and economics; then such segregation is not presently touched in the North and it cannot be touched in the South.

Nevertheless, Mr. President, earlier, I yielded for what I thought was a few minutes, to convenience one of my colleagues, prior to making a presentation of the conference report. I would like to return to a discussion of the conference report, for this is a major bill and carries with it some bell ringing legislation.

Members of the conference, from both Senate and House, believe that this is a great educational bill which will return great benefits to our children both from the viewpoint of improving the quality of education, and also the making of education available to more people.

There were various innovative ideas adopted, which most of us—in fact I would say all of us—were quite proud of.

Mr. President, the conferees on the part of the Senate, Senators YARBOROUGH, RANDOLPH, WILLIAMS of New Jersey, KENNEDY, MONDALE, EAGLETON, PROUTY, JAVITS, DOMINICK, MURPHY, SCHWEIKER, at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes, submit to the Senate a report of the committee on the conference and recommend its adoption by the Senate.

The Senate amendment struck out all of the House bill after the enacting clause and inserted a new text. The House receded from its disagreement to the amendment of the Senate, with an amendment which is a substitute for both the House bill and the Senate amendment.

In this brief opening statement I shall not attempt to deal with each point of substantive difference, of which there were approximately 100, while an actual count of technical differences would bring the number to well over the thousand mark. Rather, I shall touch upon the major points of difference and their disposition. At the conclusion of my oral statement, I will insert into the RECORD a detailed discussion of the conference action.

TERM OF THE BILL

The Senate amendment to the House bill provided for an extension of the Elementary and Secondary Education Act and the other matters contained in H.R. 514, for a period of 4 years with provision for contingent extension for 1 extra year. The House bill contained a 2-year extension, with no provision for contingent extension. Both bodies receded from their respective positions, and the conference report contains a

3-year extension, with a provision for contingent extension for 1 additional year.

The longer term was deemed necessary in light of the need of the local school officials for leadtime in their planning and budgeting. The already legislated authority for forward funding by the Appropriations Committee would, if implemented, mean that for the next 3 school years, the local school officials will have the needed time to plan imaginatively.

The retention of the provision for a contingent extension was discussed at length. The Senate conferees held firm to the view that such a provision was necessary to insure continuity of operation if for some reason the needed authorization legislation was not completed prior to the work of the Appropriations Committee. The managers on the part of the House objected to the contingent authorization provision and only accepted it with a provision that such authority would become inoperative if the Congress had passed or rejected a bill on the related subject matter or if either body passed a resolution which would nullify the contingent extension. This ingenious compromise was one of the many contributions of the senior Senator from New York to try to bring to resolution the differences in the conference.

INCREASE IN LOW INCOME FACTOR

The Senate amendment but not the House bill contained an increase in the low income factor, by which title I ESEA entitlements are figured, from the present $3,000 factor to $4,000 to commence in fiscal year 1973. This amendment was adopted to reflect a more meaningful low-income level, which is necessitated by the general rise in the costs of education and the cost of living. The managers on the part of the House accepted the Senate amendment.

COMPARABILITY

The Senate amendment contained a provision which would have required the State and local funds to be so used in title I project areas as to provide services in those areas which are at least comparable to the services provided from such funds in nontitle I project areas. The language of the conference report differs from that of the Senate amendment substantially. During the course of the conference it was found that the Department of Health, Education, and Welfare had issued a guideline on the subject of comparability which raised questions with respect to the meaning of comparability. Those aspects of that guideline which dealt with teachers' salaries raised the most controversy. The language of the conference report requires State and local funds to be used in the district of a local agency to provide services in title I project areas which, when considered as a whole, are at least comparable to State and local services in nonproject areas. By the phrase "as a whole" the conferees intend that all the services available to students must be taken into consideration—books, equipment, and instructional staff. Salaries of instructional staff are to be considered only to the extent that salaries are a measure of services available to students. Salary increments based on length of service are not intended to be a measure of the service available. The language of the report also contains two provisos: First, a finding of noncompliance with the comparability requirement cannot be used to affect payments to any local educational agency prior to fiscal year 1973, and second, reporting on comparability is regulated by law. On this latter point, the Senate amendment left reporting to the discretion of the Commissioner, the conference report controls reporting by requiring that a report be filed by July 1, 1971, and July 1 of each subsequent year. These changes in the language of the Senate amendment require a revision of HEW policies on comparability accordingly.

CONSOLIDATION OF EDUCATION PROGRAMS

The Senate amendment contained a provision consolidating part A of title III of the National Defense Education Act of 1958 and section 12 of the National Foundation on the Arts and the Humanities Act of 1965. The House bill contained a provision consolidating titles II and III of the Elementary and Secondary Education Act and titles III–A and V–A of the National Defense Education Act. The conference discussed the various provisions which were offered for consolidation and their effect on ongoing programs. The House Members were adamant in their support of a larger consolidation provision than that contained in the Senate bill. Both Houses receded with an amendment which consolidates title V–A of the National Defense Education Act into title III of the Elementary and Secondary Education Act. The Senate accepted this form of consolidation as one which was the most viable in light of the strongly held positions of each body.

Prior to its agreement respecting consolidation, the conference had adopted a modification of the Senate amendment which authorized a 15-percent set-aside of the title III ESEA funds for special projects by the Commissioner. The consolidation contains the set-aside. The conferees wish to make clear that there is no intention that presently operated projects be disrupted because of the set-aside. In cases where 2- or 3-year commitments have been made for local projects, the Commissioner is expected to honor those commitments in the selecton of the specal projects. The managers on the part of the Senate wish to make clear that the 15-percent set-aside is not a discretionary fund. Applications are to be approved in the same manner as they were prior to June 30, 1969. The set-aside is not an authorization of a new program but a continuation of the earlier set-aside.

GENERAL EDUCATION PROVISIONS ACT

The Senate bill but not the House bill contained a new title which in effect consolidated all the applicable law which controlled the administration of education programs. The Senate conferees believed this was a most important amendment for it makes administration of such programs simpler and puts into one body of law the provisions with which the administrators at Federal, State, and local levels must deal.

The House conferees, recognizing the validity of the Senate position, accepted in general, with minor amendments, the Senate position.

PROHIBITION AGAINST FEDERAL CONTROL OF EDUCATION

The Senate amendment contained the following provision, the language set in italic was added to the provision on the Senate floor and can be collectively known as the Ervin amendment.

PROHIBITION AGAINST FEDERAL CONTROL OF EDUCATION

SEC. 422. No provision of any law which authorizes appropriations for any applicable program (or respecting the administration of any such program), unless expressly provided for therein, shall be construed to authorize any department, agency, officer *or employee of the executive branch* of the United States to exercise any direction, supervision, or control of the curriculum, program of instruction, administration, or personnel of any educational instution, school, or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution or school system, or to require the assignment or transportation of students or teachers in order to overcome racial imbalance *or alter racial composition.*

The House adamantly refused to accept the language amending the basic provision. Discussions indicated that there was fear that acceptance of the additional language would impede any further compliance action under the Civil Rights Act of 1964. The Senate conferees attempted to maintain the Senate position but were unsuccessful. However, the House managers did recede from their position with an amendment and accepted the Senate language as printed above. It deletes the Ervin language and also lists the law this section is applicable to.

ADULT BASIC EDUCATION

The Senate amendment but not the House bill contained a new title III which amended the present law pertaining to adult basic education and redirects that area of Federal assistance so that a complete program of education for adults from the basic grades through high school will now be available. Previous law only spoke of basic literacy. The House receded from its position and accepted the complete Senate amendment.

CONSOLIDATION OF STATE ADMINISTRATION FUNDS

The Senate amendment authorized the Commissioner of Education to make a consolidated grant of State administrative funds for education programs, except those authorized by title I of the Elementary and Secondary Education Act and the Education of the Handicapped Act. The Senate receded on this point with the result that legislative history is created to the effect that no consolidation grants may be made. It is understood that the Department of Health, Education, and Welfare has proceeded to make these consolidated grants without statutory authority in anticipation of the enactment of the Senate amendment. This is an unfortunate presumption on

the part of HEW. I am sure that reversal of policies will cause some disruption at the State level which would not have occurred if the Department had waited for final action on the bill.

POLICY WITH RESPECT TO THE APPLICATION OF CERTAIN PROVISIONS OF FEDERAL LAW—STENNIS AMENDMENT

The Senate amendment provides that guidelines and criteria established under title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race whether de jure or de facto in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation. The House bill contained no comparable provision.

It was on this provision that the conference had its greatest difficulties. The House conferees absolutely refused to accept the original Stennis language. The Senate conferees held firm to the Stennis amendment language and indicated to the House conferees that in its opinion only a minor amendment to the Stennis language would be acceptable to the Senate. Various provisions were offered to the Senate by the House, some of which had been rejected by the Senate in its floor action on this matter. The language contained in the conference report is, we believe, the only means by which such an amendment would have been accepted by the House. For example, in the action immediately prior to acceptance of this provision the Senate offered the original Stennis language to the House and this was rejected by the House.

As brought before the Senate the conference report provides that it is the policy of the United States that such guidelines and criteria dealing with conditions of segregation by race, whether de jure or de facto, in the schools of the local educational agencies of any State shall be applied unformly in all regions of the United States whatever the origin or cause of such segregation. It provides that such uniformity refers to one policy applied uniformly to de jure segregation wherever found and such other policy as may be provided pursuant to law applied uniformly to de facto segregation wherever found. It is stated that nothing in the section can be construed to diminish the obligation of responsible officials to enforce or comply with such guidelines and criteria in order to eliminate discrimination in federally assisted programs and activities as required by title VI of the Civil Rights Act of 1964.

The Senate amendment further provides that it is the sense of Congress that the Departments of Justice and of Health, Education, and Welfare should request such additional funds as may be necessary to apply the policy described above throughout the United States. This provision, which has no counterpart in the House bill, is included in the conference report.

Mr. President, I ask unanimous consent that at this point in the RECORD there be printed an additional statement containing the discussion of other actions of the conference committee.

There being no objection the statement was ordered to be printed in the RECORD, as follows:

OTHER PROVISIONS

The following is a statement of other differences respecting provisions of the conference report which were not included in the Senate amendment and provisions which are not in the conference report which were contained in the Senate amendment.

Section 102(b) of the Senate amendment contained a provision which barred the use of 1970 census data for the purposes of establishing entitlements under title I of the Elementary and Secondary Education Act prior to January 1, 1973. The House receded to the Senate amendment on this point with an amendment which made the date July 1, 1972.

The Senate amendment contained two provisions requiring public hearings with respect to applications under title I of the Elementary and Secondary Education Act. The House receded with respect to these two provisions with an amendment which requires that local educational agencies make applications and all pertinent documents related to applications available to parents and the general public and that all evaluations and reports be made available to the public.

The House bill contained a provision which authorized bonuses for teachers in schools serving high concentrations of educationally deprived children. The Senate receded from its difference with the House bill with the understanding that salary bonuses should be available only as a part of a title I project upon application in the same manner as any other title I project and that salary bonus projects would only be used in schools in which there was an extremely high concentration of children from low income families.

The Senate amendment contained a provision which provided for State advisory councils to advise the States with respect to the administration of the title I program. The Senate receded from its position on this amendment.

The Senate revised title V of the Elementary and Secondary Education Act considerably by adding new programs of grants to local educational agencies and grants for planning and evaluation of education programs as well as the establishment of Councils on Quality in Education. These revisions were accepted by the conference with two modifications. Those provisions of the Senate amendment which authorized a set-aside of funds for use by the Commissioner were deleted and the provision of the Senate amendment which required the establishment of State advisory councils was made optional with the States.

The Senate amendment contained several amendments relating to special programs for gifted and talented children. These amendments were accepted by the conference.

The House bill contained a provision which revises the Federal administration section of ESEA. The revision places primary control of coordination within the Office of Education. The conference agreed to the House provision.

The Senate amendment contained a new program authorizing grants to local educational agencies to support demonstration projects designed to improve nutrition and health services in schools having high concentrations of children from low income families. This program is intended to be administered in conjunction with title I of ESEA. The conference report contains the Senate provision.

The Senate amendment also contained a provision which authorized the Commissioner to make grants to State and local educational agencies and other educational and research agencies and organizations for research and demonstration projects relating to juvenile delinquency and education services in correctional institutions. The House receded from its difference with the Senate amendment on this point.

The Senate amendment contained provisions to expand the impact areas program to include certain refugee children and children residing in low rent public housing as federally connected children. The conference report retains the language of the Senate amendment in both instances. The conferees agreed to the revision with respect to low rent public housing which provides a separate line item in the budget for payments on the basis of entitlements using computations of children residing with parents working on low-rent housing property. As adopted, there will be two means by which the appropriations will be made available for those entitlements. (1) If an appropriation exceeds the amount necessary to pay entitlements in their entirety without counting children from low rent public housing any excess shall be available for payments on the basis of the latter entitlements and (2) if the appropriations act makes a special line item for payments for entitlements for children residing in low rent public housing then the appropriation shall be used solely for such entitlement.

The Senate amendment also contained provisions related to minimum eligibility under Public Law 815, and school construction assistance where the immunity of certain Federal property from taxation creates a substantial and continuing impairment of their ability to provide minimum school facilities. The conference report retains both of these provisions.

The Senate amendment also contained a declaration of policy that applications on the basis of Indian children contained in P.L. 815 should be given a priority for funding at least equal to that given to applications under section 10 of P.L. 815.

The Senate amendment contained a general provision related to parental and community involvement. The conference report contains the provision but it has been modified by deleting language relating to community involvement.

The Senate amendment contained a provision which authorized a set-aside of one percent of all education programs for evaluation of education programs. The Senate receded from its position on this point with an amendment which limited the amount of money which could be used from appropriations for planning and evaluation of $25 million for any fiscal year.

The Senate amendment extended and expanded provisions of present law relating to cancellation and repayment of student loans for certain public service. The House receded from its disagreement with an amendment which continues cancellation of National Defense Student Loans with respect to teaching in the same manner as is provided in present law and expands such provision to include service in the Armed Forces of the United States. The conference report contains no amendment respecting repayment of insured student loans.

The Senate amendment contained a section which provided for the relief of St. John's College with respect to certain grants made under title II of the Higher Education Act of 1965. This provision is not contained in the conference report. The Senate receded with the understanding that similar legislation would be introduced as a private bill.

The Senate amendment contained two sections creating national commissions to study problems of funding education programs. One commission was to be appointed by the Commissioner of Education to study the financing of elementary and secondary education, while the other was a commis-

sion appointed by the President to study advance funding for education programs. The conference report contains one national commission to be appointed by the Commissioner which will study the financing of elementary and secondary education. Such study may include the question of advance funding. This commission is intended to be a replacement of that which was created by executive order of the President.

Mr. PELL. Mr. President, the conferees worked with much diligence on this massive bill. It was, we believe, an excellent bill in the form that it left the Senate and was considerably strengthened by the agreements made in conference.

I should like at this point to thank each conferee and express my gratitude to Mr. PERKINS, chairman of the House Education and Labor Committee and his conferees for their kindness in the long sessions which we took part in.

I would urge the Senate to accept without amendment the conference report.

Mr. PROUTY. Mr. President, as a member of the conference committee on H.R. 514, a bill to extend the Elementary and Secondary Education Act and other related provisions, I am pleased that the conference report is now before the Senate for consideration. Much deliberation and accommodation on both sides have gone into this bill, particularly since the Senate version of H.R. 514 encompassed what had been contained in four separate House bills.

I am particularly gratified that nearly all of the provisions I have sponsored on behalf of the administration or myself, have been maintained with little or no modification. This is testament to the merit of these provisions, and the deliberative abilities of the Senate conferees. I am very appreciative of the efforts of my Senate colleagues and believe they should be commended for their untiring efforts to produce a most meaningful piece of legislation.

Although I do not wish to elaborate on all the provisions I sponsored, I would like to mention them in the order they appear in the bill, with specific comments on those most important.

Within the first section amending the Elementary and Secondary Education Act itself are several important items pertaining to title I services for disadvantaged students. Three deal with designation of responsibility and additional services for handicapped or institutionalized neglected and delinquent children. Several others refer to improvements in granting and reporting procedures, such as basing grants for migratory children on the number to be served, using the most recent data available for grant applications, and requiring that reports mention relevant research or replication studies as well as be in accordance with specific performance criteria. All these provisions should make the grant application process more efficient and the reporting process more useful to administrators or other interested persons.

One provision that I did not sponsor, but with which the Senate side was greatly concerned, is the prohibition against supplanting State and local funds with Federal funds and the concomitant requirement that State and local funds be used to provide substantially comparable services in title I and nontitle I schools. The purpose of this twofold provision is to insure that title I funds are targeted to the neediest students for provision of supplemental services to overcome the handicap of being disadvantaged.

The Senate has long been concerned that these funds are not adequately concentrated on those that need them most and are very often used for the benefit of nontitle I students instead. One troublesome way in which this can be done completely disregards congressional intent. Many school districts use their State and local funds for the better schools and then use Federal funds in title I schools to make them comparable after using Federal funds. However, the whole purpose of giving supplementary funds is thwarted and for this reason the comparability provision was devised to make local schools comparable before the infusion of Federal funds.

Although the provision does not take effect as soon as might be possible in many areas of the country, I do recognize the hardship that will be caused in those districts most out of step presently. While rapid transition should be encouraged with as much flexibility as possible, I believe the Congress and the Office of Education should stress the intent and benefit of the provision. We need rapid improvement to title I to demonstrate its effectiveness more positively so that the concept can be expanded.

The consolidation of several State grant programs was a major subject of discussion by the conference for the Senate and the House had taken views quite opposed to each other. A compromise agreement combines title III of ESEA for supplementary centers and services with title V–A of NDEA for guidance, counseling and testing services. I believe this consolidation not only increases the flexibility and efficiency of State operations, but also demonstrates the effectiveness of the concept for future legislation consolidation.

Representing a State that has many people of French Canadian background, I have become increasingly interested in programs for bilingual education. Two provisions I sponsored will make the program more effective by increasing the membership of the advisory committee and by allowing more Indian children to participate. At the present time, only Indian children in reservation schools operated by the Bureau of Indian Affairs are eligible. At the request of Senators FANNIN and GOLDWATER, I sponsored an administration compromise that will continue the eligibility of these students and also allow children from reservation schools operated by the Indian tribes themselves to participate.

Another area in which I have long been interested concerns education of those in correctional institutions. I am very pleased that Senator NELSON'S recommendation for extension of research and demonstration programs for these students was accepted in the final version of the bill.

Because of pending reform of the impact aid programs, I had been opposed to changes in existing formulas, but find that the modifications accepted by the conference are quite workable. Payments will now be made for an additional category of students—those who reside in low-rent public housing. Previously I had objected on the grounds that low-rent public housing is not an adequate indication of need and would distort appropriations in an unfair manner. However, setting a priority so that payments for these children will not be made until all other obligations have been fulfilled is more equitable.

Another modification of existing law in which I concur deals with adult education. At the present time, adults may receive education up to the eighth grade level. The provision has been modified to provide for education to the equivalency of a full high school education. I believe the change will increase each State's flexibility to meet local needs and I know how greatly this change was desired in my own State of Vermont.

Within title V of the bill, we have created a new general provisions section pertaining to all education legislation. The efforts of the committee to consolidate and make more efficient existing provisions is most commendable and I am grateful that several of the provisions I sponsored are contained in this section. The major ones concern parental involvement and dissemination of information.

As a long-time sponsor of legislation to provide loan forgiveness for education loans under certain circumstances, I am pleased that the conference maintained much of the original Senate bill. Extension of loan forgiveness to the guaranteed student loan program was rejected on the basis that it might detract from the success of the program and on this basis, I concur.

Title VI contains a codification of existing law for the handicapped. Again, I am pleased with the thrust for better operation of education programs and improved legislative clarity. Also, I am pleased to see that the Senate version of a separate program for children with learning disabilities was retained. I believe this temporary separation will give increased focus to the need for new programs and at the same time prevent funds for other handicapped children from being diluted. I look forward to the day when there has been sufficient acceptance of the problem and development of programs so that the definition of handicapped children can be expanded and all programs expanded to include them.

Title VIII contains several miscellaneous provisions such as extended authorization of the advisory council under EPDA, expansion of Teacher Corps corrections education programs, creation of an advisory council on research and development and consolidation of two other State matching grant programs. This consolidation comprises title III of NDEA and section 12 of the National Foundation for the Arts and Humanities, both of which provide funds for educational materials. Again, I believe in

the concept of consolidating similar programs to increase flexibility and efficiency.

In summation, I ask my colleagues in the Senate to vote for passage of the conference committee report. The legislation it recommends is greatly needed, for much of the current statutory authority expires this June. In addition, we have made many substantive changes for improvement based upon monitoring and analysis of the operation of these programs. It is my hope that the benefits of the changes we recommended will soon be forthcoming.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. PELL. I yield to the Senator from Minnesota.

Mr. MONDALE. Mr. President, I join the Senator from Vermont in expressing my deep admiration for the manner and the effectiveness of the Senator from Rhode Island.

The task of the conference committee was difficult and complicated. Anyone looking at the differences between the Senate bill and the House bill realizes how difficult and complicated a matter it was.

I think we have come out with an excellent education bill. We did not get all that we wanted, but I doubt that there have been many conferences that have sustained more of the Senate's position than this conference has.

I note that in 13 specific ways we sustained the Senate's position. In another eight matters, we sustained most of the Senate's position. And in two positions, we necessarily yielded completely to the House.

For example, we held the title I provision contained in the Senate version increasing the low income factor to $4,000, and authorizing extra payments to school districts with high concentrations of disadvantaged students.

We held the Senate position prohibiting the use of title I funds supplanting non-Federal funds in schools.

We sustained the Senate position in increasing the authorizations for titles II, III, V, VI, VII, VIII, and vocational education.

We sustained the Senate position on the gifted and talented children provisions.

We sustained the Senate provision concerning the addition of public housing to impact aid assistance.

We sustained the Brooke school desegregation amendment.

We sustained the teacher corps improvements.

We sustained the programs for children with specific learning disability, so strongly urged by the Senator from Texas (Mr. YARBOROUGH).

We sustained the new school nutrition and health demonstration program.

We sustained the Senate position on authority to carry over unexpended funds.

We sustained the Senate provision providing bilingual eligibility for Indian schools, including Rough Rock.

We sustained the Senate provision on planning and evaluation grants.

We sustained the Senate position on migrant education provisions.

These and other Senate positions were accepted without change in conference.

In addition to that, we sustained most of the Senate provisions affecting the length of the bill. We reached agreement on a 3-year extension with an additional year contingency extension for forward funding.

We were forced to compromise on comparability provisions affecting title I, the services; we developed a compromise on public information provisions, on consolidation of titles, adult education, parental involvement, loan forgiveness, and the Stennis amendment.

In two respects we accepted the House position without change. One would provide bonus salary payments for service in title I schools with a heavy concentration of title students; the other deleted an amendment adding the words "or alter racial composition."

I doubt there have been many conferences with as many differences in which the Senate prevailed in as many instances of a fundamental nature as in this conference.

Mr. PELL. I thank the Senator from Minnesota for bringing up this very valid point because we usually consider we have done pretty well if we come back with half a loaf. I know many of us have seen favorite amendments of our own disappear or come back greatly watered down. But in this case I think we brought back to the Senate considerably more than half a loaf. I would not indicate that the House rolled over and accepted these ideas, they were hard fought for they were based on new concepts, which in many cases, the House Conferees accepted after explanation.

In connection with the controversial Stennis amendment, I think we did our best. We did not get the language word for word, but we got a great deal of it. While it is not what I personally would like to have seen brought back, what we on the Senate side would like to have brought back, it is the best that could be brought back and not have the conference fall apart completely.

For this reason, as manager of the bill, I stand very proud of this conference report and I urge that the Senate accept it.

The PRESIDING OFFICER. The question is on the adoption of the conference report.

Mr. PELL. Mr. President, I would not want to embarrass any of my colleagues who disagree with me. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF. Mr. President, I realize that the conferees tried to adopt the Senate language of the Stennis amendment as modified by my proposal, but that it failed. Unfortunately, it is my personal opinion that the language of the conferees, as finally adopted, especially section 2(b), is much worse than the situation that prevailed before the Stennis amendment was adopted by this body. As a matter of fact, the conferees would have been much better off if they had dropped the entire section instead of modifying it the way they have.

The conferees, it seems to me, lost a great opportunity to make it clear to this Nation that de facto segregation must be fought as aggressively as de jure segregation.

I am following this debate most carefully. At a later time in the debate, I shall have more to say at length. But as far as I am concerned personally, I find the language of 2(b) completely unacceptable.

Mr. PELL. I understand the views of the Senator from Connecticut, but here, just as in any conference report—and I have gone through this experience myself—I find a portion of the report unacceptable, but then one has to bear in mind that we have perhaps lost sight of the main thrust of this bill. It is an education bill, and I would plead with the Senator from Connecticut to support the conference report, the overall good in the bill, as of greater value than the harm, to his viewpoint, on this issue.

Mr. RIBICOFF. Mr. President, may I say I am sorry that this development is taking place, because I agree with the Senator from Rhode Island that the basic education bill is an excellent one. But today, we cannot divorce the problem of desegregation from education. As a matter of fact, the President, in his message today, specifically points out that he is going to ask to have set aside this year $\frac{1}{2}$ billion for schools that are suffering from segregation policies. So it is obvious that the President, too, believes that this entire problem is important.

I know the conferees tried. I kept in touch with the conferees, and I do not question for a moment the bona fides of the Senate conferees.

But I think I should point out to the conferees that what they did accept—and their intentions, I am sure, were proper—was worse than if they had dropped the entire section. I shall have much more to say on this proposal at a later time during this discussion, but I think on the first day of the discussion, I should make it clear that I think this is a very, very bad proposal. It does very little good whatsoever in trying to solve the entire problem of de facto and de jure segregation.

Mr. STENNIS. Mr. President, there are certain questions that come to my mind that I should like to ask the Sen-

ator from Rhode Island, who is the manager of the bill—and by the way, Mr. President, I want to commend very highly the work of the Senator from Rhode Island. I have seen many bills handled here, and his way of handling the entire bill, when he presented it to the Senate, I thought was excellent. He has a good understanding of the matter, he is reasonable, and he is considerate, and I commend him very highly. I am not flattering him when I say I think he is a credit to the Senate.

Mr. PELL. I thank the Senator.

Mr. STENNIS. This is a difficult bill. I appreciate the courtesies the Senator has extended to me personally in connection with the amendment here, and the interest he showed in some conversations we had during the conference, where he was not talking out of school in the least, but at the same time he was very considerate, and I am most grateful to him.

Mr. PELL. I thank the Senator.

Mr. STENNIS. Mr. President, if I may ask the Senator from Rhode Island, to what extent does the Senator think the first part of the conferees' amendment—that is, the part that the Senate passed by a vote of 56 to 36—what part of the Senate's position is still reflected in the amendment as modified by the conferees? I just ask the Senator's opinion about it. What part is still in it; what part of the Senate amendment is still in the conference committee's amendment?

Mr. PELL. As I see it, that portion of the thrust of the Senate amendment which is to the effect that the applicable laws should be applied uniformly all over the United States, without discrimination against southerners or the South; That main thrust is still in the bill, and very much in it.

Mr. STENNIS. Does not the Senator think, though, the main thrust being directed toward segregation wherever found, does not the Senator think that item (b) here, under the present form of the amendment, goes back to the old dual track or double track, and creates one kind of segregation and then another kind of segregation, and leaves one exposed and the other protected? How does the Senator escape that conclusion?

Mr. PELL. This would be the area of compromise, I would think, that before the Stennis amendment was adopted, the whole question was fuzzy. It is my understanding that the Supreme Court had ruled one type of segregation permissible and the other kind not.

Mr. STENNIS. Will the Senator yield to me at that point?

Mr. PELL. I yield.

Mr. STENNIS. The Senator made the statement that the Supreme Court had ruled that one kind of segregation was legal. Did the Supreme Court make an actual ruling on that?

Mr. PELL. I am not a lawyer, as the Senator knows.

Mr. STENNIS. Yes.

Mr. PELL. I believe that the Supreme Court had ruled that de facto segregation was not illegal; I think that might have been a more felicitous way of expressing my thoughts.

Mr. STENNIS. I do not know of a case where they have made a direct ruling to that effect, that de facto segregation was legal. I have been hoping that they would rule on the matter, but directly they have not decided a case.

I think they have declined to pass on several cases. The writ of certiorari, as we lawyers say, was denied; that means they declined to have the records sent up and certified, and hear the case on its merits.

Before the Senator proceeded, I thought that point should be made.

Mr. PELL. But then we in the conference recognized that the South has been treated unfairly, from the viewpoint that in areas where there may have been a de facto segregation pattern, the courts would have ruled against the South just because it was the South, for there was a presumption that such segregation was de jure.

As I understand our amendment, it now means that an appeal can be made, that the segregation does not result from a dual school system or from laws that existed after reconstruction, but is the result of living patterns, then the efforts to desegregate schools in that fact pattern would be illegal, and it could not be done.

This is what I would think would be a midway position between the situation as it existed before the Stennis amendment was adopted and the Stennis position, which is what we as conferees should seek.

Mr. STENNIS. I repeat that I do not know of any case where the Supreme Court has directly taken up a matter of so-called de facto segregation and passed on it, and held it to be legal or illegal. I expressed the desire, in the debate here before, that they would, but I do not think they have ruled on that point yet.

Was the Senator present when I read the figures about the extent of integration in my State of Mississippi, where I gave the figures that covered all the districts except 30, and covered all the Negro students except, in round numbers, 30,000?

Mr. PELL. I was, and they are very striking figures indeed.

Mr. STENNIS. I pointed out that 50.4 percent attend either majority white schools under HEW monitored voluntary plans, or schools which have been integrated by court order based on HEW approved plans.

The Senator realizes, does he not, that the conference report leaves us still under the hatchet, and still guilty of all these alleged wrongs, and we will be monitored and policed, and followed day and night, whereas it exempts States like Pennsylvania, which, for illustration, has only 27 percent of its black students in majority white schools, or New York, with only 32 percent, California, with only 22 percent, and Illinois, with only 13 percent? I believe that the Senator's sense of justice and right makes him regret that the committee amendment leaves that situation unattended to. Is that correct?

Mr. PELL. I see the problem; and, looking ahead, the Senator may be correct. But speaking just from the standpoint of equity—and I am not as deeply grounded in these matters as is the Senator from Mississippi—there is also inequity when one must consider the past. I do think that the history of the past and the wrongs of the past—while we would like to wash them out and start anew can be forgotten. The pendulum swings, and we cannot stop it in midair. By adding part B to the Stennis amendment, we are trying to make sure that in the South those areas with de facto segregation are treated as fairly as other portions of the country with the same type of segregation.

Quite honestly—and I think the Senator knows my personal admiration for him—I do think that one cannot, either from the viewpoint of fairness or equity, wipe off the blackboard the last couple of hundred years. And we are not without sin in the North.

However, the history of a dual school system and its results up to the present day must also be recognized.

Mr. STENNIS. The Senator has said he is not a lawyer, but he is well advised in this matter. In what way does the committee amendment change the law or change the rule? It is a policy matter. In what way does the committee amendment change the rule?

Mr. PELL. Going back to the original Stennis amendment, does it change the law or does it change policy?

Mr. STENNIS. It changed the rules.

Mr. PELL. It changed policy, but not law. We are talking about law, not policy.

Mr. STENNIS. The present policy or rules that HEW follows—in what way does the Senator's amendment change them?

Mr. PELL. Under the Stennis amendment, as originally adopted, its application to specific fact situations was not clear.

Mr. STENNIS. The amendment the Senate adopted has not been adopted finally, so I am talking about policies that now exist and are being carried out by HEW. In what way does the committee amendment change those rules or policies? I do not know of any way, myself. I do not think it does, if weight is given to paragraph (b).

Mr. PELL. I think that one of the points the Senator made in his speeches and in his words at the time of the adoption of the Stennis amendment was that the South, no matter what the cause of segregation, was treated unfairly in comparison with the North. What the conference report does is to say that in the South when segregation is from the same cause as in the North—Chicago, New York, or wherever it is—then it will be treated the same way. I think this is an addition or a change.

Mr. STENNIS. I do not know of any complaint I made, and I never did say that the Court decided a case solely because it was in the South. I said the Court and HEW seized upon these old laws as a ground to just hold you guilty, with the presumption of guilt. But when they got into Indiana and into New York

and other States that had these laws at one time or another, and certainly long enough to have contributed some to these community patterns—I recall that one of them did not repeal its law until 1949—when they got into those States, HEW never really followed up. I do not know of any case the courts have had. That is my complaint—the presumption of guilt applied to us and the presumption of innocence applied elsewhere. And that same rule will come right out of the committee amendment, whether the Senator likes it or not.

Mr. PELL. Let me give the Senator an example of what I am talking about.

If a suburb had been built up outside of Atlanta and it was a recent suburb, starting in the mid-fifties, there would be no grounds for HEW to move into that area, because the dual school system would have ended long before that suburb had even been built; and the segregation that occurred there, regrettable as it would be, would be the result of living patterns.

Mr. STENNIS. The Supreme Court has passed on no case in which it found them innocent. All kinds of charges are made about gerrymandering, and those conditions exist in the North.

Mr. PELL. Exactly.

Mr. STENNIS. Very few of them have been followed and run down; whereas, you create and perpetuate this presumption of innocence here and protect this gross segregation outside the South. I do not mean the Senator personally. But the reason is that the people in those States do not want their schools torn up; and the gentlemen here, representing them, have their viewpoint. I think that is the main reason. That does not impugn their integrity. But that is what the problem is, and it is a problem everywhere in the South and in the North—most of the States in the North.

The Senator's amendment again creates this dual system, travels in two directions at the same time, gives one place immunity and convicts all the South, unless it happens to be some area, as the Senator said, that came into being after 1954. I do not think the Supreme Court or any other court has ever held one of them in violation.

Mr. PELL. I think the reverse of it is that under this amendment, if the Senate adopts the report—the HEW will be more compelled to search out those areas where efforts have been made to gerrymander school districts, in the North as in the South. I think this would be one of the effects of the adoption of this conference report.

Mr. STENNIS. With all deference to the Senator, I do not see where in the world HEW gets any impetus or any directions or any instructions under the committee amendment, unless it be a suburb somewhere in the South that, according to the Senator's argument, they have been told to leave alone.

This is tragic. Let me point out the whole burden of the committee's argument, as I understand it, that the courts have not passed on de facto segregation.

This is not a court sitting here today. This is a part of Congress. Congress has passed on these matters. We have the Civil Rights Act of 1964. When it was passed, I said it would have to be obeyed, and I still say that, even though outside the South they found a way to get around it, and I will develop that later. But we are not a court, and we are not going to be a court. We are Congress. We make these policies; we appropriate the money. Why cannot Congress move into a field, exercise some of its own responsibility, pass policies or laws to which the executive branch has to conform when it operates in that field? Why do they have to wait and wait for the courts to invade that field? Congress cannot go in, contrary to a constitutional mandate of the Court. I do not advocate that, and never have, but they have not passed on these matters, so that this is a field where Congress has the responsibility. Let us not put it on the ground that because the Court has not got into it, that we should not get into it. Let us say that we do not stand for it, that we do not think it should apply in the so-called de facto segregation, and we will pass a policy resolution here saying that you are not to go in.

I want to address myself to asking the Senator's opinion as to how is HEW going to operate under section (b) of his amendment?

Mr. PELL. What this means is, that in desegregation activities they will now recognize areas in the South where there is de facto segregation, where it does not come from the past history of events. They will also search in the North more vigilantly and look for areas where there has been collution among the electorate, the school boards, or the governmental bodies to try gerrymandering the school districts. I think that will be the effect of paragraph (b).

Mr. STENNIS. Well, Senator, we have been putting some amendments of some kind to appropriation bills—I mean, I know that to be a fact because I have been a part of it—and I think my figures are correct, that in all of that, we have gotten two administrative actions initiated by HEW and there has been only one action, so far as I can recall now, by the Department of Justice that went to its ultimate end. There are a few others pending and a few have been filed here during this administration.

But, on the other hand, there is case after case after case that I have read about in the newspapers where there has been some probing but never any action. An outstanding one in Chicago, where 4 years ago they sent a notice out there—some clerk in HEW, I suppose he thought they meant what they said, and he gave them notice, that they would have to mend their ways as to segregation. Mayor Daley came down here or sent a telegram—I do not know which—and it was swept under the rug at the White House. It is still there, that case.

Let me give one more case. Last year, in Chicago, they notified them that they had to integrate the teachers, and the teachers said that they would not do it. Their union spokesman said they would not do it. The school board offered them $1,000 bonus to accept a new assignment, but they would not take that. They wrote some of their representatives here to pay the bill, $44 million, I believe it was, and nothing has been done about it. Now we see those things happening, going on and on and on, year after year after year, and still HEW and the Department of Justice men are going all over the South all of the time, telling the superintendents there who are trying to comply, "You have got to come up to that quota or that percentage."

They will deny that later, but I know they have been saying those things, together with use of the utmost vigilance and surveillance and police power, and now when we come up here they say, "Oh, the Supreme Court has not passed on de facto segregation," so we are right back where we started with this amendment.

Mr. PELL. In the Chicago case, as the Senator from Illinois (Mr. PERCY) brought out, you could have, even after the Supreme Court ruled de facto segregation illegal, you could have mechanical problems, geographical problems, where there is such a heavy concentration of one minority group in a 30- by 20-mile area, that you would have to have more buses than General Motors can produce, practically, to move the students around.

To my mind, you have a rule of reason here, what we are seeking to do is improve conditions, to bring about practical integration—we cannot achieve 100 percent racial balance—but we can try to move along with the times. That is what this amendment would do.

Mr. STENNIS. Well, the Senator did not mean to argue now that the Supreme Court held that the so-called de facto segregation in Chicago was illegal? We are not writing that off by saying that it would be too big a thing to undertake, are we? The Senator would expect them to obey the law, would he not?

Mr. PELL. I would expect them to, but it would be a tough one to work out.

Mr. STENNIS. Would it be any tougher in any other part of the country? What about Charlotte, N.C., where 20,000 children were ordered bused from one side of the city to the other?

Mr. PELL. As a nonlawyer, but as an amateur historian, I do think there is a difference in equity between the patterns in the different areas in the country. Should we follow the free will of the human being when his will on this matter developed as a result of laws which were discriminatory.

Mr. STENNIS. How long does the Senator think that situation—that penalty which he has just outlined should prevail? How long should it apply to our children?

Mr. PELL. It should, in equity, have ended in 1865, I guess. It should not exist now.

Mr. STENNIS. I mean the penalty now on our children. We cannot erase history. That century has passed. I am talking about the penalty applied now, with all the terrific disruption in our schools. If the Senator does not believe there is terrific disruption among the faculty and the children, he should go and see for himself. How long are these children, who were not even born until 8 or 10 years ago—how long must that group suffer?

Mr. PELL. I would hope not at all. I would hope we could change human nature and that the problems would iron themselves out; but, in the meantime, we are left with the Supreme Court's rulings which we follow here. There is a difference.

(At this point Mr. GRAVEL took the chair as Presiding Officer.)

Mr. STENNIS. Does the Senator advocate that the Supreme Court's holding on de facto segregation is legal or illegal?

Mr. PELL. I would like to see the day come when the Supreme Court would rule de facto segregation illegal, too.

Mr. STENNIS. Does the Senator advocate that now? He says he hopes the day will come. How long must we wait, Senator?

Mr. PELL. Well, speaking as a modest amateur historian—I am not a soothsayer—I just do not know. I think it would be impossible to work that out now.

Mr. STENNIS. One hundred years?

Mr. PELL. I just do not know.

Mr. STENNIS. Was not one part of the reasoning of the Court's decision in 1954 that colored children—black children, as they would rather be called now—would get a better education and fare better in a mixed group, in a mixed society, in a mixed school? Was that not a great part of the reasoning of that case?

Mr. PELL. It was also the conclusion of a Professor Coleman in his report as well.

Mr. STENNIS. Well, but that was a part of the Court's reasoning, was it not?

Mr. PELL. I am informed that it was.

Mr. STENNIS. That benefit—why deny that benefit to all the children in Chicago, Detroit, Pennsylvania, and New York, and all of these other places?

Mr. PELL. I would like to give them that benefit.

Mr. STENNIS. The Senator has an amendment here that will not do a thing about it, but will perpetuate segregation in the areas of those States. Why is the Senator consigning those black children to this defect, this default, or this added burden in life, and restrict the advantages of integration to just one area of the country?

Mr. PELL. I have sought to make the point that under this language we are not singling out one section of the country. That if the same set of circumstances occurred in other States, and we make the policy nationwide, then it would be treated in the same manner.

Mr. STENNIS. That is what the original amendment undertook a start in—just a start. Now, under the Senator's amendment, what is Mr. Finch going to do? I have never said anything except something complimentary about Mr. Finch. He has the worst job in the city except that of the President of the United States. I do not try to discredit him, but if he is quoted directly by a recent news item—and I think he was—which was published in the Washington Post on March 2, 1970.

He said the Nixon administration, "is confused by what the courts have said. There are a number of areas where the Supreme Court has not spoken at all. They have never said what a unitary system is, he continued."

He said:

> They still cling to the distinction between de jure (by law or formal regulation) and de facto segregation, which I happen to believe as a lawyer is no longer valid.
>
> I think segregation or racial isolation, whatever it appears, is one and the same.

Does the Senator agree with the last point?

Mr. PELL. As a matter of fact, it is one and the same. The causes for it may be different, but it is a fact.

Mr. STENNIS. And as far as the children are concerned, they ought not to go back to history to determine whether they will have the benefits of integration.

Mr. PELL. No. But we have to follow the law. And this is what the courts have ruled.

Mr. STENNIS. Let us leave the courts out, because we can do this ourselves. We are not restricted by the courts in this field, not at all. That is what Mr. Finch said.

Mr. Finch said:

> I think segregation or racial isolation, whatever it appears, is one and the same. We have a very confused set of decisions—that go to both ends of the spectrum with regard to the question of busing, for example.

Does the Senator agree with that point? There is no entrapment about my questions.

Mr. PELL. The questions are confusing.

Mr. STENNIS. I read further:

> Finch said of the Charlotte school system: "Then you have problems like Charlotte . . . which I think are totally unrealistic, because they say that you shall take the percentages in the district as a whole and apply those and force those on each district—or each school within that district.
>
> "And in the case of Charlotte, they have to buy 400 new buses . . . when you have that kind of a situation, that's not the best of your resources because you're desperately trying to keep the doors open, to pay faculty, to pay janitors. But beyond that it's not the best educational experience, because to haul young children, for an hour or more, across long distances . . . means that they can't get any tutoring after school, the parents can't—have great difficulty—in getting to the teacher to talk about their child . . ."

That is just old, common horsesense. That is said by the Secretary of HEW. He does not believe in these extreme demands of the courts. That is not Stennis criticizing the court. It is Secretary Finch telling what it means to the people and to the children.

I think Mr. Finch is right. I think we have an obsession here. We are trying to rush these people, children included, in order to destroy the school system. But we say, "Don't touch any schools outside of the South."

And the Senator comes here today and discusses doing it by the amendment.

It is not fair. It is not right. And somewhere, sometime this wrong will be corrected.

I thank the Senator.

Mr. PELL. Mr. President, I understand the feelings and the conviction of the Senator. I do not think I am an unfair man. However, I do not agree with his views.

Mr. STENNIS. I was not suggesting that the Senator is unfair.

Mr. PELL. This is a point of disagreement. I know the situation in Mississippi is very different from that in the State of Rhode Island. But basically I stick to the language we have. And the Senate may well sustain the Senator from Mississippi in his view. However, I would hope not.

Mr. STENNIS. I was not suggesting that the Senator is unfair at all. I think the basic concept of the amendment as amended perpetuates an unfairness that has been going on and brings about very unfair results to the children—the black children, the white children, the parents, and the teachers. It does this by an extreme application of integration.

I am not arguing about integration. I know it is here. And it is here to stay. But this is an obsession with some.

Mr. President, I am really surprised that in these premises time after time—and I am not referring to any individual Senator—we protect the massive segregation that exists in these States beyond the South.

The courts will not touch them, or have not. And so far Congress has not touched them.

Let us not blame it on the Court. This is a legislative matter that we are dealing with here.

I thank the Senator. I admire his handling of the bill and the hard work he has done all this year.

Mr. President, I have remarks to make that are more or less along the same lines that I have made before.

This amendment gives this entire matter a new start.

As fine and respected and loyal as the members of the conference were to their obligation as conferees, it made it doubly hard on them to make the strongest fight that could be made for the Senate amendment when really they were honestly on the other side and so argued and voted on the floor.

That was known by the other conferees. I do not blame them one bit. I point out that that was the handicap they were under.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. STENNIS. I will yield to the Senator in a minute. However, let me finish my thought on this matter.

The House conferees that the Senate conferees were up against knew how these conferees had voted. It is just one of these things in the legislative formula of passing a law. I do not blame them one bit.

I was told consistently that the conferees would stand by the Senate position. And I think they meant it. I was told repeatedly by some of the conferees of the argument made by the Senator from New York. I think he is to be commended.

Mr. JAVITS. Mr. President, I thank my colleague.

I shall debate the issue concerning which the Senator from Mississippi has asked questions of the Senator from Rhode Island. The Senator from Rhode Island is not a lawyer. There are very great legal connotations involved here. I

will not do that at this time, because I would not want to interrupt the Senator.

I asked the Senator to yield so that I might state a fact which should be of interest.

There were four Senate conferees who voted for the Stennis amendment. They were Senators YARBOROUGH, RANDOLPH, PELL, and MURPHY. The only Representative from a southern State was Representative RUTH, of North Carolina. He signed the conference report.

I thought that was a fact which should be before the Senate.

Mr. STENNIS. I thank the Senator. I want to make it clear that I am not attacking any individual conferee. I know what they were up against.

We have talked about the confusion here and talked about not knowing what the amendment meant that the Senate passed originally.

We talk about these court opinions. With all deference to the conference committee, this being just a policy matter anyway—they could not get the Senate amendment adopted in conference and they were forced to resort to other means—when they left in the language of the Senate amendment and then wrote this paragraph 2, they really created a confusion.

My humble opinion is that if a court were passing on this legislation—should it become law, which I hope it will not—a court just could not place a judicial opinion on that basis, except in one way. They would have to say that the preponderant intent is expressed by paragraph (a) and, "therefore, we follow paragraph (a)." All they would have to say is that the preponderant intent is carried in paragraph (b), and then they would say, "We will follow paragraph (b)."

They could not straddle and base any ruling upon both of those sections at the same time because they contradict each other.

The first paragraph, paragraph (a), states:

> It is the policy of the United States that guidelines and criteria established . . . whether de jure or de facto in the schools of the local education agencies of any State shall be applied uniformly in all regions of the United States whatever the origin or cause of such segregation.

It does not say one region; it says "all regions of the United States whatever the origin or cause of such segregation."

That strikes out that history clause. It was written for that purpose. Those words were attacked on the floor of the Senate and by a large majority those words were kept:

> Whatever the origin or cause of that policy.

That is what the Senate adopted. The conferees left that provision in the bill.

Now, subparagraph (b) states:

> Such uniformity refers to one policy applied uniformly to de jure segregation wherever found and such other policy as may be provided pursuant to law applied uniformly to de facto segregation wherever found.

Two policies, going back to the same old track, the same old dual system, the some old two-way street—

> Such other policy as may be provided pursuant to law applied uniformly to de facto segregation wherever found.

Two kinds of segregration restored; two kinds of policy formulated, when the first section of the same provision states that there shall be one policy regardless of the type of segregation required uniformly to all areas of the Nation.

Now, with all deference to everyone, if anyone can reconcile those two sections in logic and common sense, I have not found it to be so. I do not believe that it can be done. That is why I say a court would have to take one or the other.

HEW—and I am not referring particularly to Mr. Finch, but HEW—can take either one they want. I can tell Senators the one they are following. Generally they are following (b). I do not doubt they might have written that paragraph in here, after being requested to do so, of course, because they would not intrude. They would do that if requested. I do not know. I am not saying they did. But it sounds so much like them. It is the pattern we are trying to get changed and modified a little.

I know what HEW is going to do. They are going to tell the people of the South, "The Congress made us do this and made us write this in black and white."

Mr. PELL. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. STENNIS. I yield to the Senator from Rhode Island for a unanimous-consent request.

Mr. PELL. Mr. President, I ask unanimous consent that the RECORD be corrected to include the name of Representative ROMAN PUCINSKI as one of the conferees on the part of the House in the report filed this morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. So, Mr. President, let us not be mistaken. I am speaking now to the 64 Members of this body beyond the Deep South, from States in which this rule, which we live under, has not been applied, but they, nevertheless, said, "We are willing to take it in our area of the country in a sense of fairness." I want them to know what this amendment does. There is a different point of view from the other side, it is true, but I want them to know how this matter fits in, in my mind at least. I have certainly been connected with it for a long time and certainly I have been working on this matter for a long time, although many others have worked on it also. I deserve no more credit than many others but I am familiar with it and in my mind and in my heart I know there is not a thing in the world to paragraph (b) except the same old formula, ritual, and practice that has been followed so far by HEW for many administrations. Try as Congress could with some mild proviso, they have gone out of bounds on this section.

I know that in some areas it is politically unpopular to try to enforce any rule that tries to destroy segregation. I think some people are trying to continue to protect it. I do not know that it will ever be destroyed, not in our time. I do not know why the Supreme Court over and over again refuses to pass on that matter, even though in my humble opinion they have had plenty of chances on that same question outside the South on so-called de facto segregation.

I yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I thank the distinguished Senator from Mississippi. Earlier this morning a point was made by the distinguished Senator from South Carolina (Mr. HOLLINGS) that actually the addition of section (b) here, to which the Senator has just referred, such uniformity refers to one policy applied uniformly to de jure segregation wherever found, and such other policy as may be provided pursuant to law applied uniformly to de facto segregation wherever found.

In essence, if I recall correctly, I think the point made by the distinguished Senator from South Carolina was that by adding this language to the conference report the Congress has, in effect, reestablished segregation as the policy of the Congress. I think the reasoning went along these lines; that with the adoption of the Stennis amendment, the Senate, in effect, said that it was the finding and belief of members of this body—as I recall the vote was around 50 to 30.

Mr. STENNIS. Fifty-six to thirty-six.

Mr. HANSEN. Fifty-six to thirty-six. That if segregation is exercised, as a great many believe it is—and the old concept of separate but equal, having been struck down by the court, no longer can apply in this country—then, with the leadership provided by the distinguished Senator from Connecticut (Mr. RIBICOFF) the country at long last had faced up to the facts and said that if the law of the land is that segregation no longer can be tolerated, the Senate has, in effect, said, "We will see that segregation is dealt with by the Federal Government uniformly without respect to any historical relevance or without respect to anything else."

I think what the Senator was saying could be compared to our efforts to strike down a certain disease. If I may, for the purposes of illustration, carry the analogy forward, I would say that the disease perhaps could be communicated in two or more ways. It could be communicated by a vector, by a mosquito. It could also be communicated by a germ that could be passed through the air from one person to another.

As I understand it, the Federal Government was instructed by the actions of the Senate that, it does not matter how this disease was communicated; we do not think it is good; we are going to bring the full force and effect of the Government to bear to see that it is stopped.

I was hoping that that would be the policy of this Congress, just as I felt that what the distinguished Senator from South Carolina said had great validity. At the moment when we passed the measure by a vote of 56 to 36 we said, "We are not going any longer to be blinded by what brings about segregation, whether it be de jure or de facto.

If it is not good, we are going to see that, so far as the actions of the Federal Government are concerned, we will do what we can to stop it."

Now with the addition of subparagraph (b), it seems to me, as the Senator from Mississippi has so clearly pointed out, we have in section 2, two subsections (a) and (b), which cannot be reconciled one with the other. Either one is right or the other is right. They cannot both be right.

We have said in subsection (a)—

Whether de jure or de facto in the schools of the local educational agencies of any State shall be applied uniformly in all regions of the United States whatever the origin or cause of such segregation.

That, it seems to me, is abundantly clear. It seems to me to state a policy which I helped the Senate to enact by a vote of 56 to 36, because I thought it was right. I think it is right for this Government to say, as a matter of an expression of public policy, that we should apply the laws of this country uniformly to all 50 of the States. I can see no reason at all to make any distinction other than that they shall be applied uniformly to all 50 States.

To get back to the example I was making about the disease, it seems to me that we are about to pass a law which says if the disease happens to be measles, and you contract it by a vector, we will do something about it, but if you get it in any other manner, we will not do anything about it. That is what it seems to me subsection (b) of section 2 now says.

Having just said that we are going to see that the laws of this country are going to be applied uniformly in all 50 States against something the Supreme Court of the United States has said must no longer be tolerated, we now turn around and, with doubletalk, present an impossible situation, I would think, for any court to find sense in it by adding subsection (b) to subsection (a).

Does the Senator think it will make one whit of difference to a little black child, to a little Indian child, or to a little white child to be in a school where certain policies are enforced or are not enforced simply because his presence happens to reflect de facto or de jure segregation, insofar as the long-range objectives that hopefully will come from that educational experience are concerned?

Mr. STENNIS. Not a bit of difference in the world, as the Senator has so clearly put it. It could not possibly make any difference. This amendment abandons the idea of bringing to those children whatever benefits they would get out of the mixed schools, and it has gone off and been based on historical grounds that have no relevance whatever to education.

Mr. HANSEN. Can it also be said that, actually, despite all the rhetoric, despite all the discussions, of what the Supreme Court may do or may not do—and, if I recall correctly, and I hope I do not misquote my distinguished colleague from Rhode Island, I think he said earlier today that, hopefully, the Congress of the United States would pass laws which the Supreme Court would find constitutional—Was that essentially what my distinguished colleague said?

Mr. PELL. That is correct.

Mr. HANSEN. I thank my distinguished friend.

I simply want to say that I believe it should be the responsibility of the Congress—and it shall be my objective—to try to look at this country of ours, to try to look at the problems that are presented to us, and to try to pass such laws as we feel may be in the public interest, and that we shall not be overly concerned always with trying to anticipate what the Supreme Court may say. I am old enough, as I am certain most Members here are, to know that the Supreme Court, down through the course of history, has decided one way once, and then another. Oftentimes, our learned scholars have said that the Supreme Court may be a couple of decades behind the popular sentiment, the national will, but sooner or later it seems that the Court has a way of reflecting what a majority of the people feel must be done.

With that thought in mind, with that observation in mind, it occurs to me that our objective should be: What may we do better to bring about that equality of opportunity, that equality of individual rights, which will make for the greatest possible achievement, individually and collectively, we can have in these United States?

Sometimes, to the surprise of many Members of Congress, actions by the Congress have been struck down as unconstitutional. If we were to be circumscribed in our actions by what we thought the Court might do, I would say we would lose sight of real objectives. Although obviously we will have to be answerable, our laws will have to be subjected, when they are brought before the Court, to the impartial, searing light of examination by the Supreme Court, I do not think our objective ought always to be to try to anticipate what the Court may say on a matter, but, rather, to address ourselves to the problems that are important to the people of this country.

I think that is what we have been doing here, and it seems to me that, having taken such a courageous step forward, having responded to the fairness, the courage, and the objectivity of the distinguished Senator from Connecticut (Mr. RIBICOFF), in following his lead, and having said we will no longer have a policy in this country spelled out by the Congress of the United States which will bring about an automatic type of segregation, which I submit subsection (b) would bring about, we will have taken a backward step now, if we adopt the language that has been brought forward by the conferees.

When I say these things, I mean to imply no criticism at all for the very able and dedicated leadership that was presented to the conference by the leader of the Senate conferees, my very good friend the Senator from Rhode Island (Mr. PELL), but rather to say that I hope we will not do what we are now asked to do, because I think it would be a step in the wrong direction.

I believe that if segregation is an evil, the laws of this country and the full force of the executive branch of the Government—and I have not yet had an opportunity to read the President's message—should seek to correct it. I would hope, first of all, that if there is an evil—and in the opinion of the Court there is one—I would hope we would do whatever we can to make these laws apply everywhere equally, just as the Senator's amendment so clearly prescribed would be done; and second, that we will give all of our children the assurance they are going to be treated fairly, that whether they live in the South or in the West, in Detroit or in New York, the same laws that apply to one section of the country are going to apply in every other section.

I think if we do this, we will have taken a major step forward in carrying out the mandate of our times.

Mr. STENNIS. Mr. President, the Senator has made a splendid statement. I subscribe to it wholeheartedly. I think he has made a major contribution to the debate.

Mr. HANSEN. If the Senator will yield a bit further——

Mr. STENNIS. Yes, excuse me. I thought the Senator had finished.

Mr. HANSEN. Well, I had, but I am reminded that I inserted in the RECORD some few weeks ago a rather lengthy column by Vermont Royster published in the Wall Street Journal, which discussed, as I recall, in considerable detail the proposition of the immorality of imposing a desegregation order on young children—school children—which we would not think of imposing upon older citizens. His excellent article prompts us to observe: We are insisting that our schoolchildren, our little children, be treated in a manner that we would not tolerate 5 minutes if the Supreme Court of the land, or this Congress or anyone else in authority, were to say that the same policy and the same principle shall be imposed upon adult people.

Mr. Royster went on to point out what, in his judgement, is wrong with efforts to integrate our society by applying these very harsh measures to the schools of this country; and he asked, if segregation is an evil, would it not be just as defensible to say to adults living in a community, "We have to have a certain degree of racial balance here, so you cannot continue to live in this part of the city; the court is going to tell you to pack up lock, stock, and barrel, and move out to another part of the country"?

That is the point he made.

How long would my distinguished colleague from Mississippi expect that the people of this country would tolerate such a proposal, if one were ever to be made, either by the Court, by Congress, or by any other authority? Does my friend think for a moment that any person in the United States, in peacetime, or in wartime either, for that matter, would willingly submit to such an order or edict?

The last time that I can recall that such a thing did occur was back in World War II, when we said to our Japanese-American citizens, "You cannot live

here; we are at war with Japan, so we are going to move you out." The legal scholars, as I recall, are still debating the legality of that move; and I have no doubt in my own mind that, had it not been that we were at war and that the overwhelming sentiment in this country supported the Government in its position, a good legal test could have been made of that, and it would have been struck down by the courts of this country as an unwarranted invasion into the rights of citizens.

But nevertheless, to get back to Vermont Royster, he makes the point that adults would not tolerate for one moment a court ordering them to leave one place and move to another place in order to achieve a certain degree of racial balance. The immorality of such an action would be too patent—too obvious—to be tolerated.

But I think that is precisely what we are saying to our schoolchildren, these little youngsters who are subjected to all of the frustrations and the tensions and the anxieties that may cause them many problems. Do we need to add to all of those things, which are part of growing up, yet another dimension, which I think can be most damaging of all, by uprooting them from their own communities, their own homes, their own friends—those youngsters of many races with whom they have grown up—and moving them out, taking them by bus, certainly oftentimes involving a considerable amount of time, to be transported to another part of the city, so as to achieve a racial balance among schoolchildren, that I cannot believe would be tolerated for 5 minutes if we were to try to apply the same techniques to grown, mature people?

Mr. STENNIS. The Senator has spoken well again. I thank him very much for the part he has taken in the debate. He understands human nature and the practical side of life very well.

I wish more of our Members had a chance to see the real results that this busing has caused the children in the tearing of little neighbor children apart and sending them off to different schools, and also the teachers, in invading the province of their contracts and the professional prerogatives of that great profession that is second only to the ministry itself.

Mr. President, I was referring a few minutes ago to the confusion that I thought this amendment, as written now, would bring about, with the double-edged operating blades that it has. I was impressed tremendously by remarks made by Chief Justice Burger, in a case that was decided on March 9, 1970, since the original debate on the amendment in this Chamber, which was in February.

This was in the case of Northcross against Board of Education of Memphis, Tenn., city schools. The Supreme Court sent that case back. Chief Justice Burger made these special remarks:

> Save for one factor, I would grant the writ and set the case for expedited argument at a special sitting, if necessary.

He went on and concurred in the results, but he gave his reasons why he saw other points in it. He said:

> I would do this on the basis that the time has come to clear up what seems to be a confusion, genuine or stimulated, concerning this court's prior mandate.

I say that this is relevant here, directly involved in this debate. We are told so many things to do and what not to do and are given so many orders and so much policing in our area of the country, although it is not involved elsewhere, that here is the Chief Justice of the United States saying that the time has come to clear up confusion. He cites those cases, and then he makes this statement in that brief opinion:

> From what is now before us in this case, it is not clear what issues might be raised or developed on argument. As soon as possible, however, we ought to resolve some of the basic practical problems when they are appropriately presented, including—

It is very unusual for a Chief Justice to make a statement such as this about the Court—

> whether as a constitutional matter any particular racial balance must be achieved in the schools, to what extent school districts and zones may or must be altered as a constitutional matter, to what extent transportation may or must be provided to achieve the ends sought by prior holdings of this court.

I am sure that any reasonable person who thought about it would have assumed that these matters have already been decided.

If the Chief Justice of the United States says there is confusion and the Court has not decided matters it should, how can they be understood by a little school board way out yonder in Timbuktu, five men elected to the board, serving without a salary, in a school district in which the assessed valuation perhaps is not over $5 million, where the superintendent perhaps is the executive member of that board, and they have one lawyer? Under a penalty of contempt of court—I know what I am talking about—these ladies and men have to make grave decisions as to what they will do about running their schools and the court proceedings against them, when the matter is so confused that the Chief Justice of the United States says that these matters ought to be decided.

It is downright ridiculous, the requirements that are being imposed on these little school boards, with their limited opportunities, without their knowledge of what the law is, without the resources to have these questions researched. Here is the Chief Justice of the United States saying "confusion," and it is confusion compounded.

Still, when the Senate, by a 56-to-36 vote says we ought to have at least a uniform policy, the same old bugaboo is raised for more confusion. They say, "No, we have to have two policies—one for the North and one for the South." I just cannot understand it. I do not know how far we are going.

I do not want to detain the Senate, but I have four cases which I will present before this debate is over.

These are four cases that have been decided by the Supreme Court of the United States, and Chief Justice Burger is Chief Justice of the United States. These cases have come to the Supreme Court from areas outside the South, and for some reason they have rejected them, they have not passed on them. I do not know why. I do not impute any bad motives to them. But here is the Chief Justice crying for decisions, and I think de facto segregation is the big thing involved in every one of them.

If they are going to hold that nothing will be done about it, they owe it to the country to say so. If they are going to hold that it is illegal, I respectfully say that they owe it to the country to say so. I think that is one of the things to which Chief Justice Burger was referring. He has said that other matters are involved. I hope it means something that the Court is going to move out of this field, which he called a field of confusion, and bring more common sense along with more law to bear on this insoluable problem. You people from other areas of the country do not know how it is, but you know enough about it to decide that you do not want it, and you are fighting hard to keep in the deep freeze your segregated schools.

Mr. President, the original amendment requiring that there be one national policy on segregation applied equally throughout the Nation, as I have said before, was adopted by this body by a vote of 56 to 36. That amendment made clear and definite the intent of the Senate to set a single national school desegregation policy to be enforced uniformly in every section of the United States.

The issue throughout the debate on that amendment was, simply: Should there be a single national policy; and if so, what should that policy be?

The debate really started on January 27, when the amendment was submitted, and it continued off and on until February 18, when the Senate voted overwhelmingly that there should be one national policy, that that policy should be "that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Educational Amendments of 1966 dealing with conditions of segregation by race, whether de jure or de facto, in the schools of the local educational agencies of any State shall be applied uniformly in all regions of the United States whatever the origin or cause of such segregation."

The words "de facto" and "de jure" were added there through an amendment—a very timely amendment—by the Senator from Connecticut. Then, another amendment sought to strike out the words appearing therein after the words "United States," and that amendment was rejected. So we had the proposition of making all kinds of segregation one so far as policy was concerned.

The proposition now before the Senate, in the conference report, is as different from what the Senate voted on February 18 as night is different from day. The conference report proposes that there shall not be a single policy but that there shall be two policies. It provides one policy for what is described or classified as de jure segregation and another

for what is described as de facto segregation.

The fact that the conference report proposes to establish two policies is bad, but it is worse that one of the policies established—the policy relating to de facto segregation—is established without definition or even a suggestion of a definition. In fact, that issue is completely evaded by a declaration that the de facto policy shall be whatever is provided "pursuant to law." The report, therefore, not only rejects the original proposition established by the Senate amendment, but it would, if adopted, legalize the inequity the Senate sought to correct.

Mr. President, I think there is a good chance that if the court is passing on that section (b), should it be adopted—which I hope it will not, and I believe it will not—then I believe that clause, right there, would knock it out and be the basis for holding that it had no meaning.

In addition, the failure to define the remedy for de facto segregation compounds the confusion that has made equal application of the law difficult, if not impossible.

The duplicitous policy of having one integration standard in the North and another in the South has confounded every public official from the school superintendents to the President of the United States.

I read from one of Secretary Finch's recent statements a few minutes ago, that someone had brought in a statement from the President today—I have not had a chance to read it yet, but I know that he found a lot of the facts there that were not to his liking and a lot of conflicting, duplicitous policies that he has had to deal with. This merely adds to it. This original amendment was just a beginning, a light brightly lit, that would help to lead the way.

School officials in the South are at a complete loss to understand the content of the national policy or the method of its application.

The President said on March 21, 1970, as reported by the Washington Evening Star of that date:

> The law at all levels is confused.

The Secretary of Health, Education, and Welfare, Mr. Robert Finch, said on March 2, as reported by the Washington Post:

> The Nixon administration is confused by what the courts have said. There are a number of areas where the court has not spoken at all.

He went on to say:

> They (meaning the courts) still cling to the distinction between de jure and de facto segregation which I happen to believe, as a lawyer, is not longer valid. I think segregation, or racial isolation, everywhere it appears to be one and the same. We have a very confused set of decisions. . . .

With all deference, this amendment brings forward all the confusion, all of the uncertainty, and all of the duplicity that we have been finding here. The people outside the South cannot feel it or realize it, that we have been having in connection with this problem.

Chief Justice Burger said in the opinion in Northcross et al. against Board of Education of the Memphis, Tenn., city schools et al. handed down March 19, 1970:

> . . . the time has come to clear up what seems to be a *confusion*, genuine or simulated, concerning this Court's prior mandates.

That is a highly extraordinary statement to come from the Chief Justice, and a proper one, though.

The confusion referred to by these high officials and which exists throughout the public school system is mainly caused by the failure of Congress to set forth a clear and definite national policy.

The way it has been applied is almost the same as if one had written another section to it and gave the order, "You shall apply this only in the South." I do not have to say anything more about the court's decisions. I just let the Chief Justice's remarks speak for themselves.

In the original amendment adopted by the Senate on February 18, the Senate spoke clearly, firmly, and plainly.

The Senate said there should be one policy, uniformly enforced throughout the Nation and that policy should be that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 dealing with conditions of segregation by race whether de jure or de facto should be the same in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation.

That language is clear. The intent of that language is clear. Simply stated, it says it is national policy to deal with segregation wherever and whenever it occurs under the same rules.

We were talking about the granting of money, something specially within the jurisdiction of Congress. Still this report comes back from the conference to say, "Well, the Supreme Court has not passed on de facto segregation." The court does not have to pass on de facto segregation—whatever it is—prior to Congress' adopting whatever rules it wants to adopt with reference to the granting of Federal aid to education. That is all involved in the amendment. It relates solely to the Federal grants on aid to education.

If the proposal in the conference report is adopted it will by law establish two policies: One for de jure segregation, however that may be defined and applied; and another for de facto segregation, "as may be provided pursuant to law."

If adopted, the conference report will give official status to the present practice of enforcing desegregation in one part of the country, while ignoring and overlooking it in another part of the Nation.

Now this is not hard law. It is a statement of policy, but, nevertheless, it has official status. If it should become law, our friends here who have changed the amendment, some Senators here who are trying to keep the "great hand" from reaching their segregated schools, will cite this report and every word in it to back up their position, if this should pass.

The record of the Senate is heavy with facts collected and verified by the Department of Health, Education, and Welfare that show the extent of segregation in the North. The location of the figures by States in the RECORD is listed on page 1266 of the CONGRESSIONAL RECORD of January 27, 1970. The figures show indisputably that segregation in the North in many places is worse than in many places of the South.

Facts available since those figures were compiled show the schools of the southern and border States are far more integrated today than those in the northern and western States.

For example, in Mississippi 50.4 percent of the 223,784 Negro students attend either majority white schools in HEW monitored "voluntary plan" districts or school districts which have been integrated under court order, based upon HEW-approved plans. These figures do not include the 30 school districts where Federal funds have been terminated and for which HEW figures are not compiled.

This compares with an average of 27.6 percent for the 32 Northern and Western States. The percentage of Illinois is 13.6 percent—22.5 percent in California, 32.3 percent in New York, 20.6 percent in Michigan, 27.3 percent in Nebraska, 27.7 percent in Ohio, 27.5 percent in Pennsylvania, and 30 percent in Indiana.

During the debate on this amendment the segregated conditions of the North were stated and emphasized repeatedly. The conditions were condemned by Senators representing the North as well as by Senators representing the South. Segregated conditions in the North were described as "deplorable."

The failure to move against segregated conditions in the North while moving vigorously in the South was described as "monumental hypocrisy."

After full debate the Senate moved with courage, logic, and a deep sense of fairness to establish a doctrine of equity laying down the rule that every citizen in this country should be treated the same under like circumstances.

Mr. President, let us not be mistaken about it. If the Senate adopts the conference report, it will have repudiated the action it took on February 18 in establishing equal treatment for all people under the law.

There is no other way, as I have said, to read those two sections together, from a legal standpoint, at least, without finding one contradicting the other.

There was no way for paragraph (b) to have life and at the same time for paragraph (a) to have life.

This applies primarily to HEW and would give HEW a choice, to follow (a) or follow (b). However, we know what they will follow. They will follow (b). They will follow (b) because they have followed it all along and they would run into a stone wall if they tried to apply (a) with (b) in existence—outside of the South.

It will not only condone but will place the stamp of official approval upon the inequities that were so vigorously condemned on the Senate floor less than 60

days ago. The question is simple. Will the Senate reverse itself?

That is the question and that is the only question. It can be painted and varnished, and explained and discussed, with ambiguous language but the issue is clear. Will the Senate stand firm in its opposition to and condemnation of "monumental hypocrisy"?

Mr. President, I do not want to take too much of the time of the Senate. This is a matter of the gravest concern. It has had the utmost attention of the Senate. When we were here in February with this amendment, the burden was on those who proposed the amendment to make out a case, to bring forth the facts and the logic and conditions and figures that would make out a case.

I had very little part in that, but when that debate was over, the vote was 56 to 36 in favor of the amendment.

I would just make a calculation here and point out that those who voted in favor represent approximately 60 percent of those present and voting.

It is a large percentage of the membership in favor of the amendment on a vote on a subject matter of that kind. It was the first one that had been decided from that viewpoint since the Supreme Court decision of 1954.

I cite that to show that the Senators felt conditions called for a change.

The amendment swept through this Chamber like a spring breeze. Now the presumption is still in favor of that amendment because it passed the Senate by such an overwhelming vote. The burden is on those who propose new remedies. And I respectfully submit they have not carried the burden.

They kept the Senate amendment in here. I do not know why unless it is part of the two rule system or for sentimental reasons. However, if we follow (b) and put it in there, we would cancel out a great part of what the Senate did a little over 30 days ago.

Mr. President, I have the cases I referred to as well as other remarks. However, I will speak later.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. HOLLAND. Mr. President, first, I compliment the Senator upon continuing his good fight, his good battle which he won so effectively in the Senate by a vote of 56 to 36 just a short while ago.

I cannot understand why the conferees from the Senate permitted this amendment to stay in the bill at all, while at the same time they were permitting it to be so mutilated as to make it read and mean something entirely different from what the Senator's original amendment meant.

I call attention to several facts. One is that seven of the conferees of the House did not sign this conference report.

They were Mrs. GREEN of Oregon, Mr. ASHBROOK, Mr. BELL of California, Mr. ERLENBORN, Mr. SCHERLE, Mr. DELLENBACK, and Mr. ESCH.

That indicates anything but full concurrence on the part of the conferees of the two Houses on this particular matter.

Mr. President, I want to go much further than that. First, I want to say that I completely agree with the distinguished Senator from Mississippi that the insertion of subsection (b) in this amendment changes it entirely from its original form when it did prescribe uniformity in the treatment of desegregation, regardless of how it may have arisen and regardless of whether it was de jure or de facto. It changes it entirely by prescribing nonuniformity, two rules of uniformity in the treatment of segregasalutary end which the Senate had desired to accomplish in the Senate by the adoption of the amendment, this mutilated amendment brings about exactly the opposite result because it does prescribe complete nonuniformity in subsection (b), which I will now read for the RECORD:

> Such uniformity refers to one policy applied uniformly to de jure segregation wherever found and such other policy as may be provided pursuant to law applied uniformly to de facto segregation wherever found.

That makes it very clear that the uniformity prescribed is to be two kinds of uniformity affecting the two different fields. It seems to me that instead of bringing order out of confusion that has existed, this changed amendment brings even greater disunity and even greater confusion.

I wish to speak briefly upon one aspect of the matter that I do not believe the distinguished Senator from Mississippi mentioned, and I wish to get his views. He stated very truthfully that the meaning of de facto segregation was not described by this conference amendment. But assuming de facto segregation means segregation brought about by residential patterns—and that apparently is what the President thinks judging by his message received today, and that is what frequently has been described on this floor as de facto segregation—I am calling attention to the fact that it must apply in the South as well as in the North.

We have segregation that does result from residential patterns in such cities as Louisville, Memphis, Atlanta, Richmond, New Orleans, Jacksonville, Miami, Tampa, and many other cities which the Senator well knows, including the city of Houston, with more than 1 million people in that city.

It seems to me, therefore, that this modified amendment prescribing two kinds of uniformity, instead of uniformity which by its very meaning requires a single interpretation, now prescribes two different kinds of uniformity and will probably bring about in the Southland two different types of enforcement of law.

It seems to me if anything could be more unfair, as well as more calculated to make for greater confusion than even now exists, it would be to have the rural counties, and the counties where the county seats are small towns, affected by one meaning of the uniformity and to have the cities where large groups of Negro people and white people live in separate areas of those cities, affected by a different type of law and a different interpretation of the law applied to them.

I cannot help but think in terms of my own State. It seems to me it would be highly unfortunate and unfair to have the smaller counties in my State and the rural counties in my State, some of which are rather large in terms of population—one of which is the county I live in, which has about a quarter of a million people and is still a rural county—have to obey and have enforced one interpretation of these laws against segregation, and to have the larger counties where there are large cities—and I am thinking now particularly of Jacksonville and Miami—free from the law as interpreted in the rural counties and, instead, subjected to another interpretation of the law.

The city of Jacksonville has something like 110,000 Negro citizens. They live almost entirely in one area of that city on the north side of the St. Johns River. The area south of the St. Johns River is almost entirely inhabited by white residents. It seems to me it would be very unfortunate and very unfair to have the areas in that city of Jacksonville which are inhabited entirely by Negroes or entirely by white people held to be de facto segregated—and there are a great many schools in each of those areas, colored schools in one area and white schools in another area—and yet to have the surrounding counties, much less able to deal with this particular problem than the city of Jacksonville, subjected to another interpretation of the law. I cannot think of anything more unfair or unfortunate than to have such a result.

My question to the distinguished Senator from Mississippi is this. If de facto segregation is held to be that segregation resulting from residential patterns, as I think most of us believe it to be, will it not, by that very fact, bring about a result under which two types of law enforcement, two types of interpretation of the laws against segregation in the schools, will be enforced, even in the Southern States where there are large cities having large residential groups of colored people or white people living together; and, therefore, neighborhood schools in those areas that are segregated either white or colored? Will it not bring about two types of enforcement and will it not bring about two types of laws, even in the Southland?

Mr. STENNIS. Certainly, something like that is in prospect. No one can tell what form it will take now. This is not confined just to the South. We have migrations in various cities. This migrating includes colored people, too. We have the busing problem in some of the western cities that we know about where school boards have been defeated when they came up for reelection. It compounds and confuses the problem.

There must be one general overall policy and that must be and I think it should be declared by Congress and in very emphatic terms. We did make a start in that amendment. Something will have to be sustained by the court. We cannot go on as we have been.

I think the Senator from Florida has made that very clear and I commend him for it.

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. STENNIS. I am glad to yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, it seems to me the recent decision of the Supreme Court in the case affecting Charlotte, N.C., indicates rather clearly, although the decision is not yet written to so declare, that this very point is bothering members of our Supreme Court. Otherwise, I cannot see why they would have refused to apply to Mecklenburg County and the city of Charlotte the same rules they have applied in other decisions to more rural counties.

I think the RECORD should show that this very unfortunately worded amendment, as it comes back from conference, is fraught with grave problems and grave possibilities, not solely with respect to the North, East, and West, but also with respect to the South, where I think instead of having something that could be called unitary, we are going to have a dual type interpretation and enforcement which will make vastly worse the confusion already existing.

I want to congratulate the Senator for protesting vigorously upon this rewriting of the amendment, which is offering exactly the opposite objective from that which he intended and that which was approved by a large vote of the Senate.

I thank the Senator for yielding.

Mr. STENNIS. I thank the Senator for his comments. I want to make one correction in what he said. This is not my amendment. This is our amendment. Fifty-six Senators voted to have it adopted. I hope even more Senators this time will vote to sustain it.

Mr. President, unless a Senator wants the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The question is on agreeing to the conference report.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 2601) to reorganize the courts of the District of Columbia, and for other purposes, with amendments, in which it requested the concurrence of the Senate; that the House insisted upon its amendments, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MCMILLAN, Mr. ABERNETHY, Mr. DOWDY, Mr. CABELL, Mr. NELSEN, Mr. HARSHA, Mr. BROYHILL of Virginia, and Mr. HOGAN were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H.R. 15728) to authorize the extension of certain naval vessel loans now in existence and new loans, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H.R. 11959), to amend chapters 31, 34, and 35 of title 38, United States Code, in order to increase the rates of vocational rehabilitation, education assistance, and special training allowance paid to eligible veterans and persons under such chapters; to amend chapters 34, 35, and 36 of such title to make certain improvements in the educational programs for eligible veterans and dependents; and for other purposes; and it was signed by the Acting President pro tempore (Mr. METCALF).

HOUSE BILL REFERRED

The bill (H.R. 15728) to authorize the extension of certain naval vessel loans now in existence and new loans, and for other purposes, was read twice by its title and referred to the Committee on Armed Services.

EXTENSION OF PROGRAMS OF ASSISTANCE FOR ELEMENTARY AND SECONDARY EDUCATION—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

Mr. JAVITS. Mr. President, I have heard with very great interest the concerns expressed by the Senator from Mississippi about what we did in the conference. As one of the conferees who undertook to try to negotiate this matter with the House of Representatives on the Stennis amendment—an amendment which I opposed, but which as a conferee I was in conscience and in duty bound to defend to the utmost, and which in all conscience I feel I did—I should like, first, to make this point, which I think is very important:

Lest the Senate have some contrary impression, four of the Senate conferees had voted for Senator STENNIS' amendment notwithstanding the debate and the controversy which was engendered, and all four of them signed the conference report: Senators YARBOROUGH, RANDOLPH, PROUTY, and MURPHY. A member of the House conferees from the South, Representative RUTH, of North Carolina, who ardently espoused the Stennis amendment in conference, also signed the conference report.

Mr. President, I should like to address myself first, because I, too, think it was of great significance, to an astute and lawyer-like question asked by the Senator from Mississippi (Mr. STENNIS), and that is: "What did you preserve of my amendment in this compromise?"

Mr. President, I think we preserved a great deal. Indeed, I think we preserved everything. In the first place, the concern expressed in the Stennis amendment was that there should be uniformity of enforcement; and that, because it was a statement of policy and not a law, meant not only that the laws would be uniformly applied—which we all understand, and which did not need a policy declaration—but that manpower used, effort exerted, and emphasis in the executive department, and all such things would be borne in mind in laying on evenly, as it were, North and South alike, with respect to the desegregation of public school systems.

That was certainly preserved. There is no question whatever about this matter of uniformity; and because it is a policy statement, uniformity means far more than it would mean if it were simply an operating statute.

Second, Mr. President, we took account of the fact that the state of the law would develop, and that, whereas the Supreme Court had not yet ruled on the issue of de facto segregation—and that is really racial imbalance; as a matter of fact, that was admitted here in the course of the debate on the Stennis amendment, that both terms meant exactly the same thing—but as the Supreme Court had not yet determined that that was unlawful or unconstitutional, we took account of the fact that the law might develop in that way, and we took account of the fact that Chief Justice Burger had, indeed, called on the Supreme Court to take up a case of that kind on a write of certiorari—it having denied such writs heretofore, by the way, as the Senator from Mississippi properly noted.

Mr. President, the much maligned part (b) of this compromise deals with precisely that question. It says, for practical purposes, that the Federal law is expanded to include de facto segregation of any kind, wherever found, North or South; that the policy of uniform administration should apply to de facto segregation to the extent that it becomes unlawful, as the law progresses in the future. So I think that is a very clear accomplishment.

My third point, which I think is most important of all to Senator STENNIS and to his colleagues who so vigorously and successfully fought for the Stennis amendment, is the preservation, in clause (a), of the language which reads "whatever the origin or cause of such segregation."

That, I think, Mr. President, is a very big concession which was obtained by the Senate conferees; because, with all respect, I do not agree with the Senator from Mississippi—and I have the privilege of disagreeing because I, too, am a lawyer—that clauses (a) and (b) are antagonistic, and that the courts will choose (a) or (b).

On the contrary, it is hornbook law that the courts will do their utmost to reconcile (a) and (b), and obey them both if they can. I believe they properly can, and I think the key to the matter is this phrase, "whatever the origin or cause of such segregation."

I do not see anything whatever in item (b) which is inconsistent with that policy declaration.

Mr. President, what does that mean?

That means, in my judgment, that the courts will now cease to look for the origin of the segregation, which, in the South—because that is where it has been, in contemporary times—were dual school systems, and will, as it were, call them as it sees them.

In other words, if you have a situation of segregation which is attributable to the dual system, or its remains or vestiges—obviously a dual school system is unlawful now, so that we cannot say that the courts can act only if the system exists now, because it is unlawful now, and the court will not take action except to redress unlawful things—the courts have held a right to look at the system and say that the segregation arises from the fact that at one time they ran a dual school system, and therefore, to undo that wrong, they will make the following remedy—but the courts can no longer assume it. The courts can no longer assume, as I see the meaning of this policy statement, that because there was at one time a dual school system, then it follows as a matter of law—we lawyers use the words "ipso facto"—that the segregated system is the result of that dual school system.

This, as a matter of fact, will complicate proof for the Department of Justice. It will certainly, in fact, cause a uniformity of application of the policy, which is all we passed on here, to both North and South, and in my judgment the Senate gained a great deal more than the other body, with all respect to them, in respect to this vital matter, which goes to the actual taste, color, and nature of the desegregation of public school systems of the South, and I think equally with regard to the origin or cause of such segregation. When the court extends the doctrine to include de facto segregation, in whatever form it may extend it, it will also apply there, and again the court will not assume that because a housing pattern or a working pattern is involved, that that immediately takes it outside the law, but the court will go through, because it will disregard the origin, and actually try to determine whether or not the segregation actually is, as it were, manmade in one way or another, by gerrymandering school districts or as the result of some other educational policy.

There again, from both the negative point of view—that is, of treating the South differently—and the positive point of view—that is, of approaching the thing more vigorously in the North—I think this policy statement will help accomplish both.

Finally, Mr. President, one thing that is omitted in Senator STENNIS' very eloquent and powerful argument made a little while ago is that this is a policy declaration. It is not a law. If we wish, Mr. President, to deal with de facto segregation by law, Senator STENNIS is absolutely correct: We have the right. The courts may declare it unconstitutional. That is possible. They may declare that education is a matter for the States, that it is beyond our reach in terms of the application of Federal law, and that all we can do is condition the use of money on whatever our ideas are, but we cannot actually direct State school systems as to how they shall organize and operate.

That may very well be. But even in conditioning the use of money, we could deal with de facto segregation, and say, "None of this money can be used, or it can be used only under given conditions, when, as a matter of fact, there is a preponderant pattern of one race or the other in given school systems."

We could set a percentage—which is what we tried to do in New York, by the way—and certain guidelines with which we had a great deal of trouble when Dr. Allen, now the Commissioner of Education, was our education commissioner in New York. So we could set percentages. But if you get into that, then you have to go a lot further than anybody around here seems to be willing to go. For one, you are face to face with the busing issue. There is simply no way to desegregate areas where you have a heavy concentration, for example, of black population in the core cities except by busing, and you have to face that head on. You have to face a definition of what is a segregated school system de facto, and there you come into the issue of percentages.

You have to face the issue which the Senator from Colorado (Mr. DOMINICK) and the Senator from Kentucky (Mr. COOPER) have always sought to lead us on—the issue of the quality of education. Is it really a fact that this type of segregation does what the Supreme Court found de jure segregation did in the Brown case—to wit, depreciate the quality of education of the individual, or at least have that capability?

All this is a far more complex question than the Senate has yet been willing to deal wtih. I will say, as an ardent advocate of desegregation, that I would be very pleased if the Senate really came to grips with that as a matter of law and tried to decide what is and what is not good educational policy in terms of Federal money, where you have school systems which have concentrations of population in a given area so that the concentration reflects itself in the school population in individual school districts. I doubt very much that the advocates of the Stennis amendment want to get into that, because it would lead right into all the things to which they have been opposed.

So, really, when Senator STENNIS proposed his amendment, he was proposing a compromise; he was proposing a policy declaration because, obviously, those of that point of view were unwilling to get into a statutory declaration which would have to be infinitely more specific and have to face the stern realities which you have to face if you are going to deal with what is called de facto segregation.

I respectfully submit that in working out a policy declaration, the conferees have preserved far more than they have given up. As I see it, the only thing they have really given up from the original Stennis amendment is the failure of the original Stennis amendment to recognize that it was a policy which was not adjusted to the size of the law, that the policy went beyond the law. What the compromise did was to say that the policy will go the extent of the law, and if the law grows, it will go that far, too, but it will not go beyond the law. I cannot see how, in logic, one can fault that kind of compromise.

Where we are dealing with law, we have no right to make policy, except based upon the law we have a right to apply. We are not a legislature of unlimited powers. We have a very sharp circumscription of our powers according to the Constitution.

So it seems to me that we followed out the logic of the Stennis amendment in the compromise we made, and I feel that we gave up, in terms of what the Senate wanted by a majority vote, a lot less than we got. I feel that the conferees have brought home the essential thrust of the Stennis amendment, insofar as it has any right to go, which is to the extent that we have any power—to wit, the law, the Federal law, whether it is made in court or made here in statute.

I was very much a party to this effort, which went on for days, as the Senate knows, and was very hard fought.

In closing, I would like to testify to my feeling—and I make myself the example A—that I really felt deeply impressed in conscience with the obligation of being a conferee on an amendment which I was against, strongly against, and, it seems to me, made me even more vigilant than I otherwise would have been and less disposed than I otherwise would have been to give up anything on it. I felt the duty to stick by it far more tenaciously than one does normally in a conference, whether on my own amendment or anybody else's, because I understood the background and the quality of the obligation we had undertaken as trustees. I deeply believe, in all conscience, that we brought back to the Senate the essential thrust, as Senator PELL put it, of the Stennis amendment.

Mr. ALLEN. Mr. President, will the Senator yield for a question?

Mr. JAVITS. I yield.

Mr. ALLEN. The Senator has spoken of following the reasoning of the Stennis amendment to its logical conclusion.

I should like to ask the distinguished Senator from New York if this is not conceivable, following the reasoning of the conference committee to its logical conclusion, the conference committee feeling and reporting that the uniformity required by the Stennis amendment should not be applied to cases of de facto segregation? Is it not conceivable that all presently segregated schools, if there be any, might become desegregated to the extent required by the Constitution as interpreted by the Supreme Court and for those desegregated schools to become resegregated, therefore becoming de facto segregated? Is it not conceivable, then, that there would be no integration in this country, inasmuch as de facto segregation has not been ruled unconstitutional?

Mr. JAVITS. No, I do not believe that, because I believe that the factual situation—that is, the mat on which we lay this template—is not that kind of mat. That is even true, in my judgment, in the areas of the country from which I

come. I think that in New York we have really striven very ardently and honestly to give a better opportunity to the children—mainly black children and Puerto Rican children—but we are by no means perfect. But I am sure that there are areas in this country where much better could be done and where the template even laid down there, if we did have some law on de facto segregation, would result in an improvement in terms of desegregation of schools. But I feel that in many areas of the country there has been a considerable mixture of the racial pattern of living; that modern means of transportation no longer make it necessary to have a little red schoolhouse on the corner. Educational centers, educational parks, the system of concentrating grades in a given school—all of this can be used to great advantage to accomplish the purpose of trying to raise the quality of education by the admixture of children who are concentrated in one place.

Therefore, I cannot accept the proposition that the whole wheel would run full turn and that, having desegregated, you would resegregate because of living patterns.

Mr. ALLEN. Does the Senator take the position, then, that the de facto segregation that exists in the State of New York should not be covered by the uniform standards and uniform policies provided by the Stennis amendment?

Mr. JAVITS. I do not take that at all, so long as the segregation in the State of New York is in any way unlawful.

Mr. ALLEN. That begs the question.

Mr. JAVITS. I do not beg the question at all. If the Supreme Court in any way extends its doctrine to New York or any other State, then the Supreme Court, or the local courts, can reach into that State and tell us how to do it better than we are doing it, and I would accept that. As a matter of fact, I would welcome it. But I say that is no excuse for staying the hand of the Supreme Court in areas to which the law does apply and applying it uniformly. That is why I said what I did about the question of presumption. I think that has been the complaint. I think that is one of the big things which remains and which the Stennis amendment has brought back.

Mr. ALLEN. Well, Mr. President (Mr. BELLMON), the Senator, then, would wish to wait for a Supreme Court ruling that the segregation which exists in the city and the State of New York is unlawful before attacking that problem?

Mr. JAVITS. No. The Senator is not saying that at all. On the contrary, I am doing everything humanly possible, and many others are, who are operating in this field. I said on the floor that when my State passed a law which inhibited local school boards from ordering busing to correct racial imbalance, unless it was an elected school board, that I am opposed to it and I would join with the others in efforts to undo it. I am pleased with the efforts made under Mr. James E. Allen, Jr., when he was our commissioner. I am pleased with the efforts of the courts which have issued decrees in the situation and I shall help to support them in every way I can. All I say is, right now, it is beyond the reach of Federal law or the authority of the States, but I welcome it. In the absence of it, I do not see how we can make a policy which goes further than this authority to decide cases bearing on State or Federal law.

Mr. ALLEN. The Senator states he would welcome Federal law, and where we have an opportunity by adopting the Stennis amendment unadulterated, to have Federal law on the subject. I am delighted to learn, however, that the distinguished Senator from New York favors State action above Federal action and to that extent the junior Senator from Alabama is in hearty accord with the distinguished Senator from New York.

Mr. JAVITS. May I comment on both points. The Senator has put his finger on exactly the right spot when he says that I would welcome Federal law. I welcome Federal law, but the Stennis amendment is not Federal law. If the Stennis amendment were Federal law, then this argument could not be made because that would be the law. It may be declared unconstitutional, but it would be the law. But, it is not. It is a policy. What the conferees have recognized is that we cannot extend the policy of government beyond the Government's authority, and the Government's authority is either law or decision. This was, I think, proper. That is why I think I can say proper, because we have carried out the only thing the Stennis amendment could do. It is a statement of policy. It is not Federal law. Therefore, the policy cannot go beyond the law.

The other part, as to my favoring State action, I favor and approve of State action. I favor it in this instance, in this area, there is no Federal law. I believe, personally, that the Supreme Court is going to move into this area. I really believe that. I think that perhaps this amendment, if the Senate approves it and the House approves it, may very well be the incentive to do that. But it will be an incentive. It is not a statute. The Senator from Mississippi was at perfect liberty to bring a body of law to deal with de facto segregation.

We could have fought it one way or the other, but it would have been in law, what was brought in in conference and approved. The point is, we cannot have it both ways. If we have a statement of policy it cannot go beyond law. If we want to make law, we have to face the hard realism of the right of law, which is enforceable and practical as a law which we must face frontally. The problem of busing faces it frontally. We cannot avoid that, if we want to write a law on the subject.

That is why we have a statement of policy here and not a law. I hope very much that we all understand each other on that score, that this is not a law, that it is a statement of policy. The fundamental belief—my belief as a conferee—and others here who are interested—they can correct me if I am wrong—but this policy represents a policy within the confines of policy—to wit, within the confines of law or decision. But we cannot have a policy which itself makes the law. That is all we recognized as conferees in writing the compromise we did.

Mr. ALLEN. Then the distinguished Senator is not in favor of applying the same desegregation policies to de facto segregation as are applied to de jure segregation?

Mr. JAVITS. I cannot accept that conclusion at all, but I have to apply it in the way in which it can be applied, whoever is there to apply it. Right now, in the present state of law, only the States have power in respect to de facto segregation, because they control educational assistance. Thus, I am doing my utmost to motivate my State, as I am sure other Senators are on that score.

As to the interposition of a Federal law, I would have joined issue on that gladly. As to the practical details of working it out, I think any of my dug-in opponents would not charge me with the thought that I would not join in that. But I would oppose it and would say that I am against it because it would strike at my part of the country.

The Senator from Kentucky (Mr. COOPER) has an amendment to the bill which went rather directly to my part of the country and I had to accept it. I am sorry about that, but that is it.

The President has put troops into the New York post office, although he did not put them into other post offices, which is too bad. New York has the largest post office in the country. The postal workers there are very angry at what they consider to be great injustice. We have to accept that. I feel the same way about this. If we had a law that had been properly stated, I am sure that we could all join issue on it and work on the details, but I would have no objection to it in principle.

Mr. ALLEN. Then the Senator still wants that policy to apply in the State of New York?

Mr. JAVITS. I want that policy applied in my State. I just say that the Federal Government is in no position to apply it without basis of authority. It has no basis of authority. Therefore, I must do my utmost to get it applied through an agency of the State. I am not pleading for any exemption.

Mr. ALLEN. The Senator, then, in that respect, is an ardent states righter?

Mr. JAVITS. I do not think it would warrant that conclusion, but we cannot argue these things with absolute finality.

Mr. DOMINICK. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. DOMINICK. I have listened to this colloquy with great interest because I find myself very much on the side of the Senator from New York, but for totally different reasons.

The Senator from Alabama was talking about whether we were in favor of or against a Federal law dealing with de facto segregation. I am against. I will say flat out that I am against it. I have been a strong advocate of civil rights both prior to and since I first held public office, so far as legislation is concerned. The idea of requiring blacks who have

moved into an area because of fair housing laws, or who desire to reside together, or whatever, to be bused out of that area and taken to a school outside the neighborhood is wrong from their point of view, and wrong from any other point of view.

Thus, I feel that for totally different reasons than those cited by the Senator from New York, we came out with the compromise we did. It is a solution which is viable. We are saying to the country as a whole that the South is not going to be the South, that the North is not going to be North, and that the West is not going to be West, but that we are all going to be part of one country. Wherever there is de jure segregation we will apply one policy uniformly around the country. Wherever there is de facto segregation—when it is determined what that is, what it means, whether it has anything to do with the quality of education and whether it should be illegal—once that is determined, we will apply uniform rules there as well. It seems to me that this makes eminently good sense.

If we had maintained the position that the Senate had passed originally in the Stennis amendment, to which I was opposed, we would have done great harm to our efforts to improve the quality of education around the country.

Mr. ALLEN. I appreciate the remarks of the distinguished Senator from Colorado (Mr. DOMINICK). With all due respect to his statement, I do not believe that the conference committee has come up with anything new, except that they have certainly emasculated the provisions of the Stennis amendment. Actually, what the conference committee has done by adding subsection (b) is to write into the law what is presently being carried out as the policy of HEW—maintaining two sets of rules—one for the South and one for the North.

The Stennis amendment sought to have only one rule to attack the problem. The problem is not whether we will have de jure segregation or de facto segregation. The problem is segregation.

Senators have talked about the evil of segregation and the fact that it should not be permitted. All that the amendment offered by the Senator from Mississippi has done and all that the Senate did in passing that amendment by an overwhelming vote was to say that we will attack the problem of segregation. It is a problem that we want to solve.

And whatever the Federal policy is with regard to desegregation and whatever the Federal policy is with regard to eliminating segregation, we will follow that with respect to all school systems no matter how that segregation came about.

Mr. DOMINICK. Mr. President, I think the Senator is oversimplifying the situation.

Desegregation has never meant, so far as I know, that we must be required to forcibly integrate the races even if they do not want to do so.

Mr. ALLEN. That is where the Senator is wrong. That is what the Supreme Court holds at this time. It did not hold that in 1954.

Mr. DOMINICK. Desegregation has been interpreted continuously since 1954 to mean that one must have the right to go into any public facility whether it be in public accommodations or schools or anything else.

Mr. ALLEN. I wish the Senator were correctly stating the law. If he were, this whole debate would crumble and we would all proceed to adjourn for the holidays and hear no more about this matter.

I stand for freedom of choice. But the Supreme Court unfortunately has said in cases coming before it that the freedom of choice plan has not met the requirements of the Supreme Court, it has not done the integration job. Therefore, on the facts presented to the Supreme Court, the freedom of choice plan was stricken down, not because it was freedom of choice, but because it did not get the job done.

Mr. DOMINICK. The Senator as usual has a quick and astute mind. But, if I may say so, most of the problems involving freedom of choice have involved someone else's freedom of choice.

How do the people in that area want their children educated? If they want them educated in other schools, they should have the right to do so.

Mr. ALLEN. Certainly that right is being offered. We had countless amendments offered on the floor which would guarantee that right to the people of this country.

Since the distinguished Senator from Colorado has joined in the colloquy, I would like to ask him, since he, too, was a member of the conference committee, the question that I propounded to the distinguished Senator from New York.

That question involves the fact that if de facto segregation is going to be allowed to remain in status quo and not to be interferred with by the terms of the Stennis amendment, as amended by the conference report, until the Supreme Court strikes down de facto segregation, is it not possible that segregated schools in this country complying—as I feel the school systems throughout the South are seeking in good faith to comply—with the mandate of the Supreme Court, if those systems do desegregate to the point that their actions do meet the tests required by the Supreme Court, and after meeting those tests, if these school systems once again become segregated, thereby coming under the unique rule involving de facto segregation and all we had in this country was de facto segregation, still not outlawed by the Supreme Court, is it not conceivable that under the reasoning of the conference committee we could end up in this country with all segregated schools again? I assume that the distinguished Senator from Colorado does not want that.

Mr. DOMINICK. I will try to address myself to the question, as I understand it. It is in fact, as I see it, one of the major issues which will be faced by the new Select Committee on Equal Educational Opportunity. It is the basic question where assuming we have a strong fair housing law—and to me this is one of the most important fields in civil rights—if as a matter of choice, one elects within his economic ability to move into a certain area because that is where his friends are and where he wants his children to go to school, should his children then be required to attend school in another neighborhood because of someone's argument that it would enable them to get a better education?

I do not know the answer to that question. This is an issue that the select committee should examine.

I think the Senator has proposed an excellent question. We've got to examine it. I hope that after the select committee has hearings and gone into it thoroughly, we can give a more complete answer. However, I am not convinced the mere fact that we forcibly put whites and blacks together in one school necessarily improves the results in that school.

Mr. ALLEN. I certainly agree with the distinguished Senator. I thank the Senator for his very candid and frank answer.

Mr. JAVITS. Mr. President, the Senator from California (Mr. MURPHY) who has been such a valuable member of the Education Subcommittee and who has contributed so much to the education programs of the country, has once again authored a creative program in response to the urban and rural education crisis that exists in some of our Nation's schools.

Senator MURPHY has succeeded in writing into law a major new education program. I am referring to the new part C, title I, which basically incorporates the Urban and Rural Education Act, which was introduced by Senator MURPHY last year. The Senator has prepared remarks on this measure and I ask unanimous consent that the remarks and insertion be printed in full in the RECORD.

There being no objection, the statement and insertion were ordered to be printed in the RECORD, as follows:

SENATOR MURPHY'S URBAN AND RURAL EDUCATION ACT INCLUDED IN ESEA EXTENSION

Mr. MURPHY. Mr. President, I am pleased that the conference committee included as a new part C to title I of the Elementary and Secondary Education Act the Urban and Rural Education Act, which I introduced on July 15, 1969.

There has been a great deal of discussion across the country regarding the educational crisis that exists in certain urban and rural schools. I believe that the Urban and Rural Education Act is a needed response to the educational distress signals that have been received from these urban and rural areas.

This program calling for special grants for urban and rural schools serving the highest concentration of low-income families provides for a 30-percent add-on or additional resources to title I for identified school districts. The measure incorporated in the final conference report is identical to the measure that passed the Senate in February.

I ask unanimous consent that my floor statement of February 17 discussing the Senate provisions and the modifications made to the original bill, S. 2625, be printed in the RECORD. In addition, I ask unanimous consent that the Senate committee report language discussing this program be printed. Also, I ask unanimous consent that my statement of July 15, 1969, when I introduced S. 2625, the Urban and Rural Education Act be printed in the RECORD.

Mr. President, I am also deeply indebted to these educators and the educational organizations who worked with me and who strongly supported this measure.

STATEMENT OF SENATOR GEORGE MURPHY, FEBRUARY 17, 1970

Mr. President. First, I want to congratulate Senator Pell for his work in bringing this comprehensive education bill to the Senate. This bill, H.R. 514, the Elementary and Secondary Education Act of 1969, is a complex bill with the report accompanying the measure running over 400 pages in length. The measure is a product of extensive hearings and long executive sessions where many amendments were considered. The result, I believe, is a bill that should be supported by the full Senate. I strongly urge its enactment.

There are many provisions of the bill which I am interested and which I strongly support, such as adult education, the new Gifted and Talented Children program, which I cosponsored, the extension of the Teacher Corps program, the codification and extension of the handicapped programs, the supplemental centers, improvements in the migrant education program, the provisions strengthening state and local education agencies, vocational education, the new authority for evaluation of education efforts, and, of course, the extension of the impacted-aid program. I am particularly pleased with the extension of two programs, which are very dear to my heart, and which I believe are so promising. I am referring to the dropout prevention and bilingual programs. Only recently I wrote the conferees of the Labor-HEW Appropriations bill uring that the $25 million level for the bilingual program be retained and that dropout prevention program funds be increased. I was greatly honored that the President of the United States did see fit to single out my program, the dropout prevention program, by requesting that an additional $10 million be provided for this high priority effort.

Today, Mr. President, I will limit my discussion to what I regard the most significant amendment or new program in the bill. I am referring to the incorporation by the Committee of the Urban and Rural Education Act, S. 2625, which I introduced on July 15, 1969, as a new Part C of Title I of the Elementary and Secondary Education Act. I drafted S. 2625 in response to the educational crisis which I believe exists in certain urban and rural school districts across the country. S. 2625 provides a thirty per cent "add on" for the first year and a forty per cent "add on" for second and subsequent years to school districts in both urban and rural America having large numbers or high percentages of children from low-income families. In an accompanying floor statement, I documented how these districts reached the educational and fiscal crisis that they face today. I traced the changes that have taken place across the country in the past two decades, changes I believe we must understand, if we are to adequately deal with the education problems that are confronting our country.

Mr. President, as initially introduced, S. 2625 would have provided additional assistance to school districts where—

—the number of disadvantaged Title I children was double the national rate of low-income children; or

—the number of Title I children was 5000 or more.

These tests were modified in Committee so that to the urban tests of 5000 or more Title I youngsters was added the requirement that that number had to constitute at least five per cent of the total children in the school district.

The rural test—double the national average of Title I youngsters—which would have been thirty-one per cent, was changed so as to now require that the number of Title I children is at least twenty per cent of the total children in the school district. To take care of those cases where local educational agencies miss qualifying under the formula by a relatively small number of children, a total of three per cent for the first year and five per cent for the second and succeeding years of all sums made available under this program is set aside. The initial bill provided for three per cent initially and four per cent for succeeding years. An amendment by Senator Prouty raises the four per cent to five per cent. Under this "relief provision," a local educational agency which narrowly misses qualifying under the above formula may receive a grant under this part if the state educational agency determines in accordance with the standards and criteria established by the Commissioner of Education, that such local educational agency has an urgent need for financial assistance to meet the special educational needs of educationally-deprived children.

I have written various requirements into this Part C program, namely, that funds under this Part will be used solely in preschool programs or elementary schools serving the highest concentration of children from low-income families. The rationale for this requirement was adopted by the Committee as noted in the Committee's discussion of this requirement:

"The Committee believes that Title I funds should be focused on the early years of education. This requirement in Part C was adopted by the Committee on the basis of growing evidence which indicates that the early years of education are of paramount importance in a child's development. Reports based on the experience of classroom teachers and other observers indicate that in general it is extremely difficult to reach the level of achievement at the secondary level if the quality of education at the elementary level has been poor.

"Experience under other federal programs, such as the Job Corps, attest to the difficulty and the great expense of remedial education compared to the expense of education to prevent the need for remedial education. The committee believes that a focus on educational deficiencies at the pre-school and elementary years, the preventive approach, is more likely to be effective and less expensive than expenditures for compensatory education at the secondary level."

In addition, local educational agencies are required to use these additional funds in schools within the district having the greatest need. That is, in those schools having the highest concentration of children from low-income families. One of the criticisms voiced frequently regarding Title I funds is that the district is spreading such funds too thinly to get maximum results. Commenting on the need for concentration of Title I funds, the Fourth Annual Report of the National Advisory Council of the Education of Disadvantaged Children concluded:

"Success with these children (Title I), in sum, requires a concentration of services on a limited number of children."

The Council urged the "adherence to the principles of concentrating funds where the need is the greatest so that a limited number of dollars can have a genuine impact rather than being dissipated in laudable but inconclusive evidence."

Similarly, Mr. President, California's Title I evaluation report for 1967–68 says: "Characteristic of the most successful programs was their concentration of services on a limited number of objectives and a limited number of specifically identified children." The recent California Title I evaluation report for 1968–69 says that the importance of concentrating services comes out louder and clearer from an examination of the individual school districts' reports. I quote: "The most successful programs are those that concentrated services on a limited number of objectives and a limited number of specifically identified children. These projects focused on a few activities, adequately funded. However, there are still widespread cases of ineffective projects which attempted to carry out too many, often unrelated, activities with insufficient funds and scattered the activities over too many children so that the concentration of services was inadequate to improve student achievement level significantly."

I also believe it is important to point out the important requirements spelled out in Section 141(a)(12). This requires school districts desiring to take advantage of the Part C add on to—after the first year—develop a comprehensive plan for meeting the specific educational needs of educationally-deprived children. Included within the comprehensive plan must be provisions spelling out the specific objectives of the program, provisions assuring the effective use of all funds under Title I, and provisions setting forth the criteria and procedures, including objective measures of educational achievements, that will be used to evaluate at least annually the extent to which the objectives of the plan are met.

Mr. President, these are similar to the requirements that are demanded of all dropout prevention programs in this country. I believe the dropout prevention program is demonstrating to the country that it is possible to have accountability in education. Each of the dropout projects must spell out its objectives. Each of the dropout projects is required to have an intensive in-house evaluation. Each of the dropout projects is subjected to an "educational audit" by an outside organization to make certain that it achieves the objectives that it has established. It is this kind of practical hard-headed, no-nonsense approach that I hope will be employed in the new Part C program.

While the new Part C program as reported is not precisely as I would like, I do believe that it is a most significant new program which will bring additional and needed assistance to certain districts in dire need of assistance. While I believe that the formula as originally introduced was probably as good as any formula can be, a compromise was necessary if the Urban and Rural Education Act were to be enacted. I was disappointed particularly with the fifteen per cent limitation adopted by the Committee. When the Committee enlarged the number of eligible districts by using the twenty per cent rural test rather than double the national average, or thirty-one per cent, as in the original measure, the effect was to expand the program. Thus, the adoption of the fifteen per cent limitation will probably preclude the funding of the full entitlement of eligible districts. This runs contrary to the thrust of the program.

That a crisis exists and that the Urban and Rural Education Act is needed can be seen by the fact that some school districts have been forced to consider closing school or reducing programs.

S. 2625 has been endorsed by educators and education oranizations all over the country. Among the groups endorsing it were the National Education Association, the American Federation of Teachers, the National School Board Association, and the Research Council on the Great Cities Program for School Improvement.

In addition, Mr. President, letters urging enactment of the proposal were received from superintendents of schools from all across the country. I am particularly grateful for the strong support given the measure by educators and others from California, including Dr. Max Rafferty, Superintendent of Public Instruction and Director of Education, Dr. Wilson Riles, Director of California's Department of Compensatory Education, Superintendent Jack P. Crowther of Los Angeles, Superintendent Robert E. Jenkins of San Francisco, Acting Superintendent Spencer D. Benbow of Oakland, Assistant Superintendent Bluford F. Minor of San Diego,

and Superintendent Ralph W. Hornbeck of Pasadena, and others.

Also, Mr. President, Secretary of Health, Education, and Welfare Robert Finch and Commissioner of Education Allen both eloquently pointed out the importance of dealing with the educational crisis. Secretary Finch told the Education Subcommittee:

"One of our greatest concerns is to find better ways to meet the educational crisis in the cities. School people and board members across the country are frightened by what they are calling the "Youngstown's phenomenon"—the complete shutdown of their schools for lack of funds. Cities like Philadelphia, Chicago, Baltimore, Los Angeles and Detroit, to name a few, are facing severe financial crises. Some, like Baltimore, have made the most strenuous efforts to obtain additional resources, and still finding their needs to be far beyond their capabilities. . . .

"The core cities contain the highest concentration of the poor and educationally deprived and are experiencing mounting difficulties in finding adequate resources to support their school system. Providing quality education for the disadvantaged children in our cities and in rural areas is apparent not only for the sake of poverty's children but also for the sake of all children of increasingly urbanized America. This problem is among the most important priorities in our search for improved ways to respond to the need of America's schools and school children."

Similar notes of urgency were sounded over and over again in testimony. I believe that a two-pronged attack on the educational deficiencies in both urban and rural and America of the new Part C program is most desirable. The Chamber of Commerce in a study, entitled, "Rural Poverty and Regional Progress in Urban Society," also advocated a twin approach. The report said:

Better education for potential or incoming migrants both at the place of origin—the rural south—and the place of destination—the central city—is necessary to maximize human resources and reduce poverty nationally. An inferior education for impoverished children in rural and urban areas is economically costly to the nation. Education expands life's opportunities. In today's economy, education, jobs and material well-being are inextricably related. The better a man's education, the better his pay and the better his standard of living. To maximize productive human resources, this nation must offer full and fair educational opportunities to all its residents.

The nation is a mobile one. One half of our population changes and one million youngsters cross state lines yearly. Educational deficiencies in one area, in one state, are not only a handicap for that particular state or community, but they also produce problems for other areas. Our cities today offer ample evidence of this truth. I believe it is imperative that additional resources be provided to these urban and rural districts having large numbers or a high concentration of low-income children. The tax bases of all too many of our core cities and rural areas simply do not have the resources to launch the required effort to eliminate or reduce the "gross educational inequities between regions and between impoverished urban and rural areas and affluent suburban communities."

Mr. President, I believe that the new Part C program is a needed response to the education crisis that exists in school districts having large numbers of high percentages of educationally-disadvantaged children, and I believe that the program is essential to the nation's efforts to provide equal educational opportunities to all citizens. This will not be an easy job, but I am convinced that we can do it.

Mr. President, there has been great discussion in our newspapers and magazines, over our radio and television networks, on the educational crisis that exists. I believe that the Urban and Rural Education Act, which has been incorporated as a new Part C to Title I, is a needed response to these educational distress signals.

SPECIAL GRANTS FOR URBAN AND RURAL SCHOOLS SERVING THE HIGHEST CONCENTRATIONS OF CHILDREN FROM LOW-INCOME FAMILIES

The committee heard testimony which indicated that the cost of providing compensatory education in school attendance areas with the highest concentrations of children from low-income families is much greater than providing such education where the concentrations are not as great. In urban areas where large numbers of low-income families are concentrated in small neighborhoods and in rural areas where the lack of local resources have prevented schools from modernizing, educational deprivation is such a serious problem that a greater amount of money is needed to make opportunities available for these children to reach minimum achievement levels.

Children from low income families begin school with a disadvantage. Standardized test scores given to first graders indicate that children from minority groups score on the average 15 percent lower than other children. These children, starting behind, fall still further and further behind as they progress through school. By the time they reach the sixth grade the average student from a minority group is two grades behind other students, and by the time he reaches the twelfth grade evidence indicates that he is four grades behind.

In the laregst 15 cities in the nation the dropout rate varies from 46 percent to 21 percent. However within those cities the dropout rate in schools serving large numbers of children from low income families is a high as 70 percent.

The evidence from rural areas indicates that the need for special attention to schools serving children from low income families in rural areas is just as great as in the urban areas. The average level of education in rural areas is about 9 years of education whereas in urban areas it is 11 years. This average does not include computation of the average level of education for migrant children who seldom complete elementary school. Nearly twice as many urban children attend college as children from rural areas. There are still about 10,000 one room schools in this country, many of which are isolated from the mainstream of progress in improving the quality of education.

In order to deal with this situation, the committee recommends that additional grants be made available for services in schools with the highest concentrations of children from low-income families on the basis of the new entitlements in part C of title I. Part C entitlements become operative only to the extent that the appropriations for title I are in excess of $1,396,975,000, and then only with respect to 15 percent of that excess. Under the provisions of subsection (a) of section 131 two types of eligibility for special grants are created:

(1) The first type of eligibility (section 131(a)(1)) is based strictly on data relating to numbers of children from low-income families in the school district of a local educational agency. If (a) the percent of children from low-income families in the school district constitutes at least 20 percent of the total number of children in the school district, or (b) the number of children from low-income families in the school district of a local educational agency is at least 5,000, and that number constitutes at least 5 percent of the number of children in the school district, a local educational agency is eligible for an additional grant under part C of title I.

(2) The second type of eligibility (section 131(a)(2)) is in those cases where a local educational agency is not eligible under the eligibility standards under (1) above, but which is eligible for a basic grant under part A of title I. If the State educational agency of the State in which that local educational agency is located, determines, in accordance with standards and criteria established by the Commissioner of Education by regulation, that such local educational agency has an urgent need for financial assistance to meet special educational needs of educationally deprived children in its school district that local educational agency becomes eligible for an entitlement. The bill provides that this second type of eligibility is available only in instances where the local educational agency fails by a very small amount to meet the number or percentage requirement in (1) or there may be cases where sparsity of population, distance or other unusual circumstances create an especially urgent need for additional title I funds. In those cases the State may be authorized by the Commissioner to establish eligibility.

Subject to the 15 percent limitation, the amount of the additional grant to any local educational agency, under part C, in the case of eligibility established under paragraph (1) above, for fiscal year 1970, is equal to 30 percent of the grant which that local educational agency is eligible to receive under part A of title I. During any subsequent fiscal year, the maximum amount for which a local educational agency is eligible under part C is an amount equal to 40 percent of its entitlement under part A.

The total amount granted under part C may not be in excess of 15 percent of that part of any appropriation for title I which is in excess of $1,396,975,000. This limitation is provided for in two amendments to title I: (1) The second sentence of section 131(b)(1), and (2) of paragraph (3) of section 144. Intention of the Committee, with respect to those two provisions, is to limit the maximum entitlements under the paragraph (1) eligibility to 15 percent of that part of the entitlements for all parts of title I which is in excess of $1,396,975,000 and to limit allocations of appropriations on the basis of part C eligibility (including both paragraph (1) and paragraph (2) eligibilities) to 15 percent of any appropriation for title I which is in excess of that figure.

In the case of grants under paragraph (2) there is no specific amount set by the legislation, except that no local educational agency may receive more under paragraph (2) than it would have received if it had been eligible under paragraph W. It is expected that the Commissioner in drawing up criteria for part C will establish guidelines for deciding the amount of these additional grants. The bill limits the maximum amount which may be granted under the second type of eligibility to the amount the local educational agency would receive under the first type of eligibility. In no case will the total amount granted for paragraph (2) eligibility be in excess of 3 percent of the total amount granted under paragraph (1) for fiscal year 1970, or 5 percent of such amount in any subsequent fiscal year.

Section 132 of part C limits the use of the special grants to preschool and elementary school projects except in cases when a local educational agency can show that there is an especially urgent need for secondary school projects and that there is evidence that the use of the additional grant is secondary school projects would be at least as effective in meeting the special educational needs of educationally deprived children as it would be if the grant were used in elementary school projects.

The committee believes that title I funds

should be focussed on the early years of education. This requirement in part C was adopted by the committee on the basis of growing evidence which indicates that the early years of education are of paramount importance in a child's development. Reports based on the experience of classroom teachers and other observers indicate that in general it is extremely difficult to reach the level of achievement at the secondary level if the quality of education at the elementary level has been poor.

Experience under other Federal programs, such as the Job Corps, attest to the difficulty and the great expense of remedial education compared to the expense of education to prevent the need for remedial education. The committee believes that a focus on educational deficiencies at the preschool and elementary years, the preventive approach, is more likely to be effective and less expensive than expenditures for compensatory education at the secondary level.

The bill also requires local educational agencies to concentrate the use of funds available under part C on areas within the school district having the highest concentrations of children from low income families. The Commissioner is expected to develop criteria for implementing this requirement. One of the criticisms most frequently stated with regard to title I is that local educational agencies too often spread title I funds too thinly to get maximum results.

Commenting on the need for concentration of title I funds, the Fourth Annual Report of the National Advisory Council of the Education of Disadvantaged Children concluded: "Success with these children (Title I), in sum, requires a concentration of services on a limited number of children."

The Council urged the "adherence to the principles of concentrating funds where the need is the greatest so that a limited number of dollars can have a genuine impact rather than being dissipated in laudable but inconclusive evidence."

The bill also requires the submission of a detailed and objective plan for the use of funds under part C. Beginning with fiscal year 1971 local school districts must develop a comprehensive plan for meeting special educational needs of children to be served under part C. Included within the comprehensive plan must be detailed provisions setting forth specific objectives to be achieved under the program. Those provisions must assure effective use of all funds under title I and set forth the criteria and procedures, including objective measurements, of educational achievement, that will be used to evaluate, at least annually, the extent to which those objectives are met.

The committee notes that the Commissioner is given more explicit administrative direction authority under the new part C of title I than is explicit in the case of part A of title I. This explicitness is not intended to be construed to limit the direction and approval authority which is implicit in sections 105, 106, and 107 of present law.

The committee wishes to make clear that the authority set forth in the proposed sections 132 and 141(a)(12) is intended to be a direction to administrators at all levels to look to specific educational needs of the educationally deprived children to be served and to plan and operate projects designed specifically to meet those needs. It is also noted that the Commissioner has considerable control of the distribution of part C funds within counties. It is expected that a special effort will be made to target part C funds on areas with the highest concentration of children from low-income families. In no case will funds available to a local educational agency under part A be supplanted by funds available to that agency under part C.

Section 131(c) excludes Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands from being entitled to grants under part C of title I. Moreover, the language of part C does not specifically include authority for payments to the Department of the Interior for projects to meet the needs of Indian children in schools operated by that Department. That exclusion and the omission are not intended to preclude the outlying areas and Indian children from participating under part C. It is intended that they be continued in the same manner as has been the case under part A, since they are unique and the provisions of subsection (a) of section (3) cannot appropriately be applied to them.

Under present law the outlying areas and the Department of the Interior receive funds under special authorization of appropriations in the first sentence of section 103(a)(1)(A). The amount of that authorization is equal to not in excess of three percent of the amount paid to the States under section 107(a) (section 143, as redesignated) which will include payments based on entitlements under part C. Therefore it is expected that the Commissioner will determine the portion of the appropriation for such purposes which is attributable to payments to the States, and designate such portion to be granted under the special standards required for part C.

The committee notes that the third sentence of section 103(a)(1)(A) gives the Commissioner adequate authority to set standards and requirements for the use of title I funds in the outlying areas and by the Department of the Interior.

[From the CONGRESSIONAL RECORD—Senate, July 15, 1969, Vol. 115, No. 117]

S. 2625—INTRODUCTION OF THE URBAN AND RURAL EDUCATION ACT OF 1969

Mr. MURPHY. Mr. President, I send to the desk a bill the Urban and Rural Education Act of 1969. The measure would amend title I of the Elementary and Secondary Education Act of 1965 in order to alleviate and help with some of the critical problems that are besetting the field of education.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2625) to amend title I of the Elementary and Secondary Education Act of 1965 in order to provide for a program of urban and rural education grants to local educational agencies, introduced by Mr. MURPHY, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

Mr. MURPHY. Mr. President, today I address the Senate and introduce a bill on a most important and vital subject. I am speaking of the educational crisis that exists today in the Nation's big cities and depressed rural areas, where so very many disadvantaged youngsters are concentrated.

Almost daily, from these troubled schools, we pick up educational distress signals—bond issues defeated, cutbacks in educational programs, teacher shortages, classroom violence, dropouts, lack of discipline, drug problems, and an endless number of concerns that beset our educational system. While there is general agreement that these signals are both real and serious, little response has been made to them. The measure I introduce today, Mr. President, is a sorely needed reply to these insistent educational "S O S" signals. It would amend title I of the Elementary and Secondary Education Act to provide additional assistance of these schools in an effort to rescue them from the fiscal straits they are in and to enable them to compensate for the educational deficiencies of the disadvantaged youngsters found is disproportionable numbers and percentages in these areas.

My bill, the Urban and Rural Education Act of 1969, would authorize a 30-percent addition or "add-on" to regular title I funds for the first year and a 40-percent addition or "add-on" for the second and succeeding years to local education agencies with approval by the State education departments in which:

First, the number of disadvantaged, title I children, is double the national rate of low-income children; or

Second, the number of title I children is 5,000 or more.

Because we are in the midst of an educational crisis, first-year funds will go to local educational agencies without any preconditions. For second and succeeding years, however, my bill requires that the local educational agency develop and secure approval of a plan before receiving funds.

I have written into the amendment some requirements, which I am convinced are necessary. These requirements were framed after discussions with both classroom teachers and educational leaders. I believe they are essential to get maximum use out of limited resources and attain maximum results. First, my amendment requires that these add-on funds be used only at the elementary level. Classroom teachers, who daily struggle with this crisis, tell me that it is difficult at best to rescue youngsters who reach the secondary grades trailing their contemporaries by a number of grades. I do provide, however, for an escape clause which would allow funds to be used at the secondary level, with the approval of the local and State educational agencies, if the problems are equally urgent at the secondary level and if it can be shown that such expenditures are effective at the higher level.

Another important reason for emphasizing the elementary school years is the growing realization of their importance to a child's early development. A recent State of California evaluation of the Headstart program demonstrated that this program in California is producing "Dramatic and positive results." This study found that the children participating in the Headstart program made twice the normal gains in language tests. The report also indicated that IQ scores were raised an average of 17 points over a 17-month period. With this program providing youngsters an equal start, it is important that the elementary grades continue this progress.

Mr. President, I ask unanimous consent that a June 13 article from the Los Angeles Times on the Headstart program be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MURPHY. Mr. President, a second requirement is that preference must be given to schools having the greatest need within a qualifying district. Scattering of funds too thinly within a district has been a criticism voiced frequently to the use of the title I funds. It is my hope and intent that the elementary level requirement not only will help prevent the necessity for difficult remedial work at the secondary level, but also, when coupled with the preference provision, will result in the concentration of resources so as to achieve a substantial and a maximum impact.

My bill also would provide an additional 3 percent for the first year and 4 percent for subsequent years, to be used at the discretion of the Commissioner of Education. This is to avoid any inequities in the operation of the formula. While I am convinced that my formula is a fair one and will reach the most troubled schools in the country, I have added this amendment so that the Commissioner will have the needed flexibility to respond to schools in districts, not qualifying under my amendment, but nevertheless having similar needs. Mr. President, this bill will provide substantial new resources to school districts. Had my amendment been on the books in the

last fiscal year, for example, it would have ment, based on the appropriations for title I, approximately $200 million, and for this fiscal year, based on the administration's title I request, it would mean an additional $220 million, which is badly needed.

In 1961, Dr. James Conant, the noted educator, warned:

"We are allowing social dynamite to accumulate in our large cities."

The accuracy of his warning, the explosiveness of the "social dynamite" has been brought home to all Americans. Much of this "social dynamite" results from those who have dropped out of school. The Commission on Civil Disorders reported that the "typical riot participant was a high school dropout." The fact that 1 million youngsters drop out of school yearly, ill-prepared to find employment and a useful place in our competitive society which demands highly trained and educated citizens has greatly alarmed me and I know this is true of all Senators. As a result, I authored in 1967 a dropout prevention program to the Elementary and Secondary Education Act. This program, which was adopted by the Congress and is now part of our education laws, seeks to concentrate resources in an effort to find approaches that will prevent dropouts. Strongly supported by both the Johnson and the Nixon administrations, this program has great promise and potential in finding long-term solutions to the dropout problem. However, it is just getting underway and only $5 million of the $30 million authorized was appropriated. The administration has requested $23 million for the program for this new fiscal year, and I certainly hope the Congress will fully fund it, because I can think of no area where an expenditure could do a better job in connection with the future of our country.

I am convinced, however that existing problems of our cities and depressed rural areas are too urgent to await these results. Our 50 large cities alone enroll one out of every four disadvantaged youngsters in the United States. What we have, Mr. President, is an intolerable situation where large numbers of students with significant education handicaps are found in school districts with resources unequal to the challenge of educating them. These youngsters are harder to educate and we simply must provide additional resources if we are to give them an equal educational opportunity. The following facts clearly reveal not only the enormity, but the severity of the educational problems in both our troubled urban and rural schools.

In our urban areas, Mr. President, youngsters from low-income families begin school with a handicap. Standardized test scores given to first graders indicate that minority children, many of whom are in the low-income group, on the average, rank 15 percent lower than other children. Quite obviously they have a much harder job to get started.

Starting behind, these children fall even further behind. The average minority group student is roughly two grades behind other students at grade 6, three grades behind at grade 9 and four grades behind at grade 12.

In our Nation's 15 largest cities, the school dropout rate varies from a high of 46.6 percent to a low of 21.4 percent. As bad as these statistics are, focusing on poverty area schools within our large cities, it is shocking that 70 percent of the youngsters drop out before completing high school. In California the McCone Commission, established in the wake of the 1965 Watts rioting, found that in three schools in a predominately Negro area of Los Angeles, two-thirds of the students drop out before completing high school.

And in our rural areas:

Youngsters receive less education than their counterparts in other sections of the country. Children in urban centers average 11 years of school whereas rural regions average about 9 years.

Appoximately half of the 415,000 children of migrant parents have been estimated not to attend school on a regular basis.

In 1960 nearly twice as many urban as rural youngsters were enrolled in college.

Rural isolation and inadequate salaries make it difficult to secure trained teachers. As a result, twice as many rural teachers as urban teachers lack proper certification.

A September 1967, Presidential Advisory Commission on Rural Poverty reported:

There are still about 10,000 one-room schools in this country—mostly in rural America.

Mr. President, nearly two decades ago, the late, esteemed Senator Robert Taft, saw inequities in educational opportunities throughout the country, and reversed his earlier opposition to Federal aid to education and became its strong advocate. Senator Taft then eloquently explained this shift:

"Two years ago I opposed very strongly the proposal which then was made for a general passing out of Federal funds in aid for education; but, in the course of that investigation and that debate, one fact became apparent, namely, that in many States the children were not receiving a basic education; and that some of the states although spending on education as much of a proportion of their income as the larger wealthier States, were not able to provide such basic education . . . It has always seemed to me that education is primarily a state function. I have not changed my views on that subject; but I believe that in the field of education the Federal Government, as in the fields of health, relief, and medical care, has a secondary interest or obligation to see that there is a basic floor under those essential services for all adults and children in the United States. I have particularly felt that the entire basis of American life is opportunity, and that no child can have an equal opportunity unless he has a basic minimum education."

Mr. President, as a nation, we have made substantial educational advances in the past two decades, both qualitatively and quantitatively. Sputnik jolted the Nation into enacting the National Defense Education Act of 1958. This was followed by the Elementary and Secondary Education Act, the vocational education amendments, as well as other Federal legislation which, along with a tremendous effort on the part of State governments and local communities, has resulted in more and more people receiving increased and better education.

Yet, education inequities, which so concerned and moved Senator Taft in the late forties, exist today and should, I believe, move Congress to adopt my proposal. Today, the inequities in education are both similar and drastically different than those of Taft's time. They reflect those very changes that have taken place across our country.

These changes have developed from perhaps one of the greatest internal migrations of people in history. Since World War II, a great exodus of Americans from rural to urban America has occurred. Over 20 million Americans have made that march until now, 70 percent of our citizens live in urban areas containing less than 2 percent of our land.

To produce such a dramatic population shift, obviously many factors were at work. Poor conditions and limited opportunities in rural America sent people to the cities, seeking greater opportunities and better conditions. This push-pull phenomenon often resulted in bringing both the best and the worst of rural America to the city. And, rural America, by this process, was stripped of needed educated and trained manpower and the arrival of the worst into the cities substantially magnified the serious situation that cities find themselves in today. The poorest of the migrants, in terms of training, education, and financial resources, and because of discrimination, have tended to stay in the cities while the best trained and educated, making up a rising middle class, joined in another significant internal migration—the movement of 33 percent of these cities' inhabitants to the suburbs. Today, more than half of our metropolitan population lives outside the central city. During the period of 1966–68, an average of 486,000 white Americans left cities. This was almost four times as many as the 141,000 whites who left the cities during the previous 6-year period. Sylvia Porter, the widely syndicated financial columnist commented recently on the consequences to the big cities of this outward migration. She wrote:

"For a high proportion of those moving out of the cities are those in their young to middle, financially able and independent years. A high proportion remaining in the cities are the poorer households—households headed by women or older citizens, households with a lot of children, broken families. These are the people most dependent on welfare, the people who can least afford to pay the taxes to finance the cost of essential public services. No sign of reversal in these new population trends is in sight. The financial outlook for our cities has never been bleaker."

In addition to the migration from cities of such citizens, industry, with its tax base and jobs, both of which are desperately needed by core city citizens, has also been moving out. Mr. Alan K. Campbell, in the January 11, 1969, edition of Saturday Review traced this industry decentralization trend, saying:

"An examination of the central cities of twelve large metropolitan areas demonstrates that the proportion of manufacturing compared to that of suburban areas has clearly declined over the past three decades, especially in the post-World War II period. In 1929, these twelve cities accounted, on the average, for 66 per cent of manufacturing employment. This percentage decreased to 61 per cent by 1947, dropped to 49 per cent by 1958, and has since declined even further."

New jobs being created in the suburban areas, because of transportation problems, are often out of reach of the poor people from the central city.

Mr. President, it is not that our troubled cities and impoverished rural areas have not been trying. Although running as fast as they can, they slip farther and farther behind. With its financially better-off individuals and industry moving to the suburban areas, the tax base of the cities has seriously eroded. Mr. Alan K. Campbell described the meaning of this tax base loss to city education programs, and I quote:

"Translated into educational terms, the tax base in large cities has not kept pace with the most recent growth and changing nature of the school population in the cities. Indeed, an examination of the per pupil taxable assessed evaluation over a five-year period shows that ten large cities out of fourteen experienced a decrease in this source of revenue. Since local property taxes are the major source of local educational revenues, large cities can barely meet ordinary education needs, let alone resolve problems resulting from shifting their population patterns."

The tax base of impoverished rural areas is equally distressing.

Mr. President, the population pattern shifts which we have been discussing have produced great changes in our society, changes we must appreciate, changes we must understand, if we are to deal with the crisis confronting us.

It is useful to recall that there was not always such a dilemma in our cities. On the contrary, from almost the beginning of the free public school education, cities with

their concentration of wealth and talents were in the forefront of the Nation in education. The large cities had higher per pupil expenditures than outlying school districts. Their better education programs were an additional attraction to the cities. Around 1949, which is about the period Senator Taft was urging financial assistance to remove educational inequities, many large cities began to show a decline in the educational expenditures relative to their previous levels and with few exceptions relative to the national norm.

By 1965–66, only New York City of the top 36 cities in the Nation could boast of a per pupil expenditure significantly higher than the national norm. Economist Seymour Sacks, professor of economics at Syracuse University, traces the deterioration of the central city's favored financial position as follows:

"It would not be amiss, however, to state that the period from about 1957 to the present witnessed the most fundamental shift in the fiscal position of large city educational systems in U.S. history. For as late as 1957 central cities were still able to spend slightly more than their own outside central city areas. Based on a representative cross-sectional study of 36 Standard Metropolitan Statistical Areas in the year 1957, the comparable current expenditures per pupil for the two areas were $312 in the central cities and $303 in the outside central city areas. In a short five-year period, that is by 1962, a gap of $64 had opened up between the current expenditures per pupil in the outside central city area and the central city areas, $438 compared to $376. In this short period the historic preeminence of central city education had vanished. And within three more years the gap had widened to $124 per pupil, $573 per pupil as compared to $449 per pupil. With only two exceptions, whatever per pupil expenditures in a given central city area were, those of its outlying areas were higher. In only two areas, Denver and Providence, R.I., were central city expenditures higher than those of their outlying areas, and they were nominal amounts. In two areas the same school districts provided public school education to both the central city and outside central city areas. In the remaining 32 areas the outside areas had higher levels than those of their central city areas. A clear pattern of dominance had been established."

Thus, from 1957, when the central city enjoyed a slight edge in per pupil expenditures, its educational system, compared to the school system outside the city, steadily deteriorated. By 1965, in the 37 largest metropolitan areas, the average per pupil expenditure was $449 for the central city but $573 for the suburbs—a gap of $124. All indications are that this expenditure gap, already wide, is growing dramatically.

Mr. President, also entering the picture and compounding the fiscal crisis of our cities are the noneducation services and demands which confront them. Our cities have monumental problems beside education. Air and water pollution, rising crime rates, transportation snarls, and housing are just a few. That noneducation costs are a greater burden to the city is demonstrated by the fact that noneducational expenditures make up 68 percent of the total public expenditures in the Nation's 37 largest central cities, as compared to only 47 percent in the suburban districts. This excessive demand for services, or what one author has called municipal overburden, on education in our cities has been described by the Fels Institute as follows:

"The high cost of municipal services which produce much higher total tax burden on the urban districts significantly reduces the ability of the urban districts to provide fiscal support for education services."

In addition, Mr. President, State equalization formulas have not kept pace with the population movements and financial needs of the various districts within the States Earlier in our history, the city's wealth was tapped to equalize educational opportunities in less affluent areas. Now that the situation is reversed and the cities are in desperate need of financial help, States must reexamine their allocation formulas in light of these changing circumstances. Mr. Alan Campbell describes the State equalization formulas, saying:

"The shocker, however, is that state aid to schools, which one might think would be designed to redress the imbalance somewhat, discriminates against the cities. On the average, the suburbs receive $40 more in state aid than the cities."

Governor Reagan, of California, is well aware of the failure to properly match resources and need. In a May 11, 1969, report to the people of the State, he said:

"There is widespread agreement that we must overhaul the tax structure used to finance our public schools system. The existing financing program for elementary and secondary schools in California does not provide equal education opportunities for all children in the state. Elementary school district expenditures, for example, range from as little as $289 per ADA—this means per average daily attendance, or $289 per student—all the way up to $2,662 per student per ADA in some school districts. Some low-wealth districts struggle under intolerable property tax burdens, while some high-wealth districts are not so heavily burdened."

There is definitely an imbalance there that needs attention.

My good friend, Governor Reagan also made an innovative proposal to correct these traditions. Certainly he is to be commended for his efforts to right this mismatch of need and resources.

The picture that has emerged from the discussion so far is not a pleasant nor a pretty one. We have traced the great migrations that have taken place in our country. We saw that both the best and the worst of the rural areas poured into the cities. We examined a subsequent exodus from the city to the suburban community by a growing middle class with its higher income and by industry with its important tax base. This has left a high concentration of disadvantaged children with pressing educational needs in our core cities and rural areas which simply do not have adequate resources to cope with the situation.

Mr. President, inadequate fiscal resources are a chronic complaint and concern at all levels of government. But in the case of our central cities their fiscal condition is acute. It is a tribute to our cities, given so many priorities, that they have been able to keep fiscally afloat. But tribute is not enough. We must provide help.

Mr. President, the urgency of responding to the education crisis can be shown by the fact that during an April meeting of the National School Board Associations, as many as 30 of the largest cities indicated they may not have enough money to begin school this coming fall year. I understand, however, that this is unlikely and that they will all open, but what will happen is what is happening in my city of Los Angeles, where needed programs will have to be curtailed or reduced. In a June 19 letter, Dr. Jack Crowther, superintendent of schools, Los Angeles, described the Los Angeles situation to me.

May I say I have had the privilege of knowing Dr. Crowther for a long time. I do not think there is a finer educator or superintendent of schools in this great land of ours. He said:

"The financial crisis of education in large cities has received national attention this past year. The situation in Los Angeles is particularly acute as we find ourselves $27 million short for the fiscal year 1969–70. The resulting cuts have seriously affected the quality of our educational program."

Secretary Finch, in testimony before the Senate Education Subcommittee, discussed this problem as follows:

"One of our greatest concerns is to find better ways to meet the educational crisis in the cities. School people and board members across the country are frightened by what they are calling the "Youngstown's phenomenon"—the complete shutdown of their schools for lack of funds. Cities like Philadelphia, Chicago, Baltimore, Los Angeles, and Detroit, to name a few, are facing severe financial crises. Some, like Baltimore, have made the most strenuous efforts to attain additional resources, and still finding their needs to be far beyond their capabilities."

The Secretary went on to discuss the educational crisis in the cities, saying:

"The core cities contain the highest concentration of the poor and educationally deprived, and are experiencing mounting difficulties in finding adequate resources to support their school system. Providing quality education for the disadvantaged children in our cities, and in rural areas is apparent not only for the sake of poverty's children, but also for the sake of all children of increasingly urbanized America. This problem is among the most important priorities in our search for improved ways to respond to the need of America's schools and school children."

Thus, Mr. President, one of the greatest concerns and priorities of our most capable Secretary of Health, Education, and Welfare is a search for programs to meet the rural-urban educational crisis.

Commissioner of Education, James Allen, in discussing this school crisis said:

"The urban crises in education . . . has shaken society at its very roots. The situation is one which emphasizes a need for bold action at the federal level and there is no problem of higher priority or greater urgency and importance in determining what direction and form this action shall take."

Commissioner Allen has therefore echoed the deep concern of Secretary Finch for help to our troubled cities.

Dr. George Fisher of the National Education Association, in testimony before the Education Committee, emphasized the urban crisis and suggested an approach similar to that which I am making today. He said:

"The major problem facing America's public schools today lies in our inner-city areas . . . We suggest a 30 per cent override on the appropriation proposed by the Administration with such funds to go to those cities with large centers. . . ."

A similar plea was sounded by Boardman Moore, a Californian and president of the National School Board Association, who told the committee:

"Core cities contain the highest concentration of the poor and educationally deprived. There is a dire necessity for providing compensatory education for the children from these backgrounds. Programs aimed at upgrading these educational opportunities are both expensive and are in addition to the regular educational system. At the same time, the tax base of these cities has been eroded. Medium and high-income families have moved from the cities, more and more industry is decentralizing its operation. On top of this, the cost of providing necessary city services, often called municipal overburden, is rising."

So, Mr. President, over and over again in testimony before the Senate Education Subcommittee, and in our communications media, the crisis in the cities and rural areas has been retold. Time is running out, however, and I agree with Secretary Finch, Commissioner Allen, the NEA, the National School Board, Governor Reagan, and so many others that we must indeed take "bold ac-

tion." It is for that reason that I am proposing this bill today.

Mr. President, I am convinced that a new effort is needed to deal with the massive, critical educational problems. Why did I elect a two-prong attack targeted where the need is the greatest—in our core cities and our depressed rural areas? It is no secret that much of the educational problems in our cities today had their roots in rural America. With the mobility of our present population, which sees one-fifth of our citizens change their homes and approximately one million youngsters cross State lines annually, educational deficiencies in one area of the country produce problems in another area. We truly are a mobile people—a nation on the move. My State of California is aware of this mobility as much as any State, for enough people enter California each month to create a town of 30,000 citizens. Mr. President, the Chamber of Commerce of the United States, in a study entitled, "Rural Poverty and Regional Progress in Urban Society," urged a twin approach to eradicate "gross educational inequities between regions and between impoverished rural and urban areas and affluent suburban communities," emphasizing:

"It is unrealistic to expect the eroding tax base of many of our core cities and rural areas to supply the additional money."

Continuing, the chamber's report reasoned:

"Better education for potential or incoming migrants both at the place of origin—the rural south—and the place of destination—the central city—is necessary to maximize human resources and reduce poverty nationally. An inferior education for impoverished children in rural and urban areas is economically costly to the nation. Education expands life's opportunties. In today's economy, education, jobs and material well-being are inextricably related. The better a man's education the better his pay and the better his standard of living. To maximize productive human resources, this nation must offer full and fair educational opportunities to all its residents."

Mr. President, in 7 short years, this Nation will commemorate its 200th birthday. I know of no greater way of honoring this anniversary of the signing of our Declaration of Independence than by an effort to equal what Dr. Wilson Riles of the California State Department of Education, called "American education's most challenging problem in the latter half of the 20th century."

He said:

"The top priority issue facing the city schools and in fact facing all education is how to improve the school achievement of the children of the poor, disadvantaged, groups that have in the past failed to receive the full benefits of American education."

Let us recognize that this has not always been the case. In the fifties, we were concerned over how many made it to college, and following sputnik, over the quality and quantity of our engineering and scientific talent. Our school systems served the country well during this period.

It was not until the sixties that we began to really concern ourselves with the challenge of adequately educating youngsters coming from disadvantaged backgrounds. Many forces converged to bring their education problems to the forefront. Education, always important because of the technical nature of our society which needed skilled and educated manpower, became a necessity. A high school diploma became a passport to employment. In addition, the country set out to reduce poverty and the country was determined to move more minority citizens into society's mainstream.

Providing equal education opportunities to all children, regardless of their background and place of birth, is a necessary challenge to a Nation whose very history is one challenging chapter after another. Those who doubt we will be equal to this challenge might reread the history of the signers of the Declaration of Independence and those who followed them through the pages of history. For those who doubt we can do it, they had better reexamine the fact that our national response to sputnik will place a man—two men, really—on the moon ahead of our competitor. My amendment is in response to the city and rural school crisis—a challenge more difficult and as exciting as the moon race, and there are some who think it may be even more productive. My amendment will help us meet the challenge of providing truly equal educational opportunities to all disadvantaged citizens. As a member of the Education Subcommittee of the Senate, I will do everything I can to see that this program, which I consider to be most worthy and most vital, is enacted this year.

I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 2625

A bill to amend title I of the Elementary and Secondary Education Act of 1965 in order to provide for a program of urban and rural education grants to local educational agencies

Be it enacted in the Senate and House of Representatives in the United States of America in Congress assembled, That this Act may be cited as the "Urban and Rural Education Act of 1969".

SEC. 2. Title I of the Elementary and Secondary Education Act of 1965 is amended (1) by redesignating part C, and all references thereto, as part D, (2) by redesignating sections 131 through 136, and all references thereto, as sections 141 through 146, and (3) by inserting before such part a new part as follows:

"PART C—URBAN AND RURAL EDUCATION GRANTS

"SEC. 131. (a)(1) For each fiscal year beginning after June 30, 1969, for which payments are made pursuant to part A, a payment shall be made to each State educational agency for a grant to each local educational agency in such State in which—

"(A) the per centum which the total number of children described in clause (A), (B), or (C), of section 103(a)(2) of this title in the school district of such agency for such year bears to the total enrollment in the schools of such agency for such year is greater than two times the average such per centum for all local educational agencies in all the States; or

"(B) the total number of such children in the school district of such agency in such year is five thousand or more.

For the fiscal year ending June 30, 1970, such grant shall be in the amount of 30 per centum of the amount which such local educational agency is eligible to receive for such year pursuant to part A of this title, and for each succeeding fiscal year such grant shall be in the amount of 40 per centum of the amount which such agency is eligible to receive pursuant to part A.

"(2) For each such fiscal year the Commissioner may also make payments to State educational agencies for grants to local educational agencies which do not qualify pursuant to paragraph (1) but notwithstanding have an urgent need for grants pursuant to this part. The total such payments for the fiscal year ending June 30, 1970, may be in an amount not in excess of 3 per centum of the total authorized payments for such year under paragraph (1), and for each succeeding fiscal year, the total such payments may be in an amount not in excess of 4 centum of the total authorized payments for such year under paragraph (1).

"(b) Grants pursuant to this section shall be used for the same purposes as grants pursuant to part A, but for elementary education only, unless the local educational agency and its State educational agency determine—

"(1) that the need for financial assistance for such purposes is as urgent in the secondary schools of the area; and

"(2) that the use of financial assistance pursuant to this part for secondary education will be as effective for the purposes of this title as the use of such assistance for elementary education;

and in such event such grants may also be used for secondary education. Preference in the use of such grants shall be given to schools with the greatest number of children described in clause (A), (B), or (C) of section 103(a)(2) of this title and to schools with the greatest percentage of such children in the enrollment.

"(c)(1) The provisions of sections 105, 106, and 107 (except subsection (b)) with respect to applications, assurances from States, and payments for the purposes of part A shall apply to applications, assurances from States, and payments for the purposes of this part, and the Commissioner may establish such additional requirements as may be necessary for the purposes of this part.

"(2) In addition to the requirements of paragraph (1), for the fiscal year ending June 30, 1971, and each succeeding fiscal year, each local educational agency applying for a grant pursuant to this part shall submit with the application for such grant a plan, approved by its State educational agency, for the use of such grant.

"(d) There are authorized to be appropriated such amounts as are necessary to carry out the provisions of this section."

SEC. 3. Section 107(b) of title I of the Elementary and Secondary Education Act of 1965 is amended by striking out "under this part" and inserting in lieu thereof "under this title."

SEC. 4. Sections 132 and 133(a) of title I of the Elementary and Secondary Education Act of 1965 are each amended by striking out "or 121(b)" and inserting in lieu thereof "121(b) or 131(c)".

EXHIBIT 1

[From the Los Angeles (Calif.) Times June 13, 1969]

STATE'S VERSION OF PROGRAM: CHILDREN MAKE STRONG GAINS IN HEADSTART, STUDY CLAIMS

(By Jack McCurdy)

SACRAMENTO.—Children in California's version of the Head Start program made twice the normal gains on language tests after almost a year in the classes, the first evaluation of the project showed Thursday.

They averaged a growth of 14 months in reading ability over a seven-month period, the study indicated.

The evaluation, presented to the State Board of Education, reflects the most dramatic improvement in pupils' achievement of any state program in the nation, state officials said.

The findings are in sharp contrast with conclusions from a widely publicized study of the National Head Start program reported several months ago by Westinghouse Learning Corp.

It indicated that children involved in Head Start summer classes in 1966 had received little benefit from the instruction.

However, California's program is producing "dramatic and positive results," Mrs. Jeanada Nolan, head of the state's preschool program, told the board.

The study of California's preschool classes, she said, is the first since the program began

in 1965. It was recommended by the Legislature two years ago and launched last fall.

About 1,550 children, representing approximately 10% of the youngsters enrolled in the state program, were tested last October and last May in an attempt to measure any changes in their achievement level over the seven-month span.

The pupils were located in Los Angeles, the San Francisco Bay Area, other parts of Northern California and the San Joaquin Valley. All major racial and ethnic groups were included, she added.

The Peabody Picture Vocabulary test, a widely used test to assess the intellectual status of very young children, was used.

The test is reliable, and the children involved were carefully drawn to fairly represent a cross section of the preschool pupils, the report said.

As a result, it added, "it can be safely concluded that the increase (in achievement) can be attributed to the effects of the preschool educational program."

The report also indicated that the children who were tested raised their IQs (intelligence quotients) an average of 17 points over the seven-month period.

On the first test, their average IQ was 88. By the May test, it had risen to 105.

In another analysis of the test scores, the study showed that the average growth in "mental age" of the pupils totaled 16 months over the seven-month period.

This was arrived at by averaging the tested mental age of the pupils in October and May and then comparing them.

They averaged three years, nine months in October when their actual age averaged 4 years, three months.

In May, they averaged 5 years, 1 month in mental age, and in actual age they had remained an average of 4 years, 10 months.

This analysis showed that after seven months in the classes, their mental age as reflected on the test had exceeded their actual age by three months—making them above-average age in language ability.

Max Rafferty, state superintendent of public instruction, told the board that despite what the Westinghouse study showed, "Head Start did make a difference in California."

Mrs. Nolan challenged the validity of the Westinghouse study, pointing out that the children who were tested only were involved in about eight weeks of Head Start classes.

She said no protests were used and that when the children were tested, about two years had elapsed since they had been in Head Start classes.

The study was based on a comparison of their test scores with those of children who had not been in the program, showing little difference.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. COOPER. Mr. President, I feel somewhat hesitant at intervening in this question, at this time as I am not on the committee, and I know the conferees had a difficult task. But I have always been interested in the question of school desegregation. Also, I must admit that the legal questions involved are most interesting.

I must say in reading the section developed in the conference that it is probably the most closely reasoned language that I have observed in a long time. But it does raise some interesting questions.

As I understand the language, it expresses what is the law today, as far as the courts are concerned. Is that correct?

Mr. JAVITS. No. I think it goes much further than that. I think it expresses what the law is today and also what may be the law tomorrow. I find that subsection (b) says, "and such other policy as may be provided pursuant to law applied uniformly to de facto segregation wherever found."

The fact is that we do not have applicable law today relating to segregation on a Federal level.

This contemplates the possibility that there will be such a law and then makes the policy which is declared by this section apply to such law when it comes into being.

Mr. COOPER. As I look at the language, it seems to me that it actually expreses the law at this time. Where there is a de jure situation, the courts and the Department of Health, Education, and Welfare assert jurisdiction to enforce desegregation; and where there is a de facto situation the courts have held they have no jurisdiction to desegregate the schools.

Mr. JAVITS. But when they do, if they hold otherwise, or if we pass other laws, we expect that to be carried out under this policy and uniformly applied.

There are three major points. I sat in this conference and it could be that I am so immersed in it that I have missed the forest for the trees. Three major points arise: "Uniformity," the words "whatever the origin or cause of such segregation," and the use of the term "de facto" in connection with whatever may be the law regarding de facto, even though it does not exist today.

Mr. COOPER. Does the Senator think this language goes beyond the present law; that it proposes and speaks of a change if the court should so rule in a different way?

Mr. JAVITS. That is right.

Mr. COOPER. But it does clearly put forth the law today that uniformity shall be practiced where de jure segregation is found any place in the land.

Mr. JAVITS. I think that is true, but I do not think my colleague is giving adequate weight to the words "whatever the origin or cause of such segregation."

Mr. COOPER. That is helpful. The courts have held, of course, that in connection with de facto segregation they have no jurisdiction.

Mr. JAVITS. So far.

Mr. COOPER. The Stennis amendment did not have the force of law but did express a goal, an objective.

At first impression in looking at the conferees language seemed to me freezing the opinion of Congress in support of the status quo—and might deny the goal of the Stennis amendment—even though it had no force of law. I take it the Senator does not concur.

Mr. JAVITS. I do not read it that way and I state as a conferee that is not the design of this language.

Mr. COOPER. Subsection (b) states:

> Such uniformity refers to one policy applied uniformly to de jure segregation wherever found and such other policy as may be provided pursuant to law applied uniformly to de facto segregation wherever found.

We do come to the question of busing as the courts have held and HEW has either followed or initiated a policy of busing in de jure situations.

Mr. JAVITS. Right.

Mr. COOPER. Looking at section (c), requiring in effect the responsible officials shall enforce or comply with such guidelines and criteria necessary to eliminate discrimination in federally assisted programs, would the language direct a uniformity of policy on busing in all de jure situations?

Mr. JAVITS. No.

Mr. COOPER. It does not mean that because busing is prescribed in one de jure situation in the South that HEW should follow uniformly that policy?

Mr. JAVITS. No. The only thing they proposed to say was what the Senator from Mississippi (Mr. STENNIS) said when he argued his amendment; that it is not intended to diminish the extent of enforcement in the South; but it is intended to extend it in the North. That is what we tried to maintain.

Mr. COOPER. I thank the Senator.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NICARAGUA CANAL: NEW TREATY PROPOSED

Mr. THURMOND. Mr. President, recent news stories originating in Managua, Nicaragua, and Washington, D.C., report that the U.S. Department of State has agreed to abrogate the Bryan-Chamarro Treaty of 1914 between the United States and Nicaragua and to negotiate a new one to replace it. The text of the 1914 treaty and correlated diplomatic documents will be found in appendix G of the "U.S. Army Interoceanic Canal Board Report," 1929–31 (H. Doc. No. 139, 72d Congress).

If this treaty is abrogated, we will have reached one more milestone in the withdrawal of the American presence in the Caribbean. Over the years, our diplomats have "solved" the problems of tensions in Central America by surrending our interests in the face of the least pressure.

In 1967, the United States negotiated new treaties with Panama which would have greatly weakened American control and obligations as regards the Panama Canal. Strong objections by Congress and the deterioration of the political scene in Panama prevented these treaties from coming into force. Nevertheless, there is talk once more of reopening negotiations, apparently for the sake of making further concessions.

In such a context, it seems folly to give up our rights along the Nicaragua route. It appears that the Atlantic-Pacific Interoceanic Canal Commission has decided not to press its technical studies of the Nicaragua route. Nevertheless, the retention of our rights in Nicaragua are critical, not only to our future relations with Panama, but also to the future possibility that we may have to build a canal outside of Panama as a result of unsettled political condi-

tions. We cannot base our actions solely upon technical considerations.

With the continually increasing Soviet presence in Cuba, it is a great mistake to withdraw from any of our rights in that area. We enjoy good relations with the present Government of Nicaragua and there is little to be gained by making this unnecessary concession. To do so would appear to leave a vacuum on the political scene which would tempt further interference by Soviet or Castro-style subversion.

We have our rights in Nicaragua "in perpetuity," just as we have our rights in the Panama Canal Zone "in perpetuity." To surrender our rights in Nicaragua would greatly weaken our ability to maintain the same rights in Panama. It is therefore shortsighted to seek some momentary advantage when our long-range interests are threatened.

I would now like to review the history of the Bryan-Chamarro Treaty of 1914.

The evolution of the Isthmian Canal policy of the United States has a long history in which arose two leading rivals in the race for the trans-Isthmian canal. The prime reason for this development was that these two locations are the only ones across the American isthmus in which the continental divides are lower than 600 feet.

Until 1902 the route favored by the United States was that at Nicaragua, which would utilize the natural elevated waterway of Lake Nicaragua of some 3,325 square miles in area at the normal maximum elevation of 110 feet above mean sea level as part of the 172.8-mile-long canal. The total watershed area of the summit level at this site consists of 13,550 square miles of both Nicaragua and Costa Rica in a region of tropical rainfall.

For reasons deemed adequate, after exhaustive investigations by the Isthmian Canal Commission, headed by Rear Adm. John G. Walker, the Government of the United States by the Spooner Act, approved June 28, 1902, decided upon the Panama site.

The Panama Canal, opened to traffic in August 1914, includes the artificial Gatan Lake of 163.4 square miles in area at 85 feet above mean sea level in the Chagres River Basin with a watershed of 1,320 square miles in one of the heavier rainfall areas. The principal problems of the Panama Canal are its maintenance, operation, sanitation, police protection, and defense against aggression.

Despite the completion of the Panama Canal, the United States immediately entered into negotiations with Nicaragua. The main reasons for the negotiation of the Bryan-Chamarro Treaty of 1914 were: First, the fear of European intervention incident to the approach of World War I; and second, the defense of the Panama Canal. In this treaty, Nicaragua granted to the United States in perpetuity "exclusive propriety rights" for the construction, operation, and maintenance of an interoceanic canal by way of Lake Nicaragua and the San Juan River; also provisions for the protection of the Panama Canal and the U.S. rights for a Nicaragua Canal.

In view of the takeover of Cuba by Communist revolutionaries in 1958 and threats to do likewise in other isthmian and Carribean countries, the decision to negotiate the Bryan-Chamarro Treaty was a far-sighted one and in conformity with the principles of the Monroe Doctrine.

An important new aspect of the interoceanic canal problem is that of safeguarding marine life in the eastern Pacific and in the Caribbean. As I have pointed out on this floor before, eminent marine biologists view the proposal for a so-called sea-level canal across the isthmus as the ecological threat of the 20th century. These experts oppose the construction of a sea-level canal and urge the retention of the fresh water barrier between the oceans as contemplated in the Terminal Lake-Third Locks plan for the major modernization of the existing Panama Canal. I refer my colleagues to the article by Dr. John C. Briggs, "Sea-Level Panama Canal: Potential Biological Catastrophe," Bio-Science, volume 19, January 1969, pages 44 through 47, which I placed in the RECORD on July 31, 1969.

As all responsible studies of the Nicaragua Canal problem has utilized the elevated Lake Nicaragua, such a canal would also retain the fresh water barrier between the oceans and provide the next logical canal site after the maximum development of the Panama Canal by means of additional locks.

The negotiations of the 1914 treaty with Nicaragua understood that this agreement did not cover all the problems involved but that it was only the first step. Subsequent experience with the Panama Canal has afforded valuable lessons that cannot be ignored for the successful operation of a tropical trans-isthmian waterway at Nicaragua.

Since 1914, world conditions have changed greatly. Though the specific dangers of that time no longer apply, there are in 1970 far more dangerous developments, with Communist power ready to fill the vacuum that may be created by U.S. abandonment of its treaty rights at Nicaragua. Who would step into the position vacated?

While it is true that a new treaty with Nicaragua may provide for construction of an interoceanic canal by means of private financing as well as by Government appropriations, any treaty that may be negotiated should be fully protective of the interests of the United States and Western Hemispheric security.

Mr. President, I ask unanimous consent that two recent stories regarding the Nicaragua canal treaty situation be printed in the RECORD at the conclusion of my remarks. These articles are as follows:

"U.S. To Cancel Pact on Nicaragua Canal," from the Evening Star of March 6, 1970; and "U.S. and Nicaragua Will Negotiate Canal Treaty," from the Times of the Americas of March 11, 1970.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Star, Mar. 6, 1970]

U.S. TO CANCEL PACT ON NICARAGUA CANAL

MANAGUA, NICARAGUA.—The United States has informed President Anastasio Somoza Debayle it is ready to abrogate the Bryan-Chamorro Treaty of 1914 which gives Washington an exclusive concession to build a canal through Nicaraguan territory.

The treaty is a product of the era when "dollar diplomacy" and the "big stick" governed U.S. foreign policy in Central America and has long been an irritant not only to Nicaragua but to El Salvador and Costa Rica as well.

It lost any significance to the United States when the Atlantic-Pacific Interoceanic Canal Commission ruled out the Nicaragua-Costa Rica route for planned construction of a new sea-level canal.

BIG EMOTIONAL IMPACT

The decision by Washington to abrogate the treaty, therefore, costs the United States nothing, but is a concession of great emotional impact for Nicaragua.

The negotiations were carried out by Ambassador Kennedy Crockett with President Somoza over the past few weeks and Somoza was informed of final U.S. agreement on Feb. 24.

The treaty was negotiated at a time when U.S. Marines were in the midst of the first of two interventions in Nicaragua to end political turbulence. The Marines landed in 1912 and on Aug. 5, 1914, the Bryan-Chamorro treaty was signed, in effect making Nicaragua a protectorate of the United States.

The original treaty signed by Secretary of State William Jennings Bryan contained the so-called Platt Amendment articles, similar to those in the protectorate exercised over Cuba between 1902–1934.

In ratifying the Bryan-Chamorro treaty, the Senate cut out the Platt Amendment articles, which would have given the United States the right of intervention to maintain a stable government and to have naval bases in Nicaragua.

The treaty did include a U.S. lease of Nicaragua's Great Corn and Little Corn islands, a 99-year renewable lease under American sovereign authority of a naval base on Nicaraguan soil in the Gulf of Fonesca. In return the U.S. agreed to pay Nicaragua $3 million to be spent under American supervision to reduce the nation's foreign debts.

ROOTED IN U.S. FEARS

The original purpose of the treaty was rooted in U.S. fears of European intervention in Central American affairs at a time when the Panama Canal and its security were of paramount importance.

The Marines left Nicaragua in 1925 because of cries of "imperialism" in the United States but returned within a few months because of a new outbreak of revolutions.

The second Nicaraguan intervention lasted until 1933. It was during that period that the Marines fought a long campaign against the Nicaraguan leader, Sandino, whose name has been adopted today by Nicaraguan Marxist youths now waging a guerrilla campaign against the Somoza government. They call themselves "Sandinistas."

[From the Times of the Americas, Mar. 11, 1970]

U.S. AND NICARAGUA WILL NEGOTIATE CANAL TREATY

WASHINGTON (UPI)—The United States and Nicaragua agreed on March 4, to negotiate the future of a 56-year-old pact giving the United States the right to build an interoceanic canal across that Central American nation.

A State Department statement intimated that the United States may wish to put an end to the agreement when it said that "It becomes increasingly unlikely" that the United States would exercise its rights and options under the treaty in the future.

The treaty regarding a Nicaraguan canal route, known as the Bryan-Chamarro Treaty, will be renegotiated at an early date at Man-

agua. This country will be represented by its ambassador, Kennedy M. Crockett.

The treaty was signed originally at Washington in the summer of 1914 and went into force two years later. In May, 1939, then president Anastasio Somoza came to the United States and exhorted Congress to build the canal. It is the son of the former dictator-president, who bears his names, Anastasio Somoza, who will be involved in the treaty's end.

Nicaragua's answer to the U.S. note was to accept invitations to talk the matter over "with the traditional feeling of friendship that has existed between the two nations, and in view of the aspirations of the people of Nicaragua."

MANAGUA HAD ACTED

Two days earlier, on March 2, at Managua the Nicaraguan Senate had unanimously voted in favor of abrogating the treaty that had granted rights to the U.S. in perpetuity.

Senator Rodolfo Abaunza said that, since the U.S. was about to end the treaty anyhow, that Nicaragua should act first.

He noted that the U.S. had received five reports from the commission that was appointed to review which would be the best route for the inter-oceanic canal but had done nothing. It did spend a total of $24 million "without spending one cent of the money in Nicaragua." He proposed that Managua act before Washington moved.

NOMINATION OF GEORGE HARROLD CARSWELL TO BE AN ASSOCIATE JUSTICE OF THE SUPREME COURT

Mr. PELL. Mr. President, if no Senator wishes to speak on the subject at hand, I will make a statement on another subject.

In connection with the filling of the vacancy on our Supreme Court, I would expect that the President nominate a southerner and a strict constructionist. I think, too, this is what the country expects and the majority of our Nation wish. However, I had hoped that the President's nominee would be of higher caliber and less insensitive to the trends of our times than is Judge Carswell and so oppose his nomination. I found this decision a difficult one and reached it only after considerable perusal of the opposing opinions within the Judiciary Committee and of the material that has been made available in the course of discussions and debate on this nomination.

My first thought was that mediocrity alone was not sufficient grounds for voting against Judge Carswell, particularly when we have already thrice voted to confirm him for lesser jobs. But, the more I looked at the record, the more shaken I became in the thought.

Then, too, when it comes to persuading the blacks and the young to work within our system, rather than seeking to overthrow it, they must be persuaded of the eventual views and lack of bias of those who set the rules for the system. And, the one group of men most responsible for setting these rules is our Supreme Court. In this connection, breadth of view and lack of bias are hardly characteristics that could be used to describe Judge Carswell. In fact he appears insensitive to the trends of the times.

Also, as I considered the nomination I came to the conclusion that our Supreme Court simply should not have men of mediocre ability serving on it, but that a man nominated to it should be of marked merit and superior ability enjoying the respect of his colleagues on the bench. This is obviously not the case when it comes to Judge Carswell.

Judge Carswell's adherence to the law seems lacking, too, as indicated by the unusually high proportion of reversals of his decisions.

I also believe that nominations to our third branch of government, the judiciary, fall into a different category than do nominations to the executive branch of Government. Once a nominee has been confirmed in the judiciary, the President is no longer in a position to exercise the Executive power of supervision or removal. For this reason, we in the Senate must be more stringent in our examination and setting of standards of excellence for appointment to the judiciary, particularly to the Supreme Court with its heavy responsibilities and lifetime tenure. This argument was effectively advanced by the senior Senator from Idaho (Mr. CHURCH) in yesterday's debate.

In opposing this nomination, however, I shall not participate in a filibuster against Judge Carswell. I think the President is entitled to an early vote on his nominee and, unless the circumstances are extraordinary, I do not like filibusters or think they should be used, no matter what the end.

Mr. BAYH. Mr. President, I rise to discuss one of the most troubling aspects of the nomination of G. Harrold Carswell to the Supreme Court of the United States.

As you know, many of us were shocked by Judge Carswell's remark in 1948 supporting racial segregation as "the only practical and correct way of life in our states," and saying.

I yield to no man as a fellow candidate, or as a fellow citizen in the firm, vigorous belief in the principles of white supremacy, and I shall always be so governed.

When this speech became public knowledge, Judge Carswell promptly repudiated it, and suggested that his public record of 17 years belies any racist sentiments. Although I find Judge Carswell unsuitable for the Supreme Court on a number of grounds, I have continued to hope that the record would bear out his recent statement disavowing his 1948 statement. I have continued to hope that Judge Carswell's private and public conduct would show him to be a man, if not committed to equality, at least aware of the racial crisis in our Nation and the crying need for racial justice.

In my view, however, the record does not support my hope. Of the serious incidents we have previously discussed, one of the most troubling is Judge Carswell's role in the incorporation of a private golf course in 1956. The change in the status of the golf course was part of a thinly veiled scheme to avoid Supreme Court decisions requiring integration of public facilities.

On November 7, 1955, the U.S. Supreme Court ruled that the city of Atlanta's refusal to permit Negroes to use municipal golf facilities was in direct violation of the 14th amendment's guarantee of equal protection and ordered the city to desegregate the golf course by making it available to Negroes. *Holmes* v. *City of Atlanta*, 350 U.S. 879 (per curiam). By Christmas of 1955, Negroes were playing golf on Atlanta's municipal course and a series of suits, throughout the South, were instituted to desegregate municipal recreational facilities. One such suit was Augustus against City of Pensacola, filed in the northern district of Florida—the same district in which Judge Carswell was then serving as U.S. attorney. Ingenious local Tallahassee officials were seeking to avoid the necessary desegregation of municipal facilities and obviously thought that by turning over such facilities to private groups they would be removed from the purview of the 14th amendment's guarantee of equal protection. In December 1955, for example, at a meeting of the Tallahassee City Commission the question was raised—and hotly debated—about leasing the municipal golf course to the Tallahassee Country Club, a private corporation. A front-page story in the Tallahassee Democrat of February 15, 1956, at the time the transfer was finally approved by the city commissioners, pointed out that:

The action came after a two-month cooling off period following the proposal's first introduction. At that time former City Commissioner H. G. Easterwood, now a county commissioner, blasted the lease agreement.

He said racial factors were hinted as the reason for the move.

In view of the Atlanta decision by the Supreme Court only a few months earlier and as reported by the only daily newspaper in Tallahassee, it should be obvious that the purpose of transferring the golf course—which was to circumvent the Supreme Court's ruling—was public knowledge. In a sworn affidavit to the Judiciary Committee, one of Tallahassee's most prominent citizens, Mrs. Clifton Van Brunt Lewis, confirmed the racial implications of the proposed transfer. According to the affidavit, Mr. and Mrs. Lewis were invited to join the country club but:

We refused the invitation because we wanted no part in converting public property to private use without just compensation to the public—and because of the obvious racial subterfuge which was evident to the general public.

On April 24, 1956, the Capital City Country Club was formed for the specific purpose of acquiring the municipal facilities and operating a golf club on the premises. The certificate of incorporation lists G. Harrold Carswell, who admittedly is not a golfer, as an original subscriber and as a director of the Capital City Country Club. As the U.S. attorney for northern Florida, Judge Carswell surely knew of the litigation pending throughout the South in the wake of Holmes against Atlanta and of the efforts to avoid complying with the Supreme Court's ruling by converting public facilities into private property.

Indeed, on page 69 of the hearing record, Judge Carswell said that he was "certainly" aware of such problems and of "cases all over the country at that time, everywhere."

Senator BAYH. You weren't aware of other cases in Florida——

Judge CARSWELL. Oh, certainly, certainly. There were cases all over the country at that time, everywhere. Certainly I was aware of the problems, yes. But I am telling you that I had no discussion about it. It was never mentioned to me in this context, and the $100 I put in for that was not for any purpose of taking property for racial purposes or discriminatory purposes.

Senator BAYH. You were aware that the Supreme Court had previously, sometime before that, come down with an order prohibiting this type of thing

Judge CARSWELL. Yes, sir; I am aware of the decision of the Supreme Court.

Could the transfer of the Tallahassee municipal golf course to the Capital City Country Club, following immediately upon Holmes against Atlanta, and in view of the successful suit in nearby Pensacola to open that city's golf course, have been anything but a thinly disguised attempt to avoid desegregating? I think not.

Yet Judge Carswell, a prominent citizen of Tallahassee and a subscriber, incorporator, and director of the corporation formed for the purpose of operating this club on a racially segregated basis, repeatedly denied having any knowledge of the purposes of this organization. He lent his name to this corporation; he served this corporation as director and incorporator, and he subscribed to its stock. Yet he consistently maintained that he had never discussed, and that he had never even thought about, the question of whether the golf course would be operated on a racially segregated basis.

Julian Smith, one of the original incorporators and the man with whom Judge Carswell dealt on this matter, has said that pressure to desegregate the public course "was in the back of our minds at the time the transfer was contemplated. I know I had it in my mind." Affidavits and other evidence has been presented to demonstrate the likelihood that Judge Carswell must have known of these racially discriminatory purposes.

And now we have some additional evidence along the same lines. I would like to read into the RECORD at this time a telegram from a distinguished Miami attorney, Mr. Neal P. Rutledge. Mr. Rutledge is not a fly-by-night citizen. He is not a northern knee-jerk liberal. Mr. Rutledge is a distinguished southern lawyer, with an active commercial practice. He is himself the son of a former U.S. Supreme Court Justice, Justice Wiley Rutledge. And he is also a former clerk to Supreme Court Justice Hugo Black. Mr. Rutledge was a visitor in Tallahassee in late 1955 and early 1956 because of a major trial in which he was participating was being conducted there. Mr. Rutledge's wire reads as follows:

Senator BIRCH BAYH,
Old Senate Office Building,
Washington, D.C.

During late 1955 and early 1956, I lived a great part of the time in Tallahassee, Florida, in connection with the trial of *Seaboard Machinery Corp.* v. *Bethlehem Steel Co.* in the U.S. District Court there. It was common knowledge in the community there at that time, and especially among the members of the Bar, that the dominant motive for transferring the operation of the Tallahassee Golf Club from public to private club auspices was to prevent racial integration of the facilities. The overwhelming sentiment of the white Tallahassee community at that time was to prevent Jim Crow racial segregation as a way of life, particularly in hotels, restaurants, places of social gatherings, and the like. It is impossible for me to believe that any prominent member of the Tallahassee community at that time, such as then United States Attorney General Carswell, was not fully aware of both this general, almost universal sentiment prevailing among the white citizens of Tallahassee in 1956 and the specific dominant motive for leasing the Municipal Golf Club by a private group.

Sincerely,

NEAL RUTLEDGE.

MIAMI, FLA.

And so we have added to the other voices we have heard, the statement of this solid Florida citizen that it is "impossible" for him to believe that Judge Carswell was not "fully aware" of "the specific dominant motive for leasing the municipal golf club to a private group." This motive, incidentally, has so far been successful—from 1956 to this day, the Capital City Country Club has been operated on a racially segregated basis, although I understand that the first nonwhite guest in the club's history was allowed on the premises within the past 3 months.

Mr. President, we had all hoped that Judge Carswell would have a record befitting a Supreme Court Justice. We had all hoped, as I have said earlier, that this nomination could be speedily and favorably passed upon by the Senate. But this golf course incident is just one of a series of incidents of how insensitive Judge Carswell has been to the need for insuring equal rights for all Americans. We have a right to expect more of our U.S. attorneys than participation in such a shabby scheme. We certainly have a right to expect more of nominees to the Supreme Court of the United States.

EXTENSION OF PROGRAMS OF ASSISTANCE FOR ELEMENTARY AND SECONDARY EDUCATION—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

Mr. GRIFFIN. Mr. President, earlier today I had printed in the RECORD the complete text of President Nixon's historic statement concerning elementary and secondary school desegregation.

This statement of the President is very much a part of, is very relevant to, the debate on this conference report, particularly the debate as to whether the so-called Stennis amendment, or the substitute language proposed by the conferees, should be adopted.

When the Stennis amendment was proposed and adopted earlier by this body, there was more uncertainty than there is today concerning the administration's policies with respect to school desegregation.

The President's statement today, however, raises a question whether we are now debating an issue that is essentially moot.

I call attention to the fact that neither the Stennis amendment nor the substitute proposed by the conferees is in the form of operative law. Both are phrased as sense-of-the-Congress statements declaring policy with respect to desegregation which the administration may or may not follow even if adopted.

I believe it is also accurate to point out that the statement made by the President today does not conflict directly with the essential purpose of either amendment. In his statement, the President recognizes that applicable guidelines must be uniformly applied, whether in the North, South, East, or West. At the same time, the President has recognized a point he could not fail to recognize in light of court decisions that there is a distinction between de jure and de facto segregation.

Mr. President, because I think it would be helpful to this debate to focus the attention of the Senate on the policies announced today by the President, I wish to read some very pertinent portions of his statement.

POLICIES OF THIS ADMINISTRATION

It will be the purpose of this Administration to carry out the law fully and fairly. And where problems exist that are beyond the mandate of legal requirements, it will be our purpose to seek solutions that are both realistic and appropriate.

I have instructed the Attorney General, the Secretary of Health, Education and Welfare, and other appropriate officials of the Government to be guided by these basic principles and policies:

PRINCIPLES OF ENFORCEMENT

First. Deliberate racial segregation of pupils by official action is unlawful, wherever it exists. In the words of the Supreme Court, it must be eliminated "root and branch"—and it must be eliminated at once.

Second. Segregation of teachers must be eliminated. To this end, each school system in this nation, North and South, East and West, must move immediately, as the Supreme Court has ruled, toward a goal under which "in each school the ratio of white to Negro faculty members is substantially the same as it is throughout the system."

Third. With respect to school facilities, school administrators throughout the Nation, North and South, East and West, must move immediately, also in conformance with the Court's ruling, to assure that schools within individual school districts do not discriminate with respect to the quality of facilities or the quality of education delivered to the children within the district.

Fourth. In devising local compliance plans, primary weight should be given to the considered judgment of local school boards—provided they act in good faith, and within Constitutional limits.

Fifth. The neighborhood school will be deemed the most appropriate base for such a system.

Sixth. Transportation of pupils beyond normal geographic school zones for the purpose of achieving racial balance will not be required.

Seventh. Federal advice and assistance will

be made available on request, but Federal officials should not go beyond the requirements of law in attempting to impose their own judgment on the local school district.

Eighth. School boards will be encouraged to be flexible and creative in formulating plans that are educationally sound and that result in effective desegregation.

Ninth. Racial imbalance in a school system may be partly de jure in origin, and parly de facto. In such a case, it is appropriate to insist on remedy for the de jure portion, which is unlawful, without insisting on a remedy for the lawful de facto portion.

Tenth. De facto racial separation, resulting genuinely from housing patterns, exist in the South as well as the North; in neither area should this condition by itself be cause for Federal enforcement actions. De jure segregation brought about by deliberate school-board gerrymandering exists in the North as the South; in both areas this must be remedied. In all respects, the law should be applied equally, North and South, East and West.

Mr. President, I invite the Members of this body to study very carefully the full text of the President's statement. In light of his statement today, it seems to me that further debate on the Stennis amendment is rather academic. We now have a very clear and explicit statement of the policies to be followed by the administration of policies which were not known or were not clearly understood at the time of the adoption by the Senate earlier of the Stennis amendment.

DISTRICT OF COLUMBIA COURT REFORM AND CRIMINAL PROCEDURE ACT OF 1970

Mr. TYDINGS. Mr. President, as in legislative session, I ask unanimous consent that the pending business be set aside for 10 minutes, in order that the message from the House of Representatives on S. 2601, the District of Columbia anticrime legislation, may be laid before the Senate.

Mr. GRIFFIN. Mr. President, reserving the right to object, I should like to inquire of the distinguished Senator from Maryland as to whether or not anyone on our side is aware of the action he is about to take.

Mr. TYDINGS. I went over this procedure 2 days ago with the Attorney General of the United States, Mr. Mitchell. What I propose to do is: to substitute for the House bill five bills which the Senate has already passed unanimously, the President's crime bill for the District of Columbia which the Senate sent to the House of Representatives during the last calendar year, and 11 other matters which were approved unanimously by the Committee on the District of Columbia; substitute that group of measures in its entirety for the bill which the House of Representatives has sent over here; and ask for an immediate conference with the House of Representatives on the President's crime bill.

Mr. GRIFFIN. Further reserving the right to object, has it been cleared with the ranking Republican member of the Senator's committee?

Mr. TYDINGS. It has been cleared with the ranking Republican member, or at least with his staff members on our committee.

Mr. GRIFFIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

What is the will of the Senate?

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TYDINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TYDINGS. Mr. President, I ask unanimous consent that the Senate lay aside the pending business for 10 minutes, in order that the Senate may take up a message from the House on S. 2601, the President's District of Columbia anticrime legislation.

Mr. PELL. Reserving the right to object, am I correct in my assumption that when the 10 minutes is up, the Senate will return to the conference report on the education bill?

The PRESIDING OFFICER. That is correct.

Mr. HRUSKA. Further reserving the right to object, would the Senator from Rhode Island give another 10 minutes if 10 minutes is insufficient? This involves about seven major bills. I know the Senator would be gracious enough to agree to that.

Mr. PELL. I have no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maryland? The Chair hears none, and it is so ordered.

Mr. TYDINGS. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2601.

The PRESIDING OFFICER (Mr. BELLMON) laid before the Senate the amendment of the House of Representatives to the bill (S. 2601) to reorganize the courts of the District of Columbia, and for other purposes.

Mr. TYDINGS. Mr. President, last July 11, in calendar year 1969, President Nixon sent his long-awaited District of Columbia crime legislation to Congress. That legislation included an overhaul of the court system in the National Capital, revisions in its criminal law and procedures, and expanded authority for the public defender service. Subsequently, on September 26, the President submitted a separate bill on juvenile court procedures.

The Senate acted with great dispatch on each of these Presidential anticrime bills. S. 2601, the bill on court reorganization, was passed by the Senate within 70 days of its submission.

S. 2602, the bill on the Public Defender Service, and S. 2869, the bill on Criminal Law and Procedure, were enacted within 150 days of their submission by the President.

S. 2981, the bill on juvenile court procedures passed the Senate within 90 days.

Last Thursday, the House of Representatives completed its action on an omnibus crime bill incorporating its own versions of these Senate-passed bills. In the normal course, the House then selected one of the Senate bills, S. 2601, substituted its omnibus bill for the Senate text, and returned S. 2601 to the Senate. It is now at the desk.

I believe we should have an immediate conference on this proposed legislation.

The crime situation in the National Capital is so desperate and the need for improvement in the courts and criminal law so apparent that not a day should be lost.

The Senate committee has formulated an amendment in the nature of a substitute to the House-passed bill which is at the desk. That amendment contains the text of all the Senate bills to which I have just referred, which were passed unanimously by the Senate in calendar year 1969. In addition, it disposes of a number of germane and related matters dealt with during our hearings last year, but not incorporated in the Presidential crime bills the Senate passed last fall.

For example, the committee believes that if the backlog of the new Superior Court, which this legislation will create, becomes too great, then the extra judge power of the Federal District Court of the District of Columbia ought to be available to help try those cases. Such an exigency might arise in the case of a civil disturbance or even through the normal growth in the volume of civil and criminal litigation. The committee amendment provides that, upon the presentation of a certificate of necessity by the chief judge of the superior court, the chief judge of the U.S. Court of Appeals for the District of Columbia Circuit is authorized to designate and assign any judge of the District court in this circuit to act temporarily as a judge of the superior court.

The committee has been requested by a committee of Federal judges here in the District and by numerous experts who have appeared before us to give judges the power to impose probation without verdict in appropriate cases. Such a law already exists in Maryland where it has been very successful in rehabilitation of offenders for whom neither jail nor the imposition of a felony record is useful to rehabilitation.

At present, local judges, juries, and prosecutors are sometimes loath to invoke the criminal process, where the mitigating factors surrounding an offense are such as to make actual conviction a useless event in the reform of the offender. At present in such cases, the criminal process is occasionally abandoned—even though society and the defendant might benefit from the deterrent effect of prosecution and from the increased protection of probationary supervision.

The committee amendment is patterned after section 641 of article 27, annotated Code of Maryland (1957). The amendment provides local judges with a further alternative in the disposition of criminal cases, where the offense is not punishable by death or life imprisonment. The amendment gives judges the alternative of suspending a judgment of guilty and placing the defendant on probation. As in all cases of probation, the

judge could subsequently modify the terms of probation. Also, any violation of the terms would constitute grounds, at the court's discretion, for summary revocation, the entering of judgment, and regular sentencing.

The committee has also included a provision for the creation of a Department of Correctional Services in the District government to consolidate correctional activities in the National Capital.

The committee is also recommending deletion of the "emergency" provision from the police mutual aid legislation presently in force in the District of Columbia. The committee believes that this amendment will encourage the interjurisdictional cooperation and especially improve law enforcement along the border between the District and Maryland and Virginia, where merely a curbstone or a river bank divides the jurisdictions.

The committee also recommends extending the Commission on the Revision of Criminal Law created by the District of Columbia Omnibus Crime Act of 1967 for another 3 years. The authority of that Commission expires December 27 of this year under present law. Piecemeal amendment of the criminal law in the District has created a hodgepodge of obsolete, overlapping, and confusing provisions. The need for this Commission is nowhere more clearly demonstrated among the many antiquated provisions of the District criminal laws than in the statute making it a crime to engage in the boyhood activity of kiteflying in the District. At the request of several Federal agencies, including the Smithsonian Institution, the committee is recommending repeal of that particular law at this time, in the form of an amendment.

The committee also recommends explicit authorization for the District of Columbia government to require narcotics testing. I emphasize that the committee believes this power most likely already resides in the city government, but the narcotics crisis is so urgent that we are commending this confirmatory authority at this time.

The committee also recommends a provision like the present law of Maryland to create in the District a criminal injuries compensation board to compensate the victims of criminal acts for their personal injuries.

The committee also recommends enactment of the request by the District of Columbia government to approve the implied consent law for determining drunk driving in the District. The provision we recommend is based upon the Uniform Vehicle Code promulgated by the National Committee on Uniform Traffic Laws and Ordinances. Forty-four other States have enacted similar laws.

The committee also recommends a technical amendment to the District of Columbia Insurance Placement Act to eliminate all possibility of doubt of the Congress' intention that crime insurance is to be available in the District of Columbia.

Lastly, Mr. President, your committee recognizes that the cost of fighting crime and creating an effective criminal justice system is great. The District budget, already in considerable deficit, must be augmented if these programs are to move from paper into action.

The committee is concerned about the cost effectiveness of the District government budget and has taken several actions, both legislative and in the area of oversight, during the past year to institute cost reductions in the District of Columbia activities. The committee also believes, however, that the Federal contribution to the District of Columbia government expenses is clearly inadequate either to the need or to the Federal responsibility toward the National Capital.

In addition to the protection of the people of the National Capital, a major purpose of the President's crime legislation is to make our Capital safe for all our citizens and foreign visitors, too.

Your committee believes that it is only reasonable for the Federal Government to help pay the costs of these new public safety programs. Moreover, the President intends this program to be a model for the Nation. If it fails of that purpose due to underfunding, then we and the President will have failed in our effort. Therefore, this committee recommends an increase in the authorized Federal payment for the District of Columbia of $48,854,000.

Mr. President, your committee has devoted nearly all its efforts for the last 18 months to the enactment of this legislation and other needed anticrime legislation. I commend my fellow members of the committee for their enormous industry and devotion to the task. I deeply appreciate the cooperation of the majority leader, Senator MANSFIELD, and the minority leader, Senator SCOTT, and my fellow members of the Judiciary Committee, particularly Senators MCCLELLAN and HRUSKA, upon whose judgment and advice we have heavily relied.

Mr. President, I move that the Senate concur in the amendment of the House of Representatives to S. 2601 with an amendment in the nature of a substitute.

Mr. HRUSKA. Mr. President, will the Senator from Maryland yield?

Mr. TYDINGS. I yield.

Mr. HRUSKA. Mr. President, this Senator has not been possessed of the good fortune that the Senator from Maryland has. He is a member of the District of Columbia Committee and also a member of the Judiciary Committee simultaneously. In connection with the legislation before us, that is a happy circumstance for him. I do not have membership on the District of Columbia Committee. I had to forgo that honor some years ago when other assignments were imposed upon me.

Mr. TYDINGS. We will be delighted to extend that privilege to the Senator.

Mr. HRUSKA. All of us are interested in legislation pertaining to the District of Columbia because it is our Nation's Capital. There is a national situation which confronts us by way of trying to restore some semblance of law enforcement that will bear some approximation to the title in the two works. In addition to that, some of the subjects treated in the legislation before us, as passed by the House, are subjects which are before the Judiciary Committee either under contemplation or already enacted into law.

I should like to ask the Senator from Maryland if it is not true that the procedure which he proposes here, by way of a substitute to the House-passed bill, is for the purpose of facilitating the proceedings in the conference which will be held on the pending legislation.

Mr. TYDINGS. That is correct.

Mr. HRUSKA. It will consolidate, will it not, the several measures we passed here in this body——

Mr. TYDINGS. That is right.

Mr. HRUSKA. In this general field, pertaining to the judicial system and related subjects in the District of Columbia. Of course, it will be a counterpart of the collection of subjects that are included in the House passed bill, but all of that, in sum total, will be considered in the meetings and the proceedings of the conference committee.

Mr. TYDINGS. That is correct.

Mr. HRUSKA. I think the Senator from Maryland is to be commended for resorting to this type of procedure because it will result, in my judgment, without passing on the substance and the ultimate form, in a determination by Congress and a selection of those things that should in its judgment become the law in all of these areas. We certainly should consider that time is of the essence, and that the steps taken here and the point at which we have now arrived are long overdue. Thus, I commend again the distinguished Senator from Maryland for having devised this method and for pursuing it.

The PRESIDING OFFICER. The first 10 minutes of the Senator from Maryland have expired.

Mr. TYDINGS. Mr. President, I ask unanimous consent for an additional 10 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ERVIN. Mr. President, will the Senator from Maryland yield to me, without losing his right to the floor?

Mr. TYDINGS. I yield.

Mr. ERVIN. I am glad to back the motion of the distinguished chairman of the Committee on the District of Columbia, that the House-passed version of the District of Columbia crime bill be sent to conference.

I want to express the hope that the conference will make many changes in the bill.

To put it in plain English, the House-passed version of the District of Columbia crime bill is as full of unconstitutional provisions, unjust provisions, and unwise provisions as a mangy hound dog is with fleas. (Laughter).

THE HOUSE VERSION OF THE DISTRICT OF COLUMBIA CRIME BILL: AN AFFRONT TO THE BILL OF RIGHTS

Now, Mr. President, the House-passed version of the District of Columbia crime bill is an affront to the Bill of Rights, to principles of wise legislation, and to the normal procedures which should govern the actions of the U.S. Congress. The Senate, the people of the

District of Columbia, and the entire country are in danger of being dealt a fast shuffle by the Department of Justice if the House bill is enacted. In my entire experience in this body, I have never seen such outrageous legislative proposals as are contained in this bill.

These are grave charges, Mr. President, but I feel they are fully warranted by the circumstances and by the contents of this bill.

When the Department of Justice presented its long-heralded legislation for the District of Columbia last July, they submitted a package of three bills. One, S. 2601, was a court reorganization bill. The second, S. 2602, was a bill to reform the Legal Aid Agency into a full-scale public defender office. These bills were carefully drawn and were valuable proposals. I supported them and cosponsored each.

At the time of its introduction, Members of Congress were assured by the Department of Justice both informally and in public statements that the court reorganization bill was merely a procedural bill. I was personally assured that it made no changes in criminal procedure or substance, except of the most technical nature, and that there was nothing in the bill to which I would raise objection. On the basis of these assurances, I and many other Members supported the bill and joined as cosponsors.

This massive bill, over 322 pages long, was soon discovered to contain a number of extremely controversial changes in criminal law. These changes were squirreled away in the recesses of the bill where only a careful examination would disclose them. I was particularly shocked to discover, for instance, that the bill made a series of changes in the District of Columbia Hospitalization of the Mentally Ill Act of 1964. This law was developed after long and careful study by the Constitutional Rights Subcommittee. It was a revolutionary reform securing important constitutional and procedural rights to the mentally ill. I was and still am extremely proud of the role I played in getting it enacted.

Yet, I belatedly discovered that, despite the solemn assurance of the Department, the changes proposed for the Mentally Ill Act would have negated the most important advances of that law. They were, in effect, a repudiation of the reforms which I and other members of the Congress had fought so hard to enact 5 years ago.

Fortunately, after a series of hearings by the Constitutional Rights Subcommittee, at which these amendments were unanimously condemned as repressive and a return to 18th century concepts of mental illness, the amendments were withdrawn.

The other important and controversial items in the court reorganization bill were very wisely deleted from the technical and noncontroversial portions dealing with judicial reorganization and were introduced as a separate bill for independent consideration by Chairman TYDINGS.

The Senate Committee worked with great dispatch on this legislation—one is tempted to say, with haste—because of the pressure being brought upon this body by the Department of Justice to enact anticrime legislation, whatever its nature or its usefulness, or its effect on individual freedoms.

In a few short weeks, the legislation was reported to the Senate and passed. Thereafter it slumbered quietly in the other body until the first of this year. Then in a flurry of activity, and in just a few days, a massive new bill was reported to the House, and passed with great alacrity last Thursday. This bill, now dubbed the "District of Columbia Omnibus Crime" bill, totals 439 pages.

This is no longer a simple court reorganization bill. It is literally a garbage pail of some of the most repressive, nearsighted, intolerant, unfair, and vindictive legislation that the Senate has ever been presented. It contains, among other things, broad and general wiretap authority going far beyond the limited authority of title III of the 1968 Omnibus Crime Act; uncontrolled and extremely permissive authority for no-knock searches; some of the most vindictive juvenile offender procedures imaginable; mandatory sentencing for offenders of up to 20 years in some instances; and, finally, the Department of Justice's unconstitutional, unworkable, and unjustified preventive detention bill.

I am certain that if the President were aware of the full contents of this bill, and its broad-scale repudiation of our constitutional traditions, he would disavow it, and join with members of the Senate District Committee and myself in opposing it.

I would like to comment first on the inclusion of preventive detention legislation in this bill, for I think it demonstrates that the Department of Justice, in its zeal for ever more power, whatever the cost to our constitutional principles, has indeed tried to put a fast one over on the Senate and the American people.

The third bill which the Department of Justice submitted last July was S. 2600, a major revision of the Bail Reform Act of 1966, and one containing an elaborate proposal for preventive detention. This bill was the result of an announcement by the President in January 1969, that he would ask the Attorney General to draft a preventive detention law. At the time of his remarks, the Constitutional Rights Subcommittee, of which I am chairman, was already engaged in hearings on this proposal. Yet, despite the interest of the President, and the zeal with which the Department now pursues this legislation, nobody from the Department bothered to testify before the subcommittee.

For 6 long months the subcommittee and the Congress awaited the Department's legislation on preventive detention. Finally, in July, it was introduced. At the time of its introduction, as well as in many public statements before and after, the Department of Justice made it clear that they considered this proposal so important that it should be considered as an amendment to Federal law, and made applicable uniformly in all Federal courts. Pursuant to this judgment, the third bill in this legislative package was referred to the Judiciary Committees of both Houses.

When the bill was submitted to the Senate Judiciary Committee and to the Constitutional Rights Subcommittee, I gave my solemn assurances to the Department that despite my well-known opposition to the bill, I would handle it in due legislative fashion. This I have always done, however much I may have opposed a piece of legislation.

At the same time, however, I reminded the Department that further action on preventive detention depended on the development and submission of factual data supporting the need for such a law. If there was one thing upon which all witnesses were agreed in the January 1969, hearings of the Constitutional Rights Subcommittee, it was that there was inadequate information upon which to judge the necessity for such a gross invasion of the Bill of Rights.

This prerequisite to committee action was well known to the Department from the very beginning of last year. Throughout the 6 months leading up to the introduction of the Department bill, I took every opportunity to remind the Department of the need to present reliable factual data to support a preventive detention proposal. At the time the bill was submitted and referred to the Judiciary Committee, there was no doubt that hearings would be held and the legislation considered promptly, as soon as possible after such data was presented by the Department.

Mr. President, it has been 14 long months since that need was made known, and that demand made. We still await the information we need if we are to consider this proposal intelligently, and not in an atmosphere of fear and panicky rhetoric.

We may not have much longer to wait, however. For after the bill was drafted, the Department began to take steps to get the information to back up their proposal. This was curious procedure, but I fear it is now a trademark of the Justice Department. Normally, one searches out the facts first, assesses the problems, and then develops a legislative solution to meet them. In this case, the Department first wrote the bill and then cast about for a set of facts to support it.

From these first steps grew a major scientific and objective study, the first in the District of Columbia and perhaps the first in the country. The purpose of the study was to gather as much available information on the operation of the criminal justice system, and the Bail Reform Act, to ascertain the amount of pretrial crime actually committed, to develop reliable predictive devices, if possible, upon which to base preventive detention, and to search out ways to prevent and control pretrial crime short of preventive detention. This study was commissioned by the Law Enforcement Assistance Administration and conducted by the National Bureau of Standards. It was designed to gather the facts—and to discover what facts were missing—about every aspect of the criminal process, from arrest to appeal.

If one can predict the quality of an uncompleted study by the past performance of the Law Enforcement Assistance Administration and the National Bureau of Standards, then we can be fairly assured that this project will give us valuable information on the true need for preventive detention, if any. It will also help us pinpoint the weakness in the system which has been the true cause of the problems which are wrongly attributed to the Bail Reform Act.

Perhaps that is why the Department is moving so frantically to enact its preventive detention legislation at this point, rather than await the release of its own commissioned study. Perhaps that is why its preventive detention bill is hidden deep in the recesses of this omnibus crime bill of 439 pages. Perhaps that is why it travels under the nom de plume of "Codification of Title 23" rather than announcing itself unashamedly as "Preventive Detention."

The reason quite obviously is that the National Bureau of Standards—Law Enforcement Assistance Administration study, which is to be completed just a few days from now on March 31, will refute much of the frantic rhetoric the Department has issued about the need for preventive detention.

There can be no other explanation for why the Department has gone back on its original decision to enact preventive detention as national legislation; why it has rushed the bill through the House without any hearings whatever; and why the legislation is hidden under false colors in the middle of a massive bill entitled "District of Columbia Court Reorganization." This bill might better be entitled, "A bill to repeal the Fourth, Fifth, Sixth, and Eighth Amendments to the Constitution."

I believe the Department has dealt this Congress and the American people a "fast shuffle" by hiding preventive detention in the middle of a bill where it does not belong, and by avoiding open and free debate on the merits. I strongly oppose any effort to enact such controversial legislation by these dubious procedures. If this Congress wishes to enact preventive detention legislation after full consideration of all the law and facts and alternatives, then I alone cannot prevent it. But I do not believe we should tolerate the Department of Justice trying to slip one past us and the American people, as it is trying to do through this bill.

If the Department wishes preventive detention, then let it keep to its original position. Let it complete its computer study, analyze the data and present the proper congressional committees with its conclusions and its position. Then let us consider this legislation carefully, deliberately, and on its merits, uncluttered by 400 other pages of legislation.

I strongly oppose the legislation for preventive detention in this bill. But I object even more to the method by which the Department is trying to subvert normal legislative procedure. I strongly support the committee decision to strike the preventive detention sections from this bill. I earnestly hope that the Senate conferees will not yield on this issue. District of Columbia Court reorganization is too important a measure to be held up at the whim of the Department of Justice. But it is not so important that the Senate should tolerate enactment of preventive detention by such suspicious procedures. If necessary, I shall strongly oppose the conferees' report on it if the Department persists in retaining preventive detention in this measure.

This bill contains a veritable flood of other ill-conceived features. Many of them have already been considered and very wisely rejected by the Senate District Committee. Many more, however, have never been presented to the Senate nor have they had a fair hearing in either body. Days, and even weeks, could profitably be devoted to discussing these items. In view of the shortness of time, however, I want to mention some of the particularly objectionable provisions.

At a time when the need for fair and speedy and enlightened processing of juvenile offenders is at its highest point in history, and at a time when the importance of meaningful rehabilitation of young offenders is most acute, the Justice Department has sponsored a bill which is wholly antithetical to these goals. Rather than a model act for juvenile offenders, it is a step back into the dark ages.

For example, when a juvenile is before the juvenile court, the burden of inquiring into the suitability of the child for rehabilitation now properly rests squarely on the court and the administrative machinery it has available for that purpose. However, without justification the Department bill would shift that burden to the child. How a child of 15 can be expected to prove that he can be rehabilitated is beyond understanding.

If trial of a young offender in a juvenile court once is waived and he is tried in an adult criminal court, he can never again, under the Department bill, be tried as a juvenile no matter what his age and no matter what charge is brought against him. Incredibly, that is the result even if the juvenile is found innocent of the initial charge resulting in the waiver of trial as a juvenile. Even if the charge is completely unfounded, or there is a case of mistaken identity, once waived, the child will thereafter be treated as an adult.

The Department proposal makes absolutely no provision for expeditious treatment for juvenile offenders. It would allow a continuation of the long incarceration of juveniles with all the accompanying effects of such detention. Many of our young offenders are irretrievably lost to a life of criminal activity because their cases are not brought promptly before an enlightened juvenile court. Young children are detained under shocking conditions and many of them are simply lost for months. The Senate bill quite rightly requires expeditious handling of juvenile cases. The Department's bill does not.

Not only does the House bill make no provision for jury trial for juveniles, but it also lowers the standard of proof which the Government must satisfy to a mere "preponderance of the evidence." The Senate bill requires that the Government prove its case "beyond a reasonable doubt" against juveniles who are allegedly delinquent or in need of supervision. Certainly there can be no justification for eliminating a standard of proof which is required by the due process clause.

The Department bill totally disregards the protective procedures of the Interstate Compact on Juveniles and instead allows children to be treated exactly like adults in extradition proceedings. Moreover, under H.R. 16196, a juvenile sent to a juvenile treatment facility could easily be transferred to an adult prison facility without benefit of the procedural protections provided an adult before being sentenced to prison.

The Legislative Guide for Drafting Family and Juvenile Court Acts was published by the Childrens Bureau of the Health, Education, and Welfare Department's Social and Rehabilitation Service in 1969. That guide was a cooperative effort based on investigative work, study and comment by the Children's Bureau, the Department of Justice, and State and local juvenile courts and probation services. Instead of using the legislative guide of the Department of Health, Education, and Welfare as a guide for positive action, it appears that the Justice Department has repudiated the administration's position on the handling of juvenile crime and disregarded the collective study and experience of experts in the field of juvenile law.

The Senate used the legislative guide as a model in its consideration of this matter. The provisions of the legislative guide are largely in harmony with the recommendations of the American Bar Association. They come much closer to this kind of enlightened, effective and constitutional procedures we need to deal with the perplexing problems of juvenile offenders. As chairman of the Constitutional Rights Subcommittee, I have long been concerned over the constitutional rights of juveniles. H.R. 16196 is a great step backward at a time when progress is demanded.

The Department of Justice has also sought to eliminate the need for judges in the sentencing of certain offenders by requiring mandatory minimum sentences. Elimination of judicial discretion in the sentencing process cannot be justified. In my judgment, it is absolutely unconscionable to propose legislation calling for sentences such as mandatory life imprisonment with no parole for 20 years and no suspension or probation at all upon conviction of crimes such as purse-snatching, or assault with intent to commit an offense punishable by a year in jail.

Furthermore, the court would have no choice but to send a first offender to prison for 3 years if he were convicted of purse-snatching and had "readily available" a toy pistol, even if it were not used or visible. If a defendant were convicted a second time for such an offense, the court would be bound to send him to prison for 10 years. This bill would make it impossible for a judge

to tailor the sentence in a case to a particular individual and would unquestionably terminate all hope of restoring the offender to a useful life in society. Prescribing severe sentences for offenses defined as "violent crimes" appeals to many at first glance. But included in this definition is purse-snatching, and similar offenses. It is altogether possible that a 15-year-old could be sentenced under this bill to a mandatory life sentence with no parole for 20 years, just for purse-snatching and having a toy pistol in his pocket.

Chief of Police Jerry Wilson, himself, sees the practical objections to mandatory minimum sentences. During the House District Committee's hearing on H.R. 16196, Chief Wilson said:

> I don't know whether mandatory sentences are good or bad. More stringent sentences are good but mandatory sentences present some problems. The way to avoid mandatory sentence is simply not to prosecute on that charge.

A large number of offenses are subject to the mandatory sentence provisions of H.R. 16196. It is quite likely that prosecutors—confronted by the inappropriateness of the mandatory sentence for certain defendants—will choose not to prosecute on those charges. Similarly, juries will free many defendants because they believe the mandatory sentence inappropriate for the particular defendant. The result will be not more—but less—safety for the community.

Mandatory sentences are proposed because of frustration with judges who do not sentence as severely as the prosecutors would like. But we cannot expect a judge to display wisdom in the sentencing of defendants if we deprive him of the opportunity to use his intelligence.

Mandatory minimum sentences are clear demonstrations of prosecutorial zeal to punish criminals. They are worthless as a means of intelligently dealing with the problems of crime.

H.R. 16196 would also authorize the divulgence of a defendant's communication with employees of the District of Columbia Bail Agency. It allows the defendant's statements to be used for impeachment in any criminal proceeding, in perjury proceedings and in the trial of offenses connected with pretrial release. In a very short time that authorization would clearly destroy the effectiveness of the bail agency. All the confidence suspects now have developed in the Bail Agency personnel would be quickly lost, and the agency would no longer have any source for securing the information so vital in its work. In addition, it is obvious that counsel would have to be appointed before the bail agency employees could even talk with suspects to gather essential data for the court's bail determinations.

H.R. 16196 contains wiretap provisions far different from those considered by the Senate. The Senate sought to follow the pattern set forth in the Omnibus Crime Control and Safe Streets Act of 1968 and in the model State wiretapping bill. The Department of Justice has totally disregarded these guidelines. Their bill would allow unlimited governmental intrusion into traditionally privileged conversations. The police could bug confessionals to listen in to the priest and the penitent, they could overhear lawyers talking with clients and doctors with their patients.

The House bill would also allow chemical, scientific and other tests or experiments, provided those tests or experiments were incident to the execution of a search warrant.

The police state syndrome of the present administration further manifests itself by an even broader authority for "no-knock" warrants than it sought in the drug bill. It would also permit unlimited seizure of property not enumerated in any search warrant. In my judgment, both of these provisions in the House bill clearly violate the fourth amendment to the Constitution.

In another unprecedented attack on our adversary system of criminal justice, the House bill would allow the Government to establish case law by ex parte action. Even though the Government's case might be irretrievably lost and the defendant forever acquitted of his alleged crime, the Government could nonetheless appeal rulings made in that case and thereby establish precedents for future cases. The acquitted defendant would have no reason to contest the moot case on appeal in any vigorous manner. The Government appeal would be a ball game with only one team, the Government, represented. The ultimate results of such a procedure are difficult to imagine, but in view of the posture of the present Justice Department, they will obviously militate against the rights of us all.

Although I have come nowhere near exhausting the list of deficiencies in this bill, I will mention just one further item at this time. The Department, in another gesture toward the police state around the corner, would make the policeman the unjustified beneficiary of his own unlawful action. Believe it or not, if any citizen in this city sues a policeman for unlawful arrest and wins his suit by showing that the police officer did indeed violate the law, the innocent citizen must nevertheless pay the lawbreaking policeman's attorney fees. This is not merely discretionary, which would be outrageous in itself. It is mandatory to pay the policeman's lawyer's fees even if the plaintiff wins.

I recognize full well that law and order has become a great political issue. But, in this year of our Lord 1970, and in future election years, it behooves the Members of this body to be chary of broad grants of power to those who control the machinery of Federal justice.

For the security of the individual rights of all generations to come, we must stem the eagerness of aspiring politicians in the executive branch who are charged with fulfilling election promises to fight crime, and who in their zeal, seize upon unconstitutional means to gain temporary political advantages.

I yield to no man in my desire to deal effectively with the crime crisis we face. Yet this crisis cannot justify the passage of bills such as this.

Mr. COOPER. Mr. President, will the Senator from Maryland yield?

Mr. TYDINGS. I am delighted to yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, I understand that the pending business is the conference report on the District of Columbia crime bill.

Mr. TYDINGS. Does the Senator from Kentucky understand the procedure which we are following now?

Mr. COOPER. I just came on the floor.

Mr. TYDINGS. What we are doing is substituting for the House-passed bill that came over, the Senate bills which we passed last year, together with 11 amendments which are relatively minor in nature. We will put those in the bill and send them back and ask for a conference, so that when we go to conference we will go to conference on the Senate bills which we passed last year. The House will also go to conference with the bill which it passed this year, and then the issue will be joined.

Mr. COOPER. I must say that I was not on the floor when the District of Columbia crime bills were passed by the Senate. I think some were passed by a voice vote.

Mr. TYDINGS. There were five different bills which passed over a period of 2 or 3 months. Thus, it is not one bill but several.

Mr. COOPER. I read in a newspaper account of some of the provisions in the bill——

Mr. TYDINGS. Is the Senator speaking of the House bill?

Mr. COOPER. Yes, and the Senate bill also. I would like to ask the Senator, does the Senate version contain the so-called no-knock provision?

Mr. TYDINGS. The Senate bill has the provision for the no-knock in it which we amended, which was not the administration's bill, and which was not the House provision, but which was the basis of the Griffin amendment when we passed the narcotics bill, where we inserted the word "will" for "may."

Mr. COOPER. The provision in the Senate drug bill, then, is similar to the provision in the District of Columbia crime bill which is before the Senate now; that is, the so-called no-knock provision which is similar to the one that was placed in a bill by the Senator from Michigan (Mr. GRIFFIN)?

Mr. TYDINGS. The Senator is correct.

Mr. COOPER. Does the Senate bill contain the provision for the 60-day detention period that could be imposed by judges who believe someone may have committed a crime?

Mr. TYDINGS. No. That is not in the bill. There is no preventive detention proposal. That is in the House version. And, of course, the House version of the no-knock provision is in language that is different from ours.

Mr. ERVIN. Mr. President, if the distinguished Senator would yield, I should like to correct a statement about the no-knock provision.

This bill has a no-knock provision in it the likes of which has never been heard.

The House-passed bill provides that announcement of the identity and purpose of the officer shall not be required prior to such breaking and entering if the warrant expressly authorizes entry without notice.

They can just put it in the warrant. They do not have to have any notice given to the occupants of the building of the presence and purpose of the officer. He can just go ahead and break in without further ado.

It also has a provision that an entry obtained by trick and strategem shall not be equivalent to breaking and entering.

The Supreme Court of the United States held expressly to the contrary in Gould against United States, that where entrance was gained to the house under the pretense of a visit to the house, that the entry in that case was just as much without consent as if there had been a breaking and entering without permission.

Nevertheless, the bill undertakes to authorize an entry by trick or stratagem. So, as I said before, this bill is just as full of unwise and unconstitutional provisions as a mangy hound dog is full of fleas.

Mr. COOPER. The Senator is talking about the House bill?

Mr. ERVIN. I am talking about the House bill. I do not think the Senate would pass a bill like this.

Mr. COOPER. This Senate bill will go to conference and we may be called upon to vote upon the House bill, which contains a no-knock provision and also the 60-day detention provision.

Mr. TYDINGS. Mr. President, I assure the Senator from Kentucky that the conferees will represent the Senate version in conference.

Mr. COOPER. Mr. President, I think we all want better law enforcement in the District of Columbia. Although I am not a member of the Committee on the Judiciary, I have studied various crime bills throughout my years in the Senate. It seems to me that in the last few years a great many of these bills have contained provisions which the courts have never sustained, but have criticized strongly, and which increasingly encroach upon the rights of individuals.

I have tried to follow my colleague, the Senator from North Carolina (Mr. ERVIN) on these matters. I think he is right.

I think we have passed bills containing these doubtful provisions. I think it is a very bad course that we are taking.

I know that the Senator from Maryland has worked very hard on these bills. I hope that he will fight meaningfully in the conference against those provisions which are of doubtful legality.

Mr. ERVIN. Mr. President, there are other provisions of the bill relating to mandatory sentences. Mandatory sentences would apply, for instance, for 2d and 3d convictions, regardless of whether the individual had been pardoned. Four separate attempts are made to alter the effect of a presidential pardon or a pardon issued by the Governor of a State.

If the case of Klein against the United States—which the Senator from Maryland and I discussed on a previous occasion—is still the law, and I believe it is, this provision for mandatory sentences represents an unconstitutional attempt to place limitations upon the effect of Presidential or Governors' pardoning powers.

Another provision in the bill allows a prosecuting attorney to appeal on a point of law during the course of the trial and, without consent, to postpone hearing the witnesses until the appellate court passes on the question. Under this procedure, the court could order a mistrial. Certainly ordering a mistrial under those circumstances would be a violation of the double jeopardy provision.

The bill provides for such an appeal after the trial is over even if there is an acquittal. Until the jurisdictional transfer in the court reorganization bill is complete, and the trial of local District crimes, as distinguished from Federal crimes, passes into the jurisdiction of the superior court, that provision for appeals by the government after acquittal certainly would be a violation of the third article of the Constitution, which requires a case of controversy between adverse litigants to give jurisdiction to that court. An appeal in which only the government is represented would be a request for an advisory opinion, which violates article III.

I have never heard of anything like that provision. I think this is the first time it has ever been proposed anywhere.

So it proves that there is something new under the sun.

Mr. HART. Mr. President, the able senior Senator from North Carolina (Mr. ERVIN) has voiced eloquently my own concerns with respect to the bill presented to us.

Mr. TYDINGS. Mr. President, I think the remarks of the Senator from North Carolina are well founded.

We took those provisions out of the original proposal when it was before the Senate. I look forward to the support of the Senator from North Carolina and, indeed, the advice and legal counsel of the Members of the Senate when we meet with the House in this vital area.

I look forward to the support and the assistance of the Senator from Nebraska (Mr. HRUSKA).

Mr. President, I now move that the Senate concur in the amendments of the House of Representatives to S. 2601 with an amendment in the nature of a substitute.

The substitute amendment of the Senate to the House amendments to the bill S. 2601 is as follows:

[In the Senate of the United States, March 24, 1970]

Resolved, That the Senate agree to the amendments of the House of Representatives to the bill (S. 2601) entitled "An Act to reorganize the courts of the District of Columbia, and for other purposes", with the following Senate amendment to House amendments: In lieu of the matter proposed to be inserted by the House engrossed amendment to the text of the bill insert:

That this Act shall be known as the "District of Columbia Court Reorganization Act of 1970".

TITLE I.—COURT REORGANIZATION

SEC. 101. Title 11 of the District of Columbia Code is amended to read as follows:

"TITLE 11.—ORGANIZATION AND JURISDICTION OF THE COURTS

"Chap. Sec.
"1. General Provisions 11–101
"3. United States Court of Appeals for the District of Columbia Circuit 11–301
"5. United States District Court for the District of Columbia 11–501
"7. District of Columbia Court of Appeals 11–701
"9. Superior Court of the District of Columbia 11–901
"11. Family Division of the Superior Court 11–1101
"13. Small Claims and Conciliation Branch of the Superior Court 11–1301
"15. Judges of the District of Columbia Courts 11–1501
"17. Administration of the District of of Columbia Courts 11–1701
"19. Jurors and Jury Selection 11–1901
"21. Register of Wills 11–2101
"23. Medical Examiner 11–2301
"25. Attorneys 11–2501

"Chapter 1.—GENERAL PROVISIONS

"Sec.
"11–101. Judicial power.
"11–102. Status of District of Columbia Court of Appeals.

"§ 11–101. Judicial power

"The judicial power in the District of Columbia is vested in—

"(1) Federal courts; establish purusant to article III of the Constitution; namely,

"The Supreme Court of the United States;

"The United States Court of Appeals for the District of Columbia Circuit;

"The United States District Court for the District of Columbia; and

"(2) District of Columbia courts, established pursuant to article I of the Constitution; namely,

"The District of Columbia Court of Appeals; and

"The Superior Court of the District of Columbia.

"§ 11–102. Status of District of Columbia Court of Appeals

"The highest court of the District of Columbia is the District of Columbia Court of Appeals. For purposes of review by the Supreme Court of the United States pursuant to section 1257 of title 28, United States Code, and other purposes of law, it shall be deemed the highest court of a State.

"Chapter 3.—UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

"SUBCHAPTER I.—JURISDICTION

"Sec.
"11–301. Appellate jurisdiction.
"SUBCHAPTER II.—MISCELLANEOUS PROVISIONS
"11–321. Reporter; general duties.
"11–322. Distribution of reports; sale.

"SUBCHAPTER I.—JURISDICTION

"§ 11–301. Appellate jurisdiction

"In addition to its jurisdiction otherwise conferred by law, the United States Court of Appeals for the District of Columbia Circuit has jurisdiction of appeals from judgments of the District of Columbia Court of Appeals (1) with respect to which notice of appeal or petition for review or certiorari has been, or may still be, timely filed on or before the effective date of the District of Columbia Court Reorganization Act of 1970 and, (2) respecting violations of laws of the United States which are not applicable exclusively to the District of Columbia.

"SUBCHAPTER II.—MISCELLANEOUS PROVISIONS

"§ 11–321. Reporter; general duties

"The United States Court of Appeals for the District of Columbia Circuit may appoint a reporter who shall serve at the pleasure of the court until the completion of his duties, but in no case longer than necessary to report, edit, and publish the court's opinions with respect to all cases heard or docketed for appeal within four years after the date of enactment of the District of Columbia Court Reorganization Act of 1970.

"§ 11–322. Distribution of reports; sale

"(a) The reporter of the United States Court of Appeals for the District of Columbia Circuit shall furnish and deliver one copy of each volume of the reports of the opinions of the court, immediately after publication, to each judge of the following courts in the District:

"(1) the United States Court of Appeals;

"(2) the United States District Court;

"(3) the Tax Court of the United States;

"(4) the District of Columbia Court of Appeals; and

"(5) the Superior Court of the District of Columbia,

and the copies so received by each judge shall, upon his death, resignation, retirement, or removal from office, be delivered to his successor.

"(b) The court shall approve the sale price for the reports of its opinions at not more than $12 per volume.

"Chapter 5.—UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

"SUBCHAPTER I.—JURISDICTION

"Sec.

"11–501. Civil jurisdiction.

"11–502. Criminal jurisdiction.

"11–503. Removal of cases from the Superior Court of the District of Columbia.

"SUBCHAPTER II.—MISCELLANEOUS

"11–521. Appointment of auditor.

"SUBCHAPTER I.—JURISDICTION

"§ 11–501. Civil jurisdiction

"(a) The United States District Court for the District of Columbia has exclusive jurisdiction over all matters, exclusive jurisdiction over which is vested in it by law or vested in Federal district courts generally by a provision of the United States Code or any other Act of Congress of general application, and the court shall continue to have concurrent jurisdiction over all matters over which Federal district courts generally have such jurisdiction. For purposes of this section, references in chapter 85 of title 28, United States Code, to 'laws of the United States' or to 'any Act of Congress' include only those laws which are not applicable exclusively to the District of Columbia.

"(b) In addition to jurisdiction conferred by subsection (a), the court has exclusive jurisdiction over—

"(1) all civil actions and matters properly pending in the court on the effective date of the District of Columbia Court Reorganization Act of 1970;

"(2) civil actions (including requests for equitable relief) filed in the court prior to the effective date of the District of Columbia Court Reorganization Act of 1970 pursuant to the following provisions of the District of Columbia Code:

"(A) subchapter II of chapter 35, title 16: quo warranto;

"(B) chapter 25 of title 16: change of name;

"(C) section 2 of the Act of August 3, 1968 (82 Stat. 628; D.C. Code, sec. 1–804b): contractors' bonds;

"(D) section 16–1504: restitution of real property;

"(E) chapter 33 of title 16: quiet title;

"(F) chapter 37 of title 16: replevin of personal property;

"(G) chapter 19 of title 16: habeas corpus; and

"(H) the Act of June 24, 1953 (67 Stat. 77), as amended (D.C. Code, secs. 24–601 to 24–615): commitment of narcotics users;

"(3) matters filed in the court within two years of the effective date of the District of Columbia Court Reorganization Act of 1970 pursuant to the following provisions of the District of Columbia Code:

"(A) chapter 3 of title 21: gifts to minors;

"(B) chapter 5 of title 21: hospitalization of mentally ill;

"(C) chapter 7 of title 21: property of mentally ill;

"(D) chapter 11 of title 21: commitment and maintenance of the substantially retarded;

"(E) chapter 13 of title 21: committee for alcoholics and addicts; and

"(F) chapter 15 of title 21: appointment of conservators;

"(4) civil actions in the District of Columbia filed in the court within four years after the date of enactment of the District of Columbia Court Reorganization Act of 1969 (A) wherein the amount in controversy exceeds $50,000 or (B) pursuant to subchapters II and III of chapter 13 of title 16: land condemnation;

"(5) matters filed in the court within five years after the date of enactment of the District of Columbia Court Reorganization Act of 1970, but only during such period of five years after the date of enactment—

"(A) pursuant to chapter 29 of title 16: partition of property and assignment of dower;

"(B) which would have been within the jurisdiction of the Orphans Court of Washington County, District of Columbia, prior to June 21, 1870;

"(C) relating to the execution or validity of wills devising real property within the District of Columbia, and of wills and testaments properly presented for probate in the court, and the admission to probate and recording of those wills;

"(D) relating to the proof of wills of either personal or real property and the revocation of probate of wills for cause;

"(E) involving the granting and revocation for cause of letters testamentary, letters of administration, letters ad colligendum and letters of guardianship, and the appointment of successors to persons whose letters have been revoked;

"(F) involving the hearing, examination, and issuance of decrees upon accounts, claims, and demands existing between executors or administrators and legatees, or persons entitled to a distributive share of an intestate estate, or between wards and their guardians;

"(G) involving the enforcement of the rendition of inventories and accounts by executors, administrators, collectors, guardians, and trustees required to account to the court;

"(H) involving the enforcement of distribution of estates by executors and administrators and the payment or delivery by guardians of money or property belonging to their wards; and

"(I) otherwise within the probate jurisdiction of the court on the day prior to the effective date of the District of Columbia Court Reorganization Act of 1970.

"§ 11–502 Criminal jurisdiction

"(a) In addition to its jurisdiction as a United States district court, the United States District Court for the District of Columbia has original jurisdiction of all:

"(1) criminal cases commenced in the court by the return of an indictment or the filing of an information on or prior to the effective date of the District of Columbia Court Reorganization Act of 1970; and

"(2) criminal cases in which a violation of any one of the following provisions of law is charged:

"(A) section 809 of the Act of March 3, 1901 (31 Stat. 1322), as amended (D.C. Code, sec. 22–201)—abortion;

"(B) section 803 of the Act of March 3, 1901 (31 Stat 1321), as amended (D.C. Code, sec. 22–501)—assault with intent to kill, rob, rape, or poison;

"(C) section 608(a) of the Act of December 27, 1967 (81 Stat. 736; D.C. Code, sec. 22–1801 (a))—burglary in the first degree;

"(D) section 812 of the Act of March 3, 1901 (31 Stat 1322), as amended (D.C. Code, sec. 22–2101)—kidnapping;

"(E) sections 798 to 802 of the Act of March 3, 1901 (31 Stat. 1321), as amended (D.C. Code, secs. 22–2401 to 2405)—murder and manslaughter;

"(F) section 808 of the Act of March 3, 1901 (31 Stat 1322), as amended (D.C. Code, sec. 22–2801)—rape;

"(G) section 810 of the Act of March 3, 1901 (31 Stat. 1322), as amended (D.C. Code, sec. 22–2901)—robbery; and

"(H) section 2 of the Act of July 8, 1932 (47 Stat. 650), as amended (D.C. Code, sec. 22–3202)—committing a crime of violence when armed; and

"(3) other offenses under Acts of Congress applicable exclusively to the District of Columbia, whether charged against the same or other defendants, properly joinable in the same information or indictment with any of the offenses of which the court has jurisdiction whether or not tried together with the said offense.

"(b) The district court has exclusive jurisdiction as provided in subsection (a)(2) only for two years after the effective date of the District of Columbia Court Reorganization Act of 1970, but shall thereafter continue to exercise that jurisdiction in cases already commenced in the court by the return of an indictment or the filing of an information on or prior to the day which is two years after the effective date of that Act.

"§ 11–503. Removal of cases from the Superior Court of the District of Columbia

"For the purpose of chapter 89 of title 28, United States Code, the Superior Court of the District of Columbia shall be considered a "State court" and the law and procedure governing removal of any civil action or criminal prosecution from the Superior Court of the District of Columbia to the United States District Court for the District of Columbia shall be as provided therein.

"SUBCHAPTER II.—MISCELLANEOUS

"§ 11–521. Appointment of auditor

"For so long as the business of the court may require, the United States District Court for the District of Columbia may appoint an auditor for the court.

"Chapter 7.—DISTRICT OF COLUMBIA COURT OF APPEALS

"SUBCHAPTER I.—CONTINUATION AND ORGANIZATION

"Sec.

"11–701. Continuation of court; court of record; seal.

"11–702. Composition.

"11–703. Judges; service; compensation.

"11–704. Oath of judges.

"11–705. Assignment of judges; divisions; hearings.

"11–706. Absence, disability or disqualification of judges; vacancies; quorum.

"11–707. Assignment of judges to and from Superior Court.

"11–708. Clerks and secretaries for judges.

"11–709. Reports.

"SUBCHAPTER II.—JURISDICTION
"11–721. Orders and judgments of the Superior Court.
"11–722. Administrative orders and decisions.
"SUBCHAPTER III.—MISCELLANEOUS PROVISIONS
"11–741. Contempt powers.
"11–742. Oaths, affirmations and acknowledgments.
"11–743. Rules of Court.

"SUBCHAPTER I.—CONTINUATION AND ORGANIZATION

"§ 11–701. Continuation of court; court of record; seal

"(a) The District of Columbia Court of Appeals shall continue as a court of record in the District of Columbia.

"(b) The court shall have a seal.

"§ 11–702. Composition

"The District of Columbia Court of Appeals shall consist of a chief judge and eight associate judges.

"§ 11–703. Judges; service; compensation

"(a) The Chief Judge and the judges of the District of Columbia Court of Appeals shall serve in accordance with chapter 15 of this title.

"(b) Judges of the court shall be compensated at 95 per centum of the rate now or hereafter prescribed by law for judges of the United States courts of appeals. The chief judge, during his service in that position, shall receive an additional $500 per annum.

"§ 11–704. Oath of judges

"Each judge, when appointed, shall take the oath prescribed for judges of courts of the United States.

"§ 11–705. Assignment of judges; divisions; hearings

"(a) Judges of the court shall sit on the court and its divisions in such order and at such times as the court directs.

"(b) Cases and controversies shall be heard and determined by divisions of the court unless a hearing or rehearing before the court in banc is ordered. Each division of the court shall consist of three judges.

"(c) A hearing before the court in banc may be ordered by a majority of the judges of the court in regular active service. The court in banc for a hearing shall consist of the judges of the court in regular active service.

"(d) A rehearing before the court in banc may be ordered by a majority of the judges of the court in regular active service. The court in banc for a rehearing shall consist of the judges of the court in regular active service, except that a retired judge may sit as a judge of the court in banc in the rehearing of a case or controversy if he sat on the court or a division of the court at the original hearing thereof.

"§ 11–706. Absence, disability or disqualification of judges; vacancies; quorum

"(a) When the chief judge of the court is absent, disabled, disqualified or suspended, his duties shall devolve upon and be performed by such associate judge as the chief judge may, from time to time, designate. In the event that the chief judge is unable or fails to make such a designation, his duties shall devolve upon and be performed by the associate judges of the court according to the seniority of their original commissions.

"(b) A chief judge whose term as chief judge has expired shall continue to serve until redesignated or until his successor has been designated. When there is a vacancy in the position of chief judge, the position shall be filled temporarily as provided in subsection (a).

"(c) Two judges shall constitute a quorum of a division of the court, and six judges shall constitute a quorum of the court sitting in banc.

"§ 11–707. Assignment of judges to and from Superior Court

"(a) The chief judge of the District of Columbia Court of Appeals may designate and assign temporarily one or more judges of the Superior Court to sit upon the court of appeals or a division thereof whenever the business of the court of appeals so requires. Such designations or assignments shall be in conformity with the rules or orders of the court of appeals.

"(b) Upon presentation of a certificate of necessity by the chief judge of the Superior Court, the chief judge of the Court of Appeals may designate and assign temporarily a judge or judges of the Court of Appeals to serve as a judge of the Superior Court.

"§ 11–708. Clerks and secretaries for judges

"Each judge of the District of Columbia Court of Appeals may appoint and remove one or more personal law clerks and a personal secretary.

"§ 11–709. Reports

"Each judge shall submit to the chief judge such reports and data as the chief judge may request.

"SUBCHAPTER II.—JURISDICTION

"§ 11–721. Orders and judgments of the Superior Court

"(a) The District of Columbia Court of Appeals has jurisdiction of appeals from:

"(1) all final orders and judgments of the Superior Court of the District of Columbia;

"(2) interlocutory orders of the Superior Court—

"(A) granting, continuing, modifying, refusing, or dissolving or refusing to dissolve or modify injunctions;

"(B) appointing receivers, guardains, or conservators or refusing to wind up receiverships, guardianships or the administration of conservators or to take steps to accomplish the purposes thereof (such as directing sales or other dispositions of property);

"(C) changing or affecting the possession of property (such as dissolving writs of attachment); or

"(D) certified by a judge of the Superior Court as involving a controlling question of law pursuant to subsection (d) of this section;

"(3) orders or rulings of the Superior Court appealed by the United States or the District of Columbia pursuant to section 23–104.

"(d) Except as provided in subsection (c), a party aggrieved by an order or judgment specified in subsection (a), may appeal therefrom as of right to the District of Columbia Court of Appeals.

"(c) Review of judgments of the Small Claims and Conciliation Branch of the Superior Court of the District of Columbia and of judgments in the Criminal Division of that court where the penalty imposed is less than $50 for an offense punishable by imprisonment for one year or less, or by fine of not more than $1,000, or both, shall be by application for the allowance of an appeal, filed in the District of Columbia Court of Appeals.

"(d) When a judge of the Superior Court, in making in a civil action an order not otherwise appealable under this section, shall be of the opinion that such order involves a controlling question of law as to which there is substantial ground for a difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation, he shall so state in writing in such order. The District of Columbia Court of Appeals may thereupon, in its discretion, allow an appeal to be taken from such order, if application is made to it within ten days after the entry of the order. An application for an appeal under this subsection shall not stay proceedings in the Superior Court unless the Superior Court judge, or the Court of Appeals or a judge thereof, shall so order.

"§ 11–722. Administrative orders and decisions

"In addition to other jurisdiction conferred upon it by law, the District of Columbia Court of Appeals has jurisdiction to review all license and administrative actions the jurisdiction for review of which is conferred upon it by section 11 of the Act of October 21, 1968 (82 Stat. 1203; D.C. Code, sec. 1–1510), or was exercised by it on the day prior to the effective date of the District of Columbia Court Reorganization Act of 1970, and to review all final orders of the Public Service Commission.

"SUBCHAPTER III.—MISCELLANEOUS PROVISIONS

"§ 11–741. Contempt powers

"In addition to the powers conferred by section 402 of title 18, United States Code, the District of Columbia Court of Appeals, or a judge thereof, may punish for disobedience of an order, or for contempt committed in the presence of the court.

"§ 11–742. Oaths, affirmations, and acknowledgments

"Each judge of the court and each employee of the court authorized by the chief judge may administer oaths and affirmations and take acknowledgments.

"§ 11–743. Rules of court

"The court shall conduct its business according to the Federal Rules of Appellate Procedure unless the court prescribes or adopts modifications of those Rules. It shall approve all modifications of the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure prescribed or adopted by the Superior Court.

"Chapter 9.—SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

"SUBCHAPTER I.—CONTINUATION AND ORGANIZATION
"Sec.
"11–901. Continuation of the court; court of record; seal.
"11–902. Organization of the court.
"11–903. Composition.
"11–904. Judges; service; compensation.
"11–905. Oath of judges.
"11–906. Administration of chief judge; discharge of duties.
"11–907. Absence, disability or disqualification of chief judge.
"11–908. Designation and assignment of judges.
"11–909. Meetings and reports.
"11–910. Clerks and secretaries for judges.
"SUBCHAPTER II.—JURISDICTION
"Sec.
"11–921. Civil jurisdiction.
"11–922. Transfer of civil actions to Superior Court.
"11–923. Criminal jurisdiction; commitment.
"SUBCHAPTER III.—MISCELLANEOUS PROVISIONS
"Sec.
"11–941. Issuance of warrants; record.
"11–942. Subpoenas.
"11–943. Process.
"11–944. Contempt powers.
"11–945. Oaths, affirmations and acknowledgments.
"11–946. Rules of court.

"SUBCHAPTER I.—CONTINUATION AND ORGANIZATION

"§ 11–901. Continuation of the court; court of record; seal

"The District of Columbia Court of General Sessions, the Juvenile Court of the District of Columbia, and the District of Columbia Tax Court are hereby consolidated in a single court to be known as the Superior Court of the District of Columbia. The Su-

perior Court shall continue as a court of record in the District and shall have a single seal.

"§ 11–902. Organization of the court

"The Superior Court shall consist of four divisions: criminal, civil, family, and probate. The divisions of the court may be divided into such branches as the court may by rule prescribe.

"§ 11–903. Composition

"(a) The Superior Court shall consist of a chief judge and (forty-nine) associate judges as hereafter provided.

"(b) On the effective date of the District of Columbia Court Reorganization Act of 1970, the court shall consist of a chief judge and thirty-six associate judges.

"(c) Two years after the date of enactment of that Act, nine additional associate judges shall be appointed to the court.

"(d) Three years after the effective date of that Act, four additional associate judges shall be appointed to the court.

"§ 11–904. Judges; service; compensation

"(a) The chief judge and the judges of the Superior Court shall serve as provided in chapter 15 of this title.

"(b) Judges of the court shall be compensated at 95 per centum of the rate now or hereafter prescribed by law for judges of the United States district courts. The chief judge, during his service in that position, shall receive an additional $500 per annum.

"§ 11–905. Oath of judges

"Each judge, when appointed, shall take the oath prescribed for judges of courts of the United States.

"§ 11–906. Administration by chief judge; discharge of duties

"(a) The chief judge shall administer and superintend the business of the court, as provided in chapter 17 of this title. He shall give his attention to the discharge of the duties especially pertaining to his office and to the performance of such additional judicial work as he is able to perform.

"(b) He shall, insofar as is consistent with this title and rules of the court, arrange and divide the business of the court and fix the time of sessions of the various divisions and branches of the court.

"§ 11–907. Absence, disability or disqualification of chief judge

"(a) When the chief judge of the Superior Court is absent, disabled, disqualified, or suspended, his duties shall devolve upon and be performed by such associate judge as the chief judge may, from time to time, designate. In the event that the chief judge is unable or fails to make such a designation, his duties shall devolve upon and be performed by the associate judges of the court according to the seniority of their original commissions.

"(b) A chief judge whose term as chief judge has expired shall continue to serve until redesignated or until his successor has been designated. When there is a vacancy in the position of chief judge, the position shall be filled temporarily as provided in subsection (a).

"§ 11–908. Designation and assignment of judges

"(a) The chief judge may designate the number of judges to serve in any division and branch of the court and may assign and reassign each judge to sit in any division and branch. When making assignments to the family division, the chief judge shall consider the qualifications and interest of the judges. Each associate judge shall attend and serve in the division and branch to which he is assigned.

"(b) When the business of the court requires, the chief judge may certify to the chief judge of the District of Columbia Court of Appeals the need for temporary assignment of an additional judge or judges as provided in section 11–707 of this title, and likewise may certify to the chief judge of the United States Court of Appeals for the District of Columbia Circuit the need for temporary assignment of an additional judge or judges as provided in subsection (c) of section 292, title 28, United States Code.

"§ 11–909. Meetings and reports

"(a) The judges of the Superior Court shall meet upon the call of the chief judge, but not less than once each month, to consider matters relating to the business and operations of the court. The court may by rule require additional meetings.

"(b) Each judge shall submit to the chief judge such reports and data as the chief judge may request. Each judge shall submit a monthly written report to the chief judge and the Commission on Judicial Disabilities and Tenure which shall be in a form prescribed by the chief judge after consultation with the Commission and which shall set forth the duties performed by the reporting judge, to wit—

(1) the number of days' attendance in court of the judge during the month covered;

(2) the division or branch of the court which he attended;

(3) the number of hours per day of his attendance;

(4) the number and type of matters disposed of by the judge during the month covered; and

(5) such other data as the chief pudge requires.

"§ 11–910. Clerks and secretaries for judges

"Each judge of the Superior Court may appoint and remove a personal law clerk and a personal secretary.

"SUBCHAPTER II.—JURISDICTION

"§ 11–921. Civil jurisdiction

"(a) The Superior Court of the District of Columbia shall have original jurisdiction over all civil actions, at law or in equity, within the District of Columbia other than those actions over which exclusive jurisdiction is vested in the Federal courts in the District of Columbia. This civil jurisdiction shall vest in the court in four stages as hereafter provided.

"(b) On and after the effective date of the District of Columbia Court Reorganization Act of 1970, the Superior Court has jurisdiction over all civil actions and matters properly pending in the District of Columbia Court of General Sessions, the Juvenile Court of the District of Columbia, and the District of Columbia Tax Court. In addition the Superior Court has jurisdiction over all matters formerly within the jurisdiction of the District of Columbia Tax Court, and of all civil actions, at law or in equity, filed after the effective date of the District of Columbia Court Reorganization Act of 1970 in which the amount in controversy does not exceed $50,000 except those actions over which exclusive jurisdiction is vested in the Federal courts in the District of Columbia.

"(c) On and after the effective date of the District of Columbia Court Reorganization Act of 1970, the Superior Court has jurisdiction over the following actions, regardless of the amount in controversy—

"(1) proceedings commenced pursuant to subchapter II of chapter 35, title 16 of this Code for a writ of quo warranto;

"(2) applications filed pursuant to chapter 25 of title 16 of this Code for a change of name;

"(3) actions commenced pursuant to section 2 of the Act of August 3, 1968 (82 Stat. 628; D.C. Code, sec. 1–804b), with respect to contractors' bonds;

"(4) actions commenced pursuant to section 16–1504 of this Code for restitution of real property;

"(5) actions commenced pursuant to chapter 33 of title 16 of this Code to quiet title to real property;

"(6) actions commenced pursuant to chapter 37 of title 16 of this Code for replevin of personal property;

"(7) petitions pursuant to chapter 19 of title 16 of this Code for writs of habeas corpus directed to persons other than Federal officers and employees;

"(8) commitment of narcotics users in accordance with the Act of June 24, 1953 (67 Stat. 77), as amended (D.C. Code, secs. 24–601 to 24–615);

"(9) actions jurisdiction over which is transferred by title V of the District of Columbia Court Reorganization Act of 1970; and

"(10) actions for equitable relief relating to the foregoing.

"(d) Beginning two years after the effective date of the District of Columbia Court Reorganization Act of 1970, the Superior Court has jurisdiction over the following matters, regardless of the amount in controversy—

"(1) matters relating to gifts to minors in accordance with the provisions of chapter 3 of title 21 of this Code;

"(2) matters relating to the hospitalization of the mentally ill in accordance with the provisions of chapter 5 of title 21 of this Code;

"(3) matters relating to the property of the mentally ill in accordance with the provisions of chapter 7 of title 21 of this Code;

"(4) matters relating to the commitment and maintenance of substantially retarded persons in accordance with chapter 11 of title 21 of this Code;

"(5) appointment of committees in accordance with chapter 13 of title 21 of this Code;

"(6) appointment of conservators in accordance with chapter 15 of title 21 of this Code; and

"(7) actions for equitable relief relating to the foregoing.

Continuing jurisdiction of the United States District Court for the District of Columbia over any person, property, or estate in relation to the foregoing matters, asserted prior to this transfer of jurisdiction to the Superior Court, is retained by the United States district court notwithstanding this section.

"(e) Beginning four years after the date of enactment of the District of Columbia Court Reorganization Act of 1970, the Superior Court has the full civil jurisdiction described in subsection (a) of this section except with respect to the following matters, over which the Superior Court has jurisdiction beginning five years after the date of enactment of that Act—

"(1) actions commenced pursuant to chapter 29 of title 16 of this Code for partition of property and assignment of dower;

"(2) all other matters relating to probate and the administration of estates as defined in section 11–501(b)(5); and

"(3) all matters respecting guardianship of children as defined in section 11–501(b)(5).

"§ 11–922. Transfer of civil actions to Superior court

"(a) In a civil action pending in the United States District Court for the District of Columbia on the effective date of the District of Columbia Court Reorganization Act of 1970 (other than an action for equitable relief) where it appears to the satisfaction of the court at or subsequent to any pretrial hearing but prior to trial thereof that the action will not justify a judgment in excess of $10,000 the court may certify the action to the Superior Court of the District of Columbia for trial.

"(b) In a civil action commenced in the United States District Court for the District of Columbia, after the effective date and within four years after the date of enactment of the District of Columbia Court Reorganization Act of 1970, where it appears to the satisfaction of the court at or subsequent to any pretrial hearing but prior to the trial thereof that the action will not justify a

judgment in excess of $50,000 and does not otherwise invoke the jurisdiction of the court, the court may certify the action to the Superior Court of the District of Columbia.

"(c) When an action is transferred under this section, the pleadings in the action, together with a copy of the docket entries and copies of any orders entered therein, and the deposit for costs, shall be sent to the Superior Court. The Superior Court shall thereafter treat the case as though it had been filed originally in that court, except that the jurisdiction of the court shall extend to the amount claimed in the action even though it exceeds the sum of $10,000 or $50,000, as the case may be.

"§ 11–923. Criminal jurisdiction; commitment

"(a) Except as otherwise expressly provided by this section or other law. the Superior Court of the District of Columbia has original jurisdiction, concurrently with the United States District Court for the District of Columbia, of all offenses committed in the District over which exclusive jurisdiction is not conferred upon the district court either by chapter 5 of this title or by statutes not applicable exclusively to the District of Columbia.

"(b) (1) In all cases cognizable in the Superior Court, that court has jurisdiction to make preliminary examinations, and to commit offenders or to set conditions for their release on bail or recognizance according to law, either for trial or for further examination.

"(2) In all cases cognizable in the district court, the Superior Court shall have the powers enumerated in subdivision (1) of this subsection until two years after the effective date of the District of Columbia Court Reorganization Act of 1970.

"(c) The Superior Court has jurisdiction of all criminal cases properly pending in the District of Columbia Court of General Sessions on the date of enactment of this title.

"SUBCHAPTER III.—MISCELLANEOUS PROVISIONS

"§ 11–941. Issuance of warrants; record

"Subject to the provisions of title 23 of this Code and title V of the District of Columbia Court Reorganization Act of 1970, judges of the Superior Court may, at any time, including Sundays and legal holidays, on complaint or application under oath or actual view, issue warrants for arrest, search or seizure, or wire interception or electronic surveillance, in connection with crimes and offenses committed within the District of Columbia, and for administrative inspection in connection with laws relating to the public health, safety, and welfare. Each proceeding respecting a warrant shall be recorded as prescribed by the court. Warrants shall be issued free of charge.

"§ 11–942. Subpenas

"(a) The Superior Court may compel the attendance of witnesses by attachment. At the request of any party, subpenas for attendance at a hearing or trial in the Superior Court shall be issued by the clerk of the court. A subpena may be served at any place within the District of Columbia, or at any place without the District of Columbia that is within twenty-five miles of the place of the hearing or trial specified in the subpena. The form, issuance, and manner of service of the subpena shall be as prescribed by rule of the court.

"(b) A subpena in a criminal case in which a felony is charged may be served at any place within the United States upon order of a judge of the court.

"§ 11–943. Process

"(a) All process other than a subpena may be served at any place within the District of Columbia, and, when authorized by statute or by the Federal Rules of Civil Procedure, at any place without the District of Columbia.

"(b) Service upon a third-party defendant, upon a person whose joinder is needed for just adjudication, and upon persons required to respond to any order of commitment for civil contempt may be served at all places outside the District of Columbia that are not more than one hundred miles from the place of hearing or trial specified.

"(c) The form, issuance and manner of service of process shall be as prescribed by rule of the court.

"§ 11–944. Contempt power

"In addition to the powers conferred by section 402 of title 18, United States Code, the Superior Court, or a judge thereof, may punish for disobedience of an order or for contempt committed in the presence of the court.

"§ 11–945. Oaths, affirmations and acknowledgments

"Each judge and each employee of the court authorized by the chief judge may administer oaths and affirmations and take acknowledgments.

"§ 11–946. Rules of court

"The court shall conduct its business according to the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure unless the court prescribes or adopts modifications of those Rules. Modifications of the Federal Rules shall be submitted for the approval of the District of Columbia Court of Appeals, and they shall not take effect until approved. The Superior Court may appoint a committee of lawyers to advise it in the performance of its duties under this section.

"Chapter 11.—FAMILY DIVISION OF THE SUPERIOR COURT

"Sec.

"11–1101. Exclusive jurisdiction.
"11–1102. Retention of jurisdiction.
"11–1103. Transfer from Criminal Division; other courts.
"11–1104. Transfer for criminal prosecution.
"11–1105. Juvenile case records; confidentiality; inspection and disclosure.
"11–1106. Juvenile social records ; confidentiality; inspection; and disclosure.
"11–1107. Police and other law enforcement records.
"11–1108. Fingerprint records.
"11–1109. Sealing of records.
"11–1110. Paternity records; confidentiality; inspection and disclosure.
"11–1111. Unlawful disclosure of records; penalties.

"§ 11–1101. Exclusive jurisdiction

"(a) The family division of the Superior Court shall be assigned exclusive jurisdiction of:

"(1) actions for divorce from the bond of marriage and legal separation from bed and board, including proceedings incidental thereto for alimony, pendente lite and permanent, and for support and custody of minor children;

"(2) applications for revocation of divorce from bed and board;

"(3) actions to enforce support of any person as required by law;

"(4) actions seeking custody of minor children, including petitions for writs of habeas corpus;

"(5) actions to declare marriages void;

"(6) actions to declare marriages valid;

"(7) actions for annulments of marriage;

"(8) determinations and adjudications of property rights, both real and personal, in any action hereinabove referred to in this section, irrespective of any jurisdictional limitation imposed on the Superior Court;

"(9) proceedings in adoption;

"(10) proceedings under the Reciprocal Enforcement of Support Act, 71 Stat. 285, as amended (D.C. Code, secs. 30–301 to 30–324);

"(11) proceedings to determine paternity of any child born out of wedlock;

"(12) civil proceedings for protection involving intrafamily offenses, instituted pursuant to chapter 10 of title 16;

"(13) proceedings in which a child, as defined in section 16–2301, is alleged to be delinquent, neglected or in need of supervision; and

"(14) proceedings under the Interstate Compact on Juveniles (described in title VI of the District of Columbia Court Reorganization Act of 1970).

"(b) The family division shall be assigned exclusive jurisdiction of proceedings, commenced two years or more after the effective date of the District of Columbia Court Reorganization Act of 1970, pursuant to chapters 5 and 11 of title 21 relating to the commitment of the mentally ill and the substantially retarded.

"§ 11–1102. Retention of jurisdiction

"For the purposes of subchapter I of chapter 23 of title 16, jurisdiction obtained by the division in the case of a child shall be retained by it until he becomes twenty-one years of age, unless terminated prior thereto. This section does not affect the jurisdiction of other divisions or courts over offenses committed by a person after he reaches the age of 18 years. If a minor already under jurisdiction of the division is convicted in the criminal division or another court of a crime committed after the age of eighteen, the family division may, in appropriate cases, terminate its jurisdiction.

"§ 11–1103. Transfer from criminal division; other courts

"(a) If it appears to a court, during the pendency of a criminal charge and prior to the time when jeopardy would attach in the case of an adult, that a minor defendant was under the age of eighteen years at the time of an alleged offense, the court shall forthwith transfer the charge against the defendant, together with all papers and documents connected therewith, to the family division. All action taken by the court prior to transfer of the case shall be deemed null and void unless the division transfers the child for criminal prosecution under section 11–1104.

"(b) If at the time of the alleged offense, a defendant was under the age of eighteen years, but this fact was not discovered by the court until after jeopardy attached, the court, if judgment has not been entered, shall hold a hearing to determine whether to proceed to judgment or to refer the case to the family division for disposition. If judgment has been entered, it shall not be set aside on the ground of the defendant's age unless the court, after hearing, determines that (1) neither the defendant nor his counsel prior to the entry of judgment had reason to believe that defendant was under the age of eighteen years and (2) that the defendant would not have been transferred for criminal prosecution if his age had been known and the procedure set forth in section 11–1104 had been followed. If the judgment is set aside, the case shall be referred to the family division for disposition. The disposition and all prior proceedings in any court of any case referred to the family division for disposition pursuant to this section shall be subject to the confidentiality provisions of sections 11–1105 through 11–1110.

"(c) The court making a transfer shall order the minor to be taken forthwith to the family division or to a place of detention designated for children by the Superior Court. The division shall then proceed as provided in subchapter I of chapter 23 of title 16.

"(d) Nothing in this section shall affect the jurisdiction of a court over a person twenty-one years of age or older.

"§ 11–1104. Transfer for criminal prosecution

"(a) Within five days after the filing of a delinquency petition and prior to a fact-finding hearing on the petition, the Cor-

poration Counsel, following consultation with the Director of Social Services, may file a motion requesting transfer of the child for criminal prosection, if:

"(1) the child was fifteen or more years of age at the time of the conduct charged, and is alleged to have committed an act which would constitute a felony if committed by an adult;

"(2) the child is sixteen or more years of age and is already under commitment to an agency or institution as a delinquent child; or

"(3) a minor eighteen years of age or older is alleged to have committed a delinquent act prior to having become eighteen years of age.

"(b) Following the filing of the motion by the Corporation Counsel, summonses shall be issued and served in conformity with the provisions of subchapter I of chapter 23 of title 16.

"(c) When there are grounds to believe the child is mentally retarded or mentally ill, the Division shall stay the proceedings for the purpose of obtaining an examination. After examination, the Division shall proceed to a determination under subsection (d) unless it determines that the child is incompetent to participate in the proceedings, in which event it shall order the child committed to a mental hospital pursuant to section 16–2312(c)(2) of this Code or section 927 of the Act of March 3, 1901 (31 Stat. 1340), as amended (D.C. Code, sec. 24–301(a)).

"(d) Not later than fifteen days after the motion requesting transfer is filed, if the child is not in custody at the time of said filing, or, otherwise, not later than one week after said filing, the Division shall conduct a hearing on the motion for the purpose of determining whether there are reasonable prospects of rehabilitating the child prior to his majority, unless a commitment pursuant to subsection (c) has intervened. If the Division finds that there are not reasonable prospects for rehabilitating the child prior to his majority, it shall transfer the child for criminal prosecution and notify the United States attorney.

"(e) Evidence of the following factors shall be considered in determining whether there are reasonable prospects for rehabilitating a child prior to his majority:

"(1) the child's age;

"(2) the nature of the present offense and the extent and nature of the child's prior delinquency record;

"(3) the child's mental condition;

"(4) the nature of past treatment efforts and the nature of the child's response to past treatment efforts; and

"(5) the techniques, facilities, and personnel for rehabilitation available to the Division and to the court that would have jurisdiction after transfer.

The rules of evidence at transfer hearings shall be the same as those that govern dispositional proceedings in delinquency cases, as set forth in section 16–2313 of this Code. At a transfer hearing, only the propriety of eventual Family Division disposition shall be considered, and evidence bearing on probable causes or the likelihood that the child committed the act alleged shall not be admitted.

"(f) Prior to a transfer hearing, a study and report, in writing, relevant to the factors in subsection (e), shall be made by the Director of Social Services. This report and all social records that are to be made available to the judge at the transfer hearing shall be made available to counsel for the child and to the Corporation Counsel at least two days prior to the hearing.

"(g) When a child is transferred for criminal prosecution, the presiding judge shall set forth in writing his reasons therefor. These written findings shall be available, upon request, to any court in which the transfer is challenged, but shall not be available to the trier of fact on the criminal charge prior to verdict.

"(h) Transfer of a child for criminal prosecution terminates the jurisdiction of the Family Division over the child with respect to any subsequent delinquent act; except that jurisdiction of the Family Division over the child is restored if the criminal prosecution is terminated other than by a verdict of guilty or not guilty by reason of insanity and if at the time of said termination no indictment or information has been filed for criminal prosecution for an offense alleged to have been committed by the child subsequent to transfer.

"(i) A judge who conducts a hearing pursuant to this section shall not, over the objection of the child whose prospects for rehabilitation were at issue, participate in any subsequent factfinding proceedings relating to the offense.

"§ 11–1105. Juvenile case records; confidentiality; inspection and disclosure

"(a) As used in this section, juvenile case records refers to the following records of a case brought before the family division pursuant to subdivision (12) of section 11–1101(a)—

"(1) notices filed with the court by an arresting officer pursuant to subchapter I of chapter 23 of title 16;

"(2) the docket of the court and entries therein;

"(3) complaints, petitions and other legal papers filed in the case;

"(4) transcripts of proceedings before the court;

"(5) findings, verdicts, judgments, orders and decrees; and

"(6) other writings filed in proceedings before the court, other than social records.

"(b) Juvenile case records shall be kept confidential and shall not be open to inspection; but, subject to the limitations of subsection (c), the inspection of those records shall be permitted to—

"(1) judges and professional staff of the superior court;

"(2) assistants of the Corporation Counsel assigned to the family division;

"(3) the respondent, his parents or guardians, and their duly authorized attorneys;

"(4) any court or its probation staff, for purposes of sentencing the respondent as a defendant in a criminal case, and the counsel for the defendant in that case;

"(5) public or private agencies or institutions providing supervision, providing treatment, or having custody of the child, if supervision, treatment or custody is under order of the division;

"(6) the United States attorney for the District of Columbia, his assistants, and any other prosecuting attorneys involved in the investigation or trial of a criminal case arising out of the same transaction or occurrence as a case in which a child is alleged to be delinquent; and

"(7) other persons having a professional interest in the protection, welfare, treatment, and rehabilitation of the respondent or of a member of his family, or in the work of the Superior Court, if authorized by rule or special order of the court.

Records inspected may not be divulged to unauthorized persons; but the prosecuting attorney inspecting records pursuant to paragraph (6) above may divulge the contents to the extent required in the prosecution of a criminal case, and the United States attorney for the District of Columbia and his assistants may inspect a transcript of the testimony of any witness and divulge the contents to the extent required by the prosecution of the witness for perjury, without, wherever possible, naming or otherwise revealing the identity of a child under the jurisdiction of the family division.

"(c) Notwithstanding subsection (b), the Superior Court may by rule or special order provide that particular items or classes of items in juvenile case records shall not be open to inspection except pursuant to rule or special order; but, in disposition proceedings after an adjudication, no item considered by the judge (other than identification of the sources of confidential information) shall be withheld from inspection (1) in delinquency or need of supervision cases, by the attorney for the child, or (2) in neglect cases, by the attorney for the child and an attorney for the parent, guardian, or other custodian of the child.

"(d) The Superior Court may by rule or special order provide procedures for the inspection or copying of juvenile case records by persons entitled to inspect them. No person receiving any record or information pursuant to this section may publish or use it for any purpose other than that for which it was received without a special order of the court.

"(e) No person shall disclose, inspect, or use records in violation of this section.

"§ 11–1106. Juvenile social records; confidentiality; inspection and disclosure

"(a) As used in this section, juvenile social records refers to all social records made with respect to a child in any proceeding before the family division pursuant to subdivision (12) of section 11–1101(a), including preliminary inquiries, predisposition studies, and examination reports.

"(b) Juvenile social records shall be kept confidential and shall not be open to inspection; but, subject to the limitations of subsection (c), the inspection of those records shall be permitted to—

"(1) judges, assistants to the Corporation Counsel, and professional staff who are executing family division assignments;

"(2) the attorney for the child at any stage of a proceeding in the division, including intake;

"(3) any court or its probation staff, for purposes of sentencing the respondent as a defendant in a criminal case, and, if and to the extent other presentence materials are disclosed to him, the counsel for the defendant in that case;

"(4) public or private agencies or institutions providing supervision, providing treatment, or having custody of the child, if the supervision, treatment or custody is under order of the division; and

"(5) other persons having a professional interest in the protection, welfare, treatment, and rehabilitation of the respondent or of a member of his family, or in the work of the family division, if authorized by rule or special order of the court.

Records inspected may not be divulged to unauthorized persons.

"(c) Notwithstanding subsection (b), the Superior Court may by rule or special order provide that particular items or classes of items in juvenile social records shall not be open to inspection except pursuant to rule or special order; but, in disposition proceedings after an adjudication, no item considered by the judge (other than identification of the sources of confidential information) shall be withheld from inspection (1) in delinquency or need of supervision cases, by the attorney for the child, or (2) in neglect cases, by the attorney for the child and an attorney for the parent, guardian, or other custodian of the child.

"(d) The Superior Court may by rule or special order provide procedures for the inspection or copying of juvenile social records by persons entitled to inspect them. No person receiving any record or information pursuant to this section may publish or use it for any purpose other than that for which it was received without a special order of the court.

"(e) No person shall disclose, inspect or use records in violation of this section.

"§ 11–1107. Police and other law enforcement records

"(a) Law enforcement records and files concerning a child shall not be open to public inspection nor shall their contents or existence be disclosed to the public unless a charge of delinquency is transferred for criminal prosecution under section 11–1104, or the interest of national security requires, or the court otherwise orders in the interest of the child.

"(b) Inspection of such records and files is permitted by:

"(1) the Superior Court, having the child currently before it in any proceeding;

"(2) the officers of public and nongovernment institutions and agencies to which the child is currently committed, and those professional persons or agencies responsible for his supervision after release;

"(3) any other person, agency or institution, by order of the court, having a professional interest in the child or in the work of the law enforcement department;

"(4) law enforcement officers of the United States, the District of Columbia, and other jurisdictions when necessary for the discharge of their current official duties;

"(5) a court in which a person is charged with a criminal offense for the purposes of determining conditions of release or bail;

"(6) a court in which a person is convicted of a criminal offense for the purpose of a presentence report or other dispositional proceeding, or by officials of penal institutions and other penal facilities to which he is committed, or by a parole board in considering his parole or discharge or in exercising supervision over him; and

"(7) the parent, guardian, or other custodian and counsel for the child.

"(c) Photographs may be displayed to potential witnesses for identification purposes, in accordance with the standards of fairness applicable to adults.

"(d) No person shall disclose, inspect or use records or files in violation of this section.

"§ 11–1108. Fingerprint records

"(a) The contents or existence of law enforcement records and files of the fingerprints of a child shall not be disclosed by the custodians thereof, except:

"(1) to a law enforcement officer of the United States, the District of Columbia, or other jurisdiction for purposes of the investigation and trial of a criminal offense; or

"(2) pursuant to rule or special order of the court.

"(b) When a child is transferred for criminal prosecution under section 11–1104, law enforcement records and files of his fingerprints relating to any matter so transferred shall be deemed those of an adult.

"(c) No person shall disclose, inspect or use records in violation of this section.

"§ 11–1109. Sealing of records

"(a) On request of a person who has been the subject of a petition filed pursuant to section 11–1101(a)(12), or on the division's own motion, the division shall vacate its order and findings and order the sealing of the case and social records referred to in sections 11–1105 and 11–1106 and the law enforcement records and files referred to in section 11–1107, or those of any other agency active in the case if it finds that:

"(1)(A) a neglected child has reached his majority; or

"(B) two years have elapsed since the final discharge of the person from legal custody or supervision, or since the entry of any other division order not involving custody or supervision; and

"(2) he has not been subsequently convicted of a crime, or adjudicated delinquent or in need of supervision prior to the filing of the motion, and no proceeding is pending seeking such conviction or adjudication.

"(b) Reasonable notice of a motion shall be given to:

"(1) the person who is the subject of the petition;

"(2) the Corporation Counsel;

"(3) the authority granting the discharge, if the final discharge was from an institution, parole, or probation; and

"(4) the law enforcement department having custody of the files and records specified in section 11–1107.

"(c) Upon the entry of the order, the proceedings in the case shall be treated as if they never occurred. All facts relating to the action including arrest, the filing of a petition, and the adjudication, filing, and disposition of the division shall no longer exist as a matter of law. The division, the law enforcement department, or any other department or agency that received notice under subsection (b) and was named in the order shall reply, and the person who is the subject matter of the records may reply, to any inquiry that no record exists with respect to such person.

"(d) Inspection of the files and records included in the order may thereafter be permitted by the division only upon application by the person who is the subject of such records, and only to those persons named in the application; but the division in its discretion may, by special order in an individual case, permit inspection by or release of information in the records to person having a professional interest in the protection, welfare, treatment, and rehabilitation of the person who is the subject of the petition or other members of his family.

"(e) Any adjudication of delinquency or need of supervision or conviction of a felony subsequent to sealing shall have the effect of nullifying the vacating and sealing order.

"(f) A person who has been the subject of a petition filed under subchapter I of chapter 23 of title 16 shall be notified of his rights under subsection (a) at the time a dispositional order is entered and again at the time of his final discharge from supervision, treatment, or custody.

"(g) No person shall disclose, receive or use records in violation of this section.

"§ 11–1110. Paternity records; confidentiality; inspection and disclosure

"(a) Except on order of the division, no records in a case arising under section 11–1101(a)(11) shall be open to inspection by anyone other than the plaintiff, respondent, their attorneys of record, or authorized professional staff of the Superior Court. The division, upon proper showing, may authorize the furnishing of certified copies of the records or portions thereof to the respondent, the mother, or custodian of the child, a party in interest, or their duly authorized attorneys. Certified copies of the records or portions thereof may be furnished, upon request, to the Corporation Counsel for use as evidence in nonsupport proceedings and to the Director of Public Health as provided by section 16–2346(a).

"(b) No person shall disclose, receive, or use records in violation of this section.

"§ 11–1111. Unlawful disclosure of records; penalties

"Whoever willfully discloses, receives, makes use of or knowingly permits the use of information concerning a child or other person in violation of sections 11–1105 through 11–1110, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $250 or imprisoned not more than ninety days, or both. Violations of this section shall be prosecuted by the Corporation Counsel in the name of the District of Columbia.

"Chapter 13.—SMALL CLAIMS AND CONCILIATION BRANCH, SUPERIOR COURT

"SUBCHAPTER I.—CONTINUATION AND SESSIONS

"Sec.

"11–1301. Continuation of branch.

"11–1302. Sessions.

"SUBCHAPTER II.—JURISDICTION AND PROCEDURES

"11–1321. Exclusive jurisdiction of small claims.

"11–1322. Arbitration and conciliation.

"11–1323. Certification of cases by superior court judges; recertification.

"SUBCHAPTER I.—CONTINUATION AND SESSIONS

"§ 11–1301. Continuation of branch

"The small claims and conciliation branch shall continue as a branch of the civil division of the Superior Court.

"§ 11–1302. Sessions

"The small claims and conciliation branch, with a judge in attendance, shall be open for the transaction of business on every day of the year except Saturday afternoons, Sundays, and legal holidays, and shall hold at least one evening session during each week.

"SUBCHAPTER II.—JURISDICTION AND PROCEDURES

"§ 11–1321. Exclusive jurisdiction of small claims

"The small claims and conciliation branch has exclusive jurisdiction over all cases within the jurisdiction of the Superior Court in the amount of the plaintiff's claim or the claimed value of personal property in controversy does not exceed $750, exclusive of interest, attorney fees, protest fees, and costs.

"§ 11–1322. Arbitration and conciliation

"In order to effect the speedy settlement of controversies, and with the consent of the parties thereto, the small claims and conciliation branch may settle cases, irrespective of the amount involved, by the methods of arbitration and conciliation. The judges sitting in the branch may act as referees or arbitrators, either alone or in conjunction with other persons, as provided by rule of the court. A judge, officer, or employee of the Superior Court may not accept any fee or compensation in addition to his salary for services performed pursuant to this section.

"§ 11–1323. Certification of cases by Superior Court judges; recertification

"When the interests of justice seems to require and all parties consent thereto, a judge of the Superior Court may certify a case to the small claims and conciliation branch for conciliation, or for the purpose of obtaining a complete or partial agreed statement of facts or stipulation, which will simplify and expedite the ultimate trial of the case. With the consent of all parties, the trial of the case may be completed in the branch. In the absence of such consent, the case shall be recertified to another judge of the civil division for trial.

"Chapter 15.—JUDGES OF THE DISTRICT OF COLUMBIA COURTS

"SUBCHAPTER I.—APPOINTMENT; QUALIFICATIONS; SERVICE OF JUDGES

"Sec.

"11–1501. Appointment and qualifications of judges.

"11–1502. Tenure.

"11–1503. Designation of chief judge.

"11–1504. Service of retired judges.

"11–1505. Vacations.

"SUBCHAPTER II.—THE DISTRICT OF COLUMBIA ADVISORY COMMITTEE ON JUDICIAL SELECTION

"Sec.

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"SUBCHAPTER III.—THE DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

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"SUBCHAPTER V.—JUDGES INCUMBENT ON THE EFFECTIVE DATE OF THE COURT REORGANIZATION ACT

"11–1581. Application of Court Reorganization Act.

"SUBCHAPTER I.—APPOINTMENT; QUALIFICATIONS; SERVICE OF JUDGES

"§ 11–1501. Appointment and qualifications of judges

"(a) The President of the United States shall nominate, and by and with advice and consent of the Senate shall appoint all judges of the District of Columbia courts. Nominations shall be made in a manner consistent with the provisions of section 11–1526: Provided, however, that in those instances in which the District of Columbia Advisory Committee on Judicial Selection is to submit names of recommended members of the bar of the District of Columbia, the President may nominate a person not recommended by the Committee.

"(b) The President shall have power to fill, also in a manner consistent with the provisions of section 11–1526, all vacancies that may occur in the District of Columbia courts during a recess of the Senate, by granting commissions which shall expire at the end of the next session of the Senate: Provided, however, That in filling such vacancies the President may appoint a person not recommended by the Advisory Committee on Judicial Selection.

"(c) A person may not be nominated or appointed a judge of a District of Columbia court unless he—

"(1) is a citizen of the United States;

"(2) has been a member of the bar of the District of Columbia for a period of least five years;

"(3) has been engaged, for at least five of the ten years immediately prior to his appointment, in the practice of law in the District of Columbia, as a judge of a District of Columbia court, as a professor of law in a law school in the District of Columbia, or as an attorney in the District of Columbia in the Government of the United States or of the District of Columbia;

Provided, That, during his term of service and for one year after the termination thereof, no member of the District of Columbia Advisory Committee on Judicial Selection, the District of Columbia Commission on Judicial Disabilities and Tenure, or the Committee on the Administration of Justice in the District of Columbia Courts shall be eligible for nomination or appointment as a judge of a District of Columbia court.

"§ 11–1502. Tenure.

"Subject to mandatory retirement at age 70, and to the provisions of subchapter III of this chapter, a judge of a District of Columbia court shall be appointed for an initial term of four years and may be reappointed on or after the expiration of that term to serve during good behavior. At the end of the initial term, such judge shall continue in office until reappointed or until the appointment for an initial term and qualification of his successor.

"§ 11–1503. Designation of chief judge

"(a) The chief judge of a District of Columbia court shall be designated by the President of the United States from among the judges of the court in regular active service, and shall serve as chief judge for a term of four years or until his successor is designated. He shall be eligible for redesignation. A judge may relinquish his position as chief judge, after giving notice to the President.

"(b) If a chief judge is not redesignated, or relinquishes the office of chief judge, he shall continue as an associate judge.

"§ 11–1504. Service of retired judges

"A judge retired for reasons other than disability may perform, upon the designation of a chief judge, those judicial duties which he is willing and able to undertake.

"§ 11–1505. Vacations

"(a) Each judge of the District of Columbia courts shall be entitled to an annual vacation of not more than six weeks. It shall be taken at such time or times as prescribed by the chief judge of the District of Columbia Court of Appeals for judges of that court and by the chief judge of the Superior Court of the District of Columbia for judges of that court. In addition, each judge will be entitled to sick leave with respect to any period of illness necessitating absence from his judicial duties. Time spent by a judge as member of any conference, committee, or commission established by law shall not be deducted from his vacation period.

"(b) In determining when a judge shall take a vacation, and the length thereof, the chief judge exercising authority under this section shall be mindful of the necessity of retaining sufficient judicial manpower in the court under his supervision to permit at all times the prompt and effective disposition of business of such court.

"SUBCHAPTER II.—THE DISTRICT OF COLUMBIA ADVISORY COMMITTEE ON JUDICIAL SELECTION

"§ 11–1521. Establishment of Committee

"There shall be a District of Columbia Advisory Committee on Judicial Selection. The Committee shall submit to the Attorney General of the United States a list of recommended members of the bar of the District of Columbia for each vacancy on the District of Columbia Court of Appeals and the Superior Court of the District of Columbia, as hereafter provided.

"§ 11–1522. Membership; qualifications and chairman; vacancy

"(a) The Advisory Committee on Judicial Selection shall consist of seven members. The President of the United States shall appoint two members, one of whom he shall designate as Chairman of the Committee. The Committee Chairman shall be a member of the bar of the District of Columbia who has been actively engaged in the practice of law in the District of Columbia for at least five of the ten years immediately prior to his appointment. The Commissioner of the District of Columbia shall appoint two members, at least one of whom shall be a member of the bar of the District of Columbia who has been actively engaged in the practice of law in the District of Columbia for at least five of the ten years immediately prior to his appointment. The chief judge of the District of Columbia Court of Appeals shall appoint two members, one of whom shall be, at the time of appointment, a judge in regular active service on that court, and one of whom shall be a member of the bar of the District of Columbia who has been actively engaged in the practice of law in the District of Columbia for at least five of the ten years immediately prior to his appointment. The chief judge of the Superior Court of the District of Columbia shall appoint one member who shall be, at the time of appointment, a judge of that court in regular active service.

"(b) No member of the Advisory Committee, other than a member appointed while a judge pursuant to subsection (a) of this section, shall be a member, officer, or employee of the Government of the United States or of the District of Columbia.

"(c) If, while a member of the Advisory Committee, any such member is appointed a judge of any Federal court or court of the several States, fails to meet the qualification of subsection (b) of this section, or otherwise ceases to qualify for appointment to or service on the Advisory Committee in the capacity in which he was appointed, he shall resign as a member of the Advisory Committee. Such vacancy shall be filled in the same manner provided and subject to the same qualifications in subsection (a) of this section for the appointment of his predecessor. A member appointed to fill any such vacancy shall serve only for the remainder of his predecessor's term.

"§ 11–1523. Terms of office

"The terms of office of the members of the District of Columbia Advisory Committee on Judicial Selection shall be six years, except that, upon the appointment of the first members of the Advisory Committee, the members selected by the chief judges of the District of Columbia Court of Appeals and the Superior Court shall serve for four-year terms, and the members selected by the Commissioner of the District of Columbia shall serve for two-year terms.

"§ 11–1524. Compensation

"Any member of the District of Columbia Advisory Committee on Judicial Selection who is a judge shall serve without compensation. Other members shall receive the daily equivalent of the rate provided for GS–18 when actually engaged in service for the Committee.

"§ 11–1525. Powers of chairman

"The chairman of the District of Columbia Advisory Committee on Judicial Selection, or a majority of the members thereof, shall call meetings of the Committee from time to time as the need arises. The chairman, or in his absence an acting chairman selected by the members present, shall preside at meetings of the Committee.

"§ 11–1526. Recommendations of the Advisory Committee on Judicial Selection

"(a) Upon the expiration of a ten-year or four-year term of office of any judge of the District of Columbia courts, if the President of the United States does not renominate or grant a recess appointment to said judge on or bafore the twentieth day following the expiration of the judge's prior term, the

Advisory Committee on Judicial Selection shall, within forty days after the failure to renominate, recommend to the Attorney General of the United States the names of members of the bar of the District of Columbia as provided in subsection (c) of this section.

"(b) Within forty days after a judicial vacancy occurs by reason of:

"(1) the creation of any judgeship for the District of Columbia courts not existing on the day prior to the date of enactment of this Act,

"(2) the death, resignation, retirement, or removal of any judge of the District of Columbia courts,

"(3) the lapse or withdrawal of a nomination or renomination,

"(4) a vote of the United States Senate expressing failure to consent to a nomination or renomination, or

"(5) the expiration of a recess appointment, the Advisory Committee on Judicial Selection shall recommend to the Attorney General the names of members of the bar of the District of Columbia as provided in subsection (c) of this section.

"(c) In pursuant of subsections (a) and (b), the District of Columbia Advisory Committee on Judicial Selection shall recommend the following to the Attorney General of the United States:

"(1) if one judicial vacancy exists, the names of five members of the bar of the District of Columbia; or

"(2) if more than one judicial vacancy exists, the names of five such members, plus three additional names for each vacancy more than one.

"§ 11–1527. Meetings; duties; confidentiality of proceedings

"(a) The Advisory Committee on Judicial Selection shall meet at least four times a year.

"(b) The Advisory Committee shall conduct a continuing review of potential nominees to fill judicial offices.

"(c) The deliberations and records of the Committee shall be confidential except that the Committee shall make public, on the day after transmittal to the Attorney General, the names of persons whom it has recommended.

"§ 11–1528. Staff

"(a) The Advisory Committee is authorized, without regard to the provisions governing appointment and classification of District of Columbia employees, to appoint and fix compensation of, or to contract for, such staff assistants as may be necessary for the performance of its duties.

"(b) The District of Columbia is authorized to detail, on a reimbursable basis, any of its personnel to assist the Committee in the performance of its duties.

"§ 11–1529. Administrative services

"Financial and administrative services including those relating to budgeting and accounting, financial reporting, personnel, and procurement shall be provided to the Committee by the District of Columbia, for which payment shall be made in advance, or by reimbursement, from funds of the Committee in such amounts as may be agreed upon by the Chairman of the Committee and the District of Columbia government. Regulations of the District of Columbia for the administrative control of funds shall apply to appropriations of the Committee.

"§ 11–1530. Appropriations

"There are hereby authorized to be appropriated such funds as may be necessary to carry out the work of the Advisory Committee on Judicial Selection.

"SUBCHAPTER III.—THE DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

"§ 11–1541. Establishment of Commission

"There shall be a District of Columbia Commission on Judicial Disabilities and Tenure. The Commission shall have power to suspend, retire, or remove a judge of a District of Columbia court, as hereafter provided.

"§ 11–1542. Membership

"(a) The Commission shall consist of seven members. The President of the United States shall appoint three members, one of whom he shall designate as chairman of the Commission. The Commission chairman and at least one other of the members appointed by the President shall be members of the bar of the District of Columbia who have been actively engaged in the practice of law in the District of Columbia for at least five of the ten years immediately prior to their appointment. The Commissioner of the District of Columbia shall appoint two members, at least one of whom shall be a member of the bar of the District of Columbia who has been actively engaged in the practice of law in the District of Columbia for at least five of the ten years immediately prior to his appointment. Two members of the Commission shall be judges of the United States District Court for the District of Columbia who shall be assigned to serve on the Commission by the chief judge of the United States District Court for the District of Columbia.

"(b) There shall be three alternate members of the Commission, who shall serve as members pursuant to rules adopted by the Commission. The President shall appoint one alternate member, who shall be a member of the bar of the District of Columbia who has been actively engaged in the practice of law in the District of Columbia for at least five of the ten years immediately prior to his appointment. The Commissioner shall appoint one alternate member. One alternate member shall be a judge of the United States District Court for the District of Columbia, who shall be assigned as an alternate member of the Commission by the chief judge of the United States District Court for the District of Columbia.

"(c) No member or alternate member of the Commission shall be a member, officer, or employee of the legislative branch or the executive departments of the United States or of the District of Columbia government, nor shall any member or alternate member of the Commission, other than a member or alternate member appointed while a judge of the United States for the District of Columbia, be an officer or employee of the judicial branch of any government.

"§ 11–1543. Terms of office; vacancy; continuation of service by a member

"(a) The terms of office for the members and alternate members of the Commission shall be six years, except that, upon appointment of the first members and alternate members of the Commission, the members and alternate member selected by the chief judge of the United States District Court for the District of Columbia shall serve for four-year terms, and the members and alternate member selected by the Commissioner of the District of Columbia shall serve for two-year terms.

"(b) A member or alternate member appointed to fill a vacancy occurring before the expiration of the term of his predecessor shall serve only for the remainder of that term. Any vacancy on the Commission shall be filled in the same manner provided and subject to the same qualifications in section 11–1522 and this section for such predecessor.

"(c) If approved by the Commission, a member may serve after the expiration of his term for purposes of participating until conclusion in a matter, relating to the suspension, retirement, or removal of a judge, begun before the expiration of his term. A member's successor may be appointed without regard to the member's continuation in service, but his successor may not participate in the matter for which the member's continuation in service was approved.

"§ 11–1544. Compensation

"Any member or alternate who is a judge shall serve without compensation. Other members or alternates shall receive the daily equivalent of the rate provided for GS–18 when actually engaged in service for the Commission.

"§ 11–1545. Operations; personnel; administrative services

"(a) The Commission may make such rules and regulations for its operations as may be deemed necessary, and such rules and regulations shall be effective on the date specified by the Commission. The District of Columbia Administrative Procedure Act, 82 Stat. 1204 (D.C. Code, secs. 1–1501 to 1510), shall be applicable to the Commission only as provided by this subsection. For the purposes of the publication of rules and regulations, judicial notice, and the filing and compilation of rules, sections 5, 7, and 8 of the District of Columbia Adminstrative Procedure Act (D.C. Code, secs. 1–1504, 1–1506, and 1–1507), insofar as consistent with this subchapter, shall be applicable to the Commission which shall be deemed, for these purposes only, an independent agency as defined in the District of Columbia Administrative Procedure Act. Nothing contained herein shall be construed to require prior public notice and hearings on the subject of rules adopted by the Commission.

"(b) The Commission is authorized, without regard to the provisions governing appointment and classification of District of Columbia employees, to appoint and fix the compensation of, or to contract for, such officers, assistants, reporters, counsel, and other persons as may be necessary for the performance of its duties. It is authorized to obtain the services of medical and other experts in accordance with the provisions of section 3109 of title 5, United States Code, but at rates not to exceed the daily equivalent of the rate provided for GS–18.

"(c) The District of Columbia is authorized to detail, on a reimbursable basis, any of its personnel to assist in carrying out the duties of the Commission.

"(d) Financial and administrative services (including those related to budgeting and accounting, financial reporting personnel, and procurement) shall be provided to the Commission by the District of Columbia, for which payment shall be made in advance, or by reimbursement, from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the District of Columbia government. Regulations of the District of Columbia for the administrative control of funds shall apply to appropriations of the Commission.

"§ 11–1546. Removal; involuntary retirement; proceedings; rights of a judge

"(a) A judge shall be removed from office in the following circumstances:

"(1) upon proof of the entry, in any court within the United States, of a final judgment of conviction of a crime which is punishable as a felony under Federal law or which would be a felony in the District of Columbia;

"(2) upon determination by the Commission that one of the following grounds for removal exists:

"(A) willful misconduct in office;

"(B) willful and persistent failure to perform judicial duties;

"(C) other conduct prejudicial to the administration of justice that brings the judicial office into disrepute.

Removal based on the cause set forth in paragraph (1) shall be effected upon the filing by the Commission of an order of removal in the District of Columbia Court of Appeals. Removal based on a cause set forth in paragraph (2) shall be effected upon affirmance of an appeal from an order of re-

moval filed by the Commission in the District of Columbia Court of Appeals after a determination of case pursuant to paragraph (2) or upon expiration of the time within which an appeal may be taken.

"(b) A judge shall be involuntarily retired from office when the Commission determines that the judge suffers from a mental or physical disability (including habitual intemperance) which is or is likely to become permanent and which prevents, or seriously interferes with, the proper performance of his judicial duties. Involuntary retirement shall be effected when an order of involuntary retirement, filed by the Commission in the District of Columbia Court of Appeals after such a determination, is affirmed on appeal or upon expiration of the time which an appeal may be taken.

"(c)(1) A judge shall be suspended from all judicial duties, without salary, in the following circumstances:

"(A) upon proof of the conviction of a judge of a crime referred to in subsection (a)(1) which has not become final; or

"(B) upon the filing of an order of removal which has not become final.

Suspension shall occur upon the filing of an order of suspension in the District of Columbia Court of Appeals and shall continue until termination of all appeals. If the conviction is reversed or the order of removal is set aside, the judge shall be reinstated, and shall recover his salary and all other rights and privileges of his office.

"(2) A judge shall be suspended from all judicial duties, with such retirement salary as he may be entitled to pursuant to subchapter IV of this chapter, upon the filing of an order of involuntary retirement which has not become final. Suspension shall occur upon the filing of an order of involuntary retirement in the District of Columbia Court of Appeals and shall continue until termination of all appeals. If the order of involuntary retirement is set aside, the judge shall be reinstated, shall recover his judicial salary less any retirement salary received, and shall be entitled to all other rights and privileges of his office.

"(3) A judge shall be suspended from all or part of his judicial duties, with salary, if the Commission, upon the concurrence of four members, order a hearing for the removal or retirement of the judge and determines that his suspension is in the interest of the administration of justice. Suspension shall occur upon the filing of an order of suspension in the District of Columbia Court of Appeals. The duration of the suspension shall be specified in the order but may be modified, as appropriate, by the Commission.

"(d) On its own initiative, or upon complaint or report of any person, formal or informal, the Commission may undertake an investigation of the conduct or health of any judge of a District of Columbia court. After such investigation as it deems adequate, the Commission may terminate the investigation or it may order a hearing concerning the health or conduct of the judge. No order affecting the tenure of a judge based on grounds for removal set forth in section 11–1546(a)(2) or section 11–1550(d) shall be made except after a hearing as provided by this subchapter. Nothing in this chapter shall preclude any informal contacts with the judge, or the chief judge of his court, by the Commission, whether before or after a hearing is ordered, to discuss any matter related to its investigation.

"(e) A judge whose conduct or health is to be the subject of a hearing by the Commission shall be given notice of such hearing and of the nature of the matters under inquiry not less than thirty days before the date on which the hearing is to be held. He shall be admitted to such hearing and to every subsequent hearing regarding his conduct or health. He may be represented by counsel, offer evidence in his own behalf, and confront and cross-examine witnesses against him.

"(f) Within ninety days after the adjournment of hearings, the Commission shall make findings of fact and a determination regarding the conduct or health of a judge who was the subject of the hearing. The concurrence of at least five members shall be required for a determination of grounds for removal or retirement. Upon a determination of grounds for removal or retirement, the Commission shall file an appropriate order pursuant to subsections (a) or (b). On or before the date the order is filed, the Commission shall notify the judge, the chief judge of his court, and the President of the United States.

"§ 11–1547. Procedures

"(a) The Commission shall keep a record of any hearing on the conduct or health of a judge and one copy of such record shall be provided to the judge at the expense of the Commission.

"(b)(1) In the conduct of investigations and hearings under this subchapter the Commission may administer oaths, order and otherwise provide for the inspection of books and records, and issue subpenas for attendance of witnesses and the production of papers, books, accounts, documents, and testimony relevant to any such investigation or proceedings. It may order a judge whose health is in issue to submit to a medical examination by a duly licensed physician or psychiatrist designated by the Commission.

"(2) Whenever a witness before the Commission refuses, on the basis of his privilege against self-incrimination, to testify or produce books, papers, documents, records, recordings, or other materials, and the Commission determines that the testimony or production of evidence is necessary to the conduct of its proceedings, it may order the witness to testify or produce the evidence. The Commission may issue the order no earlier than ten days after the day on which it served the Attorney General with notice of its intention to issue the order. The witness may not refuse to comply with the order on the basis of his privilege against self-incrimination, but no testimony or other information compelled under the order (or any information directly or indirectly derived from the testimony or production of evidence) may be used against the witness in any criminal case, nor may it be used as a basis for subjecting the witness to any penalty or forfeiture contrary to constitutional right or privilege. No witness shall be exempt under this subsection from prosecution for perjury committed while giving testimony or producing evidence under compulsion as provided in this subsection.

"(3) If any person refused to attend, testify or produce any writing or things required by a subpena issued by the Commission, the Commission may petition the Unitd States district court for the district in which the person may be found for an order compelling him to attend and testify or produce the writings or things required by subpena. The court shall order the person to appear before it at a specified time and place and then and there shall consider why he has not attended or testified or produced writings or things, as required. A copy of the order shall be served upon him. If it appears to the court that the subpena was regularly issued the court shall order the person to appear before the Commission at the time or place fixed in the order and to testify or produce the required writings or things. Failure to obey the order shall be punishable as contempt of court.

"(4) In pending investigations or proceedings before it, the Commission may order the deposition of any person to be taken in such form and subject to such limitation as may be prescribed in the order. The Commission may file in the Superior Court of the District of Columbia a petition, stating generally, without identifying the judge, the nature of the pending matter, the name and residence of the person whose testimony is desired, and directions if any of the Commission requesting an order requiring the person to appear and testify before a designated officer. Upon the filing of the petition the court may order the person to appear and testify. A subpena for such deposition shall be issued by the clerk and the deposition shall be taken and returned in the manner prescribed by law for civil actions.

"(c) It shall be the duty of the United States marshals upon the request of the Commission to serve process and to execute all lawful orders of the Commission.

"(d) Each witness, other than an officer or employee of the United States or the District of Columbia, shall receive for his attendance the same fees and all witnesses shall receive the allowances prescribed by law for witnesses in civil cases as provided in section 15–714 of the District of Columbia Code. The amount shall be paid by the Commission from funds appropriated to it.

"§ 11–1548. Privilege; confidentiality

"(a) The filing of papers with and the giving of testimony before the Commission shall be privileged. Unless otherwise authorized by the judge whose conduct or health is the subject of proceedings under section 11–1546(d), the hearings before the Commission, the record thereof and all papers filed in connection with such hearings shall be confidential. But on prosecution of a witness for perjury or on review of a decision of the Commission, the record of hearings before the Commission and all papers filed in connection therewith shall be disclosed to the extent required for the prosecution or review.

"(b) If the Commission determines that no grounds for removal or involuntary retirement exist it shall notify the judge and inquire whether he desires the Commission to make available to the public information pertaining to the nature of its investigation, its hearings, findings, determinations, or any other fact related to its proceedings regarding his health or conduct. Upon receipt of such request in writing from the judge, the Commission shall make such information available to the public.

"§ 11–1549. Judicial review

"(a) A judge aggrieved by an order of removal or retirement filed by the Commission pursuant to section 11–1546 (a) or (b) may seek judicial review thereof by filing notice of appeal with the Chief Justice of the United States. Notice of appeal shall be filed within thirty days of the filing of the order of the Commission in the District of Columbia Court of Appeals.

"(b) Upon receipt of notice of appeal from an order of the Commission, the Chief Justice shall convene a special court consisting of five Federal judges designated from among active or retired judges of the United States Court of Appeals for the District of Columbia Circuit and the United States District Court for the District of Columbia.

"(c) The special court shall review the order of the Commission appealed from in the same manner as a United States Court of Appeals would review an appeal from a final decision in a civil action tried without a jury in a United States district court. Within ninety days after oral argument or submission on the briefs if oral argument is waived, the special court may affirm or reverse the order of the Commission, or remand the matter to the Commission for further proceedings.

"(d) As appropriate and to the extent consistent with this chapter, the Federal Rules of Appellate Procedure governing appeals in civil cases shall apply to appeals taken under this section.

"§ 11–1550. Financial statements

"(a) Pursuant to such rules as the Commission shall promulgate, each judge of the District of Columbia courts shall, within one year of the first anniversary of the date of enactment of the District of Columbia Court Reorganization Act of 1970 and at least annually thereafter, file with the Commission the following reports of his personal financial interests:

"(1) a report of his income and his spouse's income for the preceding year, the sources thereof, and the amount and nature of the income received from each such source;

"(2) the name and address of each private foundation or eleemosynary institution, and each business or professional corporation, firm, or enterprise in which he was an officer, director, proprietor, or partner during the preceding year;

"(3) the identity of each liability of $5,000 or more owed by him or by him and his spouse jointly at any time during the preceding year;

"(4) the source and value of all gifts in the aggregate amount or value of $50 or more from any single source received by him during the preceding year, except gifts from his spouse, child or parent;

"(5) the identity of each trust in which he held a beneficial interest having a value of $10,000 or more at any time during the preceding year, and the identity, if known, of each interest of the trust in real or personal property in which the trust held a beneficial interest having a value of $10,000 or more at any time during the preceding year. If he cannot obtain the identity of the trust interest, he shall request the trustee to report that information to the Commission in such manner as the Commission shall by rule prescribe;

"(6) the identity of each interest in real or personal property having a value of $10,000 or more which he owned at any time during the preceding year;

"(7) the amount or value and source of each honorarium of $300 or more received by him during the preceding year; and

"(8) the source and amount of all money, other than that received from the United States Government, received in the form of an expense account or as reimbursement for expenditures during the preceding year.

"(b) Except as provided in subsection (c) of this section and, notwithstanding any other provision of law, the rules promulgated by the Commission pursuant to subsection (a) of this section may, but need not, include provisions designed to insure the confidentiality of the required reports.

"(c) Notwithstanding any rules promulgated by the Commission under the provisions of subsections (a) and (b) of this section, the items designated in subsections (a) (2) and (a) (7) of this section shall be kept by the Commission for not less than three years and shall be made available promptly for public inspection and copying.

"(d) The intentional failure by a judge of a District of Columbia court to file a report required by this section, or the filing of a fraudulent report shall constitute willful misconduct in office and shall be grounds for removal from office under section 11–1546 of this Code.

"§ 11–1551. Appropriations

"There are hereby authorized to be appropriated such funds as may be necessary to carry out the work of the Commission.

"SUBCHAPTER IV.—RETIREMENT

"§ 11–1561. Definitions

"For purposes of this subchapter—

"(1) 'judge' means any judge of the District of Columbia Court of Appeals or the Superior Court of the District of Columbia or any person with judicial service as described in (2);

"(2) 'judicial service' means service as a judge in the District of Columbia Court of Appeals, the Superior Court of the District of Columbia or the former juvenile court, District of Columbia tax court, police court, municipal court, or court of general sessions;

"(3) 'retire' and 'retirement' include retirement, resignation, or failure to be recommissioned or reappointed upon the expiration of a commission;

"(4) 'fund' means the District of Columbia Judicial Retirement and Survivors Annuity Fund as provided in section 11–1570;

"(5) 'widow' means a surviving wife of a judge who has either (A) been married to the judge for at least two years preceding his death or (B) is the mother of issue by the marriage and has not remarried;

"(6) 'widower' means a surviving husband of a judge who has either (A) been married to the judge for at least two years preceding her death or (B) is the father of issue by the marriage and has not remarried;

"(7) 'Commissioner' means the Commissioner of the District of Columbia;

"(8) 'child' means—

"(A) an unmarried child under eighteen years of age, including (i) an adopted child, and (ii) a stepchild or recognized natural child who lived with the judge in a regular parent-child relationship;

"(B) such unmarried child regardless of age who is incapable of self-support because of mental or physical disability incurred before age eighteen; or

"(C) such unmarried child between eighteen and twenty-two years of age who is a student regularly pursuing a full-time course of study or training in residence in a high school, trade school, technical or vocational institute, junior college, college, university or comparable recognized educational institution. For the purpose of this paragraph, a child whose twenty-second birthday occurs before July 1 or after August 31 of a calendar year, and while he is regularly pursuing such a course of study or training, is deemed to have become twenty-two years of age on the first day of July after that birthday. A child who is a student is deemed not to have ceased to be a student during an interim between school years if the interim is not more than five months and if he shows to the satisfaction of the Commissioner that he has a bona fide intention of continuing to pursue a course of study or training in the same or different school during the school semester (or other period into which the school year is divided) immediately after the interim;

"(9) 'lump-sum credit' means the unrefunded amount consisting of—

"(A) retirement deductions made from the basic pay of a judge;

"(B) amounts deposited by a judge covering earlier service; and

"(C) interest on the deductions and deposits at 4 per centum a year to December 31, 1947, and 3 per centum a year thereafter compounded annually to December 31, 1956, or, in the case of a judge separated or transferred to a position not within the purview of this section before he has completed five years of service, to the date of the separation of transfer;

but the term 'lump-sum' does not include interest—

"(A) if the service covered thereby aggregates one year or less; or

"(B) for the fractional part of a month in the total service;

"(10) 'Lump-sum credit for survivor annuity' means the unrefunded amount consisting of—

"(A) survivor annuity deductions made from the pay of a judge;

"(B) amounts deposited by a judge for survivor annuity covering earlier service; and

"(C) interest on the deductions and deposits at 4 per centum a year to December 31, 1947, and 3 per centum a year thereafter compounded annually to December 31, 1956, or, in the case of a judge separated or transferred to a position not within the purview of this section before he has completed five years of service, to the date of the separation or transfer;

but the term 'lump-sum credit for survivor annuity' does not include interest—

"(A) if the service covered thereby aggregates one year or less; or

"(B) for the fractional part of a month in the total service.

"§ 11–1562. Eligibility for retirement

"(a) A judge is eligible for retirement under this subchapter when he has completed ten years of judicial service, whether continuous or not, or upon mandatory retirement as provided in section 11–1502.

"(b) The retirement salary of a judge who retires shall commence as follows:

"(1) with twenty or more years of service at age fifty;

"(2) with less than twenty years of service at age sixty, unless he elects to receive a reduced salary beginning at age fifty-five or at the date of retirement if subsequent to that age.

"(c) A judge with five years or more of judicial service, including civilian service performed by the judge which is allowable under section 8332 of title 5, United States Code, may voluntarily retire for a mental or physical disability which is or is likely to become permanent and which prevents, or seriously interferes with, the proper performance of judicial duties. Such disability shall be established by furnishing to the Commissioner a certificate of disability signed by a duly licensed physician, approved by the Surgeon General of the United States, and containing such information and conclusions as the Commissioner by regulation may require consistent with this subsection.

"(d) A judge involuntarily retired for disability pursuant to subchapter III of this chapter shall receive a retirement salary of not less than 50 per centum nor more than 80 per centum of his judicial salary received at the date of the involuntary retirement.

"§ 11–1563. Withholding of retirement payments; lump sum credit

"(a) There shall be deducted and withheld from the basic salary of each judge appointed after the effective date of the District of Columbia Judges Retirement Act of 1964 and each judge appointed before that date who has elected to come within the provisions of this subchapter an amount equal to 3½ per centum of his basic salary. Amounts so deducted and withheld shall be deposited in the fund in accordance with procedures established by the Commissioner of the District of Columbia. Each judge subject to this section shall be deemed to consent and agree to such deductions from basic salary, and payment less such deductions shall constitute a full and complete discharge and acquittance of all claims and demands whatsoever for all regular service during the period covered by such payment, except the right to the benefits to which he shall be entitled under this subsection, notwithstanding any law, rule, or regulation affecting the judge's salary.

"(b) If he had not previously so deposited, each judge subject to this section shall deposit in the Fund, with interest at 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter, compounded on December 31 of each year a sum equal to 3½ per centum of his salary received for judicial service performed by him as a judge prior to the date he became subject to the District of Columbia Judges Retirement Act of 1964. Each judge may elect to make such deposits in installments during the continuance of his judicial service

in such amounts as may be determined in each instance by the Commissioner. Notwithstanding the failure of any judge to make such deposits, credit shall be allowed for the service rendered but the retirement pay for such judge shall be reduced by 10 per centum of such deposit remaining unpaid unless the judge shall elect to eliminate the service involved for purposes of retirement salary computation, except as provided in section 11–1564(d).

"(c) If any judge who is subject to this section is removed, resigns, or fails to be recommissioned or reappointed, he is entitled to be paid his lump-sum credit if application for payment is filed with the Commissioner at least thirty-one days before the commencing date of any retirement salary for which he is eligible. The receipt of the lump-sum credit by the judge voids all retirement salary rights under this subchapter, until he is reemployed in judicial service subject to this subchapter.

"(d) If a judge who has not elected to bring himself within the survivor annuity provisions of this subchapter dies while in regular active service, the lump-sum credit shall be paid, upon the establishment of a valid claim therefor, to the person or persons surviving him in the order of precedence established in section 11–1569(b). Such payments shall be a bar to recovery by any other person.

"§ 11–1564. Computation of retirement salary; election to credit other service

"(a) The retirement salary of a judge who retires pursuant to section 11–1562 (a) and (b) shall be paid annually in equal monthly installments during the remainder of his life and shall be the same proportion of the salary received at the date of his retirement as the total of his aggregate years of service bears to the period of thirty years. A judge who elects to receive a reduced retirement salary pursuant to section 11–1562(b)(2) shall have his salary reduced by one-twelfth of 1 per centum for each month or fraction of a month he is under the age of sixty at the time of the commencement of his reduced retirement salary. In no event shall the retirement salary of a judge exceed 80 per centum of the judicial salary received at the date of retirement.

"(b) The retirement salary of a judge retired for disability pursuant to section 11–1562 (c) and (d) shall be paid annually in equally monthly installments during the remainder of his life and shall be computed as provided in subsection (a). If a judge is retired for disability, his retirement salary shall not be reduced because of his age at the time of retirement. In no event shall the retirement salary of a judge retired for disability be less than 50 per centum or exceed 80 per centum of the judicial salary received at the date of retirement.

"(c) In computing the retirement salary of any judge retiring under section 11–1562 such judge shall be entitled to receive, in addition to the amount provided in section 11–1564(a), an amount (payable annually in equal monthly installments during the remainder of his life) based on any military or civilian service performed by such judge which is allowable under section 8332 of title 5 of the United States Code, computed in accordance with section 8339 (a), (b), (c), (d), (g), and (h) of such title as may apply, subject to the provisions of subsection (d) of this section; except that average pay for the purpose of such computation shall be deemed to be the salary of the judge at the time of his retirement.

"(d)(1) A judge shall be credited with service under the provisions of subsection (c) of this section when he deposits a sum equal to 3½ per centum of his basic salary, pay, or compensation for member service or creditable service under chapter 83 of title 5, United States Code, with interest as provided in paragraph (3) of this subsection.

"(2) A judge may elect to make deposits under this subsection in installments during the continuance of his judicial service in such amounts as may be determined in each instance by the Commissioner. A judge electing to make installment deposits shall not be credited, as provided in paragraph (1), until the total required deposit is made.

"(3) Interest on deposits or redeposit under the section is computed from the midpoint of each service period included in the computation, or from the date refund was paid, to the date of redeposit or commencing date of annuity, whichever is earlier. The interest is computed at the rate of 4 per centum a year to December 31, 1947, and 3 per centum a year thereafter, compounded annually. Interest may not be charged for a period of separation from the service which began before October 1, 1956.

"(4) Deposit may not be required for—

"(A) service before August 1, 1920;

"(B) military service not exceeding five years in the aggregate; or

"(C) service for the Panama Railroad Company before January 1, 1924.

"(5) For the purpose of survivor annuity, deposits authorized by this section may also be made by the survivor of a judge.

"(e) Nothing in this subchapter shall prevent a judge eligible therefor from simultaneously receiving his retirement salary under this section and any annuity to which he would otherwise be entitled under any other law without regard to this subchapter, but in computing such other annuity, service used in the computation of retirement salary under this section shall not be credited.

"§ 11–1565. Service by retired judges

"Any retired judge performing full-time judicial duties on the District of Columbia Court of Appeals or the Superior Court shall be entitled, during the period for which he serves, to receive the salary of the office in which he performs such duties, but there shall be deducted from such salary an amount equal to his retirement salary for that period. No deduction shall be withheld for health benefits, Federal employee's life insurance, or retirement purposes from the salary paid to a retired judge during judicial service. The performance of such judicial service shall not create an additional retirement, change a retirement, or create an annuity for or in any manner affect a survivor annuity.

"§ 11–1566. Survivor annuity; election; relinquishment

"(a) Any judge, whether or not subject to sections 11–1562 to 11–1565, may, by written election filed with the Commissioner of the District of Columbia within six months after the date on which he takes office or is reappointed or recommissioned, or within six months after he marries, bring himself within the survivor annuity provisions of this subchapter.

"(b) Any judge in regular active service or any retired judge who had elected to bring himself within the purview of this section and who thereafter is unmarried and does not have a dependent child may elect—

"(1) to terminate the deductions and withholdings from his salary under section 11–1567(a) and any installment payments elected to be made under section 11–1567(b), and

"(2) to have paid to him the lump-sum credit for survivor annuity.

Any election under the preceding sentence shall be made in writing and filed with the Commissioner.

"(c) If any judge who has elected survivor annuity resigns from office otherwise than under the provisions of this subchapter or is removed, he shall be entitled to be paid the lump-sum credit for survivor annuity.

"(d) Payment of the lump-sum credit for survivor annuity as provided in this section shall extinguish all claims with respect to survivor annuity.

"§ 11–1567. Survivor annuity; payments to fund

"(a) There shall be deducted and withheld from the salary of each judge who has elected survivor annuity a sum equal to 3 per centum of such judge's salary (including salary paid after retirement). The amounts so deducted and withheld from the salary of each judge shall, in accordance with such procedures as may be prescribed by the Commissioner, be deposited in the fund. Every judge who elects survivor annuity shall be deemed thereby to consent and agree to the deductions from his salary as provided in this subsection, and payment less such deductions shall constitute a full and complete discharge and acquittance of all claims and demands whatever for all judicial services rendered by such judge during the period covered by such payment, except the right to the benefits to which he or his survivors shall be entitled under the survivor annuity provisions of this subchapter.

"(b) If he has not previously so deposited, each judge who has elected survivor annuity shall deposit to the fund, with interest at 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter, compounded on December 31 of each year, a sum equal to 3 per centum of his salary received for judicial service, including salary received after retirement; and a sum equal to 3 per centum of his basic salary, pay or compensation for member service or creditable service under chapter 83 or title 5, United States Code, with interest as provided in section 11–1564(d) of the District of Columbia Code. Each judge may elect to make deposits under this subsection in installments during the continuance of his judicial service in such amounts as may be determined in each instance by the Commissioner.

"(c) If a judge fails to make such deposits, credit shall be allowed for the service, but the annuity of the widow or widower of such judge shall be reduced by an amount equal to 10 per centum of the deposit required by this section, computed as of the date of the death of the judge, unless the widow or widower elects to eliminate the service not covered by deposit entirely from credit for computation purposes except as provided in section 11–1564(d)(4).

"§ 11–1568. Survivor annuity; entitlement; computation

"(a) The allowable service of a judge for the purpose of computing a survivor annuity includes his judicial service (and retired service for which deductions are made) and member and creditable service under chapter 83 of title 5 of the United States Code, and honorable active service in the Armed Forces of the United States for which credit is in the aggregate, but does not include any service in the Armed Service of the United States for which credit is allowed for the purposes of retired pay or retirement under any other provision of law, except as provided in section 8332(c) of title 5, United States Code.

"(b) A widow or widower is not prevented from receiving a survivor annuity under this subchapter by simultaneously receiving any other annuity to which he or she would otherwise be entitled under any other law, but in computing such other annuity, service used in the computation of a survivor annuity under this subchapter shall not be credited.

"(c) If a judge who has elected a survivor annuity dies in regular active service or after having retired from such service with at least five years of allowable service under this section for which payments have been withheld or deposits made, the survivor annuity shall be paid as follows:

"(1) If the judge is survived by a widow or widower but no child, the widow or widower shall receive, beginning on the day

after the judge dies, an amount computed as provided in subsection (e); or

"(2) If the judge is survived by a widow or widower and one or more children, the widow or widower shall receive an immediate annuity in the amount computed as provided in subsection (e) and there shall also be paid to or on behalf of each such child an immediate annuity equal to one-half the amount of the annuity of such widow or widower, but not to exceed $2,142 per year divided by the number of such children or $714 per child per year whichever is lesser; or

"(3) If the judge leaves no surviving widow or widower but leaves a surviving child or children, there shall be paid to or on behalf of each such child an immediate annuity equal to the amount of the annuity to which the widow or widower would have been entitled under paragraph (1) had he or she survived, but not to exceed $856.80 per year.

An annuity payable to a widow or widower under this section shall be terminable upon death or remarriage. The annuity payable to a child shall be terminable upon his death or marriage or his ceasing to be a child as defined in section 11–1561(8). In case of the death of a widow or widower of a judge leaving a child or children of the judge surviving, the annuity of such child or children shall be recomputed and paid as provided in paragraph (3) of this subsection. In any case in which the annuity of a child is terminated, the annuities of any remaining child or children, based upon the service of the same judge, shall be recomputed and paid as though the child whose annuity was terminated had not survived the judge.

"(d) Questions of disability or other eligibility requirements of a child under this section shall be determined by the Commissioner who may order such medical or other examinations at any time as he deems necessary with respect to determining the facts concerning the disability of a child receiving or applying for an annuity under this subchapter. An annuity may be denied or suspended for failure to submit to examination.

"(e) The annuity of a widow or widower of a judge electing survivor annuity shall be an amount equal to the sum of—

"(1) 1¼ per centum of the average annual salary received for service allowable under subsection (a) during the last five years of such service prior to death or retirement multiplied by the sum of his years of judicial service, his years of allowable member and military service and his years of allowable service (not exceeding fifteen years) as a congressional employee as defined in sections 2107 and 8331(1)(C) of title 5, United States Code; and

"(2) three-fourths of 1 per centum of such average annual salary multiplied by his years of all other service allowable under subsection (a).

A survivor annuity shall not exceed 37½ per centum of the average annual salary described in (1) and shall be subject to reduction as provided in section 11–1567(c).

"§ 11–1569. Survivor annuity; payment; order of precedence

"(a) Survivor annuities shall accrue monthly and shall be due and payable in monthly installments on the first business day of the month following the month or other period for which the annuity shall have accrued.

"(b) In any case in which—

"(1) a judge who has elected survivor annuity shall die (A) while in regular active service after having rendered five years of allowable service as provided in section 11–1568(a) or while receiving retirement salary under this subchapter but without a survivor or survivors entitled to annuity under section 11–1568(c) or (B) while in regular active service but before having rendered five years of allowable service; or

"(2) the right of all persons entitled to an annuity under section 11–1568(c) based on the service of the judge shall terminate before a valid claim therefor shall have been established,

the lum-sum credit shall be paid, upon the establishment of a valid claim therefor, to the person or persons surviving at the date title to the payment arises, in the following order of precedence, and such payment shall be a bar to recovery by any other person:

"First, to the beneficiary or beneficiaries whom the judge may have designated in writing to the District of Columbia Commissioner prior to the judge's death;

"Second, if there be no such beneficiary, to the widow or widower of the judge;

"Third, if none of the above, to the child or children of the judge and the descendants of any deceased children by representation;

"Fourth, if none of the above, to the parents of the judge or the survivor of them;

"Fifth, if none of the above, to the duly appointed executor or administrator of the estate of such judge;

"Sixth, if none of the above, to such other next of kin of the judge as may be determined by the Commissioner to be entitled under the laws of the domicile of the judge at the time of his death.

Determination as to the widow, widower, or child of a judge for purposes of this subsection shall be made by the Commissioner without regard to the definitions in section 11–1561.

"(c) In any case in which the annuities of all persons entitled to annuity based upon the service of a judge shall terminate before the aggregate amount of annuity paid (together with any amounts received by the judge as retirement salary) equals the total amount credited to the individual account of the judge, with interest at 4 per centum per annual to December 31, 1947, and 3 per centum per annum thereafter compounded on December 31 of each year, to the date of the death of such judge, the difference shall be paid upon establishment of a valid claim therefor, in the order of precedence prescribed in subsection (b).

"(d) Any accrued annuity remaining unpaid upon the termination (other than by reason of death) of the annuity of any person based upon the service of a judge shall be paid to such person. Any accrued annuity remaining unpaid upon the death of any person receiving an annuity based upon the service of a judge shall be paid, upon establishment of a valid claim therefor, in the following order of precedence:

"First, to the duly appointed executor or administrator of the estate of the annuitant;

"Second, if there is no such executor or administrator, payment may be made, after the expiration of thirty days from the date of death of the annuitant, to such individual or individuals as may appear in the judgment of the Commissioner to be legally entitled thereto, and such payments shall be a bar to recovery by any other individual.

"(e) Where any payment under sections 11–1566 to 11–1569 is to be made to a minor or to a person mentally incompetent or under other legal disability adjudged by a court of competent jurisdiction, such payment may be made to the person who is constituted guardian or other fiduciary by the law of the jurisdiction wherein the claimant resides or is otherwise legally vested with the care of the claimant or his estate. Where no guardian or other fiduciary of the person under legal disability has been appointed under the laws of the jurisdiction wherein the claimant resides, the Commissioner shall determine the person who is otherwise legally vested with the care of the claimant or his estate.

"§ 11–1570. Retirement and annuity fund

"(a) The fund is hereby continued in the Treasury and appropriated for the payment of retirement salaries, annuities, refunds, and allowances as provided in this subchapter. If at any time the balance of the fund is insufficient to pay current obligations arising under this subchapter, there is authorized to be appropriated to the fund, out of any moneys in the Treasury of the United States to the credit of the District of Columbia not otherwise appropriated, such amounts as may be necessary to pay current obligations. The Secretary of the Treasury shall prepare the estimates of the annual appropriations required to be made to the fund, and shall make actuarial evaluations of the fund at intervals of five years or more if deemed necessary by the Secretary.

"(b) The Secretary shall invest, from time to time, in interest-bearing securities of the United States or Federal farm loan bonds, any portions of such funds as in his judgment may not be immediately required for payments from the fund and the income derived from such investments shall constitute a part of the fund.

"(c) All amounts deposited by, or deducted and withheld from the salary of any judge for credit to the fund shall, under regulations prescribed by the Commissioner of the District of Columbia, be credited to an individual account of the judge.

"(d) None of the moneys mentioned in this subchapter shall be assignable, either in law or in equity, or be subject to execution, levy, attachment, garnishment, or other legal process.

"§ 11–1571. Periodic increases; existing rights

"(a) The retirement salary of any judge, or the annuity of any person based upon the service of a judge, who, on the effective date of any increase which hereafter becomes payable under the provisions of section 8340(b) of title 5, United States Code, is receiving such salary or annuity (1) under the provisions of this subchapter, or (2) under the provisions of section 11–1701 of this Code, as in effect prior to the effective date of the District of Columbia Court Reorganization Act of 1969, and its predecessor laws, shall be increased on the effective date of the increase by a percentage equal to the percentage of such increase under section 8340 of title 5, United States Code.

"(b) Nothing in this subchapter shall defeat or diminish rights acquired under section 11–1701 of this Code, as in effect prior to the effective date of the District of Columbia Court Reorganization Act of 1970, and its predecessor laws except on the election and with the consent of the judge, annuitant, or other person affected.

"SUBCHAPTER V.—JUDGES INCUMBENT ON THE EFFECTIVE DATE OF THE COURT REORGANIZATION ACT

"§ 11–1581. Application of Court Reorganization Act

"Nothing in the District of Columbia Court Reorganization Act of 1970 shall be construed to extend the term of those judges appointed for a ten-year term prior to the date of enactment of that Act, nor shall section 11–1503 be construed to affect the terms of the chief judges of the District of Columbia Court of Appeals and District of Columbia Court of General Sessions serving on the day prior to the date of enactment of that Act.

"CHAPTER 17.—ADMINISTRATION OF DISTRICT OF COLUMBIA COURTS

"SUBCHAPTER I.—COURT ADMINISTRATION

"Sec.

"11–1701. Administration of District of Columbia court system.
"11–1702. Responsibilities of chief judges in the respective courts.
"11–1703. Executive officer of the District of Columbia courts; appointment; compensation.

"11–1704. Oath and bond of executive officer.
"11–1705. Advisory Committee on the Administration of Justice in the District of Columbia Courts; Annual Conference of Citizens and Judges; Appropriations.

"SUBCHAPTER II.—COURT PERSONNEL

"11–1721. Clerks of courts.
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"SUBCHAPTER III.—DUTIES AND RESPONSIBILITIES

"11–1741. Court organization and operations.
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"SUBCHAPTER I.—COURT ADMINISTRATION

"§ 11–1701. Administration of District of Columbia court system

"(a) There shall be a Joint Committee on Judicial Administration in the District of Columbia consisting of: The chief judge of the District of Columbia Court of Appeals, who shall serve as Chairman, and an associate judge of that court elected by the judges thereof; the chief judge of the Superior Court of the District of Columbia and two associated judges of that court elected by the judges thereof.

"(b) The Joint Committee shall have responsibility within the District of Columbia court system for the following matters that are not exclusively applicable to the Superior Court or the District of Columbia Court of Appeals:

"(1) the annual report;
"(2) the annual budget;
"(3) accounts and auditing;
"(4) personnel recruitment, training, compensation, policies, procedures, and practices;
"(5) property (including space allocation), disbursement, and procurement;
"(6) information, statistics, and liaison; and
"(7) other administrative practices and policies for the court system with the concurrence of the respective chief judges of the District of Columbia courts.

"(c) The Joint Committee, with the assistance of the Executive Officer of the District of Columbia courts, shall—

"(1) make a continuous evaluation of the organization, procedure, practice, rules, and methods of administration and operation of the District of Columbia courts, the volume and status of business in the courts, and the efficiency and productivity of court operations;

"(2) collect, compile, analyze, and publish such judicial statistics as it deems necessary;

"(3) receive, consider, and, in its discretion, investigate criticisms and suggestions from any source pertaining to the administration of justice, and make such recommendations in reference thereto as are warranted;

"(4) recommend from time to time to the Congress changes in the organization, jurisdiction, operation, and procedures of the courts which are appropriate to legislative action, implement said changes and changes in the rules and practice, and institute such changes in the methods of administering judicial business in the courts as would improve the administration of justice;

"(5) file an annual report of the work of the courts, of the performance of the duties enumerated in this chapter, and of any recommendations relating to the courts; and

"(6) co-sponsor, with the Advisory Committee on the Administration of Justice in the District of Columbia Courts, an Annual Conference of Citizens and Judges as further provided in section 11–1705.

"(d) The Joint Committee shall have authority to issue all orders and directives necessary to implement the responsibilities and duties enumerated in this section.

"§ 11–1702. Responsibilities of chief judges in the respective courts

"The chief judge of the District of Columbia Court of Appeals, in addition to the authority conferred on him by chapter 7 of this title, shall supervise the internal administration of that court including matters exclusively applicable to that court, and matters enumerated in section 11–1701(b) as implemented or applicable in that court consistent with the policies and directives of the Joint Committee. The chief judge of the Superior Court, in addition to the authority conferred on him by chapter 9 of this title, shall supervise the internal administration of that court including matters exclusively applicable to that court, and matters enumerated in section 11–1701(b) as implemented or applicable in that court consistent with the policies and directives of the Joint Committee.

"§ 11–1703. Executive Officer of the District of Columbia courts; appointment; compensation

"(a) There shall be an Executive Officer of the District of Columbia courts. He shall be responsible for the administration of the court system subject to the supervision of the Joint Committee and the chief judges of the respective courts as hereafter provided. He shall be subject to the supervision of the Joint Committee regarding administrative matters that are enumerated in section 11–1701(b). He shall be subject to the supervision of the chief judges in their respective courts regarding administrative matters exclusively applicable to the respective courts, and matters enumerated in section 11–1701 (b) as implemented or applicable in the respective courts consistent with the policies and directives of the Joint Committee.

"(b) The Executive Officer shall be selected by, and subject to removal by, the Joint Committee with the concurrence of the respective chief judges. He shall be selected from a list of at least three qualified persons, submitted by the Director of the Administrative Office of the United States Courts.

"(c) The Executive Officer shall receive the same compensation as an associate judge of the Superior Court.

"§ 11–1704. Oath and bond of the Executive Officer

"(a) The Executive Officer shall take an oath or affirmation for the faithful and impartial discharge of the duties of his office.

"(b) The Executive Officer shall give bond, with two or more sureties, to be approved by the Joint Committee on Judicial Administration in an amount prescribed by the Joint Committee faithfully to discharge the duties of his office.

"§ 11–1705. Advisory Committee on the Administration of Justice in the District of Columbia Courts; Annual Conference of Citizens and Judges; Appropriations

"(a) There shall be an Advisory Committee on the Administration of Justice in the District of Columbia Courts consisting of seven members:

"(1) two shall be appointed by the Advisory Committee on Judicial Selection, each for a three-year term, and one of whom shall be a member of the Advisory Committee on Judicial Selection but not a judge of a District of Columbia court;

"(2) two shall be appointed by the Commission on Judicial Disabilities and Tenure, each for a three-year term, and one of whom shall be a member of the Commission;

"(3) one shall be appointed by the chief judge of the District of Columbia Court of Appeals, for a four-year term, and shall be a member of the bar of the District of Columbia but not a judge of a District of Columbia court;

"(4) one shall be appointed by the chief judge of the Supreme Court of the District of Columbia, for a four-year term, and shall be a member of the bar of the District of Columbia but not a judge of a District of Columbia court;

"(5) one, who shall be a member of the bar of the District of Columbia, shall be appointed by majority vote of the other members of the Advisory Committee on the Administration of Justice in the District of Columbia Courts for a four-year term.

The Chairman of the Advisory Committee on the Administration of Justice shall be designated by its members.

"(b) The Advisory Committee on the Administration of Justice shall advise the Joint Committee on Judicial Administration regarding the administration of the court system, and the chief judges of the District of Columbia courts regarding administration within the respective courts. It shall also advise the President, the Commissioner, and the Congress on the administration of justice in the District of Columbia courts. It shall advise the Joint Committee, and the President, Commissioner, and Congress, as it deems appropriate, regarding the duties of the Joint Committee specified in section 11–1701 (b) and (c), and it shall perform, independently of the Joint Committee, the duties specified in section 11–1701(c) as it deems appropriate: *Provided*, That the Advisory Committee on the Administration of Justice shall submit an annual report of its proceedings and recommendations, the results thereof, and of its assessment of administration of justice in the District of Columbia courts, to the Joint Committee, the executive officer, the Commissioner, the President and the Congress.

"(c) The Advisory Committee on the Administration of Justice may meet at any time upon the request of a majority of the members of the Committee, or on the call of the chairman but in no event shall it fail to meet at least once in any three-month period.

"(d) The Advisory Committee on the Administration of Justice may determine the qualifications of and appoint an executive secretary and such professional, technical, and clerical assistants as it may be deemed necessary. The executive secretary and other assistants shall perform such duties for the District of Columbia Advisory Committee on Judicial Selection and the District of Columbia Commission on Judicial Disabilities and Tenure as may be authorized by the Advisory Committee on the Administration of Justice or its chairman. The government of the District of Columbia shall provide the Committee with adequate office space and is authorized to detail, on a reimbursable basis, any of its personnel to assist the Committee in the performance of its duties.

"(e) Financial and administrative services including those relating to budgeting and accounting, financial reporting, personnel, and procurement shall be provided to the Advisory Committee on the Administration of Justice by the District of Columbia, for which payment shall be made in advance, or by reimbursement, from funds of the Committee in such amounts as may be agreed upon by the chairman of the Committee and the District of Columbia government. Regulations of the District of Columbia for the administrative control of

funds shall apply to appropriations of the Committee.

"(f) Members of the Advisory Committee on the Administration of Justice, other than members employed by any court, or the United States or District of Columbia government, shall receive the daily equivalent of the rate provided for GS–18 when actually engaged in service for the Committee.

"(g) The Advisory Committee on the Administration of Justice shall cosponsor, with the Joint Committee on Judicial Administration, and shall have operational and fiscal responsibility for, an Annual Conference of Citizens and Judges. The Advisory Committee shall invite annually the judges of the District of Columbia courts to a conference at a time and place within the District of Columbia designated by the Advisory Committee, for the purpose of considering the business of the courts and advising means of improving the administration of justice within the District of Columbia. The chairman of the Advisory Committee shall preside at such conference of citizens and judges. The Advisory Committee shall provide for the active participation of judges of the District of Columbia courts, members of the bar of the District of Columbia, and laymen at such conference.

"(h) There are hereby authorized to be appropriated such funds as may be necessary to carry out the work of the Advisory Committee on the Administration of Justice in the District of Columbia courts.

"SUBCHAPTER II.—COURT PERSONNEL

"§ 11–1721. Clerks of Courts

"The District of Columbia Court of Appeals and the Superior Court of the District of Columbia shall each have a clerk who shall perform such duties as may be assigned to him.

"§ 11–1722. Director of Social Services

"(a) There shall be a Director of Social Services in the Superior Court who shall have charge of all social services for the Superior Court, subject to the supervision of the Executive Officer. With respect to adults he shall provide probation services, intake procedures, marital and family counseling, social casework, rehabilitation and training programs, and such other services as the court shall prescribe. With respect to juveniles, he shall provide intake procedures, counseling, education, and training programs probation services, and such other services as the court shall prescribe.

"(b) To the maximum extent feasible, the Director shall coordinate with and utilize the services of appropriate public and private agencies within the District of Columbia, and shall coordinate and provide administrative services to volunteers utilized by the Superior Court or any divisions thereof.

"(c) As directed by the Executive Officer, the Director shall conduct studies and make reports relating to the utilization of social services as an adjunct to the court.

"(d) The Director shall make recommendations with respect to the consolidation or disposition of causes before the court relating to members of the same family or household.

"§ 11–1723. Fiscal Officer; bond

"(a) There shall be a Fiscal Officer of the District of Columbia court system, who shall be responsible for the budget of the court system and for the accounts of the courts, subject to the supervision of the Executive Officer.

"(b) The Fiscal Officer shall receive, safeguard, and account for all fees, costs, payments, and deposits of money or other items, and shall be responsible for depositing in the Treasury of the United States all fines, forfeitures, fees and unclaimed deposits, and other moneys.

"(c) The Fiscal Officer shall be responsible for the approval of vouchers and the internal auditing of the accounts of the courts and shall arrange for an annual independent audit of the accounts of the courts by the District of Columbia government.

"(d) The Fiscal Officer shall give bond with two or more sureties, to be approved by the Joint Committee, in an amount prescribed by the Joint Committee, faithfully to discharge the duties of his office.

"§ 11–1724. Appointment of nonjudicial personnel

"(a) Subject to the approval of the Joint Committee on Judicial Administration and the chief judge of the affected court, the Executive Officer shall appoint, and may remove, the clerks of the courts, the Director of Social Services, the Fiscal Officer, and such other officers as may be required, other than the Register of Wills.

"(b) Subject to regulations approved by the Joint Committee, and subject further to the approval of the chief judge of the affected court, the Executive Officer shall appoint, and may remove, all other nonjudicial personnel for the courts as may be necessary, except the personal law clerks and secretaries of the judges. Appointments of court personnel shall not be subject to the laws, rules, and limitations applicable to District of Columbia employees, except as otherwise specified in the District of Columbia Court Reorganization Act of 1970.

"§ 11–1725. Compensation and assignment of personnel

"(a) The Executive Officer shall fix the compensation of all nonjudicial employees of the courts. He may fix compensation for not more than one person at the equivalent of GS–18; not more than three persons at the equivalent of GS–17; and not more than seven persons at the equivalent of GS–16. The rates of compensation of all other employees shall be fixed at levels comparable to the levels paid to District of Columbia employees.

"(b) Employees of the courts, including the Executive Officer, shall be considered District of Columbia employees with respect to leave, insurance, retirement, and similar benefits.

"(c) The Executive Officer shall assign employees (other than the Register of Wills) to serve the various offices of the courts.

"§ 11–1726. Court reporters

"The Executive Officer shall appoint reporters who shall be full-time employees of the courts and who shall accept no compensation or fees for stenographic services connected with the reporting of court proceedings, other than their salaries. When necessary, the Executive Officer may contract for additional temporary reporting services. Nothing in this section shall be construed to preclude the Superior Court of the District of Columbia from providing by rule for the sound recording of proceedings in lieu of mechanical (audio or manual) transcription in any branch, division, or courtroom of the court.

"§ 11–1727. Recruitment and training of personnel

"The Executive Officer shall be responsible for recruiting such qualified personnel as may be necessary for the courts and for providing in-service training for court personnel.

"§ 11–1728. Service of United States marshal

"The United States marshal in the District of Columbia shall continue to serve the courts of the District of Columbia as heretofore, subject to the supervision of the Attorney General of the United States.

"§ 11–1729. Reports of court personnel

"All nonjudicial personnel of the courts shall furnish such reports and information to the Executive Officer as he shall request.

"§ 11–1730. Reports of other personnel

"The Executive Officer may request such reports as may be necessary to the efficient administration of the courts from—

"(1) the United States attorney for the District of Columbia,

"(2) the Corporation Counsel,

"(3) the United States marshal for the District of Columbia,

"(4) the Commissioner of the District of Columbia,

"(5) the superintendent of any hospitals or institutions to which persons have been committed by the Superior Court,

"(6) the District of Columbia Legal Aid Agency,

"(7) the District of Columbia Bail Agency,

"(8) the District of Columbia Department of Corrections,

"(9) the Chief of the Metropolitan Police Department,

"(10) the District of Columbia Department of Public Health, and

"(11) the District of Columbia Department of Public Welfare.

These officials, agencies, and departments shall furnish such reports and information as may be requested pursuant to this section.

"SUBCHAPTER III.—DUTIES AND RESPONSIBILITIES

"§ 11–1741. Court operations and organizations

"Within the respective courts, and subject to the supervision of the chief judges thereof the Executive Office shall have the following duties and responsibilities:

"(1) to supervise, analyze, and improve case assignments, calendars, and dockets;

"(2) to recommend to the chief judge assignments of judges for the efficient disposition of the business of the courts;

"(3) to provide improved services and introduce new methods to better utilize the time of and accommodate government and other witnesses;

"(4) to supervise, analyze, and improve the management of jurors;

"(5) to recommend changes and improvement in court rules and procedures affecting his administrative responsibilities;

"(6) to report periodically to the appropriate chief judge with respect to case volumes, backlogs, length of time cases have been pending, number and identity of incarcerated defendants awaiting trial and such other information as the respective chief judges may request;

"(7) to mechanize and computerize court operations and services where desirable, and to carry on continuing studies and evaluations of increased and innovative uses of mechanization and computerization;

"(8) to receive, evaluate, and act upon complaints as to court operations;

"(9) to conduct studies and research with respect to court operations on his own initiative and on request of the respective chief judges; and

"(10) to perform such other duties as may be assigned to him by a chief judge.

"§ 11–1742. Property and disbursement

"(a) The Executive Officer shall be responsible, subject to the supervision of the Joint Committee, for the management of such buildings and space as may be assigned to the courts and shall maintain liaison with the appropriate Federal and District of Columbia officials with respect thereto.

"(b) The Executive Officer shall be responsible for the procurement of necessary equipment, supplies, and services for the courts and shall have power, subject to applicable law, to reimburse the District of Columbia government for services provided and to contract for such equipment, supplies, and services as may be necessary.

"(c) The Executive Officer shall serve as disbursing officer and payroll officer of the court and shall assign and distribute necessary equipment and supplies.

"§ 11–1743. Annual budget

"(a) The Joint Committee on Judicial Administration shall prepare and submit to the Commissioner of the District of Colum-

bia annual estimates of the expenditures and appropriations necessary for the maintenance and operations of the District of Columbia court system.

"(b) All such estimates shall be forwarded to the Bureau of the Budget by the District of Columbia without revision, but subject to the recommendations of the District of Columbia. Similarly, all estimates shall be included in the budget without revision by the President but subject to his recommendations.

"§ 11–1744. Information and liaison services

"The Executive Officer shall be responsible for—

"(1) collecting and compiling statistical information with respect to the volume and disposition of the work of the courts and the personnel of the courts;

"(2) printing and distributing court rules;

"(3) keeping the courts advised of pending legislative and executive actions relating to the courts and to the administration of justice in the District of Columbia;

"(4) serving as the public information officer of the courts; and

"(5) performing such other duties as may be assigned to him by the joint committee and the chief judges in their respective courts.

"§ 11–1745. Reports and records.

"(a) The Executive Officer shall prepare and, subject to the approval of the Joint Committee on Judicial Administration shall publish an annual report of the work of the courts and their operations during the preceding year, together with any recommendations relating to the courts. The principal purpose of the annual report shall be to provide meaningful and objective information concerning the performance, progress and problems of the District of Columbia Courts. The report shall include narrative comments analyzing the significance of statistical data. At a minimum, the report shall show trends with regard to the work of the courts, current data on the age and type of pending cases, and methods of disposition of cases.

"(b) The Executive Officer shall be responsible for maintaining and safeguarding the records of the courts. Except for those records required by law to be kept under court seal, he shall make the records available at all reasonable times to—

"(1) the Department of Justice,

"(2) the District of Columbia Commissioner,

"(3) the District of Columbia Commission on Judicial Disabilities and Tenure,

"(4) the Advisory Committee on the Administration of Justice in the District of Columbia Courts, and

"(5) such other agencies as the Joint Committee may specify.

"§ 11–1746. Delegation of authority

"The Executive Officer and court officers appointed by him may delegate to their subordinates authority and responsibility to perform the functions vested in them by law.

"Chapter 19.—JURIES AND JURORS

"Sec.

"11–1901. Qualifications of jurors.
"11–1902. Single jury selection system.
"11–1903. Grand jury; additional grand jury.
"11–1904. Assignment of jury panels.
"11–1905. Length of service.
"11–1906. Fees of jurors.

"§ 11–1901. Qualifications of jurors

"(a) Jurors serving within the District of Columbia shall have the same qualifications as provided for jurors in Federal courts.

"(b) All persons otherwise qualified by law, whether employed in the service of the Government of the United States or the District of Columbia, all officers and enlisted men of the National Guard of the District of Columbia, both active and retired, all officers and enlisted men in the reserve components of the armed forces of the United States, all notaries public, all postmasters and those who are recipients or beneficiaries of a pension or other gratuity from the Federal or District Government or who have contracts with the United States or the District of Columbia, are qualified to serve as jurors in the District of Columbia and are not exempted from jury service.

"§ 11–1902. Single jury selection system

"There shall be a single system in the District of Columbia for the selection of jurors for both Federal and District of Columbia courts. The selection system shall be that prescribed by Federal law and executed in accordance therewith as provided by the United States District Court for the District of Columbia.

"§ 11–1903. Grand jury; additional grand jury

"(a) A grand jury serving in the District of Columbia may take cognizance of all matters brought before it regardless of whether an indictment is returnable in the Federal or District of Columbia courts.

"(b) If the United States attorney for the District of Columbia certifies in writing to the chief judge of the United States District Court for the District of Columbia, or the chief judge of the Superior Court of the District of Columbia, that the exigencies of the public service require it, the judge may, in his discretion, order an additional grand jury summoned, which shall be drawn at such time as he designates. Unless sooner discharged by order of the judge, the additional grand jury shall serve until the end of the term for which it is drawn.

"§ 11–1904. Assignment of jury panels

"The names of persons to serve as jurors in the United States District Court for the District of Columbia and the Superior Court of the District of Columbia shall be drawn from time to time as may be required, and such persons shall be assigned to jury panels within those courts as the courts may decide.

"§ 11–1905. Length of service

"Petit jurors summoned for service in the District of Columbia shall serve for such period of time and at such sessions as the particular court shall direct, but, unless actually engaged as a trial juror in a particular case, may not be required to serve in the court for more than thirty days in any two year period.

"§ 11–1906. Fees of jurors

"Jurors serving in the Superior Court shall receive the same fees as jurors serving in the United States District Court for the District of Columbia.

"Chapter 21.—REGISTER OF WILLS

"Sec.

"11–2101. Office of Register of Wills; appointment; qualifications; compensation.
"11–2102. Oath; bond.
"11–2103. Services as clerk.
"11–2104. Powers and duties; restrictions; penalties.
"11–2105. Deputies and other employees.
"11–2106. Accounts.

"§ 11–2101. Office of Register of Wills; appointments; qualifications; compensation

"The Office of the Register of Wills shall continue and shall serve the United States District Court for the District of Columbia with respect to its probate jurisdiction for the period of five years after the date of enactment of the District of Columbia Court Reorganization Act of 1970. During such period the United States District Court for the District of Columbia shall be empowered to appoint, and to remove, the Register of Wills.

"(b) After such period of five years after the date of enactment of the District of Columbia Court Reorganization Act of 1970, the Office of the Register of Wills shall serve the Superior Court of the District of Columbia with respect to its probate jurisdiction, and the Superior Court of the District of Columbia shall be empowered to appoint, and to remove, the Register of Wills.

"(c) A person may not be appointed the Register of Wills for the District of Columbia unless he—

"(1) is a citizen of the United States;

"(2) has been a member of the bar of the District of Columbia for a period of at least five of the ten years immediately prior to his appointment; and

"(3) has either been actively engaged in the practice of probate law in the District of Columbia or otherwise had broad experience in the administration of the estates of deceased persons in the District of Columbia for a period of at least five of the ten years immediately prior to his appointment.

"(d) The compensation of the Register of Wills shall be at a rate not less than that provided for GS–18.

"§ 11–2102. Oath; bond

"The Register of Wills shall—

"(1) take an oath for the faithful and impartial discharge of the duties of his office;

"(2) give bond, with two or more sureties, to be approved by the chief judge of the court having probate jurisdiction, in the amount designated by said court, faithfully to discharge the duties of his office, and seasonably to record (A) the decrees and orders of the court in any matters over which the court exercises probate jurisdiction or powers, (B) all wills proved before him or the court, (C) all other matters directed to be recorded in the court or in his office

The bond shall be entered in full upon the minutes of the court having probate jurisdiction and the original filed with the records of said court.

"§ 11–2103. Services as clerk

"(a) With respect to the United States District Court, the Register of Wills shall:

"(1) act as clerk of the court in all matters over which the court exercises probate jurisdiction or powers;

"(2) keep and certify the court's records in those matters; and

"(3) generally, with respect to those matters, exercise the powers and perform the duties that might otherwise be exercised or performed by the regular clerk of the court.

"(b) With respect to the probate division of the Superior Court, the Register of Wills shall perform such duties as clerk as the chief judge of the Superior Court may assign.

"§ 11–2104. Powers and duties; restrictions; penalties

"(a) The Register of Wills may:

"(1) receive inventories and accounts of sales, examine vouchers, and state accounts of executors, administrators, collectors, and guardians, subject to final approval of the appropriate court;

"(2) take the probate of claims against the estates of deceased persons that are properly brought before him, and approve or reject claims not exceeding $300; and

"(3) take the probate of wills and accept the bonds of executors, administrators, collectors, and guardians, subject to approval of the appropriate court.

"(b) In matters over which either the United States District Court or the Superior Court has probate jurisdiction or powers, the Register of Wills shall:

"(1) make full and fair entries, in separate records, of the proceedings of each court;

"(2) make fair record in strong bound books of all wills proved before him or the courts, keeping separate books for wills within the jurisdiction of each court;

"(3) make fair and separate record of other matters required by law to be recorded in each court;

"(4) lodge in places of safety appointed by the courts original paper filed with him;

"(5) make out and issue every summons, process, and order of the courts;

"(6) make fair and uniform tables of his fees, and post them in a conspicuous place in his office for the inspection of persons having business therein;

"(7) prepare and submit such reports as may be required (A) with respect to the jurisdiction of the District Court, to the Director of the Administrative Office of the United States Courts, and (B) with respect to the jurisdiction of the Superior Court, to the Executive Officer of the District of Columbia Courts;

"(8) in every respect, act under the control and direction of the respective courts.

"(c) The Register of Wills may not:

"(1) practice law in any court of the District of Columbia or of the United States; or

"(2) demand or receive any fee, gratuity, gift, or reward for giving his advice in any matter relating to his office.

"(d) The Register of Wills shall forfeit to the court the sum of $50 for each day that the tables referred to in subsection (b)(6) are missing through his neglect, which may be recovered as other debts for the same amount are recoverable.

"(e) If the Register of Wills or a person acting for him takes a greater fee than the fee provided for by law, he shall pay the party injured $100, which may be recovered as other debts for the same amount are recoverable.

"§ 11–2105. Deputies and other employees

"(a) For five years after the date of enactment of the District of Columbia Court Reorganization Act of 1970, the Register of Wills, with the approval of the United States district court, may appoint and remove deputies and other personnel in the number fixed by the Director of the Administrative Office of the United States Courts.

"(b) Beginning five years after the date of enactment of the District of Columbia Court Reorganization Act of 1970, the Executive Officer of the District of Columbia Courts shall appoint and remove such personnel as may be needed by the Register of Wills, pursuant to chapter 17 of this title.

"§ 11–2106. Accounts

"(a) All fees, costs, and other moneys, except uncollected fees not required by law to be prepaid, collected by the Register with respect to matters within the jurisdiction of the United States district court shall be paid into the Treasury and returns thereof made to the Director of the Administrative Office of the United States Courts under regulations prescribed by him.

"(b) All fees, costs, and other moneys, except uncollected fees not required by law to be prepaid, collected by the Register with respect to matters within the jurisdiction of the superior court shall be turned over to the fiscal officer of the District of Columbia courts.

"Chapter 23.—MEDICAL EXAMINER

"Sec.

"11–2301. Medical Examiner; Deputies, appointment, qualifications, and compensation.
"11–2302. Supporting services and facilities.
"11–2303. Former duties of coroner; oaths; teaching.
"11–2304. Deaths to be investigated; notification and investigation of deaths.
"11–2305. Possession of evidence and property.
"11–2306. Further investigation; autopsy.
"11–2307. Autopsy by pathologist other than Medical Examiner.
"11–2308. Delivery of body; expenses.
"11–2309. Records; reports; fees for other services.
"11–2310. Records as evidence.
"11–2311. Autopsies performed by court order.
"11–2312. Tissue transplants.

"§ 11–2301. Medical Examiner; Deputies; appointment, qualifications, and compensation

"(a) The Commissioner of the District of Columbia shall designate or appoint a Chief Medical Examiner and such Deputy Medical Examiners for the District of Columbia as may be necessary.

"(b) The Chief Medical Examiner and his deputies shall be physicians, licensed in the District of Columbia. The Chief Medical Examiner and at least one deputy shall be certified in anatomic pathology by the American Board of Pathology or be board eligible. They may be designated from among physicians practicing in the District of Columbia Department of Public Health.

"(c) The Commissioner shall fix the compensation of the Chief Medical Examiner and his deputies at a rate or rates not in excess of the per diem equivalent of the maximum rate for grade 18 of the General Schedule contained in chapter 53 of title 5 of the United States Code.

"§ 11–2302. Supporting services and facilities

"The Commissioner shall furnish or make available such investigative, technical, and clerical personnel, facilities, and equipment as the medical examiners shall require, or he may arrange or contract for such services, equipment, and facilities with the United States Government or universities and hospitals in the District of Columbia.

"§ 11–2303. Former duties of Coroner; oaths; teaching

"(a) A medical examiner shall perform all the medical functions formerly performed by the coroner in the District of Columbia, consistent with the provisions of this chapter, and may administer oaths and affirmations and take affidavits in connection with the performance of his duties.

"(b) The Chief Medical Examiner and his deputies may be authorized by the Commissioner to teach medical and law school classes, to conduct special classes for law enforcement personnel and to engage in other activities related to their work.

"§ 11–2304. Deaths to be investigated; notification and investigation of deaths

"(a) Under regulations established by the Chief Medical Examiner, the following types of human deaths occurring in the District of Columbia shall be investigated:

"(1) violent deaths, whether apparently homicidal, suicidal, or accidental, including deaths due to thermal, chemical, electrical or radiational injury, and deaths due to criminal abortion, whether apparently self-induced or not;

"(2) sudden deaths not caused by readily recognizable disease;

"(3) deaths under suspicious circumstances;

"(4) deaths of persons whose bodies are to be cremated, deserted, buried at sea or otherwise disposed of so as to be thereafter unavailable for examination;

"(5) deaths related to disease resulting from employment or to accident while employed; and

"(6) deaths related to disease which might constitute a threat to public health.

"(b) All law enforcement officers, physicians, undertakers, embalmers and other persons shall promptly notify a medical examiner of the occurrence of all deaths coming to their attention which are subject to investigation under subsection (a) of this section and shall assist in making dead bodies and related evidence available to the medical examiner for investigation and autopsy.

"(c) Any physician, undertaker or embalmer who wilfully fails to comply with this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than $100 nor more than $1,000.

"(d) The Chief Medical Examiner shall by regulation, prescribe procedures for taking possession of a body following a death subject to investigation under subsection (a) of this section, and for obtaining all essential facts concerning the medical causes of death and the names and addresses of as many witnesses as it is practicable to obtain.

"§ 11–2305. Possession of evidence and property

"(a) At the scene of any death subject to investigation under section 11–2304 of this Code, a law enforcement officer or the medical examiner shall take possession of any objects or articles useful in establishing the cause of death and shall hold them as evidence.

"(b) In the absence of the next of kin, a police officer or the medical examiner may take possession of all property of value found on or in the custody of the deceased. If possession is taken of the property, the police officer or medical examiner shall make an exact inventory of it, and deliver the property to the property clerk of the Metropolitan Police Department.

"§ 11–2306. Further investigation; autopsy

"(a) If, in the opinion of the medical examiner, the cause of death is established with reasonable medical certainty, he shall complete a report thereon.

"(b) If, in the opinion of the Chief Medical Examiner or the United States attorney, further investigation as to the cause of death is required or the public interest so requires, a medical examiner shall either perform, or arrange for a qualified pathologist to perform, an autopsy on the body of the deceased. No consent of next of kin shall be required for an autopsy performed pursuant to this section.

"(c) The medical examiner shall make a complete record of the findings of the autopsy and his conclusions with respect thereto, and shall prepare a report and, upon request, furnish a copy to the appropriate law enforcement agency.

"§ 11–2307. Autopsy by pathologist other than medical examiner

"(a) If an autopsy is performed by a pathologist other than a medical examiner by request of a medical examiner, the pathologist shall furnish to the medical examiner a complete record of the findings of the autopsy and his conclusions with respect thereto. The medical examiner shall thereupon prepare a report, indicating the name of the pathologist performing the autopsy and his findings and conclusions, and the medical examiner's own comments with respect thereto, if appropriate, and, upon request, shall furnish a copy thereof to the appropriate law enforcement agency.

"(b) A pathologist other than a medical examiner who performs an autopsy pursuant to this section shall be compensated in accordance with a fee rate established by the Commissioner.

"§ 11–2308. Delivery of body; expenses

"(a) Following investigation or autopsy, the medical examiner shall release the body of the deceased to the person having the right to the body for purposes of burial pursuant to law. If there is no such person, he shall dispose of it according to law.

"(b) Expenses of transportation of a body by a medical examiner and of autopsies performed pursuant to this chapter shall be borne by the District of Columbia.

"§ 11–2309. Records; reports; fees for other services

"(a) The Chief Medical Examiner shall be responsible for maintaining full and complete records and files, properly indexed, giving the name, if known, of every person whose death is investigated, the place where the body was found, the date, cause and manner of death, and all other relevant information and reports of the medical exam-

iner concerning the death, and shall issue a death certificate.

"(b) The records and files maintained under the provisions of subsection (a) of this section shall be open to inspection by the Commissioner or his authorized representative, the United States attorney and his assistants, and the Metropolitan Police Department or other law enforcement official and the medical examiner shall promptly deliver to such persons copies of all records relating to every death as to which further investigation may be advisable.

"(c) Private persons with a legitimate interest may obtain copies of records maintained under the provisions of subsection (a) upon such conditions and payment of such fees as may be prescribed by the Chief Medical Examiner. If private persons fail to meet the prescribed conditions, they may obtain copies of such records pursuant to court order if the court is satisfied that they have a legitimate interest.

"(d) The Chief Medical Examiner shall prepare an annual report to the Commissioner containing information on the number of autopsies performed, statistics as to cause of death, and such other relevant information as the Commissioner shall require. The report shall be open to inspection by the public. The report shall not identify by name deceased persons examined.

"(e) Medical examiners may charge fees, at rates prescribed by the Chief Medical Examiner, for completing insurance forms or performing similar services for private parties.

"§ 11–2310. Records as evidence

"The records maintained pursuant to section 11–2309 of this Code, or reproductions thereof certified by the Chief Medical Examiner, are admissable in evidence in any court in the District of Columbia except that statements made by witnesses or other persons and conclusions upon non-medical matters are not made admissable by this section.

"§ 11–2311. Autopsies performed by court order

"In case of sudden, violent or suspicious death when the body is buried without investigation, the United States attorney, on his own motion or on request of a medical examiner or the Metropolitan Police Department, may petition the appropriate court for an order to conduct an inquiry. The court may order the body exhumed and an autopsy performed. In such cases, records and reports shall be filed as if the autopsy were performed prior to burial except that a copy of the report shall be furnished directly to the court.

"§ 11–2312. Tissue transplants

"The medical examiner may allow the removal of tissue pursuant to section 9 of the Act of September 10, 1962, 76 Stat. 536 (D.C. Code sec. 2–258).

"Chapter 25.—ATTORNEYS

"Sec.
"11–2501. Previous law retained.
"11–2502. Admission to bar; regulations; prior admission.
"11–2503. Censure, suspension, or disbarment for cause.
"11–2504. Disbarment upon conviction of crime; procedure for censure, suspension, or disbarment.
"11–2505. Censure, suspension; or disbarment by other courts.

"§ 11–2501. Previous law retained

(a) Notwithstanding any other provision of this chapter or any other law, the provisions of chapter 21, title 11, District of Columbia Code, in effect on the day before the day of enactment of the District of Columbia Court Reorganization Act of 1970 shall remain in effect until April 1, 1974.

(b) All persons admitted to the practice of law by the United States District Court for the District of Columbia between the date of enactment of this Act and April 1, 1974, shall be eligible to practice in all courts of the District of Columbia.

"§ 11–2502. Admission to bar; regulations; prior admission

"(a) The District of Columbia Court of Appeals shall make such rules as it deems proper respecting the examination, qualification, and admission of persons to membership in the bar in the District of Columbia, and their censure, suspension, and expulsion, and shall have exclusive jurisdiction thereof after April 1, 1974.

"(b) Members of the bar of the United States District Court of the District of Columbia in good standing on April 1, 1974, shall continue as members of the bar and shall be automatically enrolled in the District of Columbia Court of Appeals and eligible to practice in the courts of the District of Columbia. After April 1, 1974, enrolled members of the bar shall be subject to the disciplinary jurisdiction of the court of appeals.

"§ 11–2503. Censure, suspension, or disbarment for cause

"The District of Columbia Court of Appeals may censure, suspend from practice, or expel a member of its bar for crime, misdemeanor, fraud, deceit, malpractice, professional misconduct, or conduct prejudicial to the administration of justice. A fraudulent act or misrepresentation by an applicant in connection with his application or admission is sufficient cause for the revocation by the court of his admission.

"§ 11–2504. Disbarment upon conviction of crime; procedure for censure, suspension, or disbarment

"(a) When a member of the bar of the District of Columbia Court of Appeals is convicted of an offense involving moral turpitude, and a certified copy of the conviction is presented to the court, the court shall, pending final determination of an appeal from the conviction, suspend the member of the bar from practice. Upon reversal of the conviction the court may vacate or modify the suspension. If a final judgment of conviction is certified to the court, the name of the member of the bar so convicted shall be struck from the roll of the members of the bar and he shall thereafter cease to be a member. Upon the granting of a pardon to a member so convicted, the court may vacate or modify the order of disbarment.

"(b) Except as provided in subsection (a), a member of the bar may not be censured, suspended, or expelled under this chapter until written charges, under oath, against him have been presented to the court, stating distinctly the grounds of complaint. The court may order the charges to be filed in the office of the clerk of the court and shall fix a time for hearing thereon. Thereupon a certified copy of the charges and order shall be served upon the member personally, or if it is established to the satisfaction of the court that personal service cannot be had, a certified copy of the charges and order shall be served upon him by mail, publication, or otherwise as the court directs. After the filing of the written charges, the court may suspend the person charged from practice at its bar pending the hearing thereof.

"§ 11–2505. Censure, suspension or disbarment by other courts

"The Federal courts in the District of Columbia and the Superior Court of the District of Columbia may censure, suspend, or expel an attorney from practice at their respective bars, for a crime involving moral turpitude, or professional misconduct, or conduct prejudicial to the administration of justice. If an attorney is expelled from practice, the court expelling him shall notify the other Federal courts in the District of Columbia and District of Columbia courts of the action taken."

EXISTING RECORDS, FILES, PROPERTY AND FUNDS

SEC. 102. The files, records, property and unexpended balances of appropriations and other funds of the former Juvenile Court of the District of Columbia and the Tax Court of the District of Columbia are transferred to the Superior Court of the District of Columbia. Together with the files, records, property and unexpended balances of appropriations and other funds of the former Court of General Sessions, they become the property of the Superior Court.

EXISTING PERSONNEL

SEC. 103. (a) The personnel of the former Court of General Sessions, Juvenile Court, and Tax Court of the District of Columbia shall be transferred to the Superior Court and shall, with respect to all rights, privileges, and benefits, be considered as continuous employees of that court without break in service. Personnel of the United States District Court for the District of Columbia performing functions incident to jurisdiction transferred under this Act to the Superior Court shall be entitled to transfer to the Superior Court and upon such transfer shall retain all of theirs rights, privileges and benefits, and shall be considered as continuous employees of the Superior Court without break in service.

(b) Nothing in this Act shall affect the status of persons in the classified civil service on the date of enactment of such Act, but such persons may be assigned within the District of Columbia court system without regard to such status.

SEC. 104. The person serving as judge of the District of Columbia Tax Court on the day prior to the effective date of this Act may, within sixty days of the effective date, elect to retain retirement benefits under section 2, title IX, of the Act of August 17, 1937, as added by 52 Stat. 370, and amended (D.C. Code, sec. 47–2402), or relinquish such benefits and elect retirement benefits under chapter 15, title 11 of the District of Columbia Code.

TITLE II.—JUDICIAL PROCEDURE

RIGHT TO REMEDY

SEC. 201. Title 12 of the District of Columbia Code is amended as follows:

(1) Section 12–102 is amended to read:

"§ 12–102. Substitution of parties

"The substitution of parties in civil actions in the United States District Court for the District of Columbia and the Superior Court of the District of Columbia shall be governed by the Federal Rules of Civil Procedure."; and

(2) Section 12–309 is amended by striking the words "Board of Commissioners" and substituting the word "Commissioner".

PROCEDURE GENERALLY

SEC. 202. Title 13 of the District of Columbia Code is amended as follows:

(1) The analysis of title 13 is amended by inserting, after

"3. Process and Parties---------- 13–301"

the following new item:

"4. Civil Jurisdiction and Service Outside the District of Columbia ---------- 13–401";

(2) Chapter 1 is repealed;

(3) Section 13–301 is amended to read:

"§ 13–301. Courts to which applicable

"Except as otherwise specifically provided by law or rules of court, this chapter applies to the Federal courts in the District of Columbia and the District of Columbia courts.";

(4) Section 13–302 is amended by striking "District of Columbia Court of General Sessions, including the Domestic Relations Branch thereof" and substituting, "Superior Court of the District of Columbia";

(5) Section 13–331 is amended by inserting, after the word "including" in the first numbered paragraph, the phrase "chapter 4 or";

(6) The following new chapter is inserted after chapter 3:

"Chapter 4.—CIVIL JURISDICTION AND SERVICE OUTSIDE THE DISTRICT OF COLUMBIA

"SUBCHAPTER I.—GENERAL PROVISIONS

"Sec.
"13–401. Relation to other provisions of law.
"13–402. Uniformity of interpretation.

"SUBCHAPTER II.—BASES OF PERSONAL JURISDICTION OVER PERSONS OUTSIDE THE DISTRICT OF COLUMBIA

"Sec.
"13–421. Definition of person.
"13–422. Personal jurisdiction based upon enduring relationship.
"13–423. Personal jurisdiction based upon conduct.
"13–424. Service outside the District of Columbia.
"13–425. Inconvenient forum.

"SUBCHAPTER III.—SERVICE OUTSIDE THE DISTRICT OF COLUMBIA

"Sec.
"13–431. Manner and proof of service.
"13–432. Individuals eligible to make service.
"13–433. Individuals to be served; special cases.
"13–434. Assistance to tribunals and litigants outside the District of Columbia.

"SUBCHAPTER I.—GENERAL PROVISIONS

"§ 13–401. Relation to other provisions of law

"Except in cases of irreconcilable conflict, this chapter shall be construed to augment, and not to repeal, any other law of the District of Columbia authorizing another basis of jurisdiction or permitting another procedure for service in civil proceedings in the District of Columbia courts.

"§ 13–402. Uniformity of interpretation

"When the statutory language so permits, this chapter shall be so interpreted and construed as to make uniform the laws of those jurisdictions which enact in comparable form the first two articles of the Uniform Interstate and International Procedure Act.

"SUBCHAPTER II.—BASES OF PERSONAL JURISDICTION OVER PERSONS OUTSIDE THE DISTRICT OF COLUMBIA

"§ 13–421. Definition of person

"As used in this subchapter, 'person' includes an individual, his executor, administrator, or other personal representative, or a corporation, partnership, association, or any other legal or commercial entity, whether or not a citizen or domiciliary of the District of Columbia and whether or not organized under the laws of the District of Columbia.

"§ 13–422. Personal jurisdiction based upon enduring relationship

"A District of Columbia court may exercise personal jurisdiction over a person domiciled in, organized under the laws of, or maintaining his or its principal place of business in the District of Columbia as to any claim for relief.

"§ 13–423. Personal jurisdiction based upon conduct

"(a) A District of Columbia court may exercise personal jurisdiction over a person who acts directly or by an agent as to a claim for relief arising from the person's—

"(1) transacting any business in the District of Columbia;

"(2) contracting to supply services in the District of Columbia;

"(3) causing tortious injury in the District of Columbia by an act or omission in the District of Columbia;

"(4) causing tortious injury in the District of Columbia by an act or omission outside the District of Columbia if he regularly does or solicits business, or engages in any other persistent course of conduct, or derives substantial revenue from food or services used or consumed in the District of Columbia;

"(5) having an interest in, using, or possessing real property in the District of Columbia; or

"(6) contracting to insure or act as surety for or on any person, property, or risk, contract, obligation, or agreement located, executed, or to be performed within the District of Columbia at the time of contracting, unless the parties otherwise provide in writing.

"(b) When jurisdiction over a person is based solely upon this section, only a claim for relief arising from acts enumerated in this section may be asserted against him.

"§ 13–424. Service outside the District of Columbia

"When the exercise of personal jurisdiction is authorized by this subchapter, service may be made outside the District of Columbia.

"§ 13–425. Inconvenient forum

"When any District of Columbia court finds that in the interest of substantial justice the action should be heard in another forum, the court may stay or dismiss such civil action in whole or in part on any conditions that may be just.

"SUBCHAPTER III.—SERVICE OUTSIDE THE DISTRICT OF COLUMBIA

"§ 13–431. Manner and proof of service

"(a) When the law of the District of Columbia authorizes service outside the District of Columbia, the service, when reasonably calculated to give actual notice, may be made—

"(1) by personal delivery in the manner prescribed for service within the District of Columbia;

"(2) in the manner prescribed by the law of the place in which the service is made for service in that place in an action in any of its courts of general jurisdiction;

"(3) by any form of mail addressed to the person to be served and requiring a signed receipt; or

"(4) as directed by the foreign authority in response to a letter rogatory.

"(b) Proof of service outside the District of Columbia may be made by affidavit of the individual who made the service or in the manner prescribed by the law of the District of Columbia, the order pursuant to which the service is made, or the law of the place in which the service is made for proof of service in an action in any of its courts of general jurisdiction. When service is made by mail, proof of service shall include a receipt signed by the addressee or other evidence of personal delivery to the addressee satisfactory to the court.

"§ 13–432. Individuals eligible to make service

"Service outside the District of Columbia may be made by an individual permitted to make service of process under the law of the District of Columbia or under the law of the place in which the service is made or who is designated by a District of Columbia court.

"§ 13–433. Individuals to be served; special cases

"When the law of the District of Columbia requires that in order to effect service one or more designated individuals be served, service outside the District of Columbia under this article must be made upon such designated individual or individuals.

"§ 13–434. Assistance to tribunals and litigants outside the District of Columbia

"(a) A District of Columbia court may order service upon any person who is domiciled or can be found within the District of Columbia of any document issued in connection with a proceeding in a tribunal outside the District of Columbia. The order may be made upon application of any interested person or in response to a letter rogatory issued by a tribunal outside the District of Columbia and shall direct the manner of service.

"(b) Service in connection with a proceeding in a tribunal outside the District of Columbia may be made within the District of Columbia without an order of court.

"(c) Service under this section does not, of itself, require the recognition or enforcement of an order, judgment, or decree rendered outside the District of Columbia."; and

(7) Chapter 7 is replaced by the following new chapter:

"Chapter 7.—TRIAL

"Sec.
"13–701. Jury trials in civil cases in Superior Court.

"§ 13–701. Jury trials in civil cases in Superior Court

"When the amount in controversy in a civil action pending in the District of Columbia Superior Court exceeds $20, and in all actions for the recovery of possession of real property, either party shall be entitled to a trial by jury, if he demands it in the manner provided by rules of the court.".

PROOF

SEC. 203. Title 14 of the District of Columbia Code is amended as follows:

(1) Section 14–103 is amended by striking the period at the end thereof and adding ", or by leave of a judge of the Superior Court of the District of Columbia in like manner and with like effect as other depositions are taken in the Superior Court.";

(2) The analysis of chapter 1 is amended by substituting in the reference to section 14–104 the words "Superior Court" for the words "Court of General Sessions";

(3) Section 14–104 is amended by—

(A) substituting the words "Superior Court" for the words "Court of General Sessions" in the heading thereof;

(B) substituting the words "Superior Court of the District of Columbia" for the words "District of Columbia Court of General Sessions"; and

(C) striking all after the first sentence and substituting in lieu thereof, "The testimony shall be taken as provided in the rules of the Court.";

(4) The second sentence of section 14–305, District of Columbia Code, is amended to read: "The fact of conviction of a crime which reflects either on honesty or veracity shall be admissible in evidence to affect his credibility as a witness, either upon the cross-examination of the witness or by evidence aliundi and the party cross-examining him is not bound by his answers as to such matters; the fact of conviction shall not be admissible to affect his credibility as a witness, however, as to any crime where a period of more than ten years has elapsed since the date of the release of the witness from confinement resulting from conviction of said crime, or since the expiration of the period of his parole, probation, or sentence, resulting from such conviction, whichever is the later date.";

(5) Section 14–307 is amended by substituting "Federal courts in the District of Columbia and District of Columbia courts" for "courts of the District of Columbia" in subsection (a), by inserting in paragraph (2) of subsection (b) after the phrase "where the accused raises the defense of insanity" the phrase "or where the court is required under prevailing law to raise the defense sua sponte", by substituting "; or" for the period at the end of said paragraph (2), and by adding the paragraph "(3) evidence relating to the mental competency or sanity of a child alleged to be delinquent, neglected, or in need of supervision in any proceedings before the Family Division of the Superior Court.";

(6) Section 14–309 is amended by striking "courts of the District of Columbia" and inserting in lieu thereof, "Federal courts in the District of Columbia and District of Columbia courts";

(7) Section 14–503 is amended by striking "the United States District Court for the District of Columbia, or by the former orphans' court of the District" and substituting in lieu thereof, "a court in the District of Columbia"; and

(8) Section 14–505 is amended by striking "by the secretary or an assistant secretary of the Board of Commissioners" and substituting in lieu thereof, "as provided by the Commissioner".

JUDGMENT AND EXECUTIONS; FEES AND COSTS

SEC. 204. Title 15 of the District of Columbia Code is amended as follows:

(1) Section 15–101 is amended by striking clause (2) of subsection (a) and substituting in lieu thereof: "(2) Superior Court of the District of Columbia—";

(2) Section 15–102 is amended by striking "District of Columbia Court of General Sessions" wherever it appears and substituting in lieu thereof, "Superior Court of the District of Columbia";

(3) Section 15–108 is amended by inserting after "District of Columbia" the words "or the Superior Court of the District of Columbia";

(4) Section 15–111 is amended by inserting after "District of Columbia" the words "or the Superior Court of the District of Columbia";

(5) Subchapter II of chapter 1 and the analysis thereof are repealed, and the analysis and heading "SUBCHAPTER I—GENERALLY" are repealed;

(6) Section 15–307 is amended by inserting the words "or the Superior Court of the District of Columbia" after the words "United States District Court for the District of Columbia".

(7) Section 15–310 is repealed.

(8) Section 15–311 is amended by substituting "Superior Court of the District of Columbia" for "District of Columbia Court of General Sessions";

(9) Section 15–318 is amended by substituting "Superior Court of the District of Columbia" for "District of Columbia Court of General Sessions";

(10) Section 15–320 is amended by substituting "Superior Court of the District of Columbia" for "District of Columbia Court of General Sessions";

(11) Subchapter II of chapter 5 is amended by substituting "Superior Court" for "Court of General Sessions" and substituting "Superior Court of the District of Columbia" for "District of Columbia Court of General Sessions" in the analysis, heading, and wherever they appear;

(12) Section 15–707 is amended by changing the analysis and heading thereof to read, "Probate fees" and by substituting the following for the text thereof:

"(a) The Register of Wills may demand and receive in advance for services performed by him such fees as shall be set by the court having probate jurisdiction.

"(b) Where the estate does not exceed two hundred dollars in value the Register of Wills shall receive no fees, and where the estate does not exceed five hundred dollars in value the fees may not exceed ten dollars.";

(13) Section 15–708 is amended by striking the word "court" in the analysis and heading thereof and by substituting the word "probate" for the words "the probate court" in the first sentence thereof;

(14) Section 15–709 is amended by substituting "Fees and costs in Superior Court" for the analysis and heading, by substituting "Superior Court of the District of Columbia" for "District of Columbia Court of General Sessions", by substituting "Superior Court" for "Court of General Sessions" wherever it appears, and by substituting for subsection (b) the following:

"(b) Fees for services by the United States marshals for process issued by the Superior Court shall be prescribed by rule of that court.";

(15) Section 15–710 is repealed;

(16) Sections 15–711 through 15–713 are amended by substituting "Superior Court of the District of Columbia" for "District of Columbia Court of General Sessions" wherever it appears and by substituting "Superior Court" for "Court of General Sessions" in the analysis and headings;

(17) Section 15–714 is amended by substituting "Superior Court" for "Court of General Sessions" in the analysis and heading, by substituting "Superior Court of the District of Columbia" for "District of Columbia Court of General Sessions" wherever it appears, and by adding a new subsection as follows—

"(c) No travel allowances shall be paid to any witness residing within the District of Columbia.";

(18) Section 15–716 is repealed; and

(19) Section 15–717 is amended by substituting "Superior Court of the District of Columbia" for "District of Columbia Court of General Sessions."

ADOPTION

SEC. 205. Chapter 3 of title 16, District of Columbia Code, is amended as follows:

(1) Section 16–301 is amended by substituting "Superior Court of the District of Columbia" for "Domestic Relations Branch of the District of Columbia Court of General Sessions" in subsection (a) and by substituting "Commissioner" for "Commissioners" in subsection (b)(3); and

(2) Sections 16–304, 16–305, 16–307, and 16–314 are amended by substituting "Commissioner" for "Board of Commissioners" or "Board" wherever they appear.

ATTACHMENT AND GARNISHMENT

SEC. 206. Chapter 5 of title 16, District of Columbia Code is amended as follows:

(1) Section 16–501 and 16–502 are amended by substituting "Superior Court of the District of Columbia" for "District of Columbia Court of General Sessions";

(2) Sections 16–516 and 16–549 are amended by substituting "court having probate jurisdiction" for "Probate court";

(3) Sections 16–533 and 16–578 are amended by substituting "Superior Court" for "Court of General Sessions" in the analyses and headings, and by substituting "Superior Court of the District of Columbia" for "District of Columbia Court of General Sessions" wherever it appears;

(4) Section 16–578 is further amended by substituting "filed and recorded" for "docketed in the United States District Court for the District of Columbia"; and

(5) Section 16–581 is amended by substituting "Superior Court of the District of Columbia" for "District of Columbia Court of General Sessions".

BONDS AND UNDERTAKINGS

SEC. 207. Section 16–601 of the District of Columbia Code is amended by inserting after "United States District Court for the District of Columbia," the first time it appears, "the Superior Court of the District of Columbia,", and by substituting for "United States District Court for the District of Columbia has" in the second paragraph, "United States District Court and the Superior Court have".

CRIMINAL PROCEEDINGS IN THE SUPERIOR COURT

SEC. 208. Chapter 7 of title 16, District of Columbia Code, is amended as follows:

(1) Section 16–701 is amended to read as follows:

"§ 16–701. Rules and regulations

"The Superior Court may make such rules and regulations for conducting business in the Criminal Division of the Court, consistent with statutes applicable to such business and in the manner provided in section 11–946 of this Code, as it may deem necessary and proper.";

(2)(a) Section 16–702 is amended to read as follows:

"§ 16–702. Prosecution by indictment or information

"An offense prosecuted in the Superior Court which may be punished by death shall be prosecuted by indictment returned by a grand jury. An offense which may be punished by imprisonment for a term exceeding one year shall be prosecuted by indictment, but it may be prosecuted by information if the defendant, after he has been advised of the nature of the charge and of his rights, waives in open court prosecution by indictment. Any other offense may be prosecuted by indictment or by information. An information subscribed by the proper prosecuting officer may be filed without leave of court.";

(b) The reference to section 16–702 in the analysis of chapter 7 is amended to read as follows:

"16–702. Prosecution by indictment or information.";

(3) Section 16–703 is amended to read as follows:

"§ 16–703. Process of criminal division; fees

"(a) The Criminal Division of the Superior Court may issue process for the arrest of a person against whom an indictment is returned, an information is filed, or a complaint under oath is made.

"(b) Process shall:

"(1) be under the seal of the court;

"(2) bear teste in the name of a judge of the court; and

"(3) be signed by a clerk or employee of the court authorized to administer oaths.

"(c) In cases arising out of violations of any of the ordinances of the District of Columbia, process shall be directed to the Chief of Police, who shall execute the process and make return thereof in like manner as in other cases.

"(d) In all other criminal cases, the process issued by the Superior Court may be directed to the United States marshal or to the Chief of Police.

"(e) For services pursuant to subsection (d) of this section the marshal shall receive the fees prescribed by section 15–709(b)(2).";

(4) Section 16–705 is amended to read as follows:

"§ 16–705. Jury trial; trial by court

"(a) In a criminal case tried in the Superior Court in which, according to the Constitution of the United States, the defendant would be entitled to a jury trial, the trial shall be by jury, unless the defendant in open court expressly waives trial by jury and requests trial by the court and the court and the prosecuting officer consent thereto. In the latter case, the trial shall be by a single judge, whose verdict shall have the same force and effect as that of a jury.

"(b) In any case where the defendant would not by force of the Constitution of the United States be entitled to a trial by jury, the trial shall be by a single judge without a jury, unless it is a case wherein the fine or penalty may be more than $300, or imprisonment as punishment for the offense may be more than ninety days (or, where the defendant is charged with contempt of court, more than six months), and a defendant demands a trial by jury. In the latter case the trial shall be by a jury, unless the defendant shall later waive trial by jury pursuant to subsection (a).

"(c) The jury shall consist of twelve persons, unless the parties, with the approval of the court and in the manner provided by rules of the court, agree to a number less than twelve.";

(5) Section 16–706 is amended to read as follows:

"§ 16–706. Enforcement of judgments; commitment upon nonpayment of fine

"The Superior Court may enforce any of its judgments rendered in criminal cases by fine or imprisonment, or both. Except as otherwise provided by law, and furthermore subject to the relief provided in section 3569 of title 18, United States Code, in any case where the court imposes a fine, the court may, in default of the payment of the fine imposed, commit the defendant for a term not to exceed one year.";

(6) Sections 16–704, 16–707, and 16–709 are amended by substituting the words "Superior Court of the District of Columbia" for the words "Court of General Sessions" wherever they appear therein;

(7) (a) Section 16–710 is amended by substituting the word "Superior Court of the District of Columbia" for the words "District of Columbia Court of General Sessions";

(b) Section 16–710 is further amended by inserting, after the second sentence thereof, the following: "In criminal cases in the Superior Court in which the defendant is charged with an offense not punishable by life imprisonment or death, the court, if it is satisfied that the ends of justice and the best interests of the public and of the defendant will be served thereby, may suspend the proceedings without entering a verdict and place the defendant on probation, upon such terms and conditions as the court deems proper, for a period not to exceed the maximum length of imprisonment which could have been imposed for the offense charged and likewise under the control and supervision of a probation officer.";

(c) The reference to section 16–710 in the analysis of chapter 7 and the heading of section 16–710 are each amended by inserting, immediately after the word "sentence", the following: ", or of entering of verdict"; and

(8) The heading of chapter 7 is amended by substituting "SUPERIOR COURT" for "COURT OF GENERAL SESSIONS".

DIVORCE, ANNULMENT, SEPARATION, SUPPORT

SEC. 209. Chapter 9 of title 16, District of Columbia Code, is amended as follows:

(1) Section 16–901 is amended by substituting "Superior Court of the District of Columbia" for "Domestic Relations Branch of the District of Columbia Court of General Sessions";

(2) Section 16–916, District of Columbia Code, is amended as follows:

(a) by amending the section heading (and so much of the analysis of chapter 9 of title 16, District of Columbia Code, as relates to section 16–916) to read, "Maintenance of wife and minor children; maintenance of former wife; maintenance of minor children; enforcement";

(b) by inserting immediately after subsection (b) the following new subsection (c)—

"(c) Whenever any father or mother shall fail to maintain his or her minor child, or children, the court may decree that he or she shall pay reasonable sums periodically for the support and maintenance of said child, or children, and the court may decree that he or she pay court costs, including counsel fees, to enable plaintiff to conduct the case."; and

(c) by redesignating the succeeding subsection, existing subsection (c), as subsection (d); and

(3) (a) Section 16–918 is amended to read as follows:

"§ 16–918. Appointment of counsel; compensation

"(a) In all uncontested divorce cases, and in any other divorce or annulment case where the court deems it necessary or proper, a disinterested attorney shall be appointed by the court to enter his appearance for the defendant and actively defend the cause.

"(b) In any proceeding wherein the custody of a child is in question, the court may appoint a disinterested attorney to appear on behalf of the child and represent his best interests.

"(c) An attorney appointed under this section may receive such compensation for his services as the court determines to be proper, which the court may direct to be paid by the parties."; and

(b) The reference to section 16–918 in the analysis of chapter 9 is amended to read as follows:

"16–918. Appointment of counsel; compensation."

INTRAFAMILY OFFENSES

SEC. 210. (a) The analysis of title 16 of the District of Columbia Code is amended by inserting, after the reference to chapter 9, the following new reference:

"10. Proceedings Regarding Intrafamily Offenses ..... 16–1001".

(b) Title 16 of the District of Columbia Code is amended by inserting after chapter 9 the following new chapter:

"Chapter 10.—PROCEEDINGS REGARDING INTRAFAMILY OFFENSES

"Sec.
"16–1001. Intrafamily offense.
"16–1002. Complaint of criminal conduct; referrals to Family Division.
"16–1003. Petition for civil protection.
"16–1004. Petition; notice; temporary order.
"16–1005. Hearing; evidence, protection order.
"16–1006. Dismissal of petition; notice.

"§ 16–1001. Intrafamily offense

"(a) An intrafamily offense is an act, punishable as a crime or offense, committed:

"(1) by one spouse against the other;

"(2) by a parent, guardian, or other legal custodian against a child; or

"(3) by one person against another person with whom he shares a mutual residence and is in a close relationship rendering the application of this chapter appropriate.

"(b) References in this chapter to the 'complainant' or 'family member' include any individual in the relationship described in subsection (a).

"§ 16–1002. Complaint of criminal conduct; referrals to Family Division

"(a) Upon the complaint of any person of criminal conduct or the arrest of a person charged with criminal conduct, where it appears to the United States attorney that the conduct involves an intrafamily offense, he shall notify the Director of Social Services.

"(b) The Director of Social Services may investigate the matter, attempt to effect conciliation by counseling, and make such recommendations to the United States attorney as he deems appropriate. Any statement made, and information secured as a result of such statement, in an investigation by or other discussion with the Director of Social Services, however, shall be inadmissible in evidence in a criminal trial over the objection of the person who made the statement.

"(c) The United States attorney may file a criminal charge based upon the conduct and may consult with the Director of Social Services concerning appropriate recommendations for conditions of release taking into account the intrafamily nature of the offense.

"(d) Where the United States attorney has not earlier filed a criminal charge based upon the conduct, he may refer the matter to the Corporation Counsel for the filing of a petition for civil protection in the Family Division. Prior to any such referral, the United States attorney shall consult with the Director of Social Services concerning the appropriateness of the referral. A referral to the Corporation Counsel by the United States attorney shall not preclude the United States attorney from subsequently filing a criminal charge based upon the conduct, if he deems it appropriate, but no criminal charge may be filed after the Division begins receiving evidence pursuant to section 16–1008.

"§ 16–1003. Petition for civil protection

"(a) Upon referral by the United States attorney, or upon application of any person or agency for a civil protection order with respect to an intrafamily offense committed or threatened, the Corporation Counsel may file a petition for civil protection in the Family Division.

"(b) In any matter referred to him by the United States attorney in which the Corporation Counsel does not file a petition, he shall so notify the United States attorney.

"§ 16–1004. Petition; notice; temporary order

"(a) Upon a filing of a petition by the Corporation Counsel, the Division shall set the matter for hearing, consolidating it, where appropriate, with other matters before the Division involving members of the same family.

"(b) The Division shall cause notice of the hearing to be served on the respondent, the complainant, and, if appropriate, the family member endangered (or, if a child, the person then in physical custody of the child), the Director of Social Services, and the Corporation Counsel. The respondent shall be served with a copy of the petition together with the notice and shall be directed to appear at the hearing. The Division may also cause notice to be served on other members of the family whose presence at the hearing is necessary to the proper disposition of the matter.

"(c) If, upon the filing of the petition, the Division finds that the safety or welfare of a family member is immediately endangered by the respondent, it may, ex parte, issue a temporary protection order of not more than ten days duration and direct that the order be served along with the notice required by this section.

"§ 16–1005. Hearing; evidence; protection order

"(a) Members of the family receiving notice shall appear at the hearing. In addition to the parties, the Corporation Counsel may present evidence at the hearing. Statements made, and information secured as a result of such statements, in an investigation by or other discussion with the Director of Social Services, however, shall not be admissible until the Division has made its finding (under subsection (c)); but, thereafter, the Director of Social Services may report to the Division, and such statements and information shall be cognizable by the Division, prior to the issuance of the order.

"(b) In a hearing under this section, one spouse shall be a competent and compellable witness against the other, and may testify as to confidential communications notwithstanding the provisions of section 14–306 of this Code; but testimony compelled over a claim of a privilege conferred by section 14–306 shall be inadmissible in evidence in a criminal trial over the objection of a spouse entitled to claim that privilege.

"(c) If, after hearing, the Division finds that there is good cause to believe the respondent has committed or is threatening an intrafamily offense, it may issue a protection order—

"(1) directing the respondent to refrain from the conduct committed or threatened and to keep the peace toward the family member;

"(2) requiring the respondent, alone or in conjunction with any other member of the family before the court, to participate in psychiatric or medical treatment, or appropriate counseling programs;

"(3) directing, where appropriate, that the respondent avoid the presence of the family member endangered; or

"(4) directing the respondent to perform or refrain from other actions as may be appropriate to the effective resolution of the matter.

"(d) A protection order issued pursuant to this section shall be effective for such period up to one year as the Division may specify but the Division may, upon motion of any party to the original proceeding, extend, rescind, or modify the order for good cause shown.

"(c) Any final order issued pursuant to this section and any order granting or denying extension, modification, or rescission of such order, shall be appealable.

"(f) Violation of any temporary or permanent order issued under this chapter and failure to appear as provided in subsection (a), shall be punishable as contempt.

"§ 16–1006. Dismissal of petition; notice

"(a) The Division may dismiss a petition if the matter is not appropriate for disposition in the Division.

"(b) If a petition dismissed under subsection (a) was originated by referral from the United States attorney, and the dismissal was prior to the receipt of evidence pursuant to section 16–1005, the Division shall notify the United States attorney of the dismissal.".

EMINENT DOMAIN

SEC. 211. Chapter 13 of title 16, District of Columbia Code, is amended as follows:

(1) Section 16–1301 is amended to read as follows:

"§16–1301. Jurisdiction of District Court

"(a) The United States District Court for the District of Columbia has jurisdiction of all proceedings for the condemnation of real property authorized by this chapter which are commenced within four years of the date on enactment of the District of Columbia Court Reorganization Act of 1970, with full power to hear and determine all issues of law and fact that may arise in the proceedings.

"(b) The United States District Court for the District of Columbia has exclusive jurisdiction of all proceedings for the condemnation of real property authorized by subchapters IV and V of this chapter, with full power to hear and determine all issues of law and fact that may arise in the proceedings.";

(2) Subchapter I is amended by adding at the end thereof the following new section:

"§ 16–1303. Jurisdiction of Superior Court

"The Superior Court of the District of Columbia has jurisdiction of all proceedings for the condemnation of real property authorized by subchapters II and III of this chapter and commenced four years or more after the date of enactment of the District of Columbia Court Reorganization Act of 1970, with full power to hear and determine all issues of law and fact that may arise in the proceedings.";

(3) Section 16–1311 is amended by substituting "District of Columbia" for "Board of Commissioners" in the heading, by substituting "Commissioner" for "Board of Commissioners of the District" in the first sentence, by substituting "appropriate court" for "United States District Court for the District of Columbia", and by substituting "District of Columbia" for "Board" in the second sentence;

(4) Section 16–1312 is amended to read as follows:

"§ 16–1312. Juries for condemnation proceedings

"For purposes of this subchapter, a special jury list shall be prepared of not less than one hundred persons who are qualified jurors in the District of Columbia. When a jury is required for a condemnation proceeding under this subchapter, the names of such number of persons as may be necessary shall be selected from this list by lot and furnished to the appropriate court.";

(5) Section 16–1314 is amended by substituting "Commissioner" for "members of the Board of Commissioners" and for "Commissioners";

(6) Section 16–1318 is amended by substituting for the third sentence of subsection (a) the following: "If the appraisement is vacated and set aside, the court shall order the necessary number of new persons selected from the special jury list and, from among the persons so selected, shall appoint a new jury of five capable and disinterested persons who shall proceed as in the case of the first jury.";

(7) Section 16–1319 is amended by substituting "Commissioner" for "Board of Commissioners";

(8) Section 16–1321 is amended by substituting "Commissioner" for "Board of Commissioners";

(9) Section 16–1331 is amended by substituting "Commissioner" for "Board of Commissioners" and striking ", and agencies of the United States authorized by law to acquire real property,";

(10) Section 16–1332 is amended by striking "Board of Commissioners of the" and "agencies of the United States authorized by law to acquire real property" from subsection (a), and by striking from subsection (c) ", and where the property sold was acquired under an appropriation authorized for the use of the District of Columbia, moneys received from the sale shall be deposited in the Treasury";

(11) Section 16–1334 is amended by striking "or the United States" wherever it appears;

(12) Section 16–1336 is amended by substituting "Commissioner" for "Board of Commissioners";

(13) Section 16–1337 and the heading thereof are repealed and section 16–1338 is renumbered 16–1337;

(14) Section 16–1357 is amended by substituting for the first sentence thereof the following: "When the date for trial has been set as provided by section 16–1356, the court shall order the names of a number of persons, not less than twenty, selected from the special jury list provided by section 16–1312, and the names of the persons selected shall be certified to the clerk of the United States District Court for the District of Columbia as a panel of prospective jurors.";

(15) Chapter 13 of title 16 is amended by adding at the end thereof the following new subchapter:

"SUBCHAPTER V.—EXCESS PROPERTY FOR THE UNITED STATES

"§ 16–1381. Acquisition of property in excess of needs

"In order to promote the orderly and proper development of the seat of government of the United States, agencies of the United States authorized by law to acquire real property may acquire, in the public interest, by gift, dedication, exchange, purchase or condemnation, fee simple title to land, or rights in or on land or easements or restrictions therein, within the District of Columbia for public uses, works and improvements authorized by Congress, in excess of that actually needed for and essential to their usefulness, in order to preserve the view, appearance, light and air and to enhance their usefulness to prevent the use of private property adjacent to them in such a manner as to impair the public benefit derived from the construction thereof, or to prevent inequities or hardships to the owners of adjacent private property by depriving them of the beneficial use of their property.

"§ 16–1382. Retention, for public use, of excess property

"When the authorities of the United States having jurisdiction of real property, rights or easements acquired pursuant to this subchapter, elect to retain any of them for the use of the United States, they may use the property, rights or easements for park, playground, highway, or alley purposes, or for any other lawful purposes that they deem advantageous or in the public interest.

"§ 16–1383. Availability of appropriations for purchases of excess property

"When real property is purchased pursuant to this subchapter in excess of that needed for a particular project of improvement, appropriations available for the payment of the purchase price, costs and expenses incident to the project or improvement may be used in the payment of the purchase price, costs and expenses of excess real property purchased in connection with the project or improvement, as provided by this subchapter.

"§ 16–1384. Condemnation of excess real property by United States agencies; payment of awards, damages, and costs

"When excess real property is condemned by agencies of the United States as provided by this subchapter, the condemnation proceedings for the acquisition of the property shall be in accordance with subchapter IV of this chapter, or any laws in effect at the time of the commencement of condemnation proceedings for the acquisition of real property in the District of Columbia for the use of the United States.

"Appropriations available for the condemnation of property pursuant to subchapter IV of this chapter may be used in the payment of awards, damages, and costs in condemnation proceedings pursuant to that subchapter for the acquisition of excess real property as provided in this subchapter.

"§ 16–1385. Construction of subchapter

"This subchapter does not repeal any provisions of existing law pertaining to the condemnation or acquisition of streets, alleys or land, or the laws relating to the subdividing of lands in the District of Columbia."; and

(16) The analysis of chapter 13 is amended:

(a) by adding after the reference to section 16–1302 the following:

"16–1303. Jurisdiction of Superior Court.";

(b) by amending the reference to section 16–1311 to read as follows:

"16–1311. Condemnation proceedings by District of Columbia.";

(c) by amending the reference to section 16–1312 to read as follows:

"16–1312. Juries for condemnation proceedings.";

(d) by deleting the reference to section 16–1337 and by renumbering the reference to section 16–1338 as 16–1337;

(e) by adding at the end thereof:

"SUBCHAPTER V.—EXCESS PROPERTY FOR THE UNITED STATES

"16–1381. Acquisition of property in excess of needs.

"16–1382. Retention, for public use, of excess property.

"16–1383. Availability of appropriations for purchases of excess property.

"16–1384. Condemnation of excess real property by United States agencies; payment of awards, damages and costs.

"16–1385. Construction of subchapter."

FORCIBLE ENTRY AND DETAINER

SEC. 212. Chapter 15 of title 16, District of Columbia Code is amended as follows:

(1) section 16–1501 is amended by substituting "Superior Court of the District of Columbia" for "District of Columbia Court of General Sessions";

(2) section 16–1504 is amended by inserting after the word "chapter" the words "commenced prior to the effective date of the District of Columbia Court Reorganization Act of 1969"; and

(3) section 16–505 is amended by substituting "Superior Court of the District of Columbia" for "District of Columbia Court of General Sessions".

HABEAS CORPUS

SEC. 213. Section 16–1901 of the District of Columbia Code is amended as follows:

(1) by striking the words "to District Court" in the heading thereof;

(2) by substituting the words "appropriate court" for "United States District Court for the District of Columbia", in the first sentence;

(3) by designating the present section as subsection (a);

(4) by adding at the end thereof:

"(b) Petitions for writs directed to Federal officers and employees shall be filed in the United States District Court for the District of Columbia.

"(c) Petitions for writs directed to all other persons shall be filed in the Superior Court of the District of Columbia."; and

(5) by amending the reference to section 16–1901 in the analysis to read as follows:

"16–1901. Petition; issuance of writ."

FAMILY DIVISION PROCEEDINGS

SEC. 214. (a) The analysis of title 16 of the District of Columbia Code is amended by substituting

"23. Family Division Proceedings"

for

"23. Juvenile Court Proceedings".

(b) Chapter 23 of title 16 of the District of Columbia Code is amended to read as follows:

"Chapter 23.—FAMILY DIVISION PROCEEDINGS

"Subchapter I.—Proceedings Regarding Delinquency, Neglect, or Need of Supervision

"Sec.

"16–2301. Definitions.
"16–2302. Right to counsel.
"16–2303. Petition; contents; amendment.
"16–2304. Service of summons and petitions.
"16–2305. Initial appearance.
"16–2306. Taking into custody.
"16–2307. Criteria for detaining children.
"16–2308. Release or delivery to Family Division.
"16–2309. Detention or shelter care hearing; intermediate disposition.
"16–2310. Place of detention or shelter.
"16–2311. Consent decree.
"16–2312. Physical and mental examinations.
"16–2313. Conduct of hearings.
"16–2314. Hearings; findings; dismissal.
"16–2315. Predisposition study and report.
"16–2316. Disposition of child who is neglected, delinquent, or in need of supervision.
"16–2317. Disposition of mentally ill or substantially retarded child.
"16–2318. Limitation of time on dispositional orders.
"16–2319. Modification, termination of orders.
"16–2320. Probation revocation; disposition.
"16–2321. Support of committed child.
"16–2322. Court costs and expenses.
"16–2323. Interlocutory appeals.
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"Subchapter I.—Proceedings Regarding Delinquency, Neglect, or Need of Supervision

"§ 16–2301. Definitions

"As used in this chapter—

"(1) 'Division' means the Family Division of the Superior Court of the District of Columbia.

"(2) 'Judge' means a judge of the Family Division of the Superior Court.

"(3) 'Child' means an individual who is under eighteen years of age, except that the term 'child' does not include an individual who is:

"(A) sixteen years of age or older,

"(i) who, under circumstances where a motion could have been filed pursuant to subsection (a) of section 11–1104 of this Code requesting transfer for criminal prosecution, has previously been found delinquent or been the subject of a consent decree entered after the filing of a delinquency petition, and

"(ii) who is charged by the United States Attorney with murder, manslaughter, rape, mayhem, arson, kidnaping, burglary, robbery, any assault with intent to commit any of the above offenses, or assault with a dangerous weapon; or

"(B) sixteen years of age or older and who is charged with a traffic offense.

Jurisdiction over an individual described in (A) shall not be affected by a subsequent plea or verdict as to any lesser included offense, nor by the fact that such individual is charged jointly with an offense not enumerated in (A) (ii) but based upon the same acts or transaction.

"For purposes of this subchapter, the term 'child' also includes an individual described in (A) or (B) who is under the age of twenty-one and charged with an offense committed prior to the age of sixteen; or an individual not described in (A) who is under the age of twenty-one and charged with a delinquent act committed prior to the age of eighteen.

"(4) 'Minor' means an individual who is under the age of twenty-one years.

"(5) 'Adult' means an individual who is twenty-one years of age or older.

"(6) 'Delinquent child' means a child who has been found to have committed a delinquent act and to be in need of care or rehabilitation.

"(7) 'Delinquent act' means an act designated as an offense under the law of the District of Columbia, or of a State if the act occurred in the State, or under Federal law. Traffic offenses shall not be deemed delinquent acts unless committed by an individual who is under the age of sixteen.

"(8) 'Person in need of supervision' means a child who—

(A) (i) being subject to compulsory school attendance, is habitually and without justification truant from school;

(ii) has committed an offense committable only by children; or

(iii) is habitually disobedient of the reasonable and lawful commands of his parent, guardian, or other custodian and is ungovernable; and

(B) is in need of care or rehabilitation.

"(9) 'Neglected child' means a child—

"(A) who has been abandoned or abused by his parent, guardian, or other custodian;

"(B) who is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his physical, mental, or emotional health, and the deprivation is not due to the lack of financial means of his parents, guardian, or other custodian;

"(C) whose parent, guardian, or other custodian is unable to discharge his responsibilities to and for the child because of incarceration, hospitalization, or other physical or mental incapacity; or

"(D) who has been placed for care or adoption in violation of law;

except that the qualification stated in section 6 of the Act of November 6, 1966 (80 Stat. 1355, D.C. Code section 2–166) shall apply for purposes of this subchapter.

"(10) 'Mentally ill child' means a child who is mentally ill within the meaning of section 21–501 of this Code.

"(11) 'Substantially retarded child' means a child who is substantially retarded within the meaning of section 21–1101 of this Code.

"(12) 'Custodian' means a person or agency, other than a parent or legal guardian, to whom legal custody of a child has been given by court order and who is acting in loco parentis.

"(13) 'Detention or shelter care hearing' means a proceeding to determine whether there is probable cause to believe that allegations made in a petition are true and to determine whether a child should be placed or retained in detention or shelter care.

"(14) 'Detention' means the temporary secure custody of a child in facilities, designated by the Division, pending a final disposition of a petition.

"(15) 'Shelter care' means the temporary care of a child in physically unrestricting facilities, designated by the Division, pending a final disposition of a petition.

"(16) 'Factfinding hearing' means a hearing to determine whether the allegations of a petition are true.

"(17) 'Dispositional hearing' means a hearing, after a finding of fact, to determine—

"(A) whether the respondent in a delinquent or need of supervision case is in need of care or rehabilitation and, if so, what order of disposition should be made; or

"(B) what order of disposition should be made in a neglect case.

"(18) 'Probation' means a legal status created by court order following an adjudication of delinquency or need of supervision, whereby a minor is permitted to remain in his own home subject to supervision and return to the Division for violation of probation at any time during the period of probation.

"(19) 'Protective supervision' means a legal status created by Division order in neglect cases whereby a minor is permitted to remain in his home under supervision, subject to return to the Division during the period of protective supervision.

"(20) 'Guardianship of the person of a minor' means the duty and authority to make important decisions in matters having a permanent effect on the life and development of the minor, and to be concerned with his general welfare. It includes (but is not limited to)—

"(A) authority to consent to marriage, enlistment in the Armed Forces, major medical, surgical, or psychiatric treatment; to represent the minor in legal actions; and to make other decisions concerning the minor of substantive legal significance;

"(B) the authority and duty of reasonable visitation (except as limited by court order);

"(C) the rights and responsibility of legal custody when guardianship of the person is exercised by the natural or adoptive parent (except where legal custody has been vested in another person or an agency or institution);

"(D) the authority to exercise residual parental rights and responsibilities when the rights of his parents or only living parent have been judicially terminated or when both parents are dead.

"(21) 'Legal custody' means a legal status created by court order which vests in a custodian the right to have physical custody of a minor and to determine where and with whom he shall live; the right and duty to protect, train, and discipline the minor; and the responsibility to provide him with food, shelter, education, and ordinary medical care. The rights and responsibilities of legal custody are subject to the rights and responsibilities of the guardian of the person of the minor and any residual parental rights and responsibilities.

"(22) 'Residual parental rights and responsibilities' means those rights and responsibilities remaining with the parent after transfer of legal custody or guardianship of the person, including (but not limited to) the right of visitation, consent to adoption, and determination of religious affiliation and the responsibility for support.

"§ 16–2302. Right to counsel

"(a) A child alleged to be delinquent or in need of supervision is entitled to be represented by counsel at all critical stages of Family Division proceedings, including the time of admission or denial of allegations in the petition and all subsequent stages. If the child and his parent, guardian, or custodian are financially unable to obtain adequate representation, the child shall be entitled to have counsel appointed for him in accordance with rules established by the Superior Court. In its discretion, the Division may appoint counsel for the child over the objection of the child, his parent, guardian, or other custodian.

"(b) When a child is alleged to be neglected, the parent, guardian, or custodian of the child named in the petition is entitled to be represented by counsel at all critical stages of the Family Division proceedings and, if financially unable to obtain adequate representation, to have counsel appointed in accordance with rules established by the Superior Court. The Division shall, where appropriate, appoint separate counsel to represent the child, as provided in section 16–918 of this Code.

"§ 16–2303. Petition; contents; amendment

"(a) Complains alleging delinquency, need of supervision, or neglect shall be referred to the Director of Social Services who shall conduct a preliminary inquiry to determine whether the best interests of the child or the public require that a petition be filed. If judicial action appears warranted, under criteria established by the Superior Court, the Director shall recommend that a petition be filed. If the Director decides not to recommend the filing of a petition, the complaint in a delinquency or neglect case shall have a right to have said decision reviewed by the Corporation Counsel, and the Director of Social Services shall notify the complaint of such right of review.

"(b) Petitions initiating Division action may be signed by any person who has knowledge of the facts alleged or, being informed of them, believes they are true, except that petitions alleging need of supervision may only be signed by the Director of Social Services, a representative of a public agency or a nongovernmental agency licensed and authorized to care for children, a representative of a public or private agency providing social service for families, a school official, or a law enforcement officer. Petitions shall be verified upon information or belief.

"(c) All petitions shall be prepared by the Corporation Counsel after an inquiry into the facts and a determination of the legal basis for the petition. If the Director of Social Services has refused to recommend the filing of a delinquency or neglect petition, the Corporation Counsel, on request of the complainant, shall receive the facts presented and shall prepare and file a petition if he believes such action is necessary to protect the community or the interests of the child. Any decision of the Corporation Council on whether to file a petition shall be final.

"(d) Petitions shall be filed by the Corporation Counsel within five days after a complaint has been referred to the Director of Social Services, except as otherwise provided in section 16–2309. A petition shall set forth plainly and concisely the facts which bring the child within the provisions of subsection (12) of section 11–1101 of this code including, in delinquency cases, the specific statute or ordinance on which the charge is based; and if delinquency or need of supervision is alleged, a statement that the child appears to be in need of care or rehabilitation. The petition shall contain such other facts and information as may be required by rules of the Superior Court.

"(e) A petition may be amended by leave of the Division on motion of the Corporation Counsel or counsel for the child, at any time prior to the conclusion of the factfinding hearing. The Division shall grant the Corporation Counsel, the child and his parent, guardian, or custodian notice of the amendment and, where necessary, additional time to prepare.

"(f) The Government of the District of Columbia shall be a party to all proceedings under this subchapter.

"§ 16–2304. Service of summons and petition

"(a) When a petition is filed, the Division shall set a time for initial appearance and shall direct the issuance of summonses. If delinquency or need of supervision is alleged, a summons, together with a copy of the petition, shall be served upon the child and upon his spouse (if any) and his parent, guardian, or other custodian. If neglect is alleged, the summons, together with a copy of the petition, shall be served on the parent, guardian, or other custodian of the child named in the petition. Where appropriate to the proper disposition of the case, the Division may direct service of summonses upon other persons. A summons issued pursuant to this section shall advise the parties of the right to counsel as provided in section 16–2302.

"(b) Upon request of the Corporation Counsel, the Division may endorse upon the summons an order directing the parent, guardian, or other custodian of the child to appear personally at the hearing and directing the person having physical custody or control of the child to bring the child to the hearing.

"(c) If it appears, from information presented to the Division, that there are grounds to take the child into custody as provided in section 16–2306, or that the child may leave or be removed from the jurisdiction of the Superior Court or will not be brought to the hearing, notwithstanding service of the summons, the Division may endorse upon the summons an order that the officer serving the summons shall at once take the child into custody. If the child is taken into custody under this section, the provisions of sections 16–2306 through 16–2308 shall apply.

"(d) If, at the time the petition is filed, a detention or shelter care hearing is required by section 16–2309, this section shall not apply.

"§ 16–2305. Initial appearance

"At the time set forth in the summons, but in no case later than five days after a petition has been filed, the child named in a delinquency or need of supervision petition or the parent, guardian, or custodian of a child named in a neglect petition shall appeal before a judge of the Division and shall be advised of the contents of the petition and of the right to counsel as provided in section 16–2302. At that time the child, or in neglect cases the parent, guardian, or custodian, may admit or deny the allegations in the petition, but it shall not be necessary at the initial appearance for the Corporation Counsel to establish probable cause to believe that the allegations in the petition are true. At the initial appearance, the judge may set the time for the fact-finding hearing or continue the matter until a later time. This section shall not apply in any case where, prior to or at the time of the initial appearance, a detention or shelter care hearing required by section 16–2309.

"§ 16–2306. Taking into custody

"A child may be taken into custody—

"(1) pursuant to order of the Division under section 16–2304 or 16–2308;

"(2) by a law enforcement officer when he has reasonable grounds to believe that the child has committed a delinquent act;

"(3) by a law enforcement officer when he has reasonable grounds to believe that the child is suffering from illness or injury or is in immediate danger from his surroundings, and that his removal from his surroundings is necessary; or

"(4) by a law enforcement officer when he has reasonable grounds to believe that the child has run away from his parent, guardian, or other custodian.

"§ 16–2307. Criteria for detaining children

"(a) A child shall not be placed in detention prior to a factfinding hearing or a dispositional hearing unless he is alleged to be delinquent or in need of supervision and unless it appears from available information that detention is required:

"(1) to protect the person or property of others or of the child, or

"(2) to secure the child's presence at the next court hearing.

"(b) A child shall not be placed in shelter care prior to a factfinding hearing or a dispositional hearing unless it appears from available information that shelter care is required:

"(1) to protect the person of the child, or

"(2) because the child has no parent, guardian, or custodian or other person or agency able to provide supervision and care for him, and the child appears unable to care for himself.

"(c) The criteria for detention and shelter care provided in this section, as implemented by rules of the Superior Court, shall govern the decisions of all persons responsible for determining whether detention or shelter care is warranted prior to any Family Division hearing.

"§ 16–2308. Release or delivery to Family Division

"(a) A person taking a child into custody shall with all reasonable speed:

"(1) where the child's placement in detention or shelter care does not appear to be required under section 16–2307, release the child to his parent, guardian, or custodian upon a promise to bring the child before the Division when requested by the Division; or

"(2) bring the child before the Director of Social Services, or to a medical facility if the child appears to require prompt treatment or to require prompt diagnosis for medical or evidentiary purposes. Any person taking a child into custody shall give prompt notice to the Corporation Counsel and to the parent, guardian, or custodian (if known) together with the reasons for custody.

"(b) When a child is brought before the Director of Social Services, the Director shall in all cases review the need for detention or shelter care prior to the admission of the child to the place of detention or shelter care. The child shall be released to his parent, guardian, or custodian unless the Director of Social Services finds that detention or shelter care is required under section 16–2307. If the child is not released, the Director of Social Services shall advise him of the right to counsel provided in section 16–2302.

"(c) If a parent, guardian, or custodian fails, when requested, to bring the child to the Division as provided in subsection (a)(1), the Division may issue a warrant directing that the child be taken into custody and brought before the Division.

"§ 16–2309. Detention or shelter care hearing; intermediate disposition

"(a) Unless a child is released as provided in section 16–2308, in all cases when a child is taken in custody:

"(1) a detention or shelter care hearing shall be held not later than the next day (excluding Sundays) after the child has been taken into custody or transferred from another court as provided by section 11–1103 of this Code; and

"(2) a petition shall be filed prior to the detention or shelter care hearing.

For good cause shown, the Division may postpone, for a period not to exceed five days, the determination of probable cause. On motion by or on behalf of the child, a child in custody shall be released from custody if his detention hearing or any part thereof is not commenced within the time set forth herein.

"(b) Prompt notice of the detention or shelter care hearing shall be given, if delinquency or need of supervision is alleged, to the child, and to his spouse (if any), parent, guardian, or custodian if he can be found, or, if neglect is alleged, to the child, and to the parent, guardian, or custodian named in the petition if he can be found. Counsel for the child, and in neglect cases also counsel for the parent, guardian, or custodian, shall be entitled to a copy of the petition prior to the hearing.

"(c) At the commencement of the hearing the judge shall advise the parties as provided in section 16–2305 and appoint counsel if required. He shall afford the child, or in neglect cases the parent, guardian, or custodian, an opportunity to admit or deny the allegations in the petition, where said allegations have not previously been admitted or denied pursuant to section 16–2305. He shall then hear evidence presented by the Corporation Counsel to determine whether there is probable cause to believe that the allegations in the petition are true, and to determine whether the child should be placed or retained in detention or shelter care. The child and his parent, guardian, or custodian may present evidence on the issues and be heard in their own behalf.

"(d) At the conclusion of the hearing, the judge shall order the child released, or shall order detention or shelter care setting forth in writing his reasons therefor. If a child is released, the judge may impose one or more of the following conditions:

"(1) placement of the child in the custody of a parent, guardian, or custodian, or under supervision of a person or organization agreeing to supervise him;

"(2) placement of restrictions on the child's travel, activities, or place of abode during the period of release; or

"(3) any other condition reasonably necessary to assure the appearance of the child at a factfinding hearing or his protection from harm, including a requirement that the child return to the physical custody of the parent, guardian, or custodian after specified hours.

An order imposing conditions of release may be amended or modified by the Division at any time.

"(e) If a child is not released after hearing and the parent, guardian, or custodian did not receive notice thereof, the Division may, in the interest of justice, conduct a new hearing in accordance with rules prescribed by the Superior Court.

"(f) Over the objection of the child or his parent, guardian, or custodian, a judge who conducted a detention or shelter care hearing shall not conduct a factfinding hearing on the petition.

"§ 16–2310. Place of detention or shelter

"(a) A child in custody who is alleged to be neglected may be placed, at any time prior to disposition, only in the following places:

"(1) a foster home;

"(2) a group home, youth shelter, or other appropriate home for nondelinquent children; or

"(3) another facility for shelter care designated by the Division, including an appropriate facility operated by the District of Columbia.

No child alleged to be neglected may be placed in a facility described in paragraph (3) of subsection (b).

"(b) A child in custody who is alleged to be in need of supervision may be detained at any time prior to disposition only in the following places, and a child in custody who is alleged to be delinquent may be detained at any time prior to disposition in the following places or as provided in subsections (d) and (e):

"(1) a foster home;

"(2) a group home, youth shelter, or other appropriate home for allegedly delinquent children; or

"(3) a detention home for allegedly delinquent children or children alleged to be in need of supervision, designated or operated by the District of Columbia.

Unless the Division shall by order so authorize, no child may be detained in a facility as provided in paragraph (3) if it would result in his commingling with children who have been adjudicated delinquent and committed by order of the Family Division.

"(c) A child in detention or shelter care may be temporarily transferred to a medical facility for physical care and may, on order of the Division pursuant to section 16–2312, be temporarily transferred to a facility for mental examination or treatment.

"(d) Except as provided in subsection (e), no child under eighteen years of age may be detained in a jail or other facility for the detention of adults, unless transferred as provided in section 11–1104 of this Code. The appropriate official of a jail or other facility for the detention of adults shall inform the Superior Court immediately when a child under the age of eighteen years is received there (other than by transfer) and shall (1) deliver him to the Director of Social Services upon request, or (2) transfer him to a detention facility described in subsection (b)(3).

"(e) A child sixteen years of age or older who is alleged to be delinquent and who is in detention, whose conduct constitutes a menace to other children, and who cannot be controlled, may on order of the Division be transferred to a place of detention for adults, but shall be kept separate from adults.

"§ 16–2311. Consent Decree

"(a) At any time after the filing of a delinquency or need of supervision petition and prior to adjudication at a factfinding hearing, the Division may, on motion of the Corporation Counsel or counsel for the child, suspend the proceedings and continue the child under supervision, without commitment, under terms and conditions established by rules of the Superior Court. Such a consent decree shall not be entered unless the child is represented by counsel and has been informed of the consequences of the decree nor shall it be entered over the objection of the child or of the Corporation Counsel.

"(b) A consent decree shall remain in force for six months unless the child is sooner discharged by the Director of Social Services. Upon application of the Director of Social Services or an agency supervising the child made prior to the expiration of the decree, a consent decree may, after notice and hearing, be extended for not more than six additional months by order of the Division.

"(c) If prior to the expiration of the decree or discharge by the Director of Social Services, the child fails to fulfill the express conditions of the decree or a new delinquency or need of supervision petition is filed concerning the child, the original petition under which the decree was filed may, in the discretion of the Corporation Counsel following consultation with the Director of Social Services, be reinstated. The child shall thereafter be held accountable on the original petition as if the consent decree had never been entered.

"(d) If a child completes the period of continuance under supervision in accordance with the consent decree or is sooner discharged by the Director of Social Services, the Family Division shall dismiss the original petition.

"§ 16–2312. Physical and mental examinations

"(a) At any time following the filing of a petition, on motion of the Corporation Counsel or counsel for the child, or on its own motion, the Division may order a child to be examined to aid in determining his physical or mental condition.

"(b) Wherever possible examinations shall be conducted on an outpatient basis, but the Division may, if it deems necessary, commit the child to a suitable medical facility or institution for the purpose of examination. Commitment for examination shall be for a period of not more than thirty days unless the Division, for good cause shown, shall extend the commitment for additional periods of not more than thirty days. No more than two such extensions may be granted by the Division.

"(c)(1) If as a result of a mental examination the Division determines that a child alleged to be delinquent is incompetent to participate in proceedings under the petition by reason of mental illness or substantial retardation, it shall, except as provided in subsection (2), suspend further proceedings and the Corporation Counsel shall initiate commitment proceedings pursuant to chapter 5 or chapter 11 of title 21 of this Code.

"(2) If a motion for transfer for criminal prosecution has been filed pursuant to section 11–1104 of this Code and the Division determines that a child alleged to be delinquent is incompetent to participate in the transfer proceedings by reason of mental illness, it shall suspend further proceedings and order the child confined to a suitable hospital or facility for the mentally ill until his competency is restored. If prior to the time the child reaches the age of 21 it appears that he will not regain his competency to participate in the proceedings, the Corporation Counsel shall initiate commitment proceedings pursuant to chapter 5 of title 21 of this Code.

"(3) If, as a result of mental examination, the Division determines that a child alleged to be neglected or in need of supervision is incompetent to participate in proceedings under the petition by reason of mental illness or substantial retardation, it shall suspend further proceedings. If proceedings are suspended, the Corporation Counsel may initiate commitment proceedings pursuant to chapter 5 or chapter 11 of title 21 of this Code.

"(d) The results of an examination under this section shall be admissible in a transfer hearing pursuant to section 11–1104 of this Code, in a dispositional hearing under this subchapter, or in a commitment proceeding under chapter 5 or chapter 11 of title 21 of this Code. The results of examination may be admitted into evidence at a factfinding hearing to aid the Division in determining a material allegation of the petition relating to the child's mental or physical condition, but not for the purpose of establishing a defense of noninvolvement by reason of insanity.

"(e) Following an adjudication at a factfinding hearing that a child is neglected, the Division may order the mental or physical examination of the parent, guardian, or custodian of the child whose ability to care for the child is at issue. The results of the examination shall be admissible at a dispositional hearing on the petition alleging neglect.

"§ 16–2313. Conduct of hearings

"(a) The Division shall hear and adjudicate cases involving delinquency, need of supervision, and neglect without a jury. The Corporation Counsel shall present evidence in support of all petitions arising under this subchapter and otherwise represent the District of Columbia in all proceedings.

"(b) Evidence which is competent, material, and relevant shall be admissible at factfinding hearings. Evidence which is material and relevant shall be admissible at detention hearings, transfer hearings under section 11–1104 of this Code, and dispositional hearings.

"(c) All hearings and proceedings under this subchapter shall be recorded by appropriate means. Except in hearings to declare a person in contempt of court, the general public shall be excluded from hearings arising under this subchapter. Only persons necessary to the proceedings shall be admitted, but the Division may, pursuant to rule of the Superior Court, admit such other persons (including members of the press) as have a proper interest in the case or the work of the court on condition that they refrain from divulging information identifying the child or members of his family involved in the proceedings.

"(d) If the Division finds that it is in the best interest of the child, it may temporarily exclude him from any proceeding except a factfinding hearing. If the petition alleges neglect, the child may also be temporarily excluded from a factfinding hearing. In any case, counsel for the child may not be excluded.

"§ 16–2314. Hearings; findings; dismissal

"(a) Except as otherwise provided by statute or court rule, all motions shall be heard at the time of the factfinding hearing.

"(b) After a factfinding hearing on the allegations in the petition, the Division shall make and file written findings, in all cases, as to the truth of the allegations, and, in neglect cases, also as to whether the child is neglected. If the Division finds that the allegations in a delinquency or need of supervision petition have not been established by proof beyond a reasonable doubt, or that the allegations in a neglect petition or the conclusion that the child is neglected have not been established by clear and convincing evidence, it shall dismiss the petition and order the child released from any detention, shelter care, or other restriction previously ordered.

"(c) If the petition alleging delinquency or need of supervision has not been dismissed, the Division shall commence to hear evidence as to whether the child is in need of care or rehabilitation, within fifteen days after the conclusion of the factfinding hearing when the child is in custody or within thirty days when the child is not in custody. Evidence which is material and relevant shall be admissible to determine need for care or rehabilitation even though not competant at a factfinding hearing. In the absence of evidence to the contrary, a finding of the commission of an act which would constitute a felony is sufficient to sustain a finding of need for care or rehabilitation.

"(d) If the Division finds on the basis of clear and convincing evidence that the child is in need of care or rehabilitation in a delinquency or need of supervision case, the Division shall proceed to make proper disposition of the case. If the Division finds that the child is not in need of care or rehabilitation, it shall terminate the proceedings and discharge the child from detention, shelter care, or other restriction previously ordered.

"(e) If the petition alleging neglect has not been dismissed, pursuant to subsection (b) or otherwise, the Division shall proceed to make proper disposition of the case, within fifteen days after the conclusion of the factfinding hearing when the child is in custody or within thirty days when the child is not in custody.

"(f) After any factfinding hearing, if the proceedings are not terminated, the Division shall review the need for detention or shelter care of the child.

"(g) The Division shall set the time of any dispositional hearing in accordance with this section and shall give prompt notice thereof, in delinquency and need of supervision cases, to the child, and to his spouse (if any), parent, guardian, or custodian, or, in neglect cases, to the child, and to the parent guardian or custodian named in the petition if he can be found.

"§ 16–2315. Predisposition study and report

"After a motion for transfer has been filed, or after the Division has made findings pursuant to subsection (b) of section 16–2314 sustaining the allegations of a petition and, in neglect cases, the conclusion that the child is neglected, the Division shall direct that a predisposition study and report to the Division be made by the Director of Social Services or a qualified agency designated by the Division, concerning the child, his family, his environment, and other matters relevant to the need for treatment or disposition of the case. Except in connection with a hearing on a transfer motion, no predisposition study or report shall be furnished to or considered by the Division prior to completion of the factfinding hearing.

"§ 16–2316. Disposition of child who is neglected, delinquent, or in need of supervision

"(a) If a child is found to be neglected, the Division may order any of the following dispositions which will be in the best interest of the child:

"(1) permit the child to remain with his parent, guardian, or other custodian, subject to such conditions and limitations as the Division may prescribe, including but not limited to medical, psychiatric, or other treatment at an appropriate facility on an out-patient basis;

"(2) place the child under protective supervision;

"(3) transfer legal custody to any of the following—

"(A) a public agency responsible for the care of neglected children;

"(B) a child-placing agency or other private organization or facility which is licensed or otherwise authorized by law and is designated by the Commissioner of the District of Columbia to receive and provide care for the child; or

"(C) a relative or other individual who is found by the Division to be qualified to receive and care for the child;

"(4) commitment of the child for medical, psychiatric, or other treatment at an appropriate facility on an in-patient basis if, at the dispositional hearing provided for in section 16–2314 of this subchapter, the Division finds that confinement is necessary to the treatment of the child. A child for whom medical, psychiatric, or other treatment is ordered may petition the Division for review of the order thirty days after treatment under the order has commenced, and, if, after a hearing for the purpose of such review the original order is affirmed, the child may petition for review thereafter every six months; or

"(5) make such other disposition as may be provided by law and as the Division deems to be in the best interests of the child and the community.

"(b) Unless a child found neglected is also found to be delinquent, he shall not be committed to or confined in an institution for delinquent children.

"(c) If a child is found to be delinquent or in need of supervision, the Division may order any of the following dispositions for his supervision, care, and rehabilitation:

"(1) any disposition authorized by subsection (a);

"(2) transfer of legal custody to a public agency for the care of delinquent children;

"(3) probation under such conditions and limitations as the Division may prescribe.

"(d) No child found in need of supervision, unless also found delinquent, shall be committed to or placed in an institution or facility for delinquent children; except that, if such child is again alleged to be in need of supervision and the court, after hearing, so finds, the Division may specify that such child be committed to or placed in an institution or facility for delinquent children.

"§ 16–2317. Disposition of mentally ill or substantially retarded child

"(a) If no previous examination has been made under section 16–2312 and the Division, after the factfinding but prior to the dispositional hearing, has reason to believe that a child is mentally ill or substantially retarded, it may order an examination as provided in section 16–2312.

"(b) If as a result of the examination the child is found to be mentally ill or substantially retarded, the Division shall, in lieu of other disposition, direct the appropriate authority to initiate commitment proceedings under chapter 5 or chapter 11 of title 21 of this Code. The Division may order the child detained in suitable facilities pending commitment proceedings.

"(c) If the examination does not indicate that commitment proceedings should be initiated or if the proceedings do not result in commitment, the Division shall proceed to disposition pursuant to this subchapter.

"§ 16–2318. Limitation of time on dispositional orders

"(a)(1) A disposition order vesting legal custody of a child in a department, agency, or institution shall remain in force for an indeterminate period not exceeding two years. Unless the order specifies that release is permitted only by order of the Division, the department, agency, or institution may release the child at any time that it appears the purpose of the disposition order has been achieved.

"(2) An order vesting legal custody of a child in an individual other than his parent shall remain in force for two years unless sooner terminated by order of the Division.

"(3) An order of probation or a protective supervision order shall remain in force for a period not exceeding one year from the date entered, but the Director of Social Services or the agency providing supervision may terminate supervision at any time that it appears the purpose of the order has been achieved.

"(b) A dispositional order vesting legal custody of a child in a department, agency, or institution may be extended for additional periods of one year, upon motion of the department, agency, or institution to which the child was committed, if, after notice and hearing, the Division finds that—

"(1) in the case of a neglected child, the extension is necessary to safeguard his welfare; or

"(2) in the case of a child adjudicated delinquent or in need of supervision, the extension is necessary for his rehabilitation or the protection of the public interest.

"(c) Any other dispositional order may be extended for additional periods of one year, upon motion of the Director of Social Services, if, after notice and hearing, the Division finds that extension is necessary to protect the interest of the child.

"(d) A release or termination of an order prior to expiration of the order pursuant to subsection (a) (1) or (3), shall promptly be reported in writing to the Division.

"(e) Upon termination of a dispositional order a child shall be notified in writing of its termination. Upon termination of an order or release a child shall be notified, in accordance with rules of the Superior Court, of his right to request the sealing of his records as provided in section 11–1109 of this Code.

"(f) Unless sooner terminated, all orders of the Division under this subchapter in force

with respect to a child terminate when he reaches twenty-one years of age.

"§ 16–2319. Modification, termination of orders

"(a) An order of the Division under this subchapter shall be set aside if—

"(1) it was obtained by fraud or mistake sufficient to set aside an order or judgment in a civil action;

"(2) the Division lacked jurisdiction; or

"(3) newly discovered evidence so requires.

"(b) A child who has been committed under this subchapter to the custody of an institution, agency or person, or the parent or guardian of the child, may file a motion for modification or termination of the order of commitment on the ground that the child no longer is in need of commitment, if the child or his parent or guardian has applied to the institution or agency for release and the application was denied or not acted upon within a reasonable time.

'(c) The Director of Social Services shall conduct a preliminary review of motions filed under subsection (b) and shall prepare a report to the Division on the allegations contained therein. The Director may dismiss the motion if it concludes from the report that it is without substance. Otherwise, the Division, after notice, shall hear and determine the issues raised by the motion and deny the motion, or enter an appropriate order modifying or terminating the order of commitment, if it finds such action necessary to safeguard the welfare of the child or the interest of the public.

"(d) A motion may be filed under subsection (b) no more than once every six months.

"§ 16–2320. Probation revocation; disposition

"(a) If a child on probation incident to an adjudication of delinquency or need of supervision commits a new delinquent act, or a probation violation not amounting to a delinquent act, he may be proceeded against in a probation revocation hearing.

"(b) A proceeding to revoke probation shall be commenced by the filing of a revocation petition by the Corporation Counsel. The petition shall be in such form as may be prescribed by rule of the Superior Court and shall be served together with a summons in the manner provided in section 16–2304.

"(c) Probation revocation proceedings shall be heard without a jury and shall require establishment of the facts alleged by a preponderance of the evidence. As nearly as may be appropriate, probation revocation proceedings shall conform to the procedures established by this subchapter for delinquency and need of supervision cases.

"(d) If a child is found to have violated the terms of his probation, the Division may modify the terms and conditions of the probation order, extend the period of probation, or enter any other order of disposition specified in section 16–2316 for a delinquent child.

"§ 16–2321. Support of committed child

"Whenever legal custody of a child is vested in any agency or individual other than the child's parent, after due notice to the parent or other persons legally obligated to care for and support the child and after hearing, the Division may, at the dispositional hearing or thereafter, order and decree that the parent or other legally obligated person shall pay, in such manner as the Division may direct, a reasonable sum that will cover in whole or in part the support and treatment of the child after the decree is entered. If the parent or other legally obligated person willfully fails or refuses to pay such sum, the Division may proceed against him for contempt, or the order may be filed and shall have the effect of a civil judgment.

"§ 16–2322. Court costs and expenses

"If, at the dispositional hearing or thereafter, the Division finds after due notice and hearing that the parent or other person legally obligated to care for and support a child subject to proceedings under this subchapter is financially able to pay, the Division may order him to pay all or part of the costs of—

"(1) physical and mental examinations and treatment of the child ordered by the Division; and

"(2) reasonable compensation for services and related expenses of counsel appointed by the court to represent the child, or, in neglect cases, himself.

Payment shall be made as prescribed by rules of the Superior Court.

"§ 16–2323. Interlocutory appeals

"(a) A child who has been ordered transferred for criminal prosecution under section 11–1104 of this Code or detained or placed in shelter care or subjected to conditions of release under section 16–2309, shall have a right of interlocutory appeal. Such appeal shall be commenced by the filing of a notice of interlocutory appeal within two days of the entry of the order appealed from.

"(b) The District of Columbia Court of Appeals shall hear argument on an appeal pursuant to subsection (a) on or before the second day (excluding Sundays) after the filing of notice, shall dispense with any requirement of written briefs other than the supporting materials previously submitted to the Family Division, shall render its decision on the next day following argument on appeal, and in so rendering may dispense with the issuance of a written opinion.

"(c) In cases involving transfer for criminal prosecution, the pendency of an interlocutory appeal shall act to stay criminal proceedings. Until the time for filing an interlocutory appeal has lapsed, or if an appeal is filed until its completion, no child who has been ordered transferred for criminal prosecution shall be removed to a place of adult detention, except as provided in section 16–2310, or otherwise treated as an adult.

"(d) The decision of the District of Columbia Court of Appeals shall be final.

"§ 16–2324. Finality of judgments; appeals; transcripts

"(a) Except as otherwise expressly provided by law, in all hearings and cases tried before the Division pursuant to this subchapter, the judgment of the Division is final.

"(b) In all appeals from decisions of the Family Division with respect to a child alleged to be neglected, delinquent, or in need of supervision, the child shall be identified only by initials in all transcripts, briefs, and other papers filed, and all necessary steps, as prescribed by rule of the District of Columbia Court of Appeals, shall be taken to protect the identity of the child.

"(c) Upon the filing of a motion and supporting affidavit stating that he is financially unable to purchase a transcript, a party who has filed notice of appeal or interlocutory appeal shall be furnished, at no cost or at such part of cost as he is able to pay, so much of the transcript as is necessary adequately to prepare and support the appeal.

"(d) An appeal does not operate to stay the order, judgment, or decree appealed from, but on application and hearing whenever the case is properly before the appellate court, that court may order otherwise if suitable provision is made for the care and custody of the child.

"§ 16–2325. Additional powers of the Director of Social Services

"In addition to the powers and duties prescribed in section 11–1722, the Director of Social Services shall have power to take into custody and place in detention or shelter care, in accordance with this subchapter, children who are under his supervision as delinquent, in need of supervision, or neglected, or children who have run away from agencies or institutions to which they were committed under this subchapter.

"§ 16–2326. Order of adjudication noncriminal

"A consent decree, order of adjudication, or order of disposition in a proceeding under this subchapter is not a conviction of crime and does not impose any civil disability ordinarily resulting from a conviction, nor does it operate to disqualify a child in any future civil service examination, appointment, or application for public service under either the Government of the United States or of the District of Columbia.

"§ 16–2327. Emergency medical treatment

"Nothing in this subchapter shall prevent a public agency having custody of a child who is under the jurisdiction of the Division from providing the child with emergency medical treatment.

"§ 16–2328. Time limitations

"(a) On motion in any case by or on behalf of the child, or in neglect cases also by or on behalf of his parent, guardian, or custodian, delinquency, need of supervision, or neglect petition shall be dismissed with prejudice where the fact-finding hearing is not commenced within:

"(1) thirty days from the filing of the petition, where the child is not in custody at the time of said filing and is not, within ten days after said filing, taken into custody for the offense or acts charged in the petition; or

"(2) in all other cases, fifteen days from the filing of the petition.

"(b) In all proceedings in the Family Division, time limitations shall be reasonably construed by the Division for the protection of the community and of the child.

"(c) The following periods shall be excluded in computing the time limits established for proceedings under this subchapter and section 11–1104 of this Code:

"(1) the period of delay resulting from a continuance granted, upon grounds constituting unusual circumstances, at the request or with the consent, in any case, of the child or his counsel, or, in neglect cases, also of the parent, guardian, or custodian;

"(2) the period of delay resulting from other proceedings concerning the child, including but not limited to an examination or hearing on mental health or retardation and a hearing on a transfer motion;

"(3) the period of delay resulting from a continuance granted at the request of the Corporation Counsel if the continuance is granted because of the unavailability of evidence material to the case, when the Corporation Counsel has exercised due diligence to obtain such evidence and there are reasonable grounds to believe that such evidence will be available at the later date; or if the continuance is granted to allow the Corporation Counsel additional time to prepare his case and additional time is required due to the exceptional circumstances of the case;

"(4) the period of delay resulting from the imposition of a consent decree;

"(5) the period of delay resulting from the absence or unavailability of the child; and

"(6) a reasonable period of delay when the child is joined for a hearing with another child as to whom the time for a hearing has not run and there is good cause or not hearing the case separately. In all other cases, the child's case shall be separated from the hearing of another child alleged to have participated in the same offense so that a hearing may be held within the time limits applicable to him.

"Subchapter II.—Paternity Proceedings

"§ 16–2341. Representation

"Where a public support burden has been incurred or is threatened, the Corporation Counsel of the District of Columbia, or any of his assistants, shall bring a civil action on behalf of any wife or child in the Family Division of the Superior Court of the Dis-

trict of Columbia to enforce support of such wife or child under subdivision (3), (4), (10), or (11) of section 11–1101(a).

"In all cases arising under subdivisions (3), (4), (10), and (11) of section 11–1101 (a), where the court deems it necessary and proper, an attorney shall be appointed by the court to represent the respondent.

"Nothing in this section shall be construed to interfere with the right of an individual to file a civil action under the subdivisions aforementioned.

"§ 16–2342. Time of bringing complaint

"Proceedings under subdivisions (3) and (11) of sec. 11–1101(a) to establish paternity and provide for the support of a child born out of wedlock may be instituted after four months of pregnancy or within two years after the birth of the child, or within one year after the putative father has ceased making contributions for the support of the child. The time during which the respondent is absent from the jurisdiction shall be excluded from the computation of the time within which a complaint may be filed.

"§ 16–2343. Blood tests

"When it is relevant to an action arising under section 11–1101(a), the court may direct that the mother, child, and the respondent submit to one or more blood tests to determine whether or not the respondent can be excluded as being the father of the child, but the results of the test may be admitted as evidence only in cases where the respondent does not object to its admissibility. Where the parties cannot afford the cost of a blood test, the court may direct the Department of Public Health to perform such tests without fee.

"§ 16–2344. Exclusion of public

"Upon the trial of proceedings pursuant to subdivision (3), (4), (10), or (11) of section 11–1101(a), the court may exclude the general public, and shall do so at the request of either party.

"§ 16–2345. New birth record upon marriage of natural parents

"When a certified copy of a marriage certificate is submitted to the Director of Public Health, establishing that the previously unwed parents of a child born out of wedlock have intermarried subsequent to the birth of the child, and the paternity of the child has been judicially determined or acknowledged by the husband before the Commissioner of the District of Columbia or his designated agent, or has been acknowledged in an affidavit sworn to by the husband before a judge or the clerk of a court of record, or before an officer of the Armed Forces of the United States authorized to administer oaths, and the affidavit is delivered to the Commissioner or his designated agent, a new certificate of birth bearing the original date of birth and the names of both parents shall be issued and substituted for the certificate of birth then on file. The original certificate of birth and all papers pertaining to the issuance of the new certificate shall be placed under seal, and opened for inspection only upon order of the Family Division of the Superior Court of the District of Columbia.

"§ 16–2346. Reports to Director of Public Health

"(a) Upon entry of a final judgment determining the paternity of a child born out of wedlock, the clerk of the court shall forward a certificate to the Director of Public Health of the District of Columbia, or his authorized representative, in the jurisdiction in which the child was born, giving the name of the person adjudged to be the father of the child.

"(b) Upon receipt of the certificate provided for by subsection (a) of this section, the Director of Public Health or his authorized representative shall file it with the original birth record, and thereafter may issue a certificate of birth registration including thereon the name of the person adjudged to be the father of the child.

"§ 16–2347. Death of respondent; liability of estate

"If the respondent dies after paternity has been established and prior to the time the child reaches the age of 18 years, any sums due and unpaid under an order of the court at the time of his death shall constitute a valid claim against his estate.".

(c) The following provisions of law are repealed:

(1) the Act of March 23, 1906 (34 Stat. 86), as amended (D.C. Code, secs. 22–903 through 22–905); and

(2) the proviso contained in the Act of May 18, 1910 (36 Stat. 403, D.C. Code, sec. 22–906), under the heading "COURTS" and the subheading "JUVENILE COURT".

CHANGE OF NAME

SEC. 215. Section 16–2501 of title 16, District of Columbia Code, is amended by substituting the word "court" for "the United States District Court for the District of Columbia".

NEGLIGENCE CAUSING DEATH

SEC. 216. Section 16–2701 of title 16, District of Columbia Code is amended by substituting the words "appellate court" for "United States Court of Appeals for the District of Columbia Circuit".

PARTITION AND ASSIGNMENT OF DOWER

SEC. 217. Sections 16–2901 and 16–2921 of title 16, District of Columbia Code, are amended by substituting the words "court having jurisdiction" for "United States District Court for the District of Columbia". Section 16–2901(d) is amended by substituting "sections 21–146 and 21–704" for "section 21–213." Section 16–2923, 16–2924 and 16–2925 are amended by substituting the word "court" for "District Court".

PROBATE PROCEEDINGS

SEC. 218. Chapter 31 of title 16, District of Columbia Code, is amended as follows:

(1) The title of chapter 31 is amended by striking the word "COURT";

(a) The reference to section 16–3101 in the analysis of chapter 31 is amended to read as follows:

"16–3101. Application of chapter.";

and

(b) Section 16–3101 is amended to read as follows:

"§ 16–3101. Application of chapter

"The proceedings and procedures described in this chapter apply to probate proceedings in the District of Columbia whether brought in the United States District Court for the District of Columbia or the Superior Court of the District of Columbia and references to "court" in this chapter apply to the court having jurisdiction as provided in title 11 of this Code.";

(2) Sections 16–3103, 16–3105, and 16–3106 are amended by substituting the word "court" for "Probate Court", and by substituting the words "for contempt" for "as provided by section 401 of title 18, United States Code";

(3) Section 16–3104 is amended by substituting the word "court" for "Probate Court" in subsection (a) and by striking the words "to the United States" in subsections (b);

(4) Sections 16–3102, 16–3107, 16–3108, 16–3109, 16–3110, 16–3112, and 16–3113 are amended by substituting the word "court" for "Probate Court"; and

(5) The first sentence of section 16–3111 is amended to read: "The rules of civil procedure of the appropriate court shall apply with respect to the trial of issues in probate (including the taking and use of testimony of nonresident witnesses) unless otherwise provided by law.".

QUIETING TITLE OBTAINED BY ADVERSE POSSESSION

SEC. 219. Section 16–3301 of title 16, District of Columbia Code, is amended by substituting the words "court having jurisdiction" for "United States District Court for the District of Columbia".

QUO WARRANTO

SEC. 220. Chapter 35 of title 16, District of Columbia Code, is amended to read as follows:

"Chapter 35.—QUO WARRANTO

"SUBCHAPTER I.—ACTIONS AGAINST OFFICERS OF THE UNITED STATES

"Sec.

"16–3501. Persons against whom issued; civil action.

"16–3502. Parties who may institute; ex rel. proceedings.

"16–3503. Refusal of Attorney General or United States attorney to act; procedure.

"SUBCHAPTER II.—ACTIONS AGAINST OFFICERS OR CORPORATIONS OF THE DISTRICT OF COLUMBIA

"16–3521. Persons against who issued; civil action.

"16–3522. Parties who may institute; ex rel. proceedings.

"16–3523. Refusal of United States attorney or Corporation Counsel to act; procedure.

"SUBCHAPTER III.—PROCEDURES AND JUDGMENTS

"16–3541. Allegations in petition of relator claiming office.

"16–3542. Notice to defendant.

"16–3543. Proceedings on default.

"16–3544. Pleading; jury trial.

"16–3545. Verdict and judgment.

"16–3546. Usurping corporate franchise; judgment.

"16–3547. Proceedings against corporate directors and trustees; judgment and order; enforcement.

"16–3548. Recovery of damages from usurper; limitation.

"SUBCHAPTER I.—ACTIONS AGAINST OFFICERS OF THE UNITED STATES

"§ 16–3501. Persons against who issued; civil action

"A quo warranto may be issued from the United States District Court for the District of Columbia in the name of the United States against a person who usurps, intrudes into, or unlawfully holds or exercises within the District a franchise conferred by the United States or a public office of the United States, civil or military. The proceedings shall be deemed a civil action.

"§ 16–3502. Parties who may institute; ex rel. proceedings

"The Attorney General of the United States or the United States attorney may institute a proceeding pursuant to this subchapter on his own motion or on the relation of a third person. The writ may not be issued on the relation of a third person except by leave of the court, to be applied for by the relator, by a petition duly verified setting forth the grounds of the application, or until the relator files a bond with sufficient surety, to be approved by the clerk of the court, in such penalty as the court prescribes, conditioned for the payment by him of all costs incurred in the prosecution of the writ if costs are not recovered from and paid by the defendant.

"§ 16–3503. Refusal of Attorney General or United States attorney to act; procedure

"If the Attorney General or United States attorney refuses to institute a quo warranto proceeding on the request of a person in-

terested, the interested person may apply to the court by certified petition for leave to have the writ issued. When, in the opinion of the court, the reasons set forth in the petition are sufficient in law, the writ shall be allowed to be issued by any attorney, in the name of the United States, on the relation of the interested person on his compliance with the condition prescribed by section 16–3502 as to security for costs.

"SUBCHAPTER II.—ACTIONS AGAINST OFFICERS OR CORPORATIONS OF THE DISTRICT OF COLUMBIA

"§ 16–3521. Persons against whom issued; civil action

"A quo warranto may be issued from the Superior Court of the District of Columbia in the name of the District of Columbia against—

(1) a person who usurps, intrudes into, or unlawfully holds or exercises within the District a franchise conferred by the District of Columbia, a public office of the District of Columbia, civil or military, or an office in a domestic corporation; or

(2) one or more persons who act as a corporation within the District without being duly authorized, or exercise within the District corporate rights, privileges, or franchises not granted them by law in force in the District.

The proceedings shall be deemed a civil action.

"§ 16–3522. Parties who may institute; ex rel. proceedings

"The United States attorney or the Corporation Counsel may institute a proceeding pursuant to this subchapter on his own motion, or on the relation of a third person. The writ may not be issued on the relation of a third person except by leave of the court, to be applied for by the relator, by a petition duly verified, setting forth the grounds of the application, or until the relator files a bond with sufficient surety, to be approved by the clerk of the court, in such penalty as the court prescribes, conditioned for the payment by him of all costs incurred in the prosecution of the writ if costs are not recovered from and paid by the defendant.

"§ 16–3523. Refusal of United States attorney or Corporation Counsel to act; procedures

"If the United States attorney or Corporation Counsel refuses to institute a quo warranto proceeding on the request of a person interested, the interested person may apply to the court by certified petition for leave to have the writ issued. When, in the opinion of the court, the reasons set forth in the petition are sufficient in law, the writ shall be allowed to be issued by any attorney, in the name of the District of Columbia, on the relation of the interested person, on his compliance with the conditions prescribed by section 16–3522 as to security for costs.

"SUBCHAPTER III.—PROCEDURES AND JUDGMENTS

"§ 16–3541. Allegations in petition of relator claiming office

"When a quo warranto proceeding is against a person for usurping an office, on the relation of a person claiming the same office, the relator shall set forth in his petition the facts upon which he claims to be entitled to the office.

"§ 16–3542. Notice to defendant

"On the issuing of a writ of quo warranto the court may fix a time within which the defendant may appear and answer the writ. When the defendant cannot be found in the District, the court may direct notice to be given to him by publication as in other cases of proceedings against nonresident defendants, and upon proof of publication, if the defendant does not appear, judgment may be rendered as if he had been personally served.

"§ 16–3543. Proceedings on default

"If the defendant does not appear as required by a writ of quo warranto, after being served, the court may proceed to hear proof in support of the writ and render judgment accordingly.

"§ 16–3544. Pleading; jury trial

"In a quo warranto proceeding, the defendant may demur or plead specially or plead "not guilty" as the general issue, and the United States or the District of Columbia as the case may be, may reply as in other actions of a civil character. Issues of fact shall be tried by a jury if either party requests it. Otherwise they shall be determined by the court.

"§ 16–3545. Verdict and judgment

"Where a defendant in a quo warranto proceeding is found by the jury to have usurped or intruded into or unlawfully held or exercised an office or franchise the verdict shall be that he is guilty of the act or acts in question and judgment shall be rendered that he be ousted and excluded therefrom and that the relator recover his costs.

"§ 16–3546. Usurping corporate franchise; judgment

"Where a quo warranto proceeding is against persons acting as a corporation without being legally incorporated the judgment against the defendants shall be that they be perpetually restrained and enjoined from the commission or continuance of the acts complained of.

"§ 16–3547. Proceedings against corporate directors and trustees; judgment and orders; enforcement

"Where a quo warranto proceeding is against a director or trustee of a corporation and the court finds that at his election either illegal votes were received or legal votes rejected or both sufficient to change the result if the error is corrected, the court may render judgment that the defendant be ousted, and that the relator, if entitled to be declared elected, be admitted to the office, and the court may issue an order to the proper parties, being officers or members of the corporation, to admit him to the office. The judgment may require the defendant to deliver to the relator all books, papers and other things in his custody or control pertaining to the office, and obedience to judgment may be enforced by attachment.

"§ 16–3548. Recovery of damages for usurper; limitation

"At any time within a year from a judgment in a quo warranto proceeding, the relator may bring an action against the party ousted and recover the damages sustained by the relator by reason of the ousted party's usurpation of the office to which the relator was entitled."

REPLEVIN

SEC. 221. Subchapter II of chapter 37 of title 16, District of Columbia Code and the analysis thereof are repealed, and the heading "SUBCHAPTER I—GENERAL PROVISIONS" and the reference to that heading in the analysis of chapter 37 are repealed.

SMALL CLAIMS AND CONCILIATION PROCEDURE

SEC. 222. Chapter 39 of title 16, District of Columbia Code, is amended as follows:

(1) the title of the chapter is amended by substituting "Superior Court" for "Court of General Sessions";

(2) section 16–3901 is amended to read as follows: "All provisions of law relating to the Superior Court of the District of Columbia and the rules of the court apply to the Small Claims and Conciliation Branch of the court as far as they may be applicable and are not in conflict with this chapter or chapter 13 of title 11. In case of conflict, this chapter and chapter 13 of title 11 control.";

(3) section 16–3902 is amended by striking "of the District of Columbia Court of General Sessions" in subsection (a) and by substituting "Superior Court of the District of Columbia" for "District of Columbia Court of General Sessions" and "Court of General Sessions". in the form prescribed in subsection (e);

(4) sections 16–3903 and 16–3905 are amended by striking "of the District of Columbia Court of General Sessions";

(5) the third sentence of section 16–3904 is amended to read: "When the set-off or counterclaim is for more than the jurisdictional limit of the Small Claims and Conciliation Branch as provided by section 11–1321, but within the jurisdiction of the Superior Court, the action shall nevertheless remain in the Branch and be tried therein in its entirety.";

(6) section 16–3907 is amended by substituting "Superior Court" for "District of Columbia Court of General Sessions"; and

(7) section 16–3910 is amended by substituting "or the rules of the court" for ", or in the rules prescribed pursuant to section 13–101(c)" and by striking "of the District of Columbia Court of General Sessions".

REVIEW

SEC. 223. Title 17 of the District of Columbia Code is amended as follows:

(1) Chapter 1 is amended to read as follows:

"Chapter 1.—UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

"Sec.

"17–101. Appeal from District of Columbia Court of Appeals.

"§ 17–101. Appeal from District of Columbia Court of Appeals

"(a) The United States Court of Appeals for the District of Columbia Circuit may prescribe rules governing the form, practice and procedures for petitions for the allowance of an appeal from the District of Columbia Court of Appeals, provided in chapter 3 of title 11 of this Code.

"(b) Petitions for the allowance of an appeal from the District of Columbia Court of Appeals shall, in each case, be filed within ten days after entry of the judgment from which an appeal is desired.

"(c) If an appeal is allowed, the United States court of appeals shall review the record on appeal and affirm, modify, vacate, set aside, or reverse the judgment, and may remand the cause and direct the entry of such appropriate judgment or order, or require further proceedings to be had, as is just in the circumstances.";

(2)(a) Section 17–301, including its heading, is amended by substituting "Superior Court" for "District of Columbia Court of General Sessions" and "Court of General Sessions" wherever they appear, and by substituting "provided for in section 11–721(c)" for "provided for in section 11–741(c)" in subsection (a); and

(b) The reference to section 17–301 in the analysis of chapter 3 is amended to read as follows:

"17–301. Applications for allowance of appeals from certain Superior Court judgments; hearing; effect of denial.";

(3) Section 17–303 is amended to read as follows:

"§ 17–303. Appeals from administrative orders and decisions

"An appeal from an order or decision of an administrative agency, as provided for in section 11–722, is commenced by filing within the time prescribed pursuant to section 17–307(a), the written petition for review pro-

vided by section 11 of the District of Columbia Administrative Procedure Act, 82 Stat. 1203, 1209 (D.C. Code sec. 1–1510). The District of Columbia Court of Appeals may prescribe the necessary rules and procedures for review of administrative orders and decisions, consistent with section 11 of the Administrative Procedure Act." The reference to section 17–303 in the analysis of chapter 3 is amended to read:

"17–303. Appeals from administrative orders and decisions.";

(4) Section 17–304 is amended by substituting "Commissioner or Council" for "Board of Commissioners" and by inserting after "District of Columbia" the first time it appears in subsection (a), "by the independent agency,";

(5) Subsection (a) of section 17–305 is amended by substituting "Divisions" for "branches";

(6) Subsection (b) of section 17–305 is amended to read as follows:

"(b) The District of Columbia Court of Appeals shall hear and determine appeals from administrative orders and decisions upon the exclusive record for decision before the Commissioner or Council or the agency. In such cases it shall limit its review to those issues of law or fact subject to review on appeal under applicable statutory law, other than the District of Columbia Administrative Procedure Act, 82 Stat. 1203 (D.C. Code, secs. 1–1501 to 1–1510). In all other cases the review by the court shall be in accordance with the rules of law which define the scope and limitation of review of administrative proceedings. Such rules shall include, but not be limited to, the power of the court—

"(1) so far as necessary to decision and where presented, to decide all relevant questions of law, to interpret constitutional and statutory provisions, and to determine the meaning or applicability of the terms of any action;

"(2) to compel agency action unlawfully withheld or unreasonably delayed; and

"(3) to hold unlawful and set aside any action or findings and conclusions found to be (A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, (B) contrary to constitutional right, power, privilege, or immunity; (C) in excess of statutory jurisdiction, authority, or limitations or short of statutory jurisdiction, authority or limitations or short of statutory rights; (D) without observance of procedure required by law, including any applicable procedure provided by the District of Columbia Administrative Procedure Act; or (E) unsupported by substantial evidence in the record of the proceedings before the court.

In reviewing administrative orders and decisions, the court shall review such portions of the exclusive record as may be designated by any party. The court may invoke the rule of prejudicial error.";

(7) Section 17–306 is amended by substituting "Division" for "branch" and by substituting "administrative order or decision" for "order or decision of an administration agency"; and

(8) Section 17–307 is amended by substituting "11–721 or 11–722" for "11–741 or 11–742" in subsection (a), by substituting "Superior Court" for "District of Columbia Court of General Sessions" in subsection (b), and by substituting "11–721(c)" for "11–741(c)" in subsection (b).

TITLE III.—DECEDENTS ESTATES AND FIDUCIARY RELATIONS

WILLS AND PROBATE OF WILLS

SEC. 301. Title 18 of the District of Columbia Code is amended as follows:

(1)(a) The analysis of chapter 1 of title 18 is amended by substituting the word "court" for "Probate Court" in the references to sections 18–110 and 18–111;

(b) The analysis of chapter 5 to title 18 is amended by substituting the word "court" for "Probate Court" in the references to sections 18–501 and 18–505; and

(c) The analysis of chapter 5 of title 18 is further amended by amending the reference to section 18–513 to read:

"18–513. Rules of procedure.";

(2) Section 18–101 is amended by striking the words from "'District Court' means" to the end of the section and inserting in lieu thereof "'court' means the court in the District of Columbia having probate jurisdiction as provided in title 11 of this Code.";

(3) Sections 18–110, 18–111, 18–501, an 18–505 are amended by substituting the word "court" for "Probate Court" in the headings and wherever they appear;

(4) Subsection (d) of section 18–505 is amended to read:

"(d) The rules of the court with respect to the taking and use of testimony of out-of-District witnesses apply to testimony taken pursuant to this section. The original will or codicil shall be sent with the notice or order of appointment or commission or letters rogatory, and exhibited to the witnesses."; and

(5) Section 18–513 is amended to read as follows:

"§ 18–513. Rules of procedure

"The Court shall prescribe rules of procedure governing the trial of issues when a caveat is filed, including provisions for notice, appointment of guardians ad litem, trial by jury, and effect of judgments."

DESCENT AND DISTRIBUTION

SEC. 302. Title 19 of the District of Columbia Code is amended as follows:

(1) section 19–101 is amended by substituting "court having probate jurisdiction" for "Probate Court" in subsection (b) and by substituting "court" for "Probate Court" in subsection (e)(2);

(2) section 19–113 is amended by substituting "court having probate jurisdiction" for "Probate Court" the first time it appears, and by substituting "court" for "Probate Court" wherever it appears thereafter; and

(3) section 19–701 is amended by substituting "Commissioner" for "Commissioners".

ADMINISTRATION OF DECEDENTS' ESTATES

SEC. 303. Title 20 of the District of Columbia Code is amended as follows:

(1) section 20–302 is amended by striking "to the United States";

(2) sections 20–309, 20–331, 20–334, 20–353, 20–357, 20–358, 20–362, 20–363, 20–904, 20–1101, 20–1102, 20–1103, 20–1105, 20–1106, 20–1108, 20–1109, 20–1301, 20–1312, 20–1313, 20–1316, 20–1317, 20–1323, 20–1326, 20–1329, 20–1502, 20–1701, 20–1703, 20–1709, 20–1902, 20–1904, 20–2101, 20–2102, 20–2106, and 20–2107 are amended by substituting the word "court" for "Probate Court" wherever it appears;

(3) sections 20–312 and 20–337 are amended by substituting "court" for "Probate Court" and by substituting "Chief Judge" for "the Chief Judge of the United States District Court for the District of Columbia";

(4) section 20–332 is amended by substituting "court" for "Probate Court" and by striking "to the United States" in subsection (a)(2);

(5) section 20–351 is amended by substituting "a mentally-ill" for "an insane" in subsection (a)(2) and by substituting "court" for "Probate Court" in subsection (b);

(6) section 20–364 is amended by substituting "in the name of the United States or of the District of Columbia, as appropriate" for "in the name of the United States" in subsection (a);

(7) section 20–501 is amended by substituting "chief judge" for "the chief judge of the United States District Court for the District of Columbia" in subsection (b);

(8) section 20–502 is amended by substituting "court" for "Probate Court of the District of Columbia" and "Probate Court of the District", and by striking "to the United States" in subsection (b);

(9) section 20–1107 is amended by striking "to the United States" and by substituting "court" for "Probate Court";

(10) section 20–1110 is amended by substituting "court" for "United States District Court for the District of Columbia" and by striking "shall be given to the United States and";

(11) section 20–1320 is amended by substituting "court" for "Probate Court" the first time it appears and by substituting "Court of the District of Columbia in probate" for "Probate Court of the District of Columbia";

(12) section 20–1505 is amended by substituting "court in the District of Columbia" for "Probate Court of the District of Columbia"; and

(13)(a) section 20–2301 is amended by substituting "court" for "United States District Court for the District of Columbia" and by substituting "Corporation Counsel" for "United States attorney" in the heading thereof; and

(b) the reference to section 20–2301 in the analysis of chapter 23 is amended by substituting "Corporation Counsel" for "United States attorney".

GUARDIANSHIP OF INFANTS

SEC. 304. Chapter 1 of title 21, District of Columbia Code, is amended as follows:

(1) sections 21–102, 21–103(a), and 21–106(a) are amended by substituting "court having probate jurisdiction" for "Probate Court";

(2) section 21–112 is amended by substituting "court in the District of Columbia having probate jurisdiction" for "United States District Court for the District of Columbia" in subsection (a), and by substituting "courts in the District" for "courts of the District" in subsections (a) and (b);

(3) section 21–114 is amended by substituting "court having probate jurisdiction" for "Probate Court";

(4) section 21–115 is amended by striking the words "to the United States";

(5) section 21–147 is amended by substituting "court having probate jurisdiction" for "Probate Court";

(6) section 21–158 is amended by striking the words "in the name of the United States"; and

(7) section 21–181 is amended by substituting "court having probate jurisdiction" for "Probate Court";

GIFTS TO MINORS—UNIFORM LAW

SEC. 305. Section 21–301(4) of title 21, District of Columbia Code, is amended by substituting "court having jurisdiction" for "United States District Court for the District of Columbia".

HOSPITALIZATION OF THE MENTALLY ILL

SEC. 306. Chapter 5 of title 21, District of Columbia Code, is amended as follows:

(1) The definition of "court" in section 21–501 is amended to read: "'court' means the court having jurisdiction of hospitalization of the mentally ill;";

(2) Section 21–502(a) is amended by striking the second sentence and substituting in lieu thereof: "The Commission shall be composed of nine members who shall be appointed by the United States District Court for the District of Columbia until two years after the effective date of the District of Columbia Court Reorganization Act of 1969. Thereafter, the Superior Court of the District of Columbia shall make the appointments. The members of the Commission appointed prior to the transfer of appointment au-

thority shall continue to serve after such date as provided for in subsection (b).";

(3) Section 21–521 is amended by substituting "a physician" for "the family physician of the person in question";

(4) Section 21–544 is amended by substituting "court having jurisdiction" for "United States District Court for the District of Columbia";

(5) Section 21–564 is amended by substituting "court having jurisdiction" for "United States District Court for the District of Columbia" wherever it appears and by substituting "Commissioner" for "Board of Commissioners" in subsection (a):

(6) (a) The reference to section 21–581 in the analysis of chapter 5 is amended by substituting "Commissioner" for "Commissioners";

(b) Section 21–581 and the heading thereof are amended by substituting "Commissioner" for "Commissioners", wherever it appears, by striking "(a)", and by repealing subsection (b);

(7) Section 21–584 is amended by substituting "other witnesses in the court" for "witnesses in the courts of the United States";

(8) Section 21–590 is amended by substituting "court having jurisdiction" for "United States District Court for the District of Columbia";

(9) The following new section is added to chapter 5:

"§ 21–592. Return to hospital of an escaped mentally ill person

"When a person has been ordered confined in a hospital or institution for the mentally ill pursuant to this chapter and has left such hospital or institution without authorization or has failed to return as directed, the court which ordered confinement shall, upon the request of the administrator of such hospital or institution, order the return of such person to such hospital or institution."; and

(10) The analysis of chapter 5 is amended by adding after "21–591. Offenses and Penalties.",

"21–592. Return to hospital of an escaped mentally ill person.".

PROPERTY OF MENTALLY ILL PERSONS

SEC. 307. Section 21–706(a) of title 21, District of Columbia Code, is amended by substituting "court having jurisdiction in the District of Columbia" for "United States District Court for the District of Columbia" and by substituting "courts in the District" for "courts of the District" in subsections (a) and (b).

MENTALLY ILL PERSONS FOUND IN CERTAIN FEDERAL RESERVATIONS

SEC. 308. Section 21–906 of title 21, District of Columbia Code, is amended by substituting "court in the District of Columbia having jurisdiction of such adjudications under chapter 5 of this title" for "United States District Court for the District of Columbia".

COMMITMENT AND MAINTENANCE OF SUBSTANTIALLY RETARDED

SEC. 309. Chapter 11 of title 21, District of Columbia Code, is amended as follows:

(1) The analysis of chapter 11 is amended:

(a) by striking the words "of District Court" and by substituting "substantial retardation" for "feeble-mindedness" in the reference to section 21–1103;

(b) by substituting "Family Division" for "juvenile court" and by substituting "substantially retarded" for "feeble-minded" in the reference to section 21–1114; and

(c) by substituting "substantially retarded" for "feeble-minded" in the references to sections 21–1117 and 21–1118;

(2) sections 21–1101, 21–1102, 21–1103, 21–1104, 21–1105, 21–1106, 21–1107, 21–1108, 21–1110, 21–1111, 21–1113, 21–1115, and 21–1123 are amended by substituting "substantially retarded" for "feeble-minded" wherever it appears;

(3) section 21–1102 is amended by substituting "Commissioner of the District of Columbia" for "Department of Public Welfare";

(4) section 21–1103 is amended by striking the words "of District Court" from the heading thereof, by substituting "substantial retardation" for "feeble-mindedness" in the heading thereof, and by substituting "court having jurisdiction" for "United States District Court for the District of Columbia" in subsection (a):

(5) section 21–1104 is amended by substituting "court having jurisdiction" for "District Court of the United States for the District of Columbia";

(6) section 21–1109 is amended by striking the words "running to the United States";

(7) section 21–1111(a) is amended by substituting "Commissioner" for "Commissioners";

(8) section 21–1114 is amended—

(a) by substituting "Family Division" for "juvenile court" in the heading thereof;

(b) by substituting "substantially retarded" for "feeble-minded" in the heading and wherever it appears;

(c) by substituting "Family Division of the Superior Court upon allegations that he is delinquent, neglected, or in need of supervision" for "juvenile court of the District of Columbia as a dependent or delinquent child"; and

(d) by inserting the following between the words "proceeding" and "and" in the first sentence; ", other than transfer proceedings pursuant to section 11–1104 of this Code,";

(9) section 21–1116 is amended by substituting "court having jurisdiction" for "United States District Court for the District of Columbia";

(10) section 21–1117 is amended by substituting "substantially retarded" for "feeble-minded" in the heading thereof, and by substituting "substantial retardation" for "feeble-mindedness";

(11) section 21–1118 is amended by substituting "substantially retarded" for "feeble-minded" in the heading thereof and wherever it appears;

(12) section 21–1120 is amended by substituting "Commissioner of the District of Columbia" for "Department of Public Welfare"; and

(13) section 21–1122 is amended by substituting "court having jurisdiction of the patient" for "United States District Court for the District of Columbia".

ALCOHOLICS AND DRUG ADDICTS

SEC. 310. Chapter 13 of title 21, District of Columbia Code, is amended as follows:

(1) section 21–1301 is amended by substituting "court having jurisdiction in" for "United States District Court for"; and

(2) section 21–1302 is amended by striking the words "to the United States".

CONSERVATORS

SEC. 311. Chapter 15 of title 21, District of Columbia Code, is amended as follows:

(1) section 21–1501 is amended by substituting "court having jurisdiction" for "United States District Court for the District of Columbia"; and

(2) section 21–1506 is amended by striking therefrom "Civil Division of the".

TITLE IV.—CRIMINAL LAW AND PROCEDURE

CRIMINAL OFFENSES

SEC. 401. The following amendments are made in the criminal laws applicable exclusively to the District of Columbia:

(1) Section 907 of the Act of March 3, 1901 (31 Stat. 1189, 1337; D.C. Code, sec. 22–104), is amended to read as follows:

"SEC. 907. (a) If a person convicted of an offense made punishable by fine or imprisonment or both by a law applicable exclusively to the District of Columbia, shall previously have been convicted of the same offense, he may be sentenced to pay a fine not exceeding fifty per centum greater, and to suffer imprisonment for a period not more than one-half longer, than the maximum fine and imprisonment allowable for a first conviction of the instant offense.

"(b) For purposes of this section, the 'same offense' means any violation of the laws of the United States or of a State or territory of the United States which would constitute or necessarily include the instant offense under the laws applicable exclusively to the District of Columbia at the time this section is invoked against the person.

"(c) This section shall not apply in the event of conflict with any other provision of law which provides an increased penalty for a specific offense by reason of a prior conviction of the same or any other offense.";

(2) The Act of March 3, 1901 (31 Stat. 1189), as amended, is further amended by adding after section 907 the following new section:

"SEC. 907A. (a) Whenever the court—

"(1) finds that a person who stands convicted in the District of Columbia of a felony has previously been convicted of two or more felonies, as provided in subsections (b) and (c) of this section, and

"(2) in view of the history, character, and mental state of the defendant, as well as the nature and circumstances of his criminal conduct, furthermore determines that the rehabilitative impact of incarceration pursuant to a sentence authorized other than under this section (for the crime of which the defendant stands convicted) would be substantially and unusually unavailing, and that extended incarceration and lifetime supervision will best serve the interests of the public and of the defendant,

the court may, in lieu of any sentence otherwise authorized for the crime of which the defendant stands convicted, impose a sentence of imprisonment for an indeterminate number of years up to life as determined by the court: *Provided*, That no sentence may be imposed pursuant to this section unless (A) the court first orders that the defendant be examined by two persons, one of whom shall be a licensed psychiatrist, and the other of whom shall be qualified to the court's satisfaction in the field of clinical psychology and experienced in psychological diagnosis and therapy with respect to persons convicted of crime, (B) the results of such examination, as reported to the court by such examining persons within fifteen days after issuance of the examination order (pursuant to (A)), support the requisite determination aforementioned (in (2)), and (C) the court gives due consideration to any contrary information, including independent examination results, submitted by the defendant or his counsel.

"(b) A previous felony conviction is a conviction of a felony in a court of the District of Columbia or of the United States, or of a crime in any other jurisdiction, which was classified as a felony under the laws of that jurisdiction and was punishable by imprisonment for more than one year: *Provided*, That—

"(1) the defendant was adjudged guilty of that crime prior to the commission of the present felony; and

"(2) the defendant was not pardoned on the ground of innocence.

"(c) For the purpose of determining whether a person has two or more previous felony convictions, the initial sentencing of such person for one of said previous felony convictions must have preceded the commission of the acts which led to another of said previous felony convictions."; and

(3) The Act of March 3, 1901 (31 Stat. 1189), as amended, is further amended by

adding after section 908 the following new section:

"SEC. 908A. (a) If two or more persons conspire, either to commit a criminal offense or to defraud the District of Columbia or any court or agency thereof in any manner or for any purpose, each shall be fined not more than $10,000 or imprisoned not more than five years, or both.

"If, however, the object of the conspiracy is a criminal offense punishable by less than five years, the maximum penalty for the conspiracy shall not exceed the maximum penalty provided for that offense.

"(b) No person may be convicted of conspiracy unless an overt act is alleged and proved to have been committed by one or more of the conspirators pursuant to the conspiracy and to effect its purpose.

"(c) When the object of a conspiracy contrived within the District of Columbia is to engage in conduct outside the District which would constitute a criminal offense against an Act of Congress applicable exclusively to the District if performed therein, the conspiracy is a violation of this section when and only when the conduct which is the object of the conspiracy would also constitute a crime within and under the laws of the other jurisdiction if performed therein, or when the conduct would constitute a criminal offense against an Act of Congress exclusively applicable to the District of Columbia even if performed outside the District.

"(d) A conspiracy contrived in another jurisdiction to engage in conduct within the District of Columbia which would constitute a criminal offense against an Act of Congress exclusively applicable to the District if performed within the District is a violation of this section when an overt act pursuant to the conspiracy is committed within the District. Under such circumstances, it is immaterial and no defense to a prosecution for conspiracy that the conduct which is the object of the conspiracy would not constitute a crime within and under the laws of the other jurisdiction if performed therein.".

CRIMINAL PROCEDURE

SEC. 402. (a) The general and permanent laws of the District of Columbia relating to criminal procedure are revised, codified, and enacted as title 23 of the District of Columbia Code, "Criminal Procedure", and may be cited "D.C. Code, sec. ", as follows:

"TITLE 23.—CRIMINAL PROCEDURE

"Chap.	Sec.
"1. General Provisions	23–101
"3. Indictments and Informations	23–301
"5. Warrants and Arrests	23–501
"7. Extradition and Fugitives from Justice	23–701
"9. Fresh Pursuit	23–901
"11. Professional Bondsmen	23–1101
"12. District of Columbia Bail Agency	23–1301
"15. Out-of-State Witnesses	23–1501
"17. Death Penalty	23–1701

"Chapter 1.—GENERAL PROVISIONS

"Sec.
"23–101. Conduct of prosecutions.
"23–102. Abandonment of prosecution; enlargement of time for taking action.
"23–103. Statements prior to sentence.
"23–104. Appeals by United States and District of Columbia.
"23–105. Challenges to jurors.
"23–106. Witnesses for defense; fees.
"23–107. Discharge or acquittal of joint defendant during trial in order to be witness.
"23–108. Depositions.
"23–109. Powers of investigators assigned to United States attorney.
"23–110. Remedies on motion attacking sentence.
"23–111. Proceedings to establish previous convictions.

"§ 23–101. Conduct of prosecutions

"(a) Prosecutions for violations of all police or municipal ordinances or regulations and for violations of all penal statutes in the nature of police or municipal regulations, where the maximum punishment is a fine only, or imprisonment not exceeding one year, shall be conducted in the name of the District of Columbia by the Counsel for the District of Columbia or his assistants, except as the said ordinance, regulation or statute or this section shall otherwise provide.

"(b) Prosecutions for violations of section 6 of the Act of July 29, 1892, as amended (D.C. Code, sec. 22–1107), relating to disorderly conduct, and for violations of section 9 of that Act (D.C. Code, sec. 22–1112), relating to lewd, indecent, or obscene acts, shall be conducted in the name of the District of Columbia by the Corporation Counsel or his assistants.

"(c) All other criminal prosecutions shall be conducted in the name of the United States by the United States attorney for the District of Columbia or his assistants, except as otherwise provided by law.

"(d) An indictment or information brought in the name of the United States may include, in addition to offenses prosecutable by the United States, offenses prosecutable by the District of Columbia, and such prosecution shall be conducted by the United States attorney in the name of the United States, if the written consent of the Corporation Counsel or his assistant authorized to consent to such prosecution is filed in such case.

"(e) Separate indictments, informations, or both, charging offenses prosecutable by the District of Columbia and by the United States may be joined for trial if the offenses charged therein could have been joined in the same indictment. Such prosecution shall be conducted by the United States attorney in the name of the United States, if the written consent of the Corporation Counsel or his assistant authorized to consent to such prosecution is filed in such cases.

"(f) If in any case any question shall arise as to whether, under this section, the prosecution should be conducted by the Corporation Counsel or by the United States attorney, the presiding judge shall forthwith, either of his own motion or upon suggestion of the Corporation Counsel or the United States attorney, certify the case to the District of Columbia Court of Appeals, which court shall hear and determine the question in a summary way. In every such case the defendant or defendants shall have the right to be heard in the District of Columbia Court of Appeals. The decision of such court shall be final.

"§ 23–102. Abandonment of prosecution; enlargement of time for taking action

"If any person charged with a criminal offense shall have been committed or held to bail to await the action of the grand jury and within nine months thereafter the grand jury shall not have taken action on the case, either by ignoring the charge or by returning an indictment, the prosecution of such charge shall be deemed to have been abandoned and the accused shall be set free or his bail discharged, as the case may be; but, the court having jurisdiction to try the offense for which the person has been committed, upon good cause shown in writing, and when practicable, upon due notice to the accused, may from time to time enlarge the time for the taking action in such case by the grand jury.

"§ 23–103. Statements prior to sentence

"Before imposing sentence the court may disclose to the defendant's counsel and to the prosecuting attorney, but not to one and not to the other, all or part of any presentencing report submitted to the court in the case. The court also prior to imposing sentence shall afford counsel an opportunity to speak on behalf of the defendant and shall address the defendant personally and ask him if he wishes to make a statement in his own behalf and to present any information in mitigation of punishment. At any time when the defendant or his counsel addresses the court on the sentence to be imposed, the prosecuting attorney shall, if he wishes, have an equivalent opportunity to address the court and to make a recommendation to the court on the sentence to be imposed and to present information in support of his recommendation. Such information as the defendant or his counsel or the prosecuting attorney may present shall at all time be subject to the applicable rules of mutual discovery.

"§ 23–104. Appeals by United States and District of Columbia

"(a)(1) The United States or the District of Columbia may appeal an order entered before the trial of a person charged with a criminal offense, which directs the return of seized property, suppresses evidence, or otherwise denies the prosecutor the use of evidence at trial, if the United States attorney or the Corporation Counsel conducting the prosecution for such violation certifies to the judge who granted such motion that the appeal is not taken for purpose of delay and the evidence is a substantial proof of the charge pending against the defendant.

"(2) A motion for return of seized property or to suppress evidence shall be made before trial unless opportunity therefor did not exist or the defendant was not aware of the grounds for the motion.

"(b) The United States or the District of Columbia may appeal an order dismissing an indictment or information or otherwise terminating a prosecution in favor of a defendant or defendants as to one or more counts thereof, except where there is an acquittal on the merits.

"(c) The United States or the District of Columbia may with leave of the trial court appeal a ruling, made during the trial of a person charged with a criminal offense, which suppresses or otherwise denies the prosecutor, on the ground that the evidence was invalidly obtained, the use of evidence which is a substantial proof of the charge being tried against the defendant: *Provided,* That the United States attorney or the Corporation Counsel conducting the prosecution for such violation shall certify to the trial court that the appeal is not taken for purpose of delay. The trial court shall adjourn the trial until the appeal shall be resolved—except that, if the decision on appeal has not been rendered within forty-eight hours of said adjournment, the trial shall resume on the next day of regular court business following the expiration of said forty-eight-hour period, and the appeal shall be deemed void and without effect.

"(d) Any appeal taken pursuant to this section either prior to or during trial shall be expedited. If an appeal is taken pursuant to subsection (c) during trial, the appellate court shall hear argument on such appeal within twenty-four hours of the aforementioned adjournment of trial, shall dispense with any requirement of written briefs other than the supporting materials previously submitted to the trial court, shall render its decision within twenty-four hours of argument on appeal, and in so rendering may dispense with the issuance of a written opinion. Such appeal and decision shall not affect the right of the defendant, in a subsequent appeal from a judgment of conviction, to claim error consisting of a reversal by the trial court on remand of a ruling previously appealed from during trial.

"(e) Pending the prosecution and determination of an appeal taken pursuant to this section, the defendant shall be detained or released in accordance with chapter 207, of title 18, United States Code.

"§ 23–105. Challenge to jurors

"(a) If the offense is punishable by death, each side is entitled to twenty peremptory challenges. If the offense is punishable by imprisonment for more than one year, each side is entitled to ten peremptory challenges. In all other criminal cases, each side is entitled to three peremptory challenges. If there is more than one defendant, or if a case is prosecuted both by the United States and by the District of Columbia, the court may allow additional peremptory challenges and permit them to be exercised separately or jointly, but in no event shall one side be entitled to more peremptory challenges than the other.

"(b) The court may direct that jurors in addition to the regular jury be called and impaneled to sit as alternate jurors. In addition to those otherwise allowed, each side is entitled to one peremptory challenge if one or two alternate jurors are to be impaneled, to two peremptory challenges if three or four alternate jurors are to be impaneled, and to three peremptory challenges if five or six alternate jurors are to be impaneled.

"(c) Any juror or alternate juror may be challenged for cause.

"(d) No verdict shall be set aside for any cause which might be alleged as ground for challenge of a juror before the jury are sworn, except when the objection to the juror is that he had a bias against the defendant such as would have disqualified him, the fact of such disqualification of the particular juror was not known to or suspected by the defendant or his counsel before the juror was sworn, and the defendant's counsel did not otherwise have reason to make such appropriate inquiries as would have disclosed such bias or grounds therefor before the juror was sworn.

"§ 23–106. Witnesses for defense; fees

"The court shall order at any time that a subpena be issued for service upon a named witness, upon an ex parte application of a defendant and a satisfactory showing that the defendant is financially unable to pay the fees of the witness and that the presence of the witness is necessary to an adequate defense. If the court orders the subpena to be issued the costs incurred by the process and the fees of the witness so subpenaed shall be paid in the same manner in which similar costs and fees are paid in case of a witness subpenaed in behalf of the prosecuting authority.

"§ 23–107. Discharge or acquittal of joint defendant during trial in order to be witness

"(a) When two or more persons are jointly indicted or charged by information, or charged by separate indictments or informations which have been joined for trial, the court may, with the consent of the prosecuting authority, direct that a defendant who has not gone into his defense be discharged so that he may be a witness for the prosecution.

"(b) When two or more persons are jointly tried, a person desiring that another defendant testify on his behalf may request a judgment of acquittal on behalf of such defendant, which the court shall consider in the same manner as a motion made by such defendant.

"(c) At the request of a defendant who wishes to testify on behalf of another person with whom he is jointly tried, if the evidence against such defendant is sufficient to be submitted to the jury and if such other person consents, the court may submit the case concerning such defendant to the jury separately so that his testimony may not be considered against him by such jury.

"(d) A discharge granted pursuant to subsection (a), or an acquittal secured pursuant to subsection (b) or (c), shall be bar to another prosecution for the same offense of the defendant so discharged or acquitted.

"§ 23–108. Depositions

"(a) If a material witness for the defendant resides more than twenty-five miles from the place of holding court or is sick or infirm, or about to leave the District, the defendant may apply in writing to the court for a commission to examine such witness and the court may grant the same and enter an order stating for what length of time notice shall be given to the prosecuting authority before said witness shall be examined. At or before the time fixed in said notice, when the examination is upon written interrogatories, the prosecuting authority may file cross-interrogatories, but if he fails to do so the clerk shall file the following:

"First. Are all your statements in the foregoing answers made from your own personal knowledge? And if not, show what is stated upon information and give its source.

"Second. State everything you know in addition to what is stated in your above answers concerning this case favorable to either the prosecution or the defendant.

"(b) The court may order in any case that the examination be conducted orally.

"(c) The commission shall issue from the clerk's office, the examination of the witnesses shall be made and certified, and the return thereof made in the same manner as in civil cases, and unimportant irregularities or errors in the proceedings under said commission shall not cause the deposition to be excluded where no substantial prejudice can be wrought to the prosecution by such irregularities or errors.

"§ 23–109. Powers of investigators assigned to United States attorney

"Any special investigator appointed by the Attorney General and assigned to the United States attorney for the District shall have authority to execute all lawful writs, process, and orders issued under authority of the United States, and command all necessary assistance to execute his duties, and shall have the same powers to make arrests as are possessed by members of the Metropolitan Police force of the District.

"§ 23–110. Remedies on motion attacking sentence

"A prisoner in custody under sentence of the Superior Court claiming the right to be released upon the ground that the sentence was imposed in violation of the Constitution of the United States or the laws of the District of Columbia, or that the court was without jurisdiction to impose the sentence, or that the sentence was in excess of the maximum authorized by law, or is otherwise subject to collateral attack, may move the court to vacate, set aside, or correct the sentence.

"A motion for such relief may be made at any time.

"Unless the motion and files and records of the case conclusively show that the prisoner is entitled to no relief, the court shall cause notice thereof to be served upon the prosecuting authority, grant a prompt hearing thereon, determine the issues and make findings of fact and conclusions of law with respect thereto. If the court finds that the judgment was rendered without jurisdiction, or that the sentence imposed was not authorized by law or otherwise open to collateral attack, or that there has been such a denial or infringement of the constitutional rights of the prisoner as to render the judgment vulnerable to collateral attack, the court shall vacate and set the judgment aside and shall discharge the prisoner or resentence him or grant a new trial or correct the sentence as may appear appropriate.

"A court may entertain and determine the motion without requiring the production of the prisoner at the hearing.

"The court shall not be required to entertain a second or successive motion for similar relief of the same prisoner.

"An appeal may be taken to the District of Columbia Court of Appeals from the order entered on the motion as from a final judgment on application for a writ of habeas corpus.

"An application for a writ of habeas corpus in behalf of a prisoner who is authorized to apply for relief by motion pursuant to this section, shall not be entertained by the Superior Court or by any Federal or State court, if it appears that the applicant has failed to apply for relief, by motion, to the Superior Court or that the Superior Court has denied him relief, unless it also appears that the remedy by motion is inadequate or ineffective to test the legality of his detention.

"§ 23–111. Proceedings to establish previous convictions

"(a) No person who stands convicted of an offense under the laws of the District of Columbia shall be sentenced to increased punishment by reason of one or more previous convictions, unless—

"(1) prior to the entering of a plea of guilty or otherwise prior to trial, the United States attorney or the Corporation Counsel separately informed such person in writing of the said previous convictions to be relied upon;

"(2) a copy of such information with respect to previous conviction was at the same time also filed with the court where the instant offense was tried; and

"(3) the person, if the increased punishment which may be imposed is imprisonment for a term in excess of eighteen months, was charged by or waived indictment for the instant offense.

"(b) In any case where a person stands convicted in the District of Columbia of an offense, and the prosecutor, in conformity with subsection (a) of this section, has served on the defendant and has filed an information alleging previous convictions that would subject the person to increased punishment, the court shall inquire of him whether he affirms or denies that he has been previously convicted as alleged in the information, and shall inform him that any challenge to a previous conviction which is not made before sentence is imposed may not thereafter be raised to attack the sentence.

"(c)(1) If the person denies any allegation of the information of previous conviction, or claims that any conviction alleged is invalid, he shall file a written response to the information. A copy of the response shall be served upon the prosecutor. The court shall hold a hearing to determine any issues raised by the response which would except the person from increased punishment. The hearing shall be before the court without a jury, and either party may introduce evidence. The prosecuting authority shall have the burden of proof beyond a reasonable doubt on any issue of fact except as otherwise provided in paragraph (2) of this subsection. At the request of either party, the court shall enter findings of fact and conclusions of law.

"(2) A person claiming that a conviction alleged in the information was obtained in violation of the Constitution of the United States shall set forth his claim, and the factual basis therefor, with particularity, in his response to the information. The person shall have the burden of proof by a preponderance of the evidence on any issue of fact raised by the response. Any challenge to a previous conviction, not raised by response to the information before an increased sentence is imposed in reliance thereon, shall be waived unless good cause be shown for failure to make a timely challenge.

"(d)(1) If the person files no response to the information, or if the court determines, after hearing, that the person is subject to increased punishment by reason of previous convictions, the court shall proceed to impose sentence upon him as provided by law.

"(2) If the court determines that the person has not been convicted as alleged in the information, or that a conviction alleged in the information is invalid, or that the person is otherwise not subject to an increased sentence as a matter of law, the court shall, at the request of the prosecutor, postpone sentence to allow an appeal from that determination. If no such request is made, the court shall impose sentence as provided by law. The person may appeal from an order postponing sentence as if sentence had been pronounced and a final judgment of conviction entered.

"Chapter 3.—INDICTMENTS AND INFORMATIONS

"SUBCHAPTER I.—GENERAL PROVISIONS

"Sec.
"23-301. Prosecution by indictment or information.

"SUBCHAPTER II.—JOINDER

"23-311. Joinder of offenses and of defendants.
"23-312. Joinder of indictments or informations for trial.
"23-313. Relief from prejudicial joinder.
"23-314. Joinder of inconsistent offenses concerning the same property.

"SUBCHAPTER III.—SUFFICIENCY

"23-321. Description of money.
"23-322. Intent to defraud.
"23-323. Perjury.
"23-324. Subornation of perjury.

"SUBCHAPTER I.—GENERAL PROVISIONS

"§ 23-301. Prosecution by indictment or information

"An offense prosecuted in the Superior Court which may be punished by death shall be prosecuted by indictment returned by a grand jury. An offense which may be punished by imprisonment for a term exceeding one year shall be prosecuted by indictment, but it may be prosecuted by information if the defendant, after he has been advised of the nature of the charge and of his rights, waives in open court prosecution by indictment. Any other offense may be prosecuted by indictment or by information. An information subscribed by the proper prosecuting officer may be filed without leave of court.

"SUBCHAPTER II.—JOINDER

"§ 23-311. Joinder of offenses and of defendants

"(a) Two or more offenses may be charged in the same indictment or information in a separate count for each offense if the offenses charged, whether felonies or misdemeanors or both, are of the same or similar character or are based on the same act or transaction or on two or more acts or transactions connected together or constituting parts of a common scheme or plan.

"(b) Two or more offenses may be charged in the same indictment or information as provided in subsection (a) even though one or more is in violation of the laws of the United States and another in violation of laws applicable exclusively to the District of Columbia and may be prosecuted as provided in section 11-502(a)(3) of title 11 of this Code.

"(c) Two or more defendants may be charged in the same indictment or information if they are alleged to have participated in the same act or transaction or in the same series of acts or transactions constituting an offense or offenses. Such defendants may be charged in one or more counts together or separately and all of the defendants need not be charged in each count.

"§ 23-312. Joinder of indictments or informations for trial

"The court may order two or more indictments or informations or both to be tried together if the offenses, and the defendants if there is more than one, could have been joined in a single indictment or information. The procedure shall be the same as if the prosecution were under such single indictment or information.

"§ 23-313. Relief from prejudicial joinder

"If it appears that a defendant or the government is prejudiced by a joinder of offenses or of defendants in an indictment or information or by such joinder for trial together, the court may order an election or separate trials of counts, grant a severance of defendants, or provide whatever other relief justice requires. In ruling on a motion by a defendant for severance the court may order the attorney for the government to deliver to the court for inspection in camera any statements or confessions made by the defendants which the government intends to introduce in evidence at the trial.

"§ 23-314. Joinder of inconsistent offenses concerning the same property

"An indictment or information may contain a count for larceny, a count for obtaining the same property by false pretenses, a count for embezzlement thereof, and a count for receiving or concealing the same property, knowing it to be stolen or embezzled, or any of such counts, and the jury may convict of any of such offenses, and may find any or all of the persons indicted guilty of any of said offenses.

"SUBCHAPTER III.—SUFFICIENCY

"§ 23-321. Description of money

"In every indictment or information, except for forgery, in which it is necessary to make an averment as to any money or bank bill or notes, United States Treasury notes, postal and fractional currency, or other bills, bonds, or notes, issued by lawful authority and intended to pass and circulate as money, it shall be sufficient to describe such money, bills, notes, currency, or bonds simply as money, without specifying any particular coin, note, bill, or bond; and such allegation shall be sustained by proof that the accused has stolen or embezzled any amount of coin, or any such note, bill, currency, or bond, although the particular amount of species of such coin, note, bill, currency, or bond be not proved.

"§ 23-322. Intent to defraud

"In an indictment or information in which it is necessary to allege an intent to defraud, it shall be sufficient to allege that the party accused did the act complained of with intent to defraud, without alleging an intent to defraud any particular person or body corporate; and on the trial of such an indictment or information it shall not be necessary to prove an intent to defraud any particular person, but it shall be sufficient to prove a general intent to defraud.

"§ 23-323. Perjury

"In every information or indictment for perjury, it shall be sufficient to set forth the substance of the offense charged upon the defendant, and by what court, or before whom the oath was taken (averring such court, or person or persons, to have a competent authority to administer the same) together with the proper averment or averments to falsify the matter or matters wherein the perjury or perjuries is or are assigned; without setting forth the bill, answer, information, indictment, declaration, or any part of any record of proceeding either in law or equity, other than as aforesaid; and without setting forth the commission or authority of the court, or person or persons before whom the perjury was committed; any law, usage, or custom to the contrary notwithstanding.

"§ 23-324. Subornation of perjury

"In every information or indictment for subornation of perjury, or for corrupt bargaining or contracting with others to commit perjury, it shall be sufficient to set forth the substance of the offense charged upon the defendant, without setting forth the bill, answer, information, indictment, declaration, or any part of any record or proceeding either in law or equity, and without setting forth the commission or authority of the court, or person or persons before whom the perjury was committed, or was agreed or promised to be committed; any law, usage, or custom to the contrary notwithstanding.

"Chapter 5.—WARRANTS AND ARRESTS

"SUBCHAPTER I.—DEFINITIONS

"Sec.
"23-501. Definitions.

"SUBCHAPTER II.—SEARCH WARRANTS

"23-521. Nature and issuance of search warrants.
"23-522. Applications for search warrants.
"23-523. Time of execution of search warrants.
"23-524. Execution of search warrants.
"23-525. Disposition of property.

"SUBCHAPTER IV.—ARREST WARRANT AND SUMMONS

"23-561. Issuance, form, and contents.
"23-562. Execution and return.
"23-563. Territorial and other limits.

"SUBCHAPTER V.—ARREST WITHOUT WARRANT

"23-581. Arrests without warrant by law-enforcement officers.
"23-582. Arrests without warrant by other persons.

"SUBCHAPTER I.—DEFINITIONS

"§ 23-501. Definitions

"As used in subchapters II, IV, and V of this chapter—

"(a) 'judicial officer' means a judge of the Superior Court of the District of Columbia or of the United States District Court for the District of Columbia, or a United States commissioner or magistrate for the District of Columbia;

"(b) 'law enforcement officer' means an officer or member of the Metropolitan Police Department of the District of Columbia or of any police force operating in the District, or an investigative officer or agent of the United States;

"(c) 'prosecutor' means the United States attorney for the District of Columbia or his assistant, the Corporation Counsel of the District of Columbia or his assistant, or an attorney employed by and who has entered an appearance on behalf of the United States or the District of Columbia in a criminal case or in an investigation being conducted by a grand jury.

"SUBCHAPTER II.—SEARCH WARRANTS

"§ 23-521. Nature and issuance of search warrants

"(a) A judicial officer may issue a search warrant upon application of a law enforcement officer or prosecutor, upon a showing of probable cause to believe that the property sought is to be found in premises or in a vehicle or object or upon a person or persons, all of which shall be designated pursuant to section 23-522(b), and under such further circumstances as may be described in this subchapter. A warrant may authorize a search to be conducted anywhere in the District of Columbia and may be executed pursuant to its terms anywhere in the District of Columbia.

"(b) A search warrant may direct a search of any or all of the following:

"(1) one or more designated or described places or premises;

"(2) one or more designated or described vehicles;

"(3) one or more designated or described physical objects; or

"(4) one or more designated persons.

"(c) A search warrant may divert the seizure of designated property or kinds of property, and the seizure may include, to such extent as is reasonable under all of the circumstances, taking physical or other impressions, or performing chemical, scientific, or

other tests or experiments of, from, or upon designated premises, vehicles, or objects.

"(d) Property is subject to seizure pursuant to a search warrant if there is probable cause to believe that it—

"(1) is stolen or embezzled;

"(2) is contraband or otherwise illegally possessed;

"(3) has been used or is possessed for the purpose of being used, or is designed or intended to be used, to commit or conceal the commission of a criminal offense; or

"(4) constitutes evidence of or tends to demonstrate the commission of a particular offense or the identity of a person participating in the commission of such offense.

"(e) A search warrant may be addressed to a specific law enforcement officer, or to any law enforcement officer of a designated classification, or to any officer of the Metropolitan Police of the District of Columbia or other designated agency authorized to make arrests or execute process in the District of Columbia.

"(f) A search warrant shall contain the following:

"(1) The name of issuing court, the name and signature of the issuing judicial officer, and the date of issuance;

"(2) The name, classification, or department or agency of the officer or agent to whom it is addressed;

"(3) A designation of the premises, vehicles, objects or persons to be searched, sufficient for certainty of identification;

"(4) A description of the property whose seizure is the object of the warrant;

"(5) Where the judicial officer has found cause therefor, including one of the grounds set forth in paragraph (1) of section 23–522(c), an authorization for execution at any time of the day or night; or, otherwise, a direction that the warrant be executed during the hours of daylight;

"(6) Where the judicial officer has found cause therefor, including one of the grounds set forth in paragraph (2) of section 23–522(c), an authorization that the executing officer enter premises or vehicles to be searched without giving notice of his authority and purpose; and

"(7) A direction that the warrant and an inventory of any property seized pursuant thereto be returned to the court on the next court day after its execution.

"§ 23–522. Applications for search warrants

"(a) Each application for a search warrant shall be made in writing upon oath or affirmation to a judicial officer.

"(b) Each application shall include:

"(1) the name and title of the applicant;

"(2) a statement that there is probable cause to believe that property of a kind or character described in section 23–521(d) is to be found in designated premises or in a designated vehicle or object or upon designated persons;

"(3) allegation of fact supporting such statement. The applicant may also submit depositions or affidavits or other persons containing allegations of fact supporting or tending to support those contained in the application; and

"(4) a request that the judicial officer issue a search warrant directing a search for and seizure of the property in question.

"(c) The application may also contain:

"(1) A request that the search warrant be made executable at any hour of the day or night, upon the ground that there is probable cause to believe that (A) it cannot be executed during the hours of daylight, (B) the property sought will be removed or destroyed if not seized forthwith, or (C) the property sought will not be found except at certain times or in certain circumstances.

"(2) A request that the search warrant authorize the executing officer to enter premises to be searched without giving notice of his authority and purpose, upon the ground that there is probable cause to believe that (A) the property sought may and, if such notice is given, will be easily and quickly destroyed or disposed of, or (B) the giving of such notice will immediately endanger the life or safety of the executing officer or another person.

"Any request made pursuant to this subsection must be accompanied and supported by allegations of fact of the kind prescribed by paragraph (3) of subsection (b).

"§ 23–523. Time of execution of search warrants

"(a) A search warrant shall not be executed more than ten days after the date of issuance and shall be returned to the court after its execution or expiration.

"(b) A search warrant may be executed on any day of the week and, in the absence of express authorization in the warrant pursuant to section 23–521(f)(5), shall be executed only during the hours of daylight.

"§ 23–524. Execution of search warrants

"(a) An officer executing a warrant directing a search of premises or a vehicle shall, except as herein provided, give, or make reasonable effort to give, notice of his authority and purpose to an occupant thereof before entering therein.

"No notice need be given if:

"(1) The warrant expressly authorizes entry without notice;

"(2) The officer does not deliberately conceal his authority or purpose and is freely admitted; or

"(3) Circumstances, either unknown to the applicant or which the applicant did not have reason to know when applying for the warrant, but known to the executing officer at the time of execution, give the officer probable cause to believe that (A) the property sought may and, if such notice is given, will be easily and quickly destroyed or disposed of, or (B) the giving of such notice will immediately endanger the life or safety of the officer or another person.

"If the officer is not admitted upon such notice, or if there are circumstances excusing notice, he may forcibly enter and may use against any person resisting his entry or search such force as is necessary to execute the warrant.

"(b) An officer executing a warrant directing a search of a person shall give, or make reasonable effort to give, notice of his authority and purpose to the person, and, if such person thereafter resists or refuses to permit the search, may effect an arrest of such person pursuant to section 23–581(a) of this Code for violation of section 22–505 or any other applicable provision of law.

"(c) An officer or agent executing a search warrant shall write and subscribe an inventory setting forth the time of the execution and the property seized:

"(1) If the search is of a person, a copy of the warrant and of the return shall be given to that person.

"(2) If the search is of a place, vehicle, or object, a copy of the warrant and of the return shall be given to the owner thereof if he is present, or if he is not, to an occupant, custodian, or other person present; or if no person is present, the officer shall post a copy of the warrant and of the return upon the premises, vehicle, or object searched.

"(d) A copy of the warrant shall be filed with the court whose judge or magistrate authorizes its issuance on the next court day after its execution, together with a copy of the return.

"(e) An officer or agent executing a search warrant may seize:

"(1) any property enumerated in the warrant; and

"(2) any other property, which said officer or agent discovers by observation incident to and as an inadvertent consequence of said execution as to enumerated property, and only if he has probable cause to believe such other unenumerated property to be subject to seizure pursuant to section 23–521(d). No additional warrant shall be required to authorize seizure pursuant to this paragraph if the property is fully set forth in the return.

"Seizure pursuant to this subsection may include taking physical or other impressions, or performing chemical, scientific, or other tests or experiments, to such extent as is reasonable under all of the circumstances

"(f) An officer or agent executing a search warrant may take such photographs and measurement incident to the execution as are reasonable under all of the circumstances.

"(g) An officer executing a warrant directing a search of premises or a vehicle may search any person therein: (1) to the extent reasonably necessary to protect himself or others from the use of weapons which may be concealed upon the person or (2) to the extent reasonably necessary to find property enumerated in the warrant which may be concealed upon the person.

"§ 23–525. Disposition of property

"An officer or agent who seizes property in the execution of a search warrant shall cause it to be safely kept for use as evidence. No property seized shall be released or destroyed except in accordance with law and upon order of a court or of the United States attorney or Corporation Counsel for the District of Columbia or one of their assistants.

"SUBCHAPTER IV.—ARREST WARRANT AND SUMMONS

"§ 23–561. Issuance, form, and contents

"(a) A judicial officer may issue a warrant for the arrest of any person upon a sworn complaint which states facts constituting an offense over which the judicial officer has jurisdiction for trial or preliminary examination, and establishing probable cause to believe that the person committed the offense. More than one warrant may issue on the same complaint.

"Upon request of the prosecutor a summons shall issue instead of an arrest warrant. More than one summons may issue on the same complaint. If a person fails to appear in response to a summons, a warrant shall issue for his arrest.

"(b)(1) An arrest warrant shall be signed by the judicial officer and shall state or contain the name of the issuing court, the date of issuance of the warrant, a description of the offense charged, and the name of the person to be arrested or, if his name be unknown, any name or description by which he can be identified with reasonable certainty. It shall command that the person be arrested and brought before the issuing court or officer.

"(2) A summons shall be in the same form as an arrest warrant except that it shall summon the person named to appear before the issuing court or officer at a stated time and place.

"(c) An arrest warrant may be directed to a specific law enforcement officer, or to any law enforcement officer of a designated classification, or to any officer of the Metropolitan Police of the District of Columbia or other designated agency authorized to make arrests or execute process.

"(d) Each complaint shall be made in writing upon oath or affirmation. Except for good cause shown, no warrant shall be issued unless the complaint has been approved by an appropriate prosecutor.

§ 23–562. Execution and return

"(a) A warrant issued pursuant to this subchapter shall be executed by the arrest of the person named. The officer need not have the warrant in his possession at the time of the arrest, but upon request shall show the warrant to the person as soon as possible. If the officer does not have the warrant in his

possession at the time of the arrest, he shall inform the person forthwith of the offense charged and of the fact that a warrant has been issued. A summons shall be served upon a person by delivering a copy to him personally, or by leaving it at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein, or by mailing it to the person's last known address.

"(b) The officer executing a warrant shall make return thereof to the judicial officer before whom the person is brought for preliminary examination. At the request of the appropriate prosecutor any unexecuted and unexpired warrant shall be returned to the issuing court or judicial officer and shall be canceled. On or before the return day the person to whom a summons was delivered for service shall make return thereof to the court or officer before whom the summons is returnable. At the request of the appropriate prosecutor made at any time while the complaint is pending, a warrant returned unexecuted and not canceled or expired or a summons returned unserved or a duplicate thereof may be delivered by the judicial officer to the marshal or other authorized person for execution or service.

"(c) A law enforcement officer within the District of Columbia making an arrest under a warrant issued pursuant to this subchapter, making an arrest without a warrant, or receiving a person arrested by a special policeman or other person, shall take the arrested person without unnecessary delay before the court or other judicial officer empowered to commit persons charged with the offense for which the arrest was made; this subsection, however, shall not be construed to conflict with or otherwise supersede section 3501 of title 18, United States Code. When a person arrested without a warrant is brought before a judicial officer, a complaint or information shall be filed forthwith.

"§ 23–563. Territorial and other limits

"(a) A warrant or summons for an offense punishable by imprisonment for more than one year issued by the Superior Court of the District of Columbia may be served at any place within the jurisdiction of the United States.

"(b) A person arrested outside the District of Columbia on a warrant issued by the Superior Court of the District of Columbia shall be taken before a judge, commissioner, or magistrate, and held to answer in the Superior Court pursuant to the Federal Rules of Criminal Procedure as if the warrant had been issued by the United States District Court for the District of Columbia.

"SUBCHAPTER V.—ARREST WITHOUT WARRANT

"§ 23–581. Arrests without warrant by law enforcement officers

"(a) A law enforcement officer may arrest, without a warrant having previously been issued therefor:

"(1) a person whom he has probable cause to believe has committed or is committing a felony;

"(2) a person who has committed or is committing an offense in his presence or within his view;

"(3) a person whom he has probable cause to believe has committed or is committing any offense prohibited by sections 3, 4, or 14 of the Act of July 8, 1932 (47 Stat. 651), as amended, 22 D.C. Code secs. 22–3203, 22–3204, 22–3214) (providing for control of dangerous weapons), section 863(a) of the Act of March 3, 1901, as amended (D.C. Code sec. 22–1502) (relating to possession of lottery tickets), and section 209(a) of the Act of June 29, 1953 (67 Stat. 97) (D.C. Code sec. 22–3601) (relating to possession of implements of crime), as well as any offense for which an officer may make such arrest (without a warrant and upon probable cause) pursuant to some other express provision of law;

"(4) a person whom he has probable cause to believe has committed or is about to commit any offense listed in this paragraph and, unless immediately arrested, may not be apprehended, may cause injury to others, or may tamper with, dispose of, or destroy evidence. This paragraph shall apply to the following offenses:

"(A) those offenses specified in the following sections of the Act of March 3, 1901, as amended: section 806 (relating to assault) (D.C. Code, sec. 22–504), section 824 (relating to unlawful entry) (D.C. Code, sec. 22–3102), section 827 (relating to petit larceny) (D.C. Code, sec. 22–2202), and section 829 (relating to receiving stolen goods) (D.C. Code, sec. 22–2205); and

"(B) attempts to commit the offenses specified in the following sections of the Act of March 3, 1901: section 823 (relating to burglary) (D.C. Code, sec. 22–1801), section 826 (relating to grand larceny) (D.C. Code, sec. 22–2201), and section 826b (relating to unauthorized use of vehicles) (D.C. Code, sec. 22–2204).

"(b) A law enforcement officer may, even if his jurisdiction does not extend beyond the District of Columbia, continue beyond the District, if necessary, a pursuit commenced within the District of a person who has committed an offense or whom he has probable cause to believe has committed or is committing a felony, and may arrest that person in any State the laws of which contain provisions equivalent to those of section 23–901.

"§ 23–582. Arrests without warrant by other persons

"(a) A special policeman shall have the same powers as a law enforcement officer to arrest without warrant for offenses committed within premises to which his jurisdiction extends, and may arrest outside the premises on fresh pursuit for offenses committed on the premises.

"(b) A private person may arrest another:

"(1) whom he has probable cause to believe is committing in his presence—

"(A) a felony, or

"(B) an offense described in paragraph (3) of section 23–581(a); or

"(2) in aid of a law enforcement or special policeman.

"(c) Any person making an arrest pursuant to this section shall deliver the person arrested to a law enforcement officer without unreasonable delay.

"Chapter 7.—EXTRADITION AND FUGITIVES FROM JUSTICE

"Sec.

"23–701. Warrants for the arrest of fugitives from justice.
"23–702. Procedure on arrest of fugitives.
"23–703. Failure to appear.
"23–704. Extradition.
"23–705. Removal proceedings and returns to foreign countries not affected.
"23–706. Confinement.

"§ 23–701. Warrants for the arrest of fugitives from justice

"Whenever any person may be found within the District of Columbia charged with any offense committed in any State, territory, or possession of the United States, and liable by the Constitution and laws of the United States to be delivered over upon the demand of the Governor of that State, territory, or possession, any judge of the Superior Court of the District of Columbia may, upon complaint on oath or affirmation of any credible witness, setting forth the offense, that the person is a fugitive from justice, and such other matters as are necessary to bring the case within the provisions of law, issue a warrant to bring the person so charged before the Superior Court of the District of Columbia, to answer the complaint.

"§ 23–702. Procedure on arrest of fugitives

"(a) Any person arrested upon a warrant issued pursuant to section 23–701, or arrested within the District of Columbia as a fugitive from justice without a warrant having been issued, shall be taken before the Criminal Division of the Superior Court for preliminary examination on a complaint charging him as a fugitive.

"(b) If, upon the examination of the person charged, it shall appear to the court that there is reasonable cause to believe that the complaint is true and that the person may be lawfully demanded of the chief judge, the person shall be detained or released according to law, in like manner as if the offense had been committed in the District of Columbia, to appear before the court at a future date, allowing thirty days to obtain a requisition from the Governor of the State, territory, or possession of the United States from which the person is a fugitive. The complaint of fugitivity from another jurisdiction shall create a presumption that the person is unlikely to appear if released, which may be overcome only by clear and convincing proof.

"(c) If the person so released or detained shall appear before the court upon the day ordered, he shall be discharged, unless he shall be demanded by requisition pursuant to subsection (g) of this section or section 23–704, or unless the court shall find cause to detain or to release him as provided by subsection (b) until a later day; but regardless of whether the person shall be detained or released as provided in subsection (b) or discharged, his delivery to any person authorized by the warrant of the Governor shall be a discharge of any bond or obligation.

"(d) The Chief of Police of the Metropolitan Police of the District of Columbia shall give notice to the police official or sheriff of the city or county from which the person is a fugitive that the person is so held in the District of Columbia.

"(e) A person detained as provided by this section shall not be detained in jail longer than to allow a reasonable time for the person receiving the notice herein required to apply for and obtain a proper requisition for the person detained according to the circumstances of the case and the distance of the place where the offense is alleged to have been committed.

"(f) At any time prior to the filing of a requisition, a person arrested pursuant to this section may in open court waive further proceedings pursuant to this chapter:

"(1) Following waiver, a judge of the Superior Court may release the person upon such conditions as the judge shall deem necessary to insure his appearance before the proper official in the State, territory, or possession of the United States from which he is a fugitive, and shall otherwise order his return to the jurisdiction of that State, territory, or other possession in the custody of a proper official.

"(2) Following waiver, a person not released pursuant to subdivision (1) of this subsection shall be ordered to return to the jurisdiction from which he is a fugitive in the custody of a proper official, and may be detained to await return.

"(3) A person detained pursuant to subdivision (2) hereof for more than three days (not including Saturdays, Sundays, and holidays) shall be returned to the court and shall thereupon be released pursuant to subdivision (1) hereof, unless the court shall find good reason to extend his detention for an additional three days to obtain the attendance of a proper official of the demanding jurisdiction.

"(g) If a person has not waived further proceedings pursuant to subsection (f), and a requisition from the Governor of the jurisdiction from which the person is a fugitive is presented to the court, the court shall order the requisition to be filed and referred to the chief judge for extradition

proceedings pursuant to section 23–704, and shall order the person committed pending the outcome of those proceedings, except that the court may, if the United States attorney consents, release the person upon such conditions as the court shall deem necessary to insure the appearance of such person at the proceedings.

"§ 23–703. Failure to appear

"Any person released pursuant to section 23–702 who fails to appear as required shall be punished by a fine not exceeding $5,000 or imprisonment for not more than five years, or both.

"§ 23–704. Extradition

"(a) In all cases where the laws of the United States provide that fugitives from justice shall be delivered up, the chief judge of the Superior Court of the District of Columbia shall cause to be apprehended and delivered up fugitives from justice who shall be found within the District, in the same manner and under the same regulations as the executive authorities of the several States are required to do by the provisions of chapter 209 of title 18, United States Code, and all executive and judicial officers are required to obey the lawful precepts or other process issued for that purpose, and to aid and assist in that delivery.

"(b) The chief judge of the Superior Court of the District of Columbia may also surrender, on demand of the executive authority of any State, any person in the District of Columbia charged in that State in the manner provided in subsection (a) of this section with committing an act in the District of Columbia, or in another State, intentionally resulting in a crime in the State whose executive authority is making the demand, even though the accused was not in that State at the time of the commission of the crime, and has not fled therefrom.

"(c) No person apprehended in accordance with the provisions of subsections (a) and (b) of this section shall be delivered over to the agent whom the executive authority demanding him shall have appointed to receive him unless he shall first be taken before the chief judge of the Superior Court of the District of Columbia who shall inform him of the demand made for his surrender, and of the crime with which he is charged, and that he has the right to demand and procure legal counsel.

"If the person or his counsel shall state that he or they desire to test the legality of his arrest, the chief judge shall hold a hearing to determine whether the person shall be delivered over as demanded. At the hearing, the person shall have the same rights to challenge his detention and extradition as if the hearing were upon a writ of habeas corpus.

"If the chief judge shall order the person delivered over, he may appeal, within twenty-four hours, from that order to the District of Columbia Court of Appeals if the chief judge who rendered the order, or a judge of the Court of Appeals, issues a certificate of probable cause. The appeal shall be expedited. An application for a writ of habeas corpus on behalf of a person who is authorized to demand a hearing pursuant to this subsection shall not be entertained if it appears that the applicant has failed to demand such a hearing or that the chief judge, after hearing, has ordered him delivered over, unless it also appears that the remedy by hearing is inadequate or ineffective to test the legality of his detention.

"Nothing contained in this subsection shall prevent a person from waiving his right to appear before the chief judge of the Superior Court of the District of Columbia and voluntarily returning in custody of a proper official to the jurisdiction of the State, territory, or other possession of the United States which is demanding him.

"(d) No person whom the chief judge has ordered delivered over pursuant to the demand of the Governor of a State, territory, or other possession under the provisions of this section shall be released upon bond or other obligation except pursuant to an order of a court of the demanding State, territory, or other possession.

"(e) Any associate judge designated by the chief judge or acting chief judge shall have the same power to act pursuant to this section as the chief judge.

"§ 23–705. Removal proceedings and returns to foreign countries not affected

"Nothing contained in this chapter shall repeal, modify, or in any way affect existing law concerning the procedure for the return of any person apprehended in the District of Columbia to a Federal district to answer a Federal charge, or repeal, modify, or affect existing law or treaty concerning the return to a foreign country of a person apprehended or detained in the District of Columbia as a fugitive from a foreign country.

"§ 23–706. Confinement

"(a) The agent of the demanding State to whom the prisoner may have been delivered in accordance with the provisions of section 23–704, may, when necessary, confine the prisoner in a facility of the District of Columbia Department of Corrections, and the Department of Corrections must receive and safely keep the prisoner for such reasonable time as will enable the officer or person having charge of him to proceed on his route, such officer or person being chargeable with the expense of keeping.

"(b) The officer or agent of a demanding State to whom a prisoner may have been delivered following extradition proceedings in another State, or to whom a prisoner may have been delivered after waiving extradition in the other State, and who is passing through the District of Columbia with a prisoner for the purpose of immediately returning the prisoner to the demanding State, may, when necessary, confine the prisoner in a facility of the Department of Corrections; the Department of Corrections must receive and safely keep the prisoner for such reasonable time as will enable the officer or agent to proceed on his route, such officer or agent being chargeable with the expense of keeping. That officer or agent shall produce and show to the Department satisfactory written evidence of the fact that he is actually transporting the prisoner to the demanding State after a requisition by the executive authority of the demanding State. The prisoner shall not be entitled to demand a new requisition while in the District of Columbia.

"CHAPTER 9.—FRESH PURSUIT

"Sec.
"23–901. Arrests in the District of Columbia by officers of other States.
"23–902. Hearing; commitment; discharge.
"23–903. Construction.
"23–904. 'Fresh pursuit' defined.

"§ 23–901. Arrest in the District of Columbia by officers of other States

"Any member of a duly organized State, county, or municipal peace unit of any State of the United States who enters the District of Columbia in fresh pursuit and continues within the District in fresh pursuit of a person in order to arrest him on the ground that he is believed to have committed a felony in the State shall have the same authority to arrest and hold that person in custody as has any member of any duly organized peace unit of the District to arrest and hold in custody a person on the ground that he is believed to have committed a felony in the District.

"§ 23–902. Hearing; commitment; discharge

"If an arrest is made in the District of Columbia by an officer of another State in accordance with the provisions of section 23–901, he shall without unnecessary delay take the person arrested before a judge of the Superior Court of the District of Columbia, who shall conduct a hearing for the purpose of determining the lawfulness of the arrest. If the judge determines that the arrest was lawful, he shall order the release or detention of the person arrested, pursuant to section 23–702, to await for a reasonable time a requisition from the Governor of the State demanding the extradition of the person arrested. If the judge determines that the arrest was unlawful he shall order the person discharged.

"§ 23–903. Construction

"Section 23–901 shall not be construed so as to make unlawful any arrest in this District which would be otherwise lawful.

"§ 23–904. 'Fresh pursuit' defined

"The term 'fresh pursuit' used in this chapter shall include fresh pursuit as defined by the common law, also the pursuit of a person who has committed a felony or one who the pursuing officer has reasonable grounds to believe has committed a felony. It shall also include the pursuit of a person whom the pursuing officer has reasonable grounds to believe has committed a felony, although no felony has actually been committed, if there is reasonable ground for believing that a felony has been committed. 'Fresh pursuit' as used herein shall not necessarily imply an instant pursuit, but pursuit without unreasonable delay.

"CHAPTER 11.—BONDSMEN

"Sec.
"23–1101. Definitions.
"23–1102. Business impressed with public interest.
"23–1103. Procuring business through official or attorney for a consideration prohibited.
"23–1104. Attorneys procuring employment through official or bondsman for a consideration prohibited.
"23–1105. Receiving other than regular fee for bonding prohibited; bondsmen prohibited from endeavoring to secure dismissal or settlement.
"23–1106. Posting names of authorized bondsmen; list to be furnished prisoners; prisoners may communicate with bondsmen; record to be kept by police.
"23–1107. Bondsmen prohibited from entering place of detention unless requested by prisoner; record of visit to be kept.
"23–1108. Qualifications of bondsmen; rules to be prescribed by courts; list of agents to be furnished; renewal of authority to act; detailed records to be kept; penalties and disqualifications.
"23–1109. Giving advance information of proposed raid prohibited.
"23–1110. Designation of official to take bail or collateral when court is not in session.
"23–1111. Penalties.
"23–1112. Enforcement.

"§ 23–1101. Definitions

"The words 'bonding business' as used in this chapter mean the business of becoming surety for compensation upon bonds in criminal cases in the District of Columbia, and the word 'bondsman' means any person or corporation engaged either as principal or as agent, clerk, or representative of another in such business.

"§ 23–1102. Business impressed with public interest

"The business of becoming surety for compensation upon bonds in criminal cases in the District of Columbia is impressed with a public interest.

"§ 23–1103. Procuring business through official or attorney for a consideration prohibited

"It shall be unlawful for any person engaged, either as principal or as the clerk, agent, or representative of a corporation, or

another person in the business of becoming surety upon bonds for compensation in the District of Columbia, either directly or indirectly, to give, donate, lend, contribute, or to promise to give, donate, loan, or contribute any money, property, entertainment, or other thing of value whatsoever to any attorney at law, police officer, deputy United States marshal, jailer, probation officer, clerk, or other attaché of a criminal court, or public official of any character, for procuring or assisting in procuring any person to employ the bondsman to execute as surety any bond for compensation in any criminal case in the District of Columbia; and it shall be unlawful for any attorney at law, police officer, deputy United States marshal, jailer, probation officer, clerk, bailiff, or other attaché of a criminal court, or public official of any character, to accept or receive from a person engaged in the bonding business any money, property, entertainment, or other thing of value whatsoever for procuring or assisting in procuring a person to employ a bondsman to execute as surety any bond for compensation in a criminal case in the District of Columbia.

"§ 23–1104. Attorneys procuring employment through official or bondsman for a consideration prohibited

'It shall be unlawful for any attorney at law, either directly or indirectly, to give, loan, donate, contribute, or to promise to give, loan, donate, or contribute any money property, entertainment, or other thing of value whatsoever to, or to split or to divide any fee or commission with, any bondsman, the agent, clerk, or representative of any bondsman, police officer, deputy United States marshal, probation officer, bailiff, clerk, or other attaché of any criminal court for causing or procuring or assisting in causing or procuring a person to employ the attorney to represent him in a criminal case in the District of Columbia.

"§ 23–1105. Receiving other than regular fee for bonding prohibited; bondsmen prohibited from endeavoring to secure dismissal or settlement

"It shall be lawful to charge for executing a bond in a criminal case in the District of Columbia, but it shall be unlawful for a person or corporation engaged in the bonding business, either as principal, or clerk, agent, or representative of another, either directly or indirectly, to charge, accept, or receive a sum of money, or other thing of value, other than the regular fee for bonding, from a person for whom he has executed bond, for any other service whatever performed in connection with any indictment, information, or charge upon which the person is bailed or held in the District of Columbia. It also shall be unlawful for any person or corporation engaged either as principal or as agent, clerk, or representative of another in the bonding business, to settle, or attempt to settle, or to procure or attempt to procure the dismissal of any indictment, information, or charge against any person in custody or held upon bond in the District of Columbia, with a court, or with the prosecuting attorney in a court in the District of Columbia.

"§ 23–1106. Posting names of authorized bondsmen; list to be furnished prisoners; prisoners may communicate with bondsmen; record to be kept by police

"A typewritten or printed list alphabetically arranged of all persons engaged under the authority of any of the courts of criminal jurisdiction in the District of Columbia in the business of becoming surety upon bonds for compensation in criminal cases shall be posted in a conspicuous place in each police precinct, jail, prisoner's dock, house of detention, and every other place in the District of Columbia in which persons in custody of the law are detained, and one or more copies thereof kept on hand; and when a person who is detained in custody in a place of detention shall request a person in charge thereof to furnish him the name of a bondsman, or to put him in communication with a bondsman, the list shall be furnished by the person in charge of the place of detention within a reasonable time to put the person detained in communication with the bondsman selected, and the person in charge of the place of detention shall contemporaneously with that transaction make in the blotter or book of record kept in the place of detention, a record showing the name of the person requesting the bondsman, the offense with which the person is charged, the time at which the request was made, the bondsman requested, and the person by whom the bondsman was called, and preserve that as a permanent record in the book or blotter in which entered.

"§ 23–1107. Bondsmen prohibited from entering place of detention unless requested by prisoner; record of visit to be kept

"It shall be unlawful for a bondsman, agent, clerk, or representative of a bondsman to enter a police precinct, jail, prisoner's dock, house of detention, or other place where persons in the custody of the law are detained in the District of Columbia for the purpose of obtaining employment as a bondsman, without having been previously called by a person detained, or by some relative or other authorized person acting for or on behalf of the person detained, and whenever a person engaged in the bonding business as principal, or as clerk, agent, or representative of another, shall enter a police precinct, jail, prisoner's dock, house of detention, or other place where persons in the custody of the law are detained in the District of Columbia, he shall forthwith give to the person in charge thereof his mission there, the name of the person calling him, and requesting him to come to such place, and the same shall be recorded by the person in charge of the place of detention and preserved as a public record, and the failure to give that information, or the failure of the person in charge of the place of detention to make and preserve that record, shall constitute a violation of this chapter.

"§ 23–1108. Qualifications of bondmen; rules to be prescribed by courts; list of agents to be furnished; renewal of authority to act; detailed records to be kept; penalties and disqualifications

"(a) It shall be the duty of the United States District Court for the District of Columbia and the Superior Court of the District of Columbia, each, to provide, under reasonable rules and regulations, the qualifications of persons and corporations applying for authority to engage in the bonding business in criminal cases in the District of Columbia, and the terms and conditions upon which the business shall be carried on, and no person or corporation shall, either as principal, or as agent, clerk, or representative of another, engage in the bonding business in either court until he shall, by order of the court, be authorized to do so. The courts, in making these rules and regulations, and in granting authority to persons to engage in the bonding business, shall take into consideration both the financial responsibility and the moral qualities of the person so applying, and no person shall be permitted to engage, either as principal or agent, in the business of becoming surety upon bonds for compensation in criminal cases, who has ever been convicted of an offense involving moral turpitude, or who is not known to be a person of good moral character. It shall be the duty of each of the courts to require every person qualifying to engage in the bonding business as principal to file with the court a list showing the name, age, and residence of each person employed by the bondsman as agent, clerk, or representative in the bonding business, and require an affidavit from each of these persons stating that he will abide by the terms and provisions of this chapter. Each of the courts shall require the authority of each of those persons to be renewed from time to time at such periods as the court may by rule provide, and before the authority shall be renewed the court shall require from each of those persons an affidavit that since his previous qualification to engage in the bonding business he has abided by the provisions of this chapter, and any person swearing falsely in any of the affidavits shall be guilty of perjury.

"(b) Each court shall prescribe such rules and regulations as may be necessary to insure that whenever a bondsman becomes surety for compensation upon a bond in a criminal case before the court, the bondsman, or his agent, clerk, or representative, shall make a record, which shall be accurate to the best of the maker's knowledge and belief and shall thereafter be open for inspection by the court or its designated representative, and by the designated representative of other law enforcement agencies of the District of Columbia, of the following matters:

"(1) the full name and address of the person for whom the bond is executed (referred to in this subsection as the 'defendant') and the full name and address of his employer, if any;

"(2) the offense with which the defendant is charged;

"(3) the name of the court or officer authorizing the defendant's admission to bail;

"(4) the amount of the bond;

"(5) the name of the person who called the bondsman, if other than the defendant;

"(6) the amount of the bondsman's charge for executing the bond;

"(7) the full name and address of the person to whom the bondsman presented his bill for the charge;

"(8) the full name and address of the person paying the charge; and

"(9) the manner of payment of the charge.

Whoever violates any rule or regulation prescribed under this subsection shall be fined not more than $500 or imprisoned not more than six months or both and if he is a bondsman, or the agent, clerk, or representative of a bondsman, shall be disqualified from thereafter engaging in any manner in the bonding business for such period of time as the trial judge shall order.

"§ 23–1109. Giving advance information of proposed raid prohibited

"It shall be unlawful for any police officer or other public official, in advance of any raid by police or other peace officers or public officials or the execution of any search warrant or warrant of arrest, to give or furnish, either directly or indirectly, any information concerning the proposed raid or arrest to any person engaged in any manner in the bonding business, or to any attorney at law; but it shall not be unlawful for any police or other peace officer, in conducting any raid or in executing any search warrant or warrant of arrest, to communicate to any attorney at law or person engaged in the bonding business, any fact necessary to enable the officer to obtain from the attorney at law or person engaged in the bonding business information necessary to enable the officer to carry out the raid or execute the process.

"§ 23–1110. Designation of official to take bail or collateral when court is not in session

"(a) The judges of the Superior Court of the District of Columbia shall have the au-

thority to appoint some official of the Metropolitan Police force of the District of Columbia to act as a clerk of the court with authority to take bail or collateral from persons charged with offenses triable in the Superior Court at all times when the court is not open and its clerks accessible. The official so appointed shall have the same authority at those times with reference to taking bonds or collateral as the clerk of the Municipal Court had on March 3, 1933; shall receive no compensation for those services other than his regular salary; shall be subject to the orders and rules of the Superior Court in discharge of his duties, and may be removed as the clerk at any time by the judges of the court. The United States District Court for the District of Columbia shall have power to authorize the official appointed by the Superior Court to take bond of persons arrested upon writs and process from that court in criminal cases between 4 o'clock postmeridian and 9 o'clock antemeridian and upon Sundays and holidays, and shall have power at any time to revoke the authority granted by it.

"(b) An officer or member of the Metropolitan Police force who arrests without a warrant a person for committing a misdemeanor may, instead of taking him into custody, issue a citation requiring the person to appear before an official of the Metropolitan Police force designated under subsection (a) of this section to act as a clerk of the Superior Court of the District of Columbia.

"(c) Whenever a person is arrested without a warrant for committing a misdemeanor and is booked and processed pursuant to law, an official of the Metropolitan Police force designated under subsection (a) of this section to act as a clerk of the Superior Court of the District of Columbia may issue a citation to him for an appearance in court or at some other designated place, and release him from custody.

"(d) No citation may be issued under subsection (b) or (c) of this section unless the person authorized to issue the citation has reason to believe that the arrested person will not cause injury to persons or damage to property and that he will make an appearance in answer to the citation.

"(e) Whoever willfully fails to appear as required in a citation, shall be fined not more than the maximum provided for the misdemeanor for which such citation was issued or imprisoned for not more than one year, or both. Prosecution under this subsection shall be by the prosecuting officer responsible for prosecuting the offense for which the citation is issued.

"§ 23–1111. Penalties

"Any person violating any provision of this chapter shall be punished by a fine of not less than $50 nor more than $100, or by imprisonment of not less than ten nor more than sixty days in jail, or both, where no other penalty is provided by this chapter; and if the person so convicted be a police officer or other public official, he shall upon recommendation of the trial judge also be forthwith dismissed from office; if a bondsman, or the agent, clerk, or representative of a bondsman, he shall be disqualified from thereafter engaging in any manner in the bonding business for such a period of time as the trial judge shall order; and, if an attorney at law, shall be subject to suspension or disbarment as attorney at law.

"§ 23–1112. Enforcement

"It shall be the duty of the Superior Court of the District of Columbia and of the United States District Court for the District of Columbia to see that this chapter is enforced, and upon the impaneling of each grand jury in the District of Columbia it shall be the duty of the judge impaneling said jury to give it in charge to the jury to investigate the manner in which this chapter is enforced and all violations thereof.

"Chapter 13.—DISTRICT OF COLUMBIA BAIL AGENCY

"Sec.

"23–1301. District of Columbia Bail Agency.
"23–1302. Definitions.
"23–1303. Interviews with detainees; investigations and reports; information as confidential; consideration and use of reports in making bail determinations.
"23–1304. Executive committee composition; appointment and qualifications of Director.
"23–1305. Duties of Director; compensation; tenure.
"23–1306. Chief assistant and other agency personnel; compensation.
"23–1307. Annual reports to executive committee, Congress and Commissioner.
"23–1308. Authorization for appropriations; budget estimates.
"23–1309. Applicability of Bail Reform Act.

"§ 23–1301. District of Columbia Bail Agency

"The District of Columbia Bail Agency (hereafter referred to as the 'agency') shall continue in the District of Columbia and shall secure pertinent data and provide for any judicial officer in the District of Columbia or any officer or member of the Metropolitan Police force issuing citations, reports containing verified information concerning any individual with respect to whom a bail or citation determination is to be made.

"§ 23–1302. Definitions.

"As used in this chapter—

"(1) the term 'judicial officer' means, unless otherwise indicated, the Supreme Court of the United States, the United States Court of Appeals for the District of Columbia Circuit, the District of Columbia Court of Appeals, United States District Court for the District of Columbia, the Superior Court of the District of Columbia or any justice or judge of those courts or a United States commissioner or magistrate; and

"(2) the term 'bail determination' means any order by a judicial officer respecting the terms and conditions of release (including any order setting the amount of bail bond or any other kind of security given to assure appearance in court) of—

"(A) any person arrested in the District of Columbia, or

"(B) any material witness in any criminal proceeding in a court referred to in paragraph (1) for trial or sentencing or pending appeal.

"§ 23–1303. Interviews with detainees; investigations and reports; information as confidential; consideration and use of reports in making bail determinations

"(a) The agency shall, except when impracticable, interview any person detained pursuant to law or charged with an offense in the District of Columbia who is to appear before a United States commissioner or whose case arose in or is before any court named in section 23–1302(1). The interview, when requested by a judicial officer, shall also be undertaken with respect to any person charged with intoxication or traffic violation. The agency shall seek independent verification of information obtained during the interview, shall secure any such person's prior criminal record which shall be made available by the Metropolitan Police Department, and shall prepare a written report of the information for submission to the appropriate judicial officer. The report to the judicial officer shall, where appropriate, include a recommendation as to whether such person should be released under any of the conditions specified in section 3146 of title 18, United States Code. The agency shall provide copies of its report and recommendations to the United States attorney for the District of Columbia, to the Corporation Counsel of the District of Columbia (if pertinent), and to counsel for the person concerning whom the report is made. The report shall include but not be limited to information concerning the person accused, his family, his community ties, residence, employment, prior criminal record if any, and may include such additional verified information as may become available to the agency.

"(b) With respect to persons seeking review pursuant to chapter 207 of title 18, United States Code, the agency shall review its report, seek and verify such new information as may be necessary, and modify or supplement its report to the extent appropriate.

"(c) The agency when requested by any appellate court or a judge or justice thereof, or by any other judicial officer, shall furnish a report as provided in subsection (a) of this section respecting any person whose case is pending before any such appellate court or judicial officer or in whose behalf an application for a bail determination shall have been submitted.

"(d) Such information as may be contained in the agency's files or presented in its report or which shall be divulged during the course of any hearing shall be used only for the purpose of a bail determination or in connection with any other proceeding under chapter 207 of title 18, United States Code, and shall otherwise be confidential except for members of the agency staff, and such members shall not be subject to subpena concerning information in their possession and such information shall not be the subject of court process for use in any other proceeding.

"(e) The agency, when requested by a member or officer of the Metropolitan Police force acting pursuant to court rules governing the issuance of citations in the District of Columbia, shall furnish to such member or officer a report as provided in subsection (a).

"(f) The preparation by the agency and the submission of its report as provided in this section shall be accomplished at the earliest practicable opportunity.

"(g) A judicial officer in making a bail determination shall consider the agency's report and its accompanying recommendation, if any. The judicial officer may impose such terms and set such conditions including requiring the execution of a bail bond with sufficient solvent sureties, upon release as shall appear warranted by the facts presented, except that such judicial officer may not establish any term or condition for release not otherwise authorized by law.

"(h) The agency shall—

"(1) supervise all persons released on nonsurety release, including release on personal recognizance, personal bond, nonfinancial conditions, or cash deposit or percentage deposit with the registry of the court;

"(2) make reasonable effort to give notice of each required court appearance to each person released by the court;

"(3) serve as coordinator for the agencies and organizations which serve or may be eligible to serve as custodians for persons released under supervision and advise the judicial officer as to the eligibility, availability and capacity of such agencies and organizations;

"(4) assist persons released pursuant to chapter 207 of title 18, United States Code, in securing employment or necessary medical or social services;

"(5) inform the judicial officer and the United States attorney for the District of Columbia of any failure to comply with pretrial release conditions or the arrest of persons released under its supervision and recommend modifications of release conditions when appropriate;

"(6) prepare, in cooperation with the United States marshal for the District of

Columbia and the United States attorney for the District of Columbia, such pretrial detention reports as are required by Rule 46(h) of the Federal Rules of Criminal Procedure; and

"(7) perform such other pretrial functions as the executive committee may, from time to time, assign.

"§ 23–1304. Executive committee; composition; appointment and qualifications of Director

"(a) The agency shall function under authority of and be responsible to an executive committee of five members of which three shall constitute a quorum. The executive committee shall be composed of the respective chief judges of the United States Court of Appeals for the District of Columbia Circuit, the United States District Court for the District of Columbia, the District of Columbia Court of Appeals, the Superior Court of the District of Columbia, or if circumstances may require, the designee of any such chief judge; and a fifth member who shall be selected by the chief judges.

"(b) The executive committee shall appoint a Director of the agency who shall be a member of the bar of the District of Columbia.

"§ 23–1305. Duties of Director; compensation; tenure

"The Director of the agency shall be responsible for the supervision and execution of the duties of the agency. The Director shall receive such compensation as may be set by the executive committee but not in excess of that amount classified as GS–16 in section 5332 of title 5, United States Code. The Director shall hold office at the pleasure of the executive committee.

"§ 23–1306. Chief assistant and other agency personnel; compensation

"The Director, subject to the approval of the executive committee, shall employ a chief assistant and such assisting and clerical staff and may make assignments of such agency personnel as may be necessary properly to conduct the business of the agency. The staff of the agency, other than clerical, shall be drawn from law students, graduate students, or such other available sources as may be approved by the executive committee. The chief assistant to the Director shall receive compensation as may be set by the executive committee, but in an amount not in excess of that classified as GS–14 in section 5332 of title 5, United States Code, and shall hold office at the pleasure of the executive committee. All other employees of the agency shall receive compensation as set by the executive committee at rates equivalent to those that would be applicable to positions in the General Schedule involving comparable levels of duties and responsibilities. From time to time, the Director, subject to the approval of the executive committee, may set merit and longevity salary increases.

"§ 23–1307. Annual reports to executive committee, Congress and Commissioner

"The Director shall on June 15 of each year submit to the executive committee a report as to the agency's administration of its responsibilities for the previous period of June 1 through May 31, a copy of which report will be transmitted by the executive committee to the Congress of the United States, and to the Commissioner of the District of Columbia. The Director shall include in his report, to be prepared as directed by the Commissioner of the District of Columbia, a statement of financial condition, revenues, and expenses for the past June 1 through May 31 period.

"§ 23–1308. Authorization for appropriations; budget estimates

"For the purpose of carrying out the provisions of this chapter, there are authorized to be appropriated to the District of Columbia $360,000, which shall be disbursed by the Commissioner of the District of Columbia. Budget estimates for the agency shall be prepared by the Director and shall be subject to the approval of the executive committee.

"§ 23–1309. Applicability of Bail Reform Act

"The Bail Reform Act of 1966 (18 U.S.C. 3146–3152), shall apply to any person detained pursuant to law or charged with an offense in the District of Columbia.

"Chapter 15.—OUT-OF-STATE WITNESSES

"Sec.

"23–1501. Definitions.

"23–1502. Hearing on recall of out-of-State witnesses by State courts; determination; travel allowance; penalty.

"23–1503. Certificate providing for attendance of witnesses at criminal prosecutions in the District of Columbia; travel allowance; penalty.

"23–1504. Exemption from arrest.

"§ 23–1501. Definitions

"As used in this chapter—

"(a) The term 'witness' includes a person whose testimony is desired in any proceeding or investigation by a grand jury or in a criminal action, prosecution, or proceeding.

"(b) The word 'State' includes the Commonwealth of Puerto Rico, the District of Columbia, the Virgin Islands, Guam, American Samoa, and any possession of the United States.

"(c) The word 'summons' includes a subpena, order, or other notice requiring the appearance of a witness.

"§ 23–1502. Hearing on recall of out-of-State witnesses by State courts; determination; travel allowance; penalty

"(a) If a judge of a court of record in any State which by its laws has made provision for commanding persons within that State to attend and testify in the District of Columbia certifies under the seal of the court (1) that there is a criminal prosecution pending in that court, or that a grand jury investigation has commenced or is about to commence, (2) that a person within the District of Columbia is a material witness in the prosecution, or grand jury investigation, and (3) that his presence will be required for a specified number of days, upon presentation of that certificate to any judge of the Superior Court of the District of Columbia, the judge shall fix a time and place for a hearing, and shall make an order directing the witness to appear at a time and place certain for the hearing.

"(b) If at the hearing the judge determines that the witness is material and necessary, that it will not cause undue hardship to witness to be compelled to attend and testify in the prosecution or a grand jury investigation in the other State, and that the laws of the State in which the prosecution is pending, or grand jury investigation has commenced or is about to commence and of any other State through which the witness may be required to pass by ordinary course of travel, will give to him protection from arrest and the service of civil and criminal process, he shall issue a summons, with a copy of the certificate attached, directing the witness to attend and testify in the court where the prosecution is pending, or where a grand jury investigation has commenced or is about to commence at a time and place specified in the summons. In any such hearing the certificate shall be prima facie evidence of all the facts stated therein.

"(c) If the certificate recommend that the witness be taken into immediate custody and delivered to an officer of the requesting State to assure his attendance in the requesting State, the judge may, in lieu of notification of the hearing, direct that the witness be forthwith brought before him for the hearing; and the judge at the hearing being satisfied of the desirability of the custody, and delivery for which determination the certificate shall be prima facie proof of the desirability may, in lieu of issuing subpena or summons, order that the witness be forthwith taken into custody and delivered to an officer of the requesting State.

"(d) If the witness, who is summoned as above provided, after being paid or tendered by some properly authorized person the fees and allowances authorized for witnesses in criminal cases in United States District Courts, fails without good cause to attend and testify as directed in the summons, he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from the Superior Court of District of Columbia.

"§ 23–1503. Certificate providing for attendance of witnesses at criminal prosecutions in the District of Columbia; travel allowance; penalty

"(a) If a person in any State, which by its laws has made provision for commanding persons within its borders to attend and testify in criminal prosecutions, or grand jury investigations commenced or about to commence, in the District of Columbia, is a material witness in a prosecution pending in a court of record in the District of Columbia, or in a grand jury investigation which has commenced or is about to commence, a judge of that court may issue a certificate under seal of the court stating these facts and specifying the number of days the witness will be required. The certificate may include a recommendation that the witness be taken into immediate custody and delivered to an officer of the United States or the District of Columbia to assure his attendance in the District of Columbia. This certificate shall be presented to a judge of a court of record in the county in which the witness is found.

"(b) If the witness is summoned to attend and testify in the District of Columbia he shall be tendered the fees and allowances authorized for witnesses in criminal cases in United States District courts. A witness who has appeared in accordance with the provisions of the summons shall not be required to remain within the District of Columbia a longer period of time than the period mentioned in the certificate, unless otherwise ordered by the court. If the witness, after coming into the District of Columbia, fails without good cause to attend and testify as directed in the summons, he may be punished in the manner provided for the punishment of any other witness who disobeys a summons issued from the court in the District of Columbia where the prosecution has been instituted or the grand jury investigation has commenced or is about to commence.

"§ 23–1504. Exemption from arrest

"(a) If a person comes into the District of Columbia in obedience to a summons directing him to attend and testify in the District of Columbia he shall not while in the District of Columbia pursuant to the summons be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into the District of Columbia under the summons.

"(b) If a person passes through the District of Columbia while going to another State in obedience to a summons to attend and testify in that State or while returning therefrom, he shall not while so passing through the District of Columbia be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into the District of Columbia under the summons.

"Chapter 17.—DEATH PENALTY

"Sec.
"23–1701. Capital punishment.
"23–1702. Provision for death chamber; appointments of executioner and assistants; fees.
"23–1703. Sentences to be in writing and certified copy furnished.
"23–1704. Who may be present at executions; fact of execution to be certified to clerk of court.
"23–1705. Who may not be present at executions.
"23–1706. Place of execution.

"§ 23–1701. Capital punishment

"The mode of capital punishment shall be by the process commonly known as electrocution. The punishment of death shall be inflicted by causing to pass through the body of the convict a current of electricity of sufficient intensity to cause death, and the application of the current shall be continued until the convict is dead. The time fixed for the execution of the sentence shall not be considered an essential part of the sentence, and if it be not executed at the time therein appointed, by reason of the pendency of an appeal or for other cause, the court, may appoint another day for carrying the same into execution.

"§ 23–1702. Provision for death chamber; appointment of executioner and assistants; fees

"The Commissioner of the District of Columbia is authorized and required to provide a death chamber and necessary apparatus for inflicting the death penalty by electrocution, to designate an executioner and necessary assistants, not exceeding three in number. The Council of the District of Columbia is authorized and required to fix the fees for the executioner and his assistants.

"§ 23–1703. Sentences to be in writing and certified copy furnished

"Upon the conviction of any person in the District of Columbia of a crime the punishment of which is death, it shall be the duty of the presiding judge to sentence the convicted person to death according to the terms of sections 23–1701 to 23–1704, and to make the sentence in writing, which shall be filed with the papers in the case against the convicted person, and a certified copy thereof shall be transmitted, by the clerk of the court in which such sentence is pronounced, to the District of Columbia Department of Corrections not less than ten days prior to the time fixed in the sentence of the court for the execution.

"§ 23–1704. Who may be present at execution; fact of execution to be certified to clerk of court.

"At the execution of the death penalty as herein prescribed there shall be present the following persons, and no more, to wit:

"The executioner and his assistant; the physician of the prison and one other physician if the condemned person so desires; the condemned person's counsel and relatives, not exceeding three, if they so desire; the prison chaplain and such other ministers of the Gospel, not exceeding two, as may attend by desire of the condemned; the superintendent of the prison, or, in the event of his disability, a deputy designated by him; and not fewer than three nor more than five respectable citizens whom the superintendent of the prison shall designate, and, if necessary to insure their attendance, shall subpena to be present. The fact of execution shall be certified by the prison physician and the executioner to the clerk of the court in which sentence was pronounced, which certificate shall be filed by the clerk with the papers in the case.

"§ 23–1705. Who may not be present at executions

"No person whatever under the age of twenty-one years, shall be allowed to witness any execution.

"§ 23–1706. Place of execution

"Persons adjudged to suffer death shall be executed within the walls of the designated facility of the Department of Corrections, or within the yard or inclosure thereof, and not elsewhere."

(b) The following provisions of law are repealed on the effective date of this Act, except with respect to rights and duties which matured, penalties which were incurred and proceedings which were begun before the effective date of this Act:

(1) R.S.D.C. section 397, as amended (D.C. Code, sec. 4–140);

(2) R.S.D.C. section 398 (D.C. Code, sec. 4–141);

(3) sections 1 and 2, 23 Geo. II, ch. 11, as continued in force in the District of Columbia by section 1 of the Act of March 3, 1901 (31 Stat. 1189; D.C. Code, secs. 23–204, 23–205);

(4) the following sections of the Act of March 3, 1901 (31 Stat. 1189), as amended:
sections 911 to 914 (D.C. Code, secs. 23–301 to 23–304),
sections 915 to 917 (D.C. Code, secs. 23–201 to 23–203),
sections 918 to 924 (D.C. Code, secs. 23–107 to 23–113),
section 926 (D.C. Code, sec. 23–114),
sections 930 to 931 (D.C. Code, secs. 23–401 to 23–402),
section 932 (D.C. Code, sec. 23–101),
section 933 (D.C. Code, sec. 23–102),
section 935 (D.C. Code, sec. 23–105),
section 938 (D.C. Code, sec. 23–106),
section 939 (D.C. Code, sec. 23–104),
section 1200 (D.C. Code, sec. 23–706),
section 1203 (D.C. Code, sec. 23–705),

(5) Act of January 30, 1925 (43 Stat. 798; D.C. Code, secs. 23–701 to 23–704);

(6) Act of April 21, 1928 (45 Stat. 440, as amended; D.C. Code, secs. 23–403 to 23–410);

(7) Act of March 3, 1933 (47 Stat. 1482, as amended; D.C. Code, secs. 23–601 to 23–612);

(8) section 5 of the Act of April 5, 1938 (52 Stat. 198, 199; D.C. Code, sec. 23–305);

(9) Act of July 26, 1939 (53 Stat. 1124, as amended; D.C. Code, secs. 23–501 to 23–504);

(10) Act of March 5, 1952 (66 Stat. 15, as amended; D.C. Code, secs. 23–801 to 23–804);

(11) sections 207, 402, and 407(b) of the Act of June 29, 1953 (67 Stat. 90, 96, 102, 106; D.C. Code, sec. 23–306, 23–115, and 23–411);

(12) Act of July 26, 1966 (80 Stat. 327, as amended; D.C. Code, secs. 23–901 to 23–909); and

(13) Act of July 30, 1968 (82 Stat. 460; D.C. Code, sec. 23–101a).

INSANE CRIMINALS

SEC. 403. Section 927 of the Act of March 3, 1901 (31 Stat. 1189, 1340, as amended; D.C. Code, sec. 24–301), is amended as follows:

(1) by substituting for the words beginning "Whenever a person is arrested" and ending "period of probation" in the first sentence of subsection (a), the following: "Whenever a person is arrested or indicted for, or charged by information with, an offense, or a child is the subject of a transfer motion in the Family Division of the Superior Court pursuant to section 11–1104 of the District of Columbia Code, and, prior to the imposition of sentence or the expiration of any period of probation, or prior to hearing on the transfer motion,";

(2) by striking the period at the end of the second sentence of subsection (a) and substituting in lieu thereof: "or participate in transfer proceedings.";

(3) by inserting after the words "stand trial" in the third sentence of subsection (a), "or participate in transfer proceedings";

(4) by inserting after the words "stand trial" in both places it appears in subsection (b), "or participate in transfer proceedings"; and

(5) by adding at the end thereof the following new subsection;

"(k) A person in custody or conditionally released from custody, pursuant to the provisions of this section, claiming the right to be released from custody, the right to any change in the conditions of his release, or other relief concerning his custody, may move the court having jurisdiction to order his release, to release him from custody, to change the conditions of his release, or to grant other relief.

"A motion for relief may be made at any time.

"Unless the motion and the files and records of the case conclusively show that the person is entitled to no relief, the court shall cause notice thereof to be served upon the prosecuting authority, grant a prompt hearing thereon, determine the issues and make findings of fact and conclusion of law with respect thereto. On all issues raised by his motion, the person shall have the burden of proof. If the court finds that the person is entitled to his release from custody, either conditional or unconditional, or that he is entitled to a change in the conditions of his release or other relief, the court shall enter such order as may appear appropriate.

"A court may entertain and determine the motion without requiring the production of the person at the hearing.

"The court shall not be required to entertain a second or successive motion for similar relief on behalf of the same person, except that a motion claiming relief on the ground that the person's mental condition has changed shall be entertained by the court if there has been no hearing to determine the present mental condition of that person for a period of six months.

"An appeal may be taken from an order entered under this section to the court having jurisdiction to review final judgments of the court entering the order.

"An application for habeas corpus on behalf of a person who is authorized to apply for relief by motion pursuant to this section shall not be entertained if it appears that the applicant has failed to apply for relief, by motion, to the court having jurisdiction to entertain a motion pursuant to this section, unless it also appears that the remedy by motion is inadequate or ineffective to test the validity of his detention."

NARCOTIC DRUGS

SEC. 404. Section 23 of the Act of June 20, 1938 (52 Stat. 796, as amended; D.C. Code, sec. 33–423), is amended to read as follows:

"SEC. 23. (a) Except as hereinafter provided, a person violating any provision of this Act, or any regulation made by the Commissioner of the District of Columbia or the Council of the District of Columbia, under authority of its sections, for which no specific penalty is otherwise provided, shall upon conviction be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment for not exceeding one year, or by both such fine and imprisonment.

"(b) A person convicted of an offense punishable pursuant to this section, who shall have previously been convicted in the District of Columbia of such an offense, or who shall have previously been convicted, either in the District of Columbia or elsewhere, of a violation of the laws of the United States or of a State or subdivision thereof which would have been a violation of this Act and punishable pursuant to this section if committed in the District of Columbia and prosecuted pursuant to this Act, shall upon conviction be punished by a fine of not less than $500 nor more than $5,000 or by imprisonment for not exceeding ten years, or by both such fine and imprisonment."

TITLE V.—WIRE INTERCEPTION AND ELECTRONIC SURVEILLANCE

DEFINITIONS

SEC. 501. As used in this title:

(a) "Wire communication" means any communication made in whole or in part through the use of facilities—

(1) employed for the transmission of communications by the aid of wire, cable, or other like connection between the point of origin and the point of reception; and

(2) furnished or operated by a communication common carrier.

(b) "Oral communication" means any oral communication uttered—

(1) by a person exhibiting an expectation that such communication is not subject to interception; and

(2) under circumstances justifying such expectation.

(c) "Contents", when used with respect to any wire or oral communication, includes any information concerning the identity of the parties to such communication or the existence, substance, or meaning of such communication.

(d) "Intercepting device" means any device or apparatus that can be used to intercept a wire or oral communication other than—

(1) any telephone or telegraph instrument, equipment, or facility, or any component thereof,

(i) furnished to the subscriber or user by a communications common carrier in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business; or

(ii) being used by a communications common carrier in the ordinary course of its business, or by an investigative or law enforcement officer in the ordinary course of his duties; and

(2) a hearing aid or similar device being used to correct subnormal hearing to not better than normal.

(e) "Intercept" means aurally acquire the contents of any wire or oral communication through the use of any intercepting device.

(f) "Person" means any officer, agent, or employee of the Government of the United States or of the District of Columbia, or any individual, partnership, association, joint stock company, trust, or corporation.

(g) "Aggrieved person" means a person who was a party to any intercepted wire or oral communication, or any person against whom the interception was directed.

(h) "Court" means the United States District Court for the District of Columbia or any judge thereof, the Superior Court of the District of Columbia or any judge thereof, any judge of the United States Court of Appeals for the District of Columbia Circuit, or any judge of the District of Columbia Court of Appeals.

(i) "Investigative or law enforcement officer" means any United States marshal or deputy United States marshal, any officer or agent of the United States Capitol Police, Federal Bureau of Investigation, Park Police, or White House Police, or any officer or agent of the Metropolitan Police Department of the District of Columbia, who is empowered by law to conduct investigations of, or to make arrests for, any offense enumerated in subsection (c) of section 506 of this title, and any attorney authorized by law to prosecute or participate in the prosecution of any such offense.

(j) "Communication common carrier" means any person engaged as a common carrier for hire in the transmission of communications by wire or radio.

(k) "United States attorney" means the United States attorney for the District of Columbia or any of his assistants designated by him or otherwise by law to act in his place for the particular purpose in question.

INTERCEPTION, DISCLOSURE, AND USE OF WIRE OR ORAL COMMUNICATIONS PROHIBITED

SEC. 502. (a) Except as otherwise specifically provided in this title, any person who in the District of Columbia—

(1) willfully intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept any wire or oral communication;

(2) willfully discloses or endeavors to disclose to any other person the contents of any wire or oral communication, or evidence derived therefrom, knowing or having reason to know that the information was obtained through the interception of a wire or oral communication; or

(3) willfully uses or endeavors to use the contents of any wire or oral communication, or evidence derived therefrom, knowing or having reason to know, that the information was obtained through the interception of a wire or oral communication;

shall be guilty of a felony and shall be fined not more than $10,000 or imprisoned not more than five years, or both; except that paragraphs (2) and (3) of this subsection shall not apply to the contents of any wire or oral communication, or evidence derived therefrom, that has become common knowledge or public information.

(b) It shall not be unlawful under this section for—

(1) an operator of a switchboard, or an officer, agent, or employee of a communication common carrier, whose facilities are used in the transmission of a wire communication, to intercept, disclose, or use that communication, in the normal course of his employment while engaged in any activity which is a necessary incident to the rendering of his service or to the protection of the rights or property of the carrier of such communication, or to provide information, facilities, or technical assistance to an investigative or law enforcement officer who, pursuant to this chapter, is authorized to intercept a wire or oral communication. No communication common carrier shall utilize service observing or random monitoring except for mechanical or service quality control checks;

(2) a person acting under color of law to intercept a wire or oral communication, where such person is a party to the communication, or where one of the parties to the communication has given prior consent to such interception; or

(3) a person not acting under color of law to intercept a wire or oral communication, where such person is a party to the communication, or where one of the parties to the communication has given prior consent to such interception, unless such communication is intercepted for the purpose of committing any criminal or tortious act in violation of the Constitution or laws of the United States, any State, or the District of Columbia, or for the purpose of committing any other injurious act.

POSSESSION, SALE, DISTRIBUTION, MANUFACTURE, ASSEMBLY, AND ADVERTISING OF WIRE OR ORAL COMMUNICATION INTERCEPTING DEVICES PROHIBITED

SEC. 503. (a) Except as otherwise specifically provided in subsection (b) of this section, any person who in the District of Columbia—

(1) willfully possesses an intercepting device, the design of which renders it primarily useful for the purpose of the surreptitious interception of a wire or oral communication;

(2) willfully sells an intercepting device, the design of which renders it primarily useful for the purpose of the surreptitious interception of a wire or oral communication;

(3) willfully distributes an intercepting device, the design of which renders it primarily useful for the purpose of the surreptitious interception of a wire or oral communication;

(4) willfully manufactures or assembles an intercepting device, the design of which renders it primarily useful for the purpose of the surreptitious interception of a wire or oral communication; or

(5) willfully places in any newspaper, magazine, handbill, or other publication any advertisement of,

(i) any interception devise, the design of which renders it primarily useful for the purpose of the surreptitious interception of a wire or oral communication;

(ii) any intercepting device where such advertisement promotes the use of such device for the purpose of the surreptitious interception of a wire or oral communication;

shall be guilty of a felony and shall be fined not more than $10,000 or imprisoned not more than five years, or both.

(b) It shall not be unlawful under this section for—

(1) a communication common carrier or an officer, agent, or employee of, or a person under contract with a communication common carrier, in the usual course of the communication common carrier's business; or

(2) a person under contract with the Government of the United States, a State or a political subdivision thereof, or the District of Columbia, or an officer, agent, or employee of the Government of the United States, a State or a political subdivision thereof, or the District of Columbia;

to possess, sell, distribute, manufacture or assemble, or advertise any intercepting device, while acting in furtherance of the appropriate activities of the United States, a State or political subdivision thereof, the District of Columbia, or a communication common carrier.

CONFISCATION OF WIRE OR ORAL COMMUNICATION INTERCEPTING DEVICES

SEC. 504. Any intercepting device in the District of Columbia—

(1) possessed;

(2) used;

(3) sold;

(4) distributed; or

(5) manufactured or assembled;

in violation of sections 502 and 503 of this title may be seized and forfeited to the District of Columbia.

IMMUNITY OF WITNESSES

SEC. 505. (a) Whenever a witness refuses, on the basis of his privilege against self-incrimination, to testify or provide other information in a proceeding before a court or grand jury in the District of Columbia involving any violation of this title and the person presiding over the proceeding communicates to the witness an order issued under this section, the witness may not refuse to comply with the order on the basis of his privilege against self-incrimination. But no testimony or other information compelled under the order issued under subsection (b) of this section, or any information obtained by the exploitation of such testimony or other information, may be used against the witness in any criminal case, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with the order.

(b) In the case of any individual who has been or may be called to testify or provide other information at any proceeding before a court or grand jury in the District of Columbia, the court before which the proceeding is or may be held shall issue, upon the request of the United States attorney, an order requiring such individual to give any testimony or provide any other information which he refuses to give or provide on the basis of his privilege against self-incrimination.

(c) A United States attorney may, with the approval of the Attorney General or the Deputy Attorney General, or any Assistant

Attorney General, designated by the Attorney General, request an order under subsection (b) when in his judgment—

(1) the testimony or other information from such individual may be necessary to the public interest; and

(2) such individual has refused or is likely to refuse to testify or provide other information on the basis of his privilege against self-incrimination.

APPLICATIONS FOR AUTHORIZATION OR APPROVAL OF INTERCEPTION OF WIRE OR ORAL COMMUNICATIONS

SEC. 506. (a) The United States attorney may authorize, in writing, any investigative or law enforcement officer to make application to a court for an order authorizing the interception of any wire or oral communication, when such interception may provide evidence of any offense enumerated in subsection (c) of this section.

(b) The United States attorney may authorize, in writing, any investigative or law enforcement officer to make application to a court for an order of approval of the previous interception of any wire or oral communication, when the contents of such communication—

(1) relate to an offense other than that specified in an order of authorization;

(2) were intercepted in an emergency situation; or

(3) were intercepted in an emergency situation and relate to an offense other than that contemplated at the time the interception was made.

(c) An application for an order of authorization as provided in subsection (a) of this section or of approval as provided in paragraph (2) of subsection (b) of this section may be authorized only when such interception may provide or has provided evidence of any of the following offenses—

(1) any offense specified in the following sections of the Act of March 3, 1901, as amended: sections 798, 800, or 802 (relating to murder) (D.C. Code. secs. 22–2401, 22–2403, or 22–2405), section 812 (relating to kidnaping) (D.C. Code, sec. 22–2101), sections 863, 866, or 869e (relating to gambling) (D.C. Code, secs. 22–1501, 22–1505, 22–1513), and section 826 (relating to grand larceny) (D.C. Code, sec. 22–2201);

(2) any offense involving bribery, obstruction of justice, extortion, or threats to kidnap or injure a person or damage his property punishable under section 861, Act of March 3, 1901, as amended (D.C. Code, sec. 22–701), Act of July 1, 1902 (32 Stat. 590, 591), as amended (D.C. Code, sec. 22–702), section 862, Act of March 3, 1901, as amended (D.C. Code, sec. 22–703), Act of February 26, 1936 (D.C. Code, sec. 22–704), section 819, Act of March 3, 1901 (D.C. Code, sec. 22–2305), and sections 1501 and 1502, Act of June 19, 1968 (D.C. Code, secs. 22–2306 and 22–2307); and

(3) any offense involving manufacturing, compounding, selling, prescribing, administering, dispensing, or otherwise purveying or maintaining a common nuisance in connection with the use of, any narcotic or other dangerous drug, prohibited by sections 2 or 16, Act of June 20, 1938, as amended (D.C. Code, secs. 33–402 or 33–416) and section 203, Act of June 24, 1956 (D.C. Code, sec. 33–702).

PROCEDURE FOR AUTHORIZATION OF INTERCEPTION OF WIRE OR ORAL COMMUNICATIONS

SEC. 507. (a) Each application for an authorization to intercept a wire or oral communication, or for approval of the previous interception of any such communication, shall be made in writing upon oath or affirmation and shall state—

(1) the authority of the applicant to make such application;

(2) the identity of the investigative or law enforcement officer for whom the authority to intercept a wire or oral communication is sought and the identity of whoever authorized the application;

(3) the facts, with particularity, relied upon by the applicant, including,

(i) the identity of the particular person, if known, committing the offense and whose communications are to be or were intercepted;

(ii) the details as to the particular offense that has been, is being, or is about to be committed;

(iii) the particular type of communication to be or which was intercepted;

(iv) the character and location of the particular wire communication facilities involved or the particular place where the oral communication is to be or was intercepted;

(v) the period of time for which the interception is required to be maintained, and, if the character of the investigation is such that the authorization for interception should not automatically terminate when the described type of communication has been first obtained, facts establishing probable cause to believe that additional communications of the same type will occur thereafter; and

(vi) facts showing that other investigative procedures have been tried and have failed or reasonably appear or appeared to be unlikely to succeed if tried or to be too dangerous; and

(4) where the application is for the extension of an order, particular facts showing the results thus far obtained from the interception, or a reasonable explanation of the failure to obtain such results;

(5) the complete facts concerning all previous applications, known to the individual authorizing and to the individual making the application, made to any court for authorization to intercept or for approval of the previous interception of a wire or oral communication involving any of the same facilities or places specified in the application or involving any person whose communication is to be or has been intercepted, and the action taken by the court on each such application.

(b) The court may require the applicant to furnish additional testimony or documentary evidence in support of the application.

(c) Upon such application, the court may enter an ex parte order, as requested or as modified, authorizing or approving the interception of a wire or oral communication, if the court determines on the basis of the facts submitted by the applicant that there is or was probable cause for belief that—

(1) the person whose communication is to be or was intercepted,

(i) is engaging or was engaged over a period of time as a part of a continuing criminal activity; or

(ii) is or was committing, has or had committed, or is or was about to commit at a specific time;

an offense as provided in subsection (c) of section 206 of this title;

(2) particular communications concerning such offense may be or have been obtained through such interception;

(3) normal investigative procedures have been tried and have failed or reasonably appear or appeared to be unlikely to succeed if tried or to be too dangerous; and

(4) the facilities from which, or the place where, the wire or oral communications are to be or were intercepted are or were being used, or are or were about to be used, in connection with the commission of such offense, or are or were leased to, listed in the name of, or commonly used by, such individual.

(d) If the facilities from which a wire communication is to be or was intercepted are or were public, no order of authorization or approval shall be issued unless the court, in addition to the matters provided in subsection (c) of this section, determines that there is or was a special need to intercept wire communications over such facilities.

(e) If the facilities from which a wire communication is to be or was intercepted are or were being used, or are or were about to be used, or are or were leased to, listed in the name of, or commonly used by, a licensed physician, a licensed attorney at law, or practicing clergyman, or if the place where an oral communication is to be or was intercepted is or was a place used primarily for habitation by a husband and wife, no order shall be issued unless the court, in addition to be matters provided in subsection (c) of this section, determines that there is or was a special need to intercept wire or oral communications over such facilities or in such place. If the place where an oral communication is to be or was intercepted is or was a place used primarily for his own professional purposes by a licensed physician, a licensed attorney at law, or practicing clergyman, no order of authorization or approval of such interception shall be issued under this title. No otherwise privileged wire or oral communication intercepted in accordance with, or in violation of, the provisions of this title, shall lose its privileged character.

(f) Each order authorizing or approving the interception of any wire or oral communication shall specify—

(1) the jurisdiction of the court issuing the order;

(2) the identity of, or a particular description of, the person, if known, whose communications are to be or were intercepted;

(3) the character and location of the particular communication facilities as to which, or the particular place of the communication as to which, authority to intercept is granted or was approved;

(4) a particular description of the type of the communication to be or which was intercepted and a statement of the particular offense to which it relates;

(5) the identity of the investigative or law enforcement officer to whom the authority to intercept a wire or oral communication is given or was approved and the identity of whoever authorized the application; and

(6) the period of time during which such interception is authorized or was approved, including a statement as to whether or not the interception shall automatically terminate when the described communication has been first obtained.

An order authorizing the interception of a wire or oral communication shall, upon request of the applicant, direct that a communication common carrier, landlord, custodian or other person shall furnish the applicant forthwith all information, facilities, or technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the services that such carrier, landlord, custodian, or person is according the person whose communications are to be intercepted. Any communication common carrier, landlord, custodian or other person furnishing such facilities or technical assistance shall be compensated therefor by the applicant at the prevailing rates.

(g) No order entered under this section shall authorize or approve the interception of any wire or oral communication for a period of time in excess of that necessary under the circumstances. Every order entered under this section shall require that such interception begin and terminate as soon as practicable and be conducted in such a manner as to minimize or eliminate the interception of such communications not otherwise subject to interception under this title. In no case shall an order entered under this section authorize or approve the interception of wire or oral communications for any period exceeding thirty days. Extensions of such an order may be granted for periods of not more than thirty days. No extension shall be granted unless an application for it is made in accordance with this section, and

the court makes the findings required by this section.

(h) Whenever an order authorizing an interception is entered, the order may require reports to be made to the court which issued the order showing what progress has been made toward achievement of the authorized objective and the need for continued interception. Such reports shall be made at such intervals as the court may require.

PROCEDURE FOR APPROVAL OF INTERCEPTION OF WIRE OR ORAL COMMUNICATIONS

SEC. 508. (a) An order of approval of the interception of any wire or oral communication relating to an offense other than that specified in the order of authorization may be issued where the court finds on an application for an order of approval as provided in section 507 of this title that such interception was otherwise made in accordance with this title. Such application shall be made as soon as practicable.

(b) Notwithstanding any other provision of this title, any investigative or law enforcement officer, specially designated by the United States attorney, who reasonably determines that—

(1) an emergency situation exists with respect to conspiratorial activities characteristic of organized crime that requires a wire or oral communication to be intercepted before an order authorizing such interception can with due diligence be obtained; and

(2) there are grounds upon which an order could be entered to authorize such interception;

may intercept such wire or oral communication if an application for an order approving the interception is initiated in accordance with section 507 of this title within twelve hours and is completed within seventy-two hours after the interception has occurred, or begins to occur. Such interception shall immediately terminate when the communication sought is obtained or when the application for the order is denied. In the event such application for approval is denied, or in any other case where the interception is terminated without an order having been issued, the contents of any wire or oral communication intercepted shall be treated as having been obtained in violation of this title, and an inventory shall be served as provided for in section 510 of this title.

(c) An order of approval of the interception of any wire or oral communication may include the approval of the interception of a wire or oral communication in an emergency situation as described in subsection (b) of this section where the communication relates, however, to an offense other than that contemplated at the time the interception was made, if the court finds that such interception was otherwise made in accordance with this title. Such application shall be made as soon as practicable; except that this subsection shall not be construed to supersede the provisions of subsection (b) of this section.

(d) In addition to any other right of appeal, the United States shall have the right to appeal from a denial of an order of approval made under this section if the United States attorney shall certify to the court that the appeal is not taken for purposes of delay. The appeal shall be taken within thirty days after the denial was made and shall be diligently prosecuted.

MAINTENANCE AND CUSTODY OF RECORDS

SEC. 509. (a) Any wire or oral communication intercepted in accordance with sections 507 and 508 of this title shall, if practicable, be recorded by tape or wire or other comparable method. The recording shall be done in such a way as will protect it from editing or other alteration. Immediately upon the expiration of the period of the order or extensions thereof, the tapes or wire recordings or other records shall be transferred to the court issuing the order and sealed under its direction. Custody of the tapes or wire recordings or other records shall be maintained wherever the court directs. They shall not be destroyed except upon court order and in any event shall be kept for ten years. Duplicate tapes or wire recordings or records may be made for disclosure or use pursuant to subsection (a) of section 511 of this title. The presence of the seal provided by this section, or a satisfactory explanation for its absence, shall be a prerequisite for the disclosure of the contents of any wire or oral communication, or evidence derived therefrom, under subsection (b) of section 511 of this title.

(b) Applications made and orders granted under sections 507 and 508 of this title shall be sealed by the court. Custody of the applications and orders shall be maintained wherever the court directs. They shall not be destroyed except on order of the court and in any event shall be kept for ten years. They may be disclosed only by court order upon a showing of good cause.

(c) Any violation of the provisions of this section may be punished as contempt of the issuing or denying court.

INVENTORY

SEC. 510. Within a reasonable time but not later than ninety days after the termination of the period of the order or extensions thereof or the date of the denial of an order of approval, the issuing or denying court shall cause to be served on the person named in the order or application, and such other parties to the intercepted communications as the court may determine in its discretion to be in the interest of justice, an inventory which shall include—

(a) notice of the entry of the order or the application for a denied order of approval;

(b) the date of the entry of the order or the denial of the application for an order of approval;

(c) the period of authorized, approved, or disapproved interception;

(d) a statement of whether, during the period, wire or oral communications were, or were not, intercepted.

The court, upon the filing of a motion, may in its discretion make available to such person or his counsel for inspection such portions of the intercepted communications, applications, and orders as the court determines to be in the interest of justice. On an ex parte showing of good cause to the court, the serving of the inventory required by this section may be postponed.

AUTHORIZATION FOR DISCLOSURE AND USE OF INTERCEPTED WIRE OR ORAL COMMUNICATIONS

SEC. 511. (a) Any investigative or law enforcement officer who, by any authorized means and in conformity with this title, has obtained knowledge of the contents of any wire or oral communication, or evidence derived therefrom, may disclose or use such contents or evidence to the extent that such disclosure or use is appropriate to the proper performance of his official duties.

Any person who, by any authorized means and in conformity with this title, has obtained knowledge of the contents of any wire or oral communication intercepted in accordance with sections 507 and 508 of this title, or other lawful authority, or evidence derived therefrom, may disclose the contents of such communication or evidence while giving testimony under oath or affirmation in any criminal trial, hearing, or proceeding before any grand jury or court.

(c) The contents of any intercepted wire or oral communication, or evidence derived therefrom, may otherwise be disclosed or used only by court order upon a showing of good cause.

PROCEDURE FOR DISCLOSURE AND SUPPRESSION OF INTERCEPTED WIRE OR ORAL COMMUNICATIONS

SEC. 512. (a) The contents of any wire or oral communication intercepted in accordance with sections 507 and 508 of this title, or evidence derived therefrom, shall not be disclosed in any trial, hearing, or proceeding before any court or other authority of the United States or the District of Columbia unless ten days before the trial, hearing, or proceeding—

(1) the inventory as provided in section 510 of this title has been served; and

(2) the parties to the action have been served with a copy of the order and accompanying application under which the interception was authorized or approved.

The service of inventory, order, and application required by this subsection may be waived by court order where a court finds that the service is not practicable and that the parties will not be prejudiced by the failure to make the service.

(b) (1) Any aggrieved person in any trial, hearing, or proceeding in or before any court or other authority of the United States or the District of Columbia may make motion to a court to suppress the contents of any intercepted wire or oral communication, or evidence derived therefrom, on the grounds that,

(i) the communication was unlawfully intercepted;

(ii) the order of authorization or approval is insufficient on its face;

(iii) the interception was not made in conformity with the order of authorization;

(iv) service was not made as provided in subsection (a) of this section; or

(v) the seal provided in subsection (a) of section 509 of this title is not present and there is no satisfactory explanation for its absence.

The motion shall be made before the trial, hearing, or proceeding unless there was no opportunity to make the motion or the moving party was not aware of the grounds for the motion. The court, upon the filing of such motion by the aggrieved person, may in its discretion make available to the aggrieved person or his counsel for inspection such portions of the intercepted communication, or evidence derived therefrom, as the court determines to be in the interests of justice. If the motion is granted, the contents of the intercepted wire or oral communication, or evidence derived therefrom, shall not be received in evidence in the trial, hearing, or proceeding.

(2) In addition to any other right to appeal, the United States or the District of Columbia shall have the right to appeal from an order granting a motion to suppress if the United States attorney or, where applicable on behalf of the District of Columbia, the Corporation Counsel shall certify to the court that the appeal is not taken for purpose of delay. The appeal shall be taken within thirty days after the date the order was entered and shall be diligently prosecuted.

AUTHORIZATION FOR RECOVERY OF CIVIL DAMAGES

SEC. 513. (a) Any person whose wire or oral communication is intercepted, disclosed, or used in violation of this title shall—

(1) have a civil cause of action against any person who intercepts, discloses, or uses, procures any other person to intercept, disclose, or use, such communication; and

(2) be entitled to recover from any such person;

(i) actual damages, but not less than liquidated damages computed at the rate of $100 a day for each day of violation, or $1,000, whichever is higher;

(ii) punitive damages; and

(iii) a reasonable attorney's fee and other litigation costs reasonably incurred.

(b) Good faith reliance on a court order or legislative authorization shall constitute a complete defense to an action brought under this section, or other law.

(c) As used in this section, "person" includes the District of Columbia, and the District of Columbia shall not assert any

governmental immunity to avoid liability under this section. Judgement against the District of Columbia shall not constitute a bar to action against any other person.

REPORTS CONCERNING INTERCEPTED WIRE OR ORAL COMMUNICATION

SEC. 514. (a) Within thirty days after the expiration of an order or an extension entered under sections 507 and 508 of this title or the denial of an order of approval, the issuing or denying court shall report to the chief judge of the District of Columbia Court of Appeals and the Commissioner of the District of Columbia—

(1) that an order or extension was applied for;

(2) the kind of order or extension applied for;

(3) if the order or extension was granted as applied for, was modified, or was denied;

(4) the period of the interceptions authorized by the order, and the number and duration of any extensions of the order;

(5) the offense specified in the order or application, or extension of an order;

(6) the identity of the applying investigative or law enforcement officer, and agency making the application and the person authorizing the application; and

(7) the character and location of the facilities from which and the place where communications were (and were to be) intercepted.

(b) In January of each year the United States attorney shall report to the Congress of the United States, the chief judge of the District of Columbia Court of Appeals, and the Commissioner of the District of Columbia—

(1) the information required by paragraphs (1) through (7) of subsection (a) of this section with respect to each application for an order or extension made during the immediately preceding calendar year;

(2) a general description of the interceptions made under such order or extension, including,

(i) the approximate character and frequency of incriminating communications intercepted;

(ii) the approximate character and frequency of other communications intercepted;

(iii) the approximate number of persons whose communications were intercepted; and

(iv) the approximate character, amount, and cost of the manpower and other resources used in the interceptions;

(3) the number of arrests resulting from interceptions made under such order or extension;

(4) the offenses for which the arrests were made;

(5) the number of trials resulting from such interceptions;

(6) the number of motions to suppress made with respect to such interceptions;

(7) the number of motions to suppress granted or denied;

(8) the number of convictions resulting from such interceptions;

(9) the offenses for which the convictions were obtained;

(10) a general assessment of the importance of the interceptions; and

(11) for purposes of comparison, the information required by paragraphs (2) through (10) of this subsection with respect to orders and extensions obtained in other preceding calendar years.

(c) In April of each year the Commissioner of the District of Columbia shall make public a complete report concerning the number of applications for orders authorizing or approving the interception of wire or oral communications and the number of orders and extensions granted or denied during the immediately preceding calendar year. Such report shall contain a summary and analysis of the data required to be filed with the Commissioner by subsections (a) and (b) of this section. The District of Columbia Council is authorized to issue binding regulations dealing with the content and form of the reports required to be filed under this section.

RELATION TO FEDERAL LAW ON WIRE INTERCEPTION AND INTERCEPTION OF ORAL COMMUNICATIONS

SEC. 515. (a) Section 504 of this title shall be subject to the operation of section 2513 of title 18, United States Code.

(b) Sections 502, 503, 505, 511, 513, and 514 of this title shall be construed to supplement, and not to supersede or otherwise limit, the provisions of chapter 119 of title 18, United States Code (relating to wire interception and interception of oral communications).

(c) Sections 506, 507, 508, 509, 510, and 512 of this title shall be construed not to supersede or otherwise limit the provisions of said chapter 119 of title 18, United States Code, except in cases of irreconcilable conflict.

AMENDMENTS TO TITLE 18, UNITED STATES CODE

SEC. 516. (a) Section 2511(2)(a) of title 18, United States Code, is amended (1) by inserting "(i)" immediately after "(2)(a)"; and (2) by adding at the end thereof the following:

"(ii) It shall not be unlawful under this chapter for an officer, employee, or agent of any communication common carrier to provide information, facilities, or technical assistance to an investigative or law enforcement officer who, pursuant to this chapter, is authorized to intercept a wire or oral communication.".

(b) Section 2518(d) of title 18, United States Code, is amended by adding at the end thereof the following new paragraph:

"An order authorizing the interception of a wire or oral communication shall, upon request of the applicant, direct that a communication common carrier, landlord, custodian or other person shall furnish the applicant forthwith all information, facilities, and technical assistance necessary to accomplish the interception unobstrusively and with a minimum of interference with the services that such carrier, landlord, custodian, or person is according the person whose communications are to be intercepted. Any communication common carrier landlord, custodian or other person furnishing such facilities or technical assistance shall be compensated therefor by the applicant at the prevailing rates."

(c) The last sentence of section 2520 of title 18, United States Code, is amended to read as follows: "A good faith reliance on a court order or legislative authorization shall constitute a complete defense to any civil or criminal action brought under this chapter or under any other law.".

TITLE VI.—INTERSTATE COMPACT ON JUVENILES

SEC. 601. (a) The Congress finds that (1) juveniles who are not under proper supervision and control, or who have absconded, escaped or run away, are likely to endanger their own health, morals, and welfare, and the health, morals, and welfare of others, and (2) the cooperation of the District of Columbia with the States is necessary to provide for the welfare and protection of juveniles and other persons in the District of Columbia.

(b) The Congress intends in authorizing the District of Columbia to adopt the Interstate Compact on Juveniles, to have the District of Columbia cooperate fully with the States (1) in returning juveniles to those States requesting their return, and (2) in accepting and providing for the return of juveniles who are residents of the District of Columbia and who are found or apprehended in a State.

SEC. 602. (a) The Commissioner of the District of Columbia (hereafter in this Act referred to as the "Commissioner") is authorized to enter into and execute on behalf of the District of Columbia a compact with any State or States legally joining therein in the form substantially as follows:

"THE INTERSTATE COMPACT ON JUVENILES

"The contracting states solemnly agree:

"ARTICLE I—Findings and Purposes

"That juveniles who are not under proper supervision and control, or who have absconded, escaped or run away, are likely to endanger their own health, morals and welfare, and the health, morals and welfare of others. The cooperation of the states party to this compact is therefore necessary to provide for the welfare and protection of juveniles and of the public with respect to (1) cooperative supervision of delinquent juveniles on probation or parole; (2) the return, from one state to another, of delinquent juveniles who have escaped or absconded; (3) the return, from one state to another, of non-delinquent juveniles who have run away from home; and (4) additional measures for the protection of juveniles and of the public, which any two or more of the party states may find desirable to undertake cooperatively. In carrying out the provisions of this compact the party states shall be guided by the non-criminal, reformative and protective policies which guide their laws concerning delinquent, neglected or dependent juveniles generally. It shall be the policy of the states party to this compact to cooperate and observe their respective responsibilities for the prompt return and acceptance of juveniles and delinquent juveniles who become subject to the provisions of this compact. The provisions of this compact shall be reasonable and liberally construed to accomplish the foregoing purposes.

"ARTICLE II—Existing Rights and Remedies

"That all remedies and procedures provided by this compact shall be in addition to and not in substitution for other rights, remedies and procedures, and shall not be in derogation of parental rights and responsibilities.

"ARTICLE III—Definitions

"That, for the purposes of this compact, 'delinquent juvenile' means any juvenile who has been adjudged delinquent and who, at the time the provisions of this compact are invoked, is still subject to the jurisdiction of the court that has made such adjudication or to the jurisdiction or supervision of any agency or institution pursuant to an order of such court; 'probation or parole' means any kind of conditional release of juveniles authorized under the laws of the states party hereto; 'court' means any court having jurisdiction over delinquent, neglected or dependent children; 'state' means any state, territory or possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico; and 'residence' or any variant thereof means a place at which a home or regular place of abode is maintained.

"ARTICLE IV—Return of Runaways

"(a) That the parent, guardian, person or agency entitled to legal custody of a juvenile who has not been adjudged delinquent but who has run away without the consent of such parent, guardian, person or agency may petition the appropriate court in the demanding state for the issuance of a requisition for his return. The petition shall state the name and age of the juvenile, the name of the petitioner and the basis of entitlement to the juvenile's custody, the circumstances of his running away, his location if known at the time application is made, and such other facts as may tend to show that the

juvenile who has run away is endangering his own welfare or the welfare of others and is not an emancipated minor. The petition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the document or documents on which the petitioner's entitlement to the juvenile's custody is based, such as birth certificates, letters of guardianship, or custody decrees. Such further affidavits and other documents as may be deemed proper may be submitted with such petition. The judge of the court to which this application is made may hold a hearing thereon to determine whether for the purposes of this compact the petitioner is entitled to the legal custody of the juvenile, whether or not it appears that the juvenile has in fact run away without consent, whether or not he is an emancipated minor, and whether or not it is in the best interest of the juvenile to compel his return to the state. If the judge determines, either with or without a hearing, that the juvenile should be returned, he shall present the appropriate court or to the executive authority of the state where the juvenile is alleged to be located a written requisition for the return of such juvenile. Such requisition shall set forth the name and age of the juvenile, the determination of the court that the juvenile has run away without the consent of a parent, guardian, person or agency entitled to his legal custody, and that it is in the best interest and for the protection of such juvenile that he be returned. In the event that a proceeding for the adjudication of the juvenile as a delinquent, neglected or dependent juvenile is pending in the court at the time when such juvenile runs away, the court may issue a requisition for the return of such juvenile upon its own motion, regardless of the consent of the parent, guardian, person, or agency entitled to legal custody, reciting therein the nature and circumstances of the pending proceeding. The requisition shall in every case be executed in duplicate and shall be signed by the judge. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of such court. Upon the receipt of a requisition demanding the return of a juvenile who has run away, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No juvenile detained upon such order shall be delivered over to the officer whom the court demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of a court in the state, who shall inform him of the demand made for his return, and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisition is in order, he shall deliver such juvenile over to the officer whom the court demanding him shall have appointed to receive him. The judge, however, may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

"Upon reasonable information that a person is a juvenile who has run away from another state party to this compact without the consent of a parent, guardian, person, or agency entitled to his legal custody, such juvenile may be taken into custody without a requisition and brought forthwith before a judge of the appropriate court who may appoint counsel or guardian ad litem for such juvenile and who shall determine after a hearing whether sufficient cause exists to hold the person, subject to the order of the court, for his own protection and welfare, for such a time not exceeding 90 days as will enable his return to another state party to this compact pursuant to a requisition for his return from a court of that state. If, at the time when a state seeks the return of a juvenile who has run away, there is pending in the state wherein he is found any criminal charge, or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention, or supervision for such offense or juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the juvenile being returned, shall be permitted to transport such juvenile through any and all states party to this compact without interference. Upon his return to the state from which he ran away, the juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

"(b) That the state to which a juvenile is returned under this Article shall be responsible for payment of the transportation costs of such return.

"(c) That 'juvenile' as used in this Article means any person who is a minor under the law of the state of residence of the parent, guardian, person, or agency entitled to the legal custody of such minor.

"ARTICLE V—Return of Escapees and Absconders

"(a) That the appropriate person or authority from whose probation or parole supervision a delinquent juvenile has absconded or from whose institutional custody he has escaped shall present to the appropriate court or to the executive authority of the state where the delinquent juvenile is alleged to be located a written requisition for the return of such delinquent juvenile. Such requisition shall state the name and age of the delinquent juvenile, the particulars of his adjudication as a delinquent juvenile, the circumstances of the breach of the terms of his probation or parole or of his escape from an institution or agency vested with his legal custody or supervision and the location of such delinquent juvenile, if known, at the time the requisition is made. The requisition shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the judgment, formal adjudication, or order of commitment which subjects such delinquent juvenile to probation or parole or to the legal custody of the institution or agency concerned. Such further affidavits and other documents as may be deemed proper may be submitted with such requisition. One copy of the requisition shall be filed with the compact administrator of the demanding state, there to remain on file subject to the provisions of law governing records of the appropriate court. Upon the receipt of a requisition demanding the return of a delinquent juvenile who has absconded or escaped, the court or the executive authority to whom the requisition is addressed shall issue an order to any peace officer or other appropriate person directing him to take into custody and detain such delinquent juvenile. Such detention order must substantially recite the facts necessary to the validity of its issuance hereunder. No delinquent juvenile detained upon such order shall be delivered over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him, unless he shall first be taken forthwith before a judge of an appropriate court in the state, who shall inform him of the demand made for his return and who may appoint counsel or guardian ad litem for him. If the judge of such court shall find that the requisition is in order, he shall deliver such delinquent juvenile over to the officer whom the appropriate person or authority demanding him shall have appointed to receive him. The judge, however may fix a reasonable time to be allowed for the purpose of testing the legality of the proceeding.

"Upon reasonable information that a person is a delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, such person may be taken into custody in any other state party to this compact without a requisition. But in such event, he must be taken forthwith before a judge of the appropriate court, who may appoint counsel or guardian ad litem for such person and who shall determine, after a hearing, whether sufficient cause exists to hold the person subject to the order of the court for such a time, not exceeding 90 days, as will enable his detention under a detention order issued on a requisition pursuant to this Article. If, at the time when a state seeks the return of a delinquent juvenile who has either absconded while on probation or parole or escaped from an institution or agency vested with his legal custody or supervision, there is pending in the state wherein he is detained any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for an act committed in such state, or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of such state until discharged from prosecution or other form of proceeding, imprisonment, detention, or supervision for such offense of juvenile delinquency. The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the delinquent juvenile being returned, shall be permitted to transport such delinquent juvenile through any and all states party to this compact, without interference. Upon his return to the state from which he escaped or absconded, the delinquent juvenile shall be subject to such further proceedings as may be appropriate under the laws of that state.

"(b) That the state to which a delinquent juvenile is returned under this Article shall be responsible for the payment of the transportation costs of such return.

"ARTICLE VI—Voluntary Return Procedure

"That any delinquent juvenile who has absconded while on probation or parole, or escaped from an institution or agency vested with his legal custody or supervision in any state party to this compact, and any juvenile who has run away from any state party to this compact, who is taken into custody without a requisition in another state party to this compact under the provisions of Article IV(a) or of Article V(a), may consent to his immediate return to the state from which he absconded, escaped or ran away. Such consent shall be given by the juvenile or delinquent juvenile and his counsel or guardian ad litem if any, by executing or subscribing a writing, in the presence of a judge of the appropriate court, which states that the juvenile or delinquent juvenile and his counsel or guardian ad litem, if any, consent to his return to the demanding state. Before such consent shall be executed or subscribed, however, the judge, in the presence of counsel or guardian ad litem, if any, shall inform the juvenile or delinquent juvenile of his rights under this compact. When the consent has been duly executed, it shall be forwarded to and filed with the compact administrator of the state in which the court is located and the judge shall direct the officer having the juvenile or delinquent juvenile in custody to deliver him to the duly accredited officer or officers of the state demand-

ing his return, and shall cause to be delivered to such officer or officers a copy of the consent. The court may, however, upon the request of the state to which the juvenile or delinquent juvenile is being returned, order him to return unaccompanied to such state and shall provide him with a copy of such court order; in such event a copy of the consent shall be forwarded to the compact administrator of the state to which said juvenile or delinquent juvenile is ordered to return.

"ARTICLE VII—Cooperative Supervision of Probationers and Parolees

"(a) That the duly constituted judicial and administrative authorities of a state party to this compact (herein called 'sending state') may permit any delinquent juvenile within such state, placed on probation or parole, to reside in any other state party to this compact (herein called 'receiving state') while on probation or parole, and the receiving state shall accept such delinquent juvenile, if the parent, guardian, or person entitled to the legal custody of such delinquent juvenile is residing or undertakes to reside within the receiving state. Before granting such permission, opportunity shall be given to the receiving state to make such investigations as it deems necessary. The authorities of the sending state shall send to the authorities of the receiving state copies of pertinent court orders, social case studies and all other available information which may be of value to and assist the receiving state in supervising a probationer or parolee under this compact. A receiving state, in its discretion, may agree to accept supervision of a probationer or parolee in cases where the parent, guardian, or person entitled to the legal custody of the delinquent juvenile is not a resident of the receiving state, and if so accepted the sending state may transfer supervision accordingly.

"(b) That each receiving state will assume the duties of visitation and of supervision over any such delinquent juvenile and in the exercise of those duties will be governed by the same standards of visitation and supervision that prevail for its own delinquent juveniles released on probation or parole.

"(c) That, after consultation between the appropriate authorities of the sending state and of the receiving state as to the desirability and necessity of returning such a delinquent juvenile, the duly accredited officers of a sending state may enter a receiving state and there apprehend and retake any such delinquent juvenile on probation or parole. For that purpose, no formalities will be required, other than establishing the authority of the officer and the identity of the delinquent juvenile to be retaken and returned. The decision of the sending state to retake a delinquent juvenile on probation or parole shall be conclusive upon and not reviewable within the receiving state, but if, at the time the sending state seeks to retake a delinquent juvenile on probation or parole, there is pending against him within the receiving state any criminal charge or any proceeding to have him adjudicated a delinquent juvenile for any act committed in such state or if he is suspected of having committed within such state a criminal offense or an act of juvenile delinquency, he shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment, detention or supervision for such offense or juvenile delinquency. The duly accredited officers of the sending state shall be permitted to transport delinquent juveniles being so returned through any and all states party to this compact, without interference.

"(d) That the sending state shall be responsible under this Article for paying the costs of transporting any delinquent juvenile to the receiving state or of returning any delinquent juvenile to the sending state.

"ARTICLE VIII—Responsibility for Costs

"(a) That the provisions of Articles IV(b), V(b) and VII(d) of this compact shall not be construed to alter or affect any internal relationship among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.

"(b) That nothing in this compact shall be construed to prevent any party state or subdivision thereof from asserting any right against any person, agency or other entity in regard to costs for which such party state or subdivision thereof may be responsible pursuant to Articles IV(b), V(b) or VII(d) of this compact.

"ARTICLE IX—Detention Practices

"That, to every extent possible, it shall be the policy of states party to this compact that no juvenile or delinquent juvenile shall be placed or detained in any prison, jail or lockup nor be detained or transported in association with criminal, vicious, or dissolute persons.

"ARTICLE X—Supplementary Agreements

"That the duly constituted administrative authorities of a state party to this compact may enter into supplementary agreements with any other state or states party hereto for the cooperative care, treatment, and rehabilitation of delinquent juveniles whenever they shall find that such agreements will improve the facilities or programs available for such care, treatment, and rehabilitation. Such care, treatment, and rehabilitation may be provided in an institution located within any state entering into such supplementary agreement. Such supplementary agreements shall (1) provide the rates to be paid for the care, treatment, and custody of such delinquent juveniles, taking into consideration the character of facilities, services and subsistence furnished; (2) provide that the delinquent juvenile shall be given a court hearing prior to his being sent to another state for care, treatment, and custody; (3) provide that the state receiving such a delinquent juvenile in one of its institutions shall act solely as agent for the state sending such delinquent juvenile; (4) provide that the sending state shall at all times retain jurisdiction over delinquent juveniles sent to an institution in another state; (5) provide for reasonable inspection of such institutions by sending state; (6) provide that the consent of the parent, guardian, person, or agency entitled to the legal custody of said delinquent juvenile shall be secured prior to his being sent to another state; and (7) make provision for such other matters and details as shall be necessary to protect the rights and equities of such delinquent juveniles and of the cooperating states.

"ARTICLE XI—Acceptance of Federal and Other Aid

"That any state party to this compact may accept any and all donations, gifts and grants of money, equipment and services from the federal or any local government, or any agency thereof and from any person, firm or corporation, for any of the purposes and functions of this compact, and may receive and utilize, the same subject to the terms, conditions and regulations governing such donations, gifts and grants.

"ARTICLE XII—Compact Administrators

"That the governor of each state party to this compact shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

"ARTICLE XIII—Execution of Compact

"That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form or execution to be in accordance with the laws of the executing state.

"ARTICLE XIV—Renunciation

"That this compact shall continue in force and remain binding upon each executing state until renounced by it. Renunciation of this compact shall be by the same authority which executed it, by sending six months' notice in writing of its intention to withdraw from the compact to the other states party hereto. The duties and obligations of a renouncing state under Article VII hereof shall continue as to parolees and probationers residing therein at the time of withdrawal until retaken or finally discharged. Supplementary agreements entered into under Article X hereof shall be subject to renunciation as provided by such supplementary agreements, and shall not be subject to the six months' renunciation notice of the present Article.

"ARTICLE XV—Severability

"That the provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United Staes or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstances shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters."

(b) The Commissioner may enter into and execute on behalf of the District of Columbia the following additional articles to the Interstate Compact on Juveniles:

"ARTICLE XVI—Additional Provision Relating to Return of Minor Children

"This article shall provide additional remedies, and shall be binding only as as among and between those party states which specifically execute the same.

"For the purposes of this article, 'child', as used herein, means any minor within the jurisdictional age limits of any court in the home state.

"When any child is brought before a court of a state of which such child is not a resident, and such state is willing to permit such child's return to the home state of such child, such home state, upon being so advised by the state in which such proceeding is pending, shall immediately institute proceedings to determine the residence and jurisdictional facts as to such child in such home state, and upon finding that such child is in fact a resident of said state and subject to the jurisdiction of the court thereof, shall within five days authorize the return of such child to the home state, and to the parent or custodial agency legally authorized to accept such custody in such home state, and at the expense of such home state, to be paid from such funds as such home state may procure, designate, or provide, prompt action being of the essence.

"ARTICLE XVII—Additional Provision Concerning Interstate Rendition of Juveniles Alleged to be Delinquent

"This article shall provide additional remedies, and shall be binding only as among and between those party states which specifically execute the same.

"All provisions and procedures of Articles V and VI of the Interstate Compact on Juve-

niles shall be constructed to apply to any juvenile charged with being a delinquent by reason of a violation of any criminal law. Any juvenile, charged with being a delinquent by reason of violating any criminal law shall be returned to the requesting state upon a requisition to the state where the juvenile may be found. A petition in such case shall be filed in a court of competent jurisdiction in the requesting state where the violation of criminal law is alleged to have been committed. The petition may be filed regardless of whether the juvenile has left the state before or after the filing of the petition. The requisition described in Article V of the compact shall be forwarded by the judge of the court in which the petition has been filed."

SEC. 603. (a) The Commissioner shall appoint or designate an officer of the government of the District of Columbia (hereafter in this Act referred to as the "compact administrator") to administer the compact. The compact administrator shall serve at the pleasure of the Commissioner.

(b) The compact administrator, acting jointly with like officers of party States, shall promulgate rules and regulations to carry out more effectively the terms of the compact. The compact administrator shall cooperate with all departments, agencies, and officers of the government of the District of Columbia in facilitating the proper administration of the compact or of any supplementary agreement entered into by the compact administrator under subsection (c) of this section.

(c) Subject to the approval of the Commissioner, the compact administrator may enter into supplementary agreements with appropriate State officials for the purpose of administering the compact.

(d) Subject to the approval of the Commissioner, the compact administrator may make or arrange for any payments necessary to discharge any financial obligations imposed upon the District of Columbia by the compact or by any supplementary agreement entered into under subsection (c) of this section.

SEC. 604. The courts, departments, agencies, and officers of the District of Columbia shall enforce the compact and shall take such action as may be necessary to carry out the purposes and intent of the compact which may be within their respective jurisdictions.

SEC. 605. The compact shall not be construed to prohibit the adoption of any other plan or procedure for the District of Columbia for the return of any runaway juvenile.

SEC. 606. The right to alter, amend, or repeal this title is hereby expressly reserved by the Congress.

TITLE VII.—IMPLIED CONSENT LAW

SEC. 701. As used in this title—

(1) The term "Commissioner" means the Commissioner of the District or his designated agent.

(2) The term "District" means the District of Columbia.

(3) The term "license" means any operator's permit or any other license or permit to operate a motor vehicle issued under the laws of the District, including—

(A) any temporary or learner's permit;

(B) the privilege of any person to drive a motor vehicle whether or not such person holds a valid license; and

(C) any nonresident's operating privilege.

(4) The term "nonresident" means every person who is not a resident of the District.

(5) The term "nonresident's operating privilege" means the privilege conferred upon a nonresident by the laws of the District relating to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in the District.

(6) The term "police officer" means an officer or member of the Metropolitan Police force, the United States Park Police force, or the Capitol Police force, or any other person actually and officially engaged in the performance of police duties in connection with guarding the property of the United States or of the District.

SEC. 702. Any person who operates a motor vehicle within the District shall be deemed to have given his consent, subject to the provisions of this Act, to a chemical test or tests, of his blood, breath, or urine, whichever he may elect, for the purpose of determining the alcoholic content of his blood. The test or tests shall be administered at the direction of a police officer who, having arrested such person for a violation of law, has reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within the District while under the influence of intoxicating liquor.

SEC. 703. Only a physician or registered nurse acting at the request of a police officer may withdraw blood for the purpose of determining the alcoholic content thereof. This limitation shall not apply to the taking of a breath or urine specimen. The person tested may, in addition to submitting to the test administered at the direction of a police officer, also submit to a chemical test or tests administered to him by a physician, registered nurse, or other person of his own choosing who is qualified to administer such test or tests. The failure or inability to obtain an additional test by a person shall not preclude the admission of the test or tests taken at the direction of a police officer. Upon the request of the person who is tested, full information concerning the test or tests taken at the direction of the police officer shall be made available to him.

SEC. 704. Any person who is unconscious, or who is otherwise in a condition rendering him incapable of refusal, shall be deemed not to have withdrawn the consent provided by section 702 of this title and the test or tests may be given; except, that if such person thereafter objects to the use of the evidence so secured, such evidence shall not be used and the license of such person shall be revoked, or, if he is a resident without a license, no license shall be issued to him for a period of six months.

SEC. 705. If a person under arrest refuses to submit to chemical testing, he shall be informed that failure to submit to such test will result in the revocation of his license. If such person, after having been so informed, still refuses to submit to chemical testing, no test shall be given, but the Commissioner, upon receipt of a sworn report of the police officer that he had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor, and that the person had refused to submit to the test or tests, shall revoke his license for a period of six months; or if the person is a resident without a license to operate a motor vehicle in the District, the Commissioner shall deny to the person the issuance of a license for a period of six months after the date of the alleged violation, subject to review as hereinafter provided.

SEC. 706. (a) Whenever any license has been revoked or denied under the provisions of this title, the reasons therefor shall be set forth in the order of revocation or denial, as the case may be. Such order shall take effect five days after service of notice on the person whose license is to be revoked or who is to be denied a license, unless such person shall have filed within such period written application with the Commissioner for a hearing. Such hearing by the Commissioner shall cover the issues of—

(1) whether a police officer had reasonable grounds to believe such person had been driving or was in actual control of a motor vehicle upon the public street or highway while under the influence of intoxicating liquor; and

(2) whether such person, having been placed under arrest, refused to submit to the test or tests, after having been informed of the consequences of such refusal.

(b) If, following the hearing provided in subsection (a) of this section, the Commissioner shall sustain the order of revocation, the same shall become effective immediately.

SEC. 707. Any person aggrieved by final order of the Commissioner revoking his license or denying him a license under the authority of this Act, may obtain a review thereof in accordance with section 11 of the District of Columbia Administrative Procedure Act (82 Stat. 1204; D.C. Code, secs. 1–1501 to 1–1510).

SEC. 708. The Act approved March 4, 1958 (72 Stat. 30; D.C. Code, sec. 40–609a) is amended (a) by striking out the subsection designation "a" in the first section; (b) by striking out in paragraph (2) "fifteen one-hundredths", "eight one-hundredths", and "twenty one-hundredths", and inserting in lieu thereof "ten one-hundredths", "six one-hundredths", and "eleven one-hundredths", respectively; (c) by striking out in paragraph (3) "fifteen one-hundredths" and "twenty one-hundredths" and inserting in lieu thereof "ten one-hundredths" and "eleven one-hundredths", respectively; and (d) by striking out subsections (b), (c), and (d) of the first section and section 2.

TITLE VIII.—PUBLIC DEFENDER SERVICE

SEC. 801. The Legal Aid Agency for the District of Columbia is redesignated the District of Columbia Public Defender Service (hereinafter called the Service).

SEC. 802. (a) The Service is authorized to represent persons in the District of Columbia who are financially unable to obtain adequate representation in each of the following categories:

(1) persons charged with an offense punishable by imprisonment for a term of six months, or more;

(2) persons charged with violating a condition of probation or parole;

(3) persons subject to proceedings pursuant to chapter 5 of title 21 of the District of Columbia Code (Hospitalizaton of the Mentally Ill);

(4) persons for whom civil commitment is sought pursuant to title III of the Narcotic Addict Rehabilitation Act of 1966, 80 Stat. 1444 (43 U.S.C. sec. 3411, et seq.) or the provisions of the Hospital Treatment for Drug Addicts Act for the District of Columbia (67 Stat. 77), as amended (D.C. Code, sec. 24–601, et seq.):

(5) juvenile alleged to be delinquent or in need of supervision.

Such representation shall be furnished at every stage of a proceeding—including ancillary, trial, appellate, and collateral proceedings—where the person to be represented has a right to counsel under the then prevailing law of the District of Columbia, and where representation for such person is not otherwise provided. Not more than sixty percent of the persons annually determined to be financially unable to obtain adequate representation in the above categories may be represented by the Service, but the Service may furnish technical and other assistance to private attorneys appointed to represent persons described in the above-enumerated categories. The Service shall determine the best practicable allocation of its staff personnel to the courts where it furnishes representation.

(b) The Service is authorized to cooperate with the courts in establishing an effective and adequate system for appointment of private attorneys to represent persons specified in subsection (a), but the courts shall have final responsibility for the appointment

system. The Service shall report to the courts at least quarterly on matters relating to the operation of the appointment system and shall consult with the courts on the need for modifications and improvements.

(c) Upon approval of its Board of Trustees, the Service may perform such other functions as are necessary and appropriate to the duties described above.

SEC. 803. (a) The Service shall be governed by a Board of Trustees composed of seven members. The Board of Trustees shall establish general policy for the Service but shall not direct the conduct of particular cases.

(b) Each trustee shall be appointed for a full term of three years or for the balance of an unexpired term, by a panel consisting of the chief judges of the United States Court of Appeals for the District of Columbia Circuit, the United States District Court for the District of Columbia, the District of Columbia Court of Appeals, and the Superior Court of the District of Columbia, and of the Commissioner of the District of Columbia. Said panel shall be presided over by the Commissioner of the District of Columbia.

No person shall serve more than two consecutive full three-year terms as a trustee. Each oppointee shall hold office, however, until his successor is appointed and qualifies.

(c) The trustees of the Legal Aid Agency for the District of Columbia in office on the effective date of this title shall serve the unexpired portions of their terms as trustees of the District of Columbia Public Defender Service.

(d) For the purposes of any action brought against the trustees of the Service, the trustees are employees of the District of Columbia.

SEC. 804. The Board of Trustees shall appoint a Director and Deputy Director of the Service, each of whom shall serve at the pleasure of the Board. The Director shall be responsible for the supervision of the work of the Service and shall peform such other duties as the Board of Trustees may prescribe. The Deputy Director shall assist the Director and shall perform duties as he may prescribe. The Director and Deputy Director shall be members of the bar of the District of Columbia. The Board of Trustees shall fix the compensation to be paid to the Director and the Deputy Director, without regard to chapter 51 and subchapter 3 of chapter 53 of title 5, United States Code, but compensation for the Director shall not exceed the maximum rate provided for GS–18 and for the Deputy Director the maximum rate provided for GS–17, in section 5332 of title 5, United States Code.

SEC. 805. The Director shall employ a staff of atttorneys, clerical, and other personnel necessary to provide adequate and effective defense services. The Director shall make assignments of the personnel of the Service. The salaries of all employees of the Service, other than the Director and the Deputy Director, shall be fixed by the Director, without regard to chapter 51 and subchapter 3 of chapter 53 of title 5 of the United States Code, but shall not exceed the salaries which may be paid to persons of similar qualifications and experience in the Office of the United States Attorney for the District of Columbia. All attorneys employed by the Service to represent persons shall be members of the bar of the District of Columbia.

SEC. 806. No attorney employed by the Service shall engage in the private practice of law or receive a fee for representing any person.

SEC. 807. (a) The Board of Trustees of the Service shall submit a fiscal year report of the Service's operations to the Congress of the United States, to the chief judges of the Federal courts in the District of Columbia and of the District of Columbia courts, and to the Commissioner of the District of Columbia. The report shall include a statement of the financial condition of the Service and a summary of services performed during the year.

(b) The Board of Trustees shall annually arrange for an independent audit to be prepared by a certified public accountant or by a designee of the Administrative Office of the United States Courts.

SEC. 808. For the purpose of carrying out the provisions of this chapter, there is authorized to be appropriated to the District of Columbia for each fiscal year, out of any moneys in the Treasury to the credit of the District of Columbia, such sums as may be necessary to implement the purposes of this chapter. Upon the approval of its Board of Trustees, moreover, the District of Columbia Public Defender Service is authorized to accept public grants and private contributions in the furtherance of its lawful objectives and purposes.

SEC. 809. All employees of the Legal Aid Agency for the District of Columbia on the effective date of this title shall be deemed to be employees of the District of Columbia Public Defender Service and shall be entitled to the same compensation and benefits as they are entitled to as employees of the Legal Aid Agency for the District of Columbia.

SEC. 810. The Act of June 27, 1960 (74 Stat. 229) (D.C. Code, sec. 2–2201 to 2–2210), is hereby repealed.

TITLE IX.—DEPARTMENT OF CORRECTIONAL SERVICES

SEC. 901. This title shall supplement all other provisions of law establishing procedures to be observed by the Commissioner of the District of Columbia in the application of laws administered by him except that this title shall supersede any such law and procedure to the extent of conflict therewith.

SEC. 902. For the purpose of this title—

(1) The term "correctional process" includes all services for offenders after arrest, if detained, and after court adjudication, namely probation, institutional, and residential care and after-care (parole) supervision.

(2) The term "wards" is defined as all persons committed by the courts, whether adult or juvenile, to the Department of Correctional Services.

SEC. 903. The purpose of this title is to establish a comprehensive correctional service in the District of Columbia designed to reduce crime by means of:

(1) The continuity and centralization of responsibility for the custody and supervision, control, training, and treatment of persons detained or committed by the Superior Court of the District of Columbia to the Department of Correctional Services, including those persons heretofore sentenced by the United States District Court and designated by the Attorney General for service of their sentences in the institutions and programs of the District of Columbia.

(2) The overall improvement of agencies which have direct responsibility and concern for stemming the increase in criminal activity in the District of Columbia.

(3) Provision for a variable mix of institutional and community-based programs, based on individual case differences and needs, which will greatly reduce the rate of incidence of especially juveniles and young adults in further criminal activity.

(4) The establishment of coordinated but separate probation and parole services for juvenile and adult cases.

SEC. 904. There is hereby created under the Commissioner in the government of the District of Columbia a Department of Correctional Services. The Department of Correctional Services shall perform all functions relating to the custody and supervision, control, training, and treatment of persons tried for a criminal offense against, or found to be delinquent or in need of supervision under, the laws of the United States applicable exclusively in the District of Columbia, including but not limited to all persons detained for trial or hearing, those coming under the jurisdiction of the Bail Reform Act, all persons sentenced by the Superior Court of the District of Columbia to a term of imprisonment, and all juveniles detained or committed pursuant to an adjudication of delinquency or need of supervision.

SEC. 905. The Department of Correctional Services shall include under a single executive all functions heretofore allocated by statute or administrative practice to the following:

(1) The District of Columbia Department of Corrections.

(2) The District of Columbia Board of Parole.

(3) The Court of General Sessions' Probation Department.

(4) The District of Columbia Bail Agency.

(5) The Juvenile Court Probation Department.

(6) Those institutions for juveniles including the Receiving Home, Maple Glen, Cedar Knoll, and the new security unit at Laurel heretofore under the responsibility of the Department of Public Welfare. It shall not include functions relating to juveniles under court wardship for neglect, dependence, mental health, or other conditions not associated with misconduct.

SEC. 906. (a) The Director of the Department of Correctional Services shall be appointed by and serve at the pleasure of the Commissioner.

(b) The Department of Correctional Services shall be organized by the Director with primary concern for the efficient and effective delivery of its services. To the extent deemed necessary, it may contract for services from other agencies in the District of Columbia government, other jurisdictions, and private organizations.

(c) The Department shall be organized to assure the separation of the immature person or juvenile from other offenders in the correctional process. In exercising this provision, the Department may generally be guided by the chronological age of the ward with exercise of broad discretion based on clinical assessment of the individual and consideration of public safety. This subsection shall be construed to be consistent with subchapter I of chapter 23 of title 16, District of Columbia Code.

(d) The Department of Correctional Services shall include a research, evaluation, and automatic data processing function that will produce a scientific and precise measurement of the cost effectiveness of all aspects of the correctional process. This function shall include:

(1) an annual detailed report to the Congress, the Commissioner, courts, and the community, elaborating on all measurable phases of the program;

(2) a continuous exploration and implementation of successful correctional program elements in existence throughout the country;

(3) a continuous evaluation of all treatment and training programs including recommendations for modification, expansion, or deletion of existing program elements;

(4) an expanded research operation that will engage the cooperation of colleges and universities in the development of correctional research projects;

(5) management organization, staff development, and administrative procedures capable of effective and timely response to new knowledge, new technology, and changing social and economic conditions.

(e) All employees of the Department of Correctional Services shall be subject to the general personnel system and regulations applying to the Metropolitan Police Department and other agencies of the District gov-

ernment providing that no employee currently employed by the Department shall receive compensation, retirement, sick leave, vacation, and seniority benefits less than those received at the time of inclusion into the Civil Service System of the District and the effective date of this title.

(f) The Department shall establish a Board of Review and Appeals whose functions shall include, but need not be limited to—

(1) review and approval of the location and modes of treatment and control of wards in the system;

(2) review upon appeal by wards from administrative actions of the Department;

(3) petitions to the court for sentence modification;

(4) discharge of sentence or commitment within indeterminate sentence limits prescribed by court.

SEC. 907. There is hereby established a Joint Commission on Corrections for the District of Columbia. The Commission's purpose shall be to oversee and assess the effectiveness of the newly created Department of Correctional Services in the Nation's Capitol.

The Commission shall consist of twelve members, to be appointed in the following manner:

(1) Two members shall be appointed by the President of the United States representing a broad knowledge in modern correctional practices.

(2) Two members shall be appointed by the President pro tempore of the Senate from the active membership of that body.

(3) Two members shall be appointed by the Speaker of the House of Representatives from the active membership of that body.

(4) Two members shall be appointed by the chief judge of the Superior Court of the District of Columbia from the active judicial members of that body.

(5) Two members shall be appointed by the Commissioner of the District of Columbia representing the citizenry of the District of Columbia.

(6) Two members shall be appointed by the Chairman of the District of Columbia Council from the active members of that body.

The Commission members shall elect a Chairman and a Vice Chairman.

The Commission shall expire five years following the effective date of this title. Each member shall be appointed for the duration of the Commission. Replacement of members shall be made by the original appointing authority.

TITLE X.—CRIMINAL INJURIES COMPENSATION

DEFINITIONS

SEC. 1001. As used in this title—

(1) the term "child" means an unmarried person who is under eighteen years of age and includes a stepchild, an adopted child;

(2) the term "Commission" means the District of Columbia Violent Crimes Compensation Commission established by this title;

(3) the term "dependents" means those who were wholly or partially dependent upon his income at the time of his death or would have been so dependent but for the incapacity due to the injury from which the death resulted and shall include the child of such victim born after his death;

(4) the term "personal injury" means actual bodily harm and includes pregnancy and mental or nervous shock;

(5) the term "relative" means the spouse, parent, grandparent, stepfather, stepmother, child, grandchild, brother, sister, half brother, or half sister of the victim; and

(6) the term "victim" means a person who is injured or killed by any act or omission of any other person which is within the description of any of the offenses specified in section 1011 of this title.

VIOLENT CRIMES COMPENSATION COMMISSION

SEC. 1002. (a) There is established a District of Columbia Violent Crimes Compensation Commission which shall be composed of three members to be appointed by the President, by and with the advice and consent of the Senate, solely on the grounds of fitness to perform the duties of the office. The President shall designate one of the members of the Commission who has been a member of the bar of a Federal court or of the highest court of a State for at least eight years as Chairman.

(b) No member of the Commission shall engage in any other business, vocation, or employment.

(c) The Chairman and one other member of the Commission shall constitute a quorum, except as provided in section 1006(b); and where opinion is divided and only one other member is present, the opinion of the Chairman shall prevail.

(d) The Commission shall have an official seal.

TERMS AND COMPENSATION OF MEMBERS

SEC. 1003. (a) The term of office of each member of the Commission taking office after the effective date of this title shall be eight years, except that (1) the terms of office of the members first taking office shall expire as designated by the President at the time of the appointment, one at the end of four years, one at the end of six years, and one at the end of eight years; and (2) any member appointed to fill a vacancy occurring prior to the expiration of the terms for which his predecessor was appointed shall be appointed for the remainder of such term.

(b) Each member of the Commission shall be eligible for reappointment.

(c) A vacancy in the Commission shall not affect its powers.

(d) Any member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

(e) Each member of the Commission shall be compensated at the rate prescribed for level IV under subsection 5315 of title 5, United States Code, except the Chairman who shall be compensated at the rate prescribed for level III under section 5314 of such title.

ATTORNEYS, EXAMINERS, AND EMPLOYEES OF THE COMMISSION; EXPENSES

SEC. 1004. (a) The Commission is authorized to appoint and fix the compensation of such officers, attorneys, examiners, experts, and other employees as may be necessary for carrying out its functions under this title.

(b) All expenses of the Commission, including all necessary traveling and subsistence expenses of the Commission incurred by the members or employees of the Commission under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Commission or by any individual it designates for that purpose.

PRINCIPAL OFFICE

SEC. 1005. The principal office of the Commission shall be in the District of Columbia, but the Commission or any duly authorized representative may exercise any or all of its powers in any place.

POWERS AND PROCEDURES OF THE COMMISSION

SEC. 1006. (a) Upon request made to the Commission after the filing of an application under the provisions of this title, the Commission or its duly authorized representative shall have a hearing on such application, shall fix a time and place for such hearing, and shall cause notice thereof to be given to the applicant.

(b) For the purpose of carrying out the provisions of this title, the Commission, or any member thereof, or its duly authorized representative, may hold such hearings, sit and act at such times and places, and take such testimony as the Commission or such member may deem advisable. Any member or representative of the Commission may administer oaths, or affirmations to witnesses appearing before the Commission or before such member. The Commission shall have such powers of subpena and compulsion of attendance and production of documents as are conferred upon the Securities and Exchange Commission by subsection (c) of section 18 of the Act of August 26, 1935, and the provisions of subsection (d) of such section shall be applicable to all persons summoned by subpena or otherwise to attend or testify or produce such documents as are described therein before the Commission, except that no subpena shall be issued except under the signature of the Chairman, and application to any court for aid in enforcing such subpena may be made only by said Chairman. Subpenas shall be served by any person designated by the said Chairman.

(c) In any case in which the person entitled to make an application is a child, the application may be made on his behalf by any person acting as his parent or guardian. In any case in which the person entitled to make an application is mentally defective, the application may be made on his behalf by his guardian or such other individual authorized to administer his estate.

(d) Where any application is made to the Commission under this title, the applicant, and any attorney assisting the Commission, shall be entitled to appear and be heard.

(e) Any other person may appear and be heard who satisfies the Commission that he has a substantial interest in the proceedings.

(f) Where under this title any person is entitled to appear and be heard by the Commission, that person may appear in person or by his attorney.

(g) Every person appearing under the preceding subsections of this section shall have the right to produce evidence and to cross-examine witnesses.

(h) The Commission or its duly authorized representative may receive in evidence any statement, document, information, or matter that may in the opinion of the Commission contribute to its functions under this title, whether or not such statement, document, information, or matter would be admissible in a court of law, except that any evidence introduced by or on behalf of the person or persons charged with causing the injury or death of the victim, any request for a stay of the Commission's action, and the fact of any award granted by the Commission shall not be admissible against such person or persons in any prosecution for such injury or death.

(i) If any person has been convicted of any offense with respect to an act or omission on which a claim under this title is based, proof of that conviction shall, unless an appeal against the conviction or a petition for a rehearing or certiorari in respect of the charge is pending or a new trial or rehearing has been ordered, be taken as conclusive evidence that the offense has been committed.

(j) Except as otherwise provided in this title, the provisions of subchapter II of chapter 5 and chapter 7 of title 5, United States Code shall apply to the proceedings of the Commission.

ATTORNEY'S FEES

SEC. 1007. (a) The Commission shall publish regulations providing that an attorney shall, at the conclusion of proceedings under this title, file with the agency a statement of the amount of fee charged in connection with his services rendered in such proceedings.

(b) After the fee information is filed by an attorney under (a) above, the Commission may determine, in accordance with such published rules or regulations as it may provide, that such fee charged is excessive. If,

after notice to the attorney of this determination, the Commission and the attorney fail to agree upon a fee, the Commission may, within ninety days after the receipt of the information required by (a) above, petition the United States district court in the district in which the attorney maintains an office, and the court shall determine a reasonable fee for the services rendered by the attorney.

(c) Any attorney who charges, demands, receives, or collects for services rendered in connection with any proceedings under this title any amount in excess of that allowed under this section, if any compensation is paid, shall be fined not more than $2,000 or imprisoned not more than one year, or both.

FINALITY OF DECISION

SEC. 1008. The orders and decisions of the Commission shall be reviewable on appeal, except that no trial de novo of the facts determined by the Commission shall be allowed.

REGULATIONS

SEC. 1009. In the performance of its functions, the Commission is authorized to make, promulgate, issue, rescind, and amend rules and regulations prescribing the procedures to be followed in the filing of applications and the proceedings under this title, and such other matters as the Commission deems appropriate.

AWARDING COMPENSATION

SEC. 1010. (a) In any case in which a person is injured or killed by any act or omission of any other person which is within the description of the offenses listed in section 302 of this title, or in which a person is injured or killed while trying to prevent a crime or an attempted crime from occurring in his presence or while trying to apprehend a person who had committed a crime in his presence or had, in fact, committed a felony, the Commission may, in its discretion, upon an application, order the payment of compensation in accordance with the provisions of this title, if such act or omission occurs within the District of Columbia.

(b) The Commission may order the payment of compensation—

(1) to or on behalf of the injured person; or

(2) in the case of the personal injury of the victim, where the compensation is for pecuniary loss suffered or expenses incurred by any person responsible for the maintenance of the victim, to that person; or

(3) in the case of the death of the victim, to or for the benefit of the dependents or closest relative of the deceased victim, or any one or more of such dependents.

(c) For the purposes of this title, a person shall be deemed to have intended an act or omission notwithstanding that by reason of age, insanity, drunkenness, or otherwise he was legally incapable of forming a criminal intent.

(d) In determining whether to make an order under this section, or the amount of any award, the Commission may consider any circumstances it determines to be relevant, including the behavior of the victim which directly or indirectly contributed to his injury or death, unless such injury or death resulted from the victim's lawful attempt to prevent the commission of a crime or to apprehend an offender.

(e) No order may be made under this section unless the Commission, supported by substantial evidence, finds that—

(1) such an act or omission did occur; and

(2) the injury or death resulted from such act or omission.

(f) Notwithstanding any other provision of this title, in any case in which a person making an application under this title indicates that he has sustained an economic hardship by reason of the injury or death with respect to which such application is made and as a result thereof is in need of immediate financial assistance, any Commissioner, if he determines that such need exists and that there is a substantial likelihood that an award will be made pursuant to such application, may order the immediate payment of an emergency award to the applicant pending final action on the claim. Any such emergency award shall not exceed $100 and shall be deducted from any final award made to the applicant. In the event that the amount of such emergency award exceeds the amount of the final award, the applicant shall repay an amount to the Commission equal to the amount of such excess. If the application is subsequently disapproved, the applicant shall repay an amount to the Commission equal to the amount of the emergency award.

(g) An order may be made under this section whether or not any person is prosecuted or convicted of any offense arising out of such act or omission, or if such act or omission is the subject of any other legal action. Upon application from the United States Attorney or Corporation Counsel for the District of Columbia or from the person or persons alleged to have caused the injury or death, the Commission shall suspend proceedings under this title until such application is withdrawn or until a prosecution for an offense arising out of such act or omission is no longer pending or imminent. The Commission may suspend proceedings in the interest of justice if a civil action arising from such act or omission is pending or imminent.

(h) (1) In any case involving the injury or death of a person with respect to whom such order is issued and who at the time of such injury or death was a resident of the District of Columbia, the Commissioner of the District of Columbia shall pay, upon certification by the Commission (or, in any case involving an emergency award under subsection (f) of section 301, by the Commissioner authorizing such award), to the person named in such order the amount specified therein. Such payment shall be made out of funds of the District of Columbia.

(2) In any case involving the injury or death of a person with respect to whom such order is issued and who at the time of such injury or death was a nonresident of the District of Columbia, the Commissioner of the District of Columbia, upon receiving certification by the Commission (or, in any case involving an emergency award under subsection (f) of section 301, by the Commissioner authorizing such award), shall transmit said certification to the Comptroller General of the United States, who shall make payment, in the amount specified in the order, to the Commissioner of the District of Columbia out of funds in the United States Treasury not otherwise appropriated; and the Commissioner of the District of Columbia shall make payment to the person named in the aforesaid order by transferring to him the amount paid pursuant to the order by the Comptroller General of the United States.

OFFENSES TO WHICH THIS TITLE APPLIES

SEC. 1011. The Commission may order the payment of compensation in accordance with the provisions of this title for personal injury or death which resulted from the following offenses:

(1) arson (D.C. Code, sec. 22–401);

(2) assault (D.C. Code, secs. 22–503, 22–504);

(3) assault with intent to kill, rob, or rape, and attempt to poison (D.C. Code, sec. 22–501);

(4) assault with intent to commit mayhem or with dangerous weapon (D.C. Code, sec. 22–502);

(5) indecent act with children (D.C. Code, sec. 22–3501);

(6) kidnaping (D.C. Code, sec. 22–2101);

(7) lewd, indecent, or obscene acts (D.C. Code, sec. 22–1112);

(8) manslaughter (D.C. Code, sec. 22–2405);

(9) murder (D.C. Code, secs. 22–2401, 22–2402, 22–2403);

(10) negligent homicide (D.C. Code, sec. 40–606);

(11) rape (D.C. Code, sec. 22–2801);

(12) robbery (D.C. Code, sec. 22–2901);

(13) unauthorized use of vehicles (D.C. Code, sec. 22–2204);

(14) or other crimes involving force to the person.

NATURE OF THE COMPENSATION

SEC. 1012. The Commission may order the payment of compensation under this title for—

(a) expenses actually and reasonably incurred as a result of the personal injury or death of the victim;

(b) loss of earning power as a result of total or partial incapacity of such victim;

(c) pecuniary loss to the dependents of the deceased victim; and

(d) any other pecuniary loss resulting from the personal injury or death of the victim which the Commission determines to be reasonable.

LIMITATIONS UPON AWARDING COMPENSATION

SEC. 1013. (a) No order for the payment of compensation shall be made under section 301 of this title unless the application has been made within one year after the date of the personal injury or death and unless police records show that the crime resulting in such injury or death was promptly reported to the proper authorities, but in no case shall an award be made where the police records show that such report was made more than forty-eight hours after the occurrence of such crime unless the Commission, for good cause shown, finds the delay to have been justified. The Commission, upon finding that any claimant or award recipient has not fully cooperated with all law enforcement agencies, may deny or withdraw any award, as the case may be.

(b) No compensation shall be awarded under this title to or on behalf of any victim in an amount in excess of $25,000.

(c) No compensation shall be awarded if the victim was at the time of his or her personal injury or death living with the offender as his wife or her husband and the Commission, in its discretion, determines that unjust enrichment to or on behalf of the offender would result.

TERMS OF THE ORDER

SEC. 1014. (a) Except as otherwise provided in this section, any order for the payment of compensation under this title may be made on such terms as the Commission deems appropriate.

(b) The Commission shall deduct from any payments awarded under section 301 of this title any payments received by the victim or by any of his dependents from the offender or from any person on behalf of the offender, or from the United States (except those received under this title), a State or any of its subdivisions, or from any medical or hospital insurance payments, for or on account of personal injury or death compensable under this title, but only to the extent that the sum of such payments and any award under this title are in excess of the total compensable injuries suffered by the victim as determined by the Commission.

(c) The Commission may at any time, on its own motion or on the application of the United States Attorney or Corporation Counsel for the District of Columbia, or of the victim or his dependents, or of the offender,

vary any order for the payment of compensation made under this title in such manner as the Commissioner thinks fit, whether as to terms of the order or by increasing or decreasing the amount of the award or otherwise.

RECOVERY FROM OFFENDER

SEC. 1015. (a) Whenever any person is convicted of an offense and an order for the payment of compensation is or has been made under this title for a personal injury or death resulting from the act or omission constituting such offense, the Commission may institute an action against such person for the recovery of the whole or any specified part of such compensation in the district court of the United States for any judicial district in which such person resides or is found. Such court shall have jurisdiction to hear, determine, and render judgment in any such action.

(b) Process of the district court for any judicial district in any action under this section may be served in any other judicial district of the United States by the United States marshal thereof. Whenever it appears to the court in which any action under this section is pending that other parties should be brought before the court in such action, the court may cause such other parties to be summoned from any judicial district of the United States.

(c) An order for the payment of compensation under this title shall not affect the right of any person to recover damages from any other person by a civil action for the injury or death.

REPORTS TO THE CONGRESS

SEC. 1016. The Commission shall transmit to the President and to the Congress annually a report of its activities under this title including the name of each applicant, a brief description of the facts in each case, and the amount, if any, of compensation awarded.

PENALTIES

SEC. 1017. The provisions of section 1001 of title 18 of the United States Code shall apply to any application, statement, document, or information presented to the Commission under this title.

APPROPRIATIONS

SEC. 1018. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

TITLE XI.—MISCELLANEOUS

SEC. 1101. Section 292 of title 28, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by adding after subsection (b) the following new subsection:

"(c) The chief judge of the United States Court of Appeals for the District of Columbia Circuit may, upon presentation of a certificate of necessity by the chief judge of the Superior Court of the District of Columbia, designate and assign temporarily any district judge of the circuit to act as a judge of said Superior Court".

SEC. 1102. The second sentence of section 4 of the Act of June 25, 1910 (36 Stat. 865, ch. 433; D.C. Code, sec. 24–104), is amended by substituting ", and enter an appropriate verdict, impose a sentence," for the phrase "and impose a sentence".

POLICE MUTUAL AID

SEC. 1103. Section 1 of the Act of October 17, 1968 (82 Stat. 1150; D.C. Code, sec. 1–820), is amended by striking out all after the word "equipment" and inserting a period in lieu thereof.

CRIME INSURANCE

SEC. 1104. Subdivision (2) of section 1203, in title XII (the District of Columbia Insurance Placement Act), of the Act of August 1, 1968 (82 Stat. 568; D.C. Code, sec. 35–1702 (2)), is amended to read as follows:

"(2) The term 'basic property insurance' means (1) insurance against direct loss to property caused by perils as defined and limited in the standard fire policy and extended coverage endorsement thereon, as approved by the Commissioner, (2) insurance against the perils of vandalism, malicious mischief, burglary, theft, and robbery, and (3) such other insurance as the Commissioner may designate from those lines of property insurance for which reinsurance is available for losses under part B of title XII of the National Housing Act. Designation by the Commissioner of such lines of insurance shall be made pursuant to the procedures in section 1205 of this title: *Provided*, That the failure of the Secretary of the Department of Housing and Urban Development to require such other insurance under section 1203(a)(2) of the Housing and Urban Development Act of 1968 shall in no way limit the Commissioner's power to so designate.".

HEALTH REGULATIONS AUTHORIZATION

SEC. 1105. (a) The Commissioner of the District of Columbia is authorized to promulgate regulations, to be executed and enforced by the Department of Human Resources of the District of Columbia, requiring periodic chemical analysis of the urine of any person in the District of Columbia in the custody, whether partial or complete, of the District of Columbia (including but not limited to any person in a detention or correctional or treatment facility of the District of Columbia, under the supervision of any court or probation office or of the Parole Board or Bail Agency of the District of Columbia, or receiving instruction in any public school of the District of Columbia), to assist in determining whether such person is a drug user (as defined in section 3 of the Act of June 24, 1953, the Hospital Treatment for Drug Addicts Act for the District of Columbia (67 Stat. 77, ch. 149; D.C. Code, sec. 24–602), as amended) and to assist in the treatment of any such drug user: *Provided*, That neither the performance of chemical analysis pursuant to a regulation promulgated under this section, nor any result of such analysis, may be used as evidence or otherwise in connection with any criminal proceeding.

(b) This section shall not be construed to limit any power of the Commissioner or of the Director of Public Health exercisable prior to this enactment; nor shall this section be construed to affect the power of the District of Columbia Council to promulgate rules and regulations not inconsistent herewith.

ANNUAL ADDITIONAL FEDERAL PAYMENT

SEC. 1106. Section 1 of article VI of the Act of July 16, 1947, the District of Columbia Revenue Act of 1947 (61 Stat. 361, ch. 258; D.C. Code, sec. 47–2501a), as amended, is amended by inserting, immediately before the period at the end thereof, the following: ", along with not to exceed $48,854,000, also to be credited to the general fund of the District of Columbia, which annual additional payment (not to exceed $48,854,000) shall be used for the purposes of the District of Columbia Court Reorganization Act of 1970, to assist the District of Columbia government with programs designed to increase the effectiveness of law enforcement and to reduce the incidence of criminal conduct in the District of Columbia, and to assist the District of Columbia government with study, prevention, and treatment programs relating to the use of drugs (defined consistent with the definition of 'drug user' in section 3 of the Act of June 24, 1953, the Hospital Treatment for Drug Addicts for the District of Columbia (67 Stat. 77, ch. 149; D.C. Code, sec. 24–602), as amended) in the District of Columbia".

COMMISSION ON CRIMINAL LAW REVISION

SEC. 1107. Section 1008 in title X of the Act of December 27, 1967 (81 Stat. 742), is amended by substituting "on or before May 1, 1972," for the phrase "within two years after the date of this enactment", and by substituting "on or before May 1, 1973" for the phrase "within three years after the date of enactment".

REPEAL OF KITE-FLYING PROHIBITION

SEC. 1108. Section 4 of the Act of July 29, 1892 (27 Stat. 322, ch. 320; D.C. Code, sec. 22–1117), is hereby amended by striking the phrase "set up or fly any kite, or".

TITLE XII.—CONFORMING AMENDMENTS

CHANGE OF COURTS

SEC. 1201. The words "Superior Court of the District of Columbia" and "Superior Court" are substituted for "District of Columbia Court of General Sessions" and "Court of General Sessions", respectively, in the following provisions of law:

Section 2 of the Act of March 3, 1887 (24 Stat. 580, as amended; D.C. Code, sec. 1–229);

Section 4 of the Act of March 3, 1931 (46 Stat. 1486, as amended; D.C. Code, sec. 1–233);

Section 567 of the Act of March 3, 1901 (31 Stat. 1279, as amended; D.C. Code, sec. 1–509);

Section 572 of the Act of March 3, 1901 (31 Stat. 1280, as amended; D.C. Code, sec. 1–515);

Section 4 (3 Leg. Assem., ch. 25 (June 25, 1873), as amended; D.C. Code, sec. 1–704);

Section 13 of the Act of June 25, 1936 (49 Stat. 1917, as amended; D.C. Code, sec. 1–714);

Section 2 of the Act of April 26, 1904 (33 Stat. 307, as amended; D.C. Code, sec. 1–720);

Section 7 of the Act of August 12, 1955 (69 Stat. 700, as amended; D.C. Code, sec. 1–1107);

Section 9 of the Act of August 12, 1955 (69 Stat. 702, as amended; D.C. Code, sec. 1–1109);

Section 9 of the Act of April 29, 1902 (32 Stat. 175, as amended; D.C. Code, sec. 2–209);

Section 5 of the Act of July 2, 1940 (54 Stat. 717, as amended; D.C. Code, sec. 2–305);

Section 8 of the Act of September 6, 1960 (74 Stat. 803, as amended; D.C. Code, sec. 2–427);

Section 18 of the Act of September 6, 1960 (74 Stat. 807, as amended; D.C. Code, sec. 2–437);

Section 18 of the Act of September 22, 1961 (75 Stat. 582, as amended; D.C. Code, sec. 2–467);

Section 4 of the Act of June 29, 1940 (54 Stat. 697, as amended; D.C. Code, sec. 2–704);

Section 17 of the Act of September 16, 1966 (80 Stat. 792; D.C. Code, sec. 2–926);

Section 15 of the Act of December 20, 1944 (58 Stat. 826, as amended; D.C. Code, sec. 2–1224);

Section 8 of the Act of June 18, 1898 (30 Stat. 477, as amended; D.C. Code, sec. 2, 1408);

Section 6 of the Act of February 28, 1887 (24 Stat. 427, as amended; D.C. Code, sec. 2–1506);

Section 15 of the Act of September 19, 1950 (64 Stat. 886, as amended; D.C. Code, sec. 2-1815);

Section 401 of the Act of June 29, 1953 (67 Stat. 101, as amended; D.C. Code, sec. 2–1901);

Section 7 of the Act of August 6, 1956 (70 Stat. 1039, as amended; D.C. Code, sec. 2–2007);

Section 13 of the Act of October 15, 1962 (76 Stat. 917, as amended; D.C. Code, sec. 3–212);

Section 12(m) of the Act of September 1, 1916 (as added 71 Stat. 397, and amended; D.C. Code, sec. 4–533);

Section 8 of the Act of June 1, 1910 (36 Stat. 454, as amended; D.C. Code, sec. 5–408);

Section 10 of the Act of June 20, 1938 (52 Stat. 800, as amended; D.C. Code, sec. 5–422);

Section 4 of the Act of March 1, 1899 (30 Stat. 923, as amended; D.C. Code, sec. 5–504);

Section 16 of the Act of May 1, 1906 (34 Stat. 161, as amended; D.C. Code, sec. 5–631);

Act of August 7, 1894 (28 Stat. 257, as amended; D.C. Code, sec. 6–113);

Section 4 of the Act of August 11, 1939 (as added 60 Stat. 919, and amended; D.C. Code. sec. 6–119b);

Section 5 of the Act of August 11, 1939 (as added 60 Stat. 920, and amended; D.C. Code, sec. 6–119c);

Section 7 of the Act of August 11, 1939 (as added 60 Stat. 921, and amended; D.C. Code, sec. 6–119e);

Section 10 of the Act of August 11, 1939 (as added 60 Stat. 922, and amended; D.C. Code, sec. 6–119h);

Section 4 of the Act of March 1, 1907 (34 Stat. 1011, as amended; D.C. Code, sec. 6–304);

Section 3 of the Act of May 19, 1896 (29 Stat. 126, as amended; D.C. Code, sec. 6–403);

Section 5 of the Act of July 3, 1926 (44 Stat. 839, as amended; D.C. Code, sec. 6–605);

Section 3 of the Act of March 1, 1899 (30 Stat. 959, as amended; D.C. Code, sec. 6–903);

Section 15 of the Act of August 20, 1912 (as added 41 Stat. 726, and amended; D.C. Code, sec. 6–904);

Section 10 of the Act of December 26, 1941 (55 Stat. 860, as amended; D.C. Code, sec. 6–1010);

Section 4 of the Act of July 27, 1951 (65 Stat. 124, as amended; D.C. Code, sec. 6–1304);

Section 8 of the Act of June 18, 1898 (30 Stat. 477, as amended; D.C. Code, sec. 7–616);

Section 306 of the Act of October 17, 1968 (82 Stat. 1160; D.C. Code, sec. 7–912);

Section 309 of the Act of October 17, 1968 (82 Stat. 1161; D.C. Code, sec. 7–915);

Section 7 of the Act of March 4, 1913 (37 Stat. 974, as amended; D.C. Code, sec. 7–1001);

Section 4 of the Act of July 8, 1898 (30 Stat. 725, as amended; D.C. Code, sec. 7–1104);

Section 8 of the Act of July 31, 1946 (60 Stat. 719, as amended; D.C. Code, sec. 9–125);

Section 14 of the Act of July 31, 1946 (60 Stat. 720, as amended; D.C. Code, sec. 9–131);

Section 32 of the Act of March 3, 1921 (41 Stat. 1225, as amended; D.C. Code, sec. 10–134);

The second paragraph of so much of section 1 of the Act of July 1, 1902, as relates to general expenses for the Executive Office (32 Stat. 591, as amended; D.C. Code, sec. 22–702);

Section 2 of the Act of February 15, 1938 (52 Stat. 30, as amended; D.C. Code, sec. 22–1116);

Act of June 8, 1906 (34 Stat. 220, as amended; D.C. Code, sec. 22–1119);

Act of March 21, 1892 (27 Stat. 10, as amended; D.C. Code, sec. 22–1208);

Section 842 of the Act of March 3, 1901 (31 Stat. 1326, as amended; D.C. Code, sec. 22–1301);

Section 860 of the Act of March 3, 1901 (31 Stat. 1330, as amended; D.C. Code, sec. 22–1304);

Act of March 2, 1897 (29 Stat. 619, as amended; D.C. Code, sec. 22–1305);

Section 2 of the Act of May 29, 1916 (39 Stat. 165, as amended; D.C. Code, sec. 22–1412);

Section 866 of the Act of March 3, 1901 (31 Stat. 1331, as amended; D.C. Code, sec. 22–1505);

Section 4 of the Act of December 17, 1941 (55 Stat. 810, as amended; D.C. Code, sec. 22–3305);

Section 5 of the Act of December 16, 1941 (55 Stat. 808, as amended; D.C. Code, sec. 22–3420);

Section 405 of the Act of June 29, 1953 (67 Stat. 105, as amended; D.C. Code, sec. 24–106);

Section 927 of the Act of March 3, 1901 (31 Stat. 1340, as amended; D.C. Code, sec. 24–301);

Section 6 of the Act of November 10, 1966 (80 Stat. 1519; D.C. Code, sec. 24–465);

Section 2 of the Act of August 4, 1967 (61 Stat. 744, as amended; D.C. Code, sec. 24–522);

Section 29 of the Act of January 24, 1934 (48 Stat. 334, as amended; D.C. Code, sec. 25–129);

Section 33 of the Act of January 24, 1934 (48 Stat. 336, as amended; D.C. Code, sec. 25–132);

Section 41 of the Act of January 24, 1934 (as added 67 Stat. 104, and amended; D.C. Code, sec. 25–139);

Section 685 of the Act of March 3, 1901 (31 Stat. 1298, as amended; D.C. Code, sec. 27–127);

District of Columbia Code, section 28–2305;

Section 708 of the Act of March 3, 1901 (31 Stat. 1301, as amended; D.C. Code, sec. 29–307);

Section 1288 of the Act of March 3, 1901 (31 Stat. 1392, as amended; D.C. Code, sec. 30–106);

Section 1290 of the Act of March 3, 1901 (31 Stat. 1392, as amended; D.C. Code, sec. 30–108);

Section 2 of the Act of March 3, 1925 (43 Stat. 1119, as amended; D.C. Code, sec. 40–602);

Section 6(i) of the Act of March 3, 1925 (43 Stat. 1221, as amended; D.C. Code, sec. 40–603(i));

Section 12 of the Act of July 11, 1919 (41 Stat. 104, as amended; D.C. Code, sec. 40–617);

Section 1 of the Act of January 15, 1942 (56 Stat. 5, as amended; D.C. Code, sec. 40–810);

Section 2 of the Act of January 15, 1942 (56 Stat. 6, as amended; D.C. Code, sec. 40–811);

Section 1 of the Act of April 5, 1939 (53 Stat. 569, as amended; D.C. Code, sec. 43–907);

Section 2 of the Act of May 26, 1900 (31 Stat. 218, as amended; D.C. Code, sec. 43–1302);

Section 17 of the Act of May 23, 1908 (35 Stat. 250, as amended; D.C. Code, sec. 44–203);

Section 710 of the Act of March 3, 1901 (31 Stat. 1302, as amended; D.C. Code, sec. 44–211);

Section 310 of the Act of March 2, 1962 (76 Stat. 14, as amended; D.C. Code, sec. 45–730);

Section 320 of the Act of March 2, 1962 (76 Stat. 16, as amended; D.C. Code, sec. 45–740);

Section 1235 of the Act of March 3, 1901 (31 Stat. 1384, as amended; D.C. Code, sec. 45–909);

Section 1226 of the Act of March 3, 1901 (31 Stat. 1382, as amended; D.C. Code, sec. 45–911);

Section 16 of the Act of August 25, 1937 (50 Stat. 707, as amended; D.C. Code, sec. 45–1416);

Section 10 of the Act of December 2, 1941 (55 Stat. 794, as amended; D.C. Code, sec. 45–1610);

Section 6, par. 18 of the Act of July 1, 1902 (32 Stat. 622, as amended; D.C. Code, sec. 47–1303);

Section 1, title I of the Act of August 17, 1937 (50 Stat. 673, as amended; D.C. Code, sec. 47–1401);

Section 5, title I of the Act of August 17, 1937 (50 Stat. 674, as amended; D.C. Code, sec. 47–1405);

Section 10, title I of the Act of August 17, 1937 (as added 52 Stat. 357 and amended; D.C. Code, sec. 47–1410);

Section 42, title II of the Act of July 1939 (53 Stat. 1105, as amended; D.C. Code, sec. 47–1542);

Section 3, article I, title XII of the Act of July 16, 1947 (61 Stat. 352, as amended; D.C. Code, sec. 47–1586b);

Section 13, article I, title XII of the Act of July 16, 1947 (61 Stat. 355, as amended; D.C. Code, sec. 47–1586l);

Section 6, article I, title XIII of the Act of July 16, 1947 (61 Stat. 357, as amended; D.C. Code, sec. 4–1589e);

Section 7, article I, XIV of the Act of July 16, 1947 (61 Stat. 358, as amended; D.C. Code, sec. 47–1591f);

Section 3, title II of the Act of August 17, 1937 (50 Stat. 675, as amended; D.C. Code, sec. 47–1803);

Section 15 of the Act of April 23, 1924 (43 Stat. 109, as amended; D.C. Code, sec. 47–1913);

Section 4, 6, and 7 of the Act of September 8, 1916 (39 Stat. 847, as amended; D.C. Code, secs. 47–2204, 47–2206, 47–2207);

Section 7, par. 9 of the Act of July 1, 1902 (32 Stat. 623, as amended; D.C. Code, sec. 47–2309);

Section 7, par. 47 of the Act of July 1, 1902 (32 Stat. 628, as amended; D.C. Code, sec. 47–2346);

Section 150 of the Act of May 27, 1949 (63 Stat. 124, as amended; D.C. Code, sec. 47–2627);

Section 611 of the Act of May 27, 1949 (63 Stat. 139, as amended; D.C. Code, sec. 47–2810);

Section 4 (3 Leg. Assem. ch. 46 (June 26, 1873), as amended; D.C. Code, sec. 47–2911);

Section 5 of the Act of July 3, 1926 (44 Stat. 810, as amended; D.C. Code, sec. 48–205);

Section 10 of the Act of July 3, 1926 (44 Stat. 811, as amended; D.C. Code, sec. 48–210);

Section 878e of the Act of March 3, 1901 (as added 34 Stat. 1007 and amended; D.C. Code, sec. 48–305); and wherever else they appear in the laws applicable exclusively to the District of Columbia.

SEC. 1202. The words "Superior Court of the District of Columbia" and "Superior Court" are substituted for "Municipal Court for the District of Columbia" and "Municipal Court", respectively, in the following provisions of law:

Section 302 of the Act of June 29, 1953 (67 Stat. 100; D.C. Code, sec. 4–134a);

Section 18 of the Act of July 8, 1932 (as added 66 Stat. 8; D.C. Code, sec. 22–3217);

Section 29 of the Act of July 26, 1939 (53 Stat. 1100, as amended; D.C. Code, sec. 47–1529);

Section 46(g) of the Act of July 26, 1939 (as added 56 Stat. 45 and amended; D.C. Code, sec. 47–1546(g));

Section 4, article I, title V of the Act of July 16, 1947 (61 Stat. 342; D.C. Code, sec. 47–1564c(e)); and wherever else they appear in the laws applicable exclusively to the District of Columbia.

SEC. 1203. The words "Superior Court of the District of Columbia" are substituted for "United States District Court for the District of Columbia", and "District Court of the United States for the District of Columbia" in the following provisions of law:

Section 12 of the Act of June 25, 1936 (49 Stat. 1917, as amended; D.C. Code, sec. 1–713);

Section 2 of the Act of August 3, 1968 (82 Stat. 628; D.C. Code, sec. 1–804b);

Section 41 of the Act of February 27, 1929 (45 Stat. 1338, as amended; D.C. Code, sec. 2–132);

Section 4 of the Act of July 2, 1940 (54 Stat. 716, as amended; D.C. Code, sec. 2–304);

Section 3 of the Act of June 29, 1940 (54 Stat. 597, as amended; D.C. Code, sec. 2–703);

Section 7 of the Act of May 7, 1906 (34 Stat. 177, as amended; D.C. Code, sec. 2–606);

Section 29 of the Act of December 13, 1924 (43 Stat. 717, as amended; D.C. Code, sec. 2–1029);

Section 8 of the Act of September 19, 1950 (64 Stat. 856; D.C. Code, sec. 2–1808);

Section 9(b) of the Act of September 19, 1950 (64 Stat. 862, as amended; D.C. Code, sec. 2–1809(b));

Section 13 of the Act of July 10, 1957 (71 Stat. 281; D.C. Code, sec. 2–2112);

Sections 11 and 12 of the Act of August 30, 1964 (78 Stat. 628; D.C. Code, sec. 2–2410, 2–2411);

Section 18 of the Act of October 15, 1962 (76 Stat. 918; D.C. Code, sec. 3–217);

Section 389 (R.S.D.C., as amended; D.C. Code, sec. 4–135);

Sections 1 and 3 of the Act of May 11, 1892 (27 Stat. 29, as amended; D.C. Code, secs. 4–601, 4–603);

Section 11 of the Act of March 19, 1906 (34 Stat. 72, as amended; D.C. Code, sec. 5–311);

Section 7 of the Act of December 24, 1942 (56 Stat. 1085, as amended; D.C. Code, sec. 5–323);

Section 8 of the Act of June 1, 1910 (36 Stat. 454, as amended; D.C. Code, sec. 5–408);

Section 11 of the Act of December 21, 1963 (77 Stat. 453, as amended; D.C. Code, sec. 5–911);

The fifth paragraph of so much of section 1 of the Act of March 3, 1905, as relates to Bridges (33 Stat. 893; D.C. Code, sec. 7–505);

Section 12 of the Act of February 12, 1901 (31 Stat. 773, as amended; D.C. Code, sec. 7–507);

The second paragraph of so much of section 1 of the Act of June 29, 1932, as relates to Bridges (47 Stat. 355, as amended; D.C. Code, sec. 7–514);

Section 1 of the Act of March 3, 1927 (44 Stat. 1351, as amended; D.C. Code, sec. 7–520);

The third paragraph of so much of section 1 of the Act of July 3, 1930, as relates to Bridges (46 Stat. 963, as amended; D.C. Code, sec. 7–523);

Section 11 of the Act of October 17, 1968 (82 Stat. 1168; D.C. Code, sec. 7–950);

Section 1 of the Act of March 3, 1927 (44 Stat. 1353, as amended; D.C. Code, sec. 7–1215(a));

Section 869b of the Act of March 3, 1901 (as added 35 Stat. 671, and amended; D.C. Code, sec. 22–1510);

Section 1 of the Act of December 15, 1941 (55 Stat. 800, as amended; D.C. Code, sec. 22–2603);

Section 5 of the Act of June 24, 1956 (67 Stat. 78, as amended; D.C. Code, sec. 24–605);

Section 345 of the Act of July 1, 1944 (as added 68 Stat. 80, and amended; D.C. Code, sec. 24–614);

Section 26 of the Act of January 24, 1934 (48 Stat. 333, as amended; D.C. Code, sec. 25–126);

Section 3 of the Act of October 27, 1949 (63 Stat. 938; D.C. Code, sec. 26–703);

Section 632 of the Act of March 3, 1901 (31 Stat. 1288, as amended; D.C. Code, sec. 29–228);

Section 586 of the Act of March 3, 1901 (31 Stat. 1282, as amended; D.C. Code, sec. 29–413);

Section 586f of the Act of March 3, 1901 (as added 45 Stat. 1505, and amended; D.C. Code, sec. 29–419);

Section 768 of the Act of March 3, 1901 (31 Stat. 1316, as amended; D.C. Code, sec. 29–701);

Section 782 of the Act of March 3, 1901 (31 Stat. 1318, as amended; D.C. Code, sec. 29–715);

Section 786 of the Act of March 3, 1901 (31 Stat. 1319, as amended; D.C. Code, sec. 29–719);

Section 793 of the Act of March 3, 1901 (31 Stat. 1320, as amended; D.C. Code, sec. 29–725);

Section 5 of the Act of May 4, 1896 (29 Stat. 113, as amended; D.C. Code, sec. 31–904);

Act of April 16, 1934 (48 Stat. 592, as amended; D.C. Code, sec. 35–295);

Section 13 of the Act of June 19, 1934 (48 Stat. 1133, as amended; D.C. Code, sec. 35–412);

Section 24 of the Act of June 19, 1934 (48 Stat. 1137, as amended; D.C. Code, sec. 35–423);

Section 15 of the Act of June 19, 1934 (48 Stat. 1147, as amended; D.C. Code, sec. 35–515);

Section 5, ch. II, of the Act of October 9, 1940 (54 Stat. 1067, as amended; D.C. Code, sec. 35–1308);

Section 5, title II of the Act of September 19, 1918 (as added 55 Stat. 738, and amended; D.C. Code, sec. 36–435);

Section 8 of the Act of March 4, 1913 (37 Stat. 995, as amended; D.C. Code, sec. 43–201);

Section 8, par. 35 of the Act of March 4, 1913 (37 Stat. 982, as amended; D.C. Code, sec. 43–405);

Section 8, par. 48 of the Act of March 4, 1913 (37 Stat. 984, as amended; D.C. Code, sec. 43–418);

Section 8, par. 64 of the Act of March 4, 1913 (37 Stat. 988, as amended; D.C. Code, sec. 43–704);

Section 7 of the Act of April 22, 1904 (33 Stat. 246, as amended; D.C. Code, sec. 43–1515);

Section 5 of the Act of August 2, 1894 (28 Stat. 218, as amended; D.C. Code, sec. 44–208);

Act of February 26, 1907, 34 Stat. 994 (as amended; D.C. Code, sec. 45–707);

Section 305 of the Act of March 2, 1962 (76 Stat. 12; D.C. Code, sec. 45–725);

Section 1225 of the Act of March 3, 1901 (31 Stat. 1382, as amended; D.C. Code, sec. 45–910);

Section 9 of the Act of August 25, 1937 (50 Stat. 794, as amended; D.C. Code, sec. 45–1409);

Section 11 of the Act of August 25, 1937 (50 Stat. 796, as amended; D.C. Code, sec. 45–1411);

Section 7 of the Act of December 2, 1941 (55 Stat. 792, as amended; D.C. Code, sec. 45–1607);

Section 10 of the Act of December 2, 1941 (55 Stat. 794, as amended; D.C. Code, sec. 45–1610);

Section 4(e) of the Act of August 28, 1935 (49 Stat. 948, as amended; D.C. Code, sec. 46–304(e));

Section 13(h) of the Act of August 28, 1935 (49 Stat. 953, as amended; D.C. Code, sec. 46–313(h));

Section 13 of the Act of August 14, 1894 (28 Stat. 285, as amended; D.C. Code, sec. 47–606);

Act of April 24, 1896 (29 Stat. 98, as amended; D.C. Code, sec. 47–721);

Section 1 of the Act of March 2, 1936 (49 Stat. 1153, as amended; D.C. Code, sec. 47–1011);

Section 5 of the Act of July 3, 1926 (44 Stat. 833, as amended; D.C. Code, sec. 47–1209);

Section 1, title I of the Act of August 17, 1937 (50 Stat. 673, as amended; D.C. Code, sec. 47–1401);

Section 6, title I of the Act of August 17, 1937 (50 Stat. 674, as amended; D.C. Code, sec. 47–1406);

Section 29, title II of the Act of July 26, 1939 (53 Stat. 1100, as amended; D.C. Code, sec. 47–1529);

Section 3, article I, title XII of the Act of July 16, 1947 (61 Stat. 352, as amended; D.C. Code, sec. 47–1586b);

Section 3, article III, title V of the Act of August 17, 1937 (50 Stat. 685, as amended; D.C. Code, sec. 47–1618);

Section 145 of the Act of May 27, 1949 (63 Stat. 122; D.C. Code, sec. 47–2622);

Section 8 of the Act of September 1, 1959 (73 Stat. 451; D.C. Code, sec. 47–3008);

Section 11 of the Act of July 3, 1926 (44 Stat. 811, as amended; D.C. Code, sec. 48–211); and

Section 2 of the Act of February 18, 1932 (47 Stat. 50, as amended; D.C. Code, sec. 48–402).

SEC. 1204. The words "Family Division of the Superior Court" are substituted for "Juvenile Court" in the following provisions of law:

Section 5 of the Act of November 6, 1966 (80 Stat. 1355; D.C. Code, sec. 2–165);

Section 4 of the Act of July 26, 1892 (27 Stat. 269, as amended; D.C. Code, sec. 3–116);

Section 1 of the Act of March 3, 1901 (31 Stat. 1095, as amended; D.C. Code, sec. 3–120);

Section 405 of the Act of June 29, 1953 (67 Stat. 105, as amended; D.C. Code, sec. 24–106);

Section 927 of the Act of March 3, 1901 (31 Stat. 1340, as amended; D.C. Code, sec. 24–301);

Section 3, article III of the Act of February 4, 1925 (43 Stat. 808, as amended; D.C. Code, sec. 31–213);

Section 2 of the Act of February 13, 1885 (23 Stat. 302, as amended; D.C. Code, sec. 32–209);

Section 22 of the Act of May 29, 1928 (45 Stat. 1004; D.C. Code, sec. 36–222);

Section 26 of the Act of May 29, 1928 (45 Stat. 1006; D.C. Code, sec. 36–228); and wherever else they appear in the laws applicable exclusively to the District of Columbia.

SEC. 1205. The words "Family Division of the Superior Court" are substituted for "Domestic Relations Branch of the District of Columbia Court of General Sessions" in the following provisions of law:

Section 19 of the Act of October 15, 1962 (76 Stat. 918, as amended; D.C. Code, sec. 3–218);

Section 2(d) of the Act of July 10, 1957 (71 Stat. 285, as amended; D.C. Code, sec. 30–302);

Section 6 of the Act of April 22, 1944 (58 Stat. 194, as amended; D.C. Code, sec. 32–786); and wherever else they appear in the laws applicable exclusive to the District of Columbia.

SEC. 1206. The words "Superior Court" are substituted for "Board of Tax Appeals for the District of Columbia," "Board of Tax Appeals," "board" and "District of Columbia Tax Court" in the following provisions of law:

Section 303 of the Act of May 27, 1949 (63 Stat. 129, as amended; D.C. Code, sec. 40–603–1);

Section 314 of the Act of March 2, 1962 (76 Stat. 15; D.C. Code, sec. 45–734);

Section 5 of the Act of December 24, 1942 (56 Stat. 1091; D.C. Code, sec. 47–801e);

Subsection (e) of the Act of December 15, 1945 (59 Stat. 610; D.C. Code, sec. 47–1215(e));

Section 31, title II of the Act of July 26, 1939 (53 Stat. 1101; D.C. Code, sec. 47–1531);

Section 34, title II of the Act of July 26, 1939 (53 Stat. 1103; D.C. Code, sec. 47–1534);

Section 11, article I, title XII of the Act of July 16, 1947 (61 Stat. 355, as amended; D.C. Code, sec. 47–1586j);

Section 1, article I, title XV of the Act of July 16, 1947 (61 Stat. 359; D.C. Code, sec. 47–1593);

Section 3, title IX of the Act of August 17, 1937 (as added 52 Stat. 371, and amended; D.C. Code, sec. 47–2403);

Section 4, title IX of the Act of August 17,

1937 (as added 52 Stat. 371, and amended; D.C. Code, sec. 47–2404);

Section 7, title IX of the Act of August 17, 1937 (as added 52 Stat. 374; D.C. Code; sec. 47–2407);

Section 13, title IX of the Act of August 17, 1937 (as added 53 Stat. 1110; D.C. Code, sec. 47–2412);

Section 14, title IX of the Act of August 17, 1937 (as added 66 Stat. 546, and amended; D.C. Code, sec. 47–2413);

Section 141 of the Act of May 27, 1949 (63 Stat. 120; D.C. Code, sec. 47–2618).

SEC. 1207. The words "Superior Court" are substituted for "civil branch of the District of Columbia Court of General Sessions" in section 22 of the Act of July 10, 1957 (71 Stat. 289, as amended; D.C. Code, sec. 30–322).

SEC. 1208. The words "the Superior Court" are substituted for "District Courts" in section 8, paragraph 50 of the Act of March 4, 1913 (37 Stat. 985; D.C. Code, sec. 43–420).

SEC. 1209. The words "District of Columbia Court of Appeals" are substituted for "United States District Court for the District of Columbia" and "court" in the following provisions of law:

Section 8 paragraph 65 of the Act of March 4, 1913 (37 Stat. 989, as amended; D.C. Code, sec. 43–705);

Section 8, paragraph 67 of the Act of March 4, 1913 (37 Stat. 989, as amended; D.C. Code, sec. 43–707);

Section 3(c)(10) of the Act of August 28, 1935 (49 Stat. 947, as amended; D.C. Code, sec. 46–303(c)(10));

Section 12 of the Act of August 28, 1935 (49 Stat. 953, as amended; D.C. Code, sec. 46–312);

Section 4, title IX of the Act of August 17, 1937 (as added 52 Stat. 371, and amended; D.C. Code, sec. 47–2404).

SEC. 1210. The words "District of Columbia Court of Appeals" are substituted for "United States Court of Appeals for the District of Columbia" in section 491m of the Act of March 3, 1901 (as added 34 Stat. 153, and amended; D.C. Code, sec. 7–214);

SEC. 1211. The words "the appropriate court" are substituted for references to the United States District Court for the District of Columbia in the following provisions of law:

Section 686 of the Act of March 3, 1901 (31 Stat. 1298, as amended; D.C. Code, sec. 27–128);

Section 639d of the Act of March 3, 1901 (as added 46 Stat. 1089, and amended; D.C. Code, sec. 29–240);

Section 25 of the Act of September 28, 1962 (76 Stat. 661; D.C. Code, sec. 41–425);

Section 8 of the Act of March 4, 1913 (37 Stat. 994, as amended; D.C. Code, sec. 43–401);

Section 11 of the Act of March 4, 1913 (37 Stat. 1006, as amended; D.C. Code, sec. 43–502);

Section 643 of the Act of March 3, 1901 (31 Stat. 1289, as amended; D.C. Code, sec. 44–102);

Section 534 of the Act of March 3, 1901 (31 Stat. 1272, as amended; D.C. Code, sec. 45–611);

Section 537 of the Act of March 3, 1901 (31 Stat. 1273, as amended; D.C. Code, sec. 45–619);

Section 3, article I, title V of the Act of August 17, 1937 (50 Stat. 684, as amended; D.C. Code, sec. 47–1603);

Section 5, article I, title V of the Act of August 17, 1937 (50 Stat. 685, as amended; D.C. Code, sec. 47–1605);

Section 9, article III, title V of the Act of August 17, 1937 (50 Stat. 687, as amended, D.C. Code, sec. 47–1624).

SEC. 1212. The words "court of competent jurisdiction" are substituted for "District of Columbia Court of General Sessions or before the United States District Court for the District of Columbia" in section 38 of the Act of March 1, 1889 (25 Stat. 777, as amended; D.C. Code, sec. 39–513).

SEC. 1213. The words "court having jurisdiction" are substituted for "United States District Court for the District of Columbia" in the following provisions of law:

Section 2 of the Act of June 21, 1906 (34 Stat. 384, as amended; D.C. Code, sec. 5–202);

Section 9 of the Act of May 1, 1906 (34 Stat. 159, as amended; D.C. Code, sec. 5–624);

Section 7(a) of the Act of August 2, 1946 (60 Stat. 795, as amended; D.C. Code, sec. 5–706);

Section 1 of the Act of March 4, 1929 (45 Stat. 1549, as amended; D.C. Code, sec. 6–505);

Section 491a of the Act of March 3, 1901 (as added 34 Stat. 151, and amended; D.C. Code, sec. 7–202);

Section 491n of the Act of March 3, 1901 (as added 34 Stat. 154, and amended; D.C. Code, sec. 7–215);

Section 1608e of the Act of March 3, 1901 (as added 33 Stat. 734, and amended; D.C. Code, sec. 7–313);

Section 1610 of the Act of March 3, 1901 (31 Stat. 1430, as amended; D.C. Code, sec. 7–323);

Section 5 of the Act of December 15, 1932 (47 Stat. 749, as amended; D.C. Code, sec. 7–405);

Section 2 of the Act of March 3, 1927 (44 Stat. 1353, as amended; D.C. Code, sec. 7–1215(b));

Section 1 of the Act of February 28, 1929 (45 Stat. 1408, as amended; D.C. Code, sec. 9–201);

Section 202 of the Act of June 9, 1948 (62 Stat. 348, as amended; D.C. Code, sec. 22–3504);

Section 20, Chapter II, of the Act of June 19, 1934 (48 Stat. 1135, as amended; D.C. Code, sec. 35–419).

SEC. 1214. The words "court having probate jurisdiction" are substituted for "probate court" and "probate court of the District of Columbia" in the following provisions of law.

Section 1 of the Act of October 12, 1888 (25 Stat. 554, as amended; D.C. Code, sec. 32–101);

Section 4 of the Act of October 12, 1888 (25 Stat 554, as amended; D.C. Code, sec 32–104).

SEC. 1215 The words "court having probate jurisdiction" are substituted for "United States District Court for the District of Columbia" and "District Court" in the following provisions of law:

Section 5 of the Act of February 11, 1929 (45 Stat. 1161, as added by 65 Stat. 131, and amended; D.C. Code, sec. 1–906;

Section 746 of the Act of March 3, 1901 (31 Stat. 1309, as amended; D.C. Code, sec. 26–334);

Section 669 of the Act of March 3, 1901 (31 Stat. 1295, as amended; D.C. Code, sec. 27–113);

District of Columbia Code, sections 28–2103 to 28–2105;

Revised Statutes of the District of Columbia, section 454, as amended (D.C. Code, sec. 29–514); and

Section 2 of the Act of April 5, 1939 (53 Stat. 571, as amended; D.C. Code, sec. 31–711).

SEC. 1216. The word "court" is substituted for "United States District Court for the District of Columbia" in the following provisions of law:

Section 81 of the Act of June 8, 1954 (68 Stat. 214; D.C. Code, sec. 29–930e);

Section 89 of the Act of June 8, 1954 (68 Stat. 217; D.C. Code, sec. 29–931a);

Section 90 of the Act of June 8, 1954 (68 Stat. 217; D.C. Code, sec. 931b);

Sections 137 (a) and (b) of the Act of June 8, 1954 (68 Stat. 234; D.C. Code, sec. 29–948).

Section 55 of the Act of August 6, 1962 (76 Stat. 287; D.C. Code, sec. 29–1055); and

Section 94 of the Act of August 6, 1962 (76 Stat. 302; D.C. Code, sec. 29–1094).

SEC. 1217. The words "Superior Court of the District of Columbia" are substituted for the words "United States branch of the District of Columbia Court of General Sessions" in section 164A(f) of the Act of June 20, 1938 (as added 70 Stat. 620, and amended; D.C. Code, sec. 33–416a(f)).

SEC. 1218. The words "a court in the District of Columbia" are substituted for "the United States District Court for the District of Columbia" and the words "court having jurisdiction" are substituted for "Probate Court" in section 416 (R.S.D.C., as amended; D.C. Code, sec. 4–159).

SEC. 1219. The words "courts in the District of Columbia" are substituted for "courts of the District of Columbia" in section 1 of the Act of February 11, 1929 (45 Stat. 1160, as amended; D.C. Code, sec. 1–902).

SEC. 1220. The words "in any court of the United States" are deleted in section 8 of the Act of July 15, 1932 (47 Stat. 698, as amended; D.C. Code, sec. 22–2601).

SEC. 1221. The words "courts in the District of Columbia" are substituted for "United States District Court for the District of Columbia, the United States Court of Appeals for the District of Columbia," in section 2 of the Act of February 11, 1929 (45 Stat. 1160, as amended; D.C. Code, sec. 1–903).

SEC. 1222. Paragraph (12) of section 401(b) of the Act of June 29, 1953 (67 Stat. 101, as amended; D.C. Code, sec. 2–1901(b)), is deleted and paragraphs (13) through (15) are renumbered (12) through (14) respectively.

SEC. 1223. The definition of "board" is deleted and the words "Superior Court of the District of Columbia, unless the context indicates otherwise" are substituted for "United States Court of Appeals for the District of Columbia" in section 1, title IX of the Act of August 17, 1937 (as added 52 Stat. 370; D.C. Code, sec. 47–2401).

SEC. 1224. The words "United States District Court for the" are deleted from section 40 of the Act of February 27, 1929 (45 Stat. 1338, as amended; D.C. Code, sec. 2–131).

SEC. 1225. The words beginning ", either in said United States District Court" and ending "Court of General Sessions," are deleted from section 1227 of the Act of March 3, 1901 (31 Stat. 1383, as amended; D.C. Code, sec. 45–912).

SEC. 1226. Section 2(r) of the Act of June 8, 1954 (68 Stat. 179, as amended; D.C. Code, sec. 29–902(r)) and section 2(k) of the Act of August 6, 1962 (76 Stat. 266; D.C. Code, sec. 29–1002(k)), are amended to read: "'The court', unless otherwise specified, means any court of competent jurisdiction in the District of Columbia."

SEC. 1227. Paragraph (2) of section 201 of the Act of June 9, 1948 (62 Stat. 347, as amended; D.C. Code, sec. 22–3503), is amended to read: "(2) The term 'court' means a court in the District of Columbia having jurisdiction of criminal offenses or delinquent acts."; and paragraph (4) is amended by substituting the words "a delinquent act" for "an offense in the juvenile court of the District of Columbia".

SEC. 1228. Subsection (b) of section 2 of the Act of July 14, 1960 (74 Stat 719, as amended; D.C. Code, sec. 1–921), is amended to read: "(b) 'Court' means the Superior Court of the District of Columbia and, so long as it retains jurisdiction of local actions exceeding a certain amount in controversy, the United States District Court for the District of Columbia."

SEC. 1229. The last sentence of section 1 of the Act of March 23, 1906 (34 Stat. 86, as amended; D.C. Code, sec. 22–903), is deleted.

SEC. 1230. The word "juvenile" is deleted from the proviso in so much of section 1

of the Act of May 18, 1910 as pertains to courts (36 Stat. 403; D.C. Code, sec. 22–906).

SEC. 1231. The last sentence of section 19 of the Act of October 15, 1962 (76 Stat. 918, as amended; D.C. Code, sec. 3–218), is deleted.

CHANGES RELATING TO LAND CONDEMNATION

SEC. 1232. The words "subchapter IV of chapter 13 of title 16 of the District of Columbia Code" are substituted for "the Act of March 1, 1929 (45 Stat. 1415), as amended" in section 205 of the Act of July 14, 1960 (74 Stat. 541, as amended; D.C. Code, sec. 1–1407).

SEC. 1233. The words "chapter 13 of title 16 of the District of Columbia Code" are substituted for: "chapter XV of the Code of Law for the District of Columbia" in section 1 of the Act of March 4, 1929 (45 Stat. 1549, as amended; D.C. Code, sec. 6–505); and for the words "sections 483 to 491, inclusive, of chapter XV, as amended, of the Code of Law for the District of Columbia, approved March 3, 1901 (31 Stat. 1265–1266)" in section 3(a) of the Act of February 16, 1942 (56 Stat. 91, as amended; D.C. Code, sec. 40–804(a)).

SEC. 1234. The words "chapter 13 of title 16 of the District of Columbia Code" are substituted for "the Act entitled 'An Act to provide for the acquisition of land in the District of Columbia for the Use of the United States', approved March 1, 1929" in section 2 of the Act of June 12, 1934 (48 Stat. 931; D.C. Code, sec. 5–104); and for the words "the Act entitled 'An Act to provide for the acquisition of land in the District of Columbia for the use of the United States', approved March 1, 1929 (45 Stat. 1415) or Acts which may amend or supplement said Act" in section 5 of the Act of August 2, 1946 (60 Stat. 793; D.C. Code, sec. 5–704).

SEC. 1235. Section 491d of the Act of March 3, 1901 (as added 34 Stat. 152, and amended; D.C. Code, sec. 7–205), is amended to read as follows:

"After the return of the marshal and filing of proof of publication of the notice provided for in section 491c, the court shall order the selection of a condemnation jury as provided in section 16–1312 of the District of Columbia Code. The jury shall consist of five persons and each juror shall take an oath or affirmation that he is not interested in any manner in the land to be condemned, is not related to the parties interested therein, and will fairly and impartially ascertain the damages each owner of land to be taken may sustain by reason of the opening, extension, widening, or straightening of the street, avenue, road, or highway, and the condemnation of land needed for the purpose thereof, and to assess the benefits resulting therefrom as hereinafter provided."

SEC. 1236. The words "additional jurors selected" are substituted for "the jury commission to draw from the special box the names of as many persons as the court may direct" in section 491h of the Act of March 3, 1901 (as added 34 Stat. 153, and amended; D.C. Code, sec. 7–209).

CHANGES RELATING TO ADMINISTRATIVE PROCEDURES

SEC. 1237. The words "Public Service Commission" and the last sentence are deleted from section 11 of the Act of October 21, 1968 (82 Stat. 1209; D.C. Code, sec. 1–1510).

SEC. 1238. Section 38 of the Act of February 27, 1929 (45 Stat. 1338, as amended; D.C. Code, sec. 2–129) is amended to read as follows:

"The Commission may refuse to license or to register any person for any cause that in the judgment of the Commission would authorize suspension or revocation of a license or registration under section 27 of this Act. Before the Commission refuses to license or register any applicant for cause under this section, it shall give him an opportunity to be heard in person or by attorney and to produce witnesses in his behalf. Witnesses may be produced on behalf of the Commission and on behalf of any interested person. The attendance and testimony of witnesses may be compelled by subpena issued by the Superior Court, and the Court is authorized to issue and enforce the subpenas on petition of the Commission. Any person failing or refusing, without just cause, to appear and testify in response to a subpena, or in any way obstructing the course on any hearing to which he has been subpenaed, is guilty of contempt of court and may be punished as other persons guilty of contempt of court are punished. Any member of the Commission may administer oaths at any hearing. Review of the Commission's action may be had in accordance with the District of Columbia Administrative Procedure Act (82 Stat. 1204; D.C. Code, secs. 1–1501 to 1–1510)."

SEC. 1239. The introductory clause is amended to read: "A license granted under this Act may be revoked or suspended upon satisfactory proof—" in the following provisions of law:

Section 11 of the Act of July 2, 1940 (54 Stat. 718, as amended; D.C. Code, sec. 2–311);

Section 7 of the Act of June 29, 1940 (54 Stat. 698, amended; D.C. Code, sec. 2–707).

SEC. 1240. The words "the Board" are substituted for "said court" in the last sentence of section 11 of the Act of July 2, 1940 (54 Stat. 718, as amended; D.C. Code, sec. 2–311), and the last sentence of section 7 of the Act of June 29, 1940 (54 Stat. 698, as amended; D.C. Code, sec. 2–707).

SEC. 1241. The last sentence of section 25 of the Act of July 2, 1940 (54 Stat. 722, as amended; D.C. Code, sec. 2–325), is amended to read: "The license of a dentist who permits a dental hygienist, operating under his supervision, to perform any operation other than that permitted under this section, may be suspended or revoked, and the license of the hygienist violating this Act may also be suspended or revoked, in accordance with section 12 of this Act.".

SEC. 1242. The following provisions of law are amended to read: "Suspension or revocation of any license issued or registration effective under this Act, with respect to a person guilty of misconduct or professionally incapacitated, shall be governed by the District of Columbia Administrative Procedure Act (82 Stat. 1204; D.C. Code, secs. 1–1501 to 1–1510), and the rules and regulations issued pursuant thereto.":

Section 27 of the Act of February 27, 1929 (45 Stat. 1337, as amended; D.C. Code, sec. 2–123);

Section 12 of the Act of July 2, 1940 (54 Stat. 719, as amended; D.C. Code, sec. 2–312);

The second sentence and all that follows in section 6 of the Act of February 9, 1907 (34 Stat. 888, as amended; D.C. Code, sec. 2–407);

Section 8 of the Act of June 29, 1940 (54 Stat. 699, as amended; D.C. Code, sec. 2–708).

SEC. 1243. Everything following "in the District of Columbia Court of Appeals" is deleted and a period is inserted in lieu thereof in the following provisions of law:

Section 4(d) of the Act of September 10, 1962 (76 Stat 535, as amended; D.C. Code, sec. 2–253);

Section 15 of the Act of September 6, 1960 (74 Stat. 806, as amended; D.C. Code, sec. 2–434);

Section 14 of the Act of September 22, 1961 (75 Stat. 582, as amended; D.C. Code, sec. 2–463).

The third sentence of section 10 of the Act of February 1, 1907 (34 Stat. 873, as amended; D.C. Code, sec. 2–810); and

Section 10 of the Act of June 7, 1938 (52 Stat. 622, as amended; D.C. Code, sec. 2–1110).

SEC. 1244. Everything following the words "stay is granted" is deleted and a period is inserted in lieu thereof in the following provisions of law:

Paragraph 4, of section 7 of the Act of May 7, 1906 (34 Stat 177, as amended; D.C. Code, sec. 2–606); and

Section 28 of the Act of December 13, 1924 (43 Stat. 717, as amended; D.C. Code, sec. 2–1028).

SEC. 1245. The words "in accordance with the provisions of subsection (c), section 5 of the Act of April 1, 1942 (56 Stat 193, ch. 207; sec. 11–756(c), D.C. Code, 1951 edition)" are deleted from section 7(a) of the Act of August 6, 1956 (70 Stat. 1039, as amended; D.C. Code, sec. 2–2007).

SEC. 1246. (a) Subsection (e) of section 9 of the Act of September 19, 1950 (64 Stat. 862, as amended; D.C. Code, sec. 2–1809(e)), and the second proviso of section 586d of the Act of March 3, 1901 (as added 45 Stat. 1504, and amended; D.C. Code, sec. 29–417) are amended to read as follows: "Any person aggrieved by the action of the Board may appeal as provided in the District of Columbia Administrative Procedure Act (82 Stat. 1204; D.C. Code, secs. 1–1501 to 1–1510)."

(b) Subsections (f) through (h) of section 9 of the Act of September 19, 1950 (64 Stat. 862, as amended; D.C. Code, sec. 2–1809 (f) to (h)), are repealed.

SEC. 1247. The words "Court of Appeals" are substituted for "Court of General Sessions" and the last sentence is deleted in section 14 of the Act of May 1, 1906 (34 Stat. 160, as amended; D.C. Code, sec. 5–629).

SEC. 1248. Subsection (c) of section 137 of the Act of June 8, 1954 (68 Stat. 234; D.C. Code, sec. 29–948(c)) is amended to read:

"(c) Appeals from all final orders and judgments entered by the court under this section may be taken by either party to the proceeding within sixty days after service on the party of a copy of the order or judgment of the court."

SEC. 1249. The first paragraph of section 28 of the Act of June 19, 1934 (48 Stat. 1140, as amended; D.C. Code, sec. 35–427), is amended by substituting for the words "ruling of the superintendent" and all that follows, "as provided by the District of Columbia Administrative Procedure Act (82 Stat. 1204; D.C. Code, secs. 1–1501 to 1–1510) and rules and regulations issued pursuant thereto."

SEC. 1250. The words "the District of Columbia Administrative Procedure Act (82 Stat. 1204; D.C. Code, secs. 1–1501 to 1–1510) and rules and regulations issued pursuant thereto" are substituted for "section 11–742 of the District of Columbia Code" in section 1210 of the Act of August 1, 1968 (82 Stat. 571; D.S. Code, sec. 35–1709).

SEC. 1251. Section 10(b) of the Act of May 21, 1946 (60 Stat. 206, as amended; D.C. Code, sec. 36–130(b)) is amended by substituting for the fourth sentence and all that follows: "Any person aggrieved by the action of the Council may appeal as provided in the District of Columbia Administrative Procedure Act (82 Stat. 1204; D.C. Code, secs. 1–1501 to 1–1510), and the rules and regulation issued pursuant thereto."

SEC. 1252. Section 9(a) of the Act of September 19, 1918 (40 Stat. 962, as amended; D.C. Code, sec. 36–409), is amended by deleting the second sentence and all that follows and inserting in lieu thereof the following: "The review shall be governed by the District of Columbia Administrative Procedure Act (82 Stat. 1204; D.C. Code, secs. 1–1501 to 1–1510) and the rules and regulations issued pursuant thereto."

SEC. 1253. The words "District of Columbia Administrative Procedure Act (82 Stat. 1204; D.C. Code, secs. 1–1501 to 1–1510) and the rules and regulations issued pursuant thereto" are substituted for "sections 11–742,

17–303" and all that follows in the following provisions of law:

Section 7 of the Act of March 2, 1929 (45 Stat. 1521, as amended; D.C. Code, sec. 2–406);

Section 13(a) of the Act of March 3, 1925 (43 Stat. 1125, as amended; D.C. Code, sec. 40–302(a));

Section 9 of the Act of August 25, 1937 (50 Stat. 794, as amended; D.C. Code, sec. 45–1409); and

The introductory clause of section 7, paragraph 42 of the Act of July 1, 1902 (32 Stat. 628, as amended; D.C. Code, sec. 47–2101).

SEC. 1254. The words "Appeal shall be as provided in the District of Columbia Administrative Procedure Act (82 Stat. 1204; D.C. Code, secs. 1–1501 to 1–1510) and the rules and regulations issued pursuant thereto.", are substituted for the second sentence and all that follow in the second paragraph of section 4 of the Act of May 25, 1954 (68 Stat. 122, as amended; D.C. Code, sec. 40–420).

SEC. 1255. The words ", and jurisdiction is conferred upon the United States Court of Appeals for the District of Columbia for this purpose" are deleted from section 6(d) of the Act of March 3, 1925 (43 Stat. 1121, as amended; D.C. Code, sec. 40–603(d)).

SEC. 1256. The third paragraph of section 8, paragraph 65 of the Act of March 4, 1913 (37 Stat. 989, as amended; D.C. Code, sec. 43–705), is deleted.

OTHER CONFORMING AMENDMENTS

SEC. 1257. The words "in accordance with the provisions of subsection (c), of section 5 of the Act of April 1, 1942 (56 Stat. 193, ch. 207; sec. 11–756(c), D.C. Code, 1951 edition)" are deleted from section 8 of the Act of September 6, 1960 (74 Stat. 803, as amended; D.C. Code, sec. 2–427).

SEC. 1258. Section 9 of the Act of September 10, 1962 (76 Stat. 536; D.C. Code, sec. 2–258); is amended to read:

"The medical examiner of the District of Columbia may, in his discretion, allow tissue to be removed from any dead human body in his custody or under his jurisdiction. Such tissue removal shall not interfere with other functions of his Office. Any person who, in accordance with section 8 is entitled to the body for burial, shall first authorize the tissue removal."

SEC.1259. The words "the Superior Court" are inserted after the words "United States District Court for the District of Columbia" each time they appear in so much of section 1 of the Act of March 2, 1911, as relates to the workhouse (36 Stat. 1002, as amended; D.C. Code, sec. 24–403).

SEC. 1260. The words "section 11–1101 of the District of Columbia Code" are substituted for "Juvenile Court Act of the District of Columbia" in section 3 of the Act of June 24, 1953 (67 Stat. 77, as amended; D.C. Code, sec. 24–602).

SEC. 1261. The words "medical examiner" are substituted for "coroner" in the following provisions of law:

Section 683 of the Act of March 3, 1901 (31 Stat. 1298, as amended; D.C. Code, sec. 27–125);

Section 686 of the Act of March 3, 1901 (31 Stat. 1298, as amended; D.C. Code, sec. 27–128); and

Wherever it appears in the laws applicable to the District of Columbia.

SEC. 1262. The words "to the District of Columbia" are substituted for "to the United States" in section 632 of the Act of March 3, 1901 (31 Stat. 1288, as amended; D.C. Code, sec. 29–228).

SEC. 1263. The words "in the name of the United States" are deleted in the following provisions of law:

Section 786 of the Act of March 3, 1901 (31 Stat. 1319, as amended; D.C. Code, sec. 29–719);

Section 793 of the Act of March 3, 1901 (31 Stat. 1320, as amended; D.C. Code, sec. 29–725).

SEC. 1264. Section 6 of the Act of July 10, 1957 (71 Stat. 286, as amended; D.C. Code, sec. 30–306), is amended to read as follows:

"Proceedings to enforce duties of support initiated by the District of Columbia shall be commenced by the filing of a complaint irrespective of the relationship between the plaintiff and defendant. Jurisdiction of all proceedings under this Act is vested in the Family Division of the Superior Court which shall have all powers and authority heretofore vested in the Domestic Relations Branch of the Court of General Sessions."

SEC. 1265. The second paragraph of section 802(a) of the Act of March 3, 1901 (as added 49 Stat. 385, and amended; D.C. Code, sec. 40–606), is repealed.

SEC. 1266. Section 8, paragraph 68 of the Act of March 4, 1913 (37 Stat. 989, as amended; D.C. Code, sec. 43–708), is repealed.

SEC. 1267. Section 320 of the Act of March 2, 1962 (76 Stat. 16, as amended; D.C. Code, sec. 45–740), and section 611 of the Act of May 27, 1949 (63 Stat. 139, as amended; D.C. Code, sec. 47–2810), are amended by deleting the words ", except for such violations as are felonies" and all that follow and inserting in lieu thereof a period.

SEC. 1268. The words "provided for in subchapter one of chapter one," are deleted from section 1235 of the Act of March 3, 1901 (31 Stat. 1384, as amended; D.C. Code, sec. 45–909).

SEC. 1269. The words "; or the landlord may bring" and all that follow are deleted from section 1225 of the Act of March 3, 1901 (31 Stat. 1382, as amended; D.C. Code, sec. 45–910), and a period is inserted in lieu thereof.

SEC. 1270. Section 1228 of the Act of March 3, 1901 (31 Stat. 1383, as amended; D.C. Code, sec. 45–914), is repealed.

SEC. 1271. The last sentence of section 3(c)(10) of the Act of August 28, 1935 (49 Stat. 947, as amended; D.C. Code, sec. 46–303(c)(10)), is repealed.

SEC. 1272. Subsection (b) of section 12 of the Act of August 28, 1935 (49 Stat. 953, as amended; D.C. Code, sec. 46–312(b)) is repealed.

SEC. 1273. Section 7 of the Act of June 30, 1906 (34 Stat. 763, as amended; D.C. Code, sec. 47–204), is amended to read:

"Until the effective date of the District of Columbia Court Reorganization Act of 1969, sixty per centum of the expenditures for all of the expenses of the United States District Court for the District of Columbia mentioned below shall be reimbursed by the Commissioner of the District of Columbia to the United States, from any funds in the Treasury to the credit of the District of Columbia. For the twenty-four months following the effective date of that Act, the Executive Officer of the District of Columbia Court System shall reimburse the United States from funds in the Treasury to the credit of the District of Columbia Court System, forty per centum of such costs. For the eighteen months thereafter, the reimbursement shall be twenty per centum.

"Expenses shall include fees of witnesses, fees of jurors, pay of bailiffs and criers (including salaries of deputy marshals who act as bailiffs or criers), and all miscellaneous expenses of the United States District Court.

"Beginning four years after the date of enactment of the District of Columbia Court Reorganization Act of 1969, the reimbursement shall be the pro rata share of the cost of jury selection and grand jury expenses as determined by the Director of the Administrative Office of the United States Courts.

"Estimates for these expenditures for each fiscal year shall be submitted to the Joint Committee on Judicial Administration of the District of Columbia Court System for transmission with the annual estimates of the District of Columbia Court System."

SEC. 1274. (a) All outstanding and future obligations of the Commissioner of the District of Columbia with respect to the District of Columbia's share of the cost of construction, operation, maintenance and repair of the United States courthouse, as required by the Act of May 14, 1948 (62 Stat. 235), are canceled upon the effective date of this Act.

(b) Beginning on the effective date of this Act, the Executive Officer of the District of Columbia Court System shall reimburse to the United States from any funds in the Treasury to the credit of the District of Columbia Court System the amount determined by the Administrator of General Services to be necessary to cover seventy-five per centum of the costs of operation, maintenance, and repair of space used by the United States attorney and the United States marshal for the District of Columbia.

SEC. 1275. Section 6 of the Act of August 2, 1949 (63 Stat. 491; D.C. Code, sec. 47–213), is amended by adding at the end thereof "until thirty months after the date of enactment of the District of Columbia Court Reorganization Act of 1969."

SEC. 1276. The words "clerks of the Superior Court," are inserted after "clerk of the United States District Court for the District of Columbia," in section 4 of the Act of February 23, 1905 (33 Stat. 738, as amended; D.C. Code, sec. 47–407).

SEC. 1277. Section 6 of the Act of July 1, 1902 (32 Stat. 620, as amended; D.C. Code, sec. 47–1213), is repealed.

SEC. 1278. The words "of the United States District Court for the District of Columbia" in subsection (a) and the words ", not in excess of the fee usually charged and collected therefor by the clerk of the United States District Court for the District of Columbia," in subsection (b), are deleted from section 4, title IX of the Act of August 17, 1937 (as added 52 Stat. 371, and amended; D.C. Code, sec. 47–2404 (a) and (b)).

SEC. 1279. The following provisions of law are repealed:

The first four paragraphs and the paragraph designated (b) of section 2, title IX of the Act of August 17, 1937 (as added 52 Stat. 370, and amended; D.C. Code, sec. 47–2402);

Section 8, title IX of the Act of August 17, 1937 (as added 52 Stat. 374; D.C. Code, sec. 47–2408);

Section 9, title IX of the Act of August 17, 1937 (as added 52 Stat. 375, and amended; D.C. Code, sec. 47–2409); and

Section 7 of the Act of July 10, 1952 (66 Stat. 547; D.C. Code, sec. 47–2414).

SEC. 1280. The proviso of section 643 of the Act of March 3, 1901 (31 Stat. 1289, as amended; D.C. Code, sec. 44–102), is repealed.

TITLE XIII. SEPARABILITY, EFFECTIVE DATE, INTERIM PROVISIONS

SEC. 1301. If the provisions of any part of this Act or any amendments made thereby or the application thereof to any person or circumstance be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.

SEC. 1302. This Act and the amendments made thereby shall take effect upon the expiration of one hundred and eighty days after the date of enactment, and the date of such expiration shall be deemed the effective date of this Act; except that titles V through VIII and title XIII, along with sections 1103 through 1108, shall take effect immediately upon enactment of this Act.

SEC. 1303. Notwithstanding title 11 of the District of Columbia Code as it exists on the date of enactment of this Act—

(1) the President of the United States shall nominate, and by and with the advice and consent of the Senate shall appoint,

three additional judges to the District of Columbia Court of Appeals who shall have the qualifications provided by and serve subject to the provisions of section 101 of this Act and who, upon taking the oath required by law, shall enter into immediate service on that court;

(2) the President of the United States shall nominate, and by and with the advice and consent of the Senate shall appoint, ten additional judges to the District of Columbia Court of General Sessions who shall have the qualifications provided for appointment to the Superior Court by section 101 of this Act and serve subject to the provisions of section 101 with respect to the judges of that court, and who, upon taking the oath required by law, shall enter into immediate service on the Court of General Sessions;

(3) the Director of the Administrative Office of the United States Courts shall submit a list of three qualified persons, as provided by section 101 of this Act, and a temporary committee (consisting of the chief judges of the District of Columbia Court of Appeals, Court of General Sessions, and Juvenile Court, one judge of the Court of Appeals elected by the judges thereof and one judge of the Court of General Sessions elected by the judges thereof) shall appoint an Executive Officer who shall be qualified as provided by section 101 of this Act and who shall receive temporarily compensation equal to that of an associate judge of the Court of General Sessions:

Provided, That, also notwithstanding title 11 of the District of Columbia Code as it exists on the date of enactment of this Act, the President of the United States, the Commissioner of the District of Columbia, the chief judge of the District of Columbia Court of Appeals, and the chief judge of the District of Columbia Court of General Sessions (in lieu of the chief judge of the Superior Court) shall appoint the District of Columbia Advisory Committee on Judicial Selection described in section 101 of this Act, which shall qualify and serve in accordance with the provisions of section 101, prior to any nomination pursuant to subdivisions (1) or (2) of this section; and any such nomination pursuant to subdivisions (1) or (2) shall be made in a manner consistent with the provisions of the aforementioned section 101.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maryland.

The motion was agreed to.

Mr. TYDINGS. Mr. President, I move that the Senate insist on its amendment to the House amendment and ask for a conference with the House on the disagreeing votes of the two Houses thereon. and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. TYDINGS, Mr. BIBLE, Mr. SPONG, Mr. EAGLETON, Mr. PROUTY, Mr. GOODELL, and Mr. MATHIAS conferees on the part of the Senate.

EXTENSION OF PROGRAMS OF ASSISTANCE FOR ELEMENTARY AND SECONDARY EDUCATION—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

Mr. PELL. Mr. President, what is the pending business?

The PRESIDING OFFICER. The question is on agreeing to the conference report on elementary and secondary education.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. PELL. Mr. President, I ask unanimous consent that the pending conference report on elementary and secondary education be temporarily laid aside for a period not to exceed 10 minutes, so that we may proceed to the consideration of the conference report on water pollution which will require a rollcall vote.

Mr. JAVITS. Mr. President, reserving the right to object, I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Mr. President, at the expiration of the time stipulated in the unanimous-consent request, will the pending conference report on elementary and secondary education automatically be the pending business?

The PRESIDING OFFICER. That is correct.

Mr. JAVITS. I thank the Presiding Officer. I have no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Rhode Island? The Chair hears no objection, and it is so ordered.

The Senator from Maine is recognized.

AMENDMENT OF FEDERAL WATER POLLUTION CONTROL ACT, AS AMENDED—CONFERENCE REPORT

Mr. MUSKIE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4148) to amend the Federal Water Pollution Control Act, as amended, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report, as follows:

CONFERENCE REPORT (H. REPT. No. 91-940)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4148) to amend the Federal Water Pollution Control Act, as amended, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I—WATER QUALITY IMPROVEMENT

SEC. 101. This title may be cited as the "Water Quality Improvement Act of 1970".

SEC. 102. Existing sections 17 and 18 of the Federal Water Pollution Control Act, as amended, are hereby repealed. Section 19 of such Act is redesignated as section 27. Sections 11 through 16 of such Act are redesignated as sections 21 through 26, respectively. Such Act is further amended by inserting after section 10 the following new sections:

"CONTROL OF POLLUTION BY OIL

"SEC. 11. (a) For the purpose of this section, the term—

"(1) 'oil' means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil;

"(2) 'discharge' includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping;

"(3) 'vessel' means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel;

"(4) 'public vessel' means a vessel owned or bare-boat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce;

"(5) 'United States' means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(6) 'owner or operator' means (A) in the case of a vessel, any person owning, operating, or chartering by demise, such vessel, and (B) in the case of an onshore facility, and an offshore facility, any person owning or operating such onshore facility or offshore facility, and (C) in the case of any abandoned offshore facility, the person who owned or operated such facility immediately prior to such abandonment;

"(7) 'person' includes an individual, firm, corporation, association, and a partnership;

"(8) 'remove' or 'removal' refers to removal of the oil from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches;

"(9) 'contiguous zone' means the entire zone established or to be established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone;

"(10) 'onshore facility' means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land within the United States other than submerged land;

"(11) 'offshore facility' means any facility of any kind located in, on, or under, any of the navigable waters of the United States other than a vessel or a public vessel;

"(12) 'act of God' means an act occasioned by an unanticipated grave natural disaster;

"(13) 'barrel' means 42 United States gallons at 60 degrees Fahrenheit.

"(b) (1) The Congress hereby declares that it is the policy of the United States that there should be no discharges of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone.

"(2) The discharge of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters

of the contiguous zone in harmful quantities as determined by the President under paragraph (3) of this subsection, is prohibited, except (A) in the case of such discharges into the waters of the contiguous zone, where permitted under article IV of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended, and (B) where permitted in quantities and at times and locations or under such circumstances or conditions as the President may, by regulation, determine not to be harmful. Any regulations issued under this subsection shall be consistent with maritime safety and with marine and navigation laws and regulations and applicable water quality standards.

"(3) The President shall, by regulation, to be issued as soon as possible after the date of enactment of this paragraph, determine for the purposes of this section, those quantities of oil the discharge of which, at such times, locations, circumstances, and conditions, will be harmful to the public health or welfare of the United States, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches, except that in the case of the discharge of oil into or upon the waters of the contiguous zone, only those discharges which threaten the fishery resources of the contiguous zone or threaten to pollute or contribute to the pollution of the territory or the territorial sea of the United States may be determined to be harmful.

"(4) Any person in charge of a vessel or of an onshore facility or an offshore facility shall, as soon as he has knowledge of any discharge of oil from such vessel or facility in violation of paragraph (2) of this subsection, immediately notify the appropriate agency of the United States Government of such discharge. Any such person who fails to notify immediately such agency of such discharge shall, upon conviction, be fined not more than $10,000, or imprisonment for not more than one year, or both. Notification received pursuant to this paragraph or information obtained by the exploitation of such notification shall not be used against any such person in any criminal case, except a prosecution for perjury or for giving a false statement.

"(5) Any owner or operator of any vessel, onshore facility, or offshore facility from which oil is knowingly discharged in violation of paragraph (2) of this subsection shall be assessed a civil penalty by the Secretary of the department in which the Coast Guard is operating of not more than $10,000 for each offense. No penalty shall be assessed unless the owner or operator charged shall have been given notice and opportunity for a hearing on such charge. Each violation is a separate offense. Any such civil penalty may be compromised by such Secretary. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the owner or operator charged, the effect on the owner or operator's ability to continue in business, and the gravity of the violation, shall be considered by such Secretary. The Secretary of the Treasury shall withhold at the request of such Secretary the clearance required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), of any vessel the owner or operator of which is subject to the foregoing penalty. Clearance may be granted in such cases upon the filing of a bond or other surety satisfactory to such Secretary.

"(c)(1) Whenever any oil is discharged, into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone, the President is authorized to act to remove or arrange for the removal of such oil at any time, unless he determines such removal will be done properly by the owner or operator of the vessel, onshore facility, or offshore facility from which the discharge occurs.

"(2) Within sixty days after the effective date of this section, the President shall prepare and publish a National Contingency Plan for removal of oil pursuant to this subsection. Such National Contingency Plan shall provide for efficient, coordinated, and effective action to minimize damage from oil discharges, including containment, dispersal, and removal of oil, and shall include, but not be limited to—

"(A) assignment of duties and responsibilities among Federal departments and agencies in coordination with State and local agencies, including, but not limited to, water pollution control, conservation, and port authorities;

"(B) identification, procurement, maintenance, and storage of equipment and supplies;

"(C) establishment or designation of a strike force consisting of personnel who shall be trained, prepared, and available to provide necessary services to carry out the Plan, including the establishment at major ports, to be determined by the President, of emergency task forces of trained personnel, adequate oil pollution control equipment and material, and a detailed oil pollution prevention and removal plan;

"(D) a system of surveillance and notice designed to insure earliest possible notice of discharges of oil to the appropriate Federal agency;

"(E) establishment of a national center to provide coordination and direction for operations in carrying out the Plan;

"(F) procedures and techniques to be employed in identifying, containing, dispersing, and removing oil; and

"(G) a schedule, prepared in cooperation with the States, identifying (i) dispersants and other chemicals, if any, that may be used in carrying out the Plan, (ii) the waters in which such dispersants and chemicals may be used, and (iii) the quantities of such dispersant or chemical which can be used safely in such waters, which schedule shall provide in the case of any dispersant, chemical, or waters not specifically identified in such schedule that the President, or his delegate, may, on a case-by-case basis, identify the dispersants and other chemicals which may be used, the waters in which they may be used, and the quantities which can be used safely in such waters.

The President may, from time to time, as he deems advisable, revise or otherwise amend the National Contingency Plan. After publication of the National Contingency Plan, the removal of oil and actions to minimize damage from oil discharges shall, to the greatest extent possible, be in accordance with the National Contingency Plan.

"(d) Whenever a marine disaster in or upon the navigable waters of the United States has created a substantial threat of a pollution hazard to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and the public and private shorelines and beaches of the United States, because of a discharge, or an imminent discharge, of large quantities of oil from a vessel the United States may (A) coordinate and direct all public and private efforts directed at the removal or elimination of such threat; and (B) summarily remove, and, if necessary, destroy such vessel by whatever means are available without regard to any provision of law governing the employment of personnel or the expenditure of appropriated funds. Any expense incurred under this subsection shall be a cost incurred by the United States Government for the purposes of subsection (f) in the removal of oil.

"(e) In addition to any other action taken by a State or local government, when the President determines there is an imminent and substantial threat to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and public and private property, shorelines, and beaches within the United States, because of an actual or threatened discharge of oil into or upon the navigable waters of the United States from an onshore or offshore facility, the President may require the United States attorney of the district in which the threat occurs to secure such relief as may be necessary to abate such threat, and the district courts of the United States shall have jurisdiction to grant such relief as the public interest and the equities of the case may require.

"(f)(1) Except where an owner or operator can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any vessel from which oil is discharged in violation of subsection (b)(2) of this section shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed $100 per gross ton of such vessel or $14,000,000, whichever is lesser, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. Such costs shall constitute a maritime lien on such vessel which may be recovered in an action in rem in the district court of the United States for any district within which any vessel may be found. The United States may also bring an action against the owner or operator of such vessel in any court of competent jurisdiction to recover such costs.

"(2) Except where an owner or operator of an onshore facility can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any such facility from which oil is discharged in violation of subsection (b)(2) of this section shall be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed $8,000,000, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. The United States may bring an action against the owner or operator of such facility in any court of competent jurisdiction to recover such costs. The Secretary is authorized, by regulation, after consultation with the Secretary of Commerce and the Small Business Administration, to establish reasonable and equitable classifications of those onshore facilities having a total fixed storage capacity of 1,000 barrels or less which he determines because of size, type, and location do not present a substantial risk of the discharge of oil in violation of subsection (b)(2) of this section, and apply with respect to such classifications differing limits of liability which may be less than the amount contained in this paragraph.

"(3) Except where an owner or operator of an offshore facility can prove that a dis-

charge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any such facility from which oil is discharged in violation of subsection (b)(2) of this section shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed $8,000,000, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. The United States may bring an action against the owner or operator of such a facility in any court of competent jurisdiction to recover such costs.

"(g) In any case where an owner or operator of a vessel, of an onshore facility, or of an offshore facility, from which oil is discharged in violation of subsection (b)(2) of this section proves that such discharge of oil was caused solely by an act or omission of a third party, or was caused solely by such an act or omission in combination with an act of God, an act of war, or negligence on the part of the United States Government, such third party shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for removal of such oil by the United States Government, except where such third party can prove that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of another party without regard to whether such act or omission was or was not negligent, or any combination of the foregoing clauses. If such third party was the owner or operator of a vessel which caused the discharge of oil in violation of subsection (b)(2) of this section, the liability of such third party under this subsection shall not exceed $100 per gross ton of such vessel or $14,000,000, whichever is the lesser. In any other case the liability of such third party shall not exceed the limitation which would have been applicable to the owner or operator of the vessel or the onshore or offshore facility from which the discharge actually occurred, if such owner or operator were liable. If the United States can show that the discharge of oil in violation of subsection (b)(2) of this section was the result of willful negligence or willful misconduct within the privity and knowledge of such third party, such third party shall be liable to the United States Government for the full amount of such removal costs. The United States may bring an action against the third party in any court of competent jurisdiction to recover such removal costs.

"(h) The liabilities established by this section shall in no way affect any rights which (1) the owner or operator of a vessel or of an onshore facility or an offshore facility may have against any third party whose acts may in any way have caused or contributed to such discharge, or (2) the United States Government may have against any third party whose actions may in any way have caused or contributed to the discharge of oil.

"(i)(1) In any case where an owner or operator of a vessel or an onshore facility or an offshore facility from which oil is discharged in violation of subsection (b)(2) of this section acts to remove such oil in accordance with regulations promulgated pursuant to this section, such owner or operator shall be entitled to recover the reasonable costs incurred in such removal upon establishing, in a suit which may be brought against the United States Government in the United States Court of Claims, that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether such act or omission was or was not negligent, or of any combination of the foregoing clauses.

"(2) The provisions of this subsection shall not apply in any case where liability is established pursuant to the Outer Continental Shelf Lands Act.

"(3) Any amount paid in accordance with a judgment of the United States Court of Claims pursuant to this section shall be paid from the fund established pursuant to subsection (k).

"(j)(1) Consistent with the National Contingency Plan required by subsection (c)(2) of this section, as soon as practicable after the effective date of this section, and from time to time thereafter, the President shall issue regulations consistent with maritime safety and with marine and navigation laws (A) establishing methods and procedures for removal of discharged oil, (B) establishing criteria for the development and implementation of local and regional oil removal contingency plans, (C) establishing procedures, methods, and requirements for equipment to prevent discharges of oil from vessels and from onshore facilities and offshore facilities, and (D) governing the inspection of vessels carrying cargoes of oil and the inspection of such cargoes in order to reduce the likelihood of discharges of oil from such vessels in violation of this section.

"(2) Any owner or operator of a vessel or an onshore facility or an offshore facility and any other person subject to any regulation issued under paragraph (1) of this subsection who fails or refuses to comply with the provisions of any such regulation, shall be liable to a civil penalty of not more than $5,000 for each such violation. Each violation shall be a separate offense. The President may assess and compromise such penalty. No penalty shall be assessed until the owner, operator, or other person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the owner, operator, or other person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by the President.

"(k) There is hereby authorized to be appropriated to a revolving fund to be established in the Treasury not to exceed $35,000,000 to carry out the provisions of subsection (c), (i), and (l) of this section and section 12 of this Act. Any other funds received by the United States under this section shall also be deposited in said fund for such purposes. All sums appropriated to, or deposited in, said fund shall remain available until expended.

"(l) The President is authorized to delegate the administration of this section to the heads of those Federal departments, agencies, and instrumentalities which he determines to be appropriate. Any moneys in the fund established by subsection (k) of this section shall be available to such Federal departments, agencies, and instrumentalities to carry out the provisions of subsections (c) and (i) of this section and section 12 of this Act. Each such department, agency, and instrumentality, in order to avoid duplication of effort, shall, whenever appropriate, utilize the personnel, services, and facilities of other Federal departments, agencies, and instrumentalities.

"(m) Anyone authorized by the President to enforce the provisions of this section may, except as to public vessels, (A) board and inspect any vessel upon the navigable waters of the United States or the waters of the contiguous zone, (B) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (C) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(n) The several district courts of the United States are invested with jurisdiction for any actions, other than actions pursuant to subsection (i)(1), arising under this section. In the case of Guam, such actions may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the United States District Court for the District of the Canal Zone.

"(o)(1) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, or of any owner or operator of any onshore facility or offshore facility to any person or agency under any provision of law for damages to any publicly-owned or privately-owned property resulting from a discharge of any oil or from the removal of any such oil.

"(2) Nothing in this section shall be construed as preempting any State or political subdivision thereof from imposing any requirement or liability with respect to the discharge of oil into any waters within such State.

"(3) Nothing in this section shall be construed as affecting or modifying any other existing authority of any Federal department, agency, or instrumentality, relative to onshore or offshore facilities under this Act or any other provision of law, or to affect any State or local law not in conflict with this section.

"(p)(1) Any vessel over three hundred gross tons, including any barge of equivalent size, using any port or place in the United States or the navigable waters of the United States for any purpose shall establish and maintain under regulations to be prescribed from time to time by the President, evidence of financial responsibility of $100 per gross ton, or $14,000,000 whichever is the lesser, to meet the liability to the United States which such vessel could be subject under this section. In cases where an owner or operator owns, operates, or charters more than one such vessel, financial responsibility need only be established to meet the maximum liability to which the largest of such vessels could be subjected. Financial responsibility may be established by any one of, or a combination of, the following methods acceptable to the President: (A) evidence of insurance, (B) surety bonds, (C) qualification as a self-insurer, or (D) other evidence of financial responsibility. Any bond filed shall be issued by a bonding company authorized to do business in the United States.

"(2) The provisions of paragraph (1) of this subsection shall be effective one year after the effective date of this section. The President shall delegate the responsibility to carry out the provisions of this subsection to the appropriate agency head within sixty days after the date of enactment of this section. Regulations necessary to implement this subsection shall be issued within six months after the date of enactment of this section.

"(3) Any claim for costs incurred by such vessel may be brought directly against the insurer or any other person providing evidence of financial responsibility as required

under this subsection. In the case of any action pursuant to this subsection such insurer or other person shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if an action had been brought against him by the claimant, and which would have been available to him if an action had been brought against him by the owner or operator.

"(4) The Secretary of Transportation, in consultation with the Secretaries of Interior, State, Commerce, and other interested Federal agencies, representatives of the merchant marine, oil companies, insurance companies, and other interested individuals and organizations, and taking into account the results of the application of paragraph (1) of this subsection, shall conduct a study of the need for and, to the extent determined necessary—

"(A) other measures to provide financial responsibility and limitation of liability with respect to vessels using the navigable waters of the United States;

"(B) measures to provide financial responsibility for all onshore and offshore facilities; and

"(C) other measures for limitation of liability of such facilities;

for the cost of removing discharged oil and paying all damages resulting from the discharge of such oil. The Secretary of Transportation shall submit a report, together with any legislative recommendations, to Congress and the President by January 1, 1971.

"CONTROL OF HAZARDOUS POLLUTING SUBSTANCES

"SEC. 12. (a) The President shall, in accordance with subsection (b) of this section, develop, promulgate, and revise as may be appropriate, regulations (1) designating as hazardous substances, other than oil as defined in section 11 of this Act, such elements and compounds which, when discharged in any quantity into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, present an imminent and substantial danger to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, shorelines, and beaches; and (2) establishing, if appropriate, recommended methods and means for the removal of such substances.

"(b) Sections 551 through 559, inclusive (other than section 553(c)), and 701 through 706, inclusive, of title 5, United States Code, shall apply to regulations issued under authority of this section.

"(c) In order to facilitate the removal, if appropriate, of any hazardous substance any person in charge of a vessel or of an onshore or offshore facility of any kind shall, as soon as he has knowledge of any discharge of such substance from such vessel or facility, immediately notify the appropriate agency of the United States of such discharge.

"(d) Whenever any hazardous substance is discharged into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, unless removal is immediately undertaken by the owner or operator of the vessel or onshore or offshore facility from which the discharge occurs or which caused the discharge, pursuant to the regulations promulgated under this section, the President, if appropriate, shall remove or arrange for the removal thereof in accordance with such regulations. Nothing in this subsection shall be construed to restrict the authority of the President to act to remove or arrange for the removal of such hazardous substance at any time.

"(e) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, onshore or offshore facility to any person or agency under any provision of law for damages to any publicly- or privately-owned property resulting from a discharge of any hazardous substance or from the removal of any such substance.

"(f)(1) For the purpose of this section the definitions in subsection (a) of section 11 of this Act shall be applicable to the provisions of this section, except as provided in paragraph (2) of this subsection:

"(2) For the purpose of this section, the term—

"(A) 'remove' or 'removal' refers to removal of the hazardous substances from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches;

"(B) 'owner or operator' means any person owning, operating, chartering by demise, or otherwise controlling the operations of, a vessel, or any person owning, operating, or otherwise controlling the operations of an onshore or offshore facility; and

"(C) 'offshore or onshore faiclity' means any facility of any kind and related appurtenances thereto which is located in, on, or under the surface of any land, or permanently or temporarily affixed to any land, including lands beneath the navigable waters of the United States and which is used or capable of use for the purpose of processing, transporting, producing, storing, or transferring for commercial purposes any hazardous substance designated under this section.

"(g) The President shall submit a report to the Congress, together with his recommendations, not later than November 1, 1970, on the need for, and desirability of, enacting legislation to impose liability for the cost of removal of hazardous substances discharged from vessels and onshore and offshore facilities subject to this section including financial responsibility requirements. In preparing this report, the President shall conduct an accelerated study which shall include, but not be limited to, the method and measures for controlling hazardous substances to prevent this discharge, and the most appropriate measures for (1) enforcement (including the imposition of civil and criminal penalties for discharges and for failure to notify) and (2) recovery of costs incurred by the United States if removal is undertaken by the United States. In carrying out this study, the President shall consult with the interested representatives of the various public and private groups that would be affected by such legislation as well as other interested persons.

"(h) Any moneys in the funds established by section 11 of this Act shall be available to the President to carry out the purposes of this section. In carrying out this section the President shall utilize the personnel, services, and facilities of Federal departments, agencies, and instrumentalities in such manner as will avoid duplication of effort.

"CONTROL OF SEWAGE FROM VESSELS

"SEC. 13. (a) For the purpose of this section, the term—

"(1) 'new vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated after promulgation of standards and regulations under this section;

"(2) 'existing vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initialed after promulgation of standards and regulations under this section;

"(3) 'public vessel' means a vessel owned or bareboat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce;

"(4) 'United States' includes the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Canal Zone, and the Trust Territory of the Pacific Islands;

"(5) 'marine sanitation device' includes any equipment for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage;

"(6) 'sewage' means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

"(7) 'manufacture' means any person engaged in the manufacturing, assembling, or importation of marine sanitation devices or of vessels subject to standards and regulations promulgated under this section;

"(8) 'person' means an individual, partnership, firm, corporation, or association, but does not include an individual on board a public vessel;

"(9) 'discharge' includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

"(b)(1) As soon as possible, after the enactment of this section and subject to the provisions of section 5(j) of this Act, the Secretary, after consultation with the Secretary of the department in which the Coast Guard is operating, after giving appropriate consideration to the economic costs involved, and within the limits of available technology, shall promulgate Federal standards of performance for marine sanitation devices (hereafter in this section referred to as 'standards') which shall be designed to prevent the discharge of untreated or inadequately treated sewage into or upon the navigable waters of the United States from new vessels and existing vessels, except vessels not equipped with installed toilet facilities. Such standards shall be consistent with maritime safety and the marine and navigation laws and regulations and shall be coordinated with the regulations issued under this subsection by the Secretary of the department in which the Coast Guard is operating. The Secretary of the department in which the Coast Guard is operating shall promulgate regulations, which are consistent with standards promulgated under this subsection and with maritime safety and the marine and navigation laws and regulations, governing the design, construction, installation, and operation of any marine sanitation device on board such vessels.

"(2) Any existing vessel equipped with a marine sanitation device on the date of promulgation of initial standards and regulations under this section, which device is in compliance with such initial standards and regulations, shall be deemed in compliance with this section until such time as the device is replaced or is found not to be in compliance with such initial standards and regulations.

"(c)(1) Initial standards and regulations under this section shall become effective for new vessels two years after promulgation; and for existing vessels five years after promulgation. Revisions of standards and regulations shall be effective upon promulgation, unless another effective date is specified, except that no revision shall take effect before the effective date of the standard or regulation being revised.

"(2) The Secretary of the department in which the Coast Guard is operating with regard to his regulatory authority established by this section, after consultation with the Secretary, may distinguish among classes, types, and sizes of vessels as well as between new and existing vessels, and may waive applicability of standards and regulations as necessary or appropriate for such classes, types, and sizes of vessels (including existing vessels equipped with marine sanitation de-

vices on the date of promulgation of the initial standards required by this section), and, upon application, for individual vessels.

"(d) The provisions of this section and the standards and regulations promulgated hereunder apply to vessels owned and operated by the United States unless the Secretary of Defense finds that compliance would not be in the interest of national security. With respect to vessels owned and operated by the Department of Defense, regulations under the last sentence of subsection (b)(1) and certifications under subsection (g)(2) of this section shall be promulgated and issued by the Secretary of Defense.

"(e) Before the standards and regulations under this section are promulgated, the Secretary and the Secretary of the department in which the Coast Guard is operating shall consult with the Secretary of State; the Secretary of Health, Education, and Welfare; the Secretary of Defense; the Secretary of the Treasury; the Secretary of Commerce; other interested Federal agencies; and the States and industries interested; and otherwise comply with the requirements of section 553 of title 5 of the United States Code.

"(f) After the effective date of the initial standards and regulations promulgated under this section, no State or political subdivision thereof shall adopt or enforce any statute or regulation of such State or political subdivision with respect to the design, manufacture, or installation or use of any marine sanitation device on any vessel subject to the provisions of this section. Upon application by a State, and where the Secretary determines that any applicable water quality standards require such a prohibition, he shall by regulation completely prohibit the discharge from a vessel of any sewage (whether treated or not) into those waters of such State which are the subject of the application and to which such standards apply.

"(g)(1) No manufacturer of a marine sanitation device shall sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States for sale or resale any marine sanitation device manufactured after the effective date of the standards and regulations promulgated under this section unless such device is in all material respects substantially the same as a test device certified under this subsection.

"(2) Upon application of the manufacturer, the Secretary of the department in which the Coast Guard is operating shall so certify a marine sanitation device if he determines, in accordance with the provisions of this paragraph, that it meets the appropriate standards and regulations promulgated under this section. The Secretary of the department in which the Coast Guard is operating shall test or require such testing of the device in accordance with procedures set forth by the Secretary as to standards of performance and for such other purposes as may be appropriate. If the Secretary of the department in which the Coast Guard is operating determines that the device is satisfactory from the standpoint of safety and any other requirements of maritime law or regulation, and after consideration of the design, installation, operation, material, or other appropriate factors, he shall certify the device. Any device manufactured by such manufacturer which is in all material respects substantially the same as the certified test device shall be deemed to be in conformity with the appropriate standards and regulations established under this section.

"(3) Every manufacturer shall establish and maintain such records, make such reports, and provide such information as the Secretary or the Secretary of the department in which the Coast Guard is operating may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this section and regulations issued thereunder and shall, upon request of an officer or employee duly designated by the Secretary or the Secretary of the department in which the Coast Guard is operating, permit such officer or employee at reasonable times to have access to and copy such records. All information reported to or otherwise obtained by, the Secretary or the Secretary of the department in which the Coast Guard is operating or their representatives pursuant to this subsection which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this section. This paragraph shall not apply in the case of the construction of a vessel by an individual for his own use.

"(h) After the effective date of standards and regulations promulgated under this section, it shall be unlawful—

"(1) for the manufacturer of any vessel subject to such standards and regulations to manufacture for sale, to sell or offer for sale, or to distribute for sale or resale any such vessel unless it is equipped with a marine sanitation device which is in all material respects substantially the same as the appropriate test device certified pursuant to this section;

"(2) for any person, prior to the sale or delivery of a vessel subject to such standards and regulations to the ultimate purchaser, wrongfully to remove or render inoperative any certified marine sanitation device or element of design of such device installed in such vessel;

"(3) for any person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information required under this section; and

"(4) for a vessel subject to such standards and regulations to operate on the navigable waters of the United States, if such vessel is not equipped with an operable marine sanitation device certified pursuant to this section.

"(i) The district courts of the United States shall have jurisdictions to restrain violations of subsection (g)(1) and subsections (h)(1) through (3) of this section. Actions to restrain such violations shall be brought by, and in, the name of the United States. In case of contumacy or refusal to obey a subpena served upon any person under this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(j) Any person who violates subsection (g)(1) or clause (1) or (2) of subsection (h) of this section shall be liable to a civil penalty of not more than $5,000 for each violation. Any person who violates clause (4) of subsection (h) of this section or any regulation issued pursuant to this section shall be liable to a civil penalty of not more than $2,000 for each violation. Each violation shall be a separate offense. The Secretary of the department in which the Coast Guard is operating may assess and compromise any such penalty. No penalty shall be assessed until the person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by said Secretary.

"(k) The provisions of this section shall be enforced by the Secretary of the department in which the Coast Guard is operating and he may utilize by agreement, with or without reimbursement, law enforcement officers or other personnel and facilities of the Secretary, other Federal agencies, or the States to carry out the provisions of this section.

"(l) Anyone authorized by the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this section may, except as to public vessels, (1) board and inspect any vessel upon the navigable waters of the United States and (2) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(m) In the case of Guam, actions arising under this section may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the District Court for the District of the Canal Zone.

"AREA ACID AND OTHER MINE WATER POLLUTION CONTROL DEMONSTRATIONS

"SEC. 14. (a) The Secretary in cooperation with other Federal departments, agencies, and instrumentalities is authorized to enter into agreements with any State or interstate agency to carry out one or more projects to demonstrate methods for the elimination or control, within all or part of a watershed, of acid or other mine water pollution resulting from active or abandoned mines. Such projects shall demonstrate the engineering and economic feasibility and practicality of various abatement techniques which will contribute substantially to effective and practical methods of acid or other mine water pollution elimination or control.

"(b) The Secretary, in selecting watersheds for the purposes of this section, shall (1) require such feasibility studies as he deems appropriate, (2) give preference to areas which have the greatest present or potential value for public use for recreation, fish and wildlife, water supply, and other public uses, and (3) be satisfied that the project area will not be affected adversely by the influx of acid or other mine water pollution from nearby sources.

"(c) Federal participation in such projects shall be subject to the conditions—

"(1) that the State or interstate agency shall pay not less than 25 per centum of the actual project costs which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, or personal property or services, the value of which shall be determined by the Secretary; and

"(2) that the State or interstate agency shall provide legal and practical protection to the project area to insure against any activities which will cause future acid or other mine water pollution.

"(d) There is authorized to be appropriated $15,000,000 to carry out the provisions of this section, which sum shall be available until expended. No more than 25 per centum of the total funds available under this section in any one year shall be granted to any one State.

"POLLUTION CONTROL IN GREAT LAKES

"SEC. 15 (a) The Secretary, in cooperation with other Federal departments, agencies, and instrumentalities is authorized to enter

into agreements with any State, political subdivision, interstate agency, or other public agency, or combination thereof, to carry out one or more projects to demonstrate new methods and techniques and to develop preliminary plans for the elimination or control of pollution, within all or any part of the watersheds of the Great Lakes. Such projects shall demonstrate the engineering and economic feasibility and practicality of removal of pollutants and prevention of any polluting matter from entering into the Great Lakes in the future and other abatement and remedial techniques which will contribute substantially to effective and practical methods of water pollution elimination or control.

"(b) Federal participation in such projects shall be subject to the condition that the State, political subdivision, interstate agency, or other public agency, or combination thereof, shall pay not less than 25 per centum of the actual project costs, which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, and personal property or services the value of which shall be determined by the Secretary.

"(c) There is authorized to be appropriated $20,000,000 to carry out the provisions of this section, which sum shall be available until expended.

"TRAINING GRANTS AND CONTRACTS

"SEC. 16. The Secretary is authorized to make grants to or contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the preparation of undergraduate students to enter an occupation which involves the design, operation, and maintenance of treatment works, and other facilities whose purpose is water quality control. Such grants or contracts may include payment of all or part of the cost of programs or projects such as—

"(A) planning for the development or expansion of programs or projects for training persons in the operation and maintenance of treatment works;

"(B) training and retraining of faculty members;

"(C) conduct of short-term or regular session institutes for study by persons engaged in, or preparing to engage in, the preparation of students preparing to enter an occupation involving the operation and maintenance of treatment works;

"(D) carrying out innovative and experimental programs of cooperative education involving alternate periods of full-time or part-time academic study at the institution and periods of full-time or part-time employment involving the operation and maintenance of treatment works; and

"(E) research into, and development of, methods of training students or faculty, including the preparation of teaching materials and the planning of curriculum.

"APPLICATION FOR TRAINING GRANT OR CONTRACT; ALLOCATION OF GRANTS OR CONTRACTS

"SEC. 17. (1) A grant or contract authorized by section 16 may be made only upon application to the Secretary at such time or times and containing such information as he may prescribe, except that no such application shall be approved unless it—

"(A) sets forth programs, activities, research, or development for which a grant is authorized under section 16, and describes the relation to any program set forth by the applicant in an application, if any, submitted pursuant to section 18;

"(B) provides such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section; and

"(C) provides for making such reports, in such form and containing such information, as the Secretary may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

"(2) The Secretary shall allocate grants or contracts under section 16 in such manner as will most nearly provide an equitable distribution of the grants or contracts throughout the United States among institutions of higher education which show promise of being able to use funds effectively for the purposes of this section.

"(3)(A) Payment under this section may be used in accordance with regulations of the Secretary, and subject to the terms and conditions set forth in an application approved under subsection (a), to pay part of the compensation of students employed in connection with the operation and maintenance of treatment works, other than as an employee in connection with the operation and maintenance of treatment works or as an employee in any branch of the Government of the United States, as part of a program for which a grant has been approved pursuant to this section.

"(B) Departments and agencies of the United States are encouraged, to the extent consistent with efficient administration, to enter into arrangements with institutions of higher education for the full-time, part-time, or temporary employment, whether in the competitive or excepted service, of students enrolled in programs set forth in applications approved under subsection (a).

"AWARD OF SCHOLARSHIPS

"SEC. 18. (1) The Secretary is authorized to award scholarships in accordance with the provisions of this section for undergraduate study by persons who plan to enter an occupation involving the operation and maintenance of treatment works. Such scholarships shall be awarded for such periods as the Secretary may determine but not to exceed four academic years.

"(2) The Secretary shall allocate scholarships under this section among institutions of higher education with programs approved under the provisions of this section for the use of individuals accepted into such programs, in such manner and according to such plan as will insofar as practicable—

"(A) provide an equitable distribution of such scholarships throughout the United States; and

"(B) attract recent graduates of secondary schools to enter an occupation involving the operation and maintenance of treatment works.

"(3) The Secretary shall approve a program of an institution of higher education for the purposes of this section only upon application by the institution and only upon his finding—

"(A) that such program has as a principal objective the education and training of persons in the operation and maintenance of treatment works;

"(B) that such program is in effect and of high quality, or can be readily put into effect and may reasonably be expected to be of high quality;

"(C) that the application describes the relation of such program to any program, activity, research, or development set forth by the applicant in an application, if any, submitted pursuant to section 16 of this Act; and

"(D) that the application contains satisfactory assurances that (i) the institution will recommend to the Secretary for the award of scholarships under this section, for study in such program, only persons who have demonstrated to the satisfaction of the institution a serious intent, upon completing the program, to enter an occupation involving the operation and maintenance of treatment works, and (ii) the institution will make reasonable continuing efforts to encourage recipients of scholarships under this section, enrolled in such program, to enter occupations involving the operation and maintenance of treatment works upon completing the program.

"(4)(A) The Secretary shall pay to persons awarded scholarships under this section such stipends (including such allowances for subsistence and other expenses for such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"(B) The Secretary shall (in addition to the stipends paid to persons under subsection (a)) pay to the institution of higher education at which such person is pursuing his course of study such amount as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"(5) A person awarded a scholarship under the provisions of this section shall continue to receive the payments provided in this section only during such periods as the Secretary finds that he is maintaining satisfactory proficiency and devoting full time to study or research in the field in which such scholarship was awarded in an institution of higher education, and is not engaging in gainful employment other than employment approved by the Secretary by or pursuant to regulation.

"(6) The Secretary shall by regulation provide that any person awarded a scholarship under this section shall agree in writing to enter and remain in an occupation involving the design, operation, or maintenance of treatment works for such period after completion of his course of studies as the Secretary determines appropriate.

"DEFINITIONS AND AUTHORIZATIONS

"SEC. 19. (1) As used in sections 16 through 19 of this Act—

"(A) The term 'State' includes the District of Columbia, Puerto Rico, the Canal Zone, Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

"(B) The term 'institution of higher education' means an educational institution described in the first sentence of section 1201 of the Higher Education Act of 1965 (other than an institution of any agency of the United States) which is accredited by a nationally recognized accrediting agency or association approved by the Secretary for this purpose. For purposes of this subsection, the Secretary shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

"(C) The term 'academic year' means an academic year or its equivalent, as determined by the Secretary.

"(2) The Secretary shall annually report his activities under sections 16 through 19 of this Act, including recommendations for needed revisions in the provisions thereof.

"(3) There are authorized to be appropriated $12,000,000 for the fiscal year ending June 30, 1970, $25,000,000 for the fiscal year ending June 30, 1971, and $25,000,000 for the fiscal year ending June 30, 1972, to carry out sections 16 through 19 of this Act (and planning and related activities in the initial fiscal year for such purpose). Funds appropriated for the fiscal year ending June 30, 1970, under authority of this subsection shall be available for obligation pursuant to the provisions of sections 16 through 19 of this Act during that year and the succeeding fiscal year.

"ALASKA VILLAGE DEMONSTRATION PROJECTS

"SEC. 20. (a) The Secretary is authorized to enter into agreements with the State of Alaska to carry out one or more projects to demonstrate methods to provide for central community facilities for safe water and the elimination or control of water pollution in

those native villages of Alaska without such facilities. Such projects shall include provisions for community safe water supply systems, toilets, bathing and laundry facilities, sewage disposal facilities, and other similar facilities, and educational and informational facilities and programs relating to health and hygiene. Such demonstration projects shall be for the further purpose of developing preliminary plans for providing such safe water and such elimination or control of water pollution for all native villages in such State.

"(b) In carrying out this section the Secretary shall cooperate with the Secretary of Health, Education, and Welfare for the purpose of utilizing such of the personnel and facilities of that Department as may be appropriate.

"(c) The Secretary shall report to Congress not later than January 31, 1973, the results of the demonstration projects authorized by this section together with his recommendations, including any necessary legislation, relating to the establishment of a statewide program.

"(d) There is authorized to be appropriated not to exceed $1,000,000 to carry out this section."

SEC. 103. Redesignated section 21 of the Federal Water Pollution Control Act, as amended, is amended to read as follows:

"COOPERATION BY ALL FEDERAL AGENCIES IN THE CONTROL OF POLLUTION

"SEC. 21. (a) Each Federal agency (which term is used in this section includes Federal departments, agencies, and instrumentalities) having jurisdiction over any real property or facility, or engaged in any Federal public works activity of any kind, shall, consistent with the paramount interest of the United States as determined by the President, insure compliance with applicable water quality standards and the purposes of this Act in the administration of such property, facility, or activity. In his summary of any conference pursuant to section 10(d)(4) of this Act, the Secretary shall include references to any discharges allegedly contributing to pollution from any such Federal property, facility, or activity, and shall transmit a copy of such summary to the head of the Federal agency having jurisdiction of such property, facility, or activity. Notice of any hearing pursuant to section 10(f) of this Act involving any pollution alleged to be effected by any such discharges shall also be given to the Federal agency having jurisdiction over the property, facility, or activity involved, and the findings and recommendations of the hearing board conducting such hearing shall include references to any such discharges which are contributing to the pollution found by such board.

"(b)(1) Any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters of the United States, shall provide the licensing or permitting agency a certification from the State in which the discharge originates or will originate, or, if appropriate, from the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate, that there is reasonable assurance, as determined by the State or interstate agency that such activity will be conducted in a manner which will not violate applicable water quality standards. Such State or interstate agency shall establish procedures for public notice in the case of all applications for certification by it, and to the extent it deems appropriate, procedures for public hearings in connection with specific applications. In any case where such standards have been promulgated by the Secretary pursuant to section 10(c) of this Act, or where a State or interstate agency has no authority to give such a certification, such certification shall be from the Secretary. If the State, interstate agency, or Secretary, as the case may be, fails or refuses to act on a request for certification, within a reasonable period of time (which shall not exceed one year) after receipt of such request, the certification requirements of this subsection shall be waived with respect to such Federal application. No license or permit shall be granted until the certification required by this section has been obtained or has been waived as provided in the preceding sentence. No license or permit shall be granted if certification has been denied by the State, interstate agency, or the Secretary, as the case may be.

"(2) Upon receipt of such application and certification the licensing or permitting agency shall immediately notify the Secretary of such application and certification. Whenever such a discharge may affect, as determined by the Secretary, the quality of the waters of any other State, the Secretary within thirty days of the date of notice of application for such Federal license or permit shall so notify such other State, the licensing or permitting agency, and the applicant. If, within sixty days after receipt of such notification, such other State determines that such discharge will affect the quality of its waters so as to violate its water quality standards, and within such sixty-day period notifies the Secretary and the licensing or permitting agency in writing of its objection to the issuance of such license or permit and requests a public hearing on such objection, the licensing or permitting agency shall hold such a hearing. The Secretary shall at such hearing submit his evaluation and recommendations with respect to any such objection to the licensing or permitting agency. Such agency, based upon the recommendations of such State, the Secretary, and upon any additional evidence, if any, presented to the agency at the hearing, shall condition such license or permit in such manner as may be necessary to insure compliance with applicable water quality standards. If the imposition of conditions cannot insure such compliance such agency shall not issue such license or permit.

"(3) The certification obtained pursuant to paragraph (1) of this subsection with respect to the construction of any facility shall fulfill the requirements of this subsection with respect to certification in connection with any other Federal license or permit required for the operation of such facility unless, after notice to the certifying State, agency, or Secretary, as the case may be, which shall be given by the Federal agency to whom application is made for such operating license or permit, the State, or if appropriate, the interstate agency or the Secretary, notifies such agency within sixty days after receipt of such notice that there is no longer reasonable assurance that there will be compliance with applicable water quality standards because of changes since the construction license or permit certification was issued in (A) the construction or operation of the facility, (B) the characteristics of the waters into which such discharge is made, or (C) the water quality standards applicable to such waters. This paragraph shall be inapplicable in any case where the applicant for such operating license or permit has failed to provide the certifying State, or if appropriate, the interstate agency or the Secretary, with notice of any proposed changes in the construction or operation of the facility with respect to which a construction license or permit has been granted which changes may result in violation of applicable water quality standards.

"(4) Prior to the initial operation of any federally licensed or permitted facility or activity which may result in any discharge into the navigable waters of the United States and with respect to which a certification has been obtained pursuant to paragraph (1) of this subsection, which facility or activity is not subject to a Federal operating license or permit, the licensee or permittee shall provide an opportunity for such certifying State or, if appropriate, the interstate agency or the Secretary to review the manner in which the facility or activity shall be operated or conducted for the purposes of assuring that applicable water quality standards will not be violated. Upon notification by the certifying State or, if appropriate, the interstate agency or the Secretary that the operation of any such federally licensed or permitted facility or activity will violate applicable water quality standards, such Federal agency may, after public hearing, suspend such license or permit. If such license or permit is suspended, it shall remain suspended until notification is received from the certifying State, agency, or Secretary, as the case may be, that there is reasonable assurance that such facility or activity will not violate applicable water quality standards.

"(5) Any Federal license or permit with respect to which a certification has been obtained under paragraph (1) of this subsection may be suspended or revoked by the Federal agency issuing such license or permit upon the entering of a judgment under section 10(h) of this Act that such facility or activity has been operated in violation of applicable water quality standards.

"(6) No Federal agency shall be deemed to be an applicant for the purposes of this subsection.

"(7) In any case where actual construction of a facility has been lawfully commenced prior to the date of enactment of the Water Quality Improvement Act of 1970, no certification shall be required under this subsection for a license or permit issued after the date of enactment of such Act of 1970 to operate such facility, except that any such license or permit issued without certification shall terminate at the end of the three-year period beginning on the date of enactment of such Act of 1970 unless prior to such termination date the person having such license or permit submits to the Federal agency which issued such license or permit a certification and otherwise meets the requirements of this subsection.

"(8) Except as provided in paragraph (7), any application for a license or permit (A) that is pending on the date of enactment of the Water Quality Improvement Act of 1970 and (B) that is issued within one year following such date of enactment shall not require certification pursuant to this subsection for one year following the issuance of such license or permit, except that any such license or permit issued shall terminate at the end of one year unless prior to that time the licensee or permittee submits to the Federal agency that issued such license or permit a certification and otherwise meets the requirements of this subsection.

"(9)(A) In the case of any activity which will affect water quality but for which there are no applicable water quality standards, no certification shall be required under this subsection, except that the licensing or permitting agency shall impose, as a condition of any license or permit, a requirement that the licensee or permittee shall comply with the purposes of this Act.

"(B) Upon notice from the State in which the discharge originates or, as appropriate, the interstate agency or the Secretary, that such licensee or permittee has been notified of the adoption of water quality standards applicable to such activity and has failed, after reasonable notice, of not less than six months, to comply with such standards, the license or permit shall be suspended until notification is received from such State or interstate agency or the Secretary that there is reasonable assurance that such activity will comply with applicable water quality standards.

"(c) Nothing in this section shall be construed to limit the authority of any department or agency pursuant to any other provision of law to require compliance with applicable water quality standards. The Secretary shall, upon the request of any Federal department or agency, or State or interstate agency, or applicant, provide, for the purpose of this section, any relevant information on applicable water quality standards, and shall, when requested by any such department or agency or State or interstate agency, or applicant, comment on any methods to comply with such standards.

"(d) In order to implement the provisions of this section, the Secretary of the Army, acting through the Chief of Engineers, is authorized, if he deems it to be in the public interest, to permit the use of spoil disposal areas under his jurisdiction by Federal licensees or permittees, and to make an appropriate charge for such use. Moneys received from such licensees or permittees shall be deposited in the Treasury as miscellaneous receipts."

SEC. 104. Redesignated section 22 of the Federal Water Pollution Control Act, as amended, is amended by adding at the end thereof the following:

"(f)(1) It is the purpose of this subsection to authorize a program which will provide official recognition by the United States Government to those industrial organizations and political subdivisions of States which during the preceding year demonstrated an outstanding technological achievement or an innovative process, method or device in their waste treatment and pollution abatement programs. The Secretary shall, in consultation with the appropriate State water pollution control agency, establish regulations under which such recognition may be applied for and granted, except that no applicant shall be eligible for an award under this subsection if such applicant is not in total compliance with all applicable water quality standards under this Act, and otherwise does not have a satisfactory record with respect to environmental quality.

"(2) The Secretary shall award a certificate or plaque of suitable design to each industrial organization or political subdivision which qualifies for such recognition under regulations established by this subsection.

"(3) The President of the United States, the Governor of the appropriate State, the Speaker of the House of Representatives, and the President pro tempore of the Senate shall be notified of the award by the Secretary, and the awarding of such recognition shall be published in the Federal Register."

SEC. 105. Section 5 of the Federal Water Pollution Control Act, as amended, is amended as follows:

(1) by redesignating subsections (g) and (h) as (m) and (n), respectively, including all references thereto;

(2) by inserting after subsection (f) the following new subsections:

"(g)(1) For the purpose of providing an adequate supply of trained personnel to operate and maintain existing and future treatment works and related activities, and for the purpose of enhancing substantially the proficiency of those engaged in such activities, the Secretary shall finance a pilot program, in cooperation in State and interstate agencies, municipalities, educational institutions, and other organizations and individuals, of manpower development and training and retraining of persons in, or entering into, the field of operation and maintenance of treatment works and related activities. Such program and any funds expended for such a program shall supplement, not supplant, other manpower and training programs and funds available for the purposes of this paragraph. The Secretary is authorized, under such terms and conditions as he deems appropriate, to enter into agreements with one or more States, acting jointly or severally, or with other public or private agencies or institutions for the development and implementation of such a program.

"(2) The Secretary is authorized to enter into agreements with public and private agencies and institutions, and individuals to develop and maintain an effective system for forecasting the supply of, and demand for, various professional and other occupational categories needed for the prevention, control, and abatement of water pollution in each region, State, or area of the United States and, from time to time, to publish the results of such forecasts.

"(3) In furtherance of the purposes of this Act, the Secretary is authorized to—

"(A) make grants to public or private agencies and institutions and to individuals for training projects, and provide for the conduct of training by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes;

"(B) establish and maintain research fellowships in the Department of the Interior with such stipends and allowances, including traveling and subsistence expenses, as he may deem necessary to procure the assistance of the most promising research fellowships; and

"(C) provide, in addition to the program established under paragraph (1) of this subsection, training in technical matters relating to the causes, prevention, and control of water pollution for personnel of public agencies and other persons with suitable qualifications.

"(4) The Secretary shall submit, through the President, a report to the Congress within eighteen months from the date of enactment of this subsection, summarizing the actions taken under this subsection and the effectiveness of such actions, and setting forth the number of persons trained, the occupational categories for which training was provided, the effectiveness of other Federal, State, and local training programs in this field, together with estimates of future needs, recommendations on improving training programs, and such other information and recommendations, including legislative recommendations, as he deems appropriate.

"(h) The Secretary is authorized to enter into contracts with, or make grants to, public or private agencies and organizations and individuals for (A) the purpose of developing and demonstrating new or improved methods for the prevention, removal, and control of natural or manmade pollution in lakes, including the undesirable effects of nutrients and vegetation, and (B) the construction of publicly owned research facilities for such purpose.

"(i) The Secretary shall—

"(A) engage in such research, studies, experiments, and demonstrations as he deems appropriate, relative to the removal of oil from any waters and to the prevention and control of oil pollution;

"(B) publish from time to time the results of such activities; and

"(C) from time to time, develop and publish in the Federal Register specifications and other technical information on the various chemical compounds used as dispersants or emulsifiers in the control of oil spills.

In carrying out this subsection, the Secretary may enter into contracts with, or make grants to, public or private agencies and organizations and individuals.

"(j) The Secretary shall engage in such research, studies, experiments, and demonstrations as he deems appropriate relative to equipment which is to be installed on board a vessel and is designed to receive, retain, treat, or discharge human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes with particular emphasis on equipment to be installed on small recreational vessels. The Secretary shall report to Congress the results of such research, studies, experiments, and demonstrations prior to the effective date of any standards established under section 13 of this Act. In carrying out this subsection the Secretary may enter into contracts with, or make grants to, public or private organizations and individuals.

"(k) In carrying out the provisions of this section relating to the conduct by the Secretary of demonstration projects and the development of field laboratories and research facilities, the Secretary may acquire land and interests therein by purchase, with appropriated or donated funds, by donation, or by exchange for acquired or public lands under his jurisdiction which he classifies as suitable for disposition. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

"(l)(1) The Secretary shall, after consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, as soon as practicable but not later than two years after the effective date of this subsection, develop and issue to the States for the purpose of adopting standards pursuant to section 10(c) the latest scientific knowledge available in indicating the kind and extent of effects on health and welfare which may be expected from the presence of pesticides in the water in varying quantities. He shall revise and add to such information whenever necessary to reflect developing scientific knowledge.

"(2) For the purpose of assuring effective implementation of standards adopted pursuant to paragraph (1) the President shall, in consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, conduct a study and investigation of methods to control the release of pesticides into the environment which study shall include examination of the persistency of pesticides in the water environment and alternatives thereto. The President shall submit a report on such investigation to Congress together with his recommendations for any necessary legislation within two years after the effective date of this subsection."

(3) in redesignated subsection (m)(4) by striking out the words "and June 30, 1969," and inserting in lieu thereof "June 30, 1969, June 30, 1970, and June 30, 1971,";

(4) by amending the first sentence of redesignated subsection (n) to read as follows: "There is authorized to be appropriated to carry out this section, other than subsection (g)(1) and (2), not to exceed $65,000,000 per fiscal year for each of the fiscal years ending June 30, 1969, June 30, 1970, and June 30, 1971. There is authorized to be appropriated to carry out subsection (g)(1) of this section $5,000,000 for the fiscal year ending June 30, 1970, and $7,500,000 for the fiscal year ending June 30, 1971. There is authorized to be appropriated to carry out subsection (g)(2) of this section $2,500,000 per fiscal year for each of the fiscal years ending June 30, 1970, and June 30, 1971.".

SEC. 106. Section 6(e) of the Federal Water Pollution Control Act (33 U.S.C. 466c–1) is amended as follows:

(1) Paragraph (1) is amended by striking out "three succeeding fiscal years" and inserting in lieu thereof "five succeeding fiscal years,".

(2) Paragraph (2) is amended by striking out "two succeeding fiscal years," and inserting in lieu thereof "four succeeding fiscal years,".

(3) Paragraph (3) is amended by striking out "two succeeding fiscal years," and in-

serting in lieu thereof "four succeeding fiscal years,".

SEC. 107. Redesignated section 24 of the Federal Water Pollution Control Act, as amended by deleting the following: "the Oil Pollution Act, 1924, or".

SEC. 108. The Oil Pollution Act, 1924 (43 Stat. 604), as amended (80 Stat. 1246–1252), is hereby repealed.

SEC. 109. The Secretary of the Interior shall conduct a full and complete investigation and study of the feasibility of all methods of financing the cost of preventing, controlling, and abating water pollution, other than methods authorized by existing law. The results of such investigation and study shall be reported to Congress no later than December 31, 1970, together with the recommendations of the Secretary for financing the programs for preventing, controlling, and abating water pollution for the fiscal years beginning after fiscal year 1971, including any necessary legislation.

SEC. 110. (a) The first sentence of section 2 of the Federal Water Pollution Control Act (33 U.S.C. 466–1) is amended by striking out "Federal Water Pollution Control Administration" and inserting in lieu thereof "Federal Water Quality Administration".

(b) Any other law, reorganization plan, regulation, map, document, record, or other paper of the United States in which the Federal Water Pollution Control Administration is referred to shall be held to refer to the Federal Water Quality Administration.

SEC. 111. Section 8(c) of the Federal Water Pollution Control Act is amended in the fourth sentence by inserting after "because of lack of funds" the following: "including States having projects eligible for reimbursement pursuant to the sixth and seventh sentences of this subsection".

SEC. 112. Section 10 of the Federal Water Pollution Control Act, as amended, is amended by adding at the end of subsection (c)(3) the following new sentence: "In establishing such standards the Secretary, the hearing board, or the appropriate State authority shall take into consideration their use and value for navigation."

TITLE II—ENVIRONMENTAL QUALITY

SHORT TITLE

SEC. 201. This title may be cited as the "Environmental Quality Improvement Act of 1970."

FINDINGS, DECLARATIONS, AND PURPOSES

SEC. 202. (a) The Congress finds—

(1) that man has caused changes in the environment;

(2) that many of these changes may affect the relationship between man and his environment; and

(3) that population increases and urban concentration contribute directly to pollution and the degradation of our environment.

(b)(1) The Congress declares that there is a national policy for the environment which provides for the enhancement of environmental quality. This policy is evidenced by statutes heretofore enacted relating to the prevention, abatement, and control of environmental pollution, water and land resources, transportation, and economic and regional development.

(2) The primary responsibility for implementing this policy rests with State and local governments.

(3) The Federal Government encourages and supports implementation of this policy through appropriate regional organizations established under existing law.

(c) The purposes of this title are—

(1) to assure that each Federal department and agency conducting or supporting public works activities which affect the environment shall implement the policies established under existing law; and

(2) to authorize an Office of Environmental Quality, which, notwithstanding any other provision of law, shall provide the professional and administrative staff for the Council on Environmental Quality established by Public Law 91–190.

OFFICE OF ENVIRONMENTAL QUALITY

SEC. 203(a). There is established in the Exective Office of the President an office to be known as the Office of Environmental Quality (hereafter in this title referred to as the "Office"). The Chairman of the Council on Environmental Quality established by Public Law 91–190 shall be the Director of the Office. There shall be in the Office a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) The compensation of the Deputy Director shall be fixed by the President at a rate not in excess of the annual rate of compensation payable to the Deputy Director of the Bureau of the Budget.

(c) The Director is authorized to employ such officers and employees (including experts and consultants) as may be necessary to enable the Office to carry out its functions under this title and Public Law 91–190, except that he may employ no more than ten specialists and other experts without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and pay such specialists and experts without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but no such specialist or expert shall be paid at a rate in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of title 5.

(d) In carrying out his functions the Director shall assist and advise the President on policies and programs of the Federal Government affecting environmental quality by—

(1) providing the professional and administrative staff and support for the Council on Environmental Quality established by Public Law 91–190;

(2) assisting the Federal agencies and departments in appraising the effectiveness of existing and proposed facilities, programs, policies, and activities of the Federal Government, and those specific major projects designated by the President which do not require individual project authorization by Congress, which affect environmental quality;

(3) reviewing the adequacy of existing systems for monitoring and predicting environmental changes in order to achieve effective coverage and efficient use of research facilities and other resources;

(4) promoting the advancement of scientific knowledge of the effects of actions and technology on the environment and encourage the development of the means to prevent or reduce adverse effects that endanger the health and well-being of man;

(5) assisting in coordinating among the Federal departments and agencies those programs and activities which affect, protect, and improve environmental quality;

(6) assisting the Federal departments and agencies in the development and interrelationship of environmental quality criteria and standards established through the Federal Government.

(7) collecting, collating, analyzing, and interpreting data and information on environmental quality, ecological research, and evaluation.

(e) The Director is authorized to contract with public or private agencies, institutions, and organizations and with individuals without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5) in carrying out his functions.

REPORT

SEC. 204. Each Environmental Quality Report required by Public Law 91–190 shall, upon transmittal to Congress, be referred to each standing committee having jurisdiction over any part of the subject matter of the Report.

AUTHORIZATION

SEC. 205. There are hereby authorized to be appropriated not to exceed $500,000 for the fiscal year ending June 30, 1970, not to exceed $750,000 for the fiscal year ending June 30, 1971, not to exceed $1,250,000 for the fiscal year ending June 30, 1972, and not to exceed $1,500,000 for the fiscal year ending June 30, 1973. These authorizations are in addition to those contained in Public Law 91–190.

EDMUND S. MUSKIE,
JENNINGS RANDOLPH,
BIRCH BAYH,
JOSEPH M. MONTOYA,
J. CALEB BOGGS,
JOHN COOPER,
HOWARD BAKER,
Managers on the part of the Senate.

JOHN A. BLATNIK,
ROBERT E. JONES,
JIM WRIGHT,
GEORGE H. FALLON,
WILLIAM C. CRAMER,
WILLIAM H. HARSHA,
JAMES R. GROVER, Jr.
Managers on the part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MUSKIE. Mr. President, this conference report is the culmination of efforts begun in 1966 to strengthen and expand the Nation's capability to deal with oil pollution disasters.

Mr. President, this legislation would probably not be before the Senate today had there not been in recent weeks several disastrous oil spills. I think that the grounding of the tanker off Nova Scotia, the spill from the tanker in Tampa Bay, and the ongoing disaster off New Orleans have convinced all of us in both bodies of the need to attach a different concept of liability to the extremely hazardous business of oil transportation, production, and use.

The very nature of these incidents and the cloudy question of fault assisted in bringing about the compromise which was finally achieved between the House and Senate conferees on this issue.

The attached discussion of the conference substitute describes in detail what this bill does and what the conferees intended. While I do not intend to present all the provision in detail in this statement, I would like to point out several impotrant features of the oil pollution section and emphasize the other more important features of the legislation itself.

Under the conference compromise, unless the owner or operator of a vessel, an offshore facility, or an onshore facility can prove that the discharge resulted solely from an act of God, an act of war, an act of U.S. Government negligence, or an act or omission of a third party such owner or operator will be absolutely liable to the United States for the costs of cleanup in an amount not to exceed $14 million for a vessel and $8 million for an onshore or offshore facility.

In the case of a vessel the liability is further limited to $100 per gross ton, an amount suggested by insurers as the in-

surable limit for this particular type of liability.

I am not satisfied that these figures completely reflect the potential liability of vessels in oil discharges. I am not satisfied that the insurers gave us the best available information. However, I am satisfied that we could get no better information and that the amounts set forth in this law would have been sufficient to clean up any oil spill on record.

I anticipate this figure will have to be revised, as will the outside limits, as the size of tankers increases and as the danger of oil spills increases. Nevertheless, at this time the gross tonnage and dollar limits should be adequate to cover a tanker twice as large as any vessel capable of using any port of the United States today.

More importantly, Mr. President, a review of these figures should be the kind of public policy consideration which precedes any increases in shipment of oil by sea either from foreign or domestic sources.

The hearings on this legislation have indicated that there is great room for improvement in the handling of oil in transport. There is still too much room for accidents.

I will introduce legislation to tighten the regulations governing the design and construction of vessels, the transportation of oil and other hazardous cargo, the training of crews, and the location of onshore and offshore facilities.

I also hope that we can develop a system for providing compensation for private damages resulting from oil spills.

For onshore and offshore facilities, the figure of $8 million was included in both the House and the Senate bills. Although there is no indication as to the accuracy of this figure, it is much more than the clean-up costs of any oil spills on record from onshore or offshore facilities. It too may have to be revised in the future.

This legislation does not affect the authority of the Secretary of the Interior regarding activities on the Outer Continental Shelf. It does not affect the regulations which provide absolute and unlimited liability oil operations on the OCS.

The penalties for failure to notify, for knowing discharge of oil, and for violation of regulations are as strict as either the House or Senate bill would permit.

Broad authority is given the President to determine by regulation what harmful quantities of oil cannot be discharged without violating the provisions of this act. The responsibility placed on the President is great. The urgency for his early action is evident.

Until the President develops at least preliminary regulations defining harmful quantities, parts of the law will be inoperative. At a minimum the President can and should immediately, by regulation, prohibit the discharge of oil which exceeds the amount normally anticipated in operation of a vessel, or onshore, or offshore facility.

Such regulations with appropriate definitions should be promulgated as soon after enactment of this legislation as possible.

The President should then set into motion the procedures necessary to determine in as exact a manner as possible the amounts and quantities of oil that can be discharged, under what circumstances, and what times, and what locations as required in this section. Further he should indicate, to the extent that it is possible, those areas of the coastal United States and the navigable waters of the United States where the discharge of oil is absolutely prohibited or partially prohibted.

Another important measure to assure tough enforcement of this act will be to provide adequate funds for improved Coast Guard surveillance activities along the coast of the United States. Tanker captains who deliberately disregard regulations and pump their bilges at will must be arrested and brought to trial for criminal discharges of oil. The Coast Guard also must be given funds to develop local and regional contingency plans and a strike force capacity to move against any oil pollution disaster strategically located in the United States.

Effective implementation of this legislation will require that adequate funds be devoted to developing new clean-up technology, to developing the specifications for chemicals which can be used to disperse oil as called for by the Kennedy amendment retained by the conferees, and to providing funds for the Federal Water Pollution Control Administration to study the effects of oil and dispersants on the aquatic environment.

I wish to emphasize for the Senate a provision of this legislation which has not received a great deal of attention. This provision may be the most important section of this legislation. I call the Senate's attention to section 21. This section requires that any applicant for a Federal license or permit obtain certification of reasonable assurance of compliance with water quality standards from a State before that applicant can receive any license or permit.

Any new industry that intends to locate on the navigable waters of the United States; that needs a permit to build a dock, a discharge pipe, a water-intake pipe, a bridge, or a road across Federal lands; that requires a license from the Atomic Energy Commission for a nuclear power plant or a license from the Federal Power Commission to build a dam will be required to obtain this certification of compliance with water quality standards.

No polluter will be able to hide behind a Federal license or permit as an excuse for a violation of water quality standard. No polluter will be able to make major investments in facilities under a Federal license or permit without providing assurance that the facility will comply with water quality standards. No State water pollution control agency will be confronted wtih a fait accompli by an industry that has built a plant without consideration of water quality requirements.

Mr. President, a question has been raised regarding the relationship between section 21(b) of the conference agreement and the provisions of sections 102 and 103 of the National Environmental Policy Act, Public Law 91–190, particularly with regard to the duties of Federal licensing and permitting agencies under the respective authorizations.

It should be clear that nothing in subsection 21(b) should be interpreted as discharging Federal licensing or permitting agencies from complying with the provisions of Public Law 90–190 as far as they relate to any environmental impact not associated with water quality standards.

Mr. President, the conference agreement includes a number of other major provisions which are discussed in the summary of conference action which I ask unanimous consent to have printed in the RECORD at this point.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF CONFERENCE ACTION

The Senate-passed bill included four titles, the provisions of three of which are included in the conference agreement. Title III, which authorized acquisition of land for the use of the United States Senate, was deleted as no longer required.

Title I has been expanded to include several provisions of the House bill not in the Senate bill as well as a revised version of the Kennedy-Stevens amendment to provide Safe Water Facilities for Alaska. This "Alaska Village Demonstration Projects" provision which had been Title IV of S. 7 appears now as Section 20 of the Act.

House amendments not in the Senate bill which were adopted include provisions for manpower training, marine sanitation device research, change of the name of the Federal Water Pollution Control Administration to the Federal Water Quality Administration, a study of financing the cost of pollution control, and an award provision.

Title I of the conference agreement includes several provisions which were similar in both House and Senate bills. Those provisions are:

(a) Acid mine drainage research;
(b) Pollution control in the Great Lakes;
(c) Field laboratories land acquisition;
(d) Oil pollution removal research;
(e) Extension of the Section 5 and Section 6 basic act research authorization; and
(f) The Clean Lakes research section.

Also, Title I includes several features of the Senate bill which the House conferees accepted with minor modifications, including:

(a) The Scott amendment for pilot training programs to train sewage treatment plant operators;

(b) Senator Nelson's amendment to require development of scientific knowledge on the effects of pesticides on the environment for the purpose of developing water quality standards, and a study into methods to control the environmental release of pesticides;

(c) The Tydings-Javits amendment clarifying that re-allocated grant funds can be applied to projects eligible for reimbursement; and

(d) A requirement that the value and use of a waterway for navigation be considered in establishing water quality standards.

Title I includes a modified version of the Senate provision for identification and clean-up of hazardous substances. The provision authorizes the President to clean up, to the extent practicable, any discharges of designated hazardous substances and to report to the Congress, no later than November 1 of 1970, on the methods and measures for controlling the discharge of hazardous substances, procedures for enforcement against

discharges (including imposition of penalties for discharge and failure to notify,) and methods to recover Federal clean-up costs.

Pending the completion of this study, designation of hazardous substances should proceed. This activity will be especially useful to the Congress when it considers any legislative recommendations which result from the study.

The provision for control of sewage from vessels was similar in both bills with a few major differences. The Senate accepted the House provision which requires a report to the Congress on the results of marine sanitation device research prior to the effective date of any marine sanitation device performance standards.

The conferees agreed to require Defense Department vessels to comply with performance standards promulgated pursuant to this section but authorized the Secretary of Defense to establish regulations and certifications to implement application of those standards to Defense Department vessels.

The conferees modified the Senate "Grandfather clause" for vessels with sanitation devices installed prior to the effective date of Federal standards. Under the conference agreement existing devices which comply with initial Federal standards shall be considered in compliance. Thus, for example, if the Secretary certifies a holding tank, only a vessel owner with a previously installed holding tank which meets the new Federal standards and regulations could continue to operate such a device and avoid added costs.

The conferees agreed that Federal standards and regulations should replace State standards and enforcement after the effective date of the Federal standards. Under the agreed-upon pre-emption provision no State could regulate the design, installation, manufacture or use of any Federally certified marine sanitation device on any vessel subject to the provisions of this Act. However, the conference agreement authorizes the Secretary to prohibit completely the discharge of any sewage, whether treated or not, from any vessel, whether or not a vessel is equipped with a certified device if the Secretary finds, after application of a State that a specific water area (such as a marina, public water intake site or swimming area) requires a total prohibition.

The performance standards should relate to the specific waste treatment problems associated with vessel discharges and should not be confused with the methods of evaluating performance of land-based treatment works.

Title I does not include the provision which authorized commercial banks to underwrite municipal water and sewer revenue bonds, a provision on which a majority of the House conferees insisted was not within the jurisdiction of the Public Works Committees. The Senate conferees, cognizant of the jurisdiction of the Committee on Banking and Currency, receded.

I have discussed those provisions of Title I relating to oil pollution and Federal licenses and permits. Mr. President, the emphasis on this latter part of Section 21 should not obscure the change in the basic Federal Water Pollution Control Act relating to control of pollution from direct Federal activities.

The conferees agreed to language which deletes the existing requirement that Federal facilities and activities comply with water quality standards "insofar as practicable and consistent with the interests of the United States and within any available appropriations."

Under the conference agreement, Federal agencies, in their activities including direct facilities operation, contracts, grants and leases shall "consistent with the paramount interests of the United States as determined by the President" insure water quality standards compliance. In carrying out the intent of the conference agreement the President will have to specifically justify any Federal decision which would lead to violation of water quality standards. No longer can Federal agencies justify non-compliance with standards on the basis of lack of funds or impracticability. Federal agency budgets must include pollution control cost; Federal contracts and leases must include provisions to insure water quality compliance.

Mr. President, I have discussed Title II of the legislation at length, during consideration of S. 7 on October 7 and 8, during discussion of Senator Jackson's National Environmental Policy Act prior to conference, and during discussion of the conference report on Senator Jackson's bill.

The conference agreement on this Title II provides for establishment of an Office of Environmental Quality in the Executive Office of the President with substantially the same authority as originally voted by the Senate.

At the insistence of the House conferees the language of Title II was reduced, though the Senate intent was not changed. I would like to discuss several specific changes which have been included in the conference agreement to clarify the relationship between the Office and the recently established Council on Environmental Quality.

First, the conferees agreed to make the Chairman of the Council the Director of the Office while retaining the Office of Deputy Director—the appointee to which is subject to Senate confirmation.

The conference agreement includes a specific authorization to employ, in the Office, ten environmental specialists or other experts without regard to provision of law relating to appointment and payment in the competitive service.

This provision is essential if the Office is to have the staff capability to carry out its authorized functions and adequately assist Council and the President in environmental quality policy questions, preparation of the annual report and other assigned functions.

Finally the conference agreement provides that the Environmental Quality Report (required by P.L. 91–190) be referred to each standing committee of the Congress having jurisdiction over the subject matter included.

This provision was to have been a part of P.L. 91–190 but, due to questions raised in the conference on that legislation, was dropped. Inclusion in this bill should assure adequate oversight of environmental aspects of Federal activities by the Congressional committees with authority over Federal programs.

One matter of importance throughout the legislation is the meaning of the term "navigable waters of the United States."

The conference agreement does not define the term. Based on the history of consideration of this legislation it is obvious that its provisions and the extent of application should be construed broadly. It is intended that this term include all water bodies, such as lakes, streams, and rivers, regarded as public navigable waters in law which are navigable in fact. It is further intended that such waters shall be considered to be navigable in fact when they form, in their ordinary condition by themselves or by uniting with other waters or other systems of transportation, such as highways or railroads, a continuing highway over which commerce is or may be carried on with other states or with foreign countries in the customary means of trade and travel in which commerce is conducted today. In such cases, the commerce on such waters would have a substantial economic effect on interstate commerce.

Mr. MUSKIE. Mr. President, I ask unanimous consent to include in the RECORD at this point those portions of the statement of managers on the part of the House which discuss the conference substitute. The language of the statement of managers on the part of the House, in addition to remarks of the Senate conferees reflect the intent of the conference agreement. Further, I ask unanimous consent to include a carbon print which shows the changes in the existing Federal Water Pollution Control Act.

There being no objection the statements and the print were ordered to be printed in the RECORD, as follows:

PORTIONS OF STATEMENT OF MANAGERS ON THE PART OF HOUSE

CONTROL OF POLLUTION BY OIL

Section 102 of the conference substitute would add a new section 11 to the Federal Water Pollution Control Act. This proposed new section 11 deals solely with the control of pollution by oil.

Subsection (a) contains definitions. The definitions of "oil", "discharge", "vessel", "public vessel", "United States", "person", and "contiguous zone" are essentially identical with those definitions in the House bill. The definition of the term "owner or operator" would provide in the case of a vessel that it is the person owning, operating, or chartering by demise, and in the case of an onshore or offshore facility, it is the person owning or operating such facility, and in the case of an abandoned offshore facility, it is the person who owned or operated the facility immediately prior to its abandonment.

As a result of this definition, if an offshore facility has been abandoned by its former owner, and thereafter discharges oil in violation of this section, such former owner would be responsible under the provisions of this act for such subsequent discharge. The definition of the term "remove" or "removal" has been clarified to include specifically public or private property, shorelines, and beaches. The definition of "onshore facility" means any facility (including motor vehicles and rolling stock) of any kind located in, on, or under any land within the United States other than submerged land. Thus, it is made clear that tank trucks and railroad tank cars are included in the definition as well as all other facilities such as storage tanks or refineries from which oil could be discharged into the waters in question. The definition would not include, however, facilities which are built upon any submerged lands in the United States.

The definition of "offshore facility" means any facility of any kind located in, on, or under any of the navigable waters of the United States other than a vessel or public vessel. This would include offshore drilling rigs as well as all other offshore facilities within the navigable waters of the United States which, in the case of the coastal waters would extend to the seaward boundaries of the States within the meaning of the Submerged Lands Act. The term "act of God" is defined to mean an act occasioned by an unanticipated grave natural disaster. This definition varies from that of the Senate definition and, under this definition, only those acts about which the owner could have had no foreknowledge, could have made no plans to avoid, or could not predict would be included. Thus, grave natural disasters which could not be anticipated in the design, location, or operation of the facility or vessel by reason of historic, geographic, or climatic circumstances or phenomena would be outside the scope of the owner's or operator's responsibility. The definition of the term "barrel" is established at 42 U.S. gallons at 60° F.

Paragraph (1) of subsection (b) is a declaration of policy by Congress that there ought not be discharges of oil into or upon the

navigable waters, adjoining shorelines, or the waters of the contiguous zone.

Paragraph (2) of subsection (b) prohibits the discharge of oil in the navigable waters, adjoining shorelines, or the waters of the contiguous zone, in harmful quantities as determined by the President under paragraph (3) with two exceptions: (A) discharges into the waters of the contiguous zone where permitted under article IV of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended, and (B) where permitted in quantities at times and locations or under circumstances or conditions which the President by regulations determines not to be harmful. The President's regulations are required to be consistent with maritime safety, marine navigation laws and regulations, and applicable water quality standards.

Paragraph (3) of subsection (b) requires the President, by regulations to be issued as soon as possible, to determine for the purposes of this section those quantities of oil the discharge of which will be harmful to the public health or welfare of the United States, including fish, shellfish, wildlife, and public and private property, shorelines, and beaches with the exception that, in the case of oil discharged in the contiguous zone, only those discharges which threaten the fishery resources of the zone or threaten to pollute or contribute to the pollution of the territory or territorial sea of the United States may be determined to be harmful.

Paragraph (4) requires anyone in charge of a vessel or of an onshore or offshore facility, as soon as he has knowledge of any discharge of oil from that vessel or facility in violation of this section, to immediately notify the appropriate U.S. agency. Failure to do so subjects such person to a fine of not more than $10,000 or imprisonment for not more than a year, or both. This notification, however, is not to be used against any such person in any criminal case other than one for perjury or giving a false statement.

Paragraph (5) of this subsection imposes a civil penalty on the owner or operator of a vessel or onshore or offshore facility from which oil is knowingly discharged in violation of this section. This penalty is not to exceed $10,000 and is not to be assessed unless the owner or operator charged has been given notice and opportunity for hearing. Each violation is a separate offense, and the civil penalty may be compromised by the Secretary. The Secretary of the Treasury is required to withhold clearance from port of any vessel the owner or operator of which is subject to the foregoing penalty. Clearance may be granted upon filing of a bond or other satisfactory surety.

Paragraph (1) of subsection (c) authorizes the President to act to remove or arrange for the removal of any oil discharged into the navigable waters, adjoining shorelines, or the waters of the contiguous zone. If he determines the removal will be properly done by the owner or operator of the vessel or facility from which the discharge occurs, he may permit them to do so. The conferees wish to make it clear that the basic responsibility for necessary cleaning up in these situations is placed upon the President. This is not to be construed to inhibit or prevent any owner or operator from undertaking whatever action is necessary to contain or remove an oil discharge.

Paragraph (2) of subsection (c) would require the President, within 60 days, to prepare and publish a National Contingency Plan for the removal of oil. The Plan shall provide for efficient, coordinated, and effective action to minimize damage from oil discharges, including containment, dispersal, and removal of oil. The Plan is to include (A) assignment of duties and responsibilities, (B) identification, procurement, maintenance, and storage of equipment and supplies, (C) establishment of a strike force and emergency task forces, (D) a system of surveillance and notice, (E) establishment of a national center to coordinate and direct operations, (F) procedures and techniques to be employed in identifying, containing, dispersing and removing oil, and (G) a schedule identifying dispersants and other chemicals that may be used in carrying out the plan, the waters in which they may be used, and quantities which may be safely used. In the case of a dispersant, chemical or waters not specifically identified in the schedule, the President or his delegate may on a case-by-case basis, identify the dispersant or chemicals which may be used, the waters in which they may be used, and the quantities which may safely be used. The plan may be revised from time to time. Once the plan is published, however, removal of oil and actions to minimize damage therefrom shall, to the greatest extent possible, be in accordance with the plan.

The President is given general authority by subsection (1) of this section to delegate his responsibilities under this section. It is the hope of the conferees that with respect to the provisions of subsection (c)(2)(C) and (D) such responsibilities will be delegated to the Coast Guard and with respect to subsection (c)(2)(G) such responsibilities will be delegated to the Secretary of the Interior.

Subsection (d) provides authority for the United States to remove, and if necessary, to destroy vessels in cases where they pose a substantial threat of a pollution hazard through the discharge of oil. This is almost identical to the equivalent provision in the House bill with the exception that in lieu of the House provision making the expense of removal a charge against the vessel, its cargo, and owner and permitting the sale thereof, there has been substituted a provision from the Senate amendment which states that the expense incurred under this subsection will be deemed to be a cost incurred by the United States in the removal of oil for the purposes of liability under subsection (f) of this section.

Subsection (e) authorizes the President when there is an imminent and substantial threat to the public health and welfare because of an actual or threatened discharge of oil from an onshore or offshore facility to require the U.S. attorney for the district where the threat occurs to secure such relief as may be necessary to abate the threat, and the district courts of the United States are given jurisdiction to grant such relief as the public interest and equity may require.

Subsection (f) establishes the liability of owners and operators of vessels and on or offshore facilities for cleanup costs.

Paragraph (1) of subsection (f) provides that the owner or operator of a vessel from which oil is discharged in violation of subsection (b)(2) of this section shall be liable to the United States for actual costs incurred under subsection (c) for removal of that oil with a limit of liability of not to exceed $100 per gross ton of the vessel or $14 million, whichever is lesser. The owner or operator will have no liability if he can prove that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States or (D) an act or omission of a third party whether or not negligent, or any combination of the foregoing clauses. Such owner or operator shall be liable without limitation if the United States can show that the discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner. These removal costs are to be a maritime lien on the vessel recoverable in an action in rem against the vessel and in addition the United States may bring an action against the owner or operator for these costs. The inclusion of specific language relating to the maritime lien and actions against the owner or operator are for the purposes of clarification only.

Paragraph (2) of subsection (f) provides that the owner or operator of an onshore facility is liable for actual costs for removal of oil discharged from that facility in violation of subsection (b)(2) of this section in an amount not to exceed $8 million. If such owner or operator can prove such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States, or (D) an act or omission of the third party whether or not negligent or any combination thereof, then such owner or operator shall have no liability. If the United States can show the discharge was a result of willful negligence or misconduct within the privity and knowledge of the owner, then the owner is liable for the full cost without limitation. The United States is authorized to bring an action against the owner or operator in any court of competent jurisdiction to recover these costs. Additionally the Secretary is authorized by regulation, after he has consulted with the Secretary of Commerce and the Small Business Administration, to establish classifications of those onshore facilities having a total fixed storage capacity of a thousand barrels or less which he determines do not present a substantial risk and apply with respect to these classifications differing limits of liability which may be less than the $8 million limit established statutorily by this paragraph.

Paragraph (3) of subsection (f) provides that the owner or operator of an offshore facility from which oil is discharged in violation of subsection (b)(2) of this section shall be liable to the United States for removal costs in an amount not to exceed $8 million. If such owner or operator can prove that the discharge is caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States, or (D) an act or omission of a third party whether or not negligent, or any combination thereof, then such owner or operator will have no liability. If the United States can show that the discharge was the result of willful negligence or misconduct within the privity and knowledge of the owner then he is liable for the full amount. The United States is authorized to bring an action against the owner or operator in a court of competent jurisdiction to recover these costs.

Subsection (g) of this section provides that in any case where an owner or operator of a vessel or of an onshore or offshore facility from which oil is discharged in violation of this section proves that the discharge is caused solely by an act or omission of a third party or solely by such act or omission in combination with an act of God, an act of war, or negligence on the part of the United States, then such third party shall be liable to the United States for the actual costs of removing the oil unless that third party can in turn prove that the discharge was caused solely by an act of God, an act of war, negligence on the part of the United States or the act or omission of another party or any combination thereof. If the third party is the owner or operator of a vessel which caused the discharge, then that third party's liability is limited to $100 per gross ton of such vessel or $14,000,000, whichever is the lesser. In any other case the liability of the third party is limited by that which would have been applicable to the owner or operator of the vessel or facility from which the discharge actually occurred if such owner or operator would have been liable. If the United States proves the discharge of oil was the result of willful negligence or misconduct within the privity and knowledge of the third party, then such third party shall be liable for the full amount of the removal costs. The United States is authorized to bring a suit in a court of competent jurisdiction to recover these removal costs.

Subsection (h) provides that the liability established by this section will not affect any rights which the owner or operator of the

vessel or onshore or offshore facility may have against third parties whose acts in any way may have caused or contributed to the discharge of oil, or which the United States may have against any such party.

Paragraph (1) of subsection (i) authorizes an owner or operator from whose vessel or facility oil has been discharged and who voluntarily removes the oil in accordance with regulations to recover reasonable costs incurred in that removal in a suit against the United States in the court of claims if such owner or operator can prove that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States, or (D) an act or omission of a third party without regard to its negligence, or any combination of the foregoing.

Paragraph (2) of subsection (i) provides that this subsection will not apply where liability is established by regulations adopted under authority of the Outer Continental Shelf Lands Act.

Paragraph (3) of subsection (i) authorizes the payment from the revolving fund established in subsection (k) of this section of any judgment entered against the United States under this subsection.

Paragraph (1) of subsection (j) requires the President, as soon as practicable and consistent with the national contingency plan, and maritime safety, and marine and navigation laws, to establish methods and procedures for removal of discharged oil, to establish criteria for the development and implementation of local and regional oil removal contingency plans, to establish procedures, methods, and requirements for equipment to prevent discharges of oil from vessels and onshore and offshore facilities, and regulations governing the inspection of vessels carrying oil as cargo, including inspecting such cargoes all for the purpose of reducing the likelihood of discharges of oil from such vessels. This language is in very general terms, and it is the understanding of all of the conferees that under this authority the President would be authorized by regulation to require vessels and facilities to carry on board or otherwise have available materials and equipment determined necessary to prevent and to clean up oil discharges.

Paragraph (2) of subsection (j) provides for a civil penalty of up to $5,000 for each violation of the regulations issued under this subsection. Authority is granted the President to compromise these penalties.

Subsection (k) authorizes the establishment of a revolving fund in the Treasury of not to exceed $35 million to carry out the provisions of subsections (c) (relating to the removal of oil which has been discharged), (i) (relating to costs payable by the United States for removal by volunteers), and (l) (relating to the administration of the section generally), as well as section 12 of this act (relating to the removal of hazardous polluting substances). Any other funds received by the United States under this section are to be deposited in this fund. Moneys in the fund are to be available until expended.

Subsection (l) is general authority to the President to delegate the administration of this section to the heads of those departments, agencies, and instrumentalities which he determines to be appropriate. Any department, agency, or instrumentality in which functions are vested is to avoid duplication of effort and to utilize personnel, services, and facilities of other departments, agencies, and instrumentalities wherever appropriate.

Subsection (m) provides that any person authorized by the President to enforce this section may, except as to public vessels, board and inspect vessels, arrest violators, and execute warrants or other process issued by an officer or court of competent jurisdiction. It is the hope of the conferees that the responsibility for this subsection will be vested in the Coast Guard.

Subsection (n) vests the district courts of the United States with jurisdiction for actions brought under this section other than those specifically authorized in the Court of Claims by subsection (1)(1). It further designates in the case of territories and possessions which of the district courts such actions shall be brought in.

Paragraph (1) of subsection (o) provides that nothing in this section will affect or modify the obligations of an owner or operator of a vessel or facility from which oil is discharged to any other person or agency under any provision of law for damages resulting from that discharge or the removal of that oil.

Paragraph (2) of subsection (o) disclaims any intention of preempting any State or political subdivision from imposing any requirement or liability with respect to the discharge of oil into waters in that State. Thus, any State would be free to provide requirements and penalties similar to those imposed by this section or additional requirements and penalties. These, however, would be separate and independent from those imposed by this section and would be enforced by the States through its courts.

Paragraph (3) of subsection (o) insures that nothing in this section is to be construed as affecting or modifying any other existing authority of any Federal department, agency, or instrumentality relative to onshore or offshore facilities under this Act, or any other provision of law, or to affect any State or local law not in conflict with this section.

Subsection (p) is essentially the same as the equivalent provisions of the House bill relating to the financial responsibility of vessels except that where the House bill required vessels over 100 gross registered tons to establish evidence of financial responsibility, this provision requires vessels over 300 gross tons to do so and the limits of liability are specified to be the same as those contained in subsection (f)(1), that is, $100 a gross ton or $14 million, whichever is lesser. Additionally, this provision spells out in paragraph (3) that claims for costs may be brought directly against the insurer providing the evidence of financial responsibility and in such case the insurer shall be entitled to all of the rights and defenses available to the owner or operator. It is the hope of the conferees that responsibility for administering paragraph (1) of this subsection will be vested in the Federal Maritime Commission. It is also the hope of the conferees that the marine insurance industry will modernize its coverage for protection of third parties without regard to the nature of the conduct of the insured.

Paragraph (4) of subsection (p) is essentially the same as the provisions of the House bill relating to a study of the need for other measures to provide financial responsibility and to limit liability on vessels and facilities subject to the provisions of this section. This report is to be submitted to Congress by January 1, 1971.

CONTROL OF HAZARDOUS POLLUTING SUBSTANCES

The conference substitute proposes to add a new section 12 to the Federal Water Pollution Control Act dealing with control of hazardous polluting substances. In general, this section is more nearly comparable to that proposed by the Senate amendment than to the House bill.

Section 12(a) would be the same as section 13(a) of the Senate amendment except that the President would be authorized to establish recommended methods and means for removing hazardous substances instead of establishing criteria therefor as provided in the Senate amendment.

Section 12(b) would apply the Administrative Procedure Act provisions as now contained in title V (other than the form of administrative proceeding provided in section 553(c)) in lieu of the detailed administrative proceedings and judicial review contained in the comparable Senate provisions.

Section 12(c) is essentially the same as section 13(g) of the Senate amendment except that the criminal penalty for failure to notify has been removed. This section does not contain the civil penalty provided in section 13(i) of the Senate amendment.

This section does not contain the authorities granted the President with respect to enforcement contained in sections 13(k) and 13(l) of the Senate amendment.

Section 12(g), relating to reports, with minor changes is essentially the same as section 13(n) of the Senate amendment.

Section 12(h) is essentially the same as section 13(o) of the Senate amendment.

CONTROL OF SEWAGE FROM VESSELS

The proposed new section 13 of the Federal Water Pollution Control Act relates to control of sewage from vessels.

Section 13(a) contains the same definitions as section 11 of the Senate amendment with the following changes:

(1) The term "public vessel" is defined to mean a vessel owned or bareboat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce.

(2) The definition of "manufacturer" is the same as contained in the House bill.

(3) The term "discharge" is defined as including, but not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(4) The term "marine sanitation device" is defined as also including any process to treat sewage.

Section 13(b)(1) relating to the establishment of standards for marine sanitation devices is essentially the same as contained in the House bill. Language is included in the vessel pollution portion of the conference substitute for the purpose of assuring that unreasonable demands are not made on small recreational vessels, but that marine sanitation device performance standards would only be promulgated when our technology permits these standards to be practicable and reasonable, and the degree of treatment will be adequate. The exemption of vessels that do not have installed toilet facilities relieves a burden upon those vessel owners who otherwise could be driven out because of the lack of feasibility of installing toilet facilities and marine sanitation devices on certain types of vessels.

Section 13(b)(2) provides that any existing vessel equipped with a marine sanitation device on the date of promulgation of initial standards and regulations under this section which device is in compliance with such initial standards and regulations shall be deemed in compliance with this section until such time as the device is replaced or is found not to be in compliance with such initial standards and regulations.

Section 13(c)(1) relating to the effective date of standards is the same as the House provision.

Section 13(c)(2) relating to differentiation and waiver is the same as the House provision with the exception that the Secretary of the department in which the Coast Guard is operating must consult with the Secretary of the Interior in distinguishing among classes, types, and sizes of vessels as well as between new and existing vessels; and, with respect to waiving applicability of standards and regulations as necessary or appropriate for such classes, types, or sizes, it is made clear that existing vessels equipped with marine sanitation devices on the date of promulgation of the initial standards required by this section are eligible for waiver of such standards.

Section 13(d) relating to federally owned vessels is essentially the same as the comparable provision of the House bill.

Section 13(e) relating to consultation with interested parties is the same as the provisions of the House bill.

Section 13(f) provides that after the effective date of the initial standards and regulations promulgated under this section no State or political subdivision thereof shall adopt or enforce any statute or regulation of any such State or political subdivision with respect to the design, manufacture, or installation or use of any marine sanitation device on any vessel subject to the provisions of this section. Upon application by a State and, where the Secretary determines that any applicable water quality standards require such a prohibition, he shall by regulation completely prohibit the discharge from a vessel of any sewage whether treated or not into those waters of such State which are the subject of the application and to which such standards apply. The conferees expect there to be a wide dissemination of information of any such prohibition.

Sections 13 (g) through (m) relating to prohibitions and their enforcement are essentially the same as the equivalent provisions in the House bill.

AREA ACID AND OTHER MINE WATER POLLUTION CONTROL DEMONSTRATIONS

The proposed new section 15 is the same as the equivalent provisions in both the House bill and the Senate amendment which are substantially identical.

POLLUTION CONTROL IN THE GREAT LAKES

The proposed new section 15 is the same as the equivalent provisions in both the House bill and the Senate amendment which are substantially identical.

TRAINING GRANTS AND CONTRACTS

Sections 16 through 19 of the conference substitute relating to training grants and contracts are essentially the same as the equivalent provisions contained in the House bill.

ALASKA VILLAGE FACILITIES

The conference substitute proposes to add a new section 20 to the Federal Water Pollution Control Act entitled "Alaska Village Demonstration Projects".

This section would authorize the Secretary, in agreement with the State of Alaska, to carry out demonstration projects for central community facilities for safe water and the elimination or control of water pollution in native villages of Alaska without these facilities. These projects are to include provisions for safe water supply systems, toilets, bathing and laundering facilities, sewage disposal facilities, and similar facilities of that type. In addition, educational and informational facilities and programs relating to health and hygiene are authorized as part of the demonstration projects. The purpose of these demonstration projects is to assist in developing preliminary plans for providing these types of facilities for all native villages in Alaska.

In carrying out this section, the Secretary is to cooperate with the Secretary of Health, Education, and Welfare in order to utilize personnel and facilities of that department to the extent appropriate.

A report to Congress not later than January 31, 1973, is required.

There is authorized to be appropriated not to exceed $1,000,000 to carry out this new section.

It is the understanding of the conferees that these demonstration projects will not extend to the construction of facilities other than those which are centrally located and usable on a community-wide basis. Facilities for individual dwellings are not authorized under this section.

COOPERATION BY FEDERAL AGENCIES IN THE CONTROL OF POLLUTION

Section 103 of the conference substitute redesignates existing section 11 of the Federal Water Pollution Control Act as section 21 and revises that section substantially as follows:

Section 21(a) would require each Federal department, agency, and instrumentality (hereafter referred to as a "Federal agency") having jurisdiction over any real property or facility or engaged in any Federal public works activity to insure compliance with applicable water quality standards and the purposes of the Federal Water Pollution Control Act in the administration of that property, facility, or activity, to the extent consistent with the paramount interest of the United States as determined by the President. The jurisdiction of a Federal agency referred to in this provision includes operations of the agencies carried on by lease and by contract and therefore would subject these lease and contract operations to the requirements of this subsection. In his summary of the conference pursuant to section 10(d)(4) of the Act, the Secretary is required to include reference to any discharges alleged to contribute to pollution from any Federal property, facility, or activity and to send a copy of that summary to the head of the Federal agency having jurisdiction thereof. Notice of a hearing pursuant to section 10(f) of the Act involving any pollution alleged to be caused by any such discharges shall also be given the Federal agency having jurisdiction over the property, facility, or activity involved and the hearing board's findings and recommendations shall include references to such discharges to the extent they are contributing to the pollution.

Section 21(b) requires any applicant for a Federal license or permit to conduct any activity (this includes constructing or operating facilities) which may result in any discharge into navigable waters of the United States to provide the licensing or permitting agency with a certification from the State in which the discharge originates or will originate or a certification from the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate if such a certification is appropriate from such interstate agency rather than from the State of origin. This certification must state that there is reasonable assurance as determined by the certifying State or interstate agency that the activity proposed to be licensed or permitted will be conducted in a manner which will not violate applicable water quality standards. The State is required to provide public notice with respect to all applications received by it for certification and, to the extent that the State determines it appropriate, to establish procedures for holding public hearings with respect to specific applications. If these standards have been promulgated by the Secretary, or, if a State or interstate agency has no authority to make such a certification, then the certification must be obtained from the Secretary. In order to insure that sheer inactivity by the State, interstate agency, or Secretary, as the case may be, will not frustrate the Federal application, a requirement, similar to that contained in the House bill is contained in the conference substitute that if within a reasonable period, which cannot exceed one year, after it has received a request to certify, the State, interstate agency, or Secretary, as this case may be, fails or refuses to act on the request for certification, then the certification requirement is waived. If a State refuses to give a certification, the courts of that State are the forum in which the applicant must challenge that refusal if the applicant wishes to do so. No Federal license or permit shall be granted unless this certification has first been obtained or there has been a waiver of the requirement as provided by this subsection. Denial of certification by a State, interstate agency, or the Secretary, as the case may be, results in a complete prohibition against the issuance of the Federal license or permit.

When a licensing or permitting agency receives an application and a certification, it must immediately notify the Secretary of the Interior thereof. Whenever such a discharge may affect the quality of the waters of any other State as determined by the Secretary, then the Secretary shall, within 30 days of the date he is notified of the application for the Federal license or permit, notify such other State, the licensing or permitting agency, and the applicant. If within 60 days thereafter the State so determined to be affected determines that the discharge will affect the quality of its waters so as to violate its water quality standards and within that 60-day period notifies the Secretary and the licensing or permitting agency of its objection to the issuance of the license or permit and requests a public hearing on its objection, such a public hearing shall be held by the licensing or permitting agency. At that hearing the Secretary of the Interior shall submit his evaluation and recommendations with respect to the objection to the licensing or permitting agency. Based upon the recommendations of the State, the Secretary, and any additional evidence presented at the hearing, the agency shall condition the license or permit so as to insure compliance with applicable water quality standards. If conditions cannot insure this compliance, the license or permit shall not be issued.

In the case where a Federal license or permit is required both as to the construction of a facility and its operation, the initial certification required for the construction license or permit shall fulfill the requirements of this subsection with respect to certification for a Federal license or permit to operate that facility unless the certifying State, interstate agency, or Secretary, as the case may be, after having been given notice of the application for an operating license or permit by the agency to whom the application is made notifies that agency within 60 days that there is no longer reasonable assurance of compliance with applicable water quality standards because of changes since the construction license or permit certification was issued in (1) the construction or operation of the facility, (2) the characteristics of the waters into which the discharge is to be made, or (3) the water quality standards applicable to those waters. This paragraph is made inapplicable if the applicant for the operating license or permit has not provided the certifying State, interstate agency, or Secretary, as the case may be, with notice of any proposed changes in the construction or operation of the facility which changes may result in violation of applicable water quality standards.

Before the initial operation of a federally licensed or permitted facility or activity with respect to which a certification has been obtained under this provision which facility or activity is not subject to a Federal operating license or permit, the licensee or permittee is required to provide an opportunity to the certifying State, agency, or Secretary, as the case may be, to review the manner of operation of the facility for the purpose of assuring that applicable water quality standards will not be violated. Upon notification by such certifying State, agency, or Secretary, as the case may be, that operation of this facility will violate applicable water quality standards, the Federal agency may, after public hearing suspend the license or permit until notification is received from the certifying State, agency, or Secretary, as the case may be, that there is reasonable assurance that the facility or activity will not violate ap-

plicable water quality standards. This right to review the manner of operation of a facility or activity is not to be construed as authority to the State, agency, or Secretary, as the case may be, to impose operational requirements with respect to that facility or activity.

If a judgment is entered under section 10(h) of the Act that a federally licensed or permitted facility or activity has been operated in violation of applicable water quality standards, then the Federal license or permit with respect to which a certification has been obtained under this provision may be suspended or revoked by the Federal agency issuing that license or permit.

No Federal agency is to be deemed to be an applicant for the purposes of this subsection.

If the actual construction of a facility has been lawfully commenced before the date of enactment of the Water Quality Improvement Act of 1970, then no certification is to be required for a license or permit issued thereafter to operate such facility except that if such a license or permit is issued without this certification it shall terminate at the end of three years from the date of enactment of the Act of 1970 unless before such date a proper certification is submitted to the licensing or permitting agency and the person having that license or permit otherwise meets the requirements of this subsection.

Except as provided in the preceding paragraph, an applicant for a license or permit pending on the date of enactment of the Water Quality Improvement Act of 1970, which license or permit is issued within one year after that date, will not require certification for a one-year period following the date of issuance of the license or permit except that that license or permit will terminate at the end of one year unless before that expiration date the licensee or permittee submits a certification and otherwise meets the requirements of this subsection.

In the case of any activity which will affect water quality for which there are no applicable standards, no certification will be required. However, a Federal licensing or permitting agency, in such event, must impose, as a condition of any license or permit a requirement that the licensee or permittee shall comply with the purposes of the Act.

If a State in which a discharge originates or the Secretary notifies a Federal agency that its licensee or permittee has received notice of the adoption of water quality standards applicable to such activity and has failed to comply with the standards, the Federal agency must after a period of time, suspend license or permit until notice is received that there is reasonable assurance of compliance.

Nothing in this section is to be construed to limit the authority of any department or agency pursuant to any other provision of law to require compliance with applicable water quality standards. The Secretary of the Interior is also directed to provide technical assistance to carry out the purposes of this Act.

This section will also authorize the Chief of Engineers to permit the use of spoil disposal areas under his jurisdiction by a Federal licensee or permittee to charge for that use with the moneys received to be deposited in miscellaneous receipts of the Treasury. In considering the "public interest" the Chief of Engineers should take into consideration the necessity to maintain non-Federal dock and berthing facilities which are essential to the functioning of the Federal navigation project. In determining the needs and utilization of spoil disposal areas under the jurisdiction of the Chief of Engineers, he should give appropriate consideration to the related requirements of the non-Federal dredging activities and should consider their needs for disposal on the same basis as those of the Federal Government. Where local interests donates land, or shares in the costs of construction of spoil disposal areas, local interest should be permitted reasonable use of the area, utilizing the same standards as set forth in the two preceding sentences, at a nominal charge.

AWARDS FOR EXCELLENCE

Section 104 of the conference substitute adds a new subsection (f) to redesignated section 22 of the Federal Water Pollution Control Act to authorize a program of official recognition by the United States to industrial organizations and political subdivisions which during the preceding year demonstrated either outstanding technological achievement or an innovative process, method, or device in their waste treatment and pollution abatement programs. The Secretary is to establish appropriate regulations for application for and granting of this award. No applicant is to be eligible if he is not in total compliance with all applicable water quality standards and does not otherwise have a satisfactory record with respect to environmental quality. The award is to be a certificate or plaque of suitable design, and notification of the award is to be published in the Federal Register.

RESEARCH, INVESTIGATIONS, TRAINING AND INFORMATION

Section 105 of the conference substitute amends section 5 of the Federal Water Pollution Control Act as follows:

(1) By relettering the last two subsections and inserting after subsection (f) new subsections (g) through (l).

(2) The new subsection (g) provides the same authority with respect to training of personnel as was provided by the Senate amendment in its amendment to section 5(g).

The new subsection (h) provides for the same authority with respect to lake eutrophication as was contained in the Senate amendment. It would authorize financial assistance for the construction of publicly owned research facilities by public agencies, including publicly owned universities.

The new subsection (i), relating to research on oil removal problems with the substitution of the requirement that the specifications be developed from time to time rather than by June 30, 1970, and with other minor changes is the same as the Senate amendment in this regard.

The new subsection (j), relating to marine sanitation device research is essentially the same as the provisions contained in the proposed subsection (j) in the House bill.

The new subsection (k), relating to land acquisition, is essentially the same as the comparable provisions in both the House bill and Senate amendment.

The new subsection (l) is essentially the same as the proposed subsection (j) in the Senate amendment relating to pesticides with the exception that reference to criteria has been deleted, and the term "scientific knowledge" substituted therefor, and the requirement of making the study on pesticides has been placed in the President rather than the Secretary. The conferees expect that the Secretary will consult with the Secretary of HEW on the health aspects of pesticides and will avoid duplication of the research activities of the Department of HEW.

In addition, this provision would extend through fiscal year 1971 the $1,000,000 authorized for the estuarine studies authorized in redesignated subsection (m) and would extend through fiscal year 1971 the authorization of $65,000,000 per year for carrying out section 5 on research and would authorize for subsection (g)(1) training $5,000,000 for fiscal year 1970 and $7,500,000 for fiscal year 1971, and $2,500,000 per fiscal year for each of those two fiscal years for carrying out subsection (g)(2) training. The extension of the estuarian authorization is necessary in connection with the gathering of additional information which may be required as the result of hearings now being held by the Public Works Committee.

FINANCING STUDY

Section 109 of the conference substitute, authorizes this study, excluding from it, however, the methods already authorized by existing law and extending to December 31, 1970, the reporting date. The authorization of this study is not to be construed as a weakening of the congressional commitment to the financing methods for water pollution control programs now authorized by law.

NAME CHANGE

Section 10 of the conference substitute provides for changing the name of the Federal Water Pollution Control Administration to that of the Federal Water Quality Administration.

REIMBURSEMENT

Section 111 of the conference substitute amends section 8(c) of the Federal Water Pollution Control Act to include for the purpose of making reimbursement, those States having projects eligible for reimbursement pursuant to the sixth and seventh sentences of subsection (c) of section 8.

The conferees agreed that this is merely a clarifying amendment and the authority for these reimbursements is contained in existing law. However, for clarification purposes, the specific words are added to the law.

NAVIGATION

Section 112 of the conference substitute adds a new sentence to section 10(c)(3) of the Federal Water Pollution Control Act. The intent and purpose of this sentence is the same as that of the Senate amendment, that is to ensure that "navigation" will be considered in the same manner and to the same extent as the other enumerated classes in the establishment of standards. The conference substitute differs from the Senate amendment only in technique in order to avoid any possible misinterpretation of this provision.

ENVIRONMENTAL QUALITY

Title II of the conference substitute relates to environmental quality.

Section 201 cites the title as the "Environmental Quality Improvement Act of 1970".

Section 202 makes certain congressional findings relating to the national policy set forth in existing statutes relating to environmental pollution, control, water, and land resources, transportation, and economic and regional development. It also finds that the primary responsibility for implementing this national policy rests with the State and local governments, and encourages the implementation of the policy through regional organizations.

The section declares that the purposes of the title are to assure that existing Federal departments and agencies conducting or supporting public works activities affecting the environment shall implement the policies established under existing law and to authorize an Office of Environmental Quality.

Section 203 establishes in the Executive Office of the President an Office of Environmental Quality. The Chairman of the Council on Environmental Quality is to be the Director of this Office. A Deputy Director is authorized to be appointed by the President by and with the advice and consent of the Senate, and his compensation is provided for. The Director is authorized to employ necessary personnel. These personnel would be employed in accordance with the general classification laws and paid in accordance with the General Schedule, except that authority is granted for the employment of not to exceed ten specialists and experts without regard to the provisions of law governing appointment and payment in the competitive service, with the further condition that no such specialist or expert shall be

paid at a rate above that of the maximum for GS–18. The conferees expect a report to the Public Works Committees from the Council on Environmental Quality within 90 days after the date of enactment of this Act on their staff needs, in terms of numbers, grades, and functions of temporary and permanent staff personnel.

In carrying out his functions, the Director shall assist and advise the President on policies and programs of the Federal Government affecting environmental quality by—

(1) providing the professional and administrative staff and support for the Council on Environmental Quality;

(2) assisting the Federal agencies and departments in appraising the effectiveness of existing and proposed facilities, programs, policies, and activities of the Federal Government which affect environmental quality as well as those specific major projects designated by the President which do not require individual project authorization by Congress and which affect environmental quality;

(3) reviewing the adequacy of existing systems for monitoring and predicting environmental changes in order to achieve effective coverage and efficient use of research facilities and other resources;

(4) promoting the advancement of scientific knowledge of the effects of actions and technology on the environment and encourage the development of the means to prevent or reduce adverse effects that endanger the health and well-being of man;

(5) assisting in coordinating among the Federal departments and agencies those programs and activities which affect, protect, and improve environmental quality;

(6) assisting the Federal departments and agencies in the development and interrelationship of environmental quality criteria and standards established through the Federal Government;

(7) collecting, collating, analyzing, and interpreting data and information on environmental quality, ecological research and evaluation.

The Director in carrying out his functions is authorized to contract with public or private agencies, institutions, and organizations and individuals.

Section 204 provides for referral of the Environmental Quality Report to each standing committee of Congress having jurisdiction over any part of its subject matter.

Section 204 authorizes $500,000 for fiscal year 1970, $750,000 for fiscal year 1971, $1,250,000 for fiscal year 1972, and $1,500,000 for fiscal year 1973, in addition to the existing authorizations.

APPENDIX A

CHANGES IN THE FEDERAL WATER POLLUTION CONTROL ACT PROPOSED TO BE MADE BY THE CONFERENCE SUBSTITUTE FOR H.R. 4148

For the information of the Members of the House of Representatives, changes in the Federal Water Pollution Control Act proposed to be made by the conference substitute for H.R. 4148, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

FEDERAL WATER POLLUTION CONTROL ACT

AN ACT To provide for water pollution control activities in the Public Health Service of the Department of Health, Education, and Welfare, and for other purposes.

DECLARATION OF POLICY

SECTION 1. (a) The purpose of this Act is to enhance the quality and value of our water resources and to establish a national policy for the prevention, control, and abatement of water pollution.

(b) In connection with the exercise of jurisdiction over the waterways of the Nation and in consequence of the benefits resulting to the public health and welfare by the prevention and control of water pollution, it is hereby declared to be the policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution, to support and aid technical research relating to the prevention and control of water pollution, and to provide Federal technical services and financial aid to State and interstate agencies and to municipalities in connection with the prevention and control of water pollution. The Secretary of Health, Education, and Welfare (hereinafter in this Act called "Secretary") shall administer this Act through the Administration created by section 2 of this Act, and with the assistance of an Assistant Secretary of Health, Education, and Welfare designated by him, shall supervise and direct (1) the head of such Administration in administering this Act and (2) the administration of all other functions of the Department of Health, Education, and Welfare related to water pollution. Such Assistant Secretary shall perform such additional functions as the Secretary may prescribe.

(c) Nothing in this Act shall be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect to the waters (including boundary waters) of such States.

FEDERAL WATER POLLUTION CONTROL ADMINISTRATION

SEC. 2. Effective ninety days after the date of enactment of this section there is created within the Department of Health, Education, and Welfare a [Federal Water Pollution Control Administration] *Federal Water Quality Administration* (hereinafter in this Act referred to as the "Administration"). The head of the Administration shall be appointed, and his compensation fixed, by the Secretary. The head of the Administration may, in addition to regular staff of the Administration, which shall be initially provided from the personnel of the Department, obtain, from within the Department or otherwise as authorized by law, such professional, technical, and clerical assistance as may be necessary to discharge the Administration's functions and may for that purpose use funds available for carrying out such functions; and he may delegate any of his functions to, or otherwise authorize their performance by, an officer or employee of, or assigned or detailed to, the Administration.

COMPREHENSIVE PROGRAMS FOR WATER POLLUTION CONTROL

SEC. 3. (a) The Secretary shall, after careful investigation, and in cooperation with other Federal agencies, with State water pollution control agencies and interstate agencies, and with the municipalities and industries involved, prepare or develop comprehensive programs for eliminating or reducing the pollution of interstate waters and tributaries thereof and improving the sanitary conditions of surface and underground waters. In the development of such comprehensive programs due regard shall be given to the improvements which are necessary to conserve such waters for public water supplies, propagation of fish and aquatic life and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses. For the purpose of this section, the Secretary is authorized to make joint investigations with any such agencies of the condition of any waters in any State or States, and of the discharges of any sewage, industrial wastes, or substance which may adversely affect such waters.

(b)(1) In the survey or planning of any reservoir by the Corps of Engineers, Bureau of Reclamation, or other Federal agency, consideration shall be given to inclusion of storage for regulation of stream-flow for the purpose of water quality control, except that any such storage and water releases shall not be provided as a substitute for adequate treatment or other methods of controlling waste at the source.

(2) The need for and the value of storage for this purpose shall be determined by these agencies, with the advice of the Secretary, and his views on these matters shall be set forth in any report or presentation to the Congress proposing authorization or construction of any reservoir including such storage.

(3) The value of such storage shall be taken into account in determining the economic value of the entire project of which it is a part, and costs shall be allocated to the purpose of water quality control in a manner which will insure that all project purposes share equitably in the benefits of multiple-purpose construction.

(4) Costs of water quality control features incorporated in any Federal reservoir or other impoundment under the provisions of this Act shall be determined and the beneficiaries identified and if the benefits are widespread or national in scope, the costs of such features shall be nonreimbursable.

(c)(1) The Secretary shall, at the request of the Governor of a State, or a majority of the governors when more than one State is involved, make a grant to pay not to exceed 50 per centum of the administrative expenses of a planning agency for a period not to exceed 3 years, if such agency provides for adequate representation of appropriate State, interstate, local, or (when appropriate) international, interests in the basin or portion thereof involved and is capable of developing an effective comprehensive water quality control and abatement plan for a basin.

(2) Each planning agency receiving a grant under this subsection shall develop a comprehensive pollution control and abatement plan for the basin which—

(A) is consistent with any applicable water quality standards established pursuant to current law within the basin;

(B) recommends such treatment works and sewer systems as will provide the most effective and economical means of collection, storage, treatment, and purification of wastes and recommends means to encourage both municipal and industrial use of such works and systems; and

(C) recommends maintenance, and improvement of water quality standards within the basin or portion thereof and recommends methods of adequately financing those facilities as may be necessary to implement the plan.

(3) For the purposes of this subsection the term "basin" includes, but is not limited to, rivers and their tributaries, streams, coastal waters, sounds, estuaries, bays, lakes, and portions thereof, as well as the lands drained thereby.

INTERSTATE COOPERATION AND UNIFORM LAWS

SEC. 4. (a) The Secretary shall encourage cooperative activities by the States for the prevention and control of water pollution; encourage the enactment of improved and, so far as practicable, uniform State laws relating to the prevention and control of water pollution; and encourage compacts between States for the prevention and control of water pollution.

(b) The consent of the Congress is hereby given to two or more States to negotiate and enter into agreements or compacts, not in conflict with any law or treaty of the United States, for (1) cooperative effort and mutual assistance for the prevention and control of water pollution and the enforce-

ment of their respective laws relating thereto, and (2) the establishment of such agencies, joint or otherwise, as they may deem desirable for making effective such agreements and compacts. No such agreement or compact shall be binding or obligatory upon any State a party thereto unless and until it has been approved by the Congress.

RESEARCH, INVESTIGATIONS, TRAINING, AND INFORMATION

SEC. 5. (a) The Secretary shall conduct in the Department of Health, Education, and Welfare and encourage, cooperate with, and render assistance to other appropriate public (whether Federal, State, interstate, or local) authorities, agencies, and institutions, private agencies and institutions, and individuals, in the conduct of, and promote the coordination of, research, investigations, experiments, demonstrations, and studies relating to the causes, control, and prevention of water pollution. In carrying out the foregoing, the Secretary is authorized to—

(1) collect and make available, through publications and other appropriate means, the results of and other information as to research, investigations, and demonstrations relating to the prevention and control of water pollution, including appropriate recommendations in connection therewith;

(2) make grants-in-aid to public or private agencies and institutions and to individuals for research or training projects and for demonstrations, and provide for the conduct of research, training, and demonstrations by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes;

(3) secure, from time to time and for such periods as he deems advisable, the assistance and advice of experts, scholars, and consultants as authorized by section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a);

(4) establish and maintain research fellowships in the Department of Health, Education, and Welfare with such stipends and allowances, including traveling and subsistence expenses, as he may deem necessary to procure the assistance of the most promising research fellowships: *Provided*, That the Secretary shall report annually to the appropriate committees of Congress on his operations under this paragraph; and

(5) provide training in technical matters relating to the causes, prevention, and control of water pollution to personnel of public agencies and other persons with suitable qualifications.

(b) The Secretary may, upon request of any State water pollution control agency, or interstate agency, conduct investigations and research and make surveys concerning any specific problem of water pollution confronting any State, interstate agency, community, municipality, or industrial plant, with a view of recommending a solution of such problem.

(c) The Secretary shall, in cooperation with other Federal, State, and local agencies having related responsibilities, collect and disseminate basic data on chemical, physical, and biological water quality and other information insofar as such data or other information relate to water pollution and the prevention and control thereof.

(d) In carrying out the provisions of this section the Secretary shall develop and demonstrate under varied conditions (including conducting such basic and applied research, studies, and experiments as may be necessary):

(A) practicable means of treating municipal sewage and other waterborne wastes to remove the maximum possible amounts of physical, chemical, and biological pollutants in order to restore and maintain the maximum amount of the Nation's water at a quality suitable for repeated reuse;

(B) improved methods and procedures to identify and measure the effects of pollutants on water uses, including those pollutants created by new technological developments; and

(C) methods and procedures for evaluating the effects on water quality and water uses of augmented streamflows to control water pollution not susceptible to other means of abatement.

(e) The Secretary shall establish, equip, and maintain field laboratory and research facilities, including, but not limited to, one to be located in the northeastern area of the United States, one in the Middle Atlantic area, one in the southeastern area, one in the midwestern area, one in the southwestern area, one in the Pacific Northwest, and one in the State of Alaska, for the conduct of research, investigations, experiments, field demonstrations and studies, and training relating to the prevention and control of water pollution. Insofar as practicable, each such facility shall be located near institutions of higher learning in which graduate training in such research might be carried out.

(f) The Secretary shall conduct research and technical development work, and make studies, with respect to the quality of the waters of the Great Lakes, including an analysis of the present and projected future water quality of the Great Lakes under varying conditions of waste treatment and disposal, and evaluation of the water quality needs of those to be served by such waters, and evaluation of municipal, industrial, and vessel waste treatment and disposal practices with respect to such waters, and a study of alternate means of solving water pollution problems (including additional waste treatment measures) with respect to such waters.

(g) (1) For the purpose of providing an adequate supply of trained personnel to operate and maintain existing and future treatment works and related activities, and for the purpose of enhancing substantially the proficiency of those engaged in such activities, the Secretary shall finance a pilot program, in cooperation with State and interstate agencies, municipalities, educational institutions, and other organizations and individuals, of manpower development and training and retraining of persons in, or entering into, the field of operation and maintenance of treatment works and related activities. Such program and any funds expended for such a program shall supplement, not supplant, other manpower and training programs and funds available for the purposes of this paragraph. The Secretary is authorized, under such terms and conditions as he deems appropriate, to enter into agreements with one or more States, acting jointly or severally, or with other public or private agencies or institutions for the development and implementation of such a program.

(2) The Secretary is authorized to enter into agreements with public and private agencies and institutions, and individuals to develop and maintain an effective system for forecasting the supply of, and demand for, various professional and other occupational categories needed for the prevention, control, and abatement of water pollution in each region, State, or area of the United States and, from time to time, to publish the results of such forecasts.

(3) In furtherance of the purposes of this Act, the Secretary is authorized to—

(A) make grants to public or private agencies and institutions and to individuals for training projects, and provide for the conduct of training by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes;

(B) establish and maintain research fellowships in the Department of the Interior with such stipends and allowances, including traveling and subsistence expenses, as he may deem necessary to procure the assistance of the most promising research fellowships; and

(C) provide, in addition to the program established under paragraph (1) of this subsection, training in technical matters relating to the causes, prevention, and control of water pollution for personnel of public agencies and other persons with suitable qualifications.

(4) The Secretary shall submit, through the President, a report to the Congress within eighteen months from the date of enactment of this subsection, summarizing the actions taken under this subsection and the effectiveness of such actions, and setting forth the number of persons trained, the occupational categories for which training was provided, the effectiveness of other Federal, State, and local training programs in this field, together with estimates of future needs, recommendations on improving training programs, and such other information and recommendations, including legislative recommendations, as he deems appropriate.

(h) The Secretary is authorized to enter into contracts with, or make grants to, public or private agencies and organizations and individuals for (A) the purpose of developing and demonstrating new or improved methods for the prevention, removal, and control of natural or manmade pollution in lakes, including the undesirable effects of nutrients and vegetation, and (B) the construction of publicly owned research facilities, for such purpose.

(i) The Secretary shall—

(A) engage in such research, studies, experiments, and demonstrations as he deems appropriate, relative to the removal of oil from any waters and to the prevention and control of oil pollution;

(B) publish from time to time the results of such activities; and

(C) from time to time, develop and publish in the Federal Register specifications and other technical information on the various chemical compounds used as dispersants or emulsifiers in the control of oil spills.

In carrying out this subsection, the Secretary may enter into contracts with, or make grants to, public or private agencies and organizations and individuals.

(j) The Secretary shall engage in such research, studies, experiments, and demonstrations as he deems appropriate relative to equipment which is to be installed on board a vessel and is designed to receive, retain, treat, or discharge human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes with particular emphasis on equipment to be installed on small recreational vessels. The Secretary shall report to Congress the results of such research, studies, experiments, and demonstrations prior to the effective date of any standards established under section 13 of this Act. In carrying out this subsection the Secretary may enter into contracts with, or make grants to, public or private organizations and individuals.

(k) In carrying out the provisions of this section relating to the conduct by the Secretary of demonstration projects and the development of field laboratories and research facilities, the Secretary may acquire land and interests therein by purchase, with appropriated or donated funds, by donation, or by exchange for acquired or public lands under his jurisdiction which he classifies as suitable for disposition. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(l) (1) The Secretary shall, after consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, as soon as practicable but not later than two years after the effective date of this subsection, develop and issue to the States for the purpose of adopting standards pursuant to section 10(c) the latest scientific knowledge available in indicating the kind and extent of effects on health and welfare which may be expected from the presence of pesticides in the water in varying quantities. He shall revise and add to such information whenever necessary to reflect developing scientific knowledge.

(2) For the purpose of assuring effective implementation of standards adopted pursuant to paragraph (1) the President shall, in consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, conduct a study and investigation of methods to control the release of pesticides into the environment, which study shall include examination of the persistency of pesticides in the water environment and alternatives thereto. The President shall submit a report on such investigation to Congress together with his recommendations for any necessary legislation within two years after the effective date of this subsection.

[(g)] (m)(1) The Secretary shall, in cooperation with the Secretary of the Army, the Secretary of Agriculture, the Water Resources Council, and with other appropriate Federal, State, interstate, or local public bodies and private organizations, institutions, and individuals, conduct and promote, and encourage contributions to, a comprehensive study of the effects of pollution, including sedimentation, in the estuaries and estuarine zones of the United States on fish and wildlife, on sport and commercial fishing, on recreation, on water supply and water power, and on other beneficial purposes. Such study shall also consider the effect of demographic trends, the exploitation of mineral resources and fossil fuels, land and industrial development, navigation, flood and erosion control, and other uses of estuaries and estuarine zones upon the pollution of the waters therein.

(2) In conducting the above study, the Secretary shall assemble, coordinate, and organize all existing pertinent information on the Nation's estuaries and estuarine zones, carry out a program of investigations and surveys to supplement existing information in representative estuaries and estuarine zones and identify the problems and areas where further research and study are required.

(3) The Secretary shall submit to the Congress a final report of the study authorized by this subsection not later than three years after the date of enactment of this subsection. Copies of the report shall be made available to all interested parties, public and private. The report shall include, but not be limited to—

(A) an analysis of the importance of estuaries to the economic and social well-being of the people of the United States and of the effects of pollution upon the use and enjoyment of such estuaries;

(B) a discussion of the major economic, social, and ecological trends occurring in the estuarine zones of the Nation;

(C) recommendations for a comprehensive national program for the preservation, study, use, and development of estuaries of the Nation, and the respective responsibilities which should be assumed by Federal, State, and local governments and by public and private interests.

(4) There is authorized to be appropriated the sum of $1,000,000 per fiscal year for the fiscal years ending June 30, 1967, June 30, 1968, [and June 30, 1969,] *June 30, 1969, June 30, 1970, and June 30, 1971,* to carry out the purposes of this subsection.

(5) For the purpose of this subsection, the term "estuarine Zones" means an environmental system consisting of an estuary and those transitional areas which are consistently influenced or affected by water from an estuary such as, but not limited to, salt marshes, coastal and intertidal areas, bays, harbors, lagoons, inshore waters, and channels, and the term "estuary" means all or part of the mouth of a navigable or interstate river or stream or other body of water having unimpaired natural connection with open sea and within which the sea water is measurably diluted with fresh water derived from land drainage.

[(h)] (n) There is authorized to be appropriated to carry out this section, other than subsection [(g), not to exceed $60,000,000 for the fiscal year ending June 30, 1968, and $65,000,000 for the fiscal year ending June 30, 1969] *(g) (1) and (2), not to exceed $65,000,000 per fiscal year for each of the fiscal years ending June 30, 1969, and June 30, 1970, and June 30, 1971. There is authorized to be appropriated to carry out subsection (g) (1) of this section $5,000,000 for the fiscal year ending June 30, 1970, and $7,500,000 for the fiscal year ending June 30, 1971. There is authorized to be appropriated to carry out subsection (g)(2) of this section $2,500,000 per fiscal year for each of the fiscal years ending June 30, 1970, and June 30, 1971.* Sums so appropriated shall remain available until expended.

GRANTS FOR RESEARCH AND DEVELOPMENT

SEC. 6. (a) The Secretary is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the purpose of—

(1) assisting in the development of any project which will demonstrate a new or improved method of controlling the discharge into any waters of untreated or inadequately treated sewage or other wastes from sewers which carry storm water or both storm water and sewage or other wastes, or

(2) assisting in the development of any project which will demonstrate advanced waste treatment and water purification methods (including the temporary use of new or improved chemical additives which provide substantial immediate improvement to existing treatment processes) or new or improved methods of joint treatment systems for municipal and industrial wastes,

and for the purpose of reports, plans, and specifications in connection therewith.

(b) The Secretary is authorized to make grants to persons for research and demonstration projects for prevention of pollution of waters by industry including but not limited to, treatment of industrial waste.

(c) Federal grants under subsection (a) of this section shall be subject to the following limitations:

(1) No grant shall be made for any project pursuant to this section unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Secretary;

(2) No grant shall be made for any project in an amount exceeding 75 per centum of the estimated reasonable cost thereof as determined by the Secretary; and

(3) No grant shall be made for any project under this section unless the Secretary determines that such project will serve as a useful demonstration for the purpose set forth in clause (1) or (2) of subsection (a).

(d) Federal grants under subsection (b) of this section shall be subject to the following limitations:

(1) No grant shall be made under this section in excess of $1,000,000;

(2) No grant shall be made for more than 70 per centum of the cost of the project; and

(3) No grant shall be made for any project unless the Secretary determines that such project will serve a useful purpose in the development or demonstration of a new or improved method of treating industrial wastes or otherwise preventing pollution of waters by industry, which method shall have industry-wide application.

(e) For the purposes of this section there are authorized to be appropriated—

(1) for the fiscal year ending June 30, 1966, and for each of the next [three] *five* succeeding fiscal years, the sum of $20,000,000 per fiscal year for the purposes set forth in subsections (a) and (b) of this section, including contracts pursuant to such subsections for such purposes;

(2) for the fiscal year ending June 30, 1967, and for each of the next [two] *four* succeeding fiscal years, the sum of $20,000,000 per fiscal year for the purpose set forth in clause (2) of subsection (a); and

(3) for the fiscal year ending June 30, 1967, and for each of the next [two] *four succeeding* fiscal years, the sum of $20,000,000 per fiscal year for the purpose set forth in subsection (b).

GRANTS FOR WATER POLLUTION CONTROL PROGRAMS

SEC. 7. (a) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1957, and for each succeeding fiscal year to and including the fiscal year ending June 30, 1961, $3,000,000, for each succeeding fiscal year to and including the fiscal year ending June 30, 1967, $5,000,000, and for each succeeding fiscal year to and including the fiscal year ending June 30, 1971, $10,000,000 for grants to States and to interstate agencies to assist them in meeting the costs of establishing and maintaining adequate measures for the prevention and control of water pollution, including the training of personnel of public agencies.

(b) The portion of the sums appropriated pursuant to subsection (a) for a fiscal year which shall be available for grants to interstate agencies and the portion thereof which shall be available for grants to States shall be specified in the Act appropriating such sums.

(c) From the sums available therefor for any fiscal year the Secretary shall from time to time make allotments to the several States, in accordance with regulations, on the basis of (1) the population, (2) the extent of the water pollution problem, and (3) the financial need of the respective States.

(d) From each State's allotment under subsection (c) for any fiscal year the Secretary shall pay to such State an amount equal to its Federal share (as determined under subsection (h)) of the cost of carrying out its State plan approved under subsection (f), including the cost of training personnel for State and local water pollution control work and including the cost of administering the State plan.

(e) From the sums available therefor for any fiscal year the Secretary shall from time to time make allotments to interstate agencies, in accordance with regulations, on such basis as the Secretary finds reasonable and equitable. He shall from time to time pay to each such agency, from its allotment, an amount equal to such portion of the cost of carrying out its plan approved under subsection (f) as may be determined in accordance with regulations, including the cost of training personnel for water pollution control work and including the cost of administering the interstate agency's plan. The regulations relating to the portion of the cost of carrying out the interstate agency's plan which shall be borne by the United States shall be designed to place such agencies, so far as practicable, on a basis similar to that of the States.

(f) The Secretary shall approve any plan for the prevention and control of water pollution which is submitted by the State water pollution control agency or, in the case of an interstate agency, by such agency, if such plan—

(1) provides for administration or for the supervision of administration of the plan by the State water pollution control agency or, in the case of a plan submitted by an interstate agency, by such interstate agency;

(2) provides that such agency will make such reports, in such form and containing such information, as the Secretary may from time to time reasonably require to carry out his functions under this Act;

(3) sets forth the plans, policies, and methods to be followed in carrying out the State (or interstate) plan and in its administration;

(4) provides for extension or improvement of the State or interstate program for prevention and control of water pollution;

(5) provides such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of the plan; and

(6) sets forth the criteria used by the State in determining priority of projects as provided in section 8(b)(4).

The Secretary shall not disapprove any plan without first giving reasonable notice and opportunity for hearing to the State water pollution control agency or interstate agency which has submitted such plan.

(g)(1) Whenever the Secretary, after reasonable notice and opportunity for hearing to a State water pollution control agency or interstate agency finds that—

(A) the plan submitted by such agency and approved under this section has been so changed that it no longer complies with a requirement of subsection (f) of this section; or

(B) in the administration of the plan there is a failure to comply substantially with such a requirement,

the Secretary shall notify such agency that no further payments will be made to the State or to the interstate agency, as the case may be, under this section (or in his discretion that further payments will not be made to the State, or to the interstate agency, for projects under or parts of the plan affected by such failure) until he is satisfied that there will no longer be any such failure. Until he is so satisfied, the Secretary shall make no further payments to such State, or to such interstate agency, as the case may be, under this section (or shall limit payments to projects under or parts of the plan in which there is no such failure).

(2) If any State or any interstate agency is dissatisfied with the Secretary's action with respect to it under this subsection, it may appeal to the United States court of appeals for the circuit in which such State (or any of the member States, in the case of an interstate agency) is located. The summons and notice of appeal may be served at any place in the United States. The findings of fact by the Secretary, unless contrary to the weight of the evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action. Such new or modified findings of fact shall likewise be conclusive unless contrary to the weight of the evidence. The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in title 28, United States Code, section 1254.

(h)(1) The "Federal share" for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that (A) the Federal share shall in no case be more than 66⅔ per centum or less than 33⅓ per centum, and (B) the Federal share for Puerto Rico and the Virgin Islands shall be 66⅔ per centum.

(2) The "Federal shares" shall be promulgated by the Secretary between July 1 and September 30 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce.

(3) As used in this subsection, the term "United States" means the fifty States and the District of Columbia.

(4) Promulgations made before satisfactory data are available from the Department of Commerce for a full year on the per capita income of Alaska shall prescribe a Federal share for Alaska of 50 per centum and, for purposes of such promulgations, Alaska shall not be included as part of the "United States". Promulgations made thereafter but before per capita income data for Alaska for a full three-year period are available for the Department of Commerce shall be based on satisfactory data available therefrom for Alaska for such one full year or, when such data are available for a two-year period, for such two years.

(i) The population of the several States shall be determined on the basis of the latest figures furnished by the Department of Commerce.

(j) The method of computing and paying amounts pursuant to subsection (d) or (e) shall be as follows:

(1) The Secretary shall, prior to the beginning of each calendar quarter or other period prescribed by him, estimate the amount to be paid to each State (or to each interstate agency in the case of subsection (e)) under the provisions of such subsection for such period, such estimate to be based on such records of the State, (or the interstate agency) and information furnished by it, and such other investigation, as the Secretary may find necessary.

(2) The Secretary shall pay to the State (or to the interstate agency), from the allotment available therefor, the amount so estimated by him for any period, reduced or increased, as the case may be, by any sum (not previously adjusted under this paragraph) by which he finds that his estimate of the amount to be paid such State (or such interstate agency) for any prior period under such subsection was greater or less than the amount which should have been paid to such State (or such agency) for such prior period under such subsection. Such payments shall be made through the disbursing facilities of the Treasury Department, in such installments as the Secretary may determine.

GRANTS FOR CONSTRUCTION

SEC. 8. (a) The Secretary is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the construction of necessary treatment works to prevent the discharge of untreated or inadequately treated sewage or other waste into any waters and for the purpose of reports, plans, and specifications in connection therewith.

(b) Federal grants under this section shall be subject to the following limitations: (1) No grant shall be made for any project pursuant to this section unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Secretary and unless such project is included in a comprehensive program developed pursuant to this Act; (2) no grant shall be made for any project in an amount exceeding 30 per centum of the estimated reasonable cost thereof as determined by the Secretary; (3) no grant shall be made unless the grantee agrees to pay the remaining cost; (4) no grant shall be made for any project under this section until the applicant has made provision satisfactory to the Secretary for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof; and (5) no grant shall be made for any project under this section unless such project is in conformity with the State water pollution control plan submitted pursuant to the provisions of section 7 and has been certified by the appropriate State water pollution control agency as entitled to priority over other eligible projects on the basis of financial as well as water pollution control needs; (6) the percentage limitation of 30 per centum imposed by clause (2) of this subsection shall be increased to a maximum of 40 per centum in the case of grants made under this section from funds allocated for a fiscal year to a State under subsection (c) of this section if the State agrees to pay not less than 30 per centum of the estimated reasonable cost (as determined by the Secretary) of all projects for which Federal grants are to be made under this section from such allocation; (7) the percentage limitations imposed by clause (2) of this subsection shall be increased to a maximum of 50 per centum in the case of grants made under this section from funds allocated for a fiscal year to a State under subsection (c) of this section if the State agrees to pay not less than 25 per centum of the estimated reasonable costs (as determined by the Secretary) of all projects for which Federal grants are to be made under this section from such allocation and if enforceable water quality standards have been established for the waters into which the project discharges, in accordance with section 10(c) of this Act in the case of interstate waters, and under State law in the case of intrastate waters.

(c) In determining the desirability of projects for treatment works and of approving Federal financial aid in connection therewith, consideration shall be given by the Secretary to the public benefits to be derived by the construction and the propriety of Federal aid in such construction, the relation of the ultimate cost of constructing and maintaining the works to the public interest and to the public necessity for the works, and the adequacy of the provisions made or proposed by the applicant for such Federal financial aid for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof. The sums appropriated pursuant to subsection (d) for each fiscal year ending on or before June 30, 1965, and the first $100,000,000 appropriated pursuant to subsection (d) for each fiscal year beginning on or after July 1, 1965, shall be allotted by the Secretary from time to time, in accordance with regulations, as follows: (1) 50 per centum of such sums in the ratio that the population of each State bears to the population of all the States, and (2) 50 per centum of such sums in the ratio that the quotient obtained by dividing the per capita income of the United States by the per capita income of each State bears to the sum of such quotients for all the States. All sums in excess of $100,000,000 appropriated pursuant to subsection (d) for each fiscal year beginning on or after July 1, 1965, shall be allotted by the Secretary from time to time, in accordance with regulations, in the ratio that the population of each State bears to the population of all States. Sums allotted to a State under the two preceding sentences which are not obligated within six months following the end of the fiscal year for which they were allotted because of a lack of projects which have been approved by the State water pollution control agency under subsection (b)(1) of this section and certified as entitled to priority under sub-

section (b)(4) of this section, shall be reallotted by the Secretary, on such basis as he determines to be reasonable and equitable and in accordance with regulations promulgated by him, to States having projects approved under this section for which grants have not been made because of lack of funds *including States having projects eligible for reimbursement pursuant to the sixth and seventh sentences of this subsection: Provided, however,* That whenever a State has funds subject to reallocation and the Secretary finds that the need for a project in a community in such State is due in part to any Federal institution or Federal construction activity, he may, prior to such reallocation, make an additional grant with respect to such project which will in his judgment reflect an equitable contribution for the need caused by such Federal institution or activity. Any sum made available to a State by reallotment under the preceding sentence shall be in addition to any funds otherwise allotted to such State under this Act. The allotments of a State under the second, third, and fourth sentences of this subsection shall be available, in accordance with the provisions of this section, for payments with respect to projects in such State which have been approved under this section, except that in the case of any project on which construction was initiated in such State after June 30, 1966, which was approved by the appropriate State water pollution control agency and which the Secretary finds meets the requirements of this section but was constructed without such assistance, such allotments for any fiscal year ending prior to July 1, 1971, shall also be available for payments in reimbursement of State or local funds used for such project prior to July 1, 1971, to the extent that assistance could have been provided under this section if such project had been approved pursuant to this section and adequate funds had been available. In the case of any project on which construction was initiated in such State after June 30, 1966, and which was constructed with assistance pursuant to this section but the amount of such assistance was a lesser per centum of the cost of construction than was allowable pursuant to this section, such allotments shall also be available for payments in reimbursement of State or local funds used for such project prior to July 1, 1971, to the extent that assistance could have been provided under this section if adequate funds had been available. Neither a finding by the Secretary that a project meets the requirements of this subsection, nor any other provision of this subsection, shall be construed to constitute a commitment or obligation of the United States to provide funds to make or pay any grant for such project. For purposes of this section, population shall be determined on the basis of the latest decennial census for which figures are available, as certified by the Secretary of Commerce, and per capita income for each State and for the United States shall be determined on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce.

(d) There are hereby authorized to be appropriated for each fiscal year through and including the fiscal year ending June 30, 1961, the sum of $50,000,000 per fiscal year for the purpose of making grants under this section. There are hereby authorized to be appropriated, for the purpose of making grants under this section, $80,000,000 for the fiscal year ending June 30, 1962, $90,000,000 for the fiscal year ending June 30, 1963, $100,000,000 for the fiscal year ending June 30, 1964, $100,000,000 for the fiscal year ending June 30, 1965, $150,000,000 for the fiscal year ending June 30, 1966, $150,000,000 for the fiscal year ending June 30, 1967; $450,000,000 for the fiscal year ending June 30, 1968; $700,000,000 for the fiscal year ending June 30, 1969; $1,000,000,000 for the fiscal year ending June 30, 1970; and $1,250,000,000 for the fiscal year ending June 30, 1971. Sums so appropriated shall remain available until expended. At least 50 per centum of the funds so appropriated for each fiscal year ending on or before June 30, 1965, and at least 50 per centum of the first $100,000,000 so appropriated for each fiscal year beginning on or after July 1, 1965, shall be used for grants for the construction of treatment works servicing municipalities of one hundred and twenty-five thousand population or under.

(e) The Secretary shall make payments under this section through the disbursing facilities of the Department of the Treasury. Funds so paid shall be used exclusively to meet the cost of construction of the project for which the amount was paid. As used in this section the term "construction" includes preliminary planning to determine the economic and engineering feasibility of treatment works, the engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action necessary to the construction of treatment works; and the erection, building, acquisition, alteration, remodeling, improvement, or extension of treatment works; and the inspection and supervision of the construction of treatment works.

(f) Notwithstanding any other provisions of this section, the Secretary may increase the amount of a grant made under subsection (b) of this section by an additional 10 per centum of the amount of such grant for any project which has been certified to him by an official State, metropolitan, or regional planning agency empowered under State or local laws or interstate compact to perform metropolitan or regional planning for a metropolitan area within which the assistance is to be used, or other agency or instrumentality designated for such purposes by the Governor (or Governors in the case of interstate planning) as being in conformity with the comprehensive plan developed or in process of developemnt for such metropolitan area. For the purposes of this subsection, the term "metropolitan area" means either (1) a standard metropolitan statistical area as defined by the Bureau of the Budget, except as may be determined by the President as not being appropriate for the purposes hereof, or (2) any urban area, including those surrounding areas that form an economic and socially related region, taking into consideration such factors as present and future population trends and patterns or urban growth, location of transportation facilities and systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities, which in the opinion of the President lends itself as being appropriate for the purposes hereof.

(g) The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on projects for which grants are made under this section shall be paid wages at rates not less than those prevailing for the same type of work on similar construction in the immediate locality, as determined by the Secretary of Labor, in accordance with the Act of March 3, 1931, as amended, known as the Davis-Bacon Act (46 Stat. 1494; 40 U.S.C., secs. 276a through 276a–5). The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133z–15) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276c).

WATER POLLUTION CONTROL ADVISORY BOARD

SEC. 9. (a)(1) There is hereby established in the Department of Health, Education, and Welfare, a Water Pollution Control Advisory Board, composed of the Secretary or his designee, who shall be chairman, and nine members appointed by the President, none of whom shall be Federal officers or employees. The appointed members, having due regard for the purposes of this Act, shall be selected from among representatives of various State, interstate and local governmental agencies, of public or private interests contributing to, affected by, or concerned with water pollution, and of other public and private agencies, organizations, or groups demonstrating an active interest in the field of water pollution prevention and control, as well as other individuals who are expert in this field.

(2)(A) Each member appointed by the President shall hold office for a term of three years, except that (i) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (ii) the terms of office of the members first taking office after June 30, 1956, shall expire as follows: three at the end of one year after such date, three at the end of two years after such date, and three at the end of three years after such date, as designated by the President at the time of appointment, and (iii) the term of any member under the preceding provisions shall be extended until the date on which his successor's appointment is effective. None of the members appointed by the President shall be eligible for reappointment within one year after the end of his preceding term but terms commencing prior to the enactment of the Water Pollution Control Act Amendments of 1956 shall not be deemed "preceding terms" for purposes of this sentence.

(B) The members of the Board who are not officers or employees of the United States, while attending conferences or meetings of the Board or while otherwise serving at the request of the Secretary, shall be entitled to receive compensation at a rate to be fixed by the Secretary, but not exceeding $50 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

(b) The Board shall advise, consult with, and make recommendations to the Secretary on matters of policy relating to the activities and functions of the Secretary under this Act.

(c) Such clerical and technical assistance as may be necessary to discharge the duties of the Board shall be provided from the personnel of the Department of Health, Education, and Welfare.

ENFORCEMENT MEASURES AGAINST POLLUTION OF INTERSTATE OR NAVIGABLE WATERS

SEC. 10. (a) The pollution of interstate or navigable waters in or adjacent to any State or States (whether the matter causing or contributing to such pollution is discharged directly into such waters or reaches such waters after discharge into a tributary of such waters), which endangers the health or welfare of any persons, shall be subject to abatement as provided in this Act.

(b) Consistent with the policy declaration of this Act, State and interstate action to abate pollution of interstate or navigable waters shall be encouraged and shall not, except as otherwise provided by or pursuant to court order under subsection (h), be displaced by Federal enforcement action.

(c)(1) If the Governor of a State or a State water pollution control agency files, within one year after the date of enactment

of this subsection, a letter of intent that such State, after public hearings, will before June 30, 1967, adopt (A) water quality criteria applicable to interstate waters or portions thereof within such State, and (B) a plan for the implementation and enforcement of the water quality criteria adopted, and if such criteria and plan are established in accordance with the letter of intent, and if the Secretary determines that such State criteria and plan are consistent with paragraph (3) of this subsection, such State criteria and plan shall thereafter be the water quality standards applicable to such interstate waters or portions thereof.

(2) If a State does not (A) file a letter of intent or (B) establish water quality standards in accordance with paragraph (1) of this subsection, or if the Secretary or the Governor of any State affected by water quality standards established pursuant to this subsection desires a revision in such standards, the Secretary may, after reasonable notice and a conference of representatives of appropriate Federal departments and agencies, interstate agencies, States, municipalities and industries involved, prepare regulations setting forth standards of water quality to be applicable to interstate waters or portions thereof. If, within six months from the date the Secretary publishes such regulations, the State has not adopted water quality standards found by the Secretary to be consistent with paragraph (3) of this subsection, or a petition for public hearing has not been filed under paragraph (4) of this subsection, the Secretary shall promulgate such standards.

(3) Standards of quality established pursuant to this subsection shall be such as to protect the public health or welfare, enhance the quality of water and serve the purposes of this Act. In establishing such standards the Secretary, the Hearing Board, or the appropriate State authority shall take into consideration their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses. *In establishing such standards the Secretary, the hearing board, or the appropriate State authority shall take into consideration their use and value for navigation.*

(4) If at any time prior to 30 days after standards have been promulgated under paragraph (2) of this subsection, the Governor of any State affected by such standards petitions the Secretary for a hearing, the Secretary shall call a public hearing, to be held in or near one or more of the places where the water quality standards will take effect before a Hearing Board of five or more persons appointed by the Secretary. Each State which would be affected by such standards shall be given an opportunity to select one member of the Hearing Board. The Department of Commerce and other affected Federal departments and agencies shall each be given an opportunity to select a member of the Hearing Board and not less than a majority of the Hearing Board shall be persons other than officers or employees of the Department of Health, Education, and Welfare. The members of the Board who are not officers or employees of the United States, while participating in the hearing conducted by such Hearing Board or otherwise engaged on the work of such Hearing Board, shall be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding $100 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2), for persons in the Government service employed intermittently. Notice of such nearing shall be published in the Federal Register and given to the State water pollution control agencies, interstate agencies and municipalities involved at least 30 days prior to the date of such hearing. On the basis of the evidence presented at such hearing, the Hearing Board shall make findings as to whether the standards published or promulgated by the Secretary should be approved or modified and transmit its findings to the Secretary. If the Hearing Board approves the standards as published or promulgated by the Secretary, the standards shall take effect on receipt by the Secretary of the Hearing Board's recommendations. If the Hearing Board recommends modifications in the standards as published or promulgated, by the Secretary, the Secretary shall promulgate revised regulations setting forth standards of water quality in accordance with the Hearing Board's recommendations which will become effective immediately upon promulgation.

(5) The discharge of matter into such interstate waters or portions thereof, which reduces the quality of such waters below the water quality standards established under this subsection (whether the matter causing or contributing to such reduction is discharged directly into such waters or reaches such waters after discharge into tributaries of such waters), is subject to abatement in accordance with the provisions of paragraph (1) or (2) of subsection (g) of this section, except that at least 180 days before any abatement action is initiated under either paragraph (1) or (2) of subsection (g) as authorized by this subsection, the Secretary shall notify the violators and other interested parties of the violation of such standards. In any suit brought under the provisions of this subsection the court shall receive in evidence a transcript of the proceedings of the conference and hearing provided for in this subsection, together with the recommendations of the conference and Hearing Board and the recommendations and standards promulgated by the Secretary, and such additional evidence, including that relating to the alleged violation of the standards, as it deems necessary to a complete review of the standards and to a determination of all other issues relating to the alleged violation. The court, giving due consideration to the practicability and to the physical and economic feasibility of complying with such standards, shall have jurisdiction to enter such judgment and orders enforcing such judgment as the public interest and the equities of the case may require.

(6) Nothing in this subsection shall (A) prevent the application of this section to any case to which subsection (a) of this section would otherwise be applicable, or (B) extend Federal jurisdiction over water not otherwise authorized by this Act.

(7) In connection with any hearings under this section no witness or any other person shall be required to divulge trade secrets or secret processes.

(d) (1) Whenever requested by the Governor of any State or a State water pollution control agency, or (with the concurrence of the Governor and of the State water pollution control agency for the State in which the municipality is situated) the governing body of any municipality, the Secretary shall, if such request refers to pollution of waters which is endangering the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originates, give formal notification thereof to the water pollution control agency and interstate agency, if any, of the State or States where such discharge or discharges originate and shall call promptly a conference of such agency or agencies and of the State water pollution control agency and interstate agency, if any, of the State or States, if any, which may be adversely affected by such pollution. Whenever requested by the Governor of any State, the Secretary shall, if such request refers to pollution of interstate or navigable waters which is endangering the health or welfare of persons only in the requesting State in which the discharge or discharges (causing or contributing to such pollution) originate, give formal notification thereof to the water pollution control agency and interstate agency, if any, of such State and shall promptly call a conference of such agency or agencies, unless, in the judgment of the Secretary, the effect of such pollution on the legitimate uses of the waters is not of sufficient significance to warrant exercise of Federal jurisdiction under this section. The Secretary shall also call such a conference whenever, on the basis of reports, surveys, or studies, he has reason to believe that any pollution referred to in subsection (a) and endangering the health or welfare of persons in a State other than that in which the discharge or discharges originate is occurring; or he finds that substantial economic injury results from the inability to market shellfish or shellfish products in interstate commerce because of pollution referred to in subsection (a) and action of Federal, State, or local authorities.

(2) Whenever the Secretary, upon receipt of reports, surveys, or studies from any duly constituted international agency, has reason to believe that any pollution referred to in subsection (a) of this section which endangers the health or welfare of persons in a foreign country is occurring, and the Secretary of State requests him to abate such pollution, he shall give formal notification thereof to the State water pollution control agency of the State in which such discharge or discharges originate and to the interstate water pollution control agency, if any, and shall call promptly a conference of such agency or agencies, if he believes that such pollution is occurring in sufficient quantity to warrant such action. The Secretary, through the Secretary of State, shall invite the foreign country which may be adversely affected by the pollution to attend and participate in the conference, and the representative of such country shall, for the purpose of the conference and any further proceeding resulting from such conference, have all the rights of a State water pollution control agency. This paragraph shall apply only to a foreign country which the Secretary determines has given the United States essentially the same rights with respect to the prevention and control of water pollution occurring in that country as is given that country by this paragraph. Nothing in this paragraph shall be construed to modify, amend, repeal, or otherwise affect the provisions of the 1909 Boundary Waters Treaty between Canada and the United States or the Water Utilization Treaty of 1944 between Mexico and the United States (59 Stat. 1219), relative to the control and abatement of water pollution in waters covered by those treaties.

(3) The agencies called to attend such conference may bring such persons as they desire to the conference. In addition, it shall be the responsibility of the chairman of the conference to give every person contributing to the alleged pollution or affected by it an opportunity to make a full statement of his views to the conference. Not less than three week's prior notice of the conference date shall be given to such agencies.

(4) Following this conference, the Secretary shall prepare and forward to all the water pollution control agencies attending the conference a summary of conference discussions including (A) occurrence of pollution of interstate or navigable waters subject to abatement under this Act; (B) adequacy of measures taken toward abatement of the pollution; and (C) nature of delays, if any, being encountered in abating the pollution.

(e) If the Secretary believes, upon the conclusion of the conference or thereafter, that effective progress toward abatement of such pollution is not being made and that the health or welfare of any persons is being endangered, he shall recommend to the ap-

propriate State water pollution control agency that it take necessary remedial action. The Secretary shall allow at least six months from the date he makes such recommendations for the taking of such recommended action.

(f) (1) If, at the conclusion of the period so allowed, such remedial action has not been taken or action which in the judgment of the Secretary is reasonably calculated to secure abatement of such pollution has not been taken, the Secretary shall call a public hearing, to be held in or near one or more of the places where the discharge or discharges causing or contributing to such pollution originated, before a Hearing Board of five or more persons appointed by the Secretary. Each State in which any discharge causing or contributing to such pollution originates and each State claiming to be adversely affected by such pollution shall be given an opportunity to select one member of the Hearing Board and at least one member shall be a representative of the Department of Commerce, and not less than a majority of the Hearing Board shall be persons other than officers or employees of the Department of Health, Education, and Welfare. At least three weeks' prior notice of such hearing shall be given to the State water pollution control agencies and interstate agencies, if any, called to attend the aforesaid hearing and the alleged polluter or polluters. It shall be the responsibility of the Hearing Board to give every person contributing to the alleged pollution or affected by it an opportunity to make a full statement of his views to the Hearing Board. On the basis of the evidence presented at such hearing, the Hearing Board shall make findings as to whether pollution referred to in subsection (a) is occurring and whether effective progress toward abatement thereof is being made. If the Hearing Board finds such pollution is occurring and effective progress toward abatement thereof is not being made it shall make recommendations to the Secretary concerning the measures, if any, which it finds to be reasonable and equitable to secure abatement of such pollution. The Secretary shall send such findings and recommendations to the person or persons discharging any matter causing or contributing to such pollution, together with a notice specifying a reasonable time (not less than six months) to secure abatement of such pollution, and shall also send such findings and recommendations and such notice to the State water pollution control agency and to the interstate agency, if any, of the State or States where such discharge or discharges originate.

(2) In connection with any hearing called under this section the Secretary is authorized to require any person whose alleged activities result in discharges causing or contributing to water pollution to file with him, in such form as he may prescribe, a report based on existing data, furnishing such information as may reasonably be required as to the character, kind, and quantity of such discharges and the use of facilities or other means to prevent or reduce such discharges by the person filing such a report. Such report shall be made under oath or otherwise, as the Secretary may prescribe, and shall be filed with the Secretary within such reasonable period as the Secretary may prescribe, unless additional time be granted by the Secretary. No person shall be required in such report to divulge trade secrets or secret processes, and all information reported shall be considered confidential for the purposes of section 1905 of title 18 of the United States Code.

(3) If any person required to file any report under paragraph (2) of this subsection shall fail to do so within the time fixed by the Secretary for filing the same, and such failure shall continue for thirty days after notice of such default, such person shall forfeit to the United States the sum of $100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States brought in the district where such person has his principal office or in any district in which he does business. The Secretary may upon application therefor remit or mitigate any forfeiture provided for under this paragraph and he shall have authority to determine the facts upon all such applications.

(4) It shall be the duty of the various United States attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of such forfeitures.

(g) If action reasonably calculated to secure abatement of the pollution within the time specified in the notice following the public hearing is not taken, the Secretary—

(1) in the case of pollution of waters which is endangering the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originate, may request the Attorney General to bring a suit on behalf of the United States to secure abatement of pollution, and

(2) in the case of pollution of waters which is endangering the health or welfare of persons only in the State in which the discharge or discharges (causing or contributing to such pollution) originate, may, with the written consent of the Governor of such State, request the Attorney General to bring a suit on behalf of the United States to secure abatement of the pollution.

(h) The court shall receive in evidence in any such suit a transcript of the proceedings before the Board and a copy of the Board's recommendations and shall receive such further evidence as the court in its discretion deems proper. The court, giving due consideration to the practicability and to the physical and economic feasibility of securing abatement of any pollution proved, shall have jurisdiction to enter such judgment, and orders enforcing such judgment, as the public interest and the equities of the case may require.

(i) Members of any Hearing Board appointed pursuant to subsection (f) who are not regular full-time officers or employees of the United States shall, while participating in the hearing conducted by such Board or otherwise engaged on the work of such Board, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding $100 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

(j) As used in this section the term—

(1) "person" includes an individual, corporation, partnership, association, State, municipality, and political subdivision of a State, and

(2) "municipality" means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law.

(k) (1) At the request of a majority of the conferees in any conference called under this section the Secretary is authorized to request any person whose alleged activities result in discharges causing or contributing to water pollution, to file with him a report (in such form as may be prescribed in regulations promulgated by him) based on existing data, furnishing such information as may reasonably be requested as to the character, kind, and quantity of such discharges and the use of facilities or other means to prevent or reduce such discharges by the person filing such a report. No person shall be required in such report to divulge trade secrets or secret processes, and all information reported shall be considered confidential for the purposes of section 1905 of title 18 of the United States Code.

(2) If any person required to file any report under this subsection shall fail to do so within the time fixed by regulations for filing the same, and such failure shall continue for thirty days after notice of such default, such person may, by order of a majority of the conferees, be subject to a forfeiture of $100 for each and every day of the continuance of such failure which forfeiture shall be payable into the Treasury of the United States and shall be recoverable in a civil suit in the name of the United States brought in the district where such person has his principal office or in any district in which he does business. The Secretary may upon application therefor remit or mitigate any forfeiture provided for under this subsection and he shall have authority to determine the facts upon all such applications.

(3) It shall be the duty of the various United States attorneys, under the direction of the Attorney General of the United States to prosecute for the recovery of such forfeitures.

Control of pollution by oil

Sec. 11. (a) For the purpose of this section, the term—

(1) "oil" means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil;

(2) "discharge" includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping;

(3) "vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel;

(4) "public vessel" means a vessel owned or bare-boat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce:

(5) "United States" means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

(6) "owner or operator" means (A) in the case of a vessel, any person owning, operating, or chartering by demise, such vessel, and (B) in the case of an onshore facility, and an offshore facility, any person owning or operating such onshore facility or offshore facility, and (C) in the case of any abandoned offshore facility, the person who owned or operated such facility immediately prior to such abandonment;

(7) "person" includes an individual, firm, corporation, association, and a partnership;

(8) "remove" or "removal" refers to removal of the oil from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches;

(9) "contiguous zone" means the entire zone established or to be established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone;

(10) "onshore facility" means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land within the United States other than submerged land;

(11) "offshore facility" means any facility of any kind located in, on, or under, any of the navigable waters of the United States other than a vessel or a public vessel;

(12) "act of God" means an act occasioned by an unanticipated grave natural disaster;

(13) "barrel" means 42 United States gallons at 60 degrees Fahrenheit.

(b)(1) The Congress hereby declares that it is the policy of the United States that there should be no discharges of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone.

(2) The discharge of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone in harmful quantities as determined by the President under paragraph (3) of this subsection, is prohibited, except (A) in the case of such discharge into the waters of the contiguous zone, where permitted under article IV of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended, and (B) where permitted in quantities and at times and locations or under such circumstances or conditions as the President may, by regulation, determine not to be harmful. Any regulations issued under this subsection shall be consistent with maritime safety and with marine and navigation laws and regulations and applicable water quality standards.

(3) The President shall by regulation, to be issued as soon as possible after the date of enactment of this paragraph, determine for the purposes of this section, those quantities of oil the discharge of which, at such times, locations, circumstances, and conditions, will be harmful to the public health or welfare of the United States, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches except that in the case of the discharge of oil into or upon the waters of the contiguous zone, only those discharges which threaten the fishery resources of the contiguous zone or threaten to pollute or contribute to the pollution of the territory or the territorial sea of the United States may be determined to be harmful.

(4) Any person in charge of a vessel or of an onshore facility or an offshore facility shall, as soon as he has knowledge of any discharge of oil from such vessel or facility in violation of paragraph (2) of this subsection, immediately notify the appropriate agency of the United States Government of such discharge. Any such person who fails to notify immediately such agency of such discharge shall, upon conviction, be fined not more than $10,000, or imprisoned for not more than one year, or both. Notification received pursuant to this paragraph or information obtained by the exploitation of such notification shall not be used against any such person in any criminal case, except a prosecution for perjury or for giving a false statement.

(5) Any owner or operator of any vessel, onshore facility, or offshore facility from which oil is knowingly discharged in violation of paragraph (2) of this subsection shall be assessed a civil penalty by the Secretary of the department in which the Coast Guard is operating of not more than $10,000 for each offense. No penalty shall be assessed unless the owner or operator charged shall have been given notice and opportunity for a hearing on such charge. Each violation is a separate offense. Any such civil penalty may be compromised by such Secretary. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the owner or operator charged, the effect on the owner or operator's ability to continue in business, and the gravity of the violation, shall be considered by such Secretary. The Secretary of the Treasury shall withhold at the request of such Secretary the clearance required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), of any vessel the owner or operator of which is subject to the foregoing penalty. Clearance may be granted in such cases upon the filing of a bond or other surety satisfactory to such Secretary.

(c)(1) Whenever any oil is discharged, into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone, the President is authorized to act to remove or arrange for the removal of such oil at any time, unless he determines such removal will be done properly by the owner or operator of the vessel, onshore facility, or offshore facility from which the discharge occurs.

(2) Within sixty days after the effective date of this section, the President shall prepare and publish a National Contingency Plan for removal of oil pursuant to this subsection. Such National Contingency Plan shall provide for efficient, coordinated, and effective action to minimize damage from oil discharges, including containment, dispersal, and removal of oil, and shall include, but not be limited to—

(A) assignment of duties and responsibilities among Federal departments and agencies in coordination with State and local agencies, including, but not limited to, water pollution control, conservation, and port authorities;

(B) identification, procurement, maintenance, and storage of equipment and supplies;

(C) establishment or designation of a strike force consisting of personnel who shall be trained, prepared, and available to provide necessary services to carry out the Plan, including the establishment at major ports, to be determined by the President, of emergency task forces of trained personnel, adequate oil pollution control equipment and material, and a detailed oil pollution prevention and removal plan;

(D) a system of surveillance and notice designed to insure earliest possible notice of discharges of oil to the appropriate Federal agency;

(E) establishment of a national center to provide coordination and direction for operations in carrying out the Plan;

(F) procedures and techniques to be employed in identifying, containing, dispersing, and removing oil; and

(G) a schedule, prepared in cooperation with the States, identifying (i) dispersants and other chemicals, if any, that may be used in carrying out the Plan, (ii) the waters in which such dispersants and chemicals may be used, and (iii) the quantities of such dispersant or chemical which can be used safely in such waters, which schedule shall provide in the case of any dispersant, chemical, or waters not specifically identified in such schedule that the President, or his delegate, may, on a case-by-case basis, identify the dispersants and other chemicals which may be used, the waters in which they may be used, and the quantities which can be used safely in such waters.

The President may, from time to time, as he deems advisable, revise or otherwise amend the National Contingency Plan. After publication of the National Contingency Plan, the removal of oil and actions to minimize damage from oil discharges shall, to the greatest extent possible, be in accordance with the National Contingency Plan.

(d) Whenever a marine disaster in or upon the navigable waters of the United States has created a substantial threat of a pollution hazard to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and the public and private shorelines and beaches of the United States, because of a discharge, or an imminent discharge, of large quantities of oil from a vessel the United States may (A) coordinate and direct all public and private efforts directed at the removal or elimination of such threat; and (B) summarily remove, and, if necessary, destroy such vessel by whatever means are available without regard to any provision of law governing the employment of personnel or the expenditure of appropriated funds. Any expense incurred under this subsection shall be a cost incurred by the United States Government for the purposes of subsection (f) in the removal of oil.

(e) In addition to any other action taken by a State or local government, when the President determines there is an imminent and substantial threat to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and public and private property, shorelines, and beaches within the United States, because of an actual or threatened discharge of oil into or upon the navigable waters of the United States from an onshore or offshore facility, the President may require the United States attorney of the district in which the threat occurs to secure such relief as may be necessary to abate such threat, and the district courts of the United States shall have jurisdiction to grant such relief as the public interest and the equities of the case may require.

(f)(1) Except where an owner or operator can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any vessel from which oil is discharged in violation of subsection (b)(2) of this section shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed $100 per gross ton of such vessel or $14,000,000, whichever is lesser, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. Such costs shall constitute a maritime lien on such vessel which may be recovered in an action in rem in the district court of the United States for any district within which any vessel may be found. The United States may also bring an action against the owner or operator of such vessel in any court of competent jurisdiction to recover such costs.

(2) Except where an owner or operator of an onshore facility can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any such facility from which oil is discharged in violation of subsection (b)(2) of this section shall be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed $8,000,000, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. The United States may bring an action against the owner or operator of such facility in any court of competent jurisdiction to recover such costs. The Secretary is authorized, by regulation, after consultation with the Secretary of Commerce and the Small Business Administration, to establish reasonable and equitable classifications of those onshore facilities having a total fixed storage capacity of 1,000 barrels or less which

he determines because of size, type, and location do not present a substantial risk of the discharge of oil in violation of subsection (b) (2) of this section, and apply with respect to such classifications differing limits of liability which may be less than the amount contained in this paragraph.

(3) Except where an owner or operator of an offshore facility can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any such facility from which oil is discharged in violation of subsection (b) (2) of this section shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed $8,000,000, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. The United States may bring an action against the owner or operator of such a facility in any court of competent jurisdiction to recover such costs.

(g) In any case where an owner or operator of a vessel, of an onshore facility, or of an offshore facility, from which oil is discharged in violation of subsection (b) (2) of this section proves that such discharge of oil was caused solely by an act or omission of a third party, or was caused solely by such an act or omission in combination with an act of God, an act of war, or negligence on the part of the United States Government, such third party shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for removal of such oil by the United States Government, except where such third party can prove that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of another party without regard to whether such act or omission was or was not negligent, or any combination of the foregoing clauses. If such third party was the owner or operator of a vessel which caused the discharge of oil in violation of subsection (b) (2) of this section, the liability of such third party under this subsection shall not exceed $100 per gross ton of such vessel or $14,000,000, whichever is the lesser. In any other case the liability of such third party shall not exceed the limitation which would have been applicable to the owner or operator of the vessel or the onshore or offshore facility from which the discharge actually occurred, if such owner or operator were liable. If the United States can show that the discharge of oil in violation of subsection (b) (2) of this section was the result of willful negligence or willful misconduct within the privity and knowledge of such third party, such third partly shall be liable to the United States Government for the full amount of such removal costs. The United States may bring an action against the third party in any court of competent jurisdiction to recover such removal costs.

(h) The liabilities established by this section shall in no way affect any rights which (1) the owner or operator of a vessel or of an onshore facility or an offshore facility may have against any third party whose acts may in any way have caused or contributed to such discharge, or (2) the United States Government may have against any third party whose actions may in any way have caused or contributed to the discharge of oil.

(i) (1) In any case where an owner or operator of a vessel or an onshore facility or an offshore facility from which oil is discharged in violation of subsection (b) (2) of this section acts to remove such oil in accordance with regulations promulgated pursuant to this section, such owner or operator shall be entitled to recover the reasonable costs incurred in such removal upon establishing, in a suit which may be brought against the United States Government in the United States Court of Claims, that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether such act or omission was or was not negligent, or of any combination of the foregoing causes.

(2) The provisions of this subsection shall not apply in any case where liability is established pursuant to the Outer Continental Shelf Lands Act.

(3) Any amount paid in accordance with a judgment of the United States Court of Claims pursuant to this section shall be paid from the fund established pursuant to subsection (k).

(j) (1) Consistent with the National Contingency Plan required by subsection (c) (2) of this section, as soon as practicable after the effective date of this section, and from time to time thereafter, the President shall issue regulations consistent with maritime safety and with marine and navigation laws (A) establishing methods and procedures for removal of discharged oil, (B) establishing criteria for the development and implementation of local and regional oil removal contingency plans, (C) establishing procedures, methods, and requirements for equipment to prevent discharges of oil from vessels and from onshore facilities and offshore facilities, and (D) governing the inspection of vessels carrying cargoes of oil and the inspection of such cargoes in order to reduce the likelihood of discharges of oil from such vessels in violation of this section.

(2) Any owner or operator of a vessel or an onshore facility or an offshore facility and any other person subject to any regulation issued under paragraph (1) of this subsection who fails or refuses to comply with the provisions of any such regulation, shall be liable to a civil penalty of not more than $5,000 for each such violation. Each violation shall be a separate offense. The President may assess and compromise such penalty. No penalty shall be assessed until the owner, operator, or other person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the owner, operator, or other person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by the President.

(k) There is hereby authorized to be appropriated to a revolving fund to be established in the Treasury not to exceed $35,000,000 to carry out the provisions of subsections (c), (i), and (l) of this section and section 12 of this Act. Any other funds received by the United States under this section shall also be deposited in said fund for such purposes. All sums appropriated to, or deposited in, said fund shall remain available until expended.

(l) The President is authorized to delegate the administration of this section to the heads of those Federal departments, agencies, and instrumentalities which he determines to be appropriate. Any moneys in the fund established by subsection (k) of this section shall be available to such Federal departments, agencies, and instrumentalities to carry out the provisions of subsections (c) and (i) of this section and section 12 of this Act. Each such department, agency, and instrumentality, in order to avoid duplication of effort, shall, whenever appropriate, utilize the personnel, services, and facilities of other Federal departments, agencies, and instrumentalities.

(m) Anyone authorized by the President to enforce the provisions of this section may, except as to public vessels, (A) board and inspect any vessel upon the navigable waters of the United States or the waters of the contiguous zone, (B) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (C) execute any warrant or other process issued by an officer or court of competent jurisdiction.

(n) The several district courts of the United States are invested with jurisdiction for any actions, other than actions pursuant to subsection (i) (1), arising under this section. In the case of Guam, such actions may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the United States District Court for the District of the Canal Zone.

(o) (1) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, or of any owner or operator of any onshore facility or offshore facility to any person or agency under any provision of law for damages to any publicly-owned or privately-owned property resulting from a discharge of any oil or from the removal of any such oil.

(2) Nothing in this section shall be construed as preempting any State or political subdivision thereof from imposing any requirement or liability with respect to the discharge of oil into any waters within such State.

(3) Nothing in this section shall be construed as affecting or modifying any other existing authority of any Federal department, agency, or instrumentality, relative to onshore or offshore facilities under this Act or any other provision of law, or to affect any State or local law not in conflict with this section.

(p) (1) Any vessel over three hundred gross tons, including any barge of equivalent size, using any port or place in the United States or the navigable waters of the United States for any purpose shall establish and maintain under regulations to be prescribed from time to time by the President, evidence of financial responsibility of $100 per gross ton, or $14,000,000 whichever is the lesser, to meet the liability to the United States which such vessel could be subjected under this section. In cases where an owner or operator owns, operates, or charters, more than one such vessel, financial responsibility need only be established to meet the maximum liability to which the largest of such vessels could be subjected. Financial responsibility may be established by any one of, or a combination of, the following methods acceptable to the President: (A) evidence of insurance, (B) surety bonds, (C) qualification as a self-insurer, or (D) other evidence of financial responsibility. Any bond filed shall be issued by a bonding company authorized to do business in the United States.

(2) The provisions of paragraph (1) of this subsection shall be effective one year after the effective date of this section. The President shall delegate the responsibility to carry out the provisions of this subsection to the appropriate agency head within sixty days after the date of enactment of this section. Regulations necessary to implement this subsection shall be issued within six

months after the date of enactment of this section.

(3) Any claim for costs incurred by such vessel may be brought directly against the insurer or any other person providing evidence of financial responsibility as required under this subsection. In the case of any action pursuant to this subsection such insurer or other person shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if an action had been brought against him by the claimant, and which would have been available to him if an action had been brought against him by the owner or operator.

(4) The Secretary of Transportation, in consultation with the Secretaries of Interior, State, Commerce, and other interested Federal agencies, representatives of the merchant marine, oil companies, insurance companies, and other interested individuals and organizations, and taking into account the results of the application of paragraph (1) of this subsection, shall conduct a study of the need for and, to the extent determined necessary—

(A) other measures to provide financial responsibility and limitation of liability with respect to vessels using the navigable waters of the United States;

(B) measures to provide financial responsibility for all onshore and offshore facilities; and

(C) other measures for limitation of liability of such facilities;

for the cost of removing discharged oil and paying all damages resulting from the discharge of such oil. The Secretary of Transportation shall submit a report, together with any legislative recommendations, to Congress and the President by January 1, 1971.

Control of hazardous polluting substances

Sec. 12. (a) The President shall, in accordance with subsection (b) of this section, develop, promulgate, and revise as may be appropriate, regulations (1) designating as hazardous substances, other than oil as defined in section 11 of this Act, such elements and compounds which, when discharged in any quantity into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, present an imminent and substantial danger to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, shorelines, and beaches; and (2) establishing, if appropriate, recommended methods and means for the removal of such substances.

(b) Sections 551 through 559, inclusive (other than section 553(c)), and 701 through 706, inclusive, of title 5, United States Code, shall apply to regulations issued under authority of this section.

(c) In order to facilitate the removal, if appropriate, of any hazardous substance any person in charge of a vessel or of an onshore or offshore facility of any kind shall, as soon as he has knowledge of any discharge of such substance from such vessel or facility, immediately notify the appropriate agency of the United States of such discharge.

(d) Whenever any hazardous substance is discharged into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, unless removal is immediately undertaken by the owner or operator of the vessel or onshore or offshore facility from which the discharge occurs or which caused the discharge, pursuant to the regulations promulgated under this section, the President, if appropriate, shall remove or arrange for the removal thereof in accordance with such regulations. Nothing in this subsection shall be construed to restrict the authority of the President to act to remove or arrange for the removal of such hazardous substance at any time.

(e) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, onshore or offshore facility to any person or agency under any provision of law for damages to any publicly- or privately-owned property resulting from a discharge of any hazardous substance or from the removal of any such substance.

(f)(1) For the purposes of this section the definitions in subsection (a) of section 11 of this Act shall be applicable to the provisions of this section, except as provided in paragraph (2) of this subsection:

(2) For the purpose of this section, the term—

(A) "remove" or "removal" refers to removal of the hazardous substances from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches;

(B) "owner or operator" means any person owning, operating, chartering by demise, or otherwise controlling the operations of, a vessel, or any person owning, operating, or otherwise controlling the operations of an onshore or offshore facility; and

(C) "offshore or onshore facility" means any facility of any kind and related appurtenances thereto which is located in, on, or under the surface of any land, or permanently or temporarily affixed to any land, including lands beneath the navigable waters of the United States and which is used or capable of use for the purpose of processing, transporting, producing, storing, or transferring for commercial purposes any hazardous substance designated under this section.

(g) The President shall submit a report to the Congress, together with his recommendations, not later than November 1, 1970, on the need for, and desirability of, enacting legislation to impose liability for the cost of removal of hazardous substances discharged from vessels and onshore and offshore facilities subject to this section including financial responsibility requirements. In preparing this report, the President shall conduct an accelerated study which shall include, but not be limited to, the method and measures for controlling hazardous substances to prevent this discharge, and the most appropriate measures for (1) enforcement (including the imposition of civil and criminal penalties for discharges and for failure to notify) and (2) recovery of costs incurred by the United States if removal is undertaken by the United States. In carrying out this study, the President shall consult with the interested representatives of the various public and private groups that would be affected by such legislation as well as other interested persons.

(h) Any moneys in the funds established by section 11 of this Act shall be available to the President to carry out the purposes of this section. In carrying out this section the President shall utilize the personnel, services, and facilities of Federal departments, agencies, and instrumentalities in such manner as will avoid duplication of effort.

Control of Sewage from Vessels

Sec. 13. (a) For the purpose of this section, the term—

(1) "new vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated after promulgation of standards and regulations under this section;

(2) "existing vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated before promulgation of standards and regulations under this section;

(3) "public vessel" means a vessel owned or bareboat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce;

(4) "United States" includes the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands; Guam, American Samoa, the Canal Zone, and the Trust Territory of the Pacific Islands;

(5) "marine sanitation device" includes any equipment for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage;

(6) "sewage" means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

(7) "manufacturer" means any person engaged in the manufacturing, assembling, or importation of marine sanitation devices or of vessels subject to standards and regulations promulgated under this section;

(8) "person" means an individual, partnership, firm, corporation, or association, but does not include an individual on board a public vessel;

(9) "discharge" includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(b)(1) As soon as possible, after the enactment of this section and subject to the provisions of section 5(j) of this Act, the Secretary, after consultation with the Secretary of the department in which the Coast Guard is operating, after giving appropriate consideration to the economic costs involved, and within the limits of available technology, shall promulgate Federal standards of performance for marine sanitation devices (hereafter in this section referred to as "standards") which shall be designed to prevent the discharge of untreated or inadequately treated sewage into or upon the navigable waters of the United States from new vessels and existing vessels, except vessels not equipped with installed toilet facilities. Such standards shall be consistent with maritime safety and the marine and navigation laws and regulations and shall be coordinated with the regulations issued under this subsection by the Secretary of the department in which the Coast Guard is operating. The Secretary of the department in which the Coast Guard is operating shall promulgate regulations, which are consistent with standards promulgated under this subsection and with maritime safety and the marine and navigation laws and regulations, governing the design, construction, installation, and operation of any marine sanitation device on board such vessels.

(2) Any existing vessel equipped with a marine sanitation device on the date of promulgation of initial standards and regulations under this section, which device is in compliance with such initial standards and regulations, shall be deemed in compliance with this section until such time as the device is replaced or is found not to be in compliance with such initial standards and regulations.

(c)(1) Initial standards and regulations under this section shall become effective for new vessels two years after promulgation; and for existing vessels five years after promulgation. Revisions of standards and regulations shall be effective upon promulgation, unless another effective date is specified, except that no revision shall take effect before the effective date of the standard or regulation being revised.

(2) The Secretary of the department in which the Coast Guard is operating with regard to his regulatory authority established by this section, after consultation with the Secretary, may distinguish among classes, types, and sizes of vessels as well as between new and existing vessels, and may waive ap-

plicability of standards and regulations as necessary or appropriate for such classes, types, and sizes of vessels (including existing vessels equipped with marine sanitation devices on the date of promulgation of the initial standards required by this section), and, upon application, for individual vessels.

(d) The provisions of this section and the standards and regulations promulgated hereunder apply to vessels owned and operated by the United States unless the Secretary of Defense finds that compliance would not be in the interest of national security. With respect to vessels owned and operated by the Department of Defense, regulations under the last sentence of subsection (b)(1) and certifications under subsection (g)(2) of this section shall be promulgated and issued by the Secretary of Defense.

(e) Before the standards and regulations under this section are promulgated, the Secretary and the Secretary of the department in which the Coast Guard is operating shall consult with the Secretary of State; the Secretary of Health, Education, and Welfare; the Secretary of Defense; the Secretary of the Treasury; the Secretary of Commerce; other interested Federal agencies; and the States and industries interested; and otherwise comply with the requirements of section 553 of title 5 of the United States Code.

(f) After the effective date of the initial standards and regulations promulgated under this section, no State or political subdivision thereof shall adopt or enforce any statute or regulation of such State or political subdivision with respect to the design, manufacture, or installation or use of any marine sanitation device on any vessel subject to the provisions of this section. Upon application by a State, and where the Secretary determines that any applicable water quality standards require such a prohibition, he shall by regulation completely prohibit the discharge from a vessel of any sewage (whether treated or not) into those waters of such State which are the subject of the application and to which such standards apply.

(g)(1) No manufacturer of a marine sanitation device shall sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States for sale or resale any marine sanitation device manufactured after the effective date of the standards and regulations promulgated under this section unless such device is in all material respects substantially the same as a test device certified under this subsection.

(2) Upon application of the manufacturer, the Secretary of the department in which the Coast Guard is operating shall so certify a marine sanitation device if he determines, in accordance with the provisions of this paragraph, that it meets the appropriate standards and regulations promulgated under this section. The Secretary of the department in which the Coast Guard is operating shall test or require such testing of the device in accordance with procedures set forth by the Secretary as to standards of performance and for such other purposes as may be appropriate. If the Secretary of the department in which the Coast Guard is operating determines that the device is satisfactory from the standpoint of safety and any other requirements of maritime law or regulation, and after consideration of the design, installation, operation, material, or other appropriate factors, he shall certify the device. Any device manufactred by such manufacturer which is in all material respects substantially the same as the certified test device shall be deemed to be in conformity with the appropriate standards and regulations established under this section.

(3) Every manufacturer shall establish and maintain such records, make such reports, and provide such information as the Secretary or the Secretary of the department in which the Coast Guard is operating may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this section and regulations issued thereunder and shall, upon request of an officer or employee duly designated by the Secretary or the Secretary of the department in which the Coast Guard is operating, permit such officer or employee at reasonable times to have access to and copy such records. All information reported to or otherwise obtained by, the Secretary or the Secretary of the department in which the Coast Guard is operating or their representatives pursuant to this subsection which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this section. This paragraph shall not apply in the case of the construction of a vessel by an individual for his own use.

(h) After the effective date of standards and regulations promulgated under this section, it shall be unlawful—

(1) for the manufacture of any vessel subject to such standards and regulations to manufacture for sale, to sell or offer for sale, or to distribute for sale or resale any such vessel unless it is equipped with a marine sanitation device which is in all material respects substantially the same as the appropriate test device certified pursuant to this section;

(2) for any person, prior to the sale or delivery of a vessel subject to such standards and regulations to the ultimate purchaser, wrongfully to remove or render inoperative any certified marine sanitation device or element of design of such device installed in such vessel;

(3) for any person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information required under this section; and

(4) for a vessel subject to such standards and regulations to operate on the navigable waters of the United States, if such vessel is not equipped with an operable marine sanitation device certified pursuant to this section.

(i) The district courts of the United States shall have jurisdictions to restrain violations of subsection (g)(1) and subsections (h)(1) through (3) of this section. Actions to restrain such violations shall be brought by, and in, the name of the United States. In case of contumacy or refusal to obey a subpena served upon any person under this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(j) Any person who violates subsection (g)(1) or clause (1) or (2) of subsection (h) of this section shall be liable to a civil penalty of not more than $5,000 for each violation. Any person who violates clause (4) of subsection (h) of this section or any regulation issued pursuant to this section shall be liable to a civil penalty of not more than $2,000 for each violation. Each violation shall be a separate offense. The Secretary of the department in which the Coast Guard is operating may assess and compromise any such penalty. No penalty shall be assessed until the person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by said Secretary.

(k) The provisions of this section shall be enforced by the Secretary of the department in which the Coast Guard is operating and he may utilize by agreement, with or without reimbursement, law enforcement officers or other personnel and facilities of the Secretary, other Federal agencies, or the States to carry out the provisions of this section.

(l) Anyone authorized by the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this section may, except as to public vessels, (1) board and inspect any vessel upon the navigable waters of the United States and (2) execute any warrant or other process issued by an officer or court of competent jurisdiction.

(m) In the case of Guam, actions arising under this section may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the District Court for the District of the Canal Zone.

Area Acid and Other Mine Water Pollution Control Demonstrations

Sec. 14. (a) The Secretary in cooperation with other Federal departments, agencies, and instrumentalities is authorized to enter into agreements with any State or interstate agency to carry out one or more projects to demonstrate methods for the elimination or control, within all or part of a watershed, of acid or other mine water pollution resulting from active or abandoned mines. Such projects shall demonstrate the engineering and economic feasibility and practicality of various abatement techniques which will contribute substantially to effective and practical methods of acid or other mine water pollution elimination or control.

(b) The Secretary, in selecting watersheds for the purposes of this section shall (1) require such feasibility studies as he deems appropriate, (2) give preference to areas which have the greatest present or potential value for public use for recreation, fish and wildlife, water supply, and other public uses, and (3) be satisfied that the project area will not be affected adversely by the influx of acid or other mine water pollution from nearby sources.

(c) Federal participation in such projects shall be subject to the conditions—

(1) that the State or interstate agency shall pay not less than 25 per centum of the actual project costs which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, or personal property or services, the value of which shall be determined by the Secretary; and

(2) that the State or interstate agency shall provide legal and practical protection to the project area to insure against any activities which will cause future acid or other mine water pollution.

(d) There is authorized to be appropriated $15,000,000 to carry out the provisions of this section, which sum shall be available until expended. No more than 25 per centum of the total funds available under this section in any one year shall be granted to any one State.

Pollution Control in Great Lakes

Sec. 15. (a) The Secretary, in cooperation with other Federal departments, agencies, and instrumentalities is authorized to enter into agreements with any State, political

subdivision, interstate agency, or other public agency, or combination thereof, to carry out one or more projects to demonstrate new methods and techniques and to develop preliminary plans for the elimination or control of pollution, within all or any part of the watersheds of the Great Lakes. Such projects shall demonstrate the engineering and economic feasibility and practicality of removal of pollutants and prevention of any polluting matter from entering into the Great Lakes in the future and other abatement and remedial techniques which will contribute substantially to effective and practical methods of water pollution elimination or control.

(b) Federal participation in such projects shall be subject to the condition that the State, political subdivision, interstate agency, or other public agency, or combination thereof, shall pay not less than 25 per centum of the actual project costs, which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, and personal property or services the value of which shall be determined by the Secretary.

(c) There is authorized to be appropriated $20,000,000 to carry out the provisions of this section, which sum shall be available until expended.

Training grants and contracts

Sec. 16. The Secretary is authorized to make grants to or contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the preparation of undergraduate students to enter an occupation which involves the design, operation, and maintenance of treatment works, and other facilities whose purpose is water quality control. Such grants or contracts may include payment of all or part of the cost of programs or projects such as—

(A) planning for the development or expansion of programs or projects for training persons in the operation and maintenance of treatment works;

(B) training and retraining of faculty members;

(C) conduct of short-term or regular session institutes for study by persons engaged in, or preparing to engage in, the preparation of students preparing to enter an occupation involving the operation and maintenance of treatment works;

(D) carrying out innovative and experimental programs of cooperative education involving alternate periods of full-time or part-time academic study at the institution and periods of full-time or part-time employment involving the operation and maintenance of treatment works; and

(E) research into, and development of, methods of training students or faculty, including the preparation of teaching materials and the planning of curriculum.

Application for Training Grant or Contract; Allocation of Grants or Contracts

Sec. 17. (1) A grant or contract authorized by section 16 may be made only upon application to the Secretary at such time or times and containing such information as he may prescribe, except that no such application shall be approved unless it—

(A) sets forth programs, activities, research, or development for which a grant is authorized under section 16, and describes the relation to any program set forth by the applicant in an application, if any, submitted pursuant to section 18.

(B) provides such fiscal control and fund accounting procedures as may be necessary to assure proper disbursements of and accounting for Federal funds paid to the applicant under this section; and

(C) provides for making such reports, in such form and containing such information, as the Secretary may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verifications of such reports.

(2) The Secretary shall allocate grants or contracts under section 16 in such manner as will most nearly provide an equitable distribution of the grants or contracts throughout the United States among institutions of higher education which show promise of being able to use funds effectively for the purposes of this section.

(3)(A) Payment under this section may be used in accordance with regulations of the Secretary, and subject to the terms and conditions set forth in an application approved under subsection (a), to pay part of the compensation of students employed in connection with the operation and maintenance of treatment works, other than as an employee in connection with the operation and maintenance of treatment works or as an employee in any branch of the Government of the United States, as part of a program for which a grant has been approved pursuant to this section.

(B) Departments and agencies of the United States are encouraged, to the extent consistent with efficient administration, to enter into arrangements with institutions of higher education for the full-time, part-time, or temporary employment, whether in the competitive or excepted service, of students enrolled in programs set forth in applications approved under subsection (a).

Award for Scholarships

Sec. 18. (1) The Secretary is authorized to award scholarships in accordance with the provisions of this section for undergraduate study by persons who plan to enter an occupation involving the operation and maintenance of treatment works. Such scholarships shall be awarded for such periods as the Secretary may determine but not to exceed four academic years.

(2) The Secretary shall allocate scholarships under this section among institutions of higher education with programs approved under the provisions of this section for the use of individuals accepted into such programs, in such manner and according to such plan as will insofar as practicable—

(A) provide an equitable distribution of such scholarships throughout the United States; and

(B) attract recent graduates of secondary schools to enter an occupation involving the operation and maintenance of treatment works.

(3) The Secretary shall approve a program of an institution of higher education for the purposes of this section only upon application by the institution and only upon his finding—

(A) that such program has as a principal objective the education and training of persons in the operation and maintenance of treatment works;

(B) that such program is in effect and of high quality, or can be readily put into effect and may reasonably be expected to be of high quality;

(C) that the application describes the relation of such program to any program, activity, research, or development set forth by the applicant in an application, if any, submitted pursuant to section 16 of this Act; and

(D) that the application contains satisfactory assurances that (i) the institution will recommend to the Secretary for the award of scholarships under this section, for study in such program, only persons who have demonstrated to the satisfaction of the institution a serious intent, upon completing the program, to enter an occupation involving the operation and maintenance of treatment works, and (ii) the institution will make reasonable continuing efforts to encourage recipients of scholarships under this section, enrolled in such program, to enter occupations involving the operation and maintenance of treatment works upon completing the program.

(4)(A) The Secretary shall pay to persons awarded scholarships under this section such stipends (including such allowances for subsistence and other expenses for such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

(B) The Secretary shall (in addition to the stipends paid to persons under subsection (a)) pay to the institution of higher education at which such person is pursuing his course of study such amount as he may determine to be consistent with prevailing practices under comparable federally supported programs.

(5) A person awarded a scholarship under the provisions of this section shall continue to receive the payments provided in this section only during such periods as the Secretary finds that he is maintaining satisfactory proficiency and devoting full time to study or research in the field in which such scholarship was awarded in an institution of higher education, and is not engaging in gainful employment other than employment approved by the Secretary by or pursuant to regulation.

(6) The Secretary shall by regulation provide that any person awarded a scholarship under this section shall agree in writing to enter and remain in an occupation involving the design, operation, or maintenance of treatment works for such period after completion of his course of studies as the Secretary determines appropriate.

Definitions and Authorizations

Sec. 19. (1) As used in sections 16 through 19 of this Act—

(A) The term "State" includes the District of Columbia, Puerto Rico, the Canal Zone, Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

(B) The term "institution of higher education" means an educational institution described in the first sentence of section 1201 of the Higher Education Act of 1965 (other than an institution of any agency of the United States) which is accredited by a nationally recognized accrediting agency or association approved by the Secretary for this purpose. For purposes of this subsection, the Secretary shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

(C) The term "academic year" means an academic year or its equivalent, as determined by the Secretary.

(2) The Secretary shall annually report his activities under sections 16 through 19 of this Act, including recommendations for needed revisions in the provisions thereof.

(3) There are authorized to be appropriated $12,000,000 for the fiscal year ending June 30, 1970, $25,000,000 for the fiscal year ending June 30, 1971, and $25,000,000 for the fiscal year ending June 30, 1972, to carry out sections 16 through 19 of this Act (and planning and related activities in the initial fiscal year for such purpose). Funds appropriated for the fiscal year ending June 30, 1970, under authority of this subsection shall be available for obligation pursuant to the provisions of sections 16 through 19 of this Act during that year and the succeeding fiscal year.

Alaska Village Demonstration Projects

Sec. 20. (a) The Secretary is authorized to enter into agreements with the State of Alaska to carry out one or more projects to demonstrate methods to provide for central community facilities for safe water and the elimination or control of water pollution in those native villages of Alaska without such facilities. Such project shall include provisions for community safe water supply systems,

toilets, bathing and laundry facilities, sewage disposal facilities, and other similar facilities, and educational and informational facilities and programs relating to health and hygiene. Such demonstration projects shall be for the further purpose of developing preliminary plans for providing such safe water and such elimination or control of water pollution for all native villages in such State.

(b) In carrying out this section the Secretary shall cooperate with the Secretary of Health, Education, and Welfare for the purpose of utilizing such of the personnel and facilities of that Department as may be appropriate.

(c) The Secretary shall report to Congress not later than January 31, 1973, the results of the demonstration projects authorized by this section together with his recommendations, including any necessary legislation, relating to the establishment of a statewide program.

(d) There is authorized to be appropriated not to exceed $1,000,000 to carry out this section.

[COOPERATION TO CONTROL POLLUTION FROM FEDERAL INSTALLATIONS

[SEC. 11. It is hereby declared to be the intent of the Congress that any Federal department or agency having jurisdiction over any building, installation, or other property shall, insofar as practicable and consistent with the interests of the United States and within any available appropriations, cooperate with the Department of Health, Education, and Welfare, and with any State or interstate agency or municipality having jurisdiction over waters into which any matter is discharged from such property, in preventing or controlling the pollution of such waters. In his summary of any conference pursuant to section 10(d)(3) of this Act, the Secretary shall include references to any discharges allegedly contributing to pollution from any Federal property. Notice of any hearing pursuant to section 10(f) involving any pollution alleged to be effected by any such discharges shall also be given to the Federal agency having jurisdiction over the property involved and the findings and recommendations of the Hearing Board conducting such hearing shall also include references to any such discharges which are contributing to the pollution found by such Hearing Board.]

Cooperation by All Federal Agencies in the Control of Pollution

Sec. 21. (a) Each Federal agency (which term is used in this section includes Federal departments, agencies, and instrumentalities) having jurisdiction over any real property or facility, or engaged in any Federal public works activity of any kind, shall, consistent with the paramount interest of the United States as determined by the President, insure compliance with applicable water quality standards and the purposes of this Act in the administration of such property, facility, or activity. In his summary of any conference pursuant to section 10(d)(4) of this Act, the Secretary shall include references to any discharges allegedly contributing to pollution from any such Federal property, facility, or activity, and shall transmit a copy of such summary to the head of the Federal agency having jurisdiction of such property, facility, or activity. Notice of any hearing pursuant to section 10(f) of this Act involving any pollution alleged to be effected by any such discharges shall also be given to the Federal agency having jurisdiction over the property, facility, or activity involved, and the findings and recommendations of the hearing board conducting such hearing shall include references to any such discharges which are contributing to the pollution found by such board.

(b)(1) Any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters of the United States, shall provide the licensing or permitting agency a certification from the State in which the discharge originates or will originate, or, if appropriate, from the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate, that there is reasonable assurance, as determined by the State or interstate agency that such activity will be conducted in a manner which will not violate applicable water quality standards. Such State or interstate agency shall establish procedures for public notice in the case of all applications for certification by it, and to the extent it deems appropriate, procedures for public hearings in connection with specific applications. In any case where such standards have been promulgated by the Secretary pursuant to section 10(c) of this Act, or where a State or interstate agency has no authority to give such a certification, such certification shall be from the Secretary. If the State, interstate agency, or Secretary, as the case may be, fails or refuses to act on a request for certification, within a reasonable period of time (which shall not exceed one year) after receipt of such request, the certification requirements of this subsection shall be waived with respect to such Federal application. No license or permit shall be granted until the certification required by this section has been obtained or has been waived as provided in the preceding sentence. No license or permit shall be granted if certification has been denied by the State, interstate agency, or the Secretary, as the case may be.

(2) Upon receipt of such application and certification the licensing or permitting agency shall immediately notify the Secretary of such application and certification. Whenever such a discharge may affect, as determined by the Secretary, the quality of the waters of any other State, the Secretary within thirty days of the date of notice of application for such Federal license or permit shall so notify such other State, the licensing or permitting agency, and the applicant. If, within sixty days after receipt of such notification, such other State determines that such discharge will affect the quality of its waters so as to violate its water quality standards, and within such sixty-day period notifies the Secretary and the licensing or permitting agency in writing of its objection to the issuance of such license or permit and requests a public hearing on such objection, the licensing or permitting agency shall hold such a hearing. The Secretary shall at such hearing submit his evaluation and recommendations with respect to any such objection to the licensing or permitting agency. Such agency, based upon the recommendations of such State, the Secretary, and upon any additional evidence, if any, presented to the agency at the hearing, shall condition such license or permit in such manner as may be necessary to insure compliance with applicable water quality standards. If the imposition of conditions cannot insure such compliance such agency shall not issue such license or permit.

(3) The certification obtained pursuant to paragraph (1) of this subsection with respect to the construction of any facility shall fulfill the requirements of this subsection with respect to certification in connection with any other Federal license or permit required for the operation of such facility unless, after notice to the certifying State, agency, or Secretary, as the case may be, which shall be given by the Federal agency to whom application is made for such operating license or permit, the State, or if appropriate, the interstate agency or the Secretary, notifies such agency within sixty days after receipt of such notice that there is no longer reasonable assurance that there will be compliance with applicable water quality standards because of changes since the construction license or permit certification was issued in (A) the construction or operation of the facility, (B) the characteristics of the waters into which such discharge is made, or (C) the water quality standards applicable to such waters. This paragraph shall be inapplicable in any case where the applicant for such operating license or permit has failed to provide the certifying State, or if appropriate, the interstate agency or the Secretary, with notice of any proposed changes in the construction or operation of the facility with respect to which a construction license or permit has been granted which changes may result in violation of applicable water quality standards.

(4) Prior to the initial operation of any federally licensed or permitted facility or activity which may result in any discharge into the navigable waters of the United States and with respect to which a certification has been obtained pursuant to paragraph (1) of this subsection, which facility or activity is not subject to a Federal operating license or permit, the licensee or permittee shall provide an opportunity for such certifying State, or if appropriate, the interstate agency or the Secretary to review the manner in which the facility or activity shall be operated or conducted for the purposes of assuring that applicable water quality standards will not be violated. Upon notification by the certifying State, or if appropriate, the interstate agency or the Secretary that the operation of any such federally licensed or permitted facility or activity will violate applicable water quality standards, such Federal agency may, after public hearing suspend such license or permit. If such license or permit is suspended it shall remain suspended until notification is received from the certifying State, agency, or Secretary, as the case may be, that there is reasonable assurance that such facility or activity will not violate applicable water quality standards.

(5) Any Federal license or permit with respect to which a certification has been obtained under paragraph (1) of this subsection may be suspended or revoked by the Federal agency issuing such license or permit upon the entering of a judgment under section 10(h) of this Act that such facility or activity has been operated in violation of applicable water quality standards.

(6) No Federal agency shall be deemed to be an applicant for the purposes of this subsection.

(7) In any case where actual construction of a facility has been lawfully commenced prior to the date of enactment of the Water Quality Improvement Act of 1970, no certification shall be required under this subsection for a license or permit issued after the date of enactment of such Act of 1970 to operate such facility, except that any such license or permit issued without certification shall terminate at the end of the three-year period beginning on the date of enactment of such Act of 1970 unless prior to such termination date the person having such license or permit submits to the Federal agency which issued such license or permit a certification and otherwise meets the requirements of this subsection.

(8) Except as provided in paragraph (7), any application for a license or permit (A) that is pending on the date of enactment of the Water Quality Improvement Act of 1970 and (B) that is issued within one year following such date of enactment shall not require certification pursuant to this subsection for one year following the issuance of such license or permit, except that any such license or permit issued shall terminate at

the end of one year unless prior to that time the licensee or permittee submits to the Federal agency that issued such license or permit a certification and otherwise meets the requirements of this subsection.

(9)(A) In the case of any activity which will affect water quality but for which there are no applicable water quality standards, no certification shall be required under this subsection, except that the licensing or permitting agency shall impose, as a condition of any license or permit, a requirement that the licensee or permittee shall comply with the purposes of this Act.

(B) Upon notice from the State in which the discharge originates or, as appropriate, the interstate agency or the Secretary, that such licensee or permittee has been notified of the adoption of water quality standards applicable to such activity and has failed, after reasonable notice, of not less than six months, to comply with such standards, the license or permit shall be suspended until notification is received from such State or interstate agency or the Secretary that there is reasonable assurance that such activity will comply with applicable water quality standards.

(c) Nothing in this section shall be construed to limit the authority of any department or agency pursuant to any other provision of law to require compliance with applicable water quality standards. The Secretary shall, upon the request of any Federal department or agency, or State or interstate agency, or applicant, provide, for the purpose of this section, any relevant information on applicable water quality standards, and shall when requested by any such department or agency or State or interstate agency, or applicant, comment on any method to comply with such standards.

(d) In order to implement the provisions of this section, the Secretary of the Army, acting through the Chief of Engineers, is authorized, if he deems it to be in the public interest, to permit the use of spoil disposal areas under his jurisdiction by Federal licensees or permittees, and to make an appropriate charge for such use. Moneys received from such licensees or permittees shall be deposited in the Treasury as miscellaneous receipts.

ADMINISTRATION

SEC. [12] *22.* (a) The Secretary is authorized to prescribe such regulations as are necessary to carry out his functions under this Act.

(b) The Secretary, with the consent of the head of any other agency of the United States, may utilize such officers and employees of such agency as may be found necessary to assist in carrying out the purposes of this Act.

(c) There are hereby authorized to be appropriated to the Department of Health, Education, and Welfare such sums as may be necessary to enable it to carry out its functions under this Act.

(d) Each recipient of assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(e) The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this Act.

(f)(1) It is the purpose of this subsection to authorize a program which will provide official recognition by the United States Government to those industrial organizations and political subdivisions of States which during the preceding year demonstrated an outstanding technological achievement or an innovative process, method or device in their waste treatment and pollution abatement programs. The Secretary shall, in consultation with the appropriate State water pollution control agency, establish regulations under which such recognition may be applied for and granted, except that no applicant shall be eligible for an award under this subsection if such applicant is not in total compliance with all applicable water quality standards under this Act, and otherwise does not have a satisfactory record with respect to environmental quality.

(2) The Secretary shall award a certificate or plaque of suitable design to each industrial organization or political subdivision which qualifies for such recognition under regulations established by this subsection.

(3) The President of the United States, the Governor of the appropriate State, the Speaker of the House of Representatives, and the President pro tempore of the Senate shall be notified of the award by the Secretary, and the awarding of such recognition shall be published in the Federal Register.

DEFINITIONS

SEC. [13] *23.* When used in this Act:

(a) The term "State water pollution control agency" means the State health authority, except that, in the case of any State in which there is a single State agency, other than the State health authority, charged with responsibility for enforcing State laws relating to the abatement of water pollution, it means such other State agency.

(b) The term "interstate agency" means an agency of two or more States established by or pursuant to an agreement or compact approved by the Congress, or any other agency of two or more States, having substantial powers or duties pertaining to the control of pollution of waters.

(c) The term "treatment works" means the various devices used in the treatment of sewage or industrial wastes of a liquid nature, including the necessary intercepting sewers, outfall sewers, pumping, power, and other equipment, and their appurtenances, and includes any extensions, improvements, remodeling, additions, and alterations thereof.

(d) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

(e) The term "interstate waters" means all rivers, lakes, and other waters that flow across or form a part of State boundaries, including coastal waters.

(f) The term "municipality" means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, and an Indian tribe or an authorized Indian tribal organization.

OTHER AUTHORITY NOT AFFECTED

SEC. [14] *24.* This Act shall not be construed as (1) superseding or limiting the functions, under any other law, of the Surgeon General or of the Public Health Service, or of any other officer or agency of the United States, relating to the water pollution, or (2) affecting or impairing the provisions of [the Oil Pollution Act, 1924, or] sections 13 through 17 of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors and for other purposes", approved March 3, 1899, as amended, or (3) affecting or impairing the provisions of any treaty of the United States.

SEPARABILITY

SEC. [15] *25.* If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

SEC. [16] *26.* (a) In order to provide the basis for evaluating programs authorized by this Act, the development of new programs, and to furnish the Congress with the information necessary for authorization of appropriations for fiscal years beginning after June 30, 1968, the Secretary, in cooperation with State water pollution control agencies and other water pollution control planning agencies, shall make a detailed estimate of the cost of carrying out the provisions of this Act; a comprehensive study of the economic impact on affected units of government of the cost of installation of treatment facilities; and a comprehensive analysis of the national requirements for and the cost of treating municipal, industrial, and other effluent to attain such water quality standards as established pursuant to this Act or applicable State law. The Secretary shall submit such detailed estimate and such comprehensive study of such cost for the five-year period beginning July 1, 1968, to the Congress no later than January 10, 1968, such study to be updated each year thereafter.

(b) The Secretary shall also make a complete investigation and study to determine (1) the need for additional trained State and local personnel to carry out programs assisted pursuant to this Act and other programs for the same purpose as this Act, and (2) means of using existing Federal training programs to train such personnel. He shall report the results of such investigation and study to the President and the Congress not later than July 1, 1967.

[SEC. 17. The Secretary of the Interior shall, in consultation with the Secretary of the Army, the Secretary of the department in which the Coast Guard is operating, the Secretary of Health, Education, and Welfare, and the Secretary of Commerce conduct a full and complete investigation and study of the extent of the pollution of all navigable waters of the United States from litter and sewage discharged, dumped, or otherwise deposited into such waters from watercraft using such waters, and methods of abating either in whole or in part such pollution. The Secretary shall submit a report of such investigation to Congress, together with his recommendations for any necessary legislation, not later than July 1, 1967.

[SEC. 18. The Secretary of the Interior shall conduct a full and complete investigation and study of methods for providing incentives designed to assist in the construction of facilities and works by industry designed to reduce or abate water pollution. Such study shall include, but not be limited to, the possible use of tax incentives as well as other methods of financial assistance. In carrying out this study the Secretary shall consult with the Secretary of the Treasury as well as the head of any other appropriate department or agency of the Federal Government. The Secretary shall report the results of such investigation and study, together with his recommendations, to the Congress not later than January 30, 1968.]

SHORT TITLE

SEC. [19] *27.* This Act may be cited as the "Federal Water Pollution Control Act".

Mr. RANDOLPH. Mr. President, this conference measure is the result of almost 2½ years of legislative effort and 5 months of extensive and arduous conferences with the other body.

Many members of the committee as well as the staff have labored earnestly. The oil liability provisions were among the most complex and controversial features which have been considered in the Public Works Committee in the 11 years

I have served on that committee, and for the almost 4 years as its chairman.

Though, as I stated, all members of the committee have contributed to this landmark legislation, the Senator deserving special credit for bringing it to fruition is the able chairman of our Subcommittee on Air and Water Pollution, EDMUND S. MUSKIE.

The conference measure is an equitable and effective and enforceable piece of legislation. In the oil spill provisions, it adheres to the basic philosophy of the Senate bill S. 7, which declared that the oil industry and oil shippers will bear the risk of cleanup of oil spills rather than the public. The conference measure, I believe, on the basis of our present information, makes a proper assignment of liabilities and responsibilities with effective protection of the public interest.

I also add that during our consideration of this vital subject, it has been my experience that the oil industry has shown an active desire to cooperate with the committee in its effort to develop effective and equitable legislation. This attitude has also been evident among other industrial and commercial interests.

I commend not only Senator MUSKIE for his leadership in the legislation but also Senator COOPER, ranking minority member of the Committee on Public Works, but also Senator BOGGS, Senator BAKER, and other Members of both the majority and minority for their constructive contributions to this significant legislation.

Mr. COOPER. Mr. President, today the Senate Members of the conference bring back to the Senate and ask approval of a very comprehensive and excellent water pollution control bill, H.R. 4148. It was a difficult conference, because of the complex nature of the legislation. Simple remedies are not sufficient in environmental legislation. The issues involve intergovernmental relationships, the economic system, technology and appropriate legal measures for enforcement. This bill attempts to chart a course to achieve water quality in the complex of factors I have described.

The House- and Senate-passed bills contained many differences. Resolving these differences in the context of the factors I have described required careful consideration and drafting. It was a time-consuming conference lasting from November 1969 until March 1970, but it has resulted in fair and necessary legislation. I pay my tribute to the chairman of the subcommittee, Senator MUSKIE, for his creativity and leadership, to Senator BOGGS, the ranking Republican members, Senator RANDOLPH, the chairman of the Committee on Public Works, Senators BAKER, BAYH, and MONTOYA, for their great contribution to the conference and their participation in it. A similar commendation is due the Members of the House who also participated actively in this conference, and to the staff of both committees. I would like to say that Senator BOGGS and Senator RANDOLPH, with their large experience, and Senator BAKER whose leadership on the knotty legal problems involved was so helpful, deserve especial credit.

There are many important provisions in this bill, but I will touch on only two or three at this time.

OIL POLLUTION REMOVAL LIABILITY

Due in very large part to Senator BAKER'S clear articulation of the necessity of protecting the public interest through the concept of absolute liability, the Senate, and now the conference, agreed upon a basic formula imposing such liability upon owners and operators of vessels and onshore and offshore facilities for cleanup costs incurred by the United States. Consistent with the philosophy of absolute liability, limits of liability are provided. This is an important provision, which I consider draws a proper balance between the public interest and the ability of private enterprise to respond. I think it should be pointed out that the provision was adopted only after the most careful consideration and thorough study.

In the bill that passed the Senate any discharge of oil in violation of levels set by regulation was subject to fines and removal penalties. The Conference bill adopts the Senate approach, with additional guidance to the President in establishing, by regulation, such amounts.

Subsection 11(b)(3) provides that the President shall by regulation establish those quantities of oil which will be harmful to the public health or welfare of the United States, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches. The subsection goes on to provide with regard to the contiguous zone that the President shall establish as harmful quantities only those discharges that threaten the fishery resources of the contiguous zone or quantities which would threaten to promote or contribute to the pollution of the territorial sea.

It should be clear that the judgment of harmful, in the case of the contiguous zone, as in the case of navigable waters of the United States and adjoining shorelines, is to be made at the time of the establishment of the regulation and not at the time of the discharge of oil.

HAZARDOUS SUBSTANCES

During the course of executive sessions in the Committee on Public Works, Senator DOLE offered an amendment, subsequently adopted by the committee, included in the Senate bill and now in the conference bill, separating from the oil pollution liability provisions the legislative treatment of hazardous substances discharged into the waters of the United States. The committee recognized that hazardous substances present different problems than oil, and the solution of these problems requires additional knowledge and technology not yet available. The conference bill maintains the provision of the Senate bill, establishing a new designation procedure for hazardous substances, and requiring notice when such designated substances are discharged. The conference bill further authorizes an accelerated study of the removal methods and enforcement measures appropriate to deal with releases of hazardous substances into the waters of the United States.

FEDERAL ACTIVITIES COMPLIANCE

It is possible that the most significant provision in this bill is the section, section 21, requiring compliance with water quality standards by Federal facilities and activities and by federally licensed or permitted facilities and activities. The conference bill maintains the position of the Senate bill that the Federal Government shall comply with water quality standards in the conduct of all of its activities. The President has already taken a significant step in this direction in the Executive order issued in February, Executive Order No. 11507. Section 21(a) provides clear authority for the President to achieve this compliance.

Following the same concept, section 21(b) of the conference bill will require those activities which the Federal Government licenses or permits to comply with water quality standards. At the time the bill passed the Senate, it included an amendment offered by Senator MATHIAS requiring public hearings in State procedures leading to issuance of a certification of compliance with water quality. The conference bill adds a requirement that the State must give notice of all applications received by such State for certification pursuant to subsection 21(b). Maintaining the intention of the Mathias amendment, it provides that the State will provide an opportunity for public hearings as it deems appropriate. I believe it correct to say it was the intent of the conference that a State may, without a public hearing, pass upon certification requests of a routine nature which do not involve risks to water quality. However, the committee expects the opportunity for public hearings to be provided upon projects that involve significant risks to water quality for which certification is being sought. This should certainly include most licenses issued by the Atomic Energy Commission, the Federal Power Commission, and dredge and fill permits of the Corps of Engineers.

TITLE II

The last specific provision I would like to touch upon is that establishing in the Executive Office of the President an Office of Environmental Quality. This provision is very closely related to the National Environmental Policy Act, Public Law 91–190, which established the Council on Environmental Quality. It will be recalled that the relationship of these two acts was described prior to the adoption of S. 7 by the Senate on October 8, 1969. The conference bill further supports the Office of Environmental Quality, with particular emphasis on its function of providing a competent professional staff to the Council on Environmental Quality.

The statutory responsibilities placed upon the Council on Environmental Quality and the Office of Environmental Quality are large and broad; without competent staff these responsibilities will not be met. The public's concern over environmental quality, is well known; the President's commitment to achieve it is also well known. Therefore, it was incumbent on us to provide adequate staff authority and I believe the confer-

ence will do so. The conference bill also designates that the chairman of the Council on Environmental Quality established by Public Law 91–190 shall serve as the Director of the Office of Environmental Quality. We look forward to the implementation of the authority to establish the office, and believe that together with Public Law 91–190 the authority is at hand to begin the task of responding to the demand for and interest in environmental quality.

Mr. President, my colleague, the distinguished Senator from Delaware (Mr. BOGGS), had hoped to be on the floor when this important conference report was discussed. It is his belief that this is one of the most important pieces of legislation that will be considered by the 91st Congress, and he had very much hoped to be here today when the conference report is to be acted upon by the Senate. However, he is necessarily absent. In his absence, he has asked me to place in the RECORD the statement he intended to make on the Senate floor. I would like to say that Senator BOGGS, as ranking minority member of the subcommittee, and of the Senate conferees, worked indefatigably upon the bill and the conference report. His knowledge, experience and leadership contributed in very large degree to this important legislation now before the Senate for final action.

I ask unanimous consent that Senator BOGGS' statement be printed at this point in the RECORD.

There being no objection the statement was ordered to be printed in the RECORD, as follows:

Mr. BOGGS. Mr. President, approximately one year has passed since the Senate Subcommittee on Air and Water Pollution began executive sessions to mark up the Water Quality Improvement Act of 1969. During that period of time the Subcommittee, the full Committee on Public Works, the Senate, and finally the Committee on Conference investigated and discussed the knotty issues that run throughout this legislation.

This bill, as the distinguished Senator from Kentucky (Mr. Cooper) and others have pointed out, seeks to deal with many aspects of water pollution, each a difficult and time-consuming issue. This bill deals with the pollution of our waters with petroleum, sewage from vessels, acid mine drainage, licensing of facilities discharging into interstate waters, and several other water pollution problems.

Senator Cooper has discussed several of these aspects of this legislation. He has pointed out the very helpful and constructive role played by Senator Baker in developing language that deals with liability for an oil spill. I support Senator Cooper's comments.

There are two other aspects of this legislation that I believe merit comment. One concerns sewage discharges from vessels. The Conference Report contains language that is very similar to the bill approved by the Senate. This is true in relation to the certification of devices for installation aboard pleasure and commercial craft.

The major alteration from the Senate version appears in Subsection (f) of Section 13 of the new bill. The original Senate version left to the States the determination on whether sewage discharges should be barred completely in specific areas within that State if the "implementation of applicable water quality standards requires such prohibition."

The House version gave the States a right to bar sewage discharge only in waters where all other discharges of sewage were prohibited.

The new proposed version wisely inserts the Secretary of the Interior into this procedure. Under the compromise version, a State may apply to the Secretary for the right to prohibit discharges in a specified area. The Secretary may then prohibit such discharges in that area if he finds that compliance with applicable water quality standards requires such a prohibition.

This new language, I believe, preserves the intent of the Senate version, leaving with the States the right to achieve as full protection as possible in the areas of shellfish beds, marinas, drinking water intakes, bathing beaches, and other areas that could be adversely affected by a discharge from even the most highly treated vessel sewage.

Another portion of the bill to which I would like to address myself is Sections 16, 17, and 18 of H.R. 4148, submitted by the Committee on Conference. These sections provide for a very essential program for the education and training of personnel to plan, develop, operate, and maintain existing and future water quality programs.

The Senate version, which appeared in Subsection (g) of Section 104 had provided for a pilot program under which the Federal Water Pollution Control Administration would train several thousand technicians to make certain that the costly pollution control facilities we are building throughout the nation will be operated in the most effective and efficient manner possible. This section had been proposed by the distinguished Republican Leader (Mr. Scott).

This training program is retained in the proposed bill offered by the Committee on Conference. The new version also includes a House proposal for scholarship programs and "innovative and experimental programs" for the training of persons in the operation and maintenance of sewage treatment work.

Together, these proposals offer a balanced approach toward alleviating any shortages now existing in the water treatment field.

In addition, I want to express my gratitude to the distinguished ranking Republican Member of the Committee on Public Works (Mr. Cooper), the distinguished Chairman of the Committee (Mr. Randolph), the distinguished Chairman of the Subcommittee (Mr. Muskie), as well as the other distinguished members of the Conference on the part of the Senate and the House of Representatives. Each devoted a great deal of time in an effort to resolve numerous differences in approach and language in the Senate and House bills.

The resulting bill has my full support. It is legislation that will go far in coming months and years to enhance the quality of our nation's water resources.

A NEW ADVANCE IN THE STRUGGLE AGAINST POLLUTION

Mr. YARBOROUGH. Mr. President, the bill to which we are giving final approval today, and which I am proud to cosponsor, is another landmark in our effort to curb water pollution.

Specifically, the bill will hopefully encourage the oil companies who drill for oil off the U.S. coastline to exercise greater care. We have seen too many examples of what oil leaks can do to a stretch of beach, to marine and animal life, and to the ecology of any region where they occur. This bill fixes absolute liability for oil leaks on those from whose wells they occur. Hopefully, these companies will now be far more careful in their work.

The other part of the bill which I feel will greatly assist in the Nation's effort to curb water pollution is the one which provides for research into oil removal and lake pollution. In spite of the fact that we have seen the damage which oil can do, we know very little about rapid, effective ways to remove it from beaches and from the water's surface. Also, although we have watched the slow "death" of Lake Erie, we know too little, I think, about the processes which caused this problem or about how to remedy it. Hopefully, the bill will help us in our search for ways to handle these problems.

Mr. President, this is the sixth major piece of water pollution control legislation I have either cosponsored or supported since I came to the Senate in 1957. I think its passage will give further evidence of our determination to stop the slow destruction of the earth. I urge the adoption of the conference report.

Mr. MUSKIE. Mr. President, I ask for the yeas and nays on agreeing to the conference report.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. BELLMON). The question is on agreeing to the conference report.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. BIBLE), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from New Mexico (Mr. MONTOYA), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that the Senator from South Dakota (Mr. MCGOVERN) is absent on official business.

I further announced that if present and voting, the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. BIBLE), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Maryland (Mr. TYDINGS) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Delaware (Mr. BOGGS), the Senator from New York (Mr. GOODELL), the Senator from Maryland (Mr. MATHIAS), the Senator from California (Mr. MURPHY), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from Kansas (Mr. PEARSON) are detained on official business.

If present and voting, the Senator from Delaware (Mr. BOGGS), the Senator from New York (Mr. GOODELL), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), and the Senator from Illinois (Mr. PERCY) would each vote "yea."

The result was announced—yeas 80, nays 0, as follows:

[No. 108 Leg.]

YEAS—80

Aiken	Fong	Muskie
Allen	Fulbright	Nelson
Allott	Gore	Packwood
Baker	Gravel	Pastore
Bayh	Griffin	Pell
Bellmon	Gurney	Prouty
Bennett	Hansen	Proxmire
Brooke	Harris	Randolph
Burdick	Hart	Ribicoff
Byrd, Va.	Hatfield	Saxbe
Byrd, W. Va.	Holland	Schweiker
Cannon	Hruska	Scott
Case	Hughes	Smith, Ill.
Church	Inouye	Smith, Maine
Cook	Jackson	Sparkman
Cooper	Javits	Spong
Cotton	Jordan, Idaho	Stennis
Cranston	Jordan, N.C.	Stevens
Curtis	Magnuson	Talmadge
Dodd	Mansfield	Thurmond
Dole	McClellan	Tower
Dominick	McGee	Williams, Del.
Eagleton	McIntyre	Williams, N.J.
Eastland	Metcalf	Yarborough
Ellender	Miller	Young, N. Dak.
Ervin	Mondale	Young, Ohio
Fannin	Moss	

NAYS—0

NOT VOTING—20

Anderson	Kennedy	Murphy
Bible	Long	Pearson
Boggs	Mathias	Percy
Goldwater	McCarthy	Russell
Goodell	McGovern	Symington
Hartke	Montoya	Tydings
Hollings	Mundt	

So the conference report was agreed to.

Mr. SPONG. Mr. President, the conference report just adopted establishes a foundation for improving our capability to control oil pollution, vessel pollution, and thermal pollution.

It is gratifying that the Senate concept of absolute liability for the cleanup of oil spills has prevailed in the conference. About 6 billion gallons of petroleum products pass through the Port of Hampton Roads each year, and there have been several spills which damaged the harbor.

The concept of absolute liability places the risk on the responsible party, not innocent third parties and the general public. Provision for criminal penalties for failure to give notice of a spill should expedite cleanup action.

Other desirable features of the oil pollution section of the bill authorize expanded research for the development of new cleanup methods, and contingency planning against oil pollution disasters.

The report takes a preventive approach toward activities over which the Federal Government already exercises a degree of control. Applicants for a Federal license or permit to build or operate any facility which might discharge pollutants into navigable waters would be required to comply with applicable water quality standards. In most instances, the certification would come from the State in which the discharge occurs. These provisions would assure that thermal discharges from such facilities as nuclear powerplants would conform to water quality standards.

The vessel pollution section provides for Federal preemption of authority to set performance standards for marine sanitation devices. I hope the Department of Defense will expedite its program to equip naval vessels with sewage treatment equipment, and will request the funds necessary to carry out the intention of the legislation.

Mr. President, the Senate conferees are to be commended for their perseverance in reconciling the differences in the Senate and House versions of this legislation. They have been meeting on a regular basis since last October 8. In particular as a member of the Subcommittee on Air and Water Pollution, I wish to thank the Senator from Maine (Mr. MUSKIE), our distinguished chairman, and the ranking minority member the Senator from Delaware (Mr. BOGGS).

Mr. DOLE. Mr. President, I am gratified that the House-Senate conference has agreed on the provisions of H.R. 4148, to prevent and control water pollution.

After the Santa Barbara incident and the more immediate oil spillage in Louisiana, the Congress has moved rapidly to take appropriate legislative action. As statements on the increasing size and use of oil tankers are made available, the threat of greater pollution to our navigable waterways is becoming even more apparent.

Throughout our committee hearings and in the House-Senate conference, it became apparent that there was a wide diversity of views on this legislation. Questions raised on liability and other sections of the legislation have now been resolved. I was particularly pleased to see that the conference accepted a section of S. 7, which dealt with the problem of the discharge of hazardous substances. The Senate Public Works Committee became aware of the fact that hazardous substances could not be treated as an equivalent of oil and subject to the same provisions of liability for the cost of removal.

Two important differences require that hazardous substances be treated separately: First, oil is a readily recognizable substance that is not miscible with water; hazardous substances, on the other hand, cover a tremendous range of chemical elements and compounds with various characteristics, and, second, oil is, at least in most circumstances, removable from water; hazardous substances, on the other hand, may or may not be.

Faced with this difficult situation, I offered an amendment to separate hazardous substances from the oil liability provisions to enable a response to the clear problem of the sudden discharge of hazardous substances into our navigable waterways.

The amendment I proposed which, with certain modifications, was adopted by the committee and the House-Senate conference, provides essential authority to give this Nation the ability to respond.

I commend the Senate conferees for their dedication during the months of discussion and urge acceptance of this report.

Mr. ALLOTT. Mr. President, the grim details of water pollution in America are a cause of grave national concern. A few facts reveal why.

Last year an estimated 15 million fish were killed by oil spills and heat and chemical pollution.

The Cuyahoga River in Ohio is so noxious that even the leeches and sludge worms that thrive on the bottom of normally polluted waters cannot survive. And the surface of this river is so saturated with flammable substances that the river has actually been declared a fire hazard. There is good reason for this: last year the river caught fire and nearly destroyed two railroad trestles.

Representative LOWELL WEICKER, of Connecticut, has come up with these facts:

> Of 62 beaches along Lake Erie's U.S. shores, only three are rated completely safe for swimming. Even wading is unpleasant because 30,000 sludge worms may be found in each square yard of lake bottom. . . . When you dive into Long Island Sound, you are diving into 196 million gallons of waste that comes from 46 municipal plants, 59 industrial plants and seven Federal installations every day.

The Hudson River is so thoroughly polluted that the streambed is laden with excess pollutants. These pollutants are excess in the sense that they are not carried by the water. But they are still a threat.

Experts estimate that if, starting tomorrow, not a single drop or grain or pollution were ever again put into the Hudson, water washing over pollution on the streambed would repollute the river constantly for as long as 15 years. Or, to put the matter differently, if we cleansed the Hudson at point "A", riverbed pollution would make it necessary to cleanse it again at point "B" 15 miles downstream. That is, there is enough settled pollution in the Hudson to repollute it every 15 miles.

The Ohio River serves a 10-State drainage area with a population of 24 million persons and 38,000 industrial plants. Nearly a billion dollars has been spent in the past 20 years to clean it up. Meanwhile the Army Corps of Engineers has been laboring on the same stretch of water, improving it for navigation. But the engineers have been creating, in effect, a series of reservoirs along the river route. These do not drain well. Pollution accumulates, including the thermal pollution that raises the temperature of various pools in the river. Both of these programs—the antipollution efforts and the Corps of Engineers' efforts—are worthwhile. But the net effect may be to take away with one hand what is given with the other.

Today efforts are being made to improve coordination between the Engineers Corps and the Interior Department's Water Pollution Control Administration.

There is a form of water pollution—and it is extremely destructive—that need not involve putting any chemical impurities into the water. This is the thermal pollution mentioned above. It involves raising the water temperature. It occurs when a plant uses water in cooling processes and returns heated water to a river or lake. Any significant change

in the temperature of a body of water can destroy the animal and plant life that nature uses to keep the water balanced and continually renewed.

For example, warm water may cause fish eggs to hatch prematurely and, because warm water absorbs less oxygen, it slows the decomposition of organic wastes.

Most of the water used by American industry is used for cooling. And the amount used for cooling purposes in nuclear powerplants generating electricity is astonishing. For example, a 500-million-watt nuclear plant that is cooled by a lake or river must pump approximately 7,650 gallons of cooling water every second. That is approximately 660 million gallons per day.

Present and future demands indicate that industrial cooling water, when viewed on the national scale, is a first order source of waste heat. The electric power generating industry alone accounts for about 80% of the cooling water used. Therefore, the best single index of the thermal pollution potential lies in projecting future electric power production. Power generation has approximately doubled each 10 years during this century, and estimated future demands indicate a shortening of the time span for similar increases. Waste heat output has not multiplied as fast as power generation because of continued improvements in thermal plant efficiency and development of hydropower. However, fossil-fueled plants are reaching a limit of efficiency because of metallurgical restrictions, and nuclear plants, planned or built, necessarily waste an even higher proportion of heat than fossil-fueled plants. Waste heat increase can be expected to more closely parallel power production increase in the foreseeable future.

With these considerations in mind, heat rejection from the predicted mixture of nuclear and fossil power plants is expected to increase almost ninefold by the year 2000. Waste heat output from the manufacturing industries will also increase. However, the demand for electricity is expected to continue to increase at a more pronounced rate than the demand for manufactured goods. This indicates a somewhat smaller rate of increase in heat rejection from manufacturing as compared with the power industry.

Numerous cooling devices—for example, cooling ponds and towers—and cooling techniques—for example, methods of dispersing and diluting warm water discharges—are already being used. Considerable research is being devoted to perfecting these and developing new devices and techniques. Concern for America's energy needs and for our water resources should motivate active Government support for such research.

This seems especially imperative when we consider the facts about America's huge appetite for clean water.

It takes 200 gallons to make a dollar's worth of paper. It takes 100,000 gallons to make one car. It takes 320,000 gallons to produce one ton of aluminum. It takes 750,000 gallons to irrigate an acre of farmland. National water usage is 350 billion gallons a day. Three hundred and fifty billion gallons would form a puddle 1 foot deep over an area one and a half times the size of the State of Rhode Island.

By the year 2000 we may be using a trillion gallons of water a day.

Domestic sewers alone account for 5.3 trillion gallons of waste water per year. One scientist has estimated that by 1980 sewage and related waterborne waste will be so voluminous that in dry seasons they will consume all the oxygen in our river systems. That would severely damage our fresh water resources, especially when we consider that by 1980 we will be using fresh water at twice the current rate.

Much can be done to end pollution by vigorously enforcing existing laws, including some laws that have been around for a very long time.

The Justice Department has recently filed criminal charges against a number of firms—and some individuals—accused of polluting waterways. The charges involve an attempt to use an 1899 law in the modern fight on water pollution. The Refuse Act of 1899 (33 U.S.C. 407) makes the deposit of pollutants into navigable waters a misdemeanor punishable by a maximum fine of $2,500 and a year in prison for each offense.

The punishment provision contains an informer clause which could generate an interesting kind of citizen participation in the antipollution fight. This clause stipulates that half the fines collected are to be given to any citizen whose information leads to a conviction.

But there is another aspect of this law that deserves attention. This is the $2,500 limit on the fine that can be collected for each offense.

Assume for the moment that a jail sentence is not applicable in a particular case. But also assume that the case involves a firm that discharges pollutants once a day, thereby making itself liable to being recharged under the statute each day.

If this firm were charged—every day of the year, and fined the maximum amount each day, the total 1-year cost to the firm would be $912,000.

This looks like an awesome total—until one considers the huge cost, in capital outlay and maintenance, of some pollution abatement systems. It is not inconceivable that a firm might wish to be fined the maximum amount, 365 days a year, rather than go to the expense of ending pollution.

In such a case, the fine would, in effect, cease to be a fine and would become a kind of tax. The trouble with this is twofold. First, it would not do what the law intended—it would not diminish pollution. Second, behavior we tax is behavior we think is permissible. If firms are allowed to treat a fine as a tax, they will be allowed to treat pollution as permissible. This cannot be allowed.

Thus, there must be a constant review of the punishment provision of such statutes, to make sure the fines are effective inducements to pollution control by industries.

However, the administration recognizes that the task of ending water pollution demands more than vigorous police action. It also requires new knowledge and new equipment. This is especially urgent in attacking pollution caused by inadequate municipal sewage treatment facilities. Here massive capital investment is needed.

Since 1952 the Nation has spent $15 billion to construct 7,500 municipal sewage-treatment plants and related facilities. But much more needs to be done and it needs to be done in large cities. In the 12 years between 1956 and 1968, about half the new waste treatment facilities were built in towns with populations of less than 2,500 and 92 percent were built in towns with populations under 50,000.

In his message to Congress on the environment the President notes:

In the four years since the Clean Waters Restoration Act of 1966 was passed, we have failed to keep our promises to ourselves: Federal appropriations for constructing municipal treatment plants have totaled only about one-third of authorizations.

It is estimated that a 5-year program involving a $10 billion investment in treatment plants and interceptor lines will be needed to meet national water quality standards.

Accordingly, the President proposes a Clean Waters Act involving an immediate $4 billion for fiscal 1971 to cover the full Federal share of the $10 billion total on a matching fund basis.

But another program is needed to insure that non-Federal bodies will be able to meet their obligations.

The municipal bond market is so saturated that in 1969 509 issues totaling $2.9 billion proved unsalable. Thus the President proposes "a new Environmental Financial Authority to insure that every municipality in the country has an opportunity to sell its waste treatment plant construction bonds."

The EFA will buy unsalable bonds and sell its own bonds on the taxable market. In this way the President seeks to insure that "construction of pollution control facilities will depend not on a community's credit rating, but on its waste disposal needs."

The President has also urged that Federal assistance carry some conditions.

First, federally assisted treatment plants must comply with Federal design, operation, and maintenance standards. Second, municipalities receiving Federal assistance in constructing plants will be required to impose user's fees on industrial users. These fees must be sufficient to meet the costs of treating industrial wastes. This is a fair response to existing conditions.

In 1968 public sewers handled 15 percent of the industry's waste water. Forty percent of all the wastes handled by municipalities came from industry.

Three hundred thousand industrial plants discharge used water into municipal sewage treatment plants that are not equipped to process complex industrial pollutants.

As the President says in his environment message:

Industry itself has recognized the problem, and many industrial firms are making vigorous efforts to control their water-borne wastes. But strict standards and strict enforcement are nevertheless necessary—not only to ensure compliance, but also in fairness to those who have voluntarily assumed the often costly burden while their competitors have not. Good neighbors should not be placed at a competitive disadvantage because of their good neighborliness.

The President also proposes to attack industrial pollution by consolidating governmental jurisdictions, imposing more precise and stringent effluent requirements, and strengthening police powers and sanctions.

His program calls for granting the Secretary of the Interior authority to seek immediate injunctive relief in emergency water pollution situations. Under the proposed program, failure to meet Federal standards or implementation schedules could result in court-imposed fines of up to $10,000 per day. Further, the President wants to increase threefold Federal operating grants to State pollution control enforcement agencies in the next 5 years. This would involve an increase from $10 million to $30 million by 1976.

In addition, we need to consider sharply curbing our use of certain kinds of common products that are especially damaging to water. The household detergent is a good example.

No one wants to choose between clean water and clean laundry, but something must be done about phosphates in detergents. Phosphates pollute all water and hasten the aging of lakes.

Five billion pounds of detergent were sold last year. Some of these consisted of as much as 44 percent phosphate. Canada is planning to ban phosphate detergents. It might be well worth our while to have strict standards governing permissible phosphate content of detergents.

Further, we must become more alert to the many ways in which normal activities, and unspectacular developments in business conditions, can combine to create a threat to our environment. Consider one example of this combination. We do not normally think that changing our car's oil threatens the environment. But America's 210,000 service stations must dispose of 350 million gallons of used oil every year. For many years much of this used oil was re-refined and put to work in railroad journals, to freeze-proof coal, as dust control for rural roads and as industrial lubricants.

But for a variety of reasons, re-refining has become a marginal business. In the last 7 years at least half the re-refiners have gone out of business and too much used and unsalable oil is being dumped into city sewer systems.

Research should be directed toward finding ways of collecting and reusing this used oil.

Finally, one crucial fact we sometimes overlook is this: Even in our booming industrial society, siltation is the largest single pollutant of water. Thus all reclamation programs, and all programs aimed at fighting erosion, are important parts of a comprehensive attack on water pollution.

Mr. President, one of Benjamin Franklin's timely sayings is this:

> When the well's dry, we know the worth of water.

Today we can revise that to read: When the water is polluted, we will know the worth of water.

Hopefully we already know the worth of water. Certainly we in the West know how much of America's bountiful life depends on adequate supplies of fresh water.

We have no intention of waiting until America's waters are ruined before we become alert to the value of water. We know it is time to act.

Mr. President, we are not asking for miracles. We are not expecting anyone to turn water into wine. We just want to preserve clean water, and to find ways of restoring polluted waters.

Most of the earth is covered with water. No water is immune from pollution. Thus the fight for clean water is a fight of global proportions, with immense stakes.

But a livable environment—like charity—must begin at home. Let us all work together to save our waters which give such lasting benefits to us all.

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, would the majority leader tell us the remaining order of business for the remainder of this week and thereafter?

Mr. MANSFIELD. Mr. President, may we have order first?

The PRESIDING OFFICER. The Senate will be in order.

ORDER FOR ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS PACKWOOD AND TOWER TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the prayer tomorrow, the distinguished Senator from Oregon (Mr. PACKWOOD) be recognized for not to exceed 30 minutes, and that, following the Senator from Oregon, the distinguished Senator from Texas (Mr. TOWER) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. MANSFIELD. Following which I ask unanimous consent that there be a period for the transaction of routine morning business as in legislative session, with a time limitation on statements of 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, on the expiration of the period for the transaction of routine morning business, is my understanding correct that the conference report on H.R. 514 will be the pending business?

Mr. MANSFIELD. That is correct.

Mr. President, I wish I could offer some solace to the Members of this body by definitely stating when a vote would be taken on the pending conference report and the Carswell nomination, as well as the prospects for a solution to the postal difficulty which confronts the Nation at this time. Unfortunately, I cannot make a definite statement with respect to any of those spheres. It appears at the present time as if the consideration of the conference report on the elementary and secondary education bill may well go into next week. It appears also at the present time that the consideration of the Carswell nomination may go into next week. I have endeavored to obtain an agreement on both of these matters; so far I have been unsuccessful, but I shall continue trying.

I hope that in the case of both it will be possible, and as far as the joint leadership is concerned, it will be our policy to give at least 24 hours notice before voting to all Senators so that, no matter where they are, they can get back in plenty of time, and none of them will be so far away that they cannot make it back in plenty of time to conduct the business of the Senate.

As far as the postal situation is concerned, it appears the reports are encouraging today, with many of the postal workers returning.

Mr. SCOTT. With 90 percent of them back on the job.

Mr. MANSFIELD. That is encouraging. I do not know what will happen in Congress insofar as the Post Office and Civil Service Committees of the two Houses are concerned, but I wish to state, and I do so after consultation with the distinguished Republican leader, that if conditions warrant it, the Senate will be prepared to forgo its 2-day Easter recess, and face up to whatever responsibilities the present situation may entail.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. SCOTT. If I could finish, I would say thoughts too deep for tears suffuse me with regard to the majority leader's suggestion: nevertheless, it is a condition and not a theory we are dealing with. I do express some regret that we are uncertain as to how long it will take us to dispose of the conference report which is the pending business. I had had some hope during the day that perhaps we could arrive at some accommodation, but the majority leader indicates there is no present assurance of that.

Mr. MANSFIELD. I have been tried and found wanting.

Mr. SCOTT. The majority leader is never found wanting.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. JAVITS. I think the majority leader may have misspoken himself a little bit as to this 24-hour notice as it relates to our conference report. Did I understand that was to apply after the recess? It could hardly apply if we were to be able to act on the conference report this week.

Mr. MANSFIELD. If something should be worked out for tomorrow, we could vote at 5 o'clock—approximately 24 hours from now. But nothing is presently in prospect. If something happened Thursday, we could notify Senators in plenty of time tomorrow. How-

ever, prospects are very dim for that event as well.

I must say it is with deep regret that I make these announcements. I hope we will have something more definite later.

Mr. SCOTT. Mr. President, if the majority leader will yield further, it is my own understanding, from conference with him, that he is expeditious to expedite the business of the Senate, and that includes the nomination before the Senate, and he and I are prepared to do whatever we can to assist in bringing this matter to a vote as early as the Senate is prepared to vote.

Mr. MANSFIELD. Yes, indeed. As the minority leader knows, the Senator from Montana likes nothing better than a clear calendar.

Mr. PELL. Mr. President, will the Senator from Montana yield for a question?

Mr. MANSFIELD. I yield.

Mr. PELL. To follow up the question of the Senator from New York, when the time comes to vote on the conference report, I wonder if the Senator from Montana means we should then wait 24 hours to give notice of the vote on the conference report, or only on the Carswell nomination.

Mr. MANSFIELD. No. I commend the Senator from New York and the Senator from Rhode Island for calling my attention to that possibility. What I meant was the Carswell nomination. As far as the conference report is concerned, I am sure there will be enough guardians on the floor to take care of that matter.

EXTENSION OF PROGRAMS OF ASSISTANCE FOR ELEMENTARY AND SECONDARY EDUCATION—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. ERVIN. Mr. President, one of the wisest men as well as one of the soundest jurists America has ever known was the late Benjamin N. Cardozo, long-time chief judge of the New York Court of Appeals and subsequently an Associate Justice of the Supreme Court of the United States. He wrote a treatise entitled "The Growth of the Law." In that treatise he said:

> In breaking one set of shackles, we are not to substitute another.

Ever since May 1954, there has been an effort in some quarters to substitute for the State school segregation outlawed in Brown against Board of Education of the City of Topeka federally coerced integration, especially in the schools of the South. This has been a rather peculiar effort.

Mr. BYRD of West Virginia. Mr. President, we need a little better order in the Senate.

The PRESIDING OFFICER. The Senate will be in order. Senators will take their seats.

Mr. ERVIN. This has been a rather strange effort to be made in a nation which proclaims that it is a free society. We boast of the fact that our ideal, our dream, is that we shall be a land of people who are both equal and free. The effort to substitute federally coerced integration for outlawed State-imposed segregation has been an effort characterized by zeal on the part of certain pressure organizations—and, I might add, certain politicians—which apparently look to converting the American dream of equality and freedom into a nightmare in which all Americans will be made equal only by robbing all of them of their freedom. It has been peculiar in this connection that both the executive branch of the Government and the judicial branch of the Government have joined these pressure groups and these zealots in an attempt to substitute one set of shackles for another, in disregard of the advice of Justice Cardozo.

Some things that have happened are rather marvelous. I offered an amendment some time ago that would have deprived the Federal courts of jurisdiction to require busing of children from one place to another merely to alter the racial composition of the public schools. I was willing to do the only thing that Congress can do to prevent tyranny when that tyranny is practiced by a Federal court.

Someone has said that we should respect all judicial opinions and all judicial decisions. In my judgment, the parties to a judicial decision should obey that decision even though they consider it to be unwise and unconstitutional; but I do not think that any obligation rests upon any American to respect any judicial decision unless that judicial decision is respectable, and candor compels the confession that some judicial decisions are hardly respectable.

In the effort to substitute for outlawed State-imposed segregation federally coerced integration, or forced integration, some peculiar things have happened, even at the hands of men who, in the words of Edmund Burke, were charged with the obligation to act with the cold neutrality of the impartial judge.

In 1964, following the Brown case, Congress undertook to implement the interpretation placed upon the equal-protection clause of the 14th amendment by the Supreme Court. It passed a statute which defined desegregation of schools in the same fashion in which the Brown case had defined such term. It declared that desegregation shall mean the assignment of students to public schools without regard to their race, color, creed, or national origin. Then, to make its action clear beyond any shadow of a doubt, Congress placed a limitation in express words upon the meaning of the term "desegregation." After declaring what desegregation should be—that is, the assignment of students to public schools without regard to their race—it proceeded, in the second clause of the same paragraph, to say what desegregation should not be. In specifying this limitation upon the meaning of the word "desegregation," Congress declared that desegregation shall not be the assignment of children to public schools to overcome a racial imbalance.

The same act, the Civil Rights Act of 1964, contained another limitation upon what could be done by the executive department of the Government and what could be done by the Federal courts; and it stated, in words as plain as can be found in the English language, that no officer or court of the United States should transport children from one place to another, or from one school to another school, or from one school district to another school district, for the purpose of achieving racial balance. When Congress adopted that act, it said in about as emphatic a fashion as possible that the act should apply to all areas of the United States, that it should apply to the North and to the South, to the East and to the West. It did this not by stating that in those precise words, but, in passing a law which was to be applicable throughout the entire country.

Now, one of the strange things that happened in this connection was the celebrated decision—in fact, I would say a most notorious case—that would come nearer to describing it—the decision handed down by Circuit Judges Wisdom and Thornberry, with District Judge Cox dissenting, which is cited ordinarily as United States against Jefferson County Board of Education.

This is the strangest decision on statutory construction my eyes have ever beheld—and I have been reading law books for more than a half century—considerably longer than that.

The fundamental canon of statutory construction which every judge is bound to observe and the one having primacy and priority over all others is that when a legislative body passes a law, the law means exactly what it says if it is couched in language which is understandable.

Here was an act of Congress which according to its language, according to its terms, according to its clearly expressed intent, and according to the words of those who had charge of the bill during its consideration by the House of Representatives and the Senate, applied to every area of the United States, just as all the laws should apply in like manner to all persons.

Yet, in this case of the United States against Jefferson County Board of Education, we had a strange method of statutory construction followed which, so far as I know, was without precedent in the annals of Anglo-American jurisprudence.

The majority of the court consisted of Circuit Judge Wisdom, who wrote the opinion, and Circuit Judge Thornberry, who concurred in Judge Wisdom's opinion. The majority held that a remark which Hubert Humphrey, the floor manager of the bill, made when it was under consideration by the Senate altered entirely the meaning of the two limitations which the bill placed upon the desegregation of schools. This remark made it known in some strange way that those two limitations were to be applied to the North, the East, and the West but were inapplicable to the South.

Now, during the time that the bill was under consideration in the Senate, as the CONGRESSIONAL RECORD will clearly disclose, Senator Humphrey, the floor manager of the bill, was asked on a number of occasions what the bill was designed to do insofar as school desegregation was concerned. He uniformly replied that the bill was designed merely to prohibit discrimination; that is, to prohibit a State agency from denying a schoolchild admission to a public school because of the child's race or color.

On each of these occasions he stated that the bill was not designed to compel integration.

In responding to these questions, he referred to various decisions of law in Federal courts, such as the original Brown case itself, and the Clarendon County case which was considered by the court and decided with the Brown case. He also referred to a case which had arisen in Indiana called Bell against the City of Gary School Board.

I recall that on one occasion the able and distinguished junior Senator from West Virginia rose on the floor of the Senate and put this question in substance to Senator Humphrey, the floor manager of the bill. He asked him if the bill would permit little children to be bused to and fro, at the expense of the taxpayers, merely for the purpose of integrating the schools.

Senator Humphrey answered that question, within my hearing, and within the hearing of the able and distinguished junior Senator from West Virginia, who honors the Senate on this occasion with his presence, and as recorded in the CONGRESSIONAL RECORD, with an emphatic "No."

But Judge Wisdom, whose parents, incidentally, christened him Minor Wisdom [laughter] says this on page 80 of that decision, a copy of which I hold in my hand:

Senator Humphrey spoke several times in the language of Briggs.

Mind you, Mr. President (Mr. HUGHES), the language of Briggs refers to the Clarendon County case where, after reversal of the original judgment upholding the validity of Plessy against Ferguson on the equal and separate doctrine, one of the greatest jurists this Nation has ever known, a native of my State, Chief Judge John J. Parker, said that in the Brown case the Supreme Court had not required integration. He adjudged that discrimination—that is, exclusion of a child from a school on the basis of race—as being a violation of the equal-protection clause of the 14th amendment.

Judge Parker went ahead and said there is nothing in the Brown case, nothing in the Constitution, which denied children the right to go to the school of their choice, and there was nothing in that decision which outlawed voluntary segregation.

He said that people still remained as free to go to the schools of their choice as they had been and as they were to go to the churches of their choice.

Notwithstanding the fact that Hubert Humphrey continually referred to the Briggs case, and notwithstanding the fact that Judge Minor Wisdom represented that Senator Humphrey spoke several times of the language in the Briggs case, Judge Wisdom proceeded to say that his reference to the Bell case—that is the case from Gary, Ind.—indicates that the restrictions of the act in question were pointed at Gary, Ind., at the de facto type of segregation.

Strange to say, right after he said that, he held, in effect, that the prohibition against assigning children to public schools on the basis of race and the prohibition against busing children to achieve a racial balance did not apply to the Southern States because, forsooth, Hubert Humphrey referred to the Bell case.

And in the same connection, he refers to another question put to former Senator Humphrey by the Senator from West Virginia (Mr. BYRD).

He asked if Senator Humphrey would give him assurances that under title 6 schoolchildren may not be bused from one end of the community to another end of the community at taxpayers' expense to relieve so-called racial imbalance in the schools.

Former Senator Humphrey replied, "I do." He said that language is to be found in title IV.

The provision merely quotes the substance of recent court decisions which I have with me, but which are too long to include in the RECORD, the so-called Gary case.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. ERVIN. Mr. President, I yield to the distinguished Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, may I say to the able Senator that it was on the basis of that assurance offered to me by then Senator Humphrey, later Vice President Humphrey, that I did not offer an amendment that would have been more strongly worded than the verbiage that is in the 1964 act.

Mr. ERVIN. He then goes ahead and quotes from former Senator Humphrey, that the bill does not attempt to integrate the schools, but it does attempt to eliminate segregation in the schools. The national factors such as population and so forth should be taken into consideration. Then he states the fact that racial imbalance per se is something which is not unconstitutional.

Although former Senator Humphrey assured the Senator from West Virginia that the bill was not designed to require or to justify or to permit the busing of schoolchildren from one place to another to achieve racial balance, Judge Wisdom held that the mere fact that former Senator Humphrey had referred to the Bell case from Gary, Ind., showed that these prohibitions and limitations were only intended to apply to Northern States and not to the Southern States.

I think that a man could search judicial annals from the time that the caveman first undertook to adjudicate a controversy down to the time this case was handed down for a precedent which would sustain the action of judges of ignoring the plain and unlimited and all-inclusive words of a legislative body and holding that it did not mean what it said because someone had referred to a case that they had in Gary, Ind.

Yet, on the basis of this, we have heard a lot today about de jure and de facto segregation. I think the terms are misleading because there has been no de jure segregation—that is segregation according to law—since May 1964, in this Nation.

To be sure, there may have been some school boards which undertook to deny children the right to be admitted to a school on the basis of race. But that was illegal and not de jure. It was unconstitutional according to the Brown case.

This is the kind of treatment the South has received ever since 1954. Efforts were made to have cases like this reviewed by the Supreme Court of the United States. But they refused to grant certiorari. And so today in the South, it does not make any difference whether segregation in a school is the result of discrimination or the result of residential preferences; that is, de facto segregation. It is treated as if it were discriminatory segregation without really any inquiry being made into the facts. And little children, both black and white, are turned into guinea pigs by both the HEW and by the Federal courts by being denied the right to go to the neighborhood school and by being transported hither and yon, either because children of their race are too numerous in the neighborhood school in the eyes of some Federal judge or HEW official or because a balance of their race is needed to mix the races in the school somewhere else.

Mr. President, I do not like to be so critical. But so far as I can recall in recent years, the only southerners that were recognized and accorded their constitutional rights were either southerners who were suspected of being Communists or charged with crime.

States are not even heard when they endeavor to obtain a writ of certiorari to review outrageous cases, such as the Jefferson County Board of Education case, in which the court absolutely ignored the plain, understandable, and unambiguous words of an act of Congress which said that no children anywhere in the United States should be assigned to any public school to overcome racial imbalance or should be transported from one place to another merely for the purpose of achieving a racial balance in a public school.

We have reached a tragic day in this Nation when judges resort to such tactics as that to deny some helpless little children, both black and whites, the rights vouchsafed to them by a solemn act of the Congress of the United States.

Mr. President, that is not the only decision to which I wish to refer. In the same fifth circuit, where judicial activism in this field has been rampant, we have a solemn adjudication made that the safety of helpless little children is of minor consequence as compared with the overriding necessity of forced integration.

In one of the towns of Mississippi, the town is divided into two sections by a bayou and also by dangerous railroad

tracks. It happened that one of the sections was largely inhabited by members of the Caucasian race and the other section across the bayou and across the railroad tracks was largely inhabited by blacks.

In laying out the two school districts, one on one side of the bayou and one on the other side of the bayou, and taking as a boundary line between the two a natural boundary created by the Lord God Almighty Himself, the school board was actuated by the desire to save these little children, both black and white, from the hazard of crossing the dangerous railroad tracks and the dangerous bayou.

But the Fifth Court of Appeals said that would not do. They said the safety of little children was of minor consequence to the overall necessity of mixing the races in both school districts and, therefore, they solemnly adjudicated that the school board would have to make some of the little black children cross the bayou and the railroad tracks at the risk of their lives, and some of the little white children to do the same thing in order to mix the schools on both sides of the bayou.

Then, we had another decision to the effect that even if the action of the school board was nondiscriminatory in nature, it was unconstitutional unless it produced substantial integration of the races.

Mr. President, I ask unanimous consent that I may yield to the junior Senator from Florida for the introduction and consideration of a resolution, which I understand has been cleared with the leadership, without losing my right to the floor, and without having these remarks and a continuation of these remarks counted as more than one speech in opposition to the conference report on the pending elementary and secondary education bill.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection and it is so ordered.

Mr. GURNEY. Mr. President, first, I wish to thank the Senator from North Carolina for his courtesy.

The PRESIDING OFFICER. The Senator from Florida is recognized.

COMMENDATION FOR CAPT. ROBERT M. WILBUR, JR., AND COPILOT JAMES F. HARTLEY FOR THEIR HEROISM

Mr. GURNEY. Mr. President, I send to the desk a resolution and ask for its immediate consideration. The resolution is cosponsored by some 40 other Senators.

The PRESIDING OFFICER (Mr. HUGHES). The resolution will be stated.

The assistant legislative clerk read as follows:

S. RES. 375

Whereas on March 17, 1970, the pilot of an Eastern Airlines DC–9, Captain Robert M. Wilbur, Junior, of Fair Lawn, New Jersey, and his co-pilot, James E. Hartley, of Jacksonville, Florida, displayed extraordinary courage, heroism, and professional competence, thereby averting a major air disaster and saving the lives of the crew and the sixty-six passengers of the DC–9;

Whereas the co-pilot, James E. Hartley, although mortally wounded, disarmed and subdued an assailant who began firing a gun upon entering the cockpit of the DC–9 as the plane made its final approach turn toward Logan International Airport, Boston, Massachusetts; and

Whereas Captain Robert M. Wilbur, Junior, thereafter, although wounded in both arms, kept his assailant subdued and simultaneously performed the complex task of safely landing the DC–9 at the Logan International Airport: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Senate honors, commends, and pays tribute to the heroic deeds of co-pilot James E. Hartley, who, by acting in total disregard for his own personal safety and disarming the assailant, sacrificed his life to protect the plane and passengers committed to his care; and the Senate further honors, commends, and pays tribute to Captain Robert M. Wilbur, Junior, for his display of courage, skill, and selflessness, which averted a major air disaster, in safely landing the DC–9 under these circumstances of extreme danger.

SEC. 2 In addition to the normal enrollment and printing of this resolution, the Secretary of the Senate shall have printed two copies of this resolution on such stock and of such design as may be appropriate, and he shall transmit one such copy to the said Robert M. Wilbur, Junior and the other copy to the widow of the said James E. Hartley.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. BYRD of West Virginia. Mr. President, reserving the right to object—and I do not think I shall object—I wish to establish for the RECORD that the proposed action on the resolution has been discussed with the leadership on both sides of the aisle and that it has been cleared thereby.

Mr. GURNEY. Mr. President, the Senator is correct. I have discussed the matter personally with the distinguished majority leader (Mr. MANSFIELD), and also the distinguished minority leader (Mr. SCOTT), with the chairman of the Committee on Rules and Administration, and the ranking minority member of the Committee on Rules and Administration, all of whom are cosponsors of the resolution.

Mr. BYRD of West Virginia. Mr. President, I have no objection and I join in the unanimous request that there be immediate consideration by the Senate of the resolution.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. PELL. Mr. President, I ask that my name be added as a cosponsor of the resolution.

Mr. GURNEY. Mr. President, I ask unanimous consent that the name of the Senator from Rhode Island (Mr. PELL) be added as a cosponsor of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GURNEY. Mr. President, last week on March 18, there occurred a most tragic incident aboard an Eastern Airlines jet over Boston. We are only now beginning to piece together the pieces of this bizarre episode and we are beginning to realize its implications. It is apparent that a tragedy of the first magnitude was avoided by the courage, selflessness, and devotion to duty of two Eastern Airlines pilots, copilot James F. Hartley, and pilot and captain, Robert M. Wilbur, Jr.

On the Newark to Boston shuttle on March 18, a stewardess, Miss Christine Peterson, approached a passenger, John J. Divivo, who was sitting in the last row of the passenger section and asked for his fare. Fares are customarily collected on board shuttle flights, rather than at the ticket counter.

The stewardess could not hear his reply but apparently he said he did not have enough money. The fare is $21 and Divivo took out a small bag which rested on the floor beneath his seat and drew out a gun, saying that he wanted to see the captain. The stewardess notified the copilot on the intercom and, at the stewardess' insistence and so as not to alarm the other passengers, Divivo put the gun under his shirt and entered the cockpit. Ten minutes later shots rang out. The cockpit door opened to reveal copilot Hartley slumped in his seat, the assailant, Divivo, wounded and lying on the floor and Captain Wilbur upright but obviously wounded.

She asked the captain if she could do anything. "No," Wilbur replied, "I am trying to get the plane down."

Captain Wilbur then continued his landing approach and requested emergency clearance from Logan Airfield, telling the tower that his copilot had been wounded, but nothing was mentioned of his own wounds. He also requested an ambulance, a doctor, and the police to stand by for his arrival. Then, although grievously wounded in both arms, Captain Wilbur landed the plane without the aid of a copilot. He even turned on the "No Smoking" signs. He taxied the plane to the correct gate. Passengers on board said the landing was nearly perfect.

Copilot Hartley, who was a native of Jacksonville, Fla., was pronounced dead on his arrival at Massachusetts General Hospital at 3:35 p.m. Captain Wilbur and the assassin, Divivo, both were admitted to the same hospital in serious condition.

From later statements, we can reconstruct the battle in the cabin. Apparently, when words failed to convince Divivo to return to his seat, Divivo began firing. He hit and mortally wounded Hartley in the ensuing struggle, then shot and wounded Captain Wilbur. Although mortally wounded, Hartley nevertheless disarmed Divivo and wounded and subdued him.

Divivo has been charged with murder and he is now in custody in the hospital. Divivo apparently is and has been for some time deranged. He still carries a bullet lodged in his head from a previous gun episode.

I am today introducing a resolution expressing the Senate's feelings in this matter, commending in the highest fashion, the courageous act of Copilot Hartley, who gave his life to protect the passen-

gers committed to his care. My resolution also commends Captain Wilbur for his selflessness, courage, and devotion to duty: he landed the plane safely in spite of serious wounds in both arms. His courage doubtless saved the lives of the 70 people aboard his aircraft. James Hartley's family deserves to know that his sacrifice was noted and appreciated and that he died a hero's death. Captain Wilbur deserves our thanks and commendation also for his extraordinary behavior and coolness in his hour of trial.

I urge every Member to join me in this expression of honor to these two fine young men.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 375) was agreed to.

ORDER OF BUSINESS—ORDER FOR RECOGNITION OF SENATOR ERVIN TOMORROW

Mr. ERVIN. Mr. President, the Senator from Missouri and the Senator from Rhode Island have a matter to place in the RECORD. I was going to discuss an extra long decision handed down by Judge Wright in the District of Columbia, which would require considerable time.

Mr. President, I ask unanimous consent that I may yield to the Senator from Rhode Island and the Senator from Missouri, and that I may continue this discussion tomorrow when the pending business is laid before the Senate; that I may be recognized to continue at that time, and that statements I make today and that I will make tomorrow will be counted only as one speech on this subject; and that I now be permitted to yield under those circumstances.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I thank the Senator from North Carolina. I would like to make one point before going into a dialog with the Senator from Missouri. That is in connection with the statement I made earlier opposing the nomination of Judge Carswell.

I said at that time I would not engage in a filibuster. I think it does not add to the glory or the credit of the Senate when we delay action, when we know the facts and our minds are pretty well made up.

We are in a peculiar parliamentary situation here. There appears to be an effort to delay voting by both conservatives and liberals. When both conservatives and liberals engage in a filibuster for any time, it would seem that the Senate business is being postponed. I hope that we could arrive at a vote tomorrow on this conference report. I would very much hope that the liberals would not delay the nomination of Judge Carswell, and that we could get on with our business.

Mr. ERVIN. Mr. President, will the Senator yield for one moment?

Mr. PELL. I am delighted to yield.

Mr. ERVIN. I will say to the Senator that, as far as I am concerned, if the vote upon this matter depended on the vote on the nomination of Judge Carswell, which has been pending for some time, I would certainly cooperate in arranging for a vote on this tomorrow.

Mr. PELL. Perhaps both votes could be had tomorrow, but I cannot speak for other Senators with respect to the vote on the nomination of Judge Carswell.

Mr. WILLIAMS of Delaware. Mr. President, if the Senator will yield, since everybody is agreed that both filibusters should be ended, I suggest that we get an agreement to vote tomorrow at a certain time.

Mr. PELL. I would like to agree to get a vote on the conference report, but I am not authorized to speak with respect to a vote on the Carswell nomination. The Senator from Indiana is present, a member of the Judiciary Committee. Perhaps he may want to comment.

Mr. BAYH. Mr. President, as a member of the Judiciary Committee and as one who has expressed some concern over the confirmation of the nominee, I have talked with a number of Senators who are in opposition to the nomination of Judge Carswell. I have not talked to anyone who is inclined to feel, or who indeed feels, that by participating in the debate that has transpired over the last week or so he is engaging in a filibuster. It is contrary to what many of us believe in.

I know it has been rumbled about this Chamber and in the halls outside that that is what is happening. I do not think anyone reading the RECORD and seeing the data that is unfolding each new day would believe that that is the proper way to describe it.

I would agree, as I stand here, with the Senator from Rhode Island, that this should not be the course of action, and I think it is not the course of action.

Mr. ERVIN. Mr. President, reserving the right to object to the unanimous-consent request made by the Senator from Delaware, I would like to assure him that I would not object to a request to have a vote on the Carswell nomination tomorrow.

Mr. BAYH. Mr. President, is the Senator from Indiana hearing things? Did the Senator from Delaware make such a request?

The PRESIDING OFFICER. No such request is before the Chair.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Rhode Island has the floor.

Mr. PELL. I yield to the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that beginning tomorrow, following the prayer, there be a limitation of debate of 2 hours on the nomination and 2 hours on the conference report and then we proceed to a vote.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, I am very much in favor of the unanimous-consent request, but unless it has been cleared by the leadership on both sides, I would be constrained, albeit reluctantly, to object at this time.

Mr. WILLIAMS of Delaware. I am only trying to be helpful. Every Senator seemed to be in agreement that nobody is filibustering.

Mr. BYRD of West Virginia. The Senator always tries to be helpful.

Mr. WILLIAMS of Delaware. I would not want to hurt anybody's feelings by describing this as a filibuster, but I cannot help but think, if it continues as it is going, and if the Senate continues to debate something on which everybody has his mind made up, I wonder if our constituents are not going to question our competency if we cannot arrive at a decision any sooner than we have been able to do.

Mr. BAYH. Mr. President, if the Senator will yield further, I would like to thank the distinguished Senator from Delaware for moving us toward a decision on both these matters.

Mr. WILLIAMS of Delaware. All I was trying to do was help.

Mr. BAYH. I do not, however, think that every Senator has made up his mind. I have been rather surprised at the amount of questions expressed over the country on the direction in which we are headed in this nomination. As a matter of fact, today, or late yesterday, distinguished members of the Philadelphia bar unanimously expressed their opposition to this nomination. It just seems that the more the people of this country have the opportunity to hear the relative merits of the nominee discussed, the more they express their concern.

The Senator from Indiana has confidence enough to believe that those who may have made up their minds may change them, and vote another way.

It is not my desire at all to have a filibuster. In fact, we are now exploring means of arriving at a day certain around some of the Senators' schedules. I am hopeful that we will be able to arrive at an agreement.

Mr. WILLIAMS of Delaware. I understand such negotiations are going on and that many Members of the Senate want to take a trip around the country or world, but when we have urgent business here, I wonder if we should not stay here until we get a vote on this nomination, rather than go on a junket and postpone a decision on it until we get back.

Mr. BAYH. Mr. President, let me have one last word. It may not be the last word, but only an additional word.

Mr. PELL. A last word is rare in the Senate.

Mr. BAYH. I concur in what the distinguished Senator from Delaware has said about our duties to stay here. I am a Member from this body of the Interparliamentary Union Conference. I have had the opportunity to participate in discussions on two previous occasions. I have found it to be very rewarding, in aiding me to comprehend some of the complicated and intricate international problems that confront us. Despite that fact, the Senator from Indiana feels that if the question comes to one of two alternatives, to be here and pursue the business, even perhaps not to get it to a final vote, but to pursue it and get it closer to the day of voting, and to go and be a member of the delegation, the Senator from Indiana would have no alternative ut to stay here and get the matter resolved.

m n t sure what the position of the Senator from Delaware is on this nomi-

nation. I know he will look at it in the depths of his conscience, as he did the last one. If he decides differently, it will not, in any way, diminish the respect that the Senator from Indiana has for him. But I want to get this issue resolved. I want to get it settled. I would like to see the President send to us the nomination of a better man. I know the Senator from Florida believes differently. But I will be here with the Senator from Delaware.

Mr. WILLIAMS of Delaware. I was only trying to be helpful.

Mr. EAGLETON. Mr. President, I would like to propound a series of questions to the Senator from Rhode Island, if I may have his answers to them.

Mr. PELL. Mr. President, before the Senator from Missouri propounds those questions, let me say the last word to the last word. We are at this point squeezed between two filibusters. Personally, I regret that we cannot vote on both of these matters tomorrow. I had hoped we could get a vote on the conference report tomorrow.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. PELL. I yield.

Mr. BYRD of West Virginia. I did not hear what the Senator said. What did he say we were squeezed between?

Mr. PELL. Between two filibusters.

Mr. BYRD of West Virginia. I thank the Senator.

EXTENSION OF PROGRAMS OF ASSISTANCE FOR ELEMENTARY AND SECONDARY EDUCATION—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

Mr. EAGLETON. I would like to address this question to the Senator from Rhode Island: With respect to the inclusion of children living in public housing in the impact aid program, I am going to quote from a statement made by Senator YARBOROUGH, February 5, 1970, CONGRESSIONAL RECORD, page 2578, at the time he introduced an amendment, subsequently adopted by the Senate, concerning the funding of such public housing entitlements, and then ask you whether this is a correct statement of the manner in which such entitlements may be funded:

> The amendment I am offering will set up two line items in appropriations acts making funds available for payment under Public Law 874.
>
> One line item would be for payment of entitlements on the basis of A and B children as we understand them in the present law.
>
> The other line item would be for payment of entitlements created by children living in low-rent public housing units.
>
> The amendment further provides that, if a single-line appropriation is large enough to cover the full entitlements for A and B children with money left over, then the remainder may be used for low-rent housing children.

Mr. PELL. Yes, since the conferees adopted the Senate version of the public housing sections, the Yarborough amendment is retained in the final version of the bill and the public housing entitlements may be funded in either of the ways described by Senator YARBOROUGH.

Mr. EAGLETON. Is it then correct to say that funds would be allocated by the commissioner to local school districts for entitlements based on public housing children in either of the following hypothetical situations?

First. If the payment of the full entitlements under subsections (a) and (b) of section 3 of Public Law 874 in its present form were to require an appropriation of $600 million, and the Appropriations Committee provided $700 million for this program, the excess over $600 million, or $100 million, would be distributed to local school districts for public housing entitlements; or

Second. On the other hand, regardless of the amount appropriated for entitlements based on subsections (a) and (b) of section 3 of the present law, the Appropriations Committee could make a separate appropriation—or separate line item, as it is commonly called—for payment of entitlements based on public housing children and payments could be made for public housing children based on that separate line item appropriation.

Mr. PELL. Yes, that is correct. This bill authorizes alternative methods of payment of public housing entitlements in the manner you have described.

Mr. EAGLETON. Then assuming that some funds are appropriated for payment of public housing entitlements through either of the methods we have discussed, but the appropriation is insufficient to pay such entitlements in full, how will these funds be allocated among school districts which qualify for payments based on public housing children?

Mr. PELL. Section 5(c)(2) of Public Law 874, as proposed, describes the allocation system under the first appropriation method you described, that is, in the case of an excess of appropriations over the amount needed to pay the full entitlements for children coming under section 3(a) and (b) of present Public Law 874. In such case, each school district qualifying is to be paid a percentage of that district's total public housing entitlements. This percentage is the same percentage which the amount of the excess appropriation is of the total amount of all public housing entitlements.

The next paragraph, the proposed section 5(c)(3) of the act, provides that the allocation system would be the same for the alternative method of appropriating funds for this program—the separate line item appropriation method. The allocation system is not set out in full in paragraph (3) but the provisions of paragraph (2) are incorporated therein, by reference, to the extent that they deal with the manner in which funds are to be allocated when an appropriation is not sufficient to pay public housing entitlements in full. However, paragraph (3) does not incorporate the language of paragraph (2) relating to the full payment of entitlements under section 3(a) and (b) of the present law before any funds can be allocated for public housing entitlements.

Mr. EAGLETON. That is how I understood the allocation system also and I wanted to confirm it with the Senator. I thank him very much.

The PRESIDING OFFICER. What is the pleasure of the Senate?

Mr. PELL. Mr. President, I ask unanimous consent that the name of Representative ESCH be added as one of the signers of the conference report on the part of the managers for the House of Representatives.

The PRESIDING OFFICER (Mr. HUGHES). Is there objection? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS

The PRESIDING OFFICER. What is the pleasure of the Senate?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECAPITULATION OF ORDERS FOR TOMORROW

Mr. BYRD of West Virginia. Mr. President, to recapitulate, for the information of Senators, the orders that have previously been secured by the able majority leader for tomorrow, the Senate will convene tomorrow morning at 9:30. Following the disposition of the reading of the Journal, the able Senator from Oregon (Mr. PACKWOOD) will be recognized for not to exceed 30 minutes, after which the able Senator from Texas (Mr. TOWER) will be recognized for not to exceed 15 minutes. There will then ensue a period for the transaction of routine morning business, with statements therein limited to 3 minutes, following which the Senate will proceed to the further consideration of the conference report on H.R. 514.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

ADJOURNMENT TO 9:30 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9:30 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 58 minutes p.m.) the Senate

adjourned until tomorrow, Wednesday, March 25, 1970, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 24, 1970:

Federal Aviation Administration

Kenneth M. Smith of Texas, to be Deputy Administrator of the Federal Aviation Administration, vice David D. Thomas, resigned.

U.S. Air Force

The following officers to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10 of the United States Code:

In the grade of lieutenant general

Lt. Gen. Thomas S. Moorman, 213–38–3436FR (major general, Regular Air Force) U.S. Air Force.

Lt Gen. Kenneth E. Pletcher, 452–64–5656FR (major general, Regular Air Force, Medical) U.S. Air Force.

Maj. Gen. Alonzo A. Towner, 518–05–1741FR, Regular Air Force, Medical, for appointment as Surgeon General of the Air Force in the grade of lieutenant general for the period beginning from May 1, 1970, and ending on September 30, 1972. This nomination is made under the provisions of section 8036, title 10 of the United States Code.

In the Air Force

William F. Nugent, [redacted]FR, for reappointment to the active list of the Regular Air Force, in the grade of lieutenant colonel, from the temporary disability retired list, under the provisions of sections 1210 and 1211, title 10, United States Code.

The following Air Force officers for appointment in the Regular Air Force, in the grade indicated, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

To be captains

Alfieri, Guiseppe M. C., [redacted].
Andrews, Elbert D., Jr., [redacted].
Anglin, Frank L., [redacted].
Anthony, George T., [redacted].
Appelhans, Richard D., [redacted].
Apple, Burton J., [redacted].
Armstrong, Raymond H., [redacted].
Ashman, Charles T., [redacted].
Auclair, Richard A., [redacted].
Ballentine, John W., [redacted].
Barr, Richard P., Jr., [redacted].
Battreall, Raymond J., [redacted].
Baxter, Jerome R., [redacted].
Bean, Wesley W., Jr., [redacted].
Begansky, Paul R., [redacted].
Bell, Molly G., [redacted].
Bellia, Paul G., [redacted].
Bolding, Robert N., [redacted].
Boyd, Thomas L., [redacted].
Brown, Lloyd A., [redacted].
Bryant, Milton R., [redacted].
Bunderson, Leo M., [redacted].
Burden, Dan B., Jr., [redacted].
Burket, Donald H., [redacted].
Burridge, Charles W., [redacted].
Businger, Harold J., [redacted].
Byers, Waldon B., [redacted].
Caponecchi, August J., [redacted].
Carrouth, Johnny R., [redacted].
Cartwright, Donald C., Jr., [redacted].
Christenson, Frank D., [redacted].
Coleman, James J., [redacted].
Connelly, Francis E., [redacted].
Coote, Donald R., [redacted].
Copeland, Strother S., Jr., [redacted].
Craig, Harold D., [redacted].
Crawford, Todd W., [redacted].
Cucullu, Alan C., [redacted].
Cunningham, Miles R., [redacted].
Dahlemelsaether, Ole I., [redacted].
Danicourt, Richard Q., [redacted].
Davis, George M., [redacted].
Davis, James C., [redacted].
Dawson, William H., [redacted].
Dean, Charles E., [redacted].
Delaney, Donald R., [redacted].
Dingley, Arnold E., Jr., [redacted].
Dockall, Gerald W., [redacted].
Dokken, Ronald D., [redacted].
Donovan, Patrick J., [redacted].
Dreher, Richard F., [redacted].
Dreksler, Eugene, [redacted].
Duggan, Wilfred F., Jr., [redacted].
Eminger, Paul E., [redacted].
Epperson, Norman D., [redacted].
Erskine, Jeffrey F., [redacted].
Fanta, John, [redacted].
Fekete, Frederick, [redacted].
Fishburn, Sterling F., [redacted].
Ford, William L., [redacted].
Frazier, William J., [redacted].
Freeland, John F., [redacted].
Freeman, Donald H., [redacted].
Fuller, Charles H., [redacted].
Gallagher, John E., [redacted].
Gantt, Jack C., [redacted].
Garman, Raymond P., Jr., [redacted].
Gillespie, Bruce E., [redacted].
Goldsmith, Nathan K., [redacted].
Gordon, Leon D., [redacted].
Gosnell, William T., [redacted].
Granger, John A., [redacted].
Greene, Clarence C., [redacted].
Greene, Thomas U., Jr., [redacted].
Griffith, Leon C., [redacted].
Gross, John W., [redacted].
Guertin, Richard J., [redacted].
Guffee, Ray W., [redacted].
Hafermann, Douglas L., [redacted].
Hammond, Thomas L., [redacted].
Hardin, Robert G., [redacted].
Hart, Richard W., [redacted].
Hartin, David R., [redacted].
Hartness, Gregg, [redacted].
Harwood, Kenneth L., [redacted].
Hawkins, Robert C., [redacted].
Haynie, Richard C., [redacted].
Hazelwood, Michael, [redacted].
Heal, Dean M., [redacted].
Hewitt, Vernon W., [redacted].
Hill, Thomas, Jr., [redacted].
Hime, James L., [redacted].
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Holt, Dale C., [redacted].
Howes, Rodney H., [redacted].
Hughbanks, James R., [redacted].
Januchowski, Donald W., [redacted].
Jeanetta, Carl F., [redacted].
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Kaiser, Albert R., [redacted].
Kelbly, John W., Jr., [redacted].
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Langwell, Donald E., [redacted].
Leach, Gary A., [redacted].
Levering, Richard L., [redacted].
Lewis, William G., [redacted].
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Lindstrand, William A., [redacted].
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Lowery, Gordon H., [redacted].
Lowry James H., [redacted].
Lucas, Roland G., [redacted].
Marshall, Ronald N., [redacted].
Mather, John W., [redacted].
Mau, Donald L., [redacted].
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McIntosh, Angus P., [redacted].
McShaw, Francis T., [redacted].
Mentesana, Philip M., [redacted].
Meny, Charles R., [redacted].
Millard, John A., [redacted].
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Miller, Thomas L., [redacted].
Moland, Elwin C., [redacted].
Moore, Lacey F., [redacted].
Moritz, Thomas E., [redacted].
Muir, William S., [redacted].
Mullins, Joe R., [redacted].
Neilands, Harry D., [redacted].
Nicholas, William W., [redacted].
Niehaus, Paul A., [redacted].
Niewold, Russell L., [redacted].
O'Brien, Robert W., [redacted].
O'Donnell, Roderic D. J., [redacted].
O'Hare, Bernard D., [redacted].
Owens, Stanley H., [redacted].
Package, Thomas L., [redacted].
Parker, Robert S., [redacted].
Pate, James E., [redacted].
Patton, Thomas R., [redacted].
Perdue, Richard A., [redacted].
Peters, Willie F., [redacted].
Petersen, Gaylord D., [redacted].
Peterson, Curtis A., [redacted].
Peterson, Stanley A., [redacted].
Philipp, Ernest F., [redacted].
Plassmann, John J., [redacted].
Primeaux, Paul R., [redacted].
Purdy, Milton H., Jr., [redacted].
Rafel, Harvey H., [redacted].
Renz, Robert B., [redacted].
Richardson, Samuel L., [redacted].
Ricksecker, Albert C., Jr., [redacted].
Riddell, Ralph A., [redacted].
Rodriquez, Robert L., [redacted].
Sanders, Raymond W., [redacted].
Sandlin, Donald R., [redacted].
Sebring, Stanley D., [redacted].
Sennett, Frederick K., [redacted].
Sherman, Ronald L., [redacted].
Shipley, Bruce C., [redacted].
Shobe, Lester E., [redacted].
Skoneki, Ronald J., [redacted].
Slawson, Tyler W., [redacted].
Slyter, Ronald M., [redacted].
Smith, Donald S., [redacted].
Smith, James L., [redacted].
Smith, Robert E., [redacted].
Smith, Zimri L., [redacted].
Snyder, Harwood E., [redacted].
Sorrick, William G., [redacted].
Stonebraker, Kenneth A., [redacted].
Sullivan, Kenneth R., [redacted].
Sullivan, Robert D., [redacted].
Thomason, Marvin R., [redacted].
Tyson, Norman P., [redacted].
Villines, Leroy C., [redacted].
Volpel, John W., [redacted].
Wade, Richard L., [redacted].
Walchshauser, Joseph A., [redacted].
Walter, Charles R., Jr., [redacted].
Watling, Harvey R., [redacted].
Weidman, Donald G., [redacted].
Whelchel, David F., [redacted].
Whitsitt, Elwyn D., [redacted].
Wiener, Robert D., [redacted].
Williams, Charles P., [redacted].
Wilson, Roger D., [redacted].
Winter, Lyle E., [redacted].
Yoder, Richard D., [redacted].

The following cadets, U.S. Air Force Academy, for appointment in the Regular Air Force, in the grade of second lieutenant, effective upon their graduation, under the provisions of sections 8284 and 9353, title 10, United States Code. Date of rank to be determined by the Secretary of the Air Force.

Abbey, Thomas G., [redacted].
Abellera, James W., [redacted].
Aberle, John R., [redacted].
Acurso, Jeffrey L., [redacted].
Adams, Dennis W., [redacted].
Adkisson, Gary D., [redacted].
Ainsworth, Loren C., [redacted].
Ake, Burton K., [redacted].
Albright, Kenneth R., Jr., [redacted].
Alexander, William R., [redacted].
Allain, Richard S., Jr., [redacted].
Allen, Jeffrey S., [redacted].
Allen, John B., [redacted].
Allen, Ronald R., [redacted].
Almeida, Roy J., [redacted].
Alves, Jeffrey R., [redacted].
Ammon, Thomas L., [redacted].
Andrews, James E., [redacted].
Angstadt, Terry L., [redacted].

Antoon, David F. xxx-xx-xxxx.
Aragon, Rudolph F. xxx-xx-xxxx.
Arbaugh, Dana C. xxx-xx-xxxx.
Arendt, Robert E. xxx-xx-xxxx.
Arnold, Harry xxx-xx-xxxx.
Aufderhaar, Grant C. xxx-xx-xxxx.
Bachmann, James L. xxx-xx-xxxx.
Bader, William G. xxx-xx-xxxx.
Bagliebter, Gary M. xxx-xx-xxxx.
Bahnson, Francis H., III, xxx-xx-xxxx.
Bailey, John L. xxx-xx-xxxx.
Baker, Raymond G. xxx-xx-xxxx.
Baker, Richard A. xxx-xx-xxxx.
Baker, Robert F. xxx-xx-xxxx.
Ballard, John A. xxx-xx-xxxx.
Ballinger, Michael B. xxx-xx-xxxx.
Bang, Carl J., Jr. xxx-xx-xxxx.
Bang, Stephen B. xxx-xx-xxxx.
Barker, Scott S. xxx-xx-xxxx.
Barleben, Raymond J. xxx-xx-xxxx.
Barnes, Bradley A. xxx-xx-xxxx.
Barnes, Stephen R. xxx-xx-xxxx.
Baron, Douglas E. xxx-xx-xxxx.
Barrall, James F. xxx-xx-xxxx.
Barry, Marvin J. xxx-xx-xxxx.
Baskett, Robert E. xxx-xx-xxxx.
Battles, Dorsey B. xxx-xx-xxxx.
Batuski, David J. xxx-xx-xxxx.
Bauer, Paul A. xxx-xx-xxxx.
Baxter, Gary L. xxx-xx-xxxx.
Bean, Richard M. xxx-xx-xxxx.
Bechtel, James B. xxx-xx-xxxx.
Beckley, Drew R. xxx-xx-xxxx.
Beightol, Ward D. xxx-xx-xxxx.
Bell, Brian S. xxx-xx-xxxx.
Bell, James R. xxx-xx-xxxx.
Bench, Timothy P. xxx-xx-xxxx.
Benedict, William H. xxx-xx-xxxx.
Bennett, Harold J., Jr. xxx-xx-xxxx.
Bennett, Keith E. xxx-xx-xxxx.
Bereit, Richard M. xxx-xx-xxxx.
Berg, Kenneth M. xxx-xx-xxxx.
Berta, Steven J. xxx-xx-xxxx.
Bettner, James M. xxx-xx-xxxx.
Bewers, Geoffrey R. xxx-xx-xxxx.
Bickle, Paul E. xxx-xx-xxxx.
Bisbee, Charles R., III, xxx-xx-xxxx.
Bjorklund, Richard D. xxx-xx-xxxx.
Black, Charles xxx-xx-xxxx.
Blassie, Michael J. xxx-xx-xxxx.
Blatchley, Charles C. xxx-xx-xxxx.
Blomquist, Steven J. xxx-xx-xxxx.
Bloor, Allan E. xxx-xx-xxxx.
Blowers, Melvin L. xxx-xx-xxxx.
Bobbish, Charles E. xxx-xx-xxxx.
Bohn, Charles J. III xxx-xx-xxxx.
Bonnell, Richard W. xxx-xx-xxxx.
Bonner, Charles J. xxx-xx-xxxx.
Bores, Joseph H., III, xxx-xx-xxxx.
Bowers, Donald S., Jr. xxx-xx-xxxx.
Bowie, Harold V., Jr. xxx-xx-xxxx.
Box, Arthur C. xxx-xx-xxxx.
Boyd, John E., Jr. xxx-xx-xxxx.
Boyenga, Kirk W. xxx-xx-xxxx.
Boyles, David J. xxx-xx-xxxx.
Bradford, Victor P. xxx-xx-xxxx.
Brady, James J. xxx-xx-xxxx.
Braud, Stephen C. xxx-xx-xxxx.
Brechwald, James E. xxx-xx-xxxx.
Brewington, Daucey F. xxx-xx-xxxx.
Brier, John R. xxx-xx-xxxx.
Bristow, Ben M. xxx-xx-xxxx.
Broadwater, David O. xxx-xx-xxxx.
Brogna, Paul A. xxx-xx-xxxx.
Brower, Arnold M. xxx-xx-xxxx.
Brown, Calvin W. xxx-xx-xxxx.
Brown, Charles M. xxx-xx-xxxx.
Brown, Paul T. xxx-xx-xxxx.
Brumbach, Jon R. xxx-xx-xxxx.
Bruni, Jerome V. xxx-xx-xxxx.
Bryant, Robert S. xxx-xx-xxxx.
Bshero, Raymond J. xxx-xx-xxxx.
Buchan, Francis xxx-xx-xxxx.
Buie, Charles L. xxx-xx-xxxx.
Burgess, James L. xxx-xx-xxxx.
Burke, Joseph G. xxx-xx-xxxx.
Burke, William M., Jr. xxx-xx-xxxx.
Burkett, Fred M., Jr. xxx-xx-xxxx.
Bush, Larry F. xxx-xx-xxxx.
Butler, Richard E. xxx-xx-xxxx.
Butt, Thomas N. xxx-xx-xxxx.
Calvert, Christopher N. xxx-xx-xxxx.
Cannon, Michael P. xxx-xx-xxxx.
Caravello, Christopher xxx-xx-xxxx.
Carey, Robert E., xxx-xx-xxxx.
Carey, Timothy N. xxx-xx-xxxx.
Carlson, Douglas M. xxx-xx-xxxx.
Carparelli, Russell xxx-xx-xxxx.
Carpenter, Gerald C. xxx-xx-xxxx.
Carr, Larry A., xxx-xx-xxxx.
Cash, James G., Jr. xxx-xx-xxxx.
Cataldi, Christopher J. xxx-xx-xxxx.
Cato, George D. xxx-xx-xxxx.
Cavin, William J. xxx-xx-xxxx.
Chadwick, Robert T., xxx-xx-xxxx.
Chambers, Robert J., Jr. xxx-xx-xxxx.
Chambers, Robert W. xxx-xx-xxxx.
Chatfield, James R. xxx-xx-xxxx.
Chepolis, Paul T. xxx-xx-xxxx.
Chereb, David M. xxx-xx-xxxx.
Christy, Richard N., II, xxx-xx-xxxx.
Clark, Christopher K. xxx-xx-xxxx.
Clark, Darba B., III xxx-xx-xxxx.
Clark, Lance R. xxx-xx-xxxx.
Clohan, William C., Jr. xxx-xx-xxxx.
Cobb, Marck R. xxx-xx-xxxx.
Cole, Edward S. xxx-xx-xxxx.
Colgate, James A. xxx-xx-xxxx.
Colligan, Robert L. III xxx-xx-xxxx.
Collins, Patrick A. xxx-xx-xxxx.
Colyer, Calvin W. xxx-xx-xxxx.
Connelly, Stephen R. xxx-xx-xxxx.
Cooper, James R. xxx-xx-xxxx.
Corbett, Gary A. xxx-xx-xxxx.
Corsetti, Joseph A. xxx-xx-xxxx.
Cotnoir, Marc E. xxx-xx-xxxx.
Coulson, Edward R. xxx-xx-xxxx.
Covington, Gary N. xxx-xx-xxxx.
Cowan, Philip M. xxx-xx-xxxx.
Craigie, Ronald P. xxx-xx-xxxx.
Creech, John N. xxx-xx-xxxx.
Cross, Terrence L. xxx-xx-xxxx.
Crouthamel, Phillip L. xxx-xx-xxxx.
Crow, George D., III xxx-xx-xxxx.
Cusick, John J. xxx-xx-xxxx.
Dahlen, Gary W. xxx-xx-xxxx.
Davey, Mickey S. A., xxx-xx-xxxx.
Davis, William F. xxx-xx-xxxx.
Dawes, George A. xxx-xx-xxxx.
DeFilippo, John xxx-xx-xxxx.
Demand, Dana B. xxx-xx-xxxx.
DeOrio, James K. xxx-xx-xxxx.
DeSantis, Anthony xxx-xx-xxxx.
Dessert, Robert T. xxx-xx-xxxx.
DeWitt, David S., Jr. xxx-xx-xxxx.
Dickey, Arthur C., III, xxx-xx-xxxx.
Dietz, Robert A. xxx-xx-xxxx.
Dill, Randall C. xxx-xx-xxxx.
Dinardo, John N. xxx-xx-xxxx.
Disosway, John F. xxx-xx-xxxx.
Distelhorst, Thomas E. xxx-xx-xxxx.
Dobbels, Mark A., xxx-xx-xxxx.
Dockendorff, James E. xxx-xx-xxxx.
Dowdall, Michael D., xxx-xx-xxxx.
Downing, Richard H. xxx-xx-xxxx.
Drabant, Robert J. xxx-xx-xxxx.
DuBois, Sidney P. xxx-xx-xxxx.
Duffy, Kevin J. xxx-xx-xxxx.
Dunbar, Christopher H. xxx-xx-xxxx.
Dunn, James M. xxx-xx-xxxx.
Dustin, Jacob D. xxx-xx-xxxx.
Edsell, Patrick L., xxx-xx-xxxx.
Egbert, Edwin C. xxx-xx-xxxx.
Elliott, Norman L., xxx-xx-xxxx.
Ellis, Dwight F. xxx-xx-xxxx.
Emery, Curtis H., II, xxx-xx-xxxx.
Emery, Gary F. xxx-xx-xxxx.
Epping, Edward E. xxx-xx-xxxx.
Ewig, Mark G., xxx-xx-xxxx.
Fahy, Albert F., III, xxx-xx-xxxx.
Fair, Michael K. xxx-xx-xxxx.
Feaster, Stephen J. xxx-xx-xxxx.
Ferguson, James G. xxx-xx-xxxx.
Ferraris, Albert H., Jr. xxx-xx-xxxx.
Fey, Walter B., xxx-xx-xxxx.
Field, Jeffrey N., xxx-xx-xxxx.
Fine, Jeffrey N. xxx-xx-xxxx.
Finley, Gary L. xxx-xx-xxxx.
Finnern, Roger F. xxx-xx-xxxx.
Fishburn, Thomas W., Jr. xxx-xx-xxxx.
Fishman, Robert L. xxx-xx-xxxx.
Flaherty, Warren T. xxx-xx-xxxx.
Floyd, James S., xxx-xx-xxxx.
Forbes, Donald E. xxx-xx-xxxx.
Ford, Clyde W., Jr., xxx-xx-xxxx.
Fox, Peter H. xxx-xx-xxxx.
Franck, Derrick R. xxx-xx-xxxx.
Freedman, James D. xxx-xx-xxxx.
French, Bruce D. xxx-xx-xxxx.
Funnemark, Dennis F. xxx-xx-xxxx.
Gabreski, Donald F. xxx-xx-xxxx.
Galich, David J. xxx-xx-xxxx.
Gallagher, John J., Jr. xxx-xx-xxxx.
Gannon, John B. xxx-xx-xxxx.
Garbe, Steven E. xxx-xx-xxxx.
Garritson, Craig O., xxx-xx-xxxx.
Gaw, David L., xxx-xx-xxxx.
Germer, Robert M. xxx-xx-xxxx.
Gilles, Gregory L. xxx-xx-xxxx.
Gillespie, Ritchie P. xxx-xx-xxxx.
Glass, Steven T. xxx-xx-xxxx.
Glitz, Norman T. xxx-xx-xxxx.
Goelz, Francis C. xxx-xx-xxxx.
Gonzalez, Efrain U. xxx-xx-xxxx.
Goodnow, Paul G. xxx-xx-xxxx.
Gordon, Bruce P. xxx-xx-xxxx.
Gorman, William J., Jr. xxx-xx-xxxx.
Gorrell, John G. xxx-xx-xxxx.
Graczyk, Thomas M. xxx-xx-xxxx.
Graff, Thomas J. xxx-xx-xxxx.
Gravrock, Stephen H. xxx-xx-xxxx.
Gray, Charles O., Jr. xxx-xx-xxxx.
Grayson, Larry L. xxx-xx-xxxx.
Greene, Kenneth L. xxx-xx-xxxx.
Gregersen, Michael D. xxx-xx-xxxx.
Gruening, Winthrop H. xxx-xx-xxxx.
Guenard, Stephen V. xxx-xx-xxxx.
Gumbert, Gary E. xxx-xx-xxxx.
Gunyou, John M. xxx-xx-xxxx.
Gwinnup, John M., xxx-xx-xxxx.
Gwyn, Douglas S. xxx-xx-xxxx.
Haas, James D. xxx-xx-xxxx.
Hagan, Louis F., Jr. xxx-xx-xxxx.
Hagan, Wayne S. xxx-xx-xxxx.
Haines, Richard D. xxx-xx-xxxx.
Hale, John S., xxx-xx-xxxx.
Hale, Mark P. xxx-xx-xxxx.
Hall, Dennis G. xxx-xx-xxxx.
Hallman, David B. xxx-xx-xxxx.
Ham, William H., Jr. xxx-xx-xxxx.
Hamblin, Leslie J. xxx-xx-xxxx.
Hamill, George G. xxx-xx-xxxx.
Hammerud, Gordon W. xxx-xx-xxxx.
Hancock, Daniel E. xxx-xx-xxxx.
Hansen, Brad J., xxx-xx-xxxx.
Hanzel, Michael C. xxx-xx-xxxx.
Hardy, Arthur H. xxx-xx-xxxx.
Hargrove, William S. xxx-xx-xxxx.
Harmon, Chester B. xxx-xx-xxxx.
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Harper, Michael C. xxx-xx-xxxx.
Harrell, William S., Jr., xxx-xx-xxxx.
Harrington, Richard H. xxx-xx-xxxx.
Harshman, Randy L. xxx-xx-xxxx.
Harveson, Lloyd C., Jr. xxx-xx-xxxx.
Harvey John F., III xxx-xx-xxxx.
Haselton, John H. xxx-xx-xxxx.
Hassen, Kenneth A. xxx-xx-xxxx.
Hatch, Lewis M., IV xxx-xx-xxxx.
Hatlelio, John E. xxx-xx-xxxx.
Hawthorn, Scott R. xxx-xx-xxxx.
Heming, Francis S., Jr. xxx-xx-xxxx.
Herbert, Timothy G. xxx-xx-xxxx.
Herrera, Moses xxx-xx-xxxx.
Hescox, William S. xxx-xx-xxxx.
Heublein, Timothy K. xxx-xx-xxxx.
Heyroth, Stephen L. xxx-xx-xxxx.
Higgins, David K. xxx-xx-xxxx.
Hilb, Robert C. xxx-xx-xxxx.
Hill, Roger L., xxx-xx-xxxx.
Hinderhofer, James xxx-xx-xxxx.
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Hoffman, James H. xxx-xx-xxxx.
Holdman, Randy G. xxx-xx-xxxx.
Holley, Marcus C. xxx-xx-xxxx.
Holmes, Judson W., Jr. xxx-xx-xxxx.
Holt, Robert G. xxx-xx-xxxx.
Hooper, Victor J. xxx-xx-xxxx.
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Howard, Aubrey A., Jr. xxx-xx-xxxx.
Huber, Henry M., xxx-xx-xxxx.
Hudacsko, Kenneth A. xxx-xx-xxxx.

Hudak, Wayne A. xxx-xx-xxxx
Huey, Terry C. xxx-xx-xxxx
Hughes, George C. xxx-xx-xxxx
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Humphries, Craig R. xxx-xx-xxxx
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Hutchinson, Karl T. xxx-xx-xxxx
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Jacques, David W. xxx-xx-xxxx
Jeffus, James T. xxx-xx-xxxx
Jenney, Robert P. xxx-xx-xxxx
Jenney, William H. xxx-xx-xxxx
Jennings, Ralph O. xxx-xx-xxxx
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Johnson, James W. xxx-xx-xxxx
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Johnston, Roswell M. xxx-xx-xxxx
Jonas, Frederick M. xxx-xx-xxxx
Jones, James R. xxx-xx-xxxx
Jones, Raymond A. xxx-xx-xxxx
Jones, Reuben D., Jr. xxx-xx-xxxx
Jones, Rex. W. xxx-xx-xxxx
Jones, Ronald V. xxx-xx-xxxx
Jones, Thomas C. xxx-xx-xxxx
Joy, Christopher J. xxx-xx-xxxx
Julsonnet, Robert M. xxx-xx-xxxx
Jump, William L. xxx-xx-xxxx
Kaiser, Henry D. xxx-xx-xxxx
Kammerer, George G. xxx-xx-xxxx
Karnowski, Timothy A. xxx-xx-xxxx
Katosh, Paul M. xxx-xx-xxxx
Kauppila, James P. xxx-xx-xxxx
Keefer, Theodore E., III xxx-xx-xxxx
Keller, Michael M. xxx-xx-xxxx
Kellerman, Charles L., Jr xxx-xx-xxxx
Kelley, Michael S. xxx-xx-xxxx
Kelly, Ronald T. xxx-xx-xxxx
Kelly, William W. xxx-xx-xxxx
Kendall, Jerome R. xxx-xx-xxxx
Kennedy, Charles A. xxx-xx-xxxx
Keown, James G. xxx-xx-xxxx
Kessell, Roy C. xxx-xx-xxxx
Kessler, Brian L. xxx-xx-xxxx
Keys, George R., Jr. xxx-xx-xxxx
King, Clarence G., Jr. xxx-xx-xxxx
King, Cliff R. xxx-xx-xxxx
King, Clifford R. xxx-xx-xxxx
Kinnan, Timothy A. xxx-xx-xxxx
Kirkman, William H., II xxx-xx-xxxx
Kirkpatrick, Douglas H. xxx-xx-xxxx
Kline, Clayton M. xxx-xx-xxxx
Kline, George A. xxx-xx-xxxx
Kniola, Daniel G. xxx-xx-xxxx
Knowles, David P. xxx-xx-xxxx
Koehm, Robert G. xxx-xx-xxxx
Kolbe, Phillip T. xxx-xx-xxxx
Krasnicki, Philip C. xxx-xx-xxxx
Krauser, Jeffrey I. xxx-xx-xxxx
Kupko, John J., II xxx-xx-xxxx
Lacaillade, Mark E. xxx-xx-xxxx
Lambert, Harry M. xxx-xx-xxxx
Lambert, Sam M. xxx-xx-xxxx
Lands, Gerald W. xxx-xx-xxxx
Laugerman, John B., Jr. xxx-xx-xxxx
Lehman, Kent W. xxx-xx-xxxx
Leigh, Ernest V., Jr. xxx-xx-xxxx
Leimbach, Glenn R. xxx-xx-xxxx
Lenihan, John P., Jr. xxx-xx-xxxx
Lesch, Richard J. xxx-xx-xxxx
Leuthauser, Dennis A. xxx-xx-xxxx
Levoy, James R. xxx-xx-xxxx
Lewis, Robert M. xxx-xx-xxxx
Ligocki, Matthew K. xxx-xx-xxxx
Limoges, Sydney E. xxx-xx-xxxx
Lincoln, William D. xxx-xx-xxxx
Lindholm, Tenny A. xxx-xx-xxxx
Lingamfelter, Christian xxx-xx-xxxx
Lipp, John R. xxx-xx-xxxx
Little, Dallas N., Jr. xxx-xx-xxxx
Lobit, Edgar J. xxx-xx-xxxx
Lockett, John S. xxx-xx-xxxx
Long, Roy C., Jr. xxx-xx-xxxx
Longnecker, Charles H. xxx-xx-xxxx
Lopert, Robert B. xxx-xx-xxxx
Lotz, Richard E. xxx-xx-xxxx
Love, David E., Jr. xxx-xx-xxxx
Lowe, Gregory M. xxx-xx-xxxx
Lundberg, John W., III xxx-xx-xxxx
Lundgren, Darryl V. xxx-xx-xxxx
Lyga, Michael J. xxx-xx-xxxx
Lyons, David M. S. xxx-xx-xxxx
MacDonald, Angus J. xxx-xx-xxxx
MacDonald, Arthur S. xxx-xx-xxxx
MacGhee, David F. xxx-xx-xxxx
MacIsaac, Richard S. xxx-xx-xxxx
Mack, Robert J. xxx-xx-xxxx
Madison, Frank J., II xxx-xx-xxxx
Maher, Brian A. xxx-xx-xxxx
Mandas, Richard M. xxx-xx-xxxx
Mann, Eric F. xxx-xx-xxxx
Manning, William T. xxx-xx-xxxx
Marietta, Anthony R. xxx-xx-xxxx
Maroney, Curtis M. xxx-xx-xxxx
Marsden, Gregg F. xxx-xx-xxxx
Marsh, Byron P. xxx-xx-xxxx
Marshall, Robert A. xxx-xx-xxxx
Marston, Morrill E. xxx-xx-xxxx
Martin, Gregory S. xxx-xx-xxxx
Martin, Maurice L., Jr. xxx-xx-xxxx
Martin, Stephen W. xxx-xx-xxxx
Martinson, John H. xxx-xx-xxxx
Massey, Darrel A. xxx-xx-xxxx
Matsunaga, Arlon S. xxx-xx-xxxx
Mayer, Marcel W. xxx-xx-xxxx
McAllister, Robin K. xxx-xx-xxxx
McBride, Robert J., Jr. xxx-xx-xxxx
McCandless, James J. xxx-xx-xxxx
McCarty, Robert R. xxx-xx-xxxx
McClelland, William J. xxx-xx-xxxx
McCollough, Brian J. xxx-xx-xxxx
McCormick, Michael J. xxx-xx-xxxx
McCowen, Robert E. xxx-xx-xxxx
McCrum, Michael R. xxx-xx-xxxx
McCullough, John P. xxx-xx-xxxx
McDowell, Bryan L. xxx-xx-xxxx
McElrath, Bruce R. xxx-xx-xxxx
McFadden, Cornelius D., II xxx-xx-xxxx
McGregor, Fred T., Jr. xxx-xx-xxxx
McGuire, William R. xxx-xx-xxxx
McKee, Gerald A. xxx-xx-xxxx
McKelvy, Rayolyn L. xxx-xx-xxxx
McKenna, Gregory B. xxx-xx-xxxx
McKinley, James L. xxx-xx-xxxx
McKinley, Robert D. xxx-xx-xxxx
McKinney, Robert L. xxx-xx-xxxx
McKnight, Russell E. xxx-xx-xxxx
McLain, George E., Jr. xxx-xx-xxxx
McLaughlin, John A., Jr. xxx-xx-xxxx
McMillan, Michael R. xxx-xx-xxxx
McRae, Bruce K. xxx-xx-xxxx
Meilinger, Phillip S. xxx-xx-xxxx
Menard, Thomas A. xxx-xx-xxxx
Michaud, Francis P. xxx-xx-xxxx
Middleton, Gordon R. xxx-xx-xxxx
Miller, Herbert S. xxx-xx-xxxx
Miller, Mark K. xxx-xx-xxxx
Mills, Donald W. xxx-xx-xxxx
Minneman, Steven A. xxx-xx-xxxx
Mitchel, John R. xxx-xx-xxxx
Mitchell, Frank E., Jr. xxx-xx-xxxx
Mitchell, Henry P. xxx-xx-xxxx
Mockovak, William P. xxx-xx-xxxx
Mohr, Dean B., Jr. xxx-xx-xxxx
Monahan, John D., Jr. xxx-xx-xxxx
Monroe, George M. xxx-xx-xxxx
Montoya, Adolfo G. xxx-xx-xxxx
Mooney, Francis T., Jr. xxx-xx-xxxx
Moore, Philip C. xxx-xx-xxxx
Morrison, James E. xxx-xx-xxxx
Morse, Channing S. xxx-xx-xxxx
Mueller, Jack D. xxx-xx-xxxx
Mulford, James D. xxx-xx-xxxx
Murphy, Daniel J. xxx-xx-xxxx
Murrow, Richard C. xxx-xx-xxxx
Myers, Eric J. xxx-xx-xxxx
Naversen, Douglas N. xxx-xx-xxxx
Nealy, Brian L. xxx-xx-xxxx
Newhouse, Dennis E. xxx-xx-xxxx
Nichols, Clark R. xxx-xx-xxxx
Nielsen, Glenn L. xxx-xx-xxxx
Nieman, Robert L. xxx-xx-xxxx
Noe, Jeffrey W. xxx-xx-xxxx
Norman, Collie E. xxx-xx-xxxx
Norman, Jack B. xxx-xx-xxxx
Northrop, Russell A. xxx-xx-xxxx
Northrup, Craig M. xxx-xx-xxxx
Norton, Douglas R. xxx-xx-xxxx
Noyes, Steve C. xxx-xx-xxxx
Oakeshott, Glenn R. xxx-xx-xxxx
O'Brien, Patrick T., III xxx-xx-xxxx
O'Connor, Richard M. xxx-xx-xxxx
O'Kelly, Gregory C. xxx-xx-xxxx
Oldenburg, William H., II xxx-xx-xxxx
Olson, Owen D. xxx-xx-xxxx
O'Meara, Thomas J., Jr. xxx-xx-xxxx
O'Neal, James W., III xxx-xx-xxxx
O'Sullivan, Brenden xxx-xx-xxxx
Ota, Gary S. xxx-xx-xxxx
Paddack, Michael R. xxx-xx-xxxx
Page, Stephen S. xxx-xx-xxxx
Painter, Thomas D. xxx-xx-xxxx
Palenchar, David J. xxx-xx-xxxx
Pape, Louis E., II xxx-xx-xxxx
Parks, Stanley W., Jr. xxx-xx-xxxx
Passmore, Stephen B. xxx-xx-xxxx
Paton, Wade L. xxx-xx-xxxx
Patterson, Lloyd W. xxx-xx-xxxx
Pelzer, Jay L. xxx-xx-xxxx
Penney, John C. xxx-xx-xxxx
Pennington, Robert D. xxx-xx-xxxx
Penny, Robert E., Jr. xxx-xx-xxxx
Perron, David H. xxx-xx-xxxx
Peteet, Hugh C. xxx-xx-xxxx
Peterson, Roger E. xxx-xx-xxxx
Petrzelka, Terrence L. xxx-xx-xxxx
Petty, John J. xxx-xx-xxxx
Pfaff, Terry L. xxx-xx-xxxx
Playford, James M. xxx-xx-xxxx
Pomeroy, John H. xxx-xx-xxxx
Pomphrey, Michael K. xxx-xx-xxxx
Popovich, Gregg C. xxx-xx-xxxx
Poppell, Samuel E. xxx-xx-xxxx
Porter, William F. xxx-xx-xxxx
Pratt, Thomas M. xxx-xx-xxxx
Pendergast, Brian xxx-xx-xxxx
Puglisi, Vincent C. xxx-xx-xxxx
Puseman, Richard A. xxx-xx-xxxx
Quincy, John J. xxx-xx-xxxx
Quirk, Jeffrey A. xxx-xx-xxxx
Quist, Gene R. xxx-xx-xxxx
Radcliff, Roger R. xxx-xx-xxxx
Radcliffe, David J. xxx-xx-xxxx
Randazza, Thomas xxx-xx-xxxx
Rankin, John J. xxx-xx-xxxx
Rashid, Edward R. xxx-xx-xxxx
Rasmussen, Norman R. xxx-xx-xxxx
Rasmussen, Stephen C xxx-xx-xxxx
Rathbun, William L. xxx-xx-xxxx
Rauschkolb, Richard S. xxx-xx-xxxx
Rayl, George F. xxx-xx-xxxx
Rayl, Thomas J. xxx-xx-xxxx
Redman, David J. xxx-xx-xxxx
Reed, Charles R. xxx-xx-xxxx
Reed, Gary K. xxx-xx-xxxx
Reel, Harry J. xxx-xx-xxxx
Reel, Thomas P. xxx-xx-xxxx
Reich, William J. xxx-xx-xxxx
Reiley, Michael T. xxx-xx-xxxx
Renaud, Joseph M. xxx-xx-xxxx
Retzer, Jere W. xxx-xx-xxxx
Richman, Jerome B. xxx-xx-xxxx
Riddick, James T., III xxx-xx-xxxx
Rietdorf, Robert xxx-xx-xxxx
Riggs, Roger D. xxx-xx-xxxx
Riggs, Steven C. xxx-xx-xxxx
Ritchard, Larry H. xxx-xx-xxxx
Ritter, Richard D. xxx-xx-xxxx
Robbins, Mark L. xxx-xx-xxxx
Roberts, Stephen M. xxx-xx-xxxx
Robinson, Jeffrey S. xxx-xx-xxxx
Robison, Rolland E. xxx-xx-xxxx
Robson, Howard E. xxx-xx-xxxx
Rock, Frederick M. xxx-xx-xxxx
Rodieck, Richard R. xxx-xx-xxxx
Rogers, James O., Jr. xxx-xx-xxxx
Rose, Michael L. xxx-xx-xxxx
Roselle, Roger W. xxx-xx-xxxx
Rosenblatt, Michael H. xxx-xx-xxxx
Rosenstock, Thomas L. xxx-xx-xxxx
Rossetti, Paul xxx-xx-xxxx
Rouse, Ronald E. xxx-xx-xxxx
Rovito, Gilbert A. xxx-xx-xxxx
Rowell, William F. xxx-xx-xxxx
Roy, Bruce A. xxx-xx-xxxx
Royce, Randolph W. xxx-xx-xxxx

Rumpf, Randall W., xxx-xx-xxxx
Rushing, Don G., xxx-xx-xxxx
Russ, John A., III, xxx-xx-xxxx
Ryan, Michael B., xxx-xx-xxxx
Sands, Harry J., III, xxx-xx-xxxx
Sarner, Steven R., xxx-xx-xxxx
Saunders, Ralph S., Jr., xxx-xx-xxxx
Saunders, Robert A., xxx-xx-xxxx
Schaffenberger, Paul R., xxx-xx-xxxx
Schepens, William E., xxx-xx-xxxx
Schlaefer, Kurt T., xxx-xx-xxxx
Schmidt, Gary B., xxx-xx-xxxx
Schmidt, Stephen R., xxx-xx-xxxx
Schmitt, Michael W., xxx-xx-xxxx
Schneider, Jack J., xxx-xx-xxxx
Schoen, Carl P., xxx-xx-xxxx
Schroeder, Marvin D., xxx-xx-xxxx
Schuler, Robert L., xxx-xx-xxxx
Schulke, Duane A., xxx-xx-xxxx
Schumacher, Jay K., xxx-xx-xxxx
Schumacher, Robert M., xxx-xx-xxxx
Schwartz, James G., xxx-xx-xxxx
Sconyers, Ronald T., xxx-xx-xxxx
Scullen, Robert W., xxx-xx-xxxx
Seeds, Walter A., xxx-xx-xxxx
Seese, Donald E., II, xxx-xx-xxxx
Sexton, David A., xxx-xx-xxxx
Shafer, Donald F., Jr., xxx-xx-xxxx
Sharkey, Steven J., xxx-xx-xxxx
Sharkey, Timothy J., xxx-xx-xxxx
Shaver, Jeffrey S., xxx-xx-xxxx
Shaw, Gerry W., xxx-xx-xxxx
Shaw, Jack W., xxx-xx-xxxx
Shelkofsky, Morris E., Jr., xxx-xx-xxxx
Shelton, David K., Jr., xxx-xx-xxxx
Shira, Michael J., xxx-xx-xxxx
Shirley, James R., xxx-xx-xxxx
Shultz, Delray F., xxx-xx-xxxx
Silvani, Richard L., xxx-xx-xxxx
Silvester, Terry R., xxx-xx-xxxx
Simoncic, Alan A., xxx-xx-xxxx
Simonds, Thomas H., xxx-xx-xxxx
Simpson, Stephen A., xxx-xx-xxxx
Sine, Frederick W., xxx-xx-xxxx
Sletten, Jeffrey O., xxx-xx-xxxx
Smalley, Dennis E., xxx-xx-xxxx
Smiley, Floyd M., Jr., xxx-xx-xxxx
Smisson, Charlie T., Jr., xxx-xx-xxxx
Smith, Charles L., xxx-xx-xxxx
Smith, Dale O., xxx-xx-xxxx
Smith, David L., xxx-xx-xxxx
Smith, Gregory L., xxx-xx-xxxx
Smith, James M., xxx-xx-xxxx
Smith, Richard B., xxx-xx-xxxx
Smith, Stanton T., III, xxx-xx-xxxx
Smith, William B., xxx-xx-xxxx
Smithwick, Richard N., xxx-xx-xxxx
Snead, Robert C., xxx-xx-xxxx
Snyder, Cecil O., III, xxx-xx-xxxx
Soltis, John J., xxx-xx-xxxx
Sonobe, Blake I., xxx-xx-xxxx
Sorenson, Marius G., xxx-xx-xxxx
Sparks, George W., Jr., xxx-xx-xxxx
Spear, Thomas H., xxx-xx-xxxx
Spinner, Richard L., xxx-xx-xxxx
Spitzer, Brian J., xxx-xx-xxxx
Sprinkel, David M., xxx-xx-xxxx
Spurgeon, James D., III, xxx-xx-xxxx
Stamm, William F., xxx-xx-xxxx
Stanland, William E., xxx-xx-xxxx
Stealey, John W., xxx-xx-xxxx
Stebner, Walter R., xxx-xx-xxxx
Steck, Harold D., Jr., xxx-xx-xxxx
Stein, Thomas A., xxx-xx-xxxx
Stephens, Dwain E., xxx-xx-xxxx
Stepputat, Alfred, B. W., xxx-xx-xxxx
Sterling, David E., xxx-xx-xxxx
Stewart, Robert E., Jr., xxx-xx-xxxx
Stice, Eric R., xxx-xx-xxxx
Stoll, Carl P., xxx-xx-xxxx
Stolle, Erik M., xxx-xx-xxxx
Stone, Bari W., xxx-xx-xxxx
Stover, Robert S., xxx-xx-xxxx
Stratton, Robert F., Jr., xxx-xx-xxxx
Strickland, William J., xxx-xx-xxxx
Stringfellow, John H., xxx-xx-xxxx
Strittmatter, Harold T., xxx-xx-xxxx
Stuart, Thomas R., III, xxx-xx-xxxx
Stumb, Charles E., xxx-xx-xxxx
Sullivan, Patrick C., xxx-xx-xxxx
Sunderland, William A., xxx-xx-xxxx
Sutton, John E., xxx-xx-xxxx
Swaim, Allan L., Jr., xxx-xx-xxxx
Swanson, Dustin H., Jr., xxx-xx-xxxx
Swanson, Richard E., xxx-xx-xxxx
Sydla, Michael J., xxx-xx-xxxx
Szczepanik, Russell L., xxx-xx-xxxx
Tabor, Terrence R., xxx-xx-xxxx
Taylor, John A., Jr., xxx-xx-xxxx
Taylor, Richmond L., xxx-xx-xxxx
Teeter, Herman M., Jr., xxx-xx-xxxx
Tench, William A., xxx-xx-xxxx
Terrill, Delbert R., xxx-xx-xxxx
Thomas, Dennis K., xxx-xx-xxxx
Thomas, John M., xxx-xx-xxxx
Thompson, Barry R., xxx-xx-xxxx
Thompson, John M., xxx-xx-xxxx
Thompson, Thomas W., xxx-xx-xxxx
Thrasher, Dennis I., xxx-xx-xxxx
Tieman, Larry R., xxx-xx-xxxx
Tobin, Jay G., xxx-xx-xxxx
Torreano, Michael J., xxx-xx-xxxx
Tosti, John A., xxx-xx-xxxx
Townsend, Francis W., xxx-xx-xxxx
Trimble, Jack R., xxx-xx-xxxx
Turose, Michael S., xxx-xx-xxxx
Tuseth, Richard C., xxx-xx-xxxx
Ufier, Randall J., xxx-xx-xxxx
Umbarger, George M., xxx-xx-xxxx
Upson, Carl M., xxx-xx-xxxx
Usry, Willis H., Jr., xxx-xx-xxxx
Vanalstine, Terry E., xxx-xx-xxxx
Vanderpoel, John E., xxx-xx-xxxx
Vandervelde, Philip C., xxx-xx-xxxx
Vanhorn, Kirby A., xxx-xx-xxxx
Vaughn, Robert L., xxx-xx-xxxx
Verardo, John E., xxx-xx-xxxx
Vesel, Fred H., xxx-xx-xxxx
Vickery, Glenn L., xxx-xx-xxxx
Vilbert, Michael J., xxx-xx-xxxx
Villarreal, Xavier G., xxx-xx-xxxx
Vogelgesang, David A., xxx-xx-xxxx
Volkmar, Ronald L., xxx-xx-xxxx
Wade, Joseph E., xxx-xx-xxxx
Wagner, Robert D., xxx-xx-xxxx
Walters, Tome H., Jr., xxx-xx-xxxx
Walton, Richard E., xxx-xx-xxxx
Ward, Charles A., xxx-xx-xxxx
Warner, Paul A., xxx-xx-xxxx
Warner, Randolph W., xxx-xx-xxxx
Waskon, Thomas C., xxx-xx-xxxx
Watson, John D., xxx-xx-xxxx
Watson, Stephen G., xxx-xx-xxxx
Watters, Chalton J., Jr., xxx-xx-xxxx
Watts, David A., xxx-xx-xxxx
Webb, Dayton B., xxx-xx-xxxx
Webb, Robert L., xxx-xx-xxxx
Weber, Frederick W., Jr., xxx-xx-xxxx
Weiland, Frederick L., xxx-xx-xxxx
Weiland, Lewis S., xxx-xx-xxxx
Weir, William C., xxx-xx-xxxx
Welbaum, Robert G., xxx-xx-xxxx
Wenska, Stefan G., xxx-xx-xxxx
Westbrook, Donald R., xxx-xx-xxxx
Westmoreland, Thomas M., xxx-xx-xxxx
Weyand, Gerald L., xxx-xx-xxxx
White, Kenneth W., xxx-xx-xxxx
White, Michael G., xxx-xx-xxxx
White, Paul R., xxx-xx-xxxx
Whitechurch, Charles J., xxx-xx-xxxx
Whitehead, Phillip M., xxx-xx-xxxx
Whitney, Frederick C., II, xxx-xx-xxxx
Wiisanen, Russell L., xxx-xx-xxxx
Wiley, Richard C., xxx-xx-xxxx
Witt, Thomas P., xxx-xx-xxxx
Witt, William P., xxx-xx-xxxx
Wittnebert, David A., xxx-xx-xxxx
Wonneberg, Gary R., xxx-xx-xxxx
Wood, Samuel H., IV, xxx-xx-xxxx
Woodard, Richard A., xxx-xx-xxxx
Woodhead, Gregory, xxx-xx-xxxx
Wozny, John E., xxx-xx-xxxx
Wurglitz, Alfred M., xxx-xx-xxxx
Yakabowskas, Carl J., xxx-xx-xxxx
Yamokoski, William, xxx-xx-xxxx
York, Edward J., Jr., xxx-xx-xxxx
Young, Dennis R., xxx-xx-xxxx
Young, Robert F., xxx-xx-xxxx
Zeigler, Michael C., xxx-xx-xxxx

The following cadets, U.S. Military Academy, for appointment in the Regular Air Force, in the grade of second lieutenant, effective upon their graduation, under the provisions of sections 541 and 8284, title 10, United States Code. Date of rank to be determined by the Secretary of the Air Force.

Anthony, Thomas W., xxx-xx-xxxx
Arcuri, William Y., xxx-xx-xxxx
Avery, Jimmie S., xxx-xx-xxxx
Britton, Barry J., xxx-xx-xxxx
Campbell, William L., xxx-xx-xxxx
Colson, William B., xxx-xx-xxxx
Cumiskey, William T., xxx-xx-xxxx
Gates, Larry L., xxx-xx-xxxx
Glawe, Michael H., xxx-xx-xxxx
Heaton, Robert L., xxx-xx-xxxx
Hurff, Walter F., xxx-xx-xxxx
Lampley, Thomas S., xxx-xx-xxxx
Madley, Stephen D., xxx-xx-xxxx
Mearsheimer, John J., xxx-xx-xxxx
Minor, Gerald C., xxx-xx-xxxx
Minor, John M., xxx-xx-xxxx
Nyhous, Terrence L., xxx-xx-xxxx
Opatovsky, Robert E., xxx-xx-xxxx
Paulson, Myhre E., xxx-xx-xxxx
Raisor, Bruce C., xxx-xx-xxxx
Seaman, Frank E., xxx-xx-xxxx
Shiely, Albert R., xxx-xx-xxxx
Short, Michael N., xxx-xx-xxxx
Standelnikas, Joseph R., xxx-xx-xxxx
Stainback, David A., xxx-xx-xxxx
Thomas, Kenneth L., xxx-xx-xxxx
Verrochi, Lawrence R., xxx-xx-xxxx
Webb, Gregory R., xxx-xx-xxxx
Wehrle, Joseph H., xxx-xx-xxxx
Williams, Dennis E., xxx-xx-xxxx
Williams, Richard L., xxx-xx-xxxx
Wimberly, Gary V., xxx-xx-xxxx
Young, John R., xxx-xx-xxxx

Subject to medical qualification and subject to designation as distinguished graduates, the following students of the Air Force Reserve Officer Training Corps for appointment in the regular Air Force, in the grade of second lieutenant, under the provisions of chapter 103, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force.

Aldrich, Roger L., xxx-xx-xxxx
Alston, James A., xxx-xx-xxxx
Baker, Donald L., xxx-xx-xxxx
Baker, John R., Jr., xxx-xx-xxxx
Bartley, Harry M., xxx-xx-xxxx
Bauman, Donald W., xxx-xx-xxxx
Beaubien, James W., III, xxx-xx-xxxx
Beaulieu, Donald J., xxx-xx-xxxx
Becker, Bruce C., II, xxx-xx-xxxx
Bilotta, Joseph P., Jr., xxx-xx-xxxx
Bluemer, Gary D., xxx-xx-xxxx
Blume, William H., xxx-xx-xxxx
Boyd, Robert W., xxx-xx-xxxx
Burks, Donald E., xxx-xx-xxxx
Campbell, William H., xxx-xx-xxxx
Carson, Russell E., xxx-xx-xxxx
Childress, John S., xxx-xx-xxxx
Clingerman, Thomas B., xxx-xx-xxxx
Cloninger, Kriss, III, xxx-xx-xxxx
Coatsworth, David R., xxx-xx-xxxx
Codlin, James R., xxx-xx-xxxx
Cole, Alden B., xxx-xx-xxxx
Copeland, Melvin L., Jr., xxx-xx-xxxx
Cotter, Steven D., xxx-xx-xxxx
Coward, Ira E., II, xxx-xx-xxxx
Crow, Ronald M., xxx-xx-xxxx
Dann, James R., xxx-xx-xxxx
DeWolf, Howard G., xxx-xx-xxxx
Domingue, James M., xxx-xx-xxxx
Eastman, William R., xxx-xx-xxxx
Eagan, Paul D., xxx-xx-xxxx
Ellis, Donald J., xxx-xx-xxxx
Gabbert, John H., Jr., xxx-xx-xxxx
Garrett, Robert M., xxx-xx-xxxx
Gilbert, Joseph M., xxx-xx-xxxx
Grumbles, John L., xxx-xx-xxxx
Gulick, Clyde E., xxx-xx-xxxx
Hale, James O., xxx-xx-xxxx
Hamblin, Leland T., Jr., xxx-xx-xxxx
Hardesty, Charles R., xxx-xx-xxxx
Harper, David C., xxx-xx-xxxx
Harris, Walter J., Jr., xxx-xx-xxxx
Hayes, Harry M., xxx-xx-xxxx

Hester, Paul V., xxx-xx-xxxx.
Hodges, John D., xxx-xx-xxxx.
Honig, Emanuel M., xxx-xx-xxxx.
Hotard, Douglas P., xxx-xx-xxxx.
Hudgins, Lewis W., Jr., xxx-xx-xxxx.
Jacober, Robert P., Jr., xxx-xx-xxxx.
Jacobsen, James K., xxx-xx-xxxx.
Jamieson, Jamie H., xxx-xx-xxxx.
Kennedy, Michael D., xxx-xx-xxxx.
Kline, Gary F., xxx-xx-xxxx.
Kneidel, Joseph L., xxx-xx-xxxx.
Koering, James E., xxx-xx-xxxx.
Laine, James R., xxx-xx-xxxx.
Larson, Glen G., xxx-xx-xxxx.
Leishman, Lamar S., xxx-xx-xxxx.
Martin, William A., xxx-xx-xxxx.
Mason, George I., III, xxx-xx-xxxx.
Masson, Arthur L., xxx-xx-xxxx.
McCracken, Kenneth W., xxx-xx-xxxx.
McDonald, Steven P., xxx-xx-xxxx.
McGinnis, David G., Jr., xxx-xx-xxxx.
McGuire, Stephen A., xxx-xx-xxxx.
Mitchell, Ronald P., xxx-xx-xxxx.
Montman, James H., xxx-xx-xxxx.
Morgan, Barry E., xxx-xx-xxxx.
Morgan, Richard W., xxx-xx-xxxx.
Moss, Thomas C., Jr., xxx-xx-xxxx.
Murphy, John J., Jr., xxx-xx-xxxx.
Nagy, Richard, xxx-xx-xxxx.
Parnell, Gregory S., xxx-xx-xxxx.
Patterson, Steven R., xxx-xx-xxxx.
Peguese, Herman, xxx-xx-xxxx.
Pellerin, William E., xxx-xx-xxxx.
Perozzi, Bruce P., xxx-xx-xxxx.
Pickering, Thomas R., Jr., xxx-xx-xxxx.
Pittman, Lester G., xxx-xx-xxxx.
Powell, Jon S., xxx-xx-xxxx.
Rapley, John W., xxx-xx-xxxx.
Rasor, Robert P., xxx-xx-xxxx.
Raycraft, Gerald E., xxx-xx-xxxx.
Richard, William H., xxx-xx-xxxx.
Shadle, Douglas J., xxx-xx-xxxx.
Shaffer, Glen D., xxx-xx-xxxx.
Schaub, Daniel H., xxx-xx-xxxx.
Schmidt, Richard L., xxx-xx-xxxx.
Schultz, Robert J., xxx-xx-xxxx.
Schweizer, Rudolph J., xxx-xx-xxxx.
Sears, Bernard E., xxx-xx-xxxx.
Sheen, Michail C., xxx-xx-xxxx.
Shockey, Michael E., xxx-xx-xxxx.
Singleton, Robert L., Jr., xxx-xx-xxxx.
Smith, Timothy A., xxx-xx-xxxx.
Sobol, Anthony J., III, xxx-xx-xxxx.
Staley, Charles W., xxx-xx-xxxx.
Staples, George M., xxx-xx-xxxx.
Stokka, Terrance L., xxx-xx-xxxx.
Taylor, Larry R., xxx-xx-xxxx.
Thykeson, Clinton A., xxx-xx-xxxx.
Tinder, Alan J., xxx-xx-xxxx.
Tipton, Robert L. Jr., xxx-xx-xxxx.
Valusek, John R., xxx-xx-xxxx.
Vanaken, Harry W., III, xxx-xx-xxxx.
Vanliere, Dennis A., xxx-xx-xxxx.
Walsh, James J., xxx-xx-xxxx.
Watkins, James C., xxx-xx-xxxx.
Watson, Wallace M., xxx-xx-xxxx.
Welch, David L., xxx-xx-xxxx.
Whittaker, Russell L., xxx-xx-xxxx.
Woody, Dwight R., xxx-xx-xxxx.

The following distinguished graduates of the Air Force Officer Training School for appointment in the Regular Air Force in the grade of second lieutenant, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force.

Bolz, Richard E., xxx-xx-xxxx.
Courtney, Gerald L., xxx-xx-xxxx.
Crump, James D., xxx-xx-xxxx.
Daries, Henry J., xxx-xx-xxxx.
Daub, Gene C., xxx-xx-xxxx.
Davis, Mark H., xxx-xx-xxxx.
Dwight, Nelson W., Jr., xxx-xx-xxxx.
Freehan, Robert J., xxx-xx-xxxx.
Galer, Lawrence A., xxx-xx-xxxx.
Gilchrist, Ronald C., xxx-xx-xxxx.
Harris, Clyde E., II, xxx-xx-xxxx.
Harris, John W., Jr., xxx-xx-xxxx.
Hunt, Aubrey F., xxx-xx-xxxx.
Inman, Jerry L., xxx-xx-xxxx.
Jones, Roy S., xxx-xx-xxxx.
King, Peter E., xxx-xx-xxxx.
Kithcart, Daniel J., xxx-xx-xxxx.
Kolarik, Francis L., Jr., xxx-xx-xxxx.
Leslie, Larry F., xxx-xx-xxxx.
Lyons, James F., Jr., xxx-xx-xxxx.
Negstad, Paul L., xxx-xx-xxxx.
Nelson, Michael K., xxx-xx-xxxx.
Rave, Morris R., xxx-xx-xxxx.
Sanders, John K., xxx-xx-xxxx.
Schenk, Horst A., xxx-xx-xxxx.
Schuler, George P., xxx-xx-xxxx.
Sedabres, Gilbert V., xxx-xx-xxxx.
Shimp, John W., xxx-xx-xxxx.
Smithson, Charles W., xxx-xx-xxxx.
Stevens, Ronnie M., xxx-xx-xxxx.
Thomas, Larry W., xxx-xx-xxxx.
Thompson, Michael W., xxx-xx-xxxx.
Wagenhofer, Joseph R., xxx-xx-xxxx.
Wallace, Calvin G., xxx-xx-xxxx.
Watson, Douglas M., xxx-xx-xxxx.
Yurkosky, Theodore P., xxx-xx-xxxx.

The following persons for appointment in the Regular Air Force. In the grades indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with dates of rank to be determined by the Secretary of the Air Force.

To be captain (dental)

Buzenas, John A., xxx-xx-xxxx.

To be first lieutenant (dental)

Scott, Herman D., xxx-xx-xxxx.

Lt. Col. Robert W. Lamb, xxx-xx-xxxx FR, for appointment as permanent professor, U.S. Air Forces Academy, under the provisions of section 9333B, title 10, United States Code.

HOUSE OF REPRESENTATIVES—*Tuesday, March 24, 1970*

The House met at 12 o'clock noon.

Rev. E. C. McDaniel, Main Street Baptist Church, Jacksonville, Fla., offered the following prayer:

Almighty God, creator of all mankind, we pray to Thee and Thee alone. It would be easy to try to impress men with our manner of speech and it would be easier for those here to listen to our words rather than speaking to Thee and asking for divine guidance. Therefore, help each one of us to be conscious of our helplessness and to adjure Thee for wisdom to make decisions which will affect not only ourselves but mankind the world over.

Gracious God, Thou hast permitted Your servant only a week ago to return from behind the Iron Curtain. And if anyone would know how to be thankful for America, it is I. Therefore, in these days of decisions, give to the Members of this Congress of the United States the wisdom of God to keep the message which You gave by the angels 2,000 years ago: "Peace on Earth, good will toward men."

For it is in Your dear name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 554. Concurrent resolution authorizing certain corrections to be made in the enrollment of H.R. 11959.

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 2593. An act to exclude executive officers and managerial personnel of Western Hemisphere businesses from the numerical limitation of Western Hemisphere immigration.

THE REVEREND E. C. McDANIEL

(Mr. BENNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENNETT. Mr. Speaker, it has been my honor to welcome to the floor of the House this day, Rev. E. C. McDaniel, who has just delivered an inspiring prayer for this body and for our country. The Speaker just mentioned to me that it was a beautiful prayer, a truly American prayer.

Reverend McDaniel is a longtime friend of mine and is pastor of the Main Street Baptist Church. He is an able pastor and minister to his flock, one of the largest in Florida. Reverend McDaniel has not contented himself with just being an outstanding preacher with a beautiful and large church edifice and a contented congregation. He and they are not content to let the rest of the world go by. He and his congregation have welcomed to their group, and have sought out, people who have particularly needed the love of Jesus Christ in their lives. This is the most inspiring thing that a man of God and a congregation can do; for the need is great everywhere.

Reverend McDaniel was born in Salem, Va., and was educated there and at Toccoa Falls Bible College in Georgia, and finally graduated from Luther Rice Seminary, where ultimately he was a professor being also in the active ministry as a permanent profession in life. He and Mrs. McDaniel have three children, Everett, Wanda, and Timothy. He is active in civic affairs, as is his wife, and I am proud to have them as constituents

He is a moderator for the 66,000 Baptists in the Jacksonville area. He is also a member of the executive committee of the Southern Baptist Convention.

ARMS TO ISRAEL NOW

(Mr. CELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CELLER. Mr. Speaker, I have studied carefully the statement of President Nixon on the shipment of arms to Israel. I cannot refrain from expressing my keen disappointment in the President's conclusion that arms not be sent to Israel at present. I point out that 256 Members of the House of Representatives

and 69 Members of the U.S. Senate signed a declaration for peace in the Middle East urging that Israel's request for arms be honored to prevent the Sovietization of the Middle East.

The President has said that he will not permit an imbalance of arms in the Middle East and that Israel will receive the aid she requests when she needs it. Inevitably, in the interest of the United States he must come to the conclusion that the United States will fill the requested arms to Israel. The risk in delay, however, is great and it is a tremendous responsibility the President takes upon himself by subscribing to this delay. Jets are useless to a nation destroyed.

I warn the decision to delay a decision may be wrongly interpreted by the Soviet Union, and the vacuum created by the President is now being filled by shipment into Egypt of Sam 3 missiles manned by Russian soldiers.

I take note of the positive features of the President's statement in the areas of economic aid and extension of credit, but I hope mightily that it will not be said of the President with reference to the sale of arms to Israel that he acted too late with too little.

The President may believe he can soften the attitude of the Soviets vis-a-vis Israel. He is utterly mistaken. Disraeli said:

Russia is the menace to civilization. You can gain nothing by compromise or concession with her.

THE POSTAL CRISIS

(Mr. FUQUA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FUQUA. Mr. Speaker, the President has acted wisely in his determination to see that the U.S. Post Office Department is not closed down in its responsibility to deliver the American mail.

Seldom have we been faced with a crisis as critical as that presented by the "wildcat walkouts" of the past few days. American commerce and our way of living can virtually come to a halt if this strike menace is not averted.

Banks do not know which checks have been presented for payment, and the stock market would have to close its vital economic function. Countless misery would be visited upon those least able to help themselves—those dependent upon retirement, welfare, and social security for their very existence.

There is no question but that there are grievances on the part of postal employees that cry out for solution. There is no question that much of the problem which has been raised could and should have been solved long ago.

Be that as it may, we can no more continue our system of business and commerce, our very way of life, without our mail service.

We cannot allow any group to flaunt court injunctions or to violate those laws which clearly make such walkouts illegal. When a man enters into the postal service, he takes upon himself a public responsibility such as is rendered by policemen, firemen, and other essential services. I can think of no circumstance that would warrant the chaos and problems which would be confronted by the American people if such strikes were to be successful.

The President did the only thing that he could do under the circumstances in calling in Federal troops to supplement the processing of the mail.

Congress and the President have an obligation to the American people to see that the mails continue to move and be delivered. The mammoth problems that face the postal service cannot be solved in chaos and confusion, but only in a reasoned atmosphere.

Let me further pay tribute to those members of the postal service who have remained on the job during this trying period. They have recognized that with their position comes a great public responsibility and they have acted in the highest tradition of the postal service in continuing to perform their service to the American people.

Let us hope that the more reasonable leaders of the postal service will prevail over the militants who are driving their friends from their midst. The disruptive cares little for his responsibility toward others and would rather destroy than to build. Fortunately, this is a small minority, but unfortunately they often carry far more influence than the more reasonable and dedicated individual.

PERMISSION FOR COMMITTEE ON HOUSE ADMINISTRATION TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on House Administration may be permitted to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERMISSION FOR COMMITTEE ON BANKING AND CURRENCY TO FILE REPORT ON H.R. 15073 UNTIL MIDNIGHT SATURDAY

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency may have until midnight Saturday, March 28, 1970, to file its report on H.R. 15073, to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in U.S. currency be reported to the Department of the Treasury, and for other purposes—known as the Swiss bank numbered account bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ISRAEL'S SURVIVAL

(Mr. FARBSTEIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FARBSTEIN. Mr. Speaker, when I made my last statement dealing with the possibility of Israel being denied the privilege of purchasing supersonic planes necessary for her defense, I believed then that the so-called balance of which the Secretary of State spoke in his statement did not exist.

I believe that, despite the statement of the Secretary of State that Israel's air capacity is sufficient to meet its needs for the time being, a balance still does not exist.

Does the Secretary of State consider subsonic obsolete planes as part of the balance of which he spoke? He knows as well as I do that, despite the excellence of her pilots, Israel cannot, with her majority of obsolete planes, match the supersonic planes of the Arab countries.

Is the world to witness another holocaust in this century?

In the knowledge that Israel can no longer depend on the United States for support, the Arabs may be encouraged to send their overwhelming forces against Israel once more, but this time better prepared.

Were they, on the other hand, advised that this administration would not permit the Israelis to be outnumbered militarily, the Arabs might agree to first a cease-fire and then, perhaps, a meeting with the Israelis for the purpose of making peace.

Unfortunately, the Secretary's statement is an inducement to try once again to drive Israel into the sea, forgetting the fact that destruction of Israel means hegemony over the Middle East by the Soviets.

Two and a half million souls must now depend on the whim of this administration for survival.

May the world pray for Israel's survival, for the blood of its people may be on its hands.

MONTANA TO CONSIDER LOWER VOTING AGE

(Mr. OLSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSEN. Mr. Speaker, Montana is one of the States that have recognized the maturity of its young people, that is, people who are younger than 21. So our legislature has authorized a referedum constitutional amendment to lower the voting age to 19.

I would admonish my colleagues, and I wish to call the attention of our dear colleague, the gentleman from New York (Mr. CELLER), to the fact that out in Montana we do not look at the riots and we do not look at the troublesome youngsters. We look to our own. We look to our own good youngsters in our own homes who have matured very well, and we are placing confidence in them that they can participate in the voting privilege in America, and that in so doing they will contribute to the progress of the Nation.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield?

Mr. OLSEN. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. I think it is significant that the gentleman has touched on this subject this morning, but I would call the attention of the House to the fact that he has set forth the mechanism of a

constitutional amendment to accomplish that, and that is the procedure this Congress should follow.

Mr. OLSEN. In Montana we are doing it that way, but in any event I think the Congress of the United States has the authority to govern Federal elections and, as we have in the past, I think we should continue to do so now. I thank the gentleman from Louisiana for his comments.

REQUEST FOR PERMISSION TO EXTEND APRIL 15 DEADLINE FOR FILING PERSONAL INCOME TAX AND OTHER TAX RETURNS

(Mr. MINSHALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINSHALL. Mr. Speaker, I have just sent telegrams to the Secretary of the Treasury and the Commissioner of the Internal Revenue Service as follows:

> Urge you consider feasibility of extending April 15 and earlier deadlines for filing personal income tax or other tax returns. Postal tie-ups have created havoc for citizens who rely on mail service for information essential to completing and mailing these returns.
>
> WILLIAM E. MINSHALL,
> *Member of Congress.*

Taxpayers certainly should not be penalized because of this unforeseen, unpredictable, and unprecedented postal crisis. The very fact that the President has declared a state of national emergency is ample evidence of mitigating circumstances for any late filing this year and I feel certain that the Secretary and the Commissioner will take this suggestion under advisement. Millions of Americans are undergoing sufficient hardship through curtailment of mail service without the additional anxiety of late-tax penalties for a situation entirely out of their control.

VARIOUS STOCKPILES

The SPEAKER. The Chair recognizes the gentleman from Massachusetts (Mr. PHILBIN).

Mr. PHILBIN. Mr. Speaker, before taking up the stockpile bills, in view of the very pertinent questions of the gentleman from Iowa about the various national stockpiles of strategic materials, I believe that an explanation of these stockpiles and a summary of inventories might be of informational value to my colleagues.

Briefly, strategic and critical materials have been accumulated under the authority of several statutes in several inventories, among which are the national stockpile, the Defense Production Act inventory, the supplemental stockpile and the Commodity Credit Corporation—CCC—inventory.

STOCKPILE LEGISLATION AND DISPOSAL PROVISIONS

The national stockpile, the Defense Production Act inventory and the supplemental stockpile—and the related Commodity Credit Corporation account—are authorized in different statutes, came into being at different times, were intended to serve different purposes, and are governed by different statutory provisions.

THE STRATEGIC AND CRITICAL MATERIALS STOCKPILE

The National Stockpile had its origin in Public Law 117, passed by the 76th Congress in 1939, which authorized purchases of rubber, tin, quartz crystals, and chromite. New, comprehensive legislation relating to stockpiling was enacted in 1946—Public Law 520, 79th Congress—and is known as the Strategic and Critical Materials Stock Piling Act. It provides for "the acquisition and retention of stocks of" certain strategic and critical materials in which the United States is deficient "and thereby decrease and prevent wherever possible a dangerous and costly dependence of the United States upon foreign nations for supplies of these materials in times of national emergency." The national stockpile was established in order to stockpile strategic and critical materials for defense purposes.

Acquisitions for this stockpile have been made largely by cash purchases of materials from foreign and domestic sources, by purchases from the DPA inventory, by barter with reimbursement to the Department of Agriculture, and by transfer of World War II surpluses of non-specification-grade materials when specification grades were critically short.

Disposals of excess materials may be made from the national stockpile only in accordance with strict statutory provisions "under which Congress retains the key to the stockpile," as stated in the House Military Affairs Committee report on the 1946 legislation. Disposals of materials held pursuant to Public Law 520 may be made in nonemergency periods only—

If they are determined to be no longer needed for purposes of the act;

After 6 months' notice in the Federal Register and transmission of notice of the proposed disposition to the Congress and to the Armed Forces Committee of each House;

With the express approval of the Congress—except where the determination that they are no longer needed is by reason of obsolescence of the material for use in time of war;

With due regard to the protection of producers, processors, and consumers against avoidable disruption of their usual markets; and

With due regard to the protection of the United States against avoidable loss in the sale or transfer of the materials.

There are no specific restrictions regarding the prices at which sales should be made—excepting the general "avoidable loss" provision mentioned above.

THE DEFENSE PRODUCTION ACT INVENTORY

The DPA inventory resulted from the acquisition of strategic materials "for Government use or resale" under title III of the Defense Production Act of 1950, as amended. The purpose of this title was to effect an expansion of productive capacity and supply of strategic and critical materials for defense purposes. The acquisition of materials was incident to this expansion program. Some of the materials in this inventory are counted toward the achievement of national stockpile objectives.

The only statutory limitations applicable to the disposal of materials from the DPA inventory are that such sales be at not less than the current domestic market price and that sales may not be made for periods extending beyond June 30, 1975—as amended by Public Law 88-343, June 30, 1964. The previous date was June 30, 1965. The materials may be disposed of without congressional approval. DMO 8600.1 provides:

> Generally, the sale of excess materials acquired under the Defense Production Act will be made only after appropriate public announcement of the quantity or quantities to be offered in a specified period of time.

Although there is no statutory provision to this effect the General Services Administration—GSA—has generally followed the practice of using press releases, issued about 30 days prior to the effective date of the plan, and the device for giving this due public notice.

THE SUPPLEMENTAL STOCKPILE

The supplemental stockpile was authorized as a depository to receive materials acquired as a result of disposals of surplus agricultural commodities. The Agricultural Trade Development and Assistance Act of 1954—Public Law 480—provided that agricultural surpluses could be sold for foreign currencies and that such currencies could be used for several purposes including the purchase of strategic and critical materials. The act provided that the amounts of such materials so acquired need not have any relationship to defense requirements. It also provided that they were to be placed and held in a supplemental stockpile. The Agricultural Act of 1956—Public Law 540—provided that materials acquired through barter were to be transferred to the supplemental stockpile.

Public Law 480 contains specific provisions relating to the release or sale of materials from the supplemental stockpile. The act provides that:

> Materials so acquired shall be released from the Supplemental Stockpile only under the provisions of Section 3 of the Strategic and Critical Materials Stockpile Act.

The legislative history and the clear implications of the Agricultural Trade Development and Assistance Act indicate that it was intended that strategic and critical materials transferred to the supplemental stockpile could not only be in addition to materials required for defense purposes under the Strategic and Critical Materials Stock Piling Act and the Defense Production Act, but that such materials in the supplemental stockpile, like those in the national stockpile, would be subject to strict congressional controls respecting their release.

As in the case of the national stockpile, sales from the supplemental stockpile are not restricted by provisions relating to price—excepting the general provision regarding "avoidable loss."

SUMMARY OF RAW MATERIALS INVENTORIES ON HAND AND ON ORDER—AS OF DEC. 31, 1969

	Short tons (in millions)	Acquisition cost	Market value
A. I. Total inventories:			
National stockpile	22.5	$4,321,671,300	$5,196,071,700
Supplemental stockpile	17.9	1,443,878,200	1,507,874,200
Defense Production Act	5.7	848,990,600	519,059,800
Commodity Credit Corporation	0	23,600	22,400
Total on hand	46.1	6,614,563,700	7,223,028,100
On order	.1	83,764,900	114,380,500
II. Inventories within objective: Total on hand	23.6	3,773,446,700	4,467,164,300
III. Inventories excess to objectives: Total on hand	22.5	2,841,117,000	2,755,863,800
B. Federal Property Act: Inventories		17,181,900	19,314,500

Note: Total stockpile objective $5,120,246,200 (market value as of Dec. 31, 1969). Market values are computed from prices at which similar materials are being traded currently; or, in the absence of current trading, an estimate of the price which would prevail in commercial markets. The markets values are generally unadjusted for normal premiums and discounts relating to contained qualities. The market values do not necessarily reflect the amount that would be realized at time of sale. The report is based on inventories in storage and includes quantities that have been sold but not shipped.

AUTHORIZING DISPOSAL OF SURINAM-TYPE METALLURGICAL GRADE BAUXITE FROM NATIONAL STOCKPILE AND SUPPLEMENTAL STOCKPILE

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the State of the Union be discharged from further consideration of the bill (H.R. 15998) to authorize the disposal of Surinam-type metallurgical grade bauxite from the national stockpile and the supplemental stockpile, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. BOLAND). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the bill, as follows:

H.R. 15998

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately two million six hundred thousand long dry tons of Surinam-type metallurgical grade bauxite now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456, as amended by 73 Stat. 607). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. PHILBIN. Mr. Speaker, H.R. 15998 would authorize the disposal of approximately 2,600,000 long dry tons of Surinam-type metallurgical grade bauxite from the national stockpile and the supplemental stockpile.

Bauxite is a mixture of minerals composed principally of hydrous oxides of aluminum. There are two basic ore types: a trihydrate—gibbsite—and the alpha monohydrate—boehmite. North and South American deposits are largely trihydrate. Caribbean Island deposits are a mixture of trihydrate and monohydrate. For purposes of distinction, the trihydrate is arbitrarily labeled "Surinam type" and the mixed-Caribbean "Jamaica type."

Metallurgical grade—about 80 percent of total bauxite production is in this grade—is used for the production of aluminum metal.

Refractory grade is used to produce high alumina refractories in the forms of brick and cementing compounds.

Abrasive grade is used in the manufacture of aluminum oxide abrasives.

Chemical grade is used in various forms for the purification of municipal water supplies and as a catalyst in petroleum refining.

United States, Surinam, British Guiana, Jamaica, Haiti, and Dominican Republic are sources. Other important world sources not normally supplying U.S. market—France, Hungary, Greece, Pacific Islands, Indonesia, and Yugoslavia.

As of January 31, 1970, the total inventory of Surinam-type bauxite held by GSA was 7,889,967 long dry tons. The present stockpile objective is 5,300,000 long dry tons. The total excess of approximately 2,600,000 long dry tons of Surinam-type material is covered by this bill. The average acquisition cost of Surinam-type bauxite was $15.68 a ton. The market price is currently estimated to be approximately $15 for Surinam-type material.

The subcommittee received detailed testimony from representatives of government on the proposed action. There was no objection from industry on the proposed disposal.

All the testimony received by the subcommittee urged the immediate enactment by the Congress of legislation which would authorize the proposed disposal of bauxite from the stockpiles.

The subcommittee was advised that the proposed disposal plan, concurred in by both Government and industry, represents an effort to achieve this disposal action with a minimum disruption of the market, and yet provide the Federal Government with a maximum return from the sale of the material.

The subcommittee and the full committee recommended immediate action on this bill and I, therefore, respectfully urge the House to take prompt favorable action on H.R. 15998.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING DISPOSAL OF NATURAL CEYLON AMORPHOUS LUMP GRAPHITE FROM NATIONAL STOCKPILE AND SUPPLEMENTAL STOCKPILE

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the State of the Union be discharged from further consideration of the bill (H.R. 16289) to authorize the disposal of natural Ceylon amorphous lump graphite from the national stockpile and the supplemental stockpile, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the bill, as follows:

H.R. 16289

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately three hundred and eighty-six short tons of natural Ceylon amorphous lump graphite now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456, as amended by 73 Stat. 607). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the

United States in furtherance of authorized program objectives of such agencies.

Mr. PHILBIN. Mr. Speaker, H.R. 16289 would authorize the disposal of approximately 386 short tons of natural Ceylon amorphous lump graphite from the national stockpile and the supplemental stockpile.

Graphite is a natural variety of elemental carbon having a grayish black color, a metallic tinge, and a decidedly greasy feel. It is a good conductor of heat and electricity, is resistant to acid and alkalies, and is easily molded.

The physical properties and chemical analyses of graphite from different sources vary widely and as a result not all graphites can be used interchangeably.

This graphite is used principally in the manufacture of carbon brushes for electric motors and generators, and in high-grade drafting pencils. It is also used in lubricants, oilless bearings, packing, and brake linings. Minor quantities are used for other purposes.

Source: Ceylon.

As of January 31, 1970, the total inventory of this natural graphite held by GSA was approximately 5,886 short tons. The present stockpile objective is 5,500 short tons. The remaining 386 short tons are excess and are covered by H.R. 16289. The average acquisition cost of natural Ceylon amorphous lump graphite was 10.8 cents per pound. The present published market price is about 9 cents per pound.

The subcommittee received detailed testimony from representatives of Government on the proposed action. There was no objection from industry on the proposed disposal.

All the testimony received by the subcommittee urged the immediate enactment by the Congress of legislation which would authorize the proposed disposal of graphite from the stockpile.

The subcommittee was advised that the proposed disposal plan, concurred in by both Government and industry, represents an effort to achieve this disposal action with a minimum disruption of the market, and yet provide the Federal Government with a maximum return from the sale of the material.

The subcommittee and the full committee recommended immediate action on this bill and I, therefore, respectfully urge the House to take prompt, favorable action on H.R. 16289.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING DISPOSAL OF REFRACTORY GRADE CHROMITE FROM NATIONAL STOCKPILE AND SUPPLEMENTAL STOCKPILE

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the State of the Union be discharged from further consideration of the bill (H.R. 16290) to authorize the disposal of refractory grade chromite from the national stockpile and the supplemental stockpile, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. GROSS. Mr. Speaker, reserving the right to object, how are we coming out on the sale of these stockpile materials? Can the gentleman give us any idea whether we are going to come out whole, make a profit or lose money on these proposed sales?

Mr. PHILBIN. We are doing fairly well on this particular material.

Mr. GROSS. This is on chromite?

Mr. PHILBIN. This is on the chromite, on which the gentleman expressed a previous interest. The current market value of the chromite is $12.6 million.

Mr. GROSS. What is that?

Mr. PHILBIN. In transactions on this particular disposal of chromite, refractory grade, the current market value is $12.6 million.

Mr. GROSS. We will make that? Is this not a lesser price than we paid for it?

Mr. PHILBIN. We will put into the Treasury that amount.

Mr. GROSS. Yes, but we are going to lose money on this. This is less than the purchase price.

Mr. PHILBIN. Yes; that is correct. That is the current market price, $12.6 million. We are losing something on that particular disposal.

Mr. GROSS. Where have we been getting our chromite? Did we not get at least some of this stockpile material from Rhodesia?

Mr. PHILBIN. We are dependent on foreign sources for the refractory chromite, and about 60 percent, the largest part, is received from the Philippines, with minor quantities from Africa and other sources.

Mr. GROSS. Yes, and we had been getting most of our high-grade chromite ore from Rhodesia. Is that not correct?

Mr. PHILBIN. I think that is true as to some of it, but we get most of it from the Philippines. About 60 percent of our imports of refractory grade chromite are from the Philippines and 40 percent from South Africa.

Mr. GROSS. And now we are buying chrome ore from Russia at about twice the price we paid the Rhodesians for their ore, and it is of lesser quality than the ore we obtained from the Rhodesians, although we are paying the Russians twice as much per ton. We no longer buy chromite from Rhodesia because we are boycotting that country. Is that not a fact?

Mr. PHILBIN. I think that might be true, but as I pointed out, we are getting most of our imports from the Philippines. I do not have any records here indicating any recent transactions with Rhodesia or with other countries.

Mr. GROSS. Is it not true we were buying from American companies in Rhodesia; that today there is chromite above ground in Rhodesia, owned by the American companies, but we cannot get that chromite out of Rhodesia by reason of the fact that we have severed diplomatic relations with that country and are economically boycotting it. Yet American industry and consumers are paying the Russians twice as much per ton as they paid the Rhodesians for their product.

Mr. PHILBIN. I believe it is true that the sanctions against the importation of Rhodesian ore have resulted in abnormal price increases for this metallurgical grade chromite.

The overall average price for chromium is expected to return to near or about the 1964–68 average when this political problem is settled. I would not be in a position to make any prediction as to that time.

Only a small relative increase in price is visualized for a substantial number of years. As projected by the experts, up to the year 2000 only a small increase in price is forecast.

This is all very speculative, and I am not in a position to give the gentleman any assurance. I certainly do not want to predict what is going to happen, because I am not in a position to do it.

The principal imports of this material come from other than Rhodesia.

Mr. GROSS. I have no desire to maintain an excess supply of chromite in this Goverment's stockpile. If this will replace the chromite we otherwise would buy from the Russians, I am for releasing it, but it is absolutely disgraceful that this country would boycott a friendly nation and refuse to buy from it that which we need and must have to keep the wheels turning in a large segment of our industry. Rhodesia has done nothing unfriendly toward the United States, and I repeat that the action this Government has taken is a disgrace.

Mr. Speaker, I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the bill, as follows:

H.R. 16290

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately eight hundred and twenty-six thousand nine hundred short dry tons of refractory grade chromite ore now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456, as amended by 73 Stat. 607). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that

methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. PHILBIN. Mr. Speaker, H.R. 16290 would authorize the disposal of approximately 826,900 short dry tons of refractory grade chromite ore from the national stockpile and the supplemental stockpile.

Refractory grade chromite is that type of chrome ore which is suitable for making bricks and cement used in such high temperature applications as metallurgical furnaces. Aside from any special analysis which may be required for an individual use, refractory grade chrome ore should contain an aggregate of 60 percent chromic oxide and alumina with a minimum of 31 percent chromic oxide, be low in iron—about 10 percent—and low in silica—under 6 percent.

Lump ore is used for making brick, and fines are used to make mortar for furnace use. While some brick is made with chromite alone, the more common use is in a mixture with magnesia, such mixed brick having strength and stability at high temperatures along with resistance to shrinkage and spalling—chipping—and to corrosion by slags and fluxes. Other products using refractory chromite include ramming mixes for furnaces and castable refractories requiring molds. About 90 percent of chromite refractories are used in the steel industry's electric and open hearth furnaces. There are also some applications in copper and other nonferrous smeltings and to a minor extent in industrial and marine firebox linings and bottoms, kilns, and furnaces.

The United States is dependent upon imports for refractory grade chromite. The largest part of imports—about 90 percent—is received from the Philippines, with minor quantities from Africa and other sources.

As of January 31, 1970, the total inventory of refractory grade chromite ore held by GSA was approximately 1,226,900 short dry tons. The present stockpile objective is 368,000 short dry tons, revised downward by OEP on March 4, from 400,000 short dry tons. Although 858,900 short dry tons are now excess, the disposal authorization request is for only 826,900 short dry tons—the quantity excess prior to the recent change in objective. The average acquisition cost of stockpile refractory grade chromite was $24.60 per short dry ton. The present market value is approximately $30 per short ton.

The subcommittee received detailed testimony from representatives of Government on the proposed action. There was no objection from industry on the proposed disposal.

All the testimony received by the subcommittee urged the immediate enactment of the Congress of legislation which would authorize the proposed disposal of refractory grade chromite ore from the stockpiles.

The subcommittee was advised that the proposed disposal plan, concurred in by both Government and industry, represents an effort to achieve this disposal action with a minimum disruption of the market, and yet provide the Federal Government with a maximum return from the sale of the material.

The subcommittee and the full committee recommended immediate action on this bill and I, therefore, respectfully urge the House to take prompt, favorable action on H.R. 16290.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING DISPOSAL OF CHRYSOTILE ASBESTOS FROM NATIONAL STOCKPILE AND SUPPLEMENTAL STOCKPILE

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the State of the Union be discharged from further consideration of the bill (H.R. 16291) to authorize the disposal of chrysotile asbestos from the national stockpile and the supplemental stockpile, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. GROSS. Mr. Speaker, reserving the right to object, I would remind the House that this again calls attention to the U.S. Government's refusal to do business with Rhodesia. Some of this chrysotile asbestos has been imported from that friendly country. Once again, the sordid economic boycott of Rhodesia comes to light in the consideration of this bill.

Mr. Speaker, I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the bill as follows:

H.R. 16291

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately two thousand eight hundred and forty-four tons of nonstockpile grade chrysotile asbestos now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456, as amended by 73 Stat. 607). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. PHILBIN. Mr. Speaker, H.R. 16291 would authorize the disposal of approximately 2,844 tons of nonstockpile grade chrysotile asbestos from the national stockpile and the supplemental stockpile.

Strategic grades of chrysotile asbestos have flexible fibers long enough to be spun into yarn and are virtually free of magnetite or other iron content.

Uses: As a dielectric insulation for cable, industrial electrical equipment and magnet wire. It can be readily used, but is not required, in other asbestos textiles fashioned to withstand heat such as bagging cloth, brakeband linings, and safety clothing.

Sources: A Canadian mine in British Columbia has been the principal source for U.S. users since 1954. Arizona produces a minor amount. Southern Rhodesia is exporting only small amounts to the United States. Imports are in crude form. Processing and spinning are done domestically.

As of January 31, 1970, the total inventory of chrysotile asbestos was approximately 14,100 short tons. The present stockpile objective is 13,700 short tons. The excess is composed of approximately 3,150 short tons in the national and supplemental stockpiles and about 306 short tons of nonstockpile grade in the Defense Production Act inventory currently authorized for sale, neither of which quantities are of a quality suitable for stockpile purposes. The excess of approximately 2,844 short tons is covered by H.R. 16291.

The average acquisition cost of the 2,844 tons of nonstockpile grade chrysotile asbestos was $648.15 per short ton. The current value of this material is about $200 per short ton.

The subcommittee received detailed testimony from representatives of Government on the proposed action. There was no objection from industry on the proposed disposal.

All the testimony received by the subcommittee urged the immediate enactment by the Congress of legislation which would authorize the proposed disposal of nonstockpile grade chrysotile asbestos from the stockpiles.

The subcommittee was advised that the proposed disposal plan, concurred in by both Government and industry, represents an effort to achieve this disposal action with a minimum disruption of the market, and yet provide the Federal Government with a maximum return from the sale of the material.

The subcommittee and the full committee recommended immediate action on this bill and I, therefore, respectfully urge the House to take prompt, favorable action on H.R. 16291.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING DISPOSAL OF NATURAL BATTERY GRADE MANGANESE ORE FROM NATIONAL STOCKPILE AND SUPPLEMENTAL STOCKPILE

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the State of the Union be discharged from further consideration of the bill (H.R. 16295) to authorize the disposal of natural battery grade manganese ore from the national stockpile and the supplemental stockpile, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the bill, as follows:

H.R. 16295

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately one hundred and seventy-three thousand eight hundred short dry tons of natural battery grade manganese ore now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) and the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456, as amended by 73 Stat. 607). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against available loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. PHILBIN. Mr. Speaker, H.R. 16295 would authorize the disposal of approximately 173,800 short dry tons of natural battery grade manganese ore from the national stockpile and the supplemental stockpile.

Manganese, battery grade, is manganese dioxide, a poorly crystalline material relative free of lead, copper, and other minerals that are electronegative to zinc. The ores or concentrates must be especially suitable for use in the manufacture of dry cell batteries. Natural ore, containing 68 percent to 85 percent MnO_2, is used in its natural condition after grinding to small mesh sizes.

Manganese, battery grade, is used in the manufacture of dry cells for batteries. In general, natural and synthetic manganese dioxide are mixed and used in military-grade dry cell batteries. The natural manganese dioxide is used alone in the manufacture of commercial and industrial type batteries.

Sources: Ghana is the principal source of high grade natural ore—minimum 75 percent MnO_2 for use in batteries, including its use in the manufacture of synthetic manganese dioxide. Some battery grade manganese dioxide—68 percent MnO_2—is produced near Philipsburg, Mont., but the production has never been large. This ore is identified as domestic or type B ore.

As of January 31, 1970, the total inventory of natural battery grade manganese ore held by GSA was 308,839 short dry tons. The present stockpile objective is 135,000 short dry tons. The total excess of approximately 173,800 short dry tons of natural battery grade manganese material is covered by this bill. The average acquisition cost of this material was $119.89 a ton. The market price is currently estimated to be approximately $95 a ton. Annual U.S. imports and consumption of natural battery grade material are believed to be on the order of 30,000 short tons, with Gabon and Ghana being the principal source of imports. The two countries account for roughly two-thirds of free world output of natural battery grade manganese ore. There is no domestic production of this material.

The subcommittee received detailed testimony from representatives of Government on the proposed action. There was no objection from industry on the proposed disposal.

All the testimony received by the subcommittee urged the immediate enactment by the Congress of legislation which would authorize the proposed disposal of natural battery grade manganese ore from the stockpiles.

The subcommittee was advised that the proposed disposal plan, concurred in by both Government and industry, represents an effort to achieve this disposal action with a minimum disruption of the market, and yet provide the Federal Government with a maximum return from the sale of the material.

The subcommittee and the full committee recommended immediate action onthis bill and I, therofer, respectfully urge the House to take prompt, favorable action on H.R. 16295.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING DISPOSAL OF CORUNDUM FROM NATIONAL STOCKPILE

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the State of the Union be discharged from further consideration of the bill (H.R. 16292) to authorize the disposal of corundum from the national stockpile, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the bill, as follows:

H.R. 16292

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately one thousand nine hundred and fifty-two short tons of nonstockpile grade corundum now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual market; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. PHILBIN. Mr. Speaker, H.R. 16292 would authorize the disposal of approximately 1,952 short tons of nonstockpile grade corundum from the national stockpile.

Corundum is an extremely hard, crystalline mineral used as an abrasive. It is natural aluminum oxide containing some impurities. It is characteristic of corundum for the grains to break with sharp angular fractures thereby imparting new cutting edges. This is the distinctive difference between natural and synthetic corundum. The synthetic is purer, more uniform, and silghtly harder. Ruby and sapphire are gem varieties of corundum.

Coarse corundum is used in grinding or "snagging" wheels and fine grain corundum for grinding optical glass.

Sources: Union of South Africa and Southern Rhodesia.

Corundum is no longer included in the stockpile list of strategic and critical materials. This bill would authorize disposal of approximately 1,952 short tons of corundum. An additional 12 tons had been held in the national stockpile; however, with removal of corundum from the stockpile list, GSA proposes to include

this small quantity in its overall disposal program under this authorization. The Director of the Office of Emergency Preparedness has determined that this material is excess to stockpile requirements and has authorized this disposal.

The United States imports all of its corundum.

As of January 31, 1970, the uncommitted stockpile inventory held by the GSA was approximately 1,964 short tons of corundum. With no objective for this material, all of this material is considered excess.

The average cost of the stockpile inventory of corundum acquired by GSA was $195.77 per short ton. The current market value for all the material in the stockpile ranges from $20 to $125 per short ton. Some of the material was obtained by transfer from other Government agencies.

All the testimony received by the subcommittee urged the immediate enactment by the Congress of legislation which would authorize the proposed disposal of nonstockpile grade corundum from the national stockpile.

The subcommittee received detailed testimony from representatives of Government on the proposed action. There was no objection from industry on the proposed disposal.

The subcommittee was advised that the proposed disposal plan, concurred in by both Government and industry, represents an effort to achieve this disposal action with a minimum disruption of the market, and yet provide the Federal Government with a maximum return from the sale of the material.

The subcommittee and the full committee recommended immediate action on this bill and I, therefore, respectfully urge the House to take prompt, favorable action on H.R. 16292.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING DISPOSAL OF MOLYBDENUM FROM NATIONAL STOCKPILE

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the State of the Union be discharged from further consideration of the bill (H.R. 16297) to authorize the disposal of molybdenum from the national stockpile, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. VANIK. Mr. Speaker, reserving the right to object, and I will not object, I would like to inquire of the distinguished gentleman from Massachusetts what the total budgetary effect is in fiscal year 1971 of the several bills that we are considering this morning.

Mr. PHILBIN. Mr. Speaker, will the gentleman yield?

Mr. VANIK. I yield to the gentleman.

Mr. PHILBIN. The bills we are considering this morning, Mr. Speaker, together with the nine bills the House passed on March 10, have a current market value of $477.4 million, and this would be the amount of income to the Government if sold now. The market value of the seven bills being considered today is $69.4 million.

Mr. VANIK. By "this year" you mean fiscal 1970 or 1971?

Mr. PHILBIN. Whenever the materials are disposed of, because we do not know at present when that will be. I presume it will be the latter part of this year, or even later before those materials would be sold, or even much later.

Mr. VANIK. This fiscal year, 1970?

Mr. PHILBIN. It will probably be in the neighborhood of $478 million at current market prices.

Mr. VANIK. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

Mr. GUBSER. Mr. Speaker, further reserving the right to object, I think it ought to be made crystal clear at this time, in response to the colloquy between the gentleman from Ohio and the gentleman from Massachusetts, that it is absolutely impossible to pinpoint any of these funds and relate them to a specific fiscal year. All this is the authorization to sell. We do not have the slightest idea whether they will sell in fiscal year 1971, 1972, or even in fiscal year 1980. So what we are trying to do, if you ascribe these specific figures to a specific fiscal year, is read a crystal ball and forecast the market. You just cannot do that. So, if we are looking for a chance to say that the Nixon administration is counting on selling the stockpile for revenue purposes, one just simply cannot do it.

Mr. VANIK. Will the gentleman yield?

Mr. GUBSER. I am happy to yield.

Mr. VANIK. In response to that, I would like to know what information the committee received at the time these bills were being considered and what was told to the committee concerning the stockpile sales. What are the intentions of the administration as related to the committee?

Mr. GUBSER. In order that this be made clear, I will say to the gentleman from Ohio that the only figure that could be given to us in the committee and which we can give to you—and the gentleman from Massachusetts has done it already—is the estimated market value of the material which is authorized to be disposed of. We do not know whether it will be sold or whether it will be sold at that price, but that is the estimate. And we do not know where or when it will be sold.

Mr. PHILBIN. Will the gentleman yield?

Mr. GUBSER. I yield to the gentleman.

Mr. PHILBIN. What the gentleman says is substantially true. We can estimate what the total return to the Government might be in the disposal of these various bills. However, when they will be totally disposed of and the specific timetable, we would not be able to give you.

Let me say this further: Based on previous experience with stockpile bills, when they are passed by the House and the other body, there has been an inclination and practice, on the part of the administrative department, the General Services Administration, which is charged with the disposal process, to proceed as fast as they can consistently with not disrupting the market, and with having orderly sales of the material. There will be a likelihood that some of these materials would be disposed of before the end of the next fiscal year. It seems to me that this is a reasonable possibility, but is it by no means assured.

As the distinguished gentleman from California (Mr. GUBSER) pointed out so well, if there should be any change in the market situation, or there is some prospect of a disruption of the market arising as a result of the change of market conditions, supply and demand, and the like, of course, in those circumstances, the disposals would be handled differently and sales would be deferred, and under that situation it might take a somewhat longer period of time to make total disposals.

Mr. VANIK. If the gentleman will yield further, was it indicated that there would be a substantially early disposal or was a prolonged disposition involved?

Mr. PHILBIN. As I just pointed out to my friend, the able and distinguished gentleman, it is difficult to try to work out a timetable estimate of the disposal, because the disposal procedure depends upon the market conditions, and where these conditions change, there may be a deferment in the time of disposal, and a longer period would be required. But generally, there is a regular, systematic effort made by the agency once the authority is granted by the Congress to make the disposal of the materials in question, but they would normally be disposed of within a reasonable time, depending upon market conditions. As to some urgent need in the industrial, domestic market, they would be sold at a faster rate.

Mr. VANIK. Mr. Speaker, I thank the gentleman.

Mr. GUBSER. I would say further to the gentleman from Ohio that we have numerous instances of authorizations for disposal that have been passed by the Congress and which have not resulted in the immediate disposal. I believe the industrial diamonds are probably a classic example. There has been authorization for disposal of these for a number of years. Quicksilver is another. Under its obligation not to interfere with the domestic market the GSA has not been able to offer these items at a price which brings a buyer into the marketplace. As a result disposal has not been made.

That is one of the reasons it is impossible to predict this. I am sure, however, that in interpreting the line of questioning raised by the gentleman from Ohio that the gentleman is not in opposition to selling something which is truly in surplus. Is that correct?

Mr. VANIK. I have no objection. I thank the gentleman.

Mr. GUBSER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the bill as follows:

H.R. 16297

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately three million five hundred thousand pounds of molybdenum now held in the national stockpile established pursuant to the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h). Such disposition may be made without regard to the requirements of section 3 of the Strategic and Critical Materials Stock Piling Act: *Provided,* That the time and method of disposition shall be fixed with due regard to the protection of the United States against avoidable loss and the protection of producers, processors, and consumers against avoidable disruption of their usual markets.

SEC. 2. (a) Disposals of the material covered by this Act may be made only after publicly advertising for bids, except as provided in subsection (b) of this section or as otherwise authorized by law. All bids may be rejected when it is in the public interest to do so.

(b) The material covered by this Act may be disposed of without advertising for bids if—

(1) the material is to be transferred to an agency of the United States;

(2) the Administrator determines that methods of disposal other than by advertising are necessary to protect the United States against avoidable loss or to protect producers, processors, and consumers against avoidable disruption of their usual markets; or

(3) sales are to be made pursuant to requests received from other agencies of the United States in furtherance of authorized program objectives of such agencies.

Mr. PHILBIN. Mr. Speaker, H.R. 16297 would authorize the disposal of approximately 3.5 million pounds of molybdenum from the national stockpile.

The metal molybdenum forms the basis for several materials used chiefly as an alloying agent for steel. The ore is concentrated by flotation to grades from 54 to 92 percent molybdenite, 90 percent being the standard for price quotation. The concentrates are roasted to produce molybdenum oxide, which may be converted to calcium molybdate or other chemicals, or used to make ferromolybdenum. A very small part of production appears as molybdenum metal powder, wire or rod.

Up to 70 percent of supply is used to improve the quality of steel, usually in multialloys with nickel and chrome. About 20 percent is used in gray iron and other castings. The usual molybdenum addition to steel is a very small percentage, commonly 0.1 to 0.5 percent in nickel and chrome steels. Up to 0.8 percent molybdenum is achieved by adding molybdenum oxide or other chemical derivative. Higher alloys are made by use use of ferromolybdenum. Small additions give steel qualities of uniform hardness and strength at high temperatures, reduce tendencies to become brittle, and promote uniformity of strength in gray iron castings. Some high speed steels use as much as 6 percent molybdenum, thereby acquiring qualities of red hardness. The toughness imparted by molybdenum makes steel suitable for armor plate and permits the manufacture of castings of military quality. Molybdenum also enters into high temperature alloys for such applications as gas turbine and jet engine parts and its use for this purpose is increasing. About 10 percent of the molybdenum supply is used by the electrical, chemical, and ceramic industries. There are applications as catalysts, welding rods, paint and pigments, lubricants, and fertilizer.

The United States mines about nine-tenths of the known world supply. While Chile appears to be the only other important foreign producer, some molybdenum is produced in Canada, Japan, Norway, and Mexico. There have been indications of some development in the U.S.S.R. Imports into the United States are practically nil.

As of January 31, 1970, the total inventory of molybdenum held by GSA was approximately 43,324,000 pounds. The present stockpile objective is 36,500,000 pounds. The remaining 6,824,000 pounds is excess of which approximately 3,500,000 is covered by H.R. 16297. The average acquisition cost of stockpile molybdenum was $1.16 per pound. The present published market price is approximately $1.72 per pound of molybdenum in concentrates.

The subcommittee received detailed testimony from representatives of government on the proposed action. There was no objection from industry on the proposed disposal.

The subcommittee was advised that the proposed disposal plan, concurred in by both Government and industry, represents an effort to achieve this disposal action with a minimum disruption of the market, and yet provide the Federal Government with a maximum return from the sale of the material.

The subcommittee and the full committee recommended immediate action on this bill and I, therefore, respectfully urge the House to take prompt, favorable action on H.R. 16297.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bills which have just been passed by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CALL OF THE HOUSE

Mr. EDWARDS of Alabama. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 60]

Albert	Gallagher	Ottinger
Anderson, Tenn.	Gettys	Pepper
Arends	Goldwater	Pike
Ashley	Gray	Pollock
Baring	Harvey	Powell
Berry	Hays	Pryor, Ark.
Blanton	Hosmer	Purcell
Blatnik	Jacobs	Rees
Bolling	Jarman	Reid, Ill.
Brown, Calif.	Jones, Ala.	Reid, N.Y.
Camp	Jones, Tenn.	Rivers
Carey	Kirwan	Roe
Casey	Kuykendall	Rosenthal
Cederberg	Kyl	St Germain
Clay	Kyros	St. Onge
Colmer	Lennon	Satterfield
Cramer	Long, La.	Scheuer
Crane	McCarthy	Shipley
Cunningham	McClure	Stanton
Daddario	MacGregor	Stephens
Davis, Ga.	Mathias	Symington
Dawson	Michel	Taft
Derwinski	Mikva	Teague, Calif.
Diggs	Mize	Teague, Tex.
Dowdy	Moorhead	Tunney
Feighan	Morton	Wiggins
Fish	Murphy, N.Y.	
	O'Neill, Mass.	

The SPEAKER. On this rollcall 349 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON H.R. 514, ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

Mr. PERKINS submitted the following conference report and statement on the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes:

CONFERENCE REPORT (H. REPT. 91–937)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Elementary and Secondary Education Amendments of 1969".

POLICY WITH RESPECT TO THE APPLICATION OF CERTAIN PROVISIONS OF FEDERAL LAW

SEC. 2. (a) It is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 dealing with conditions of segregation by race, whether de jure or de facto, in the schools of the local educational agencies of any State shall be applied uniformly in all regions of the United States whatever the origin or cause of such segregation.

(b) Such uniformity refers to one policy applied uniformly to de jure segregation wherever found and such other policy as may be provided pursuant to law applied uniformly to de facto segregation wherever found.

(c) Nothing in this section shall be construed to diminish the obligation of responsible officials to enforce or comply with such

guidelines and criteria in order to eliminate discrimination in federally-assisted programs and activities as required by title VI of the Civil Rights Act of 1964.

(d) It is the sense of the Congress that the Department of Justice and the Department of Health, Education, and Welfare should request such additional funds as may be necessary to apply the policy set forth in this section throughout the United States.

TITLE I—AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

PART A—AMENDMENTS TO TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (EDUCATION OF DISADVANTAGED CHILDREN)

EXTENSION OF TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 101. (a) Section 102 of title I of the Elementary and Secondary Education Act of 1965 is amended by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1973".

(b) The third sentence of section 103(a)(1)(A) of such title I is amended by striking out "the fiscal year ending June 30, 1969," and inserting in lieu thereof "each of the succeeding fiscal years ending prior to July 1, 1972,".

(c) Section 121(d) of such title I is amended by striking out "each" where it appears after "$50,000,000" and by striking out "the succeeding fiscal year" and inserting in lieu thereof "for each of the succeeding fiscal years ending prior to July 1, 1973".

STUDY OF ALLOCATION OF FUNDS

SEC. 102. (a) The Commissioner of Education shall make a study of the allocation of sums appropriated for the purposes of title I of the Elementary and Secondary Education Act of 1965 and of the effectiveness of the various provisions of such title in making funds available to State and local educational agencies in order to meet the purposes of such title I. Such study shall make special reference to the distribution of funds to local educational agencies within counties, the means by which such funds may be concentrated in school attendance areas with the highest concentrations of children from low-income families, the appropriateness of the Federal percentage and the low-income factor provided for in subsection (c) of section 103 of such title I when considered in the light of the extra cost of providing compensatory education for educationally deprived children (including the means of providing services authorized by such title to such children residing in rural areas), and the use of special incentive grants to increase State and local effort for education.

(b) Not later than March 31, 1972, the Commissioner shall submit to the Congress a report on the study required by subsection (a), together with such recommendations as he may deem appropriate with respect to modification of programs under title I of the Elementary and Secondary Education Act of 1965. Notwithstanding the first sentence of section 103(d) of such title I, the Commissioner shall not use data for the purposes of section 103 of such title I from the 1970 census of the United States prior to July 1, 1972.

DESIGNATION OF RESPONSIBILITY FOR PROVISION OF SPECIAL EDUCATIONAL SERVICES FOR INSTITUTIONALIZED NEGLECTED OR DELINQUENT CHILDREN

SEC. 103. (a) Paragraph (2) of section 103(a) of title I of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following sentence: "Notwithstanding the foregoing provisions of this paragraph, upon determination by the State educational agency that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children, described in clause (C) of the first sentence of this paragraph, who are living in institutions for neglected or delinquent children, the State educational agency shall, if it assumes responsibility for the special educational needs of such children, be eligible to receive the portion of the allocation to such local educational agency which is attributable to such neglected or delinquent children, but if the State educational agency does not assume such responsibility, any other State or local public agency, as determined by regulations established by the Commissioner, which does assume such responsibility shall be eligible to receive such portion of the allocation."

(d) Section 103(d) of such Act is amended by adding at the end thereof the following new sentence: "For purposes of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children."

INCLUSION OF PUERTO RICO AND OTHER OUTLYING AREAS WITH RESPECT TO NEGLECTED OR DELINQUENT CHILDREN

SEC. 104. (a) Paragraph (4) of section 103(a) of title I of the Elementary and Secondary Education Act of 1965 is amended by striking out "paragraph (5)" and inserting in lieu thereof "paragraphs (5) and (7)".

(b) The amendment made by this section shall be effective after June 30, 1970.

AMENDMENTS WITH RESPECT TO HANDICAPPED AND NEGLECTED OR DELINQUENT CHILDREN

SEC. 105. (a) Paragraph (5) of section 103(a) of title I of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"(5) In the case of a State agency which is directly responsible for providing free public education for handicapped children (including mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education), the maximum grant which that agency shall be eligible to receive under this part for any fiscal year shall be an amount equal to the Federal percentage of the average per pupil expenditure in the State or, if greater, in the United States, multiplied by the number of such children in average daily attendance, as determined by the Commissioner, at schools for handicapped children operated or supported by the State agency, including schools providing special education for handicapped children under contract or other arrangement with such State agency, in the most recent fiscal year for which satisfactory data are available. Such State agency shall use payments under this part only for programs and projects (including the acquisition of equipment and where necessary the construction of school facilities) which are designed to meet the special educational needs of such children."

(b) Paragraph (7) of section 103(a) of such title I is amended by inserting after "supported by that State agency" the following: ", including schools providing education for such children under contract or other arrangement with such agency,".

(c) The amendments made by this section shall be effective after June 30, 1970.

REQUIRING GRANTS FOR MIGRATORY CHILDREN TO BE BASED ON THE NUMBER TO BE SERVED

SEC. 106. (a) The first sentence of paragraph (6) of section 103(a) of title I of the Elementary and Secondary Education Act of 1965 is, effective with the first allocation of funds pursuant to such title by the Commissioner after the date of enactment of this Act, amended to read as follows: "A State educational agency which has submitted and had approved an application under section 105(c) for any fiscal year shall be entitled to receive a grant for that year under this part, based on the number of migratory children of migratory agriculture workers to be served, for establishing or improving programs for such children."

(b) The second sentence thereof is amended by striking "shall be" the first time it appears and inserting in lieu thereof "may be made"; and by inserting immediately before the period in such second sentence the following: ", except that if, in the case of any State, such amount exceeds the amount required under the preceding sentence and under section 105(c)(2), the Commissioner shall allocate such excess, to the extent necessary, to other States whose maximum total of grants under this sentence would otherwise be insufficient for all such children to be served in such other States".

USE OF MOST RECENT DATA UNDER TITLE I

SEC. 107. (a) The third sentence of section 103(d) of title I of the Elementary and Secondary Education Act of 1965 is amended by inserting immediately before the period at the end thereof the following: "or, to the extent that such data are not available to him before April 1 of the calendar year in which the Secretary's determination is made, then on the basis of the most recent reliable data available to him at the time of such determination".

(b) Section 103(e) of such title is amended by inserting the following after "during the second fiscal year preceding the fiscal year for which the computation is made": (or, if satisfactory data for that year are not available at the time of computation, then during the earliest preceding fiscal year for which satisfactory data are available)".

SALARY BONUSES FOR TEACHERS IN SCHOOLS WITH HIGH CONCENTRATIONS OF EDUCATIONALLY DEPRIVED CHILDREN

SEC. 108. Paragraph (1) of Section 105(a) of the Elementary and Secondary Education Act of 1965 is amended by inserting "payments to teachers of amounts in excess of regular salary schedules as a bonus for service in schools eligible for assistance under this section," after "including the acquisition of equipment,".

PROHIBITION AGAINST SUPPLANTING STATE AND LOCAL FUNDS WITH FEDERAL FUNDS

SEC. 109. (a) Paragraph (3) of section 105(a) of title I of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"(3) that (A) the local educational agency has provided satisfactory assurance that the control of funds provided under this title, and title to property derived therefrom, shall be in a public agency for the uses and purposes provided in this title, and that a public agency will administer such funds and property, (B) Federal funds made available under this title will be so used (i) as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs and projects assisted under this title, and (ii) in no case, as to supplant such funds from non-Federal sources, and (C) State and local funds will be used in the district of such agency to provide services in project areas which, *taken as a whole*, are at least comparable to services being provided in areas in such district which are not receiving funds under this title: *Provided*, That any finding of noncompliance with this clause shall not affect the payment of funds to any local educational agency until the fiscal year beginning July 1, 1972. *And provided further*, That each local educational agency receiving funds under this title shall report on or be-

fore July 1, 1971, and *on or before July 1 of each year* thereafter with respect to its compliance with this clause;".

(b) The amendment made by subsection (a) shall be effective with respect to all applications submitted to State educational agencies after thirty days after the date of enactment of this Act. Nothing in this section shall be construed to authorize the supplanting of State and local funds with Federal funds prior to the effective date of the amendment made by this section.

APPLICATIONS TO BE MADE AVAILABLE TO PUBLIC

SEC. 110. Section 105(a) of title I of the Elementary and Secondary Education Act of 1965 is amended by redesignating paragraphs (8) through (11) as paragraphs (9) through (12), respectively, and by inserting after paragraph (7) the following new paragraph:

"(8) that the local educational agency is making the application and all pertinent documents related thereto available to parents and other members of the general public and that all evaluations and reports required under paragraph (7) shall be public information;".

AMENDMENTS WITH RESPECT TO APPLICATIONS AND ASSURANCES

SEC. 111. (a) The parenthetical phrase in clause (A) of section 106(a)(3) of title I of the Elementary and Secondary Education Act of 1965 is amended by inserting "and of research and replication studies" immediately before the closing parenthesis.

(b) Section 105(a)(7) of such title is amended by inserting "(which in the case of reports relating to performance is in accordance with specific performance criteria related to program objectives)" after "such information".

NATIONAL ADVISORY COUNCIL

SEC. 112. Section 134 of title I of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"NATIONAL ADVISORY COUNCIL

"SEC. 134. (a) There shall be a National Advisory Council on the Education of Disadvantaged Children (hereinafter in this section referred to as the 'National Council') consisting of fifteen members appointed by the President, without regard to the provisions of title 5, United States Code, governing appointment in the competitive service, for terms of three years, except that (1) in the case of initial members, five shall be appointed for terms of one year each and five shall be appointed for terms of two years each, and (2) appointments to fill vacancies shall be only for such terms as remain unexpired. The National Council shall meet at the call of the Chairman.

"(b) The National Council shall review and evaluate the administration and operation of this title, including its effectiveness in improving the educational attainment of educationally deprived children, including the effectiveness of programs to meet their occupational and career needs, and make recommendations for the improvement of this title and its administration and operation. These recommendations shall take into consideration experience gained under this and other Federal educational programs for disadvantaged children and, to the extent appropriate, experience gained under other public and private educational programs for disadvantaged children.

"(c) The National Council shall make such reports of its activities, findings, and recommendations (including recommendations for changes in the provisions of this title) as it may deem appropriate and shall make an annual report to the President and the Congress not later than March 31 of each calendar year. Such annual report shall include a report specifically on which of the various compensatory education programs funded in whole or in part under the provisions of this title, and of other public and private educational programs for educationally deprived children, hold the highest promise for raising the educational attainment of these educationally deprived children. The President is requested to transmit to the Congress such comments and recommendations as he may have with respect to such report."

INCREASE IN LOW-INCOME FACTOR AND SPECIAL GRANTS FOR URBAN AND RURAL SCHOOLS SERVING ATTENDANCE AREAS WITH THE HIGHEST CONCENTRATIONS OF CHILDREN FROM LOW-INCOME FAMILIES

SEC. 113. (a) The second sentence of subsection (c) of section 103 of title I of the Elementary and Secondary Education Act of 1965 is amended by striking out all after "1968," and inserting in lieu thereof the following: "and for the four succeeding fiscal years they shall be 50 per centum and $3,000, respectively, and for the fiscal year ending June 30, 1973 they shall be 50 per centum and $4,000, respectively.".

(b)(1) Title I of such Act is further amended by striking out "PART A—BASIC GRANTS" where it appears before section 101 and inserting "PART A—BASIC GRANTS" before section 103.

(2) Section 101 of such title I is amended by striking out "this part" and inserting in lieu thereof "the following parts of this title".

(3) Sections 102, 105, 106, 107, and 108 of such title I are each amended by striking out "this part" and inserting in lieu thereof "this title".

(4) Sections 105, 106, 107, 108, 131, 132, 133, 134, 135, and 136 of such title I and all references thereto are redesignated as sections 141, 142, 143, 144, 145, 146, 147, 148, 149, and 150, respectively.

(5) Such title I is further amended by striking out the heading of part C and by inserting before the caption heading of section 141 the following:

"PART D—GENERAL PROVISIONS".

(6) Such title I is further amended by striking out all of part B thereof and inserting after section 103 the following:

"PART B—SPECIAL INCENTIVE GRANTS

"MAXIMUM ENTITLEMENT

"SEC. 121. (a) In the case of any fiscal year ending after June 30, 1969, each State shall be entitled to a special incentive grant if such State has an effort index for the second preceding fiscal year that exceeds the national effort index for such year.

"(b) The maximum amount of a special incentive grant for which a State is eligible for any fiscal year shall be determined by multiplying the amount of $1 for each 0.01 per centum by which the effort index of that State for the second preceding fiscal year exceeds the national effort index for such year times the aggregate number of children counted for the purposes of entitled local educational agencies within such State to basic grants in accordance with clauses (2), (5), (6), and (7) of section 103(a), except that no State shall be eligible to receive a special incentive grant under this part in an amount in excess of 15 per centum of the total amount available for grants under this part.

"APPLICATION; USE OF FUNDS

"SEC. 122. Any State desiring the special incentive grant to which it is entitled under this part for any fiscal year shall make application therefor, in accordance with the requirements set forth in section 142, to the Commissioner. Such application shall be submitted at such time and contain such information as the Commissioner shall require by regulation and shall contain a statement of such policies and procedures as will insure that funds granted to the State under this part will be (1) made available to local educational agencies within that State which have the greatest need for assistance under this title, and (2) used, in accordance with the applicable provisions of this title, for programs and projects designed to meet the special educational needs of educationally deprived children.

"DEFINITIONS

"SEC. 123. For the purpose of this part the term 'effort index' when applied to States, means the per centum expressing the ratio of expenditures from all non-Federal sources in a State for public elementary and secondary education to the total personal income in such State, and the term 'national effort index' means the per centum expressing the ratio of such expenditures in all States to the total personal income in all States; and the term 'State' means the fifty States and the District of Columbia.

"PART C—SPECIAL GRANTS FOR URBAN AND RURAL SCHOOLS SERVING AREAS WITH THE HIGHEST CONCENTRATIONS OF CHILDREN FROM LOW-INCOME FAMILIES

"ELIGIBILITY AND MAXIMUM AMOUNT OF GRANT

"SEC. 131. (a)(1) Each local educational agency which is eligible for a grant under paragraph (2) of section 103(a) shall be entitled to an additional grant under this paragraph for any fiscal year if—

"(A) the total number of children described in clause (A), (B), or (C) of section 103(a)(2) in the school district of such agency for such year amounts to at least 20 per centum of the total number of children, aged five to seventeen inclusive, in the school district of such agency for such year; or

"(B) the total number of children described in clause (A), (B), or (C) of section 103(a)(2) in the school district is at least 5,000 and amounts to at least 5 per centum of the total number of children, aged five to seventeen, inclusive, in such school district.

"(2) Each local educational agency which is eligible for a grant under paragraph (2) of section 103(a) and which (A) is not eligible for a grant under paragraph (1) of this subsection, but (B) would be eligible for a grant under such paragraph (1) if there were in the school district of such agency a relatively small increase in the number of children, aged five to seventeen, inclusive, described in clause (A), (B), or (C) of section 103(a)(2) shall be entitled to a grant under this paragraph (2) if the State educational agency of the State in which such agency is located determines (in accordance with criteria established by regulation of the Commissioner) that such agency has an urgent need for financial assistance to meet the special educational needs of the educationally deprived children in the school district of such agency.

"(b)(1) The maximum amount of any grant to any local educational agency under paragraph (1) of subsection (a) shall be—

"(A) for the fiscal year ending June 30, 1970, 30 per centum of the amount that such agency is eligible to receive for such fiscal year under paragraph (2) of section 103(a); and

"(B) for any succeeding fiscal year, 40 per centum of the amount that such agency is eligible to receive for each such succeeding fiscal year.

The aggregate of the amounts for which all local educational agencies are eligible under this paragraph for any fiscal year shall not exceed the amount determined in the following manner:

"(i) compute the total amount for which all state and local educational agencies are eligible under this title for that fiscal year;

"(ii) subtract from such total, a sum equal to the figure set forth in paragraph (3) of section 144; and

"(iii) if that portion of such total which is attributable to amounts for which local educational agencies are eligible under this

paragraph constitutes more than 15 per centum of the remainder of such total, reduce such portion until it constitutes 15 per centum of such remainder, through ratable reductions of the maximum grants for which local educational agencies are eligible under this paragraph.

"(2) The maximum amount of any grant to any local educational agency under paragraph (2) of subsection (a) shall not exceed the maximum amount to which it would have been entitled if it had been eligible under paragraph (1) of such subsection. The maximum amount which shall be available to the Commissioner for grants under such paragraph (2) of subsection (a) shall be, for the fiscal year ending June 30, 1970, equal to 3 per centum of the total amount available for grants for such fiscal year under paragraph (1) of subsection (a) and, for any succeeding fiscal year, such amount shall be equal to 5 per centum of the total amount available for grants for that year under such paragraph (1).

"(c) For the purposes of this section the term 'State' means the fifty States and the District of Columbia.

"(d)(1) In making determinations under this section the Commissioner is authorized, in accordance with regulations prescribed by him, to use the most recent satisfactory data made available to him by the appropriate State educational agency. If satisfactory data for determining the number of children described in clause (A), (B) or (C) of section 103(a)(2) in a school district for the purpose of subsection (a) are not otherwise available to the Commissioner, such determination may be made on the basis of data furnished to him by a State educational agency with respect to the amount of the maximum grant under part A of this title allocated by such State agency to the local educational agency for such district in the State for the purpose of the second sentence of section 103(a)(2), for the fiscal year preceding the fiscal year for which such determination is made.

"(2) Determinations under this section may be made on the basis of data furnished in accordance with section 103(d).

"USES OF FUNDS

"SEC. 132. (a) Funds available for grants under this part shall be used solely for programs and projects designed to meet the special educational needs of educationally deprived children in preschool programs and in elementary schools serving areas with the highest concentrations of children from low-income families, except that such funds may be used for programs and projects for such children in secondary schools serving areas with the highest concentrations of children from low-income families if the local educational agency and its State educational agency determine (in according with criteria established by regulation of the Commissioner) that—

"(A) there is an urgent need for such programs and projects for such children in secondary schools in the area to be served by the local educational agency; and

"(B) there is satisfactory assurance that such programs and projects will be at least as effective in achieving the purposes of this title as the use of such funds for programs and projects for such children in elementary schools in such area.

"(b) In addition to meeting the requirements and conditions set forth in part D, applications for grants under this part shall meet such other requirements and conditions, consistent with the purposes of this title, as the Commissioner shall establish by regulation.".

(7) Section 141(a) of such title is amended by striking out "and" at the end of paragraph (10), and by striking out the period at the end of paragraph (11) and inserting in lieu thereof "; and", and by adding at the end thereof the following new paragraph:

"(12) in the case of funds received under part C of this title, the local educational agency sets forth such procedures and policies and provides such assurances as the Commissioner may require by regulation for the uses of funds available under such part C to carry out the purposes of this title, and, for any fiscal year ending after June 30, 1970, sets forth a comprehensive plan for meeting the special educational needs of children to be served under such part C including provisions for effective use of all funds available under this title and provisions setting forth specific objectives of such plan and the criteria and procedures, including objective measurements of educational achievement, that will be used to evaluate at least annually the extent to which the objectives of the plan have been met.".

(8) Section 143 of such title I is amended—

(A) by inserting before the period at the end of paragraph (2) of subsection (a) thereof "or section 131", and

(B) by striking out "sections 103 and 144" where it appears in clause (1) of subsection (b) and inserting in lieu thereof "sections 103, 131, and 144".

(9) Section 146 of such title I is amended by striking out ", 106(b), or 121(b)" and inserting in lieu thereof "or 142(b)".

(10) Section 147 of such title I is amended by striking out ", 106(b) or 121(b)" and inserting in lieu thereof "or 142(b)".

(c) Section 144 of such title is amended (A) by striking out "paragraphs (1) and (2)" in paragraph (3) and inserting in lieu thereof "paragraphs (1), (2), and (3)", (B) by redesignating such paragraph (3) as paragraph (4), and (C) by inserting before such paragraph (4) the following new paragraph:

"(3) that part of such sums for any fiscal year which is in excess of $1,396,975,000 shall be allocated on the basis of computations in accordance with remaining entitlements under section 103(a)(2), and entitlements under sections 121 and 131, as ratably reduced, but in no case shall allocations on the basis of computations in accordance with section 131 exceed 15 per centum of such excess; and".

(d) Effective for fiscal years ending after June 30, 1972, such section 144 is further amended—

(1) by inserting after the first sentence the following new sentence: "For the purposes of parts B and C of this title, in determining entitlements under such parts, the number of children described in section 103(a) shall be ascertained by using a low-income factor of (i) $2,000 when allocations are made under clause (A) of paragraph (2) in the first sentence of this section, (ii) $3,000 when allocations are made under clause (B) of such paragraph, and (iii) $4,000 when allocations are made under clause (C) of such paragraph."; and

(2) by striking out clause (B) of paragraph (2) and inserting in lieu thereof the following:

"(B) until appropriations are sufficient to satisfy all maximum grants as computed by using a low-income factor of $3,000, any amount remaining after allocations are computed pursuant to clause (A) shall be allocated by using a low-income factor of $3,000 with respect to children described in section 103(a)(2) who are not counted for purposes of clause (A); and

"(C) until appropriations are sufficient to satisfy all maximum grants as computed by using a low-income factor of $4,000, any amount remaining after allocations are computed pursuant to clauses (A) and (B) shall be allocated by using a low-income factor of $4,000 with respect to children described in section 103(a)(2) who are not counted for purposes of clause (A) or (B); and

"(D) the aggregate amount available for grants to local educational agencies within each State shall not be less than the aggregate amount allocated to local educational agencies within such State for the fiscal year ending June 30, 1967, until the total sums available from appropriations for that fiscal year exceed $1,500,000,000 for Part A of title I; and".

(e) Except as otherwise provided, the amendments made by this section shall be effective with respect to fiscal years ending after June 30, 1969.

TECHNICAL AMENDMENT

SEC. 114. Section 107(b)(2) of title I of the Elementary and Secondary Education Act of 1965 is amended by striking out "Wake Island,".

PART B—AMENDMENTS TO TITLE II OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (LIBRARY RESOURCES, TEXTBOOKS, AND OTHER PRINTED AND PUBLISHED MATERIALS)

EXTENSION OF TITLE II OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 121. (a) Section 201(b) of the Elementary and Secondary Education Act of 1965 is amended by striking out "and" where it appears after "1969," and by striking out "the fiscal year ending June 30, 1970" and inserting in lieu thereof "each of the fiscal years ending June 30, 1970, and June 30, 1971, $210,000,000 for the fiscal year ending June 30, 1972, and $220,000,000 for the fiscal year ending June 30, 1973".

(b) The third sentence of section 202(a)(1) of such Act is amended by striking out "the fiscal year ending June 30, 1969," and inserting in lieu thereof "each of the succeeding fiscal years ending prior to July 1, 1972,".

(c) Section 204(b) of such Act is amended by striking out "July 1, 1970" and inserting in lieu thereof "July 1, 1973".

PART C—AMENDMENTS TO TITLE III OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (SUPPLEMENTARY EDUCATIONAL SERVICES AND CENTERS)

CONSOLIDATION OF CERTAIN EDUCATION PROGRAMS

SEC. 131. (a)(1) Title III of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"TITLE III—SUPPLEMENTARY EDUCATIONAL CENTERS AND SERVICES; GUIDANCE, COUNSELING, AND TESTING

"APPROPRIATIONS AUTHORIZED

"SEC. 301. (a) The Commissioner shall carry out a program for making grants for supplementary educational centers and services, to stimulate and assist in the provision of vitally needed educational services not available in sufficient quantity or quality, and to stimulate and assist in the development and establishment of exemplary elementary and secondary school educational programs to serve as models for regular school programs, and to assist the States in establishing and maintaining programs of testing and guidance and counseling.

"(b) For the purpose of making grants under this title, there is hereby authorized to be appropriated the sum of $550,000,000 for the fiscal year ending June 30, 1971, $575,000,000 for the fiscal year ending June 30, 1972, and $605,000,000 for the fiscal year ending June 30, 1973. In addition, there are hereby authorized to be appropriated for the fiscal year ending June 30, 1971, and each of the succeeding fiscal years, such sums as may be necessary for the administration of State plans, the activities of advisory councils, and the evaluation and dissemination activities required under this title.

"ALLOTMENT AMONG STATES

"SEC. 302. (a)(1) There is hereby authorized to be appropriated for each fiscal year for

the purposes of this paragraph an amount equal to not more than 3 per centum of the amount appropriated for such year for grants under this title. The Commissioner shall allot the amount appropriated pursuant to this paragraph among Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs for assistance under this title. In addition for each fiscal year ending prior to July 1, 1972, he shall allot from such amount to (A) the Secretary of the Interior the amount necessary to provide programs and projects for the purpose of this title for individuals on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior, and (B) the Secretary of Defense the amount necessary for such assistance for children and teachers in the overseas dependents schools of the Department of Defense. The terms upon which payments for such purpose shall be made to the Secretary of the Interior and the Secretary of Defense shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this title.

"(2) From the sums appropriated for making grants under this title for any fiscal year pursuant to section 301(b), the Commissioner shall allot $200,000 to each State and shall allot the remainder of such sums among the States as follows:

"(A) He shall allot to each State an amount which bears the same ratio to 50 per centum of such remainder as the number of children aged five to seventeen, inclusive, in the State bears to the number of such children in all the States, and

"(B) He shall allot to each State an amount which bears the same ratio to 50 per centum of such remainder as the population of the State bears to the population of all the States.

For the purposes of this subsection, the term "State" does not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(b) The number of children aged five to seventeen, inclusive, and the total population of a State and of all the States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

"(c) The amount allotted to any State under subsection (a) for any fiscal year, which the Commissioner determines will not be required for the period for which that amount is available, shall be available for grants pursuant to section 306 in such State, and if not so needed may be reallotted or used for grants pursuant to section 306 in other States. Funds available for reallotment may be reallotted from time to time, on such dates during that period as the Commissioner may fix, among other States in proportion to the amounts originally allotted among those States under subsection (a) for that year, but with the proportionate amount for any of the other States being reduced to the extent it exceeds the sum the Commissioner estimates that State needs and will be able to use for that period; and the total of these reductions may be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reallotted to a State under this subsection from funds appropriated pursuant to section 301 for any fiscal year shall be deemed to be a part of the amount allotted to it under subsection (a) for that year.

"(d) The amounts made available under the first sentence of subsection (c) for any fiscal year shall remain available for grants during the next succeeding fiscal year.

"USES OF FEDERAL FUNDS

"SEC. 303. (a) It is the purpose of this title to combine within a single authorization, subject to the modifications imposed by the provisions and requirements of this title, the programs formerly authorized by this title and title V–A of the National Defense Education Act of 1958, and except as expressly modified by this title, Federal funds may be used for the same purposes and the funding of the same types of programs previously authorized by those titles.

"(b) Funds appropriated pursuant to section 301 shall be available only for grants in accordance with applications approved pursuant to this title for—

"(1) planning for and taking other steps leading to the development of programs or projects designed to provide supplementary educational activities and services described in paragraphs (2) and (3) including pilot projects designed to test the effectiveness of plans so developed;

"(2) the establishment or expansion of exemplary and innovative educational programs (including dual-enrollment programs and the lease or construction of necessary facilities) for the purpose of stimulating the adoption of new educational programs (including those described in section 503(4) and special programs for handicapped children) in the schools of the State; and

"(3) the establishment, maintenance, operation, and expansion of programs or projects, including the lease or construction of necessary facilities and the acquisition of necessary equipment, designed to enrich the programs of local elementary and secondary schools and to offer a diverse range of educational experience to persons of varying talents and needs by providing, especially through new and improved approaches, supplementary educational services and activities, such as—

"(A) remedial instruction, and school health, physical education, recreation, psychological, social work, and other services designed to enable and encourage persons to enter, remain in, or reenter educational programs, including the provision of special educational programs and study areas during periods when schools are not regularly in session;

"(B) comprehensive academic services and, where appropriate, vocational guidance and counseling, for continuing adult education;

"(C) specialized instruction and equipment for students interested in studying advanced scientific subjects, foreign languages and other academic subjects, which are not taught in the local schools or which can be provided more effectively on a centralized basis, or for persons who are handicapped or of preschool age;

"(D) making available modern educational equipment and specially qualified personnel, including artists and musicians, on a temporary basis for the benefit of children in public and other nonprofit schools, organizations, and institutions;

"(E) developing, producing, and transmitting radio and television programs for classroom and other educational use;

"(F) in the case of any local educational agency which is making a reasonable tax effort but which is nevertheless unable to meet critical educational needs (including preschool education), because some or all of its schools are seriously overcrowded, obsolete, or unsafe, initiating and carrying out programs or projects designed to meet those needs, particularly those which will result in more effective use of existing facilities;

"(G) providing special educational and related services for persons who are in or from rural areas or who are or have been otherwise isolated from normal educational opportunities, including, where appropriate, the provision of mobile educational services and equipment, special home study courses, radio, television, and related forms of instruction, bilingual education methods and visiting teachers' programs;

"(H) encouraging community involvement in educational programs;

"(I) providing programs for gifted and talented children;

"(J) other specially designed educational programs or projects which meet the purposes of this title; and

"(4) programs for testing students in the public and private elementary and secondary schools and in junior colleges and technical institutes in the State, and programs designed to improve guidance and counseling services at the appropriate levels in such schools.

"(c) In addition to the uses specified in subsection (b), funds appropriated for carrying out this title may be used for—

"(1) proper and efficient administration of State plans;

"(2) obtaining technical, professional, and clerical assistance and the services of experts and consultants to assist the advisory councils authorized by this title in carrying out their responsibilities; and

"(3) evaluation of plans, programs, and projects, and dissemination of the results thereof.

"APPLICATION FOR GRANTS; CONDITIONS FOR APPROVAL

"SEC. 304. (a) A grant under this title pursuant to an approved State plan or by the Commissioner for a supplementary educational center or service program or project may be made only to a local educational agency or agencies, and then only if there is satisfactory assurance that, in the planning of that program or project there has been, and in the establishment and carrying out thereof there will be, participation of persons broadly representative of the cultural and educational resources of the area to be served. The term 'cultural and educational resources' includes State educational agencies, institutions of higher education, nonprofit private schools, public and nonprofit private agencies such as libraries, museums, musical and artistic organizations, educational radio and television, and other cultural and educational resources. Such grants may be made only upon application to the appropriate State educational agency or to the Commissioner, as the case may be, at such times or times, in such manner, and containing or accompanied by such information as the Commissioner deems necessary. Such application shall—

"(1) provide that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the applicant;

"(2) set forth a program for carrying out the purposes set forth in section 303(b) and provide for such methods of administration as are necessary for the proper and efficient operation of the programs;

"(3) set forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in section 303(b), and in no case supplant such funds;

"(4) provide, in the case of an application for assistance under this title which includes a project for the construction of necessary facilities, satisfactory assurance that—

"(A) reasonable provision has been made, consistent with the other uses to be made of the facilities, for areas in such facilities which are adaptable for artistic and cultural activities.

"(B) upon completion of the construction, title to the facilities will be in a State or local educational agency, and

"(C) in developing plans for such facilities (i) due consideration will be given to excellence of architecture and design and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project), and (ii) there will be

compliance with such standards as the Secretary may prescribe or approve in order to insure that, to the extent appropriate in view of the uses to be made of the facilities, such facilities are accessible to and usable by handicapped persons;

"(5) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

"(6) provide for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this title and to determine the extent to which funds provided under this title have been effective in improving the educational opportunities of persons in the area served, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"(b) An application by a local educational agency for a grant under this title may be approved only if it is consistent with the applicable provisions of this title and—

"(1) meets the requirements set forth in subsection (a);

"(2) provides that the program or project for which application is made—

"(A) will utilize the best available talents and resources and will substantially increase the educational opportunities in the area to be served by the applicant, and

"(B) to the extent consistent with the number of children enrolled in nonprofit private schools in the area to be served whose educational needs are of the type provided by the program or project, makes provision for the participation of such children; and

"(3) has been reviewed by a panel of experts.

"(c) Amendments of applications shall, except as the Commissioner may otherwise provide by or pursuant to regulations, be subject to approval in the same manner as original applications."

"STATE PLANS

"SEC. 305. (a) (1) Any State desiring to receive payments for any fiscal year to carry out a State plan under this title shall (A) establish within its State educational agency a State advisory council (hereinafter referred to as the State advisory council) which meets the requirements of this subsection, (B) set dates before which local educational agencies must have submitted applications for grants to the State educational agency, and (C) submit to the Commissioner, through its State educational agency, a State plan at such time and in such detail as the Commissioner may deem necessary. The Commissioner may, by regulation, set uniform dates for the submission of State plans and applications.

"(2) The State advisory council, established pursuant to paragraph (1), shall—

"(A) be appointed by the State educational agency, and be broadly representative of the cultural and educational resources of the State (as defined in section 304(a)) and of the public, including persons representative of—

"(i) elementary and secondary schools,

"(ii) institutions of higher education, and

"(iii) areas of professional competence in dealing with children needing special education because of physical or mental handicaps;

"(B) advise the State educational agency on the preparation of, and policy matters arising in the administration of, the State plan, including the development of criteria for approval of applications under such State plan;

"(C) review, and make recommendations to the State educational agency on the action to be taken with respect to, each application for a grant under the State plan;

"(D) evaluate programs and projects assisted under this title; and

"(E) prepare and submit through the State educational agency a report of its activities, recommendations, and evaluations, together with such additional comments as the State educational agency deems appropriate, to the Commissioner and to the National Advisory Council, established pursuant to this title, at such times, in such form, and in such detail, as the Secretary may prescribe.

"(3) Not less than ninety days prior to the beginning of any fiscal year in which a State desires to receive a grant under this title, such State shall certify the establishment of, and membership of, its State advisory council to the Commissioner.

"(4) Each State advisory council shall meet within thirty days after certification has been accepted by the Commissioner and select from its membership a chairman. The time, place, and manner of meeting shall be as provided by such council, except that such council shall have not less than one public meeting each year at which the public is given opportunity to express views concerning the administration and operation of this title.

"(5) State advisory councils shall be authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable them to carry out their functions under this title and to contract for such services as may be necessary to enable them to carry out their evaluation functions.

"(b) The Commissioner shall approve a State plan, or modification thereof, if he determines that the plan submitted for that fiscal year—

"(1)(A) except in the case of funds available for the purpose described in paragraph (4) of section 303(b), sets forth a program (including educational needs, and their basis, and the manner in which the funds paid to the State under this title shall be used in meeting such educational needs) under which funds paid to the State under section 307(a) will be expended solely for the improvement of education in the State through grants to local educational agencies for programs or projects in accordance with sections 303 and 304: Provided, That, in the case of a State educational agency that also is a local educational agency, its approval of a program or project to be carried out by it in the latter capacity shall, for the purposes of this title, be deemed an award of a grant by it upon application of a local educational agency if the State plan contains, in addition to the provisions otherwise required by this section, provisions and assurances (applicable to such programs or project) that are fully equivalent to those otherwise required of a local educational agency;

"(B) in the case of funds available for the purpose described in paragraph (4) of section 303(b), sets forth—

"(i) a program for testing students in the public elementary and secondary schools of such State or in the public junior colleges and technical institutes of such State, and, if authorized by law, in other elementary and secondary schools and in other junior colleges and technical institutes in such State, to identify students with outstanding aptitudes and ability, and the means of testing which will be utilized in carrying out such program; and

"(ii) a program of guidance and counseling at the appropriate levels in the public elementary and secondary schools or public junior colleges and technical institutes of such State, (A) to advise students of courses of study best suited to their ability, aptitudes and skills, (B) to advise students in their decisions as to the type of educational program they should pursue, the vocation they train for and enter, and the job opportunities in the various fields, and (C) to encourage students with outstanding aptitudes and ability to complete their secondary school education, take the necessary courses for admission to institutions of higher education, and enter such institutions and such programs may include, at the discretion of such State agency, short-term sessions for persons engaged in guidance and counseling in elementary and secondary schools, junior colleges, and technical institutes in such State;

"(2) sets forth the administrative organization and procedures, including the qualifications for personnel having responsibilities in the administration of the plan in such detail as the Commissioner may prescribe by regulation;

"(3) sets forth criteria for achieving an equitable distribution of assistance under this title, which criteria shall be based on consideration of (A) the size and population of the State, (B) the geographic distribution and density of the population within the State, and (C) the relative need of persons in different geographic areas and in different population groups within the State for the kinds of services and activities described in section 303, and the financial ability of the local educational agencies serving such persons to provide such services and activities;

"(4) provides for giving special consideration to the application of any local educational agency which is making a reasonable tax effort but which is nevertheless unable to meet critical educational needs, including preschool education for four- and five-year-olds and including where appropriate bilingual education, because some or all of its schools are seriously overcrowded (as a result of growth or shifts in enrollment or otherwise), obsolete, or unsafe;

"(5) provides that, in approving applications for grants for programs or projects, applications proposing to carry out programs or projects planned under this title will receive special consideration;

"(6) provides for adoption of effective procedures (A) for the evaluation, at least annually, of the effectiveness of the programs and projects, by the State advisory council, supported under the State plan in meeting the purposes of this title, (B) for appropriate dissemination of the results of such evaluations and other information pertaining to such programs or projects, and (C) for adopting, where appropriate, promising educational practices developed through such programs or projects;

"(7) provides that not less than 50 per centum of the amount which such State receives to carry out the plan in such fiscal year shall be used for purposes of paragraphs (1) and (2) of section 303(b);

"(8) provides that not less than 15 per centum of the amount which such State receives to carry out the plan in such fiscal year shall be used for special programs or projects for the education of handicapped children;

"(9) sets forth policies and procedures which give satisfactory assurance that Federal funds made available under this title for any fiscal year (A) will not be commingled with State funds, and (B) will be so used as to supplement and, to the extent practical, increase the fiscal effort (determined in accordance with criteria prescribed by the Commissioner, by regulation) that would, in the absence of such Federal funds, be made by the applicant for educational purposes;

"(10) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State under this title;

"(11) provides for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require to

carry out his functions under this title and to determine the extent to which funds provided under this title have been effective in improving the educational opportunities of persons in the areas served by the programs or projects supported under the State plan and in the State as a whole, including reports of evaluations made in accordance with objective measurements under the State plan pursuant to paragraph (6), and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports;

"(12) provides that final action with respect to any application (or amendment thereof) regarding the proposed final disposition thereof shall not be taken without first affording the local educational agency or agencies submitting such application reasonable notice and opportunity for a hearing; and

"(13) contains satisfactory assurance that, in determining the eligibility of any local educational agency for State aid or the amount of such aid, grants to that agency under this title shall not be taken into consideration.

"(c) The Commissioner may, if he finds that a State plan for any fiscal year ending prior to July 1, 1973, is in substantial compliance with the requirements set forth in subsection (b), approve that part of the plan which is in compliance with such requirements and make available (pursuant to section 307) to that State that part of the State's allotment which he determines to be necessary to carry out that part of the plan so approved. The remainder of the amount which such State is eligible to receive under this section may be made available to such State only if the unapproved portion of that State plan has been so modified as to bring the plan into compliance with such requirements: *Provided*, That the amount made available to a State pursuant to this subsection shall not be less than 50 per centum of the maximum amount which the State is eligible to receive under this section.

"(d) A State which has had a State plan approved for any fiscal year may receive for the purpose of carrying out such plan, an amount not in excess of 85 per centum of its allotment pursuant to section 302.

"(e)(1) The Commissioner shall not finally disapprove any plan submitted under subsection (a), or any modification thereof, without first affording the State educational agency submitting the plan reasonable notice and opportunity for a hearing.

"(2) Whenever the Commissioner, after reasonable notice and opportunity for hearings to any State educational agency, finds that there has been a failure to comply substantially with any requirement set forth in the plan of that State approved under section 305 or with any requirement set forth in the application of a local educational agency approved pursuant to section 304, the Commissioner shall notify the agency that further payments will not be made to the State under this title (or, in his discretion, that the State educational agency shall not make further payments under this title to specified local educational agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, no further payments shall be made to the State under this title, or payments by the State educational agency under this title shall be limited to local educational agencies not affected by the failure, as the case may be.

"(3)(A) If any State is dissatisfied with the Commissioner's final action with respect to the approval of a plan submitted under subsection (a) or with his final action under paragraph (2), such State may, within 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action as provided in section 2112 of title 28, United States Code.

"(B) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings.

"(C) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(f)(1) If any local educational agency is dissatisfied with the final action of the State educational agency with respect to approval of an application of such local agency for a grant pursuant to this title, such local agency may, within sixty days after such final action or notice thereof, whichever is later, file with the United States court of appeals for the circuit in which the State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the State educational agency. The State educational agency thereupon shall file in the court the record of the proceedings on which the State educational agency based its action as provided in section 2112 of title 28, United States Code.

"(2) The findings of fact by the State educational agency, if supported by substantial evidence shall be conclusive; but the court, for good cause shown, may remand the case to the State educational agency to take further evidence, and the State educational agency may thereupon make new or modified findings of fact and may modify its previous action, and shall certify to the court the record of the further proceedings.

"(3) The court shall have jurisdiction to affirm the action of the State educational agency or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"SPECIAL PROGRAMS AND PROJECTS

"SEC. 306. (a) From the amount allotted to any State pursuant to section 302 which is not available to that State under a State plan approved pursuant to section 305, the Commissioner is authorized, subject to the provisions of section 304, to make grants to local educational agencies in such State for programs or projects which meet the purposes of section 303 and which, in the case of a local educational agency in a State which has a State plan approved, hold promise of making a substantial contribution to the solution of critical educational problems common to all or several States. The Commissioner may not approve an application under this section unless the application has been submitted to the appropriate State educational agency for comment and recommendation with respect to the action to be taken by the Commissioner regarding the disposition of the application.

"(b) Not less than 15 per centum of the funds granted pursuant to this section in any fiscal year shall be used for programs or projects designed to meet the special educational needs of handicapped children.

"PAYMENTS

"SEC. 307. (a) From the allotment to each State pursuant to section 302, for any fiscal year, the Commissioner shall pay to each State, which has had a plan approved pursuant to section 305 for that fiscal year, the amount necessary to carry out its State plan as approved.

"(b) The Commissioner is authorized to pay to each State amounts necessary for the activities described in section 303(c), during any fiscal year, except that (1) the total of such payments shall not be in excess of an amount equal to 7½ per centum of its allotment for that fiscal year or, $150,000 ($50,000 in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), whichever is greater, and (2) in such payment, the amount paid for the administration of the State plan for any fiscal year shall not exceed an amount equal to 5 per centum of its allotment for that fiscal year or $100,000 ($35,000 in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), whichever is greater.

"(c) The Commissioner shall pay to each applicant which has an application approved pursuant to section 306 the amount necessary to carry out the program or project pursuant to such application.

"(d) Payments under this section may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

"(e) No payments shall be made under this title to any local educational agency or to any State unless the Commissioner finds, in the case of a local educational agency, that the combined fiscal effort of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than such combined fiscal effort for that purpose for the second preceding fiscal year or, in the case of a State, that the fiscal effort of that State for State aid (as defined by regulation) with respect to the provision of free public education in that State for the preceding fiscal year was not less than such fiscal effort for State aid for the second preceding fiscal year.

"(f)(1) In any State which has a State plan approved under section 305(c) and in which no State agency is authorized by law to provide, or in which there is a substantial failure to provide, for effective participation on an equitable basis in programs authorized by this title by children enrolled in any one or more private elementary or secondary schools of such State in the area or areas served by such programs, the Commissioner shall arrange for the provision, on an equitable basis, of such programs and shall pay the costs thereof for any fiscal year out of that State's allotment. The Commissioner may arrange for such programs through contracts with institutions of higher education, or other competent nonprofit institutions or organizations.

"(2) In determining the amount to be withheld from any State's allotment for the provision of such programs, the Commissioner shall take into account the number of children and teachers in the area or areas served by such programs who are excluded from participation therein and who, except for such exclusion, might reasonably have been expected to participate.

"RECOVERY OF PAYMENTS

"SEC. 308. If within twenty years after completion of any construction for which Federal funds have been paid under this title—

"(a) the owner of the facility shall cease to be a State or local educational agency, or

"(b) the facility shall cease to be used for the educational and related purposes for which it was constructed, unless the Commissioner determines in accordance with

regulations that there is good cause for releasing the applicant or other owner from the obligation to do so,

the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

"NATIONAL ADVISORY COUNCIL

"SEC. 309. (a) The President shall appoint a National Advisory Council on Supplementary Centers and Services which shall—

"(1) review the administration of, general regulations for, and operation of this title, including its effectiveness in meeting the purposes set forth in section 303;

"(2) review, evaluate, and transmit to the Congress and the President the reports submitted pursuant to section 305(a)(2)(E);

"(3) evaluate programs and projects carried out under this title and disseminate the results thereof; and

"(4) make recommendations for the improvement of this title, and its administration and operation.

"(b) The Council shall be appointed by the President without regard to the civil service laws and shall consist of twelve members, a majority of whom shall be broadly representative of the educational and cultural resources of the United States including at least one person who has professional competence in the area of education of handicapped children. Such members shall be appointed for terms of 3 years except that (1) in the case of the initial members, four shall be appointed for terms of 1 year each and four shall be appointed for terms of 2 years each, and (2) appointments to fill the unexpired portion of any terms shall be for such portion only. When requested by the President, the Secretary of Health, Education, and Welfare shall engage such technical and professional assistance as may be required to carry out the functions of the Council, and shall make available to the Council such secretarial, clerical and other assistance and such pertinent data prepared by the Department of Health, Education, and Welfare as it may require to carry out its functions.

"(c) The Council shall make an annual report of its findings and recommendations (including recommendations for changes in the provisions of this title) to the President and the Congress not later than January 20 of each year. The President is requested to transmit to the Congress such comments and recommendations as he may have with respect to such report."

(b) In the case of any fiscal year ending prior to July 1, 1973, each State submitting a State plan under title III of the Elementary and Secondary Education Act of 1965 shall assure the Commissioner of Education that it will expend for the purpose described in paragraph (4) of section 303(b) of such title III an amount at least equal to 50 per centum of the amount expended by that State for the purposes of title V–A of the National Defense Education Act of 1958 from funds appropriated pursuant to such title V–A for the fiscal year ending June 30, 1970.

(c) Any appropriation for the purposes of title V of the National Defense Education Act of 1958 for any fiscal year ending after June 30, 1970, shall be deemed to have been appropriated pursuant to section 301 of the Elementary and Secondary Education Act of 1965.

(d) The amendment made by this section shall be effective with respect to fiscal years ending after June 30, 1970.

PART D—AMENDMENTS TO TITLE V OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (STRENGTHENING STATE DEPARTMENTS OF EDUCATION)

EXTENSION OF TITLE V OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 141. Section 501(b) of the Elementary and Secondary Education Act of 1965 is amended by striking out "and" where it appears after "1969," and by striking out all that follows "1968" and inserting in lieu thereof the following: "$80,000,000 each for the fiscal years ending June 30, 1969, June 30, 1970, and June 30, 1971, $85,000,000 for the fiscal year ending June 30, 1972, and $90,000,000 for the fiscal year ending June 30, 1973".

PROVISION RELATING TO GIFTED AND TALENTED CHILDREN

SEC. 142. (a) Section 503(11) of the Elementary and Secondary Education Act of 1965 (relating to grants to strengthen State departments of education) is amended by inserting after "handicapped" a comma and the following: "and gifted and talented children".

(b) The amendment made by this section shall be effective upon enactment of this Act.

STRENGTHENING LEADERSHIP AND QUALITY IN EDUCATION; IMPROVING PLANNING AND EVALUATION OF EDUCATION PROGRAMS

Sec. 143. (a)(1) The heading of title V of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"TITLE V—STRENGTHENING STATE AND LOCAL EDUCATIONAL AGENCIES"

(2) Such title V is amended by inserting before section 501 thereof the following heading:

"PART A—GRANTS TO STRENGTHEN STATE DEPARTMENTS OF EDUCATION"

(3) Section 507 of such title V, and all references thereto, is redesignated as section 553 of such title and is amended, in subsection (a), by striking out "but it does not include a local educational agency" and inserting in lieu thereof "including local educational agencies".

(4) Such title V is amended—

(A) by striking out sections 506, 508, 509 and 510;

(B) in sections 501, 502, 503, 504, and 505 by striking out "this title" wherever it appears therein and inserting in lieu thereof "this part";

(C) in section 503, by inserting "and" at the end of clause (11), by striking out the semicolon at the end of clause (12) and inserting in lieu thereof a period, and by striking out clauses (13) and (14); and

(D) by inserting after section 505 the following:

"PART B—LOCAL EDUCATIONAL AGENCIES

"APPROPRIATIONS AUTHORIZED

"SEC. 521. (a) The Commissioner shall carry out a program for making grants to stimulate and assist local educational agencies in strengthening the leadership resources of their districts, and to assist those agencies in the establishment and improvement of programs to identify and meet the educational needs of their districts.

"(b) For the purpose of making grants under this part, there is hereby authorized to be appropriated the sum of $10,000,000 for the fiscal year ending June 30, 1970, $20,000,000 for the fiscal year ending June 30, 1971, $30,000,000 for the fiscal year ending June 30, 1972, and $40,000,000 for the fiscal year ending June 30, 1973.

"APPORTIONMENT AMONG STATES

"SEC. 522. (a) From the sums appropriated for carrying out this part for each fiscal year, the Commissioner shall reserve such amount, but not in excess of 2 per centum of such sums, as he may determine and shall apportion such amount among the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs for assistance under this part. The remainder of such sums shall be apportioned by the Commissioner as follows:

"(A) He shall apportion 40 per centum of such remainder among the States in equal amounts.

"(B) He shall apportion to each State an amount that bears the same ratio to 60 per centum of such remainder as the number of public school pupils in the State bears to the number of public school pupils in all the States, as determined by the Commissioner on the basis of the most recent satisfactory data available to him.

For purposes of this paragraph, the term 'State' does not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(b) The amount apportioned to any State under subsection (a) for any fiscal year which the Commissioner determines will not be required for that year shall be available for reapportionment from time to time, on such dates during that year as the Commissioner may fix, to other States in proportion to the amounts originally apportioned among those States under subsection (a) for that year, but with the proportionate amount for any of the other States being reduced to the extent it exceeds the sum the Commissioner estimates the local educational agencies of such State need and will be able to use for that year; and the total of these reductions shall be similarly reapportioned among the States whose proportionate amounts were not so reduced. Any amount reapportioned to a State under this subsection from funds appropriated pursuant to section 521 for any fiscal year shall be deemed part of the amount apportioned to it under subsection (a) for that year.

"GRANTS FROM APPORTIONED FUNDS

"SEC. 523. From the amount apportioned to any State for any fiscal year under section 522 the Commissioner may, upon approval of an application in accordance with section 524 submitted to him by a local educational agency of such State, after approval by the State educational agency in accordance with section 525, make a grant or grants to such local educational agency equal to the expenditures incurred by such agency for the planning of, and for programs for, the development, improvement, or expansion of activities promoting the purposes set forth in section 521(a) and more particularly described in such application and for which such application is approved, such as—

"(1) educational planning on a district basis, including the identification of educational problems, issues, and needs in the district and the evaluation on a periodic or continuing basis of educational programs in the district;

"(2) providing support or services for the comprehensive and compatible recording, collecting, processing, analyzing, interpreting, storing, retrieving, and reporting of educational data including the use of automated data systems;

"(3) programs for conducting, sponsoring, or cooperating in educational research and demonstration programs and projects such as (A) establishing and maintaining curriculum research and innovation centers to assist in locating and evaluating curriculum research findings, (B) discovering and testing new educational ideas (including new uses of printed and audiovisual media) and more effective educational practices, and putting into use those which show promise of success, and (C) studying ways to improve the legal and organizational structure for education, and the management and administration of education in the district of such agency;

"(4) programs to improve the quality of teacher preparation, including student-teaching arrangements, in cooperation with institutions of higher education and State educational agencies;

"(5) programs and other activities specifically designed to encourage the full and adequate utilization and acceptance of auxiliary personnel (such as instructional assistants and teacher aides) in elementary and secondary schools on a permanent basis;

"(6) providing such agencies and the schools of such agencies with consultative and technical assistance and services relating to academic subjects and to particular aspects of education such as the education of the handicapped, the gifted and talented, and the disadvantaged, vocational education, school building design and utilization, school social work, the utilization of modern instructional materials and equipment, transportation, educational administrative procedures, and school health, physical education, and recreation;

"(7) training programs for the officials of such agencies; and

"(8) carrying out any such activities or programs, where appropriate, in cooperation with other local educational agencies.

"APPROVAL OF APPLICATIONS BY THE COMMISSIONER

"SEC. 524. (a) An application for a grant under this part for each fiscal year shall set forth a plan under which Federal funds received by the applicant under this part for that fiscal year will be used solely for a program of activities specifically designed to strengthen the leadership resources of the applicant and to establish and improve programs to identify and meet the educational needs of the persons served by the applicant.

"(b) The Commissioner may approve an application under this part only if the application for that year—

"(1) contains or is supported by adequate assurance that Federal funds made available under the approved application will be so used as to supplement, and to the extent practical, increase the amounts of State and local funds that would in the absence of such Federal funds be made available for projects and activities which meet the requirements of section 523;

"(2) sets forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this part; and

"(3) provides for making such reports in such form and containing such information, as the Commissioner may require to carry out his functions under this part, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"APPROVAL OF APPLICATIONS BY STATE EDUCATIONAL AGENCIES

"SEC. 525. In approving applications for the purposes of this part a State educational agency shall—

"(1) approve only such applications for proposed projects, programs, or activities as will—

"(A) make a significant contribution to strengthening the leadership resources of the applicant or its ability to participate effectively in meeting the educational needs of its district, and

"(B) involve an expenditure of at least $2,500, and

"(2) provide for an equitable distribution on the basis of need of funds provided pursuant to this part, and, to the extent possible within such a distribution, give priority to exemplary projects, programs, or activities.

"PART C—COMPREHENSIVE EDUCATIONAL PLANNING AND EVALUATION

"AUTHORIZATION

"SEC. 531. (a) The Commissioner is authorized to make comprehensive planning and evaluation grants to State and local educational agencies in order to assist and stimulate them to enhance their capability to make effective progress, through comprehensive and continuing planning and evaluation, toward the achievement of opportunities for high-quality education for all segments of the population.

"(b) For the purpose of carrying out the provisions of this part, there are hereby authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1971, $15,000,000 for the fiscal year ending June 30, 1972, and $20,000,000 for the fiscal year ending June 30, 1973.

"(c)(1)(A) From the sums appropriated for carrying out this part for each fiscal year, the Commissioner shall reserve such amount, but not in excess of 2 per centum of such per centum, as he may determine and shall apportion such amount among the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs for assistance under this part. The remainder shall be apportioned by the Commissioner as follows:

"(i) He shall apportion 40 per centum of such remainder among the States in equal amounts.

"(ii) He shall apportion to each State an amount that bears the same ratio to 60 per centum of such remainder as the population of the State bears to the population of all the States, as determined by the Commissioner on the basis of the most recent satisfactory data available to him.

"(B) For purposes of this paragraph (1), the term 'State' does not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(2) The amount apportioned to any State under paragraph (1) of this subsection for any fiscal year which the Commissioner determines will not be required for that year shall be available for reapportionment from time to time, on such dates during that year as the Commissioner may fix, to other States in proportion to the amounts originally apportioned among those States under such paragraph for that year, but with the proportionate amount for any of the other States being reduced to the extent it exceeds the sum the Commissioner estimates the State and local educational agencies of such State need and will be able to use for that year; and the total of these reductions shall be similarly reapportioned among the States whose proportionate amounts were not so reduced. Any amount reapportioned to a State under this paragraph from funds appropriated pursuant to this section for any fiscal year shall be deemed part of the amount apportioned to it under paragraph (1) for that year.

"(3) Grants for any fiscal year to a State agency and any local educational agency in such State pursuant to this part shall be made from such State's apportionment for such year pursuant to this subsection.

"COMPREHENSIVE PLANNING AND EVALUATION GRANTS: ELIGIBLE AGENCIES

"SEC. 532. (a) Any State desiring to receive a grant under this part for any fiscal year shall designate or establish within its State educational agency a single office or unit (hereafter in this part referred to as the State planning and evaluation agency) as the sole agency for administering a comprehensive program of systematic planning and evaluation of elementary and secondary education in the State. The State planning and evaluation agency shall have the primary responsibility for planning and evaluating the education programs of the State and for the administration of funds received by the State under this part.

"(b) Any local educational agency desiring to receive a grant under this part must provide the Commissioner with satisfactory assurance that—

"(1) the local educational agency or agencies have a planning and evaluation office or unit which has or will have, as the result of assistance under this part, the capability of carrying out a comprehensive program of systematic planning and evaluation meeting the purposes of this part;

"(2) the appropriate State educational agency or agencies have been consulted and have had the opportunity to comment on, and advise the local educational agencies and the Commissioner with regard to, the application; and

"(3) the planning and evaluation activities of the local educational agency or agencies will be closely coordinated with such activities of the appropriate State agencies;

and must further provide the Commissioner with satisfactory assurance that—

"(4) the local educational agency serves, or, if two or more local educational agencies are making joint application, those agencies serve, an area with a population sufficient to merit a comprehensive planning and evaluation program in addition to that of the State or of other local educational agencies in the area or region to be served by the applicant; or

"(5) the local educational agency or agencies will use the funds for demonstration projects to plan, develop, test, and improve planning and evaluation systems and techniques consistent with, and to further the purposes of, this part.

"(c) In making grants pursuant to this section the Commissioner shall give special emphasis on developing coordinated and comprehensive plans for educational planning and evaluation between and among the Office of Education, State educational agencies, and local educational agencies, including projects on an interstate, regional, or metropolitan area basis.

"(d) No grant shall be made by the Commissioner to a local educational agency or agencies under this part unless the application for such grant has been submitted to the State educational agency or agencies in the State or States in which it is to be carried out. If, within sixty days of such submission or within such longer period of time as the Commissioner may determine pursuant to regulations, the State agency or agencies disapprove the proposed program or project, the Commissioner shall review the application with the appropriate State and local educational agencies before making a final decision.

"APPLICATION

"SEC. 533 (a) An application for a grant under this part shall be submitted to the Commissioner at such time or times, in such form, and containing such information as he may deem necessary. Such application shall include—

"(1) a statement of present and projected educational needs of persons residing in the area to be served;

"(2) a description of a program for meeting those needs which includes—

"(A) setting long-range areawide goals in meeting educational needs and establishing priorities among such goals,

"(B) developing long-range plans for achieving such goals, taking into consideration the resources available and the educational effectiveness of each of the alternatives,

"(C) planning new programs and improvements in existing programs based on the results of analyses of alternative means of achieving educational goals,

"(D) objectively evaluating at intermediate stages the progress and effectiveness of programs in achieving such goals, and, when appropriate, adjusting goals, plans, and programs to maximize educational effectiveness, and

"(E) utilizing available management information, planning, and evaluation systems and techniques;

"(3) a plan for developing and strengthen-

ing the capabilities of the applicant to improve its planning capacity and to conduct, on a continuous basis, objective evaluations of the effectiveness of education programs and projects;

"(4) a plan for utilizing the resources of, and coordinating with, programs affecting education of other Federal, State, and local agencies, organizations, and persons; and

"(5) a statement of policies and procedures which have been, or will be, established and implemented for developing and maintaining a permanent system for obtaining and collecting significant information necessary for the assessment of education in the area to be served by the applicant, for consulting with and involving parents of children served by the applicant, and for making full and detailed information concerning the educational planning and evaluation activities and findings of the applicant and other agencies and persons receiving assistance under this part reasonably available to the public.

"(b) Applications for grants under this section may be approved by the Commissioner only if he determines that the application—

"(1) has been submitted only after interested parents have been given reasonable notice and an opportunity to express their views thereon;

"(2) sets forth, in such detail as the Commissioner may determine necessary, such policies and procedures as will provide satisfactory assurance that—

"(A) the assistance provided under this section, together with other available resources, will be so used for the purposes of this part as to result in the maximum possible effective progress toward the achievement of a high level of planning and evaluation competence, and

"(B) assistance under this part will be used primarily in strengthening the capabilities of the planning and evaluation staff of the agency, office, or unit responsible for the administration of the application plan; and

"(3) sets forth such policies and procedures as will insure that Federal funds made available under the application will be so used as to supplement, and to the extent practical, increase the amounts of State or local funds that would, in the absence of Federal funds, be made available for activities meeting the purposes of this title;

"(4) in the case of applications from States, makes adequate provision (consistent with such criteria as the Commissioner shall prescribe by regulation), for using funds granted under this section to make program planning and evaluation services available to local educational agencies in the State.

"(c) A grant made pursuant to an application under this section may be used to pay not to exceed 75 per centum of the cost of the activities covered by the application.

"REPORTS

"SEC. 534. Each recipient of a grant shall make an annual report on the activities carried out with the fund from such grant which includes such information as the Commissioner determines will permit an evaluation of the effectiveness of the program authorized by this part in achieving its purposes. Each such recipient shall also make such other reports, in such form and containing such information as the Commissioner may require to carry out his functions under this part.

"PART D—COUNCILS ON QUALITY IN EDUCATION

"NATIONAL AND STATE ADVISORY COUNCILS

"SEC. 541. (a)(1) There is hereby established a National Council on Quality in Education (hereafter referred to as the 'National Council') composed of fifteen members appointed by the President, by and with the advice and consent of the Senate. The membership of the National Council shall include persons who are familiar with the educational needs and goals of the Nation, persons with competence in assessing the progress of the education agencies, institutions, and organizations in meeting those needs and achieving those goals, persons familiar with the administration of State and local educational agencies and of institutions of higher education, and persons representative of the general public. Members shall be appointed for terms of three years, except that (1) in the case of initial members, one-third of the members shall be appointed for terms of one year each and one-third of the members shall be appointed for terms of two years each, and (2) appointments to fill the unexpired portion of any term shall be for such portion only.

"(2) The National Council shall—

"(A) review the administration of general regulations for, and operation of the programs assisted under this title at the Federal, State, and local levels, and other Federal education programs;

"(B) advise the Commissioner and, when appropriate, the Secretary and other Federal officials with respect to the educational needs and goals of the Nation and assess the progress of the educational agencies, institutions, and organizations of the Nation toward meeting those needs and achieving those goals;

"(C) conduct objective evaluations of specific education programs and projects in order to ascertain the effectiveness of such programs and projects in achieving the purpose for which they are intended;

"(D) review, evaluate, and transmit to the Congress and the President the reports submitted pursuant to clause (E) of paragraph (3) of subsection (b) of this section;

"(E) make recommendations (including recommendations for changes in legislation) for the improvement of the administration and operation of education programs including the programs authorized by this title;

"(F) consult with Federal, State, local, and other educational agencies, institutions, and organizations with respect to assessing education in the Nation and the improvement of the quality of education, including—

"(i) areas of unmet needs in education and national goals and the means by which those areas of need may be met and those national goals may be achieved;

"(ii) determinations of priorities among unmet needs and national goals; and

"(iii) specific means of improving the quality and effectiveness of teaching, curricula, and educational media and of raising standards of scholarship and levels of achievement;

"(G) conduct national conferences on the assessment and improvement of education, in which national and regional education associations and organizations, State and local education officers and administrators, and other organizations, institutions, and persons (including parents of children participating in Federal education programs) may exchange and disseminate information on the improvement of education; and

"(H) conduct, and report on, comparative studies and evaluations of education systems in foreign countries.

"(3) The National Council shall make an annual report, and such other reports as it deems appropriate, on its findings, recommendations, and activities to the Congress and the President. The President is requested to transmit to the Congress, at least annually such comments and recommendations as he may have with respect to such reports and its activities.

"(4) In carrying out its responsibilities under this section, the National Council shall consult with the National Advisory Council on the Education of Disadvantaged Children, the National Advisory Council on Supplementary Centers and Services, the National Advisory Council on Education Professions Development, and such other advisory councils and committees as may have information and competence to assist the National Council. All Federal agencies are directed to cooperate with the National Council in assisting it in carrying out its functions.

"(b)(1) Any State receiving payments under this title for any fiscal year may establish a State advisory council (hereinafter referred to as 'State council') which if it meets the requirements and has the authority specified in this subsection may receive payments pursuant to paragraph (7). The State council shall be appointed by the Governor or, in the case of States in which the members of the State educational agency are elected (including election by the State legislature), by such agency.

"(2) The State council established pursuant to this subsection shall be broadly representative of the educational resources of the State and of the public. Representation on the State council shall include, but not be limited to, persons representative of—

"(A) public and nonprofit private elementary and secondary schools,

"(B) institutions of higher education,

"(C) areas of competence in planning and evaluating education programs, and the assessment of the effectiveness of, and the administration of, such programs at the State and local levels; and

"(D) areas of competence in dealing with children for whom special educational assistance is available under this Act.

"(3) The State council shall—

"(A) prepare and submit through the State educational agency a report of its activities, recommendations, and evaluations, together with such additional comments as the State educational agency deems appropriate, to the Commissioner and the National Council at such times, in such form, and in such detail, as the Commissioner may prescribe;

"(B) advise the State educational agency on the preparation of, and policy matters arising in the administration of, State and local educational programs in the State, including the development of criteria for approval of applications for assistance under this title;

"(C) advise State and local officials who have a responsibility for education in the State with respect to the planning, evaluating, administration, and assessment of education in the State;

"(D) review and make recommendations to the State educational agency on the action to be taken with respect to applications for assistance under this title by local educational agencies; and

"(E) evaluate programs and projects assisted under this title.

"(4) Any such State shall certify the establishment of, and membership of its State council to, the Commissioner.

"(5) Such State council shall meet within thirty days after its certification has been accepted by the Commissioners and select from among its membership a chairman. The time, place, and manner of meeting shall be as provided by the rules of the State council, except that such rules must provide for not less than one public meeting each year at which the public is given opportunity to express views concerning the operation of programs and projects assisted under this title.

"(6) Such State council shall be authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable them to carry out their functions under this title and to contract for such services as may be necessary to enable them to carry out their evaluation functions.

"(7) There are hereby authorized to be appropriated for each fiscal year such sums, not in excess of 2½ per centum of the amount otherwise appropriated for such year for the purposes of this title, as may be necessary to carry out the provisions of this subsection.

"PART E—GENERAL PROVISIONS

"ADMINISTRATION OF PLANS

"SEC. 551. (a) The Commissioner shall not finally disapprove any application from a State or a local educational agency, submitted under part A or B of this title, or any modification thereof, without affording the applicant reasonable notice and an opportunity for a hearing.

"(b) Whenever the Commissioner, after reasonable notice and an opportunity for a hearing to a State or a local educational agency administering a program under an application approved under this title, finds that there has been a failure to comply substantially with the appropriate provisions of this title or with the provisions of an application approved under this title, he shall notify the State or the local educational agency, as the case may be, that further payments will not be made to that State or that local educational agency under that application until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, no further payments shall be made to that State or that local educational agency under the application. Whenever a local educational agency is given notice under the first sentence of this subsection, notice shall also be submitted to the appropriate State educational agency.

"JUDICIAL REVIEW

"SEC. 552. (a) If any State or any local educational agency is dissatisfied with the Commissioner's final action with respect to the approval of an application submitted under part A or B of this title or with his final action under section 551(b), such State or local educational agency may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State or local educational agency is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action as provided in section 2112 of title 28, United States Code.

"(b) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(c) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code."

(b) The Act of July 26, 1954, entitled "An Act to establish a National Advisory Committee on Education" (Public Law 532, Eighty-third Congress) is hereby repealed.

(c) Subsections (a)(1) and (b)(1) of section 2 of the Cooperative Research Act are each amended by striking out "section 503(a)(4)" and inserting in lieu thereof "sections 503(4) and 523(a)(3)".

PART E—AMENDMENTS TO TITLE VII OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (BILINGUAL EDUCATION)

EXTENSION OF TITLE VII OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (THE BILINGUAL EDUCATION ACT)

SEC. 151. Section 703(a) of the Elementary and Secondary Education Act of 1965 is amended by striking out "and" where it appears after "1969," and by inserting before the period at the end thereof a comma and the following: "$80,000,000 for the fiscal year ending June 30, 1971, $100,000,000 for the fiscal year ending June 30, 1972, and $135,000,000 for the fiscal year ending June 30, 1973".

APPLICATION TO INDIANS ON RESERVATIONS

SEC. 152. (a) Title VII of the Elementary and Secondary Education Act of 1965 is amended by redesignating sections 706, 707, and 708 (and references thereto) as sections 707, 708, and 709 thereof and by inserting the following new section immediately after section 705:

"CHILDREN IN SCHOOLS ON RESERVATIONS

"SEC. 706. (a) For the purpose of carrying out programs pursuant to this title for individuals on reservations serviced by elementary and secondary schools operated on such reservations for Indian children, a nonprofit institution or organization of the Indian tribe concerned which operates any such school and which is approved by the Commissioner for the purposes of this section, may be considered to be a local educational agency as such term is used in this title.

"(b) From the sums appropriated pursuant to section 703, the Commissioner may also make payments to the Secretary of the Interior for elementary and secondary school programs to carry out the policy of section 702 with respect to individuals on reservations serviced by elementary and secondary schools for Indian children operated or funded by the Department of the Interior. The terms upon which payments for that purpose may be made to the Secretary of the Interior shall be determined pursuant to such criteria as the Commissioner determines will best carry out the policy of section 702."

(b) Section 707(a) of such Act (as redesignated by this Act) is amended by inserting the following before the period at the end thereof: "or, in the case of payments to the Secretary of the Interior, an amount determined pursuant to section 706(b)".

INCREASE IN MEMBERSHIP OF ADVISORY COMMITTEE ON THE EDUCATION OF BILINGUAL CHILDREN

SEC. 153. Section 708(a) of the Elementary and Secondary Education Act of 1965 as redesignated by this Act, is amended (1) by striking out "nine" and inserting in lieu thereof "fifteen", and (2) by striking out "four" and inserting in lieu thereof "seven".

PART F—AMENDMENTS TO TITLE VIII OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 (GENERAL PROVISIONS)

EXTENSION OF SECTION 807 OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 161. Section 807(c) of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"(c) For the purpose of carrying out the provisions of this section, there is hereby authorized to be appropriated $30,000,000 for each of the fiscal years ending June 30, 1970, and June 30, 1971, $31,500,000 for the fiscal year ending June 30, 1972, and $33,000,000 for the fiscal year ending June 30, 1973."

DEFINITION OF "GIFTED AND TALENTED CHILDREN"

SEC. 162. Section 801 of the Elementary and Secondary Education Act of 1965 (relating to definitions) is amended by adding at the end thereof the following:

"(1) The term 'gifted and talented children' means, in accordance with objective criteria prescribed by the Commissioner, children who have outstanding intellectual ability or creative talent the development of which requires special activities or services not ordinarily provided by local educational agencies."

REVISION OF FEDERAL ADMINISTRATION SECTION

SEC. 163. Section 803(c) of the Elementary and Secondary Education Act of 1965 is amended by striking out "(1)" and by striking out everything after "by such other departments and agencies" and inserting in lieu thereof a period and the following: "Federal departments and agencies administering programs which may be effectively coordinated with programs carried out under this Act or any Act amended by this Act, including community action programs carried out under title II of the Economic Opportunity Act of 1964, shall, to the fullest extent permitted by other applicable law, carry out such programs, in such a manner as to assist in carrying out, and to make more effective, the programs under this Act or any Act amended by this Act."

SCHOOL NUTRITION AND HEALTH SERVICES AND RESEARCH IN CORRECTION EDUCATION SERVICES

SEC. 164. Title VIII of the Elementary and Secondary Education Act of 1965 is amended by adding to the end thereof the following new sections:

"GRANTS FOR DEMONSTRATION PROJECTS TO IMPROVE SCHOOL NUTRITION AND HEALTH SERVICES FOR CHILDREN FROM LOW-INCOME FAMILIES

"SEC. 808. (a) The Secretary shall carry out a program of making grants to local educational agencies and, where appropriate, nonprofit private educational organizations, to support demonstration projects designed to improve nutrition and health services in public and private schools serving areas with high concentrations of children from low-income families.

"(b) Funds appropriated pursuant to subsection (d) shall be available for grants pursuant to applications approved under this section to pay the cost of (1) coordinating nutrition and health service resources in the areas to be served by a demonstration project supported under this section, (2) providing supplemental health, nutritional, mental health, and food services to children from low-income families when the resources for such services available to the applicant from other sources are inadequate to meet the needs of such children, (3) nutrition and health education programs designed to train professional and other school personnel to provide nutrition and health services in a manner which meets the needs of children from low-income families for such services, and (4) the evaluation of projects assisted under this section with respect to their effectiveness in improving school nutrition and health services for such children.

"(c) Applications for a grant under this section shall be submitted at such time, contain such information, and be consistent with such criteria as the Secretary may require by regulation. Such applications shall provide for—

"(1) the use of funds available under this section and the coordination of health care facilities and resources and such nutrition resources as may be available to the applicant in order to insure that a comprehensive program of physical and mental health and nutrition services are available to children from low-income families in the area to be served;

"(2) the development of health and nutrition curriculum materials related to the specific needs of persons involved with the project and to new and improved approaches to health services and food technology;

"(3) the training of (A) school administrators, teachers, and school health and nutrition personnel in order to assist them in meeting the health and nutritional needs of children from low-income families, and (B) professional and subprofessional personnel for service in school nutrition and health programs; and

"(4) adequate provision for evaluation of the project.

"(d) For the purpose of making grants under this section there are hereby authorized to be appropriated $2,000,000 for the

fiscal year ending June 30, 1970, $10,000,000 for the fiscal year ending June 30, 1971, $16,000,000 for the fiscal year ending June 30, 1972, and $26,000,000 for the fiscal year ending June 30, 1973.

"RESEARCH AND DEMONSTRATION PROJECTS IN CORRECTION EDUCATION SERVICES

"SEC. 809. (a) The Commissioner is authorized to make grants to State and local educational agencies, institutions of higher education, and other public and private nonprofit research agencies and organizations for research or demonstration projects, relating to the academic and vocational education of antisocial, aggressive, or delinquent persons, including juvenile delinquents, youth offenders, and adult criminal offenders, including the development of criteria for the identification for specialized educational instruction of such persons from the general elementary and secondary school age population and special curriculums, and guidance and counseling programs. All projects shall include an evaluation component.

"(b) The Commissioner is authorized to appoint such special or technical advisory committees as he may deem necessary to advise him on matters of general policy relating to the education of persons intended to be benefited by this section, and shall secure the advice and recommendations of the Director, Bureau of Prisons, of the Director, Office of Juvenile Delinquency and Youth Development, the Director of the Teacher Corps, the head of the National Institute of Law Enforcement and Criminal Justice, the Administrator of the Law Enforcement Assistance Administration, and such other persons and organizations as he, in his discretion, deems necessary before making any grant under this section."

TITLE II—AMENDMENTS TO PUBLIC LAWS 815 AND 874 OF THE EIGHTY-FIRST CONGRESS (IMPACTED AREAS PROGRAMS)

EXTENSION OF THE IMPACTED AREAS PROGRAMS

SEC. 201. (a)(1) Section 3 of the Act of September 30, 1950 (Public Law 815, Eighty-first Congress), is amended by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1973".

(2) Section 15(15) of such Act is amended by striking out "1965–1966" and inserting in lieu thereof "1968–1969".

(b) Sections 2(a), 3(b), and 4(a) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), are each amended by striking out "1970" wherever it appears and inserting in lieu thereof "1973".

(c) Section 16(a)(1)(A) of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), and section 7(a)(1)(A) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), are each amended by striking out "July 1, 1970" and inserting in lieu thereof "July 1, 1973".

CERTAIN REFUGEE CHILDREN

SEC. 202. (a) Section 3(b) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by striking out the second sentence and inserting in lieu thereof the following: "In the case of fiscal years ending prior to July 1, 1973, the Commissioner shall also determine the number of children (other than children to whom subsection (a) or any other provision of this subsection applies) who were in average daily attendance at the schools of a local educational agency and for whom such agency provided free public education, during such fiscal year, and who, while in attendance at such schools resided with a parent who was, at any time during the three-year period immediately preceding the fiscal year for which the determination is made, a refugee who meets the requirements of section 2(b)(3) (A) and (B) of the Migration and Refugee Assistance Act of 1962.".

(b) Section 3(c)(2) of such Act is amended (1) by inserting before "subsection (b)" both times it appears the following: "the first sentence of", and (2) by inserting after "to whom such subsection" the following: "or such sentence".

(c) Section 3(c) of such Act is amended by inserting after paragraph (2) the following new paragraph:

"(3) No local educational agency shall be entitled to receive any payment for a fiscal year with respect to a number of children determined under the second sentence of subsection (b) unless the number of children who were in average daily attendance to whom such sentence applies amounts to 20 per centum or more of the number of children who were in average daily attendance during such year and for whom such agency provided free public education, but in determining the number of such children under such second sentence no child shall be counted with respect to whose education a payment was made under section 2(b)(4) of the Migration and Refugee Assistance Act of 1962."

INCLUSION OF CHILDREN RESIDING IN LOW-RENT PUBLIC HOUSING AS FEDERALLY CONNECTED CHILDREN

SEC. 203. (a)(1) The second sentence of section 15(1) of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), is amended by striking out "and (B)" and inserting in lieu thereof "(B) any low-rent housing (whether or not owned by the United States) which is part of a low-rent housing project assisted under the United States Housing Act of 1937, and (C)".

(2) The fourth sentence of such section 15(1) is amended (A) by striking out the comma before "(B)" and inserting in lieu thereof "and", and (B) by striking out all that follows "postal services" and inserting in lieu thereof a period.

(3) Section 5(c) of such Act is amended by striking out the colon and all that follows and inserting in lieu thereof a period and the following: "In determining the eligibility of a local educational agency under this subsection and in determining the number of federally connected children who are in the average daily membership of the schools of such agency during a base year and in estimating the increase since the base year in the number of such children under subsection (a), children residing on any housing property (whether or not owned by the United States), which is part of a low-rent housing project assisted under the United States Housing Act of 1937, shall not be considered as having been federally connected during the base year if such housing project was begun after the base year 1964–1965.".

(b)(1) The second sentence of section 303(1) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by striking out ", and (C)" and inserting in lieu thereof ", (C) any low-rent housing (whether or not owned by the United States) which is part of a low-rent housing project assisted under the United States Housing Act of 1937, section 516 of the Housing Act of 1949, or part B of title III of the Economic Opportunity Act of 1964, and (D)".

(2) The fourth sentence of such section 303(1) is amended by striking out "(A) any real property used for a labor supply center, labor home or labor camp for migratory workers, (B)" and by striking out all that follows "postal services" and inserting in lieu thereof a period.

(c)(1) The amendments made by subsections (a) and (b) shall be effective after June 30, 1970.

(2) For the purposes of section 5 of such Act of September 23, 1950, the number of children in the membership of a local educational agency residing in a low-rent housing project assisted under the United States Housing Act of 1937 during the years of the base period preceding the effective date provided in paragraph (1) shall be determined by the Commissioner on the basis of estimates.

(3) Section 3 of such Act of September 23, 1950, is further amended by inserting at the end thereof the following new sentence: "Such order of priority shall provide that applications for payments based upon increases in the number of children residing on, or residing with a parent employed on, property which is part of a low-rent housing project assisted under the United States Housing Act of 1937 shall not be approved for any fiscal year until all other applications under paragraphs (2) and (3) of subsection (a) of section 5 have been approved for that fiscal year.".

(4) Subsection (c) of section 5 of such Act of September 30, 1950, is amended to read as follows:

"ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS

"(c)(1) If the funds appropriated for any fiscal year for making payments under this title are not sufficient to pay in full the total amounts which the Commissioner estimates all local educational agencies will be entitled to receive under this title for such year, the Commissioner (A) shall determine the part of the entitlement of each such local educational agency which is attributable to determinations under subsections (a) and (b) of section 3 of the number of children who resided on, or resided with a parent employed on, property which is part of a low-rent housing project assisted under the United States Housing Act of 1937, section 516 of the Housing Act of 1949, or part B of title III of the Economic Opportunity Act of 1964, and (B) except as otherwise provided in paragraph (3), shall allocate such funds, other than so much thereof as he estimates may be required for carrying out the provisions of section 6, among sections 2, 3, and 4(a) in the proportion that the amount he estimates to be required under each such section bears to the total estimated to be required under all such sections, except that he shall not take into consideration any part of any entitlement determined under clause (A). The amount so allocated to any such section shall be available for payment of a percentage of the amount to which each local educational agency is entitled under such section. Such percentage shall be equal to the percentage which the amount allocated to a section under the second sentence of this paragraph is of the amount to which all such agencies are entitled under such section. For the purposes of this paragraph, in determining the amount to which each local educational agency is entitled under section 3 he shall include any increases under paragraph (4) of subsection (c) thereof; but he shall exclude any part of any entitlement determined under clause (A) of this paragraph.

"(2) If the funds available for allocation under paragraph (1) for any fiscal year exceed the amount necessary to fully satisfy entitlements for which allocations will be made under such paragraph, that excess shall be available for payment of a percentage of that part of the entitlement of each local educational agency determined under clause (A) of paragraph (1). Such percentage shall be equal to the percentage which the amount of such excess is of the total amount to which all such agencies are so entitled.

"(3) All funds appropriated for making payments under this title for any fiscal year shall be allocated in the manner specified in paragraphs (1) and (2), unless an Act making appropriations for making payments under this title for any fiscal year specifically makes funds available for payments on the basis of entitlements determined under clause

(A) of paragraph (1), apart from other payments under this title, in which case, if the funds so appropriated are not sufficient to pay in full the total amount to which all local educational agencies are so entitled, such funds shall be available for making payments in the manner specified in paragraph (2) respecting allocations of any excess apropriations.

"(4) In case the amount allocated to a section under paragraph (1) for a fiscal year exceeds the total to which all local educational agencies are entitled under such section for such year or, in case additional funds become available for making payments under this title, the excess or such additional funds, as the case may be, shall be allocated among sections for which previous allocations are inadequate, on the same basis as is provided in paragraphs (1), (2), and (3) for the initial allocation."

MINIMUM ELIGIBILITY REQUIREMENT FOR PUBLIC LAW 815

SEC. 204. (a) The first sentence of section 5(c) of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), as amended by section 203(a)(3) of this Act, is amended to read as follows:

"(c) A local educational agency shall not be eligible to have any amount included in its maximum by reason of paragraph (1), (2), or (3) of subsection (a) unless the increase in children referred to in such paragraph, prior to the application of the limitation in subsection (d) is at least twenty and—

"(1) in the case of paragraph (1) or (2), is—

"(A) equal to at least 6 per centum of the number of all children who were in the average daily membership of the schools of such agency during the base year, or

"(B) at least one thousand five hundred, whichever is the lesser; and

"(2) in the case of paragraph (3), is—

"(A) equal to at least 10 per centum of the number of all children who were in the average daily membership of the schools of such agency during the base year, or

"(B) at least two thousand five hundred, whichever is the lesser: Provided, That no local educational agency shall be regarded as eligible under this paragraph (2) unless the Commissioner finds that the construction of additional minimum school facilities for the number of children in such increase will impose an undue financial burden on the taxing and borrowing authority of such agency."

(b) Section 5(d) of such Act is amended by inserting before the period at the end of the first sentence thereof the following: ", except that the number of children counted for the purposes of paragraph (1) or (2) of subsection (a) shall not be reduced by more than one thousand five hundred and that the number of children counted for the purposes of paragraph (3) of subsection (a) shall not be reduced by more than two thousand five hundred".

SCHOOL CONSTRUCTION ASSISTANCE WHERE THE IMMUNITY OF CERTAIN FEDERAL PROPERTY FROM TAXATION CREATES A SUBSTANTIAL AND CONTINUING IMPAIRMENT OF THE ABILITY TO FINANCE NEEDED SCHOOL FACILITIES

SEC. 205. (a) Section 14 of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), is amended by redesignating subsections (c), (d), (e), and (f) of such subsection, and all references thereto, as subsections (d), (e), (f), and (g), respectively, and inserting after subsection (b) the following new subsection:

"(c) If the Commissioner determines with respect to any local educational agency—

"(1) that (A) such agency is providing or, upon completion of the school facilities for which provision is made herein, will provide, free public education for children who are inadequately housed by minimum school facilities and whose membership in the schools of such agency has not formed and will not form the basis for payments under other provisions of this Act, and (B) the total number of such children represents a substantial percentage of the total number of children for whom such agency provides free public education, and (C) Federal property constitutes a substantial part of the school district of such agency,

"(2) that the immunity of such Federal property from taxation by such agency has created a substantial and continuing impairment of such agency's ability to finance needed school facilities,

"(3) that such agency is making a reasonable tax effort and is exercising due diligence in availing itself of State and other financial assistance for the purpose, and

"(4) that such agency does not have sufficient funds available to it from other Federal, State, and local sources to provide the minimum school facilities required for free public education of a substantial percentage of the children in the membership of its schools.

he may provide the assistance necessary to enable such agency to provide minimum school facilities for children in the membership of the schools of such agency whom the Commissioner finds to be inadequately housed, upon such terms and conditions, and in such amounts (subject to the applicable provisions of this section) as the Commissioner may consider to be in the public interest. Such assistance may not exceed the portion of the cost of such facilities which the Commissioner estimates has not been, and is not to be, recovered by the local educational agency from other sources, including payments by the United States under any other provisions of this Act or any other law. Notwithstanding the provisions of this subsection, the Commissioner may waive the percentage requirement in paragraph (1) whenever, in his judgment, exceptional circumstances exist which make such action necessary to avoid inequity and avoid defeating the purposes of this subsection."

DECLARATION OF POLICY WITH RESPECT TO SCHOOL CONSTRUCTION ASSISTANCE FOR INDIAN CHILDREN

SEC. 206. Section 14 of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), relating to public schools with children residing on Indian lands, is further amended by inserting at the end thereof the following:

"(h) It is hereby declared to be the policy of the Congress that the provision of assistance pursuant to subsections (a) and (b) of this section shall be given a priority at least equal to that given to payments made pursuant to section 10 of this Act."

TITLE III—AMENDMENTS TO THE ADULT EDUCATION ACT OF 1966

EXTENSION AND REVISION OF THE ADULT EDUCATION ACT OF 1966

SEC. 301. Effective on and after July 1, 1969, title III of the Elementary and Secondary Education Amendments of 1966 (the Adult Education Act of 1966) is amended to read as follows:

"TITLE III—ADULT EDUCATION

"SHORT TITLE

"SEC. 301. This title may be cited as the 'Adult Education Act'.

"STATEMENT OF PURPOSE

"SEC. 302. It is the purpose of this title to expand educational opportunity and encourage the establishment of programs of adult public education that will enable all adults to continue their education to at least the level of completion of secondary school and make available the means to secure training that will enable them to become more employable, productive, and responsible citizens.

"DEFINITIONS

"SEC. 303. As used in this title—

"(a) The term 'adult' means any individual who has attained the age of sixteen.

"(b) The term 'adult education' means services or instruction below the college level (as determined by the Commissioner), for adults who—

"(1) do not have a certificate of graduation from a school providing secondary education and who have not achieved an equivalent level of education, and

"(2) are not currently required to be enrolled in schools.

"(c) The term 'adult basic education' means adult education for adults whose inability to speak, read, or write the English language constitutes a substantial impairment of their ability to get or retain employment commensurate with their real ability, which is designed to help eliminate such inability and raise the level of education of such individuals with a view to making them less likely to become dependent on others, to improving their ability to benefit from occupational training and otherwise increasing their opportunities for more productive and profitable employment, and to making them better able to meet their adult responsibilities.

"(d) The term 'Commissioner' means the Commissioner of Education.

"(e) The term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, except that, if there is a separate board or other legally constituted local authority having administrative control and direction of adult education in public schools therein, such term means such other board or authority.

"(f) The term 'State' includes the District of Columbia, and (except for the purposes of section 305(a)) the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands.

"(g) The term 'State educational agency' means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or if there is a separate State agency or officer primarily responsible for supervision of adult education in public schools then such agency or officer may be designated for the purpose of this title by the Governor or by State law. If no agency or officer qualifies under the preceding sentence, such term shall mean an appropriate agency or officer designated for the purposes of this title by the Governor.

"(h) The term 'academic education' means the theoretical, the liberal, the speculative, and classical subject matter found to compose the curriculum of the public secondary school.

"(i) The term 'institution of higher education' means any such institution as defined by section 801(e) of the Elementary and Secondary Education Act of 1965.

"GRANTS TO STATES FOR ADULT EDUCATION

"SEC. 304. (a) From the sums appropriated pursuant to section 312, not less than 10 per centum nor more than 20 per centum shall be reserved for the purposes of section 309.

"(b) From the remainder of such sums, the Commissioner is authorized to make grants to States, which have State plans approved by him under section 306 for the purposes of this section, to pay the Federal share of the cost of (1) the establishment or expansion of adult basic education programs to be carried out by local educational agencies

and private nonprofit agencies, and (2) the establishment or expansion of adult education programs to be carried out by local educational agencies and private nonprofit agencies.

"ALLOTMENT FOR ADULT EDUCATION

"SEC. 305. (a) From the sums available for purposes of section 304(b) for any fiscal year, the Commissioner shall allot (1) not more than 2 per centum thereof among Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands according to their respective needs for assistance under such section, and (2) $150,000 to each State. From the remainder of such sums he shall allot to each State an amount which bears the same ratio to such remainder as the number of adults who do not have a certificate of graduation from a school providing secondary education (or its equivalent) and who are not currently required to be enrolled in schools in such State bears to the number of such adults in all States.

"(b) The portion of any State's allotment under subsection (a) for a fiscal year which the Commissioner determines will not be required, for the period such allotment is available, for carrying out the State plan approved under this title shall be available for reallotment from time to time, on such dates during such period as the Commissioner shall fix, to other States in proportion to the original allotments to such States under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the Commissioner estimates such State needs and will be able to use for such period for carrying out its State plan approved under this title, and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts are not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for such year.

"STATE PLANS

"SEC. 306. (a) Any State desiring to receive its allotment of Federal funds for any grant under this title shall submit through its State educational agency a State plan. Such State plan shall be in such detail as the Commissioner deems necessary, and shall—

"(1) set forth a program for the use of grants, in accordance with section 304(b), which affords assurance of substantial progress with respect to all segments of the adult population and all areas of the State, toward carrying out the purposes of such section;

"(2) provide for the administration of such plan by the State educational agency;

"(3) provide for cooperative arrangements between the State educational agency and the State health authority authorizing the use of such health information and services for adults as may be available from such agencies and as may reasonably be necessary to enable them to benefit from the instruction provided pursuant to this title;

"(4) provide for grants to public and private nonprofit agencies for special projects, teacher-training, and research;

"(5) provide for cooperation with Community Action programs, Work Experience programs, VISTA, Work Study, and other programs relating to the antipoverty effort;

"(6) provide that such agency will make such reports to the Commissioner, in such form and containing such information, as may reasonably be necessary to enable the Commissioner to perform his duties under this title and will keep such records and afford such access thereto as the Commissioner finds necessary to assure the correctness and verification of such reports;

"(7) provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid the State under this title (including such funds paid by the State to local educational agencies and private nonprofit agencies);

"(8) provide that special emphasis be given to adult basic education programs except where such needs can be shown to have been met in the State; and

"(9) provide such further information and assurances as the Commissioner may by regulation require.

"(b) The Commissioner shall not finally disapprove any State plan submitted under this title, or any modification thereof, without first affording the State educational agency reasonable notice and opportunity for a hearing.

"PAYMENTS

"SEC. 307. (a) Except as provided in subsection (b), the Federal share of expenditures to carry out a State plan shall be paid from a State's allotment available for grants to such State. The Federal share for each State shall be 90 per centum, except that with respect to the Trust Territory of the Pacific Islands such Federal share shall be 100 per centum.

"(b) No payment shall be made to any State from its allotment for any fiscal year unless the Commissioner finds that the amount available for expenditure by such State for adult education from non-Federal sources for such year will be not less than the amount expended for such purposes from such sources during the preceding fiscal year, but no State shall be required to use its funds to supplant any portion of the Federal share.

"OPERATION OF STATE PLANS; HEARINGS AND JUDICIAL REVIEW

"SEC. 308. (a) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State educational agency administering a State plan approved under this title, finds that—

"(1) the State plan has been so changed that it no longer complies with the provisions of section 306, or

"(2) in the administration of the plan there is a failure to comply substantially with any such provision,

the Commissioner shall notify such State agency that no further payments will be made to the State under this title (or, in his discretion, that further payments to the State will be limited to programs under or portions of the State plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, no further payments may be made to such State under this title (or payments shall be limited to programs under or portions of the State plan not affected by such failure).

"(b) A State educational agency dissatisfied with a final action of the Commissioner under section 306 or subsection (a) of this section may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner or any officer designated by him for that purpose. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Commissioner may modify or set aside his order. The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or part, any action of the Commissioner shall be final, subject to the review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Commissioner's action.

"SPECIAL EXPERIMENTAL DEMONSTRATION PROJECTS AND TEACHER TRAINING

"SEC. 309. (a) The sums reserved in section 304(a) for the purposes of this section shall be used for making special project grants or providing teacher-training grants in accordance with this section.

"(b) The Commissioner is authorized to make grants to local educational agencies or other public or private nonprofit agencies, including educational television stations, for special projects which will be carried out in furtherance of the purposes of this title, and which—

"(1) involve the use of innovative methods, systems, materials, or programs which the Commissioner determines may have national significance or be of special value in promoting effective programs under this title, or

"(2) involve programs of adult education, carried out in cooperation with other Federal, federally assisted, State, or local programs which the Commissioner determines have unusual promise in promoting a comprehensive or coordinated approach to the problems of persons with educational deficiencies.

The Commissioner shall establish procedures for making grants under this subsection which shall require a non-Federal contribution of at least 10 per centum of the costs of such projects wherever feasible and not inconsistent with the purposes of this subsection.

"(c) The Commissioner is authorized to make provision for training persons engaged, or preparing to engage, as personnel in adult education programs designed to carry out the purposes of this title, including the payment of such stipends and allowances (including traveling and subsistence expenses, if any, for such persons and their dependents) as the Commissioner may determine by regulation. The Commissioner may provide such training directly or by contract or he may provide for such training by making grants to institutions of higher education, State or local educational agencies, or other appropriate public or private agencies or organizations.

"NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION

"SEC. 310. (a) The President shall appoint a National Advisory Council on Adult Education (hereinafter in this section referred to as the 'Council').

"(b) The Council shall consist of fifteen members who shall, to the extent possible, include persons knowledgeable in the field of adult education, State and local public school officials, and other persons having special knowledge and experience, or qualifications with respect to adult education, and persons representative of the general public. The Council shall meet initially at the call of the Commissioner and elect from its number a chairman. The Council will thereafter meet at the call of the chairman, but not less often than twice a year.

"(c) The Council shall advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section

306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

"(d) The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations. The Secretary of Health, Education, and Welfare shall coordinate the work of the Council with that of other related advisory councils.

"LIMITATION

"SEC. 311. No grant may be made under this title for any educational program, activity, or service related to sectarian instruction or religious worship, or provided by a school or department of divinity. For purposes of this section, the term 'school or department of divinity' means an institution or a department or branch of an institution whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation, or to prepare them to teach theological subjects.

"APPROPRIATIONS AUTHORIZED

"SEC. 312. (a) There are authorized to be appropriated $160,000,000 for the fiscal year ending June 30, 1970, $200,000,000 for the fiscal year ending June 30, 1971, and $225,000,000 for each of the fiscal years ending June 30, 1972, and June 30, 1973, for the purposes of this title.

"(b) There are further authorized to be appropriated for each such fiscal year such sums, not to exceed 5 per centum of the amount appropriated pursuant to subsection (a) for such year, as may be necessary to pay the cost of the administration and development of State plans, and other activities required pursuant to this title."

APPOINTMENT OF MEMBERS OF NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION

SEC. 302. Members of the National Advisory Council on Adult Education shall be appointed within ninety days after the date of enactment of this Act.

TITLE IV—AMENDMENTS TO TITLE IV OF PUBLIC LAW 90-247

GENERAL PROVISIONS

SEC. 401. (a) Title IV of the Elementary and Secondary Education Amendments of 1967 is amended in the following respects:

(1) The heading of such title is amended to read as follows:

"TITLE IV—GENERAL PROVISIONS CONCERNING EDUCATION".

(2) Section 401 of such title is amended—

(A) by adding at the end of the caption head "; DEFINITIONS; APPROPRIATIONS; SHORT TITLE", and

(B) by inserting "(a)" after "SEC. 401." and adding at the end thereof the following new subsections:

"(b) For the purposes of this title, the term—

"(1) 'Commissioner' means the Commissioner of Education;

"(2) 'Secretary' means the Secretary of Health, Education, and Welfare; and

"(3) 'applicable program' means a program to which this title is applicable.

"(c) There are hereby authorized to be appropriated for any fiscal year, as part of the appropriations for salaries and expenses for the Office of Education, such sums as the Congress may determine to be necessary to carry out the provisions of this title.

"(d) This title may be cited as the 'General Education Provisions Act'.".

(3) Section 402 of such title is amended to read as follows:

PROGRAM PLANNING AND EVALUATION

"SEC. 402. (a) Sums appropriated pursuant to section 401(c) may include for any fiscal year for which appropriations are otherwise authorized under any applicable program not to exceed $25,000,000 which shall be available to the Secretary, in accordance with regulations prescribed by him, for expenses, including grants, contracts, or other payments, for (1) planning for the succeeding year for any such program, and (2) evaluation of such programs.

"(b) No later than July 31 of each calendar year, the Secretary shall transmit to the respective committees of the Congress having legislative jurisdiction over any applicable program a report containing (1) a brief description of each contract or grant for evaluation of such program or programs (whether or not such contract or grant was made under this section), any part of the performance of which occurred during the preceding fiscal year, (2) the name of the firm or individual who is to carry out the evaluation, and (3) the amount to be paid under the contract or grant."

(4) Section 403 of such title is amended by striking out "Act referred to in section 401" and inserting in lieu thereof "applicable program" and by striking out "under any such Act" and inserting in lieu thereof "under such program".

(5) Sections 404 and 405 of such title are amended by striking out "Act referred to in section 401" and inserting in lieu thereof "applicable program".

(6) Section 404 of such title is amended—

(A) in the caption head thereof, by striking out "AND" and inserting in lieu thereof a semicolon and by inserting "CONTINGENT EXTENSION OF EXPIRING APPROPRIATION AUTHORITY" at the end thereof; and

(B) by inserting at the end thereof the following new subsection:

"(c) Unless the Congress—

"(1) in the regular session in which a comprehensive evaluation report required by subsection (b) is submitted to Congress, has passed or formally rejected legislation extending the authorization for appropriations then specified for any title, part, or section of law to which such evaluation relates, or

"(2) prior to July 1, 1973, by action of either House approves a resolution stating that the provision of this subsection shall no longer apply,

such authorization is hereby automatically extended, at the level specified for the terminal year of such authorization for one fiscal year beyond such terminal year, as specified in such legislation.".

(7) Section 405 of such title is amended by inserting "loans," after "grants,".

(8) Section 405 of such title is further amended by inserting "(a)" after "SEC. 405." and by inserting at the end thereof the following new subsection:

"(b) Notwithstanding any other provision of law, unless enacted in specific limitation of the provisions of this subsection, any funds from appropriations to carry out any programs to which this title is applicable during any fiscal year, ending prior to July 1, 1973, which are not obligated and expended prior to the beginning of the fiscal year succeeding the fiscal year for which such funds were appropriated shall remain available for obligation and expenditure during such succeeding fiscal year.".

(9) Section 406 of such title is amended by inserting "and expenditure" after "obligation".

(10) Such title is further amended by inserting after section 401 the following heading: "PART A—APPROPRIATIONS AND EVALUATIONS" and by adding at the end thereof the following new parts:

"PART B—GENERAL REQUIREMENTS AND CONDITIONS CONCERNING THE OPERATION AND ADMINISTRATION OF EDUCATION PROGRAMS; GENERAL AUTHORITY OF THE COMMISSIONER OF EDUCATION

"SUBPART 1—GENERAL AUTHORITY

"DELEGATION OF AUTHORITY; UTILIZATION OF OTHER AGENCIES

"SEC. 411. (a) The Commissioner is authorized to delegate any of his functions under any applicable program, except the making of regulations and the approval of State plans, to any officer or employee of the Office of Education.

"(b) In administering any applicable program, the Commissioner is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon.

"COLLECTION AND DISSEMINATION OF INFORMATION

"SEC. 412. (a) The Commissioner shall—

"(1) prepare and disseminate to State and local educational agencies and institutions information concerning applicable programs and cooperate with other Federal officials who administer programs affecting education in disseminating information concerning such programs;

"(2) inform the public on federally supported education programs;

"(3) collect data and information on applicable programs for the purpose of obtaining objective measurements of the effectiveness of such programs in achieving their purposes; and

"(4) prepare and publish an annual report (to be referred to as 'the Commissioner's annual report') on (A) the condition of education in the nation, (B) developments in the administration, utilization, and impact of applicable programs, (C) results of investigations and activities by the Office of Education, and (D) such facts and recommendations as will serve the purpose for which the Office of Education is established (as set forth in section 516 of the Revised Statutes (20 U.S.C. 1)).

"(b) The Commissioner's annual report shall be submitted to the Congress not later than March 31 of each calendar year. The Commissioner's annual report shall be made available to State and local educational agencies and other appropriate agencies and institutions and to the general public.

"(c) The Commissioner is authorized to enter into contracts with public or private agencies, organizations, groups, or individuals to carry out the provisions of this section.

"CATALOG OF FEDERAL EDUCATION ASSISTANCE PROGRAMS

"SEC. 413. The Commissioner shall prepare and make available in such form as he deems appropriate a catalog of all Federal education assistance programs whether or not such programs are administered by him. The catalog shall—

"(1) identify each such program, and include the name of the program, the authorizing statute, the specific Federal administering officials, and a brief description of such program;

"(2) set for the availability of benefits and eligibility restrictions in each such program;

"(3) set forth the budget requests for each such program, past appropriations, obligations incurred, and pertinent financial information indicating (A) the size of each such program for selected fiscal years, and (B) any funds remaining available;

"(4) set forth the prerequisites, including the cost to the recipient, of receiving assistance under each such program, and any

duties required of the recipient after receiving benefits;

"(5) identify appropriate officials, in Washington, District of Columbia, as well as in each State and locality (if applicable), to whom application or reference for information for each such program may be made;

"(6) set forth the application procedures;

"(7) contain a detailed index designed to assist the potential beneficiary in identifying all education assistance programs related to a particular need or category of potential beneficiaries;

"(8) contain such other program information and data as the Commissioner deems necessary or desirable in order to assist the potential program beneficiary to understand and take advantage of each Federal education assistance program; and

"(9) be transmitted to Congress with the Commissioner's annual report.

"TECHNICAL ASSISTANCE

"SEC. 414. (a) For the purpose of carrying out more effectively Federal education programs, the Commissioner is authorized, upon request, to provide advice, counsel, and technical assistance to State educational agencies, institutions of higher education, and, with the approval of the appropriate State educational agency, elementary and secondary schools—

"(1) in determining benefits available to them under Federal law;

"(2) in preparing applications for, and meeting requirements of, applicable programs;

"(3) in order to enhance the quality, increase the depth, or broaden the scope of activities under applicable programs; and

"(4) in order to encourage simplification of applications, reports, evaluations, and other administrative procedures.

"(b) The Commissioner shall permit local educational agencies to use organized and systematic approaches in determining cost allocation, collection, measurement, and reporting under any applicable program, if he determines (1) that the use of such approaches will not in any manner lessen the effectiveness and impact of such program in achieving purposes for which it is intended, (2) that the agency will use such procedures as will insure adequate evaluation of each of the programs involved, and (3) that such approaches are consistent with criteria prescribed by the Comptroller General of the United States for the purposes of audit. For the purpose of this subsection a cost is allocable to a particular cost objective to the extent of relative benefits received by such objective.

"(c) The Commissioner's annual report shall contain a statement of the Commissioner's activities under this section.

"PARENTAL INVOLVEMENT AND DISSEMINATION

"SEC. 415. In the case of any applicable program in which the Commissioner determines that parental participation at the State or local level would increase the effectiveness of the program in achieving its purposes, he shall promulgate regulations with respect to such program setting forth criteria designed to encourage such participation. If the program for which such determination provides for payments to local educational agencies, applications for such payments shall—

"(1) set forth such policies and procedures as will ensure that programs and projects assisted under the application have been planned and developed, and will be operated, in consultation with, and with the involvement of, parents of the children to be served by such programs and projects;

"(2) be submitted with assurance that such parents have had an opportunity to present their views with respect to the application; and

"(3) set forth policies and procedures for adequate dissemination of program plans and evaluations to such parents and the public.

"USE OF FUNDS WITHHELD FOR FAILURE TO COMPLY WITH OTHER PROVISIONS OF FEDERAL LAW

"SEC. 416. At any time that the Commissioner establishes an entitlement, or makes an allotment or reallotment to any State, under any applicable program, he shall reduce such entitlement, allotment, or reallotment by such amount as he determines it would have been reduced, had the data on which the entitlement, allotment, or reallotment is based excluded all data relating to local educational agencies of the State which on the date of the Commissioner's action are ineligible to receive the Federal financial assistance involved because of a failure to comply with title VI of the Civil Rights Act of 1964. Any appropriated funds which will not be paid to a State as a result of the preceding sentence may be used by the Commissioner for grants to local educational agencies of that State in accordance with section 405 of the Civil Rights Act of 1964.

"AUTHORITY TO FURNISH INFORMATION

"SEC. 417. (a) The Commissioner is authorized to furnish transcripts or copies of tables and other records of the Office of Education to, and to make special statistical compilations and surveys for, State or local officials, private organizations, or individuals. Such statistical compilations and surveys shall be made subject to the payment of the actual or estimated cost of such work. In the case of nonprofit organizations or agencies the Commissioner may engage in joint statistical projects, the cost of which shall be shared equitably as determined by the Commissioner, provided that the purposes are otherwise authorized by law.

"(b) All moneys received in payment for work or services enumerated under this section shall be deposited in a separate account which may be used to pay directly the costs of such work or services, to repay appropriations which initially bore all or part of such costs, or to refund excess sums when necessary.

"SUBPART 2—ADMINISTRATION: REQUIREMENTS AND LIMITATIONS

"RULES: REQUIREMENTS AND ENFORCEMENT

"SEC. 421. (a) Rules, regulations, guidelines, or other published interpretations or orders issued by the Department of Health, Education, and Welfare or the Office of Education, or by any official of such agencies, in connection with, or affecting, the administration of any applicable program shall contain immediately following each substantive provision of such rules, regulations, guidelines, interpretations, or orders, citations to the particular section or sections of statutory law or other legal authority upon which such provision is based.

"(b) No standard, rule, regulation, or requirement of general applicability prescribed for the administration of any applicable program may take effect until thirty days after it is published in the Federal Register.

"(c) All such rules, regulations, guidelines, interpretations, or orders shall be uniformly applied and enforced throughout the fifty States.

"PROHIBITION AGAINST FEDERAL CONTROL OF EDUCATION

"SEC. 422. No provision of the Act of September 30, 1950, Public Law 874, Eighty-first Congress; the National Defense Education Act of 1958; the Act of September 23, 1950, Public Law 815, Eighty-first Congress; the Higher Education Facilities Act of 1963; the Elementary and Secondary Education Act of 1965; the Higher Education Act of 1965; the International Education Act of 1966; or the Vocational Education Act of 1963 shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution or school system, or to require the assignment or transportation of students or teachers in order to overcome racial imbalance.

"LABOR STANDARDS

"SEC. 423. Except for emergency relief under section 7 of the Act of September 30, 1960 (Public Law 874, Eighty-first Congress), all laborers and mechanics employed by contractors or subcontractors on all construction and minor remodeling projects assisted under any applicable program shall be paid wages at rates not less than those prevailing on similar construction and minor remodeling in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a–5). The Secretary of Labor shall have, with respect to the labor standards specified in this section, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"RECORDS AND AUDIT

"SEC. 424. (a) Each recipient of funds from a grant or contract under any applicable program shall keep such records as the Commissioner shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant, the total cost of the project or undertaking in connection with which such grant or contract is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grant or contract received under any applicable program.

"PAYMENTS

"SEC. 425. Payments pursuant to grants or contracts under any applicable program may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Commissioner may determine.

"AUTHORITY TO VEST TITLE TO EQUIPMENT

"SEC. 426. The authority of the Commissioner of Education to make a grant to or contract with a local educational agency or State educational agency as such agencies are defined in sections 801(f) and 801(k) of the Elementary and Secondary Education Act of 1965, under any applicable program, shall include discretionary authority, whenever he determines that it would be in the public interest, to vest title to equipment purchased with grant or contract funds in such agency (or waive accountability to the United States for such equipment) without further obligation to the Government or on such terms or conditions as the Commissioner deems appropriate. The authority provided by this section shall be applicable to equipment purchased with funds provided by grants or contracts made on, before, or after the date of the enactment of this section.

"PART C—ADVISORY COUNCILS

"DEFINITIONS

"SEC. 431. As used in this part, the term—

"(1) 'advisory council' means any committee, board, commission, council, or other similar group (A) established or organized pursuant to any applicable statute, or (B)

established under the authority of section 432; but such term does not include State advisory councils or commissions established pursuant to any such statute;

"(2) 'statutory advisory council' means an advisory council established by, or pursuant to, statute to advise and make recommendations with respect to the administration or improvement of an applicable program or other related matter;

"(3) 'nonstatutory advisory council' means an advisory council which is (A) established under the authority of section 432, or (B) established to advise and make recommendations with respect to the approval of applications for grants or contracts as required by statute;

"(4) 'Presidental advisory council' means a statutory advisory council, the members of which are appointed by the President;

"(5) 'Secretarial advisory council' means a statutory advisory council, the members of which are appointed by the Secretary;

"(6) 'Commissioner's advisory council' means a statutory advisory council, the members of which are appointed by the Commissioner;

"(7) 'applicable statute' means any statute (or title, part, or section thereof) which authorizes an applicable program or controls the administration of any such program.

"AUTHORIZATION FOR NECESSARY ADVISORY COUNCILS

"SEC. 432. (a) The Commissioner is authorized to create, and appoint the members of, such advisory councils as he determines in writing to be necessary to advise him with respect to—

"(1) the organization of the Office of Education and its conduct in the administration of applicable programs;

"(2) recommendations for legislation regarding education programs and the means by which the educational needs of the Nation may be met; and

"(3) special problems and areas of special interest in education.

"(b) Each advisory council created under the authority of subsection (a) shall terminate not later than one year from the date of its creation unless the Commissioner determines in writing not more than thirty days prior to the expiration of such one year that its existence for an additional period, not to exceed one year, is necessary in order to complete the recommendations or reports for which it was created.

"(c) The Commissioner shall include in his report submitted pursuant to section 438 a statement on all advisory councils created or extended under the authority of this section and their activities.

"MEMBERSHIP AND REPORTS OF STATUTORY ADVISORY COUNCILS

"SEC. 433. Notwithstanding any other provision of laws unless expressly in limitation of the provisions of this section, each statutory advisory council—

"(1) shall be composed of the number of members provided by statute who may be appointed, without regard to the provisions of title 5, United States Code, governing appointment in the competitive service, and shall serve for terms of not to exceed three years, which in the case of initial members, shall be staggered; and

"(2) shall make an annual report of its activities, findings and recommendations to the Congress not later than March 31 of each calendar year, which shall be submitted with the Commissioner's annual report.

The Commissioner shall not serve as a member of any such advisory council.

"COMPENSATION OF MEMBERS OF ADVISORY COUNCILS

"SEC. 434. Members of all advisory councils to which this part is applicable who are not in the regular full-time employ of the United States shall, while attending meetings or conferences of the advisory council or otherwise engaged in the business of the advisory council, be entitled to receive compensation at a rate fixed by the Commissioner, but not exceeding the rate specified at the time of such service for grade GS–18 in section 5332 of title 5, United States Code, including traveltime, and while so serving on the business of the advisory council away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

"PROFESSIONAL, TECHNICAL, AND CLERICAL STAFF; TECHNICAL ASSISTANCE

"SEC. 435. (a) Presidential advisory councils are authorized to appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, or otherwise obtain the services of, such professional, technical, and clerical personnel as may be necessary to enable them to carry out their functions, as prescribed by law.

"(b) The Commissioner shall engage such personnel and technical assistance as may be required to permit Secretarial and Commissioner's advisory councils to carry out their functions as prescribed by law.

"(c) Subject to regulations of the Commissioner, Presidential advisory councils are authorized to procure temporary and intermittent services of such personnel as are necessary to the extent authorized by section 3109 of title 5, United States Code, but at rates not to exceed the rate specified at the time of such service for grade GS–18 in section 5332 of such title.

"MEETINGS OF ADVISORY COUNCILS

"SEC. 436. (a) Each statutory advisory council shall meet at the call of the chairman thereof but not less than two times each year. Nonstatutory advisory councils shall meet in accordance with regulations promulgated by the Commissioner.

"(b) Minutes of each meeting of each advisory council shall be kept and shall contain a record of the persons present, a description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the advisory council. The accuracy of all minutes shall be certified to by the chairman of the advisory council.

"AUDITING AND REVIEW OF ADVISORY COUNCIL ACTIVITIES

"SEC. 437. (a) Each statutory advisory council shall be subject to such general regulations as the Commission may promulgate respecting the governance of statutory advisory councils and shall keep such records of its activities as will fully disclose the disposition of any funds which may be at its disposal and the nature and extent of its activities in carrying out its functions.

"(b) The Comptroller General of the United States, or any of his duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of each statutory advisory council.

"REPORT BY THE COMMISSIONER OF EDUCATION

"SEC. 438. (a) Not later than March 31 of each calendar year after 1970, the Commissioner shall submit, as a part of the Commissioner's annual report, a report on the activities of the advisory councils which are subject to this part to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives. Such report shall contain, at least, a list of all such advisory councils, the names and affiliations of their members, a description of the function of each advisory council, and a statement of the dates of the meetings of each such advisory council.

"(b) If the Commissioner determines that a statutory advisory council is not needed or that the functions of two or more statutory advisory councils should be combined, he shall include in the report a recommendation that such advisory council be abolished or that such functions be combined. Unless there is an objection to such action by either the Senate or the House of Representatives within ninety days after the submission of such report, the Commissioner is authorized to abolish such advisory council or combine the functions of two or more advisory councils as recommended in such report.".

(b) Sections 1207, 1208, 1209, and 1210 of the Higher Education Act of 1965 (as added by Public Law 90–575) are superseded by part A of title IV of Public Law 90–247 and are hereby repealed.

(c) The following provisions of law relating to the delegation of functions and utilization of the services of other agencies by the Office of Education are superseded by section 411 of Public Law 90–247 and are hereby repealed:

(1) The third sentence of subsection (a) of section 302 of the Act of September 30, 1950, Public Law 874, Eighty-first Congress (20 U.S.C. 243(a));

(2) Subsections (a) and (b) of section 803 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 883 (a) and (b));

(3) Subsection (a) of section 13 of the Act of September 23, 1950, Public Law 815, Eighty-first Congress (20 U.S.C. 643(a));

(4) Subsections (a) and (b) of section 1001 of the National Defense Education Act of 1958 (20 U.S.C. 581 (a), (b));

(5) Section 1203 of the Higher Education Act of 1965 (20 U.S.C. 1143);

(6) Subsections (a) and (b) of section 402 of the Higher Education Facilities Act of 1963 (20 U.S.C. 752 (a), (b));

(7) Subsection (b) of section 103 of the International Education Act of 1966 (20 U.S.C. 1174(b)); and

(d) The following provisions of law concerning dissemination of information and reports by the Commissioner of Education are superseded by sections 412, 413, and 414 of Public Law 90–247 and are hereby repealed:

(1) Section 518 of the Revised Statutes of the United States (20 U.S.C. 4);

(2) The sixth paragraph under the heading "Department of Education" in the material relating to the Department of the Interior in the Act of May 28, 1896, making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes, which authorizes the Commissioner of Education to prepare and publish a bulletin concerning the condition of education (20 U.S.C. 3);

(3) Section 303 of Public Law 90–576 (20 U.S.C. 6);

(4) Section 806 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 886); and

(5) Section 1206 of the Higher Education Act of 1965 (20 U.S.C. 1146).

(e) The following provisions of law concerning requirements for rules and regulations for education programs are superseded by section 421 of Public Law 90–247 and are hereby repealed:

(1) Section 2 of Public Law 90–247 (20 U.S.C. 888); and

(2) Section 505 of Public Law 90–575 (20 U.S.C. 1001, note).

(f) The following provisions of law concerning Federal control of education are superseded by section 422 of Public Law 90–247 and are hereby repealed:

(1) Subsection (g) of section 6 and subsection (a) of section 301 of the Act of September 30, 1950, Public Law 874, Eighty-first Congress (20 U.S.C. 241(g), 242(a));

(2) Section 102 of the National Defense Education Act of 1958 (20 U.S.C. 402);

(3) Subsection (a) of section 12 of the Act of September 23, 1950, Public Law 815, Eighty-first Congress (20 U.S.C. 642(a));

(4) Section 407 of the Higher Education Facilities Act of 1963 (20 U.S.C. 757);

(5) Section 804 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 884);

(6) Subsection (a) of section 1204 of the Higher Education Act of 1965 (20 U.S.C. 1144 (a));

(7) Section 104 of the International Education Act of 1966 (20 U.S.C. 1175);

(8) Section 105 of the Vocational Education Act of 1963 (20 U.S.C. 1245).

(g) The following provisions of law concerning the payment of wages at prevailing rates on federally assisted construction projects are superseded by section 423 of Public Law 90-247 and are hereby repealed:

(1) Section 145 of title I of the Elementary and Secondary Education Act of 1965, as redesignated by this Act (20 U.S.C. 241i);

(2) Subsection (c) of section 4 of the Act of July 26, 1954, Public Law 531, Eighty-third Congress (20 U.S.C. 332a(c));

(3) Subsection (a)(4) of section 203 of the Library Services and Construction Act (20 U.S.C. 355c(a)(4)), and subsection (a)(3) of such section is amended by striking out the semicolon and the word "and" and at the end thereof inserting in lieu thereof a period;

(4) Subsection (b)(1)(E) of section 6 and subsection (d) of section 12 of the Act of September 23, 1950, Public Law 815, Eighty-first Congress (20 U.S.C. 636(b)(1)(E), 642 (d));

(5) Section 709 (as redesignated by section 152 of this Act) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 880b-6); and

(6) Section 106 of the Vocational Education Act of 1963 (20 U.S.C. 1246).

(h) The following provisions of law concerning advisory councils and committees are superseded by part C of title IV of Public Law 90-247 and are hereby repealed:

(1) Subsection (d) of section 761 and sections 1002 and 1003 of the National Defense Education Act of 1958 (20 U.S.C. 561(d), 582, 583);

(2) Subsection (c) of section 402 of the Higher Education Facilities Act of 1963 (20 U.S.C. 752(c));

(3) Subsections (c), (d), and (e) of section 510, subsection (c) of section 708, and section 802 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 870(c), (d), (e), 880b-5(c), 882);

(4) Subsections (d) and (e) of section 109, subsection (c) of section 205, subsection (c) of section 224, subsection (c) of section 303, subsections (c) and (d) of section 469, subsections (d) and (e) of section 502, and subsections (c) and (d) of section 1205 of the Higher Education Act of 1965 (20 U.S.C. 1009 (d), (e), 1025(e), 1034(c), 1053(c) 1089(c), 1091a(d), (e), 1145(c), (d);

(5) Subsections (c) and (d) of section 106 of the International Education Act of 1966 (20 U.S.C. 1177(c), (d));

(6) Paragraph (3) of subsection (a) of section 104 of the Vocational Education Act of 1963 (20 U.S.C. 1244(a)(3)).

TITLE V—CANCELLATION OF STUDENT LOANS FOR CERTAIN PUBLIC SERVICE

CANCELLATION OF LOANS FOR CERTAIN PUBLIC SERVICE

Sec. 501. (a) Section 205(a)(3) of the National Defense Education Act of 1958 is amended—

(1) by striking out "made prior to July 1, 1970 (plus interest)" and inserting in lieu thereof "(plus interest) (A)";

(2) thereafter by striking out "(A)", "(B)", or "(C)" wherever appearing therein and inserting in lieu thereof "(i)", "(ii)", or "(iii)", respectively; and

(3) by inserting before the semi-colon at the end thereof a comma and the following: "and (B) shall be canceled for service after June 30, 1970, as a member of the Armed Forces of the United States at the rate of 12½ per centum of the total amount of such loan plus interest thereon for each year of consecutive service".

(b) The amendment made by this section shall apply to loans made after the date of enactment of this Act.

TITLE VI—EDUCATION OF THE HANDICAPPED

PART A—GENERAL PROVISION

SHORT TITLE

Sec. 601. This title may be cited as the "Education of the Handicapped Act".

DEFINITION

Sec. 602. As used in this title—

(1) The term "handicapped children" means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education and related services.

(2) The term "Commissioner" means the Commissioner of Education.

(3) The term "Advisory Committee" means the National Advisory Committee on Handicapped Children.

(4) The term "construction", except where otherwise specified, means (A) erection of new or expansion of existing structures, and the acquisition and installation of equipment therefor; or (B) acquisition of existing structures not owned by any agency or institution making application for assistance under this title; or (C) remodeling or alteration (including the acquisition, installation, modernization, or replacement of equipment) of existing structures; or (D) acquisition of land in connection with the activities in clauses (A), (B), and (C); or (E) a combination of any two or more of the foregoing.

(5) The term "equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the functioning of a particular facility as a facility for the provision of educational services, including items such as instructional equipment and necessary furniture, printed, published, and audio-visual instructional materials, and books, periodicals, documents, and other related materials.

(6) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands and the Trust Territory of the Pacific Islands.

(7) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

(8) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(9) The term "elementary school" means a day or residential school which provides elementary education, as determined under State law.

(10) The term "secondary school" means a day or residential school which provides secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

(11) The term "institution of higher education" means an educational institution in any State which—

(A) admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(B) is legally authorized within such State to provide a program of education beyond high school;

(C) provides an educational program for which it awards a bachelor's degree, or provides not less than a two-year program which is acceptable for full credit toward such a degree, or offers a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields, which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge;

(D) is a public or other nonprofit institution; and

(E) is accredited by a nationally recognized accrediting agency or association listed by the Commissioner pursuant to this paragraph or, if not so accredited, is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited: *Provided, however,* That in the case of an institution offering a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge, if the Commissioner determines that there is no nationally recognized accrediting agency or association qualified to accredit such institutions, he shall appoint an advisory committee, composed of persons specially qualified to evaluate training provided by such institutions, which shall prescribe the standards of content, scope, and quality which must be met in order to qualify such institutions to participate under this Act and shall also determine whether particular institutions meet such standards. For the purposes of this paragraph the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of education or training offered.

(12) The term "nonprofit" as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(13) The term "research and related purposes" means research, research training (including the payment of stipends and allowances), surveys, or demonstrations in the field of education of handicapped children, or the dissemination of information derived therefrom, including (but without limitation) experimental schools.

(14) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(15) The term "children with specific learning disabilities" means those children who have a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or

written, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. Such disorders include such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Such term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, or mental retardation, of emotional disturbance, or of environmental disadvantage.

BUREAU FOR EDUCATION AND TRAINING OF THE HANDICAPPED

SEC. 603. There shall be, within the Office of Education, a bureau for the education and training of the handicapped which shall be the principal agency in the Office of Education for administering and carrying out programs and projects relating to the education and training of the handicapped, including programs and projects for the training of teachers of the handicapped and for research in such education and training.

NATIONAL ADVISORY COMMITTEE ON HANDICAPPED CHILDREN

SEC. 604. (a) The Commissioner shall establish in the Office of Education a National Advisory Committee on Handicapped Children, consisting of fifteen members, appointed by the Commissioner. At least eight of such members shall be persons affiliated with educational, training, or research programs for the handicapped.

(b) The Advisory Committee shall review the administration and operation of the programs authorized by this title and other provisions of law administered by the Commissioner with respect to handicapped children, including their effect in improving the educational attainment of such children, and make recommendations for the improvement of such administration and operation with respect to such children. Such recommendations shall take into consideration experience gained under this and other Federal programs for handicapped children and, to the extent appropriate, experience gained under other public and private programs for handicapped children. The Advisory Committee shall from time to time make such recommendations as it may deem appropriate to the Commissioner and shall make an annual report of its findings and recommendations to the Commissioner not later than March 31 of each year. The Commissioner shall transmit each such report to the Secretary together with his comments and recommendations, and the Secretary shall transmit such report, comments, and recommendations to the Congress together with any comments or recommendations he may have with respect thereto.

ACQUISITION OF EQUIPMENT AND CONSTRUCTION OF NECESSARY FACILITIES

SEC. 605. (a) In the case of any program authorized by this title, if the Commissioner determines that such program will be improved by permitting the funds authorized for such program to be used for the acquisition of equipment and the construction of necessary facilities, he may authorize the use of such funds for such purposes.

(b) If within twenty years after the completion of any construction (except minor remodeling or alteration) for which funds have been paid pursuant to a grant or contract under this title the facility constructed ceases to be used for the purposes for which it was constructed, the United States, unless the Secretary determines that there is good cause for releasing the recipient of the funds from its obligation, shall be entitled to recover from the applicant or other owner of the facility an amount which bears the same ratio to the then value of the facility as the amount of such Federal funds bore to the cost of the portion of the facility financed with such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

PART B—ASSISTANCE TO STATES FOR EDUCATION OF HANDICAPPED CHILDREN

AUTHORIZATION

SEC. 611. (a) The Commissioner is authorized to make grants pursuant to the provisions of this part for the purpose of assisting the States in the initiation, expansion, and improvement of programs and projects for the education of handicapped children at the preschool, elementary school, and secondary school levels.

(b) For the purpose of making grants under this part there is authorized to be appropriated $200,000,000 for the fiscal year ending June 30, 1971, $210,000,000 for the fiscal year ending June 30, 1972, and $220,000,000 for the fiscal year ending June 30, 1973.

ALLOTMENT OF FUNDS

SEC. 612. (a)(1) There is hereby authorized to be appropriated for each fiscal year for the purposes of this paragraph an amount equal to not more than 3 per centum of the amount appropriated for such year for payments to States under section 611(b). The Commissioner shall allot the amount appropriated pursuant to this paragraph among—

(A) Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, according to their respective needs, and

(B) for each fiscal year ending prior to July 1, 1972, the Secretary of the Interior, according to the need for such assistance for the education of handicapped children on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior and the terms upon which payments for such purposes shall be made to the Secretary of the Interior shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this part.

(2) From the total amount appropriated pursuant to section 611(b) for any fiscal year the Commissioner shall allot to each State an amount which bears the same ratio to such amount as the number of children aged three to twenty-one, inclusive, in the State bears to the number of such children in all the States, except that no State shall be alloted less than $200,000 or three-tenths of 1 per centum of such amount available for allotment to the States, whichever is greater. For purposes of this paragraph and subsection (b), the term "State" shall not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

(b) The number of children aged three to twenty-one, inclusive, in any State and in all the States shall be determined, for purposes of this section, by the Commissioner on the basis of the most recent satisfactory data available to him.

(c) The amount of any State's allotment under subsection (a) for any fiscal year which the Commissioner determines will not be required for that year shall be available for reallotment, from time to time and on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (a) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for that year.

STATE PLANS

SEC. 613. (a) Any State which desires to receive grants under this part shall submit to the Commissioner through its State educational agency a State plan (not part of any other plan) in such detail as the Commissioner deems necessary. Such State plan shall—

(1) set forth such policies and procedures as will provide satisfactory assurance that funds paid to the State under this part will be expanded (A) either directly or through individual, or combinations of, local educational agencies, solely to initiate, expand, or improve programs and projects, including preschool programs and projects, (i) which are designed to meet the special educational and related needs of handicapped children throughout the State, and (ii) which are of sufficient size, scope, and quality (taking into consideration the special educational needs of such children) as to give reasonable promise of substantial progress toward meeting those needs, and (B) for the proper and efficient administration of the State plan (including State leadership activities and consultative services), and for planning on the State and local level: *Provided*, That the amount expended for such administration and planning shall not exceed 5 per centum of the amount allotted to the State for any fiscal year or $100,000 ($35,000 in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), whichever is greater;

(2) provide satisfactory assurance that, to the extent consistent with the number and location of handicapped children in the State who are enrolled in private elementary and secondary schools, provision will be made for participation of such children in programs assisted or carried out under this part;

(3) provide satisfactory assurance that the control of funds provided under this part, and title to property derived therefrom, shall be in a public agency for the uses and purposes provided in this part, and that a public agency will administer such funds and property;

(4) set forth policies and procedures which provide satisfactory assurance that Federal funds made available under this part will be so used as to supplement and, to the extent practical, increase the level of State, local, and private funds expended for the education of handicapped children, and in no case supplant such State, local and private funds;

(5) provide that effective procedures, including provision for appropriate objective measurements of educational achievement, will be adopted for evaluating at least annually the effectiveness of the programs in meeting the special educational needs of, and providing related services for, handicapped children;

(6) provide that the State educational agency will be the sole agency for administering or supervising the administration of the plan;

(7) provide for (A) making such reports, in such form and containing such information, as the Commissioner may require to carry out his functions under this part, including reports of the objective measurements required by clause (5) of this subsection, and (B) keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports and proper disbursement of Federal funds under this part;

(8) provide satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this part to the State, including any such funds

paid by the State to local educational agencies;

(9) provide satisfactory assurance that funds paid to the State under this part shall not be made available for handicapped children eligible for assistance under section 103 (a) (5) of title I of the Elementary and Secondary Education Act of 1965;

(10) provide satisfactory assurance that effective procedures will be adopted for acquiring and disseminating to teachers of, and administrators of programs for, handicapped children significant information derived from educational research, demonstration, and similar projects, and for adopting, where appropriate, promising educational practices developed through such projects; and

(11) contain a statement of policies and procedures which will be designed to insure that all education programs for the handicapped in the State will be properly coordinated by the persons in charge of special education programs for handicapped children in the State educational agency.

(b) The Commissioner shall approve any State plan which he determines meets the requirements and purposes of this part.

(c) (1) The Commissioner shall not approve any State plan pursuant to this section for any fiscal year unless the plan has, prior to its submission, been made public as a separate document by the State educational agency and a reasonable opportunity has been given by that agency for comment thereon by interested persons (as defined by regulation). The State educational agency shall make public the plan as finally approved. The Commissioner shall not finally disapprove any plan submitted under this section or any modification thereof, without first affording the State educational agency submitting the plan reasonable notice and opportunity for a hearing.

(2) Whenever the Commissioner, after reasonable notice and opportunity for hearing to such State agency, finds—

(A) that the State plan has been so changed that it no longer complies with the provisions of this part, or

(B) that in the administration of the plan there is a failure to comply substantially with any such provision or with any requirements set forth in the application of a local educational agency approved pursuant to such plan,

the Commissioner shall notify the agency that further payments will not be made to the State under this part (or in his discretion, that further payments to the State will be limited to programs or projects under the State plans, or portions thereof, not affected by the failure, or that the State educational agency shall not make further payments under this part to specified local agencies affected to the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, the Commissioner shall make no further payments to the State under this part (or shall limit payments to programs or projects under, or parts of, the State plan not affected by the failure, or payments by the State educational agency under this part shall be limited to local educational agencies not affected by the failure, as the case may be).

(d) (1) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its State plan submitted under subsection (a) or with his final action under subsection (c), such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(2) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(3) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

PAYMENTS

SEC. 614. From the amounts allotted to each State under this part, the Commissioner shall pay to that State an amount equal to the amount expended by the State in carrying out its State plan.

PART C—CENTERS AND SERVICES TO MEET SPECIAL NEEDS OF THE HANDICAPPED

REGIONAL RESOURCE CENTERS

SEC. 621. (a) The Commissioner is authorized to make grants to or contracts with institutions of higher education, State educational agencies, or combinations of such agencies or institutions, which combinations may include one or more local educational agencies, within particular regions of the United States, to pay all or part of the cost of the establishment and operation of regional centers which will develop and apply the best methods of appraising the special educational needs of handicapped children referred to them and will provide other services to assist in meeting such needs. Centers established or operated under this section shall (1) provide testing and educational evaluation to determine the special educational needs of handicapped children referred to such centers, (2) develop educational programs to meet those needs, and (3) assist schools and other appropriate agencies, organizations, and institutions in providing such educational programs through services such as consultation (including, in appropriate cases, consultation with parents or teachers of handicapped children at such regional centers), periodic reexamination and reevaluation of special educational programs, and other technical services.

(b) In determining whether to approve an application for a project under this section, the Commissioner shall consider the need for such a center in the region to be served by the applicant and the capability of the applicant to develop and apply, with the assistance of funds under this section, new methods, techniques, devices, or facilities relating to educational evaluation or education of handicapped children.

CENTERS AND SERVICES FOR DEAF-BLIND CHILDREN

SEC. 622. (a) It is the purpose of this section to provide, through a limited number of model centers for deaf-blind children, a program designed to develop and bring to bear upon such children, beginning as early as feasible in life, those specialized, intensive professional and allied services, methods, and aids that are found to be most effective to enable them to achieve their full potential for communication with, and adjustment to, the world around them, for useful and meaningful participation in society, and for self-fulfillment.

(b) The Commissioner is authorized, upon such terms and conditions (subject to the provisions of subsection (d) (1) of this section) as he deems appropriate to carry out the purposes of this section, to make grants to or contracts with public or nonprofit private agencies, organizations, or institutions to pay all or part of the cost of establishment, including construction, which for the purposes of this section shall include the construction of residential facilities, and operation of centers for deaf-blind children.

(c) In determining whether to make a grant or contract under subsection (b), the Commissioner shall take into consideration the need for a center for deaf-blind children in the light of the general availability and quality of existing services for such children in the part of the country involved.

(d) (1) A grant or contract pursuant to subsection (b) shall be made only if the Commissioner determines that there is satisfactory assurance that the center will provide such services as he has by regulation prescribed, including at least—

(A) comprehensive diagnostic and evaluative services for deaf-blind children;

(B) a program for the adjustment, orientation, and education of deaf-blind children which integrates all the professional and allied services necessary therefor; and

(C) effective consultative services for parents, teachers, and others who play a direct role in the lives of deaf-blind children to enable them to understand the special problems of such children and to assist in the process of their adjustment, orientation, and education.

(2) Any such services may be provided to deaf-blind children (and, where applicable, other persons) regardless of whether they reside in the center, may be provided at some place other than the center, and may include the provision of transportation for any such children (including an attendant) and for parents.

EARLY EDUCATION FOR HANDICAPPED CHILDREN

SEC. 623. (a) The Commissioner is authorized to arrange by contract, grant, or otherwise with appropriate public agencies and private nonprofit organizations, for the development and carrying out by such agencies and organizations of experimental preschool and early education programs for handicapped children which the Commissioner determines show promise of promoting a comprehensive and strengthened approach to the special problems of such children. Such programs shall be distributed to the greatest extent possible throughout the Nation, and shall be carried out both in urban and in rural areas. Such programs shall include activities and services designed to (1) facilitate the intellectual, emotional, physical, mental, social, and language development of such children; (2) encourage the participation of the parents of such children in the development and operation of any such program; and (3) acquaint the community to be served by any such program with the problems and potentialities of such children.

(b) Each arrangement for developing or carrying out a program authorized by this section shall provide for the effective coordination of each such program with similar programs in the schools of the community to be served by such a program.

(c) No arrangement pursuant to this section shall provide for the payment of more than 90 per centum of the cost of developing, carrying out, or evaluating such a program. Non-Federal contributions may be in cash or in kind, fairly evaluated, including, but not limited to plant, equipment, and services.

RESEARCH, INNOVATION, TRAINING, AND DISSEMINATION ACTIVITIES IN CONNECTION WITH CENTERS AND SERVICES FOR THE HANDICAPPED

SEC. 624. (a) The Commissioner is authorized, either as part of any grant or contract under this part, or by separate grant to, or contract with, an agency, organization, or institution operating a center or providing a service which meets such requirements as

the Commissioner determines to be appropriate, consistent with the purposes of this part, to pay all or part of the cost of such activities as—

(1) research to identify and meet the full range of special needs of handicapped children;

(2) development or demonstration of new, or improvements in existing, methods, approaches, or techniques, which would contribute to the adjustment and education of such children;

(3) training (either directly or otherwise) of professional and allied personnel engaged or preparing to engage in programs specifically designed for such children, including payment of stipends for trainees and allowances for travel and other expenses for them and their dependents; and

(4) dissemination of materials and information about practices found effective in working with such children.

(b) In making grants and contracts under this section, the Commissioner shall insure that the activities funded under such grants and contracts will be coordinated with similar activities funded from grants and contracts under other parts of this title.

EVALUATION

SEC. 625. The Commissioner shall conduct, either directly or by contract with independent organizations, a thorough and continuing evaluation of the effectiveness of each program assisted under this part.

AUTHORIZATION OF APPROPRIATIONS

SEC. 626. There are hereby authorized to be appropriated $36,500,000 for the fiscal year ending June 30, 1971, $51,500,000 for the fiscal year ending June 30, 1972, and $66,500,000 for the fiscal year ending June 30, 1973, for the purpose of carrying out the provisions of this part.

PART D—TRAINING PERSONNEL FOR THE EDUCATION OF THE HANDICAPPED

GRANTS TO INSTITUTIONS OF HIGHER EDUCATION AND OTHER APPROPRIATE INSTITUTIONS OR AGENCIES

SEC. 631. The Commissioner is authorized to make grants to institutions of higher education and other appropriate nonprofit institutions or agencies to assist them—

(1) in providing training of professional personnel to conduct training of teachers and other specialists in fields related to the education of handicapped children;

(2) in providing training for personnel engaged or preparing to engage in employment as teachers of handicapped children, as supervisors of such teachers, or as speech correctionists or other special personnel providing special services for the education of such children, or engaged or preparing to engage in research in fields related to the education of such children; and

(3) in establishing and maintaining scholarships, with such stipends and allowances as may be determined by the Commissioner, for training personnel engaged in or preparing to engage in employment as teachers of the handicapped or as related specialists.

Grants under this subsection may be used by such institutions to assist in covering the cost of courses of training or study for such personnel and for establishing and maintaining fellowships or traineeships with such stipends and allowances as may be determined by the Commissioner.

GRANTS TO STATE EDUCATIONAL AGENCIES

SEC. 632. The Commissioner is authorized to make grants to State educational agencies to assist them in establishing and maintaining, directly or through grants to institutions of higher education, programs for training personnel engaged, or preparing to engage, in employment as teachers of handicapped children or as supervisors of such teachers. Such grants shall also be available to assist such institutions in meeting the cost of training such personnel.

GRANTS OR CONTRACTS TO IMPROVE RECRUITING OF EDUCATIONAL PERSONNEL, AND TO IMPROVE DISSEMINATION OF INFORMATION CONCERNING EDUCATIONAL OPPORTUNITIES FOR THE HANDICAPPED

SEC. 633. The Commissioner is authorized to make grants to public or nonprofit private agencies, organizations, or institutions, or to enter into contracts with public or private agencies, organizations, or institutions, for projects for—

(1) encouraging students and professional personnel to work in various fields of education of handicapped children and youth through, among other ways, developing and distributing imaginative or innovative materials to assist in recruiting personnel for such careers, or publicizing existing forms of financial aid which might enable students to pursue such careers, or

(2) disseminating information about the programs, services, and resources for the education of handicapped children, or providing referral services to parents, teachers, and other persons especially interested in the handicapped.

TRAINING OF PHYSICAL EDUCATORS AND RECREATION PERSONNEL FOR HANDICAPPED CHILDREN

SEC. 634. The Commissioner is authorized to make grants to institutions of higher education to assist them in providing training for personnel engaged or preparing to engage in employment as physical educators or recreation personnel for handicapped children or as educators or supervisors of such personnel, or engaged or preparing to engage in research or teaching in fields related to the physical education or recreation of such children.

REPORTS

SEC. 635. Each recipient of a grant under this part during any fiscal year shall, after the end of such fiscal year, submit a report to the Commissioner. Such report shall be in such form and detail and contain such information as the Commissioner determines to be appropriate.

AUTHORIZATION OF APPROPRIATIONS

SEC. 636. There are authorized to be appropriated for carrying out this part, $69,500,000 for the fiscal year ending June 30, 1971, $87,000,000 for the fiscal year ending June 30, 1972, and $103,500,000 for the fiscal year ending June 30, 1973.

PART E—RESEARCH IN THE EDUCATION OF THE HANDICAPPED

RESEARCH AND DEMONSTRATION PROJECTS IN EDUCATION OF HANDICAPPED CHILDREN

SEC. 641. The Commissioner is authorized to make grants to States, State or local educational agencies, institutions of higher education, and other public or nonprofit private educational or research agencies and organizations, and to make contracts with States, State or local educational agencies, institutions of higher education, and other public or private educational or research agencies and organizations, for research and related purposes and to conduct research, surveys, or demonstrations, relating to education of handicapped children.

RESEARCH AND DEMONSTRATION PROJECTS IN PHYSICAL EDUCATION AND RECREATION FOR HANDICAPPED CHILDREN

SEC. 642. The Commissioner is authorized to make grants to States, State or local educational agencies, institutions of higher education, and other public or nonprofit private educational or research agencies and organizations, and to make contracts with States, State or local educational agencies, institutions of higher education, and other public or private educational or research agencies and organizations, for research and related purposes relating to physical education or recreation for handicapped children, and to conduct research, surveys, or demonstrations relating to physical education or recreation for handicapped children.

PANELS OF EXPERTS

SEC. 643. The Commissioner shall from time to time appoint panels of experts who are competent to evaluate various types of research or demonstration projects under this part, and shall secure the advice and recommendations of one such panel before making any grant under this part.

AUTHORIZATION OF APPROPRIATIONS

SEC. 644. There are hereby authorized to be appropriated $27,000,000 for the fiscal year ending June 30, 1971, $35,500,000 for the fiscal year ending June 30, 1972, and $45,000,000 for the fiscal year ending June 30, 1973, for carrying out the provisions of this part.

PART F—INSTRUCTIONAL MEDIA FOR THE HANDICAPPED

PURPOSE

SEC. 651. (a) The purposes of this part are to promote—

(1) the general welfare of deaf persons by (A) bringing to such persons understanding and appreciation of those films which play such an important part in the general and cultural advancement of hearing persons, (B) providing through these films enriched educational and cultural experiences through which deaf persons can be brought into better touch with the realities of their environment, and (C) providing a wholesome and rewarding experience which deaf persons may share together; and

(2) the educational advancement of handicapped persons by (A) carrying on research in the use of educational media for the handicapped, (B) producing and distributing educational media for the use of handicapped persons, their parents, their actual or potential employers, and other persons directly involved in work for the advancement of the handicapped, and (C) training persons in the use of educational media for the instruction of the handicapped.

CAPTIONED FILMS AND EDUCATIONAL MEDIA FOR HANDICAPPED PERSONS

SEC. 652. (a) The Commissioner shall establish a loan service of captioned films and educational media for the purpose of making such materials available in the United States for nonprofit purposes to handicapped persons, parents of handicapped persons, and other persons directly involved in activities for the advancement of the handicapped in accordance with regulations.

(b) The Commissioner is authorized to—

(1) acquire films (or rights thereto) and other educational media by purchase, lease, or gift;

(2) acquire by lease or purchase equipment necessary to the administration of this part;

(3) provide for the captioning of films;

(4) provide for the distribution of captioned films and other educational media and equipment through State schools for the handicapped and such other agencies as the Commissioner may deem appropriate to serve as local or regional centers for such distribution;

(5) provide for the conduct of research in the use of educational and training films and other educational media for the handicapped, for the production and distribution of educational and training films and other educational media for the handicapped and the training of persons in the use of such films and media, including the payment to those persons of such stipends (including allowances for travel and other expenses of such persons and their dependents) as he may determine, which shall be consistent with prevailing practices under comparable federally supported programs;

(6) utilize the facilities and services of other governmental agencies; and

(7) accept gifts, contributions, and voluntary and uncompensated services of individuals and organizations.

NATIONAL CENTER ON EDUCATIONAL MEDIA AND MATERIALS FOR THE HANDICAPPED

SEC. 653. (a) The Secretary is authorized to enter into an agreement with an institution of higher education for the establishment and operation of a National Center on Educational Media and Materials for the Handicapped, which will provide a comprehensive program of activities to facilitate the use of new educational technology in education programs for handicapped persons, including designing and developing, and adapting instructional materials, and such other activities consistent with the purposes of this part as the Secretary may prescribe in the agreement. Such agreement shall—

(1) provide that Federal funds paid to the Center will be used solely for such purposes as are set forth in the agreement;

(2) authorize the Center, subject to the Secretary's prior approval, to contract with public and private agencies and organizations for demonstration projects; and

(3) provide for an annual report on the activities of the Center which will be transmitted to the Congress.

(b) In considering proposals from institutions of higher education to enter into an agreement under this subsection, the Secretary shall give preference to institutions—

(1) which have demonstrated the capabilities necessary for the development and evaluation of educational media for the handicapped; and

(2) which can serve the educational technology needs of the Model High School for the Deaf (established under Public Law 89–964).

AUTHORIZATION OF APPROPRIATIONS

SEC. 654. For the purpose of carrying out this part, there are hereby authorized to be appropriated not to exceed $12,500,000 for the fiscal year ending June 30, 1971, $15,000,000 for the fiscal year endnig June 30, 1972, and $20,000,000 for the fiscal year ending June 30, 1973, and each succeeding fiscal year thereafter.

PART G—SPECIAL PROGRAMS FOR CHILDREN WITH SPECIFIC LEARNING DISABILITIES

RESEARCH, TRAINING, AND MODEL CENTERS

SEC. 661. (a) The Commissioner is authorized to make grants to, and contracts with, institutions of higher education, State and local educational agencies, and other public and private educational and research agencies and organizations (except that no grant shall be made over than to a nonprofit agency or organization) in order to carry out a program of—

(1) research and related purposes relating to the education of children with specific learning disabilities;

(2) professional or advanced training for educational personnel who are teaching, or are preparing to be teachers of, children with specific learning disabilities, or such training for persons who are, or are preparing to be, supervisors and teachers of such personnel; and

(3) establishing and operating model centers for the improvement of education of children with specific learning disabilities, which centers shall (A) provide testing and educational evaluation to identify children with learning disabilities who have been referred to such centers, (B) develop and conduct model programs designed to meet the special educational needs of such children, (C) assist appropriate educational agencies, organizations, and institutions in making such model programs available to other children with learning disabilities, and (D) disseminate new methods or techniques for overcoming learning disabilities to educational institutions, organizations, and agencies within the area served by such center and evaluate the effectiveness of the dissemination process. Such evaluation shall be conducted annually after the first year of operation of a center.

In making grants and contracts under this section the Commissioner shall give special consideration to applications which propose innovative and creative approaches to meeting the educational needs of children with specific learning disabilities, and those which emphasize the prevention and early identification of learning disabilities.

(b) In making grants and controls under this section, the Commissioner shall—

(1) for the purposes of clause (2) of subsection (a), seek to achieve an equitable geographical distribution of training programs and trained personnel throughout the Nation, and

(2) for the purposes of clause (3) of subsection (a), to the extent feasible, taking into consideration the appropriations pursuant to this section, seek to encourage the establishment of a model center in each of the States.

(c) For the purpose of making grants and contracts under this section there are hereby authorized to be appropriated $12,000,000 for the fiscal year ending June 30, 1970, $20,000,000 for the fiscal year ending June 30, 1971, and $31,000,000 for each of the succeeding fiscal years ending prior to July 1, 1973.

REPEALER

SEC. 662. Effective July 1, 1971, the following provisions of law are repealed:

(1) That part of section 1 of the Act of September 2, 1958 (Public Law 85–905), which follows the enacting clause and sections 2, 3, and 4 of such Act;

(2) The Act of September 6, 1958 (Public Law 85–926);

(3) Title VI of the Elementary and Secondary Education Act of 1965 (Public Law 89–10);

(4) Titles III and V of the Act of October 31, 1963 (Public Law 88–164); and

(5) The Act of September 30, 1968 (Public Law 90–538).

TITLE VII—VOCATIONAL EDUCATION

EXTENSION OF PROGRAM OF GRANTS FOR SPECIAL PROGRAMS FOR DISADVANTAGED STUDENTS

SEC. 701. Section 102(b) of the Vocational Education Act of 1963 is amended by inserting after "1970," the following: "$50,000,000 for the fiscal year ending June 30, 1971, and $60,000,000 for the fiscal year ending June 30, 1972,".

TECHNICAL AMENDMENT

SEC. 702. Section 103(a)(2)(D) of the Vocational Education Act of 1963 is amended by striking out "5 per centum" and inserting in lieu thereof "15 per centum".

CLARIFYING AMENDMENT WITH RESPECT TO STATE ADVISORY COUNCILS

SEC. 703. Section 104(b)(1) of the Vocational Education Act of 1963 is amended by inserting after "State board are elected" the following: "(including election by the State legislature)".

EXTENSION OF AUTHORITY FOR RESIDENTIAL FACILITIES

SEC. 704. (a) Section 152(a)(1) of the Vocational Education Act of 1963 is amended by striking out "$15,000,000 for the fiscal year ending June 30, 1970" and inserting in lieu thereof "for each of the succeeding fiscal years ending prior to July 1, 1972".

(b) Section 153(d)(2) of such Act is amended by striking out "1969" and inserting in lieu thereof "1970, and on July 1, 1971".

PROMOTION OF KNOWLEDGE OF NUTRITION

SEC. 705. Section 161(b) of the Vocational Education Act of 1963 is amended by adding after "consumer education programs," the following: "including promotion of nutritional knowledge and food use and the understanding of the economic aspects of food use and purchase,".

EXTENSION OF WORK-STUDY PROGRAMS

SEC. 706. (a) Section 181(a) of the Vocational Education Act of 1963 is amended by inserting after "1970" a comma and the following: "$45,000,000 for the fiscal year ending June 30, 1971, and $55,000,000 for the fiscal year ending June 30, 1972,".

(b) Section 183(a) of such Act is amended by striking out "the fiscal year ending June 30, 1970" and inserting in lieu thereof "any succeeding fiscal year".

EXTENSION OF CURRICULUM DEVELOPMENT PROGRAM

SEC. 707. Section 191(b) of the Vocational Education Act of 1963 is amended by striking out "the fiscal year ending June 30, 1970" and inserting in lieu thereof "each of the succeeding fiscal years ending prior to July 1, 1972".

EXTENSION OF PART F OF THE EDUCATION PROFESSIONS DEVELOPMENT ACT

SEC. 708. Section 555 of the Education Professions Development Act (title V of the Higher Education Act of 1965) is amended by striking out "and" where it appears after "1969," and by inserting before the period at the end thereof a comma and the following: "the sum of $40,000,000 for the fiscal year ending June 30, 1971, and the sum of $45,000,000 for the fiscal year ending June 30, 1972".

TECHNICAL AMENDMENT

SEC. 709. Section 104 of the Vocational Education Amendments of 1968 is amended by striking out "this Act" and inserting in lieu thereof "the Vocational Education Act of 1963".

TITLE VIII—MISCELLANEOUS

WAIVER OF MATCHING REQUIREMENTS IN THE UPWARD BOUND PROGRAM

SEC. 801. Section 408(c)(1) of the Higher Education Act of 1965 is amended by inserting after the third sentence thereof the following: "The Commissioner may, however, approve assistance in excess of such percentage if he determines, in accordance with regulations establishing objective criteria, that such action is required in furtherance of the purposes of this section. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, or services."

EXTENSION OF AUTHORIZATION FOR ADVISORY COUNCIL UNDER EDUCATION PROFESSIONS DEVELOPMENT ACT

SEC. 802. Section 502(f) of the Education Professions Development Act (title V of the Higher Education Act of 1965) is amended by striking out "two" and inserting in lieu thereof "three".

TEACHER CORPS ASSISTANCE FOR INDIAN CHILDREN

SEC. 803. The first sentence of section 513(c)(2) of the Higher Education Act of 1965 is amended to read as follows: "Not to exceed 3 per centum of the number of members of the Teachers Corps who are available shall be allocated to Puerto Rico and the Virgin Islands and not to exceed 5 per centum of such members shall be allocated to the elementary and secondary schools operated for Indian children by the Department of Interior, according to their respective needs."

STUDENT TEACHER CORPS

SEC. 804. (a) It is the purpose of this section to encourage high school and college students, parents, and other community residents to volunteer for service on a part-time or full-time basis as tutors or instructional assistants for children in dis-

advantaged areas and to provide support by the Teacher Corps of volunteer programs to be carried out by State and local educational agencies and institutions of higher education.

(b)(1) Section 511(a) of the Higher Education Act of 1965 is amended by deleting the word "and" at the end of paragraph (1), by deleting the period at the end of paragraph (2) and inserting in lieu thereof a semicolon and the word "and", and by inserting after paragraph (2) the following new paragraph:

"(3) attracting volunteers to serve as part-time tutors or full-time instructional assistants in programs carried out by local educational agencies and institutions of higher education serving such areas."

(2) Section 511(b) of such Act is amended by striking out "$56,000,000 for each of the succeeding fiscal years ending prior to July 1, 1971" and inserting in lieu thereof "$80,000,000 for the fiscal year ending June 30, 1970, and $100,000,000 for the fiscal year ending June 30, 1971".

(c) Paragraph (1) of section 513(a) of such Act is amended by inserting before the semicolon at the end thereof a comma and the following: "and, for such periods as the Commissioner may prescribe by regulation, persons who volunteer to serve as part-time tutors or full-time instructional assistants".

(d) Section 513(a) of such Act is further amended by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively, and by inserting after paragraph (4) the following new paragraph:

"(5) enter into contracts or other arrangements with local educational agencies or institutions of higher education, upon approval by the appropriate State educational agency, under which provisions (including payment of the cost of such arrangements) will be made (A) to carry out programs serving disadvantaged areas in which volunteers (including high school and college students) serve as part-time tutors or full-time instructional assistants in teams with other Teacher Corps members, under the guidance of experienced teachers, but not in excess of 90 per centum of the cost of compensation for such tutors and instructional assistants may be paid from Federal funds, and (B) to provide appropriate training to prepare tutors and instructional assistants for service in such programs;".

(e) Section 514(a) of such Act is amended—

(1) by inserting after "paragraph (3) of section 513(a)" a comma and the following: "or an arrangement with a local educational agency or institution of higher education pursuant to paragraph (5) of section 513(a),";

(2) by striking out in paragraph (2) "is equal to" and inserting in lieu thereof "does not exceed", and by striking out "$75 per week" in such paragraph and inserting in lieu thereof "$90 per week"; and

(3) by deleting the word "and" at the end of paragraph (1), by deleting the period at the end of paragraph (2) and inserting in lieu thereof a semicolon and the word "and", and by inserting after paragraph (2) the following new paragraph:

"(3) tutors and instructional assistants shall be compensated at such rates as the Commissioner may determine to be consistent with prevailing practices under comparable federally supported work-study programs."

TEACHER CORPS CORRECTIONS EDUCATION PROJECTS

SEC. 805. (a) Section 511(a) of the Higher Education Act of 1965 (as amended by section 804(b) of this Act) is further amended by deleting the word "and" at the end of paragraph (2), by deleting the period at the end of paragraph (3) and inserting in lieu thereof a semicolon and the word "and", and by inserting after paragraph (3) the following new paragraph:

"(4) attracting and training educational personnel to provide relevant remedial, basic, and secondary educational training, including literacy and communications skills, for juvenile delinquents, youth offenders, and adult criminal offenders."

(b) Section 513(a) of such Act is further amended by redesignating paragraphs (6), (7), and (8) (as redesignated by section 804(d) of this Act), and all references thereto, as paragraphs (7), (8), and (9), respectively, and by inserting after paragraph (5) the following new paragraph:

"(6) enter into arrangements, through grants or contracts, with State and local educational agencies, and with institutions of higher education, and such other agencies or institutions approved by the Commissioner according to criteria which shall be established by him to carry out the purposes of this paragraph, under which provisions (including payment of the cost of such arrangements) will be made to furnish to such agencies members of the Teacher Corps to carry out projects designed to meet the special educational needs of juvenile delinquents, youth offenders, and adult criminal offenders, and persons who have been determined by a State or local educational agency, court of law, law enforcement agency, or any other State or local public agency to be predelinquent juveniles, but not in excess of 90 per centum of the cost of compensation for Teacher Corps members serving in such projects may be paid from Federal funds;".

(c) Section 514(a) of such Act is further amended by inserting before "shall provide" the following: "or an arrangement with any agency pursuant to paragraph (6) of Section 513(a),".

PROVISIONS RELATED TO GIFTED AND TALENTED CHILDREN

SEC. 806. (a) Section 521 of the Higher Education Act of 1965 (relating to fellowships for teachers) is amended by inserting in the last sentence thereof after the words "handicapped children" a comma and the following: "and for gifted and talented children".

(b) Section 1201 of such Act (relating to definitions) is amended by adding at the end thereof the following new paragraph:

"(k) The term 'gifted and talented children' means, in accordance with objective criteria prescribed by the Commissioner, children who have outstanding intellectual ability or creative talent."

(c)(1) The Commissioner of Education shall:

(A) determine the extent to which special educational assistance programs are necessary or useful to meet the needs of gifted and talented children.

(B) show which existing Federal educational assistance programs are being used to meet the needs of gifted and talented children,

(C) evaluate how existing Federal educational assistance programs can be more effectively used to meet these needs, and

(D) recommend which new programs, if any, are needed to meet these needs.

(2) The Commissioner shall report his findings, together with his recommendations, to the Congress not later than one year after the enactment of this Act.

CONSOLIDATION OF TITLE III OF THE NATIONAL DEFENSE EDUCATIONAL ACT OF 1958 AND SECTION 12 OF THE NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES ACT OF 1965

SEC. 807. (a)(1) Section 303(a) of the National Defense Education Act of 1958 is amended by striking out "science, mathematics, history, civics, geography, economics, industrial arts, modern foreign language, English, or reading" and inserting in lieu thereof "academic subjects".

(2) Section 303(a)(5) of such Act is amended by striking out "the fields of science, mathematics, history, civics, geography, economics, industrial arts, modern foreign languages, English, and reading" and inserting in lieu thereof "academic subjects".

(3) The first sentence of section 301 of such Act is amended by striking out "$120,000,000" and inserting in lieu thereof "$120,500,000" and by striking out "$130,000,000" and inserting in lieu thereof "$130,500,000".

(b) Section 12 of the National Foundation on the Arts and the Humanities Act of 1965 is hereby repealed.

ADVISORY COUNCIL ON RESEARCH AND DEVELOPMENT

SEC. 808. Section 2 of the Cooperative Research Act of 1954 is amended by adding the following new subsection at the end thereof:

"(e)(1) The Commissioner shall establish in the Office of Education an Advisory Council on Research and Development, consisting of fifteen members appointed, without regard to the civil service laws, by the Commissioner with the approval of the Secretary of Health, Education, and Welfare. The Commissioner shall appoint one such member as Chairman. Such members shall include persons recognized as authorities in the field of educational research and development or in related fields.

"(2) The Advisory Council shall advise the Commissioner with respect to matters of general policy arising in the administration of this Act."

RESEARCH ON PROBLEMS OF FINANCING ELEMENTARY AND SECONDARY EDUCATION

SEC. 809. (a) The Congress finds that—

(1) insufficient national concern has been focused upon the escalating operating expenses and construction costs faced by school districts, including serious inequities within and among States in financial support of elementary and secondary education;

(2) taxpayer resistance to the existing tax structure is growing and school bond issues and budget requests are being rejected;

(3) school districts are facing serious fiscal crises as they approach or exceed statutory limits on taxing and bonding authority; and

(4) there is a need for additional knowledge to solve these problems.

(b) It is the purpose of this section—

(1) to provide for research and reports on such problems under the Cooperative Research Act; and

(2) to provide for a National Commission on School Finance to study such problems and report to the Commissioner and the Congress within two years.

(c) Section 2(a) of the Cooperative Research Act is amended by inserting at the end thereof the following:

"(3) The Commissioner shall, pursuant to his authority under this Act, provide for research regarding the problems of financing elementary and secondary education. Such research shall include, but not be limited to, recommendations concerning—

"(A) an appropriate division of responsibility among local, State, and the Federal Government in financing elementary and secondary education;

"(B) an appropriate balance of categorical aid, general aid, and school construction aid in the total Federal responsibility for financing elementary and secondary education;

"(C) new approaches to relieve the fiscal crisis now facing the schools;

"(D) the use of Federal revenue sharing for supporting elementary and secondary education; and

"(E) methods to minimize variations within and among States in per pupil expenditures for elementary and secondary education.

The Commissioner shall make a preliminary report to the Congress not later than one

hundred and twenty days after the date of enactment of the Elementary and Secondary Education Amendments of 1969 identifying all existing federally financed research in this area (whether authorized under this or any other Act) and the current status of such research. Thereafter, the Commissioner shall report the results of, and recommendations with respect to, research under this paragraph as a separate and distinct part of his annual report pursuant to subsection (d)."

(d) The Commissioner shall, not later than ninety days after the date of enactment of this Act, establish a National Commission on School Finance. Such Commission shall consist of fifteen members appointed from (1) members of State and local educational agencies, (2) State and local government officials, (3) education administrators, (4) teachers, (5) financial experts, (6) parents with one or more children in a public elementary or secondary school, (7) the Office of Education, (8) the Department of the Treasury, with the approval of the Secretary of the Treasury, and (9) other appropriate fields. The Commissioner shall appoint a chairman and vice chairman from among such members. Such Commission shall make a full and complete investigation and study of the financing of elementary and secondary education, including, but not limited to, the matters referred to in section 2(a)(3) of the Cooperative Research Act (as amended by subsection (c) of this section). The Commission shall report the results of such investigation and study and its recommendations to the Commissioner and the Congress not later than two years after the date of enactment of this Act. Funds available for the purposes of the Cooperative Research Act and for the purposes of section 402 of Public Law 90-247 shall be available for the purposes of this subsection.

CONSTRUCTION OF EDUCATIONAL RESEARCH FACILITIES

SEC. 810. Section 4(a) of the Cooperative Research Act (Public Law 83-531) is amended by striking out "July 1, 1970" and substituting in lieu thereof "July 1, 1973", and by striking out "July 1, 1971" and substituting in lieu thereof "July 1, 1974".

AMENDMENT RELATING TO THE AMERICAN PRINTING HOUSE FOR THE BLIND

SEC. 811. (a) The paragraph designated "First" in section 3 of the Act entitled "An Act to promote the education of the blind", approved March 3, 1879 (20 U.S.C. 102), is amended to read as follows:

"First. (A) Such appropriation shall be expended by the trustees of the American Printing House for the Blind each year in manufacturing and furnishing books and other materials, specially adapted for instruction of the blind; and the total amount of such books and other materials so manufactured and furnished by such appropriation shall each year be distributed among all the public and private nonprofit institutions in the States, territories, and possessions of the United States, the Commonwealth of Puerto Rico, and the District of Columbia, in which blind pupils are educated. Each public and private nonprofit institution for the education of the blind shall receive, in books and other materials, upon requisition of its superintendent, that portion of the appropriation as is shown by the ratio between the number of blind pupils in that institution and the total number of blind pupils in all of the public and private nonprofit institutions in which blind pupils are educated. Each chief State school officer shall receive, in books and other materials, upon requisition, that portion of the appropriation as is shown by the ratio between the number of blind pupils in public and private nonprofit institutions (in the State) in which blind pupils are educated, other than institutions to which the preceding sentence is applicable, and the total number of blind pupils in the public and private nonprofit institutions in which blind pupils are educated in all of the States, territories, and possessions of the United States, the Commonwealth of Puerto Rico, and the District of Columbia. The ratio referred to in each of the two immediately preceding sentences shall be computed upon the first Monday in January of each year; and for purposes of such sentences the number of blind pupils in public and private nonprofit institutions in which blind pupils are educated shall be authenticated in such manner and as often as the trustees of the American Printing House for the Blind shall require. For purposes of this Act, an institution for the education of the blind is any institution which provides education exclusively for the blind, or exclusively for the blind and other handicapped children (in which case special classes are provided for the blind); the chief State school officer of a State is the superintendent of public elementary and secondary schools in such State or, if there is none, such other official as the Governor certifies to have comparable responsibility in the State; and a blind pupil is a blind individual pursuing a course of study in an institution of less than college grade.

"(B) The portion of the appropriation received by each chief State school officer, in such books and other materials under subparagraph (A) of this paragraph which represents the number of blind pupils in private nonprofit institutions in such State in which blind pupils are educated shall be distributed among such institutions on the basis of the number of blind pupils in each such institution as compared to the total number of such pupils in all of the private nonprofit institutions in which blind pupils are educated in such State.

"(C) All books and other materials furnished pursuant to this Act, and control and administration of their use, shall vest only in a public agency. Such books and materials made available pursuant to this Act for use of teachers and blind pupils in any State, Territory, or possession of the United States, the Commonwealth of Puerto Rico, and the District of Columbia in any school shall be limited to those books and materials which have been approved by an appropriate educational authority or agency of such State, Territory, possession, Commonwealth, or District, or any local educational authority thereof, for use, or are used, in a public elementary or secondary school therein."

(b) The paragraph designated "Fourth" of section 3 of the Act entitled "An Act to promote the education of the blind", approved March 3, 1879, as amended (20 U.S.C. 102), is amended by inserting immediately after "public", the following: "and private nonprofit".

(c) Section 4 of such Act is amended by inserting immediately after "public", the following: "or private nonprofit".

And the Senate agree to the same.

CARL D. PERKINS,
FRANK THOMPSON, JR.,
JOHN H. DENT,
ROMAN C. PUCINSKI,
DOMINICK V. DANIELS,
JOHN BRADEMAS,
JAMES G. O'HARA,
HUGH L. CAREY,
AUGUSTUS F. HAWKINS,
WILLIAM D. FORD,
WILLIAM D. HATHAWAY,
PATSY T. MINK,
LLOYD MEEDS,
W. H. AYRES,
ALBERT H. QUIE,
WILLIAM A. STEIGER,
EARL B. RUTH,
Managers on the Part of the House.

CLAIBORNE PELL,
RALPH W. YARBOROUGH,
JENNINGS RANDOLPH,
HARRISON WILLIAMS,
EDWARD M. KENNEDY,
WALTER F. MONDALE,
THOMAS F. EAGLETON,
WINSTON L. PROUTY,
JACOB K. JAVITS,
PETER H. DOMINICK,
GEORGE MURPHY,
RICHARD S. SCHWEIKER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a new text. The House recedes from its disagreement to the amendment of the Senate, with an amendment which is a substitute for both the House bill and the Senate amendment.

Except for minor, clarifying, and conforming provisions, this statement explains the action of the managers on the part of the House.

Policy with respect to the application of certain provisions of Federal law.—The Senate amendment provided that it is the policy of the United States that guidelines and criteria established under title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race whether de jure or de facto in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation. The House bill contained no comparable provision. The conference agreement provides that it is the policy of the United States that such guidelines and criteria dealing with conditions of segregation by race, whether de jure or de facto, in the schools of the local educational agencies of any State shall be applied uniformly in all regions of the United States whatever the origin or cause of such segregation. It provides that such uniformity refers to one policy applied uniformly to de jure segregation wherever found and such other policy as may be provided pursuant to law applied uniformly to de facto segregation wherever found. It is stated that nothing in the section can be construed to diminish the obligation of responsible officials to enforce or comply with such guidelines and criteria in order to eliminate discrimination in federally assisted programs and activities as required by title VI of the Civil Rights Act of 1964.

The Senate amendment further provided that it is the sense of Congress that the Departments of Justice and of Health, Education, and Welfare should request such additional funds as may be necessary to apply the policy of the first part of the Senate amendment described above throughout the United States. This provision, which has no counterpart of the House bill, is included in the conference report and is made applicable to the statement of policy as it appears in the conference report.

AMENDMENTS TO TITLE I OF ESEA

(Education of Disadvantaged Children)

Extension of title I of ESEA.—The House bill provided for extension of title I of the Elementary and Secondary Education Act of

1965 (hereinafter referred to as "ESEA") to June 30, 1972. The Senate amendment provided for its extension to June 30, 1974. The conference substitute extends title I to June 30, 1973.

The House bill extended the provisions for special incentive grants to June 30, 1972, and continued the $50,000,000 authorization for each of the years of the program. The Senate amendment extended this program at the $50,000,000 level until June 30, 1974. The conference substitute extends the provisions through June 30, 1973.

The Senate amendment extended the authority for payments to Bureau of Indian Affairs schools for Indians on reservations to June 30, 1972. The House bill eliminated references to specific fiscal years to that these schools would be automatically included for the benefits of the title whenever title I is extended. The House recedes.

Study of allocation of funds.—The Senate amendment, but not the House bill, required the Commissioner to make a study of the effectiveness of the allocation of title I funds to States and local educational agencies, particularly sub-county allocations, the appropriateness of the Federal percentage and the low-income factor, and the use of special incentive grants to increase State and local effort for education. The report is to be submitted by March 31, 1972. The conference report includes this provision.

Use of 1970 census data.—The Senate amendment, but not the House bill, precluded the use of 1970 census data for formula purposes under title I prior to January 1, 1973. The conference report provides that such data may not be used prior to July 1, 1972.

Responsibility for provision of certain educational services for institutionalized, neglected or delinquent children.—Both the House bill and the Senate amendment contained provisions making State agencies eligible to receive a portion of the allocation of title I grants to local educational agencies attributable to delinquent or neglected children if the local educational agency is not serving them and if the State agency does in fact serve them. However, the House bill provided that if neither the State educational agency nor the local educational agency serves these children, then any other State or local public agency which does assume the responsibility will be eligible to receive such portion of the allocation. This provision was modified by the Senate amendment to permit such eligibility determination to be governed by regulations of the Commissioner. The Senate modification is adopted in the conference report.

The House bill, but not the Senate amendment, provided that the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children. The Senate recedes.

Inclusion of certain outlying areas with respect to neglected or delinquent children.—The Senate amendment provided that, effective with fiscal years after fiscal year 1970, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territories of the Pacific Islands may participate as "States" in the title I provision authorizing grants to States for State agencies' educational programs for institutionalized delinquent and neglected children. There was no comparable provision in the House bill. The House recedes.

Amendments with respect to handicapped and neglected or delinquent children.—The Senate amendment provided for the inclusion in the count of handicapped and neglected or delinquent children (forming the basis of the grant to the State for their special educational needs) those children who are in schools providing special education for them under contract or other arrangement with the State agency. There was no comparable House provision. The House recedes.

Allocation of funds for programs for migratory children.—The Senate amendment permitted the Commissioner to reallocate funds which exceed the amount required to fund a State's program for migratory children of migratory agricultural workers to other States where funds allocated are insufficient to serve such children. Present law allows funds not used for such programs to be applied by the State for other title I purposes. Under the amendment, before the allocation can be made the Commissioner must determine that the funds which are subject to reallocation cannot be employed under the section of existing law which gives the Secretary authority to fund programs directly in a State where the State is unable or unwilling to serve certain children. There was no comparable provision in the House bill. The conference agreement includes this provision.

Minimum grant allowance to local educational agencies.—The Senate amendment raised the minimum grant allowance under title I to $10,000. Present law places this limit at $2,500. The House bill had no comparable provision. The Senate recedes.

Prohibition against supplanting State and local funds with Federal funds.—The Senate amendment added a requirement that local educational agencies, as a condition to the receipt of assistance under title I, must provide assurance that title I funds are not supplanting non-Federal funds in their schools, and that to the extent practical Federal funds will increase the level of funds which would otherwise be made available in the absence of such Federal funds from non-Federal sources. There was no comparable House provision. The conferees have included this provision in the conference report.

The Senate amendment also required as a condition to receiving title I funds that the local educational agency provide assurance that State and local funds will be so used as to provide services in areas to be served by programs and projects under the title which are at least comparable to the services from such funds provided in areas which are not so served. There is no comparable House provision. The conference report requires local educational agencies to provide assurances that State and local funds will be used in the district of such agency to provide services in project areas which taken as a whole are at least comparable to services being provided in areas in the school district of the agency which are not receiving funds under this title. It requires local educational agencies to report on or before July 1, 1971, and each subsequent year, on their compliance with this provision. However, it is further provided that any finding of noncompliance with this clause shall not affect the payment of funds to any local educational agency until the fiscal year beginning July 1, 1972.

Applications to be made available to public.—The Senate amendment precluded final action by State educational agencies on the approval or disapproval of an application for title I funds until they have afforded interested persons, as defined by regulation, an opportunity to present their views. Existing law requires only that the affected local educational agency be given notice and opportunity for a hearing. There was no comparable provision in the House bill. The conference substitute, in lieu of the language of the Senate amendment, provides that the local educational agency must make the application and all pertinent documents related thereto available to parents and other members of the general public, and that all evaluations and reports required shall be public information.

Amendments with respect to applications and assurances.—The House bill required local educational agencies to report to the State agency on title I programs "in accordance with specific performance criteria related to program objectives". The quoted requirement replaced very general language. The Senate amendment retained the language of existing law, inserting the "specific performance criteria" quoted above, but limiting it to those reports relating to performance. The conference report adopts the provisions of the Senate amendment.

The Senate amendment amended the section of existing law which required the Commissioner to afford a State agency notice and opportunity for a hearing before finally disapproving an application. The amendment of the Senate required the Commissioner to give consideration to the views of interested persons in the State in connection with any application submitted by a State. There is no comparable House provision. The Senate recedes.

Advisory councils.—The Senate amendment, unlike the House bill, increased the membership on the National Advisory Council on the Education of Disadvantaged Children from 12 to 15 members; it also changed the annual reporting date of the Council from January 31 to March 31, and required reports of the Council to include a report on the effectiveness of title I programs in preparing students for their occupational or career needs. The House recedes.

The Senate amendment contained a provision requiring State advisory councils similar in function to State advisory councils required in connection with other federally supported programs. There was no comparable provision in the House bill. The Senate recedes.

Salary bonuses for teachers in schools with high concentrations of educationally deprived children.—The House bill provided that title I funds may be used to make payments to teachers in excess of their regular salary schedules as a bonus for service in schools eligible for assistance under the section. The Senate amendment did not contain this provision. The conference substitute adopts the provision of the House bill. It is the sense of the conferees that these payments should be permitted only for teachers in schools with exceptionally high concentrations of children eligible for the benefits of this title.

Special incentive grants.—The Senate amendment rewrote the provisions of part B of title I in existing law, but made no substantive change therein except to provide for the creation of entitlements to States, rather than to provide allotments to States. The House bill contained no comparable provision. The conference substitute adopts this provision of the Senate amendment.

Special grants for urban and rural schools serving areas with the highest concentrations of children from low income families.—The Senate amendment added a new part C to title I of ESEA under which a school district where the number of children described in section 103(a)(2) of the Act is at least 20 percent of all school age children in the school district—or 5,000 of such children if that number is at least 5 percent of the number of school age children in the district—are entitled to an additional grant. The additional grant could not exceed 30 percent of the amount of the school district's entitlement for the fiscal year 1970 under title I or 40 percent of its entitlement under such title in any succeeding fiscal year. It also provided that a school district, not eligible under the above criteria, but participating in the title I program would be entitled to a special grant if it were to experience a relatively small increase in the number of its low-income pupils but the agency is deemed by the State agency to have an urgent need for financial assistance to provide services for such children. The amount available for this use cannot exceed 3 percent of the total amount available for grants under this new part in the fiscal year 1970 and 5 percent in any succeeding fiscal year. The House bill did not contain

this provision. It is retained in the conference substitute.

Adjustments where necessitated by appropriations.—The Senate amendment revised section 108 of title I (and redesignated it as section 144). This is the section which deals with the application of the low-income factor and other formula calculations in an underfunding situation. Under this provision appropriations would be allocated to special incentive grants (part B) and special part C programs and to low-income children under the part A formula, on a pro rata reduction basis when the appropriations exceed $1,396,975,000. In no event could the amount available for part C grants exceed 15 percent of the amount over $1,396,975,000 which is appropriated for title I. In other respects the Senate amendment retained the requirement that entitlements must be fully funded at the $2,000 income level first, and then the excess applied to funding entitlements at the $3,000 income level. The $4,000 income level would not be considered until all entitlements based on income at the $3,000 level had been paid. The House bill did not contain this provision. It is retained in the conference substitute.

The Senate amendment also contained provisions designed to focus the special part C funds in preschools and at the elementary level, and permitting their use only under limited circumstances at the secondary school level. These funds will be directed at schools having the highest concentrations of disadvantaged children. Specific objectives must be set forth for part C funds with objective measurement of educational achievement at least annually to determine whether the objectives are being accomplished. This provision is included in the conference report.

AMENDMENTS TO TITLE II OF ESEA

(Library Resources, Textbooks, and Other Printed and Published Materials)

Extension of title II of ESEA.—For title II of ESEA the House bill and the Senate amendment provided the following authorizations:

	House bill	Senate amendment
Fiscal year 1971	$200,000,000	$200,000,000
Fiscal year 1972	200,000,000	210,000,000
Fiscal year 1973	(1)	220,000,000
Fiscal year 1974	(1)	230,000,000

[1] No authorization.

The conference agreement adopts the provisions of the Senate amendment, as it applies for the fiscal years 1971, 1972, and 1973.

The House bill provided that allocations from title II funds to overseas dependents' schools of the Department of Defense will be automatically authorized whenever title II is extended. The Senate amendment deleted authority for participation of such schools. The conference report continues the eligibility of these schools for participation, but only for fiscal years ending before July 1, 1972.

AMENDMENTS TO TITLE III OF ESEA

(Supplementary Educational Services and Centers, and Guidance, Counseling, and Testing)

Consolidation.—The House bill added a new title IX to ESEA which provided grants to States for programs of the types now authorized by title II of ESEA (school library resources, textbooks, and other instructional materials), title III of ESEA (supplementary educational centers and services, which also includes authorization for guidance counseling and testing of students), title III–A of the National Defense Education Act of 1958 (financial assistance for strengthening instruction in science, mathematics, modern foreign languages, and other critical subjects), and title V–A of the National Defense Education Act of 1958 (guidance, counseling, and testing of students). These grants would be provided on a consolidated basis. It authorized the appropriation of $1,000,000,000 for the fiscal year 1971 and for the fiscal year 1972. The Senate amendment contained no comparable provision, though the Senate extended the provisions of title II and III of ESEA through fiscal year 1974. The House bill, in addition to the new consolidation title, extended the provisions of title II and III through 1972. The conference substitute contains, in a revised title III of ESEA, a consolidation of programs now authorized by title III of ESEA and title V–A of the National Defense Education Act.

Extension of title III, ESEA.—For title III of ESEA, the House bill and the Senate amendment provided the following authorizations:

	House bill	Senate amendment
Fiscal year 1971	$550,000,000	$550,000,000
Fiscal year 1972	550,000,000	575,000,000
Fiscal year 1973	(1)	605,000,000
Fiscal year 1974	(1)	635,000,000

[1] No authorization.

With respect to title III, the conference agreement adopts the Senate authorizations for fiscal years 1971, 1972, and 1973, with the proviso that each state shall expend for guidance, counseling, and testing programs an amount each year which is at least equal to 50 percent of the amount expended by the State from 1970 appropriations for title V–A of the National Defense Education Act.

The House bill provided that allocations from title III funds to overseas dependent schools of the Department of Defense will be automatically authorized whenever title III is extended. The Senate amendment deleted authority for participation of such schools. The conference report continues the eligibility of these schools for participation, but only for fiscal years ending before July 1, 1972.

The House bill extended authority for appropriating funds for State administration, advisory council activities and evaluation and dissemination activities under title III until the end of fiscal year 1972. The Senate amendment made this authorization permanent. The House recedes.

The Senate amendment, but not the House bill, extended the Commissioner's authority to approve a portion of a State plan deemed in compliance and to fund such portion of a State plan. The House bill contained no comparable provision. The provision is retained in the conference report.

The Senate amendment continued the Commissioner's authority to reserve 25 percent of the funds appropriated for title III to fund applications of local educational agencies outside of the State plan. The House bill contained no comparable provision. Under the conference report, the Commissioner may reserve 15 percent of the funds appropriated for title III to fund applications outside of the State plan.

Gifted and talented children.—The Senate amendment expanded the list of programs for which title III funds may be used to include programs for gifted and talented children. The House bill contained no comparable provision. The conference substitute retains this provision.

Advisory Committees.—Under the Senate amendment the following new requirements were established for title III State advisory councils: (1) annual certification of the establishment of and membership on the State advisory council; (2) that the council meet within 30 days after certification has been accepted by the Commissioner and select a chairman from its membership; and (3) at least one public meeting be held each year at which time the public be given an opportunity to express their views. There were no comparable House provisions. The House recedes.

AMENDMENTS TO TITLE V OF ESEA

(Strengthening State Departments of Education)

Extension of part A of title V.—The House bill and the Senate amendment provided the following authorizations for part A of title V of ESEA:

	House bill	Senate amendment
1971	$80,000,000	$80,000,000
1972	80,000,000	85,000,000
1973	(1)	90,000,000
1974	(1)	95,000,000

[1] No authorization.

The conference agreement adopts the provisions of the Senate amendment with respect to the fiscal years 1971, 1972, and 1973.

Provisions relating to gifted and talented children.—The Senate amendment, but not the House bill, amended section 503 of ESEA to authorize State agencies to use title V funds to provide local educational agencies with consultive and technical services for the education of gifted and talented children. This provision is retained in the conference substitute.

Assistance to local educational agencies to strengthen their leadership resources, and to identify and meet educational needs.—The Senate amendment designated the existing provisions of title V as part A of that title, and adds a new part B providing grants to local educational agencies to assist them in strengthening their leadership resources and to assist them in establishing programs to identify and meet their educational needs. The authorizations for the newly created part B in the Senate amendment are the following:

Fiscal year:	
1970	$10,000,000
1971	20,000,000
1972	30,000,000
1973	40,000,000
1974	40,000,000

The conference report contains a modification of the Senate amendment. Under the conference report sums appropriated for the part will be allotted, 40 percent among the States equally and 60 percent on the basis of their relative numbers of public school pupils. Grants under the new part will be made to the Commissioner on the basis of applications approved by the State educational agency. It is provided that the Federal funds may be used only for activities specifically designed to strengthen the leadership resources of the applicant and to establish and improve programs to identify and meet the educational needs of the persons served by the applicant. Applications may be approved only if the Federal funds will be used to supplement, and to the extent practicable, increase State and local funds which would otherwise be available for these purposes. The authorization in the Senate amendment for fiscal year 1974 is not included in the conference report.

The Senate amendment also added a new part C to title V of ESEA to provide for grants to assist State and local educational agencies to carry on comprehensive planning and evaluation. The conference substitute retains a modified version of this new part.

For carrying out part C the Senate amendment authorized the appropriation of $10,000,000 for fiscal year 1971, $15,000,000 for fiscal year 1972, and $20,000,000 each for fiscal years 1973 and 1974. The conference report retains this provision, except that it does not continue the program for 1974.

Under the Senate amendment 75 percent

of the sums appropriated to carry out the new part C were to be apportioned among the States in the manner prescribed in the bill. The remaining twenty-five percent of such sums would be available to make such grants as the Commissioner determines. Under the conference agreement all of the funds appropriated for the new part C will be apportioned among the States.

If a State desires to receive a grant under the new part it must have a single State agency to administer a comprehensive program of systematic planning and evaluation of elementary and secondary education. For a local educational agency to receive a grant it must satisfy the Commissioner that it has a planning and evaluation office or unit with the capability of carrying out comprehensive programs of systematic planning and evaluation. It is also required that State educational agencies be consulted and that there will be coordination with other State agencies. It is further required that the area to be served have a population sufficient to merit a comprehensive planning and evaluation program or that the local educational agency will use the funds for demonstration projects to further the purposes of the part. These grants may be used to meet only seventy-five percent of the cost of the program with respect to which they are made.

The Senate amendment also added a new part D to title V of ESEA. This part provides for the establishment of a National Council on Quality in Education to review Federal education programs, advise Federal officials, conduct evaluations, and review, evaluate, and transmit to the President its recommendations for the improvement of the administration and operation of Federal education programs. It is also required to consult with Federal, State, local, and other educational agencies with respect to assessing education in the Nation and in the improvement of the quality of education.

The Senate amendment, in this part also required any State which wishes to receive a grant under the title to establish a State advisory council. As agreed to in this conference, this part provides that States may establish State advisory councils. If those State advisory councils meet the statutory requirements relating to them, they will be eligible for payments. Appropriations are authorized for this purpose.

The Senate amendment also added a new part E to title V of ESEA which deals with administration of State plans. It is retained in the conference substitute.

The Senate amendment expanded the title V program authorizing the interchange of Office of Education personnel with personnel in State Departments of Education to include the interchange of Office of Education personnel with personnel in local educational agencies. The House bill contained no comparable provision. The House recedes.

The Senate amendment also amends the Cooperative Research Act to enable that authority to be used in connection with activities of local educational agencies supported under the new part B of title V. The conference report includes this provision.

AMENDMENTS TO TITLE VII OF ESEA

(Bilingual Education)

Extension of title VII of ESEA (the Bilingual Education Act).—Authorizations for bilingual programs under the House bill and the Senate amendment were as follows:

	House bill	Senate amendment
Fiscal year:		
1971	$40,000,000	$80,000,000
1972	40,000,000	100,000,000
1973	(1)	135,000,000
1974	(1)	170,000,000

[1] No authorization.

The conference agreement adopted the provisions of the Senate amendment, except that the authorization of appropriations for fiscal year 1974 is deleted.

Application to Indians on reservations.—Both the House bill and the Senate amendment amended the bilingual education program to authorize allocations to the Secretary of the Interior for funding of programs on Indian reservations. The House bill limited eligible programs to those operated by the Department of the Interior while the Senate amendment also includes schools funded by that department. The House recedes.

The Senate amendment, but not the House bill, provides that for the purpose of carrying out bilingual education programs, the Commissioner may consider a nonprofit institutional organization of the Indian tribe concerned which operates an elementary or secondary school for Indians on a reservation to be a local educational agency for the purposes of title VII bilingual programs. The House recedes.

Advisory committee.—The Senate amendment increases the size of the Advisory Committee on the Education of Bilingual Children from nine to fifteen members, with the number of experienced educators in the field of educational problems of children whose native tongue is not English increased from four to seven. The House bill did not include these provisions. They are retained in the conference substitute.

AMENDMENTS TO TITLE VIII OF ESEA

(General Provisions)

Duration of and authorization of appropriations for programs.—The authorizations for dropout prevention projects carried on under section 807 of the ESEA were as follows:

	House bill	Senate amendment
Fiscal year—		
1971	$30,000,000	$30,000,000
1972	30,000,000	31,500,000
1973	(1)	33,000,000
1974	(1)	34,500,000

[1] No authorization.

The conference report adopted the provisions of the Senate amendment, except that the provisions for carrying out the program during the fiscal year 1974 are not included.

Revision of Federal administration section.—The House bill amended section 803(c) of the ESEA to strike the requirement that the Commissioner must "coordinate such programs on the Federal level with the programs being administered by such other departments and agencies" and "require that effective procedures be adopted by State and local authorities to coordinate the development and operation of programs and projects carried out under such Acts with other public and private programs having the same or similar purposes, including community action programs under title II of the Economic Opportunity Act of 1964," and to insert in lieu thereof the requirement that "Federal departments and agencies administering programs which may be effectively coordinated with programs carried out under this Act or any Act amended by this Act, including community action programs under the Economic Opportunity Act shall, to the fullest extent permitted by other applicable laws, to carry out such programs in such a manner as to assist in carrying out, and to make more effective, the programs carried out under this Act or any Act amended by this Act." The Senate recedes.

School nutrition and health services.—The Senate amendment added a new section 808 to the ESEA which authorizes grants for demonstration projects to improve school nutrition and health services for children from low-income families. Assistance may be provided under this provision to pay the cost of (1) coordinating nutrition and health service resources in the areas to be served by a demonstration project, (2) providing supplemental health, nutritional, mental health, and food services to children from low-income families when other resources are inadequate, (3) nutrition and health education programs to train school personnel to provide nutrition and health services to meet the needs of children from low-income families, and (4) the evaluation of projects assisted under this section. The new section authorized the appropriation of $2,000,000 for fiscal year 1970, $10,000,000 for the fiscal year 1971, $16,000,000 for the fiscal year 1972, and $26,000,000 for the fiscal years 1973 and 1974. The House bill contains no similar provision. The conference substitute adopts this provision of the Senate amendment with respect to the fiscal years 1970 through 1973, but deletes the authorization for the fiscal year 1974.

AMENDMENTS TO PUBLIC LAWS 815 AND 874, EIGHTY-FIRST CONGRESS

(Impacted Areas Program)

Extension of the impacted areas program.—The House bill extended the impacted areas programs through June 30, 1972. The Senate amendment extended them through June 30, 1974. The conference agreement extends these programs through June 30, 1973.

Extension of school assistance in disaster areas.—The House bill extended school assistance in disaster areas through June 30, 1972, whereas the Senate amendment extended this authorization through June 30, 1974. The conference substitute extends it through June 30, 1973.

Certain refugee children.—The Senate amendment, but not the House bill, amends Public Law 874 (relating to the maintenance and operation of schools in federally impacted areas) to permit the counting, for purposes of determining entitlement to payments, of children in average daily attendance who resided with a parent who was at any time during the preceding three year period a refugee within the meaning of Migration and Refugee Assistance Act of 1962. Under the amendment local educational agencies will not receive payment on account of these refugee children unless their number amounts to twenty percent or more of the number of children who were in average daily attendance at the schools of the agency. It also prohibits payments on account of children with respect to whose education a payment was made under the Migration and Refugee Assistance Act of 1962. The conference agreement retains this provision of the Senate amendment.

Inclusion of children residing in low rent public housing as federally connected children.—Both the House bill and the Senate amendment revised Public Laws 815 and 874, Eighty-first Congress, to authorize payments to local educational agencies on account of children who live in low-rent public housing. The provisions of the two bills differ in some particulars. In the case of Public Law 874, the House bill provides for computing entitlements on account of children living in public housing separately from computations made for the purpose of determining payments on account of other children. It contemplates that a separate appropriation will be made for payments attributable to the new category of children. In contrast the Senate amendment provides for considering the new category of children in the same manner as other "federally connected" children are considered. However, if the appropriations are insufficient to pay all entitlements in full, then the Secretary

will first pay entitlements resulting from the counting of children other than those in the new category. Any funds remaining will then be used to pay, pro rata, entitlement based on children in the new category. Alternatively, the Senate amendment does provide that if an appropriation bill does provide a separate appropriation for the category of public housing children separate from the category of other federally connected children then the amounts to be paid on account of each category will be computed separately. The conference report adopts the provisions of the Senate amendment.

In the case of Public Law 815, the Senate amendment provide that no payments will be made on account of children whose parents reside in public housing until all entitlements based on other federally connected children have been fully funded. The House bill, in contrast, contemplates separate appropriations to pay entitlements based on the new category of children and on the old categories of children. The conference agreement adopts a provision of the Senate amendment.

Minimum eligibility requirement for Public Law 815.—The Senate amendment, but not the House bill, amends Public Law 815, Eighty-first Congress (relating to school construction in federally impacted areas), which provides that unless there is an increase in federally connected children equal to six percent of the enrollment of that local educational agency and an increase of six percent in non-federally connected children, it is not eligible for payments. As amended, a minimum eligibility will be six percent or fifteen hundred pupils, whichever is less. Similarly with respect to entitlement based on children whose membership in the schools results from Federal activities referred to in section 5(a)(3), the ten percent requirement in existing law is relaxed to provide that the minimum eligibility requirement is satisfied by twenty-five hundred pupils. The conference substitute contains this provision.

School construction assistance where immunity of Federal property from taxation creates special burden.—The Senate amendment provided that in certain cases where Federal property forms a substantial part of a school district and the school district is making a reasonable tax effort. Federal assistance may be provided for the construction of minimum school facilities for children whom the Commissioner finds to be inadequately housed and who are not considered in computing other payments under Public Law 815.

Declaration of policy with respect to school construction assistance for Indian children.—The Senate amendment places a declaration of policy in section 14 of Public Law 815 to the effect that applications for construction of school facilities in those public schools impacted with Indian children should be given a priority at least equal to that of applications for school construction under section 10. The provision is included in the conference substitute.

AMENDMENTS TO THE ADULT EDUCATION ACT OF 1965

The Senate amendment entirely rewrote the Adult Education Act of 1966, while the House bill merely extends its duration for two years—until the end of fiscal year 1972—and at the same level of authorizations.

The Senate amendment made the following substantive changes in the provisions of existing law:

(1) It adds high school equivalency adult education to the Act, but with the provision that adult basic education needs must first be satisfied before the State and local agencies may expend Federal funds for the new high school equivalency program.

(2) The National Advisory Committee on Adult Basic Education is changed to become the National Advisory Council on Adult Education, and its membership is increased from eight to fifteen.

(3) It requires the creation of State advisory council on adult education similar to the State advisory councils required in title III of ESEA.

(4) It authorizes the National and State Advisory Councils on Adult Education to encourage the establishment of local adult education advisory committees in order to improve reporting of State and local administration of programs under the Act and to assure that the local program is meeting community needs.

(5) It authorizes appropriations of $160,000,000 for fiscal year 1970, $200,000,000 for fiscal year 1971, $225,000,000 for each of the fiscal years 1972 and 1973, and $250,000,000 for fiscal year 1974.

(6) It authorizes the appropriation of not to exceed 7½ percent of the amount appropriated each fiscal year as may be necessary to pay the costs of administration, development of State plans, and the activities of advisory committees, and other activities required by the Act.

The conference agreement adopts the scheme of the Senate amendment, but alters it by not including the requirement for State advisory councils, the provision relating to the establishment of local adult education advisory committees, and by reducing the percent of the appropriation which may be used for costs of administration and related uses from 7½ percent to 5 percent. It also deletes the provision for carrying on the program during the fiscal year 1974.

AMENDMENTS TO TITLE IV OF PUBLIC LAW 90-247

(General Education Provisions)

The Senate amendment, but not the House bill, amended title IV of the Elementary and Secondary Education Amendments of 1967 to create a "General Education Provision Act" which is designed to be a single body of law controlling the administration of education programs. The major portion of the general provisions is present law brought together into a single title. Substantive changes in present law are indicated below, together with the conference action on them.

Section 402 of the present law is amended to authorize the Commissioner to reserve 1 percent of any appropriation for education programs for use by him for evaluation. The conference agreement modifies section 402, which authorizes the appropriation of such sums as is necessary for planning and evaluation to limit such appropriations to $25 million a year.

Section 405 is amended to provide that, unless the Congress in the regular session prior to the expiration of an appropriation authority has formally passed or rejected legislation extending that authority, that appropriation authority will automatically be extended at the levels specified for the terminal year of the authorization. The extension would be for one fiscal year beyond terminal year specified by law. The conference agreement retains this provision, but with a major qualification. As contained in the conference report, this authority would be terminated upon the adoption by either House of the Congress, before July 1, 1973, of a resolution stating that it should no longer apply.

Section 405 is also amended by adding a new subsection providing for the carryover of any unobligated or expended education funds from any fiscal year ending prior to July 1, 1973. Funds carried over may be obligated and expended during the next fiscal year. The conference agreement adopts this provision.

A new part B is included in title IV which sets forth general requirements and the conditions concerning the operation and administration of education programs and the general authority of the Commissioner. This part contains a single authorization for the Commissioner to delegate his functions. A provision which is identical to that in the present law except that, unlike present law, the Commissioner may not delegate his authority to approve State plans. The conference agreement includes this provision.

The new part provides for a single annual report by the Commissioner of Education which would replace all reports now required under the various laws administered by the Commissioner. This provision is retained in the conference substitute.

The new part authorizes the Commissioner, upon application, to permit State and local educational agencies to use organized and systematic approaches in determining cost allocations, collection, measurement, and reporting under applicable program. The House bill had a somewhat similar, but less detailed provision. The conference agreement adopts the provision of the Senate amendment, with the qualification that costs will be allocable to a particular cost objective to the extent of relative benefits received by that objective.

The new part authorizes the Commissioner to make a consolidated grant of State administration funds to State educational agencies for any education program administered by them, except programs authorized by title I of the Elementary and Secondary Education Act of 1965 and by the Education of the Handicapped Act. The Senate recedes:

The new part contains a provision requiring in certain cases, that parental and community participation should be encouraged. The conference report adopts this provision, but only to the extent it requires the encouragement of parental participation.

The new provision requires the Commissioner to reduce allotments to States under any applicable program by the amount that a State's allotment would be reduced had not a district, not in compliance with title VI of the Civil Rights Act of 1964, in that State, been counted in making the allotment. Funds not paid to a State as a result may be used by the Commissioner to make grants in that State to local educational agencies in accordance with section 405 of the Civil Rights Act of 1964. This provision is retained in the conference substitute.

Another new provision in the new part is one which authorizes the Commissioner to furnish the transcript or copies of tables and other records of the Office of Education to, and to make special statistical compilations and surveys for, public and private agencies and individuals who are prepared to pay the cost thereof. It provides that information so furnished may not be used to the detriment of the persons to whom it relates. The provision establishes a separate account procedure for such transaction. The conference agreement retains this provision with technical changes relating to the method of paying for the cost of the work done, and it deletes the provision relating to the use of information.

The Senate amendment gives the Commissioner authority under any applicable program to vest title to equipment purchased with grant or contract funds in public educational agencies.

The new part in the Senate amendment also contained a provision, generally applicable, prohibiting Federal control of education. It provided, in part, that no provision of any law controlling the administration of education programs may be construed to authorize the transportation of students in order to alter the racial composition of schools. The conference substitute extends the provisions of existing law with respect to prohibiting Federal control of education and with respect to prohibiting the assignment of stu-

dents or teachers in order to overcome racial imbalance.

The Senate amendment adds another new part to title IV of the Elementary and Secondary Education Amendments of 1967 which contains a code governing the creation, operation, and abolition of advisory councils and similar groups which are related to education programs. The Commissioner's authority to create and appoint the members of advisory councils is limited to those respecting the organization of the Office of Education, legislation, and special problems in areas of special interests in education. All advisory councils appointed by the Commissioner must terminate within one year unless the Commissioner determines in writing that an advisory council's life must be extended to complete its work, in which case that advisory council may continue for not more than one year. It contains uniform provisions regarding the compensation of advisory council members, and staffing arrangements for advisory councils are included. Uniform provisions governing the meeting of advisory councils, auditing their activities, and reports by them are set forth. It also contains a provision for the appointment of advisory council members by the Speaker of the House and the President of the Senate if a vacancy exists among the membership of an advisory council for more than one hundred and twenty days. These provisions of the Senate amendment are contained in the conference report, except that the conference report drops the provision relating to the appointment of advisory council members by the Speaker and the President of the Senate to fill vacancies.

A number of the provisions of existing title IV confer authority upon the Secretary of Health, Education, and Welfare. The Senate amendment would transfer this authority to the Commissioner of Education. The conference agreement does not contain this provision.

The Senate amendment repeals a great number of provisions of law as a result of the consolidation carried out in the new title IV. The conference agreement retains these repealers.

The House bill, but not the Senate amendment, revises section 402 of the Elementary and Secondary Education Amendments of 1967 to require the Secretary to transmit to the congressional committees having legislative jurisdiction over any applicable law, a report by July 1 of each year containing a description of any contract or grant for evaluation of a program or programs, the name of the firm or individual who is to carry out the evaluation and the amount to be paid on the contract or grant. The Senate recedes.

AMENDMENTS TO TITLE II OF THE NATIONAL DEFENSE EDUCATION ACT OF 1958

The Senate amendment extended and expanded cancellation provisions in the National Defense Education Act student loan program, and authorizes cancellation of loans made under the insured student loan program carried out under the Higher Education Act of 1965. There were no comparable House provisions. The conference agreement extends the existing authority for cancellation of student loans contained in the National Defense Education Act of 1958, but broadens it to include cancellation for service in the Armed Forces after June 30, 1970.

EDUCATION OF THE HANDICAPPED

The House bill provided for the extension for two fiscal years of existing programs dealing with the education of the handicapped. The appropriations authorized for these programs would be the same as is provided in existing law for the fiscal year ending June 30, 1970. In contrast, the Senate amendment provides, in title VI, for a complete rewriting of the various provisions of law dealing with the education of handicapped. As rewritten, the new title VI, by and large, includes the provision of existing law. Differences are discussed hereafter in this statement.

The new part B of title VI would provide for grants to States for the education of handicapped children. For this purpose it authorized the appropriation of $200,000,000 for the fiscal year 1971, $210,000,000 for the fiscal year 1972, $220,000,000 for the fiscal year 1973, and $230,000,000 for the fiscal year ending June 30, 1974. Under the House bill for the two years the program would be extended there would be authorized to be appropriated $200,000,000.

Part C of title VI of the Senate amendment dealt with regional resource centers, centers and services for deaf-blind children, early education for handicapped children, research, innovation, training, and dissemination activities in connection with centers and services for the handicapped, and for evaluation. The amount authorized by the Senate amendment to be appropriated for these programs is $36,500,000 for fiscal year 1971, $51,500,000 for fiscal year 1972, $66,500,000 for fiscal year 1973, and $88,000,000 for fiscal year 1974.

New part D of title VI deals with training of personnel for education of the handicapped. The amount authorized to be appropriated for fiscal year 1971 is $69,500,000, for fiscal year 1972 the amount is $87,000,000, for the fiscal year 1973 the amount is $103,500,000, and for the fiscal year 1974 the amount is $120,500,000.

Part E of title VI of the Senate amendment provides for programs dealing with research in the education of the handicapped. It authorizes the appropriation of $27,000,000 for fiscal year 1971, $35,500,000 for fiscal year 1972, $45,000,000 for fiscal year 1973, and $53,500,000 for the fiscal year 1974.

The new part F of title VI of the Senate amendment provides for programs dealing with films and other educational media for the handicapped. It also contains the provisions relating to the National Center on Educational Media and Materials for the Handicapped. The amount authorized to be appropriated for carrying out the part during the fiscal year 1971 is $12,500,000; during the fiscal year 1972, $15,000,000, during the fiscal year 1973, $20,000,000, and during the fiscal year 1974 and each succeeding fiscal year the sum of $30,000,000.

Part G of title VI of the Senate amendment provides a new program for children with specific learning disabilities. The House bill has no comparable provision, but since its enactment the House has passed another bill, H.R. 13310, providing for this program. The amount authorized to be appropriated by the Senate amendment for this program is $12,000,000 for the fiscal year 1970, $20,000,000 for the fiscal year 1971, and $31,000,000 for each of the fiscal years 1972, 1973, and 1974.

The Senate amendment also repeals, effective July 1, 1971, certain provisions of law which are to be replaced by the new title.

The conference report adopts the provisions of the Senate bill as they relate to the education of the handicapped, except that in each case (other than the new part F which is given a permanent authorization at the 1963 level) provisions for carrying out programs during fiscal year 1974 are deleted.

VOCATIONAL EDUCATION

The Senate amendment, but not the House bill, extended the authorization contained in section 102(b) of the Vocational Education Act of 1963 through June 30, 1972, with authorizations of $50,000,000 for the fiscal year 1971, and $60,000,000 for the fiscal year 1972. Since the enactment of the House bill, the House has passed a bill, H.R. 13630, extending the authorizations for fiscal years 1971 and 1972 at the present rate of $40,000,000 a year.

The Senate amendment, but not the House bill, amended the allotment formula section 103(a)(2)(D) of the Vocational Education Act of 1963 by raising the factor in that clause from five percent to fifteen percent, so that this provision of the Act will conform with the actual practice thereunder.

The Senate amendment, but not the House bill, amended the Vocational Education Act of 1963 to authorize the appointment by the State board members of the State advisory council when the State board members are themselves elected by the State legislature.

The Senate amendment, but not the House bill, extended the authorization for State programs of residential vocational education facilities until June 30, 1972, with authorizations for each of the fiscal years 1971 and 1972 being set at $15,000,000. In this respect the Senate amendment is the same as H.R. 13630 which passed the House.

The Senate amendment, but not the House bill, amended the Vocational Education Act of 1963 to add to the concept of home economics and consumer education programs the following specific: "including promotion of nutritional knowledge and food use and the understanding of the economic aspects of food use and purchase."

The Senate amendment, not the House bill, extended the authorization for vocational education work study programs at the level of $45 million for the fiscal year 1971 and $55 million for the fiscal year 1972. H.R. 13630, as it passed the House, extended this program for the fiscal years 1971 and 1972 at the rate of $35 million per year.

The Senate amendment, but not the House bill, extended the authorization for curriculum development programs for vocational education until July 1, 1972. The amounts authorized to be appropriated are $10 million each for the fiscal year 1971 and the fiscal year 1972. The bill, H.R. 13630, as it passed the House, extended this program for the same period and authorizes $7 million for each year.

The Senate amendment, but not the House bill, extended the authorization for Higher Education Act of 1965, as it relates to the training of vocational education personnel, until June 30, 1972. The amount authorized to be appropriated for this purpose is $40 million for the fiscal year 1971 and $45 million for the fiscal year 1972. H.R. 13630, as it passed the House, extended these provisions for the same period, and authorizes the appropriation of $35 million per year.

The Senate amendment made a technical amendment to the Vocational Education Amendments of 1968.

The conference report embodies all of the provisions of the Senate amendment relating to vocational education.

MISCELLANEOUS

Joint funding.—The House bill, but not the Senate amendment, contained a provision authorizing, pursuant to regulations prescribed by the President, the joint funding of projects in which the Office of Education is participating with other Federal agencies and where one of the Federal agencies may be designated to act for all in administering the funds so advanced. The provision established procedures for the computation of any non-Federal share requirements and the waiver of such where inconsistent with similar requirements of one of the programs conducted by one of the sponsoring agencies. This provision does not appear in the conference substitute.

Waiver of matching requirement in the Upward Bound program.—The Senate amendment, but not the House bill, contained a provision authorizing the Commissioner under certain conditions to increase the Federal contribution percentage for Upward Bound programs carried on under the Higher Education Act of 1965 and to provide that non-Federal contributions may be in cash or in kind. This provision is retained in the conference substitute.

Extension of authorization for Advisory

Council.—The Senate amendment, but not the House bill, contained a provision extending the authorization for the Advisory Council under the Education Professions Development Act for an additional year with a continuation for that year of its $200,000 authorization. This provision is retained in the conference substitute.

Teacher Corps assistance for Indian children.—The Senate amendment, but not the House bill, amended the Higher Education Act of 1965 to provide for the allocation of up to 3 percent of the number of members of the Teacher Corps for Puerto Rico and the Virgin Islands and not to exceed 5 percent to elementary and secondary schools operated for Indian children by the Department of the Interior. Present law provides for up to 3 percent for all three of these purposes. This provision is retained in the conference substitute.

Student Teacher Corps.—The Senate amendment, but not the House bill, created an authorization for a "Student Teacher Corps" under the Higher Education Act of 1965 by adding the following purpose in the teacher corps authorization: "attracting volunteers to serve as part-time tutors or full-time instructional assistants in programs carried out by local educational agencies and institutions of higher education serving such areas". The Senate amendment includes provision for arrangements with local educational agencies or institutions of higher education to put into effect the new student teacher corps provision.

The Senate amendment further amended title V of the Higher Education Act of 1965 to increase the alternate compensation factor of $75 per week to $90 per week. Furthermore, the Senate amendment revises this section to provide that tutors and instructional assistants be compensated at such rates as the Commission may determine to be consistent with prevailing practices under comparable federally supported work-study programs.

The Senate amendment increased the authorization for the Teacher Corps from $65 million for fiscal year 1970 to $80 million for that year, and from $56 million for fiscal year 1971 to $100 million for that year.

The conference report includes these provisions.

Provisions related to gifted and talented children.—The Senate amendment, but not the House bill, amends section 521 of the Higher Education Act of 1965 (relating to fellowships for teachers) to include instruction in the education of gifted and talented children. It also makes other changes to effectuate this additional authorization. The Senate provision also authorizes the Commissioner to make a study and investigation of how Federal education assistance programs can be utilized to meet the needs of gifted and talented children, and to what extent new programs are required.

While the House bill did not contain any provision comparable to that in the Senate amendment, since the enactment of the House bill the House has passed H.R. 13304 which contains comparable provisions.

The conference report adopts the provisions derived from H.R. 13304 which differ from those in the Senate amendment in that—

(1) the definition of "gifted and talented children" does not include the requirement that such children must require special activities or services not ordinarily provided by local educational agencies, and

(2) the Commissioner of Education is required to make a determination of the extent to which special educational assistance programs are necessary or useful to meet the needs of gifted and talented children, to show which existing Federal programs are being used to meet their needs, to evaluate how existing Federal programs can be more effectively used to meet the needs and recommend new programs.

Consolidation of title III of NDEA and section 12 of the National Foundation on the Arts and Humanities Act of 1965.—The Senate amendment, but not the House bill, contained a provision consolidating part A of title III of the National Defense Education Act of 1958 and section 12 of the National Foundation on the Arts and Humanities Act of 1965.

Authorizations for title III of the NDEA are increased from $120,000,000 to $120,500,000 for fiscal year 1970 and from $130,000,000 to $130,500,000 for fiscal year 1971.

The conference substitute adopts this provision.

Advisory Council on Research and Development.—The Senate amendment, but not the House bill, amended the Cooperative Research Act of 1954 to provide legislative authority for the Advisory Council on Research and Development. The conference substitute contains this provision.

Research on problems of financing elementary and secondary education.—The Senate amendment, but not the House bill, contained a provision relating to research on problems of financing elementary and secondary education. It contains a statement of Congressional findings, provides for a National Commission on School Finances to report to the Commissioner and to the Congress in two years, and inserts new language in the Cooperative Research Act requiring the Commission to provide for research regarding the problems of financing elementary and secondary education setting forth in detail the scope of the study. The conference substitute retains this provision.

Commission on Advance Funding.—The Senate amendment, but not the House bill, contained a provision establishing a Commission on Advance Funding for the purpose of studying the means of implementing the advanced funding procedures set forth in the Elementary and Secondary Education Amendments of 1967. The Commission is to be composed of six members of the Senate and six members of the House and six other members appointed by the President. The Senate recedes.

Teacher Corps corrections education projects.—The Senate amendment, but not the House bill, amended the Teacher Corps provisions of the Higher Education Act of 1965 to add as a new objective of that program that of attracting and training educational personnel to provide educational services for juvenile delinquents, youth offenders, and adult criminal offenders. Other appropriate changes are made in the Teacher Corps provisions consistent with this purpose. This provision is retained in the conference report.

Research and demonstration projects in corrections education services.—The Senate amendment, but not the House bill, added a new section to title VIII of ESEA authorizing the Commissioner to make grants for research and demonstration projects relating to the academic and vocational education of anti-social, aggressive, youth offenders, and adult criminal offenders, including the development of criteria for the identification of specialized educational instruction for such persons. The conference agreement retains this provision.

Relief of St. John's College.—The Senate amendment, but not the House bill, contains a provision for the relief of St. John's College permitting it to receive or retain a grant it received under title II of the Higher Education Act of 1965. The Senate recedes.

Construction of educational research facilities.—The Senate amendment, but not the House bill, contained a provision extending the authorization for construction of regional facilities for research and related purposes under section 4 of the Cooperative Research Act of 1954 until July 1, 1975. The House recedes.

America Printing House for the Blind.—The Senate amendment, but not the House bill, contained a provision amending sections 3 and 4 of the Act of March 3, 1879 (20 U.S.C. 102), relating to the American Printing House for the Blind to include private nonprofit institutions. The House recedes.

CARL D. PERKINS,
FRANK THOMPSON, Jr.,
JOHN H. DENT,
ROMAN C. PUCINSKI,
DOMINICK V. DANIELS,
JOHN BRADEMAS,
JAMES G. O'HARA,
HUGH L. CAREY,
AUGUSTUS F. HAWKINS,
WILLIAM D. FORD,
WILLIAM D. HATHAWAY,
PATSY T. MINK,
LLOYD MEEDS,
W. H. AYRES,
ALBERT H. QUIE,
WILLIAM A. STEIGER,
EARL B. RUTH,
Managers on the Part of the House.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 4148 UNTIL MIDNIGHT WEDNESDAY

Mr. FALLON. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tomorrow night to file a conference report on H.R. 4148, amendment of the Water Pollution Control Act.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

CONFERENCE REPORT (H. REPT. 91-940)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4148) to amend the Federal Water Pollution Control Act, as amended, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I—WATER QUALITY IMPROVEMENT

SEC. 101. This title may be cited as the "Water Quality Improvement Act of 1970".

SEC. 102. Existing sections 17 and 18 of the Federal Water Pollution Control Act, as amended, are hereby repealed. Section 19 of such Act is redesignated as section 27. Sections 11 through 16 of such Act are redesignated as sections 21 through 26, respectively. Such Act is further amended by inserting after section 10 the following new sections:

"CONTROL OF POLLUTION BY OIL

"SEC. 11. (a) For the purpose of this section, the term—

"(1) 'oil' means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil;

"(2) 'discharge' includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping;

"(3) 'vessel' means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel;

"(4) 'public vessel' means a vessel owned

or bare-boat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce;

"(5) 'United States' means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(6) 'owner or operator' means (A) in the case of a vessel, any person owning, operating, or chartering by demise, such vessel, and (B) in the case of an onshore facility, and an offshore facility, any person owning or operating such onshore facility or offshore facility, and (C) in the case of any abandoned offshore facility, the person who owned or operated such facility immediately prior to such abandonment;

"(7) 'person' includes an individual, firm, corporation, association, and a partnership;

"(8) 'remove' or 'removal' refers to removal of the oil from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches;

"(9) 'contiguous zone' means the entire zone established or to be established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone;

"(10) 'onshore facility' means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land within the United States other than submerged land;

"(11) 'offshore facility' means any facility of any kind located in, on, or under, any of the navigable waters of the United States other than a vessel or a public vessel;

"(12) 'act of God' means an act occasioned by an unanticipated grave natural disaster.

"(13) 'barrel' means 42 United States gallons at 60 degrees Fahrenheit.

"(b)(1) The Congress hereby declares that it is the policy of the United States that there should be no discharges of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone.

"(2) The discharge of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone in harmful quantities as determined by the President under paragraph (3) of this subsection, is prohibited, except (A) in the case of such discharges into the waters of the contiguous zone, where permitted under article IV of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended, and (B) where permitted in quantities and at times and locations or under such circumstances or conditions as the President may, by regulation, determine not to be harmful. Any regulations issued under this subsection shall be consistent with maritime safety and with marine and navigation laws and regulations and applicable water quality standards.

"(3) The President shall, by regulation, to be issued as soon as possible after the date of enactment of this paragraph, determine for the purposes of this section, those quantities of oil the discharge of which, at such times, locations, circumstances, and conditions, will be harmful to the public health or welfare of the United States, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches, except that in the case of the discharge of oil into or upon the waters of the contiguous zone, only those discharges which threaten the fishery resources of the contiguous zone or threaten to pollute or contribute to the pollution of the territory or the territorial sea of the United States may be determined to be harmful.

"(4) Any person in charge of a vessel or of an onshore facility or an offshore facility shall, as soon as he has knowledge of any discharge of oil from such vessel or facility in violation of paragraph (2) of this subsection, immediately notify the appropriate agency of the United States Government of such discharge. Any such person who fails to notify immediately such agency of such discharge shall, upon conviction, be fined not more than $10,000, or imprisoned for not more than one year, or both. Notification received pursuant to this paragraph or information obtained by the exploitation of such notification shall not be used against any such person in any criminal case, except a prosecution for perjury or for giving a false statement.

"(5) Any owner or operator of any vessel, onshore facility, or offshore facility from which oil is knowingly discharged in violation of paragraph (2) of this subsection shall be assessed a civil penalty by the Secretary of the department in which the Coast Guard is operating of not more than $10,000 for each offense. No penalty shall be assessed unless the owner or operator charged shall have been given notice and opportunity for a hearing on such charge. Each violation is a separate offense. Any such civil penalty may be compromised by such Secretary. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the owner or operator charged, the effect on the owner or operator's ability to continue in business, and the gravity of the violation, shall be considered by such Secretary. The Secretary of the Treasury shall withhold at the request of such Secretary the clearance required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), of any vessel the owner or operator of which is subject to the foregoing penalty. Clearance may be granted in such cases upon the filing of a bond or other surety satisfactory to such Secretary.

"(c)(1) Whenever any oil is discharged, into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone, the President is authorized to act to remove or arrange for the removal of such oil at any time, unless he determines such removal will be done properly by the owner or operator of the vessel, onshore facility, or offshore facility from which the discharge occurs.

"(2) Within sixty days after the effective date of this section, the President shall prepare and publish a National Contingency Plan for removal of oil pursuant to this subsection. Such National Contingency Plan shall provide for efficient, coordinated, and effective action to minimize damage from oil discharges, including containment, dispersal, and removal of oil, and shall include, but not be limited to—

"(A) assignment of duties and responsibilities among Federal departments and agencies in coordination with State and local agencies, including, but not limited to, water pollution control, conservation, and port authorities;

"(B) identification, procurement, maintenance, and storage of equipment and supplies;

"(C) establishment or designation of a strike force consisting of personnel who shall be trained, prepared, and available to provide necessary services to carry out the Plan, including the establishment at major ports, to be determined by the President, of emergency task forces of trained personnel, adequate oil pollution control equipment and material, and a detailed oil pollution prevention and removal plan;

"(D) a system of surveillance and notice designed to insure earliest possible notice of discharges of oil to the appropriate Federal agency;

"(E) establishment of a national center to provide coordination and direction for operations in carrying out the Plan;

"(F) procedures and techniques to be employed in identifying, containing, dispersing, and removing oil; and

"(G) a schedule, prepared in cooperation with the States, identifying (i) dispersants and other chemicals, if any, that may be used in carrying out the Plan, (ii) the waters in which such dispersants and chemicals may be used, and (iii) the quantities of such dispersant or chemical which can be used safely in such waters, which schedule shall provide in the case of any dispersant, chemical, or waters not specifically identified in such schedule that the President, or his delegate, may, on a case-by-case, identify the dispersants and other chemicals which may be used, the waters in which they may be used, and the quantities which can be used safely in such waters.

The President may, from time to time, as he deems advisable, revise or otherwise amend the National Contingency Plan. After publication of the National Contingency Plan, the removal of oil and actions to minimize damage from oil discharges shall, to the greatest extent possible, be in accordance with the National Contingency Plan.

"(d) Whenever a marine disaster in or upon the navigable waters of the United States has created a substantial threat of a pollution hazard to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and the public and private shorelines and beaches of the United States, because of a discharge, or an imminent discharge, of large quantities of oil from a vessel the United States may (A) coordinate and direct all public and private efforts directed at the removal or elimination of such threat; and (B) summarily remove, and, if necessary, destroy such vessel by whatever means are available without regard to any provision of law governing the employment of personnel or the expenditure of appropriated funds. Any expense incurred under this subsection shall be a cost incurred by the United States Government for the purposes of subsection (f) in the removal of oil.

"(e) In addition to any other action taken by a State or local government, when the President determines there is an imminent and substantial threat to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and public and private property, shorelines, and beaches within the United States, because of an actual or threatened discharge of oil into or upon the navigable waters of the United States from an onshore or offshore facility, the President may require the United States attorney of the district in which the threat occurs to secure such relief as may be necessary to abate such threat, and the district courts of the United States shall have jurisdiction to grant such relief as the public interest and the equities of the case may require.

"(f)(1) Except where an owner or operator can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any vessel from which oil is discharged in violation of subsection (b)(2) of this section shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an

amount not to exceed $100 per gross ton of such vessel or $14,000,000, whichever is lesser, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. Such costs shall constitute a maritime lien on such vessel which may be recovered in an action in rem in the district court of the United States for any district within which any vessel may be found. The United States may also bring an action against the owner or operator of such vessel in any court of competent jurisdiction to recover such costs.

"(2) Except where an owner or operator of an onshore facility can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any such facility from which oil is discharged in violation of subsection (b)(2) of this section shall be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed $8,000,000, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. The United States may bring an action against the owner or operator of such facility in any court of competent jurisdiction to recover such costs. The Secretary is authorized, by regulation, after consultation with the Secretary of Commerce and the Small Business Administration, to establish reasonable and equitable classifications of those onshore facilities having a total fixed storage capacity of 1,000 barrels or less which he determines because of size, type, and location do not present a substantial risk of the discharge of oil in violation of subsection (b)(2) of this section, and apply with respect to such classifications differing limits of liability which may be less than the amount contained in this paragraph.

"(3) Except where an owner or operator of an offshore facility can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any such facility from which oil is discharged in violation of subsection (b)(2) of this section shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed $8,000,000, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. The United States may bring an action against the owner or operator of such a facility in any court of competent jurisdiction to recover such costs.

"(g) In any case where an owner or operator of a vessel, of an onshore facility, or of an offshore facility, from which oil is discharged in violation of subsection (b)(2) of this section proves that such discharge of oil was caused solely by an act or omission of a third party, or was caused solely by such an act or omission in combination with an act of God, an act of war, or negligence on the part of the United States Government, such third party shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for removal of such oil by the United States Government, except where such third party can prove that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of another party without regard to whether such act or omission was or was not negligent, or any combination of the foregoing clauses. If such third party was the owner or operator of a vessel which caused the discharge of oil in violation of subsection (b)(2) of this section, the liability of such third party under this subsection shall not exceed $100 per gross ton of such vessel or $14,000,000, whichever is the lesser. In any other case the liability of such third party shall not exceed the limitation which would have been applicable to the owner or operator of the vessel or the onshore or offshore facility from which the discharge actually occurred, if such owner or operator were liable. If the United States can show that the discharge of oil in violation of subsection (b)(2) of this section was the result of willful negligence or willful misconduct within the privity and knowledge of such third party, such third party shall be liable to the United States Government for the full amount of such removal costs. The United States may bring an action against the third party in any court of competent jurisdiction to recover such removal costs.

"(h) The liabilities established by this section shall in no way affect any rights which (1) the owner or operator of a vessel or of an onshore facility or an offshore facility may have against any third party whose acts may in any way have caused or contributed to such discharge, or (2) the United States Government may have against any third party whose actions may in any way have caused or contributed to the discharge of oil.

"(i)(1) In any case where an owner or operator of a vessel or an onshore facility or an offshore facility from which oil is discharged in violation of subsection (b)(2) of this section acts to remove such oil in accordance with regulations promulgated pursuant to this section, such owner or operator shall be entitled to recover the reasonable costs incurred in such removal upon establishing, in a suit which may be brought against the United States Government in the United States Court of Claims, that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether such act or omission was or was not negligent, or of any combination of the foregoing clauses.

"(2) The provisions of this subsection shall not apply in any case where liability is established pursuant to the Outer Continental Shelf Lands Act.

"(3) Any amount paid in accordance with a judgment of the United States Court of Claims pursuant to this section shall be paid from the funds established pursuant to subsection (k).

"(j)(1) Consistent with the National Contingency Plan required by subsection (c)(2) of this section, as soon as practicable after the effective date of this section, and from time to time thereafter, the President shall issue regulations consistent with maritime safety and with marine and navigation laws (A) establishing methods and procedures for removal of discharged oil, (B) established criteria for the development and implementation of local and regional oil removal contingency plans, (C) establishing procedures, methods, and requirements for equipment to prevent discharges of oil from vessels and from onshore facilities and offshore facilities, and (D) governing the inspection of vessels carrying cargoes of oil and the inspection of such cargoes in order to reduce the likelihood of discharges of oil from such vessels in violation of this section.

"(2) Any owner or operator of a vessel or an onshore facility or an offshore facility and any other person subject to any regulation issued under paragraph (1) of this subsection who fails or refuses to comply with the provisions of any such regulation, shall be liable to a civil penalty of not more than $5,000 for each such violation. Each violation shall be a separate offense. The President may assess and compromise such penalty. No penalty shall be assessed until the owner, operator, or other person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the owner, operator, or other person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by the President.

"(k) There is hereby authorized to be appropriated to a revolving fund to be established in the Treasury not to exceed $35,000,000 to carry out the provisions of subsections (c), (l), and (l) of this section and section 12 of this Act. Any other funds received by the United States under this section shall also be deposited in said fund for such purposes. All sums appropriated, to or deposited in, said fund shall remain available until expended.

"(l) The President is authorized to delegate the administration of this section to the heads of those Federal departments, agencies, and instrumentalities which he determines to be appropriate. Any moneys in the fund established by subsection (k) of this section shall be available to such Federal departments, agencies, and instrumentalities to carry out the provisions of subsections (c) and (l) of this section and section 12 of this Act. Each such department, agency, and instrumentality, in order to avoid duplication of effort, shall, whenever appropriate, utilize the personnel, services, and facilities of other Federal departments, agencies, and instrumentalities.

"(m) Anyone authorized by the President to enforce the provisions of this section may, except as to public vessels, (A) board and inspect any vessel upon the navigable waters of the United States or the waters of the contiguous zone, (B) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (C) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(n) The several district courts of the United States are invested with jurisdiction for any actions, other than actions pursuant to subsection (i)(1), arising under this section. In the case of Guam, such actions may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the United States District Court for the District of the Canal Zone.

"(o)(1) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, or of any owner or operator of any onshore facility or offshore facility to any person or agency

under any provision of law for damages to any publicly-owned or privately-owned property resulting from a discharge of any oil or from the removal of any such oil.

"(2) Nothing in this section shall be construed as preempting any State or political subdivision thereof from imposing any requirement or liability with respect to the discharge of oil into any waters within such State.

"(3) Nothing in this section shall be construed as affecting or modifying any other existing authority of any Federal department, agency, or instrumentality, relative to onshore or offshore facilities under this Act or any other provision of law, or to affect any State or local law not in conflict with this section.

"(p)(1) Any vessel over three hundred gross tons, including any barge of equivalent size, using any port or place in the United States or the navigable waters of the United States for any purpose shall establish and maintain under regulations to be prescribed from time to time by the President, evidence of financial responsibility of $100 per gross ton, or $14,000,000 whichever is the lesser, to meet the liability to the United States which such vessel could be subjected under this section. In cases where an owner or operator owns, operates, or charters more than one such vessel, financial responsibility need only be established to meet the maximum liability to which the largest of such vessels could be subjected. Financial responsibility may be established by any one of, or a combination of, the following methods acceptable to the President: (A) evidence of insurance, (B) surety bonds, (C) qualification as a self-insurer, or (D) other evidence of financial responsibility. Any bond filed shall be issued by a bonding company authorized to do business in the United States.

"(2) The provisions of paragraph (1) of this subsection shall be effective one year after the effective date of this section. The President shall delegate the responsibility to carry out the provisions of this subsection to the appropriate agency head within sixty days after the date of enactment of this section. Regulations necessary to implement this subsection shall be issued within six months after the date of enactment of this section.

"(3) Any claim for costs incurred by such vessel may be brought directly against the insurer or any other person providing evidence of financial responsibility as required under this subsection. In the case of any action pursuant to this subsection such insurer or other person shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if an action had been brought against him by the claimant, and which would have been available to him if an action had been brought against him by the owner or operator.

"(4) The Secretary of Transportation, in consultation with the Secretaries of Interior, State, Commerce, and other interested Federal agencies, representatives of the merchant marine, oil companies, insurance companies, and other interested individuals and organizations, and taking into account the results of the application of paragraph (1) of this subsection, shall conduct a study of the need for and, to the extent determined necessary—

"(A) other measures to provide financial responsibility and limitation of liability with respect to vessels using the navigable waters of the United States;

"(B) measures to provide financial responsibility for all onshore and offshore facilities; and

"(C) other measures for limitation of liability of such facilities;

for the cost of removing discharged oil and paying all damages resulting from the discharge of such oil. The Secretary of Transportation shall submit a report, together with any legislative recommendations, to Congress and the President by January 1, 1971.

"CONTROL OF HAZARDOUS POLLUTING SUBSTANCES

"SEC. 12. (a) The President shall, in accordance with subsection (b) of this section, develop, promulgate, and revise as may be appropriate, regulations (1) designating as hazardous substances, other than oil as defined in section 11 of this Act, such elements and compounds which, when discharged in any quantity into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, present an imminent and substantial danger to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, shorelines, and beaches; and (2) establishing, if appropriate, recommended methods and means for the removal of such substances.

"(b) Sections 551 through 559, inclusive (other than section 553(c)), and 701 through 706, inclusive, of title 5, United States Code, shall apply to regulations issued under authority of this section.

"(c) In order to facilitate the removal, if appropriate, of any hazardous substance any person in charge of a vessel or of an onshore or offshore facility of any kind shall, as soon as he has knowledge of any discharge of such substance from such vessel or facility, immediately notify the appropriate agency of the United States of such discharge.

"(d) Whenever any hazardous substance is discharged into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, unless removal is immediately undertaken by the owner or operator of the vessel or onshore or offshore facility from which the discharge occurs or which caused the discharge, pursuant to the regulations promulgated under this section, the President, if appropriate, shall remove or arrange for the removal thereof in accordance with such regulations. Nothing in this subsection shall be construed to restrict the authority of the President to act to remove or arrange for the removal of such hazardous substance at any time.

"(e) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, onshore or offshore facility to any person or agency under any provision of law for damages to any publicly- or privately-owned property resulting from a discharge of any hazardous substance or from the removal of any such substance.

"(f)(1) For the purpose of this section the definitions in subsection (a) of section 11 of this Act shall be applicable to the provisions of this section, except as provided in paragraph (2) of this subsection:

"(2) For the purpose of this section, the term—

"(A) 'remove' or 'removal' refers to removal of the hazardous substances from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches;

"(B) 'owner or operator' means any person owning, operating, chartering by demise, or otherwise controlling the operations of, a vessel, or any person owning, operating, or otherwise controlling the operations of an onshore or offshore facility; and

"(C) 'offshore or onshore facility' means any facility of any kind and related appurtenances thereto which is located in, on, or under the surface of any land, or permanently or temporarily affixed to any land, including lands beneath the navigable waters of the United States and which is used or capable of use for the purpose of processing, transporting, producing, storing, or transferring for commercial purposes any hazardous substance designated under this section.

"(g) The President shall submit a report to the Congress, together with his recommendations, not later than November 1, 1970, on the need for, and desirability of, enacting legislation to impose liability for the cost of removal of hazardous substances discharged from vessels and onshore and offshore facilities subject to this section including financial responsibility requirements. In preparing this report, the President shall conduct an accelerated study which shall include, but not be limited to, the method and measures for controlling hazardous substances to prevent this discharge, and the most appropriate measures for (1) enforcement (including the imposition of civil and criminal penalties for discharges and for failure to notify) and (2) recovery of costs incurred by the United States if removal is undertaken by the United States. In carrying out this study, the President shall consult with the interested representatives of the various public and private groups that would be affected by such legislation as well as other interested persons.

"(h) Any moneys in the funds established by section 11 of this Act shall be available to the President to carry out the purposes of this section. In carrying out this section the President shall utilize the personnel, services, and facilities of Federal departments, agencies, and instrumentalities in such manner as will avoid duplication of effort.

"CONTROL OF SEWAGE FROM VESSELS

"SEC. 13. (a) For the purpose of this section, the term—

"(1) 'new vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, to construction of which is initiated after promulgation of standards and regulations under this section;

"(2) 'existing vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated before promulgation of standards and regulations under this section;

"(3) 'public vessel' means a vessel owned or bareboat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce;

"(4) 'United States' includes the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Canal Zone, and the Trust Territory of the Pacific Islands;

"(5) 'marine sanitation device' includes any equipment for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage;

"(6) 'sewage' means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

"(7) 'manufacturer' means any person engaged in the manufacturing, assembling, or importation of marine sanitation devices or of vessels subject to standards and regulations promulgated under this section;

"(8) 'person' means an individual, partnership, firm, corporation, or association, but does not include an individual on board a public vessel;

"(9) 'discharge' includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

"(b)(1) As soon as possible, after the enactment of this section and subject to the provisions of section 5(j) of this Act, the

Secretary, after consultation with the Secretary of the department in which the Coast Guard is operating, after giving appropriate consideration to the economic costs involved and within the limits of available technology, shall promulgate Federal standards of performance for marine sanitation devices (hereafter in this section referred to as 'standards') which shall be designed to prevent the discharge of untreated or inadequately treated sewage into or upon the navigable waters of the United States from new vessels and existing vessels, except vessels not equipped with installed toilet facilities. Such standards shall be consistent with maritime safety and the marine and navigation laws and regulations and shall be coordinated with the regulations issued under this subsection by the Secretary of the department in which the Coast Guard is operating. The Secretary of the department in which the Coast Guard is operating shall promulgate regulations, which are consistent with standards promulgated under this subsection and with maritime safety and the marine and navigation laws and regulations, governing the design, construction, installation, and operation of any marine sanitation device on board such vessels.

"(2) Any existing vessel equipped with a marine sanitation device on the date of promulgation of initial standards and regulations under this section, which device is in compliance with such initial standards and regulations, shall be deemed in compliance with this section until such time as the device is replaced or is found not to be in compliance with such initial standards and regulations.

"(c)(1) Initial standards and regulations under this section shall become effective for new vessels two years after promulgation; and for existing vessels five years after promulgation. Revisions of standards and regulations shall be effective upon promulgation, unless another effective date is specified, except that no revision shall take effect before the effective date of the standard or regulation being revised.

"(2) The Secretary of the department in which the Coast Guard is operating with regard to his regulatory authority established by this section, after consultation with the Secretary, may distinguish among classes, types, and sizes of vessels as well as between new and existing vessels, and may waive applicability of standards and regulations as necessary or appropriate for such classes, types, and sizes of vessels (including existing vessels equipped with marine sanitation devices on the date of promulgation of the initial standards required by this section), and, upon application, for individual vessels.

"(d) The provisions of this section and the standards and regulations promulgated hereunder apply to vessels owned and operated by the United States unless the Secretary of Defense finds that compliance would not be in the interest of national security. With respect to vessels owned and operated by the Department of Defense, regulations under the last sentence of subsection (b)(1) and certifications under subsection (g)(2) of this section shall be promulgated and issued by the Secretary of Defense.

"(e) Before the standards and regulations under this section are promulgated, the Secretary and the Secretary of the department in which the Coast Guard is operating shall consult with the Secretary of State; the Secretary of Health, Education, and Welfare; the Secretary of Defense; the Secretary of the Treasury; the Secretary of Commerce; other interested Federal agencies; and the States and industries interested; and otherwise comply with the requirements of section 553 of title 5 of the United States Code.

"(f) After the effective date of the initial standards and regulations promulgated under this section, no State or political subdivision thereof shall adopt or enforce any statute or regulation of such State or political subdivision with respect to the design, manufacture, or installation or use of any marine sanitation device on any vessel subject to the provisions of this section. Upon application by a State, and where the Secretary determines that any applicable water quality standards require such a prohibition, he shall by regulation completely prohibit the discharge from a vessel of any sewage (whether treated or not) into those waters of such State which are the subject of the application and to which such standards apply.

"(g)(1) No manufacturer of a marine sanitation device shall sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States for sale or resale any marine sanitation device manufactured after the effective date of the standards and regulations promulgated under this section unless such device is in all material respects substantially the same as a test device certified under this subsection.

"(2) Upon application of the manufacturer, the Secretary of the department in which the Coast Guard is operating shall so certify a marine sanitation device if he determines, in accordance with the provisions of this paragraph, that it meets the appropriate standards and regulations promulgated under this section. The Secretary of the department in which the Coast Guard is operating shall test or require such testing of the device in accordance with procedures set forth by the Secretary as to standards of performance and for such other purposes as may be appropriate. If the Secretary of the department in which the Coast Guard is operating determines that the device is satisfactory from the standpoint of safety and any other requirements of maritime law or regulation, and after consideration of the design, installation, operation, material, or other appropriate factors, he shall certify the device. Any device manufactured by such manufacturer which is in all material respects substantially the same as the certified test device shall be deemed to be in conformity with the appropriate standards and regulations established under this section.

"(3) Every manufacturer shall establish and maintain such records, make such reports, and provide such information as the Secretary or the Secretary of the department in which the Coast Guard is operating may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this section and regulations issued thereunder and shall, upon request of an officer or employee duly designated by the Secretary or the Secretary of the department in which the Coast Guard is operating, permit such officer or employee at reasonable times to have access to and copy such records. All information reported to or otherwise obtained by, the Secretary or the Secretary of the department in which the Coast Guard is operating or their representatives pursuant to this subsection which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this section. This paragraph shall not apply in the case of the construction of a vessel by an individual for his own use.

"(h) After the effective date of standards and regulations promulgated under this section, it shall be unlawful—

"(1) for the manufacturer of any vessel subject to such standards and regulations to manufacture for sale, to sell or offer for sale, or to distribute for sale or resale any such vessel unless it is equipped with a marine sanitation device which is in all material respects substantially the same as the appropriate test device certified pursuant to this section;

"(2) for any person, prior to the sale or delivery of a vessel subject to such standards and regulations to the ultimate purchaser, wrongfully to remove or render inoperative any certified marine sanitation device or element of design of such device installed in such vessel;

"(3) for any person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information required under this section; and

"(4) for a vessel subject to such standards and regulations to operate on the navigable waters of the United States, if such vessel is not equipped with an operable marine sanitation device certified pursuant to this section.

"(i) The district courts of the United States shall have jurisdictions to restrain violations of subsection (g)(1) and subsections (h)(1) through (3) of this section. Actions to restrain such violations shall be brought by, and in, the name of the United States. In case of contumacy or refusal to obey a subpena served upon any person under this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(j) Any person who violates subsection (g)(1) or clause (1) or (2) of subsection (h) of this section shall be liable to a civil penalty of not more than $5,000 for each violation. Any person who violates clause (4) of subsection (h) of this section of any regulation issued pursuant to this section shall be liable to a civil penalty of not more than $2,000 for each violation. Each violation shall be a separate offense. The Secretary of the department in which the Coast Guard is operating may assess and compromise any such penalty. No penalty shall be assessed until the person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by said Secretary.

"(k) The provisions of this section shall be enforced by the Secretary of the department in which the Coast Guard is operating and he may utilize by agreement, with or without reimbursement, law enforcement officers or other personnel and facilities of the Secretary, other Federal agencies, or the States to carry out the provisions of this section.

"(l) Anyone authorized by the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this section may, except as to public vessels, (1) board and inspect any vessel upon the navigable waters of the United States and (2) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(m) In the case of Guam, actions arising under this section may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands,

such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the District Court for the District of the Canal Zone.

"AREA ACID AND OTHER MINE WATER POLLUTION CONTROL DEMONSTRATIONS

"SEC. 14. (a) The Secretary in cooperation with other Federal departments, agencies, and instrumentalities is authorized to enter into agreements with any State or interstate agency to carry out one or more projects to demonstrate methods for the elimination or control, within all or part of a watershed, of acid or other mine water pollution resulting from active or abandoned mines. Such projects shall demonstrate the engineering and economic feasibility and practicality of various abatement techniques which will contribute substantially to effective and practical methods of acid or other mine water pollution elimination or control.

"(b) The Secretary, in selecting watersheds for the purposes of this section, shall (1) require such feasibility studies as he deems appropriate, (2) give preference to areas which have the greatest present or potential value for public use for recreation, fish and wildlife, water supply, and other public uses, and (3) be satisfied that the project area will not be affected adversely by the influx of acid or other mine water pollution from nearby sources.

"(c) Federal participation in such projects shall be subject to the conditions—

"(1) that the State or interstate agency shall pay not less than 25 per centum of the actual project costs which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, or personal property or services, the value of which shall be determined by the Secretary; and

"(2) that the State or interstate agency shall provide legal and practical protection to the project area to insure against any activities which will cause future acid or other mine water pollution.

"(d) There is authorized to be appropriated $15,000,000 to carry out the provisions of this section, which sum shall be available until expended. No more than 25 per centum of the total funds available under this section in any one year shall be granted to any one State.

"POLLUTION CONTROL IN GREAT LAKES

"SEC. 15. (a) The Secretary, in cooperation with other Federal departments, agencies, and instrumentalities is authorized to enter into agreements with any State, political subdivision, interstate agency, or other public agency, or combination thereof, to carry out one or more projects to demonstrate new methods and techniques and to develop preliminary plans for the elimination or control of pollution, within all or any part of the watersheds of the Great Lakes. Such projects shall demonstrate the engineering and economic feasibility and practicality of removal of pollutants and prevention of any polluting matter from entering into the Great Lakes in the future and other abatement and remedial techniques which will contribute substantially to effective and practical methods of water pollution elimination or control.

"(b) Federal participation in such projects shall be subject to the condition that the State, political subdivision, interstate agency, or other public agency, or combination thereof, shall pay not less than 25 per centum of the actual project costs, which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, and personal property or services the value of which shall be determined by the Secretary.

"(c) There is authorized to be appropriated $20,000,000 to carry out the provisions of this section, which sum shall be available until expended.

"TRAINING GRANTS AND CONTRACTS

"SEC. 16. The Secretary is authorized to make grants to or contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the preparation of undergraduate students to enter an occupation which involves the design, operation and maintenance of treatment works, and other facilities whose purpose is water quality control. Such grants or contracts may include payment of all or part of the cost of programs or projects such as—

"(A) planning for the development or expansion, of programs or projects for training persons in the operation and maintenance of treatment works;

"(B) training and retraining of faculty members;

"(C) conduct of short-term or regular session institutes for study by persons engaged in, or preparing to engage in, the preparation of students preparing to enter an occupation involving the operation and maintenance of treatment works;

"(D) carrying out innovative and experimental programs of cooperative education involving alternate periods of full-time or part-time academic study at the institution and periods of full-time or part-time employment involving the operation and maintenance of treatment works; and

"(E) research into, and development of, methods of training students or faculty, including the preparation of teaching materials and the planning of curriculum.

"APPLICATION FOR TRAINING GRANT OR CONTRACT; ALLOCATION OF GRANTS OR CONTRACTS

"SEC. 17. (1) A grant or contract authorized by section 16 may be made only upon application to the Secretary at such time or times and containing such information as he may prescribe, except that no such application shall be approved unless it—

"(A) sets forth programs, activities, research, or development for which a grant is authorized under section 16, and describes the relation to any program set forth by the applicant in an application, if any, submitted pursuant to section 18;

"(B) provides such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section; and

"(C) provides for making such reports, in such form and containing such information, as the Secretary may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

"(2) The Secretary shall allocate grants or contracts under section 16 in such manner as will most nearly provide an equitable distribution of the grants or contracts throughout the United States among institutions of higher education which show promise of being able to use funds effectively for the purposes of this section.

"(3)(A) Payment under this section may be used in accordance with regulations of the Secretary, and subject to the terms and conditions set forth in an application approved under subsection (a), to pay part of the compensation of students employed in connection with the operation and maintenance of treatment works, other than as an employee in connection with the operation and maintenance of treatment works or as an employee in any branch of the Government of the United States, as part of a program for which a grant has been approved pursuant to this section.

"(B) Departments and agencies of the United States are encouraged, to the extent consistent with efficient administration, to enter into arrangements with institutions of higher education for the full-time, part-time, or temporary employment, whether in the competitive or excepted service, of students enrolled in programs set forth in applications approved under subsection (a).

"AWARD OF SCHOLARSHIPS

"SEC. 18. (1) The Secretary is authorized to award scholarships in accordance with the provisions of this section for undergraduate study by persons who plan to enter an occupation involving the operation and maintenance of treatment works. Such scholarships shall be awarded for such periods as the Secretary may determine but not to exceed four academic years.

"(2) The Secretary shall allocate scholarships under this section among institutions of higher education with programs approved under the provisions of this section for the use of individuals accepted into such programs, in such manner and according to such plan as will insofar as practicable—

"(A) provide an equitable distribution of such scholarships throughout the United States; and

"(B) attract recent graduates of secondary schools to enter an occupation involving the operation and maintenance of treatment works.

"(3) The Secretary shall approve a program of an institution of higher education for the purposes of this section only upon application by the institution and only upon his finding—

"(A) that such program has as a principal objective the education and training of persons in the operation and maintenance of treatment works;

"(B) that such program is in effect and of high quality, or can be readily put into effect and may reasonably be expected to be of high quality;

"(C) that the application describes the relation of such program to any program, activity, research, or development set forth by the applicant in an application, if any, submitted pursuant to section 16 of this Act; and

"(D) that the application contains satisfactory assurances that (i) the institution will recommend to the Secretary for the award of scholarships under this section, for study in such program, only persons who have demonstrated to the satisfaction of the institution a serious intent, upon completing the program, to enter an occupation involving the operation and maintenance of treatment works, and (ii) the institution will make reasonable continuing efforts to encourage recipients of scholarships under this section, enrolled in such program, to enter occupations involving the operation and maintenance of treatment works upon completing the program.

"(4)(A) The Secretary shall pay to persons awarded scholarships under this section such stipends (including such allowances for subsistence and other expenses for such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"(B) The Secretary shall (in addition to the stipends paid to persons under subsection (a)) pay to the institution of higher education at which such person is pursuing his course of study such amount as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"(5) A person awarded a scholarship under the provisions of this section shall continue to receive the payments provided in this section only during such periods as

the Secretary finds that he is maintaining satisfactory proficiency and devoting full time to study or research in the field in which such scholarship was awarded in an institution of higher education, and is not engaging in gainful employment other than employment approved by the Secretary by or pursuant to regulation.

"(6) The Secretary shall by regulation provide that any person awarded a scholarship under this section shall agree in writing to enter and remain in an occupation involving the design, operation, or maintenance of treatment works for such period after completion of his course of studies as the Secretary determines appropriate.

"DEFINITIONS AND AUTHORIZATIONS

"SEC. 19. As used in sections 16 through 19 of this Act—

"(A) The term 'State' includes the District of Columbia, Puerto Rico, the Canal Zone, Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

"(B) The term 'institution of higher education' means an educational institution described in the first sentence of section 1201 of the Higher Education Act of 1965 (other than an institution of any agency of the United States) which is accredited by a nationally recognized accrediting agency or association approved by the Secretary for this purpose. For purposes of this subsection, the Secretary shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

"(C) The term 'academic year' means an academic year or its equivalent, as determined by the Secretary.

"(2) The Secretary shall annually report his activities under sections 16 through 19 of this Act, including recommendations for needed revisions in the provisions thereof.

"(3) There are authorized to be appropriated $12,000,000 for the fiscal year ending June 30, 1970, $25,000,000 for the fiscal year ending June 30, 1971, and $25,000,000 for the fiscal year ending June 30, 1972, to carry out sections 16 through 19 of this Act (and planning and related activities in the initial fiscal year for such purpose). Funds appropriated for the fiscal year ending June 30, 1970, under authority of this subsection shall be available for obligation pursuant to the provisions of sections 16 through 19 of this Act during that year and the succeeding fiscal year.

"ALASKA VILLAGE DEMONSTRATION PROJECTS

"SEC. 20. (a) The Secretary is authorized to enter into agreements with the State of Alaska to carry out one or more projects to demonstrate methods to provide for central community facilities for safe water and the elimination or control of water pollution in those native villages of Alaska without such facilities. Such projects shall include provisions for community safe water supply systems, toilets, bathing and laundry facilities, sewage disposal facilities, and other similar facilities, and educational and informational facilities and programs relating to health and hygiene. Such demonstration projects shall be for the further purpose of developing preliminary plans for providing such safe water and such elimination or control of water pollution for all native villages in such State.

"(b) In carrying out this section the Secretary shall cooperate with the Secretary of Health, Education, and Welfare for the purpose of utilizing such of the personnel and facilities of that Department as may be appropriate.

"(c) The Secretary shall report to Congress not later than January 31, 1973, the results of the demonstration projects authorized by this section together with his recommendations, including any necessary legislation, relating to the establishment of a statewide program.

"(d) There is authorized to be appropriated not to exceed $1,000,000 to carry out this section."

SEC. 103. Redesignated section 21 of the Federal Water Pollution Control Act, as amended to read as follows:

"COOPERATION BY ALL FEDERAL AGENCIES IN THE CONTROL OF POLLUTION

"SECTION 21. (a) Each Federal agency (which term is used in this section includes Federal departments, agencies, and instrumentalities) having jurisdiction over any real property or facility, or engaged in any Federal public works activity of any kind, shall, consistent with the paramount interest of the United States as determined by the President, insure compliance with applicable water quality standards and the purposes of this Act in the administration of such property, facility, or activity. In his summary of any conference pursuant to section 10(d)(4) of this Act, the Secretary shall include references to any discharges allegedly contributing to pollution from any such Federal property, facility, or activity, and shall transmit a copy of such summary to the head of the Federal agency having jurisdiction of such property, facility, or activity. Notice of any hearing pursuant to section 10(f) of this Act involving any pollution alleged to be effected by any such discharges shall also be given to the Federal agency having jurisdiction over the property, facility, or activity involved, and the findings and recommendations of the hearing board conducting such hearing shall include references to any such discharges which are contributing to the pollution found by such board.

"(b)(1) Any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters of the United States, shall provide the licensing or permitting agency a certification from the State in which the discharge originates or will originate, or, if appropriate, from the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate, that there is reasonable assurance, as determined by the State or interstate agency that such activity will be conducted in a manner which will not violate applicable water quality standards. Such State or interstate agency shall establish procedures for public notice in the case of all applications for certification by it, and to the extent it deems appropriate, procedures for public hearings in connection with specific applications. In any case where such standards have been promulgated by the Secretary pursuant to section 10(c) of this Act, or where a State or interstate agency has no authority to give such a certification, such certification shall be from the Secretary. If the State, interstate agency, or Secretary, as the case may be, fails or refuses to act on a request for certification, within a reasonable period of time (which shall not exceed one year) after receipt of such request, the certification requirements of this subsection shall be waived with respects to such Federal application. No license or permit shall be granted until the certification required by this section has been obtained or has been waived as provided in the preceding sentence. No license or permit shall be granted if certification has been denied by the State, interstate agency, or the Secretary, as the case may be.

"(2) Upon receipt of such application and certification the licensing or permitting agency shall immediately notify the Secretary of such application and certification. Whenever such a discharge may affect, as determined by the Secretary, the quality of the waters of any other State, the Secretary within thirty days of the date of notice of application for such Federal license or permit shall so notify such other State, the licensing or permitting agency, and the applicant. If, within sixty days after receipt of such notification, such other State determines that such discharge will affect the quality of its waters so as to violate its water quality standards, and within such sixty-day period notifies the Secretary and the licensing or permitting agency in writing of its objection to the issuance of such license or permit and requests a public hearing on such objection, the licensing or permitting agency shall hold such a hearing. The Secretary shall at such hearing submit his evaluation and recommendations with respect to any such objection to the licensing or permitting agency. Such agency, based upon the recommendations of such State, the Secretary, and upon any additional evidence, if any, presented to the agency at the hearing, shall condition such license or permit in such manner as may be necessary to insure compliance with applicable water quality standards. If the imposition of conditions cannot insure such compliance such agency shall not issue such license or permit.

"(3) The certification obtained pursuant to paragraph (1) of this subsection with respect to the construction of any facility shall fulfill the requirements of this subsection with respect to certification in connection with any other Federal license or permit required for the operation of such facility unless, after notice to the certifying State, agency, or Secretary, as the case may be, which shall be given by the Federal agency to whom application is made for such operating license or permit, the State, or if appropriate, the interstate agency or the Secretary, notifies such agency within sixty days after receipt of such notice that there is no longer reasonable assurance that there will be compliance with applicable water quality standards because of changes since the construction license or permit certification was issued in (A) the construction or operation of the facility, (B) the characteristics of the waters into which such discharge is made, or (C) the water quality standards applicable to such waters. This paragraph shall be inapplicable in any case where the applicant for such operating license or permit has failed to provide the certifying State, or if appropriate, the interstate agency or the Secretary, with notice of any proposed changes in the construction or operation of the facility with respect to which a construction license or permit has been granted which changes may result in violation of applicable water quality standards.

"(4) Prior to the initial operation of any federally licensed or permitted facility or activity which may result in any discharge into the navigable waters of the United States and with respect to which a certification has been obtained pursuant to paragraph (1) of this subsection, which facility or activity is not subject to a Federal operating license or permit, the licensee or permittee shall provide an opportunity for such certifying State or, if appropriate, the interstate agency or the Secretary to review the manner in which the facility or activity shall be operated or conducted for the purposes of assuring that applicable water quality standards will not be violated. Upon notification by the certifying State or, if appropriate, the interstate agency or the Secretary that the operation of any such federally licensed or permitted facility or activity will violate applicable water quality standards, such Federal agency may, after public hearing, suspend such license or permit. If such license or permit is suspended, it shall remain suspended until notification is received from the certifying State, agency, or Secretary, as the case may be, that there is reasonable assurance that such facility or activity will not violate applicable water quality standards.

"(5) Any Federal license or permit with respect to which a certification has been obtained under paragraph (1) of this subsection may be suspended or revoked by the Federal agency issuing such license or permit upon the entering of a judgment under section 10(h) of this Act that such facility or activity has been operated in violation of applicable water quality standards.

"(6) No Federal agency shall be deemed to be an applicant for the purposes of this subsection.

"(7) In any case where actual construction of a facility has been lawfully commenced prior to the date of enactment of the Water Quality Improvement Act of 1970, no certification shall be required under this subsection for a license or permit issued after the date of enactment of such Act of 1970 to operate such facility, except that any such license or permit issued without certification shall terminate at the end of the three-year period beginning on the date of enactment of such Act of 1970 unless prior to such termination date the person having such license or permit submits to the Federal agency which issued such license or permit a certification and otherwise meets the requirements of this subsection.

"(8) Except as provided in paragraph (7), any application for a license or permit (A) that is pending on the date of enactment of the Water Quality Improvement Act of 1970 and (B) that is issued within one year following such date of enactment shall not require certification pursuant to this subsection for one year following the issuance of such license or permit, except that any such license or permit issued shall terminate at the end of one year unless prior to that time the licensee or permittee submits to the Federal agency that issued such license or permit a certification and otherwise meets the requirements of this subsection.

"(9)(A) In the case of any activity which will affect water quality but for which there are no applicable water quality standards, no certification shall be required under this subsection, except that the licensing or permitting agency shall impose, as a condition of any license or permit, a requirement that the licensee or permittee shall comply with the purposes of this Act.

"(B) Upon notice from the State in which the discharge originates or, as appropriate, the interstate agency or the Secretary, that such licensee or permittee has been notified of the adoption of water quality standards applicable to such activity and has failed, after reasonable notice, of not less than six months, to comply with such standards, the license or permit shall be suspended until notification is received from such State or interstate agency or the Secretary that there is reasonable assurance that such activity will comply with applicable water quality standards.

"(c) Nothing in this section shall be construed to limit the authority of any department or agency pursuant to any other provision of law to require compliance with applicable water quality standards. The Secretary shall, upon the request of any Federal department or agency, or State or interstate agency, or applicant, provide, for the purpose of this section, any relevant information on applicable water quality standards, and shall, when requested by any such department or agency or State or interstate agency, or applicant, comment on any methods to comply with such standards.

"(d) In order to implement the provisions of this section, the Secretary of the Army, acting through the Chief of Engineers, is authorized, if he deems it to be in the public interest, to permit the use of spoil disposal areas under his jurisdiction by Federal licensees or permittees, and to make an appropriate charge for such use. Moneys received from such licensees or permittees shall be deposited in the Treasury as miscellaneous receipts."

SEC. 104. Redesignated section 22 of the Federal Water Pollution Control Act, as amended, is amended by adding at the end thereof the following:

"(f)(1) It is the purpose of this subsection to authorize a program which will provide official recognition by the United States Government to those industrial organizations and political subdivisions of States which during the preceding year demonstrated an outstanding technological achievement or an innovative process, method or device in their waste treatment and pollution abatement programs. The Secretary shall, in consultation with the appropriate State water pollution control agency, establish regulations under which such recognition may be applied for and granted, except that no applicant shall be eligible for an award under this subsection if such applicant is not in total compliance with all applicable water quality standards under this Act, and otherwise does not have a satisfactory record with respect to environmental quality.

"(2) The Secretary shall award a certificate or plaque of suitable design to each industrial organization or political subdivision which qualifies for such recognition under regulations established by this subsection.

"(3) The President of the United States, the Governor of the appropriate State, the Speaker of the House of Representatives, and the President pro tempore of the Senate shall be notified of the award by the Secretary, and the awarding of such recognition shall be published in the Federal Register."

SEC. 105. Section 5 of the Federal Water Pollution Control Act, as amended, is amended as follows:

(1) by redesignating subsections (g) and (h) as (m) and (n), respectively, including all references thereto;

(2) by inserting after subsecton (f) the following new subsections:

"(g)(1) For the purpose of providing an adequate supply of trained personnel to operate and maintain existing and future treatment works and related activities, and for the purpose of enhancing substantially the proficiency of those engaged in such activities, the Secretary shall finance a pilot program, in cooperation with State and interstate agencies, municipalities, educational institutions, and other organizations and individuals, of manpower development and training and retraining of persons in, or entering into, the field of operation and maintenance of treatment works and related activities. Such program and any funds expended for such a program shall supplement, not supplant, other manpower and training programs and funds available for the purposes of this paragraph. The Secretary is authorized, under such terms and conditions as he deems appropriate, to enter into agreements with one or more States, acting jointly or severally, or with other public or private agencies or institutions for the development and implementation of such a program.

"(2) The Secretary is authorized to enter into agreements with public and private agencies and institutions, and individuals to develop and maintain an effective system for forecasting the supply of, and demand for, various professional and other occupational categories needed for the prevention, control, and abatement of water pollution in each region, State, or area of the United States and, from time to time, to publish the results of such forecasts.

"(3) In furtherance of the purposes of this Act, the Secretary is authorized to—

"(A) make grants to public or private agencies and institutions and to individuals for training projects, and provide for the conduct of training by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes;

"(B) establish and maintain research fellowships in the Department of the Interior with such stipends and allowances, including traveling and subsistence expenses, as he may deem necessary to procure the assistance of the most promising research fellowships; and

"(C) provide, in addition to the program established under paragraph (1) of this subsection, training in technical matters relating to the causes, prevention, and control of water pollution for personnel of public agencies and other persons with suitable qualifications.

"(4) The Secretary shall submit, through the President, a report to the Congress within eighteen months from the date of enactment of this subsection, summarizing the actions taken under this subsection and the effectiveness of such actions, and setting forth the number of persons trained, the occupational categories for which training was provided, the effectiveness of other Federal, State, and local training programs in this field, together with estimates of future needs, recommendations on improving training programs, and such other information and recommendations, including legislative recommendations, as he deems appropriate.

"(h) The Secretary is authorized to enter into contracts with, or make grants to, public or private agencies and organizations and individuals for (A) the purpose of developing and demonstrating new or improved methods for the prevention, removal, and control of natural or manmade pollution in lakes, including the undesirable effects of nutrients and vegetation, and (B) the construction of publicly owned research facilities for such purpose.

"(i) The Secretary shall—

"(A) engage in such research, studies, experiments, and demonstrations as he deems appropriate, relative to the removal of oil from any waters and to the prevention and control of oil pollution;

"(B) publish from time to time the results of such activities; and

"(C) from time to time, develop and publish in the Federal Register specifications and other technical information on the various chemical compounds used as dispersants or emulsifiers in the control of oil spills.

In carrying out this subsection, the Secretary may enter into contracts with, or make grants to, public or private agencies and organizations and individuals.

"(j) The Secretary shall engage in such research, studies, experiments, and demonstrations as he deems appropriate relative to equipment which is to be installed on board a vessel and is designed to receive, retain, treat, or discharge human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes with particular emphasis on equipment to be installed on small recreational vessels. The Secretary shall report to Congress the results of such research, studies, experiments, and demonstrations prior to the effective date of any standards established under section 13 of this Act. In carrying out this subsection the Secretary may enter into contracts with, or make grants to, public or private organizations and individuals.

"(k) In carrying out the provisions of this section relating to the conduct by the Secretary of demonstration projects and the development of field laboratories and research facilities, the Secretary may acquire land and interests therein by purchase, with appropriated or donated funds, by donation, or by exchange for acquired or public lands under his jurisdiction which he classifies as suitable for disposition. The values of the

properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

"(1)(1) The Secretary shall, after consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, as soon as practicable but not later than two years after the effective date of this subsection, develop and issue to the States for the purpose of adopting standards pursuant to section 10(c) the latest scientific knowledge available in indicating the kind and extent of effects on health and welfare which may be expected from the presence of pesticides in the water in varying quantities. He shall revise and add to such information whenever necessary to reflect developing scientific knowledge.

"(2) For the purpose of assuring effective implementation of standards adopted pursuant to paragraph (1) the President shall, in consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, conduct a study and investigation of methods to control the release of pesticides into the environment which study shall include examination of the persistency of pesticides in the water environment and alternatives thereto. The President shall submit a report on such investigation to Congress together with his recommendations for any necessary legislation within two years after the effective date of this subsection."

(3) in redesignated subsection (m)(4) by striking out the words "and June 30, 1969," and inserting in lieu thereof "June 30, 1969, June 30, 1970, and June 30, 1971,";

(4) by amending the first sentence of redesignated subsection (n) to read as follows: "There is authorized to be appropriated to carry out this section, other than subsection (g)(1) and (2), not to exceed $65,000,000 per fiscal year for each of the fiscal years ending June 30, 1969, June 30, 1970, and June 30, 1971. There is authorized to be appropriated to carry out subsection (g)(1) of this section $5,000,000 for the fiscal year ending June 30, 1970, and $7,500,000 for the fiscal year ending June 30, 1971. There is authorized to be appropriated to carry out subsection (g)(2) of this section $2,500,000 per fiscal year for each of the fiscal years ending June 30, 1970, and June 30, 1971.".

SEC. 106. Section 6(e) of the Federal Water Pollution Control Act (33 U.S.C. 466c–1) is amended as follows:

(1) Paragraph (1) is amended by striking out "three succeeding fiscal years" and inserting in lieu thereof "five succeeding fiscal years,".

(2) Paragraph (2) is amended by striking out "two succeeding fiscal years," and inserting in lieu thereof "four succeeding fiscal years,".

(3) Paragraph (3) is amended by striking out "two succeeding fiscal years," and inserting in lieu thereof "four succeeding fiscal years,".

SEC. 107. Redesignated section 24 of the Federal Water Pollution Control Act, as amended, is amended by deleting the following: "the Oil Pollution Act, 1924, or".

SEC. 108. The Oil Pollution Act, 1924 (43 Stat. 604), as amended (80 Stat. 1246–1252), is hereby repealed.

SEC. 109. The Secretary of the Interior shall conduct a full and complete investigation and study of the feasibility of all methods of financing the cost of preventing, controlling, and abating water pollution, other than methods authorized by existing law. The results of such investigation and study shall be reported to Congress no later than December 31, 1970, together with the recommendations of the Secretary for financing the programs for preventing, controlling, and abating water pollution for the fiscal years beginning after fiscal year 1971, including any necessary legislation.

SEC. 110. (a) The first sentence of section 2 of the Federal Water Pollution Control Act (33 U.S.C. 466–1) is amended by striking out "Federal Water Pollution Control Administration" and inserting in lieu thereof "Federal Water Quality Administration".

(b) Any other law, reorganization plan, regulation, map, document, record, or other paper of the United States in which the Federal Water Pollution Control Administration is referred to shall be held to refer to the Federal Water Quality Administration.

SEC. 111. Section 8(c) of the Federal Water Pollution Control Act is amended in the fourth sentence by inserting after "because of lack of funds" the following: "including States having projects eligible for reimbursement pursuant to the sixth and seventh sentences of this subsection".

SEC. 112. Section 10 of the Federal Water Pollution Control Act, as amended, is amended by adding at the end of subsection (c)(3) the following new sentence: "In establishing such standards the Secretary, the hearing board, or the appropriate State authority shall take into consideration their use and value for navigation."

TITLE II—ENVIRONMENTAL QUALITY

SHORT TITLE

SEC. 201. This title may be cited as the "Environmental Quality Improvement Act of 1970."

FINDINGS, DECLARATIONS, AND PURPOSES

SEC. 202. (a) The Congress finds—

(1) that man has caused changes in the environment;

(2) that many of these changes may affect the relationship between man and his environment; and

(3) that population increases and urban concentration contribute directly to pollution and the degradation of our environment.

(b)(1) The Congress declares that there is a national policy for the environment which provides for the enhancement of environmental quality. This policy is evidenced by statutes heretofore enacted relating to the prevention, abatement, and control of environmental pollution, water and land resources, transportation, and economic and regional development.

(2) The primary responsibility for implementing this policy rests with State and local governments.

(3) The Federal Government encourages and supports implementation of this policy through appropriate regional organizations established under existing law.

(c) The purposes of this title are—

(1) to assure that each Federal department and agency conducting or supporting public works activities which affect the environment shall implement the policies established under existing law; and

(2) to authorize an Office of Environmental Quality, which, notwithstanding any other provision of law, shall provide the professional and administrative staff for the Council on Environmental Quality established by Public Law 91–190.

OFFICE OF ENVIRONMENTAL QUALITY

SEC. 203 (a) There is established in the Executive Office of the President an office to be known as the Office of Environmental Quality (hereafter in this title referred to as the "Office"). The Chairman of the Council on Environmental Quality established by Public Law 91–190 shall be the Director of the Office. There shall be in the Office a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) The compensation of the Deputy Director shall be fixed by the President at a rate not in excess of the annual rate of compensation payable to the Deputy Director of the Bureau of the Budget.

(c) The Director is authorized to employ such officers and employees (including experts and consultants) as may be necessary to enable the Office to carry out its functions under this title and Public Law 91–190, except that he may employ no more than ten specialists and other experts without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and pay such specialists and experts without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but no such specialist or expert shall be paid at a rate in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of title 5.

(d) In carrying out his functions the Director shall assist and advise the President on policies and programs of the Federal Government affecting environmental quality by—

(1) providing the professional and administrative staff and support for the Council on Environmental Quality established by Public Law 91–190;

(2) assisting the Federal agencies and departments in appraising the effectiveness of existing and proposed facilities, programs, policies, and activities of the Federal Government, and those specific major projects designated by the President which do not require individual project authorization by Congress, which affect environmental quality;

(3) reviewing the adequacy of exiting systems for monitoring and predicting environmental changes in order to achieve effective coverage and efficient use of research facilities and other resources;

(4) promoting the advancement of scientific knowledge of the effects of actions and technology on the environment and encourage the development of the means to prevent or reduce adverse effects that endanger the health and well-being of man;

(5) assisting in coordinating among the Federal departments and agencies those programs and activities which affect, protect, and improve environmental quality;

(6) assisting the Federal departments and agencies in the development and interrelationship of environmental quality criteria and standards established through the Federal Government.

(7) collecting, collating, analyzing, and interpreting data and information on environmental quality, ecological research, and evaluation.

(e) The Director is authorized to contract with public or private agencies, institutions, and organizations and with individuals without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5) in carrying out his functions.

REPORT

SEC. 204. Each Environmental Quality Report required by Public Law 91–190 shall, upon transmittal to Congress, be referred to each standing committee having jurisdiction over any part of the subject matter of the Report.

AUTHORIZATION

SEC. 205. There are hereby authorized to be appropriated not to exceed $500,000 for the fiscal year ending June 30, 1970, not to exceed $750,000 for the fiscal year ending June 30, 1971, not to exceed $1,250,000 for the fiscal year ending June 30, 1972, and not to exceed $1,500,000 for the fiscal year ending

June 30, 1973. These authorizations are in addition to those contained in Public Law 91-190.

JOHN A. BLATNIK,
ROBERT E. JONES,
JIM WRIGHT,
GEORGE H. FALLON,
WILLIAM C. CRAMER,
WILLIAM HARSHA,
JAMES R. GROVER, JR.,
Managers on the Part of the House.

EDMUND S. MUSKIE,
JENNINGS RANDOLPH,
BIRCH BAYH,
JOSEPH M. MONTOYA,
J. CALEB BOGGS,
JOHN SHERMAN COOPER,
HOWARD BAKER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4148) to amend the Federal Water Pollution Control Act, as amended, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment to the text of the bill struck out all of the House bill after the enacting clause and inserted a substitute. The House recedes from its disagreement to the amendment of the Senate, with an amendment which is a substitute for both the House bill and the Senate amendment. The differences between the House bill and the substitute agreed to in conference are noted below except for minor technical and clarifying changes made necessary by reason of the conference agreement.

CONTROL OF POLLUTION BY OIL

House bill

Section 2 of the House bill adds seven new sections to the Federal Water Pollution Control Act. The proposed new section 17 deals with control of pollution by oil and other matter.

Section 17(a) would define various terms used in this new section.

Paragraph (1) would define the term "oil" to include fuel oil, sludge, and oil refuse, but to exclude oil mixed with dredged spoil.

Paragraph (2) would define the term "matter" to include any substance which, when discharged in substantial quantities, presents, in the judgment of the Secretary of the Interior, an imminent and substantial hazard to the public health or welfare. The definition specifically excludes from this term oil, dredged spoil, and sanitary wastes, and certain material now covered by the Atomic Energy Act of 1954. Under this definition, the Secretary would be expected to publish a list from time to time of the types of substances included in this definition in order to inform the public in accordance with established administrative procedures.

Paragraph (3) defines the term "discharge."

Paragraph (4) defines the term "remove or removal" to mean the taking of reasonable and appropriate measures to mitigate the potential damage that a discharge of oil or matter might have on the public health or welfare including fish, shellfish, wildlife, and private and public beaches and shorelines.

Paragraphs (5) and (6) define the terms "vessel" and "public vessel."

Paragraph (7) defines the term "United States."

Paragraph (8) defines the term "owner or operator."

Paragraph (9) defines the term "person."

Paragraph (10) defines the term "contiguous zone" which means the zone established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone.

Section 17(b) would require that any individual in charge of a vessel, other than a public vessel or an offshore or onshore facility or a Federal or State facility, at the time of a discharge of oil in substantial quantities into the navigable waters of the United States or into the waters of the contiguous zone must immediately notify either the Secretary of the Interior or the Coast Guard as soon as he has knowledge of the discharge.

This section would also provide a criminal penalty for any individual in charge of such vessel or facility who fails to notify the Secretary or the Coast Guard of a discharge. The term "individual in charge" is deliberately designed to cover only supervisory personnel who have the responsibility for the particular vessel or facility and not to include other employees.

Section 17(c)(1) would prohibit the discharge of oil or matter in substantial quantities from any vessel into or upon the navigable waters of the United States or adjoining shorelines or beaches, or into or upon the waters of the contiguous zone, if such oil threatens to pollute or contribute to the pollution of the territorial sea of the United States, and subjects violators to the penalties in section 17(c)(2). The section excepts from this prohibition various circumstances such as acts of war or sabotage or acts of God, or unavoidable accidents, collisions, or strandings, or discharges permitted under article IV of the 1954 International Convention for the Prevention of Pollution of the Sea by Oil.

Section 17(c)(2) would provide a civil penalty against the owner or operator of a vessel, except a public vessel, and against the vessel of up to $10,000 where there is a willful or negligent discharge of oil or matter in substantial quantities from such vessel. No penalty can be assessed unless the owner or operator or vessel is given notice and an opportunity for a hearing. Each violation is a separate offense. The penalties will be assessed by the Coast Guard. In determining the amount of the penalty or in compromising the penalty, the Coast Guard must take into consideration the size of the business, the ability of the owner or operator to continue in business, and the gravity of the violation. Provision is made for withholding clearance of the vessel until the penalty is paid and for the filing of bonds or other sureties. The penalty will constitute a lien on the vessel which may be recovered in an action in rem.

Section 17(d)(1) would require that the United States remove or arrange for the removal of any oil or matter discharged into any waters, shorelines, or beaches, when in the judgment of the Secretary of the Interior, such discharged oil or matter presents an actual or threatened pollution hazard without regard to any question of fault. Under this section, the United States would only exercise this authority if the United States determines that the owner or operator or a vessel or facility has not made adequate arrangements for removal of the oil or matter as required by this legislation.

Section 17(d)(2) would authorize the United States, in the case of a marine disaster within the navigable waters of the United States which has created a substantial threat of a pollution hazard because of an actual or imminent discharge of oil or matter from the vessel, to coordinate and direct public and private efforts in the removal or alleviation of the threat, and to remove summarily and if necessary destroy the vessel by whatever means are available. The expense of removing the vessel shall be charged against the vessel's cargo and the owner or operator where it is shown that negligent operation of the vessel caused or contributed to the marine disaster. If the owner or operator fails to reimburse the United States of such expense within a specified time, the United States may sell the vessel or its cargo, and deposit the proceeds in the revolving fund established by this section.

Section 17(e)(1) would require that the owner or operator of a vessel who willfully or negligently discharges or permits or causes or contributes to the discharge of oil or matter into the navigable waters of the United States or adjoining shorelines or beaches, or into the waters of the contiguous zone, immediately remove the discharged oil or matter in accordance with the regulations prescribed by this section. In any case where the United States removes the oil or matter, the vessel and the owner or operator shall be liable to the United States for the cost thereof. The liability to the United States, however, with respect to each offending vessel and the owner or operator of each offending vessel shall not exceed $10 million or $100 per gross registered ton, whichever is the lesser amount. This limitation on liability is intended to be the only limitation on liability for discharge of oil or matter under this section, notwithstanding any other provisions of law. This section would provide for the withholding of clearance of a vessel until these costs are paid and for posting of bonds or other sureties. It also provides for the establishment of a maritime lien on the vessel which may be recovered in an action in rem.

This section would also authorize the United States to bring an action against the owner or operator in any court of competent jurisdiction to recover such costs. The United States shall also have a cause of action against any other owner or operator or vessel whose willful act or negligence was found to cause or contribute to the discharge of the oil where there has been a collision or other casualty.

Section 17(e)(2) would provide that, in case of any action instituted by the United States to recover its cost of cleanup and certain penalties under this section, the evidence of a discharge of oil or matter shall constitute a prima facie case of liability to the United States on the part of the owner or operator of the vessel or the person owning or operating an onshore or offshore facility. The burden of rebutting such prima facie case would be on the owner or operator or person as appropriate. This burden, however, shall not affect any rights which such owner or operator or person may have against other vessels or facilities or owners or operators or persons whose willful act or negligence may in some way have caused or contributed to the discharge.

Section 17(f)(1) would require that any person who owns or operates an onshore facility other than a Federal- or State-owned facility and who willfully or negligently discharges or permits the discharge of oil or matter into any waters must immediately remove the oil or matter in accordance with the regulations prescribed under this section.

Section 17(f)(2) would require that any person who owns or operates an offshore facility other than a Federal or State facility which is located within the seaward boundaries of a State as defined in the Submarginal Lands Act of 1953, and who willfully or negligently discharges or permits the discharge of oil or matter from such facility into any waters or shorelines or beaches, must immediately remove the oil or matter under the regulations prescribed under this section.

Section 17(f)(3) would provide that if the United States removes oil or matter discharged from any onshore or offshore facility just mentioned, the person who owns or operates the facility shall be liable to the United States for the cost incurred therein provided that such liability shall not exceed

$8 million. The Secretary shall establish by regulation, in consultation with the Secretary of Commerce and the Small Business Administration, reasonable and equitable classifications of onshore facilities and activities and apply with respect to such classifications differing limits of liability which may be less than such $8 million limitation and none of which shall be in excess of $8 million. The classifications would take into account the types of businesses and other facilities affected. The provisions of section 17(f)(3) shall not apply to any onshore facility until it comes within the classification established by the Secretary. The Secretary's classification, however, shall not be established until the expiration of at least 60 days after notification to the Congress of such intended classification.

Section 17(f)(5) would provide that the provisions in section 17(f) relative to the imposition of any requirement or liability limitations on onshore or offshore facilities with respect to the discharge of oil or matter into any waters within the jurisdiction of a State shall not be considered as an attempt to preempt the authority of the State or any political subdivision thereof to impose additional requirements on such facilities.

Section 17(g)(1) would require that within 60 days after the enactment of this section the Secretary of the Interior must issue regulations establishing environmental quality criteria relative to methods and procedures of removing discharged oil and matter and that the Coast Guard must by regulations establish procedures, methods, or equipment consistent with such regulations for the removal of such discharged oil or matter. The objective of these regulations would be to insure that the waters, beaches, and shorelines, including the marine environment, will not be damaged through the use of harmful chemicals or other materials. This section would also provide for the issuance, by the Coast Guard of regulations establishing procedures, methods, and equipment to prevent discharges of oil from vessels, within 60 days after enactment. These regulations may be revised from time to time.

Section 17(g)(2) would establish civil penalties for the violation of any regulations issued under subsection 17(g)(1) relative to the removal of discharged oil or matter. Each violation would be a separate offense and the Coast Guard would assess the penalty and other compromise. The penalty shall not be assessed until notice and an opportunity for a hearing have been given. In order to collect the penalty finally, the United States would have to file a civil action in the U.S. district courts which will provide a de novo proceeding.

Section 17(h)(1) of the bill would establish a revolving fund in the Treasury to be administered by the Coast Guard of not to exceed $20 million and authorize appropriations in that amount to the fund as well as the depositing of other revenues received by the United States under this section 17 of the act. Sums deposited into the fund shall be available to reimburse a State or political subdivision thereof that assists in the removal of any discharged oil or matter. The moneys in the fund shall be available until expended.

Section 17(h)(2) would provide for the delegation by the President within 90 days after the enactment of this section of the authority for the United States to remove discharged oil or matter to the Coast Guard or to the Secretaries of Defense or Interior or other Federal agencies in accordance with any national contingency plan or revision thereof which has been approved by the President, including regional contingency plans. Each agency to which this authority is delegated will be able to utilize the personnel, services, and facilities of other Federal and State agencies.

Section 17(h)(3) would authorize the Secretary of the Interior to issue regulations in consultation with the Coast Guard permitting discharges of oil or matter under such conditions as he may prescribe and at time and locations deemed appropriate by him.

Section 17(h)(4) would provide that the provisions prohibiting discharges of oil or matter from vessels and the regulations issued under section 17(g) of this section shall be enforced by the Coast Guard and that the Coast Guard may utilize the services of other Federal and State agencies in carrying out these provisions.

Section 17(h)(5) would authorize the Coast Guard to board and inspect facilities and to make arrests in connection with any violations of this act.

Section 17(h)(6) would provide for the bringing of actions in certain courts where violations have occurred in Guam, the Virgin Islands. American Samoa, and the Trust Territory of the Pacific Islands.

Section 17(i) would provide that the provisions of section 17 shall not affect or modify the obligations of any owner or operator of any vessel or onshore or offshore facility under other provisions of law for damages to public or privately owned property which might occur as a result of a discharge of oil or matter or as a result of actions taken in the removal of such discharges.

Section 17(j) would provide that the provisions of section 17 shall not be construed as authorizing either the Secretary of the Interior or the Coast Guard to regulate the operations or construction of any onshore or offshore facility. This section also would provide that the provisions of section 17 shall not be construed as affecting or modifying any other existing authorities of either Secretary relative to such facilities under this act or any other provision of law.

Section 17(k)(1) would provide that any vessel over 100 gross registered tons which uses any port or place in the United States or the navigable waters of the United States for any purpose must establish evidence of financial responsibility to meet the maximum potential liability to the United States which the vessel could be subjected to for the willful or negligent discharge of oil or matter under this section. The financial responsibility should be established pursuant to regulations to be prescribed from time to time by the agency head to which the President has delegated this responsibility. Financial responsibility may include insurance policies, bonds, evidence of self-insurance, or evidences of such responsibility that the agency head deems appropriate. All bonds filed must be issued by a bonding company authorized to do business in the United States. Provisions of financial responsibility also apply to barges that are equivalent in size to vessels over 100 tons.

Section 17(k)(2) would provide that the financial responsibility provisions of section 17(k)(1) shall become effective 1 year after enactment of this section. The President is required to delegate this responsibility to the appropriate agency head within 60 days after enactment. In addition, the necessary regulations to implement this section must be issued within 6 months after the effective date of the section.

Section 17(k)(3) directs that the Secretary of Transportation, in consultation with the Secretaries of Interior, State, Commerce, and other Federal agencies such as the Small Business Administration and representatives of various industries such as the merchant marine, oil, and insurance industries and other interested persons conduct a study relative to other measures to provide financial responsibility and limitations of liability with regard to vessels and measures to provide financial responsibility for onshore and offshore facilities, and finally measures relative to the limitations of liability on such facilities in relation to the cost of removing discharged oil or matter and the payment of all damages that may result from the discharge of oil or matter and from the removal of the discharges. The study is to be completed by January 1, 1971, and a report sent to the Congress with appropriate recommendations, including legislative recommendations.

Senate amendment

Section 102 of the Senate amendment would, among other things, add to the Federal Water Pollution Control Act a new section 12 relating to control of oil discharges.

The new section 12 is concerned with the control and cleanup of oil discharges into inland waters of the United States and waters of the U.S. territorial seas, and in the case of vessels. into the waters of the 9-mile zone contiguous to the territorial sea. It does not apply to discharges from offshore facilities covered by leases and regulations under the Outer Continental Shelf Lands Act, but does not in any way affect claims to persons or agencies damaged by such discharges.

Section 12(a) would define the various terms used in the section.

The definition of "oil" is very broad, and only specifically excludes dredged spoil.

The definition of "discharge" is designed to cover by its broad terms all possible means of fouling the waters with oil.

The definition of a "vessel" is identical to that in section 3, Title 1, United States Code, and would include all vessels, both foreign and domestic.

The definition of the term "public vessel" would cover Federal- and State-owned and operated vessels and vessels owned and operated by a foreign country, except those not engaged in commerce.

The definition of "United States" includes Guam, America Samoa, the Virgin Islands, Puerto Rico, the Canal Zone, and the Trust Territory of the Pacific Islands, as well as all the States and the District of Columbia.

The definition of "owner and operator" would include individuals or organizations, such as a corporation, association, firm, or partnership, that own, operate, charter by demise, a vessel, or own or operate an onshore or offshore facility.

The definition of a "contiguous zone" is the zone established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone (TIAS 5639) .

The definition of "onshore and offshore facilities" distinguishes between drilling and production facilities and other facilities. Drilling and production facilities and related appurtenances, such as pipelines, platforms, barges used for drilling purposes, etc., are those that are used or capable of being used solely for the purpose of exploring for, drilling, or producing oil. The other facilities are those that are used or capable of being used to process, transport, or transfer oil, or to store oil commercially. Neither definition applies to individual homes where oil is stored, or small businesses other than marine facilities which are used or capable of being used to store 500 barrels of oil or less. Few existing or planned service stations have a storage capacity of more than 500 barrels. In either case, the facility could be located either permanently or temporarily on dry land or land under the navigable waters of the United States which includes inland waters and coastal waters out to the 3-mile territorial sea limit.

The definition of an "act of God" means an act occasioned exclusively by violence of nature without the interference of any human action.

Section 12(b)(1) would prohibit all oil discharges into U.S. waterways and the water of the contiguous zone from any source, except where permitted under a 1954

convention, and where permitted by regulations issued by the President. Such regulations must be consistent with maritime laws and regulations and water quality standards.

Section 12(b)(2) would authorize a civil penalty for knowingly violating the regulations promulgated under the previous section. If payment is not forthcoming administratively, such penalty may be collected in the Federal district court in a de novo proceeding.

Section 12(c) would require any person in charge of a vessel or an offshore or onshore facility at the time of a discharge of oil into the navigable waters of the United States or into the waters of the contiguous zone to notify immediately the United States. This section would also provide a criminal penalty for any person in charge of such vessel or facility who knowingly fails to notify the United States. The term "person in charge" is deliberately designed to cover only supervisory personnel who have the responsibility for the particular vessel or facility and not to include other employees. The purpose of the notice provision is to prevent or mitigate damage and facilitate clean-up. Such notice and information contained therein may not be used in any criminal action under Federal or State laws.

Section 12(d)(1) would direct the President to issue regulations to govern the removal of oil which is discharged, aid in the enforcement of this section, prevent oil pollution, and establish criteria for oil removal contingency plans. The regulations will also cover procedures to review and approve, where appropriate, such plans of owners or operators as well as public agencies.

Section 12(d)(2) would authorize a civil penalty for violating the above regulations. If payment is not forthcoming administratively, such penalty may be collected in the Federal district court in a de novo proceeding.

Section 12(e) would require that when oil is discharged in violation of section 12(b) the oil must be removed immediately under the above regulations. It would provide, if the discharger fails, or is unable to act to remove the oil, authority for the President may take appropriate measures to remove the oil either directly or by contract. If the discharger acts improperly the President could also act to remove the oil.

Section 12(f) would limit the liability of a vessel owner or operator for the cost of removal of discharged oil by the United States to up to $125 per gross ton of the vessel, or $14 million, whichever is less. This limitation, however, would not apply if the discharge was the result of a negligence or a willful act on the part of the owner or operator or his agents, employees, etc. In such case, the owner or operator would be liable for all costs of removal borne by the United States. The owner or operator may not be held liable, however, for these costs if he can prove the discharge was caused solely by an act of God or war or negligence of the U.S. Government or any act of a third party.

Section 12(f)(2) would provide that any vessel over 300 gross tons which uses any port or place in the United States or the navigable waters of the United States for any purpose must establish evidence of financial responsibility of $100 per gross ton to meet the maximum potential liability to the United States which the vessel could be subjected to for the discharge of oil under section 12(f)(1). The financial responsibility should be established pursuant to regulations to be prescribed from time to time by the agency head to which the President has delegated this responsibility. Financial responsibility may include insurance policies, bonds, evidence of self-insurance, or evidences of such responsibility that the agency head deems appropriate. All bonds filed must be issued by a bonding company authorized to do business in the United States. Provisions of financial responsibility also apply to barges that are equivalent in size to vessels over 300 tons.

Section 12(g) would require that a person in the United States be designated for service of process in matters arising under section 12.

Section 12(h) would direct that the Secretary of the Treasury withhold clearance of a vessel, other than a public vessel, that is liable for any costs or penalties to the United States under section 12 or has failed to meet the requirements for financial responsibility.

Section 12(i)(1) would limit the liability of an owner or operator of a nondrilling-production facility to the United States for the cost incurred in removing discharged oil to $125 per ton of oil which such facility is capable, while operating at maximum capacity, of either processing, transporting, transferring in any 24-hour period, or storing in its largest unit. The limitation, however, would not apply if the discharge was the result of negligence or a willful act of the owner or operator, his agent, or any employee thereof. Also, the owner or operator would not be liable for such costs if he is able to prove that the discharge was caused solely by an act of God or war, or solely by negligence of the U.S. Government or solely by an act of a third party. In determining the amount of the liability, the owner or operator would be required to establish conclusively the capacity of the facility.

Section 12(i)(2) would establish the liability of an owner or operator to the United States for oil discharges from an onshore or offshore drilling-production facility of not to exceed $8 million. This limitation, however, would not apply if the discharge was due to a negligent or willful act on the part of the owner or operator, his agent, or any employee thereof. The owner or operator would not be responsible for costs where he can prove that the discharge was caused solely by an act of God or war or solely by the act of a third party or solely by negligence of the U.S. Government.

Section 12(j) provides that in any instance where the owner or operator removes the discharged oil and he is subsequently able to prove in a suit brought against the United States in the Court of Claims that the discharge was caused solely by an act of a third party or an act of God or war or by negligence on the part of the U.S. Government, the owner or operator is entitled to recover such costs from the fund established under section 12(k). If the discharge was caused solely by an act of a third party, the United States shall be subrogated to any rights that the owner or operator may have against such third party. This section does not apply to cases where liability is established under the Outer Continental Shelf Lands Act. The United States, of course, would have normal rights of appeal.

Section 12(k) would authorize the President to delegate his functions under section 12 to one or more appropriate Federal agencies. It would authorize a revolving fund. The maximum amount in the fund from appropriations would be $50 million.

Section 12(l) would establish that the provisions of section 12 are not intended to affect the rights of an owner or operator or the U.S. Government against third parties who may have caused or contributed to an oil discharge.

Section 12(m) would grant enforcement authority in carrying out provisions of section 12.

Section 12(n) would authorize the United States in cases where the President determines that there is an imminent and substantial threat to the public health or welfare, because of an actual threat or discharge of oil into the navigable waters of the United States from a vessel, to take immediate possession of the vessel and such other action that may be appropriate. Any expenses incurred by the United States could be recovered subject to the same limitations found in sections 12(f) and (g).

Similarly, the President under the same conditions may require that the U.S. attorney seek relief to abate any actual or threatened discharge of oil from any onshore or offshore facility.

Section 12(o) would provide jurisdiction in the Federal district courts and in various other district courts relative to Guam, the Virgin Islands, American Samoa, Trust Territory of the Pacific Islands, and the Canal Zone.

Section 12(p) would provide that the provisions of section 12 shall not be construed as affecting or modifying any other existing authorities under the Federal Water Pollution Control Act, as amended, or any other Federal law or any State or local law not in conflict with the provisions of section 12.

Section 12(q) would provide that section 12 will not affect or modify the obligations of any owner or operator for damages to persons or property resulting from the discharge of oil or from the removal of such oil.

Conference substitute

Section 102 of the conference substitute would add a new section 11 to the Federal Water Pollution Control Act. This proposed new section 11 deals solely with the control of pollution by oil.

Subsection (a) contains definitions. The definitions of "oil", "discharge", "vessel", "public vessel", "United States", "person", and "contiguous zone" are essentially identical with those definitions in the House bill. The definition of the term "owner or operator" would provide in the case of a vessel that it is the person owning, operating, or chartering by demise, and in the case of an onshore or offshore facility, it is the person owning or operating such facility, and in the case of an abandoned offshore facility, it is the person who owned or operated the facility immediately prior to its abandonment.

As a result of this definition, if an offshore facility has been abandoned by its former owner, and thereafter discharges oil in violation of this section, such former owner would be responsible under the provisions of this act for such subsequent discharge. The definition of the term "remove" or "removal" has been clarified to include specifically public or private property, shorelines, and beaches. The definition of "onshore facility" means any facility (including motor vehicles and rolling stock) of any kind located in, on, or under any land within the United States other than submerged land. Thus, it is made clear that tank trucks and railroad tank cars are included in the definition as well as all other facilities such as storage tanks or refineries from which oil could be discharged into the waters in question. The definition would not include, however, facilities which are built upon any submerged lands in the United States.

The definition of "offshore facility" means any facility of any kind located in, on, or under any of the navigable waters of the United States other than a vessel or public vessel. This would include offshore drilling rigs as well as all other offshore facilities within the navigable waters of the United States which, in the case of the coastal waters would extend to the seaward boundaries of the States within the meaning of the Submerged Lands Act. The term "act of God" is defined to mean an act occasioned by an unanticipated grave natural disaster. This definition varies from that of the Senate definition and, under this definition, only those acts about which the owner could have had no foreknowledge, could have made no plans to avoid, or could not predict would be included. Thus, grave natural disasters which could not be anticipated in the design, location, or operation of the facility or vessel by reason of historic, geographic, or climatic cir-

cumstances or phenomena would be outside the scope of the owner's or operator's responsibility. The definition of the term "barrel" is established at 42 U.S. gallons at 60° F.

Paragraph (1) of subsection (b) is a declaration of policy by Congress that there ought not be discharges of oil into or upon the navigable waters, adjoining shorelines, or the waters of the contiguous zone.

Paragraph (2) of subsection (b) prohibits the discharge of oil in the navigable waters, adjoining shorelines, or the waters of the contiguous zone, in harmful quantities as determined by the President under paragraph (3) with two exceptions: (A) discharges into the waters of the contiguous zone where permitted under article IV of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended, and (B) where permitted in quantities at times and locations or under circumstances or conditions which the President by regulations determines not to be harmful. The President's regulations are required to be consistent with maritime safety, marine navigation laws and regulations, and applicable water quality standards.

Paragraph (3) of subsection (b) requires the President, by regulations to be issued as soon as possible, to determine for the purposes of this section those quantities of oil the discharge of which will be harmful to the public health or welfare of the United States, including fish, shellfish, wildlife, and public and private property, shorelines, and beaches with the exception that, in the case of oil discharged in the contiguous zone, only those discharges which threaten the fishery resources of the zone or threaten to pollute or contribute to the pollution of the territory or territorial sea of the United States may be determined to be harmful.

Paragraph (4) requires anyone in charge of a vessel or of an onshore or offshore facility, as soon as he has knowledge of any discharge of oil from that vessel or facility in violation of this section, to immediately notify the appropriate U.S. agency. Failure to do so subjects such person to a fine of not more than $10,000 or imprisonment for not more than a year, or both. This notification, however, is not to be used against any such person in any criminal case other than one for perjury or giving a false statement.

Paragraph (5) of this subsection imposes a civil penalty on the owner or operator of a vessel or onshore or offshore facility from which oil is knowingly discharged in violation of this section. This penalty is not to exceed $10,000 and is not to be assessed unless the owner or operator charged has been given notice and opportunity for hearing. Each violation is a separate offense, and the civil penalty may be compromised by the Secretary. The Secretary of the Treasury is required to withhold clearance from port of any vessel the owner or operator of which is subject to the foregoing penalty. Clearance may be granted upon filing of a bond or other satisfactory surety.

Paragraph (1) of subsection (c) authorizes the President to act to remove or arrange for the removal of any oil discharged into the navigable waters, adjoining: shorelines, or the waters of the contiguous zone. If he determines the removal will be properly done by the owner or operator of the vessel or facility from which the discharge occurs, he may permit them to do so. The conferees wish to make it clear that the basic responsibility for necessary cleaning up in these situations is placed upon the President. This is not to be construed to inhibit it or prevent any owner or operator from undertaking whatever action is necessary to contain or remove an oil discharge.

Paragraph (2) of subsection (c) would require the President, within 60 days, to prepare and publish a National Contingency Plan for the removal of oil. The Plan shall provide for efficient, coordinated, and effective action to minimize damage from oil discharges, including containment, dispersal, and removal of oil. The Plan is to include (A) assignment of duties and responsibilities, (B) identification, procurement, maintenance, and storage of equipment and supplies, (C) establishment of a strike force and emergency task forces, (D) a system of surveillance and notice, (E) establishment of a national center to coordinate and direct operations, (F) procedures and techniques to be employed in identifying, containing, dispersing and removing oil, and (G) a schedule identifying dispersants and other chemicals that may be used in carrying out the plan, the waters in which they may be used, and quantities which may be safely used. In the case of a dispersal, chemical or waters not specifically identified in the schedule, the President or his delegate may on a case-by-case basis, identify the dispersant, or chemicals which may be used, the waters in which they may be used, and the quantities which may safely be used. The plan may be revised from time to time. Once the plan is published, however, removal of oil and actions to minimize damage therefrom shall, to the greatest extent possible, be in accordance with the plan.

The President is given general authority by subsection (1) of this section to delegate his responsibilities under this section. It is the hope of the conferees that with respect to the provisions of subsection (c)(2)(C) and (D) such responsibilities will be delegated to the Coast Guard and with respect to subsection (c)(2)(G) such responsibilities will be delegated to the Secretary of the Interior.

Subsection (d) provides authority for the United States to remove, and if necessary, to destroy vessels in cases where they pose a substantial threat of a pollution hazard through the discharge of oil. This is almost identical to the equivalent provision in the House bill with the exception that in lieu of the House provision making the expense of removal a charge against the vessel, its cargo, and owner and permitting the sale thereof, there has been substituted a provision from the Senate amendment which states that the expense incurred under this subsection will be deemed to be a cost incurred by the United States in the removal of oil for the purposes of liability under subsection (f) of this section.

Subsection (e) authorizes the President when there is an imminent and substantial threat to the public health and welfare because of an actual or threatened discharge of oil from an onshore or offshore facility to require the U.S. attorney for the district where the threat occurs to secure such relief as may be necessary to abate the threat, and the district courts of the United States are given jurisdiction to grant such relief as the public interest and equity may require.

Subsection (f) establishes the liability of owners and operators of vessels and on or offshore facilities for cleanup costs.

Paragraph (1) of subsection (f) provides that the owner or operator of a vessel from which oil is discharged in violation of subsection (b)(2) of this section shall be liable to the United States for actual costs incurred under subsection (c) for removal of that oil with a limit of liability of not to exceed $100 per gross ton of the vessel or $14 million, whichever is lesser. The owner or operator will have no liability if he can prove that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States, or (D) an act or omission of a third party whether or not negligent, or any combination of the foregoing clauses. Such owner or operator shall be liable without limitation if the United States can show that the discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner. These removal costs are to be a maritime lien on the vessel recoverable in an action in rem against the vessel and in addition the United States may bring an action against the owner or operator for these costs. The inclusion of specific language relating to the maritime lien and actions against the owner or operator are for the purposes of clarification only.

Paragraph (2) of subsection (f) provides that the owner or operator of an onshore facility is liable for actual costs for removal of oil discharged from that facility in violation of subsection (b)(2) of this section in an amount not to exceed $8 million. If such owner or operator can prove such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States, or (D) an act or omission of the third party whether or not negligent or any combination thereof, then such owner or operator shall have no liability. If the United States can show the discharge was a result of willful negligence or misconduct within the privity and knowledge of the owner, then the owner is liable for the full cost without limitation. The United States is authorized to bring an action against the owner or operator in any court of competent jurisdiction to recover these costs. Additionally the Secretary is authorized by regulation, after he has consulted with the Secretary of Commerce and the Small Business Administration, to establish classifications of those onshore facilities having a total fixed storage capacity of a thousand barrels or less which he determines do not present a substantial risk and apply with respect to these classifications differing limits of liability which may be less than the $8 million limit established statutorily by this paragraph.

Paragraph (3) of subsection (f) provides that the owner or operator of an offshore facility from which oil is discharged in violation of subsection (b)(2) of this section shall be liable to the United States for removal costs in an amount not to exceed $8 million. If such owner or operator can prove that the discharge is caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States, or (D) an act or omission of a third party whether or not negligent, or any combination thereof, then such owner or operator will have no liability. If the United States can show that the discharge was the result of willful negligence or misconduct within the privity and knowledge of the owner then he is liable for the full amount. The United States is authorized to bring an action against the owner or operator in a court of competent jurisdiction to recover these costs.

Subsection (g) of this section provides that in any case where an owner or operator of a vessel or of an onshore or offshore facility from which oil is discharged in violation of this section proves that the discharge is caused solely by an act or omission of a third party or solely by such act or omission in combination with an act of God, an act of war, or negligence on the part of the United States, then such third party shall be liable to the United States for the actual costs of removing the oil unless that third party can in turn prove that the discharge was caused solely by an act of God, and act of war, negligence on the part of the United States or the act or omission of another party or any combination thereof. If the third party is the owner or operator of a vessel which caused the discharge, then that third party's liability is limited to $100 per gross ton of such vessel or $14,000,000, whichever is the lesser. In any other case the liability of the third party is limited by that which would have been applicable to the owner or operator of the vessel or facility from which the discharge actually occurred if such owner or operator would have been liable. If the

United States proves the discharge of oil was the result of willful negligence or misconduct within the privity and knowledge of the third party, then such third party shall be liable for the full amount of the removal costs. The United States is authorized to bring a suit in a court of competent jurisdiction to recover these removal costs.

Subsection (h) provides that the liability established by this section will not affect any rights which the owner or operator of the vessel or onshore or offshore facility may have against third parties whose acts in any way may have caused or contributed to the discharge of oil, or which the United States may have against any such party.

Paragraph (1) of subsection (i) authorizes an owner or operator from whose vessel or facility oil has been discharged and who voluntarily removes the oil in accordance with regulations to recover reasonable costs incurred in that removal in a suit against the United States in the court of claims if such owner or operator can prove that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States, or (D) an act or omission of a third party without regard to its negligence, or any combination of the foregoing.

Paragraph (2) of subsection (i) provides that this subsection will not apply where liability is established by regulations adopted under authority of the Outer Continental Shelf Lands Act.

Paragraph (3) of subsection (i) authorizes the payment from the revolving fund established in subsection (k) of this section of any judgment entered against the United States under this subsection.

Paragraph (1) of subsection (j) requires the President, as soon as practicable and consistent with the national contingency plan, and maritime safety, and marine and navigation laws, to establish methods and procedures for removal of discharged oil, to establish criteria for the development and implementation of local and regional oil removal contingency plans, to establish procedures, methods, and requirements for equipment to prevent discharges of oil from vessels and onshore and offshore facilities, and regulations governing the inspection of vessels carrying oil as cargo, including inspecting such cargoes all for the purpose of reducing the likelihood of discharges of oil from such vessels. This language is in very general terms, and it is the understanding of all of the conferees that under this authority the President would be authorized by regulation to require vessels and facilities to carry on board or otherwise have available materials and equipment determined necessary to prevent and to clean up oil discharges.

Paragraph (2) of subsection (j) provides for a civil penalty of up to $5,000 for each violation of the regulations issued under this subsection. Authority is granted the President to compromise these penalties.

Subsection (k) authorizes the establishment of a revolving fund in the Treasury of not to exceed $35 million to carry out the provisions of subsections (c) (relating to the removal of oil which has been discharged), (i) (relating to costs payable by the United States for removal by volunteers), and (l) (relating to the administration of the section generally), as well as section 12 of this act (relating to the removal of hazardous polluting substances). Any other funds received by the United States under this section are to be deposited in this fund. Moneys in the fund are to be available until expended.

Subsection (l) is general authority to the President to delegate the administration of this section to the heads of those departments, agencies, and instrumentalities which he determines to be appropriate. Any department, agency, or instrumentality in which functions are vested is to avoid duplication of effort and to utilize personnel, services, and facilities of other departments, agencies, and instrumentalities wherever appropriate.

Subsection (m) provides that any person authorized by the President to enforce this section may, except as to public vessels, board and inspect vessels, arrest violators, and execute warrants or other process issued by an officer or court of competent jurisdiction. It is the hope of the conferees that the responsibility for this subsection will be vested in the Coast Guard.

Subsection (n) vests the district courts of the United States with jurisdiction for actions brought under this section other than those specifically authorized in the Court of Claims by subsection (i) (1). It further designates in the case of territories and possessions which of the district courts such actions shall be brought in.

Paragraph (1) of subsection (o) provides that nothing in this section will affect or modify the obligations of an owner or operator of a vessel or facility from which oil is discharged to any other person or agency under any provision of law for damages resulting from that discharge or the removal of that oil.

Paragraph (2) of subsection (o) disclaims any intention of preempting any State or political subdivision from imposing any requirement or liability with respect to the discharge of oil into waters in that State. Thus, any State would be free to provide requirements and penalties similar to those imposed by this section or additional requirements and penalties. These, however, would be separate and independent from those imposed by this section and would be enforced by the States through its courts.

Paragraph (3) of subsection (o) insures that nothing in this section is to be construed as affecting or modifying any other existing authority of any Federal department, agency, or instrumentality relative to onshore or offshore facilities under this Act, or any other provision of law, or to affect any State or local law not in conflict with this section.

Subsection (p) is essentially the same as the equivalent provisions of the House bill relating to the financial responsibility of vessels except that where the House bill required vessels over 100 gross registered tons to establish evidence of financial responsibility, this provision requires vessels over 300 gross tons to do so and the limits of liability are specified to be the same as those contained in subsection (f) (1), that is, $100 a gross ton or $14 million, whichever is lesser. Additionally, this provision spells out in paragraph (3) that claims for costs may be brought directly against the insurer providing the evidence of financial responsibility and in such case the insurer shall be entitled to all of the rights and defenses available to the owner or operator. It is the hope of the conferees that responsibility for administering paragraph (1) of this subsection will be vested in the Federal Maritime Commission. It is also the hope of the conferees that the marine insurance industry will modernize its coverage for protection of third parties without regard to the nature of the conduct of the insured.

Paragraph (4) of subsection (p) is essentially the same as the provisions of the House bill relating to a study of the need for other measures to provide financial responsibility and to limit liability on vessels and facilities subject to the provisions of this section. This report is to be submitted to Congress by January 1, 1971.

CONTROL OF HAZARDOUS POLLUTING SUBSTANCES

House bill

The House bill in the proposed new section 17 to the Federal Water Pollution Control Act, relating to pollution resulting from oil spills, provides that "matter" which is a defined term the substantial discharge of which presents an imminent and substantial hazard to public health or welfare can be cleaned up and liability can be assessed in the same manner and to the same extent and with the same penalties as are provided in the case of oil spills.

Senate amendment

The Senate amendment proposes a new section 13 to be added to the Federal Water Pollution Control Act providing with respect to controlling hazardous polluting substances a separate and distinct means for dealing with them.

This new section 13 is concerned with the identification, control, and cleanup of hazardous substances, other than oil.

Section 13(a)–(f) would direct the President to develop, promulgate, and revise regulations designating various hazardous substances, other than oil, which when discharged in any quantity into the navigable waters of the United States, or the waters of the contiguous zone, would present an imminent and substantial danger to the public health or welfare and establishing where appropriate, criteria for the removal of such substances. The development of these regulations must include consultation with various public and private agencies and organizations and individuals interested in such regulations. Where appropriate, public hearings could be held in developing the regulations. Consideration must also be given to the latest available scientific data, technical feasibility of the regulations, and experience gained under the Federal Water Pollution Control Act. Regulations would be published in the Federal Register as proposed regulations and interested persons would be given at least 30 days to comment thereon. At the end of that time the regulations may be finally promulgated unless an interested person has filed objections stating grounds therefor and requesting a public hearing on such objections. After the notice period, the objections must be published in the Federal Register by notice and a public hearing held as soon as possible thereafter. On completion of the hearing, the President must make findings of fact and he may promulgate such modification of regulations as appropriate or take other action as he deems appropriate. All findings must be made public.

Any person aggrieved by such regulation for which a hearing was held may within 60 days file a petition in the U.S. Court of Appeals for the District of Columbia requesting that the regulation be modified or set aside. The court must hear the appeal on the record made before the President and the substantial evidence rule shall apply to the findings of the President. The court may affirm, vacate, or remand the proceedings. The review afforded by this procedure in the Court of Appeals shall be exclusive as to the person seeking the petition and such person cannot raise the validity of the regulation in any subsequent procedure relating to the enforcement thereof. The filing of a petition does not stay the regulations unless the court so orders after finding that there is substantial likelihood that the President's findings are erroneous and that irreparable injury will result if the stay is not granted.

Section 13(g) would require that notice be given immediately to the United States upon the discharge of any hazardous substance from an onshore or offshore facility or a vessel in order to permit immediate action to remove or otherwise mitigate damage from the discharged substance. Criminal penalties apply for anyone who knowingly fails to so notify. Such notice and information contained therein may not be used in any criminal action under Federal or State law.

Section 13(h) would direct that the United States remove any discharged substance unless appropriate action is taken immediately by the discharger to remove the substance.

Section 13(i) would provide civil penalties for violation of regulation promulgated under section 13(a). If payment is not forthcoming administratively such penalties may be collected in Federal court in a de novo proceeding.

Section 13(j) would provide that section 13 will not affect or modify the obligations of an owner or operator for damages to anyone for damage to persons or property resulting from the discharge of a hazardous substance or from the removal of such substance.

Section 13(k) would provide enforcement authority in carrying out the provisions of section 13.

Section 13(l) would provide jurisdiction in the Federal district courts in case of any actions arising under section 13.

Section 13(m) would define various terms used in section 13 and make applicable the definitions of section 12(a) as to the terms, oil, discharge, vessels, public vessel, United States, person, contiguous zone, and act of God.

Section 13(n) would require that the President submit a report to the Congress by November 1, 1970, on the need for, and desirability of, legislation imposing liability for the cost of removal of hazardous substances. The report would be based on an accelerated study on the methods and measures for controlling substances, the most appropriate measures for enforcement, and the methods of imposing sanctions where removal is impossible or impractical.

Section 13(o) would authorize the President to delegate his responsibility to other Federal agencies. In addition it would make available for the purpose of section 13 the fund established under section 12 of the Act.

Conference substitute

The conference substitute proposes to add a new section 12 to the Federal Water Pollution Control Act dealing with control of hazardous polluting substances. In general, this section is more nearly comparable to that proposed by the Senate amendment than to the House bill.

Section 12(a) would be the same as section 13(a) of the Senate amendment except that the President would be authorized to establish recommended methods and means for removing hazardous substances instead of establishing criteria therefor as provided in the Senate amendment.

Section 12(b) would apply the Administrative Procedure Act provisions as now contained in title V (other than the form of administrative proceeding provided in section 553(c)) in lieu of the detailed administrative proceedings and judicial review contained in the comparable Senate provisions.

Section 12(c) is essentially the same as section 13(g) of the Senate amendment except that the criminal penalty for failure to notify has been removed. This section does not contain the civil penalty provided in section 13(i) of the Senate amendment.

This section does not contain the authorities granted the President with respect to enforcement contained in sections 13(k) and 13(l) of the Senate amendment.

Section 12(g), relating to reports, with minor changes is essentially the same as section 13(n) of the Senate amendment.

Section 12(h) is essentially the same as section 13(o) of the Senate amendment.

CONTROL OF SEWAGE FROM VESSELS

House bill

Section 18 would provide for the control of sewage from vessels including foreign vessels using our waterways and commercial and recreational vessels.

Section 18(a) would define various terms used in the new section.

Section 18(b) would direct the Secretary of the Interior to promulgate Federal standards of performance for marine sanitation devices to be installed and operated on board vessels subject to this new section. The term "marine sanitation device" is defined to include equipment on board the vessel which is designed to receive, retain, treat, or discharge sewage. The standards must be consistent with maritime safety and other marine laws and regulations. In addition, the Coast Guard must also promulgate regulations governing the design, construction, installation, and operation of these devices on board these vessels.

Section 18(c) would provide that the initial standards and regulations will be effective for new vessels—that is, vessels constructed after such standards and regulations are promulgated—2 years after promulgation, but not earlier than December 31, 1971, and for existing vessels—that is, vessels constructed prior to promulgation of the standards and regulations—5 years after promulgation. Both Interior and Coast Guard, in issuing standards and regulations, may distinguish among classes, types, and sizes of vessels as well as between new and existing vessel. Both may exempt such vessels from the applicability of the standards and regulations for such periods of time as may be necessary and upon application for individual vessels. This waiver authority could be accomplished at the time the standards and regulations are promulgated.

Section 18(d) would provide that this new section and the standards and regulations issued thereunder would apply to vessels owned and operated by the United States unless the Secretary of Defense finds that such compliance would be contrary to the interests of national security. The regulations required by this section and the certifications required under section 18(g) of this section shall be promulgated and issued by the Secretary of Defense rather than by the Coast Guard.

Section 18(e) would require that before the standards and regulations are promulgated, the Secretary of the Interior and the Coast Guard will consult with other interested Federal agencies, the States, and appropriate representatives of the various industries affected and shall comply with the rulemaking provisions of title 5 of the United States Code, formerly known as the Administrative Procedures Act.

Section 18(f) would provide that once the initial standards and regulations are effective a State or a political subdivision thereof may not adopt or enforce any law or regulation governing the design, manufacture, or installation of any marine sanitation device on board any vessel subject to the Federal standards and regulations. The section would not, however, affect the State's authority to prohibit completely all sewage discharges from vessels in particular intrastate waters of the State, regardless of whether the sewage is treated or not. In such cases however, the State must also prohibit waste discharges from all other sources.

Section 18(g) would prohibit the sale or delivery into interstate commerce or importation into the United States of any marine sanitation device unless such device is in all material respects substantially the same as the test device certified by the Coast Guard under this section. The subsection would require the Coast Guard to certify upon application of each manufacturer of these devices if he finds that they meet the standards and regulations promulgated under this section. The Coast Guard would require the manufacturer to test the device in accordance with procedures set forth by the Secretary of the Interior as to performance or he shall test it himself. It would be up to the Coast Guard to determine if the results of the test are in accordance with the appropriate performance standards. If the Coast Guard finds that the device is satisfactory from the standpoint of safety and other requirements of maritime law or regulation, and after considering the design, installation, operation, and material, and other appropriate factors, he would certify it. Every manufacturer would be required to maintain records and provide such information as the Secretary or the Coast Guard may need to enable them to determine whether the manufacturer has acted or is acting in compliance with this section and regulations thereunder.

Section 18(h) would provide that after the effective date of standards and regulations promulgated by Interior and Coast Guard it shall be unlawful (1) to manufacture for sale vessels subject to the standards and regulations without a certified device; (2) for a vessel to operate on the navigable waters of the United States subject to the standards and regulations, if it is not equipped with an operable marine sanitation device; (3) to refuse Federal authorities access to records; and (4) to move or render inoperative, wrongfully, a certified device installed prior to sale or delivery to the ultimate purchaser.

Section 18(i) would authorize the district courts of the United States to restrain violations of subsections (h) (1) through (3) of this section.

Section 18(j) would establish civil penalties for violation of section 18(h) to be assessed by the Coast Guard. The maximum penalty against the manufacturer and dealer is $5,000 and against other persons violating 18(h)(4) $2,000. The penalty cannot be assessed until there is notice and an opportunity for a hearing.

Sections 18(k) and (l) would provide that the enforcement of this new section would be carried out by the Coast Guard and that the Coast Guard may utilize the services, personnel and facilities of the Secretary of the Interior and other Federal agencies where appropriate.

Section 18(m) would provide jurisdiction in the courts of Guam and the Virgin Islands in the case of actions arising under this section. In the case of American Samoa and the Trust Territory of the Pacific Islands, these actions may be brought in the district court for the district of Hawaii.

Senate amendment

The new section 11 is concerned with the control of the discharge of sewage from vessels into the navigable waters of the United States.

Section 11(a) would define the various terms used in the section.

Section 11(b) would direct the Secretary of the Interior within two years after the effective date of this section to promulgate standards of performance for marine sanitation devices to prevent the discharge of untreated or inadequately treated sewage from all new and existing vessels equipped with installed toilet facilities. These standards must be consistent with maritime safety and other marine laws and regulations. The section would also direct the Coast Guard to promulgate regulations which govern the design, construction, installation, and operation of marine sanitation devices installed on board vessels subject to this section. The regulations must be consistent with the standards. This section would also exempt from such standards and regulations vessels equipped with a device installed pursuant to State requirements prior to the promulgation of such standards and regulations, until the device is replaced or unless it does not remain in compliance with the applicable State law.

Section 11(c) would provide that stand-

ards and regulations for new vessels become effective two years after promulgation. Standards and regulations for existing vessels would become effective five years after promulgation. Revisions thereof would be effective on date specified in such revisions. The Coast Guard may waive application of standards and regulations to various classes, types, and sizes of vessels for such periods as may be necessary and, upon application, waivers may be granted for individual vessels.

Section 11(d) would require compliance with Federal standards and regulations by public vessels of the United States, except where compliance conflicts with national security, as determined by the Secretary of Defense.

Section 11(e) would require that the Secretary and the Coast Guard consult with Federal and State agencies and other interested parties and comply with the provisions of section 553 of the United States Code (the Administrative Procedure Act) prior to promulgation of standards and regulations.

Section 11(f) would preempt State or local laws or regulations relative to the design, manufacture, installation, or use of marine sanitation devices on new or existing vessels for which such devices are required under section 11(c) after the Federal standards and regulations applicable to such vessels are effective. Such State laws and regulations could still continue in effect in the case of other vessels. Also, a State may prohibit all sewage discharges from all vessels into certain waters within its boundaries in order to implement applicable water quality standards.

Section 11(g) would prohibit the sale or delivery into commerce of a device, the prototype of which is not certified; establish procedures for certification; and provide for the maintenance of records.

Section 11(h) would provide that, after the effective date of standards and regulations, it shall be unlawful:

To manufacture, or distribute for sale, vessels, subject to Federal standards and regulations without a certified device;

To, wrongfully, remove or render inoperative a certified marine sanitation device installed prior to sale or delivery to the ultimate purchaser;

To refuse Federal authorities access to records; and

To operate a vessel subject to the standards and regulations if it is not equipped with an operable device.

Section 11(i) would give jurisdiction to the courts to restrain those who under section 11(h), unlawfully manufacture or distribute for sale vessels without a device, remove or render inoperative a device, or refuse access to records.

Section 11(j) would establish civil penalties in case of violations of section 11(h) to be assessed after notice and hearing by the Coast Guard. Civil penalties not paid after administrative proceedings may be collected by the United States in the Federal district courts in a de novo proceeding.

Section 11(k) would place the responsibility for enforcement in the Coast Guard with assistance by the Secretary of the Interior, other Federal agencies, or the States.

Section 11(l) would authorize the Coast Guard to inspect vessels in U.S. waters and issue and execute warrants.

Section 11(m) would grant jurisdiction to various courts in cases of actions arising under section 11.

Conference substitute

The proposed new section 13 of the Federal Water Pollution Control Act relates to control of sewage from vessels.

Section 13(a) contains the same definitions as section 11 of the Senate amendment with the following changes:

(1) The term "public vessel" is defined to mean a vessel owned or bareboat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce.

(2) The definition of "manufacturer" is the same as contained in the House bill.

(3) The term "discharge" is defined as including, but not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(4) The term "marine sanitation device" is defined as also including any process to treat sewage.

Section 13(b)(1) relating to the establishment of standards for marine sanitation devices is essentially the same as contained in the House bill. Language is included in the vessel pollution portion of the conference substitute for the purpose of assuring that unreasonable demands are not made on small recreational vessels, but that marine sanitation device performance standards would only be promulgated when our technology permits these standards to be practicable and reasonable, and the degree of treatment will be adequate. The exemption of vessels that do not have installed toilet facilities relieves a burden upon those vessel owners who otherwise could be driven out because of the lack of feasibility of installing toilet facilities and marine sanitation devices on certain types of vessels.

Section 13(b)(2) provides that any existing vessel equipped with a marine sanitation device on the date of promulgation of initial standards and regulations under this section which device is in compliance with such initial standards and regulations shall be deemed in compliance with this section until such time as the device is replaced or is found not to be compliance with such initial standards and regulations.

Section 13(c)(1) relating to the effective date of standards is the same as the House provision.

Section 13(c)(2) relating to differentiation and waiver is the same as the House provision with the exception that the Secretary of the department in which the Coast Guard is operating must consult with the Secretary of the Interior in distinguishing among classes, types, and sizes of vessels as well as between new and existing vessels; and, with respect to waiving applicability of standards and regulations as necessary or appropriate for such classes, types, or sizes, it is made clear that existing vessels equipped with marine sanitation devices on the date of promulgation of the initial standards required by this section are eligible for waiver of such standards.

Section 13(d) relating to federally owned vessels is essentially the same as the comparable provision of the House bill.

Section 13(e) relating to consultation with interested parties is the same as the provisions of the House bill.

Section 13(f) provides that after the effective date of the initial standards and regulations promulgated under this section no State or political subdivision thereof shall adopt or enforce any statute or regulation of any such State or political subdivision with respect to the design, manufacture, or installation or use of any marine sanitation device on any vessel subject to the provisions of this section. Upon application by a State and, where the Secretary determines that any applicable water quality standards require such a prohibition, he shall by regulation completely prohibit the discharge from a vessel of any sewage whether treated or not into those waters of such State which are the subject of the application and to which such standards apply. The conferees expect there to be a wide dissemination of information of any such prohibition.

Sections 13 (g) through (m) relating to prohibitions and their enforcement are essentially the same as the equivalent provisions in the House bill.

AREA ACID AND OTHER MINE WATER POLLUTION CONTROL DEMONSTRATIONS

Conference substitute

The proposed new section 14 is the same as the equivalent provisions in both the House bill and the Senate amendment which are substantially identical.

POLLUTION CONTROL IN THE GREAT LAKES

Conference substitute

The proposed new section 15 is the same as the equivalent provisions in both the House bill and the Senate amendment which are substantially identical.

TRAINING GRANTS AND CONTRACTS

Conference substitute

Sections 16 through 19 of the conference substitute relating to training grants and contracts are essentially the same as the equivalent provisions contained in the House bill.

ALASKA VILLAGE FACILITIES

House bill

The House bill contains no provision relating to Alaska village safe water facilities.

Senate amendment

Title IV of the Senate amendment adds a new section 23 to the Federal Water Pollution Control Act entitled "Alaska Village Safe Water Facilities Act."

Sections 23 (b) and (c) are findings of fact and a declaration of policy to establish a special emergency program to provide safe water and hygienic sewage disposal facilities in Alaska villages presently without these facilities.

Section 23(d) authorizes the Secretary of the Interior to provide for the installation of whatever safe water and hygienic sewage disposal facilities are necessary to insure that there will be one such facility in each Alaskan village. These facilities are to be available for use by the general public, to be designed to assure year round operation, to provide clean water, shower bath facilities, sewage disposal, and facilities for washing clothes.

The section also provides the means for determining the location of these facilities, prohibits contributions toward the cost of construction from the users of such facilities, provides that local workmen shall be used, provides for local operation, and authorizes $5,000,000 for fiscal year 1970 and such sums as may be necessary thereafter for the next three fiscal years.

In addition, the Secretary is directed to conduct appropriate educational and informational programs to familiarize the residents of each community wherein such a facility is located as to the health advantages of full utilization of that facility. In addition, the Secretary is authorized to make grants for operation and maintenance of these facilities.

The Secretary is required to report to Congress annually on the results of this program. He is also directed to utilize the facilities of the Department of Health, Education, and Welfare to the fullest extent possible in carrying out the provisions of the section.

Conference substitute

The conference substitute proposes to add a new section 20 to the Federal Water Pollution Control Act entitled "Alaska Village Demonstration Projects".

This section would authorize the Secretary, in agreement with the State of Alaska, to carry out demonstration projects for central community facilities for safe water and the elimination or control of water pollution in native villages of Alaska without these facilities. These projects are to include provisions for safe water supply systems, toilets, bathing and laundering facilities, sewage disposal facilities, and similar facili-

ties of that type. In addition, educational and informational facilities and programs relating to health and hygiene are authorized as part of the demonstration projects. The purpose of these demonstration projects is to assist in developing preliminary plans for providing these types of facilities for all native villages in Alaska.

In carrying out this section, the Secretary is to cooperate with the Secretary of Health, Education, and Welfare in order to utilize personnel and facilities of that department to the extent appropriate.

A report to Congress not later than January 31, 1973, is required.

There is authorized to be appropriated not to exceed $1,000,000 to carry out this new section.

It is the understanding of the conferees that these demonstration projects will not extend to the construction of facilities other than those which are centrally located and usable on a community-wide basis. Facilities for individual dwellings are not authorized under this section.

COOPERATION BY FEDERAL AGENCIES IN THE CONTROL OF POLLUTION

House bill

Section 3 of the House amends section 11 of the Federal Water Pollution Control Act to put into statutory terms the provisions of the President's Executive Order 11288 for the prevention, control, and abatement of water pollution by Federal activities, either directly or by contract. This section would require that every Federal agency having jurisdiction over any real property or facility shall take immediate and appropriate steps to insure compliance with applicable Federal, State, and local water quality standards and the purposes of the Federal Water Pollution Control Act in the administration of the property or facility. This section would recognize, however, that this requirement is subject to the availability of appropriations and the needs of the United States, but it is intended that every effort be made to carry out its directives and to seek the necessary appropriations to do so. In any summary of a conference made pursuant to section 10(d)(4) of the Federal Water Pollution Control Act, the Secretary must also include references to discharges which might cause or contribute to the pollution of any waters from Federal property of facilities and transmit a copy of his summary to the appropriate Federal agency head. Also, notice of any hearing under section 10(f) of the act shall be given to the Federal agency having jurisdiction over the property or facility involved and the finding and recommendations of the hearing board shall include references to the discharges from such Federal facility or property.

Section 11(b) would require that applicants, other than a Federal agency, seeking a Federal license or permit to conduct any activity of any kind or nature which may result in discharges into the navigable waters of the United States must provide the Federal licensing or permitting agency with a certification from the affected State or States or interstate water pollution control agency that there is reasonable assurance, as determined by that agency, that such activity will be conducted in a manner that will not reduce the quality of such waters below applicable Federal or State or local water quality standards. In any instance where the water quality standards have been promulgated by the Secretary of the Interior under section 10(c)(2) of the act or where a State agency or interstate agency lacks authority to provide such a certification, then the certification shall be obtained from the Secretary of the Interior. In any case where an activity requires two or more licenses or permits by a single Federal agency or multiple Federal agencies and the applicant receives a certification under this section in connection with any one of those licenses or permits, then any Federal agency considering an application for a subsequent license or permit for that same activity, such Federal agency may accept the first certification as meeting the requirements of this section if, after notice to the affected State or States or interstate agencies or to the Secretary, as appropriate, no written objection is made to the granting of such license or permit without a subsequent certification.

In addition, once a license or permit has been issued it may be suspended if a court of competent jurisdiction subsequently finds that such licensee or permittee is not in compliance with applicable water quality standards.

In any case where the actual construction of a facility for the conduct of any activity has been lawfully commenced prior to the effective date of this legislation, no certification shall be required under section 11(b) for a Federal license or permit issued after the effective date of this legislation to conduct such activity. Any license or permit issued without the certification, however, shall terminate at the expiration of 2 years following the effective date of this legislation unless prior to such termination date the licensee or permittee submits to the Federal licensing or permitting agency a certification as required under section 11(b).

This section prescribes that no Federal permit or license may be granted except in the manner just mentioned without a certification as prescribed by this section.

Senate amendment

Section 103 of the Senate amendment redesignates section 11 of the Federal Water Pollution Control Act as section 16 and substantially revises it.

Section 16(a) is similar to the present section 11 of the Federal Water Pollution Control Act as amended. The new section, however, would require that every Federal agency having jurisdiction over any real property or any facility or activity of any kind shall insure compliance with applicable water quality standards in the administration of the property, facility, or activity consistent with an approved plan for implementation. This section would also authorize appropriations to carry out this requirement.

Section 16(b) would require that when a Federal agency (1) issues a lease to any person for the use of any Federal property or facility or (2) contracts for the operation of such property or facility or (3) contracts for the entire operation of any non-Federal facility, such agency must insure compliance with the applicable water control quality standards and purposes of this Act in administering such lease or contract. When appropriate, a certification obtained under section 16(c) for a Federal license or permit shall be evidence of compliance with the water quality standards.

Section 16(c) applies to applicants for Federal licenses or permits to construct or operate any facility or to conduct any activity which may result in any discharge in the navigable waters of the United States. It does not apply to Federal agencies.

The section would require that the applicant for such Federal license or permit provide a certification from the State in which the discharge originates to the Federal licensing or permitting agency and notice thereof to the Secretary of the Interior, that there is reasonable assurance that the facility or activity will comply with applicable water quality standards. In appropriate cases, the certification would be obtained from an interstate water pollution control agency. Where water quality standards for interstate waters have not been approved or promulgated under section 10(c) of the Federal Water Pollution Control Act, as amended, the certification must be obtained from the Secretary of the Interior. The certifying agency has 1 year after receipt of application for certification to notify the applicant of such certification or of intent not to certify. After the Secretary of the Interior determines that the discharge may affect the applicable water quality standards of a State or States other than the certifying State, the Secretary must notify the other States within 60 days after receipt of the notice of an application for a license or permit. If such other States within 30 days after receipt of notification from the Secretary determine that the discharge will adversely affect its standards, they should notify the Secretary and the Secretary has an additional 30 days to review such determination. If upon such review he finds such adverse effect, the Secretary shall require that before the license or permit is issued that appropriate conditions be included to insure compliance with the standards.

No Federal license or permit can be granted without a certification and such conditions as the State, interstate agency or Secretary may reasonably require. These conditions could include, among other things, provision for suspension or termination of the license or permit for failure to comply with the standards.

If, in the case of discharge affecting States other than the State of origin and where the Secretary requires conditions that are more stringent than those of the State where the discharge originates, the applicant may request a hearing by the Federal licensing or permitting agency and such agency shall make findings on the conditions to be included in a license or permit. Such findings must be public and they shall not require conditions that are less stringent than those of the State where the discharge occurs. The licensing or permitting agency will, of course, provide an opportunity for the affected States and the Secretary to participate in such hearing and to appeal the findings in a Federal court within a reasonable time after the issuance thereof as provided in statute under which the license or permit is issued or under the Administrative Procedure Act.

The Federal licensee or permittee must provide the certifying State or, as appropriate, the interstate agency or the Secretary of notice of any changes in the facility or activity which may affect applicable water quality standards.

A certification for Federal license or permit for a particular facility or activity shall satisfy the requirement of certification for any later Federal license or permit necessary for such facility for activity unless, after receiving notice of an application for such later Federal license or permit, a State or the Secretary notifies such Federal licensing or permitting agency that there has been a change in the nature of the activity, the design of the facility, the natural characteristics of the waters into which the discharge will be made, or in the water quality standards applicable to such waters, and there is no longer reasonable assurance of compliance with water quality standards. In such instances a second certification will be required.

In the case of any Federally licensed or permitted facility or activity which is not required to obtain a Federal operating license or permit, the licensee or permittee must give the certifying State, or interstate agency, or the Secretary an opportunity to review the manner in which the facility or activity will be operated or conducted for the purpose of assuring compliance with water quality standards. This requirement would apply prior to the actual operation of the facility or activity. Upon receipt of notice from the certifying State, the interstate agency or the Secretary, that the operation will not comply with the standards, the Federal agency must

suspend the license or permit until notice is received of reasonable assurance of compliance.

If, in any case, a Governor of a State or the Secretary notifies the licensing or permitting agency that the facility or activity has been found by a court to be in violation of the standards, such license or permit may be suspended or terminated, as circumstances require, by the Federal agency.

If actual construction of a facility has been begun under a Federal license or permit prior to the effective date of this section, no certification shall be required for any Federal operating license or permit for such facility issued within 3 years of such date. Any Federal operating license or permit issued during such 3-year period, however, without the benefit of the certification must be terminated after the end of the 3-year period unless, prior to that time, the licensee or permittee obtains a certification. If, in any case where there is a Federal license or permit application pending on the effective date of this section and where such license or permit is issued within 1 year of such date, a certification will not be required for 1 year following the issuance of license or permit. The license or permit, however, will terminate at the end of that year unless certification is obtained.

In the case of any activity which will affect water quality for which there are no applicable standards, no certification will be required. However, a Federal licensing or permitting agency, in such event, must impose, as a condition of any license or permit, a requirement that the licensee or permittee shall comply with the purposes of the Act.

If a State in which a discharge originates or the Secretary notifies a Federal agency that its licensee or permittee has received notice of the adoption of water quality standards applicable to such activity and has failed to comply with the standards, the Federal agency must after a period of time, suspend license or permit until notice is received that there is reasonable assurance of compliance.

Section 16(d) provides that section 16 of the Act is not to be interpreted in any way to affect the authority of any Federal agency pursuant to this Act or any other provision of law relative to compliance with water quality standards. The Secretary of the Interior is also directed to provide technical assistance as may be necessary to carry out the purposes of this Act.

Section 16(e) will authorize Corps of Engineers to permit the use of spoil disposal areas under its jurisdiction by a Federal licensee or permittee and to charge for such use. Moneys received would be deposited to miscellaneous receipts.

Conference substitute

Section 103 of the conference substitute redesignates existing section 11 of the Federal Water Pollution Control Act as section 21 and revises that section substantially as follows:

Section 21(a) would require each Federal department, agency, and instrumentality (hereafter referred to as a "Federal agency") having jurisdiction over any real property or facility or engaged in any Federal public works activity to insure compliance with applicable water quality standards and the purposes of the Federal Water Pollution Control Act in the administration of that property, facility, or activity, to the extent consistent with the paramount interest of the United States as determined by the President. The jurisdiction of a Federal agency referred to in this provision includes operations of the agencies carried on by lease and by contract and therefore would subject these lease and contract operations to the requirements of this subsection. In his summary of the conference pursuant to section 10(d)(4) of the Act, the Secretary is required to include reference to any discharges alleged to contribute to pollution from any Federal property, facility, or activity and to send a copy of that summary to the head of the Federal agency having jurisdiction thereof. Notice of a hearing pursuant to section 10 (f) of the Act involving any pollution alleged to be caused by any such discharges shall also be given the Federal agency having jurisdiction over the property, facility, or activity involved and the hearing board's findings and recommendations shall include references to such discharges to the extent they are contributing to the pollution.

Section 21(b) requires any applicant for a Federal license or permit to conduct any activity (this includes constructing or operating facilities) which may result in any discharge into navigable waters of the United States to provide the licensing or permitting agency with a certification from the State in which the discharge originates or will originate or a certification from the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate if such a certification is appropriate from such interstate agency rather than from the State of origin. This certification must state that there is reasonable assurance as determined by the certifying State or interstate agency that the activity proposed to be licensed or permitted will be conducted in a manner which will not violate applicable water quality standards. The State is required to provide public notice with respect to all applications received by it for certification and, to the extent that the State determines it appropriate, to establish procedures for holding public hearings with respect to specific applications. If these standards have been promulgated by the Secretary, or, if a State or interstate agency has no authority to make such a certification, then the certification must be obtained from the Secretary. In order to insure that sheer inactivity by the State, interstate agency, or Secretary, as the case may be, will not frustrate the Federal application, a requirement, similar to that contained in the House bill is contained in the conference substitute that if within a reasonable period, which cannot exceed one year, after it has received a request to certify, the State, interstate agency, or Secretary, as the case may be, fails or refuses to act on the request for certification, then the certification requirement is waived. If a State refuses to give a certification, the courts of that State are the forum in which the applicant must challenge that refusal if the applicant wishes to do so. No Federal license or permit shall be granted unless this certification has first been obtained or there has been a waiver of the requirement as provided by this subsection. Denial of certification by a State, interstate agency, or the Secretary, as the case may be, results in a complete prohibition against the issuance of the Federal license or permit.

When a licensing or permitting agency receives an application and a certification, it must immediately notify the Secretary of the Interior thereof. Whenever such a discharge may affect the quality of the waters of any other State as determined by the Secretary, then the Secretary shall, within 30 days of the date he is notified of the application for the Federal license or permit, notify such other State, the licensing or permitting agency, and the applicant. If within 60 days thereafter the State so determined to be affected determines that the discharge will affect the quality of its waters so as to violate its water quality standards and within that 60-day period notifies the Secretary and the licensing or permitting agency of its objection to the issuance of the license or permit and requests a public hearing on its objection, such a public hearing shall be held by the licensing or permitting agency. At that hearing the Secretary of the Interior shall submit his evaluation and recommendations with respect to the objection to the licensing or permitting agency. Based upon the recommendations of the State, the Secretary, and any additional evidence presented at the hearing, the agency shall condition the license or permit so as to insure compliance with applicable water quality standards. If conditions cannot insure this compliance, the license or permit shall not be issued.

In the case where a Federal license or permit is required both as to the construction of a facility and its operation, the initial certification required for the construction license or permit shall fulfill the requirements of this subsection with respect to certification for a Federal license or permit to operate that facility unless the certifying State, interstate agency, or Secretary, as the case may be, after having been given notice of the application for an operating license or permit by the agency to whom the application is made notifies that agency within 60 days that there is no longer reasonable assurance of compliance with applicable water quality standards because of changes since the construction license or permit certification was issued in (1) the construction or operation of the facility, (2) the characteristics of the waters into which the discharge is to be made, or (3) the water quality standards applicable to those waters. This paragraph is made inapplicable if the applicant for the operating license or permit has not provided the certifying State, interstate agency, or Secretary, as the case may be, with notice of any proposed changes in the construction or operation of the facility which changes may result in violation of applicable water quality standards.

Before the initial operation of a federally licensed or permitted facility or activity with respect to which a certification has been obtained under this provision which facility or activity is not subject to a Federal operating license or permit, the licensee or permittee is required to provide an opportunity to the certifying State, agency, or Secretary, as the case may be, to review the manner of operation of the facility for the purposes of assuring that applicable water quality standards will not be violated. Upon notification by such certifying State, agency, or Secretary, as the case may be, that operation of this facility will violate applicable water quality standards, the Federal agency may, after public hearing suspend the license or permit until notification is received from the certifying State, agency, or Secretary, as the case may be, that there is reasonable assurance that the facility or activity will not violate applicable water quality standards. This right to review the manner of operation of a facility or activity is not to be construed as authority to the State, agency, or Secretary, as the case may be, to impose operational requirements with respect to that facility or activity.

If a judgment is entered under section 10(h) of the Act that a federally licensed or permitted facility or activity has been operated in violation of applicable water quality standards, then the Federal license or permit with respect to which a certification has been obtained under this provision may be suspended or revoked by the Federal agency issuing that license or permit.

No Federal agency is to be deemed to be an applicant for the purposes of this subsection.

If the actual construction of a facility has been lawfully commenced before the date of enactment of the Water Quality Improvement Act of 1970, then no certification is to be required for a license or permit issued thereafter to operate such facility except

that if such a license or permit is issued without this certification it shall terminate at the end of three years from the date of enactment of the Act of 1970 unless before such date a proper certification is submitted to the licensing or permitting agency and the person having that license or permit otherwise meets the requirements of this subsection.

Except as provided in the preceding paragraph, an applicant for a license or permit pending on the date of enactment of the Water Quality Improvement Act of 1970, which license or permit is issued within one year after that date, will not require certification for a one-year period following the date of issuance of the license or permit except that that license or permit will terminate at the end of one year unless before that expiration date the licensee or permittee submits a certification and otherwise meets the requirements of this subsection.

In the case of any activity which will affect water quality for which there are no applicable standards, no certification will be required. However, a Federal licensing or permitting agency, in such event, must impose, as a condition of any license or permit, a requirement that the licensee or permittee shall comply with the purposes of the Act.

If a State in which a discharge originates or the Secretary notifies a Federal agency that its licensee or permittee has received notice of the adoption of water quality standards applicable to such activity and has failed to comply with the standards, the Federal agency must after a period of time, suspend license or permit until notice is received that there is reasonable assurance of compliance.

Nothing in this section is to be construed to limit the authority of any department or agency pursuant to any other provision of law to require compliance with applicable water quality standards. The Secretary of the Interior is also directed to provide technical assistance to carry out the purposes of this Act.

This section will also authorize the Chief of Engineers to permit the use of spoil disposal areas under his jurisdiction by a Federal licensee or permittee to charge for that use with the moneys received to be deposited in miscellaneous receipts of the Treasury. In considering the "public interest" the Chief of Engineers should take into consideration the necessity to maintain non-Federal dock and berthing facilities which are essential to the functioning of the Federal navigation project. In determining the needs and utilization of spoil disposal areas under the jurisdiction of the Chief of Engineers, he should give appropriate consideration to the related requirements of the non-Federal dredging activities and should consider their needs for disposal on the same basis as those of the Federal Government. Where local interests donates land, or shares in the costs of construction of spoil disposal areas, local interest should be permitted reasonable use of the area, utilizing the same standards as set forth in the two preceding sentences, at a nominal charge.

AWARDS FOR EXCELLENCE

House bill

The House bill in section 4 amends section 12 of the Federal Water Pollution Control Act to add a new subsection (f) which would authorize a program of official recognition by the United States to industrial firms and political subdivisions which demonstrated excellence in their waste treatment and pollution abatement programs. Those industrial firms and political subdivisions granted such an award are to receive a certificate or a flag of suitable design. Notification of the award is to be published in the Federal Register.

Senate amendment

The Senate amendment contained no comparable provision.

Conference substitute

Section 104 of the conference substitute adds a new subsection (f) to redesignated section 22 of the Federal Water Pollution Control Act to authorize a program of official recognition by the United States to industrial organizations and political subdivisions which during the preceding year demonstrated either outstanding technological achievement or an innovative process, method, or device in their waste treatment and pollution abatement programs. The Secretary is to establish appropriate regulations for application for and granting of this award. No applicant is to be eligible if he is not in total compliance with all applicable water quality standards and does not otherwise have a satisfactory record with respect to environmental quality. The award is to be a certificate or plaque of suitable design, and notification of the award is to be published in the Federal Register.

RESEARCH, INVESTIGATIONS, TRAINING, AND INFORMATION

House bill

Section 5 of the House bill amends section 5 of the Federal Water Pollution Control Act by adding four new subsections and by extending the provisions authorizing appropriations for 2 additional fiscal years at the level of authorization provided for fiscal year 1969, that is $65 million.

Section 5(g) authorizes the Secretary to enter into contracts and grants with various individuals, agencies, and organizations, for research and development on the problems of lake eutrophication and other lake pollution problems.

Section 5(h) would authorize the Secretary to acquire lands and interests therein by purchase with appropriated or donated funds, by donation, or by exchange, lands or interests therein in connection with development of field laboratories, research facilities, and demonstration projects.

Section 5(i) would direct that the Secretary shall engage in research studies, experiments, and demonstrations by grant, contract, or otherwise, in the prevention and control of oil pollution, including the removal of oil discharges.

Section 5(j) would direct that the Secretary engage in a program of research, studies, experiments, and demonstrations by grants, contracts, or otherwise relative to the equipment which is to be installed on board a vessel and which is designed to receive, retain, treat, or discharge sewage from vessels with particular emphasis on equipment for use on recreational vessels. The Secretary is directed to file a report of his findings prior to the effective date of any standards to be established under section 18 of the Act.

Senate amendment

Section 104 of the Senate amendment would amend section 5 of the Federal Water Pollution Control Act by deleting the present subsection (g) relating to an estuary study and inserting that subsection as a new subsection in section 21 of the Act.

This section would also add a new subsection (g) to section 5 relating to the training of personnel to operate and maintain existing and future treatment works and related activities. Under this new program the Secretary will finance pilot programs of manpower development in training and retraining of people interested in entering, or who are actually in the field of operation and maintenance of such works. The purpose of the program is to supplement, not supplant, other manpower training programs. The Secretary can carry out these programs directly or through joint ventures with the States and other public or private agencies.

The Secretary is also authorized to enter into agreements to develop and maintain an effective system for forecasting the needs of various occupational categories in the water pollution field.

The new subsection would authorize the Secretary, in carrying out the purposes of the Federal Water Pollution Control Act, to make grants and enter into contracts, establish and maintain research fellowships, and provide additional training in technical programs in the water pollution field. The Secretary is required to submit a report to Congress by September 30, 1970, summarizing actions taken under the new subsection; including information on the number of persons trained, categories for which training was provided, effectiveness of various training programs in this field, and provide estimates of the needs of this field.

This section would also add a new subsection (h) to section 5 to authorize the Secretary to enter into contracts and grants for research and development on problems of lake eutrophication and other lake pollution problems, including construction of publicly owned research facilities for that purpose.

This section would also add a new subsection (i) to section 5 to direct the Secretary to engage in research, studies, experiments, and demonstrations by grant, contract, or otherwise in the prevention and control of oil pollution, including the removal of oil discharges.

A new subsection (j) is added to section 5 to require the Secretary within two years to develop and issue to the States for the purpose of adopting standards pursuant to section 10(c), criteria reflecting the latest scientific knowledge useful in indicating the kind and extent of effects on health and welfare which may be expected from the presence of pesticides in the water in varying quantities. These criteria are to be revised from time to time. Further, the Secretary is required to conduct a study and investigation of methods to control the release of pesticides into the environment, including examination of persistency of pesticides and to report thereon within two years.

A new subsection (k) is added to section 5 which authorizes the Secretary to acquire lands and interests therein by purchase, with appropriated or donated funds, by donation, or by exchange, in connection with development of field laboratories, research facilities, and demonstration projects.

This section would also authorize appropriations to carry out provisions of this section except subsection (g) (1) and (2) at the current level of authorization which is $65 million for fiscal years 1970 and 1971. In the case of subsection (g)(1), the authorization would be $5 million for fiscal year 1970 and $7.5 million for the next fiscal year. In the case of subsection (g)(2), the authorization is $2.5 million for each of those fiscal years.

Conference substitute

Section 105 of the conference substitute amends section 5 of the Federal Water Pollution Control Act as follows:

(1) By relettering the last two subsections and inserting after subsection (f) new subsections (g) through (1).

(2) The new subsection (g) provides the same authority with respect to training of personnel as was provided by the Senate amendment in its amendment to section 5(g).

The new subsection (h) provides for the same authority with respect to lake eutrophication as was contained in the Senate amendment. It would authorize financial assistance for the construction of publicly owned research facilities by public agencies, including publicly owned universities.

The new subsection (i), relating to research on oil removal problems with the substitution of the requirement that the specifica-

tions be developed from time to time, rather than by June 30, 1970, and with other minor changes is the same as the Senate amendment in this regard.

The new subsection (j), relating to marine sanitation device research is essentially the same as the provisions contained in the proposed subsection (j) in the House bill.

The new subsection (k), relating to land acquisition, is essentially the same as the comparable provisions in both the House bill and Senate amendment.

The new subsection (l) is essentially the same as the proposed subsection (j) in the Senate amendment relating to pesticides with the exception that reference to criteria has been deleted, and the term "scientific knowledge" substituted therefor, and the requirement of making the study on pesticides has been placed in the President rather than the Secretary. The conferees expect that the Secretary will consult with the Secretary of HEW on the health aspects of pesticides and will avoid duplication of the research activities of the Department of HEW.

In addition, this provision would extend through fiscal year 1971 the $1,000,000 authorized for the estuarine studies authorized in redesignated subsection (m) and would extend through fiscal year 1971 the authorization of $65,000,000 per year for carrying out section 5 on research and would authorize for subsection (g)(1) training $5,000,000 for fiscal year 1970 and $7,500,000 for fiscal year 1971, and $2,500,000 per fiscal year for each of those two fiscal years for carrying out subsection (g)(2) training. The extension of the estuarial authorization is necessary in connection with the gathering of additional information which may be required as the result of hearings now being held by the Public Works Committee.

OIL POLLUTION ACT, 1924

The House bill, the Senate amendment, and the conference substitute all repeal the Oil Pollution Act, 1924.

FINANCING STUDY

House bill

Section 9 of the House bill authorizes a study by the Secretary of the Interior of the feasibility of all methods of financing the cost of preventing, controlling, and abating water pollution, the results to be reported to Congress by January 1, 1970, together with recommendations.

Senate amendment

The Senate amendment contains no comparable provision.

Conference substitute

Section 109 of the conference substitute authorizes this study, excluding from it, however, the methods already authorized by existing law and extending to December 31, 1970, the reporting date. The authorization of this study is not to be construed as a weakening of the congressional commitment to the financing methods for water pollution control programs now authorized by law.

NAME CHANGE

House bill

Section 10 of the House bill changes the name of the Federal Water Pollution Control Administration to the National Water Quality Administration.

Senate amendment

The Senate amendment contained no comparable provision.

Conference substitute

Section 10 of the conference substitute provides for changing the name of the Federal Water Pollution Control Administration to that of the Federal Water Quality Administration.

REIMBURSEMENT

Senate amendment

Section 106 of the Senate amendment amends section 8(c) of the Federal Water Pollution Control Act to specifically include in the provision relating to the reallotment of unused allocations language indicating that these can be used for the purpose of making reimbursements pursuant to the sixth and seventh sentences of section 8(c).

House bill

The House bill contains no comparable provision.

Conference substitute

Section 111 of the conference substitute amends section 8(c) of the Federal Water Pollution Control Act to include for the purpose of making reimbursement, those States having projects eligible for reimbursement pursuant to the sixth and seventh sentences of subsection (c) of section 8.

The conferees agreed that this is merely a clarifying amendment and the authority for these reimbursements is contained in existing law. However, for clarification purposes, the specific words are added to the law.

NAVIGATION

Senate amendment

Section 108 of the Senate amendment amends the second sentence of section 10(c)(3) of the Federal Water Pollution Control Act to add the word "navigation" after the word "industrial,", thus making consideration of the value and use of water for navigation a factor to be taken into account in the establishment of water quality standards.

House bill

The House bill contains no comparable provision.

Conference substitute

Section 112 of the conference substitute adds a new sentence to section 10(c)(3) of the Federal Water Pollution Control Act. The intent and purpose of this sentence is the same as that of the Senate amendment, that is to ensure that "navigation" will be considered in the same manner and to the same extent as the other enumerated classes in the establishment of standards. The conference substitute differs from the Senate amendment only in technique in order to avoid any possible misinterpretation of this provision.

ENVIRONMENTAL QUALITY

Senate amendment

Title II of the Senate amendment, consisting of five sections, relates to environmental quality.

Section 201 would cite this title as the Environmental Quality Improvement Act of 1969 and make certain congressional findings relative to the national policy set forth in specific statutes for the enhancement of environmental quality.

Section 202 would require each Federal agency conducting or supporting public works activity which affect the quality of the environment to implement the policies established by the President under this Act.

Section 203 would establish in the Executive Office of the President an Office of Environmental Quality.

Section 204 would direct that an advisory committee be established having a broad range of concern of population growth and environmental quality and planning for the future.

Section 205 would authorize appropriations to carry out the purposes of this title.

House bill

The House bill contains no comparable provision.

Conference substitute

Title II of the conference substitute relates to environmental quality.

Section 201 cites the title as the "Environmental Quality Improvement Act of 1970".

Section 201 makes certain congressional findings relating to the national policy set forth in existing statutes relating to environmental pollution, control, water, and land resources, transportation, and economic and regional development. It also finds that the primary responsibility for implementing this national policy rests with the State and local governments, and encourages the implementation of the policy through regional organizations.

The section declares that the purposes of the title are to assure that existing Federal departments and agencies conducting or supporting public works activities affecting the environment shall implement the policies established under existing law and to authorize an Office of Environmental Quality.

Section 203 establishes in the Executive Office of the President an Office of Environmental Quality. The Chairman of the Council on Environmental Quality is to be the Director of this Office. A Deputy Director is authorized to be appointed by the President by and with the advice and consent of the Senate, and his compensation is provided for. The Director is authorized to employ necessary personnel. These personnel would be employed in accordance with the general classification laws and paid in accordance with the General Schedule, except that authority is granted for the employment of not to exceed ten specialists and experts without regard to the provisions of law governing appointment and payment in the competitive service, with the further condition that no such specialist or expert shall be paid at a rate above that of the maximum for GS–18. The conferees expect a report to the Public Works Committee from the Council on Environmental Quality within 90 days after the date of enactment of this Act on their staff needs, in terms of numbers, grades, and functions of temporary and permanent staff personnel.

In carrying out his functions, the Director shall assist and advise the President on policies and programs of the Federal Government affecting environmental quality by—

(1) providing the professional and administrative staff and support for the Council on Environmental Quality;

(2) assisting the Federal agencies and departments in appraising the effectiveness of existing and proposed facilities, programs, policies, and activities of the Federal Government which affect environmental quality as well as those specific major projects designated by the President which do not require individual project authorization by Congress and which affect environmental quality;

(3) reviewing the adequacy of existing systems for monitoring and predicting environmental changes in order to achieve effective coverage and efficient use of research facilities and other resources;

(4) promoting the advancement of scientific knowledge of the effects of actions and technology on the environment and encourage the development of the means to prevent or reduce adverse effects that endanger the health and well-being of man;

(5) assisting in coordinating among the Federal departments and agencies those programs and activities which affect, protect, and improve environmental quality;

(6) assisting the Federal departments and agencies in the development and interrelationship of environmental quality criteria and standards established through the Federal Government;

(7) collecting, collating, analyzing, and

interpreting data and information on environmental quality, ecological research and evaluation.

The Director in carrying out his functions is authorized to contract with public or private agencies, institutions, and organizations and individuals.

Section 204 provides for referral of the Environmental Quality Report to each standing committee of Congress having jurisdiction over any part of its subject matter.

Section 205 authorizes $500,000 for fiscal year 1970, $750,000 for fiscal year 1971, $1,250,000 for fiscal year 1972, and $1,500,000 for fiscal year 1973, in addition to the existing authorizations.

JOHN A. BLATNIK,
ROBERT E. JONES,
JIM WRIGHT,
GEORGE H. FALLON,
WILLIAM C. CRAMER,
WILLIAM HARSHA,
JAMES R. GROVER, Jr.,
Managers on the Part of the House.

APPENDIX A

CHANGES IN THE FEDERAL WATER POLLUTION CONTROL ACT PROPOSED TO BE MADE BY THE CONFERENCE SUBSTITUTE FOR H.R. 4148

For the information of the Members of the House of Representatives, changes in the Federal Water Pollution Control Act proposed to be made by the conference substitute for H.R. 4148, are known as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

FEDERAL WATER POLLUTION CONTROL ACT

AN ACT To provide for water pollution control activities in the Public Health Service of the Department of Health, Education, and Welfare, and for other purposes.

DECLARATION OF POLICY

SECTION 1. (a) The purpose of this Act is to enhance the quality and value of our water resources and to establish a national policy for the prevention, control, and abatement of water pollution.

(b) In connection with the exercise of jurisdiction over the waterways of the Nation and in consequence of the benefits resulting to the public health and welfare by the prevention and control of water pollution, it is hereby declared to be the policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution, to support and aid technical research relating to the prevention and control of water pollution, and to provide Federal technical services and financial aid to State and interstate agencies and to municipalities in connection with the prevention and control of water pollution. The Secretary of Health, Education, and Welfare (hereinafter in this Act called "Secretary") shall administer this Act through the Administration created by section 2 of this Act, and with the assistance of an Assistant Secretary of Health, Education, and Welfare designated by him, shall supervise and direct (1) the head of such Administration in administering this Act and (2) the administration of all other functions of the Department of Health, Education, and Welfare related to water pollution. Such Assistant Secretary shall perform such additional functions as the Secretary may prescribe.

(c) Nothing in this Act shall be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect to the waters (including boundary waters) of such States.

FEDERAL WATER POLLUTION CONTROL ADMINISTRATION

SEC. 2. Effective ninety days after the date of enactment of this section there is created within the Department of Health, Education, and Welfare a [Federal Water Pollution Control Administration] *Federal Water Quality Administration* (hereinafter in this Act referred to as the "Administration"). The head of the Administration shall be appointed, and his compensation fixed, by the Secretary. The head of the Administration may, in addition to regular staff of the Administration, which shall be initially provided from the personnel of the Department, obtain, from within the Department or otherwise as authorized by law, such professional, technical, and clerical assistance as may be necessary to discharge the Administration's functions and may for that purpose use funds available for carrying out such functions; and he may delegate any of his functions to, or otherwise authorize their performance by, an officer or employee of, or assigned or detailed to the Administration.

COMPREHENSIVE PROGRAMS FOR WATER POLLUTION CONTROL

SEC. 3. (a) The Secretary shall, after careful investigation, and in cooperation with other Federal agencies, with State water pollution control agencies and interstate agencies, and with the municipalities and industries involved, prepare or develop comprehensive programs for eliminating or reducing the pollution of interstate waters and tributaries thereof and improving the sanitary conditions of surface and underground waters. In the development of such comprehensive programs due regard shall be given to the improvements which are necessary to conserve such waters for public water supplies, propagation of fish and aquatic life and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses. For the purpose of this section, the Secretary is authorized to make joint investigations with any such agencies of the condition of any waters in any State or States, and of the discharges of any sewage, industrial wastes, or substance which may adversely affect such waters.

(b)(1) In the survey or planning of any reservoir by the Corps of Engineers, Bureau of Reclamation, or other Federal agency, consideration shall be given to inclusion of storage for regulation of streamflow for the purpose of water quality control, except that any such storage and water releases shall not be provided as a substitute for adequate treatment or other methods of controlling waste at the source.

(2) The need for and the value of storage for this purpose shall be determined by these agencies, with the advice of the Secretary, and his views on these matters shall be set forth in any report or presentation to the Congress proposing authorization or construction of any reservoir including such storage.

(3) The value of such storage shall be taken into account in determining the economic value of the entire project of which it is a part, and costs shall be allocated to the purpose of water quality control in a manner which will insure that all project purposes share equitably in the benefits of multiple-purpose construction.

(4) Costs of water quality control features incorporated in any Federal reservoir or other impoundment under the provisions of this Act shall be determined and the beneficiaries identified and if the benefits are widespread or national in scope, the costs of such features shall be nonreimbursable.

(c)(1) The Secretary shall, at the request of the Governor of a State, or a majority of the governors when more than one State is involved, make a grant to pay not to exceed 50 per centum of the administrative expenses of a planning agency for a period not to exceed 3 years, if such agency provides for adequate representation of appropriate State, interstate, local, or (when appropriate) international, interests in the basin or portion thereof involved and is capable of developing an effective comprehensive water quality control and abatement plan for a basin.

(2) Each planning agency receiving a grant under this subsection shall develop a comprehensive pollution control and abatement plan for the basin which—

(A) is consistent with any applicable water quality standards estabilshed pursuant to current law within the basin;

(B) recommends such treatment works and sewer systems as will provide the most effective and economical means of collection, storage, treatment, and purification of wastes and recommends means to encourage both municipal and industrial use of such works and systems; and

(C) recommends maintenance and improvement of water quality standards within the basin or portion thereof and recommends methods of adequately financing those facilities as may be necessary to implement the plan.

(3) For the purposes of this subsection the term "basin" includes but is not limited to, rivers and their tributaries, streams, coastal waters, sounds, estuaries, bays, lakes, and portions thereof, as well as the lands drained thereby.

INTERSTATE COOPERATION AND UNIFORM LAWS

SEC. 4. (a) The Secretary shall encourage cooperative activities by the States for the prevention and control of water pollution; encourage the enactment of improved and, so far as practicable, uniform State laws relating to the prevention and control of water pollution; and encourage compacts between States for the prevention and control of water pollution.

(b) The consent of the Congress is hereby given to two or more States to negotiate and enter into agreements or compacts, not in conflict with any law or treaty of the United States, for (1) cooperative effort and mutual assistance for the prevention and control of water pollution and the enforcement of their respective laws relating thereto, and (2) the establishment of such agencies, joint or otherwise, as they may deem desirable for making effective such agreements and compacts. No such agreement or compact shall be binding or obligatory upon any State a party thereto unless and until it has been approved by the Congress.

RESEARCH, INVESTIGATIONS, TRAINING, AND INFORMATION

SEC. 5. (a) The Secretary shall conduct in the Department of Health, Education, and Welfare and encourage, cooperate with, and render assistance to other appropriate public (whether Federal, State, interstate, or local) authorities, agencies, and institutions, private agencies and institutions, and individuals in the conduct of, and promote the coordination of, research, investigations, experiments, demonstrations, and studies relating to the causes, control, and prevention of water pollution. In carrying out the foregoing, the Secretary is authorized to—

(1) collect and make available, through publications and other appropriate means, the results of and other information as to research, investigations, and demonstrations relating to the prevention and control of water pollution, including appropriate recommendations in connection therewith;

(2) make grants-in-aid to public or private agencies and institutions and to individuals for research or training projects and for demonstrations, and provide for the conduct or research, training, and demonstrations by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes;

(3) secure, from time to time and for such periods as he deems advisable, the assistance and advice of experts, scholars, and consultants as authorized by section 15 of

the Administrative Expenses Act of 1946 (5 U.S.C. 55a);

(4) establish and maintain research fellowships in the Department of Health, Education, and Welfare with such stipends and allowances, including traveling and subsistence expenses, as he may deem necessary to procure the assistance of the most promising research fellowships: *Provided*, That the Secretary shall report annually to the appropriate committees of Congress on his operations under this paragraph; and

(5) provide training in technical matters relating to the causes, prevention, and control of water pollution to personnel of public agencies and other persons with suitable qualifications.

(b) The Secretary may, upon request of any State water pollution control agency, or interstate agency, conduct investigations and research and make surveys concerning any specific problem of water pollution confronting any State, interstate agency, community, municipality, or industrial plant, with a view of recommending a solution of such problem.

(c) The Secretary shall, in cooperation with other Federal, State, and local agencies having related responsibilities, collect and disseminate basic data on chemical, physical, and biological water quality and other information insofar as such data or other information relate to water pollution and the prevention and control thereof.

(d) In carrying out the provisions of this section the Secretary shall develop and demonstrate under varied conditions (including conducting such basic and applied research, studies, and experiments as may be necessary):

(A) practicable means of treating municipal sewage and other waterborne wastes to remove the maximum possible amounts of physical, chemical, and biological pollutants in order to restore and maintain the maximum amount of the Nation's water at a quality suitable for repeated reuse;

(B) improved methods and procedures to identify and measure the effects of pollutants on water uses, including those pollutants created by new technological developments; and

(C) methods and procedures for evaluating the effects on water quality and water uses of augmented streamflows to control water pollution not susceptible to other means of abatement.

(e) The Secretary shall establish, equip, and maintain field laboratory and research facilities, including, but not limited to, one to be located in the northeastern area of the United States, one in the Middle Atlantic area, one in the southeastern area, one in the midwestern area, one in the southwestern area, one in the Pacific Northwest, and one in the State of Alaska, for the conduct of research, investigations, experiments, field demonstrations and studies, and training relating to the prevention and control of water pollution. Insofar as practicable, each such facility shall be loacted near institutions of higher learning in which graduate training in such research might be carried out.

(f) (The Secretary shall conduct research and technical development work, and make studies, with respect to the quality of the waters of the Great Lakes, including an analysis of the present and projected future water quality of the Great Lakes under varying conditions of waste treatment and disposal, and evaluation of the water quality needs of those to be served by such waters, and evaluations of municipal, industrial, and vessel waste treatment and disposal practices with respect to such waters, and a study of alternate means of solving water pollution problems (including additional waste treatment measures) with respect to such waters.

(g)(1) For the purpose of providing an adequate supply of trained personnel to operate and maintain existing and future treatment works and related activities, and for the purpose of enhancing substantially the proficiency of those engaged in such activities, the Secretary shall finance a pilot program, in cooperation with State and interstate agencies, municipalities, educational institutions, and other organizations and individuals, of manpower development and training and retraining of persons in; or entering into, the field of operation and maintenance of treatment works and related activities. Such program and any funds expended for such a program shall supplement, not supplant, other manpower and training programs and funds available for the purposes of this paragraph. The Secretary is authorized, under such terms and conditions as he deems appropriate, to enter into agreements with one or more States, acting jointly or severally, or with other public or private agencies or institutions for the development and implementation of such a program.

(2) The Secretary is authorized to enter into agreements with public and private agencies and institutions, and individuals to develop and maintain an effective system for forecasting the supply of, and demand for, various professional and other occupational categories needed for the prevention, control, and abatement of water pollution in each region, State, or area of the United States and, from time to time, to publish the results of such forecasts.

(3) In furtherance of the purposes of this Act, the Secretary is authorized to—

(A) make grants to public or private agencies and institutions and to individuals for training projects, and provide for the conduct of training by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes;

(B) establish and maintain research fellowships in the Department of the Interior with such stipends and allowances, including traveling and subsistence expenses, as he may deem necessary to procure the assistance of the most promising research fellowships; and

(C) provide, in addition to the program established under paragraph (1) of this subsection, training in technical matters relating to the causes, prevention, and control of water pollution for personnel of public agencies and other persons with suitable qualifications.

(4) The Secretary shall submit, through the President, a report to the Congress within eighteen months from the date of enactment of this subsection, summarizing the actions taken under this subsection and the effectiveness of such actions, and setting forth the number of persons trained, the occupational categories for which training was provided, the effectiveness of other Federal, State, and local training programs in this field, together with estimates of future needs, recommendations on improving training programs, and such other information and recommendations, including legislative recommendations, as he deems appropriate.

(h) The Secretary is authorized to enter into contracts with, or make grants to, public or private agencies and organizations and individuals for (A) the purpose of developing and demonstrating new or improved methods for the prevention, removal, and control of natural or mandate pollution in lakes, including the undesirable effects of nutrients and vegetation, and (B) the construction of publicly owned research facilities for such purpose.

(i) The Secretary shall—

(A) engage in such research, studies, experiments, and demonstrations as he deems appropriate, relative to the removal of oil from any waters and to the prevention and control of oil pollution;

(B) publish from time to time the results of such activities; and

(C) from time to time, develop and publish in the Federal Register specifications and other technical information on the various chemical compounds used as dispersants or emulsifiers in the control of oil spills.

In carrying out this subsection, the Secretary may enter into contracts with, or make grants to, public or private agencies and organizations and individuals.

(j) The Secretary shall engage in such research, studies, experiments, and demonstrations as he deems appropriate relative to equipment which is to be installed on board a vessel and is designed to receive, retain, treat, or discharge human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes with particular emphasis on equipment to be installed on small recreational vessels. The Secretary shall report to Congress the results of such research, studies, experiments, and demonstrations prior to the effective date of any standards established under section 13 of this Act. In carrying out this subsection the Secretary may enter into contracts with, or make grants to, public or private organizations and individuals.

(k) In carrying out the provisions of this section relating to the conduct by the Secretary of demonstration projects and the development of field laboratories and research facilities, the Secretary may acquire land and interests therein by purchase, with appropriated or donated funds, by donation, or by exchange for acquired or public lands under his jurisdiction which he classifies as suitable for disposition. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(l)(1) The Secretary shall, after consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, as soon as practicable but not later than two years after the effective date of this subsection, develop and issue to the States for the purpose of adopting standards pursuant to section 10(c) the latest scientific knowledge available in indicating the kind and extent of effects on health and welfare which may be expected from the presence of pesticides in the water in varying quantities. He shall revise and add to such information whenever necessary to reflect developing scientific knowledge.

(2) For the purpose of assuring effective implementation of standards adopted pursuant to paragraph (1) the President shall, in consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, conduct a study and investigation of methods to control the release of pesticides into the environment, which study shall include examination of the persistency of pesticides in the water environment and alternatives thereto. The President shall submit a report on such investigation to Congress together with his recommendations for any necessary legislation within two years after the effective date of this subsection.

[(g)](*m*)(1) The Secretary shall, in cooperation with the Secretary of the Army, the Secretary of Agriculture, the Water Resources Council, and with other appropriate Federal, State, interstate, or local public bodies and private organizations, institutions, and individuals, conduct and promote, and encourage contributions to, a comprehensive study of the effects of pollution, including sedimentation, in the estuaries and estuarine zones of the United States on fish and wildlife, on sport and commercial fishing, on recreation, on water supply and water power, and on other beneficial purposes. Such study shall also consider the effect of demographic trends, the exploitation of mineral resources and fossil fuels, land and industrial development, navigation, flood and erosion control,

and other uses of estuaries and estuarine zones upon the pollution of the waters therein.

(2) In conducting the above study, the Secretary shall assemble, coordinate, and organize all existing pertinent information on the Nation's estuaries and estuarine zones, carry out a program of investigations and surveys to supplement existing information in representative estuaries and estuarine zones and identify the problems and areas where further research and study are required.

(3) The Secretary shall submit to the Congress a final report of the study authorized by this subsection not later than three years after the date of enactment of this subsection. Copies of the report shall be made available to all interested parties, public and private. The report shall include, but not be limited to—

(A) an analysis of the importance of estuaries to the economic and social well-being of the people of the United States and of the effects of pollution upon the use and enjoyment of such estuaries;

(B) a discussion of the major economic, social, and ecological trends occurring in the estuarine zones of the Nation;

(C) recommendations for a comprehensive national program for the preservation, study, use, and development of estuaries of the Nation, and the respective responsibilities which should be assumed by Federal, State, and local governments and by public and private interests.

(4) There is authorized to be appropriated the sum of $1,000,000 per fiscal year for the fiscal years ending June 30, 1967, June 30, 1968, [and June 30, 1969,], *June 30, 1969, June 30, 1970, and June 30, 1971,* to carry out the purposes of this subsection.

(5) For the purpose of this subsection, the term "estuarine Zones" means an environmental system consisting of an estuary and those transitional areas which are consistently influenced or affected by water from any estuary such as, but not limited to, salt marshes, coastal and intertidal areas, bays, harbors, lagoons, inshore waters, and channels, and the term "estuary" means all or part of the mouth of a navigable or interstate river or stream or other body of water having unimpaired natural connection with open sea and within which the sea water is measurably diluted with fresh water derived from land drainage.

[h] *(n)* There is authorized to be appropriated to carry out this section, other than subsection [(g), not to exceed $60,000,000 for the fiscal year ending June 30, 1968, and $65,000,000 for the fiscal year ending June 30, 1969] *(g) (1) and (2), not to exceed $65,000,000 per fiscal year for each of the fiscal years ending June 30, 1969, June 30, 1970, and June 30, 1971. There is authorized to be appropriated to carry out subsection (g)(1) of this section $5,000,000 for the fiscal year ending June 30, 1970, and $7,500,000 for the fiscal year ending June 30, 1971. There is authorized to be appropriated to carry out subsection (g)(2) of this section $2,500,000 per fiscal year for each of the fiscal years ending June 30, 1970, and June 30, 1971.* Sums so appropriated shall remain available until expended.

GRANTS FOR RESEARCH AND DEVELOPMENT

SEC. 6. (a) The Secretary is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the purpose of—

(1) assisting in the development of any project which will demonstrate a new or improved method of controlling the discharge into any waters of untreated or inadequately treated sewage or other wastes from sewers which carry storm water or both storm water and sewage or other wastes, or

(2) assisting in the development of any project which will demonstrate advanced waste treatment and water purification methods (including the temporary use of new or improved chemical additives which provide substantial immediate improvement to existing treatment processes) or new or improved methods of joint treatment systems for municipal and industrial wastes, and for the purpose of reports, plans, and specifications in connection therewith.

(b) The Secretary is authorized to make grants to persons for research and demonstration projects for prevention of pollution of waters by industry including, but not limited to, treatment of industrial waste.

(c) Federal grants under subsection (a) of this section shall be subject to the following limitations:

(1) No grant shall be made for any project pursuant to this section unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Secretary;

(2) No grant shall be made for any project in an amount exceeding 75 per centum of the estimated reasonable cost thereof as determined by the Secretary; and

(3) No grant shall be made for any project under this section unless the Secretary determines that such project will serve as a useful demonstration for the purpose set forth in clause (1) or (2) of subsection (a).

(d) Federal grants under subsection (b) of this section shall be subject to the following limitations:

(1) No grant shall be made under this section in excess of $1,000,000;

(2) No grant shall be made for more than 70 per centum of the cost of the project; and

(3) No grant shall be made for any project unless the Secretary determines that such project will serve a useful purpose in the development or demonstration of a new or improved method of treating industrial wastes or otherwise preventing pollution of waters by industry, which method shall have industry-wide application.

(e) For the purposes of this section there are authorized to be appropriated—

(1) for the fiscal year ending June 30, 1966, and for each of the next [three] *five* succeeding fiscal years, the sum of $20,000,000 per fiscal year for the purposes set forth in subsections (a) and (b) of this section, including contracts pursuant to such subsections for such purposes;

(2) for the fiscal year ending June 30, 1967, and for each of the next [two] *four* succeeding fiscal years, the sum of $20,000,000 per fiscal year for the purpose set forth in clause (2) of subsection (a); and

(3) for the fiscal year ending June 30, 1967, and for each of the next [two] *four* succeeding fiscal years, the sum of $20,000,000 per fiscal year for the purpose set forth in subsection (b).

Grants for Water Pollution Control Programs

SEC. 7. (a) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1957, and for each succeeding fiscal year to and including the fiscal year ending June 30, 1961, $3,000,000, for each succeeding fiscal year to and including the fiscal year ending June 30, 1967, $5,000,000, and for each succeeding fiscal year to and including the fiscal year ending June 30, 1971, $10,000,000 for grants to States and to interstate agencies to assist them in meeting the costs of establishing and maintaining adequate measures for the prevention and control of water pollution, including the training of personnel of public agencies.

(b) The portion of the sums appropriated pursuant to subsection (a) for a fiscal year which shall be available for grants to interstate agencies and the portion thereof which shall be available for grants to States shall be specified in the Act appropriating such sums.

(c) From the sums available therefor for any fiscal year the Secretary shall from time to time make allotments to the several States, in accordance with regulations, on the basis of (1) the population, (2) the extent of the water pollution problem, and (3) the financial need of the respective States.

(d) From each State's allotment under subsection (c) for any fiscal year the Secretary shall pay to such State an amount equal to its Federal share (as determined under subsection (h)) of the cost of carrying out its State plan approved under subsection (f), including the cost of training personnel for State and local water pollution control work and including the cost of administering the State plan.

(e) From the sums available therefor for any fiscal year the Secretary shall from time to time make allotments to interstate agencies, in accordance with regulations, on such basis as the Secretary finds reasonable and equitable. He shall from time to time pay to each such agency, from its allotment, an amount equal to such portion of the cost of carrying out its plan approved under subsection (f) as may be determined in accordance with regulations, including the cost of training personnel for water pollution control work and including the cost of administering the interstate agency's plan. The regulations relating to the portion of the cost of carrying out the interstate agency's plan which shall be borne by the United States shall be designed to place such agencies, so far as practicable, on a basis similar to that of the States.

(f) The Secretary shall approve any plan for the prevention and control of water pollution which is submitted by the State water pollution control agency or, in the case of an interstate agency, by such agency, if such plan—

(1) provides for administration or for the supervision of administration of the plan by the State water pollution control agency or, in the case of a plan submitted by an interstate agency, by such interstate agency;

(2) provides that such agency will make such reports, in such form and containing such information, as the Secretary may from time to time reasonably require to carry out his functions under this Act;

(3) sets forth the plans, policies, and methods to be followed in carrying out the State (or interstate) plan and in its administration;

(4) provides for extension or improvement of the State or interstate program for prevention and control of water pollution;

(5) provides such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of the plan; and

(6) sets forth the criteria used by the State in determining priority of projects as provided in section 8(b)(4).

The Secretary shall not disapprove any plan without first giving reasonable notice and opportunity for hearing to the State water pollution control agency or interstate agency which has submitted such plan.

(g)(1) Whenever the Secretary, after reasonable notice and opportunity for hearing to a State water pollution control agency or interstate agency finds that—

(A) the plan submitted by such agency and approved under this section has been so changed that it no longer complies with a requirement of subsection (f) of this section; or

(B) in the administration of the plan there is a failure to comply substantially with such a requirement,

the Secretary shall notify such agency that no further payments will be made to the State or to the interstate agency, as the case may be, under this section (or in his discretion that further payments will not be made to the State, or to the interstate agency, for projects under or parts of the plan affected by such failure) until he is

satisfied that there will no longer be any such failure. Until he is so satisfied, the Secretary shall make no further payments to such State, or to such interstate agency, as the case may be, under this section (or shall limit payments to projects under or parts of the plan in which there is no such failure).

(2) If any State or any interstate agency is dissatisfied with the Secretary's action with respect to it under this subsection, it may appeal to the United States court of appeals for the circuit in which such State (or any of the members States, in the case of an interstate agency) is located. The summons and notice of appeal may be served at any place in the United States. The findings of fact by the Secretary, unless contrary to the weight of the evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action. Such new or modified findings of fact shall likewise be conclusive unless contrary to the weight of the evidence. The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in title 28, United States Code, section 1254.

(h)(1) The "Federal share" for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that (A) the Federal share shall in no case be more than 66⅔ per centum or less than 33⅓ per centum, and (B) the Federal share for Puerto Rico and the Virgin Islands shall be 66⅔ per centum.

(2) The "Federal shares" shall be promulgated by the Secretary between July 1 and September 30 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce.

(3) As used in this subsection, the term "United States" means the fifty States and the District of Columbia.

(4) Promulgations made before satisfactory data are available from the Department of Commerce for a full year on the per capita income of Alaska shall prescribe a Federal share for Alaska of 50 per centum and, for purposes of such promulgations, Alaska shall not be included as part of the "United States". Promulgations made thereafter but before per capita income data for Alaska for a full three-year period are available for the Department of Commerce shall be based on satisfactory data available therefrom for Alaska for such one full year or, when such data are available for a two-year period, for such two years.

(i) The population of the several States shall be determined on the basis of the latest figures furnished by the Department of Commerce.

(j) The method of computing and paying amounts pursuant to subsection (d) or (e) shall be as follows:

(1) The Secretary shall, prior to the beginning of each calendar quarter or other period prescribed by him, estimate the amount to be paid to each State (or to each interstate agency in the case of subsection (e) under the provisions of such subsection for such period, such estimate to be based on such records of the State (or the interstate agency) and information furnished by it, and such other investigation, as the Secretary may find necessary.

(2) The Secretary shall pay to the State (or to the interstate agency), from the allotment available therefor, the amount so estimated by him for any period, reduced or increased, as the case may be, by any sum (not previously adjusted under this paragraph) by which he finds that his estimate of the amount to be paid such State (or such interstate agency) for any prior period under such subsection was greater or less than the amount which should have been paid to such State (or such agency) for such prior period under such subsection. Such payments shall be made through the disbursing facilities of the Treasury Department, in such installments as the Secretary may determine.

GRANTS FOR CONSTRUCTION

SEC. 8. (a) The Secretary is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the construction of necessary treatment works to prevent the discharge of untreated or inadequately treated sewage or other waste into any waters and for the purpose of reports, plans, and specifications in connection therewith.

(b) Federal grants under this section shall be subject to the following limitations: (1) No grant shall be made for any project pursuant to this section unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Secretary and unless such project is included in a comprehensive program developed pursuant to this Act; (2) no grant shall be made for any project in an amount exceeding 30 per centum of the estimated reasonable cost thereof as determined by the Secretary; (3) no grant shall be made unless the grantee agrees to pay the remaining cost; (4) no grant shall be made for any project under this section until the applicant has made provision satisfactory to the Secretary for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof; and (5) no grant shall be made for any project under this section unless such project is in conformity with the State water pollution control plan submitted pursuant to the provisions of section 7 and has been certified by the appropriate State water pollution control agency as entitled to priority over other eligible projects on the basis of financial as well as water pollution control needs; (6) the percentage limitation of 30 per centum imposed by clause (2) of this subsection shall be increased to a maximum of 40 per centum in the case of grants made under this section from funds allocated for a fiscal year to a State under subsection (c) of this section if the State agrees to pay not less than 30 per centum of the estimated reasonable cost (as determined by the Secretary) of all projects for which Federal grants are to be made under this section from such allocation; (7) the percentage limitations imposed by clause (2) of this subsection shall be increased to a maximum of 50 per centum in the case of grants made under the section from funds allocated for a fiscal year to a State under subsection (c) of this section if the State agrees to pay not less than 25 per centum of the estimated reasonable costs (as determined by the Secretary) of all projects for which Federal grants are to be made under this section from such allocation and if enforceable water quality standards have been established for the waters into which the project discharges, in accordance with section 10(c) of this Act in the case of interstate waters, and under State law in the case of intrastate waters.

(c) In determining the desirability of projects for treatment works and of approving Federal financial aid in connection therewith, consideration shall be given by the Secretary to the public benefits to be derived by the construction and the propriety of Federal aid in such construction, the relation of the ultimate cost of constructing and maintaining the works to the public interest and to the public necessity for the works, and the adequacy of the provisions made or proposed by the applicant for such Federal financial aid for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof. The sums appropriated pursuant to subsection (d) for each fiscal year ending on or before June 30, 1965, and the first $100,000,000 appropriated pursuant to subsection (d) for each fiscal year beginning on or after July 1, 1965, shall be allotted by the Secretary from time to time, in accordance with regulations, as follows: (1) 50 per centum of such sums in the ratio that the population of each State bears to the population of all the States, and (2) 50 per centum of such sums in the ratio that the quotient obtained by dividing the per capita income of the United States by the per capita income of each State bears to the sum of such quotients for all the States. All sums in excess of $100,000,000 appropriated pursuant to subsection (d) for each fiscal year beginning on or after July 1, 1965, shall be allotted by the Secretary from time to time, in accordance with regulations, in the ratio that the population of each State bears to the population of all States. Sums allotted to a State under the two preceding sentences which are not obligated within six months following the end of the fiscal year for which they were allotted because of a lack of projects which have been approved by the State water pollution control agency under subsection (b)(1) of this section and certified as entitled to priority under subsection (b)(4) of this section, shall be reallotted by the Secretary, on such basis as he determines to be reasonable and equitable and in accordance with regulations promulgated by him, to States having projects approved under this section for which grants have not been made because of lack of funds *including States having projects eligible for reimbursement pursuant to the sixth and seventh sentences of this subsection: Provided, however,* That whenever a State has funds subject to reallocation and the Secretary finds that the need for a project in a community in such State is due in part to any Federal institution or Federal construction activity, he may, prior to such reallocation, make an additional grant with respect to such project which will in his judgment reflect an equitable contribution for the need caused by such Federal institution or activity. Any sum made available to a State reallotment under the preceding sentence shall be in addition to any funds otherwise allotted to such State under this Act. The allotments of a State under the second, third, and fourth sentences of this subsection shall be available, in accordance with the provisions of this section, for payments with respect to projects in such State which have been approved under this section, except that in the case of any project on which construction was initiated in such State after June 30, 1966, which was approved by the appropriate State water pollution control agency and which the Secretary finds meets the requirements of this section but was constructed without such assistance, such allotments for any fiscal year ending prior to July 1, 1971, shall also be available for payments in reimbursement of State or local funds used for such project prior to July 1, 1971, to the extent that assistance could have been provided under this section if such project had been approved pursuant to this section and adequate funds had been available. In the case of any project on which construction was initiated in such State after June 30, 1966, and which was constructed with assistance pursuant to this section but the amount of such assistance was a lesser per centum of the cost of construction than was allowable pursuant to this section, such allotment shall also be

available for payments in reimbursement of State or local funds used for such project prior to July 1, 1971, to the extent that assistance could have been provided under this section if adequate funds had been available. Neither a finding by the Secretary that a project meets the requirements of this subsection, nor any other provision of this subsection, shall be construed to constitute a commitment or obligation of the United States to provide funds to make or pay any grant for such project. For purposes of this section, population shall be determined on the basis of the latest decennial census for which figures are available, as certified by the Secretary of Commerce, and per capita income for each State and for the United States shall be determined on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce.

(d) There are hereby authorized to be appropriated for each fiscal year through and including the fiscal year ending June 30, 1961, the sum of $50,000,000 per fiscal year for the purpose of making grants under this section. There are hereby authorized to be appropriated, for the purpose of making grants under this section, $80,000,000 for the fiscal year ending June 30, 1962, $90,000,000 for the fiscal year ending June 30, 1963, $100,000,000 for the fiscal year ending June 30, 1964, $100,000,000 for the fiscal year ending June 30, 1965, $150,000,000 for the fiscal year ending June 30, 1966, $150,000,000 for the fiscal year ending June 30, 1967; $450,000,000 for the fiscal year ending June 30, 1968; $700,000,000 for the fiscal year ending June 30, 1969; $1,000,000,000 for the fiscal year ending June 30, 1970; and $1,250,000,000 for the fiscal year ending June 30, 1971. Sums so appropriated shall remain available until expended. At least 50 per centum of the funds so appropriated for each fiscal year ending on or before June 30, 1965, and at least 50 per centum of the first $100,000,000 so appropriated for each fiscal year beginning on or after July 1, 1965, shall be used for grants for the construction of treatment works servicing municipalities of one hundred and twenty-five thousand population or under.

(e) The Secretary shall make payments under this section through the disbursing facilities of the Department of the Treasury. Funds so paid shall be used exclusively to meet the cost of construction of the project for which the amount was paid. As used in this section the term "construction" includes preliminary planning to determine the economic and engineering feasibility of treatment works, the engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action necessary to the construction of treatment works; and the erection, building, acquisition, alteration, remodeling, improvement, or extension of treatment works; and the inspection and supervision of the construction of treatment works.

(f) Notwithstanding any other provisions of this section, the Secretary may increase the amount of a grant made under subsection (b) of this section by an additional 10 per centum of the amount of such grant for any project which has been certified to him by an official State, metropolitan, or regional planning agency empowered under State or local laws or interstate compact to perform metropolitan or regional planning for a metropolitan area within which the assistance is to be used, or other agency or instrumentality designated for such purposes by the Governor (or Governors in the case of interstate planning) as being in conformity with the comprehensive plan developed or in process of development for such metropolitan area. For the purposes of this subsection, the term "metropolitan area" means either (1) a standard metropolitan statistical area as defined by the Bureau of the Budget, except as may be determined by the President as not being appropriate for the purposes hereof, or (2) any urban area, including those surrounding areas that form an economic and socially related region, taking into consideration such factors as present and future population trends and patterns of urban growth, location of transportation facilities and systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities, which in the opinion of the President lends itself as being appropriate for the purposes hereof.

(g) The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on projects for which grants are made under this section shall be paid wages at rates not less than those prevailing for the same type of work on similar construction in the immediate locality, as determined by the Secretary of Labor, in accordance with the Act of March 3, 1931, as amended, known as the Davis-Bacon Act (46 Stat. 1494; 40 U.S.C., secs 276a through 276a–5). The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133z–15) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276c).

WATER POLLUTION CONTROL ADVISORY BOARD

SEC. 9. (a) (1) There is hereby established in the Department of Health, Education, and Welfare, a Water Pollution Control Advisory Board, composed of the Secretary or his designee, who shall be chairman, and nine members appointed by the President, none of whom shall be Federal officers or employees. The appointed members, having due regard for the purposes of this Act, shall be selected from among representatives of various State, interstate and local governmental agencies, of public or private interests contributing to, affected by, or concerned with water pollution, and of other public and private agencies, organizations, or groups demonstrating an active interest in the field of water pollution prevention and control, as well as other individuals who are expert in this field.

(2) (A) Each member appointed by the President shall hold office for a term of three years, except that (i) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (ii) the terms of office of the members first taking office after June 30, 1956, shall expire as follows: three at the end of one year after such date, three at the end of two years after such date, and three at the end of three years after such date, as designated by the President at the time of appointment, and (iii) the term of any member under the preceding provisions shall be extended until the date on which his successor's appointment is effective. None of the members appointed by the President shall be eligible for reappointment within one year after the end of his preceding term but terms commencing prior to the enactment of the Water Pollution Control Act Amendments of 1956 shall not be deemed "preceding terms" for purposes of this sentence.

(B) The members of the Board who are not officers or employees of the United States, while attending conferences or meetings of the Board or while otherwise serving at the request of the Secretary, shall be entitled to receive compensation at a rate to be fixed by the Secretary, but not exceeding $50 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

(b) The Board shall advise, consult with, and make recommendations to the Secretary on matters of policy relating to the activities and functions of the Secretary under this Act.

(c) Such clerical and technical assistance as may be necessary to discharge the duties of the Board shall be provided from the personnel of the Department of Health, Education, and Welfare.

ENFORCEMENT MEASURES AGAINST POLLUTION OF INTERSTATE OR NAVIGABLE WATERS

SEC. 10. (a) The pollution of interstate or navigable waters in or adjacent to any State or States (whether the matter causing or contributing to such pollution is discharged directly into such waters or reaches such waters after discharge into a tributory of such waters), which endangers the health or welfare of any persons, shall be subject to abatement as provided in this Act.

(b) Consistent with the policy declaration of this Act, State and interstate action to abate pollution of interstate or navigable waters shall be encouraged and shall not, except as otherwise provided by or pursuant to court order under subsection (h) be displaced by Federal enforcement action.

(c) (1) If the Governor of a State or a State water pollution control agency files, within one year after the date of enactment of this subsection, a letter of intent that such State, after public hearings, will before June 30, 1967, adopt (A) water quality criteria applicable to interstate waters or portions thereof within such State, and (B) a plan for the implementation and enforcement of the water quality criteria adopted, and if such criteria and plan are established in accordance with the letter of intent, and if the Secretary determines that such State criteria and plan are consistent with paragraph (3) of this subsection, such State criteria and plan shall thereafter be the water quality standards applicable to such interstate waters or portions thereof.

(2) If a State does not (A) file a letter of intent or (B) establish water quality standards in accordance with paragraphs (1) of this subsection, or of the Secretary or the Governor of any State affected by water quality standards established pursuant to this subsection desires a revision in such standards, the Secretary may, after reasonable notice and a conference of representatives of appropriate Federal departments and agencies, interstate agencies, States, municipalities and industries involved, prepare regulations setting forth standards of water quality to be applicable to interstate waters or portions thereof. If, within six months from the date the Secretary publishes such regulations, the State has not adopted water quality standards found by the Secretary to be consistent with paragraph (3) of this subsection, or a petition for public hearing has not been filed under paragraph (4) of this subsection, the Secretary shall promulgate such standards.

(3) Standards of quality established pursuant to this subsection shall be such as to protect the public health or welfare, enhance the quality of water and serve the purposes of this Act. In establishing such standards the Secretary, the Hearing Board, or the appropriate State authority shall take into consideration their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses. *In establishing such standards the Secretary, the hearing board, or the appropriate State*

authority shall take into consideration their use and value for navigation.

(4) If at any time prior to 30 days after standards have been promulgated under paragraph (2) of this subsection, the Governor of any State affected by such standards petitions the Secretary for a hearing, the Secretary shall call a public hearing, to be held in or near one or more of the places where the water quality standards will take effect before a Hearing Board of five or more persons appointed by the Secretary. Each State which would be affected by such standards shall be given an opportunity to select one member of the Hearing Board. The Department of Commerce and other affected Federal departments and agencies shall each be given an opportunity to select a member of the Hearing Board and not less than a majority of the Hearing Board shall be persons other than officers or employees of the Department of Health, Education, and Welfare. The members of the Board who are not officers or employees of the United States, while participating in the hearing conducted by such Hearing Board or otherwise engaged on the work of such Hearing Board, shall be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding $100 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2), for persons in the Government service employed intermittently. Notice of such hearing shall be published in the Federal Register and given to the State water pollution control agencies interstate agencies and municipalities involved at least 30 days prior to the date of such hearing. On the basis of the evidence presented at such hearing, the Hearing Board shall make findings as to whether the standards published or promulgated by the Secretary should be approved or modified and transmit its findings to the Secretary. If the Hearing Board approves the standards as published or promulgated by the Secretary, the standards shall take effect of receipt by the Secretary of the Hearing Board's recommendations. If the Hearing Board recommends modifications in the standards as published or promulgated, by the Secretary, the Secretary shall promulgate revised regulations setting forth standards of water quality in accordance with the Hearing Board's recommendations which will become effective immediately upon promulgation.

(5) The discharge of matter into such interstate waters or portions thereof, which reduces the quality of such waters below the water quality standards established under this subsection (whether the matter causing or contributing to such reduction is discharged directly into such waters or reaches such waters after discharge into tributaries of such waters), is subject to abatement in accordance with the provisions of paragraph (1) or (2) of subsection (g) of this section, except that at least 180 days before any abatement action is initiated under either paragraph (1) or (2) of subsection (g) as authorized by this subsection, the Secretary shall notify the violators and other interested parties of the violation of such standards. In any suit brought under the provisions of this subsection the court shall receive in evidence a transcript of the proceedings of the conference and hearing provided for in this subsection, together with the recommendations of the conference and Hearing Board and the recommendations and standards promulgated by the Secretary, and such additional evidence, including that relating to the alleged violations of the standards, as it deems necessary to a complete review of the standards and to a determination of all other issues relating to the alleged violation. The court giving due consideration to the practicability and to the physical and economic feasibility of complying with such standards, shall have jurisdiction to enter such judgment and orders enforcing such judgment as the public interest and the equities of the case may require.

(6) Nothing in this subsection shall (A) prevent the application of this section to any case to which subsection (a) of this section would otherwise be applicable, or (B) extend Federal jurisdiction over water not otherwise authorized by this Act.

(7) In connection with any holdings under this section no witness or any other person shall be required to divulge trade secrets or secret processes.

(d)(1) Whenever requested by the Governor of any State or a State water pollution control agency, or (with the concurrence of the Governor and of the State water pollution control agency for the State in which the municipality is situated) the governing body of any municipality, the Secretary shall, if such request refers to pollution of waters which is endangering the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originates, give formal notification thereof to the water pollution control agency and interstate agency, if any, of the State or States where such discharge or discharges originate and shall call promptly a conference of such agency or agencies and of the State water pollution control agency and interstate agency, if any, of the State or States, if any, which may be adversely affected by such pollution. Whenever requested by the Governor of any State, the Secretary shall, if such request refers to pollution of interstate or navigable waters which is endangering the health or welfare of persons only in the requesting State in which the discharge or discharges (causing or contributing to such pollution) originate, give formal notification thereof to the water pollution control agency and interstate agency, if any, of such State and shall promptly call a conference of such agency or agencies, unless, in the judgment of the Secretary, the effect of such pollution on the legitimate uses of the waters is not of sufficient significance to warrant exercise of Federal jurisdiction under this section. The Secrtary shall also call such a conference whenever, on the basis of reports, surveys, or studies, he has reason to believe that any pollution referred to in subsection (a) and endangering the health or welfare of persons in a State other than that in which the discharge or discharges originate is occurring; or he finds that substantial economic injury results from the inability to market shellfish or shellfish products in interstate commerce because of pollution referred to in subsection (a) and action of Federal, State, or local authorities.

(2) Whenever the Secretary, upon receipt of reports, surveys, or studies from any duly constituted international agency, has reason to believe that any pollution referred to in subsection (a) of this section which endangers the health or welfare of persons in a foreign country is occurring, and the Secretary of State requests him to abate such pollution, he shall give formal notification thereof to the State water pollution control agency of the State in which such discharge or discharges originate and to the interstate water pollution control agency, if any, and shall call promptly a conference of such agency or agencies, if he believes that such pollution is occurring in sufficient quantity to warrant such action. The Secretary, through the Secretary of State, shall invite the foreign country which may be adversely affected by the pollution to attend and participate in the conference, and the representative of such country shall, for the purpose of the conference and any further proceeding resulting from such conference, have all the rights of a State water pollution control agency. This paragraph shall apply only to a foreign country which the Secretary determines has given the United States essentially the same rights with respect to the prevention and control of water pollution occurring in that country as is given that country by this paragraph. Nothing in this paragraph shall be construed to modify, amend, repeal, or otherwise affect the provisions of the 1909 Boundary Waters Treaty between Canada and the United States or the Water Utilization Treaty of 1944 between Mexico and the United States (59 Stat. 1219), relative to the control and abatement of water pollution in waters covered by those treaties.

(3) The agencies called to attend such conference may bring such persons as they desire to the conference. In addition, it shall be the responsibility of the chairman of the conference to give every person contributing to the alleged pollution or affected by it an opportunity to make a full statement of his views to the conference. Not less than three weeks' prior notice of the conference date shall be given to such agencies.

(4) Following this conference, the Secretary shall prepare and forward to all the water pollution control agencies attending the conference a summary of conference discussions including (A) occurrence of pollution of interstate or navigable waters subject to abatement under this Act; (B) adequacy of measures taken toward abatement of the pollution; and (C) nature of delays, if any, being encountered in abating the pollution.

(e) If the Secretary believes, upon the conclusion of the conference or thereafter, that effective progress toward abatement of such pollution is not being made and that the health or welfare of any persons is being endangered, he shall recommend to the appropriate State water pollution control agency that it take necessary remedial action. The Secretary shall allow at least six months from the date he makes such recommendations for the taking of such recommended action.

(f)(1) If, at the conclusion of the period so allowed, such remedial action has not been taken or action which in the judgment of the Secretary is reasonably calculated to secure abatement of such pollution has not been taken, the Secretary shall call a public hearing, to be held in or near one or more of the places where the discharge or discharges causing or contributing to such pollution originated, before a Hearing Board of five or more persons appointed by the Secretary. Each State in which any discharge causing or contributing to such pollution originates and each State claiming to be adversely affected by such pollution shall be given an opportunity to select one member of the Hearing Board and at least one member shall be a representative of the Department of Commerce, and not less than a majority of the Hearing Board shall be persons other than officers or employees of the Department of Health, Education, and Welfare. At least three weeks' prior notice of such hearing shall be given to the State water pollution control agencies and interstate agencies, if any, called to attend the aforesaid hearing and the alleged polluter or polluters. It shall be the responsibility of the Hearing Board to give every person contributing to the alleged pollution or affected by it an opportunity to make a full statement of his views to the Hearing Board. On the basis of the evidence presented at such hearings, the Hearing Board shall make findings as to whether pollution referred to in subsection (a) is occurring and whether effective progress toward abatement thereof is being made. If the Hearing Board finds such pollution is occurring and effective progress toward abate-

ment thereof is not being made it shall make recommendations to the Secretary concerning the measures, if any, which it finds to be reasonable and equitable to secure abatement of such pollution. The Secretary shall send such findings and recommendations to the person or persons discharging any matter causing or contributing to such pollution, together with a notice specifying a reasonable time (not less than six months) to secure abatement of such pollution, and shall also send such findings and recommendations and such notice to the State water pollution control agency and to the interstate agency, if any, of the State or States where such discharge or discharges originate.

(2) In connection with any hearing called under this section the Secretary is authorized to require any person whose alleged activities result in discharges causing or contributing to water pollution to file with him, in such form as he may prescribe, a report based on existing data, furnishing such information as may reasonably be required as to the character, kind, and quantity of such discharges and the use of facilities or other means to prevent or reduce such discharges by the person filing such a report. Such report shall be made under oath or otherwise, as the Secretary may prescribe, and shall be filed with the Secretary within such reasonable period as the Secretary may prescribe, unless additional time be granted by the Secretary. No person shall be required in such report to divulge trade secrets or secret processes, and all information reported shall be considered confidential for the purposes of section 1905 of title 18 of the United States Code.

(3) If any person required to file any report under paragraph (2) of this subsection shall fail to do so within the time fixed by the Secretary for filing the same, and such failure shall continue for thirty days after notice of such default, such person shall forfeit to the United States the sum of $100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States brought in the district where such person has his principal office or in any district in which he does business. The Secretary may upon application therefor remit or mitigate any forfeiture provided for under this paragraph and he shall have authority to determine the facts upon all such applications.

(4) It shall be the duty of the various United States attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of such forfeitures.

(g) If action reasonably calculated to secure abatement of the pollution within the time specified in the notice following the public hearing is not taken, the Secretary—

(1) in the case of pollution of waters which is endangering the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originate, may request the Attorney General to bring a suit on behalf of the United States to secure abatement of pollution, and

(2) in the case of pollution of waters which is endangering the health or welfare of persons only in the State in which the discharge or discharges (causing or contributing to such pollution) originate, may, with the written consent of the Governor of such State, request the Attorney General to bring a suit on behalf of the United States to secure abatement of the pollution.

(h) The court shall receive in evidence in any such suit a transcript of the proceedings before the Board and a copy of the Board's recommendations and shall receive such further evidence as the court in its discretion deems proper. The court, giving due consideration to the practicability and to the physical and economic feasibility of securing abatement of any pollution proved, shall have jurisdiction to enter such judgment, and orders enforcing such judgment, as to the public interest and the equities of the case may require.

(i) Members of any Hearing Board appointed pursuant to subsection (f) who are not regular full-time officers or employees of the United States shall, while participating in the hearing conducted by such Board or otherwise engaged on the work of such Board, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding $100 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

(j) used in this section the term—

(1) "person" includes an individual, corporation, partnership, association, State, municipality, and political subdivision of a State, and

(2) "municipality" means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law.

(k) (1) At the request of a majority of the conferees in any conference called under this section the Secretary is authorized to request any person whose alleged activities result in discharges causing or contributing to water pollution, to file with him a report (in such form as may be prescribed in regulations promulgated by him) based on existing data, furnishing such information as may reasonably be requested as to the character, kind, and quantity of such discharges and the use of facilities or other means to prevent or reduce such discharges by the person filing such a report. No person shall be required in such report to divulge trade secrets or secret processes, and all information reported shall be considered confidential for the purposes of section 1905 of title 18 of the United States Code.

(2) If any person required to file any report under this subsection shall fail to do so within the time fixed by regulations for filing the same, and such failure shall continue for thirty days after notice of such default, such person may, by order of a majority of the conferees, be subject to a forfeiture of $100 for each and every day of the continuance of such failure which forfeiture shall be payable into the Treasury of the United States and shall be recoverable in a civil suit in the name of the United States brought in the district where such person has his principal office or in any district in which he does business. The Secretary may upon application therefor remit or mitigate any forfeiture provided for under this subsection and he shall have authority to determine the facts upon all such applications.

(3) It shall be the duty of the various United States attorneys, under the direction of the Attorney General of the United States to prosecute for the recovery of such forfeitures.

Control of Pollution by Oil

Sec. 11. (a) For the purpose of this section, the term—

(1) "oil" means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil;

(2) "discharge" includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping;

(3) "vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel;

(4) "public vessel" means a vessel owned or bare-boat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce;

(5) "United States" means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

(6) "owner or operator" means (A) in the case of a vessel, any person owning, operating, or chartering by demise, such vessel, and (B) in the case of an onshore facility, and an offshore facility, any person owning or operating such onshore facility or offshore facility, and (C) in the case of any abandoned offshore facility, the person who owned or operated such facility immediately prior to such abandonment;

(7) "person" includes an individual, firm, corporation, association, and a partnership;

(8) "remove," or "removal" refers to removal of the oil from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches;

(9) "contiguous zone" means the entire zone established or to be established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone;

(10) "onshore facility" means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land within the United States other than submerged land;

(11) "offshore facility" means any facility of any kind located in, on, or under, any of the navigable waters of the United States other than a vessel or a public vessel;

(12) "act of God" means an act occasioned by an unanticipated grave natural disaster;

(13) "barrel" means 42 United States gallons at 60 degrees Fahrenheit.

(b) (1) The Congress hereby declares that it is the policy of the United States that there should be no discharges of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone.

(2) The discharge of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone in harmful quantities as determined by the President under paragraph (3) of this section, is prohibited, except (A) in the case of such discharges into the waters of the contiguous zone, where permitted under article IV of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended, and (B) where permitted in quantities and at times and locations or under such circumstances or conditions as the President may, by regulation, determine not to be harmful. Any regulations issued under this subsection shall be consistent with maritime safety and with marine and navigation laws and regulations and applicable water quality standards.

(3) The President shall by regulation, to be issued as soon as possible after the date of enactment of this paragraph, determine for the purposes of this section, those quantities of oil the discharge of which, at such times, locations, circumstances, and conditions, will be harmful to the public health or welfare of the United States, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches except that in the case of the discharge of oil into or upon the waters of the contiguous zone, only those discharges which threaten the fishery resources of the contiguous zone or threaten to pollute or contribute to the pollution of the territory or the territorial sea of the United States may be determined to be harmful.

(4) Any person in charge of a vessel or of an onshore facility or an offshore facility shall, as soon as he has knowledge of any discharge of oil from such vessel or facility in violation of paragraph (2) of this subsection, immediately notify the appropriate agency of the United States Government of such discharge. Any such person who fails to notify immediately such agency of such discharge shall, upon conviction, be fined not more than $10,000, or imprisoned for not more than one year, or both. Notification received pursuant to this paragraph or information obtained by the exploitation of such notification shall not be used against any such person in any criminal case, except a prosecution for perjury or for giving a false statement.

(5) Any owner or operator of any vessel, onshore facility, or offshore facility from which oil is knowingly discharged in violation of paragraph (2) of this subsection shall be assessed a civil penalty by the Secretary of the department in which the Coast Guard is operating of not more than $10,000 for each offense. No penalty shall be assessed unless the owner or operator charged shall have been given notice and opportunity for a hearing on such charge. Each violation is a separate offense. Any such civil penalty may be compromised by such Secretary. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the owner or operator charged, the effect on the owner or operator's ability to continue in business, and the gravity of the violation, shall be considered by such Secretary. The Secretary of the Treasury shall withhold at the request of such Secretary of the clearance required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), of any vessel the owner or operator of which is subject to the foregoing penalty. Clearance may be granted in such cases upon the filing of a bond or other surety satisfactory to such Secretary.

(c)(1) Whenever any oil is discharged, into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone, the President is authorized to act to remove or arrange for the removal of such oil at any time, unless he determines such removal will be done properly by the owner or operator of the vessel, onshore facility, or offshore facility from which the discharge occurs.

(2) Within sixty days after the effective date of this section, the President shall prepare and publish a National Contingency Plan for removal of oil pursuant to this subsection. Such National Contingency Plan shall provide for efficient, coordinated, and effective action to minimize damage from oil discharges, including containment, dispersal, and removal of oil, and shall include, but not be limited to—

(A) assignment of duties and responsibilities among Federal departments and agencies in coordination with State and local agencies, including, but not limited to, water pollution control, conservation, and port authorities;

(B) identification, procurement, maintenance, and storage of equipment and supplies;

(C) establishment or designation of a strike force consisting of personnel who shall be trained, prepared, and available to provide necessary services to carry out the Plan, including the establishment at major ports, to be determined by the President, of emergency task forces of trained personnel, adequate oil pollution control equipment and material, and a detailed oil pollution prevention and removal plan;

(D) a system of surveillance and notice designed to insure earliest possible notice of discharges of oil to the appropriate Federal agency;

(E) establishment of a national center to provide coordination and direction for operations in carrying out the Plan;

(F) procedures and techniques to be employed in identifying, containing, dispersing, and removing oil; and

(G) a schedule, prepared in cooperation with the States, identifying (i) dispersants and other chemicals, if any, that may be used in carrying out the Plan, (ii) the waters in which such dispersants and chemicals may be used, and (iii) the quantities of such dispersant or chemical which can be used safely in such waters, which schedule shall provide in the case of any dispersant, chemical, or waters not specifically identified in such schedule that the President, or his delegate, may, on a case-by-case basis, identify the dispersants and other chemicals which may be used, the waters in which they may be used, and the quantities which can be used safely in such waters.

The President may, from time to time, as he deems advisable, revise or otherwise amend the National Contingency Plan. After publication of the National Contingency Plan, the removal of oil and actions to minimize damage from oil discharges shall, to the greatest extent possible, be in accordance with the National Contingency Plan.

(d) Whenever a marine disaster in or upon the navigable waters of the United States has created a substantial threat of a pollution hazard to the public health or welfare of the United States, including, but not limited to fish, shellfish, and wildlife and the public and private shorelines and beaches of the United States, because of a discharge, or an imminent discharge, of large quantities of oil from a vessel the United States may (A) coordinate and direct all public and private efforts directed at the removal or elimination of such threat; and (B) summarily remove, and, if necessary, destroy such vessel by whatever means are available without regard to any provsiion of law governing the employment of personnel or the expenditures of appropriated funds. Any expense incurred under this subsection shall be a cost incurred by the United States Government for the purposes of subsection (f) in the removal of oil.

(e) In addition to any other action taken by a State or local government, when the President determines there is an imminent and substantial threat to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and public and private property, shorelines, and beaches within the United States, because of an actual or threatened discharge of oil into or upon the navigable waters of the United States from an onshore or offshore facility, the President may require the United States attorney of the district in which the threat occurs to secure such relief as may be necessary to abate such threat, and the district courts of the United States shall have jurisdiction to grant such relief as the public interest and the equities of the case may require.

(f)(1) Except where an owner or operator can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any vessel from which oil is discharged in violation of subsection (b)(2) of this section shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed $100 per gross ton of such vessel or $14,000,000, whichever is lesser, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. Such costs shall constitute a maritime lien on such vessel which may be recovered in an action in rem in the district court of the United States for any district within which any vessel may be found. The United States may also bring an action against the owner or operator of such vessel in any court of competent jurisdiction to recover such costs.

(2) Except where an owner or operator of an onshore facility can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any such facility from which oil is discharged in violation of subsection (b)(2) of this section shall be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed $8,000,000, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. The United States may bring an action against the owner or operator of such facility in any court of competent jurisdiction to recover such costs. The Secretary is authorized, by regulation, after consultation with the Secretary of Commerce and the Small Business Administration, to establish reasonable and equitable classifications of those onshore facilities having a total fixed storage capacity of 1,000 barrels or less which he determines because of size, type, and location do not present a substantial risk of the discharge of oil in violation of subsection (b)(2) of this section, and apply with respect to such classifications differing limits of liability which may be less than the amount contained in this paragraph.

(3) Except where an owner or operator of an offshore facility can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any such facility from which oil is discharged in violation of subsection (b)(2) of this section shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed $8,000,000, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. The United States may bring an action against the owner or operator of such a facility in any court of competent jurisdiction to recover such costs.

(g) In any case where an owner or operator of a vessel, of an onshore facility, or of an offshore facility, from which oil is discharged in violation of subsection (b)(2) of this section proves that such discharge of oil was caused solely by an act or omission of a third party, or was caused solely by such an act or omission in combination with an act of God, an act of war, or negligence on the part of the

United States Government, such third party shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for removal of such oil by the United States Government, except where such third party can prove that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of another party without regard to whether such act or omission was or was not negligent, or any combination of the foregoing clauses. If such third party was the owner or operator of a vessel which caused the discharge of oil in violation of subsection (b)(2) of this section, the liability of such third party under this subsection shall not exceed $100 per gross ton of such vessel or $14,000,000, whichever is the lesser. In any other case the liability of such third party shall not exceed the limitation which would have been applicable to the owner or operator of the vessel or the onshore or offshore facility from which the discharge actually occurred, if such owner or operator were liable. If the United States can show that the discharge of oil in violation of subsection (b)(2) of this section was the result of willful negligence or willful misconduct within the privity and knowledge of such third party, such third party shall be liable to the United States Government for the full amount of such removal costs. The United States may bring an action against the third party in any court of competent jurisdiction to recover such removal costs.

(h) The liabilities established by this section shall in no way affect any rights which (1) the owner or operator of a vessel or of an onshore facility or an offshore facility may have against any third party whose acts may in any way have caused or contributed to such discharge, or (2) the United States Government may have against any third party whose actions may in any way have caused or contributed to the discharge of oil.

(i)(1) In any case where an owner or operator of a vessel or an onshore facility or an offshore facility from which oil is discharged in violation of subsection (b)(2) of this section acts to remove such oil in accordance with regulations promulgated pursuant to this section, such owner or operator shall be entitled to recover the reasonable costs incurred in such removal upon establishing, in a suit which may be brought against the United States Government in the United States Court of Claims, that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether such act or omission was or was not negligent, or of any combination of the foregoing causes.

(2) The provisions of this subsection shall not apply in any case where liability is established pursuant to the Outer Continental Shelf Lands Act.

(3) Any amount paid in accordance with a judgment of the United States Court of Claims pursuant to this section shall be paid from the fund established pursuant to subsection (k).

(j)(1) Consistent with the National Contingency Plan required by subsection (c)(2) of this section, as soon as practicable after the effective date of this section, and from time to time thereafter, the President shall issue regulations consistent with maritime safety and with marine and navigation laws (A) establishing methods and procedures for removal of discharged oil, (B) establishing criteria for the development and implementation of local and regional oil removal contingency plans, (C) establishing procedures, methods, and requirements for equipment to prevent discharges of oil from vessels and from onshore facilities and offshore facilities, and (D) governing the inspection of vessels carrying cargoes of oil and the inspection of such cargoes in order to reduce the likelihood of discharges of oil from such vessels in violation of this section.

(2) Any owner or operator of a vessel or an onshore facility or an offshore facility and any other person subject to any regulation issued under paragraph (1) of this subsection who fails or refuses to comply with the provisions of any such regulation, shall be liable to a civil penalty of not more than $5,000 for each such violation. Each violation shall be a separate offense. The President may assess and compromise such penalty. No penalty shall be assessed until the owner, operator, or other person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the owner, operator, or other person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by the President.

(k) There is hereby authorized to be appropriated to a revolving fund to be established in the Treasury not to exceed $35,000,000 to carry out the provisions of subsection (c), (i), and (l) of this section and section 12 of this Act. Any other funds received by the United States under this section shall also be deposited in said fund for such purposes. All sums appropriated to, or deposited in, said fund shall remain available until expended.

(l) The President is authorized to delegate the administration of this section to the heads of those Federal departments, agencies, and instrumentalities which he determines to be appropriate. Any moneys in the fund established by subsection (k) of this section shall be available to such Federal departments, agencies, and instrumentalities to carry out the provisions of subsections (c) and (i) of this section and section 12 of this Act. Each such department, agency, and instrumentality, in order to avoid duplication of effort, shall, whenever appropriate, utilize the personnel, services, and facilities of other Federal departments, agencies, and instrumentalities.

(m) Anyone authorized by the President to enforce the provisions of this section may, except as to public vessels, (A) board and inspect any vessel upon the navigable waters of the United States or the waters of the contiguous zone, (B) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (C) execute any warrant or other process issued by an officer or court of competent jurisdiction.

(n) The several district courts of the United States are invested with jurisdiction for any actions, other than actions pursuant to subsection (i)(1), arising under this section. In the case of Guam, such actions may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the United States District Court for the District of the Canal Zone.

(o)(1) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, or of any owner or operator of any onshore facility or offshore facility to any person or agency under any provision of law for damages to and publicly-owned or privately-owned property resulting from a discharge of any oil or from the removal of any such oil.

(2) Nothing in this section shall be construed as preempting any State or political subdivision thereof from imposing any requirement or liability with respect to the discharge of oil into any waters within such State.

(3) Nothing in this section shall be construed as affecting or modifying any other existing authority of any Federal department, agency, or instrumentality, relative to onshore or offshore facilities under this Act or any other provision of law, or to affect any State or local law not in conflict with this section.

(p)(1) Any vessel over three hundred gross tons, including any barge of equivalent size, using any port or place in the United States or the navigable waters of the United States for any purpose shall establish and maintain under regulations to be prescribed from time to time by the President, evidence of financial responsibility of $100 per gross ton, or $14,000,000 whichever is the lesser, to meet the liability to the United States which such vessel could be subjected under this section. In cases where an owner or operator owns, operates, or charters more than one such vessel, financial responsibility need only be established to meet the maximum liability to which the largest of such vessels could be subjected. Financial responsibility may be established by any one of, or a combination of, the following methods acceptable to the President: (A) evidence of insurance, (B) surety bonds, (C) qualification as a self-insurer, or (D) other evidence of financial responsibility. Any bond filed shall be issued by a bonding company authorized to do business in the United States.

(2) The provisions of paragraph (1) of this subsection shall be effective one year after the effective date of this section. The President shall delegate the responsibility to carry out the provisions of this subsection to the appropriate agency head within sixty days after the date of enactment of this section. Regulations necessary to implement this subsection shall be issued within six months after the date of enactment of this section.

(3) Any claim for costs incurred by such vessel may be brought directly against the insurer or any other person providing evidence of financial responsibility as required under this subsection. In the case of any action pursuant to this subsection such insurer or other person shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if an action had been brought against him by the claimant, and which would have been available to him if an action had been brought against him by the owner or operator.

(4) The Secretary of Transportation, in consultation with the Secretaries of Interior, State, Commerce, and other interested Federal agencies, representatives of the merchant marine, oil companies, insurance companies, and other interested individuals and organizations, and taking into account the results of the application of paragraph (1) of this subsection, shall conduct a study of the need for and, to the extent determined necessary—

(A) other measures to provide financial responsibility and limitation of liability with respect to vessels using the navigable waters of the United States;

(B) measures to provide financial responsibility for all onshore and offshore facilities; and

(C) other measures for limitation of liability of such facilities; for the cost of removing discharged oil and paying all damages resulting from the discharge of such oil. The Secretary of Transportation shall submit a report, together with any legislative recommendations, to Congress and the President by January 1, 1971.

Control of Hazardous Polluting Substances

Sec. 12. (a) The President shall, in accordance with subsection (b) of this section, develop, promulgate, and revise as may be appropriate, regulations (1) designating as hazardous substances, other than oil as defined in section 11 of this Act, such elements and compounds which, when discharged in any quantity into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, present an imminent and substantial danger to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, shorelines, and beaches; and (2) establishing, if appropriate, recommended methods and means for the removed of such substances.

(b) Sections 551 through 559, inclusive (other than section 553(c)), and 701 through 706, inclusive, of title 5, United States Code, shall apply to regulations issued under authority of this section.

(c) In order to facilitate the removal, if appropriate, of any hazardous substance any person in charge of a vessel or of an onshore or offshore facility of any kind shall, as soon as he has knowledge of any discharge of such substance from such vessel or facility, immediatetly notify the appropriate agency of the United States of such discharge.

(d) Whenever any hazardous substance is discharged into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, unless removal is immediately undertaken by the owner or operator of the vessel or onshore or offshore facility from which the discharge occurs or which caused the discharge, pursuant to the regulations promulgated under this section, the President, if appropriate, shall remove or arrange for the removal thereof in accordance with such regulations. Nothing in this subsection shall be construed to restrict the authority of the President to act to remove or arrange for the removal of such hazardous substance at any time.

(e) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, onshore or offshore facility to any person or agency under any provision of law for damages to any publicly- or privately-owned property resulting from a discharge of any hazardous substance or from the removal of any such substance.

(f) (1) For the purpose of this section the definitions in subsection (a) of section 11 of this Act shall be applicable to the provisions of this section, except as provided in paragraph (2) of this subsection:

(2) For the purpose of this section, the term—

(A) "remove" or "removal" refers to removal of the hazardous substances from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches;

(B) "owner or operator" means any person owning, operating, chartering by demise, or otherwise controlling the operations of, a vessel, or any person owning, operating, or otherwise controlling the operations of an onshore or offshore facility; and

(C) "offshore or onshore facility" means any facility of any kind and related appurtenances thereto which is located in, on, or under the surface of any land, or permanently or temporarily affixed to any land, including lands beneath the navigable waters of the United States and which is used or capable of use for the purpose of processing, transporting, producing, storing, or transferring for commercial purposes any hazardous substance designed under this section.

(g) The President shall submit a report to the Congress, together with his recommendations, not later than November 1, 1970, on the need for, and desirability of, enacting legislation to impose liability for the cost of removal of hazardous substances discharged from vessels and onshore and offshore facilities subject to this section including financial responsibility requirements. In preparing this report, the President shall conduct an accelerated study which shall include, but not be limited to, the method and measures for controlling hazardous substances to prevent this discharge, and the most appropriate measures for (1) enforcement (including the imposition of civil and criminal penalties for discharges and for failure to notify) and (2) recovery of costs incurred by the United States if removal is undertaken by the United States. In carrying out this study, the President shall consult with the interested representatives of the various public and private groups that would be affected by such legislation as well as other interested persons.

(h) Any moneys in the funds established by section 11 of this Act shall be available to the President to carry out the purposes of this section. In carrying out this section the President shall utilize the personnel, services, and facilities of Federal departments, agencies, and instrumentalities in such manner as will avoid duplication of effort.

Control of Sewage from Vessels

Sect. 13. (a) For the purpose of this section, the term—

(1) "new vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated after promulgation of standards and regulations under this section;

(2) "existing vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated before promulgation of standards and regulations under this section;

(3) "public vessel" means a vessel owned or bareboat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce;

(4) "United States" includes the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Canal Zone, and the Trust Territory of the Pacific Islands;

(5) "marine sanitation device" includes any equipment for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage;

(6) "sewage" means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

(7) "manufacturer" means any pesron engaged in the manufacturing, assembling, or importation of marine sanitation devices or of vessels subject to standards and regulations promulgated under this section;

(8) "person" means an individual, partnership, firm, corporation, or association, but does not include an individual on board a public vessel;

(9) "discharge" includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(b) (1) As soon as possible, after the enactment of this section and subject to the provisions of section 5(j) of this Act, the Secretary, after consultation with the Secretary of the department in which the Coast Guard is operating, after giving appropriate consideration to the economic costs involved, and within the limits of available technology, shall promulgate Federal standards of performance for marine sanitation devices (hereafter in this section referred to as "standards") which shall be designed to prevent the discharge of untreated or inadequately treated sewage into or upon the navigable waters of the United States from new vessels and existing vessels, except vessels not equipped with installed toilet facilities. Such standards shall be consistent with maritime safety and the marine and navigation laws and regulations and shall be coordinated with the regulations issued under this subsection by the Secretary of the department in which the Coast Guard is operating. The Secretary of the department in which the Coast Guard is operating shall promulgate regulations, which are consistent with standards promulgated under this subsection and with maritime safety and the marine and navigation laws and regulations, governing the design, construction, installation, and operation of any marine sanitation device on board such vessels.

(2) Any existing vessel equipped with a marine sanitation device on the date of promulgation of initial standards and regulations under this section, which device is in compliance with such initial standards and regulations, shall be deemed in compliance with this section until such time as the device is replaced or is found not to be in compliance with such initial standards and regulations.

(c) (1) Initial standards and regulations under this section shall become effective for new vessels two years after promulgation; and for existing vessels five years after promulgation. Revisions of standards and regulations shall be effective upon promulgation, unless another effective date is specified except that no revision shall take effect before the effective date of the standard or regulation being revised.

(2) The Secretary of the department in which the Coast Guard is operating with regard to his regulatory authority established by this section, after consultation with the Secretary, may distinguish among classes, types, and sizes of vessels as well as between new and existing vessels and may waive applicability of standards and regulations as necessary or appropriate for such classes, types, and sizes of vessels (including existing vessels equipped with marine sanitation devices on the date of promulgation of the initial standards required by this section), and, upon application, for individual vessels.

(d) The provisions of this section and the standards and regulations promulgated hereunder apply to vessels owned and operated by the United States unless the Secretary of Defense finds that compliance would not be in the interest of national security. With respect to vessels owned and operated by the Department of Defense, regulations under the last sentence of subsection (b) (1) and certifications under subsection (g) (2) of this section shall be promulgated and issued by the Secretary of Defense.

(e) Before the standards and regulations under this section are promulgated, the Secretary and the Secretary of the department in which the Coast Guard is operating shall consult with the Secretary of State; the Secretary of Health, Education, and Welfare; the Secretary of Defense; the Secretary of the Treasury; the Secretary of Commerce; other interested Federal agencies; and the States and industries interested; and otherwise comply with the requirements of section 553 of title 5 of the United States Code.

(f) After the effective date of the initial standards and regulations promulgated under this section, no State or political subdivision thereof shall adopt or enforce any statute or regulation of such State or political subdivision with respect to the design, manufacture, or installation or use of any marine sanitation device on any vessel subject to the provisions of this section. Upon application by a State, and where the Secretary determines that any applicable water quality standards require such a prohibition,

he shall by regulation completely prohibit the discharge from a vessel of any sewage (whether treated or not) into those waters of such State which are the subject of the application and to which such standards apply.

(g)(1) No manufacturer of a marine sanitation device shall sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States for sale or resale any marine sanitation device manufactured after the effective date of the standards and regulations promulgated under this section unless such device is in all material respects substantially the same as a test device certified under this subsection.

(2) Upon application of the manufacturer, the Secretary of the department in which the Coast Guard is operating shall so certify a marine sanitation device if he determines, in accordance with the provisions of this paragraph, that it meets the appropriate standards and regulations promulgated under this section. The Secretary of the department in which the Coast Guard is operating shall test or require such testing of the device in accordance with procedures set forth by the Secretary as to standards of performance and for such other purposes as may be appropriate. If the Secretary of the department in which the Coast Guard is operating determines that the device is satisfactory from the standpoint of safety and any other requirements of maritime law or regulation, and after consideration of the design, installation, operation, material, or other appropriate factors, he shall certify the device. Any device manufactured by such manufacturer which is in all material respects substantially the same as the certified test device shall be deemed to be in conformity with the appropriate standards and regulations established under this section.

(3) Every manufacturer shall establish and maintain such records, make such reports, and provide such information as the Secretary or the Secretary of the department in which the Coast Guard is operating may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this section and regulations issued thereunder and shall, upon request of an officer or employee duly designated by the Secretary or the Secretary of the department in which the Coast Guard is operating, permit such officer or employee at reasonable times to have access to and copy such records. All information reported to or otherwise obtained by, the Secretary or the Secretary of the department in which the Coast Guard is operating on their representatives pursuant to this subsection which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this section. This paragraph shall not apply in the case of the construction of a vessel by an individual for his own use.

(h) After the effective date of standards and regulations promulgated under this section, it shall be unlawful—

(1) for the manufacturer of any vessel subject to such standards and regulations to manufacture for sale, to sell or offer for sale, or to distribute for sale or resale any such vessel unless it is equipped with a marine sanitation device which is in all material respects substantially the same as the appropriate test device certified pursuant to this section;

(2) for any person, prior to the sale or delivery of a vessel subject to such standards and regulations to the ultimate purchaser, wrongfully to remove or render inoperative any certified marine sanitation device or element of design of such device installed in such vessel;

(3) for any person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information required under this section; and

(4) for a vessel subject to such standards and regulations to operate on the navigable waters of the United States, if such vessel is not equipped with an operable marine sanitation device certified pursuant to this section.

(i) The district courts of the United States shall have jurisdictions to restrain violations of subsection (g)(1) and subsections (h)(1) through (3) of this section. Actions to restrain such violations shall be brought by, and in, the name of the United States. In case of contumacy or refusal to obey a subpena served upon any person under this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(j) Any person who violates subsection (g)(1) or clause (1) or (2) of subsection (h) of this section shall be liable to a civil penalty of not more than $5,000 for each violation. Any person who violates clause (4) of subsection (h) of this section or any regulation issued pursuant to this section shall be liable to a civil penalty of not more than $2,000 for each violation. Each violation shall be a separate offense. The Secretary of the department in which the Coast Guard is operating may assess and compromise any such penalty. No penalty shall be assessed until the person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by said Secretary.

(k) The provisions of this section shall be enforced by the Secretary of the department in which the Coast Guard is operating and he may utilize by agreement, with or without reimbursement, law enforcement officers or other personnel and facilities of the Secretary, other Federal agencies, or the States to carry out the provisions of this section.

(l) Anyone authorized by the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this section may, except as to public vessels, (1) board and inspect any vessel upon the navigable waters of the United States and (2) execute any warrant or other process issued by an officer or court of competent jurisdiction.

(m) In the case of Guam, actions arising under this section may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the District Court for the District of the Canal Zone.

Area Acid and Other Mine Water Pollution Control Demonstrations

Sec. 14. (a) The Secretary in cooperation with other Federal departments, agencies, and instrumentalities is authorized to enter into agreements with any State or interstate agency to carry out one or more projects to demonstrate methods for the elimination or control, within all or part of a watershed, of acid or other mine water pollution resulting from active or abandoned mines. Such projects shall demonstrate the engineering and economic feasibility and practicality of various abatement techniques which will contribute substantially to effective and practical methods of acid or other mine water pollution elimination or control.

(b) The Secretary, in selecting watersheds for the purposes of this section, shall (1) require such feasibility studies as he deems appropriate, (2) give preference to areas which have the greatest present or potential value for public use for recreation, fish and wildlife, water supply, and other public uses, and (3) be satisfied that the project area will not be affected adversely by the influx of acid or other mine water pollution from nearby sources.

(c) Federal participation in such projects shall be subject to the conditions—

(1) that the State or interstate agency shall pay not less than 25 per centum of the actual project costs which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, or personal property or services, the value of which shall be determined by the Secretary; and

(2) that the State or interstate agency shall provide legal and practical protection to the project area to insure against any activities which will cause future acid or other mine water pollution.

(d) There is authorized to be appropriated $15,000,000 to carry out the provisions of this section, which sum shall be available until expended. No more than 25 per centum of the total funds available under this section in any one year shall be granted to any one State.

Pollution Control in Great Lakes

Sec. 15. (a) The Secretary, in cooperation with other Federal departments, agencies, and instrumentalities is authorized to enter into agreements with any State, political subdivision, interstate agency, or other public agency, or combination thereof, to carry out one or more projects to demonstrate new methods and techniques and to develop preliminary plans for the elimination or control of pollution, within all or any part of the watersheds of the Great Lakes. Such projects shall demonstrate the engineering and economic feasibility and practicality of removal of pollutants and prevention of any polluting matter from entering into the Great Lakes in the future and other abatement and remedial techniques which will contribute substantially to effective and practical methods of water pollution elimination or control.

(b) Federal participation in such projects shall be subject to the condition that the State, political subdivision, interstate agency, or other public agency, or combination thereof, shall pay not less than 25 per centum of the actual project costs, which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, and personal property or services the value of which shall be determined by the Secretary.

(c) There is authorized to be appropriated $20,000,000 to carry out the provisions of this section, which sum shall be available until expended.

Training Grants and Contracts

Sec. 16. The Secretary is authorized to make grants to or contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the preparation of undergraduate students to enter an occupation which involves the design, operation, and maintenance of treatment works, and other facilities whose purpose is

water quality control. Such grants or contracts may include payment of all or part of the cost of programs or projects such as—

(A) planning for the development or expansion of programs or projects for training persons in the operation and maintenance of treatment works;

(B) training and retraining of faculty members;

(C) conduct of short-term or regular session institutes for study by persons engaged in, or preparing to engage in, the preparation of students preparing to enter an occupation involving the operation and maintenance of treatment works;

(D) carrying out innovative and experimental programs of cooperative education involving alternate periods of full-time or part-time academic study at the institution and periods of full-time or part-time employment involving the operation and maintenance of treatment works; and

(E) research into, and development of, methods of training students or faculty, including the preparation of teaching materials and the planning of curriculum.

Application for training grant or contract; allocation of grants or contracts

Sec. 17. (1) A grant or contract authorized by section 16 may be made only upon application to the Secretary at such time or times and containing such information as he may prescribe, except that no such application shall be approved unless it—

(A) sets forth programs, activities, research, or development for which a grant is authorized under section 16, and describes the relation to any program set forth by the applicant in an application, if any, submitted pursuant to section 18.

(B) provides such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section; and

(C) provides for making such reports, in such form and containing such information, as the Secretary may require to carry out his functions under this section, and for keeping such records and for functions under this section, and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

(2) The Secretary shall allocate grants or contracts under section 16 in such manner as will most nearly provide an equitable distribution of the grants or contracts throughout the United States among institutions of higher education which show promise of being able to use funds effectively for the purposes of this section.

(3)(A) Payment under this section may be used in accordance with regulations of the Secretary, and subject to the terms and conditions set forth in an application approved under subsection (a), to pay part of the compensation of students employed in connection with the operation and maintenance of treatment works, other than as an employee in connection with the operation and maintenance of treatment works or as an employee in any branch of the Government of the United States, as part of a program for which a grant has been approved pursuant to this section.

(B) Departments and agencies of the United States are encouraged, to the extent consistent with efficient administration, to enter into arrangements with institutions of higher education for the full-time, part-time, or temporary employment, whether in the competitive or excepted service, of students enrolled in programs set forth in applications approved under subsection (a).

AWARD OF SCHOLARSHIPS

Sec. 18. (1) The Secretary is authorized to award scholarships in accordance with the provisions of this section for undergraduate study by persons who plan to enter an occupation involving the operation and maintenance of treatment works. Such scholarships shall be awarded for such periods as the Secretary may determine but not to exceed four academic years.

(2) The Secretary shall allocate scholarships under this section among institutions of higher education with programs approved under the provisions of this section for the use of individuals accepted into such programs, in such manner and according to such plan as will insofar as practicable—

(A) provide an equitable distribution of such scholarships throughout the United States; and

(B) attract recent graduates of secondary schools to enter an occupation involving the operation and maintenance of treatment works.

(3) The Secretary shall approve a program of an institution of higher education for the purposes of this section only upon application by the institution and only upon his finding—

(A) that such program has as a principal objective the education and training of persons in the operation and maintenance of treatment works;

(B) that such program is in effect and of high quality, or can be readily put into effect and may reasonably be expected to be of high quality;

(C) that the application describes the relation of such program to any program, activity, research, or development set forth by the applicant in an application, if any, submitted pursuant to section 16 of this Act; and

(D) that the application contains satisfactory assurances that (i) the institution will recommend to the Secretary for the award of scholarships under this section, for study in such program, only persons who have demonstrated to the satisfaction of the institution a serious intent, upon completing the program, to enter an occupation involving the operation and maintenance of treatment works, and (ii) the institution will make reasonable continuing efforts to encourage recipients of scholarships under this section, enrolled in such program, to enter occupations involving the operation and maintenance of treatment works upon completing the program.

(4)(A) The Secretary shall pay to persons awarded scholarships under this section such stipends (including such allowances for subsistence and other expenses for such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

(B) The Secretary shall (in addition to the stipends paid to persons under subsection (a)) pay to the institution of higher education at which such person is pursuing his course of study such amount as he may determine to be consistent with prevailing practices under comparable federally supported programs.

(5) A person awarded a scholarship under the provisions of this section shall continue to receive the payments provided in this section only during such periods as the Secretary finds that he is maintaining satisfactory proficiency and devoting full time to study or research in the field in which such scholarship was awarded in an institution of higher education, and is not engaging in gainful employment other than employment approved by the Secretary by or pursuant to regulation.

(6) The Secretary shall by regulation provide that any person awarded a scholarship under this section shall agree in writing to enter and remain in an occupation involving the design, operation, or maintenance of treatment works for such period after completion of his course of studies as the Secretary determines appropriate.

Definitions and authorization

Sec. 19. (1) As used in section 16 through 19 of this Act—

(A) The term "State" includes the District of Columbia, Puerto Rico, the Canal Zone, Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

(B) The term "institution of higher education" means an educational institution described in the first sentence of section 1201 of the Higher Education Act of 1965 (other than an institution of any agency of the United States) which is accredited by a nationally recognized accrediting agency or association approved by the Secretary for this purpose. For purposes of this subsection, the Secretary shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

(C) The term "academic year" means an academic year or its equivalent, as determined by the Secretary.

(2) The Secretary shall annually report his activities under sections 16 through 19 of this Act, including recommendations for needed revisions in the provisions thereof.

(3) There are authorized to be appropriated $12,000,000 for the fiscal year ending June 30, 1970, $25,000,000 for the fiscal year ending June 30, 1971, and $25,000,000 for the fiscal year ending June 30, 1972, to carry out section 16 through 19 of this Act (and planning and related activities in the initial fiscal year for such purposes). Funds appropriated for the fiscal year ending June 30, 1970, under authority of this subsection shall be available for obligation pursuant to the provisions of section 16 through 19 of this Act during that year and the succeeding fiscal year.

ALASKA VILLAGE DEMONSTRATION PROJECTS

Sec. 20. (a) The Secretary is authorized to enter into agreements with the State of Alaska to carry out one or more projects to demonstrate methods to provide for central community facilities for safe water and the elimination or control of water pollution in those native villages of Alaska without such facilities. Such project shall include provisions for community safe water supply systems, toilets, bathing and laundry facilities, sewage disposal faciilties, and other similar facilities, and educational and informational facilities and programs relating to health and hygiene. Such demonstration projects shall be for the further purpose of developing preliminary plans for providing such safe water and such elimination or control of water pollution for all native villages in such State.

(b) In carrying out this section the Secretary shall cooperate with the Secretary of Health, Education, and Welfare for the purpose of utilizing such of the personnel and facilities of that Department as may be appropriate.

(c) The Secretary shall report to Congress not later than January 31, 1973, the results of the demonstration projects authorized by this section together with his recommendations, including any necessary legislation, relating to the establishment of a statewide program.

(d) There is authorized to be appropriated not to exceed $1,000,000 to carry out this section.

[COOPERATION TO CONTROL POLLUTION FROM FEDERAL INSTALLATIONS

[SEC. 11. It is hereby declared to be the intent of the Congress that any Federal department or agency having jurisdiction over any building, installation, or other property shall, insofar as practicable and consistent with the interests of the United States and within any available appropriation, cooperate with the Department of Health, Education, and Wel-

fare, and with any State or interstate agency or municipality having jurisdiction over waters into which any matter is discharged from such property, in preventing or controlling the pollution of such waters. In his summary of any conference pursuant to section 10(d)(3) of this Act, the Secretary shall include references to any discharges allegedly contributing to pollution from any Federal property. Notice of any hearing pursuant to section 10(f) involving any pollution alleged to be affected by any such discharges shall also be given to the Federal agency having jurisdiction over the property involved and the findings and recommendations of the Hearing Board conducting such hearing shall also include references to any such discharges which are contributing to the pollution found by such Hearing Board.]

COOPERATION BY ALL FEDERAL AGENCIES IN THE CONTROL OF POLLUTION

Sec. 21. (a) Each Federal agency (which term is used in this section includes Federal departments, agencies, and instrumentalities) having jurisdiction over any real property or facility, or engaged in any Federal public works activity of any kind, shall, consistent with the paramount interest of the United States as determined by the President, insure compliance with applicable water quality standards and the purposes of this Act in the administration of such property, facility, or activity. In his summary of any conference pursuant to section 10(d)(4) of this Act, the Secretary shall include references to any discharges allegedly contributing to pollution from any such Federal property, facility, or activity, and shall transmit a copy of such summary to the head of the Federal agency having jurisdiction of such property, facility, or activity. Notice of any hearing pursuant to section 10(f) of this Act involving any pollution alleged to be effected by any such discharges shall also be given to the Federal agency having jurisdiction over the property, facility, or activity involved, and the findings and recommendations of the hearing board conducting such hearing shall include references to any such discharges which are contributing to the pollution found by such board.

(b)(1) Any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters of the United States, shall provide the licensing or permitting agency a certification from the State in which the discharge originates or will originate, or, if appropriate, from the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate, that there is reasonable assurance, as determined by the State or interstate agency that such activity will be conducted in a manner which will not violate applicable water quality standards. Such State or interstate agency shall establish procedures for public notice in the case of all applications for certification by it, and to the extent it deems appropriate, procedures for public hearings in connection with specific applications. In any case where such standards have been promulgated by the Secretary pursuant to section 10(c) of this Act, or where a State or interstate agency has no authority to give such a certification, such certification shall be from the Secretary. If the State, interstate agency, or Secretary, as the case may be, fails or refuses to act on a request for certification, within a reasonable period of time (which shall not exceed one year) after receipt of such request, the certification requirements of this subsection shall be waived with respect to such Federal application. No license or permit shall be granted until the certification required by this section has been obtained or has been waived as provided in the preceding sentence. No license or permit shall be granted if certification has been denied by the State, interstate agency, or the Secretary, as the case may be.

(2) Upon receipt of such application and certification the licensing or permitting agency shall immediately notify the Secretary of such application and certification. Whenever such a discharge may affect, as determined by the Secretary, the quality of the waters of any other State, the Secretary within thirty days of the date of notice of application for such Federal license or permit shall so notify such other State, the licensing or permitting agency, and the applicant. If, within sixty days after receipt of such notification, such other State determines that such discharge will affect the quality of its waters so as to violate its water quality standards, and within such sixty-day period notifies the Secretary and the licensing or permitting agency in writing of its objection to the issuance of such license or permit and requests a public hearing on such objection, the licensing or permitting agency shall hold such a hearing. The Secretary shall at such hearing submit his evaluation and recommendations with respect to any such objection to the licensing or permitting agency. Such agency, based upon the recommendations of such State, the Secretary, and upon any additional evidence, if any, presented to the agency at the hearing, shall condition such license or permit in such manner as may be necessary to insure compliance with applicable water quality standards. If the imposition of conditions cannot insure such compliance such agency shall not issue such license or permit.

(3) The certification obtained pursuant to paragraph (1) of this subsection with respect to the construction of any facility shall fulfill the requirements of this subsection with respect to certification in connection with any other Federal license or permit required for the operation of such facility unless, after notice to the certifying State agency, or Secretary, as the case may be, which shall be given by the Federal agency to whom application is made for such operating license or permit, the State, or if appropriate, the interstate agency or the Secretary, notifies such agency within sixty days after receipt of such notice that there is no longer reasonable assurance that there will be compliance with applicable water quality standards because of changes since the construction license or construction or operation of the facility, (B) permit certification was issued in (A) the the characteristics of the waters into which such discharge is made, or (C) the water quality standards applicable to such waters. This paragraph shall be inapplicable in any case where the applicant for such operating license or permit has failed to provide the certifying State, or if appropriate, the interstate agency or the Secretary, with notice of any proposed changes in the construction or operation of the facility with respect to which a construction license or permit has been granted which changes may result in violation of applicable water quality standards.

(4) Prior to the initial operation of any federally licensed or permitted facility or activity which may result in any discharge into the navigable waters of the United States and with respect to which a certification has been obtained pursuant to paragraph (1) of this subsection, which facility or activity is not subject to a Federal operating license or permit, the licensee or permittee shall provide an opportunity for such certifying State, or if appropriate, the interstate agency or the Secretary to review the manner in which the facility or activity shall be operated or conducted for the purposes of assuring that applicable water quality standards will not be violated. Upon notification by the certifying State, or if appropriate, the interstate agency or the Secretary that the operation of any such federally licensed or permitted facility or activity will violate applicable water quality standards, such Federal agency may, after public hearing, suspend such license or permit. If such license or permit is suspended, it shall remain suspended until notification is received from the certifying State, agency, or Secretary, as the case may be, that there is reasonable assurance that such facility or activity will not violate applicable water quality standards.

(5) Any Federal license or permit with respect to which a certification has been obtained under paragraph (1) of this subsection may be suspended or revoked by the Federal agency issuing such license or permit upon the entering of a judgment under section 10(h) of this Act that such facility or activity has been operated in violation of applicable water quality standards.

(6) No Federal agency shall be deemed to be an applicant for the purposes of this subsection.

(7) In any case where actual construction of a facility has been lawfully commenced prior to the date of enactment of the Water Quality Improvement Act of 1970, no certification shall be required under this subsection for a license or permit issued after the date of enactment of such Act of 1970 to operate such facility, except that any such license or permit issued without certification shall terminate at the end of the three-year period beginning on the date of enactment of such Act of 1970 unless prior to such termination date the person having such license or permit submits to the Federal agency which issued such license or permit a certification and otherwise meets the requirements of this subsection.

(8) Except as provided in paragraph (7), any application for a license or permit (A) that is pending on the date of enactment of the Water Quality Improvement Act of 1970 and (B) that is issued within one year following such date of enactment shall not require certification pursuant to this subsection for one year following the issuance of such license or permit, except that any such license or permit issued shall terminate at the end of one year unless prior to that time the licensee or permittee submits to the Federal agency that issued such license or permit a certification and otherwise meets the requirements of this subsection.

(9)(A) In the case of any activity which will affect water quality but for which there are no applicable water quality standards, no certification shall be required under this subsection, except that the licensing or permitting agency shall impose, as a condition of any license or permit, a requirement that the licensee or permittee shall comply with the purposes of this Act.

(B) Upon notice from the State in which the discharge originates or, as appropriate, the interstate agency or the Secretary, that such licensee or permittee has been notified of the adoption of water quality standards applicable to such activity and has failed, after reasonable notice, of not less than six months, to comply with such standards, the license or permit shall be suspended until notification is received from such State or interstate agency or the Secretary that there is reasonable assurance that such activity will comply with applicable water quality standards.

(C) Nothing in this section shall be construed to limit the authority to any department or agency pursuant to any other provision of law to require compliance with applicable water quality standards. The Secretary shall, upon the request of any Federal department or agency, or State or interstate agency, or applicant, provide, for the purpose of this section, any relevant information on applicable water quality standards, and shall, when requested by any such department or agency or State or interstate agency, or applicant, comment on any methods to comply with such standards.

(d) In order to implement the provisions of this section, the Secretary of the Army, acting through the Chief of Engineers, is authorized, if he deems it to be in the public interest, to permit the use of spoil disposal areas under his jurisdiction by Federal licensees or permittees, and to make an appropriate charge for such use. Moneys received from such licensees or permittees shall be deposited in the Treasury as miscellaneous receipts.

ADMINISTRATION

SEC. [12] 22. (a) The Secretary is authorized to prescribe such regulations as are necessary to carry out his functions under this Act.

(b) The Secretary, with the consent of the head of any other agency of the United States, may utilize such officers and employees of such agency as may be found necessary to assist in carrying out the purposes of this Act.

(c) There are hereby authorized to be appropriated to the Department of Health, Education, and Welfare such sums as may be necessary to enable it to carry out its functions under this Act.

(d) Each recipient of assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(a) The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this Act.

(f) (1) It is the purpose of this subsection to authorize a program which will provide official recognition by the United States Government to those industrial organizations and political subdivisions of States which during the preceding year demonstrated an outstanding technological achievement or an innovative process, method or device in their waste treatment and pollution abatement programs. The Secretary shall, in consultation with the appropriate State water pollution control agency, establish regulations under which such recognition may be applied for and granted, except that no applicant shall be eligible for an award under this subsection if such applicant is not in total compliance with all applicable water quality standards under this Act, and otherwise does not have a satisfactory record with respect to environmental quality.

(2) The Secretary shall award a certificate or plaque of suitable design to each industrial organization or political subdivision which qualifies for such recognition under regulations established by this subsection.

(3) The President of the United States, the Governor of the appropriate State, the Speaker of the House of Representatives, and the President pro tempore of the Senate shall be notified of the award by the Secretary, and the awarding of such recognition shall be published in the Federal Register.

DEFINITIONS

SEC. [13] 33. When used in this Act:

(a) The term "State water pollution control agency" means the State health authority, except that, in the case of any State in which there is a single State agency, other than the State health authority, charged with responsibility for enforcing State laws relating to the abatement of water pollution, it means such other State agency.

(b) The term "interstate agency" means an agency of two or more States established by or pursuant to an agreement or compact approved by the Congress, or any other agency of two or more States, having substantial powers or duties pertaining to the control of pollution of waters.

(c) The term "treatment works" means the various devices used in the treatment of sewage or industrial wastes of a liquid nature, including the necessary intercepting sewers, outfall sewers, pumping, power, and other equipment, and their appurtenances, and includes any extensions, improvements, remodeling, additions, and alterations thereof.

(d) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

(e) The term "interstate waters" means all rivers, lakes, and other waters that flow across or form a part of State boundaries, including coastal waters.

(f) The term "municipality" means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, and an Indian tribe or an authorized Indian tribal organization.

OTHER AUTHORITY NOT AFFECTED

SEC. [14] 24. This Act shall not be construed as (1) superseding or limiting the functions, under any other law, of the Surgeon General or of the Public Health Service, or of any other officer or agency of the United States, relating to water pollution, or (2) affecting or impairing the provisions of [the Oil Pollution Act, 1924, or] sections 13 through 17 of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors and for other purposes", approved March 3, 1899, as amended, or (3) affecting or impairing the provisions of any treaty of the United States.

SEPARABILITY

SEC. [15] 25. If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

SEC. [16] 26. (a) In order to provide the basis for evaluating programs authorized by this Act, the development of new programs, and to furnish the Congress with the information necessary for authorization of appropriation for fiscal years beginning after June 30, 1968, the Secretary, in cooperation with State water pollution control agencies and other water pollution control planning agencies, shall make a detailed estimate of the cost of carrying out the provisions of this Act; a comprehensive study of the economic impact on affected units of government of the cost of installation of treatment facilities; and a comprehensive analysis of the national requirements for and the cost of treating municipal, industrial, and other effluent to attain such water quality standards as established pursuant to this Act or applicable State law. The Secretary shall submit such detailed estimate and such comprehensive study of such cost for the five-year period beginning July 1, 1968, to the Congress no later than January 10, 1968, such study to be updated each year thereafter.

(b) The Secretary shall also make a complete investigation and study to determine (1) the need for additional trained State and local personnel to carry out programs assisted pursuant to this Act and other programs for the same purpose as this Act, and (2) means of using existing Federal training programs to train such personnel. He shall report the result of such investigation and study to the President and the Congress not later than July 1, 1967.

[SEC. 17. The Secretary of the Interior shall, in consultation with the Secretary of the Army, the Secretary of the department in which the Coast Guard is operating, the Secretary of Health, Education, and Welfare, and the Secretary of Commerce, conduct a full and complete investigation and study of the extent of the pollution of all navigable waters of the United States from litter and sewage discharged, dumped, or otherwise deposited into such waters from watercraft using such waters, and methods of abating either in whole or in part such pollution. The Secretary shall submit a report of such investigation to Congress, together with his recommendations for any necessary legislation, not later than July 1, 1967.

[SEC. 18. The Secretary of the Interior shall conduct a full and complete investigation and study of methods for providing incentives designed to assist in the construction of facilities and works by industry designed to reduce or abate water pollution. Such study shall include, but not be limited to, the possible use of tax incentives as well as other methods of financial assistance. In carrying out this study the Secretary shall consult with the Secretary of the Treasury as well as the head of any other appropriate department or agency of the Federal Government. The Secretary shall report the results of such investigation and study, together with his recommendations, to the Congress not later than January 30, 1968.]

SHORT TITLE

SEC. [19] 27. This Act may be cited as the "Federal Water Pollution Control Act".

AMENDING THE FOREIGN MILITARY SALES ACT

Mr. YOUNG. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 879 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 879

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Texas (Mr. YOUNG) is recognized for 1 hour.

Mr. YOUNG. Mr. Speaker, I yield to the distinguished gentleman from Ohio (Mr. LATTA) 30 minutes, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 879 provides an open rule with 1 hour of general debate for consideration of H.R. 15628 to amend the Foreign Military Sales Act.

The Foreign Military Sales Act of 1968 authorizes sales of defense articles and services by the United States to friendly foreign countries and international organizations.

Funds authorized by H.R. 15628 are to finance credit sales or guarantees, all of which are repayable in dollars. Interest is normally charged at the same rate the United States must pay on money it borrows.

Most military sales are made for cash to the developed countries of Western Europe and Japan.

The bill amends the act by deleting obsolete authorization and aggregate ceiling figures and substituting an authorization of $275 million of new obligational authority and an aggregate ceiling of $350 million for 1970; $272,500,000 obligational and $385 million aggregate for each of fiscal years 1971 and 1972.

The act is amended as to illegal seizure of American fishing vessels to make it clear that an unlawful seizure will make the seizing country ineligible for further contracts of credits or guaranty as well as for further contracts for sale.

The President is authorized to waive the restriction when he receives reasonable assurances that further violations will not occur.

Mr. Speaker, I urge the adoption of House Resolution 879 in order that H.R. 15628 may be considered.

The SPEAKER. The Chair recognizes the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, I agree with the statement just made by my colleague, the gentleman from Texas (Mr. YOUNG).

I would hasten to point out and emphasize the fact that all of these sales and guarantees are repayable in dollars and at interest rates equal to what the United States must pay on money it borrows.

This is something new and I think it should be followed on all of our loans.

The purpose of the bill is to extend for 2 years—fiscal 1971 and 1972—the program of credit sales of U.S. military equipment.

Most sales to Western Europe and Japan are made for cash and are not affected by this legislation.

Foreign military sales to selected countries are in the national security interests of the United States and are an important instrument of U.S. foreign policy.

The bill authorizes $275,000,000 in new spending with an aggregate ceiling on all loans and guarantees of $350,000,000 for fiscal 1970. For both fiscal 1971 and 1972, the bill authorizes appropriations of $272,500,000 with a ceiling of $385,000,000. These figures are those requested by the Department of State for fiscal 1971. The committee believes the same figures should also be applied to 1972.

The bill continues certain restrictions now in the law and extends them through fiscal 1972. These include a ceiling of $75,000,000 of total credit sales to all Latin American countries in each fiscal year, and a ceiling of $40,000,000 for all African countries.

It is estimated that total military sales in fiscal 1971 will reach $1,974,500,000, of which $385,000,000 will be credit sales covered by this bill; $416,000,000 will be sold through commercial sales and $1,173,000,000 will be cash sales.

Section 5 of the bill expresses the sense of Congress that the President should negotiate with Russia and other interested parties, an arms shipments limitation agreement for the Middle East. The section also expresses support for the President's position that Israel and other friendly countries in the area should continue to be supplied with arms to insure their security and independence.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I am happy to yield to the gentleman.

Mr. GROSS. What does the gentleman say is the total commitment under this bill?

Mr. LATTA. The total authorization of the bill is $275,000,000 in new spending, which brings the aggregate guarantee to $350,000,000 for the fiscal year 1970.

The bill authorizes appropriations of $272,500,000 for fiscal years 1971 and 1972, with a ceiling of $385,000,000.

Mr. GROSS. That is $272,500,000 for 2 years. Is that a commitment for $545,000,000?

Mr. LATTA. You have to take into consideration the ceiling of $385,000,000 which cannot be exceeded. We cannot lose sight of the fact that these sales are for dollars and they go into the U.S. Treasury and the interest rates charged are the same that the United States is paying for money that it borrows. I think the gentleman should agree with this policy.

Mr. GROSS. Well, what do we do if a country refuses to pay? These are credit sales. What happens if a country for some reason or another refuses to pay?

Mr. LATTA. I think probably, as we have in the past, Uncle Sam carries the debt and hopes that at some time in the future we will be paid.

Mr. GROSS. That is, they are sold on terms of repayment in dollars I guess, and there is the commitment to pay. But the question I want someone to answer is what happens if they refuse to pay? Do we go in with armed forces and try to collect—or what is the story?

Mr. LATTA. I do not think anything was brought up before the Committee on Rules as to what we would do in such an event. It was pointed out that this has been one of the most successful programs that we have insofar as repayment is concerned.

Mr. GROSS. I thank the gentleman.

Mr. ADAIR. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I am glad to yield to the gentleman from Indiana, the ranking Republican member of the Committee on Foreign Affairs.

Mr. ADAIR. Mr. Speaker, the answer to the question of the gentleman from Iowa is that up to this time the record of repayment has been very good indeed, and there has been no need for any such activity as that suggested. We would hope, and I think it is reasonable to expect that the present rate of repayment would continue.

Mr. LATTA. I thank the gentleman. I have no further requests for time.

Mr. YOUNG. Mr. Speaker, I have no further requests for time.

I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. MORGAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE HOUSE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 15628, with Mr. BROOKS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. MORGAN) will be recognized for 30 minutes, and the gentleman from Indiana (Mr. ADAIR) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. MORGAN. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I rise in support of H.R. 15628, a bill to amend the Foreign Military Sales Act.

The bill authorizes an appropriation of $275 million for fiscal year 1970 and $272.5 million for each of the fiscal years 1971 and 1972. The authorization for fiscal year 1969 was $296 million.

This money will be used to finance credit sales of defense articles and services to friendly foreign countries and international organizations. All proceeds from such sales are repayable in dollars and will be paid into the U.S. Treasury. Prior to enactment of the Foreign Military Sales Act in October 1968, payments from such sales were paid into a revolving fund and reused to finance additional credit sales. This revolving fund was terminated on June 30, 1968, as a result of an amendment to the Foreign Assistance Act of 1967.

The bill also sets a ceiling on the face amount of credit sales that can be made in each of the 3 years—$350 million in fiscal year 1970, and $385 million in each of the fiscal years 1971 and 1972. There are no ceilings on cash sales.

These ceilings are based upon Department of Defense estimates of what credit sales might be made. Since the decision to buy rests with the foreign government making the purchase, subject to approval by the United States, such sales forecasts are not precise. Therefore, total credit sales may be less than the aggregate ceiling. By law, however, such credit sales cannot exceed the authorized ceilings.

In the past, most of the military re-

quirements of these countries were provided as grant military assistance under the military assistance program. Now there is an increasing number of countries whose economic condition enables them to purchase some if not all of their defense requirements. Some, on the other hand, cannot make the immediate cash outlays necessary to buy needed military equipment, and they cannot obtain the necessary credit unless it is provided or guaranteed by the U.S. Government. This bill will enable the Department of Defense under the supervision of the Department of State to make Government-to-Government sales of defense articles and services to selected less developed countries on credit terms or to guarantee purchases made through private commercial channels.

Most sales of defense articles and services are made for cash either by the Department of Defense or through private commercial channels. For example, it is estimated that cash sales by the Department of Defense or through private commercial sales will be approximately $1.5 billion in fiscal year 1970. The estimate for fiscal year 1971 is that cash sales will be about $1.6 billion. There are no estimates for fiscal year 1972 but it is anticipated that cash sales will be about the same or perhaps a little higher. Thus credit sales account for a relatively small percentage of U.S. military exports. In this connection, I would like to point out that sales made through commercial channels are licensed by the State Department but do not go through the Defense Department. This bill, therefore, places no legislative restrictions or ceilings on the commercial sale of defense articles and services.

The shift from military grant aid to foreign military sales has been one of the most encouraging aspects of our foreign assistance programs. For example, it is estimated that total military sales for the current fiscal year ending June 30 will be $1,898,200,000. By comparison, the total military assistance authorization and appropriation for fiscal year 1970 is $350 million, which is less than one-fifth of the total military sales figures. During the 1950's the United States was spending about $2 billion on military assistance, and sales were less than 20 percent of the grants.

This is a short bill. In detail it does not alter the authority contained in existing law. The authorization in this bill relates only to credit sales of defense articles and services which are very important to the security interests of the countries making such purchases.

Mr. Chairman, foreign military sales to selected countries on a controlled basis are also in the national security interests of the United States and are an important instrument of U.S. foreign policy.

In enacting the Foreign Military Sales Act, the Congress declared that the ultimate goal of the United States continues to be a world which is free from the scourge of war and the dangers and burdens of armaments. It was further stated that U.S. policy is to encourage regional arms control and disarmament agreements and to discourage arms races.

The Congress, however, recognized that some nations have legitimate defense needs in order to deter aggression and to provide the internal security necessary for the orderly development of democratic political, economical, and social institutions. This bill will enable the United States to make carefully selected and controlled sales of defense articles and services to those friendly foreign countries and allies that are capable of assuming a larger burden of their own defense.

One of the foreign policy objectives as announced by the President is to encourage the countries of the free world to make a greater contribution in providing for their own security. As Deputy Secretary of Defense David Packard told the committee:

> The best hope of reducing U.S. overseas involvement and expenditures lies in getting allied and friendly nations to do even more than they are now doing in their own defense. To realize that hope, however, requires that we must continue, if requested, to give or sell them the tools they need for the bigger load we are urging them to assume.

Mr. Chairman, I share that hope. I look forward to the day when it will be possible to return American servicemen from overeas bases. A sound, adequate, and coordinated military assistance and sales program may help hasten the time when the free nations of the world will be able to defend themselves without the presence of U.S. forces.

I believe that it is in the national interests to have a foreign military sales program. On the other hand, I do not believe that the U.S. should go around the world selling arms for the sake of selling arms. This is neither the intent nor the purpose of the Foreign Military Sales Act.

I was, therefore, gratified to learn that the Secretary of Defense in outlining U.S. sales policies wrote:

> We will sell equipment to our friends and allies where and when and only to the extent needed; we will urge no friend or ally to purchase U.S. equipment when it is not needed, when there are better alternatives or when there are higher priority social and economic claims against limited funds.

In my opinion, this is a moderate and realistic approach to the arms sales programs and one which the Congress should support.

There has been a great deal of speculation that if the United States should stop selling arms, it would have the effect of reducing the quantity of military equipment being distributed around the world.

Mr. Chairman, this is not a realistic assumption. Other countries do sell arms and are increasing the quantities that they will sell. Unfortunately, it appears that the idea is to get as much business as is possible without regard for the economic conditions of a country, without regard for its ability to pay, and without regard for the legitimate defense requirements of the country making the purchase.

This is one of the dilemmas facing the United States in its arms sales program. While U.S. policy is to hold down on the sale of defense articles and services, either through legislative restrictions or through sales policy, other countries are able to sell without such legislative or policy restrictions.

Mr. Chairman, each nation has continuing defense requirements and many of them have either been recipients of U.S. military grant assistance or have purchased items of military equipment from the United States. They want and need U.S. defense articles and services to sustain their logistics support systems and equipment obtained from the United States. If the United States were to discontinue the sale of defense articles and services, the alternatives would be either to increase the grant aid program or cause these countries to seek defense articles and services from some other source.

Thus, failure on the part of the United States to make credit financing available would seriously disrupt the very programs that we have urged them to undertake. It would result in considerable logistics difficulties for countries which have predominantly American equipment and in increased costs.

Passage of this bill will enable the United States to make these requirements available to those friends and allies who are in need of defense articles and services.

In conclusion, I would like to speak on the situation in the Middle East.

One amendment that the committee added deals with the question of arms sales in this volatile area of the world. I shall read that amendment:

> SEC. 5. It is the sense of Congress that (1) the President should continue to press forward urgently with his efforts to negotiate with the Soviet Union and other powers a limitation on arms shipments to the Middle East, (2) the President should be supported in his position that arms will be made available and credits provided to Israel and other friendly states, to the extent that the President determines such assistance to be needed in order to meet threats to the security and independence of such states, and (3) if the authorization provided in the Foreign Military Sales Act, as amended, should prove to be insufficient to effectuate this stated policy, the President should promptly submit to the Congress requests for an appropriate supplementary authorization and appropriation.

The committee devoted a great deal of time to consideration of this amendment. The situation in the Middle East is serious. Israel, which depends upon the United States for a great part of her defense needs, must have the necessary equipment to maintain her independence and to insure her territorial integrity. We believe that if Israel needs such defense articles and services that the President should sell them what he deems adequate to provide for their own security.

On the other hand, there are other friendly countries in the area such as Jordan and Lebanon who also need defense articles and services to provide for their internal security.

It would not be in the national interests, or in the interest of peace in the Middle East if the governments of such countries were overthrown, to be replaced by anti-United States elements. Neither would it be in the national interests if

such friendly countries were forced to rely upon the Soviet Union, or others, for needed defense articles and services.

The committee did not authorize any additional funds as a result of this amendment at this time. The authority for the President to make such credit sales as provided in the Foreign Military Sales Act will continue to exist providing that this bill is passed. If, however, these funds should not prove adequate, the committee will consider a request for a supplemental authorization.

Mr. Chairman, I urge passage of H.R. 15628.

Mr. KOCH. Mr. Chairman, will the gentleman yield for a question?

Mr. MORGAN. I yield to the gentleman from New York.

Mr. KOCH. I thank the distinguished chairman for yielding for a question. Mr. Chairman, I would like to know from the chairman of the Committee on Foreign Affairs whether there is a difference now in the policy we will employ with respect to selling arms to dictatorships as opposed to giving arms in foreign aid. The gentleman will recall yesterday this body refused to bar an extension of the lease on the submarine that Greece has leased from us, and it was the distinguished chairman of the Armed Services Committee who made the point that we were going to continue to furnish arms to Greece and it was in the interest of our national defense and the defense of NATO to do so.

Last year we also included some aid to Greece in our foreign aid program. I notice in the committee's report, under section 4, the statement of policy—and I commend the committee for doing this—the committee has increased the effectiveness of the language, so that now we say, if this bill is passed, that there shall not be approved—that is, the sale of arms—when that would have the effect of arming military dictatorships who are—and this is new language—"denying the growth of fundamental rights or social progress to their own people."

If we accept the fact that Greece is a dictatorship, that the NATO Committee has described Greece as a police state, that the Council of Europe has said it has tortured its own people as a matter of Government policy, then will the chairman explain to me why we will give military arms aid to the dictatorship doing this but we will not under the proposed amendment sell such arms to them? We will give them arms but not sell them arms. Can the chairman distinguish the difference between the two approaches for me?

Mr. MORGAN. Of course the gentleman knows that under the military assistance program Greece has been allotted grant assistance funds for a good many years because Greece is a member of NATO. Since the change in government of that country the shipment of major military items under the grant military assistance has been suspended. We are not supporting the so-called dictatorship, as the gentleman said, we are continuing limited assistance to a NATO ally.

The language here is a modification of the language already in existing law and was offered by the gentleman from Minnesota. It relates only to the sales program. It has nothing to do with the bill which was on the floor yesterday dealing with the loan of naval vessels. It has nothing to do with grant military assistance.

Mr. KOCH. Mr. Chairman, will the gentleman yield further on that point?

Mr. MORGAN. I yield.

Mr. KOCH. Will the gentleman agree with me that there is not a really significant difference between giving or lending a submarine or tank or any other form of armament to the Greek junta and that of selling it to them. That is to say, if under this new language we would be barred from selling to the Greek junta because it does deny the growth of fundamental rights or social progress to its own people, should we not also be precluded in the future from giving such arms aid?

Mr. MORGAN. What the gentleman is reading is an expression of the sense of Congress. It does not bind these executives. It does not bar the President from taking action or bar making a sale.

The CHAIRMAN. The gentleman from Pennsylvania has consumed 10 minutes.

Mr. MORGAN. Mr. Chairman, I yield myself 3 additional minutes.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I congratulate the distinguished chairman of the Committee on Foreign Affairs, Mr. MORGAN, for including in this legislation a sense of Congress resolution urging the President to continue his efforts to negotiate with the Soviet Union and other powers a limitation on arms shipments to the Middle East. There should be no question in the mind of anyone that the turmoil in the Middle East today has been created by the fact that the Soviet Union continues methodically to rearm each one of the Arab States.

If Israel has to engage in raids on Arab territories, it is only to prevent any sort of buildup of Arab offensive capability.

The Soviet Union must assume full responsibility for the turmoil in the Middle East today.

I congratulate the gentleman for the inclusion of this appeal.

I also congratulate the gentleman and his committee for including the language that the President should be supported in his position that arms will be made available and credits provided to Israel and other friendly states, to the extent that the President determines such assistance to be needed in order to meet threats to the security and independence of such states.

This again reaffirms the U.S. position that Israel is indeed our ally and it is in the highest interests of the United States and freedom to see that Israel is given the equipment she needs to defend herself.

I might point out, grateful as we all are for the $100 million additional credit made available to Israel by the United States yesterday, we can all agree that none of this money will be used for military purposes. That is why the resolution before us today is of greatest importance. It does guarantee Israel not only arms but also credits for the acquisition of these arms if her security is threatened. Mr. Chairman, this is a far-reaching resolution. It commits the United States to assist Israel with arms and credits.

In my judgment, this resolution can be an instrument to bring some meaningful peace to the Middle East. I congratulate the gentleman from Pennsylvania for his foresight and urge adoption of the resolution.

Mr. FARBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from New York.

Mr. FARBSTEIN. I thank the gentleman.

I want to join my friend from Illinois in his statement for the RECORD in connection with the situation concerning the denial of arms, of airplanes, to Israel.

Were it not for the presence of Israel in the Middle East that entire area would be taken over by the Soviets.

Let it also be remembered that the Soviets do not want peace in that area; they seek only unrest. They will continue to furnish arms to the Arab countries so long as the Arabs accept arms from them.

I think it behooves our Nation to see to it that there is truly a balance in that area—not just a conversational balance but an actual balance of arms. There is no question that the Arab countries have a greater quantity both of assorted tanks and other armaments besides about three times the number of supersonic planes that are in the possession of Israel.

Mr. Chairman, I noted with dismay the statement by the President and the Secretary of State that the United States would not make additional jet aircraft available to Israel at this time.

This decision comes at a critical time in Israeli history, and, in my opinion, is unwise. Worse than that, it is not in the national interest of the United States. For if Israel is destroyed, the Soviet Union will have won the Middle East.

Israel needs additional aircraft now in order to be able to maintain military equality with the Arab States. The Soviets have not stopped the shipment of aircraft and missiles to the Arabs. On the contrary, there are indications that the Soviets are increasing their assistance to the Arab States.

Mr. Chairman, 6 million Jews died because the world turned its back on the activities of the Nazis. If the United States turns its back on Israel, if we do not provide the defense articles and services required to offset Soviet-furnished assistance, we may be sentencing over 2 million Jews to genocidal destruction. For if the military balance is tilted in favor of the Arab States, the result will be the destruction of Israel.

As I said before, Israel needs aircraft. Neither pious words nor vague promises will help. Israel must be assured of continued U.S. help, and the Arabs must be convinced that the United States will not permit Israel to be destroyed.

The Secretary of State has said that the United States would keep this situa-

tion under review and that if Israel needed additional military assistance from the United States that it would be provided. But, Mr. Chairman, Israel needs the assurance of aircraft now. The lead time required in the production of aircraft makes it necessary to make the decision now if the delivery of aircraft is to continue after September 1971.

I hope that the President will consider these circumstances and reconsider what in my opinion was an unwise, unsound decision.

Mr. Chairman, I will support this bill, but I reserve the right to offer an amendment at some later date that would direct the President to provide aircraft if, in my opinion, the United States appears to be unsympathetic to the military needs of Israel.

Mr. ADAIR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to support H.R. 15628, the foreign military sales bill. I do so for a number of reasons. The Congress has supported each administration since 1945 in working with friends and allies to bring an acceptable degree of peace and order to our planet. There have been failures; we face today a world still restless, divided, and discontented, and our own land is troubled over foreign and domestic problems. But on the whole the United States has used its power and influence in a constructive manner, and we and our friends are in a better position today as a result. The question before us right now is this: at a time when the current administration is moving toward a lower key approach to foreign affairs as embodied in the Nixon doctrine, is it not wise to preserve the viability of an instrument that has already proved its worth and is particularly important in a period of transition?

The importance of our military sales program has become clear: it has a recognizable place in the panoply of instruments serving our defense and foreign policy requirements. Over the last 20 years, as a growing number of countries became able to assume a progressively larger share of their own defense costs, our grant military assistance has been reduced or terminated. I recall that in 1962, some 60 countries were receiving materiel on a grant basis under our military assistance program; today there are only 23 countries receiving such aid. As a result, there is a need for credit to compensate declining levels of grant aid. As the economies of our allies improve and enable them to afford to buy what we had in the past given, the transition from outright grants to outright commercial cash purchases needs be eased. Otherwise the shift will prove a sudden and onerous burden on their still fragile foreign exchange positions. Thus the credit facilities provided by this bill offer the means to make this shift without impairing our allies' economies.

There is another important consideration to arms exports—and this is bringing about some controls to this type of international trade.

Today there is an established pattern of arms procurement in which the United States plays a major role. Approximately one-third of the arms that move across international frontiers come from the United States; the remainder come primarily from Europe and the Soviet Union and its closest allies. In this situation, we would gain nothing if the United States were unable to export military equipment. The countries to which we would reduce or curtail sales would then feel compelled to expend their resources on building up their own arms industries, to buy arms from among the countries in Western Europe—probably at higher costs—or to turn to the Soviet Union. The United States now has influence and a measure of control over the arms trade. This influence and this control would be lost if we do not continue to have an instrument such as the Foreign Military Sales Act.

The Congress did well in 1968 to adopt the Foreign Military Sales Act, for it brought together in one place the criteria and general lines of authority and procedure which should be brought to bear on such sales. The executive branch has now had approximately a year and a half to put this act into operation, and during this time the Departments of State, Defense, and Treasury have fashioned new procedures designed to insure that these sales proceed in a manner consistent with the intent of Congress as expressed in the act, and consistent with our defense and foreign policy requirements. In my view, this trend should be encouraged, and this is done best by the continued close cooperation of the Congress and the executive branch to assure that we have a viable military sales program, responsive to the needs of this country, helpful to our friends and allies, and under close supervision of the Congress and the administration. That is what we now have, and that is what we should keep.

Mr. MORGAN. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. REUSS).

Mr. REUSS. Mr. Chairman, I thank the distinguished chairman of the Committee on Foreign Affairs for his generosity in yielding me this time.

A few weeks ago I found myself in France protesting to my friends in the French National Assembly against the then just-concluded French arms deal whereby they propose to send more than 100 Mirage jet fighters to Libya. The French deputies, while conceding the insanity of this move, pointed out that in days gone by the United States had supplied arms to both sides in the war between India and Pakistan, to both sides in the war between Israel and Jordan, and more recently to both sides in the war between Honduras and Salvador. And they asked me, rhetorically, how we could object to their madness in the light of our madness.

Mr. Chairman, the bill before us is to permit continued and expanded sales of arms on credit. There will be offered to it a sense of Congress amendment by the gentleman from Pennsylvania (Mr. COUGHLIN) which amendment I enthusiastically cosponsor. That amendment would express the sense of Congress that the administration assign the highest priority through every diplomatic channel and in every forum available to it to see that a parallel effort is made to limit the trade in arms on an internationally agreed basis. We need such an intensified effort because today 8 percent of the world's resources are going to arms and, more disturbing, the developing countries are increasing their military expenditures at twice the world's rate.

We learn from the Arms Control and Disarmament Agency that by the end of the 1970's if we continue our present trend, the world will be spending $300 billion a year on arms. In the past 6 years we, the nations of the world, have spent more than a trillion dollars for arms and armed forces.

The purpose of the amendment to be offered by the gentleman from Pennsylvania is to add a new sense of Congress section to the bill before us to encourage the use of every opportunity, multilateral negotiation, bilateral negotiation, the forum of the United Nations, the SALT talks at Vienna, the 18-nation disarmament conference at Geneva, to address ourselves with the greatest energy possible to the fundamental problem of turning back the arms spiral, and the competition for arms sales, particularly among the developing countries.

Mr. PHILBIN. Mr. Chairman, there is great need in certain parts of the world today where this Nation can act wisely and foresightedly to support friendly nations against potential and actual aggression and hostility and thus contribute to peace.

This program was initiated some time ago, and it has been very helpful in enabling our friends in the community of nations to ward off hostile forces and deter them from liquidating small, growing nations, seeking, by their own efforts and sacrifice, to establish and maintain governments and economic systems of their own free choosing.

In that sense, this program has been a great encourager and defender of peace. It has assisted these nations to protect themselves against predatory and ideological enemies seeking to invade, overthrow, and conquer them, and forcibly impose tyranny and dictatorship over them.

One of these nations was and is the brave, young nation of Israel, which has set up one of the most unusual and successful experiments in free government and the practice of democratic principles and procedures in world history.

Our own Nation was the first great nation to accord diplomatic recognition and material support to Israel. We did this by the common accord of the American people. We did it, because we were agreed and determined that this new nation, and its gallant people, whose kinsmen and women have played such a glowing part in the development, growth, prosperity, and defense of our own country, many of them so highly respected, admired, and endeared to us, are preeminently entitled to our support and help in maintaining its sovereignty, security, freedom, independence and self-determination in a hostile area, beset by aggressive enemies, and the schemes and evil designs of powerful, totalitarian dictators.

Surely, we cannot abandon them now,

when through their own noble efforts and bitter sacrifices, they have established a homeland state that is at once their pride and joy, and a vigorous, progressive, thriving, young government and economy that is a great, proud addition to the free, enterprising nations of the earth.

Let us continue to stand by Israel and its government and people. It is no time to reduce our support and weaken our loyalties to her cause.

Indeed, it is a time, above all, when we must reaffirm our faith and warm friendship, and hold out our willing hands to encourage and strengthen Israel's will and determination to defend and preserve its freedom and its homeland from aggression and injury.

Israel is standing on its own feet. Let us, in this bill, and in other ways that may be necessary, provide her with adequate aircraft and other equipment, weapons, materiel, and support to keep her nation secure and free, and make the peace for all in the Middle East a reality at the earliest possible time.

I commend the chairman, the able, distinguished gentleman from Pennsylvania, and the members of his great committee for the fine job they have done in preparing and presenting this very timely legislation.

As long as organized communism throughout the world continues to stir up revolt and revolution and support of wars of national liberation, it will be necessary for this country in its own defense and interest to maintain a limited military assistance program.

Without such a program, a number of weaker, less developed countries would be vulnerable, as the debate clearly shows, to overthrow and domination by well-armed, well-organized terrorist groups designed to produce disorder and chaos within weaker states. It is a sad fact that several Communist countries are supplying arms to insurgent and guerrilla groups, and this is deplorable.

If these strong Communist countries would only cease such conspiracies and aggressive action against weak and oppressed nations throughout the world, and would sit down with the United States and other free nations in an earnest, sincere effort to control nuclear energy, agree to arms limitations and negotiate a viable blueprint for maintaining world peace, all mankind could readily and soon be liberated from the fears and the deadly specters of war and destruction.

This program is not aimed to hurt any nation. Indeed, we are desirous of friendship and peace with all nations. By the same token, in the Middle East crisis which looms up before us, it is only natural that we should be concerned for the political independence, the internal security, and the territorial integrity of Israel and other free states and do our best to help them.

We must by all means continue and intensify to the extent this is possible, for our efforts for peace have been unceasing for many years, to beseech and plead with the Soviet Union, and all the other components and advocates of the radical, Marxist Communist superstate, to listen to our appeals in the name of humanity, and sit around the table with us and negotiate an enduring peace for all peoples.

Mr. ADAIR. Mr. Chairman, I have no further requests for time.

Mr. MORGAN. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 3 of the Foreign Military Sales Act (22 U.S.C. 2753(b)) is amended to read as follows:

"(b) No sales, credits, or guaranties shall be made or extended under this Act to any country during a period of one year after such country seizes, or takes into custody, or fines an American fishing vessel for engaging in fishing more than twelve miles from the coast of that country. The President may waive the provisions of this subsection when he determines it to be important to the security of the United States or he receives reasonable assurances from the country involved that future violations will not occur, and promptly so reports to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate. The provisions of this subsection shall not be applicable in any case governed by an international agreement to which the United States is a party."

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

Mr. Chariman, I would like to get squared away on this bill.

Let me say at the outset that I am a member of the Committee on Foreign Affairs and ought to know more about this bill than I do. But I was caught up in that exercise in the Post Office and Civil Service Committee on "postal reform" and could not attend the sessions of the Foreign Affairs Committee when the bill was considered.

Now do I understand that this commits the United States over a 3-year period to credits of $1,120,000,000? I note 2 years, fiscal year 1971 and 1972, at $385,000,000 each year and fiscal year 1970, which is almost over, at $350,000,000.

Mr. ADAIR. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. ADAIR. Mr. Chairman, the actual amounts of Federal dollars involved for the current fiscal year $275,000,000, and for each of the succeeding 2 fiscal years, $272,500,000.

The larger figures to which the gentleman refers are the aggregate total of credits and the face amount of guaranties that can be issued under the terms of this bill. It is anticipated that $37.5 million could be used as a 25-percent guarantee reserve against an estimated $150 million sales requiring private commercial quantity in each of fiscal years 1971 and 1972. Thus the program credit ceiling is $385 million in each of the 2 years.

Mr. GROSS. A total of $385,000,000.

Mr. ADAIR. That is the ceiling. It is not the amount of dollars out of the Federal Treasury.

Mr. GROSS. So if in the end they buy arms, based upon the expanded credit, and then for some reason or another refuse to pay, we can be holding the sack for much more than the amounts provided in the bill as outright credits; is that correct?

Mr. ADAIR. It is presumed that the 25 percent which is reserved for this purpose would take care of such a contingency.

Mr. GROSS. Earlier in this debate the gentleman from Indiana spoke of the wonderful experience thus far with military sales credit, indicating that there have been no defaults or very few. I would like to be around—and yet perhaps I would not—about 30 years from now to remind the gentlemen on both sides of the aisle on the Foreign Affairs Committee of the defaults on these soft loans and credits. I am afraid if I could be around here 30 years from now when the defaults come in as a result of the hundreds of millions of soft loans, I would have apoplexy, and that would be the end.

At any rate, I think you who support all of this expanded credit and all these additions to the foreign handout program are really trusting souls if you think you are going to collect on the money that has been dished out for foreign aid and all the rest of these programs.

Having pumped out $172 billion of the taxpayers' money in so-called foreign aid—I call it the giveaway program—why should we now, if that money has done any good around the world—why we should have to continue a credit program for the sale of military hardware?

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(By unanimous consent, Mr. GROSS was allowed to proceed for 5 additional minutes.)

Mr. ADAIR. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes, of course I yield to my friend from Indiana.

Mr. ADAIR. I can give the gentleman one bit of reassurance. He will not have to wait for 30 years. Under the law credit sales run for only 10 years, a much shorter period of time.

Mr. GROSS. I was referring particularly to those 40- and 50-year soft loans that have been made in great profusion in recent years. I just do not understand why we should have to put up any money at all as a credit for the sale of military hardware. Moreover, I have never been able to understand this business of spending about $10 million a year on the Arms Control and Disarmament Agency, at the same time selling around the world anywhere from $1,800,000,000 to $2 billion worth of arms a year. What kind of business is this? How incongruous can you get when you establish over in the Pentagon a superduper arms sales agency and then hold meetings around the world for the purported purpose of disarming? How contradictory, how paradoxical can you get?

I see no reason for this legislation.

A couple of other provisions in the bill intrigue me. First, referring to sales, provides that the President may waive the provisions of the penalty subsection when he determines it to be important to the security of the United States to

sell arms or armaments of one kind or another to a country that is seizing American fishing vessels on the high seas. You might as well forget that provision if you are going to give any President that discretion. When a President is given that discretion he has never been known to penalize a country for raiding our fishing fleets on the high seas.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Pennsylvania.

Mr. MORGAN. As the gentleman knows, that language is in existing law. It was in the original bill passed in 1968. There is no change in substance here. The amendment makes minor changes for clarification. The Executive requested this revision, but the Presidential determination is already in the law. There has been no change.

Mr. GROSS. I am pleased to report to the gentleman I voted against that bill, and one of the reasons why is that window dressing. There is more window dressing in section 5 of the bill. Read it. It is utterly meaningless.

Mr. Chairman, I am opposed to this bill. I am opposed to the extension of several hundred million dollars, whatever the amount, for the credit for the sale of arms. Foreign countries are in a position now or they never will be to pay the United States for the arms we sell to them. I know of no reason why we should guarantee the sales of arms around the world—provide credit for and guarantee sales of arms around the world.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. Section 31 of such Act (22 U.S.C. 2771) is amended—

(1) by striking out of subsection (a) "not to exceed $296,000,000 for the fiscal year 1969" and inserting in lieu thereof "not to exceed $275,000,000 for the fiscal year 1970 and not to exceed $275,000,000 for the fiscal year 1971"; and

(2) by striking out of subsection (b) "during the fiscal year 1969 shall not exceed $296,000,000" and inserting in lieu thereof "during the fiscal year 1970 shall not exceed $350,000,000 and during the fiscal year 1971 shall not exceed $350,000,000".

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, beginning in line 16, strike out "$275,000,000 for the fiscal year 1971" and insert in lieu thereof "$272,500,000 for each of the fiscal years 1971 and 1972".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, beginning in line 22, strike out "the fiscal year 1971 shall not exceed $350,000,000" and insert in lieu thereof "each of the fiscal years 1971 and 1972 shall not exceed $385,000,000".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. Section 33 of such Act (22 U.S.C 2773) is amended—

(1) by striking out of subsection (a) "the fiscal year 1969" and inserting in lieu thereof "each fiscal year".

(2) by striking out of subsection (b) "the fiscal year 1969" and inserting in lieu thereof "each fiscal year".

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, after line 6, add the following:

"SEC. 4. The last paragraph of section 1 of such Act (22 U.S.C. 2751) is amended by striking out 'denying social progress' and inserting in lieu thereof 'denying the growth of fundamental rights or social progress'."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, after line 10, add the following:

"SEC. 5. It is the sense of Congress that (1) the President should continue to press forward urgently with his efforts to negotiate with the Soviet Union and other powers a limitation on arms shipments to the Middle East, (2) the President should be supported in his position that arms will be made available and credits provided to Israel and other friendly states, to the extent that the President determines such assistance to be needed in order to meet threats to the security and independence of such states, and (3) if the authorization provided in the Foreign Military Sales Act, as amended, should prove to be insufficient to effectuate this stated policy, the President should promptly submit to the Congress requests for an appropriate supplementary authorization and appropriation."

The CHAIRMAN. Is there objection to the committee amendment?

Mr. HALL. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The question is on the committee amendment.

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. COUGHLIN

Mr. COUGHLIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COUGHLIN: Page 3, after line 24, insert the following:

"SEC. 6. It is the sense of the Congress that—

"(1) the President should immediately institute a thorough and comprehensive review of the military aid programs of the United States, particularly with respect to the military assistance and sales operations of the Department of Defense, and

"(2) the President should take such actions as may be appropriate—

"(A) to initiate multilateral discussions among the United States, the Union of Soviet Socialist Republics, Great Britain, France, West Germany, Italy, and other countries on the control of the worldwide trade in armaments.

"(B) to commence a general debate in the United Nations with respect to the control of the conventional arms trade, and

"(C) to use the power and prestige of his office to signify the intention of the United States to work actively with all nations to check and control the international sales and distribution of conventional weapons of death and destruction."

Mr. COUGHLIN. Mr. Chairman, this amendment to H.R. 15628, the bill now under consideration, was discussed during the general debate by my colleague from Wisconsin (Mr. REUSS), who is joining in this effort.

The bill as written quite properly urges the President to negotiate with the Soviet Union to seek limitations on arms shipments to the Middle East. This is good.

The amendment which we propose urges the President also to undertake initiatives toward the solving of the broader problem of the international sale and supply of conventional arms.

It asks the President to seek talks with the major powers on the subject of controlling the conventional arms trade, and urges the initiation of a full-scale debate on this subject in the United Nations.

Our amendment in no way conflicts with the present language in the bill. It is in no way aimed at the supply of arms for self-defense to allies such as Israel and West Germany. Certainly we must assist our allies in acquiring the arms necessary for self-defense.

It is rather aimed at the oversupplying of arms, particularly to the developing nations. This oversupplying of arms can and has led to military adventures that could result in the outbreak of a serious war.

I understand that the amendment has been agreed to by the distinguished chairman of the committee and by the distinguished ranking minority member of the committee.

There have been 56 wars of significant size in the world since 1945, 54 of which have been fought in the underdeveloped areas of the world. The nations doing most of the fighting do not have the capacity to make their own arms. Thus, the weapons they use to fight these wars have been imported from the major industrial powers.

Fifteen years ago, the worldwide volume of the arms trade was $2.5 billion annually. Today, the trade has doubled to $5 billion a year. It is estimated that the trade will double again to $10 billion a year within the next decade. This trade is carried out largely unimpeded by international agreements or restraints.

The United States is the world's largest arms merchant, distributing in excess of $2 billion worth of weapons per year to some 70 countries. The Soviets sell approximately $1 billion per year, Britain and France sell another $1 billion between them, and some 20 other countries divide up the rest of the business.

What is the result of this arms trade? The best recent example I can give you is Libya.

Since the discovery of oil in 1966, the United States and Great Britain fed Libya approximately $500 million worth

of military equipment—a quantity of arms nearly 36 times Libya's entire 1966 defense budget. No one asked who was Libya's enemy or what was the threat. Much of the sophisticated equipment was of a type which Libyan personnel could not operate or service.

This enormous quantity of arms encouraged a military coup that threw out a pro-Western progressive government and the United States in the bargain. We were literally thrown out as a result of our own arms sales, and these arms are now being used against Israel.

The Pakistan-India war of 1965 saw Pakistanis in American Patton tanks fighting Indians in American Sherman tanks and Pakistanis were transported to the front in American C–130B Hercules aircraft to fight Indians who had been transported to the front in American C–119's and C–47's.

A recent report I obtained from the Department of Defense shows such surprising things as the fact that we are still selling arms to South Africa in contravention of our own arms embargo; that we are still selling arms to the United Arab Republic; that our arms aid to Greece in 1969 was 40 percent more than in the previous 6 years; and that arms aid to such countries as El Salvador, Chile, and Morocco was skyrocketing.

The recent "soccer war," incidentally, saw Honduras fighting El Salvador—both equipped with American weapons.

In recent years, a great deal of attention has been paid to limitations on strategic arms. Little attention has been paid to limitations on these conventional arms which could well trigger a major holocaust.

Our amendment seeks to pay some attention to this trade in conventional arms. It is a specifically worded and broadly based amendment which urges the President to press for arms limitations not only in the Middle East but also in other parts of the world.

I would urge your support.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. COUGHLIN. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. What is this the forerunner to? What does this lead to—more spending for more bureaucrats who talk disarmament but accomplish nothing? What price tag has been put on it?

Mr. COUGHLIN. I believe this would lead to less spending, because the arms business in the world now is a business going up to the trillion-dollar level. We are trying to create less spending on arms and less international trade in arms.

Mr. GROSS. How inconsistent can one be with an amendment of this kind, when we are putting several hundred million dollars of credit for the sale of arms in the same bill? To me this is rank inconsistency.

Mr. COUGHLIN. We would hope that through our amendment some day this credit for sale of arms would not be necessary.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. COUGHLIN. I yield to the gentleman from Illinois.

Mr. COLLIER. I thank the gentleman for yielding. I have only one question.

During the hearings on this bill did anyone from the Arms Control and Disarmament Agency testify on this bill?

Mr. MORGAN. Mr. Chairman, if the gentleman will yield, the answer is "No." We had separate testimony from the Arms Control and Disarmament Agency, during which they had an opportunity to comment on all current issues. This testimony was presented during the hearings on the authorization of funds for that Agency.

Mr. COLLIER. It just seems to me that when the Congress some years ago established the Arms Control and Disarmament Agency, an agency which has increased its personnel number and in cost, an agency whose sole purpose and function is to evaluate and engage in those activities that would control armaments, that when there is a bill of this kind coming to the floor of the House, with the very agency established for this purpose not even coming in to testify, and no one asking what their opinion is, that I just cannot understand what the function of that agency is if its function is not in fact to deal with a piece of legislation of this kind.

Mr. MORGAN. Of course, the gentleman is mistaken about the cost of the Arms Control Agency increasing. It is decreasing. The executive requested a smaller authorization for the next 2 years than for the last 2 years. And when we have the bill marked up in the committee we expect to come in this year asking for an authorization for the Arms Control Agency of a decreased amount.

Mr. COLLIER. I am sure my good friend from Pennsylvania is not telling me there was not an inconsistent increase from the inception of this program, because I presented figures on this floor showing how the cost of the Agency increased from the first year through the first 4 years. If this is a new twist and if there is a dissipation of interest—and understandably there is, based on the failure to accomplish anything—then at least in that respect we are moving in the right direction. But it is not in fact the pattern that developed after the establishment of the Arms Control and Disarmament Agency, as the figures in the record will indicate.

Mr. MORGAN. I am speaking for fiscal years 1971 and 1972, saying that there will be a decrease.

Mr. COLLIER. Let me say to my good friend that this is most interesting, because apparently with the aggravated conditions existing through the world and with their becoming greater than ever before, we find now we are reducing funds for the Arms Control and Disarmament Agency.

Mr. MORGAN. We expect to authorize the amount necessary for them to discharge their responsibilities.

(Mr. ANDERSON of Illinois, at the request of Mr. COUGHLIN, was granted permission to extend his remarks at this point in the RECORD.)

Mr. ANDERSON of Illinois. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Pennsylvania (Mr. COUGHLIN) and the gentleman from Wisconsin (Mr. RUESS). I was proud to join with the gentleman from Pennsylvania in December of last year in cosponsoring a resolution of nearly identical wording—House Resolution 735. That resolution recognized that there exists today a $5 billion annual trade in conventional arms, and that of that amount the U.S. Government sells $2 billion worth. It also recognized that since 1945 there have been 56 wars of consequence, 54 of which were fought in underdeveloped countries, and that these conflicts have been fueled by the large worldwide trade in conventional arms. In addition to the $2 billion in U.S. arms sales each year, another $3 billion worth are sold by 25 nations including such major powers as the Soviet Union, Great Britain, France, West Germany, and Italy.

In conjunction with this, I was rather shocked to read in yesterday's New York Times that more than a trillion dollars has been spent for arms and armed forces around the world over the last 6 years. That figure was part of a report released Sunday by the U.S. Arms Control and Disarmament Agency. The most startling fact, though, was that while expenditures in the developed countries have slowed somewhat in the last 2 years, the military budgets of the small, developing nations have been growing at a rate double the world total. And these are the countries which can least afford such a diversion of scarce resources in the face of problems of economic development, population pressures and food production. While conventional arms sales to these nations is a symptom rather than a source of the hostilities which exist in many parts of the world, I think it is fair to say that excessive arms shipments to these regions, beyond mere defense needs, tends to encourage acts of agression.

The amendment now under consideration is in no way binding upon the President, and simply expresses the sense of the House of Representatives that four steps should be taken to exert control over the world trade in conventional arms.

First, a thorough review should be made of U.S. military aid programs.

Second, multilateral discussions among the great powers on the control of the arms trade should be initiated.

Third, debate in the United Nations should be commenced on the control of the conventional arms trade.

And fourth, the President should use the power and prestige of his Office to signify U.S. intentions to work actively with all nations to check and control international sales and distribution of conventional arms.

This amendment, which would add a new section 6 to the Foreign Military Sales Act, is a logical extension of section

5, as added by the committee this year. Section 5, you will recall, urges the President to press forward on negotiations with the Soviet Union and other powers to limit arms shipments to the Middle East. At the same time, section 5 supports the President "in his position that arms will be made available and credits provided to Israel and other friendly states, to the extent that the President determines such assistance to be needed in order to meet threats to the security and independence of such states." At his Saturday press conference President Nixon said, and I quote:

> It is our hope that in our negotiations with the Soviet Union, bilaterally, and in the four-power talks, we can convince all the major powers to stop escalating the arms race in the Mideast, to work together for a cease-fire, and to achieve, of course, a political settlement.

The President pointed out that while attempting to reduce the flow of arms to the Middle East, we would not allow the military balance to be upset. The interim decision announced yesterday by Secretary Rogers that we would not sell additional jet fighters to Israel at this time is a clear sign of our sincere interest in scaling down the arms flow to the Middle East. If the Soviet Union fails to reciprocate by curtailing its arms shipments to the Arab powers and thus threatens to upset the military balance, then we shall be forced to send additional arms to Israel. The President has taken a calculated risk for peace. Let us hope that the response is favorable.

Finally, Mr. Chairman, let me point out that a preliminary investigation of U.S. military aid policy, pursuant to the first part of this amendment, has already been conducted by the President's Task Force on International Development, under its chairman, Mr. Rudolph Peterson. Part three of that report, "U.S. Foreign Assistance in the 1970's: A New Approach," is devoted to "Security assistance." I think it would be appropriate for me at this time to summarize the three main conclusions of the task force as regards to U.S. foreign military assistance.

First, development programs and military programs should be authorized and administered separately. In the words of the task force:

> Both types of programs are essential, but each serves a different purpose. Confusing them in concept and connecting them in administration detract from the effectiveness of both.

Second, all types of security assistance—military assistance grants, use of surplus military stocks, military credits, economic assistance in support of military and public safety programs, budget support for political purposes, and the contingency fund—should be covered in one legislative act, with the State Department exercising firm policy guidance over them.

Third, military programs will strengthen military security only to the degree that they promote greater self-reliance. Our programs must be geared to the resources which the receiving country will ultimately be able to provide for its own security. The report recognizes that the reduction in U.S. forces overseas may require temporary offsetting increases in such assistance, but that our ultimate goal should be the elimination of these grant programs.

I think the Peterson task force should be commended on laying the groundwork for a more detailed study of our military assistance programs as is called for in this amendment. It is evident that such a study must be made in light of the "Nixon doctrine" and our future role in safeguarding the security of the free world. We must be careful to provide the smaller nations of the free world with sufficient assistance to defend themselves, but avoid flooding the third world with excessive arms which may only exacerbate tensions and hostilities. This will require a very carefully designed and administered policy and the study proposed in this amendment is essential to its formulation.

Mr. Chairman, at this point in the RECORD I would like to include the New York Times article to which I referred earlier, and the excerpt from the Peterson task force report on "Security assistance." The items follow:

[From the New York Times, Mar. 23, 1970]

WORLD ARMS BILL: TRILLION SINCE 1964—REPORT SAYS SPENDING RISES SHARPLY IN SMALL NATIONS

(By Robert M. Smith)

WASHINGTON, March 22—More than a trillion dollars has been spent for arms and armed forces around the world over the last six years, the Arms Control and Disarmament Agency reports.

In a new study, the agency finds that the increase in arms expenditures of the big countries has slowed somewhat in the last two years while the amounts spent by the developing countries have increased sharply. The military budgets of the small countries seem to be growing at a rate twice as high as the world total.

The report also discloses that although the world's economic standard of living has improved little in real terms in the last six years, the per capita burden of military spending has increased.

The figures show that military spending last year averaged $56 for every person in the world. This breaks down to an average of $179 for every person in the developed countries and $10 for every person in the developing countries.

RATE OF INCREASE SLOWS

"The diversion of resources to military purposes had expanded in step with the world's capacity to produce" says the Arms Control Agency's fourth annual report on world military expenditure. The organization is an independent agency of the United States Government.

The one hopeful note in the 26-page report is that between 1965 and 1967, world military spending rose at the rate of 13 percent a year; in 1968 and 1969, it rose only 5 percent a year.

"If the pattern of the last two years continues," the report says, "it will mean some reduction in the ratio of military spending to world income."

"On the other hand," it continues, "it will take more than a diminished rate of increase to lessen significantly the heavy economic burden of world military expenditures. If recent spending patterns continue, the nations of the world by the end of the seventies will be devoting more than $300-billion a year to defense."

$200 BILLION SPENT IN 1969

The six-year total of world military spending took as much public money, according to the report, "as was spent by all governments on all forms of public education and health care."

Some $200-billion was spent on the world's arms and armies last year. The North Atlantic Treaty Organzation accounted for $108-billion of this total; the Warsaw Pact nations, $63-billion.

Each bloc spent some $3-billion more than in 1968. Given inflation, however, this represents no increase. In fact, the NATO outlays went down $2-billion if inflation is considered.

On the other hand, the military budgets of countries outside these blocs accounted for an increasing proportion of the money the world spent on arms.

"Military budgets of these countries appeared to be growing at a rate more than twice that of the world total," the report says. This reflects "an accelerated arms race among the developing countries," it says.

COUNTRIES LISTED

The study also points out that it took half of all the people in the world to produce a share of all the worlds' goods and services equal to that devoted to military outlays.

The study reports that the following countries spent more than 10 percent of their total output of goods and services, or gross national product, on their armed forces: Laos, United Arab Republic, North Vietnam, South Vietnam, Taiwan, Iraq, Jordan, North Korea, Syria, Saudi Arabia and Israel.

The following spent between 5 and 10 percent of their gross product: Burma, Somali Republic, Cambodia, Mainland China, Albania, Iran, Mongolia, Portugal, Cuba, Poland, Soviet Union, France, United Kingdom, Kuwait, and United States.

Spending less than 1 percent of their gross product were: Malawi, Nepal, Sierra Leone, Costa Rica, Peru, Jamaica, Mexico, Panama, Trinidad and Tobago, Japan and Iceland.

The data in the report came mostly from statistics prepared by the United States Agency for International Development and such international agencies as the United Nations Educational, Scientific and Cultural Organization and the World Health Organization.

[Excerpted from: "U.S. Foreign Assistance in the 1970's: A New Approach," a report to the President of the United States from the Task Force on International Development, Mar. 4, 1970]

III. SECURITY ASSISTANCE

Security assistance programs have been an integral part of U.S. foreign policy for more than two decades. In addition to military grant and sales activities, they include economic assistance in support of military and public safety programs, and budget support for political purposes.

Security assistance has strengthened the defenses of some forty nations. It has also helped nations to cope with pressing internal security problems and to deal with crisis situations. In serving these purposes, such assistance has played an important role in helping the United States to pursue the goal of a world order in which each nation, large or small, aligned or unaligned, can develop in its own way.

Military assistance today is going in large measure to Vietnam, Laos, and Thailand in support of the Vietnam war effort. All military equipment and supplies for these countries at present are funded and administred by the Department of Defense.

The remainder of the military assistance program is funded in the Foreign Assistance Act, comes under the policy guidance of the Department of State, and is administered in

the Department of Defense. It is provided on a grant basis and is concentrated largely in the Republics of Korea and China, Turkey, and Greece, where the United States has specific treaty obligations. Grants to these countries are designed to help U.S. allies maintain an adequate defense, and they serve as a substitute for the stationing of U.S. forces abroad. Small amounts are provided to forty-four other countries for internal defense and training purposes and to a few countries as payment for U.S. base rights.

Each sovereign nation must decide for itself what it is prepared to do—with the means at its disposal—to defend against the threat of external attack and to maintain internal order.

One clear goal of security assistance is to help countries move toward a greater degree of self-reliance in the area of security. To be fully effective, the principle of self-reliance must govern the behavior of both the United States and the developing countries. Decisions on U.S. military assistance should be based on the amount of resources that the receiving countries think proper and ultimately will be able to allocate for security. It is equally important that these countries themselves—not the United States—make the decisions on how to use their resources for security.

As the United States reduces its forces overseas, increased security assistance may be needed for a time to cushion the effect and to improve local security capabilities. The ultimate goal, however, should be to phase out these grant programs.

2. *Programming.* Military grants should be determined on a cost-benefit basis. The risks involved for the United States and the need for U.S. forces that would arise if funds were not provided should be specified.

The following factors should be considered in determining the amount, kind, and terms of security assistance:

First, assessments of force requirements in forward defense countries should be related to possible changes in the size of U.S. General Purpose Forces, to local financial capabilities, and to the availability of U.S. funds. Moreover, these assessments should be approved by the Secretaries of State and Defense, since they serve as the principal basis for estimating funding requirements for U.S. grants, as well as for evaluating the effectiveness of existing programs.

Second, the amount of military assistance allocated among countries should be related to a realistic assessment of needs, not to historical assistance levels. Furthermore, U.S. programs should assist receiving nations in adapting their military force structure, the risks permitting, to what ultimately will be within their own capacity to maintain.

Three-fourths of the grant assistance that the United States is giving (outside Southeast Asia) is used to finance the costs of operating and maintaining equipment and weapons already provided. In these circumstances, it does not seem possible that the receiving nation can both become self-reliant and modernize its forces. Unless these problems receive careful attention, the United States faces the prospect of continuing the programs indefinitely, without any assurance of improvement in local force capabilities.

This procedure could be penny-wise and pound-foolish. It may make more sense in some countries, for example, to eliminate units that are only marginally effective and to provide modern equipment to the ones that are retained. The initial costs may be higher, but the long-term results could be more effective at a lower recurring cost.

Third, military assistance and related supporting assistance should be considered together in planning security programs. In a few countries, supporting assistance under the economic program is being terminated while military assistance grants continue. It is possible that U.S. interests might be served better in some cases by continuing supporting assistance while scaling down military assistance. This could be particularly useful as a transitional device to help countries assume the operating and maintenance costs now financed with military grant aid.

These three factors highlight the need to plan and coordinate the use of all available security assistance instruments. Special studies addressing these problems are underway within the National Security Council system, but firm policy guidance is needed. These issues probably will take on added importance in the adjustment from war to peace in Southeast Asia.

3. *Encouraging Self-Reliance.* The United States now makes the basic determination of the amount and kind of military equipment the receiving countries need, and U.S. military missions do most of the detailed logistical planning and costing for them. These decisions necessarily affect the size of their defense budgets. More should be done to enable these receiving countries to estimate their own requirements, to relate them to their budgetary priorities, and to make their military decisions in the light of available resources.

Service training programs in the United States can play an important role in strengthening planning skills and capabilities in the developing countries. Greater emphasis in training should be placed on force structure and logistics planning, and on fiscal and budget programming.

Moving military assistance from a grant to a credit basis also will serve this purpose. Unlike military grants, military credits are subject to the budgetary discipline of the receiving country. The current legislative ceiling on military credits is inconsistent with such a policy. As grants decline, more credits should be made available. Military credits, however, should be used only to finance the purchase of weapons that the developing countries need for their defense and that are within their financial capacity to maintain and operate.

To avoid both an unnecessary arms escalation and a waste of resources needed for development, it is U.S. policy to discourage developing countries from obtaining sophisticated military equipment. Legislative restrictions on the use of U.S. military and economic assistance designed to avoid these problems, however, have not proven effective. In many cases, as the Rockefeller Report points out, the military equipment is purchased elsewhere, while the restrictions leave a residue of ill-feeling toward the United States. Removing them would put the United States in a better position to work out with these countries, on a mature partnership basis, military equipment expenditure policies that are consistent with their means.

Finally, the Task Force believes that large military assistance advisory groups and missions are no longer necessary in many developing countries. In the past, these countries needed the close involvement of U.S. military advisors to ensure the effective integration of U.S. arms and equipment into their forces. By now, however, military officials in most of these countries have achieved adequate levels of professional competence and facility with modern arms. The United States now can reduce its supervision and advice to a minimum, thus encouraging progress toward self-reliance. U.S. military missions and advisory groups should be consolidated with other elements in our overseas missions as soon as possible.

4. *Organization and Management.* Changes in the organization and management of U.S. security programs would contribute to their effectiveness, clarify their relationship to U.S. foreign policy, and make our objectives and rationale more understandable to the Congress and the American public.

The Task Force recommends:

That security assistance programs be combined in one piece of legislation—and International Security Cooperation Act—separate from international development assistance. This Act should cover foreign military sales and grants, surplus military stocks, supporting assistance, public safety programs, and the Contingency Fund;

That responsibility be assigned to the Department of State for setting policy and for directing and coordinating security assistance programs. In carrying out this responsibility, the State Department should relate security programs to U.S. foreign policy, to global strategies, to changing military technologies, and to the financial capabilities of receiving countries. Administration of military grant and credit sales programs should remain with the Department of Defense; supporting assistance, public safety programs, and the Contingency Fund should be administered by the Department of State.

MILITARY COMMITMENTS: U.S. OVERSEAS DEFENSE ACTIVITIES BEING SCRUTINIZED

The costs, casualties and frustrations of the war in Vietnam have led to a general reexamination of American defense commitments throughout the world. Critics of U.S. Vietnam policy have cited the war as an example of how the United States can virtually unknowingly become entangled in a conflict. They have warned that other U.S. commitments may be equally fraught with the possibility of costly, and perhaps unnecessary, military involvement.

The most striking expression of this concern in Congress was the adoption by the Senate June 25, 1969, of a "national commitments" resolution by a 70–16 rollcall vote. The purpose of the resolution was to correct what many Senators regarded as a constitutional imbalance resulting from continued denial of Congressional authority in foreign affairs. (*Weekly Report p. 1111*)

A more detailed and long-range Congressional investigation of the scope, costs and political and military ramifications of U.S. military commitments abroad was launched in February with the formation of a new Senate Foreign Relations Subcommittee under Stuart Symington (D. Mo.). The Subcommittee on U.S. Security Agreements and Commitments Abroad held closed hearings Sept. 30-Oct. 3 on U.S. commitments to the Philippines and began closed hearings Oct. 20 on the U.S. role in Laos. Eventually, the Subcommittee expects to investigate the full scope of U.S. military commitments. (*For details on Symington and the Subcommittee, see Fact Sheet on Laos, p. 2073.*)

Senate Majority Leader Mike Mansfield (D. Mont.) announced plans Oct. 19 to reintroduce a resolution, first presented in 1966 and again in 1967, to call for a substantial reduction in U.S. troops in Europe assigned to the North Atlantic Treaty Organization (NATO). Mansfield, who plans to introduce the resolution in November or December, maintains that changed military technology and reduced East-West tensions make a troop reduction possible without adversely affecting the U.S. capacity to fulfill its NATO commitments. (*See 1968 Almanac p. 547, 1967 Almanac p. 980, 1966 Almanac p. 75, 82, 430, 436.*)

Overseas Troop Deployment. The stationing of U.S. forces abroad is a clear indication of U.S. commitment to the defense of foreign nations. Senate Foreign Relations Committee Chairman J. W. Fulbright (D. Ark.) June 19, 1969, described American troops stationed abroad as a "*de facto* commitment to use those forces in the event of an outbreak of hostilities."

The United States in September 1969 had about 1.2 million military personnel stationed abroad (out of total U.S. armed forces of 3.46 million) in more than 33 countries and foreign possessions. In addition to U.S. military personnel abroad, some 26,000 U.S. civilians, 350,000 dependents and 255,000 foreign nationals were attached to U.S. overseas bases. (*See tables I and II.*)

TABLE I—*U.S. military forces abroad—As of September 1969*

Asia and Pacific:	
Korea	56,000
Okinawa	45,000
Japan	40,000
Philippines	30,000
South Vietnam	508,000
Thailand	49,000
Nationalist China	10,000
Total	738,000
Latin America:	
Panama, Canal Zone, Puerto Rico, and Guantanamo (Cuba)	23,000
Other	1,000
Total	24,000
North America: Canada, Greenland, Iceland	10,000
Western Europe:	
West Germany	228,000
Other NATO countries	82,000
Spain	10,000
Total	320,000
Middle East and Africa	10,000
U.S. Fleets:	
Western Pacific, Vietnam	95,000
Mediterranean	25,000
Total	120,000
Grand total	1,222,000

Source: Defense Department.

TABLE II.—MAJOR U.S. MILITARY INSTALLATIONS ABROAD (AS OF SEPTEMBER 1969)[1]

Location	Service	Number
Azores	Air Force	1
Bermuda	Navy	2
	Air Force	1
British West Indies	Navy	1
Canada	Air Force	1
Canal Zone	Army	7
	Navy	4
	Air Force	2
Crete	do	1
Cuba	Navy	2
Ethiopia	Army	1
Germany	do	124
	Air Force	8
Greece	Navy	1
	Air Force	1
Greenland	do	2
Iceland	Navy	1
Italy	Army	5
	Navy	3
	Air Force	1
Japan	Army	28
	Navy	6
	Air Force	6
South Korea	Army	52
	Air Force	2
Libya	do	1
Marianas	Navy	5
	Air Force	1
Marshall Island	Navy	2
Midway	do	1
Morocco	do	1
Netherlands	Air Force	1
Newfoundland	Navy	1
Pakistan	Air Force	1
Philippines	Navy	5
	Air Force	1
Puerto Rico	Army	2
	Navy	3
	Air Force	1
Ryukyus	Army	11
	Navy	3
	Air Force	2
Spain	Navy	5
	Air Force	3
Taiwan	do	3
Thailand	do	7
Turkey	do	3
United Kingdom	Navy	4
	Air Force	8
Virgin Islands	Navy	2
Total		340

[1] September figures from Defense Department do not include major bases in Vietnam. Figure commonly used for total bases in Vietnam is 59.

Source: Defense Department.

U.S. overseas military personnel strength has fluctuated since 1945. At the end of World War II, U.S. armed forces totaled over 12 million, a majority of which were stationed in the European and Asian theaters of the war. Strong pressure to "bring the boys home" quickly resulted in a reduction of total armed forces to 1.5 million for the years 1946–1949. The Korean war (1950–1953) sent U.S. forces to a post-World War II high of 3.6 million in 1952, with about 1.1 million men stationed overseas. After the war, the armed forces dropped to 2.5 million in 1960, with 660,000 stationed abroad. The growth of the Vietnam war pushed the armed forces from about 2.6 million (745,000 overseas) in 1965 to 3.46 million, with 1.2 million abroad, in 1969.

The United States in September 1969 maintained 2,270 military installations overseas (not including Vietnam), of which the Pentagon designated 340 as major installations. "Major" installations are defined by the Defense Department as bases "which are large in number of acres occupied or personnel accommodated, or which represent a high acquisition cost to the United States Government, or which are used in support of a principal U.S. military activity or mission." Major bases include large air bases, shipyards and fleet facilities, principal headquarters and command complexes, large communications installations and troop training and housing compounds. "Minor" installations include navigational aids, small communications facilities and small administrative buildings supporting incidental activities.

The largest overseas base (based on acreage alone) is Sondestrom Air Base in Greenland, covering 466,066 acres. Thule Air Base, also in Greenland, covers 338,884 acres. As an example of a minor base, the Defense Department cites a radio relay site in Donnersburg, Germany, covering one acre.

Prior to World War II, the United States maintained military bases only in its Pacific territories and in the Caribbean. The expansion of U.S. bases began in 1941 when Washington exchanged naval destroyers for lease rights in British territories in the Caribbean. Following World War II, the United States constructed military installations primarily in countries to which it was bound by defense treaties. A major reduction in U.S. overseas bases occurred in 1967, when the United States was required to close down over 200 military facilities in France following French President Charles de Gaulle's demand that NATO bases leave French territory.

Foreign Aid. Foreign aid, whether economic or military, has been regarded since the early postwar period as a bulwark to allied and friendly countries against potential enemies. As such, it has been an important element in the total picture of U.S. global commitments. President Truman, in calling for economic and military aid to Greece and Turkey in March 1947, said U.S. policy should "support free peoples who are resisting attempted subjugation by armed minorities or by outside pressures." President Nixon, while emphasizing the humanitarian reasons for foreign aid, declared May 28, 1969, in his foreign aid message to Congress that aid helped "avert violence and upheaval that would be dangerous to peace." Military assistance to allies, Mr. Nixon added, "helps maintain a world in which we ourselves are more secure."

U.S. economic and military aid in the form of grants or loans totaled $133.5 billion for the period July 1, 1945, to June 30, 1968 (fiscal years 1946–68), according to statistics provided by the Agency for International Development (AID). AID was established in 1962 within the State Department under the Foreign Assistance Act of 1961 to administer U.S. foreign economic aid, primarily to underdeveloped countries.

More than 130 countries have received U.S. aid since 1945. (For list of nations which have received more than $1 billion in aid, see table III.)

The preponderance of U.S. aid has gone to U.S. treaty allies. The $89.8 billion in aid to allies amounts to about 67 percent of all U.S. aid since 1945. (See table IV.)

Of the $133.5 billion total, $94.7 billion went for economic aid—$55.9 billion in grants and $38.8 billion in loans. Military grants and loans totaled $38.8 billion, of which about $36 billion was in the form of grants. (For breakdown of foreign aid funds by programs and agencies, see table V.)

TABLE III—LEADING U.S. AID RECIPIENTS (ECONOMIC AND MILITARY GRANTS AND LOANS)

[In millions of dollars]

	Total 1946–68	Repayments, interests	Net total
United Kingdom	$9,597.8	$2,007.1	$7,590.7
France	9,415.9	2,401.6	7,014.3
India	7,806.1	834.2	6,971.9
Korea	7,455.9	17.7	7,438.2
Italy	6,072.8	729.9	5,342.9
Vietnam	5,554.5	71.5	5,483.0
Turkey	5,426.0	231.1	5,194.9
China, Nationalist	5,087.4	146.0	4,941.4
Germany, West	5,020.3	1,476.6	3,543.7
Japan	4,141.5	643.0	3,498.5
Greece	3,834.7	210.5	3,624.2
Brazil	3,760.6	1,096.1	2,664.5
Pakistan	3,630.9	226.9	3,404.0
Yugoslavia	2,864.0	286.1	2,577.9
Netherlands	2,470.3	419.8	2,050.5
Iran	2,207.1	284.0	1,923.1
Spain	2,179.1	276.4	1,902.7
Philippines	2,023.2	240.8	1,782.4
Belgium-Luxembourg	2,005.2	257.7	1,747.5
Chile	1,587.9	305.6	1,282.3
Austria	1,166.6	60.6	[1] 1,106.0
Thailand	1,157.7	53.7	1,104.0
Israel	1,155.0	370.3	[1] 784.7
Mexico	1,153.4	602.8	550.6
Colombia	1,081.9	259.4	822.5
United Arab Republic	1,022.8	121.9	[2] 900.9

[1] Figures do not include military assistance which is classified
[2] United Arab Republic received only economic aid.

Source: Agency for International Development.

TABLE IV.—U.S. AID TO TREATY ALLIES, 1946 THROUGH 1968

[In millions of dollars]

Treaty	Economic	Military	Total
Rio Pact-OAS	$11,239.6	$1,147.2	$12,386.8
NATO	27,940.5	18,760.2	46,879.0
SEATO	20,557.0	12,716.6	26,749.5
Australia and New Zealand	169.2	576.5	745.7
Republic of China	2,291.1	2,796.3	5,087.4
Japan	3,076.5	1,065.5	4,141.5
Korea	4,630.6	2,825.3	7,455.9
Philippines	1,487.3	535.9	2,023.2
Total [1]	56,635.8	33,218.6	89,854.4

[1] Figures take into consideration the fact that certain countries are members of more than 1 defense treaty.

Source: Agency for International Development.

TABLE V.—*Foreign aid, fiscal 1946–68*

[In billions of dollars]

ECONOMIC AID	
AID and Predecessor Agencies:	
Economic Cooperation Act (European Recovery Program — 1949–1952)	14.5
Mutual Security Act (Mutual Security Agency—1953–1961)	16.5
Foreign Assistance Act (Agency for International Development—1962–1968)	15.7
Total	46.7

Food for Freedom (disposal of U.S. agricultural surplus under PL 480 since 1954)	16.4
Export-Import Bank (long-term loans—1946–1968)	10.7
Other Economic Programs (Primarily postwar relief aid—1946–1952)	20.8
Total economic aid	[1] 94.7
MILITARY AID	
Military Assistance Program	35.6
Other Military grants	1.7
Export-Import Bank Military Loans	1.4
Total military aid	[1] 38.8
Grand Total	133.5

[1] Totals do not add due to rounding.

Source: Agency for International Development

Approximately $91.8 billion of the $133.5 billion was in the form of grants (economic and military) and $41.7 billion in the form of loans. Repayment of principal and interest on loans totaled $16.7 billion, thus leaving a net aid figure ($133.5 billion minus $16.7 billion) of $116.8 billion.

The distinction between economic and military assistance, according to an AID official, has sometimes been more apparent than real, from the viewpoint of the recipient country. A country turned down by the Defense Department, which administers the Military Assistance Program, for military aid possibly may obtain economic assistance from AID. The funds received for economic purposes may well release funds within that country for the purchase of the military equipment originally sought. If the United States is unwilling to sell this equipment to the country, the funds are released in any case for the purchase of military equipment from other sources.

Sometimes U.S. assistance has been labeled as economic aid but, in fact, has been primarily for military purposes. During the 1050s, for example, "economic" aid to Laos paid for the entire military budget in that country.

Of the $46.8 billion received by NATO allies, approximately $25 billion went to them during the years 1946–1952. During this period, the bulk of the aid was economic assistance to enable them to rebuild war-torn economies. After 1952, aid to the NATO countries shifted increasingly to military aid; and the total volume of aid to NATO countries per year dropped. The NATO countries received about $16 billion from 1953–1961 and about $5 billion since 1962. The drop in the rate of aid ($4 billion per year until 1952, $2 billion until 1961 and less than $1 billion since 1962) is a result of the success of postwar recovery and increasing prosperity in Western Europe. It has enabled the NATO countries to be the primary purchasers of U.S. military equipment since 1962.

The next largest treaty recipient of U.S. aid has been the Southeast Asia Treaty Organization (SEATO) with $26.7 billion in assistance. There is, however, considerable duplication with the NATO figures, since Britain and France are members of NATO and SEATO. The two countries are the two largest recipients of U.S. aid, with a combined total of about $19 billion. Other SEATO signatories—Pakistan, the Philippines, Thailand, Australia and New Zealand—have received about $7 billion. South Vietnam, a SEATO protocol state not included in the $26.7-billion SEATO figure, received $5.5 billion. Laos, also a SEATO protocol state, received $591 million in economic aid; military aid data on Laos has been classified since 1962; from 1955 to 1962, Laos received $128.5 million in military assistance.

Military Assistance and Sales. The Military Assistance Program (MAP) is part of U.S. foreign aid for which funds are appropriated each year by Congress. The Nixon Administration's request for $2.6 billion in foreign aid for fiscal 1970 included $375 million for military assistance.

MAP is administered by the Department of Defense, which also administers the U.S. Foreign Military Sales (FMS) program. MAP and FMS were run under separate offices within the Defense Department until 1969, when the Pentagon brought administration of the two programs under the same office under the Deputy Assistant Secretary of Defense for military assistance and sales, Air Force Lt. Gen. Robert H. Warren.

The Defense Department views both military assistance and sales as part of a combined program to help maintain the defense capability of foreign nations, since both programs provide U.S. military hardware and training throughout the world. In recent years, the sales program has been increasingly cited by the Pentagon for its contribution to the credit side of U.S. balance of payments.

Warren, in a speech March 26, 1969, described MAP and FMS as "twin instruments of . . . national policy. They complement each other as means by which the United States supports, strengthens and participates in free world collective security. . . . The armed forces we thus support represent an extension of our own defensive posture and a major deterrent to Communist aggression." Warren said that MAP and FMS were administered overseas by 7,100 personnel attached to U.S. military assistance advisory groups, military missions and embassies in 50 countries. Warren added that for budgetary reasons the number of personnel assigned to these functions would be reduced to 5,000 by June 1970.

Under MAP, 78 countries have received military assistance totaling more than $34.6 billion since 1950. MAP expenditures dropped from a high of almost $4 billion in fiscal 1953 to an estimated $550 million in fiscal 1969. (*See table VI.*)

The FMS program, started in 1962, has increasingly replaced MAP as the major way in which U.S. military equipment and training have been distributed to foreign nations. FMS totaled $5.9 billion for fiscal years 1962–1965, $1.8 billion for 1966, $1.9 billion for 1967, $1.8 billion for 1968 and $1.75 billion in 1969. MAP dropped from $1.7 billion in 1963 to $1 billion in 1966 and has been falling increasingly below the $1 billion figure since 1967. (*See table VI.*)

TABLE VI.—MAP EXPENDITURES

[In millions of dollars]

Fiscal year:	[1] *Total*
1950	51.7
1951	934.2
1952	2,385.9
1953	3,953.1
1954	3,629.5
1955	2,297.2
1956	2,612.7
1957	2,349.2
1958	2,145.8
1959	2,319.0
1960	1,605.5
1961	1,440.7
1962	1,381.6
1963	1,724.7
1964	1,449.8
1965	1,201.6
1966	1,033.0
1967	898.0
1968	625.6
1969 (est.)	550.0
Total	34,588.9

[1] Excludes military credit sales. Amounts may not add due to rounding.

SOURCE: Defense Department (International Security Affairs).

The principal reason cited by the Defense Department for the growth of FMS and the decline of MAP is that the postwar recovery of some countries, particularly in western Europe, enabled them to purchase U.S. arms rather than obtain arms in the form of grants under MAP. During fiscal 1962–68, about $8 billion of the total $11.5 billion in sales was made to western European nations. The major western European purchasers of U.S. military equipment were West Germany and Britain. In the Near East, the major unclassified arms purchaser has been Iran. In the Far East, the main purchasers of U.S. arms have been (in order) Australia, Japan, New Zealand and Nationalist China. (*See table VII.*)

TABLE VII.—U.S. FOREIGN MILITARY SALES[1]

Country and region	Fiscal years 1962–68	Fiscal year 1969
Europe and Canada:		
Austria	58.2	1.5
Belgium	172.7	10.8
Denmark	91.4	11.4
France	403.6	25.2
West Germany	3,601.8	525.3
Italy	525.0	73.8
Luxembourg	1.6	.1
NATO	156.5	32.5
Netherlands	235.1	8.4
Norway	170.5	27.8
Portugal	6.4	1.0
Spain	199.0	29.7
Sweden	141.7	3.1
Switzerland	195.6	27.0
United Kingdom	1,743.8	27.7
Yugoslavia	4.4	.6
Canada	385.0	36.0
Subtotal	8,092.3	841.0
Latin America:		
Argentina	55.0	19.0
Bahamas	2.4	----
Bolivia	.5	.1
Brazil	91.7	9.9
Chile	19.7	12.6
Colombia	6.1	1.9
Dominican Republic	.9	----
Ecuador	2.6	.3
El Salvador	1.3	1.1
Guatemala	2.7	.8
Honduras	.1	----
Mexico	5.9	2.4
Nicaragua	.6	.2
Panama	.2	----
Peru	19.2	1.1
Uruguay	.3	.4
Venezuela	59.8	1.6
Subtotal	269.0	51.4
Near East and South Asia:		
Greece	24.1	33.5
India	98.7	1.7
Iran	515.4	183.7
Iraq	19.8	.2
Turkey	10.6	.6
Subtotal	668.6	219.7
Africa:		
Congo	1.7	.1
Liberia	.1	----
Libya	48.9	2.7
Morocco	23.5	10.3
Nigeria	.4	.3
South Africa, Republic of	35.5	3.1
Sudan	2.0	----
Tunisia	.2	.2
United Arab Republic	1.4	.3
Subtotal	113.7	17.0
East Asia and Pacific:		
Australia	797.7	34.2
China, Republic of	91.5	37.5
Indonesia	18.4	----
Japan	365.9	81.4
Malaysia	18.4	.8
New Zealand	91.2	2.8
Philippines	1.5	.8
Singapore	14.9	6.9
Thailand	6.9	8.6
Vietnam	5.8	.4
Subtotal	1,413.2	173.4
Other	1.7	9.7
Classified countries	974.2	432.4
Total, worldwide	11,532.7	1,745.5

[1] Figures pertain to transactions under the foreign military sales program, which was started in 1962. U.S. military sales to foreign countries between the early 1950s and 1962 averaged less than $300,000,000 a year.

Source: Department of Defense.

Table VII indicates that arms sales to classified countries totaled $974.2 million from 1962–1968 and $432.4 million in 1969. The largest volume of classified sales has been to Israel. The most recent sale to Israel, announced in December 1968 by the Johnson Administration, involved 50 Phantom jet fighter-bombers at an estimated $200 million. During the U.S. visit of Israeli Prime Minister Golda Meir, Mrs. Meir presented to President Nixon her government's request for the sale of additional jet aircraft.

CONGRESSIONAL CONCERN ON ARMS SALES

Rep. R. Lawrence Coughlin (R-Pa.) Oct. 15 placed in the *Congressional Record*, the information contained in tables VII and VIII. Coughlin, who said the figures had just been made available by the Defense Department, pointed out that it was possible to determine "with reasonable accuracy where the 'classified countries' " are by comparing the regional subtotals of tables VII and VIII. Since the regional subtotals of tables VII and VIII are quite similar for Europe and Canada, Latin America, Africa, and East Asia and Pacific, Coughlin concluded there are few classified sales to these regions. But since the regional subtotals for the Near East and South Asia region in table VII are $668.6 million (1962–68) and $219.7 million (1969) and in table VIII they are $1,639.6 million (1962–68) and $603.3 million (1969), Coughlin concluded that the predominant share of the sales to classified countries falls in the Near East and South Asia region. He listed the following countries as recipients of classified amounts of arms under FMS: Pakistan, Jordon, Israel, Saudi Arabia, Abu Dhabi, Bahrain and Qatar. Iran, according to Coughlin, received classified amounts of weapons under FMS beyond what it received in unclassified weapons. Coughlin also questioned the absence of Ethiopia from table VII. "Nowhere," he said, "is there any indication of the huge volume of weaponry we have supplied to Ethiopia—a quantity of arms valued in excess of our military aid to all other African nations combined." Coughlin criticized the arms sales program. He said the United States "must avoid providing the less developed nations with expensive and useless armaments." He called for inclusion of the question of conventional arms on the agenda of strategic arms limitation talks (SALT).

TABLE VIII.—FOREIGN MILITARY SALES ORDERS—WORLD WIDE SUMMARY BY TYPE OF ORDER AND REGION

(In millions of dollars)

Type of order by regions	Actual orders, fiscal years 1962–68	Projected orders: Fiscal year 1969	Projected orders: Fiscal year 1970
Commercial:			
Europe and Canada	2,399.4	238.4	333.4
Near East and South Asia	383.7	54.0	131.8
East Asia and Pacific	283.5	40.1	70.3
Africa	41.3	5.0	
Latin America	53.6	18.5	26.0
Subtotal	3,161.5	356.2	561.5
Foreign military sales cash:			
Europe and Canada	4,588.2	793.7	440.8
Near East and South Asia	439.2	326.0	123.0
East Asia and Pacific	411.8	43.7	44.4
Africa	50.6	14.0	5.7
Latin America	49.1	14.5	18.0
Subtotal	5,538.9	1,191.9	631.9
Eximbank private credit:			
Europe and Canada	1,026.2	54.6	60.4
Near East and South Asia			
East Asia and Pacific	509.0	96.0	60.0
Africa			
Latin America			
Subtotal	1,535.2	150.6	120.4
Foreign military sales credit:			
Europe and Canada	80.4		
Near East and South Asia	816.7	223.3	226.0
East Asia and Pacific	211.9	26.0	41.0
Africa	21.8	4.5	16.0
Latin America	166.3	22.4	50.0
Contingency			17.0
Subtotal	1,297.1	281.2	350.0
Totals:			
Europe and Canada	8,094.2	1,086.9	834.6
Near East and South Asia	1,639.6	603.3	480.8
East Asia and Pacific	1,416.2	205.8	215.7
Africa	113.7	28.5	21.7
Latin America	269.0	55.4	94.0
Contingency			17.0
Grand total	11,532.7	1,979.9	1,663.8
Developed countries	10,447.3	1,417.8	1,193.3
Less developed countries	1,085.4	562.1	470.5
Grand total	11,532.7	1,979.9	1,663.8

Source: Defense Department.

U.S. arms sales to developing nations were the subject of major Congressional legislation in 1967 and 1968. In 1967, Congress terminated the use of a special Defense Department military assistance credit account to guarantee Export-Import Bank loans for arms purchases by underdeveloped countries; directed the President to terminate loans and assistance to a country that diverted its own resources to "unnecessary" military expenditures; and prohibited the use of military assistance funds and Defense Department credit sales revolving fund to finance the sale of sophisticated weapons to underdeveloped countries. In 1968 Congress placed a $296 million ceiling on the credit sales of U.S. arms to foreign nations. A $75-million ceiling was placed on sales of U.S. arms to Latin America, and a $40-million ceiling on sales to Africa.

Military Training. Within the Military Assistance Program and the Foreign Military Sales program, some 10,000 foreign military personnel are trained annually by the United States at 175 centers in this country and at other locations overseas. Military training includes instruction in the operation and maintenance of military equipment; courses of study in strategy, tactics, and military management; and counter-insurgency.

Table IX (not printed in the RECORD) summarizes U.S. training of foreign military personnel under MAP through 1968. Not included and unavailable is a breakdown of the training of foreign military personnel under FMS. It is known, for example, that Israeli pilots have been trained by the United States to fly U.S. planes sold to Israel.

The training program has been described by a Pentagon official as having long-term value to the United States. "While military equipment and hardware may deteriorate in time, and understanding of American technology and management techniques, and most importantly, of American culture, carries over long after the foreign national returns to his own country," he said. "Such an understanding and appreciation of the United States may be worth far more in the long run than outright grants or sales of military equipment."

Members of Congress, however, have taken a different view of military training, as well as military assistance, particularly with regard to underdeveloped countries. Senate Foreign Relations Committee Chairman J. W. Fulbright (D Ark.), referring to the brief war in July 1969 between El Salvador and Honduras, July 23 called for an end to U.S. training missions and military assistance in Latin America. Fulbright's point that U.S. training and military assistance armed both sides in the war was supported July 30 by Sen. Frank Church (D Idaho), who said he would offer an amendment to the foreign aid bill for fiscal 1970 to terminate military assistance to Latin America.

COSTS OF COMMITMENTS

The specific costs of maintaining the United States worldwide military commitments have never been singled out by the Defense and State Departments, the two principal Government agencies concerned. Pentagon officials point out that it is difficult to define which forces are maintained solely for the support of military commitments abroad. General purpose forces are available for the defense of the United States and to meet international commitments. For example, the Atlantic fleet defends the eastern seaboard, but it is also available for Latin American or Mediterranean trouble spots. Similarly, troops stationed in the United States could be airlifted to any of a number of crisis areas.

Taking these difficulties of definition into consideration, the Pentagon estimates the total costs of handling all U.S. military commitment overseas, excluding Southeast Asia, but including all other troops assigned overseas or to units assigned to overseas missions, at approximately $15.1 billion per year. This figure also includes the costs of maintaining U.S. military assistance advisory groups, and U.S. military missions in 50 countries throughout the world.

The cost of the Vietnam war, according to the Defense Department, is about $28 billion per year. Using Pentagon figures, therefore, a total cost of $43 billion ($15.1 billion plus $28 billion) emerges as the cost of maintaining military commitments abroad. This figure would amount to slightly more than half the $78–80 billion sum projected by the Pentagon for the defense budget for fiscal 1970.

Congressional estimates of the costs of commitments run higher than the Pentagon's figures. Sen. John Sherman Cooper (R Ky.), in a report in November 1968 of the U.S. delegation to the annual meeting of the North Atlantic Treaty Organization parliamentarians, estimated U.S. costs for NATO alone at $12–15 billion and placed the cost of the Vietnam war in the $30–35 billion range. Senate Foreign Relations Committee Chairman J. W. Fulbright (D Ark) June 26, 1969, used similar figures to estimate the costs of NATO and the Vietnam war to the United States. These estimates would therefore, put the costs of overseas commitments in the $50 billion range.

Returning to the Defense Department's point that it is difficult to isolate the costs of maintaining overseas military commitments, the question can be raised as to whether U.S. forces stationed within the continental United States are more likely to fulfill commitments to defend the United States or to fulfill U.S. foreign commitments. Using this line of reasoning, Sen. Stephen M. Young (D Ohio) Sept. 5, 1969, asserted that the entire defense budget was related to fulfilling worldwide military commitments.

Not included in any of the estimates is the cost of the U.S. foreign aid program, which since its birth in the early years of the cold war has been regarded as a form of commitment to foreign nations. The Nixon Administration requested $2.6 billion in foreign aid for fiscal 1970.

POSTAL STRIKE SETTLEMENT

(By unanimous consent, Mr. CORBETT was allowed to proceed out of order.)

Mr. CORBETT. Mr. Chairman, I have just had a conversation on the phone with James Rademacher, the president of the Letter Carriers Union. He authorized me to tell the House that the postal employees will be back at work tomorrow morning, between 98 and 100 percent of them; that negotiations with the administration will begin soon and will be rather continuous. Furthermore, George Meany, the president of the AFL–

CIO, said that he wanted to keep the salary and the reform legislation as separate units. That is all, and I think it is very good news that this catastrophic strike is apparently over.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield for a question?

Mr. CORBETT. Yes, sir.

Mr. PUCINSKI. It is my understanding—and I am sure all of the postal workers across this country have the same understanding—that Secretary Shultz said negotiations would begin Monday and would last 5 days from Monday. I am presuming at the conclusion of business Friday that the postal workers will have a pay raise approved by Congress and by the President.

Mr. CORBETT. Sir, I was simply quoting the gentleman, and apparently there has been a change in the schedule and negotiations are about to start.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. CORBETT. I yield to the gentleman from Illinois.

Mr. YATES. I had heard prior to the convening of the House today that the Post Office Committees of both the House and the Senate were going to have a conference on bills already authorized by both Houses. Will that conference take place or not?

Mr. CORBETT. I can say to the gentleman that it should have taken place last January. To date, to this hour, I have heard no final plans about a conference meeting. There has been a little talk about having some preliminary discussions, which I have had enough of. I will be very happy to meet on business but not just to yak.

Mr. LOWENSTEIN. Mr. Chairman, will the gentleman yield?

Mr. CORBETT. I am glad to yield to the gentleman.

Mr. LOWENSTEIN. Mr. Chairman, I wonder if the gentleman is willing to join at this point in urging the President to undertake to resolve the legislative impasse in order to expedite passage of the bill the House has indicated it wants to see enacted into law to bring fair play to postal employees?

Mr. CORBETT. I do not know what the gentleman is requesting specifically, but if he wants me to try to urge the President to move along at the will of the House and the Senate, why, of course, I would.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. CORBETT. I am very happy to yield to my distinguished leader.

Mr. GERALD R. FORD. Mr. Chairman, I hope and trust the observations made by the gentleman from Pennsylvania do not mean that the House is going to capitulate and not make a bona fide, legitimate, and vigorous effort for postal reform tied with postal employees pay increase legislation.

Mr. CORBETT. I might say to the gentleman from Michigan that I was only quoting. The reform bill has been reported out of our committee. We have not had a rule granted on it nor is it scheduled for floor action. I am definitely and sincerely in favor of postal reform but the particular plan I liked best was H.R. 4 as it was amended prior to being substituted for by the other bill.

Mr. GERALD R. FORD. Will the gentleman from Pennsylvania assure me and the other Members of this body that he will help us get that bill out of the Committee on Rules and on the floor and through the House?

Mr. CORBETT. I will be very happy to have the bill brought to the floor but I believe at that time I would join in an effort to restore H.R. 4 as it was prior to the operation.

Mr. YATES. Mr. Chairman, will the getleman yield?

Mr. CORBETT. I will be happy to yield to the gentleman.

Mr. YATES. Does not the gentleman agree that the first thing that the Congress should do is try to cooperate and settle this strike and get that out of the way and then do the things that the minority leader wants done?

Mr. CORBETT. No comment.

Mr. Chairman, I move to strike the last word. Mr. Chairman, I shall vote for this bill with some misgivings. I am informed by the committee that its passage is necessary in order to give the President authority to make sales on credit rather than cash. He does not need the authority of this bill for cash sales.

The decisions, of course, as to what weapons are furnished to other countries are given to the President by the basic act. Under that act he has decided not to make available at this time to the Government of Israel additional Phantom and Skyhawk supersonic planes they want to purchase. I must say, Mr. Chairman, that I am very much concerned with President Nixon's decision even though both the President and Secretary Rogers have said that the situation will be constantly under supervision and that Israel's security will not be permitted to be placed in jeopardy. In my view, the refusal to honor Israel's request at this time does not help Israel's strategic position and may actually be harmful to it. In my opinion, his decision does not help the cause of peace in the Middle East.

Mr. Chairman, on Saturday President Nixon gave four reasons for his action. I must say, Mr. Chairman, that the reasons he gave are exactly why he should have reached the opposite conclusion. Let us look at his reasons in the light of the existing situation.

The first reason given by the President was that he hopes by his action to bring about a ceasefire in the Middle East. Well, all of us agree that a ceasefire is eminently desirable. Mr. Chairman, which of the belligerents has broken the ceasefire agreement and which of the belligerents refuses now to observe it? Certainly, it is not Israel that is to blame. A ceasefire agreement was broken first by President Nasser on May 1, 1969, when he openly declared that he would no longer be bound by it and then he proceeded to shatter it with bombardments of Israeli positions along the Suez Canal, a breach which he has continued ever since with growing casualties among the Israeli troops. Israel had no choice except to take to the air in an effort to protect its men and its defenses.

I am concerned that the President's decision will encourage the Arab nations to continue to violate the ceasefire rather than accept it, and to press even more strongly what President Nasser has described as "a war of attrition" to compel Israel to use up her existing supply of planes.

The second reason given by the President was that the flow of arms into the area should be reduced. That, too, is very desirable, but why should Israel be made the victim of such a decision? The other belligerents have already received immense quantities of armaments. An embargo which would have halted the flow of arms to all belligerents from outside nations sometime ago would have permitted equitable treatment of all the belligerents, but that did not occur. It is not occurring now. As a matter of fact, the President's decision really plays the Soviet's game for while the United States has stopped the flow of arms into the area, the Soviet Union continues to arm the Arab nations to the teeth. Through the largesse of the Russians, the Arab nations have received a massive flood of weapons, including the latest and most sophisticated types in greater quantities than they possessed before the 6-day war. And now, deliveries have begun to Egypt of the most advanced Russian ground-to-air missiles, the SAM–III, which deliveries have been accompanied by hundreds of Soviet experts to supervise their installation and the training of the Egyptian forces.

Moreover, there is the agreement by France to furnish 110 supersonic Mirage fighters to Libya, which has openly, by admission of the new rulers of its government, declared itself to be Egypt's partner in the struggle against Israel. I think it would be naive to accept, as does President Pompidou in his public statements, that such planes will not be used against Israel. If war should come again to the Middle East, or even if it is threatened, if the leaders of the Arab cause decide they should be employed against Israel, who is there to stop their being so used? The President's decision at this time, after the commitment by the Soviets and by France to the Arab nations, amounts to a unilateral embargo to the detriment of Israel.

The third reason given by the President is that we seek a political settlement which, is a desirable goal, as well. Certainly, it is one to which the Government of Israel subscribes. But, Mr. Chairman, in every public statement the Arab States have refused even to consider the possibility of a political settlement with Israel. If the Arab States now reject all attempts to initiate a political settlement, does it make sense that they are more likely to embrace such a proposal in view of the President's decision halting the flow of planes to Israel? I would hope the administration's action is not intended to require Israel to accept a settlement which would be inimical to the preservation of her national security, and which, like the settlements of 1948 and 1956 might bring another war rather than peace.

Secretary Rogers stated that Israel is vastly superior in the air, that its pilots

and personnel are more capable than those of her adversaries, all of which is true. But does this mean, Mr. Chairman, that Israel must lose its superiority in the air before this Nation will make additional planes available? Must she lose her pilots and her planes in sufficient numbers to bring into question her supremacy in the air before she can depend upon additional planes from the United States to strengthen her air force?

Mr. Chairman, depriving Israel of additional planes at this time in the face of overwhelming Russian support is playing a dangerous game with Israel's security. Certainly, the Arab nations have more men, they have more tanks, they have greater numbers of other weapons, they have a superiority in the number of planes available by at least a ratio of 6 to 1. At what point will it be agreed that the so-called balance of power will be achieved?

Deferral of Israel's request in my judgment is an unfortunate mistake. Psychology is important and I hope and trust the President's decision will not give the Arab nations cause for belief that Israel has lost its major source, nay, in today's atmosphere, its only source of planes.

Mr. LOWENSTEIN. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman.

Mr. LOWENSTEIN. Mr. Chairman, I just want to associate myself with the gentleman's very lucid and very helpful statement. I would also like to add that I am puzzled and disturbed that yesterday this House saw fit to loan submarines to Greece and other countries that are neither democratic nor threatened with attack by their neighbors at the very moment the administration has decided it cannot sell weapons for self-defense to a democratic country that is threatened with aggression by its neighbors.

I would be glad to support a bill that would make arms available to democratic governments threatened by aggressors and deny them to dictatorships threatened by nothing more than their own oppressed people. But I am afraid it is impossible to discover what funds or what arms are to be made available to what governments for what purposes under the provisions of the bill we are considering today. It is outrageous to dangle Israel while we bolster juntas in places like Brazil and Greece. I want to join in Mr. YATES' protest, and I will have more to say about that situation soon. I appreciate the gentleman taking the time to make his statement today.

Mr. YATES. I appreciate the gentleman's statement.

Mr. Chairman, I would urge the President to reconsider his decision. Israel is the best friend that the United States has in the Middle East and is a friend whose existence and strength foster the best interests of the United States and our foreign policy in the Near East.

Mr. HALPERN. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman.

Mr. HALPERN. Mr. Chairman, I wish to associate myself with the remarks made by the gentleman and commend him for a most enlightening and certainly a most commendable presentation.

Like the gentleman, I am convinced that while peace can come only through negotiation, Israel's ability to repel attack is its main line for survival. Any weakness from that position would be devastating, not only to the survival of the State, but to our own country's best interest.

It is contended that Israel has clear air superiority in skill over the Arabs. But the question is, for how long? The intrusion into the Middle East of Russian soldiers to man Egypt's newly acquired SAM–3 missiles is an obvious immediate step toward upsetting this so-called balance.

How long can Israel maintain her strategic superiority, her technological lead and the confidence of her fighter pilots? In simple numbers, however, this little bastion of Middle East freedom is incredibly outnumbered, yet she perseveres.

Let us look at the facts. Israel has merely 300 fighter jets. The combined air forces of Egypt, Jordan, Iraq, Syria, Saudia Arabia, Algeria and the Sudan have over 1,000 jets—three times the number of Israeli jets.

To cross the Middle East's vast stretches of desert, Israel has only 1,200 tanks; the Arabs have twice as many.

And if hostilities come down to direct combat, the Israelis are sorely outnumbered. The Arabs can field nearly half-a-million soldiers, while Israel has 220,000 troops, of which only 75,000 are now in the field.

Israel is fighting for her existence. The added jets are needed to dramatize to the Arabs that military force cannot alter the presence of Israel as a secure, independent nation in the Middle East.

Mr. YATES. I thank the gentleman.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman.

Mr. HALL. Mr. Chairman, I find it extremely strange that there is this much concern about this particular situation. When we denied ourselves of air superiority in South Vietnam as of Halloween in 1968, withdrawing air support and reducing that support to allow sanctuary—and leaving our foot soldiers beleaguered on the ground. What else does the gentleman expect from Uncle Sugar?

Mr. YATES. I do not see the point the gentleman makes. The gentleman knows there is a vast difference between the two situations if he seeks to make a comparison to the war in Vietnam and what is going on in the Middle East.

Mr. ADAIR. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman.

Mr. ADAIR. I think in view of the gentleman's earlier remarks, it is appropriate to quote from a part of Secretary Rogers' statement of yesterday in which he said, referring to the President of the United States.

In doing so—that is, reaching the decision upon the matters of jets for Israel—he has instructed that close watch be kept on the military balance in the area. The United States will be in a position to provide additional as well as replacement aircraft promptly if the situation requires it.

Mr. YATES. I am aware of that statement. I referred to it in my earlier remarks as having been made by the Secretary—or the President.

The point I make is still true and that is that this Nation plays a dangerous game when it justifies cutting off planes to Israel through use of the phrase "balance of power." What is meant by that phrase? The means of war are overwhelmingly in favor of the Arab States—in men—arms—sophisticated weapons. Now there is the latest addition to the list with the SAM III missile accompanied by Russian technicians. That is why I say that I think Israel's security may be jeopardized by our rejection at this time. The Arab States will be heartened by the announcement that the United States is not making these planes available to Israel at this time. I hope it will not encourage them to the point where they may take some sort of drastic action.

Mr. ADAIR. I am sure the gentleman is aware, though we cannot give the details in public debate, of the figures relative to the various types of materiel available to the countries of the Middle East. While recognizing the point of what the gentleman is saying, he may find some comfort in the fact that there is this continuing serious effort, to look at conditions in that area and to measure carefully and as definitely as the human mind can the need for military equipment.

Mr. YATES. I should like to point out to the gentleman that those statistics appear in this morning's issue of the New York Times.

Mr. RYAN. Mr. Chairman, the President's decision yesterday to deny Israel's request to purchase Phantom and Skyhawk jets is a major error. The planes are necessary, not only for the short run, but to insure Israeli strength and to serve as a clear signal that the United States is firmly committed to support of Israel.

At present, Israel pilots and technicians so exceed in their expertise the abilities of their Arab counterparts that Israel holds the military advantage. However, the losses which Israel suffers must necessarily lead to eventual military disadvantage, unless these losses are replaced. And even the most skilled of technicians cannot indefinitely maintain aircraft used daily.

Consequently, denial of the jet sale poses the very real threat to Israel of eventual military disparity vis-a-vis her Arab neighbors, who are sated with Soviet arms. Only the sale of United States jets can maintain the parity created by Israel's skill and spirit offsetting Arab numbers.

Added peril for Israel lies in the failure of this administration to make clear its commitment to Israel. This failure is signaled by the rejection of Israel's request. More than that, the rejection is a signal to the Arab States, and to their Soviet mentor, to maintain their intransigent resistance to negotiate a meaningful and lasting peace with the Israelis. Only by the administration's clearly declaring

U.S. support will the Arab nations be forced to recognize that their interests compel negotiation and that they will gain no advantage by continuing to await U.S. compromise.

I am concerned that the administration may attempt to use the language of section 5 in the bill before us, H.R. 15628—language which was adopted by the House Foreign Affairs Committee before the President's decision—as an expression of congressional support for that decision. No such interpretation is warranted.

Section 5 expresses the sense of Congress that—

(2) (T)he President should be supported in his position that arms will be made available and credits provided to Israel and other friendly states, to the extent that the President determines such assistance to be needed in order to meet threats to the security and independence of such states, . . .

At the time this language was adopted by the committee, I am sure that the Members believed that it expressed their support for the sale to Israel of the jets it needs for its self defense, and that it would signal this country's support of Israel. Thus, it stands as no endorsement of the determination announced yesterday by Secretary of State Rogers that Israel does not need the planes. Secretary Rogers stated at his press conference:

In our judgment, Israel's air capacity is sufficient to meet its needs for the time being. Consequently, the President has decided to hold in abeyance for now a decision with respect to Israel's request for additional aircraft.

Section 5 is in no way an endorsement of that decision.

I think the potential misuse by the President of what I believe is section 5's real intent—firm and forthright support of Israel—is a clear possibility. We need only recall passage by this House of H.R. 613 last fall. Innocuous on its face, H.R. 613, which spoke of President Nixon's efforts to negotiate a "just peace" in Vietnam was interpreted by the President as "supporting his plan for peace." The passage of section 5 should not likewise be interpreted by the President as support—this time, of his rejection of the jet sale to Israel.

I think a particularly well thought out and fair analysis of the situation is that presented by Stephen S. Rosenfeld in the March 22 issue of the Washington Post, which follows:

UNITED STATES, RUSSIA WRITE STRATEGIC EQUATION

(By Stephen S. Rosenfeld)

If, as I concluded from a three-week trip to the Mideast, the existing situation as between Egypt and Israel is bad, but not unrelievedly so, then it still is quite possible that the situation could be made much worse by the actions of either the Soviet Union or the United States.

The reason is that, while the political policies of Egypt and Israel are necessarily their own, the role of Moscow and Washington as arms suppliers to the respective parties inescapably makes them the formulators of the region's strategic equation. For them, separately or together, to change that equation would be to invite fate to slice what slim ties of restraint still hold the region back from all-out war.

One can curse Egypt for dishonoring the ceasefire at Suez and one can rake Israel for bombing around Cairo, but the fact is that the arms suppliers provided the physical means for these local political decisions to be carried out and no recipient can be expected to permanently foresake an advantage which he thinks a particular use of a piece of available hardware will bring him. Once one side has an artillery piece or the other has an aircraft, those weapons will be used.

The strategic equation now in force is one which gives Israel a plain superiority in the air. The basis of that superiority lies in three things: Israel's post-1967 borders; its higher level of technology, organization and motivation; and its advanced airplanes, especially the Phantom jets. Having the Phantoms is what enables Jerusalem to exploit its advantages in borders and in technology and motivation.

It is unquestioned in the Mideast that Israel's air superiority prevents the outbreak of full-scale war. Otherwise Egypt would have the capacity and confidence to start back across Sinai. This could change, however, if the Russians took over Egypt's air defenses in a serious way.

Direct Soviet participation in Egypt's defenses would not only relieve Cairo in yet another way from accepting its own relationship with Israel. It would diminish Jerusalem's military advantage, and when this advantage is reduced—in reality or in Cairo's perception, the most powerful deferrent to war in the Mideast goes with it. Soviet participation also would heighten the chances of the United States being drawn in on Israeli side.

A like result—diminution of Israel's military edge and a consequent increase in the probability of war—would also flow from a halt in Phantom sales to Israel, or from a precipitate slowdown in deliveries or from a decision to tie deliveriees to Israel's acceptance of conditions which Washington alone deemed appropriate for Israel's needs.

Israel, never far from hysteria about its survival anyway, would be tempted to strike a major blow before its advantage had evaporated. Egypt, never far from unrealism, would abandon altogether its remaining thoughts of a political solution and would itself begin to prepare for the next round.

This does not mean that Israel must receive the full number of Phatoms sought, on the terms of its choice. It does mean that neither Arabs nor Israelis must be given grounds to question Israel's continuing power, if war is to be deterred.

To be sure, another major American purpose—gaining favor with the Arabs—would be forwarded by a Phantom halt or slowdown.

The United States would still have to cope with those tensions which make third-world going tough for all developed states. It would still have to cope with the Soviet Union, which is not inhibited in its Mideast policy by a concern for the survival of Israel. Nonetheless, a decision to deprive Israel of the arms it considers vital to its security would surely be appreciated by the Arabs. That is precisely what they understand by the world "even-handed."

So what should the United States do? In brief, it should sit back and squirm nervously for a year or two or five or whatever it takes for the current sky-high peak of emotion and fear to level off. The responsibility for a settlement is the region's own; the parties have no reason to respect an arrangement they do not make themselves. The responsibility for the region's strategic equation is unavoidably that of Washington and Moscow, the leading suppliers, and Washington has good reason to provide the hardware allowing Israel to hold up its end—to deter war, to encourage the parties to accept each others' reality, to block hostile Arab-Soviet hegemony in an important region, and to keep faith with the Mideast's one friendly democratic state. As good a way as any to protect the United States' various investments (which, by the way, are being eagerly solicited by Egypt) is to make clear and to make sure that they serve Arabs fairly as well as Americans.

Even without an Arab-Israeli dispute, the Mideast would be in tumult and foreigners would have a hard time hanging on. But desperate as things are, the region has arrived at a certain plateau three years after the war, and efforts by over anxious outsiders to improve the situation are just as likely to have a contrary result. Arms and passions are there aplenty but there also exists such other commodities as common sense, serious leadership, hard work, the desire to get on with building nations and lives, and even boredom. Steadiness is required inside the region and outside, too.

Mr. REUSS. Mr. Chairman, I rise in support of the Coughlin amendment.

Reference was made on the floor a few minutes ago by the gentleman from Illinois (Mr. COLLIER), whom I do not see at the moment, to the effect that the U.S. Arms Control and Disarmament Agency did not testify before the House Committee on Foreign Affairs. While that is true, the Arms Control Agency did file, within the last few weeks, an excellent report entitled "World Military Expenditures, 1969" which was before the committee, as it is before us today. And in that report it set forth the news, which I found profoundly saddening, that since 1964 a large part of the world's growth—and I quote—"has been dissipated in higher military expenditures, rather than contributing to the improvement of living standards." And the Agency concluded by stating, "The report shows the rise in military spending continuing" and "The world remains the poorer for it." That is precisely the reason for the Coughlin amendment. We need to gain control over the arms race. I hope the amendment is adopted.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. REUSS. I yield to the gentleman from Iowa.

Mr. GROSS. Does the gentleman think $10 million was well spent to get that kind of a report? I would think that almost anybody with a reasonable education could write the same thing.

Mr. REUSS. Anybody with a reasonable education, or without a reasonable education but with good instincts, could write that conclusion, but the numerous pages, with which I hope the gentleman will familiarize himself, of statistical data on the arms race is a valuable contribution, and I think the record should show that the Arms Control and Disarmament Agency is doing its job.

Mr. GROSS. Mr. Chairman, will the gentleman yield further?

Mr. REUSS. I am glad to yield.

Mr. GROSS. The distinguished chairman of the Foreign Affairs Committee, (Mr. MORGAN), in response to Mr. COLLIER, talked about expenditures for the Disarmament Agency. I can recall, not many years ago, when there was a disarmament setup in the White House and it cost less than $1 million a year. That was headed by the great disarmer, Harold Stassen. He did not accomplish very much, but he accomplished exactly as

much, in my opinion, in terms of disarmament, as has been accomplished through the expenditure of the $10 million a year.

Mr. MORGAN. Mr. Chairman, the amendment would add a new section to the bill to express the sense of Congress, that multilateral discussions be initiated with countries on the control of worldwide trade in armaments, to commence a general debate in the United Nations with respect to the control of conventional arms, and for the President to use the power and prestige of his office to control the national distribution of conventional weapons. I talked this over with the ranking minority member of the committee. The committee has no objection to incorporating this amendment in the bill.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from New York.

Mr. BINGHAM. Mr. Chairman, there are a number of aspects of our foreign military sales program of which I do not approve, and I am happy to support the pending amendment by Messrs. COUGHLIN and REUSS as a move in the direction of limiting the worldwide traffic in conventional weapons.

The bill was also improved in committee by the recommended addition of sections 4 and 5. In section 5, the Congress not only goes on record as being in favor of military assistance to Israel to the extent necessary, but as virtually inviting the President to submit supplemental requests for authorizations if the funds provided in the bill prove insufficient for that purpose.

As I said in the House last night, I am dismayed at the President's action with regard to Israel's request for additional jets. The gallant Government and people of Israel may rest assured that continuing pressure will be maintained on the President for reconsideration and reversal of this decision, especially in the light of the dangerous new types of assistance now being rendered to the United Arab Republic by the Soviet Union.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. COUGHLIN).

The amendment was agreed to.

Mr. FINDLEY. Mr. Chairman, I move to strike the last word.

I would like to call to the attention of the Committee the language on page 3 of the bill, the portion of the committee amendment which is designated as section 5.

Under (2) of section 5 are the words:

> The President should be supported in his position that arms will be made available and credits provided to Israel and other friendly states, to the extent that the President determines such assistance to be needed in order to meet threats to the security and independence of such states.

This language was very carefully worked out during the consideration by the House Committee on Foreign Affairs, and I think it reflects accurately the concensus of the committee that the United States does have a legitimate concern for the security interests of all friendly states of the Middle East and not just Israel. The Middle East resolution which was enacted, I believe, in 1954, set forth very clearly the concern of this Government for their integrity and security and independence of all such states.

In placing the language "and other friendly states" in this committee amendment, it is my feeling that the Committee on Foreign Affairs was attempting to show that the committee does have an interest in the security problems of other friendly states of the Middle East area besides Israel.

Mr. WOLFF. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from New York.

Mr. WOLFF. Mr. Chairman, what does the gentleman consider to be a friendly state? Would he define that?

Mr. FINDLEY. I will have to say that list could very well change from year to year, but I think we would have to class Lebanon and Jordan in that category, and they do have security problems at the present time. The amendment does not specify which states, and I think it unnecessary to do so. The purpose of the language is to give assurance that our concern is not confined exclusively in the Middle East to the friendly state of Israel.

Mr. WOLFF. I wonder if the gentleman would in any way define "friendly"? Would an action such as Libya took in tossing us out of the bases in Libya be interpreted to mean that Libya would be considered a friendly state?

Mr. FINDLEY. I would presume, inasmuch as the U.S. Government very promptly extended diplomatic relations to the new regime in Libya and has not altered that relationship that that our Government so considers Libya as a friendly state.

Mr. WOLFF. Would the gentleman consider Iraq friendly as well?

Mr. FINDLEY. I did not by listing Jordan and Lebanon mean to imply that no other states should be classified as friendly. The term "friendly state" has often been defined by statute and is widely understood.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I think anyone would be pretty hard put to find a friendly country around the world.

Mr. FINDLEY. It is just day by day.

Mr. GROSS. And those who are friendly we penalize with economic boycotts and sever diplomatic relations with them.

The gentleman from New York raises a good question, but it is a horrible one to have to try to answer.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the Chair, Mr. BROOKS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration (H.R. 15628) to amend the Foreign Military Sales Act, pursuant to House Resolution 879, he reported the bill back to the House with sundry amendments, adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. GROSS. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. GROSS moves to recommit the bill H.R. 15628 to the Committee on Foreign Affairs.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. ADAIR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 351, nays 26, not voting 53, as follows:

[Roll No. 61]

YEAS—351

Abbitt	Bray	Corman
Abernethy	Brinkley	Coughlin
Adair	Brock	Cowger
Adams	Brooks	Culver
Addabbo	Broomfield	Daddario
Albert	Brotzman	Daniel, Va.
Alexander	Brown, Mich.	Daniels, N.J.
Anderson, Calif.	Brown, Ohio	Davis, Wis.
	Broyhill, N.C.	Delaney
Anderson, Ill.	Broyhill, Va.	Dellenback
Anderson, Tenn.	Buchanan	Denney
	Burke, Fla.	Dennis
Andrews, Ala.	Burke, Mass.	Dent
Andrews, N. Dak.	Burleson, Tex.	Dickinson
	Burlison, Mo.	Dingell
Annunzio	Burton, Calif.	Donohue
Arends	Burton, Utah	Dorn
Ashley	Bush	Dowdy
Aspinall	Byrne, Pa.	Downing
Ayres	Byrnes, Wis.	Dulski
Baring	Cabell	Dwyer
Barrett	Caffery	Eckhardt
Beall, Md.	Carter	Edmondson
Belcher	Casey	Edwards, Ala.
Bell, Calif.	Chamberlain	Edwards, La.
Bennett	Chappell	Eilberg
Betts	Clancy	Erlenborn
Bevill	Clark	Esch
Biaggi	Clausen, Don H.	Eshleman
Biester		Evans, Colo.
Bingham	Clawson, Del	Evins, Tenn.
Blackburn	Cleveland	Fallon
Boggs	Cohelan	Farbstein
Boland	Collins	Fascell
Bow	Conable	Feighan
Brademas	Conte	Findley
Brasco	Corbett	Fisher

Flood	McDonald, Mich.	Rosenthal
Flowers	McEwen	Rostenkowski
Flynt	McFall	Roth
Foley	McKneally	Roudebush
Ford, Gerald R.	Macdonald, Mass.	Roybal
Foreman	Madden	Ruppe
Fountain	Mahon	Ruth
Fraser	Mailliard	Ryan
Frelinghuysen	Mann	St Germain
Frey	Marsh	St. Onge
Friedel	Martin	Sandman
Fulton, Pa.	Mathias	Schadeberg
Fulton, Tenn.	Matsunaga	Scherle
Fuqua	May	Scheuer
Galifianakis	Mayne	Schneebeli
Gallagher	Meeds	Schwengel
Garmatz	Melcher	Scott
Gaydos	Michel	Sebelius
Giaimo	Miller, Calif.	Shriver
Gibbons	Miller, Ohio	Sikes
Gilbert	Mills	Sisk
Gonzalez	Minish	Skubitz
Goodling	Mink	Slack
Green, Oreg.	Mize	Smith, Calif.
Green, Pa.	Mizell	Smith, Iowa
Griffin	Mollohan	Smith, N.Y.
Griffiths	Monagan	Springer
Grover	Montgomery	Stafford
Gubser	Moorhead	Staggers
Gude	Morgan	Stanton
Hagan	Morse	Steed
Haley	Morton	Steiger, Ariz.
Halpern	Moss	Steiger, Wis.
Hamilton	Murphy, Ill.	Stephens
Hammer-schmidt	Murphy, N.Y.	Stratton
Hanley	Myers	Stubblefield
Hanna	Nedzi	Stuckey
Hansen, Idaho	Nelsen	Sullivan
Hansen, Wash.	Nichols	Talcott
Harsha	Nix	Taylor
Hastings	Obey	Teague, Calif.
Hathaway	O'Hara	Teague, Tex.
Hays	O'Konski	Thompson, N.J.
Hébert	Olsen	Thomson, Wis.
Heckler, Mass.	O'Neal, Ga.	Tiernan
Henderson	O'Neill, Mass.	Udall
Hicks	Passman	Ullman
Hogan	Patten	Van Deerlin
Holifield	Pelly	Vander Jagt
Horton	Pepper	Vanik
Hosmer	Perkins	Vigorito
Howard	Pettis	Waggonner
Hull	Philbin	Wampler
Hungate	Pickle	Watkins
Hunt	Pike	Watson
Jacobs	Pirnie	Watts
Johnson, Calif.	Poage	Weicker
Johnson, Pa.	Podell	Whalen
Jonas	Poff	Whalley
Jones, N.C.	Preyer, N.C.	White
Karth	Price, Ill.	Whitehurst
Kazen	Price, Tex.	Whitten
Kee	Pucinski	Widnall
Keith	Quie	Wiggins
King	Quillen	Williams
Kleppe	Railsback	Wilson, Bob
Kluczynski	Randall	Wilson, Charles H.
Koch	Rees	Winn
Kuykendall	Reifel	Wold
Landgrebe	Reuss	Wolff
Landrum	Rhodes	Wright
Langen	Riegle	Wyatt
Latta	Rivers	Wydler
Leggett	Roberts	Wylie
Lloyd	Robison	Wyman
Long, La.	Rodino	Yates
Lujan	Roe	Yatron
Lukens	Rogers, Colo.	Young
McClory	Rogers, Fla.	Zablocki
McCloskey	Rooney, N.Y.	Zion
McCulloch	Rooney, Pa.	Zwach
McDade		

NAYS—26

Ashbrook	Hall	Mosher
Button	Harrington	Natcher
Camp	Hechler, W. Va.	Rarick
Collier	Hutchinson	Saylor
de la Garza	Ichord	Snyder
Devine	Kastenmeier	Stokes
Duncan	Long, Md.	Thompson, Ga.
Edwards, Calif.	Lowenstein	Waldie
Gross	Mikva	

NOT VOTING—53

Berry	Clay	Diggs
Blanton	Colmer	Fish
Blatnik	Conyers	Ford, William D.
Bolling	Cramer	Gettys
Brown, Calif.	Crane	Goldwater
Carey	Cunningham	Gray
Cederberg	Davis, Ga.	Harvey
Celler	Dawson	Hawkins
Chisholm	Derwinski	Helstoski
Jarman	McClure	Pryor, Ark.
Jones, Ala.	McMillan	Purcell
Jones, Tenn.	MacGregor	Reid, Ill.
Kirwan	Meskill	Reid, N.Y.
Kyl	Minshall	Satterfield
Kyros	Ottinger	Shipley
Lennon	Patman	Symington
McCarthy	Pollock	Taft
	Powell	Tunney

So the bill was passed.

The Clerk announced the following pairs:

Mr. Celler with Mr. Reid of New York.
Mr. Jones of Tennessee with Mr. Minshall.
Mr. Gettys with Mr. Goldwater.
Mr. Gray with Mr. Harvey.
Mr. Shipley with Mr. Berry.
Mr. Kyros with Mr. Kyl.
Mr. Lennon with Mr. Crane.
Mr. Blatnik with Mr. Cunningham.
Mr. Carey with Mr. Fish.
Mr. Colmer with Mr. MacGregor.
Mr. Davis of Georgia with Mr. Cramer.
Mr. McMillan with Mrs. Reid of Illinois.
Mr. McCarthy with Mr. Diggs.
Mr. Jarman with Mr. McClure.
Mr. Tunney with Mr. Conyers.
Mr. Patman with Mr. Cederberg.
Mr. Purcell with Mr. Pollock.
Mr. Pryor of Arkansas with Mr. Derwinski.
Mr. Satterfield with Mr. Taft.
Mr. Kirwan with Mr. Hawkins.
Mr. Jones of Alabama with Mr. Helstoski.
Mr. Blanton with Mr. Meskill.
Mr. Brown of California with Mr. Powell.
Mr. William D. Ford with Mr. Clay.
Mr. Ottinger with Mrs. Chisholm.
Mr. Symington with Mr. Dawson.

Mr. MIKVA changed his vote from "yea" to "nay."

Mr. KOCH changed his vote from "nay to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. BROOKS). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

WARNED PRESIDENT AND CONGRESS THAT POSTAL STRIKE WAS READY TO EXPLODE

Mr. BIAGGI. Mr. Speaker, on February 19, 1970, I warned the President and the Congress that a postal strike was ready to explode in New York City at any moment unless immediate and decisive action was taken on the postal pay issue. This warning went unheeded.

I again warned that this country was threatened with a precedent-setting national strike of postal workers similar to that occurring in Italy. It was necessary, I stated on that occasion, for the postal employees of Italy to strike in order to obtain benefits. I prayed then that it would not be necessary for the postal employees of America to do likewise. In this instance, we have seen what has occurred. I warned of the dangerous practice on the part of the administration tying postal reform to pay raises. Today the Nation is faced with a national dilemma. The situation has come about as a result of an absolute miscalculation on the part of the administration—an inability to sense the pulse of the times.

On March 10, 1970, 16 of my New York City colleagues and I sent a letter to the Postmaster General urging that emergency salary adjustment procedures, authorized under title V of the United States Code be instituted in the New York area for postal workers. No response was received to our request. This action could have provided instant relief to the plight of New York's postal workers pending the outcome of legislative action.

Mr. Speaker, the eruption of the strike action in New York was almost inevitable in the face of all this indifference.

After the strike commenced in New York City, I received a letter from the Postmaster General of the United States at my home. I probably hold the distinction of having received the only letter mailed in New York City during the strike. It was delivered to me at 5:30 a.m. by a postal inspector and it stated:

> You may be in a position to render unique assistance in handling the problem that now faces us in midtown New York City. Accordingly, I respectfully request that you return to Washington at the earliest practicable time to discuss with me, personally, the situation with respect to Branch #36, NALC of the AFL–CIO. I shall be ready to meet with you at your convenience.

There is no doubt that I might have been helpful in effecting an agreement with the New York City postal workers. However, after traveling back to Washington and calling on the Postmaster General, it proved to be of no avail whatsoever.

Yesterday, I was again contacted by the Postmaster General's office. This time I was asked to check and give them a reading of the temperament of the postal workers and make recommendations to the Postmaster General's office. After speaking to the leadership of the local postal unions, I offered the General Counsel of the Post Office Department a proposal which, hopefully would have reversed the trend and broken the stalemate. It was a simple proposal calling on the administration to agree to have the postal union leaders of New York City sit in on the negotiations. The union leadership and I felt that this small concession would have given the administration an opportunity to demonstrate its good faith. The leaders of the unions would have therefore been in a better position to convince their members to return to work as soon as possible.

Within half-an-hour after making this proposal, I received a call from the Postmaster General's office flatly denying this request. This is another illustration of "Rome burning while Nero is trying to fiddle."

And what do we do instead? The President called the military into New York City to handle the mail. Mr. Speaker, I ask, Why only New York City? Why not Chicago or some other large city? Has

New York City been written off completely?

Mr. Speaker, I am convinced that a much more rational and up-dated approach should have been applied to this very real and potent labor problem. I am convinced that impartial negotiations must be commenced at once outside the realm of political considerations.

Today I offered the President a feasible alternative to his policy of Executive saber-rattling.

My present proposal is realistic, viable, and sound. One that could end this seemingly impregnable impasse within hours.

Mr. Speaker, I hereby call on the President and the Postmaster General to remove the postal strike from the arena of party politics and return it to the realm of conventional negotiations. I ask the administration to appoint an experienced and internationally known public-employee labor expert, Mr. Theodore Kheel, to act as mediator in this dispute.

Mr. Kheel has already agreed to serve in this capacity, and I am certain he can be the catalyst for a quick return to work and an ultimate acceptable agreement.

If the administration agrees, the union leadership would arrange for a special meeting to urge postal employees to return to work. After 72 hours of mediation, the progress of negotiations would then be reported to the full membership for a final vote.

Mr. Speaker, the union leaders and I feel this would be an acceptable plan to the membership. The administration need only respond and machinery would start immediately to return the striking postal workers to their jobs. I am confident that acceptance of this proposal would be the first step toward an early cessation of the postal strike and the beginning of a nationwide reversal of the strike trend.

I consider the postal strike crisis of such serious proportions that also I recommended to the House leadership that the Easter recess be canceled so that we all may deal with this catastrophic issue until it is resolved. I have been informed that this will be done and I am pleased to know that my colleagues will devote themselves to this crucial national emergency.

Mr. Speaker, I have been asked by the administration to do all I can to end the postal strike in New York. However, in spite of all my warnings, all my recommendations and proposals, and all my direct interventions, I have received no cooperation from either the Postmaster General or the President. Regardless of an obvious indication that I have been "used" in bad faith, I persevere nevertheless. I fully realize the gravity of the situation in New York and other large cities. It is sad that postal service to the people and our business communities has been interrupted. It puts a heavy burden on all of us. My concern therefore is to return full mail services to all Americans as well as providing fair treatment for the postal employees. The postal workers deserve our fullest sympathy because they are a dedicated group of Americans who for years have served our people faithfully and consistently in spite of a long history of lagging pay and poor working conditions.

THE POSTAL SITUATION

(Mr. HELSTOSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HELSTOSKI. Mr. Speaker, I would like to compliment the gentleman from New York, the distinguished gentleman (Mr. BIAGGI) for his remarks.

Mr. Speaker, it is apparent we are living in an era of crises.

Without question one of the gravest of these is the uprising of our postal workers. While we cannot condone wildcat strikes, we can and must understand the reasoning behind the one presently taking place in the Post Office Department.

It is self-evident that our postal workers are among the lowest salaried in the Nation. They, individually and through their organization leaders, have for months been imploring the Federal Government to recognize this and to take the necessary corrective action.

We did move to recognize this fact, but carried nothing to a conclusion because of a threat of a Presidential veto. Right now there is a bill in conference that will take a major stride toward giving the postal workers the wage comparability with private enterprise that the Congress and a President promised them through law in 1962.

We, through our votes for the bill now in conference, supported the 1962 law and in so doing honored the pledge given our postal workers eight years ago. But some in Congress ran for cover when the White House threatened a veto of the bill if Congress passed it.

I say let us ignore the veto threat and move to carry out the intent of the 1962 law, and do the thing we know must be done to accord decent and fair treatment to the postal workers.

During the weekend, I met with about 400 postal workers in my congressional district on the present difficulties. I report their attitudes were fair and reasonable. They are just tired of being pushed around as they struggle to support their families on the small salaries given them.

Added to their difficulties is this period of wild inflation which is driving everyday costs of living higher and higher. Postal workers see and hear of neighbors in private enterprise getting wage increases to cover at least part of the rising costs while they are asked to exist on indistinct promises. It is enough to drive anyone to take part in an action designed to wake from their slumbers those holding the purse strings of Federal Government.

Again I say, let us get on with the business at hand. Let us ignore the veto threat coming from Pennsylvania Avenue. Let us start acting like a coequal branch of Government and do what we have to do and let the chips fall where they may.

There is one other phase of the present situation I would like to comment on. We all realize that the Nation and its people cannot long stand a freeze on the interchange and delivery of mail, but is the answer calling out the troops to take on an assignment which is not a part of their military duties? In the minds of many this may be unconstitutional. Further, does anyone have the right to ask a military man to serve to, in effect to, try to break a strike that can be quickly ended by the Congress and the President conforming to the law passed in 1962.

At this point I would like to place before the House a copy of a letter addressed to President Nixon, under date of February 19, 1970, by Mr. Frank Hornik, a postal organization officer of Clifton, N.J., calling to his attention the employee unrest in the Post Office Department because of broken promises.

CLIFTON, N.J.,
February 19, 1970.

HON. RICHARD M. NIXON,
President of the United States,
Washington, D.C.

MY DEAR MR. PRESIDENT: On October 15, 1969 I wrote a letter addressed to you in reference to the pledge you made to the Postal Employees in a speech to Postal Officials in Washington, D.C., on February 10, 1969.

By all reports and what I have read in your Budget Message, the pledge is a forgotten item in Washington, D.C.

May I remind you, that it is not a forgotten item among the vast majority of your Postal Employees.

You probably do not have too much time to see them, or to listen to them. Quite possibly, you may not even care.

I think it would be wise to have your postal officials pay a little more attention to what is in the minds of the average postal employees.

While the law may say that the Federal Employees do not have the right to strike, this does not of necessity mean that they would not strike.

It happened in Canada and in Great Britain, and it can happen here.

It is about time that the people in Washington recognize the fact that every Federal Employee is a citizen of this country.

You have some 2,800,000 Federal Employees, of which at least 25% are Postal Employees. If only 50% of the Postal Employees are married, this is a potential of some 1,050,000 votes at a minimum.

This means that by your remarks in the Budget Message, you are casting 1,050,000 people in the role of second class citizens.

Mr. President, I think it is about time the people in Washington woke up to this fact, and began to remedy this situation.

Respectfully yours,

FRANK HORNIK.

THE POSTAL STRIKE

(Mr. GILBERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILBERT. Mr. Speaker, in the congressional district I represent, the 22d Congressional District of the Bronx in New York City, Federal troops today are attempting to deliver the mail.

It is unlikely that these men will make a decent job of it, no matter how well motivated they are. Men do not become postal clerks and letter carriers overnight, not even at the decree of the President of the United States.

In fact, Mr. Speaker, if the presence of these troops in New York City does not spark violence—and I sincerely pray that it does not—it at least makes a mockery of the collective bargaining proposition.

How absurd it seems that we will commit our men and our money by the billions to fight a land war in Asia we cannot win, do not want to win, for a country whose leaders violate every precept of democracy. Yet at the same time we cannot increase an $8,400 annual salary by $20 a week for honest, hard-working American men because it would be inflationary.

How absurd that the Congress seeks to provide Nationalist China with submarines and jet planes when it will not provide its American postman with enough money to feed and clothe his family?

There are some basic questions at stake in this postal crisis that have nothing whatsoever to do with the legality of whether public servants have the right to strike.

The postal workers were promised a raise. They were told how much it would be and when it would come. They were lied to, no matter how good the reasons for that deception might seem to be.

The unions attempted to bargain in good faith. These strikes did not come about overnight. The complaints of the postal workers have been festering for years, always neglected, always put off by administration after administration. If you deliberately starve a man, you cannot be much surprised if he will not carry your lunch basket.

Most important, the administration triggered this strike when it insisted that reform be a part of the pay increase. The reform issue is a valid one. But it is a complex issue that should be fully debated. By insisting that its proposal is the only valid reform, and by insisting that only by passing reform can the workers get their pay raise, the administration callously attempted to ram a highly controversial issue down the throats of its impoverished postal employees.

Mr. Speaker, I was among those who did everything within his power to help avert the strike. The strike is a tragedy, for those risking their livelihoods and their careers, for those who depend upon the mails for their survival and for the millions of Americans who must suffer one way or another because of it.

The President would have been better advised not to have sent in the troops but to have begun earnest—and honest—negotiations with the workers. It is still not too late for him to rectify the mistakes his administration has promulgated in this labor dispute.

I urge the President to withdraw his troops, start meaningful negotiations for immediate pay increases and to set the reform issue aside until passions permit reasonable discussion.

Much has been made, Mr. Speaker, of the precedent set by this strike. Let the workers win, it is said, and other unions will follow their example. I say there is an earlier precedent of American law that we must follow. And that is that America is the land of liberty with justice for all. There will be no justice in this instance until the postal workers win a liveable raise. Let us achieve justice first; it deserves precedence over precedents.

WELFARE—A GUARANTEED INCOME

(Mr. LANDRUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LANDRUM. Mr. Speaker, many in this House are deeply disturbed by administration proposals to replace the present welfare system with what amounts to a guaranteed income. One major fear is that a guaranteed income will not encourage people to work—despite the so-called incentives offered by the bill reported by the Committee on Ways and Means. Instead, I think the bill will make more people dependent.

The priorities of this bill are wrong. They are: cash, first; food, second; and work, third. I believe there should be a reversal in priorities: work, first; food, second; and cash, last.

The bill was explained very clearly by my colleague on the Ways and Means Committee, the Honorable AL ULLMAN, of Oregon, in a radio interview with Mr. Arch N. Booth, executive vice president, Chamber of Commerce of the United States, presented over the Mutual Broadcasting System on March 19, 1970. I include the transcription of this interview at this point in the RECORD:

WELFARE—GUARANTEED INCOME

An interview in Washington, D.C., with Congressman Al Ullman (D-Oregon) by Mr. Arch N. Booth, Executive Vice President, Chamber of Commerce of the United States on What's the Issue, over the Mutual Broadcasting System, March 19, 1970.

Mr. BOOTH. Perhaps one of the most interesting, the most misunderstood and the most controversial programs in many years, is the one before the current Congress which is called a sweeping plan to revise our present system of welfare payments to the needy. Now the system is much in need of revision—no doubt about that. The disadvantage of the plan being offered is that it would be a first step toward a wholesale plan of giving something for nothing to millions of people. It would add about 15 million people to the welfare rolls who are not now eligible for payments.

Let's get the record straight right at the outset. We in the National Chamber are for helping those who need help. Those who are blind, disabled or elderly, or for some reason unable to work—we are on record as believing that support of those who have no potential for self-support is a public responsibility. But for those who are able to work, welfare should be coupled with occupational rehabilitation and the opportunity to earn a living.

Now to discuss this interesting program we have with us today the fourth ranking majority member of the House Ways and Means Committee, Representative Al Ullman of Oregon. He'll try to help us understand the current proposal and some of its long-range implications.

Mr. Congressman, the House Ways and Means Committee has just reported out this bill which is labeled, H.R. 16311, the Family Assistance Act of 1970. Its supporters tell us that it's a total reform of our present welfare system. To what extent do you believe it is a reform bill?

Mr. ULLMAN. Mr. Booth, this is a very complicated piece of legislation and obviously there are reforms in it. But I think rather than a welfare reform bill, this bill changes the whole direction of our welfare program, the whole concept. What we are essentially doing is adopting the basic essentials of the guaranteed income program, or a negative income tax approach, to the whole problem and if you want to call that reform I guess you could. But the reason I voted against the bill was that I wanted a true welfare reform. I wanted to build on the reform bill that we passed three years ago, and establish real increased work incentives in the program, and build up child care and build up your special projects in your government agencies—for on-the-job training and all of this kind of thing which, we think, has established a real good basis of experience. We are departing from that now and taking a totally new course in welfare.

Mr. BOOTH. Now this new course is embodied in a bill a hundred pages long. Do you think many people have read it or could read it? And readily understand what it would do? And what it would reform?

Mr. ULLMAN. Well, very, very few people will, of course, understand it at all. And that is the reason, I think, that there is so much support for it now. There is so little understanding of it.

Mr. BOOTH. I think it's pretty well agreed that the present welfare system, especially the program known as Aid to Families with Dependent Children, AFDC, has some grave shortcomings that ought to be corrected in one way or another. Now, how does the House bill purport to solve these problems?

Mr. ULLMAN. Well, of course, let's start by saying that there is no such thing as a good welfare bill. It is impossible to cope with this difficult problem in a way that's really satisfying to anyone. And it is true that the Aid to Families with Dependent Children program did have a lot of very serious inequities in it. But the basic problem is, how do you improve those things? What do you do? Here, in place of trying to make the great improvements that I think we need, we've changed the whole course.

Mr. BOOTH. As I understand this rather complicated bill, it provides not for fewer people on welfare, but for more. It doesn't call for less spending relief, but for more. Do you agree that that's fair?

Mr. ULLMAN. Well, of course, this is the obvious. On the very face of it, what we're doing by including—the first thing we are doing is nationalizing the whole welfare program. In other words, the social security system will take over welfare and you'll have federal welfare offices in every community. The second thing we're doing is adding—we're tripling the size of welfare by adding the so-called "working poor". It's an income supplement program—the guaranteed income approach.

Mr. BOOTH. The Administration claims that about 4 million families will be on this new welfare program. Does your estimate agree with that figure? Are the heads of these families unemployed?

Mr. ULLMAN. Well, my figures show that, as of now, we have about 1.7 million families on welfare, and I think that the Department of Health, Education and Welfare now estimates that this bill would put approximately 4.6 million families on welfare, or virtually trippling the welfare rolls.

Mr. BOOTH. And are the heads of the families unemployed?

Mr. ULLMAN. No. In the existing program, the 1.7 million families, most of these welfare people are families without a father in the house. Some of the states have unemployed fathers programs and maybe 25% of the families in this existing program have fathers in the house. But these people we are adding—almost 3 million new families—will have working fathers in the house. This is

the working poor. These are mostly families with working fathers in the house.

Mr. BOOTH. Now, as I understand it—what you are saying is that at least half of these families heads are what could be called fully employed? Are all of these employed people below the poverty income level?

Mr. ULLMAN. No. This is just one of the many discrepancies in the bill. The program will make supplemental federal payments, income supplement payments from the federal treasury, to a lot of so-called "working poor" who are above the poverty level.

Mr. BOOTH. All right, then, the income supplement level would pay federal relief even to families who are above the poverty income level, if I've understood you correctly?

Mr. ULLMAN. That is right.

Mr. BOOTH. Would it pay welfare to all families who are above the poverty level?

Mr. ULLMAN. No, of course not.

Mr. BOOTH. If not how do you justify paying it to some and not to all?

Mr. ULLMAN. Well, I just don't think we can.

Mr. BOOTH. As I understand the bill—the head of the family that qualifies for welfare and is not now employed, must either go to work or take training for a job. Is that the intent of the bill?

Mr. ULLMAN. That certainly is—and that is a basis on which it is being sold. But I think this is the real nitty grit of our whole problem. You cannot, with the present mechanism and the financing we have—you can't possibly get the kind of training for these people. You can't. In the first place you can't cope with the enrollment problem of these people in our employment service offices. And in the second place—there are just not the funds in the bill to provide training for these people.

Mr. BOOTH. Let's clear up one point then. What will the program do for families where the father is fully employed?

Mr. ULLMAN. Well, where the father is fully employed but earns below the levels in these tables, then they will fill out an application form, send it in, and start receiving a check from the federal government as an income supplement.

Mr. BOOTH. To bring him up to the poverty level?

Mr. ULLMAN. Well, to bring him up to the levels—the poverty levels—and the levels for payment are different as we have indicated. But to bring him up to the level of our guaranteed income program.

Mr. BOOTH. Now, regardless of where a family lives—in a city or a rural area—must the breadwinner take a better paying job than the one he now has. Or must he take training on the side to improve his working skill?

Mr. ULLMAN. We are talking about all these additional 3 million families coming on to the welfare rolls. They will have to register with the employment service. But the employment service is going to be so swamped. There's no way in the world they can handle a reshuffling of jobs. Theoretically though, if a better job is offered—one that they are suited for—they are supposed to take it. If they don't take it, then, theoretically, they are taken off of the rolls, but this doesn't mean the family is. If you have, for instance, under this program a family with ten children and a father and mother—they will get 4,000 dollars straight welfare from the Federal government. I'm not talking about the supplement. The supplement will go clear up to 8,500 dollars I think. I think they can earn that much additional and still get a federal supplement. But if the father then refused to work he would be taken off, but the family would get the 3,500 dollars rather than the 4,000 dollars. Now I understand this will be paid under the bill through a complicated arrangement through a third party.

Mr. BOOTH. What does the record show? How successful has the employment service been in placing in jobs these unemployed fathers who are on welfare?

Mr. ULLMAN. A number of the states have had extensive experience in the unemployed fathers welfare program, and the record of the employment service has been very low. About 8 or 9 per cent of the unemployed father recipients who have gotten jobs have been placed by the employment service. I don't think we can expect any better record. In fact, we can expect a far poorer record, because the employment service just isn't set up to cope with this kind of a problem.

Mr. BOOTH. What happens if a family head refuses to register with the employment service, or refuses to accept a job if offered to him? Or if he refused to take training?

Mr. ULLMAN. Then supposedly, he's taken off the welfare roll, but his family remains on.

Mr. BOOTH. Can the head of a family be compelled to take any kind of a job?

Mr. ULLMAN. No, no. If he refuses to take a job, then his name comes off. As I have indicated, however, his family will still continue to get payments.

Mr. BOOTH. According to Administration spokesmen, the main reason for paying relief to families with fully employed fathers is so that the fathers will no longer desert their families. Has it been your finding that AFDC has actually caused fathers to desert their families?

Mr. ULLMAN. No. I think there has been a great deal of misunderstanding on that. There is extensive experience to show, as a matter of fact, that this program has not caused desertion of fathers from the home, as has been indicated.

Mr. BOOTH. Now, let's shift for the moment to Medicare or Medicaid. The costs are much higher than expected. Probably more taxes will be required to cover future costs. This new welfare expansion bill will cost the federal government about $5 billion to start with, as I understand it. Won't this require more taxes, if we're to have a balanced budget?

Mr. ULLMAN. Obviously, it will, and the trouble with this kind of program is that $5 billion is only a start. Once you start down this road of income supplements, there is only one way the costs can go, and that's up. Because obviously, the first thing we're going to hear is—how can a family live on that 1,600 dollars. As a matter of fact, before this thing gets out of the Senate, I would expect them to up the ante a great deal. And the pressure will be to raise the payments constantly. So, we're starting down a road, that seems to me, one of mushrooming welfare costs. And we're obviously going to have to raise taxes to do it. It's a matter also of national priorities. We're going to have to go for other things in our economy and in our society, if we are going to take this route.

Mr. BOOTH. Now, isn't it rather unusual that just looking at this thing from the standpoint of broad strategy—isn't it rather unusual for the very conservative, prudent and knowledgeable Ways and Means Committee to offer a bill of this kind to the Congress? A bill which is going to cause us either more deficit spending, or which will lower the value of our dollars, or call for more taxes.

Mr. ULLMAN. Well, in my judgment, it's almost unbelievable that, first, this Administration—which is supposed to be conservatively oriented—would propose this type of program. To me this is almost unbelievable—and it's equally unbelievable that the Ways and Means Committee would be reporting it out with such an overwhelming majority. Three of us voted against it. I think that, in large part, it's because of a misconception as to what we're really getting into. And I think if we could really all sit back and view the road that this will lead us on—I think we would really stop and look and listen and take the other route.

Mr. BOOTH. I think we ought to talk about that for just a moment. Because as citizens and tax payers, we all sat back in holy horror and righteous indignation about the "welfare mess". Now, came the Administration with a reform bill, which they said would "cure the welfare mess". And so we embraced it and said, "This is wonderful". We want to cure it and so what has happened? What has happened is that the conservative and the highly respected Ways and Means Committee comes along with a bill to implement the Administration's recommendation—and now we're confronted with it, as a people. And we are having difficulty in understanding it, because we don't read the hundred pages of language in the bill. And so we're accepting labels, aren't we, and assuming that this is a cure for the welfare mess where, as a matter of fact, it may actually be making the welfare mess worse. Am I saying the wrong things?

Mr. ULLMAN. Well, I would certainly agree with you. But I would add that the Ways and Means Committee was, in a sense, on the spot. The Administration had recommended strongly this new approach and the pressures were on and I think they generally caved in to the pressure. But this is really an almost unbelievable thing. Vice President Agnew, for instance, has come out strongly in favor of this program. I served on the Intergovernmental Relations Commission. The Vice President was a member when he was Governor of Maryland and I remember this same problem coming up in that Commission. And he, at that time, took quite a different position on this whole problem. I think there are some basic false assumptions that lead people to fall for that kind of a program. But I think that it's such a dangerous route that we're taking that I hope that there is some way that we can alert the people to the problems before we get started. Because once you get started down that road of the guaranteed, there's no way of turning back, in my judgment, and this is why we need really to stop, look and listen.

Mr. BOOTH. I think you said a great truth there. I think most people in this Country, who are thinking about the protection of the basic principles of this Country, and the fundamental principles which underlie our business system, which is the greatest in the world, and is one of the greatest things this Nation has going for it—I think they would stop, look and listen. If they understood the facts—and the difficult thing is that the rhetoric is good here—and reform in the welfare program is in itself a good thing, isn't it?

Mr. ULLMAN. Now let me say this. Now I am strongly in favor of reforming the welfare system and I think you are, too.

Mr. BOOTH. Yes.

Mr. ULLMAN. I think we need to iron out some of the basic discrepancies. We need to improve our program. We need to do better with the lot of the poor people. But this isn't the route. What we need is real reform. We need to build on the reform we adopted two years ago. We have a WIN program that's really just starting to function. We should build on that. We should extend our day care, so that mothers can work. We should adopt extensive on-the-job training programs and special work projects, and the JOBS program with private industry should be expanded. These are all a good solid basis. Now, I'm not opposed to a federal basic minimum on welfare. I think that maybe this is a good step forward and an increased federal participation. I think that where we part are two basic areas: First, adopting the guaranteed income approach and adding these 3 million new families onto the welfare program. And the second thing is, neglecting the work or training requirement. This is being sold on that basis—and yet there's not the money nor the vehicle nor the mechanism in this program, to put people to work. And so I think these are the things that give me, and I'm sure you, cause for a great deal of concern.

Mr. BOOTH. Yes. Now, Congressman Ullman, whenever anyone challenges a program which is before the Congress, and before the people, you're always put upon to say—What is your

alternative? You must not be just against things. Now you've just been stating some very acceptable alternatives.

Mr. ULLMAN. Well, as a matter of fact, I'm introducing legislation with some others that will accomplish this, that will establish a basic federal minimum of approximately the 1,600 dollar base, and that will eliminate the portion of the bill that we're opposed to—the guaranteed income portion. But in its place, we'll beef up the work incentive program and the child care and on-the-job training, and JOBS, and put the kind of funds into those programs that they're going to need to function.

Mr. BOOTH. Let's emphasize just one word that you've used there several times, and that's the word—incentive Isn't it an acceptable substitute or alternative to this plan to offer incentives to people to enable them to better themselves in the job market and become productive people? Isn't that an effective alternative to this business of putting about 15 million additional people into a giveaway position where their incentive will actually be destroyed? Isn't an incentive a better answer than force?

Mr. ULLMAN. Absolutely. And the big mistake, the fallacious assumption these people are making is that this income formula will somehow be an incentive to get off welfare. This simply is not going to work that way. The best incentive is to provide a people with the kind of job training they really need and the kind of job guidance. The WIN program has got a team of counsellors. It is a very effective approach. People want to improve themselves. We should give them an opportunity to job training, on-the-job training. We should have extended child care, so that mothers can work. And I think a lot of them do want to work. All of these things are real incentives—and that's what we need in the program.

Mr. BOOTH. Now, is it fair to say that most of these incentives are—or all of these incentives that you've just been talking about are already in existence—in the present program?

Mr. ULLMAN. They are all already in existence, but we need to build on them and increase the funding, and increase the programing, because we have already proven that they work.

Mr. BOOTH. Now, how much of the added costs of what we have been talking about would be for payment for fully employed fathers not now on welfare?

Mr. ULLMAN. The minimum cost is 2 billion dollars a year, and I think it will be far more than that, when we get into the actual experience.

Mr. BOOTH. Now, isn't it true that once we accept that 2 billion, or whatever the figure may be, we have started down a road from which there will be no returning?

Mr. ULLMAN. As I said before—there's only one way this program can go in cost, and that is up and up and up. And I'm afraid that once we get started the pressures will be so great that this will be an expanding part of the budget that we can't control.

Mr. BOOTH. We, as a people, then had better do some hard thinking, hadn't we, before starting down that road, and going well into deficit financing or more taxes and, at the same time, destroying the incentives of people to better themselves individually.

Mr. ULLMAN. I hope we can do it in time to keep from going down this road.

Mr. BOOTH. And now, our sincere thanks to Representative Al Ullman of Oregon, fourth ranking majority member of the House Ways and Means Committee for this explanation of the so-called Family Assistance Act of 1970.

Each week this program brings you a discussion of the choices facing free Americans. This is Arch Booth, speaking for the Chamber of Commerce of the United States and inviting you to join us next week at this same time.

THE LATE GEN. JAMES EARL RUDDER

(Mr. CABELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CABELL. Mr. Speaker, with the death of Gen. James Earl Rudder on Monday in Houston, Texas and the Nation have lost a brave soldier, a fearless leader, a distinguished public servant, and an outstanding educator. And I have lost a great and good friend.

His record, both in war and in peace, will be best remembered through the inspiration he has given so many young men at the most formative time in their lives.

Few individuals in the history of Texas A. & M. University have emphasized in such dramatic fashion the ideals upon which this school can base its claim for existence, the principles which motivated all of those who have attended and throughout the rest of their lives.

Following his graduation from A. & M. in 1932, General Rudder was commissioned a second lieutenant in the U.S. Army Reserve, but went into civilian life as a teacher in Brady High School, working also as the coach of its football team. Within 5 years, he had moved into the college ranks at John Tarleton, and in 1941 he was called to active duty as the clouds of the impending World War II darkened Texas skies.

It was not until the Allied assault upon the Nazi fortified coast of Europe at Normandy that the young Texan's great dedication and courage first came to national attention. Then, as the organizer and leader of the famed Rudder's Rangers Battalion, he successfully scaled the formidable cliffs overlooking the landing site even though his battalion lost half its men and Rudder, himself was twice wounded.

While this was a high point in a distinguished career, General Rudder will best be remembered for his many years at his alma mater, where he was appointed as vice president, later president, and finally head of the entire university system. From 1958 until his death, he saw the university enrollment more than double in size and it was he who welcomed the first young ladies as students into a once male university.

Today the stature of Texas A. & M. University as a molder of men and women in the finest and most admirable traditions is his most enduring monument and one for which he will be most remembered by a sorrowful State.

CONSUMER LEGISLATION

(Mr. ROSENTHAL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROSENTHAL. Mr. Speaker, the consumer task force of the Democratic Study Group held a press conference today to discuss the status of key consumer legislation and to announce introduction of six new consumer bills. These proposals will provide the consumer with significant point-of-sale information which is not now available. They will contribute, we hope, to the urgent need to make the free enterprise system operate more effectively. Our goal, as the following statement makes clear, is to encourage American business to compete for quality.

I also include the text of the bills and an explanation at ends:

STATEMENT OF DEMOCRATIC STUDY GROUP TASK FORCE, MARCH 24, 1970

(Rep. Benjamin S. Rosenthal, Chairman; Rep. Joseph Karth, Vice Chairman; Rep. Shirley Chisholm, Rep. Bob Eckhardt, Rep. Michael A. Feighan, Rep. James M. Hanley, Rep. James J. Howard, Rep. Torbert Macdonald, Rep. Abner J. Mikva, Rep. Joseph G. Minish, Rep. Patsy T. Mink, Rep. John E. Moss, Rep. Richard L. Ottinger, Rep. Fernand St Germain, Rep. Neal Smith, Rep. Robert O. Tiernan, Rep. Lester Wolff.)

As members of the Democratic Study Group Consumer Task Force, we are here today to propose new and necessary consumer legislation and to pledge ourselves to the enactment of this legislation before the adjournment of the 91st Congress.

We make these proposals both as an affirmation of our responsibility as legislators to meet the problems of a complex marketplace; and in recognition of the failure of the Nixon Administration to meet its responsibilities to America's 200 million consumers.

In August 1969, the DSG Consumer Task Force issued a report highly critical of this Administration's record in the area of consumer protection. The past eight months have forcefully confirmed our view that the consumer programs of the Nixon Administration are marked more by their timidity and failure than by their boldness and success; that consumers are being promised more but given less; and that this is an Administration which is basically apathetic to the plight of the consumer. We conclude that this Administration is not putting any of its important resources, except rhetoric, into the consumer struggle.

Our earlier report also recommended the enactment of a wide-ranging program of consumer legislation. The overwhelming majority of these bills have not enjoyed the support of the President and his leaders in Congress.

In short, "benign neglect" may be an overly generous description of the Nixon Administration's performance in the consumer protection field.

While the voice of the consumer is being heard ever more loudly across America, those voices speaking for the Administration on consumer matters are confused, muted and, ultimately, ineffective.

For every consumer bill proposed by this Administration—and there may only be one of merit, that to expand the Federal Trade Commission's authority to curb abuse in the marketplace—there are many more which are decidedly inferior to legislation already pending before the Congress. Consider and compare for example, the Administration's class action legislation, its fish inspection and product warranty bills, its proposal which deals with the mailing of unsolicited credit cards, and, weakest of all, its bill to reorganize the federal consumer protection apparatus.

For every consumer victory achieved from within the government's decision-making apparatus, such as the 30% fat limitation requirement for sausage products, there are dozens of defeats for the consumer cause.

Consider, for example, the anti-consumer lumber standards promulgated recently by the Commerce Department; the Justice Department's consent order in the California anti-smog device case; the Attorney General's tampering with the report of the White House Task Force on Oil Import Quotas; and the refusal of the Federal Reserve Board to order more honest advertising of Christmas Club savings accounts.

Today, President Kennedy's "Consumer Bill of Rights" and President Johnson's outspoken commitment to consumerism, have given way to the statement of a Nixon Cabinet officer that consumerism may have gone too far and the belief expressed by a presidential counselor that government shouldn't get any more involved in consumer protection but should leave that work to groups like the Better Business Bureau!

And so, we are here today to propose to the Congress and to the country some new and, we believe, innovative consumer reforms, ever mindful of the fact that many good "old" bills, which have originated in the Congress, deserve immediate attention.

Let me at this point mention two of them: one is a bill, now pending before the House Government Operations Committee, to establish a powerful, centralized Federal Consumer Protection Agency. This bill stands in contrast to the Administration proposal which would further fragment an already splintered federal consumer protection apparatus and which would establish the Attorney General as the chief consumer protector in Washington. The Consumer Protection Agency, because of its independent status, would be shielded from much of the kind of political pressure that has undermined the effectiveness of the existing Committee on Consumer Interests.

The DSG Task Force endorses the independent agency approach to federal consumer protection and urges the enactment of H.R. 6037, *as amended*.

The Task Force also urges the enactment by the House of the Eckhardt Class Action bill, without the weakening amendments proposed by the Administration. The Eckhardt-Tydings approach is the only one which would permit direct access by the consumers to the courts, without the burdensome condition-precedent of a law suit by a unit of government.

Permit me now to summarize and explain briefly the new legislative "Consumer Rights Package" we are introducing today. Our judgment is that in a time of runaway inflation, legislation which provides consumers with information necessary to make the most economical purchase, is useful in the fight against the high cost of living. Our legislative package seeks to accomplish that end:

(1) The *"Better Labeling Act"* represents a recognition of the fact that the Fair Packaging and Labeling Act promised more than it could deliver. Three years after its enactment, consumers are still confronted with labels which fail to provide information about contents sufficient to permit value comparisons between brands; and with packages which frequently conceal subtle contents shrinkage.

The Better Labeling Act would require nutritional information on packages; it would require a statement of drained weight on canned and frozen fruits and vegetables and percentage of major ingredients labeling on combination food items; and, finally, it would require that where a food or toilet goods manufacturer reduces the contents of his packaged product, the front panel would have to state that fact for a minimum of 90 days.

(2) The *"Appliance Dating Act"* would require that all appliances and consumer electronic products be dated with the month and year of manufacture; and would authorize the Federal Trade Commission to regulate the use of "model year" designations.

This bill is based on the findings of the Special Consumer Inquiry that a significant number of appliances on the market today were manufactured two, three or more years ago and frequently represent an outdated technology.

(3) The *"Consumer Food Grading Act"* would establish an expanded and more relevant consumer food grading program so that quality comparisons of food can more easily be made. This is particularly important at a time when private store brands are competing with national brands for consumer acceptance. A confidential and unreleased study by the U.S. Department of Agriculture shows that the existing consumer food grading program is almost universally misunderstood and, as presently administered, of no value to the consuming public.

(4) The *"Drug Dating Act"* would prohibit the sale of prescription and over-the-counter drugs, beyond an established expiration date. The Food and Drug Administration has recently expressed concern over the reports that over-aged drugs are sometimes sold to consumers and that consequent drug deterioration may be responsible for some injuries and deaths.

In 1965, for example, three patients at a New Jersey institution for the mentally retarded died from the ingestion of over-aged carbarsone tablets taken for the treatment of an intestinal disorder. Analysis of the drug showed that over-age had caused a chemical change in the tablet with fatal results.

Similarly, a large number of deaths and serious injuries documented by the Food and Drug Administration, have been traced to the ingestion of outdated tetracycline, which had undergone a hazardous chemical change.

This bill would require an expiration date for drug use—both to the pharmacist and to the ultimate consumer.

(5) The *"Performance Life Disclosure Act"* is responsive to the consumer's need for information about the durability of certain consumer products. It merely seeks to pass along to consumers performance-life information already known to manufacturers.

It is long past the time when consumers should be told how long a given brand of light bulb or color TV picture-tube can be expected to operate under normal conditions of use.

(6) The *"Durable Products Dating Act"* would require expiration dating of those "durable" consumer products determined by the National Bureau of Standards to be of a type whose performance life is diminished by prolonged storage. Dry cell batteries and photographic film are examples of products whose performance life becomes diminished after prolonged storage.

We do not suggest that this package of consumer bills will cure all of the abuses found in today's marketplace. But its enactment would, we believe, go a long way toward meeting the need for better "point-of-sale" information to consumers. We are convinced that the ready availability of such information will permit consumers to shop more economically than is now possible and will reduce significantly the high cost of living.

(H.R. ——)

A bill to require that certain processed or packaged consumer products be labeled with certain information, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the "Better Labeling Act."

SECTION. 1. Any packaged consumer food product shall be labeled by the processor in conformity with the regulations of the appropriate agency with the following information:

(a) With respect to processed food products, an analysis of nutritional contents including fat content, vitamin and protein value, fats and fatty acids, calories and any other nutritional information deemed appropriate;

(b) In the case of any canned or frozen product whose packing medium constitutes a substantial proportion of its total weight, the net weight and drained weight of the product;

(c) In the case of any combination food item, the major ingredients by percentage weight after processing determined pursuant to the regulations of the appropriate agency.

SEC. 2. (a) The label of any packaged consumer product which, prior to any given date, has been packaged in a container of any given net content (by weight or by volume), and after that date is packaged in a container of a different net content, shall conspicuously set forth the amount of the difference. The information required by this section shall be carried on the label of the product involved for such period of time, not less than 90 days, as the appropriate agency deems necessary to give adequate notice to the public.

(b) This section shall operate only where the change in net contents: (i) results in the elimination of a previous container to any given net contents and is not merely an addition to the product line; (ii) represents a change of less than 51% of the old content.

SEC. 3. The appropriate agencies shall prescribe regulations to carry out the purposes of this Act. These regulations may contain such classifications, differentiations, or other provisions, and may provide for such exceptions as are necessary or appropriate to effectuate the purposes of this Act, to prevent circumvention or evasion thereof, or to facilitate compliance therewith.

SEC. 4. Whenever it appears to the appropriate agency that any person has engaged, is engaged, or is about to engage in any act or practices constituting a violation of this Act or any regulation issued under this Act, it may in its discretion bring an action, in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. Upon application of the appropriate agency, any such court may also issue mandatory injunctions commanding any person to comply with any regulation of the appropriate agency under this Act.

SEC. 5. For each willful violation of any regulation under this title, the appropriate agency may assess upon any person to which the regulation applies, and upon any partner, director, officer, or employee thereof who willfully participates in the violation, a civil penalty not exceeding $1,000.

(a) In the event of the failure of any person to pay any penalty assessed under this section, a civil action for the recovery thereof may, in the discretion of the appropriate agency, be brought in the name of the United States.

SEC. 6. For the purposes of this Act, the term "appropriate agency" means

(1) In the case of Section 1(a) only, the Department of Health, Education and Welfare.

(2) In the case of any non-food consumer product, the Federal Trade Commission.

(3) In the case of any packaged food product which contains 3 percent or more of meat as determined under the regulations of the Secretary of Agriculture, the Secretary of Agriculture.

(4) In the case of any packaged food product which contains less than 3 percent meat as determined under the regulations

of the Secretary of Agriculture, the Secretary of Health, Education and Welfare acting through the Food and Drug Administration.

H.R. ——

A bill to require that certain durable products be prominently labeled as to date of manufacture, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Appliance Dating Act".

SECTION 1. Any consumer durable product determined by the Federal Trade Commission to be of a type whose design and/or performance features frequently or customarily are, or are represented to be, changed on an annual or other regular or irregular periodic basis to such an extent as to make its date of manufacture or its model-year designation a relevant descriptive factor in connection with sales thereof to consumers shall be prominently labeled by the manufacturer as to the month and year of manufacture and, if required by the Federal Trade Commission, as to the model year. Such label shall be permanently affixed to any article pursuant to this section and may not be removed or altered.

SEC. 2. All of the powers and remedies, both administrative and judicial, conferred upon the Federal Trade Commission for the administration or enforcement of any one or more provisions of the Federal Trade Commission Act are conferred upon the Federal Trade Commission for the administration and enforcement of this Act.

H.R. ——

A bill to provide for the development of a uniform system of quality grades for consumer food products

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Consumer Food Grading Act".

SECTION 1. (a) The Secretary of Agriculture, after consultation with representatives of consumers, producers, and processors, shall develop and, by regulations, promulgate a system of retail quality grade designations for consumer food products expressed in a uniform nomenclature.

(b) The Secretary of Agriculture shall have authority to establish, by regulation, the manner in which the system of consumer food grade designations shall be displayed and disseminated to the public. Such dissemination shall specifically include a program of consumer education to make grade designations widely known to consumers.

SEC. 2. (a) In developing and updating quality grade standards, consideration shall be given to the nutritional quality and wholesomeness of food products, as well as the acceptability of the products.

(b) To the extent consistent with paragraph (a) of this section, grading methods in use prior to the enactment of this Act may be utilized by the Secretary of Agriculture in establishing the system of cosumer food grade designations.

SEC. 3. Any food products sold more than nine months after the promulgation of applicable quality standards in accordance with this Act shall either be conspicuously labeled in accordance with such standards or shall be conspicuously labeled "not quality graded by the United States Department of Agriculture".

H.R. ——

A bill to require that certain drugs and pharmaceuticals be prominently labeled as to the date beyond which potency or efficacy becomes diminished

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Drug Dating Act".

SECTION 1. Any prescription and over-the-counter drug or pharmaceutical determined by the Food and Drug Administration to be of a type whose effectiveness or potency becomes diminished after storage, shall be prominently labeled, under regulations promulgated by the Food and Drug Administration, as to the date beyond which the product shall not be used.

SEC. 2. (a) The date of products not dispensed by prescription only shall be prominently labeled on the product by the manufacturer.

(b) The "Beyond Use" date for products dispensed by prescription only, shall be prominently stated on the label of the product, by the retailer dispensing the product;

SEC. 3. The Food and Drug Administration, after reasonable consultation with all interested parties, shall have authority to establish the "Beyond Use" dates for all applicable products and the manner in which they shall be labeled.

H.R. ——

A bill to require that certain short shelf-life durable products be prominently labeled as to the date beyond which performance life becomes diminished

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Durable Products Dating Act".

SECTION 1. Any "durable" consumer product determined by the National Bureau of Standards of the Department of Commerce to be of a type whose effective performance life begins to deteriorate in storage prior to actual use, shall be prominently labeled by the manufacturer, under regulations promulgated by the Bureau, as to (a) the date beyond which the products effective performance life begins to diminish; and (b) the date beyond which the product should not be used.

SEC. 2. The National Bureau of Standards, after reasonable consultation with all interested parties, shall have authority to establish the dates for all products required by section 1 of this Act to be dated.

H.R. ——

A bill to require that durable consumer products be labeled as to durability and performance-life

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Performance Life Disclosure Act".

SECTION 1. Under regulations and guidelines to be established by the National Bureau of Standards of the Department of Commerce, manufacturers of durable consumer products, including appliances and electronic items shall disclose on a conspicuous label or tag affixed to each item sold at retail to consumers, the performance life, under normal operating conditions, of each manufactured durable product.

SEC. 2. Where products covered by this Act are comprised of separate major components for which separate performance-life designations can be determined, such as designations shall be established and separately disclosed on a label affixed to each product.

SEC. 3. (a) After consultation with all interested parties, the National Bureau of Standards shall have final authority over the selection of products and components of these products for which performance-life designations shall be made and over the determination and establishment of performance-life for those products.

(b) In establishing the performance-life for a product, the Bureau shall take into consideration the extent to which the manufacturer's guaranty or warranty, if any, covers the performance life of the product.

SEC. 4. The Federal Trade Commission is authorized and directed to prevent any person from violating the provisions of this act in the same manner, by the same means and with the same jurisdiction, powers and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this act.

SEC. 5. One year after the effective date of this Act and every year thereafter, the Bureau shall report to the Congress those products for which performance-life designations have been made.

SUMMARIES AND EXPLANATIONS OF LEGISLATION PROPOSED BY CONSUMER TASK FORCE OF THE DEMOCRATIC STUDY GROUP, MARCH 24, 1970

BETTER LABELING ACT

Reason for bill

The Fair Packaging and Labeling Act of 1966 states that "packages and their labels should enable consumers to obtain accurate information and should facilitate value comparisons." Nevertheless, three years after the enactment of that Act, consumers are still confronted with food labels which fail to provide relevant information as to package contents and with packages which frequently conceal subtle contents shrinkage.

Unit-pricing legislation, already pending before the Congress, will go a long way toward eliminating the confusion resulting from package-size proliferation. However, much more needs to be done to accomplish the legislative purpose of the packaging act.

Summary of proposed bill

Processed consumer food products shall be labeled by the processor, in conformity with the regulations of the appropriate agency, with the following information:

(1) With regard to certain processed food products, *nutritional statements* including fat content, vitamin and protein value, fats and fatty acids, calories and any other nutritional information.

(2) In the case of any canned or frozen product whose packing medium constitutes a substantial proportion of the total weight, the *net weight* (i.e. weight of product and liquid together) and *drained weight* (i.e. weight of product without liquid) of the product. [This provision is in response to findings that (a) a large proportion of canned and frozen fruit and vegetable products is liquid and (b) certain brands of canned fruits and vegetables consistently offer more product and less liquid than others.]

(3) In the case of any combination food items, the *major ingredients by percentage weight after processing* [analysis of combination items such as beef stew, chicken n' dumplings, certain soups and others, indicates that certain brands consistently offer more of the major expensive ingredients and less sauce, liquid and filler-type material. Presently, however, there is no way for consumers to determine percentage of ingredients.]

(4) If a food or toilet-goods manufacturer reduces the contents of any of his products, he shall state that fact on the front panel of the package for a period of not less than 90 days. [This requirement is in response to a finding that hundreds of package food and drug store items are subtly reduced in contents without a reduction in price and without the consumer's knowledge.]

(5) Act will be administered by the Department of Health, Education and Welfare, the Federal Trade Commission and the Agriculture Department, as specified, according to the product.

APPLIANCE DATING ACT

Reason for bill

Information has been developed that large numbers of appliances and consumer elec-

tronics products such as televisions, phonographs, and radios, which were manufactured two, three, four or more years ago, are sold to unsuspecting consumers as "new".

While technically these items are unused, the consumer presently has no way of knowing whether the product he is buying is the latest model or, if model-year designation does not pertain, whether the product represents the latest and best technological and design effort of the manufacturer. One woman wrote, for example, that an electric hair dryer she purchased as "new" was actually three years old and inferior in performance to the company's newest product. The price she paid was only a few pennies less than the latest improved model.

Summary of proposed bill

Any consumer durable product determined by the FTC to be of a type whose design and/or performance features frequently or customarily are changed, or are represented to be changed, on an annual or other periodic basis to such an extent as to make its date of manufacture or its model year description a relevant factor to consumers, shall be prominently labeled by the manufacturer as to the month and year of manufacture and, if required by the FTC, as to the model year. Such label shall be permanently affixed to any article and may not be removed or altered.

CONSUMER FOOD GRADING ACT

Reasons for bill

Quality comparison is one of the most important considerations for the consumer. Just as unit-pricing legislation would establish a mechanism for making cost comparisons between competing package sizes and info-tag a mechanism for making performance comparisons between competing manufacturers' products; so too, a device is needed which would provide consumers with "point-of-purchase" quality information about competing brands of food.

When we buy fresh meats, we are informed about the comparative quality of different cuts through the use of official USDA grades. However, when we buy canned or frozen fruits and vegetables, fresh produce, dry cereals, or the rapidly proliferating variety of precooked products and meals, we almost never are.

By and large, the consumer in this country does his food buying deprived of any knowledge of the *quality* grades of the items offered for sale.

Those consumer food quality grades that have been developed by the USDA are expressed in a non-uniform nomenclature and are antiquated and ambiguous.

For example, in dairy products the grade designation denoting the top quality for process cheese is "Quality Approved"; for cheddar cheese it is "AA". For fresh fruits and vegetables, US No. 1 denotes not the top quality, but a much lower quality. Moreover, the grading system is utilized by food manufacturers on a "catch-as-catch can" basis.

The food manufacturer buys the farmers products by USDA grades; the wholesaler, the the large institutional buyer and government agencies buy from the food manufacturer by specified quality grades. Only the consumer buys blind.

Summary of proposed bill

The Secretary of Agriculture, after consultation with representatives of consumers, producers and processors, shall develop, and by regulation, promulgate a uniform system of retail quality grade designations for consummer food products. In developing quality grade standards, consideration shall be given to the nutritional quality and whosesomeness of food products, as well as to acceptability factors.

Any food product sold at retail more than nine months after the promulgation of applicable quality food grades shall either be labeled in accordance with such standards or shall be labeled: "Not quality-graded by the USDA".

DRUG DATING ACT

Reason for bill

There is convincing scientific evidence that certain drugs and vitamin products lose potency or efficacy after prolonged storage. The Food and Drug Administration has expressed concern over reports that drugs over-aged are sometimes sold to consumers and that consequent drug deterioration may be responsible for some injuries and deaths.

Summary of proposed bill

Prescription and over-the-counter drugs and vitamins which are determined by the FDA to be of a type whose effectiveness or potency becomes diminished after storage, shall be prominently labeled as to the date beyond which the product should not be used.

DURABLE PRODUCTS DATING ACT

Reason for bill

The performance life of certain durable consumer products is adversely affected by prolonged storage. Batteries and film are examples.

An expiration date would reduce the likelihood that such products would be purchased after substantial performance life has been lost.

Summary of proposed bill

Would require expiration dating of those "durable" consumer products determined by the National Bureau of Standards of a type whose performance life is diminished by prolonged storage.

PERFORMANCE-LIFE DISCLOSURE ACT

Reason for bill

It is well established that manufacturers of consumer durables carry out extensive performance testing of their own products, including performance-life.

One of Betty Furness' major accomplishments in the consumer field was the public acceptance of her view that appliance and electronic manufacturers should report to consumers on product durability or performance-life. Certainly, consumers should know whether, under normal operating conditions, light bulb "A" will outlast light bulb "B"; or which TV picture tube will last longest. Many of these answers are now known by manufacturers.

Summary of proposed bill

Under regulations promulgated by the National Bureau of Standards, durable consumer products, including appliances and electronics items, will bear a label disclosing the expected performance-life under normal operating conditions.

The Federal Trade Commission shall enforce compliance with the Act.

PRESIDENTIAL VETO THREAT CAUSED POSTAL STRIKE

(Mr. MADDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MADDEN. Mr. Speaker, the U.S. Constitution provides for three separate branches of our Federal Government—executive, legislative, and judicial.

President Nixon is the first President in my memory to violate the spirit of our Constitution by indirectly threatening to veto proposed legislation when it is still under debate and consideration in the legislative branch of our Government. Last summer, the Post Office and Civil Service Committee passed and the House approved a postal salary bill. The Senate delayed passing the postal pay bill until December 12, 1969, primarily on account of the White House jockeying and negotiating in an effort to compel the legislative body to accompany the salary bill with the separate post office reform legislation. These two bills were entirely separate and dealing with dissimilar legislative problems concerning our postal system. The President further inflicted a threat against the postal salary bill when, in his January budget message, he failed to provide sufficient funds for the pending postal salary increase.

This indirect interference by the executive department with the legislative process of the Congress was an unwarranted threat on congressional procedures and jeopardized the separate salary legislation already passed by the Senate and the House of Representatives. Had the executive department not interfered with these two separate pieces of legislation, demanding legislative action on both, the salary bill would have been signed into law last fall, to the satisfaction of the postal workers throughout the Nation. This Presidential interference by indirect and implied threats with the legislative process of the Congress has brought about the outrageous tieup of our postal system, to the detriment of welfare from which our Nation is now business, industry, and the economic suffering.

Mr. Speaker, I might go further and state that the President's veto on January 26, 1970, of the over $19 billion HEW appropriation bill was also overshadowed by the executive department's interference with our legislative process while this bill was being debated in both bodies of the Congress. The House passed this appropriation bill for HEW back on July 31, 1969, but by reason of implied executive department threats of a possible veto, it was tied up in the other body until December 22, 1969, and then finally vetoed almost a month later—in January of this year. This inexcusable delay on the $19,381,000 HEW bill threw a shadow over thousands of schools and health institutions over the Nation for a period of almost 6 months in preparing their budgets, and so forth, all because of implied Presidential veto threats and interferring with our legislative processes. As a final result approximately $229 million was cut from our health, education, and welfare needs for the coming year.

SURVIVAL OF GOVERNMENT

(Mr. DELLENBACK asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous material.)

Mr. DELLENBACK. Mr. Speaker, as President Nixon stated in his television address yesterday, the city most affected by the postal strike is the city of New York. Therefore, it is particularly significant that the New York Times has come out in strong support of the President's actions yesterday.

An editorial from this morning's Times recognizes the President's "commendable resolve" in trying to settle this problem, and says that "President Nixon needs and deserves full national support" in the steps he has taken. I include at this point the editorial referred to:

SURVIVAL OF GOVERNMENT

President Nixon needs and deserves full national support in the steps he reluctantly took yesterday to end the illegal postal strike. Every citizen will regret that it has proved necessary to order troops into the New York Post Office, the first time in the country's history that the military has been used to replace striking Federal civil service employes.

That tragic precedent never would have been set if the sound back-to-work advice of the national leaders of the union had been accepted, and the way cleared for immediate negotiations on the very real grievances of the postal employes. The damage done to everyone by the present disastrous confrontation can still be undone by a swift termination of the illegal tie-up.

The factors that made action imperative were clearly set forth in Mr. Nixon's television address. One was the havoc that continued postal paralysis would inflict on every citizen; the other was the necessity for demonstrating that the nation cannot be coerced through the abuse of power by any group—a principle vital to the "survival of government based on law."

None of this negates the justice of the postal workers' basic demand for higher pay nor does it sweep away the culpability of both Administration and Congress for letting the pay issue become a pawn in the frustrating tug-of-war over postal reform. But national attention has now been riveted on the merits of the postmen's case and a mechanism provided for speedily negotiating their demands.

George Meany, president of the A.F.L.–C.I.O., yesterday joined the heads of all the postal unions in urging the postal strikers to resume their duties at once lest they forfeit the public support now so overwhelmingly theirs. Mr. Meany deplores the use of troops in the postal situation, but his chief stress is on the urgency of a return to work to clear the way for redress of all the injustices and inequities the postal employes suffer. The same constructive note was sounded immediately after the Nixon speech by James H. Rademacher, national president of the unionized letter carriers.

The President, for his part, has shown commendable resolve to proceed with restraint in fulfilling his duty to move the mails. He has delayed sending military units into other cities in the hope that the strikers there will end their defiance, thus joining the substantial majority of postal workers who never quit. Even in New York, the sole city in which Federal troops will be employed, soldiers will not be used to deliver the mail. Their primary function will be to sort it under the direction of regular postal supervisors and make it available for pickup at the post office.

It is tragic that troops are needed at all. The right way to get them out—and at the same time to assure equity for the postal workers—is for an orderly resumption of work everywhere. That is the course recommended by the President of the United States and the president of the labor movement. It is the course that will work best for the postal employes and for the country. It is the road away from potential disaster, the road to economic justice for men engaged in a vital national service.

TEXTILE PLANTS CLOSE

(Mr. MANN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MANN. Mr. Speaker, last week one of the largest textile manufacturers in the United States, J. P. Stevens & Co., announced plans to shut down certain of its plants in my district for the period from March 27 to April 6, 1970. As a leader in the textile industry, J. P. Stevens has been in the forefront in wage increases, improved working conditions, minority employment, and technological innovations that provide quality goods at the lowest possible price for the consumer. In making the announcement, a spokesman for the company cited the "continuing imports of synthetic fibers" as a primary cause of the curtailment.

Japan is the largest exporter of textile goods to the United States. I have visited Japan and other Asian nations and seen their textile industries at close range. Goods are produced at wages that would be laughable in this country and under working conditions that are unheard of in America. In addition, Japan maintains strict protectionist policies that insulate its textile industry from foreign imports.

Since last September the U.S. Government has attempted to negotiate with the Japanese with the hope that Japan would voluntarily cut back textile exports. Last week Japan proposed a plan to hold textile imports to 1969 levels in several synthetic and woolen categories. I do not see this plan as a major breakthrough, and I trust that neither this administration nor this Congress will be deluded by this proposal.

Mr. Speaker, I have written to President Nixon regarding the deepening crisis faced by the American textile industry and have called on this administration to support legislation that would impose restrictive quotas on textiles. I have joined with a number of my colleagues in introducing legislation in the 91st Congress, and the time for legislative action is now. Further delays in legislative action will cause irreparable damage to one of America's greatest industries.

Mr. Speaker, recently the morning newspaper in my hometown addressed itself to the textile problem with timely remarks. At this point, I would like to share an article and an editorial which appeared in the Greenville, S.C., News:

MONAGHAN, WATTS, TUXEDO: J. P. STEVENS TO CLOSE THREE PLANTS IN NORTH CAROLINA, SOUTH CAROLINA

J. P. Stevens & Co. Inc., confirmed Tuesday night that it would close two South Carolina plants and one in North Carolina for a week because of "poor business conditions and a need to adjust inventories."

A company spokesman said Monaghan mill here, the Watts plant at Laurens and the Tuxedo plant at Tuxedo, N.C., will be closed for the week, laying off more than 2,000 employes for the week of March 27–April 5.

An earlier report that the big Dunean mill Stevens operates at Greenville would be involved was denied by the company spokesman.

There were no other industry reports of other companies curtailing work at this time.

"We regret that business conditions are such that this curtailment has been necessary, but poor sales and abnormal inventories allow us no other choice.

"We are concerned that any of our people must lose work because of these conditions, one of the primary causes being the continuing imports of synthetic fibers such as these plants produce," the company official said.

The temporary layoffs brought an immediate reaction Tuesday in Washington, where 4th District Rep. James R. Mann reported he had taken the news to Chairman Wilbur Mills (D-Ark.) of the Ways and Means Committee and urged quick passage of pending legislation aimed at curbing textile imports.

"Although the reason given for the layoffs was simply 'business conditions,' I am persuaded that the great increase in cheap textile imports is at the root of the problem," Mann said.

"Mr. Mills was sympathetic and agreed that the situation is at the critical stage. I was very encouraged when he advised me that the committee would begin work on this problem 'very shortly'," Mann said.

Mann also said he was advising President Nixon of the development in this district "with the hope it will speed action by him.

"I feel Congress would give President Nixon any legislation he may need to deal with this critical problem that jeopardizes the economic well-being of so many people in our country," he said.

TIME TO ACT TO SAVE TEXTILES

The one-week loss of work faced by more than 2,000 textile employes in Greenville, Laurens and Tuxedo, N.C., is a severe blow to them and their families and to the economy of this region and the state of South Carolina.

It represents a tragic loss of income for people who can ill afford it, especially as prices continue to rise. It is difficult to calculate the amount of individual hardship which will result from the shutdowns of Monaghan Mill in Greenville, Watts Mill in Laurens and the Tuxedo, N.C., plant during the week of March 27-April 5.

J. P. Stevens and Co., Inc., announcing the temporary closing of the synthetics fibers plants because of poor sales and rising inventories, rightly expressed concern for the people laid off for one week. There is cause for concern and reason to fear that more of the same may be in store in this region.

Although the textile industry long has been suffering general weakness in employment in the form of layoffs, overtime loss, curtailments and closing of some small, marginal plants, the drastic action by a major company brings home the full impact of the foreign imports problem faced by the industry, its workers and the region in which textile plants are concentrated.

The Stevens announcement noted that one of the primary causes for the shutdowns is "the continuing imports of synthetic fibers such as these plants produce."

This action by one of the nation's strongest textile companies ought to remove whatever doubts may have existed about the serious situation imposed on the industry by the unlimited flood of foreign imports into this country. There no longer is any excuse for Japan and other foreign countries to argue that the American textile industry has not been hurt.

At last report Japan continued to refuse any sort of voluntary agreement to limit the flood of Japaneses textiles into the United States. That makes negotiations with other foreign nations impossible.

The time clearly has come for legislation to deal with a situation which threatens to ruin an industry vital to a wide area of the United States. Senators and House members from the textile area now must mount a concerted effort for relief in the form of action by Congress.

The time has come for the President of the United States strongly to advocate passage of relief legislation. President Nixon's administration has tried hard for months to deal with the Japanese. Apparently all efforts to negotiate have failed. As a result Mr. Nixon now must go to Congress in order to redeem the written pledge made to the tex-

tile industry and its workers to relieve them of the intolerable burden of unmerciful foreign competition in the domestic market.

The stark fact is that the textile industry cannot endure without serious damage the twin burdens of the domestic economic slowdown and unlimited foreign competition.

The nation cannot afford to let the industry deteriorate, because it is too important to the Southeast and to the effort to help lift minority groups up the economic ladder

Rhetoric and maneuvering around no longer suffice. Concerted action by both the administration and Congress now becomes necessary.

THE NEED FOR A CONFERENCE ON THE POSTAL PAY BILL

(Mr. DULSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DULSKI. Mr. Speaker, at 11 o'clock this morning I met with Senator McGEE in my office. I asked him to have a conference today. He was in agreement but stated he would have to clear it with his members.

The House conferees have been waiting to meet with the Senate conferees on H.R. 13000. As of this minute we have not heard from the other body.

The House passed H.R. 13000 in one version and the Senate in another. We must have a conference. So we are waiting right now to hear from the Senate conferees.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. DULSKI. I am happy to yield to the gentleman from Ohio.

Mr. VANIK. Can the gentleman give any idea as to whether or not this conference can be had between now and sometime tomorrow? Is there any promise, or any idea?

Mr. DULSKI. We have been in constant contact with the Senator's office. All they told us was that it was heard on the radio that Senator McGEE has agreed to a conference. Since that time we have not heard directly in my committee from the other body.

Mr. VANIK. I must say to the gentleman it is quite a deplorable state of events when the whole country must wait for one person's pleasure in this matter. It seems to me we ought to do something about our parliamentary situation to avoid that kind of problem.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. DULSKI. I am happy to yield to the gentleman from Illinois.

Mr. PUCINSKI. I should like to congratulate the gentleman in the well, the gentleman from New York (Mr. DULSKI), for the manner in which he has tried to resolve this problem. Not only did he bring H.R. 13000 to the floor last October, and give us an opportunity to vote on the bill, but I know he has been very diligent ever since in trying to get H.R. 13000 resolved and work it out in conference and get it to the President for his signature.

I believe we all owe the gentleman a debt of gratitude for the bill on which he has discharged his responsibility.

I do have a question. I am under the impression that the 5-day cooling off period to which the postal workers across this country—including Chicago, Washington, D.C., and all over the country—have agreed, began to run Monday morning.

It is going to be a breach of faith with those postal workers if we fail to send to the President by Friday, for the President's signature, a pay raise bill.

I have heard many postal workers say they will go back to work and they will resume their duties until Friday.

ADM. "TIP" TISDALE HAULS DOWN HIS FLAG

(Mr. LEGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEGGETT. Mr. Speaker, for more than 50 years the United States has had the benefit of the energy, courage, and patriotic leadership of Vice Adm. Mahlon S. "Tip" Tisdale—over 30 years as an outstanding naval officer and shipyard commandant, and over 20 years liaison between Washington and the communities surrounding Mare Island Naval Shipyard in California.

"Tip" formally retired at the end of last year and I take this time to call to the attention of the House his accomplished public service and announce that, next Tuesday, California will turn out for a suitable testimonial dinner.

No armchair naval officer, "Tip," a graduate of Annapolis, was in the thick of the fray during World War II. He was appointed to the Naval Academy in 1908 and graduated on June 7, 1912.

During World War II, he earned the following decorations: Navy Cross with gold star in lieu of second medal; Distinguished Service Medal for combat; Legion of Merit with gold stars in lieu of second and third award, awarded for duties in combat; Navy Unit Commendation Ribbon; Mexican Service Medal, for duty aboard SS *Salem;* Victory Medal, World War I for duty aboard SS *Birmingham;* Liberty Medal, World War I; American Defense Service Medal; American Campaign Medal; Asiatic-Pacific Campaign Medal with six stars; and World War II Victory Medal.

Adm. "Tip" Tisdale held the following commands before becoming commandant of Mare Island: April 1941, commandant of midshipmen of the Naval Academy; June 1942, commander, cruisers, Pacific Task Force 16; and January 1943, commander, destroyers, Pacific Fleet.

He held titles successively as commandant of Mare Island, January 28, 1944, later as commander of San Francisco Naval Base, and later as commander of Mare Island. During this period he not only commanded 40,000 of the best shipbuilders in the country, but managed a comparable private shipbuilding work force on San Francisco Bay.

In 1947, he retired with the rank of vice admiral after a very long and distinguished naval career. Not satisfied to retire, he undertook that year the formal representation of the armed services interests of Solano County in Washington, D.C.

He served with and was adviser to four U.S. Congressmen also representing the area and at least as many U.S. Senators.

At a time when one man, one vote was not the law and Solano County was a fledgling in its development, the strong guidance and support of Admiral Tisdale was critical.

When I came to Washington 8 years ago, I found it a real comfort to be greeted and educated in the Washington scheme by my good friend, "Tip" Tisdale. My predecessor, Congressman John Baldwin, I know found his services invaluable for many years.

Tip's leadership was essential to the development of Solano's many water projects including Monticello. The existing capability at Mare Island and Travis Air Force Base reflect his hard work.

In Washington, his many friends already miss his talents.

THE POSTAL STRIKE

(Mr. GALLAGHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GALLAGHER. Mr. Speaker, we are all, on both sides of the Hill, and certainly throughout the United States, concerned with the postal strike. I have a petition here on the desk that expresses the following viewpoint:

In view of the grave postal crisis which has paralyzed service throughout our country, and in consideration of the justifiable demands of American postal employees, we the undersigned Members of Congress do hereby urge an immediate convening of a conference committee to resolve the questions between the House and Senate versions of H.R. 13000 and proceed with dispatch toward resolving the pay increase of postal employees.

Mr. Speaker, what this petition does in reality is demonstrate confidence in the action that the House has already taken. Both sides have brought forth a bill, H.R. 13000, and the House of Representatives and the undersigned Members renew their confidence in what the committee has done and urge an immediate conference with the Senate so that we can proceed to some meaningful agreement, get the mails going, and start to meet the justifiable demands of the postal employees. I urge all Members to sign this petition.

THE FACTS ABOUT PRAYER IN SCHOOLS

(Mr. DON H. CLAUSEN asked and was given permisison to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DON H. CLAUSEN. Mr. Speaker, as we are well aware, there has been a great deal of conflict, controversy, and concern in recent years over the question of prayers and scripture reading in our public schools.

Reading through a copy of U.S. News & World Report last week, I ran across an articles written by Louis Cassels and distributed by United Press International, dealing with the legal aspects of prayer in schools.

Because I believe it represents a "breath of fresh air" on this entire question, I am inserting it in the CONGRESSIONAL RECORD with the thought that it may be of interest not only to my colleagues in Congress—but to concerned parents and school authorities everywhere. Certainly, it deserves the attention of all who read the RECORD:

THE FACTS ABOUT PRAYER IN SCHOOLS
(By Louis Cassels)

Few legal opinions have ever been more widely misinterpreted than those handed down by the U.S. Supreme Court concerning prayer and Bible reading in public schools.

Even among school authorities and journalists, who should know better, the idea persists that the Court "banned" prayer and Bible reading from public school classrooms. It did not.

All that it held unconstitutional was the formerly widespread practice of beginning each school day with a miniature worship service, which typically included a devotional reading from the Scriptures and unison recitation of the Lord's Prayer.

This practice, the Court said, infringed religious liberty and transgressed the line of separation between church and state drawn by the First Amendment to the Constitution.

In the Engel v. Vitale case of 1962, the Court held that a public school may not require the recitation of an officially sponsored prayer as part of a classroom religious exercise.

In Abington School District v. Schempp the following year, the Court said that a public school may not require the reading of a portion of the Bible or the recitation of the Lord's Prayer as part of a classroom religious exercise. That is all the Court has forbidden public schools to do.

The Court went out of its way to emphasize that there is no constitutional objection to any of the following activities in public schools:

Use of the Bible as a reference work for teaching secular subjects.

Study of the Bible for its literary and historic qualities.

Objective instruction in comparative religion.

Study of the history of religion and its role in the advancement of civilization.

Reciting historical documents, such as the Declaration of Independence, which contain reference to God.

Singing the National Anthem or patriotic hymns, which include the composers' profession of faith in God.

References to God in patriotic or ceremonial occasions.

Far from "banning" recognition of America's religious heritage, the Court went to unusual lengths to urge that public schools pay more systematic and effective attention to teaching about it.

"It might well be said that one's education is not complete without a study of comparative religion or the history of religion and its relationship to the advancement of civilization," the Court in Abington v. Schempp. "It certainly may be said that the Bible is worthy of study for its literary and historic qualities."

What about "voluntary" prayers in the schoolroom?

If they are the private prayers of an individual, or the group prayers of students meeting on their own time and of their own volition, they are clearly permissible under the terms of the Court rulings.

But if they are part of an official classroom exercise conducted under the aegis of an agent of the Government (the teacher), they would violate the spirit if not the letter of the Court rulings.

Some school districts have inaugurated periods of "silent mediation" in which students are free to pray privately, to think deep thoughts, or just stare out the window, as they see fit. This practice has thus far encountered no objection from federal courts.

Other school districts—a UPI survey last fall indicates the number is substantial and growing—are simply ignoring the Court rulings and going back to the old custom of classroom worship services. This is clearly a defiance of the law as interpreted by the highest court, but a local school may get away with it so long as no parent goes to court to challenge the practice.

Relatively few school districts have had the courage and imagination to teach about religion and the Bible in the objective, constitutional way recommended by the Court. Some school authorities use the Court rulings as an excuse for avoiding what they see as a ticklish and difficult task—a dodge that helps to perpetuate public misunderstanding of the rulings.

Others say that no suitable curriculum materials are available. But this is no longer true. Plenty of good textbooks and course outlines are now on the market.

Any school district or Parent-Teachers Association seriously interested in learning what can be done in public schools—what is being done successfully in some schools—can obtain detailed information from the Religious Instruction Association, Inc., 4001 Fairfield Avenue, Fort Wayne, Ind., 47807.

POSTAL PAY RAISES

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BROWN of Ohio. Mr. Speaker, the postal workers have made their point. They want higher pay, improved working conditions, and better job opportunities.

The public has long made its demands known. It wants a more efficient mail service, devoid of the burdensome cycle of increasing postal deficits and rising postage rates.

The President, at the very outset of his administration, made his position clear by proposing comprehensive postal reform legislation designed to correct the recognized deficiencies of the Post Office and to provide sensible, proven, and businesslike means of improving the pay, advancement, and working conditions of postal workers.

Now it is up to Congress to act.

We have the means at hand.

While H.R. 4, as rewritten and approved by the House Post Office and Civil Service Committee does not speak to the question of needed pay raises for other classified Federal employees, it is a responsible answer to the demands of the public, the needs of the postal workers and the request of the administration in the issue of postal pay and postal reform. The matter of equitable pay for other Federal employees should be considered promptly, of course, or could be included.

H.R. 4 offers postal employees immediate pay hikes and provides them with the right to bargain collectively with management for future raises and other job benefits.

By removing the Post Office from the Cabinet and creating an independent Postal Service Authority, the mails will be freed from irrelevant, restrictive political considerations. This will permit the kind of employee participation, management effectiveness and financial flexibility essential for the successful operation and growth of this vital link in America's social and economic lifeline.

I ask the Congress to join with me in heeding the call of Americans from every walk of life—and from both political parties—for an efficient and economical postal system.

We need this postal pay-postal reform legislation, and we need it now.

I urge its swift approval.

JETS FOR ISRAEL

(Mr. HALPERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALPERN. Mr. Speaker, the decision not to sell Israel 125 additional jets is tragic and shortsighted. It could only serve to further confuse a volatile situation. All Israel asks is to buy these planes; she is not looking for a handout.

For Israel is fighting for her very existence. It is a simple matter of survival. She has been forced to respond to Arab aggression and provocation with effective and persuasive strength. Deterrent force seems to be the only response the Arabs understand.

Therefore, I vigorously disagree with the administration's decision. I do not question the sincerity of its motivation, but I do seriously question the wisdom of it. Although Secretary Rogers emphasized, should Israel's offenses be suddenly threatened, the United States would promptly give Israel whatever jet aircraft it needed, I fear the failure to forthrightly meet Israel's request now seriously poses the question of miscalculation. And further, I feel the latest U.S. move is disappointing because it removes a national Israeli psychological impediment to Arab aggression.

True, the President reiterated that the United States understands and respects its obligation to Israel, but we have been hearing similar assurances from administrations for years. Yet in the showdown, we get repeated asusrances, not actual deeds.

Experience after experience leads us to skepticism that Russia will deescalate its arms shipments as a result of this new policy. It is too much to even anticipate that the Arabs will see this move as a sincere U.S. determination for peace. And it would be pure wishful thinking that Egypt will see the folly of armed atttack. And what are the realities? The first replies to the President's pronouncement have been predictably hostile.

I appeal to the administration to immediately reconsider its decision, and, short of that, I fervently trust that it keeps a constant vigil and be ready to reverse its decision on very, very short notice.

It is vital to point out, Mr. Speaker, that only three countries produce the types of fighter jets Israel needs—Russia, France, and the United States. Israel, in effect, has no choice but to look to its friend, America, since the other two countries are supplying the Arabs.

Here is a State, Israel, our only real friend in that part of the world, defending itself as well as the cause of freedom against Soviet expansionism.

The Soviet shipment of Sam-3 missiles to Egypt; the French sale of 110 Mirage jets to Libya and the arrival of Soviet military units in Egypt to man the new weapons systems—all require a tangible response from our Government.

Our friends must be reassured. Our enemies must not miscalculate. The President must reconsider this interim decision then, so that the Arabs will not interpret it as a softening of U.S. resolve to stand firmly behind Israel.

THE QUALIFICATIONS OF JUDGE CARSWELL

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Massachusetts (Mr. HARRINGTON) is recognized for 60 minutes.

Mr. HARRINGTON. Mr. Speaker, I address myself today to the nomination of Judge Harrold Carswell to the Supreme Court of the United States.

I fully understand that it is the senior body, the Senate, which will vote to approve or disapprove this nomination of President Nixon, and I recognize that it is an unusual step to take the floor of this body to urge action by the Senate.

But the issue of Judge Carswell's nomination is of transcending importance.

The implications of Judge Carswell's nomination are too broad to be narrowly viewed as the prerogative only of the President to nominate and the Senate to confirm.

At stake is national policy. At stake is the shape of our society. At stake is the ongoing effort of this country to redress the imbalance in which we have held so many of our black citizens for so long.

This nomination is of national significance. Full appreciation of that fact is now developing across the land, and Members of Congress of both parties and both Houses, as well as citizens throughout the country, must ponder and debate the meaning of the Carswell nomination. Whether we have a vote or not on this nomination is only peripherally important; we all share in the consequences of this nomination.

For that reason, I address the House of Representatives, seeking your attention, your involvement, and your commitment to the defeat of Judge Carswell's nomination.

Mr. Speaker, we must view the Carswell nomination in the context of our times.

Over the past two decades the Supreme Court has played an extraordinary role in shaping American society. That role itself assigns the weight of nomination to the Supreme Court. Beginning with Brown against the Board of Education in 1954, the Supreme Court has rendered benchmark decisions which have given a full dimension to the judicial branch of our Government in architecting governmental response to the needs of our times and to the inequities of the past.

The Supreme Court has, in effect, become the pivotal instrument in the Nation seeking to correct the discrepancy between our stated principles and the facts of life in the United States, a discrepancy which has characterized the treatment of our sizable black minority to a point where despair, frustration, and discontent are justifiably manifest.

That the Congress has been unable to exercise leadership in the field of civil rights is unfortunate, but a fact well known for reasons which are evident.

Now the executive branch under President Nixon is also defaulting in this area. Its efforts to lower its profile in the field of civil rights have virtually destroyed whatever nominal expectations black and white citizens might have had that an equitable society was the goal of the administration.

Only the courts, and especially the Supreme Court, remain sensitive to and responsive to the need for a continued effort to reduce the inequities of American life.

With the Carswell nomination, integrity even in that branch of Government is jeopardized. And quite to the contrary of the expressed intention of the young Nixon administration when the President spoke eloquently of bringing the Nation together, this nomination of a judge whose record shows consistent imbalance, whose scales of justice have been unequally weighted, whose vision of the law has indeed been black and white—this nomination does more to permanently polarize the Nation than any other single act which could be entertained.

Certainly in making these remarks I do not suggest that the President's authority to select nominees to the Supreme Court should be compromised. Neither geographic considerations nor philosophic differences are grounds for criticism. It is in keeping with our tradition that the President should select nominees attuned to his policies. But it is in terms of quality and in terms of fairness to those citizens who come before the bench that Judge Carswell lacks distinction and lacks the stature which would merit his approval.

And this is not a time when the facts of life should be covertly denied. Members of the highest court in the land should be at ease in recognizing the strong obligations of American courts to meet the expectations of our citizens—all of them—that they are entitled to equal justice. Judge Carswell's record does not lead one to that expectation.

At best he is insensitive. But that may not be all.

There is little in his record to suggest that he has the unique capacity for enlightened judgment which should describe our Supreme Court Justices. Rather to the contrary, discussion both before the Senate Judiciary Committee and in the Senate by my distinguished colleagues from Massachusetts, Senator KENNEDY and Senator BROOKE, both indicate that neither in Judge Carswell's private life nor in his capacity as a judge has he demonstrated the caliber of personality nor the wisdom which the Nation has a right to expect of a Supreme Court nominee.

Mr. Speaker, Judge Carswell has been nominated to fill the very seat occupied by Mr. Justice Holmes for more than 30 years and before him occupied by a succession of great New England jurists. Needless to say, I do not claim this seat for my State, but I do claim it for scholarship and wisdom, for judgment and gentleness, for quality and relevance, and for the highest aspirations of the Republic.

I respectfully urge my distinguished colleagues of the Senate to reject the nomination of Judge Carswell.

I repeat that this is a matter of transcending importance, and it is for that reason that I have taken the liberty of discussing a matter which normally is a sole concern of the Senate.

It is for this reason that many concerned Members of the House from different parts of the country—and who are, I think I can say, safely bipartisan in background so far as their political philosophy is concerned—will join today with those of us who have taken special orders to indicate their disapproval of the proposed nomination.

Mr. JACOBS. Mr. Speaker, will the gentleman yield?

Mr. HARRINGTON. I yield to the gentleman.

Mr. JACOBS. Mr. Speaker, I would just like to assure the gentleman that so far as the propriety of the gentleman's discussion is concerned that on a number of occasions during the 5 years that I have served in the House of Representatives, many Members of this body have taken the floor to comment upon the activities of Members of the U.S. Supreme Court. So, the gentleman's action today, and of others who will speak today, certainly is not unprecedented.

Mr. Speaker, I commend the gentleman for entering into this discussion and for making what obviously is a very dispassionate and enlightened contribution to the national knowledge concerning this very vital problem.

Mr. HARRINGTON. I would ask the gentleman from Indiana: Does he agree with me in general that there is a legitimate reason for concern that the strides made in the area of improving the racial problems that beset our country and in general in the recognition of these problems through these distinguished bipartisan commissions on national disaster would best be served by the Senate rejection of Justice Carswell in view of the polarization which is spoken of so often and rhetorically dealt with?

Mr. JACOBS. I agree with the gentleman and I concur in his judgment completely.

Mr. KOCH. Mr. Speaker, will the gentleman yield?

Mr. HARRINGTON. I yield to the gentleman.

Mr. KOCH. Mr. Speaker, I want to associate myself with the gentleman's remarks in every way. I think those people who have said the President is entitled to make his own choice in this matter have approached this in a rather simplistic way. Indeed, he does have the right to submit names to the Senate for its advice and consent that is the nature of the constitutional requirement. There

is the requirement that the Senate consent to the nomination so the President does not have an absolute right in this area. Therefore, it becomes very important that the background of the man whose name has been submitted be the subject of great review. I am very pleased that the Senate is taking the time to do this.

What we are seeing, as a result of the review now taking place, is that the man whose name has been submitted for confirmation can at best be described as mediocre.

I know that one Senator has said that what the Court needs is a "mediocre" lawyer to give it balance. It is an insult to the people of this country that any Senator should suggest that they deserve no better. And I think that even his own constituents will find the Senator's comment very offensive.

But irrespective of the judgment of that gentleman from the other body, I do believe that the Supreme Court ought to have sitting on it a man of the highest integrity and caliber, a man whose brilliance shines like a jewel. Because after all, it is the Supreme Court which is the arbiter of what the law finally is. It is those Justices who are going to make the decision as to whether or not this body, the other body, and the Chief Executive are in fact complying with all constitutional requirements. I think it is of the utmost importance that we inquire into the philosophy and ethics of the gentleman whose name has been submitted to the Senate for its approval.

We recognize the fact that there are those who say, "Well, there have been people"—and they point to a distinguished sitting Justice of the Supreme Court as their example—"who have in their background some history of racial intolerance and yet gone on to establish their freedom from such bigotry." We know that Mr. Justice Black has served with great distinction and his judicial decisions have been exemplary in every field, including those dealing with racial problems.

The difference between Justice Black and Judge Carswell is that there was a real change in philosophy by Justice Black prior to his nomination to the Court. Unfortunately, there has not been any evidence, adduced in the Senate hearings, showing that Judge Carswell has changed his point of view, especially in light of the remarks and recent decisions he has made on the subject of racial equality.

I can readily understand when someone, by virtue of where he was born or the family he was brought up in, acquires biases; for, after all, we are greatly affected by such upbringing, and we carry those prejudices with us. Few, if any, are free of prejudice. But the real question is, Are you able to overcome it? It is possible by experience and dispassion to overcome emotions of prejudice which might otherwise govern one's outlook on race.

In the case of Judge Carswell, he has not demonstrated that dispassion. When we look at his credentials we must examine his philosophy and approach to racial equality. How does he stand? After all, what is the major problem facing this country? It is racial intolerance. Has he demonstrated that he is fit to sit on that bench and decide cases, so many of which will involve racial discrimination? I say he has not.

On another aspect, I must say that as an attorney, I believe we are entitled to someone whom attorneys and jurists can look to with pride and say, "We come before this man knowing he has the mind, the ability, and the judicial temperament to sit in judgment." Judge Carswell certainly does not have those attributes. If you just look at the records on appeal of his many decisions, you will find he has been reversed so many times it gives a lawyer pause to think that someone so lacking in judicial excellence might sit on the bench reviewing or deciding the most important cases in this country.

For those reasons I agree with the gentleman from Massachusetts, and I think the nominee, Judge Harrold Carswell, ought not be confirmed by the Senate.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. KOCH. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman from New York (Mr. KOCH) referred to someone unnamed, an unidentified Member of the other body, as having commented on the Carswell nomination. I wonder if this could by any chance be one of those Members of the other body who has owned and lived on property in Maryland, while a Member of the other body, which was subject to a racial covenant relating to the buying and selling of that property. Would that be possible?

Mr. KOCH. I have no idea as to who is being inquired about by the gentleman from Iowa.

Mr. GROSS. I have no idea of the background of the gentleman that the gentleman from New York was referring to either. I was trying to find out if they were practicing hypocrisy. I cannot believe that a Member of the other body would be hypocritical in their opposition to Carswell.

Mr. KOCH. If I understand the gentleman correctly, you are now inquiring about a Member of the other body who is attacking the credentials of Judge Carswell. Is that your question? I gather it is, and I must say to the gentleman I am not here to sit in judgment on Members of the other body. Those Senators are not being nominated for the Supreme Court. I am here stating my opinion with respect to a gentleman whose name has been submitted by the President for office in the Highest Court of this land. It is his credentials that are subject to scrutiny, not those of some Member of the Senate.

Mr. GROSS. The gentleman referred to a Member of the other body who, he said, had made some comment——

Mr. KOCH. To his own constituency and the country.

Mr. GROSS. In criticism of Mr. Carswell.

Mr. KOCH. I had reference to a gentleman in the other body who has referred to the need for including mediocrity on the Supreme Court bench. I have a much higher regard for the intellectual desires of the country and I believe that it is the responsibility of the President and the Senate to provide the Nation with Justices of the highest caliber and not try to achieve mediocrity.

Mr. HARRINGTON. I thank the gentleman from New York. I can only concur in what he has said about the agreement which I believe is universal among those of us here this afternoon that the President should and does have the right to submit nominees of his own persuasion.

What we are interested in doing this afternoon is to demonstrate our concern that the nominee before the Senate today for confirmation is not a nominee who meets those very high standards and high tests which should characterize nomination to the High Court.

I believe the purpose here in our dialog is to attempt to broaden the awareness on the part of the public that this appointment could dramatically alter—over the course of the next generation—many of the benchmark decisions since the middle 1950's.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HARRINGTON. Yes, sir.

Mr. GROSS. Was the gentleman a member of the Massachusetts Legislature?

Mr. HARRINGTON. Yes, I was.

Mr. GROSS. Did not the Massachusetts Legislature send down an endorsement—or at least some portion of the Massachusetts Legislature—send down an endorsement of a nominee by the name of Mr. Morrissey?

Mr. HARRINGTON. The Massachusetts Legislature, I believe, in 1965 by a resolution endorsed the nomination of Justice Morrissey to the Court. There were many abstentions and many voted "present." There were two voting "nay," and I was one of those voting "nay" at that time as a member of that body.

Mr. GROSS. I appreciate the gentleman's response and commend him for having voted "nay."

Mr. HARRINGTON. Thank you.

I now yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I want to join in the commendations of those who have expressed their appreciation for the gentleman from Massachusetts taking this time to begin this inquiry, which I think is a very appropriate matter for the House.

I, myself, have testified before the Senate on this matter and I have joined in with the gentleman and others in a special order of my own to follow directly afterward.

I think that we are now in the process of noting—and I doubt if it can be denied by anyone—that there is increasing opposition to the nomination of Judge Carswell both inside and outside of the U.S. Senate. As a matter of fact, this began some several months ago and was considered to be a very futile attempt to block a nomination, since it is so rare, historically, for two Presidential nominations to be turned down one after another. There, thus, was a great deal of skepticism expressed as to whether or not there would be the ability on the part of those who felt that Mr. Carswell should not be confirmed to mount that kind of

effort. Now we find that there are a great many Senators who have announced only very recently that they will not confirm. I was advised only this afternoon that both Senators from Missouri, for example, have announced their intention not to vote for confirmation of Mr. Carswell. Others are no doubt going through some agonizing reappraisals of their original positions, and it seems to me that the gentleman in the well and the discussion of others here today on the floor of the House is certainly contributory toward those Members in the Senate who are interested in the views of the Members of the House here who are their colleagues. They are also certainly interested in the expressions that we bring not only from the legal ranks and the ranks of lawyers and judges but from the American people as well.

Mr. Speaker, I might take this opportunity to note that it is certainly a bipartisan effort, as the gentleman indicated. There are aspects of this nomination that certainly go far beyond any considerations of partisanship. As a matter of fact, I think one of the things that has been characteristic about the objections that have been presented against Mr. Carswell is the fact that they have cut across party lines; they know no regional distinctions; they are not relegated to any particular class or segment of the American public. So I think this discussion here further underlines the feeling which, in my judgment, must surely be that of a great number of Americans. I have no polls to show you that this is the position of the majority of Americans, but it is certainly clear that there have been very few nominations that have resulted in the widespread reaction against a nominee which has been engendered in the nomination of Mr. Carswell.

And so after hearing the statements of the Members who have joined with the gentleman in the well and the gentleman's own very excellent initial statement I am very indebted to the gentleman for the excellent presentation that he has made.

I want to note here that these are not emotional kinds of statements that have been made on the floor today. I think they are tempered, they are well reasoned, they are sound and they are fair not only to the administration and the President but to the appointee himself. I think that these evaluations and assessments have been outstanding for their lack of bias or vindictiveness that might easily have become attached to a matter of this nature.

Again I thank the gentleman. I hope that other Members will see fit under the leave to extend that the gentleman has secured today, to take the opportunity to indicate their position on the nomination of Judge Carswell.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. HARRINGTON. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Speaker, I just want to say to the gentleman from Massachusetts that I am not sure that anything that is said here will have very much effect on the other body. But it seems to me that the defense that was made of Judge Carswell that he might be a mediocre man and that there are a lot of mediocre people that need representation is about as stupid a statement as I have heard in the 21 years that I have been down here.

I have received some telegrams from my district asking me to vote against Judge Carswell. Of course there are a lot of people in this country who do not realize that the House of Representatives does not pass on these appointments. But I have no hesitancy in saying that I would vote against Judge Carswell if I were in the other body mainly because of his mediocrity because I just think he is extremely mediocre and he does not have very much ability. And in these days we need people with a great deal of ability to serve on the Supreme Court.

I have no objection to the President appointing a southerner. As a matter of fact he did not ask me for any recommendations, but had he done so I might have suggested our former colleague from South Carolina, Bob Hemphill, who was an exceedingly useful Member of this body in my opinion and who was not I would say a knee-jerk conservative and who was not a knee-jerk liberal. He voted on the issues as he saw them in the light of his understanding and I suspect also in the light of the section from which he came. But I found him to be very broadminded and I thought with a great deal of temperament to make a good judge and a fair and honest one. He had a sense of humor, and of all things that it seems to me one needs.

So the field is wide open as far as getting a southerner to serve on the Court. You do not need to look for the one that has the least ability. I am not saying the President did this, but it seems to me that if he had set out to find one with the very least ability he could not have made a better selection than he did.

Mr. LOWENSTEIN. Mr. Speaker, will the gentleman yield?

Mr. HARRINGTON. I yield to the gentleman from New York.

Mr. LOWENSTEIN. Mr. Speaker, I do not want the moment to pass without observing how pleased I am to find myself on the same side of a question as my friend, the gentleman from Ohio. It is something I was sure would happen sooner or later, but who could have guessed Judge Carswell would produce it.

I appreciate his suggestion that the most effective defense of the appointment of Judge Carswell might not be to tout his mediocrity, but that raises the problem of what would be the most effective defense, if for some reason one were obliged to defend it.

I also agree with the gentleman from Ohio that very competent and able people are available in the South for appointments of such eminence and importance. We could compile a very distinguished list of southern jurists and lawyers who, whatever their viewpoint on specific legal or political questions, have accepted the law of the land on the question of race, and who have lived as equals, happily, with their neighbors of all races, men who would add to the prestige and effectiveness of the court immeasurably.

As I suggested earlier today, it is a great error to defend the appointment of a man who is not qualified by claiming you are eager to bring "balance" to the court. I think it is that confusion that led to Senator HRUSKA's contribution to the discussion.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. HARRINGTON. I yield to the gentleman.

Mr. HAYS. I hope that the gentleman from New York in saying that he is joined with me is not trying to hurt me in my primary campaign. I trust his motives are of the best. He and I do not always find ourselves on the same side of every issue. But since one of the newspapers the other day said that I am unpredictable, I guess my constituents would find me on whatever side of an issue I really believe in.

I think I can defend myself, if I am attacked because I am on the same side as the gentleman on this particular issue.

Mr. LOWENSTEIN. Mr. Speaker, will the gentleman yield?

Mr. HARRINGTON. I yield to the gentleman.

Mr. LOWENSTEIN. I will make a deal with the gentleman—I will not campaign for him if he will not campaign for me. But I thought I had been told that he is not opposed in the primary or in the election.

Then I was misinformed. But I am still delighted to join the gentleman in showing what diversified points of view agree that the appointment of Judge Carswell should be rejected.

For once the President really has brought us together. That may be the most hopeful result of the whole Carswell affair.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. HARRINGTON. I yield to the gentleman.

Mr. PUCINSKI. Mr. Speaker, I would like to join my colleagues and the gentleman in the well in bringing this matter before the House today.

I believe that while we cannot have any particular impact or perhaps influence on the final outcome because it is not within our purview, perhaps it is wise to point out that so many Americans still look upon the Supreme Court as an adjunct of government rather than as a coequal branch of Government.

I think many Americans overlook the fact that this great Republic is governed by three separate and coequal branches. We, in the legislative, the President in the executive, and the Supreme Court in the judicial branch.

When one reflects that the Supreme Court has nine men who within their power and the Constitution have as great an impact, if not greater, on the affairs of this Nation as do both the executive branch and the legislative branch, you then—and only then—capture the scope of the importance and the enormity of the decision in appointing a Supreme Court Justice.

For here indeed are nine men who

can by a split decision or by a unanimous decision alter the very course of the history of this country.

When you view the Supreme Court in perspective, of being a coequal branch of government having coequal rights to the executive and to the legislative, you then are struck with the reality that the members of that body ought to be men of exceptional and outstanding and even extraordinary ability.

It would appear that the President of the United States would seek as appointees to that body an individual of such extraordinary ability and talent that there would be no question and that he would be sustained and the appointment would be approved by the Senate of the United States unanimously.

The bitter debate that is now going on in the other body where perhaps at this point in time that body is almost evenly divided as to whether or not Justice Carswell should be appointed to the Supreme Court will reflect upon the validity of the decision of that Court for generations to come. For, indeed, that appointment is a lifetime appointment and long after many of us in this Chamber are gone and long after many Senators are gone, Judge Carswell may still be on that bench.

I am not at all impressed by the statement made by one of his supporters that whatever deficiencies he may have now, he will grow on the job. What a mockery of our Constitution to suggest that the Supreme Court of the United States, a coequal branch of the Government, is going to provide on-the-job training for Supreme Court Judges. So it does not make much difference as to whether or not he is an integrationist or a racist, or whether he is a liberal or whether he is a conservative, or whether he is for this or for that. It seems to me the other Chamber has the responsibilty of saying this particular candidate fits into the mold of having such extraordinary qualifications that there cannot be any doubt in the minds of 100 Senators or 200 million Americans whether he deserves to be on that bench. That is the test, in my judgment, and it seems to me on the basis of the debate we have seen unfolding before this country in the last couple of weeks and the debate now going on in the other body, one cannot help but conclude that, regardless of what his political views may be, he just does not have the qualifications in terms of stature, judgment, and experience to become one of nine men—nine men—in whose hands lies the equal power of the future of this Republic. That is what I think it all boils down to.

I congratulate my colleague for taking the time today to give the Members of the House an opportunity to express themselves.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. HARRINGTON. I yield to the gentleman from Michigan.

Mr. CONYERS. Of course, we frequently end up on the same side, so I am happy to see us in agreement, and I hope the gentleman's very powerful statement will have an impact on some citizens, who in turn may have an impact upon some U.S. Senators, who in turn may cast the deciding vote that will determine the outcome of a question that is certainly of as great importance as the gentleman suggests.

However, the gentleman pointed out that it made no difference to him whether Mr. Carswell was an integrationist or a segregationist, and on that point I perhaps feel constrained to add a comment or two. Perhaps it does make a difference whether a person moving toward the highest judicial court in this country is a segregationist or not. I feel that perhaps that is one of the great pressing issues that concerns a great number of people in this land, that is, whether or not G. Harrold Carswell is presently a segregationist.

It is my view, having tried to dispassionately review his record, that unfortunately his background, his segregationist and racist statements and activities, lead me to no other conclusion—and I think many fair people have reached the same opinion—that his background is of such a segregationist nature that it would be impossible on those grounds alone, assuming that there were questions of qualification, for us to ask those distinguished Members of the other body to affirmatively pass upon his nomination.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. HARRINGTON. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I am grateful to my colleague from Michigan for calling that particular expression to my attention. Surely it does make a difference. It makes a difference to all of us. I wanted to say—and if the record is not clear, I want to make it clear now—that I would not be prone necessarily to give a candidate for the Supreme Court some sort of political test. I would hope that we could find qualified citizens in this country who would be men or women of such stature, such outstanding ability, and such outstanding objectivity that the questions whether or not a nominee is a segregationist or an integrationist would never even enter the discussion.

What we want is someone who is capable of sitting on that bench as one of nine important members who share in that particular branch of Government the coequal rights of the President of the United States and the Congress of the United States. That is the point I was trying to make. I appreciate my colleague's calling the matter to my attention.

Mr. DEVINE. Mr. Speaker, will the gentleman yield?

Mr. HARRINGTON. I yield to the gentleman from Ohio.

Mr. DEVINE. I thank the gentleman from Massachusetts for yielding.

Up until only a moment ago it was my understanding that the advice and consent of the other body was what was necessary in approving Justices for the U.S. Supreme Court. I came into this Chamber from a committee meeting upstairs, and I find some of my colleagues here deploring the nomination of Judge Carswell as a proposed Justice for the U.S. Supreme Court.

It seems to me we have lost sight of the function of these two bodies, the House and the Senate. The gentleman from Illinois has become an expert on all subjects. He is up every day on something or other, and he is up again on this particular one. It seems to me we are not now functioning as the United States. If a man comes from the South, he cannot be considered as coming from the United States, and he has to be approved by the National Association of Colored People and George Meany. If he is otherwise, he is just not acceptable.

It seems to me we have to have a balanced Supreme Court. As long as the gentlemen on the other side think it is up to them to advise and consent to the nomination made by the President, it does seem to me that Judge Carswell is entitled and is qualified to sit on the Supreme Court, particularly with some of those now on the Court.

Mr. LOWENSTEIN. Mr. Speaker, will the gentleman yield?

Mr. HARRINGTON. I yield to the gentleman from New York.

Mr. LOWENSTEIN. I want to bring to the attention of the House, and hopefully the country, a number of facts that have been obscured by much of the oratory on the appointment of Judge Carswell to the Supreme Court.

First, I want to insert in the RECORD a telegram from Neal P. Rutledge, a well-known Florida attorney who is the son of former Supreme Court Justice Wiley Rutledge. I put this in the RECORD because it relates to the important issue of Judge Carswell's record on race relations. Mr. Rutledge writes:

MIAMI, FLA.

During late 1955 and early 1956 I lived a great part of the time in Tallahassee, Florida, in connection with the trial of *Seaboard Machinery Corp. vs. Bethlehem Steel Co.* in the U.S. District Court there. It was common knowledge in the community there at that time, and especially among members of the Bar, that the dominant motive for transferring the operation of the Tallahassee Golf Club from public to private club auspices was to prevent racial integration of the facilities. The overwhelming sentiment of the white Tallahassee community at that time was to preserve Jim Crow racial segregation as a way of life, particularly in hotels, restaurants, places of social gatherings, and the like. It is impossible for me to believe that any prominent member of the Tallahassee community at that time, such as then United States Attorney Carswell, was not fully aware of both this general, almost universal sentiment prevailing among the white citizens of Tallahassee in 1956 and the specific dominant motive for leasing the Municipal Golf Club to a private group.

Sincerely,

NEAL P. RUTLEDGE.

We thus have the testimony of a distinguished Florida attorney and son of a former Supreme Court Justice that as late as 1956—not 20-odd years ago—this gentleman who is seeking a place on the Supreme Court was involved in an effort to prevent racial desegregation of a golf club.

I also want to record the fact that two other prominent attorneys from Judge Carswell's home State—William R. Colson, immediate past president of the American Association of Trial Lawyers,

and Allen Milledge, president of the Harvard Law School alumni in Florida—have authorized me to announce their opposition to the confirmation of Judge Carswell. I have also received a report that three-fourths of the members of the Florida State University Law School have announced their opposition to his confirmation.

Mr. Speaker, I mention these things specifically to show that this is not a matter of regional opposition to the appointment of a southern judge. Indeed, what we are challenging, among other things, is the notion that Judge Carswell is representative of southern legal talent.

The South—black and white—has furnished more than its share of the country's great political and legal figures, a proud company that includes some of the wisest and fairest Justices who have ever sat on the Supreme Court. As the debate over the Carswell appointment goes on, more and more outstanding southern members of the legal profession are making it clear that they do not share the President's notion that Judge Carswell is a fitting representative of the southern bar, deserving as such a seat on the Supreme Court.

These distinguished lawyers from Judge Carswell's own State are not opposing him because he is a southerner or a conservative, but because of his record on the racial question and the quality of his work in the course of his public career.

I would like to stress that I think conservatives do themselves an injustice when they imply that there is some connection between the views they hold—respectable and proper views on many important questions—and the views of Judge Carswell that are in question. It is not Judge Carswell the conservative but Judge Carswell the segregationist, the supporter of white rule, that we question. I am sure that most conservatives in the United States would reject these views. I cannot believe they would want someone filling a seat on the Supreme Court who has been unwilling to accept the equality of the races as basic to the law of this country and to the way we live together as a free people. That is the Carswell question, insofar as his views are the question at all.

What is at issue, of course, is not whether Judge Carswell is a conservative or a "strict constructionist," or a southerner. The problem with Judge Carswell has to do with his qualifications and with the deeply troubled state of the Nation, a situation in which we need to work to regain respect for the law. In times like these, can it seriously be contended that we should put someone on the court who does not have the respect of a large number of our black citizens because of his behavior during his long public career, on and off the bench.

As far as his record as a jurist is concerned, I want to put in the RECORD an editorial from the Washington Post entitled "Judge Carswell: A Look at the Reversal Record." I recommend that it be studied very carefully.

I might add an observation about the problem now facing Senator GURNEY, who relied on inaccurate research in his defense of Judge Carswell the other day.

As Members may know, Senator GURNEY had taken the position that Judge Carswell's record of reversal by higher courts was really rather exceptional instead of rather dismal, as charged by critics. I hope he will have an opportunity to study the Post editorial, which contains a very careful compilation of that record, and I hope he will then realize that his defense of Judge Carswell was based on flimsy and misleading research. Perhaps this realization will even lead Senator GURNEY to join the opposition to Judge Carswell's appointment.

The editorial reads as follows:

JUDGE CARSWELL: A LOOK AT THE REVERSAL RECORD

There has been a lot of talk in the Senate in recent days about Judge Carswell's 11 years of service as a federal trial judge and how well that fits him or does not fit him for service on the Supreme Court. Those opposed to his confirmation point to the rate at which his decisions have been reversed as a demonstration that he is, at best, a run-of-the-mill judge. Those who support confirmation claim that the reversal rate presents a "distorted and unreal" picture. "Like so many of the charges against him (this one) dissolves when exposed to the light of day," Senator Gurney said the other day, claiming that the judge has been reversed in only 33 out of the more than 2,000 civil cases he has handled and in only eight out of more than 2,500 criminal cases.

These figures are totally irrelevant, not to say blatant distortions.

The numbers of 2,000 and 2,500 represent all the cases filed in Judge Carswell's court and only about 15 per cent of these ever went to trial. What matters is what the Court of Appeals thought of the far smaller number of decisions it actually had an opportunity to review. There are fewer than 200 of these, according to the reports of the Fifth Circuit Court of Appeals, but no one has produced a list of all of them. Compiling such a list is difficult since the cases are spread over tens of volumes of law books. But we have looked at all those we could find in the reports of the Fifth Circuit since July 1, 1964 and report the following concerning the record of the last half of his trial judge experience:

In criminal cases, Judge Carswell was upheld in 21 of 25 decisions, an affirmance rate of 84 per cent. All the other judges in his circuit were upheld 81 per cent of the time during the last five fiscal years.

In civil cases, Judge Carswell was upheld in 18 of 53 cases, an affirmance rate of 34 per cent. All the other trial judges in his circuit were upheld 72 per cent of the time.

In habeas corpus and similar cases, included in the civil category above because the courts list them that way, Judge Carswell was upheld in 5 out of 15 decisions, an affirmance rate of 33 per cent. All the other judges in Florida were upheld in 67 per cent of these cases during this period.

In the other civil cases—the disputes over contracts, accidents, and so on that are the bread and butter of the federal courts—Judge Carswell was upheld in 13 of 39 cases, a rate of 33 per cent. The other judges in the South have a batting average in such cases of about 75 per cent.

The key that may explain this record seems to lie in the reputation Judge Carswell has among some lawyers of not wanting to try cases. Each habeas corpus reversal came because he denied a petition without a hearing. More than half of all the other reversals in civil cases came because he granted pre-trial motions to dismiss, or for summary judgment, in situations which the Court of Appeals said required trials. It seems remarkable, for instance, that he was reversed several times over several years in negligence cases involving such things as auto accidents, a swimming pool accident, and a boat collision. These are cases in which the facts almost always determine the outcome and the law is clear that disputed facts cannot be resolved in summary judgments.

Judge Carswell's inclination to dispose of cases summarily does help clear court dockets when he is right. But it also helps clog them when he is wrong. And it seems that those who believe a jury ought to decide the facts must pay the costs of an appeal to win a reversal and a trial. The desire of a judge to be bold and to dispose of cases without trial might be understandable if he presided over an extremely busy docket. However, the caseload in Judge Carswell's court was regularly below the average per judge in his circuit and after 1962 was the lowest per judge in that circuit.

This record is not what could be called a good one. It is not, we suspect, even mediocre, as Senator Hruska would say. Nor can it be explained away, as some of the judge's supporters would have us believe, by arguments about the cases that were not appealed, about laws or court interpretations that had been changed in midstream, or about partial reversals. Among the 35 reversals in civil cases, three were partial, and no more than half a dozen came because of intervening court decisions and new issues of law. The others were decisions by the Court of Appeals that Judge Carswell was simply wrong—wrong 12 times because he ruled without hearing the facts. What all this means, it seems to us, is that the claim that Judge Carswell has been "an outstanding federal judge," to use Senator Gurney's words, evaporates when it is exposed to careful scrutinity.

Mr. Speaker, I suppose the best excuse for the Carswell appointment was provided by Senator HRUSKA when he said that mediocrity should be given its due, even on the highest court in the land. No doubt this seemed a sensible approach for Senator HRUSKA to have taken since it avoids the difficulty of denying facts that are difficult to deny, and even seeks to make virtues of them.

Senator GURNEY's awkward situation shows what happens if instead you attempt to deny what is plainly true.

If we are indeed looking for a judge of mediocre mind and backward outlook, clearly the Carswell appointment is a triumph. One should look no further.

We are all indebted to the gentleman from Massachusetts for beginning this discussion in a spirit that can only contribute to an intelligent appraisal of the issues.

I thank the gentleman for the opportunity to enter some of my thoughts at this time. I will join the discussion again later.

Mr. JACOBS. Mr. Speaker, will the gentleman yield?

Mr. HARRINGTON. I yield to the gentleman from Indiana.

Mr. JACOBS. Mr. Speaker, I would like to quote from the President's inaugural address in which he said:

No man can be fully free while his neighbor is not. To go forward at all is to go forward together.

This means black and white together, as one Nation, not two. The laws have caught up with our conscience. What remains is to

give life to what is in the law; to ensure at last that as all are born equal in dignity before God, all are born equal in dignity before man.

On November 6, 1968, the President said:

I saw many signs in this campaign. The one that touched me the most was one that I saw in Desher, Ohio, at the end of a long day of whistle stopping. A little town. I suppose five times the population was there. In the dusk it was almost impossible to see, but a teenager held up a sign, "Bring us together." And that will be the great objective of this Administration.

Mr. Speaker, the term "segregation" does not mean "bring us together."

In my judgment, nominations, particularly in this case, speak much louder than words.

I would hope that if the American people are fortunate enough to follow the tradition of statesmanship in this country—the tradition of Washington, Franklin, Hamilton, Jefferson, Madison, Jay, and indeed Abraham Lincoln and all the others—and if the people of this Nation should be fortunate enough in the coming weeks to have one more opportunity to follow that great tradition and reject the suggestion that mediocrity should be represented at the highest councils of our country, the President might well follow the suggestion of the gentleman from Ohio a few moments ago.

If the President feels that it is proper—and it is quite proper for the President to feel that—to nominate a jurist from the southern part of our country, believing as I do that it is one country, perhaps he will look further into the qualifications, and think of the qualifications, for example, of a gentleman who is a Member of this body, and probably constitutionally ineligible for such an appointment because of his membership in this body at this time, the Honorable RICHARD POFF of Virginia, who is indeed a conservative, who is indeed a southerner, but who also indeed is a human being of high quality, of objectivity, of impeccable intellectual honesty, and who above all is a gentleman who believes in human rights.

I am sure in making such a nomination the President and the Government should appeal to the best in Americans, not the worst in Americans.

I do not believe any Member of this body is unmindful of the fact that in the past 3 or 4 or 5 years there has been a faltering and a retreat from the ideals that all of us in our Sunday oratory or in our inaugural speeches—those of us given the privilege to make them—would pay tribute to. There has been a retreat from that kind of idealism.

There has been a retreat among blacks in the face of segregationist statements made by certain blacks in this country. There has been a hesitancy among certain blacks to speak up and say, "We still believe we are one. There is a dream of one America."

There is a hesitancy among whites also to speak up and say, "There is still more good and more idealism in America than much of the officialdom of America is presuming at this time."

Mr. LANDGREBE. Mr. Speaker, will the gentleman yield?

Mr. HARRINGTON. I yield to the gentleman from Indiana.

Mr. LANDGREBE. I thank the gentleman.

Mr. Speaker, it is Holy Week. We have had some good advice coming down through the ages, such as "Judge not, and ye shall not be judged" and also something about speaking well of people, of our fellowmen.

Now, there are times when we Members of this House of Representatives have to make decisions; we have to choose; we have to judge. However, this does not happen to be one of those instances. We are here engaged in destroying a man whom we have no direct obligation to judge or destroy or to build up. The confirmation of Mr. Carswell is the business of the Senate.

There has been a good bit said here about Mr. Carswell. I have not met this gentleman, I am sorry to say, but this man has risen above mediocrity to the point of having been nominated for a seat on the U.S. Supreme Court by a great President of these United States. I think this in itself speaks in some manner to the fact that this man has risen above mediocrity.

I really do not know exactly what is intended when this word is used here repetitiously today. However, I say "Judge not and be not judged." Perhaps those of us sitting in this body at this very moment had better take a look at ourselves, at our own qualifications for membership in this great body.

Mr. LOWENSTEIN. Mr. Speaker, will the gentleman yield?

Mr. LANDGREBE. Yes. I will yield to the gentleman.

Mr. LOWENSTEIN. I am curious. I respect your view about the importance of not destroying a man's character. I do not think anything I have said today would destroy anyone's character. I think it is important not to pass judgment on the personal qualifications and qualities of human beings, especially those we do not know personally. However, is it not a part of our obligation when a man is nominated to the Supreme Court of the United States to consider his public record?

I have heard many Members of this House attack Supreme Court Justices even on the basis of their private lives and personal records. In the present situation we are limiting our criticism to the public record of a man who has been proposed for membership on the Supreme Court. Is it not part of our responsibility as elected officials to do whatever we can to add to the respect of the public for its highest governmental institutions, including the Supreme Court? That means that every American should be able to feel that, regardless of color or creed, he can be sure that the law will be applied fairly at the highest level, if not always before that. I think Judge Carswell's record must be weighed in view of that consideration.

So far as the mention of mediocrity in connection with the appointment of Judge Carswell, the problem is not his alleged "mediocrity" was raised in his defense by a distinguished Senator, who said that the Carswell nomination should be supported as a way to give the mediocre a voice on the Court. In view of that assertion—since repeated by other supporters of the nomination in slightly different words, it has become very hard to discuss the appointment without discussing that defense of it.

Mr. LANDGREBE. As long as the gentleman in the well and others who are privileged to speak here wish to talk about merit and a man's record objectively, I certainly would not object to that. However, we have gotten ourselves into a cycle here where we are talking about mediocrity. I would not consider the comments I have heard to be used in a complimentary light but, rather, in a derogatory light.

Mr. LOWENSTEIN. Mr. Speaker, will the gentleman yield?

Mr. HARRINGTON. I yield to the gentleman from New York.

Mr. LOWENSTEIN. Mr. Speaker, I would only like to observe that I have repeatedly heard in this House comments on the qualifications of sitting judges of the Supreme Court. I find it hard to believe that it is proper to comment on sitting Justices but not on one not yet seated. It seems clear that it is quite important to have qualified comments on proposed nominees for the Court. That is what witnesses are for at the Senate hearings. That is why I have reserved the views of various distinguished Florida lawyers. As our very able colleague from Michigan has said, some of these men will be sitting on the bench long after many of us are no longer sitting here.

There is another matter that keeps recurring in this discussion, and that is the racial question. I wonder how many members who defend this appointment would support a black nominee to the Supreme Court who in the course of his public career had shown by word and deed that he believed the black race was superior to the white, who had participated in drawing up agreements to bar white people from clubs that are supposed to be open to the public, and who had displayed a vigorous hostility in his courtroom to lawyers protesting illegal discrimination against white people. Would anyone argue that such a man should be confirmed? If Thurgood Marshall's career had demonstrated a bias against white people, can anyone believe he would be on the Court today? That the answers to these questions are self-evident speaks volumes on the double standard that still obtrudes in situations like this in this country.

Mr. LANDGREBE. Mr. Speaker, would the gentleman yield for a further moment?

Mr. HARRINGTON. I yield to the gentleman from Indiana.

Mr. LANDGREBE. Mr. Speaker, it has become quite popular in the last few years to consider liberals and conservatives and there has been a good bit of talk about Mr. Carswell and his rather conservative views. It seems to me, having just seen the charts on this floor recently of the rapid and unbelievably fast rise in major crimes across the country, much of it attributed to deci-

sions of the Supreme Court, that it is perhaps conceivable to assume that a black man would be happy and would be much better off to have a conservative on the Court because the black man is the victim of major crimes the same as the white man. And I am not sure that all that is being said and being indicated or suggested here is necessarily true in that Mr. Carswell is necessarily a mediocre man or that he would pull down the Court but could conceivably in my book bring the Court back to a level of integrity and reason that is lacking today.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. ROSENTHAL. Mr. Speaker, in a scant 6 years the country will celebrate the second century of its existence as an independent Nation. Throughout most of this period the Nation has been guided by its founding document—the Constitution of the United States.

This fundamental and almost sacred document has served the Nation through periods of rapid and unprecedented economic development, enormous social change, a Civil War, and the atomic age. Yet it remains today virtually unchanged from the document originally adopted.

This remarkable longevity has been accomplished in large measure due to the ability of the Supreme Court to interpret the document in a flexible and intelligent manner. Through interpretation, the Constitution has been adapted to circumstances which differ greatly from those which faced its authors.

Obviously, this could not have been accomplished without the wisdom and intelligence of those men who have served as Justices of the Supreme Court of the United States and who, in their small number, represent the third and coequal branch of Government. Had these men been mediocre—had they been men of little foresight or knowledge—the Constitution could not have survived. Indeed, it will not survive if the men who interpret it are not representative of the best legal talents this country possesses.

Judge G. Harrold Carswell's record has been undistinguished to say the least. His opinions have been reversed frequently by higher courts. Moreover, many lawyers and law teachers have questioned his competence—indeed, the dean of one of our most prestigious law schools has indicated that Judge Carswell's record is one of the least distinguished of any Supreme Court nominee in this century. Finally, the American Bar Association's committee on the Federal judiciary found that Judge Carswell was merely "qualified" for the position—a finding that could be reached of any lawyer who is not currently the subject of disciplinary proceedings. In short, by the most charitable of standards, he appears to be a man of mediocre talent.

Mr. Speaker, the President does a great disservice to the country when consciously or unconsciously he demeans the Court by nominating to membership a man who is not equal to the task—a man who even his supporters admit is a man of mediocre legal talent.

Mr. Speaker, I urge the Members of the other body to exercise their constitutional responsibility in a manner which will preserve the integrity of our highest court. Mr. Speaker, I urge them to reject the nomination of Judge Carswell.

GENERAL LEAVE TO EXTEND

Mr. HARRINGTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my special order today, the qualifications of Judge Carswell.

THE SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. GROSS. Mr. Speaker, reserving the right to object, what was the request?

The SPEAKER pro tempore. Will the gentleman from Michigan repeat his unanimous-consent request?

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. GROSS. Mr. Speaker, still reserving the right to object, and I hope I will not have to object, this is rather unusual that there should be a request to transact business of the House after special orders have started. This comes at a most unusual time, Mr. Speaker.

The SPEAKER pro tempore. The Chair will state that the Chair is of the opinion that this request has been previously cleared with the minority leadership and that there was an accord that this unanimous-consent request be granted.

Mr. GROSS. Mr. Speaker, in view of the fact that the minority has cleared the request, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

THE QUALIFICATIONS OF JUDGE CARSWELL

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Michigan (Mr. CONYERS) is recognized for 60 minutes.

Mr. LOWENSTEIN. Mr. Speaker, would the gentleman yield for a moment?

Mr. CONYERS. I yield to the gentleman from New York.

Mr. LOWENSTEIN. Mr. Speaker, I just wanted to conclude the discussion I was having with the distinguished gentleman from Indiana on the other side of the aisle.

The gentleman raises a very valid point, which is that we do not want to exclude the conservative point of view from the Supreme Court. But, as I tried to point out earlier, it is not Judge Carswell's conservatism that is at issue.

My objection to Mr. Carswell has nothing to do with his being a conservative or a southerner. I have spent a great deal of my life in the South and many of my friends and associates, in the legal profession and elsewhere, are conservative in their legal, socioeconomic and philosophical outlooks. I will be glad to supply a list of conservative lawyers in the South who are eminently qualified in my judgment to sit on the Supreme Court.

The problem with Judge Carswell is not his conservatism, but rather his views on the specific question of equality under the law and equality before the bench regardless of race. I do not think there is a liberal-conservative division on this score.

All men in this country are now presumably committed—particularly if they are sitting on the bench—to accepting the constitutional guarantee of the equality of blacks and whites, regardless of their economic or social views on other questions.

Once the Court had spoken on the question of segregation, it became obligatory on those who hold positions on the bench to accept that decision as binding on them in their opinions. That does not mean that they cannot hold differing views on the war in Vietnam, or on the minimum wage law, or on the wisdom of student dissent.

But it does mean that conservatives are no more entitled to deviate from the constitutional guarantee of equal justice for the races than are liberals.

I would agree with the gentleman's statement and feel it is quite proper, but I do not think it applies in the case of Judge Carswell.

Mr. LANDGREBE. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman.

Mr. LANDGREBE. Mr. Speaker, I would not think that anyone nominated for this very high office would have a really warped judgment on those matters, but then I think what you have to see in this argument is the matter of what people consider to be fair.

Sometimes it is a matter of what direction you look—whose ox is being gored and things of that kind.

With the deepest respect to my colleague, the gentleman from New York, it is I think in all honesty possible for you to have a slightly different idea of what is fair in certain instances than I would consider to be fair.

But, I would hope that all in all Judge Carswell would give us an amount of respect, or respectable actions on the court that would return peace and safety and give all of the things that we have lost in our country in the last few years—whether you wish to call it liber-

alism or conservatism—I would hate to think, and I know I do not think, of anyone being less important than myself. But there are instances in our country—and we could debate and discuss these things all night long. I do appreciate the opportunity to be permitted to be involved in this debate for a few moments.

Mr. CONYERS. May I say to the gentleman from Indiana who originally began his remarks objecting to the fact that this discussion was under way may have made something of an important contribution in this discussion in that he has helped us to further delineate certain of the issues with regard to the nomination of G. Harrold Carswell. I hope the gentleman will agree with us now that this does serve a useful purpose, even if the House itself does not pass on the confirmation directly.

Mr. LOWENSTEIN. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from New York.

Mr. LOWENSTEIN. I especially want to express my gratitude to the gentleman from Indiana for participating. I think one of the things that needs to happen more frequently in the House of Representatives is for Members with different views to take time to discuss their differences, since the normal rules of debate make it impossible to do so when we are considering legislation. We are indebted to the gentleman from Indiana for being here and expressing his thoughts. I would call to his attention and to the attention of the House that when the appointment of Mr. Justice Fortas to be Chief Justice of the Supreme Court was proposed, there was a great deal of discussion by some of the same people who now suggest that there is no reason to discuss the appointment of Carswell. It seems to depend on whose ox is being gored, and ultimately it is the national ox that gets gored if inadequate or prejudiced men rise to the Highest Court.

I thank the gentleman for yielding.

Mr. CONYERS. Might I point out to my colleague from Indiana before he leaves that I heard his remarks with reference to black people in America but did not, however, clearly understand them. As I think I heard him remark in the course of this discussion, he thought that black people, who themselves are the victims of crime, would appreciate a man with the background, character, and temperament of G. Harrold Carswell going to the Supreme Court. Did I understand my colleague from Indiana correctly on that score, if he would care further to join us in this edifying discussion?

Mr. LANDGREBE. I think I am going to "chicken out" here eventually. I did say that I know from personal contact that there are many fine Americans—and I wish we did not have to talk about color; I wish we would consider ourselves as Americans. I am proud of my ancestry as I am sure you are, too—I would just like to be able to say that there are Americans who are terribly concerned about what has happened to our country recently, in the last few years. Much of it seems to be attributable directly to decisions handed down by the Supreme Court.

If Judge Carswell, regardless of his background or stature, could bring some—a little bit more stability to that Court, I am sure there are people of all races, creeds, and color who would be appreciative.

Mr. CONYERS. I am glad to hear the gentleman make that clarification. I have been in touch with a number of black Americans and white Americans as well, and I genuinely regret the necessity of distinguishing American citizens on the basis of color, the same as the gentleman does. It has been, however, my overwhelming understanding that the great majority of black Americans are very sincerely opposed to this nomination. I would point out to my friend from Indiana that what I consider very important and crucial in this particular nomination and this discussion is that we are really trying to develop a new criteria that will be hopefully regarded not only by the President, who makes the initial nomination, but also by the U.S. Senate as they ratify and confirm such a nomination. That new, and to some people startling, criteria is that any candidate nominated for the U.S. Supreme Court would have a background and a career that would affirmatively demonstrate that he does not have the segregationist or racist persuasion that would impede him from fully honoring the Constitution as it should apply to all Americans.

I am sure the gentleman would agree with me on this new principle we are trying to develop.

Mr. LANDGREBE. I am not sure I can agree with it, because certainly I am not as well read on this new principle the gentleman is talking about, but I and many of the folks I have been in touch with recently would like to go back to some of the good old traditional pro-American beliefs, and so on, in hopes that all of us—all of us—would have a little brighter future and a little safer journey through this life.

I do not know how long we can go on experimenting before we get back to some of the tried and true. Certainly that does not mean the idea of not using anybody except those who just simply will not obey the law and are determined to take my rights and the rights of anyone and abuse them.

Mr. CONYERS. Mr. Speaker, I am hopeful we can go back to these old tried and true principles of American democracy, but eliminate the racist considerations that have not always been absent from our history. In other words, I do not see any conflict with this new principle that we are trying to establish.

I am really reluctant and ashamed to say that this is a new principle since our Constitution makes no racial distinctions and since nowhere in any of our Federal instruments is there any suggestion that any ethnic group should be treated in any way differently from any other ethnic group. It is something of a travesty, I suggest to my colleagues, that we have to come before the House today in this kind of discussion and say we are, in fact, introducing a new criterion in determining who should be fit to serve on the U.S. Supreme Court. It would seem that this should have been the case all along—quite frankly—that anyone who has a segregationist background is automatically disqualified from service on the Highest Court in the land.

It seems to me that the previous nomination and the rejection of it involving Judge Clement Haynsworth established a very fundamental principle that those who have a conflict of interest should be excluded from participation on the Supreme Court.

I think now we have moved to an even more fundamental ground, that those who have a racist background are automatically disabled from serving on the U.S. Supreme Court. I am hoping this will begin to have its telling effect. Perhaps democracy is working in its finest sense in this way. Perhaps the American people are indicating, not on a regional or a class or a racial basis, that the Highest Court in this land—those nine men who alone of anyone in America have the right to set aside legislation brought forth by Congress—should be itself an instrument which should be not just questionably removed from any segregationist attitudes but which should be unquestionably, beyond the shadow of a doubt, beyond any reasonable question, removed from such attitudes, and that the men who come to this court from this point on should have no background that in any way raises this issue.

It seems to me, on the matter of G. Harrold Carswell, we have really been arguing about whether he is a reformed racist, whether he is an ex-segregationist. Of course, that misses the whole point of what we are looking for in qualities of members of the Supreme Court.

We are not looking for members on this great and august body of people who can prove that although they may have had these disabling attitudes they no longer have them. We are looking for far more than that. We are looking for men of the bar in America who have positive attributes, for whom there is not only no question that they are not segregationists, but affirmatively that these men have made and are able to make the kinds of mental and legal contributions which will give America, and black America in particular, the kind of Government which is so desperately needed as the questions revolving on the relevance of this Congress, on the presence of mind of the whole administration in terms of its handling of one immediate domestic crisis after the other, are presented.

It seems to me at no other time in our recent history have we needed more positive indications of this kind of confidence.

Of course, when we are reduced to arguing whether or not a particular nominee is or is not a segregationist, whether he is or is not mediocre, that is of course begging the question. When that becomes the level of debate, it seems to me that the case against him has been already completely made. There can be little doubt when an argument is reduced to that low level, that the man is, beyond any question in my mind, unfit to serve on the bench.

To establish, if I might, that this is not a partisan consideration, I should like to indicate that one of my colleagues and friends from Michigan, Congressman RIEGLE, only very recently made a very compelling statement, in my judgment, which indicated that he, too, joined with many others in differing with the President of the United States on this nomination.

I am going to introduce into the RECORD at this time a statement of the Ripon Society which has made, it seems to me, a very impartial and dispassionate evaluation of the disabling features that have caused us to speak out against this nomination.

The Ripon Society paper follows:

THE CASE AGAINST CARSWELL: A RIPON SOCIETY PAPER

The Ripon Society urges Republican Senators to uphold their party's best traditions by rejecting confirmation of the nomination of Judge G. Harrold Carswell to the United States Supreme Court. While very damning evidence concerning Judge Carswell's judicial impartiality has already come to light, the most manifest reason for refusing confirmation to this nomination is the undeniable legal inadequacy of Judge Carswell.

Virtually all legal historians and scholars who have examined G. Harrold Carswell's record have found him to be one of the least qualified, if not the least qualified, nominee to the United States Supreme Court in the twentieth century. Exhaustive studies which have been performed jointly in the last month by a large number of lawyers and law students and which are being released for the first time in this Ripon Society paper give extremely strong statistical corroboration to the contention of judicial scholars that G. Harrold Carswell is seriously deficient in the legal skills necessary to be even a minimally competent Supreme Court Justice.

I. THE LEGAL INADEQUACY OF JUDGE CARSWELL

Legal scholars who have examined G. Harrold Carswell's judicial opinions (Carswell has written no scholarly articles) or who have studied his record have concluded that Carswell lacks any legal distinction whatever.

Duke University Law School Professor William Van Alstyne, who testified in favor of the Haynsworth nomination testified of Carswell: "There is in candor, nothing in the quality of the nominee's work to warrant any expectation whatever that he could serve with distinction on the Supreme Court of the United States."

Yale University Law School's Luce Professor of Jurisprudence, Charles L. Black, Jr., himself a native of Texas, has stated of Carswell, "There can hardly be any pretense that he possesses any outstanding talent at all."

Twenty professors at the University of Pennsylvania Law School have announced concerning Carswell: "Our examination of his opinions in various areas of the law compels the conclusion that he is an undistinguishable member of his profession, lacking claim to intellectual stature."

After thoroughly examining Judge Carswell's opinions of recent years, Louis Pollack, Dean of Yale University Law School, testified to the Senate Judiciary Committee: "I am impelled to conclude that the nominee presents more slender credentials than any nominee for the Supreme Court put forth in this century, and this century began as I remind this committee with the elevation to the Supreme Court of the United States of the Chief Justice of Massachusetts Oliver Wendell Holmes."

An exhaustive statistical study recently completed by a number of lawyers and law students organized by Law Students Concerned for the Court reveals some very damaging information concerning Judge Carswell's judical record. After a careful examination of the statistics yielded by the study and of the soundness of the methodology used in obtaining them, the Ripon Society concludes that these statistics strongly corroborate the contentions of legal scholars that Judge Carswell is an exceptionally inadequate federal judge besides being a poorly qualified Supreme Court nominee. This study yielded the following results:

1. *Reversals on Appeal.* During the eleven years (1958–1969) in which Judge Carswell sat on the federal district court in Tallahassee, 58.8% of all of those cases where he wrote printed opinions (as reported by West) and which were appealed resulted ultimately in reversals by higher courts. By contrast in a random sample of 400 district court opinions the average rate of reversals among all federal district judges during the same time period was 20.2% of all printed opinions on appeal. In a random sample of 100 district court cases from the Fifth Circuit during the 1958–1969 time period the average rate of reversals was 24.0% of all printed opinions on appeal.[1]

2. *Reversals in General.* Carswell's rate of reversals for all of his printed cases was 11.9% as compared to a rate of 5.3% for all federal district cases and 6% for all district cases within the Fifth Circuit during the same time period.

The majority of cases before any federal district judge ordinarily do not result in appeals, hence precluding the possibility of reversals in those cases. It is significant however, that Carswell's overall reversal record for his printed cases is more than twice the average for federal district judges. When additional unprinted opinions revealed by the testimony of Joseph L. Rauh, Jr. before the Senate Judiciary Committee and by the memorandum of Senator Hruska are included, Carswell is found to have an overall reversal rate of 21.6%. [For further discussion refer to the statistical summary in the appendix to this paper.]

3. *Citation by Others.* Carswell's 84 printed opinions while he was serving as a district court judge were cited significantly less often by all other U.S. judges than is the average for the opinions of federal district judges. Carswell's first 42 opinions during his first five years on the federal judiciary (1958–1963) have been cited an average of 1.8 times per opinion. Two hundred opinions of other district judges randomly chosen from district court cases spanning this same time period have been cited an average of 3.75 times per opinion. The 42 most recent of Carswell's printed district court opinions have been cited an average of 0.77 times per opinion. Two hundred opinions of other district judges randomly chosen from cases spanning the same 1964–1969 time period have been cited an average of 1.57 times per opinion.

4. *Elaboration of Opinions.* Carswell's printed district court opinions average 2.0 pages. The average length of printed opinions for all federal district judges during the time period in which Carswell sat on the district bench was 4.2 pages.[2]

5. *Use of Authority.* In the 84 above-mentioned printed Carswell opinions the average number of citations of cases is 4.07 per opinion, and the average number of citations of secondary source material is 0.49 per opinion.[3] The average for all district judges during the 1958-1968 time period was 9.93 case citations per opinion and 1.56 citations of secondary source material per opinion.

When these results are analyzed cumulatively they form a most impressive indictment of Judge Carswell's judicial competence. The incredibly high rate of reversals (59%) which Carswell has incurred on appeals in those cases in which he has written printed opinions brings into serious doubt the nominee's ability to understand and apply established law.

The shortness of a particular opinion and the relative paucity within it of case citations and citations of secondary materials do not necessarily indicate deficiency. Short opinions which are succinct and logical display great legal virtuosity, as Justice Holmes demonstrated. Yet not even Carswell's strongest supporters could argue seriously that the nominee's opinions have shown any unusual conciseness, perceptiveness, or skill. The very fact that Judge Carswell was so rarely cited by other federal judges who as a group are best equipped to evaluate the weight to be given to a judge's opinion underscores the generally low quality of Carswell's opinions. We are led inevitably to the conclusion that the shortness and slim documentation of most of Carswell's opinions is evidence of either Carswell's lack of diligence or his lack of ability.

The Senate Judiciary Committee record shows the Fifth Circuit Court of Appeals reversing Judge Carswell again and again for failing to follow established legal procedures. Of particular concern was Carswell's failure to grant adequate hearings to individual petitioners in civil rights and criminal cases. [Attached to this paper is an appendix summarizing a number of these cases.]

Judge Carswell is said to have boasted that he almost never held an evidentiary hearing in the federal equivalent of a *habeas corpus* case. This cavalier attitude on Carswell's part is yet another example of his insensitivity to essential individual rights dating at least as far back as the Magna Carta. Judge Carswell's attitude in *habeas corpus* cases, as well as in the civil rights area, suggests that his constructionism has been more "selective" than "strict."

The analysis of Judge Carswell's record during his eleven years on the federal district court would suggest that the nominee was significantly below the level of the average federal district court judge. There is no evidence to suggest that Carswell possesses any unusual talent to raise him above other federal judges. G. Harrold Carswell's performance in the short time since he was appointed to the Fifth Circuit Court of Appeals

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[1] A reversal is defined in this study to include an outright reversal, a vacation, a remand, and an affirmance with major modifications. An affirmance is defined to include an outright affirmance, an affirmance with minor modifications, a dismissal of an appeal, and a denial of a writ of certiorari. The ultimate disposition of the case rather than the action alone of an intermediate appellate court determined whether the result was to be classified as an affirmance or a reversal. It also should be noted that the Carswell figures are based on 84 of the nominee's reported decisions, believed to be all of his printed district court opinions. The completeness of this analysis might be confirmed if the Justice Department made public its entire file of Carswell opinions. Unfortunately the Justice Department has not yet seen fit to make available such a complete file.

[2] The 84 printed Carswell opinions were calculated to the nearest tenth of a page. Four hundred decisions of other district judges were drawn randomly from Federal Supplements spanning the years 1958 to 1969. These opinions were calculated also to the nearest tenth of a page. In making all page computations only the text of the opinion was counted. Headnotes were not counted as part of the opinion.

[3] These averages for all federal district judges were derived from another random sampling of 80 opinions drawn from Federal Supplements spanning the 1958–1969 period. Citations for any reason are included in these computations.

has shown no signs of a late-blooming virtuosity.

Whatever their legal philosophies, young lawyers, law students, and law professors have reacted with overwhelming dismay to the appointment of such a mediocre lawyer to the Supreme Court. These individuals who form a major portion of the Ripon Society's constituency are fully aware of the enduring character of a Supreme Court appointment, especially that of a man as young as Carswell.

This dismay is felt generally throughout the legal profession. The vote of the Standing Committee on the Judiciary of the American Bar Association finding Carswell qualified is unrepresentative of membership sentiment within either the overall bar or the American Bar Association. Significantly the Chairman of this Standing Committee is the same man who as Deputy Attorney General of the United States played a major role in 1958 in the selection of Carswell to the federal bench in the first instance.

II. CARSWELL FALLS SHORT OF REPUBLICAN STANDARDS FOR JUDICIAL DISTINCTION

During the twentieth century Republican Presidents have maintained a remarkable standard in choosing judicial statesmen for the Court. Oliver Wendell Holmes, Charles Evans Hughes, William Howard Taft, Harlan Fiske Stone, Owen J. Roberts, Benjamin Cardozo, Earl Warren, John Marshall Harlan, William Brennan and Potter Stewart have all made significant contributions to American jurisprudence. The Ripon Society welcomed Mr. Nixon's campaign pledge to appoint to our nation's highest court persons of the caliber of Holmes, Brandeis, and Cardozo. Yet the members of the Ripon Society and many other concerned Americans find themselves deeply disappointed with the quality of recent nominations to the Supreme Court made by the present administration.

The Haynsworth nomination was inadequate to the national need to restore public confidence in the integrity of the judiciary in the wake of the Fortas resignation. Yet far more important than the possible vulnerability of Judge Haynsworth to conflict of interest charges was his limited sensitivity to the rights of blacks and labor. Judge Haynsworth, although a decent man, did not meet either in judicial insight or craftsmanship the standards of greatness which a nation demanded.

The duty which Republican Senators deliberating on the Carswell nomination owe to the Court and to the best traditions of the Republican Party transcends any duty to support a President of their own party on his Court nominee. They do the President no disservice by preventing a mistake which is likely to endure long after the President's tenure in the White House. In fact, by opening this seat once more to a Presidential nomination Senators could enable the President to put on the Supreme Court a person of greatness.

Legal inadequacy of a Court appointee has historically been a principal ground for the rejection of a number of Supreme Court nominees. President Grant withdrew the nominations of George H. Williams of Oregon and Caleb Cushing of Massachusetts after public outcries based largely on their mediocrity. Two of President Cleveland's nominees, William B. Hornblower and Wheeler H. Peckham, were rejected by the Senate largely because they were felt to lack either the impartiality or the stature necessary for the judiciary.

III. CARSWELL'S LACK OF JUDICIAL IMPARTIALITY

Although it may be true that most people including judges have biases of one sort or another, it is incumbent on a judge in fulfilling his judicial function that he rise above these biases and adopt a neutral posture as an adjudicator of the law. Yet Judge Carswell through his decisions and his other uses of judicial power has seemed to eschew the role of impartiality demanded of a judge.

When he was serving as a federal district judge, Judge Carswell achieved the astonishing record of reversal in a tremendous number of civil rights decisions. Fifteen times Carswell was unanimously reversed on civil rights cases by the Fifth Circuit Court of Appeals.

Carswell's 1948 election speech declaring undying allegiance to the principles of white supremacy is deplorable, but we fully recognize that such ill-spoken words can be surmounted by men with a potential for growth. The example of Justice Hugo Black comes readily to mind. Judge Carswell during his entire time of federal service, however, has shown no growth either in legal ability or in sensitivity to the rights of black Americans.

In 1956 when he was serving as a United States attorney responsible for upholding the rights of members of all races, G. Harrold Carswell acted as an incorporator of a private club set up to take over the municipal golf course to prevent its integration. Judge Carswell's recent denials that he knew the private club was set up to maintain segregation seem disingenuous in the extreme.

More disturbing than the golf course incident, however, has been the blatantly anti-Negro, anti-civil rights character of Judge Carswell's conduct on the federal bench. In his letter of reply to Senate Judiciary Committee members who had queried him concerning charges of activity on his part to stifle civil rights workers, Judge Carswell failed to make any denial of some severe charges of judicial misconduct. He left unrebutted the charge that while he served in Tallahassee as a federal district judge he arranged with a local sheriff to rejail some civil rights workers he had been ordered to free by the Fifth Circuit Court of Appeals.

The testimony before the Senate Judiciary Committee suggested that in one case Judge Carswell granted a writ of habeas corpus, required the prisoners' attorney to serve the writ on the sheriff at the jail, then notified the sheriff that he had remanded the case to local jurisdiction so the prisoners could be rearrested before they left the jail.

Other unrebutted testimony had alleged that Judge Carswell commuted sentences of civil rights workers for the purpose of preserving illegal local practices. Faced with a legal necessity to overturn the convictions of certain civil rights workers, Judge Carswell allegedly advised the city attorney that if he commuted their sentences to time already served the matter would become moot.

Judge Carswell's continuing involvement as a charterer of a segregated Florida State University Boosters Club, his passage of property in 1966 under a racially restrictive covenant, and his telling of a tasteless "darky" joke as speaker at a recent public gathering of the Georgia Bar Association are all indication that G. Harrold Carswell has not progressed appreciably beyond the views expressed in his 1948 campaign speech.

IV. THE CARSWELL NOMINATION IS AN INSULT TO SOUTHERN JURISPRUDENCE

Our opposition to the Carswell appointment in no way derives from the nominee's Southern origin. A number of great towers of our nation's judiciary are Southerners. Such men as Judge John R. Brown of Texas, Elbert Tuttle of Georgia, John Minor Wisdom of Louisiana and Frank Johnson of Alabama all have displayed an unflinching devotion to the Constitution of the United States and have exhibited a moral courage of high degree. Justice Hugo Black of Alabama has established himself as one of the great jurists of American history.

Both today and throughout our nation's history the South has produced first-rate legal minds. A Virginian, John Marshall, has had as great an influence as any American judge on the development of our legal institutions. The first Justice John M. Harlan from Kentucky and Justice L. Q. C. Lamar from Mississippi both demonstrated the high potential of Southern legal scholarship.

In passing over so many well qualified Southern lawyers and jurists, the choice of Carswell seems an insult to Southern jurisprudence. Unhappily a man lacking in both intellectual distinction and in judicial fairness is presented to the nation as representative of Southern jurisprudence.

CONCLUSION

Persuaded that G. Harrold Carswell lacks either the intellectual stature or the judicial impartiality to qualify for a place on our nation's highest court, we urge the Republican members of the Senate to uphold their party's best traditions by denying confirmation to G. Harrold Carswell's nomination thus allowing President Nixon to submit the name of a person who can command national respect both for his or her fairness and legal stature.

BRIEF SUMMARY OF REVERSALS OF JUDGE CARSWELL

Judge Carswell has been reversed by the Fifth Circuit Court of Appeals and by the United States Supreme Court at least 33 times. A brief description of some of those cases follows.

Augustus v. Board of Pub. Instr. of Escambria County, Fla., 185 F.Supp 450 (1960). Judge Carswell was unanimously reversed by the Fifth Circuit, 306 F.2d 862 (1962) for striking portions of Negro children's complaint asking integration of school facilities. He held they had no standing to enjoin teacher assignments based on race, which he said was like enjoining "teachers who were too strict or too lenient." (p. 453). The Fifth Circuit criticized Carswell's ruling: "Whether as a question of law or one of fact, we do not think that a matter of such importance should be decided on a motion to strike. As well said by the Sixth Circuit: '. . . it is well established that the action of striking a pleading should be sparingly used by the courts. . . . It is a drastic remedy to be resorted to only when required for the purposes of justice.' " (p. 868)

In the same opinion, the Fifth Circuit also unanimously reversed Judge Carswell's school desegregation plan order of 1961, 6 Race Rel. L. Rept. 689, which was merely to permit continued assignment of pupils under Florida's Pupil Assignment Law, which the Fifth Circuit had twice held, in both 1959 and 1960, to be inadequate to meet the *Brown* requirement, because it was "administered . . . in a manner to maintain complete segregation in fact." (p. 869) After being reversed Carswell waited four months to implemen the Fifth Circuit's decision, then postponed the effective date of the plan for 10 months more.

Steel v. *Board of Pub. Instr. of Leon County, Fla.*, 8 Race Rel.L.Rep. 934 (1963), decided by Judge Carswell 10 months after the *Augustus* reversal, found him again approving assignments under the Pupil Assignment Law, then thrice held inadequate by the Fifth Circuit Court of Appeals, and making token desegregation of only one grade per year beginning in 1963 despite the Fifth Circuit's statement in *Augustus*: "[If it is too late to integrate for the 1962 year] then the plan should provide for such elimination as to the first *two* grades for the 1963 fall term." (p. 869, emphasis added) Two years after Carswell's 1963 order the Negro children moved to have him speed up the plan in compliance with subsequent Supreme Court rul-

ings, and Carswell refused to reorganize the plan, telling their attorney, "it would just be an idle gesture regardless of the nature of the testimony." The Fifth Circuit unanimously reversed both of Carswell's orders, 371 F.2d 395, instructing him to follow its subsequent definitive *Jefferson* ruling extending the earlier precedents.

Youngblood v. Board of Pub. Instr. of Bay County, Fla., 230 F.Supp 74 (1964), two years after the reversal in *Augustus*, was another Carswell decision unanimously reversed by the Fifth Circuit, (No. 27683, Dec. 1, 1969), in which he had permitted token desegregation under the disapproved Pupil Assignment Law, and even that delayed for 16 months. Carswell's plan allowed only for so-called "freedom of choice" transfers during a five-day registration period and parents would have to come to the superintendent's office during working hours. His plan was again a grade-a-year plan, violating the Fifth Circuit's then one-month-old decision in *Armstrong*, 333 F.2d 47 (1964).

Subsequent motions in *Youngblood* denied by Carswell also violated precedents unmistakably clear at the time of denial. For example, in 1965, when Carswell refused to speed up his grade-a-year plan, such plans had already been clearly held unconstitutional by the Third Circuit (*Evans*, 281 F.2d 385 (1960)), Fourth Circuit (*Jackson*, 321 F.2d 230 (1963), Haynsworth, J., concurring), Sixth Circuit (*Goss*, 301 F.2d 164 (1962), rev'd on other grounds 373 U.S. 683) and Eighth Circuit, and Carswell's own Fifth Circuit Court of Appeals had held months earlier, in *Lockett*, 342 F.2d 225 (1965): "It was then [after *Calhoun*, 377 U.S. 263 (1964)] beyond peradventure that shortening of the transition period was mandatory." (p. 277) Similarly after the Justice Department intervened to support plaintiffs' motions to substitute effective methods in place of so-called "freedom of choice" transfers, Carswell on August 12, 1968 and April 3, 1969 approved "freedom of choice"—all of this after the U.S. Supreme Court on May 27, 1968 held: "The New Kent School Board's 'freedom-of-choice' plan cannot be accepted as a sufficient step to 'effectuate a transition' to a unitary system." " . . . experience under 'freedom of choice' to date has been such as to indicate its ineffectiveness . . ." *Green*, 391 U.S. 430, 440, 441.

Wright v. Board of Pub. Instr. of Alachua County, Fla., unreported, unanimously reversed by the Fifth Circuit (No. 27983, 1969) repeats the story of *Youngblood*.

Singleton v. Board of Comm'rs of State Institutions, 11 Race Rel.L.Rep. 903 (1964) was another segregation decision by Carswell unanimously reversed by the Fifth Circuit, 356 F.2d 771 (1966). In a 99-word opinion he held that inmates had no standing to seek desegregation of reform schools because before he had rendered judgment they had been released on conditional parole. The Court of Appeals decisively rejected that notion: "The plaintiffs' probationary status brings them well within the future-use requirement for standing." It relied on its own *Anderson* decision, 321 F.2d 649, rendered a year before Carswell's order.

Due v. Tallahassee Theatres, Inc., 9 Race Rel.L.Rep. (1963), still another segregation case in which Judge Carswell denied even an evidentiary hearing, also resulted in unanimous reversal by the Fifth Circuit, 333 F.2d 630 (1964). In a suit seeking desegregation of theatres and alleging a conspiracy between the theatres, the city and the sheriff, Carswell dismissed the complaint as against the theatres and the city for failure to state a justiciable claim, and granted summary judgment on the sheriff's affidavit denying that there was any conspiracy. The Fifth Circuit held that both of his actions plainly violated clear pre-existing law: "this Court has repeatedly held that if the complaint alleges facts, which, under any theory of the law, would entitle the complainant to recover, the action may not be dismissed for failure to state a claim. Arthur H. Richland Company v. Harper, 5 Cir., 302 F.2d 324 [1962]. There is no doubt about the fact that the allegations here stated a claim on which relief could be granted, if the facts were proved. See Lombard v. Louisiana, 373 U.S. 267 [May, 1963 (5 months before Carswell's decision)]." (p. 631) And on the issue of granting summary judgment without a trial: "There clearly remained issues of fact to be determined on a full trial of the case . . . " (p. 633).

Dawkins v. *Green*, 285 F. Supp 772 (1968) was, as the Fifth Circuit recognized in its unanimous reversal of Carswell's grant of summary judgment for the defendants, 412 F. 2d 644 (1969), a case similar to the well-known *Dombrowski* v. *Pfister*, 380 U.S. 479 (1965). The plaintiffs were Negro civil rights workers, suing public officials and alleging that the defendants had initiated prosecutions in bad faith to retaliate for and to chill their exercise of constitutional rights in civil rights activities. The public officials filed affidavits, described by the Fifth Circuit as "simply a restatement of the denials contained in their answer . . . they set forth only ultimate facts or conclusions . . . that they did not enforce the laws against plaintiffs in bad faith." (p. 646) Carswell held that, "From the proofs here it is clear that there was no harassment, intimidation or oppression . . . and they are being prosecuted in good faith . . . "(p. 774) Once more, the Fifth Circuit cited its own clear pre-existing law on summary judgments in reversing Carswell: "No facts were present so that the trial Court could arrive at its own conclusions. As discussed in Woods v. Allied Concord Financial Corporation, (Del), 373 F.2d 733 (5 Cir. 1967), in summary judgment proceedings, affidavits containing mere conclusions have no probative value." (p. 646)

In at least 10 habeas corpus cases, Carswell was unanimously reversed by the Fifth Circuit for refusing to permit petitioners the opportunity to prove facts they alleged, which if proven would have clearly—under then-existing rulings—entitled them to relief, except perhaps in *Beufve*, below, where substantive law was clarified in the interim. The 10 cases are listed first, then discussed:

Meadows v. *United States*, 282 F. 2d 942 (5th Cir. 1960);

Dickey v. *United States*, 345 F. 2d 508 (5th Cir. 1965);

Rowe v. *United States*, 345 F. 2d 795 (5th Cir. 1965);

Beufve v. *United States*, 344 F. 2d 958 (5th Cir. 1965);

Baker v. *Wainwright*, 391 F. 2d 248 (5th Cir. 1968);

Dawkins v. *Crevasse*, 391 F. 2d 921 (5th Cir. 1968);

Brown v. *Wainwright*, 394 F. 2d 153 (5th Cir. 1968);

Cole v. *Wainwright*, 397 F. 2d 810 (5th Cir. 1968);

Harris v. *Wainwright*, 399 F. 2d 142 (5th Cir. 1968); and

Barnes v. *State of Florida*, 402 F. 2d 63 (5th Cir. 1968).

Following is some of the Fifth Circuit's language in its peremptory reversals, citing Carswell to controlling precedent:

MEADOWS. "We think that the allegations of the motion, inartful though they be, are sufficient to set forth the contention [that mental illness voided effective waivers and guilty plea]. His statements of prior determination of a mental illness takes the motion out of the category of frivolous claims and requires a hearing. Bishop v. United States, 350 U.S. 961 [1956]."

DICKEY. "the prisoner was entitled to an evidentiary hearing. Gregori v. United States, 5 Cir., 243 F. 2d 48 [1957]."

ROWE. The *entire* Fifth Circuit opinion states: "The appellant sought relief under 28 U.S.C.A. § 2255 from a mail fraud conviction. The district court denied relief. Merrill v. United States, 5th Cir. 1964, 338 F.2d 763, requires a reversal." The Fifth Circuit's order then not only reversed and remanded, but added the unusual directions to vacate the conviction and sentence and dismiss the indictment.

BAKER. "[Defendant] sought habeas corpus relief in the district court on the ground that he was denied the right to counsel on the appeal from this conviction. The court denied relief without a hearing. . . . In Entsminger v. Iowa, 1966, 386 U.S. 748 . . . the Supreme Court said: 'As we have held again and again, an indigent defendant is entitled to the appointment of counsel to assist him on his first appeal! . . . . [T]he cause is remanded for an evidentiary hearing . . . ."

DAWKINS (the same Dawkins as in Carswell's summary judgment reversal). "We conclude that the Trial Judge erred in not granting a writ of habeas corpus at least to the extent of ordering appellants' release on bail pending their appeal in the Florida courts. We . . . direct the District Judge to enter an order granting bail in the amount of $1000 . . . ."

COLE. The entire Fifth Circuit reversal states: "The allegations of the petitioner are of such a nature as to require a hearing under 28 U.S.C.A. § 2243. It could not appear from the application and the file supplied by the state 'that the applicant . . . [was] not entitled' to the writ."

BARNES. "[Defendant] alleges coercion of a plea of guilty and ineffective assistance of counsel, contending that court-appointed counsel, whom he saw only for a few minutes four days before trial and a few minutes prior to trial, coerced him into pleading guilty, assuring him that a deal had been made for shorter sentences. . . . If appellant's allegations as to what occurred at his arraignment and sentence are found to be true, he is entitled to have the writ granted and his conviction set aside. Holloway v. Dutton, 5 Cir., 1968, 396 F.2d 127; Roberts v. Dutton, 5 Cir. 1966, 368 F.2d 465. . . ."

In addition to the Fifth Circuit's frequent unanimous reversals of Carswell for failing even to hear the claims of civil rights and habeas corpus petitioners, the appellate court sharply rebuked his judgment for a bank in a National Banking Act case, *Dickenson v. First National Bank*, 400 F.2d 548 (1968). The issue was whether the bank's shopping center receptacle and armored car messenger service constituted illegal "branch banking" under Florida law. "The district court granted judgment for First National stating explicitly: 'Florida statute 659.06(1)(a) is not operative or controlling in this instance.' We conclude that in this instance Florida law is operative and controlling and reverse." Carswell held that the lacking of inclusion of the bank's activities in the words of the federal statute (Section 36(f)) ended the matter, and ignored the reference of another section to activities permissible under *state* law. Of his dubious reasoning, the Fifth Circuit stated: "Congress is in the defining business and is knowledgeable as to how to immunize or deimmunize an activity from its statutory engulfment. In Section 36(f) Congress provided only that the term 'branch' 'shall be held to include' . . . . Such a provision is hardly adequate as a definition . . . ." If we construed Section 36(f) as permitting paper evasions from state anti-branching laws, we would be letting the left hand give and the right hand take away. *Statutory construction has not fallen to such legalistic depths.* (p. 557, emphasis added)

SUMMARY OF STATISTICAL STUDY OF PERFORMANCE OF JUDGE CARSWELL

JUDGES' DECISIONS CONSIDERED—SAMPLE

Index number, type of data	Carswell: All 84 decisions, 1958–69, printed in F. Supp.	All circuits: 400 decisions (1958–69 random selection) in Dist. Cts. printed in F. Supp.	All circuits: 400 appeals (1959–69 random selection) to all C.A.'s printed in F. 2d	5th circuit only: 100 decisions (1958–69 random selection) in Dist. Cts. printed in F. Supp.	5th circuit only: 100 appeals (1959–69 random selection) to 5th Cir. C.A. printed in F. 2d
I. Reversals:					
Number	10.0	21.0		6.0	
As percent of decisions	11.9	5.3		6.0	
Carswell's percent worse by		+123.0		+98.0	
IA. Reversals (including Rauh and Hruska cases[1] not printed):					
Number	33.0	21.0		6.0	
As percent of 152 decisions	21.6	5.3		6.0	
Carswell's percent worse by		+308.0		+260.0	
II. Reversals/appeals:					
Number	10/17	21/104	115/400	6/25	26/100
Percent	58.8	20.2	28.8	24.0	26.0
Carswell's percent worse by		+181.0	+104.0	+145.0	+126.0
IIA. Reversals/appeals (includes Rauh and Hruska cases[1] not printed):					
Number	33/85	21/104	115/400	6/25	26/100
Percent	38.8	20.2	28.8	24.0	26.0
Carswell's percent worse by		+81.0	+35.0	+62.0	+49.0
III. Authority value:					
Cite freq./1958–63 cases	1.80	3.75		3.93	
Percent greater than Carswell		+108.0		+118.0	
Cite freq./ 1964–69 cases	.77	1.47		1.50	
Percent greater than Carswell		+91.0		+95.0	
IV. Use of authority:					
Case cites per opinion	4.07	[2] 9.93			
Percent greater than Carswell		+144.0			
Secondary source cites/opinion	.49	1.56			
Percent greater than Carswell		+218.0			
V. Elaboration of opinions:					
Page length per opinion	1.99	4.21			
Percent greater than Carswell		+1129.0			

[1] 12 of the 15 reversals by the 5th Cir. C.A. in civil rights and habeas corpus which were mentioned in the testimony of Joseph L. Rauh, Jr., had no printed opinion below by Carswell; 44 additional appeals of criminal trials and 12 more habeas appeals were Senator Hruska's memo.

[2] Sample was 8 random printed Dist. Ct. cases printed.

So it seems a very large consensus has already developed that urges the Members of the Senate to do for the President what he himself said he would do. I should like to quote the President in his remarks made when he accepted the Republican nomination in August of 1968. This Executive Officer who nominated G. Harrold Carswell said:

Let those who have the responsibility to enforce the laws and our judges who have the responsibility to interpret them be dedicated to the great principles of civil rights.

If we are to honor that statement—and I believe this is one of the statements of the President which needs serious support—it would seem to me that there is no way to rationally argue in support of G. Harrold Carswell as one who is dedicated to the great principles of civil rights.

We have had countless testimony made before the U.S. Senate and the Judiciary Committee, that went into great evaluation of his white supremacy speech and recalled in great detail his participation in the golf course resegregation in 1956, if you please, and his treatment, as a member of the bench, of civil rights lawyers in his court, and of his treatment of defendants in his court, and of his lack of professional qualifications and his lack of sensitivity as a member of the Federal bench. A most telling statement, in my judgment, has been issued by the Leadership Conference on Civil Rights entitled, "Has judge Carswell changed?" The statement is as follows:

HAS JUDGE CARSWELL CHANGED?

THAT WHITE SUPREMACY SPEECH

On August 3, 1948, George Harrold Carswell, President Nixon's new nominee to the U.S. Supreme Court, addressed a chapter of the American Legion in Gordon, Georgia and declared: ". . . segregation of the races is proper and the only and correct way of life in our state. I have always so believed and I shall always so act.

"I shall be the last to submit to any attempt on the part of anyone to break down and to weaken this firmly established policy of our people . . . I yield to no man . . . in the firm, vigorous belief in the principles of white supremacy and I shall always be so governed."

There is no recorded statement disavowing those view until 1970. Then, shortly after his nomination was announced, a reporter found the text of the old speech in the files of Judge Carswell's hometown newspaper, and when he was confronted with it, Judge Carswell repudiated it, saying it was "obnoxious and abhorrent."

His defenders have sought to excuse him. The speech was made when he was young; it was given in the heat of a campaign for the Georgia legislature. Any anyhow, he has since had a change of mind and heart.

Well, men do change. But was this speech simply a young man's political wild oats, the indiscretion of a moment, or an expression of his deepest beliefs? And has he changed or does he, consciously or unconsciously, still cling to those views? These are crucial questions for anyone considering Judge Carswell's qualifications for the Supreme Court.

YOUTH?

First, how readily can Judge Carswell be forgiven for what he said? In 1948 he was 28, scarcely a callow youth. One must also remember the national mood at that time. Judge Carswell spoke only three years after World War II, a war in which he served as a naval officer. It was a war fought against the Hitlerian creed of racial superiority and one wonders how any sensitive man could have come through that war and emerged as an advocate of white supremacy. In 1948 we were fully aware, as a nation, that Germany was not the only country poisoned by race hatred. It was just about the time that a Presidential committee had issued the landmark report, "To Secure These Rights," and faced Americans with some awful truths about themselves: the terrible inequalities visited upon Negro Americans and the stark terror of their lives in the deep South and, of course, in Georgia.

In this context—the immediate aftermath of World War II, the growing recognition of the enormity of America's racial problem—is it possible to excuse as mere youthful excess this passionate avowal of white supremacy?

If Judge Carswell's subsequent record showed a change of heart it might still be possible to excuse him. But if he has forsworn his old beliefs, where is the evidence? There is nothing whatever to support his belated disavowal. On the contrary, our own examination of whatever is available on the record—his public acts, his judicial opinions, his treatment of civil rights lawyers and his testimony before the Senate Judiciary Committee—all suggest those old views still shape his words and deeds.

THE GOLF COURSE INCIDENT: 1956

On April 24, 1956, some citizens of Tallahassee, Florida, where Judge Carswell was then residing, formed a corporation whose purpose was to take over the publicly-owned golf course, where Negroes played on a restricted basis and convert it to a private club where Negroes could not play. Judge Carswell, who was the U.S. Attorney at the time, sworn to uphold the Federal law, was an incorporator and a director of the club.

In his testimony before the Senate Judiciary Committee, he denied, at first, that he was an incorporator. Shown a document in which his name appeared, he admitted he was one. He denied he was a director of the club; a corporate resolution shows he was. Even so, he insisted before the Judiciary Committee that he had no notion of wrongdoing, "I have never had any discussion or never heard anyone discuss anything, that this might be an effort to take public lands and turn them into private hands for a discriminatory purpose."

Yet the transaction came only a short time after a 1965 Supreme Court decision that public golf courses could not discriminate against Negroes and while a case to desegregate a golf course was pending in his own jurisdiction. If Judge Carswell didn't know what was going on, practically everyone else in Tallahassee did.

Affidavits from three residents of the city were filed with the Senate Judiciary Committee by Clarence Mitchell, Legislative Chairman of the Leadership Conference on Civil Rights, in which it is asserted that the purpose of the transfer had been well-publicized. In one of the affidavits, the wife of the president of Florida's oldest bank, said, "I would have been surprised if there was any knowledgeable member of the community who was unaware of the racial aspect of the golf course transaction." She and her husband refused to join, she said, "because of the obvious racial subterfuge which was evident to the general public."

President Nixon sought to excuse his nominee at a press conference by saying "If everyone in this government had to give up his job if he belonged to a restricted golf course, Washington would have mass unemployment." But that was hardly responsive, since it was not Judge Carswell's membership in the club that was at issue, but his active participation in evading the law he was sworn to uphold.

HIS RECORD AS A JUDGE

Some idea of Mr. Carswell's performance as a judge can be gained from the analyses of his decisions presented to the committee, particularly some 15 rulings in which he was unanimously reversed by the Court of Appeals. Eight of these rulings were in the area

of civil rights, seven involved individual rights.

In 1962, in a suit Negro parents brought to desegregate the Pensacola School system, Judge Carswell struck from the case an attack on the segregated faculty and staff and approved a defective school desegregation plan. The Court of Appeals unanimously reversed him on both points.

In 1964, Judge Carswell dismissed a suit alleging a conspiracy to deny Negroes the right to go to Tallahassee movie theaters. The Court of Appeals unanimously reversed him, saying the orders dismissing the complaint "were clearly in error."

In 1965, after civil rights lawyers transferred to Judge Carswell's District Court, cases in which seven civil rights workers had been jailed on trumped-up charges of criminal trespass when they went on to unposted property to talk to people about registering, Judge Carswell remanded the cases back to the local courts on his own motion and without a hearing. The U.S. Court of Appeals unanimously reversed him.

In 1966, Judge Carswell dismissed a case brought to end segregation in Florida reform schools on the ground that the children who filed the suit had no standing to sue since they were themselves reform school graduates. The Court of Appeals, in its unanimous reversal, said they did have standing.

In 1967, the U.S. Court of Appeals again unanimously reversed Judge Carswell in a case to desegregate the Tallahassee schools which began in 1964 and which Judge Carswell had managed to delay in one way or another for nearly three years. At one time he had denied the Negro parents' request for a hearing to show the existing desegregation plan was inadequate, saying that no evidence could persuade the court to change the plan and that the evidence "would just be an idle gesture regardless of the nature of that testimony."

In 1969, he was again reversed by a unanimous Court of Appeals in his handling of the suit to desegregate the schools in Bay County, Fla.

The examination of Judge Carswell's record disclosed seven other cases involving individual rights where Judge Carswell denied hearings to plaintiffs in criminal cases, showing an insensitivity to their plight. In each instance, his cold rejection of their pleas was reversed by the appellate court.

HIS TREATMENT OF CIVIL RIGHTS LAWYERS

In the course of the Senate Judiciary Committee hearings several civil rights attorneys testified as to the rude treatment Judge Carswell meted out to them and others when they appeared in his court.

Professor John Lowenthal of Rutgers University testified that Judge Carswell expressed dislike for civil rights lawyers during the summer of 1964 and took steps to block their efforts to help workers trying to register black voters in Florida.

In a letter he sent to the New York Times on January 20, Professor Lowenthal said that "Judge Carswell was well known to both local and out-of-town lawyers as a vigorous opponent of civil rights. As I encountered him, he was no 'strict constructionist' when it came to aiding the Old South's cause. Rather, he was such a 'judicial activist' that he seemed more the partisan lawyer than the disinterested judge one hopes to find on the Federal bench."

Ernst H. Rosenberger, a New York attorney, recalled that when he came before Judge Carswell in 1964 on a voting case, the Judge displayed hostility to northern lawyers. Asked by a Senator about the Judge's reputation for giving a fair trial to minority group members or civil rights workers, Mr. Rosenberger said: "His reputation was bad . . . his reputation was one of obstruction in civil rights litigation."

Norman Knopf, a young Justice Department lawyer who had also worked in Florida as a volunteer in 1964, found "extreme hostility" existing between the judge and northern volunteers. He "lectured a civil rights attorney in a high voice a long time," Knopf said, denouncing lawyers who came down South to "rouse" the local people. Mr. Knopf also recalled that in regard to a group of voter registration workers, Judge Carswell said "he would not let them out of jail and as long as he had the power to do that, he would keep them in. It wasn't until he was shown that he had to let them out that he did."

Professor Leroy D. Clark of New York University, who had represented the NAACP Legal Defense Fund in Florida during the sixties, said of Mr. Carswell, "he was probably the most hostile judge I've ever appeared before; he would rarely let me finish a sentence," and on occasion turned his back on Mr. Clark when he was arguing a case. "It was not unusual for Judge Carswell to shout at a black lawyer who appeared before him while using a civil tone to opposing counsel."

He was so "insulting" and "hostile" to Negro lawyers, Mr. Clark said, that when newcomers were getting ready to go before the court, he would spend the night before having them "go through their argument while I harassed them, as preparation for what they would meet the following day."

Judge Carswell's standing among other Southern judges was analyzed in a political science dissertation that Mrs. Myron P. Curzan submitted to Yale University in 1968. Mrs. Curzan considered the civil rights decisions of 31 Federal District judges appointed to posts in the deep South between 1953 and 1963. When she ranked them in terms of the number of times they ruled in favor of Negro plaintiffs, Judge Carswell ranked 23rd. Her study showed that 60 per cent of his civil rights decisions were reversed on appeal.

HIS TREATMENT OF DEFENDANTS

If Judge Carswell exhibited hostility to civil rights lawyers, he was scarcely kinder to those fighters for civil rights who got into trouble with the law and appeared before him.

Mr. Rosenberger recalled that in 1964 when he was representing 9 clergymen arrested at the Tallahassee airport for their activities as freedom riders, Judge Carswell sought to circumvent justice. The Judge suggested to the city attorney that the clergymen be freed at once, not for humanitarian reasons but because by freeing the men, he would deprive them of any standing to sue for habeas corpus and leave them with permanent criminal records from which there could be no appeal.

Other witnesses recalled that when a group of civil rights workers was transferred from federal to city court, somehow, through the agency of Judge Carswell's court, the sheriff was informed that he could rearrest them immediately after they were free and he did just that.

HIS LACK OF PROFESSIONAL QUALIFICATIONS

Judge Carswell has another serious disability: his undistinguished record as a legal scholar or jurist. When the Judiciary Committee asked him for a list of his legal articles and writings he said he had none.

Commenting on the appointment when it was first announced, the New York Times observed, "Judge Carswell is so totally lacking in professional distinction, so wholly unknown for cogent opinions or learned writings, that the appointment is a shock. It almost suggests an intention to reduce the significance of the Court by lowering the caliber of its membership."

In a recent column, Joseph Alsop said: "It was predictable, in fact, that if Judge Haynsworth should be beaten, President Nixon would find an even worse nominee . . . To all appearances, the President has found just that sort of man in Judge Carswell."

Two professors, William Van Alstyne of Duke Law School (who, incidentally, testified in support of Haynsworth) and Gary Orfield of Princeton's political science faculty, examined Judge Carswell's record and concluded his appointment was "an insult to the legacy of the Warren court."

Louis H. Pollak, Dean of Yale Law School, after studying Judge Carswell's legal opinions between 1965 and 1969, said he found "no signs of real professional distinction" in them and told the Judiciary Committee "I am compelled to conclude that this nominee presents more slender credentials than any nominee for the Supreme Court put forth in this century."

HIS LACK OF SENSITIVITY

The impression that emerges with great clarity from as much of Judge Carswell's record as is known is of a man insensitive to the great social issues of the day and indeed even hostile to them.

In 1958, when he was nominated as a Federal District judge, Senator Eastland demanded that he take an oath in effect never to declare an act of Congress unconstitutional. Judge Carswell took such an oath, thus satisfying Senator Eastland and winning confirmation.

In the 1962 case involving the Pensacola School system, he went out of his way to insult the black children who brought the suit. They alleged, and the appellate court later upheld them in their plea, that they were suffering because the faculties of their schools were segregated. In an opinion that seems to mock their plight, Judge Carswell wrote, "Students can no more complain of injury to themselves of the selection or assignment of teachers than they can bring action to enjoin the assignment to the school of teachers who were too strict or too lenient."

In 1966, he and his wife sold a bayfront lot with a provision in the deed that it could be sold to white persons only. He did that, even though he was a U.S. District Court judge at the time and had been one for eight years; and even though the U.S. Supreme Court had outlawed such restrictive covenants and ruled they were unenforceable by the courts.

A number of women's groups have called attention to Judge Carswell's insensitivity to their problems, as expressed in a 1969 appellate court decision in which he voted to deny a rehearing to Ida Phillips, who lost her job solely because she was the mother of preschool children. (Phillips v. Martin Marietta Corp.). Testifying against the Carswell nomination, Rep. Patsy Mink (D., Hawaii) said that vote showed a "total lack of understanding of the concept of equality." On February 11, 1970, the Justice Department urged the Supreme Court to reverse the decision (endorsed by Judge Carswell) saying, it "will cause unwarranted hardship" to families with working mothers if permitted to stand.

Only a few months ago, in a speech to the Georgia Bar Association in Atlanta, he shocked some of the members by telling a racist joke: he said he asked "a dark-skinned person" "Are you from Indo-China?" and got the reply, "No suh. Ah's from Outdo' Georgia."

To stoop to that sort of cheap, minstrel-show humor in 1969 suggests Judge Carswell is oblivious to what has been happening in America during the last 20 years.

It seems that all of this suggests in countless numbers of ways that we are dealing with a nominee who simply does not possess the stature that would be required in ordinary times and certainly

falls short in these times of racial crisis and division in our country.

So I commend my colleague, the gentleman from Massachusetts (Mr. HARRINGTON), and I particularly commend the fine comments that have been made in this discussion by the gentleman from New York (Mr. LOWENSTEIN), and the comments made by the gentleman from Indiana (Mr. JACOBS), and many others who have felt constrained to make what I think is an important and perhaps, although we might not know it at this point, crucial contribution to the public evaluation turning on this question.

It is my hope, and I want to state now that it is my belief, that this nomination will ultimately be rejected by the U.S. Senate. If this does occur, I think the discussion here on the floor of the House of Representatives today will most certainly have had at least some small impact on what I hope will be this favorable result.

I now yield to my good friend and colleague from Indiana (Mr. JACOBS).

Mr. JACOBS. I wish to commend my colleague, also, for his contribution to the national enlightenment concerning this very important subject which is not just before the other body but is really before our entire country at this time.

I would also like to commend my colleague who has on numerous other occasions when it was even more difficult than on this occasion spoken out for decent and sensible priorities for our entire country.

Mr. CONYERS. Mr. Speaker, I thank the gentleman.

Mr. BURTON of California. Mr. Speaker, I should like to commend my distinguished colleague from Michigan, JOHN CONYERS, for his timely remarks concerning the confirmation of Judge Harrold Carswell and to associate myself with them.

I am opposed to the appointment of Judge Carswell to the Supreme Court. This is not a mere partisan opposition nor is it one prompted by regional prejudice or differences in political philosophy.

The overwhelming impediment to Judge Carswell's ability to serve on the Supreme Court is his repeated demonstration that he denies the self-evident truth—"that all men are created equal." The denial of so basic a tenet of our democracy must disqualify him in the eyes of all men who would preserve and defend the Constitution.

The Court and the Nation has been served over the years by liberals and by conservatives, by northerners and by southerners, by Republicans and by Democrats. This Nation has even endured and survived mediocrity in its public servants at various times in our history.

I oppose Judge Carswell's appointment by the President and urge the Senate to reject it not because of any of these considerations but, because to confirm him would be to confirm and approve of those things for which he stands.

To confirm Judge Carswell is to put the stamp of approval on a concept of racial superiority which is repugnant and contradicts all that our institutions have sought to uphold.

To confirm Judge Carswell is to return to the bitter days of the past and to hold back the natural surge of this Nation toward greater freedom for all of its people.

Judge Harrold Carswell should not sit on the highest court of this Nation.

Mrs. CHISHOLM. Mr. Speaker, there are only two aspects of the Carswell nomination with which I desire to concern myself.

The first is the obvious judicial ineptitude of the nominee. Even Judge Carswell's most enthusiastic supporters are forced to concede that ineptitude. Their only defense of supporting him is that others appointed to the Supreme Court have been just as inept.

It seems to be that this type of logic is both infantile and dangerous behavior. No responsible public official who is cognizant of the explosive racial situation in this Nation ought to, by his actions, indicate such total insensitivity to the problems which are, in essence, deteriorating the total American society.

The second aspect is the fact that Judge Carswell has, in my belief, demonstrated through his public and private actions that he was and is a racist. Therefore, I would be inclined to question the attitudes of those who support him.

FARM SUBSIDIES

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CONTE. Mr. Speaker, I want to join my colleague from Michigan and certainly endorse what he has said here today.

As the gentleman from Michigan knows—and my good friend from New York and others have joined me in the House on two separate occasions on this—we passed an amendment to the agriculture bill providing for a $20,000 subsidy ceiling that would save the taxpayers——

Mr. CONYERS. Is that a limitation?

Mr. CONTE. A limitation of $20,000 which would have saved the taxpayers over $300 million a year. Today we are fighting with everything we have for the bare necessities for this country in education, water pollution, and air pollution control projects. It certainly would be very helpful if we could have this limitation passed by both branches. It was unfortunately defeated in the Senate last time. I hope tomorrow when this RECORD is printed my colleagues will read this voluminous record beginning with some people receiving $4,370,000 a year not to plant crops when there are millions of Americans going hungry every night. This is really ridiculous, and I hope that the American public will rise in indignation when they see these statistics in the RECORD.

Mr. LOWENSTEIN. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman.

Mr. LOWENSTEIN. I want to congratulate the gentleman from Michigan (Mr. CONYERS) on his statement today, and I want also to congratulate the gentleman from Massachusetts (Mr. CONTE) who has rendered a great service by bringing to the attention of this House this detailed record of the facts which everyone in the United States ought to know about so that we can legislate the end of this injustice and abuse of our resources.

I hope the fact that the gentleman has brought this to the attention of the Members will lead to a demand that the House again pass a ceiling on subsidies which we have twice before passed and that at this time there will be such public pressure that the Senate will concur and we will have a change in the agricultural support program.

I thank the gentleman for yielding to me.

Mr. CONTE. Mr. Speaker, I ask unanimous consent to include tabular material at this point in the RECORD.

1969 ASCS PROGRAM PAYMENTS OF $25,000 OR MORE EXCLUDING PRICE SUPPORT LOANS AND WOOL AND SUGAR PAYMENTS

J. G. Boswell Co., Corcoran, Ca, $4,370,657.
Giffen Inc., Huran, Ca, $3,333,385.
South Lake Farms, Fresno, Ca, $1,788,052.
Salyer Land Co., Corcoran, Ca, $1,637,961.
Mt. Whitney Farms, Five Points, Ca, $1,-152,294.
Kern County Land Co., Bakersfield, Ca, $974,163.
S. A. Camp Farms Co., Shafter, Ca, $928,917.
Vista Del Llano Farms, Firebaugh, Ca., $778,624.
Delta and Pine Land Co., Scott, Ms, $731,772.
Westlake Farms, Stratford, Ca, $697,360.
Farmers Inv. Co., Sahuarita, Az, $673,410.
Boston Ranch Co., Lemoore, Ca, $643,006.
State of Montana, Helena, Mont., $641,341.
Bud Antle Inc., Red Rock Az, $596,293.
Telles Ranch Inc., Firebaugh, Ca, $503,285.
Lee Wilson & Co., Wilson, Ar, $500,005.
Jack Harris Inc., Coalinga, Ca, $475,924.
C. & V. Growers Inc., Maricopa, Az, $468,899.
Hamilton Farms, Eloy, Az, $432,206.
H. B. Murphy Co., Brawley, Ca, $431,733.
Vernon L. Thomas Inc., Huron, Ca, $392,790.
Red River Land Co., Stanfield, Az, $391,237.
Youngker Farms, Buckeye, Az, $382,786.
McNair Farms, Laurinburg,, NC, $366,584.
Airway Farms Inc., Fresno, Ca, $360,823.
BKW Farms Inc., Marana, Az, $350,607.
John D. Singh, Casa Grande, Az, $345,064.
Tx. Dept. of Corr., Sugarland, Tx, $343,654.
A. K. Chin Farms, Maricopa, Az, $336,796.
Barkley Co. of Arizona, Somerton, Az, $332,642.
Tom J. Moore, Navasota, Tex, $325,886.
J. K. Griffith, Morton, Tx, $322,355.
Wilco Produce, Blythe, Ca, $314,402.
H. H. Moore & Sons, Navasota, Tx, $310,411.
Baughman Farms Inc., Liberal, Ks, $310,255.
Gila River Farms, Sacaton, Az, $303,898.
Gilkey Farms Inc., Corcoran, Cal, $295,415.
B. V. Fms. & Miller & Lux, S Francisco, Ca, $292,961.
Bogle Farms Inc., Chandler, Az, $280,911.
Goodyear Farms, Litchfield Park, Az, $275,654.
Raymond, Thomas Inc., Madera, Ca, $272,280.
John B. McKee, Jr., Friars Point, Ms, $271,743.
Arizona Farming Co., Eloy, Az, $269,198.
W. B. Camp & Sons, Bakersfield, Ca, $267,559.
J. G. Stone Land Co., Stratford, Ca, $266,968.
F. J. McCarthy & Sons, Tulare, Ca, $262,890.
Riverview Farm & Cattle, Blythe, Ca, $262,114.
Newhall Land & Farming, Firbgh, Ca, $258,555.
Potter Bros Inc., Arcola, Ms, $248,244.
Kirby Hughes, Tucson, Az, $245,643.

W. J. Deal, Mendota, Ca, $244,755.
Santiaga Ranch, Bakersfield, Ca, $243,366.
Timco, Mendota, Ca, $241,965.
W. T. Golston Farms, Stanfield, Az, $239,469.
West Haven Farming Co., Tulare, Ca, $238,201.
Howe Lumber Company, Inc., Wabash, Ar, $237,251.
Houchin Bros Farming, Buttonwillow, Ca, $232,163.
Bruce Church Inc., Yuma, Az, $229,638.
Giumarra Vineyard Corp, Bksfld, Ca, $227,539.
Gragnani Bros, Tranquillity, Ca, $227,451.
Ridgeside Farms, Bakersfield, Ca, $226,709.
C. J. Vignolo, Shafter, Ca, $225,797.
Ben Simmons, Parker, Az, $225,151.
Southern National Bank, Lumberton, NC, $224,254.
Worsham Bros, Pecos, Texas, $222,487.
Hill Farms, Hart, Tx, $221,359.
R. A. Pickens & Son Co., Pickens, Ar, $221,325.
Roy Flowers, Mattson, Ms, $221,228.
Elmore Co, Brawley, Ca, $218,565.
David A. Shumway, Queen Creek, Az, $215,684.
Schramm Ranches, Inc., San Joaquin, Ca, $215,435.
J. E. O'Neill Inc, Fresno, Ca, $215,295.
L–4 Ranches Inc, Queen Creek, Az, $213,273.
M. J. & R. S. Allen, Coalinga, Ca, $209,819.
W. E. Young & W. E. Young, Jr., Calipatria, Ca, $209,531.
Mazzie Farms, Arvin, Ca, $207,146.
Clarence Matheson, Mendota, Ca, $205,755.
Sherrill-Lafollette, Phoenix, Az, $202,602.
Crowe Farms, Arcola, Ms, $202,041.
Twin Farms, Buttonwillow, Ca, $201,683.
Campbell Farming, Hardin Mt, $201,260.
Taft McGee, Hereford, Tx, $200,309.
Three Way Land Co., Dekalb, Tx, $198,879.
Borba Bros Riverdale, Ca, $196,986.
Joe Mendiburu, Oildale, Ca, $195,290.
Patherburn Co, Ms, $194,960.
J. W. Olberg and Son, Yuma, Az., $194,624.
Sinclair Rches, Calipatria, Ca., $193,869.
Topanga Caine Farm, Lake Cormorant, Ms., $193,671.
John A. Wheeler, Lorenzo, Tx., $193,645.
C. Cury Bros., Mesa, Az., $193,196.
Nichols Farms, Hanford, Ca., $190,944.
Rancho Tierra Prieta, Eloy, Az., $187,815.
Bill Hilburn, Bowie, Az., $187,574.
R. A. Ingram, Leland Ms., $186.397.
W. R. Mayes, Mayesville, S.C., $185,089.
William C. Maloney, Itta Bena, Ms., $184,630.
Emma Lawrence, Hobbs, N.M., $184,580.
I. F. Lee, Hale Center, Tx., $183,638.
Sam Hamburg Farms, Los Banos, Ca., $183,380.
D. M. Bryant, Jr., Pond, Ca., $182,994.
Halsell Cattle Co., Kansas City, Mo., $180,907.
Buckhorn Planting Co., Greenwood, Ms., $180,440.
John Garrett and Sons, Clovis, NM., $179,598.
Boyett Farming, Corcoran, Ca., $179,401.
R. A. Rowan & Co., Stratford, Ca., $178,975.
Coit Ranch, Inc., Mendota, Ca., $178,949.
Community Gin, Scottsdale, Az., $178,790.
Roberts Farms, Inc., Porterville, Ca., $178,408.
John J. & Ola V. Lord, Tucson, Az., $176,760.
Trail Lake Plantation, Tralake, Ms., $174,602.
Irvine Co., El Centro, Ca., $174,408.
Winston Farms, Parker, Az., $172,391.
Jimmy Cluck, Hart, Tx., $172,359.
Ercell Givens, Abernathy, Tx., $172,152.
George Yarbrough, Sicily Island, La., $171,967.
State of Wa., Ephrata, Wa., $171,781.
Coberly-West Co., Los Angeles, Ca., $171,367.
Redfern Ranches, Inc., Dos Palos, Ca., $171,289.
Kenneth Lindemann, Pecos, Tex., $170,334.
James D. Russell, San Benito, Tx., $169,964.
Wesson Farms, Inc., Victoria, Ar., $166,762.
Southmountain Farms, Inc., Laveen, Az., $166,696.
George B. Willoughby, El Centro, Ca., $165,889.
Jack Elmore, Brawley, Ca., $165,708.
Thunderbird Farms, Phoenix, Az., $163,779.
Engelman Farms, Elsa, Tex., $162,222.
Roscoe Farm Co., Scottsdale, Az., $161,122.
So. Pac. Company, San Francisco, Ca., $161,068.
Fowler E. Daniel, Tulia, Tx. $160,849.
John Kai, McDaniel, Tulia, Tx., $160,849.
M & I Farms, PO Bx 700, Delano, Ca., $159,-463.
Diwan Ranches Inc., Rt 1 Box 485, Casa Grande, Az., $158,895.
E. F. Nunn and Co., Shuqualak, Ms., $158,-423.
S. K. Ranch, 12021 Ave 328, Visalia, Ca., $158,308.
J. H. Williams, Rt. 1 Box 211, Natchitoches, La., $158,174.
Reynold M. Mettler, PO Bx 473, Bakersfield, Ca., $156,566.
J. A. Roberts, Rt 1 Box 207, Casa Grande, Az., $156,415.
Talla Farms Inc, Box 668, Stanfield, Az., $156,190.
Allen Gray Estate, Benoit, Ms., $155,976.
Russell Bros Rches Inc, Box 275, Calipatria, Ca., $155,583.
V. C. Britton Co., PO Box 397, Firebaugh, Ca., $155,252.
Wolfsen Land and Cattle, Box 311, Los Banos, Ca., $154,466.
Marion Harris, 20421 Rd 44, Tulare, Ca., $154,156.
Oakhurst Company, Box 335, Clarksdale, Ms., $153,734.
Em H. Mettler & Sons, Bx 1298, Shafter, Ca., $152,902.
Kesey Bros, Box 1368, Pecos, Texas, $151,294.
Amana Society, C/o Roy Moser, Amana, Ia., $149,172.
Ar State Penal Farm, Box 500, Grady, Ar., $148,628.
J. H. Benson Rchs Inc., Box 239, Brawley, Ca., $148,545.
Waddell Ranch Co., Waddell, Az., $148,543.
C&A Equipment Co., Drawer KK, Casa Grande, Az., $148,039.
Comfort Farm, Inc., PO Box 215, Dos Palos, Ca., $147,462.
Garrett Corporation, Box 520, Clovis, N.M., $147,319.
McQueen Smith Farms, RR 1, Prattville, Al., $147,272.
Eastland Plantation Inc, Doddsville, Ms., $146,792.
Clarence Martin, Rt 2 Box 146, Friona, Texas, $145,722.
Coelho Farms, PO Box 645, Riverdale, Ca., $144,954.
Clark and Roberts, 1927 Jackson, Pecos, Texas, $144,458.
Wildwood Plantation, RR 3, Greenwood, Ms., $144,288.
Coyanosa Farms, Box 235, Coyanosa, Tx., $143,993.
Shuklian Bros Inc., 26591 Hwy 99, Tulare, Ca., $143,701.
Texas Hill Farms, PO Box 1283, Yuma, Az., $143,243.
H. K. Hammett and Sons, Box 512, Greenville, Ms., $143,003.
McKittrick Ranch Inc., 1921 Bradford, Bakersfield, Ca., $142,358.
Vahlsing Christina Corp., Box 386, Mathis, Texas, $142,088.
Leyton Woolf, 4323 W Laurie Lane, Glendale, Az., $142,061.
Krenmueller Farms, Rt 1 Box 77, San Juan, Tex., $141,971.
Broughton Land Co., PO Box 27, Dayton, Wa., $141,688.
F. C. Layton, Bx 175, Tolleson, Az., $141,324.
Indian Creek Planting Co., Robinsonville, Ms., $141,155.
Hugh Hudson Ranches, PO Box 201, Calipatria, Ca., $140,943.
G. W. Nickel, Jr., Wasco, Ca., $140,768.
Bill Weaver, Lamesa, Tx, $140,462.
Hyneman Farms Inc., P O Box 30, Trumann, Ar, $139,709.
W. T. Waggoner Trust Est, Vernon, Tx, $139,651.
Summer Peck Ranch Inc., Mondota, Ca, $139,100.
Schwartz Farms Inc, Stratford, Ca, $139,075.
J. and M. Planting Co., Shaw, Ms, $138,757.
Arena Co of Ariz, Glendale, Az, $138,494.
West Inc., Sidon, Ms, $138,022.
Roundaway Planting Co, Alligator, Ms, $137,286.
Bidart Bros., Bakersfield, Ca, $137,096.
Arthur Blohm, Wellton, Az, $135,785.
Hugh Bennett, Buckeye, Az, $135,734.
E. Ritter and Company, Marked Tree, Ar, $134,432.
Highland Lake Farm, Helena, Ar, $134,351.
Tejon Ranch Co., Bakersfield, Ca, $133,501.
Annapeg Inc., Minter City, Ms, $132,818.
H. C. Hitch, Jr., Guymon, Oklahoma, $132,717.
Holland Porter, Caldwell, Tx, $132,441.
Wood Rhances, Lemoore, Ca, $132,139.
C. T. Dearborn, Calipatria, Ca, $131,032.
Homer Hill, Hart, Tx, $130,979.
Abbay and Leatherman Inc., Robinsonville, Ms, $130,486.
Newton Brothers, Stratford, Ca, $130,120.
Isom & Isom, Casa Grande, Az, $130,115.
Murphy Jones, Nitta Yuma, Ms, $129,481.
Charles Lakin, W. Dodge, 129,148.
Perrin Bros., Hereford, Tx, $129,124.
Husbandville Pltn., Holly Ridge, Ms, $129,052.
Charles Roos III, Grande City, Tx, $128,983.
Glen Holt, Parker, Az, $128,928.
Four Fifths Plantation, Greenwood, Ms, $128,878.
Overmyer Farms, Francesville, In, $128,586.
W. A. Sullivan, Pecos, Tx, $128,375.
Ed. Ambrose, Buckeye, Az, $127,912.
Torrey Wood and Son, Hollandale, Ms, $127,835.
Jerry Lynn Hilburn, Columbus, NM, $127,637.
Martori Bros, Glendale, Az, $127,526.
Finley Bros., Gilbert, Az, $127,087.
Clarence Robinson, Blythe, Ca, $127,025.
Cote Farms Inc., St. Anne, Il, $126,895.
Kennedy Bros., Indio, Ca, $126,458.
Kline Planting Company, Alligator, Ms, $126,082.
Britz Chemical Co., Five Points, Ca., $125,804.
C. L. Ranch, Dell City, Tex., $125,740.
James E. and John Garrett, Clovis, N.M., $124,899.
Hammonds Ranch, Inc., Firebaugh, Ca., $124,691.
Duncan Farms, Inc., Inverness, Ms., $124,350.
Billups Pltn., Inc., Indianola, Ms., $124,118.
C. L. Willis, Jr., Dimmitt, Tx., $123,572.
Glen Miller, Colfax, Wa., $123,532.
Asbury Wright, Pinehurst, Ga., $123,156.
Est. Geo. C. Chance, Bryan, Tx., $122,724.
Schuh Bros., Chowchilla, Ca., $122,642.
John A. Abbott, Harlingen, Tx., $122,397.
W. T. Touchberry, Glen Allan, Ms., $122,327.
J. E. Mayes, Mayesville, S.C., $122,198.
King & Anderson, Inc., Clarksdale, Ms., $122,117.
Jr. & J. W. Cullison, Wellton, Az., $122,053.
Raymond Schnepf, Queen Creek, Az., $121,978.
John Norton Farms, Blythe, Ca., $121,803.
Ryan Bros., Mendota, Ca., $121,525.
Harris Cattle Co., Queen Creek, Az., $121,412.
J. Levingston Est., Inc., Ruleville, Ms., $121,349.
R. T. Hoover Farms, Fabens, Tx., $121,314.
Standard Oil Co., Oildale, Ca., $121,254.
W. P. Hunter, Bell City, Mo., $121,058.
Oscar Mayfield & Sons, Taft, Tx., $120,887.
Kelly R. Mahan, Drew, Ms., $120,734.
Franklin Trotter, Greenville, Ms., $120,699.

C. M. S. Farming Co., Phoenix, Az., $120,624.
Brazos A. Varisco, Bryan, Texas, $120,624.
Brooks Griffin, Elaine, Ar., $120,537.
Hill Farms, Inc., Indianola, Ms., $120,276.
Midway Farms, Inc., Osceola, Ar., $120,178.
The Delta, Company, Belzoni, Ms., $120,165.
Rodgers Bros., West Memphis, Ar., $119,806.
Claude P. Polston, Jr., Blenheim, S.C., $119,570.
Carl C. May, W. Helena, Ark., $119,144.
Meadowlark Fms., Sullivan, In., $118,973.
Delmar R. Durrett, Amarillo, Tx., $118,789.
E. F. Mauldin, Town Creek, Al., $118,654.
Fred Tavoleti & Sons., Clarksdale, Ms., $118,228.
Voth Farms, Inc., Wasco, Ca., $118,150.
Hagan and Bruton Farm, Hollandale, Ms., $117,999.
Wheeler Farms, Bakersfield, Ca., $117,869.
Dave Mendrin & Sons, Madera, Ca., $117,-539.
Belding Farms Inc., Ft. Stockton, Tx., $117,209.
J. C. Mills, Abernathy, Tx., $117,201.
Rabb Bros., San Joaquin, Ca., $117,072.
Griffin & Griffin, Coalinga, Ca., $116,892.
Lee Moor Farms, Clint, Tx., $116,798.
Woods Co., Yuma, Az., $116,531.
The Mirasol Co., Buttonwillow, Ca., $116,-516.
Delmer Zweygardt, Burlington, Co., $116,-483.
Greater Ariz. Rch. Inc., Ariz. Cty, Az., $116,-341.
South Fork Ranch Inc., Lemoore, Ca., $116,202.
Earl Hughes, Gadsden, Az., $115,891.
Roger Davidson, Marks, Ms., $115,597.
Ward Walton and Asso. Inc., Upper Sandusky, Oh., $115,235.
Peterson Farms, Corcoran, Ca., $115,130.
The Brown Farm, Schlater, Ms., $114,179.
Hubert Cheek Jr., Bowersville, Ga., $114,-065.
Lawrence E. Pence, McColl, S.C., $114,020.
Pilibos Bros. Inc., Fresno, Ca., $113,548.
O'Neill Farms Inc., Huron, Ca., $113,546.
Race Track Plantation, Greenwood, Ms., $113,286.
Elmer Heiskell, Dalhart, Tx., $112,990.
Basil Abate, Bremond, Tx., $112,932.
Carl E. Weiler, Phoenix, Ariz., $112,421.
Lockmiller and Son, Clovis, Nm., $112,051.
W. H. Gentry, Hereford, Tx., $111,921.
O. F. Bledsoe Pltn. Est., Greenwood, Ms., $111,781.
Busby Farms, Olton, Tx., $111,711.
C. & W. Ranches Inc., Marana, Az., $111,-599.
Glenn Lane, Coolidge, Az., $111,064.
Willis & Kurtz, Bakersfield, Ca., $110,574.
C and C Farms, Ft. Stockton, Tx., $110,-372.
James H. Jones, Hearne, Tx., $110,069.
Correia Brothers, Visalia, Ca., $109,805.
John B. Ford, Darling, Ms., $109,773.
E. T. Jordan & Sons, Yazoo City, Ms., $109,-621.
Joe I. McHugh, Orville, Al., $109,505.
Warner Reid, Tulia, Tx., $109,374.
Lakeview Pltg. Co., Yazo City, Ms., $109,-338.
Carl J. Kuper, Dalhart, Texas, $108,810.
Elvin Crow, Pecos, Tx., $108,758.
Cameta Plantation Inc., Auguilla, Ms., $108,294.
Davis Ranch Co., Chandler Hts., Az., $108,-147.
Patterson Farms Inc., Maitland, Mo., $108,112.
Harold H. Hogue, Dalhart, Tx., $107,964.
Smallwood Farms, Pecos, Tx., $107,664.
W. J. Scott, Yuma, Az., $107,327.
Morris Bros., Higley, Az., $107,184.
Armorel Planting Co., Armorel Ar., $107,147.
Lee Ross Hammond, Clovis, N.M., $106,863.
Fridenmaker Farms, Phoenix, Az., $106,771.
McCarthy Hildebrand Frms, Eloy, Az., $106,609.
Alexander Farms Inc., Helena, Ar., $106,371.
Wesley Hansen, Corcoran, Ca., $106,312.
Banks & Co., Hernando, Ms., $106,176.
H. L. Anderson, Peoria, Az., $106,126.
James E. Coleman, Yazoo City, Ms., $106,-035.
Sam Sparks, Santa Rosa, Tx., $105,737.
Barham Inc., Oak Ridge, La., $105,702.
C. H. Moore Trust Est., Clinton, Ill., $105,-428.
H. L. Yocum & Sons, Hanford, Ca., $105,-332.
Carlson Brothers, Marion, Ark., $105,243.
Guy H. Shivers, Sr., Norwood, Ga., $105,031.
George Hammond, Clovis, N.M., $104,926.
Ben Estes Bearden, Santa Rosa, Tx., $104,-874.
M. T. Hardy, Webb, Ms., $104,792.
Stephen H. Elmore, Brawley, Ca., $104,733.
Empire Farms, Eloy, Az., $104,640.
Walter J. Williams, Las Vegas, Nv., $104,-537.
Cedarville Corp, Pecos, Tx., $104,447.
Geo. T. Helle, Mission, Tx., $104,309.
Mike P. Sturdivant, Glendora, Ms., $104,-261.
Fred Enke, Casa Grande, Az., $104,222.
H. R. Watson and Sons, Tunica, Ms., $104,-202.
Eldon Blackburn, Melrose, N.M., $104,069.
Kenneth Reynolds, Calipatria, Ca., $104,-023.
Olive W. Garvey, Colby, Ks., $103,726.
J. F. Bland, Jr., Mayesville, S.C., $103,725.
John Valov, Tulare, Ca., $103,442.
J. A. Howarth, Jr., Cleveland, Ms., $103,325.
Heidrick Farms Inc., Woodland, Ca., $103,-101.
Weeth Ranches Inc., Coalinga, Ca., $103,-085.
M. B. McFarland & Sons, McFarland, Ca., $102,872.
J. H. Sherard & Son, Sherard, Ms., $102,-695.
Mitco Inc., Crosbyton, Tx., $102,667.
G. L. Pratt, Visalia, Ca., $102,554.
Gaddis Farms, Inc., Raymond, Ms., $102,502.
William E. Armstrong, Lubbock, Tx., $102,222.
Epps Plantation, Epps, La., $102,181.
Lattner and Mills, Pecos, Tx., $101,834.
Carl C. Bamert, Muleshoe, Tx., $101,763.
J. L. Hodges Farming Co., Buckeye, Az., $101,721.
Rio Farms, Inc., Edcouch, Tx, $101,580.
Sill Prop, Inc., Bakersfield, Ca., $101,559.
Baker Planting Co., Leland, Ms., $101,471.
J. C. Sides, Sr., Coffeeville, Ms., $101,110.
W. D. Patterson, Rome, Ms., $100,854.
Norment Foley, Uvalde, Texas, $100,836.
J. L. Golightly, Jr., Mesa, Ariz., $100,698.
Bond Pltg. Co., Clarkedale, Ark., $100,676.
John Fuson, Bakersfield, Ca., $100,121.
Baretta & Little Farms, Calipatria, Ca., $100,073.
Ranches of the SW, Stockton, Tx., $100,025.
H. G. Carpenter, Rolling Fork, Ms., $100,000.
Egypt Planting Company, Cruger, Ms., $99,876.
Melcombs Ranch, Inc., San Joaquin, Ca., $99,803.
Gordon Bros., Tranquillity, Ca., $99,739.
Gladden Farms, Cashion, Az., $99,639.
Reetex Farms, Pecos, Tex., $99,582.
Hooper Farms, Inc., Chowchilla, Ca., $99,413.
Rossi Farms, Inc., Bakersfield, Ca., $99,140.
C. C. Slaughter Farms, Morton, Tx., $98,870.
Enrico Farms, Inc., Firebaugh, Ca., $98,567.
Jones Farms, Stratford, Ca., $98,468.
J. D. Rankin, Canton, Ms., $98,407.
J. Boyd White, Marana, Az., $98,241.
Roebuck Plantation, Sidon, Ms., $98,039.
Cornerstone Farm & Gin Co., Pine Bluff, Ar., $98,010.
I. D. Nunnery, Jr., Arcola, Ms., $97,963.
P. Hansen Ranch, Corcoran, Ca., $97,631.
C. B. Box Company, Midnight, Ms., $97,613.
Jack Ralston, Maricopa, Az., $97,491.
Sarah P. Sanders Extr., Walls, Ms., $97,472.
William J. Asmussen, Agar, SD, $97,142.
Virgil F. Marsh, Hereford, Tx., $96,915.
Charles A. Russell, Beulah, Ms., $96,743.
John W. Nigliazzo, Hearne, Tx., $96,650.
Coleman Farms, Okolona, Ms., $96,423.
Richard Gumz, North Judson, In., $96,238.
Belluomini Bros., Buttonwillow Ca., $96,-113.
Bibb, Inc., Tunica, Ms., $96,092.
Linneman Ranches, Inc., Palos, Ca., $95,-940.
David C. McAteer, Ft. Stockton, Tx., $95,-920.
Donald K. Donley, Yuma, Az., $95,916.
Walker Farms, Inc., Stoneville, Ms., $95,858.
Bowles Farming Co., Los Banos, Ca., $95,-808.
Dean Pruett, Altoona, Al., $95,738.
Peter J. Robertson, Coolidge, Az., $95,729.
M. L. Earnheart Co., Tunica, Ms., $95,699.
White Farms & Cattle Co., Canyon, Tx., $95,383.
Vence Corpora, Heane, Tx., $95,331.
Hoparka Plantation, Sumner, Ms., $95,203.
James S. Garvey, Colby, Ks., $95,113.
Pacific Farms Co., Firebaugh, Ca., $94,876.
Harold Senter, Wilson, Ar., $94,856.
Hollybrook Land Co., Inc., Lake Providence, La., $94,701.
Wm. J. Schulte, El Reno, Ok., $94,559.
Gilnockie, Pltg. Co., Leland, Ms., $94,369.
Ranza Boggess, Friona, Texas, $94,120.
Dudley, Pillow, Jr., Delta, La., $93,960.
Goodland Farms, Inc., Hearne, Tx., $93,909.
W. H. Haggard, Jr., Buckeye Ariz., $93,759.
W. A. Rountree, Dublin Ga., $93,432.
W. W. Hill, Pecos, Tex., $93,428.
L. Z. Farms, Inc., Casa Grande, Az., $93,-389.
Simpson & Wilson, Rio Hondo, Tx., $93,027.
Fifield Land Co., Brawley, Ca., $92,793.
Kriesant Operating Co., Inc., Mendota, Ca., $92,790.
J. W. Wallace & Sons, Edinburg, Tex., $92,-580.
Aden Brothers, Inc., Valley Park, Ms., $92,-566.
E. C. Fedric, Glendora, Ms., $92,555.
Woodrow Lewis, Chandler, Az., $92,521.
L. W. Wade Farms, Inc., Greenwood, Ms., $92,276.
B. Raymond Evans, Tulia, Tx., $92,096.
J. B. Hardwicke Co., Ptn., McCallen, Tex., $92,093.
Winterrowd Bros., Pecos, Tx., $92,045.
Raymond O'Connel & Son, Brawley, Ca., $92,010.
Allen & Brashier Pltg. Co., Indianola, Ms., $91,823.
Fairfax Pltn., Tribbett, Ms., $91,641.
Anthony Denena & Son, Hearne, Tx., $91,-640.
G. H. J. Farms, Ltd., Johnson, Ks., $91,596.
Combs & Clegg Rnchs., Inc., Queen Crk., Az., $91,466.
E. R. McDonald & Sons, Newellton, La, $91,355.
Dulaney Bros., Shallowater, Tx, $91,353.
Ed Hall, Bouse, Az, $91,093.
J. G. Gourlay, Rosedale, Ms, $91,021.
Harp & Hansen, P O Box 295, Corcoran, Ca, $90,860.
F. O. Masten, Sudan, Tx, $90,792.
Hubbard W. McDonald, Rt. 2, McColl, SC, $90,786.
William P. Scamardo, Box 326, Mumford, Tx, $90,733.
Giusti Farms, Inc, Ste 904 2220 Tulare, Fresno, Ca, $90,676.
W. J. Chandler and Sons, Moundville, Al, $90,472.
A. B. Foster, Box 891, Pecos, Tex., $90,268.
San Juan Ranching Co, Rt 1, Box 1718, Dos Palos, Ca, $90,248.
Gilkens Farms, Inc, Rt 1, Box 676, Edwards, Ms, $90,247.
C. B. Shields, Jr, Rt. 1, Box 284, Edcouch, Tex, $90,028.
E. O. Mitchell, Inc., P. O. Box 195, Arvin, Ca, $89,985.
M. K. & J. F. Rieves, Jr., Box 9, Marion, Ar, $89,924.
E. D. Graham, Sumner, Ms, $89,809.

C. J. Ritchie, 12021 Ave 328, Visalia, Ca, $89,602.
Paul Pilgrim, 666 Sycamore St, Shafter, Ca, $89,582.
Douglas Mallette, Indianola, Ms, $89,581.
Cass Edwards II, 725 Commerce Bldg, Ft. Worth, Tex, $89,341.
Thomas L. Moran, Hartley, Tex., $89,178.
Vernon B. Clinton, Box 58, Rupert, Id, $89,125.
Pacco Inc., Turrell, Ar, $89,120.
G. J. Parkhill, Jr., Box 275, Crosbyton, Tx, $88,994.
Joe Lee McMahon, Box 68, Verhalen, Tx, $88,883.
Fifield Farms, 229 Main St, Brawley, Ca, $88,397.
Cunningham Sheep Co., Box 1184, Pendleton Or, $88,305.
Howard & Blythe Plt, Lake Cormorant, Mi, $88,188.
Dearmont Oliver, RR 1, East Prairie, Mo, $88,099.
McMurchy Farms, Box 181, Duncan, Ms, $88,062.
Power Ranches Inc., Rt 1 Box 72, Higley, Az, $88,031.
Frank Robinson, Panhandle, Tx, $87,999.
Gus Pugh Sons, Inc., Portland, Ar, $87,873.
D. T. Reed, Rt 5, Hereford, Tx, $87,677.
F. H. Hogue Prod Co., Box 654, Litchfield Park, Az, $87,638.
Donald H. Cox, 560 N 8th, Brawley, Ca, $87,505.
Beckwith Farms, Drawer 616, Progreso, Tex, $87,160.
Post Montgomery, 921 Austin St, Levelland, Tx, $87,106.
S. E. Lowrance Ranch, Box 36, Tranquillity, Ca, $87,026.
Owen Brothers, RR 1 Box 108A, Tunica, Ms, $87,008.
Cattani Bros., RR 6 Box 215, Bakersfield, Ca, $87,008.
Fred Nussbaumer, P. O. Box 186, Wellton, Az, $86,991.
Ruby Walker, Bentonia, Ms., $86,882.
Bruce Parr, Friona, Texas, $86,881.
Dossett Plantation, Inc., Beulah, Ms., $86,733.
Elms Planting Corporation, Altheimer, Ark., $86,720.
Abatti Bros., El Centro, Calif., $86,568.
Ben Wood Farms, Joiner, Ark., $86,515.
Miller Farms Co, Tulia, Texas, $86,462.
Griset Bros., Santa Ana, Calif., $86,393.
A. Angeletti, Inc., Crawfordsville, Ark, $86,363.
C. Mettler, Bakersfield, Calif., $86,349.
Ballard and Hurt, Plainview, Texas, $86,180.
W. W. Clem, Pecos, Texas, $85,959.
Ruby Planting Co., Money, Ms., $85,945.
Dunn Farms, Maricopa, Ariz, $85,860.
John & Alex Kochergen, Fresno, Calif., $85,801.
Dan Claborn, Courtland, Ala., $85,783.
P&W Inc. & Santo Monica Farms, Brownsville, Texas, $85,725.
Pirani & Sons, Turrell, Ark., $85,723.
Sunset Ranches, Inc., Eloy, Ariz., $85,683.
Marshall Lands, Inc., Charleston, Mo., $85,354.
P. S. Thompson, Eloy, Ariz., $85,332.
H. S. Swayze, Benton, Ms., $85,230.
Loy Kilgore, Pecos, Texas, $85,190.
Stimson Veneer & Lumber Trust, Dumas, Ark., $85,107.
Jacob S. Stephens, Buckeye, Ariz., $85,043.
M. Lane, Shafter, Calif., $84,908.
W. S. Heaton, Jr., Lyon, Ms., $84,669.
H. & H. Farms, Inc., Bakersfield, Calif., $84,622.
Salton Sea Farms, Calipatria, Calif., $84,514.
Tallmadge Ranch, Inc., Momence, Ill., $84,498.
D. M. Brown, Phoenix, Ariz, $84,495.
Hobson Gary, Schlater, Ms., $84,441.
Little Panther Plantation, Leland, Ms., $84,440.
J. F. Twist Plantation, Twist, Ark., $84,404.
M. Curti & Sons, Waukena, Calif., $84,335.
D. H. Dew, Jr., Eden, Ms., $84,334.
D. E. Reynolds, Jr., Glendora, Ms., $84,139.
Paul Battle, Jr., Tunica, Ms., $84,069.
Albemarle Corporation, Courtland, Ala., $84,045.
Lee J. Fazzino, Bryan,Texas, $83,963.
Inco Farms, Inc., Bonsall, Calif., $83,834.
J. L. Hill & Co., Webb, Ms., $83,689.
M. L. Dudley & Co, Fresno, Calif., $83,672.
Wolf Island Farms, Wolf Island, Mo., $83,489.
Rogers Farming Co., Pville, Ca., $83,385.
Miller Lumber Co., Marianna, Ar., $83,365.
Martin Talla, Stanfield, Az., $83,364.
C. Elton Green, Clovis, N.M., $83,262.
W. L. Corcoran, Eufaula, Al., $83,235.
Daniel D. McDaniel, Cameron, Tx., $83,120.
Hugh Stephens, New Albany, Ms., $82,850.
Jerry Skelton, Collierville, Tenn., $82,779.
White Face Farms, Inc., Levelland, Tx., $82,705.
Duane Ellsworth, Chandler, Az., $82,649.
Rowe and Turnbough, Balmorhea, Tx., $82,628.
F. J. Higgins Farms, Inc., Schuyler, Ne., $82,593.
Cal.-Tenn. L. & C. Co., Calipatria, Ca., $82,587.
Lewis Barksdale, Jr., Duncan, Ms., $82,527.
Antongiovanni & Jarrard, Bkafld, Ca., $82,512.
H. L. Holland, Coolidge, Az., $82,486.
Wilbur Wuertz, Casa Grande, Az., $82,479.
Riggan Planting Co., West Mphs, Ar., $82,339.
Scott & Knappenberger, Blythe, Ca., $82,316.
Independent Gin Co., Casa Grande, Az., $82,261.
Coleman Planting Co., Yazoo City, Ms., $82,248.
J. P. Terrell and Son, Navasota, Texas, $82,203.
Mauldin Mauldin, Yuma, Az., $82,175.
Texas Dept of Corr, Sugarland, Tx., $82,155.
R. C. Godwin Farms, Inc., Hereford, Tx., $82,140.
D. W. & B. H. Malcom, Bostwick, Ga., $82,026.
J. F. Martin, Hereford, Tex., $82,004.
Tracy Ranch, Inc., Buttonwillow, Ca., $81,894.
A. E. Panetta Farms, Tipton, Ca., $81,707.
Elwood Elkins, Dekalb, Tx., $81,675.
Payne Valley Farms, Inc., Hamburg, Ia., $81,656.
Delton Caddell, Ralls, Tx., $81,618.
Willson Farms, Inc., Fresno, Ca., $81,542.
A. W. Langenegger, Hagerman, N.M., $81,531.
Price Giffen Ranch, Firebaugh, Ca., $81,482.
Anderson-Palmisano Fms., Maricopa, Az., $81,427.
Larry Chapman, Chowchilla, Ca., $81,400.
Garden Cy Company, Garden Cy, Ks., $81,166.
Leonard & Henry Franz, Lind, Wa., $81,156.
James E. Kemp, Dallas, Tx., $81,145.
Sierra Dawn Farms, Firebaugh, Ca., $80,971.
Billy Wayne Sisson, Hereford, Tx., $80,920.
Avra Land/Cattle Co. Partnership, Tucson, Ariz., $80,893.
Barney-Mecham, Queen Creek, Ariz., $80,775.
C. Ray Robinson, Eloy, Ariz., $80,720.
O. F. Gremaud, Perryville, Mo., $80,671.
T Cattle Co., Eagle Lake, Tex., $80,492.
Aladdin Ranch, Fresno, Calif., $80,456.
Mason & Godwin, Monroe, La., $80,437.
E. L. Wallace, Woodland, Calif., $80,429.
L. A. Robertson Farms, Inc., Shafter, Calif., $80,304.
Tunney Stinnett, Elaine, Ark., $80,253.
Davis & Gandy, Edinburg, Tex., $80,244.
Wesley Kroeker, Enid, Okla., $80,048.
J & J Ranch, Firebaugh, Calif., $80,035.
Rlds. Church Independence, Mo., $80,034.
John Garrett, Jr., Clovis, N. Mex., $79,893.
W. G. Trotter and Son, Winterville, Mass., $79,619.
DBA D. L. Smith Farms, Harlingen, Tex., $79,611.
Sweet Brothers, Widener, Ark., $79,533.
W & Q Farms Inc., Calipatria, Calif., $79,530.
Phil Taber, Casa Grande, Ariz., $79,515.
R. W. Owen, Inc., Tunica, Miss., $79,514.
C J & L. Farms, Stanfield, Ariz., $79,506.
Heirs of Jos. F. Green, Taft, Tx., $79,493.
Lynchfield Planting Co., Tchula, Miss., $79,438.
Cowan Bros., LaGrange, Tenn., $79,392.
Sunrise Dairy, Cleveland, Miss., $79,344.
Leon C. Bramlett, Clarksdale, Miss., $79,254.
Bruins Plng. Co., Hughes, Ark., $79,176.
Garrett & Son, Clarksdale, Miss., $79,136.
W. M. Terry, Martin, S.C., $79,037.
J. E. Mayes, Mayesville, S.C., $78,979.
W. A & T. A. Calloway, Bosco, La., $78,835.
A. M. Mabus, Philipp, Miss., $78,812.
Ben F. Bowden, Eufaula, Ala., $78,657.
Joe Pugh, Itta Bena, Miss., $78,654.
John & Ray Brorman, Adrian, Tx., $78,440.
Hicks Graves, Petty, Tex., $78,284.
Wedel Farms, Wasco, Calif., $78,255.
Wagner Brothers, Inc., Lewiston, Idaho, $78,236.
Mission Planting Co., Ida, La., $78,144.
John W. Bookout, Hartley, Tex., $78,104.
R. D. Hughes, Blytheville, Ark., $78,056.
Graydon Flowers, Mattson, Miss., $78,021.
Luis Garcia/Sons, Inc., Spur, Tx., $78,005.
Kenmar Farm, Arvin, Ca., $77,981.
George B. Doshier, Vega, Tx., $77,973.
Bozeman Farms, Inc., Flora, Ms., $77,972.
Howard Hurd, Brownfield, Tx., $77,965.
Fox Brothers, Lyon, Ms., $77,912.
Framack Farms, Amarillo, Tx., $77,904.
H. T. Dillahunty & Sons, Hughes, Ar., $77,899.
Cotton Dixie, Inc., Webb, Ms., $77,898.
Dan Crumpton, Jr., Clarksdale, Ms., $77,879.
Lakeland Farms, Hollandale, Ms., $77,769.
Carr Planting Co., Clarksdale, Ms., $77,727.
Raymond Brown and J. M. Brown, Anguilla, Ms., $77,663.
Sutton Bros., Phoenix, Az., $77,650.
Stonewall Planting Co., Thornton, Ms., $77,585.
Dale Steele, Ford, Ks., $77,573.
John H. Spearman, Clovis, N.M., $77,535.
Horace Hutton, Muleshoe, Tx., $77,499.
Palm Farms, Inc., Bksfld, Ca., $77,488.
Frank Bounds, Pecos, Tx., $77,463.
Wayne Sniffin, Firebaugh, Ca., $77,446.
S. A. Arnold, Jr., Tunica, Ms., $77,412.
C. Bruce Mace Ranch, Inc., Davis, Ca., $77,358.
H. T. Bonds, Shelby, Ms., $77,318.
Frank Schuster, San Juan, Tx., $77,244.
Collier Bros., Inc., Spearman, Tx., $77,226.
Cerro Bros., Bakersfield, Ca., $77,218.
Ben Riggs & Son, Chandler, Az., $77,175.
O. B. Nerren, Isola, Ms., $77,159.
Gordon V. Waldrop, Lamesa, Tx., $77,143.
Holcomb & Black, Weslaco, Tx., $77,085.
Forrester Ranch, Inc., Amarillo, Tx., $77,081.
M. C. Braswell Farms, Battleboro, N.C., $77,037.
Don & Vern Thiesen, Kingsburg, Ca., $77,011.
G. T. Hamilton, Hillsboro, Al., $76,970.
King Plantation, Greenwood, Ms., $76,901.
Charles Vonderahe, Brawley, Ca., $76,792.
T. K. Williamson, Morton, Tx., $76,641.
Parrott Inv. Co., Chico, Ca., $76,636.
Dale Elliott, Clovis, N.M., $76,548.
C. J. Lowrance & Sons, Driver, Ar., $76,543.
Runnymede Plantation, Itta Bena, Ms., $76,467.
Mashburn Farms, Inc., Paris, Tx., $76,349.
C. W. Neely, Gilbert, Az., $76,319.

James Blythe, Jr., Courtland, Al., $76,192.
Standefer-Gray, Inc., Lubbock, Tx., $76,170.
Rhodell Farms, Inc., Avondale, Az., $76,162.
Michael Giffen Ranch, Inc., Fresno, Ca., $76,142.
Sanders Farms, Bakersfield, Ca., $76,113.
W. C. Huffaker, Jr, Tahoka, Tx., $76,070.
Clarence Winger & Sons, Johnson Ks., $76,058.
James Cannon, Lockney, Tx., $75,999.
Arnold Farms, Inc., Tunica, Ms., $75,964.
Alex Curtis, Leland, Ms., $75,880.
Phelps & Palmer, Mesa, Az., $75,854.
Hocke Propst, Anson, Tx., $75,807.
Reinauer Bros., Hereford, Tx., $75,719.
Parsons Ranch, Buttonwillow, Ca., $75,678.
J. R. Flautt & Sons, Swan Lake, Ms., $75,575.
Panola Co., Newellton, La., $75,547.
Delta Ranches, Inc., Blythe, Ca., $75,480.
Williams & Burkhardt, Taft, Tx., $75,353.
Lone Oak Ranch, Corcoran, Ca., $75,339.
Cokers Ped Seed Co., Hartsville, S.C., $75,293.
Herbert C. Harris, Jr., Cherokee, Al., $75,216.
Chas. Urrea & Sons, Mesa, Az., $75,153.
Lipe Farms, Inc., Indianola, Ms., $75,091.
Joe Reistino, Jr., Calvert, Tx., $75,088.
J. D. Smith, Littlefield, Tx., $75,078.
B. S. Baldwin & Sons, Bksfld, Ca., $75,015.
Pinal Farms, Inc., Stanfield, Az., $75,000.
R. W. Neely, Florence, Az., $74,966.
J. C. Mills, Abernathy, Tx., $74,944.
Jason H. Allen, Lubbock, Tx., $74,759.
Elmo, Stephens, Plainview, Tx., $74,748.
R. Creecy & T. Tate, Osceola, Ar., $74,559.
Charles E. Lynch, Bville, S.C., $74,522.
W. T. Millen, Muleshoe, Tx., $74,448.
Kirkland & Best, Ulmers, S.C., $74,412.
Mohead Planting Company, Lula, Ms., $74,380.
California Sturges Ginning Co., Yuma, Az., $74,371.
L. A. Strawberry & Veg. Dist. Co., McAllen, Tex., $74,352.
E. W. Merritt Farms, Porterville, Ca., $74,348.
H. H. Twiford, Alligator, Ms., $74,299.
Skousen & Hastings, Queen Creek, Az., $74,253.
John C. Alford, Petersburg, Tx., $74,190.
Travis H. Jones, Buckeye, Ariz., $74,135.
Wallace Bales, Buckeye, Ariz., $74,076.
L. J. Barksdale, Marks, Miss., $74,036.
Valley Onions, Inc., McAllen, Tex., $3,994.
Raymond Beauchamp, Pecos, Tex., $73,935.
McGregor Land & Livestock Co., Hooper, Wash., $73,930.
M. B. M. Farms, Phoenix, Ariz., $73,879.
Harriett Veck, Animas, N. Mex., $73,844.
Carr-Mascot Planting, Inc., Clarksdale, Miss., $73,612.
Ray Tribble, Money, Miss., $73,579.
E. Batsch, Strathmore, Calif., $73,563.
C. H. & G. Farms, Inc., Fresno, Calif., $73,-545.
Millhaven Co., Sylvania, Ga., $73,515.
Dalton R. Pittman, Shreveport, La., $73,-423.
Shannon Bros. Enterprises, Memphis, Tenn. $73,400.
D. E. Phillips, Lind, Wash., $73,400.
Daniel Gustafson. Lyford, Tex., $73,392.
Carl Bruegel, Dimmitt, Tex., $73,324.
H. L. Kendrick, Eloy, Ariz., $73,312.
Grady Shepard, Hale Center, Tex., $73,058.
Moore & Taylor, Waddell, Ariz., $72,955.
Roseta Farms, Eagle Pass, Tex., $72,940.
J. Antongiovanni & Sons, Bakersfield, Calif., $72,885.
Alex & Norman Pretzer, Eloy, Ariz., $72,-862.
Reyher Farms, McClave, Colo., $72,770.
W. W. Boswell, Jr., Corcoran, Calif., $72,610.
L. L. Lawson, Lubbock, Tex., $72,560
M. C. Ewing Co. Inc., Anguilla, Miss., $72,-391.
Sam & D. M. Biancucci, Firebaugh, Calif., $72,385.
Mallory Farms, Chatfield, Ark., $72,361.
Charles Hill, Chandler, Ariz., $72,350.
Albert J. Hoelscher, Pecos, Tex., $72,270.
A. C. T. Ranches, Inc., Eloy, Ariz., $72,127.
Richard Berry & Sons, Cutler, Calif., $72,-103.
Twilight Planting Co., Glendora, Miss., $72,052.
Pappas & Co., Inc., Mendota, Calif., $71,930.
Rio Grande Equipment Co., Harlingen, Tex., $71,920.
George H. Moore, Canton, Miss., $71,908.
Roy Smith, Corpus Christi, Tex., $71,900.
Bear Kelso Plt. Inc., Valley Park, Miss., $71,877.
Dan L. Smythe, Tribbett, Miss., $71,762.
L. R. Layton, Chandler, Ariz., $71,708.
Ralph T. Hand, Jr., Glendora Miss., $71,706.
Snodgrass and Carlisle, Roswell, N. Mex., $71,678.
Wood-Sanderlin Farm, Crumrod, Ark., $71,673.
Jay Wilson, Casa Grande, Ariz., $71,658.
Wayne Kirschenmann, Bakersfield, Calif., $71,460.
J. Bert Williams, Farwell, Tex., $71,445.
W. A. Heiden & Son, Buckeye, Ariz., $71,428.
O. D. Bingham, Amarillo, Tx., $71,418.
G. H. Barker, Marks, Miss., $71,407.
Bouziden Bros., Alva, Okla., 71,385.
J. G. Adams and Son, Hughes, Ark., $71,384.
M. P. Moore, Senatobia, Miss., 71,365.
Dunn Farms, Yuma, Ariz., 71,347.
Johnson Bros. & Jones, Cambridge, Nebr., $71,077.
Melvin May, Hereford, Tx., $71,032.
G. G. Passmore, Pecos, $70,975.
Garone Brothers, Bakersfield, Calif., $70,907.
Muldrow Farms, Brownfield, Tex., $70,834.
P. M. B. Self Estate, Marks, Miss., $70,753.
Self & Co., Marks, Miss., $70,732.
Hardesty Bros., Buckeye, Ariz., $70,660.
Allen B. Helms, Clarkedale, Ark., $70,612.
Wayne Q. Winsett, Altus, Okla., $70,605.
Crouch Bros., Maricopa, Ariz., $70,544.
Morris Stuhaan, Visalia, Calif., $70,389.
Gerald, L. Morris, Jr., McCrory, Ariz., $70,323.
Clide Barnett, Keiser, Ariz., $70,300.
Fredlo Farms, Arvin, Calif., $70,201.
Milo Erwin, Fresno, Calif., $70,141.
R. A. Hildebrand, Bakersfield, Calif., $70,116.
Clarence D. Carnahan, Hereford, Tex., $70,106.
T. C. Buford, Glendora, Miss., $70,098.
Davis Beauchamp, Calipatria, Calif., $70,084.
Elvis Jones, Lovington, $70,057.
W. T. Jamison, Jr., Tiptonville, Tenn., $70,047.
First Nat. Bank of E N C., Dun, N.C., $69,943.
Gene Reeves, Americus, Ga., $69,810.
Jack Hart, Gruver, Tex., $69,777.
Carter Brothers, Rolling Fork, Miss., $69,767.
W. C. Skates & Son, Avon, Miss., $69,747.
Torrigiana Bros., Buttonwillow, Calif., $69,645.
George Gabel, Dimmitt, Tex., $69,630.
Mike A. Burkholder, Pecos, Tex., $69,570.
W. P. Scruggs Estate, Doddsville, Miss., $69,490.
Schoeneck Farms Inc., Nazareth, Pa., $69-453.
First National Bank, Dumas, Tex., $69,415.
W. H. Lovett, Dublin, Ga., $69,403.
James O. Payne, Wasco, Ca., $69,402.
Noel Williams, Cordele, Ga., $69,381.
John W. Dawson, Hawkinsville, Ga., $69,-299.
W. H. Morgan and Son Inc., Greenwood, Ms., $69,284.
H. Buller Farms, Bakersfield, Ca., $69,251.
Equen Planting Co., Minter Cty, Ms., $69,-244.
McIntosh and Sons, Lewiston, Id., $69,-147.
F. L. Gerdes Jr., Leland, Ms., $69,113.
Dean Nelson, Onida, S.D., $69,078.
Garcia Farms Ptns., Tolleson, Az., $69,055.
Warren Mathis, Lockney, Tx., $69,043.
Carl V. Grissom, Le Grand, Ca., $69,021.
Leo Jessen, Oshkosh, Neb., $69,005.
Lake Plantation, Hughes, Ar., $68,975.
Lowrance Bros. & Co., Driver, Ar., $68,966.
Sebastian Cot. & Gr. Corp., Sebastian, Tex., $68,897.
William Hardison, Palo Verde, Az., $68,873.
Lee Wong Farms Inc., Glendale, Az., $68,-863.
J. E. Cunningham, Tchula, Ms., $68,827.
Dorris Jones, Floydada, Texas, $68,798.
Richard Swearingen, Riverdale, Ca., $68,-760.
Ganier Brothers, Hollandale, Ms., $68,674.
Arthur P. Gumz, North Judson, In., $68,-666.
George L. Labar & Sons, Harlingen, Tx., $68,665.
Herbert Friemel, Canyon, Tx., $68,654.
Otto Steinberg, Plainview, Tx., $68,602.
Oaklawn Plantation Inc., Dundee, Miss., $68,541.
R. I. Bennett, Lockney, Texas, $68,532.
T. V. Cardoza & Son, Tulare, Ca., $68,406.
B. L. Davis Ranch Inc., Adams, Or., $68,388.
Verlin O. Lasley, Stratford, Texas, $68,375.
K. V. Jordon & R. B. Coplen, Laveen, Az., $68,320.
Moore Planting Co. Inc., Cary, Ms., $68,285.
Hugh L. Gordon, Dalhart, Tx., $68,252.
T. R. and G. E. King Jr., McBee, Sc., $68,135.
Stanley Snitzer, Phoenix, Az., $68,106.
Starkey & Erwin, Avenal, Ca., $68,106.
McClellan & McClellan, Sunray, Tx., $68,-102.
Lonnie R. Smith, Olton, Tx., $68,099.
D. D. McColl, St. Pauls, N.C., $68,052.
Billy Joe Waldrup, Drew, Ms., $68,026.
Sanders & Sanders, Bakersfield, Ca., $68,011.
Buford Gladden, Casa Grande, Az., $68,011.
Triple M. Planting Co., Sumner, Ms., $67,993.
Knapp Farms, Weslaco, Tex., $67,976.
Donald E. Morris, Fortescue, Mo., $67,964.
Opal Fry & Sons, Bakersfield, Ca., $67,880.
Vincent Kovacevich, Fresno, Ca., $67,880.
Garst Company, Coon Rapids, Ia., $67,860.
J. C. Andresen, Fresno, Ca., $67,846.
Leon Marks, Clovis, N.M., $67,821.
Vernon Swearingen, Riverdale, Ca., $67,778.
J. C. Reed, Leland, Ms., $67,765.
John C. Reistino, Hearne, Tx., $67,687.
Claremont Farms, Huron, Ca., $67,658.
Neil Fifield Co., Brawley, Ca., $67,647.
X. Y. Ranch Co., Granada, Co., $67,603.
Sugarland Ind. Inc., Sugarland, Tx., $67,591.
E. H. Clark & Co., Hughes, Ark., $67,543.
Aubrey L. Lockett, Ropes, Tx., $67,510.
William M. Pitts, Indianola, Ms., $67,468.
Larry R. Scott, Arizona City, Az., $67,436.
Jimmy Millar, Morton, Tx., $67,309.
R. D. Hines, Yazoo City, Ms., $67,278.
Trans Pecos Farms, Inc., Pecos, Tx., $67,269.
Jack Hale, Blytheville, Ar., $67,263.
Hanes and Demaio, Clovis, N.M., $67,240.
Maryland Planting Co., Clarksdale, Ms., $67,154.
Melvin McConnell Fms., Wasco, Ca., $67,088.
K. L. & D. E. Morrow Ptns., Lyford, Tx., $67,061.
Marlin Hamilton, Florence, Az., $67,044.
Rainbow Planting Co., Webb, Ms., $66,976.
John Gray Kelly, Fairbanks, In., $66,969.
Paul Hays, Kress, Tx., $66,928.
Larry Woodard Farms, Inc., Lepanto, Ar., $66,879.
T. J. Wilson, Pecos, Tex., $66,866.
H. Fox Tindal, Pinewood, S.C., $66,852.
Pat Scates, Sr., Shawneetown, Il., $66,852.
J. T. John Co., Inc., Laurinburg, N.C., $66,850.
James F. Davis, Jr., Lorenzo, Tx., $66,801.
C. O. Pitrat & Sons, Laveen, Az., $66,762.
Kinard Bros., Willcox, Az., $66,745.
Wm. M. Harrison, Yuma, Az., $66,710.

A L Cone, Lubbock, Tx, $66,709.
A D Swindell, Pantego, N.C., $66,692.
Thomas L James, Canton, Ms, $66,688.
M H Rich, Jr., Chatham, Ms, $66,673.
Henson & Sons, Bakersfield, Ca, $66,618.
E A Houston, Abernathy, Tx, $66,593.
R. E Smith & Sons, Pixley, Ca, $66,589.
Tollie Barton, Bakersfield, Ca, $66,571.
James U Yeldell, Jr., Mer Rouge, La, $66,562.
Porter Land Co., Bakersfield, Ca, $66,445.
Adamek & Dessert, Seeley, Ca, $66,406.
H D Smith, Hart, Tx, $66,336.
J Melvin Taylor, Tallahassee, Al., $66,297.
C H Pattison, Clovis, N. M., $66,280.
Starr Produce Farm Acct, Grande City, Tx., $66,251.
J B Baird, Inverness, Ms., $66,242.
Donald Damon Est, Warden, Wa., $66,141.
Robbins & Long, Rosedale, Ms, $66,139.
F R Trainor, Lambert, Ms, $66,138.
W W & Earl Cochran, Portland, Ar, $66,092.
Vernon Denson, Hereford, Tx, $66,071.
Western Vly Ranches Inc., Los Banos, Ca., $66,055.
H L Palvado, Morton, Tx., $65,976.
Ivanhoe Assoc. Inc., Natchez, Ms., $65,936.
W C Bradley Co., Columbus, Ga., $65,929.
Ray Scroggins, Yazoo City, Ms., $65,865.
Quien Sabe Farms, Hereford, Tx., $65,781.
G E Paxton, Tulare, Ga., $65,753.
Herbert W. Bode, San Benito, Tx., $65,744.
Chanan Singh, Casa Grande, Az, $65,743.
Green Top Farms, Inc., Richmond, Mo., $65,722.
Bryants Incorporated, Barton, Ga., $65,717.
R E Hart, Sinton, Tx, $65,694.
Angelo & Eugene Fanucchi, Bksfld., Ca., $65,665.
Ashley Plantation, Tallulah, La., $65,629.
Byron Campbell Est., Raymondville, Tx., $65,606.
Singletary Farms, Blakely, Ga., $65,605.
R. L. Calhoun, Taft, Ga., $65,585.
Johnny Dentz, Madera, Ca., $65,556.
Wilbur F Johns Farms, Joiner, Az, $65,510.
Sloan Osborn, Friona, Tx., $65,503.
W E Taylor, Greenville, Ms., $65,496.
Davidson Bros., Pecos, Tx., $65,468.
Joe H. Wolf, La Feria, Tx., $65,398.
El Dorado Rnch Inc., Stanfield, Az., $65,389.
Warren Spikes, Hugoton, Ks., $65,383.
K. K. Skousen, Chandler, Az., $65,324.
Crosthwait Farms Inc., Osceola, Ar., $65,244.
Rusconi Farms, San Joaquin, Ca., $65,191.
A. H. Wegis & Sons, Buttonwillow, Ca., $65,177.
Carl Schuster, San Juan, Tex., $65,151.
Guerra Bros, Linn, Tex., $65,133.
Pauline V. Adair, Doddsville, Ms., $65,102.
Diablo Farms, Arvin, Ca., $65,062.
Pecan Grove Pltn, Indianola, Ms., $65,016.
W. J. Denton Est, Wilson, Ar., $65,005.
Tom Passmore, Pecos, Tex., $65,000.
West AC Farms, Inc., Hereford, Tx., $64,974.
Clements Corp., Lubbock, Tx., $64,940.
J. C. Moore Mercantile Co., Marion, Al., $64,934.
S. M. Fewell & Co., Vance, Ms.,$64,925.
Jack Phillips, Delano, Ca., $64,891.
Elbert Harp, Abernathy, Tx., $64,850.
M. & S. Rnchs, Inc., Stanfield, Az., $64,834.
Milton Addison, Brownfield, Tx., $64,771.
E. E. Gasque and Son, Elloree, Sc., $64,764.
Santa Cruz Farms Inc., Eloy, Az., $64,710.
Kalcevic Farms Inc., Aurora, Co., $64,624.
Clinton P. Owen, Robinsonville, Ms., $64,614.
T. A. Densford & Son, Millington, Tn., $64,590.
B. W. Smith Jr., Louise, Ms., $64,566.
S U. Smith, Louise, Ms., $64,566.
Dave M. Thompson, Friona, Texas, $64,557.
Erma Griffith, Morton, Tx., $64,527.
Buffalo Farms Inc., Goodland, Tx., $64,502.
C. C. & Jack Harbison, Mercedes, Tex., $64,497.
Antongiovanni Bros., Bakersfield, Ca., $64,484.
Bill Jim Stclair, Muleshoe, Tx., $64,479.
Donald J. Wright, Dimmitt, Tx., $64,450.
J. Carter Caldwell, Slaton, Tx., $64, 398.
J. Kroeker Sons, Shafter, Ca., $64,398.
W. S. Taylor Jr., Como, Ms., $64,381.
F. T. Leavell, Minter City, Ms., $64,367.
Roy Barefield, Alexander, Ga., $64,358.
Devin Devin & Patterson, Tulia, Tx., $64,346.
J. O. E. Beck Trust, Hughes, Ar., $64,313.
H. S. Mitchell, Millington, Tn., $64,297.
Arcola Planting Co., Arcola, Ms., $64,294.
Glenn Schott & Sons, Pixley, Ca., $64,259.
J. E. Polvado, Morton, Tx., $64,236.
William E. Glotz, Tranquillity, Ca., $64,072.
Schlindler Brothers, Ripley, Ca., $64,059.
James W. Dixon, Friona, Texas, $64,045.
Maryland Plantation, Inc., Shelby, Ms., $63,942.
Zumbro Planting Co., Cleveland, Ms., $63,817.
Marshall Cator, Sunray, Tx., $63,799.
Melvin R. Bryce, Pima, Ariz., $63,747.
John M. Welch, Indianola, Ms., $63,688.
Jack Bros. & McBurney, Inc., Brawley, Ca., $63,676.
J. L. Francis, Kress, Tx., $63,672.
James Middleton, Darlove, Ms., $63,670.
Texas Technological Research F., Pantex, Tex., $63,654.
Weeks Plantation, Inc., Clarksdale, Ms., $63,654.
Bonard Stice, Brownfield, Tx., $63,650.
Joe B. Mercer, Silverton, Texas, $63,649.
Schmitt Bros. Farms Ptn., Los Fresnos, Tx., $63,584.
Wheeler Robertson, Idalou, Texas, $63,507.
T. C. Clanton, Plainview, Tx., $63,423.
Pluto Planting Company, Thornton, Ms., $63,356.
Refuge Pltn., Greenville, Ms., $63,342.
Gilbreath Farm Co., Dimmitt, Tx., $63,329.
Burke Bros. & Giltz, Inc., Charleston, Mo., $63,313.
A. D. Murphree, Jr., Shelby, Ms., $63,313.
Camp & Lachenmaier, Shafter, Ca., $63,291.
L. O. Weaks, Silverton, Tex., $63,255.
M. E. Lee, Somerton, Az., $63,254.
J. H. Farms, Coolidge, Az., $63,237.
Ralph C. Dickson, McCamey, Texas, $63,227.
Valley Acres, Santa Rosa, Tex., $63,225.
Charles H. Mayo, Taft, Tx., $63,223.
Evans Townes Plantation, Minter City, Ms., $63,222.
Joseph A. Meyer, Adrian, Tx., $63,219.
John Smith, Maricopa, Az., $63,196.
R. E. and Rue Sanders, Spearman, Tex., $63,192.
H. B. Barker, Morton, Tx., $63,134.
Jerry Block, Mission, Tex., $63,023.
Kenneth Heard, Littlefield, Tx., $63,012.
Henry L. Voss, Phoenix, Az., $62,998.
Frank & Dorothy Sturdivant, Minter City, Ms., $62,993.
D. C. Parker, Tunica, Ms., $62,973.
Tracy Hutchins, Casa Grande, Az., $62,971.
Frank Wicks, Clovis, N. M., $62,964.
W. A. Fulford, Brownfield, Tx., $62,943.
Flowers Brothers, Dublin, Ms., $62,939.
Herman Koehler, Robinsonville, Mi., $62,884.
Garrard Est, Indianola, Ms., $62,875.
Barker Brothers, Soda Springs, Id., $62,861.
J. W. Bryan, Pecos, Tx., $62,817.
Douglass & Vandiver, Madison, Al., $62,802.
Ben E. Pittman, Darling, Ms., $62,774.
Broyles Pecos Farm, Ft. Stockton, Tx., $62.769.
Batman Farms Co., Grain Valley, Mo., $62,756.
Bell, Bros., Elsa, Tex., $62,688.
Mitchener Farms, Inc., Sumner, Ms., $62,673.
Barling Bros., Wasco, Ca., $62,662.
N. S. Garrott & Sons, Proctor, Ar., $62,642.
Broadwell, Inc., York, Ne., $62,628.
Sam C. Jenkins, Lamesa, Tx., $62,609.
Harry Brorman, Hereford, Tx., $62,580.
M. and V. Farms, Ehrenberg, Az., $62,570.
Strafford Hannon, Brawley, Ca., $62,522.
J. A. Pickett, Morrow, La., $62,506.
Evanna Plantation, Inc., Cary, Ms., $62,494.
Dowco Land Co., Cairo, Il., $62,492.
Bloemhof Hay Co., Button Willow, Ca., $62,491.
Robert F. Ashley, La Feria, Tx., $62,473.
John D. Hamilton, Chandler, Az., $62,462.
C. E. Atkinson, Bishopville, S.C., $62,450.
Heglar Ranch, Inc., Burley, Id., $62,427.
Thomas A. & Charles O'Neal, Blenheim, S.C., $62,424.
Carl & Paul Shannon, Visalia, Ca., $62,402.
L. C. Hewitt, Littlefield, Tx., $62,337.
S. C. Wilson & Son., Dundee, Ms., $62,333.
D. H. Dew, Sr., Eden, Ms., $62,312.
Nash Brothers, Redstone, Mt., $62,256.
Fuller Farms, Weslaco, Tx., $62,237.
Vernon Porter, Dos Palos, Ca., $62,224.
Edward Ray Hooper, Columbus, N.M., $62,219.
Robert W. Brooks, Queen Creek, Az., $62,201.
D. & R. Farms, Chandler, Az., $62,180.
Penny Ranch, Burlington, Co., $62,114.
Goodman Traction Ranch, Tranquillity, Ca., $62,099.
Floyd Warren Inc., Hardin, Mt., $62,080.
Trail Lake Gin Co., Tralake, Ms., $62,058.
Floyd Robbs, Willcox, Az., $62,053.
S & P Farms Inc., Gila Bend, Az., $62,045.
John T. Dillard, Leland, Ms., $62,008.
Walter B. Shaw, Tanner, Al., $62,003.
Menezes Bros., Tulare, Ca., $61,997.
M. E. Little, Muleshoe, Tx., $61,984.
Doe Cattle & Land Co., Visalia, Ca., $61,981.
Powers Co., Inc., Cary, Ms., $61,976.
Paul Morgan Lamesa, Tx., $61,968.
W. E. Austin, Indianola, Ms., $61,939.
Kempton & Snedigar, Tempe, Az., $61,921.
Bill White, Pixley, Ca., $61,879.
Withers & Seabrook, Tunica, Ms., $61,846.
Hugh M. Arant, Ruleville, Ms., $61,839.
Z. V. Pate Inc., Laurel Hill, N.C., $61,835.
A. R. Dillard, Hereford, Tx., $61,809.
Hinkhouse Bros, Burlington, Co., $61,784.
Yarbrough Bros., Sicily Island, La., $61,776.
J. C. Conn Inc., Coalinga, Ca., $61,774.
James J. Mullis, Chester, Ga., $61,770.
CCG Farms Inc., Glendale, Az., $61,752.
Era Mae Barnes, Chandler, Az., $61,724.
Grady Easley, Calhoun City, Ms., $61,707.
J. R. Durrett Trusts, Amarillo, Tx., $61,697.
Lloyd Kontny, Goodland, Ks., $61,696.
J. Walter Hobgood, Anton, Tx., $61,671.
Dearborn & Maraccini, Calipatria, Ca., $61,663.
Morris L. Hunt, Dumas, Tx., $61,631.
Tule Ranch A Pts., Corcoran, Ca., $61,629.
Glen Cox, Lenorah, Tx., $61,613.
Sam Degelia, Sr., Hearne, Tx., $61,586.
James M. Hamilton, Chandler, Az., $61,539.
Stanley Asmussen, Agar, S.D., $61,450.
John Valpredo, Bakersfield, Ca., $61,445.
Highland Pltn., Greenville, Ms., $61,442.
R. S. Barlow, Lemoore, Ca., $61,433.
Mahan, Mahan & Radcliff, Parma, Mo., $61,432.
Billy W. Clayton, Springlake, Tx., $61,407.
James A. Bullard, Hereford, Tx., $61,337.
Johnson Bros., Friars Point, Ms., $61,306.
Drew Farms Inc., Firebaugh, Ca., $61,299.
H. C. Berry, Dexter, N.M., $61,264.
Kleymann Brothers, Tribune, Ks., $61,177.
C. H. Fletcher, Lycan, Co., $61,153.
Ralph Wheeler, Edmonson, Tx., $61,141.
Hal Bogle, Dexter, N.M., $61,135.
Joe Friemel, Umbarger, Tx., $61,102.
Alazan Farms, Harlingen, Tx., $61,059.
James M. Warner, Waco, Tx., $61,046.
Otis Whitlock, Bostwick, Ga., $61,027.
Lloyd Gambrel, Ralls, Tx., 061,022.
W. D. Scarborough Jr., Petersburg, Tx., $60,995.
Leslie H. Laffere, Batesville, Tx., $60,945.
Jerry Cluck, Dimmitt, Tx., $60,941.
Maricopa Growers Gin, Maricopa, Az., $60-924.
John Trimmier Jr., Hale Center, Tx., $60,911.
Odus Rush, McAlister, N.M., $60,897.
Marathon Farms, Casa Grande, Az., $60,868.

Lone Butte Ranches, Gilbert, Az., $60,851.
Coyne E. Killian, Lorenzo, Tx., $60,845.
A. S. Perry & Sons Inc., Tunica, Ms., $60,-771.
Harry Schmidt Farms, Brawley, Ca., $60,-699.
Scopena Plantation, Bossier City, La., $60,-685.
C. E. Roemer III, Bossier, City, La., $60,685.
Wayne Watkins, Cruger, Ms., $60,671.
Warren W. Sullivan, Walls, Ms., $60,655.
T. R. Joines, Abernathy, Tx., $60,647.
Tyline N. Perry, Kress, Tx., $60,619.
Randy Johnson, Muleshoe, Tx., $60,619.
Frank Moore, Plainview, Tx., $60,613.
Jean D. Smith, Ralls, Tx., $60,610.
Funk Farms Inc., Harlingen, Tx., $60,609.
E. T. Schaefer, Yazoo City, Ms., $60,602.
Jerry Falls, Webb, Ms., $60,592.
Billy Ray McInroe, Levelland, Tx., $60,590.
Seward and Harris, Midnight, Ms., $60,552.
Baconia Plantation Inc., Cary, Ms., $60,531.
Slaughter Hill Co., Levelland, Tx., $60,522.
W. F. Ponder, Hereford, Tx., $60,468.
Riggs Bros., Blytheville, Ar., $60,398.
J. W. Lynn Plantation, Gilliam, La., $60,-368.
Robert D. Bechtel, Coolidge, Az., $60,352.
Thompson Farms Inc., Decker, In., $60,336.
Lloyd M. Hale, Tulia, Tx., $60,311.
Rex Neely Trst., Chandler, Az., $60,298.
Clyde Curry, Somerton, Az., $60,249.
L. R. Allison Co., Tornillo, Tx., $60,209.
Reuben Crosno, Selma, Ca., $60,171.
Mahalitc Bros., Eagle Lake, Tx., $60,167.
Jones Ranches, Bowie, Az., $60,133.
L. R. Talley, Texico, N.M., $60,112.
Dick Barrett, Indianola, Ms., $60,111.
Jeanne L. James, Burlington Co., $60,099.
E. Bar S Ranch, Mesquite, Tx., $60,072.
B. A. Holaday Company, Louise, Ms., $60,-028.
Barton Ingram, Arcola, Ms., $60,022.
James E. Crabtree, Dalhart, Tx., $59,980.
Lynn T. Smith, Crosbyton, Tx., $59,975.
Andrew E. Larson, Garden City, Ks., $59,-922.
Lugoff Farms Inc., Lugoff, S.C., $59,910.
E. J. Graff, Hurricane, Ut., $59,898.
Homer Ruthland, Mt. Olive, Ms., $59,868.
Dan P. Logan, Gilliam, La., $59,866.
W. J. Roberson, Minter City, Ms., $59,860.
Hershel Carthel, Lockney, Tx., $59,817.
Davis Drier & Elevator Inc., Firebaugh, Ca., $59,807.
Joe Freitas Jr., Bakersfield, Ca., $59,768.
Robert G. Bafus, Adams, Or., $59,748.
Chas. E. Armstrong, Dimmitt, Tx., $59,733.
Swiney & Sons, Catron, Mo., $59,711.
H. Miller Tr. V. Chinn, Bakersfield, Ca., $59,690.
Bartels Farms Inc., St. Marys, Mo., $59,685.
Cobb Bros., Cameron, Tex., $59,681.
Parish Farms, Springlake, Tx., $59,671.
Favier Bros., Merced, Ca., $59,661.
W. H. Haggard Jr., Buckeye, Az., $59,616.
H. T. Bond Jr., Shelby, Ms., $59,600
Harold Worrell, Altus, Ok., $59,599.
W. Darrell Kilton, Litchfield, Il., $59,596.
Joe Lyons & Lyons, Hereford, Tx., $59,574.
R. E. Jones, Lubbock, Tx., $59,560.
S. A. Barrett, Kress, Tx., $59,557.
Lindemann Farms Inc., Los Banos, Ca., $59,503.
Eddy Farms, Daytona Beach, Fl., $59,479.
Beers Brothers, Tyler, Al., $59,466.
Svoboda & Hannah, Ogallala, Ne., $59,461.
Paul Spanbauer, Burley, Id., $59,420.
Kay Planting Co., Indianola, Ms., $59,413.
Jess Croft & Son, Idaho Falls, Id., $59,403.
Hunter Brothers, Fayettville, Tn., $59,397.
Bennett Bros Inc., Pearsall, Tx., $59,349.
Graham Farms Inc., Washington, In., $59,330.
Homer A. Hill, Dimmitt, Tx., $59,329.
Halbrook Farms, Belzoni, Ms., $59,313.
Andy Wheat, Corcoran, Ca., $59,297.
D. D. Myrick, Clovis, N.M., $59,289.
Harold O. Banion, Dos Palos, Ca., $59,287.
Dean and Co., Tribbett, Ms., $59,283.
Grant-Vaughn Ellsworth, Mesa, Az., $59,228.
Leland L. Crist, Holcomb, Ks., $59,217.
Fonnie F. Dickens, Jr., Watkinsville, Ga., $59,176.
A. B. Jones, Jr., Belzoni, Ms., $59,154.
Dannie Weaver, Burlington, Co., $59,089.
Seward & Son, Louise, Ms., $59,082.
Lynn & Jon Hart, Gruver, Tx., $59,061.
Eugene Elson, Miami, Mo., $59,050.
Wheeler-Graham, Coahoma, Ms., $59,009.
Barnard Bros., Bakersfield, Ca., $59,000.
Allen M. Shook, Red Springs, N.C., $58,984.
Benjamin Schaible, Mott, N.D., $58,979.
Brorman Bros., Hereford, Tx., $58,961.
S. C. Dulaney and Son, Canton, Ms., $58,934.
T. W. Harrington, Bradshaw, Ne., $58,919.
W. R. Cottrell, Meade, Ks., $58,915.
W. O. Chadwick, Farwell, Tx., $58,914.
S & S Seed, Raymondville, Tx., $58,892.
George Arakelian Farms, Inc., Blythe, Ca., $58,838.
Buckshot Farms, Inc., Stanfield, Az., $58,836.
Lonnie Cannon, Center, Tx., $58,833.
Carl L. Kemp, Dimmitt, Tx., $58,785.
Richland Plan, Inc., Hughes, Ar., $58,782.
J. S. Hale, Jr., Floydada, Tx., $58,756.
C. B. Robinson, Osceola, Ar., $58,746.
Viney Ridge Farms, Clarksdale, Ms., $58,629.
Joe G. Fanucchi & Sons, Bakersfield, Ca., $58,616.
Anthony Pashel, Hereford, Tx., $58,594.
A. C. Woodward, Tarzan, Tx., $58,529.
J. H. Hill, Indianola, Ms., $58,503.
Kirk Haynes, Jonestown, Ms., $58,500.
K. & P. Farms Inc., Edison Ca., $58,500.
Ethel M. Martin, Syracuse, Ks., $58,468.
Pichacho, Buttes Farms, Casa Grande, Az., $58,463.
J. H. Pruett, Lyons, Ms., $58,457.
David Turner, Texico, Nm., $58,405.
E. G. Melo, Stephen, Mn., $58,398.
Baskett Farms, Glendale, Az., $58,268.
J. M. Montgomery, Jr., Inverness, Ms., $58,262.
E. L. Howard, Friona, Tx., $58,211.
Joe R. Murphy, Tanner Al., $58,186.
Sid Pipkin, Clovis, Nm., $58,176.
Waccamaw Bank and Trust Co., Lumberton, N.C., $58,134.
Donald Aycock, Lorenzo, Tx., $58,132.
D. C. Crawford & Son, Wasco, Ca., $58,130.
The Sheffels Co., Inc., Wilbur, Wa., $58,124.
Leroy Edwards, Holtville, Ca., $58,106.
Sidney Warner, Cimarron, Ks., $58,091.
Odell J. Wilson, Holly Springs, Ms., $58,049.
C. E. Yancey & Sons, Marianna, Ar., $58,044.
Arid Zone Farms, Phoenix, Az., $58,024.
Ezra F. Fisk, Texhoma, Ok., $57,989.
Tejon Potato Co., Arvin, Ca., $57,941.
Reynolds Metals Co., Henderson, Ky., $57,930.
R. W. Mabry, Tutwiler, Ms., $57,923.
Taylor Bros., Essex, Mo., $57,901.
Cameron Sides, Casa Grande, Az., $57,859.
Fangman Farms, Inc., Friona, Texas, $57,856.
Jesse L. Reese, Ralls, Tx., $57,849.
Olen J. Burton, Vienna, Ga., $57,829.
Walter Mattiza, Est., Robstown, Tx., $57,813.
Kern Valley Farms, Lamont, Ca., $57,725.
E. L. Polvado, Morton, Tx., $57,722.
Reality Plantation, Inc., Rolling Fork Ms., $57,719.
R. Bruce Walker, Plainview, Tx., $57,719.
Edgar R. Smith, Weslaco, Tex., $57,671.
Phil Ladra, Glendale, Az., $57,661.
J. R. Russell, Weslaco, Tex., $57,612.
Grady E. Miller, Jr., Fort Hancock, Tex. $57,610.
Edward Pretzer, Eloy, Az., $57,559.
McKamey Farms, Gregory, Texas, $57,532.
Harold House, Clovis, Nm., $57,531.
Edward Barnes, San Simon, Az., $57,515.
Lyons Planting Co., Inc., Altheimer, Ark., $57,509.
Dan C. Palmer, Coolidge Az., $57,500.
Ludd Payne, Marana Az., $57,499.
Martha B. Lowe, Glendora Ms., $57,436.
Charles N. Plowden, Summerton SC., $57,-433.
A. E. Schletze Farms, Pearsall Texas, $57,-418.
Spencer H. Barret, Belzoni Ms., $57,410.
William M. Wisener, East Tallassee Al., $57,401.
Louis, Muse, Hearne Tx., $57,349.
William E. Colwell, Lincoln Ne., $57,329.
John Fish, Garciasville Tx., $57,309.
Arcola Plantation, Inc., Hollandale Ms., $57,248.
J. D. Andreas & Sons, Delano Ca., $57,234.
Otice Self, Stanfield Az., $57,228.
W. J. Waits, Goodman Ms., $57,224.
Max K. Schnepf, Queen Creek Az., $57,206.
H. L. Hill, Seagraves Tx., $57,200.
N. H. Kitayama, Donna Tex., $57,185.
Benford Brown, Charleston Ms., $57,182.
Bardin Reddett, Greenwood Ms., $57,166.
Eugene Allison, Willcox Az., $57,157.
John F. Swindler, Mott ND., $57,156.
F. M. Gorrell, Buckeye Az., $57,145.
Pandol & Sons, Delano Ca., $57,132.
N. H. Bruckerhoff, Perryville Mo., $57,104.
Frank Wise, Dimmitt Tx., $57,085.
B. J. Gable, Muleshoe Tx., $57,083.
Eugene McCleskey, Pinehurst Ga., $57,074.
J. A. Stubblefield, Anton Tx., $57,064.
Schuman Farm, Inc., Dumas Tx., $57,051.
Raman L. Chandler, Dalhart Tx., $57,049.
Van Peavy, Pinehurst Ga., $57,046.
Billy J. Robbins, Idalou Tx., $57,022.
Otis S. Waters, Richey Mt., $57,009.
H. W. Herndon, Bamberg SC., $56,999.
Grote Farms, Inc., Prescott Wa., $56,980.
T. E. Pemble Farms, Inc., Merigold Ms., $56,949.
Three H Ranch, Bakersfield Ca., $56,937.
H. L. Schlottman, Paris Tx., $56,934.
PI-Land & Cattle Co., Blythe Ca., $56,918.
P. H. B., Inc., Indianola Ms., $56,915.
P. F Williams & Sons, Clarksdale Ms., $56,-854.
Tommy B. Willis, Brownsville Tn., $56,846.
C. B. Player, Jr., Bishopville SC., $56,760.
G. L. Rouse, Sylvania, Ga., $56,747.
Neal Caswell, Anton, Tex., $56,742.
Red-Bud M. W. Jefcoat, Lake Cormorant, Miss., $56,735.
Milham Farms, Bakersfield, Calif., $56,733.
Watson Farms, Marana, Ariz., $56,717.
Jorde Farms, Hereford, Tex., $56,683.
Robert May, Brickeys, Ark., $56,664.
Rex L. McGarr, San Benito, Tex., $56,640.
Dougherty Ranch, Phoenix, Ariz., $56,637.
Poindexter Brothers, Inverness, Miss., $56,627.
Wells Agricultural Corp., Dumas, Tex., $56,617.
Robert Cockrill, Phoenix, Ariz. $56,600.
Clayton Farms, Ehrenberg, Ariz., $56,568.
Don Bridges, Dawson, Ga., $56,560.
H. F. Beyer, Dimmitt, Tex., $56,549.
J. W. Graham, Dimmitt, Tex., $56,537.
T. F. Arbuthnot, Springfield, Colo., $56,520.
Shamrock Farms, Donnell, Tex., $56,507.
John W. League, Toney, Ala., $56,506.
Arvel Glinz, Eldridge, N. Dak., $56,506.
Connell & Company, Clarksdale, Miss., $56,435.
Herman Grusing, Amarillo, Tex., $56,425.
Chase & Harmon Farms, Arvin, Calif., $56,419.
James J. Walton, Breckenridge, Minn., $56,409.
Fisher Ranch, Blythe, Calif., $56,403.
M. M. Snell, Clovis, N. Mex., $56,398.
L. H. Woodruff, McDade, La., $56,393.
Sommerville Farms Inc., Huron, Calif., $56,381.
E. P. Coleman, Jr., Sikeston, Mo., $56,306.
Malcolm Garrett, Clovis, N. Mex., $56,282.
Quinn Bros., Salisbury, Mo., $56,244.
C. W. Sanders, Brawley, Calif., $56,237.
R. S. Jarratt, Walls, Miss., $56,221.
L. J. Welch, Muleshoe, Tex., $56,212.
A. B. Farms Inc., Hughes, Ariz., $56,188.
Ned Johnson, Madison, Ala. $56,179.
H. A. Pipes, Jr., Oak Ridge, La., $56,167.
Bradshaw and Meador, Dalou, Tex., $56,148.
Verney Towns, Lubbock, Tex., $56,087.
George D. Wynn, Pickens, Miss., $56,079.
Jimmie O. Brewster, Dalhart, Tex., $56,072.

Marvin Shurbet, Petersburg, Tex., $56,030.
Jennie W. Ash, Holly Springs, Miss., $56,029.
T. J. Carter, Money, Ms., $55,979.
Meacham Land and Cattle Co., Lapwai, Id., $55,975.
Rubye Morgan & Sons, Sunflower, Ms., $55,937.
Wise Bros., Jonestown, Ms., $55,892.
Leonard Feldhousen, Burlington Co., $55,875.
B. N. Word Co., Inc., Altheimer, Ar., $55,867.
G. Buster Brown, Casa Grande, Az., $55,860.
G. W. Lee, Silverton, Tx., $55,832.
Shurden and Owens, Drew, Ms., $55,821.
Margie L. Hanna, Coolidge, Az., $55,797.
J. A. Crosthwait, Osceola, Ar., $55.794.
Haas Inv. Co., Inc., Bunkie, La., $55,784.
Noel E. Martin, Casa Grande, Az., $55.771.
Bernard Farms, Earle, Ark., $55.752.
H. R. Wood & Son, Inc., Grady, Ar., $55,749.
John Henry Jones, Welch, Tx., $55,738.
Frank Flanders, Swainsboro, Ga., $55,725.
Ronnie Mitchell, Clovis, N.M., $55,725.
Hosea Foster Estate, Canyon, Tx., $55,716.
Elijah B. Adams & Sons, Harlingen, Tx., $55,707.
Quinton Rogers, Waynesboro, Ga., $55,654.
A. L. Rosener & Sons, Daykin, NE., $55,582.
Bost Farms, Altheimer, Ar., $55.581.
J. Weldon Youngblood, Waco, Tx., $55.576.
R. L. Porter Est., Spearman, Tx., $55.566.
James Delong, Orefield, Pa., $55,562.
Richard L. Kagele, Ritzville, Wa., $55,551.
James House, Rosedale, Ms., $55,546.
Olen Edwards, Plains, Tx., $55.517.
O. H. Acom Farms, Inc., Wardell, Mo., $55.515.
D. A. and J. E. Williams, Cleveland, Ms., $55.489.
Floyd Webb., Jr., Mathis, Tx., $55,460.
Horne Brothers, Plainview, Tx., $55,441.
W. C. Harper, Plainview, Tx., $55,440.
C. E. Presley, Jr., Rena Lara, Ms., $55,423.
Claude Higley, Dumas, Tx., $55,417.
David Anway, Marana, Arizona, $55,417.
Martin Planting Co., Inc., Anguilla, Ms., $55,393.
Hinton Brothers, Happy, Tx., $55,393.
George Oliver Jackson, Abernathy, Tx., $55,391.
Jennie Lee Lands, Seminole, Tx., $55,380.
Jackson & Reinert, Paso Robles, Ca., $55,378.
Ned Fachorn, Hearne, Tx., $55,363.
Creighton Bros., Warsaw, In., $55,358.
Peters & Nall, Blythe, Ca., $55,340.
E. S. Willis, Jr., Florence, S.C., $55,336.
T. A. King, Jr., Sudan, Tx., $55,319
C. S. Simmons, Jr., Inverness, Ms., $55,317.
J. R. Shumate, Jr., Clovis, N.M., $55,303.
Dudley Pillow, Schlater, Ms., $55,301.
High & Mighty Farms, Blythe, Ca., $55,282.
Dublin Farm, Madison, Al., $55,253.
S & S Ranch, Inc., Mendota, Ca., $55,233.
Deandale, Tribbett, Ms., $55,221.
BI County Farms, Prosser, Wa., $55,206.
Kirschenmann Farms, Bksfld, Ca., $55,187.
L. E. Culp dba Culp Ranches, Coalinga, Ca., $55,182.
King Farms, Buckeye, Az., $55,168.
Marion J. Malazzo, Caldwell, Tx., $55,153.
Henderson and Son, Lamesa, Tx., $55,150.
Lawrence E. Taylor, Bradley, Ar., $55,105.
Arrowhead Ranches, Glendale, Az., $55,080.
Bill Burns, McAllen, Tex., $55,044.
Tulana Farms, Klamath Falls, Or., $55,006.
L. B. Pate and Sons, Cleveland, Ms., $54,994.
Solomon Bros., Hereford, Tx., $54,977.
Onstad Grain Co., Carter, Mt., $54,977.
Ray D. Ross, Gilmore, Ar., $54,952.
T. M. Simmons, Jr., Belzoni, Ms., $54,935.
Avila Bros. J. L. C., Hanford, Ca., $54,886.
J. R. Stump, Elsa, Tex., $54,875.
R. C. Smith, Casa Grande, Az., $54,867.
Haskell Land Co., Sublette, Ks., $54,844.
Dick Sheffield, Webbers Falls, Ok., $54,842.
Brights Nursery, Inc., Le Grand, Ca., $54,815.
B. C. Rhyne, Benton, Al., $54,785.
J. F. Humber, Jr., Farrell, Ms., $54,764.
Ray Dawson, Lexa, Ar., $54,739.
D. L. Hadley, Chandler, Az., $54,713.
Charles L. Walker, Atoka, Tn., $54,707.
Weinacht Bros., Pecos, Tex., $54,694.
W. J. Linn, Houston, Ms., $54,682.
H. R. Burden, Ennis, Tx., $54,669.
Clyde V. Gault, Leland, Ms., $54,662.
G. B. Morris, Crosbyton, Tex., $54,640.
S. Wayne Gamble, Lane, S.C., $54,622.
Russell J. Ogrady, Bksfld, Ca., $54,607.
Swindler Bros., Mott, N.D., $54,602.
W. L. McAdams, Augusta, Ar., $54,600.
Jim Presley, Senatobia, Ms., $54,592.
Frank Sayle, Charleston, Ms., $54,571.
Samuel E. Durant, Gable, S.C., $54,571.
Garmon Farm, Marks, Ms., $54,561.
Salle Bros. Farm & Grain Co., West Alton, Mo., $54,557.
L. E. Devore, Rossville, Tn., $54,542.
J. W. Henderson, Clarksdale, Ms., $54,538.
E. B. McCutchen, Bishopville, S.C., $54,493.
Livio Palla, Bksfld, Ca., $54,480.
Louis E. Stevens, Colfax, Mo., $54,444.
Heirs Edwards Est., Ft. Worth, Tex., $54,439.
R. H. A. McCleskey, Jr., Pinehurst, Ga., $54,432.
R. W. Jones & Sons, Inc., Lula, Ms., $54,408.
Morgan, Shillington Farms Co., Rupert, Id., $54,404.
Alpe Brothers, Crawfordsville, Ark., $54,390.
Lynn E. Campbell, Crosbyton, Tx., $54,386.
Sherman Brothers, Brickeys, Ar., $54,368.
Miller Brothers, Paso Robles, Ca., $54,355.
L. S. McColl, Jr., Little Rock, S.C., $54,351.
John A. Edrington, Osceola, Ar., $54,349.
Kerrick Land & Cattle Co., Kerrick, Tx., $54,321.
Sam W. Smith, Jr., Shreveport, La., 54,319.
Mike Maros, Fabens, Tx., $54,315.
Charles J. Wilson, Beulah, Ms., $54,307.
E. J. Ganier, Percy, Ms., $54,275.
M. N. White, Bishopville, S.C., $54,215.
Claude Botkin Co., Inc., Arvin, Ca., $54,205.
Fortson Farms, Rice, Tx., $54,191.
Bigham Farms, Lockney, Tx., $54,186.
Maxwell Plantation, Mound, La., $54,157.
A. J. Givens, Plainview, Tx., $54,147.
Bell Road Farms, Peoria, Az., $54,139.
Ralphs Farms, Inc., San Elizario, Tx., $54,128.
Kenneth House, McDonald, Ks., $54,123.
Paul Wilson, Tchula, Mc., $54,117.
Keith Brothers, Lake Village, Ar., $54,115.
John Carmichael, Laurinburg, N.C., $54,099.
Buron Briffin, Helena, Ar., $54,090.
Garrison Bros. & Nelson, Hereford, Tx., $54,020.
Swann Pettit, Hale Center, Tx., $54,007.
Murray R. Williams, Altus, Ok., $54,002.
Brewer Morgan, Sunflower, Ms., $53,990.
J. B. Pollock, Hargill, Tx., $53,989.
Billy E. Graham, Olanta, SC., $53,982.
C. H. Clawson, Gruver, Tx., $53,976.
Glenn Phillips, Farwell, Tx., $53,964.
John Miller, Holcomb, Ks., $53,903.
H. H. Lawler, Rosedale, Ms., $53,863.
Dan F. Portis, Lepanto, Ar., $53,862.
C. O. Price, Lovington, NM., $53,852.
Jeffries & Lachenmaier, Shafter, Ca., $53,827.
H. N. Watson, Jr., Ralls, Tx., $53,819.
Dan J. Heard, Dimmitt, Tx., $53,777.
Wm. H. Noble, Kerman, Ca., $53,776.
W. W .Draper, Jr., Forrest City, Ar., $53,774.
R. Lewis Fillmore, Boone, Co., $53,772.
E. Bud Johnson, Ririe, Id., $53,768.
Otto Engen, Minot, ND., $53,736.
Gregory Farm Inc., Augusta, Ar., $53,735.
B. L. MoorJe, Dimmitt, Tx., $53,732.
Turberville Farms, Elsa, Tx., $53,691.
T. O. Earnheart Co., Inc., Tunica, Ms., $53,687.
Cope and Neff, Hollandale, Ms., $53,675.
Max Nichols, Casa Grande, Az., $53,663.
Quitman Fortenberry, Transylvania, La., $53,646.
Henry V. Macomb, Los Fresnos, Tx., $53,626.
Charles S. Riggan, West Memphis, Ar., $53,594.
A. Caratan & Son, Delano, Ca., $53,571.
Murray Farms Inc., Hanford, Ca., $53,569.
J. W. Gardenhire, O'Donnell, Tx., $53,558.
Wallis Farms, Inc., Marana, Az., $53,557.
McClintock Farms Inc., Tunica, Ms., $53,546.
Walter M. Anderson, Turpin, Ok., $53,505.
McCathern & Heck Farms, Hereford, Tx., $53,493.
Posey Mound Planting Co., Marks, Ms., $53,477.
Scarrone Bros., Arvin, Ca., $53,471.
S. M. Montgomery, Rolling Fork, Ms., $53,458.
Willard W. Garvey, Colby, Ks., $53,448.
Thomas Bros., Lockney, Tx., $53,444.
Hugh T. Lightsey, Brunson, SC., $53,439.
Madison B. Coley, Jr., Vienna, Ga., $53,434.
Sturdivant & Bishop, Minter City, Ms., $53,404.
J. T. Ford, Farwell, Tx., $53,404.
W. W. Wannamaker Seed Farms, St. Matthews, S.C., $53,403.
Wilburn B. Douglass, Huntsville, Al., $53,399.
Frantz & Frantz, Hartley, Texas, $53,389.
W. M. Pool, Muleshoe, Tx., $43,387.
Barton Farms, % Clara Barton, Calvert, Tx., $53,386.
Sid T. Sanders, Hamilton, Ms., $53,342.
Herbert Rice, Webb, Ms., $53,327.
B. B. Provine, Jr., Greenwood, Ms., $53,311.
A. C. Hays, Jr., Dimmitt, Tx., $53,294.
Charlie Caswell, Meadow, Tx., $53,269.
Graham Swain, Brownfield, Tx., $53,257.
Mcleod Smith Ranches & Farms, Nisland, S.D., $53,256.
John M. Williams, Jr., Laveen, Az., $53,249.
Roy J. Davis, Boonville, Mo., $53,237.
Daniel Gilchrist, Courtland, Al., $52,224.
L. G. Guaderrama, Las Cruces, N.M., $53,205.
R. C. Malone, Pace, Ms., $53,175.
Marble Brothers, South Plains, Texas, $53,173.
Green Bros., Grangeville, Id., $53,172.
Boyd Brothers, Dundee, Ms., $53,134.
Kent Land Co., Inc., Walla Walla, Wa., $53,132.
Scoggins Brothers, Rio Hondo, Tx., $53,121.
C. S. C. Farms, Inc., Florence, Az., $53,114.
Guy Botsford, Portland, Ar., $53,114.
Carl N. Brollier, Moscow, Ks., $53,107.
Lynndale Planting Co., Inc., Cary, Ms., $53,084.
James Brothers, Brent, Al., $53,076.
L. & R. Plantation, Inc., Rosedale, Ms., $53,071.
Russell Scott, Burlington, Co., $53,059.
M. D. & N. J. Moore, Jr., Weslaco, Tex., $53,056.
Charles Pikey & Son, Conran, Mo., $53,049.
Marchini Bros., Tranquillity, Ca., $53,042.
Pete J. Scamardo, Caldwell, Tx., $53,023.
J. R. Tucker, Buckeye, Az., $53,023.
Baker Brothers, Chowchilla, Ca., $53,011.
Montierth Farms, Bowie, Az., $52,996.
T. B. Kelly Estate, Louisville, Ga., $52,897.
Daley & Bogle, Casa Grande, Az., $52,855.
Kellogg and Hughey, Hughes, Ar., $52,830.
D. & J. Inc., Crowfordsville, Ark., $52,819.
Reber McGhee & Son, Scott, Ar., $52,818.
J. E. Hays, Tchula, Ms., $52,803.
Rodolfo B. Samano, San Benito, Tx., $52,790.
P. & C. Planting Co., Drew, Ms., $52,776.
G. C. and Johnny McGahee, Stapleton, Ga., $52,717.
Olane Caswell, Meadow, Tx., $52,678.
Virgle Harrison, Clovis, N.M., $52,678.
Marvin Rayford Hays, Florey, Tx., $52,677.
Robert W. Spencer, Earle, Ar., $52,657.
Frank B. Rogers, Jr., St. Bville, S.C., $52,624.

D. & R. Farms, Shafter, Ca., $52,552.
Walter R. Mabry, Friona, Texas, $52,545.
Hub Baggett, Levelland, Tx., $52,525.
Big Creek Farms Co., Joes Co., $52,519.
Carl C. Culbertson, Colbert, Ga., $52,489.
Relampago, Inc., Mercedes, Tx., $52,484.
John Kriss, Colby, Ks., $52,471.
Hermon Smith, Sikeston, Mo., $52,455.
Jewell Turner Farms, Buckeye, Az., $52,453.
Frank T. Brumfield, Inverness, Ms., $52,447.
Hood Farms, Inc., Tunica, Ms., $52,423.
M. & W. Farms, Inc., Coolidge, Az., $52,422.
Byars Orton, Portageville, Mo., $52,394.
Raven Land Co., Clarkson, Selma, Ca., $52,-359.
Donald Bartlett, Como, Ms., $52,352.
Rummonds Bros. Ranches, Inc., Indio, Ca., $52,341.
Ernest C. McInnis, Clio, S.C., $52,308.
Martin Bros. Implement Co., Roanoke, Il., $52,288.
Joe A. Sheely, Tolleson, Az., $52,262.
Phillip Fratesi, Indianapolis, Ms., $52,255.
Wm. E. Foster, Casa Grande, Az., $52,186.
C. W. Pardue, Alto, La., $52,175.
Schnitzler Corp., Froid Mt., $52,168.
Stevens Brothers, Glen Allan, Ms., $52,166.
Walnut Bayou Pltg Co., Leland, Ms., $52,-145.
Paul E. Plummer and Sons, Johnson, Ks., $52,141.
R. E. McDaniel, Dimmitt, Tex., $52,130.
W. C. McLean, Inc., Tunica, Ms., $52,100.
Ray & Wayne Vanosdell, Cashion, Az., $52,-087.
James A. Boykin, Delta City, $52,052.
Harland S. Milligan, Hooper, Ne., $52,043.
Harold Wyckoff, Arlington, Co., $52,020.
Fred W. Mercer, Silverton, Tx., $51,949.
Hammond Frms, Nebr. City, Ne., $51,946.
Edgar L. Culler, Orangeburg, S.C., $51,940.
A. C. Caperton, Tunica, Ms., $51,939.
Felix Tusa, Highbank, Tx., $51,927.
Fred Toschi, Madera, Ca., $51,919.
Somerset Pltn., Newellton, La., $51,912.
Bill Logsdon, Guymon, Ok., $51,907.
Ralph S. Crum, Ione, Or., $51,905.
David D. Davis, Pecos, Tx., $51,890.
Harvey Davison, Eloy, Az., $51,876.
Gene Templeton, Earth, Tx., $51,835.
C. C. Floyd, Edwards, Ms., $51,793.
H. P. Watson, Lexington, Ms., $51,774.
T. W. Williams, Yuma, Az., $51,756.
Paul & Chas. Horton, Hollis, Ok., $51,750.
R. L. Pillow, Itta Ben, Ms., $51,729.
Medlock Farms, Inc., Lubbock, Tx., $51,727.
Ivanhoe Plt., Yazoo City, Ms., $51,714.
W. B. Little, Muleshoe, Tx., $51,705.
Bones Hereford Ranch, Parker, S.D., $51,702.
Compton Cornelius, Crosbyton, Tx., $51,685.
Higgins & London, Hereford, Tx., $51,681.
Iron Mueller, Inc., Bird City, Ks., $51,680.
John L. Errecart, Tranquillity, Ca., $51,667.
B. W. Kirsch, Raymondville, Tx., $51,667.
Fred Bruegel, Jr., Dimmitt, Tx., $51,659.
R. W. Anderson & Sons, Decatur, Al., $51,657.
Robert McMillan, Batesville, Ms., $51,631.
R. N. & E. C. Tibbs, Shelby, Ms., $51,629.
R. S. Reese, Westmorland, Ca., $51,567.
Harriss and Sons, Vidalia, La., $51,563.
Foster Farms, Inc., Sugarland, Tx, $51,563.
E. B. Gee, Jr., Portageville, Mo., $51,560.
Corliss H. Currie, Happy, Tx., $51,547.
Coy Fraley, Pecos, Tex., $51,546.
Gordon Taylor, Sunray, Tx., $51,541.
Roscoe Q. Silverthorne, Plainview, Tx., $51,522.
Herman Bott, Palmer, Ks., $51,520.
Harrell and Harrell, Stockton, Tx., $51,513.
R. M. & C. H. McClatchy, Indianola, Ms., $51,504.
Charlie T. Kersey, Elko, Ga., $51,501.
Holly Grove Plantation, Sidon, Ms., $51,500.
Brinkerhoff Ranch, Lovelock, Nv., $51,487.
Bruce D. Watt, Ridgey, Tn., $51,467.
C. Buck Graves, Sarah, Ms., $51,459.
Irwin Company, Inc., Robinsonville, Ms., $51,450.
Shotwell Plantation, Inc., Tchula, Ms., $51,442.
Sam Andrews Sons, Holtville, Ca., $51,439.
Allen & Ritch, Lyon, Ms., $51,438.
Couture Farms, Huron, Ca., $51,427.
Atilio Belezzuoli, Tipton, Ca., $51,424.
John A. & Raymond Smith, Hereford, Tx., $51,424.
J. S. Hoopes, Chandler, Az., $51,412
B. J. Barnett, Inc., Sumter, SC, $51,410.
John M. Clark, Lubbock, Tx., $51,401.
The Hecht Co., Clovis, N.M., $51,399.
Herman Lynch, Harlingen, Tx., $51,399.
Eastside Farms, Stratford, Ca., $51,396.
L. R. Kirby, Jr., Belcher, La., $51,386.
W. M. Wootton, Wellton, Az., $51,373.
Hartley-Moore Farms, Amar, Tx., $51,348.
R. S. Oday, Jr., Great Falls, Mt., $51,346.
Leo C. Andersen, Dakota City, Ne., $51,328.
C. A. Lowman, Bishop, Tx., $51,326.
Geo. B. Franklin & Son, Inc., Holly Ridge, $51,325.
Byron B. Sharpe, Tchula, Ms., $51,274.
L. E. Davis, Clovis, NM., $51,256.
Van Curen Farms, Chowchilla, Ca., $51,235.
Lakeside Farms, Ft. Stockton, Tx., $51,212.
McFarling & Clark, Lubbock, Tx., $51,200.
Gal-CO Farms, Bakersville, Ca., $51,191.
Rodney Kleck, Coolidge, Az., $51,180.
Oscar Connell Farm, Clarksdale, Ms., $51,-173.
Kitchen & Land, Gough, Ga., $51,172.
L. N. Johnson, Lockney, Tx., $51,158.
J. D. Kirkpatrick, Bovina, Tx., $51,158.
H. H. Robinson, Chester, S.C., $51,143.
Jimmy Blair, Sherrill, Ar., $51,122.
Fred R. North, Eloy, Az., $51,116.
N. M. Ryall & Sons, Inc., Star City, Ar., $51,109.
Joe Reistino, Hearne, Tx., $51,093.
R. H. Garlow Farms, Bakersfield, Ca., $51,081.
T. B. Abbey, Jr., Webb, Ms., $51,073.
David Stevens, Wilson Creek, Wa., $51,073.
Ernest McFarland, Phoenix, Az., $51,069.
C. V. Cogburn, Walsh Co., $51,055.
Robert A. Churchill, Lake Village, In., $51,029.
Kenneth Twisselman, McKittrick, Ca., $51,027.
Cecil Porter, Clovis, NM., $51,012.
Kinkead Plantation, Yazoo City, Ms., $50,-986.
Stoner farms, Yazoo City, Ms., $50,967.
Grover A. Walls, Sr., Hampton, Ga., $50,964.
Mitchelllinda Ranches, Alpaugh, Ca., $50,-955.
Tim Hafen Ranches Inc., Pahrump, Nv., $50,936.
Kirby Hobgood, Petersburg, Tx., $50,922.
Southwestern Coal Co., A. K. Thomson, RR 1, Cutler, Il., $50,901.
H. M. Haney Estate, Jonestown, Ms., $50,874.
Billy Huddleston, Clr. Rt., Snyder, Texas, $50,868.
S. A. Adaskavich, Box 460, Shelby Mt., $50,843.
Bill G. Clay, 21626 Robetrson Blvd., Chowchilla, Ca., $50,828.
George Knapple, Box 124, Laveen Stage,, Phx., Az., $50,811.
L. W. Turk, 16382 Ave. 152, Tipton, Ca., $50,808.
Leo H. Moore, RR 3, Box 3007, Dalhart, Tx., $50,807.
Phil Scamardo, 1406 Skrivanek, Bryan, Tx., $50,785.
B. G. McGeary, Box 426, Sidon, Ms., $50,775.
Marvin Grusing, Burlington Co., $50,764.
Dale Lovegrove, Fairmont, NE., $50,763.
Arthur J. Cuelho, Riverdale, Ca., $50,756.
Hawk & Sperber, Box 847, Holtville, Ca., $50,567.
Rosedale, Plantation, Inc., RR 1, Benton, La., $50,746.
Earl Layman, Box 836, Loop, Tx., $50,725.
Henry Watson, 22297 Ave. 10, Madera, Ca., $50,716.
W. R. & J. L Jackson, C/O J L. Jackson, Wrightsville, Ga., $50,687.
Fant Brothers, Coahoma, Ms, $50,683.
Circle M. Ranch Inc., Paulette, Ms., $50,-664.
Ames Plantation, Grand Jct., Tenn., $50,-653.
Rainbow Plantation Inc., Rt 1, Shelby, Ms., $50,646.
Montgomery Farms, Box 287, Vega, Tx., $50,641.
Billy Pullen, RR 2, Town Creek, Al., $50,632.
George P. Smelser, RR 4, Box 283A, Monroe, La., $50,600.
W. K. Jones, Johnson St., Dawson, Ga., $50,588.
Mounds Pltn., C/O Nat. Bk., Box 777, Greenville, Ms., $50,582.
Irvin Clark, Texhoma, Ok., $50,562.
George A. Jacobs, Eads Co., $50,557.
W. C. Hall, RR 5, Water Valley, Ms, $50,549.
H. T. Pittman, 403 Second St., Marks, Ms., $50,548
Ray Wood, Box 575, Sudan, Tx, $50,547.
Robert Cardwell, 8265 W. Annadale, Fresno, Ca., $50,542.
Buckner & Kidd, Rt 3, Box 26, Willcox, Az., $50,538.
J. M. Wright, Rt 5, Dimmit, Tex., $50,535.
Stinson Brothers, P.O. Box 175, Gilliam, La., $50,535.
J. B. & Jas. Underwood, Waxahachie, Tx., $50,515.
W. H. McLemore, Montgomery, Al., $50,495.
Maple Leaf Farms, Wasco, Ca., $50,477.
J. B. Bell, Pantego, N.C., $50,423.
Shimotsu Farms, San Benito, Tx., $50,375.
Walter Gilliam, Littlefield, Tx., $50,372.
Word Planting Co., Leland, Ms., $50,363.
Clyde Quillin, Jr., Tipton, Ca., $50,362.
L. G. Mahagan, Kress, Tx., $50,352.
J. E. Brown & Sons, Lake Providence, La., $50,351.
Marvin M. Porter, Caldwell, Tx., $50,350.
Wm. L. Dillard, Louise, Ms., $50,336.
Van E. Nichols, Friona, Texas, $50,320.
Wendell D. Vardeman, Slaton, Tx., $50,310.
J. Alton Lambre, Natchez, La., $50,308.
C. E. Willhite, Holly, Co., $50,300.
W. C. Matchett, Hamlin, Tx., $50,292.
Clearview Farms, Dumas, Tx., $50,269.
N. J. McMullen, est., Sumner, Ms., $50,249.
Margaret H. Ware, Amarillo, Tx., $50,242.
Taylor Bros., Blytheville, Ar., $50,227.
John W. McCrary, Madison, Al., $50,215.
Charles Nick & Richard Rose, Roseland, Ar., $50,207.
Clyde Cox., Pearsall, Texas, $50,196.
Panola Land Dev. Co., Ferriday, La., $50,192.
Levee Plt., Inc., Rolling Fork, Ms., $50,190.
Poso Dairy Farms, Inc., Firebaugh, Ca., $50,183.
C & W Ranches, Tulare, Ca., $50,175.
James Brothers, Charleston, Ms., $50,160.
C. W. England, Florence, Az., $50,154.
Henderson & Parks, Morse, Tx., $50,145.
Marvin E. Green, Levelland, Tx., $50,130.
J. O. Burns, Eloy, Az., $50,125.
Simon G. Elliott, Happy, Tx., $50,108.
Phil Thornton, Jr., Charleston, Ms., $50,083.
Austin Brothers, Dundee, Miss., $50,076.
Fred E. McNabb, Lubbock, Tx., $50,075.
H. B. Hood, Duncan, Ms., $50,068.
Luke E. Burch, Jr., Inc., Hughes, Ar., $50,065.
Thomas L. Whaley, Friona, Texas, $50,063.
Harold L. Earley, Sr., Csa Grnd, $50,059.
Joe W. Cook, Jr., Ropesville, Tx., $50,050.
Elijah M. Debusk, Idalou, Tx., $50,027.
George H. Noble, Dalhart, Tx., $50,013.
G. T. Meadows, Jr., St. Clair, Al., $50,010.
T. M. Luster, Clarksdale, Ms., $50,000.
John Dermer, Casa Grande, Az., $49,995.
Verburg Brothers, Hanford, Ca., $49,993.
Hundahl Farms, Tekamah, Ne., $49,971.
H. D. Hilley, El Paso, Tx., $49,935.
J. P. Fisher, Jr., Sunflower, Ms., $49,934.
A. H. Nichols, Daytona Beach, Fl., $49,931.
W. O. Hester, Greenville, Ms., $49,928.
Morris W. Blankenship, Hereford, Tx., $49,912.
C. Wilber White, Goodland, Ks., $49,895.
Sherman Thomas, Madera, Ca., $49,886.
E. D. Neufeld, Shafter, Ca., $49,885.
M. J. Koehler, Dell, Ar., $49,845.
Red Eye Farms, Inc., Stanfield, Az., $49,842.

W. L. Craig, Greenwood, Ms., $49,839
Layton Knaggs, Woodland, Ca., $49,837.
B. L. Gibson, Arvin, Ca., $49,833.
Melvin H. McKinney, Pecos, Tx., $49,819.
George Nixon, Los Fresnos, Tx., $49,803.
Wachter Ranch, Bismarck, N.D., $49,796.
Robert V. Phillips, Lind, Wa., $49,764.
George A. Taylor, Jr., Slaton, Tx., $49,759.
Monaghan Farms, Inc., Commerce City, Co., $49,752.
Charles W. Bowles, Osceola, Ar., $49,741.
Leo V. Smith, Olton, Tx., $49,740.
R. Gordon Preuit, Tuscumbia, Al., $49,728.
R. P. Anderson, Coolidge, Az., $49,725.
Winston T. Jones, Plainview, Tx., $49,714.
R. M. Buckles Ind. Exec., Stratford, Tx., $49,708.
Prudhome Bros., Natchez, La., $49,700.
Parr Bros., Inc., Rupert, Id., $49,666.
Gammons Farm, Belzoni, Ms., $49,662.
J. L. Chambers, Hickory Valley, Tn., $49,661.
Morrison Bros., Earle, Ar., $49,652.
Edward L. Irwin, Tulare, Ca., $49,642.
Gilfoil Farms, Inc., Lake Providence, La., $49,624
England & England, Coolidge, Az., $49,604.
John David Clark, Holly Hill, S.C., $49,565.
I. T. McIntyre III, Itta Bena, Ms., $49,544.
R. L. Perryman, Lula, Ms., $49,529.
B. C. Hodges, Vega, Tx., $49,527.
E. E. Moore, Senatobia, Ms., $49,526.
Simmons Planting Co., Clarksdale, Ms., $49,507.
B. E. McDearman, Jr., Cleveland, Ms., $49,-482.
Pfaff Bros., Inc., Garfield, Wa., $49,472.
Howard Arthur Wuertz, Coolidge, Az., $49,-467.
E. T. Wells, Inc., Helena, Ar., $49,467.
B. G. Collins, Waynesboro, Ga., $49,464.
Ethel Lyon, Shaw, Ms., $49,456.
Davenport Bros., Mer Rouge, La., $49,454.
C. E. Christian, Farwell, Tx., $49,449.
N. H. McMath, Isola, Ms., $49,446.
J. A. Moore, Monroe, La., $49,437.
Bill McCarter, Galata, Mt., $49,417.
Bass Farms, Tuscola, Il., $49,414.
Fred Rau, Fresno, Ca., $49,397.
E. C. Mingenback, McPherson, Ks., $49,394.
J. P. White, Jr., Roswell, N.M., $49,392.
Baker Bros., Earlimart, Ca., $49,358.
J. G. Arnn, Muleshoe, Tx., $49,358.
E. L. Goodspeed, Buttonwillow, Ca., $49,-343.
Ferguson and Sons, Yuma, Az., $49,330.
Tract-o-Land Pltn., Lake Cormorant, Mi., $49,316.
M. B-R. B. Stanton Pts., Lorenzo, Tx., $49,-296.
Fred J. Ferrara, Hearne, Tx., $49.296.
Wm. Erickson, Fresno, Ca., $49,292.
Golden West Seed Co., Texico, N.M., $49,-290.
Jack G. Foster, Happy, Texas, $49,283.
C. D. Noble, Edwards, Ms., $49,282.
Earl C. Recker Co., Mesa, Az., $49,281.
Ralph Gering & Sons, Ritzville, Wa., $49,-272.
Johnny Greer, Heth, Ark., $49,267.
Robert N. Aldridge & Sons, Hollandale, Ms., $49,266.
Verne Wuertz, Ripley, Ca., $49,257.
R. & J. J. Blasdell Ptshp., Phx, Az., $49,-254.
El Peco Ranch, Madera, Ca., $49,252.
Patterson & Hale, Bksfld., Ca., $49,232.
Shary Farms, Inc., Mission, Tex., $49,229.
Walter O. Swiney, Morehouse, Mo., $49,-225.
Ritchie Bros., Crystal City, Tex., $49,222.
Fred Horne, Jr., Atkinson, Ne., $49,221.
Lenard Schritter, Aberdeen, Id., $49,221.
G. A. Frierson, Shreveport, La., $49,219.
D. E. Benham, Morton, Tx., $49,212.
Stoller Bros., Inc., Bksfld., Ca., $49,211.
Dippel Bros., Garfield, Ga., $49,207.
Barker Farms Inc., Marianna, Ar., $49,207.
F. L. Tindall, Indianola, Ms., $49,181.
Meyer & Schuring, Marengo, Il., $49,169.
Dulaney Farms, Inc., Clarksdale, Ms., $49,157.
New Harmony Realty, New Harmony, In., $49,135.
Brooks Griffin, Elaine, Ar., $49,133.
H. G. Ritchie, Jr., Taft, Tx., $49,102.
Hutterian Brethren, Inc., Espanola, Wa., $49,099.
Bonanza Farms, Bakersfield, Ca., $49,078.
Haney Tate, Clovis, N.M., $49,069.
Bob Kimbrough, Ralls, Tx., $49,066.
R. B. Tucker, Arvin, Ca., $49,053.
F. M. Smith, Sudan, Tx., $49,034.
John A. Bell, Plainview, Tx., $49,022.
Thomas Michael Jenkins, Seminole, Tx., $48,962.
Norman Caswell, Meadow, Tx., $48,938.
Julius Huxsol, Chas. City , Iowa, $48,918.
Joe B. Lovelace, Abernathy, Tx., $48,917.
Charles Warren, Lamesa, Tx., $48.890.
Eastover Plantation, Boro, Ms., $48,877.
Robert G. Sruggs, Gaffney, S.C., $48,872.
Earnest L. Barnett, Amarillo, Tx., $48,862.
Keener Howard, Lake Providence, La., $48,858.
Grant W. Squire, Hanford, Ca., $48,822.
Valley Farms Co., Presidio, Tx., $48.822.
Metcalfe and Weathers, Metcalfe, Ms., $48,812.
William H. Farris, Dekalb, Tx., $48,798.
George Lawson Elder, Ripley, Tn., $48,796.
B. E. Walker, Fort Hancock, Tex., $48,788.
Geo D. Brown—Sons, Pomeroy, Wa., $48,772.
F. E. Motley, Hollis, Ok., $48,754.
D. H. Cole & Son, Coolidge, Az., $48,741.
Eugene V. Blythe, Leighton, Al., $48,739.
Jack S. Hamilton, Inc., Providence, La., $48,728.
Gammon Bros., Bakersfield, Ca., $48,725.
Roy D. Murray, Earlimart, Ca., $48,725.
H. T. Miller Pltg. Co., Inc., Drew, Ms., $48,709.
Osceola Plant Co., Arcola, Ms., $48,701.
Watson Jones, Floydada, Tex., $48,701.
Deavenport Ranches, Inc., Fresno, Ca., $48,674.
Holthoff Brothers, Gould, Ar., $48,667.
Gene Belt, Lockney, Tex., $48,665.
McFarland & Hanson Ranches, Coolidge, Ariz., $48,638.
H. T. Crenshaw, Levelland, Tex., $48,633.
Shelby Farms, Shelby, Miss., $48,614.
F. E. Mitchell, Rome, Miss., $48,595.
Jack Nutter, Casa Grande, Ariz., $48,584.
Gossetts, Inc., Dumas, Tex., $48,571.
B. F. B. Farms, Bakersfield, Calif., $48,564.
Wayne Barrett, Blythe, Calif., $48,533.
Eugene L. Thompson, Munday, Tex., $48,510.
Nickey-Eason Plantation, Hughes, Ariz., $48,509.
Ivan, Rush, Melrose, N. Mex., $48,502.
Pitts Pltg. Co., Inc., Indianola, Miss., $48,489.
A. C. Dominick, Jr., Mira, La., $48,482.
Keith Garner, Bovina, Tex., $48,471.
H. H. and Edgar Baker, Somerville, Tex., $48,462.
Elsberry & Nowell, Coolidge, Ariz., $48,456.
J. W. Furgeson, Petersburg, Tex., $48,452.
Melvin Przilas, Dalhart, Tex., $48,433.
Cecil Dorman, Tahoka, Tex., $48,426.
Travis Howard, West Monroe, La., $48,422.
Marvell W. Goza, Mayesville, S.C., $48,419.
Aluminum Co. of America, Newburgh, Ind., $48,414.
Vierhus Farms, Coalinga, Calif., $48,393.
J. Wayne Bush, Schlater, Miss., $48,379.
Bianco, Bros., Casa Grande, Ariz., $48,363.
H. T. Cochran & Son, Hollandale, Miss., $48,338.
Four C Land Co., Gordon Crowe, Hollandale, Miss., $48,306.
Jimmy McLaughlin, Plainview, Tex., $48,306.
Elvis O. Martin, Ralls, Tex., $48,282.
Thomas D. Wilson, Hearne, Tex., $48,281.
Ward Brothers, Floydada, Tex., $48,259.
G. C. Cortright, Rolling Fork, Miss., $48,250.
C. B. Emeny, Amarillo, Tex., $48,237.
A. R. McMillan, Jr., Wagram, N.C., $48,236.
A & B Farms, Inc., Shelby, Miss., $48,234.
J. W. Suttle, Orrville, Ala., $48,232.
W. J. Estes, Haralson, Ga., $48,226.
E. F. Crenshaw, Walls, Miss., $48,211.
Thetford & Massey, Rogers, N. Mex., $48,207.
M. C. Stovall, Inc., Stovall, Miss., $48,203.
Dobson & Patterson, Mesa, Ariz., $48,201.
Charles H. Kuiper, Union Grove, Wis., $48,187.
James Byrd, Dundee, Ms., $48,184.
Frizzell Farms, Inc., Star City, Ar., $48,154.
Raymond Odom, Iron City, Ga., $48,149.
Germain H. Ball, Phoenix, Az., $48,143.
Tazioli & Son, Buttonwillow, Ca., $48,140.
A. J. Hill Estate, Rome, Ms., $48,132.
Charley Wade, Cruger, Ms., $48,100.
Gathan Reistino, Hearne, Tx., $48,042.
Reginal Stephens, Anton, Tx., $48,038.
H. W. Shaw & Son, Bishopville, S.C., $48,037.
T. C. Potts, Crenshaw, Ms., $48,025.
Floyd M. Krebs, Scott City, Ks., $48,019.
Taylor Grain Co., Inc., Brownsville, Tx., $48,013.
Woodrow Nelson & Sons, Dimmitt, Tx., $48,004.
Verdie & Lloyd Beauchamp, Dumas, Tx., $47,984.
G. O. King, Plainview, Tx., $47,977.
Edwin Axe Farms, Inc., Hereford, Tx., $47,974.
E. D. Mansell, Pickens, Ms., $47,972.
Ballenger & Ballenger, Sebastian, Tx., $47,955.
Sunshine Valley Rnchs, Eloy, Az., $47,953.
Clay Cross, Dumas, Ar., $47,930.
Stiles Farm Foundation, Thrall, Tx., $47,928.
Jones Ranches, Inc., Dillon, Mt., $47,920.
R. Joe and Richard Hearon, Bishopville, S.C., $47,903.
Roy Ingram, Artesia, Nm. $47,878.
Fern Castor, Clovis Nm., $47,867.
Woodward Farms, Inc., Graham, Tx., $47,861.
William Love, Charleston, Mo., $47,855.
Doyle and Wilmans Ptnrs., Diaz, Ar., $47,854.
Murry Lambre, Natchez, La., $47,848.
Homer Richardson, Maple, Tx., $47,848.
Youngblood Company, Dundee, Ms., $47,839.
Robert C. Sims & Sons, Happy, Tx., $47,833.
Edward D. Chitwood, Jr., Muleshoe, Tx., $47,830.
Enbe Ranch, Shafter, Ca., $47,823.
Royce Collins, Olton, Tx., $47,822.
Wm. G. Lumsden, Wilson, Texas, $47,813.
Langston Gin Co., Luxora, Ar., $47,810.
Rogers Hall, Cleveland, Ms., $47,787.
Lawrence J. Lightcap, Hugoton, Ks., $47,784.
Wilcox Investment Company, Portland, Or., $47,763.
M. S. Cox., Jr., Madison, Ms., $47,741.
Robert A. Franz, Ritzville, Wa., $47,727.
R. A. Jacobsen, Shafter, Ca., $47,718.
Beerman Farms, Inc., Dak. City, Nb., $47,715.
Horace D. Estes, Dalhart, Tx. $47,712.
Durant Brothers, Gable, S.C., $47,700.
Ewald Quebe, Lockney, Texas, $47,697.
Logoluso Farms, Madera, Ca., $47,691.
Troyce E. Endsley, Bradley, Ark., $47,689.
W. O. Shurden, Drew, Ms., $47,684.
Anderson Farms, Inc., Encampment Wy., $47,668.
Fraser Farms, Inc., Humboldt, Ia., $47,652.
Fred William Hays, Athens, Al., $47,640.
W. L. Norman, Dougherty, Texas, $47,631.
H. L. King, Brownfield, Tx., $47,624.
Hugh A. Warren, III, Sidon, Ms., $47,610.
Jeff L. Cole, Greenwood, Ms., $47,609.
Sam Cambron, Buckeye, Az., $47,592.
Clayton Terrell, Plainview, Tx., $47,569.
Bruno Baggiani & Lido Isola, Buttonwillow, Ca., $47,567.

L. R. Cherrington, Harlingen, Tx., $47,566.
William B. Rhodes Co., Marion, Ar., $47,551.
L. C. Unfred, Tahoka, Texas, $47,546.
Hoggarth Brothers, Courtenay, Nd., $47,540.
Crowley Land & Dev. Co., Ordway, Co., $47,538.
Moiola Bros., Brawley, Ca., $47,495.
Harrell Hammonds, Hayneville, Al., $47,493.
Howard A. Ragsdale, Lamar, Co., $47,485.
Woods Stone, Wasco, Ca., $47,464.
Harper R. Myres, Mayersville, Ms., $47,459.
Howard L. Alford, Lubbock, Tx., $47,437.
Bonanza Farms, El Centro, Ca., $47,427.
Frank Dilse, Scranton, Nd., $47,418.
J. Ernest Bertrand, Oakley, Ks., $47,401.
M. J. Dattel, Rosedale, Ms., $47,401.
Ballantyne Brothers, Westhope, Nd., $47,396.
James A. McCarthy, Rio Hondo, Tx., $47,357.
B. R. Smith, Dundee, Ms., $47,352.
King & Anderson Ent., Clarksdale, Ms., $47,347.
Mike Hankins, Shafter, Ca., $47.330.
Ike Everett, Pinehurst, Ga., $47,325.
Stahmann Farms, Inc., Las Cruces, NM., $47,320.
R. L. Webster, Waynesboro, Ga., $47,317.
Malvin A. Jarboe, Floydada, Texas, $47,307.
E. W. Hooker, Lexington, Ms., $47,289.
Glenn Southall, Altus, Ok., $47,275.
Billy R. Gowdy, Boise City, Ok., $47,264.
Carter Planting Co., Clarkedale, Ar., $47,261.
Pryor Land Company, Billings, Mt., $47,252.
John J. Peaster, Yazoo City, Ms., $47,251.
James Fangman, Hereford, Tx., $47,250.
J. R. Hays & Son, Inc., Idaho Falls, Id., $47,236.
R. L. McLaurin, Dillon, S.C., $47,234.
D. F. McCasland, Forrest, N.M., $47,226.
Willard Nehls, Juneau, Wi., $47,223.
Higgins Brothers, Inc., Forrest City, Ar., $47,217.
Vince Court, Bryan, Tx., $47,213.
E. A. Baalman & Sons, Menlo, Ks., $47,197.
Duke Shackelford, Bonita, La., $47,194.
Pirsig Bros., Blue Earth, Mn., $47,191.
Donald Parrish, Lexington, Ms., $47,167.
Dale Toone, Verhalen, Tx., $47,144.
Morris Scamardo, Bryan, Tx., $47,137.
John Tobin & Sons, Tekamah, Ne., $47,134.
Herman & Carl Myers, Casa Grande, Az., $47,129.
Leroy S. Epps., Jr., Greeleyville, S.C., $47,125.
Riverside Farm, Helena, Ar., $47,100.
Lake Dick Elms Farming Co., Altheimer, Ar., $47,095.
Pirkle Farms, Sycamore, Ga., $47,067.
W. H. Maynard, Jr., Clarksdale, Ms., $47,065.
Leopold J. Schmidt, Sr., Dalhart, Tx., $47,058.
Vollmer-Bayne, Prosser, Wa., $47,028.
J. M. Pratt, Sr., Monroe, La., $47,028.
Sam T. Schrock, Jr., Elm Creek, Ne., $47,025.
The McLaughlins, Ralls, Tx., $47,002.
Wayne E. Tallman, Brandon, Co., $47,002.
Turner Ranches, Mesa, Az., $47,000.
Walter O. Heinrich, Slaton, Tx., $46,976.
A. R. Mims, Lydia, S.C., $46,972.
R. J. Gillespie, Luxora, Ar., $46,966.
W. F. McFarlane, Clovis, Ca., $46,956.
J. E. Crain Est, Wilson, Ar., $46,945.
Ben Stribling, Canton, Ms., $46,933.
W. H. Howarth, Skene, Ms., $46,881.
Jack B. Eastham, Waxahachie, Tx., $46,858.
W. J. Light, Rolla, Ks., $46,835.
A and M Plantation, Somerville, Tx., $46,832.
O. L. & James Whitfield, Edcouch, Tx., $46,831.
M. C. Sparks & Son, Lake Cormorant, Ms., $46,822.
J. N. Osterkamp Rches, Brawley, Ca., $46,817.
Jesse Snead, Laurinburg, N.C., $46,802.
Davis & Huey Inc, Tranquillity, Ca., $46,795.
Carleton Davis, Dalhart, Tx., $46,795.
R. F. & Robert Stovall, Floydada, Tx., $46,777.
L. Berry Farms, Inc., Holland, Mo., $46,761.
Marion F. Baugh, Star City, Ariz., $46,746.
Milton Lubin, Turrell, Ariz., $46,728.
Weidenbach Bros., Shafter, Calif., $46,727.
Bryant Farms, Inc., East Prarie, Mo., $46,710.
A. L. Brady, Lula, Ms., $46,709.
Ervin Schneider, Tribune, Ks., $46,700.
B. C. Land Co., Leachville, Ariz., $46,697.
J. W. Huff, Dumas, Tex., $46,696.
Earl Schwartz Co., Kenmare, N.D., $46,695.
Bob Riley, Abernathy, Tex., $46,691.
Frank Burnside, Newellton, La., $46,674.
James W. Phillips, Keo, Ariz., $46,673.
Harlan Russell, Casa Grande, Ariz., $46,669.
R. P. Hairston, Silver City, Ms., $46,657.
Ralph Abramson, Holly Grove, Ark., $46,649.
McCloy Brothers, Morse, Texas, $46,639.
W. D. Bradford, Itta Bena, Ms., $46,634.
S. Everett Dennis, Scottsbluff, Ne., $46,628.
J. W. Shadden, Idalou, Tex., $46,604.
J. C. Hardy, Charleston, Ms., $46,575.
Henry W. Golden, Dimmitt, Tex., $46,557.
James H. Ferebee and Son, Shawboro, N.C., $46,554.
Andrew Blake, Woodrow, Co., $46,545.
A. G. Mahalitc, Rolling Fork, Ms., $46,516.
Paul D. Moore, Jr., McAllen, Tex., $46,514.
M. C. Montgomery, Scottsdale, Ariz., $46,506.
Iverson Leake, Canyon, Tex., $46,505.
Haddad Bros Fms., Encino, Calif., $46,502.
Gene Thomas Burgreen, Madison, Al., $46,492.
Lloyd Glenn, Tulia, Tex., $46,486.
J & R Enterprises, Blythe, Calif., $46,485.
J. T. McKinney, Pecos, Tex., $46,471.
Ralph S. Shepard, Glendale, Az., $46,454.
Graham C. Holmes, Lubbock, Tex., $46,425.
Young Brothers, Brent, Al., $46,401.
Silva Farms, Isleton, Calif., $46,390.
Russell Gill, Osceola, Ar., $46,370.
Big Oak Farms, East Prairie, Mo., $46,364.
L. J. & Clovis Stafford, Keyes, Ok., $46,358.
Jack Gunn, St. Vrain, N.M., $46,357.
Worth K. Bartlett, Coolidge, Az., $46,347.
Dell Sellers, Coolidge, Az., $46,341.
Frank Lang, Casa Grande, Az., $46,335.
Doyle Moss, Brownfield, Tx., $46,334.
Prairie Planting Company, Stovall, Ms., $46,325.
B. H. Virden, Jacksonville, Ms., $46,324.
Riverside Ranches, Poston, Az., $46,315.
Fairview Farms Company, Tyronza, Ar., $46,278.
Edward M. Wavers, Yuma, Az., $46,277.
Sossaman Farms, Higley, Az., $46,229.
J. E. Ely Est. A. E. Larson Adm., Garden City, Ks., $46,222.
Jimmie Sekhon, El Centro, Ca., $46,220.
American Farm, Inc., Donna, Tex., $46,213.
Owsley Hill, Los Fresnos, Tx., $46,197.
Eugene Cook, Harrison, Ga., $46,177.
James W. Young, Jr., Crawfordsville, Ar., $46,166.
Reed Ranches, Burlington, Co., $46,155.
Kenyon Farms Co., Kenyon, Mn., $46,142.
Lee Dobbins, Anderson, S.C., $46,142.
Kenneth Hancock, Seagraves, Tx., $46,133.
Riley H. Graham, Wisner, La., $46,130.
Pearson Bros., Webber Falls, Ok., $46,123.
Billy J. Cleavinger, Wildorado, Tx., $46,105.
O. D. Rhodes, Lubbock, Tx., $46,100.
Alden Johnson, Lyford, Tx., $46,099.
H. D. Harvey, Lake Providence, La., $46,081.
F. M. Wannamaker, St. Matthews, S.C., $46,079.
Lawrenc Chaffin, Blythe, Ca., $46,075.
Chatom Co., Modesto, Ca., $46,074.
James D. Green, Jr., Chicago, Il., $46,070.
Evans-Wortham, Houston, Tx., $46,066.
Billy Frank Morris, Stanton, Tn., $46,064.
S. A. Hodges, Jr., Happy, Tx., $46,024.
W. J. Hutchinson Sons, Caspiana, La., $46,010.
Barnard & Barnard, Bksfld., Ca., $46,006.
W. R. Jackson, Jr., Vienna, Ga., $45,993.
V. R. Cazier & Sons, Toston, Mt., $45,987.
John B. Wyrill, Jr., Kirwin, Ks., $45,975.
Gladden Farms A Part, Marana, Az., $45,974.
Guy Rorick, Manter, Ks, $45,970.
W. D. Storie, Maricopa, Az, $45,953.
Wm. A. Davis and Sons, Goodlands, Ks, $45,953.
Fletcher Brothers, Indianola, Ms, $45,951.
Brooks & Brooks, Hereford, Tx, $45,937.
Oneway Farms, Hereford, Tx, $45,930.
Growers Finance Gin, Marana, Arizona, $45,920.
Davis & Sons Pts, Lubbock, Tx, $45,902.
H. M. Gable, Muleshoe, Tx, $45,899.
Carter Farms Inc, Brownfield, Tx, $45,895.
Donald Wiechens, Glendale, Az, $45,892.
Donald Kimball, Amarillo, Tx, $45,891.
Joe Scarpinato, Hearne, Tx, $45,879.
W. C. Stout, Muleshoe, Tx, $45,864.
W. C. Cabe, Brownfield, Tx, $45,854.
Jack R. C. Vincent, Amarillo, Tx, $45,825.
R. M. Buckles, Stratford, Tx, $45,814.
John Bridges, Earth, Tx, $45,812.
Draper Brantley, Carlsbad, NM., $45,811.
Burl & Jearl Mahan, Falcon, Ms, $45,807.
E. C. Apodac Est, Indio, Ca, $45,801.
Jimmie Icardo, Bakersfield, Ca, $45,797.
Frank T. Williams, Va. Beach, Va., $45,797.
W. F. and W. H. Hardin, Duncan, Ms, $45,792.
Herron Bros, Connell, Wa, $45,777.
W. Homer Tate, Huntsville, Al, $45,765.
Golden Wheat Ranch, Goodland, Ks, $45,759.
Charles Flowers, Shallowater, Tx, $45,742.
B. G. Free, Muleshoe, Tx, $45,740.
J. H. Magee & Sons, Batesville, Ms, $45,730.
Lake Henry Pltn, Greenwood, Ms, $45,714.
Ray Fuller, Marvell, Ar, $45,696.
Funk Brothers, Harlingen, Tx, $45,680.
Gladstone B. Mortimer, Belzoni, Ms, $45,678.
Orville Chapin, Burlington, Co, $45,678.
Geo & Kenneth Fry Ptnshp, Friona, Tx, $45,673.
O. A. & C. E. Webb, Abernathy, Tx, $45,671.
D. L. Martin, Jr., Courtland, Al, $45,669.
Henson & Landers, Bakersfield, Ca, $45,669.
A. K. Baker, Madera, Ca, $45,665.
Eldorado Planting Co, Yazoo City Ms, $45,653.
R. V. Segars, Sr., Oswego, S.C., $45,641.
Pinal Ranches, Queen Creek, Az, $45,640.
Cleve Cypert, Ralls, Tx., $45,601.
Quinton Rives, Coahoma, Ms., $45,559.
John H. Johnston, Wynne, Ar., $45,527.
Wiles Farm, Ft. Motte, S.C., $45,524.
Billy Brewer, Inverness, Ms., $45,523.
John Renner, Friona, Texas, $45,511.
Dunaway Brothers, Hawkinsville, Ga., $45,504.
Jimmy P. Wallace, 607 Lakeshore Dr., Bville, S.C., $45,498.
Dinsdale Bros., Inc., Palmer, Ne., $45,492.
James Greener, Lubbock, Tx., $45,486.
Jack Johnson, Jr., Morse, Texas, $45,485.
Sunrise Farms, 500 N. Broadway Suite 3, Blythe, Ca., $45,474.
Henry Battle, Joiner, Ar., $45,470.
Robert L. Pickens, Madison, Al., $45,467.
Sandrini Bros., McFarland, Ca., $45,457.
Tim E. Field, Dalhart, Tx., $45,449.
L. S. Frierson, Jr., Shreveport, La., $45,439.
Sullivan Bros., Burdette Ar., $45,427.
Dale D. Hanna, Burlington, Co., $45,420.
Famuliner Brothers, Carrollton, Mo., $45,412.
Parker Cattle Co., Box 599, Canyon, Tx., $45,410.
J. V. Pace, Chandler, Az., $45,396.
Wilbur, Gamble, Dawson, Georgia, $45,373.
Torigiani Fms., Buttonwillow, Ca., $45,369.
Chas. M. Herndon, Hawley, Tx, $45,356.
Drew Gillen, Blooming Grove, Tx., $45,355.
Johnny Jesko, Hereford, Tx., $45,349.
Monty Clayton, Crandall Tx., $45,341.
Herman Dennler, Reno, Nv., $45,335.
O'Neal & Son, Inc., Crawfordsville, Ar., $45,329.

E. D. Adcock, Lameso, Tx., $45,327.
J. F. Furgeson, Morton, Tx., $45,326.
Robert Beasley, Meadow, Tx., $45,313.
King-Wells Farm, Helena, Ar., $45,312.
Adele M. Schmidt, Lyford, Tx., $45,310.
J. Noel Reed, Greenwood, Ms., $45,310.
Horace E. Moore & Sons, Frenchman's Bayou, Ark., $45,304.
Earl Lane estate, Stanfield, Az., $45,292.
Harry and A. P. Jones, Louisville, Ga., $45,283.
A. K. Maxwell, Moorhead, Ms., $45,282.
Stalder Cattle Co., Salem, Ne., $45,265.
Paul Ollerton, Casa Grande, Az., $45,250.
James Beall, Waynesboro, Ga., $45,242.
Fred Welch, Muleshoe, Tx., $45,228.
R. T. Hardeman, Cruger, Ms., $45,198.
Paul Schniederjan, Bushland, Tx., $45,198.
Sam Kotara, Groom, Tx., $45,191.
Clawson Bldg. Co., Lubbock, Tx., $45,188.
Dixie Farm Company, Crumrod, Ar., $45,185.
George Eiland, Lamesa, Tx., $45,174.
Tommy Wheelis, Maricopa, Az., $45,173.
Robert Nippert, Quanah, Tx., $45,170.
Council Bend, Inc., Rolling Fork, Ms., $45,153.
Luther C. Holladay, Ft. Stockton, Tx., $45,143.
Jack Falco, Marlin, Tx., $45,130.
R. I. Oliver, Seagraves, Tx., $45,106.
Bob Morgan, Artesia, N.M., $45,094.
D. S. Riggs, Roscoe, Tx., $45,077.
J. J. Johnson, Leighton, Al., $45,049.
Earl C. Beck, Jr., Hughes, Ark., $45,047.
J. L. Stribling & Son, Clarksdale, Ms., $45,031.
Lorenzo Lee, Hart, Tx., $45,009.
R. M. Watsons Sons, Ridge Spring, S.C., $45,008.
Loyd Heigle, Mayersville, Ms., $44,992.
Cholick Farms, Rio Hondo, Tx., $44,977.
Sherman Land & Cattle Co., Tulare, Ca., $44,965.
John N. Covington, Jr., Coffeeville, Ms., $44,950.
Greenlee Farms, Lubbock, Tx., $44,946.
Edwin Y. Harrill, Jr., Shelby, N.C., $44,930.
Alan Spinks, Midland, Tx., $44,930.
J. S. Parker, Jr., Sunflower, Ms., $44,907.
Eubanks Brothers, Santa Rosa, Tx., $44,895.
Mott & Mott, Oak Ridge, La., $44,890.
Alf B. Claridge, Safford, Az., $44,877.
Stuart Denman, Charleston, Ms., $44,874.
Fletcher S. Haynes, Lambert, Ms., $44,868.
E. B. Price, Jr., Wrightsville, Ga., $44,855.
E. M. Otuel, Bville, S.C., $44,851.
Stribling Planting Co., Clarksdale, Ms., $44,844.
James W. Barnett, Friona, Tx., $44,842.
George L. Potter, Lafayette, In., $44,841.
Robert M. Davis, Casa Grande, Az., $44,831.
The Dunlap Co., Lubbock, Tx., $44,831.
J. M. Bryant, Calipatria, Ca., $44,829.
Luke Restivo, Caldwell, Tx., $44,822.
W. M. Thacker, Yuma, Az., $44,806.
Midvale Farm Co., Tucson, Az., $44,805.
B. N. Simrall and Son, Inc., Redwood, Ms., $44,804.
Ragland Plant, Inc., c/o C. G. Morgan, Hughes, Ar., $44,796.
B. J. Hutcheson, Wolfforth, Tx., $44,795.
Jack Cash, Batesville, Ms., $44,788.
Taylor Farms, c/o J. R. Saunders, Doerun, Ga., $44,788.
R. M. Mason, Hereford, Tx., $44,784.
M. S. Dale, Greenwood, Ms., $44,779.
Robison L and L Co., Walla Walla, Wa., $44,775.
J. B. Laney, Lyons, Ms., $44,765.
Chappell & Moore, Forrest City, Ar., $44,759.
C. A. Barth and Robert Barth, Holly Co., $44,745.
Tom Caldwell, Farwell, Tx., $44,743.
Waymon W. Elrod, Dekalb, Tx., $44,726.
Craig Silverthorne, Plainview, Tx., $44,718.
Wood B. Craig, Sunray, Tx., $44,718.
W. O. Lockwood, Lorenzo, Tx., $44,713.
Barry Armes, Littlefield, Texas, $44,701.
Clint B. McFarland, Tart, Tx., $44,700.
Harris Farms, Navasota, Tx., $44,675.
Jack Schuster, Muleshoe, Tx., $44,674.
Elmer E. Meek, Los Fresnos, Tx., $44,665.
Irby Abercrombie, Kerman, Ca., $44,657.
Robert F. Bowman, Corcoran, Ca., $44,641.
Peter Cook, Jr., Rio Vista, Ca., $44,618.
Reeves Farms, c/o J. E. Good, Hamburg, Ia., $44,615.
C and V Growers, Inc., Maricopa, Az., $44,596.
Jack Duke, Pecos, Tex., $44,590.
J. P. Beck, Ralls, Tx., $44,581.
W. H. Vanlandingham, Seminole, Tx., $44,560.
Curtis Clark, Helena, Az., $44,559.
J. V. Spigener, Allendale, S.C., $44,558.
Kraetzer Cured Lumber Co., Greenwood, Ms., $44,548.
H. V. Wheeler, Slaton, Tx., $44,513.
Ralph Owens, Metcalfe, Ms., $44,499.
E. H. Neill, Greenwood, Ms., $44,492.
David P. McBryde, Stratford, Tx., $44,488.
Del Testa Farms, Tranquillity, Ca., $44,483.
L. J. & J. A. Williams, Mason, Tn., $44,481.
Isola Plantation, H. W. Branton, Leland, Ms., $44,479.
C. H. Block and Co., Tunica, Ms., $44,475.
John R. Rials, Crockett, Tx., $44,468.
Hattendorf Bros., Scott City, Ks., $44,460.
G. L. Rouse, Luray, S.C., $44,455.
Jimmy Brown, Hereford, Tex., $44,447.
Howard Seiple, 40 and Wm Penn Hwy, Easton, Pa., $44,425.
Hudgens Jeter, RR 1, Altheimer, Ark., $44,419.
Archie Mellon, 1185 4th Ave., Yuma, Ariz., $44,391.
Dave Inebnit, R. 2 Box 92, Holly Grove, Ar., $44,355.
Webb & Webb, RR 1 Box 210, Shreveport, La., $44,354.
Norman Kuhr, 5574 Ave 22½, Chowchilla, Ca., $44,349.
Frank Blackburn, RR 2, Clovis, NM., $44,346.
Charley Roy Best, Grady, N.M., $44,332.
Belen Planting Co., Box 40, Marks, Ms., $44,301.
Vernon Hutsell, 20600 Road 36, Tulare, Ca., $44,290.
Glenn Thorne, Holdman Rt., Pendleton, Or., $44,287.
Harris & Thrush Sales Co., 701 N. Ave. N., Lubbock, Tx., $44,284.
M. J. Bowen, Metter, Ga., $44,279.
B. C. Kesey, 1826 Jackson, Pecos, Tex., $44,279.
David Solomon, Crestwood, Helena, Ar., $44,271.
L. G. Byford, RR 1, Proctor, Ark., $44,265.
Rowland Bros., RR 2, Monroe, La., $44,253.
Frank Abate, Box 203, Maricopa, Az., $44,252.
W. S. Patrick, RR 3, Box 153, Canton, Ms., $44,246.
Green Incorporated, Anguilla, Ms., $44,246.
Bert Johnson, Walhalla, N.D., $44,235.
Farm Inc. W. Wilcynski Pres., 1413 7th, Aurora, Ne., $44,230.
James Cruce, Star Rt., Kress, Tx., $44,219.
Franklin D. Seitzinger, 1611 Sunset Dr., Onawa, Ia., $44,216.
Edward Sanders, RFD 3, Cuthbert, Ga., $44,205.
Miller Farms, Inc., Marianna, Ar., $44,189.
Stribling & Smith, Box 83, Clarksdale, Ms., $44,171.
S. L. Newton DBA Newton Farms, Box 133, Stratford, Ca., $44,169.
Dick Ellis, Rt. 2, Hereford, Tx., $44,161.
French Bend Pltn, Box 274, Greenwood, Ms., $44,149.
Jerome Thompson, Box 37, Dateland, Az., $44,146.
Gunn Farms, Byron, Ga., $44,130.
Meiwes Bros., Rt. 4, Hereford, Tx., $44,129.
J. A. & R. Blasdell, P.O. Box 277, Litchfield Park, Az., $44,116.
Paul and Beene, Box 588, Parkin, Ar., $44,116.
R. G. Hartman, Plains, Texas, $44,105.
Donnell Echols, St. Rt. 4, Lamesa, Tx., $44,070.
Las Palmas Farms, Box 325, Weslaco, Tex., $44,060.
M. A. Snider, Jr., Box 128, Farwell, Tx., $44,051.
E. D. Wiest, 133 West J. St., Brawley, Ca., $44,034.
Max Dilworth, Shelby, Ms., $44,030.
Rogers Ranches Inc., Helm, Ca., $44,023.
Omega Planting Co., Lyons, Ms, $44,016.
John W. Gunter, Jr., Muleshoe, Tx., $44,004.
T. D. Davis, Goodland, Tx, $43,990.
Gordon McMillan, Levelland, Tx, $43,973.
Luchen Walls, Pine Bluff, Ar, $43,964.
Barton Bros., Earth, Tx, $43,944.
Alex Stafford, Dalhart, Tx, $43,938.
Adams Farm Co., Inc., Rockville, In, $43,932.
D. R. Hopkins, Anton, Tx, $43,931
J. E. Golden, Jay Fl, $43,916.
Russell, Loeflin, Junta, Co., $43,908.
L. J. Jones, Jr., Hereford, Tx, $43,903.
Fred G. Hilvert, Co., Inc, Palo Verde, Az, $43,893.
W. O. Shurden, Inc., Drews, Ms, $43,891.
J. W. Patrick, Jr, Brandon, Ms, $43,890
John E. Crain, Jr., Wilson, Ar, $43,889.
Jack Heil, Stratford, Tx, $43,889.
C. W. Denton, Belen, Ms $43,869.
Richard M. Adams, Gibson, N.C., $43,866.
William R. Ramsey, Pecos, Tx, $43,860.
C. R. Kay, Plainview, Tx, $43,853.
Tye & Son, Kress, Tx, $43,846.
Allendale Planting Co., Shelby, Ms, $43,839.
Gus O. Birdwell, Spearman, Tx., $43,826.
Peppy McKinley, Pecos, Tx, $43,814.
Tipton Bros. and Sullivan, Tiptonville, Tenn, $43,811.
Fred Zimmerman, Jr., Floydada, Tx., $43,800.
E. M. Fedric Farms, Inc., Vance, Ms, $43,799.
San Augustine Ranch, Lubbock, Tx, $43,791.
Fred & Austin Moore, Rensselaer, In, $43,782.
G. L. McWilliams Sr, Clarksdale, Ms, $43,780.
Stuart Rahberg, Clinton, Wi, $43,751.
Horne Bros., Arlington, Tn, $43,768.
Walter Herrick, Johnson, Ks, $43,725.
R. H. Farris, Jr., Crosbyton, Tx, $43,720.
Ben & Edward Pinkert, Levelland, Tx, $43,719.
John Springer Stephens, O'Donnell, Tx, $43,713.
Fred G. Owens, Levelland, Tx, $43,710.
Wilmot Planting Co., Arcola, Ms, $43,700.
Minn Farms Co., Appleton, Mn, $43,698.
Max L. Kelso, Clovis, N.M., $43,696.
H. L. Conger, Grande City, Tx., $43,950.
D. W. King, Inverness, Ms., $43,689.
Johnston Farms, Edison, Ca., $43,686.
John C. Carter, Plainview, Tx., $43,677.
Florence Farms, Inc., Coolidge, Az., $43,661.
N. W. Mott, Oak Ridge, La., $43,650
Fred Fegel, Amarillo, Tx., $43,650.
William Thomas Joines, Lubbock, Tx., $43,649.
D. J. Moses, Crosbyton, Tx., $43,638.
Francis E. Barrett, Hereford, Tx., $43,615.
Charles Speakes, Bendit, Ms., $43,608.
Marvin T. Heinrich, Ralls, Tx., $43,608.
James W. Cox., Tulia, Tx., $43,602.
F. M. Hinson, Bville, S.C., $43,600
M. E. Templer, Eads, Co., $43,599.
A. Tumbling T. Ranch, Goodyear, Az., $43,598.
W. P. Haggard & Son, Laveen, Az., $43,593.
Costerisan Farms, Bakersfield, Ca., $43,590.
Ed Weiler, Buckeye, Az., $43,562.
Johnny Whitley, Altoona, Al., $43,556.
Crettol Farms, Wasco, Ca., $43,546.
Joe H. Ulmer, Blythe, Ca., $43,544.
Cartrite Bros., Sunray, Tx., $43,538.
Joe Rodgers, West Memphis, Ar., $43,528.
B. & B. Industries, Glendale, Az., $43,524.
Banducci & Son, Buttonwillow, Ca., $43,505.
Bisignani Bros., Los Banos, Ca., $43,492.

Dan Felton & Co., Marianna, Ar., $43,477.
Henry Leivas, Poston, Az., $43,462.
Emily Holmes, Tulia, Tx., $43,451.
Evergreen Farms, Inc., Edcouch, Tx., $43,445.
B. F. Urbanczyk, Panhandle, Tx., $43,443.
James Harlan, Terre Haute, In., $43,421.
J. R. Norton Co., Glendale, Az., $43,420.
Alva C. Jasper, Silverton, Tx., $43,396.
A. & H. Farms, Kerman, Ca., $43,394.
Allen C. Kolstad, Ledger, Mt., $43,392.
Leslie Pattison, Clovis, N.M., $43,391.
E. W. and G. W. Stone, Chatham, Ms., $43,361.
Willis Woodham, Bishopville, S.C., $43,357.
L. E. Williams, Jr., Cordele, Ga., $43,349.
J. C. O'Brien, Morton, Tx., $43,349.
Stanley Ellis, Coolidge, Az., $43,335.
H–M Farming Company, Chowchilla, Ca., $43,326.
Lucille & C. W. Fyfe, Jr., Lula, Ms., $43,295.
Jack Robison & Sons, Willcox, Az., $43,289.
R. Gonsalves, Hanford, Ca., $43,280.
H. D. Free, Bamberg, S.C., $43,275.
M. & J. Farms, Loop, Tx., $43,273.
O. J. Turner, III, Belzoni, Ms., $43,273.
Goldmine Plt., Mangham, La., $43,265.
Carl Phillips, Abernathy, Tx., $43,255.
Earl S. Dobson, Chandler Az., $43,245.
W. W. Bomar, Clovis, N.M., $43,229.
Dalton Docter, Amherst, S.D., $43,226.
A. E. Schuyler, Shelby, Ms., $43,199.
Glynn Dodson, Royse City, Tx., $43,179.
Carson Echols, Lamesa, Tx., $43,177.
M. Parker, Bakersfield, Ca., $43,176.
William W. Allen, Stratford, Tx., $43,171.
S. C. Chapin, Trumann, Ar., $43,170.
Willie O. Wall., Texico, N.M., $43,160.
James C. Richards, Caledonia, Ms., $43,158.
C. N. Frierson, Shreveport, La., $43,155.
Jack G. Thomson, Bakersfield, Ca., $43,148.
J. A. Tucker, Jr. & Sr., Utica Ms., $43,148.
Graves Planting Company, Tchula, Ms., $43,122.
Stringer Farms, Inc., Dumas, Tx., $43,118.
Dr. P. F. Hartman, Maricopa, Az., $43,108.
Rex Hall, Jr., Dumas, Tx., $43,103.
J. W. Williamson, Agt., Norway, S.C., $43,095.
Gerald L. Schmidt, Rolla, Ks., $43,091.
Charles Wade, Bowie, Az., $43,080.
Jimmy Goode, Sicily Island, La., $43,076.
J. B. Johnson, Jr., Sterlington, La., $43,071.
Eldon K. Parish, Mohave Valley, Az., $43,065.
Harris and Harris, Inc., Hollandale, Ms., $43,065.
V. L. & L. A. Nunnery, Greenville, Ms., $43,059.
Al Klopek, Dilley, Texas, $43,043.
John V. Merten, Holtville, Ca., $43,038.
Wilcx, Lnd. & Ctl., Willcox, Az., $43,035.
R. J. Renner, Jr., Friona, Texas, $43,032.
John L. Haynes, Ralls, Tx., $43,021.
O. E. Williamson, Plainview, Texas, $43,012.
Eddie Jay, Sr., Willcox, Az., $43,002.
Walter E. Adams, Fremont, Ne., $42,995.
Thayer A. White, Red Rock, Az., $42,987.
Brewer Bros., Eldorado, Ok., $42,681.
David R. Owens, Elora, Tn., $42,675.
Walter E. Bloys, Floydada, Texas, $42,669.
J. W. Foster, Jr., Calvert, Tx., $42,657.
John Torrez, Jr., Tulare, Ca., $42,653.
C. R. Taylor, Lamesa, Tx., $42,633.
Heck Gin, Inc., Plainview, Tx., $42,632.
Elton Fortenberry, Tallulah, La., $42,627.
Bonny Shepherd, Rutledge, Ga., $42,616.
James T. Sanderson, Harvest, Al., $42,614.
Stum & Schuler, Towner, Co., $42,613.
Richland Planting Company, Moscow, Ar., $42,606.
Jim Monroe, Hereford, Tx., $42,603.
David B. Mullens, Clarksdale, Ms., $42,592.
Glen Taylor, Greenville, Ms., $42,591.
L. M. Phillips, Holly Bluff, Ms., $42,576.
Sulcer Planting Company, Inc., Marion, Ar. $42,571.
L. E. Hicks, Perry, Ga., $42,562.
B. T. Spear, Amarillo, Tx., $42,558.
Handley Farms, West Memphis, Ar., $42,552.
Jack Windle, Nebraska City, Ne., $42,546.
William Howard, Jr., Darlington, S.C. $42,538.
Half Moon Fruit & Pro. Co., Lemoore, Ca., $42,532.
M. Murray Farms, Inc., Hanford, Ca., $42,532.
E. I. & J. E. Jones, Coolidge, Az., $42,525.
H. L. Free, Bamberg, S.C., $42,517.
Henry C. Wehmeyer, Port Lavaca, Tx., $42,517.
James H. Dugan, Greeley, Ne., $42,509.
Walter Kaltwasser, Farwell, Tx., $42,476.
St. Rest Plantation, Inc., Holly Ridge, Ms., $42,475.
Buck Garrett, Plainview, Tx., $42,472.
Tom F. Oats, Ralls, Tx., $42,464.
Eliz O. Barefield, Alexander, Ga., $42,423.
Holly Ranch, Buckeye, Az., $42,419.
Buol Farms, Inc., Burlington, Co., $42,411.
T. L. Black, Millen, Ga., $42,407.
H. W. King, Drew, Ms., $42,404.
John Keil & Sons, Inc., Ledger, Mt., $42,393.
W. H. and C. V. Cross, Unadilla, Ga., $42,378.
F. Earl Hogan, Oak Ridge, La., $42,366.
Delta Plantation, Inc., Helena, Ar., $42,364.
Millard Peavy, Pinehurst, Ga., $42,362.
Hitch Lnd. Cttl. Co., Guymon, Ok., $42,329.
J. H. Kirby and Sons, Hale Center, Tx., $42,980.
James Readheimer, Hereford, Tx., $42,978.
D. & D. Farms, Inc., Queen Creek, Az., $42,975.
V. & C. Farms, Bakersfield, Ca.,$42,968.
Wilbur Welch, Rich, Ms., $42,958.
Lee M. Whittle, Brawley, Ca., $42,954.
Chas Heck, Jr., Nazareth, Tx., $42,952.
L. W. Van Dyke & Co., Marshall, Mo., $42,950.
Rosamond Carpenter, Lake Village, Ar., $42,947.
Harold Boyd, Pullman, Wa., $42,946.
R. O. Pierce, Caruthersville, Mo., $42,943.
H. S. Blitch and Son, Statesboro, Ga., $42,942.
Robert A. Taylor, Florence, Az., $42,934.
Stoughton Farms, DeForest, Wi., $42,916.
Haycreek Range & Cattle, Madras, Or., $42,916.
Hays Bros. & Hall, Sardis, Ms., $42,909.
E. J. Pope, Jr., Abernathy, Tx., $42,896.
Pee Dee Growers, Inc., Latta, S.C., $42,894.
Mark Farms, Greenwood, Ms., $42,891.
B. W. Smith Planting Co., Louise, Ms., $42,882.
Eldon Durrett Trusts, Amarillo, Tx., $42,876.
M. S. Simas, Est., Hanford, Ca., $42,854.
Jimmie R. Robinson, Sardis, Ga., $42,852.
T. W. Keesee, Helena, Ar., $42,851
Harold Whitaker, Humboldt, Kansas, $42,851.
Edwin Adams, Plainview, Tex., $42,842.
Joe M. Lovelace, Coalinga, Ca., $42,835.
Barcellos & Wolfsen, Stratford, Ca., $42,812.
Elo & Vido Fabri, Pond, Ca., $42,790.
R. E. Watkins, Altheimer, Ar., $42,782.
Jerry Jenkins, Pecos, Tex., $42,778.
M. E. Foreman, Webb, Ms., $42,768.
Richins Brothers, Inc., Animas, N.M., $42,764.
Leo Mathis, Plainview, Tx., $42,734.
W. H. Riley, III, Ft. Stockton, Tx., $42,728.
R. N. McWilliams, Clarksdale, Ms., $42,726.
Gordon Montague, Plainview, Tex., $42,717.
Don Brazil, Anton, Texas, $42,710.
Edwinston Clark, Friona, Texas, $42,710.
G. Malcolm Bryant, Hartley, Tx., $42,704.
Donald E. Kolb, Evansville, In., $42,691.
B. A. Watson, Chowchilla, Ca., $42,688.
W. E. Scarborough, Robstown, Tx, $42,688.
Bick Sam Chu, Marana, Az., $42,326.
W. H. Houston, Jr., Tunica, Ms., $42,315.
Jim Fullen, Ashport, Tn., $42,306.
Reed J. Kerby, Chandler, Az., $42,304.
Floyd T. Dyer, Bovina, Tx., $42,298.
George H. Vance, Texarkana, Tx., $42,289.
Clyde Crausbay, McAdoo, Tx., $42,275.
J. T. Brand, Prairie, Ms., $42,255.
Don & Max Hawthorne, Plains, Tx., $42,-241.
Keith Vandivere, Brownfield, Tx., $42,241.
A. L. Calhoun, Jr., Co., Clio, S.C., $42,241.
A. C. Ransom & Son, Monroe, La., $42,220.
C. W. Schwerdfeger, Syracuse, Ks., $42,216.
J. T. McAdams, Dalhart, Tx., $42,205.
D. Stratton, Inc., Pine Bluff, Ar., $42,195.
R. M. Middleton, O'Donnell, Tx., $42,193.
John W. & V. A. James, Oakley, Ks., $42,-191.
Fort Loring Plantation, Itta Bena, Ms., $42,190.
K. Malofy & Son, Shafter, Ca., $42,187.
Frank Megna, Abernathy, Tx., $42,166.
Burr Farms, Cheraw, S.C., $42,166.
Worth Jeffus, Guymon, Ok., $42,165.
C. J. Beasley and Son, Heth, Ar., $42,165.
Walter H. Provost, Marked Tree, Ar., $42,-147.
Johnny Sluder, Bushland, Tx., $42,115.
Joseph J. Trino, Bakersfield, Ca., $42,105.
F. S. Hunter, New Madrid, Mo., $42,105.
Little & Hanes, Wasco, Ca., $42,097.
E. C. R. Corporation, Hereford, Tx., $42,097.
Bruce Brumfield, Inverness, Ms., $42,092.
H. H. White, Water Valley, Ms., $42,072.
Troy Martin, Seagraves, Tx., $42,057.
C. Hart Farms, Inc., Holly, Co., $42,056.
Porter-Peringer, Inc., Echo, Or., $42,046.
Barrier & Barbour, Yazoo City, Ms., $42,035.
R. L. Gibson, Red Springs, N.C., $42,034.
Hudson Ranch, Maricopa, Ca., $42,031.
W. H. Neill and Sons, Leland, Ms., $42,030.
Max Sageser, Hale Center, Tx., $42,016.
Benson Farms, Inc., Hale Center, Tx., $41,-998.
Doug Ellison, Petersburg, Tx., $41,992.
James B. Young, Portland, Ar., $41,987.
Mountain Potato Corp., Dumas, Tx., $41,-983.
Western Potato Co., Salt Lake City, Ut., $41,964.
Guido Romanini, Buttonwillow, Ca., $41,-953.
Walter Pyle, Calvert, Tx., $41,949.
David S. Manker, Clarksdale, Ms., $41,945.
W. O. Markley, Hereford, Tx., $41,932.
Seward & Harris, Midnight, Ms., $41,919.
Ed Vaccaro, Marianna, Ar., $41,918.
Erle M. Barham, Oak Ridge, La., $41,902.
Ed Roche, Dublin, Ga., $41,898.
O. M. Johnson, Shabbona, Il., $41,895.
J. M. Edens Jr., Dalzell, S.C., $41,887.
Ruth G. Fink, Colby, Ks., $41,884.
Vachrel Ridley, Bellview, N.M., $41,879.
L. C. Smith, Hughes, Ar., $41,869.
Red Gum Plantation, Hughes, Ar., $41,866.
E. Q. Vance Jr., Vance, Ms., $41,850.
L. S. Powell Estate Inc., Dundee, Ms., $41,-842.
Marcus Vanderslice, Casa Grande, Az., $41,-835.
Don Angonia, Bryan, Tex., $41,822.
Queen Cr. Pot & Cold St. Co., Queen Creek, Az., $41,812.
J. G. McFarland, Friona, Tex., $41,805.
YAW Farms, Inc., Champion, Ne., $41,800.
Marathon Pitn., Glen Allan, Ms., $41,778.
C. E. Clifton, Hernando, Ms., $41,762.
D. T. Locke, Firebaugh, Ca., $41,756.
W. M. Kurfees, Plainview, Tx., $41,749.
Christophe Keller Jr., Alexandria, La., $41,-744.
E. M. Walton, Beulah, Ms., $41,742.
Judson McNair, Wrens, Ga., $41,742.
Kenneth Smith, Waitsburg, Wa., $41,723.
Charles T. Noland, Hereford, Tx., $41,722.
Kenneth Martin, Moscow, Ks., $41,700.
Troy Phillips, Brownfield, Tx., $41,698.
John M. Norfleet, Hart, Tx., $41,696.
Joe G. Machado Jr., Dos Palos, Ca., $41,695.
Looney Bros., Proctor, Ar., $41,691.
Elton, Ellison, Ralls, Tx., $41,685.
William J. Bryan, Los Fresnos, Tx., $41,683.
Oscar O. Brown, Nineveh, Tx., $41,682.
Dyche Plantation Inc., Blaine, Ms., $41,661.
Candler Farms, Eastman, Ga., $41,659.
B. D. Hargrove, Seibert, Co., $41,656.

Clinton Phipps, Taylorsville, Ms., $41,649.
Guthrie Farming Co., Pville, Calif., $41,634.
Landrum & Leavell, Minter City, Ms., $41,633.
Roman Gonzales, Waco, Tx., $41,631.
Myers, Bros., McCook, Ne., $41,628.
G. M. Newsom, Brownfield, Tx., $41,628.
W. M. Hunter, Lubbock, Tx., $41,626.
Vega Land Cattle Coinc., Amarillo, Tx., $41,619.
Larry J. Woodard, Lepanto, Ar., $41,615.
J. C. Evans, White, Ga., $41,610.
Amon Eugene Holt, Manila, Ar., $41,605.
Paul Pearce, Eloy, Az., $41,599.
Voges & Reisiger, Bovina, Tx., $41,598.
John R. Young, Muleshoe, Tx., $41,593.
Bednar Bros., Garden City, Tx., $41,592.
Harvey L. and Ava L. Balko, Lingo, N.M., $41,584.
Doyle Ritchie, Visalia, Ca., $41,583.
Earl Leslie, Alva, Ok., $41,571.
Jack D. Loring, Tulia, Tx., $41,565.
Gilmore Bros., Sandersville, Ga., $41,558.
W. M. Smith and Sons, Birdeye, Ar., $41,555.
Calvin Joyner, Camden, S.C., $41,546.
Walker E. Downs, Oxford, Ms., $41,536.
Adcock Farming Co., Inc., Lamesa, Tx., $41,535.
Max Bowers Est., Morton, Tx., $41,532.
Murphey & Hardy, Inc., Sumner, Ms., $41,520.
Robert Chappell, Candor, N.C., $41,515.
R. M. Aust, Clarksdale, Ms., $41,513.
Brandt Bros., Brawley, Ca., $41,512.
Robinson Co., Shreveport, La., $41,499.
Harvey Lutrick, Abernathy, Tx., $41.489.
S. D. Long, Shelby, Ms., $41,485'.
Clinton Glenn, Canyon, Tx., $41,480.
Glee S. Smith, Rozel, Ks., $41,477.
Oliver Bros., Proctor, Ar., $41,472.
Darden Company, Inc., Onward, Ms., $41,466
William R. Murrell, Gruver, Tx., $41,463.
James E. Patterson, Jr., Huntsville, Al., $41,460.
Box Elder Farms Co., Denver, Co., $41,455.
R. K. Clark, Drew, Ms., $41,453.
T. J. Pate, Bremen, Al., $41,434.
Costa & Quintel, Inc., Lemoore, Ca., $41,432.
Truman Touchstone, Dimmitt, Tx., $41,429.
Jay Stanton, Shallowater, Tx., $41,395.
P. Maurin & J. T. Maurin, Hondo, Tx., $41,394.
H. R. Hudson, Jr., Pecos, Texas, $41,391.
Jack Moseley, Friona, Texas, $41,377.
Howard Frick, Bakersfield, Ca., $41,375.
James L. Maxwell, Benoit, Ms., $41,362.
Vernon Andrus, Tulia, Tx., $41,360.
M. J. Commer, Jonestown, Ms., $41,354.
Lee C. Oneil, Lubbock, Tx., $41,329.
Martinus & Martinus, Lockwood, Ca., $41,315.
A. K. McCarley, Jr., Colorado City, Tx., $41,308.
C. T. Minchew and Miller Trust, Hale Center, Tx., $41,302.
J. Emanuelli & Sons, Brawley, Ca., $41,301.
Osborne Belsby, Amber, Wa., $41,286.
B C S Corporation, Minter City, Ms., $41,276.
Chrismer Farms, Parker, Az., $41,265.
Robert Brewington, Forrest City, Ar., $41,255.
Wade Minter, Jr., Crockett, Tx., $41,244.
Alton Grant Farms, Turrell, Ark., $41,224.
John M. Stevens, Jr., Dell, Ar., $41,213.
W. C. Luckett Farms, Dublin, Ms., $41,207.
R. J. Young, Poplar Grove, Ar., $41,200.
Rodgers Farms, Belzoni, Ms., $41,199.
Albert Keck Co., Indio, Ca., $41,198.
Hugh V. Newton, Lubbock, Tx., $41,190.
Edgar Campbell, Texico, NM., $41,182.
Buckskin Plantation, Lambert, Ms., $41,179.
R. L. Peaster Company, Tchula, Ms., $41,176.
James A. Minter, Jr., Tyler, Al., $41,174.
Archie Baker, Clovis, NM., $41,160.
Ernest Carpenter, New Madrid, Mo., $41,159.
Wylie A. Byrd, Tulia, Tx., $41,155.
Carl Otsuki & P. W., Inc., Brownsville, Tx., $41,147.
Gum Grove Planting Co., Tchula, Ms., $41,145.
Kermit Cates, Bradford, Tn., $41,142.
B. A. Little, Holcomb, Ms., $41,138.
Max Johnson, Ralls, Tx., $41,131.
Earl Harkins, Hereford, Tx., $41,105.
D. Rigby Family Partnership, Logan, Ut., $41,101.
George C. Camilli, Animas, Co., $41,080.
Hochuli Bros., Terra Bella, Ca., $41,055.
F. F. Bradley, Pecos, Tex., $41,054.
Rio King Land & Inv. Co., San Fran., Ca., $41,024.
C. C. Morschheimer, Jr., Parkdale, Ar., $41,019.
J. A. Ely, Jr., Shaw, Ms., $41,016.
Eugene F. Jones, Midland, Tx., $40,998.
Johnny D. Reid, O'Brien, Tex., $40,994.
H. Joe Schwartz, Ropesville, Tx., $40,994.
Dan Atkinson, Madison, Al., $40,992.
Ruth Hunt, Hastings, Ne., $40,991.
L. W. Bailey, Manter, Ks., $40,988.
Lourence Dormaier, Marlin, Wa., $40,982.
Pucheu Ranch, Tranquillity, Ca., $40,976.
Robert Ellsworth, Queen Creek, Az., $40,973.
John S. Howie, Benton, Ms., $40,966.
H. & A. Andreotti, Grimes, Ca., $40,955.
W. A. Odom, Jr., La Villa, Tex., $40,941.
Hanson Farms, Inc., Columbia, S.D., $40,927.
Thomas J. Bevel & Son., Rochester, Tex., $40,923.
Fred Northcutt, Clovis, N.M., $40,889.
M. E. Watson, Jr., Kirkland, Tx., $40,870.
Preciado Bros., Imperial, Ca., $40,862.
W. S. Conner, Maricopa, Az., $40,858.
Raymond Dienst, Sr., Lakin, Ks., $40,835.
Ed Hunter Steele, Morgan City, Ms., $40,820.
Belle Meade Plantation, Hughes, Ar., $40,818.
Central Alfalfa, Inc., Lexington, Ne., $40,817.
C. W. Barrett, Indianola, Ms., $40,802.
Billie McClaran, Petersburg, Tx., $40,802.
Antone Borchard Co., Brawley, Ca., $40,790.
Bill R. Moore, Glendale, Az., $40,784.
Shafter Wasco Invest. Co., Shafter, Ca., $40,778.
Berryman Farms, Bard, Ca., $40,770.
Maxton Supply Co., Maxton, N.C., $40,767.
Dan & Chester Caldwell, Blytheville, Ar., $40,765.
Robert G. Johnson, Clarksdale, Ms., $40,757.
Billy G. Gardenhire, O'Donnell, Tx., $40,757.
John Richardson, Lovington, N.M., $40,742.
Reedville Farms, Dumas, Ar., $40,743.
Kirtlan Bros., Clarksburg, Ca., $40,731.
C. P. Brown, El Paso, Tx., $40,726.
Jim Bob Curry, Hale Center, Tx., $40,721.
T. R. Rowland, Vidette, Ga., $40,717.
Costa Farms, Bakersfield, Ca., $40,710.
C. Elmer Spafford, Lemoore, Ca., $40,705.
Robert G. Sparks, Bovina, Texas, $40,700.
Kans. Univ. Endow. Assoc., Lawrence, Ks., $40,692.
Gordon Cameron, Buckeye, Az., $40,669.
Louise Planting Co., Louise, Ms., $40,654.
Melborn C. Jones, Farwell, Texas, $40,644.
J. L. Browning, Plainview, Tx., $40,640.
Wall & Sons, Dalhart, Tx., $40,628.
Allen Brothers, Indianola, Ms., $40,625.
Logan Otto, York, Ne., $40,624.
B. L. Davis, Whiteville, Tenn., $40,610.
Harry Banducci, Bakersfield, Ca., $40,607.
C. T. Ingle, Tahoka, Texas, $40,606.
Johnney West, Floydada, Texas, $40,605.
Maud, Collingwood, Est., Meade Ks., $40,604.
Hyles Hagy, Jr., Dauphin, Pa., $40,603.
Solomon Bros., Inc., Helena Ar., $40,600.
Aulton S. Harris, Stanfield, Az., $40,597.
C. C. Whittle, Floydada, Tx., $40,594.
Barlow & Willis Planting Co., Detroit, Tx., $40,588.
Brown and Brown, Texico, N.M., $40,582.
Otha, Lockmiller, Clovis, N.M., $40,574.
Triangle T Ranch, Chowchilla, Ca., $40,574.
John E. Richards, Macon, Ga., $40,572.
F. M. Swanson, Springfield, Co., $40,559.
Lamon & Lamon, Harlingen, Tx., $40,555.
Tharp Farms, Las Cruces, N.M., $40,553.
J. S. Dollahite, Lake Cormorant, Mi., $40,545.
Gaddis & McLaurin, Inc., Bolton, Ms., $40,543.
Kenneth Rice, Montrose, Ar., $40,542.
H. Freimel & Sons Ptn., Hereford, Tx., $40,539.
Tupelo Pltn, Greenwood, Ms., $40,529.
William H. Myre, Greenville, Tx., $40,520.
AVRA Plantations, Inc., Marana, Az., $40,459.
John W. McIntosh, Clovis, N.M., $40,444.
R. Lee, Jr., & R. Lee, Sr., Guymon, Ok., $40,428.
Wheeler Farms, Inc., Hillsboro, Al., $40,421.
Johnny P. Singh, Brawley, Ca., $40,412.
Bruce D. Tarkington, Cotton Plant, Ar., $40,408.
Johns, Smith & Beamer, Athena, Or., $40,408.
Marvin O. Greer, Ralls, Tx., $40,408.
Joe L. Smallwood, Muleshoe, Tx., $40,406.
W. M. & D. L. Colson, Tulare, Ca., $40,370.
G. R. Byrd, Holcomb, Ks., $40,360.
Louie Kehl, Yuma, Az., $40,356.
Cecil Yonce, Johnston, S.C., $40,348.
La Casita Farms, Inc., Rio Grande City, Tex., $40,347.
William Peacock, 309 McClain, Cleveland, Ms., $40,338.
L. B. Shipp, Box 86, Lula, Miss., $40,338.
Dougherty Grain, 800 W. Ky. St., Floydada, Tex., $40,331.
Citizens Gin Co., Inc., Lepanto, Ark., $40,326.
Joe L. Davidson, RR 1 Box 246, Sledge, Miss., $40,316.
Charlie & Kenneth Robinson, Box 235, Vega, Tex., $40,312.
M. T. Glenn, 2832 Avenel St., 10, Los Angeles, Calif., $40,308.
W. K. Kenworthy, 301 East Chanslorway, Blythe, Calif., $40,299.
Charles Spencer, Box 533, Presidio, Tex., $40,296.
David W. Grimsley, Rt. 2, Friona, Tex., $40,276.
J. E. Franklin, RR 1, Lubbock, Tex., $40,272.
Robert L. Dortch, Jr., Box 86, Scott, Ariz., $40,267.
Bill N. Gilbreath, Box 903, Ralls, Tex., $40,250.
W. H. Bullock, RR 1, Epps, La., $40,249.
O. A. Jones, RR 1, Farwell, Tex., $40,246.
Delmar A. Brady, 690 Imperial, El Centro, Calif., $40,236.
Allen C. Evans, Lula, Miss., $40,225.
Emmett Owens, Rt. 1, Huntland, Ind., $40,181.
Calvin Stout, Grady, N. Mex., $40,177.
Jean Eichheim, Nunn, Colo., $40,168.
Taylor & Heidel, Inc., Rt. 1, Box 360, Lovington, N. Mex., $40,152.
Brashier-Allen, Indianola, Miss., $40,151.
George H. Harlan, Rt. 1, Slaton, Tex., $40,145.
Dolphin Land Company, RR 2, Box 120, Steele, Mo., $40,142.
Elm Grove Plantation, Inc., McDade, La., $40,133.
Terrell and Daniel, RR 3, Plainview, Tex., $40,128.
Jack Patterson, Box 938, Roswell, N. Mex., $40,120.
Clyde Mercer, Box 704, Silverton, Tex., $40,106.
W. H. Palser Farms, Inc., Big Springs, Ne., $40,088.
Travis P. Turner, Rt. 3, Colorado City, Tex., $40,070.
Stephen Smith, Box 31, Olton, Tex., $40,068.
J. C. Heinrich, Rt. 1, Idalou, Tex., $40,065.
A. C. Riley, New Madrid, Mo., $40,056.
Sun Vue, Inc., % Ed Vadder Pres., Box 1057, Lockney, Tex., $40,042.
J. R. Ross, Benoit, Miss., $40,023.
Leonard L. Grissom, Rt. 1, Farwell, Tex., $40,012.

Dale Mitchek, Cheyenne Wells, Colo., $40,005.
Ronald W. Thayer, 902 N. Val Vista, Mesa, Ariz., $40,005.
C. P. Smith, RR 1, Hale Center, Tex., $39,986.
W. G. Turnipseed, Rt. 1, Box 620, Lovington, N. Mex., $39,978.
Pee Dee Pltg. Co., % Hunter Chittom, Schlater, Miss., $39,976.
Dean E. Pryor, P.O. Box 165, Burrel, Calif., $39,945.
Forrest Clayton, Ed Nido, Calif., $39943.
Trimble Farms, Tempe, Az., $39,940.
Roy Nall, Boise City, Ok., $39,931.
J. T. Longino, Jr., Jonestown, Ms., $39,914.
Gay and Keith, Gay, Ga., $39,898.
R. C. Good, Glenwood, Ia., $39,898.
S. A. Fangman, Hereford, Tx., $39,896.
W. E. & Bruce Dunlap, Ridgley, Tenn., $39,894.
John W. Sherman, Enid, Ms., $39,884.
Albert Heath, Milan, Mi., $39,878.
J. L. & Bill Gray, Harlingen, Tex., $39,875.
Don C. Day, Meadow, Tx., $39,875.
Clifford Hamilton, Lubbock, Tx., $39,870.
Russell Armstrong, Town Creek, Al., $39,869.
Clayton Brown, Madera, Calif., $39,863.
Dingler Farms Inc., Pecos, Tx., $39,860.
Joe E. Benson, Marks, Ms., $39,857.
Cowan & Franklin, Shelby, Ms., $39,853.
R. I. Abbay, Tunica, Ms., $39,852.
Earl Minderman, Lawrenceville, Il., $39,839.
Ira G. Ashley Osceola, Ar., $39,830.
J. B. James, Olton, Tx., $39,821.
Green Reservoir Farms, Casa Grande, Az., $39,820.
W. W. Hamilton, Hillsboro, Al., $39,817.
H. A. Vossler & Sons, Pville, Ca., $39,812.
June F. Grundfest, Cary, Ms., $39,804.
W. A. Worsham, Charleston, Ms., $39,799.
B. B. Sanders, Vaiden, Ms., $39,797.
Kendrick Farms, Johnson, Ks., $39,789.
Fowler-Moore-Moore-Fowler, Somerville, Tn., $39,779.
W. T. Clark, Jr., Yazoo City, Ms., $39,773.
J. H. Rowland, Midville, Ga., $39,769.
San Pasqual L & C Co., Brawley, Calif., $39,769.
W. W. Walton Jr., Cor Chr., Tx., $39,760.
Morgan Sturgess, Tulia, Tx., $39,754.
Jones Brothers, Inverness, Ms., $39,752.
Tony Varisco Jr., Bryan, Tex., $39,751.
W. S. Reed, Utica, Ms., $39,748.
Stillwater Farming Co., Inc., Altheimer, Ar., $39,741.
M. L. McMillan, Minter City, Ms., $39,729.
Patton Planting Co., Nitta Yuma, Ms., $39,708.
J. H. Felts and Sons, Joiner, Ar., $39,703.
Henry Bennett, Rich Square, N.C., $39,699.
Lloyd Weinreis, Golva, N. Dak., $39,681.
Claude Keasler, Parma, Mo., $39,679.
Warren Taylor, Byromville, Ga., $39,673.
M. A. Rose and Sons, Inc., Altheimer, Ar., $39,673.
William Gehring, Inc., Rensselaer, In., $39,671.
Lakin Ranch, Inc., Onawa, Ia., $39,669.
Milburn & Eddie Haydon, Hart, Tx., $39,660.
Wayne Labar, Harlingen, Tx., $39,654.
Jon A. Tucker, Buckeye, Az., $39,651.
James Bradshaw, Sunflower, Ms., $39,644.
Arvis E. Moore, Crosbyton, Tx., $39,629.
Shelby & Kirby, Hollis, Ok., $39,627.
B. E. Fisher, Portland, Ar., $39,625.
Ralph E. Davis, Abernathy, Tx., $39,623.
Ray Gerk, Hereford, Tx., $39,621.
Homer Slater, Brawley, Ca., $39,615.
James Morgan, Jr., Greenwood, Ms., $39,609.
Edward Kraft, Delano, Ca., $39,607.
Smith Ranch Company, Tribune, Ks., $39,605.
H. B. Robertson, Petersburg, Tx., $39,587.
E. L. Wallace and Sons, Woodland, Ca., $39,583.
Albert Eugene Yarbrough, England, Ar., $39,580.
Robert L. Gabeline, Morning Sun, Ia., $39,570.
J. C. Griffin, Meigs, Ga., $39,556.
Charles Kline, Anguilla, Ms., $39,550.
B. L. Middleton, Odonnell, Tx., $39,544.
C. H. Clowers & Co., Star City, Ark., $39,537.
Tom Cobb, Jr., Clovis, Nm., $39,533.
Pinckney Hill Plantation, Monticello, Fl., $39,525.
Eiland Crawley Palmore, Lamesa, Tx., $39,518.
R. C. Greenway & Virgil Greenway, Jerome, Ar., $39,514.
Wilbert Kalbas, Farwell, Tx., $39,512.
Arlan Youngblood, Lamesa, Tx., $39,512.
William S. Alley, Shandon, Ca., $39,505.
Dawson County Feed Prod., Inc., Lexington, Ne., $39,505.
J. P. Brown, Lake Providence, La., $39,504.
M. and T., Inc., Walnut Grove, Ca., $39,464.
Virgal Pierson, Petersburg, Tx., $39,462.
A. H. Sandeford, Midville, Ga., $39,458.
R. and B. Co., c/o Bronson Corn, Roswell, N.M., $39,456.
Marshall Farms, Brewster, Ks., $39,453.
Gary E. Byrd, Jr., Hartsville, S.C., $39,451.
Wayne E. Tallman Farms Co., Brandon, Co., $39,410.
D. & B. Moore, Bakersfield, Ca., $39,409.
Harral and Marable, Stockton, Tx., $39,405.
Curtis Planting Co., Bossier City, La., $39,401.
W. Carter Reid, Cherokee, Al., $39,396.
Glenn W. Thompson, Morton, Tx., $39,391.
George A. Efseaff, Earlimart, Ca., $39,389.
Marion J. Barnes, Bishopville, S.C., $39,386.
L. A. Garrett, Bartow, Ga., $39,374
Lettunich Farms, Clint, Tx., $39,342.
Kenneth Leck, Galata, Mt., $39,333.
W. & J. Farms, Stanfield, Az., $39,332.
J. C. Goodson, Brent, Al., $39,327.
Mason Snow, Buttonwillow, Ca., $39,324.
Robert L. Smith, Lockney, Texas, $39,315.
R. B. Anderson, Oxford, Ms., $39,311.
Warefield Brothers Farms, Inc., Gunnison, Ms., $39,299.
James Marioneaux, Buckeye, Az., $39,296.
E. E. Cooper, Leland, Ms., $39,292.
J. R. Parkinson, Benoit, Ms., $39,288.
R. T. Wade, Minter City, Ms., $39,268.
Wendell Downen, Lake Providence, La., $39,265.
A. Dargin Kirk, Farwell, Texas, $39,258.
Leroy Grawunder, Shallowater, Tx., $39,257.
W. H. Watts and Son, Sardis, Al., $39,251.
Jesus Acosta, Berino, N.M., $39,248.
Raymond K. Schueler, Friona, Texas, $39,241.
Munn and Morgan, Leland, Ms., $39,234.
Leland Bush & Sons, Tecumseh, Mi., $39,229.
Carthal F. Mock & Son, Altus, Ok., $39,226.
North Ridge Co., Charleston, Mo., $39,212.
Glen A. Cook, Blytheville, Ar., $39,209.
Edwin J. Mullens, Clarksdale, Ms., $39,182.
George Sides, Dimmitt, Tx., $39,176.
Theodore J. Julian, Johnson, Ks., $39,174.
Arthur Jernigan, Amistad, N.M., $39,164.
Charles Noel, Plainview, Tx., $39,159.
Nugenco, Inc., Turrell, Ar., $39,159.
J. E. McCathern, Jr., Hereford, Tx., $39,153.
Kenneth Harley Blackwood, Ripley, Tn., $39,120.
C. B. Robinson, Waterford, Ms., $39,114.
Thomas A. Hollingsworth & Co., Hollandale, Ms., $39,106.
Burson and Burson, Haskell, Texas, $39,102.
Dobson Brothers, c/o R. Dobson, Cedar Rapids, Ne., $39,092.
H. & D. Duenne Farms, Charleston, Mo., $39,074.
Lee Talley, Van Horn, Tx., $39,073.
Brocecky & Lomax, Rio Hondo, Tx., $39,073.
Vernon Griffin, Scurry, Tx., $39,073.
R. D. Crawford, Concord, Ga., $39,063.
Richard Plunkett, Syracuse, Ks., $39,061.
Everett Bell, Mission, Tx., $39,044.
Gerald Sadler, Wisner, La., $39,006.
John H. Rea, Touchet, Wa., $39,001.
J. W. Zellner, Marienthal, Ks., $38,998.
Chester A. Johnson, Lyford, Tx., $38,986.
Saldorose Pltn, Indianola, Ms., $38,949.
Joe E. Yraceburu, Fresno, Ca., $38,939.
Dwelley Jones, Walla Walla, Wa., $38,936.
Nagatani Farms, Delano, Ca., $38,902.
Barr Ewing, Mercedes, Tx., $38,900.
Harry L. Fitzgerald, Levelland, Tx., $38,891.
P. W. Teeter & Sons, Co., Tillar, Ar., $38,890.
Isaac Fransen, Clinton, Ok., $38,888.
William Elbert Reid, Cherokee, Al., $38,879.
Homer Martin, Jr., Belzoni, Ms., $38,872.
D. N. M. Grain Co., Kansas City, Mo. $38,860.
Art W. Adair, Brownfield, Tx., $38,859.
Delbert Lewis, Red Cloud, Ne., $38,856.
Frazier Thompson, Bentonia, Ms., $38,849.
Holmes Farms Inc., Edinburg, Tx., $38,848.
Dan A. Day, Meadow, Tx., $38,842.
Norton Inc., Hereford, Tx., $38,839.
Van Sullivan, Culdesac, Id., $38,839.
B. E. Miles, Lakin, Ks., $38,838.
Kenneth Purtell, Brownfield, Tx., $38,833.
F. Silveira & J. Peterson, Tranquillity, Ca., $38,825.
Gus Pieralisi, Leland, Ms., $38,822.
Royce McFadden, Olton, Tx., $38,822.
Jack Parnell, Paducah, Tx., $38,803.
John H. Garmon, Jr., Clarksdale, Ms., $38,794.
Leon Foote, Seminole, Tx., $38,789.
W. R. Spears, New Hope, Al., $38,771.
James L. Craddock, Buckeye, Az., $38,769.
Fogleman & Son, Marion, Ar., $38,767.
Savich Farms, Rensselaer, In., $38,765.
Larry Nelson, Tulia, Tx., $38,764.
Elott Raffety Farms, Inc., Wyatt, Mo., $38,759.
Gary Crump, Bernie, Mo., $38,755.
R. W. Anderson, Mason, Tn., $38,753.
R. C. Weaver, Chowchilla, Ca., $38,749.
Julian L. Hardin, Marion, Ark., $38,748.
J. L. Wall, Clovis, N.M., $38,747.
Crockett Groves Inc., Harlingen, Tx., $38,746.
W. D. Harrington, Manning, S.C., $38,741.
Burton Merc & Gin Co., Beedeville, Ar., $38,733.
Rebekah Fields Billy Fields, Rolling Fork, Ms., $38,727.
Edward S. Smith Jr., Lorenzo, Tx., $38,721.
Travis H. Taylor Jr., Clarksdale, Ms., $38,716.
J. A. Marshall Est., Firebaugh, Ca., $38,715.
W. C. Adams, Dallas, Texas, $38,715.
Ellis Bros., Centre, Al., $38,699.
Hurdle & Valentine, Lamar, Miss., $38,690.
Davis Beasley, Meadow, Tx., $38,684.
Lelon Kenney, Columbia, La., $38,684.
Earl J. Smoak, Orangeburg, S.C., $38,680.
Dan L. Fedric, Charleston, S.C., $38,680.
Herbert E. Bippus, Hereford, Tx., $38,680.
K. E. Sherman, Durand, Il., $38,675.
Douglas Floyd, Seagraves, Tx., $38,661.
Philip V. Haynes, Roscoe, Tx., $38,648.
J. R. Wade Farms Inc., La Villa, Tx., $38,635.
Bobby H. Kendrick, Floydada, Tx., $38,632.
Lloyd E. Ryals, Dundee, Ms., $38,627.
Sundial Farming Co., Brawley, Ca., $38,604.
Double J Farms, Dos Palos, Ca., $38,580.
Denton Mfg. Co. Inc., Shelby, Ms., $38,570.
C. P. Honeycutt, Maricopa, Az., $38,557.
New Gascony Elms Farming Co., Altheimer, Ar., $38,552.
Robert M. Owen, Pecos, Tx., $38,539.
Pete Pasquinelli, Yuma, Az., $38,536.
Watkins Farms Inc., Hayti, Mo., $38,535.
Billy W. Fulton, Floydada, Tx., $38,533.
Cecil L. Dunbar, Martin, S.C., $38,527.
John Arnn & Son, Dermott, Ar., $38,525.
H. O. Thompson, Plainview, Tx., $38,522.
Bernard Lueking, Oxford, Ne., $38,519.
L. B. Montgomery, Littlefield, Tx., $38,518.
Perez Bros., Firebaugh, Ca., $38,509.
Andrew Price, Kress, Tx., $38,488.
Jerry Rogers, Clint, Tx., $38,484.
Fletchers Gin, Inc., Gideon, Md., $38,479.
Murphey Plantation, Tippo, Ms., $38,473.

Reed Lawson, Lockney, Texas, $38,470.
J. B. McPherson, Sr., Lake Providence, La., $38,463.
Francis L. Decker, Broadview, NM., $38,452.
Odell L. Lowe, Lubbock, Tex., $38,441.
Edward Wuerflein, Muleshoe, Tx., $38,431.
W. A. Albright, Sherrill, Ark., $38,431.
Donald Bellando, San Joaquin, Ca., $38,402.
Hershel L. Hughes, Texico, NM., $38,402.
Allen Glenn, Tulia, Tx., $38,401.
Dee Cash, Crosbyton, Tx., $38,379.
Ross Cash, Crosbyton, Tx., $38,378.
Wadsworth Brothers, Prattville, Al., $38,355.
R. G. Russ, Jr., Hale Center, Tx., $38,354.
H. F. Flemming, Cruger, Ms., $38,353.
Thomas B. Barnes, Darling, Ms., $38,344.
Steve A. Scarmardo, Caldwell, Tx., $38,341.
C. L. Morris, Rayville, La., $38,339.
Dorsey M. Bass, Columbia, Md., $38,338.
James A. Petty, Wayside, Ms., $38,336.
Leo Wikowski, Hereford, Tx., $38,335.
C. M. Cooke, Brickeys, Ar., $38,326.
Crenshaw Bros., Inc., Crenshaw, Ms., $38,323.
Jesse C. Cooper, Dumas, Tx., $38,319.
Rancho Trio, Bakersfield, Ca., $38,309.
Blackwoods Farm, Ft. Motte, S.C., $38,305.
J. A. Welch, Lockney, Texas, $38,298.
Marion F. Wright, Clio, S.C., $38,294.
C. L. Patridge, Schlater, Ms., $38,292.
J. T. Gilbreath, Jr., Hereford, Tx., $38,283.
M. P. Thedford, Littlefield, Tx., $38,283.
David B. Flanagan, Leland, Ms., $38,282.
Webb/Webb/Johnson, PTNP, Stratford, Tx., $38,276.
O. D. Moore, Crosbyton, Tx., $38,275.
Gordon Randolph, Colfax, La., $38,251.
C. Allan Young, Jr., Timmonsville, S.C., $33,245.
James Dyer, Weslaco, Tex., $38,243.
J. A. Grammer, Lamesa, Tx., $38,236.
Otis Harman, Tulia, Texas, $38,209.
Autauga Farming Co., Autaugaville, Al., $38,194.
Carroll Seal, Childress, Tx., $38,192.
Harrison Evans, Shuqualak, Miss., $38,192.
H. S. Smithson Sr., Goodman, Ms., $38,189.
Est. J. Kelly Cain, Corpus Christi, Tx., $38,182.
J. T. Hollingsworth, Cross Hill, S.C., $38,-181.
T. F. Taylor, Bovina, Texas, $38,179.
Charles W. Wiseman, Sudan, Tx., $38,177.
Leonard White, Blakely, Ga., $38,154.
J. David Sullivan, Ulysses, Ks., $38,139.
Blue Sack Pltn Inc., Belzoni, Ms., $38,136.
Darrell J. Dunn, Ralls, Tx., $38,126.
Irby Turner, Belzoni, Ms., $38,125.
C. J. Feagley, Muleshoe, Tx., $38,123.
A. R. Seabolt Jr., Rockwall, Tx., $38,118.
Aubra Wrather, Portageville, Mo., $38,118.
Clark Bros., Inc., Putney, SD., $38,118.
Howard Keeton, Cherokee, Al., $38,113.
Agricultural Investors Co., Farmersville, Il., $38,111.
George Eads, Fabens, Tx., $38,107.
James H. Bradley, Hereford, Tx., $38,107.
Gerald McCathern, Hereford, Tx., $38,103.
Allien M. Nunn, Laconia, Tenn., $38,087.
L. L. Walker & Sons, Minter City, Ms., $38,086.
Ben Fennel Jr., Leighton, Al., $38,081.
Roy Hines, Childress, Tx., $38,056.
Anthony L. Scamardo, Mumford, Tx., $38,-056.
Lester Merrill, Clovis, NM., $38,055.
Dick Ed Thomas, Marianna, Ar., $38,054.
Marion C. Bowers, Brownfield, Texas, $38,-050.
J. W. Hobgood, Holcomb, Ms., $38,045.
Eddie C. Cook, Stanton, Tx., $38,043.
Willard McCloy, Morse, Texas, $38,043.
Ray Teeple, Silverton, Texas, $38,042.
Glenn B. Allred, Wildorado, Tx., $38,040.
Melville Farms, Audubon, Ia., $38,038.
W. E. Jefcoat, Doddsville, Ms., $38,033.
M. L. McFarland, Happy, Tx., $38,030.
Vernon C. Willard, Bovina, Texas, $38,020.
Billy Hatcher, Sale City, Ga., $38,011.
K. E. Probasco, Floydada, Texas, $37,992.
Joe Rice, Jr., Northport, Al., $37,983.
Chester B. Brittain, Sinton, Tx., $37,977.
Frank J. Martin, Madera, Ca., $37,973.
Wright Bros. Farms, Robstown, Tx., $37,-960.
E. & S. Farms, Pharr, Tex., $37,956.
A. T. & J. R. Villard, Delano, Calif., $37,951.
Bill & Ed Koda, South Dos Palos, Calif., $37,949.
Morris S. Smith, Lorenzo, Tex., $37,946.
Johnnie Joiner, Idalou, Tex., $37,936.
Curtis F. Johnson, Midnight, Miss., $37,928.
Bleecker Farms, Bakersfield, Calif., $37,918.
H. L. Porter, Jr., Petersburg, Tex., $37,916.
Clyde Robinson, Providence, La., $37,911.
E. D. Marion, Seminole, Tex., $37,906.
Cedar Hill Farms, Memphis, Tenn., $37,903.
H. R. Colclough, Bishopville, S.C., $37,902.
Tuttle & Tuttle & Mawhirter, Ulysses, Kans., $37,898.
Norman C. Hardy, Eastman, Ga., $37,894.
R5 Ranch Inc., Carter, Mont., $37,892.
Hugo L. Felkel, Elloree, S.C., $37,890.
Sloan Farms, Gore, Okla., $37,871.
Dallas Vaughn, O'Donnell, Tex., $37,870.
Leo M. Kraft, Havre, Mont., $37,866.
Debb Stephens, Casa Grande, Ariz., $37,866.
Paul Smith, Buckeye, Ariz., $37,863.
Victor Edwards, Montrose, Ariz., $37,844.
Olin B. Curry, Lancaster, Tex., $37,840.
Ronda H. Whorton, Roscoe, Tex., $37,840.
Edwin Morrison, Adrian, Tex., $37,837.
B. T. V. Farms, Tranquillity, Calif., $37,830.
Tanke Farms Inc., Mohler, Wash., $37,827.
Maxwell Brothers, Alva, Okla., $37,824.
D. C. Dilley Est., Borger, Tex., $37,815.
Paul J. Condit, Seminole, Tex., $37,814.
J. T. Moore and Son, Pecos, Tex., $37,812.
R. L. Thomas, Tahoka, Tex., $37,811.
Craig McDonald, Ralls, Tex., $37,810.
Mrs. H. A. Torbert & Sons, Opelika, Ala., $37,808.
Paul Shivers, Louisville, Ga., $37,801.
L. M. Betti, Buttonwillow, Calif., $37,799.
J. A. Benthall, Seminole, Tex., $37,796.
Lindsey Brothers, Caldwell, Ariz., $37,792.
Ellis H. Davis, Pinehurst, Ga., $37,784.
McCain Bros., Inc., Widener, Ariz., $37,769.
Robert Mullins, Blaine, Miss., $37,751.
Geo. V. Harren, Weslaco, Tex., $37,745.
R. G. Dunlap, Floydada, Tex., $37,739.
A. B. Ritchie, Jr., Auburn, Nev., $37,738.
Morris & Morr, Inc., Dumas, Tx., $37,725.
W. Harold Tuttle, Towner, Co., $37,720.
Frank Anderson, Heppner, Or., $37,716.
Angie S. Wyrill, Kirwin, Ks., $37,703.
Pittsfield Pltn., Ferriday, La., $37,696.
Mildred Hansen, Shandon, Ca., $37,689.
Kelly Bros., Collinston, La., $37,687.
Glen J. Ellis, Pecos, Tx., $37,687.
Ernest M. Michael, Artois, Ca., $37,671.
Pidgeon Roost Ranch, West Memphis, Ar., $37,668.
B & H Farms, Marked Tree, Ar., $37,668.
Basel Henderson, Coy, Ar., $37,667.
Don Watkins, Ralls, Tx., $37,662.
Jack Keisling, El Indio, Tex., $37,655.
Heath Brothers, Hale Center, Tx., $37,654.
Wesley Stallings, Blytheville, Ar., $37,653.
Lehr Farms, Auburn, Ne., $37,653.
R. L. McMurtry, Amarillo, Tx., $37,626.
J. H. Dorminy, Jr., Fitzgerald, Ga., $37,626
Elmwood Plantation, Inc., Hughes, Ar., $37,608.
Dale Duncanson, Mapleton, Mn., $37,606.
Tommy Lovett, Spearman, Tx., $37,602.
Gould Brothers, Prosser, Wa., $37,596.
Valley Packing Co. of Ca., Yuma, Az., $37,586.
Val Garner, Brownfield, Tx., $37,569.
Humphrey Farm, Ebenezer, Ms., $37,564.
John E. Bingham, Friona, Texas, $37,546.
F. W. Handel Farm Co., Shafter, Ca., $37,546.
McCulloch Planting Co., Dumas, Ar., $37,545.
Bryan Hanks, Edinburg, Tex., $37,542.
Beverly Land, Sioux City, Ia., $37,534.
S. D. Broadbent, Jr., Cadiz, Ky., $37,530.
Sam Balkin Trust Estate, Schlater, Ms., $37,530.
Wyle M. Bullock, Muleshoe, Texas, $37,523.
Gary McQuigg, Hereford, Tx., $37,521.
Kreutz Bros., Inc., Giltner, Ne., $37,518.
Vestring Bros., Burns, Ks., $37,506.
Snake River Equipment, Idaho Falls, Id., $37,505.
Palser & Palser, Big Springs, Ne., $37,494.
E. D. Gregory Co., Parkdale, Ar., $37,490.
D. E. Morris, Harpersville, Al., $37,480.
Melvin Barton, Hereford, Tx., $37,475.
Gene Smith, Lazbuddie, Texas, $37,475.
Robertson Ranch Co., Carter, Mt., $37,474.
D. Arrigo Bros. Co., Brawley, Ca., $37,472.
Alvin Joiner, Idalou, Tx., $37,466.
James Carroll Rollins, England, Ar., $37,-457.
G. W. Smith, Floydada, Texas., $37,452.
Boyd Lane Plantation, Gunnison, Ms., $37,-440.
A. G. Lands, London, Ohio, $37,436.
J. G. Stratton, Sr., Clinton, Ok., $37,430.
Mehrle Farms, Caruthersville, Mo., $37,428.
L. Barrett Johnson, Pecos, Texas, $37,420.
Matsuura Bros. Co. Inc., Blackfoot, Id., $37,402.
Curtis G. Chisum, Dalhart, Tx., $37,399.
Henry Zollner, Royse City, Tx., $37,397.
G. W. Vanhoose, Sr., Shreveport, La., $37,-391.
John T. Hays & Son, Dublin, Ms., $37,376.
Raymond Schulte, Stratton Co., $37,373.
Dale Hull, Blythe, Ca., $37,372.
Lazy S. Ranch, Higgins, Tx., $37,371.
L. M. York, Hartwell, Ga., $37,368.
Barrier Farms, Inc., Yazoo City, Ms., $37,-360.
Alterra Planting Co., Tunica Miss., $37,346.
Tatum Est. & Freddie Tatum, Brownfield, Tx., $37,342.
Dixie Ranches, El Centro, Ca., $37,333.
Knipp Bros., Tipton, Mo., $37,323.
K. L. Flanders, Aiken, S.C., $37,292.
F. Palla, Buttonwillow, Ca., $37,290.
R. L. Walker Farms, Amity, Or., $37,287.
Lucille F. Bowles, Belle Mina, Al., $37,281.
Jake Broyles, Lamar, Co., $37,276.
Louis Pyle, Floydada, Texas., $37,276.
Floerke Bros., Taft, Tx., $37,274.
Donald Sublett, Harvest, Al., $37,266.
W. R. Ware, Lockney, Texas, $37,257.
George B. Kerr, Inc., Bville, SC., $37,257.
Warren E. Cox, Eloy, Az., $37,256.
George Andrews, Burlington, Co., $37,251.
Davis Biggs, Hughes, Ar., $37,250.
H. G. Ritchie Est., Taft, Tx., $37,250.
Barnett Rugg, Inc., Athena, Or., $37,242.
L. L. Banta, Brownfield, Tx., $37,238.
Mark and Howard Moore, Yuma, Az., $37,-215.
J. L. Woolf, Phoenix, Az., $37,210.
Robert L. Felkel, Elloree, S.C., $37,200.
Oval A. Martin, Los Fresnos, Tx., $37,196.
Tom W. Miller, Dimmitt, Tx., $37,194.
Glenn L. Cooper, Corcoran, Ca., $37,182.
G. W. Van Hoose, Jr., Belcher, La., $37,168.
Carl Adams, Jr., Bradley, Ar., $37,166.
J. W. Pope, Abernathy, Tx., $37,165.
Lewis Maiorino, Dos Palos, Ca., $37,161.
Wedderburn, Bros., Lemoore, Ca., $37,159.
John S. Dalrymple, Jr., Casselton, N.D. $37,156.
Twist Grain Co., Twist, Ar., $37,155.
Red Top Ranch, Red Top, Ca., $37,146.
Louis Millen, Drew, Ms., $37,141.
Birt and Keel, Williston, S.C., $37,140.
W. H. Jarnagin, Peoria, Az., $37,136.
Earl G Beach, Hale Center, Tx., $37,129.
O. P. Woodruff, Lowndesboro, Al., $37,123.
L. A. Grant & Sons, Wasco, Ca., $37,120.
J. A. Killebrew, Cruger, Ms., $37,119.
Choat & Sons, Inc., Albion, Ne., $37,119.
D. Leslie Tindal, Pinewood, S.C., $37,108.
Curtis W. Murphree, Friona, Tx., $37,103.
Billy Chesnut, Dalhart, Tx., $37,095.
Handley & Dunavant Farm, Lake Village, Ar., $37,095.
Lonnie G. Todd, Happy, Tx., $37,095.

J. E. Light, Rolla, Ks., $37,085.
Arthur Schaible, Mott, N.D., $37,075.
Herman D. Geries, Bovina, Tx., $37,073.
Noel Wilborn, Lambert, Ms., $37,072.
McBride Planting Co., Vance, Ms., $37,066.
Earl Chadick & Sons, Sherrill, Ar., $37,063.
Owen E. Jones, Olton, Tx., $37,057.
Adolph Fix, Ekalaka, Mt., $37,042.
Russell S. Faulkenberry, Plains, Tx., $37,033.
Glenn Johnson, Dalhart, Tx., $37,031.
Ike Williams, Morton, Tx., $37,030.
T. T. T. T. & L. Brownfield, Tx., $37,026.
James G. Esarey, White Hall, Il., $37,024.
Daniel Counts, Tuscumbia, Al., $37,017.
Oscar Walls, Wellton, Az., $37,010.
Warren Wagner, Inc., Crystal City, Tx, $37,008.
Ward Whitman, Robinson, N.D., $37,007.
W. W. Cooper, Jr., Alligator, Ms., $37,006.
John C. Blood, Mt. Carmel, Il, $36,997.
A. M. Lampson, Hearne, Tx., $36,997.
J. R. Turner, Floydada, Texas, $36,985.
Louisiana State Penitentiary, Angola, La, $36,971.
Stanall Farms, Wilson, Ar, $36,966.
Otho Morris, Laneville, Tx, $36,963.
Pipkin Farm, Sherrill, Ar, $36,957.
Wilbur Ranch, Tulare, Ca, $36,955.
Carroll Himmel, Crosbyton, Tx, $36,952.
W. E. Berry, Jr., Seminole, Texas, $36,945.
Murphey Bros., Itta Bena, Ms, $36,941.
Wood T. Dozier, Tallassee, Al, $36,939.
Ellendale Planting Co., Clarksdale, Ms, $36,925.
Hugh Lee, Dawson, Georgia, $36,917.
W. W. Hill, W. R. Sage, Pecos, Tx, $36,913.
John A. Malley, Terra Bella, Ca, $36,912.
Carlton Farms, Inc., Casa Grande, Az, $36,903.
Robert L. Shuckman, Los Fresnos, Tx, $36,902.
Jessie M. Blair, Lake Providence, La, $36,893.
Bradford & Eoff Ptns., Weslaco, Tex, $36,888.
G. E. Brewster Est., Avenal, Ca, $36,884.
Alfred Butler, Alligator, Ms, $36,881.
D. M. Steele & Son, Inc. Delano, Ca, $36,868.
Jimmy C. Stokes, Dumas, Tx, $36,868.
Pete L. Scamardo, Mumford, Tx. $36,862.
George Heck, Tulia, Tx, $36,853.
Reuben R. Squier, Anselmo, Ne, $36,851.
Curtis Duvall, Granada Co, $36,848.
C. B. Aycock, Jr., Belzoni, Ms, $36,836.
F. G. Barton Cotton Co., Memphis, Tn, $36,833.
E. K. Bardin, Flora, Ms, $36,829.
Leavelle Bros., Fresno, Ca, $36,825.
Duncan Butler, Casa Grande, Az, 36,823.
Marvin Urbanczyk, White Deer, Tx, $36,820.
Delbert Lewis, Florence, Az, $36,818.
Tom Snead, Floydada, Texas, $36,811.
Frank P. Watson, Jr., Marcos, Tx, $36,806.
Lawrence Rollman, Shawneetown, Il, $36,797.
Matt Webb, Amarillo, Tx, $36,791.
Schenk Farms, Inc., Vincennes, In, $36,790.
W. R. Shumaker, San Simon, Az, $36,788.
R. C. Dillon, Taft, Tx, $36,785.
Burnis Williams, Yuma, Az, $36,782.
H. C. Nelson, Dimmitt, Tx., $36,782.
Urgel Bell, Lacrosse, Wa., $36,779.
Julius Edgar, Flora, Ms., $36,778.
Clarence Church, Wilson, Texas, $36,777.
Truvis Campbell, Dimmitt, Tx., $36,773.
Raymond Birdsong, Batesville, Ms., $36,757.
Burgess Farm Account, Hale Center, Tx., $36,757.
Richardson Seed Farm, Vega, Tx., $36,757.
Edward M. Stallwitz, Dumas, Tx., $36,756.
Clay Farms, Inc., Chowchilla, Ca., $36,750.
J. E. Storey, Mellwood, Ar., $36,750.
Malbon Brothers, Va. Beach, Va., $36,737.
Weakley Brahan, Lula, Ms., $36,734.
Echo Planting Co., Vance, Ms., $36,732.
N. E. Thompkins, Clovis, N.M., $36,730.
Vernon Goodwin, Seagraves, Tx., $36,726.
Bobby G. Green, Hartley, Texas, $36,723.
Dale F. Straley, Winnebago, Il., $36,720.
Lawrence W. Hamilton, Hampton, Ia., $36,720.
Raymond Ford, Coolidge, Az., $36,716.
R. E. Wiese Farms, Inc., De Witt, Mo., $36,713.
Noah S. Peek, Jr., England, Ar., $36,711.
J. O. Wheeler, Helena, Ar., $36,710.
R. R. Roberts, Belzoni, Ms., $36,706.
John M. Speck, Frenchmans Bayou, Ar., $36,705.
Don W. Slaughter, Lubbock, Tx., $36,702.
Ferguson Bros., Kensington, Ks., $36,700.
Joe Clark, Bossier City, La., $36,693.
Choate Farms, Inc., Charleston, Mo., $36,691.
Dodd Fam Liv Trust, Dos Palos, Ca., $36,690.
Robert Thomas, Lindon, Co., $36,680.
B. A. Seward, Louise, Ms., $36,679.
H. G. McGahee, Camilla, Ga., $36,660.
Earl H. Wildy, Leachville, Ar., $36,642.
Jennings Bros., McAlister, N.M., $36,642.
Paul Mears, Beloit, Ks., $36,634.
Jessie Glynn Burnett, Dumas, Tx., $36,632.
Lee Bailey, Jr., Pinehurst, Ga., $36,621.
Charlie Minoletti, Pville, Ca., $36,620.
CRS Lynn, Inc., Montrose, Ar., $36,600.
Mitt A. Bush, Bryan, Tx., $36,599.
Santa Rita Ranch Co., Dos Palos, Ca., $36-597.
T. A. Tinsley, Shreveport, La., $36,597.
John L. Ray, Friona, Texas, $36,582.
W. E. Lamastus, Jr., Drew, Ms., $36,571.
W. G. Somerville, Minter City, Ms., $36,565.
Tri C. Corp., Lockney, Texas, $36,560.
Alvin Ward, Seminole, Tx., $36,559.
Foster Gin Fm., Brownfield, Tx., $36,557.
Matthews Bros., Oakley, Id., $36,552.
U Anchor Cattle Co., Amarillo, Texas, $36,547.
Morris Eason, Mattson, Ms., $36,547.
Jim Hutchins, Estelline, Tx., $36,537.
Claude Adams, Ralls, Tx., $36,524.
Twain Bodmer, Walla Walla, Wa., $36,512.
Burkhart Farms, Firebaugh, Ca., $36,506.
Wesley Bunch, Jones, La., $36,502.
E. V. Hart, Willcox, Az., $36,475.
J. L. Billington, Wasco, Ca., $36,472.
A. L. Lazenby, Jr., Auburn, Al., $36,471.
C. R. Childress, Jemison, Al., $36,464.
Klaveano Ranches, Inc., Thornton, Wa., $36,458.
L. H. Farms Corp., Woodland, Ca., $36,457.
James A. Taylor, Brawley, Ca., $36,446.
S. R. Baugh, Star City, Ar., $36,446.
John R., Chas. & Chas., Jr., Kershaw, Brawley, Ca., $36,437.
Ray Wax, Newman, Il., $36,435.
Frank H. Ackerman, Carmi, Il., $36,424.
Max Brodnax, Bonita, La., $36,420.
John G. Schlomer, Benge, Wa., $36,419.
Woody Brothers, Stanton, Tx., $36,413.
H. W. Mobley, Waynesboro, Ga., $36,410.
M. H. Sumner or C. N. Sumner, Como, Ms., $36,398.
Edward L. Stallwitz, Dumas, Tx., $36,398.
Cherry Farms, Parkin, Ar., $36,395.
Clyde Grafe, Madeline, Ca., $36,388.
Loida Bros., Ste Genevieve, Mo., $36,387.
Truett F. Jones, Tokio, Texas, $36,387.
Wayne Martin, Jr., Clovis, N.M., $36,376.
John Spilman, Tulia, Tx., $36,370.
James O. Harris, Alexander, Il., $36,369.
F. L. Heidel, Lovington, N.M., $36,366.
Paul Dominick, Jr., Mira, La., $36,366.
Jim Elder, Dimmitt, Tx., $36,365.
W. H. Crews, Lake Providence, La., $36,362.
George Fransen, Clinton, Ok., $36,357.
Grady, B. Rose, Creek, Al., $36,399.
Luther Ellis, Hereford, Tx., $36,333.
Russell Planting Co., Jonestown, Ms., $36,332.
Shoe String Plantation, Greenwood, Ms., $36,330.
Raymond Ashley, Catron, Mo., $36,324.
E. Duane Allred, Wildorado, Tx., $36,323.
Dar Bayou Pltg. Co., Drew, Ms., $36,319.
T. E. Jordan, Jr., Kite, Ga., $36,319.
M. E. Hinson, Brownfield, Tx., $36,318.
J. B. Autry, Colorado City, Tx., $36,317.
Andrew J. Donelson, Farrell, Ms., $36,309.
James Terkeurst, Pine Pluff, Ar., $36,308.
James Bible, Wayside, Tx., $36,301.
Kipping Brothers, Carrollton, Mo., $36,299.
Harboe-Ensley, Indio, Ca., $36,297.
J. M. Tindall, Twitty, Tx., $36,288.
Clemans Cattle Co., Florence, Az., $36,285.
Buren C. and Lucy Cates, Floydada, Tx., $36,284.
Daryl R. Dixon, Kress, Tx., $36,283.
Hubert Rutland, Jayess, Ms., $36, 266.
W. O. Miller, Vicksburg, Ms., $36,265.
J. R. Dodson, Hillhouse, Ms., $36,263.
Sidney O. Wright, Animas, N.M., $36,254.
Warren Thomas, Hale Center, Tx., $36,254.
Otha Peavy, Pinehurst, Ga., $36,253.
Eaglenest Pltg. Co., Lyon, Ms., $36,242.
Kenneth Shuckman, Los Fresnos, Tx., $36,237.
R. A. Davis, Sahuarita, Az., $36,234.
C. D. Verner, Leland, Ms., $36,233.
O. B. Chesshir, Lubbock, Tx., $36,233.
John M. McCutchen, Bishopville, S.C., $36,222.
Harold M. Britten, Zearing, Ia., $36,219.
Wayne Orebaugh, Two Buttes, Co., $36,214.
Savich & Green, Francesville, In., $36,210.
Stuckey, Bros., Inc., Lepanto, Ar., $36,204.
Raymond Eldredge, McAdoo, Tx., $36,201.
Clements & Jackson, Lewisville, Id., $36,199.
Joe F. Miller, Springlake, Tx., $36,195.
Roddy Brothers, Lancaster, Tx., $36,192.
W. P. Lemaster, Sardis, Ms., $36,186.
Neal and W. E. Burnett, Plainview, Tx., $36,181.
Clear Lake Farms, Inc., Shelby, Ms., $36,176.
W. R. Holland, Miami, Tx., $36,174.
Yellow Bayou Plt., Inc., Lake Village, Ar., $36,172.
Norman Glinz, Bottineau, N.D., $36,154.
Hayward Jacks, Philipp, Ms., $36,153.
Charles B. Short, Friona, Tx., $36,150.
McMurry Farms, Inc., Dumas, Tx., $36,149.
Lamar Found, Lubbock, Tx., $36,143
Ronney Ledford, Vienna, Ga., $36,143.
Elmer Prewitt, Shaw, Ms., $36,141.
Luther B. Brandes, Lockney, Texas, $36,136.
R. Leslie Ward, Redlands, Calif., $36,131.
A. G. Flippin, Vega, Tx., $36,120.
Tony Mann, Bigfoot, Texas, $36,117.
L. H. Nettles, Tahoka, Texas, $36,113.
Carl Bowen, Pinehurst, Ga., $36,113.
H. D. Lewis, Dumas, Tx., $36,109.
Edgar Phillips, Big Spring, Tx., $36,109.
Glennes V. Moore, Belle Mina, Al., $36,108.
Laura Faye McDougal, Abernathy, Tx., $36,107.
Hugh J. Posey, Town Creek, Al., $36,102.
Clifford Gillespie, Osceola, Ar., $36,092.
McNutt Brothers, Springfield, Or., $36,086.
David Smith, Hart, Tx., $36,086.
Elkhorn Farm, Martin, SD., $36,076.
William B. Deyampert, Wilmot, Ar., $36,075.
Megargel Drilling Co., Megargel, Tx., $36,068.
Fleming & Jack, Brawley, Ga., $36,066.
Eulan Cox, Charlotte, Texas, $36,060.
F. I. Waltman, Shreveport, La., $36,060.
L. E. Murphy, Pace, Ms., $36,060.
Peeples & Poss Farm, Wintersville, Ms., $36,055.
Montgomery and Grissom, Leland, Ms., $36,050.
Roy H. Tinsley, Lockney, Texas, $36,050.
Leonard O. Coleman, Morton, Tx., $36,044.
Price Plantation, Inc., Garland, Ar., $36,028.
James Lytch Est., Laurinburg, N.C., $36,019.
Lea Planting Co., Dublin, Ms., $36,015.
Keller Bros., Pake City, Ks., $36,015.
Lester Howard, Muleshoe, Tx., $36,005.
A. B. Raymond, Tulia, Tx., $35,998.
J. B. Waden, Gough, Ga., $35,994.
James McCormick, Jr., Stratton, Co., $35,994.
J. V. Whitaker, Satartia, Ms., $35,994.
Kenneth, Bean, Floydada, Texas, $35,982.
Idaho Irrigation Inc., Spokane, Wa., $35,981.
Andrew Whisenhunt, Bradley, Ar., $35,969.

Melton Briscoe, Jr., Brownfield, Tx., $35,967.
Edward Azhderian, Los Gatos, Ca., $35,956.
Lake O. Lindsey, Doddsville, Ms., $35,956.
R. Fred Brown, Floydada, Tx., $35,950.
Ralph W. Ray, Benoit, Ms., $35,947.
First American Farm, Inc., Clarksville, Tx., $35,945.
Jack Miller, Amarillo, Tx., $35,943.
T. W. and R. W. Mobley, Waynesboro, Ga., $35,933.
Noel Cover, Cozad, Ne., $35,926.
Fairless & Pifferini, San Joaquin, Ca., $35,921.
Elmo Jones, Hollis, Ok., $35,916.
Lee D. Rice, Boise City, Ok., $35,904.
Pauline Doremus, Calvert, Tx., $35,903.
Harvey Estate, Newport, In., $35,894.
Luis Flores, Arizona City, Az., $35,889.
F. T. Clark and Son, Ruleville, Ms., $35,882.
E. E. Sumrow, Lamesa, Tx., $35,881.
Harry Stephens, West Helena, Ar., $35,877.
Edward Burgess, Epps, La., $35,876.
D. Neumayer, Dimmitt, Tx., $35,872.
O. Theo Beckman, Prairie City, S.D., $35,868.
Wiley Herman, Jr., Gilbert, Az., $35,865.
Billy E. Scroggins, Parkdale, Ar., $35,856.
Dufur & Castadio, Stratford, Ca., $35,849.
Sam McNeil, England, Ar., $35,849.
Clem Crowley, Pecos, Tx., $35,842.
Kelley Brothers, Hartline, Wa., $35,835.
Joe Pillow, Helena, Ar., $35,832.
Paul K. Newton, Sylvania, Ga., $35,818.
Howard Glantz, Madera, Ca., $35,814.
J. E. McCutchen, Jr., Bishopville, S.C., $35,813.
Doyle Terry, Lamesa, Tx., $35,813.
Glenn McCoy, Clarksdale, Ms., $35,795.
Ralph Breeding, Rolla, Ks., $35,785.
L. E. Mitchell, Levelland, Tx., $35,783.
Donald R. Rucker, Clovis, N.M., $35,779.
Clifton Planting Co., Vance, Ms., $35,777.
Jack Gonzales, Plainview, Tx., $35,774.
Jimmy Brown, Adrian, Tx., $35,771.
J. B. Failing, Indianola, Ms., $35,769.
S. F. Sherard, Sr., Calhoun Falls, SC., $35,766.
Falsone Brothers, Highbank, Tx., $35,763.
House & Haskell, El Centro, Ca., $35,754.
Allen Bottorff, Buttonwillow, Ca., $35,749.
James W. Glass, Faunsdale, Al., $35,748.
Reggie C. Kellems, Greenville, Ms., $35,746.
J. Pavlina, Bakersfield, Ca., $35,746.
Ell Dee Field, Dalhart, Tx., $35,732.
Al Ballinsky, Hardin, Mt., $35,732.
Lynn West, Wilson, Texas, $35,722.
Linda & Howard Moore, Dumas, Tx., $35,720.
Wallace Cannon, Plainview, Tx., $35,702.
Valley Farm, Bigbee Valley, Ms., $35,698.
D. E. Brown, Garfield, Ga., $35,697.
Lyle V. Cooksey, Roggen, Co., $35,689.
L. L. Cole & Son, Inc., Cotton Plant, Ar., $35,687.
William J. Goode, Seymour, Texas, $35,685.
J. T. McGregor, Indianola, Ms., $35,677.
Mack B. Norris, Robstown, Tx., $35,672.
Whitehead Farms, Comer, Ga., $35,670.
Guy W. Farris, Dekalb, Tx., $35,668.
Steve Short, Sledge, Ms., $35,664.
Findley M. Upton, Chowchilla, Ca., $35,664.
Rodney Delange, Eloy, Az., $35,659.
John A. McIntyre, Covington, In., $35,659.
W. J. Giles, Dimmitt, Tex., $35,655.
I. B. Davis, Ralls, Tx., $35,649.
Circle Farms, Inc., Dalhart, Tx., $35,649.
Claude-Doak Hearne, Seagraves, Tx., $35,645.
Herbert Hicks, Seminole, Tx., $35,644.
Sidney Levingston, Ruleville, Ms., $35,641.
Fred G. Mayer & Sons, American Falls, Id., $35,639.
Ridling Brothers, Sentinel, Ok., $35,636.
Robertine R. Cobb, Rayville, La., $35,633.
L. T. Foster, Lubbock, Tx., $35,628.
L. K. Gregory, Petersburg, Tx., $35,623.
Clifford C. Etheredge, Roscoe, Tx., $35,614.
Nick D. Dubuisson, Opelousas, La., $35,614.
Behnken & Behnken, Modoc, Il., $35,604.
Billy Deshields, Enoree, S.C., $35,599.
Mackey Scott & Sons, Aiken, S.C., $35,589.
Riverby Plan., Telephone, Tx., $35,589.
Edwards Farms, Belzoni, Ms., $35,587.
G. J. Kruger, Bloomington, Il., $35,585.
Richard Cruz, Coolidge, Az., $35,577.
Hanson & Fortune, Firebaugh, Ca., $35,576.
Korsten & Korsten, Stanfield, Az., $35,569.
Paul Weiss & Paul Hrbacek, Lockney, Tx., $35,544.
Hanna Farms, Inc., Blythe, Ca., $35,542.
John A. Williams, Canyon, Tx., $35,540.
Dumont Bridge, Afton, Tx., $35,538.
John Barkley, Pearsall, Tx., $35,537.
Buster E. Smith, Lorenzo, Tx., $35,526.
M. K. Shute, Tchula, Ms., $35,521.
Prairie Farms, Kennedy, Mn., $35,517.
Street Brothers, Kress, Tx., $35,516.
A. Palla, Bakersfield, Ca., $35,506.
William Bulloch, Dermott, Ar., $35,504.
William F. Renk and Sons, Inc., Sun Prairie, Wi., $35,497.
R. H. Gayler, Kress, Tx., $35,485.
Dudley Bridgforth, Nesbit, Ms., $35,481.
Walter Delaney, Tiptonville, Tn., $35,479.
J. W. Jackson, Crosbyton, Tx., $35,476.
Barbara Earley, Casa Grande, Az., $35,474.
Max Barnett, Slaton, Tx., $35,473.
F. F. Lunceford Farms, Inc., Batesville, Ms., $35,469.
Vester M. Leonard, Tanner, Al., $35,463.
C. W. Teal, Lubbock, Tx., $35,450.
James W. Holman, Crosbyton, Tx., $35,445.
O. J. Sharpe, Sr., Madison, Ms., $35,435.
Lankheit Plantation, Charleston, Mo., $35,425.
David Jensen, Grenora, N.D., $35,422.
Ed Bobbitt, Browns, Al., $35,422.
Chapman Bros. Farm, Scott, Ar., $35,419.
Charles L. Silkman, Goodland, Ks., $35,401.
Staley Farms, Inc., Hampton, Ia., $35,394.
Percy Dixon, Girard, Ga., $35,392.
Ray Marsh, Ralls, Tx., $35,386.
Voges and Boenig, Woodsboro, Tx., $35,378.
E. J. Barham, Jr., Earle, Ar., $35,377.
H. N. Hobart, Jr., Hutchinson, Ks., $35,376.
Rex Wheeler, Crosbyton, Tx., $35,374.
R. D. Bearden, Isola, Ms., $35,371.
Ralph Marshall, Hanford, Ca., $35,365.
Doyce Middlebrook, Lubbock, Tx., $35,363.
Everett Miller, Petersburg, Tx., $35,363.
Charles Bertrand, Jr., Holdrege, Nb., $35,358.
Dunlop Farms, Corcoran, Ca., $35,357.
Rae Groce, Petersburg, Tx., $35,352.
Roland M. Vallicella, Bakersfield, Ca., $35,350.
John Lewis, Syracuse, Ks., $35,341.
Maurice O'Connell, New England, Nd., $35,339.
Leo J. Field, Dalhart, Tx., $35,338.
Wallace Thelander, Tempe, Az., $35,337.
Carl M. Weathers, Kress, Tx., $35,320.
W. J. Lee and Son, Town Creek, Al., $35,319.
Robert Bettger, Fairmont, Ne., $35,315.
Emil B. Lagerstam, Jr., Lyford, Tx., $35,314.
Roger Goff, Stanfield, Az., $35,314.
T. J. Corley, Belzoni, Ms., $35,313.
D. W. Payne, Jr., Reynolds, Ga., $35,298.
T. N. Turner Farms, Inc., Belzoni, Ms., $35,293.
Cherry Draw Co., Verhalen, Tx., $35,286.
Robert Baumgardner, Brownfield, Tx., $35,283.
Hollis W. Madden, Hamlin, Tx., $35,272.
Melvin Miller, Visalia, Ca., $35,270.
B. B. Smith, Dublin, Ms., $35,262.
Tom Henry, Happy, Tx., $35,248.
L. M. Chewning, Bishopville, S.C., $35,242.
Ray Roberson Farm, Inc., Philipp, Ms., $35,241.
Bauer Brothers, Feria, Tx., $35,237.
Romanini Bros., Buttonwillow, Ca., $35,232.
Michael D. Ayala, Brawley, Ca., $35,227.
Floyd Cole, Hereford, Tx., $35,218.
F. H. Cherrington, Harlingen, Tx., $35,215.
Poe W. Corn, Roswell, Nm., $35,210.
D. A. Kelly, Brownfield, Tx., $35,209.
R. O. Wade Farms, Inc., Edcouch, Tex., $35,208.
W. A. Hudgens, Troy, Tx., $35,204.
Carroll W. & Malcolm W. Feist, Sport, La., $35,202.
Hale & Hale, Chapman Ranch, Tx., $35,194.
J. T. Mayfield, Friona, Texas, $35,182.
V. V. Davie, Akron, Co., $35,179.
Joe F. Blair, Farwell, Texas, $35,171.
L. A. Safley, Rome, Ms., $35,168.
Tom Linville, Holcomb, Ks., $35,166.
Posey D. Kelley, Hartsville, S.C., $35,165.
W. S. Kimmel, Bakersfield, Ca., $35,165.
Madison F. Fields, Amarillo, Tx., $35,163.
Tyler Denton, Harvest, Al., $35,163.
J. P. Armes, Gruver, Tx., $35,153.
J. R. Tate, Canton, Ms., $35,152.
Fabens Prod., Inc., Fabens, Tx., $35,142.
Taylor Brothers, Vega, Tx., $35,135.
Ray Garrett, Seminole, Tx., $35,132.
Donald J. Bryant, Muleshoe, Tx., $35,132.
L. D. McRee, Chowchilla, Ca, $35,115.
F. R. Trainor, Lambert, Ms., $35,114.
Joe Sherrod, Hale Center, Tx., $35,112.
Agnes K. Beggs, Casa Grande, Az., $35,098.
J. H. Woodward, Pearsall, Tx., $35,094.
Morgan & Co., Inc., Shelby, N.C., $35,084.
Bateman, Bros., Kennewick, Wa., $35,079.
Donald Rone, Portageville, Mo., $35,073.
Gordon B. Timms, Anton, Tx., $35,071.
Saunders B. Carson, Columbus, Ms., $35,071.
Miller Farms, Plainview, Tx., $35,065.
Michael Garrett, Clovis, N.M., $35,064.
Woodrow Whitaker, Black, Tx., $35,060.
F. H. Sparrow, Pinehurst, Ga., $35,057.
Elbert Mitchell, Clovis, N.M., $35,056.
John D. Kinard, Est., Bville, S.C., $35,054.
L. J. King, Roggen, Co., $35,054.
Keith Young, Seagraves, Tx., $35,045.
Spade Ranch, Inc., Lubbock, Tx., $35,041.
William D. Foster, Garden City, Ks., $35,040.
Riley Bros., Ridgely, Tn., $35,040.
James Vineyard, Kress, Tx., $35,036.
H. Vance Collier, Spearman, Tx., $35,034.
J. V. Curtis, Melrose, N.M., $35,027.
D. E. Steenis, Deerfield, Ks., $35,022.
Thomas E. Harbert, Dumas, Tx., $35,017.
Milton Hertz, Mott, N.D., $35,017.
Paul Dale Hagins, Spur, Tx., $35,014.
Q. G. Demmitt, Meade, Ks., $35,013.
M. A. Black, Friona, Tx., $35,011.
R. F. Strickland, Co., Concord, Ga., $35,007.
Nelson Borchardt, Tulia, Tx., $35,005.
Ray Vandiver, New Market, Al., $35,001.
John D. Kelly, Jr., Panhandle, Tx., $35,00[illegible].
Edna E. Collingwood, Johnson, Ks., $34,99[illegible].
J. Willhite & Son, Holly, Co., $34,983.
James M. Field, Dalhart, Tx., $34,982.
George B. Spence, El Paso, Tx., $34,972.
Dubois Ranch, El Centro, Ca., $34,970.
C. L. Henderson, Lockney, Texas, $34,965.
Ray F. Beckham, Leland, Ms., $34,963.
Parke, Gilbert, dba., Elaine Fms., C. G., Az., $34,962.
Thomas D. Ware, Farwell, Texas, $34,959.
I. R. Swann, Easton, Md., $34,957.
Gordon Thomas, Eltus, Ok., $34,953.
Pete E. Fischbacher, Canyon, Tx., $34,948
Harlan Bros., Driscoll, Tx., $34,945.
Weldon M. Boyd, Idalou, Tx., $34,944.
Winston Walker, Greenville, Ms., $34,941
James E. Laney, Hale Center, Tx., $34,931.
Scamman and Co., Tarkio, Mo., $34,930.
Hargrave Brothers, Madison, Al., $34,917.
Mark J. Mahan, Morocco, In., $34,915.
Joel Sealey, Clovis, N.M., $34,912.
Newberry Angus Farms, Inc., Colquitt, Ga., $34,908.
Reed Bros., Silver City, Ms., $34,907.
David Tolmachoff, Casa Grande, Az., $34,869.
Kenneth Bass, Seminole, Tx., $34,869.
D. S. Carroll, Meadow, Tx., $34,854.
Bobby Wilhite, Clovis, N.M., $34,851.
Will A. Price, Inverness, Ms., $34,842.
Max R. Miller, Deerfield, Ks., $34,834.
C. W. Leforce and Son, Nash, Ok., $34,831.
Bobby Smith, Morton, Tx., $34,827.
C. V. Potts, Friona, Texas, $34,823.
George Collins, Trinity, Al., $34,798.
John Shore, Johnson, Ks., $34,797.
Ivan Miller, Wahpeton, N.D., $34,794.
Jim Doan, Tulia, Tx., $34,792.
Berg & Berg, Harlingen, Tx., $34,789.
Arthur B. Stavlo, Sunray, Tx., $34,786.

V. C. McLain, Est., Wasco, Ca., $34,776.
E. Brad McCutchen, Bishopville, S.C., $34,770.
Robert L. Grigsby, Canyon, Tx., $34,768.
James T. Rackler, Levelland, Tx., $34,765.
Daley Brothers, Thatcher, Az., $34,765.
Isringhausen L & C, Inc., Jerseyville, Il., $34,754.
Win Farms, Phoenix, Az., $34,753.
Lindsey Farms, Inc., Marianna, Ar., $34,749.
J. P. Riley & Son, Merigold, Ms., $34,740.
Norman Hicks, Seagraves, Tx., $34,735.
H. H. Howard, Cruger, Ms., $34,723.
Darden D. Barton, Ralph, Al., $34,708.
L-B-L Ranch, Wilsonville, Al., $34,697.
Frank Stanton Jr., Petersburg, Tx., $34,694.
1st Natl. Bk. Trus. C. G. Conley, Wich Falls, Tx., $34,686.
Lawrence Taylor, Cutler, Ca., $34,684.
Powell Farms, Louise, Ms., $34,682.
D. Rex Langley, Sunray, Tx., $34,682.
Kenneth R. Wiese, Petersburg, Tx., $34,677.
Pike Grain Co., Louisiana, Mo., $34,675.
Grant E. Peterson, Coolidge, Az., $34,675.
John C. Taylor, Clarksdale, Ms., $34,675.
Lent E. Thomas, Jr., Batesville, Ms., $34,671.
Donald Handcock, Inc., Longvalley, S.D., $34,666.
R. L. Dulin, Lubbock, Tex., $34,665.
Carrie P. Avent & Jones, Minter City, Ms., $34,654.
Hall S. Hardin, Clarendon, Tx., $34,649.
Chester Borders, Levelland, Tex., $34,645.
J. W. Taylor Est. Ptnsp., Lockney, Tex., $34,636.
Cypress Grove Pltn., Newellton, La., $34,626.
Leo Murphree, Greenwood, Ms., $34,625.
D. A. Tubbs, Sumner, Ms., $34,623.
McElhaney Farms, Wellton, Az., $34,619.
Smith & Smith, Harlingen, Tx., $34,619.
Alfred Ward and Son, Akron Co., $34,617.
W. Don Stone, Raymondville, Tx., $34,612.
Math Albracht & Sons, Amarillo, Tx., $34,609.
Lapadula Farms, Pixley, Ca., $34,605.
Doyle Aslesen, Mitchell, S.D., $34,592.
Jack George, Hart, Tx., $34,592.
Borland Bros., Pinckard, Al., $34,592.
Woodrow Jarvis, Tucson, Az., $34,585.
L. T. Hawkins, Brownfield, Tx., $34,584.
Don A. Woodward Farms, Inc., Pendleton, Or., $34,572.
Cletus Floyd, Brownfield, Tx., $34,572.
Lewis Alford, Barton, Ga., $34,556.
Elwood Patterson, Levelland, Tx., $34,550.
Medlock Inv. Co., Inc., Lubbock, Tx., $34,546.
H. T. Copeland, Tulia, Tx., $34,537.
J. Teore & G. Tavares, Fresno, Ca., $34,533.
McCormmach Bros., Adams, Or., $34,526.
Thomas N. Browning, Plainview, Tx., $34,524.
Mahoney & Mahoney, Bakersfield, Ca., $34,506.
W. B. Johnson, Bronwood, Georgia, $34,504.
Arthur Johnson, Cunningham, Wa., $34,497.
Watland Farms, Inc., Fowler, In., $34,497.
J. N. Hart, Satartia, Ms., $34,493.
Cox Bros. Farming Trust, Long Island, Ks., $34,486.
Timmco, Inc., Harrington, Wa., $34,480.
Woolfolk Grain, Co., Tribune, Ks., $34,476.
W. B. Bookhart, Elloree, S.C., $34,476.
Clancy Cummings, Dalhart, Tx., $34,465.
W. S. Thomas, Raeford, N.C., $34,461.
Kenneth Kimmel, Tipton, Ok., $34,461.
E. B. Fite, Amarillo, Tx., $34,457.
R. J. Viola, Bossier City, La., $34,456.
James S. Thompson, Galesburg, Il., $34,456.
G. H. Hairston and Son, Silver City, Ms., $34,452.
C. L. Clark, Jr., Mer Rouge, La., $34,447.
Clarence Taylor, Como, Ms., $34,445.
Peter A. Nygaard, Alexander, N.D., $34,444.
Theo Scott, Florence, Al., $34,444.
James W. Scott, Jr., Lynchburg, S.C., $34,443.
Alton Leach, Plainview, Tx., $34,437.
Samuel R. Letson, Moulton, Ala., $34,426.
John Kovacevich, Arvin, Ca., $34,423.
Britz Fertilizer, Five Points, Ca., $34,423.
Anthon R. Cluff, Chandler, Az., $34,420.
Juedeman Grain Co., Geraldine, Mt., $34,415.
Holcomb Farms, Lamesa, Tx., $34,414.
G. A. McWilliams, Plainview, Tx., $34,410.
Ferman R. Priddy, Lubbock, Tx., $34,409.
W. N. Halliburton, Levelland, Tx., $34,394.
C. S. Hess and Son, Pecos, Tex., $34,392.
Massey Farms, Inc., Lyon, Ms., $34,391.
Kenneth Vyvyan, Union Grove, Wi., $34,390.
C. A. McGregor, Inverness, Ms., $34,388.
Emmett Grasty, Casa Grande, Az., $34,382.
Paul Bjornson, Valley City, N.D., $34,380.
C. E. Roper, Tahoka, Texas, $34,377.
Bailey Brake Farm, Charleston, Ms., $34,372.
Hale Bros., Joaquin, Ca., $34,371.
Wilburn E. Beckhusen, Buckholts, Ex., $34,361.
H. F. Underwood, Harrisburg, Ar., $34,361.
Louie F. Morris, Alpaugh, Ca., $34,361.
Claudie W. Reeves, Portales, N.M., $34,357.
L. D. Freeman, Jr., Lamesa, Tx., $34,356.
C. F. Webb, Eva, Oklahoma, $34,350.
Frank C. Griffin, Waynesboro, Ga., $34,348.
Archie M. Lowe & Sons, Cheyenne Wells, Co., $34,345.
R. L. Calhoun, Unadilla, Ga., $34,314.
Dale Snell, McFarland, Ca., $34,310.
Clarence Faught, Brownfield, Tx., $34,309.
Gilbert Smith, Clovis, N.M., $34,308.
J. E. Gwin, Jr., Minter City, Ms., $34,306.
G. A. & E. C. Steckler, Vincennes, In., $34,298.
A. R. Kleeman, Clovis, N.M., $34,294.
Jack McClatchy, Red Banks, Ms., $34,286.
Johnson Brothers, Frenchmans Bayou, Ark., $34,271.
Bill Herndon, Parkton, N.C., $34,265.
Tom E. Lowery, Madison, Al., $34,258.
Billy Fryar, Big Spring, Tx., $34,257.
Donna J. Cremer, Big Timber, Mt., $34,255.
E. B. Mitchell & Sons, Kremlin, Ok., $34,249.
Russell Downey, Clovis, N.M., $34,249.
Sam A. Durham, Lubbock, Tx., $34,244.
Roy Roper, Gruver, Texas, $34,242.
Jack Allcorn, Olton, Tx., $34,218.
James Newman Biggs, Stanton, Tx., $34,218.
E. V. Catoe, Jr., Lyons, Ms., $34,216.
C. G. Muzinich, Bakersfield, Ca., $34,215.
J. W. Owen, Moscow, Tenn., $34,215.
John A. Shoaf, Milan, Tn.,$34,207.
James C. Barr, Coahoma, Tx., $34,205.
John Hankins, Lake Providence, La., $34,202.
Bill Pritchard, Stamford, Tx., $34,194.
Darrel Cobb, Rogers, Tex., $34,194.
Triple J. Fms., Inc., Bakersfield, Ca., $34,192.
Erlan D. Gresham, Levelland, Tx., $34,191.
Lloyd Buzzard, Spearman, Texas, $34,189.
Robert L. Cook, Glendale, Az., $34,187.
Eaton Fruit Co., Inc., Willcox, Az., $34,185.
Barrier Bros., Yazoo City, Ms., $34,171.
J. C. Eshleman, Clovis, N.M., $34,169.
E. H. Dewberry, Courtland, Al., $34,168.
W. T. Kidwell, Tahoka, Texas, $34,167.
Burch Harlan, Terre Haute, In., $34,157.
Wells Brothers, Axtell, Ne., $34,156.
Shannon Planting Co., Vance, Ms., $34,154.
West Coast Land & Cattle Co., Casa Grande, Az., $34,147.
Boyd & Boyd, Tulia, Tx., $34,147.
Frank Graham, Coolidge, Az., $34,144.
Downing & Epperson, Hereford, Tx., $34,139.
Roy Hugh McKelvy, Lubbock, Tx., $34,133.
Keith and Raymond Driscoll, E. Grand Forks, Mn., $34,128.
Four Lane Farms, Inc., Clovis, N.M., $34,123.
Fred W. Huenefeldt, Monroe, La., $34,123.
Frankie Johnson, Duke, Ok., $34,111.
Midwest Farms, John Goings, Sabina, Oh., $34,110.
O. E. McGinty, Buckeye, Az., $34,110.
Robert Formanack, Lodge Grass, Mt., $34,104.
Ervin A. Baumann, Midland, Tex., $34,102.
Fred R. Sweet, Texhoma, Ok., $34,102.
Billy J. Thorn, Friona, Texas, $34,100.
Ross Cash, Hearne, Tx., $34,100.
Bishop Cottonland, Glendora, Ms., $34,092.
Brownlake Farms, Edmondson, Tx., $34,092.
Ralph W. Shelton, Friona, Texas, $34,081.
Roy Kent, Porterville, Ca., $34,080.
Albert Molson, Jr., Morocco, In., $34,079.
Roy Lee Young, Willcox, Az., $34,077.
Ray Delaigle, Waynesboro, Ga., $34,077.
Rosendo Casarez, Roswell, N.M., $34,072.
Marvin Holmes, Willcox, Az, $34,070.
Donal dStreet, Dimmitt, Tx., $34,066.
Banducci Farms, Bakersfield, Ca., $34,064.
C. L. Denton, Jr., Tyronza, Ar., $34,063.
Hoyet Burnam, Tulia, Tx., $34,059.
Emory J. Hurley Est., Phoenix, Az., $34,058.
Charles Schniers, Slaton, Tx., $34,048.
Rocco G. Morris, Friars Point, Ms., $34,045.
Hampton Collier, Hollandale, Ms., $34,036.
Norm Hagen, Palos Vrdes Penn, Ca., $34,034.
Henry Charles Baucom, Madison, Al., $34,034.
Jean Clow Crites, Ashville, Oh., $34,032.
Floyd L. Reed, Munday, Texas, $34,027.
J. T. Smith, Oxford, Ms., $34,026.
Glen Sturges, Roll, Az., $34,025.
John H. Turner, Wichita Falls, Tx., $34,023.
J. D. McGavock, Silverton, Texas, $34,023.
D. Torigiani Farm, Buttonwillow, Ca., $34,012.
Weckerly Bros., Hurdsfield, N.D., $34,011.
Martin Costales, Transquillity, Ca., $34,011.
Woodford Gin Co., Inc., Woodford, S.C., $34,009.
Kenneth Hinson, Springlake, Tx., $34,008.
Rembert & Miller Farms, Hulbert, Ar., $34,007.
Gordon H. Branham, Plainview, Tx., $34,006.
Hez M. Frazier, Gruver, Tx., $34,005.
Jimmie Low, Tarkio, Mo., $34,003.
Dell View Farms, El Paso, Tx., $34,001.
Ernest E. Jones, Hart, Tx., $33,996.
Paul Dominick, Mira, La., $33,994.
W. T. Leon, Petersburg, Tx., $33,989.
Gregory Stanton, Stratford, Ca., $33,986.
Frank W. Hancock, Slaton, Tx., $33,980.
Waldrip Fms., Wasco, Ca., $33,978.
H. M. Sheats, Lubbock, Tx., $33,975.
Herman B. Propst, Anson, Tx., $33,970.
J. F. Apodaca Farms Co., Inc., La. Mesa, N.M., $33,958.
Clyde J. Perry, Tunica, Ms., $33,952.
O. R. Horton, Hollandale, Ms., $33,946.
Roy Butler & Son, Bomarton, Tx., $33,945.
Oneida Planting Company, Oneida, Ar., $33,944.
J. W. Reynolds, Shelby, Ms., $33,937.
A. J. Carpenter, Pecos, Tx., $33,931.
R. Furniss Ellis, Orrville, Al., $33,929.
Boyce Farms, Inc., Donna, Tx., $33,925.
Donald C. Ebeling, Plainview, Tx., $33,918.
John M. Swepston, Crawfordsville, Ar., $33,910.
M. & F. Planting Co., Indianola, Ms., $33,910.
Sam Destefano, Hearne, Tx., $33,909.
Lester Neufeld & Son, Wasco, Ca., $33,901.
Thomas Ardel Setliff, Odem, Tx., $33,897.
Rio Bravo Rnchs., Inc., Stanfield, Az., $33,893.
Fisher Bros., Tulare, Ca., $33,890.
William Baldridge, Dimmitt, Tx., $33,888.
L. D. S. Church, Queen Creek, Az., $33,878.
Marion Hutchins, Scott City, Ks., $33,877.
Nard Shull, Ridgely, Tenn., $33,871.
Jack Nichols, Coolidge, Az., $33,869.
William Tribble, Charleston, Ms., $33,867.
John C. Balton, Wilson, Ar., $33,865.
Stallings Bros., Charleston, Mo., $33,863.
James Ensor, Farwell, Tx., $33,848.
David A. Prewitt, Ralls, Tx., $33,841.
H. M. Brinkley Est., Hughes, Ar., $33,834.
William Paul Hornung, Stratton Co., $33,832.
E. R. Cupplese, Shreveport, La., $33,812.

Dr. Lee Maris, Attica, In., $33,810.
Thomas B. Jackson, Jr., Orangeburg, S.C., $33,809.
William Wade, Goodyear, Az., $33,806.
John J. Hall, Jr., Leland, Ms., $33,805.
Robert L. Winters, Florence, Al., $33,805.
Kansas Plantation, Inc., Holly Ridge, Ms., $33,802.
Loyd J. Pillans, Dalhart, Tx., $33,793.
W. C. Woodruff, Grace, Ms., $33,791.
W. B. Merritt, Morton, Tx., $33,786.
Edgar Wilkins Ranch, Fresno, Ca., $33,785.
Bob Crenshaw, Crenshaw, Ms., $33,777.
J. M. Farmer, Littlefield, Tx., $33,770.
A. C. Hunter, Sherrill, Ark., $33,768.
Benson Brothers, Tulare, Ca., $33,754.
Gordon W. Crone, Lakin, Ks., $33,754.
Berylwood Inv. Co., Palo Verde, Ca., $33,753.
Harold Green, Courtland, Al., $33,752.
Claude Hughes, Scott City., Ks., $33,751.
Allen F. Belluzzi, Avondale, Az., $33,746.
W. L. Shelburne, Jr., Taft, Tx., $33,740.
Freddie Parkman, Baileyboro, Tex., $33,737.
Wilburn Duvall, Carmi, Il., $33,727.
The Desert Ranch, Firebaugh, Ca., $33,724.
A. D. Lee, Tulia, Tx., $33,721.
R. P. & Tom P. Ellis, Belozni, Ms,. $33,720.
W. A. Ladd, Randolph, Az., $33,715.
Coy Wilson, Portageville, Mo., $33,709,
W. B. Hammonds, Dimmitt, Tx., $33,705.
William C. Covington, Clio, Sc., $33,704.
George Dial, Ridgely, Tenn., $33,698.
J. K. Nakayama & Sons, Las Cruces, Nm., $33,698.
G. Bradford Feed Pens, Lovington, Nm., $33,696.
W. M. Taytar, Jr., Osceola, Ar., $33,696.
Bennett Lnd Co., Colfax, Wa., $33,689.
Witten Farms, Kress, Tx., $33,688.
Stuckey Timberland, Inc., Eastman, Ga., $33,686.
Bills & Ellis Farms, Fabens, Tex., $33,685.
Est of H. Cohen & Sons, Natchez, La., $33,672.
Gene Schwerdfeger, Coolidge, Ks., $33,668.
Oscar A. Kalgaard, Big Sandy, Mt., $33,666.
D. G. Chiles, Lamesa, Tx., $33,665.
Clyde H. Ater, Roscoe, Tx., $33,665.
Fort Pillow State Farm, Fort Pillow, Tn., $33,660.
N. G. Garth, Gainesville, Al., $33,660.
Miron Moore, Sutherland, Ne., $33,656.
H. C. Miller, III., Waterproof, La., $33,647.
James R. McKenzie, Laurinburg, N.C., $33,644.
Chiles Planting Co., Joiner, Ar., $33,644.
Lynn Cross, Courtland, Al., $33,641.
David Harrison, Jr., Est., Memphis, Tn., $33,639.
Melvin Coelho, Fresno, Ca., $33,634.
Carl Beachamp, Dumas, Tx., $33,625.
Horrigan Inv., Co., Phoenix, Az., $33,619.
Harry Frosteg, Pelham, Ga., $33,618.
E. F. Bunch, Lone Wolf, Ok., $33,613.
John R. Zurcher, Stratton Co., $33,610.
Short Brothers, Crenshaw, Ms., $33,610.
J. L. McEntire & Sons, Inc., Pine Bluff, Ar., $33,607.
A. L. Sentell, Dixie, La., $33,607.
Darrell McCauley, Deming, N.M., $33,607.
Richardson Elms Farming Co., Altheimer, Ar., $33,604.
Loyd Farris, Hart, Tx., $33,603.
Carl Henderson, Orrville, Al., $33,601.
Clinton Williams, Panhandle, Tx., $33,601.
Natt Park, Tahoka, Tx., $33,599.
Bobby Warren, Lamesa, Tx., $33,592.
J. B. Long, Corcoran, Ca., $33,588.
Smith Gin Co., Cartersville, Ga., $33,585.
Millard J. Hancock, Abernathy, Tx., $33,582.
Indart, Inc., Fresno, Ca., $33,576.
Carl D. Batey, Wisner, La., $33,576.
Wm. G. Brandon, Chandler, Az., $33,572.
Paul J. Brown, Sublette, Ks., $33,567.
Cullom Bros., Wilson, Ar., $33,567.
Cone W. Johnson, Happy, Tx., $33,566.
V. E. Lester, Isola, Ms., $33.564.
Helen Godwin, Amarillo, Tx., $33,561.
Henry S. Foster, Memphis, Tx., $33,558.
W. C. McDaniel, Sinton, Tx., $33,553.
Robert W. Foster, Est., Happy, Tx., $33,548.
Bassil Gentry, Maxton, N.C., $33,546.
August C. Kirschemann, Mott, N.D., $33,546.
Marvin Dunteman, Barrington, Il., $33,546.
S. & W. Farms, Inc., Blytheville, Ar., $33,545.
J. P. Wilkerson, Winterville, Ms., $33,543.
Thomas Harris, Littlefield, Tx., $33,535.
Dudden Elevator, DBA Dudden Bros, Venango, Ne., $33,534.
R. B. Wilson Co., Brawley, Ca., $33,529.
D. L. Allison, Happy, Tx., $33,527.
Radius A. Hudson, Laveen, Az., $33,524.
Johnson & Frank, Dundee, Ms., $33,511.
Leroy F. Cooley, Garden City, Ks., $33,510.
Emanuel Doll, Ingalls, Ks., $33,508.
W. H. Miller, Chandler, Az., $33,487.
Joe Joplin, Brownfield, Tx., $33,483.
C. H. Willis Est., Chandler, Az., $33,482.
Clardy Farms, Inc., Roswell, N.M., $33,479.
Caldwell Cattle Co., Bishop, Tx., $33,477.
Delbert Morse, Caruthers, Ca., $33,472.
Mervin Headley, McAllen, Tex., $33,467.
Alamo Farms, Oakes, N.D., $33,466.
Kenneth Gray, Lorenzo, Tx., $33,463.
Robert Sneed, Seminole, Tx., $33,463.
Don B. Sudderth, Bovina, Tex., $33,460.
Rudy Plt., C/O P. L. Ross, Glen Allan, Ms., $33,452.
David Barton, Catron, Mo., $33,451.
Don Carpenter, Dimmitt, Tx., $33,448.
Mickey A. Clark, Florece, Az., $33,447.
Long Brothers, Optima, Ok., $33,437.
C. L. Machinery, Dell City, Tx., $33,429.
Hector R. McLeod, McBee, SS.C., $33,428.
G. R. Hutson, Caldwell, Tx., $33,426.
C. C. Clark, Ruth, Ms., $33,424.
Gilbert Irlbeck, Canyon, Tx., $33,423.
The Miller Ranch Co., Bend, Or., $33,422.
Billy J. Evans, Midland, Tx., $33,414.
Nickell Farms, Alpaugh, Ca., $33,413.
Donald Clark, Garden Prairie, Il., $33,412.
Hickman Farms, Inc., Hereford, Tx., $33,406.
Roy Apple, Seminole, Tex., $33,406.
A. G. Estes, Inc., Gay, Ga., $33,404.
Jack E. Robertson, Ralls, Tx., $33,401.
Orville Coody, Lake Providence, La., $33,394.
Maricopa Dust Spray, Maricopa, Az., $33,388.
Darwin Hobbs, Seagraves, Tex., $33,387.
J. F. Crews, Pecos, Texas, $33,385.
Robert L. Pillow Farms, Inc., Itta Bena, Ms., $33,385.
Harper Brothers, East Tallassee, Al., $33,381.
Erle Biggs, Proctor, Ar., $33,381.
A. B. Enloe, Jr., Lubbock, Tx., $33,375.
3 D Farm & Ranch, Mumford, Tx., $33,374.
X Bar 4 Ranch, Inc., Akron, Co., $33,373.
W. Ben Oswald, Allendale, S.C., $33,372.
Herman Dimmler, Crary, N.D., $33,367.
Dietrich & Gurley, Stratford, Tx., $33,364.
James E. Yancey, Marvell, Ar., $33,359.
Doyce W. Franklin, Houston, Texas, $33,359.
W. P. Kimbrough, Jr., Itta Bena, Ms., $33,355.
Donald Lee Terrell, Plainview, Tx., $33,354.
D. H. Arnold, Crockett, Tx., $33,353.
L. T. Wood, South Plains, Texas, $33,353.
Hubert Coffey, Wheeler, Al., $33,347.
F. R. Wright, Jr., Lambert, Ms., $33,345.
Benton Taylor, Sparkman, Ar., $33,343.
George C. Scroggins, Baird, Ms., $33,342.
J. R. Curry, Shellman, Ga., $33,338.
John Heline, Pierson, Ia, $33,337.
Merl Homburg, Logansport, In., $33,335.
Luther Lawson, Lubbock, Tx., $33,334.
R. E. Parnell, Parkton, N.C., $33,333.
Steven C. Stockdale, Iowa Falls, Ia., $33,331.
E. L. Good, Donna, Tex., $33,331.
Cupples Bros., Proctor, Ar., $33,331.
Bull Farms, Amado, Az., $33,328.
J. B. Sudderth, Farwell, Texas, $33,325.
Ellison Bros., Itasca, Tex., $33,325.
Wm. R. Solmos, Knox, In., $33,321.
Raymond Duell, Flagler, Co., $33,319.
Jane R. Oliver, Rayville, La., $33,317.
J. B. Newman, Bastrop, La., $33,312.
Gideon W. Atwood, Kosciusko, Ms., $33,311.
W. V. Riley, New Madrid, Mo., $33,305.
Vallentines, Cope, S.C., $33,303.
Buford L. Fox, Bakersfield, Ca., $33,288.
William H. Finkner, Petersburg, Tx., $33,287.
B. V. Shaw, Pecos, Texas, $33,279.
H. P. Sisk, Parkin, Ar., $33,278.
Robert Kanaga, Queen Creek, Az., $33,276.
J. K. J. Mahalitic, Eagle Lake, Tx., $33,276.
Hugh Medders, Shaw, Ms., $33,272.
J. J. Taber, Van Horn, Tx., $33,271.
Meadow Gold Farms, Bakersfield, Ca., $22,266.
Wesley Warren, Maple, Tx., $33,263.
Bill Miller, London, Ohio, $33,263.
Hillsdale Pltn., Yazoo City, Ms., $33,262.
Roy A. Holsey, Altus, Ok., $33,241.
Marvin Lowe, Cheyenne Wells, Co., $33,241.
J. D. Dismukes, Autaugaville, Al., $33,239.
Rex Hitchcock, Burlington, Co., $33,235.
Edwin J. Wall, Morven, N.C., $33, 233.
Wolff and Sons, Inc., Lindsay, Mt., $33,229.
E. A. Yaksitch, Bakersfield, Ca., $33,226.
Grady Windle Parker, Courtland, Al., $33,222.
Max Wright, Roscoe, Tx., $33,210.
Louis Eubanks, Plains, Tx., $33,207.
H. L. Beddingfield, Panhandle, Tx., $33,207.
Moreland Barton, Tyronza, Ar., $33,203.
Daniel P. Moore, Portland, Tx., $33,196.
J. L. Harper, Northport, Al., $33,191.
Gene and Claude Hammit, Holly, Co., $33,187.
L. A. Mathis, Dalhart, Tx., $33,184.
Tony Vencil, Waterloo, Ne., $33,184.
V. E. Beene, Hughes, Ar., $33,182.
L. C. Kreim, Delano, Ca., $33,179.
Mead Ranch, Dayton, Wa., $33,173.
N. R. Lutz, Calvert, Tx., $33,172.
J. Q. Demoville, Okolona, Ms., $33,171.
Hugh Driggers, Blenheim, S.C., $33,167.
E. D. Willey & Sons, Sacramento, Ca., $33,161.
Wolf Farms Ptn., La Feria, Tx., $33,160.
W. M. Toliver, Dumas, Tx., $33,159.
Tommy Gerber, Dalhart, Tx., $33,159.
Triple M Farms, Dalhart, Tx., $33,152.
Rudolph Massey, Deeson, Ms., $33,150.
Hansmeier & Son, Inc., Bristol, S.D., $33,148.
E. C. Britain, Jr., Stinnett, Tx., $33,145.
R. C. Godwin, Hereford, Tx., $33,138.
Arlin L. Hartzog, Farwell, Tx., $33,138.
Charles Grice, Dalhart, Tx., $33,137.
Kimball Est., Little Rock, Ar., $33,136.
Cedar Creek Farms, Prattville, Al., $33,126.
Dayle M. Oyler, Griggs, Ok., $33,125.
Charles W. Wood, Lubbock, Tx., $33,122.
B. McCollum, Jr., Hughes, Ar., $33, 120.
R. E. Lee, Montrose, Ar., $33,119
W. E. Warrick, Hereford, Tx., $33,114.
Virgil H. Black, Millen, Ga., $33,113.
My-T-Acres, Batavia, Ny., $33,111.
Walter B. Honeycutt Jr., Mart, Tx., $33,111.
Chas N. Stubblefield, Colorado City, Tx. $33,101.
George L. & Charles W. Evans, Boyle, Ms. $33,094.
David Nelson, Hart, Tx., $33,093.
W. H. Varn, Jr., Inc., Smoaks, Sc., $33,087.
Earle T. Phillips, Pine Bluff, Ar., $33, 082.
M. A. Roberson, Gilliam, La., $33,080.
M. R. Davis & Son, Harlingen, Tx., $33,073.
Bertram Jack, Friona, Tx., $33,068.
Jack Middleton, Tulia, Tx., $33,066.
Edward Jelinek, Alliance, Ne., $33,065.
Paul P. Harrison, Texico, Nm., $33,065.
R. F. Cunningham, Coolidge, Az., $33,061.
Harold Brooks & Sons, Bowman, Nd., $33,050.
W. G. and G. R. White, Lamesa, Tx., $33,046.
W. F. Blackwood, Vinemont, Al., $33,046.
Alfred Russell, Madera, Ca., $33,046.
N. B. Fields, Seagraves, Tx., $33,043.
Carson J. Davis, Holcomb, Ks., $33,038.
Robert H. Schueler, Friona, Tx., $33,035.
Robert F. Hardberger, Lamesa, Tx., $33,025.
O. H. Preston, Jr., Lamesa, Tx., $33,025.

Frank Berry Jr., Texhoma, Ok., $33,018.
Fay Nevins, Hamilton, Ms., $33,013.
Webb Armstrong, Ennis, Tx., $33,009.
J. B. Wardlaw, & Co., Como, Ms., $33,007.
Phillip Haberer, Earth, Tx., $33,007.
Keller Farms, Salome, Az., $33,005.
Wirth Brothers, Prosser, Wa., $32,998.
Herbert I. Howell, Bovina, Tx., $32,992.
Delta Experiment Station, Stoneville Ms., $32,988.
Johnson Brothers, Rio Hondo, Tx., $32,986.
Grace Land and Cattle Co., Lewellen, Ne., $32,982.
John D. Anderson, Madison, Al., $32,980.
Harnish Five Points Inc., Five Points, Ca., $32,980.
Wyatt & Ware, Corpus Christi, Tx., $32,974.
Robert Robbins, Altus, Ok., $32,968.
Horrigan Farms, Pasco, Wa., $32,966.
William Clements, Levelland, Tx., $32,960.
Stanton Becker Farms, Genessee, Id., $32,957.
Herbert H. Toone, Uvalde, Tx., $32,954.
E. E. Silhan, Morton, Tx., $32,953.
W. E. Hayden Est., Buckeye, Az., $32,948.
Sands Trading Co., Glendale, Az., $32,948.
Melvin G. Sachs, Friona, Tx., $32,947.
A. C. Farms, Inc., Mexico, Mo., $32,946.
Donovan V. Phipps, Welch, Tx., $32,936.
U. of I. c/o D. G. Smith, Urbana, Il., $32,935.
Homer Ramsey, McAllen, Tx., $32,935.
Thomas McDaniel, Forrest City, Ar., $32,934.
Rokeby Pltn., Yazoo City, Ms., $32,927.
Homer C. Hinson, Brownfield, Tx., $32,924.
Wide River Farms, Inc., Maricopa, Az., $32,913.
Clyde Crump, Ralls, Tx., $32,898.
Nancy M. Trimue, Frenchmans Bayou, Ar., $32,896.
S. C. McFarland, Coolidge, Az., $32,882.
J. T. Bierden, Jr., Coushatta, La., $32,882.
W. W. Lemons, Hart, Tx., $32,881.
Starr Farm, Sledge, Ms., $32,870.
E. C. Lavoice and Sons, Foreman, Ar., $32,854.
Mattie B. Boone, Lyon, Ms., $32,852.
Golden Lake Farms, Wilson, Ar., $32,844.
Catron Plantation, Helena, Ar., $32,839.
Perez & Morrell, Winterhaven, Ca., $32,839.
John V. Borchard, Holtville, Ca., $32,839.
O. R. Phifer, Jr., New Home, Tx., $32,838.
The Waters Trust, Lubbock, Tx., $32,835.
McElwrath Farms, Combes, Tx., $32,834.
Wm. M. Griffin, Rock Port, Mo., $32,833.
C. J. Harp, Jr., Oglethorpe, Ga., $32,831.
Charles Monty, Jr., Clarksdale, Ms., $32,828.
Tommy Lacy, Seagraves, Tx., $32,826.
Toxie Allen, Mt. Olive, Ms., $32,825.
Clements Bros., Snyder, Tx., $32,824.
Cecil Giesenschlag, Somerville, Tx., $32,822.
A. H. Judkins, Calvert, Tx., $32,819.
Willard Watson, Hagerman, N.M., $32,815.
Davies & Davies, Slaton, Tx., $32,811.
A. J. Harris, Dumas, Tx., $32,811.
Price Counts, Jr., Tuscumbia, Al., $32,809.
Preston P. Bennett, Vance, Ms., $32,805.
Bishop Farms, Inc., Mukwonago, Wi., $32,803.
Kenneth Harrel, Burlington, Co., $32,801.
Floyd J. Frazier, Americus, Ga., $32,800.
Alvin Ford, Sr., Lake Village, Ar., $32,790.
L. E. Richardson, Summerton, S.C., $32,783.
J. R. & B. R. Smith, Brawley, Ca., $32,781.
C. E. Waldrup, Drew, Ms., $32,764.
Hawkins & Co. Inc., & Pendleton, Or., $32,762.
Joe Lux, Nezperce, Id., $32,761.
Jones Planting Co., Tchula, Ms., $32,759.
Rasmussen Farming Corp., Harlem, Mt., $32,747.
George C. Heard, Hereford, Tx., $32,745.
Charles Haynes, Brownsville, Tn., $32,745.
James B. McGowan, Shelby, Ms., $32,744.
Harold Hodges, Crosbyton, Tx., $32,734.
O. M. Parker, Jr., Belzoni, Ms., $32,727.
Harold N. Keisling, Sunray, Tx., $32,726.
John L. Butler, Happy, Tx., $32,725.
Elvin Pederson, Sr., Los Fresnos, Tx., $32,722.
L. I. Rhodes & Sons, Wasco, Ca., $32,717.
Dana Haynes, Jonestown, Ms., $32,716.
Clifford Hinds, Boise City, Ok., $32,712.
Boyd & Sons, Moscow, Id., $32,705.
Freeborn Bros., Buttonwillow, Ca., $32,699.
W. D. McMillan, Wharton, Tx., $32,694.
Victor L. Harman, Happy, Tx., $32,688.
W. P. Lanier, Taylorsville, Ga., $32,678.
L. J. Krska, Edinburg, Tex., $32,678.
Loyd Widener, Lockney, Texas, $32,678.
F. H. Nance, Cleveland, Ms., $32,676.
William M. Cain, Ropesville, Texas, $32,674.
Adolp H. Haseloff, Farwell, Texas, $32,667.
George H. Trimble, Texico, NM, $32,666.
C. S. Rankin, Sumner, Ms., $32,666.
Harvey Fryar, Big Spring, Tx., $32,659.
Everett Madison, Momence, Il., $32,658.
R. L. Quick, Midville, Ga., $32,655.
Harry Poole, Forest Home, Al., $32,654.
Herndon Farms, Culdesac, Id., $32,647.
Harry L. Black, Clarksdale, Ms., $32,638.
Chas. Robert Jackson, Blytheville, Ar., $32,638.
C. M. Hutchinson, Jr., Shreveport, La., $32,636.
F. R. Morgan, Jr., Morgan City, Ms., $32,630.
H. Visser, Wasco, Ca., $32,630.
Roy J. McFadden, Catawba, S.C., $32,629.
Storey Ranches, Inc., Casa Grande, Az., $32,629.
Bruce Byrd, Elaine, Ar., $32,628.
M. C. Tillman, Schlater, Ms., $32,626.
Bruce A. Runyan, House, N.M., $32,625.
Debusk Enterprises, Inc., Idalou, Tx., $32,618.
August Kern & Sons, Cheyenne Wells, Co., $32,612.
Laura Brown, Valley Park, Ms., $32,608.
Robert Fullingim, Petersburg, Tx., $32,597.
Frank Woods, Plainview, Tx., $32,593.
Frank Simms, Panhandle, Tx., $32,591.
Edward Delanghe, Marshall, Mn., $32,590.
John E. Judson, West Point, Ms., $32,588.
Judd Cattle Co., Stratford, Tx., $32,587.
Art Howard, Warren, Mn., $32,586.
R. V. Elliott, Summerton, S.C., $32,586.
Don Allison, Cascilla, Ms., $32,584.
G. H. Hairston, Jr., Silver City, Ms., $32,582.
Robert Imrie, Roosevelt, Wa., $32,579.
Clayton E. Enger, Abernathy, Tx., $32,578.
Driscoll Foundation, Corpus Christi, Tx., $32,573.
Doris L. Boston, Kress, Tx., $32,572.
Broomieside Farms, Knights Landing, Ca., $32,572.
Amko Farming, Inc., Corpus Christi, Tx., $32,571.
M. A. Bell, Duncan, Ms., $32,568.
F. O. Handley, Richmond, Mo., $32,563.
Raymond Durham, Olton, Tx., $32,556.
Ru Ann Dairy, Riverdale, Ca., $32,555.
T. E. Stephens, Jr., Cobb, Ga., $32,553.
A. E. Lewellen, Plainview, Tx., $32,533.
Lakewood, Inc., Inverness, Ms., $32,525.
Leon Driggers, Bienheim, S.C., $32,512.
Alfalfa Dale Farms, Carlsbad, N.M., $32,508.
Ken R. Huse, Onida, S.D., $32,503.
Evans & Nee Ptr., Lebo, Ks., $32,501.
Edward O. Sumrall, Grady, N.M., $32,499.
Paul Crevoline, Firebaugh, Ca., $32,498.
F. T. Clark, Ruleville, Ms., $32,497.
Kenneth Kinkler, Onida, S.D., $32,495.
J. T. Forbes, Odonnell, Tex., $32,489.
Lloyd Martin, Buckeye, Ariz., $32,488.
Thurmond Farms, Inc., Charleston, Mo., $32,480.
Mack Wilmeth, Tokio, Tx., 32,474.
Wayne Bramlet, Lockney, Tx., $32,471.
T M and Q Farm, Glenn Allan, Ms., $32,469.
Robert Taggart, Tulare, Ca., $32,468.
A. Steidlmayer & Sons, Colusa, Ca., $32,466.
Marvin Born, Follett, Tx., $32,460.
James Strachan, Clint, Tx., $32,459.
Wm. E. Roberts, Chowchilla, Ca., $32,452.
Ray E. Castleberry, Farwell, Tx., $32,450.
A. B. Malkin, Jr., Heth, Ar., $32,445.
Mc Kean Bros., Riverdale, Ca., $32,438.
A & D Koligian, Fresno, Ca., $32,437.
Jack H. Mills, Dumas, Tx., $32,433.
Raymond G. Miller, Plainview, Tx., $32,433.
Robinson & Layaye, Calipatria, Ca., $32,433.
McClatchy & Son, Red Banks, Ms., $32,431.
Neil Clarke, Fort Pierre, SD., $32,425.
J. Boyd Phillips, Lind, Wa., $32,425.
Carmon Maze, Arab, Al.. $32,424.
R. P. Herbison, Shaw, Ms., $32,420.
Kenneth Summerford, Crosbyton, Tx., $32,415.
Shaul Farms, Inc., Fultonham, NY., $32,411.
Shirley L. Garrison, Hereford, Tx., $32,410.
John Krause & Sons, Adams, Ne., $32,407.
Marquardt Ranch, Lexington, Or., $32,400.
Herschel V. Newman, Shallowater, Tx., $32,399.
Bonanza Plantation, Thornton, Ms., $32,396.
Louis E. Borel & Sons, Bakersfield, Ca., $32,395.
Wyche T. Coleman, Coushatta, La., $32,392.
Clark Bros., Lakeview, Tx., $32,392.
Jones Ranches Inc., Eloy, Az., $32,389.
Paul Stukey, Plainview, Tx., $32,389.
H. F. Parker, Tulia, Texas, $32,387.
Gordon Tomlin, Oakland, Tn., $32,385.
John H. Goodwin, Sunray, Tx., $32,384.
Raymond H. Johnson, Burley, Id., $32,381.
E. G. Bearden, Boise City, Ok., $32,380.
Ashmore Bros. & Brown, Blytheville, Ar., $32,376.
Leroy Anthony, Indianaola, Ms., $32,368.
August M. Frysak, Garden City, Tx., $32,367.
Don Reding, Whitharral, Tx., $32,366.
Emmett E. Thomas, Morton, Tex, $32,365.
Marcus Breland, Olton, Tex., $32,364.
Ronald Coleman, Morton, Tex., $32,361.
Casburn Brothers, Sumner, Miss., $32,359.
Hash Nursery, Visalia, Calif., $32,344.
Jack Cook, Montrose, Ga., $32,343.
J. A. Wood Co., Tolleson, Ariz., $32,340.
G & S Farms, Indio, Calif., $32,340.
Dr. Wm. B. Childress, Tulia, Tex., $32,338.
Bernard Rosenzweig, Lake Providence, La., $32,338.
Double F Farms, Arvin, Calif., $32,334.
L. P. Butler Est. & James D. Peterson, Jr., Belen, Miss., $32,328.
Harold Isaak, Coulee City, Wash., $32,327.
Sam W. Bell, Delano, Calif., $32,327.
Tom E. Vandiver, Artesia, N. Mex., $32,326.
Frank Karvas, Jr., Shallowater, Tex., $32,319.
Carthel G. Lewis, Wellington, Tex., $32,317.
Roy Taylor, Vega, Tex., $32,317.
Dick Anderson, Tulare, Calif., $32,315.
Paul Reid, Cherokee, Ala., $32,310.
Mary Rocha, Tulare, Calif., $32,310.
Carl Sanders, Donnell, Tex., $32,307.
Jack Connelley, Stanfield, Ariz., $32,306.
Elmer L. Taylor, Syracuse, Kans., $32,306.
C. L. Skousen & Son, Coolidge, Ariz., $32,296.
Park Farms, Winterville, Miss., $32,293.
S. G. Stevens, Gracemont, Okla., $32,283.
Virgil Voigt, Tuttle, Ok., $32,281.
Wm. Packer and P. H. Packer Ptnrs, Wood River, Nebr., $32,279.
Wood Bros., Los Banos, CA., $32,272.
Henry Haseloff, Farewell, Tex., $32,271.
William J. Weber, Sheridan Lake, Colo., $32,269.
Leroy & Hulan Hill, Happy, Tex., $32,269.
James W. Cox, Reidville, S.C., $32,265.
Bert Olson and Sons, Glasston, ND, $32,264.
Matt Lyons, Waitsburg, WA, 32,262.
H. M. Boozer, Dimmitt, Tex., $32,258.
Tom Wilson, Senatobia, MS, $32,255.
James Doneghy, Wellington, Tex., $32,253.
John H. Borchard, El Centro, CA, $32,251.
N. R. Marchbanks, Jr., Brownfield, Tex., $32,250.
Ward V. Nolder, Gruver, Tex., $32,250.
Hugh G. Fisher, Indianola, MS, $32,249.
W. P. Smith and Sons, Wadley, Ga., $32,249.
Robert S. Hayner est, Hatch, N.Mex., $32,248.
Andrew C. Walker, Florence, Al., $32,246.
L. D. McCoy, Jr., Drew, Ms., $32,234.
Charles Ray Smith, Meadow, Tx., $32,233.
Frank V. Zinser, Jr., Hereford, Tx., $32,230.

Bearden Bros., Isola, Ms., $32,226.
T. J. Jones, Sprott, Al., $32,224.
Roy, W. Moore, Navasota, Tx., $32,220.
C. J. Grayson, Ft. Necessity, La., $32,208.
L. T. Payne, Clarksdale, Ms., $32,204.
Lee Bert Fontenot, Bunkie, La., $32,203.
A. O. Dickson, Sudan, Tx., $32,200.
John Victoria, Jr., Stratford, Ca., $32,198.
Van Rogers, Sudan, Tx., $32,195.
A. L. Muzinich, Bakersfield, Ca., $32,194.
Brooks, Odom, Bville, S.C., $32,191.
Clarence, Romain, Chester, Mt., $32,187.
Farm Enterprises, Inc., Slaton, Tx., $32,185.
David Bruner, Edison, Ga., $32,185.
Lane, Decker, Floydala, Tx., $32,185.
Bernard Neill, Springfield, Co., $32,184.
William J. Richards, Circleville, Oh., $32,182.
Chester Kellems, Greenville, Ms., $32,179.
Chester Whomble, Wray Co., $32,178.
Alphonse L. Reznik, Friona, Tx., $32,178.
Leonard L. R. Dutton, Idalia, Co., $32,177.
J. C. Rice and E. Stough, Widener, Ar., $32,175.
Riverside Plantation, Natchez, La., $32,175.
Thurman E. Fisher, Sunray, Tx., $32,175.
W. J. Neighbors, Selma, Al., $32,171.
Platte Valley Products, Inc., Lexington, Ne., $32,171.
Graham Bramlett, Bobo, Ms., $32,171.
Raymond Jessen, Lodgepole, Ne., $32,171.
Des Jardins Bros., Dos Palos, Ca., $32,167.
Hartmann Farms, Woodsboro, Tx., $32,166.
J. R. Summers, Nesbitt, Ms., $32,166.
Double O. Ranch, Lemoore, Ca., $32,164.
Jimmie C. Baker, Bville, S.C., $32,159.
Harley L. Gene King, Tulia, Tx., $32,154.
Joe D. Murrow, Farmington, Ga., $32,151.
Walter W. Taack, Lockney, Tx., $32,146.
W. A. Schmidt, Bisbee, Nd., $32,140.
A. B. Williams, Jr., Delta City, Miss., $32,135.
David H. Carson, Friona, Tx., $32,133.
T. W. Irick Est, Vance, S.C., $32,132.
Joe Oswalt, Abernathy, Tx., $32,127.
Dundarrach Trading Co., Laurinburg, N.C., $32,123.
T. P. Borgognoni, Lake Village, Ar., $32,121.
J. G. Prichard, Inverness, Ms., $32,117.
Brock Ranches, Centro, Ca., $32,107.
Lock Eleven, Swiftown, Ms., $32,103.
B. A. Hutton, Brewster, Ks., $32,099.
Wiebe Bros., Inc., Ulysses, Ks., $32,089.
Collerette Est, Casa Grnde, Az., $32,086.
John W. Giesenschlag, Somerville, Tx., $32,084.
Richard & Jerry London, Friona, Tx., $32,080.
Robert W. Luedtke, Fairmont, Minn., $32,074.
Clyde Hancock, Happy, Tx., $32,071.
Horace Wells, Benito, Tx., $32,060.
Percy L. Smith, Peoria, Az., $32,055.
Tom Adams, Brownsfield, Tx., $32,049.
Raymond Clark, Leland, Ms., $32,044.
Joe S. Carter, Jr., Oak Ridge, La., $32,038.
Bryce Sample, Ree Heights, S.D., $32,032.
Robert Melcher, Lubbock, Tx., $32,027.
Samuel Thompson, Walsh, Co., $32,019.
A. M. Boggs & Sons, Fallston, N.C., $32,016.
Fred J. Hoelscher, Garden City, Tx., $32,006.
B. L. Griffith, Abernathy, Tx., $32,004.
Glenn Newsom, Pixley, Ca., $32,002.
Grittman and Adams, Drew, Ms., $32,000.
Oscar Golden, Aiken, Tx., $31,996.
James B. Washburn, La Belle, Mo., $31,993.
Stewart Farm Account, Wellington, Ks., $31,989.
Wyley P. Good, Carter, Mt., $31,986.
Howell Wadsworth, Casa Grande, Az., $31,985.
Don O. Baker, Leland, Ms., $31,985.
James W. Warren, Plains, Tx., $31,984.
J. B. Haile, Hereford, Tx., $31,979.
Sonnenmoser Bros., Weston, Mo., $31,976.
W. T. Turner, Belzoni, Ms., $31,972.
G. F. Parker, Tiptonville, Tenn., $31,972.
Jackie Roberts, Clovis, N.M., $31,969.
Eugene Black, McFarland, Ca., $31,968.
H. A. Recker, Indianola, Ms., $31,959.
Joe G. Brandon, Jr., Cartersville, Ga., $31,951.
Bickham Bros., Tillar Ar., $31,944.
R. W. Woodruff, Shallowater, Tx., $31,944.
J. T. Brogdon III, Maning, Sc., $31,943.
Rudolph Johnson, Glendale, Az., $31,940.
Est. Sarah J. Hertzog, Natchez, La., $31,936.
G. D. Payne, Gould, Ok., $31,932.
Billy McCallister, Meadow, Tx., $31,929.
Tommy Billings, Seagraves, Texas, $31,927.
Samie West, Hereford, Tx., $31,921.
Richard Doster, Pinehurst, Ga., $31,919.
L. J. Rasse, est., Marshall, Mo., $31,915.
B. O. Tedford & Sons, Lyon, Ms., $31,894.
D. L. Anderson Corporation, Rapid City, Sd., $31,881.
Raymond Ekin, 2205 Smythe, Plainview, Tx., $31,880.
Jerry V. Young, Plainview, Tx., $31,872.
Richard Stuhaan, 4414 Ave. 296, Visalia, Ca., $31,863.
S. R. & C. D. Stone Trs., Raymondville, Tx., $31,846.
A. P. Fred, Morton, Tx., $31,845.
Robert C. Brown, Brawley, Ca., $31,845.
Mitsuru Sakai, Mcallen, Tex., $31,840.
Arthur W. Sorelle, Plainview, Tx., $31,838.
G. C. Goldman, Waterproof, La., $31,837.
Margaret Petree, 707 So. Hoff, El Reno, Ok., $31,829.
Tate Jones, Floydada, Texas, $31,826.
J. W. Brown, Jr., Conway, Ar., $31,825.
J. G. Robertson Corp., 2008 5th Ave. N., Great Falls, Mt., $31,823.
Summerour Brothers Ptnp., Dalhart, Tx., $31,819.
Claude Bailey, Princeton, Il., $31,819.
Diehl Fields, 925 S. Jackson Rd., Dansville Mi., $31,817.
Willie Posey, Cherokee, Al., $31,815.
W. E. Tolbert, Walsh, Co., $31,810.
Billy Meyers, Lubbock, Tx., $31,807.
Hamilton Farms Inc., Florence, Az., $31,798.
J. M. Maxwell/W. Smith, Rydal, Ga., $31,796.
Roland K. Cronk, Byers Co., $31,793.
Picacho Land & Cattle Co., Casa Grnde, Az., $31,791.
Charles E. Cloutier, Natchitoches, La., $31,789.
Bryan Connell, Belcher, La., $31,787.
Fred A. Wortman, Ridgely, Tenn., $31,786.
Glen Burr Plantation, Greenwood, Ms., $31,782.
Ralph Bouma, Ledger, Mt., $31,782.
Lawrence S. Norton, Clio, Sc., $31,780.
Lelan D. Haren, McCamey, Tx., $31,778.
T. Earl Johnson, Tutwiler, Ms., $31,775.
Hill Ranches, Inc., Pendleton, Or., $31,756.
Harvey Hancock, Lorenzo, Tx., $31,767.
Hiter Farms, Merigold, Ms., $31,766.
Garland Kilgore, Social Circle, Ga., $31,763.
Neff Farms Inc., Hollandale, Ms., $31,755.
Parker Planting Co., Drew, Ms., $31,750.
Jim Franklin, Slater, Mo., $31,748.
Marie White, Eloy, Az., $31,744.
Roy Montague, Silverton, Tx., $31,740.
Carl J. Marshall, Hale Center, Tx., $31,734.
Clinton C. Burnett, Broadview, N.M., $31,732.
Alvin Childers, Seminole, Tx., $31,726.
Marlo Maschoff, Fairmont, Minn., $31,724.
Fred Rohlman, Lamar, Co., $31,719.
E. C. Murrell, Clovis, N.M., $31,718.
Jack C. Boote, Worthington, Minn., $31,717.
Mariner Ballard, Dillon, Mt., $31,716.
Max A. Hodges, Indianola, Ms., $31,714.
Fremon Coker, Jr., Buckeye, Az., $31,709.
Emil Hoechst, St. Louis, Mo., $31,702.
S. F. Williams, Jr., Stockton, Tx., $31,702.
J. E. Ward, Deering, Mo., $31,700.
A. E. Moody, Drew, Ms., $31,693.
Eulynn G. Phipps, Friona, Tx., $31,691.
Ben Hodel, Roanoke, Il., $31,691.
E. D. Strain, Jr., Morgan City, Ms., $31,688.
Arthur Gifford, Fremont, Ne., $31,687.
Delbert Stanley, Big Spring, Tx., $31,687.
L. Conrad Pippin, Clovis, N.M., $31,686.
Vernon Irvin, Goodland, Ks., $31,685.
Robert A. Long, Seagraves, Tx., $31,685.
W. T. Timbs, Jr., Moorhead, Ms., $31,680.
McClish Farms, McDonald, N.M., $31,676.
G. D. Lyon, Shaw, Ms., $31,674.
Chatt Bros. Renters, Tekamah, Ne., $31,666.
L. T. Dillard, Osceola, Ar., $31,661.
C & S Storage Co., Inc., Norway, S.C., $31,657.
J. W. Davis, Abernathy, Tx., $31,656.
James G. Davis, Brownfield, Tx., $31,650.
Gene Fullingim, Petersburg, Tx., $31,648.
Robert R. Lindsey, Borger, Tx., $31,646.
Charles Nance, Seminole, Tex., $31,644.
J. A. McAnear, Clarendon, Tex., $31,639.
Paul and Larry Cobb, Bartow, Ga., $31,639.
Steve Worley, Webb, Ms., $31,638.
Dave Kenly, Phoenix, Az., $31,628.
Wicks Ranches, Mowie, Az., $31,627.
Alton Milam, Bateville, Ms., $31,624.
S. McBride Rhodes, Jr., Mayesville, S.C., $31,622.
Gorman Hand, Clovis, N.M., $31,616.
Albert H. Paxton, Tallulah, La., $31,610.
B. J. Barnett, Bishopville, S.C., $31,605.
R. W. Jones, Friona, Tex., $31,604.
Richard B. Vaughn, Friona, Tex., $31,602.
N. D. Sexson, Weskan, Ks., $31,601.
Farris L. Wren, Louisville, Ga., $31,597.
L. M. Mires, Jr., O'Donnell, Tex., $31,591.
A. C. Durivage, Lyford, Tex., $31,591.
Eppolito Bros., Stafford, Tex., $31,579.
Buddy Hettler, Lubbock, Tex., $31,577.
Clyde H. Damron, Dimmitt, Tex., $31,575.
Huber R. Tillery, Stratford, Tex., $31,564.
W. E. Smith, Jr., Portageville, Mo., $31,564.
James A. Boydstun, Ralls, Tex., $31,562.
Moody Farms, Pampa, Tex., $31,562.
Layton Farms, Winterhaven, Ga., $31,561.
Brownie Farms, Buttes, Co., $31,560.
Parolli Farms, Inc., Clarksdale, Ms., $31,556.
Walter A. Graham, Happy, Tex., $31,555.
Curtis Latham, Tulia, Tex., $31,555.
Loyd B. Parkhill, Crosbyton, Tex., $31,551.
W. J. Dewberry, Courtland, Al., $31,544.
John H. Robert, Boyce, La., $31,542.
Early P. Pritchett, Lockney, Tex., $31,542.
E. L. Smith, Clovis, N.M., $31,542.
Davis Cannon, Center, Tex., $31,534.
John Wade Kent, Frederick, Ok., $31,531.
T. C. McSwain Est., Minturn, S.C., $31,525.
John H. Ralph, Parkdale, Ar., $31,521.
Norman Hodges, Hereford, Tex., $31,519.
Eva Holt, Gruver, Tex., $31,517.
Newden Farm, Batesville, Tex., $31,515.
W. L. Harris, Levelland, Tex., $31,515.
Orton and Toton, Portageville, Mo., $31,502.
Ulrich, O. Bibb, Jr., Tunica, Miss., $31,497.
Troy M. Overman, Lubbock, Tex., $31,495.
Hollie C. Lewis, La Feria, Tex., $31,489.
Aubrey Pratt, Craigmont, Idaho, $31,484.
Lewis Brothers, Muleshoe, Tex., $31,484.
Robert V. Fryar, Big Spring, Tex., $31,483
Sidney E. Pool, Lingo, N. Mex., $31,472.
Charles Spence, Pecos, Tex., $31,471.
H. C. Eastland, Doddsville, Miss., $31,471.
Herman S. Tennell, Abernathy, Tex., $31,470.
Cecil H. Justus, Jr., Tyronza, Ark., $31,463.
Bob McBrayer, White Deer, Tex., $31,463.
Weldon Ferguson, Lubbock, Tex., $31,458.
Rosengren, Bros, Rock Falls, Ill., $31,449.
J. C. Randolph, Fayette, Ala., $31,449.
W. H. Baird, Indianola, Miss., $31,444.
Levon Azhderian, Los Banos, Calif., $31,443.
Joe Burch, Hughes, Ark., $31,442.
Earl Royer, Strathmore, Calif., $31,439.
Coppinger & Son Ranches, Echo, Oreg., $31,437.
Jim Claunch, Enochs, Tex., $31,433.
W. W. Ritchey, Casa Grande, Ariz., $31,430.
Carter & Wegner, Stratford, Tex., $31,429.
David Turnbough, Seagraves, Tex., $31,429.
A. J. Cowart, Duncan, Miss., $31,425.
Ernest, Vieke, Vincennes, Ind., $31,423.
S. R. Heard, Plainview, Tex., $31,421.
Keith Green, Dalhart, Tex., $31,418.
Kortsen Bros., Stanfield, Ariz., $31,417.
Wm. T. Dudley, Elsa, Tex., $31,410.
Earl W. Ashurst, Brawley, Calif., $31,409.

Jackie L. Thomas, Miller, Mo., $31,409.
McWilliams & Pyron, Holly Ridge, Miss., $31,404.
O'Connor Livestock Co., Klamath Falls, Oreg., $31,401.
Dan Springfield, Jr., Crawfordsville, Ariz., $31,400.
Allen Chapman, Portales, N. Mex., $31,399.
Karl W. Meisenbach, Pearl, Ill., $31,397.
William A. Davis, Rowland, N.C., $31,394.
Edd Haley, Earth, Tex., $31,392.
P. W. Vensel, Coolidge, Ariz., $31,390.
Ray Rohlman, Syracuse, Kans., $31,390.
J. H. Klundt & Sons, Pasco, Wash., $31,389.
Fred Thoms, Three Rivers, Tex., $31,388.
Jearl James, Earth, Tex., $31,386.
Dan Logan, Mercedes, Tex., $31,385.
Troy Burson, Silverton, Tex., $31,384.
Gus G. Moore, Resaca, Ga., $31,383.
West Valley, Stratford, Ca., $31,376.
Joe D. Keast, Dalhart, Tex., $31,374.
Lawrence Hagen, Alamo, N. Dak., $31,368.
George Rauenhorst, Olivia, Mn., $31,368.
Bill Riley, Abernathy, Tex., $31,366.
Jerry Paul, Clovis, N. Mex., $31,359.
George Long, Silverton, Tex., $31,357.
Lem Strickland, Brewton, Ala., $31,357.
Alton L. Lawson, Lubbock, Tex., $31,349.
Rufus M. Pegues, Bville, S.C., $31,347.
Othell Meeks, Tahoka, Tex., $31,343.
Nesselrodt and Campbell, Lilbourn, Mo., $31,342.
Bill Sherman, Lockney, Tex., $31,341.
Manuel T. Sharp, Crawfordsville, Ark., $31,340.
Clarence Crosskno, Blytheville, Ark., $31,340.
Shepherd & Shepherd, Lake Providence, La., $31,338.
Noah W. Robinson, Rayville, LA, $31,338.
M & B Farms, El Centro, CA, $31,336.
Irvan Rhodes, Abernathy, Tex., $31,335.
Jay H. Hulet, Murphy, ID, $31,334.
Guy L. Prince, Marked Tree, AR, $31,327.
Mike Etcheberry, San Joaquin, CA, $31,327.
G. G. Freeman, Texhoma, Okla., $31,322.
Deol & Sunaghera, El Centro, CA, $31,317.
G. D. Troutman, Johnson, KS, $31,314.
O. Narducci, Stockton, Ca., $31,310.
James D. Robinson, Sylacauga, Al., $31,306.
Carrick Brothers, Hollis, Ok., $31,306.
Donald Wooten, Crosbyton, Tex., $31,297.
Delbert Holmgren, Bear River City, Ut., $31,296.
Vincent Braner, Pl. Plains, Il., $31,296.
J. A. Miller, Floydada, Tex., $31,292.
Oscar Fryar, Broadview, N. Mex., $31,292.
William F. Mahoney, Corsicana, Tex., $31,291.
Pirnie Brothers Cattle Co., Weissert, Ne., $31,285.
Ronald Miller, Pecos, Tex., $31,284.
Albers Dehy Co., Wisner, Ne., $31,279.
Moe Farm Corporation, Poplar, Mt., $31,276.
Ruston Farms, Parkin, Ark., $31,275.
Troy W. Leoppard, Forrest City, Ariz., $31,271.
Lemon & Maness, Tribune, Ks., $31,271.
Robert A. Boyce, Jonestown, Ms., $31,267.
D. E. Richards, Lamesa, Tx. $31,266.
Pomeroy & Jewett, Bakersfield, Ca. $31,265.
Sam G. Jones, East Prairie, Mo., $31,261.
Swindoll Brothers, Tunica, Ms. $31,256.
B. Johnson Exec, Elkhorn, Ne., $31,256.
James P. Grooms, Athens, Ala., $31,255.
Duane F. Schneider, Tribune, Kas., $31,255.
Francis McCaffrey, Sr., Flagler, Co., $31,254.
Jim Bob Smith, Lubbock, Tex., $31,252.
Jasper Miller & Sons, Charleston, Mo., $31,250.
Vincent R. Benson, Blackfoot, Id., $31,250.
George E. Holmes, Enid, Ok., $31,250.
C. L. Saylor, Muleshoe, Tx., $31,250.
W. E. Taylor, Greenwood, Ms. $31,247.
Harvey C. Davis & Sons, Hart, Tx., $31,246.
Ernest C. Smith, Bartow, Ga., $31,245.
Scrg Bros., Dos Palos, Ca., $31,240.
John L. Grindstaff, Jr., Knox City, Tex., $31,237.
John Skaggs & Son, Adrian, Tx., $31,228.
Robert M. Marsh, Camden, S.C., $31,228.
W. W. Gilbreath, Dimmitt, Tex., $31,225.
Adrian Schweitzer, Osborne, Ks., $31,224.
Clarence Gigot, Garden City Ks., $31,224.
Roe S. Woodis, Cherokee, Al., $31,221.
James R. Murphy, Bradley, Ar., $31,221.
Moore Bros., Lincoln, Ca., $31,220.
Thomas W. Beauchamp, Bovina Tx., $31,214.
E. Neuman, Shafter, Ca., $31,208.
The Witteman Company, Mohall, N.D., $31,207.
M. J. Lane, Omaha, Ga., $31,204.
Jesse Carter, Muleshoe, Tx., $31,203.
Joe G. Williams, Roscoe, Tx., $31,200.
B. D. Mason, Clarksdale, Ms., $31,199.
James Maiorino, Jr., Firebaugh, Ca., $31,197.
Curran Ranches, Madera, Ca., $31,196.
D. M. Smith, Colorado City, Tx., $31,194.
Ralph B. Pickett, Garland, Tx. $31,192.
Philip Brown, Lake Providence, La., $31,189.
Ben Nelson, Waterville, Wash., $31,188.
Tom McCracken, Ledger, Mt. $31,187
Delmar Van Horn, Jr., Jefferson, Ia., $31,-180.
Aubrey Wood, Caraway, Ar., $31,179.
M. B. & C. E. Sanders, Palo Verde, Az., $31,179.
Martin Bros., Muscatine, Ia., $31,179.
D. H. Shipp, Benton, Ms., $31,179.
J. R. Scott, Hollis, Ok., $31,168.
Billie Walden, Twin City, Ga., $31,167.
Rex Jordan, Plainview, Tx., $31,165.
O. D. Handel & Son, Shafter, Ca., $31,164.
S. M. & W. M. Halbert, San Benito, Tx., $31,158.
A. C. Cockrill, Eloy, Az., $31,153.
W. C. Brown, Rosedale, Ms., $31,151.
Marvin Hunt, Imogene, Ia., $31,148.
T. G. and R. L. Jackson, Austwell, Tx., $31,-145.
Max Carriker, Roby, Tx., $31,144.
Keeler Brothers, Deming, N.M., $31,143.
Louie McQuay, Pond, Ca., $31,142.
S. Crews Reynolds, Caruthersville, Mo., $31,142.
Carl McCune Sons, Stafford, Ks., $31,141.
Bob Stump, Phoenix, Ar., $31,141.
John L. Murray Farm, Girard, Ga., $31,138.
Bobby Foster, Wilmot, Ar., $31,136.
Rayford E. Bearden, Tokio, Tx., $31,134.
Karl Brown & Merle Brown, Rigby, Id., $31,126.
H. A. Downey, Jr., Vicksburg, Ms., $31,125.
Joe W. Ramos, Tipton, Ca., $31,122.
J. C. Dunagan, Willcox, Az., $31,121.
M. T. McIlwain, Seminole, Tx., $31,121.
Green Acre Farms, Nazareth, Pa., $31,120.
W. D. Bounds and Son, Carlsbad, N.M., $31,117.
J. Calvin Rivers, Chesterfield, S.C., $31,114.
W. J. Bach, Riverton, Ne., $31,112.
Keystone Dehydrators, Nazareth, Pa., $31,-109.
Swanberg Twins, Lyford, Texas, $31,108.
Vance B. Morris, Gruver, Tx., $31,100.
Junior Dumler, Kiowa, Ks., $31,097.
Joseph P. Hodges, Bville, S.C., $31,094.
Joe Dilldine, Blytheville, Ar., $31,093.
David Britton, Lewis, Ks., $31,089.
Jess McWherter, Brownfield, Tx., $31,088.
Allen L. Monzingo, Memphis, Tx., $31,087.
M. N. Smith, Tulia, Tx., $31,086.
Ham Bros., Inc., Shadehill, S.D., $31,083.
Donald McKenzie, Marcellus, Mi., $31,081.
F. A. Marnell, Hereford, Tx., $31,073.
Clarence Phillips, Yuma, Az., $31,073.
E. H. Riley, Osceola, Ar., $31,068.
Diamond Farms. Inc., El Dorado, San Joaquin, Ca., $31,060.
Howington, Bros., Lake Providence, La., $31,059.
George B. Noland, Clarksdale, Ms., $31,059.
L. R. Brown, L. A. Brown, Carmi, Il., $31,056.
C. D. Ross, Bakersfield, Ca., $31,056.
Richard Leatherman, Jr., Robinsonville, Mi., $31,053.
Spicher Brothers, Hingham, Mt., $31,049.
L. Sheffels & Son., Inc., Wilbur, Wa., $31,048.
G. C. Broughton, Jr., Big Spring, Tx., $31,047.
J. R. Hutchison, Jr., Caruthersville, Mo., $31,044.
B.F.W. Grain Co., Inc., Kress, Texas, $31,043.
Summers Bros., Sugar City Id., $31,035.
Frank Ratliff, Jr., Seminole, Tx., $31,030.
Lowrimore & Wood, Wasco, Ca., $31,022.
T. R. Pittman, Greenville Ms., $31,019.
Matt Nix, Jr., Sudan, Tx., $31,019.
Clark Farms, % Asa Clark, Pullman, Wa., $31,012.
Jackson W. Smith, Inc., St. John, Wa., $31,007.
Chas. E. Slaughter Farms, Tipton, Ca., $31,007.
Warner, Hereford Farm, Waverly, Ne., $31,000.
Doyl Underwood, Dimmitt, Tx., $30,998.
O. D. Brackin, Tuscumbia, Al., $30,997.
L. V. Moore, Tanner, Al., $30,989.
R. J. Jones, Mathews, Ga., $30,986.
James Ernest Franklin Stanton, Tx., $30,984.
Gilbert A. Kaltwasser, Farwell, Texas, $30,978.
W. M. Staniforth, South Plains, Texas, $30,974.
Garnand and Thornton, Wetumpka, Al., $30,963.
W. P. Romero, Bakersfield, Ca., $30,963.
Allen B. Griffin, Brawley, Ca., $30,960.
Wayne Ray, Casa Grande, Az., $30,959.
Vester Smith, Loop, Tx., $30,954.
John C. Smith, Jr., Somerton, Az., $30,953.
Chocolate Flats Farm Co., Verhalen, Tx., $30,952.
J. & V. Aguzzi, Cleveland, Ms., $30,947.
Thelma L. Warman, Alden, Ia., $30,946.
T.R. Cole & Sons, Pascola, Mo., $30,945.
Richard Russell, Jonestown, Ms., $30,942.
Ossie T. Spradley, Jr., Pinehurst, Ga., $30,940.
Jack K. Stephens, Petersburg, Tx., $30,939.
Don Hart, Gruver, Texas, $30,936.
Rogers & Rogers, Eloy, Az., $30,934.
Thomas E. McHugh, Orrville, Al., $30,933.
William Charlie Faulkenberry, Seagraves, Tx., $30,931.
Raymond Thomas Downey, Stratton, Co., $30,930.
Gwinn F. Rice, Hill City, Id., $30,927.
Wilbur L. Bryant, Hartley, Texas, $30,926.
A. O. French, Pickens, Ark., $30,922.
Mann Farms, Inc., Marianna, Ar., $30,921.
J. R. Dockery, Cleveland, Ms., $30,921.
J. W. Stowers, Inverness, Ms., $30,917
Higginbotham Brothers, Hartline, Wa., $30,912.
C. L. Eubanks & Sons, Proctor, Ark., $30,909.
Do-Bar Farms, Casa Grande, Az., $30,908.
John C. Miller, Friona, Texas, $30,906.
Don Boggan, Alice, Tex., $30,897.
J. Weldon Martin, Tahoka, Texas, $30,893.
Daniel Pustejovsky, Hillsboro, Tx., $30,892.
Harvey Lauritzen, Tulare, Ca., $30,890.
Welborn & Welborn, Princeton, Tx., $30,889.
E. Earl Pryor, Condon, Or., $30,886.
J. E. Knight, Friona, Texas, $30,885.
Earl M. James, Plainview, Tx., 30,884.
Crawford Brothers, Isola, Ms., $30,887.
Vernon G. Kropp, Est., Winfield, Ks., $30,875.
Leland Holder, Osakis, Mn., $30,874.
I. L. Henry, Darling, Ms., $30,873.
Chesterfield Crisp, Marvell, Ar, $30,872.
John Jay James, Darlington, S.C., $30,871.
Leon Callaham, Althiemer, Ar., $30,868.
H. T. Bonds Sons, Inc., Lepanto, Ar., $30,866.
Lacy Meek, Dumas, Tx., $30,866.
James Norris, Lake Arthur, N.M., $30,866.
J. Walter Whisenhunt, Orangeburg, S.C., $30,865.
Centennial Valley Farms, Buckeye, Az., $30,864.

Cashman Nurseries, Inc., Owatonna, Minn., $30,863.
Orville Schwarting, Gordon Ne., $30,860.
Stuart Shadel, Jr., Avalon, Wi., $30,859.
C. S. Sandhu, Calipatria, Ca., $30,855.
Jim R. Daniel, Friona, Texas, $30,855.
Max Engler, Jr., Holcomb, Ks., $30,850.
Edward P. Vieh, Hollandale, Ms., $30,849.
Central Farms, Delano, Calif., $30,849.
Dwain F. Woody, Lovington, NM., $30,840.
J. E. Beasley, Van Horn, Tx., $30,837.
J. X. Bettencourt, Tipton, Ca., $30,835.
H. Dudley Storey, Jr., Cotulla, Tx., $30,834.
Dees Brothers, Kremlin, Mt., $30,833.
Rossie P. Hughes, Neeses, SC., $30,830.
Rala Singh, Glendale, Az., $30,826.
Gareth J. McFadden, Goodland, Ks., $30,820.
A. L. King, Jr., Vance, Ms., $30,815.
Martin Wood, Snow Lake, Ar., $30,812.
John H. Ricke, Williams, Ia., $30,808.
L. and Wagner Co., Schuyler, Ne., $30,802.
Eugene Gilly, Floydada, Texas, $30,800.
Homer L. McLeod, Roscoe, Tx., $30,799.
Alvin McNair, Bishop, Tx., $30,798.
Cecil Obrate, Ingalls, Ks., $30,797.
Howard Carpenter, Moscow, Tn., $30,795.
Claud Buford, Forrest City, Ar., $30,792.
John D. Ferguson, Hamlin, Tx., $30,789.
A. Preston Morris, Colorado City, Tx., $30,786.
B. H. Bass, Jr., Clarksdale, Ms., $30,783.
Thomas Legred and Sons, Bricelyn, Mn., $30,783.
S. J. Young, Plainview, Tx., $30,783.
J. E. Robinette, Casa Grande, Az., $30,780.
Dundee Cement Co., Clarksville, Md., $80,775.
W. D. Marlow III & Son, Ruleville, Ms., $30,771.
Vernon Amick, Letcher, SD., $30,770.
Williams Est., Anthony, Ks., $30,762.
H. J. Lee & Sons, Inc., McAlister, NM., $30,762.
Edward C. Culley, Mt. Vernon, In., $30,760.
R. C. Rice, Harrison, Mt., $30,657.
Wesson Farms, Chowchilla, Ca., $30,754.
Claude R. Gholson, Silver City, Ms., $30,754.
Holman O. Connor, Ransmvle, N.Y., $30,753.
Precie Farms, McFarland, Ca., $30,748.
Franna Farms, Corcoran, Ca., $30,744.
James Welch, Dimmitt, Tx., $30,739.
Ernest Wilmeth, Spearman, Texas, $30,734.
Alton Billings, Seagraves, Tx., $30,733.
Black Cat Pltg. Co., Cruger, Ms. $30,733.
Harlan L. Barber, Hereford, Tx., $30,730.
Jack Abbott, Harlingen, Tx., $30,724.
R. C. Goree, Coolidge, Az., $30,724.
Grady W. Sorley, Bovina, Texas, $30,722.
J. T. Ward, Evergreen, Al., $30,722.
Robert M. Gambrell, Talladega, Al., $30,719.
J. D. Upshaw, Louise, Ms., $30,719.
John W. Berger, Stinnett, Tx., $30,718.
Doris Pltn., Lake Providence, La., $30,718.
Garland Wisby, Roll, Az., $30,717.
James H. Gay, Portland, Ar., $30,716.
Stuber Ranch, Bowman, N.D., $30,715.
Fritz Kuhn, Jr., El Centro, Ca., $30,714.
M. M. Crisp, Elaine, Ar., $30,711.
Walter S. Carter, Levelland, Tx., $30,711.
Charles Carpenter, Amherst, Tx., $30,711.
Hertis Baber, Randlett, Ok., $30,705.
Wayne Briscoe, Red Banks, Ms., $30,704.
C. Morris Anderson, Minot, N.D., $30,704.
James E. McMullen, Mansfield, La., $30,703.
Oliver Baker & Oliver, Providence, La., $30,701.
Jarrott Ranch, Firebaugh, Ca., $30,699.
Markarian Farms, Fresno, Ca., $30,698.
B. M. Farmer, Knox City, Tx., $30,698.
Donald Bowman, Belt. Mt., $30,697.
Leon Jackson, Phoenix, Az., $30,695.
William L. Goza, Lewisville. Ar., $30,693.
T. W. Harris, Cary Ms., $30,679.
J. A. Hill, Marvell, Ar., $30,678.
Parten Farms, Inc., Marianna, Ar., $30,673.
Black Land Farms, Inc., Eloy, Az., $30,670.
Galbraith Brothers, Tipton, Ca., $30,657.
Don Harmon, Clovis, N.M., $30,652.
A. W. Byrd, Loop, Tx., $30,651.
Schwerin Farms, Inc., Walla Walla, Wa., $30,644.
Joe Bickman, Peoria, Az., $30,639.
C. A. Winn, Brownfield, Tx., $30,634.
James Chappell Hurst, Chesterfield, S.C., $30,634.
Lane K. Goar, Clovis, N.M., $30,633.
Norman V. Hughes, Mgr., Rowesville, S.C., $30,624.
Foundation Farm, Inc., Walla Walla, Wa., $30,623.
John W. Scott, Gilby, N.D., $30,623.
James H. Warnken, Dalhart, Tx., $30,619.
Fred Jackson, Floydada, Tx., $30,617.
Leo Langton, Southam, N.D., $30,617.
E. L. Tyner, Donna, Tex., $30,611.
Allen Kellum, Silverton, Texas, $30,610.
Jim S. Folk, Tallulah, La., $30,606.
White & Witt, Prospect Tn., $30,600.
Melvin Pearson, Lake Arthur, NM., $30,600.
Henry J. Kuper, Summerfield, Tx., $30,599.
Jim Obriant, Rotan, Tx., $30,599.
Arlis Motley, Hollis, Ok., $30,598.
H. W. Campbell, Frederick, Ok., $30,596.
Elbert C. White, Jr., Whiteface, Tx., $30,590.
Bollinger Bros., Hulbert, Ark., $30,589.
Brady Lowe, Lubbock, Tx., $30,588.
D. W. Bawcom, Littlefield, Tx., $30,587.
Schlabs Farms, Inc., Hereford Tx., $30,586.
W. S. Poole Estate, Plainview, Tx., $30,585.
John G. Burgwyn, Jackson, N.C., $30,584.
Albert J. Skalka, Sr., Deweese, Ne., $30,584.
Wm. H. Deane, III, Sikeston, Mo., $30,584.
Clyburn Bros. and Son, Bishopville, S.C., $30,584.
Roy M. Wood, Farley, N.M., $30,583.
Earl Carroll, Gilbert, La., $30,582.
Jim J. Hobgood, Anton, Tx., $30,581.
George H. Ellis, Reardon, Wa., $30,578.
Anderson Reed, Pinehurst, Ga., $30,573.
Don Macmillan, Tipton, Ca., $30,573.
Kirby B. Clawson, Satanta, Ks., $30,572.
Leon Koebrick, Charles City, Ia., $30,571.
Robert Schoon, Wheatfield, In., $30,570.
Wooten-Epes Company, Helena, Ar., $30,570.
Don Cannon, Hale Center, Tx., $30,566.
L. L. Ray, Hale Center, Tx., $30,564.
Sam Clinkscales, Blakely, Ga., $30,555.
Bob Moffatt, Lamesa, Tx., $30,551.
Martin Bustad, Austin, Minn., $30,551.
Odes Perry, England, Ar., $30,551.
Wolf Bros & Reich, Albion, Ne., $30,549.
Davis Bros., Braden, Tenn., $30,539.
Thomas R. Stricklin, Sartartia, Ms., 30,532.
Gilmer Plantation, Columbus, Ms., $30,525.
Dayton, Kolstad, Ledger, Mt., $30,524.
Adolph Hill, Hooker, Ok., $30,524.
Amos Margosian, Cutler, Ca., $30,524.
E. & E. Farms Inc., Lamesa, Tx., $30,522.
Dalton Taylor, Gunnison, Ms., $30,519.
E. L. Hatcher, Lamar, Co., $30,512.
Eddie Wallace, Littlefield, Tx., $30,512.
Baert Bros. C./O. F. Baret, St. Charles, Il., $30,505
Herbert L. Williams, Roscoe Tx., $30,505.
Dowson Bros. A. Ptrp, Divernon, Il., $30,505.
Henry C. Boone, Jr., Lecompte, La., $30,504.
Dan W. Berger, Vega, Tx., $30,504.
H. L. Harper, Montrose, Ga., $30,503.
Parks Place, Inc., Shelby, Ms., $30,501.
Albert C. Henderson, Shallowater, Tx., $30,497.
E. L. Nerren, Isola, Ms., $30,493.
James O. Taylor, Caruthersville, Mo., $30,492.
Jack Edwards, Inc, Montrose, Ar., $30,491.
S. C. Cadwell, Chauncey, Ga., $30,488.
Maddux Cattle Co., Wauneta, Ne., $30,487.
Gilbert E. Wenner, Friona, Texas, $30,487.
Sam Hoover, Levelland, Tx., $30,485.
A. S. Nichols, Vaughan, Ms., $30,480.
Carl E. Ratliff, Lubbock, Tx., $30,480.
Jack T. Clift, Madison, Al., $30,477.
Walter G. Russell, Amarillo, Tx., $30,477.
Woods Bros. & Ells., Fairfield, Ne., $30,475.
B. H. Cobb, Lambert, Ms., $30,473.
Don Eisner, Strathmore, Ca., $30,465.
R. L. Tullis, Hale Center, Tx., $30,463.
Roy Blahosky, Pecos, Tx., $30,457.
Triumph Farms, Merigold, Ms., $30,453.
John Fornes, Buckeye, Az., $30,446.
W. D. Brady, Dodge City, Ks., $30,446.
Eugene Rundell, Lamar, Co., $30,441.
Ben Curutchet, Chowchilla, Ca., $30,441.
W. B. Jones, Anton, Tx., $30,438.
Charles Capps, England, Ar., $30,435.
Wm. Stretesky, Julesburg, Co., $30,433.
Willis Glinz, Newburg, Nd., $30,428.
Jay A. Hoffman, Tribune, Ks., $30,423.
J. F. Gibbs, Ashburn, Ga., $30,423.
Herbert Johnson, Bonita, La., $30,422.
C. T. Stanford, Skene, Ms., $30,420.
Frank Sam Loria, Hearne, Tx., $30,418.
Kenneth Davies, Slaton, Texas, $30,412.
R. L. Nance, Jr., Dixie, La., $30,412.
J. L. Helm, Forney, Tx., $30,412.
Raymond Jarvis, Stinett, Texas, $30,412.
Fred Sherry, Prescott, Wa., $30,410.
Bill Treadway, Lamesa, Tx., $30,410.
R. L. Warren, Tahoka, Texas, $30,406.
W. Clayton Sellers, Ralls, Tx., $30,404.
W. R. Johns, Jr., Allendale, S.C., $30,402.
John P. Pelegrin, Stovall, Ms., $30,401.
Ellis Evans, Marianna, Ar., $30,399.
George Andrew, Madera, Ca., $30,395.
A. R. McGuire, Muleshoe, Tx., $30,392.
Sweetwater Feeders, Brawley, Ca., $30,391.
Marvin D. Johnson, Greensboro, Al., $30,390.
Mueller, Inc., Deerfield, Mi., $30,390.
Robert A. Brogoitti, La Grande, Or., $30,389.
Arnold Ratheal, Crosbyton, Tex., $30,388.
Henry T. Everett, Summerton, S.C., $30,385.
Dale M. Coleman, Dumas, Tx., $30,384.
Mac Houston, Abernathy, Tx., $30,383.
William E. Whitfill, Lockney, Texas, $30,379.
Holmes Cattle Co., Plains, Ks., $30,379.
Claude Johnson & Son, Dalhart, Tx., $30,-370.
Gunther & Shirley, Yuma, Az., $30,368.
G. C. Cattle Co., Inc., Brownfield, Tx., $30,365.
Norman Brown, Duncan, Ms., $30,359.
Paul Grosswiler, Kalispell, Mt., $30,353.
Carl Pamplin, Portland, Ar., $30,350.
Sid Capshaw, Idalou, Tx., $30,349.
Leon Eschberger, Alice, Tex., $30,346.
Guy Tripp, Eastman, Ga., $30,346.
J. T. Mcendree, Springfield, Co., $30,345.
Fritz, Smith, Hereford, Tx., $30,345.
Buffington Agri. Ent., Chowchilla, Ca., $30,-345.
George Uthe, Madrid, Ia., $30,339.
Vernon G. Schultz, Booker, Tx., $30,339.
Tom Robinson, Hereford, Tx., $30,330.
Hiram W. Hill, Indianola, Ms., $30,318.
Bill W. Blackstock, Brownfield, Tx., $30,315.
F. H. Griffin, Clarkedale, Ark., $30,313.
Elmo & Ernest Chesney, Celina, Tx., $30,-312.
Margaret M. Norman, Cleveland, Ms., $30,-308.
Homer Jensen, Clarks Grove, Mn., $30,307.
Don Brinn, Blytheville, Ar., $30,305.
Cuming and Sons, Somerton, Az., $30,305.
Jordan Farms Partnership, Leary, Ga., $30,303.
Stimson Katterhenry Trust, Dumas, Ar., $30,299.
Avery Moore, Jr., Post, Tx., $30,291.
Horsecreek Farms, Hooker, Ak., $30,290.
Chet John and Sons, Glendale, Az., $30,290.
dale, Az., $30,290.
E. W. Sanford est., Lub., Tx., $30,289.
Jack Sherrod, Levelland, Tx., $30,288.
Delbert L. Devin, Tulia, Tx., $30,288.
Glenn Sipes., Manter, Ks., $30,288.
James and Tony Cortemelia, Hearne, Tx., $30,288.
Mary Lee Bridgforth, Vaughan, Ms., $30,284.
Clinton B. Halford, Childress, Tx., $30,284.
Alton Fraser, Hereford, Tx., $30,284.
Phil and H. D. Sibley, Somerton, Az., $30,277.
Dean Stanley, Tolleson, Az., $30,277.
Lloyd Hood, Levelland, Tx., $30,272.
Cook & Cook, Clarendon, Tx., $30,272.
Clifton Dodson, Dixie, La., $30,270.

S. J. Foose, Jr., Tchula, Ms., $30,266.
Harold R. Lott, Blackville, S.C., $30,266.
Buford Atkinson, Yazoo City, Ms., $30,261.
John & Herman Herres, Pomeroy, Wa., $30,260.
Magnolia Lane Farm, c/o T. T. Traywick, Cope, SC, $30,260.
Gustave Dencker, Eva, Ok., $30,259.
Gilkey Farms Delta, Corcoran, Ca., $30,258.
John Fury, Grady, NM, $30,251.
Jerry B. Keith, Sunray, Tx., $30,249.
Dalton Redman, Morton, Tx., $30,247.
Claudie A. Matney, Matador, Tx., $30,246.
Clark Bros., Tulare, Ca., $30,242.
Rickenbacker and Sconyers, Summerton, SC, $30,239.
Mrs. N. A. Brown & Sons, Friona, Tx., $30,231.
D. C. Conn, Tchula, Ms., $30,230.
Lorwood Plantation, Parma, Mo., $30,228.
Lloyd Stolworthy, Inc., Idaho Falls, Id., $30,217.
Gerawan & Penner Ranches, Inc., Reedly, Ca., $30,215.
C. Alex Abatti, Heber, Ca., $30,211.
M. D. Martin, Blackville, SC, $30,203.
W. H. Waldrip, Lake Arthur, NM., $30,194.
George Douglas McCartha, Jr., Tallassee, Al., $30,194.
Skylane Farms Corp., Wasco, Ca., $30,190.
R. and J. Gumz Farms, Inc., North Judson, In., $30,188.
William E. Carr, Jr., Levelland, Tx., $30,188.
J. G. Hawkins, Knox City, Tx., $30,186.
Deanie Henderson, Silverton, Tx., $30,184.
Fox & Williams Fms., Shafter, Ca., $30,184.
Jimmie H. Boggess, Coy, Ar., $30,182.
Frank C. McDaniel, Dalhart, Tx., $30,179.
Cecil B. Helms, Levelland, Tx., $30,178.
W. H. Drawe, Mercedes, Tx., $30,177.
Bill Rich, Kress, Tx., $30,169.
Rex T. Lyle, Ritzville, Wa., $30,166.
Louis Corpora, Marlin, Tx., $30,166.
Elwyn Lyle, Cunningham, Wa., $30,166.
Clinton Fortenberry, Transylvania, La., $30,165.
J. C. Price, Hereford, Tx., $30,162.
Vaucluse Pltn., Vidalia, La., $30,155.
Virgil W. Massingill, Coyanosa, Tx., $30,-152.
Norway Plantation, Yazoo City, Ms., $30,-149.
Gene Kagele, Ritzville, Wa., $30,145.
C. C. Perkins, Plains, Tx., $30,144.
G. H. Frazier, Austwell, Tx., $30,143.
Sidney Branch, Winona, Ms., $30,140.
Sewell Brothers, Leesburg, Al., $30,140.
Moody Neeley, Lamesa, Tx., $30,136.
Oscar Lowrey, Tahoka, Tx., $30,133.
Donald Hicks, Hereford, Tx., $30,131.
Harlan Black, Coyanosa, Tx., $30,130.
James McDaniel, Plainview, Tx., $30,126.
C. E. Moore, Emporia, Va., $30,125.
Adolph Pirani, Marion, Ar., $30,119.
Neil Durham, Scottsville, Ks., $30,117.
Joe M. Scott, Dimmitt, Tx., $30,116.
Ray Black, Lake Village, Ar., $30,112.
W. M. Bevly, Corpus Christi, Tx., $30,112.
R. R. McNeil, Brownfield, Tx., $30,109.
Russell Hunt, Ephrata, Wa., $30,109.
Albert M. Fischbacher, Jr., Canyon, Tx., $30,108.
Harold D. Moore, Wildorado, Tx., $30,107.
Cheatham Dairy, Inc., Laveen, Az., $30,101.
Earl Dean Williams, Widener, Ar., $30,101.
Valjon Trst., El Centro, Ca., $30,098.
Bryce Grant, Manila, Ar., $30,091.
Hugh J. Hermes, Sterling, Ill., $30,091.
G. Swift, Est., Las Animas, Co., $30,089.
V. Rottler et al., Greene, Ia., $30,088.
George Dawson, New Madrid, Mo., $30,085.
Marvin W. Dugan, Greeley, Ne., $30,079.
Daniel B. Heard, Littlefield, Tx., $30,072.
Dell Aringa Bros., Stockton, Ca., $30,072.
Rufus Dill, Brownfield, Tx., $30,071.
Edgar Schieler & Sons, Terra Bella, Ca., $30,061.
Ernest L. Ayala, Brawley, Ca., $30,060.
W. Lewis Scoggin, Muleshoe, Tx., $30,057.
E. E. and D. T. Jones, Gunnison, Ms., $30,056.
B. A. Marley, Sumner, Ms., $30,055.
Wm. A. Carter, Hereford, Tx., $30,050.
Waymon Mitchell, Clovis, N.M., $30,048.
Douglas Kauffman, Levelland, Tx., $30,046.
Walter Isgrig, Little Rock, Ar., $30,046.
J. B. McCray, Panhandle, Tx., $30,045.
Billy J. Dodd, Melrose, N.M., $30,044.
Ray T. Taylor, Kerrick, Tx., $30,040.
Ralph Spurgeon, Jr., Cliftonville, Ms., $30,031.
George Gray, Carter, Mt., $30,029.
Flo-Wal Farms, Inc., DeWitt, Ne., $30,026.
C. S. Bramble and Sons, Glasgow, Mo., $30,022.
Bill W. Carthel, Friona, Tx., $30,022.
R. D. Nix, Sudan, Tx., $30,022.
Ross and Thompson, Plainview, Tx., $30,022.
Richard D. Friemel, Canyon, Tx., $30,020.
James L. Dixon, Benton, Ms., $30,014.
J. Melvin Asberry, Groom, Tx., $30,012.
Herschel Blankenship, Plainview, Tx., $30,010.
William L. Lee, Friona, Tx., $30,006.
Bell & Bell, Inc., Rockford, Wa., $30,005.
Wood & Wood, Wellington, Tx., $29,999.
W. J. Sumrall, Cleveland, Ms., $29,997.
Alfred McWilliams, Aredale, Ia., $29,997.
Hammons Farms, Inc., Forrest City, Ar., $29,996.
Marcus, Crow, Seminole, Tx., $29,993.
J. L. Whitaker, Gruver, Tx., $29,989.
Clyde Simpson, Las Cruces, N.M., $29.987.
Willis Leinart, Walthill, Ne., $29,985.
J. C. Oswald, Allendale, S.C., $29,982.
Weil Company, Inc., Alexandria, La., $29,981.
Davisdale Farms, Boonville, Mo., $29,981.
Samuel F. Brewer, Moultrie, Ga., $29,979.
Joe & Willie Bramucci, Earle, Ark., $29,976.
Delton W. Hubert, Monument, Ks., $29,976.
C. Leslie Williams, Blackfoot, Id., $29,970.
Marshall G. Nevill, McCamey, Tx., $29,967.
Seth Orr, Hillsboro, Tx., $29,965.
Odell Williams, Ripley, Tn., $29,961.
Sam Crowder, Memphis, Tenn., $29,961.
McGregor Farms, Inc., Lewiston, Id., $29,-958.
J. E. Dedford, Duncan, Ms., $29,958.
Wilfred Thorn, Dayton, Wa., $29,953.
Sutter Basin Corp., Robbins, Ca., $29,956.
J. W. Cocke, Holly Springs, Ms., $29,953.
Clayton Tinney, Altus, Ok., $29,947.
Morris B. Stewart, Fort Benton, Mt., $29,-946.
Edith Tyner, Donna, Tex., $29,944.
H. J. Turin, Odebolt, Ia., $29,934.
John R. Green, Lorenzo, Tx., $29,924.
J. B. Cooper, Jr., Roscoe, Tx., $29,922.
Mickey Walding, Bradley, Ar., $29,922.
Richard Clark, West Lebanon, In., $29,916.
Albert C. Randall, Edna, Tx., $29,914.
G. C. Messenger, Boyce, La., $29,908.
Marvin Luellen, Mooreland, In., $29,906.
Harry Howard, Warren, Mn., $29,906.
Bobby Harper, Trenton, Tn., $29,905.
Travis Jones, Floydada, Tx., $29,905.
L. J. Larry, Danville, Il., $29,904.
Albert Hall, Holcomb, Mo., $29,903.
Robert D. Martin, Clovis, N.M., $29,900.
Noah Lemley, Brownfield, Tx., $29,899.
Ben Gay, Inc., Brush, Co., $29,897.
W. W. West Co., Wabbaseka, Ar., $29,895.
J. R. Terrell, Ralls, Tx., $29,892.
John E. Epple, Roggen, Co., $29,892.
Harold Decker, McAllen, Tx., $29,890.
Henry C. Quick, Jr., Dillon, S.C., $29,888.
Eddie Zaloudek, Kremlin, Ok., $29,888.
Megna and Riley, Abernathy, Tx., $29,886.
H. H. Farley, Rossville, Tenn., $29,885.
C. L. Mason, Post, Tx., $29,883.
Gerald F. Ryan, Goodhue, Mn., $29,882.
Alton Malone, Mercedes, Tx., $29,879.
Olen L. Yocom, Tucumcari, N.M., $29,878.
Jack Herrin, Lamar, Co., $29,874.
Garn Holbrook, Lehi, Ut., $29,872.
James P. & Michael J. Casey, Brawley, Ca., $29,868.
Loveless Farms, Inc., Elaine, Ar., $29,866.
Evco Farms, Inc. Synd., Marana, Az., $29,865.
Bennie W. Wilde, Ballinger, Tx., $29,865.
Dorothy S. Linnebur, Roggen, Co., $29,856.
C. R. Woodham, Bishopville, S.C., $29,852.
R. M. Hume, Tolleson, Az., $29,851.
Carl A. Williams, Madison, Al., $29,850.
Luella B. Hyde & Sons, Visalia, Ca., $29,849.
Carl Vestal, Quanah, Tex., $29,846.
Cold Springs Farm, Newton, Ut., $29,846.
Walter M. Doyle, Hastings, Ia., $29,844.
Taylor & Gee, Spearman, Tex., $29,838.
Mrs. J. S. McBeth, Hale Center, Tex., $29,837.
Bob Velgel, Hereford, Tex., $29,833.
Walter D. Howard, Jr., Texico, N.M., $29.824.
Miller Brothers, Gildford, Mt., $29,823.
O. K. Weeks and Son, Somerton, Az., $29,820.
W. D. Simmons, Indianola, Ms., $29,820.
Neely Robley, Denmark, Tn., $29,818.
Correll Farms, Inc., Calipatria, Ca., $29,817.
Schuster Farms, Inc., El Paso, Tex., $29,814.
Wesley Davis, Hale Center, Tex., $29,811.
Roy W. Barnes, Pharr, Tex., $29,806.
J. A. Barrett, Cruger, Ms., $29,805.
W. D. Mills, Loop, Tex., $29,804.
Pilar Cabrera, Brownsville, Tex., $29,803.
Carl T. Harkins, Cleveland, Ms., $29,800.
Monroe Bros., Sunray, Tex., $29,799.
James Thigpen, Lake Arthur, N.M., $29,797.
W. T. Smoot, Jr., Amarillo, Tex., $29,792.
Wesley A. Schumacher, Plainview, Tex., $29,792.
Lloyd G. Payne, Jr., Harlington, Tex., $29,788.
J. D. Myrick, Hart, Tex., $29,788.
John J. Pond, Shandon, Ca., $29,785.
Arthur C. Wilks, Burlington, Co., $29,784.
Pradera Del Lago, Tipton, Ca., $29,781.
L. H. Freeman, Elsa, Tex., $29,777.
Gene Wingfield, Steele, Mo., $29,774.
Dan Branco, Chowchilla, Ca., $29,774.
Flowers & Parker, Tunica, Ms., $29,772.
Ralph Mains, Mabton, Wa., $29,772.
Milton E. & Monica C. Wentz, Brownsville, Tx., $29,771.
Melvin Moore and Sons, Kahlotus, Wa., $29,776.
Joseph Kejr Test Tr No. 2B, Woodrow, Co., $29,776.
Miller, Bros., Ruleville, Ms., $29,765.
W. W. Hubbard & Sons, Inc., Bonners Ferry, Id., $29,763.
J. S. & Quinn McManus, Weslaco, Tex., $29,763.
W. M. Bevly, Jr., Cor Chr, Tx., $29,761.
Raymond T. Kingsfield, Tarzan, Tx., $29,-759.
Elbert Watts, Wellington, Tx., $29,758.
Marvin A. Schwarz, Mercedes, Tx., $29,758.
Olen Lane, Van Horn, Tx., $29,748.
W. V. Moore, Oakland, Ms., $29,746.
Arthur B. Williams, Ulysses, Ks., $29,739.
Pete Romanini, Fms. Buttonwillow, Ca., $29,734.
Frank C. Bury, Bakersfield, Ca., $29,732.
Wesley Neinast, Littlefield, Tx., $29,730.
Allen Est. & T. G. Powell, Clarksdale, Ms., $29,728.
Billy G. Moore, Dalhart, Tx., $29,725.
Felder Farms, Inc., Summerton, S.C., $29,-718.
George L. Floyd, Munday, Tx., $29,717.
Tempel Farms, Wadsworth, Il., $29,713.
Huson Brim, Sasser, Ga., $29,710.
A. Emmet Pittman, Kress, Tx., $29,709.
Tony Joe Varisco, Bryan, Tx., $29,696.
Everett Jones, Flintville, Tn., $29,696.
Jack Robertson, Plainview, Tx., $29,690.
Cuming Farms, Inc., Somerton, Az., $29,688.
John W. Baughman Trust Est., Liberal, Ks., $29,688.
Max Phillips, Greenville, Ms., $29,687.
Pleasant Valley Farm & Ranch, Mullinville, Ks., $29,686.
Grover C. Lawson, Jr., Athens, Al., $29,686.
Kenneth Walker, Amarillo, Tx., $29,685.
Claude Arnold, Santa Margarita, Ca., $29,-683.
Beck & Sons, Delano, Ca., $29,681.
W. H. Simpson, Floydada, Tx., $29,680.
Ross Elliott, Happy, Tx., $29,680.

Jewell Pearson, Perryton, Tx., $29,680.
Michael Sons, Urbana, Ohio, $29,678.
Roger Beldon, Madera, Ca., $29,672.
Charles C. Bowles, Calipatria, Ca., $29,668.
Jimmy J. Wallace, Clovis, N.M., $29,663.
Jack W. Perry & Co., Inc., Tunica, Ms., $29,662.
James A. Minter III, Tyler, Al., $29,661.
Dudley Bailey, Cloxis, N.M., $29,661.
N & N Farms, Inc., Terre Haute, In., $29,660.
B and V. Pieroni, Lake Village, Ar., $29,659.
B. L. Anderson, Sr., Ralls, Tx., $29,655.
James R. Wilson, Dalhart, Tex., $29,654.
E. O. Feagley, Littlefield, Tx., $29,653.
M. L. and W. M. Payne, Lamont, Ms., $29,651.
Koenig Aviation, Inc., Casa Grande, Az., $29,647.
Marion Swindler, Mott, N.D., $29,646.
Martin Farms, Inc., Yazoo City, Ms., $29,645.
Albertus Larson, Stromsburg, Ne., $29,645.
George H. Willis, Jr., Petersburg, Tex., $29,637.
Carl E. & George W. Mielke, Davenport, Wa., $29,630.
John E. Hair, Walla Walla, Wa., $29,630.
Wienke Bros., Idalou, Tx., $29,628.
Maley Land & Livestock Co., Thronton, Wa., $29,627.
Pearlie Lee, Billings, Mt., $29,627.
A. D. Reed, Ackerly, Tx., $29,626.
Pulltight Farms, East Prairie, Mo., $29,619.
Charles E. Bridewell, Montrose, Ar., $29,618.
H. J. McMillian, Mattson, Ms., $29,618.
Earl Vernon Hightower, Lamesa, Tx., $29,611.
Burnett Bros., Coalinga, Ca., $29,611.
Gries Seed Farms, Fremont, Oh., $29,611.
Hixon Guest, Oglethorpe, Ga., $29,610.
W. V. Struve, Hereford, Tx., $29,607.
Wier Bros., Greenwood, Ms., $29,605.
Don Joyner, Fieldton, Tx., $29,603.
George Smith, Whiteface, Tex., $29,600.
W. T. Pearson, Tyronza, Ar., $29,599.
Loren Warwick, Conrad, Mt., $29,596.
John E. Elsensohn, Pomeroy, Wa., $29,594.
Glenn and Sam Pfenning, ptnrs., Hobart, Ok., $29,589.
Glen Wagner, Vega, Tx., $29,581.
Sam Mariani, Ca., $29,579.
Ira F. Twist, Twist, Ar., $29,576.
Elmer Lewis, Olton, Tx., $29,575.
Roland Cross, Courtland, Al., $29,574.
Nichols Farms, Buckeye, Az., $29,573.
John Payne, Florence, Az., $29,572.
H. C. Wear, Tribune, Ks., $29,570.
W. C. Eubanks, Maple, Tx., $29,570.
W. L. Dickinson, Keytesville, Mo., $29,569.
W. H. Narrell, Loraine, Tx., $29,568.
L. E. Littlefield, Ralls, Tx., $29,568.
J. W. Easland and Son Inc., Gaylord, Mn., $29,567.
Haer Farms, Craig, Mo., $29,566.
Paul Melton, Stover, Ms., $29,565.
A. P. Childers, Muleshoe, Tx., $29,561.
Don Marble, South Plains, Texas, $29,559.
E. Brooke Lee, Damascus, Md., $29,556.
Wellman Farms Inc., La Porte City, Ia., $29,554.
Jeff Marsh & Sons, Sondheimer, La., $29,-554.
Vernon E. Eberhart, Deerfield, Ks., $29,553.
Marshall C. Huffman, Atoka, Tn., $29,551.
Geo. Noroian, Bksfld, Ca., $29,548.
J. M. Brown Pltg. Co., Leland, Ms., $29,541.
Melton Brothers, Inc., Tutwiler, Ms., $29,536.
Metz Rowe, Saragosa, Texas, $29,535.
Ivan L. Block, Hereford, Tx., $29,532.
Porter W. Carswell, Waynesboro, Ga., $29,528.
Grady Abernathy, Toney, Al., $29,528.
Sam B. Parham, Lamesa, Tx., $29,521.
Floyd Martin, Tarzan, Tx., $29,516.
H. W. Pierpoint, Yates Center, Ks., $29,515.
Vernon Harris,, Spur, Tex., $29,515.
Milton Vaughan, Blair, Ok., $29,513.
Bennie Newbill, Wildorado, Tx., $29,513.
Tom P. Moore, Jr., Vivian, La., $29,512.
F. Serrano, Legrand, Ca., $29,512.
Tillar & Co., Tillar, Ar., $29,511.
Raymon Hall, Morton, Tx., $29,509.
Royce Turner, Muleshoe, Tx., $29,508.
M. L. Rockwell, Wasco, Ca., $29,506.
Nichols & Wood, Coalinga, Ca., $29,504.
A. L. Parker, Montrose, Ga., $29,500.
Hancock Land Co., Warsaw, Il., $29,499.
James L. Sears, Pecos, Texas, $29,498.
Austin E. Anderson, Burlison, Tn., $29,497.
Robert J. Hayden, Goodland, Ks., $29,490.
Rainbow Ranches, Scottsdale, Az., $29,489.
Frank Destefano, Hearne, Tx., $29,482.
Ben Perrone, Hearne, Tx., $29,482.
Cehrry Creek Farm, Balmorhea, Tx., $29,481.
New Miami Coloney, Pendroy, Mt., $29,477.
Crawford Associated, Roswell, NM., $29,476.
Carl King, Dimmitt, Tx., $29,475.
Donald Christian, Farwell, Texas, $29,473.
R. C. Legrand, Coushatta, La., $29,470.
Dobesh Farms Inc., Wood River, Ne., $29,469.
Francis Tarum, Richland, Mt., $29,467.
Edwin Hendrickson, Cheyenne Wells, Co., $29,466.
Smith Brothers, Slaton, Tx., $29,465.
Edwin Chew, Imperial, Ca., $29,465.
Mark Knoop, Troy, Oh., $29,463.
C. D. Speer, Pixley, Ca., $29,462.
Rinehard Vogler, Seminole, Tx., $29,460.
Louis L. Welch, Friona, Texas, $29,457.
W. C. Passmore & Son, Clint, Tx., $29,456.
Wootan & Casey, Eloy, Az., $29,451.
James Buford Chambers, Ropesville, Tx., $29,447.
Andrew Sanders, Md. Bayou, Ms., $29,446.
Carter Farms, Carlsbad, NM., $29,443.
Edgar H. Cooper, Clovis, NM., $29,443.
Wales Ranches Inc., Queen Creek, Az., $29,443.
Wales Farms Inc., Queen Creek, Az., $29,443.
Rammell Brothers, Driggs, Il., $29,440.
W. R. Murrell, Gruver, Texas, $29,437.
Hillard Plantation, Lamont, Ms., $29,435.
Marion L. Russell, Garden City, Ks., $29,434.
C. A. Daugherty, Fluvanna, Texas, $29,433.
W. R. Nelson, Seagraves, Texas, $29,431.
M. J. Lake, Marianna, Ar., $29,430.
Jim Espy, Midland City, Al., $29,427.
Tom C. Lacey, Holly Springs, Ms., $29,426.
R. M. Jordan, Leary, Ga., $29,413.
Dahm Bros., Brawley, Ca., $29,410.
George Raabe, Marengo, Il., $29,405.
J. C. Mayo, Robstown, Tx., $29,400.
Geo Rohan, Panhandle, Tex., $29,399.
Jim Radle, Waco, Tx., $29,398.
Preston L. Lyda, Anton, Tx., $29,397.
James Sanderson, Springlake, Tx., $29,396.
Lawrence Miller, Holcomb, Ks., $29,395.
Gorringe Bros., Oakley, Id., $29,393.
Bruce W. Davis, Petersburg, Texas, $29,393.
Woodrow and Clark, Lordsburg, NM., $29,390.
Dan Wood, Sudan, Tx., $29,387.
James Gore, Sudan, Tx., $29,385.
F. D. Clayton, Earth, Tx., $29,385.
J. M. Russell, Jr., Holly Hill, S.C., $29,384.
Carlyle Whitworth, Batesville, Ms., $29,381.
Charles & Gayl Portwood Ptrs., Snyder, Ok., $29,376.
R. D. Jones, Jr., Brownfield, Tx., $29,375.
Jack Hattaway, Bluffton, Ga., $29,373.
Speck Bros., Frenchmans Bayou, Ar., $29,372.
W. W. Denton, III, Shelby, Ms., $29,366.
Ross Parkinson, Rexburg, Id., $29,365.
Don Sanders, Seagraves, Tx., $29,364.
Gerald Wright, Cassopolis, Mi., $29,360.
Geo. Ed Bennett, Hart, Tx., $29,359.
Wesley Webb, Abernathy, Tx., $29,355.
Green Valley Farms, Calipatria, Ca., $29,354.
Joe Keller, Blairsburg, Ia., $29,353.
Fred D. Bradshaw, Idalou, Tx., $29,350.
J. Calvin Rivers, Jr., Chesterfield, S.C., $29,346.
Eldred L. Mize, Crosbyton, Tx., $29,340.
Joe Barton, Hale Center, Tx., $29,338.
H. E. Harris, Taylorsville, Ga., $29,338.
Mary Inman Hipes, Amarillo, Tx., $29,334.
D. and S. Plant Co. Inc., Greenville, Ms., $29,327.
Herman Cockreham, Johnson, Ks., $29,327.
Sisk Farms, Inc., Marianna, Ar., $29,326.
R. F. Vandiver, New Market, Al., $29,324.
William L. White, Arapahoe, Co., $29,322.
Hans Nielson, Jackson, Mn., $29,322.
H. C. & H. C. Edens, Jr., Dalzell, S.C., $29,316.
G. Ray Sawyer, Hillsboro, Tx., $29,315.
Carl Boyd, Pullman, Wa., $29,313.
Bancroft Brothers, Power, Tx., $29,310.
Ryan Farms, East Grand Forks, Mn., $29,308.
Bill Moore, Seagrave, Tx., $29,307.
J. R. Briggs, Summerton, S.C., $29,295.
Luke Pryor, Tanner, Al., $29,290.
Leo M. Britten, Groom, Tx., $29,287.
Chas. E. Andrews, Dos Palos, Ca., $29,270.
John S. Williams, Pinehurst, Ga., $29,267.
Bilbo Pennington, Vance, Ms., $29,266.
M. A. Drewry, Edinburg, Tx., $29,265.
E. H. Tankersley, Jr., Obrien, Tx., $29,265.
Lamar Makamson, Sidon, Ms., $29,264.
Raymon Harris, McAdoo, Tx., $29,259.
Billy L. Marshall, Bovina, Tx., $29,258.
Ernest Pottorff, Stratton, Co., $29,254.
Braswell Farms, Shaw, Ms., $29,253.
Peter A. Farmer, Terre Haute, In., $29,252.
B. B. Pettit, Bloomingburg, Ohio, $29,248.
Warren McCulley, McFarland, Ca., $29,246.
Frank Schulte, Okarche, Ok., $29,244.
Joe Clark, Jr., Texico, N.M., $29,243.
F. C. Thompson, Shorter, Al., $29,237.
Jessie Russell, Itta Bena, Ms., $29,236.
Glendale Colony, Frankfort, S.D., $29,234.
Charles R. Cutler, Elsie, Ne., $29,231.
Lewis Reedy, Floydada, Tx., $29,226.
Dick Diehl, Stratford, Tx., $29,226.
R. W. McClure, Kress, Tx., $29,217.
James R. Davis, St. John, Wa., $29,216.
George Wade, Jr., Littlefield, Tx., $29,215.
Kenneth Ramsay, Waveland, In., $29,214.
Ed Wilkins, Tranquillity, Ca., $29,202.
Elzie Jones, Clovis, N.M., $29,199.
Buck Brinson, Millen, Ga., $29,197.
Rockdale Farms, Edwall, Wa., $29,194.
Joe Tarbet, Levelland, Tx., $29,190.
Lillie E. Mayfield, Sherman, Il., $29,186.
Rayphard Smithson, Dimmitt, Tx., $29,182.
W. Alex Hinson, Bville, S.C., $29,179.
Frank B. Seale, Bryan, Tx., $29,179.
Donal Akin, Petersburg, Tx., $29,165.
Neill Hodges, Andersonville, Ga., $29,164.
Quentin Rogers, Artesia, N.M., $29,162.
Draper and Sons, Tahka, Tx., $29,158.
Albert Day, Gunnison, Ms., $29,157.
Lineweaver Farms, Inverness, Mt., $29,155.
R. W. Byrd, Parkin, Ar., $29,152.
Patterson Bros., Merigold, Ms., $29,151.
Dewey E. Wells, Jr., Ralls, Tx., $29,148.
Robert Kirkland, Coolidge, Az., $29,147.
Sam Pendergrass, Arcola, Ms., $29,146.
Glenn Hillman, Seminole, Tx., $29,138.
Daley Enterprise, San Diego, Ca., $29,137.
Harley Bussanmas, Littlefield, Tx., $29,134.
G. L. Shepard, Oak Ridge, La., $29,131.
R. M. Hornor, Helena, Ar., $29,125.
Henry Hemphill, Leland, Ms., $29,121.
E. Herring Est., Amarillo, Tx., $29,121.
Telander Bros., Georgetown, Tx., $29,118.
Edward Trotter, Greenville, Ms., $29,118.
W. T. Dixon, Eudora, Ar., $29,116.
John Teixeira, Dos Palos, Ca., $29,115.
C. B. Shiflet, Collidge, Az., $29,114.
Fletcher Bros. Inc., Gruver, Tx., $29,113.
John J. Prigge, Ulysses, Ne., $29,112.
Jack Williams, Hereford, Tx., $29,109.
Ladell S. Wood, Buckeye, Az., $20,099.
Marion I. Vance, Tempe, Az., $29,095.
Ed Hall, Sublette, Ks., $29,093.
Marston G. Mars, Friona, Tx. $29,091.
Lee Selnes, Alvarado, Mn., $29,088.
G. Ivory Edlin, Channing, Tx., $29,087.
James C. Woods, Grady, Nm., $29,086.
J. A. Harris, Duncan, Ms., $29,084.
Clyde Whistle, Osceola, Ar., $29,084.
John F. Everett, Bennettsville, S.C., $29,084.
W. C. Handel & Sons Inc., Shafter, Ca., $29,081.
Richard E. Despain, Winona, Wa., $29,077.

Lowell Wier, Canton, Il., $29,072.
The Wolfe Co., Duncan, Ms., $29,068.
Ray Carter, Rule, Tex., $29,066.
Joe S. Campise, Bryan, Tx., $29,062.
Robert Andrews, Prosser, Wa., $29,062.
O. R. Collins, Jr., Belvidere, Tn., $29,060.
Dalton K. Caffey, Friona, Tx., $29,060.
E. P. Rainey & Sons, Tyronza, Ar., $29,058.
Y. B. Gore, Europe, Ms., $29,054.
D. T. Northcutt, Silverton, Tx. $29,052.
Bob Richter, Hannibal, Mo., $29,049.
Harold Storie, Silverton, Tx. $29,048.
Graham Brothers, Tulia, Tx., $29,045.
Jerry B. Barrier, Yazoo City, Ms., $29,043.
Lawrence Jamerson, Bovina, Tx. $29,041.
Mike Columbus, Harris, Ok., $29,040.
A. Bodeau and Sons, Wilbur, Wa., $29,040.
Louis S. Reimers, Carrington, Nd. $29,037.
Clarence E. Basinger, Southland, Tx. $29,035.
Fred P. Henderson, Ninety Six, S.C., $29,034.
C. J. Hammond, Itta Bena, Ms., $29,031.
C. E. Thetford, Lubbock, Texas, $29,024.
Hester Parker, Marked Tree, Ar., $29,023.
C. Valpredo, Bakersfield, Ca., $29,022.
Rose F. Denena, Hearne, Tx., $29,019.
Hubert Robertson, Indianola, Ms., $29,014.
John Raile, Edson, Ks., $29,013.
Kurt F. Ullman, Lancaster, Ca., $29,012.
Joe Paul Cobb, Clovis, NM, $29,010.
Wayne Van Duzer, Mason City, Ia., $29,010.
Howard H. Webb, Sinton, Tx., $29,008.
Charles E. Wright, Eloy, Az., $29,007.
Tommie Drake, Anderson, SC, $29,004.
Marion H. Carson, Bovina, Texas, $28,998.
Harold R. Clayton, Toppenish, Wa., $28,998.
Roy Lee Ellis, Crosbyton, Tx., $28,997.
Lauber Seed Farms, Geneva, Ne., $28,997.
Jack Barnes, Chandler, Az., $28,994.
Robert D. Williams, Glen Flora, Tx., $28,993.
Byron Gwyn, Muleshoe, Tx., $28,991.
John C. Lindsey, Sr., Caldwell, Ar., $28,982.
W. Frank Howell, Windom, Te., $28,980.
L. F. Campbell, Tulia, Tx., $28,979.
Eulan A. Parham, Muleshoe, Texas, $28,978.
Leon Crigler, Crenshaw, Ms., $28,977.
Bob Light, Collinsville, Tx., $28,972.
Earl Anderson, Anton, Co., $28,970.
Paul L. Gray, Holcomb, Ms., $28,969.
Ennis B. Tudor, Pecos, Tex., $28,968.
Wm. J. Bevis, Scott, Ar., $28,967.
Bill Lindamood, Tiptonville, Tenn., $28,966.
Fred Woodall, Eudora, Ar., $28,965.
E. C. Barnett, Marana, Az., $28,964.
Leigh Warner, Cimarron, Ks., $28,963.
F. O. Barnes, Coolidge, Az., $28,956.
Earl D. Lewis, Levelland, Tx., $28,954.
C. M. McMullen, Monroe, La., $28,953.
James Mooring, Tiptonville, Tenn., $28,953.
Artie Edlin, Waterford, Ms., $28,949.
Earl Patrick, Rayville, La., $28,944.
Delis Farms, Bakersfield, Ca., $28,940.
Fred A. Smith, Olton, Tx., $28,937.
H. E. Mowry, Levelland, Tx., $28,936.
Overholt Brothers, Pville, Ca., $28,933.
Gilbert J. Moore, Jr., Longview, Tx., $28,932.
Glenn D. Cummings, Dalhart, Tx., $28,932.
Russell C. Cummings, Dalhart, Tx., $28,932.
C. D. Brown & Sons, Inc., Hughes, Ar., $28-930.
J. M. Dellinger, Jr., Alice, Tx., $28,930.
J. C. Ribeiro & Sons, Tulare, Ca., $28,929.
J. T. Fullington, Unadilla, Ga., $28,929.
E. B. Mohr, Dallas, Tx., $28,925.
J. J. Griffin, McAdoo, Tx., $28,924.
H. R. Crosby, Pavo, Ga., $28,922.
L. C. Sanders, Hamilton, Ms., $28,922.
John Joe Kirchoff, Plainview, Tx., $28,921.
W. A. Dunaway and Son, Hollandale, Ms., $28,920.
Chester E. James, Kanorado, Ks., $28,920.
Joyce H. Gray, Guymon, Ok., $28,916.
Forrest L. Smith, Coolidge, Ks., $28,915.
Weldon Hammonds, Floydada, Tx., $28,907.
G. Taylor & T. Fortenberry, Lockney, Tx., $28,905.
C. C. Whittington, Shreveport, La., $28,901.
W. E. Latimer, Sudan, Tx., $28,892.
J. W. Jenkins, Jr., Palacios, Tx., $28,886.
Hiram Whitaker, Fabens, Tx., $28,883.
H & L Barnett, Inc., Pendleton, Or., $28,-881.
J. R. Taylor, Pace, Ms., $28,879.
Homsher Farms and Ranches, Springfield, Co., $28,878.
Aubrey Shotton, Eads, Co., $28,875.
Evan O. Koller, Weston, Id., $28,871.
Frank R. Meier, Texico, N.M., $28,867.
D. W.-R. D. Teague, Intake, Mt., $28,886.
Ralph Powell, Rayville, La., $28,863.
A. A. Banks, Tyronza, Ar., $28,862.
Edward L. Turner, Quanah, Tx., $28,857.
Elmer L. Hargrove, Farwell, Tx., $28,856.
W. T. Hughs, Syracuse, Ks., $28,851.
Anderson Bros., Oakley, Id., $28,851.
Betty Bros., Perryton, Tx., $28,851.
Virgil Wood, Morton, Tx., $28,848.
Earl E. Abernathy, Altus, Ok., $28,845.
Buford Qualls, Clovis, N.M., $28,845.
Bobby Joe Harlan, Slaton, Tx., $28,839.
M. L. Gower, Leland, Ms., $28,835.
Keith Pollock, Edinburg, Tx., $28,834.
John Hild, Hanford, Ca., $28,830.
Raymond Davis, Pinehurst, Ga., $28,829.
C. C. Harvey, Morton, Tex., $28,824.
Doyle Stevens, Garland, Ar., $28,818.
Rozella M. Van Brunt, Johnson, Ks., $28,-808.
Billy W. Evans, Kress, Tex., $28,808.
L. A. Browne, Colorado City, Tex., $28,807.
T. J. Maples, Crockett, Tex., $28,799.
Arthur R. Mai, Sharon Springs, Ks., $28,797.
Chickasaw Oil Mill, Inc., Lepanto, Ar., $28,794.
T. D. Keels, Sumter, S.C., $28,792.
C. R. Logan, Jr., Tchula, Ms., $28,789.
Lonnie Bell, Dimmitt, Tex., $28,786.
Lamar Prescott, Waynesboro, Ga., $28,784.
John T. Patterson, Wolfforth, Tex., $28,782.
R. Paul Cocking, Colfax, Wa., $28,781.
James H. Richbourg, Summerton, S.C., $28,779.
McRoberts & Jacobsen Bros., Canyon, Tex., $28,777.
Mae Belle Crouse, Burlington, Co., $28,777.
Charles E. Sanders, Ralls, Tex., $28,776.
Slaughter Farms, Ft. Worth, Tex., $28,774.
John D. Burrow, Keyes, Ok., $28,774.
Ronald Wolf, Walnut, Il., $28,774.
Jay Lee Touchstone, Dimmitt, Tex., $28,774.
Kenneth Christie, Summerfield, Tex., $28,770.
Patrick Talla, Stanfield, Az., $28,769.
Adobe Ranch, Madera, Ca., $28,769.
Whelchel & Whelchel, Cordele, Ga., $28,768.
Craig Planting Co., Scott, Ar., $28,768.
Ira Scott, LaCrosse, Wa., $28,767.
Catherine C. Whittenburg, Levelland, Tex., $28,767.
W. G. Gwin, Tchula, Ms., $28,764.
Ford Underwood, Perris, Ca, $28,761.
C. E. Shepard, Oak Ridge, La., $28,759.
Hugh L. Gleszl, Gilbert, Az., $28,757.
J. R. Belt, Jr., Farming, Inc., Lockney, Tex., $28,757.
Arnold Schields, Goodland, Ks., $28,756.
Smith Keller, Lubbock, Tex., $28,755.
Gerard Farms, McClure, Il., $28,751.
C. B. Gallimore, Crosbyton, Tex., $28,750.
Elza Gwaltney, Gages Lake, Il., $28,749.
Bob Erle Clark, Mer Rouge, La., $28,749.
Eslick Farms, Dayton, Wa., $28,746.
Diehl Ranch Co., East Helena, Mt., $28,740.
McLean Bros., Lewis, Ks., $28,739.
J. V. Kuttler, Tribune, Ks., $28,739.
W. V. Brannen, Unadilla, Ga., $28,738.
Morgan Johnson, Rio Vista, Ca., $28,738.
Herman Ridder, Burlington, Co., $28,733.
W. C. Haynes, Greenwood, Ms., $28,732.
George W. Bowles, Inverness, Ms., $28,732.
Elam Smith, Eutaw, Al., $28,731.
Joseph Turecek Est., Byers, Co., $28,731.
Forrest Cox, Sublette, Ks., $28,728.
Harold Jackson, Cordele, Ga., $28,728.
J. A. Earnheart, Nesbit, Ms., $28,722.
Sam S. Fisher, Jr., Vaughan, Ms., $28,717.
Frank J. Dautremont, Lecompte, La., $28,711.
John W. West, Blytheville, Ar., $28,710.
Ramon Armstrong, Ennis, Tx., $28,710.
Troy Christian, Farwell, Tx., $28,708.
F. O. Griffin, Jr., Telena, Ar., $28,706.
F. W. Sharbrough, Holly Bluff, Ms., $28,696.
Pirani Brothers, Marion, Ar., $28,696.
Swen E Carlson, Jamestown, Ks., $28,690
Peter Sittner, Lemmon, S.D., $28,687.
Jack Davis, Pecos, Tx., $28,685.
Marvin Gibbs, Dalhart, Tx., $28,685.
Bernard O'Neil, Wauneta, Ne., $28,679.
W. G. Foshee, Jr., Red Level, Al., $28,675.
Robert M. Flynn, Keota, Ia., $28,670.
T. O. McLemore, Montgomery, Al., $28,670.
Davis and Young, Money, Ms., $28,670.
Richard Cromer Farm, Osceola, Ar., $28,660.
W. A. Welshans, Rosedale, Ms., $28,657.
Birkeland & Son, Inc., Fort Benton, Mt. $28,656.
James G. Outlaw, Silver City, Ms., $28,655.
Charles Donald, Goodman, Ms., $28,652.
Van Newell, Tekamah, Ne., $28,652.
Joe Nelson, Dimmitt, Tx., $28,652.
William R. Huey, Sandborn, In., $28,651.
Dwayne Blankenship, Washtucna, Wa., $28,646.
Frank Bass, Plainview, Tx., $28,641.
Lueking Farm & Ranch Corp., Oxford, Ne., $28,639.
Charles Lucas, Johnson, Ks., $28,638.
B. P. Davis, Clovis, N.M., $28,638.
Johnny M. Goodwin, Sunray, Tx., $28,637.
Beanland & Sons, Gould, Ok., $28,636.
Gulbant S. Gil & Sons, Inc., Clint, Tx., $28,-635.
Orville Wolf, Rock Port, Mo., $28,635.
Frasier Farms, Sharon Springs, Ks., $28,634.
Ross D. Waters, Rio Hondo, Tx., $28,634.
Orval F. Parker, Inc., Arriba, Co., $28,633.
Herbert Jones, Melrose, N.M., $28,630.
Dan Palmer, Jr., Camilla, Ga., $28,630.
C. A. Moore, Odonnell, Tx., $28,629.
Williams Farm & Ranch Corp., Grady, N.M., $28,622.
Vasby Farms, Cambridge, Wi., $28,621.
Leon W. Rice, Bentonia, Ms., $28,617.
Wayland F. Taylor, Odonnell, Tx., $28,617.
V. W. McGee, Lamesa, Tx., $28,610.
Mabry Foreman, Felt, Ok., $28,608.
Babb & Deline, Charleston, Mo., $28,607.
Harmon Mills, Seagraves, Tx., $28,606.
J. B. Morgan, Little Rock, Ar., $28,605.
John Bogestad, Karlstad, Mn., $28,603.
Jack D. Jones, San Joaquin, Ca., $28,602.
Carlton Ikard, Madison, Al., $28,598.
C. E. Hobgood Est., Lubbock, Tx., $28,597.
Frederick L. Schuster, Gower, Mo., $28,597.
Orval Boyd, Hale Center, Tx., $28,590.
Fleetwood Farms, Amarillo, Tx., $28,585.
W. R. Arnall, Luthersville, Ga., $28,583.
Carson Pellgrin, Clarksdale, Ms., $28,581.
Glorfield Bros., Jack & Benny, St. John, Wa., $28,581.
Alton Faulkenberry, Seagraves, Tx., $28,-580.
Hall Growers, Inc., Lodi, O., $28,577.
Billy Kirk, Crosbyton, Tx., $28,572.
Marlon Farms, Jonestown, Ms., $28,570.
Harold W. Hudgins, Hartley, Tx., $28,568.
A. B. Hefly, Springfield, Co., $28,565.
Emmett, Jobe, Queen Creek, Az., $28,563.
C. O. Gulledge, Wedgefield, S.C., $28,562.
Kenneth Hiniker, Mankato, Mn., $28,562.
Clifford L. Smith, Lyford, Tx., $28,560.
Verle Little, Hebron, In., $28,559.
John & Leroy Whitener, Hayti, Mo., $28,559
J. B. Killian, Wellington, Tx., $28,557.
A. W. Blalock, Whiteville, Tenn., $28,554.
L. E. Pryor, Newington, Ga., $28,553.
Forrest Binder, Table Rock, Ne., $28,552.
Francis Schreibvogel, Garden City, Ks., $28,552.
Lane Brothers, Dexter, Mo., $28,547.
Arnold Hodges, Floydada, Tx., $28,547.
Kenneth Artho, Hereford, Tx., $28,546.
McDonald Farms, Inc., Madison, Al., $28,-544.
Matt Morello, Bryan, Texas, $28,543.
John Boyd Mcmahan, Altus, Ok., $28,543.
Keith Sherburne, Humboldt, Ne., $28,541.
Allen D. Goodwin, Paducah, Tx., $28,540.

Willard Haynes, Chowchilla, Ca., $28,537.
Thomas W. Gregory, Muleshoe, Tx., $28,537.
Paul Onstad, Carter, Mt., $28,535.
Everhope Pltn, Chatham, Ms., $28,527.
Lester Nixon, Combes, Tx., $28,527.
M. L. Aven, Hart, Tx., $28,526.
Coy M. Daffern, Tulare, Ca., $28,522.
Paul Keelan & Sons, Navasota, Tx., $28,522.
John Wanken, Chester, Mt., $28,522.
Wendel, Inc., El Campo, Tx., $28,517.
Eldon Kee, Jr., Yates Center, Ks., $28,517.
Donald A. Borth, Dalhart, Tx., $28,515.
A. C. Brorman, Hereford, Tx., $28,510.
H. H. Driggs Dairy, Palmyra, Mi., $28,510.
Ray Reiss, Tulia, Tx., $28,510.
James Knott, Endicott, Wa., $28,509.
H. W. Howze, Jr., Sledge, Ms., $28,507.
A. A. Whitten, Nesbit, Ms., $28,507.
Dan Taylor, Noblesville, In., $28,505.
L. Raviscioni Farms, Waukena, Ca., $28,504.
T. W. Stockton, Jr., Crosbyton, Tx., $28,500.
Paul Wagner & Sons, Pampa, Tx., $28,497.
Raymond Cook, Glendale, Az., $28,497.
Odus Hastings, Dimmitt, Tx., $28,496.
Rodney Hughes, Olustee, Ok., $28,496.
Dan Valentine, Whiteface, Tex., $28,495.
Paul H. Landis, Moscow, Id., $28,494.
Oscar Homer Jones, Jr., Wabbaseka, Ark., $28,491.
Emerson L. Eby, Kennewick, Wa., $28,490.
Kimble, Makamson, Sidon, Ms., $28,489.
B. H. Tucker, Morton, Tx., $28,488.
Palmer & Dowell, Levelland, Tx., $28,488.
Sam Floyd, Sr., Danville, Ga., $28,485.
Thurman Skains, Brownfield, Tx., $28,483.
F. H. Schneider, III, Lake Providence, La., $28,480.
Vernal Zeissel, Munday, Texas, $28,477.
William H. Moore, Gates, Tn., $28,477.
E Bar Cattle Co., Lamesa, Tx., $28,475.
Perfection Farms, Chicago, Il., $28,474.
C. E. Buchanan, Morton, Tx., $28,473.
Chas. Veigel Est., Hereford, Tx., $28,465.
F. R. Armstrong, Gunnison, Ms., $28,464.
R. G. Buckelew, Tucson, Az., $28,462.
Richard Ista, Fargo, N.D., $28,461.
James E. Steffey, Anton, Tx., $28,461.
Robert Gammill & Son, Tyronza, Ar., $28,460.
Clyde E. Buck, Eads, Co., $28,460.
Mallet Ranch, Lubbock, Tx., $28,456.
Samuel E. Wade, Egypt, Ms., $28,455.
M. D. McClanahan Somerville, Tenn., $28,453.
Florence Averill, Madera, Ca., $28,452.
J. W. Glassell, Belcher, La., $28,451.
Springdale Colony, Wht. Slphr. Spg., Mt., $28,450.
Ralph Wesley Williams, Lamesa, Tx., $28,448.
Howell L. McCleskey, Dalhart, Texas, $28,445.
Gordon and or John Kammerzell, Chester, Mt., $28,444.
T. V. Ligon, Lane, S.C., $28,440.
W. G. Joiner, Unadilla, Ga., $28,439.
L. L. Minor Sr., Butler, Ga., $28,439.
R. T. Landrum Hughes, Ar., $28,437.
Ira Brown, Morton, Tx., $28,437.
N. B. Loadholt, Fairfax, S.C., $28,434.
Grosvenor Farms, Inc., Holly Bluff, Ms., $28,434.
Neil Wood, Littlefield, Tx., $28,434.
Shiba & Kakuda Farms, Mission, Tex., $28,432.
Frank Mardis, Monroe, La., $28,430.
Don A. Nelson, Tulia, Tx., $28,426.
G. A. Burrell Amarillo, Tx., $28,425.
Lewis A. Oaks, Lyford, Texas, $28,420.
A. P. Edwards, Lubbock, Texas, $28,420.
James Printy Jr., Morocco, In., $28,417.
John L. White, New Holland, Il., $28,413.
William J. Brazil Anton, Texas, $28,408.
W. E. Meredith, Lyon, Ms., $28,407.
J. W. & Bob Smith, Cut Bank, Mt., $28,406.
Kenneth Owsley, Walla Walla, Wa., $28,402.
Jake Jones, Kress, Tx., $28,401.
Calvin W. Kinard, Ninety Six, Sc., $28,401.
Charles Hoover, Hereford, Tx., $28,401.
Sorrell Bruce Wesson, Glencoe, Al., $28,398.
Jack Witherspoon Farms, Inc., Alcolu, Sc., $28,394.
Rolla J. Sailor, Jr., White Deer, Tex., $28,387.
H. L. Ford, Hamlin, Tx., $28,382.
Francis Schulz, Buckeye, Az., $28,381.
Quentin Redinger, Olton, Tx., $28,380.
W. A. Pepper, Belzoni, Ms., $28,379.
Wesley Thomas, Huntsville, Al., $28,378.
L. L. Rhodes, Lockney, Texas, $28,372.
Bill Marx, Haswell, Co., $28,369.
Billy N. Cantwell, Harlingen, Tx., $28,368.
Edward E. Wiatt, Lakin, Ks., $28,368.
H. T. Rea, Inc., Walla Walla, Wa., $28,367.
James R. Reynolds, Dalhart, Texas, $28,367.
Douglas Aklestad, Galata, Mt., $28,364.
Richard S. Cole, Amory, Ms., $28,363.
A. A. Werner, Poplar, Mt., $28,357.
John E. Morgan, Plum, Tx., $28,356.
Carpenter Farms, Inc., McCamey, Tx., $28,356.
E. D. Barnett, Plain Dealing, La., $28,353.
Archer Farm, Wright, Ar., $28,350.
John R. Franklin, Hayti, Mo., $28,348.
Felt Farms, Albion, Mi., $28,347.
Terrell T. McGee, Lockhart, Tx., $28,343.
Patterson Planting Co., Benoit, Ms., $28,342.
Huddleston Farms, Inc., Lamont, Ms., $28,337.
Maury R. Harris & Sons, Inc., Sledge, Ms., $28,331.
Richard Lawson, Levelland, Tx., $28,323.
Victor Martin, Kress, Tx., $28,320.
Robert Graves, Tallulah, La., $28,319.
Ray Cook, Wilson, Texas, $28,319.
M. K. White, Arapahoe, Co., $28,317.
Evans Brothers, Laurinburg, Nc., $28,317.
Bruce Norton, Pine Bluff, Ar., $28,314.
W. B. Andrews, Leland, Ms., $28,311.
Hermosa Farms, Inc., Pecos, Tx., $28,305.
Gar Ran, Inc., Walla Walla, Wa., $28,304.
Benjamin A. Rose, Moulton, Al., $28,304.
E. M. Ott, Crawfordsville, Ar., $28,303.
J. E. Turner, Mayesville, S.C., $28,302.
Melvin L. Kleweno est., Endicott, Wa., $28,302.
J. C. Jones, Smithville, Ga., $28,301.
Bayne Ethridge, Forkland, Al., $28,301.
Wallace Hayes, Rockland, Id., $28,300.
Frank McClure, Imperial Rt., Garden City, Ks., $28,299.
Vandenberg Bros., Dos Palos, Ca., $28,299.
W. E. McPherson, Plainview, Tx., $28,297.
Aubuchon Farms, Genevieve, Mo., $28,288.
Clayton Lowder, Sumter, S.C., $28,285.
W. S. Hamer, Dyersburg, Tn., $28,279.
Friehe Farms Inc., McCook, Ne., $28,278.
James A. Raben, Ridgway, Il., $28,275.
Laurence Clemence, Abilene, Ks., $28,274.
Robert G. Davis, Altus, Ok., $28,273.
R and D Farms, Francesville, In., $28,272.
V. L. Sandifer, Hollandale, Ms., $28,270.
E. J. Lander and Co., Grand Forks, N.D., $28,266.
Morris C. Merwin, Haynes, N.D., $28,264.
John C. Bickley, Elloree, S.C., $28,262.
Kenneth Staniford, Pecos, Tx., $28,252.
David S. Enger, Lubbock, Tx., $28,252.
Eugene Sizemore, Boise City, Ok., $28,250.
Lloyd Cline, Lamesa, Tx., $28,250.
John E. Frost, Happy, Tx., $28,247.
Raymond C. Jones, Mercedes, Tx., $28,245.
Tx. Gr. Stg. Co., Plainview, Tx., $28,245.
Elijah B. Adams, Harlingen, Tx., $28,244.
J. C. Haney, Drew, Ms., $28,241.
Walter Graham, Happy, Tx., $28,240.
Harrison Farms, Thomson, Ga., $28,238.
S.N.M.M. Farm Corp., Andrews, Tx., $28,232.
Elmo Adair, Brownfield, Tx., $28,232.
Carl M. Prewitt, Benoit, Ms., $28,229.
M. B. Whitten, Avalon, Ms., $28,224.
H. H. Howington Jr., Lake Providence, La., $28,222.
James P. Scholl, Trimont, Mn., $28,220.
Russell G. Houston, Holly Spring, Ms., $28,218.
Walter Armstrong, Brule, Ne., $28,216.
Dotzenrod Bros., Wyndmere, N.D., $28,215.
Gene Daves, York, S.C., $28,212.
Ohlendorf Farms, Osceola, Ar., $28,210.
Grady Williams, Walnut Grove, Ms., $28,209.
D. J. Rowland, Reedley, Ca., $28,206.
Floyd E. Tomlinson, Canyon, Tx., $28,204.
Willis Brothers, Arnaudville, La., $28,203.
J. H. Dunbar, Farwell, Texas, $28,202.
Claude F. Harris, Plainview, Tx., $28,201.
Notestines, Inc., Scott City, Ks., $28,199.
Theron Culwell, Tulia, Texas, $28,197.
Tony and Larry Fratesi, Leland, Ms., $28,197.
King Creek Graz Assn., Bancroft, Id., $28,196.
Carrel Dennington, Star Route, Clovis,vx:fi
Frank Duvall, Granada, Co., $28,188.
Edward E. Billings, San Benito, Tx., $28,188.
Vernon Huck, Coldwater, Ks., $28,181.
L. L. Dutton & Son, Moscow, Ar., $28,179.
H. W. Harmon, Clovis, N.M., $28,173.
John C. Hendon, Shaw, Ms., $28,171.
James Kellerman, Romney, In., $28,168.
Tony Morris, Friars Point, Ms., $28,167.
Waller E. Wedgeworth III, Akron, Al., $28,166.
Austin Oneil, Jr., Hale Center, Tx., $28,164.
Charles E. Trimble, Vovina, Texas, $28,157.
Edward Weaver, Clare, Il., $28,155.
Oliver Skari, Chester, Mt., $28,154.
Vernon Lovvorn, Stamford, Tx., $28,154.
Carvalho Farms., Inc., Tranquillity, Ca., $28,154.
Freeman Nichols, Forrest City, Ar., $28,153.
U. O. Hobgood, Abernathy, Tx., $28,152.
Robert Lee Scarborough, Eastover, S.C., $28,152.
Chip Franklin, Jr., Helena, Ar., $28,151.
Schaaf Farms, Randolph, Ia., $28,149.
L. Don Anderson, Crosbyton, Tex., $28,147.
G. I. Sims, Brownfield, Tx., $28,146.
Lerno Bros., El Centro, Ca., $28,145.
Winfred Barron, Athens, Al., $28,141.
J. R. Knouff, Town Creek, Al., $28,139.
Gorden Dement, Indianola, Ms., $28,138.
B. E. Dunaway, Unadilla, Ga., $28,137.
James and Joe Fanfulik, Angus, Mn., $28,133.
Bruce Nedrow, Fairmont, Ne., $28,130.
Manos Evans, Washington, In., $28,130.
Aden Michael Sprinkle, Plainville, In., $28,128.
Sam E. Dixon, Jr., Vaughan, Ms., $28,122.
Lundy Bros., Cruger, Ms., $28,117.
Morrison Bros. Company, Greensboro, Al., $28,114.
Buckmeadow Plantation, Lake Providence, La., $28,107.
W. G. Ikard II, Mesquite, NMex., $28,102.
Destefani Farms, Inc., Bakersfield, Ca., $28,100.
Fred Walkemeyer & Son, Hugoton, Ks., $28,099.
John F. Shackelford, Jones, La., $28,095.
R. D. Wilmans & Sons, Co., Diaz, Ar., $28,095.
James A. Evans, Tahoka, Tx., $28,090.
G. C. Brown, Hereford, Tx., $28,089.
J. G. Wreden, Raymondville, Tex., $28,088.
Joe Myers, Colfax, Wa., $28,082.
A. F. Hueftle, Oakley, Ks., $28,079.
Harold Burnett, Guntersville, Al., $28,079.
Clarence Dutton & Son, Grady, Ar., $28,077.
Roy Browder, Sunray, Tx., $28,075.
J. L. Miller, Jr., Abernathy, Tex., $28,073.
Pat R. Dunaway, Rolling Fork, Ms., $28,071.
Troy Huckabay, Kingsburg, Ca., $28,069.
Jack Keahey, Columbia, La., $28,068.
John B. Wilson, Joiner, Ar., $28,065.
T. M. Lawson, Tulia, Tex., $28,063.
W. E. Crasswell, Yazoo City, Ms., $28,060.
John D. Banta, Lamesa, Tex., $28,055.
Loebsack & Sons, Waterville, Washington, $28,053.
Ashley D. Youngblood, Harlingen, Tex., $28,052.
Walter R. Riethmayer, Friona, Tex., $28,051.
Anson Bowers, Clovis, N.M., $28,050.
Joe Byron Burford, Texico, NMex., $28,048.
C. D. & Don Seedorf, Yuma, Co., $28,047.
Glenn Black, Athens, Al., $28,047.

Porter Estate Co., San Francisco, Ca., $28,046.
Yearwood Bros., Shreveport, La., $28,046.
I. W. Whittington, Jr., Benton, La., $28,042.
Ray C. Jones, Jr., Mercedes, Tex., $28,041.
D. S. Davis, Swansea, S.C., $28,037.
Oliver Harmel, Plainview, Tex., $28,032.
Hubert Haynes, Lambert, Ms., $28,032.
James W. Sales, Ralls, Tex., $28,029.
Omer D. Lindsey, Lubbock, Tex., $28,029.
Charles Wright, Canyon, Tex., $28,027.
M. R. Warner & Son, Inc., Wagener, S.C., $28,027.
Lauren J. & Bill J. Roe, Superior, Ne., $28,027.
B. Moorman and B. F. Watson, Dublin, Ga., $28,018.
Aubrey Howell, Arlngtn, Tx., $28.018.
W. A. Dabbs, Mayesville, S.C., $28,014.
Robert L. Hawkins, Hart, Tx., $28,013.
Stanley McDaniel, Tolleson, Az., $28,011.
Willie Steffey, Littlefield, Tx., $28,006.
Thomas H. Vann, Capshaw, Al., $28,006.
Lester Gummow, Rockton, Il., $28,005.
Cordell and Cordell, Glen Allan, Ms., $28,004.
Charles D. Ware, Rayville, La., $27,996.
Thomas E. Kuznia, Stephen, Mn., $27,991.
B. J. Smith, Lovington, N.M., $27,986.
Leon Crain, Aline, Ok., $27,985.
Koetting Bros., Adrian, Tx., $27,985.
Owen Benn, Abernathy, Tx., $27,984.
Ellington Massey, Lyon, Ms., $27,981.
J. E. Neeley, Lamesa, Tx., $27,981.
W. W. Riggers & Sons, Craigmont, Id., $27,978.
Turpin Vise, Greensboro, Al., $27,977.
Ernest Harris, Las Cruces, N.M., $27,973.
M. H. Wagner, Brownfield, Tx., $27,971.
Roberts Brothers, Moorhead, Ms., $27,968.
McGuire & Sons, Inc., Blytheville, Ar., $27,965.
Leroy Robison, Sunray, Tx., $27,960.
Baur Farms, Inc., Van Meter, Ia., $27,959.
Acuff Farms, Ropesville, Tx., $27,959.
William P. Wreden, Palo Alto, Ca., $27,957.
Howard Fuqua, Wildorado, Tx., $27,955.
Dixie Stock Farms, Sonora, Ky., $27,954.
Jimmie Heard, Bovina, Tx., $27,951.
L. T. Porter, Mathis, Tx., $27,951.
Harold Park, Lincoln, Il., $27,949.
Morrison Farms, Inc., Yazoo City, Ms., $27,948.
Sunny Ann Farms, Inc., Stephensville, Tx., $27,947.
Frank Erwin, Adairsville, Ga., $27,945.
Wallace Deschamps, Wisacky, S.C., $27,945.
Leo Zimmerer, Bushland, Tx., $27,943.
J. C. Claborn, Courtland, Al., $27,943.
R. C. Colvin, Greenwood, Ms., $27,943.
James L. Beckham, Inverness, Ms., $27,941.
Ralph F. Wade, Littlefield, Tx., $27,939.
Norris Hill, Indianola, Ms., $27,932.
Mound Planting Co., Memphis, Ar., $27,931.
Kuehler Farms, Amarillo, Tx., $27,931.
Shayne Linderman, Rexburg, Id., $27,930.
Kludt Brothers, Kendall, N.Y., $27,929.
A. S. Rocconi, Lake Village, Ar., $27,917.
Edward Moseley, Slaton, Tx., $27,913.
Ed Richardson, Reynolds, Ga., $27,904.
O'Connor Brothers, Fairmont, Ne., $27,903.
Robert K. Brooks, Tulia, Tx., $27,893.
Barry Richardson, Marston, Mo., $27,891.
Jay Kay Ranch, Pearsall, Tx., $27,891.
Gilbert Potadle, Herman, Ne., $27,886.
Henry F. Backer, Chandler, Az., $27,884.
Hollis Isbell, Tuscumbia, Al., $27,883.
John Tolmachoff, Glendale, Az., $27,881.
Neil Watson, Maxton, N.C., $27,881.
Clyde Ward and Sons, Baker, Or., $27,871.
A. L. Andrews, Leland, Ms., $27,868.
Bobby B. Jones, Slaton, Tx., $27,867.
James E. Garrett, Clovis, N.M., $27,866.
Jack F. Phillips, Yazoo City, Ms., $27,863.
Gene T. Fleming, Minter City, Ms., $27,862.
T. G. Kirkendall, Crosbyton, Tx., $27,859.
True H. Rosser, Jr., Petersburg, Tx., $27,852.
Watte Brothers, Tulare, Ca., $27,851.
Kenneth Binder, Madras, Or., $27,850.
Dallas W. Long, Dayton, Wa., $27,849.
Woodrow Reed, Marvell, Ar., $27,848.
Dean Bolton, Fairfax, Mo., $27,843.
Felix H. Macha, Lubbock, Tx., $27,843.
Luke Scamardo, Mumford, Tx., $27,841.
Chambliss Farms, Pine Bluff, Ar., $27,840.
C. M. Freeman, Mart, Tx., $27,838.
Shintaffer Farms, Marysville, Ca., $27,837.
Raymond R. Marshall, Lubbock, Tx., $27,833.
Bilgischer and Sponer, Dermott, Ar., $27,831.
Ray Starbuck, Clovis, N.M., $27,825.
W. M. Dreyer, Raymondville, Tx., $27,823.
J. R. Odom, Sylvester, Ga., $27,818.
Frank Moravek, Jr., Robstown, Tx., $27,818.
Mrs. Latimer Murfee, Houston, Tx., $27,817.
John S. Barr & Son, Oak Ridge, La., $27,816.
Mike Fortenberry, Sumner, Ms., $27,814.
Marvin Zeissel, Munday, Tx., $27,814.
Robert Sanger, Hickman, Ky., $27,813.
Robert B. Waring, Jr., Geneva, Ne., $27,811.
Monty Planting Co., Clarksdale, Ms., $27,809.
Randall Bird, Sublette, Ks., $27,807.
Wedak Farms, W. R. Wedberg, Valley, Neb., $27,807.
Robert Walker, Mt. Vernon, Tx., $27,805.
Herbert L. Schueler, Friona, Tx., $27,802.
Norval W. Bressler, Dalhart, Tx., $27,802.
Norman Welker, Safford, Az., $27,793.
C. Q. Lowrey, Madison, Al., $27,792.
H. E. Moore, Hollis, Ok., $27,790.
Lamar Black, Millen, Ga., $27,789.
Frank L. Gordon, Louise, Ms., $27,788.
Morris Lowe, Plains, Tx., $27,787.
Regan Farms, McFarland, Ca., $27,785.
R. S. Coberly, Gove, Ks., $27,785.
Timmermann and Co., Pendleton, Or., $27,785.
Upham Ranch, San Francisco, Ca., $27,783.
Jerry K. Oswalt, Abernathy, Tx., $27,782.
Wm. R. Morris, Jr., Earth, Tx., $27,781.
Tippett Peavy, Vienna, Ga., $27,779.
Percy Sharp, Decatur, Al., $27,773.
A. Neufeld Fms., Bakersfield, Ca., $27,765.
E. Gumz, Inc., North Liberty, In., $27,762.
Bettye W. Ivey, Pecos, Tex., $27,762.
Bend Plantation, Swan Lake, Ms., $27,760.
Walter E. Franz, Lind, Wa., $27,760.
James M. Shahan, Gilbert, Az., $27,758.
David Hughes, Lamesa, Tx., $27,756.
A. B. Stevens, Jr., Macon, Ms., $27,755.
William P. Howell, Clarksdale, Ms., $27,750.
Cozzi Bros., Dos Palos, Ca., $27,750.
Angus Acres, Inc., Euclid, Mn., $27,746.
A. K. Morrison, Rossville, Tenn., $27,746.
Jack Woodham, Bishopville, S.C., $27,745.
Truman Hayes, Brownfield, Tx., $27,744.
Jason Justice, Petersburg, Tx., $27,741.
Fred Kendrick, Lafayette, Al., $27,740.
W. A. Ratcliffe, Jr., Sweet Home, Ar., $27,740.
Donald Wright, Lindon, Co., $27,739.
Arthur E. Mahalitc, Eagle Lake, Tx., $27,735.
Starlight Plantation, Natchitoches, La., $27,733.
Edwin C. Fry, Chestertown, Md., $27,729.
Russell P. Shipp, Calhoun City, Ms., $27,724.
Waylon B. Sims, Scott, Ar., $27,722.
Maurer Brothers, Dutton, Mt., $27,714.
Allen L. Edwards, Shaw, Ms., $27,714.
Charlie Boedecker, Lockney, Tx., $27,712.
Amos Everett, Clarendon, Ark., $27,704.
Lester Crawford, Poplar Grove, Ar , $27,697.
R. L. Garrett, Cor Chr, Tx., $27,696.
Wallace Corse, Sunray, Tx., $27,692.
George Weaver, Waterville, Mn., $27,692.
Irene McCown Waugh, Casa Grande, Az., $27,690.
Baxter Land Co., Dermott, Ar., $27,689.
Oscie Hardy, Forrest City, Ar., $27,688.
Sandyr Scarmardo, Caldwell, Tx., $27,687.
W. C. Norsworthy, Mer Rouge, La., $27,685.
Jack Curry, Ruleville, Ms., $27,685.
Henry Finley, Claude, Tx., $27,683.
Raymond Romain, Fort Benton, Mt., $27,681.
Ralph Britten, Groom, Tx., $27,678.
James A. Littleton, Jr., Earth, Tx., $27,674.
J. M. Tatton, Refugio, Tx., $27,670.
John M. Thompson, Vincent, Al., $27,668.
Ewell Kenneth Scott, Lamesa, Tx., $27,664.
Fred K. Foster, Farwell, Tx., $27,659.
Ray R. Copeland, Olton, Tx., $27,657.
Frank Dean, Marked Tree, Ar., $27,656.
M. L. McIver, Neeses, S.C., $27,655.
Murray R. Hoffman, Brawley, Ca., $27,654.
Valton V. Cox, Lubbock, Tx., $27,651.
Donald Kittelson, Beach, N.D., $27,651.
Labahn Sloan Corp., Green Ridge, Mo., $27,649.
H. Y. Christian, Morton, Tx., $27,646.
W. S. Coleman, Merigold, Ms., $27,643.
Kirk, Pltn., Greenville, Ms., $27,641.
Elvin O. Johnston, Bovina, Tx., $27,640.
Sun Prairie Farm, Inc., Great Falls, Mt., $27,639.
J. B. Reed, Inverness, Ms., $27,638.
T. E. Fouche, Benton, Ms., $27,637.
Bryan Wright, Tahoka, Tx., $27,635.
K. Lanse Turner, Brownfield, Tx., $27,634.
Melvin Estes, Melrose, N.M., $27,634.
Harold Griffith, Audubon, Ia., $27,633.
Schwieder Brothers, Iona, Id., $27,632.
R. S. Bredlow, England, Ar., $27,628.
Harry J. Garrett, Harlingen, Tx., $27,626.
Weldon, Avery, Morton, Tx., $27,625.
Carter-Clifton Co., Cotton Plant, Ark., $27,622.
Robert E. Anderson, Prescott, Wa., $27,620.
Charles Vickers, Dalhart, Tx., $27,619.
Hudspeth Bros., Rosa, La., $27,618.
George F. Stock, Hollandale, Ms., $27,617
Frank R. Quick, Bville, S.C., $27,616.
F. W. Derossitt and Son, Forrest City, Ar., $27,615.
Luther Lesley, Hereford, Tx., $27,611.
Danney Key, Morton, Tx., $27,611.
Houston Condrey, Epps, La., $27,610.
J. B. Hokpins, Pecos, Tx., $27,607.
T. E. Bottom, Donna, Tex., $27,607.
Clarence Simmonds, Syracuse, Ks., $27,606.
W. H. Williams, Cordele, Ga., $27,604.
E. A. Currey, Jr., Hollandale, Ms., $27,603.
Loch Leven, Woodville, Ms., $27,599.
Harold Pickard, Vona, Co., $27,596.
Rott Bros., Nortonville, N.D., $27,595.
G. W. Litton, Sha[illegible], Ms., $27,593.
Carl J. Berend, Hereford, Tx., $27,593.
Marlin Spicher Sons, Hingham, Mt., $27,585.
Jack Warren, Pitts, Ga., $27,584.
Nelson, Norris, Sardis, Al., $27,584.
N. W. Emfinger, Littlefield, Tx., $27,582.
Randall Roper, Hart, Tx., $27,582.
Frank L. Day, Pville, Ca., $27,579.
Schlitz & Twiford Farms, Delano, Ca., $27,576.
Ray Robertson, Dimmitt, Tx., $27,572.
R. S. Margo, Rio Grande City, Tx., $27,571
Boyd Smith, Willcox, Az., $27,569.
Carlton Larson, Sykeston, N.D., $27,566.
Arthur Kane, Dodson, Tx., $27,566.
R. W. Morris, Keo, Ar., $27,565.
James B. McPherson, Jr., Waverly, La., $27,564.
Wegener Bros., Fenton, Ia., $27,564.
Craig Pugh, Jr., Keyes, Ok., $27,561.
James H. Woodard, Osceola, Ar., $27,561.
J. T. Stout, Lubbock, Tx., $27,559.
W. H. Reed, Memphis, Tx., $27,557.
Lawlis Y. Sipe, Trent, Tx., $27,552.
Baumann Farm, Inc., Washtucna, Wa., $27,551.
Nielsen Farms Delano, Ca., $27,545.
Lewis Robbins, Walsh, Co., $27,545.
Houston Hart, Muleshoe, Tx., $27,544.
C. B. Hendrick, Ralls, Tx., $27,540.
Leak Brothers, Lamar, Ms., $27,538.
Louis J. Eddy, Coolidge, Ks., $27,537.
Dean McCallum, Bovina, Texas, $27,536.
Stricklin & Lewis, Yazoo City, Ms., $27,535.
Sutfin Bros., Corning, Ca., $27,534.
David Franklin, Donnell, Tx., $27,532.
Harold Ray Caraway, Tulia, Tx., $27,524.

Gary Wagner, Wildorado, Tx., $27,524.
George M. Struve, Jr., Dixon, Ca., $27,524.
Olan K. Dorsett, Jr., Lubbock, Tx., $27,524.
Parrott Farms, Kinston, Nc., $27,517.
Weldon Wagner Dexter, Nm., $27,513.
Boyd Bros., Lovington, Nm., $27,507.
Robert Whitmore, Pullman, Wa., $27,498.
Pearson Bros., Sherwood, Nd., $27,495.
S. and E. Barr Ranch, Edwall, Wa., $27,495.
Derby Farms, Arvin, Ca., $27,494.
Weeks Brothers & Sons, Swan Valley, Id., $27,493.
Penrhos Farms, Inc., Britton, Sd., $27,492.
M. L. Stephens, McFarland, Ca., $27,488.
Cline E. Morris Seminole, Tx., $27,483.
J. C. Ermis, Woodsboro, Tx., $27,483.
George W. Wingfield, Idalia, Co., $27,483.
Glen Layton, Thatcher, Ariz., $27,483.
S. A. Nunn, Jr., Perry, Ca., $27,481.
Robert Ellsworth, Queen Creek, Az., $27,480.
R. D. Wall, Jr., Paducah, Tx., $27,479.
Doug Alsobrook, Deport, Tx., $27,477.
Charles Leon Delaney, Grace, Ms., $27,471.
C. R. Farrar, Brownfield, Tx., $27,460.
F. J. & David Burgess, Tulia, Tx., $27,458.
Lester Stanton and Son, Johnson, Ks., $27,456.
Moreland B. White, Osceola, Ar., $27,450.
David Brooks Griffin Trust, Ratio, Ar., $27,449.
Richard Elrich, Bakersfield, Ca., $27,448.
Wilbur Security Co., Wilbur, Wa., $27,445.
Layman Pendergast, Rosedale, In., $27,445.
Gilbert H. Ragland, Slaton, Tx., $27,441.
Jack Crutcher, Henning, Tn., $27,440.
Gum Ridge Corp., Augusta, Ar., $27,440.
Marshall Meservey, Chula, Mo., $27,440.
J. L. Snider, Olton, Tx., $27,437.
Dayle Culwell, Tulia, Tx., $27,437.
C. E. Pegram and Son, Dundee, Ms., $27,437.
William Miles, Owensboro, Ky., $27,434.
J. E. McCoy, Jr., Hamlin, Tx., $27,434.
Collis, Maltbia, New Madrid, Mo., $27,428.
Fagundes Bros., Hanford, Ca., $27,422.
Maurice Smith, Johnston, S.C., $27,414.
Charles Morton Share Trust, Alva, Ok., $27,413.
Moon & Cash Inc., Trumann, Ar., $27,410.
James A. Jackson, Darling, Ms., $27,410.
Delmer W. Keisling, Sunray, Tx., $27,409.
J. W. Prescott, Hughes, Ar., $27,408.
J. D. Tobin, Irvington, Ky., $27,405.
W. T. Metzger, Jr., Blytheville, Ar., $27,404.
F. Kent Vosper, Neche, Nd., $27,404.
Glen and Leroy Hargis, Grandfield, Ok., $27,402.
Kiene Farms Inc., Kennedy, Mn., $27,402.
P. H. Clinkscales, Blakely, Ga., $27,400.
Robert Harp, Yuma, Az., $27,395.
Willie C. Neel, Amarillo, Tx., $27,392.
G. H. Baumgardt, Bakersfield, Ca., $27,391.
Clyde Benn, Abernathy, Tx., $27,388.
Floyd Lofton, Texico, N.M., $27,388.
Hank Anderson, Tulare, Calif., $27,386.
Joel D. Stavlo, Gruver, Texas, $27,385.
Ransom A. Myers, Dundee, Ms., $27,384.
W. M. Smith, Olton, Tx., $27,381.
White Woman Creek, Inc., Garden City, Ks., $27,378.
Beuford J. Wallace, Crawfordsville, Ar., $27,377.
Lonnie S. McDonald, Warthen, Ga., $27,372.
Betty M. Stoddard, Hughes, Ar., $27,371.
H. H. Kern, Morton, Tx., $27,369.
Marvin Capus Jones, Unadilla, Ga., $27,367.
Edward Shackleford, Hollandale, Ms., $27,364.
Wallace Briscoe, Holly Springs, Ms., $27,359.
Raymond Watlington, Colorado City, Tx., $27,357.
Robert C. Jackson, Charleston, Mo., $27,354.
Henry Ahrens, Olton, Tx., $27,354.
C. C. Shortes, Seminole, Tx., $27,352.
Heckemeyer Farms, Sikeston, Mo., $27,348.
Thurman J. Miles, Wills Point, Texas, $27,346.
Berryhill Bros., Pltg. Co. Inc., Rome, Ms., $27,345.
C. E. McCartney, Burlington, Co., $27,343.
R. G. Roseborough, Senatobia, Ms., $27,342.
Winston Foster, Marvell, Ar., $27,340.
Jensen Bros., Silverton, Or., $27,340.
Lester B. Krueger, Springfield, Mn., $27,339.
Andy Nelson, Dimmitt, Tx., $27,334.
Ernest E. Sullivan, Kerman, Ca., $27,333.
H. B. Watson, Dalhart, Tx., $27,328.
Frank A. Bell, Lepanto, Ar., $27,327.
Byron Patterson, Peoria, Az., $27,317.
Harry P. Anderson, Jr., Denbigh, Nd., $27,314.
Carlton and Claiborne, Brownsville, Tn., $27,302.
Earl Brinkley, Dos Palos, Ca., $27,302.
Reese Coleman, Epps, La., $27,299.
Emeral Duncan, Waitsburg, Wa., $27,298.
Peter Rabbit Farms, Coachella, Ca., $27,297.
E. E. Shurden, Drew, Ms., $27,296.
Shepard Cattle Co., Hale Center, Tx., $27,296.
Paul McCutchen, Parkin, Ar., $27,295.
Ben T. Ambrose, Vienna, Ga., $27,295.
Delmon Ellison, Seminole, Tx., $27,294.
Milt Graber, Manter, Ks., $27,289.
Moenk Fletcher, Wellton, Az., $27,288.
Zane G. Beaton, Paragould, Ar., $27,285.
C. P. Rosson, Jr., Taft, Tx., $27,282.
B. J. Handel, Co., Wasco, Ca., $27,282.
Thomas A. Poulson, Ralls, Tx., $27,281.
Wayne McDonald, Dundee, Ms., $27,281.
Chesley G. Hobgood, Ropesville, Tx., $27,275.
Shelby Farms, Inc., Charleston, Mo., $27,273.
O. G. Hill Estate, Hereford, Tx., $27,273.
J. F. Baker, Kennett, Mo., $27,273.
H. M. Scruggs, Saltillo, Ms., $27,273.
Mesa Cattle Co., Cameron, Tx., $27,272.
A. R. Vincik, Edna, Tx., $27,269.
Elward M. Smith, Harlingen, Tx., $27,267.
D. E. Cockrum, Johnson, Ks., $27,267.
Ben Lamensdorf, Cary, Ms., $27,264.
Roland D. Dale, Farwell, Texas, $27,262.
Richard Mayfield, Buckeye, Az., $27,261.
Billy Timmons, Brownfield, Tx., $27,258.
Motte & Sons, Perris, Ca., $27,257.
Williams and Williams, Lind, Wa., $27,255.
Moss Land Co., Calhoun, Ga., $27,251.
Albert B. Miller, Carleton, Ne., $27,251.
Chester B. Gilmore, Idalou, Tex., $27,250.
Clyde A. Walker, Cropwell, Al., $27,247.
Walter C. Estes, Scott, Ar., $27,242.
Elmer Duerfeldt, Falls City, Ne., $27,242.
Jimmy R. Fullingim, Petersburg, Tex., $27,238.
Banducci Farming Co., Inc., Bakersfield, Ca., $27,229.
Tom Hunt, Loop, Tex., $27,229.
L. L. Armor, Sweetwater, Tex., $27,225.
James D. Cupp, St. Lelano, Ca., $27,225.
Dorenkamp Fars, Inc., Holly, Co., $27,220.
W. A. Bill Alspaugh, Slaton, Tex., $27,217.
Henry V. Zuger, Waitsburg, Wa., $27,214.
J. N. Gibson, Jr., Gibson, N.C., $27,211.
Nick Seivers, Jr., Lind, Wa., $27,209.
Calvin Wood, Earth, Tex., $27,205.
E. J. Showmaker, Charleston, Mo., $27,204.
Johnnie Prater, Muleshoe, Tex., $27,202.
Walter John Peters, Grover, Co., $27,200.
Donald Hancock, Brownfield, Tex., $27,188.
James F. Jordan, Ralls, Tn., $27,187.
Russell Hendricks, Meadow, Tex., $27,186.
Young Bros., Inc., St. Charles, Il., $27,184.
Henry Reid, Morse, Tex., $27,183.
C. B. Britton, Crawfordsville, Ark., $27,181.
Helen Christiansen, Kimball, S.D., $27,180.
Delbert Motes, Willcox, Az., $27,176.
Jake Q. Finney, Edmonson, Tex., $27,176.
Thomas A. Ligon, Grenada, Ms., $27,172.
Willie L. Byrd, Avoca, Tex., $27,172.
Earl Hendrix, Raeford, N.C., $27,171.
Rex Twist, Widener, Ar., $27,167.
C. L. Stephens, Dateland, Az., $27,165.
Robert Greene, Matthews, Mo., $27,162.
Lloyd Schwarz, Mercedes, Tex., $27,160.
Charles Gay, Seminole, Tex., $27,159.
Laurence Gapp, Walhalla, N.D., $27,156.
W. C. McCord, Scottsboro, Al., $27,155.
Dehy Farms, Inc., Blue Earth, Minn., $27,155.
Orleton Farms Co., London, Ohio, $27,153.
Luther Gammon, Glenwood, Ia., $27,150.
Dodd Brothers, Sunflower, Ms., $27,140.
Clyde Younger, Halls, Tn., $27,134.
Creamer Ranch, Lamar, Co., $27,133.
Julian C. Crum, Orangeburg, S.C., $27,126.
C. P. Barnes, Estill, S.C., $27,124.
Skov Bros., Clint, Tx., $27,124.
Nester Mack, Harlingen, Tx., $27,123.
Loren E. Schwaninger, Princeton, Ne., $27,121.
John L. Horn, Webbers Falls, Ok., $27,120.
Lake Side Plantation, Itta Bena, Ms., $27,119.
Petersen Farms, Inc., Ipswich, S.D., $27,115.
Paul Braddock, Afton, Tx., $27,112.
Dan E. Archer, Perryton, Tx., $27,111.
Kenneth Carpenter, Sr., Arapahoe, Ne., $27,107.
Hosey White, Batesville, Ms., $27,107.
Raymond Roberson, Charleston, Ms., $27,107.
Tom Bradbury, Littleton, Co., $27,106.
Brittons Eside Ranch, Firebaugh, Ca., $27,101.
Clay Whorton, Hollis, Ok., $27,099.
Dallas Culwell, Tulia, Tx., $27,097.
Marshburn Bros., Thermal, Ca., $27,096.
Allen King, Brownsville, Tn., $27,091.
T. A. Elmore, Tokio, Tx., $27,089.
Arthur Nolen, Lamesa, Tx., $27,089.
Joseph R. Fabry, Jr., Stratford, Ca., $27,079.
Wade Burns, Leland, Ms., $27,078.
David L. Hill, Tahoka, Tx., $27,076.
Gilbert Evans, Craig, Co., $27,070.
W. Aaron Beaver, Somerville, Al., $27,067.
Charles Barber, Indianola, Ne., $27,066.
L. E. Tibert Co., Voss, N.D., $27,064.
L. L. Lyerly, Calipatria, Ca., $27,064.
J. C. Chambers, Brownfield, Tx., $27,063.
Tom Warren, Jr., Plains, Tx., $27,058.
Reginald E. Forrest, Grenada, Ms., $27,057.
Drechsel Bros., Coeur D Alene, Id., $27,056.
Bell Bingham and Assc., Malta, Id., $27,055.
Clayton Stokes, Morton, Tx., $27,050.
Leonard Anderson, Casa Grande, Az., $27,048.
Melvin Juhl, Bowesmont, N.D., $27,047.
Ely T. Moores, Taxarkana, Tx., $27,042.
B. B. Hobgood, Wolfforth, Tx., $27,042.
Sylvia & Robert Gruel, Great Falls, Mt., $27,040.
Frank Ayerza, Tranquillity, Ca., $27,040.
Jerry Lake Planting Co., Inc., Tunica, Miss., $27,039.
Bayou Camitte Plantation, Derry, La., $27,038.
Batesville Farming, Batesville, Texas, $27,036.
Karl Cayton, Lamesa, Tx., $27,035.
Harry Schoger, Aurora, Il., $27,034.
Homer Shelburne, Ogallala, Neb., $27,034.
Harold L. Bair, Goodland Ks., $27,032.
Billy Hill, Marvell Ar., $27,030.
C. M. Austin, Newington, Ga., $27,028.
Kenneth G. Walker, Long Beach, Ca., $27,024.
M. E. Moore, Toney, Al., $27,024.
Carl Simpkins, East Prairie, Mo., $27,020.
T. L. Tucker and Jesse Wade, Spgld, Co., $27,020.
G. M. & C. Ring, Washington, D.C., $27,018.
John F. Robinson, Canyon, Tx., $27,018.
John Hays, Tulia, Tx., $27,017.
F. Eugene Woodard, Ralls, Tx., $27,017.
S.P.S. Farms, Lemoore, Ca., $27,016.
Bob Ainsworth & Son, Glen Allan, Ms., $27,015.
John N. Simpson, Jr., Tulia, Tx., $27,013.
James Ford, Hugoton, Ks., $27,013.
W. B. Evans Pecos, Tex., $27,013.
Helland Land Co., Fort Benton, Mt., $27,011.
B. F. Youngker, Sr., Buckeye, Az., $27,011.
J. C. Crigler, St. Joseph, La., $27,011.
E. B. Robbins, Jr., Portales, N.M., $27,008.
E. Garth Lamb, Gilbert, Az., $27,008.
Marion Mackey, Clarksville, Mo., $27,007.
Slentz Bros., Lewis, Ks., $27,007.
Charles Keeton, Cherokee, Al., $27,006.

Forrest Charlson, Carter, Mt., $27,003.
Chas. F. Younker, Buckeye, Az., $27,004.
Ben F. Youngker, Jr., Buckeye, Az., $27,004.
E. L. Hendon, Welch, Tx., $27,003.
Otey Shadden, Hale Center, Tx., $27,002.
Virgil Young, Hart, Tex., $27,001.
Francis D. Hamilton, Jr., Olney, Tx., $27,000.
Lloyd Page, Mullins, S.C., $26,998.
William G. Ellis, Brien, Tex., $26,997.
Delbert Butler, Dalhart, Tx., $26,995.
McKinney and Son, Anguilla, Ms., $26,989.
Forrest Moore, Blytheville, Ar., $26,989.
Strickland & Co., Plainview, Texas, $26,988.
Gordon Morris, Parkin, Ar., $26,982.
Wayne Carroll, ODonnell, Texas, $26,981.
Woster Anderson, Coushatta, La., $26,979.
James Buckley, Dimmitt, Tx., $26,976.
R. D. Hoffman, Hale Center, Tx., $26,975.
Joe G. Ballenger, Sebastian, Tx., $26,975.
Richard Evans, Tempe, Az., $26,974.
United Packing Co., Fresno, Ca., $26,973.
A Lazy T Cattle Co., Arlington, Az., $26,969.
Durward K. Bell, Bovina, Texas, $26,967.
Joe H. Carter, Alamo, Tn., $26,967.
Adolph Thomae, Jr., San Benito, Tx., $26,966.
Amos D. May, Rule, Tex., $26,963.
John W. Hand, Friona, Texas, $26,960.
Gerald Brawley, Socorro, NM., $26,959.
Edwards and Edwards, Big Spring, Tx., $26,959.
J. W. Silhan, Morton, Tx., $26,958.
Edward Lethen, Corona Del Mar., Ca., $26,954.
Clifford C. Hatfield, Coweta, Ok., $26,953.
R. H. Wamel, Animas, NM., $26,951.
John Wm. Kinnunen, San Joaquin, Ca., $26,947.
Gwyn Thrash, Rolla, Ks., $26,946.
C. C. Spikes, Garden City, Ks., $26,942.
Paul Wilson, Slaton, Tx., $26,937.
Purchase Ranches, Pendleton, Or., $26,937.
R. R. Hutcheson, Lubbock, Tx., $26,931.
Feral Carruth, Texline, Tx., $26,931.
Wilson Brothers, Plainview, Tx., $26,928.
C. O. Nash, Waxahachie, Tx., $26,927.
Cordes and Oberlander, Las Animas, Co., $26,927.
J. R. Peaster, Jr., Estate, Tchula, Ms., $26,924.
Jerry Tunnell, Littlefield, Tx., $26,921.
I. C. Rayner, Jr., Merigold, Ms., $26,920.
E. H. Anderson, Lambert, Ms., $26,919.
Valley Properties, Brawley, Ca., $26,913.
Nilson Farms, El Campo, Tx., $26,905.
Bridwell Ranch West, Adrian, Tx., $26,905.
Montgomery Farms, Clarksdale, Ms., $26,905.
T. L. Abernathy, Jr., Tulia, Tx., $26,902.
Wm. A. Curry, Columbus, Nebr., $26,901.
Irvin Reeves, Waynesboro, Ga., $26,900.
Karl C. Brinkman, Geneva, Ne., $26,899.
Charles Hoffman, Walker, Ia., $26,897.
Lucian A. Branch, Jr., Alexandria, La., $26,897.
Jimmy B. Hinson, Jr., Tatum, S.C., $26,896.
Schartz Bros., Great Bend, Ks., $26,892.
Lester Canny, Johnson, Ks., $26,890.
Jerrell Cate, Plainview, Tx., $26,886.
Paul Light, Rolla, Ks., $26,884.
James L. McBride, Phoenix, Az., $26,882.
Adams Brothers, Odem, Texas, $26,881.
Fred Champion, Belzoni, Ms., $26,878.
Jerry W. Kelley, Earth, Tx., $26,877.
Bernard Sasia, Bakersfield, Ca., $26,877.
Mrs. Dale Combs, Queen Creek, Az., $26,876.
Pete Field Estate, Portales, N.M., $26,863.
Guy Bennett, Lamesa, Texas, $26,863.
Charles Medlin, Seagraves, Tx., $26,858.
Ronald Kotara, Panhandle, Tx., $26,858.
Father Flanagans Boys Home, Boys Town, Ne., $26,855.
Marcus Reeves, Rochelle, Ga., $26,855.
Charlie A. Nichols, Big Spring, Tx., $26,855.
John W. Gunther, Enochs, Tx., $26,853.
Robert Barnett, Indianola, Ms., $26,853.
France Baker, Lubbock, Tx., $26,851.
Floyd Terrell, Plainview, Tx., $26,850.
Robert E. Gullatte, Salem, Al., $26,846.
Big Four Farm, Lamesa, Tx., $26,843.
Harry E. Paul, Henderson, Ia., $26,842.
Wayne J. Parker, Ralls, Tx., $26,837.
W. D. Suddath, Helena, Ar., $26,836.
R. J. Suddath, Helena, Ar., $26,836.
Thomsen Bros., Co. Bluffs, Ia., $26,834.
Billy J. Rothwell, Childress, Tx., $26,823.
R. O. Webb, Seagraves, Tx., $26,823.
Leroy Holladay, Lamesa, Tx., $26,820.
Loy Eldon Teague, Abernathy, Tx., $26,820.
Myles Looney, Benoit, Ms., $26,818.
Joe Bob Neely, Tempe, Az., $26,817.
Norman Gottfried, Sandusky, Oh., $26,817.
Cage Farm, Turrell, Ark., $26,816.
J. R. Banks, Springlake, Tx., $26,814.
Glenn Nelson, Kingston, Ga., $26,813.
John Kimzey, El Mirage, Az., $26,812.
O. H. Olson, Tulia, Tx., $26,811.
Bruce F. Gregg, Sterlington, La., $26,809.
Ernest L. White, Jr., Elfrida, Az., $26,805.
W. P. Veazey, Jr., Coldwater, Ms., $26,805.
C. E. Carter and Son, Plainview, Tx., $26,803.
Frank D. Brown, Lockney, Tx., $26,801.
W. M. Nelson, Seagraves, Tx., $26,798.
Ellett & Sandifer Farms, Charleston, Ms., $26,798.
Harold Hills, Jr., Colby, Ks., $26,796.
Raymond Pharr, Coy, Al., $26,793.
Bodray Hagestad, Wolf Point, Mt., $26,790.
C. W. & Faye, Herndon, Ptn., Panhandle, Tx., $26,785.
Obanion Ranches, Dos Palos, Ca., $26,782.
Dave Bloemhof, Redlands, Ca., $26,782.
William Mencarow, Moline, Il., $26,778.
Henry Funk, Arapahoe, Co., $26,774.
L. E. Hansen Farms Inc., Lemoore, Ca., $26,773.
Joe Oswalt, Hughes, Ar., $26,772.
Hugh B. Proctor, Jr., Parkin, Ar., $26,772.
Ralph Rice, Wildorado, Tx., $26,768.
James Voyles, Vega, Tx., $26,765.
Melvin Kelm, Plainview, Tx., $26,764.
Earnest Spradlin, Seagraves, Tx., $26,761.
Edmond Tom Ranch Inc., Stanton, Tx., $26,758.
S. S. Wathen, Owensboro, Ky., $26,757.
Floyd H. Shaw, Clarendon, Ark., $26,756.
John Kotara, Jr., White Deer, Tx., $26,755.
Delvin L. Dane, Clay Center, Ne., $26,752.
Luther C. Childers, Jr., Lubbock, Tx., $26,752.
John H. Golden, Goodland, Ks., $26,752.
Jean Errotabere, Riverdale, Ca., $26,752.
C. A. Townsend & Sons, Mission, Tx., $26,750.
W. H. Gillon, Jr., Itta Bena, Ms., $26,742.
Henry Winslow, Eliz City, N.C., $26,740.
V. C. Smith, Elfrida, Az., $26,739.
John A. Gorenz, Hampshire, Il., $26,737.
T. E. Barkeim, Lakefield, Mn., $26,737.
Donald Jarrett, Britton, S.D., $26,734.
C. M. Allen, Lula, Ms., $26,728.
Jack Griffith, Sunflower, Ms., $26,724.
Bess Jones, Amarillo, Tx., $26,722.
A. R. Mann, Jr., Skene, Ms., $26,719.
W. Wayne Lewis, Brownfield, Tx., $26,718.
Ratliff Farms, Inc., Vicksburg, Ms., $26,716.
Archie Lindseth, Silva, Md., $26,715.
Alvaro Deen, Calipatria, Ca., $26,712.
James & Harry Holton, Inc., Camilla, Ga., $26,710.
Leroy Pettey, Bradshaw, Ne., $26,709.
Charles J. Schindler, Rockport, Tx., $26,709.
Alfred E. Perry, Stanton, Tx., $26,708.
Woodrow Dewitt, Alex, La., $26,707.
James T. McMenamy, Shallowater, Tx., $26,706.
Giacomazzi Bros., Visalia, Ca., $26,705.
Bruno Cauzza, Arvin, Ca., $26,703.
Nuckles & Gerald, Sweetwater, Tx., $26,703.
Robert Horace Marks, Athens, Al., $26,702.
Tucker Farms, Inc., Walla Walla, Wa., $26,701.
Don W. Jeffcoat, Woodford, S.C., $26,700.
Kent Welch, Plains, Tx., $26,699.
W. T. McBride, Vidette, Ga., $26,696.
Paul N. Irlbeck, Tulia, Tx., $26,696.
Benjamin O. Bierly, Walkerton, In., $26,693.
J. F. Brorman, Vega, Tx., $26,693.
Dick Snodgrass, Crosbyton, Tx., $26,692.
Lakeplace Pltn., Newellton, La., $26,691.
Gilbert Brothers, Othello, Wa., $26,691.
H. Dale Cope, Loop, Texas, $26,690.
Lee Dorroh, Caruthersville, Mo., $26,688.
Arnold B. Morris, Stratford, Tx., $26,688.
Estate of E. B. Claxton Dec., Dublin, Ga., $26,676.
Walker Briney, Goodland, Ks., $26,676.
Howard Duncan, Texico, NM., $26,673.
Tom Morimmon, Rowland, N.C., $26,671.
Lafont Farms, Plainview, Tx., $26,668.
Elmer Joe Motley, Samson, Al., $26,668.
Roy Schluter, Ralls, Tx., $26,667.
A. E. Kramer Agt., Pelajo Prop., Hugoton, Ks., $26,665.
Marion Griffin, Somerton, Az., $26,664.
B. R. Weatherford, Miles, Tx., $26,663.
B. E. S. Co., Corpus Christi, Tx., $26,662.
Bill Wedel, Dalhart, Tx., $26,659.
Peoples Bk., Rocky Mount, N.C., $26,657.
H. E. Mathias, Cruger, Ms., $26,657.
Edith Robinson & Martha Rye, England, Ar., $26,656.
Van Horn Ranch Co., Dutton, Mt., $26,652.
Leslie A. Alexander, Satanta, Ks., $26,650.
Raymond Amerson, Lamar, S.C., $26,649.
E. L. Burgess, Sherrill, Ar., $26,647.
Collins A. Andrews, Jr., Pine Bluff, Ar., $26,643.
Glenn Lonon, Brownsville, Tn., $26,642.
Roy B. Hanes and Delano Alley, Keyes, Ok., $26,638.
G. C. Trout, Charleston, Ms., $26,636.
Harold Kuckartz, Arriba, Co., $26,631.
Olen Price, Wrightsville, Ga., $26,630.
Tolmachoff Farms, Glendale, Az., $26,630.
Jim Flanders, Edson, Ks., $26,629.
K. D. Strong, Stromsburg, Ne., $26,627.
Carl Cotropia, Hearne, Tx., $26,627.
Robert B. Chandler, Good Hope, Ga., $26,625.
S. J. McIntosh, Floydada, Tx., $26,623.
Joe Appling, Floydada, Tx., $26,622.
Pat Holt, Gruver, Tx., $26,621.
Emil Schattel, Hermleigh, Tx., $26,620.
Norbert Verhalen, Oak Creek, Wi., $26,618.
Vernon D. Wheeless, Crosbyton, Tx., $26,618.
Howell Pippin, Lake Providence, La., $26,616.
John Carrol Rice, Rayville, La., $26,611.
Thurman Chapman, Millington, Tn., $26,610.
B. P. Kelley, Parkin, Ark., $26,607.
Stanley A. Snyder, Fairbury, Ne., $26,607.
Arnold Hensche, Alden, Mn., $26,607.
D. W. Edinburgh, Crosbyton, Tx., $26,607.
Robert H. Novak, Spearman, Tx., $26,606.
F. T. Gamble, Toppenish, Wa., $26,606.
J. L. Hall, Indianola, Ms., $26,605.
Max Cates, Alamo, Tn., $26,603.
Edwin J. Wilde, San Angelo, Tx., $26,600.
Dan Ellis, Benkelman, Ne., $26,597.
Chester W. Mitchell, Lockney, Tx., $26,596.
Andy Kochis, Jr., Matheson, Co., $26,591.
Carolyn Self, Silverton, Tx., $26,590.
Toomey Brothers, Visalia, Ca., $26,590.
Raymond Ratcliff, Rose Creek, Mn., $26,589.
Jimmy Fullen, Ashport, Tn., $26,589.
Tavie Lee Simmons, Bushland, Tx., $26,587.
Nelson Hillyer, Opelika, Al., $26,586.
Don L. McKenzie, Abernathy, Tx., $26,583.
Dennis Lamphere, Lamesa, Tx., $26,581.
R. C. Smith, Dundee, Ms., $26,579.
Herbert Fervida, Milford, In., $26,577.
W. R. Johnson, Deming, N.M., $26,573.
Madge M. Roberts, Dimmitt, Tx., $26,570.
Reece Bros., Tranquillity, Ca., $26,570.
Weldon F. Walker, Stamford, Tx., $26,569.
R. L. Burnett, Brownfield, Tx., $26,568.
G. G. & G. W. McCool, Glen Allan, Ms., $26,567.
Leo W. Koenig, Deming, N.M., $26,567.
Edith A. Lewis, Clovis, N.M., $26,565.
W. E. Singleton, Jr., O'Donnell, Tex., $26,562.

Malcolm A. Maedgen, Jr., Crystal City, Tex., $26,560.
Fish Lake Farms, Pine Bluff, Ark., $26,556.
Sam R. Cluck, Gruver, Tx., $26,555.
Max D. Remus, Osborne, Ks., $26,555.
Ida Mae Norsworthy, Widener, Ar., $26,554.
John D. Naill, Jr., Biscoe, Ark., $26,553.
Walter L. Clore, Harlingen, Tx., $26,552.
W. T. Salmon, Coahoma, Ms., $26,551.
Larry Bundrick, Shreveport, La., $26,549.
Elton Talley, Altus, Ok., $26,546.
Allen Metheny, Etowah, Ar., $26,546.
Clarence A. Johnson, Farwell, Tex., $26,544.
Charles Burks, Dimmitt, Tx., $26,541.
Mack Hickerson, Floydada, Tex., $26,540.
Leonard Hart, Holly, Co., $26,540.
Harold Nichols, Eldorado, Ok., $26,538.
Charles L. King, Hale Center, Tx., $26,536.
Leonard Olson, Panhandle, Tx., $26,535.
Belmont, Inc., Stovall, Ms., $26,531.
Charles Eskelund, Deerfield, Ks., $26,525.
W. B. Savage Ranches, Kimberly, Id., $26,523.
Burle D. Byrd, Kress, Tx., $26,520.
Meredith H. Brown, Stratford, Tx., $26,520.
Wilburn Burklund, Austin, Tex., $26,520.
Jack French, Levelland, Tex., $26,518.
Basin Farms, Inc., Corcoran, Ca., $26,517.
Jessen Farms, Inc., Lodgepolt, Ne., $26,512.
Charles L. Shofner, Harlingen, Tx., $26,510.
Thomas E. Smith, Jr., Coldwater, Ms., $26,509.
E. J. Blake, Mercedes, Tex., $26,507.
Macdonald Farms, Inc., Ft. Benton, Mt., $26,506.
Ford Turkey Island, New Harmony, In., $26,506.
S. C. Storie, Sr., est., Post, Tx., $26,503.
Luther C. Hill, Wellington, Tx., $26,503.
J. W. Perry, Perryville, La., $26,503.
James J. Martin, Brownfield, Tx., $26,501.
Ronald Miller, Maricopa, Az., $26,501.
Pat Crumpton, Leslie, Ga., $26,500.
Jerry P. Hicky, Marianna, Ar., $26,494.
Leslie E. Smith & Sons, Inc., Imperial, Ne., $26,494.
R. R. Wood, Avondale, Az., $26,494.
Henry Vantuyle, Roodhouse, Il., $26,492.
Earl Reasoner, Slaton, Tx., $26,492.
Claverie Bros., Holtville, Ca., $26,490.
Hollowell Bros., Yazoo City, Ms., $26,489.
J. & J. Farms, Idalou, Tx., $26,489.
Jerald R. Quindt, Lamar, Co., $26,488.
Lanphere Farms, Belmond, Ia., $26,484.
William Piper, Ida Grove, Ia., $26,484.
Carroll Fowler, Lakeview, Tx., $26,484.
Hall Bros., Adrian, Tx., $26,483.
Donald H. Berry, McAdoo, Tx., $26,482.
Don H. Shaw, Lakin, Ks., $26,480.
Gerik Bros. Ptrns., Aquilla, Tx., $26,477.
Oscar B. Gray & Sons, Ptn., Harlingen, Tx., $26,477.
Jim Brooks & Sons, Clovis, N.M., $26,476.
Frank Farms, Inc., Olivia, Mn., $26,472.
W. L. Crain, Belcher, La., $26,468.
Willis Stutts, Manila, Ar., $26,468.
Edwin C. McDanield, Corpus Christi, Tx., $26,467.
Bennett Griffin, Frisco, Tx., $26,463.
Robert E. Wilson, Plainview, Tx., $26,460.
J. A. & T. R. Hawkins, Chowchilla, Ca., $26,459.
Star Brand Cattle Co., Kaufman, Tx., $26,458.
Clyde Cartlidge, Rayville, La., $26,456.
Mike Kelly, Itta Bena, Ms., $26,452.
Harvey Drake, Charleston, Mo., $26,452.
Sunset Farms, Inc., Manteno, Il., $26,449.
Marlene E. Medearis, Brawley, Ca., $26,448.
H. and B. Farms, Pearsall, Tx., $26,446.
Harold V. Gorham, Prescott, Wa., $26,446.
Frank Rochelle, Indianola, Ms., $26,445.
Norris, Barron, Lamesa, Tx., $26,444.
James Stowers, Itta Bena, Ms., $26,435.
Forest Young, Petersburg, Tx., $26,430.
A. W. Anthony, Jr., Friona, Tx., $26,429.
Robertson & Swisher, Marshall, Mo., $26,416.
Joe W. Lane, Harlingen, Tx., $26,415.
F. S. Strohmeyer, Happy, Tx., $26,414.
W. A. Pearson, Isola, Ms., $26,411.
Edwin Rainbolt, Kanorado, Ks., $26,411.
Lee Roy Janzen, Bakersfield, Ca., $26,407.
E. B. Burelsmith, Levelland, Tx., $26,406.
Hubert Beene, Helm, Ca., $26,406.
George Silva, Yuma, Az., $26,404.
Kenneth Hitchcock, Burlington, Co., $26,402.
Hake Ranch, Chowchilla, Ca., $26,401.
Verne W. Foreman, Stratford, Tx., $26,400.
Clinton Nesmith, Mangum, Ok., $26,397.
Hugh L. Rice, Jr., Florence, Al., $26,385.
Charles R. Moore, Luxora, Ar., $26,384.
Glen Woolfolk and Sons, Protection, Ks., $26,384.
Kirkland Brothers, Newville, Al., $26,382.
Ralph W. Braswell, Lewisville, Ar., $26,382.
Carl L. Drumm, Irwin, Ohio, $26,377.
Hammer Bros., Mellette, Sd., $26,377.
Big Stone Canning Company, Arlington, Mn., $26,376.
W. B. Lovett, Ruleville, Ms., $26,375.
Phil F. Schafer, Great Falls, Mt., $26,374.
G. W. Dill, Brownfield, Tx., $26,374.
J. H. Avritt, Jr., Shaw, Ms., $26,373.
Manuel I. Rocha, Tulare, Ca., $26,372.
Geo. & Sam Taylor, Corpus Christi, Tx., $26,370.
Estate of Fred Taylor, Sr., Como, Ms., $26,369.
J. D. Nance, Silverton, Tx., $26,368.
Sam Morello, Bryan, Tx., $26,367.
Billy Wilson, Shelby, Nc., $26,367.
Myron Brady, Mt. Morris, Ny., $26,365.
Jesse L. Smith, Loop, Tx., $26,362.
Mrs. H. C. Crook, Corpus Christi, Tx., $26,360.
H. D. Meil, Dumas, Tx., $26,357.
Ed Fischahs, Aurora, Co., $26,357.
Paul Bundrick, Shreveport, La., $26,355.
J. H. Flippo, Seagraves, Tx., $26,353.
John Spaid, Pierre, Sd., $26,351.
Orville H. Esslinger, Elora, Tn., $26,350.
Amos E. Steelman, Bovina, Tx., $26,350.
Wade Vinson, Jr., Newellton, La., $26,348.
John F. Dixon, Bovina, Tx., $26,348.
Rex Carlisle, Spur, Tex., $26,347.
D. P. T. Farris, Inc., Dekalb, Tx., $26,343.
Luckey & Hellis, Brawley, Ca., $26,340.
Jake Crow, Elaine, Ar., $26,339.
Sam R. Cady, Sherill, Ark., $26,337.
Alex Maul, Fresno, Ca., $26,335.
William E. Avis, Wayside, Ms., $26,334.
Harold Trigger Wall, Hughes, Ar., $26,334.
M. J. Labrucherie Rch, El Centro, Ca., $26,332.
Marvin McCalman, Bradley, Ar., $26,332.
Evert E. Berglund, Rossville, Il., $26,331.
S. M. Hanson, Jr., Seagraves, Tx., $26,331.
W. C. Diacon, Alva, Ok., $26,329.
L. D. Henry, Buckeye, Ariz., $26,326.
Harvell J. Walker, Florence, Al., $26,325.
Dudley Moore, Rolling Fork, Ms., $26,323.
Charles E. Tallman, Brandon, Co., $26,322.
Thomas M. Carlton, Casa Grande, Az., $26,322.
Kenneth Wiseman, Sudan, Tx., $26,319.
Kenneth Spradley, Anton, Tx., $26,316.
Robert Mathers, Brownsville, Tx., $26,313.
Fred Bell, Aberdeen, Ms., $26,313.
A. H. Braswell, Wrens, Ga., $26,313.
George Weiss, Brownfield, Tx., $26,312.
Bill & Glenn Reed, Stratford, Tx., $26,308.
R. H. Thompson, Adams, Or., $26,305
W. T. Pomroy, Lamesa, Tx., $26,303.
Harold Guldner, Syracuse, Ks., $26,299.
Alban Farms, Hereford, Tx., $26,297.
Jennie W. Haynes, Jonestown, Ms., $26,293.
William V. Halford, Abernathy, Tx., $26,288.
Dud Winders, Earth, Tx., $26,286.
Nelton Chote, Ralls, Tx., $26,281.
R. Z. Johnson, Monroe, La., $26,280.
Roger Ramsey, Garden City, Ks., $26,277.
George E. Baird, Jr., Inverness, Ms., $26,276.
True Beisly, Nevada, Mo., $26,275.
Roy J. Warren, Crosbyton, Tx., $26,275.
Robert F. Walters, Jr., Auburn, Al., $26,273.
Milford E. Zook, Larned, Ks., $26,272.
W. Leroy Roberts, Tulia, Texas, $26,270.
James Walker, Florence, Al., $26,268.
Richard Walters, Blissfield, Mi., $26,268.
R. L. Kaliff Ranch, Co., York, Ne., $26,266.
J. B. Prewitt, Ralls, Tx., $26,263.
Ervin Fast, Frazer, Mt., $26,263.
Two M. Farms, Shafter, Ca., $26,259.
Charles C. Martin, Watson, Mo., $26,257.
Dave Pointer, Como, Ms., $26,254.
Roy C. Osterli, Pleasant Grove, Ca., $26,254.
A. R. Bort, Gruver, Tx., $26,253.
Howard Fike, Caruthersville, Mo., $26,253.
Wayne Beale, Pomeroy, Wa., $26,249.
Harold Thompson, Connell, Wa., $26,244.
T. M. Campbell, Helix, Or., $26,243.
T. J. Wiggins and Son, Eutawville, S.C., $26,243.
C. J. Fails, Jr., Meadow, Tx., $26,243.
John W. Littlefield, Friona, Tx., $26,242.
Dale Koester, Lava Hot Springs, Id., $26,235.
Truett L. Maddox, Paso, Tx., $26,227.
Robert E. Connelly, Ulmers, S.C., $26,226.
Floyd E. Lee, Elnora, In., $26,226.
S. Wayne Snyder, Clovis, N.M., $26,225.
Jim Huff, Ferriday, La., $26,223.
W. F. Wallace, Wasco, Or., $26,222.
Kit McDaniel, Jr., Hale Center, Tx., $26,221.
Gerald Sovereign & Sons, Cresco, Ia., $26,220.
Melvin C. Josselet, Weinert, Tx., $26,218.
Randy Farenthold, Cor Chr, Tx., $26,215.
Elmer Funk, Jr., Aberdeen, Id., $26,214.
James L. Churchill, Beecher, Il., $26,212.
Byron Baker, Ridgeville, In., $26,209.
Dorothy Bally Adm, Roanoke, Il., $26,209.
J. L. Currie, Crawfordsville, Ark., $26,204.
John W. Hays, Gurley, Ala., $26,202.
Don Martin, Madison, Al., $26,201.
George W. Wise, Bakersfield, Ca., $26,201.
Joe K. Augerot, Satanta, Ks., $26,192.
Joe Sharp, Plainview, Tx., $26,190.
L. E. Rowland, Greenwood, Ms., $26,187.
Sid Allen, Jr., Live Oak, Fla., $26,186.
David K. McGehee, Happy, Tx., $26,185.
Harris Farms, Inc., Senath, Mo., $26,185.
A. W. Carlson, McFarland, Ca., $26,183.
Knipp Land Co., Big Springs, Ne., $26,182.
Richard Hoefs, Balmorhea, Tx., $26,181.
Jackson Est. & D. E. Jackson, Jr., Hgn., Tx., $26,180.
Joe A. Evans, Hale Center, Tx., $26,180.
Lucerna Planting Co., Vidalia, La., $26,179.
Edgar Brown, Est., Adrian, Tx., $26,178.
Geo. Shannon, Tulare, Ca., $26,178.
Norcross Farming Company, Tyronza, Ar., $26,177.
A. E. Teaford, Luxora, Ar., $26,176.
A. B. & W. Mansell, Canton, Ms., $26,175.
Frank A. Jones, Lexington, Ms., $26,175.
M. S. Johnson, Jr., Bentonia, Ms., $26,174.
Edward E. Holley, Mangham, La., $26,174.
Leighton O. Teeple, Plainview, Tx., $26,174.
I. Arnold Chauncey, Lubbock, Tx., $26,171.
John Wallace Kelly, Stanton, Tx., $26,171.
Thomas W. Cooke, Jr., Bowie, Az., $26,170.
Leroy Goertz, Wheatland, Wy., $26,166.
Frank H. Coleman, Itta Bena, Ms., $26,165.
Doug G. Sopher, Olton, Tx., 26,163.
Wayne McLarty, Anton, Tx., $26,163.
Hercal Corporation, Lindsay, Ca., $26,163.
H. Novak, Nebraska City, Ne., $26,160.
Brock Farm, Lockney, Tx., $26,160.
John W. Liles, Bville, S.C., $26,158.
Travis Walls, Altus, Ok., $26,158.
A. F. Gregory, Jr., Lexa, Ar., $26,157.
Momer C. Barron, Meadow, Tx., $26,155.
Richard Cheatum, Syracuse, Ks., $26,154.
E. A. Noland, Floydada, Texas, $26,152.
Granville, Smith, San Juan, Tex., $26,152.
Coy M. Holt, Gruver, Texas, $26,146.
George, Pew, Mesa, Az., $26,146.
Marvin May, Sudan, Tx., $26,143.
Stanley Metelmann, Walhalla, N.D., $26,143.
Mary Lanning Hosp. Tr., Hastings, Ne., $26,140.
Elmo Fortenberry, Sunray, Tx., $26,139.
Fred H. Schield, Goodland, Ks., $26,139.
Frank Mercer, Silverton, Texas, $26,137.
W. H. Okeefe, Blytheville, Ar., $26,136.
Richard Hampton, Pendleton, Or., $26,135.
Hoeft Ranches, Inc., Pendleton, Or., $26,134.

M. K. Sellers, San Simon, Az., $26,130.
Jerome Gumz, Medaryville, In., $26,130.
W. S. Adams, Rosedale, Ms., $26,130.
Ed Wilson, Dimmitt, Tx., $26,129.
Talmage C. Ivey, Levelland, Tx., $26,128.
Burchfield Farms, Inc., Lake Village, Ar., $26,126.
A. L. Stovall, Panhandle, Tx., $26,126.
P. Keith Marble, South Plains, Tx., $26,125.
Washington Ginning Co., Tennille, Ga., $26,125.
Elsie W. Heaton, Lyon, Ms., $26,124.
Fred L. Marble, South Plains, Tx., $26,122.
Paul Yarbrough, Littlefield, Tx., $26,119.
Sam Goldman, Straughn, In., $26,119.
Zoller Farms, Great Falls, Mt., $26,118.
J. F. Elliston, Flagler, Co., $26,116.
John W. McSpadden, Vernon, Tx., $26,113.
Exum Ranch, Dalhart, Tx., $26,111.
F. B. Alyward, Pace, Ms., $26,108.
J. H. Crews, Lake Providence, La., $26,103.
Charles Dudley, Moscow, Ks., $26,103.
Elmer Koenning, Plainview, Tx., $26,102.
S. & S. Ranches, Tulare, Ca., $26,102.
Amanda S. Duvall, Heppner, Or., $26,101.
Moxley Farms, Charleston, Mo., $26,097.
Ansel Underwood, Portageville, Mo., $26,095.
J. F. Schmelzla, Willcox, Az., $26,095.
Sergrest Bros., Shorter, Al., $26,094.
Carroll Josh, Yuma, Co., $26,094.
L. G. Watson, Hart, Tx., $26,091.
Madge M. Harrison, Memphis, Tn., $26,091.
Johnnie Cates, Floydada, Tx., $26,087.
R. R. Rule, Friona, Tx., $26,087.
Ralph Till, Elmore, Al., $26,086.
Philo Butler & Perryton, Tx., $26,084.
W. F. Finley, Jr., Rayville, La., $26,079.
M. C. Sevier, Tallulah, La., $26,076.
Bailey Blair, Winnebago, Minn, $26,076.
Louis Ricci Buttonwillow, Ca., $26,075.
Bonham Farms, Inc., Roswell, NM., $26,075.
Houstan H. Marshall, Walla Walla, Wa., $26,075.
J. G. Allen, Jr., Bradley, Ar., $26,072.
J. D. Melton, Littlefield, Tx., $26,067.
L. L. Shultz, Hereford, Tx., $26,067.
Claude H. Evans, Casa Grande, Az., $26,067.
D. J. Bessire, Donnell, Tex., $26,066.
Louis A. Kopple, Chicago, Il., $26,066.
Eugene Berning, Marienthal, Ks., $26,062.
Eddie R. Harrington, Texico, Nm., $26,059.
J. E. Davis & Sons, Wildorado, Texas, $26,056.
B. W. Carlson, Edcouch, Tex., $26,055.
R. B. Lyon, Jonestown, Ms., $26,054.
William A. Simpson, McDonough, Ga., $26,054.
Pfeifer Brothers P, Marlin, Wa., $26,053.
Daniel Cronin, Gettysburg, Sd., $26,051.
Schrimsher Bros., Roswell, Nm., $26,050.
Leo W. Foster, Kress, Tx., $26,050.
H. S. Jewett, Bakersfield, Ca., $26,049.
Kenneth Pike, Harvest, Al., $26,046.
Riggan & Neal Farms, Inc., Pearsall, Tex., $26,045.
Leonard Heistand, Dow City, Ia., $26,043.
Charles Coldani, Galt, Ca., $26,041.
J. K. McNeill Farms, Raeford, NC, 26,041.
Carl M. Hansen, Jr., Palacios, Tx., $26,035.
Loitz Bros., Grant Park, Il., $26,035.
James Overstreet, Hereford, Tx., $26,034.
J. V. Riley, Brownfield, Tx., $26,033.
Cornwall Farms, Fairfield, Wa., $26,030.
Melvin D. Jennings, Tulia, Tx., $26,029.
E. L. Beaver, Pville, Ca., $26,025.
Aldo Marconi, Crawfordsville, Ar., $26,025.
J. W. Parker, Rosedale, Ms., $26,023.
Billy R. Jones, Brownfield, Tx., $26,018.
Royce Applegate, Geraldine, Mt., $26,017.
Clarence Venell, Corvallis, Or., $26,015.
Rollis Friend, Pixley, Ca., $26,013.
Leon Hamilton, Hillsboro, Al., $26,011.
Versluis Ranches, Chandler, Az., $26,009.
M. C. Dunlow, Garysburg, NC, $26,008.
Alex Born & Sons, Follett, Texas, $26,007.
Kenneth McClanahan, Bakersfield, Ca., $26,007.
R. Palla, Bakersfield, Ca., $26,007.
Holland & Sons, Happy, Tx., $26,001.
Freddie Mutschuler, Wimbledon, ND, $26,000.
Damon B. Lieb, Portales, N.M., $25,999.
J. A. White, Seminole, Tx., $25,998.
R. R. Rice, Shellman, Ga., $25,995.
John L. Gadberry, Follett, Tx., $25,995.
Eugene F. Ware, Garden City, Ks., $25,994.
Mclendon Brothers, Dawson, Georgia, $25,993.
W. F. Ervin, Duncan, Ms., $25,993.
Keith Cook, Edson, Ks., $25,993.
Glenn Jolly, Kress, Tx., $25,992.
J. V. Moore, Arkabutla, Ms., $25,992.
Bill Blackburn, Cherokee, Al., $25,992.
Esperenza Plt., Glen Allan, Ms., $25,990.
J. A. Wise & Son, Samson, Al., $25,989.
Milam Planting Co., Hollandale, Ms., $25,986.
E. A. Brag, Hope, ND., $25,985.
Williams & Williams, Yazoo City, Ms., $25,985.
Charles Packard, Hereford, Tx., $25,983.
W. E. Stone, Mantee, Ms., $25,980.
Howard & Ronald Henry, Buckeye, Az., $25,980.
Western Alfalfa Corp., Odessa, Ne., $25,973.
James C. Passmore, Pecos, Tx., $25,972.
O. L. Straughan & Sons, Adams, Or., $25,971.
George R. Martin, Whiteface, Tx., $25,971.
A. B. Bingham, Amarillo, Tx., $25,971.
Vernon Hoffman, Danube, Mn., $25,969.
Toretta Farms, Buttonwillow, Ca., $25,964.
Wolff Farms, Union Mills, In., $25,964.
Fred V. Jones, Inverness, Ms., $25,962.
Clint Thomas, Sheffield, Il., $25,960.
William Sledge, Sumner, Ga., $25,958.
Greenfield Pltg. Co., Tutwiler, Ms., $25,957.
L. M. Powell, Ralls, Tx., $25,955.
Larkins Bros., Clinton, Ky., $25,954.
Kathryn Raymond, Abernathy, Tx., $25,951.
Stewart Farms, Rensselaer, In., $25,947.
Milan W. Nelson, Sebastian, Tx., $25,945.
J. A. Hanson, Hamilton, Ms., $25,945.
Raymond & Son Inc., Helix, Or., $25,945.
Tom Howell, Roll, Az., $25,943.
S. I. Gregory, Shaw, Ms., $25,942.
Boscoe Blagg, Dumas, Ar., $25,941.
Jack H. Stallings, El Paso, Tx., $25,938.
Billy Arnwine, Levelland, Texas, $25,937.
W. A. Rawls Ranch, Fabens, Tx., $25,934.
Ferrell & Luvaas, Pomeroy, Wa., $25,934.
Loyd J. Becker, Memphis, Tx., $25,934.
Jimmy M. Bagwell, Empire, Al., $25,929.
James C. Moreton, Charleston, Mo., $25,928.
Perry Bell Enterprise, Thomasville, Ga., $25,925.
Leon Meredith, Maple Park, Il., $25,922.
Russell D. Smith, Muleshoe, Texas, $25,921.
Kirby Wyllie, Tulare, Ca., $25,920.
J. E. Helm, Plainview, Tx., $25,920.
Quirk Farms, Inc., Wall Lake, Ia., $25,917.
Adrian Richins, Duncan, Az., $25,917.
Gothenburg Feed Products Co., Gothenburg, Ne., $25,915.
Jerry R. Maloney, Terrell, Tx., $25,913.
Dr. D. Tuminello, Cleveland Ms., $25,910.
J. E. Good, Hamburg, Ia., $25,906.
Clarence Meeks, Farwell, Tx., $25,902.
Douglas Giles, Olton, Tx., $25,900.
R. H. Trostle, Johnson, Ks., $25,900.
Ferris Farms, Inc., Vicksburg, Ms., $25,897.
W. & Culpepper, Est., Cameron, Tx., $25,897.
Leo J. Dreiling, Victoria, Ks., $25,896.
Wood Brothers, Gould Ar., $25,895.
Thrane Parsons, Plainview, Tx. $25,891.
Earl Morehouse, Bristol, S.D., $25,889.
Jack Webb, O'Donnell, Tex., $25,887.
J. P. Barton, Hale Center, Tx., $25,882.
Healy Enterprises, Inc., Lancaster, Ca., $25,811.
Mrs. Nannie S. Parks, Drew, Ms., $25,881.
Richard Lee Miller, Clovis, N.M., $25,874.
Robert A. Vail, Marion, S.C., $25,874.
J. D. Rast and Sons, Cameron, S.C., $25,873.
J. B. Lowe, Benoit, Ms., $25,871.
W. F. Abney, Woodsboro, Tx., $25,871.
Norman Birkeland, Sheyenne, N.D., $25,866.
Junior J. Heppard, Boise City, Ok., $25,865.
Wm. E. Rogge, Brownville, Ne., $25,864.
Charlie P. Briggs III, Calvert, Tx., $25,860.
William Banta, West Point, In., $25,860.
Harold S. Holland, Clovis N.M., $25,859.
Sanger Farms, Inc., Hickman, Ky., $25,859.
Roy C. Clark, Lubbock, Tx., $25,858.
Frank Chounet Est., Firebaugh, Ca., $25,858.
Ray Jackson Enterprises, Syracuse Ks., $25,858.
H. E. Hammond, Boise City, Ok., $25,856.
Tai Hing & Co., Firebaugh, Ca., $25,855.
J. D. Hewes, Ingalls, Ks., $25,855.
Smith Farm, Inc., Shelbuvl, Il., $28,854.
Dave Odem, Sinton, Tx. $25,851.
A. M. McDonald, Little Rock, S.C., $25,849.
Iron H. Mueller, Bird City, Ks., $25,848.
Flying Dollar Ranch, Oakfield, Wi., $25,847.
Joe M. Zinser, Hereford, Tx., $25,846.
Ben W. Walker, Shorter, Al., $25,846.
Portis Planting Company, Inc., Lepanto, Ar., $25,845.
Myron E. Sell, Tribune, Ks., $25,845.
Raymond Crist, Holcomb, Ks., $25,844.
Manning Mimbs, Adrian, Ga., $25,843.
W. T. Settle, Abernathy, Tx., $25,840.
Bob F. Morrow, San Benito, Tx., $25,839.
Massey Farms, Animas, N.M., $25,835.
W. A. Berry, Bishopville, S.C., $25,833.
Pat Northcutt, Silverton, Tx., $25,830.
David J. Needs, Upper Sandusky, Oh., $25,829.
Everett L. Craft, Edson, Ks., $25,824.
Hugh McClatchy, Red Banks, Ms., $25,823.
Orbra A. Cole, Friona, Tx., $25,819.
Byron E. Powell, Ralls, Tx., $25,817.
Phillip Tate, Clovis, N.M., $25,817.
Deon Awtrey, Friona, Tx., $25,815.
Tom J. Boyd, Amarillo, Tx., $25,814.
W. J. Brady, Clarksdale, Ms., $25,814.
Julian M. Drake, Blenheim, S.C., $25,813.
Frank Franceschi, Buttonwillow, Ca., $25,813.
Ernest Brasher, Jr., Cascilla, Ms., $25,811.
Sam Cox Goodin, Charleston, Mo., $25,808.
Arressar Ranch, Inc., Burlington Jct., Mo., $25,808.
Jay Hickert, Akron, Oh., $25,808.
Harding Burris, Elida, N.M., $25,807.
James Wilson, Wickliffe, Ky., $25,804.
Royce G. Welch, Friona, Tx., $25,796.
E. Weeth & Son, Coalinga, Ca., $25,796.
George D. Vaughon, Lamesa, Tx., $25,795.
J. E. Wisdom, Levelland, Tx., $25,794.
Clyde S. Hester, Jr., Sallis, Ms., $25,794.
E. C. Hay & Son, Inc., Tekoa, Wa., $25,793.
Louis E. Allred, Wellington, Tx., $25,784.
J. D. Long, Braggadocio, Mo., $25,781.
W. O. Hart, Taft, Tx., $25,778.
M. F. Klose, Sr., Lometa, Tx., $25,777.
Cecil Morrison, Hereford, Tx., $25,774.
Marion Maddox, Fort Valley, Ga., $25,773.
A. C. Jones, Nora, Ne., $25,772.
Sagouspe Brothers, 6410 Rd. 26, Madera, Ca., $25,772.
A. T. Earnheart, Tunica, Ms., $25,769.
W. T. Presley, Lake Providence, La., $25,769.
J. D. Fletcher, Box 192, Black Oak, Ar., $25,766.
Ralph Gilkey, Corcoran, Ca., $25,765.
A. C. Mayhugh, Hollis, Ok., $25,765.
Ratzlaff Bros., Shafter, Ca., $25,765.
Rueben F. Owens, Seagraves, Tx., $25,764.
Franklin Dusek, Mission, Tex., $25,764.
William H. Evans, Lacrosse, Wa., $25,763.
Leo J. Terca, Presho, Sd., $25,763.
Norris K. Waites, Harpersville, Al., $25,758.
L. Weldon Norman, Rule, Tex., $25,757.
Leroy Bailey, Broadview, Nm., $25,757.
W. C. Lester, Inverness, Ms., $25,756.
E & R Redenius Partnership, Welcome, Mn., $25,754.
Frank Leroy and Sons, Mill Creek, In., $25,752.
Martin Farms, Inc., Walla Walla, Wa., $25,750.
C. S. Hurdle, Moscow, Tn., $25,749.
J. Oren Reid, Lagrange, Mo., $25,744.
Robert J. Ownbey Est., 1115 Bell Av., Amarillo, Tx., $25,739.
David Doles, Jr., Bonita, La., $23,736.
R. C. Branch, Sr. Estate, Osceola, Ar., $25,735.
W. H. Spradlin, Jr., Keyes, Ok., $25,735.
Agrivest Corp., Woodland, Ca., $25,734.

W. H. Rollow, Ada, Ok., $25,730.
Elk Valley Farms, Larimore, Nd., $25,728.
Copus O. Boyd, Tulia, Tx., $25,726.
George MacClure, Sloan, Ia., $25,724.
Thomas E. Young, Poplar Grove, Ar., $25,724.
Jack C. Davis, Town Creek, Al., $25,724.
Maurice Earl Botkin, S. Mutual Union Rd., Urbana, Oh., $25,723.
John C. White, 1312 Fairway Terrace, Clovis, Nm., $25,721.
R. E. Lancaster, Jr., Clayton, La., $25,721.
Will D. Griffin, McAdoo, Tx., $25,721.
E. J. Lake Inc., Box 3, Dundee, Ms., $25,720.
Paul Robertson, Hale Center, Tx., $25,720.
Herman Stortenbecker, Glenwood, Ia., $25,713.
Brown Farms, 1105 E. Cardwell, Brownfield, Tx., $25,710.
T. Edward Smith, Tokio, Texas, $25,708.
E. C. Simmons, Lorenzo, Tx., $25,707.
Virgil Unruh, Burlington, Co., $25,707.
T. D. Young, Sweetwater, Tx., $25,705.
Allan Webb, Dimmitt, Tx., $25,704.
R. M. Pritchett, Arcola, Ms., $25,703.
Gerald Mann, Cotulla, Tx., $25,696.
Frank Klempel, Bloomfield, Mt., $25,695.
Mussell Slough Farms, Hanford, Ca., $25,694.
Sterling Lockmiller, Texico, Nm. $25,694.
Harold Campbell, Lorenzo, Tx. $25,693.
Wm. H. Akers, Sharon Springs, Ks., $25,692.
Fall River Farms, Inc., Fall River, Wi., $25,690.
R. R. Brake, Jr., Battleboro, Nc., $25,689.
John Ellis Williams, Jr., Morgan City, Ms., $25,686.
Harold G. Kleinbach, Cunningham, Wa., $25,685.
George J. Ermis, Odem, Tx. $25,685.
Charles Walton, Leonardsburg, Oh., $25,680.
Donald D. Love, Childress, Tx., $25,680.
Eubank/Searsy Ralls, Tx., $25,679.
Brown Farms, Lucas, Ks., $25,678.
Bill Gibbs, Portland, Ar., $25,677.
Charles B. Gray, Ralls, Tx., $25,675.
Jack Ramsey, Yuma, Az., $25,675.
J. L. Teer, Dixie, La., $25,674.
Lake Roberson, Jr., Lyon, Ms., $25,673.
E. J. Baker, Jr., Turrell, Ark., $25,669.
Jerrell W. Stepps, Centre, Al., $25,667.
Re-Al Farms, Inc., Dos Palos, Ca., $25,665.
W. M. Yarborough, Belcher, La., $25,665.
Weldon Tabor, Kirkland, Tx., $25,664.
Gibbs Rucker, Broadview, Nm., $25,663.
F. W. Smith, Reynolds, Ga., $25,662.
Bennie L. James, Anton, Tx., $25,662.
James M. Procter, Friona, Tx., $25,662.
Edgar Hood III., Tunica, Ms., $25,661.
Melvin Miller, Rhame, Nd., $25,660.
Donald J. Meyer, Hereford, Tx., $25,660.
Robert K. Long, Wheeler Ridge, Ca., $25,654.
Jack Connell, Shallowater, Tx., $25,654.
William R. Johnston, Weldon, Nc., $25,651.
L. E. Mitchell, Jr., Levelland, Tx., $25,651.
H. S. Smithson, Jr., Goodman, Ms., $25,646.
Charles Johnson, Morse, Tx., $25,645.
Diane Janof, Cimarron, Ks., $25,644.
Donald Molatore, Bakersfield, Ca., $25,642.
Albert Johnston, Jonesboro, Ar., $25,641.
James B. Crouthers, Catron, Mo., $25,637.
Bob Urban, Perryton, Tx., $25,637.
Martin Ravnaas, Rochelle, Il., $25,636.
Josef C. Grotegut, Hereford, Tx., $25,634.
Tri C Ranch, Glenns Ferry, Id., $25,631.
Wilburn P. Axe, Hereford, Tx., $25,625.
Cowart & Moorhead, Pixley, Ca., $25,623.
Eldon Fortenberry, Lockney, Texas, $25,621.
Double J Ranch, Sanatobia, Ms., $25,621.
John Everett Hadden, Gibson, Ga., $25,617.
William Stegner, Rhame, Nd., $25,616.
H. L. Adams, Big Spring, Tx., $25,616.
W. A. Taylor, Lumberton, Nc., $25,615.
L. W. Wade, Greenwood, Ms., $25,614.
Kathryn M. Benefield, Plainview, Tx., $25,612.
Wheatley Mill & Gin Co. Farm, Wheatley, Ar., $25,612.
Joseph A. Oglesby, Jr., Indianola, Ms., $25,611.
I. W. Brunson, Alcolu, Sc., $25,611.
A. P. Kersey, Jr., Caruthersville, Mo., $25,611.
John F. Elsperger, Cando, Nd., $25,611.
Jim Pate, Casa Grande, Az., $25,610.
Vanus Byrd, Dalhart, Tx., $25,609.
Norman F. Willms, Los Fresnos, Tx., $25,609.
George Vanhaerents, Deerfield, Mi., $25,606.
Dan Hood, Colton, Wa., $25,603.
W. O. Fortenberry Est., New Deal, Tx., $25,603.
R. E. Womble, Stinnett, Tx., $25,603.
James Fortson, Corsicana, Tx., $25,603.
John Gentz, Lamar, Co., $25,601.
Keith Burt, Grafton, Ne., $25,599.
Goeringer Farm, Castle Rock, Sd., $25,596.
Hanson Bros., Little Sioux, Ia., $25,596.
Brown & Marion R. McCallum, Dillon, Sc., $25,595.
Don Garrison, Silverton, Texas, $25,593.
Edward Bozarth Estate, Culdesac, Id., $25,590.
Gentry Bros., Dell City, Tex., $25,585.
W. Q. Casey, Muleshoe, Tx., $25,584.
George Kempson, Brownfield, Tx., $25,575.
K. Berzent Blagg, Dumas, Ark., $25,574.
Don Sims, Mer Rouge, La., $25,574.
Litchfield Realty Co., Des Moines, Ia., $25,572.
Max D. Parkinson and Son Inc., St. Anthony, Id., $25,570.
J. E. Bratton, Hollandale, Ms., $25,568.
Austin Bros., Farwell, Tx., $25,563.
W. A. Chase, Rolling Fork, Ms., $25,560.
Charles J. Buchen, Los Fresno, Tx., $25,559.
W. J. Terrell, Navasota, Tx., $25,559.
Veri Cutler, Claremont, SD., $25,559.
Hansell Farms, Inc., Athena, Or., $25,558.
Brodie A. Darby, Lubbock, Tx., $25,556.
Harry Begger, Wibaux, Mt., $25,556.
Warren White, Mer Rouge, La., $25,554.
Robert Carnahan, Edwardsport, In., $25,549.
James Bell, Austin, Mn., $25,548.
Pipes Planting Co., Oak Ridge, La., $25,548.
Vista Farms, Buttonwillow, Ca., $25,548.
T. V. Parker, Rocky Ford, Ga., $25,548.
John Hippen, Martin, SD., $25,547.
Grinnell Shoe Co., Clarion, Ia., $25,547.
Ray Hillhouse, Charleston, Mo., $25,545.
Donnie Thoreson, Gruver, Tx., $25,543.
D. W. Stephens, Branford, Fl., $25,540.
L. W. Simmons, Parker, Az., $25,537.
Robert E. Carlson, Byers, Co., $25,536.
E. M. Taylor, Bakersfield, Ca., $25,532.
Josh Barnes & Son, Waterville, Wn., $25,-531.
F. F. Glisson, Sylvania, Ga., $25,529.
Bruce Isom, Idalou, Tx., $25,525.
J. A. Rainwater, Billingsley, Al., $25,525.
William R. Heuther, Lisbon, ND., $25,521.
Woodrow Wren, Kansas City, Mo., $25,517.
Harvey Smith, Ilone, Or., $25,516.
Joe Hanson, Clint, Tx., $25,514.
Kenneth Batty, Heppner, Or., $25,513.
Evans Bros., Roseville, Ca., $25,512.
H. M. Pitts, Weslaco, Tx., $25,511.
Wolf Farms, Oregon, Oh., $25,509.
J. D. Bennett, Lamesa, Tx., $25,505.
Kent Denson, Seminole, Tx., $25,502.
Echeveste & Elizalde, Firebaugh, Ca., $25,-500.
Leo Harkness, Leoti, Ks., $25,500.
John F. Rodgers, Lyons, Ms., $25,497.
Wesley D. Hood, Coolidge, Az., $25,496.
Erwin Schnad, Billings, Mt., $25,495.
J. H. Johnson, Leighton, Al., $25,493.
Ernest W. Michael, Willows, Ca., $25,492.
Wm. L. Price, Amarillo, Tx., $25,491.
C. D. Thomason, Millington, Tn., $25,491.
Ellis W. Tatum, Friona, Tx., $25,491.
James E. Perry, Cochran, Ga., $25,487.
Joe Varisco, Bryan, Tx., $25,484.
Wright Lands, Inc., Chico, Ca., $25,483.
W. E. Esslinger, LaMesa, NM., $25,481.
G. A. Klefstad, Forman, ND., $25,479.
Tom W. Collins, Estelline, Tx., $25,478.
Elmer White, Grady, NM., $25,477.
Gilbert Turner, Buckeye, Az., $25,476.
Harold J. Froning, Wichita, Ks, $25,473.
Billy Crump, Ralls, Tx., $25,473.
Cecil & Delmer Sullins, Ptnrs., Hillsboro, Tx., $25,473.
Leslie Nix, Wynne, Ar., $25,472.
Guy Gilbert Farms, Casa Grande, Az., $25,472.
Wayne Parsons, Hugoton, Ks., $25,470.
V. S. Johnson, Leachville, Ar., $25,465.
Est. of J. C. Carnahan, Cloutierville, La., $25,462.
J. R. Austin, Jr., Enochs, Tx., $26,461.
Lon Davis, Jr., Floydada, Tx., $25,461.
James W. Schaefer, New Rockford, ND., $25,458.
Wise Bros., Inc., McCredie, Mo., $25,450.
Charles Oliver, Tahoka, Tx., $25,448.
A. & N. Fioranelli, Cleveland, Ms., $25,447.
Bud Antle, Inc., Redrock, Ar., $25,442.
Glenn Terrell, Plainview, Tx., $25,441.
Albert Matlock, Clovis, NM., $25,438.
Kitamura Brothers, San Benito, Tex., $25,433.
Robert H. Belew, Vernon, Tx., $25,433.
Clinton Bailey, Clarksdale, Ms., $25,431.
Henry S. King, Roggen, Co., $25,427.
Pates Supply Co., Inc., Pembroke, NC., $25,426.
C. J. Stancil, East Prairie, Mo., $25,422.
Richard C. Brining, Great Bend, Ks., $25,420.
Harland J. Taylor, Goodland, Ks., $25,419.
R. C. Mitchell, Lockney, Tx., $25,419.
Newell Wayne Tate, Tarzan, Tx., $25,418.
Jess Thomas, Henderson, Tn., $25,418.
Carlos Berry, Seminole, Tx., $25,417.
Jack Martin, Panhandle, Tx., $25,416.
S. J. Clevenger, Anton, Tx., $25,416.
Carl Wiley, Las Cruces, NM., $25,414.
Ervin Baublitz, Buttonwillow, Ca., $25,412.
Robert Nunnally, Causey, NM., $25,412.
Angus G. Newton, Clio, S.C., $25,411.
R. L. Bruton, Sherrill, Ar., $25,409.
Ned Daley, Thatcher, Ariz., $25,409.
Ralph R. Hackey, Rincon, NM., $25,406.
Roger Novack, Murphysboro, Il., $25,404.
James M. Underwood, Leighton, Al., $25,403.
Paul Owens, Lake City, Ar., $25,402.
Dwight Jewell, Winnebago, Il., $25,402.
Loyce Makamson, Sidon, Ms., $25,402.
Hobert Stewart, Manter, Ks., $25,400.
D. and W. Jones, Inc., Isola, Ms., $25,397.
Duncan Farms, Inc., Pecos, Tex., $25,396.
Weldon Bailey, Wilson, Texas, $25,394.
George W. Poulson, Lorenzo, Tx., $25,394.
Mrs. Dona Doughty, Morton, Tx., $25,389.
Billy H. Wilson, Brownfield, Tx., $25,389.
Ellsworth & Kortsen, Stanfield, Az., $25,388.
Alfred Ryder, Princeton, Mo., $25,386.
J. G. Hubbard, Clio, S.C., $25,385.
J. G. Balfour, Lumber Bridge, N.C., $25,376.
Delmer Holloway, Hamilton, Ms., $25,375.
Willis Pennington, Tahoka, Texas., $25,368.
A. T. Earnheart Co., Tunica, Ms., $25,368.
J. T. Cooper, Waynesboro, Ga., $25,368.
Bobby Gene Wright, Coy, Ar., $25,367.
John B. Lamb, Slaton, Tx., $25,367.
James Grassie, Dexter, NM., $25,366.
Elmer N. Jensen, Idaho Falls, Id., $25,365.
S. M. Haney, Big Spring, Tx., $25,363.
Royce McGee, Chattanooga, Ok., $25,363.
Ward Carraway, Utica, Ms., $25,359.
Dwight D. Klinger, Ashland, Ks., $25,355.
Eli E. Parker, Sumter, S.C., $25,354.
Don M. Lowe, Baileyboro, Tx., $25,353.
Robert Woodhouse, Roll, Az., $25,351.
Arvin Bredthauer, Ord, Ne., $25,351.
Jack Purtell, Brownfield, Tx., $25,348.
Neffs Ranch, Arvin, Ca., $25,344.
Bill Poss, Hugo Co., $25,342.
Charles Wildy, Osceola, Ar., $25,338.
Ward W. Carroll, Lubbock, Tx., $25,336.
Lloyd Hurt, Dilley, Tx., $25,335.
R. L. Perryman, Leary, Ga., $25,330.
Manuel Martin, Jr., Tipton, Ca., $25,329.
Harold Hester Colorado City, Tx., $25,328.
S. M. Dill, Brownfield, Tx., $25,323.
W. R. Grimes, Willcox, Az., $25,321.
Ben Roming, Muleshoe, Tx., $25,315.
Paul Adams, Ackerly, Tx., $25,314.
B. J. Holland, Kress, Tx., $25,307.
Carl Archer, Spearman, Tx., $25,307.
George H. Meyer, Stratford, Ca., $25,303.

D. L. Heine & A. Behnken Ptrp., Gorham, Il., $25,303.
Muriel G. Gardiner, Asland, Ks., $25,297.
J. L. Jordan, Jr., Tucumcari, Nm., $25,296.
Jack Tippen, Paducah, Tx., $25,295.
Dent Bradley, Dimmitt, Tx., $25,294.
Lonnie F. Widener, Memphis, Tx., $25,293.
Bartlett-Heard Co., Phoenix, Az., $25,287.
J. B. Jackson, Honey Grove, Tx., $25,286.
Calvin Kolb, Oxford, Oh, $25,284.
Crum Foshee, Red Level, Al., $25,282.
Stufft Farms, Inc., Cut Bank, Mt., $25,280.
Richard Twist, Earle, Ar., $25,277.
Roger E. Haberer, Earth, Tx., $25,271.
George Brammer, Lenore, Id., $25,271.
Mariane Tobin, Tekamah, Ne., $25,270.
Mt. Level Farms, East Prairie, Mo., $25,268.
Bill Pickette, Scotland Neck, Nc., $25,263.
P. R. Farms, Inc., Fresno, Ca., $25,263.
C. D. Smith Jr., Lake City, S.C., $25,262
J. S. Cowart, Jr., Arlington, Ga., $25,260.
Ralph Hinkle, Laredo, Tx., $25,258.
A. B. Roberts, Littlefield, Tx., $25,258.
McKinney and Taylor, Pecos, Tx., $25,257.
Deloy Blewer, Campti, La., $25,250.
Don Williams, Farwell, Tx., $25,250.
Walter Lowery, Madison, Al., $25,249.
Bell & Carson, Newport, Ar., $25,247.
Ben Whitfill, Silverton, Tx., $25,247.
Hans Neumeyer, Bennington, Ne., $25,245.
Bobby D. Green, Earth, Tx., $25,243.
Sam A. Lynch, Hereford, Tx., $25,237.
Earl Kiser, Plains, Tex., $25,236.
Maple Ranch, Bakersfield, Ca., $25,233.
Arlos W. Weaver, Haskell, Tex., $25,232.
Ted Eagen, Walhalla, N.D., $25,231.
Winston Mader, Genesee, Id., $25,229.
Brookover Feed Yard, Inc., Garden City, Ks., $25,227.
Larry Crowe, Forest, La., $25,225.
Ford A. Carter, Levelland, Tx., $25,224.
Donnie Powell, Ralls, Tx., $25,221.
Herbert H. Miller, Dawn, Tx., $25,219.
E. M. Layton, Coolidge, Az., $25,218.
J. C. Neal, Jr., Utica, Mo., $25,218.
J. L. Britt, Snow Lake, Ar., $25,216.
Henry G. Gafford, Snyder, Tex., $25,216.
Horning Brothers, Corvallis, Or., $25,216.
Billy Bryan Boyd, Lubbock, Tx., $25,210.
Henry F. Bamberg III, Bamberg, S.C., $25,210.
Kenneth W. Ashby, Hale Center, Tx., $25,208.
J. E. Rexrode, Lockney, Tx., $25,207.
Thomas G. Nix, Anson, Tx., $25,205.
Derrill Nippert, Kirkland, Tx., $25,204.
Glen B. Payne, Slaton, Tx., $25,199.
D. L. Yarbrough Estate, Prattville, Al., $25,199.
J. E. Bright, Dumas, Tx., $25,198.
Hugh L. Salter, Bartow, Ga., $25,195.
James Workman, Scott, Ar., $25,192.
Palafox Exp. Co., Midland, Tx., $25,192.
Levelland Compress Co., Inc., Muleshoe, Tx., $25,191.
Roy E. Tate, Canton, Ms., $25,190.
Chelton Frms Op. Co., Inc., Las Cruces, N.M., $25,186.
Virginia Brumfield, Inverness, Ms., $25,185.
W. T. Williams, Inc., Twin Falls, Id., $25,185.
Wilton L. Nash Trustee, Avalon, Ms., $25,183.
Herman Archer, Milledgeville, Ga., $25,183.
W. D. Freeman, Denver City, Tx., $25,183.
E. L. Parker, Midnight, Ms., $25,181.
F. B. Crews, Osceola, Ar., $25,180.
Henry Fisher, Belmont, Wa., $25,180.
F. L. Blount, Jr., Greenville, N.C., $25,176.
R. F. Young, Starbuck, Wa., $25,176.
Filan Brothers, Colfax, Wa., $25,173.
Ed Lawler, Lake Village, Ar., $25,173.
Lorenzo Freeman, Lamesa, Tx., $25,172.
Warren Anderson, Colorado City, Tx., $25,172.
Sidney F. Hirt, Garden City, Tx., $25,171.
H. Boler Farms, Truman, Mn., $25,170.
A. L. Power, Mesa, Az., $25,167.
Burdette Boyd, Holly Bluff, Ms., $25,166.
A. J. McLemore, Jr., Montgomery, Al., $25,164.
Laurence G. Whitney, Tremonton, Ut., $25,164.
Harry W. Henry, Oconto, Ne., $25,163.
A. Glenn Kluck, Richland, Ne., $25,162.
James L. Moss, Clovis, N.M., $25,161.
Lester B. Godwin, Hereford, Tx., $25,158.
Yellowstone Grain Co., Molt, Mt., $25,154.
B. D. Wakeland, Waxahachie, Tx., $25,149.
Maurice Crowder, Sallis, Ms., $25,145.
John Knox Nunn, Jones, La., $25,145.
W. T. Rooney, Jr., Est., Garden City, Ks., $25,143.
W. B. Mack, Harlingen, Tx., $25,143.
Dennis Petersen, Trementon, Vt., $25,142.
Joe Mangin & Richard Mangin, Gettysburg, S.D., $25,141.
Charles F. Culp, Jemison, Al., $25,140.
Paw Paw Block Farm, Millington, Tn., $25,131.
L. A. Powell, Alexander, N.D., $25,131.
Daniel M. Parish,Murdo, S.D., $25,126.
Pete C. Gibson, Jr., Calvert, Tx., $25,126.
Merlin Speed Brownfield, Tx., $25,124.
Harold J. Israel, Smithville, Ga., $25,124.
Earl L. Carter, Selma, Ca., $25,123.
Robert M. Hawk, Monroe, Ga., $25,122.
Scott Farm Co., Alexis, Il., $25,120.
G. X. McSherry, Deming, N.M., $25,117.
Rose Ranch, Shafter, Ca., $25,112.
Perry Farms, Fort Benton, Mt., $25,112.
Avery Linville, Urbana, Ohio, $25,112.
David McClellan, Dumas, Tx., $25,111.
W. I. Johnson, Lake Arthur, N.M., $25,110.
Maurice E. Powell, Dimmitt, Tx., $25,110.
U. V. Helbert, Hale Center, Tx., $25,107.
Louis L. Johnson, Stanfield, Az., $25,105.
Warren Swenson, Cut Bank, Mt., $25,104.
Vaughn L. Shownes, Manila, Ar., $25,104.
Oneal Sockwell, Tuscumbia, Al., $25,102.
Clarence Adams, Frederick, Ok., $25,100.
William B. Criswell, Idalou, Tx., $25,094.
Larry Hawthorne, Pville, Ca., $25,094.
N. B. Leatherwood, Lamesa, Tx., $25,094.
Allen Bros., Arapahoe Co., $25,093.
Jerome Green, Morgan, Mn., $25,092.
Moody Prop. Inc., Dysbg, Tn., $25,092.
Martin Lawson, Levelland, Tx., $25,091.
Glenn Kovanda, Milligan, Ne., $25,089.
R. L. Hatcher, Liberal, Ks., $25,089.
Russell Ratcliff, Joseph, La., $25,086.
Weldon Reed, Plainview, Tx., $25,085.
Motte Ranches, San Joaquin, Ca., $25,084.
Bevly Bros., Robstown, Tx., $25,083.
Evans Butler, Pecos, Tx., $25,082.
Alfred J. Schwartz, Garden City, Tx., $25,082.
J. Frank Jones, Meadow, Tx., $25,077.
Ott Brothers, Verdon, S.D., $25,076.
J. R. Turner, Rosedale, Ms., $25,076.
Earl F. Cohrs, Donna, Tx., $25,073.
William F. Hayner, Las Cruces, N.M., $25,073.
J. T. Hall, Jr., Levelland, Tx., $25,068.
Johnnie J. Maberry, Plainview, Tx., $25,068.
J. D. Hance, Jr. & Jack Clayton, Hartley, Tx., $25,067.
G. H. Laney, Melrose, N.M., $25,065.
Wm. S. Gandy, Jr., Robstown, Tx., $25,064.
Johnnie Bruna, Belgrade, Nebr., $25,064.
Roy W. Wharton, Dalhart, Tx., $25,061.
Leo J. Cremer, Jr., Melville, Mt., $25,056.
Palouse Grasslands, Inc., Spokane, Wa., $25,056.
Odell Cole, Plainview, Tx., $25,052.
Billy E. Bourlon, Farwell, Tx., $25,049.
Paul E. Crosnoe, Jr., Lubbock, Tx., $25,046.
Tiger Tail Farms Inc., Dybg, Tn., $25,043.
D. B. Thompson, Hartley, Tx., $25,043.
Fred A. Booth, Highwood, Mt., $25,037.
Max C. Crim, Muleshoe, Tx., $25,035.
Floyd Flowers, Tiptonville, Tn., $25,034.
Loma Farms, Brawley, Ca., $25,032.
Troy F. Vance, Claude, Tx., $25,027.
A. R. Lamb, Morton, Tx., $25,026.
Harold Verett, Floydada, Tx., $25,025.
Charles R. Hedges, Shallowater, Tx., $25,024.
Rhodes and Rhodes, Petersburg, Tx., $25,022.
Oscar O. Przilas, Dalhart, Tx., $25,022.
Hardin Farm, Batesville, Tx., $25,019.
R. T. Stinson, Bossier City, La., $25,013.
Arnold Pearson, Richland, Mt., $25,013.
Irwin R. Efird, Fresno, Ca., $25,010.
George R. Wilson, Decker, In., $25,010.
James R. Davis, Seminole, Tx., $25,008.
Cecil Sikes, Wadesboro, N.C., $25,007.
James L. Medlock, Dutton, Al., $25,006.
Joe N. Dunn, Floydada, Tx., $25,006.
R. S. Rife, Jr., Ferriday, La., $25,006
Ferguson Schneider, Lamesa, Tx., $25,005.
A. D. Murphree, Sr., Shelby, Ms., $25,000.
7,795 total payees: $366,779,995.

Mr. CONYERS. Mr. Speaker, I yield back the balance of my time.

DEVELOPING RURAL AMERICA

The SPEAKER pro tempore. Under a previous order of the House the Chair recognizes the gentleman from Texas (Mr. PRICE) for 30 minutes.

Mr. PRICE of Texas. Mr. Speaker, last September President Nixon established a Task Force on Rural Development. The Task Force was charged with reviewing the effectiveness of present rural assistance programs. It was also given the responsibility for proposing means by which public and private resources could be focused on the problems of rural development.

Earlier this month, the final report of the Task Force was published. It represented the product of the intensive activities of 12 distinguished representatives of the private sector:

Mrs. Haven Smith, National Chairman. American Farm Bureau Women, Chappell. Nebr.

Dr. Joseph Ackerman, Managing Director Farm Foundation, Chicago, Ill.

Dr. C. E. Bishop, Vice President for Research and Public Service Programs, University of North Carolina, Chapel Hill, N.C.

Mr. William Erwin, Farm Manager, Etna Green, Ind.

Mr. Claude W. Gifford, Director, Editorial Page, Farm Journal, Philadelphia, Pa.

Dr. Roy M. Kottman, Dean, College of Agriculture and Home Economics, Ohio State University, Columbus, Ohio.

Mr. Clifford G. McIntire, Former Member of Congress, Perham, Maine.

Mr. True D. Morse, Business and Agricultural Consultant, Former Under Secretary of Agricultural Economic, University of Minnesota, St. Paul, Minnesota.

Dr. Emiel W. Owens, Visiting Professor of Agricultural Economics, University of Minnesota, St. Paul, Minnesota; On leave from Prairie View A&M College, Prairie View, Tex.

Mr. Al A. Schock, President, Nordica Foods Company, Inc., Sioux Falls, S. Dak.

Mr. P. Kenneth Shoemaker, Vice President for Governmental Relations, Heinz Company, Pittsburg, Pa.

Dr. Henry A. Wadsworth, Jr., Professor of Agriculture Economics, Purdue University, West Lafayette, Ind.

For the benefit of my colleagues, I would like to highlight some of the principal recommendations made by the Task Force:

The President and the Congress establish a permanent Commission on Rural Development with the responsibility to monitor rural development activity and report annually to the President and to the Congress with an evaluation.

Concerted effort should be put into

rural development to give it the sense of urgency which the times demand.

The Task Force on Rural Development recommends that high priority be given to a national policy on the geographic distribution of population and economic growth.

New and revised programs should be designed to preserve and strengthen our decentralized system of government; make maximum use of private enterprise; and aim to solve problems rather than perpetually treat the symptoms.

Major emphasis should be placed on cooperation among and within all executive departments to get full use of the resources, energies and commitment of each department to rural development. Various departments and agencies can be designated with primary responsibilities in different subject matter areas.

Each State government should be encouraged to establish a top-level rural development council in the State executive branch; name a State coordinator of rural development; and designate a department, agency or organization within the State to have primary responsibility for coordinating State governmental activity for rural development in the State.

Simplification and streamlining of procedures for applying for rural development assistance. Catalogs of available rural development assistance programs should be maintained so that the designated local offices can give intelligent guidance to inquiries. There should be one place in each development area where preliminary applications can be made for State and Federal development assistance.

The Nation's industries should launch a campaign to establish jobs and new plant locations in countryside America.

Accelerated tax depreciation or investment tax credit for companies located in designated rural development areas should be explored.

Private industry should take on increased responsibilities in the job of training and retraining people in rural areas to develop their trade skills and ability to hold more productive employment.

Recommend a special effort by banks, financial institutions, and the Small Business Administration to lend money and provide management aids for small business in countryside America.

Urge the housing industry to develop special programs to provide better adapted, more economical housing for rural areas.

State departments of education should establish in multidistrict area vocational schools, programs of testing, occupational counseling, vocational and technical training; and in cooperation with the State employment services assist in job placement.

In government-aided manpower training, the Task Force on Rural Development recommends that cost-per-person as the yardstick for establishing training, should be minimized in rural areas.

Whenever practical, Government-aided manpower training be provided through incentives for on-job training in private industry.

The President requests the Interstate Commerce Commission to scrutinize all aspects of the rate structure of public carriers to serve the new national policies in rural growth and development.

The Federal Highway Act be amended to provide for a classification in the Federal-State highway system to be designated "rural development highways." These new short-mileage highways should lead to existing highways, thereby serving local areas that have a high development potential.

Annual funding for rural water and sewer facilities adequate to meet each year more of the soundly developed and approved applications received from rural communities.

The Task Force recommends accelerated annual appropriations to develop more small watersheds each year and to provide adequate funds to complete the projects within the estimated work schedule. We especially need to expand supplies of water for municipal and residential purposes and enhance recreation in nonmetropolitan areas.

Mr. Speaker, as I stated, these are but some of the Task Force's recommendations. While I do not concur with all of the suggestions of the Task Force, I do think they are all well worth analyzing and evaluating in depth. If some prove to be wanting, that in itself may lead those concerned to new more feasible recommendations.

On the whole, however, I think the Task Force has set forth a penetrating description of the urgent goals, policies, and priorities that must be considered if we hope to promote effective rural development.

Finally, for those of my colleagues who are so involved and intertwined with the problems of urban America that they fail to see the need for developing rural America, I say simply this. If the experts are right, and I have no reason to doubt their predictions, we will be a nation of urban centers by the turn of the century. If we continue on our present course, the urban problems that face us will be compounded. The result may be fatal to American way of life.

The experts also estimate that it would cost $100 billion a year over a 10-year period, simply to rebuild, remodel, and remove the urban cancers from our landscape. This, however, would still leave us a nation of city dwellers and I see this eventuality as a real social problem. I say this because recent studies indicate that a majority of those living in cities would prefer to live in the country if similar employment opportunities were available. In this regard, other studies have concluded that a substantial number of those who flee the country for the city do so for increased job opportunities, and that they would remain in the country if other things were equal.

As I stated in an earlier speech on the House floor:

> History will record whether our society truly attempted to provide meaningful and fulfilling life styles, patterns and opportunities for our people. Many critics state that to date, societies efforts have been largely unsuccessful ones.

I believe that if we dedicate ourselves as a nation and a people to the goal of rural development, and if we pursue this goal with unflagging dedication, I believe the resources of rural America can provide a rich bounty to ourselves and our posterity.

TWO NEW HIGHER EDUCATION BILLS

The SPEAKER pro tempore. Under a previous order of the House the Chair recognizes the gentleman from Minnesota (Mr. QUIE) for 30 minutes.

Mr. QUIE. Mr. Speaker, I am today introducing two bills in the field of higher education. The first is the long-awaited administration bill, the "Higher Education Opportunity Act of 1970." Several of my colleagues join me in sponsoring this comprehensive bill in which the administration suggests many new and innovative approaches to Federal support for higher education. I shall comment on it in a minute.

I am also introducing a bill which would provide necessary general assistance to our institutions of higher learning, the "Higher Education General Assistance Act of 1970." It supplements the programs in the administration's bill and gives necessary balance to the total Federal package of higher education legislation.

Mr. Speaker, first let me explain some of the highlights of the "Higher Education Opportunity Act of 1970" which would go into effect July 1, 1971. It would establish a National Foundation for Higher Education with a board and Director appointed by the President. Modeled after the National Science Foundation, this new organization would be the Federal Government's main agency to support quality programs and to stimulate innovation and reform in institutions providing post-secondary education. It would be authorized at a level of $200 million its first year. The Foundation would have more flexibility than currently exists in Federal higher education programs to pinpoint needs and meet them with creative Federal initiative. The Foundation would be specifically authorized to fund, among other things, projects in public service education, community service, law school clinical experience, international education, language development, and networks for knowledge—repealing existing authorities for those programs, some of which have never been funded.

Although I have major questions about the Foundation which I will want to pursue in the Education and Labor Committee, I think the administration has suggested a bold, new mechanism for increasing our effectiveness in meeting specific needs in higher education.

Title II of the bill deals with library assistance. It focuses Federal funds on special needs for library assistance, repealing what we have come to know as basic and supplemental library grants. I, for one, believe this would be a mistake and therefore oppose repealing those parts of existing law.

Title III simply extends with technical improvements the very successful program to strengthen developing institutions.

Mr. Speaker, the major innovative

feature of this bill is title IV which authorizes an entirely new approach to student financial assistance. This is a highly technical and complex section of the bill but a great improvement on the most part over present law. One which our colleagues will want to study carefully. Basically, the administration is proposing a way to make good on what so many of us have long advocated—the guarantee to a student from a low-income family that financial resources are available for him to pursue post-secondary education if he is qualified and so motivated.

Through the creation of a National Student Loan Association, similar in function to the Federal National Mortgage Association, colleges and universities, as well as financial lending institutions, would be able to warehouse or sell their student loan paper. Through this mechanism and Federal funds for direct grants to students, work study programs, and interest subsidies on certain loans, the Federal government could guarantee to a low-income student a financial assistance package sufficient to give him the same ability to pay for his education as a student from a family earning about $10,000 per year. Any student, regardless of family income, would be able to borrow at market rate up to $2,500 per year for his education. The Federal guarantee on these loans would result in an interest rate substantially lower than the student could otherwise get, if he could secure a loan at all.

Mr. Speaker, this section of the bill proposes a major breakthrough in providing enough funds to meet the demand and focusing those funds on students who need help the most.

I was disappointed to note that the administration would exclude students from vocational/technical and proprietary schools form the college work study program and the subsidized loans. This is a drastic step backward in our commitment to assisting students regardless of the type of postsecondary education they choose, so I will work hard to change this part of the bill.

Title V extends with technical improvements the many important programs which we have already authorized in the Education Professions Development Act.

Title VI of this new bill would limit Federal construction support to interest subsidies similar to title III of the Higher Education Facilities Act of 1963. Existing grant and direct loan authorities would be repealed. As I do not feel we can let up much longer in our assistance to institutions trying to keep pace with burgeoning enrollments, I will oppose the repeal of these programs.

Mr. Speaker, those of us who have fought to increase quality opportunities for our Nation's youth in vocational and technical education programs will welcome the administration's proposed career education programs in title VII of this bill. These programs will benefit especially our community colleges, but assistance in providing career education in critical skill areas will not be limited to these institutions. Indeed, many 4-year institutions will want to create new occupational training programs aimed at meeting critical skill manpower shortages as determined by the Secretary of Labor. The bill authorizes $100 million for the first year. Each State would receive $1,000,000 plus an allotment based on its total population. I commend the administration for its initiative in this important area and will work to develop this section in the best possible way.

Mr. Speaker, this bill deserves the careful attention of every Member and I can assure you we will study it carefully in the Education and Labor Committee. All of us on the committee have many questions we are anxious to pursue about some of the details of the bill. I have mentioned a few items which I believe to be mistakes and will make every effort to change them. But, overall, I think the administration has challenged us with some very thoughtful and well-conceived proposed programs.

I can appreciate the difficult decisions the administration had to make in sorting out its priorities for higher education legislation within the tight budget ceilings the President has proposed. We all sympathize with the administration's efforts to curb inflation. But the Congress must also participate in setting national priorities. While I applaud the initiative in the bill I have just discussed, especially its commitment to assist needy students, I do not feel there is adequate provision for assistance to the institutions of higher learning themselves.

I am therefore, Mr. Speaker, introducing a companion bill today, which I have developed myself, the "Higher Education General Assistance Act of 1970." This bill would provide general financial assistance to public and private nonprofit institutions of higher education.

We have discussed the idea of general institutional support for several years. Most of us have agreed that there would be a time when the Federal Government must share in the responsibility to support with unrestricted funds our colleges and universities. I believe that time has come. Is there any doubt that our colleges and universities are truly an indispensable national resource?

My bill will give balance to the comprehensive administration bill in providing solid Federal support to higher education. It would authorize grants to 4-year institutions based on the number of baccalaureate degrees granted. This approach rewards achievement; encourages efforts to save potential dropouts; is easy to administer. It does not offer assistance based on enrollment, thereby tempting institutions to accept large freshman classes without a firm commitment to see each student succeed.

The formula set forth in the bill would give more money per graduate for the first few hundred degrees than for greater numbers of degrees. This approach recognizes the economies of scale found in large institutions. It will not disadvantage the small institutions who need to hold down their tuition costs to remain competitive with the large, public institutions. But it will assist, in a most equitable way, all institutions.

For example, a 4-year institution which had 200 bachelor's degrees would receive $100,000 or $500 per degree. An institution with 2,500 bachelor's degrees would receive $620,000 or $248 per degree.

It is impossible to provide general assistance to community or junior colleges on the basis of degrees granted. The bill therefore provides that 15 percent of the total appropriation shall be distributed equally among community colleges based on the full-time equivalent enrollment in "regularly established degree, degree-credit, or certificate programs." The FTE figure would be the average of enrollment on the first day of class in November and May of each year. I believe this to be an equitable method of distribution.

Mr. Speaker, this bill is in concert with the concept of revenue sharing. The Congress would be recognizing the superior ability of institutions to determine their own most urgent needs. These general assistance grants would be an integral part of all the various Federal education programs. I believe it is time we seriously investigate this approach to financing our institutions of higher learning. They are in great financial need and we would be short-sighted indeed to neglect them at this crucial time.

I invite and welcome the help of my colleagues to study and improve the many provisions in these two far-reaching higher education bills.

RELATIONSHIP BETWEEN HIGH INTEREST RATES, INFLATION AND RESPONSIBLE MANAGEMENT OF THE ECONOMY

The SPEAKER pro tempore. Under a previous order of the House the Chair recognizes the gentleman from Michigan (Mr. BROWN) for 10 minutes.

Mr. BROWN of Michigan. Mr. Speaker, few issues facing the American people today have greater longterm import than inflation, its control and the return of our economy to a normal rate of growth.

Should we falter in our efforts to achieve wisdom in the management of the economy at this particular time of transition from inflationary pressures to healthy growth, we risk either resurgent inflation, with all of the consequent risks, or acute recession with all of the human suffering implicit therein.

Without doubt reasonable men may differ as to the mechanics and timing of this process, but there can be no valid difference of opinion on the imperative need for a return to healthy economic growth.

To that end, I wish to place in the RECORD my statement regarding today's hearings before the Banking and Currency Committee on the relationship between high interest rates, inflation, and responsible management of the economy. It is my plea for a renunciation of narrow political partisanship in the management of this very vital aspect of the "people's business".

My statement follows:

STATEMENT OF MR. BROWN OF MICHIGAN, HEARINGS OF BANKING AND CURRENCY COMMITTEE ON RESOLUTIONS OPPOSING HIGH INTEREST RATES

Intelligent inquiry demands that we consider a problem within the context of axiomatic economic principles and facts. I regret that the tone of this hearing requires that they must be reiterated.

In a free economic system such as ours, interest rates respond to inflational pressures. When the value of the dollar is deteriorating rapidly, interest rates will inevitably rise to compensate for the erosion of value.

Inflation results from a cumulation of ill-advised economic policies which gather strength over a period of years.

Inflation will continue to make itself felt for significant periods of time after the forces which caused it have been brought into balance. Both economic and phychological reasons contribute to this time lag.

The techniques available to the President under present law for controlling inflation are largely restricted to fiscal management, i.e., reducing government expenditures which in turn reduces demand, increasing revenues which reduces consumer expenditures and and creating a surplus in the budget, which among other things reduces pressure on the credit market.

Each of these techniques has been used by President Nixon, despite great pressure from the opposition party, and frequently vocal opposition.

The single additional tool with which inflation can be challenged under present law is through restriction of the money supply by the Federal Reserve Board. This too has been done.

The alternatives to these policies include a number of highly distasteful controls intrinsically abhorrent to the American people. Application of such controls would have to be authorized by legislation which this or another Committee is free to report to the House any time the Majority Party which controls the Committees elect to do so.

Looking to the past, we must note:

1. At the time the Nixon Administration assumed office, inflation was at an annual rate just under 6%. For more than 2 years prior thereto, inflation had been mounting beyond the levels considered acceptable for stable growth.

2. In the 3 years ending June 30, 1968, previous administrations had incurred a total budgetary deficit on the order of $38 billion. Revenue measures recommended by Members of the Majority Party, responsible economic authorities, and leading Republicans had been flatly turned down by the Johnson Administration, and the budget continued in the red.

Today there are many signs indicating that the economy is coming under control.

There is evidence that the Federal Reserve Board is moving with wise caution to permit a normal expansion of the money supply.

Most of the major economic indicators reflect that inflationary pressures have softened.

Almost all economists of repute agree that we are in a period of transition which requires delicate handling. If we move too fast inflation will return with a vengence. If we move too slowly we risk recession. It is imperative that in discharging our responsibility as legislators that we cast aside narrow partisan goals in the interest of sound economic growth.

Most particularly, it is important that we be well informed as we act.

Thus it is strange indeed, assuming the sincere interest in the national welfare which each of us is entitled to as a presumption in any legislative action, that this hearing occurs at a time when the very thing the resolution under discussion calls for appears to be occurring as a result of natural market forces.

Interest rates are falling at an almost unprecedented rate, and under any test the future looks hopeful.

For the convenience of the members of the committee, I am appending an article from the Wall Street Journal for March 23, 1970—yesterday—discussing recent movement in interest rates.

The article states:

The downtrend in money market interest rates is alleviating the heavy pressure that has kept the nation's banking system from reducing the prime rate.

Rates have fallen sharply on three key sources of bank's funds: commercial paper, dollars and Federal funds.

For 2 weeks the rate for Federal funds has held at 7¾ percent or down from an average of 9 percent for the year, ranging as high as 12 percent.

For the week ending March 20, commercial paper was at 7¾ percent. Two weeks ago it was moving at 8¼ percent, and 6 weeks ago 9¼ percent.

Eurodollars, which for a year have traded at 10 percent or higher, have fallen below 9 percent in recent weeks.

Rarely has the Nation witnessed such rapid lowering of these significant indicators of the cost of money.

Appended also at the end of my statement are two clippings from today's newspapers.

The Washington Post reports on the financial page that interest rates on treasury bills fell this week to the lowest point in 9 months.

From the editorial page of the Wall Street Journal comes a discussion of the interrelationship between the shortage of real estate mortgage money, inflation, and monetary restraints.

Without reprinting it in the RECORD, I would refer interested Members to the lengthy discussion of the causes of inflation, interest rates, and the general state of the economy provided by Arthur F. Burns, Chairman of the Federal Reserve Board for the Senate Committee on Banking and Currency on March 18, 1970.

[From the Washington Post]

TREASURY BILL RATES HIT LOWS

Interest rates on the government's weekly offering of treasury bills declined yesterday to the lowest in more than nine months. Rates fell to 6.262 per cent for $1.8 billion of three-month bills and 6.183 per cent for $1.3 billion of six-month bills.

The short-term securities, last week at 6.836 per cent, were the lowest since the 6.191 per cent last June 2. The six-month bills declined from 6.707 per cent last week and were the lowest since last May 5, when they were 6.063 per cent.

[From the Wall Street Journal]

INFLATED HOUSING

Monetary restraint, aiming at curing inflation, has clearly caused troubles for housing. There is reason to wonder, though, whether home building isn't suffering at least as much from the disease as from the cure.

Leif Olsen, senior vice president and economist of New York's First National City Bank, was considering that question in recent Senate committee testimony. Citing a Census Bureau report that residential construction costs rose 32.6% between 1964 and 1969, he said "this means that people, by and large, need to borrow more to acquire a house.

"What does this higher cost mean in terms of carrying charges? Well, if we take a $10,000 mortgage at 6½% the monthly charges are $54.17 or $19,500 over the lifetime of the 30-year mortgage. If the interest rate is raised to 8½%, the monthly cost jumps to $70.83 and $25,500 over the maturity of the mortgage."

That's a substantial jump, and that sort of thing surely has discouraged many people from buying homes. But higher home prices well may force the buyer to get a $15,000 mortgage, instead of one for $10,000. Even at a 6½% interest rate, Mr. Olsen noted, his monthly cost then would go to "$81.25, or $29,250 over the maturity. In other words, inflation in the price of a new home has in effect added more to the monthly costs than a jump in the mortgage rate from 6½% to 8½%."

Monetary restraint, moreover, is not the prime cause of higher interest rates; rates were rising many months before restraint began. As inflation eroded the value of money, lenders naturally insisted on a larger return.

Rates have continued to rise partly because it takes time to persuade lenders that inflation will be brought under control. The only hope for lower rates is responsible finance, not irresponsible inflation. In the process the rise in housing costs also should be slowed.

The Administration and Congress continue to press plans to help housing. Their efforts are more likely to be effective if everyone sees the real bricks and mortar of the industry's financial problems.

DECLINE IN MONEY-MARKET QUOTES EASES PRESSURE SUPPORTING RECORD PRIME RATE

(By Edward P. Foldessy)

NEW YORK.—The downtrend in money-market interest rates is alleviating the heavy pressure that has kept the nation's banking system from reducing the prime rate, the minimum fee on corporate loans.

Major banks have had a record 8½% prime rate since last June. A number of smaller banks reduced their rates beginning in February, but the big banks called the moves premature.

Principally, the money-center institutions argued that their own cost of obtaining lendable funds was too high in relation to the prime rate, and that loan demand, although off from the torrid pace of late 1969, was still a threatening factor.

In recent days, however, the cost picture has changed dramatically. Rates have fallen sharply on three key sources of banks' funds: Commercial paper, Eurodollars and Federal funds.

In two of these areas, rates have moved below the prime rate. For instance, Federal funds, the reserves that banks lend each other, usually overnight, have been at an average rate of about 7¾% for the past two weeks or so. For most of the year the rates have averaged around 9% and in some cases reached as high as 12%.

COMMERCIAL PAPER RATES

Commercial paper issued by bank affiliates currently is being sold at rates ranging from about 7¾% to 8¼%. Such issues, basically, are unsecured promissory notes; proceeds from the sales are used to buy loans from the portfolios of the affiliated banks. As recently as two weeks ago, the going rate on bank-related paper was about 8½%. Prior to then, the rates had ranged to as much as 9¼%.

Eurodollar rates, while still above the prime rate, have fallen dramatically. Eurodollars are dollars held outside the U.S. Banks in major U.S. money centers have relied heavily on such funds for their domestic needs. Recently, such funds have

been trading at less than 9%, in contrast to the 10% and more rates common throughout most of last year.

Perhaps most significant for the commercial banks has been the rate reductions registered on commercial paper issued by financial and industrial corporations. Such paper is sold mainly to other companies and thus provides in essence a system whereby corporations borrow from each other, bypassing the banks.

The going rate on such paper dropped in about 7½% Friday after hovering above 8½% on active maturities until early this month. Bankers had been concerned that a reduction in the prime rate to below the prevailing commercial paper rates would cause corporations to switch their borrowings from the paper market to banks. Should paper rates remain at their current levels or fall further, banks would be given considerable leeway in setting the prime rate.

But banks may want to wait until at least the April 15 tax-payment date before taking action on the prime rate in order to get a better idea of loan demand.

The latest tax-payment date, last Monday, produced relatively heavy loan demand on banks, but according to bankers, created no real strains.

BANKERS' ACCEPTANCES

In money-market developments Friday, several dealers lowered their rates on bankers' acceptances by ⅛ percentage point.

These included M&T Discount Corp. and New York Hanseatic Corp. Both posted scales of 7½% bid, 7⅜% offered on acceptances due in one to 180 days. Bankers' acceptances primarily are bills to finance the export, import, transfer or storage of goods. They are termed accepted when a bank guarantees their payment at maturity.

One key benefit to banks of the general decline in interest rates is that it is allowing negotiable certificates of deposit to become competitive with other money-market instruments. CDs represent deposits left with banks for a specific period of time. Because banks aren't permitted to pay more than 6¼% to 7½% (depending on maturity), such CDs haven't been attractive to investors who could get higher rates on other money-market instruments.

While the CD ceiling rates are generally still below most other money market rates, banks in recent weeks have been able to find "buyers" for a moderate amount of certificates. Until the Federal Reserve clamped down tightly on credit, beginning late 1968, CDs had been a principal means banks used to obtain lendable funds.

TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House the Chair recognizes the gentleman from Ohio (Mr. MILLER) for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The United States is the largest producer of eggs in the world. In 1967, the United States produced 70,161 million eggs. This represented 26 percent of the world total and more than twice as much as produced by the Soviet Union, the second leading nation.

THE CRISIS GROWS

The SPEAKER pro tempore. Under a previous order of the House the Chair recognizes the gentleman from Pennsylvania (Mr. DENT) for 30 minutes.

Mr. DENT. Mr. Speaker, I ask the House today to hear some bothersome facts about our impending import crisis, and the coming decision on international trade and its impact upon U.S. employment.

No nation was better prepared to sustain itself in every field of economic endeavor before and after World War II.

No nation will be in more serious jeopardy in this regard if trade is carried on for the next decade as it is now.

The total unemployment must be judged by the total of unearned income received as compared to the earned incomes from the production of goods and services.

We cannot count 24 million social security retirees, 13 million relief recipients, 9 million public paid civil servants as producers of goods for sale. To get a true picture of our impending crisis we must separate the production workers from the suppliers of services.

The producers are vulnerable to the flood of low price-structured imports, regardless of the foreign product U.S. selling price.

While the import flood usually starts by cutting into the U.S. market with a low selling price product, the price structure changes in proportion to the percentage of the U.S. market captured.

Witness the price, of imported electronic devices, televisions, radios, binoculars, watches, and the other more sophisticated consumer products.

As the cheap labor products invade our market, they push American producers to more automation and less and less quality products in an effort to meet the low prices set by importers. As our product quality is lowered, cheap labor producers overseas—and across our borders—better their quality and in slow but measured steps, the importer raises his prices.

By the time the U.S. producer gets set to compete with low margin profits depending upon mass production and sales, he has lost anywhere from 5 to 80 percent of his domestic market.

Once a U.S. product loses 5 percent of our market, the producer becomes more vulnerable and sensitive to new minimum wage standards, new union contracts, and even more serious, new taxes—local, State, and Federal—which are not applicable to producers of imported products.

American industry has pleaded in vain for years for protection against mandated production costs, not protection of their profit margins.

U.S. trade policy is dictated, unfortunately, by the will-o'-the-wisp of international diplomacy as practiced by our State Department.

Basically, our problems stem from two sources, one governmental, and the other economic.

The takeover of the Commerce Department's functions by the State Department is the one source of trouble, and the other is the high profit, with tax dodging avenues afforded, by import-export cartels, secret agreements, and just plain double bookkeeping practices here and abroad.

The old doctrinaire proforma arguments of the free traders are no longer valid. They only serve to lull Congress, our executive branch and, in general, the people, into a dream walking sleep, insensitive to the cries for help from the victimized industries and displaced workers.

The free trader's logic lost all of its value when the first U.S. runaway industry escaped its U.S. taxes, F.L.S. criteria, and strict accounting requirements on wages, hours, profits, and spending of corporation moneys by corporation officials. This happened when the U.S. producers moved to a foreign base of operations and exported to the U.S. market, not as a foreigner but as a U.S. trademarked domestic entity.

Universal condemnation of U.S. runaway industries is not valid in all cases. U.S. corporations are created for the single and sole purpose of earning profits for stockholders. Industry moves to the lowest waged area to protect profits. U.S. labor is organized, first, for the purpose of bettering wages, second, working conditions, and social conditions such as better housing, educational opportunities, health, and welfare.

Congress had its part in pushing U.S. industry to foreign shores, by making it profitable taxwise for industry to move offshore, and by allowing imports to take over—to the limit of their production capability—the U.S. marketplace.

Industry, in order to fulfill its purpose as a profitmaking institution, moves to any location that enhances its opportunities to make a profit.

Until Congress made it unlawful to ship products across State lines, unless produced under the conditions of the Fair Labor Standards Act, the South was taking industry away from the high-cost North.

In our industries tied to the minimum wage laws—textiles, and other high labor content products, secondary manufacturing, light industries, and import sensitive consumer lines—the lack of custom house or border protection is a death sentence, unless Congress ties import labor content to our standards under the Fair Labor Standards Act, Walsh-Healy Act, and Davis-Bacon Act, in the labor-management field, and antitrust price fixing, and monopoly in the consumer protection field.

Industry can claim with much justification that our trade policies are responsible for the growth of U.S. production overseas.

Labor has been a willing part too long in this mistaken, and outmoded trade policy.

Only recently has "big" labor started to "view with alarm" the impending crisis in imports. However, they are still taking two steps forward and falling back one and a half steps at the same time in trade policy.

The recent call to a session of labor leaders for a 2-day talk fest on imports was a masterpiece of walking uphill with a bucket of water on each shoulder over an egg paved walkway. They are so afraid of breaking the eggs, representing the free traders in the AFL–CIO, that they lose all the water, which represents the worry and fear of the unions with increasing unemployment from the impact of imports.

Until labor fights for a realistic trade policy based upon measuring import-export values on labor displacement both here and abroad, until labor demands that each industry be measured on its own and not as part of the all encompassing so-called balance of payments, and until labor realizes that nothing can substitute for a job there can be no meaningful, and equitable trade policy. Relief, subsidy, retraining, welfare, early pension plans, tax considerations, or any other handout can not take the place of the right to earn a living by working, and producing goods and services. The worker must have protection against foreign imports regardless of foreign product selling price in the U.S. market place.

So long as professionals and service workers believe they are immune from injury from imports, so long will the march into the imports crisis proceed.

Service industries will have to muster their forces to fight imports. They are tied to the domestic market. Production industries can move but professional and personal services must also live on the production, distribution and consumption of American goods.

Mr. Speaker, I present now a partial list of import penetration of U.S. market:

STEEL

In 1968 imports jumped to 18 million tons compared with 12 million tons in 1967. At the end of 1968 an international arrangement was made whereby other countries reduced their exports to this country to 14 million tons in 1969. This figure represented 13 percent of U.S. consumption. While exports doubled from 2.5 million tons in 1968 to 5.5 million tons in 1969, they were still only somewhat over a third of imports.

FOOTWEAR

In 1969 imports represented 23.9 percent of apparent domestic consumption.

In January 1970, imports reached about 33 percent of consumption.

SEWING MACHINES

In 1969 about 40 percent of our household sewing machines were imported. Only one company now manufactures in this country. A good part of the operation is assembling with imported goods.

AUTOMOBILES

Even though our automobile manufacturers have turned once more to small compact cars to meet import competition, they have been losing ground to imports.

In 1969 imports of non-Canadian foreign automobiles represented 12 percent of our domestic consumption in number of cars. Together with imports from Canada, imports were 18 percent of domestic consumption.

In January and February 1970, while U.S. production declined from January–February 1969 some 13 percent, imports increased 17 percent.

The increase in imports of automobiles is also reflected in steel tonnage.

TEXTILES

Woolen textiles imports began rising a few years ago and in 1969 supplied 26 percent of our market.

Manmade fibers reached a penetration of 9.4 percent in 1968. They have increased materially since then.

PIANOS

Imports in 1960–62 represented only 2 percent of our domestic consumption. In 1969 they had risen to 11 percent.

On a finding by the Tariff Commission the President in February of this year postponed the further lowering of the tariff as provided in the Kennedy Round.

TOMATOES

Florida tomato growers are being hard pressed by imports from Mexico.

During the 1968–69 season imports had grown to 38 percent of U.S. consumption. During the 1969–70 season imports have risen even more rapidly, because of some deficiency of the Florida crop.

In January and February of 1970 imports have supplied over half of U.S. consumption. During the first week in March 1970, imports equaled 86 percent of the market.

This means a low return for Florida because the higher prices associated with a short supply did not develop.

MUSHROOMS—CANNED

Imports of canned mushrooms are supplying about 30 percent of domestic consumption. The principal source is Taiwan.

FISH PRODUCTS

Over 50 percent of domestic fish consumption is supplied by imports. In some classifications the penetration ranges up to 65 percent and 70 percent. The uptrend has been sharp and relentless.

ELECTRONICS

Imports have worked great havoc in consumer electronic goods—household radio, television, record players, recorders, et cetera.

RADIO

In 1969 imports represented 78.5 percent of domestic consumption of table radios in this country; 94.1 percent of portable radios; 69.6 percent of clock radios, and 71.1 percent of all radios.

Nearly 20 percent of the imports were American brands manufactured abroad.

TELEVISION

In 1969 television imports reached 30.3 percent of the U.S. market.

PHONOGRAPHS

1969 imports of phonographs represented 32.6 percent of U.S. consumption.

HOME MAGNETIC TAPES

Imports reached 88.7 percent of the U.S. Market in 1969.

OFFICE MACHINES

TYPEWRITERS

Imports of portable typewriters represented about 80 percent of domestic consumption in 1969. Japan, Germany and Spain — Olivetti — were the principal sources. Office typewriters, including electric, achieved an import penetration of 38 percent in 1969.

CALCULATORS

Small electronic table model calculators reached 73 percent of U.S. consumption in 1969, most of them from Japan.

COMPUTERS

Imports of components have reached substantial proportions. Univac, for example, imports Japanese printed circuits for incorporation in the finished machines in this country.

TILE

Tile imports of all kinds—mosaic and wall—supplied 38 percent of apparent consumption in 1969.

In the case of glazed mosaic tile the penetration in 1969 was 97 percent, mostly from Japan.

BICYCLES AND BICYCLE TIRES

Bicycle imports have resumed their upward trend after subsiding for several years, reaching 28 percent of the market in 1969, up from 20.5 percent in 1968.

Bicycle tire imports have increased steadily in the past 10 years and now supply over half of domestic consumption. The 1969 penetration was 56.1 percent, up from 52.2 percent in 1968.

HANDBAGS

While import statistics are not easy to obtain, it is estimated that some 50 percent of domestic consumption is now supplied by imports.

SWEATERS

Imports of sweaters supplied 41.9 percent of our market in 1969.

UNFAIR TRADE POLICIES

The SPEAKER pro tempore. Under a previous order of the House the Chair recognizes the gentleman from Pennsylvania (Mr. GAYDOS) for 30 minutes.

Mr. GAYDOS. Mr. Speaker, the handwriting is on the wall about the unfair fair-trade policies of our country. And, if you cannot read it there, you can read it with stark clarity in newspaper reports and the CONGRESSIONAL RECORD.

We are facing serious economic problems because of the damage done by foreign imports to our glass, leather, textile and electronic industries. It may be only a matter of time until the steel industry again is threatened by foreign domination.

There have been confusing and conflicting reports published about the administration's position on this vital issue. I have seen articles which appear to put the President's advisors on both ends of the argument. Some claim the door should be opened wide to foreign products, thereby driving down domestic prices and curbing inflation. Others disagree, maintaining an open door policy will result in a flood of imports, an upward surge of unemployment ending in disaster for American industry.

There are reports the President is considering what appears to be a welfare program for industry in this country, one similar to his expanded, welfare plan for the individual. Under this industrial welfare program, the President would provide improved "adjustment assistance" to aid industries crippled by the blows from foreign competition. It could include subsidies during a crisis, unemployment and retraining benefits for displaced employees or development of new industries to replace outmoded ones.

There are many questions I have concerning this proposal, but I will hold them until more details have been made available to the Congress and the public.

As it stands now, I do not know, and I wonder if anyone does, just where the administration's position is on the import question. I wrote the President twice seeking an official answer if the administration is or is not considering liberalizing import quotas on steel. I finally received an answer, March 17, after a 2-month wait, but it was as confusing as previous reports. I still do not know what the administration is thinking.

William E. Timmons, Assistant to the President, informed me in his letter of March 13:

> The President has not made any decision to ask the foreign companies to modify that commitment (pertaining to the existing voluntary restraint program) and none of the President's advisors are not planning to submit the issue to him for decision in the immediate future . . .

Mr. Speaker, I am not sure I even understand that sentence. The first part would indicate the President has studied some plan but made no decision on his course of action. However, the second half of the sentence contains a double negative, "none—are not planning." Is that a grammatical error? If none are not planning, does it mean all are planning? At any rate, I conclude the advisers, at least, have been studying something.

Furthermore, Mr. Timmons continues in the same paragraph:

> However, I am sure you can recognize that the administration must examine the pros and cons of any measure in light of the over-all implication for the national interest.

This sounds to me as though Mr. Timmons is saying:

> If the question is not being studied now, it will be.

On the other hand, it could be an explanation why the administration now is studying both sides of the import coin.

Mr. Speaker, I feel the letter is vague, inconclusive and ambiguous. I do not believe it answers my specific question: Is the administration considering liberalization of foreign steel quotas?

I would like to submit into the RECORD copies of several newspaper articles which support my feeling the American Industrial market is facing serious problems with increased foreign imports. I hope my colleagues will read them. They have been clipped from the Pittsburgh Post-Gazette, the Pittsburgh Press, and the Daily News of McKeesport.

On March 10 the Post-Gazette carried a story Zenith Radio Corp. expects to cut its working force by an average of 3,000 jobs in 1970 because of Japanese expansion in this industry—one which already has its share of troubles according to accounts reported previously in the RECORD. The article says this severe cutback in jobs is due to the opening of a new plant on Taiwan. An official of Zenith has written the Department of Commerce, warning the electronic industry here is "engaged in a life and death struggle with the Japanese."

I fear what the end might be if the current trend continues. Were I a cartoonist, I might depict a caricature of Uncle Sam, representing U.S. industry, committing hari-kari with a samuri sword, symbolic of our foreign import policies.

On March 12, both the Press and the Post-Gazette included stories dealing with a complaint filed by Westinghouse Electric Corp. with the U.S. Bureau of Customs. The firm is asking for an investigation into "unfair and unlawful" trade in power transformers, accusing companies in France, Italy, Sweden, Switzerland, Japan, and the United Kingdom of "dumping" their products on the U.S. market. Westinghouse states it has had to cut 346 persons from the payroll at its Muncie, Ind., plant because of the action of foreign competitors.

We have heard this sad song sung before in the House by other representatives of the electronic industry as well as those from glass, leather, and textiles.

Mr. Jack Markowitz, business editor for the Post-Gazette, says Westinghouse claims cheapie foreign goods are now grabbing 15 percent of the U.S. market and have cost American firms about $150 million in sales in the past 5 years. Furthermore, his story points out American firms cannot sell—at any price—their transformers in five of the six countries cited in the Westinghouse complaint.

The Markowitz article also points out how Japan plays the game of free trade. He warned on March 12—and formal requests were filed March 14—that five major aluminum firms in Japan were going to ask the Japanese Government to block establishment of an Alcoa smeltering plant on the Ryukyu Islands before this country returns that property to Japanese control.

It seems Japan wants no competition from Alcoa, nor from other American industries. An article from the Daily News of March 16 describes the battle for dollars now being waged between American and Japanese auto manufacturers.

Mr. Markowitz also touches on the matter of steel imports, noting the price of imported steel jumped from an average cost of $124 per ton in 1969 to $151 in January 1970. Why? Partly because of higher prices, he says, but also because foreign competitors began selling a higher percentage of higher priced steel, such as stainless, tool, and alloy.

The overseas producers changed their product mix, despite the fact they have said they would try not to. This paper promise was a provision of the voluntary restraint arrangement which was conceived to ward off congressional action on quotas after 1968's record import tonnage of 18 million tons of steel.

The amount of foreign steel coming into this country greatly concerns me because I represent a steelmaking section of this Nation—the 20th Congressional District of Pennsylvania. While steel may not now be feeling the crunch from foreign competition, due to record export tonnage, the industry is feeling the squeeze of a deflated economy and ballooning inflation.

Unemployment is on the rise throughout the country and there are indications domestic orders for steel now are easing off, which will mean manpower cutbacks since it is the practice of the industry to produce to meet demand. No orders—no work. No work—no need for workers.

The withdrawal of the Nation's involvement in Vietnam, while a most desirable turn of events, is, nonetheless, having its effect on the economic homefront in my district. In early March a shell-making plant employing 1,200 persons announced it will close June 1. Another plant, engaged in bomb production, has been cutting back its working force in recent months as the demand for the explosives slackened.

Steps are being taken to absorb these workers into other industries but it is a difficult process. The 20th District primarily is a steel district. There is not a great deal of diversification of industry. It is common knowledge at home that as steel goes, so goes the district's economy. The men furloughed now may have trouble getting work, but the situation will become extremely critical if the steel industry as a whole begins to cut back on its working force.

Mr. Speaker, the import question remains a serious one today. I realize there is no easy solution to a complicated problem. But, if the administration is considering a plan, I feel the Congress and the American public has a right to be so informed. I do not believe we should have to rely on unconfirmed newspaper articles quoting an unidentified source of information. Such a policy leads only to a nationwide guessing game.

The articles follow:

[From the Pittsburgh Post-Gazette, Mar. 12, 1970]

WESTINGHOUSE CHARGES "DUMPING"

By Jack Markowitz

Westinghouse Electric Corp. says competitors in six foreign countries are playing dirty in their U.S. sales of large power transformers, and the Pittsburgh firm yesterday asked the U.S. Bureau of Customs to do something about it.

Ironically, Uncle Sam is one of the leading customers at the foreigners' transoceanic discount counter where transformers are "dumped" for coveted U.S. dollars at prices under the fair value of the merchandise. Under what the foreign firms charge customers in their own countries.

Westinghouse says the cheapie foreign goods are now grabbing 15 percent of the U.S. market, and have cost American firms about $150 million in sales the past five years.

TAKES PROFITS, JOBS

John W. Simpson, president of Westinghouse Power Systems, said his firm has collected some hard evidence of dumped equipment from France, Italy, Sweden, Switzerland, Japan and the United Kingdom—and ironically, an American firm can't sell its transformers in five of those six countries at any price.

"They won't let you bid," said Simpson.

He indicated the unfair foreign competition is pushing the profits of Westinghouse—and probably the nine other U.S. firms that make big transformers—down to just about the break-even point on that equipment.

It also cost the jobs of 346 employes laid off during 1969 at Westinghouse's Munice, Ind., plant.

The big transformers—huge gray boxes as

tall as 50 feet and priced between $50,000 and a few million dollars—are not made around Pittsburgh, so no local jobs are in danger . . . yet.

Transformers change the flow potential of electric currents, are vital at power plants.

But the same foreign firms that make them make other electrical gear that does compete with Pittsburgh, and any opening for dumpers is a mistake.

"An order you don't get is jobs you don't have," said John Simpson. "An injury might be just a lack of growth." He said Westinghouse's "profit erosion" in transformers hasn't been catastrophic. (The firm earned a record $149.8 million in 1969)—but "there is a principle involved."

The dumper typically loads all his development and engineering costs for a given product onto customers in his protected, own-country market, then makes use of excess plant capacity to ship goods here for an "incremental profit" that keeps his plant working and workers on the job. He frequently gets all kinds of export subsidy aid from his dollar-wanting government, too.

It leads to some crazy results.

The Japanese home prices on big power transformers (over 10,000 kilovolt-amperes) are three times higher, Westinghouse says, than prices they quote in the U.S.—with an ocean to cross, yet. Britain and Sweden sell here at about half price.

U.S. SEES NO EVIL

Uncle Sam, who puts on red-white-and-blue blinders when he opens bids, has been giving foreign transformer makers 95 percent of the current business in agencies like TVA.

A customs probe could lead to big duty charges being slapped on the dumped goods.

Sometimes just the threat of a probe will cause the foreign firms to cut it out.

As a couple of other recent evidences that foreign countries play free trade the funny way:

Japan's five major aluminum smelting firms are saying they'll try to block establishment of a possible aluminum smelter by Alcoa in the Ryukyu Islands, soon to revert to Japanese control. No competition from Alcoa, please, for Asian market.

American Iron and Steel Institute reports the value of an average ton of imported steel went up sharply in January to $151 from $124 during 1969. This partly reflects higher prices but partly, too, the increasing percentage of higher priced steels—stainless, tool and alloy. These grades amounted to 5.9 per cent of January imports versus 4.3 per cent in December.

Foreign steelmakers agreed to a "voluntary" quota on U.S. sales in terms of tonnage. Nobody promised anything on dollars.

[From the Pittsburgh Press, Mar. 12, 1970]

WE FILES DUMPINGS CHARGES

Westinghouse Electric Corp. has asked the Customs Bureau to investigate what it termed "unfair and unlawful" trade in power transformers.

It cited firms in France, Italy, Sweden, Switzerland, Japan and the United Kingdom.

Westinghouse has attempted to purchase large electrical equipment firms in the Common Market recently without success.

In its complaint, Westinghouse claimed that it has reduced employment by 346 persons at its Muncie, Ind., plant "as the result of . . . dumping."

"Dumping" under the treaties is when a firm charges less for a product in a foreign market than it charges in its domestic market.

JAPAN PUSH CUTS ZENITH IN U.S. JOBS

WASHINGTON, March 9.—Zenith Radio Corp. expects to reduce its U.S. work force by "an average of 3,000 jobs in 1970 against 1969," Chairman Joseph S. Wright said in a letter to U.S. Commerce Secretary Stans.

Next year, Maurice Wright wrote, opening of a new plant in Taiwan will generate 4,000 jobs "which will probably be lost in this country." The Chicago-based company had an average 23,000 workers in 1968.

"The most tragic part of this story is that the heaviest impact of our 3,000 lost jobs this year is on blacks we have worked to train and give . . . The economic ability to escape the ghetto," the letter said, specifying that according to seniority "38 percent of those laid off are blacks."

The letter described the electronics industry as "engaged in a life and death struggle with the Japanese."

[From the McKeesport (Pa.) Daily News, Mar. 16, 1970]

JAPANESE TRY TO KEEP OUT U.S. AUTO FIRMS

TOKYO.—Japan and the United States are fighting for auto dollars as fiercely as they fought for land 30 years ago.

Armed with money and technology, Detroit is battling to establish fixed investment beachheads in Japan. Japanese automakers are trying to contain General Motors, Ford and Chrysler.

The stakes are high. Last year Japan built 4,198,429 vehicles, second largest volume in the noncommunist world. While 420,000 of Japan's little cars rolled onto the U.S. market, Detroit sold only a few in Japan.

Nevertheless, Tokyo is awed by Detroit's seemingly unlimited access to investment capital, its efficiency and its expensive research programs. Japan knows such a force eventually will penetrate her market. So she is fighting a rear guard action, hoping to delay and shape the inevitable.

BARRIERS FALLING

Japan's regulations on foreign investments have kept Detroit from buying up Japanese car makers as it has done in Europe. But the door is opening under diplomatic and financial pressures. A booming Tokyo finds it increasingly difficult to justify protectionist policies established in the immediate post-war years to get the country back on its feet. So, in the autumn of 1971, American companies will be free to establish joint ventures with Japanese firms. But it will be limited to a 50-50 basis.

U.S. companies, pointing to the growing number of foreign held firms in the United States, are demanding the same privileges.

Japan's two largest auto producers, Toyota and Nissan (Datsun), say they intend to stay under Japanese control even if unlimited American capital is permitted in Japan. Toyota manufactured 1,714,786 vehicles last year; Nissan 1,026,712.

Both are working closely with government economists to cut production costs and surplus employes.

Smaller Japanese auto producers are not so skittish about U.S. investment. Mitsubishi, the No. 4 automaker, recently signed an agreement with Chrysler for a production center in Japan. Chrysler presently has only 35 per cent control but hopes to increase that share in 1971.

Ford is exploring a tie-up with Toyo Kogyo, developer of the rotary engine. So far, Toyo Kogyo has limited Ford's participation to 7 per cent of the stock.

On the surface, Japan's auto industry looks fat and healthy. And it is projecting 5 million cars and trucks this year.

But both Tokyo and Detroit know that continued growth depends on finding new markets, and both have virtually saturated their home markets.

[From the McKeesport (Pa.) Daily News, Mar. 16, 1970]

FOREIGN TRADE CONTROLS BECOME MAJOR ISSUE AGAIN

(By Don McLeod)

WASHINGTON.—International trade regulation, the oldest continuous issue in American politics, once again is raising a fight, this time in tandem with another ancient but immediate problem—inflation.

As hearings approach on President Nixon's proposed Trade Act, the administration is arguing that the high cost of living is a prime cause of import problems and a sure result of higher trade barriers.

Hobbling U.S. import trade, a State Department official recently declared, "would raise costs and prices at home, adding to a difficult domestic problem."

At the same time Southern congressmen were asking for salvation from Japanese textile competition, and organized labor, traditional champion of free trade, was flirting with protectionists.

The Industrial Union Department of the AFL–CIO has called an unprecedented conference in Washington March 19–20 on what it calls the developing crisis in international trade.

"Large numbers of American workers are sensing an increasing concern about the potential—or the actuality—of unemployment caused by foreign imports to the United States," IUD said.

Indeed, the argument goes, inflation is a principal cause of import excesses, since rising prices of domestic products make cheaper foreign goods more attractive. Raising tariffs or imposing quotas, say the advocates of free trade, would only serve to support inflation prices.

This philosophical overview is cold comfort to stockholders and employes of businesses facing import competition.

Textile imports from Japan, Korea, Taiwan and Hong Kong are hurting U.S. mills in the Southeast. Footwear from Italy and Spain is squeezing Yankee enterprise in New England. Japanese electronics is the other big invader.

The Amalgamated Clothing Workers claim that textile imports have wiped out 200,000 American jobs. This is the kind of thing which is turning unions from their preoccupation with consumer prices.

"These claims come oddly at a time when employment and business activity have been at record highs," said Trezise.

In support of Nixon's liberal proposals, Trezise points to 25 years of unparallelled prosperity under such policies. The protectionists counter that times are changing; that American products are becoming increasingly noncompetitive on the world market.

"Even if this were true," Trezise answers, "it is not clear how we would improve the situation if we cut back on imports, thereby raising costs and prices still more at home and causing other countries to retaliate against our exports."

Free traders feel the problem can be solved by better means than tariffs or quotas.

Nixon's bill would improve the "adjustment assistance" program of aid to industries disrupted by foreign competition. This may include subsidies during a crisis, unemployment and retraining benefits for displaced employes, or development of new industries to replace inefficient ones.

"This is the route we think is the economically sensible one," said one administration official. "The best way is to help develop new industry and new jobs."

This official says the United States should concentrate on the more advanced industries, leaving those dependent on cheap labor to the less developed nations.

The administration is arming for a fight because it fears there will be a massive effort to add protectionist amendments to the Nixon bill.

Only a few particularly distressed industries are clamoring for relief now, but historically once the question is opened in Congress the logrolling gets out of hand.

Regulation of foreign trade has been a problem for this country from the beginning and was, in fact, a major reason for its birth as a nation. Oppression of freedom in Boston

may have led Patrick Henry to call for rebellion, but it was Boston merchants' resistance to British trade restraints that converted rhetoric into action.

Not allowed to develop manufacturing under colonial rule, the United States was careful to protect its infant industry after independence. In 1789, the year George Washington became president, Congress passed the first customs bill—with tonnage duties favoring American shipping.

John C. Calhoun, guessing that the South would develop manufacturing because of its ready cotton and water power was a sponsor of the nation's first protective tariff in 1816. But Calhoun was wrong. All the benefits went to the North, where manufacturing flourished, while the economy of Calhoun's agrarian South Carolina declined.

In 1832, South Carolina declared a new tariff bill "null and void," and only President Andrew Jackson's strong hand saved the Union.

Congress rolled back the duties, and there the issue rested until 1860, when the Republican platform called for another protective tariff.

The Republicans won, the South left the Union—the new Confederate constitution forbade protective tariffs—and the GOP passed the first high tariff act in 29 years.

Protection brought pretty much what its proponents wanted and its opponents predicted. Prices rose 117 per cent from 1860 to 1865 while wages increased only 43 per cent.

High tariff remained U.S. policy for half a century until it was revoked briefly under Democrat Woodrow Wilson in the Underwood tariff of 1913.

But the Underwood tariff never really had a chance to survive. The war in Europe sheltered American industry and fostered new manufacturers, which demanded protection to keep them alive after the peace.

Shortly after becoming president, Warren G. Harding declared "the urgency for an instant tariff revision cannot be too much emphasized." Congress obliged with an emergency tariff which brought farmers into the protection fold, and the Fordney-McCumber tariff act of 1922 with record high rates.

The farmers gained nothing. Foreign nations retaliated with tariffs of their own. Monopolies thrived. And prices outstripped wages.

But perhaps the most devastating result was that the high tariffs made it extremely difficult for European nations to pay their war debts, thus encouraging the debt-reparations cycle that contributed to World War II.

With the Great Depression impending and farmers in distress, Herbert Hoover called Congress into special session in 1929 to help them through "limited changes in the tariff."

What followed was logrolling at its worst. Out of more than 1,000 tariff increases proposed in the Hawley-Smoot tariff of 1930, only 75 were on farm products.

Rates were upped from 33 to 40 percent. Within two years 25 countries established retaliatory tariffs. In 1929 the United States enjoyed 13.8 percent of the world's foreign trade. By 1933 it had fallen to 9.9 percent. And the domestic economy, far from being helped, continued to plummet.

This crisis brought about a new view of world trade. Primarily the work of New Deal Secretary of State Cordell Hull, it is still U.S. policy.

On March 2, 1934, President Franklin D. Roosevelt asked Congress for permission "to enter into executive commercial agreements with foreign nations." Pointing out that world trade had declined 70 percent since 1929, Roosevelt proposed to reduce tariffs and ease restrictions through mutual concessions negotiated between nations. This was "reciprocity."

The Cordell Hull Trade Agreement Act was signed June 12, 1934, and Hull quickly negotiated reciprocity treaties with 25 countries. Within a year trade with Cuba doubled and improved substantially with Canada, Latin America and some European nations.

Since 1934 reciprocity has been supported by both Democratic and Republican administrations. The old alignments over tariff issues dissolved as expanding industries sought world markets and the South developed manufactures.

In 1949 more than 40 nations met in Geneva and agreed to sweeping tariff reductions. The United States cut duties on thousands of items and led in establishing the General Agreement on Tariffs and Trade to promote expansion of world trade.

The last extension of the reciprocal trade legislation was in 1962, when the United States lowered rates on nearly 6,000 items and other countries made comparable concessions.

The extension ran out in 1967. The lapse does not invalidate existing agreements but cramps the government in making even minor adjustments.

While the principle of reciprocity remains pretty well established, the thrust of protectionists now is to impose quotas on offending imports.

"The administration is against quotas," one spokesman said, "but does recognize that some imports are increasing too rapidly."

Talks to negotiate bilateral restraints have been going on for some time and an agreement was signed with Poland last month on textiles.

However, other talks, notably those with Japan, are dragging on, and the administration concedes that "Congress is beginning to lose patience."

[From the Pittsburgh Post-Gazette, Mar. 23, 1970]

SHULTZ, SENATOR MUSKIE SEEK FOREIGN TRADE ANSWERS

By Milton Jaques

WASHINGTON, March 22.—Congress and the Nixon Administration may soon turn their attention to the problems of world trade and U.S. unemployment.

Labor Secretary George P. Shultz, busy enough trying to work out solutions to rail and mail puzzles, said this weekend something has to be done to assist working people hurt by foreign trade.

Senator EDMUND S. MUSKIE, D–Me., on the same subject told an AFL–CIO conference on the developing crisis in international trade that the U.S. should encourage fair labor standards around the world.

CONCERN GROWS

Both positions reflect the growing concern with the problem of imports which hurt and exports which help the American economy.

Shultz acknowledged that help for jobless workers under the Trade Expansion Act of 1962 just aren't satisfactory.

Until the U.S. Tariff Commission last fall in a landmark decision found that about 450 steelworkers in the Pittsburgh area lost their jobs through imports coming on top of trade concessions, the commission hadn't granted a single application for relief.

The workers at Armco and U.S. Steel's closed plants were certified as eligible for special unemployment benefits, a program Shultz's department is supervising.

Both Congress and the Administration at this point seem ready to do what they can to keep international trade channels open without increasing unemployment in this high-wage nation.

Shultz says the Administration will act, even before Congress does, to ease the stress through a Labor Department warning system devised to watch industries most likely to be affected by imports.

ONLY STOPGAP

Shultz isn't knocking the unemployment compensation program, but he looks at it as a stopgap measure until workers are given a wider range of training for new jobs.

The secretary also wants to involve those American industries which benefit through foreign trade in the effort to help the displaced.

Congress always likes a middle ground approach to difficult problems, and in this instance may want to get something which will prevent a return to high tariff barriers which could stifle all overseas trade.

Sen. Muskie thinks the U.S. should do something to encourage fair labor standards elsewhere, as one step which could protect U.S. workers from the threat of goods produced under sweatshop conditions.

Within the labor movement, the mood is still hopeful that a middle ground can be reached, somewhere between economic isolationism and absolute free trade, according to President I. W. Abel of the United Steel Workers of America.

OIL IMPORT RESTRICTIONS RETAINED BY PRESIDENT REQUIRE CONGRESSIONAL SCRUTINY

The SPEAKER pro tempore. Under a previous order of the House the Chair recognizes the gentleman from Indiana (Mr. HAMILTON) for 10 minutes.

Mr. HAMILTON. Mr. Speaker, on March 18, 48 Members advised the President of their disappointment with his failure to implement the recommendations of his Cabinet task force on oil import control.

Last year American consumers paid an extra $5 billion for oil products due to present restrictions on oil imports. The oil import quota system cost the average American family of four an extra $96 last year for gasoline and heating oil.

I direct the attention of my colleagues to the letter:

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 18, 1970.

The PRESIDENT, *The White House, Washington, D.C.*

DEAR MR. PRESIDENT: We are disappointed by your failure to implement the recommendations of your Cabinet Task Force on Oil Import Control. The present restrictions on oil imports, which will remain unchanged unless you act, forced American consumers to pay an extra $5 billion for oil products last year. The annual cost to consumers will rise to $8.4 billion per year by 1980 unless changes are made.

Last year alone, the oil import quota system cost the average American family of four an extra $96 for gasoline and heating oil. In many parts of the country the extra cost greatly exceeded this—in Vermont the average family of four paid an extra $180, and in Wyoming it paid $228 extra.

We can understand your concern for the well-being of the oil industry. However, it is the security of the nation, and not that of the oil industry, that the oil import control program is intended to protect. As your Cabinet Task Force put it:

"The governing statute authorizes government intervention in support of domestic price and production only for the extraordinary and compelling purpose of protecting the national security."

The Task Force then went on to state that the fixed quota limitations, which you are retaining, "bear no reasonable relation to current requirements for protection either of the national economy or of essential oil consumption.

"We find," the Task Force said, "that a

phased-in liberalization of import controls would not so injure the domestic industry as to weaken the national economy to the extent of impairing our national security."

The Task Force then recommended that the current import quota system be phased out over a period of three to five years, and that a system of variable tariffs be substituted for it. The initial tariff on Eastern Hemisphere crude oil would be $1.45 a barrel, with a ceiling (10 percent of domestic demand) on oil from that region. Oil from more secure Western Hemisphere sources would be subject to preferential lower tariffs. The immediate effect of the plan would be a reduction in the price of domestic crude oil from $3.30 to $3.00 per barrel, with savings to consumers estimated at less than a penny per gallon of gasoline.

This is truly a modest proposal, since revolving import controls entirely would save consumers around 4 cents a gallon on gasoline. But it is a step in the right direction and we regret that you have declined to take it.

A necessary further step has been recommended by the Chairman of the Task Force, Labor Secretary George P. Shultz. He has urged that a planning schedule be established now to phase in a reduction of the tariff to $1.00 over a three to five year period. This would reduce the price the consumer has to pay for gasoline by another one cent per gallon.

Finally, we are concerned that the Cabinet Task Force may have dismissed the alternative of total removal of all import controls too hastily. The benefit to American consumers from this alternative—more than $8 billion a year by 1980—requires that it receive careful and continuing consideration. The Task Force said only that it was "unable on present evidence to rule out the possibility" that adopting this alternative would, in the case of certain "conceivable" supply interruptions, leave us with an inadequate supply of oil. "Whether such conceivable interruptions are "reasonably possible," the Task Force said, "is a matter on which judgments may vary."

We urge you, therefore, to direct the Oil Policy Committee which you have established to give full consideration to the possibility of totally eliminating controls on oil imports as part of their task of considering "both interim and long-term adjustments that will increase the effectiveness and enhance the equity of the oil import program."

Sincerely,

Henry S. Reuss, Lee H. Hamilton, Clarence D. Long, Richard Bolling, Edward P. Boland, Richard L. Ottinger, Brock Adams, James G. O'Hara, Donald M. Fraser, Allard K. Lowenstein, George E. Brown, Jr., Thomas M. Rees, Peter W. Rodino, Jr., William D. Ford, Louis Stokes, John C. Culver.

William Clay, James H. Scheuer, Lester L. Wolff, Robert O. Tiernan, Hugh L. Carey, Peter N. Kyros, Robert N. Giaimo, Edward I. Koch, William D. Hathaway, David R. Obey, Benjamin S. Rosenthal, Joshua Eilberg, Leonard Farbstein, William L. St. Onge, John V. Tunney, Abner Mikva.

John Brademas, Joseph P. Addabbo, Sam M. Gibbons, Michael J. Harrington, Dante B. Fascell, Bertram L. Podell, Jonathan B. Bingham, William S. Moorhead, Richard D. McCarthy, Frank J. Brasco, William F. Ryan, James J. Howard, Torbert H. Macdonald, Emilio Q. Daddario, Henry Helstoski, Don Edwards.

SUPREME COURT MUST CLARIFY NATION'S LAWS ON PRESERVING NEIGHBORHOOD SCHOOL SYSTEMS

The SPEAKER pro tempore. Under a previous order of the House the Chair recognizes the gentleman from Illinois (Mr. PUCINSKI) for 30 minutes.

Mr. PUCINSKI. Mr. Speaker, on March 9 of this year, Chief Justice Burger announced in a concurring opinion in Northcross against Board of Education of the City of Memphis that he thought it was time the Court clearly decided the outstanding issues which have divided many lower courts in handling school desegregation cases. He said:

> The time has come to clear up what seems to be a confusion . . . concerning this Court's prior mandates.

Continuing, he said:

> We ought to resolve some of the basic practical problems when they are appropriately presented including whether, as a constitutional matter, any particular racial balance must be achieved in the schools; to what extent school districts and zones may or must be altered as a constitutional matter; to what extent transportation may or must be provided to achieve the ends sought by prior holdings of the Court.

Judge Burger's words take on special meaning today in the wake of President Nixon's excellent statement on school desegregation. This Nation desperately needs to clarify the distinction between de facto and de jure segregation. This nation desperately needs a reaffirmation of constitutional law regarding preservation of neighborhood schools.

President Nixon quite properly stated:

> Several recent decisions by lower courts have raised widespread fears that the nation might face a massive disruption of public education: that wholesale compulsory busing may be ordered and the neighborhood school virtually doomed. A comprehensive review of school desegregation cases indicates that these latter are untypical decisions, and that the prevailing trend of judicial opinion is by no means so extreme.

The President himself notes the confusion that prevails throughout the nation because of varying Court decisions.

Respectfully, Mr. Speaker, as chairman of the Subcommittee on general education, I must say that it seems about time that the Court resolve these matters. One of the Court's criteria in reviewing the constitutionality of legislation is that it must be clear and precise; if it is vague, it will be voided. Legislation may not leave people in doubt as to whether it applies to them or to their contemplated conduct; it may not stand if it leaves too much discretion of application to the police, administrative officials, juries, or judges. That is a sound doctrine.

And yet it is a doctrine which the Court has not applied to its own rulings. What, for example, must a school system do to bring itself in compliance with the mandate of Brown against Board of Education?

In *Alexander* v. *Holmes County Board of Education*, 396 U.S. 19, 20 (1969), the Court told us that a unitary school system, a system in compliance with the Brown case, is one "within which no person is to be effectively excluded from any school because of race or color." Fine. The question is then whether the admitting officers are discriminating. Well, apparently not quite, because in *Green* v. *School Board of New Kent County*, 391 U.S. 430, 442 (1968), the Court said a unitary system is a "system without a 'white' school and a 'Negro' school, but just schools."

Well, if it means that it is not permissible for school officials to designate a school as serving only Negroes and another school as serving only whites and to attempt to route pupils of each race to their respective schools, that complies in theory with what is said in Alexander.

But in *Adams* v. *Matthews*, 403 F. 2d 181, 188 (C.A. 5, 1968), one court apparently read that sentence differently, because it laid down this test for a unitary system:

> If in a school district there are still all-Negro schools or only a small fraction of Negroes enrolled in white schools, or no substantial integration of faculties and school activities, then, as a matter of law, the existing plan fails to meet constitutional standards as established in *Green*.

What if there are all-Negro schools in a system and this is because of residential patterns; that is, Negroes are concentrated in a particular area, the center city, for example, and the nearest school serves that area. It is all-black, but it was established there long before the residential area was so predominantly Negro. It is a true case of de facto segregation. "As a matter of law," is that to be considered a system not in compliance with Brown and Green?

A panel of the fifth circuit on February 17, in Ellis against Board of Public Instruction of Orange County, Fla., No. 29124, said no. The court found that the all-Negro schools resulted from living patterns and a nondiscriminatory adherence to the neighborhood school system.

A district court in Charlotte, N.C., however, went the other way. Swann against Charlotte-Mecklenburg Board of Education, CA No. 1974. Negroes were concentrated in the inner city, whites in the suburbs. The schools reflected the living patterns. It has to be changed, said the judge, and imposed an iron-clad rule that the school board must so arrange its school attendance so that in every school the pupil ratio reflected the pupil ratio in the entire system. Every school must have a ratio of 79 percent white, 21 percent Negro, and this will mean busing at least 10,000 extra children around the city and county every day. Other courts have established ratios in South Carolina and Georgia and elsewhere. It is a far cry from requiring a system "within which no person is to be effectively excluded from any school because of race or color."

Last week the Supreme Court further confused the situation by refusing to order immediate implementation of this lower court ruling. But this action was contained in a one-sentence denial of motion with no opinion added. Does this mean that the Orange County case is the law? If so, the Court owes the country an obligation to make that clear.

Furthermore, as regards faculty desegregation the same confusion exists. In *United States* v. *Montgomery County Board of Education*, 395 U.S. 225 (1969), the Court found it to be within the discretion of a district judge in dealing with

a recalcitrant school board to set a faculty ratio which the board must observe. The Court approved it only after reciting all the difficulties the judge had had; it did not say that all courts must establish similar ratios. Yet since then a constant feature of every order issued by the district courts has been the setting of a faculty ratio.

The Court should clarify this issue of ratios, both pupil and faculty. It should spell out what it means by desegregation and what it conceives a unitary system to be. It should spell out the constitutional duties of school boards, North and South, with regard to de facto segregation and residential patterns.

It has generally been thought that de facto segregation created no constitutional problems. Yet a State court in Los Angeles and Federal courts in Pasadena and in Flint, Mich., have divined de jure violations in school board maintenance of neighborhood schools knowing that residential segregation existed. The Court must make clear what the 14th amendment commands.

The Court must speak on the requirements the lower courts are placing upon school boards in order to overcome de jure segregation. Not only busing is at issue here. The lower courts have said that zone lines must be drawn, new construction planned, additions made, all in the conscious intent to promote integration, whatever the cause of the segregation. *United States* v. *Greenwood Municipal Separate School District*, 406 F. 2d 1086, 1093 (CA 5, 1969); *Brewer* v. *School Board of City of Norfolk*, 397 F. 2d 37 (CA 4, 1968).

There are important questions to be resolved and the Court must soon resolve them or leave our Nation's school system in total disarray.

Our entire school system is seriously threatened throughout the Nation because even well meaning school administrators don't know exactly what is expected of them in the wake of the many judicial decisions being handed down by different courts in the wake of the Brown decision.

I am certain the American people want to preserve at all cost the neighborhood concept of their public schools.

I have no doubt the people would ratify a constitutional amendment—if such action is their only alternative—to preserve their neighborhood schools.

That's why I believe it is of the highest urgency for the Supreme Court to hand down a clear and concise ruling on this entire question. The American people cannot take my action until we know which direction the Supreme Court will go on this entire question of school desegregation. I personally hope the court will sustain the neighborhood school concept. If it does, we can then get down to the serious business of giving all of our children a decent education so they can more readily meet the challenge of the 21st century.

One thing is certain. As chairman of the subcommittee that now has before it a great deal of legislation dealing with the future school needs of this country, it is quite apparent to me that school superintendents all over America are bewildered and befuddled. They have no idea in which direction the local courts will go in this whole problem, and until the Supreme Court takes on the responsibility of setting down a decision on de facto and de jure segregation and all the other problems that I mentioned in my remarks, the confusion will continue to prevail and school boards will not be in a position to intelligently look down range and work out an effective program of providing meaningful education to all children, regardless of their race, their creed, their origin, or their religion.

So it is my hope that the Court will recognize the turmoil that now exists throughout the country and address itself to this problem. We are all encouraged by the statement of Chief Justice Burger. We hope the President's message will stimulate further thought in that direction.

THE COST OF CONVENIENCE

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, I would like to commend the Federal Trade Commission for their recent initiative toward eliminating the mailing of unsolicited credit cards. I have long held this practice to be a source of annoyance and even financial trouble for many consumers.

Unfortunately, however, well intentioned the Commission's action, the proposed trade rule does not go far enough to assure the consumer of the safeguards to which he is entitled. The very action of the FTC has raised several very deep conflicts which only the Congress can resolve. I call upon my colleagues now to speedily seek a legislative solution to the twin problems of jurisdictional definition and the public interest.

The Commission is not to be faulted for the omissions of its trade regulation. It is the responsibility of the Congress to make good where the FTC cannot. I am proud to have introduced in the last session of Congress, legislation specifically designed to remedy both problems.

The strength of the Commission's statement underscores the immediacy of the problem of unsolicited credit cards. As I see it, there are at least two major aspects to the problem. The first is that the receipt of a credit card by a less prudent consumer may well tempt him into overextending his credit. There will be more than 200,000 consumer bankruptcies in 1970. It is generally conceded that there is a direct correlation between the rate of consumer bankruptcies and the mailing of unsolicited credit cards. The protection of the consumer, the soundness of our banks, and the health of the economy all militate against the mass-mailing of credit cards.

Second, it is a sad fact that the consumer has no national safeguard against the unauthorized use of his cards. If his cards are lost or stolen, he may find himself hopelessly in debt by the time his monthly statement reaches him—all for purchases he did not make. To correct this injustice, it is my proposal that we limit the cardholder's liability for unauthorized purchases to $50. In addition, I would recommend that unless certain qualifications are met, among them the holder signing the card and the issuer providing a means of identifying the user, the cardholder assume no liability.

Turning to the problem of jurisdictional conflict, we find that the FTC, by its own admission, does not have the requisite jurisdiction to ban the practice of mailing unsolicited credit cards in all areas of competition. Hence, the most potent sources of credit cards are excluded—banks, common carriers, and airlines.

This raises the question that perhaps the FTC is not the proper body for the safeguarding of the consumer in this most vital area. I would suggest, rather, that the Congress enact legislation designed to empower the Federal Reserve Board to prescribe regulations with respect to unsolicited credit cards.

The Board is particularly well suited for this function. The precedent and power for such an act are grounded in the Truth and Lending Act. More importantly, the Board already possesses real economic sanctions—direct and indirect—which may be brought to bear against potential violators. Its range of powers would be enough to secure immediate compliance.

By enacting this proposal, we would empower the Federal Reserve Board to do what the FTC cannot and thereby bring under regulation all banks, as well as all other issuers.

At a time when spiraling inflation is recognized as the major domestic crisis, it is appropriate that we consider the cost of credit as well as its convenience. It is appalling to me that many of our great financial and commercial institutions have seemingly been engulfed by a case of massive myopia in their credit practices. The extension of credit is now being accomplished at a rate of 18 percent annually in interest charges. This rate is economically regressive. Those who need credit for the purchase of essentials, such as homes, are often driven out of the market. In short, the indiscriminate extension of credit without regard to the credit worthiness of potential cardholders can be regarded as an important contributor to the continuing trend of inflation.

The Federal Trade Commission is to be commended for taking the first steps toward halting the indiscriminate distribution of unsolicited credit cards. That the FTC's action must be of a limited nature cannot be held to be the Commission's fault. The shortcomings of that initiative have made clear the need for legislation. The American consumer can wait no longer. Many of the 1.5 million Americans whose cards shall be lost or stolen this year will find themselves liable for bills charged to a card which they neither desired, requested, nor received.

Excursions into debt, consumer bankruptcies, criminal tampering with the mails, and ever-spiraling inflation are

all abetted by credit card abuse. It is my great hope that the Congress will see its responsibility, as I do, and enact this much needed legislation.

A DISAPPOINTING DECISION

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PODELL. Mr. Speaker, yesterday we were greeted with an announcement by Secretary of State William Rogers stating that the United States would not be selling any airplanes to Israel at this time. The official declaration did not come as a surprise. Indeed, for the last week newspapers and commmentators have been telling us the same story. The statement is nevertheless disappointing. Hopefully, after review of the changing situation, as promised by Mr. Rogers, those planes will be sent.

I believe a close examination of the Middle East situation will confirm the need for such a shipment if Israel is to maintain her independence. Only the other day, we learned that the situation in the Middle East was quite altered. The Soviet Union has been sending and installing SAM–3 missiles in the United Arab Republic. To expedite matters, over 1,500 Soviet troops have been sent to train the Arabs in the use of the missiles. This adds a new dimension to the Middle Eastern situation. In addition, France remains intransigent in her declared policy of sending over 150 Mirage jets to the belligerent Libya. The Soviet Union is shipping 15 to 20 planes per month into Egypt. Egypt can, therefore, afford to lose 20 planes for every one of Israel's without sacrificing her military strength.

At this point in time, Israel's pilots are concededly superior. Yet, much of Israel's equipment is archaic and outdated. Israel loses dozens of pilots and Air Force personnel from mishaps caused by faulty equipment on an Air Force that predates 1956, while Syria and Egypt can claim to have two of the most modern air forces in the world today. The number of Israeli planes is currently but one-fifth of the Arab forces, and that number is likely to decrease still further because of archaic equipment.

In 1968, Mr. Nixon declared his firm and unqualified support for Israel's position in the Middle East. I would like to quote from a 1968 statement he made on the subject during the presidential campaign. I feel that the content is quite revealing. He said:

> Israel must possess sufficient power to deter an attack. As long as the threat of an Arab attack remains direct and imminent, sufficient power means the balance must be tipped in Israel's favor.

Let me explain that from a highly technical standpoint. An exact balance of power, which in any case is purely theoretical and not realistic, would run risks that the potential aggressors might miscalculate and would offer them too much temptation. For that reason—to provide Israel a valid self-defense—I support a policy that would give Israel a technological military margin to more than offset her hostile neighbor's numerical superiority."

He then continued:

> We support Israel because we oppose aggression in every form. We support Israel because it is threatened by Soviet imperialism and we support Israel because it offers hope in the Middle East . . . Israel cannot afford to lose even once.

Mr. Speaker, my purpose here is not to redeliver President Nixon's campaign speech. Rather, it is to highlight Mr. Nixon's analysis of the Middle East question—he said that his administration would come to the support of Israel in her hour of need.

All events today—the introduction of the Soviet missiles, the planes to Libya, the increased Arab aggression point up the fact that Israel's need has intensified and will continue to grow.

Any advantage that Israel now claims can be easily and quickly lost should the Soviet Union's offensive continue. In the meantime, the Arabs have not changed their avowed claim to destroy Israel. The armaments installed in Egypt may well change Israel's already tenuous superiority. I believe that there is a clear and present danger to the security of Israel in the Middle East.

As I said earlier, I hope that a reassessment and review of the situation will lead to a reaffirmation—in word and in deed—of Mr. Nixon's 1968 campaign statement. The security of Israel depends on it.

MR. McCORMACK'S REMARKS BEFORE THE NATIONAL LEGISLATIVE CONFERENCE OF THE BUILDING AND CONSTRUCTION TRADES DEPARTMENT, AFL–CIO

(Mr. McCORMACK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. McCORMACK. Mr. Speaker. In my extension, I enclose remarks made by me on March 23, 1970 before the National Legislative Conference of the Building and Construction Trades Department, AFL–CIO:

President Haggerty, Bishop Williams, Officers and Delegates of the 15th National Legislative Conference of the Building and Construction Trades Department, AFL–CIO:

President Nixon's Construction Statement last week was an acknowledgment of the desperate straits in which this nation's homebuilding industry now finds itself. Our current housing depression was foisted upon the industry by this Administration's misguided policies. It resulted in a 40 percent drop in housing starts last year. This, at a time when the nation's unmet housing needs were never greater. On March 17, the *Wall Street Journal* reported that non-residential construction is now expected to likewise suffer a marked decline in the months ahead.

Unemployment in the construction industry now stands at some 8 percent compared with 5.5 percent when President Nixon took office. Total counted unemployment in February reached almost 4 million.

The seriousness of the plight in which the homebuilding industry finds itself cannot be over-emphasized. The impact of new residential construction is a major force in and spreads throughout the entire American economic structure.

The difference between the 1,878,000 annual rate of housing starts in January of 1969 and the 1,166,000 annual rate for January 1970 meant the loss of $8.5 billion in direct construction expenditures. It also meant the loss of 1.5 million man years of work, half of it on-site and half of it in materials production. This loss of some 700,000 houses, by way of example, meant the loss of a market for 890,000 bathtubs, 511,000 furnaces, 224,000 garbage disposal units, 7 million kitchen cabinets, 8.4 million doors, and 1.4 million tons of steel, and 66 billion pounds of cement.

Every reliable economic indicator now gives evidence that the country is slipping into an economic recession. We are thus witnessing an unfortunate replay of what happened to this nation's economy during the 1950's. In 1957 the Republican Administration, as has been the case during the past year, pursued economic policies which crippled the housing industry. The sickness in housing then spread like a virus through the entire economy. The result was the 1958 recession when unemployment reached 7 percent, our highest post-World War II level. So great was the economic slump that year that Government revenues were drastically reduced, resulting in a thirteen billion dollar deficit for F.Y. 1959. Unless action is taken and taken immediately by the President, I fear a similar economic catastrophe awaits the country.

While the Executive Branch has presided over the strangulation of the homebuilding industry, the 91st Congress by way of contrast has striven to bring some measure of relief to this beleaguered industry. Last year's housing legislation, approved by the House 339 to 9, contained a provision which makes available $2 billion to the Government National Mortgage Association to purchase FHA and VA mortgages on low-cost housing. The release of these funds which has not taken place would provide over 100,000 units of new housing to those most acutely in need of shelter, low- and moderate-income families. It would have also provided much needed employment for construction workers. The President, however, refuses to utilize these funds. The Congress also in Public Law 91–151 granted the President authority to impose selective credit controls. The utilization of this authority would permit the channeling of available credit into those activities which national policy requires, such as low- and moderate-income housing. Other forms of credit, such as commercial paper, which are far more inflationary could be sharply curtailed and thus reduce inflationary pressures. Although this measure received the near unanimous approval of the House, 358 to 4, the President in signing the legislation declared he would never exercise the authority to establish credit controls.

The Administration's housing policy has as one of its chief victims our returning veterans. The Administration's tight money policy denies them the opportunity to take advantage of the VA home loan program which the Congress has established. To rectify this situation the Committee on Veterans Affairs has reported out H.R. 9476 which would authorize the investment of $5 billion of the veterans' own insurance monies in the National Service Life Insurance fund in VA mortgages. There is not a dime of government money involved. This measure has received the endorsement of all veterans' organizations and enjoys widespread support from all elements of the housing industry. Opposition is confined to the Nixon Administration. Veterans would be two-way beneficiaries of H.R. 9476. First, over 250,000 additional homes would be provided for veterans. Secondly, the fund, now a captive market for government bonds yielding a sub-market 3.9 percent, would experience a return of 7½ percent, the VA mortgage rate of 8½ percent

less 1 percent administration fee, on the $5 billion invested in mortgages. It would likewise reduce unemployment in the construction industry.

The Housing Subcommittee of the Banking and Currency Committee has reported out an urban transit program of $5 billion. This represents an almost 40 percent increase over the figure recommended by the Nixon Administration. This legislation is vitally needed to solve the acute transportation problems in our traffic clogged urban areas. It too should provide many jobs for construction workers. The action of the Congress last year in raising the President's request for an appropriation of some $300 million to $800 million for the construction of sewage treatment plants, if the Administration will utilize the funds, should provide a major breakthrough in the fight against water pollution and be an immense help to the construction industry.

As you all know, the Congress has passed Public Law 91–54 providing for the promotion of health and safety in the construction industry. I would point out that this measure is another example of Congressional, rather than Executive, initiated legislation. The House likewise on January 27, 1970 passed H.R. 860, Joint Industry Promotion Boards, a major legislative goal of your organization, by a vote of 189 to 186. Democrats voted 148 to 60 for this progressive measure. Republicans were recorded 126 to 41 against. This by the way is the third time this legislation has passed the House.

This year the Congress will pass additional legislation in the air and water pollution fields together with highway legislation which should help to revive the construction industry.

The President's announcement that he is releasing $1.5 billion in Congressionally appropriated funds for federally assisted construction projects, clearly an effort to soften the recessionary slide of the economy, is most welcome. It is a small step in reversal of Administration policy which has brought on increasing unemployment, shorter work weeks, a depressed housing industry, declining production and disregard for the human effects of these failing policies. We believe the President's action resulted from the attention which we in Congress have focused on the Administration's failures. I hope the President will now also release $1.8 billion of frozen funds for direct federal projects, and take necessary actions to control inflation, and prevent an economic recession.

HEARINGS TO LOWER INTEREST RATES

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, today the House Committee on Banking and Currency held hearings on House Conference Resolutions 522, 523, 524, and 525. These resolutions, if enacted, would express the sense of Congress in its opposition to the current high interest rate, tight money situation and call on the administration to make every effort to reverse this policy in all programs. Further, the resolution would call on the Federal Reserve Board to take steps immediately to roll back the prime interest rate, which now is at the historic high of 8.5 percent.

Mr. Speaker, approximately 85 Members of Congress have sponsored this resolution from both sides of the aisle.

I have recommended to Mr. Wright of Texas and Mr. Alexander of Arkansas, who are to be commended for having taken the lead on this subject in this instance, that they constitute this group as a steering committee to appeal to all Members of the Congress to become members in support of this resolution.

I heartily commend all the members of the House who have joined in this resolution and trust that the House Banking and Currency Committee will expeditiously report the resolution to the floor and allow all the members of this House to go on record against the current restrictive economic policy of high interest rates and tight money which falls so overbearingly on consumers, workers, farmers, small business men, and the proposed financing for State and local municipal facilities.

Mr. Speaker, a list of the members who have cosponsored this resolution, by State, follows:

STATES OF THE UNION REPRESENTED BY SPONSORS OF HOUSE CONCURRENT RESOLUTIONS EXPRESSING THE SENSE OF CONGRESS IN OPPOSITION TO THE HIGH-INTEREST-RATE POLICY

Alabama—Mr. Bevill and Mr. Flowers.
Arizona—Mr. Udall.
Arkansas—Mr. Alexander and Mr. Pryor.
California—Mr. Anderson; Mr. Clausen; Mr. Corman; Mr. Edwards; Mr. Holifield; Mr. Johnson; Mr. Leggett; Mr. Rees; Mr. Tunney; Mr. Van Deerlin; and Mr. Waldie.
Florida—Mr. Burke; Mr. Chappell; Mr. Fascell; Mr. Gibbons; Mr. Haley; and Mr. Sikes.
Georgia—Mr. Stuckey and Mr. Thompson.
Hawaii—Mr. Matsunaga and Mrs. Mink.
Illinois—Mr. Gray; Mr. Mikva; and Mr. Pucinski.
Indiana—Mr. Madden.
Louisiana—Mr. Caffery; Mr. Edwards; and Mr. Passman.
Maryland—Mr. Friedel.
Massachusetts—Mr. Boland; Mr. Harrington; and Mr. O'Neill.
Michigan—Mr. Dingell and Mr. Nedzi.
Minnesota—Mr. Fraser.
Missouri—Mr. Ichord; Mr. Hungate; Mr. Randall; and Mr. Symington.
Montana—Mr. Melcher and Mr. Olsen.
New Jersey—Mr. Daniels; Mr. Helstoski; Mr. Howard; and Mr. Roe.
New York—Mr. Addabbo; Mr. Halpern; Mr. Hanley; Mr. Koch; Mr. Ottinger; Mr. Podell; Mr. Ryan; Mr. Scheuer; and Mr. Wolff.
North Carolina—Mr. Galifianakis and Mr. Taylor.
Ohio—Mr. Hays and Mr. Stokes.
Oregon—Mrs. Green.
Pennsylvania—Mr. Barrett; Mr. Dent; Mr. Nix; and Mr. Yatron.
Rhode Island—Mr. Tiernan.
Tennessee—Mr. Anderson; Mr. Blanton; and Mr. Jones.
Texas—Mr. Cabell; Mr. Casey; Mr. Gonzalez; Mr. Patman; Mr. Purcell; Mr. White; and Mr. Wright.
Washington—Mr. Adams and Mr. Hicks.
West Virginia—Mr. Heckler and Mr. Slack.
Wisconsin—Mr. Obey.

SMALL BUSINESS NEEDS A STRONG MAGNA-CARTA

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, I have always referred to the Robinson-Patman Act as the Magna Carta of small business. And I consider the passage of the Robinson-Patman Act in 1936 as one of the most personally satisfying laws that I have been connected with since I have been a member of this body.

I cannot help but wonder how many small businesses would have closed their doors had the Robinson-Patman Act not been on the books. The act prevents price discrimination by suppliers to competitors in the marketplace. It makes certain that the little man is not penalized because he is little. This is the same thought that the drafters of the Magna-Carta had in mind and this is the thought behind the Robinson-Patman Act.

There are those who now seek to weaken the Robinson-Patman Act, if not totally destroy it. This must not be allowed to happen. I do not contend that the Robinson-Patman Act is perfect for there have been those who, rather than trying to work within the spirit of the act, have sought to subvert it through loopholes. However, if any changes are to be made in the act, we must strengthen, not weaken, it, for the very future of small business in this country could well depend upon the strength of the Robinson-Patman Act.

In the March issue of the monthly publication of the National Association of Retail Druggists, the group's executive secretary, Mr. Williard Simmons, spoke out sharply against any attempt to water down the Robinson-Patman Act. The National Association of Retail Druggists worked long and hard for the passage of the Robinson-Patman Act and many druggists will tell you that the act saved their business. I am including the following copy of Mr. Simmon's article so that every Member of this body may have an opportunity to see what would happen to small businessmen in their districts if there is any dilution of the effects of the Robinson-Patman Act:

ROBINSON-PATMAN ACT UNDER FIRE

(By Williard Simmons)

Among the more outstanding accomplishments in the legislative field has been those activities of the NARD which led to the passage of the Robinson-Patman Act of 1936.

In view of the constantly increasing attempts to erode the enforcement provisions of the Robinson-Patman Act, it might be well for all NARD members to review some of the developments which resulted in Congress adopting this all-important legislation.

The history of federal anti-trust laws is a complicated one and we have every reason to believe that major attempts are being made to use the complications to confuse those who would honestly wish to interpret the law in terms of its most equitable affect on our economic system and the nation's small businessmen.

The basic federal anti-trust law was the Sherman Act of 1890, followed by the supplementary Federal Trade Commission Act of 1914, the Clayton Anti-Trust Act, and the Robinson-Patman Price Discrimination Act, as well as state Fair Trade laws. Changes in these laws have taken place through legislative action and judicial interpretation over the years.

At this moment we're concerned with the Robinson-Patman Act. It was enacted for the purpose of preventing price discrimination by suppliers to competitors in the marketplace. Its intent was to prevent large retailers, or other large businesses, from putting their smaller competitors out of business by using their bigness to influence suppliers to

give them privileged discounts, which in turn gave them the advantage needed to undersell smaller competitors who were denied that special treatment.

The Robinson-Patman Act, of which the distinguished Congressman Wright Patman from Texas was co-author, has served well to protect small businessmen. The Act has been subject to the erosion of time, and loopholes have been found that have impaired its protectiveness; but it continues to be a barrier against laissez-faire business methods.

Now, some of those who would like to trample ruthlessly over their smaller competitors are trying to do away with this law. The Select Committee on Small Business of the House of Representatives has been asked to review the law and its effects; and its foes are marshaling their forces to have it repealed or made ineffective by amendments.

At our recent convention we were fortunate to be addressed by Congressman Patman who said: "It is no secret that there are some who would like to see the Robinson-Patman Act weakened, if not destroyed altogether. I have always regarded this Act as a Magna-Carta of small business and along with the other anti-trust laws it should be strengthened, not weakened.

"Steps must also be taken to see that this law is enforced with vigor all down the line to assure that there is not discrimination against retail druggists."

I am sure every NARD member will endorse Congressman Patman's position with enthusiasm. We urge all retail pharmacists to alert Congressmen and Senators to the dangers which may accrue if small business is allowed to be destroyed by the misuse of the competitive purchasing power of big business.

TEXTILE COMMITTEE REPLIES TO THE HONORABLE FUKUDA

(Mr. DORN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DORN. Mr. Speaker, the Honorable Hajime Fukuda, representing the Special Committee for Textiles of the Liberal Democratic Party of Japan, contacted, it is my understanding, every member of the Congress outlining the position of the Government of Japan with reference to Japanese textile exports to the United States. The following is the reply sent to Mr. Fukuda in Tokyo by the leadership of our Informal Textile Committee of the House. I recommend a very careful study of our reply, which follows, by my colleagues in the Congress:

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., March 19, 1970.

HON. HAJIME FUKUDA,
House of Representatives,
Tokyo, Japan.

DEAR MR. FUKUDA: As the elected officers of the Informal Textile Committee of the United States House of Representatives, we are responding to your letter of March 1 concerning the problem of Japanese textile exports to the United States. We agree with your view of the urgency of the situation and of the need to take action promptly to resolve it. However, we are unable to agree with the approach suggested by you.

As you must know, the textile sector poses special problems for all mature industrial countries. In our case, the sector is so large and so important economically and socially that we cannot afford to remain indifferent to its fate. We must also remember in this connection the quarter million wool growers and half million cotton producers of the United States whose future depends upon the preservation of a vigorous textile industry.

The United States Government has made a sincere and good faith effort to negotiate a viable bilateral agreement to ease the pressures on our textile market. Our government has not urged upon Japan any arrangement which need cost her a single job. But these efforts have been rejected.

On numerous occasions in the past, the Government of Japan has felt it necessary to take steps in the area of economic policy which have been detrimental to U.S. interests. The United States has not retaliated, but circumstances have now changed dramatically.

You should know that Japan's position on the textile matter, as well as on other trade and investment issues, is profoundly affecting the attitude of the United States Congress toward Japan.

Your government, which has admittedly either negotiated restraints on various products with other countries or has permitted such countries to unilaterally impose quotas on your textile products, so far has refused to negotiate seriously with the United States.

Our own experience and familiarity with the situation in the United States industry has convinced us that excessive imports of textile and apparel articles are causing widespread damage and that the American textile industry and its employees are faced with a fundamental threat to their future.

At any rate, the proper GATT principle involved here is not the Escape Clause, as you suggest, but Market Disruption. It is on this latter GATT principle that the Long Term Arrangement for Cotton Textiles (LTA) has been successfully based since 1962. Furthermore, experience under the LTA has demonstrated conclusively that a comprehensive overall approach is the only effective one when dealing with such a highly diversified industry as textiles. As a matter of fact, the necessity for such a comprehensive approach has been recognized by our two governments as long ago as the U.S.-Japan cotton textile bilateral agreement of 1957.

Your expression of the allegedly "bitter experiences" of the Japanese textile industry with the Long Term Cotton Textile Arrangement is astonishing. U.S. imports of cotton textiles and apparel from Japan have increased from 235 million square yards in 1961 to 396 million in 1969. Total United States cotton textile imports have more than doubled during the life of the LTA.

Your point that not only Japan but a number of other exporting countries as well are contributing to the U.S. textile import problem is well taken. As the 1957 Japanese bilateral—then representing the largest portion of U.S. cotton textile imports—preceded negotiation of the LTA, so Japanese bilateral controls over man-made fiber and wool textile trade with the U.S. should precede multilateral negotiations under GATT. Certainly, the multilateral GATT negotiation should follow closely upon conclusion of the bilateral.

We are pleased to see that you consider relations with the United States to be more important than those with any other country. We are without doubt your most important customer. In addition, at tremendous expense, we are providing for the major defense of Japan against outside threats. In the last quarter century we have witnessed with great admiration Japan's remarkable economic growth. We are proud of our cooperation in that fantastic progress.

It is particularly disappointing to us in light of this history that Japan has prolonged discussions of the textile question for almost one year without making a constructive counterproposal on the issue at hand. Unfortunately, we are forced to conclude that it will be necessary for us to deal with this problem directly. We hope that you will understand our position on this matter, but believe that the time has come when further discussion is pointless unless there is an immediate and responsive change in the position of your government.

Respectfully and sincerely,

———, *Chairman.*

CHARLES R. JONAS,
Vice Chairman.

WM. JENNINGS BRYAN DORN,
Secretary, House Informal Textile Committee.

HOUSE OF REPRESENTATIVES OF JAPAN,
Tokyo, Japan, March 1, 1970.

DEAR SIR: On behalf of the Special Committee for Textiles of the Liberal Democratic Party of Japan, I take pleasure as the chairman of the Committee in sending you herewith a brief explanation of the basic Japanese views with regard to the problem of Japanese textile exports to the United States. I am taking the liberty of doing so in view of the urgency and importance of the matter in the light of U.S.-Japan economic relations.

In spite of sincere and serious efforts on the part of both the United States and Japan to find a solution to the textile problem, there are no signs of a solution in sight yet. A careful study of the past developments of the textile issue will show that the major obstacle hindering the solution to the problem is that the United States does not fully understand the fundamental views of Japan on this issue. Should the friendly relations between the United States and Japan be allowed to deteriorate by the lack of the understanding on both sides, it would be truly an unfortunate incident not only to Japan but also to the development of the free world.

I sincerely hope that this will serve to broaden your better understanding of our fundamental views on the matter and dispel any misunderstanding which might be harbored by some Americans.

In November of 1969 President Nixon and Prime Minister Sato reached an agreement with regard to the reversion of Okinawa to Japan which had been a long standing aspiration of the Japanese people. This agreement would not have been reached without the understanding and support of the Senators and Representatives of the United States Congress. My colleagues and I are deeply appreciative and grateful for your support and understanding shown in the reversion of Okinawa to Japan.

I consider our relations with the United States are far more important than those with any other country. I firmly believe the maintenance of our close cooperative relations in all fields will be a vital factor in the achievement of peace and prosperity of the world.

Sincerely yours,
Chairman of the Special Committee for Textiles of the Liberal Democratic Party of Japan.

HAJIME FUKUDA

PERSONAL HISTORY OF HAJIME FUKUDA, MEMBER OF THE JAPANESE HOUSE OF REPRESENTATIVES

(ELECTED EIGHT TIMES TO THE HOUSE OF REPRESENTATIVES)

1902—Born in Fukui Prefecture.

1927—Graduated from School of Law, Toyko University.

1952—Parliamentary Vice-Minister of the Ministry of Labor.

1959—Chairman of the Standing Committee on Cabinet, the House of Representatives.

1961—Chairman of the Standing Committee on House Management, the House of Representatives.

1962—Minister of the Ministry of International Trade and Industry.

1964—Member of the Policy Committee of the Liberal Democratic Party.

1965—Member of the Executive Council of the Liberal Democratic Party.

1966—Chairman of the Standing Committee on Budget, the House of Representatives.

Chairman of the Special Committee for Textiles of the Liberal Democratic Party.

THE BASIC JAPANESE VIEWS WITH REGARD TO THE PROBLEM OF JAPANESE TEXTILE EXPORTS TO THE UNITED STATES

I. THE BASIC POSITION OF JAPAN ON THE TEXTILE ISSUE

A. During the U.S.-Japan Fact-Finding Conference held last September in Washington, D.C. it was reported that one official of the United States delegation referred to the situation of the American textile industry as healthy on the whole. On the basis of the information and data available to Japan, it is extremely difficult to recognize that the American textile industry has been seriously injured or faces threat of serious injury caused by imports. Accordingly Japan cannot accept the United States arguments that comprehensive restrictions on exports of woolen and man-made fiber products to the United States are necessary.

B. The only proper approach to this problem should be one that is based on a selective approach in cases where injury has been proven. Japan feels the problem should basically be handled under the escape-clause procedures stipulated by the United States law which is in line with Article 19 of the General Agreement on Tariffs and Trade (GATT) that restrictive measures may be taken if it is proven a particular section or item of an industry has sustained serious injury or faces threat of injury due to increase of imports.

However, in view of the above and taking into consideration the current United States position on this problem, Japan is prepared to take appropriate measures with regard to those products concerning which sufficient proof of injury or threat of injury due to increased imports can be shown in fair and equitable procedures.

C. The whole problem of textiles concerns not only Japan but also a number of exporting countries. If Japan evaluates the impact of imported textile products on the American textile industry on the basis of its own judgments alone, it would invite criticism and distrust from these countries toward Japan. Therefore, the textile problem should be dealt with on a multilateral basis, including all the major exporting countries.

The Japanese position explained above is based on the principles of the GATT that only if a domestic industry has sustained serious injury or faces threat of serious injury caused by imports, temporary restrictive measures can be taken. On the basis of the internationally established principles of trade, a solution can be found to the textile problem which may not only involve a number of other exporting countries concerned but also adversely affect the development of international trade. At the same time domestically a solution can be found to the matter persuasive enough to secure understanding and support of the Japanese textile industry and the labor unions as well as general public.

II. BRIEF EXPLANATION OF THE U.S.-JAPAN DISCUSSION ON THE TEXTILE PROBLEM

A. In the course of the discussions between the United States and Japan during the past ten months on textile import restrictions, the United States has failed to present any convincing evidences to prove that a specific section of the American textile industry is facing serious difficulty in spite of repeated requests by Japan for the presentation of substantial data. At the U.S.-Japan Fact-Finding Conference of September of 1969 Japan was given little information on the difficult situation of specific items of the American textile industry. In February of 1970 the United States presented the statistical data to Japan in response to the Japanese request. Although voluminous, the United States data consisted mainly of statistics on imports and domestic production, and lacked complete, objective and concrete information sufficient to prove that specific items had been injured. Japan's repeated request for more data regarding injury caused by imports is not to prolong the discussions between the two countries, but to obtain the minimum data necessary to show evidence of injury.

B. Dissatisfaction has been expressed by some Americans that in spite of Japan's voluntary export controls on textile products to countries of European Economic Community (EEC), England, and Canada. Japan continues to oppose the United States demands for similar export restrictions on Japanese woolen and man-made fiber textile products. It should be noted that in the case of EEC countries such controls are not administered voluntarily by Japan, but are imposed unilaterally upon Japanese textile products by these countries.

There exists historic background for voluntary export controls on Japanese textile products to England and Canada. Based on an exchange of notes, these two countries forced Japan to agree to voluntary restrictions on Japanese exports of textiles in exchange for Japan's admission to the GATT, or the abolition of the invocation of the GATT Article 35 against Japan. Since that time, Japan had made consistent efforts to have such export restrictions eliminated and with the passage of time the number of restriction items was considerably reduced. In recent years Japan has not agreed to any additional voluntary export control demands from these countries. England has announced its plan to lift its restrictions on Japanese exports to England in a few years. It is reported that in preparing for the coming EEC–Japan trade talks EEC countries will also relax its restrictions on Japanese products.

III. SITUATION IN JAPAN

The Japanese textile industry has 1.9 million workers and 9 million people directly or indirectly connected with the textile industry. As in the United States, the industry in Japan is one of the most important. Members of the Japanese Diet are under heavy pressures from the domestic industry and business which forcefully advocate the principles of free trade. They are strongly opposed to compliance of any kind of unreasonable voluntary controls. The textile problem is a serious political issue and places members of the Japanese Diet in very difficult situation.

The Japanese textile industry cannot forget its bitter experiences in connection with the Cotton Long-Term Arrangements (LTA) for a number of reasons, some of which are:

(1) The voluntary controls on Japanese cotton textile exports to the United States which was begun in 1956 was later extended into the International Cotton Long-Term Arrangement with more cotton textile items under its restrictions in 1962 at the insistence of the United States.

(2) In spite of the LTA goal of orderly expansion of cotton textile trade, its application of the LTA became extremely restrictive.

(3) Although the LTA was concluded as a temporary measure, an exception to the principles of free trade, it has indeed become a long-term measure.

Because of the bitter experiences above, all concerned in the Japanese textile industry are deeply concerned and apprehensive over the U.S. demands for restrictions on Japanese exports of textiles in spite of the fact that it was internationally agreed in Article 1 of the LTA that these measures are not to be considered as lending themselves to application in other fields.

The United States repeatedly presented to Japan proposals on voluntary export restrictions on Japanese textile products which did not reflect the Japanese basic position and feeling of the Japanese textile industry. The way the United States presented the proposals to Japan was taken by the Japanese textile industry as coercive, and led to unified and strong opposition of both the management and labor of the Japanese textile industry to the unreasonable settlement of this problem.

The Japanese Government cannot commit itself to restrictions on exports of textile products to the United States without the consent and understanding of the textile industry. Therefore, unless the basic position explained above is adhered to, the Government cannot persuade the textile industry to agree to any voluntary restrictions on exports of Japanese textile products to the United States.

TO OFFER PAYMENT LIMIT; LISTS FARMERS WHO GOT OVER $25,000 IN 1969

The SPEAKER pro tempore. Under a previous order of the House the Chair recognizes the gentleman from Illinois (Mr. FINDLEY) for 20 minutes.

Mr. FINDLEY. Mr. Speaker, the moment of decision is fast approaching in the House Committee on Agriculture as to the future course of feed grains, wheat, and cotton programs. Authority under the Agricultural Act of 1965 expires this year. Anticipating the possibility—remote though it is—that this Congress will enact no follow-up legislation, the Department of Agriculture is taking the essential first steps under the old permanent law to call a wheat referendum in August.

It is my belief that the Committee on Agriculture will report out a bill, and within the next very few weeks. It is also my belief that it will amount to an extension of the Agricultural Act of 1965 with no fundamental changes, only a little cosmetic treatment here and there.

The 1965 act had no limitation on individual payments, and I forecast that the end product of the Committee on Agriculture will contain no limitation on payments, at least none worthy of the word. Possibly the reported bill will contain a gesture toward the limitation concept, perhaps something like the one suggested by the Department of Agriculture which would let wealthy farmers like Senator EASTLAND draw as much as $110,000 per crop each year from the U.S. Treasury.

A limitation at this level would mock the word limitation. It would be unacceptably high to me, and I believe to a majority of House members. On several occasions during the past 2 years the House has voted by a 3-to-2 margin to establish a $20,000 per farm limit on payments. Last year this provision was dropped from an appropriations bill only under pressure of Christmas Eve adjournment, and then only by four votes. Many Congressmen, and many farmers, believe $20,000 is much too high.

Over the past 6 years I have campaigned persistently among my colleagues in behalf of the payment-limit concept. I have offered limitations at var-

ious levels from $50,000 a year to as low as $10,000 a year. The concept is a sound one that each year wins wider acceptance, even among cotton belt farmers who would be most directly affected.

By this statement I announce to my colleagues that when the farm bill finally emerges from the Committee on Agriculture I will offer an amendment to establish an annual limitation on payments in the $20,000 range.

So that Members may see clearly the continued need for a limitation of this order I am placing in the CONGRESSIONAL RECORD today a listing of all farmers in the Nation who last year received aggregate payments under commodity programs—excluding sugar and wool—in excess of $25,000.

The names are classified by counties within State categories, so it will be relatively easy for each Congressman or Senator to determine which of his constituents would be affected by my amendment and to what extent.

My colleagues will also find a comparison with the previous year instructive. For the most part, big payments are more numerous and higher than ever. See the CONGRESSIONAL RECORD, volume 115, part 10, page 13287, for a listing of 1969 payments.

A USDA study was cited a year ago which shows that a limitation on payments, such as I am proposing, will have no serious adverse effects on production or on the effectiveness of production adjustment programs and would yield annual budget savings from $200 million to nearly $300 million. These same arguments for approving a limit on farm program payments are still valid. With increasing pressure for bringing inflation under control and trimming Federal expenses, these savings to the treasury should be welcome by all of us.

In evaluating the impact of the payment limit on the bank accounts of these fortunate farmers, it should be kept in mind that my amendment would not leave any of them exactly penniless. Each would continue to receive $20,000 a year, which is extremely generous when compared with even the most extravagant proposals for family income guarantees.

Total payees and total payments rose sharply last year in this category. In 1968 5,914 payees received $273,333,643. In 1969 7,795 payees received $366,779,995.

Of great public interest has been the level of payments to Eastland Plantation, Sunflower County, Miss. In 1968 payments totalled $116,978. The data below shows 1969 was a much better year for the plantation, at least in terms of money from the U.S. Treasury, as the total rose to $146,792.

Mr. Speaker, I am informed that another Member has also placed in this RECORD the same data, and in order to save expense I will not repeat it at this point.

RHODESIAN POLICY ILL-ADVISED

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. WAGGONNER. Mr. Speaker, I have addressed the House on a number of occasions to express my concern over this Nation's ill-advised policy toward Rhodesia since that nation declared its independence from Great Britain. Even though a previous administration started us down the ridiculous policy road we have been on since that event, I had hoped against hope that the Nixon administration would see the utter futility of continuing to harass the Rhodesian Government, would cease acting as Great Britain's paw and as a toady follower of the United Nations.

My hopes were raised when the President said in his inaugural address:

> Let all nations know that during this Administration our lines of communication will be open. We seek an open world, open to ideas, open to the exchange of goods and people, a world in which no people, great or small will live in angry isolation. We cannot expect to make everyone our friend, but we can try to make no-one our enemy.

Yet, the President has seen fit to close the U.S. Consulate in Rhodesia, effectively isolating that nation which is guilty of only one thing, declaring itself to be free and independent from Great Britain. The President has closed our lines of communication. He has brought about a closed world, closed to ideas, closed to the exchange of people and a world in which a friendly nation has been forced into isolation.

The Prime Minister of Rhodesia has expressed regret over this slap in the face and has assured us that, in spite of it, the interests of our American citizens will continue to be protected by his government.

Several items have come to my attention in the past week which comment on this misguided step of the Nixon administration and I would like to share them with you.

This is a shameful step our Government has taken and I hope that commonsense will return to the White House and the State Department soon and this closing countermanded. No man can take pride in what has been done.

The articles I refer to appear herewith:

[From the Indianapolis (Ind.) Star, Mar. 13, 1970]

BRITAIN, U.S. UNREALISTIC ON RHODESIA

(By Anthony Lejeune)

LONDON—The first rule in international affairs is "Be realistic." To deceive oneself is, at best, folly; at worst, an invitation to catastrophe. As an example of obstinate unrealizing it would be hard to beat the policies adopted by the Western powers, particularly Britain and America, towards Rhodesia.

So let's state a few plain truths.

1. Everything which has happened in Rhodesia has been inevitable and predictable for at least 10 years—since Britain first tried to push the white Rhodesians into accepting constitutional changes which would have meant the loss, in a very short while, of their country as they had built it and known it.

2. It was equally inevitable and predictable that sanctions would fail. When Harold Wilson said, four years ago, that the Rhodesian rebellion would be over "within weeks, not months" he was either being flagrantly and short-sightedly dishonest, in the hope of warding off pressure from the Afro-Asian members of the Commonwealth, or else he was crassly refusing to believe what everybody who knew anything about Africa must have told him.

3. International disapproval matters very little to Rhodesia, so long as the back door to South Africa remains open. And South Africa must, in practice, support Rhodesia, because if Rhodesia could be brought down, the same weapons would certainly be turned against South Africa.

4. Rhodesia, South Africa and the Portuguese provinces are perfectly capable of dealing with any foreseeable threat, whether from internal subversion or from Communist-equipped infiltrators.

5. Short of some lunatic and (one hopes) inconceivable military adventure, there is nothing the outside world, however disapproving, can do about the Republic of South Africa or the Republic of Rhodesia.

Ian Smith's declaration of a republic is, we are told, "illegal." But very few republics were born legally—certainly neither the United States nor the Soviet Union was. Sooner or later and generally sooner, the world had to accept them. There is nothing uniquely wicked about Rhodesia; on the contrary, there is far less cruelty and injustice there than in many states which occupy honored places at the United Nations.

The only difference lies in the sanctions which Wilson was foolish enough to invoke, and the United Nations to impose, on the ludicrously false grounds that it was Rhodesia, not the African nationalists menacing her from neighboring territories, which constituted "a threat to world peace."

It is a great pity that America connived at this hypocrisy, this foolishness, this unrealism. And it is a pity that the secretary of state, Rogers, should still be identifying America with the "unfinished business" of trying to overthrow the government of Rhodesia, South Africa and Portuguese Africa.

Let's be realistic again. What are, or should be, the objects of British and American policy in southern Africa?

First, surely, the protection of our own interests, the West's interests, in this strategically and commercially very important part of the world. We need the sea routes around the Cape. We need Rhodesian chrome. We need friendly governments there.

Secondly, we desire the happiness, freedom and well-being of the people, both white and black, who live there. Can we really believe that they would be better off under the sorts of regime which now prevail north of the Zambezi?

All we have succeeded in doing so far is to drive Rhodesia into South Africa's arms, and to make South Africa a more united country than she has ever been before. Sanctions have strengthened Rhodesia: It is Britain and the West they hurt.

The wisest and kindest course for America would be to help Britain off the hook on which a decade of unrealism has impaled her.

[From the Los Angeles (Calif.) Times, Mar. 16, 1970]

U.S. SLAP AT RHODESIA WAS A DISGRACEFUL ACT

(By James J. Kilpatrick)

At a time when foreign news is dominated by a deepening involvement in Laos and by continuing tension in the Middle East, the decision of the Nixon Administration to close the U.S. Consulate in Rhodesia will attract small attention.

Yet this was a disgraceful act by the President, a weak and pusillanimous act, rooted in hypocrisy, having nothing in its favor but political expedience. The best that can be said is that the decision is consistent, at least, with all that has gone before: It is one more blunder.

The decision is wrong on its merits. For better or for worse, American industry retains large investments in Rhodesia. Many American nationals live there. Hundreds of American tourists visit Rhodesia every year. To close the small but useful consulate is an affront to common sense.

This is the least of the wrongness. Abandonment of the U.S. Consulate is a symbolic act, a political and diplomatic gesture. It is a way of saying, to quote Secretary Rogers, that the United States "continues to regard Great Britain as the lawful sovereign in Rhodesia."

Such a posture is pure sham, of course, and Rogers knows it. The proposition is as spurious as the palpable lie, solemnly propounded by the United Nations, that Rhodesia has threatened international peace and security since November of 1965. The blunt fact is that Britain holds no sovereignty whatever in Rhodesia today.

Why is this fact not accepted philosophically? Why do we persist, as to Rhodesia, in pursuing a foreign policy violative of every principle of law, history, and self-interest?

The rule of non-intervention in the internal affairs of other nations is a principle explicitly stated in the charter of the United Nations. By going along with the Afro-Asian lynch mob in the imposition of sanctions against Rhodesia, the United States has closed its eyes to this principle.

Our course of action makes a mockery of our own history. What is the great event we shall celebrate in 1976? Why, sir, it is the 200th anniversary of our own unilateral declaration of independence from the British crown. It is we who provided the high example for Rhodesia; our own founding fathers, renouncing colonial status, dissolved the political bands which had connected them with another. We call them patriots. And what an irony it is for the United States, thus born, to assert the illegitimacy of Rhodesia! What sanctimony, to denounce Ian Smith and his colleagues as rebels!

Diplomacy ought to be based, if not on principle, if not on law, if not on history, at least upon self-interest. Even this homely rule has been lost in the chain of blunders. As one consequence, the United States now finds itself in this imbecile position, that we must purchase vitally needed chrome at high price from the Soviet Union, our avowed enemy, rather than at low cost from Rhodesia, whose only offense is to adhere to the West.

Dean Acheson, former secretary of state, summed up the travesty in a speech to the American Bar Assn. two years ago. In its course of conduct against Rhodesia, he said, "The United States is engaged in an international conspiracy, instigated by Britain, and blessed by the United Nations, to overthrow the government of a country that has done us no harm and threatens no one. This is bare-faced aggression, unprovoked and unjustified by a single legal or moral principle."

Nothing has changed since Acheson delivered that stinging reproach. Rhodesia has overcome the United Nations sanctions. She has resisted the Communist-trained terrorists, based in Zambia, who in fact constitute a threat to African peace. She has proclaimed her status as a wholly independent republic. She will triumph over those peace-loving members of the United Nations who would wage war upon her. And she surely will survive the mean, needless and contemptible act of the Nixon Administration in destroying the last small symbol of a friendship far better than we ever deserved.

PUSILLANIMOUS SURRENDER

(By Andrew Tully)

WASHINGTON.—President Nixon's pusillanimous surrender to the international wetpants liberal mob on the Rhodesia question is a reminder that politics does not stop at the north portico of the White House. Nixon is looking for Negro votes and the approbation of those singular characters who could give our last dime to the United Nations.

Nixon let Secretary of State William P. Rogers do the dirty work on this one. In a Sunday School manner which must have pained the usually hard-nosed Rogers, our top diplomat made a point of the racial issue in announcing that the U.S. will cut its last tie with white-ruled Rhodesia by closing its consulate-general in Salisbury.

Rogers, of course, noted that the U.S. "has regarded and continues to regard the United Kingdom as the lawful sovereign" despite Rhodesia's declaration of independence in November, 1965. Baloney. The action was taken to score points with Africa's Negro leaders, who put Rogers through the old arm-twisting routine during his African tour last month.

Washington has never recognized Ian Smith's Rhodesian regime, but had kept the consulate open for more than four years to protect American interests. Now it has decided, after Rogers' poll taking, that the U.S. henceforth will throw in its lot with Africa's Negro majorities.

I suppose this action is okay in that it will please the Black Panthers, the Students for a Democratic Society and other untidy howlers, some of them ensconced in New York penthouses. But I expect it caused the remains of folks like George Washington, Tom Jefferson and Lafayette to revolve in their graves.

But in Rhodesia's case, the elegantly raffish UN is now demanding that Britain take all necessary measures "to put an end to the rebellion of the Smith regime." Naturally. The UN now is dominated by nations, some of them so-called, with less than 10 per cent of the world's population and which contributes less than 5 per cent of the UN budget.

In fact, the Rhodesia case is an ominous example of the way these half-baked nations work their will. Britain would have let Ian Smith go his independent way had it not been for pressure from these unfrocked cutpurses, directed by the Soviet Union and its Communist flunkies. Britain had enough on its frazzled mind without needling in Rhodesia's internal affairs.

It is a curious, if not sinister, situation. The UN has proved it couldn't keep the peace in a tearoom. This assembly of third-rate international ward heelers and saloon statesmen is supported in the U.S. only by professional do-gooders, dismissed public servants and a claque of bankers and merchants who can smell loot. Its flavor is mostly foreign and therefore delectable to silly women, busted Ph.D.'s and Anglophiles.

Yet we find the Nixon-Rogers team capitulating to this crowd and even admitting that principle runs second to the opportunity to improve U.S. relations with Africa's Negro nations. Maybe what we need is a ruddy king, who doesn't have to go foraging for votes.

STROM THURMOND REPORTS TO THE PEOPLE—OUR STAKE IN AFRICA

The Department of State has announced its intention to close the American Consulate in Salisbury, Rhodesia on March 17. This decision is a lamentable one and should be reversed.

Earlier this month, Rhodesia severed all relations with Great Britain. Although Rhodesia sometime ago declared its independence, its leaders clung to the hope that Great Britain would see the futility of its anti-Rhodesian policy and agree to an amicable settlement within the British Commonwealth. The Rhodesian people, through ties of history and sentiment, found it difficult to break their allegiance to the British Crown, but the unreasonable attitude of Britain's political leaders left no other choice.

With the question of Rhodesia's independence irrevocably settled, there can be no doubt that the Rhodesian government has both legal and actual control of its territory. The United States should recognize this valiant African country as a sovereign state. Now is the time to take steps to improve, not sever, relations with those African States with which our Nation has the most in common. The time has come to take the long range view in Africa and adopt policies which will protect the major American interests.

The United States has vital interests at stake with the governments of the Southern African States; that is, Rhodesia, South Africa, and the overseas provinces of Portugal, namely, Angola and Mozambique. The future of Europe—and the United States—may well depend upon the friendship of these three governments. With the Suez Canal closed—and little likelihood that it can be opened, the vital oil link with the Mid-Eastern oil fields is the shipping route around the tip of Africa. Even if the Suez Canal should be opened, the new gigantic supertankers make it more efficient to ship oil on this route.

Therefore, we must be greatly concerned with whoever controls the Portuguese ports in the Indian Ocean and the South African ports on the Cape. An unfriendly, or even a neutral power, in control of these ports could control the oil lifeline of NATO. In these days of the destructive power of long range nuclear weapons, it is likely that an enemy might seek methods of blackmail that would fall short of unleasing major nuclear explosions. An oil blockade imposed upon the West would result in unacceptable economic and social burdens. The expanding Soviet submarine fleet, coupled with anti-Western powers controlling the ports, could impose severe contraints.

We should be working more closely with friendly countries for our common defense. In particular, South Africa's small Navy should be improved and enlarged. The South African naval base at Simonstown, on the Cape, should be modernized and increased in capacity to handle NATO ships. We should drop the embargo on selling armaments to South Africa, since it is no longer appropriate to the changed international strategic conditions. We cannot base our defenses upon the power balance of ten years ago.

Although Rhodesia is a land-locked country, we must remember that it is the only major source of high grade chromium ore besides the Soviet Union.

It would be a great strategic mistake for the United States to sever relations with this brave little Nation, since in a world crisis we will need the close friendship of Rhodesia in order to secure supplies of chromium ore which is vital to our defense. We must remember, too, that all of land-locked Rhodesia's chrome must be shipped through the Portuguese ports. Every reason, therefore, urges us to take positive steps toward improving our relations with these friends of the United States.

The time has come to take the long range view in Africa and adopt policies which will protect American interests. It is my hope the State Department will review the matter of Rhodesia and conclude that it is in the interest of our Nation not to close the Consulate there.

THE POSTAL STRIKE IS A NATIONAL EMERGENCY

(Mr. BLACKBURN asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. BLACKBURN. Mr. Speaker, the postal strike is a national emergency; it is not a political issue.

The President of the United States is dealing with it as an emergency affecting

all Americans. He is acting under his constitutional authority, in fact, his constitutional duties.

Those who have gone out on strike have gone out in defiance of the law. The law applicable to postal workers must be upheld as would traffic laws upheld for all of us.

Under these circumstances it is a shame that some have seized on this strike as a political issue, as a way to divide the people, as a way to make personal political gains.

I refer, unfortunately, to a very few in the Congress, but I also refer to a Democratic candidate for Governor of New York, a man who should know better, Arthur Goldberg.

Mr. Speaker, to digress a moment, how could anyone who voted to confirm Arthur Goldberg for a seat on the Supreme Court oppose G. Harrold Carswell. Mr. Goldberg had no judicial experience when he went on the Court and he seems to have learned little since he went off of it.

Another who should know better is Lawrence O'Brien, who even better than most, is aware what this administration is doing to try to improve the Post Office and the conditions of postal workers.

Mr. Speaker, I repeat, delivery of the mails is not a political issue. I am sorry that some of the leaders of the other party find it difficult to recognize this fact.

RARE SUNDAY AFTERNOON

(Mr. WAMPLER asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. WAMPLER. Mr. Speaker, it was my privilege to participate recently in the 100th birthday celebration of my constituent and dear friend, Lee Greer, of Pound, Va.

Uncle Lee, as he is known by so many, comes from a long line of distinguished, patriotic American citizens. It has been said that he is the dean of Republicans in southwest Virginia, and probably the entire State.

He has been deputy sheriff, carpenter, farmer, and postmaster. Even now his days are not idle, and he still talks with conviction of the Constitution and democracy.

Uncle Lee's birthday was March 17, but we celebrated it Sunday, March 15. Kinfolk and friends from near and far gathered at his daughter's home in Pound that afternoon. Brothers and sisters, grandchildren and great-grandchildren, nieces and nephews from New York, Kentucky, Ohio, and Virginia came with happy birthday wishes. A special guest was Uncle Lee's brother John from Myer, Ky. Uncle John will be 103 years old May 1.

A letter and card from President and Mrs. Nixon were presented, and also greetings from Virginia Governor Linwood Holton, who himself was born in southwest Virginia.

Most of all, it was a simple Sunday afternoon of friendship and talk. It was one of those Sunday afternoons which we remember from our childhood, but which we do not take much time for anymore. For this reason, I would like to insert in the RECORD an editorial from the Bristol Virginia-Tennessean of March 17, 1970.

AS WE SEE IT—REAFFIRMING ROOTS

At the risk of sounding mundane, trite, sentimental, and a victim of cliches, we say, emphatically that America is very much alive and well in Southwest Virginia.

We are talking about the kind of disappearing America where friends and neighbors get together on a Sunday afternoon to kiss grandchildren, swap stories, smile for the group pictures—and, generally, display that unaffected respect for each other that has always been America.

There used to be a time when this kind of Sunday afternoon wasn't unusual; when it didn't merit special comment because everyone did it.

And it still isn't totally alien, especially in rural America, where friends and kin get together on sunny, summer Sunday afternoons and eat ice cream, watermelon and drink iced tea.

But it is becoming more alien than it should. Thus it was with a sense of joy mixed with profound sadness and nostalgia that we joined with others Sunday afternoon in Pound to help "Uncle" Lee Greer celebrate his 100th birthday.

They came from all over to the modest little home in Pound where "Uncle" Lee lives with his daughter. They were there because they were kinfolks or just good friends. And they were there because they respect Lee Greer and the 100 years he has been on this earth and because they respect the accomplishments, hopes, dreams of each other.

They listened reverently while "Uncle" Lee, an amazing man, recounted his childhood in Kentucky and Southwest Virginia. And, because they are simply Americans, they nodded in agreement when Lee Greer warned of the dangers threatening democracy.

It was an afternoon of no television, no loud records, no radios, no newspapers. It was just an afternoon of good, hardworking people, talking about their children, their grandchildren, and with pride about the things they had done, and were doing. It was an afternoon to talk about the weather and when spring would come and how beautiful the mountains would be in bloom again. It was an afternoon of posing with "Uncle" Lee and laughing with friends and relatives so seldom seen.

There was no real purpose in it, no organization, nothing planned—and it reminded one of the Sunday afternoons of childhood.

The world, as they say, is too much with us. Pressures and commitments and obligations and duties—and instant awareness and electronic gadgets—crowd in on every moment. There is scant time now for Sunday afternoons of friendship and talk.

But so long as these events occur, the roots of America are firm, if not as plentiful as perhaps they once were. It was the kind of Sunday that has made our country great and if, in this age of so-called sophistication, we are found guilty of a cliche then it is the same as indicting America as being a cliche.

So long as "Uncle" Lee Greers are among us, we can't accept that verdict.

THE REVEREND DR. MARTIN LUTHER KING, JR.—MONTGOMERY TO MEMPHIS

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, today, across the country, Americans will pay homage to a man of grace and dignity—the Reverend Dr. Martin Luther King, Jr. In 1,000 theaters, in over 300 cities, 1 million Americans will see "King: A Filmed Record . . . Montgomery to Memphis," a documentary film showing the greatness of the man who stood in the forefront of the struggle for equal rights for all Americans.

A gentle man of love and honor, Dr. King has left all Americans a legacy of justice, compassion, and humility. The signs of recent times illustrate all too starkly how poorly this land has lived up to that legacy. Lamar, S.C.; the continuation of the war in Vietnam; the incipient war in Laos; the surrender of the administration to the foes of integration—a sad litany of injustice by man to man.

I urge my colleagues to pay tribute to Dr. King by attending this movie memorializing his struggle. And I urge them all as well to honor this man, and his people, and all people who believe in equal rights and in equal opportunity and in peace, by supporting H.R. 7703, which establishes January 15, the Reverend Dr. King's birthday, as a legal public holiday.

By honoring Dr. King, we honor all the people in this country who have struggled against prejudice and disadvantage. And we thereby commit ourselves to the ideals he exemplified—brotherhood, compassion, and concern for his fellow men.

Mr. Speaker, I include William Raspberry's column, Potomac Watch, which appeared in the March 23 edition of the Washington Post. It is a fine report on this movie recapturing Dr. King's struggle—our struggle.

The article follows:

[From the Washington Post, March 23, 1971]

POTOMAC WATCH—KING HAD A DREAM; FILM RECAPTURES IT

(By William Raspberry)

Aside from the fact that Ely Landau and his associates have put together an extraordinarily faithful account of the King years, using little more than every piece of newsreel they could lay hands on, there are two primary reminders in the movie, "KING: A Filmed Record . . . Montgomery to Memphis."

The first is how savage was the brutality visited upon civil rights workers, white and black, in the Deep South.

Many of us who were shocked by the brutality in Chicago in the summer of 1968, or by the recent inhumanity in Lamar, S.C., had forgotten how bad it can be. (The present college generation never knew it to begin with.)

We remember names like Bull Connor and Sheriff Clark; we remember the fire hoses and the police dogs—and Cicero—but we remember vaguely. Perhaps the mind protects itself from extinction by dimming intolerable memories.

But television film, which has it all over newspaper morgues in some regards, cannot forget. And at the recent preview of the King film, it all came back.

Many blacks who saw the preview—and I mean your well-educated, reasonable responsible blacks—confess that if the movie had ended with the savagery, they would not have trusted themselves to behave like human beings on the way home. Inhumanity, we discovered again, can make you at least temporarily inhuman.

But it also helped to explain the almost unparalleled esteem in which Dr. King is

held, by white and black. For, incredibly, he really did love the enemy who was bent on his destruction. It is easy to forget what enormous strength and courage it takes to remain nonviolent in the face of unbelievable violence.

Too many of us, I suspect, would have been tempted to take the Nat Turner route, striking out at everything white until we ourselves were killed.

Nat Turner died a martyr (or at least we think so now), but he didn't change anything. Dr. King died a saint, and the world will never be the same again.

What kept those who saw the film from parting with their sanity was that the movie is, at bottom, an account of triumph.

And that is the other thing we've allowed ourselves to remember only dimly. August, 1963—can it have been only six and a half years ago?—was in its own way just as incredible as Bull Connor and his police dogs.

The movie comes as close as anything could to reminding us that the quarter of a million people who gathered at the Washington Monument and the Lincoln Memorial really did believe it when they sang "We shall overcome" and "black and white together."

In our 1970s sophistication, we see August, 1963, as a sort of giant-sized picnic, an emotional jag, a time of good feeling and peace, with people going out of their way to be nice to each other.

But it was infinitely more, and more profound, than that. We really did believe that only a sort of mopping-up operation remained between us and the day when Americans, black and white, would live together in love and peace.

And more than that, we believed that the mopping up would not be left to Martin Luther King and John Fitzgerald Kennedy; we all had a part to play, and we were exquisitely grateful for the opportunity.

We, too, had a dream.

See the film because it will help you understand—and put a stop to—what is happening to us now, not just in Lamar, S.C., but in Washington, D.C., as well.

For while the spirit of Martin Luther King Jr. is not dead, neither is that of Bull Connor.

SMALL BUSINESS ADMINISTRATION

(Mr. WIDNALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WIDNALL. Mr. Speaker, today I have introduced an act cosponsored by Mr. CONTE of Massachusetts, H.R. 16644, to clarify and extend the authority of the Small Business Administration and for other purposes. This is the administration's bill. A section-by-section analysis follows:

SECTION-BY-SECTION ANALYSIS

TITLE I

Section 101

Section 101 of the bill authorizes SBA, in connection with the financial assistance programs established by the Small Business Act, by the Small Business Investment Act of 1958, and by Title IV of the Economic Opportunity Act of 1964, to make loans in cooperation with persons or organizations not normally engaged in lending activity, as well as with banks and other lending institutions, and to service these loans; to extend guarantees to banks or other lending institutions, or to persons or organizations not normally engaged in lending activity, without requiring that advance approval be obtained from SBA for each of the related loans; and to make interest subsidy grants to persons who borrow from SBA, through the cooperation of banks or other lending institutions or through the cooperation of persons or organizations not normally engaged in lending activity. In no case, however, shall the amount of such a grant exceed the product of the amount of the loan multiplied by the least of (A) 3 percent; (B) one-third of the prevailing rate of interest applicable to the loan; or (C) the difference between the prevailing rate of interest applicable to the loan and five and one-half percent. No grant shall be made under this section relating to interest due on a loan later than three years from the time the loan was disbursed.

Section 102

Section 102 of the bill authorizes SBA to extend grants to public or private organizations to pay all or part of the costs of providing business management assistance and related technical aid to socially or economically disadvantaged persons. Included among the purposes of these grants is the payment of the costs, including tuition, of the participation of such persons in courses and training programs for the development of skills relating to any aspect of business management. Repealed by section 102 is section 406 of the Economic Opportunity Act of 1964.

Section 103

Section 103 of the bill authorizes SBA to conduct research and studies with a view to identifying categories of small business which lack growth possibilities, as distinguished from small business built around innovations promising rapid growth, and with a view to identifying the nature and causes of small business failures. This section makes it clear that where necessary for the successful conduct of such research or study, or of any other research or study which it is authorized to undertake, SBA is to employ the services of experts and consultants.

Section 104

Section 104 of the bill provides that appropriations are authorized for the purposes of the programs under sections 101, 102, and 103 in such amounts as may be necessary.

TITLE II

Section 201

Section 201 amends section 103 of the Small Business Investment Act of 1958 (SBI Act of 1958) by adding a new paragraph (8), which defines a minority enterprise small business investment company (MESBIC) as a small business investment company (SBIC) whose investment policy states that its investments will be designed to contribute to a well-balanced national economy by facilitating ownership of small business concerns by persons who, because of social or economic disadvantages, have been hampered in their participation in the free enterprise system.

Section 202

Section 202 adds a new subsection (d) to section 301 of the SBI Act of 1958, providing that a MESBIC may be organized and chartered under the nonprofit corporation laws of any State, and providing as well that a MESBIC so chartered may be licensed by SBA to operate under the provisions of the SBI Act of 1958.

Section 203

Section 203 adds a new subsection (d) to section 302 of the SBI Act of 1958, providing that, notwithstanding the 50% limitation of subsection (b) (2) of this section or any other provision of law, shares of stock, other equity and debt securities issued by a MESBIC may be purchased by banks and other financial institutions, subject to the present limitation which prohibits bank ownership of the shares of SBICs in an aggregate amount exceeding 5 percent of a bank's capital and surplus. This allows whole or partial ownership of MESBICs by such banks and other financial institutions.

Section 204

Section 204 authorizes SBA, to the extent that the necessary funds are not available to the companies involved from private sources on reasonable terms, to purchase or to guarantee the payment of principal and interest on debentures issued by SBICs on such terms and conditions as SBA deems appropriate, and pledges the full faith and credit of the United States to the payment of all amounts required to be paid under any guarantee so issued. This strengthens SBA's authority to guarantee loans to SBICs, including the power to guarantee an SBIC debenture for the original amortization terms.

Section 205

Section 205 amends subsection 304(a) of the SBI Act of 1958 to authorize SBICs to invest in unincorporated as well as incorporated business concerns.

Section 206

Section 206 deletes from subsection 305(b) of the SBI Act of 1958 the present 90 percent limitation on SBIC deferred participation in loans to small business concerns. This amendment authorizes 100 percent SBIC guarantees on loans made to small concerns by other lenders.

Section 207

Section 207 provides that Title II of the bill may be referred to as the "Small Business Investment Act Amendments of 1970."

TITLE III

Section 301

Section 301 establishes a program of surety bond guarantees by authorizing SBA, upon such terms and conditions as it may prescribe, to guarantee and enter into commitments to guarantee any surety against loss as the result of the breach of the terms of a bid bond, payment bond, or performance bond by a principal on any contract up to $500,000 in amount. Authority for the program is incorporated into title IV of the Small Business Investment Act of 1958, which title presently specifies SBA's lease guarantee authority; and funding for the program is provided by the revolving fund already established by that title. A guarantee or commitment to guarantee under this program is only to be available (1) where the principal is a small business concern; (2) where such bond is required in order for the small concern to bid on a contract, or to serve as a prime contractor or subcontractor thereon; (3) where such concern is not able to obtain the required bond on reasonable terms and conditions without such a guarantee as this section provides; (4) where SBA determines that such concern will be able to perform the contract with respect to which the bond is required; (5) where the contract meets requirements established by SBA for feasibility of successful completion and reasonableness of cost; and (6) where the terms and conditions of any bond guaranteed are found to be reasonable. A contract of guarantee under this section obligates SBA to pay to the surety 90 percent of the loss which he incurs in fulfilling the terms of his contract because of the principal's breach of a bid bond, payment bond, or performance bond. The section also provides that SBA shall fix such uniform annual fees as it deems reasonable and necessary for guarantees issued under this section, and shall also fix uniform fees for the processing of applications for guarantees.

Section 302

Section 302 provides that title III of the bill may be referred to as the "Surety Bond Assistance Act of 1970".

THE HOUSING AND URBAN DEVELOPMENT ACT OF 1970

(Mr. WIDNALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WIDNALL. Mr. Speaker, today I introduced H.R. 16643, the Housing and Urban Development Act of 1970. This is the administration bill and the following is the section-by-section summary of the proposed act:

TITLE I—MORTGAGE CREDIT

Section 101—The Mortgage Credit Assistance Act

This section would provide a new "Mortgage Credit Assistance Act" (MCAA) which would supersede the National Housing Act (NHA). No additional insurance could be written pursuant to the NHA after the effective date of the new Act. The new Act would: (1) consolidate the numerous authorities scattered throughout the National Housing Act into a minimum number of broad, flexible programs, (2) eliminate obsolete or duplicatory authorities, and (3) improve existing operations and subsidy programs.

Structure of the Act

Home mortgages would be insured under two authorities—unassisted (section 401 of the MCAA) and assisted (section 402). Multifamily mortgages would also be divided into one unassisted (section 501) and one assisted (section 502) authority. These four authorities would replace nearly 40 existing programs. Three existing programs covering hospitals, group practice facilities, nursing homes and intermediate care facilities would be provided for in one mortgage insurance program for health facilities (section 503). The Title X Land Development Program (section 505) would be retained but without a new communities component. One Supplemental Loan Program (section 504) would consolidate three existing programs. The Home Improvement and Mobile Home Program (Title III) would be retained but in simplified form. The various provisions spread throughout the National Housing Act relating to insurance funds, payment of insurance benefits, premiums and similar items would be clarified and consolidated in the new MCAA.

TITLE I—GENERAL AUTHORITY

Section 1—Definitions

This section would define "first mortgage", "mortgagee", "mortgagor", "home mortgage", "project mortgage", "maturity date", "condominium", "experimental property", "State", and "Secretary", in substantially the same way these terms are used in the National Housing Act. In addition, the term "advances" would be defined to permit "advances" of insured mortgage proceeds during construction or rehabilitation of projects to cover the cost of materials and building components which are located off-site but which will ultimately become part of the mortgaged property. No statutory authority presently exists for financing the purchase of off-site materials through insured mortgage advances.

Section 2—General insurance authority

This section would give the Secretary general authority to insure mortgages and loans under this Act and would establish conditions to be satisfied prior to issuance of such insurance.

Subsection (a) is based on the provisions contained in section 203 of the National Housing Act and would require that a mortgage insured under the Mortgage Credit Assistance Act be made to, and held by, a mortgagee approved by the Secretary as responsible and able to service the mortgage properly.

Subsection (b) would provide general authority for the Secretary to insure and make commitments to insure mortgages and loans. The Secretary could, prior to final endorsement for insurance, amend the amount of any commitment consistent with limitations on the maximum mortgage amount for the particular class of mortgage and loan involved (under existing law—sec. 515 of the National Housing Act, the amended amount must be eligible under provisions in effect at the time of the original commitment rather than at the time of final endorsement).

Subsection (c) would require that a mortgage transaction eligible for insurance under the Act be determined by the Secretary to be an "insurable risk", except that mortgage transactions involving assistance payments, experimental property, property located in an older, declining area, or single-family housing for employees of research or development installations could be accepted for insurance by the Secretary as a "special risk".

Section 3—Flexible mortgage amounts

This section would provide, in lieu of the various statutory dollar limitations on maximum mortgage amounts contained in the National Housing Act (e.g. sections 203, 207, 221, etc.) a flexible formula to be used by the Secretary in periodically establishing maximum mortgage amounts for home and multifamily mortgages insured under the Act. With respect to multifamily projects, the mortgage limits established pursuant to this section would be per unit limitations. There would be no overall dollar limit on project mortgage amount. (Sections 207, 221, etc. presently contain both a per unit and per project maximum insurable mortgage amount).

Subsection (a) would limit the insurance of any mortgage under the subsidized homeownership and rental programs (sections 402 and 502 of the Act) to properties the cost of which does not exceed by more than 10 percent the "development cost" established by the Secretary for the "housing market area" in which the property covered by the mortgage is located. For multifamily structures, the limitation on mortgage amount would be based on the sum of the development cost figures applicable to the various sized units in the project and would be applicable only to that part of the mortgage attributable to the portion of the property to be used for dwelling use.

Subsection (b) would provide for the establishment by the Secretary of the "development cost" for different sized homes and multifamily dwelling units in each housing market area. The "development cost" would be determined by establishing for each housing market area the "total construction cost" of a standard-sized new single-family home (and a standard-sized dwelling unit in a new multifamily structure) based on plans and specifications drawn for modest dwellings suitable for occupancy by persons receiving homeownership or rental assistance under section 402 and 502 of the Act and of a quality consistent with property and design standards acceptable in the area. On the basis of these determinations of total construction cost for the standard-sized home (and standard-sized dwelling unit in a multifamily structure) the Secretary would establish the total construction cost of varying sized dwellings (i.e., more or fewer bedrooms). The total construction cost of the various sized dwellings would then be increased by the same percentage which the average cost of land and site improvements in the area bears to the total construction cost for similar sized homes and multifamily units in the area.

For example, if the estimated total construction cost of a prototype unit in housing area "X" is $14,000 and the average ratio of land cost to construction cost for a house of comparable size in the area is 25 percent, the development cost would equal:

Development cost: Construction cost times average land cost ratio ($14,000 times 1.25) equals $17,500.

The maximum insurable assisted (section 402) single-family home mortgage would be:

Maximum insurable *assisted* mortgage: Development cost times 1.10 ($17,500 times 1.10) equals $19,250.

The maximum insurable unassisted (section 401) single-family home mortage would be:

Maximum insurable *unassisted* mortgage: Development cost times 2.00 ($17,500 times 2.00) equals $35,000.

Subsection (c) would define (1) "total construction cost" to mean those cost items which are includable in a home or multifamily mortgage insurable under the Act except the costs of land and site improvement, and (2) "housing market area" as a contiguous geographical area in which the Secretary determines that the cost of materials, labor and other construction cost expenses are generally similar.

Subsection (d) would provide for periodic revisions by the Secretary of total construction or development cost estimates in any area on the basis of available cost data or for a redetermination of cost estimates for all areas where there has been a material change in property standards or for other reasons. The development cost figures established for each area pursuant to this section would become effective upon the date of their publication in the Federal Register.

Section 4—Interest rates

This section would authorize the Secretary to establish interest rates consistent with market conditions on all mortgages and loans insured under this Act. Authority would also be given to the Secretary to assure that discounts and settlement costs are equitable for all parties involved.

Subsection (a) would give the Secretary permanent authority to prescribe maximum interest rates for insured mortgages and loans based on his determination of the needs of the mortgage or loan market. These rates could differ for each of the different types of mortgages or loans which would be insured under the various sections of the Act and could further take into account differences in repayment requirements within each provision. The Secretary presently has temporary authority to set maximum interest rates on FHA-insured mortgages and loans (this authority is to expire on October 1, 1970; section 3(a) of Public Law 90–301).

Subsection (b) would permit the collection of a discount by the mortgagee from the mortgagor, builder, seller or any other person or entity connected with the transaction. The amount to be collected from each would be determined on the basis of negotiation between the parties. The mortgagee would be required to report to the Secretary the amount collected from each party. Under the current interpretation of the National Housing Act, the mortgagor is generally not permitted to be charged discounts which serve the purpose of increasing the yield on a mortgage.

Subsection (c) would require the Secretary to prescribe standards, based on a determination of reasonable charges, governing the amounts of settlement costs payable by mortgagors in connection with housing financed with mortgages insured under the Act, with a view to accumulating experience leading to legislative recommendations to reduce settlement costs and standardize these costs for all areas.

Section 5—Water and sewer facilities

This section which is similar to section 522 of the National Housing Act would require that there be adequate public or community water and sewerage facilities serving newly constructed housing except

where it is determined that the establishment of a public or adequate community system is not economically feasible and the Secretary determines that the absence of such a system will not create a significant environmental hazard.

For the purposes of this section, the determination of economic feasibility is to be made without regard to whether the establishment of the particular type of system is authorized by law or is subject to approval by one or more local governments or public bodies.

Section 6—Approval of technically suitable materials

This section, which is based on section 521 of the National Housing Act, would require the Secretary to adopt a uniform procedure for the acceptance of materials and products to be used in structures approved for mortgages and loans insured under the Act.

Section 7—Insurance contract incontestability

This section, which is similar to existing provisions of the National Housing Act (e.g. 203), would establish the incontestability of an insurance contract in the hands of an approved mortgagee from the date of its execution, except for fraud or misrepresentation on the part of such mortgagee.

TITLE II—INSURANCE FUNDS, PREMIUMS AND CHARGES

Section 201—Insurance funds

This section, which is similar to sections 519 and 238(b) of the National Housing Act, would provide that all insurance obligations incurred pursuant to the Mortgage Credit Assistance Act be assigned to two insurance funds—the General Insurance Fund and the Special Risk Insurance Fund. Premiums under the General Insurance Fund would be fixed on an actuarially sound basis. Premiums under the Special Risk Insurance Fund would correspond to those established for the General Insurance Fund but would not have to be fixed on actuarially sound basis. No provisions permitting a distribution of surplus premiums would be included in the MCAA.

All mortgages and loans insured pursuant to provisions of the NHA which were obligations of the General Insurance Fund would continue to remain assigned to the General Insurance Fund (which would be carried over into the MCAA). In addition, all mortgages and loans insured under the MCAA as "insurable risks" (i.e. actuarially sound) would become obligations of the General Insurance Fund.

All mortgages and loans insured pursuant to the provisions of the NHA which were obligations of the Special Risk Insurance Fund would continue to remain obligations of the Special Risk Fund (which would be incorporated into the MCAA). In addition, all mortgages and loans insured under the MCAA as "special risks" would become obligations of the Special Risk Insurance Fund. Mortgages covering experimental property and single-family housing for employees of research and development installations would, unlike existing law, be obligations of the Special Risk Insurance Fund (under existing law these mortgages are obligations of the General Insurance Fund).

The Mutual Insurance Fund (section 202 of the NHA) which was assigned obligations insured under section 203 of the NHA, and the Cooperative Management Housing Fund which was assigned mortgages insured under section 213 of the NHA would continue to service such obligations but would not be carried over into the MCAA.

Subsection (a) would provide that in addition to those insurance obligations incurred pursuant to the National Housing Act, the General Insurance Fund also be used to carry out the insurance obligations with respect to (1) property improvement and mobile home loans insured under title III of this Act, (2) home and project mortgages insured under sections 401, 501, 503, and 505 (except as provided in Subsection (b)), and (3) supplemental project loans insured under section 504 where the original project mortgage is an obligation of the General Insurance Fund.

Subsection (b) would provide that in addition to those insurance obligations incurred pursuant to the National Housing Act, the Special Risk Insurance Fund also be used to carry out the insurance obligations with respect to (1) home and project mortgages involving assistance payments under sections 402 and 502, (2) home and project mortgages insured under sections 401, 501, and 503 where the mortgage involves experimental property or property located in an older, declining area, and (3) supplemental project loans insured under section 504 where the original project mortgage is an obligation of the Special Risk Insurance Fund.

Subsection (c) would provide that income received or expenses incurred in connection with the insurance of mortgages or loans be credited or charged to the fund obligated for such insurance.

Subsection (d), which is similar to provisions in section 520 of the National Housing Act would authorize the Secretary to borrow from the Treasury from time to time such amounts as he determines are necessary to make cash insurance payments, in lieu of payments in debentures.

Subsection (e) would allow moneys in an insurance fund which were not needed for current operations to be invested in obligations of, or guaranteed by, the United States, or in debentures which are the obligation of the particular fund.

Subsection (f) would authorize repayable advances from one insurance fund to the other (under the National Housing Act, a $20 million advance is authorized from the General Insurance Fund to the Special Risk Insurance Fund).

Subsection (g) would authorize the appropriation of such sums as may be needed to cover losses sustained by either insurance fund (under the National Housing Act appropriations are authorized only with respect to losses sustained by the Special Risk Insurance Fund).

Section 202—Insurance premiums and charges

This section would give the Secretary authority to establish insurance premiums and set certain payment conditions on such premiums for mortgages and loans insured under this Act.

Subsection (a), which is based on provisions contained in sections 203(c), 207(d), 2(f), and 1008 of the National Housing Act, would authorize the Secretary to establish insurance premiums. (Unlike existing law, no maximum or minimum insurance premium would be prescribed). The Secretary could require payment of the insurance premium either on an advanced or deferred payment basis, except that payment in advance would be required with respect to premiums for a project mortgage or loan or home improvement or mobile home loan.

Subsection (b), which incorporates provisions contained in sections 203(c) and 207(e) of the National Housing Act, would authorize the Secretary, in his discretion, to collect an adjusted premium charge in the event a home or project mortgage were prepaid, but not to exceed the amount of premium that would have been paid if the mortgage were held to maturity.

Subsection (c), which is based on provisions contained in section 229 of the National Housing Act, would authorize the Secretary to terminate any insurance contract upon request of the mortgagor and the mortgagee, and to require the payment of a termination charge computed in the same manner as an adjusted premium charge.

Subsection (d), which is based on provisions contained in section 203(c) of the National Housing Act, would permit payment of premiums and charges under this section to be either in cash or in debentures of the insurance fund to which the premium is to be credited.

Subsection (e), which incorporates the provisions of section 222 of the National Housing Act, would require the Secretary of Defense or the Secretary of Transportation (in the case of a member of the Coast Guard) to pay the mortgage insurance premiums in the case of a mortgage on a single family dwelling or a one-family unit in a condominium, insured under section 401, during such time as the mortgagor was a serviceman. These payments would continue for a maximum of two years on behalf of a widow of a serviceman who died while on active duty.

Section 203—Processing fees and service charges

This section would provide the Secretary with specific authority to require payment by both the mortgagee and mortgagor of certain expenses.

Subsection (a), which incorporates sections 203(a) and 207(d) of the National Housing Act, would authorize the Secretary to charge the mortgagee processing, appraisal, inspection and other appropriate charges for the services rendered. Such charges would be payable in cash. Provisions in section 207(d) of the National Housing Act which limit charges for appraisal and inspection to an aggregate of not more than 1 percent of the original principal face amount of the mortgage are not included in subsection (a).

Subsection (b) would authorize the Secretary in the case of mortgages held by him or made payable to him to collect a service charge from the mortgagor in an amount not exceeding the applicable mortgage insurance premium.

TITLE III—INSURANCE FOR PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Section 301—Types of loans

This section would consolidate and simplify provisions of section 2(a) of the National Housing Act relating to eligibility for insurance of financial institutions making home improvement and mobile home loans.

Subsection (a) would authorize the Secretary to insure financial institutions against losses in making, advancing credit in connection with, or purchasing property improvement and mobile home loans.

Subsection (b) would make eligible for insurance home improvement loans for the purpose of repairing or improving existing structures or the building of new structures (including the repair or replacement of improvements damaged or destroyed by natural disasters) by the owner or a lessee under a lease expiring not less than six months after the maturity of the loan.

Subsection (c) would make eligible for insurance mobile home loans for the purpose of financing the purchase of a mobile home to be used by the owner as his principal residence.

Section 302—Loan terms

This section, which is based on section 2(b) of the National Housing Act, would establish the maximum dollar amounts and maturity of home improvement and mobile home loans.

Subsection (a) would require that a home improvement loan (1) involve an amount not in excess of $5,000, except that where the structure to be repaired includes two or more dwelling units the loan could not exceed $15,000 or an average amount of $2,500 per unit, and (2) have a maturity not ex-

ceeding seven years and thirty-two days, except where the loan involves the construction of a new structure for use in whole or in part for agricultural purposes.

Subsection (b) would limit a mobile home loan to an amount not in excess of $10,000 and require that it have a maturity not in excess of twelve years and thirty-two days.

Section 303—Refinancing

This section, which is similar to the last proviso of section 2(b) of the National Housing Act, would authorize the Secretary to refinance and extend the maturity of any loan insured under the title, provided that the additional amount or term of the loan did not exceed the limitations prescribed in section 302.

Section 304—Prohibitions

This section, which is based on provisions contained in section 2(a)(iii) of the National Housing Act, would require the Secretary to prevent (1) the use of multiple loans which would result in outstanding loans, with respect to the same property, in an amount in excess of the dollar limits prescribed in section 302 for an individual loan, and (2) the insuring of home improvement loans involving new residential structures which have not been completed and occupied for at least six months. The Secretary would be authorized to waive the prohibitions in (2) above.

Section 305—Property standards

This section would authorize the Secretary to restrict the type of products and services which qualify for insured home improvement loans and would establish property standards for mobile homes.

Subsection (a), which is based on provisions contained in section 2(a)(ii) of the National Housing Act, would direct the Secretary to periodically declare products or repairs which do not improve the basic livability or utility of properties or are especially subject to selling abuses ineligible for financing under this title.

Subsection (b), which is based on provisions contained in the last sentence of section 2(a) of the National Housing Act, would direct the Secretary to (1) prescribe minimum property standards for mobile homes and the sites on which they are to be located, and (2) obtain assurances from the borrower that the mobile home will be placed on a site meeting standards prescribed by the Secretary and any local zoning or other local requirements.

Section 306—Contract provisions

This section would limit the liability of the Secretary for any losses incurred on home improvement and mobile home loans and would establish conditions under which payment is final.

Subsection (a), which is based on the provisions contained in section 2(a) of the National Housing Act, would provide that the insurance obligation of the Secretary with respect to any lender not exceed either (1) 10 percent of the total amount of loans made by the lender (under this title and under Title I of the National Housing Act after July 1, 1939), or (2) 90 percent of the loss on any individual loan.

Subsection (b), which is based on provisions contained in section 2(g) of the National Housing Act, would make any payment for loss incontestable after two years in the absence of fraud or misrepresentation by the lender unless a demand for repurchase of the obligation on behalf of the United States has been made prior to the end of the two-year period.

Section 307—Waiver of requirements

This section, which is based on provisions contained in section 2(e) of the National Housing Act, would authorize the Secretary to waive compliance with any regulation issued pursuant to this title if the lender has acted in good faith and enforcement would impose an injustice on him, but the waiver could not involve an increase in the amount of the Secretary's obligation.

Section 308—Transfer of insurance

This section, which is based on provisions contained in section 2(d) of the National Housing Act, would authorize the Secretary to transfer the insurance of any loan to any approved lender which purchases such loan.

TITLE IV—HOME MORTGAGE INSURANCE

Section 401—Basic insurance program

This section would establish uniform criteria under which the Secretary could insure unassisted home mortgages. The separate insuring authorities for home mortgages contained in sections 203(b), 203(h), 203(i), 220, 221(d)(2), 222, 223(e), 233, 234(c) and 809 of the National Housing Act would be incorporated into this provision.

Subsection (a) would authorize the Secretary to insure unsubsidized home mortgages (covering a one- to four-family residence or a one-family unit in a condominium).

Subsection (b), which is similar to section 203(b) of the National Housing Act, would provide certain eligibility requirements for mortgages insured under this section:

(1) The principal obligation of the mortgage could not exceed 100 percent of $20,000 of the appraised value of the property, 90 percent of such value in excess of $20,000, and 80 percent in excess of $30,000. These loan-to-value ratios would be somewhat higher than those provided under the basic home mortgage provisions of the National Housing Act (sec. 203(b)). The Secretary could also include in the principal obligation of the mortgage an amount equivalent to discounts to be paid by the mortgagor. Closing costs which previously could be included in the principal obligation of the mortgage under section 203(b)(2) of the National Housing Act would not be includable under this provision. Provisions of section 203(b)(2) of the National Housing Act which provide for higher loan-to-value ratios for veterans, and prescribe lower loan-to-value ratios for new properties not approved prior to construction would not be carried forward into the section.

(2) The term of the mortgage could not exceed the lesser of 35 years or three-quarters of the remaining economic life of the property. The shorter mortgage term presently applicable to new properties not approved prior to construction (sec. 203(b)(3)) would be eliminated.

(3) The mortgage must require periodic payments which are not in excess of the mortgagor's ability to pay.

(4) The mortgagor would have to make a minimum downpayment in cash or its equivalent equal to closing costs (exclusive of prepaid expenses). A larger downpayment could be required by the Secretary. Under the provisions of section 203 of the National Housing Act, a downpayment of at least 3 percent of the acquisition cost is required to be paid by the mortgagor, except in the case of certain specified categories of mortgagors.

(5) The mortgage must contain such terms with respect to insurance, taxes, repairs, etc., as the Secretary provides.

Subsection (c), which is similar to section 234(c) of the National Housing Act, would authorize the Secretary to establish such requirements as he finds necessary to protect the rights of owners of one-family units in a condominium.

Subsection (d) would require that the maximum principal obligation of a mortgage permitted under subsection (b) be reduced to 85 percent of that amount if the mortgagor is not the occupant of the property, except where (1) the mortgagor is in the military service and intends to occupy the property upon discharge (similar to section 216 of the National Housing Act), (2) the mortgagor and mortgagee agree to reduce the mortgage by 15 percent if the property is not sold to a purchaser who assumes the mortgage and occupies the property before the due date of the eighteenth amortization payment (similar to section 203(b)(8) of the National Housing Act), or (3) the mortgage covers experimental property and the Secretary waives the requirements of this subsection (similar to section 233 of the National Housing Act).

Subsection (e), which is similar to section 226 of the National Housing Act, would require that the mortgagor receive a written statement of the Secretary's appraisal of the value of the property prior to completion of the sale.

Subsection (f) would require a one-year warranty on new homes approved by the Secretary prior to construction protecting the mortgagor against substantial deviation from approved plans and specifications. A similar warranty is required for home mortgages insured under the National Housing Act (section 801 of the Housing Act of 1954). This subsection goes beyond the warranty required by section 801 of the Housing Act of 1954 in that it would require a builder to provide a one-year warranty against structural defects in new homes not approved prior to construction.

Subsection (g), which is based on provisions contained in section 203 of the National Housing Act would authorize the Secretary to consent to the release of a part or parts of the mortgaged property from the lien of the mortgage.

Section 402—Homeownership for lower income families

This section, which is based on provisions contained in section 235 of the National Housing Act, would establish uniform criteria under which the Secretary could insure all subsidized home mortgages.

Subsection (a) would authorize the Secretary to contract to make periodic assistance payments on behalf of lower income homeowners to mortgagees holding mortgages insured under this section.

Subsection (b) would require that the assistance payments be made only during such time as the original mortgagor occupied the property but payments could be continued if the mortgage is assumed by an eligible homeowner if assistance payments had been made on behalf of the previous owner, or if the mortgage is assigned to the Secretary.

Subsection (c) would provide a formula for determining the amount of the assistance payment. The maximum assistance payment on behalf of any homeowner could not exceed (1) with respect to not less than 80 percent of the contract funds authorized by appropriation Acts, the difference between the monthly payment for principal, interest, and mortgage insurance premium due under the mortgage and the monthly payment for principal and interest due under a one percent mortgage (this is the maximum assistance payment for all homeowners under section 235 of the NHA), and (2) with respect to not more than 20 percent of the total amount of contract funds for assistance payments authorized by appropriation Acts the lesser of the monthly payment for principal, interest, and mortgage insurance premium due under the mortgage or 60 percent of the mortgagor's "monthly homeownership expense". This method of computing maximum assistance payments would be applicable only with respect to contract funds made available for use under this section (excluding funds made available for use under section 235 of the NHA).

The amount of assistance payment on behalf of any individual homeowner would equal, subject to the maximum assistance payment available on any mortgage, the

balance of the mortgagor's "monthly homeownership expense" remaining unpaid after applying one-twelfth of the "homeowner's income contribution." The term "monthly homeownership expense" would be defined to include the monthly payment for principal, interest, mortgage insurance premium, insurance, and taxes due under the mortgage plus an amount attributable to the cost of utilities. The term "homeowner's income contribution" would be defined to mean an amount equal to the sum of 20 percent of that portion of the mortgagor's income which does not exceed $3500 plus 25 percent of that portion of the mortgagor's income in excess of $3500. (Under section 235 of the National Housing Act the mortgagor must contribute at least 20 percent of his income toward mortgage payments exclusive of utilities and maintained.)

For example, for a family of 4 with an annual income of $7,000 the homeowner's monthly contribution would equal:

Homeowner's Monthly Contribution: 1/12 ($3,500 × .20 + $3,500 × .25) equals 1/12 ($700 + $875) equals $131.24.

Subsection (d) would authorize the Secretary to reimburse the mortgagee for the additional expense involved in handling a mortgage insured under this section.

Subsection (e) would require the Secretary to provide for recertifications of the mortgagor's income at intervals of two years (or at shorter intervals where the Secretary deems it desirable) for purposes of adjusting the amount of assistance payments.

Subsection (f) would require the Secretary to assure that the sales price paid by the purchaser is not increased above the Secretary's appraised value of the property.

Subsection (g)(1) would provide contract authorizations not to exceed (for contracts entered into under this section and under section 235 of the National Housing Act) $75 million per year prior to July 1, 1969, which amount would be increased by $125 million on July 1, 1969, by $125 million on July 1, 1970, and by such amounts as may be necessary thereafter. This provision would make clear that these dollar limitations are applicable to contracts outstanding at any one time.

Subsection (g)(2) would provide that not more than 20 percent of the total amount of assistance payments authorized to be contracted to be made could be used for assistance payments to homeowners whose incomes at the time of their acquisition of the property exceeded 80 percent of the median income in the area (as determined by the Secretary and adjusted for family size), but such incomes could in no case exceed the median income for the area. The median income for any area would be deemed not to be less than 60 percent of the national median income. Annual reports to the Senate and House Banking and Currency Committees would be required with respect to the income levels of families assisted under this section. The existing income limits under section 235 of the NHA are 135 percent of public housing initial occupancy limits in the area and exception limits at 90 percent of the section 221(d)(3) BMIR limits for 20 percent of the contract funds.

Subsection (g)(3) would provide that 15 percent of contract funds authorized by appropriation Acts (for use under this section) could be contracted to be made with respect to existing housing. (Existing law authorizes a temporary 30 percent existing housing exception plus permanent specific exceptions).

Subsection (h) would authorize the Secretary to insure mortgages under this section (including advances during rehabilitation where the mortgagor is the owner-occupant or where the property is constructed or rehabilitated pursuant to a self-help program) which meet the requirements of section 401 of this Act except as modified. The mortgage must involve a single-family dwelling or a one-family unit in a condominium or a single-family unit to be rehabilitated by the owner-occupant who meets eligibility requirements for a direct rehabilitation loan under section 312(a)(1) of the Housing Act of 1964. Unlike section 235 of the National Housing Act this provision would include in its coverage owner-occupied dwellings to be rehabilitated but would exclude the previously eligible cooperatives and the limited category of two-family dwellings. The provisions of section 235(j) (involving rehabilitation of properties by nonprofit organizations for subsequent sale to lower income purchasers) would be essentially provided for under this Act through a combination of the multifamily housing provisions of sections 501 and 502 and of this section.

The principal obligation of the mortgage could not exceed the appraised value of the property, or, in the case of rehabilitation by the owner-occupant, the sum of the estimated cost of rehabilitation and the amount required to finance existing indebtedness. The mortgagor would be required to make a payment of at least $200 in cash or its equivalent. Subject to the $200 downpayment, closing costs, prepaid expenses, and discounts paid by the mortgagor could be included in the mortgage (under existing law, homeowners eligible under the regular income limits are required to make at least a $200 downpayment and homeowners eligible under the exception income limits a downpayment of at least 3 percent of acquisition cost.

Subsection (i) would define income for purposes of this section as income from all sources of each member of the family in the household, but would give the Secretary discretion to exclude income earned by minors or income determined by him to be nonrecurring. In addition, a $300 deduction from income would be permitted for each minor in the household in excess of two, for purposes of computing the homeowner's income contribution. Section 235 of the National Housing Act would permit a $300 deduction for each minor in the household for all purposes.

Subsection (j) would direct the Secretary to transfer periodically part of the contract authority to the Secretary of Agriculture for use in rural areas and small towns.

TITLE V—PROJECT MORTGAGE INSURANCE

Section 501—Multifamily housing

This section would establish uniform criteria under which the Secretary could insure non-subsidized multifamily mortgages. The separate insuring authorities for multifamily non-subsidized mortgages in sections 207, 213, 221(d)(3) and (4), 231, 233, and 234 would be incorporated into this provision.

Subsection (a) would provide for four categories of multifamily housing; (1) rental projects, (2) cooperative projects, (3) projects in which the individual units are to be sold upon completion on a condominium or other basis, and (4) a mobile home court. The mortgage amount would be based on "replacement cost" of the project which would include, among other expenses, discounts to be paid by the mortgagor.

Subsection (b) would authorize the Secretary to regulate the mortgagor with respect to rates of return, capital structure and method of operation.

Subsection (c) would authorize the Secretary to insure mortgages financing the construction of new multifamily projects and the rehabilitation, purchase or refinancing of existing multifamily projects.

Subsection (d) would provide that with respect to new construction the amount of the mortgage could not exceed 90 percent of the replacement cost (97 percent in the case of a cooperative mortgagor). Specific dollar limitations on the project or individual unit contained in the National Housing Act (e.g. sections 207, 213, 234) are not carried forward in this subsection.

Subsection (e) would provide that in the case of rehabilitation the amount of the mortgage not exceed 90 percent (97 percent for a cooperative) of the sum of the Secretary's estimates of the cost of rehabilitation and the value of the property before rehabilitation. If refinancing is also involved, the mortgage would be limited to the Secretary's estimates of the cost of rehabilitation and the amount required to refinance existing indebtedness.

Subsection (f) would provide that in the case of the purchase or refinancing of an existing project without rehabilitation, the mortgage amount not exceed 90 percent of the appraised value of the project (97 percent in the case of a cooperative).

Subsection (g) which is similar to section 207(c) of the NHA, would authorize the Secretary to insure mortgages for mobile home courts up to $2500 per space, which amount could be increased up to 45 percent in high cost areas.

Subsection (h) would limit the mortgage amount for projects in which the units are to be sold to individual purchasers. The project mortgage could not exceed the sum of the individual mortgage amounts which could be insured for owner-occupants under title IV of the Act.

Subsection (i) which is similar to existing law (e.g. section 207 of the NHA), would authorize the Secretary to establish the maximum term of the mortgage.

Subsection (j), which is similar to provisions in the NHA, (e.g. 207(c)(3)) would authorize the Secretary to consent to a release of part or parts of the mortgaged property from the lien of the mortgage.

Subsection (k) would require that a project contain at least 5 dwelling units or spaces in a mobile home court. Provisions of the NHA, (e.g. 207) which require that the dwelling units be self-contained living units are not carried forward in this subsection. The project would be required to be primarily residential but could include non-dwelling facilities adequate to serve the occupants and surrounding neighborhood (similar to section 236 of NHA but broader than section 207 of NHA). In addition, projects designed primarily for the elderly could include various health, dining and other service facilities.

Section 205—Multifamily housing for lower income tenants

This section, which is based on section 236 of the NHA, would establish uniform criteria under which the Secretary could insure all subsidized multifamily mortgages.

Subsection (b), which is similar to section 236(b) of the NHA, would require that the assistance payments be made only with respect to projects (1) covered by mortgages insured under this section or assigned to the Secretary, or (2) financed under a State or local program if the project is approved for receiving the benefits of this section by the Secretary prior to the completion of construction or rehabilitation.

Subsection (c) would provide for assistance payments with respect to two types of projects: (1) standard projects and (2) special projects.

With respect to at least 80 percent of the units in a standard project assistance payments to the mortgagee on behalf of the project owner could not exceed the maximum payments available under section 235(c) of the NHA—the difference between the monthly payment for principal, interest and mortgage insurance premium on a market rate mortgage and the monthly payment for principal and interest that would be due on a mortgage at one percent. With respect to the remaining 20 percent of the units in a standard project the assistance payments could equal the monthly payments for princi-

pal, interest and mortgage insurance premium due under the mortgage which are attributable to such units. In a special project, all units would qualify for the assistance payments equal to principal, interest and mortgage insurance premium. Not more than 20 percent of the total amount of contracts for assistance payments authorized by appropriation Acts could be made with respect to special projects.

Subsection (d) would authorize the Secretary to reimburse the mortgagee for its additional expenses in handling mortgages insured under this section.

Subsection (e) would require the Secretary to provide for recertification of tenant incomes at intervals of two years (or shorter intervals where the Secretary deems it desirable) and would require the project owner to comply with the Secretary's requirements as to tenant eligibility and rentals.

Subsection (f) would provide for the establishment of a "basic rental" for each unit in an assisted project determined on the basis of operating the project with the benefit of the assistance payments attributable to the unit. A tenant would pay the basic rental for his unit or such greater amount, not exceeding the fair market rental for such unit (the rental without subsidy), as represents his "income contribution" (defined in the same manner as under section 402 of the Act (homeownership assistance). (Under section 236 of the NHA, the tenant's contribution would equal 25 percent of his income). In any special project (where all basic rentals would be equal to the operating expenses attributable to the individual dwelling unit), the rental charged for any unit could be lower than the basic rental if the total amount of assistance payments available for the project is more than is needed to make up the difference between the aggregate of all the rents and the cost of running the project (i.e., to the extent that the rentals charged for some units in the project exceed the basic rentals for such units because of the tenant's income contribution).

Subsection (g) would require a project owner to pay to the Secretary any rentals charged in excess of the aggregate of the basic rental charges.

Subsection (h)(1) would provide contract authorizations not to exceed (for contracts entered into under this section and under section 236 of the NHA) $75 million per year prior to July 1, 1969, which amount would be increased by $125 million on July 1, 1969, and by $225 million on July 1, 1970, and by such sums as may be necessary thereafter. (Existing law authorizes an additional $125 million on July 1, 1970. The increase would reflect the termination of the rent supplement program and the use of this program for the same purposes.) This provision would make clear that these dollar limitations are applicable to contracts outstanding at any one time.

Subsection (h)(2) would provide that not more than 20 percent of contract funds could be used for assistance payments on behalf of tenants whose incomes at the time of the initial renting of the project exceeded 80 percent of the median income for the area (as determined by the Secretary and adjusted for family size), but such incomes could in no case exceed the median income for the area. The median income for any area would be deemed not to be less than 60 percent of the national median income. Annual reports to the Senate and House Banking and Currency Committee would continue to be required with respect to the income levels of tenants assisted under this section.

Subsection (h)(3) would authorize the use of up to 15 percent of contract funds with respect to existing properties (section 236 assistance is limited to new or rehabilitated projects and purchases of existing 236 projects by nonprofit or cooperative organizations).

Subsection (i) would authorize the Secretary to insure mortgages under this section which meet the requirements of section 501 except as modified. The difference from section 501 is that nonprofit and cooperative mortgagors would qualify for 100 percent mortgages.

Subsection (j) would define "tenant" and "rental charge" as applicable to cooperatives.

Subsection (k) would define "income" as income from all sources of each member of the family in the household, but would give the Secretary discretion to exclude income earned by minors and income determined by him to be nonrecurring. In addition, a $300 deduction would be permitted for each minor in the household in excess of two for purposes of computing the tenant's income contribution. Section 236 would permit a deduction for each minor in the household for all purposes.

Section 503—Mortgage insurance for health facilities

This section, which is based on the provisions contained in sections 232 and 242 and title XI of the National Housing Act, would establish criteria under which the Secretary could insure all health facility mortgages.

Subsection (a) would define various terms used throughout the section. The terms "hospital", "nursing home" and "intermediate care facility" would be defined in substantially the same manner as under the National Housing Act (sections 232 and 242). The term "group practice facility" would be defined more broadly than it presently is in title XI of the National Housing Act to permit it to include proprietary groups as well as nonprofit organizations as eligible mortgagors.

Subsection (b) would authorize the Secretary to insure mortgages which do not exceed $25 million for a hospital, $12,500,000 for a nursing home or intermediate care facility, and $5 million for a group practice facility. For new construction the permissible mortgage amount would not be permitted to exceed 90 percent of the estimated replacement cost, including equipment. In the case of rehabilitation, the mortgage could not exceed 90 percent of the cost of rehabilitation plus the appraised value of the property before rehabilitation (or if refinancing is involved, the mortgage would be further limited to the cost of rehabilitation and the amount required to finance existing indebtedness.

Subsections (c), (d), (f) and (g) of this section are substantially the same as provisions contained in section 232 and 242 and title XI of the National Housing Act which (1) establish the general types of hospitals, nursing homes and intermediate care facilities with respect to which mortgages could be insured, (2) authorize the Secretary, after consultation with the Secretary of Health, Education and Welfare as to medical aspects of these facilities, to prescribe such regulations as are necessary to carry out the insurance program authorized by this section, (3) provide that hospitals insured pursuant to this section be encouraged to carry out comprehensive health programs for defined populations, (4) authorize the Secretary to release part or parts of the mortgaged property from the lien of the mortgage, and (5) authorize the Secretary to insure combined nursing home and intermediate care facilities.

Section 504—Supplemental project loans

This section, which is based on the provisions contained in section 213(j), 223(d) and 241 of the National Housing Act, would establish criteria under which the Secretary could insure supplemental project loans.

Subsection (a) would authorize the Secretary to insure a supplemental loan for a multifamily or health facility project mortgage insured under the National Housing Act or the Mortgage Credit Assistance Act. This subsection would also make explicit the availability of such insurance for project mortgages held by the Secretary. A limited number of uninsured cooperatives which qualify for supplemental loan insurance under existing law (section 213(j)(1)) would continue to be eligible. Supplemental loans could be made: (1) to cover the operating losses of a project which during the first two years of operation has had costs exceed income; (2) to finance repairs, improvements, and additions to projects, and equipment for health facilities; and (3) to finance the purchase and resale of cooperative memberships provided that the downpayment of new members is at least equal to the original downpayment for such memberships.

Subsection (b) which is similar to section 223(d) of the National Housing Act would require that a loan covering operating losses not exceed in duration the unexpired term of the original mortgage and be limited in amount to the actual losses incurred by the project, as determined by the Secretary.

Subsection (c) which is similar to section 241 of the National Housing Act would establish requirements for a loan financing repairs, improvements, additions and equipment. (1) The amount of the loan would be limited to 90 percent of the estimated cost of the eligible items provided that the sum of the loan plus the outstanding balance on the original mortgage does not exceed the maximum mortgage limit prescribed by the section of the MCAA covering similar projects. The NHA (section 213(j)(2)(A)) permitted supplemental loans to cooperative projects (but not to any other projects) to be equal to 97 percent of the estimated value of eligible items. No supplemental loans under the MCAA could exceed 90 percent of the cost of eligible items). (2) The maximum maturity of the loan could not exceed the remaining term of the mortgage except that a supplemental loan with a maturity up to 10 years in excess of the outstanding mortgage term could be made for a limited class of uninsured cooperatives.

Subsection (d) would establish requirements for a loan to a cooperative to finance the purchase and resale of memberships. (1) The amount of the loan plus the outstanding balance remaining on the mortgage could not exceed the maximum mortgage limit prescribed by the section of the MCAA covering similar projects. Existing law (section 213(j)(2)(A)) limits the amount of the loan plus the outstanding mortgage amount to the principal balance of the original obligation of the mortgage. (2) The maturity of the loan could not exceed the remaining term of the mortgage.

Subsection (e) would authorize the Secretary to establish conditions and restrictions including the type of security required on supplemental loans.

Section 505—Mortgage insurance for land development

This section, which is based on the provisions contained in title X of the National Housing Act, would authorize the Secretary to insure land development mortgages. Existing provisions (section 1004) authorizing insurance for mortgages covering new community development would not be included.

Subsection (a) would define the terms "land development" and "improvements" in substantially the same manner as they are used in the National Housing Act (section 1001 (e) and (4), respectively).

Subsection (b) would establish certain conditions under which a land development mortgage could be issued. The mortgage could cover land to be developed and the improvements to be made, except that facilities intended for public use and in public ownership would be excluded. Any eligible party

approved by the Secretary other than a public body could qualify as a mortgagor. The mortgage maturity would be 10 years but the Secretary would have discretion to establish a reasonable mortgage term for a privately owned system of water or sewage. The mortgage would contain such terms as the Secretary prescribed.

Subsection (c) would limit the principal obligation of the mortgage to the lesser of (1) 75 percent of the estimated value of the property upon completion of the development or (2) the sum of 50 percent of the estimated value of the land before the development plus 90 percent of the estimated cost of development.

Subsection (d) would authorize the Secretary to extend the maturity date or otherwise modify the terms of the mortgage.

Subsection (e) would require that the improvements comply with applicable State and local governmental requirements as well as minimum standards set by the Secretary.

Subsection (f), which is substantially similar to section 1003 of the National Housing Act, would establish certain conditions under which a land development project could be undertaken.

Subsection (g) would authorize the Secretary to adopt requirements for land development including encouragement of broad participation by small builders and a proper balance of housing for low and moderate income families.

Subsection (h) would require that public or private water and sewage systems consistent with existing or planned area systems be provided after development of the land.

Subsection (i) would authorize the Secretary to release or subordinate part or parts of the mortgaged property from the lien of the mortgage.

Section 506—Cost certification

This section, which is based on the provisions contained in section 227 and title XI of the National Housing Act, would establish requirements and procedures for the cost certification of various projects insured under the Mortgage Credit Assistance Act.

Subsection (a) would authorize the Secretary to adopt requirements for the certification of costs incurred in the construction or rehabilitation of multi-family housing, land developments or health facilities insured under the Act. The amount of the mortgage or loan at the time of final endorsement could not exceed the approved percentage of the estimated value of the land or property prior to construction or rehabilitation plus the actual cost of such construction or rehabilitation.

Subsection (b) would require the mortgagor to certify the actual costs of construction or rehabilitation. The Secretary could, in his discretion, require other parties involved in the transaction to certify the actual costs they have incurred with respect to the project or property. The Secretary could exempt from the requirements of this section (1) a mortgage covering a multi-family project designed for occupancy by less than 12 families, or (2) a mortgage of less than $250,000. Authority to exempt classes of property from the cost certification process did not exist under the NHA.

Subsection (c) would define various terms used in this section: (1) The term "approved percentage" would be defined in substantially the same manner as it is used in section 227(b) of the National Housing Act. "Approved percentage" is the percentage of estimated value, cost or replacement cost of a project or property which the Secretary is authorized to insure under the appropriate section of the MCAA except that "approved percentage" would be 100 percent for a mortgage which would finance repairs or rehabilitation of property if the proceeds were also not used for the purchase of the land or structure. (2) The term "actual cost" means the cost to the mortgagor of various improvements. Allowable expenditures which could qualify as actual costs could include labor, materials, construction contracts, land planning, engineers' and architects' fees, surveys, off-site public facilities, streets, organizational expenses, legal expenses, taxes and interest during construction, discounts and similar expenses allowed by the Secretary. If the mortgagor is also the builder or has an identity of interest with the builder, contractor or similarly interested party the term "actual cost" could include an allowance for profit. The NHA (section 227(c)) specified the percentage of profit allowed to a sponsor of a multi-family project. This subsection does not specify the profit allowable to a sponsor of such a project.

Section 507—Labor standards

This section, which simplifies and consolidates the provisions of section 212 of the National Housing Act, would require the payment of prevailing wages as determined by the Secretary of Labor with respect to the construction of multi-family housing (except housing with 11 or fewer units) health facilities and land development projects covered by mortgages insured under the Mortgage Credit Assistance Act. Existing provisions permitting a waiver of these requirements with respect to volunteer labor would be included.

TITLE VI—INSURANCE CLAIMS

Section 601—Home mortgage insurance claim settlement

This section, which is based on section 204(a) of the National Housing Act, would establish insurance claim settlement provisions governing the home mortgage programs.

Section 602—Forebearance of payments

This section, which is substantially similar to the seventh provision of section 204(a) of the National Housing Act, would authorize the Secretary to permit a mortgagee to extend the time for curing a default in a home mortgage, to extend the time for commencing foreclosure, or to approve a recasting of the terms of the mortgage.

Section 603—Acquisition of home mortgages to avoid foreclosure

This section, which is similar to section 230 of the National Housing Act, would permit the Secretary to accept an assignment of a home mortgage for the purpose of avoiding foreclosure and hardship to the homeowner. Where such assignment occurs, the mortgagee would be entitled to receive full reimbursement for the unpaid mortgage balance, any unpaid mortgage interest, and an allowance for costs incurred as a consequence of the default and assignment of the mortgage.

Section 604—Project mortgage insurance—claim settlement

This section, which is similar to sections 207(g) and (h) of the National Housing Act, would establish mortgage insurance claim settlement provisions applicable to project mortgages.

Section 605—Modifications in terms of project mortgages

This section, which is similar to section 239 of the National Housing Act, would provide that the Secretary could consent to any extension or modification of a mortgage covering multifamily housing only under and in conformity with regulations prescribed by him. Such regulations must provide that during the period of any such extension or modification the mortgagor will be required to place in trust any income from the project in excess of operating needs; except that the Secretary may consent to an extension or modification of a mortgage without regard to this requirement if he determines that it would not jeopardize the interests of the United States. Criminal penalties would be prescribed for the misuse of project income.

Section 606—Settlement of insurance claims with debentures

This section, which is based on the provisions in sections 204 and 207 of the National Housing Act, would establish the terms and conditions under which debentures are to be issued by the Secretary in the settlement of mortgage and loan insurance claims.

TITLE VII—MISCELLANEOUS

Section 701—General Authorization for Dealing with and Disposing of Property

This section which would consolidate into section 2, 204(g), 207 (1) and 208 of the National Housing Act, would provide authority to the Secretary for dealing with and disposing of property acquired in connection with the settlement of insurance claims.

Section 702—Acquisition of title by the Secretary

This section which is similar to section 207(h) and the last provision of section 204 of the National Housing Act would authorize the Secretary, in connection with a mortgage assigned to him, to acquire possession and title to the property by a voluntary conveyance in extinguishment of the mortgage debt or to institute foreclosure proceedings and prosecute such proceedings to conclusion. It also would authorize the Secretary to bid at a foreclosure sale of a mortgage held by him and to exercise all the rights of a mortgagee under such mortgage.

Section 703—Insurance for Mortgages Sold or Executed in Connection with the Sale of Property by the Secretary

This section, which is based on section 223(c) of the National Housing Act would authorize the Secretary to insure mortgages sold by him or executed in connection with the sale of property by him. Such insurance is permitted to be made without being limited to the eligibility, insurance premium and settlement provisions of the Act.

Section 704—Expenditures to correct or compensate for structural defects in mortgaged homes and experimental property

This section would give the Secretary authority to take appropriate action where structural defects are found in homes or experimental property. Section 518 of the National Housing Act is incorporated into this provision. Subsection (a) (based on 518 (a)) would authorize the Secretary to make expenditures to correct structural defects or to pay the claim of the owner arising from such defects, or to acquire title to the property in which defects exist if the property involves a one- to four-family dwelling that has been approved for mortgage insurance prior to the beginning of construction and the owner requests assistance within 4 years after insurance of the mortgage. Subsection (b) which is similar to section 233(c) of the National Housing Act would authorize the Secretary to expend available funds to correct defects or failures (when he determines it necessary to protect the occupants) with respect to experimental property covered by an insured mortgage.

Subsection (c) (based on 518(b)) would empower the Secretary to issue regulations prescribing conditions under which he would make payments under subsection (a) and (b).

Section 705—Statistical and economic surveys

This section, which is similar to sections 209 and 233(d) of the National Housing Act, would direct the Secretary to make such statistical surveys, legal and economic studies and reports on improved housing technology as he considered appropriate to guide in the development of housing and the creation of a sound mortgage market.

Section 706—Penalties

This section, which is similar to section 512 of the National Housing Act, would authorize the Secretary to refuse the benefits of participation in any of the mortgage insurance programs prescribed in the Act to anyone who (1) knowingly violates a provision of the Act or of the law governing the Veterans Home Loan Guaranty Program, or (2) who violates a penal statute in connection with property assisted under such provisions, or (3) materially fails to properly carry out a contractual obligation with respect to the completion of construction of work financed with assistance under the Act or under the VA provisions.

Other provisions of title I

Section 102—Experimental dual interest rate system

This section would authorize the Secretary to insure mortgages under such sections as he deemed appropriate of the Mortgage Credit Assistance Act at whatever interest rate was negotiated by the mortgagor and mortgagee, provided no discounts were collected. This authority would expire on October 1, 1972, and would provide an alternative to the interest rate administratively established by the Secretary.

Section 103—Rentals for low and moderate income projects

This section would amend section 221 of the National Housing Act to require that occupants of section 221 below-market-rate projects pay a rental not less than the tenant's income contribution (as defined in section 502(f)(2) of the Mortgage Credit Assistance Act) up to the fair market rent. Any rentals collected in excess of those needed to operate the project would be periodically paid to the Government National Mortgage Association as holder of the mortgages. Tenant incomes would be reviewed at least once every two years. Any increase required in the rental for existing tenants would be delayed for at least one year and then applied in two steps.

Section 104—GNMA special assistance purchases

This section would amend section 302(b) of the National Housing Act to remove any limitations on the maximum mortgage amount which may be purchased by GNMA under its special assistance functions and to remove the prohibition on GNMA purchasing mortgages offered by or covering property held by a public body. In addition, this section would transfer $1.5 billion in special assistance authority from section 306(g) (congressional program for purchase of low-cost single-family home mortgages at par) to the Presidential authority under section 306(c) for use in purchasing a broader range of mortgages.

Section 105—Housing for the elderly

This section would amend section 202(a) of the Housing Act of 1959 to require that tenants of projects assisted with loans under that section pay a rental not less than the tenant's income contribution (as defined in section 502(f)(2) of the Mortgage Credit Assistance Act) up to fair market rent. Tenant incomes would be reviewed at least once every two years. Any increased required in the rental for existing tenants would be delayed for at least one year and then applied in two steps. In addition, this section would prohibit the approval of new loans after the effective date of section 502 of the Mortgage Credit Assistance Act (rental assistance program).

Section 106—Rent supplement program

This section would amend section 101 of the Housing and Urban Development Act of 1965 to prohibit new contracts for rent supplement payments to be entered into after the effective date of section 502 of the Mortgage Credit Assistance Act.

Section 107—Exemption from State usury laws of FHA and VA loans

This section would exempt FHA insured and VA guaranteed mortgages and loans from the limitations on interest rates imposed by State or local usury laws.

Section 108—Authority of FNMA to deal in conventional mortgages

Subsection (a) would authorize the Federal National Mortgage Association, with the approval of the Secretary of Housing and Urban Development, to purchase, and lend on the security of, conventional mortgages. Under existing law, FNMA is authorized only to purchase (or lend on the security of) mortgages or loans insured by the Secretary of Housing and Urban Development or the Farmers' Home Administration or insured or guaranteed by the Veterans' Administration.

Because the conventional mortgages will not be insured or the credit of the mortgagor and value of the property examined by a Federal agency, safeguards would be provided against the sale of "inferior" mortgages to FNMA. The seller would be required either to retain an interest in the mortgages (at least a 10 percent participation) or agree to repurchase or replace the mortgage if it is in default within three years of the purchase. In addition, if the seller is required only to retain a participation in the mortgage, the mortgage could not be purchased by FNMA pursuant to a commitment entered into prior to the date the mortgage was originated.

Generally, mortgages eligible for purchase by FNMA would be required to have been originated within one year of the purchase date. However, up to 10 percent of the aggregate amount of conventional mortgages purchased by FNMA could be older mortgages purchased from sellers who were engaged in mortgage lending or investing activities at the time of the purchase. The principal obligation of any conventional mortgage could not exceed the dollar limitation on maximum mortgage amount in effect on the date the mortgage was originated which would be applicable to the mortgage if it were insured by the Secretary of Housing and Urban development.

Subsection (b) would exempt any liabilities that may be incurred by a national bank in connnection with the sale of conventional mortgages to FNMA from the limitations on the amount of indebtedness such bank is authorized to incur.

Section 109—Termination of insurance authority under National Housing Act

This section would rewrite section 217 of the National Housing Act to prohibit the insurance of mortgages and loans under that Act after the effective date of the Mortgage Credit Assistance Act, except pursuant to commitments issued prior to that date.

TITLE II—PUBLIC RENTAL HOUSING AND HOMEOWNERSHIP ASSISTANCE PROGRAM

Section 201—Revision to United States Housing Act of 1937

This section would extensively revise the United States Housing Act of 1937—the program of assistance to local public housing agencies in the provision of housing for low income families. The principal changes are:

Subsidy provisions would be clarified and simplified. The Housing and Urban Development Act of 1969 authorized the payment of annual contributions in excess of debt service requirements up to the statutory annual maximum—an amount equal to the capital cost of the project multiplied by the going Federal rate plus 2 percent. The revised Act perfects this amendment by making it explicit that this maximum subsidy is available to pay (a) the full principal and interest payments due on the debt outstanding on the project, and (b) the amount necessary to make up the difference between the rents actually collected from tenants and the operating costs (other than debt service costs) on all dwelling units in the project with respect to which the tenant's rent does not equal the operating cost of the unit he occupies. The subsidy for operating costs would be allocated on a needs basis to those individual units in the project housing the very poor whose rental payment cannot cover the operating costs allocable to the unit they occupy. The total amount of operating subsidy available for a project would be limited by the statutory formula—the going Federal rate plus 2 percent times the capital cost, less the amount needed for debt service, is the amount available for operating subsidy. The amount of operating subsidy available per unit in a project would depend upon the income distribution of tenants occupying all units in the project. If, for example, 50 of the 100 dwelling units in the project are occupied by families whose required rental does not cover the operating costs on their units, the average operating subsidy per unit could not exceed the total amount of operating subsidy available for the project divided by 50, the number of dwelling units with respect to which operating subsidy is needed. The actual amount of operating subsidy provided for each individual unit requiring operating subsidy could, of course, be higher or less than this amount. With these perfecting changes, the present authorization to pay an additional annual subsidy of up to $120 per dwelling unit occupied by a special category family is no longer required and would be eliminated.

Rents for dwelling units would be required to be fixed on a uniform basis. The existing provision of law authorizing local agencies to fix rents was enacted in the context of a maximum Federal subsidy which could not exceed project debt service requirements—that is subsidy was not provided to cover deficiencies between rental charges and local agency operating costs excluding debt service costs. The fixing of rents by local agencies is incompatible with the payment of subsidy for operating costs. Since the tenant rental charge constitutes the basis for the subsidy amount, it would in effect permit the local agency to control the amount of Federal subsidy. The uniform rent criteria contained in the revised Act, which requires that rents be based on a percentage of the tenant's income (between 20 and 25 percent), would assure that the operating subsidy made available is allocated on a uniform and equitable basis.

Uniform income limit criteria would be established for the program in lieu of present provisions which require individual income limit studies for each locality. The criteria provide that dwelling units may be made available for families whose incomes at the time of their initial occupancy does not exceed 80 percent of the median income for the area in which the dwelling units are located. A significant change included in the criteria would permit 20 percent of the dwelling units to be occupied by families whose income at initial occupancy does not exceed the median income for the area. This limited authorization to broaden the economic range of families served by the program is directed toward improving the quality of life in the low income housing environment. The new income criteria would also eliminate existing requirements for the establishment of income limits for continued occupancy which have proven undesirable from the standpoint of achieving an economic mix of families in housing developments and have contributed to family insecurity and instability.

A new public homeownership program would be established for low income families, which would permit individual low income families or an association formed by or for the benefit of such families to purchase newly developed housing as well as existing projects now operated as rental housing. Existing homeownership provisions of the United States Housing Act of 1937 are in-

effective because they provide insufficient subsidy to assist a low income family in acquiring ownership and the purchaser has to wait a long period before achieving homeowner status. The new program provides for conveyance of the property as soon as the family undertakes the obligation to purchase the property by executing a mortgage to the public housing agency. The family enjoys all the benefits of homeownership immediately. Subsidy is provided up to the full amount of principal and interest payable by the public housing agency with respect to the property. The purchaser's contribution for homeownership would be based on the same income formula as used for rental housing (between 20 and 25 percent of income) and would have to be sufficient to cover utilities, taxes, and insurance. He would also be required to take care of his own maintenance requirements.

Flexible dwelling unit construction and development cost limits would be established to replace the present fixed construction and equipment room cost limits which are difficult to relate to total development costs and have been largely ineffective in controlling costs. The construction cost per dwelling unit could not exceed by more than 10 percent the total construction cost established by the Secretary on the basis of uniform plans and specifications for each housing area. Total construction costs would have to constitute at least 65 percent of the total development cost, with other development costs such as land acquisition and site improvements limited to not more than 35 percent of the development cost. The 35 percent limitation on other development costs varies from the limit applicable to the private subsidized programs because of special factors which affect the cost of land and exterior improvements under the public program and because there are certain costs, such as the cost of nondwelling facilities and relocation payments, which are not includable under the private program.

The provision contained in subsection 15 (10) of the existing Act authorizing grants for tenant services and programs to public housing agencies would be deleted. Section 601 of the bill provides for the inclusion of this provision as a part of a broadened program of advice and assistance with respect to housing for lower income families under section 106 of the Housing and Urban Development Act of 1968.

The revised Act would delete a number of obsolete provisions, such as the sections concerning the creation of a United States Housing Authority, the making of capital grants, and the disposal of Federal projects, and would make numerous technical amendments.

Section 1--Declaration of policy

This section amends the declaration of policy contained in section 1 of the existing Act to delete obsolete or unnecessary language. In this section and elsewhere in the revised Act the term "low income housing" is used in lieu of "low-rent housing."

Section 2—Definitions

This section would continue, with several important modifications, definitions contained in section 2 of the existing Act. The definition of "low income housing" in section 2(1) would amend the existing definition so as to delete the requirement that income limits and rents be fixed by the local public housing agency. Statutory income limit and rent criteria are prescribed in section 9 of the revised Act. The existing definition would also be modified to delete language which requires the establishment of income limits for continued occupancy in low income housing. Under the revised Act income limits are applicable at the time of admission, but families would not be required to move because of subsequent increases in income.

This section would also delete several terms, such as "slum" and "slum clearance" which are no longer pertinent to the program. A definition of "low income housing project" or "project" has been added to make it clear that the modernization or improvement of an existing low income housing project may constitute a separate project for purposes of assistance under the Act.

Section 3—Tax exemption of public housing agencies

This section is based on the provision contained in section 5(d) of the existing Act and provides that public housing agency obligations issued in connection with low income housing projects and the income from such projects shall be exempt from Federal taxes.

Section 4—Loans for low income housing projects

This section is based on the loan provisions contained in section 9 of the existing Act. The provision would be amended to require that loan contracts provide for the periodic revision of the interest rate on the balance outstanding on the loan based on the going Federal rate for each six-month period. This variable interest rate requirement is the same as the requirement now applicable to loans under the urban renewal program.

Section 5—Annual contributions for low income housing projects

This section is based on the annual contributions provisions contained in section 10 of the existing Act. It would amend the present section 10(a) so as to eliminate the authorization to pay an additional annual subsidy of up to $120 per dwelling unit occupied by an elderly or handicapped family, a displaced family, a very large family, or a family of unusually low income. The authorization contained in the Housing and Urban Development Act of 1969 to pay subsidy in excess of debt service requirements up to the statutory annual maximum provides sufficient subsidy to bridge the gap between the rents which low income housing tenants can afford to pay and the full cost of the dwelling unit provided to that family. In addition, section 9 of this Act makes explicit the availability of subsidy (up to the statutory maximum) to bridge the gap between rents charged for a dwelling unit and the cost of providing that unit. The special category subsidies are no longer required.

Section 5(f) of the revised Act would amend the present section 10(g) and delete inconsistent and confusing provisions which encourage public housing agencies to establish admission policies which give preferential consideration to special categories of applicants.

Section 6—Amendment of contracts

This section is based on the provision contained in section 14 of the existing Act which authorizes the Secretary to consent to the modification, with respect to rate of interest, time of payment of any installment of principal or interest, security, amount of annual contribution or any other term of any contract or agreement to which the Secretary is a party, subject to specific limitations contained in the Act. It also authorizes the Secretary to amend annual contributions contracts so that the going Federal rate on which annual contributions are based may be established as the going Federal rate at the time of the contract amendment.

Section 7—Contract requirements

This section is based on the provisions contained in section 15 of the existing Act concerning provisions to be included in contracts for loans and annual contributions and related contract requirements. These include provisions for local governing body approval of projects, cooperation agreements, and relocation payments for those displaced by low income housing projects.

Subsection 7(2) would abolish the statutory dollar limits on construction costs per room now contained in section 15(5) and replace them with flexible limits based on the total construction costs per dwelling unit which are includable in a home mortgage or multifamily mortgage assisted under the new section 402 and 502 private subsidized homeownership and rental programs. The construction cost per dwelling unit on which the computation of any annual contributions may be based could not exceed by more than 10 percent the appropriate total construction cost established by the Secretary on the basis of uniform plans and specifications for each housing cost area. This subsection would also establish a limitation on total development cost by requiring that the total construction cost constitute at least 65 percent of total development costs, with other development costs, such as land acquisition and site improvements, to constitute not more than 35 percent of the development cost.

Section 8—Low income housing in private accommodations

This section is based on the provision contained in section 23 of the existing Act which authorizes public housing agencies to provide low income housing in private accommodations under a leasing arrangement. This section would amend existing law by deleting the provision which requires local governing body approval before the section 23 program may be used in a locality. It would also amend the present section 23(g) provision concerning the sale of leased units to tenants so as to authorize such sales under the terms and conditions applicable to the new public homeownership program which would be authorized by section 10 of the revised Act.

Section 9—Occupancy of low income housing

This section is a new section which establishes statutory income limit and rent criteria which are compatible with those applicable to the private rental assistance program which would be authorized under section 502 of the Mortgage Credit Assistance Act. Under present law, public housing agencies fix income limits and rents subject to the approval of the Secretary.

Subsection 9(a) provides that low income housing dwelling units may be made available to families whose incomes at the time of their initial occupancy does not exceed 80 percent of the median income as determined by the Secretary, with standard percentage adjustments for small and large families, for the area in which the dwelling units are located. However, not more than 20 percent of existing low income housing units, and not more than 20 percent of the additional units provided after enactment of the legislation, could be occupied by families whose incomes at the time of their initial occupancy does not exceed the adjusted median income for the area. Public housing agencies would retain authority to fix income limits within this statutory maximum. The requirement in the present section 10(g)(3) for the establishment of maximum income limits for continued occupancy in low income housing would be eliminated.

Subsection 9 (b) and (c) require that rents be fixed on a uniform basis in the low income housing program. The public housing agency would be required to establish the actual cost—the operating expenses as well as the debt service charge attributable to a dwelling unit—of providing a dwelling unit to a family. A basic rental charge would be established for each dwelling unit in an amount equal to the operating expenses (excluding debt service charge) attributable to the dwelling unit. The monthly rental charged a tenant family could not exceed one-fourth of the family's income and would be the greater of (1) the basic rental charge or (2) one-twelfth of the "tenant's

income contribution"—an amount determined by adding 20 percent of that portion of the tenant's income which is below $3,500, and 25 percent of that portion of the tenant's income which exceeds that amount. However, the rental charge could not exceed an amount equal to one-twelfth of the "tenant's income contribution" for those dwelling units with respect to which the Secretary has contracted to pay an operating subsidy to make up the difference between the basic rental charge and the rental collected from the tenant. The monthly rental for any dwelling unit could not exceed a fair market rental charge based on the actual cost of providing the dwelling unit including the debt service charge attributable to the unit.

Subsection 9(d) would provide that in determining income for purposes of eligibility and determining the "tenant's income contribution" under this section and the "homeowner's income contribution" under the new section 10 homeownership program, income from all sources of each member of the family in the household shall be included, except that the Secretary may in his discretion exclude income of minors and any nonrecurring income. It also provides that in determining income for purposes of rent and allocation of income for homeownership, there shall be deducted an amount equal to $300 for each minor person in the family's household in excess of two.

Section 10—Homeownership for low income families

This section would authorize a new public homeownership program for low income families.

The new homeownership program would permit low income families and public housing tenants, or an association formed by or for the benefit of such families or tenants, to purchase newly developed or acquired housing, as well as existing projects now operated as rental housing. Individual homes and dwelling units or entire projects could be purchased.

The program which would be authorized by section 10 provides for conveyance of the property to the low income family as soon as it undertakes the obligation to purchase the property by executing a mortgage to the public housing agency. The family would enjoy all the benefits of homeownership immediately, just as in the private homeownership assistance program.

The maximum subsidy for the homeownership program would be the same as the debt service subsidy provided for with respect to the public housing rental projects—that is, the subsidy could not exceed the amount of principal and interest payable by the public housing agency with respect to the mortgaged property.

The amount of income which the purchaser would be required to allocate for homeownership would be the greater of (1) an amount equal to all monthly homeownership expenses except principal and interest—that is, the monthly amounts due for taxes and insurance and an amount attributable to the cost of utilities or (2) one-twelfth of the "homeowner's income contribution"—an amount determined by adding 20 percent of that portion of the purchaser's income which is below $3,500, and 25 percent of that portion of his income which exceeds that amount. If the purchaser makes the required allocation of income and otherwise fulfills his mortgage obligations, his mortgage would be amortized as if he were making full principal and interest payments.

In the case of newly developed or acquired property the amount of the purchaser's mortgage would be equal to the amount of the debt incurred by the public housing agency in producing or acquiring the housing and the mortgage would provide for amortization over the same period of time. The amount of the mortgage for the purchase of existing public housing would be an amount equal to the public housing agency's outstanding debt on the property or its appraised value, whichever is greater. Where the mortgage amount is based on appraised value, the mortgage would provide for an amortization period satisfactory to the Secretary which would extend beyond the remaining term on the public housing agency's debt. The purchaser's mortgage would provide for an interest rate based on the rate then applicable to mortgages insured under the private homeownership program authorized by section 402 of the Mortgage Assistance Act.

Section 11—General powers of the Secretary

This section is based on the provisions contained in section 13 of the existing Act concerning the Secretary's power to foreclose on property and to acquire or take possession of any project which he previously owned or in connection with which he has made a loan or annual contribution.

The section also contains a provision in section 17 of the existing Act which makes the budget program and audit requirements of the Government Corporation Control Act applicable to the low income housing program.

Section 12—Labor standards

This section is based on the labor standards provision now in subsection 16(2) of the existing Act which requires that contracts include a provision that laborers and mechanics employed in the development of a low-income project be paid not less than the wages prevailing in the locality as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act and that they be compensated at a rate not less than one and one-half times the basic rate of pay for hours in excess of 8 hours in any workday or 40 hours in the workweek.

Section 13—Financial provisions

This section is based on the financial provisions in sections 19, 20, and 21 of the existing Act. It authorizes the Secretary to issue and have outstanding at any one time notes and other obligations for purchase by the Secretary of the Treasury in an amount which shall not, unless authorized by the President, exceed $1.5 billion. It also contains provisions concerning the availability of receipts and assets for purposes of the program and the use of Federal Reserve Banks as depositories, custodians, and fiscal agents.

Section 14—Private financing

This section is based on the provisions now in section 22 of the existing Act which are designed to facilitate the enlistment of private capital through the sale of bonds and other obligations by public housing agencies.

Section 15—Severability clause

This section provides that if any provision of the revised Act is held invalid, the remainder of the Act will not be affected thereby.

Section 16—Short title

This section provides that the revised Act may be cited as the United States Housing Act of 1937.

Section 202—Applicability of rental requirement

This section would provide for the deferred implementation of the new rental criteria prescribed in section 9 of the revised United States Housing Act of 1937 in the case of any family now occupying a public housing unit whose rent would be increased. In such cases, the required rental increase would become effective in two increments—(1) an increase equal to one half the amount of additional rent at the time the public housing agency makes the first review of the family's income (other than an interim review) which occurs at least one year after the effective date of the title, and (2) the family's rent would be increased to the full amount of the rental charge required under section 9 when the public housing agency makes its next review of the family's income. The revised Act requires public housing agencies to review family income at intervals of two years.

TITLE III—URBAN REDEVELOPMENT

Section 301—Authorization for urban renewal

This section would amend section 103(b) of the Housing Act of 1949 to increase the aggregate amount of capital grants which may be made under the urban renewal program after June 30, 1971, by such sums as may be necessary.

Section 302—Early closeout of urban renewal projects

This section would amend section 106(1) of the Housing Act of 1949 to authorize the Secretary, in cases where urban renewal project land intended for private reuse cannot be disposed of in the near future due to circumstances beyond the local public agency's control, to compute the net project cost and closeout the project at no additional cost to the locality. The locality would receive an additional grant equal to one-third (or one-fourth) of the estimated proceeds from the undisposed of land. When such land is subsequently disposed of in accordance with the urban renewal plan the net proceeds realized would be paid to the Secretary. Under existing law early project closeout is only permitted where 5 percent or less of project land remains unsold.

Section 303—Expenses in connection with the sale of federal surplus lands to local urban renewal agencies

This section would amend section 108 of the Housing Act of 1949 to permit the Secretary to charge against the gross proceeds realized any property management or other expenses he incurs when Federal surplus property is transferred to him for sale to a local urban renewal agency. Under existing law all the proceeds from such a transfer and sale must be deposited into the Treasury.

Section 304—Interim assistance program

This section would amend section 118 of the Housing Act of 1949 to remove the present statutory $15 million limit on interim assistance grants in any one year.

Section 305—Rehabilitation loans

This section would amend section 312 of the Housing Act of 1964 to (1) delete the requirement which requires, for residential rehabilitation loans, that a preference be given to persons whose annual incomes are within the locally applicable income limits for the section 221(d)(3) below market interest rate program, (2) require that the applicant must be unable to secure funds from other sources upon "reasonable" terms and conditions rather than upon "comparable" terms and conditions as in existing law, (3) provide that the term of the loan may not exceed the lesser of thirty years (twenty years under existing law) or three-fourths of the remaining economic life of the structure after rehabilitation, (4) provide that the loan shall bear interest at the maximum rate established by the Secretary, at the time the loan is approved, for mortgages insured under section 402 of the Mortgage Credit Assistance Act (homeownership assistance for lower income families). Loans to owner-occupants of residential property, however, may bear interest at such rate, not less than three percent annually, as the Secretary determines to be necessary to enable the applicant to amortize the loan as part of his monthly housing expense without having such housing expense exceed 25 percent of the applicant's average monthly income. (Under existing law rehabilitation loans shall bear interest at such

rate as the Secretary determines to be appropriate but not to exceed 3 percent per annum.), (5) provide, in the case of residential property, that the amount of the loan may not exceed the lesser of (1) the maximum mortgage amount which could be insured under section 402 of the Mortgage Credit Assistance Act for the area multiplied by the number of dwelling units to be rehabilitated (as determined pursuant to section 3 of such Act); or (2) the estimated cost or rehabilitation plus, where the Secretary approves refinancing, the amount required to refinance existing indebtedness secured by the property. In all cases, however, the amount of the loan shall be limited to an amount which, when added to any outstanding indebtedness, creates a total outstanding indebtedness, which does not exceed (1) in the case of owner occupied property, 97 percent of the first $15,000 and 90 percent of any amount over $15,000 of the estimated cost of rehabilitation plus the Secretary's estimate of the value of the property before rehabilitation; (2) in the case of property which is not owner occupied, 90 percent of the sum of the estimated cost of rehabilitation plus the Secretary's estimate of the value of the property before rehabilitation. (Under existing law the amount of a rehabilitation loan may not exceed, in the case of residential property, the amount of a loan which could be insured under section 220(h) of the National Housing Act.)

These amendments would only be effective with respect to loan commitments entered into on or after the effective date of this section.

Section 306—Authorization for model cities

This section would amend section 111 of the Demonstration Cities and Metropolitan Development Act of 1966 to authorize after June 30, 1971, appropriations for supplementary grants for the model cities program of such sums as may be necessary. Amounts appropriated would remain available until expended and any amounts authorized for any fiscal year but not appropriated may be appropriated for any succeeding fiscal year.

TITLE IV—METROPOLITAN DEVELOPMENT

Section 401—Open space land programs

This section would rewrite title VII of the Housing Act of 1961 (grants for open space land, urban beautification and historic preservation) to authorize a single program of grants for (1) acquisition of title to, or other interests in, open space land in urban areas and (2) the development of open space or other land in urban areas for open space uses (including historic preservation).

Section 701 of the amended title would restate basic Congressional findings and purposes. Section 701(b) would be amended to include a finding that the need for parks and other open space in built-up portions of urban areas is especially great in low income neighborhoods and communities.

Section 702(a) of the amended title would authorize the Secretary to make grants to States and local public bodies to help finance (1) the acquisition of title to, or other interest in, open space land in urban areas and (2) the development of open space or other land in urban areas for open space uses. Such grants could not exceed 50 percent of the eligible project cost, as approved by the Secretary, of such acquisition or development. In effect, the section would provide statutory authority for the Secretary to provide all assistance currently authorized in section 702 (grants for preservation and development of open space land), section 705 (provision of open space land in urban areas), section 706 (urban beautification and improvement), and section 709 (historic preservation) of the Housing Act of 1961. The existing statutory authorities would be amended to make clear that grants may be made to (1) help acquire less than fee interests in open space land (2) help develop, for open space uses, lands which were not originally acquired with assistance under section 702. A new provision would be added which would authorize, where regulations of the Secretary permit, 50 percent of the non-Federal share of eligible project costs to be made up by donations of land or materials.

Section 702(b) of the amended title would provide that no grants under the title may be used to (1) defray ordinary State or local governmental expenses (2) help finance the acquisition by a public body of land outside the urban areas for which it exercises (or participates in the exercise of) responsibilities consistent with the purposes of the title, (3) acquire and clear developed land in built-up urban areas unless the local governing body determines that adequate open space land cannot be effectively provided through the use of existing undeveloped land, or (4) provide assistance for historic and architectural preservation, except for projects which the Secretary finds meets criteria comparable to those used in establishing the National Register maintained by the Secretary of Interior. In effect, this section incorporates the statutory requirements now found in section 702(c) and 705 of the Housing Act of 1961 and section 605(h) of the Demonstration Cities and Metropolitan Development Act of 1966.

Section 702(c) of the amended title would restate existing section 702(d) which permits the Secretary to set such further terms and conditions for grants as he determines to be desirable.

Section 702(d) of the amended title would restate existing section 702(e) which requires the Secretary to consult with, and exchange information with, the Secretary of the Interior with respect to his activities under this title.

Section 702(e) of the amended title would authorize the Secretary to provide advice and technical assistance to States and local public bodies.

Section 703 of the amended title would authorize grants under the title only if the Secretary finds that such assistance is needed for carrying out a unified or officially coordinated program, meeting criteria established by him, for the provision and development of open space land. Such program must be either a part of, or consistent with, the comprehensively planned development of the urban area.

Section 704 of the amended title would prohibit the conversion to other uses of open space land acquired with assistance under the title without prior approval of the Secretary. Such prior approval to be granted only upon satisfactory compliance with regulations established by the Secretary which shall require findings that (1) there is adequate assurance of the substitution of other open space land of as nearly as feasible equivalent usefulness, location, and fair market value; (2) the conversion and substitution are needed for orderly growth and development; and (3) the proposed uses of the converted and substituted land are in accord with the then applicable comprehensive plan for the urban area, meeting criteria established by the Secretary. The section is based upon, and is substantially similar to, section 704 of the Housing Act of 1961.

Section 705 of the amended title would authorize to be appropriated for purposes of making grants under the title not to exceed $460,000,000 prior to July 1, 1971 and such sums as may be necessary thereafter. Any amounts appropriated shall remain available until expended.

Section 707 of the amended title defines—

(1) "open space land" to mean any land located in an urban area which has value for (A) park and recreational purposes, (B) conservation of land and other natural resources, or (C) historic, architectural, or scenic purposes.

(2) "urban area" to mean any area which is urban in character, including those surrounding areas which, in the judgment of the Secretary form an economic and socially related region, taking into consideration such factors as present and future population trends and patterns of urban growth, location of transportation facilities and systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities.

(3) "State" to mean any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Territories and possessions of the United States, and Indian tribes, bands, groups and nations, including Alaska Indians, Aleuts, and Eskimos of the United States.

(4) "open-space uses" to mean any use of open-space land for (A) park and recreational purposes, (B) conservation of land and other natural resources, or (C) historic, architectural or scenic purposes.

Section 402—Authorization for comprehensive planning

This section would amend section 701(b) of the Housing Act of 1954 to increase the total amount authorized to be appropriated for comprehensive planning assistance after June 30, 1971, by such sums as may be necessary.

Section 403—Authorization for water and sewer facilities and neighborhood facilities.

This section would amend section 708(b) of the Housing and Urban Development Act of 1965 to increase the total amount authorized to be appropriated for grants after June 30, 1971 for basic water and sewer facilities and for neighborhood facilities by such sums as may be necessary. The existing authorization for appropriations for the advance acquisition of land program would be deleted.

Section 404—Authorization for training and fellowship program

This section would amend section 806 of the Housing Act of 1964 to authorize to be appropriated such amounts as may be necessary for Fellowships for City Planning and Urban Studies and the Community Development Training Program.

Section 405—New communities program

Subsection (a) of this section would amend section 407(a) of the Housing and Urban Development Act of 1968 to authorize the Secretary to issue obligations to the Secretary of the Treasury in an amount outstanding at any one time sufficient to enable the Secretary to carry out his functions with respect to guarantees covering the obligations of new community developers. Any obligations issued by the Secretary would have maturities and bear interest at a rate determined by the Secretary of the Treasury.

Subsection (b) of this section would amend section 407(d) of such Act to increase the aggregate of the outstanding principal obligations of new community developers which may be guaranteed at any one time from $250,000,000 to $400,000,000.

Subsection (c) of this section would amend section 412(d) of such Act to provide that any amounts authorized for any fiscal year for new community assistance grants but not appropriated may be appropriated for any succeeding fiscal year.

Subsection (c) of this section would add a new section 416 to such Act authorizing the Secretary to provide technical and advisory services to new community developers and to States, municipalities, and other political subdivisions and instrumentalities.

TITLE V—RESEARCH AND TECHNOLOGY

Section 501—Technical research and demonstrations

This section would authorize and direct the Secretary of Housing and Urban Devel-

opment to undertake such programs of research, studies, testing, and demonstration relating to the mission and programs of the Department as he determines to be necessary and appropriate. To carry out activities under this section there would be authorized to be appropriated such sums as may be necessary. All funds so appropriated would remain available until expended unless specifically limited.

Section 502—General provisions

This section brings together under one heading a series of administrative and other provisions which are applicable to activities under section 501.

Subsection (a) of this section, which is based on section 1010 of the Demonstration Cities and Metropolitan Development Act of 1966, and section 417 of the Housing and Urban Development Act of 1969, directs the Secretary, to the extent feasible, to require the use of advanced technology under programs administered by him, and to encourage and promote the acceptance and application of such advanced technology by all segments of the housing industry, communities, and the general public. In carrying out his activities under section 501, the Secretary shall assure, to the extent feasible, in connection with the construction, major rehabilitation, or maintenance of any housing assisted under that section, that there is no restraint by contract, building code, zoning ordinance, or practice against the employment of new or improved technologies, techniques, materials, and methods or of preassembled products which may reduce the cost or improve the quality of such construction, rehabilitation, and maintenance, and therefore stimulate expanded production of housing under this title, except where such restraint is necessary to insure safe and healthful working and living conditions. The subsection also contains a new authorization to the Secretary to waive, with respect to his activities under section 501, those provisions of the United States Housing Act of 1937 and other acts administered by him which impede the acceptance and application of new or improved technology.

Subsection (b) of this section is based on section 108 of the Housing and Urban Development Act of 1968. It provides that in order to encourage large-scale experimentation in the use of new technology with a view toward the ultimate mass production of housing and related facilities, the Secretary shall, wherever feasible conduct programs under section 501 in which qualified organizations, public and private, will submit plans for development and production of housing and related facilities using such new advances on Federal land or other land where local building regulations or variances from them permit such experimental construction. The Secretary may utilize the funds and authority available under section 501 to assist in the implementation of plans which he approves.

Subsection (c) of this section is based on provisions in section 1010 of the Demonstration Cities and Metropolitan Development Act of 1966 and section 108 of the Housing and Urban Development Act of 1968. The Secretary would be authorized, in connection with projects under this title, to acquire and dispose of land and other property required for the project as he deems necessary. It further provides that any land which is excess property within the meaning of the Federal Property and Administrative Services Act of 1949, may be transferred to the Secretary upon his request if the Secretary determines that the land is suitable for use in furtherance of the purposes of section 502(b).

Subsection (d) of this section which is based on section 314 of the Housing Act of 1954, section 301 of the Housing Act of 1948, section 602 of the Housing Act of 1956, and section 1011 of the Demonstration Cities and Metropolitan Development Act of 1966, authorizes the Secretary to pay for the cost of writing and publishing reports on activities financed under section 501, and similar activities, not so financed, which are of significant value in furthering the purposes of that section. Information acquired could be disseminated in the form most useful to agencies of Federal, State and local governments, industry, and the public. The Secretary would also be authorized to provide advice and technical assistance as may be required in carrying out his activities under section 501.

Subsection (e) of this section is based on provisions in section 301 of the Housing Act of 1948, section 314 of the Housing Act of 1954, section 207 of the Housing Act of 1961, and sections 1010 and 1011 of the Demonstration Cities and Metropolitan Development Act of 1966. It authorizes the Secretary to carry out his functions under section 501 either directly, or by contract or grant. The making of advance and progress payments would be authorized and contracts made without advertising. Contracts or grants may be made for work to continue for not more than 4 years from the date thereof.

Subsection (f) of this section is based on title III of the Housing Act of 1948, section 602 of the Housing Act of 1956 and section 601 of the Economy Act of 1932 (31 U.S.C. 686). It requires the Secretary to utilize facilities of other Federal departments and agencies, to consult with and make recommendations to such agencies, and authorizes him to enter into working agreements with them; including the making of contracts or grants on behalf of such agencies or having such contracts or grants made on his behalf. The Secretary would also be authorized to work with, and enter into contracts with, State and local governments, industry and labor, educational and other organizations.

Subsection (g) of this section is based on provisions in section 602 of the Housing Act of 1956 and provides that the Secretary is authorized to obtain information from private and public sources. Such information may be used only for the purposes for which it is supplied, and no publication may be made whereby the information furnished by a particular source can be identified except with the consent of such source.

Section 503—Repeal of existing research authorities

This section would repeal, effective July 1, 1971, except for contracts commitments, reservations, or other obligations entered into prior to that date, title III of the Housing Act of 1948, section 314 of the Housing Act of 1954, section 602 of the Housing Act of 1956, section 207 of the Housing Act of 1961, section 301 of the Housing and Urban Development Act of 1965, sections 1010 and 1011 of the Demonstration Cities and Metropolitan Development Act of 1966, and section 108 and subsection 1714(b) of the Housing and Urban Development Act of 1968.

TITLE VI—MISCELLANEOUS

Section 601—Advice and assistance with respect to housing for lower income families

This section would amend section 106 of the Housing and Urban Development Act of 1968 to authorize cooperative as well as nonprofit sponsors to receive advice, assistance, and "seed money" loans with respect to the provision of housing for lower income families. It would also consolidate and expand existing advice and assistance programs for lower income families—section 235(e) and 237(e) (homeownership assistance) and section 15 (10) of the U.S. Housing Act (tenant services grants) and provide statutory authorization for these programs under section 106. The program of tenant services grants now authorized under section 15(10) of the U.S. Housing Act of 1937 would be extended to low-income housing tenant organizations assisted under that Act and to nonprofit cooperative and limited dividend housing organizations or lower income tenant organizations in projects assisted under the National Housing Act or the Mortgage Credit Assistance Act.

Section 602—General administrative powers of the secretary

This section would include among the administrative powers of the Secretary set forth in section 7 of the Department of Housing and Urban Development Act general authority to (1) keep in a consolidated checking account in the Treasury all funds made available from appropriations, recoveries, fees or otherwise in connection with any loan or grant program—such funds to be available for administrative expenses if authorized by the Congress, (2) foreclose on, acquire, manage, and sell property in connection with loan and grant programs, (3) establish fees and charges to cover such nonadministrative expenses as costs of inspection, project review, financing service, project audit, etc.—such fees and charges to be available for operating expenses of the Department in providing similar services on a consolidated basis, (4) receive uncompensated services and bequests and gifts, and (5) establish advisory commissions.

Numbers 1 and 2 above (except for the deletion of provisions requiring a Government Corporation business-type budget) are similar to existing authorities in section 402 of the Housing Act of 1950 and are incorporated by reference in many of the Department's loan and grant statutes.

Section 603—Equity skimming

This section would make it a crime to engage in the practice of purchasing one- to four-family dwellings subject to FHA-insured or VA loans and applying the rent receipts to one's own use instead of making payments on such loans. For the protection of those purchasing in good faith, the criminal penalties provided by this section would only apply if the loan was in default at time of purchase or within one year subsequent to the purchase and would not apply to the purchaser of only one such dwelling. The section is intended to deter the so-called practice of "equity skimming," which has resulted in losses to the FHA and VA in the past.

Section 604—Additional authorization for college housing debt service grants

This section would amend section 401 (f)(2) of the Housing Act of 1950 to increase the aggregate amount of contracts which may be entered into after June 30, 1971 to make annual debt service grants to help finance college housing facilities by such sums as may be necessary.

Section 605—National Banking Act

This section would authorize National banks to underwrite and deal in obligations guaranteed under the New Communities Act of 1968.

Section 606—Increased fees for consultant services

This section would amend section 7(e) of the Department of Housing and Urban Development Act to increase the maximum amount payable to consultants from the present $100 per diem to the daily equivalent to the highest rate for grade GS–18.

Section 607—Effective date

This section would provide that titles I, II and III of this Act shall be effective not later than 180 days following the date of enactment except as the Secretary of Housing and Urban Development shall prescribe an earlier date with respect to all or any part of such titles.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KYROS (at the request of Mr. COHELAN), for today and the remainder of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. PUCINSKI, for 30 minutes, today; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. HASTINGS) ; to revise and extend their remarks and include extraneous matter:)

Mr. JONAS, for 10 minutes, on March 25.

(The following Members (at the request of Mr. BLACKBURN) and to revise and extend their remarks and include extraneous matter:)

Mr. BLACKBURN, for 1 hour, today.

Mr. PRICE of Texas, for 30 minutes, today.

Mr. QUIE, for 30 minutes, today.

Mr. FINDLEY, for 20 minutes, today.

Mr. BROWN of Michigan, for 10 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. HARRINGTON) and to revise and extend their remarks and include extraneous matter:)

Mr. DENT, for 30 minutes, today.

Mr. GAYDOS, for 30 minutes, today.

Mr. HAMILTON, for 10 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. RARICK, for 20 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MCCORMACK (at the request of Mr. ALBERT) and to include extraneous matter in the body of the RECORD.

Mr. PHILBIN to revise and extend his remarks made today on the various stockpile bills.

Mr. MONAGAN in the Committee of the Whole today on consideration of H.R. 15628.

Mr. ANDERSON of Illinois (at the request of Mr. COUGHLIN) to include extraneous matter with his remarks made in the Committee of the Whole today.

Mr. LEGGETT in two instances and to include extraneous matter.

Mr. BURTON of California to extend his remarks during the special order of Mr. CONYERS, today.

Mr. RYAN to extend his remarks and include extraneous matter following the remarks of Mr. YATES on H.R. 15628, today.

Mr. HALPERN to revise and extend his remarks during colloquy with Mr. YATES on H.R. 15628.

Mr. CONTE to extend his remarks that he made during Congressman CONYERS special order today and to include extraneous matter and that these remarks follow those of Mr. CONYERS.

Mrs. CHISHOLM immediately following Mr. CONYERS special order today.

(The following Members (at the request of Mr. BLACKBURN) and to include extraneous matter:)

Mr. BROWN of Ohio in two instances.

Mr. TALCOTT.

Mr. GUDE.

Mr. CONTE.

Mr. STEIGER of Wisconsin in two instances.

Mr. WYMAN in two instances.

Mr. FRELINGHUYSEN in two instances.

Mr. ASHBROOK in two instances.

Mr. ADAIR.

Mr. HARSHA.

Mr. BELL of California.

Mr. DERWINSKI.

Mr. COLLINS in three instances.

Mr. BUSH in two instances.

Mr. O'KONSKI.

Mr. SCHERLE.

Mr. MCCLURE.

Mr. DON H. CLAUSEN.

Mr. DICKINSON.

(The following Members (at the request of Mr. HASTINGS) and to include extraneous matter:)

Mr. FINDLEY.

(The following Members (at the request of Mr. HARRINGTON) and to include extraneous matter:)

Mrs. GRIFFITHS.

Mr. CHARLES H. WILSON in five instances.

Mr. EILBERG in two instances..

Mr. FRASER.

Mr. MINISH in two instances.

Mr. HAWKINS in two instances.

Mr. HUNGATE in two instances.

Mr. GARMATZ in two instances.

Mr. GONZALEZ in two instances.

Mr. RARICK in three instances.

Mr. KOCH.

Mrs. GREEN of Oregon in two instances.

(The following Members (at the request of Mr. PUCINSKI), and to include extraneous matter:)

Mr. OBEY in six instances.

Mr. FEIGHAN in five instances.

Mr. MOORHEAD.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 11959. An act to amend chapters 31, 34, and 35 of title 38, United States Code, in order to increase the rates of vocational rehabilitation, education assistance, and special training allowance paid to eligible veterans and persons under such chapters; to amend chapters 34, 35, and 36 of such title to make certain improvements in the educational programs for eligible veterans and dependents; and for other purposes.

ADJOURNMENT

Mr. PUCINSKI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 53 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 25, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1824. A letter from the Assistant to the Commissioner, District of Columbia, transmitting a draft of proposed legislation relating to the rental of space for the accommodation of District of Columbia agencies and activities, and for other purposes; to the Committee on the District of Columbia.

1825. A letter from the Secretary of Health, Education, and Welfare, transmitting the 19th annual report of the Commissioner of Education relative to school assistance in federally affected areas, pursuant to the provisions of subsection 301(c), Public Law 874, and subsection 12(c), Public Law 815, 81st Congress; to the Committee on Education and Labor.

1826. A letter from the Secretary of State, transmitting a draft of proposed legislation to amend the Foreign Service Act of 1946, as amended, to lower the mandatory retirement age for Foreign Service officers who are career ministers; to the Committee on Foreign Affairs.

1827. A letter from the Comptroller General of the United States, transmitting a report on the need for the Department of Housing and Urban Development to strengthen concrete inspections and testing requirements in the construction of low-rent public housing projects; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause of 2 rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERKINS: Committee of Conference. Conference report on H.R. 514 (Rept. No. 91-937). Ordered to be printed.

Mr. PRICE of Illinois: Committee on Standards of Official Conduct. House Resolution 796. Resolution amending the Rules of the House of Representatives relating to financial disclosure. (Rept. No. 91-938). Referred to the House Calendar.

Mr. FALLON: Committee of conference. Conference report on H.R. 4148 (Rept. No. 91-940). Ordered to be printed.

Mr. SISK: Committee on Rules. House Resolution 891. Resolution for consideration of H.R. 14385, a bill to provide authority for subsidized transportation for Public Health Service employees affected by the transfer to the Parklawn Building in Rockville, Md. (Rept. No. 91-941). Referred to the House Calendar.

Mr. ANDERSON of Tennessee: Committee on Rules: House Resolution 892. Resolution for consideration of H.R. 15733, a bill to amend the Railroad Retirement Act of 1937 to provide a 15-percent increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts. (Rept. No. 91-942). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 893. Resolution for consideration of H.R. 16516, a bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes. (Rept. No. 91-943). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. S. 1177. An act to authorize the documentation of the vessel *West Wind* as a vessel of the United States with coastwise privileges. (Rept. No. 91-939). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BEVILL (for himself, Mr. ANDREWS of Alabama, Mr. BUCHANAN, Mr. EDWARDS of Alabama, Mr. NICHOLS, and Mr. FLOWERS):

H.R. 16620. A bill to amend section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended, to authorize the Secretary of Agriculture to furnish financial assistance in carrying out plans for works of improvement for land conservation and utilization, and for other purposes; to the Committee on Agriculture.

By Mr. QUIE (for himself, Mr. AYRES, Mr. GERALD R. FORD, Mr. ERLENBORN, Mr. ESHLEMAN, Mr. COLLINS, Mr. HANSEN of Idaho, and Mr. ESCH):

H.R. 16621. A bill to extend and amend the Higher Education Act of 1965, and for other purposes; to the Committee on Education and Labor.

By Mr. QUIE:

H.R. 16622. A bill to promote higher education throughout the Nation by providing general assistance to colleges and universities; to the Committee on Education and Labor.

By Mr. COWGER:

H.R. 16623. A bill to amend the Federal Water Pollution Control Act and the Clean Air Act in order to provide assistance in enforcing such acts through Federal procurement contract procedures; to the Committee on Public Works.

By Mr. FOREMAN:

H.R. 16624. A bill to convey certain land in Dona Ann County, N. Mex., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. GILBERT:

H.R. 16625. A bill relating to the effective date for section 1902(a)(23) of the Social Security Act in the case of Puerto Rico, the Virgin Islands, and Guam; to the Committee on Ways and Means.

By Mr. HORTON:

H.R. 16626. A bill to amend the Railroad Unemployment Insurance Act to eliminate the prohibition against payment of unemployment or sickness benefits following receipt of severance pay; to the Committee on Interstate and Foreign Commerce.

By Mr. HUNGATE:

H.R. 16627. A bill to improve law enforcement in urban areas by making available funds to improve the effectiveness of police services; to the Committee on the Judiciary.

By Mr. JONES of Tennessee:

H.R. 16628. A bill to amend the Truth in Lending Act to eliminate the inclusion of agricultural credit; to the Committee on Banking and Currency.

By Mr. MURPHY of New York:

H.R. 16629. A bill to amend the Gun Control Act of 1968 to require certain records to be kept relating to the sale or delivery of explosives; to the Committee on the Judiciary.

H.R. 16630. A bill to amend title 18 of the United States Code to provide for increased penalties for certain illegal use or possession of explosives; to the Committee on the Judiciary.

H.R. 16631. A bill to amend the Internal Revenue Code of 1954 by imposing a tax on the transfer of explosives to persons who may lawfully possess them and to prohibit possession of explosives by certain persons; to the Committee on Ways and Means.

By Mr. RHODES (for himself, Mr. MCCULLOCH, Mr. GOODLING, Mr. LUKENS, Mr. MIZE, Mr. ROBISON, and Mr. STEIGER of Arizona):

H.R. 16632. A bill to provide for the establishment of a U.S. Court of Labor-Management Relations which shall have jurisdiction over certain labor disputes in industries substantially affecting commerce; to the Committee on the Judiciary.

By Mr. ROSENTHAL (for himself, Mr. KARTH, Mrs. CHISHOLM, Mr. ECKHARDT, Mr. FEIGHAN, Mr. HANLEY, Mr. HOWARD, Mr. MACDONALD of Massachusetts, Mr. MIKVA, Mr. MINISH, Mrs. MINK, Mr. OTTINGER, Mr. ST GERMAIN, Mr. SMITH of Iowa, Mr. TIERNAN, Mr. WOLFF, and Mr. GILBERT):

H.R. 16633. A bill to provide for the development of a uniform system of quality grades for consumer food products; to the Committee on Agriculture.

By Mr. ROSENTHAL (for himself, Mr. KARTH, Mrs. CHISHOLM, Mr. ECKHARDT, Mr. FEIGHAN, Mr. HANLEY, Mr. HOWARD, Mr. MACDONALD of Massachusetts, Mr. MIKVA, Mr. MINISH, Mrs. MINK, Mr. MOSS, Mr. OTTINGER, Mr. ST GERMAIN, Mr. SMITH of Iowa, Mr. TIERNAN, Mr. WOLFF, and Mr. GILBERT):

H.R. 16634. A bill to require that durable consumer products be labeled as to durability and performance-life; to the Committee on Interstate and Foreign Commerce.

H.R. 16635. A bill to require that certain short shelf-life durable products be prominently labeled as to the date beyond which performance life becomes diminished; to the Committee on Interstate and Foreign Commerce.

H.R. 16636. A bill to require that certain drugs and pharmaceuticals be prominently labeled as to the date beyond which potency or efficiency becomes diminished; to the Committee on Interstate and Foreign Commerce.

H.R. 16637. A bill to require that certain durable products be prominently labeled as to date of manufacture, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16638. A bill to require that certain processed or packaged consumer products be labeled with certain information, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WATSON:

H.R. 16639. A bill to amend the Interstate Commerce Act, as amended, in order to make unlawful, as unreasonable and unjust discrimination against and an undue burden upon interstate commerce, certain property tax assessments of common and contract carrier property, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WHALLEY:

H.R. 16640. A bill to provide for the issuance of a special postage stamp in memory of Ernie Pyle; to the Committee on Post Office and Civil Service.

By Mr. WIDNALL:

H.R. 16641. A bill to provide for a U.S. contribution to the Special Funds of the Asian Development Bank, and for other purposes; to the Committee on Banking and Currency.

H.R. 16642. A bill to create a Federal Home Loan Mortgage Corporation, and for other purposes; to the Committee on Banking and Currency.

H.R. 16643. A bill to increase the supply of decent housing and to consolidate, extend and improve laws relating to housing and urban renewal and development; to the Committee on Banking and Currency.

By Mr. WIDNALL (for himself and Mr. CONTE):

H.R. 16644. A bill to clarify and extend the authority of the Small Business Administration, and for other purposes; to the Committee on Banking and Currency.

By Mr. GERALD R. FORD:

H.R. 16645. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on certain leather work gloves, and for other purposes; to the Committee on Ways and Means.

By Mr. BEVILL:

H.J. Res. 1145. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. GALLAGHER:

H.J. Res. 1146. Joint resolution authorizing a grant to defray a portion of the cost of expanding the United Nations headquarters in the United States; to the Committee on Foreign Affairs.

By Mr. FULTON of Tennessee:

H. Con. Res. 557. Concurrent resolution expressing the sense of the Congress in opposition to the high interest rate policy; to the Committee on Banking and Currency.

By Mr. YATES (for himself, Mr. HECHLER of West Virginia, and ST GERMAIN):

H. Con. Res. 558. Concurrent resolution urging the President to determine and undertake appropriate actions with respect to stopping armed attacks on aircraft and passengers engaged in international travel; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

340. By the SPEAKER: A memorial of the General Court of the Commonwealth of Massachusetts, relative to providing for the mass transit costs by using the Federal highway fund; to the Committee on Ways and Means.

341. Also, a memorial of the Legislature of the State of Hawaii, relative to repealing title II of the Internal Security Act of 1950; to the Committee on Internal Security.

EXTENSIONS OF REMARKS

PROGRESS IN APPALACHIA: A MODEL FOR FEDERAL-STATE COOPERATION

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. EVINS of Tennessee. Mr. Speaker, a Democratic Congress enacted the Appalachian Regional Development Act upon the recommendation of President Johnson in 1965. The U.S. News & World Report in its current issue points out that this program may become a model for Federal-State cooperation and assistance for development of rural areas in Appalachia.

One of the major thrusts of this program is highway construction to provide access to areas in need of industry and employment. In this connection, a total of 267 miles of highway have now been completed in the 13-State area.

In addition, under this program 238 vocational and technical schools have been built or are under construction. Other public facilities under construction or completed under the Appalachian program include 193 health centers and hospitals, 43 airports, 72 libraries, and

120 facilities for colleges and universities, among others.

The program is moving rapidly ahead now and in this connection, I want to commend the present Federal cochairman, Mr. John L. Waters of Tennessee, who is doing an outstanding work in carrying out the objectives and goals of Appalachian redevelopment as envisioned by Congress.

The Subcommittee on Independent Offices Appropriations, which I am honored to serve as chairman, has this year conducted hearings on the Appalachian Commission's request for $295,000,000 in appropriations for next fiscal year to fund its programs—including $175 million for the highway program.

Because of the interest of the American people and my colleagues in this most important subject, I place the article from U.S. News & World Report in the RECORD herewith:

The article follows:

PROGRESS IN APPALACHIA: A MODEL FOR FEDERAL AID?

(Five years ago, Congress began a big experiment to lift up depressed Appalachia. After a slow start, the plan shows signs of success. Many officials believe it has answers to some problems of other, more prosperous, areas. This report gives the results of the first regional attack on poverty.)

The Nixon Administration, in its search for a new policy to guide the growth of America, is looking at an area that a decade ago was regarded as a symbol of backwardness—Appalachia.

Officials believe the regional development program that began there in 1965 is working. In addition, the special problems of Appalachia are being tackled in a way that seems to fit the President's notion of how the Federal Government and the States should work togther.

Threefold problem.—A decade ago, an average of 220,000 persons per year were leaving Appalachia. Average income was far below the national level. Unemployment was nearly double that for the nation as a whole.

The number of people leaving the area has dropped to about one third the level of the 1950's. Is another 10 years, the movement out of Appalachia is expected to be no problem.

The character of the migration has changed, too. Once it was primarily poor people shifting to the cities of the Midwest and Northeast. Now, much of the movement is into nearby areas of the South, such as the Carolina Piedmont or Atlanta, or into urban sections of Appalachia itself.

On the basis of two important measures of prosperity—average income and the rate of unemployment—this region has actually shown more rapid improvement during the last few years than the rest of the nation. Appalachia still lags behind in both respects, but it is catching up, officials insist.

The Appalachian Regional Commission was created in 1965 with a pipeline straight into the White House through a federal cochairman named by the President. Its area of concern is all of West Virginia and parts of New York, Pennsylvania. Ohio, Maryland, Kentucky, Virginia, Tennessee, North and South Carolina, Alabama, Georgia, and Mississippi.

Governors of all these States are Commission members. Their goal is to speed up economic development and reduce poverty.

Most of Appalachia is mountainous. There is little good farmland. Even homesites are scarce in some rugged areas. Coal mining, still an important industry, accounts for only about 3 per cent of the jobs in the region.

In its first five years, the ARC has spent slightly more than a billion dollars of federal money. The first big program was a network of roads designed to open up isolated areas. Originally, 2,700 miles were planned. Rising costs cut this back by about one third to 1,752. So far:

248 miles of roads have been completed.

422 miles are still under construction.

1,082 miles are being engineered or have right-of-way work under way.

One early result of the roadbuilding has been to make it possible to commute from Hazard, Ky., a mountain community with an excess labor supply, to Lexington, where jobs are available. Before 1968, the trip took 3½ hours. Now, it takes 1½ hours.

In trying to provide a broader base for future growth, these projects either have been finished or are being built:

238 vocational schools.

120 higher-education facilities, mostly community colleges.

193 health units, mostly hospitals.

72 libraries.

43 airports.

160 water-pollution programs.

55 mine-rehabilitation projects.

The Commission has a regional housing program that in a year and a half has generated construction of 4,848 units. This is roughly 12 times as many federally subsidized housing units as had been built in the period 1965–68, officials say.

In Appalachia, the emphasis is on urban but not metropolitan growth—and also on making it easier for people to live in the country and work in the city.

Ninety per cent of the population increase for the nation as a whole from 1960 to 1966 came in metropolitan counties—around the largest cities. In Appalachia, about 40 per cent of the expansion in this period came in much smaller urban counties—where the population was 10,000 to 50,000.

ARC planners long ago ruled out any "back to the land" movement or effort merely to bring in new factories. For one thing, Appalachia already has a greater proportion of its employment in manufacturing than the U.S. as a whole.

For another, experts say, the big problem is a lack of urban centers large enough to provide a service base for industry already there. Most new jobs opening up today are in service industries—stores, laundries, restaurants.

Role of the cities.—Urbanization, says ARC Executive Director Ralph Widner, is the process through which services of all sorts are delivered to people. These industries help recirculate payrolls and multiply the economic benefits, he explains.

"If we refuse to recognize the essential role which urbanization must play in rural development," Mr. Widner says, "we will have local economies that 'leak' local industrial and agricultural-payroll dollars (that leave the community)—leaks that over the long pull can sink any economies."

Also, he adds: "The Commission recognized that the nation has become essentially a network of labor sheds or service areas with urban complexes at their core, and that these areas are presently the basic functional economic units in the national economy and in Appalachia and should be the basic planning units for any regional development efforts."

Thus, the goal in Appalachia is to make these labor sheds as efficient as possible, with jobs, health services, education and the like readily accessible to all who live in the area.

Appalachia is divided into 60 local planning and development districts. They are made up of several counties each, with one or more existing or planned areas of potential growth in each district. There are 22 regional centers, which are larger communities that serve several districts; 78 primary centers, where significant expansion is expected and major investments are intended, and 88 secondary centers, where only enough educational and health facilities will be provided to take care of nearby rural areas.

Community planning.—Each district works out its own plan for economic development. Usually, local officials seek to accelerate trends already under way. For example, when several sections of the interstate highway system passed close by the Scranton-Wilkes-Barre area of Pennsylvania, a new function developed for these communities as a distribution center for the region around New York City, 100 miles away. ARC then was called on to help build industrial parks and other facilities needed to expand this new role.

In eastern Kentucky, an urban service area is evolving around three small towns—Pikeville, Prestonsburg and Paintsville—to serve a surrounding population of 300,000 persons. Most of the growth centers in Appalachia are planned in this fashion around existing towns or clusters of towns.

However, in some districts there is no community large enough for a growth nucleus, though there still is a relatively thick rural population. Here new towns are being created.

Examples of these new communities are Midland, Ky., on Interstate 64 near Morehead; Lucasville, Ohio, a new town near Portsmouth; and Fairdale, a new town site near Beckley, W. Va.

Allocation of funds.—Not only is the planning a bit different in Appalachia, but the way the money is spent is different, too.

Congress appropriates money to the ARC for broad uses—highways, education, health and so on.

The Commission can shift some of this money from one purpose to another, if requirements should change. The States, too, have some leeway to switch funds to fit the needs of their over-all plans.

Local and State planners work closely together in deciding on community projects. They determine what portion the community can pay, how much is needed from the ARC and where to go for other funds.

Small towns often have fared badly in seeking federal aid because a good deal of know-how is necessary to keep track of the many programs and their complex requirements. Through use of multicounty districts working with State experts, a poor community in Appalachia can gain some of the resources of a larger, more prosperous city in bidding for additional federal funds.

Five other regional commissions have been established under the Economic Development Act and operate under the Department of Commerce.

The ARC is the oldest regional commission and the only one not operating under the Department.

"Partnership."—How do the Governors like the program? Says Governor Arch A. Moore of West Virginia:

"Never before has there been a federal-State partnership quite like the one in this Act, and it works.

"Every single one of the Governors of the Appalachian States—and we cover the whole range of the political spectrum—likes this program."

Administration planners see this as a possible working model of Mr. Nixon's "new federalism." State and local officials plan and make decisions together, with emphasis on building up moderate-size cities around existing small towns, plus some new towns to take pressures off metropolitan areas, and private economic growth is heavily stressed instead of continued federal aid.

CRIME'S HUNGRY FLAMES NEED FIRM DAMPING

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. DERWINSKI. Mr. Speaker, an editorial in the Friday, March 20, New World, the official publication of the Catholic archdiocese of Chicago, emphasized the need for effective legislation so that we might combat the crimewave sweeping the country. The editorial, I believe, contains a very effective and timely commentary on the growing crime which has afflicted our Nation.

The article follows:

CRIME'S HUNGRY FLAMES NEED FIRM DAMPING

Over the last nine years, the population of the United States has increased 13%. But crimes of violence in this country increased almost 10 times as fast as the population: murders, up 66%; forcible rapes, up 115%; robberies, up 180%; aggravated assaults, up 103%. So reports U.S. News & World Report in a special report on crime in its Mar. 16 issue, "Why Streets Are Not Safe."

And why aren't the streets safe in many U.S. cities, particularly in the larger American cities—and especially in the nation's capital? Senator Mike Mansfield of Montana has said of Washington:

"It is a capital blanketed in fear. Fear stalks the streets. It seeps into office and home. It afflicts rich and poor . . . It spreads and will continue to spread into what were supposed to be the 'safe' suburbs . . . People flee the streets at dark and, more and more, even in daylight."

The situation in Washington is such that the daily papers have a special column for "crime reports," with robberies, rapes and assaults on the previous day listed in small type. Washington buses were probably the first to insist on "exact fare"; and already this has been carried a step further. Washington gas stations now ask that you have the exact change for the gas pumped into your car. The reason? To avoid having money on hand which may be tempting to thieves.

What are the reasons for this ever increasing crime wave?

Experts cite several causes, narcotics for one. It is recognized that the addict needs a steady flow of money to satisfy his craving for drugs. Police Chief Jerry Wilson of Washington told a congressional committee that the narcotics problem is adding greatly to the crime problem. "If we could cure our narcotics problems we could do a great deal toward curing our over-all crime problem," he said.

Poverty, ghettoes, inner city despair are also blamed, along with what many call a failure of the criminal-justice system. A report to Congress on armed violence said that "the way the criminal justice system operates at present is an abomination of justice and, undoubtedly, a significant contributor to armed crimes. The juvenile court proceeds so slowly in adjudicating its cases that juveniles often feel that it is 'safe' to commit a crime . . ."

Other possible causes are listed as understaffed police forces, and there seems much merit in this. In Washington, for instance, when police forces were increased through overtime, crime on the streets dropped significantly. When the overtime was cut back, and in effect the number of police on the street reduced, the crime rate shot upward.

Permissiveness in the family and in society is also blamed for the rising crime rate. One attorney general said people, generally, are not committing crimes because they're hungry. "The motivation," he said, "seems to be that society has such a permissive attitude that even if the criminal gets caught, some lawyer will get him off or the judge will tap his wrists with probation."

One instance was a Washington case where two young men robbed a bank and were caught by police a short distance from the bank. Both youths were armed, there was no question of their guilt, and they received suspended sentences.

There is no easy answer to crime in the streets. But it is a growing problem that demands a solution.

A MEMBER OF THE MILITARY-INDUSTRIAL COMPLEX VIEWS HIS ESTABLISHMENT

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. BROWN of Ohio. Mr. Speaker, at a time when the Defense Establishment is becoming the scapegoat for all the problems afflicting this society, I think it is useful, and even refreshing, to hear from a bona fide member of that "establishment."

Philip N. Whittaker, Assistant Secretary of the Air Force for Installations and Logistics, is a former employee of International Business Machines—IBM, and only recently—1968—a recruit onto the rolls of public servants.

Men of his caliber are desperately needed in such a capacity.

Mr. Whittaker spoke at Dickinson College in Carlisle, Pa., last year on the operation of the defense industries and the progress of President Nixon's Vietnamization program.

His remarks are worth noting, both on their merits and because they offer an opportunity to catch a personalized glimpse of that vast operation characterized by the late President Dwight D. Eisenhower in his farewell address as the "military-industrial complex."

His speech follows:

REMARKS BY HON. PHILIP N. WHITTAKER, ASSISTANT SECRETARY OF THE AIR FORCE, INSTALLATIONS AND LOGISTICS, DICKINSON COLLEGE, CARLISLE, PA., OCTOBER 15, 1969

Last week, my daughter Letsy called home —collect as usual—and invited me to come on up here as a representative, I guess, of both the older generation and of the Military/Industrial Complex—two phenomena, I realize, separated from many in this audience by a distance equal to several light years.

Facing you this morning, I feel a little bit like the fellow who was tarred and feathered and ridden out of town on a rail. He was heard to remark, "If it weren't for the honor of the thing, I would just as soon walk." Nevertheless, I am grateful for this opportunity. I will try not to lecture you but I do want to simply express my feelings on some issues which I believe are important to all of us.

To set the framework for my remarks, let me agree with Hamlet that "the time is out of joint" indeed. Many aspects of modern life—the problems of urban blight, rural poverty, environmental pollution, educational excellence across-the-board, the transportation crisis, to name just a few—represent needs crying out for imaginative and costly solutions. Then there is, of course, the disenchantment in some areas with the military and the industry which sells to it and the widespread frustration over the conflict in Southeast Asia. It is about these latter subjects that I want to talk today.

On the subject of the military and the Military/Industrial Complex, let me simply say that I believe that this country requires the maintenance of a strong military capability. I make this statement in full recognition of the competing demands on the federal budget for a large number of high priority civilian requirements. Contrary to some impressions that have been created, the military budget is *not* growing at any unprecedented and alarming rate and is *not* swallowing up ever larger proportions of the federal treasury. On the contrary, the military budget, as a percent of the Gross National Product, has decreased from over 13% in 1953 to an estimated 8.1% this current fiscal year.

This year, the budget for the Department of Defense has received very severe scrutiny in the Congress, and all kinds of probing questions have been asked. This is as it should be, and our elected representatives in the Congress should do and, I believe, in many cases are doing, a thorough and conscientious job of balancing priorities among all of the competing pleas for the taxpayer's dollar.

There is a large segment of industry which furnishes the equipment required by the military. In every large-scale undertaking of this type, a few instances come to the surface of profiteering on the part of businessmen or inefficiency on the part of government employees. In general, however, considering the two million contracts let just by the Department of the Air Force in a given year, even if 99-and-44/100% of them were handled entirely properly, that would still leave 10,000 or more incorrect or faulty actions and those are the ones which the newspapers delight in playing up. Independent studies have shown that companies generally make considerably lower rates of profit on defense business than on commercial business. There is also a government agency called the Renegotiation Board which reviews the total profits on all major government contractors at the end of each year and which takes back any profits that it considers excessive. So the image of profiteering on the part of defense industry is largely misleading.

It has been suggested that those companies doing a large share of their business with the Department of Defense should be taken over by the government, but I can assure you that if all defense supplies were to be manufactured in government-owned laboratories and factories, it would be far more difficult to attain the efficiency which exists under the present system of acquiring defense materiel from private industry—entirely aside from the fact that such a move would be in direct violation of the American system of free enterprise.

Now just a few comments on the toughest problem of all—Southeast Asia. Every one of us is united in devoutly wishing that U.S. involvement there was terminated. I wish it were as simple as just packing up and walking out. But it isn't. I don't know whether it was right or wrong, wise or foolish to have initially become involved militarily in Southeast Asia—but this I do know—there are thousands of people in South Vietnam who have come to count on the U.S. shield, and I am not just talking about the top government leaders. There are also millions of people around the world

who are waiting to see whether this country, as we did after World War I, will retreat into a posture of isolationism and not be concerned over the rest of the world.

The problem is both simple and enormously complex. As the President has repeatedly said—the U.S. is negotiating in good faith and as hard as it can with the North Vietnamese and the Viet Cong in Paris. At the same time, it is attempting to contain the military situation in South Vietnam and, finally, as the third leg of a three-part program, is engaged in a very active program of training and equipping the South Vietnamese as well as increasing the stability of the countryside of South Vietnam.

This Vietnamization is something new. Not only will it enable the South Vietnamese Armed Forces to assume greater military responsibility and, in fact, eventually take over both the Viet Cong insurgency and the defense against the regular North Vietnamese Armed Forces, but it also means building a stronger economy and a stronger government in South Vietnam.

Here is a progress report on the achievements and promise of the Vietnamization program in four areas: stronger economy, stronger police for internal security, stronger government, and stronger military forces. Let me touch on these areas and quote a recent report from the Secretary of Defense.

In the economic field, a significant factor is the opening up of waterways and roads for farmers to bring their produce to market and the growing confidence of farmers in using them. In addition, South Vietnamese have replaced Americans in the operation of the civilian port facilities at Saigon and at supply and warehousing facilities in various parts of the country. They are moving toward restoration of self-sufficiency in rice production. Of course, progress in an economy distorted by war is bound to be uneven. Vietnam suffers from the chronic wartime malady of steep inflation, but the government of Vietnam is attempting to face up to this problem with American help.

In the field of local security, the police force has been expanded and its training strengthened. Partly for this reason, the Viet Cong infrastructure is being weakened and rooted out in many areas.

In the political field, progress is measured by the extent of the peoples' trust in their government. It is at the grass—or "rice"—roots level where we find encouraging signs. Locally elected governments are spreading throughout the country. Self-government has been brought this year to more than 700 villages and hamlets in recently pacified areas, bringing the total with self-government to about 8 out of every 10. There has been a notable increase in the number of citizens willing to seek local office and hence to face the threat of Viet Cong terrorism which has taken such a toll of local officials in past years.

Time is the critical factor and Hanoi is looking at all of us here in the United States to see whether the American public has the will and the patience to stick it out. My belief is that the program of Vietnamization and the transfer of responsibility, coupled with stability, to the people of South Vietnam offers by far the best chance for the successful conclusion of this tragic conflict.

I mentioned the problem of time as a critical factor. Making this problem harder to bear is the fact that we are living in an era of impatience. Everyone—and I think young people in particular—is more and more demanding today, or at least they are being conditioned to expect immediacy. Tomorrow is not soon enough. We have instant communications, instant gratification of our desires, hence the dissatisfaction with the absence of instant solutions to the problems we face.

Several closing thoughts. I have been working for the government for only the past year. Without blowing my own horn, I wish to simply say I came into the government at a considerable sacrifice in salary because I was asked to help run the Air Force as efficiently and as economically as possible. I want to say as emphatically as possible that I have been constantly impressed by the dedication and competence of the great majority of people that it has been my pleasure to meet who are working in the government. I am speaking of both civilian and military personnel. I think it would be a tragedy if a polarization between the military/government and private elements of our society develops.

Let me close by quoting a statement made some years ago by General Twining, the former Chief of Staff of the Air Force. His words reflect the feeling of the vast majority of defense personnel. He said, "The Air Force will have served its finest purpose if it is never used in combat."

I congratulate you on this kind of a meeting. I invite you to think deeply and constructively about the problems this nation faces. I hope you will do your own thinking and not be used by others, that you will develop positive rather than simply negative proposals and programs, and that you will have the wisdom and maturity to recognize that the issues are complex and not all of the answers easy.

REFORM OF THE FEDERAL ROLE IN HIGHER EDUCATION

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. BROWN of Ohio. Mr. Speaker, as most of you realize, much of the basic legislation pertaining to higher education expires during the next 15 months. Now, however, President Nixon has proposed a reform of the Federal role in higher education through his recent message to the Congress. In this document, you will find that the President has proposed positive action to answer most of the major criticisms aimed at higher education today.

Many of us daily receive letters from anxious parents who wonder why the Federal Government cannot do something about increasing support for college students. Under the President's proposal, no student would be denied attendance at a college or university simply because he did not have the money. Basic reforms are offered which would increase grants and subsidized loans to children from low-income families; and which would insure a greater number of guaranteed loans to those whose families are more capable of bearing this expense.

For those who do not want or need a 4-year education, the President has proposed a career education program to assist the States in teaching critically needed skills at community colleges and technical institutes.

And finally, the President has proposed to establish a National Foundation for Higher Education to support excellence, innovation, and reform in private and public institutions.

I applaud the President's initiative in this field and hope that my colleagues will give his proposals enthusiastic support.

OBSERVATIONS ON CHICAGO 7 TRIAL

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. MIKVA. Mr. Speaker, it has long been my feeling that as a member of the Illinois bar and a member of the Judiciary Committee of this House, it would be inappropriate for me to comment on the events which have recently occurred in Chicago, centering around the so-called Chicago 7 conspiracy trial. Nevertheless, none of us can ignore that that trial on Federal conspiracy and crossing-State-lines-to-incite-a-riot charge has raised a tremendous public furor, both in Chicago and throughout the Nation. I believe that the citizens of our country will probably benefit from full and free discussion of this controversial issue, even if it is inappropriate for me to comment on it while the matter is still before the courts.

Mr. George Anastaplo, professor at Rosary College and lecturer at the University of Chicago, has written an article which expresses his views on the significance of the recent events in Chicago. The article was published, in a slightly modified form, in the Chicago Sun-Times on February 22, 1970, and has been widely read in Chicago. I believe that it might be useful to have Mr. Anastaplo's observations available to my colleagues. I insert them at this point in the RECORD.

The article referred to follows:

THE TRIAL: DISGRACEFUL MASQUERADE

(NOTE.—Prof. George Anastaplo, for the five months the so-called Chicago 7 conspiracy trial was being heard, attended two to three daily sessions a week. Now Prof. Anastaplo, the chairman of the department of political science at Rosary College, has written an article about that trial for the Sun-Times. In addition to his position at Rosary College, he is a lecturer in the liberal arts at the University of Chicago. He has a law degree and a PhD degree from the University of Chicago and has written several articles on legal and constitutional subjects as well as a book, "The Constitutionalist: Notes on the First Amendment," due to be published by the Southern Methodist University Press. [Editor])

(By George Anastaplo)

Five defendants have been found guilty by a Chicago jury of crossing state lines with the intention of inciting a riot during Convention week of August 1968. Eight defendants and their two lawyers in this federal trial have been pronounced guilty by a judge of courtroom behavior intended to disrupt the orderly administration of justice.

The verdict of the Conspiracy jury was surprisingly discriminating. It not only completely exonerated two of the defendants, it also repudiated, with respect to all the defendants, the conspiracy charges of which so much had been made by the government.

A conviction or acquittal on all counts of the indictment could have been explained away as merely the result of passion. But this particular verdict happens to ratify the impression of many courtroom observers of

the trial, that there was no deliberate conspiracy among these defendants, that the most that could be charged to some of them was the making of irresponsible speeches on certain occasions during Convention week.

Thus, the offenses for which this jury convicted five defendants—crossing state lines with the intent of inciting a riot—were not the offenses for which these defendants were really brought to trial as a group by the U.S. attorney. The offenses for which the defendants were convicted were of the kind that are most efficiently disposed of in police court, after a trial of a few hours or (at most) a few days.

The jury verdict, properly understood, shows up the federal government's case to have been an irresponsible attempt to vindicate in the federal courts the "police riot" with which our city government (exploiting our much-abused police) made such a mess of the crisis confronting it during convention week. This willingness by the federal government to allow its courts to be used for such a political purpose has cost us dearly: It has undermined the trust of a significant part of our community, especially among the young, in the integrity of our judicial institutions; it has sustained unhealthy passions in other parts of our community against serious dissent.

It is now clear, not only from the verdict of the jury but even more from the evidence presented in this case by the government, that defendants John Froines, Bobby Seale and Lee Weiner should never have been included in the indictment on any count. It is also clear that a conscientious prosecutor should have moved to discharge at least these three defendants once his evidence and his conspiracy theory had been disclosed to be as flimsy as they were.

Without a conspiracy theory, there would have been no justification for bringing the eight defendants into the court together. Without a conspiracy theory, there would have been a much shorter and far less expensive trial. Without a conspiracy theory, there would have been no circus atmosphere, no serious or sustained disruptive events, no spectacle of a defendant being bound and gagged for stubbornly (even if improperly) insisting on counsel of his choice.

In short, there would not have been these disgraceful proceedings masquerading as a trial in a federal court.

The insistence of the government upon adhering to its disastrous conspiracy theory, without any substantial evidence to back it up, was not in the best tradition of responsible prosecution. It was simply asking for trouble—and it got it, something for which we the American people may have to pay for a long time to come.

It is now up to the appellate courts to review a rather questionable (and certainly mischievous) statute for its constitutionality and to assess whatever relevant evidence there is for its adequacy, especially since so many of the judge's rulings and attitudes left doubts about whether the defendants were permitted to make the case which they were entitled to make.

One must wonder, furthermore, whether the discredited conspiracy approach, having opened the door as it did to considerable dubious evidence from the government, so confused matters as to make it virtually impossible for the jury to see what each defendant had done, which is (the way things turned out) what the jury should have considered.

It is now up to the informed public to decide what should be done hereafter about such prosecutions and indeed about such laws as that under which this misconceived prosecution was brought.

One side effect of the prosecution is to confirm what has already been shown by several careful studies of convention week (including the government account, the Walker Report), that whatever mistakes were made by people such as the defendants, they were relatively insignificant compared to those made by the City of Chicago (against the advice, it should be noted, of the Department of Justice) in handling the demonstrations that any mature city inviting a national political convention should be prepared to expect.

As for the conduct in court of the defendants and their lawyers for which the judge has decreed prison sentences ranging from two months to four years, it is clear that some behavior in contempt of court was indulged in by both defendants and lawyers. But it is also clear that a number of actions cited by this intelligent judge simply cannot survive examination, especially those which developed either with the acquiescence of the judge or from overzealous legal advocacy.

It is up to the appellate courts to review the contempt citations, to consider whether they were entered in good time, whether the punishment was excessive, whether many of the instances cited were indeed contemptuous and whether they did disrupt the orderly administration of justice.

The fundamental problem, however, is not that of reassessing the judge's inventory of contemptuous actions—many should be dropped from his list and a few others should never have been added to it—but rather that of assessing the context in which all this unfortunate conduct took place.

There is considerable concern in this country about the threat to our judicial system of disruptive conduct in the courtroom. But we must consider what kind of defendants occasionally threaten such conduct, and in what circumstances. Such conduct (which is rare) is most likely to occur wherever defendants (because of their poverty or their status or their color) believe themselves unlikely to get "a fair shake" in court. Both the fears of widespread disruptive behavior and the measures which have been proposed for dealing with it are grossly exaggerated and are unbecoming for an American which should have learned by now how to use its great power responsibly and compassionately.

In considering the conspiracy trial, citizens must do what the bar has refused to do in public, and that is to face up to the effect in this case of the judge himself.

No fair-minded and informed community should discipline these lawyers and defendants without disciplining its judge as well. Judge Hoffman's behavior in this case was consistently outrageous, almost always against the legitimate interests of the defendants. Much of the contemptuous conduct he alleges was provoked by him.

The defendants and their Eastern lawyers were confronted by a remarkably vindictive judge. The single greatest mistake the defendants made was not to realize in time that what this judge was doing to them had been done consistently over the years by him to other defendants as well, without regard to race, color or creed.

It is common knowledge among the legal profession in Chicago, and can be confirmed by any survey of practicing lawyers, that this judge callously and systematically degrades and provokes the lawyers who happen to appear before him, unless they come from the office of the U.S. Attorney.

Indeed, this is so well known that the government can be said to have had a duty to reconsider the explosive case it was bringing when it learned which judge was fated to try it: after all, our government has the recognized obligation to see that defendants receive a fair trial and to see that our legal institutions are not recklessly undermined.

Chicago lawyers who appear regularly in the federal courts have had to learn to bear up with Judge Hoffman's behavior.

Such judicial behavior should be distinguished, by the way, from the impartial strictness for which the late Judge Barnes was justly celebrated.

Chicago lawyers have endured Judge Hoffman because they ordinarily have to bear up with him only a few days or, at worst, a few weeks at a time. In the conspiracy trial, however, defense counsel and their clients had to endure this judge for what must have seemed to them, as it did to courtroom observers, an eternity.

It is the duty of an informed bar to courageously interpose itself between a dictatorial judge and vulnerable counsel. Indeed, it was the duty of the local bar to have "blown the whistle" on Judge Hoffman many years ago, to have taken the steps necessary to restrain his unprofessional conduct.

The unbecoming failure of the bar as well as of the press to make its opinion known about this kind of judge—an opinion which is, in Judge Hoffman's case, almost unanimously bitter among those who practice in the federal courts here—lends support to critics who would have us believe that this particular judge is essentially representative of what may be found in American courthouses today.

It is the duty of all citizens, lawyers and laymen alike, to protect our country from the devastating effects of such judges. Too much depends on popular trust in our political institutions, especially among the underprivileged and the unfortunate, to permit that trust to be sacrified to the behavior of obviously unfit public servants.

TWO DANGERS CONFRONT US

One is that 10 men might be required to serve prison sentences in circumstances where the government is at least as much to blame as they are for what happened both during convention week and in the course of their trial.

The other danger is that further improper exercise of government power will provoke more resistance by offended citizens, which in turn can lead to even more repression in the name of "law and order." (Such improper exercise of government power was evident even in the way U.S. marshals were permitted to conduct themselves in the federal building throughout the Conspiracy trial: they often seemed unable to distinguish between the way prison guards do treat convicts and the way public servants should treat citizens.)

It does not seem likely, despite what the defendants claim, that a paralyzing era of repression is about to begin in this country. But we should take care not to permit an imprudent government to go out of its way to prove the defendants right about this.

We should make sure that public servants realize it is a disservice to law and order to challenge high-spirited dissent (however irresponsible and disturbing it may be on occasion) with a self-righteous show of force rather than with intelligence and generosity and imagination.

COMPLAINT OF MEMBERS OF CONGRESS AND AIR TRANSPORTATION USERS WITH REQUEST FOR TARIFF SUSPENSION AND INVESTIGATION

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mr. HAWKINS. Mr. Speaker, 31 of my colleagues and I filed a petition with the Civil Aeronautics Board on March 9 asking for the suspension and investigation of any tariff extensions embodying the

Board's September 12, 1969, ratemaking formula or any adjustment thereto. Our complaint, which sets forth the reasons why we believe such extensions would be illegal, follows:

COMPLAINT OF MEMBERS OF CONGRESS AND AIR TRANSPORTATION USERS WITH REQUEST FOR TARIFF SUSPENSION AND INVESTIGATION

Petitioners, thirty-two Members of Congress and users of air transportation, hereby request a suspension and investigation of any tariffs on file or hereafter filed embodying the Board's September 12, 1969, ratemaking formula, or any "adjustment" thereto, that would extend the presently effective local and joint domestic passenger fares, or those fares with minor adjustments thereto, beyond April 30, 1970, the present expiry date.

Petitioners believe such extension of the September 12 tariffs by any air carrier, whether trunkline or local service, would be illegal for the following reasons:

(1) Complainants believe that the Board's September 12 decision is illegal and any tariffs or tariff extensions based upon that decision are illegal. We have stated at length why we think this is so in our filings of April 21, August 20, September 22, 1969, and January 9 and 30, 1970, and (in the United States Court of Appeals) December 11, 1969, and January 23, and February 20, 1970; in the interest of brevity and expedition we incorporate those filings here by reference.

(2) The joint fares and division-of-fares agreement, Agreement C.A.B. 21586, and tariffs filed pursuant thereto, suffer from the same infirmities that we believe affect the Board's orders of September 12 and 30; i.e., the Board's action appears to have been reached on the basis of no evidence whatsoever taken in a proper proceeding, without considering factors set out in the statute, and thus in a manner contrary to the mandate of the Federal Aviation Act of 1958 (here sections 1002 (h) and (i)).

(3) The joint fare agreement which the Board has approved appears to be unjust, unreasonable, unjustly discriminatory, unduly preferential, and unduly prejudicial for the same reasons that the present arrangement suffers these illegalities. Under the present agreement, inter-carrier passengers pay the terminal charge more than once, and fall more than once in the first, highest price mileage block; the only change is there now is a $4.00 reduction in price which is plainly insufficient. At a minimum, such a passenger is required to pay $4.00 more than a one-carrier passenger for the same distance.

(4) These tariffs are unjust and unreasonable on their face. The Board's decision initially to grant and then to continue in effect the tariffs filed in accord with its prescribed maximum rate formula was not predicated upon sections 102, 404, and 1002 of the Act, but principally upon its assumption that "the carriers have adequately demonstrated a significant increase in costs, which the complainants recognize." (Order 69–9–68)

Our decision is based . . . also on the fact that the carriers' revenue need remains severe. Nothing has occurred subsequent to the granting of the October 1 increase to persuade the Board that the increases were not warranted at that time, or do not continue to be necessary to preserve the economic health of the industry. In Order 69–9–68, dated September 12, 1969, we discussed at considerable length the cost pressures faced by the carriers at that time in almost every category of costs. There is no question that the carriers have sustained substantial increases in labor expenses, landing fees, fuel costs, commission rates, and costs in other areas. Airport congestion continues to be an expensive problem, and the carriers are committed to major capital expansion programs in an effort to continue to satisfy the ever-expanding transportation requirements of the public. (Order 70–1–159, page 1 and 2)

One issue, therefore is simply whether the facts as now reported by the airlines and the Civil Aeronautics Board substantiate the Board's belief. The answer is No!

The Board has said that there is no question that the carriers have sustained substantial increases in costs for labor, materials and other services. We have noted the following in our complaint of August 20, 1969:

(T)he air carriers have jointly and severally produced on the record a substantal amount of sufficiently reliable evidentiary material as to the impact of recent inflationary increases on their cash costs to permit a change in the level of fares, all other things being equal. Had the Board previously established cash cost standards, it is clear that the Board would now be able to deal with the problem of determining an appropriate fare level more effectively. (CONGRESSIONAL RECORD, September 29, 1969, p. 27443.)

The key phrase here is "all other things being equal," for apparently, according to the records of the C.A.B., things have changed, and the air carriers have been able to more than offset the effects of inflation by means of declining unit costs. On February 26, 1970, the C.A.B. released its regular quarterly Airline Industry Economic Report for the quarter ended December 1969. In this report, the C.A.B. states that the reported cost per available ton-mile for both the domestic trunk and local service airlines declined for the year 1969, as well as for the fourth quarter (during which the fare increase was in effect).[1] There was, it is true, an increase in the reported cost per revenue ton-mile—but this is attributable to the fact passenger load factors (the ratio of sales to production) declined at a more rapid rate than costs, particularly during the last quarter when the higher fares were in effect.[2] In this regard, we must again respectfully point out to the Board that the Members of Congress clearly asserted in their petition of August 20, 1969, that the proposed tariffs would depress load factors.

The C.A.B. report does indicate that earnings did increase in the short-run, but only because the Board-made rates increased fares by a greater amount than the sale of production fell off. However, one must question the wisdom of this policy. Permitting air carriers to increase earnings by a reported $30 million a quarter (up 136%) when they sell 7.4% *less* of their production can hardly be considered as promoting the encouragement and development of an air transportation system properly adapted to the present and future needs of the domestic commerce, nor as fostering sound economic conditiors in such transportation, nor as promoting adequate, economical and efficient service by air carriers at reasonable charges, let alone at the lowest cost consistent with the furnishing of such service.

The need of the air carriers for increased revenue in light of "higher costs" of doing business so as to enable them, under economical and efficient management, to provide adequate and efficient air carrier service has simply not been established as a fact. In other words, neither the air carriers nor the Board has yet established on the record that the airlines are entitled to a higher level of rates or a different fare structure as a matter of fact or law. Indeed, what evidence there is—showing declining unit costs and falling load factors—suggests the opposite.

Finally, as the Board is aware, the legality of the Board's September 12 order and of any tariffs filed in conjunction with the order is presently under review in the United States Court of Appeals for the District of Columbia. The case has now been submitted to that Court for decision. The Board should not compound further the illegality of its September 12 and 30 orders by approving the extensions now proposed.

Wherefore, the Members respectfully request that the Board suspend and investigate the tariffs filed by Continental Air Lines, Inc., and Eastern Air Lines, Inc., and any tariffs hereafter filed by other air carriers for extension of present fares, which such suspension and investigation would have the affect of permitting the tariffs previously on file to go into effect on May 1, 1970.

Further, the Members respectfully request that if this complaint is denied, the Board grant a stay of its order denying this complaint pending judicial review.

Respectfully submitted,

Glenn M. Anderson; Thomas L. Ashley; Walter S. Baring; George E. Brown, Jr.; Phillip Burton; Daniel E. Button; Jeffery Cohelan; James C. Corman; John D. Dingell; Don Edwards; Richard T. Hanna; Augustus F. Hawkins; Chet Holifield; Harold T. Johnson; Robert L. Leggett; Joseph M. McDade; John McFall; Spark M. Matsunaga; George P. Miller; Joseph G. Minish; Patsy T. Mink; John E. Moss; Jerry L. Pettis; Thomas M. Rees; Peter W. Rodino, Jr.; Edward R. Roybal; Bernie Sisk; Charles M. Teague; John Tunney; Lional Van Deerlin; Jerome R. Waldie; and Charles H. Wilson.

By their representative, March 9, 1970:

RICHARD W. KLABZUBA.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon:

Air West, Inc.
Allegheny Airlines, Inc.
American Airlines, Inc.
Braniff Airways, Inc.
Continental Air Lines, Inc.
Delta Air Lines, Inc.
Eastern Air Lines, Inc.
Frontier Airlines, Inc.
Mohawk Airlines, Inc.
National Airlines, Inc.
North Central Airlines, Inc.
Northeast Airlines, Inc.
Northwest Airlines, Inc.
Ozark Air Lines, Inc.
Piedmont Aviation, Inc.
Southern Airways, Inc.
Texas International Airlines, Inc.
Trans World Airlines, Inc.
United Air Lines, Inc.
Western Air Lines, Inc.

Thomas D. Finney, Jr., Esq.; Clifford, Warnke, Glass, McIlwain & Finney.

Lee M. Hydeman, Esq.; Hydeman & Mason.

Warren L. Sharfman, Esq.; Associate General Counsel Civil Aeronautics Board.

Honorable Richard W. McLaren and Howard E. Shapiro, Esq.; United States Department of Justice.

Alfred V. J. Prather, Esq. and J. William Doolittle, Esq.

Philip A. Fleming, Esq.; Reavis, Pogue, Neal & Rose

Ulrich V. Hoffmann, Esq.

Raymond J. Rasenberger, Esq. and Russell

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[1] See line 27, on page 7 and 11 of Appendix A. Operating Exp. per Avail. Ton-mile is a recognized measure of unit operating cost within the industry. It is considered by some as a better measure of costs than operating expense per available seat-mile because it avoids variations caused by differences in seating density. Operating expenses per available seat-mile and passenger-mile are not published in the report.

[2] It should be noted that since the Operating Exp. per Avail. Ton-mile *declined* only slightly, operating costs are at present directly related or responsive to capacity produced.

Garman, Jr., Esq.; Zuckert, Scoutt & Rasenberger.

B. Howell Hill, Esq.; Arnold & Porter.

James M. Verner, Esq.; Verner, Liipfert & McPherson, by causing a copy of it to be mailed to such carrier or its agent properly addressed with postage prepaid.

RICHARD W. KLABZUBA.

March 9, 1970.

ECONOMIC SUMMARY—FOURTH QUARTER 1969

(Published by the Civil Aeronautics Board)

Despite significant increases in yields and revenue, profits continued to slide.—During the fourth quarter of 1969 passenger mile yields increased for the major air carrier groups, reflecting the fare changes of February and October 1969. These increases were 7.0 percent (above fourth quarter 1968) for system operations of the domestic trunk airlines and Pan American, 9.0 percent for the domestic trunk airlines in domestic operations, and 14.5 percent for the local service carriers. Operating revenues also showed significant gains during the fourth quarter with increases of 14.4 percent for system operations, 17.2 percent for the domestic operations of the trunk airlines, and 29.8 percent for the local service carriers.

However, expenses increased more than revenues while profits and rate of return continued downward. A principal reason was the disproportionate rise of capacity and consequent fall of the load factor. Passenger load factor for domestic trunkline operations dropped to 49.9 percent, compared to 53.0 percent in the fourth quarter of 1968. System load factor fell to 45.5 percent from 48.7. There are also signs that the industry's improving productivity is currently unable to keep up with the steep rise of costs attributable to inflationary pressures. Operating expenses per available ton-mile were 19.42 cents for the system operations of the domestic trunklines and Pan American, up slightly from 19.16 cents in the fourth quarter of 1968, although for domestic trunk operations alone the reported cost per available ton-mile declined by 1.5 percent. On the other hand, expense per revenue ton-mile for system operations rose by 6.5 percent in the latest calendar year.

For the supplemental carrier group, revenues per ton-mile dropped 2.2 percent while expenses increased 10.6 percent with the result that for the calendar year 1969, operating profit per ton-mile decline 86.7 percent.

Traffic growth remained below industry expectations.—In contrast to the 12–13 percent traffic growth predicted for 1969 by the trunk air carriers, the percentage gains of traffic for the year were 9.7 percent for system operations of the domestic trunk airlines and Pan American, 9.3 percent for the domestic trunk airlines (including some Hawaii traffic in 1969 for newly certificated carriers), and 11.3 percent for the international passenger cargo carriers. Gains were 14.5 percent for the local service carriers. Fourth quarter rates of growth were below the year to date increases, especially for the domestic trunk carriers.

Seat-mile capacity continued to increase at high, disproportionate rates.—The growth of capacity for the fourth quarter of 1969 was 16.2 percent for system operations of the trunks and Pan American, 16.6 percent for domestic operations of the domestic trunks, and 17.6 percent for local service. The percentage gains for the quarter were slightly higher than the year to date increases. For fourth quarter 1969, system operations of the trunks and Pan American reveal the following changes from 1968: revenue passenger-miles up 8.6 percent; available seat-miles up 16.2 percent; average available seats per aircraft up 2.0 percent; and resulting passenger load factor down 3.2 points to 45.5 percent.

The spread between actual and breakeven passenger load factors continued to narrow. Actual passenger load factor fell sharply during the fourth quarter of 1969. Declines ranged from a 3.6 percentage point drop for the domestic trunks to a 1.2 percentage point drop for the local service carriers. Except for the local service carriers, breakeven load factor fell less sharply or increased during this period, causing a further narrowing of the gap between actual and breakeven. Most significant among the carrier groups were the international passenger and cargo carriers which reported a breakeven load factor 5.2 percentage points higher than the actual load factor for the fourth quarter of 1969 compared with a favorable 1.9 percentage point spread for the same period a year earlier. Of real interest was the fact that the local service carriers saw their deficit position with respect to breakeven load factor improve considerably during the fourth quarter.

Increases in operating expense were generally more than gains in revenue.—Except for the local service carriers, expenses grew faster than revenues during the fourth quarter. Domestic trunks showed a better performance, but this is clouded by inclusion of some Hawaii traffic in the 1969 figures. Expenses increased 15.5 percent for system operations of the domestic trunks and Pan American, 15.0 percent for domestic operations of the trunklines, and 21.1 percent for local service.

Growth of adjusted investment was somewhat less than in recent periods.—Increases in adjusted investment at the end of calendar 1969 were 9.8 percent for system operations of the trunks and Pan American, 6.6 percent for the domestic trunklines, and 13.3 percent for local service. Investment growth was actually lower than the growth of revenues (except for the international and territorial group) resulting in increases in the investment turnover ratio.

Rate of return at year end 1969 continued down.—For the year ended December 1969 all carrier groups registered declines compared with 1968 in the rate of return on adjusted investment, either excluding or including investment tax credits.

DOMESTIC OPERATIONS OF THE TRUNK AIRLINES ECONOMIC INDICATORS

	12 months ended		Change (percent)	Quarter ended		Change (percent)
	Dec. 31, 1969 [1]	Dec. 31, 1968		Dec. 31, 1969 [1]	Dec. 31, 1968	
1. Passenger revenue (scheduled)	$5,088	$4,451	14.3	$1,306	$1,109	17.8
2. Freight revenue (scheduled)	335	285	17.5	95	82	15.9
3. Mail revenue	133	124	7.3	38	35	8.6
4. Charter revenue	97	87	11.5	23	20	15.0
5. Operating revenue	5,754	5,039	14.2	1,488	1,270	17.2
6. Operating expense	5,450	4,719	15.5	1,435	1,248	15.0
7. Operating profit	304	320	−5.0	52	22	136.4
8. Interest on long-term debt	151	122	23.8	36	33	9.1
9. Income tax accrual (net)	75	88	−14.8	9	−5	[2]
10. Net income including investment tax credit	97	127	−23.6	12	−7	[2]
11. Long-term debt [3]	3,218	2,905	10.8			
12. Stockholder equity [3]	2,090	2,025	3.2			
13. Total investment [3]	5,308	4,930	7.7			
14. Equipment deposits [3]	635	548	15.9			
15. Adjusted investment [3]	4,673	4,383	6.6			
Rate of return on adjusted investment:						
16. Excluding investment tax credit (percent)	4.9	5.3				
17. Including investment tax credit	5.3	5.7				
18. Net income as percent of operating revenue (percent)	1.7	2.5		.8	−.6	
19. Long-term debt as percent of total investment	60.6	58.9				
20. Operating revenue per dollar of investment	1.08	1.02	5.9			
21. Operating expense per dollar of investment	1.03	.96	7.3			
22. Operating profit per dollar of investment	.06	.06				
23. Passenger revenue per revenue passenger mile	$5.70	$5.45	4.6	$6.07	$5.57	9.0
24. Operating revenue per revenue ton-mile	50.79	48.82	4.0	53.54	48.73	9.9
25. Operating expense per revenue ton-mile	48.11	45.72	5.2	51.64	47.89	7.8
26. Operating profit per revenue ton-mile	2.68	3.10	−13.5	1.90	.84	126.2
27. Operating expense per available ton-mile	20.25	20.43	−.9	20.04	20.35	−1.5
28. Revenue passenger-miles (scheduled) (billions)	89.2	81.6	9.3	21.5	19.9	8.0
29. Available seat-miles (scheduled) (billions)	178.6	153.9	16.0	47.7	40.9	16.6

See footnotes at end of table.

DOMESTIC OPERATIONS OF THE TRUNK AIRLINES ECONOMIC INDICATORS—Continued

	12 months ended		Change (percent)	Quarter ended		Change (percent)
	Dec. 31, 1969 [1]	Dec. 31, 1968		Dec. 31, 1969 [1]	Dec. 31, 1968	
30. Actual passenger load factor (percent)	49.9	53.0		45.1	48.7	
31. Break-even passenger load factor	47.2	49.4		43.4	48.1	
32. Actual less break-even passenger load factor	2.7	3.6		1.7	.6	
Revenue ton-miles (millions):						
33. Passenger	8,527	7,803	9.3	2,057	1,908	7.8
34. Freight	1,606	1,439	11.6	426	406	4.9
35. Mail	582	538	8.2	169	159	6.3
35a Other [4]	121	115	5.2	30	32	−6.3
36. Scheduled	10,836	9,895	9.5	2,682	2,504	7.1
37. Nonscheduled	492	426	15.5	97	102	−4.9
38. Total	11,328	10,321	9.8	2,779	2,606	6.6
Available ton-miles (millions):						
39. Scheduled	26,238	22,516	16.5	7,032	5,996	17.3
40. Nonscheduled	680	582	16.8	131	137	−4.4
41. Total	26,919	23,098	16.5	7,162	6,133	16.8
42. Weight load factor (scheduled) (percent)	41.3	43.9		38.1	41.8	
43. Break-even weight load factor	39.2	41.2		37.0	41.3	
44. Actual less break-even weight load factor	2.1	2.7		1.1	.5	
45. Revenue passengers per aircraft	56.0	57.2	−2.1	50.8	53.8	−5.6
46. Available seats per aircraft	112.2	107.8	4.1	112.8	110.5	2.1

Note: All total dollar figures are in millions.
Note: This carrier group includes:

American	Delta	Northeast	United
Braniff	Eastern	Northwest	Western
Continental	National	Trans World	

LOCAL SERVICE CARRIERS ECONOMIC INDICATORS

	12 months ended		Change (percent)	Quarter ended		Change (percent)
	Dec. 31, 1969 [1]	Dec. 31, 1968		Dec. 31, 1969 [1]	Dec. 31, 1968	
1. Passenger revenue (scheduled)	520.9	414.7	25.6	141.5	108.1	30.0
2. Freight revenue (scheduled)	22.6	17.5	29.1	6.3	5.2	21.2
3. Mail revenue	9.4	8.9	5.6	2.5	2.4	4.2
4. Charter revenue	9.3	6.8	36.8	3.0	1.5	100.0
4s. Subsidy	36.0	40.9	−12.0	8.8	7.9	11.4
5. Operating revenue	612.2	501.3	22.1	165.7	127.7	29.8
6. Operating expense	626.8	510.5	22.8	170.2	140.6	21.1
7. Operating profit	−14.6	−9.2	[2]	−4.5	−12.9	[2]
8. Interest on long-term debt	37.3	27.1	37.6	9.7	7.7	26.0
9. Income tax accrual (net)	−5.8	−9.1	[2]	−2.0	−4.3	[2]
10. Net income including investment tax credit	−55.6	−28.9	[2]	−13.2	−18.2	[2]
11. Long-term debt [3]	535.2	458.5	16.7			
12. Stockholder equity [3]	88.4	102.9	−14.1			
13. Total investment [3]	623.5	561.4	11.1			
14. Equipment deposits [3]	26.8	34.8	−23.0			
15. Adjusted investment [3]	596.8	526.6	13.3			
Rate of return on adjusted investment:						
16. Excluding investment tax credit	−3.0	−.4				
17. Including investment tax credit	−3.1	−.4				
18. Net income as percent of operating revenue	−9.1	−5.8		−8.0	−14.3	
19. Long-term debt as percent of total investment	85.8	81.7				
20. Operating revenue per dollar of investment	.98	.89	10.1			
21. Operating expense per dollar of investment	1.01	.89	11.0			
22. Operating profit per dollar of investment	−.02	−.02				
23. Passenger revenue per revenue passenger mile (cents)	8.27	7.54	9.7	8.84	7.72	14.5
24. Operating revenue per revenue ton-mile	88.16	84.44	4.4	90.60	81.13	11.7
25. Operating expense per revenue ton-mile	90.26	85.99	5.0	93.06	89.33	4.2
26. Operating profit per revenue ton-mile	−2.10	−1.55	[2]	−2.46	−8.20	[2]
27. Operating expense per available ton-mile	33.71	34.73	−2.9	33.37	34.13	−2.2
28. Revenue passenger-miles (scheduled) (billions)	6.3	5.5	14.5	1.6	1.4	14.3
29. Available seat-miles (scheduled) (billions)	14.7	12.2	20.5	4.0	3.4	17.6
30. Actual passenger load factor (percent)	42.9	45.1		40.0	41.2	
31. Break-even passenger load factor [3]	47.8	51.5		44.5	49.8	
32. Actual less break-even passenger load factor	−4.9	−6.4		−4.5	−8.6	
Revenue ton-miles (millions):						
33. Passenger	607.6	522.7	16.2	158.4	137.8	14.9
34. Freight	40.1	31.4	27.7	11.2	9.2	21.7
35. Mail	22.4	20.2	10.9	6.3	5.7	10.5
35a. Other [4]	9.0	8.4	7.1	2.3	2.4	−4.2
36. Scheduled	679.1	582.6	16.6	178.1	155.1	14.8
37. Nonscheduled	15.3	11.1	37.8	4.8	2.3	108.7
38. Total	694.4	593.7	17.0	182.9	157.4	16.2

See footnotes at end of table.

LOCAL SERVICE CARRIERS ECONOMIC INDICATORS—Continued

	12 months ended		Change (percent)	Quarter ended		Change (percent)
	Dec. 31, 1969 [1]	Dec. 31, 1968		Dec. 31, 1969 [1]	Dec. 31, 1968	
Available ton-miles (millions):						
39. Scheduled	1,823.2	1,441.9	26.4	499.0	406.4	22.8
40. Nonscheduled	36.2	27.9	29.7	11.0	5.5	100.0
41. Total	1,859.4	1,469.8	26.5	510.0	411.9	23.8
42. Weight load factor (scheduled) (percent)	37.2	40.4	----------	35.7	38.2	----------
43. Break-even weight load factor [3]	41.2	45.7	----------	39.4	45.5	----------
44. Actual less break-even weight load factor	−4.0	−5.3	----------	−3.7	−7.3	----------
45. Revenue passengers per aircraft	27.7	26.1	6.1	27.2	25.4	7.1
46. Available seats per aircraft	64.6	58.0	11.4	67.9	61.7	10.0

NOTES: All total dollar figures are in millions. This carrier group includes the following airlines:

Allegheny	**Lake Central	Ozark	Southern
*Bonanza	Mohawk	*Pacific	Texas International
Frontier	North Central	Piedmont	*West Coast

*A part of Air West System, effective Apr. 17, 1968.
**Merged with Allegheny, effective July 1, 1968.

Notes:

The figures in this report are based on reports of the carriers, without adjustments for accounting differences among carriers and without adjustments that would normally be made for ratemaking purposes. The amounts shown for operating expenses, net income and investment are, therefore, not necessarily those which either the carriers or the Board would find appropriate in a rate proceeding.

Individual items may not add to total because all parts of the whole are not shown on the tables or because of rounding.

[1] Included new mainland-Hawaii operations.

[2] Percentage change not computed because of negative amount.

[3] Long-term debt, stockholder equity, total investment, equipment deposits and capitalized interest (as reported in account 1550 of the Form 41's or as a note to the balance sheet) and adjusted investment for 12 months ended are 5 quarter averages. Quarterly numbers are the average of balances at the beginning and end of the quarter.

[4] Composed of express and excess baggage.

[5] Break-even = Capacity Operating Expense (Passenger), Scheduled Service:

Passenger Load factor, Scheduled Service = {Scheduled Passenger Revenue} − {Traffic operating Expense (passenger), Scheduled service} ÷ {Actual passenger Load factor, Scheduled service}

Traffic Operating Expense (Passenger) (i.e. that expense that varies with load factor) is computed at 10 percent of scheduled passenger revenue for the domestic trunks & International/territorial passenger/cargo carriers and 5 percent of Scheduled Passenger Revenue for the Local Service Carriers.

Weight Break-even Load factor Scheduled Service = Capacity Operating Expense, Scheduled Service:

{Scheduled Revenues − Traffic operating Expense, Scheduled service} ÷ {Actual weight Load factor, Scheduled service}

Traffic Operating Expense (i.e. that expense that varies with load factor) is computed at 10 percent of Scheduled Revenues for Domestic Trunk & International/Territorial Passenger/Cargo Carriers, 5 percent of Scheduled Revenue for Local Service Carriers, and 2 percent of Scheduled Revenue for All-Cargo Carriers.

TUNISIA'S INDEPENDENCE DAY

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. POWELL. Mr. Speaker, today marks the 14th anniversary of Tunisia's independence day, and it is a glorous day for the people of the Republic of Tunisia.

This country in North Africa, bordering the Mediterranean, with an area about 50,000 square miles and population about 5 million, has had a long and turbulent history. In 1880 it was brought under the French colonial rule, and in the midst of political turmoil, it enjoyed some prosperity. But the people wanted freedom to shape their own destiny, and at last they attained their goal in 1956. Then Tunisian leaders, headed by their very able and astute statesman Habib Bourguiba, formed a government. The constituent assembly was transformed into a legislative assembly, and Bourguiba was elected chief of state.

For more than a dozen years this patriotic and resourceful statesman has guided the destiny of the Republic of Tunisia, combating internal disaffections and defying external foes. He has managed to keep Tunisia's foes in check and has also succeeded in maintaining his country's good standing among its neighbors and also with the West. The statesmen of the West have valued President Bourguiba's services to the cause of peace and have aided him financially and morally. On its independence day let us hope that peace and stability continue to prevail in the Republic of Tunisia.

GI BILL INCREASE

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 1970

Mr. ZWACH. Mr. Speaker, I am proud to support the adoption of the conference report on H.R. 11959. It is my understanding that the other body will act upon it this week, thus clearing the measure for the President's approval. I hope that President Nixon will quickly approve the bill so that veterans attending school or participating in other types of training will receive their well-deserved and needed increase in monthly allowances.

As a member of the Education and Training Subcommittee of the Committee on Veterans' Affairs, it was my privilege to participate from the beginning in the hearings and the executive sessions which produced H.R. 11959. It was a good bill when it was reported from the committee and it is still a good bill, providing as it does a 34.6-percent increase in monthly allowances for veterans, widows, war orphans, wives, and children of totally disabled service-connected veterans enrolled in programs of education or training.

The unmarried veteran enrolled in a farm cooperative training program, for example, and pursuing such training on a full-time basis will have his monthly allowance increased from $105 to $141 monthly. I am disappointed, Mr. Speaker, that the conference report did not retain a Senate-passed provision that would have encouraged more young men to participate in farm cooperative training. This provision would have reduced the number of hours of institutional agricultural courses a veteran is required to take while concurrently engaged in agricultural employment. I am convinced, Mr. Speaker, that the present law requirement of 12 hours a week of institutional training plus full-time farming is more than the average veteran can handle.

It is my understanding, however, that the distinguished chairman of the Committee on Veterans' Affairs has agreed to introduce a bill similar to the Senate provisions on farm training that were deleted from H.R. 11959. I hope this measure will receive early and favorable consideration by the committee.

Mr. Speaker, the conferees are to be commended for their outstanding work in resolving the major differences in the two versions of this bill. I hope it will soon become law.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

THE NUMBER OF FAMILY PHYSICIANS AND DENTISTS ARE DIMINISHING

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. HELSTOSKI. Mr. Speaker, through these past few years many of us have deplored the diminishing numbers of family physicians and family dentists in our society.

These family physicians and dentists were bulwarks of our society. They added to the luster, understanding, and accomplishments of it. They were friends in need in the most trying family situations of sickness and fear.

We miss our family physicians and dentists, but there is hope that growing numbers of them will return to our midst with their ministrations and help. They will if those in the medical and dental professions heed the advice of Dr. Roy Fuhrman, a dentist residing in my congressional district.

These following words of advice by Dr. Fuhrman are contained in the following article taken from the Bulletin of the Bergen County Dental Society, issue of February 1970:

"TOMORROW'S IMAGE TODAY"

(By Roy Fuhrman, D.D.S.)

A serious result of the growing crisis in the doctor-patient relationship is reported in Science News (December 13, 1969–page 552). "Medical malpractice awards are approaching 1.2 million and expected to average $65,000 each in 1970. Malpractice insurance premiums can run up to $10,000 a year!" The report goes on to say, "the root of the problem seems to be the change of the physician from healer to businessman." This obviously includes the dental and other healing professionals. Concentration by our profession toward the objective of the business or corporate image will most assuredly generate a medico-legal no-mans land which can magnify itself into a modern Frankenstein. It is also obvious that this monster casts a dark costly shadow that eats money which could be utilized in far more constructive avenues.

Crawford Morris, a leading malpractice lawyer defends professionls, says that one solution to the problem is to bring all medicine under a clinic or hospital system where all doctors are salaried employees and the institution would be responsible for their acts. To my way of thinking this is a far worse monster than the Frankenstein creation. It would bring on a system where unlicensed administration would control our professions. Does this ring a bell? Enter socialized medicine.

The solution? A closer, more personal relationship with our patients is the only way to reverse the damages if it is not already too late. This means slowing the pace a bit. This means more time per patient. And here is where a good practice management concept comes into the picture. Not for competing with other industries which open the public's purses. Not for the primary objective called profit. But for the simple means of doing more dentistry of very high quality for the fewer patients on our rolls. Thus preventive dentistry can be labelled as a reality and not a dream. Much of the dentistry we do is the redoing of past work of too recent application to fend off as normal attrition. If the work redone had been more carefully and perhaps more slowly performed in the first place, it is simple logic to expect more quality with longer lasting results.

One of the major Practice Management companies showed me how to cut down on my top-heavy schedule—reduce working hours—and do more and better dentistry than I imagined I could. Absolutely no change in equipment was suggested or required. The only change was in my attitude concerning my practice and in making longer appointments for my patients. There was no mention of competition or money markets. These entities are not and really never could be in the dental universe. When the day arrives that a human being is as happy about submitting to dental treatment as he is about the purchase of a hot stock or a new car I'll believe in the need for dentists to compete with other so-called markets!

There is nothing attractive about dentistry from the patient's point of view except its good and long-lasting results. Burn this statement into your minds. It is the truth about our profession. There are no "Ben Casey" stories about dentists on television for a good reason. Certainly we can stop pain, improve mastication, build a beautiful new smile, correct speech problems, etc. . . . but we do not qualify as movie or television heroes. This may seem amusing but it should tell us something about the way the public sees dentistry. Some of us apparently never get the message. So I'll repeat it here. The necessary manipulations of the dentist are such that to the layman they are unappealing, unattractive, frightening, annoying, painful, time consuming, exhausting, malodorous, bad tasting, evil-sounding, expensive, and generally very undesirable. I doubt if we could find another field of endeavor, be it profession or business, so loaded with negative properties. We dentists should be proud of our abilities to successfully perform in an environment so subjectively antagonistic to the human organism. Let's also give our patients some credit too for being heroic enough to go through with any extensive dental treatment program and pay for it as agreed upon.

We are therefore competing not with other markets, but with the negative aspect of our own profession which to the public, represents the bulk of the work we train so hard to become expert in doing. Compassion with a reasonable measure of altruism can offset a large part of this apprehension concerning dentistry.

A businessman's approach to reducing this negative image will only serve to enforce the growing fears and mistrust that the public feels for the healing professions in general.

Recent exposures of municipal leaders involved with high crime, exposes proving corporate giants not serving the public interest, unparalleled increases in the cost of living—with the cost of health care at the top of the list; all these problems make the consumer wary and suspicious of the motives of everyone he deals with. Rest assured, gentlemen, dentists are included as are all those who deal in personal services. Professional ethics therefore becomes more important today than it ever has been in the past. We must constantly strive to prove our integrity. We must maintain a level of ethical vigilance that is higher than it has ever been before in the history of our profession. If not . . . and the warning signs are all too visible . . . we shall be forced to relinquish that which by definition makes us a profession. Self regulation will fall by the wayside. The matter will simply be taken out of our hands by an angry and frustrated society. Our coveted license to practice our art will become a bureaucratic rubber stamp. We will practice dentistry as administrative employees of frequently incompetent and grossly untrained lay supervisors.

It is true that highly publicized programs such as Children's Dental Health Week are helping to improve our image publicly. But it is at the daily private clinical level that the real job can and must be done. Public relations is part of the daily working landscape of every (practicing) member of our profession. Let's rip off the facade of the businessman and proudly display the real fellow behind all that modern complicated equipment. The family dentist; a professional man who can truly be relied upon to do his utmost to preserve and maintain the oral structures of all those who seek his services.

STATEMENTS OF PRESIDENTS OPPOSE INVOLVEMENT IN LAOS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. EVINS of Tennessee. Mr. Speaker, Mr. Clayton Fritchey in a recent article in the Washington Star cites the record of President Nixon and former Presidents Eisenhower, Kennedy, and Johnson with respect to involvement in the Indochina area and Laos.

In this column Mr. Fritchey points out—

That President Nixon has vowed that Laos will not be another Vietnam;

That President Eisenhower said intervention in the Indochina area which includes Laos would be a "great tragedy";

That President Kennedy said, "I just don't think we should get involved in Laos," and

That President Johnson was strongly opposed to intervention in Laos.

Because of the interest of my colleagues and the American people in this matter, I place the article in the RECORD herewith.

The article follows:

[From the Washington Star, Mar. 16, 1970]

PAST RECORD FOSTERS UNEASINESS OVER LAOS

(By Clayton Fritchey)

Sen. Stephen M. Young, D-Ohio, says "Laos is not worth the life of one American soldier." Almost 10 years ago, before the war in Vietnam, then Secretary of State Dean Rusk liked to say that "Laos is not worth the life of a single Kansas farm boy." Rusk and Young are in distinguished company, for much the same thing was said by three presidents in a row.

In 1954, Eisenhower said it would be a "great tragedy" to intervene in Indochina, which embraced both Laos and Vietnam. Lyndon Johnson, then Democratic Senate leader, was even more opposed; and when John F. Kennedy entered the White House he felt Laos was not "worthy of engaging the attention of great powers."

Historian Arthur Schlesinger reports that Kennedy wondered why the United States should "fight for a country whose people could not care less about fighting for themselves." He also found it "hard to understand why the United States had to take the responsibility." Kennedy said, "India's more directly threatened than we are; and, if they are not wildly excited, why should we be?" Why, indeed?

Yet, after all these years, the United States today finds itself at war not only in Vietnam but in Laos, because Eisenhower, Kennedy and Johnson despite their grave doubts each inched the country deeper and deeper into

the quicksand of Southeast Asia without ever consulting the American people.

It is this unhappy experience that explains why so many senators of both parties, now alarmed over the growing "secret" involvement in Laos, are so skeptical about President Nixon's assurances that he doesn't intend to let Laos become another Vietnam.

War, like hell, is paved with presidential good intentions. Democrats, in particular, have good reason to be skeptical, for three Democratic presidents campaigned on peace platforms—in 1916, 1940 and 1964—and a year later all three were presiding over wars. The uneasiness over Nixon's intentions is magnified because he has been a laos-Vietnam hawk for 16 years. As vice president in 1954, Nixon (unlike Eisenhower) was openly advocating armed intervention in Indochina.

Seven years later, just after the Bay of Pigs disaster of April 1961, Nixon in a White House visit urged on President Kennedy an invasion of Cuba and "a commitment of American air power" to Laos. According to Nixon himself, Kennedy replied, "I just don't think we ought to get involved in Laos, particularly where we might find ourselves fighting millions of Chinese troops in the jungles. In any event, I don't see how we can make any move in Laos, 5,000 miles away, if we don't make a move in Cuba only 90 miles away."

Both Nixon and Secretary of State Rogers now are trying to quiet the fears of Congress, but Sen. J. W. Fulbright, chairman of the Senate Foreign Relations Committee, said he had been "scared to death" by the private contention of a high-ranking administration official that Laos was more important to the United States than Vietnam.

The Senate majority leader, Mike Mansfield, Senators Stuart Symington, Albert Gore, George McGovern, and other Democratic spokesmen, are, in the words of Gore, "very afraid we are gradually being sucked into a new Vietnam-type war."

The White House, which thought it had the issue safely damped down, is obviously disturbed by the turn of events, for it can sense that the growing anxiety over Laos also is raising fresh doubts about the soundness of the administration's so-called Vietnamization policy.

The weakness of this strategy has always been that it could be upset by Hanoi, not only by new initiatives in South Vietnam but in Korea, or Thailand, or Laos. Nixon can counter (as he has warned) by sharply escalating the war, but he then will be embracing the policy that cost Johnson the presidency.

FEBRUARY PARITY

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. ZWACH. Mr. Speaker, recently the parity average figure for February 1970 was released. I am happy to note that it is a 75-percent average compared to a 73-percent average, a year ago at this time.

While the average is 2 percent higher than last year, I am not satisfied that it did not climb above the January figure which was also 75 percent. Only when the farmers of this Nation receive a full 100-percent parity, will they be earning a true and honest income for the efforts they extend in feeding the families of this Nation.

Mr. Speaker, in accordance with my usual custom, I hereby insert the parity figures for February:

PARITY, FEBRUARY 1970

(In percent)

Commodity	February 1969	January 1970	February 1970
Wheat	48	47	47
Corn	65	64	65
Cotton	42	40	42
Milk	83	82	82
Butterfat	75	75	74
Wool	43	41	40
Barley	66	61	60
Flax	68	62	61
Oats	70	63	62
Sorghum	65	67	67
Soybeans	70	64	64
Beef	80	82	84
Hogs	78	96	100
Lamb	89	87	86
Turkeys	62	77	76
Eggs	76	96	88
Average	73	75	75

IT IS FOR THE BIRDS BUT GONE TO THE DOGS

HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. LANGEN. Mr. Speaker, there has been considerable discussion in recent months about the validity of numerous research projects being financed in whole or in part by public funds.

Two questions immediately arise that are deserving of fair and honest answers. First, are these research projects really needed, and second, have the results of such studies justified the money expended?

Of course, there are those who would come to the defense of any and every research project, claiming that this is a noble effort to expand man's fund of knowledge.

Such logic is purposefully designed to be disarming—after all, who will admit to being against knowledge, or mother, or flag, for that matter. But such reasoning is rather spurious on second thought, and one wonders to what limits of absurdity we might go in the name of science and progress. Particularly where public funds are involved, we must impassionately ascertain the probable cost-value ratio of each endeavor.

But have research projects to date been subjected to critical examination? Needless to say there is much research today that is most important—no one would question the urgent need to conquer cancer, for example.

Unfortunately, things are not all that clearly cut, and I am convinced that much needs to be done to tighten controls over all types of research conducted at public expense, lest we continue to lay eggs, like the example below.

There has been concern for some time that centers of basic and applied research have been too narrowly concentrated within a few geographical areas in the United States, hence the decision to establish a broad program to develop new centers at heretofore excluded institutions of higher learning. Altogether 118 such programs have been initiated at 76 universities in the United States, and by this action project THEMIS was given the breath of life by the Defense Department.

As part of this program the University of Mississippi was awarded a grant of $600,000 to study the possible use of birds to replace humans in jobs which might be dangerous or "boring."

Again, on first reflection this might sound somewhat reasonable—after all, is it not true that pigeons have been used successfully in past wars as couriers?

But what has become of this feathery episode? To start with, we must seriously question the very legitimacy of such a large expenditure, since the Department of Defense at first claimed that the program was not directed at developing a specific operational military system or device, but rather for the generalized, nebulous, and I might say evasive purpose of building a "better understanding of how to meet a variety of current and future military tasks." Taken from a GAO report.

Now, would someone care to step forward and explain what that means, and also to justify the spending of over a half million dollars of the taxpayers' money for this scheme?

Well, apparently the Defense Department has had some second thoughts of its own, since we now find that, first of all, the project has been cut back from $600,000 to $500,000 and even more surprising, they have decided to give up on the birds and will instead concentrate on the use of dogs. Why? The answer is simple, says the Air Force Office of Scientific Research: "So that more immediate useful application of the research can be realized."

Exit some disillusioned birds and $600,000 which has flown the U.S. Treasury coup.

KINGDOM OF MOROCCO

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. POWELL. Mr. Speaker, the sovereign Kingdom of Morocco in northwest Africa was created on March 2, 1956. King Hassan II became the monarch in 1961 and his country became a constitutional monarchy under a constitution approved by referendum in December 1962. The first parliament was elected by universal vote in May 1963.

Morocco is one of the most beautiful and historic countries in Africa. Over half a million tourists are attracted annually to see its casbahs, Roman ruins, old fortresses and oases. The Riff and Atlas mountain ranges have long been celebrated. The country is primarily agricultural and pastoral. It is second to the United States in production of phosphate rock and is first in phosphate exports. It is a significant producer of cobalt. Carpets, leather goods, and silk products are among the manufactures.

We salute the Kingdom of Morocco on the 14th anniversary of the declaration of March 2, 1956.

BRONISLAW BREMENSTUL

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. HELSTOSKI. Mr. Speaker, the Polish community of the Ninth Congressional District of New Jersey lost a very able and leading citizen when Bronislaw Bremenstul passed away on March 15.

Mr. Bremenstul was one of the most friendly persons it has been my opportunity to meet, and I admired his sincerity and honesty in fighting for the things he believed in very deeply.

As a friend, he was loyal, courteous, and accommodating. His devotion to the United States of America was unquestioned, and his loyalty to the Democratic Party was most avid.

In his life, Bronislaw Bremenstul was a patriot of the first order. In death, he bequeaths to his fellow Poles and Americans a legacy of outstanding civic achievement.

Mr. Speaker, I am proud to pay tribute to a great Polish-American and I know that he will be missed in East Bergen. We will miss his warmth, his courtesy, his conviction.

Mr. Speaker, as part of my remarks, I insert his obituary, which appeared on the day after his death:

BRONISLAW BREMENSTUL—POLISH-AMERICAN LEADER WAS 75

Bronislaw Bremenstul, 408 Sherman pl., Fairview, a leading figure in the Polish-American Community of East Bergen for many years, died yesterday at Englewood Hospital. He was 75.

Mr. Bremenstul was president of the Polish American Democratic Club of Cliffside Park. Having been instrumental in organizing the club in 1929, he served as president from its inception for a period of 12 years. After that he was president for a total of 30 years.

Born in Poland Jan. 15, 1895, he migrated to the United States in 1913 at the age of 18, making his home in New York City. He became a naturalized citizen in 1922 and joined the Polish Democratic Club in the Eighth Assembly District, New York City, the same year. He moved to Fairview in 1926. Though he was retired at the time of his death, he had worked for the Grove Meat and Provision Co. for 40 years.

Mr. Bremenstul was a member of Fairview Board of Health, having served four years during the Mayor Francis Munley administration. For the past few years, he served as a crossing guard.

A member of the Polish-American Welfare Council of Cliffside Park-Fairview for the past 33 years, he also served as its delegate and was a committee member for the Pulaski Day parade in New York City annually. He was an honorary member of the Bergen County Democratic Club.

Mr. Bremenstul was one of the four stalwarts honored at a dinner sponsored by the Men's Democratic Club of Bergen County on Oct. 25, 1962, at the Neptune Inn, Paramus. He also had been honored at a testimonial dinner and awarded a plaque by his own organization.

He also was president and headed the board of directors of the Polish National Home, St. Mark's pl., New York City; member of Polish American Democratic Club of New York and St. Joseph's Society Group 60 of Cliffside Park.

Surviving are his wife, Marie (nee Prechitko); a son, Ludwig, who is a construction engineer in New Orleans, La., and a daughter, Mrs Joan Dolecki of Fairview, secretary to Fairview schools superintendent; a sister and a nephew in Poland. Six grandchildren also survive.

Mr. Speaker, upon the loss of a husband, father, and grandfather, I express my deepest sorrows and my condolences to his wife, Marie; his son, Ludwig; his daughter, Mrs. Joan Dolecki; and to the six grandchildren who survive him.

JUNIOR ACHIEVEMENT AND OPERATION HOLLAND

HON. FLORENCE P. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mrs. DWYER. Mr. Speaker, many of our colleagues will recall previous occasions on which I have been privileged to bring to their attention the remarkable work of Junior Achievement of Union County, N.J., through its annual youth incentive and economic education award projects.

As elsewhere in the country, Junior Achievement in Union County aims at providing practical experience for high-school-age boys and girls in the establishment and operation of their own profitmaking business establishments.

This learn-by-doing activity—encouraged and supported by adult business leaders—has enjoyed great success in acquainting young Americans with the challenge and the opportunity and the satisfaction of participating in the private enterprise economy.

In Union County, however, Junior Achievement has reached a kind of zenith, due to the skill and imagination of its adult staff and board of directors and the generous and constant support of the business, financial and industrial community of the area, which I have found nowhere else.

Entitled "Operation Holland," this year's Junior Achievement project will be climaxed by a weeklong visit to Holland by the 30 to 35 award winners—boys and girls whose individual achievements with their junior companies earned them this recognition. In Holland, they will be hosted by a number of major industrial firms, including Merck, Sharp & Dohme, Ford, GAF, Esso, and KLM, whose officials will introduce them to the dynamic life of The Netherlands through that country's industrial, educational, cultural, and scientific activities—thereby further preparing young Americans to assume the responsibilities that will soon be theirs.

Through the cooperation of Harry P. Frank, publisher of the Daily Journal of Elizabeth, N.J., and a member of JA's board of directors, I am proud to include as a part of my remarks in the RECORD the JA bulletin outlining "Operation Holland" and an article from the Newark Star-Ledger describing the program.

I recommend them to our colleagues as an invaluable source of information about a most constructive and effective way of involving young people in activities whose benefits will follow them throughout their lives.

The article and bulletin follow:

[From the Sunday Star-Ledger, Nov. 16, 1969]

STUDENTS GET A PRIMER ON FREE ENTERPRISE

(By John Soloway)

Once again Junior Achievement of Union County Inc., aided and abetted admirably by business and industrial leaders of the area, has come up with a project with merit and muscle on behalf of the American competitive private enterprise system.

This dynamic and well-conceived youth incentive and economic education project is called Operation Holland. It will send some 35 boys and girls of high school age on a week-long visit to industrial, educational and cultural centers in The Netherlands.

Philip C. Osterman, president of Junior Achievement of Union County, in announcing the project said:

"For some time now our American competitive enterprise system has been under attack from some quarters. As has been said time and again, free enterprise needs better informed and more dedicated believers. Whether our system continues to flourish, or whether the props are pulled out from under it, depends upon how well our youth understand it, and how vigorously they defend it."

He continued, "Thus far Junior Achievement is the brightest hope of preserving our system unimpaired."

As in previous similar projects, some 900 students from 23 public and parochial high schools in the county are already actively competing for a coveted spot among the award winners who will visit Holland next spring.

Winners will be selected on the basis of overall competence in their Junior Achievement activities including production and sales, safety, new and creative ideas to improve their junior company operations and reduce operating costs, attendance records, punctuality, and a generally high degree of excellence in all phases of Junior Achievements activity.

The project gets off the ground next May when the Junior Achievers selected for the trip will take off via HLM Royal Dutch Airlines for Amsterdam International Airport and their visit to the Amsterdam and Rotterdam areas of Holland.

Junior Achievement's Operation Holland has the support not only of business and industrial leaders of New Jersey, but the blessings of the Hon. John Middendorf II, American ambassador to The Netherlands, and his staff, according to J. Kenneth Roden, executive vice president of JA of Union County.

It ought to be noted here that Ken Roden, who has more than just a flair for public relations, is the pappy of Operation Holland and the several similar projects which preceded it.

Coordinator for the upcoming project in The Netherlands is John Barens, director of government liaison for Merck Sharp & Dohme Nederland N. V.

Enthusiastic support and cooperation have already been assured by Dutch industrialists including J. F. A. DeSoet, deputy general manager, KLM Royal Dutch Airlines; J. W. H. Langenberg, vice president of Rhine-Schelde Engineering & Ship Builders Ltd; Alfred Knol, Arthur Andersen & Co.; L. V. Assiter, Austin-Nederlands N. V., Chris R. Bagchus, Esso Netherlands; John V. Schen, Esso Chemie N. V.; Roel Van Der Velde, Ford of Holland; Marinus Schouten, GAF Nederland; Dr. J. Ph. Backx, Scheepvaart Vereeniging Zuid (Rotterdam Port Employers' Association, and American Cyanamid Co's. installation in The Netherlands.

Junior Achievement's New Jersey sponsors participating in the project are: Airco Welding Products Division, Arthur Andersen & Co., The Austin Co., Bell Telephone Laboratories, Holmdel and Murray Hill installations.

Also, Bristol-Myers Products, Burry Biscuit, Chevron Oil Co., CIBA Corp., The Daily Journal, Enjay Chemical Co., FMC Corp., GAF Corp., General Motors Assembly and New Departure-Hyatt Bearings, General Electric, Humble Oil & Refining Co., IBM, Merck & Co.

Also, New Jersey Bell Telephone, Phelps Dodge Copper Products, New Jersey Chapter of Public Relations Society of America, Public Service Electric & Gas, Purchasing Agents Association of North Jersey, Purolator Inc., Quinn & Boden Co.

Also, Radio Corporation of America, Schering Laboratories Division of Schering Corp., Peter J. Schweitzer Division of Kimberly-Clark Corp., Simmons Co., Singer Co., Union County Chapter of Certified Public Accountants, Wayne Steel Co., Weston Instruments and White-Pharmaco and Young Presidents Organization.

JUNIOR ACHIEVEMENT OF UNION COUNTY, INC.,
Elizabeth, N.J., January 12, 1970.

To: Junior Achievement Sponsors, Advisers, company presidents, and high school principals.

From: J. Kenneth Roden, Executive Vice President.

Subject: Operation Holland.

AWARD WINNING JUNIOR ACHIEVERS TO VISIT HOLLAND—WHERE THE GOOD LIVING BEGINS

Junior Achievement is a dynamic, positive program which develops a better understanding of how business operates, its problems, its rewards, and its invaluable contributions to a better life for all people.

There is a definite and continuing need for all who are associated with Junior Achievement to inspire our young people to rededicate themselves to the principles of Free Enterprise. We must effectively teach and demonstrate that our Free Enterprise System is not just a system for carrying on business but much more: The best system for promoting human progress while preserving individual freedom—the system which leads the world in industrial growth and high standards of living.

AN INCENTIVE FOR JUNIOR ACHIEVERS

Operation Holland is a three-pronged youth incentive, economic education, and public relations project. It will continue throughout the Junior Achievement program year. It will be climaxed with a week-long visit to Holland, beginning May 23, 1970, by about 30 to 35 Junior Achievers accompanied by adult advisers from industry.

In Holland the Junior Achievers will have an opportunity to develop personal knowledge of the industrial, educational, scientific and cultural activities of The Netherlands. They will return better prepared to assume their future responsibilities as voters, community leaders, employees and managers in a world where international relationships are becoming increasingly more important.

The group will meet with Dutch business, industrial, educational and government leaders, and their families. Arrangements are being worked out in cooperation with the Honorable John William Middendorf II, American Ambassador to The Hague; John Bovey, Jr., Chargé d'Affaires at the U.S. Embassy; John Barens, Merck Sharp & Dohme, Nederland NV; J.W.A. Longenberg, Rhine-Schelde Engineers & Shipbuilders Ltd., and other prominent Dutch and American businessmen.

Extensive press, radio and television coverage, locally and in Holland is being planned throughout this program year, as well as during the visit to Holland.

WHY HOLLAND?

Because Holland, for centuries occupying a central place of commercial activities, has become an industrial country of major importance. Only 15,450 square miles, much of it below sea level on land reclaimed from the sea, Holland is at the estuary of the most important navigable rivers of Western Europe. Emphasis is shifting from the traditional textile, ship building, and food industries to chemical, metallurgical, petroleum, and electrochemical industries.

Our Junior Achievement group has been invited to visit industrial installations, schools and cultural sites. Arrangements will be made for the Junior Achievers to meet with students and to be guests in homes of executives and officials of the host organizations.

A most important phase of the visit will be a day spent with industrialists at their places of business and participation in discussions of production techniques, management responsibilities, and employment opportunities.

OBJECTIVES OF OPERATION HOLLAND

Operation Holland has been planned and developed by the Board of Directors of Junior Achievement of Union County to meet our present-day challenges. Its objectives are:

(1) *To provide Junior Achievers and Advisers with a positive educational and incentive program designed to stimulate full understanding of the principles, motivations and rewards of Free Enterprise.*

Operation Holland will demonstrate that every individual, employee, manager, or community leader, must be ever aware that the vigor of our private enterprise system depends upon a heritage that attaches prime importance to opportunity for the individual, personal initiative, responsibility and competence. It will demonstrate that people are the priceless asset of any business organization and that each human being is a unique talent which, given an opportunity for expression, can add value to a company.

(2) *To give Junior Achievers actively engaged in owning and operating their own junior companies an opportunity to feel the pulsebeat of industry and international trade, and to learn first-hand the economic facts of life in business at home and abroad.*

Emphasis will be on the need for profits and a high level of individual competence and productivity, without errors. The effect of business profits upon the everyday lives of young people, their families, and the community and the economy as a whole will be stressed.

Operation Holland will demonstrate that each individual's contribution, if properly utilized, will result in a profit to himself, to his employer, to the community and nation. It will further assure continued growth, prosperity and stability of the economy and will show how corporate profits become job producers.

The experience of international travel by jet aircraft will demonstrate to the Junior Achievers how, under the Free Enterprise system, research and development in the transportation industry and aggressive promotion, have advanced international trade, travel and communications and narrowed the world's horizons, thus improving human relationships.

(3) *To have successful businessmen, experienced in the various stages of education and business advancement, convince the Junior Achievers of the dollars and cents value of a high school diploma and to demonstrate clearly the increased income and opportunities available to those who obtain higher education or seek technical or specialized training.*

The project will demonstrate how profitable and essential continued education can be and how short-range thinking with emphasis on short-term income opportunities and job security, without personal initiative and productivity and responsible leadership, fail to develop the full potential of the individual.

(4) *To maintain the high standards of performance, productivity, and prestige of the Junior Achievement program.*

Special emphasis will be placed on stimulating superior performance at all levels of Junior Achievement activity, development of personal initiative, creative thinking, resonsible leadership, good attendance, punctuality and accuracy. Improved production techniques to reduce operating costs will be encouraged. Aggressive safety and quality control programs will be required. Sales incentive programs will be emphasized.

(5) *To demonstrate to Junior Achievers, parents, educators and the community at large the degree of interest which local businessmen have in young people, and to give recognition to business and industrial sponsors and supporters of Junior Achievement for their unselfish efforts on behalf of young people.*

This program will demonstrate to the community that local business and industrial organizations are good neighbors, willing to help prepare young people to accept responsibilities of business management and professional and community leadership.

There will be widespread publicity about Operation Holland and opportunities for good employee and community relations will be initiated by Junior Achievement on behalf of its sponsors and other participants.

(6) *To give Junior Achievers an opportunity to become goodwill ambassadors and to feel first-hand the pulsebeat of international relations.*

The Junior Achievers will develop a keener understanding of the importance of sincere cooperation in international relations in all areas: human relations, government, and particularly business and industry. They will be introduced to the many aspects of life outside the United States through their visits and association with businessmen and professional people, government officials and educational groups.

COMMUNITY PARTICIPATION

There will be extensive community participation in Operation Holland. Every effort will be made to stimulate the entire community to rededicate themselves to the principles of Free Enterprise.

NOMINATIONS AND SELECTION OF ACHIEVERS FOR THE AWARD TRIP

In April outstanding Junior Achievers will be selected for the award trip, scheduled to begin May 23. The deadline for nominations will be 9 p.m. Thursday, April 2. Judging of nominees is scheduled for Saturday, April 11.

Provided that the Junior Achievement company and its individual Junior Achiever members have met the standards set forth in the Performance Standards Bulletin, the company will have the privilege of nominating members for participation in the Operation Holland award trip. Consideration should be given only to outstanding Junior Achievers based on performance and achievement in the following areas:

Leadership.

Personal initiative and creating thinking.

Appearance, grooming, poise.

Ability to get along with young people and adults.

Originality of products.

Production and sales techniques and their successful application.

Attendance and punctuality.

Adherence to and proper execution of safety regulations.

Good quality control.

Accuracy of company records.

Knowledge of Junior Achievement company operations.

Knowledge of sponsoring company's activities.

Knowledge and understanding of the val-

ues, workings and benefits to the individual of the Free Enterprise System.

Knowledge of the history, culture and economic development of Holland.

Future educational and employment plans of the Junior Achiever and degree to which they are being implemented.

The degree of personal participation in bringing the Junior Achievement company into full participation in Operation Holland should be an important factor in the selection of nominees. Bear in mind that the Junior Achievers who visit Holland will be representatives of our industrial and educational community and will be guests of important citizens there.

A nomination form will be provided by Junior Achievement with instructions for completion and the due date.

All nominees will be interviewed by a special Junior Achievement Awards Panel, at a time and place to be specified by Junior Achievement. Decisions of the Judges will be final.

Selection of Junior Achievers who will participate in the award trip will be announced about three weeks in advance, when instructions will be issued for obtaining written permission from parents or guardians. Travel requirements, including passport and health certificate, and other pre-trip details will be discussed.

INCENTIVE PROGRAM COMMITTEE

The Board of Directors of Junior Achievement of Union County has delegated responsibility for the planning and execution of Operation Holland to Mr. J. Kenneth Roden, Executive Vice President. He will be responsible for liaison with American and Dutch government officials and agencies, and other participating organizations.

The Board of Directors has named a Committee to advise and assist Mr. Roden. Members of the Incentive Program Committee are:

James D. Abeles, President, Purolator Inc.

John Hallahan, President, New Jersey Chapter, Public Relations Society of America.

William M. Bristol III, Group Vice President, Bristol-Myers Company.

John J. Conlon, Vice President, Phelps Dodge Copper Products Corporation.

Harry P. Frank, Publisher, The Daily Journal.

John Mossey, President, Wayne Steel Company.

Honorable Richard R. O'Connor, O'Connor, Morss & O'Connor, General Counsel for Junior Achievement of Union County, Inc.

J. Kenneth Roden, Executive Vice President, Junior Achievement of Union County, Inc.

Barbara A. Walker, Administrative Assistant to the Chairman, Indian Head Inc.

F. A. Westphal, Manager, Bayway Refinery, Humble Oil & Refining Company.

PARTICIPATING ORGANIZATIONS

Some of the organizations participating in Operation Holland are:

Airco Welding Products Division.
American Chamber of Commerce.
American Cyanamid Company.
Anchor Corporation.
Arthur Andersen & Co.
The Austin Company.
Bell Telephone Laboratories, Inc.—Murray Hill and Holmdel, N.J.
Bristol-Myers Products, Bristol-Myers Company.
Burry Biscuit Division, The Quaker Oats Company.
Chevron Oil Company.
The Daily Journal.
Enjay Chemical Company.
FMC Corporation.
Ford Motor Company.
GAF Corporation.
GM Assembly Division, General Motors Corporation.
General Electric Company.
Humble Oil & Refining Company.
Industrial Management Club of Elizabeth.
International Business Machines Corporation.
KLM Royal Dutch Airlines.
Linden Industrial Association.
Merck & Co., Inc.
Merck Sharp & Dohme Nederland NV.
New Departure-Hyatt Bearing Division, General Motors Corporation.
New Jersey Bell Telephone Company.
New Jersey Manufacturers Association.
New Jersey State Chamber of Commerce.
North Jersey Purchasing Agents Association.
Phelps Dodge Copper Products Corporation.
Public Relations Society of America, New Jersey Chapter.
Public Service Electric & Gas Company.
Purolator, Inc.
Quinn & Boden Company, Inc.
Radio Corporation of America.
Rotterdam Hilton Hotel.
Rhine-Schelde Engineers and Shipbuilders,, Ltd.
Rotterdam Port Employers Association.
Schering Laboratories Division, Schering Corporation.
Peter J. Schweitzer Division, Kimberly-Clark Corporation.
Simmons Company.
The Singer Company.
Union County Chapter, New Jersey Society of Certified Public Accountants.
United States Embassy at The Hague.
Weston Instruments, Inc.
White-Pharmaco.
Young Presidents Organization, New Jersey Chapter.

CLOSING OF U.S. CONSULATE IN RHODESIA

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. RODINO. Mr. Speaker, it was very heartening to those of us dedicated to the principle of equal rights for all to note our Government's recent action in closing the U.S. consulate in Rhodesia. I find the continuing efforts of the illegal government in Salisbury to deny proper representation to that country's black population a gross affront to justice and human dignity. In this connection, I would like to include in the RECORD an excellent editorial from the New Jersey Afro-American of March 21, 1970, commenting on the issue:

A CONSULATE CLOSES

The United States took a step in the right direction with the closing of the consulate in Rhodesia. A number of other governments already have taken similar action.

When Rhodesia on March 2 declared itself a republic, it told the world that a few hundred thousand whites would attempt to continue indefinitely to hold millions of blacks in bondage in the latter's own country.

While American men fight and die because the government says the U.S. must help preserve self-determination for the South Vietnamese, it would have been hypocritical beyond diplomatic explanation to have continued our consulate in Rhodesia.

However, the action taken does not begin to meet the responsibility of the United States in southern Africa.

Congressmen Charles C. Diggs, D–Mich. and Jonathan B. Bingham D–N.Y. put the situation in perspective when they said in a joint statement:

"We hope that this initiative will be followed by the United States continuing to fight to implement principles of racial equality and self determination. The closing of the consulate must be the catalyst to ensure the necessary changes, not only in Rhodesia but throughout southern Africa.

"The United States must strengthen sanctions against Ian Smith's illegal white regime. The United States must discourage investment and trade with the South African government. The United States must strengthen her relations with majority ruled nations in southern Africa. The United States must urge Portugal to decolonize Mozambique and Angola. The United States must urge South Africa to surrender the mandated territory of South Africa."

Unless the United States moves in these directions, the two congressmen suggest, the closing of the consulate "will have little meaning."

They are right.

REPORT TO CONSTITUENTS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. WOLFF. Mr. Speaker, regularly I report to my constituents on important national issues and my activities in Washington. Under leave to extend my remarks I wish to include my most recent report in the RECORD. It follows:

MARCH 1970.

DEAR FRIEND AND CONSTITUENT: In this regular issue of my Washington newsletter I would like to discuss with you the disturbing problem of our faltering national economy. Since Long Island's much publicized economic woes are really symptomatic of a much larger national problem, our local situation is directly tied to policy decisions made in Washington.

As I shall explain in detail, the national economic picture is bleak. Moreover, if the discredited policies of tight money and unemployment are not discarded we face greater unemployment, continued inflation and more costly welfare expenditures stemming from increased joblessness. The situation is an outgrowth of economic policies pursued by the past and present Administrations.

These policy decisions have been aimed, although quite poorly aimed, at the problem of inflation. As you realize every time you go to the supermarket inflation has not been controlled. And now in addition we are faced with the possibility of recession.

To fight the spectre of a full-scale recession—to end the unprecedented combination of high inflation and high unemployment—to set our economy on the right path—I propose the following:

Reorder our national priorities to yield a net reduction in federal spending. This can be done by ending unnecessary, wasteful programs and diverting a portion of the savings to essential domestic programs.

End unsurious interest rates.

Reject the callous and counter-productive policy of deliberately creating unemployment.

End the federal income tax surcharge.

These points are explained in detail inside. As always your comments and opinions are most welcome. Best wishes.

Sincerely yours,

LESTER L. WOLFF,
Your Congressman.

UNEMPLOYMENT

The economic situation on Long Island is approaching a critical stage, with unemployment already above the national average and substantial layoffs and plant closings expected. Unemployment could well affect six percent of the Long Island working force in the near future.

This is symptomatic of the economic slowdown being felt throughout the country. This slowdown, considered by some economists to be a full-scale recession, is the consequence of the government's poor fiscal and monetary policies in 1969.

This February the national unemployment rate rose to 4.2 percent with continuing increases likely through 1970. On Long Island the rate is even higher.

The Administration has deliberately created unemployment. This was indicated when the President's Council of Economic Advisors appeared before a Congressional Committee and maintained that "a moderate rise in unemployment is necessary to start winding down inflation." (Business Week, Feb. 21, 1970)

Rising unemployment is more than a statistic; it means millions of Americans anxious to work cannot find jobs. These people see their savings wiped out and their dreams shattered. Unemployment also means increased costs to government through public assistance paid through your taxes.

I reject the notion that unemployment is necessary to stop inflation. I believe we can return to "full employment" and still stop inflation by preparing the federal budget with new perspectives meaning substantial cuts in non-essential spending.

HIGH INTEREST RATES

But to date tight money has been the main weapon of the present Administration in fighting inflation and it has not worked.

The experience of usurious high interest rates has been to fuel, rather than slow, inflation since the higher cost of borrowing has been passed to the consumer in the form of higher prices. As far back as 1967 I joined with Chairman Wright Patman, of the House Banking and Currency Committee, in forming a committee of Congressmen to fight high interest rates. We maintained our efforts to lower interest rates and in this session of Congress I introduced legislation calling on the Administration and Federal Reserve Board to abandon the unsuccessful and self-destructive high interest rate policy.

HOME BUILDING

In the one area in which high interest rates have slowed the economy, the effect has been much greater than desirable. The home building industry has been severely hit by the lack of mortgage money and housing starts declined last year by 36 percent.

This hits Long Island which is mostly populated by individual home owners. The situation is so desperate that veterans returning from Vietnam cannot find mortgage money to purchase homes.

TAX SURCHARGE

But the beginnings of the problem go back to the inflation of the latter years of the Johnson Administration. President Johnson thought he could control inflation with a tax surcharge, but as we have found out the hard way this is not the answer.

I voted against the original surcharge proposal and have voted against it each time it was brought before the Congress. The surcharge has not controlled inflation and leaves you—the taxpayer—in the continuing unfair position of paying inflated prices out of a deflated paycheck.

VIETNAM WAR

It must be noted that the main source of the original inflationary pressures in this cycle came from the costs of the Vietnam war. No matter how it is disguised there can be no doubt that the cost of this war, now over $100,000,000,000.00, has drained our resources without a resolution or end in sight. In fact, under present policies we face years of added support for a Vietnamese government riddled with corruption that no "Vietnamization" can correct.

REORDER FEDERAL BUDGET

As I indicated above, a major overhaul of the federal budget is the best solution for inflation and unemployment. Much can be eliminated from the federal budget while we step up some programs and realize a net reduction in spending. Reductions are possible in these areas:

(1) A $4.5 billion a year farm subsidy (welfare) programs that pays large farmers to plow food under while there is hunger here and abroad. Some corporate farms receive annual payments of more than one million dollars for not producing.

(2) "Pork barrel" public works that are among the most flagrantly wasteful and unnecessary spending programs. If the Administration is serious about cutting spending it can start here and save more than two billion dollars.

(3) Defense spending not related to our national security should be cut from the budget—this program that now takes 40% of your tax dollar was never intended as a WPA or relief program. Its purpose is our national security. Let me emphasize that programs necessary to our security deserve our full and unfailing support. But there is much excess "fat" that can be cut without compromising our national interests. This is the largest part of our budget—more than $70 billion—and thus the area where the greatest cuts can be made.

For example, proposals have been made for expansion of the Safeguard ABM system which could cost $100 billion. Yet no one knows if this system will work.

There are also the problems of unnecessary "extras" (cost overruns-C5A) and unsound programs in the Defense Department (programs often abandoned after billions are spent-Cheyenne Helicopter).

These are just some of the many ways the federal budget can be cut. So that we would devote attention to domestic needs we could direct a portion of the money saved toward:

Environmental protection and pollution control;

Improved education and help to offset unreasonably high school taxes;

Rapid mass transit to finally end the LIRR nightmare;

More and better housing; and

An end to hunger and the elimination of urban and rural poverty.

By ending waste in the federal budget we will have the money for programs of dire necessity and still accomplish a net reduction in spending. This is why the "flap" over the health and education budget was shameful. Cutting this budget while wasting billions elsewhere was a cynical and unnecessary affront to the American people who need improved educational facilities and help in paying the soaring cost of education.

To control inflation and return to full employment we need:

An end to Administration wavering on the wage-price spiral. Instead of ignoring, as the Administration has thus far, this fundamental means of attacking inflation we must immediately study how to check the spiral. I have introduced legislation for a review of the desirability of action in this area.

Reductions in federal spending as outlined above.

Reductions in food and medical costs—the areas most hit by inflation.

A further reduction in the "discriminatory" oil depletion allowance which protects the special interests of the oil lobby.

An end to the federal income tax surcharge.

Six percent prime lending and home mortgage rates ceiling.

Establishment of national welfare standards to cut costs in public assistance.

Now to aid those unemployed and to minimize the cost of public assistance we should:

Increase job training and retraining programs and see that individuals are paid while learning new skills. I am pleased that the President has acted in this direction.

Provide additional day care centers so mothers willing and able to work can do so.

Aid in relocating those who lose jobs.

Most importantly, the government can save money, get the manpower for domestic projects, cut the welfare burden, and aid the economy by being the employer of last resort. People should not be unemployed, nor should those able to work be receiving welfare and not working when we need hospitals, schools, mass transportation, etc.

To sum this up briefly, by cutting the "fat" out of federal spending problems, by reordering our national priorities, by discarding outdated economic theories and by ending the crass acceptance of unemployment—we CAN stop inflation and attain full employment. I pledge to do all that I can to achieve these goals.

THE NATION'S ECONOMY

Unemployment is up by more than 25 percent in the last year.

The cost of living rose by 7.6 percent in the same period.

The wholesale price index rose during January at an annual rate of 8.4 percent indicating inflation through 1970 if policies are not changed.

Congress effected a net reduction of $5.5 billion in the Administration budget for the current fiscal year.

The prime lending rate has risen to 8.5 percent.

Housing starts were down by 36 percent last year.

THE NATIONAL FOUNDATION FOR HIGHER EDUCATION

HON. J. GLENN BEALL, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. BEALL of Maryland. Mr. Speaker, a major source of concern to some of us in this body has been the manner in which the resources of our colleges and universities were employed. For three decades the Federal Government has been employing the universities to do work which it wanted done. While most of these projects were undeniably in the national interest, the fact still remains that this tendency has worked to divert the academic community from pursuing excellence and reform in fields of its own choosing.

To correct this imbalance, President Nixon has proposed the creation of a National Foundation for Higher Education. Similar to the National Science Foundation; this new Foundation would provide a Federal source for institutions which wish to experiment. Besides acting as a source of funds, the Foundation would act as an organization at the highest level concerned with the development of national policy in higher education. The President has announced that he expects to request $200 million for this organization in fiscal year 1972. I am sure that the higher education community will welcome this long-needed source of support from the Federal Government.

EXCERPTS FROM "THE ENVIRONMENTAL HANDBOOK"

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. BROWN of California. Mr. Speaker, 1 month from yesterday will be Earth Day, the first of the environmental teach-ins to be observed across America.

Many of us in the Congress will be participating in the various activities planned for April 22. Recently, Ballantine Books published a valuable guidebook of research material dealing with environmental quality issues and perspectives. The book was edited by Garrett De Bell, and I commend him on his fine choice of articles.

After reading "The Environmental Handbook" I have picked out a number of the articles which I feel are extremely helpful and I plan to insert them into the RECORD over the next few days. Today, as an introduction, I am inserting three pieces on the meaning of ecology. The articles follow:

THE MEANING OF ECOLOGY

I. SMOKEY THE BEAR SUTRA

Once in the Jurassic, about 150 million years ago, the Great Sun Buddha in this corner of the Infinite Void gave a great Discourse to all the assembled elements and energies: to the standing beings, the walking beings, the flying beings, and the sitting beings—even grasses, to the number of thirteen billion, each one born from a seed, were assembled there: a Discourse concerning Enlightenment on the planet Earth.

"In some future time, there will be a continent called America. It will have great centers of power called such as Pyramid Lake, Walden Pond, Mt. Rainier, Big Sur, Everglades and so forth; and powerful rivers and channels such as Columbia River, Mississippi River, the Grand Canyon. The human race in that era will get into troubles all over its head, and practically wreck everything in spite of its own intelligent Buddha nature."

"The twisting strata of the great mountains and the pulsings of great volcanoes are my love burning deep in the earth. My obstinate compassion is schist and basalt and granite, to be mountains, to bring down the rain. In that future American Era I shall enter a new form: to cure the world of loveless knowledge that seeks with blind hunger; and mindless rage eating food that will not fill it."

And he showed himself in his true form of Smokey the Bear.

A handsome smokey-colored brown bear standing on his hind legs, showing that he is aroused and watchful.

Bearing in his right paw the Shovel that digs to the truth beneath appearances; cuts the roots of useless attachments, and flings damp sand on the fires of greed and war;

His left paw in the Mudra of Comradely Display—indicating that all creatures have the full right to live to their limits and that deer, rabbits, chipmunks, snakes, dandelions, and lizards all grow in the realm of the Dharma;

Wearing the blue work overalls symbolic of slaves and laborers, the countless men oppressed by civilization that claims to save but only destroys;

Wearing the broad-brimmed hat of the West, symbolic of the forces that guard the Wilderness, which is the Natural State of the Dharma and the True Path of man on earth; all true paths lead through mountains—

With a halo of smoke and flame behind, the forest fires of the kali-yuga, fires caused by the stupidity of those who think things can be gained and lost whereas in truth all is contained vast and free in the Blue Sky and Green Earth of One Mind;

Round-bellied to show his kind nature and that the great earth has food enough for everyone who loves and trusts her;

Trampling underfoot wasteful freeways and needless suburbs; smashing the worms of capitalism and totalitarianism;

Indicating the Task: his followers, becoming free of cars, houses, canned food, universities, and shoes, master the Three Mysteries of their own Body, Speech, and Mind; and fearlessly chop down the rotten trees and prune out the sick limbs of this country America and then burn the leftover trash.

Wrathful but Calm, Austere but Comic, Smokey the Bear will Illuminate those who would help him; but for those who would hinder or slander him, he will put them out.

Thus his great Mantra: Namah samanta vajranam chanda maharoshana Sphataya hum traka ham mam.

"I dedicate myself to the universal diamond be this raging fury destroyed."

And he will protect those who love woods and rivers, Gods and animals, hobos and madmen, prisoners and sick people, musicians, playful women, and hopeful children;

And if anyone is threatened by advertising, air pollution, or the police, they should chant "Smokey the Bear's Spell: Drown Their Butts, Crush Their Butts, Drown Their Butts, Crush Their Butts."

And Smokey the Bear will surely appear to put the enemy out with his vajra-shovel.

Now those who recite this Sutra and then try to put it in practice will accumulate merit as countless as the sands of Arizona and Nevada.

Will help save the planet Earth from total oil slick,

Will enter the age of harmony of man and nature,

Will win the tender love and caresses of men, women, and beasts

Will always have ripe blackberries to eat and a sunny spot under a pine tree to sit at,

And in the end will win highest perfect enlightenment. Thus have we heard.

II. FROM THE LIFE AND TIMES OF ARCHY AND MEHITABEL: DON MARQUIS

"dear boss i was talking with an ant the other day and he handed me a lot of gossip which ants the world around are chewing among themselves

"i pass it on to you in the hope that you may relay it to other human beings and hurt their feelings with it

"no insect likes human beings and if you think you can see why the only reason i tolerate you is because you seem less human to me than most of them

"here is what they are saying

"it wont be long now it wont be long man is making deserts on the earth it wont be long now before man will have used it up so that nothing but ants and centipedes and scorpions can find a living on it

"man has oppressed us for a million years but he goes on steadily cutting the ground from under his own feet making deserts deserts deserts

"we ants remember and have it all recorded in our tribal lore when gobi was a paradise swarming with men and rich in human prosperity it is a desert now and the home of scorpions ants and centipedes

"what man calls civilization always results in deserts man is never on the square he uses up the fat and greenery of the earth each generation wastes a little more of the future with greed and lust for riches.

"north africa was once a garden spot and then came carthage and rome and despoiled the storehouse and now you have sahara sahara ants and centipedes

"toltecs and aztecs had a mighty civilization on this continent but they robbed the soil and wasted nature and now you have deserts scorpions ants and centipedes and the deserts of the near east followed egypt and babylon and assyria and persia and rome and the turk the ant is the inheritor of tamerlane and the scorpion succeeds the caesars

"america was once a paradise of timberland and stream but it is dying because of the greed and money lust of a thousand little kings who slashed the timber all to hell and would not be controlled and changed the climate and stole the rainfall from posterity and it wont be long now it wont be long till everything is a desert from the alleghenies to the rockies the deserts are coming the deserts are spreading the springs and streams are drying up one day the mississippi itself will be a bed of sand ants and scorpions and centipedes shall inherit the earth

"men talk of money and industry of hard times and recoveries of finance and economics but the ants wait and the scorpions wait for while men talk they are making deserts all the time getting the world ready for the conquering ant drought and erosion and desert because men cannot learn

"rainfall passing off in flood and freshet and carrying good soil with it because there are no longer forests to withhold the water in the billion meticulations of the roots

"it wont be long now it wont be long till earth is barren as the moon and sapless as a mumbled bone

"dear boss I relay this information without any fear that humanity will take warning and reform signed archy."

III. THE ENVIRONMENTAL TEACH-IN: RENÉ DUBOS

The world is too much with us. We know this intuitively. But our social and economic institutions seem unable to come to grips with this awareness. The most they do is to appoint blue-ribbon committees and organize symposia which endlessly restate what everybody knows in a turgid prose that nobody reads and that leads to no action.

I do not believe that the environmental teach-in will provide new insight or factual knowledge, but I do hope that it will help alert public opinion to the immediacy of the ecologic crisis. The teach-in should point to action programs that can be developed *now* in each particular community. It should try also to define the areas of concern where knowledge is inadequate for effective action, but could be obtained by pointed research. I know that many scientists and technologists would welcome a form of public pressure that would provide them with the opportunity to work on problems of social importance.

The colossal inertia and rigidity—if not indifference—of social and academic institutions makes it unlikely that they will develop effective programs of action or research focused on environmental problems. Two kinds of events, however, may catalyze and accelerate the process. One is some ecological catastrophe that will alarm the public and thus bring pressure on the social, economic, and academic establishments. Another more attractive possibility is the emergence of a grassroots movement, powered by romantic emotion as much as by factual knowledge, that will give form and strength to the latent public concern with environmental quality. Because students are vigorous, informed, and still uncommitted to vested interests, they constitute one of the few groups in our society that can act as spearheads of this grassroots movement. I wish I were young enough to be a really effective participant in the Environmental Teach-In and to proclaim in action rather than in words my faith that GNP and technological efficiency are far less important than the quality of the organic world and the suitability of the environment for a truly human life.

VIETNAM

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. DENT. Mr. Speaker, Mr. and Mrs. Luther Palmer, of Greensburg, Pa., two old and dear friends, have given me permission to share with you and our colleagues their memories of SP4 Larry Dale Palmer, a beloved grandson. Young Larry was a victim of the terrible destruction we call Vietnam.

I cannot add a thought, a sentiment, or a single word without feeling that I have intruded into a private valley of unselfish devotion, love of family, and respect of country.

My friend's letter to me, a poem written by Larry, and the young man's obituary follow:

GREENSBURG, PA.,
February 28, 1970.

DEAR FRIEND JOHN—Enclosed you will find a clipping with the picture of my grandson and another of a poem that he wrote in September of 1969 on the battlefield in Danang. These I want you to have in remembrance of us both. He loved to hunt and fish and these were the sports that he really enjoyed, but just for a short while as the Army inducted him and put him in the infantry to die on the battlefield near Danang.

He managed to get through it for about six long months and was finally killed September 20th—1970. He had a close call to death December 12th which hospitalized him for about one month and then sent back to the battlefront again for another close call from his own men and then another close one when by what I call a miracle as he was leading a group of five including himself as point man or as a leader when the Lieutenant who was behind him told him to fall to the rear and he would lead for a while. The Lieutenant continued on for about 10 steps and stepped on a booby trap which killed him and the man behind him, wounded the next man in the leg, cut the vertebrae out of the next man at the neck and he will be paralyzed for life from the neck down, and will only be able to move his head a bit. He is in a hospital in Japan. My Grandson who was fifth in line was knocked to the ground by the concussion of the blast. Action continues most every day and on another day he and another boy were sent to place some obstacles to interfere with the advance of the enemy when their own men cut loose on them and another close call to death as they took for cover and as the enemy was closing in, they started to fire at the two of them as they took cover in a rice field and crawled through the water on their stomachs headed for the American side but far enough off to one side where their own men couldn't see them and again they came through safe. The next encounter was Sept 19 when the Americans lost 4 men killed and 13 wounded, and the Vietnams lost 4 killed. Then came the fateful day of Feb. 20th when one unit was being cut down by enemy fire and a call came in for help and that is when my Grandson's group went to the rescue and that is when he was shot through the head and was killed.

All told 14 men were killed and 29 wounded. There was only two of his squad of 12 that was left and the other 10 was new replacements. I wrote a letter to the lone one and if I don't receive a reply from him, then I know that he was killed also. It will take at least 12 days to receive a reply from him providing he gets a chance to write if he is still alive. Then they are faced with the children and women situation. Those villages are supposed to be peaceful people but watch for hand grenades from children and women and also rifle fire from women.

They also furnish information to the enemy at night. Now they want to try our boys for murder and I plead with you Congressmen and Senators to never let these trials take place. I just read in the paper yesterday where they are holding 6 marines for the murder of 18 civilians. To me it seems we are fighting one of the most ruthless enemies in the world with spies all around our American soldiers who will kill you with the blink of an eye and we are supposed to fight and die against them with kid gloves.

If dropping a couple of Hydrogen bombs or missiles on them would stop this affair I would be willing to do the dropping if our generals are afraid. I think it would stop this terrible slaughter of our boys just like it did in Japan and we didn't do it soon enough then. If we would have done it sooner, I know thousands of our boys from World War two would still be living. We have two more days before he will be laid to rest but memories will linger on for the rest of his parents and friends lives. Let's hope that God soon brings Peace on Earth Good Will toward Men for every day in the year.

With Love

Mr. and Mrs. LUTHER PALMER.

NEAR DANANG—COUNTY MAN IS KILLED IN ACTION IN VIETNAM

A Greensburg area soldier has been killed in action in Vietnam.

SP4 Larry Dale (Duke) Palmer of Greensburg RD 2, serving with the 196th Light Infantry Brigade near Tam Ky, south of DaNang, was killed Friday, Feb. 20, in an engagement with a hostile force.

A son of Luther Dale and Margaret Altman Palmer, he was drafted in April, 1969, and completed his basic training at Fort Jackson, S.C. and additional training in the infantry at the same post. He went to Vietnam in September, 1969.

He was a graduate of Hempfield Area High School, class of 1967, and was a member of the First United Church of Christ, Greensburg.

Besides his parents, he is survived by a sister, Linda Marie Rega, his paternal grandparents, Mr. and Mrs. Luther Palmer and his maternal grandmother, Mrs. Laird Altman and a niece Cheri Rega, all of Greensburg RD 2.

Funeral arrangements will be announced later by the Maurice C. Barnhart Funeral Home, Greensburg.

IN MEMORIAM

A THOUGHT

Written October 1969 during actual wartime combat in Viet Nam by SP-4 Larry Palmer who since was killed in action February 20, 1970.

It was October the 12th in the year 69.
And the American people were all well and fine.
But for thousands of GI's in South Viet Nam,
Even the weather was not to be calm.
For it was the monsoon season with mud, rain and wind,
And it seemed God was angered at this world that had sinned.
For war was the thing that had spread through the land,
From the steaming hot jungles to far distant sands.
And at night in my tent I would sit and would pray,
That God would grant life for just one more day.
For we were the heros who would set these people free,
But the whole idea seemed kind of funny to me.
To stop Communist aggression, that was our goal,
But the price we were paying was a terrible toll.
For forty thousand soldiers had come here and died,
And now they were home in the ground side by side,
Three hundred sixty-five days, that was my tour,
To live or to die in this terrible war.
And as I sit and write with my pen in hand,
I pray for world peace throughout the whole land.

CATFISH FARMING, A NEW LIVESTOCK

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. PICKLE. Mr. Speaker, asking the indulgence of my more urbane colleagues from the megalopolis areas of the North and East, I would take this opportunity to spread before you the moneymaking opportunities hatched from the lowly catfish.

The catfish, long one of the most maligned members of the piscatorial set, has lately found prominence in the culinary environs. It is true, this same fat old channel catfish that for centuries has appeased the more rustic of appetites has suddenly become a delicacy among the city-slickers.

I am painfully aware that the mere mention of "catfish farming" starts a malicious grin on the face of our more cosmopolitan members. However, that smile takes on a serious bent once they learn that the agrarians in their district can earn anywhere from $250 to $750 per water-covered acre with the proper tutorial assistance.

Please pardon the fun, Mr. Speaker, but I have just participated in one of the most pleasant projects that I ever held in my district. Last month, with the capable assistance of the Texas A. & M. Extensive Service and the USDA Soil Conservation Service, I sponsored a catfish farming seminar in the 10th Congressional District of Texas.

The response was overwhelming. Nearly 300 people from all over Texas appeared and stayed for a day-long seminar examining the profits and the pitfalls of this new agribusiness—catfish farming.

At the outset, I would emphasize that this is a high-risk venture. Lots of people go broke—but many, many more find this idea of catfish farming is profitable and fun if they just follow the simple rules of good management and custodial treatment.

For example, the agriculture experts at Texas A. & M. Extension Service are ready to take the wraps off the plans to increase the income from Texas farm products $1 billion within just a few years: their goal in billions of dollars is "3.76 in 1976."

To do this, they are counting heavily on the growth of catfish farming. If the A. & M. predictions ring true, catfish farming in Texas will reach the present income levels of our long-established and profitable poultry business by 1976, or much sooner. This represents well over 100 million new dollars.

Let me immediately dispel any theorists who might tag me as an authority. I am no expert on catfish farming. However, I can appreciate those who would break new ground. To do this, let me introduce into the RECORD the remarks of a distinguished and knowledgeable man in this field, Mr. Olan Dillon, the regional biologist for the Fort Worth office of the Soil Conservation Service. I include his remarks summarizing the fish farming outlook:

SUMMARY OF COMMERCIAL FISH FARMING IN THE UNITED STATES

(By Olan W. Dillon, Jr., regional biologist, Soil Conservation Service, Fort Worth, Tex.)

Producing fish in agricultural water is America's newest livestock industry. While many agricultural products are faced with surpluses, crop allotment systems, and price regulations, fish is a crop whose production knows no surplus, no acreage controls, and no price regulations and commands a good market image and a sale price. Fish farming, especially for warm water fish, serves conservation purposes by retaining water in farming areas, helps to control erosion, and uses land often too wet for field crops.

Fish farming in the United States is carried on with more kinds of fish that most people realize. Some of these are bait minnows, buffalo-fish, carp, catfish, trout, bass, bluegills, and crayfish. Studies are underway to adapt to pond culture, estuarine, and salt water species including shrimp, oysters, mussels, pompano, and others. The largest poundage of fish produced, however, is in channel catfish, bait minnows and trout.

Interest in fish farming is so widespread and intense that obtaining reliable estimates of the acreage of ponds and the pounds of fish produced by fish farmers is difficult. We found such a wide variance in both acreage and pounds that we decided to make a survey through the field offices of the Soil Conservation Service. The Soil Conservation Service assists over 3,000 soil conservation districts and maintains a staff of professional technicians in virtually every county in the Nation. Technical assistance in soils, engineering ,and biology is provided to fish farmers the same as for other agricultural enterprises. Because SCS is working in this field we can find out about the fish farming activities in a county although we may not be working with every fish farmer. The figures given in this paper are the result of this survey.

Channel catfish, the former stripling of the fish farming industry, has become the giant. Methods presently being used to grow channel catfish were virtually unknown in 1960. In April 1969, land owners and operators planned to have more than 32,000 acres (30,000 in the South) in food fish production and will produce close to 40 million pounds this year. Another 3,000 acres or so are in channel catfish fingerling production.

To show how rapidly catfish farming is growing, Dr. Fred Meyer* estimated that approximately 24,000 acres were producing food-size fish and another 1,600 acres were producing fingerlings. Our April 1969 estimate showed that food fish production is up 33 percent over 1968. Since the survey was made we know of several hundred acres of new water being used and some conversion from minnows to catfish. One company, recently organized, has put in 300 acres of ponds this year and plans to have 1,000 acres by fall.

A second company plans to have at least 1,600 acres of water in production by next year. We also know of several ponds that have been converted to catfish from minnows. These new and converted waters have not been included in our summary. We know that fish farming in the South is growing more rapidly than one can keep up with it. Catfish farming is also growing in other states such as Kansas, Kentucky, Missouri, and California. Results of our survey of the major catfish producing states are listed in table 1.

A new development is the production of channel catfish in raceways. Tennessee has close to 13,000 feet of raceways this year and Georgia has about 10,000 feet. Production to date has been about 2,000 pounds of fish in each 100 feet of raceways. There are indications that production may go as high as 3,000 pounds per 100 feet as operators gain more experience in this technique. This method of culture depends on high volumes of water to be practical.

A lot of research is being carried on at the present time to grow channel catfish in baskets. Some Georgia farmers see enough future in this method of culture that they have close to 200,000 catfish on feed in baskets at this time. This method makes possible the use of water areas such as gravel pits, large lakes, floodwater-retarding structures, farm ponds, or other bodies of water where harvesting fish is difficult or impossible.

Catfish fingerling production has almost doubled in one year. Meyer (ibid) estimated 1,600 acres in 1968. Our estimate for 1969 is 3,000 acres. Three thousand acres of water in fingerling production may well produce 100 million fingerling catfish. How many fingerlings will be produced will not be known until this fall. In fact more acreage may be put in fingerling production because at the time this paper was written the spawning season was just getting into full swing. The fingerlings produced in 1969 will be the fish stocked in the spring of 1970 to produce food fish in the fall and winter of 1970. Data given in this paper do not include production by state or federal hatcheries.

What about markets for the 40 million pounds of channel catfish now being produced? So far all the fish produced have moved into such markets as fish-out ponds, onfarm sales, local sales, processing plants, and franchise and other restaurants. Mr. Walter Jones on this program will more adequately cover the marketing aspects of this subject.

Minnow culture began in the United States in the early 1900's. It now ranks number two in acreage of water devoted to fish farming. It is losing ground; Meyer (ibid) estimated the 1968 production as just under 24,000 acres whereas our survey showed a little more than 20,000 acres in minnow production.

Arkansas has the largest acreage in minnows. They grow mostly golden shiners, although other kinds are grown. Production usually averages 500 pounds or more per acre; thus more than 10 million pounds of minnows will be produced this year. These fish farmers run a large and efficient business. They can compete favorably in price and quality anywhere in the United States because they apply modern techniques of growing, handling, harvesting and hauling fish.

A new development in minnow farming is the stocking of 100 or so channel catfish in minnow ponds. The catfish grow well and have little effect on the pounds of minnows produced.

Trout farming began in the United States "in" or "about" 1853 and has had a long and colorful history. Fish farmers will grow around 13 million pounds of trout this year. Again I remind you that this figure indicates the number of fish being produced by private enterprise and does not include fish produced by state or federal agencies.

Idaho leads in pounds of trout produced because it has high volume springs of cold water. It will grow more than 4 million pounds this year. The South, which is not usually considered a trout-producting area, will produce close to 3 million pounds. Cold water springs with constant temperatures suitable for trout production are in Alabama, Arkansas, Georgia, North Carolina, and Tennessee. The balance of trout production comes from the northern and western states.

Fish-out ponds are important markets for trout, especially in the South. Another paper on this program covers the way that many private land owners and operators develop their cold water resources. How the trout farming business expands, however, is based on the availability of cold water springs, improved efficiency of operation, new techniques, and market promotions.

Another agricultural product of particular interest since we are meeting here in New Orleans, is the crawfish industry. Louisiana produces 3 million pounds of this gourmet food on 6,000 acres of farmland. This is in addition to a sizeable industry that takes crawfish from the bayous, swamps and other natural waters.

In the time allotted, we will not try to cover all business generated by fish farmers, such as heavy equipment, nets, chemicals, etc., but we will mention the feed business.

Channel catfish are the leading consumers of feed. Using my estimate of 32,000 acres in channel catfish and a production of 1200 pounds per acre, 38 million pounds of fish would be produced. Using a realistic feed conversion ratio of 2.0 pounds of feed for each pound of flesh, catfish consume 72 million pounds of feed or 36,000 tons. At the current price of $100 per ton, feed sales then would amount to 3.6 million. Again, no public (state or federal) agency feed requirements are included in this figure.

Trout are next in feed consumption. Again, assuming 2.0 feed conversion, easily obtainable by a good fish farmer, the thirteen million pounds produced this year consume 13,000 tons of feed. At $200 per ton, trout farming uses more than 2.5 million dollars worth of feed.

Minnows are fed on a much less intensive scale than catfish or trout. Meyer (ibid) states that many farmers use a fertilization program to encourage natural food and provide manufactured feed as a supplement. Feed costs range from $25.00 to $250.00 per acre per year, with most farmers in the lower range. Dr. Meyer estimated that if 7 pounds of feed per acre per day were used for a 210-day growing season, feed consumption for 24,000 acres would be 16,800 tons. At a price of $95.00 per ton, minnow feed sales totaled 1.6 million dollars in 1968.

Although there has been a cutback in minnow farms in 1969, there is still a good demand for bait for recreation fishing.

Many problems remain to be solved especially with catfish. Oxygen depletion continues to plague producers as do parasites and diseases. Badly needed chemicals must be cleared with the Food and Drug Administration either by the manufacturer or by a public agency so that fish farmers can have the disease control tools they need. Research in feeds and feeding methods already underway need to be expanded. There is a lot to be learned about basket culture, raceway production of channel catfish, practical methods of using air to prevent oxygen shortages, and many other things.

The fish farmer associations in both trout and catfish have a tremendous job ahead in consumer education, market promotion and keeping a steady 12-month supply of fish. Processors must develop a wide variety of products that attract both wholesale and retail outlets.

The fish farming industry has made tremendous strides in the past few years. I am confident that it will solve the many problems ahead.

*Meyer, Fred P. 1968. Commercial fish production in the U.S. and its relation to the feed industry. Animal Nutrition Research Council, Washington, D.C., October 17, 1968.

Mr. Speaker, there is much more to be said about the new potential offered by catfish farming. To paraphrase an angry constituent who once wrote a poignant letter to Sam Houston, "You'll hear more from me when I am ready."

ORT—ORGANIZATION FOR REHABILITATION THROUGH TRAINING

HON. JACOB H. GILBERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. GILBERT. Mr. Speaker, March 18 was designated as ORT Day throughout the United States. I want to take this occasion to extend my hearty good wishes to ORT, and to call to the attention of my colleagues in Congress the important and valuable work of this outstanding organization.

ORT—Organization for Rehabilitation Through Training—is a program for rebuilding lives through vocational education. The recognized vocational training agency for the Jewish people, ORT's central creed is that man is best aided by being helped to become independent, self-supporting, and self-respecting.

ORT is the world's largest nongovernmental vocational training agency. Its students include the poverty-stricken inhabitants of underdeveloped countries, refugees and immigrants seeking a new life, and youngsters trying to build secure futures.

ORT operates in 22 countries on five continents. In 1968, ORT students enrolled in over 650 training units. In Europe, some 10,063; in Israel, 30,060; in North Africa, 2,287; in Iran, 2,991. Other ORT schools are in New York. South America, South Africa, and India. The number of ORT students has doubled in the past 5 years, and ORT has been working unceasingly to grow still further to admit the steadily increasing number of applicants. In 1969/70, ORT will enroll nearly 55,000 students.

ORT must meet tremendous pressures in France, where a torrential immigration—the largest Jewish population shift since World War II—has posed grave problems for the new refugees. Israel, too, has great and increasing need for ORT-trained workers.

The standard ORT school is a vocational high school, with a three-to-four year curriculum in which an academic high school education is given along with technical training in the most advanced industrial trades. ORT also conducts special programs for those lacking the time or the requisite prior education to attend a four-year day school. These programs include apprenticeship and pre-apprenticeship courses, refresher and adaptation courses, course teaching rudimentary skills that will enable the student to get a beginning industrial job, and courses to increase the skills and income of those already employed in a trade.

ORT gives training in more than 70 modern industrial skills. The trades taught vary according to the needs of the particular area's economy. Thus, ORT students get the greatest opportunity for employment.

ORT helps to build underdeveloped economies and to man the industries of free countries striving to keep pace with technological advances. Acknowledging this help, the U.N. and some two dozen countries (including the U.S.), most of which have ORT schools within their borders, have given ORT sizeable and repeated grants.

Women's American ORT, the American women's branch of the World ORT Union, is the largest World ORT Union affiliate, and the second largest single source of financial support to ORT. It now has 87,000 members in 700 chapters located in all major American cities.

The ORT program is financed by the World ORT Union and affiliates; by the Joint Distribution Committee, a member agency of the United Jewish Appeal, and by governments, foundations, et cetera, throughout the world, Women's American ORT supports the program through its membership dues.

"IS IT TOO LATE FOR ALL OF US?" LOS ANGELES ENGLISH CLASS ASKS ABOUT SMOG

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. BROWN of California. Mr. Speaker, I believe in—and always have listened to—young people. And I have learned many things from them.

Lately, my mail has been heavy from young Americans concerned with environmental quality. The message invariably is the same: "if pollution isn't cleaned up, then our generation may not survive; and it is your generation which is doing this to us; what are you going to do about it?"

The burden is on Congress to act now—and act decisively to halt pollution. Halfway measures are not enough; neither is procrastination or indecision. Already in the 91st Congress I have introduced a half dozen legislative proposals aiming to eliminate smog; in the near future I expect to submit even stronger bills to stop smog.

Today I would like to insert a series of letters from a 10th grade English class at John Marshall High School in Los Angeles. The class, taught by Mrs. D. Roth, has been studying air and water pollution problems, and they recently wrote me an extremely interesting series of letters.

As it soon becomes apparent, these students want to help overcome smog. They are looking for direction from us. We must respond. There is no alternative.

The letters follow:

JOHN MARSHALL HIGH,
February 5, 1970.

Congressman BROWN,
Federal Office Building,
Los Angeles, Calif.

DEAR MR. BROWN: Since we live in a terribly polluted area, well known as the "gas chamber" and the "bay of smokes", I feel that more appropriate actions be taken against offenders of the air we breathe and the moral code of "live and let live."

If air pollution is further allowed to continue in Los Angeles, this city will truly be the "city of angels."

Our class has participated in investigating the problem of air and water pollution. We have learned of the history of pollution. Many of the facts we have uncovered, startled me and my classmates. The horrible and nauseating history of air pollution has made us aware of the destroying power it contains.

Also, the oil platform now being erected in San Pedro is another threat to our beaches and wildlife. Ins't the lesson taught at Santa Barbara, enough to make the oil companies, stop?

Because of the information we have learned, how can we make people more aware of the problem? How can I help, personally? Is it too late for all of us?

Yours truly,

JOHN LEW.

JOHN MARSHALL HIGH SCHOOL,
Los Angeles, Calif., February 7, 1970.

Congressman GEORGE BROWN,
Federal Office Building,
Los Angeles, Calif.

DEAR CONGRESSMAN BROWN: Recently, the English class in which I am a participant, conducted oral reports on pollution in air and water. Since that time, my classmates and I have become very aware and worried about this growing and overwhelming problem in our country.

It is our understanding that you are also concerned with this problem, and we would appreciate suggestions from you on ways for us, as individuals, to contribute to the elimination of this problem in the United States and world.

Your reply would be readily appreciated.

Yours very truly,

JOHN ROSSI.

JOHN MARSHALL HIGH,
Los Angeles, Calif., February 5, 1970.

Mr. BROWN,
Federal Office Building,
Los Angeles, Calif.

DEAR MR. BROWN: Why should the people of today let themselves be killed off by air pollution? As a concerned student interested in the future of the world in all aspects, I, along with many other interested students, agree with your stand on air pollution, a topic which may mean the life or death of the people of the world. Automobiles and factories, the major contributors of air pollution, are slowly killing us off. More and better restrictions should be placed before it's too late. What can we, as interested students, do to help you in your campaign against air pollution?

Yours very truly,

RAYMOND KWONEY.

MARSHALL HIGH SCHOOL,
Los Angeles, Calif., February 6, 1970.

Mr. GEORGE BROWN,
Federal Office Building,
Los Angeles, Calif.

DEAR SIR: As a student residing in Los Angeles, I regard pollution of the air and water as a serious threat to man's survival. I am writing to you both as an individual and as a member of a class since you seem to be one of few people in California seriously interested in rectifying this devastating situation. The further continuation of pollution is slowly ruining our ecology and environment, but attempts to complain on our level seem to go in vain. I hope that my added support to your programs will help bring about a solution.

Very truly yours,

MATT BLOOMFIELD.

JOHN MARSHALL HIGH SCHOOL,
Los Angeles, Calif., February 4, 1970.
Mr. BROWN,
Federal Office Building,
Los Angeles, Calif.

DEAR MR. BROWN: Statistics show that in about ten years all life on the planet earth will perish from lack of clean air and water. How does it feel to know that your grandchildren may never live to remember you? I do not take kindly to the idea of knowing my children may not live to be four years old. Is the manufacturing of automobiles so very necessary that it may completely destroy the population of our planet? What good will a 450 cubic inch, V–8, super-charged engine, filled with F–310 do for a corpse. I, along with my classmates implore you to propose stricter legislation against car emissions plus factory wastes and all other major forms of pollution, including all the hot air rising out of the Congress building.

Chokingly (cough! cough!) yours,

GARY KARAPETIAN.

JOHN MARSHALL HIGH,
Los Angeles, Calif., February 5, 1970.
Mr. GEORGE BROWN,
Federal Office Building,
Los Angeles, Calif.

DEAR CONGRESSMAN BROWN: It seems to me that you are a sensible man. You would not inflict an injury upon yourself or let any other harm come to you, that is, if you can help it. But one problem concerns me: the problem of pollution. Pollution is the real killer. It creeps up slowly, and perhaps invisibly at first, and destroys living beings.

The reason I am writing you this letter is to ask you for some help. The students of my English class and myself are concerned with the ever increasing problem of pollution. Our class as a whole is not very influential in politics and other matters and is not yet powerful enough to attempt to cope with this problem. That is why I am writing to you. If you have any suggestions, or would like to help us personally, then I would be very grateful for your time and effort. Please contact me if you are interested.

Cordially yours,

YOURY KORINEC.

P.S.—You may contact or write me through John Marshall High School.

JOHN MARSHALL HIGH SCHOOL,
Los Angeles, Calif., February 6, 1970.
Congressman GEORGE BROWN,
Federal Building,
Los Angeles, Calif.

DEAR MR. BROWN: Our tenth grade English class here at John Marshall High School has recently been discussing problems we now face and we are deeply concerned over the rise of air pollution. After much discussion on the subject, your name was mentioned as a prominent citizen and politician fighting against the air pollution. There are many people who are against this problem but not many people are willing to do anything about it. I think it was very nice of you for sending around the survey post cards speaking out against the air pollution and many other problems.

My views on this subject is that we need tighter laws on the smog producing cars and jets. Even though the gasoline cars are going to be banned by 1975, we may not be able to live that long. Cars and jets, I feel, are mostly responsible for the air pollution in our skies. Another contributor to air pollution are the factories. The factories should be forced to find a way to filter out the black smoke and harmful chemicals before it enters the air. From our discussion, I feel these are the most important points we have discussed.

I hope you can send to me your views on the subject and give me some suggestions on how my classmates and I can help to rid this problem. Maybe you and your fellow Congressman can work together to get rid of this awful menace.

Yours truly,

WILLIAM QUAN.

JOHN MARSHALL HIGH SCHOOL,
Los Angeles, Calif., February 4, 1970.
Mr. BROWN,
Federal Office Building,
Los Angeles, Calif.

DEAR MISTER BROWN: The letter I now write to you concerns smog. I am quite tired of seeing dirty air. Of the many letters written to you on smog, mine will be different. I offer no solutions of the far-fetched nature, a huge fan to blow the smog away, or the junking of all our cars. A fan would not work as the smog would eventually come back. As bad as cars are, it beats walking. The only forseeable solution I can offer you, would be to put heavy pressure on the auto industry. Quite possibly this would have no effect, as the conglomerate auto industry has become too powerful. As I have no voice except that of a worried student, I depend on you and the other government officials for my future. Being that you are running for office, what you say on the behalf of the people may only be to enhance you with the public. I quite literally am placing my future well-being in your hands and those of the elected government officials.

Yours very truly,

MICHAEL CHEN.

LOS ANGELES, CALIF.
Mr. GEORGE E. BROWN,
House of Representatives,
Federal Office Building,
Los Angeles, Calif.

DEAR MR. BROWN: Through a recent inundation of reports in my English Class I have become concerned about pollution in the United States. I have done a little bit of research on the subject and have been appalled at what I have found. Something must be done! I'm sick and tired of hearing a lot of double-talk on why solutions are not practical or too expensive. After all is anything too expensive for our lives? Solutions must be found.

Everyone is apathetic when it comes to work but they sure do complain. . . . I would like to know what you and Congress are doing to solve this dilemma. Also, I would like to know what I can personally do, if even in a small way, to combat pollution. I'm sick and tired of breathing polluted air, drinking polluted water, and eating food with DDT on it.

Yours very truly,

GARY R. EDWARDS.

JOHN MARSHALL HIGH SCHOOL,
Los Angeles, Calif., February 5, 1970.
Mr. BROWN,
Federal Office Building,
Los Angeles, Calif.

DEAR SIR: I'm a student from John Marshall High School and I have done some research on air and water pollution for an English assignment. As you probably know the world population is increasing year by year. If the rising population rate continues the world population will rise from an estimated three point six billion to at least four point three billion, ten years from now. The United States now has two hundred and four million people which is a fourteen per cent growth rate during the past decade. By 1980 the Census Bureau estimates that the United States will have at least two hundred and twenty-five million people and perhaps two hundred and fifty million. How will the earth feed its rising population when it is being polluted?

Many people think that the vast bodies of water covering three fourths of the earth will help feed the future population. This will be very hard to do especially since the water is being polluted.

Our coast was the scene of the Union Oil Company oil leak last January. Oil spills in coastal waters add up to two hundred and eighty-four million gallons of spilled oil every year. That is enough to coat a beach twenty feet wide with a half inch layer of oil for eight thousand, six hundred and thirty-three miles. Also the pollution of lakes, streams and rivers should be eliminated unless we would like to see them as future quagmires and marshlands. These quagmires and marshlands would be possible prey for lodging harmful infections and such that might be harmful to animals and plants.

In such cases as sewage, there are tertiary plants which could be built.

The air is being filled with more than eight hundred million tons of pollutants per year. You, yourself, must be aware of how polluted the air is in California. If not, take a drive some morning up to Bee Rock, Griffith Park above Los Feliz Blvd. in Los Angeles. You should plan to arrive there at about sun rise to see the ugly reddish-brown cloud hanging above and in Los Angeles. To get an even better view of our polluted air as you are driving up into Angeles National Forest look down upon the cities. You have to be an extremely lucky person with good vision to see the cities through the smog.

My English class was given an assignment to choose a problem of the past decade. As you can tell, I chose pollution and so did practically half of the class because they felt that it was important. My class' assignment is to *do* or try to do something about pollution. We would like to know if there is any way that thirty-six students can help in trying to achieve our goal?

Sincerely,

JACQUOT HOYT.

JOHN MARSHALL HIGH,
Los Angeles, Calif., February 5, 1970.
Mr. BROWN,
Federal Office Building,
Los Angeles, Calif.

DEAR MR. BROWN: Each day our lives are being shortened to the extent that people today will die years ahead of their otherwise lengthy life spans. Smog, oil, trash, and other pollutants contribute to the termination of all earth life. These relatively basic facts are but a few among the many uncovered by our tenth grade English class. Through research and reports recently done, we have become alarmingly aware of the horrifying predicament which we now face: Extermination by pollution! In order to prevent this immediate problem stricter anti-pollution laws must be established and enforced now. This we believe you can do. However we want more:

(1) We want to know what we can do both as a group and also as individuals. We are willing to work for the preservation of all habitation on the surface of the earth . . . specifically, our own!

(2) We also want to know just exactly what you are now doing about this as well as whatever plans you have made for action in the near future.

Please inform us of the above. We shall be awaiting your reply, as any and all help you can render will be much appreciated.

Most Sincerely,

VICKI BOLLER.

Los Angeles, Calif.
Mr. BROWN,
Federal Office Building,
Los Angeles, Calif.

DEAR MR. BROWN: I am a student of John Marshall High School. I have just completed a report on pollution for my English class. I was horrified! The three and a half million gallons of crude petroleum in the Santa Barbara Channel, the smog we breath everyday, and the fear of another ice age has moved me to action. I am writing to protest the

wastes we pour into our environment. If we do not try to clean our land we will die by 1980! I know you can not wave your hand and all pollution will be gone, but you are my representative in Congress, the one who can introduce legislation on stopping pollution. I know of your interest from the questionaires you have sent out. I want you to know of my concern for this world, this country, and my children.

Yours truly,

BEVERLY QUON.

JOHN MARSHALL HIGH SCHOOL,
Los Angeles, Calif., February 6, 1970.

Congressman GEORGE BROWN,
Federal Office Building,
Los Angeles, Calif.

DEAR MR. BROWN: Among the many letters that you receive each day how many are concerned with the problem of air pollution? With continuous warnings and predictions that pollution will be the death of us all, pressure to stop air pollution must surely be great.

I am a student at John Marshall High School and this too is a letter concerning the present condition of our precious air.

A few years ago there were many popular jokes about Los Angeles' smog. A comedian could always get an assured laugh by telling one. Today no one would think of joking about such a serious matter. For the future tomorrows, there may be nothing left to think about or nothing left even to think. It is hoped that you are not still laughing.

This is not meant to be an insulting letter condemning you but a plea, an inquiry, a complaint even a suggestion to act now in this serious situation. The future looks very depressing and discouraging when people do not care enough to save their environment, their lives, children and future. You have been given the authority to do what I as one individual cannot. I urge you to use this power and help.

Mr. Brown, What I am asking is, what can and will you do anything about the present problem of air pollution?

Sincerely,

PAMELA WONG.

JOHN MARSHALL HIGH SCHOOL,
Los Angeles, Calif., February 5, 1070.

Mr. BROWN,
Federal Office Building,
Los Angeles, Calif.

DEAR MR. BROWN: I am a high school student at John Marshall High. Our tenth grade class did individual reports on important problems that are affecting us and have been affecting us in the past decade. These reports were done orally. The majority of the students did their reports on air and water pollution. They gave interesting and accurate statistics.

I have come to believe that the people who can do something about this problem are going to wait until it becomes so bad that it will be impossible to improve it. The reason for this that they don't want to spend too much money. An example of this is the new gasoline called F310, produced by the Chevron Company. It is said that it reduces the black smoke in the air and therefore makes the air cleaner. It has been brought to the attention of our class that this "improved" gasoline is not purified but merely has the addition of detergents. It is said that this addition produces chemicals that are more poisonous to us even though they can't be seen.

It is obvious that something must be done about the problem. It must be a drastic improvement despite the cost.

I am very interested and concerned with the problem and will be happy to do what I can to improve it, though, as only one person, it would probably be very little. However, I would rather do all I can than just sit around and talk about it.

Yours truly,

PAULA HARVEY.

LOS ANGELES, CALIF.,
February 5, 1970.

Mr. GEORGE BROWN,
Federal Office Building,
Los Angeles, Calif.

DEAR MR. BROWN: I am writing to you because I have heard that you are concerned with the current problem of pollution.

I am a high school student and recently my English class did reports on pollution and other disconcerting issues.

The statistics I heard on the problem of pollution were literally terrifying. Such statements as "pollution is killing hundreds of people each year, and "pollution is making our waterways uninhabitable", and "pollution will eventually destroy mankind" really impressed me. These warnings are but a few among many and I am gravely concerned about this disasterous problem.

Please send me data showing what is being done to curtail pollution and include, if you will, suggestions as to what I can do to help stop pollution. I may be but a "drop of water in a bucket," but I feel that "every little drop counts".

I shall be most appreciative of a reply from you concerning this important matter.

Yours truly,

DEXTER WILLIAMS.

JOHN MARSHALL HIGH SCHOOL,
Los Angeles, Calif., February 7, 1970.

Mr. GEORGE BROWN,
Federal Office Building,
Los Angeles Calif.

DEAR MR. BROWN: I am one hundred percent behind you in your fight against environmental pollution. If more of the people in office were as concerned as you are about pollution perhaps we could win the battle against it. Many concerned citizens may be reluctant in believing that you are sincere in your fight against pollution because this is an election year and many politicians have used similar campaign tactics. If you could send me information on what you are doing to combat pollution I believe that I could honestly campaign for you in the upcoming election.

I particularly am concerned about air pollution and would like to know what I can do to help fight it. I feel that clean air is man's most urgent demand on his environment. He can go without food for weeks and without water for days, but he can only hold his breath for a minute or two, then he must breathe even if it kills him, as it sometimes does.

I think that sending out questionnaires was an excellent idea because it finally gives people a chance to voice their opinions on pollution. Once again, I would like to thank you for your efforts in combating pollution.

Yours Very Truly,

RICHARD MANDL.

JOHN MARSHALL HIGH SCHOOL,
Los Angeles, Calif., February 7, 1970.

Mr. GEORGE BROWN,
Federal Office Building
Los Angeles, Calif.

DEAR MR. BROWN: As a student of John Marshall High School, my tenth grade English class has done several series of reports. Concerning the gerat many problems of the sixties, and some which are still affecting United States now. A great many people wrote on Air Pollution. Soon our air, will be impossible to breath. I feel that by cracking down on General Motors, and the other car manufacturers, we could clean, or at least cut down on Pollution in our Air. The automobile is the main reason for air pollution. So if there were some campaign, I would be for this a great deal. I am behind your campaign one hundred percent. Would it be at all possible to let me have more information on your Anti-Smog Campaign . . . Thank You.

Yours Very Truly,

DENISE ORTEGO.

JOHN MARSHALL HIGH SCHOOL,
Los Angeles, Calif., February 5, 1970.

Mr. GEORGE BROWN,
Federal Office Building,
Los Angeles, Calif.

DEAR MR. BROWN: Recently, in our English class at John Marshall High School, we did a series of reports concerning the problems that faced the sixties. (And in some cases, the problems that are still facing us.) An abundant amount of reports were centered on air pollution. I have become alarmed after hearing what has happened and what is happening to our air. It seems as though it is impossible (or *almost* impossible) to help curb this problem by cracking down on General Motors. I am sure that they are "quite" aware of what is happening; and that they are already working on a solution. But yet, the automobile is the main source of pollution in our air. What other means of attack is there? Even though in some cases it seems impossible, I would like to say that I am behind your "anti-pollution" movement 100%. Because of my interest, I would like to request that you inform me if there is anything I can do to help with this campaign against pollution. Thank you very much.

Yours Very Truly,

SUZANNE RAIMOND.

LOS ANGELES, CALIF.,
February 5, 1970.

GEORGE E. BROWN,
House of Representatives,
Federal Office Building,
Los Angeles, Calif.

DEAR CONGRESSMAN BROWN: I have received one of your survey cards on pollution. Therefore, I am under the impression that you would like to do something about pollution. This prompted some of my classmates and me to write to you, requesting that you and your fellow congressmen, if at all possible, do something about solving the pollution problem. So far we have heard a lot of talk, but have seen very few results. May I remind you that your lives are also in danger of pollution.

Our food crops are being destroyed by smog, every year people die of smog, our waterways are unsafe for recreation, or consumption, animals are dying by the thousands, and American women have twice as much D.D.T. in their breast milk as is allowed in the shipment of cow's milk for human consumption.

There is no need for this sir! So in behalf of the world, we urge you and your colleagues in Washington to take some feasible action against pollution.

I would like to have some information concerning what the government is doing to fight pollution, and what I can do to help.

Yours truly,

DONALD LA FONTAINE.

LOS ANGELES, CALIF.,
February 5, 1970.

Hon. GEORGE BROWN,
House Office Building,
Washington, D.C.

DEAR MR. BROWN: Pollution is gradually killing every one of the people on this earth. It has already been shown that smog aids in the cause of respiratory diseases and decreases the normal life expectancy. Pollution of our waterways destroys the wildlife that is so vital to our existence. Many people have talked of stopping pollution, but little significant action has been taken.

Laws should be more specific in governing the disposal methods of the large factories and plants that produce so much waste. The laws should be pulled tight around the necks of car manufacturers, forcing them to replace the internal combustion engine that pollutes our air with a more sensible and safer engine, such as the steam turbine or electric engine. The offshore drilling companies should be made to stop their drilling completely. The new super-jets, in which one engine produces pollutants equal to

those of 100 cars, should be rigidly restricted.

My classmates and I have done rather extensive research on pollution in general and on specific problems of pollution. We believe that something should be done now because tomorrow may be too late.

Very truly yours.

MARTHA REDEKER.

JOHN MARSHALL HIGH,
Los Angeles, Calif., February 5, 1970.

Mr. BROWN,
Federal Office Building,
Los Angeles, Calif.

DEAR CONGRESSMAN BROWN: In the 50,000 years that we homo sapiens have inhabited this earth, we have manged to contribute more to the ultimate end of life than all other organisms in the previous 1.6 billion combined. Our continuous interference with nature's balance has placed us in a position where unless we take fast, radical steps, all life will have ceased to exist by the end of the decade. Recently, as the result of an English assignment, I became aware and extremely concerned with my fate and that of future generations. Personally, I would like to see the arrival of the next century. Wouldn't you?

As a government official, I'm sure that you could provide me with the following information:

(1) What the nation is doing about this problem of survival.

(2) What you, as a representative of the people, are doing or trying to do to prevent us from extinction.

(3) What my classmates and I can do to help.

Be specific, please. (Names of organizations and people that could use our help, as well as people to whom we could protest.)

Response would be much appreciated. I believe that it is time for action; enough has been said. After all, we *DON'T* have all the time in the world.

Yours truly,

GISELA DIAZ.

JOHN MARSHALL HIGH SCHOOL,
Los Angeles, Calif., February 5, 1970.

Mr. BROWN,
Federal Office Building,
Los Angeles, Calif.

DEAR MR. BROWN: Recently our English class decided to do current event reports about problems that affected our lives and the lives of the coming generations.

We were confronted with many problems, among then was the increasingly alarming problem of the pollution of air, water, and land.

I learned many startling facts about pollution and became frightened at the aspect of a dense fog of smelly harmful chemicals in the air (eight million tons per year), of not being able to swim in the rivers, streams, lakes and oceans that I have previously swum in (since pollutants will obviously destroy *any* possibility of this), of not being able to walk down the street (let alone going *anywhere* by foot) because of the muck on the ground.

I would like to make more people aware of the problem facing them and also be able to make them want to do something also and perhaps we will rid ourselves of the problem of pollution.

Yours truly,

JUDY MCCEOSKY.

JOHN MARSHALL HIGH SCHOOL,
Los Angeles, Calif., February 6, 1970.

Mr. BROWN,
Federal Office Building,
Los Angeles, Calif.

DEAR MR. BROWN: I am a member of the 10th grade English class of John Marshall High School. Recently we were assigned to write a report of a problem we now face. The majority of the class reported on pollution. It was pointed out that all living matter of the earth will soon die within 10 years of pollution. In order to prevent this, we must act now! The headlines of today show that Congress is now bringing the problem up, yet no action has taken place.

Many solutions were presented to the problem and the solution that I felt was very effective was to set new laws to regulate combustion in the automobiles and in our growing industries.

With these measures taken, we will be able to rapidly decrease the invisibility that we now experience and smog alert will become extinct.

Please consider these solutions at your next session at Congress.

Yours truly,

ROSANNE MAEHARA.

A WELL-DESERVED TRIBUTE TO CONGRESSMAN LENNON

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. GARMATZ. Mr. Speaker, I was pleased recently to take part in recognizing the outstanding service rendered to the Congress and the Nation by our respected colleague, ALTON LENNON, of North Carolina.

On February 24, 1970, the gentleman from North Carolina (Mr. LENNON) was presented the first "Oceanography Man of the Year" award by the National Oceanography Association, a citizens' group with members from industry, science, education, and interested public.

On that occasion, it was a privilege for me to say a few words about the marvelous work AL LENNON has done as chairman of the Subcommittee on Oceanography of the Committee on Merchant Marine and Fisheries. As chairman of that committee, I have worked closely with him, and have had the opportunity to see him at close range and know how he conducts himself. AL LENNON has tackled that assignment, as he does all his assignments in the Congress, with deep dedication, industriousness, and vision. He is as dedicated to the future of marine affairs in the United States as he has been to the constituents whom he has served without fault during his many years in Congress.

The hearings recently conducted by the Oceanography Subcommittee have developed a rich source of information and provided a stimulus for national action. As you know, Mr. Speaker, the subcommittee has labored hard over the past 10 years to bring the oceanographic needs of this Nation to public attention, and to create a needed national focus in marine affairs.

I commend the association for recognizing the work of our colleague. I was happy to have had the opportunity to take part in the award ceremony along with the Honorable CHARLES A. MOSHER, of Ohio, the distinguished minority leader of the subcommittee; and the Honorable CLAIBORNE PELL, Senator from Rhode Island, whose interest in oceanography is well known.

I believe, Mr. Speaker, that years from now, when our knowledge and reliance upon the oceans will be far advanced, and we are well into our last great frontier, we will be able to look back upon, and appreciate the efforts of ALTON LENNON and the members of his subcommittee with true understanding and appreciation. The significance of his contributions will become clearer as time advances. And yet, he has managed this great contribution without once overlooking the needs of the citizens of his district, whom he has represented so scrupulously over these many years. The residents of the Seventh District of North Carolina can take great pride that they are represented by one of the most able and conscientious men in the Congress today.

The plaque presented to AL LENNON by the National Oceanography Association by the association president, Dr. Thomas Barrow of Houston, read as follows:

The National Oceanography Association, Board of Directors, Oceanography Man of the Year Award, Congressman ALTON LENNON, Chairman, Subcommittee on Oceanography, Committee on Merchant Marine and Fisheries, U.S. House of Representatives

For outstanding service to the oceanography community and the citizens of the United States during the last decade, culminating during 1969 in hearings on the report of the Commission on Marine Science, Engineering and Resources pursuant to legislation he was instrumental in enacting in 1966.

Congressman Alton Lennon's legislative work to advance oceanography in the United States has been in the highest tradition of the U.S. Congress.

Officers and directors of the association, in addition to Dr. Barrow, are as follows:

Dr. William T. Burke, Seattle, Wash.
Harmon L. Elder, Washington, D.C.
Kenneth H. Drummond, Washington, D.C.
John H. Clotworthy, Miami, Fla.
Vincent R. Bailey, West Palm Beach, Fla.
Robert O. Briggs, La Jolla, Calif.
Dr. Wayne V. Burt, Corvallis, Oreg.
Dr. W. M. Chapman, San Diego, Calif.
Dr. Richard A. Geyer, College Station, Tex.
Dr. Theodor F. Hueter, Seattle, Wash.
Dr. Columbus Iselin, Woods Hole, Mass.
Dr. John A. Knauss, Kingston, R.I.
Gordon Lill, Encino, Calif.
Arthur L. Markel, Miami, Fla.
John D. Moody, New York, N.Y.
Dr. William A. Nierenberg, La Jolla, Calif.
Dr. David S. Potter, Milwaukee, Wis.
Taylor A. Pryor, Oahu, Hawaii.
Admiral Arthur W. Radford, Washington, D.C.
C. M. Shigley, Midland, Mich.
Dr. F. G. Walton Smith, Miami, Fla.
Richard C. Vetter, Washington, D.C.
Dr. James H. Wakelin, Jr., Washington, D.C.

GHANAIAN INDEPENDENCE DAY

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. POWELL. Mr. Speaker, the Republic of Ghana is one of the new sovereign

states in Africa, attaining its independence in 1957. Most of this southwest African country was known as the British Gold Coast Colony until that year. Then the people of the colony and their leaders convinced the British of their maturity. The British added a part of the adjacent Togoland territory and witnessed the birth of the Ghana state.

Ghana is a fairly large country, 91,000 square miles in area, but not a very rich land. The principal occupation of its nearly 8 million inhabitants is farming, cocoa being their main and by far the most cash-producing crop. The people of Ghana have done well in their domestic economy, and their leaders have shown remarkable ability in reconciling the divergent interests of the numerous tribal-ethnic groups within the country. The administrative machinery of the government, with an elected President and a national assembly, has worked satisfactorily. We salute the independent and free people of the Republic of Ghana on the anniversary of their Independence Day.

MISSING, DEAD, OR CAPTURED

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. DICKINSON. Mr. Speaker, for some time now, I have been most concerned and very active in the MIA/POW situation. The wives and families of our American servicemen who are believed to be prisoners of war are faced with problems that would seem to the average citizen to be insurmountable.

Mr. Speaker, recently I read several articles that accurately describe the plight of the serviceman who is a prisoner of war, as well as the families of these servicemen because they have no assurance that their loved ones are dead or alive. In the few cases where the serviceman is known to be alive and a prisoner, the families know nothing of his health and well-being, except for occasional statements of propaganda.

The POW situation is disgraceful and repugnant to every civilized nation in the world. Several articles from the February 1970 issue of Army plus an interview that I had with a former prisoner of the Vietcong, Maj. Nick Rowe, vividly point out much of the situation. At this time, I would like to enter these articles into the RECORD. I urge my colleagues and all concerned Americans to read these eye-opening exposés of Communist tyranny:

[From Army, February 1970]

BETWEEN THE LINES

In a war in which almost everything is fair game for debate, the prisoner-of-war issue has stayed relatively unscathed. Hanoi has found sympathizers in nearly every conceivable aspect of this controversial struggle, but not even the most irrational of the critics have sought to excuse North Vietnam's barbaric conduct in its treatment of American prisoners and their families.

POWs who have had the misfortune to fall into the enemy's cruel hands have been murdered, tortured, humiliated and terrorized in public, used for the most blatant propaganda purposes, and miserably fed and housed by a captor who must surely be one of the most heartless jailers of modern times. His periodic crude attempts to show that this treatment is otherwise only make it all the more obvious that it is not and, if anything, even worse than is generally imagined.

Lately there has been an upsurge of concern over this disgraceful situation, mostly on behalf of the families of prisoners who have been forced to share in the effects of North Vietnam's cruelty through being denied the least that could be expected from the most unconscionable of captors: information about whether their husbands, fathers and sons are alive or dead.

These experiences have created a new breed of war heroines, the wives of missing men who have helped keep hope alive by public appeals and trips to any place where there might be a chance that their pleas will have effect. Despite their efforts and those of the government, private individuals and organizations, the North Vietnamese have refused to release a list of the prisoners it holds.

It was one of these wives to whom ARMY Associate Editor Eric C. Ludvigsen spoke when he was gathering material for his article, "Missing, Dead or Captured?," which begins on page 24. During his search for information, he also interviewed Red Cross officials, spokesmen for the departments of Defense and State, and investigated other sources that would shed some light on the many mysteries connected with the POW problem.

Among the people to whom he talked was a major who spent five years as a prisoner of the Viet Cong. James N. Rowe's account of his ordeal and escape, told to Mr. Ludvigsen during a trip to Lawton, Okla., where the major is writing a book, should be of particular interest to ARMY readers because almost all Army prisoners are believed to be held by the VC.

The POW issue is considered so critical by the Association of the U.S. Army national leadership that the AUSA's Council of Trustees this month took the unusual step of adopting a council resolution condemning North Vietnam for its treatment of prisoners and calling upon it to conform to Geneva Convention terms covering POWs. The resolution follows:

"RESOLUTION

"The actions of the Hanoi government in its treatment of prisoners of war are both shocking and disgraceful. Up to 1,400 members of our country's armed forces who are missing in action may be held prisoner under circumstances and conditions that are in grave violation of not only the Geneva Convention, but of the principles of human decency itself.

"The government of North Vietnam and the Viet Cong have subjected these honorable fighting men to barbaric and cruel treatment. There is evidence that captives have been miserably fed, provided with inadequate or no medical care, ridiculed and reviled in public, subjected to such outrages as beatings and solitary confinement, and exploited for propaganda purposes.

"Hanoi has repeatedly ignored entreaties by our government for the names of men held prisoner. This calculated and cruel omission has had the effect of extending the suffering of the prisoners to their anguished relatives, many of whom do not even know if men now listed as missing in action are alive.

"Despite the fact that the government of North Vietnam is a party to the Geneva Convention on the Protection of Prisoners, its leaders have made a mockery of its provisions. They have not only mistreated prisoners but flagrantly violated such primary tenets as allowing neutral inspection of prisons and permitting such basic amenities as the exchange with relatives at home of letters and packages.

"Spokesmen for North Vietnam and the Viet Cong have sought to justify their despicable conduct by characterizing our troops as "criminals" while callously refusing to even acknowledge pleas for information and humane care by government officials, congressmen, the American public and the wives of missing men. Nor, apparently, has the fact that our side has treated fairly the some 30,000 North Vietnamese and Viet Cong prisoners of war influenced these cruel jailers to even partially reciprocate.

"We condemn this barbaric treatment of American fighting men and their families and strongly endorse the efforts of our government and other organizations and individuals to persuade the government of North Vietnam to live up to the solemn promises it made when it became party to the Geneva Convention and to convince the Viet Cong to do likewise.

"THE COUNCIL OF TRUSTEES, ASSOCIATION OF THE U.S. ARMY,
"ELVIS J. STAHR, *Chairman.*"

MISSING, DEAD, OR CAPTURED?

(By Eric C. Ludvigsen)

(NOTE.—The welfare of untold hundreds of American soldiers, sailors, airmen and marines suffering in Hanoi prisons and Viet Cong base camps is of no concern to a regime which systematically flouts provisions of the Geneva Convention in search of even the slightest propaganda advantage. It is cynical, deplorable, barbarous—and straight out of the textbooks of "revolutionary people's war". With normal channels closed by the enemy's intrasigence, there is a growing belief that forceful, united protest is needed to make North Vietnam's shameful treatment of U.S. prisoners a political liability in the eyes of world opinion.)

The end of American innocence concerning international standards for treatment of battlefield captives arrived sometime during the Korean War. To be sure, American prisoners had suffered horribly in earlier wars, through local instances of wanton murder—Malmédy and, through gross mismanagement and casual brutality, Bataan.

But it was that first large-scale conflict with a communist power that witnessed the cynical, systematic use of men no longer able to defend themselves as instruments of propaganda value in political warfare.

It seemed to work out all right, however. After 15 months of hassling at Panmunjom over the POW issue, there was an armistice and a prisoner exchange. Our men, so most people think, came home.

Not quite. At the close of hostilities, 944 U.S. servicemen whom we had reason to think had been alive in enemy hands remained unaccounted for. Despite repeated inquiries by the U.S. government and international bodies, not one word has ever been officially received about the fate of these men. Graves registration work in Korea has reduced the number, but well over a third of the 944 has never been heard from—17 years later!

So that is the kind of record we have to contemplate in trying to arrange the ultimate return of U.S. fighting men held by the enemy in Southeast Asia, and to ensure even the minimally decent treatment to which they are entitled under international law while they are captives. At this writing, their immediate prospects are bleak.

In the first place, we—above all the anguished families of these men—have little fully reliable information on how many prisoners there actually are, who they are, where they are being held and by whom. This void is the result of the steadfast refusal of the government of North Vietnam to identify the men it holds, despite five years of appeals by

the United States, its citizens and neutral authorities.

As of the first of the year, a theoretical number of 1,354 members of the four services could be in enemy hands. With varying degrees of certainty, 422 are known to be captured or interned in other countries. The rest—932—are listed as missing in action. Some of the missing have probably survived into captivity but no one knows how many. Of the total in both categories, well over half are pilots and air crew downed in the air war over North Vietnam during 1965–68. Air Force prisoners and missing number 750, Navy and Coast Guard 251.

Less understood is the plight of what one Department of State official calls "the forgotten of the forgotten," soldiers and marines missing and taken prisoner in infantry combat and forced by the circumstances of their Viet Cong captors to live a subhuman, itinerant existence in the jungle base camps of the South. Army prisoners and missing total 245 as of 1 January, with 108 marines in those two categories. The low proportion of known captured for these two services—54 and 21, respectively—reflect the relative obscurity of their condition.

As of last November, 70 prisoners were known to be held in the South, two in Laos and 341 in North Vietnam.

Hanoi's refusal to render a true accounting of the prisoners it holds is only one aspect of North Vietnam's total disregard of the letter or the spirit of the 1949 Geneva Convention Relative to the Treatment of Prisoners of War, which it signed on 28 June 1957. The North Vietnamese have not even revealed the location of the prison camps, let alone permitted neutral inspection, and representatives of the International Committee of the Red Cross (ICRC) haven't been allowed to set foot in the country.

The convention's provision for regular mail communication between prisoners and their families has been perverted into a propaganda instrument, producing only a trickle of heavily censored mail from selected prisoners at times of Hanoi's own choosing. Barely more than a hundred prisoners have been allowed to write, and few families have ever received more than a couple of letters or cards.

Hanoi has made not even the smallest gesture toward regular repatriation of sick and wounded prisoners, despite several unilateral releases of North Vietnamese prisoners by South Vietnam. All told, nine American prisoners—in three groups of three—have been released from captivity in North Vietnam. A few others have been released by the National Liberation Front (NLF) in the South, usually through a neutral "airlock" such as Cambodia, but one time, last January, in a battlefield meeting near Tay Ninh.

The evidence they have brought back with them gives the lie to Hanoi's principal claim that prisoners are treated "humanely" under a "lenient" policy, despite their status as "major criminals" and "air pirates."

One of the last men to be released from the North, Navy Lt. Robert F. Frishman, publicly exploded these claims shortly after his return last August.

"My intentions are not to scare the wives and families," he told a press conference, "but Hanoi has given false impressions that all is wine and roses and it isn't so.

"I don't think solitary confinement, forced statements, living in a cage for three years, being put in straps, not being allowed to sleep or eat, removal of fingernails, being hung from a ceiling, having an infected arm which was almost lost, not receiving medical care, being dragged along the ground with a broken leg, or not allowing the exchange of mail to prisoners of war are humane.

"Certain prisoners of war have received publicity. Others are kept silent. Why aren't their names officially released? I feel as if I am speaking not only for myself, but for my buddies back in camp to whom I promised I would tell the truth."

And that in a permanent camp in Hanoi where the facilities for medical care, adequate housing and sanitation and decent food at least exist, even if the inclination to grant them does not. The testimony of Army Maj. James N. Rowe and other escapers from Viet Cong camps in the South shows the lot of a prisoner there to be semistarvation, disease, beatings, mental coercion, utter loneliness and—frequently—death.

It isn't known precisely how many U.S. fighting men have died as a result of this barbarous treatment. Officially, 11 soldiers, three marines and an airman are carried on the rolls as having died in captivity. These are only those deaths painstakingly confirmed, largely by ex-prisoners whose knowledge of the fate of their countrymen was limited by isolation. But the experience of one man—Maj. Rowe—was so grim that we can only hope it is not typical. Of the seven Americans who accompanied him into captivity in the fall of 1963, three were released, three starved to death and one was executed. He himself escaped, after "five years, two months, two days and about six hours."

The execution was one of two of American prisoners announced by the NLF on 26 September 1965 as reprisals for the execution of Viet Cong terrorists by the South Vietnamese authorities. Another soldier was executed in June of that year, and in 1967 an Army sergeant and a Marine lieutenant were found to have been tortured and killed shortly after their capture when the enemy positions were overrun a few hours later.

There have been other such murders, though the circumstances are not always as clear. Last July, for example, U.S. and South Vietnamese troops attempted a heliborne prisoner recovery operation at a VC hospital in Quang Tin province.

Sp. 4 Larry D. Aikens, captured two months before, was found "lying just outside the door of a hut . . . bleeding profusely from a fresh wound on the left, top forefront of the skull," according to a Department of Defense summary of the incident.

Sp. 4 Aiken died two weeks later. In the opinion of the attending neurosurgeon, the wound was comparable to that "rendered by a blunt instrument . . . [and] it is unlikely the wound resulted from a missile or shell fragment."

These murders, whether committed in the heat of battle or as deliberate reprisals, speak volumes about the enemy's "lenient" policy. One could not imagine a graver breach of the convention's prisoner of war articles which represent nothing more, really, than minimum standards of decency toward unarmed men who are no longer a military threat.

But if U.S. prisoners no longer threaten the enemy, they represent to him a political asset of great value, and that is what lies at the heart of the uncompromising attitude of the Hanoi government and the NLF on the prisoner issue.

For it is through the prisoners and the anguish of their families that the enemy can hope to reinforce anti-war opinion in this country.

William H. Sullivan, deputy assistant secretary of state for East Asian and Pacific Affairs, told a House Foreign Affairs subcommittee last November that "one of the motivations the North Vietnamese have is political, an effort to use the understandable sympathy and concern and worry in this country about these men in a way that will bring pressure to bear on the administration with respect to actual conduct of military and diplomatic negotiations. . . ."

From the enemy's point of view, there is also the chance that the carefully orchestrated program of coercion and indoctrination in the camps will produce men who can be released to do his propaganda bidding in this country. The effort has so far failed, even with those who have signed "confessions" before release, mostly because of the enemy's inability to understand, as Maj. Rowe puts it, "that the U.S. POW is the most insincere person in the world when it comes to signing their ridiculous statements."

In any case, the entire system depends on the isolation of the individual prisoner and on attempts to make him and his family believe that the government that put him in his predicament is now powerless to do anything for him.

Naturally, it is quite logical (or at least correct dialectics) to believe that the communist prisoner policy is "lenient" once you accept the premise that the captives are "political criminals" taken in an undeclared war, and therefore have no rights beyond those afforded them by Vietnamese law.

This argument is, of course, sheer nonsense and the U.S. and international Red Cross authorities have not ceased saying so at every opportunity since June 1965, when ICRC President Jacques Freymond reminded all parties to the conflict that the Geneva Convention clearly applied. The NLF has contended from time to time that it is not a signatory, but the ICRC has consistently argued that the Front is bound by the accession of both North and South Vietnam.

Raising the prisoner issue before the United Nations General Assembly last November, Mrs. Rita E. Hauser, of the U.S. delegation, noted that "North Vietnam, even by the terms of its own arguments, cannot escape its obligations."

"The United States understands that every country believes that it is right and its enemy wrong. North Vietnam has said that it is inconceivable that the captured military personnel of the 'wrong' side should be given equal status to its own soldiers. But . . . the Geneva Convention was designed specifically to meet this problem.

"It imposes upon all combatant powers the obligation to treat military personnel made helpless by their captivity in accordance with a single objective and verifiable standard."

As if there could be any doubt at this late stage, the 21st international conference of the Red Cross in Istanbul last September adopted without dissent a resolution calling upon the combatants once again to respect the convention. The resolution did not name any specific country, but it was sponsored by the United States and its allies and the context was such that it was clearly aimed at North Vietnam. There were a few abstentions in the show-of-hands vote, but both the governments and the national Red Cross societies of the Soviet Union, Czechoslovakia, Poland and Yugoslavia, among Hanoi's sympathizers, voted for it.

The Istanbul resolution is only one of the latest of many unavailing appeals over the past five years from many quarters—governments, the Vatican, Red Cross authorities, the secretary general of the United Nations. Hanoi continues on its course, unwilling to separate the prisoner issue from its political aims in the Paris talks; unwilling, in fact, to concede that the U.S. government even has a role in discussions on captive American fighting men.

If Hanoi waits long enough, the reasoning goes, the anxiety and frustration of the prisoners' families will turn into bitterness and resentment against their own government. As time goes on and the issue heats up, the enemy counts on gradual acceptance of the notion that Washington's obstinacy—and not Hanoi's—over the settlement of a war in which it had no business in the first place, is responsible for the plight of the prisoners.

This approach, we must now recognize, has worked many times in the past, but there

are a couple of good reasons why it probably won't in this case.

It is doubtful, for instance, whether Hanoi's political strategists really comprehend the courage and understanding displayed by these American military families at a time when they could be forgiven for ceasing to care about anything but the return of their husbands, fathers, sons and brothers.

Take, for example, Mrs. Donald J. Rander, of Dundalk, Md., who has made two trips to Paris to meet with representatives of North Vietnam and the NLF in search of news of her husband, an Army sergeant captured during the 1968 Tet offensive.

She was one of three wives who met with North Vietnamese representatives on Christmas Day, speaking for a group of 58 who traveled to Paris on a whirlwind trip financed by Texas industrialist H. Ross Perot.

"We were told to go home and join the peace movement," she said with obvious disgust. "Where our government is concerned, they are completely noncommittal—they don't want to deal with it at all. They stated that to us definitely."

When she and other wives discussed their husbands' plight with President Nixon in November, Mrs. Rander recalled, the point that stuck in her mind was "that the issue of the POWs and the political negotiations would be separated in the Paris talks."

But what she heard from Hanoi's delegation on Christmas was "exactly the opposite of what the President had told us—it was weird."

The atmosphere of the meeting was "cordial," she said in an interview, but not as encouraging as the friendly face the communist diplomats had put on during her first trip to Paris last August.

"There was a much colder feeling in there this time. We sensed no interest in our problems or in why we were there—they just launched into their speeches about the history of Vietnam, the illegality of our position, et cetera.

"For 25 minutes we sat there and listened to that, trying to break in. When we did manage to get a question or two in, they brushed them aside and started on the speeches again—like a broken record."

Nor did the women have any idea of who, specifically, they were talking to. "They wouldn't identify themselves," Mrs. Rander said, "and I recognized only one familiar face from the first trip—the waiter for the tea-and-cigarette portion of the meeting. We found out who some of the others were later, by reading the papers."

Yet Andrea Rander and the other wives of prisoners and missing men who have organized themselves are willing to endure this sort of frustration if their efforts help only the least bit to focus public attention on Hanoi's intransigence.

"It's a small step," she says, "but every step counts, and I think we are making some progress. It may not be visible to the naked eye, but I feel that we are."

St. Sgt. Donald J. Rander was reported missing in action with other members of his military intelligence team, near Hue in February 1968.

"That was the most tormenting time of all, those awful days," Mrs. Rander recalls. "It was during the Tet offensive, and there was so much of the fighting in Hue on television. I just sat there and watched, hoping that maybe I could catch a glimpse of his face."

That lasted for four weeks, until an escaped prisoner brought word that Sgt. Rander had been wounded and captured. In that respect alone, perhaps, Mrs. Rander is more fortunate than other families; some men have been missing in action for up to five years.

"When I got the letter reporting his capture," she said, "it was a great relief, but then I began to wonder about what it didn't tell." She has not heard a word from, or about, her husband in the two years since then.

Between her efforts on behalf of the prisoners, her regular work as a staff member of the psychiatric "crisis" center at Baltimore City Hospital and her two daughters, Lisa, 10, and Donna Page, 4, Mrs. Rander has few moments to be alone with her thoughts.

"The girls are such good company," she said, "I don't know what I'd do without them. Page really doesn't have that much memory of her father, but now she seems to be more aware of it—she talks about him all the time.

"In the beginning, especially, I was just wanting to give up the house and everything else and move back with my parents. But they told me, 'Look, Donald would want you to go on as before. Keep things as normal as possible and just wait.'

"Now the wait," she adds, "has turned into years."

She has been putting her husband's pay and allotments aside, "because I know there's so much he wants to do, like getting a home of our own."

With a wry smile, she recalls now "how upset Donald was when he got his draft notice. He had a good job then and he sure didn't want to go. When he got in and got adjusted, he found he kind of liked military life—then he had to convince me."

In her work with such groups as the National League of Families of American Prisoners in Southeast Asia and the POW–MIA Action Committee, Mrs. Rander says she finds more interest now in efforts on behalf of prisoners held by the Viet Cong in South Vietnam.

"We've got to start opening doors to the South," she said, "and I heard much more of this on the last trip to Paris."

In the Christmas Day meeting, she said, the Hanoi delegation members "were sort of surprised that two of us had husbands who were prisoners in the South. I asked one member if prisoners taken in the South were detained there, or moved to North Vietnam. He said it was out of his competence, and that I would have to see the NLF."

Mrs. Rander tried that—fruitlessly—on both trips. The first attempt was particularly disconcerting.

She besieged the NLF mission in Paris with telegrams and phone calls in an attempt to arrange a personal meeting with Mme. Nguyen Thi Binh, head of the delegation.

Nothing seemed to work, Mrs. Rander said, "but finally I got hold of a secretary who spoke some English, only to be told that 'Madame Binh is not receiving visitors today.'

"But she did say we could leave packages and mail for our husbands with them, and I left a package of medical supplies there. When I returned to the hotel, there were the packages, sitting in the room, opened and rewrapped."

Mrs. Rander's personal efforts and those of hundreds of others are part of a new, more militant stance on the prisoner question that has been gathering momentum over the past three months. The government must maintain a "hands off" attitude toward the private diplomatic efforts which North Vietnam already believes are officially inspired anyway.

But the administration, including the secretaries of State and Defense and President Nixon himself, has been speaking out much more forcefully on the issue since the middle of last year. The Department of State has given low-key encouragement to publicity campaigns designed to heighten public concern and has testified in favor of congressional resolutions calling upon North Vietnam to meet its obligations under the Geneva Convention.

One such resolution which, along with other similar measures, had the sponsorship of well over 300 members of Congress, has passed the House and is now before the Senate Foreign Relations Committee.

The Johnson administration was no less concerned with the welfare of U.S. prisoners, but the issue was soft-pedaled somewhat, partly out of fear of reprisals against the men and partly because it was believed that intergovernmental efforts might still prove successful.

But as Mr. Sullivan told the House Foreign Affairs subcommittee, U.S. diplomatic efforts have produced "a bleak record."

"Although we have pressed North Vietnam by every available means and channel, diplomatic and private, their responses have been uncompromising and negative."

The Department of State now believes, he added, that "vocal public concern about our prisoners may be the most effective way to bring pressure on the communist authorities to treat our men humanely."

Privately, U.S. officials concede that there is a large element of risk in cranking the issue up to fever pitch, but they know of nothing else to try.

For stirring up public outrage in effect encourages North Vietnam's hopes that it may be able to use the prisoners to influence U.S. domestic politics. Outrage is easily misdirected and could turn on the administration itself, creating a major demand for release of the prisoners at all costs. Albeit on a much smaller scale, there was such a backlash among the families of the imprisoned crew of the USS *Pueblo*, serious enough to hamper negotiations with the North Koreans.

Nevertheless, the record of unanimity on this issues has been impressive. Congressional action, most critically, has received the support of the most outspoken critics of the war in both houses.

Anti-war groups have attacked the American Red Cross for promoting a "letter-to-Hanoi" campaign on the grounds that it supports government war policy.

"But the point is," said an ARC official, "that these prisoners can't be held as whipping boys—they're not guilty of a damned thing. If any crimes were committed, they were committed by the governments who are party to the war not the men they sent into battle."

There is one aspect of the prisoner situation that could be used to divide the nation on this question as with nearly all others having to do with the Vietnam war. That is the treatment of the 31,500 prisoners of war held by the government of South Vietnam, a total which includes 6,500 North Vietnamese regulars.

There have been documented cases of maltreatment in the six POW camps run by the South Vietnamese, but the principal point of contrast with the North is that the complaints have been lodged by the ICRC which is fully established in Saigon.

"Let me be clear that we are not claiming a perfect record on this subject," Mrs. Hauser told the UN last fall. "War is ugly and brutal by nature, and violations by individuals have occurred. The point is, however, that the Allied command has made every effort to ensure that the convention is applied."

One reason why there appears to be no diplomatic leverage of the sort that produced prisoner exchanges in other wars is that North Vietnam has shown little or no interest in the repatriation of its own prisoners.

On the several occasions when South Vietnam has unilaterally released Northerners, Hanoi has gone to extraordinary lengths to avoid any appearance of responsibility for men who it maintained until recently were never there in the first place.

"Consequently," said one U.S. official, "there is no symmetry of interest that could form the basis for prisoner exchange."

When it comes to political advantage, Hanoi apparently regards its own fighting men to be as expendable as ours.

MAJ. JAMES N. ROWE—SURVIVAL OF AN AMERICAN PRISONER: AN EXTRAORDINARY EXERCISE OF WILL

Maj. James N. Rowe, U.S. Army, is the holder of a dubious record: he was a prisoner of war for what is quite likely the longest period of time in American military history.

From 29 October 1963 until 31 December 1968, Maj. Rowe lived and moved with the Viet Cong 309th Battalion over perhaps no more than a 75-kilometer stretch of the fabled U Minh forest, deep in South Vietnam's Delta region. Five years, two months, two days and—he knows as precisely as a man can tell by the sun—"about six hours."

He is also one of a handful of long-term POWs who have managed to escape from this limbo of captivity in the jungle base camps of the South where most U.S. Army prisoners are believed to be held. Through an extraordinary exercise of will and self-reliance, Maj. Rowe managed to survive on the edge of starvation and to maintain his sense of balance in the face of relentless mental pressure. His story thus provides the best record we yet have of what most Army POWs must endure in the half-light world of their guerrilla captors.

Then a first lieutenant and an advisor to a company of Nung irregulars, Maj. Rowe was captured along with seven other Americans when a three-company South Vietnamese force was ambused and overrun by the better part of a VC regiment.

Of those seven, three were released through Cambodia in October 1967, three died of malnutrition in 1966–67 and one—Capt. Humbert R. Versace—was executed in September 1965.

Of the three who starved, Maj. Rowe said that, in a sense, their deaths were "self-inflicted—they stopped eating rice. You keep pushing that stuff down until you puke. They simply couldn't do it any more, and one of these boys was a Filipino who had eaten rice all his life.

"After you stop eating, it doesn't take long for disease to take hold and you can't ever get enough fluids back in your body. Then major organs stop functioning—the kidneys are usually first to go because of the lack of fluids."

Disease and semi-starvation were constant companions for Maj. Rowe and he suffered from dysentery through his captivity. He said:

"Obviously, by American standards, the conditions are low—you are an animal.

"But in all fairness, they do have adequate food by their standards. But prisoners get less of it, because they figure they have more activity, in combat, and that you therefore need less.

"What they don't realize is that an American needs a much higher input—a higher protein diet—just to stay alive. It took me about two years to become a rice-burner."

So the diet was rice—of which Maj. Rowe estimates he consumed a ton—with *nuoc mam*, the ubiquitous rotten fish sauce, the only regular source of protein.

"They were concerned with keeping Americans alive, and they had a requirement from higher headquarters to do so," he added, because you are valuable as a propaganda commodity."

In the last year, when Maj. Rowe was the last American prisoner the unit still held, he was furnished with gill nets and fish lines, and there might be vegetables "every three or four months." Anything else was the gift of ingenuity, such as the fried cakes he learned to make from snake fat, snake eggs and rice flour.

"The one think you think about most," he said, "is food. I often occupied myself mentally by planning menus—breakfast, lunch, dinner and even midnight snacks."

As for medical treatment, Maj. Rowe received none, other than a shot of vitamin B_1 and a bottle of weak merthiolate out of a session staged for a propaganda photographer shortly after the capture. The merthiolate was adequate for the light small arms wounds he suffered in the action, but he had to pick mortar fragments out of his arm himself.

Though American captives of the VC in other areas may move around more, Maj. Rowe spent the entire five years in only two different areas of the Ca Mau peninsula. From January 1965 on, he was held in camps deep in the U Minh forest, which "up to that time," he said, "was pretty safe for the VC—the South Vietnamese were reluctant to go in there because of all the old legends about the place."

"Once they get an American, they want to move him around as little as possible," he said, because of the difficulty of guaranteeing prisoner security.

Typically, prisoners live in huts arranged in a semicircle around a central guard post 30 or 40 meters apart—just enough distance to make the prisoner aware of the presence of comrades, thus deepening an already profound sense of isolation. Attempts to communicate usually earn beatings from the guards.

Kept in leg irons at night, Maj. Rowe sat day after day, week after week and month after month in a cage about four feet wide, six feet long and four feet high.

"You don't go anywhere outside of that hooch," he said, "except the 15 meters to the latrine in the company of a guard."

Air strikes were a constant threat. One of the camps was shot up by helicopter gunships two days before Christmas, 1964, and it was the confused aftermath of a B–52 strike that gave Maj. Rowe his opportunity to escape.

On the move after the raid, the unit was attacked by helicopters, killing or scattering the guards. Maj. Rowe managed to isolate himself with a single, panicky guard and surrepitiously slipped the magazine out of his captor's submachine gun. After overpowering the guard, he moved to a nearby clearing and waved at a helicopter whose crew first took him to be a VC until the waist gunner noticed his beard. Twenty minutes later he was down on an Allied landing zone.

But physical survival was only one of the problems Maj. Rowe had to contend with, and in his own reflection perhaps not even the most trying one.

"I had had Special Forces training and I was used to living in the outdoors," he said, "and I at least had the trees, the sunlight, the birds. The pilot in North Vietnam might have a little better sanitation, a little better food, but if you put me in four walls, I think I'd crack right away."

In the last year, when he had a little more freedom of movement, he raised squirrels and two eagles, "which I got when they were fluffy little balls."

"But the only communication I had was with the animals. That's what you miss most—sincere human communication. The guards and the political cadre weren't communicating with you, they were just using you and that really tore me up."

Political indoctrination was constant, intense and sophisticated, with lessons, literature and lectures pitched at producing repentent "peace soldiers" for the domestic anti-war movement at home.

Immediately after his capture, Maj. Rowe was given a standard international Red Cross data card to fill out. Appended to it was a lengthy questionnaire, asking full details of personal and military history, military training, local tactical intelligence.

"I told them that, under the Code of Conduct, I couldn't give them any of this. But for the first six months, they aren't going to push too hard. They have all the time in the world and they convince you of this.

"I was told, 'Go back to your cage. Sit there for a week or two. Think about it, then we'll talk to you again. We'll tell you the truth of the situation in Vietnam. If you don't believe us today, we'll tell you again tomorrow, and the day after that.'"

Maj. Rowe found the political cadre, most of who were Hanoi-trained Southerners, to be "extremely sophisticated in everything they do."

"They keep you off balance, and there doesn't seem to be any pattern to their actions at first. I can begin to see the patterns now—every action has its reason or purpose."

The entire system, he said, depends on isolating the prisoner and convincing him that he is utterly alone and helpless, totally at the mercy of his captors and far beyond the protection of his own government.

"The prisoner is told that he is a political criminal taken in an undeclared war and that he is totally subject to the enemy's laws. He is told that, therefore, they can do anything they want with him, including killing him, and that anything that is done for him is the result of a "lenient policy."

Maj. Rowe and Capt. Versace "failed" an indoctrination lesson in March 1965 and were sent to a punishment camp where the diet was rice and salt—without water.

"He was chosen for execution," Maj. Rowe said, "and later we heard on Radio Hanoi that he and Sergeant [Kenneth M.] Rora-back had been killed."

"I'm quite sure I was marked for execution too, because I knew by then that they would never release me."

Spurred on by that thought, Maj. Rowe and another prisoner took advantage of a rainy, mosquito-filled night and an especially dense guard to make an escape attempt.

"We wanted to follow the canals to a river and then float downstream," he recalls. "We got about six kilometers from camp and then left the canal system to go overland to another. That was our mistake—we completely lost direction, started going around in circles and wound up about 1½ kilometers from the camp."

This unsuccessful attempt earned Maj. Rowe seven days of "correction," of which he says only "I can't talk about it. They have a job to do and they do it."

In any case, he said, "it's very effective. It was a long time after that before I could even think of the word 'escape.'"

In 1967 and 1968, Maj. Rowe said, the political cadre threw all their old lesson plans away and started to quote from U.S. sources.

"You're in a news vacuum, of course, except for the stuff they choose to give you. I knew the extent of the anti-war movement and I knew it was larger than in '63, but it never really entered my mind that the senators and congressmen they were quoting against the war effort were actually saying these things.

"The thing that really got to me was when the cadre began to tell me, 'very soon, the people of the United States will decide this was all a mistake and you and all of your friends will have suffered and died in vain.'"

Last fall, Maj. Rowe created consternation in political Washington and was condemned on the Senate floor for publicly attacking some of the politicians and publications he had quoted to him in captivity.

About that he is entirely candid. "It's very difficult," he said simply, "not to be subjectively involved in something like this."

An artillery officer since graduating from the U.S. Military Academy in 1960, Maj. Rowe now hopes to be able to switch his branch to intelligence where he feels his hard-earned knowledge of the enemy could be particularly valuable. If successful, he would like to return to Vietnam in the early autumn "in time for the enemy's fall offensive." In the meantime, he is on extended leave writing a book about his experiences.

A native of McAllen, Texas, Maj. Rowe joined the Special Forces in 1961, serving first with Company D, 7th Group, at Fort Bragg, N.C. He studied Chinese at the Army Language School in 1961–62, returning to

Fort Bragg and the 5th Special Forces Group before going to Vietnam in July 1963.

SPECIAL NEWS RELEASE FROM CONGRESSMAN WILLIAM L. DICKINSON, NOVEMBER 14, 1969

WASHINGTON, D.C.—The following is the complete text of an interview between Congressman Bill Dickinson of Alabama's 2nd District and Major James N. Rowe. Major Rowe was a prisoner of the Viet Cong for over 5 years. Major Rowe was a prisoner of war longer than any other American in any war in the history of the United States.

DICKINSON. Hi, I'm Bill Dickinson, Congressman from the 2nd District of Alabama. I have with me here on Capitol Hill (in the studio with me) one of the most remarkable fellows I have ever met in my life. Recently, I have been very active in the Prisoner of War problem of the American servicemen in Vietnam and those who are missing in action. As a result of my activities, I came in contact with Major Rowe who is with me today and he has a remarkable story to tell. So remarkable, in fact, that I think that you and all American citizens should hear it. As a result of my contact with him, I invited him to come to Washington and, at the request of Chairman Rivers, he spoke to the House Armed Services Committee. Major Rowe, as a result of your speaking to the Armed Services Committee, what's happened since then?

ROWE. Well, sir, I didn't really expect all that did happen. I had a chance to visit with the President of the United States; I've seen probably more Congressmen than I knew ever existed, and I had a visit yesterday evening with my boss, the Chief of Staff.

DICKINSON. Well, you went to the White House and visited with President Nixon first, is that correct and that was directly after your tremendous presentation to the House Armed Services Committee? How long did you talk with him, and were you able to get any point over with him? Were you able to really do any good, that you felt, to tell him what is going on with the POWs in Vietnam?

ROWE. Yes sir, I think he is very interested in this and I had the opportunity to spend about 20 or 25 minutes with him.

DICKINSON. Well, that's great because, you see, what I failed to tell the people is that you have one thing that nobody else can claim and that is you were held prisoner of war longer than any soldier has ever been held prisoner of war in the United States. How long were you a prisoner of the Viet Cong?

ROWE. About 5 years and 2 months sir.

DICKINSON. Five years and 2 months as prisoner and you were kept in the Delta all of this time?

ROWE. Yes, sir, I was in the Mekong Delta, it was in the U-Minh Forest which is along the western border.

DICKINSON. And you met with the President, then you met with General Westmoreland, the Chief of Staff?

ROWE. Yes sir.

DICKINSON. And you had a long conversation with him, I understand. You were also invited, and did appear, on the Today Program, is that right?

ROWE. Yes sir, I did. I had an opportunity yesterday morning; I got up at 4 o'clock in the morning to appear on the program.

DICKINSON. Now as I understood it, you were going to comment on The Today Program on the peaceniks and beatniks and the other misguided people . . . in connection with the Moratorium: were you asked anything about it on The Today Program?

ROWE. No sir, I think I made a mistake, I let my views be known before we went on camera.

DICKINSON. Well, you were supposed to go on for 14 minutes?

ROWE. We had 14 or 15 minutes initially, sir, and when we finally got on it wasn't that long at all.

DICKINSON. They never asked you one question about the Moratorium, is that correct? (Major Rowe nodded in the affirmative.) Well, we'll get to that in just a moment. But in 5 years and 2 months of captivity tell me a little bit about your physical treatment, how were you treated and what did they do to you?

ROWE. Well sir, by American standards you're at a very low level, this is one thing you can't judge it by American standards, because by the Vietnamese standards, under those conditions and that environment, they don't feel that you're that far under them.

DICKINSON. What did you have to eat, for instance?

ROWE. We had rice two meals a day, sir.

DICKINSON. And what else?

ROWE. Nuoc Mam or salt. This is the standard diet, of course, they eat rice, this is the basis of their whole diet and they feel that an American can do the same thing, so it's rice 2 meals a day, seven days a week, month in and month out.

DICKINSON. Were you ever given any meat?

ROWE. Yes, sir; when they could catch fish and had enough for them as well as an excess we got it, generally we got the dead ones.

DICKINSON. By dead, mean rotten?

ROWE. Generally speaking, out of 20 we might get 2 or 3, that's for four Americans.

DICKINSON. Now you told our Committee that you might eat anything that swims, crawls or flies, is that right?

ROWE. Yes sir, you eat for nutritional value and not for taste. If there was anything that we could get our hands on that we could put on a menu, we put it on.

DICKINSON. What was that state of your health?

ROWE. Well initially, sir, in the first 6 months I went down from about 165 to about 115 pounds, and after that I started to learn to eat rice and build back up. The diseases I had, I had dysentery for five years, berri berri, hepatitis, and a fungus infection which is prevalent among Americans in that area.

DICKINSON. Are you all right physically now?

ROWE. Well sir, they got everything straightened out except dysentery and it will take a while with that.

DICKINSON. You say for 5 years you suffered with this illness?

ROWE. Yes, sir.

DICKINSON. Well now, how could you keep going for 5 years? I understand they kept you in leg irons at night and you were caged; how could you keep going for 5 years living in these conditions?

ROWE. Well sir, you make up your mind not to die there. In other words, you have three things that get you through, and they're all faiths; one is faith in God, one is faith in the Country, and one is faith in the other POWs. And if you've got those three things, you can make it.

DICKINSON. Now you would really say that you contribute your life, then, to your faith in God, your faith in Country, and your faith in the other POWs?

ROWE. Yes sir, these are the three things.

DICKINSON. Well, did anything happen that would shake your faith in God, or your Country or the other POWs while you were there?

ROWE. Well, the faith in God I don't believe a VC can shake that because they don't understand it, they don't believe it so they don't understand it. Faith in Country was one thing that they did attack, probably more often than anything else. They took, well, I divided it actually into two periods of time, the first between 1963 and 1967, the latter part of 1967 as the first period and the second period between October of 1967 and December of 1968. The first period of time they drew strictly from communist sources for propaganda, in other words, to try and convince us that our efforts in Vietnam were wrong, that the American Government was not representative of the people, that there was a great rift between American people and the Government.

DICKINSON. Was this effective with you and the other POWs?

ROWE. No sir, it's a Vietnamese writing for American consumption and it's not really that effective; but in the latter part of 1967 and early 1968, they stopped drawing from their own sources and began to draw from AP, UPI, Time, Newsweek, Life, Look, Washington Post, New York Times. They picked statements from people within our own government, people within the United States, figures that are known and they quoted their statements opposing our efforts in Vietnam.

DICKINSON. Is this, then, the thing that was most effective in shaking your faith in yourself and in your Country and willingness to live?

ROWE. It was the only time during the entire period of time that I really doubted whether or not I was really right.

DICKINSON. Well, would you say they were principally government figures, or did the hippies and the yippies on the street, what did they quote that was most effective?

ROWE. Well sir, they would say them all in one breath and you would have a whole line of people within the government, and then they would come with Stokely Carmichael, Rap Brown, Eldridge Cleaver, Tom Hayden, Benjamin Spock.

DICKINSON. And who else within government?

ROWE. Mr. Mansfield, Mr. Morse, Mr. Fulbright, Mr. McGovern, were the ones I heard more than any others, sir.

DICKINSON. The four Senators?

ROWE. Yes sir.

DICKINSON. Now getting back to the Moratorium, the people who think they are going to effect a quicker peace by bringing about demonstrations. You were a captive for over 5 years, you learned to speak the language, you learned to know the mind of the Vietnamese, do you think the Moratorium demonstration and the people walking up and down the streets with the placards, is this going to hasten the day when the hostilities will cease or do you think it will strengthen the determination of Hanoi to fight til the bitter end?

ROWE. Two things, sir, the Viet Cong, this comes from one of their political cadre, a provincial level political cadre, a communist and member of the Lao Dong party; he said that we do not expect a military victory nor do we expect an immediate political victory, but through the demonstrations and disorder in the United States, the anti-war movement, the United States Government can be robbed of its support of the people and forced to withdraw from Vietnam. At that time we will have total victory. At the same time, considering this even further, if you take their attitude towards negotiations where they regard conditions as a sign of weakness, it's only going to bring further demands. And if they win in Vietnam, that will not be the end but the beginning. This is the thing that's important to the military, and I as a military man.

DICKINSON. You told us you were preached to daily, you were politically indoctrinated or attempt was made almost daily, and you became familiar with their overall plan. First, what do they expect to accomplish in Vietnam, are they up to or behind schedule, what can we expect from them?

ROWE. They're behind schedule, sir. They were supposed to over-run Vietnam and have total victory in 1965, but President Johnson averted this by putting in United States troops.

DICKINSON. And is it true that this is just one apple on the bush?

ROWE. It's a very large tragedy, sir, and it expands throughout Indo-China.

DICKINSON. Now, are you sure that if it had not been for our action in Vietnam that the South Vietnamese would have fallen by now and they would probably be into other countries, is this your feelings?

ROWE. Yes sir, the NVA, they are the imbalance. The North Vietnamese are the imbalance and at that point they could have put enough men and enough communist equipment into South Vietnam to overrun the country.

DICKINSON. And you're convinced, as I am, having been there twice, that Thailand, Laos, Cambodia will all fall if we drew out and give in without securing South Vietnam?

ROWE. Sir, they will maintain the momentum of victory and it will carry through Laos and Thailand.

DICKINSON. And you're convinced that regardless of whether we should have been there in the first place or not, we're doing what is necessary now. Tell me, what do you think will be the effect if the demonstrators would have their way and we would just pull out right now, what would be the effect?

ROWE. It would be a blood bath. The communists promise in their political program, this is the political program of the Liberation National Front, and the way they state it, we will severely punish the diehard, cruel agents of the American imperialists and their lackies in Saigon, which is a blanket purge and it's going to be one of the bloodiest that they've ever seen in Asia, and they won't stop.

DICKINSON. Well, we saw that they killed over 3,000 at Hue during the Tet.

ROWE. That's on offensive, sir, and imagine if they take over the country.

DICKINSON. I'm convinced that what you say is right. Now there were two things that you told our Committee. First, that you were marked for execution and that you did escape. What made you think that you were marked for execution and how did this come about?

ROWE. Well sir, I had a period of time that I was going through documents of theirs while they were at lunch. I would just go to where they kept an ammunition box, a 30 caliber ammunition box where they had all their papers. I learned some bad habits in Special Forces and lock picking was one of them. I would go there and pick the lock during this period of time and check out their papers, and whatever I thought was important I would copy down and put it back. I found one paper in there, this was in the latter part of 1968, where a request had come from Zone for the name of an American POW from MR 3 and my name had been submitted and this is a one-way trip as far as that is concerned.

DICKINSON. When you were captured, you gave them what you call a cover story?

ROWE. Yes sir, I did.

DICKINSON. Was this effective and do you think it had something to do with keeping you alive?

ROWE. Yes sir, I maintained this for 4 years and it enabled me to say "I don't know" rather than "I can't tell you", and I think that this was most effective. In 1968, some group, I don't know what it was, but I was called in and the Viet Cong prevention cadre told me that the justice and peace loving friends of theirs in the United States had sent them a biographical sketch on me, which very effectively blew my cover story and marked me.

DICKINSON. Let me get this straight, American citizens, under the cover of being some peace group, had searched your biography and furnished this to the Viet Cong, so it blew your cover story, is that correct?

ROWE. Apparently so, sir.

DICKINSON. And finally, how did you get away?

ROWE. Well sir, I just took advantage of American B-52's and American helicopters and a very trusting guard that I got rid of, broke away from them, signaled the choppers and had American underfire come in and pick me up.

DICKINSON. And escape?

ROWE. Yes sir.

DICKINSON. And you're going back?

ROWE. Yes sir, I've volunteered to go back and I'll go back in 1970.

DICKINSON. You're the most remarkable man that I know. Thank you, Major Nick Rowe.

ADDITIONAL INFORMATION

Name: Major James N. Rowe, U.S.A.
Age: 31 (born, February 8, 1938).
Home: McAllen, Texas.
West Point Graduate.
Captured—October 22, 1963.
Escaped—December 31, 1968.
Volunteered to return to Vietnam—1970.

FIFTY-SECOND ANNIVERSARY OF BYELORUSSIAN INDEPENDENCE

HON. MICHAEL A. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. FEIGHAN. Mr. Speaker, on March 25 lovers of freedom all over the world will commemorate the 52d Anniversary of the Declaration of Independence of the Byelorussian nation. I am moved by a feeling of sincere admiration and respect for a people who have, since the beginning of their history, been threatened by oppression and assimiliation, yet who have never ceded their love of liberty and human dignity. We look to captive peoples such as the Byelorussians as symbols of courage and determination.

There is no need to describe the life the White Ruthenian must lead under Communist domination. We would do well, however, to ponder for a moment the conditions which are beyond our imagination as free and comfortable American citizens. Government censorship, educational suppression, cultural oppression, and political takeover is reality for Byelorussia, and nothing short of total independence will preserve her human rights.

With miraculous strength, the oppressed have resisted. At every challenge to their freedom, the Byelorussians have fought for their human rights with the courage of the world's great heroes. With few respites, they have known only war, foreign occupation and oppression, yet they have defied the Communist threat by publishing underground newspapers, opening cultural avenues, reviving their language, celebrating their folklore. Their undaunted spirit during the first years of the century, their foresight in seizing the opportunity for liberation led to the moment that we celebrate: March 25, 1918, the declaration of independence.

The self-declared freedom was short-lived, however, as the Byelorussian government was forced into exile not long after independence day. Now the White Ruthenian people continue to suffer oppression in all of its heinous forms. Their national spirit has awakened the spirit of all of Central Europe, even though their government is occupied by a foreign and tyrannical ideology. The oppressed deserve our recognition, they deserve our compassion, they deserve our admiration. May we never forget the Byelorussian spirit and may the ideals which keep that spirit alive remain as strong as they are today. My sincerest hope is that someday soon we can celebrate Byelorussian Independence Day with our European friends when East and West join in lasting peace.

MONTANA'S STREAM PRESERVATION LAW

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Tuesday, March 24, 1970

Mr. METCALF. Mr. President, on previous occasions I have taken note of Montana's stream preservation law, which informed conservationists regard as a model statute for reconciling differences among those who would build the necessary highways and those concerned primarily with our environment.

The law was discussed at some length today at the North American Wildlife Conference in Chicago by John C. Peters of the Montana Fish and Game Department. Mr. Peters called the law "a social document that applies a mixture of biological and engineering principles to protect a part of the environment." As he says, the law "illustrates that the public wants to maintain a quality environment and will pay for it."

Mr. President, I ask unanimous consent that Mr. Peters' address be printed in the RECORD.

There being no objection the address was ordered to be printed in the RECORD, as follows:

OPERATION SINCE 1963 UNDER MONTANA'S STREAM PRESERVATION LAW

(Address by John C. Peters)

A day seldom passes without some mention in newspapers, on the radio, in the weekly magazines, or over television of the destruction of the environment. The public is aware that serious environmental problems exist. Their attitude today is that they want to live in a high quality environment, relatively free of any kind of pollution even if it means paying higher taxes or a higher price for products. This attitude could only be held in an affluent society such as ours where the more basic needs of food and shelter are adequate for most people.

Protection of trout streams from the bulldozer and dragline is only one small part of the struggle for the maintenance of a quality environment. However, such protection is a milestone because the people of Montana have achieved some success in the preservation of this important part of the landscape. A law called the Stream Preservation Law is the reason for our success. Years of disappointing efforts showed that moral indignation or social alarm will not save a meandering stream from a bulldozer. Only the legal process with delegated responsibility will do the job.

Before Montana had its law, the road builders listened to alternate proposals but the final plans included only incidental considerations for the preservation of the trout stream environment. The Instructional Memorandums of the Bureau of Public Roads were not adequate because there were no

provisions to settle differences. Legally, the road builders had no responsibility to consider requests aimed at stream protection. Only after passage of the Stream Preservation Law were we able to work out compromises that allowed the building of roads without the needless destruction of streams and the surrounding valley floors. The compromises came relatively easy once the legal framework was provided by the Montana Legislature.

HISTORY

In 1960, there was major conflict with the road builders concerning the harmful effects of road construction on trout streams. After a history of attempting to get adequate consideration for preserving the stream environment, it became painfully clear that they would listen, but could not implement major proposals for minimizing damage. We had no recourse but to ask the legislature to give us the legal framework to protect our stream resources from the bulldozers. Faced with that task, it was obvious that facts were needed before we could adequately support our case.

So, in 1961, a pilot study was initiated on the Little Big Horn River to develop methods for measuring channel alterations and their impact on fish populations. Using the techniques developed on this pilot study, each of seven fisheries districts measured at least one stream in 1962. We completed inventories on 13 streams and rivers located throughout the state and the results showed that far more of the trout stream environment had been tampered with than we had suspected (Peters, 1964). Two other states, North Carolina (Bayless and Smith, 1964) and Idaho (Irizarri, 1969) have completed statewide channel inventories that show the same trend. All of these studies conclude that altered channels carry far fewer game fish than natural channels. Also, a study of channelization in the Little Sioux River in Iowa revealed that the channeled portions carried far fewer game fish than the natural channel (Welker, 1967).

As we presented the results of the stream channel inventory to various civic organizations, we gained the strong support of the Montana Junior Chamber of Commerce. Later, they received a National Conservation Award for their part in obtaining passage of Montana's first Stream Preservation Law. The Montana Wildlife Federation also pitched in with the Western Association of that Federation providing noteworthy leadership. Together these groups supported by the data convinced a rather reluctant legislature that Montana needed a Stream Preservation Law. One was passed which became effective on July 1, 1963, but only for a two-year trial period. Thus we had to repeat our efforts in 1965. Armed then with facts from channel inventories on 16 streams, and the record of not having stopped the entire road building program in Montana during the previous two years, we enlisted the support of several groups. These efforts were successful because a permanent law was passed in 1965.

The following facts based on the channel inventory were presented at the 1965 legislative committee hearings:

1. That 354 of 987 miles (36%) of channels surveyed had been altered from their natural condition.

2. There were 2,401 alterations counted, nearly three per stream mile.

3. Altered channels produced only one-fifth the number of game fish and one-seventh the weight of game fish as natural channels.

These facts played an important part in convincing the legislature that protective legislation was necessary to maintain a valuable natural resource, Montana's trout stream fishery.

Examining the voting record of the Montana legislautre on this issue will give some insight into the desirable effects of a well-planned implementation of a good law. In 1963, the first law narrowly passed the legislature (with the House voting 53–33 and the Senate voting 32–21) and became law for a two-year trial period. The bill was killed twice in committee, only to be pulled out and passed after some interesting political maneuvering. In contrast, the 1965 legislature enacted a permanent law with only *one* dissenting vote from a possible 146, which was cast by a road contractor. I believe the change in the voting between 1963 and 1965 is excellent testimony in favor of exerting every effort to make a good law work.

The Stream Preservation Law covers only agencies of the state and subdivisions of state government, i.e., cities and counties. The State Water Conservation Board is exempt. The law gave no jurisdiction over private landowners, corporations or federal government agencies.

There were two important changes made to the original law by the 1965 legislature. Most important the law became permanent in 1965 and no longer had to be renewed at each subsequent session of the legislature. The arbitration committee under the 1963 law was made up of a member designated by the Fish and Game Commission, a member designated by the agency involved, and a third member who had no connection with either agency, selected by these two members. Under the 1965 law the three-man committee is appointed by the district court.

THE LAW ITSELF AND HOW IT WORKS

Both the 1963 law (Chapter 258, Montana Laws of 1963) and the 1965 Law (Chapter 10, Montana Laws of 1965) have identical preambles: "An act to establish the policy of the State of Montana on protection of fishing streams, providing for submission of plans for construction and hydraulic projects affecting such streams to the Montana Fish and Game Commission and for review of such plans; and providing for arbitration of disagreements between the Fish and Game Commission and the Agency proposing such acts." The following is a brief summary of the sections of the act itself and describes the mechanical operation under the current law:

1. The Fish and Game Commission is notified of a project affecting a stream on a special form accompanied by detailed plans and specifications. These documents must be provided not less than 60 days prior to the start of construction.

2. The Commission examines these plans. If they are inadequate, they so notify the applicant and may aid him in preparing better ones.

3. Within 30 days after the receipt of such plans, the Commission notifies the applicant whether or not the project affects any fish and game habitat. If the project is harmful to habitat, the Commission recommends alternatives which diminish or eliminate such effect.

4. If these alternatives or recommendations are unacceptable to the construction agency, they must notify the Commission within 15 days after receiving such alternatives and the disagreement is arbitrated. A special arbitration procedure is spelled out in the law which is binding on both parties.

However, we have learned that a much more practical operation exists with construction agencies than that formally spelled out by the law. Somewhere between 10 and 15 percent of the total cost of a highway construction project lies in its design. Once an alignment has been selected and the plans are completed, there is little opportunity for change without great cost to the construction agency. Considerable delay occurs while the project is being redesigned, too. Therefore, the conservation agency must be notified by a construction agency and be allowed to participate as a partner before such design plans are developed. In the jargon of the road building agencies, this means notification to participate on the P-line (preliminary alignment) or L-line (location alignment) inspections. At this stage, changes are relatively easy to make. This allows the conservation agency sufficient time to make the necessary studies to collect data supporting a recommendation as may be required to justify changes by the construction agency. It is the practical way to carry out each agency's responsibility on a day-to-day, routine basis.

The Stream Preservation Law has been tested by legal decision three different times. One of the counties in the state did not believe the Fish and Game Commission had the jurisdiction to require them to abide by the law. The Attorney General ruled that the Commission did in fact have such authority and required the country to submit a notice of construction of their project influencing a stream.

As a mitigative measure in another case, we asked that a meander be built to replace one that was cut off. A landowner contested the necessity of selling his land for the new meander. After we provided testimony at a court hearing, the landowner amended his complaint admitting the necessity for the taking of his land for the meander. He did not feel he was offered just compensation for his land from the road-building agency and continued the case in this regard. The meander has since been built, with the total cost, including right-of-way, estimated at $80,000.00.

In the third case the law was used to prevent the purchase of gravel from a site within the perimeter of a meander loop. We felt the river could erode its way into the borrow pit area and possibly upset the river's hydraulic regimen in the entire project area. The court ruled that the construction agency had the ministerial authority to make such a decision when requested to do so in accordance with the Stream Preservation Law.

WHAT HAS BEEN ACCOMPLISHED

Two reports (Whitney, 1964 and Peters, 1966) discuss specific accomplishments of the law during 1963 and 1965 respectively. From July 1, 1963 when the first law became effective, until June 30, 1969 we have reviewed legal notices for 259 projects. Of these, we asked for special considerations on 88 projects, roughly one of every three.

Following are the highlights of what has been accomplished during the first six years with the law. Proposed road alignments were moved to avoid encroaching upon the Madison, Big Hole, Missouri and Blackfoot Rivers. Meanders were designed and built in Prickly Pear Creek, the St. Regis River and the Clark Fork River so that the channel was as long after construction as before. Extra bridges to preserve natural meanders were built in the Beaverhead and Missouri Rivers and are planned for the Blackfoot River. Brushy floodplain vegetation, removed to facilitate construction, has been replaced. Channel excavation has been limited to those times of the year when trout are not spawning and eggs are not in redds. An elevated and independent alignment has been proposed and been designed to preserve the St. Regis River and its scenic canyon. All of these fishery-saving accomplishments have been made by working with the State Highway Department with the concurrence of the Bureau of Public Roads, through the effective medium of a good law, which established the framework.

FRINGE BENEFITS

By asking them to follow the intent of the Stream Preservation Law, we now have written agreements with the following federal agencies: Forest Service, Bureau of Public Roads, Bureau of Reclamation, Fish and Wildlife Service, Soil Conservation Service, and the Bureau of Indian Affairs. The agreement with the Soil Conservation Service al-

lows the Fish and Game Department to review each project under the Agricultural Conservation Program that involves work in a stream or river. No federal cost-sharing is allowed on channel work under ACP unless it meets with our written approval. Since channel stabilization work has increased in recent years to the fifth largest expenditures of funds under ACP, this has become an important part of our stream preservation program.

The Bureau of Public Roads has also followed the intent of the law. We have established liaison with the BPR that allows us to review all Forest Highway Projects from the preliminary alignment to the final construction phase.

Depending on individual forests in the region, we have established fair to excellent cooperation with the U.S. Forest Service. There are few problems with high design forest roads as a rule. It is the smaller logging roads designed within the Forest Supervisor's offices that are often troublesome.

In 1969 the Montana Legislature appropriated $100,000.00 to the Department for the construction of recreation lakes. Involved in this program is the utilization of highway fills to impound water. The Fish and Game Department pays the difference in cost between a fill designed for a roadway and a fill designed for a dam embankment. The department has hired an engineering consulting firm to provide the design and right-of-way investigation work necessary for the development of plans and specifications. The State Highway Department provides us at cost with core log data necessary for material and foundation evaluation and with aerial photography necessary for site mapping. This is an example of an extremely efficient use of public money and illustrates what agencies can do when they are really willing to cooperate with each other.

Recently, we obtained a Memorandum of Understanding with the State Highway Department dealing with land isolated by road construction activities. It allows us to have the highway right-of-way personnel act in our behalf to purchase this isolated land for fish and game purposes. In this way, everyone can benefit including the landowner with the isolated land. For example, some fairly large tracts of land will be isolated between the Clark Fork River and Interstate 90. It would be economically impractical to provide frontage road access to these lands, according to the highway department. Therefore, we are developing a plan to use these lands for a major waterfowl development. Since borrowing will be needed to build the road, we will specify where it can come from and the size and shape of the borrow pits. These pits will become duck ponds rather than the traditional eye sores. This agreement will also be used to purchase land needed for fishing access, habitat protection for birds and fish, game checking stations, etc. It is not limited to interstate highways, but can be used along new primary and secondary roads as well.

The Stream Preservation Law has been indirectly responsible for developing a more rational basis for our stream management program. Often we are asked by the construction agencies to justify our request for mitigative measures. This means measuring fish populations and providing reports describing the fishery for such justification. We have allocated time and manpower to do this in our fishery districts. Special jobs have been set up and work carried out over a long period of time to gather data for the stream preservation program. Because of this, the whole fisheries staff has increased its capabilities and practical know-how in accurately measuring stream and river fish populations.

WHAT IS LEFT TO BE DONE

Almost all of our effort in preserving the stream environment has been devoted to the preconstruction phase of road building. This phase allows us (1) to review and adjust alignments, and (2) to work out measures for fishery mitigation. However, this effort does not do the entire job for maximum protection of the environment. Our effort up to now only enables us to keep between two-thirds and three-fourths of the stream environmental problems in our management grasp. However, to improve our ability to preserve the entire stream environment, we must get involved on a day-to-day basis during the construction phase of road building. This will involve a great improvement in our understanding of just what can be done and what cannot be done when the contractor is building the road. We may have to change or refine certain measures for habitat mitigation once this knowledge gap is closed. Trained biologists must be hired to work with the construction engineer in this important problem area.

Under our D–J fisheries program, we have evaluated a few of the channel mitigative measures to determine their value for fish. But we do not have the money or manpower to begin to evaluate all the important measures that have been designed and constructed for aquatic life. We need more money and people to do this work. Until such a program is operating we are proceeding under the belief that channels that behave well hydraulically also provide the best environment for fish. With or without a more adequate evaluation program, we must work closely with the engineering community to better understand flow in natural channels as it relates to fish.

CONCLUSIONS

The Stream Preservation Law has provided for the trout stream environment in Montana. It has shown the public that a construction agency and a conservation agency can work together given the necessary legal framework. One measure of the relative effectiveness of the program is the $100,000.00 appropriation for the Recreation Lakes Program granted to the Fish and Game Department by the 1969 legislature. This program would not be possible without the close cooperation of the State Highway Department, cooperation initiated by state law which detailed agency responsibilities.

We have achieved a measure of success by being able to work in the preconstruction phases of the road building program. We will have to begin working on a day-to-day basis at the construction phase of road building in order to achieve maximum success. The public does not compliment us on what we have accomplished, rather they criticize us on what they feel we should be doing to further preserve the trout stream environment. We must live up to their expectations and work even closer with the construction agencies in order to retain the public's confidence.

This law is a social document that applies a mixture of biological and engineering principles to protect a part of the environment. It illustrates that the public wants to maintain a quality environment and will pay for it. Yet this success has been achieved without economically penalizing the road building effort. Apparently the myth that this law would scuttle the road building program in Montana has vanished. The largest public works program ever conceived and funded by Congress continues in Montana and elsewhere. But there is a difference. We have a legal document which has helped us and the road builders minimize some of the destructive forces in that massive program.

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ABM: AN EXPENSIVE MAGINOT LINE

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mr. LEGGETT. Mr. Speaker, an editorial on the subject of the ABM recently appeared in one of my district's outstanding newspapers, the Sacramento Bee. To my mind, the Bee has bopped this boondoggle right on the head. Either the Russians will not expand their SS–9 force, in which case Safeguard will not be needed, or they will expand it and add MIRV, in which case Safeguard will not work even in theory, let alone in practice.

It seems most unlikely that Safeguard will have practical effectiveness under any circumstances. But even the Defense Department admits it will have theoretical effectiveness only if the Soviets expand their SS–9 force but do not incorporate MIRV. Perhaps if we are foolish enough to spend billions on Safeguard, the Soviets will, out of appreciation for our efforts, design their offense to suit Safeguard's capabilities and avoid its weaknesses. But somehow I doubt it.

I insert the editorial entitled "Safeguard Proposal Would Give United States the Illusion of Maginot Line Safety," from the Sacramento Bee of March 4, 1969, in the RECORD at this point:

SAFEGUARD PROPOSAL WOULD GIVE UNITED STATES ILLUSION OF MAGINOT LINE SAFETY

The Nixon administration's latest proposal to expand the Safeguard Anti-Ballistic Missile system amounts to a new Maginot Line mentality and would be an exorbitant economic drain without increasing real national security.

The Maginot Line, it will be recalled, was a prodigious network of fortifications by which the French military imagined it might make German invasion impossible. The Nazi blitzkrieg blasted that illusion by simply bypassing the Maginot Line in a few short weeks. France fell.

What the French failed to perceive clearly—although the then young Gen. Charles De Gaulle importuned against Maginot Line thinking—was that the rapidly shifting developments of military tactics would make the supposed impregnable defense obsolete.

The same failure of perception marks the Nixon administration's faith in the Safeguard system. The President has chosen to listen to those particular military and scientific advisers who believe it possible to erect

an impregnable antiballistic missile system and prevent successful missile attack upon the US.

It is typical Maginot Line mentality. But a growing number of military men and scientists see the folly of this illusion of security. Congress should take a whole new look at the Safeguard proposal and insist that the nation's best protection remains in the retaliatory deterrent power of its Polaris fleet.

US Sen. Mike Mansfield of Montana, the Senate Democratic majority leader, has warned the full cost of the Safeguard system envisioned by the administration would grow to an ultimate $50 billion or more. That is a ghastly price to pay for an illusion of security.

For as Defense Secretary Melvin Laird himself has conceded, there is no need for it if the Soviets do not proceed with development of more sophisticated missiles and accuracy, and if they do, the proposed, untried Safeguard system could not handle the threat.

It is folly to spend billions on a system which would be useful only if the Soviets tailor their threat to suit its peculiar limitations.

MOVING THE MAIL

HON. WILLIAM H. HARSHA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mr. HARSHA. Mr. Speaker, President Nixon's firm resolve to keep the mail of our Nation moving, and his decisive words and actions in that direction, are being commended as realistic, necessary, and courageous.

An editorial from this morning's Wall Street Journal places the situation in its proper perspective, both from the standpoint of the postal workers, and the President's responsibility to retain a "government based upon law."

I commend this editorial to the attention of my colleagues.

MOVING THE MAIL

The first priority in the current mail strike is to get the mail moving. President Nixon recognized as much yesterday when he ordered military personnel to handle essential mail in New York City, where the tie-up started and where the Post Office was still shut down.

At the same time Mr. Nixon stressed that the "overwhelming majority" of postal employes had refused to join the illegal walkout and instead were carrying out their responsibilities. To these workers, as well as to those on strike, he promised full discussions of all grievances—but not while thousands remain off their jobs.

As the President conceded, the economic problems of postal workers in some cases are severe. Still, those problems should be kept in perspective.

The top pay of letter carriers, $8,442, obviously is not high in these inflated times. Perhaps it's worth remembering, though, that the median income for all U.S. families is only about $8,000. Whatever the problems of the postmen, in other words, around half of all Americans are worse off.

Federal employes, moreover, have a degree of job security seldom attainable in private employment. This security is especially great in the Post Office, where the chief change over the years has been a growing demand for service—and personnel.

The real problems the postmen do have run much deeper than money. Ironically, most of the postal workers' unions have been fighting tooth and nail to preserve the politics-ridden system that is mainly responsible for their members' troubles.

Some critics claim the Administration precipitated the mail crisis by tying a postal pay raise to sensible postal reform. If the Administration did in fact link the two, it was showing much more compassion for the workers' real grievances than their leaders were.

It is, for one thing, perfectly clear that $8,442 is a lot more money in some parts of the nation than it is in others. But Congress, setting postal wages largely for political reasons, hasn't been inclined to fix higher wages for one member's constituents than for others.

A semi-independent postal authority, of the sort the Administration proposes, would be flexible enough to take living costs into account. At the same time, of course, it could shear away the political appointees who still occupy many top postal positions, and thus leave many career postal workers stuck in dead-end jobs.

If the postal unions really wanted to help their members, all of them would have been working hard for reform. An $8,442 wage wouldn't look discouraging anywhere if an ambitious postal worker knew that it did not need to be the end of the road.

However serious the problems of any of the workers, they do not justify illegal strikes. The fact that the strikes started in New York is unsurprising; postal workers there have watched while other public employes pulled illegal walkouts—and usually wound up being rewarded with higher pay.

New York has long been known as a "good" labor town, meaning one where the politicians generally knuckle under to the unions. At the state level this shows up in the fact that New York actually pays unemployment benefits to workers who go out on strike. Since the benefits are financed by employers, the companies thus subsidize strikes against themselves.

The Federal Government simply cannot permit itself to get in that sort of predicament. If the postal strikers get away with this power play, there are many other Federal workers only too likely to follow the leaders.

What is at issue, as President Nixon said, is survival of a Government based upon law. If the strikers begin to see that is so, there will be no need for the President to order troops into cities other than New York. He made it clear, though, that he would not hesitate to take whatever steps become necessary.

It was the sort of decision no political leader enjoys making. The postal strikers, however, left a President of the United States no other choice.

SACRAMENTO BEE PRAISES PAUL LEAKE

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mr. LEGGETT. Mr. Speaker, a few days ago one of California's most senior capable public servants, Mr. Paul R. Leake, a member of the Senate Board of Equalization since 1952, decided to hang up his spurs.

Paul Leake, a distinguished Democrat, has served half of the 58 counties of California on the State Board of Equalization for the past 18 years—now at 80 Paul has announced his retirement.

Paul was born in Dixon, Calif. on August 26, 1890, and received his schooling at Santa Clara. He developed the Woodland Daily Democrat which he has owned since 1926. The paper is ably managed by his son, Kenneth, since Mr. Leake is in public service.

In 1939 Paul was appointed Customs Collector for San Francisco and later he has consistently been elected to the State Board of Equalization since 1952. He is past President of the California Newspaper Publishers' Association.

The Sacramento Bee was one of the first to pay him tribute last week, as follows:

LEAKE'S SERVICE WAS PRAISEWORTHY

It is a sad day when a public servant who has made such a valuable contribution to good government is lost to public service, whatever the reason. Such is the case with Paul R. Leake of Woodland, a member of the State Board of Equalization since 1952.

Leake, who will be 80 in August, has reversed an earlier decision to campaign for re-election and announced his retirement at the end of the present term. In doing so he is giving up the prospect of a $100,000 income—$25,000 a year salary for the next four years—because it is almost certain he could have been successful again at the polls.

Leake said:

"The people should be represented by a younger man—someone to keep on top of today's frightening problems."

While this is a commendable attitude, it also is too bad because a younger man will have to go some to equal Leake's record.

The Woodland newspaper editor and publisher has served the people of the 25 northern counties in his equalization board district with strength and fairness for nearly two decades. The board is the state's major revenue agency, administering collection of eight kinds of taxes, assessment of utility property and overseeing the counties' administration of local property taxes.

Although a Democrat, Leake first was appointed to the post to fill an unexpired term by Republican Gov. Earl Warren. He has approached his work in a strictly nonpartisan political tradition.

Even before his service on the equalization board, Leake was making a contribution to government. He was collector of customs for the Port of San Francisco from 1939 to 1952.

Leake rates praise and gratitude from the people of California.

POSTAL STRIKE

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

(Mr. STEIGER of Wisconsin asked and was given permission to address the House for 1 minute.)

Mr. STEIGER of Wisconsin. Mr. Speaker, it is regrettable that there are those on the floor today who will attempt to use for their own political purposes the tragic situation due to the interruption of mail service and the present treatment of postal employees.

I, for one, think the President was correct in his move to call out the troops to carry on the essential mail service required by this country. But I am deeply

disturbed by the fact that the simple act of passing a pay increase is assumed by some to solve the problems of the Post Office.

I do not think that is going to happen, and I am one of those who supports the corporation, who joins with the distinguished gentleman from Arizona (Mr. UDALL) in believing that basic postal reform, giving employees the right to bargain collectively, with binding arbitration at the end of unresolved differences, will achieve the goal of both treating employees more fairly and giving the people of this country better mail service. It is the Congress of the United States that has failed over the years to treat New York employees fairly. It is the Congress which has to bear the responsibility for failing to move in reforming the Post Office.

NATIONAL KIDNEY DISEASE MONTH

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mr. GUDE. Mr. Speaker, Mayor Walter Washington has issued a proclamation designating March 1970 as "National Kidney Disease Month." He points out that more than 3,000 residents of the Metropolitan Washington area will die of kidney disease during the coming year, and that many of the victims of the disease are children.

As a member of the Honorary Committee of the National Kidney Foundation of the National Capital Area, I support its work in educating the community about the symptoms and necessary treatment of kidney disease. I have cosponsored legislation to provide funding for a comprehensive program to combat kidney disease and to modernize the laws in the District of Columbia governing the making of anatomical gifts, so that kidney transplantation can be facilitated not only in the District of Columbia itself but also between Maryland, Virginia, and the District of Columbia.

I join Mayor Washington in urging that every citizen learn the warning signs of kidney disease, and in commending the Kidney Foundation for its important work in improving the health of the community.

The proclamation follows:

NATIONAL KIDNEY DISEASE MONTH, MARCH 1970

BY THE COMMISSIONER OF THE DISTRICT OF COLUMBIA A PROCLAMATION

Whereas, the death rate from kidney disease in the Metropolitan Washington, D.C. area is twice the national average; and

Whereas, more than 3,000 residents of the Metropolitan Washington area will die of kidney disease during the coming year, and more than 46,000 kidney disease victims in the Washington area, many of them children, suffer from life-threatening kidney ailments; and

Whereas, the Kidney Foundation of the National Capital Area is engaged in programs to improve the health of the community by providing important health education information about kidney diseases, and is striving to assist kidney disease victims through artificial kidney centers, tissue-typing and kidney transplantation centers, Drug Bank programs, and detection and treatment of asymptomatic kidney infections in school children:

Now, Therefore, I the Commissioner of the District of Columbia, do hereby proclaim the month of March as "Kidney Disease Month," and urge every citizen of the District of Columbia to safeguard the health of his family and his community by learning the "5 Warning Signs of Kidney Disease", and by supporting the Kidney Foundation of the National Capital Area in its efforts to aid kidney disease victims.

WALTER E. WASHINGTON,
Commissioner of the District of Columbia.

FREEDOM'S CHALLENGE

HON. E. ROSS ADAIR

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mr. ADAIR. Mr. Speaker, a short time ago Miss Martha Scher of Huntington Catholic High School, Huntington, Ind., won an award in the Voice of Democracy Contest. As one reads what Miss Scher wrote, certainly an admiration for many of today's young people and the soundness and wholesomeness of their thinking is created. Because it is so outstanding, I include herewith Miss Scher's statement—"Freedom's Challenge":

FREEDOM'S CHALLENGE

(By Martha Scher)

"Freedom's Challenge"; just exactly what do these words mean? Freedom or liberty, the power of choice, the positive enjoyment of various social, political, and economic rights and privileges, is thought of so superficially by many. People bounce the word around on the end of an elastic string of American victories, never stopping to think what this expression really means. A brief moment of meditation on the matter will perhaps enlighten the callow minds of those trusting persons who take our freedom for granted.

Freedom is a gift, the result of our forefathers' struggles. For as a consequence of the constant exertion of their intelligence and integrity, we are exempt from life under a Communistic government where misery abounds because of the unbearable stifling of free will. Thanks to them, freedom has become the most valuable resource of our great nation.

Can we export this resource? No, we cannot realistically market freedom in itself. Freedom is not packaged and ready to be sold, you can't just tear on the dotted line and see it come sliding out. But we do export freedom's ideals. We strive to make others see the advantages of freedom's equality, justice and salutary representation of the people in a government. Once other countries realize the good of freedom they too will desire it.

Perhaps a fitting substitute for freedom's challenge could be freedom's demand, since freedom is very demanding. It requires that we be scrupulous in its care. Freedom is a very delicate and fragile substance. Its surface can be easily marred by small incidents which seem so insignificant at the moment. Take for example the election of the wrong man, even in a minor organization. If the wrong man is chosen his wrong decisions can easily result in the stark denial of human rights and the common man's loss of his important representation in government. To insure proper elections, citizens are obliged to keep abreast of the news. Even now as a student, this applies to me. Today's news will be tomorrow's history, and we learn by others mistakes.

My use of voting privileges in school or outside organizations must be a second effort to preserve a realistic form of democracy. By exercising this privilege I am learning the basics of democracy at work.

Action is yet another important cog in the wheel of democratic freedom. Many excellent ideas have been left undeveloped because their authors have failed to put their plans into action. I must not be afraid to make my ideas known so that I might weigh the resulting opinions and contradictions of others. On these results I can base effective actions.

Neglect in the preservation of freedom is indirectly its most bitter enemy. If we become too lax in our ways, sly Communism slips in unnoticed, intent on our conversion to its so-called "carefree" society. We must constantly be on the alert to safeguard our freedom. Being unable to cast a national ballot or indulge in otherwise adult privileges does not in any way lessen my responsibility to be a good citizen. Respect for law and order must be an integral part of my philosophy of life.

Serving in the armed forces is another practical way to insure democracy. If one cannot enter the armed forces, he should do all that he can do on the home front.

Unfortunately, freedom sometimes incites war. But a battle for human freedom, in my opinion, is a just war. Battle for the natural rights is perfectly moral. At the present time many people do not fully appreciate this marvelous substance which is our very life's breath. A person never fully understands the value of that which he so confidently possesses, until that person is no longer the holder of this possession.

To me, freedom's challenge presents a great opportunity which I must take advantage of. If I neglect this responsibility to secure what is rightly ours I will imperil the inevitable future of myself and those to follow me. It is my duty to guarantee that we may eternally enjoy the gift of freedom, that we may always be so privileged to say we are "One nation, under God, indivisible, with liberty and justice for all."

SUPPORT FOR LAW ENFORCEMENT AGENCIES

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mr. HUNGATE. Mr. Speaker, the crime problem needs our immediate attention. The burden on law enforcement agencies increases almost daily and this situation will continue unless we are sincere in our efforts to solve this problem and give them our support.

I am introducing a bill to give this support. My bill would improve law enforcement by making available funds to improve the effectiveness of police services.

With this direct funding, the city or county law enforcement agency could immediately obtain the resources necessary to launch an effective attack on the crime problems of their particular area.

We have placed a great deal of respon-

sibility on our local law enforcement officers and we cannot expect to maintain an efficient force willing to accept this responsibility without our support. The solutions to crime are largely dependent on the ability of these law enforcement officers and, in turn, on our ability to provide them adequate funds to do the job.

TERROR IN THE SKIES

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mr. EILBERG. Mr. Speaker, for more than a year now, the world has watched as Arab terrorists have bombed and attached commercial airliners and their civilian passengers departing from the major capitals of Europe.

There is little doubt that the world's commercial exchange with Israel and that country's foreign exchange balance will be seriously affected if these barbarous attacks are not halted.

We already have evidence that pilots of Western nation airplanes are reluctant to continue their schedules to Tel Aviv.

Equally significant is the terrorists' absolute disregard for whom their victims may or may not be. Women and children, tourists or statesmen, it matters not.

Yet through it all, we in the free world and the United States have stood by strangely powerless, unable or unwilling through the force of our considerable influence to put a halt to these atrocities.

In a resolution adopted on February 26, 1970, the City Council of Philadelphia adopted Resolution No. 223. The resolution urges the President to use the power of his office to protest and bring an end to this terror in the skies.

With the unanimous consent of my colleagues, I enter the resolution on the RECORD:

COUNCIL OF THE CITY OF PHILADELPHIA
RESOLUTION

Memorializing the President of the United States to use his good offices to protest the mounting rage of indiscriminate terrorism against innocent travelers to Israel.

Whereas, The bomb explosions on Swiss, Austrian and German airplanes killed and wounded the innocent and intended victims of Arab saboteurs exercising the terrorist tactics against the Republic of Israel; and

Whereas, The permissiveness of Arab aggression against Israel has been proved callous in the apathetic reaction of the free nations of the World; and

Whereas, There will be no peace in the Middle East, or in the sky, or on the sea and land, until the international community persuades the Arab States to recognize and enforce the principles of justice against those who hijack and sabotage planes on the ground in foreign airports to terrorize Israeli bound planes and passengers; and

Whereas, Peace will continue to elude all of us in the Middle East and elsewhere as long as the world remains apathetic to the cause of a people asking only to be left in peace while others consume themselves in a passionate craving to enjoy it; therefore

Resolved, By the Council of the City of Philadelphia, That we hereby memorialize the President of the United States to use his good offices to protest the mounting rage of indiscriminate terrorism against innocent travelers to Israel.

Resolved, That certified copies of this Resolution be sent to the President of the United States, Vice President, Speaker of the House, President Pro Tempore of the Senate, Congressional representatives from Philadelphia and United States Senators from Pennsylvania, as evidence of the sincere sentiments of this legislative body.

Certification: This is a true and correct copy of the original Resolution adopted by the Council of the City of Philadelphia on the twenty-sixth day of February, 1970.

PAUL D'ORTONA,
President of City Council.

Attest:

CHARLES H. SAWYER, Jr.,
Chief Clerk of the Council.

KICK THE MILITARY?

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mr. TALCOTT. Mr. Speaker, we all look forward to an overhaul of the "military draft" legislation. No one likes the circumstances making "selective service" necessary. We all hope for the wondrous day when no draft will be necessary and our Nation, and others, can live in peace with freedom and security.

In the meantime, I believe too many of us overlook the kind, quantity, and quality of service rendered by our Selective Service boards and officials. It is all too easy to criticize the rescue work of the fellow who is performing in the stormy lake while we are observing from a dry, cozy, secure place on shore.

Even though seeming inequities and disappointing decisions may occur, the private and congressional criticism is often grossly exaggerated. Deserving praise is seldom forthcoming.

The director of the Selective Service system for the State of Oregon, Leonard G. Hicks, and John M. Hilgers, the editor of the Rough Draft, the monthly bulletin of the Oregon State Headquarters, published a thoughtful article in the February 1970, edition entitled, "Kick the Military?" The article deserves the careful reading of both Members of the Congress and every citizen of the United States.

The situation in Oregon is not unsimilar to the situation in every other State. We have much for which to be thankful. These citizen soldiers are deserving of our praise and gratitude much more than our criticism.

The article follows:

KICK THE MILITARY?

In order to set the record straight, with reference to a newspaper article relating to certain military personnel recommendations emanating from a Congressional subcommittee, it seems pertinent to acquaint our uncompensated personnel with a little background on our military personnel in Selective Service in Oregon.

Perhaps the Committee was unaware that the members of Selective Service headquarters staffs are comprised of *citizen-soldiers*—either Reserve officers of the several services, or National Guard officers who have been recalled to extended active duty for this specific assignment. In the Oregon headquarters we have four Reserve officers and two National Guard officers. The four Reserve officers are one Marine, two Navy, and one Army.

These six officers represent the finished product of 110 years of cumulative study and training in Selective Service know-how—background, history, law, procedures, and planning. They are manpower specialists. They didn't become specialists except through constant and diligent study, during weekends or weekly four-hour study periods; by untold hours of homework taking specific correspondence courses; and by substitution of training-conference attendance for the normal family two-week vacation. Often, this training was accomplished at the expense of the individual, without remuneration from the Government. And in the case of our Navy officers, it was attained at the expense of their military careers, from a promotion standpoint. Multiply these efforts by the total number of reserve and National Guard officers throughout the country available to Selective Service in the event of a National Emergency or time of war and you have a staggering number of hours of sacrifice and hard work. All of this has been in preparation for assuming a more active role if they are called to extended active duty to serve the country.

These six temporary active-duty citizen-soldiers represent by civilian profession an educator, a banker, a successful business man, a personnel specialist, a property control and supply technician specialist and a business administrator. Incidentally, these six officers compositely hold five bachelor degrees and two master degrees, and two more have graduate work beyond their degree. In addition to the six officers on temporary active duty, Oregon can rely on twenty-six other citizen-soldiers, reservists who remain in their civilian positions, yet devote the same time to study for preparation for call to duty in time of the Nation's emergency.

A typical Selective Service reserve officer training unit in the State of Oregon is cited. Their civilian backgrounds are: State Director for Veterans Affairs, former State Civil Service Director, Attorney, Law Professor, Ford Agency Owner, Contractor, Teacher, and Accountant for the State Board of Education.

As to the military operating "with less regard for individual rights and procedural niceties than we expect and require in civilian life," the author denotes a misunderstanding of the operations of Selective Service as established by an Act of Congress. The military doesn't make such decisions in Selective Service operations. Selective Service is an independent Federal Agency in the Executive Branch of the Government. It is the many devoted Local Board Members in each community within the State of Oregon who classify and make the decision to defer or order for induction. It is the Local Board Members who devote uncounted hours every month, serving a country in whose ideals and values they still believe, at a time when anything they do and represent is a dirty word. They do all this, in spite of continuous criticism and abuse, as an unpaid volunteer. The wounds from unwitting friends are tougher to take than those from an enemy. Indeed, each one of them must sign an Oath of Office and Waiver of Pay before the Governor will recommend him to the President for appointment. And one of the requirements for becoming a local board member is complete separation from the military— they cannot be a member of the Reserves, or even the retired Reserve. We have something going for all of us—we believe we have the most economical (86% unpaid volunteers) and best run agency in the Federal Government. We, up to the present, have always accomplished our primary mission, making the call placed upon us by the Department of Defense.

It is ironic that the military officers, earmarked to Selective Service, and assigned to the State Headquarters, who are accused by this subcommittee of operating with less regard for individual rights, actually provide such protection as their sworn duty. Remember these officers are also citizens, and as citizens they expect the same individual rights. They appreciate the privilge of serving their country, and still consider it an honor to carry out the mandate of Congress. Did you realize that our last five Presidents had this same honor, as four of them were Reserve officers, and one "even" regular military?

The articulate Rudyard Kipling in speaking of the British soldier, "Tommy", had a relevant observation—

Oh it's Tommy this, and Tommy that and Tommy go away
But it's please to step in Front, Sir When the bands begin to play.

THE PORTLAND JUNIOR SYMPHONY ORCHESTRA

HON. EDITH GREEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mrs. GREEN of Oregon. Mr. Speaker, one of the most outstanding youth orchestras in the world will be performing this Easter Sunday in a free public concert in Washington, D.C. The Portland Junior Symphony, from my own home city of Portland, Oreg. will play for the evensong services at the Washington National Cathedral, Sunday, at 4:00 p.m.

The Cathedral Choral Society will join the 100 musicians of the junior symphony whose ages range from 12 to 21 in performing Bruckner's Te Deum, which will be the highlight of Sunday's concert.

The visit of these young Portlanders to the Nation's Capitol is of special interest to the residents of the District of Columbia because the Portland Junior Symphony will be joining the District of Columbia Youth Orchestra in international orchestral competition this August in Switzerland. The two youth orchestras will be the only U.S. representatives to this international event.

The Washington concert will be the finale of the orchestra's first European tour which in the last 2 weeks will have taken them to Great Britain, Spain, and Italy.

To be selected to play at such a special event where over 2,500 persons are expected to be in attendance is truly a recognition of the outstanding ability of this marvelous orchestra and its distinguished Conductor Jacob Avshalomov.

I would like to invite all those interested to attend this performance and with permission to include in the RECORD the program for the concert and a brief description of the orchestra and its conductor:

THE PORTLAND JUNIOR SYMPHONY ORCHESTRA

For the first time in its forty-six year history America's first youth-orchestra journeys abroad from its home in the Pacific Northwest Founded in Portland, Oregon in 1924, its reputation spread early across the United States as a result of nationwide radio broadcasts in the 1930's. Later, recordings of its concerts were heard in many of the major American cities, in Japan, the Philippines, and, during the past decade, in Europe on the voice of America broadcasts.

In Oregon the Orchestra became the hub of many activities involving young people. Each year a student pianist is presented as soloist; young guest artists from other parts of the nation are invited; the Museum Art School designs program covers; college choruses have joined in performances of Stravinsky: *Symphony of Psalms*, Orff: *Carmina Burana*, and Mozart: *Requiem*. Beginning in 1959 the Association commissioned six works, under a grant from the Rockefeller Foundation, and these have been recorded by the Orchestra for Composers Recordings, Inc.

Many cities have looked to Portland for guidance in the formation of their own youth groups, and the Portland Junior Symphony Orchestra is regarded as the progenitor of this movement in the United States. It was established by Jacques Gershkovitch, who conducted it for thirty years, having come to America from Japan. When it fell to his lot to take over a group of children who had been rehearsing under a local violin teacher in 1923, Gershkovitch promptly set the tone of serious work and authentic repertoire. The civic-minded citizens who gathered round to support that activity stated their purposes: "to encourage appreciation and performance of great orchestral music; present public concerts in yearly series; discover and develop talent in children; stress values in good character and endeavor to create a cultural and educational asset to the community through greater love of music."

Over the years these aims have been amply fulfilled. Some three thousand young musicians have been inspired and trained by the Orchestra. Many of them have gone on to the nation's distinguished orchestras, such as the Boston Symphony and the New York Philharmonic; and many more have become the enlightened amateurs of music in our society. The leader of the Juilliard Quartet, Robert Mann, was concertmaster of the Portland Junior Symphony Orchestra in his student days.

Since 1954 the China-born composer Jacob Avshalomov has led the Orchestra, coming to the post after teaching for eight years at Columbia University. There he conducted the American premier of Tippett's *A Child of Our Time*.

The hundred and more players in the Orchestra come from a radius of fifty miles of Portland, whose metropolitan population is about 500,000. The students range in age from 12 to 21 (the top limit), and are drawn from thirty-five schools and colleges. They are re-auditioned each season, and are seated according to ability—seniority being a secondary factor. A Preparatory Orchestra, also numbering over a hundred players (average age 14), meets once a week, for classes in music theory, sectional work and a rehearsal, all of which is taught by members of the older group or by alumni.

Various opportunities are provided the students by the Association: scholarships for private lessons, which all players are expected to be taking, solo appearances with the Orchestra, study at summer festivals such as Tanglewood, Aspen, Interlochen, and chamber music coaching and performance.

The Orchestra's season corresponds to the school year, and its schedule consists of one full and two sectional rehearsals each week, in the early evening. Six subscription concerts are given, three for adults and three for children, plus a Family Christmas Concert—all in the Civic Auditorium, to audiences averaging 2000.

Schoolchildren are brought by bus from as far away as 100 miles.

Concerts are also given in outlying towns.

Now the citizens of Oregon, without any government aid, have subscribed the considerable funds required for a tour abroad. The Orchestra has been everyone's pet but no one's toy.

In these days when students the world over are in an uproar of contention, here is an activity which has for nearly half a century involved young people, and continues to do so because it is inherently fulfilling. To be a member of this Orchestra is to take up a way of life. Without any of the trappings of a school it has been the very essence of School, perennially attesting to the maxim: "Res severa verum gaudium"—serious things are the true toy.

To share this joy by making music with young people abroad is one of the chief aims of this tour. At a time when nations seem unable to bring the peoples of the world closer together such a joining of hands can only help.

WASHINGTON, D.C.

The Washington Cathedral, Easter Sunday, March 29 at 4:00 p.m.

With the participation of the Cathedral Choral Society, Conductor, Paul Callaway.

EVENSONG PROGRAM

Beethoven: *Leonore Overture No. 2.*

Albinoni: *Oboe Concerto, Op. 9, No. 2,* allegro e non presto, adagio, allegro, Kathie Egbers, *soloist.*

Ravel: *Introduction and Allegro,* Jennifer Hoesly, *harp.*

Avshalomov: *The Rose.*

Bruckner: *Te Deum,* Carol Cramer, *soprano,* Margery Clifford, *alto,* Edward Jackson, *tenor,* James Johnson, *bass.*

THE 52D ANNIVERSARY OF BYELORUSSIAN DEMOCRATIC REPUBLIC

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. WOLFF. Mr. Speaker, March 25 is the 52d anniversary of the establishment of the Byelorussian Democratic Republic.

This gallant republic could not withstand the overwhelming onslaught of the Bolshevik armies and was too quickly swallowed up by the Communist government. Yet, her people throughout history have never lost their belief that freedom will one day again be theirs.

Despite discriminatory restrictions in cultural and economic benefits, this nations people are a tremendous example of how the love of liberty cannot die as long as people hold it in their hearts.

On the occasion marking the anniversary of this courageous land I think it is important that we not only remember that many still yearn for freedom, but that we again reaffirm that we will not rest until freedom is part of all lands.

The Byelorussians view freedom as a most precious gift, and a goal to which they are totally and irrevocably dedicated. It is a gratifying commitment to which each and everyone of us should also pledge our efforts. For without unity in purpose, we will never bring peace to the world. Consequently, Mr. Speaker, today I would like to urge my colleagues to join with me in applauding

the tireless commitment of the Byelorussians and to assure them that we will do everything possible to restore their short-lived and beloved freedom.

MEDICAL CARE: IV: MATERNAL AND INFANT MORTALITY

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mr. ROSENTHAL. Mr. Speaker, in recent weeks I have discussed some aspects of our national medical care system which reflect the great concern I have for our continued floundering for solutions in this area.

International comparisons provide us some indication of the progress we make in understanding and solving the problem of delivering better medical care. This problem is, of course, distinct from those involving problems of research in specific medical problems themselves. There is much cooperation in the latter; but in medical care our standards represent quite different ways which different countries employ in delivering medical care.

We know today how to reduce infant and maternal mortality drastically, based on the experience of some of these other countries. There is no esoteric research needed to make important reductions although research must continue in the many important disease areas where key elements still elude our understanding.

We know, for example, that proper prenatal care will reduce infant mortality. We know that good diet, adequate prenatal consultation, proper weight and diet control, and a thorough physical examination will cut maternal mortality. We also know, by the figures below, that our country has fallen behind many others in providing these services for every mother-to-be. The price of this neglect is seen in our high infant mortality rate and, in the latest figures just released by the World Health Organization, by our relative regression on maternal mortality.

If we look at the base figures on maternal mortality of 1951–53, we see that the United States had the lowest rates in that period among the 36 countries rated by WHO. Fifteen years later, we reduced maternal deaths from 67.7 to 29.1 per 100,000 live births. But by relative rank we fell to tenth place in maternal mortality. Nine other countries have taken steps in the past 15 years which we failed to take. These nine countries—all of them less affluent than us with the possible exception of Sweden—are delivering the routine but vital prenatal medical care better than we are.

Most of these nine countries are also superior to the United States in infant mortality rates in which the United States ranked 13 among 40 countries selected by the U.S. Department of Health, Education, and Welfare for comparison in 1967.

For comparative purposes, I also include below this 1967 tabulation by HEW:

MATERNAL DEATH RATES AND 1965 OR 1966 RATES AS PERCENTAGE OF 1951–53 RATED IN 36 COUNTRIES

(Deaths of mothers per 100,000 live births)

Country	Death rates 1951–53 (1)	Death rates 1966 (or 1965) (2)	2 as percentage of 1 [1]
Mauritius	315.1	108.1	34.3
Canada	91.2	34.8	38.2
Chile	367.8	271.8	73.9
Colombia	363.4	240.3	66.1
Costa Rica	219.0	110.3	50.4
El Salvador	219.0	121.1	55.3
Mexico	252.0	151.8	60.2
Trinidad and Tobago	405.7	129.7	32.0
United States of America	67.7	29.1	43.0
Venezuela	174.7	117.4	67.2
Ceylon	551.1	239.3	43.4
Hong Kong	125.0	43.3	34.7
Israel	73.1	51.9	71.0
Japan	174.2	93.0	53.4
Singapore	150.4	49.4	32.8
Austria	146.6	41.2	28.1
Belgium	94.5	27.2	28.8
Czechoslovakia	85.1	29.2	34.3
Denmark	75.4	19.2	25.5
Finland	125.1	30.9	24.7
France	76.1	31.0	40.7
Germany, Federal Republic	179.9	65.1	36.2
West Berlin	171.7	72.8	42.4
Ireland	143.9	28.9	20.1
Italy	146.9	77.0	52.4
Netherlands	79.1	20.4	25.8
Norway	81.5	25.4	31.2
Poland	91.4	32.6	35.7
Portugal	159.6	83.1	52.1
Sweden	69.0	11.3	16.4
Switzerland	128.1	41.0	32.0
United Kingdom:			
England and Wales	78.8	26.2	33.2
Northern Ireland	90.4	17.8	19.7
Scotland	102.9	24.9	24.2
Australia	86.3	29.6	34.3
New Zealand	73.2	36.6	50.0

[1] Col. 2 over col. 1 times 100.

Source: World Health Statistics Report, vol. 22, No. 6, 1969, released March 1970 by the World Health Organization, Geneva.

Infant mortality rates: Selected countries, 1967—(Rates are deaths under 1 year of age per 1,000 live births)

[Rank, country, and rate]

1	Sweden (1966)	12.6
2	Finland	[1] 14.2
3	Netherlands (1966)	14.7
4	Norway (1965)	16.8
5	Denmark (1966)	16.9
6	France	[1] 17.1
7	Switzerland (1965)	17.8
8	New Zealand	18.0
9	Australia (1966)	18.2
10	United Kingdom	[1] 18.8
11	Japan (1966)	[1] 19.3
12	Eastern Germany	[1] 21.2
13	UNITED STATES	[1] 22.1
14	Canada (1966)	23.1
15	Federal Rep. of Germany (1966)	23.5
16	Belgium	[1] 23.7
16	Czechoslovakia (1966)	[1] 23.7
18	Ireland	24.4
19	Israel (1966)	25.3
20	Singapore (1966)	25.8
21	Union of Sov. Soc. Rep	26.0
22	Austria	[1] 26.4
23	Bulgaria	[1] 32.9
24	Spain	[1] 33.2
25	Italy (1966)	34.3
26	Greece	[1] 34.7
27	Trinidad and Tobago (1964)	35.3
28	Jamaica (1966)	[1] 35.4
29	Poland	[1] 38.0
30	Hungary (1966)	38.4
31	Rumania	46.8
32	Ceylon (1963)	55.8
33	Portugal	59.3
34	Yugoslavia (1966)	[1] 61.3
35	El Salvador (1966)	62.0
36	Mexico (1966)	62.9
37	Costa Rica (1966)	[1] 69.9
38	Albania (1965)	86.8
39	Guatemala (1966)	[1] 91.5
40	Chile (1966)	127.5

[1] Provisional.

NOTE.—This table is limited to sovereign countries with estimated populations of one million or more, and with "complete" counts of live births and infant deaths, as indicated in the 1967 Demographic Yearbook of the United Nations.

PLAUDITS TO THE NEWARK STAR LEDGER

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mr. MINISH. Mr. Speaker, I take this opportunity to insert into the CONGRESSIONAL RECORD a copy of an editorial that appeared in the March 23 edition of the Newark Star-Ledger. This article, which concerns the problem of drug abuse, points up the need for more effective programs and techniques to combat narcotics addiction.

I think insertion of this article is most pertinent at this time:

DRUG ABUSE

The shocking rise in the use of hard drugs, which one official says has reached epidemic proportions in New York City, has become a matter of concern on this side of the Hudson, too.

It has been gravely complicated in recent years with the unconscionable trafficking among school children. In a special message to Congress, President Nixon estimated the rise in juvenile arrests involving drugs between 1960 and 1967 at almost 800 per cent and the number of users in the nation to be in the hundreds of thousands.

Drug addiction is a tragedy for the individual and for society. A recent study in New York, confirmed by additional studies in other areas, revealed that drugs are being used by younger and younger children. In New York a 12-year-old youngster testified before a state legislative committee that he was able to buy and sell drugs in his school. He became an addict, a mainliner shooting heroin into his arm.

A physician, who has been treating young addicts, told the committee the problem had to be treated like an epidemic. "If we had a cholera epidemic, something would be done immediately," the doctor testified. "Why don't we act that way in this problem?"

The flow of narcotics from New York into New Jersey has made addiction a major problem in this state, too. And it is one that will require a determined effort on a broad front—enforcement, prevention and rehabilitation—before it reaches endemic proportions.

Two Cabinet officials, Attorney General Kugler and Health Commissioner Cowan, told a seminar sponsored by the New Jersey Conference of Mayors that the state was prepared to move with new programs to combat drug abuse. But the federal government must expand its involvement if deep inroads are to be made into drug traffic in this state and others.

The attorney general's office has formed a unit to prepare a law enforcement program based on information furnished by other agencies, at the state and local level. The Health Department is planning a broad drug abuse program based on preventive education in schools, detoxification of addicts and neuro-psychiatric treatment.

It is imperative that the Jersey program against drug abuse should have a sharper focus in the schools, where preventive and educational programs could be especially effective. A simplistic enforcement crackdown, in reaction to an awesome, complicated problem of addiction, is not the answer. There is an urgent, continuing need for research and education to deal with addiction on a long-term basis.

I might add that I hope my colleagues in the House of Representatives will take swift action to remedy the drug menace at the national level. The Congress must recognize the fact that this problem resides not in one or two States, but is ubiquitous. Moreover, drug abusers suffer from an easily contacted illness, one in which exposure tremendously increases the risk of infection. Drug abuse is one area where we cannot vacillate in good conscience.

JUSTICE FOR OUR FLAG

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mr. DERWINSKI. Mr. Speaker, the Lansing, Ill. Sun Journal has a reputation for straightforward, responsible editorial policy. Its editorial of Thursday, March 19, commenting on the treatment of our flag is, I believe, especially pertinent.

The editorial follows:

JUSTICE FOR OUR FLAG

A seldom-used statute, employed for the first time in Cook County history, has taken on a far-greater significance than originally intended as a result of recent action by local law enforcers. The statute, invoked by State's Attorney Edward V. Hanrahan in February, involves indictments against desecrators of the United States flag.

"Before August, 1968," Hanrahan explained, the penalty for flag desecration was only a fine." In August of '68, the statute was revised to provide a penalty of imprisonment.

The significance of the change became evident on Feb. 21 of this year when representatives of two groups, Vietnam War Veterans and Polish Home Owners were peacefully picketing in front of the Federal Building to show their support for "Conspiracy 7" Judge Julius Hoffman. During the course of the demonstration, one Patrick Day broke through the ranks and allegedly grabbed a flag carried by Edward Summantas, a Marshall High School teacher.

According to police, the standard broke and Day then tore and spat upon the flag.

As an obvious violation of the statute, an indictment was obtained and Day was arraigned in Criminal Court. The outcome of the trial is still pending. However, the importance of the incident is all too clear.

For once the law has real teeth in it and persons bent on ill-treating our nation's symbol will think twice before committing this cowardly act. A desecrator of the flag will now most likely find himself behind bars instead of paying a fine only to be reimbursed from the coffers of his "cause."

It is unfortunate that our flag has been chosen as the battleground by left-wing extremists. All factions, regardless of their place in the political spectrum, should maintain a "hands-off" policy where our flag is concerned.

Perhaps strict enforcement of the new statute will help others to develop a similar frame of mind on this issue.

METROBANK WOULD PROVIDE LOW INTEREST CREDIT FOR CITIES

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mr. FRASER. Mr. Speaker, Vice President Humphrey in an article last fall told the story of the "Metrobank"—the national metropolitan bank system proposed in H.R. 16448—and how it would be a great benefit to local government during the 1970's.

His article is presented here in the RECORD for the information of my colleagues:

METROBANK—A WAY TO HELP CITIES BORROW TO BUILD NEEDED FACILITIES

(By Hubert Humphrey)

Asked to name the three biggest problems facing America's cities, one mayor recently answered, "Money, finances and revenue."

I hear the same story from mayors all over the country—and not just those from big cities. The mayors say they have reached the practical limits of their taxing powers. Further increases in the property tax will only drive more businesses and homeowners out of the city.

Mayors are concerned that any federal aid from the Nixon administration will be too little, too late. President Nixon has slashed education, health, and antipoverty funds. The Administration has let it be known that no funds may be available this year for such vitally needed community projects as sewage treatment plants.

But new community facilities are needed—police stations, water filtration plants, schools, low-income housing. With the need so great and wtih building costs skyrocketing, mayors want to get moving on these projects as soon as possible.

In the past, cities have been able to sell bonds to pay for needed public facilities. The bonds are like a mortgage on a house—the city can build the facilities now and pay for them over 20, 30, or 40 years.

But rising interest rates have dried up much of the municipal bond market. Cities which a year ago could market their municipal bonds at 4 or 4½ percent now have to pay an interest rate of 5½, 6, 6½ percent and more. Some cities can't find buyers for their bonds, or are prevented by law from selling bonds at such high rates of interest. Good bond issues go begging.

In Philadelphia, Chicago, Phoenix, St. Paul, San Antonio, and many other cities, improvement plans have been frustrated by tight money and rising costs.

The White House may be silent while private bankers work their will, but America cannot watch its cities continue to decay. Billions of dollars in improvement and development funds are needed. Cities are at a crisis point, ready to explode.

But there is an answer. It is a new way to help communities borrow money to build needed public facilities. I call it Metrobank—the National Metropolitan Development Bank System.

Metrobank would be an alternative source of low interest credit for cities. It would raise money in investment markets thruout the nation. More important to local government, it would relieve the pressure on bond markets so cities can pay less for money whether they borrow from Metrobank or issue municipal bonds. And this means lower property taxes.

Metrobank would sell federally guaranteed bonds and debentures on the national investment market, and then lend the money to local government at a rate a third to a half less than the rates of the federally guaranteed bonds. Congress would make up the difference in interest rates with an annual appropriation, just as it has done for the Farmers Home Administration, the Rural Electrification Administration, the Small Business Administration and other government banking operations. Because the federally guaranteed bonds would be taxable, the net cost would be low.

Metrobank would be authorized to make long-term loans of up to 40, 50, or 60 years for the building of community facilities—low income housing, slum clearance, schools, health centers.

Equally important, Metrobank would be able to make "soft" loans for up to 20 years if an area has been classified as depressed or where an increase in investment is in the national interest.

Almost as important as its lending function would be Metrobank's ability to serve as an information source for federal programs. There is almost no greater need in America today than the coordination of the vast number of Federal programs with the thousands of units of local government.

Metrobank should be capitalized at a minimum of $6 billion—half to be borrowed from the U.S. Treasury over a 10-year period and the other half to be raised by the sale of stock in the commercial market. Each user would purchase shares of Metrobank stock based on population within its jurisdiction.

This capitalization would be the reserve. Then Metrobank would sell bonds to private investors, and the money raised would be available to communities at low interest rates, with the difference in interest rates subsidized by the Federal Government.

This not only would give local government a powerful new financial base, but also would allow Americans to invest in the rebuilding of their cities. I think many citizens are concerned enough about the future of our cities to invest in Metrobank.

There would be no ceiling on the amount of money to be raised. The needs are tremendous. A conservative estimate of the cost of replacing obsolete facilities and meeting the needs of an expanding population is $625 billion by 1975.

When you first look at it, it is a staggering figure. But placed alongside our gross national product, it represents less than 10 percent of the goods and services produced in the next six years.

What is more, it is money that will be invested in community and economic development. It is not like a welfare check that comes and goes. It is an investment in the life of a nation, in the health and vitality of a city, in the well-being of the people. What better investment is there than in schools, health facilities, housing, sanition, and economic development?

The America of the 1970s will require the same kind of coordination, commitment and management to modernize and rebuild our metropolitan areas as did the space program in the 1960s. Apollo 11 and the space program taught us that if we put ourselves to the task and establish a program of management to bring together both public and private resources, we can do what people over

the years have said is impossible. We can do what we need to do.

Neither local taxes, nor the federal government, nor municipal bonds can meet this challenge alone. Metrobank would harness them all together.

Metrobank, chartered by act of Congress but not a federal agency, would serve all levels of government. There is good precedent. In this country we have had the Federal Land Bank, Production Credit Administration, the Bank for Cooperatives, and the Rural Electrification Administration. We also have invested in international banks such as the World Bank, Asian Development Bank, and Inter-American Development Bank—and all of them have worked.

Metrobank would allow cities to plan development programs and borrow money, knowing they have a solid financial base.

We must act. We're losing the race to save our cities. If we don't create a capital structure such as Metrobank, our metropolitan centers will have, along with rising building costs and interest rates, an explosion of frustration and alienation the like of which we have not foreseen.

TRUE TRANSPORT, INC.—A GOOD EXAMPLE OF "BLACK CAPITALISM"

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mr. FRELINGHUYSEN. Mr. Speaker, there has been considerable discussion regarding the responsiveness of Federal regulatory agencies and in particular the way in which the Interstate Commerce Commission discharges its responsibilities. I would like to call attention to a specific case involving the Commission in its handling of an application from a constituent.

Mr. Leamon McCoy, Jr., is the president of True Transport, Inc. He is a black entrepreneur and a resident of my congressional district. Mr. McCoy has had more than 20 years of experience in the trucking field. He formerly operated under another company's trucking authority but when this company went into bankruptcy Mr. McCoy conceived the idea of establishing a trucking firm that would deal exclusively in carrying containerized shipments. This mode of transportation involves the movement of material between the initial shipper and the consignee without opening the container regardless of whether the movement is by truck, rail, steamship, or any combination thereof.

With advice and help from the Office of Minority Business Enterprise of the U.S. Department of Commerce, and financial aid from the New York Urban Coalition, he founded True Transport and started operating last year. True Transport operates out of New Jersey's Edgewater waterfront. Apparently his is one of the first companies to specialize in the movement of containers. True Transport has found a great demand for its services in the Port of New York. When True Transport applied to the Interstate Commerce Commission for a 30-day temporary authority last year he was rebuffed by the local office of the Commission, presumably because of protests of other carriers who held conflicting authority.

Mr. McCoy then appealed directly to the ICC in Washington, on the basis that his service was different from that offered by ordinary truckers in that it was tailored to fit the peculiar needs of the container shippers. Mr. McCoy's shipper-customers, large and small, made known to the Commission their confidence in his ability. In addition, the Federal Maritime Commission, the Commonwealth of Puerto Rico, and the Port of New York Authority, and again the Office of Minority Business Enterprise, supported his position. This time True Transport was granted a 180-day authority under which they are now working.

It is my hope that this temporary grant will ripen into permanent authority after hearings on the issue of full authority for the company. I believe the ICC is to be congratulated for recognizing the need for the service that True Transport offers and for granting the temporary authority. It indicates, in this case at least, that the Commission has not acted to stifle competition as has been charged in some areas.

I have inquired, and the Commission has informed me that it is a matter of record that during the past year 488 totally new motor carrier operating authorities were issued by the Commission. The ICC has indicated that the issue often is not whether competition can be broadened, but whether the venture can be profitably sustained.

It is evident from Mr. McCoy's experience that the concept of "black capitalism" is a valid one. The assistance he received from Office of Minority Business Enterprise, along with the objectivity displayed by the ICC, prove the Federal agencies can indeed be responsive to the people they serve.

FOOD COSTS

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mr. COLLINS. Mr. Speaker, yesterday, our Washington group of the Texas State Society had a luncheon. They flew all the food up from Texas on Braniff. We all thought the buffet was tremendous, but I was especially impressed with a written statement at each plate. It reminded us of the basic economics of food, and its relative cost in our living standards.

Review these facts summarized by C. G. Scruggs, editor, the Progressive Farmer, Southwest edition:

In 1900, every American family spent 40 percent of its disposable income on food. Today, the average family spends only 17 percent of its disposable income on food.

In the past 20 years, average farm prices have gone down 9 percent. Hourly earnings of manufacturing workers have gone up 127 percent. Corporate dividends have gone up 251 percent.

In 1920, it took 4 hours and 29 minutes of work to buy a pound of steak, a pound of pork, a quart of milk, a dozen eggs, a dozen oranges, and a 10-pound sack of potatoes.

Today, it requires only 1 hour and 30 minutes of work to purchase those same items—plus built-in maid service of frozen orange juice, frozen, ready-to-cook potatoes, and other conveniences of packaging. The remaining hours of work can be used to buy color TV's, boats, swimming pools, air conditioning, dishwashers, weekend cabins, and three-week vacations.

FEDERAL MARITIME COMMISSION

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mr. GARMATZ. Mr. Speaker, because of recent and growing problems and conflicts in our foreign waterborne commerce to the possible detriment of our merchant fleet and foreign trade, and in view of the current study being given a program to revitalize our merchant marine industry, I bring to the attention of the Congress a speech recently made before the annual convention of the Movers and Warehousemen's Association of America by Commissioner George H. Hearn of the Federal Maritime Commission. Commissioner Hearn, in discussing the permissible scope of our regulation of our foreign waterborne commerce and the ways in which the FMC can protect our ocean trades from unfair practices especially as employed by foreign-flag carriers and their governments, answered unjustifiable criticisms of the FMC and U.S. regulatory policy by explaining the essential role played by the FMC in maritime affairs and the intention of the United States to promote world trade for the good of all nations. It is time for all participants in our foreign waterborne commerce to recognize the legitimacy and fairness of our regulatory role in ocean commerce and our intention to serve the best interests of international trade.

Commissioner Hearn's remarks follow:

REMARKS OF COMMISSIONER GEORGE H. HEARN OF THE FEDERAL MARITIME COMMISSION AT THE 35TH ANNUAL CONVENTION OF THE MOVERS & WAREHOUSEMEN'S ASSOCIATION OF AMERICA, INC., ST. FRANCIS HOTEL, SAN FRANCISCO, CALIFORNIA, FRIDAY, MARCH 13, 1970

My topic today is one which I believe to be of great importance generally, and especially important to you gentlemen because you form a part of the large and complex entity usually called the merchant marine industry. Consequently, I speak to you not only in your capacity as movers and warehousemen, but in your role as participants in ocean-borne commerce—that vital aspect of our foreign trade.

The subject of my remarks is, broadly, the permissible scope of government regulation in maritime activities. More specifically, I will address myself to the question of "What the Federal Maritime Commission Can Do For You."

As you know, I am one of five members of the Federal Maritime Commission. And, incidentally, I bring the regards of all my fellow Commissioners, especially Chairman Bentley and Commissioner Day who would

have liked to have accepted your invitation since they have not previously attended your convention. We constitute the leadership of one of the many independent regulatory agencies which form a part of our federal government. Such agencies are not part of any of the three primary branches of the government; but they are, rather, arms of the Congress, empowered to act within specific statutory frameworks and guided in their actions by principles of administrative law.

This brief description of the nature of the Federal Maritime Commission may seem somewhat complicated and erudite. However, I have offered that description because I wish you to understand one fundamental point: the members of the Federal Maritime Commission are not five people who sit behind closed doors rendering decisions and making rules by whim or fancy. We are, instead, at the same time: judges; regulators of certain aspects of the merchant marine industry; and, above all, guardians of a segment of the public interest. With such important duties entrusted to us, we Commissioners are compelled to act within our Congressionally established framework and within the bounds of administrative law principles. Consequently, we render decisions only on the record before us. We do not, however, hide our head in the sands, but we try to keep alert to events and trends throughout the maritime industry.

Therefore, as one who shares those responsibilities, I am greatly concerned when I read and hear unjustifiable attacks against the Federal Maritime Commission; and consider it one of my obligations to speak out in our defense.

I do not mean to indicate, however, that the Federal Maritime Commission should be immune from criticism, and when the critique is meaningful and constructive, I feel obligated to acknowledge it and act upon it. When, however, the critique becomes an attack which is off the mark I am duty-bound to respond. In fact, some recent remarks last October and last month directed at us from abroad are to what I would like to address myself.

It has become a habit, I think, for certain persons abroad, particularly Europeans, engaging in commercial endeavors, to gain esteem and popularity at home by lashing out publicly against the Federal Maritime Commission for allegedly interfering in and impeding international waterborne commerce. Typical of this position are some statements which emanated a few weeks ago from Europe as carried in a prominent and reputable trade journal. I shall rebut each charge reported, and, in so doing, attempt to construct a brief for the Federal Maritime Commission.

As I have said, the F.M.C. has been attacked from abroad for over-stepping the bounds of permissible national regulation in the area of international ocean commerce. It should be said, therefore, that it is true that among the maritime nations, the United States has the most comprehensive system of regulation over the many components of the merchant marine industry. This does not mean, however, that when it comes to ocean shipping, the United States is any more nationalistic or protective than most other nations. The maritime nations who do *not* engage in some sort of subsidization of their merchant marine are a scant few. It must be recognized that such subsidization can take many forms including flag discrimination, direct subsidies and tax preferences. A good example of such merchant marine nationalism is a lively issue today in the industry. That is the uninhibited efforts by almost all South American countries to severely restrict the participation in their trades by cross-traders or third-flag carriers, that is, carriers who fly the flag of neither the nation importing nor exporting the cargo being shipped. And of course you know that American ships engage in very little cross-trading. In such manner the South American countries hope to build their merchant fleets to the point where they can control a substantial portion of their ocean-trades and retain valuable currency reserves. This action has caused great concern not only in the United States but also in Europe.

There is more to be said on this matter, but for now I wish only to point out that the United States is not the only country which places conditions on participation in its ocean commerce. And I might add that the complaining foreign ship owners have continually profited well in our trades, and they have chosen, therefore, to shed crocodile tears rather than abandon our piers.

I return now to those allegations from our European friends.

It is said, first of all, that "The Federal Maritime Commission has long sought to impose on the carriers of American seaborne trade rules designed partly to *promote* America's overseas commerce . . ." The Federal Maritime Commission does not seek by rule or any other means to discriminate in favor of our foreign commerce. While we ensure *fair* dealing in our commerce and *protect* all participants therein regardless of flag, we are thereby *promoting* for the overall benefit of international trade. If this constitutes promotion of our overseas commerce, criticism of our actions is surely ill-conceived. What the gentleman from overseas apparently does not understand is the distinction between "promotion" and "protection".

As I have already said, virtually all of the world's maritime nations practice some type of subsidization of their merchant marine industry. And all nations, maritime or not, seek to promote their overseas commerce through rules, regulations, taxes and every manner of device designed to protect domestic industries in markets at home and abroad. That any nation, including the United States, may and actually does promote its merchant marine and its foreign trade can hardly be regarded as a sin. And for any public official to speak out on matters so important to our economy as the health of our merchant marine industry and foreign commerce, is not only commendable but also a responsibility of public office. This is especially true when the speaker is not only knowledgeable on the subjects but also closely connected with them. That an official is not directly or solely responsible for merchant marine or trade promotion should be no bar to his offering his advice through public utterances. So long as he practices within the bounds of his statutory responsibilities, a public official may preach according to his general expertise.

Today, however, I am dealing solely with the statutory activities of the Federal Maritime Commission and, therefore, I emphasize the fact that the promotional and regulatory aspects of our merchant marine policy are vested in two different agencies.

As you all know, the Federal Maritime Commission was created as an independent regulatory agency in 1961 when President Kennedy prepared Reorganization Plan No. 7, which Congress permitted to become effective. In transmitting the Plan to Congress President Kennedy said:

"The development and maintenance of a sound maritime industry require that the Federal Government carry out its dual responsibilities for regulation and promotion with equal vigor and effectiveness. . . . Recent findings by committees of the Congress disclose serious violations of maritime laws and point to the urgent need for a reorganization to vest in completely separate agencies a responsibility for (1) regulatory functions and (2) promotional and operating functions."

One of the Congressional committees referred to by the President was the House Judiciary Committee whose Chairman is the revered dean of the House of Representatives Congressman Emanuel Celler of Brooklyn. His Committee issued the famous "Celler Report" in 1962 following an extensive investigation into the conduct of our foreign waterborne commerce. One of the conclusions of the "Celler Committee" was that:

"The separation by Reorganization Plan No. 7 of 1961 of the regulatory functions . . . from the promotional aspects could . . . go far toward restoring the new Commission to its rightful position as an effective and meaningful independent regulatory agency."

It should be clear, therefore, that the unmistakable Presidential and Congressional mandate is for effective regulation by an independent regulatory body. And within that framework, the F.M.C. seeks to ensure that our merchant marine and that of every other nation trading in the foreign commerce of the United States are given fair and equal treatment in every respect from all quarters. In other words, the F.M.C. opposes unjust discriminations against all merchant fleets and all cargoes.

Thus we offer protection to all who participate in our foreign waterborne commerce, and not only to our own shippers and carriers. And it appears now that some of the foreign carriers who are so critical of the F.M.C.'s protectionist attitude could use such nondiscriminatory assistance in areas beyond the F.M.C.'s reach. For example, under our statutory authority, we can fight the type of flag discrimination which I have mentioned as a growing problem in the South American trades.

This is not a new problem, however, although its effects are very severe today because of the increased ability of South America and other developing nations to back up their words with deeds. These countries have now built, or bought or are building substantial merchant fleets.

The F.M.C. successfully dealt with such discrimination as early as 1964 when the United States was faced with practices on the part of a foreign government which discriminated against U.S. shipping lines. When negotiations failed to eliminate those practices, the F.M.C. issued an order under Section 19 of the Merchant Marine Act of 1920. Under that section the F.M.C. is empowered to issue rules and regulations designed to offset such discriminations employed by foreign governments. Upon the issuance of that order the discriminations were removed and the Section 19 order never went into effect.

Now many countries have laws which by one device or another favor their own flag carriers and discriminate against all other flags, and particularly against the flags of cross-traders. At present the F.M.C. is trying to work out the problems those laws have created so as to protect the interests of all flag carriers in our trades and to ensure to shippers competitive conditions among those carriers.

So far the F.M.C. has succeeded in two instances in ameliorating the current difficult situation in South America. Last month the F.M.C. approved an equal access agreement between United States and Argentine carriers. That agreement permits those carriers to compete equally for the government sponsored or controlled cargo of the two countries in the United States/Argentina trade. Also last month a similar arrangement was worked out between U.S. and Peruvian carriers.

One of the thorniest problems currently before the F.M.C. is that involving the coffee and cocoa trade with Brazil. Negotiations have been going on for many months at governmental and commercial levels. Cargo

pooling agreements for the carriage of the vital coffee and cocoa cargoes are currently pending action by the F.M.C. and I am limited, therefore, in what I can say on the matter.

I can say this much, however, concerning U.S./Brazil trade. The F.M.C. will, within the limits of its power and authority, prevent unjust discrimination of all kinds, regardless of the allegiance of the carrier or other party claiming harm. For proof of this one need look only to the famous *NOPAL* case (F.M.C. Docket No. 1096) decided by the F.M.C. in 1964. In that case we declined to approve a cargo pool which included U.S. carriers on the ground that it was unjustly discriminatory and unfair towards NOPAL, a Norwegian flag carrier.

Foreign carriers should welcome this type of assistance available to them at the Federal Maritime Commission, for I read only last month that certain of them are encountering problems with which the F.M.C. could help were they occurring within the foreign commerce of the United States. I am referring to a report from Germany that two conferences serving the Europe/South America trades will be dissolved on June 30, 1970 and that the European carriers involved are considering abandoning their operations in the trades. The report, as published in a trade journal, states that these eventualities are inevitable unless the "crass flag discrimination practiced by the Latin American countries is discontinued." The apparent lack of immediate and effective recourse open to the European carriers is emphasized by the following quotation from the trade journal:

"The European shiplines seem powerless to counter effectively this course of events. A passive policy with retortion measures is not a proper approach for arriving at a new shipping order . . . German ship operators hope that the Bonn government will finally depart from its policy of innocuous aide-memoires protesting against flag discrimination."

It would be nice if our foreign critics would sometimes couple their attacks with some acknowledgment of the benefits foreign carriers can derive from action by the Federal Maritime Commission.

The second charge made against the F.M.C. is that we have imposed rules on the participants in our ocean commerce "partly to protect some ill-defined form of public interest." The absurdity of that charge should be evident on its face; but at least the spokesman used "protect" and not "promote". In response it need only be asked what form of public interest is being protected by the action, or in-action, of the European governments in respect to the South American trades? And, further, it might be asked whose public interest was served when the West European carriers recently lost the coffee trade between the United Kingdom and East Africa?

When American shippers, carriers and markets are being squeezed, the foreign carriers cry "foul" as soon as the F.M.C. takes action. When rate disparities and surcharges inhibit the entry of American products into foreign markets, the foreign carriers vigorously oppose any responsive action by the F.M.C. I offer two quotations as examples of the public interest the F.M.C. protects. The first quotation, from the "Celler Report" which I have mentioned, says:

"It is obvious that the drafters of the [Shipping Act of 1916] contemplated that the [Commission] would act as a perpetual guardian of the sea lanes protecting shippers, merchants, and independent vessels alike from undue exercise of economic power by conference lines."

The second quotation is from a recent trade journal article reporting the fact that West European conference carriers had lost the East Africa coffee cargoes to East European lines. Members of the coffee importing trade stated that

"the conference service to London had been getting 'worse and worse'. [and that] the conference had been overcharging in the past . . . [The importers] were 'fed up' with being given rate increases by the conference and extra surcharges . . . without being able to negotiate. The tendency of the conference was to 'pontificate', but the deterioration of the service was a major reason . . ."

Other trade journal reports from Germany which appeared last year further emphasize the inconsistencies underlying the complaint that we protect an ill-defined public interest. Early last year a situation arose in which the German government decided to take action against a conference serving the Europe/Far East trades which included German carriers. The German government was disturbed by the fact that shippers were being unjustly penalized for not using conference vessels exclusively. German ship owners sharply criticized their government for jeopardizing the entire conference system. Shortly thereafter, however, the German carriers expressed their displeasure at their government's policy of non-interference in maritime affairs. The carriers were gravely concerned about the flag discrimination being employed by other countries. This leads me to wonder whether some people's definition of "public interest" does not depend on whose ox is being gored.

The record of the F.M.C. in protecting the public interest is clear and unquestionably reflects favorably on our activity. I have already discussed the manner in which the F.M.C. protects the public interest in nondiscriminatory treatment toward all carriers regardless of their flag and in avoiding international confrontations. But there are many more interests at stake as set forth in the Shipping Act of 1916. According to that Act the F.M.C. is obligated to prevent numerous anti-competitive practices, including the use of fighting ships, deferred rebates, retaliation or discrimination against shippers by means of rates or space accommodations, and inequitable treatment of ports, shippers, types of cargo, and independent lines. I am sure, therefore, you can appreciate that many segments of a nation's economy are affected by events in ocean commerce, and I will refrain from cataloguing them all. I will however, mention a few examples of F.M.C. protection of the public interest, leaving it to you to decide whether that public interest is really ill-defined, particularly from the point of view of the segment of the public directly concerned.

First there is the shipping public, and its members' chief interest is to be able to compete successfully in foreign markets. Consequently, shippers are concerned that they be treated in such a manner as not to be unduly prejudiced in the marketability of their products. Such prejudice can take many forms, but for our purposes I will limit myself to a discussion only of freight rate disparities and surcharges.

The F.M.C. began its general inquiry into freight rate disparities in 1963. Much congressional and other public concern was expressed at that time over the fact that American products were apparently paying higher rates outbound than similar foreign products were paying moving into this country. Despite fierce opposition from some participants in our foreign commerce—notably the conferences—the F.M.C. has finally succeeded in establishing a legal and, I think, effective means of eliminating rate disparities when they are unlawful. The effectiveness depends only on the F.M.C.'s exercise of its authority.

The F.M.C.'s investigation of disparities produced two initially important cases: Dockets Nos. 1114 and 1171, decided in December 1965 and May 1966. Although these cases did not find any rates to be unlawfully disparate, the F.M.C. did begin to set guidelines for the determination of unlawful disparities. The culmination of the F.M.C.'s efforts came with its decision in August 1968 in Docket 65–45.

In that case the F.M.C. found several rates in the eastbound North Atlantic trade to be unlawful because they were so unreasonably high as to be detrimental to the commerce of the United States. The F.M.C.'s decision rested in part on the fact that the rates being charged to American exporters were unjustifiably higher than comparable rates charged to foreigners exporting to the U.S. or comparable eastbound rates being charged to Canadian exporters.

The F.M.C.'s decision was upheld by the District of Columbia Court of Appeals. The Court specifically approved the F.M.C.'s conclusion that where disparities are unlawful on their face, the F.M.C. can require the carriers to justify the disparities; and if the justification is not established, the F.M.C. can order the rates lowered to a justifiable level. It is also interesting to note the final comment of the Court in response to the objections of the conferences to the F.M.C.'s action. The court was "inclined to think the Commission would have been hard put to fulfill its statutory duty with less disturbance of the traditional practices in the trade." As a result, conferences and carriers in our trades should be on notice that the Federal Maritime Commission is prepared to take all steps necessary to protect American shippers from unlawful predatory practices.

Surcharges might seem to be a rate category distinct from disparities; but at times the differences are illusory. The best example of this appeared last year following a longshoremen's strike which crippled our East and Gulf coasts. The strike ended in early 1969 and immediately almost all carriers and conferences serving our East and Gulf coastports imposed surcharges on goods moving through those ports.

This action, without more, would not have been too difficult to bear. After all, the F.M.C. does not seek to deprive carriers of fair compensation. Insofar as the effects of the strike required immediate recoupment of some losses by means of an equitable surcharge, the F.M.C. was not unyielding. Nonetheless, the surcharges were not in all cases imposed on an equitable basis. Many carriers and conferences imposed them only on cargo moving outbound from this county and not inbound.

The F.M.C. thought it clear that the effects of the strike had been felt equally by all shippers whether they sought to move goods into or out of the affected ports. Some carriers responded by removing the outbound surcharges, but others remained intransigent. They relented, however, when the F.M.C. took strong action. We ordered the carriers to show cause why their conference agreements should not be disapproved because through the use of disparite surcharges they operated in such a manner as to be detrimental to our commerce.

This matter did not end there, however, because the carriers and conferences quickly changed their surcharges into general rate increases, thereby delaying F.M.C. procedures. The F.M.C. has not given up, however, and we are still pursuing the matter of these increases. I believe that the carriers can designate a rate increase with any name they please, but they cannot oust the F.M.C. from its responsibility and authority. I believe further that the F.M.C. should not let its action in such matters lag lest the relevant facts disappear into the dim past.

I have already mentioned several times the efforts of governments to promote their merchant fleets. Related to that are the efforts of most nations also to seek control of the manner of shipment for government owned or

sponsored cargo. Thus governments usually seek to retain currency reserves and save tax dollars by reserving a certain percentage of government cargo for national flag vessels. A nation's entire economy can benefit from such action. Whenever necessary, therefore, the F.M.C. ensures not only that our government is receiving equal treatment among shippers, but also that the government is not being taken advantage of just because it is the United States Federal Government.

In 1965 the Agency for International Development approached the F.M.C. with respect to extraordinary charges being assessed by carriers on shipments between the U.S. and Vietnam. AID thought the charges to be unreasonably high and sought the F.M.C.'s help in obtaining reductions. The F.M.C. consulted with the carriers and conferences involved and obtained relevant cost data from them. Analysis of the data indicated to the F.M.C. that the extra charges were unreasonably high. After further F.M.C. meetings with the carriers, the charges were voluntarily reduced, producing a long-run saving to our government of millions of dollars. Additionally, annual government savings of an estimated $3 million resulted from similar action taken by the F.M.C. in 1968. At that time, too, extra charges were imposed on cargoes moving to Vietnam, but through the efforts of the F.M.C. they were either reduced or eliminated.

From my discussion so far you might think that the only persons with maritime interests to be protected are those who deal with the carriage of freight. I am sure you are aware, however, of the large number of Americans every year who spend their vacations on cruises and ocean crossings. They too need protection, and the F.M.C., as always, stands ready and able to offer it.

The jurisdiction of the F.M.C. to protect ocean passengers is limited. We do exercise some surveillance over the conditions of passenger bookings and fares. The F.M.C. does have full responsibility, however, over a significant aspect of passenger operations. By virtue of Public Law 89–777 the F.M.C. requires almost all passenger vessel operators serving our ports to have available sufficient funds to cover two important eventualities. One is to reimburse passengers holding tickets for aborted voyages, and the other is to make compensation for death of or injury to passengers. The F.M.C. interpreted that public law as requiring more than the mere continuing availability of funds. We concluded that passenger travel would not be fully secured unless the available funds were at all times within the United States.

A great uproar arose among the passenger liner operators and foreign insurance interests when the F.M.C. announced this position. They claimed that the F.M.C. position was financially unbearable for the industry. We held firm, however, and recent events compel the conclusion that no such financial disaster was ever probable. Within the past few months the foreign insurance underwriters, with whom most marine insurance is written, have reorganized their assets located in this country, and the approval of the F.M.C. is required to ensure continued compliance with our passenger insurance rules. The insurance companies have said frankly that they desire to continue as the insurers under our rules, and, further, the funds or assets which they intend in any event to keep in the U.S. far exceed the sum which the F.M.C. requires. This evidences the type of cooperation that can exist between the F.M.C. and foreign maritime interests, and particularly between us and the European insurance underwriters.

I could continue longer on the subject of the varied and important role the F.M.C. plays in guarding our public interest. I think that by now, however, you understand what is meant by the public interest, and that while it may appear in many guises, it is certainly not indefinite. I feel certain, also, that you will agree when I say that the public interest is as worthy of protection in this country as it is anywhere else; and that when anyone tries to defeat our maritime connected public interest, the F.M.C. may take appropriate action. This is especially true when one considers that 95 percent of the ocean cargo of the U.S., the largest trading nation, is carried on foreign ships. We, therefore, have all the more reason to keep a watchful eye on our foreign commerce.

The third charge leveled at the F.M.C. from abroad is related to the subject I have just been discussing—that of calling into question our public interest. We are told that "curiously no objections seem to have been made to the absorption of American shipping companies by industrial conglomerates which might well be thought to endanger the public interest."

This in itself is a curious statement when the speaker has just criticized the F.M.C. for protecting an "ill-defined form of public interest." Aside from this, it seems to me rather inappropriate that a foreigner should be criticizing this government's exercise of its supervisory authority over domestic monopoly and anti-trust matters. The inaptness of the criticism is underscored by the inherent difference between the American attitude toward industrial monopoly and the one generally assumed in west European countries. At the risk of oversimplifying, I think I can safely state the difference as follows: United States economic philosophy favors the preservation of competition and views skeptically all actions which limit competition such as by reducing the number of competitors; other countries also favor competition, but their philosophies lean more toward permitting anticompetitive action and then deciding whether any unreasonable economic harm has resulted.

This distinction is certainly no more evident than in the field of ocean shipping. The United States has always assumed that the existence of shipping conferences constitutes a per se violation of our anti-trust philosophy. Other maritime countries place few restrictions on the operation of their merchant fleets and generally subscribe to a policy of laissez-faire.

The "Celler Report" which I have mentioned dealt specifically with this subject when it said

The Anti-trust Subcommittee recognizes the unique character of the ocean shipping industry with respect to the application of the anti-trust laws. No other governments inhibit their carriers by anti-trust laws, and American ocean carriers must compete, not within the framework of our domestic anti-trust laws, but in the jungle world of ocean shipping. The Alexander Committee [when drafting the Shipping Act of 1916] recognized this difficulty and granted a limited exemption to the industry from certain provisions of the anti-trust laws, conditioned upon submission to regulation by the . . . Federal Maritime Commission.

Consequently, the principles of anti-trust law are always present in the F.M.C.'s deliberations, and objections are usually raised by complainants, intervenors or the F.M.C. itself on matters pertaining to anti-trust issues. Nevertheless, the Federal Maritime Commission is not the agency of our government that exercises primary jurisdiction over the anti-trust laws. That task rests with the Department of Justice. As a result the F.M.C. can consider anti-trust issues only as they relate to matters within and persons subject to our jurisdiction. We must strike a balance by determining whether the public interest will be served by sanctioning an anti-competitive activity in the interests of good shipping practice, or by finding the anti-competitive activity too severe.

Where an industrial conglomerate acquires a shipping company, there is little the F.M.C. can do. We lack jurisdiction over the conglomerate which does not engage in any maritime activity. When, however, there are at least two parties to a corporate consolidation who are subject to our jurisdiction, the F.M.C. does act. The most important case in this area involved the proposed merger of three West Coast carriers in Docket No. 66–45. It took two decisions in that case, but the F.M.C. approved the merger after assuming jurisdiction over the merger agreement despite the strenuous objections of the parties. When the case was appealed to the courts, the F.M.C.'s assertion of jurisdiction was affirmed despite the intervention of the Department of Justice in opposition to the F.M.C.'s position.

Nevertheless, the Justice Department still retains full jurisdiction in cases such as the absorption of a shipping company by conglomerate corporations not subject to the jurisdiction of the F.M.C. However, once such absorptions are accomplished the F.M.C. gains jurisdiction over the conglomerate insofar as it engages in the activities of the absorbed shipping company. Thus, while the F.M.C. cannot pass on the question of whether the absorption serves the public interest, the F.M.C. can ensure that the consolidated companies continue to act in the public interest.

Illustrative of this authority is a case now pending before the F.M.C. The case involves a charter agreement between two of our largest containership operators who themselves are subsidiaries of conglomerate corporations. The F.M.C. could not have prevented the containership operators from being absorbed by the conglomerates, but having been accomplished we can ensure conglomerates do not abuse their position their position in the shipping industry by, in any way, acting contrary to the public interest.

The next charge fired at the F.M.C. from across the sea is hardly worth mentioning in view of what I have already said; but I will deal with it as it deserves. It was said that "Interference by governments could hinder the effectiveness of [our] shipping on the high seas [with] particular reference to the Federal Maritime Commission." I will be somewhat charitable and suggest that the speaker may have been misquoted in that he must have been aware of the recent actions taken by other governments against European ship operators. I speak, of course, about the East African coffee trade and the Europe/South American trade.

I challenge our critic to compare the effects of F.M.C. action and the action of other governments on the loss of cargo of European ship operators. Perhaps a more significant comparison would be between the actions taken by the F.M.C. to protect all flag carriers and the absence of action on the part of other governments to protect their "own".

The final charge made by our critic is that "unhappily legislation now before Congress would give the commission and perhaps other regulatory agencies new powers to control the terms on which American through traffic is carried within foreign countries." If this were true, I would readily admit that we were overstepping the permissable bounds of national legislation and regulation, but it is not true. At least I know of no legislation which would have the effect alleged.

It is well known, I think, that the most significant legislative proposal pending in Congress on this subject is the Trade Simplification Bill. I assume that this is the pending legislation which has struck fear into the heart of our foreign colleague. Such fear is not at all warranted. The transportation

of goods in other countries is beyond our national jurisdiction. However, our government does have a legitimate interest in knowing the relationship between through routes or joint rates which include U.S. points and the carriers participating in such movements.

In other words, the United States exercises legitimate jurisdiction over ocean carriers participating in our foreign waterborne commerce. Consequently, our jurisdiction should not be disturbed because the participation of certain carriers in our ocean commerce may include transportation partially in a foreign country. When the carriers of any nationality enjoy the benefits of our laws and profit from our trades, those carriers must submit to the ultimate bounds of our jurisdiction.

The F.M.C. can act effectively only when it is in possession of all relevant information. Thus in order to effectively exercise surveillance over a carrier's operations between New York and Liverpool, we much know the terms under which that carrier is offering to transport cargo on a through service between New York and Birmingham via the port of Liverpool. That the F.M.C. does not have jurisdiction over all portions of a through route does not diminish the need of the F.M.C. for data concerning the entire through route in order to regulate those portions subject to our jurisdiction. Shippers are no longer interested in the rate offered between ports. It is the total door-to-door movement which concerns the shipper or consignee. The ability of the F.M.C. to protect such shippers, or other affected parties, requires an analysis of the relationship between the through route and the portions of it subject to the jurisdiction of the F.M.C. Without such complete information the F.M.C. cannot, for example, determine whether two shippers are being treated equally along the entire length of the through movement.

The F.M.C.'s interest is, of course, not confined to obtaining complete information. We also realize the importance of encouraging the implementation of through services and other improvements in shipping. And we do not wish to impose rules on such new services which are so burdensome as to make them unworkable. On the other hand, the F.M.C. also seeks flexibility on the part of the industry. For instance, conferences of carriers should not hinder the development of modern techniques by clinging to outmoded practices.

Unfortunately the F.M.C. has been presented with the unpleasant task of trying to break down some of the old practices which have inhibited the offering of and experimentation with new services. The famous *Container Marine Lines* case, or Docket No. 68–8, is the prime example of the F.M.C. being required to impel progress because of intransigence in the industry. In that case the F.M.C. was presented by Container Marine Lines with a tariff offering a through service between U.S. ports and points within the United Kingdom. Implementation of the tariff was vigorously opposed by the conference of which CML was a member. The gist of the opposition was that if the conference did not, could not, or would not offer such service, neither could a conference member do so and remain a member.

After the F.M.C. modified the tariff to make it acceptable, we approved its implementation. We also admonished the conference, and gave public notice that the F.M.C. would not tolerate such obstructionist activities. This matter is not yet settled, and the North Atlantic trade continues in turmoil for many reasons, not the least of which is the unwillingness of some carriers to enter the 1970's.

We have not, however, left the ball in their court. Since then we have sought to encourage through route and through rate movements in various ways. First we have entered a proceeding before the Interstate Commerce Commission in which the I.C.C. is considering a rule relating to the use of through rates. We offered our comments because the F.M.C. is the agency with particular knowledge in the area of ocean transportation which is the dominant part of most through movements. We are interested in giving the benefit of our views on any law or rule under consideration and affecting ocean transportation.

With the same basic intent the F.M.C. also intends to keep its house in order. We have, therefore, proposed a rule of our own which would set forth the requirements for filing through rates with the F.M.C. And in the spirit of cooperation, we are proposing no requirements on carriers subject to the F.M.C. which we did not include in suggestions we made concerning the I.C.C. rule. This F.M.C. rule-making proceeding is now ripe for decision and during the hiatus between the writing and delivery of these words our decision may be issued.

The F.M.C. has, however, rendered one other decision on this subject, in a case involving nine conferences serving the U.S./Latin America trades. The conferences sought approval of modifications of their agreements to permit them to negotiate with other carrier modes for establishing through routes and through rates. The F.M.C. granted the approval provided the conference produce some results within twelve months. After that time, if no results are evident, conference members may negotiate for their own account and, in effect, become quasi-independent carriers like CML.

I think it is fair to summarize the various criticisms which I have discussed as follows: United States regulatory policy toward its foreign oceanborne commerce is oppressive and discriminatory against foreigners who participate in it, and the Federal Maritime Commission implements that policy through the imposition of rules which are detrimental to the merchant fleets of other countries.

These allegations are not new. They have been repeated many times, and I and other members of the F.M.C. have frequently refuted them. Today I have presented a rebuttal in the broadest possible terms, covering as many of the responsibilities of the F.M.C. as possible. My remarks have been styled to try to lay to rest whatever veracity anyone might have credited to those who have sought to impugn the Federal Maritime Commission. I have attempted, also to indicate to our detractors the shortcomings of their criticisms. It is time, I believe, for the critics to acknowledge both the essential role played by the F.M.C. in maritime affairs and the need to continue the mandate for a separate and independent regulatory agency.

We do not seek a popularity award; we do not ask for applause from the foreign maritime industry; and we do not parade our accomplishments with bravado. However, we do expect, if not appreciation, at least recognition of the legitimacy and fairness of our regulatory role in ocean commerce and of our intention to serve the best interests of international trade. In fact, the Administration has said in proposed legislation "that it is the policy of the United States to facilitate the movement of freight in international commerce."

Thus, I think it is unseemly for foreign maritime interests to profit well from participation in our trades, for foreign carriers to continue to ply our trades despite our regulation, and for those carriers to be suffering severe hardship in other trades and still persist in mounting attacks against the Federal Maritime Commission and U.S. regulatory policy. Our critics are not the only ones wearing "white hats". The United States seeks only to promote international commerce for the good of all nations.

TRIBUTE TO CITY COMMISSIONER STANLEY W. EARL, OF PORTLAND, OREG.

HON. EDITH GREEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mrs. Green of Oregon. Mr. Speaker, the city of Portland this month has lost a strong fighter in the cause of good government, City Commissioner Stanley W. Earl. Commissioner Earl suffered a heart attack and died unexpectedly on March 4, 1970. The death of the 59-year-old commissioner has come as a severe blow to his associates and to his many friends and supporters in the city. He was an unusually forceful and independent man who acquired his place of leadership in the community through years of hard work and sacrifice in the Oregon labor movement. He was as dedicated a public servant as he was a tough-minded labor leader and negotiator in the years before he came to city hall.

In his 18 years on the city council, Commissioner Earl became chiefly responsible for the modernization of the Portland Fire Bureau. It was also through his efforts that the wages and hours for the Portland firemen were kept at a highly favorable level.

Commissioner Earl's independence, wit, and counsel will be sincerely missed.

I include copies of a recent editorial and article on Commissioner Earl which appeared in the Portland press:

[From the Oregonian, Mar. 6, 1970]

EARL WAS A FIGHTER

City Commissioner Stanley W. Earl, who died of a heart attack Wednesday at the age of 59, was a plain-spoken, stubbornly principled man whose independence on the City Council was a guarantee that machine politics would gain no lasting foothold in Portland city government.

His sometimes stormy career in organized labor and government earned him the respect and confidence not only of the working men whose battles he fought for so many years but of the business and professional community. It was not his custom to weasel in difficult decisions; he only spoke out when he thought it necessary, but when he did there was no question of where he stood. He made some enemies, but his friends were legion.

Our recollections of Stanley Earl go back to his leadership in the early days of the CIO, as he joined with others in routing—on at least one occasion with his fists—the efforts of pro-Communist radicals to gain control of the International Woodworkers of America. He was equally forthright after his services as a federal labor adviser in postwar Korea in denouncing the corruption of the Syngman Rhee government and the inadequacy of U.S. diplomats on the eve of the Korean War.

Commissioner Earl not only resisted but exposed certain efforts of underworld affiliates to clamp a vice and gambling dictatorship on the City of Portland. His material assistance to this newspaper in exposing a gambling-oriented conspiracy, as well as his own forthrightness, exposed him to smear campaigns which failed to damage his reputation or his popularity at the polls.

Mr. Earl served the city well for 17 years as commissioner, demonstrating administrative skill in improving and expanding the Fire Bureau and other agencies, and sound legis-

lative judgment in a period when city needs far outpaced city revenues.

As was the case with the late William A. Bowes, another commissioner of notable independance and strong convictions, Mr. Earl's place may be filled by a younger man with fresh ideas. But his record in office will stand as a credit to him and to the no longer adequate form of commission government he served with diligence and integrity.

[From the Portland (Oreg.) Journal, Mar. 5, 1970]

COUNCILMAN EARL ROSE THROUGH RANKS OF LABOR

Stanley W. Earl, 59, a Portland native with a high school education who rose through the ranks of labor, then spent nearly a year in Korea on a federal assignment before the first of his five successive elections as a member of the Portland City Council, died Wednesday of a heart attack.

Currently in his 19th year as a city commissioner, Earl was at times an outspoken member of the council, was often at odds with some elements of labor including most recently the Portland Police Association and underwent some stormy years in his political career, particularly during the vice probes of the late 1950s.

First elected in 1952, and subsequently re-elected by Portland voters in 1956, 1960, 1964 and 1968, Earl lost a $250,000 libel suit against the Coos Bay (Times) World in 1958 over the newspaper's publication of two Drew Pearson columns which purported to link Earl with James B. (Big Jim) Elkins, former Portland underworld figure. Earl denied any close association with Elkins in the sensational trial at Coos Bay.

Born May 11, 1910 in Portland, Earl grew up in "Slabtown," Portland's Northwest district, attended Lincoln High School until he was 16, and then quit to become a candy-maker for a Portland biscuit factory.

Subsequently he worked for his father, Hugh Earl, as a grocery clerk, later as an insurance agent, member of a steel gang for Southern Pacific railroad, and then joined the Eastern-Western Lumber Co., as a lumber handler on the Portland docks in March, 1937.

At one time he held a $3-a-day job in a historic Chinese gambling emporium known as Hop Lee Tailor's, but he denied ever having anything to do with the gambling end of the establishment.

Soon after his entrance into lumber mill work Earl became active in Local No. 3, CIO Lumber and Sawmill Workers Union, and in 1940 was elected president. He subsequently resigned to become secretary of the union.

In 1943 Earl was elected secretary of the CIO Oregon State Industrial Union Council, a post he held until mid-1949 when he resigned to accept a federal appointment as the first ECA labor adviser to Korea.

During World War II Earl was a member of the U.S. War Manpower Commission for the West Coast and a member of the West Coast lumber commission division of the War Labor Board. In 1948 he was a member of the City Club's vice investigation committee.

Ten months after his arrivel in Korea, Earl and his wife and two children left Seoul shortly before its capture by the North Korean Army following the outbreak of the Korean war. His family escaped on a fertilizer boat bound for Japan where Earl joined them when he and other government officials were flown out of the city. The family lost most of its personal possessions in the flight from Korea.

Often outspoken during his earlier career as a labor official, Earl caused a considerable stir on his return here with his highly critical comments condemning the government of South Korea. He said that "corruption and graft characterized the Army, the police and the ministries of the South Korean government."

Earl was also highly critical of the work of various U.S. advisers to the Korean government and suggested a congressional investigation, claiming that some of our diplomats are "too much above the people."

After his return here, Earl served for more than a year as a special investigator for the income tax division of the Oregon State Tax Commission, to which he was appointed by Ray Smith, then head of the division.

Early in 1952 he filed for council position No. 1 then held by City Commissioner Fred L. Peterson, who subsequently filed for the post of mayor.

In his second year as a council member, Earl blasted his fellow commissioners for "abdicating their authority" and "lacking intestinal fortitude" in relation to an ordinance regarding salaries of city employes.

During his 1956 re-election campaign, Earl got into a verbal battle with Clyde Crosby, international representative in Oregon for the AFL-CIO teamsters when he accused Crosby of opposing him because he refused to bow to a "corrupt ultimatum" that he vote to legalize pinball machines. In the election the Portland Central Labor Council voted to endorse Earl's opponent, Jack O'Donnell.

Earl said Crosby had issued an ultimatum to him on May 18, 1955, to "support the Teamsters on the pinball issue or they would oppose me in the 1956 election."

The next day, Earl said, he voted against Crosby's request for a rehearing on pinballs, which Crosby wanted licensed by the city.

"I am confident the people of Portland will defeat the alliance of certain Teamster officials and slot machine-pinball people," Earl said.

In 1954 Earl had favored the licensing by Portland of pinball machines and had sought to introduce an ordinance to license them. He later explained his change of heart about pinball machines, which he said came while he listened to a housewife testify how her husband had "pinball fever" and had squandered more than $1,000 on the machines, forcing her to cut down on her grocery budget."

Earl had the endorsement of a number of other labor unions and a campaign committee which read like the who's who of Portland business in his 1956 campaign.

In the 1960 campaign which followed the Portland vice probes, Earl handily defeated a former city commissioner, J. E. (Jake) Bennett by a 8 to 5 margin, and after the election teed off against the "campaign of smear and smut in this city during the election." He cited in particular 40,000 pamphlets which had been distributed during the closing days of the campaign, which he described as a "smear" against "the mayor and myself."

Earl attributed the pamphlets to the Oregon Institute of Social Welfare, an organization which he had termed a "racket" in 1956. The organization's attorney and president in turn had threatened Earl with a $500,000 suit.

In 1963 Earl was highly critical of the city's Civil Defense program and he clashed with Mayor Schrunk. Earl maintained there is no defense to nuclear war other than prayer.

In recent years there have been fewer public outbursts by the sometimes stormy petrel of the city council. However, he recently asked to be removed from the city's negotiating team with the Portland Police Association in a heated statement.

Throughout his long career on the council Earl had the Fire Department under his jurisdiction and provided leadership in the major modernization program carried on in updating its equipment, station locations and communications. Four fire chiefs served under him, including Edward Grenfell, Hal Simpson, Dale Gilman, and James Riopelle.

Earl also had under his jurisdiction the bureaus of shops, buildings, communications and electronics, and nuisance abatement as well as supervision of City Hall and the office of probation and parole.

Divorced from his first wife in 1965, by whom he had three children, Earl is survived by his wife, Helen; two daughters, Mary Louise Seeburg and Sarah Wittren, and a son, Thomas Earl, all of Portland; his mother, Mrs. Bertha Earl, and a brother, Stewart Earl, both of Baker; a sister, Mrs. Mary Elgi of Caldwell, Idaho; a step-daughter, Mrs. Barbara Brown of Fall River Mills, Calif.; and two grandchildren.

Funeral arrangements are pending at J. P. Finley & Son.

CHILD-CARE TAX DEDUCTION

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mrs. GRIFFITHS. Mr. Speaker, at this time, I would like to insert into the RECORD a letter I received from a constituent in Detroit, who is a working mother supporting herself and her child. The point raised regarding the need for providing a tax deduction for child-care expenses is well to consider. The letter follows:

FEBRUARY 23, 1970.

Congresswoman MARTHA W. GRIFFITHS,
Longworth Office Building,
Washington, D.C.:

I quote the following from *"The View From My Window,"* which I received in last week's mail.

"The Tax Reform Act represents a substantial step forward in closing or narrowing tax loopholes, which have permitted billions of dollars to escape taxation, and in assuring a fairer tax structure for all persons."

I am the first to agree that billions of dollars have escaped taxation, and that there should be a fairer tax structure for *all persons.*

If I accepted your statement at its face value, it would give me, an individual, some slight hope. However, in preparing my income tax return for 1969, I encountered an item which I found to be grossly unfair to a working mother, which I understand has not been relieved in the Tax Reform Act.

I am a working mother. I have a 3½ year-old son. I am forced to work for the support of myself and my child, as my husband is imprisoned. (He went off his rocker, so to speak, last year and seriously wounded a policeman who had stopped him for a minor traffic violation.) After that incident, I moved from my home in Wisconsin to Detroit, Michigan where I could secure more gainful employment as a Secretary. I entered my son in a day nursery at a cost of $23.50 per week. I have to pay for child care, as I must work to support myself and son—I have no other income.

When I prepared my income tax return, I took the $600 exemption for child support, or rather, child care. The instructions provided that I should compute the exemption on a separate form. Upon working out the separate form, I found that if I made over $6,000 per year, I had to exclude the portion over $6,000 in wages from the $600 child-care exemption. First of all, I paid out more than $600 per year for child care. Secondly, I made over $6,000 and had to deduct the excess over $6,000 from the $600 exemption allowed.

This is a gross injustice to women who are forced to be the major breadwinner in the home. I would like to point out that I did not seek aid or public support of any sort. I immediately set out to take care of me and mine. The injustice—as I see it—occurs in the fact that business and industry are permitted to exclude expenditures from taxation which they consider "expenses of making a profit," such as country club dues, The Detroit Athletic Club dues, the Recess Club dues, and expenditures for theatre tickets, gifts, etc., automobiles for personal use, gasoline, and all other fringe benefits and entertainment expenses they can charge to company credit cards and write off as "business expenses."

However, when reviewing the item of child care expenses to the working mother, it is an absolutely necessary expense of earning a wage. Without nursery school (or some similar service) I would not be able to work and earn a wage, thereby becoming another number on the welfare rolls. However, the government sees fit to exclude a portion of child care payments because I make over $6,000 per year, and by not allowing the entire expenditure for child care—which is greater than the $600 exemption.

Why then, isn't there a ceiling on the amount of deductions a company can declare as expenses in making a profit. I have worked for many businesses—both large and small—and I have observed this flagrant misuse of exemptions and deductions allowed by the government to the businessman. In one case, a person who works in the main office of a company is given a company car which is *never* used for business, as he works in the office 100% of his work day. Yet, the car, taxes, insurance, license plates and gasoline as well as maintenance expenses are all charged off as a company expense.

I believe that any mother who is forced to work to support her child should be given the benefit of a direct expense (in total) to earning that support. In this case, it is the total amount of child care necessarily expended in order to be gainfully employed. It should be expensed just as a salesman expenses his car and mileage in the pursuit of sales, or just as a grocer expenses his utilities and the rent and other direct costs of making a sale.

Can you, Mrs. Griffiths, see the injustice in this matter and work toward seeing that it is corrected through proper legislation?

I would appreciate your views on the subject.

Very truly yours,

——— ———.

MAPLEWOOD, NEW JERSEY, ONE OF THE FINEST CITIES IN THE UNITED STATES

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mr. MINISH. Mr. Speaker, I should like to call to the attention of my colleagues the recent honor accorded to Maplewood Township, N.J., which I have the honor of representing in the House.

Maplewood was awarded a certificate proclaiming it one of the 22 finest cities in the United States in the All America Cities competition, which was sponsored by Look magazine.

H. Bruce Mershon, president of the Maplewood Jaycees, revealed that Maplewood was the only city in the Northeast United States to receive such recognition in the competition. The city originally participated in the event at the urging of the Jaycees.

Maplewood's mayor, Robert Grasmere, said that he felt all along that Maplewood deserved such recognition. I wholeheartedly agree.

Congratulations, Maplewood Township, on your well deserved honor.

WISCONSIN CIVILIAN IN VIETNAM REPORTS VIETNAMIZATION IS WORKING

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, a former president of the Fond du Lac, Wis., common council, who has been working in Vietnam since April 1968, returned for a brief visit this past week and reported that he is greatly encouraged by progress in the Vietnam pacification program. Mr. James Megellas heads one of the four area pacification programs in Vietnam.

An article describing the major progress being made under present U.S. policy appeared in the March 16 issue of the Fond du Lac Commonwealth Reporter.

For the benefit of my colleagues I insert the full text of the article at this point:

Says James Megellas: The United States on Right Track with Vietnam Policy

By STAN GORES
(Special Projects Editor)

"I think we're on the right track and the policy we're pursuing is working."

That brief, but hopeful, summation of the puzzling war in Vietnam was given this morning by James Megellas, currently winding up two years of agenc: field service for the State Department and who less than a decade ago was devoting his time to local problems as president of Fond du Lac's common council.

"I'm confident that with our present program," Megellas commented in an interview, "and reducing the level of our combat forces, as President Nixon has been doing, that we'll progress to the point where the Vietnamese will be able to take over the actual fighting of the war.

RECENT BIRTHDAY

"But how long we'll be there is not for me to say," he continued. "I'm just there doing a job for the government and I'm encouraged with the progress."

Megellas, who last week observed his 53rd birthday, will leave Fond du Lac Tuesday and be in Manila in the Philippines on Thursday with his wife, the former Carole Laehn and his two sons, James and Stephen. Next Monday morning he'll fly to Saigon and "back to my job."

Mrs. Megellas and the children have been living in a suburb of Manial since her husband took over his Vietnam assignment on July 3, 1968. He has been able to visit his family regularly, and occasionally Mrs. Megellas has toured Vietnamese hamlets and villages with her husband.

Since June of 1962, Megellas has been a representative of the Agency for International Development. His first assignment took him to Yemen for two years, followed by four years in Panama.

RETURN TO CITY

He'll wind up his present duties when he and his family sail from Manila for San Francisco on May 25. They expect to arrive in Fond du Lac by June 12. He'll then await another overseas assignment and, from what he learned last week in Washington, D.C., it will be a tour of duty which will permit him to be with his wife and children.

Megellas is greatly encouraged by signs of progress in the Vietnam pacification program. This project, basically, covers two fields: (1) Establishing village and hamlet security; and (2) Assisting in political and social development.

In striving toward these objectives he has been head of the Civil Operations and Revolutionary Development Support (CORDS) effort in Vietnam's II Corps Tractical Zone. He has not worn a military uniform, but has held a rank equivalent to a major general while taking part in high level briefings and Vietnam appraisal conferences.

So his knowledge of Vietnam, and the U.S. situation there, is considerable. Last week he addressed State Department representatives at a briefing in Washington in which he declared that "pacification, in the long run, is what will put Vietnam back on her feet as a free, viable, and self-sufficient nation . . ."

The corps area Megellas has headed is one of four in the country, but encompasses 48 per cent of the geography. When he went to Vietnam in April 1968 to look over the situation prior to his assignment, he found that "less than 50 per cent of the hamlets were under government control."

The figure for determining how much of the territory could be classified as under control, be explained, is based upon figures from a computer.

MAJOR PROGRESS

"In February of this year," he continued, "90 per cent of the area is under government control."

This, of course, represents major progress.

"We now have 93,000 regional forces and popular force soldiers in our corps alone," he said. "Last year we organized the peoples' self defense forces, and there are about 400,000 in this, including all able bodied men above and below draft age, and also women. A total of 85,000 of these people are armed with weapons."

President Thieu of South Vietnam has frequently called the conflict a "people's war," and he has worked to arm the Vietnamese and work toward desired goals, Megellas remarked.

"Last year we held democratic elections in the hamlets and villages and 95 per cent of the people in my corps area now have elected officials," he explained. "All of these elected officials were flown to a training center south of Saigon for six weeks and President Thieu spoke personally to each member of the graduating class."

Another phase of the pacification program directed by Megellas, one of World War II's most decorated soldiers, was a financial aid project. Each village in his corps received approximately $9,000 for self-help objectives, with the people deciding how they could best use the money.

The outcome resulted in new water wells, schools, health centers, roads and similar projects. This effort did much to establish the identity between the government and the people, said Megellas.

MUST WIN PEOPLE

Asked if he could cite a single incident in which the money was not used wisely, Megellas said he couldn't. He emphasized that such a program is crucial to the goal of free government in Vietnam, and commented, "If we defeated the Communist military forces and yet didn't win the people we'd lose the war."

Megellas believes that the Communists no longer believe they can win a military victory in Vietnam.

"Captured documents have shown they've changed their tune," he said. "They now see it as a prolonged war."

Do the Vietnamese people really care what kind of government they have?

Megellas is convinced they do. They show it, he says, by their willingness to become elected leaders. Accepting such a position makes them prime assassination targets for the Viet Cong.

The alleged My Lai "massacre" incident played up so widely in the United States, is not a major issue among the people of Vietnam, according to Megellas.

"I've never heard the Vietnamese raise this issue in my area," he commented. "It has never been discussed with me by the Vietnamese. I simply haven't heard much about it over there—even among the Americans."

ENEMY DETERIORATED

Megellas firmly believes the United States policy is effective, even though he admits "what the ultimate end will be I don't know." His job hasn't been to make foreign policy decisions, however. It has been to get to know the problems of the Vietnamese people by living and working among them, and helping them to sound, free government and an improved economy.

"And they're much stronger now than they were," he concluded, "while the enemy's strength has deteriorated and their influence over the people has lessened. I definitely think we're on the right track."

While in Fond Du Lac Megellas has been staying at the home of his mother, 222 Third St., and also has visited at the home of his wife's parents, Mr. and Mrs. A. H. Laehn, 4112 Lakeshore Dr.

THE LATE HONORABLE JAMES B. UTT

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 23, 1970

Mr. ASHBROOK. Mr. Speaker, I wish to join my colleagues in the House in expressing my sorrow at the death of Jimmy Utt, a respected and well liked Member of this body for the last 17 years. Jimmy combined a warm, gentle nature with a fierce dedication to principle and duty. As a high ranking member of the Ways and Means Committee he carried out his assignments on that vital committee with a vigor and industry dictated and based on the best interests of his country. In the mundane atmosphere of a national legislative body his religious convictions remained an integral part of his motivations. A man of the West, Jimmy Utt was born and lived in his beloved Orange County and was a successful businessman and State legislator before coming to Washington. That Jimmy served his people well is attested to by his 9 terms in Congress, a wholehearted endorsement from his constituents of the 35th District of California.

The Honorable James B. Utt has gone back to the West but he has left memories of his charity, integrity, and dedication for us to emulate.

I extend my sympathy to his surviving family who, I know, are sustained in the knowledge that he has done his job well.

VFW VOICE OF DEMOCRACY WINNING ESSAY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mr. TEAGUE of Texas. Mr. Speaker, each year the Veterans of Foreign Wars of the United States sponsors a voice of Democracy program in which high school students are asked to write a broadcast script. All five winners of this year's contest on "Freedom's Challenge" were guests of honor at the VFW congressional dinner and received a personal congratulation from President Nixon. I would like to include the essay of the second place winner, Dennis DiMarzio of Sycamore, Ill. An 18-year-old Sycamore High School student, Dennis is president of the student council, drum major of the band, and vice president of Thespians. He also is a member of the National Honor Society, an Illinois State Scholar, and has won letters in baseball and basketball. Dennis plans to study law at Northern Illinois University. The VFW should be commended for their sponsorship of such a fine program. After reading this essay, I think you will agree that we all can take pride in the patriotism and faith in America displayed by this young man.

The essay follows:

SECOND PLACE: FREEDOM'S CHALLENGE

(By Dennis DiMarzio)

The other day when I was in a rather philosophical mood, my mind wandered way back to a day when I was in the first grade. On this particular day, the teacher went around the room and asked each one of us what we wanted to be when we grew up. There was the usual number of cowboys, fireman, and baseball players, but at least half of us shrugged our shoulders and answered, I don't know. In high school, many students would answer I'm not sure. To me, this is the beauty of freedom, to have a choice, a freedom to be or not to be, to be what we want to be and not what we don't want to be. Now this does not mean that there are not limitations upon our aspirations, but it does mean that the government will not stand in our way, but that it will encourage us to pursue happiness and will aid us whenever it can. The limitations to our pursuit of happiness are within ourselves and the talents which have been granted us by a divine being.

If we become afraid to try or if we become frustrated to the point of giving up, then we have failed to meet freedom's challenge. If, however, we put our faith in ourselves and not in the opportunities offered by our free country, then we are meeting freedom's challenge.

So I believe then that I as a citizen can meet freedom's challenge by putting faith in myself and my country and by developing myself into the most productive citizen which my God given talents allow me to be.

This being the case, then how does the nation itself meet freedom's challenge? I think the answer to this question is deceptively simple. The nation can meet freedom's challenge in much the same way that the individual citizen does. It must put faith in itself and its principles and must strive to develop into the most productive nation which its God granted resources will allow it to be and just as the individual citizen must not be governed by fear, neither must the nation. It must not allow threats or predictions of failure to prevent it from taking those actions which it perceives to be right and just. In a similar way, our country like the citizens who live in it, must not give in to frustration, however great this frustration might be.

In carrying this comparison between the United States and the individual citizen a bit further, let us look at a situation which is much too common in our modern world. A citizen is walking down the street and sees an old man being beaten and robbed by three strong assailants. The citizen would have to overcome great fear if he were to aid the old man, yet he knows that this is what should be done. If he is to meet freedom's challenge, he must not give in to fear by looking the other way and pretending he didn't see. For when this is done, no choice has been made, fear has become his dictator. In a similar fashion, our nation must base its actions not on fear, but on a sense of righteousness. A few years ago, we witnessed a poor and weak South Viet Nam being beaten and robbed of its freedom by three assailants, North Viet Nam, assisted by China and Russia. But we met freedom's challenge and we are meeting it today, because we did not look the other way; we did not give in to fear. We knew what was right and we moved to help South Viet Nam defend itself.

Today, our nation is experiencing the same pain and frustration which our citizen on the sidewalk would experience in fighting the three assailants. Our Nation is suffering from a loss of blood, the blood of its young men, and it is suffering from the frustrating bruises inflicted not by the three assailants, but by some of its own citizens, and this time I use the term loosely, most of whom have allowed fear to dictate them. They would prefer to look the other way from Viet Nam, or more exactly, they want to run away from it. Fortunately, this form of opposition, frustrating as it might be, is for the most part characterized by weak fear driven individuals who hide under the guise of intellectualism.

Today, so that she might more rapidly overcome the hindrances presented by those dissenters who are unprincipled, the United States of America is making Freedom's Challenge her challenge to us her true and loyal citizens. But this is not the first time that freedom's challenge has taken this form. She challenged us at Concord, at Gettysburg, in the fox holes in Germany, on the beach of Normandy, and on the barren hills of Korea. Now she challenges us in the swamps of Viet Nam and on the issue of Righteousness versus Fear. She challenges those of us who are loyal to America to stand up and express our views more energetically and more sincerely than the loudest and longest haired of these unprincipled dissenters. We have the freedom to be a strong and righteous nation which has made the most of its God given resources and we have the freedom not to be a weak and unprincipled nation whose dictator is fear. This is Freedom's Challenge.

TASK FORCE HEARINGS

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mr. BUSH. Mr. Speaker, the Republican Task Force on Earth Resources and Population of which I am chairman, has been conducting hearings on the mineral shortage problem for the past few months. Last year, we concentrated the bulk of our efforts on the examination of

population growth. These hearings eventually led to the publication of our family planning report, "Federal Government Family Planning Programs—Domestic and International," on December 22, 1969. In order to keep continuity with last year's work, and because we feel that the population explosion is the cause of many other problems, we are attempting to relate our mineral shortage research closely with the population problem.

On March 18, it was our great privilege to have Dr. Jack Lippes, medical director of the Planned Parenthood Center of Buffalo, N.Y.; and Dr. Raymond Ewell, vice president for research, State University of New York at Buffalo. With very lucid and succinct testimony, Dr. Lippes and Dr. Ewell presented to the task force a wealth of useful information on the population problem and its effects. For the benefit of my colleagues, I have included Dr. Lippes' statement, and a paper by Dr. Ewell on the social, economic and political consequences of the high rate of population growth:

POPULATION DIMENSION—SOME RECOMMENDATIONS

Congressman Bush, and members of the task force: I am Dr. Jack Lippes, Associate Professor at SUNYAB in OB-GYN and Medical Director of the Planned Parenthood Center of Buffalo, New York.

The need for family planning is now so widely acknowledged, so obvious and so necessary to humanity that to dwell on this urgency would be superfluous. Instead the time has come for a deeper understanding and action.

The population problem in the U.S. can be better understood by realizing that the affluent and the underprivileged require different approaches to their excessive fertility. Within each of these two distinct economic groups are two sub-groups:

1. Those with unplanned and unwanted excessive fertility and

2. Those whose excessive fertility is deliberate.

Amongst the considered solutions for deliberate excessive fertility are:

1. Education which should include a study of the benefits of spacing children, not only to the mother, but to the child as well. A discussion of the advantages of a small family should be included.

2. Idealization of the small family. All media—T.V., newspapers, periodicals and radio should be utilized.

3. Legal devices—

(a) Raising the legal age of marriage.

(b) Financial incentives for the small family and penalties for excessive fertility. This could be mediated through the income tax laws.

Solutions to unplanned and unwanted excessive fertility must also include:

1. Readily available contraceptive services and abortion which for the affluent can be acquired from private medical sources, but for the underprivileged must be subsidized. Both male and female sterilization procedures should be more readily available. Many urologists in the U.S. are reluctant to perform male sterilization because they fear prosecution under their state laws for violation of maiming statutes.

2. Education—which I would like to take up in greater detail later.

3. For the underprivileged, readily available contraception and abortion means government sponsored or subsidized service. Even sterilization procedures would and should be government subsidized for the economically deprived.

Should we direct more of our efforts at the underprivileged? The U.S. Census Bureau has noted that the poor, those on welfare and those with incomes of less than $3000 per year, do have larger families than the average, affluent, suburban American. Yet such families number 5.4 million, perhaps 15% of American households. Obviously this 15% are not having 3½ million babies every year. The truth is that the bulk of this baby production comes from suburban America. Efforts to promote family planning must be directed at both the affluent and the poor. This is complicated by the moral and political problems of convincing people to accept abortion for unplanned and unwanted pregnancies and the sociologic problem of preventing deliberate high fertility. Too many American families are choosing to have 3 or 4 children, instead of 2 or 3. How do we convince American couples to choose smaller families?

If we are going to offer contraceptive services to the poor, it cannot be the singular effort to lower the American birth rate, nor should it be considered a solution to the high costs of welfare. It should be provided to the underprivileged in the name of justice and equality because for so long these underprivileged citizens have been denied the choice of deciding when to have a child and the choice of how many to have. This choice for the most part has been available to other Americans. Recent surveys asking mothers, "Did you plan, and/or did you want your last child?" have revealed that out of 3½ million births, 750,000 were unplanned or unwanted. Since every drug store is a source of contraceptive supplies, it is difficult to understand why we should have an excess fertility. What do we need to do to convert desire into reality and reduce the birth rate?

More and better education will help. Many school systems in the country have embarked on programs of "sex education". These have aroused much controversy, perhaps because of the label.

Last year the State of New York called a meeting of school teachers to be held in western New York. The purpose of this meeting was to indoctrinate the teachers in the latest knowledge relating to family life and covering material on reproduction, contraception, sociology, dating, mating and family life relationships. Over 400 teachers from every school district in New York State attended. The Planned Parenthood Center of Buffalo was invited to participate in the development of the program.

This conference represented a rare opportunity to find out how qualified these teachers were in family life education. Did they have reservations regarding sex education? How comfortable were they in discussing human sexuality? Were the teachers themselves inhibited in any way? How knowledgeable were these pedagogues in the subject they were about to teach? The responses or lack of responses to the questionnaire were revealing Only 53 of over 400 teachers cooperated by filling out the questionnaire. The lack of response was predicated on a negative attitude. Some arose in the conference and asked indignantly, "How dare those people from Planned Parenthood ask such questions?" "Who do the people at Planned Parenthood think they are?"

Of the 53 teachers who did respond, one-half were not knowledgeable of basic facts in the subject of reproduction. Many revealed that they had punitive attitudes in regard to social pathology such as homosexuality and out-of-wedlock pregnancy.

How can we expect the populace at large to be knowledgeable and tolerant if the teachers themselves are not only ignorant of the subject, but even profess negative attitudes and hostility in regard to some of the material which ought to be taught. What saddens one even more is how few teachers' colleges have undertaken programs to develop instructors who will be both knowledgeable and comfortable with this subject. There are some exceptions such as the course at the University of Minnesota under Dr. Gerald Neubeck, the one at the University of Houston given by Dr. Leslie McCary and one at SUNYAB. There are others. Perhaps if we begin to train teachers in family life, health education may make a meaningful contribution to family planning and stabilization of the American population.

I do believe that Congress could make funds available, perhaps on a matching grant basis with each state in order to develop a number of family life educators.

National television has not been utilized as it could be to acquaint the public with all the facts of the population problem. Fully exploited, national television could have an effect that would surprise demographers. Imagine a series of 1 hour television teach-ins, covering the U.S. population problem, the advantages of child spacing, idealizing the small family and ending with an up-to-date review of contraceptive technology. First, perhaps, the president of the U.S. could endorse the teach-in. Such a program or series of programs could have an immeasurably beneficial effect in reducing the birth rate.

Yet something would still be wrong, at least for families living in poverty. While talking to core area families, I am impressed that they are aware of the advantages of family planning. They know that in families of 4 or more children, the educational and economic opportunities are more restricted. Controlling family size to provide a higher quality life for the family is based on the assumption that opportunities to rise out of poverty are wide-spread. If this could become a fact, then it can be expected that most families will control their size, because it is in their own personal self-interest. If opportunities for escaping poverty are not available, there will be little motivation to control family size because it won't make any difference. Basically, these core area patients ask, "Is there any common sense in accepting the restrictions of middle class disciplines such as birth control, without receiving the rewards of a middle class life?"

One could go into the core area of American cities and provide everyone with birth control services. A program of not just sex education but compensatory education of all types could be instituted. Let us suppose that we could do these things to the point where every family is knowledgeable about birth control and everyone in the core area is so well educated that they all have Ph. D. degrees. Even then, someone has to come up a loser. They all can't be winners. Under our present competitive economic system the winner takes all and the loser gets nothing, except on the professional athletic field. On the athletic field, we Americans think differently. For example, professional football * * *. But the losers are also compensated with perhaps 40% of the gate. This is a contract which we Americans consider fair and equitable. It is a good instinct for fair play and justice. How relevant and satisfying it was to read in the *New York Times* (of February 19, 1970) that the House Ways & Means Committee approved the thrust of President Nixon's welfare reforms to provide a minimum annual income for working families This bill, if passed, will do more than permit poor families to rise out of the culture of poverty. It will reunite separated and abandoned underprivileged families. The increased income will, for the first time, allow such families to live in dignity. Family planning will then become the middle class discipline rewarded by the middle class life.

Information which could be included in a family life education program would cover new contraceptive technology. One would mention the fact that medicine already has a "morning after pill." Drugs, like Stilbestrol or Ethinyl Estradiol, taken in correct doses will prevent pregnancy if taken within 24 or 48 hours after intercourse. This is a

fact and yet very few Americans are aware of it. The big drawback for general use, is that this medication frequently produces nausea and emesis. Still it could be used in individual cases. After all, the motivation to prevent pregnancy is greatest the morning after sexual intercourse.

This brings one to the even more controversial, but important subject of abortion. Statistics from eastern Europe show us that abortions done in a hospital under 12 weeks is a safe surgical procedure, with a mortality of 3 in 100,000 cases. Such surgery requires a short hospitalization, perhaps only one day. It can even be done as a hospital out-patient procedure. Countries, such as Japan and Hungary, have relied on abortion as a means of stabilizing population. These countries have two of the lowest population growth rates.

The new technique of suction curettage wherein the products of conception are removed through a hollow curette with a small amount of suction, has made the procedure both safer and easier. It has reduced blood loss. The whole procedure can be done in 5 to 10 minutes. With multiparous women, that is women who have had children, the procedure can be done under local anesthesia. This technique, if readily available as a solution to contraceptive failures, could make all contraceptive methods 100 percent effective. One cannot overemphasize the importance of abortion. It is still not generally available either nationally nor internationally. Yet, it must be. After all, we have plenty of preconceptual techniques—rhythm, pills, diaphragms, IUDs, condoms, jellies, suppositories. At the moment, we must rely on surgical abortion to back up these techniques.

What we really need is a cheap, safe and effective pharmacologic abortifacient. Here is where research funds should be expended and talent recruited. We should try to find a drug which would produce a safe abortion within the first 8 to 10 weeks of gestation. Such a drug would have a remarkable impact in lowering the birthrate on a world wide basis. The time to make such research funds available is now. The time for recruitment is now. It should be advertised and offered to every university or medical school which might be interested.

Obviously, the use of abortion to lower birth rates will require changes in legislation so that it is available on demand. Changes in public attitude and acceptance is also necessary. As Dr. Christopher Tietze said, "History shows, that man does possess the ability to change his beliefs in order to meet his necessities."

Another technical development is the laparoscope. This is an instrument with which a surgeon can look into the abdomen through a puncture. The instrument is less than ½ inch in diameter. Yet through this instrument a woman can be sterilized by electrically cauterizing the fallopian tubes. The procedure requires a general anesthetic. It can be completed in 15 to 20 minutes and the patient is released the same day. These instruments are expensive. A setup would cost about $1,500. American capital could provide the instruments in many areas where such sterilization programs would be undertaken.

Intrauterine contraceptive devices, IUDs, have proven to be the mainstay of successful population control programs in countries such as South Korea and Taiwan. Improvements are being made in IUDs. Newer clinical research suggests that the addition of elemental copper or zinc to an IUD, may make it 100% effective. The zinc may even quiet the uterus and reduce removals because of cramps or bleeding which in the past has been the major drawback to wider use of intrauterine contraception. The newer loop made of polypropylene has reduced spontaneous expulsions from 7.7% to 3.5%. Pregnancies or failures with the new polypropylene device have been reduced from 2.8 per hundred women per year to 0.5 pregnancies per hundred women per year.

The success of oral contraceptives need not be documented here because so much has already been written on this subject. Everyone is aware of their use and that they have lowered the birth rate for many countries in western society. This oral medication has been too expensive for developing countries. The rate of discontinuance so far has been too high for successful use. In the future, similar drugs may be placed in a plastic capsule and then inserted under the skin. Enough of the drug will reach out to prevent pregnancy for long periods of time. The period of protection will depend on the size of the capsule and the amount of the drug.

All of these techniques could be used in developing countries just as well as in the United States. Because of cultural, economic and educational differences, the mix of the various methods will be different. The big problem in Asia as in the United States is the sociologic one of convincing people to have smaller families. Developing countries in addition, have the problem of continuous supply, availability of services and surveillance of masses of people. In Asia a large family, especially having many sons, becomes the parent's social security. It is the son who will care for mother and father in old age. One way to promote family planning in such countries is by government promising social security. An Asian government could promise all young couples that if they limit their families to 2 or 3 children the government will provide social security when the parents are 65. Granted, that Asian countries do not have the capital to provide this now. But this is a promise being made to 20 year old couples, a promise to be fulfilled in 40 or 45 years. Either such a country develops in 40 years and has the capital to provide social security or in 40 years it will cease to exist. Other legal devices could be used: e.g. raising the legal age of marriage, removing income tax deductions for dependents after the second child. However, the U.S. government cannot write the laws of foreign countries. We can only act as advisors. We can provide technical help and sometimes capital where expensive equipment is needed to provide certain birth control services. The final decision will rest not with governments, but with people.

THE SOCIAL, ECONOMIC AND POLITICAL CONSEQUENCES OF HIGH RATES OF POPULATION GROWTH IN THE UNITED STATES AND OTHER COUNTRIES

THE UNITED STATES

1. The United States rate of population growth has declined from 1.6 percent per year in 1960 to 1.0 percent per year in 1968.

2. However, this is still too high a rate of growth to permit the United States to maintain its present high standard of living for many more years in view of the diminishing quantity and quality of our country's resources.

3. New and improved technologies can compensate partially for diminishing resources but not entirely. In spite of new and improved technologies, the standard of living in the United States may well begin to decline within the next 25 years.

4. The social and political problems which would be engendered by a gradually declining standard of living can be imagined.

5. Countries with more favorable ratios of natural resources to population than ours may surpass the United States in standard of living during the next few decades, notably Canada, Australia and the Soviet Union.

6. The United States should adopt a national goal of reducing the population growth rate to zero at the earliest possible date, the earlier the better. Only in this way can a standard of living, at least as high as ours today, be guaranteed for our grandchildren.

7. However, there are social and political ill-effects of a continued high population growth rate which are of even greater importance than the problem of maintaining a high material standard of living. Social problems of overcrowdedness, friction between people, mental illness, racial problems, urban deterioration, environmental contamination will all be exacerbated by an increasing population, and these problems will inevitably require a larger and larger proportion of the national income to effect even temporary solutions and palliatives.

THE LESS DEVELOPED COUNTRIES

1. Most of the less developed countries have much higher population growth rates than the United States. Most of the less developed countries have growth rates in the range of 2.0% to 3.5%, although there are a few lower and a few higher than this range.

2. Most of the less developed countries therefore have social, economic and political problems resulting from high population growth rates which are even more acute and more difficult of solution than those facing the United States.

3. The less developed countries as a group have a population growth rate of probably 2.6% per year which will, if continued, increase the population of the less developed countries from 2.7 billion in 1970 to 3.5 billion in 1980 while the population of the developed countries as a whole is increasing only from 900 million to 1 billion.

4. As one example, Mexico has a population growth rate of 3.5% per year which, if continued, would double the population in 20 years. This means Mexico's population may go from 50 million in 1970 to 100 million in 1990. If this really happens, as seems highly probable at this time, Mexico will have to double everything in the country in 20 years—food production, industrial production, housing, schools, medical facilities, transportation, etc., as well as provide many millions of new jobs.

5. Among the many problems facing the less developed countries food supply is one of the most pressing and most difficult of solution. The average rate of growth of food production in the world and in the less developed countries, too, has been slightly over 1% per year for a number of decades, say since 1900. This has resulted in a slow decline in domestic food production per capita in most of the less developed countries since 1950 so that these countries have been forced to import more and more food just to stay even.

NATIONAL RECOGNITION TO CITY LEGISLATOR

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mr. BELL of California. Mr. Speaker, it is my privilege today to give national recognition to a richly deserving city legislator from my home district in Los Angeles.

Robert M. Wilkinson, city councilman from Los Angeles' 12th district, represents the fastest growing area of the fastest growing city in the Nation. The 12th district is composed of the northwest land mass in the great San Fernando Valley. Its 49 square miles is made up of a population of 208,000. And it continues to develop with the passing of each year. This kind of development can and has produced prodigious growing pains.

All phases of city services must be expanded to meet the continual growth. Fortunately, the citizens of the 12th dis-

trict have as their elected representative, a man who recognizes the requirements and needs of the community.

Councilman Wilkinson, dedicated to active public service, has moved the 12th district ahead in building more major public project improvements, providing additional police and fire services, augmented traffic facilities, providing consistently improved library and recreation and park services.

He sits in with the designers from State division of highways for the planning of three major freeways through the 12th district. He attends regular meetings of the State water resources board currently working on the Castaic Lake Reservoir, a major link in California's Feather River Aqueduct system. And he meets with contractors and developers in an effort to encourage the building of homes in the 12th district to alleviate the serious housing shortages.

During a major brush fire last year in the hill communities of the 12th district, Councilman Wilkinson arrived on the scene with the fire departments. Campus disorder at San Fernando Valley State College 2 years ago found him meeting with the academic community in an effort toward solving the problems.

Councilman Wilkinson's continuous struggle against smut and pornography mail-order houses led to the closing of two such businesses and the rescinding of post office box numbers.

Legislative action initiated by him this year formulated more stringent requirements for the issuance of police permits for rock music festivals within the city. This action came after some 200,000 young people converged on a portion of the district for 3 riotous days in the summer of 1969.

In addition to large issues, Councilman Wilkinson is concerned about the small problems, too, such as traffic lights and crosswalks for schoolchildren, noise abatement, zoning issues, and even the the sweeping of streets.

The way Councilman Wilkinson solves his many problems is the same method adopted by many other successful men—hard work. Hard work every day in the week; often including weekends.

Wilkinson, an oldtimer by most standards in the valley—having graduated from Canoga Park High School—is a relatively young man, married, and the father of three children, and grandfather to two granddaughters.

I am glad to relate that he is a fellow Republican and is serving his second 4-year term as a councilman.

I would like to bring to the attention of my colleagues my sincere regard for the outstanding character and ability of Councilman Robert Melvin Wilkinson.

GOOD CHOICE FOR SELECTIVE SERVICE

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, the new head of Selective Service, Dr. Curtis W. Tarr, has been widely hailed in Wisconsin newspapers. While Dr. Tarr takes on a difficult task, he is eminently qualified to undertake this most important post.

During his service in Wisconsin as president of Lawrence University, he also served as head of the Tarr Task Force charged by Governor Knowles with the responsibility of recommending changes in Wisconsin's tax distribution system.

The Appleton Post Crescent on March 15, the Sheboygan Press on March 14, and the Oshkosh Daily Northwestern on March 21, all praised Dr. Tarr's appointment. As one who is proud of this recognition of Dr. Tarr's ability and integrity, I want to call to the attention of colleagues the high regard of people in Wisconsin for Dr. Tarr. I include the editorials at this point:

CURTIS TARR WILL DO A GOOD JOB

It took a personal appeal from President Nixon to persuade Curtis Tarr to accept the position as Selective Service director, and we can appreciate Dr. Tarr's reluctance to take on this difficult task, but in the final analysis, there could be no better man we can think of for the job.

There is one vital element which must be given top consideration in the further reform of the Selective Service system, or its complete replacement by a professional military, and that is the vastly changed thinking of many of our young people toward military service to their country.

Basically it is the Vietnam war which has motivated this change in thinking, a war which lacks the support of, we believe, a majority of the American people. But there is no question that patriotism and duty mean something different to the adolescent generation of today than those words meant one generation ago.

Dr. Tarr, from his experience as president of Lawrence University, certainly understands the thinking of young people, even if he doesn't have to agree with it.

He has other outstanding qualifications for the position, experience and proven ability as an administrator, an ability to organize his thinking logically and efficiently and to express those thoughts in concise terms. More recently he has had an indoctrination in the military manpower requirements of the nation in his position as assistant secretary of the Air Force specializing in manpower affairs.

It was reported that Dr. Tarr's reluctance to accept the position when he originally was sounded out about it last December was based on two considerations, that the position was a controversial one and that it was a dead-end as far as a political career is concerned.

Knowing Dr. Tarr so well, we cannot believe that he would sidestep a controversial task. And if he can help the Nixon Administration to formulate a new military procurement policy for this country over the next few years it could well be a great boost for an even more important career in government. The fact that Gen. Lewis Hershey made a lifetime career out of the job doesn't have to influence Dr. Tarr, and we are certain that it will not.

A GOOD CHOICE

The nomination of Dr. Curtis Tarr, former president of Appelton's Lawrence University, to be director of Selective Service, should win the speedy approval of the Senate.

Dr. Tarr is presently a member of the administration, serving as assistant secretary of the Air Force, being responsible for manpower and reserves and thus has gone through the approval routine once. His background of college teaching and administration should make him highly acceptable to the leadership of higher education of the nation. His recent close and successful relationships with the draft age youth at Appleton should give him an added insight in the carrying out of his new duties. His own military service is a valuable asset.

But especially it seems to us, Dr. Tarr brings to the post a lot of imagination, courage and administrative know-how. President Nixon is anxious to have a volunteer army as soon as feasible, keeping Selective Service as an emergency device, at best. Dr. Tarr, as an educational administrator and as chairman of the well known Tarr Task Force studying Wisconsin's problems, demonstrated an ability and a willingness to strike off in new directions. So it would seem that if Selective Service is to be modified, carried on or completely abolished, Curtis Tarr would be a fine man to have in charge.

GOOD CHOICE TO HEAD DRAFT

A big chore for Curtis W Tarr, former president of Lawrence University, Appleton, as national draft director—in addition to administering the Selective Service law—will be to help to persuade Congress to initiate long-delayed hearings on further draft reform.

What will come from such hearings? Most likely the need for changes including the elimination of educational and occupational deferments and the establishment of new standards of classifying young men for induction.

President Nixon has attempted to persuade Congress to hold hearings on draft reform and may accomplish this end through his nominee for national draft director.

Tarr has firm credentials for the position. He was drafted for service in World War II and so is not unacquainted with the business of the "Greetings from the President." He was a combat GI and later a Stanford University scholar before being president of Lawrence.

His record indicates that he occupies the middle ground which is essential to compromising the sometimes explosive national debate over the draft. He has a sensitivity to youthful concerns over the draft, yet is candid in asserting that although he went into the Army with some "uncertainties . . . I realize now how important the experience is and was . . ."

As a civilian, and a man of apparent good sense, Tarr is a good choice for the director of the draft.

COINS OF INTRINSIC VALUE

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mr. McCLURE. Mr. Speaker, the desire for coins of intrinsic value does not rest exclusively within the free world. East Germany, for example, has issued two new silver coins, one of 10-mark denomination and one of 20-mark denomination.

The 20-mark coin commemorates the 220th anniversay of the birth of Johann Wolfgang von Goethe. The 10-mark coin honors Johann Friederich Bottger on the 250th anniversary of his death.

I am also advised that the United Arab Republic will be issuing a commemorative coin this year marking the 1,000th

anniversary of the Al-Azhar mosque in Cairo. The Egyptian Government plans to issue 200,000 of these coins, each of which has a face value equivalent of $2.30 in United States currency.

THE PLEDGE OF ALLEGIANCE

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mr. ROBISON. Mr. Speaker, I recently received a thoughtful and timely letter from the master of the Horseheads Grange, H. Leon Van Gorder. The Horseheads New York Grange is in my congressional district, and Mr. Van Gorder was thoughtful enough to send me the text of its letter to a local television station. The letter comments on the efforts of some to discontinue the pledge of allegiance and salute to the American flag in the schools around this country. My personal feeling is that such efforts are misguided at best. Respect for country is as valuable for a child as respect for church and for family; and there seems to me to be no justification for driving patriotism out of our schools. Because I think the text of Mr. Van Gorder's letter to me should be shared with all Members of Congress, I am submitting most of the text for their information:

MARCH 4, 1970.

Hon. HOWARD W. ROBISON,
Rayburn House Office Building,
Washington, D.C.

DEAR SIR: On January 27, 1970, the New York *Daily News* carried an article stating that [some persons] wanted to discontinue the pledge of allegiance and salute to the American Flag in all the public schools. A short time later one of our local television stations carried a similar story pertaining to it, on the news cast.

As Master of Horseheads Grange 1118, Horseheads, New York, I talked with the manager of this television station and, also, the manager of one of our local radio stations. They both gave the Grange the full support of their stations for the stand the Grange took on the pledge of allegiance continuance. I, therefore, wrote to State Senator William T. Smith and Assemblyman L. Richard Marshall describing the Grange's feelings. While talking to the manager of the television station, he invited me to read our letter over the air for a local news cast. I have had wonderful response from it, and I should like to give you the text of it.

It has come to our attention that some people in New York State want the children in our schools to discontinue the practice of saluting the American Flag and giving the Pledge of Allegiance. By order of the Supreme Court, the Bible has been cast out of the schools, and now some want the American Flag and what it stands for taken out.

It is a shame that two of the most vital principles on which our Country was founded are now being frowned upon. So, we of Horseheads Grange 1118 want to go on record as supporting Governor Rockefeller and others interested in keeping the salute and Pledge of Allegiance to our Flag in the class-rooms of our schools.

After a conversation with Mr. Donald Buies, Manager of WSYE–TV, and Mr. Robert Chalk, Manager of WELM–radio, we are very happy to say both stations have given us their support in backing our efforts in this matter.

Trusting you will carry our message to the New York State legislators, I remain

Very truly yours,

H. LEON VAN GORDER,
Master.

CALIFORNIA'S SCIENTISTS AND ENGINEERS SPEAK OUT ON ECONOMIC CONVERSION

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mr. CHARLES H. WILSON. Mr. Speaker, the resolution establishing the California Legislature Joint Legislative Committee on Economic Conversion states that changing military needs have had, and will continue to have an adverse effect on the State's economy. Consequently, efforts have been urged to plan ahead to minimize the impact on local communities and the State as a whole during conversion from military to a largely civilian oriented economy.

As Robert M. Leventhal, executive secretary of the Southern California Professional Engineering Association, pointed out in testimony before the committee:

It is the engineers and scientists who have given our country its unequaled productive and technical capacity.

The significance of the Federal Government's involvement in engineering employment comes into focus from figures recently published by the Aerospace Industries Association of America and other concerned parties. These figures show that aerospace employs about 27 percent of the Nation's engineers and scientists and is the Nation's single largest employer of research and development engineers and scientists. Over 40 percent of the Nation's 1.3 million aerospace workers are in California and that the seven southernmost counties account for 80 percent of the State's aerospace employment. This percent translates into 350,000 jobs and a $3.5 billion annual payroll.

A direct result of losing a large Government contract for aerospace firms is mass layoffs. These layoffs have been occurring quite frequently in California. When President Nixon took office in January 1969, the unemployment rate was 3.3 percent. For the first quarter of 1970, it is calculated that the rate was 4.2 percent. Projections for the end of 1970 indicate that we will be faced with a 5.1 percent rate of unemployment at that time. In human terms, this means that over 1,250,000 people have lost their jobs and have been added to the roles of the unemployed since Mr. Nixon took office.

In discussing what steps should be taken to meet this rising rate of unemployment, Mr. Leventhal made many worthwhile suggestions. Accordingly, I am including into the RECORD, the text of his statement before the joint committee. Among other things, Mr. Leventhal feels the Federal Government should assume responsibility for its cancellation actions, with the Manned Orbiting Laboratory being his prime example and;

First. Grant each employee laid off at least 4 weeks pay.

Second. Cover the costs of employee group insurance for at least 6 months or until reemployment.

Third. Establish provisions to insure that funds contributed to retirement plans inure to the benefit of the individual.

Fourth. Establish or participate with State governments in establishing relocation allowances.

I now include into the RECORD for my colleagues' information, the full text of Mr. Leventhal's testimony. It is worth reading.

The material follows:

TESTIMONY OF ROBERT M. LEVENTHAL BEFORE THE CALIFORNIA LEGISLATURE JOINT LEGISLATIVE COMMITTEE ON ECONOMIC CONVERSION

Prior to testifying before your honorable committee I feel it proper to place my comments in perspective. I appear before you as an advocate on behalf of the employed engineers and scientists. Currently I hold two organizational roles: Chairman of the Western section of the Council of Engineers and Scientists Organizations. The Council is a confederation of independent organizations representing almost 100,000 employed engineers and scientists. The Western Section represents over 50,000, the majority of whom are employed in California.

Secondly, I am the Executive Secretary of the Southern California Professional Engineering Association which represents the engineers and scientists at McDonnell Douglas in collective bargaining.

I also appear before you as a citizen concerned over human values and proper economic planning for our State.

The resolution establishing your committee sets forth, as one of its reasons for being, that changing military needs have had, and will continue to have an adverse effect on California's economy. Therefore, efforts should be made to plan ahead to minimize the impact on local communities and the State as a whole during conversion from military to a largely civilian oriented economy.

Since it is the engineers and scientists who have given our country its unequalled productive and technical capacity, I feel we should place the magnitude of the problem facing California engineers and scientists in perspective. Recent Bureau of Labor Statistics place the number of engineers and scientists in the work force at 1,013,100. The total national work force now stands at 82.5 million.

If we accept the Bureau's definition of an engineer, a matter the professional societies have and continue to debate, we see that these men, the innovators in our society, represent less than 1.2 percent of the National work force.

In the main, the engineers and scientists working in the aerospace industry have devoted at least 5 years to acquiring specialized advanced education. Many state governments, like California, have likewise made substantial investments in these men through tax support of institutions of higher learning.

It has been the foreign policy of this country to maintain so effective a deterrent force that no other nation would consider initiating hostilities. It should be kept in mind who designs, maintains and updates that

deterrent capability—the employed engineers and scientists.

If we fail to properly plan for and utilize the skill and abilities of this critical segment of our work force, the consequences can be frightening.

The significance of the Federal Government's involvement in engineering employment comes into focus from figures recently published by the Aerospace Industries Association of America. Their survey covered 50 companies representing, according to AIA, approximately 80 percent of the total employment in the aerospace industry. Review of the companies that participated in the survey show they were the major contractors, therefore the data published by the AIA excludes the subcontracting firms so numerous in defense related work.

The AIA divided their material into geographical religions. The Pacific area included California, Washington, Oregon, Alaska and Hawaii. While no figures on California alone were given, it may be readily estimated that over 80 percent of the Pacific region represented California employment.

According to the AIA the percent distribution of Missiles and Space employment for Engineers and Scientists in the United States as of December 1969 for the Pacific region was 71.4 percent out of an estimated 214,000.

Mr. Atwood, President of North American Rockwell, in an address before the Los Angeles Chamber of Commerce October 29, 1969, noted that aerospace employs about 27 percent of the nation's engineers and scientists and it is the nation's single largest employer of research and development engineers and scientists. He further noted that of the some 1.3 million aerospace workers, over 40 percent worked in California. The seven southernmost counties account for 80 percent of California aerospace employment—over 350,000 jobs, $3.5 billion in annual payroll.

Currently we are allowing the labor market to control utilization of engineers and scientists. Generally this is acceptable, but in the case of engineers and scientists there is the one large consumer, and I submit that consumer activities in the labor market create an intolerable instability.

Instability due to government procurement practices has already had a profound effect. I have read with interest an article by Mr. Berkley on the Myth of War Profiteering published in the December 20, 1969 issue of the New Republic.

Mr. Berkley concludes that the level of profit from defense work, measured as a percent of gross sales is very unattractive. The Logistics Management Institute published a study in 1969 showing the average profit margin for all U.S. Industry was 8.7% of sales, but that the average profit margin on defense work was 4.2%. Since the defense work was included in the overall figure, the disparity is even greater than appears.

Based on the figures presented in that article it is easy to see why greater emphasis is being placed by the major companies on non-defense oriented business. In 1968, private business accounted for 47% at McDonnell Douglas. By the start of 1969 commercial orders represented 68%. This is further illustrated by the heavy emphasis of McDonnell Douglas, Boeing, and Lockheed on commercial aviation, by L.T.V. entry into such ventures as steel and automated traffic systems; and by United Aircraft Sikorsky Division into experimental Turbo Trans and AVCO into finance and insurance.

While the low profit has certainly not driven these major companies out of the defense field, it has compelled them to re-direct some of their effort. During this redirection, it is my opinion that substantial trauma has occurred within our technical work force. The changes that could be handled, albeit rather poorly, by a free labor market institution, are over. What is left now is a hard core that is not readily convertible. How we employ these remaining men will have a substantial impact on the entire scientific and engineering community. We must have some thoughtful advance planning as the trend of reduced federal spending is clear.

It is all well and good for my learned colleagues in the field of economics to speak of short and long term displacement. I would like them to sit at my desk and face engineers and scientists who have been dumped unceremoniously on the street after ten to fifteen years on government programs and explain that while we knew this was coming we did nothing about it but that in the long run it will be in the national interest. That explanation won't pay the unemployed engineer's bills, feed his family or keep him in the engineering field; nor does it encourage him to have his son enter the field.

Recently we haven't been treating our engineers and scientists well. It's hard to identify a direct result of this development, but I find the following of interest. Mr. Edward Jacunski, Assistant Dean of the University of Florida notes that while the demand for engineers is growing, the supply is diminishing, if engineering school enrollments are an indication. Freshman engineer enrollments slipped from 23% to 14% between 1957 and 1969. Many engineering schools are reported to be begging for students.

My work requires that I come in contact with large groups of engineers. Often these groups are hostile because the engineering profession is divided over the issue of whether or not they should engage in collective bargaining. Regardless of the nature of the audience there appears to be a consensus that the engineers are not being well treated. When asked if they would encourage their sons to enter the engineering field, the answer is an overwhelming no.

An overview of what is happening to the engineer in the market place, particularly in the defense related field, gives an indication of why the engineering profession is upset.

Dr. Loomba at the Center for Interdisciplinary Studies at San Jose State College studied re-employment and unemployment experiences of scientists and engineers laid off from 62 aerospace and electronics firms in the San Francisco Bay area during 1963–65.

Those layoffs studied were triggered by cancellation of some major defense contracts. California suffered more severely than the rest of the country. In California defense companies, 26,400 workers were laid off.

Dr. Loomba zeroed in on the experience of the engineers and scientists caught in that layoff. After a careful study of some 1,184 who were compared to 30,000 who were not laid off, he concluded:

"The single criterion on which the population of laid off engineers and scientists differs from the population of working engineers and scientists is their age. Defense-oriented firms in the San Francisco Bay Area appear to have laid off workers primarily on the basis of their age. When education background, technical publications, patents, membership in professional societies, and number of engineering and scientific courses completed are considered there is no statistically significant difference between laid off and working engineers and scientists. Moreover, the older respondents completed relatively more additional technical courses since their last degree or diploma. Therefore, skill obsolescence appears not to have been a criterion for layoff."

As to the experience of the group for re-employment, "The median period of unemployment for engineers and scientists who were laid off in the San Francisco Bay Area is 12 weeks; six percent of respondents remained unemployed for one year or longer.

"Age appears to be the most significant determining factor as far as length of unemployment is concerned. However, the influence of age on the duration of unemployment decreases with the increase in the degree level. When respondents with Master's degrees are considered separately, pre-layoff salary seems to be the most significant factor. Individuals who earned lower salaries remained unemployed for longer period of time. In the case of B.S. degree holders and non-degree subjects, age is the most important factor for predicting the period of unemployment. The older the person, the longer the duration of unemployment."

For most engineers laid off, studied by Dr. Loomba, over 50% got less than two weeks notice, many were terminated in a matter of hours. They were laid off in large numbers, thereby flooding the market and making re-employment difficult if not impossible.

Let me attempt to put the economic magnitude of the group studied by Dr. Loomba into some perspective.

Assuming a median income of only $7,000.00 per year for these 26,400 workers, and with that income a 100% propensity to consume. The ripple effect on loss of earnings in local areas has been measured and the direct and indirect economic effect approaches a multiplier factor of three. We can conclude, based on these assumptions that for each month these employees remained out of work, the lost economic activity to the San Francisco Bay could be calculated as follows:

$$\frac{(26{,}400 \times 7{,}000)\,(3)}{12} = \$42{,}200{,}000.00$$

Most of you are aware that in mid-1969 it was learned through a casual radio announcement that the Manned Orbital Laboratory was terminated. I do not know how many people were thrown out of work on this one project. Our records show more than 2,000 engineers and scientists at McDonnell Douglas alone were affected. Since the M.O.L. termination, North American's failure to win the F–15 competition, and other setbacks to local firms have caused many thousands more engineers to be laid off.

We have some interesting figures on General Dynamics-Kearney Mesa plant, San Diego. The engineers there have shown an interest in being represented. We have records on the size of that engineering force for past years. In 1963, about 4,000, just under 2,000 in 1965, and under 800 in 1969.

The majority of the engineers laid off from McDonnell Douglas were employed at the Huntington Beach facility, a large number resided in Westminster and Huntington Beach.

Since these are relatively small communities, the impact of lost economic activity of just the engineering payroll is significant.

Using the criteria previously discussed, with no consideration of the large blue collar layoffs, the lost economic activity just from the engineers could be calculated as follows:

Average monthly income — $1,200.00

$(\$1{,}200.00 \times 2{,}000)\,(3) = \$7{,}200{,}000.00$

Regretfully no study of the magnitude of Dr. Loomba's has been done on these most recent layoffs. Your committee staff did contact our organization and request cooperation in surveying who got laid off and what their experiences have been to date.

We agreed to participate to the best of our ability in the hope that perhaps we might find some clues as to how to plan. In the study that is currently underway, cooperation was received from four organizations. Much of the data comes from McDonnell Douglas where the majority of the affected engineers were employed and good records existed.

In early August, about five weeks after the majority of the engineers and scientists affected by the M.O.L. termination had been laid off, a 21 question survey was sent by mail to some 459 potential respondents. While the vast majority were ex-employees of McDonnell Douglas, there were some from Lockheed, who were laid off as a result of the Cheyenne helicopter cancellation, and some from both General Dynamics and North American who had lost their jobs due to the general decline in those companies which has been going on for some time.

Considering that a mail survey was used, the response, 61%, must be considered excellent.

I should like to cover some of the highlights of the preliminary findings. Since we sent out a followup questionnaire in mid-November, the study cannot be completed until all the results are tabulated. I know your staff will transmit the final report as soon as possible.

By the time the questionnaires were returned, late August—early September, 75.9% were still laid off and seeking other employment, 23.9% had found other employment. Over 65% of those laid off had less than 10 years service. 38% reported that they had been laid off at least once prior to this most recent layoff and when asked whether or not they had lost pension benefits when laid off, a majority answered in the affirmative.

Question 20 asked, if they had any children, would they encourage them to consider engineering and science, especially as it relates to the defense oriented work as a profession. 14.6% said yes, 82.2% said no.

Currently some special analysis is under way on the McDonnell Douglas engineers as considerable data exists in the SCPEA files. It is of great interest that currently the average age of the remaining engineers at the company's Huntington Beach facility, from which the majority were laid off, is 37. The questionnaire grouped the respondents; 20–30, 31–40, 41–50, 51 and over. Of those responding, 49.3% were 41 and older, making the average age of those laid off higher than those retained.

When this study is complete, we have reason to believe the findings will not differ in any significant factor from what Dr. Loomba found. There is little to differentiate between those laid off and those retained except age. These are not superannuated employees, but men in their early 40's, who should be reaching toward the peak of a profession.

Over the years a body of programs commonly referred to as the fringe benefits has emerged. These fringes now represent a significant percent of payroll costs. Analyzing what is happening to the engineers and scientists during these cycles of federal spending leaves the uneasy feeling that these fringe benefit programs, which are designed to give the employee a degree of security are not only failing to do their job, but contributing to the industry's instability.

Few members of management have ever spoken candidly in print as to what happens and what criteria other than ability come into play when a company is faced with layoff. A recent article by Charles E. Durham, published in Astronautics Magazine for December 1969, states the case with unusual candor.

Mr. Durham notes that those who are close to vesting in the retirement plan seem to get laid off out of their relative proportion to the work force. While Mr. Durham does not make any outright accusations, the facts he sets forth speak for themselves. A 30 year old man hired at $15,000.00 per year shows on the hiring proposal at $570.00 for the company contribution to the retirement plan. A 55 year old man on the same terms, shows a $4,560.00 company contribution. The conclusion when layoffs are pending is self-evident.

Mr. Durham further comments that the company-paid portion of the pension ranging from $6,000.00 to $50,000.00 cash, depending on the age of the employee reverts to the credit of the company, reducing contributions in that fiscal year. There are no prohibitions from the Internal Revenue service or Armed Service Procurement Regulations prohibiting the company from receiving the benefit of terminations and cancellations in the form of reductions in future payments to tax qualified funded plans.

The net result of all this is while the company never gets a direct refund, the funds released from the accounts of the laid off employees becomes a credit against the company's obligation to contribute in future years.

I feel the problem is not confined to just the pension plans, though that one factor seems to have a significant impact on selection for layoff. The costs of health and life insurance programs are a function of average age. For large companies, the difference between an average age of 37 and 38 can be a significant cost factor.

It is ironic to note that so many of the programs devised to give employees a measure of economic security fail when they are most needed.

The majority of such programs contemplate continued employment. When layoffs occur all sorts of problems develop; health insurance coverage usually lapses upon termination of employment, or some time soon after. If the employee is re-employed with some other employer, usually there is at least a 30 day waiting period before he or his dependents are again covered. In many cases an exclusion from benefits for conditions that existed or were under treatment just prior to re-employment exists. Hence the individual, once laid off, is subjected to severe economic burdens which he is ill-equipped to handle.

In my some ten years of direct labor relations experience I cannot recount to you how often debilitating illness strikes soon after layoff. It seems the trauma of job loss and the uncertainty of income has an adverse affect on many—and it hits just when they can least afford medical care and then at a time when their insurance has lapsed.

In California all group life insurance contracts contain conversion privileges for those who leave the group. While this appears to give the laid off employee some chance to continue his life insurance, it is misleading. The conversion privileges are into some form of whole life offered by the carrier, the most expensive forms of life insurance written. To the man who has just lost his job, who has reduced earnings, and whose family is in need of more, not less coverage, this is indeed a cruel blow.

Most companies with termination pay provisions also have exclusions which lay down that where layoff is caused by termination or cancellation of a government contract, no termination pay will be given. In most cases, if a termination pay program exists for engineers it is not even discussed. Mr. Durham gives a chilling example in his article of a technical manager in a critical job.

Durham reports a published policy statement on termination for accrued vacation existed at the company in question: "When the axe fell (for more than 100 technical men) he (the technical manager) was given about 27 days notice during which period he would be expected to be on the job working. His unused vacation amounted to a total of 46 days extending over 8 years of employment. He requested pay for it at termination. The request was declined as unreasonable and he was blacklisted for further employment not only in that division, but in all other divisions of the company." No one knows how often this sort of thing happens.

It used to be an axiom that only the poor engineer who had not kept up his education got laid off. If a man was worth his salt, he always had a job. That talk has almost disappeared. While I cannot support this contention statistically, by asking at many meetings, "How many of you have ever been laid off?" it appears that well over 50% of the current work force has been laid off at least once. Layoff is no longer considered a black mark, but is now an accepted way of life for the engineer.

I am not sure what, if anything, should be done on the Federal level about defense spending. I do feel there is a strong responsibility to anticipate what will happen and to plan as best we can. I feel that consideration should be given on the state level to the following:

1. Establish a "Truth in Benefits" program for California, using the guidelines already established in our truth in lending legislation. Make it mandatory that employers inform employees as to exactly what their benefits are, what they cost, when they become effective, what they pay, when they terminate, conversion privileges and how the conversion is to be effected.

2. Amend the State Insurance code to require any firm offering group health insurance to offer conversion for any employee who is laid off or terminates employment for legitimate reasons. The conversion policy should be available at rates not greater than those paid in the group. Some reduction in benefits could be allowed, but this must be carefully controlled.

3. Amend the State Insurance Code so that group life insurance would be convertible to any form of insurance currently written by the carrier at the rates then in effect.

4. Amend the Unemployment Insurance Program to allow a higher level of benefit based on earnings. If necessary, raise the amount of base earnings upon which contributions are based. A percent of recent earnings, rather than the current flat amounts should be considered. The code as currently constructed is discriminatory against the higher paid employee.

5. Eliminate those provisions of the Unemployment Code that disqualify individuals from benefits because they receive accumulated vacation pay.

6. Aid the State Department of employment placement service by initiating programs whereby employers must list available openings for engineers and scientists. Apply the truth in benefits concepts so that the value of each company's benefits are known. In this way job applicants can make informed decisions as to where to go and the relative value of employment offered.

7. Establish a study program to identify our pressing social and community needs. Rank these in order of priority and magnitude. Study which engineering and scientific specialities have transferability. Establish some funding so that when these specialties have become surplus we can assign parcels of work until the labor market adjusts to the major dislocations.

8. Establish dislocation allowances through the Department of Employment to assist those who must move to find employment.

9. For those firms doing business in California, and hopefully on the national level, a central pension clearing house so that as engineers go from job to job their pension credits, and perhaps even industry credits for vacation and sick leave will follow.

None of the above programs will create any new jobs, or stop layoffs. They will give a degree of security to those who are willing to dedicate their work lives to defense-oriented employment. Human dignity and self-respect suffer under insecurity.

If the above programs were implemented, much of the economic impact of layoff would be mitigated. Further, there would be no temptation on the part of the employers to manipulate who is selected for termination based upon cost of certain programs because the majority of cost advantage from such manipulation would be gone.

Clearly the heart of the problem is not to have these abrupt terminations that throw everything in turmoil. We must recognize that no one in government has infallible wisdom in selecting programs. I feel it would be irresponsible to say that once a program is started it must be completed.

Let us assume we agree that under all current considerations it was not in the national interest to continue with the Manned Orbiting Laboratory. When the decision was made to build the M.O.L., the McDonnell Douglas company committed substantial funds and many thousands of employees several years of their lives. If later developments show that a project like M.O.L. should be dropped, I feel the Federal government should assume responsibility for its actions upon cancellation and;

1. Grant each employee laid off at least four weeks pay.

2. Cover the costs of employee group insurance for at least six months or until re-employed.

3. Establish provisions to insure that funds contributed to retirement plans inure to the benefit of the individual.

4. Establish or participate with State Government in establishing relocation allowances.

Many of the points I have set forth today, and suggestions have been dealt with briefly, as a full discussion would require more time than is practical.

While I have outlined an array of possible action programs, the next and most logical step, in my opinion, is to fund for a comprehensive study of not only my recommendations, but the others that will be presented.

Then, based upon full information, specific legislative programs should be formulated and presented for consideration. I sincerely hope the findings of your committee, and the recommendations that your staff will develop will not suffer the standard fate of "receive and file".

SENATE—*Wednesday, March, 25, 1970*

The Senate, in executive session, met at 9:30 o'clock a.m., and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Holy God, whose ways are higher than our ways and whose kingdom is everlasting, in this week of holy remembrance, keep our eyes fixed on Thee and direct all our work for the betterment of this Nation.

Deliver us from inordinate attention to the small concerns of the day so that we may give our energies to the paramount needs of this moment of history. Unite us where we are divided, reconcile us where we differ, and redeem us from all evil.

O Lord, grant us grace and wisdom to close the chasm between the strong and the weak, the rich and the poor, the rulers and the ruled, that dwelling together in the spirit of unity and the bonds of peace we may be masters of our own destiny. May Thy spirit so pervade the life of all the people that together we may build the holy city foretold by all the prophets since the world began. In the Redeemer's name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, March 24, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Oregon (Mr. PACKWOOD) is recognized for not to exceed 30 minutes.

Mr. MANSFIELD. Mr. President, will the Senator yield to me, without losing his right to the floor or having any time taken out of his time?

Mr. PACKWOOD. I yield.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR EAGLETON TOMORROW

Mr. MANSFIELD. I ask unanimous consent that tomorrow, after the prayer, the distinguished Senator from Missouri (Mr. EAGLETON) be recognized for not to exceed 45 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PUBLIC HEALTH SERVICE HOSPITAL AT NEW ORLEANS, LA.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar 742. For the information of the Senate, this has been cleared on all sides.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 13448) to authorize the exchange, upon terms fully protecting the public interest, of the lands and buildings now constituting the U.S. Public Health Service Hospital at New Orleans, La., for lands upon which a new U.S. Public Health Service Hospital at New Orleans, La., may be located.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with amendments, on page 2, line 1, after the word "the" where it appears the first time, strike out "administrators of the Tulane educational fund" and insert "Administrators of the Tulane Educational Fund"; in line 8, after the word "the" strike out "administrators of the Tulane educational fund" and insert "Administrators of the Tulane Educational Fund"; and in line 17, after the word "the" where it appears the first time, strike out "administrators of the Tulane educational fund" and insert "Administrators of the Tulane Educational Fund."

Mr. ELLENDER. Mr. President, I am delighted that unanimous consent was granted to permit consideration of the pending bill. I ask that it be passed.

Its purpose is to permit the Public Health Service to participate in the construction of a new medical complex in association with Tulane University in New Orleans, La., by authorizing the exchange of the present Public Health Service hospital site and buildings in New Orleans for lands of equal value presently owned by Tulane University. If it is determined that the value of the present properties owned by the United States exceed the market value of the lands exchanged therefor, the bill provides for payment to the United States of the additional amounts required to reimburse the United States in full.

The bill specifically states that the exchange authorized shall not be made unless the Secretary of Health, Education, and Welfare determines first, that the value to the United States of the property to be conveyed to it is equal to or in excess of the market value of the property to be conveyed by the United States, or second, that the United States is to receive from the Administrators of the Tulane Educational Fund upon conveyance of the properties to be exchanged, a sum of money equal to the amount by which the market value of the property to be conveyed by the United States exceeds the value to the United States of the property to be conveyed to the United States. Any money received shall be covered into the Treasury as a miscellaneous receipt.

It can readily be seen that the interest of the public is adequately taken care of.

The Tulane School of Medicine-Public Health Service hospital affiliation has developed over a period of years and is one of mutual respect and cooperation. Currently medical students from Tulane are assigned to the Public Health Service hospital for a portion of their clinical

training and a limited number of Tulane residents are also assigned to the hospital. In addition, cooperative research efforts in the areas of clinical and health services research have been carried out for several years. The distance of the hospital from the medical school and the hospital's facility limitations have minimized collaborative efforts between the institutions. In a new facility readily available, the number of medical students and residents assigned to the Public Health Service hospital could be increased and cooperative research activities expanded. The proposed Public Health Service facility adjacent to the school would provide additional teaching beds for the planned increase in the number of students admitted to the medical school. This year 135 students were accepted and it is proposed that this number be increased to 162 by 1974.

Tulane at the present time does not have a teaching hospital but utilizes Charity Hospital for most of its teaching beds. A study is now underway to explore alternative means of providing additional required teaching beds. A new Public Health Service hospital adjacent to the Tulane Medical School would increase Tulane's educational capability, improve the type of care provided to Public Health Service patients, and allow for conducting clinical and health services research on a broader basis.

Because of the important advantages to Tulane University and to the overall development of a great medical complex in New Orleans, Tulane with its own funds and with borrowed money has proceeded to acquire the site in which the U.S. Public Health Service indicated interest. Most of the land has now been obtained.

Two points are emphasized with respect to H.R. 13448. The first is that the interests of the U.S. Government are fully protected in that the transfer of lands contemplated in the building will have to be accomplished at no net cost to the Government. If the land to be provided by Tulane is less in value than the existing U.S. Public Health Service site, Tulane is obligated to pay the difference into the Treasury of the United States.

The second point of emphasis is that this is permissive legislation. Its passage will simply make it possible for the transfer to be concluded in the event the Public Health Service wishes to go ahead with the transfer and, for that matter, if the conditions are such that Tulane wishes to go ahead with the exchange. The passage of the bill would facilitate the planning of both institutions.

In conclusion, the location of a modern Public Health Service facility adjacent to the Tulane School of Medicine would contribute in a major way to Tulane's effort in educating physicians and conducting research directed toward improving the health of the country.

The ACTING PRESIDENT pro tempore. Without objection, the committee amendments are agreed to en bloc.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Senator from Oregon (Mr. PACKWOOD) is recognized for 30 minutes.

S. 3632—INTRODUCTION OF A BILL TO DEAL WITH THE POPULATION CRISIS

Mr. PACKWOOD. Mr. President, the 1970's are the bicentennial decade of this country. Nearly 200 years ago our ancestors in effect looked the venerable English King George III in the eye and said:

> No, thank you. Your system may work very well in England, but it does not work here. We are going to govern ourselves.

And for the last 200 years, we have indeed done things differently. We have settled a continent on the basis of equality for every State and opportunity for all individuals. We have come to lead the world in technical skill and industrial power. We have sent our citizens to walk on the moon. And as a Nation we have never turned away from any challenge because it was too big, too fearsome, too hard to manage.

Our vision has been westward. Our eyes have been on the future. Our concern has always been "what can be," not "what might have been." We have not been afraid to ask apparently unanswerable questions and then to search for the answers while others were still framing their questions.

Today, I believe the time has come when we as a Nation must ask ourselves a new set of questions and then we must look together toward the future—not backwards into the past—to find a new set of answers.

Today our country faces a pervading crisis which some call a population explosion, others an ecological threat, still others a polluted environment, because population and pollution are interdependent, I will speak of a population crisis—a crisis which makes a mockery of "America the beautiful." Who could write today that our "alabaster cities gleam undimmed by human tears"? Even our "purple mountain majesties above the fruited plain" are hidden by a veil of smog, while DDT and fertilizers pour pollution from the golden wheat fields into opaque and sluggish water.

We are living today in a country of more than 200 million people; 70 percent of the population is urban: population density along our east and west coasts is increasing even faster than the population of India, and in spite of our affluence and ingenuity, we are beginning to have trouble in buying clean air, pure water, or simply a piece of unoccupied space.

The real threat facing us is not creeping socialism or creeping capitalism, but rather creeping populationism. the growth of our population, generation by generation, year by year, is putting pressure on many of the resources we value; not only our lands and waters, our forests and plains, but also our schools and hospitals, our roads and cities, our recreation and, ultimately, of course, our whole standard of living.

President Nixon has already given unprecedented attention to population growth. In the first Presidential message to Congress on population last summer the President said:

> I believe that many of our present social problems may be related to the fact that we have had only fifty years in which to accommodate the second hundred million Americans. In fact, since 1945 alone some 90 million babies have been born in this country. We have thus had to accomplish in a very few decades an adjustment to population growth which was once spread over centuries, and it now appears that we will have to provide for a third hundred million Americans in a period of just 30 years.

Human life exists only in the space of barely half a mile of oxygen above the land areas of this planet. Human population cannot expand indefinitely because to the best of our knowledge, there are no other points in the entire universe where human beings can survive. Furthermore, every single human being becomes a burden on the environment: his food, shelter, his very breath, and all his possessions come from the resources—some renewable, many more not renewable—of this narrow life-giving layer.

During a normal lifetime the average American will devour 28,000 pounds of milk and cream, 10,000 pounds of meat, and 26 million gallons of water; he will require 21 million gallons of gasoline and $8,000 worth of school construction. He will purchase $6,000 worth of clothes and $7,000 worth of furniture. And to supply these demands, America will produce nearly 50 percent of the world's industrial pollution. In this vast consumptive process, Americans pay the garbage collectors nearly $3 billion every year just to collect the debris.

These numbers translate into the gradually deteriorating pictures of everyday life—dirty air, dying waters, slum-ridden cities, crowded parks, bumper-to-bumper traffic, a greater and greater struggle for less and less space—and with every half century, the appalling expectation that our population will double and redouble and double again. Until we see that an end is in sight, until we recognize that population and pollution are one and the same, until we appreciate that all our efforts for a pure environment are really nothing more than an effort to erase the dirty traces of mankind from the clean patterns of natural development—we will not find a lasting solution. We are in effect chasing our own tails in an endless and seemingly insane cycle of production, reproduction, construction and destruction.

Mr. President, three steps are necessary if we are to avoid not only the 100 million projected population increase in this country in the next 30 years but an increase to half a billion people within the next 60 to 80 years.

The first step we must take is mass family planning. A small step in this direction is S. 2108, of which I am a cosponsor. By mass family planning, I

mean making available both the knowledge of and the access to contraceptive information and devices for every woman in this country. Lack of education or lack of money should not be a deterrent. We must do adequate research to develop three or four varieties of good contraceptive devices so that women who cannot tolerate one form of contraception will have others available to them. The purpose is to make sure that no woman becomes pregnant because of the lack of information about, or lack of access to, adequate contraceptive devices.

The second necessary step is to eliminate all restrictions against abortion in this country. Abortion should be a matter of private conscience for every woman in this country. Whether or not she wishes to have an abortion should be a decision that solely she and her physician makes. Dr. Charles F. Westoff of the office of population research at Princeton University indicates that approximately 22 percent of the pregnancies among married couples in this country are unwanted by at least one spouse. There is no reason why a woman should be forced to continue an unwanted pregnancy. Those women who can afford abortions should pay for them as they pay for other medical services. However, those women who cannot should not be forced to continue an unwanted pregnancy. Financial resources or medical services should be made available to those women so that they, too, can have the same rights as those with money.

The third step and the conclusive one which should enable us to effect population stabilization in this country is a Government taxation policy which encourages smaller families. We use tax incentives to encourage oil exploration; we use them to encourage the installation of pollution abatement devices; we use tax incentives to foster the growth of pension plans. Is there any reason why we should not use the tax incentive to tackle the most critical domestic problem in our country—the population crisis?

I am today introducing a bill which would limit child dependency deductions for children to no more than two starting on January 1, 1973. Hopefully with these three programs; first, good family planning; second, elimination of restrictions against abortion; and third, tax incentives for smaller families, we will achieve population stabilization in this country.

I have introduced these bills not because I think it is impossible to feed half a billion people in this country. We could perhaps feed that many people if we do not care whether or not we overutilize the farm land, and if we ignored the effect that pesticides used on the crops to feed that many people might have on the rest of the country. It might even be possible to house half a billion people if we do not care whether or not we cut down all of the trees in our forests and then deplete other natural resources that would have to be found as a substitute for wood to build that many houses. We might even be able to handle the solid waste disposal and the air and water pollution that half a billion people would cause.

But at some stage, even the United States is finite. At some point we will reach a limit where we cannot feed, cannot house, and cannot clean up after all of the people who might be born in this country.

We must face the problem now and undertake a policy of population stabilization whereby we can look forward to limiting the population of this country by voluntary means, rather than having to do it in 40 or 50 or 60 years by compulsory means.

So I have introduced these three bills to offer honesty where we have had too much hypocrisy; to offer rationality where we have had too little commonsense; and to offer, I hope, an opportunity for our children and our children's children a better balance between man and his environment.

The time has come to look—without blinking or averting our eyes—at where we stand today in the population crisis. What was appropriate for Adam and Eve in biblical times or for our own forebears who crossed and populated a continent is no longer appropriate in a world of more than three billion people where two-thirds of all children are poor, hungry, or dirty, and without much hope of improvement. Our forebears had commonsense and determination. They possessed these qualities in abundance in taming the continent. Today the challenge is ours: Do we have the commonsense and determination to respond?

It does not matter that 50 or 100 years from now history will look back and remember BOB PACKWOOD as a U.S. Senator or any other Member of this body as a U.S. Senator. What is important is that future generations will look back and appreciate the sensible policies which we have implemented to achieve a stabilized population.

If they can breathe clean air and enjoy pure water; if they can still relish a cascading river tumbling through a deep gorge that has not been dammed because of the necessity to produce electric power; if they can walk through a forest that has not been completely cut to produce homes for half a billion people; and if they can find a place where tranquillity and quiet is still an actuality rather than a memory, then we will have fulfilled the adage which says:

What we have in this life when we die will pass to somebody else; what we are in this life will be ours forever.

The PRESIDING OFFICER (Mr. ALLEN). The bill will be received and appropriately referred.

The bill (S. 3632) to amend the Internal Revenue Code of 1954 to limit the number of personal exemptions allowable for children of a taxpayer who are born after 1972, introduced by Mr. PACKWOOD, was received, read twice by its title and referred to the Committee on Finance.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Does the Senator from Oregon yield the floor?

Mr. PACKWOOD. I yield the floor.

Mr. BYRD of West Virginia. Mr. President, under the previous order, who was to be recognized at this time?

The PRESIDING OFFICER (Mr. ALLEN). The Senator from Texas (Mr. TOWER) is supposed to be recognized for 15 minutes.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a quorum call, without prejudice to the Senator from Texas under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may be recognized for not to exceed 15 minutes, without prejudicing the rights of the Senator from Texas, under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from West Virginia.

SEATO SHOULD BE REORGANIZED ALONG MORE ASIAN LINES

Mr. BYRD of West Virginia. Mr. President, the continuing war in Vietnam, the increasing hostilities in Laos, and the recent coup in Cambodia, illustrate all too clearly the almost total impotence of the Southeast Asia Treaty Organization.

The United States, while moving to Vietnamize the war in Vietnam, should also move to Asianize SEATO—or, failing that, we should withdraw completely from the organization.

When he addressed the opening session of SEATO on September 8, 1954, the late Ramon Magsaysay, President of the Philippines, said:

On the success of this conference may well depend the peace of Asia in the next 10 years and the future of freedom in the world for the next thousand years. We propose to stand up and be counted.

Unfortunately, the 16 years that have elapsed since SEATO was founded have not produced peace in Asia. Instead, they have produced little more than a continuation of the strife that has plagued that part of the world for centuries.

In other words, Mr. President, SEATO has failed in its efforts to become a viable deterrent to war in Asia; and, to a large extent, its failure is a direct result of the manner in which it was organized—the manner in which it exists today.

Of the eight nations which formed SEATO, only four—Australia, New Zealand, Thailand, and the Philippines—still have long-range interests in Southeast Asia. Australia and New Zealand are becoming increasingly aware of their geographic kinship, while Thailand and the Philippines have always been among the most energetic of Asian nations.

The United States, which pays 25 percent of SEATO expenses, is heavily engaged in Southeast Asia at the present time. But our only long-range interest is in preparing Asian nations to be able to defend themselves.

President Nixon stated our aims during an informal news conference on Guam last July 25. During that conference, he laid the groundwork for what has become known as the Nixon doctrine which, in part, says:

> Others now have the ability and responsibility to deal with local disputes which once might have required our intervention. Our contribution and success will depend not on the frequency of our involvement in the affairs of others, but on the stamina of our policies. This is the approach which will best encourage other nations to do their part, and will most genuinely enlist the support of the American people.

That statement makes it abundantly clear that the nations of Southeast Asia must prepare now for the time when they will have to shoulder the heaviest burden against Communist aggression.

The United States cannot do it alone, and the other two western nations in SEATO—England and France—have apparently lost all interest in the organization and in Southeast Asia itself. They no longer have colonies in that part of the world—no longer have an interest in the people who lived for so many years under their rule.

The final SEATO nation, Pakistan, joined simply because it felt the organization could offer it a measure of strength against India. Since SEATO could make no such offer, Pakistan's inital disillusionment quickly turned to lasting apathy.

However, Mr. President, I am not so much concerned with the nations admitted to SEATO as I am with the nations not admitted.

Laos and Cambodia were both convered under the organization's protocol, rather than granted full admittance. Cambodia removed itself from even this quasi-membership in September of 1955, and Laos was removed by the 1962 Geneva accords. Vietnam, the third former Indo-China State, was barred from consideration as a protocol state under SEATO because of the 1954 Geneva Convention.

Thus, Mr. President, we have the current situation in which the Southeast Asia Treaty Organization is powerless to act—even if it were willing to do so—in Vietnam, Laos, or Cambodia—powerless to forge solutions to the most pressing problems of Southeast Asia.

In the case of Cambodia, this is particularly tragic. In the wake of the recent overthrow of Prince Sihanouk, the Cambodian Government finds itself faced with the possibility of engaging in combat with Communist forces—and it finds itself unprepared to wage such a battle. As Washington Post correspondent Stanley Karnow noted in his Sunday, March 22, article:

> With a small and ill-equipped army at their disposal, Cambodia's new leaders appear to have only a single option open to them: a plea for American help.

Mr. President, given the current state of affairs both here at home and in Vietnam and Laos, such a plea would probably go unanswered. The United States is just not ready to unilaterally open up a new front in what could become a new Indo-China war, and the United States should not do so.

If a viable SEATO were in existence today—a SEATO designed and operated by the free nations of Asia—the plight of Cambodia might be less frightened than it now appears.

I feel, Mr. President, that we should take immediate steps to explore the existence of such an organization in the future—an organization either formed by revamping the present structure of SEATO, or organized from scratch by the free nations of Asia.

Under Article 8 of the SEATO Charter, it states that the treaty area: "is the general area of South-East Asia, including also the entire territories of the Asia parties, and the general area of the South-West Pacific."

It is futile to think that so large an area of Asia can be effectively guarded by so few Asian nations. It is futile, for instance, to think of an effective SEATO that does not include Malaysia and Indonesia.

Malaya gained independence from England in 1957, and the Malaysian States were formed in 1963. Yet, no invitation to join SEATO was ever tendered. For its part, Indonesia overthrew the Communist-leaning government of President Sukarno on September 30, 1965; and 5 years have now gone by with SEATO making no concrete offers of membership to the new Indonesian Government.

Splitting with the Communist bloc was not an easy decision for Indonesia. Under Sukarno, it had relied heavily on the Soviet Union, which, since 1965, has shown predictable reluctance in refinancing almost a billion dollars in loans. Indonesia has been forced to turn to the United States for assistance during the past half decade; and our aid to that country has increased from $19.7 million in 1966 to $61 million last year.

It would have been far more meaningful to the future of Asia if Indonesia could have turned instead to SEATO.

To be sure, Mr. President, the apathy of SEATO toward broadening its base has been equalled by the reluctance of Asian nations to seek membership. But there are two very good reasons for this reluctance.

First, with the exception of Thailand, all the countries in Southeast Asia were formerly colonial possessions of some Western power. Their sensitivity to that history makes them leary about joining any organization that is, in large part, comprised of non-Asian countries.

And second, the Southeast Asia Treaty Organization proved to be highly ineffective the one time it was called upon to act. That was in March of 1962, when Communist forces in Laos threatened the northeast border of Thailand.

Instead of depending on SEATO, Thailand went to the United States for assurances of support. In what became known as the Thanat-Rusk Communique, Secretary of State Dean Rusk assured the Thai Foreign Minister that the United States: "intends to give full effect to its obligations under the Treaty to meet the common danger in accordance with its constitutional processes. (The United States) reaffirms that this obligation does not depend upon the prior agreement of all other parties to the Treaty, since this Treaty obligation is individual as well as collective."

The communique formed the basis for the United States sending 5,000 Marines to Thailand the following month; and it also showed the inability and unwillingness of SEATO to act in time of crisis. The Thais were deeply indebted to the United States, but their respect for the other nations in SEATO took an understandable dip. In fact, schoolchildren, as they pass the Bangkok headquarters of SEATO, refer to the organization as "Sleep, Eat, And Talk Only."

Mr. President, it is a source of pride in all Americans that our country fully meet its obligations—none of us would want it any other way. But I believe the time has come for Asians to shoulder the main responsibility of assuring freedom in their part of the world. This is what the Nixon doctrine says, and I hope the doctrine also provides for a revamping of SEATO—rather than simply letting it be killed off by the apathy of its present participants.

If such a reorganization of SEATO along more Asian lines cannot be implemented, then I would favor a U.S. withdrawal from the organization—because, as it now operates, it is virtually meaningless, except for the commitment and obligations which it imposes on the United States. In other words, the ghost is presently being kept alive mostly by the United States active response to its commitment.

Terms of withdrawing from SEATO are spelled out under article 10 of its charter:

> Any Party may cease to be a Party one year after its notice of denunciation has been given to the Government of the Republic of the Philippines, which shall inform the Governments of the other Parties of the deposit of each denunciation.

Such a withdrawal on our part, Mr. President, could convince the free nations of Asia to put aside regional differences and unite behind the common cause of fighting the very real Communist menace. There is evidence they are willing to do. The New York Times News Service noted in a March 17 dispatch that former enemies: "Malaysia and Indonesia today signed a new treaty of friendship intended to replace an agreement which lapsed during President Sukarno's policy of confrontation."

If these two nations can move toward unity, then perhaps Thailand and Cambodia—which have been at odds for centuries—can also find common grounds for discussion and, hopefully, for agreement.

At the very least, we should give free Asian nations the encouragement to Asianize SEATO. We should give these nations the opportunity to make good on the promise of Ramon Magsaysay—"to stand up and be counted." A truly Asian SEATO, with the United States taking a less dominant role, or no role at all, could offer that opportunity.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Texas (Mr. TOWER) is now recognized for not to exceed 15 minutes.

REMOVING UNFAIR LABOR PRACTICE CASES FROM THE JURISDICTION OF THE NLRB

Mr. TOWER. Mr. President, since its founding 35 years ago, the National Labor Relations Board has developed for itself the unenviable reputation of an agency given to "arrogant fact distortion, questionable legal interpretation, and callousness toward due process requirements." The words are not mine, but I concur in the thought so expressed by Prof. Sylvester Petro, one of the Nation's foremost authorities on labor problems. Even former Congressman Fred Hartley, Jr., coauthor of the Taft-Hartley Act of 1947, has said that the NLRB has "mutilated and emasculated" the law which bears his name.

Our colleague, Senator GRIFFIN, in testifying before the Senate Subcommittee on Separation of Powers in 1968, recalled a statement made by David Brinkley to the effect that the NLRB "usually behaves like a body of the AFL–CIO and is about as neutral as George Meany."

The hearings which I have just mentioned revealed a complete lack of public confidence in the National Labor Relations Board. This reflects adversely on Congress for the NLRB is of our own creation.

Witness after witness appeared before the Ervin subcommittee to protest the tenor of the actions of the Labor Board. Endless cases were cited which would have convinced even the most die-hard of the Labor Board's champions that congressionally enunciated labor policies had been ditched in favor of divergent approaches formulated by the Board. Having reviewed the testimony, there is no question in my mind about the objectivity of the witnesses. This was not simply a case of business versus labor during which management had its day on the witness stand. Those testifying presented cogent arguments to back up their contentions. The general opinion which emerged substantiated the open secret among all who must deal with the Labor Board: that the principle of free employee choice has been subverted by the Board's obvious preference for a policy of enforced unionization.

Mr. President, it is not my intention today to hold up the business of the Senate with a recitation of cases. The record has been made and is there for those interested to read. The conclusion is too clear to deny. Congress delegated quasi-judicial powers to the National Labor Relations Board to make effective a clearly enunciated labor policy.

The Board exercised these powers but ignored congressional policy and proceeded on a self-directed course. Further action is demanded of this body if it is to fulfill its constitutional responsibilities. To fail to remedy the present situation would be a gross abdication of our duties. Congress has had 35 years in which to assess the value of our own delegation of responsibility and authority over national labor policy and to evaluate how faithfully the NLRB has carried out its functions.

One of the major political innovations of the 20th century—an innovation which remains still an experiment—is the delegation of congressional power to the agencies comprising the so-called independent fourth branch of government. Their authority derives from Congress, but their functions are legislative, executive and judicial. We favor a separation of powers in our own constitutional form of government, but we have found no way to impose this structure on the regulatory agencies.

A government which involves itself in the minutia of business management and addresses itself to the particulars of labor relations must delegate vast powers to a bureaucracy. There is no way the Congress can set rates for the transport of hundreds of thousands of commodities in interstate commerce any more than it can involve itself in a case-by-case analysis of unfair labor practices. If it desires such control, then a "headless fourth branch of government," as the regulatory agencies have been called, is the inevitable result.

How successful the regulatory experiment in general has been is a question to be answered at another time. Our experience with the National Labor Relations Board has not been favorable. An interesting difference between the Board and other agencies is that Congress need not involve itself in deciding unfair labor practice cases. This was originally the function of the Federal judiciary, and I believe, these are powers which we would be well advised to return to Federal district courts.

Probably the most serious allegation against the Board is that it has willfully ignored section 7 of the National Labor Relations Act which states:

> Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid and protection, and shall also have the right to refrain from any or all of such activities.

For special emphasis I repeat the last phrase: "and shall also have the right to refrain from any or all of such activities."

Section 7 has been called the "central dominant provision of the National Labor Relations Act" and the "most significant and most carefully considered expression of Congress fundamental labor policy."

In his appearance before the Ervin subcommittee in 1968, Prof. Sylvester Petro, a professor of law at the New York University School of Law, expressed the opinion that Congress had rated collective bargaining superior to employee freedom of choice in the Wagner Act, but that it specifically reversed this priority with passage of the National Labor Relations Act.

To quote from his testimony:

> The Labor Board, sometimes blatantly, more often hypocritically and disingeniously, but ever persistently has been attempting to restore the state of affairs prevailing under the Wagner Act. It has been trying, often successfully, to re-evaluate union organizing privileges and collective bargaining over the principle of free employee choice.

Professor Petro goes on to cite the Board's insistence that employers make concessions to the unions during bargaining to demonstrate their good faith—in defiance of clear statutory language to the effect that neither concessions nor agreements were required—and that the Board almost daily infringes upon the constitutional rights of the employers through its constriction of his freedom to speak.

He concludes:

> Congress' labor policies survive in about the same proportion and to about the same extent as do the reviewing powers of the Federal courts of appeals.

I shall ask that the text of Professor Petro's testimony be printed in the RECORD at the conclusion of my remarks so that Senators who have not had the opportunity to study his very valuable conclusions may do so.

The argument is sometimes made that labor relations are such a distinct and inordinately complex field that they must be administered by specially qualified technicians familiar with and possessing expertise in this field.

I say the argument is made. The case has never been proven to my satisfaction that labor relations are any more complex than any other thousands of relationships with which the judiciary is called upon to deal daily. We do not assign judges to cases on the basis of their expertise in aerospace, when that is involved, or medicine, or mental therapy, or disputed contracts by motion picture actresses, or any of a number of other relationships.

In fact, judges do possess expertise in the only area which is important: they are practiced in the art of legal administration. The judicial temperament requires, to quote Professor Petro again, "a strong but open mind; a habit of reserving judgment until all the facts are in and disinterestedly evaluated; a willingness to listen—really listen—to argument; patience; respect for the opinions of other judges; a good logical mind which will adequately distinguish the relevant from the irrelevant facts and the cogent from the illogical arguments; an inclination to start out every case believing that the facts, the law, and the arguments—not the identity of the parties—should determine the decision."

I submit that these qualities are precisely the ones which have been conspicuously absent in the decisionmaking processes of the National Labor Relations Board in recent years.

I intend to introduce legislation which would remove unfair labor practice cases from NLRB jurisdiction and place them in Federal district courts. Unfair labor practice cases constitute, of course, the vast bulk of NLRB business.

It is not my intention to introduce this legislation today. I shall merely ask that it be printed in the RECORD at the conclusion of my remarks. I intend to send a letter to other Senators and provide them

with the opportunity to join in cosponsoring this bill if they so desire. It is my intention to introduce the bill next week.

Mr. President, I ask unanimous consent that the Sylvester Petro testimony and a copy of my bill which I intend to introduce be printed in the RECORD.

There being no objection the testimony and the bill were ordered to be printed in the RECORD, as follows:

SEPARATION OF POWERS AND THE LABOR ACT—HOW A DELEGATION OF JUDICIAL POWER TO AN EXECUTIVE AGENCY HAS BROUGHT ABOUT A LOSS OF POLICYMAKING LEGISLATIVE POWER TO THE CONGRESS

(By Sylvester Petro, professor of law, New York University)

I. SUMMARY STATEMENT

When the Senate was considering the Taft-Hartley Bill in 1947, Senator Joseph H. Ball, though himself a leading proponent of the Bill, called attention to its outstanding weakness. He said: "The rights guaranteed to employees . . . could be made a complete dead letter overnight by a National Labor Relations Board that was so inclined." [1]

One of the major objectives of the Taft-Hartley Act was to secure a fairer administration of the national labor policy, an application of the Labor Act more faithful to Congressional intent, than the Labor Board had provided under the Wagner Act.[2] Congress hoped in 1947 that such a result could be achieved by a number of provisions which exhorted the Labor Board to operate more in the manner of a regular court.[3] Unfortunately, however, the Labor Board members were asked to produce judicial results without being given one of the essential characteristics of federal judicial office—life tenure—and without being placed in the only branch of the federal government which can, if it wishes, devote itself essentially to nonpolitical, disinterested interpretation and application of law—namely, the federal judiciary. Asking the short-term, politically oriented Labor-Board members to act like a court was like asking a baseball pitcher to call his own balls and strikes. This is what disturbed Senator Ball. His fears have been borne out.

The labor policies prevailing today are as much those of the Labor Board as they are those declared by Congress in the National Labor Relations Act. The two are radically different in certain critical respects. Since the Labor Board is an *administrative* agency, and since the Constitution delegates all policy-making, legislative powers to Congress, a miscarriage of the principle of the separation of powers has occurred.

This miscarriage was *not* brought about by any defect inherent in the principle itself. It was brought about by a violation of the principle. Influenced by plausible error, Congress merged into a short-term politically oriented executive agency significant aspects of administrative, judicial, and legislative power. That merger upset the delicate balance which the Consitution establishes. It gave the administrative branch a critical edge over and above the natural advantage which it possesses as the activist branch of government—the only branch which possesses and wields substantial and sustained aggressive *power*, much money, and hordes of personnel.

The observable result is that Congress's labor policies now prevail only to the extent that the United States Courts of Appeals continue to exercise in Labor-Act cases the fragments of their constitutional judicial power that Congress and the Supreme Court permit them to exercise.[4]

It adds up to this: if Congress wishes to preserve its legislative policy-making supremacy, it must respect the judicial supremacy of the federal courts. We attain the height of practical realism today when we rediscover what Americans learned in the 18th Century, what Englishmen learned and re-learned a dozen times from the 11th Century to the 17th Century, and what Aristotle discovered in the 4th Century, B.C., namely, that executive power is strong stuff which must be carefully guarded.

Here, I respectfully submit, are the practical principles which should influence the thinking of this Subcommittee on Separation of Powers:

1. That a wary legislature and an independent court system with complete and unfragmented judicial power—even working as deliberate allies—are by no means overwatched against an ambitious executive;

2. That if the rule of law is to be roughly approximated, executive power must be confined to pure administration, even when plausible arguments, based on convenience or on necessity, are made in favor of adding legislative and judicial powers to the executive power;

3. That if all the inordinately complex and intersecting interests of this nation are to be harmonized and reconciled tolerably, it is going to have to be done by policies and legislation wrought from the kind of deliberation and compromise available exclusively to the representative branch of government, namely Congress;

4. That the executive branch is physically and politically unable to confine itself to disinterested interpretation and application of Congress's policies and statutes—especially those conceived and enacted in past times;

5. That an independent judiciary such as that envisioned by the Constitution may perhaps not be *sufficient* to insure faithful interpretation and application of the laws, owing to the possibility that men inherently lacking the requisite moral and intellectual virtues will be appointed for life to judicial office; but that nevertheless life tenure in judicial office, as the Constitution requires, is absolutely *necessary* if the policy-making legislative supremacy of Congress is to be preserved; and that to repeat if Congress wishes to maintain its constitutional legislative supremacy, it is going to have to accept and affirm the constitutional judicial supremacy of the federal judges.

There is more at stake here than an academic exercise in political theory. The nation is in trouble. Some of this trouble traces directly to the Labor Board's usurpation of the policy-making power and its clumsily biased exercise of judicial powers. While producing no perceptible social benefit, the Labor Board's administration of the Labor Act has been the source of definite social harm. Since its policies are materially at odds with those of Congress and since Congress represents public opinion far better than the Labor Board does, we may conclude that public sentiment is being flouted. That is evil enough in a country which values representative government. But there are other evils. Perhaps the worst product of the Board's unrepresentative labor policies has been a chronic, debilitating threat to the viability of the American economy, upon which rest both the well-being of American citizens and the hopes of decent men and women everywhere in the world.

II. CONGRESSIONAL POLICIES VERSUS LABOR BOARD POLICIES

Occupying the vital center of the labor policies declared by Congress is the principle of free employee choice. This principle was not worked out over-night in Congress. On the contrary, it emerged from over a half-century of legislative experimentation. It is visible in primitive and fragmentary form as far back as the Erdman Act of 1898. It figured implicitly in the Clayton Act of 1914 and explicitly in the Railway Labor Act of 1925, the Norris-LaGuardia Act of 1932, and the labor relations legislation of the mid-thirties. It has come to rest in complete and definitive form in the central, dominant provision of the National Relations Act, Section 7, the most significant and most carefully considered expression of Congress's fundamental labor policy. Section 7 declares that:

"Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, and *shall also have the right to refrain from any or all of such activities. . .*"

Added in 1947, the italicized clause expressed what may be called a "quantum jump" in public and congressional evaluation of employee rights and collective bargaining. Prior thereto, as illustrated by the Wagner Act, public and congressional opinion seemed convinced that collective bargaining was so unqualifiedly in the public interest that there was no need to subordinate it to any other principle or even to place any federal restraints upon trade-union activities, however coercive, designed to spread collective bargaining. No doubt employee rights to freedom of choice in collective bargaining were even then favorably evaluated; Section 7 of the Wagner Act stated them, and Section 8 was comprehensively designed to forestall employer coercion of employee rights, However, the absence of any prohibition upon union activities designed coercively to impose unionization upon unwilling employees implies that Congress rated collective bargaining superior to employee freedom of choice.

Events during the Wagner Act period (1935–1947) brought about what has proved to be a permanent change of mind both in the general public and in Congress. Whereas previously unions and collective bargaining were thought to be unqualifiedly in the public interest, most people began seeing in the late thirties and forties that unrestrained power and privilege in trade union officials and a monolithic pro-collective-bargaining policy could produce serious damage in the form of both abuse of individual employees and weakness in the economy.

Still unwilling to discourage either union expansion or collective bargaining, however, Congress decided to subject them to another principle, the principle of free employee choice, and did so, as we have seen, by expressly declaring a right of employees to refrain from joining unions, or bargaining collectively, or participating in other union activities. There can really be no doubt that in so legislating Congress faithfully represented persistent public opinion. The Congressional majority in favor of the Taft-Hartley Act was overwhelming. It remains so. So far as I can tell, and this is the field of any major long-run interest, public opinion today is more than ever suspicious of unrestrained power and privilege in trade unions. Legislative trends are toward more control of trade unions and collective bargaining, not less. The principle of free employee choice, Congress's basic principle in labor relations law, is not only congruent with the traditions of the country; it is also in accord with the present wishes of the American people as a whole.[5]

Notwithstanding all that, the Labor Board, sometimes blatantly, more often hypocritically and disingenuously, but ever persistently has been attempting to restore the state of affairs prevailing under the Wagner Act. It has been trying, often successfully, to re-evaluate union organizing privileges and collective bargaining over the principle of free employee choice.[6]

Upon occasion one may observe the process clearly at work. The relatively recent *Garwin* case [7] is an example. There the Board ordered

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an employer to bargain with a union even though none of his current employees belonged to that union. According to the Board, the order was necessary in order to remedy prior unfair practices. The fact that the order would have fastened upon employees a union which they obviously had not chosen seemed less important to the Board than the desirability of maintaining the bargaining status of the union involved. Fortunately a panel of judges was formed on the Court of Appeals for the District of Columbia a majorty of which considered itself duty-bound to challenge the Board's evaluation of the policy issue. That Court, which does not habitually question the Board's policy determinations when they favor unionization or collective bargaining, held in this case that free employee choice is the paramount principle of the national labor policy and that the Board had incorrectly subordinated it to the bargaining principle.[8]

An almost equally egregious displacement of Congressional policy may be seen in the collective-bargaining rules which the Board has laid down. Congress guardedly and conditionally approved collective bargaining as an institution potentially in the public interest. The approval was conditioned upon the free choice of employees; there was to be no collective bargaining unless a majority of employees in the appropriate unit desired it. Moreover, the duty to bargain was carefully guarded by an explicit qualification in Section 8(d) to the effect that neither concessions nor agreements were required.

Defying these unmistakable indications of congressional intent, the Labor Board has held in hundreds of cases that employers must make concessions if they are to satisfy the good-faith bargaining requirement.[9] In the hands of the Labor Board, collective bargaining has become an institution encouraging unreasonable, uneconomic demands by unions and discouraging resistance to such demands by employers.[10]

It is true that the Board does not straightforwardly and explicitly compel concessions—as Judge Wright in an extraordinary opinion recently said it should do.[11] But any specialist in the field will agree that the employer who adamantly refuses to make any concession can expect to be harassed indefinitely by the Board, no matter how honest he is. As a result, employers tend to make concessions or offer counter-proposals whether or not they think it correct or economically feasible to do so. As a further result, collective bargaining practices are developing in an unwholesome way, and the law of collective bargaining surpasses the comprehension of even able practitioners.

A long string of NLRB decisions might be presented—each one requiring sustained and complicated analysis—in illustration of the Labor Board's persistent determination to replace Congress' policies with its own.[12] Mindful, however, that this Subcommittee is less interested in the substantive minutiae of current labor law than it is in the general aspects most relevant to the separation of powers, I confine myself to an account of only some of the outstanding examples of the Board's negation of Congressional policies in favor of its own.

One of Congress' dominant purposes in labor legislation over the past twenty years has been to apply equal rules to employers and unions in organizing campaigns. Even a superficial glance at the parallel subdivisions of Section 8 of the National Labor Relations Act will convincingly reveal an intent to govern evenhandedly the activities of these normal rivals.[13] Again this approach faithfully mirrors public opinion, which has always favored the equal rule of law. Yet again the Labor Board has flouted both Congressional sentiment and the community consensus. The Board has stretched the rules relating to employer conduct to the point where infringement of constitutional right is a daily occurrence.[14] On the other hand it has confined regulation of even the most aggressive, coercive, and monopolistic union conduct to the level, at most, of mere annoyance.[15]

Whereas Congress in Section 8(c) of the NLRA expressly immunized expressions of opinion in order to make sure that employees would hear both sides in union organizational campaigns, and could thus register an informed choice on the issues, the Labor Board has steadily constricted those free speech rights. So much so that it is dangerous nowadays for an employer to open his mouth at all during an organizing campaign.[16] And yet, as an outstanding federal judge, Judge Friendly of the Second Circuit, has said, "If Section 8(c) does not permit an employer to counter promises of pie in the sky with reasonable warnings that the pie may be a mirage, it would indeed keep Congress' word of promise to the ear but break it to the hope."[17]

Common sense would seem to suggest that an employer cannot coerce employee free choice by unconditionally offering benefits. Yet the NLRB, with the approval of the Supreme Court, has been holding that an employer violates the Act in granting even the most innocuous benefits, or merely promising them, during an organizational campaign.[18] This may not seem a vastly important point. The fact is, though, that, together with the extra statutory limitations imposed upon employer free speech and other strained extensions of the law, it has made it possible for the Board to find employers guilty of unfair practices whenever they vigorously resist an organizational drive. The Board's apparent objective is to quell all resistance to union expansion. If it succeeds, employees and their freedom of choice will be the principal victims.

With its powers in such formidable array, the Board is in a position to impose collective bargaining virtually at will, quite regardless of the preferences which employees might register in the secret-ballot elections which the Board is tending to avoid. And this in spite of the fact that Congress has indicated that the preferred—if not the exclusive—means of establishing bargaining status for unions and imposing bargaining duties on employers is the secret-ballot election.[19] The tortured, devious methods by which the Board has thus flouted Congressional intent is well worth this Subcommittee's attention. The recent case of *Bryant Chucking Grinder Co.* v. *NLRB*[20] will serve as an example of how the Board is managing to impose collective bargaining, either without elections or, worse, in spite of election defeats. Here is an outline of the case.

1. A union had been defeated in a secret-ballot election in 1959.

2. In 1962 that union began another organizing campaign. The record showed that the union circulated employee authorization cards on the basis of both public and private representations that the cards would be used in order to secure another election, not in order to secure immediate recognition of the union as exclusive bargaining representative.

3. Cards were signed by 198 of the 337 employees in the bargaining unit, but the employer refused to recognize the union on the basis of the cards, insisting instead upon an election (as the law permits the employer to do).

4. An NLRB-conducted secret-ballot election was held in November, 1962. *The union was rejected in this election by a vote of 184 to 124.*

5. In December of 1962 the union filed objections to the election alleging employer interference.

6. Entertaining the objections, the Board ordered a new election.

7. After the Board ordered the new election, the union (for reasons not explained) withdrew both its objections to the past election and its petition for a new election; instead, in January of 1963, the union filed unfair labor practice charges against the employer based on his pre-election conduct.

8. The NLRB Regional Director dismissed these charges on the ground that they were disqualified by the Board's decision in *Aiello Dairy Farms*,[21] establishing the rule that charges would not be entertained when they related back to preelection conduct.

9. The union appealed the dismissal to the NLRB General Counsel.

10. The General Counsel sat on this appeal for roughly two years while prosecuting other cases in which he argued that the Board should overrule the *Aiello Dairy Farms* decision.

11. Finally, in *Bernel Foam Products Co., Inc.*,[22] the Labor Board overruled *Aiello*.

12. The General Counsel thereupon ordered the Regional Director to issue a complaint based on the charges filed by the union in this, the *Bryant Chucking Grinder* case.

13. Owing in part to delays common in the Board's glacial processes and in part to *exceptional* ineptitude on the part of the Board's Trial Examiner, an NLRB decision was not reached till late in 1966—some four years after the events in issue and the union's defeat by a vote of 184 to 124.

14. This NLRB decision[23] held—

(*a*) that the employer had never been entitled to the 1962 election because he had not had a reasonable basis for a "good-faith doubt" of the "majority status" established by the 198 signed authorization cards proffered in 1962;

(*b*) that the employer's conduct prior to the election interfered with the free choice of the employees and thus invalidated the election; and

(*c*) that the employer had a duty to bargain with the union from late 1966 on, despite the election defeat, because of the card majority in 1962.

The employer appealed to the Second Circuit.

Writing the court's decision, Judge Hays enforced the Board order with little attention to the facts of the case. Judge Friendly concurred specially, broadly indicating that he would much rather have denied enforcement of the Board order. He went along with Judge Hays, he said, because the Supreme Court's decision in *NLRB* v. *Katz*,[24] "was couched in terms so strong that to impose an exception requires more boldness than I possess."[25]

Judge Anderson, dissenting, took the position that it was not a matter of boldness at all but simply one of keeping the Board from inflicting another travesty of Congress's policies on the nation. He pointed out that the employer's pre-election conduct was innocuous; that the Union had misrepresented the purpose of the cards, thus disqualifying them as evidence of representative status; and that the Board's decision was imposing a bargaining representative upon employees who had shown only, if they had shown anything, that they did not wish to yield their individual rights to a union. Perhaps the most impressive fact adduced in Judge Anderson's powerful dissent was the difference in the bargaining unit in 1967 from what it had been in 1962, when the 197 cards were signed. There were 337 employees in the unit in 1962. There were 400 in 1967. Equally significantly, at least sixty of the card-signers had left Bryant Chucking in the intervening years. Thus Judge Anderson concluded, the Board was giving the union exclusive bargaining status for over 400 employees in 1967 on the basis of signatures by roughly 135 employees in 1962—signatures gained, more-

Footnotes at end of article.

over, on the representation that the cards would be used to secure an election![26]

The importance of this Subcommittee of the process illustrated by the *Bryant Chucking* case can scarcely be exaggerated. In the last two or three years that process seems to have become the preferred method of establishing bargaining status. If this is true, a wholesale departure from Congressionally declared rules and policies has occurred. It is not a matter only of abandoning the secret-ballot elections which Congress so clearly envisioned as the main means of establishing bargaining status. The full nature of the travesty cannot be appreciated unless one knows that the Board itself has frequently characterized authorization cards as unreliable methods of ascertaining employee choice.[27]

Moreover, the rigged processes evident in *Bryant Chucking* illustrate another radical departure from Congressional intent. One of the main objectives of the 1947 amendments of the Wagner Act was fairer and more judicious conduct by the Labor Board. The 1947 amendments sought to induce Board members to deal more scrupulously with the facts and to give more sensitive heed to due process requirement.[28] But the Labor Board has repaid this Congressional solicitude in customary coin. Since 1947, and especially in the last few years, the Board has issued a long series of decisions which, in terms of arrogant fact-distortion, questionable legal interpretation, and callousness toward due process requirements, at least equal and often surpass the worst that it had produced under the Wagner Act.[29]

Perhaps the outstanding historical example of such Board conduct is to be found in its decisions in the *Kohler* case. Since I have written a book[30] about the NLRB's first decision[31] in the case and an article[32] about the second,[33] I do not think it necessary to spend time and space on that affair here. Suffice it to say that, in my opinion, that litigation provides in itself sufficient basis for a re-evaluation by Congress of its grant of judicial power to the NLRB.

So disturbing has the Board's performance been that it seems increasingly to try the restraint of federal judges.[34] The federal circuit-court judges habitually bend over backwards in an effort to respect the limits on their reviewing power which Supreme-Court decisions and the statute to some extent impose. Judge Friendly's comment reflects the sentiment of a good many of his brethren on the federal bench and will be found repeated in one form or another in dozens of decisions each year. In short, the U.S. courts of appeals frequently enforce Board orders even when it is perfectly clear that, given a freer hand, they would vacate them.[35] In the opinion of easily a majority of the federal judges, I would say, the NLRB has a policy of its own which only accidentally intersects and coincides with the policies of Congress.

It would be inaccurate to conclude, however, that *no* vestige of Congress' policies survives today in labor relations law and practice. Those policies do survive to some extent. And in this fact resides another fact of significance to this inquiry into the separation of powers: Congress' labor policies survive in about the same proportion and to about the same extent as do the reviewing powers of the federal courts of appeals.

I turn now to consideration of the constitutional validity, the practical worth, and the consequences of Congress' having transferred so much judicial power from those courts to executive agencies.

III. "EXPERTISE," SEPARATION OF POWERS, AND DUE PROCESS

It is something said that, whatever their constitutional defects, quasi-judicial administrative tribunals are vital to good government because of the complexities of the modern world. One used to hear, too, that such tribunals are necessary in order to get speedy justice and broad-minded, flexible, sophisticated decisions. Lately, with NLRB and other administrative agencies demonstrating a truly remarkable talent for delay and for hide-bound mechanical decisions,[36] one does not hear the latter encomium of administrative agencies so much. But "expertise," one still hears, is as necessary in government as it is in the other vital aspects of advanced, intricate, delicately inter-dependent contemporary society.

According to this view it is unrealistic and "reactionary" to expect the regular courts either to possess, to develop, or consistently to exercise the requisite expertise in so specialized and complicated a field as, for example, labor relations. There a tribunal manned by experts is needed. One does not ask a general handyman to build or repair a computer. In the same way, a judge of general jurisdiction cannot be expected to perform well in the complex, specialized area of labor relations. There a specialized expert tribunal such as the National Labor Relations Board must do the job.

It will be observed that this rationale is built around two assumptions: (1) that labor relations are a distinct, inordinately complex field; (2) that a specially qualified agency is thus required to administer them.

It is true that the employer-employee relationship is distinct from such other relationships as husband-wife, parent-child, buyer-seller, contractor-subcontractor, government-person, and teacher-student. It is not self-evident, however, that the employer-employee (or union-employee or union-employer) relationship is either more sensitive, more complicated, or more critically a matter of public interest than those and other human relationships. Society is a sensitive complex of human relationships; all human relationships are relatively subtle and complicated. It is not possible to maintain *a priori* that labor relations are more so. Such an assertion has to be proved. No one has ever done so—probably because it would be impossible to do so.

Even if it were conceded for the sake of argument that labor relations are exceptionally sensitive and complex, it would not follow that—the nation's *fundamental* policies being what they are—a specialized agency of government is necessary. The fundamental policies of this nation call for the administration of labor *relations* mainly by employers and employees and, to some small degree, by trade unions and arbitrators. The more complex relationships become, indeed, the more necessary does it become to leave to individuals the freedom to adjust their own relationships. The effect of thoroughgoing regulation of complex relationships is only frustration for both the regulating body and the persons regulated. Regulating an infant is relatively easy; the child grows more difficult; the teen-ager almost impossible—all because the relationships have grown more complex. It is the nature and supreme advantage of a free society, as distinct from a command or totalitarian society, to leave the *conduct* of all human relations essentially to the persons immediately involved, or to their agents, subject only to general rules, equally applied.

Congress has followed this policy in the Labor Act. It has never empowered the Labor Board to administer labor *relations* (although that agency has frequently had to be reminded by the Supreme Court, by the U.S. Courts of Appeals, and by Congress of the limited reach of its commission). Congress has empowered the Labor Board and its General Counsel to administer the *National Labor Relations Act*, not the *labor relations* of the country.

The General Counsel's functions are mainly to decide which charges should be prosecuted and then to prosecute them. The functions of the Labor Board and its subordinates are (1) to conduct hearings; (2) to interpret and draw conclusions from written and oral evidence; (3) to apply Congress's law to the facts found in accordance with congressional intent; and (4) to issue appropriate orders.

No one has ever advanced a convincing reason for giving a prosecutional monopoly to a lawyer entitled "General Counsel of the National Labor Relations Board" as against vesting this power, say, in the Department of Justice. Moreover, no one has explained why either policy or justice in labor law is served by denying private parties—employees, employers, or union officials—the power to prosecute their own cases which private parties are accorded under the antitrust laws. No one has even attempted to justify this—again probably because it would be impossible to do so.

On the contrary, the General Counsel's prosecutional monopoly works against both policy and justice. Denying persons the right to a day in court more markedly denies justice than does a denial of due process. It is a denial of all process. This denial cannot be justified on "policy grounds," either, for its effect has been and must continue to be to inhibit and frustrate the development of labor law.

As matters now stand only such developments occur as the General Counsel wishes; dozens of decisions could be cited to the effect that there is no appeal from a refusal by the General Counsel to issue a complaint. Without in any way impugning the good faith of the General Counsel, it remains self-evident that he and his limited personnel cannot possibly equal the range, the vigor, and the litigational fertility of the nation at large. Even if it be conceded, as I do, at least for the sake of argument, that the General Counsel's staff includes lawyers as learned and as clever as those in private practice, the fact remains that the latter are more numerous and more zealous to serve their clients. The General Counsel's professional monopoly should obviously be withdrawn.

If it is difficult to understand why the General Counsel should have a prosecutional monopoly, it is at least equally unobvious that human beings who become members of the National Labor Relations Board are more qualified to perform the judicial functions which Congress created in the National Labor Relations Act than are the men who occupy the federal bench. Conducting hearings, ruling on sufficiency of complaints and answers, admitting or excluding evidence, evaluating testimony, interpreting documents, drawing inferences, arriving at conclusions of fact of law, fashioning appropriate orders—these are all activities requiring a certain level of competence, training, and experience. The "man in the street" is not likely to carry out these functions very well without special training and experience.

The question, however, is not whether the NLRB is more qualified than the man in the street to carry out these functions. For the purposes of this investigation into the separation of powers, the main question must be whether Congress has a reasonable basis for delegating judicial powers to an administrative agency, rather than to the judges of the federal bench. Admitting that "expertise" is a good thing, we must then ask: expertise is *what?* If it is expertise in legal administration—in the arts and skills of *judging*—prima facie, at least, one would think that career-judges are the true experts.

In a period when principled analysis counted for more than it does in these "pragmatic" days, it would have been enough to point out that the members of the National Labor Relations Board are appointed for limited terms of office. That fact would alone serve to disqualify them for the exercise of any part, however small, of the judicial power of the United States. For the Constitution insists that the judicial power of the United States be exercised only by men appointed to the federal bench for life.

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The times being what they are, the analysis must extend beyond and behind the Constitutional standard, even though in doing so it will only confirm the acuteness and the wisdom of that standard. Two integrated inquires suggest themselves: (1) Are Board members and their subordinates better qualified than federal judges to carry out the judicial functions created by the Labor Act? (2) Are the congressional policies embodied in the Labor Act likely to be accepted with better grace and more faithfully effectuated by the Labor Board or by the federal courts?

1. No extensive "empirical research" is necessary in order to establish that the Labor Board members and their subordinates begin their careers with no significant training or experiential advantage over the men who are appointed to the federal bench. As a matter of fact, the only *relevant* specialist training for the functions under consideration is *legal* training. *All* federal judges nowadays, so far as I have been able to discover, are legally trained. Most Labor-Board members and personnel have likewise had legal training, although some have not. There is a stand-off here, and I doubt whether it could be resolved by reviewing the law-school records compiled by the judges and the Board people respectively.

As far as experience is concerned, it is quite probable that Labor Board personnel, if only for being younger on the whole, have had less general experience at the beginning of their Board careers than the federal judges (who come mainly to office after years of practice) have had in the beginning of their judicial careers. On the other hand, Labor-Board personnel, since their efforts are confined to the labor law field, tend to build a more concentrated and extensive experience in *labor law* much more quickly than the federal judges do.

Careless thinking might lead one to conclude from the foregoing that the Labor Board people soon *acquire* a significant advantage, even if they do not begin with one. More careful consideration leads to a different conclusion, however.

Of course a person specializing in labor law is likely to know more about *that subject* than the person who does not specialize in it. No court of general jurisdiction will ever be able to match a specialized court in the mastery of the minute detail of the substantive law in which the latter specializes.

It is a serious mistake, however, to regard this as a significant point. What we desire primarily in judges is not exhaustive mastery of the substantive details of any particular field of law. It is the job of the opposing lawyers to bring all the relevant law and doctrine to the court's attention.

A solid grasp of basic principles of law in the various fields is more than enough such equipment for any judge. What a democratic society wants essentially from its judges, however, is a complex of other qualities. It requires what it perhaps best comprehended within the term "judicial temperament": a strong but open mind; a habit of reserving judgment till all the facts are in and disinterestedly evaluated; a willingness to listen—really *listen*—to argument; patience; respect for the opinions of other judges; a good logical mind which will adequately distinguish the relevant from the irrelevant facts and the cogent from the illogical arguments; an inclination to start out every case believing that the facts, the law, and the arguments—not the identity of the parties—should determine the decision. There is no basis for the belief that NLRB members, trial examiners, or other Board personnel rank higher than the federal judges on this all-important standard of judicial temperament. Quite the contrary.

In a *representative government*, there is one more supremely desirable judicial quality. If representative government is to function properly, the judges must be satisfied to leave the policy-making to the legislature; they must be committed to interpreting and applying the statutes which the legislature has passed, not to competing with the legislature as a law-making, policy-making organ of government. For neither judges nor administrators can ever represent the nation and its people in the way that Senators and members of the House of Representatives do. It is physically impossible for judges and administrators to constitute themselves the deliberate and consultative micronism of the nation which the House and the Senate do without even thinking about it.

When judicial officers take on a legislative role, they make a mess all round. They produce neither good legislation nor good decisions. Litigation, the courtroom, and the judicial opinion are functionally neither adapted nor adaptable to either gathering the sense of the whole community or expressing it in legislative form. On the other hand, litigation, the courtroom, and the judicial opinion are the best means thus far devised for applying established law and policy to the facts of the individual dispute which every case or controversy involves.

This is why it is good for legislatures to stick to legislating and for judges to stick to judging. It may be all right for legislatures to care little about the facts of particular cases when they are contemplating general legislation. But the judicial officer who fails to attend excruciatingly to the facts of the *particular* case he is deciding, on the contrary, is fundamentally and dangerously untrue to his function and duty.

One of the characteristic defects of the NLRB is that it is continually forcing the facts to fit its predetermined policies. Instead of fitting Congress's law to the facts as they exist, the Board persistently manhandles the facts so that they will produce the results it wants. The Board wants every employee in the nation to wear a union label. If Congress says that employees need wear a union label only when it fits them, the Board does what it can to make a fit. If the facts don't fit, the Board will make them fit. If there are no material facts at all, the Board will frequently use adjectives to make up the deficiency. Thus in *Rivers Mfg. Co.*, the trial examiner delivered himself of the following comments: "In this setting of intensive and extensive [sic] interference, restraint and coercion, the Respondent terminated the employment of nine employees . . . known by management to be union adherents . . . The evidence sustaining General Counsel's allegations that these October 2 discharges were designed to discourage further self-organization is overwhelming." [37]

After a painstaking examination of the entire record, Circuit Judge O'Sullivan concluded that the trial examiner's characterizations were not only exaggerations but "without foundation." "A right to *infer*," he said, "is not a right to *create*." [38]

The point is that it is unrealistic to expect patient, painstaking analysis of fact and application of existing law from committed ideologues; for they are interested more in molding the world to their desires than in doing justice in the immediate dispute. The closely related point is that such idealogues cannot be expected to subordinate their policy wishes to those of the legislative. Hence, if Congress wishes its policies to govern the country it must insist upon judges who are willing to confine themselves to judging and to leave the policy-making to Congress.

Some will perhaps challenge this view of the necessity of Congressional policymaking supremacy. We have heard a great deal of talk in recent years, for example, about the superior representative qualities of the presidency. However, disinterested analysis of the relevant facts must quickly dismiss such talk. As remarkable as the presidents of this country have been, it is impossible for any one man—even before being elected president—to equal Congress's representative capacity. And it is simply absurd to expect him to sustain a broadly representative character after he takes up the consuming burdens of office. No one man can even meet and know as many people in as many places as five or six hundred Congressmen and Senators can. Still less can he reconcile within himself the kind of consensus or compromise which is possible in a multitudinous consultative assembly originating in all the geographically distinct areas of which the country is composed.

If the President wished realistically to gather the consensus of the whole country on all issues, he would *as a practical matter* have available to him no better mechanism for doing so than the one already available in the House and the Senate. There is really a very peculiar meaning in the assertion that the President represents the whole country better than Congress does. Persons using such language mean that *they* have been able to convince the President of the worth of *their* proposal while Congress has remained unmoved. But when Congress remains unmoved—it being the genuine representative of the whole country—the meaning is that the whole country is not ready to endorse, as the President may be for his own reasons, the desires of the pressure group involved.

Many presidents have agonized over the "loneliness" of their position. This phenomenon, grown more frequent of late, is of potentially great significance to any study of the Separation of Powers. The lament grows out of the condition of executive power which, presumably, the person who gains the presidency has more or less actively sought. Executive responsibility must ultimately be concentrated in one person. In this country, with government grown to great, presidential responsibility absorbs as much time and energy as the incumbent is willing and able to give it. An executive decision always has to be made, one way or another, cleancut or ambiguous. There is no way in the world for the President to share his responsibility in the way that Senators and Representatives not only can do—*but must*.

This is not to say that Senators and Congressmen do not have to make "lonely" and difficult decisions with respect to their own personal choice of action. Of course they do, as all human beings must. But it is in the nature of legislation in a representative government that the responsibility for every legislative act is a well-divided and broadly shared responsibility, arrived at deliberatively—with each Congressman or Senator in a position to be fairly confident that his vote either reflects the majority sentiment of his constituency or at least does not violate that sentiment sufficiently to lose him his office. It is physically impossible for a single person over any sustained period, however delicately tuned his antennae, to maintain such rapport with the whole nation, especially when he has heavy executive responsibilities to dispatch. He can take only one position on an issue at a time. That is the ineluctable consequence of being a single human being. Five hundred or so elected representatives can take five hundred positions, and each, theoretically, may be satisfying his duty to his own constituency.

The merit of representative government in the form established by the Constitution of the United States lies mainly in its realistic response to such practical considerations. No better way to run a country in accordance with the dominant wishes of the community has as yet been discovered.

If it is true that the President—the outstanding politician of the country (I use the word with no pejorative intent)—cannot represent the sum of the country's policy wishes as well as the Congress does overall,

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it would seem to go without saying that no bureaucrat, no administrative agency, no judge or body of judges can do so. This is why, in a country which prides itself upon being a representative government, it is supremely desirable that anyone exercising judicial power be content to leave the policy- and law-making to Congress. For the alternative involves the abandonment of representative government and a substitution in its place of rule by the one or the few. In Aristotle's terminology, the commonwealth gives way to a democracy, and a democracy to tyranny.

If judicial temperament and a willingness to leave policy-making to the legislature are the two basic and reciprocal requirements for a proper exercise of judicial power, it is difficult to see how Labor-Board members and personnel qualify better than federal judges. On the contrary, a federal judgeship is far more likely to secure those qualities than is an administrative appointment. Consideration of our second basic question will further illuminate this matter.

2. That question is whether the Congressional policies embodied in the Labor Act and with them the supremacy of legislative policy-making are likely to be better enforced and preserved by the Labor Board or by the federal courts.

I happen to believe that, over the years, decisions of incomparably higher quality, greater fairness, and more cogency have been produced by the United States Courts of Appeals than by the National Labor Relations Board.[39] But it is not enough, for the purposes of this Subcommittee, to register the opinion that better decisions have come from the courts than from the Board. I assume that this Committee is interested in looking into the question whether there is something inherent in the character of federal judgeships or Board memberships on the basis of which a fair prediction about the future conduct of the respective incumbents can be made.

Human beings, customarily with legal training, man both the federal courts and the NLRB. We must assume, if we are to avoid interminable and inconclusive personality comparisons, that agency members and judges begin with equal moral and intellectual characteristics. The question then focuses on the respective institutional settings and the probable effects of those settings on the performance of their judicial duties.

IV. JUDICIAL COURTS VERSUS ADMINISTRATIVE COURTS: THE INSTITUTIONAL SETTINGS

The institutional setting of each member of the National Labor Relations Board is a five-year appointment to what is known as a quasi-judicial tribunal, located by law, fact, and tradition in the executive branch of government. Appointment is by the President, with the advice and consent of the Senate. The duties, described above, are essentially judicial in character. One hears varying opinions, concerning whether or not the Board members should conceive of themselves as essentially policy-making participants in any current Administration, on the one hand, or judges on the other. The "Eisenhower Board" avowed and to some extent adopted a judicial stance; the "Roosevelt-Truman-Kennedy-Johnson" Boards, while still not entirely disavowing a judicial role, have on the whole adopted an essentially policy-making stance conformable to that of the Administration in power.

Federal judges also are appointed by the President, with the advice and consent of the Senate. To this extent, the institutional setting of federal judges and NLRB members is the same. But to this extent alone. No federal judge has ever asserted that his job is to effectuate the policies of a given executive administration. On the contrary, when federal judges discuss the question, their uniform affirmation is one of obedience to the Constitution and to the congressional intent expressed in valid legislation.

The Supreme Court of the United States has been accused of policy-making ambitions, both currently and in the past. Whether or not this Subcommittee or I credit such accusations is not material to the present inquiry. For no one can validly accuse the Supreme Court of a peculiar policy bias *conceived and pursued essentially because that policy is favored by the incumbent administration.*

Supreme-Court justices have been a constant source of surprise to the presidents who appointed them. Justice Holmes's contempt for antitrust law and policy—a shock to the President who appointed him—is only one example of a number of such cases. It is incorrect to believe that the present Supreme court, "activist" though it may well be called, is acting the way it is because it believes that the present or any past Administration wished it to act in that particular way.

We come, then, to the first of two sharp distinctions between membership in the NLRB and federal judicial office: the five-year terms of the former and the life tenure of the latter. The five-year term of office goes far toward insuring allegiance in each NLRB member to the Administration which appointed him, to the one with power to re-appoint him, or to both. There is no need to oversimplify the situation. Tradition may call for a "pro-union" Administration to appoint one or two "pro-employer" types to the Board. In such a case, the "pro-employer" Board member would be unfaithful to the Administration if he abandoned his former stance as a means of insuring reappointment. In order to keep the "bi-partisan" show going, he must maintain some semblance of the penchant which got him his appointment in the first place.

If a Board member wishes reappointment at the end of his five-year term, he must satisfy the Administration then in power that he can be relied upon to act in accordance with that Administration's labor-policy views, subject to the "bi-partisan" tradition. There is nothing sinister and nothing surprising about this. In the contrary, a given Administration has no basis for its appointments to the NLRB other than furtherance of its policies and political ambitions or payment of its political debts. Expecting an Administration which has gained power with the assistance of trade unions to appoint a Board which would deal as rigorously with unions as the law requires—that is as realistic as it would be to run for office on a platform which the voters demonstrably oppose.

It is true that a Board member is always in a position to "betray" the President who appointed him. The betrayal may even win him reappointment from a succeeding President who approves his new position. But this is of little significance. The fact remains that a majority of the Board will always be governed sooner or later by the political position of the Administration in power; five-year terms expire; then the Administration's labor policies reflect themselves in the new appointments. President Kennedy had a majority within a year or so of his accession.

It is possible that the Administration's labor policies will coincide precisely with those of the Congress which passed the legislation in question. Possible, but not likely. As time passes, the likelihood diminishes. An Act passed by Congress in 1947 is not likely to express exactly the policies that an Administration in 1967, or 1987, finds suited to its political and social objectives.

But even when Administration objectives coincide exactly with the legislatively expressed policies, it will be the Administration which controls the action of the quasi-judicial executive agency, not the legislation. It is important to bear this in mind because results in particular cases will be affected. Thus, though there may be a general policy, coincidence between the legislation and the Administration, the Administration, may still feel that in a particular case, for one reason or another, it is desirable that the impact of the legislation be softened, hardened, or redirected in some other way.

Our present structure of "administrative law" leaves plenty of room for this sort of thing. A busy General Counsel has to pick and choose the cases which he will prosecute. He cannot prosecute them all. Certainly he need not prosecute them all with equal vigor and persistence and acumen. After all, the main thing is to keep the staff busy. If it is kept busy in spite of the fact that one particular case is not prosecuted at all, or that it is put "on the back burner," what great harm has been done?

Or suppose the case is prosecuted so that it gets before the Board. Courts may not substitute their conclusions for those of the Board where there is substantial evidence in the record considered as a whole which supports the Board's finding. Not uncommonly the record as a whole will sustain contrary findings. In such a case, the reviewing court, if faithful to this basic principle of "administrative law," may not vacate the Board finding no matter which way it goes. Hence it is perfectly permissible for the Board to go either way. And the judge who keeps faith with the law—as most federal judges do—must enforce the Board order in either case. All this being true, the Board itself is in a position to do exactly what the General Counsel does in picking the cases to prosecute. It is in a position, in short, to make an exception whenever doing so is of great importance to the Administration of which it considers itself a part.

I am no muck-raker and do not wish to exaggerate the incidence of such conduct on the part of either the Board or its General Counsel. For the purposes of this Subcommittee, in any event, it is enough that such possibilities exist, even if they have never actually occurred. Indeed the analysis will proceed more disinterestedly and more expeditiously if it is realized that there is no necessity to establish that this sort of thing has or has not happened in any particular case.

For the major point in our inquiry is that nothing of the kind can reasonably be expected where judicial power is confined to men with life tenure who have been appointed to the insulated judicial department of government. If the Supreme Court is indeed an activist, consciously policy-making agency, rather than a genuine court of law, it is so because that is the way *it* conceives its function. If there is a flaw in the Court's position, that flaw is not a product of any defect in the Constitution, in the principle of the separation of powers, or in the institution of life tenure for judicial officers. It is a flaw, instead, in the conception of judicial office held by individual members of the Court. It is a product of their failure to understand the functional *inadequacy* of the court room as a political, policy-making institution, and the functional *superiority* of the courtroom, as an institution in which justice under law may be distributed among particular parties litigant on the basis of minute consideration of the particular facts and of the legal arguments which the adversary system is bound in individual cases to bring to the attention of the judges.

If misunderstanding and ineffective corrective measures are to be avoided, it is necessary to understand, *as well as we can*, what motivates the Supreme Court to take an activist, policy-making position. Of course, it is always possible to jump to the conclusion that the Court does not care about the Constitution; that the justices are arrogantly determined to follow their own will; that they are engaged in a completely extra-legal and extra-constitutional struggle for supreme power in the government of the

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United States. This is not only a possible position; in my opinion, there are occasions upon which it seems the most plausible explanation of certain decisions of the Court. As an example, I would cite the recent (1967) decision of a bare majority of the Court in the *National Woodwork* case.[40]

Mr. Justice Brennan wrote the opinion of the court for himself and Justice Warren, White, and Fortas. A majority was made by the special concurrence of Justice Harlan in the Brennan decision. Justices Black, Douglas, and Clark concurred in a dissenting opinion by Justice Stewart. With these dissenting justices I have concluded that Justice Brennan's opinion so blatantly flouted the clear meaning and intent of the statutory provision involved that the only possible explanation was a determination by the majority to challenge Congress' policy-making supremacy under the Constitution.[41] In my view, Justice Stewart was correct in calling Justice Brennan's opinion "a protracted review of legislative and decisional history in an effort to show that the clear words of the statute should be disregarded. . . ."[42]

However, I would remind the Subcommittee here of two points. The first is that Justice Brennan could not possibly have been meaning to carry favor with the Administration which appointed him; he was an Eisenhower appointee. Nor could he have been motivated by a desire to promote his own career by currying favor with the present Administration. There is nothing that the current Administration can do either to hurt him or harm him on the Court.

The second point to remember is that, no matter how blantantly a life-tenure justice may seem to misconstrue legislation, there is always, in the end, an objectively insoluble problem concerning motivation. We may eliminate economic insecurity where the judge has life-tenure and the position pays him enough to preclude ambition. We may eliminae vulgar corruption, owing to the traditions and the high dignity of the Court. We may eliminate light frivolity, for there is plenty of reason to believe that the justices take their role seriously. But when these and other such motivating factors are eliminated, it is still not possible for the external observer-analyst to be sure about the causal factor or factors which actually produced the judicial opinion in question. It *could* have been to trivial a thing as stupidity, a law clerk who did a fragmentary job of research among the authorities or in the record of the case, or an appealing argument on the wrong side, or simply the hard case which makes bad law.

It is best, then, to operate on the assumption that, however egregiously the justices may act in particular cases, they nevertheless perform their duties in good faith—by which I mean, in accordance with their conception of their role on the Court. Often, we must remind ourselves, the Court interprets Congress' statutes well and faithfully, reversing the NLRB in the process. Often, owing to the inherent ambiguities of language or to sloppy or evasive work in Congress, an interpretation can go either way, and the critic cannot complain with any great force merely because the Court has adopted an alternative which he would have rejected.

Moreover, with law professors in a state of great confusion over the judicial role with respect to statutory interpretation, it is easy to understand that at least some of the justices will share their confusion. A professor of law has recently published the following statement:

". . . the myth that the courts only follow the intent of Congress inhibits most judges from examining solutions worked out in other countries, even when Congress had no intent or when that intent was not to solve but to avoid the problem. Thus, the Court in the *Lockout Cases* condemned the NLRB for 'unauthorized assumption . . . of major policy decisions properly made by Congress,' and then fabricated a Congressional intent to support its own policy decision. The Court could have gained greater insight into the problem and made a more responsible decision if it had examined the alternative solutions from other countries; but that would require an open admission that the Court was making the policy decision which Congress had refused to made."[43]

The foregoing comment may be broken down as follows:

1. Courts do not merely follow the will of Congress.

2. They are policy-makers.

3. It is proper that they make policy.

4. Congress did not express a policy on the legality of collective-bargaining lockouts.

5. The Supreme Court made its own policies in the *Lockout Cases*, but it did so inadequately because it was afraid to admit that it was making policy which Congress had declined to make.

The first two statements are inaccurate, though not completely incorrect. The vast preponderance of federal judges other than Supreme-Court Justices not only *say* that they are bound by Congressionally declared policies but act in accordance with that declaration, subject to three qualifications: (*a*) sometimes statutory ambiguity or other deficiencies require the court to contribute something more than mere interpretation to the decision which it must reach; (*b*) at times a federal judge does play fast and loose with legal doctrine and statutory interpretation; (*c*) sometimes the court must follow an interpretation at variance with the plain meaning of the statute because the Supreme Court has already imposed such a variant. The latter is peculiarly relevant in labor law. A large proportion of Circuit-Court affirmances of NLRB decisions is owing to the fact that the Supreme Court has so often endorsed the NLRB's revisions of the Labor Act. After the Court has done so, the Circuit Courts of Appeals have no real alternative but to go and do likewise.

The third statement is not only incorrect, but seriously so. Aside from "gap-filling" and selection among alternatives where legislation is ambiguous, the federal courts, including the Supreme Court, act improperly when they make policy. They act improperly from all relevant points of view: from the point of view of personal morality; from the point of view of Constitutional legitimacy; and from the point of view of functional-practicality. All federal judges swear to uphold the Constitution as a prerequisite to their office. The Constitution (as well as the basic concept of representative government which underlies it) states that:

"All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives" For reasons already stated, no court of law can represent the nation adequately; confined to a particular dispute in the courtroom setting, broad policy-making by judges is bound to be abortive. The nation, the law, multitudes of persons, and the future of representative government in the United States—all are in a state of crisis today owing in no small part to the Supreme Court's assumption of policy-making and even constitution-making powers over the last thirty years or so.

The fourth and fifth statements are incorrect. Congress did not say in so many words that the collective-bargaining lockout was lawful. But such a lockout was plainly lawful at common law, and there was no language or no policy in the National Labor Relations Act from which an inference of Congressional determination to change the common law could properly or logically be drawn. On the contrary, there was much Congressional language from which the Court could—and did—infer that Congress intended to preserve the legality of the collective-bargaining (as contrasted to the coercive anti-union) lockout. The Supreme Court decisions in the *Lockout Cases* were manifestly correct interpretations and applications of Congressional intent. Moreover, to suggest that the Court should have referred to *European* experience in order to determine how to govern *Americans* demonstrates a doubly peculiar lack of understanding of the system of government of the United States. It fails to understand not only what representative government means, but also what the constituency is whose views and preferences are to be represented by government and reflected in law.

I have discussed the foregoing comment on judicial-policy-making power at some length because of the help it affords in understanding the policy-making penchant of the Supreme Court. The comment does not represent the aberrant view of a single law-school professor. It represents, to my personal knowledge, a substantial body of opinion among law teachers, and therefore of necessity among law students, practitioners, and even judges. It is really ingrained enough to be called an unreconciled contradiction in our legal tradition—one which can be removed only by spreading a better understanding of the meaning and the requirements of representative government and of the Constitution

We have come now to the second sharp distinction between the institutional framework of the federal judiciary and that of quasi-judicial administrative tribunals: the history and the traditions within which they respectively operate.

It would be a mistake to assume that an administrative agency such as the NLRB is something new, without history or tradition. The mistake is understandable because that history and that tradition are hidden and forgotten. The history and tradition which the NLRB carries forward today was rejected in the middle of the 17th Century in England. It was rejected on the basis of experience so repugnant, and so tragic for men who prized law and decency, that it could not be revived till consciousness of its terrible consequences had dimmed with the passage of more than 250 years.

I refer of course to the abolition in the 17th Century of such administrative tribunals as the Star Chamber and the Court of High Commission. Those agencies, like the NLRB, were rationalized as "expert" tribunals which could be relied upon to do "speedy justice," unhampered by the "technicalities" of the law courts, and obedient to the executive policies which parliament and the courts of law were frustrating.

The constitutional revolution which took place for a period of more than forty years in England during the 17th Century had two significant results, both relevant to our present inquiry: (1) the assertion of parliamentary policymaking supremacy, involving a radical reduction in the power of the executive; (2) the creation of a judiciary insulated from political pressures by life tenure in office, involving the abolition of all such quasi-judicial agencies as the Star Chamber.

Two great legal scholars—Sir Henry Sumner Maine and Professor William W. Crosskey—have demonstrated both broadly and in detail that the main features of the Constitution of the United States were the direct product of the English experience during the 17th Century.[44] It is impossible to read the Constitution against the background of that experience and come to any other rational conclusion. Article I gives all legislative policy-making powers to Congress: Article III gives the whole judicial power of the United States to life-tenure judges.

The result was to interrupt the history and the traditions of administrative courts. We had none for a long time, and even after the Interstate Commerce Commission was

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created at the end of the 19th Century, we still had little "administrative law" till the thirties. Few lawyers will now remember the names of the men who served in the Star Chamber or the Court of High Commission, if indeed those names were ever widely known. But neither will many lawyers remember the names of I.C.C. or F.T.C. or C.A.B. or N.L.R.B. members.

It seems to be in the nature of an administrative court to operate anonymously. Even today, NLRB decisions emerge anonymously. One is tempted to infer a lack of pride in or perhaps a hesitancy to assume responsibility for the NLRB's product. And the inference is strengthened by the fact that normally only dissenting or specially concurring opinions are signed by NLRB members.

The history and traditions of the federal judiciary are strikingly different. They trace directly back in an unbroken line to the great English chancellors and judges, even beyond the time when life tenure was accorded judges. It is a history full of shining examples of intellectual and moral courage—of judges who time after time vindicated the maxim, "let justice be done though the heavens fall." Roscoe Pound has described how the king's judges defied the king's will even though they served at the king's pleasure.[15] Their names are known; even in the Year Books the judges are identified. One does not need to be a legal scholar in order to recognize such names as Coke, Holt, and Mansfield, or Marshall, Story, Shaw, Field, Holmes, Brandeis, Cardozo, Jackson.

It is a serious shortcoming—a failure to grasp one of the powerful determinants of human action—to underrate the influence of such a tradition, especially in the law, where a judge's nose is rubbed willy nilly so often in what his predecessors have said or done.

That thinnest, most unperceptive and most inaccurately designated of all schools of legal thought—"legal realism"—holds that judges not only do but should decide cases in accordance with their own inner intimations of immortality. But the "legal realist" does not explain how a person trained in the law, acting in a living tradition, thinking, as he must, in the categories of thought which prevail in the law, can possibly hand down decisions outside that tradition and those categories. As Morris R. Cohen was fond of pointing out, the "realism" of the "legal realists," like that of positivists generally, is better called simple-mindedness. There are more things in heaven and earth than they, apparently, have ever dreamt of.

Asking a career, life-tenure judge to act in the fashion that "legal realism" suggests is the same as asking a person to write without the alphabet. The only thing produced is an unintelligble mess, and few judges are willing to befoul their tradition and the law books that way. And so most judges, especially those for whom judging is a lifetime career, tend after a while to settle themselves down into carrying on the great tradition of obedience to *law* as opposed to personal preference or political expediency.

Continuity, consistency, predictability—these are the values which most federal judges prize and which they try to achieve. In contrast, the field of "administrative law" presents a spectacle of violent change in the "law" with each change of Administration. Judges think that the function of law is to help the community as a whole by giving a firm standard to which persons in general may adjust their conduct without fear of finding, after they have acted on one legal assumption, that the law has been changed. Administrative agencies consider "law" only another tool with which to advance the interests and policies of the Administration in power.

I remind the Subcommittee of the vicious cunning illustrated by the *Bryant Chucking Grinder* case.[16] The "Eisenhower Board" had held that unfair practice charges should not be allowed to relate back to pre-election conduct. The rule made good sense. A party should not consent to an election when he means to challenge it thereafter because of pre-election conduct. However, the "Kennedy Board," obviously for political reasons, found the rule unacceptable and simply reversed it. In so doing, it laid the basis for giving unions exclusive bargaining status and for imposing the duty to bargain on employers in hundreds of cases—in spite of the fact that the employees in those cases had, in secret-ballot elections, rejected collective bargaining.

Courts do make and change law to some extent. Unfortunately, as we have seen, they sometimes do those things even when the existing law is clear enough so that they are not required to do so by the necessity of deciding the case before them. Contrary to academicians of the kind I have mentioned above, there is no justification for such conduct. On the other hand, it is well to understand two things about it. First, the phenomenon is confined to relatively few judges, mainly on the Supreme Court. Second, it creates a power struggle between those few judges, on one side, and Congress, on the other; it does not necessarily align the judicial power with the executive power; and thus does not create so dangerous a threat to the principle of the separation of powers and to congressional policy-making supremacy as does the grant of judicial power to an executive agency.

Judicial power is the "weakest" of the three aspects of governmental power. It controls by itself neither men, nor guns, nor money, nor votes. If Congress did not keep itself to busy bootlessly trying to legislate this nation into a paradisial state, it could without too much trouble keep the Supreme Court vividly aware of its inherent weakness. If for just a few years Congress would police Supreme Court decisions—instantly responding to so blatant an example of statutory misconstruction as occurred in *National Woodwork* by a suitable statutory amendment—even the dullest or the most arrogant Supreme Court justice would learn that he was not commissioned by the Constitution with the supreme and autocratic power which some of the justices have arrogated to themselves.

That would be a troublesome and an annoying job for Congress; an unnecessary one, too, since the Justice *ought* to know better, even if the professoria do not. But at least it is practical and possible for Congress to control the Supreme Court. It is a small body, turning out a limited number of decisions. In the last resort, Congress could simply take away much of its appellate jurisdiction without doing irreparable injury to the nation.

In contrast, the job of policing and controlling the activities of administrative tribunals is very nearly hopeless. There are so many. They do so many things. They grind out so many decisions. Their activities are as often off the record as on. The confusion between their powers and those of the reviewing courts creates an infinity of problems in itself. Allocating responsibility is extremely difficult. For example, the NLRB constantly contends that it must be doing a good job because the Courts of Appeals enforce a vast preponderance of Board orders. But the Courts of Appeals *must* enforce most Board orders because the substantial evidence rule ties their hands; moreover, by now, with the Supreme Court's support, the Board has the bulk of the substantive law under the statute in a posture such that it can write decisions pretty much at will, no matter what the facts are.

CONCLUSION

Congress's policy-making legislative supremacy, and with it this country's hope for an effectively operating representative government, is endangered by the merging of judicial power into such executive agencies as the National Labor Relations Board.

Delegating judicial power to an administrative agency is both unconstitutional and impractical. It is unconstitutional because the Constitution confines the judicial power of the United States to an independent judicially composed of life-tenure incumbents. It is impractical because competent judging cannot be expected from limited-tenure political appointees who operate outside the long and sustained judicial tradition of subservience to law rather than to political exigency. The principal argument in favor of specialized quasi-judicial administrative tribunals is based upon an erroneous and deceptive conception of "expertise." The relevant "expertise" must be in the art of judging. The real experts in that art are the judges who sit on courts of general jurisdiction.

Creating specialized quasi-judicial administrative courts, subject to fragmentary and limited judicial review, produces neither expert nor expeditious judicial administration. It produces instead, uncontrollable confusion. Out of that confusion, the executive branch emerges with precisely the concentration of governmental power which the outstanding achievement of the United States Constitution—the principle of separation of powers—was designed to disperse. As Thomas Hobbes said, liberty is fragmented power. The result today of re-concentrating power is a badly governed country. Tomorrow, if history is any guide, we shall have tyranny.

The process has gone far already in the field of labor policy. Although these matters are hard to quantify with any precision, in my judgment the Labor Board has managed to gather a preponderance of the policy-making power in its hands, together with executive and judicial power. Congress will to assert its Constitutional power must not be weakened by doubts of its functional and representational superiority as legislator and policy-maker for the nation. It is nonsense to hold that the President or his bureaucracy better represent the nation. It is equal nonsense to believe that courts or administrative agencies can isolate the consensus of the community into a set of coherent basic policies better than Congress can.

If Congress wishes to escape the fate of the British House of Lords and to preserve the representative character of this government, it must respect and enforce the principle of the separation of powers. This means that Congress must repeal its delegation of judicial power to the National Labor Relations Board and re-vest that power in the federal courts.

Problems will remain. Some judicial incumbents are unable to distinguish judicial activity from legislative activity even when the two are clearly distinguishable, let alone when, as often happens, it is difficult to distinguish them. Moreover, some judicial incumbents believe that judicial power is tantamount to legislative power, at least so long as they can get away with it. Ultimately, however, it is a simpler matter for Congress to correct such judicial mistakes and to subdue such power-lust in judges than it is to maintain its position against a multipowered executive.

So, even if Congress, respecting the Constitution, should confine power to the federal judges, it will have to keep a wary eye on its storehouse of legislative power. Raids by the other branches can be expected. But this is inherent in the nature of men and things. It is not only for liberty that the price is eternal vigilance.

APPENDIX

U.S. Constitution, Art. III:

"The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The

Footnotes at end of article.

judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

"The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority. . . ."

The Federalist, No. 78:

". . . The standard of good behavior for the continuance in office of the judicial magistracy, is certainly one of the most valuable of the modern improvements in the practice of government. . . . (I)t is the best expedient which can be devised in any government, to secure a steady, upright, and impartial administration of the laws.

". . . For I agree that 'there is no liberty, if the power of judging be not separated from the legislative and executive powers.' . . . that as, from the natural feebleness of the judiciary, it is in continual jeopardy of being overpowered, awed, or influenced by its coordinate branches; and that as nothing can contribute so much to its firmness and independence as permanency in office, this quality may therefore be justly regarded as an indispensable ingredient in its constitution, and, in a great measure, as the citadel of the public justice and the public security.

". . . Periodical appointments, however regulated, or by whomsoever made, would, in some way or other, be fatal to their necessary independence If the power of making them was committed either to the Executive or legislature, there would be danger of an improper complaisance to the branch which possessed it . . . if to the people. . ., there would be too great a disposition to consult popularity, to justify a reliance that nothing would be consulted but the Constitution and the laws"

FOOTNOTES

[1] 93 (Daily) Cong. Rec. 5013, 2 Leg. Hist. of the LMRA 1947, p. 1495.

[2] Cf. Rep. No. 105 on S. 1126, pp. 1–3, 8–10 (80th Cong. 1947); H. Rep. No. 510 on H.R. 3020, pp. 36–38 (80th Cong. 1947).

[3] Ibid. And see Sec. 9(c) and Sec. 10(b) and (c) of the Act as amended. An amendment to 10(b) is typical. It exhorted the Board to follow the rules of evidence and procedure prevailing in the federal district courts, but only "so far as practicable."

[4] The U.S. Court of Appeals cannot vacate NLRB findings of fact unless there is no substantial evidence in the record considered as a whole to support those findings. Cf. Section 10(e) of the Act and *Universal Camera Corp.* v. *NLRB*. 340 U.S. 474 (1951). Obviously circuit judges will vary considerably in both interpreting and exercising such reviewing power as this necessarily vague standard imposes. Cf. the varying views of Judges Knoch and Schnackenberg in *Lincoln Mfg. Co. Inc.* v. *NLRB*, 55 CCH Lab. Cas. ¶ 12044 (7th Cir. 1967). With Judge Hays' view in *Bryant Chucking Grinder Co.* v. *NLRB*, 56 CCH Lab. Cas. ¶ 12344 (2d Cir 1967), *compare* that of Judge Anderson, dissenting in the same case. With Judge Bryan's opinion *compare* that of Judge Boreman in *NLRB* v. *Dove Coal Co.*, 54 CCH Lab. Cas. ¶ 11604 (4th Cir. 1966).

[5] I have discussed the evolution of Congressional labor policy at greater length in *The Labor Policy of the Free Society* at p. 125 et seq. (Ronald Press, 1957).

[6] For particularly able criticisms of the Board's distortion of the Congressional policies, see the notes: Card Checks and Employee Free Choice, 33 U. Chi. L. Rev. 387 (1966); Union Authorization Cards, 75 Yale L. J. 805 (1966).

[7] *ILGWU Local 57* v. *NLRB; Garwin Corp.* v. *NLRB*, 54 CCH Lab. Cas. ¶ 11664 (D.C. Cir. 1967), opinion by Burger, J., Bastian J., concurring; McGowan, J., dissenting on the critical issue.

[8] Judge McGowan dissented on the ground that the Board, "if it is to mediate between clashing interests with moderation and restraint, must have scope for inventiveness and experiment." Ibid., at pp. 18084–85. This is about as close as one normally comes to an explanation of the rationale which affirms the existence and endorses the exercise of policymaking discretion in the Board.

[9] The outstanding example of the Board's insistence that employers must make concessions to the union's demands (concessions to employees and obvious good-faith intent to reach an agreement not being enough) is the General Electric case, 150 NLRB No. 36 (1964).

[10] For typical examples of NLRB decisions requiring concessions from employers as an aspect of the duty to bargain, see California Girl, Inc., 129 NLRB No. 21 (1960); Cummer-Graham Co., 122 NLRB No. 134 (1959); Fetzer Television, Inc., 131 NLRB No. 113 (1961); James Rubin, 155 NLRB No. 37 (1965). The Board rarely reveals the facts in its decisions, tending as a rule simply to endorse the findings made by the trial examiner in his frequently prolix reports, and the reader is accordingly required to piece out the basis of the holding.

[11] Cf. *United Steelworkers* v. *NLRB* (Porter Co.), 56 CCH Lab. Cas. ¶ 12332 (D.C. Cir. 1967) (Miller, J., dissenting) and the same case at an earlier stage: 53 CCH Lab. Cas. ¶ 11238 (D.C. Cir. 1966).

[12] I cite the following cases as a mere cross section of decisions in which the U.S. courts of appeals have found more or less serious shortcomings in the Board's handling of fact of law. In some cases, the court completely denied enforcement; in others, partly. The classification is in the numerical order of the circuits: *Caribe General Electric Co.* v. *NLRB*, 53 CCH Lab. Cas. 11094 (1st Cir., 1966); *NLRB* v. *Purity Foods, Inc.*, 55 CCH Lab. Cas. 11896 (1st Cir. 1967); *Cooper Thermometer Co.* v. *NLRB*, 55 CCH Lab. Cas. 11863 (2d Cir. 1967); *NLRB* v. *Nichols*, 55 CCH Lab. Cas. 12016 (2d Cir. 1967); *Firestone Synthetic Fibers Co.* v. *NLRB*, 55 CCH Lab. Cas. 11783 (4th Cir. 1967); *NLRB* v. *Logan Packing Co.*; 56 CCH Lab. Cas. 12278 (4th Cir. 1967); *Home Town Foods, Inc.* v. *NLRB*, 55 CCH Lab. Cas. 12019 (5th Cir. 1967); *NLRB* v. *Ortronix, Inc.*, 56 CCH Lab. Cas. 12051 (5th Cir. 1967); *Southwire Corp.* v. *NLRB*, 56 CCH Lab. Cas. 12110 (5th Cir. 1967; *Rivers Mfg. Corp.* v. *NLRB*, 55 CCH Lab. Cas. 11902 (6th Cir. 1967); *NLRB* v. *Swan Super Cleaners, Inc.*, 56 CCH Lab. Cas. 12239 (6th Cir 1967); *Frito-Lay Inc.*, v. *NLRB*, 56 CCH Lab. Cas. 12264 (7th Cir. 1967); *National Can Corp.* v. *NLRB*, 55 CCH Lab. Cas. 11771 (7th Cir. 1967); *Dierks Forests, Inc.* v. *NLRB* 56 CCH Lab. Cas. 12274 (8th Cir. 1967); *NLRB* v. *Frontier Homes Corp.*, 54 CCH Lab. Cas. 11701 (8th Cir. 1967); *NLRB* v. *Transmarine Navig. Corp.*, 55 CCH Lab. Cas. 12028 (9th Cir. 1967); *NLRB* v. *TRW Semi-Conductors, Inc.*, 56 CCH Lab. Cas. 12299 (9th Cir. 1967); *J. C. Penney Co.* v. *NLRB*, 56 CCH Lab. Cas. 12150 (10th Cir. 1967); *NLRB* v. *Groendyke Transport, Inc.*, 54 CCH Lab. Cas. 11690 (10th Cir. 1967); *Retail Clerks* v. *NLRB*, 54 CCH Lab. Cas. 11653 (D.C. Cir. 1967); *Clothing Workers* v. *NLRB*, 53 CCH Lab. Cas. 11335 (D.C. Cir. 1966).

[13] Section 8 (a) (1)–(5) defines employer unfair practices; Section 8 (b) (1)–(7) defines roughly parallel or analogous unions unfair practices Section 8 (c)—(f) establish certain principles and provides for certain types of rules applicable to both unions and employers.

[14] See the cases cited in note 12, supra.

[15] Documentation of this assertion is beyond the scope of this paper. The process has been too long and too tortured for any kind of brief treatment. I have, however, written two books which demonstrate in painstaking detail how—contrary to Congressional intent—the Board has liberated unions from any serious control by the NLRA. See: *How the NLRB Repealed Taft-Hartley* (Labor Policy Assn., 1958); and *Power Unlimited: The Corruption of Union Leadership* (Ronald Press, 1959. See also my labor law articles in the N.Y.U. *Annual Survey of American Law* dating back to 1951, and my Unions, Housing Costs, and the National Labor Policy in 32 Law and Contempt. Prob. 319 (1967).

[16] Cf. *NLRB* v. *TRW Semi-Conductors*, 56 CCH Lab. Cas. 12299 (9th Cir. 1967); *National Can Corp.* v. *NLRB*, 55 CCH Lab. Cas. 11771 (7th Cir. 1967); *Southwire Corp* v. *NLRB*, 56 CCH Lab. Cas. 12110 (5th Cir. 1967; *Amalgamated Clothing Works* v. *NLRB* (Hamburg Shirt Corp.), 54 CCH Lab. Cas. 11609 (D.C. Cir. 1966).

[17] *NLRB* v. *River Togs*, 56 CCH Lab. Cas. 12097 at p. 19624 (2d Cir. 1967).

[18] *NLRB* v. *Exchange Parts Co.*, 375 U.S. 405 (1964).

[19] See the note, Union Authorization Cards, 75 Yale L.J. 805 (1966), against which the only authority of any significance is the Supreme Court's opinion in *UMW* v. *Arkansas Oak Flooring Co.*, 351 U.S. 62, 71–72 (1956). As Judge Friendly has pointed out, the brief discussion of the question found in that case "would hardly preclude Supreme Court reexamination of this issue." See *NLRB* v. *S. E. Nichols Co.*, 55 CCH Lab. Cas. ¶ 12016 at page 19359, note 1 (2d Cir. 1967).

[20] 56 CCH Lab. Cas. ¶ 12344 (2d Cir. 1967). The facts here recounted are drawn mainly from Judge Anderson's dissenting opinion.

[21] 110 NLRB 1365.

[22] 146 NLRB 1277 (1964).

[23] 160 NLRB No. 125.

[24] 369 U.S. 739 (1962).

[25] See 56 CCH Lab. Cas. ¶ 12344 at p. 20476.

[26] Judge Anderson said: ". . . I think a bargaining order, by imposing on respondent's employees a form of representation concerning which a substantial majority has never had an opportunity to express a preference, disregards the employees' Section 7 rights, and undermines the most fundamental policies of the Act." Ibid. at page 20476.

[27] See: Union Authorization Cards, 75 Yale L.J. 805, 828–31 (1966).

[28] See notes 2–3, supra.

[29] A goodly number of these will be found among the cases collected in note 12, supra.

[30] *The Kohler Strike: Union Violence and Administrative Law* (Regnery, 1961).

[31] 128 NLRB 1062 (1960).

[32] "Reward the Guilty," *Barrons* (Jan. 1965).

[33] 148 NLRB 1434 (1964).

[34] In *NLRB* v. *Purity Foods, Inc.*, 55 CCH Lab. Cas. ¶ 11896 at page 18952 (1st Cir. 1967), Judge Woodbury said after reviewing the testimony: "The Board's conclusion to the contrary flies in the face of reality." This is among the milder of the many critical references which circuit judges continue to make to NLRB findings. In *NLRB* v. *Getlan Iron Works, Inc.*, 55 CCH Lab. Cas. ¶ 11950 at page 19116 (2d Cir. 1967), Judge Feinberg said: "Because this is one of those instances where we find a lack of substantial evidence to support one of the Board's key findings, we decline to enforce the order to bargain and remand for further evidence." I doubt that Judge Feinberg could find any considerable number of other federal judges who share his confidence in the Board's fact-finding.

[35] Year after year numerous court of appeals decisions contain the following observation in one or another form: ". . . we have no hesitancy in saying that were we the fact finders we would have difficulty finding support for the charges of unfair labor practices." *NLRB* v. *Witbeck*, 56 CCH

Lab. Cas. ¶ 12148 (6th Cir. 1967). See also: *Int. Tel. & Tel.* v. *NLRB*, 56 CCH Lab. Cas. ¶ 12101 at page 19643 (3rd Cir. 1967); *NLRB* v. *Plymouth Cordage Co.*, 56 CCH Lab. Cas. ¶ 12135 (5th Cir. 1967); *NLRB* v. *Elco Corp.*, 55 CCH Lab. Cas. ¶ 11898 (9th Cir. 1967), where the court said: "Had this court been called upon to pass originally on the merits of this case, we might have disagreed with the ultimate conclusion of the Board."

[36] It took the NLRB fifteen years to bring the Mastro Plastics case to a conclusion. *Cf. NLRB* v. *Mastro Plastics Corp.*, 354 F. 2d 170 (2d Cir. 1965). The excuse proffered by this "expert" agency: a shortage of competent personnel.

[37] Quoted in *Rivers Mfg. Co.* v. *NLRB*, 55 CCH Lab. Cas. ¶ 11902 at pages 18977–78 (6th Cir. 1967).

[38] Ibid. at pages 18977, 18978.

[39] I believe it would be very instructive for the Subcommittee to undertake a comparison of the court decisions cited in note 12 with the NLRB decisions which they reviewed. I have done so and have been greatly impressed with the acumen, the intellectual flexibility, and the large-mindedness of the judges as compared with the contrary characteristics in the NLRB decisions or trial-examiner reports. But for the reviewing power of the federal courts, I am convinced that we should be experiencing in labor law today a succession of travesties of justice such as has not been seen heretofore in either England or America.

[40] 386 U.S. 612 (1967). I have discussed this case at length in 32 Law and Contemp. Prob. 319 (1967).

[41] Ibid. at pages 337 et seq.

[42] 386 U.S. at 650.

[43] Summers, American and European Labor Law: The Use and Usefulness of Foreign Experience, 15 Buffalo L. Rev. 210, 218 (1966).

[44] Cf. Maine. Popular Government 196 et seq. (1885); 1 Crosskey, Politics and the Constitution in the History of the United States 414–68 (1953).

[45] Pound, The Development of Constitutional Guarantees of Liberty 16, 23, 25, 32, 40 (1957).

[46] See the text, supra, at note 20.

S. ——

A bill to insure the separation of Federal powers by amending the National Labor Relations Act to provide for trial of unfair labor practice cases in the United States district court, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(d) of the National Labor Relations Act, as amended, is hereby repealed. This section shall take effect on the thirtieth day following the date of enactment of this Act.

SEC. 2. Section 4(a) of such Act is amended by striking out "and the General Counsel of the Board" in the first sentence; by striking out ", examiners," in the second sentence; and by striking out the fourth and sixth sentences.

SEC. 3. Section 8(b)(5) of such Act is amended to read as follows:

"(5) to require of employees covered by an agreement authorized under subsection (a)(3) the payment, as a condition precedent to becoming a member of such organization, of a fee in an amount which is excessive or discriminatory under the circumstances, considering, among other relevant factors, the practices and customs of labor organizations in the particular industry, and the wages currently paid to the employees affected;".

SEC. 4. Section 9(c)(2) of such Act is amended by striking out "section 10(c)" and inserting in lieu thereof "the provisions of section 10 in effect at the time the order was issued".

SEC. 5. Section 9(d) of such Act is amended to read as follows:

"(d) Whenever the validity of a certification of a bargaining representative by the Board under this section is in issue in a proceeding before a court under section 10, the clerk of the court shall notify the Board of that fact. Within fifteen days after the date such notice is received the Board shall file such certification, together with the record on which it was based, with the court."

SEC. 6. Section 10 of such Act is amended to read as follows:

"PREVENTION OF UNFAIR LABOR PRACTICES

"SEC. 10. (a) The district courts of the United States, the district court of the Virgin Islands, and the United States District Court for the District of the Canal Zone shall have jurisdiction, as provided in this section, to prevent any person from engaging in any unfair labor practice (listed in section 8) affecting commerce.

"(b) Any person aggrieved by any such unfair labor practice may, within six months after the date on which such unfair labor practice occurred, either (1) file and prosecute a complaint in any court specified in subsection (a) having jurisdiction of the parties, or (2) file a charge of such unfair labor practice with the United States attorney for the appropriate district and request him to file and prosecute such a complaint. Whenever a person aggrieved by an unfair labor practice is prevented by reason of service in the Armed Forces from filing a charge or complaint he may do so within six months after the date of his discharge.

"(c) Whenever a charge is filed with a United States attorney under this section, he shall promptly notify the person against whom such charge is made. Within a reasonable time thereafter, he shall file a complaint with the appropriate court and prosecute such complaint, in the name of and on behalf of the person who filed the charge, unless he determines that the charge is frivolous, or otherwise without basis in law or fact, in which case he shall promptly notify the parties of such determination. After receiving such notice, the charging party may file and prosecute a complaint under subsection (b) on his own initiative; and the period beginning with the date on which he filed the charge with the United States attorney, and ending with the date on which he received such notice, shall not be counted in determining whether the six-month period specified in subsection (b) has expired. The United States attorney shall give priority to charges of unfair labor practices within the meaning of paragraph (4) (B) or (C) of section 8(b) over all other unfair labor practice charges filed with him.

"(d) Proceedings under this section shall be tried by the court without a jury. The Federal Rules of Civil Procedure shall apply in each such proceeding, except as otherwise provided in this section. In any case in which the pleadings present issues of fact, the court may appoint a master and the order of reference may require the master to submit with his report a recommended order. The master shall be compensated by the United States at a rate to be fixed by the court, and shall be reimbursed by the United States for necessary expenses incurred in performing his duties under this section. Any court before which a proceeding is brought under this section shall advance such proceeding on the docket and expedite its disposition.

"(e) The court may grant such temporary relief or restraining order as it deems appropriate pending final disposition of any proceeding under this section, but only after publicly hearing testimony of witnesses (with opportunity for cross-examination) in support of the allegations of a complaint made under oath, and testimony in opposition thereto, if offered; and only after findings of fact by the court to the effect—

"(1) that one or more acts constituting an unfair labor practice have been committed and will be continued unless restrained;

"(2) that substantial and irreparable injury to the complainant will follow;

"(3) that as to each item of relief granted greater injury will be inflicted by the denial of relief than will be inflicted by the granting of relief; and

"(4) that complainant has no adequate remedy at law.

The Act of March 23, 1932, entitled 'An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes' shall not apply to any proceedings under this section, except that section 10 of such Act, providing for expeditious review of temporary injunctions, shall apply with respect to any temporary relief or restraining order issued under this section.

"(f) If the court finds that any person named in the complaint has engaged in or is engaging in any unfair labor practice as charged in the complaint, the court shall enjoin such person from engaging in such unfair labor practice, and shall order such person to take such affirmative action, including reinstatement of employees with or without back pay (but not including the payment of damages in any other form), as may be necessary to enforce compliance with the provisions of this Act which such person is found to have violated. Where an order directs reinstatement of an employee, back pay shall be required of the employer, or the labor organization, or both, in such proportion as the court shall assess responsibility for the discrimination suffered by him. No order of the court shall require the reinstatement of any individual as an employee who has been suspended or discharged, or the payment to him of any back pay, if such individual was suspended or discharged for cause. In determining whether a violation of section 8(a)(1) or section 8(a)(2) has occurred, the same rules of decision shall apply irrespective of whether the labor organization affected is affiliated with a labor organization national or international in scope.

"(g) For the purposes of this section courts shall be deemed to have jurisdiction of a labor organization (1) in the district in which such organization maintains its principal office, (2) in any district in which its officers or agents are engaged in promoting or protecting the interests of employee members, or (3) in any district in which the unfair labor practice is alleged to have occurred. The service of legal process upon such officer or agent shall constitute service upon the labor organization and make such organization a party to the suit."

SEC. 7. Section 11 of such Act is amended by striking out "and section 10" in the matter preceding paragraph (1); by striking out "or proceeded against" in the first sentence of paragraph (1); and by striking out "Complaints, orders." in paragraph (4) and inserting in lieu thereof "Orders".

SEC. 8. Section 14(c) of such Act is hereby repealed.

SEC. 9. (a) Any proceeding under section 10 of the National Labor Relations Act which is pending before the National Labor Relations Board on the date of enactment of this Act shall be continued by the Board if the hearing provided for in subsection (b) of such section, as in effect immediately prior to the enactment of this Act, has been completed, and if, within thirty days after the date of enactment of this Act the person aggrieved by the unfair labor practice in question requests the Board to continue the proceeding. Upon request of any such person, the appropriate United States attorney shall appear and represent such person in proceed-

ings under this subsection before the Board and the courts. The Board shall act in such proceeding, and its action may be enforced or reviewed by the courts, in the same manner and with the same effect as if this Act had not been enacted, except that—

(1) the person requesting continuation of the proceeding, or the appropriate United States attorney, shall be substituted for the General Counsel in proceedings before the Board;

(2) any enforcement proceeding under section 10(e) shall be instituted by the party seeking enforcement of the Board's order, or the appropriate United States attorney, and thereupon the Board shall certify and file in the court a transcript of the entire record in the proceedings;

(3) the Board shall not appear in any proceeding under section 10(e) or 10(f); and

(4) if the court orders additional evidence to be taken in any proceeding under section 10(e) or 10(f), it shall be taken before a master designated by the court; the master shall be compensated by the United States at a rate to be fixed by the court, and shall be reimbursed by the United States for necessary expenses incurred in performing such duties.

(b) Where the Board has issued an order under section 10 of the National Labor Relations Act before the date of enactment of this Act, a proceeding in court for the enforcement or review of such order may be instituted after such date in the same manner and with the same effect as though this Act had not been enacted, except that the provisions of paragraphs (2), (3), and (4) of subsection (a) of this section shall apply to such proceedings.

(c) Any proceeding under section 10 of the National Labor Relations Act which is pending in any court on the date of enactment of this Act shall be continued as if this Act had not been enacted, except that after the effective date of section 1 an attorney employed by the Board and designated by the Board for the purpose shall be substituted for the General Counsel.

(d) Where a charge of an unfair labor practice is pending before the National Labor Relations Board on the date of enactment of this Act, and the hearing provided for in section 10(b) of the National Labor Relations Act, as in effect immediately prior to the enactment of this Act, has not been completed, and the time limit provided for in section 10(b) of such Act, as amended by this Act, for filing a charge or complaint based on the same acts has expired, a charge or complaint may nevertheless be filed under such section at any time within thirty days after the date of enactment of this Act.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. TOWER. I yield to the Senator from North Carolina.

Mr. ERVIN. Mr. President, does the Senator from Texas agree with the Senator from North Carolina that section 7 of the Taft-Hartley Act was designed to give employees in our industries a freedom from coercion on the part of management and also a freedom from coercion on the part of unionism?

Mr. TOWER. The Senator is correct. That is my interpretation. And I think this is buttressed by the fact that section 14(b) of the Taft-Hartley Act afford permission and authorization to the States to enact so-called right-to-work laws which prohibit closed shops.

Mr. ERVIN. Mr. President, does not the Senator agree with the Senator from North Carolina that section 7 of the Taft-Hartley Act was intended to give an employee who happened to be a member of a union an absolute right to participate in union activities and also a freedom to refrain from so doing?

Mr. TOWER. That is my interpretation.

Mr. ERVIN. Mr. President, I will ask the Senator from Texas if the National Labor Relations Board in the first instance and the Supreme Court of the United States in the last instance by a divided vote in the Allis-Chalmers case did not absolutely nullify the provision of section 7 which undertook to secure the freedom of employees from union coercion?

Mr. TOWER. I believe the Senator is correct.

Mr. ERVIN. Did not that decision say that an employee could be penalized and punished by the union for exercising a right clearly given him by the Constitution of the United States?

Mr. TOWER. The eminent former jurist from North Carolina is absolutely correct.

Mr. ERVIN. I ask the Senator from Texas if he does not agree with the Senator from North Carolina that the labor law, as contained in the Wagner law and the Taft-Hartley Act and the Griffin-Landrum amendments of 1957, is not unique in that it denies every one of the 200 million Americans who may be injured by an unfair labor practice as defined in the law any remedy in the courts or before the National Labor Relations Board unless he can persuade the general counsel to file an unfair labor charge?

Mr. TOWER. That is absolutely correct.

Mr. ERVIN. No matter how much an individual may be injured by an unfair labor practice as defined in the law, he is denied all right to seek relief for himself, and the only way he can obtain any relief is to persuade general counsel to file an unfair labor practice charge in his behalf.

Mr. TOWER. The Senator is correct because an individual has no standing before them.

Mr. ERVIN. And that is a violation of the boasted principle of our law that there is no wrong without a remedy.

Mr. TOWER. The Senator is absolutely correct. That is a clear denial of due process.

Mr. ERVIN. Mr. President, as I understand the Senator's remarks and the exhibits he offers it is the Senator's purpose to amend the present law so as to provide that Federal courts shall have jurisdiction of the trial of cases involving unfair labor practice charges.

Mr. TOWER. The Senator is absolutely correct. What it would do actually would be to restore to the courts the jurisdiction the courts possessed prior to the enactment of the law establishing the National Labor Relations Board.

Mr. ERVIN. Mr. President, the Federal courts were denied a large part of their equity jurisdiction in labor cases by what is called the Norris-LaGuardia Act on the theory that there should be an end to government by injunction.

Mr. TOWER. The Senator is correct.

Mr. ERVIN. And at the time of passage of the Norris-LaGuardia Act, we had no legislation from Congress defining what are and what are not unfair labor practices.

Mr. TOWER. Would the Senator kindly repeat that? I did not hear him.

Mr. ERVIN. The Norris-LaGuardia Act was passed before the Wagner Act and before there was any congressional legislation defining what constituted unfair labor practices. Is that not correct?

Mr. TOWER. The Senator is absolutely correct.

Mr. ERVIN. Would not the Senator from Texas agree with the Senator from North Carolina that the great outcry which preceded the passage of the Norris-LaGuardia Act and resulted in its passage was that the judges were, in effect, manufacturing law because the things that people were punished for in those days with respect to violations of injunctions were orders made by Federal judges without the guidance of congressional enactment?

Mr. TOWER. If I remember my history correctly, the Senator is absolutely right.

Mr. ERVIN. Since that time we have had passage of labor legislation embodied in the Wagner Act, the Taft-Hartley Act, and in the Griffin-Landrum amendments of 1957. And the legislation now in existence defines what acts or omissions constitute unfair labor practices.

Mr. TOWER. I agree. I concur that there is now and has been enacted since the Norris-LaGuardia Act a substantial corpus of law on labor policy. I do not think that anyone can make the charge that the court would be placed in the position of legislating.

Mr. ERVIN. That is the point I was trying to make. The bill of the Senator would be designed to put the enforcement of these provisions of labor law defining unfair labor practices within the jurisdiction of the Federal courts and the Federal courts would be permitted to try the cases.

Mr. TOWER. The Senator is correct. It would not change the substance of existing law, but would simply change the jurisdiction of the National Labor Relations Board to the Federal district court.

Mr. ERVIN. And in view of the fact that these labor practices are now defined by Federal law, the conditions which existed prior to the Norris-LaGuardia Act or in the days of government by injunction, no longer exist.

Mr. TOWER. The Senator is correct.

Mr. ERVIN. Can the Senator from Texas think of any reason why a Federal judge is not as competent to try a case involving a question whether an unfair labor practice has been committed in violation of an act of Congress as he is to try any other case based on an act of Congress?

Mr. TOWER. As I said earlier in my remarks, I can see no reason why an unfair labor practice could be singled out as requiring expertise by judges when judges are called upon to pass upon all manner of technical questions.

Mr. ERVIN. Mr. President, on page 3 of the proposed bill, it provides beginning on line 8:

Any person aggrieved by any such unfair labor practice may, within 6 months after the date on which such unfair labor practice occurred . . . file and prosecute a complaint in any court specified in subsection (a) having jurisdiction of the parties . . .

As I construe that provision of the proposed bill, it would restore to all Americans the right to go into court and protect themselves against unfair labor practices as defined by the acts of Congress.

Mr. TOWER. The Senator is correct.

Mr. ERVIN. And they would no longer be denied any relief for the injuries they suffer because of the refusal of the General Counsel to act.

Mr. TOWER. The Senator is correct. I do not see how anyone could oppose this legislation because it affords greater protection for a greater number of people.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ERVIN. Mr. President, I thank the Senator.

I ask unanimous consent that I may proceed for 1 additional minute.

The PRESIDING OFFICER. The Senator is recognized.

Mr. ERVIN. Mr. President, I think the Senator's proposed bill merits the most serious study by Congress.

Mr. TOWER. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I wish to thank my distinguished friend from North Carolina for adding so much to the dialog on this question with regard to taking the jurisdiction of unfair labor practice cases away from the NLRB and putting it in the district courts. The distinguished Senator from North Carolina is a jurist with a wide background and great experience in labor law, and he has added greatly to what I consider to be the extremely cogent arguments for the enactment of this legislation.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the time of the Senator from Texas may be extended for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. TOWER. I yield.

Mr. GRIFFIN. Mr. President, I wish to commend the Senator from Texas for making a very important statement this morning and focusing attention upon the need to do something about the National Labor Relations Board, an agency of Government, of which the junior Senator from Michigan has been critical for a long time. Let me add that I have been critical of the Board under Republican as well as Democratic administrations.

This agency of Government, over the years, has been too much subjected to political and other pressures as is seeks to perform what is essentially a judicial function. The terms of the Board members are short; in too many instances they have not been selected because of legal or judicial qualification. As a result, such study as I have given to this subject over the years indicates to me that, generally speaking, the NLRB has not operated as a court or judicial body, as it should.

As the Senator from Texas knows, over a number of years I have introduced legislation which would abolish the National Labor Relations Board and set up in its place a U.S. Labor Court patterned after the U.S. Tax Court.

For various reasons which I do not have time to discuss this morning, I would prefer the reform route which I have proposed. However, I should like to indicate to the Senator from Texas that his proposal is certainly preferable to what we have now. And if a choice were to be made between continuing the present system or adopting his suggestion, I would certainly favor the proposal of the Senator from Texas.

I would suggest for a number of reasons that it would be well for committee consideration to be given to both reform proposals: The one offered by the Senator from Texas and the one offered by the Junior Senator from Michigan.

Again, I commend the Senator from Texas for his initiative and his discussion of this very important subject.

Mr. TOWER. Mr. President, I thank the distinguished Senator from Michigan, who is the author of some of the most significant labor legislation on the statute books today. I also express to him that I am openminded enough on the subject to be able to consider more than one approach. I thank the Senator.

Mr. President, I yield the floor.

THE PHILIPPINES—A REPORT FROM THE GENERAL ACCOUNTING OFFICE

Mr. SYMINGTON. Mr. President, last September and October the Subcommittee of the Foreign Relations Committee on U.S. Security Agreements and Commitments Abroad, which I have the honor to chair, held executive hearings on U.S. security agreements and commitments in the Philippines.

After some discussion with the Department of State, it was agreed that a censored version of these hearings would be published, but not released until after the Philippine elections in November.

This was done in order to avoid any possibility that these hearings might in any way affect the outcome of those elections.

In the course of the hearings, the subcommittee had occasion to inquire into the Philippine Civic Action Group in Vietnam, or PHILCAG as it is popularly known; and it was brought out that the PHILCAG's maximum strength had been 2,200. By the time of the hearings however, that number had been reduced to approximately 1,500.

It was also brought out that total Philippine casualties in Vietnam had amounted to eight killed and 17 wounded. The PHILCAG force has since been withdrawn from Vietnam.

It was also brought out, in sworn testimony, that the President of the Philippines accepted from the United States the "equipment for PHILCAG and the special overseas allowance for PHILCAG over and above their regular pay," and a table was furnished the subcommittee which showed that this special overseas allowance paid by the United States ranged from $210 a month for a brigadier general to $33 a month for a private.

In all, the total costs of PHILCAG to the United States were listed as $38.8 million, including supplies furnished in Vietnam as well as those "special allowances."

After the subcommittee's hearings were published, the Philippine presidential press office issued a statement, as reported in the U.S. press of November 19 and 20, which said:

> The Philippines has received no fee nor payments of "any kind" in support of the PHILCAG, or its personnel, nor has there been any grant given in consideration of sending the PHILCAG to Vietnam.

This statement raised a clear and unavoidable question as to whether the U.S. officials who had testified under oath before the subcommittee were guilty of perjury; and in fairness to these officials, we felt we had to pursue the matter further. We, therefore, wrote to the Comptroller General on November 26, asking him to make a detailed study of the payments that had been discussed before the subcommittee.

On February 19, we received an interim report from the Comptroller General classified secret; and we have now received a further unclassified report from him which is based on information obtained by him from unclassified sources.

I ask unanimous consent that our letter to the Comptroller General of November 26 and his letter of March 21 be printed in the RECORD at the conclusion of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. SYMINGTON. Mr. President, let us at this time note five points:

First. The Comptroller General confirms that the "quid pro quo" assistance given to the Philippine Government was substantially as described before the subcommittee.

Second. Other forms of military and economic assistance to the Philippine Government were increased during the period of the PHILCAG commitment to Vietnam.

Third. The United States made quarterly payments to the Secretary of National Defense of the Philippines. Most of these were in the form of U.S. Treasury dollar checks, endorsed with a signature which appears to be that of Ernesto S. Mata, the Philippine Secretary of National Defense, and which were deposited in the Philippine Veteran's Bank, usually the Camp Aguinaldo branch. We have photostatic copies of some of these checks.

Fourth. The Comptroller General was unable to determine whether the PHILCAG troops actually received the per diem and overseas allowances which were used to compute the U.S. quarterly payments to the Philippines. The Comptroller General also reports that "no information was required of, or received from, the Philippine Government on the disposition of these funds paid to them by the United States."

Fifth. Finally, the Comptroller General reports that his delay from November to March in responding to our in-

quiry was due to the fact that his work was "seriously hampered and delayed by the reluctance" of the Departments of State and Defense to give him access to the documents, papers, and records which he considered pertinent.

Mr. President, our correspondence with the Comptroller General speaks for itself. We only want to add that it is almost inconceivable the U.S. Government would get itself into a position where it pays money to foreign governments, or anybody else, without requiring information on the disposition of those funds, and also in a position where it refuses to furnish information about expenditures to the Comptroller General, who is an agent of the Congress which, in turn, holds, or at least is supposed to hold the purse strings on all U.S. expenditures.

EXHIBIT 1

NOVEMBER 26, 1969.

Hon. ELMER B. STAATS,
Comptroller General of the United States,
General Accounting Office,
Washington, D.C.

DEAR MR. STAATS: In the course of the hearings held by the Subcommittee on U.S. Security Agreements and Commitments Abroad on October 2, 1969, Mr. James M. Wilson, Jr., Deputy Chief of Mission of the United States Embassy in Manila testified under oath that "President Marcos accepted (from the United States) as directly related to PHILCAG . . . the equipment for PHILCAG and the special overseas allowance for PHILCAG over and above their regular pay." (page 255) In support of Mr. Wilson's statement, the Department of Defense provided the Subcommittee a table detailing "additional allowances paid by the United States to PHILCAG" (page 265) and a listing of financial and material support of PHILCAG given by the United States which totalled "in the neighborhood of $36 million." (p. 278).

In his prepared statement filed with the Subcommittee and printed in the Subcommittee record, Mr. Wilson detailed assistance to the Philippines in connection with PHILCAG totalling $38,809,661 (p. 358).

On November 20, 1969, the press carried the enclosed story which contains the following paragraph:

" 'The Philippines has received no fee or payment of any kind for the Philcag or its personnel nor has there been any grant in consideration for the sending of Philcag to Viet Nam,' a Presidential spokesman said in an official statement."

In light of the testimony given the Subcommittee and the above mentioned statement, reportedly made by a spokesman for the Philippine President Ferdinand Marcos, we request that your organization make a detailed study of the payments discussed by Mr. Wilson and determine the factors relevant to their disposition by U.S. Government officials.

Sincerely,

STUART SYMINGTON,
Chairman, Subcommittee on U.S. Security Agreements and Commitments Abroad.

EXHIBIT 2

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., March 21, 1970.

Hon. STUART SYMINGTON,
Chairman, Subcommittee on U.S. Security Agreements and Commitments Abroad, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: We have completed our review which was undertaken pursuant to your letter request of November 26, 1969, to make a study of the payments made to the Government of the Republic of the Philippines by the Government of the United States in support of the Philippine Civic Action Group (PHILCAG) in Vietnam. After the receipt of your letter we met with the staff of your Subcommittee and it was agreed that we would direct our study to (1) payments for the cost of per diem and overseas allowances of PHILCAG personnel in Vietnam, (2) material and logistical support provided to PHILCAG by the United States Military Assistance Command in Vietnam, and (3) related material assistance given to military units in the Philippines.

We are now in the process of completing our final report which will be issued to you after it has been reviewed for security classification by the Departments of State and Defense. The information in this letter has been obtained from unclassified sources.

In summary, our report will show that we have verified the information contained in our interim report of February 19, 1970, and that the quid pro quo assistance given to the Philippine Government, which was service funded, was substantially as described by Mr. James M. Wilson, Jr., Deputy Chief of Mission, U.S. Embassy, Manila, in his testimony before your Subcommittee. This assistance consisted of approximately $35 million of equipment and logistical support and about $3.6 of direct payments to the Government of the Philippines. Due to incomplete Department of Defense documentation, we were able to verify only about $31 million of this amount; however from the evidence we feel that the actual cost was probably closer to the amount stated by Mr. Wilson. We also found evidence that other forms of United States assistance to the Philippine Government, such as military and economic aid funded under the Foreign Assistance Act, were increased during the period of the PHILCAG commitment to Vietnam.

The $3.6 million of funds included in the assistance was appropriated by the United States Congress for the Department of Defense and paid to the Philippine Government in quarterly payments between October 1966 and October 1969. One additional payment was made in January 1970. These quarterly payments were made by United States Treasury dollar checks payable to the Secretary of National Defense of the Philippines. Most of the checks were endorsed with a signature which appears to be that of Ernesto S. Mata, who is the Secretary of National Defense. The canceled checks show that they were deposited in the Philippine Veteran's Bank, usually the Camp Aguinaldo Branch. Attached is a photostatic copy of the front and back of one of the canceled checks [not shown in RECORD].

We were unable to ascertain whether the Philcag troops received the per diem and overseas allowances as shown in the following schedule of daily rates which was used to compute the amount of the quarterly payment by the United States:

Brigadier general	$7.00
Colonel	6.50
Lieutenant colonel	6.00
Major	5.50
Captain	5.00
First lieutenant	4.50
Second lieutenant	4.00
Master sergeant/first sergeant	2.50
Technical sergeant/staff sergeant	2.00
Sergeant	1.50
Corporal	1.20
Private first class/private	1.10

Our inquiries into this matter were confined to United States sources and disclosed that no information was required of or received from the Philippine Government on the disposition of the funds paid to them by the United States.

We regret that we were not able to give you a report on our study in a more timely manner; however, the delay could not have been avoided by us because of the time-consuming screening process exercised by the Departments of State and Defense before making records available for our examination. Our work was seriously hampered and delayed by the reluctance of the Departments to give us access to the documents, papers, and records which we considered pertinent to our review. Generally, we were given access to only those documents, papers, and records which we were able to specifically identify and request, and then only after time-consuming screening at various levels within the Departments. While we have been able to obtain sufficient information upon which to base our final report to you, we are not certain that we have the full story. In view of the restricted access to records there is the possibility that the agencies may have withheld information which is pertainent to our study.

As part of our continuing reviews of the foreign assistance programs we plan to make a more detailed review of the United States assistance to the Philippine Government, and we will report to the Congress on the results of this review in our usual manner.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

SENATE RESOLUTION 376—SUBMISSION OF A RESOLUTION RELATING TO CANCER RESEARCH

Mr. YARBOROUGH. Mr. President, for myself and Senators ALLEN, BAYH, BIBLE, BROOKE, BURDICK, BYRD of West Virginia, CANNON, CASE, CHURCH, CRANSTON, EAGLETON, ERVIN, FONG, FULBRIGHT, GOLDWATER, GOODELL, HARRIS, HART, HARTKE, HOLLINGS, HUGHES, INOUYE, JACKSON, JAVITS, KENNEDY, MAGNUSON, MANSFIELD, MCGOVERN, MCINTYRE, METCALF, MONDALE, MOSS, MURPHY, MUSKIE, NELSON, PACKWOOD, PASTORE, PELL, PROUTY, PROXMIRE, RANDOLPH, SCHWEIKER, SMITH of Maine, SPARKMAN, WILLIAMS of New Jersey, and YOUNG of Ohio, I submit a Senate resolution and ask that it be referred to the appropriate committee.

I ask unanimous consent that the resolution may be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. ALLEN). The resolution will be received and appropriately referred; and, without objection, will be printed in the RECORD as requested.

Mr. YARBOROUGH. This resolution has the massive support of Members of this body, including the present occupant of the chair (Mr. ALLEN), the majority leader, the Senator from West Virginia—and I want to refer in a minute to the former Senator from West Virginia, Senator Neely, who suffered from cancer—we feel the resolution will be adopted. Preparation of many months has gone into the resolution.

THE NEED FOR AN INVESTIGATION OF THE CAUSES AND CURES OF CANCER

Mr. President, a medical dictionary defines cancer, which comes from the Latin word meaning crab, as "a progressive growth of tissue not adequately controlled by restraining forces within an individual's body, proceeding without regard to the needs of the body, leading ultimately, if unchecked, to the destruction of the individual in which it arose."

I prefer a more vivid definition of cancer given on the floor of the U.S. Senate more than 40 years ago by the late Senator Matt Neely, of West Virginia, who died in 1958 of the very disease he had been fighting legislatively for more than three decades.

Referring to the description by Charles Dickens in "A Tale of Two Cities" of the horrors of the guillotine in revolutionary France, Matt Neely on May 18, 1928, stood in the well of the Senate and uttered these prophetic words:

I propose to speak of a monster that is more insatiate than the guillotine; more irresistible than the mightiest army that ever marched to battle; more terrifying than any other scourge that has ever threatened the existence of the human race. The name of this loathsome, deadly and insatiate monster is cancer. It is older than the human race. Evidence of cancer has been found in the fossil remains of a serpent that is supposed to have lived millions of years ago. Records made on papyri by the ancient Egyptians show that the cancer curse was known in the valley of the Nile more than 2,000 years before the birth of Christ.

At that time, Senator Neely noted that cancer took 125,000 lives annually. He warned the Senate that the annual toll from cancer would rise appreciably unless a major medical research offensive was mounted against it. Today, as we note the 320,000 lives lost to cancer each year, we realize the wisdom of Senator Neely's words.

I well recall the day I was sworn into this body, on the 29th day of April 1957, Matt Neely was brought to the Chamber in a wheel chair. He wanted to be here for that occasion. He was a friend of mine.

The rise in the incidence of cancer in the United States has reached epidemic proportions, according to a 1968 report from the National Advisory Cancer Council.

Last year, cancer killed more than 300,000 Americans. This vicious disease, which has cursed the family of man since the beginning of recorded history, strikes down one man, woman, or child every 2 minutes.

In 1968, cancer was the cause of 16 percent of all deaths in the United States; by way of comparison, in 1900 cancer was responsible for less than 4 percent of all deaths in this country. Of course, much of this increased mortality is due to the lengthened lifespan of the average American—many more of our people now survive the dread infectious killers of an earlier age, only to succumb to cancer in later years. But it is important to note that cancer is not just a disease of old age. About 45 percent of all of our people who die from cancer are under 65 years of age, with 10 percent of these under the age of 45.

According to a recent scientific report from the National Cancer Institute, unless we find new cures for the major forms of cancer the incidence of this disease in our population will more than double by 1985. The alarming nature of this projected rise can only be fully appreciated when one realizes that over 50,000,000 of our present population will get cancer, and 33,000,000 will die of it unless new cures are found.

As a nation, we are rightfully disturbed by our manpower losses in times of war. However, these losses are only a fraction of the toll exacted each year by mankind's most relentless foe—cancer. For example, in one year cancer kills more Americans than all of our military deaths during the 4 years of World War II. Last year, cancer killed more than 30 times the number of boys who lost their lives in combat in Vietnam.

As for our veterans, more than 5 million will be either hospitalized, or entitled to hospitalization, for cancer in the course of their civilian lives. If 80 percent of these veterans receive full hospital care from the Veterans' Administration, the cost to the taxpayer will approximate $3.4 billion.

The cost of cancer to our economy and its people is staggering. Four years ago, a Presidential commission came up with a minimum loss estimate of $8 billion. Losses in productivity and earning capacity are astounding—in the age group 25 to 64 alone, 100,000 man-years of productivity is multiplied by the working lifespan of the average American, the $8 billion estimated loss is seen as conservative.

As a people, we have not been totally indifferent to the menace of cancer but, by the same token, we have not made the conquest of it a national goal.

In 1937, the Congress established the National Cancer Institute, but during the first two decades of its existence it did not give it the funds necessary to mount a research program commensurate with the size of the problem. In the late 1950's and early 1960's, the Congress did vote considerably accelerated funds to the National Cancer Institute; however, during the past 3 years the NCI budget has been barely sufficient to maintain the status quo in the face of rising research costs. In very simple terms, this kind of holding operation in the face of rising research costs and increased demands for the training of new investigators results in an actual cut of 10 to 15 percent in ongoing programs.

The Federal Government is spending less than $200 million a year on finding cures for cancer. This expenditure averages out to about $4 per year for each potential cancer victim. It is less than the sum spent each year by the Research Service of the Department of Agriculture. It is equal to the sum we Americans spend each year for ballpoint pens, and far less than the $358 million we spend each year for chewing gum.

However, even with the comparatively small sums we have spent over the past 30 years against cancer, some remarkable successes have been achieved. Thirty years ago, the chief cause of cancer death in women was cancer of the uterus. In subsequent years, due to improved diagnosis—the Pap smear—and early surgical intervention, the death rate from this once major form of cancer has dropped by more than 50 percent. In addition, due to the more recent developments in drug therapy, there have been smaller but perceptible drops in the death rates from leukemia—a devastating illness among young children—and from Hodgkin's disease.

Overall, where early treatment is instituted, the ratio of cancer patients being saved is about 1 in every 3, as against a ratio of only 1 in every 5 at the time the National Cancer Institute was established in 1937. It is important to recognize that this represents a gain in lives of about 50,000 men and women each year.

However, our successes to date have been too sporadic, and have been limited to only a few kinds of cancer. We have made little progress against the slow-growing tumors which now claim an increasing number of American lives. For example, one-half of cancer deaths last year were due to malignancies too difficult to diagnose and almost impossible to cure—cancers of the lung, stomach, prostate, colon, and rectum.

In November of last year, National Cancer Institute scientists predicted that they could achieve chemical control of these slow-growing tumors in as little as 5 years if they were given sharply increased financial support. Under this year's budget and the one recommended for the coming year, no progress is possible toward that goal.

Furthermore, there is far from sufficient money available to exploit the tremendous scientific push toward a discovery of the relationship between viruses and various forms of human cancer. Over the past several years, distinguished cancer researchers in many parts of the country have published their findings suggesting a causal relationship between viruses and cancer. The establishment of such a relationship could lead to the development of one or more vaccines against major forms of cancer. As an example of the new hope in this area, I quote from a long article on the subject which appeared in this January's issue of the medical publication, Family Health:

Scientists may be on the verge of attaining one of the most sought-after goals in medicine—control of cancer.

It could take the form of vaccines to prevent specific malignant diseases, such as leukemia and cervical cancer. The first steps toward an experimental vaccine are being taken, and human testing on a small scale could start as early as 1973, if everything goes perfectly.

Or cancer control could come from a single injection designed to prevent all forms of the disease. This approach is considerably more controversial than the specific vaccines, but in the opinion of some cancer researchers, it is the real solution to the problem.

The key to both possibilities is the link between viruses and human cancer . . .

As a nation, we cannot afford business-as-usual budgets in the battle to conquer cancer.

Ten years ago, under the chairmanship of Senator Lister Hill, I heard leading cancer research experts of the Nation testify before the Senate Health Subcommittee, that with appropriations of $1 billion a year for 10 years, we could find the cause of and cure for cancer. The appropriations have not been made, although that total cost would be only one-tenth of the hundred billion dollars we have spent in Southeast Asia in that 10-year period. It is time, past time, for

scientifically educated America to find the cause and cure of cancer.

Under the authority of the resolution which I am today introducing, I plan the establishment of a Committee of Consultants on the Conquest of Cancer to make a study and report their findings and recommendations to the Committee on Labor and Public Welfare. I can assure the Senate that this Committee will be composed of some of the Nation's most distinguished scientists and lay leaders who have dedicated their lives to the eventual conquest of cancer. Over the past few months, I have been discussing this mission with some of these outstanding Americans, and their response has been overwhelmingly and enthusiastically favorable.

As I see it and as they see it, the Committee of Consultants would have two primary tasks: First, to examine the adequacy and effectiveness of the present level of both governmental and nongovernmental support of cancer research, and second, to recommend to Congress and to the American people what must be done to achieve cures for the major forms of cancer by 1976—the 200th anniversary of the founding of this great Republic. It should be free to make recommendations in the fields of research, training, financing, and administration, with particular attention directed toward the creation of a new administrative agency which would guarantee that the conquest of cancer becomes a highly visible national goal.

There is a strong precedent for this kind of advisory committee in the work of my predecessor as chairman of this committee, Senator Lister Hill. In 1959 he proposed, and the full Committee on Appropriations unanimously agreed, that is should establish a Committee of Consultants on Medical Research "to determine whether the funds provided by the Government for research in dread diseases are sufficient and efficiently spent in the best interests of the research for which they are designated."

The chairman of the Committee of Consultants was Mr. Boisfeuillet Jones, a distinguished lawyer who was then vice president for health services at Emory University. Its 12 members included a number of distinguished scientists, but it also included several industrialists of the caliber of Gen. David Sarnoff, the chairman of the board of the Radio Corp. of America. Its report, made to the Senate Appropriations Committee in formal hearings in May of 1960, has had an enormous positive impact on the structure and progress of the general research effort conducted by the National Institutes of Health.

It is my deep-seated conviction that the time is long overdue for the setting up of a comparable nongovernmental committee in the complex field of cancer. I think all of us in the Senate need, and would benefit tremendously from, the considered judgments of such a group. Individually, we do not have the time to look into these intricate issues, but this is no excuse for postponing action.

Every 2 minutes, the clock ticks and every 2 minutes an American dies of cancer. We are a great and powerful nation and we have it within our power to end this slaughter.

Let us get on with the job.

Mr. President, I yield the floor.

The resolution (S. Res. 376), which reads as follows, was referred to the Committee on Labor and Public Welfare:

S. RES. 376

Resolved, That the Committee on Labor and Public Welfare, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to (1) the present status and extent of scientific research conducted by governmental and nongovernmental agencies to ascertain the causes and develop means for the treatment, cure, and elimination of cancer, (2) the prospect for success in such endeavors, and (3) means and measures necessary or desirable to facilitate success in such endeavors at the earliest possible time.

SEC. 2. For the purposes of this resolution, the committee, from February 1, 1970, to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided*, That the minority is authorized to select one person for appointment, and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; (3) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government; and (4) establish and defray the expenses of such advisory committees as it deems advisable.

SEC. 3. The committee shall report its findings, together with its recommendations for such legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 1971.

SEC. 4. Expenses of the committee under this resolution, which shall not exceed $250,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. JACKSON. Mr. President, I have joined as a cosponsor of the resolution introduced today by Senator YARBOROUGH, authorizing the Committee on Labor and Public Welfare to study research activities conducted to ascertain the causes and develop cures to eliminate cancer.

I have been a longtime supporter of appropriations for cancer research and I believe that we must do all we can to combat this viscious killer.

Cancer continues to be the second major cause of death in this country and it is estimated that there will be 625,000 new cases during 1970.

Tremendous progress has been made in the treatment of cancer as a result of research conducted and supported by the National Cancer Institute. One such program has been the cancer chemotherapy program. Treatment with chemotherapeutic agents has lengthened the survival of acute leukemic patients. The number of acute leukemic patients who have been free of evidence of disease for 5 or more years has now risen to well over 200 identified cases. No such cases were known only two decades ago.

The importance of this research is underlined by a letter which I received recently from Patrick Baumgardner, a 19-year-old from Tacoma, Wash. Patrick is a courageous young man who is suffering from leukemia. I ask unanimous consent that his letter be printed in the RECORD as a part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARCH 5, 1970.

DEAR SENATOR JACKSON: I am 19 years old and have recently contacted the cancer of the blood known as Leukemia. God has been good to me, and I am now in a remission stage. I pray every day a cure will be found for my disease and all forms of cancer.

Oh, please do all you can do to influence your fellow congressmen to *PUSH* the cancer program and it's appropriations in Congress. You just can't understand the agony of cancer until you come in contact with this killer personally. Mr. Jackson, I love life—help me hold on to it as long as I can. Please! Who knows—you may be next. Remember, "One in every four of us will develop cancer!"

Sincerely yours,

PATRICK BAUMGARDNER.

Mr. JACKSON. Although the Senate voted to increase the appropriations for the National Cancer Institute, the institute is funded at less than $200 million for fiscal 1970. The resolution which has been introduced today will establish a Committee of Consultants to examine the adequacy and effectiveness of this support of cancer research and make recommendations as to what must be done in the future.

I believe that we must conquer cancer and we must do it now. It is my hope that we can, through an increasing research effort, provide the answers to the many questions that still exist about cancer and its cures. And I hope that we can do this soon, to help those like Patrick Baumgardner who have already been stricken.

NOMINATION OF JUDGE CARSWELL TO THE SUPREME COURT

Mr. JACKSON. Mr. President, I intend to vote against the nomination of Judge Carswell to the Supreme Court. There is much at stake in the Senate's decision on this matter and I wish the record to be clear as to my position.

Mr. President, let me comment first about the standards that apply when the Senate considers nominations to the Supreme Court. Last year, when the Senate was debating a controversial Cabinet nomination, I argued that the President was entitled to wide latitude in the selection of his Cabinet. I took the position that the President, not the Senate, sets the standards of competence and qualification for his Cabinet. These are the President's men and, barring some extraordinary deficiency, he is entitled to exercise the Executive responsibility with men of his own choosing. If the voters

are unhappy with his selection, their voice will be heard at the next election.

This deference to Presidential choice is not, however, the standard to be applied when the Senate is asked to advise and consent to Supreme Court nominations for life tenure. These are not men who serve at the President's pleasure or execute his programs. They are members of a powerful tribunal, wielding influence far beyond the reach of any President. Their power stems from the Constitution, not from the Office of the Chief Executive.

Mr. President, it is not enough in this day and age that a nominee to the Supreme Court simply meet certain minimum standards. This is the only Supreme Court we have. If there was ever any doubt, the past two decades have shown what a dramatic and decisive role it plays in our life. Case after case presents the Court with critical issues. Decision after decision has far-reaching implications and enormous impact on every facet of our society.

The intellectual demands on the nine Justices of the Supreme Court are staggering. No army of law clerks, no array of legal treatises will substitute if a man is not equipped to meet this challenge. The standards to be applied to prospective members of this Court must be set with these facts in mind. They must be set high, and the burden is on the proponents of a nomination to show that the nominee in question is eminently qualified to serve on the highest court of the land.

This burden has not been met in the case of Judge Carswell's nomination. My colleagues on the Judiciary Committee have amply demonstrated his lack of qualification, and I need not belabor the points they have already made. The fact is that Judge Carswell's record nowhere reflects the professional competence, the openmindedness, the ability to make the difficult decisions, that we have a right to expect from a nominee to the Supreme Court. I think it is quite clear that he has been unable to separate his personal views on the matter of race from his obligation to uphold the Constitution and law of the land embodied in the decisions of its highest courts.

Tempting as it must have been to argue, no Senator—even among Judge Carswell's ardent supporters—has placed on record the view that he is brilliant or exceptional. The expressed hope of some Senators that he will rise to the occasion on his appointment to the Supreme Court leaves little doubt about the level he presently occupies.

We are told that the President wants to nominate a southerner and a so-called strict constructionist to the Supreme Court. Whether or not this description fits Judge Carswell is open to question. But there are others, both southern and conservative in their approach to the judicial function, whose qualifications to serve on this Court are beyond doubt. The issue is not philosophy—the issue is competence. And in stressing competence, I include in that term the ability to decide cases irrespective of personal preference.

Mr. President, I have voted for the Supreme Court nominees of the last four Presidents, starting with Chief Justice Warren in 1953 and continuing up to Chief Justice Burger in 1969. These men have come before the Senate with distinguished records at the bar, on the bench, or in high public office. They have been liberals and conservatives, activists, and strict constructionists. They were presented to the Senate as men of proven ability and intellectual capacity who, regardless of their personal philosophies, would contribute to the effective functioning of the Supreme Court. This last point is not without significance. We have an obligation to nominate those who are equal to the challenge of the work and equipped to share the burdens with their colleagues.

People all over America look to the Supreme Court as the protector of our civil and constitutional rights and liberties. Many of our citizens are strengthened in their resolve to seek peacefully the civil rights and liberties guaranteed to all Americans by the determination of the Supreme Court to hear their case, and to respond with decisions reflecting the justice and humanity of the Constitution. The Court has demonstrated that justice can be obtained by law rather than lawlessness; by judicial decision rather than destruction; by reason rather than revolution; by tribunals and not by terror.

The Supreme Court is the central instrument for the protection of the few—be it one man or many millions. I cannot vote to confirm as Justice a man who does not inspire my full confidence that he is a detached, unprejudiced, and judicious judge.

Mr. President, I have reviewed with care the hearings, the reports, and the comments of many Senators and others qualified to have a view on this matter. It is clear to me that the case for Judge Carswell is weak. His qualifications for the Court are meager and the nomination should not be confirmed.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. METCALF):

A resolution adopted by the city council of Philadelphia, Pa., praying for action relative to ending the war in Vietnam; to the Committee on Foreign Relations.

A resolution adopted by the Laguna Hills Republican Club, of Laguna Hills, Calif., extending its condolences on the death of Hon. James B. Utt, late a Representative from the State of California; ordered to lie on the table.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. TYDINGS, from the Committee on the District of Columbia, with an amendment:

S. 3313. A bill to exempt Federal Housing Administration and Veterans' Administration mortgages and loans from the interest and usury laws of the District of Columbia, and for other purposes (Rept. No. 91-750).

AMENDMENT OF COMMUNICATIONS ACT OF 1934 RELATING TO EQUAL-TIME REQUIREMENTS FOR CANDIDATES FOR PUBLIC OFFICE—REPORT OF A COMMITTEE (S. REPT. NO. 91-751)

Mr. PASTORE, from the Committee on Commerce, reported an original bill (S. 3637) to amend section 315 of the Communications Act of 1934 with respect to equal-time requirements for candidates for public office, and for other purposes, and submitted a report thereon, which bill was placed on the calendar and the report was ordered to be printed.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. PACKWOOD:

S. 3632. A bill to amend the Internal Revenue Code of 1954 to limit the number of personal exemptions allowable for children of a taxpayer who are born after 1972; to the Committee on Finance.

(The remarks of Mr. PACKWOOD when he introduced the bill appear earlier in the RECORD under the appropriate heading.)

By Mr. PROUTY:

S. 3633. A bill for the relief of Yosef Pincu; to the Committee on the Judiciary.

By Mr. PELL:

S. 3634. A bill to amend the Public Health Service Act to provide for the conduct of a systems analysis of alternative national health care plans, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. PELL when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. PASTORE (by request):

S. 3635. A bill to amend the Communications Act of 1934 to provide for the regulation of community antenna television systems; to the Committee on Commerce.

(The remarks of Mr. PASTORE when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. JAVITS (for himself and Mr. DOMINICK):

S. 3636. A bill to extend and amend the Higher Education Act of 1965, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. JAVITS when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. PASTORE:

S. 3637. A bill to amend section 315 of the Communications Act of 1934 with respect to equal-time requirements for candidates for public office, and for other purposes; placed on the calendar.

By Mr. FONG:

S. 3638. A bill for the relief of Elpidio D. Ybarzabal, Jr.; to the Committee on the Judiciary.

By Mr. SPARKMAN (for himself and Mr. BENNETT):

S. 3639. A bill to increase the supply of decent housing and to consolidate, extend and improve laws relating to housing and urban renewal and development; to the Committee on Banking and Currency.

(The remarks of Mr. SPARKMAN when he introduced the bill appear later in the RECORD under the appropriate heading.

By Mr. SPARKMAN (for himself and Mr. MUSKIE):

S. 3640. A bill to provide for the development of a national urban growth policy, and

to encourage and support the rational, orderly, efficient, and economic growth and development of our States, metropolitan areas, cities, counties, and towns, with emphasis upon the development of new communities and upon inner city development; to the Committee on Banking and Currency.

(The remarks of Mr. SPARKMAN when he introduced the bill appear later in the RECORD.)

By Mr. TOWER:

S. 3641. A bill for the relief of Edgar Fredrico Estrada; to the Committee on the Judiciary.

By Mr. PROUTY (for himself, Mr. SCOTT, Mr. GRIFFIN, Mr. COTTON, and Mr. PEARSON):

S.J. Res. 186. A joint resolution providing for a full and complete study of charges for the transportation of freight by all regulated modes of transportation and the submission of recommendations with respect to appropriate standards for determining the lawfullness of such charges and the most effective means of administering such standards; to the Committee on Commerce.

(The remarks of Mr. PROUTY when he introduced the joint resolution appear later in the RECORD under the appropriate heading.)

By Mr. HRUSKA:

S.J. Res. 187. A joint resolution to authorize the President to designate the third Sunday in June of each year as Father's Day; to the Committee on the Judiciary.

(The remarks of Mr. HRUSKA when he introduced the joint resolution appear later in the RECORD under the appropriate heading.)

S. 3635—INTRODUCTION OF A BILL TO PROVIDE FOR THE REGULATION OF COMMUNITY ANTENNA TELEVISION SYSTEM

Mr. PASTORE. Mr. President, for some time the Senate Commerce Committee, more particularly the Subcommittee on Communications, has concerned itself with the complex subject of community antenna television and its relationship to free broadcasting.

On December 19, 1969, Senator MCCLELLAN forwarded to this committee a letter indicating that the Subcommittee on Patents, Trademarks, and Copyrights reported to the full committee on the judiciary S. 543, a bill generally revising the copyright law. Section 111 of S. 543 is concerned with secondary transmission by cable systems.

Senator MCCLELLAN raised the question that section 111 could have an impact on the regulatory aspects of the FCC's responsibility is the field and that the Senate Commerce Committee would, therefore, have an interest. As a consequence, the Senate Commerce Committee requested the Federal Communications Commission to review this matter to determine the impact the bill would have on the FCC's broadcast-cable television regulatory policies.

On March 11 the Chairman of the FCC, Mr. Dean Burch, replied and indicated that the Commission believed that clarifying legislation in the form of general guidelines should be adopted.

I ask at this point that the letter in full from Mr. Burch be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C., March 11, 1970.

Hon. JOHN O. PASTORE,
Chairman, Subcommittee on Communications, Senate Commerce Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: You have requested the Commission's views on those portions of S. 543 which deal with CATV. The Commission appreciates the opportunity since S. 543 would have such substantial impact on our broadcast-cable television regulatory policies.

The Commission has long favored Congressional guidance in this important field, including the enactment of a bill which would be a meld of copyright and communications law. See Letter of Chairman Hyde to Chairman McClellan, dated February 17, 1969. But the approach of S. 543 to the CATV field raises substantial questions.

We do not refer merely to the need for clarifying the language of the bill, nor even to the more significant questions raised by its treatment of several important communications policy questions. Rather, we wish to raise the fundamental question whether it is a sound legislative approach to attempt to deal in such detail with a dynamic, changing field such as is here involved.

For example, the concept of "adequate television service" in S. 543, defined as precisely as it is, or the use of fixed mileage concepts like the 35-mile zone for program exclusivity, or the inflexible FCC non-duplication requirement specified, may not be legislatively sound, even recognizing that in some respects there is some authority given the agency to make future revisions. The approach which has been taken in the Communications Act seems preferable to us—namely, the Congressional determination of general guidelines, with the Commission left to develop and, most important, revise detailed policies to implement those guidelines in the light of rapidly changing communications technologies, and with Congress overseeing such Commission activities, particularly through the legislative hearing process.

We wish to point out that the Commission has made several false starts in the CATV field (e.g., compare Report on CATV and TV Repeater Services 26 FCC 403 (1959), with First Report and Order in Docket 14895, 38 FCC 683 (1965)), and has often had to revise its policies in light of the changing nature of the field. We do not cite this flexibility as a weakness, but rather as a strength of the administrative process. See *National Broadcasting Co.* v. *U.S.*, 319 U.S. 190, 219 (1943), where the Court stated:

While Congress did not give the Commission unfettered discretion to regulate all phases of the radio industry, it did not frustrate the purposes for which the Communications Act of 1934 was brought into being by attempting an itemized catalogue of the specific manifestations of the general problems for the solution of which it was establishing a regulatory agency. That would have stereotyped the powers of the Commission to specific details in regulating a field of enterprise the dominant characteristic of which was the rapid pace of its unfolding. And so Congress did what experience had taught it in similar attempts at regulation, even in fields where the subject-matter of regulation was far less fluid and dynamic than radio. The essence of that experience was to define broad areas for regulation and to establish standards for judgment adequately related in their application to the problems to be solved.

We therefore believe that clarifying legislation in this field should set forth general guidelines and eschew detail. This approach, we believe, may also be employed as to any copyright legislation dealing with CATV. Such legislation can be broadly framed—for example, the Congress could adopt a provision that a CATV system shall have a compulsory license for such signals as the Commission, by rule or order, may authorize the system to carry. The copyright law could then specify the appropriate amount to be paid, or method of determining the amount, a method for distributing the funds thus paid in (e.g., a so-called "ASCAP-BMI" method), a provision for periodic adjustments in the amounts to be paid, and any exemption for existing small systems deemed desirable.

This would leave the remaining communications policy matters for resolution by the Commission in appropriate rule making and other proceedings, or by the Congress through general CATV legislation and subsequent agency regulation. As stated, we would welcome such Congressional guidance in this important field. Thus, Congress could set forth general guidelines aimed at the orderly accommodation of both cable and broadcasting in order to secure maximum diversity of programming, through the maintenance and expansion of free broadcasting and the provision via cable of multiple reception, origination and related services. The guidelines could also include such matters as fair competition for programming sources, minimum disruption of existing cable systems, and appropriate application to cable systems of Public Law 87–331, dealing with the telecasting of professional football, baseball, basketball or hockey contests. In short, the clear advantage of proceeding in this fashion (i.e., agency action under present or revised Congressional guidelines, with appropriate Congressional oversight of specific Commission actions) would be the retention of flexibility to adjust policies to changing circumstances.

The Commission hopes that the foregoing is helpful to you in your consideration of this most important matter. The Commission would, of course, be glad to cooperate with your Committee and its staff in any way which you might find useful.

This letter was adopted by the Commission at its meeting of March 11, 1970.

By direction of the Commission:

DEAN BURCH,
Chairman.

P.S.—Commissioner Bartley believes there is more merit to S. 543, with the flexibility afforded the Commission in regard to CATV than what he believes to be the likelihood of failure of adoption of copyright revision legislation at an early date.

Mr. PASTORE. Mr. President, following receipt of this letter, I requested the FCC to submit the legislative guidelines. By letter dated March 24, 1970, the Commission sent me a letter outlining its views and also enclosing a copy of a bill which I am introducing today.

I also ask that the March 24, 1970, letter from the Commission be printed in full at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C., Mar. 24, 1970.

Hon. JOHN O. PASTORE,
Chairman, Subcommittee on Communications, Senate Commerce Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In line with your request, the Commission is submitting a draft of suggested legislative amendments to the Communications Act, which are of a clarifying nature and give general guidance to the Commission in the CATV field.

The attached draft reflects the general guidelines set out at pp. 2–3 of my letter of March 11, 1970. Under these guidelines Con-

gress would be directing the Commission to effect the orderly accommodation of both cable and broadcasting in order to secure maximum diversity of programming through the maintenance and expansion of free broadcasting and the provision via cable of multiple reception, origination and related services.

We recognize that there would be great interest in the Commission's possible actions to implement the above guidelines, and would, of course, be prepared to give some indication of those actions. You will appreciate, however, that the Commission is still in the process of analyzing the voluminous material received in its pending rule making proceedings in this complex area.

Finally, as stated, it is our hope that enactment of legislative guidelines in the Communications Act, along the above lines, would also facilitate legislative resolution of the difficult question of copyright. Specifically, we raise the possibility that a provision might then be inserted into S. 543 which simply bestowed upon CATV systems a compulsory license for such signals as the Commission, by rule or order, might authorize the system to carry. Other specifications of such a provision would, of course, go to such matters as the appropriate amounts to be paid and the mechanism of compulsory license (and any exemption for existing small systems).

The Commission hopes that the foregoing is helpful to you, and again stresses its desire to cooperate fully with your Committee in its consideration of this most important matter.

By direction of the Commission:

DEAN BURCH,
Chairman.

Mr. PASTORE. Mr. President, it is my understanding that copies of the two letters have been made available to Senator MCCLELLAN.

It is my hope that the committee will hold hearings on this proposal in the very near future.

I ask that the bill be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. BYRD of Virginia). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3635) to amend the Communications Act of 1934 to provide for the regulation of community antenna television systems, introduced by Mr. PASTORE, by request, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3635

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 3 of the Communications Act of 1934 (47 U.S.C. 153) is amended by adding at the end thereof the following new subsection:

"(gg) 'Community antenna system' means any facility which, in whole or in part, receives directly or indirectly over the air and amplifies or otherwise modifies the signals transmitting programs broadcast by one or more broadcast stations and distributes such signals by wire or cable to subscribing members of the public who pay for such service."

(b) Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by inserting therein, immediately after section 330 thereof, the following new section:

"REGULATION OF COMMUNITY ANTENNA SYSTEMS

"SEC. 331. (a) The Commission shall, as the public interest, convenience, or necessity requires, have authority—

"(1) to issue authorizations and orders, make rules and regulations, and prescribe such conditions or restrictions with respect to the construction, technical characteristics, and operation of community antenna systems, to the extent necessary or appropriate to carry out the purposes of this Act, with due regard to the orderly accommodation of both the community antenna and broadcasting industries, in order to secure maximum diversity of programing through the maintenance and expansion of broadcasting and the provision via community antenna systems of multiple reception, origination and related services; and

"(2) to make general rules exempting from regulation, in whole or in part, certain community antenna systems where it is determined that such regulation is unnecessary because of the size or nature of the systems so exempted.

The Commission shall, in determining the application of any rule or regulation concerning the carriage of broadcast stations by community antenna systems, give due regard to the avoidance of substantial disruption of the services to subscribers of community antenna systems which were validly in operation on April 1, 1970.

"(b) The Commission shall prescribe such rules and regulations and issue such orders as may be necessary to require the deletion by community antenna systems of signals carrying any professional football, baseball, basketball, or hockey contest if, after application by the appropriate league, the Commission finds that the failure to delete such signals would be contrary to the purposes for which the antitrust laws are made inapplicable to certain agreements under the Act of September 30, 1961 (75 Stat. 732; 15 U.S.C. 1291 et seq.).".

S. 3639—INTRODUCTION OF THE HOUSING AND URBAN DEVELOPMENT ACT OF 1970

Mr. SPARKMAN. Mr. President, I am introducing for myself and the Senator from Utah (Mr. BENNETT) for appropriate reference a bill, Highlights of the Housing and Urban Development Act of 1970.

This is the administration's bill sent to Congress by Secretary George Romney of the Department of Housing and Urban Development.

The essential thrust of the bill is a proposed overhaul of the existing FHA housing laws in which Secretary Romney says he is proposing to consolidate 50 programs into eight. The bill also proposes significant changes in the public housing, urban renewal, and other housing and urban development programs. Secretary Romney says that the major goals of the proposed legislation are:

First, to more efficiently provide dwelling units for low-, moderate-, and middle-income families by streamlining and consolidating existing HUD programs.

Second, to attract substantially greater private sector investment in low-cost housing by eliminating unnecessary bureaucratic requirements and establishing uniform criteria for subsidized housing programs.

Third, to make the assistance programs more responsive to the needs of local communities by basing eligibility limits and construction requirements on income and cost factors prevalent in the community.

Fourth, to include the optimum number of low-income families in rental and homeownership programs by deepening the maximum subsidy available for a certain percentage of units.

I have not fully studied the provisions of this legislation and therefore am in no position to recommend or reject any of these proposals at this time. There are several provisions which I recognize as extremely controversial and which will require extensive hearings and debate before agreeing. Also several of the provisions proposed are contrary to positions taken by our Subcommittee on Housing and Urban Affairs. I am not yet sure that I can support these particular provisions.

I have promised Secretary Romney to give the bill full and extensive hearings and committee action as soon as possible. However, the Banking and Currency Committee's calendar is very heavy and we may not be able to schedule hearings in the immediate future.

Last week the Banking and Currency Committee approved mortgage credit legislation which is to be reported to the Senate, and hopefully taken up very shortly after the Easter recess. The recommended bill, called the "Emergency Home Finance Act of 1970," is intended to provide additional mortgage credit to stimulate the sagging housing market.

The bill I am introducing today should not be confused with the emergency mortgage credit bill. They are quite different. The mortgage credit proposal needs prompt action to meet the urgent needs of the spring home building season but this more comprehensive housing bill will probably take several months of deliberation before enactment.

The PRESIDING OFFICER (Mr. CRANSTON). The bill will be received and appropriately referred.

The bill (S. 3639) to increase the supply of decent housing and to consolidate, extend, and improve laws relating to housing and urban renewal and development, introduced by Mr. SPARKMAN, for himself and Mr. BENNETT, was received, read twice by its title, and referred to the Committee on Banking and Currency.

S. 3640—INTRODUCTION OF THE URBAN GROWTH AND NEW COMMUNITY DEVELOPMENT ACT OF 1970

Mr. SPARKMAN. Mr. President, I am introducing for myself and the junior Senator from Maine (Mr. MUSKIE) for appropriate reference a bill entitled "The Urban Growth and New Community Development Act of 1970."

The purpose of this bill is to provide for the development of a national urban growth policy to support the rational and orderly growth and development of our States, metropolitan areas, cities, and small towns, with emphasis on the development of new communities and inner-city development.

This bill is an outgrowth of work done over the last several years, particularly by the National Committee on Urban Growth Policy, of which I was a member, on the subject of America's future urban growth. That committee published a report in 1969 which suggested that

the Federal Government should help support the development of 100 cities of approximately 100,000 population and 10 larger cities in the next 30 years.

Most importantly, however, the committee laid great stress on the need to develop a national urban growth policy, and the financial and technical resources to implement such a plan, Mr. President, I do not need to tell this body the necessity for the leadership of our Nation, at the Federal, State, and local levels, to look ahead and intelligently plan the growth of our cities and communities in the years ahead. As we look at the overcrowded cities and the continuing flight from country to the cities, it is obvious that action needs to be taken to get control of this movement.

This bill would provide for the development of a national policy under which the Nation's resources and the power of Government, representing the best interest of our people, would be mobilized to guide the growth of our communities in which people will live in the next 30 years.

There is much talk today about the quality of our environment. Sometimes I fear that the environmentalists forget our cities and the plight of people living in slums and overcrowded blighted areas. The purpose of this bill would be to develop an urban growth policy in which environmental factors would be given full consideration in conjunction with the elimination of slums in our overcrowded cities. I believe the figures show that our 200 million inhabitants occupy only 1 percent of the land area of the United States. We need to plan a latter distribution of our people and with proper incentive and planned urban growth I know that we can do it.

I hope that our Banking and Currency Committee will hold hearings on this bill in the near future and that the Congress will move rapidly toward developing plans for our future growth in the years ahead.

As everyone knows, the planning of the growth of America is an extremely difficult subject, and I want it understood that the bill before us makes certain proposals to carry out such a plan. However, obviously, these proposals need considerable study, and before we can agree on the best policy before us, there are several provisions, for example, in this bill that I need further information on before I can fully support it. However, I believe that this should not prevent us from pushing forward with the bill as written.

Mr. President, I ask unanimous consent to place in the RECORD a summary of the bill.

The PRESIDING OFFICER (Mr. CRANSTON). The bill will be received and appropriately referred; and, without objection, the summary will be printed in the RECORD.

The bill (S. 3640) to provide for the development of a national urban growth policy, and to encourage and support the rational, orderly, efficient, and economic growth and development of our States, metropolitan areas, cities, counties, and towns, with emphasis upon the development of new communities and upon inner city development, introduced by Mr. SPARKMAN, for himself and Mr. MUSKIE, was received, read twice by its title, and referred to the Committee on Banking and Currency.

The summary presented by Mr. SPARKMAN is as follows:

SUMMARY OF S. 3640—THE URBAN GROWTH AND NEW COMMUNITIES DEVELOPMENT ACT OF 1970

The objectives of this bill are to provide for the development of a national urbanization policy and to encourage and support more rational, orderly, efficient, and economic growth and development of our States, metropolitan areas, cities, and towns with emphasis upon the development of new communities and upon inner city development. In order to achieve the objectives, the act establishes a Council on Urban Growth to develop a national urbanization policy, requires the submission to Congress and to the President of a biennial Report on Urban Growth, creates a Community Development Corporation within the Department of Housing and Urban Development to promote and sponsor new community and more orderly urban development, provides for inner city development to augment the supply of housing, and encourages State and regional planning for growth and stabilization.

Title I of the act recognizes the need for a national urbanization policy and specifically outlines the purposes of this policy. A Council on Urban Growth is created within the Executive Office of the President to prepare a biennial Report on Urban Growth, to collect, analyze, and evaluate relevant information, to assess the effects of Federal programs on urban growth, and to assess other public and private efforts to create rational urban growth. The report shall include significant problems encountered as a result of urban growth trends and developments, a review of existing programs and efforts, and recommendations for future programs and policies.

Title II, the Development of New Communities, encourages public and private bodies to undertake community growth and development programs, including the development of new communities, satellite communities, accelerated growth centers, new towns-in-town, and other large scale urban development. The Community Development Corporation is established and authorized to extend financial assistance through loans to eligible developers for feasibility studies, planning, land acquisition and development, construction of essential public works and facilities, and necessary commercial and industrial areas. The Corporation may also provide public service grants for the staffing of essential public facilities and services. Any development undertaken under this title must be economically feasible and must contribute to the orderly growth and development of the area. The developer must provide a sound internal development plan which is consistent with any comprehensive planning in the area and which has received all necessary governmental approvals. The new community guarantee program authorized by title IV of the Housing and Urban Development Act of 1968 is transferred to the Corporation. The Community Development Corporation, as a government corporation within the Department of Housing and Urban Development, is authorized to establish a Community Development Fund, carry out demonstration programs and advise on the compatability of any major Federal installation with the provisions of this act.

Title III provides for inner city development to augment the inventory of housing and essential public services through more rational use of urban land and space. Title I of the Housing Act of 1949 is amended to permit the Secretary of Housing and Urban Development to make financial assistance available to local public agencies for rebuilding projects on land which is currently occupied by functionally obsolete or uneconomic uses or which is currently unusable because of natural hazards or inadequate development, though not necessarily "blighted". Grants under this title shall be available for feasibility studies, planning and developing the project, and the acquisition and preparation of land and space.

Title IV, Assistance Planning for State and Regional Growth and Stabilization, amends section 701 of the Housing Act of 1954 to provide grants to States, regional bodies, State boundary commissions and municipal incorporation control agencies to assist in financing the cost of conducting population growth and urban development planning programs. In addition this title provides technical assistance to State and regional agencies engaged in land-use planning and authorizes grants to enable such agencies to purchase open land surrounding urban and metropolitan areas to insure proper growth and development.

Title V of this act includes general provisions relating to relocation requirements and payments, housing priorities for programs assisted, requirements for the utilization of new and improved construction methods and techniques, and advance consent to interstate compacts for mutual assistance in carrying out the objectives of the Act.

SENATE JOINT RESOLUTION 186—INTRODUCTION OF A JOINT RESOLUTION PROVIDING FOR A STUDY OF CHARGES FOR THE TRANSPORTATION OF FREIGHT

Mr. PROUTY. Mr. President, in 1944 the Board of Investigation and Research, established under the National Transportation Act of 1940, made its report to the first session of the 79th Congress. That report, which represents the last major study of the relationship of common carrier cost to our national transportation policy begins with the following introduction:

The economic welfare of the whole country is affected by freight-rate levels and relationships. People want to live where there are opportunities for them to work and prosper. Those opportunities come, directly or indirectly, from the production and distribution of raw materials and manufactured products. Transportation charges determined, to an important degree, the opportunities in any given locality to find profitable markets for the raw materials of the region or to manufacture these materials and distribute the products. In order to provide equal opportunity to utilize to best advantage the human and natural resources of all parts of the country, rates for every transportation service must be fair in relation to the service performed. So, a knowledge of transportation costs and the expression of those costs in rates related to costs are necessary for the proper growth and prosperity of the Nation.

Mr. President, last week the Nader report on the ICC reaffirmed this basic premise when it stated:

A discriminatory rate system results in hidden diseconomies and inefficiencies, affects decisions on what kinds of natural resources to utilize, and on where to locate manufacturing plants—which affects in turn *urbanization, pollution* and *inflation.*

More importantly, Mr. President, transportation costs account for from 15 to 20 percent of our gross national product.

Those costs, Mr. President, are reflected in the price every consumer must pay

for an automobile, television set, light bulb, or a loaf of bread. The great technologies which have made our Nation the most affluent in the world have often done so at the price of inefficiency. Perhaps, Mr. President, the cost of transportation is an area inefficiently arrived at, inefficiently distributed, and inefficiently adjusted. Mr. President, I say "perhaps" because quite frankly we do not have accurate data necessary for any intelligent assessment of the transportation freight rate structures.

Mr. President, transportation charges by all modes of transportation have been increasing, but this is only one part of a more complex program. Such charges as they have developed over the years have become so complex, conflicting, and contradictory that it is difficult, if not impossible, to determine whether increases on individual commodities are justifiable and the extent to which such charges are discriminatory. This renders oversight difficult. It also deprives us of the opportunity to take advantage of the benefits, now technologically feasible, for intermodal transportation of freight.

Mr. President, the system we have devised in this country for determining the fair and reasonable charge for the shipment of goods is made tremendously complex by the anachronistic system we have for determining the rate a carrier may charge a shipper. For example, Mr. President, the basic rail class rate structure, which is complicated enough, only governs about 5 percent of the freight which travels in this country. Another 10 to 15 percent of rail freight is governed by the so-called exceptions to the classified freight rates. The vast amount of rail freight in this country is governed by commodity rate structures, which are on an individual point-to-point, group-to-group basis. The same situation pertains with respect to the freight rate structures of other regulated modes of transportation.

Because of this, Mr. President, it is easy to understand why the ICC alone received 277,633 tariffs which were published during fiscal year 1969. Some of those tariffs were only two pages long. Others consisted of over 25 pages of very fine print. In its area alone, the ICC during fiscal year 1969 had filed with it over 950,000 pages of rates.

From what I have said, Mr. President, it is evident that a study of the freight rate structures of the various regulated modes of transportation is not only desirable, but absolutely necessary. Last week the Surface Transportation Subcommittee of the Senate Commerce Committee conducted 3 days of hearings on S. 2355, a bill to authorize such a study. As I pointed out during those hearings, I am in complete accord with the goals sought to be accomplished by the bill, S. 2355. However, as I also pointed out, I cannot approve of the implementation of those goals by the creation of yet another independent commission to study and report on the situation.

Mr. President, at the outset, I questioned the wisdom of bypassing the Department of Transportation, the agency we created to serve as a coordinator of the various modes of transportation, and as the mechanism to develop a truly national transportation system. As the hearing progressed, I became convinced there were even more important reasons for designating the Secretary of that Department as our agent to undertake the contemplated study.

Therefore, Mr. President, I am today introducing a joint resolution for myself and on behalf of Senators SCOTT, GRIFFIN, COTTON, and PEARSON which would direct the Department of Transportation to make a comprehensive study of the freight rate structure of all modes of regulated transportation, including maritime and freight forwarders which were not included within the bill, S. 2355.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD immediately after my remarks.

The PRESIDING OFFICER (Mr. SCHWEIKER). The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD, as requested by the Senator from Vermont.

Mr. PROUTY. Mr. President, this joint resolution by directing the Department of Transportation to undertake the study would have two principal advantages over having such a study conducted by an independent commission. First, it would reduce leadtime to an absolute minimum and reduce the time required to make the study itself. Second, it would reduce the costs attendant upon such a study.

Although no one knows how long it would take to establish an independent commission, obtain a competent staff and the necessary materials, there can be no doubt that this would be a time-consuming process. Deputy Under Secretary Baker of the Department of Transportation, on the other hand, indicated to us when he was before the subcommittee, that if such a study were undertaken by the Department, it could be gotten underway within 3 or 4 months; and that much of the source material necessary for conducting a comprehensive and thorough study is already on hand and being processed at the Department. For this reason he also indicated his belief that the Department could complete such a study within 1 year.

Mr. President, I am convinced that we need such a report, together with recommendations, and we need it now.

We can get it sooner by utilizing the resources of the Department of Transportation and this fact in and of itself is sufficient to convince me that we should proceed by directing the Secretary of Transportation to undertake the study as would be done under the joint resolution.

Mr. President, I would hope that the Department of Transportations' study would focus on the challenges and the means for developing an appropriate standard for rate regulation in the future, rather than being simply a forum for the airing of grievances concerning inequities in the present freight rate structure.

The challenges of the 1970's are great and we must be equipped to meet them with pragmatic solutions rather than piecemeal promises.

The study envisioned in my joint resolution will give us the facts we need to develop a truly national system of transportation, which makes the most efficient use of all of our available transportation resources.

Finally, Mr. President, the adoption of this joint resolution would complement the mandate put forth by the distinguished chairman of the Senate Commerce Committee, Senator WARREN G. MAGNUSON, who in his January 27 letter to the Rules Committee pointed out:

> The committee will undertake a root and branch, systematic evaluation of national transportation policy, to define the needs and goals of the 1970's and beyond and to redirect and guide future policy planning.

The joint resolution (S.J. Res. 186) providing for a full and complete study of charges for the transportation of freight by all regulated modes of transportation and the submission of recommendations with respect to appropriate standards for determining the lawfulness of such charges and the most effective means of administering such standards, introduced by Mr. PROUTY (for himself and other Senators), was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S.J. RES. 186

Whereas the freight rate structures of the various modes of transportation as they have developed over the years are conflicting, contradictory, and confusing; and

Whereas in this state there exist virtually unlimited possibilities for the sort of discrimination which it was the intent of Congress to eliminate by the passage of the various regulatory statutes, more specifically referred to hereinafter; and

Whereas to secure the benefits of multimodal transportation now made possible through advances in technology, some way must be found to rationalize the disparate freight rate structures of the various modes; and

Whereas uniform or comparable standards by which to judge the lawfulness of the charges for the transportation of freight by each of the various modes is desirable and would greatly facilitate the free flow of goods transported both domestically and in foreign commerce; and

Whereas the Department of Transportation was created to coordinate the various modes of transportation and as the mechanism to assist in development of a truly National Transportation System in which the most efficient use will be made of all of our transportation instrumentalities: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Transportation acting in cooperation with the Interstate Commerce Commission, the Civil Aeronautics Board, the Federal Maritime Commission and other interested Federal and State agencies shall make a full and complete study of rates and charges for the transportation of freight within the fifty States by the various modes of transportation subject to regulation pursuant to the Interstate Commerce Act, including freight forwarders subject to regulation under part IV thereof, the Federal Aviation Act of 1958, the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, and, within one year after the date of enactment of this joint resolution, prepare and submit to the President and the Congress a report and recommendations on:

(1) the extent to which freight rates and other charges for the transportation of freight differ depending upon place of origin, destination, or commodity;

(2) the principal factors underlying such differences;

(3) the standards applied by each of the agencies of the United States Government responsible for the regulation of such rates and charges in passing upon the lawfulness thereof, both in the aggregate and on an individual basis:

(4) the extent to which competition is permitted to and does determine the levels of freight rates and charges under the various regulatory acts above referred to;

(5) the extent of commonality between the standards applied by such regulatory agencies in passing upon the lawfulness of the freight rates and transportation charges of carriers; and

(6) appropriate standards for determining the lawfulness of freight rates and charges for all modes of freight transportation and the most effective means of administering such standard or standards as may be recommended.

SEC. 2. (a) In order to carry out his functions under this resolution, the Secretary is authorized and directed to appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive services, such advisory committees, representative of the divergent interests involved, as he deems appropriate to represent the interests of consumers, shippers, and the transportation modes for the purpose of consultation with and advice to the Secretary. Members of advisory committees appointed under this section, other than those regularly employed by the Federal Government, while attending meetings of such committees or otherwise serving at the request of the Secretary, may be compensated at rates to be fixed by the Secretary but not exceeding $100 per day, and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently. Members of such advisory committees shall, for the purposes of chapter 11, title 18, United States Code, be deemed to be special Government employees.

(b) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Secretary, upon request, such information as the Secretary deems necessary to carry out its functions under this Act.

SEC. 3. (a) For the purpose of carrying out the provisions of this resolution, the Secretary, or on the authorization of the Secretary any officer or employee of the Department of Transportation may require, by subpena or otherwise, the production of such books, papers, correspondence, memorandums, contracts, agreements, or other records as the Secretary, or such officer or employee, deems advisable.

(b) In order to carry out the provisions of this resolution, the Secretary or his duly authorized agent shall at all reasonable times have access to, and for the purposes of examination the right to copy, any documentary evidence of any corporation, business firm, institution, or individual having materials or information relevant to the study authorized by this resolution.

(c) The Secretary is authorized to require, by general or special orders, any corporation, business firm, or individual or any class of such corporation, firms, or individuals to file, in such form as the Secretary may prescribe, reports or answers in writing to specific questions relating to the study authorized by this resolution. Such reports and answers shall be made under oath or otherwise, and shall be filed with the Secretary within such reasonable period as the Secretary may prescribe.

(d) Any of the district courts of the United States within the jurisdiction of which an inquiry is carried on may, in case of contumacy or refusal to obey a subpena or order of the Secretary or such officer or employee issued under subsection (a) or subsection (c) of this section, issue an order requiring compliance therewith; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(e) Witnesses summoned pursuant to this section shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(f) Any information which is reported to or otherwise obtained by the Secretary or such officer or employee under this section and which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code, shall not be disclosed except to other officers or employees of the Federal Government for their use in carrying out this resolution. Nothing in the preceding sentence shall authorize the withholding of information by the Secretary (or any officer or employee under his control) from the duly authorized committees of the Congress.

(g) In carrying out his functions under this section, the Secretary shall to the maximum possible extent avoid the imposition of any requirements for reports, information, or other material from carriers subject to economic regulation by the Civil Aeronautics Board, the Federal Maritime Commission, and the Interstate Commerce Commission which duplicates the requirements by any of these agencies.

SEC. 4. There is hereby authorized to be appropriated, out of any monies in the Treasury not otherwise appropriated, to the Secretary of Transportation not to exceed $750,000 for the purpose of carrying out the provisions of this joint resolution.

SENATE JOINT RESOLUTION 187—INTRODUCTION OF A JOINT RESOLUTION TO AUTHORIZE THE PRESIDENT TO DESIGNATE THE THIRD SUNDAY IN JUNE OF EACH YEAR AS FATHER'S DAY

Mr. HRUSKA. Mr. President, I am pleased to introduce a Senate joint resolution which will authorize the President to designate the third Sunday in June of each year as Father's Day.

The Congress took a similar action in 1966, when Public Law 450 officially proclaimed Sunday, June 19 of that year, as Father's Day. No resolution permanently recognizing Father's Day has been passed, although Mother's Day has been recognized on a continuing basis since May 8, 1914.

Mr. President, it is my view that fathers deserve this official recognition. It seems a small thing to do, considering the burdens and responsibilities placed upon them.

I hope that this resolution will receive prompt attention, and that the Senate will see fit to approve it when it comes before this body for passage.

I ask unanimous consent that the text of the joint resolution be printed at the conclusion of my remarks; and that the joint resolution be appropriately referred.

The PRESIDING OFFICER (Mr. SCHWEIKER). The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 187) to authorize the President to designate the third Sunday in June of each year as Father's Day, introduced by Mr. HRUSKA, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S.J. RES. 187

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the third Sunday in June of each year is hereby designated as "Father's Day". The President is authorized and requested to issue a proclamation calling on the appropriate Government officials to display the flag of the United States on all Government buildings on such day, inviting the governments of the States and communities and the people of the United States to observe such day with appropriate ceremonies, and urging our people to offer public and private expressions of such day to the abiding love and gratitude which they bear for their fathers.

ADDITIONAL COSPONSORS OF BILLS

S. 3417

Mr. McGEE. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Arizona (Mr. GOLDWATER) be added as a cosponsor of S. 3417, to amend the Gun Control Act of 1968 to permit interstate transportation and shipment of firearms that are limited to use for sporting purposes and target competition.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

S. 3551

Mr. PELL. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from New York (Mr. GOODELL) be added as a cosponsor of S. 3551 concerning the installation of sanitation devices in railroad cars to prevent the discharge from such cars of sewage.

The PRESIDING OFFICER (Mr. MONDALE). Without objection, it is so ordered.

S. 3598

Mr. AIKEN. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Oregon (Mr. HATFIELD) be added as cosponsors of S. 3598, to amend section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended, to authorize the Secretary of Agriculture to furnish financial assistance in carrying out plans for works of improvement for land conservation and utilization, and for other purposes.

The PRESIDING OFFICER (Mr. SCHWEIKER). Without objection, it is so ordered.

SENATE RESOLUTION 376—RESOLUTION SUBMITTED AUTHORIZING THE COMMITTEE ON LABOR AND PUBLIC WELFARE TO STUDY RESEARCH ACTIVITIES CONDUCTED TO ASCERTAIN THE CAUSES AND DEVELOP CURES TO ELIMINATE CANCER

Mr. YARBOROUGH (for himself, Mr. ALLEN, Mr. BAYH, Mr. BIBLE, Mr. BROOKE, Mr. BURDICK, Mr. BYRD of West Virginia, Mr. CANNON, Mr. CASE, Mr. CHURCH, Mr. CRANSTON, Mr. EAGLETON, Mr. ERVIN, Mr. FONG, Mr. FULBRIGHT, Mr. GOLDWATER, Mr. GOODELL, Mr. HARRIS, Mr. HART, Mr.

HARTKE, Mr. HOLLINGS, Mr. HUGHES, Mr. INOUYE, Mr. JACKSON, Mr. JAVITS, Mr. KENNEDY, Mr. MAGNUSON, Mr. MANSFIELD, Mr. MCGOVERN, Mr. MCINTYRE, Mr. METCALF, Mr. MONDALE, Mr. MOSS, Mr. MURPHY, Mr. MUSKIE, Mr. NELSON, Mr. PACKWOOD, Mr. PASTORE, Mr. PELL, Mr. PROUTY, Mr. PROXMIRE, Mr. RANDOLPH, Mr. SCHWEIKER, Mrs. SMITH of Maine, Mr. SPARKMAN, Mr. WILLIAMS of New Jersey, and Mr. YOUNG of Ohio) submitted a resolution (S. Res. 376) authorizing the Committee on Labor and Public Welfare to study research activities conducted to ascertain the causes and develop cures to eliminate cancer, which was referred to the Committee on Labor and Public Welfare.

(The remarks of Mr. YARBOROUGH when he submitted the resolution appear earlier in the RECORD under the appropriate heading.)

SENATE RESOLUTION 377—RESOLUTION SUBMITTED RELATING TO THE CONDUCT OF COMMITTEE BUSINESS WHILE THE SENATE IS IN SESSION

Mr. LONG submitted a resolution (S. Res. 377) relating to the conduct of committee business while the Senate is in session, which was referred to the Committee on Rules and Administration.

(The remarks of Mr. LONG when he submitted the resolution appear later in the RECORD under the appropriate heading.)

SENATE RESOLUTION 378—RESOLUTION SUBMITTED RELATING TO THE DETERMINATION OF THE PRESENCE OF A QUORUM

Mr. LONG submitted a resolution (S. Res. 378) relating to the determination of the presence of a quorum, which was referred to the Committee on Rules and Administration.

(The remarks of Mr. LONG when he submitted the resolution appear later in the RECORD under the appropriate heading.)

SENATE RESOLUTION 379—RESOLUTION SUBMITTED RELATING TO THE RECORDING OF VOTES OF ABSENT SENATORS

Mr. LONG submitted a resolution (S. Res. 379) relating to the recording of votes of absent Senators, which was referred to the Committee on Rules and Administration.

(The remarks of Mr. LONG when he submitted the resolution appear later in the RECORD under the appropriate heading.)

SENATE RESOLUTION 380—RESOLUTION SUBMITTED RELATING TO THE RECORDING OF VOTES WHEN A LIVE PAIR HAS BEEN ENTERED INTO

Mr. LONG submitted a resolution (S. Res. 380) relating to the recording of votes when a live pair has been entered into, which was referred to the Committee on Rules and Administration.

(The remarks of Mr. LONG when he submitted the resolution appear later in the RECORD under the appropriate heading.)

NOTICE OF HEARINGS ON ESTABLISHMENT OF A FEDERAL BROKER-DEALER INSURANCE CORPORATION

Mr. WILLIAMS of New Jersey. Mr. President, I wish to announce that the Subcommittee on Securities of the Committee on Banking and Currency will hold hearings on S. 2348, a bill to establish a Federal Broker-Dealer Insurance Corporation.

The hearings will be held on Thursday and Friday, April 16 and 17, 1970, and will begin at 10 a.m., in room 5302, New Senate Office Building.

Persons desiring to testify or to submit written statements in connection with these hearings should notify Mr. Stephen J. Paradise, assistant counsel, Senate Banking and Currency Committee, room 5300, New Senate Office Building, Washington, D.C. 20510; telephone 225–7391.

ADDITIONAL STATEMENTS OF SENATORS AS IN LEGISLATIVE SESSION

TWENTY-FIFTH ANNIVERSARY OF SERVICE OF SENATOR YOUNG OF NORTH DAKOTA

Mr. BURDICK. Mr. President, on Thursday of last week several Senators paid tribute to my colleague from North Dakota, the Honorable MILTON R. YOUNG, upon serving 25 years in the U.S. Senate. I was in North Dakota at the time, but would now like to add my congratulations.

Few men have served in this great body for that length of time, and this is not only a mark of distinction for Senator YOUNG, but it is also a tribute to the State of North Dakota. It is with pleasure that I join with the others to say: Congratulations, MILT.

Mr. FONG. Mr. President, today marks 25 years and 6 days that my distinguished colleague and good friend, the senior Senator from North Dakota, MILTON R. YOUNG, has served in the U.S. Senate.

On that rare and remarkable record, I extend my warmest congratulations and best wishes and pay tribute to him in the CONGRESSIONAL RECORD.

I congratulate the people of North Dakota, too, for their perception and intelligence in choosing MILT YOUNG to represent them for a quarter century in our Nation's highest legislative body. That is tribute of the highest kind—and it is entirely deserved.

During his tenure in the Senate, MILT YOUNG has risen to positions of leadership. He is the top ranking Republican on the Senate Appropriations Committee, regarded as one of the most influential committees in the Senate. He is the second ranking Republican on the Committee on Agriculture and Forestry, which has jurisdiction over one of America's basic industries. He has been chosen by his fellow Republicans since 1948 to serve as secretary of the Senate Republican conference committee.

Self-effacing, quite, and modest, MILT YOUNG is a hardworking, commonsense Senator. His knowledge, his understanding, and his integrity have won him the respect of all of us who serve with him.

It is no wonder North Dakotans have elected and reelected him.

Appointed to the Senate in March 1945, MILT YOUNG was first elected on June 25, 1946, to fill out the remaining term ending January 3, 1951. He was reelected November 25, 1950, November 6, 1956, November 6, 1962, and November 5, 1968, for full 6-year terms.

In the 1968 election, he received the highest percentage of vote of any Republican Senator in the Nation who had to run against an opponent.

MILT YOUNG has carried every county in North Dakota in seven different statewide elections, losing only three counties in two other statewide elections.

He is a formidable vote-getter. Those of us from other States can be glad we do not have to run against him.

The 25 years spanning MILT YOUNG's tenure have seen many hotly debated issues brought up on the floor of the Senate and many grave crises. Through it all, MILT YOUNG has displayed the calm good judgment and down-to-earth reasoning that have earned him the respect and affection of his colleagues. He is a true son of the Midwest heartland of America, and he is a credit to his State and Nation.

MILT YOUNG has been a fine and valued friend to me ever since I came to the Senate in 1959, following our first statehood election. In fact, MILT YOUNG voted for statehood for Hawaii and so in part is responsible for my being here.

For all his many kindnesses and for his wise counsel, I take this opportunity to express my heartfelt thanks and warmest aloha.

LEGISLATIVE VICTORY FOR INNOCENT VICTIMS OF CRIME; SENATE PASSES BILL FOR DISTRICT OF COLUMBIA

Mr. YARBOROUGH. Mr. President, the passage of my bill to compensate innocent victims of crime in the District of Columbia yesterday is a great victory for all the citizens who reside here and who visit here. The distinguished and able Senator from Maryland (Mr. TYDINGS) is to be commended for his leadership and effective labor in seeking greater justice in the District of Columbia. As chairman of the Committee on the District of Columbia, he has devoted countless hours of his time to legislation which will provide the District of Columbia greater security, greater protection from the ravages of crime, and greater justice for all citizens who reside in or visit this great Nation's Capital. Under the able leadership of Senator TYDINGS, the committee has done an outstanding job, and every member is to be commended for his efforts in behalf of law, order, and justice.

The passage by the Senate yesterday of my District of Columbia Criminal Injuries Compensation Act is a significant legislative victory in my long fight to

establish a program of compensation for victims of crime in Federal jurisdictions.

Our law's failure to compensate innocent victims of crime has disturbed me for many years. As a district judge in Texas over 30 years ago, I tried many criminal cases. The law is properly solicitous of the rights of the person accused of committing a crime. These vital constitutional protections are fundamental to justice in our society. However, all of our attention has been devoted to the apprehension, trial, and treatment of the criminal. I believe that our society is great enough to also extend justice to the innocent victim of crime by providing him compensation for the injury or death he suffers from society's failure to protect him. This irony of our law, which ignores the innocent victim while treating the aggressor as fairly and justly as we possibly can, bothered me as a trial judge, and I have been conscious of this injustice for all these years. In 1965 I seized upon an idea as old as history itself, but only recently revived in modern systems of law: Government compensation of innocent victims of crime.

The justification for a program of compensation is compelling.

The fundamental purpose of any government is to protect its citizens from injury. Order and security are fundamental to any society, but in civilized nations justice is also a major goal. Our Nation is founded on the principle that the individual is entitled to protection, not only from foreign and domestic enemies, but from unjust treatment by the Government itself.

As we have progressed to a more civilized state, citizens are obliged to rely almost entirely upon the Government for protection from criminal injuries. The law-abiding citizen must go forth unarmed and should have confidence that the institutionalized protections will save him from injury.

Our society has assumed this responsibility of protecting citizens from criminal injuries. When it fails to fulfill this duty, it is only just that the State should absorb at least some of the cost of the injury which results from its failure of protection.

While the idea of victim compensation was contained in the Code of Hammurabi Mosaic Law, and in many ancient societies, the first modern system of victim compensation was adopted in New Zealand in 1963, and the second in Great Britain in 1964.

When I heard of this action by these nations, I realized that the time had come for this idea, and in 1965 I introduced S. 2155, the first bill ever introduced in either House of Congress to meet this problem. This was before any State in our Nation had acted to compensate victims of crime. My proposal was to establish a Federal Violent Crimes Compensation Commission to provide up to $25,000 compensation for victims of bodily injury or death.

In January 1967, in the first session of the 90th Congress, I again introduced such a bill, S. 646, the Criminal Injuries Compensation Act of 1967, which was a refined version of my original bill.

In this Congress I introduced two bills on the subject. The first on January 15, 1969, is S. 9, which would apply to all areas in which the Federal Government exercises general police power—the District of Columbia and the special maritime and territorial jurisdiction of the United States. Later, on September 19, 1969, I introduced S. 2936, which would apply only to the District of Columbia. While I think this law should have the broadest possible application, the situation in the District seemed to me to be critical. In effect, S. 2936, the District of Columbia bill, is carved out of the larger jurisdiction of S. 9.

National interest in these plans to compensate victims of crime is growing. Several States have already acted. California instituted a plan in 1965 as a part of their welfare system. New York State enacted a compensation plan in 1966, then Hawaii and Massachusetts established theirs in 1967. Maryland approved a compensation plan in 1968.

The reason why Congress must act in the District of Columbia to compensate victims of crime is that we are responsible to these citizens for their police protection, and when we fail in that responsibility, we must assist the innocent by relieving him of some of the tremendous economic burden thrust upon him by the criminal's act of violence.

The bill as passed by the Senate has a special provision whereby resident victims will be compensated from District funds, and only visitors to our Nation's Capital will be compensated by funds from the General Treasury. The taxes of residents will be used to compensate residents, and the taxes of all citizens will compensate visitors to our Capital. This is a fair and just provision.

Compensation in this program will only be paid to those victims who suffer bodily injury as a result of a specified violent criminal act, or to the dependents of those who suffer death. Property loss is not covered because the most serious and most crushing loss is the loss of health or life. Such items as actual medical and hospital expenses and loss of earnings are compensable. To absorb these expenses is the least we can do for the innocent victim whom we have failed to protect from harm.

This plan is not dependent upon conviction of the aggressor. The commission will determine whether the injury was caused by a criminal act and make an award even though the aggressor was not apprehended, or was insane, drunk or a juvenile.

An important provision of the legislation directs the commission to consider whether the person making the claim contributed to his own injury or death, and the commission may refuse to make an award, or reduce the amount of the award, to take the victim's conduct into account. Thus, the injured participant in a barroom brawl will not be compensated. However, the good Samaritan, injured when he goes to the aid of another, or helps the police, will be compensated.

The bill contains a limitation of $25,000 on awards. In the case of death or permanent disability, the actual monetary loss will be much greater than this. However, this limit is a necessary one as we are establishing a new program and must use our limited funds to relieve the most pressing claims for compensation.

It is appropriate that Congress should be in the forefront of this movement to provide the victims of crime their share of justice under our laws. This program administered in the District of Columbia should be an example to all those States which have not yet enacted a program of victim compensation. As the Federal Government exercises police power in this jurisdiction, the State exercise that power in each of their jurisdictions and should fulfill their responsibility to those victims injured by their failure of protection from criminal injury.

The Senate's action on this measure, along with the other programs and provisions important to the District of Columbia, contained in this omnibus crime bill provides me with a great sense of achievement. I have fought this battle since 1965, and passage of the bill by the Senate substantiates my firm conviction that this program is necessary for the achievement of a full measure of justice in our Nation's Capital.

EMERGENCY EXPENSE CREDIT FOR THE POOR

Mr. SCOTT. Mr. President, I welcome this opportunity to comment on one of the important steps taken by the Office of Economic Opportunity in meeting a frequent problem of the poor—lack of credit to enable them to cover emergency expenses.

This problem always afflicts the poor but is particularly severe in times of high interest rates and tight money. Frequently, the poor have been forced to borrow from loan sharks at extortionate interest rates. Or they are forced to deal with easy credit merchants and end up paying three or four times the value of the purchased goods.

Because of this situation, I introduced legislation, S. 2259, to assist in the establishment of credit unions in poor areas. The presence of credit unions in poor rural and urban neighborhoods can bring into such areas the basic ingredient most lacking—access to legitimate money and credit. I am hopeful that Congress will take prompt action on S. 2259.

However, in the interim, thoughtful steps must be taken to meet this problem. The Office of Economic Opportunity has taken such steps and is to be applauded. In the District of Columbia, the Office of Economic Opportunity through the United Planning Organization, the local community action agency for the District, has been assisting nine local community credit unions. Over the past 5 years these credit unions have loaned a total of $4.3 million to more than 16,000 residents of the city's ghetto areas.

These OEO-advocated credit unions have given the District's residents an opportunity to take out loans to pay rent, buy necessities and consolidate debts—problems which can achieve emergency proportions if funds are not available. The average loan is about $300 and can often rescue a family from eviction or

outfit children for school attendance or pay for groceries.

During the next 5 years, the United Planning Organization will be phasing out its support of the credit unions, as they become self-supporting. This is the strongest proof possible that these credit unions can make it on their own.

I commend to the attention of Senators a recent article published recently in the Washington Star which discusses these credit unions. I believe it is a fine example of how the Office of Economic Opportunity's local community action programs can work to meet the urgent needs of the poor.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Star, Mar. 8, 1970]

SLUM CREDIT UNIONS QUIETLY GIVE AID TO 16,000 OF POOR

(By Duncan Spencer)

Almost unheralded, nine local community credit unions here have loaned a total of $4.3 million to more than 16,000 residents of Washington's ghetto areas in the last five years.

The credit unions, unvarnished and stuck in crowded storefront community centers throughout the city, are beginning to feel confident that this is one—perhaps the only one—of the community-oriented government projects to help the poor that is going to survive on its own.

Yesterday at the first "open house" of the American Federation of Community Credit Unions, there were expressed emotions of pride and an unexpressed feeling that the ghetto credit union movement is on the map.

"The trouble is," said Miss Shirley Grasty, federation managing director, "we never make any news."

Eight of the nine community credit unions here were started in 1965 under the aegis of the United Planning Organization, and were promptly lost from public view in the welter of acronymic projects that sprang almost daily from the Johnson administration's war on poverty.

Basically, a credit union is an unglamorous thing. A place where people place their savings and borrow money at lower rates because they are nonprofit, special interest institutions aimed at specific groups of people.

MOVEMENT IS UNIQUE

But the community credit union idea—which is basically just a way of providing the poor a shelter from easy-credit shysters and loan sharks—is unique in that it is open to anyone who lives in the nine Washington areas in which they serve. It was also the first such government-sponsored experiment in the U.S., and still is the primary such project.

Add to the basic gray of financial matters the dull routine of a ghetto family's constant battle with debt, and it's easy to understand Miss Grasty's remark.

But the fact remains that the credit unions are opposed by no important black radical group, no conservative group, and no one in between.

UPO and the Office of Economic Opportunity have assured the credit union leaders that their funds (backing of about $30,000 a year for each union's expenses) will not be subject to a general 20 percent anti-inflation cutback asked by the Nixon administration.

The talk yesterday at the federation gathering was remarkably free of rhetoric. The facts and figures spoke of gradually rising community participation in spite of a ban on advertising only recently lifted. And the assets of the separate unions have been doubling yearly.

ROBBERY CONSTANT PERIL

Naturally, running a credit union in Washington's depressed areas has its drawbacks. Robbery is a constant menace (in December, for instance, a single union was robbed twice), the delinquency rate on loans is high, and the unions are often unable to help the people who need financial aid the most.

A majority of the loans made are unsecured, collection is often difficult, and many borrowers are turned away.

But an individual can join one of the unions for a fee of 25 cents, and many people on welfare join merely to have a place to cash their checks without paying the usual 50-cent cashing charges at liquor stores and banks.

The federation estimates that the unions have a potential membership of 65,000, and hopes that the idea will spread nationally and eventually provide backing for black entrepreneurship on a large-scale enabling individual credit unions to accept poorer and riskier loan seekers.

WELFARE CHECK PLAN URGED

The federation decided yesterday to ask the federal government to allow members' welfare checks to be paid directly to the credit unions, a move that would save the government, as well as the recipients, money.

Mrs. Gheretine Wilson, president of Hospitality House Community Credit Union on H Street NE, explained that most of loans are made for things more affluent people would never think of borrowing for. The most frequent loans are to pay rent, to buy clothes, and to consolidate debts, she said. The average loan is about $300, and the average individual investment in the credit union, $90.

This may seem small potatoes to middle-income people, Mrs. Wilson pointed out, but the number of individuals is showing a steady rise.

UPO plans to phase out its support of the credit union scheme over the next five years, cutting back a percentage each year as the unions themselves grow able to pay their own expenses.

"This is the only program I know of where the end of government funding will be a mark of success," Miss Grasty said.

EARL RUDDER: SOLDIER, STATESMAN, AND EDUCATOR

Mr. YARBOROUGH. Mr. President, on March 23, 1970, Gen. Earl Rudder, president of Texas A. & M. University, died at the age of 59. During his life, General Rudder distinguished himself as a military leader, State official, community leader, and educator.

During World War II, Earl Rudder organized and trained the 2d Ranger Battalion which was given the dangerous assignment of scaling the cliffs of Pointe du Hoe during the D-Day invasion of Normandy. At the time of this heroic action, General Rudder, than a lieutenant colonel, was only 34. His leadership prompted the highest praise the Commander of the U.S. Forces in Europe, Gen. Omar Bradley, could give. During his service in World War II, he was wounded twice and received numerous decorations, including the Legion of Merit, Silver Star Medal, Bronze Star Medal with oak leaf cluster, the Purple Heart with oak leaf cluster, Legion of Honor with Croix de Guerre and palm—France— Order of Leopold with Croix de Guerre and palm—Belgium—and the Distinguished Service Medal. He was promoted to the rank of major general in the U.S. Army Reserve in 1956 and commanded the 90th Infantry Division, USAR, from 1954 until the division was deactivated.

After World II, Gen. Earl Rudder entered into a career of service to his community and his State. From 1946 to 1952 he served as mayor of his hometown of Brady, Tex. From 1955 to 1958, he served as State land commissioner of Texas and as chairman of the veterans land board. He took over the veterans land board at a time when it was riddled with scandal. Through his efforts and efficient management, he cleaned up the scandal and reestablished the veterans land board as an efficient and effective State agency.

In 1958, General Rudder answered the call of his alma mater, Texas A. & M. University, and assumed the position of vice president. In 1959, he became president of Texas A. & M. and held this position until his death. During his 10 years as president, General Rudder led Texas A. & M. into a new era of growth and progress. When he became president the enrollment of Texas A. & M. was approximately 7,500 students. This year the enrollment has reached 14,000.

Despite the many problems associated with the management of a large university and the many demands made on General Rudder's time, he still found time to take part in the affairs of his community. Recently, he had been devoting much of his efforts toward obtaining the appropriations necessary to commence work on the Millican Dam and Reservoir project which is so important to the people of Brazos Valley of south Texas. His death is a great blow to the university, community, and State that he loved and served so well.

Inscribed upon the statue of another great president of Texas A. & M. are the words, "Soldier, Statesman, and Knightly Gentleman." General Rudder was all of these things. He will be missed by all whose lives he touched.

NOMINATION OF G. HARROLD CARSWELL TO THE SUPREME COURT

Mr. GURNEY. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial written by William A. Mullen, editor of the Pompano Beach, Fla., Sun-Sentinel. The editorial is a further testament that no case has been presented against the nomination of G. Harrold Carswell to the Supreme Court of the United States.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Sun-Sentinel (Fla.), Mar. 19, 1970]

BICKERING OVER CARSWELL ANTI-MAN OR ANTI-SOUTH?

(By William A. Mullen)

As the battle for control of the U.S. Supreme Court rages over the nomination of Federal Judge Harrold Carswell as associate justice, the opposition debate gets less and less concerned with fact.

The latest gambit is the charge raised by

Sen. Joseph Tydings, D-Md., leader of the anti-Carswell forces, that endorsement of the Tallahassee-based federal appeals judge by an esteemed colleague had been withdrawn over racial conflict.

Senator Tydings implied that Judge Carswell had failed to disclose that former Chief Judge Elbert Tuttle of the U.S. Fifth Circuit Court of Appeals, had rescinded his endorsement of Judge Carswell.

The purported reason was Judge Carswell's involvement in the organization of an all-White private club.

At this writing, there has been no confirmation from Judge Tuttle that he intended to reverse his position on the Carswell nomination. Nothing has been said by him about the racial overtones. All that is definitely known is that Judge Tuttle informed Judge Carswell by telephone that he would not be able to testify in his behalf before the Senate Judiciary Committee.

But the Tydings insinuations perpetuate the racial allegations against Judge Carswell, to which have been added contentions by the United Steelworkers Union, AFL-CIO, that confirmation of President Nixon's nominee would indicate that "bigotry and incompetence" would not disqualify a man for the court.

The union, Senator Tydings, Sen. Edward Kennedy, D-Mass., Sen. Edward Brooke, R-Mass., the Senate's only Negro member, and a number of others opposing Judge Carswell for supposed bigotry all conveniently overlook an entry in the Feb. 16 Congressional Record that records support of the jurist by the former president of the Cleveland, Ohio, chapter of the National Assn. for the Advancement of Colored People (NAACP).

The entry is a letter to the editor published in the Cleveland Plain Dealer and written by Chester Gillespie, presently a member of the chapter's executive committee, urging that unless the NAACP "has very strong evidence against Judge Carswell," it should compromise and support Mr. Nixon's appointment.

The letter further states, in part:

"He (Judge Carswell) has made some mistakes in his several rulings, but he ruled a Negro must be served in a barber shop and that Negroes must be served in public restaurants, both in the State of Florida and his White friends were unhappy about these ruling and the barber closed his shop.

"Judge Carswell should be promptly confirmed so the court can function as the law requires and for the good and welfare of America. We cannot always get everything we desire."

That admonition is wasted upon the liberals who have shown they will fight any Southern conservative nomination, merely because of it being Southern and conservative.

In so doing, they are wholly unrealistic about giving proper regional and philosophical balance to the nation's highest court.

Other than Associate Justice Hugo Black, no southerner is on the bench, and he is 84 years old. Should his place in the court be vacated, the South would be without a voice in the court where a number of cases are brought directly against the South.

The Court's only Negro justice, Thurgood Marshall, was born in Maryland, but his appointment was from New York. And he could hardly be regarded as a Southern conservative.

Three of the jurists are from the Northeast, the citadel of liberalism; one is from Ohio and another from Colorado.

Chief Justice Warren Burger resided in Virginia at the time of his appointment, but he is a native Minnesotan.

We believe Senator Tydings, et al., are more in opposition to President Nixon's intention of having, properly, more southern representation on the bench than they are against Judge Carswell, per se.

They would be wiser to heed Mr. Gillespie's views and his counsel that they cannot always get everything they desire.

ALICEAN STUDY CLUB URGES 100,000 ACRE BIG THICKET

Mr. YARBOROUGH. Mr. President, the Big Thicket National Park, proposed to be established by my bill, S. 4, has been endorsed by numerous groups and individuals throughout Texas and the United States.

An overwhelming majority of the groups and individuals have urged that the Big Thicket National Park include at least 100,000 acres.

These groups understand that a sufficiently large area is necessary for the preservation of nature's bountiful gift of animal life to the Big Thicket. The remote, wild character of the Big Thicket makes it an attractive haven for all forms of wildlife, which find in its dense forests an abundant food supply. The mingling of species which lends so much interest to the plant life of the Thicket is reflected in an intriguing diversity of its animal inhabitants.

Among the larger mammals are the Texas white tail deer, both red and gray fox, raccoon, ringtail, bobcat, mountain lion, and on occasion, black bear. Both the jaguar and ocelot of Mexico were formerly sighted, and there are those who believe these beautiful cats are still present. One of the most interesting animals in the Thicket is the shy, timorous, and ever-present armadillo. Lesser mammals range from rare beaver to abundant gray, flying, and fox squirrels, cotton tails, muskrats, and of course, multitudinous smaller rodents.

Mr. President, I ask unanimous consent to have printed in the RECORD the resolution of the Alicean Study Club of Alice, Tex., at this point.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas, the Big Thicket is a refuge for rare species of plant and animal life; and

Whereas, exploitation of the area now threatens the existence of the Big Thicket as an ecological unit; and

Whereas, 300 bird species make the Big Thicket their home year-round while countless other migratory birds visit the area; therefore

Be it resolved that the Alicean Club of Alice, Texas urges the preservation of at least 100,000 acres containing the most unique areas of the Big Thicket, these areas to be connected by environmental corridors; and

Be it further resolved that the Interior and Insular Affairs Committee of the Senate of the United States be requested to set immediate hearings on S. 4 which would create a Big Thicket National Area.

MRS. PATRICK H. FRERKING,
President.

WATER POLLUTION

Mr. ALLOTT. Mr. President, the problem of water pollution is a major concern to all Americans, and it is the object of a determined attack by this administration.

Much of the national concern focuses upon pollution arising from the normal operations of our cities and our commercial processes, both agricultural and industrial.

But we should not lose sight of another kind of pollution, the pollution that results from accidents on or around water.

Consider, for example, the problem of oil spills.

A panel appointed by President Johnson came up with the grim estimate that by 1980 there will be a major oil spill at least once a year. This panel was considering spills resulting from oil transportation, as well as from offshore drilling.

So far we in America have been very lucky. We have not experienced a spill of major proportions.

In saying this I am not minimizing the unpleasantness and loss resulting from the blowout around the drilling rig in the Santa Barbara Channel.

The blowout was a disaster for that community. Its damages should not be underestimated or forgiven. But nor should we delude ourselves by thinking we have seen the worst that oil spillage can bring.

During the 2 weeks of maximum leakage, a total of 7,000 barrels of oil spilled into the Santa Barbara Channel.

In contrast, when the tanker *Torrey Canyon* broke up off the Scilly Isles along the south coast of England, it spilled 850,000 barrels into the water and onto the beaches. The *Torrey Canyon* disaster involved approximately 120 times more oil than the Santa Barbara leak.

Even the *Torrey Canyon* disaster may be eclipsed by a future spill. Last year a Shell oil tanker returning empty from its maiden voyage sank off the West Coast of Africa. This tanker, the *Marpessa*, had a capacity of 206,000 dead weight tons. Had the *Marpessa* been loaded with crude oil when she sank she would have dumped over 1.3 million barrels.

The largest tanker in operation is of 306,000 dead weight tons capacity. This ship could spill nearly 2 million barrels.

The Japanese are preparing to build a tanker of 420,000 dead weight tons capacity. This tanker will be able to spill 2.7 million barrels. That is over 113 million gallons of crude oil on one tanker.

Another way of getting an idea of the relative sizes of the new tanker is to compare them with other well-known ships. The tanker *Manhattan*, which recently navigated the icepacked northwest passage, is of 115,000 dead weight tons capacity. It is considered a "medium" tanker. But the majestic *Queen Mary* was only 80,000 tons.

The point is clear. When it comes to accidental pollution, we have not seen anything yet. And if the Presidential panel is correct—if we can expect a major spill each year by 1980—we had better start thinking of this problem as a major facet of our total water pollution problem.

But as is the case with so many environment problems, we should note that our problems stem from developments we do not deplore.

In just 30 years seaborne oil commerce has increased from 84 million tons to 893 million tons. Today it represents 60 percent of the world's ocean commerce.

The seaways are crisscrossed by tank-

ers because the oil consumption worldwide has been rising by almost 7 percent per year for the last two decades. This is evidence of healthy economic growth.

Further, the spectacular growth in the size of tankers may be a kind of blessing in disguise. Certainly we should not allow ourselves to be bewitched by statistics of size. If all the world's oil were shipped in small tankers, the congestion in the shipping lanes and ports would be very much worse—and more dangerous—than it is today. The big tanker of the World War II period—the T–2—had a capacity of 16,000 dead weight tons—about one-tenth the capacity of the *Manhattan*. Imagine the congestion—and collisions—if all oil were carried in 16,000 ton tankers.

But even recognizing these facts, we must also recognize that the pollution potential is great enough to warrant a sense of urgency. One out of every five vessels trading along the Atlantic coast carries oil as its principle cargo. We should be ready for the worst along all our coasts and along our internal waterways.

Many people are already deeply concerned about this. It is easy to understand why the citizens down east have some serious anxieties concerning the plan to locate some oil terminals and refineries on the coast at Machiasport, Maine.

It has been estimated that a *Torrey Canyon*-type accident near Machiasport could dump enough oil to form a slick 24-feet wide and long enough to reach from Halifax, Nova Scotia to Boston.

The threat of oil spills is especially serious along the Maine coast, because so many persons there earn their living from the sea. In that area there is an annual income of $1.2 million from marine worms, $1.3 million from fishing, $2 million from shrimp, and $15 million from lobsters. All of this could be endangered by oil spills.

The problems now confronting the people of Maine should be considered by all Americans, because all Americans have a stake in preserving our inland and coastal waters. The first thing we need to do is assess the scope of the activity that can be considered potentially dangerous in terms of water pollution accidents.

In the 12 month period beginning in June 1965, there were over 50,000 visits to U.S. ports by medium-size and large ocean-going vessels with a cumulative capacity of almost 300 million tons of potentially polluting materials.

In addition domestic coastal trade from one American port to another involves another 80 million tons of potential pollutants.

Finally, potential pollutants are moved in large quantities on America's 25,000 mile network of inland waterways. In 1964, 188 million tons of oil and other potentially hazardous materials were transported on these waterways. A single movement of petroleum on the Mississippi-Ohio river routes involved a tow 1,180 feet long carrying 277,000 barrels of oil.

Further, various potential pollutants are moved, loaded and unloaded on or around water.

America is laced by approximately 200,000 miles of pipelines which in 1965 carried more than 1 billion tons of oil and other hazardous substances. These pipelines operate at pressures of up to 1,000 pounds per square inch.

Many of these lines are concentrated near heavily populated areas.

And many lines run through or across navigable waterways and reservoir systems.

Accidental puncture, cracked welds and corrosion all contribute pollution where it is most harmful.

America has already experienced many oil transport problems which have not received widespread publicity. Here are some examples:

The U.S. Army Corps of Engineers estimates that there were over 2,000 oil spills within U.S. waters in 1966, of which 40 percent came from landbased facilities.

The U.S. Coast Guard reported 371 "cases of record" for 1966 of which 279 involved vessels—143 U.S. flag and 86 foreign flag. By vessel category the 279 incidents involved 49 tankers, 56 barges, 18 dry cargo vessels, 91 naval vessels, and 15 vessels of other categories.

The California State Department of Fish and Game reported 181 oil spills during 1966 in the Los Angeles and Long Beach areas alone, of which 59 were from merchant vessels, 19 from landbased facilities, and 67 from naval vessels.

In January of 1966, the tanker *Chelwood Beacon*, was grounded off Sandy Hook, N.J. The 50,000 tons of crude oil in her tanks, fortunately saved, menaced the Port of New York and the coastlines of New York and New Jersey.

In June of 1966, the British tanker, *Alva Cape*, disgorged 23,000 tons of naphtha into Arthur Kill—New York area—after colliding with the tanker, *Texaco Massachusetts*.

In April of 1967, about 5,000 gallons of gasoline were spilled from a barge which struck a bridge pier in the Mississippi River at Chester, Ill.

In December of 1966, about 120,000 gallons of oil were spilled when an oil barge hit a sunken obstacle in the Illinois River.

A joint study produced by the Departments of Interior and Transportation has listed these additional examples of other kinds of accidental pollution:

1967, Cape Cod National Seashore, Massachusetts. Several large slicks of oil material contaminated about 30 miles of coastline, including recreational beaches. Ducks and other waterfowl were killed. The source of the oil was not determined.

1965, Mississippi River, Louisiana. A hurricane caused the sinking of a barge loaded with 600 tons of chlorine. Infirm patients in the area were evacuated during salvage.

1965, Spring Creek, Missouri. Railroad tank cars, containing 20,000 gallons of cresylic acid and 40,000 gallons of high octane gasoline, were derailed and spilled their contents into the creek. Fish were killed and groundwater supplies contaminated. Downstream water users were notified and further damages were averted.

1963, Minnesota-Mississippi Rivers. Storage tanks ruptured and 2,500,000 gallons of crude soybean oil and 500,000 gallons of salad oil spilled. Two thousand ducks were killed and recreation and wildlife areas were fouled for 130 river miles downstream.

1963, Chattahoochee River, near Atlanta, Georgia. A pipeline burst, spewing an estimated 60,000 gallons of kerosene into the river 5 miles above one of Atlanta's water supply intakes. The river was polluted for three weeks and a plant supplying one-fourth of Atlanta's water was taken out of service for 2 days. Greatly increased chemical treatment of the water was needed.

1963, Coosa River, Alabama. A tractor-trailer hit a bridge and spilled 25 tons of barium carbonate. Downstream water supplies were threatened.

1961, Illinois River, Peoria, Illinois. A hose was ruptured while unloading anhydrous ammonia from a barge. Forty-two persons were hospitalized. Five million fish were killed.

1960, Mississippi River, Louisiana. Industry drained several tons of phenol into the river near Baton Rouge. Water supplies for New Orleans and nearby communities were contaminated.

The danger of accidental water pollution is manifold. The first thing we used to do is to make the danger manifiest to the American people so they will devote to it a proper portion of their environmental concern.

But after arousing public concern, what is to be done?

Regarding ship design and construction, we need more research aimed at improving tanker vessels and barges. This should include examination of ways of improving existing vessels.

Regarding ship movement, there should be a constant review of all procedures and guidance systems that help prevent accidents.

Further, we need strict policing of prohibited discharge zones and of loading and unloading procedures.

The problem of preventing pollution from vessels is complicated by the fact that a diminishing fraction of the tankers entering American waters are under American registry.

Thus we need to seek increasing international cooperation in setting and enforcing standards.

With regard to pipeline movements and storage facilities, there should be an active program of Government interest and incentives regarding technical improvements.

Work is now in progress on the development of a collection agent for spilled oil and other pollutants. Such an agent will be poured on a slick, causing it to agglomerate into a gel which can be skimmed from the water's surface. The Government should encourage research relating to such products.

Further, we need a continuing review of procedures used in offshore drilling and production.

The recent fire and oil spill in the Gulf of Mexico indicates that engineering talent should be employed in devising new mechanisms for shutting down flowing wells in the event of an accident. It should be understood, however, that the problems of controlling these leaks vary with the type of production involved.

Flowing wells present problems quite different from those of a well requiring

artificial lifting of the oil. Those wells requiring a method of artificial lifting, whether by gas injection, water flooding or pumping, are generally more easily controlled since the rate of spill may be stopped or greatly diminished simply by shutting off the source of artificial lift.

Flowing wells, on the other hand, have many producing advantages, but these are offset to some extent by control problems. I am confident, however, that the State of the art is sufficiently advanced that unresolved control problems can be resolved without any major disruption or interdiction or production or development of producing fields.

Needless to say, since human beings are in control of drilling and producing facilities, human errors will occur. Thus we should emphasize research that will lessen the number of human errors and that will minimize the damage caused by whatever errors do occur.

Technology has posed some serious threats to our society. Now technology must be used to eliminate these threats.

Until we achieve the required technology, we should be especially careful to insist on a full exercise of the Government's enforcement powers to protect us from environment damage caused by offshore operations.

Secretary of the Interior Walter J. Hickel, speaking on March 12 at a New Orleans news conference, reported that the current oil problems in the Gulf of Mexico are coming from operations that do not meet Federal specifications.

The rig that is currently causing the serious damage is not properly equipped with the antileak safety device that is required by Federal regulations. Further, the oil company involved was recently found to be operating approximately half of its rigs in this oil field without the required devices.

Granted, there is some scepticism concerning the effectiveness of the safety device. But such scepticism does not excuse disregard for regulations. A proper response to doubts about the effectiveness of the device would be a crash program—financed by the producing companies—to develop and install really effective safety mechanisms.

Finally, there is another form of waterborne pollution that should be mentioned here. This is the human waste that is dumped by vessels of all sorts.

There are approximately 46,000 federally registered commercial vessels, 65,000 unregistered commercial fishing vessels, 1,600 federally owned vessels, and 8 million recreational vessels using American waterways.

The human pollution potential from such watercraft is estimated to be equivalent to that of a city of over half a million population—a city the size of Cincinnati or San Diego.

Only a small percentage of these watercraft is equipped with sewage treatment facilities. Requirements should be toughened to eliminate this pollution potential.

Mr. President, we have already suffered from accidents on and around water. But we have not suffered a really big accident—not yet.

Nevertheless, we should not be content to accept the very real and painful damages inflicted by small- and medium-size accidents. And we should not rely on luck to protect us from the big accidents that are a permanent possibility in the modern world.

We are fortunate that we have become alert to these damages before being struck by the worst of them. Let us do everything in our power to take advantage of our early alertness. Let us act now so that in the future we will rely less on luck. Let us make ships and shipping safer and cleaner.

Let us make all activities on and around water a blessing of, rather than a threat to, our beautiful coasts and inland waterways.

LEGISLATION TO RELIEVE WESTERN FREIGHT CAR SHORTAGES VITALLY NEEDED

Mr. CHURCH. Mr. President, on March 24, a special subcommittee of the Committee on Commerce dealing with freight car shortages began hearings under the chairmanship of the distinguished Senator from Indiana (Mr. HARTKE) on S. 3223, a bill to change the present time-mileage formula on boxcars held by a railroad company other than the owner of the freight car.

This legislation is vitally needed in the west where we face perpetual freight car shortages under the current rules. This continual freight car shortage has a serious and detrimental effect upon the commerce of the Western States.

Because of the great interest expressed in this legislation by people throughout my State of Idaho, I ask unanimous consent that the text of my testimony presented on the bill be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR FRANK CHURCH

MR. CHAIRMAN: Each year, around harvest time, Idaho farmers and producers face a deplorable crisis. Because of ineffective ICC regulations, there simply are not enough railroad freight cars to serve Idaho and other Western states.

Under present law, a "time-mileage" system is used to charge railroads that use another company's boxcars instead of retaining them. This system has a two-fold effect upon Western railroads and producers. First, it is more profitable for Eastern and Southern railroads to hoard Western boxcars and pay the charge than to build their own. Thus many boxcars belonging to Western companies never reach their home. Secondly, Western railroads cannot afford to take advantage of the same system because, as a rule, they travel much greater distances to deliver their loads than their Eastern counterparts.

I believe, as do many concerned Idahoans who have written me, that S. 3223 would effectively end this perennial crisis. If passed, it would eliminate the inequitable mileage provision from the law. A system based purely on time would be established, and, hopefully, make it unprofitable for the Eastern and Southern railroads to keep Western freight cars, forcing them to return these cars to the West, where they are vitally needed and rightfully belong.

The severity of the boxcar shortage is not to be underestimated. In a letter, R. L. Henry, administrator of the Idaho Transportation Council, described the situation: ". . . at its height this shortage was so serious that a collapse of the normal distribution functions provided grain during harvest was threatened. Great economic loss has resulted to all segments of agriculture and forestry in the West." Furthermore, Mr. Henry noted that "car shortages which in the past were relatively short-lived appear to be growing in intensity and to be of longer and longer duration."

Another constituent, Lewis I. Phillips, manager of the Lewiston Grain Growers, Inc., wrote me and provided another insight to the problem: "Traditionally we pay our producers for grain in full at time of purchase. Money from sales of grain is not received until the car is shipped. Ninety per cent is advanced when loaded and final settlement when the grain is unloaded, weighed and graded—approximately a month to six weeks. We handle from 175,000 to 200,000 tons of grain and peas per year. Many times during the marketing season we are from 100 to 200 cars behind in shipments. This is very costly to us, especially since the cost of money is so high."

Idahoans are rightfully concerned over the freight car shortage. I have received many letters from worried constituents urging passage of S. 3223. None of the mail has been unfavorable.

As a co-sponsor of S. 3223, I urge quick action. Passage of this bill will end the costly discrimination that farmers and producers in Idaho and other Western States now face each year.

BYELORUSSIAN INDEPENDENCE DAY

Mr. WILLIAMS of New Jersey. Mr. President, March 25 marks another reminder of the hardships and deprivation faced by millions of oppressed people across the world. On this day, Byelorussian descendants will celebrate the 52d anniversary of the Declaration of Byelorussian Independence, a brief moment of freedom in that nation's history.

Prior to World War I, great steps were made among several European nations in establishing a firm foundation for democracy. Through an organizational congress, those nations hoped to protect themselves from outside aggression.

The Byelorussian State, withstanding military pressure from Russian forces, was secretly preparing for the opportune moment to break from their oppression. Such a moment presented itself when the Russians became involved in the Bolshevik Revolution of 1917; and February 19, 1918, with the support of the military, the Byelorussian Congress gained total control of their government. On March 25, 1918, the congress declared its nation an independent and free state.

However, in late 1918, the Russian armies again invaded the Byelorussian territory. On December 10, a Soviet government was reestablished, destroying the self-governing Byelorussian Congress.

Although their independence was short-lived, the citzens of this nation demonstrated to the world their determined capability in self-government. With improved education, immediate advancements were made in literature and the arts. Great emphasis was placed on social reforms, and citizen participation in the democratic procedures was immense.

Mr. President, as Americans join with Byelorussian descendants in acknowledging their Independence Day, we honor and pay tribute to the aspirations of all free men.

DR. JAMES EARL RUDDER

Mr. TOWER. Mr. President, I was saddened to learn of the passing of a great Texan and distinguished educator, Dr. James Earl Rudder. Dr. Rudder was the president of the Texas A. and M. University and system. He was born in 1910 in Eden, Tex. His career of public service began in 1933 when he was a teacher and football coach at Brady High School in Brady, Tex. From 1938 to 1941 he taught at Tarleton Agricultural College, at Stephenville, Tex.

In 1941, Earl Rudder heeded his country's call. He served with great distinction in the U.S. Army and rose from first lieutenant to colonel in 5 years. He emerged from the service richly decorated, having received the Distinguished Service Cross, the Silver Star Medal, the Legion of Merit, the Bronze Star Medal with oak leaf cluster, and other awards for valor and service.

When he returned to Texas after the war, he became mayor of Brady and served in that office until 1952. He subsequently became commissioner of the general land office of Texas, chairman of the veterans' land board, and in 1958, vice president of Texas A. and M. University. The following year, Dr. Rudder was made president of the university and served in that office until his death.

Mr. President, Texas A. and M. University has enjoyed more than a decade of growth and advancement in educational quality under the leadership of Dr. Rudder. He will be sorely missed.

NOMINATION OF GEORGE HARROLD CARSWELL TO THE SUPREME COURT

Mr. GURNEY. Mr. President, I wish to add to the RECORD several additional telegrams which have come to my office expressing support for Judge Carswell. As I have said before, I dislike this numbers game, and I think endorsements of this sort add little real substance to our proceedings. But now that the game is in progress I cannot very well withdraw, lest by doing so, we create the erroneous impression that the naysayers have carried the field. For this reason, I ask unanimous consent to have printed in the RECORD several telegrams from judges and lawyers from Florida and Indiana.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

ST. PETERSBURG, FLA.,
March 23, 1970.

Senator EDWARD GURNEY,
U.S. Senate,
Washington, D.C.:

I urge your vote for approval of Judge Carswell nomination to the United States Supreme Court.

ROBERT E. BEACH,
Circuit Judge, 6th Judicial Circuit, State of Florida.

LAKELAND, FLA.,
March 23, 1970.

Hon. EDWARD J. GURNEY,
New Senate Office Building,
Washington, D.C.:

Having served in U.S. Attorneys Office, Southern District of Florida, when Judge Carswell was U.S. Attorney in Northern District, I know from liaison between us that Judge Carswell was astute, knowledgeable in the law, honest, fair to all and conscientious. It is inconceivable that more could be expected of a nominee to any judgeship in the land. Particularly to that on U.S. Supreme Court. Urge prompt vote and confirmation of Judge Carswell's nomination.

JOSEPH P. MCNULTY,
Judge, Court of Appeal, Second District of Florida.

MIAMI, FLA.,
March 23, 1970.

Hon. EDWARD J. GURNEY,
U.S. Senator,
Senate Office Building,
Washington, D.C.:

DEAR SENATOR: I believe Judge G. Harrold Carswell is well qualified by reason of his judicial background, experience and temperament to serve as Justice of the Supreme Court of the United States I respectfully urge his appointment.

JAMES LAWRENCE KING,
Circuit Judge, Dade County Courthouse.

PETERSBURG, IND.,
March 23, 1970.

Senator EDWARD GURNEY,
Senate Office Building,
Washington, D.C.:

I recommend the immediate confirmation of Judge Carswell as a Justice of the Supreme Court of the United States. The overwhelming evidence establishes his qualifications. Only a red herring is being dragged across the trail. For purposes of identification only I am a former president of the Indiana Bar Association, former chairman of the house of delegates, former chairman of the Trial Lawyers Section and have been practicing law for almost 50 years.

CARL M. GRAY.

INDIANAPOLIS, IND.,
March 24, 1970.

Hon. EDWARD J. GURNEY,
Senate Office Building,
Washington, D.C.:

Am happy to add my endorsement of Judge Carswell and urge his affirmation.

FLOYD W. BURNS,
Past President, Indiana State Bar Association.

COLUMBUS, IND.,
March 24, 1970.

Senator EDWARD GURNEY,
Senate Office Building,
Washington, D.C.:

As a past president of the Indiana State Bar Association, I find among members of the legal profession in Indiana, strong support for the appointment of Judge Carswell to the U.S. Supreme Court. I recommend that Judge Carswell's appointment to the U.S. Supreme Court be confirmed without delay for the good of the country.

THOMAS C. BIGLEY,
Charpnack, Biley & Jurgemeyer.

ORLANDO, FLA.,
March 24, 1970.

Hon. EDWARD J. GURNEY, Jr.
U.S. Senator,
Senate Office Building,
Washington, D.C.:

Strongly urge active support Judge Carswell. I have known Judge Carswell for many years as a man, lawyer, and judge and am familiar with his service as United States Attorney and United States District Judge both from the viewpoint of an interested citizen, practicing attorney and one active in the affairs of the bar. Judge Carswell in my opinion is most eminently qualified to be a Justice of the Supreme Court of the United States by virtue of his legal ability, humaneness, and judicial temperament.

O. B. MCEWAN,
President Florida Bar 1958–1959.

MARION, IND.,
March 25, 1970.

Hon. EDWARD J. GURNEY,
Senate of the United States,
Washington, D.C.:

I believe the substantial majority of Indiana attorneys regret the controversy over Judge Carswell's confirmation and fear the effect it might have on the prestige of both the Senate and the Supreme Court. This personal opinion is based on my experience as past president and incumbent House of Delegates chairman, Indiana State Bar Association. I consider Judge Carswell eminently qualified in all respects.

ROBERT A. GEMMILL.

ANNIVERSARY OF GREEK INDEPENDENCE DAY

Mr. WILLIAMS of New Jersey. Mr. President, 149 years ago, Greek loyalists started the groundwork for a revolution that eventually led to an independent state.

Under the leadership of Alexandros Ypsilantis, the first of a series of revolts against the Turks started on March 25, 1821, the accepted birthdate of Greek Independence. The Turkish empire did not accept the government of the Greeks and the subsequent fighting is comparable to that of the American colonists after our own Declaration of Independence. As in our case, it was several years and many battles before the final official acceptance of Greece as a free and independent nation occurred on October 20, 1827.

The Greeks were convinced this would be a permanent freedom, and they received protection from three world powers, Great Britain, France, and Russia. Because their earlier intervention aided in the Greek revolution, those powers collectively selected a ruler for Greece. However, a nationalistic overthrow in 1843 provided Greece with not only a democratic-oriented national assembly, but also a constitution based on democratic principles.

However, from that year until the present, Greece has been continually confronted with change in government control. But despite the turmoil, the Greek loyalists have shown to the world their enthusiastic determination to remain free.

Mr. President, in acknowledging March 25 as a day Americans should pay tribute to Greek descendants in their fight to remain a free nation, we should remember their deep influence on our way of life. Our democratic principles and beliefs are derived directly from ancient Greece. Much of our culture, including literature, the arts, and athletics, has been derived from noted Greeks. And the contributions of Greek-Americans to

this Nation's way of life have been singularly notable.

Therefore, let all Americans, this day, extend to Greece and her people, our hope for lasting peace and freedom.

REPRESENTATIVE BROOMFIELD PRESENTS POLICY FOR THE MIDDLE EAST STATEMENT

Mr. JAVITS. Mr. President, I invite the attention of Congress to a timely and compelling address on United States-Israeli relations by a distinguished member of the House Foreign Affairs Committee, Representative WILLIAM S. BROOMFIELD, of Michigan.

Representative BROOMFIELD's remarks merit study and consideration. Indeed, I would say that his address is among the best summaries of the current situation available to Congress and the people.

I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

LADIES AND GENTLEMEN: We know why we are here. This is a time for action, not rhetoric. As devoted Zionists, you are committed to Israeli-American friendship and the preservation of freedom not only in our own country but also in the State of Israel.

You know the facts of the very serious and very grim crisis confronting Israel. You have carefully followed every development—heartwarming developments and heart-rending developments. You are not misled by double-talk and high-sounding formulations. You want to know the score in Israeli-American relations.

The situation is too tense for sugar-coating. There are very real fears that Israel's support in Washington has eroded. There is concern that the Jewish State is being cut off, isolated, rejected, and betrayed.

Your invitation to address the Zionists of Detroit came at a timely moment. It came at a moment when my own concern was increasing.

As a member of the House Committee on Foreign Affairs, I am the ranking Republican on the Far East and Pacific Affairs Subcommittee. I have observed the brutality of Communist aggression. I have followed the phony peace talks and feel that we should not be seduced by Communist tactics.

Just as world communism works through stooges and agents in Southeast Asia, Moscow is today operating through the radical Arab States to penetrate the Middle East and Mediterranean. Israel is the target because Israel is an outpost of freedom. A defeat for Israel would be a very terrible defeat for the United States of America. It would undermine the American position and that of all free nations in the Mediterranean, Africa, and Western Europe as well as the Middle East. The implications are far more serious than some situations in Southeast Asia when viewed from the overall national security interests of the United States.

If we were justified in committing thousands of American lives in Southeast Asia and draining our economy to halt aggression there, the least we can do is to support Israel in the arena of diplomacy. The least we can do, under the Nixon doctrine, is to provide arms for a nation fighting for its survival against Communist-supported aggressors.

No American troops are sought by Israel. But we nevertheless must deter direct Soviet military intervention. President Nixon told Congress last month that "the United States would view any effort by the Soviet Union to seek predominance in the Middle East as a matter of grave concern."

The President was referring to Israel when he said that "the time has passed in which powerful nations can or should dictate the future to less powerful nations. The policy of this administration is to help strengthen the freedom of other nations to determine their own futures. Any effort by an outside power to exploit local conflict for its own advantage or to seek a special position of its own would be contrary to that goal."

In accordance with this aim, the President reaffirmed our stated intention to maintain careful watch on the balance of military forces and to provide arms to Israel as the need arises.

JETS NEEDED NOW

My own assessment on the situation is that the need already exists. Further delay is dangerous.

France has joined the Soviet Union in supplying sophisticated arms to the radical Arab states. Israel can look only to Washington for continuity of supply of sophisticated military aircraft. If Washington does not act, the danger of aggression will grow; the strength of the Arabs will increase while Israeli deterrent power deteriorates; violations of the cease-fire will escalate, and the Soviet Union might miscalculate and wrongly assess American intentions in a grave error that could bring about a terrible nuclear confrontation threatening the entire world.

It is no longer a question of whether we can afford to provide Israel with the necessary jets and even to extend new lines of credit to cover financing. It is now a matter of whether we can afford not to take action on Israel's urgent needs. This is the way to avoid confrontation. This is the way to peace through strength. And this is the way to redeem our moral and ethical commitments to the people of Israel.

Coinciding with my appearance here tonight, I have sent the following telegram to President Nixon:

"Urgently recommend immediate authorization of sale of additional military jet aircraft to Israel. In my judgment, a favorable decision necessary in response to new French arms policy favoring Arabs which compounds continuing Soviet involvement on Arab side. Favorable action would redeem our commitment, promote regional stability, deter aggression, serve cause of peace, and bolster the national security interests of the United States."

I did not concur in any American role at the United Nations or in concept with the Soviet Union, France, or Britain to impose a peace at Israel's expense during the previous administration.

BIG FOUR FAILURE

I do not accept such a dubious diplomatic approach under the present administration in view of the record of the Big Four talks. That record adds up to a great big nothing in terms of actual results. But the Russians and their Arab friends have extracted great propaganda value and attempted to drive a wedge between the United States and Israel.

The United States remains convinced that peace can be based only on the voluntary agreement of the parties directly involved. The only peace worthy of the name must be based upon direct, face-to-face negotiations that produce a genuine settlement. Nothing less will suffice. The President has said that "there is no substitute for negotiations. Peace and security can only emerge from the mutual agreement of the two sides immediately concerned."

That is the position. It must remain our position. You are a very sophisticated group and realize that the art of diplomacy is complex.

Words and stories that appear in the press are often confusing and misleading. I looked into the diplomatic situation just before leaving Washington and have reassured myself that this Administration, alone or in concert with any other power, will not dictate the terms of peace or seek to impose a settlement.

President Nixon stated on September 8, 1968, that "it is not realistic to expect Israel to surrender vital bargaining counters in the absence of genuine and effective guarantees." This Administration continues to recognize that fact.

REAL PEACE VITAL

As a Member of the Foreign Affairs Committee, I would go one step further. I would strongly urge upon the Government of Israel that the Israelis refuse to withdraw from even a single inch of occupied territory unless the Arabs sign a real peace treaty. That is the only way to translate the continuing bloodshed into an acceptable basis for national and human existence.

The Soviet Union or Egypt or anyone else would be badly misguided to conclude that the United States is going to high-pressure Israel into unilateral withdrawal.

There are some who advocate a spirit of compromise on the issue of Israel, a policy of "give and take." We must make sure that the United States does not "give" at the expense of Israel while the Soviet Union "takes" for the Arabs.

It was in the historic days following the Six Day War that I visited Israel. I was deeply moved by the brave and modest young men of Israel who faced the terrible Russian firepower provided to the Arabs. In recent months, I have received many telegrams from constituents concerned that Israel would be sold out. My memory of what I saw and felt in Israel remains so compelling that the telegrams renew my determination to keep the faith with the Israeli soldiers whose hands I grasped in admiration and friendship.

Some facts must be brought home to Washington. Not everyone understands how Israel feels. Israel is surrounded, besieged, subjected to vilification and hatred, to guerrilla attacks and sabotage.

The Israelis may point out that while the United States is the advocate of peace, the Soviet Union is the advocate only of the Arabs. The Israelis may also raise a very relevant question: Would a rollback from occupied territory and one-sided concessions actually satisfy the extremists of the so-called National Liberation Front of the Arabs?

It is perfectly understandable that Israel would scrutinize everything our Government says and does. Israel's survival is at stake.

The Israelis remember very well the Nazi genocide which was perpetrated while the civilized world stood by and phrased platitudes. The Israelis remember the liquidation of Jews in the Warsaw ghetto. They remember Munich and all that followed.

They saw what happened to Czechoslovakia only two years ago. Israel is determined not to become another Czechoslovakia!

Israelis are well aware of the anti-Jewish persecution now practiced in various Arab states. They watch with dread foreboding as the Soviet Union impugns the loyalty of its Jewish citizens.

I read with horror in the Detroit Jewish News of the insidious pressure with which Russia is forcing prominent Soviet Jews to condemn Israel and Zionism. I read of the courage of those brave Jews in Russia who expressed indignation.

SOVIET ANTI-SEMITISM

If the Soviet Union sends those courageous people to Siberia for speaking their minds, Russian pretensions will stand exposed anew in the eyes of all Americans, Jewish and non-Jewish.

These new demonstrations of Communist hatred for Israel and the Jewish people may lead to show trials of those who spoke out against discrimination or applied for visas to settle in Israel. Jews may be made scapegoats in pursuit of domestic conformity in the monolithic Soviet state and to advance Russian aspirations in the Arab world.

I wish to note in this connection that President Nixon has urged Senate ratification of the Genocide Treaty. The President is trying to get Senator Fulbright, Chairman of the Senate Foreign Relations Committee, to take action—after so many years of delay—to act on the Convention on the Prevention and Punishment of the Crime of Genocide. American ratification would strengthen the hand of the President in speaking out against Soviet anti-semitism. I am proud to see a Republican Administration take this initiative.

REPUBLICANS BACK ISRAEL

Let me say quite frankly that all the friends of Israel are not to be found clustered together in one particular political party.

Take a look at the absence of certain names—and the presence of others—on the most recent Congressional declaration in support of Israel.

I do not say this in a partisan spirit but in a sense of pride that my party, as represented in Congress, now has a leadership that affords us great leverage on crucial issues when dealing with the State Department and other agencies of the Executive Department.

On the other hand, some key personalities in the leadership of the majority party, especially in the Senate, have given aid and comfort to the makers of dubious Middle Eastern policies.

The new Congressional declaration to which I refer was introduced by my distinguished colleague, Manny Celler of New York, the beloved dean of the House.

It stipulates that "It is not in the interest of the United States or in the service of world peace to create the impression that Israel will be left defenseless in face of the continuing flow of sophisticated offensive armaments to the Arab nations supplied by the Soviet Union and other sources."

This reflects my own thinking to the extent that I not only signed the declaration but called it to the attention of colleagues in my own party from Michigan.

Recent events have caused great concern. The fighting has escalated. The young and brave are giving their lives so that Israel may live.

Arab fanatics are trying to blockade Israel by bombing commercial airliners. They seek to strangle the airline routes linking Israel with the free world. Airports and passengers have been attacked.

This outbreak of extremism against Israel is quietly encouraged by those who send new supplies of the latest arms to extremist Arab states that give aid and comfort to the terrorists.

FRANCE UPSETS BALANCE

A new factor was introduced by the massive French arms transaction with Libya. I cannot imagine why Libya, with an army smaller than the Detroit police department, needs 110 of the latest Mirage jet fighter-bombers—or hundreds of powerful tanks.

Much has been said about the recent visit of President Pompidou of France.

When President Pompidou was an official guest in Washington, I gave him the respect but scrutinized his actions.

Upon returning to Paris from our hospitality, President Pompidou announced a credit of $810 million to the Soviet Union to finance Russian purchases of French machinery and equipment over the next five years. Some of the machinery and equipment would facilitate Soviet munitions manufacture. The French Communist Party has welcomed this action by the Pompidou Administration, just as it supports his policy toward Israel and Zionism.

When our Committee on Foreign Affairs takes up matters pertaining to France, I intend to raise a question about Pompidou's new transaction favoring the Russians, coming as it does on top of the irresponsible transaction with Libya.

I can assure you that President Nixon may be persuaded by the requirements for diplomatic protocol in receiving foreign guests, but he is not necessarily won over to their policies.

POMPIDOU JEOPARDIZES PEACE

I have very deep reservations about French policies and categorically reject the contention that massive build-up of leftist extremists in Libya serves the cause of peace in the Middle East. I think that Pompidou has done the world a disservice by cancelling contracts made in presumably good faith to provide jets to Israel and then turning around and giving such jets and additional ones to Israel's mortal enemies.

This is two-faced policy and I deplore it.

There have been reports that France may even sell Mirage jets to Communist China. We are looking into this.

There is also a new question involving possible shipment of French jets to Pakistan. But that is not yet confirmed.

I am shocked to learn that Pakistan, a major beneficiary of the U.S. foreign aid program, has sent troops to Jordan to assist in the unrelenting war against Israel.

It is my understanding Pakistani troops, equipped with anti-aircraft weapons, are being deployed in Jordan to shoot down the jets provided to Israel by the United States.

Over 1,000 Pakistani soldiers have already arrived in Jordan and are taking combat positions near the cease-fire lines. I feel that this intrusion by Pakistan into the friction embroiling Israel and her immediate neighbors adds a dangerous new element to the crisis.

The time has come from our Government to serve notice on Pakistan that her entrance into the Arab-Israeli hostilities will not be tolerated by the United States.

Another new situation is developing in Iraq. Following the announcement of a peace between the Iraqi government and dissident Kurdish elements and solution of the civil war in Iraq, announcement was made that more Iraqi troops will be sent to Jordan to fight Israel.

This also adds a new element in that Iraq was a party to neither the 1949 armistice agreement nor the 1967 cease-fire. Thus, an active state of war between Iraq and Israel exists. The grim fact is that the Iraqis are the very worst offenders of human rights among the modern Arab states in terms of mass executions of Jewish citizens and others persecuted by the dictatorial regime.

The situation on the Middle Eastern horizon is compounded by threat after threat. But Israel is not without friends. I want to tell you that I have been reassured on the highest levels in Washington that the United States Government stands by its friends. Israel is one of its friends.

The action on the supply of additional jets to Israel is behind the timetable that I would prefer. But I am fully confident that this step will be taken. Indeed, deliveries of Phantoms and other weapons are proceeding week by week and month by month under previous authorizations and existing contracts.

The friendship of our two countries is an article of faith. President Nixon has very recently reaffirmed American-Israeli friendship.

Mrs. Golda Meir, Prime Minister of Israel, stated that she "noted with gratification" the clear expression by President Nixon on the the issue of Israel's security and integrity.

I refer to the message sent to the emergency conference of Jewish leaders in Washington on January 25 through my good friend, Max Fisher.

It would be unfair to judge the President and condemn him merely because he found it necessary to apologize to President Pompidou—nor because of the delay in approval of the latest jet transactions. I feel that the total record of this Administration should be judged in perspective when all facts are in. But, *I do not* identify with every twist and turn of State Department and White House policies. *I support what seems right and oppose what seems wrong.*

The Zionist movement is inherently valuable. It serves as a prod to conscience; a guideline amidst confusing and contradictory voices from many sources. Zionism makes for better Americanism.

Despite all that I can say, there remains a residue of fear about U.S. policies. A new declaration on Middle East policy is essential. But it must do more than voice phrases. Actions must occur. Our friends must be reassured. Our enemies must not miscalculate.

ACTIONS URGED

I wish tonight to propose a 6-point action program, inspired by the Star of David, symbolic of Jewish national survival. I urge the Government to take the following actions to meet the crisis:

1. Announce without further delay the provision of additional Phantom and Skyhawk jets and other weapons required by Israel with appropriate financing arrangements.

2. Establish a telephone "hot line" between Washington and Jerusalem, a proposal first advanced by the Republican leadership of Congress. This would enable Mrs. Meir to clarify any misunderstanding directly with the President or vice versa. It would be useful if new factors were introduced into the conflict by an outside power.

In an emergency, the President could act instantaneously. The existence of the hot line would reassure Israel and deter those who would drive a wedge between Israel and the United States.

3. Withdraw from the Big Four talks to dramatize our rejection of the Soviet and French manipulation of such talks. The Franco-Soviet position would enable the Arabs to accomplish through diplomatic pressures what they failed to achieve on the field of battle. Moscow has shown contempt for American good faith. There is no real benefit in continuing in a forum for anti-Israel propaganda.

4. Re-affirm the principle of a just settlement involving direct face-to-face negotiations in which the Arabs acknowledge their responsibility for real peace and sign such a treaty. Proclaim that Israel must not withdraw from a single inch of occupied territory until a genuine peace is achieved covering all forms of aggression including guerrilla warfare.

5. Convene an international conference of all nations serving the Middle East through commercial airlines to take strong steps to stop terrorism. These measures should include a boycott of the airports and aircraft of any nation that gives aid and comfort to terrorists. Seek international embargo on sale of all aircraft, civilian and military, to any country that collaborates with Arab terrorism like that in the Swiss Air tragedy.

6. Serve notice upon the Soviet Union at the highest diplomatic levels that the United States Government looks with concern at new indications of anti-semitism within the Soviet Union just as we deplore racism and persecution throughout the world. Take new initiatives at the United Nations in conformity with international undertakings on

human rights and accompanied by United States Senate ratification of the convention on Genocide.

We have no warlike motives in the Middle East. The American people desire only the friendship of all the various nations of that region. It is our fervent prayer that nations accord others the right to exist.

Perhaps realization will come that true liberation can be found in development of one's own country, raising of one's own living standard, and the development of one's own social justice. Aggression will not succeed, no matter the grandiose phrases invoked to justify the unrelenting warfare by regular and guerrilla forces.

All parties are obviously better served by peace negotiations and the acceptance of the facts of life. The real interests of both Arab and Israelis require peaceful coexistence.

In that land where the Prophets dreamed that nation should not lift up sword against nation, let there be peace.

For Israel, a nation of people whose suffering merits a life more creative than perpetual service in an armed camp, let there be peace. For the Arabs, whose poverty and frustration require schools and hospitals and a decent life rather than the endless purchase of jets and guns, let there be peace.

Israel could be a light unto the nations of that region if the Arabs would accept fellow human beings of the Jewish faith as entitled to nationhood as any other people. The genius and productivity of the Israelis could help others make their deserts blossom.

Instead of the cradle of civilization becoming its grave, let the cradle of civilization give rise to two peoples, Arab and Jewish, each in their own countries, with commerce and travel flowing across peaceful borders, and with a new sense of mutual respect in keeping with our dream of the brotherhood of man under the fatherhood of God.

I want to add a special and very personal word to this audience. Many of you have devoted your lives to the Zionist cause. You have seen in Zionism a redemption of freedom and human dignity, the rebirth of a nation, and the rebirth of a people. But we are now witnessing painful days, tragic days, in which the powers and political trends and pressures of the world appear to be converging on the Middle East.

Israel was reborn in blood and fire. Israel is today struggling in an ordeal of blood and fire. But this time it is different. The State of Israel has proved its mettle. Israel is a nation among the nations.

You can take pride, as dedicated supporters of Israel, as Zionists, in the nation you have helped build. But the watchman of Israel does not sleep.

Trying days lie ahead. Yet, in your heart of hearts, you can draw faith and sustenance and reassurance from one fact: This is the United States of America. This is our country and we, Jews and non-Jews, peoples of all parts of this country, the silent Americans and the articulate Americans, will not let Israel down.

I thank you.

JUDICIAL REFORM—STATEMENT OF HON. J. DUDLEY DIGGES, ASSOCIATE JUDGE, MARYLAND COURT OF APPEALS

Mr. TYDINGS. Mr. President, throughout the country our civil and criminal courts continue to be plagued with congestion and delay as a result of the use of archaic, inefficient judicial machinery. Last week, the Subcommittee on Improvements in Judicial Machinery, of which I am chairman, held a hearing on this crucial problem. Special attention was focused upon S. 3289, the National Court Assistance Act, a bill that would provide Federal assistance to State and local courts to help modernize and improve their judicial operations.

My subcommittee was privileged to receive at this hearing the testimony of the Honorable J. Dudley Digges, associate judge of the Court of Appeals of Maryland and formerly chief judge of the Seventh Judicial Circuit of Maryland. Judge Digges is not only a most learned and sensitive judge but also one of the finest judicial administrators in the country. When he speaks on the subject of judicial reform, it behooves all concerned with the problem to listen keenly. At the subcommittee hearing, Judge Digges delivered an outstanding statement which could serve as a fine lesson in judicial administration for every court in the country. I ask unanimous consent that Judge Digges' statement be printed in the RECORD.

There being no objection the statement was ordered to be printed in the RECORD, as follows:

TESTIMONY OF J. DUDLEY DIGGES

Mr. Chairman, in response to your request for comments on your proposed bill (S. 3289) establishing a National Institute for Judicial Studies and Assistance, I would like to make two observations, and those are that—

(1) Where modern business and analytical techniques have been applied to the crisis in our courts, they have resulted in dramatic improvements, and

(2) At the present time the states are neither financially equipped nor motivated to initiate a long range, persistent and sustained drive to clear up the congestion in our courts. I am of the opinion therefore that the educational and advisory functions of the Institute that you are attempting to establish can supply both the impetus and the back up needed to educate judges, lawyers and state officials to the needs and the possible solutions for the problems of the administration of civil and criminal justice in this country.

Addressing myself to the first observation, I can only speak from a very parochial viewpoint. As early as 1960, before I was Chief Judge of Maryland's Seventh Judicial Circuit, composed of the trial courts of a suburban county bordering on Washington, D.C., and three rural counties, my colleagues on the Bench and I initiated administrative reform techniques along the lines you plan for the Judicial Institute. I note now, with some relief, that we began to apply these modern business techniques before and not after the explosion of cases began, having anticipated an immense population shift into our judicial bailiwick. Our population shifted from 357,395 to 768,900 and our yearly number of cases filed in our circuit court alone rose from 4,749 to 8,751 annually. (See appendix A and B) The successful results of our anticipation is significant and, I believe, strong reason for waiting no longer to establish your institute, for the problems raised by an increased docket must be made manageable before they get completely out of hand, as they already have in many urban areas.

Our experiences in the Seventh Circuit have been most gratifying to us, for by identifying our problems early, and discarding old unworkable solutions to them, we checked what many believed to be the inexorable fate of all urban court systems, the drift into court congestion.

For example, we realized initially that under the ever increasing press of cases that we could no longer depend on the good will of competing lawyers to insure a smooth running docket. Instead we placed this responsibility in an efficiently run assignment office, which ran its calendars independently of the elaborate and slow moving filing system of our Clerk's office. A lawyer would be given reasonable notice as to the next available trial date and a reasonable opportunity to object, but absent an objection we also assured him that his case would in fact be heard on that day. This last assurance fell on the judges, for in order not to disrupt a following day's trial calendar we made it our policy to finish a case on its scheduled day, even if this meant leaving after 4:30. The system worked. Interpolating our ideal requirements into actual figures, we now give 4–6 months notice of a trial date with 30 days to object and reschedule. As for the assurance of trial on that date I believe it is instructive to note that since we have instituted this system there have only been eleven known instances of litigants not getting into court on the day assigned.

In another problematic area, when we saw the first signs of massive filing congestion we enacted local rules of court which gave our judges authority to dismiss or place on an inactive docket half-dormant cases. We found that this was not enough, and we changed our rules so they would be self-executing, that is, when a case reached certain points in time, 6 months, 12 months, 18 months, without appropriate action, the Clerk would automatically place them on our inactive dockets, and if a case presented special problems we would assign it to an individual judge for his special attention. For the general inactive case, however, we shifted the administrative burden from the judges to the clerks and then to the individual attorney to get his case back in an active status. To our surprise over 75% of the cases so disposed of were never brought to life again and were eventually dismissed. But even this was not enough, for all we had been doing was shifting the burden of responsibility among individuals, judges, clerks, or attorneys, who were already overburdened by other demands of the system. Finally, in 1967 we succeeded in creating the post of court administrator for our entire Circuit, and filled it not with a broken down lawyer but with a bright young businessman who, fortunately for us, had extensive experience with the administration of justice as a probation officer. The task of sifting out deadwood and placing attorneys on their toes ultimately devolved upon him as coordinator of other courthouse offices responsible for this task.

As with our assignment system, we routed our old inactive cases out of the labyrinth of the court house filing system and placed them in an independent system amenable to efficient analysis, which we have set up in such a way that can be converted into a computerized data processing system. While we employed a programmer for this very purpose only last November, even on a manual system we came to grips with a potential backlog of cases by changing our entire approach to the problem. Moreover, by channeling this administrative burden into an office where an adequate number of efficient man hours could be applied on a full time basis we freed clerks, judges and attorneys for chores for which they were better motivated and equipped. We have found ourselves in the enviable position in this state, and perhaps in the nation, of terminating annually more cases than are filed. Last year in Prince George's County we closed 9,238 cases while only 8,851 were begun. (See Appendix B) We attribute this to the application of modern business techniques.

I do not mean to imply that we were simply juggling statistics, or that most courts only have 25% as many active cases as most judicial statistics would seem to indicate. What I am trying to stress is that by loosening up what was basically a filing logjam, we found more judicial, clerical,

and attorney work time to give the active litigant his full day in court much sooner than could ever be anticipated. Except in cases requiring a mental examination for an insanity defense, we now hear a great majority of our criminal trials within much less than three months after arrest. Our active civil cases, still in the mainstream of the system, are disposed of within less than six months from the date an answer is filed—as the rule and not the exception. Now we have no criminal cases over 9 months old, and by singling out our 100 "most wanted cases" in the various divisions of our case load, we can proudly report that as of yesterday at 10 A.M. there are less than 336 civil cases in Prince George's County that have been pending for more than 18 months, and we are trimming that list down continually.

In other areas of civil and criminal judicial administration we have speeded up processes of preliminary dispositions as much as ten times. A good example of this is in the juvenile field, an area where the problem of delay between arrest and disposition is being critically felt all over our nation. It once took us over eight weeks to get from arrest to a preliminary disposition in even the simplest of cases. We appointed Juvenile Masters to cope with the flood, but that only seemed to be followed by an even greater flood of cases, in a rather grim application of Parkinson's law of increased work for increased personnel. With the assistance of our court administrator, we sat back and analyzed the problem. The answer was simple and still astounds us: By allowing our master to sit for initial arraignment and preliminary disposition on weeknights we found we can get a young offender into court with his parents within 48 hours after arrest. If the case gets beyond that point a final disposition can be set within three weeks. Thus, instead of treating all juvenile cases on the same footing requiring quadruplicate filing and processing by four different court agencies before any court action whatsoever, we now sift out those cases in advance that do not require the attention of so many judicial hands. We have completely eliminated our juvenile backlog, freed numerous services for those cases that deserve it, and most importantly, we have brought our young offenders into court for the immediate application of swift and attentive justice, all, I might add, with the full panoply of rights that were later set forth in the Galt decision.

This brings me to my second point, that as a rule most state and local judicial systems cannot sit back and evaluate their problems as we have been fortunate enough to do. Perhaps it's a lack of state funds or state motivation. I am not sure. But I suspect, just from my own attempts in Maryland, while on our State Rules and Procedures Committee, to have our approaches adopted on a statewide basis, that all of us involved in the administration of justice are simply too overwhelmed by our day to day problems and our fear of change to apply the initial impetus or long range persistence to adequately cope with these problems. It is here that I believe that the help of a National Institute for Judicial Studies and Assistance would be most invaluable. As we found that we could not keep passing the buck of reform to already overburdened components of our system and had to create a full time office devoted to efficient organization techniques, so too should the national government help create a full time office of study, analysis and education that could give each court in this country the benefit of fresh ideas in judicial administration. This can be an office that will not just pop up when congestion becomes intolerable and attempt to push the cap of the iceberg below the water line for a year or two, and then throw up its hands in despair when the inevitable re-emerges. The Institute for Judicial Studies and Assistance as you have conceived it, Mr. Chairman, will be able to supply the impetus and, most importantly, the long range persistence and study needed to cope with long range problems. Its educational function can alert our state government to the problems and new solutions to court congestion and help them work out answers suited to their individual long range needs. I heartily endorse its establishment.

APPENDIX A—*Population estimates for Prince George's County*

Date:	*Population* [1]
July 1, 1960	357,395
July 1, 1961	378,221
July 1, 1962	404,119
July 1, 1963	449,400
July 1, 1964	485,800
July 1, 1965	529,550
July 1, 1966	551,700
July 1, 1967	582,470
July 1, 1968	614,730
July 1, 1969	644,800
July 1, 1970	675,100
July 1, 1971	705,900
July 1, 1972	737,300
July 1, 1973	768,900

[1] Projections by Maryland State Department of Health, Division of Biostatistics, March 10, 1970.

APPENDIX B—CASES FILED PRINCE GEORGE'S COUNTY

	Law	Equity	Criminal	Total [1]
1960-61	1,968	1,850	931	4,749
1961-62	2,214	2,113	1,007	5,334
1962-63	2,623	2,398	993	6,014
1963-64	2,861	3,106	1,058	7,025
1964-65	3,175	3,322	1,319	7,816
1965-66	3,343	3,568	1,542	8,453
1966-67	3,116	3,507	1,661	8,284
1967-68	2,803	3,837	1,926	8,566
1968-69	2,757	4,039	1,955	8,751

[1] These figures are from the annual reports of the administrative office of the State of Maryland.

EFFORTS TO FIND A CURE FOR CANCER

Mr. HARRIS. Mr. President, I am pleased to have the opportunity to cosponsor the resolution offered by the distinguished senior Senator from Texas (Mr. YARBOROUGH) authorizing the Committee on Labor and Public Welfare to examine our efforts to find a cure for cancer. As Senator YARBOROUGH has indicated, the 300,000 American deaths last year from cancer dictate that conquest of cancer become a "highly visible national goal."

This Nation, with its vast resources, cannot continue to give a low priority to the health of its citizens. Statistics reveal that the richest Nation in the world has been doing so. The United States ranks 12th among industrial countries in the percentage of mothers who die in childbirth; 14th in infant mortality; and 18th in life expectancy of its males and 11th for its females. The fact that we have failed to commit sufficient funds for cancer, heart, and stroke research is equally disturbing.

We cannot be content to spend on the average of only $4 per year for each cancer victim in our efforts to find cures for cancer. It is almost unbelievable that a country that is spending approximately $2½ billion a month in Vietnam, has only been spending $200 million a year for cancer research.

I think that it would be most helpful in increasing our commitment to finding a cure for cancer, if, as this resolution requires, an Advisory Committee of Consultants on the Conquests of Cancer is appointed and reports to the Committee on Labor and Public Welfare.

ECONOMICS OF AGING IN NEWARK, N.J.

Mr. WILLIAMS of New Jersey. Mr. President, the U.S. Senate Special Committee on Aging has received many stirring and informative statements during the past year for its study of "Economics of Aging: Toward a Full Share in Abundance."

Many of those presentations have been made at formal hearings or at information sessions conducted on Saturday mornings. On every such occasion, we have received heartfelt testimony about a national retirement income crisis and its effects upon individual older Americans.

One of the finest statements on the subject was received recently in Newark, N.J., during a discussion arranged by the National Council on the Aging. The speaker was the Reverend Kelmo Porter, executive director, Newark Council of Senior Citizens. Occasionally angry even while expressing compassion and concern, Reverend Porter spoke of elderly individuals who try to live on $600 a year, of others who must withdraw from medicare because they cannot pay the increased premium costs, and of others who—despite great progress made in providing public housing—cannot find shelter at rents they can afford.

Fortunately, the Reverend Mr. Porter and the Newark Commission are attempting to direct help to those who need it so much. Another source of help would be the kind of social security reforms offered in Senate bill 3100. This bill would raise minimum benefits, establish a cost-of-living adjustment mechanism, and provide more adequate payments to widows. In addition, it would eliminate the monthly premiums under part B of medicare.

Mr. President, the Reverend Mr. Porter's statement is a powerful commentary which—as he said—is equally applicable to other urban centers. I ask unanimous consent that it be printed in the RECORD.

In addition, I also ask unanimous consent to have printed in the RECORD a prayer read as a benediction at the closing of the proceedings by William Fitch, Executive Director of the National Council on the Aging. The prayer was originally read as an invocation at the White House Conference on Nutrition, but I believe that it offers a message which should be worthy of careful consideration by the Congress of the United States.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

STATEMENT BY THE REVEREND KELMO PORTER

I deem it a great personal honor and privilege to have this wonderful opportunity to tell you a little bit about our Commission, its eight multi-purpose senior centers located in the hard core poverty areas of our city, and something about the many, many

economic problems encountered by our elderly citizens on a day to day basis.

For your information, our Golden Age Project, set up by the City of Newark under the Newark Senior Citizens Commission and funded by the Office of Economic Opportunity through our CAP Agency the United Community Corporation, was originally designed to create senior centers in the socially and economically deprived areas of the city of Newark, where thousands upon thousands of elderly citizens lived in conditions of poverty, isolation, public dependency, cultural deprivation, poor health and the lack of knowledge concerning a great variety of available community resources. Many of our seniors were entitled to Social Security, Medicare and free health services who were not even aware of this fact. Our senior centers provide for the recreational housing, health, social services, employment and educational needs of thousands of elderly citizens, with the purpose of establishing a formula to alleviate poverty and loneliness and to re-stimulate renewed interest in community living.

It can be clearly stated that of all the citizenry of our city, our state and nation, our elderly are the hardest hit by the ravages of poverty. Their limited incomes are, for the most part, fixed, and fiscally they have a most difficult time trying to make ends meet. In more human terms this simply means that they are soon confronted with conditions which lead to a breakdown of personality; a frustration of the individual, which ultimately leads to a greater degree of public dependency, which they so vehemently detest, due to unemployment. It leads to a variety of health problems of ever increasing severity, and finally a tremendous slump into the bleak twilight years, usually devoid of all meaning and/or hope.

I am perfectly sure that the City of Newark is no different than any of the other large hard core, depressed urban areas of our nation, with respect to the economic plight of the elderly; no different than New York, Chicago, Philadelphia, Los Angeles or San Francisco; no different than Jersey City, Paterson, Trenton or Camden, N.J. The mounting economic problems of Newark's senior citizens are a gross travesty to our City, our State and our Nation.

In the City of Newark there are approximately 65,000 people 60 years of age or older. This represents about 15% of the total population of our city. One of every four families whose head is 65 years or older live in poverty. This rate of poverty is, by far, higher than for any other group residing in the city. In the city of Newark, among older persons living alone or with non-relatives, six out of every ten are poor. And because of their age they have little or no chance of making their way out of poverty through gainful employment. The high cost of living has spiraled far out of their reach; rising prices for food, clothing and medicine gradually consumes their purchasing power; their real income soon diminishes; their property taxes, for those fortunate enough to have a home, have become unbearable; and soon all of their limited assets are depleted. And I am sure my friends, that the story of Newark, N.J. with respect to the financial needs of our elderly, is the story of our state and our nation. All that the senior citizens of our city seem to ask is to be allowed to live their declining years with a measure of independence, self respect and dignity. They do not ask for hand-outs; they seek no charity; they do not want to sponge from or intrude upon relatives. But after thirty, forty and fifty years of sweat and honest toil; after founding and establishing the New Deal, braving the New Frontiers and perpetuating the Great Society, they want and deserve that which they firmly believe is rightly theirs.

But what a tragedy, especially when the seniors of our city are penalized simply for the crime of growing old? The great majority of senior citizens in the City of Newark receive Social Security benefits, with the average monthly social security check being under $100, and closer to $90.00. The clarion cry in our city is that the recent 15% social security increase was far too little and much too late. The rapid increases in taxes, rents and medicare; the rising cost of food, clothing and medicine, had already absorbed this pittance long before it was actually received. The elderly of Newark were among the first to rally and strongly lobby for a 40% to 50% social security increase. One woman recently told me that her total annual income was about $1,200. Her $50 monthly public housing rental left her about $50 a month or $600 a year to live on. She went on to say she often had a difficult time trying to decide whether she should buy food so she wouldn't starve, medicine so she could stay well, or some needed clothing so she could stay warm. This is but one of thousands of such cases in our city.

Many seniors have already indicated to me, our Executive Staff or our Center Directors that they have already, or that they soon intend to withdraw from Medicare. Their most common reason being that they simply aren't able financially to pay the monthly increase of from $4.00 to $5.30. Others tell stories of abuse from doctors who would rather receive cash other than the medicare process as prescribed by law.

The great lack of adequate housing for the elderly is another problem which confronts so many senior citizens in our city. And yet perhaps per capita our city has provided more elderly units than any other city its size in the nation. The City of Newark has a public housing population of nearly 50,000 people. There are more than 5,500 elderly units, housing almost 10,000 senior citizens; 2,500 of these units having been opened within the last two years. Another 500 units are currently on the Housing Authority's planning boards. And yet Housing's waiting lists indicates that another 3,000 to 4,000 units are necessary in our city. And as for a large number who reside outside of public housing, who live with relatives or perhaps own their own homes; our records indicate that they live in blighted homes, usually badly in need of expensive repairs, which they cannot afford, which are primarily located in the urban renewal or urban redevelopment areas of the city.

The rising cost of public transportation is another very serious economic problem within our city. Senior citizens, like all other travellers must pay from 25c to 45c per trip or from 50c to 90c round trip to ride to various points within the city. Many seniors, with their limited fixed income, simply can't afford to pay the price. Consequently they won't go to see their doctor, they won't seek the needed social services available to them, they simply won't go to visit a friend. Every effort is being made, however, to secure, in their behalf, reduced bus fares during the non-rush hours of the day.

Yes, there are so many other problem areas affecting the lives of the elderly in Newark; matters with which you perhaps are already familiar in your various communities. And yet our daily, weekly and monthly records indicates that hundreds and thousands of senior citizens who were heretofore living in unbelievable conditions of poverty, isolation, ill health, cultural deprivation and lack of knowledge concerning the available community resources, have now found wholesome community activities, medical attention, social services, adequate housing, employment, social and recreational activities, in spite of their economic situation.

In closing we, therefore, thank the Almighty God for the untiring efforts of dedicated men like our U.S. Senator Harrison Williams and his staff for his historic hearings in the interest of the State's and Nation's senior citizens, and for a good number of other great legislators like him, the nation over.

PROLOGUE: THE INVOCATION AT THE PEOPLE'S PLENARY SESSION

At the Opening of the December 3rd People's Plenary Session on the grounds of the White House Conference, the Reverend Joseph M. Clark, vicar of St. Christopher's Episcopal Church, Linthicum, Maryland, delivered the following invocation:

Almighty God, we who have been attending a conference at which we receive $18.30 a day for food, while our Government gives poor and needy children 15 cents for breakfast and 23 cents for lunch. We give thee *no* thanks.

We who place our priorities on the War, ABM's, S.S.T.'s and moon trips, while the poor of our nation go hungry, we give thee *no* thanks.

We who can live among the nation's 175,000,000 healthy Americans, while turning our backs on the 25,000,000 hungry, we give thee *no* thanks.

Oh Lord, we have failed Thee, we have failed our country, we have failed our communities and have failed ourselves. We ask thy forgiveness.

Oh Lord, give us the strength to fulfill our commitment to feed the hungry of our nation now.

All of this we ask in thy Son's Name, Amen.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

EXTENSION OF PROGRAMS OF ASSISTANCE FOR ELEMENTARY AND SECONDARY EDUCATION—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

At this time, the Senator from North Carolina (Mr. ERVIN) is recognized for the purpose of concluding the speech on which he was interrupted yesterday.

Mr. BYRD of West Virginia. Mr. President, will the Senator from North Carolina yield, without losing his right to the floor?

Mr. ERVIN. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a brief quorum call, without prejudicing the rights of the Senator from North Carolina under the order.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ERVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LONG). Without objection, it is so ordered.

Mr. ERVIN. I also ask unanimous consent that I may be permitted to yield to the distinguished Senator from Rhode Island and the distinguished Senator from Virginia for a colloquy relating to the conference report, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPONG. I thank the Senator from North Carolina for his courtesy.

Mr. President, for the purpose of legislative history, I would like to ask the manager of the bill, the distinguished Senator from Rhode Island (Mr. PELL) several questions.

It is my understanding that present law authorizes advance or forward funding of all programs administered by the Commissioner of Education. Is that correct?

Mr. PELL. That is correct. It should also be noted that the Senate bill and the conference report reiterate congressional support for forward funding.

Mr. SPONG. I believe it is also correct that Congress has voted advance funding four times. In 1967 we voted to permit advance funding of all programs contained in the Elementary and Secondary Education Act. In 1968 we voted to permit advance funding of higher education programs. The same year, in the vocational education legislation, we voted to permit advance funding of all programs which the Commissioner of Education administers. This year, during initial consideration of this bill we again approved the concept of advance funding for all education programs.

Mr. PELL. The record will bear out those facts.

Mr. SPONG. Is it not true, however, that the advance funding procedure has been used only once—in fiscal 1969—and for only one program—title I of the Elementary and Secondary Education Act? Furthermore, I believe the only request for advance funding in this year's budget is for title I.

Mr. PELL. Unfortunately, this is also correct.

Mr. SPONG. On February 4, during initial Senate consideration of the bill, the Senate adopted my amendment to create a Commission to study ways of implementing the advance funding procedure. The amendment passed by voice vote after discussion of the possibility of combining the Commission provided by my amendment with the National Commission on School Finance provided by the committee bill.

Later, I voiced some concern about the possibility of combining the two studies. I feel that my study is of some urgency As written the two studies appear to deal with different aspects of funding: the National Commission seems to be concerned with where the money is coming from, while my Commission would be concerned with when the money is disbursed.

Another concern is that the National Commission on School Finance is appointed by the Commissioner of Education and no provision is made for congressional participation, although implementation of advance funding will require action by both the legislative and executive branches. I think it is obvious from past votes that Congress favors advance funding for education programs but there is no assurance whatsoever that the congressional view will be represented on that Commission.

That concern becomes secondary, however, in view of the fact that the conference bill contains neither my amendment nor any directions for the National Commission on School Finance to study advance or forward funding, although, I was pleased to note that you mentioned in your statement printed in yesterday's RECORD that the Commission on School Finance could study the question of advance funding. I certainly hope that this Commission will study advance funding and that it will do so expeditiously. There is an immediate need here. We simply cannot ask our schools, year after year, to go through Federal funding experiences such as they did this year.

Mr. PELL. I would support the Senator in that hope, for advance funding is not only a needed mechanism but one whose ramifications should be fully understood. Such a study would bring to the specific attention of the Congress the urgent necessity to act on this matter.

Mr. SPONG. I thank the Senator very much. I also thank the Senator from North Carolina for yielding to me.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, will the distinguished Senator from North Carolina yield to me, retaining his right to the floor, so that I may propose a unanimous-consent request?

Mr. ERVIN. Mr. President, I am delighted to yield under those circumstances.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana is recognized.

UNANIMOUS-CONSENT REQUEST

Mr. MANSFIELD. Mr. President, I have been conferring with various parties interested in the conference report which, of course, is a privileged matter under the rules of the Senate and is the pending business. I would like at this time with the concurrence of the Senate to offer a unanimous-consent request which I believe has been cleared with all principle interests.

Mr. President, I ask unanimous consent that the vote on the conference report on H.R. 514, the education measure—either on its merits or on a motion to recommit—occur at 2 o'clock on Wednesday afternoon next, and that there be a 4-hour time limitation, the time commencing at 10 a.m. that day to be equally divided between the distinguished Senator from Rhode Island (Mr. PELL) and the distinguished Senator from Mississippi (Mr. STENNIS).

Mr. ALLEN. Mr. President, reserving the right to object, may I inquire of the distinguished majority leader if his request also carries with it a request with respect to the confirmation of Judge Carswell's nomination, which was the pending business before it was displaced by the present pending business.

Mr. MANSFIELD. I wish I could answer in the affirmative. Unfortunately, I cannot. I have asked some of the Senators interested in the Carswell nomination to come to the Chamber so that I may discuss the matter with them. But I believe that if we could get this unanimous-consent agreement it would be helpful; and we ought to strike while the iron is hot, so to speak.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. SCOTT. Mr. President, I note, and as far as I am able to ascertain, there is no Senator present who has announced his opposition to the confirmation of the nomination of Judge Carswell. I note that the Senator from Rhode Island (Mr. PELL) is present. Perhaps he could give us some guidance on this matter, and perhaps not.

Mr. PELL. I cannot, because as I said yesterday, I feel squeezed between two filibusters. Personally, I am against Judge Carswell, but I think we ought to vote.

Mr. SCOTT. I commend the Senator for his statement. I would hope we could come to some agreement on the confirmation as well. I also am seeking information as to whether a vote on the confirmation will come on a direct up or down vote or whether it will come, as I have heard discussed, on a motion to recommit.

I take it the Senator from Rhode Island cannot enlighten us on that matter.

Mr. PELL. I cannot.

Mr. SCOTT. Could the distinguished majority leader enlighten us on whether the vote on the confirmation will come on a straight up and down vote or on a motion to recommit?

Mr. MANSFIELD. Mr. President, I have heard rumors and rumblings about a motion to recommit the Carswell nomination to the committee.

I read the RECORD, of course, as all Senators do, and I note that the distinguished Senator from Oklahoma (Mr. HARRIS) raised that possibility. So I am assuming that when a vote comes on the Carswell nomination it could well be on a motion to recommit. However, I cannot state definitely, because I do not know.

The PRESIDING OFFICER. The Chair would advise the Senator that any Senator at any time he may wish to do so may move to recommit the nomination, and a Senator could move to lay that motion on the table. A motion to lay on the table is not debatable.

Several Senators addressed the Chair.

Mr. ALLEN. Mr. President, reserving the right to object—and I have not released that reservation—I would like to state to the distinguished majority leader that some while ago we were engaged in a

debate on the Voting Rights Act. And that matter was concluded in order that we could get to the Carswell nomination.

We were in the midst of an extended discussion on the Carswell nomination when that pending business was displaced by the consideration of the conference report on the elementary and secondary education amendments.

It would occur to the junior Senator from Alabama that if there is to be any agreement made on a limitation of time, we ought to turn first to the matter that was first under consideration and not the matter that was second under consideration.

For that reason, and until there is an agreement with respect to the Carswell nomination, a final vote on that matter, the junior Senator from Alabama would just as soon be discussing the pending business as the other pending business, having in mind that the opponents of the Carswell nomination would have the opportunity at any time to bring the debate on the pending question to a close by their agreement to set a time for the vote on the Carswell nomination. So it would be the opponents of the Carswell nomination that would be holding up the vote on the two matters.

Mr. SCOTT. Mr. President, will the Senator yield to me for a clarification?

Mr. MANSFIELD. I yield.

Mr. SCOTT. I take it that the concern of the junior Senator from Alabama is not that these votes shall take place necessarily at roughly the same moment in time, but that he is seeking to find out whether or not a vote can be taken at some agreed time on the Carswell nomination.

Mr. ALLEN. That is right.

Mr. SCOTT. As well as the conference report.

Mr. ALLEN. It does not matter to the junior Senator from Alabama which comes first so long as they came in fairly rapid succession.

The PRESIDING OFFICER. Is there objection?

Mr. ALLEN. Mr. President, reserving the right to object——

Mr. GRIFFIN. Mr. President, reserving the right to object——

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. STENNIS. I wish to ask one question about the vote on the conference report. The request is for a limitation of time. We do not know yet just what the precise issue might be—the possibility of a motion to recommit, or the possibility of just a straight up and down vote.

I suppose the Senator's request would include the idea that once there was an agreement and voting started, then any vote that failed to dispose of the matter would be under controlled time, such as another motion to table.

Mr. MANSFIELD. Of course.

Mr. STENNIS. I thank the Senator.

Mr. MANSFIELD. Mr. President, I can well understand the Senator from Alabama reserving his right to object, if he has not objected already. May I say to him that no one is more anxious to vote on the Carswell nomination than is the Senator from Montana. How we get to that juncture is something we have to approach on a graduated basis, as I see it.

If we could get an agreement to vote on Wednesday next on the conference report, I think that would enhance the chances of getting an agreement sometime around that time, hopefully, for a vote on the Carswell nomination. I have no choice, speaking personally, as to what comes first. All I am interested in is the conduct of the affairs of the Senate and facing these issues and disposing of them one way or another.

Mr. GRIFFIN. Mr. President, will the Senator yield for a question?

Mr. MANSFIELD. I yield.

Mr. GRIFFIN. For the purpose of information and clarification I wonder, if there were an agreement to vote on Wednesday next on the pending business, if it would be the intention of the majority leader to devote all time between now and then on the conference report, or would it just be to have some agreement that we could go back to the so-called filibuster on the Carswell nomination and let those who wish to speak on the Carswell nomination speak so we would be in a better position to get to a vote on the Carswell nomination shortly after the vote on the pending business?

Mr. MANSFIELD. Yes. May I say in reply to the distinguished Senator from Michigan that what I had in mind was that if this were agreed to, we would return to the Carswell nomination and not again proceed to the privileged conference report until the 4 hours preceding the vote on Wednesday. In the interim, those who still have remarks on the Carswell nomination could make them. It would be my hope if we could get an agreement of this sort it would speed up the Carswell nomination.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. ERVIN. Mr. President, I would like to make an observation. I was in the middle of a speech on the conference report. I would like about 15 minutes more to place matters in the RECORD so that the RECORD may be complete before that subject is laid aside.

Mr. MANSFIELD. That is a reasonable request, and it will be granted.

Mr. SCOTT. Mr. President, will the distinguished majority leader yield further?

Mr. MANSFIELD. I yield.

Mr. SCOTT. I would like to make a point. This suggestion does not come from me but I have heard at least one Senator and maybe others who have discussed the possibility of cloture proceedings with respect to the nomination before us.

I would hope we could get to an agreement but I think it is proper to surface at this time that there is some such talk going around. I hope we could come to some agreement on the nomination so that the work of the Senate can go forward. We have appropriation bills almost ready.

Mr. MANSFIELD. There are 16 stockpile bills on the calendar. They are ready to be debated.

Mr. SCOTT. We have stockpile bills, and, of course, the Supreme Court is being very seriously affected by this delay. I know the Court is holding up a number of matters because it does not think they should be decided by an eight-judge Court. Therefore, there is a matter of public interest involved in getting all of these matters disposed of as soon as we can with all due respect to the fact that every Senator has the right to discuss them until——

Mr. MANSFIELD. Doomsday.

Mr. SCOTT. Doomsday. This is a sacred privilege we have, and we do not want to lose it; yet I do not want to see it abused here.

Mr. MANSFIELD. Mr. President, if the Senator will allow me, I would like to make a brief statement at this time which I think will indicate to the Senate as a whole just how effective and efficient it has been in slightly more than 2 months.

The PRESIDING OFFICER (Mr. LONG). Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Chair did not put the unanimous-consent request objected to by the Senator from Alabama. The Chair asked if there is objection to the majority leader making a statement.

Mr. MANSFIELD. The statement sets out what the joint leadership has been trying to do.

THE 100TH ROLLCALL VOTE OF THE SECOND SESSION

Mr. President, when the Senate approved yesterday the conference report on the Water Quality Improvement Act of 1970 by a vote of 80 to 0, that action was representative of the 100th rollcall vote of the second session of the 91st Congress.

In passing, it might be noted that last year the Senate's 100th rollcall vote took place on October 9, some 9 months after the convening of the first session on January 3. By contrast, the second session has been under way only since January 19 of this year.

I believe the casting of the 100th Senate roll call vote of the second session yesterday speaks well for the record of the Senate and for its entire membership. A number of the significant legislative measures approved in 1970 have been the result of long and arduous scrutiny and efforts undertaken during 1969 and prior years. However, the Members of the Senate during the past 2 months have applied themselves diligently and dutifully to their tasks and have tended to the business of the American people they represent and in trying to translate the people's needs into tangible and meaningful legislative results.

May I express, too, my opinion that it was quite fitting that the 100th vote be on an important measure relating to water pollution control. The protection and preservation of our resources and the enhancement of the overall quality of our environment are assuredly among the Nation's most urgent priorities.

Mr. President, I make this statement at this time—and I consider it germane to the subject under discussion—only to indicate that the Senate has been working at a very rapid and, at the same time,

effective pace this year. It has been putting in long hours. There has been little or no grumbling. I hope we will continue on this basis so that the goal which the joint leadership has set of adjournment by Labor Day can be achieved.

I must point out that all the leadership can do is to propose, and it is up to the Senate to dispose. I would like to see this matter brought to a head soon. I want to repeat again, as I did to the Senator from Alabama, there is no one in this Chamber who is more anxious to get a vote on the Carswell nomination than is the Senator from Montana. I can say the same thing with respect to the conference report on the elementary-secondary education bill—the privileged matter which is now pending and which has been pending since last Tuesday.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. SCOTT. First, I want to join with what the distinguished majority leader has said. He and I began this parallel with last year's session sometime back. From time to time one or the other of us do mention the number of votes, the fact that we have worked not only harder but more effectively and efficiently this year, and that we are 9 months ahead of last year. That is a good record in any league. I am delighted that we are.

We have temporarily run into a couple of hurdles, but Senators have had a good deal of high hurdling experience over the years.

I have heard it said that there is a very real possibility that we can have an agreement to vote on the nomination pending before us on April 7. I bring this up for the purpose of indicating to the distinguished majority leader, with whom I share the desire to get all these matters disposed of, that possibly, if he would be willing, as he always is, to explore further with his colleagues the possibility of an agreement to have a vote on the nomination on April 7 and a vote next Wednesday on the conference report, we might find some goodwill now prevalent on both of those matters.

Mr. MANSFIELD. That is putting it off an awfully long time.

Mr. SCOTT. I agree. I cannot do any better.

Mr. MANSFIELD. We were going to have a vote on it this week. Now we want to go beyond next week. I think the Senate should face up to its responsibility a little more efficiently.

Mr. SCOTT. I would rather vote sooner.

Mr. MANSFIELD. We ought to recognize that the people's business comes first, and I see no reason why we should wait until April 7. We have important legislation pending. I do not think much more can be said on the Carswell nomination. Frankly, I would hope we could come to a decision earlier than that, preferably next Wednesday or Thursday soon after a vote on the pending proposal.

Mr. SCOTT. I would agree to vote now. I was willing to agree to the seventh for fear that it might be the ninth if not then.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. Knowing the realities that we face, that Senators can talk, and there are enough Senators opposed to the Carswell nomination so that the time could be filled in easily, I have a suggestion to make to the majority leader. I have not seen it done, but I do not see why it is not possible in the same unanimous-consent agreement to agree that the consideration of the nomination may, for certain bills, be set aside. Then the majority leader could deal next week with a whole group of legislation, even including appropriation bills. No time would be lost which could have been filled up with talk which the majority leader might consider unnecessary but which the opponents of the Carswell nomination consider necessary discussions, and therefore days certain could be fixed for votes, so we would not be delaying anything. I do this as a constructive suggestion to the majority leader.

Mr. MANSFIELD. I can read the handwriting on the wall as well as the next Senator. As I said, the leadership can only propose; it is up to the Senate to dispose, and there are many means, many avenues, which can be utilized in lengthening the debate, in discussing various kinds of subjects, eating up time, and delaying the business of the Senate.

Would the distinguished minority leader——

Mr. BAYH. Mr. President, will the Senator yield?

Mr. MANSFIELD. If I may finish this thought first.

Would the Senator agree to vote on April 6, rather than April 7, which is a Tuesday. Waiting until a week from next Tuesday is too long to wait. Preferably the Senate could vote next week.

Mr. SCOTT. Yes, I would agree to April 6. I would agree to vote now.

I would point out to all parties participant here that there is a way to have a vote here today or tomorrow, and that would be for a Senator who favored the nomination—the majority leader is familiar with this precedent, and I have seen my predecessor, the late great Senator from Illinois, use this very device—move, today or tomorrow, to recommit, with the announcement that he was going to vote against it, and immediately have a motion to table, and the issue would be before us. We can do that if we cannot have an agreement. So I am politely saying something to the Senator from Montana which I hope others will hear.

Mr. MANSFIELD. Yes; I join the distinguished Republican leader and the distinguished Senator from Louisiana (Mr. LONG) in their proposals. I hope some Senator will make a motion so we can face up to this matter.

I yield now to the Senator from Indiana.

Mr. BAYH. Mr. President, first let me suggest to the Senator from Pennsylvania that I was listening.

Mr. SCOTT. That was the purpose of the exercise.

Mr. BAYH. I feel flattered.

Just as one Member of the Senate who is very much opposed to the Carswell nomination, let me repeat what I said in the colloquy with our distinguished colleague from Delaware yesterday. As far as the Senator from Indiana is concerned, we are not involved in a filibuster. As I see it now, I have no intention of getting involved in a filibuster, but as I suggested in conversation with the leader this morning, I am willing to agree to a day certain. I am only one Member of the Senate.

I think it is only fair to point out, with all due respect to the analysis of our leader, that I do not share his opinion that everything has been said that legitimately can be said. Just this morning we made available for public scrutiny the result of the entire caseload of appealed cases that has been rendered by the fifth circuit from 1959 to 1969. We related Judge Carswell's record with all 66 other judges in the circuit.

It seems to me this type of information is relevant to the debate. It does not fall in the category of filibuster. It goes to the qualifications of Judge Carswell.

At the time any member of the opposition resorts to purely delaying tactics, then I think we can be subject to criticism as being in the area of filibuster. I hope we will never get to that particular place. As the Senator from Rhode Island suggested so eloquently yesterday almost in one breath, he was opposed to the nomination of Judge Carswell but equally opposed to anything which might delay until doomsday, to quote our distinguished majority leader, getting to a vote.

So I am perfectly willing to follow up the suggestion of the leadership after consultation with other Senators. I can speak only for one Member, but I am quite willing to get it to a vote.

Mr. MANSFIELD. Would the Senator be in favor of voting the sixth?

Mr. BAYH. The Senator from Indiana would be in favor of a unanimous-consent agreement for a motion to recommit being set for no later than high noon, or 1 o'clock, or 2 o'clock, on the sixth. Out of courtesy to some other Members of the opposition, I feel I should take the next 15 or 20 minutes to consult with them. But my personal opinion is that that would be a good reconciliation. I am not saying I am not prepared to vote sooner than that, but that I am willing to accept that, and I can speak only for myself.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. ALLEN. Assuming the motion to recommit was rejected, would the Senator be willing to have a vote then on the confirmation of the nomination itself?

Mr. BAYH. I would have to discuss that with other Members of the opposition.

Mr. ALLEN. I see.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield, since the Senator mentioned my name?

Mr. MANSFIELD. I yield.

Mr. WILLIAMS of Delaware. We had a

colloquy on this matter last night, in trying to expedite a way to get to a vote. Since referring to the lengthy debate on the Carswell nomination as a filibuster was somewhat embarrassing to some liberal Members of the Senate, I made an agreement that I would not refer to this filibuster as a filibuster any longer, but would refer to it as an extended talkathon which means an unnecessary waste of time. I shall from now on continue to refer to this filibuster as an extended talkathon rather than what it actually is.

Mr. MANSFIELD. Mr. President, there are various ways and means of getting a point across, and, as I have said, I can read the writing on the wall as well as the next Senator.

CALL OF THE ROLL

Mr. MANSFIELD. Mr. President, with the permission of the distinguished Senator from North Carolina, I suggest the absence of a quorum, and this may well be a live quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 109 Leg.]

Aiken	Hansen	Proxmire
Allen	Hart	Saxbe
Bayh	Hatfield	Schweiker
Byrd, Va.	Javits	Scott
Byrd, W. Va.	Long	Smith, Ill.
Cranston	Mansfield	Sparkman
Ellender	McCarthy	Stennis
Ervin	Pell	Talmadge
Griffin	Prouty	Williams, Del.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. BIBLE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. Moss), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Maryland (Mr. MATHIAS), the Senator from California (Mr. MURPHY), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Allott	Fulbright	Miller
Bellmon	Goldwater	Mondale
Bennett	Goodell	Muskie
Boggs	Gore	Nelson
Brooke	Gravel	Packwood
Burdick	Gurney	Pastore
Cannon	Harris	Pearson
Case	Hartke	Randolph
Church	Holland	Smith, Maine
Cook	Hruska	Spong
Cooper	Hughes	Stevens
Cotton	Inouye	Symington
Curtis	Jackson	Thurmond
Dodd	Jordan, N.C.	Tower
Dole	Jordan, Idaho	Tydings
Dominick	McClellan	Williams, N.J.
Eagleton	McGee	Yarborough
Eastland	McGovern	Young, N. Dak.
Fannin	McIntyre	Young, Ohio
Fong	Metcalf	

The PRESIDING OFFICER. A quorum is present.

UNANIMOUS-CONSENT REQUEST

Mr. MANSFIELD. Mr. President, again, with the permission of the distinguished Senator from North Carolina, I have nothing definite to add at this time because negotiations are still underway to see if there is not some way we can bring about a consent agreement affecting the Carswell nomination and the privileged conference report on the elementary and secondary education amendments.

I think some progress is being made. But only time will tell whether the efforts now underway are sufficiently successful.

So, I would suggest that Senators stay near the Chamber for the next 15 or 20 minutes, or not to exceed one-half hour, and that in the meantime we allow the distinguished Senator from North Carolina to proceed.

Hopefully, within that period of time, it will be possible to propose some kind of unanimous-consent request which may be granted if the Senator is willing. But until then, I can give no further information.

EXTENSION OF PROGRAMS OF ASSISTANCE FOR ELEMENTARY AND SECONDARY EDUCATION—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

The PRESIDING OFFICER (Mr. MONDALE). The Chair recognizes the Senator from North Carolina.

Mr. ERVIN. Mr. President, yesterday I was discussing the strange judicial decisions which have been handed down to implement the demands of certain pressure groups and the demands of certain very sincere citizens that the public schools should be forcibly integrated regardless of the wishes of the parents and the schoolchildren attending the schools.

Yesterday I pointed out that in the Jefferson County School Board case, two of the three sitting Federal judges ignored the plain words of an act of Congress. This means the Federal judges in that case ignored the majority vote of 100 Senators and the majority vote of 435 Representatives and held that Congress did not mean what it said when it prohibited the assignment of children to schools to overcome racial imbalance and the busing of children to achieve racial balance. Former Senator Hubert Humphrey, the floor manager of the bill, in the Senate debate on the 1964 Civil Rights Act made the intent of Congress very plain in this area when he alluded to a case which arose in Gary, Ind., and involved de facto segregation.

I mentioned yesterday that I wished to discuss the wrong decision of Judge Wright in the District of Columbia. This decision bears the title of Hobson against Hansen and appears in 200 Fed. Supp. at page 401 and the following pages.

In this opinion, Judge J. Skelly Wright clearly demonstrates that judges are not competent to tell how schools ought to be operated.

He took 118 pages to instruct the School Board of the District of Columbia how it should go about desegregating public schools of the District which are segregated because of the residential patterns of the District and to tell the School Board, school administrators, and teachers how they should instruct the children after they had achieved the desegregation of schools which were segregated because of residential patterns.

The District of Columbia had what was called the track system. The track system groups students according to their ability to learn. By so doing, it avoids the very deplorable situation in which bright students and dull students and diligent students and lazy students are assigned to the same classrooms, and in which the same quantity of intellectual food, regardless of their capacity to assimilate it, is attempted to be fed them.

Judge J. Skelly Wright, whose abilities as an educator are refuted in large measure by his opinions, handed down a strange decision: that under the Constitution of the United States, as it has been mangled in school desegregation cases, it is unconstitutional for any public school to undertake to teach a bright or a diligent student anything more than it attempts to teach to a dull or a lazy student. In other words, under this miraculous decision, according to Judge Wright, the Constitution of the United States now requires in the public schools of this Nation an equality of inferiority. That is the sort of adjudication made in Hobson against Hansen. I deny with all the emphasis at my command that the Constitution of my country requires any such fool thing as that.

I say that the public schools are designed, or ought to be designed, to do what a former Governor of my State, Charles Brantley Aycock, declared: To aid every student in an effort to become everything that God Almighty made it possible for him to become. Yet, in this case we have a solid adjudication that the Constitution of the United States as now applied to the public school system forbids a public school from undertaking to teach anything more to a bright or a

diligent student than it attempts to teach to a dull or a lazy student.

I deny that the Constitution of my country requires such an equality of inferiority. Yet that is the decision of Judge Wright in this case, and it demonstrates quite clearly the incapacity of Federal judges to discharge the duties of school boards. I think we should return to a system that confines Federal judges to their duties and deprives them of the power to undertake to tell school boards how they shall run the schools.

Now, we have some other decisions. Back in the 1830's there was a resident of Philadelphia, Stephen Girard, who by his hard work and by his business acumen amassed what was for that day a considerable fortune. He left a last will and testament in which he created a trust whereby he left his property, or he left a considerable amount of his property, in trust with directions that it be used to conduct a college for the education of poor white orphan boys.

About 135 or 140 years after Stephen Girard had descended into the tongueless silence of dreamless dust, the Federal courts, in effect, wrote a codicil to the will of Stephen Girard whereby they confiscated the private property he had left in trust for private use and they gave his trust no compensation whatever. And this was done under a Constitution which says you cannot take private property for even public use except upon the payment of just compensation.

Then there was a testator in the State of Virginia who endowed Sweet Briar College by a will which devoted her property to the support of Sweet Briar College in order that it might afford education for white girls. By the same process of legal legerdemain the Supreme Court handed down a decision entitled *"Sweet Briar Institute* v. *Button,* 387 U.S. 423." In effect, they wrote a codicil to the will of the testator in that case and said that the property the testator had amassed should be devoted in part to purposes other than those authorized by the testator's will.

So in this great zest to bring about forced integration of education institutions, we have had judicial opinions which rewrite the wills of testators who have been slumbering in the tongueless slumber of dreamless dust for generations, testators who entertained the correct opinion while they walked the earth's surface that the disposition of property by will is a matter for the owners of the property rather than for Federal judges ascending the bench long after they have gone to that bourn from which no traveler returns.

Those are some of the absurd decisions which have been made by those who think the way to realize the American dream is to convert it into a nightmare where there will be no freedom and where there will be no equality except in the absence of freedom.

There is another Federal decision that bears some comment, a decision by the Supreme Court in the case of *Green* v. *County School Board of New Kent County, Virginia,* 391 U.S. 430.

I charge, without fear of successful contradiction, that this decision horribly distorts the equal protection clause of the 14th amendment. The equal protection clause of the 14th amendment applies to States. It has no possible application to individuals, except those individuals who might be acting as agents or officers of States. It merely says that no State shall deny to any person within its jurisdiction the equal protection of the laws. By this it means that no State shall treat people differently if they are similarly situated.

Three years before the Supreme Court handed down its decision in the Green case, the school board of New Kent County, a rural county in Virginia, which had only two schools, the Watkins School and the New Kent School, abolished the last vestige of State-imposed segregation and gave all of the children in that county, black and white, an absolute right to go to whichever of those two schools that the county maintained they desired.

None of the white children shifted from the New Kent School, which had been a white school during the days of segregation, and only about 150 of the colored children shifted from the Watkins School, which had been a Negro school during the days of segregation, to the New Kent County School.

It is to be noted that there is not a single syllable in the equal protection clause that places any limitation upon the freedom of any human being who is an individual anywhere in the United States. The equal protection clause is no limitation upon the freedom of any individual. But some of the Justices of the Supreme Court did not like the way these little children, black and white, saw fit to exercise their freedom, and they handed down a decision which is murky and ambiguous and which presents no workable rule for the guidance of school administrators.

The effect of that decision is that they said freedom of choice was all right, was perfectly constitutional, if the little children, black and white, exercised their freedom of choice in the manner in which the Supreme Court Justices thought they ought to exercise it. This is the effect of the decision; it is not the legal jargon used in the opinion. But they held that in that particular case the freedom of choice given to the children, both black and white, of New Kent County by the school board did not satisfy the Supreme Court decision in the second Brown. The only reason they gave for this was that the children given the freedom of choice to go to any school did not mix themselves racially in the undefined proportions which the Supreme Court Justices sitting in that case thought they should have done.

In other words, schoolchildren and the parents of schoolchildren can have freedom in this land of ours if, and only if, they exercise their freedom in an undefined manner pleasing to Supreme Court Justices. But if American citizens who happen to be children or the parents of children elect to exercise their freedom according to their own judgments rather than in the manner in which Supreme Court Justices think they ought to exercise it, they can have no freedom.

I deny that under the Constitution of my country the freedom of Americans hangs on such an arbitrary and such a capricious and such a tenuous judicial thread as that.

Mr. President, I could quote the strange decisions we have had in the effort to force integration of the schools against the wishes of people of communities and against the wishes of parents and against the wishes of little children. For example, according to the Charlotte News, of Charlotte, N.C., under a decree rendered by a Federal judge sitting on the western district of North Carolina a few weeks ago, 23,000 children are to be bused from their respective homes, in many cases to distant schools, merely to mix them in the schools in a proportion of 71 to 29 percent white and black. In other words, under this theory of forced integration, we have the Federal Government more interested in the integration of the bodies of little children than it is in the enlightenment of their minds. We have our public schools being converted into integrating institutions rather than educating institutions.

A number of articles have been written recently which indicate that the people of the United States, and even some people who at one time believed in forced integration, are having second thoughts about this matter.

On February 26, 1970, an article appeared in the Wall Street Journal under the name of Vermont Royster, its editor. It started with the quotation of the words of Stewart Alsop in Newsweek. The quotation is this:

> Surely it is time to face up to a fact that can no longer be hidden from view. The attempt to integrate this country's schools is a tragic failure.

Now, during the course of this article, which is entitled, "Forced Integration: Suffer the Children," the writer said this, speaking of racial imbalances in neighborhoods and in schools:

> Or let us suppose the proportion does change. Let us suppose that for some reason—any reason, including prejudice—large numbers of white families move out of the neighborhood, making room for black people to move in, so that after a few years we have entirely reversed the proportions. The neighborhood becomes 95% black, 5% white.
>
> Again we have an imbalance. Again we do not truly have segregation but call it that, if you wish; de facto segregation. In any event we do not have integration in the sense that there is a general mixing together of the blacks and whites.
>
> Now suppose that we act from the assumption that this is wrong. That it is wrong to have the neighborhood either 95% white or 95% black. That the mix, to be "right," must be some particular proportion.
>
> What action is to be taken? In the first instance, do we by law forcefully remove some of the white families from the neighborhood so that we can force in the "proper" number of black families? Or, in the second instance, do we by law prohibit some of the white families from moving out of the neighborhood? If we do either, who decides who moves, who stays?
>
> The example, of course, is fanciful. We do none of this. No one has had the political

temerity to propose a law that would send soldiers to pick people up and move them, or to block the way and prevent them from moving. No one stands up and says this is the moral thing to do.

Stated thus baldly, the immorality of doing such things is perfectly clear. No one thinks it moral to send policemen, or the National Guard, bayonets in hand, to corral people and force them into a swimming pool, or a public park or a cocktail party when they do not wish to go.

No one pretends this is moral—for all that anyone may deplore people's prejudice—because everyone can see that to do this is to make of our society a police state. The methods, whatever the differences in intent, would be no different from the tramping boots of the Communist, Nazi or Fascistic police states.

All this being fanciful, no one proposing such things, it may seem we have strayed far from the school integration program. But have we?

The essence of that program is that we have tried to apply to our schools the methods we would not dream of applying to other parts of society. We have forced the children to move.

There are many things wrong with the forcible transfer of children from school to school to obtain the "proper" racial mix. It is, for one thing, wasteful of time, energy and money that could better be applied to making all schools better.

To this practical objection there is also the fact that in concept it is arrogant. The unspoken idea it rests upon is that black children will somehow gain from putting their black skins near to white skins. This is the reverse coin of the worst segregationist's idea that somehow the white children will suffer from putting their white skins near to black skins.

Both are insolent assertions of white superiority. Both spring from the same bitter seed.

I ask unanimous consent that the entire article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Feb. 26, 1970]

FORCED INTEGRATION: SUFFER THE CHILDREN

(By Vermont Royster)

"Surely it is time to face up to a fact that can no longer be hidden from view. The attempt to integrate this country's schools is a tragic failure."

The words of Stewart Alsop in Newsweek will serve as well as any. They are startling, honest and deeply true. Whatever anyone else says otherwise, however shocked we may be, we know he is right.

The proof lies in the fact that Congress, in a confused sort of way, has made it clear that it no longer thinks forced integration is the way to El Dorado. Since Congress is a political body, that in itself might be evidence enough. But Mr. Alsop has also put the statement up for challenge to a wide range of civil rights leaders, black and white, ranging from Education Commissioner James Allen to black militant Julius Hobson, and found none to deny it. Beyond that, we have only to look around ourselves, at both our white and our black neighbors, to know that the failure is there.

But that only plunges us into deeper questions. Why is it a failure? And why is it tragic? Why is it that something on which so many men of good will put their faith has at last come to this? Where did we go wrong?

And those questions plunge us yet deeper. For to answer them we must go back to the beginning. It is the moment for one of those agonizing reappraisals of all our hopes, emotions, thoughts, about what is surely the most wretched of all the problems before our society.

A SIMPLE PROPOSITION

We begin, I think, with a simple proposition. It is that it was, and is *morally* wrong for a society to say to one group of people that because of their color they are pariahs—that the majesty of law can be used to segregate them in their homes, in their schools, in their livelihoods, in their social contacts with their fellows. The wrong is in no wise mitigated by any plea that society may provide well for them within their segregated state. That has nothing to do with the moral question.

In 1954, for the first time, the Supreme Court stated that moral imperative. Beginning with the school decision the judges in a series of decisions struck down the legal underpinnings of segregation.

Since emotions and prejudices are not swept away by court decisions there were some white people in all parts of the country who resisted the change. But they were, for all their noise, in the minority. The great body of our people, even in the South where prejudice had congealed into custom, began the task of stripping away the battens of segregation. Slowly, perhaps, but relentlessly.

Then some people—men of good will, mostly—said this was not enough. They noticed that the mere ending of segregation did not mix whites and blacks in social intercourse. Neighborhoods remained either predominantly white or black. So did schools, because our schools are related to our neighborhoods. So did many other things. Not because of the law, but because of habit, economics, preferences—or prejudices, if you prefer.

From this came the concept of "de facto" segregation. This Latin phrase, borrowed from the law, describes any separation of whites and blacks that exists in fact and equates it with the segregation proscribed by law. The cause matters not. These men of good will concluded that if segregation in law is bad then any separation that exists in fact is equally bad.

From this view we were led to attack any separation as de facto segregation. Since the first attack on segregation came in the schools, the schools became the first place for the attack on separation from whatever cause. And since the law had served us well in the first instance, we chose—our lawmakers chose—to use the law for the second purpose also. The law, that is, was applied to compel not merely an end to segregation but an end to separation by forced integration.

It was at this point that we fell into the abyss. The error was not merely that we created a legal monstrosity, or something unacceptable politically to both whites and blacks. The tragedy is that we embraced an idea *morally* wrong.

That must be recognized if we are to understand all else. For what is wrong about forced integration in the schools is not its impracticality, which we all now see, but its immorality, which is not yet fully grasped.

Let us consider.

Imagine, now, a neighborhood in which 95% of the people are white, 5% of them black. It is self-evident that we have here a de facto imbalance. We do not have legal segregation, but we do not have integration either, at least not anything more than "tokenism."

Let us suppose also that for some reason—any reason, economics, white hostilities, or perhaps black prejudice against living next door to whites—the proportion does not change. The only way then to change it is for some of the whites to move away and, concurrently, for some blacks who live elsewhere to move into this neighborhood. One is not enough. Both things must happen.

CREATING AN IMBALANCE

Or let us suppose the proportion does change. Let us suppose that for some reason—any reason, including prejudice—large numbers of white families move out of the neighborhood, making room for black people to move in, so that after a few years we have entirely reversed the proportions. The neighborhood becomes 95% black, 5% white.

Again we have an imbalance. Again we do not truly have segregation but call it that, if you wish; de facto segregation. In any event we do not have integration in the sense that there is a general mixing together of the blacks and whites.

Now suppose that we act from the assumption that this is wrong. That it is wrong to have the neighborhood either 95% white or 95% black. That the mix, to be "right," must be some particular proportion.

What action is to be taken? In the first instance, do we by law forcefully remove some of the white families from the neighborhood so that we can force in the "proper" number of black families? Or, in the second instance, do we by law prohibit some of the white families from moving out of the neighborhood? If we do either, who decides who moves, who stays?

The example, of course, is fanciful. We do none of this. No one has the political temerity to propose a law that would send soldiers to pick people up and move them, or to block the way and prevent them from moving. No one stands up and says this is the moral thing to do.

Stated thus baldly, the immorality of doing such things is perfectly clear. No one thinks it moral to send policemen, or the National Guard bayonets in hand, to corral people and force them into a swimming pool, or a public park or a cocktail party when they do not wish to go.

No one pretends this is moral—for all that anyone may deplore people's prejudice—because everyone can see that to do this is to make of our society a police state. The methods, whatever the differences in intent, would be no different from the tramping boots of the Communist, Nazi, or Fascistic police states.

All this being fanciful, no one proposing such things, it may seem we have strayed far from the school integration program. But have we?

The essence of that program is that we have tried to apply to our schools the methods we would not dream of applying to other parts of society. We have forced the children to move.

There are many things wrong with the forcible transfer of children from school to school to obtain the "proper" racial mix. It is, for one thing, wasteful of time, energy and money that could better be applied to making all schools better.

To this practical objection there is also the fact that in concept it is arrogant. The unspoken idea it rests upon is that black children will somehow gain from putting their black skins near to white skins. This is the reverse coin of the worst segregationist's idea that somehow the white children will suffer from putting their white skins near to black skins.

Both are insolent assertions of white superiority. Both spring from the same bitter seed.

Still, the practical difficulties might be surmounted. The implied arrogance might be overlooked, on the grounds that the alleged superiority is not racial but cultural; or that, further, both whites and blacks will gain from mutual association. That still leaves the moral question.

Perhaps it should be restated. Is it moral for society to apply to children the force which, if it were applied to adults, men would know immoral? What charity, what compassion, what morality is there in forcing a child as we would not force his father?

It is a terrible thing to see, as we have seen, soldiers standing guard so that a black child may enter a white school. You cannot help but cringe in shame that only this way is it done. But at least then the soldiers are standing for a moral principle—that no one,

child or adult, shall be barred by the color of his skin from access to what belongs to us all, white or black.

But it would have been terrifying if those same soldiers had been going about the town rounding up the black children and marching them from their accustomed school to another, while they went fearfully and their parents wept. On that, I verily believe, morality will brook no challenge.

Thus, then, the abyss. It opened because in fleeing from one moral wrong of the past, for which we felt guilty, we fled all unaware to another immorality. The failure is tragic because in so doing we heaped the burdens upon our children, who are helpless.

MUST WE TURN BACK

Does this mean, as many men of good will fear, that to recognize as much, to acknowledge the failure of forced integration in the schools, is to surrender, to turn backward to what we have fled from?

Surely not. There remains, and we as a people must insist upon it, the moral imperative that no one should be denied his place in society, his dignity as a human being, because of his color. Not in the schools only, but in his livelihood and his life. No custom, no tradition, no trickery should be allowed to evade that imperative.

That we can insist upon without violating the other moral imperative. So long as he does not encroach upon others, no man should be compelled to walk where he would not walk, live where he would not live, share what company he would shun, think what he would not think, believe what he believes not.

If we grasp the distinction, we will follow a tragic failure with a giant step. And, God willing, not just in the schools.

Mr. ERVIN. As Mr. Royster suggests, it would be as sensible to send out policemen or National Guardsmen to round up black and white people and require them to go swimming together in a public swimming pool, to prove that the swimming pool had been desegregated, as it is to round up little black and white children and deny them the right to attend their neighborhood schools, and put them on buses and transport them to distant points merely to integrate their bodies.

Yet, as the article so well points out, that is precisely what the Federal Government has been doing, what HEW has been doing, and what the Federal courts have been doing in their efforts to supplant outmoded State segregation in the schools with federally coerced integration.

It is about time that we get realistic and realize that you cannot have a free society if you are going to have activities on the part of the Federal Government which convert the little children into the hapless and helpless subjects of judicial or bureaucratic oligarchies, and that is precisely what forced school integration is. We are not going to have peace in this area of our national life, we are not going to rid ourselves of the tensions in this field, until we restore the United States to a free society, and say that it is constitutional and legal for State and local school boards to grant to schoolchildren the right to attend the public schools they wish to attend.

As Judge Parker so well pointed out in the Briggs case, there is nothing in the Constitution, and there is nothing in the Brown case, which outlaws freedom of choice. As Judge Parker said, "Where a school board opens all the schools in its jurisdiction to children of all races and allows them or their parents to select the schools they attend, the school board is acting in perfect harmony with the equal protection clause because it is treating all parents and all schoolchildren of all races exactly alike." Despite what Justice Brennan stated in the Green Case, oceans of judicial sophistry cannot wash out the plain and obvious truth that the best way for a school board to afford equal protection of the laws to all parents and all schoolchildren is to say to them, "You have the freedom to attend any of the public schools under our jurisdiction which are open to children of your ages and intellectual attainments that you wish to attend."

On March 24, 1970, an article was published in the Wall Street Journal entitled "Beyond Education's Status Symbolism," written by Harley L. Lutz, a professor emeritus of public finance at Princeton University.

He points out in this article that the important thing in education is teaching people and developing the personalities of children; and he points out how this Nation departed from that proper course of conduct in the effort to give priority to forced integration of schools.

This article by Dr. Lutz merits the serious consideration of everyone charged with any official duty having reference to public education in this country. He speaks about the essentials of a good education, and about the wisdom of our abandoning the concept of forced integration in favor of quality education, and he closes the article with this very significant sentence:

These objectives should receive the main thrust of judicial concern and of official inquiry. When the quality of education for all children is raised, it will not matter where that better education is obtained.

So I close what I have to say on this occasion with the statement that it is time to recognize that the cause of education is not promoted by forced integration against the will of parents and against the will of schoolchildren, and by perverting and distorting sound legal and constitutional principles. The important thing is to educate the children, not to integrate them.

I ask unanimous consent that the entire article be printed at this point in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

BEYOND EDUCATION'S STATUS SYMBOLISM

(By Harley L. Lutz)

More than 15 years have passed since the Supreme Court announced its reversal of the doctrine of separate but equal accommodations for whites and blacks with respect to public transportation, schools and other public service facilities. The new policy became effective with reasonable promptness in some cases but delay and resistance developed in others.

The dual school system maintained in the states with the greatest concentration of black population was separate but not always equal. After World War II, however, many places had provided school facilities for blacks that generally were equal to those for whites. With the large-scale migration of blacks into northern cities, settlement patterns then developed that meant the schools in urban sections occupied mainly by blacks were in fact separate. Similar segregation existed in the urban areas occupied mainly by Puerto Ricans and other minority groups. And as any urban or rural area begins to deteriorate economically, the public buildings—schools, post office or whatnot—tend to deteriorate in step with the decay of housing and streets. School buildings in poor white sections are often in no better condition than those in poor black areas.

The decision in Brown vs. Board of Education did not involve the most important issue in the public education and no actions taken under that case will contribute to a solution. Equality of civil rights is deemed to include the right of black children to be enrolled in a white school. Complete school integration has come to mean that there must be a mixture of whites and blacks in every school. If there are no white children in an all-black community and no black children in an all-white community, the imbalance is supposed to be corrected by cross-shipment of pupils in numbers that will provide the proper mix.

The symbolism of the concept is self-evident. If a genuine educational motive were involved, and black pupils were to be moved into white schools because of the better educational facilities, the shift would benefit only those who were transferred. However, the white pupils who were shifted into the supposedly inferior black schools would be penalized. Actually, no question of comparative school efficiency is involved.

It is time the status symbolism of the current concept of school integration be set aside. Instead, our attention and energy might be devoted to the task of redefining the primary purpose of education and of formulating the steps to be taken to improve the quality of education for all children.

SOCIETY'S SURVIVAL

If our society is to survive and make steady advances in well-being, its first and major obligation is to equip the young of each new generation to meet the duties, privileges and responsibilities of adulthood. This obligation rests in part on parents and in part on society.

It must be admitted that parents can often be remiss, not always because of indifference but because of the sweeping changes in economic condition and the social structure. It is no longer necessary for every member of the family to have certain tasks or "chores" when almost everything about the house can be done by pushing a button. The daily chores had a disciplinary value and contributed to family unity. There was youthful rebellion against them, just as there is youthful rebellion today against the dullness of life in an affluent environment in which the young seem to have no significant place.

Society's role for the young is performed mainly through the school system. The first essential of a good school is good teaching. This is one of the most difficult of professions and top-flight practitioners are in short supply. Every normal child has great curiosity and eagerness to learn. Good teaching is required to sustain and expand these attitudes.

Adequate physical plant is useful but subordinate. There was often better teaching in the "little red school house" than is now found in the most modern and expensive school buildings. Too often, so much is spent—under the pressures of architects, contractors and local rivalries—on the school plant that the debt service-cost squeezes the salary side of the budget. Building janitors are often paid more than teachers.

Complaints about the poor quality of teaching abound, from elementary schools to the universities. The curriculum of teacher training in the schools of education has tended to emphasize method rather than content and many states have based certification rules on this policy.

The emphasis of university administrators on research and publication as conditions of tenure and promotion has relegated teaching to the background. Any official examination of the educational system must dig deeply into these practices.

The population explosion since the 1930s has contributed to the decline of teaching quality at all levels. Birth-rate statistics provided a warning but it went unnoticed until too late. In consequence there have been unduly large classes, makeshift quarters, short sessions and automatic promoting of all pupils up the line regardless of achievement. The white-black mixture rule does nothing to better this situation, under which good and incompetent teachers alike have been helpless, the courts would do a better service for the quality of education if they were to impress on negligent school boards and communities the need for establishing the conditions under which good teaching would be again possible.

A second essential of a good school system is that it be, in every respect, a community undertaking, identified with the community and loyally supported by it. Parents have, or should have, more concern about the quality of education provided for their children than anyone else. This is a major reason for the tradition that the chief responsibility for elementary and secondary education should be vested in the communities to be served.

Support means more than financing, although the local share of the cost should be substantial. It means more than pride in the basketball team and the marching band. These and other extracurricular activities are useful outlets for youthful energy and enthusiasm and they contribute to the overall sense of community satisfaction. Local support also means, however, a close and sympathetic relation between parents and school staff, with complete freedom of communication regarding educational and disciplinary problems through parent-teacher groups and various other arrangements.

The current judicial application of the integration rule disrupts the basic concept of the community school. Forcible transfer of white or black pupils into an alien community deprives these pupils, and their parents, of that sympathetic relationship so important for a good attitude on both sides. Teachers and parents can no longer communicate with regard to the problems of individual pupils. The latter can have no sense of belonging and, no chance of sharing in extra-curricular activities.

And every parent, whether white or black, might have good reason to appeal the selection of his or her children for transfer as there is no equitable way of making the choice. A case could be made that arbitrary transfer of a pupil to a school outside its community would be a violation of the child's civil rights.

Every good purpose of the integration concept would be served if it were interpreted to mean that all schools were to be open to all children of the community, regardless of color or racial origin. The degree of mixture could then be governed by the residential pattern. As it becomes normal and acceptable for different races and national groups to live in the same community, it will be equally acceptable for all children to attend the same school. Except for large-scale, subsidized housing projects, this change will come slowly—despite legislative efforts to hasten it. But it will come, as a natural evolution that will lack the bitterness and animosity engendered by current policies. Cross-shipment of children will not hasten the rate of change in residential patterns. It could, in fact, increase resistance to change.

The resort to private schools in some places is an understandable reaction to judicial harshness. But as an expression of antagonism to genuine, realistic integration of any sort it is as wrong as the current, legalistic application of the concept.

Such private schools are likely to be makeshift, with inadequate financing and dubious quality of teaching. Even the moderate tuition may be a barrier to some white children. This subterfuge will penalize the children put into such schools just as the children will be penalized who may be shifted out of their home community by judicial order.

THE THIRD ESSENTIAL

A third essential of the good school system is wise selection and judicious emphasis on what is to be taught. The current judicial policy is indifferent to this matter, although a genuine concern for the future of the children would rank it above formalistic mixture.

The scientific and technological explosion has widened the field of knowledge so greately that no one can possibly learn all about everything. There is a temptation, however, to broaden the secondary, and even the elementary, curriculum to cover more territory. These contacts with ever wider fields of knowledge are brief and limited and, however alluring, they tend to involve neglect of the real foundation of education. This foundation is now, as it has always been, thorough training in what was once described as the "three R's." Of these, reading and writing are certainly fundamental to all further educational accomplishment.

Reading means more than recognition of words on the printed page. It means understanding of the message conveyed by the works. Writing means more than the ability to put down words on a piece of paper. It means the ability to express, through written words, a coherent, logical train of thought. College students are sometimes deficient in both respects, and their spelling is often atrocious. And yet, without command of these basic tools of the learning process, how can the young be expected to benefit from all of the additional knowledge to which they are exposed and which they are expected to absorb?

The precise content and emphasis of elementary and secondary curricula, and the extent to which state or Federal dictation should occur as the price of supplying part of the funds, are matters beyond the scope of this article. It should be said, however, that since an important aspect of the preparation that the schools are to provide involves the ability to earn a living, the obligation to supply an introduction to various kinds of vocational training must be recognized.

Much more must be done through redirection of our educational program and emphasis to prepare the young for self-support. Just as there should be an open door and freedom of access to the schools for all the children of each community, so there must be access for all youth to the opportunities for acquiring skills on which a future good livelihood depends. These objectives should receive the main thrust of judicial concern and of official inquiry. When the quality of education for all children is raised, it will not matter where that better education is obtained.

Mr. ERVIN. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, am I correct in saying that the Pastore rule of germaneness is no longer applicable?

The PRESIDING OFFICER. The Senator is correct.

S. 3634—INTRODUCTION OF THE NATIONAL HEALTH CARE SYSTEMS STUDY, RESEARCH, AND DEMONSTRATIONS ACT OF 1970

Mr. PELL. Mr. President, I introduce, for appropriate reference, a bill to amend and extend section 304 of the Public Health Service Act which is to be cited as the "National Health Care Systems Study, Research, and Demonstrations Act of 1970."

In my statement in the CONGRESSIONAL RECORD of December 10, 1969, I described the reasons why I believe our present national nonsystem of delivery of health care must be replaced. The reasons are now quite well known, having been discussed since that time in numerous national magazines and in statements by other Members of the Congress.

In my statement I emphasized the need for utilizing a systems approach to our Nation's health crisis in order that we do not overlook the fact that the replacement of our present nonsystem of delivery of health care may not only involve a new financing mechanism, such as national health insurance, but it may also require additional health manpower and new methods of health care delivery.

Following my statement, the Surgeon General, Dr. Jesse Steinfeld, in response to my interrogatory, stated:

> It seems to me, speaking as an individual, that we are moving toward a national health insurance program and it is our duty to be ready for it in terms of not only the capacity to provide the services, but in terms of the administrative mechanisms to have an efficient program. I feel, therefore, that it is imperative for us to begin both such experiments and pilot programs as soon as possible.

In a January issue of Business Week magazine, an editorial commented:

> The question no longer is whether the U.S. is to have a national health program. It is whether we shall have a good one or a bad one. The chances of getting a good one will be far better if everyone involved accepts that fact.

Mr. President, the bill I introduce today is designed to insure that the national health insurance program, which Dr. Steinfeld, like myself, believes is inevitable, is "a good one" as Business Week recommends.

The National Health Care Systems Study, Research and Demonstrations Act of 1970 provides for the extension and increased authorizations for the experiments and research which the Surgeon General believes is necessary to prepare for an eventual national health insurance program, and it calls for the systems approach toward health care which I outlined in my statement of December 10.

Under the provisions of my bill, the Secretary of the Department of Health, Education, and Welfare would receive increased authorizations for research and demonstrations relating to health facilities and services. And, he would be

required to undertake a systems analysis of the alternative mechanisms which have been suggested as the basis of a national health care program in the United States.

Under the Secretary's supervision a study would be made of each of the major financing mechanisms suggested for a national health care program, such as the tax credit proposal, the modified social security proposal, and the Federal purchase of private health insurance premiums for the poor proposal.

A report would then be made to Congress describing: first, the costs and benefits associated with each financing proposal; second, the changes in the supply of health manpower and methods of health delivery which would be required by implementation of each proposal; third, the number of persons who can be expected to receive an adequate health coverage if a proposed alternative financing and delivery system was to be established; fourth, the legislative and administrative changes required by each alternative system, and fifth, the relative effectiveness and efficiency of each system as compared to the present nonsystem of health care.

In order that the Congress would not be excessively delayed in its consideration of existing national health care proposals and proposals about to be introduced in this session, my bill has a second provision requiring an interim report to the Congress in June of 1971 as to the adequacy and cost of national health insurance bills introduced in the 91st Congress.

Mr. President, I propose this systematic procedure for moving toward a national health care program not only because I believe we must be prepared for the inevitable, but because I am doubtful whether we can transform the country's present $60 billion nonsystem of health care through the traditional patchwork response mechanisms of the executive branch and the Congress.

The usual response of the executive branch and the Congress to national crisis situations is a Presidential recommendation proposing a legislative panacea which is subsequently enacted by the Congress, and is eventually found to be, years later in highly publicized hearings, not adequate to resolve that which was a more complicated problem than what it first appeared to be. The hearings on medicaid might be an example of that process.

The inadequacy of this response mechanism is often complicated by the fact that there is rarely a congressional legislative committee which has complete jurisdiction over all relevant aspects of a problem.

For example, if we examine the method by which the Senate considers just one element of the health nonsystem, the hospital, we find that the Labor and Public Welfare Committee has held hearings on hospitals to authorize money for their construction, the Finance Committee has held hearings on hospitals regarding their reimbursement formulas under Medicare, the Judiciary Committee has held hearings on hospital costs to examine antitrust implications, the Joint Economic Committee has held hearings on hospital costs to analyze their impact on the economy, the Post Office and Civil Service Committee has held hearings on hospital costs to analyze their impact on the economy, the Post Office and Civil Service Committee has considered hospital costs in terms of their impact on Federal employee health plans, and the Government Operations Committee has considered hospitals in the context of the 23 Federal agencies concerned with health.

A reform of our country's nonsystem of health care is going to demand a more coordinated approach than the fragmental consideration we have given the problems of hospitals. It is going to demand more than the traditional crisis inspired Presidential message and legislative band aids. The transformation of $60 billion segment of the economy will require a new process of national change. It will require a systematic, step by step approach. It will call for a new type of executive-legislative relationship.

The Congress cannot legislate in an informational vacuum. We must have all the facts. We must be made aware of all alternatives that are available to us. We must be informed as to the ramifications of the enactment of each alternative available to us. I do not ask the executive branch to support a national health plan, I only ask that Congress be informed of the options available to it.

We cannot afford to be limited in our perspectives on social change by the blinders of committee jurisdiction and the limits of the information provided by the executive in sole support of administration legislation. If the report I call for is properly developed, the Congress will be able not only to debate the merits of a national health program in a rational manner, but it will enable the various committees of Congress concerned with health to legislate with a wider perspective in a harmonious manner proper to each committee's jurisdiction.

The legislation I propose today is not only to be considered as a major step toward a truly comprehensive national health care system, but also as a first step in a redefinition of the role of the Congress in relation to the executive branch as a modern mechanism of social and economic change.

Mr. President, I ask unanimous consent that following my remarks the text of my bill, my dialog with the U.S. Surgeon General, Dr. Jesse Steinfeld, the Business Week editorial and special report on medical care, the report of the Library of Congress Legislative Reference Service on the financing aspects of national health insurance proposals, and my RECORD statement of December 10, 1969, be printed in the RECORD.

The PRESIDING OFFICER (Mr. ALLEN). The bill will be received and appropriately referred; and, without objection, the bill and material will be printed in the RECORD.

The bill (S. 3634) to amend the Public Health Service Act to provide for the conduct of a systems analysis of alternative national health care plans, and for other purposes, introduced by Mr. PELL, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 3634

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Health Care Systems Study Research and Demonstrations Act of 1970".

SEC. 2. (a)(1) Section 304(a) of the Public Health Service Act is amended—

(A) by inserting "(1)" immediately after "Sec. 304. (a)";

(B) by redesignating clauses (1) and (2) as clauses (A) and (B), respectively; and

(C) by redesignating clauses (A), (B), and (C) as clauses (i), (ii), and (iii), respectively. (2) Section 304(b) of such Act is amended—

(A) by striking out "(b)" and inserting in lieu thereof "(2)"; and

(B) by striking out "this section" each place it appears therein and inserting in lieu thereof "this subsection".

(3) Section 304(c) of such Act is amended—

(A) by striking out "(c)" and inserting in lieu thereof "(3)"; and

(B) by striking out "this section" each place it appears therein and inserting in lieu thereof "this subsection".

(b) Section 304 of such Act is further amended by adding after the provision thereof redesignated as paragraph (3) by subsection (a)(3)(A) of this setcion the following new subsection:

"Systems Analysis of Alternative National Health Care Plans

"(b)(1)(A) The Secretary shall develop, through utilization of the systems analysis method, two or more alternative plans for health care systems designed adequately to meet the health needs of the American people. For purposes of the preceding sentence the systems analysis method means the analytical method by which alternative means of obtaining a desired result or goal is associated with the costs and benefits involved.

"(B) When the Secretary has completed the development of the alternative plans referred to in subparagraph (A), he shall submit to the Congress not later than 18 months from the date of enactment of this Act a report which shall describe each plan so developed in terms of—

"(i) the number of people who would be covered under the plan;

"(ii) the kind and type of health care which would be covered under the plan;

"(iii) the cost involved in carrying out the plan and how such costs would be financed;

"(iv) the number of additional physicians and other health care personnel and the number and type of health care facilities needed to enable the plan to become fully effective;

"(v) the new and improved methods, if any, of delivery of health care services which would be developed in order to effectuate the plan;

"(vi) the accessibility of the benefits of such plan to various socio-economic classes of persons;

"(vii) the relative effectiveness and efficiency of such plan as compared to existing means of financing and delivering health care; and

"(viii) the legislative, administrative, and other actions which would be necessary to implement the plan.

"(C) In order to assure that the advice and services of experts in the various fields concerned will be obtained in the alternative plans authorized by this paragraph and that the purposes of this paragraph will fully be carried out—

"(i) the Secretary shall utilize, whenever appropriate, personnel from the various agencies, bureaus, and other departmental sub-

divisions of the Department of Health, Education, and Welfare;

"(ii) the Secretary is authorized, with the consent of the head of the Department or agency involved, to utilize the personnel and other resources of other Departments and agencies of the Federal Government; and

"(iii) the Secretary is authorized to consult with appropriate State or local public agencies, private organizations and individuals.

"Cost and Coverage Report on Existing Legislative Proposals

"(2)(A) The Secretary shall, in accordance with this paragraph, conduct a study of each legislative proposal which is introduced in the Senate or the House of Representatives during the 91st Congress, and which undertakes to establish a national health insurance plan or similar plan designed to meet the needs for health insurance or for health services of all or the overwhelming majority of the people of the United States.

"(B) In conducting such study with respect to each such legislative proposal, the Secretary shall evaluate and analyze such proposal with a view to determining—

"(i) the costs of carrying out the proposal; and

"(ii) the adequacy of the proposal in terms of (I) the portion of the population covered by the proposal, (II) the type health care provided, paid for, or insured against under the proposal, (III) whether, and if so, to what extent, the proposal provides for the development of new and improved methods for the delivery of health care and services.

"(C) Not later than June 15, 1971, the Secretary shall submit to the Congress a report on each legislative proposal which he has been directed to study under this paragraph, together with an analysis and evaluation of such proposal."

(c) Subsection (d) of section 304 of such Act is hereby redesignated as subsection (c) and is amended to read as follows:

"(c)(1) There are authorized to be appropriated for payment of grants or under contracts under subsection (a), and for purposes of carrying out the provisions of subsection (b), $84,000,000 for the fiscal year ending June 30, 1971 (of which not less than $4,000,000 shall be available only for purposes of carrying out the provisions of subsection (b)), $85,000,000 for the fiscal year ending June 30, 1972, $90,000,000 for the fiscal year ending June 30, 1973, $95,000,000 for the fiscal year ending June 30, 1974, and $100,000,000 for the fiscal year ending June 30, 1975; except that, for any fiscal year ending after June 30, 1970, such portions of such sums available for payment of grants or under contracts under subsection (a) as the Secretary may determine, but not exceeding 1 per centum thereof, shall be available to the Secretary for evaluation (directly or by grants or contracts) of the program authorized by subsection (a).

"(2) In addition to the funds authorized to be appropriated under paragraph (1) to carry out the provisions of subsection (b) there are hereby authorized to be appropriated to carry out such provisions for each fiscal year such sums as may be necessary."

SEC. 2. The amendments made by subsection (c) of section 2 of this Act shall be effective only with respect to fiscal years ending after June 30, 1970.

The material, presented by Mr. PELL, is as follows:

DIALOG BETWEEN SENATOR PELL AND DR. JESSE STEINFELD, U.S. SURGEON GENERAL

Senator PELL. Do you agree that the United States should implement a national health insurance plan in the early 1970's?

SURGEON GENERAL. The Federal Government has moved more and more into health research, health education, and provision of health services through financing mechanisms. In the latter situation, the Federal Government in partnership with those citizens over 65 in the instance of medicare and in partnership with the States in terms of medicaid is actively in the field of financing the provision of health services. Unfortunately, medicaid is not a resounding success since it is primarily a purchaser of services. The problem in this country is to improve both the quality and quantity of health care and to make it available for all who need health care. What I believe we must do immediately is to undertake a number of experiments and pilot projects involving the use of para-professional personnel as well as professional personnel with emphasis on preventive care or preventive medicine and use of ambulatory care facilities in lieu of institutional or hospital type facilities wherever possible. It seems to me, speaking as an individual, that we are moving toward a national health insurance program and it is our duty to be ready for it in terms of not only the capacity to provide the services but in terms of the administrative mechanisms to have an efficient program. I feel, therefore, that it is imperative for us to begin both such experiments and pilot programs as soon as possible.

Senator PELL. Since the poor have shown by government statistics to be least able to pay for the health care that they need, do you agree that the Federal Government should pay the premium for the poor as part of a national health insurance plan?

SURGEON GENERAL. There are two aspects to this question, Senator, as I interpret it. First and foremost, the goal really should be to eliminate poverty, to eliminate the ghetto, and in that situation then all our citizens will be able to afford either health care or the premium for health care or their share of the premiums for health care depending upon the type of program that the Congress and the people choose. However, that is a long-range solution. For the short-range, it is clear that the Government must help provide medical care for the poor through whatever mechanism is most efficient and most appropriate to get the job done in a fair or equitable way.

Senator PELL. Would you favor a national health insurance plan based on a plan similar to Social Security or a plan similar to the one Governor Rockefeller suggested where third party vendors, such as Blue Cross, would be paid through employer-employee work place contributions?

SURGEON GENERAL. Here again, Senator, I think we must do pilot studies in different parts of the country such as urban areas, rural areas, suburban low, middle or upper income areas, and in what has been called the American ghetto, and have our decisions then be based upon our experience as to which of these programs fits our needs. It may well be that in different States or in different areas we will have modifications of a health insurance program rather than a single national plan.

Senator PELL. Do you agree that all the government's 23 health programs should be organized under one federal official?

SURGEON GENERAL. Here I believe that there could and should be far more coordination and cooperation among these several programs and coordination and cooperation with States, local government, and the large number of private organizations and groups involved in health programs. As a step in this direction for the Federal programs alone it might be desirable to set up a coordinating mechanism with a single agency as the lead agency, once again, to learn from this what the problems are, what can be accomplished, and whether our overall effort would be helped or hindered if we were to move in such a direction.

Senator PELL. What types of incentives could be utilized to encourage physicians and hospitals to lower costs?

SURGEON GENERAL. Regarding hospital costs, it must be remembered that hospitals are a recent institutional development in the sense that we utilize them for delivery of children, for intensive care, myocardiac infarctions, operation on diseases as appendicitis, all of which result hopefully in cure of the patient. Not too long ago hospitals were places where people went to spend their last remaining days and it was not usual for the patient to return home able to function in society. In that not too distant past hospitals were charitable institutions run by religious organizations and staffed by dedicated individuals who were paid little or nothing beyond room and board. Accordingly, hospital wage scales have been appallingly low. As the hospital is looked upon more and more as any other business enterprise, wage scales, which make up the great bulk of hospital costs, have risen.

Another important feature, and there are many others I won't mention, but another important feature is the increasing complexity and expense of instrumentation, as for example the monitoring equipment in a coronary intensive care unit.

To lower hospital costs might mean having different types of rates for patients who required different levels of complexity of hospital care. We might, as an incentive, provide higher fees for diagnostic medical work done on an outpatient rather than an inpatient basis. Some of our programs which provide payment only when the patient is hospitalized encourage the physician to hospitalize the patient for diagnostic work which could be accomplished with the patient in a non-hospitalized status.

Another form of experimentation would be prepayment of fees for an entire group of patients paid to a group of physicians who have access to and the use of a hospital as well as outpatient facilities. This might encourage more preventive medicine or preventive care. Such prepayment plans have not been utilized in any of this country's governmental health programs. At this point I am not proposing that this be done on a national basis but I do feel that here, too, experimental or pilot programs should be undertaken promptly to see if we can lower costs while maintaining or even improving the present quality of care.

Senator PELL. Do you agree that no federal money should be spent in any region unless that money is spent in conformance with a comprehensive regional health plan?

SURGEON GENERAL. For health research and health education—no. For health services, this may be desirable if it is truly a comprehensive regional health plan but, as you indicated earlier, when you mentioned that the government has at least 23 health programs, it may be difficult to enforce such a ruling directed presumably at the civilian population if other governmental facilities as DoD or VA facilities are present in a particular region.

Senator PELL. What steps should be taken to encourage a greater emphasis on preventive care services, such as neighborhood health centers, in the United States?

SURGEON GENERAL. All of our programs should emphasize preventive care much more than we now do. This will involve education not only of our school age population but in industrial concerns, in all work situations, and hopefully of housewives as well. It may require the addition of new courses in medical school curricula, and in many or all paramedical educational institutions. We may even need a new type of professional but it seems to me that not only should our professionals be stimulated in this regard but our financing devices such as medicare and medicaid should be remoulded so as to emphasize and to reward those who can utilize preventive medicine rather than the much more expensive hospitalization approach.

[From Business Week, Jan. 17, 1970]

REFORM IN HEALTH CARE

Sometime within the next few years, Congress will have to set up a comprehensive national health program for the U.S. Experts on medical care differ violently on many things, but they agree almost to a man that the nation cannot struggle along indefinitely without a complete overhaul of its present patchwork system.

As things stand now, the federal government underwrites medical care for the aged and gives some assistance to state programs for the indigent. The rest of the population is either covered by private insurance or not covered at all. Some 61-million Americans under the age of 65 have no insurance covering in-hospital medical expenses, and 102-million have no coverage for office visits to doctors.

The infusion of federal money has not been enough to provide first-class medical care for all citizens, but it has been enough to give a violent inflationary kick to the whole structure of medical costs. The U.S. now spends more than $60.3 billion a year for health services. This is a higher proportion of gross national product (6.7%) than any other country puts into health care, but the results do not show it. Judged by such key indexes as average length of life and infant mortality, the U.S. lags well behind Western Europe, Canada, Australia, and Japan.

To upgrade its standards of health care as well as to get full value for the money it is spending, the U.S. obviously must overhaul its system. On the financial side, it needs an adequate system of insurance covering the great majority of the population against medical expenses. With this should go some system of keeping doctors' fees within reasonable limits and incentives for efficient hospital management.

There is no hope for transferring bodily to the U.S. the system worked out in some other country. Any workable program must be home grown and developed on the foundations of the present system. This means it must be worked out in a cooperative effort by the U.S. medical profession, the insurance carriers, and the government.

The question no longer is whether the U.S. is to have a national health program. It is whether we shall have a good one or a bad one. The chances of getting a good one will be far better if everyone involved accepts that fact.

[From Business Week, Jan. 17, 1970]

THE $60 BILLION CRISIS OVER MEDICAL CARE

A lot of Americans would rather die than get seriously sick. For millions, going to the hospital means going broke or close to it. For many more, good medical care is nonexistent.

Private health insurance plans, with a large measure of business support, have helped to ease the pains in recent years. So have medicare and medicaid. But pressure is mounting for far more sweeping changes in the way Americans get their medical care, and the answer looks more and more like the one adopted by practically every other major Western country: a national health program.

Many people still regard medicare and medicaid as incipient socialized medicine. They haven't seen anything yet. Before the end of this decade, the federal government will almost certainly get deeply into the health insurance business by sponsoring a program that will cover everyone in the country.

BEYOND BAND-AIDS

Washington is already in up to its knees with medical aid for the aged, the veterans, and some of the poor. But a growing body of opinion holds that this just is not enough, that medicare and state medicaid have been, at best, rather badly administered first aid—Band-Aids and tourniquets, when what is needed is major surgery and more intravenous feedings of that magic medicine, money, but under careful supervision.

The clamor for some kind of national health plan is already drowning out the shouts against "socialism," and it has been heard on Capitol Hill. Perhaps as early as 1971, Congress will start formulating a national health care program.

A flurry of bills is being prepared already (page 64) and even the American Medical Assn., although still staunchly opposed to broad federal intervention in medicine, supports one. None of the drafts spells out in fine detail just how a national health scheme would work, but their very number is evidence that a sweeping change is coming in the way the nation's doctors and hospitals operate.

Two things underlie the impending changes: skyrocketing medical costs and a spreading realization that the U.S. medical system is not delivering the goods. Ironically, this is not for want of trying.

The total health bill for Americans now stands at some $60.3-billion a year. This comes to 6.7% of the gross national product, a greater proportion of national resources than any other country puts into health care. The national bill per person for medical goods and services is up to $293, more than double what it was a decade ago, and is still rising. Since 1966 the cost of health care has been climbing at an average annual rate of 7%, well above the rates of increase in other consumer prices.

For all this, the U.S. has been slipping behind other nations in the key indexes of national health. In infant mortality we now rank 14th, behind many Western European countries. Men live longer in 17 other countries; women live longer in 10.

Quality gap. Few dispute the U.S. medical research in most fields is the world's most advanced and that many U.S. hospitals are among the world's best equipped. But the fruits of this research are not getting out to the great bulk of the population.

IN SEARCH OF A CURE FOR ECONOMIC CHAOS

It is true that national health statistics reflect more than just the quality of medical care. Social, economic, cultural, and environmental factors play a part, too. Americans may drink more, smoke more, or work harder than many Europeans, for instance. And it is obvious that the poor health conditions of millions of blacks who have lived on Southern farms or in Northern slums over the last 20 years have put a drag on U.S. health indicators.

Lately, though, economists have combed through the statistics and come up with some surprising findings. One study shows that in 49 of the 50 states the infant mortality rate among whites alone is higher than the highest provincial rate in Sweden. Says Dr. George A. Silver, a former deputy assistant secretary of the Health, Education & Welfare Dept.: "Sweden spends only 5% of its GNP on health services and gets in return better medical care, lower infant mortality, longer life expectancy, and has fewer people dying in the productive years of their lives."

MISSING ELEMENT

Clearly, something is lacking in the U.S. health care system. One thing that every other industrialized country has that the U.S. lacks is some form of national health program or insurance that can deliver adequate care to the bulk of its people. Such plans cannot guarantee better medical care than the U.S. now provides. They cannot, in themselves, put the brakes on health care inflation. Nor can they ensure that poor rural areas or big-city ghettos get an adequate supply of doctors. But numerous medical experts do maintain that the plans can, and often do, set the base for a broader and more efficient allocation of a nation's health care resources.

Ironically, the first U.S. steps toward a national health insurance scheme—the medicare and medicaid programs—have helped a lot to fuel the wild inflation in medical care costs. How it all happened is a complex story that goes back to the end of World War II. That was when costs of medical care first began to outpace the gains in personal income and the general cost of living. At the time, the impact of the rise was softened for many Americans by the spectacular growth of private health insurance plans.

By the early 1960s, though, it was all too clear that at least two big groups were left without protection against the upward sweep of costs: the poor and the elderly. Both are victims of high rates of disease and disability, the poor because of bad nutrition and bad housing, the elderly because illness almost inevitably accompanies old age. So, in 1966, the federal government moved in with medicare for the aged and began helping the states set up their medicaid programs for the poor.

Skyrocket effect.—In theory, these programs were not supposed to boost inflation. In the past, hospitals and doctors had treated poor patients at little or no cost and had covered the losses by charging others a bit more. Thus, when federal and state aid programs began picking up the tab for charity patients, the charges to regular patients were supposed, at least, to rise less rapidly than before.

Instead, charges to everyone skyrocketed. Since the beginning of 1966, doctors' fees have jumped by 29% and hospital charges by 59%. And the trend may be getting steeper.

One part of the problem is that medicare went into operation just when hospitals faced, and could not hold off, demands for sharp wage increases from newly militant employees. That multiplied costs quickly because labor accounts for some 60% of a hospital's costs. Part of the jump also came because new demands were put on limited supplies of medical manpower and facilities. But many economists believe that the major cause of the sudden and sharp inflation was that the new health programs poured in massive amounts of money without any meaningful controls over expenditures or any attempt to build more efficiency into the health care system.

"Blank checks." Says Rashi Fein, Harvard Medical School professor of medical economics: "The government went into the business of signing blank checks. It gave hospitals cost-plus contracts—and costs rose. It paid doctors on the basis of their customary fees—and their fees rose."

Fein and others point out that the lack of controls was part of the price that had to be paid to get the medicare bill through Congress; AMA lobbyists would probably have succeeded in beating it back if it had involved more than a minimum of government intervention. But once the law was passed, many doctors and hospitals not surprisingly reacted by seeking as much of the government money as possible.

Today, the cost of health care has moved so high that other groups are starting to demand the kind of broad protection that medicare gives to the elderly. With daily hospital charges just for room and board in New York City and Boston running as high as $110, even the relatively affluent can have their savings and homes wiped out by the cost of a catastrophic or chronic illness. While the more generous major-medical insurance plans will pay up to a maximum $15,000 or $20,000, a patient under intensive care in a big-city hospital for as long as a month could well get a bill that exceeds that amount.

Left out. Wide gaps in private health insurance are showing up, too. Some 24-million Americans under 65 have no health insurance at all; 61-million have no coverage for in-hospital medical expenses, 102-million have no insurance to help pay for doctors' office visits.

Private insurers admit that they cannot fill these gaps. Many, such as New York's Blue Cross, are having trouble maintaining

present coverage, much less expanding it. So now. Blue Cross, some insurance companies, and some state governments are backing the idea of a federally supported national health insurance scheme to supplement private insurance programs.

With all the support for national health insurance, however, even its advocates have one big worry. The treatment might be disastrously worse than the illness if not administered properly.

Martin Feldstein, professor of economics at Harvard, warns that unless vigorous controls are built into a national health scheme, inflation will eat up any benefits the program might produce. If national health insurance is to achieve its promise of providing adequate health care for all, most medical economists agree, the way in which the U.S. now delivers medical care has to be changed to make it more rational and efficient.

"What we have now," says Rashi Fein of Harvard, "is a highly disorganized, wasteful delivery non-system." While Fein wonders whether any major change will be politically feasible in initial health insurance legislation, he finds it "inconceivable that the government and taxpayers would continue to tolerate" the present system.

Victor Fuchs, vice-president for research at the National Bureau of Economic Research and a specialist in medical economics, says one source of the present system's inefficiency is the medical profession's faulty notion of how it really operates. For ages, doctors have said that so long as patients have free choice of physicians, unhampered by bureaucratic government control, medicine gets all the advantages of a free-market system: The profit motive and open competition will guarantee efficiency, a proper price and rate of output, and a fair return. If demand outstrips supply, prices will rise for a while, but then new suppliers will enter the market.

But medicine, Fuchs points out, is organized on radically different lines: Most hospitals are not run for profit and have little direct incentive to be efficient; doctors do not compete on price; the number of new doctors turned out by the medical schools is tightly restricted; and until recently the AMA has steadfastly resisted expanding these schools.

Another hole in the free-market theory: Consumers of medical services are generally not able to judge their quality or necessity, or to question the price. Insurance plans shield the consumer and make it less likely that he will protest fee hikes. And third parties, such as Blue Cross and insurance companies, have tended to reflect the interests of the providers of medical services, rather than those of the buying public.

BAD ECONOMICS

Most people would not accuse medical men of being bad businessmen: Median income for doctors in the U.S. rose from $28,380 a year in 1964 to around $40,000 last year. But the fierce independence of doctors, hospitals, and medical schools has long blocked all but a minor degree of cooperation, and has been self-defeating in broader economic terms. One result, critics charge, is that much of the money poured into training medical men and equipping hospitals goes to waste through duplication and inefficient use.

This is the root problem that a national health plan will have to solve if it is going to work. Fortunately, doctors themselves have already pointed the way by recognizing the economies of scale. Over the last two decades, they have fostered a strong trend toward group practice. Groups share the cost of offices, nurses, and secretaries, and bring a range of specialties together in one place. Group doctors not only see more patients—as many as 15% to 25% more—but also have more free time to keep up with the latest research in their fields. Patients benefit by dealing with doctors who keep up to date and have better equipment than the individual practitioner.

Group practice reaches its present peak in such programs as New York's Health Insurance Plan (HIP) and California's Kaiser Permanente group. These, says Harry Becker, professor of community medicine at Albert Einstein College of Medicine, are the most promising forms of group medicine. Subscribers pay a flat annual fee; the doctors work for salaries paid by the group, not for fees from the patients. It is the closest U.S. medicine has come to the ancient Chinese notion that you pay the doctor to keep you well, and nothing if you get sick.

Kaiser and HIP may, indeed, best point up the value of group practice for preventive medicine. Kaiser and HIP, says Becker, can give far broader care, for about the same cost, than the more limited health insurance plans. Their record also shows that they can reduce the need for hospitalization by at least 30%, because doctors have no economic reason to hospitalize patients, and subscribers get preventive care.

Both HIP and Kaiser have grown enormously over the 20 years since they were founded, and their efficiency has won lavish praise from outside experts. But they have had very few imitators. The main growth in group practice has come from doctors who still charge patients for each service performed.

The need to scale up for the sake of economy is even more glaring when it comes to hospitals, says medical economist Anne R. Somers of Princeton University. Most community hospitals, she notes, are independent empires that plan their services and by costly facilities with little consideration of what the hospital up the road might be doing. Duplication and inefficiencies abound. It is not unusual for neighboring hospitals to install precisely the same expensive open heart surgery equipment and cobalt radiation units when one facility could easily do.

"Division of labor," Economist Fuchs finds a similar problem in medical practice, through failure to adapt to the enormous technological changes of recent years. "There would be a greater chance of controlling costs if there was a rational division of labor in the profession," he says. At least some of the routine work handled by most physicians today could be taken over by less highly trained people.

The trend to wider use of para-professionals is already apparent. At the Kaiser clinics, for example, batteries of tests are handled by technicians working with computers, not by doctors. The physicians go to work when anything abnormal shows up.

Even in more traditional aspects of a doctor's work, there is room for better division of labor, Fuchs says. A pediatrician, for example, spends 30% of his time caring for healthy children. In Sweden and the Netherlands, specially trained nurse-midwives—not obstetricians—handle most of the work of prenatal care and delivery of babies.

In the U.S., a few medical schools are starting to turn out a new breed of paramedical personnel with responsibilities halfway between those of doctors and those of nurses, but so far fewer than 100 have been graduated.

The high price of hospital care could also be cut if there were more halfway houses between the hospital and the doctor's office. Some experts estimate that up to 30% of hospital patients could be treated in out-patient clinics or extended-care centers, if there were enough of these facilities. Medicare has helped spur substantial growth in nursing homes in the last few years, and this, economists believe, represents a step in the right direction.

The future. Becker of Einstein College thinks these trends point the way to the future shape of the U.S. medical system. "In a coherent and efficient system," he says, "the country would be divided into regional medical service areas. At the center of each area, there would be a large teaching hospital affiliated with medical schools. Around these would be local hospitals, local clinics, group practices, and solo practitioners. And plugged into the system would be nursing homes, extended-care centers, and home visitation services.'

Such a system will not evolve overnight, say the experts. It will have to be based on the voluntary participation of doctors and hospitals, and be flexible enough to tolerate competing ways of providing health care, depending on local needs and desires. A national health plan can help bring it about. "National health insurance is no panacea," says Rashi Fein. "But properly powerful incentives for creative innovation."

A BROAD SPECTRUM OF HEALTH PROGRAMS

When Congress does get around to considering what to do about the country's medical care system, it will find that quite a few high-powered people have been seriously thinking about the problems for quite some time. Schemes for changing the system have already been drafted, some calling for minimal alteration, others going a great deal further (page 64).

Not surprisingly, the Committee for National Health Insurance has worked up the plan that calls for the most sweeping changes. Its ideas are embodied in what is called, in short form, the Reuther Plan—named for the committee's chairman, Walter P. Reuther, president of the United Auto Workers. Reuther and his UAW have long been among the most fervent critics of present methods of health insurance and the system of health care.

But CNHI is a lot more than a group of labor activists. Its members run from Texas heart surgeon Michael E. DeBakey, to Whitney Young, Jr., director of the Urban League, to retired General James M. Gavin, chairman of Arthur D. Little, Inc.

Federal funding. Reuther and his allies want their plan to provide virtually every kind of medical care for virtually everyone in the country. They would finance it by getting two-thirds of the money needed from Social Security payroll taxes and one-third from general federal revenues. They would put the whole operation in charge of a special office in the Health, Education & Welfare Dept., and this office would also swallow up many of the present federally backed medical programs: medicare, medicaid, and services for civilian dependents of servicemen. There would be ways of controlling costs and controlling the quality of medical care.

Out of this, the committee members maintain, would come a whole rationalization and redistribution of medical care. The gist of their argument is that the present practice of handling health care protection as if it were casualty insurance produces policies that focus on covering the costs of expensive illnesses, the kind best treated in hospitals.

Aetna cluster. Aetna's plan is "a cluster of coordinated programs," says vice president Daniel W. Pettengill. "Aetna, the nation's largest commercial carrier of health insurance, has tried to combine the flexibility of the private sector with the economic capacity of the public sector.' The plan, according to Pettengill, is not simply a different means for financing medical costs, but also "seeks to solve the fundamental problem—the availability of quality medical care. Any plan that does one without the other will simply deepen the country's medical problems."

Aetna is now trying to whip up support for its plan among other insurance companies. Its chances of success are fairly good because the plan proposes that the insurance carriers retain a considerable role: Employee group insurance plans, among other things, would continue to provide some coverage for a large part of the nation's work force. Several large and important areas are left blank

in the Aetna Plan, however, and it is unlikely that they will be filled in until there has been more public debate over the issue.

Even bigger blank spaces exist in the scheme proposed by Senator Jacob K. Javits, but this is not likely to be the result of poor homework by the New York Republican. For 20-odd years, Javits has been among the chief advocates in Congress of the need for the reshaping of the medical care system. His key adviser on health insurance is Wilbur D. Cohen, former HEW Secretary and the man who shepherded medicare through the Congress. Cohen probably knows more than anyone else about dealing with the special interest groups in health care.

AMA prescription. The only major plan yet in the form of a bill is the American Medical Assn.'s proposal. Sponsored in Congress by Representative Richard H. Fulton (D-Tenn.) and Senator Paul Jones Fannin (R-Ariz.), it calls largely for a sliding scale of income tax credits for the purchase of private health insurance. It deals only with the cost of insurance; it provides no control over what the insurance would buy.

Most observers consider this bill a delaying action and rate its chances for passage as low. For one thing, it would have to get through the House Ways & Means Committee, whose chairman, Wilbur D. Mills (D-Ark.), frowns on federal programs financed through tax credits. For another, even groups that disagree passionately on just how to control the cost and quality of health care do agree that there must be some form of controls.

Aside from these four main plans, many other more fragmentary proposals are beginning to bubble up in Congress. And at HEW, Secretary Finch has studies going on the problems of financing medical care. Say the activists of CNHI: "Reforming the medical system is an idea whose time has come."

THE BATTLE MOVES TO CAPITOL HILL

"I'll bet you that national health insurance will be a plank in both political party platforms in 1972." That forecast comes from one of the professional staffers of the Committee for National Health Insurance and, naturally, reflects a high degree of self-interest. But as Congress begins to stir itself on the subject, the prediction seems increasingly likely to come true. In fact, CNHI's first target is to get craft legislation introduced in the first half of this year.

From that point on, the country will be in for a good deal of public education on the deficiencies of the present medical care system, and Congress will be the national classroom.

Nobody expects a national health insurance law to be enacted this year. But there is a chance that first steps will come in time for the 1972 elections. The timing depends on a variety of factors: Most important, by general consent, are the rate of future medical cost increases, the makeup of future Congresses, and the relative power of the AMA, currently considered to be one of the strongest lobbies in Washington. The most telling of these will probably be the rate of increase of medical costs.

Washington gossip has it that the small group of legislators who fought steadily for medicare decided not to jeopardize passage of the bill by holding out for stiff cost controls. They had wanted them originally, but later they decided that loose controls might be a disguised blessing. They reasoned that physicians and hospitals would take advantage of the new flow of medicare money to raise costs so high that comprehensive national health insurance would become a necessity.

If that was the strategy, it may well have proven effective. For today, as medical care costs go spiraling on, many health care experts are thinking along the same lines when they predict that a national plan will become law "sooner than you expect."

RESTRAINT

But this time, experts say, Congress will not be so permissive about cost and quality controls as it was on medicare. How long it takes for Congress to decide just what these controls should be and how they should be applied will, they believe, depend a great deal on what is happening to medical costs while the fight goes on.

For the present, backers of a national health insurance plan are doing their best to avoid public disputes over what details the plan might contain. They are trying to generate wide support for the general notion of a national plan and to spike the notion that such schemes would represent "socialized medicine." At the same time, they are spreading the word that medical care in the U.S. is nowhere near as good as it should be.

They appear to be having some success. Says Mike Gorman, executive director of the National Committee Against Mental Illness and a staunch advocate of national health care: "I'm getting invitations to talk on national health insurance from state medical associations that would have hanged me a couple of years ago if I turned up at one of their meetings."

Senate push. To build up a base in Congress, CNHI has already recruited three senators—Ralph W. Yarborough of Texas, John Sherman Cooper of Kentucky, and Edward M. Kennedy of Massachusetts. Kennedy gave the campaign a push a month ago with two proposals. He suggested that Congress adopt legislation this year that would provide complete health coverage for all infants and school-age children, and that it go on from there in each succeeding year to extend coverage to the next 10-year age group. Yarborough, chairman of the Senate committee on labor and public welfare, intends to hold public hearings on the various health insurance proposals sometime this year.

But the group has yet to pull in a member from the House, and it is through the House—and specifically the Ways & Means Committee—that any health insurance legislation must pass.

Ways & Means Chairman Mills has no plans just now to hold health insurance hearings. But he is committed to write new welfare legislation and to look again into the financing of medicare this year. Backers of a national plan see this as a good chance to get in an opening wedge.

HOW THE UNITED STATES LAGS IN HEALTH

Rank	Country	Infant mortality per 1,000 births	Country	Life expectancy at birth
1	Sweden	12.9	Sweden	71.6
2	Netherlands	13.4	Norway	71.32
3	Finland	14.2	Netherlands	71.1
4	Norway	14.6	Denmark	70.3
5	Japan	15.0	Switzerland	68.72
6	Denmark	15.8	New Zealand	68.44
7	Switzerland	17.5	Canada	68.35
8	New Zealand	18.0	East Germany	68.27
9	Australia	18.3	Ireland	68.13
10	Britain	18.8	Britain	68.1
11	France	20.6	Australia	67.92
12	East Germany	21.2	Bulgaria	67.82
13	Canada	22.0	Japan	67.73
14	United States	22.1	West Germany	67.59
15	West Germany	22.8	Greece	67.46
16	Czechoslovakia	22.9	Italy	67.24
17	Belgium	23.4	Hungary	67
18	Ireland	24.4	United States	66.8
19	U.S.S.R.	26.3	U.S.S.R.	66
20	Austria	26.4	Austria	65.6

Note: More newborn babies die in United States than in 13 other countries and men live longer in 17 other countries.

Source: U.N., U.S. Health, Education and Welfare Department

THE WAY IT WORKS IN OTHER LANDS

If the U.S. decides to relinquish its special status as the only major Western nation that has no state-assisted national health care plan for the great bulk of its citizens, it will be looking abroad at the ways in which others have handled the health care problem. And judging by what others have done these are some of the lessons to be learned.

No fancy theoretical scheme can be imposed on a country. The plan must evolve from whatever health care structure is already there.

Every scheme that others have tried has serious imperfections. All are very difficult to manage.

Attempts to set up these schemes produce an enormous amount of bickering, but after a while both doctors and the public give it solid backing. London's Dr. M. R. Salkind, former secretary of Britain's General Practitioners' Assn., sums it up: "We must have national health. Private health is just too expensive."

Canada's national scheme may well be closest to any national plan that is likely to emerge in the U.S. The Canadian scheme started operating on July 1, 1968, but it was designed to include the country's 10 provincial governments. So far, seven of the 10 have joined. The big breakthrough came last Oct. 1 when Ontario finally signed up. It is Ontario that is most industrialized, most populous, and most like the U.S.

In Ontario, a battle had raged over the role that private insurance companies would play in the scheme. The fighting ended in a peace pact between public and private insurance interests. Under the pact, 31 private insurance companies were grouped in a nonprofit agency called Healthco to act as administrators of the plan. Healthco handles the bulk of the paperwork in return for about 7% of the premiums paid by Ontario's citizens.

COSTS

In Canada, medical costs are lower than in the U.S. But they are comparable. Under the scheme, a family that pays $14.75 a month is covered for doctor visits, surgery, and various diagnostic and lab tests. For another $11.80 under a separate plan, the family gets coverage for hospital ward costs, ambulance needs, physiotherapy, and other care. The companies in Healthco are still free to sell insurance for items not covered by the basic plan, and the market is strong.

The Canadian scheme rests primarily on the provincial governments. But an average of 50% of the cost will be paid by the federal government—more for the poorer provinces, less for the richer ones. To participate, each province's health plan must cover at least 90% of its population, include a wide range of services, and be run by a nonprofit agency.

Ontario's Health Dept. reports that, since Oct. 1, it has been paying out more than $1-million in claims daily. It estimates total claims for the first year will be about $415-million. With administrative and other expenses, total outlays should be $508-million. To finance the plan, Ontario will get $168-million from Ottawa, $309-million in premiums, and the balance from its own government.

The scheme pays doctors 90% of their fees, which are set by their own medical association. Under old private-insurance schemes, the 90% rule had always held good. But now that the entire population is involved, trade unions and other groups are agitating for 100% payment. Meanwhile, doctors try to collect the unpaid 10% from patients, generating some confusion and ill will.

Her Majesty's. In Britain, the National Health Service also generates wrangling among doctors, patients, and health authorities. But the trouble dates back before 1948, the year the health service was set up. Long before that, British medicine had split into three different establishments:

General practitioners, who perform 90% of all medical care but are barred from treating their patients in hospitals.

Hospitals, now old and rundown, which are staffed by high-paid specialists, low-paid juniors, and badly paid nurses.

Local health authorities, county and municipal groups, which run clinics, child welfare, and ambulance services.

British GPs work basically for salaries paid by the health service. Only 20% of them earn income from private practice, too. Eight years ago, thousands of them protested bitterly over their salary levels and threatened to resign from the health service. But since then the rates have been changed. GPs now rank fifth among British salaried professionals, though their salaries are still low by U.S. doctors' standards.

The bitterest rift over pay is in British hospitals. There, specialists who win consulting posts can pull in up to $25,000 a year, plus extra money from private practice. But there is a limit of 10,000 on the number of specialists who may be employed in the hospitals. Other doctors, just as fully qualified, may wait half their working lives for a consultant's spot to open up while drawing a top salary of just $6,900 a year.

About 600 British doctors emigrate every year, many of them simply because of frustration over pay. And only about 2,000 new doctors graduate from British medical schools each year. Supply and demand would have gotten hopelessly out of whack years ago, and the National Health Service would probably have broken down, were it not for the 2,000-odd doctors who migrate to Britain each year, mostly from Commonwealth nations.

Even so, one of the hallmarks of the service is constant delay. For health service patients, the waiting time for minor surgery can run to months, even to a year or more.

This is where private health insurance goes to work in Brtain. A private patient who is ready to pay is assigned to a different waiting list. He gets one of a fixed number of hospital beds set aside for paying patients. Or he may choose to enter a privately owned clinic.

So, company-paid health insurance is now the mark of executive status in Britain. Some 9,000 companies buy these policies to make sure that their hopitalized executives gets immediate admission, private rooms, telephones, and TV sets. About 2-million Britons hold private policies today compared with just 86,000 when the national system was set up in 1948.

The largest health insurance company in Britain is the British United Provident Association, whose 1969 income was some $36-million, mostly from group coverage. A typical family premium is $105 a year.

Northern lights. When Sweden set up its national health plan in 1955, it did not encounter the condemnation by doctors that the British and Canadian plans met when they were started. Some 70% of Swedes were already in various voluntary health insurance schemes and, for doctors, the change largely meant switching from one set of forms to another.

But Sweden's plan, too, has run into problems. There are long waiting lists for surgery, long lineups at clinics, complaints of impersonal treatment at big-city hospitals.

At the root of the Swedish troubles is a worldwide problem: the shortage of medical staff. In some Swedish provinces, hospitals have to close in the summer for staff vacations.

Paperwork is the second bane of the Swedish system. But the government may have an answer. Starting July 1, each patient will pay a fee of $1.50 to $2 each time he makes a routine visit to a doctor, hospital, or clinic. Few administrative papers will be filled out for such visits, and the saving in red tape should make the whole system less costly.

BUSINESS PONDERS A NATIONAL HEALTH PLAN

Anyone who thinks the soaring cost of medical care hurts only the consumer should think again. Most corporations that sponsor health plans for their employees are finding them an increasing burden. Business has a sizable stake in health insurance, if only because it is a costly fringe benefit that companies pay to millions of workers.

At New York Telephone Co., for example, workers and their families are covered by Blue Cross, Blue Shield, and an insurance plan for major medical expenses. In three years the total bill has leaped from $12.2-million in 1967 to an estimated $18.1-million for the benefit year ending this May. Part of the rise comes from increases in the 92,000-man work force, but costs per employee have jumped 27%.

For New York Telephone, the percentage rise has been even steeper. In 1967, the company paid about half the total bill; this year, it will begin shouldering the entire cost of the package. Says Frederic Schawe, general personnel supervisor: "We are very concerned about the inflation in medical costs."

National plan. Thus, New York Telephone has an "open mind" about a national health insurance plan. And this attitude seems to be shared by other companies. Out of 100 businessmen queried by Business Week, however, only a few were ready to go on the line.

"If what I've been reading about health care in this country today is true, then standing up against a national health plan would be like arguing against God and motherhood," says Gordon R. Scott, Fisher Scientific Co.'s vice-president for personnel administration. "My snap opinion is that a national plan would involve constantly escalating costs. But more important, a national plan would take away an item worth up to a cent an hour that you can now stack on the bargaining table."

Says G. I. Rifendifer, personnel director at Duquesne Light Co.: "I'd be against a national health insurance plan. . . . I think the union, too, would resist losing the benefit they've bargained for. If the government took it away, they'd bargain for a replacement."

Opinions. Medicare's inflationary record has made many others cool to the idea of a wider national plan. Says a West Coast personnel director: "Everything I've seen happen with that program leads me to believe that a national plan would be one great disaster."

But not all comments are negative. A personnel chief at a Midwest utility says: "I was very skeptical about medicare, but now that it's here I see it works, so I hate to be overly skeptical about a national plan. . . . Besides, I'm not happy with our present private health insurance plan—it's going up 7% a year."

Few of those who were ready to talk backed a federal plan. But some did say that the present system of care and insurance needs reform.

"The whole point is to hold down costs," says a Denver personnel man. "If the present plans can't do it, enactment of a national plan is a sure bet."

FOUR ROADS TO NATIONAL HEALTH INSURANCE

These are the plans now being formulated for presentation to Congress.

Reuther plan

Coverage: Almost everything for almost everyone.

Financing: Social Security taxes and general federal revenues.

Cost control: Rates for medical services to be set locally within guidelines set by Health, Education & Welfare Dept. and outside experts.

Quality control: Guidelines from HEW. Financial incentives for team practice, regional coordination of medical facilities, community health centers, continued medical education. Annual reports from boards representing consumers.

Role of insurance companies: Possibly as fiscal intermediaries; possibly no role.

Aetna plan

Coverage: Poor and uninsurable persons covered by insurance company pool for federally-determined benefits. Catastrophic illness coverage for everyone for costs exceeding state-determined amounts. Employer coverage of part-time, temporary, disabled, and laid-off workers encouraged by income tax credits.

Financing: Federal and state funds plus small payments from low-income patients for federally-determined benefits. Federal grants to medical schools for family care specialties and federal loans for community health care centers.

Cost control: Hospital review committees, physician review committees, local agencies would authorize charges for institutions such as nursing homes on basis of past performance.

Quality control: Same groups as above.

Role of insurance companies: Unchanged.

Javits plan

Coverage: Extension of Medicare to all under 65, in effect paying for 80% of average man's medical costs, 100% for those now under Medicaid.

Financing: Social Security taxes and general federal revenues. Federal grants for construction of family-care clinics, expanded outpatient departments and other ambulatory care facilities.

Cost control: Undecided.

Quality control: Undecided.

Role of insurance companies: Unchanged for uncovered 20% of average man's health costs. Fiscal intermediaries in government program.

AMA plan

Coverage: Everyone.

Financing: Income tax credits for purchase of private health insurance, ranging from 100% credit, worth $400 for family with adjusted gross income of under $5,000, to 25% credit, worth $100 to family with $10,000 or more. Medical care vouchers for purchase of private health insurance for persons now under Medicaid.

Cost control: Unchanged.

Quality control: Unchanged.

Role of insurance companies: Unchanged.

THE LIBRARY OF CONGRESS,
Washington, D.C., March 6, 1970.

To: Honorable Claiborne Pell.

From: Education and Public Welfare Division.

Subject: Financing aspects of various national health insurance proposals.

This is in reply to a request received from Mr. McKenna of your staff asking the Legislative Reference Service for information regarding the financing mechanisms applicable to the various proposals for national health insurance programs and for the other alternative proposals. The proposals we were asked to review in connection with their financing aspects are the following: the proposal of the Committee for National Health Insurance (the "Reuther Plan"), H.R. 15779 introduced by Rep. Martha Griffiths, the Rockefeller-Javits proposal, H.R. 24 introduced by Rep. John Dingell, the American Medical Association proposal for "Medicredit," H.R. 9835 introduced by Rep. Richard Fulton, the AFL–CIO plan, and the proposal discussed by Rep. Durward Hall. In addition we have included information pertaining to the financing arrangements used to underwrite the costs of the British National Health Service. The financing mechanism proposed for each of these plans is discussed below.

Due to the limitations of time set by your

staff, we are presenting here only a brief statement of the methods of financing suggested under the various plans. We hope to be able to expand in depth upon specific considerations arising in regard to these financing mechanisms at some time in the future.

I. The Reuther proposal formulated by the Committee for National Health Insurance (CNHI)

The Committee for National Health Insurance, founded in November 1968 by Mr. Walter Reuther, President of the UAW, and other interested national organizations, has been actively promoting the idea of a national health insurance program to be created as an integral part of the national social insurance system of Social Security (OASDHI).

Tentatively, the plan assumes that ⅔ of the resources needed to finance the program would be derived from "payroll" taxes contributed by employers, employees, and self-employed persons, with the remaining ⅓ coming from general Federal tax revenues. State and local governments would not be required to participate in financing the national health insurance program. The financing mechanism suggested by the CNHI is, in its view, "total, adequate, equitable, and assured" and would, therefore, require no deductibles, coinsurance, or other forms of financial participation by insured persons.

Outlined on October 14, 1969, the "Reuther Plan" would continue to permit employers to assume all or part of the employees' portion of contribution for health insurance purposes. Under this program, funds from appropriate government agencies would be allocated for those special population groups (the poor and marginally employed) who are not covered through the employers/employees financing mechanism. Thus, Medicaid or other special programs of medical assistance for the needy would not be necessary, since health services would be available to all Americans. Medicare for the aged would be integrated into the new program.

II. The Griffiths' Bill (H.R. 15779)

On February 9, 1970, Representative Martha W. Griffiths of Michigan introduced into Congress H.R. 15779, designed to provide a program of national health insurance. The benefits that would become available under the proposed bill would be financed through a "Health Services Fund," created on the books of the Treasury Department to receive contributions from employers, employees, and the Federal government.

Under the Griffiths bill, employers would contribute to the national health insurance program an amount equal to 3% of earnings subject to social security taxes. Employees would provide an amount equal to 1% of covered earnings. The Federal Government would match employers' contributions (3%) by allocating funds from general tax revenues. An additional provision of the bill calls for a cost-sharing, or services co-payment, by recipients of medical services. Certain co-payment amounts would be charged to insured individuals utilizing certain health services. Such co-payment, however, could not exceed $50 per individual, or $100 per family in any calendar year. State and local governments would be relieved of health service tax burdens. The bill would eliminate Medicare and Medicaid. Money currently supporting these programs would become available for the national health insurance.

III. Rockefeller-Javits proposal

Governor Nelson Rockefeller has again presented to the New York State legislature his proposal for compulsory health insurance to be financed through an employer-employee-government mechanism. Senator Jacob Javits of New York has indicated he will soon present his own proposals for a nation-wide universal health insurance program which observers believe will incorporate most of the provisions of the Governor's plan.

Under the Rockefeller-Javits proposals, a program of contributory health insurance would be financed through the combined contributions of the employer and employees not to exceed 4% of the employer's annual payroll. Employee contributions are not to exceed 2% of wages or one half the cost of providing coverage, whichever is the lesser amount. The categories of the unemployed, those on public assistance, and those eligible for medical assistance under existing programs such as Medicaid would have their health insurance purchased for them. Rockefeller's plan would involve State financial participation only in connection with the aforementioned categories of people. Senator Javits' proposal calls for premiums for insurance policies for the poor, medically indigent, and certain unemployed to be paid from a "pool" fund made up of Federal and State contributions.

IV. Dingell bill

Representative John D. Dingell of Michigan has offered various legislative proposals calling for the establishment of a universal health insurance program. The most recent "Dingell Bill" (H.R. 24), introduced on January 1, 1969, proposed a contributory prepaid insurance program using financing mechanisms similar to those used in the social security program. Representative Dingell recommended that a separate "Personal Health Services Account" be created within the Treasury Department to absorb the necessary funds appropriated to carry out the provisions of a health insurance program.

Sums appropriated to the Account would amount to 4% of state wages. Sums derived from all Federal revenues equal to 3% annual wages estimated to be received during any fiscal year would be deposited in this account. The Account would also be supplied with additional sums equal to the estimated cost of furnishing dental care and home nursing services to beneficiaries, in amounts ranging from ½ of 1% to 1% of all wages. (Any further amounts required to carry out the act are also authorized.) An amount equal to 1% of estimated annual wages would be appropriated and used to establish a reserve for emergency purposes, such as special demands arising in epidemics, disasters, etc.

Since the bill purports to be a health measure rather than a tax measure, the exact methods of financing were not specified in Dingell's proposal. However, the bill is drafted in such a way that it seems to indicate the revenues would come, in the main, from payroll taxes.

V. The AMA proposal—"Medicredit"

Speaking before a meeting of the House Committee on Ways and Means, Russell B. Roth, MD, indicated on November 3, 1969, that the American Medical Association would like to see the Federal Government help defray the costs of voluntary private health insurance through a system of graduated income tax credits. The AMA plan would provide for cash incentives in the form of tax credits based on an individual's Federal income tax liability. Eligibility for tax credits would be limited to those persons whose tax liability was under $1,000. Tax credits would be graduated on a sliding scale in amounts ranging from 10% to 100% of the cost of the annual health insurance policy premium. In such a plan, the lower the tax liability, the higher the tax credit.

Individuals in the lowest income levels with little or no tax liability would receive "medical care vouchers" or certificates enabling them to purchase insurance from qualified groups or plans. Medicaid would, therefore, become unnecessary and would be eliminated under this program. However, since the AMA plan is specifically designed for individuals under 65 years of age, Medicare would not be replaced and would remain as is.

VI. The Fulton bill

A plan similar to the AMA "Medicredit" was introduced into Congress on April 2, 1969, by Representative Richard H. Fulton of Tennessee. The Fulton bill, H.R. 9835, is identical to a later proposal sponsored before the Senate by Senator Paul J. Fannin (S. 2705) on July 28, 1969. Like the AMA plan, the Fulton bill concerns itself only with the provision of tax credits for the financing of private voluntary health insurance and does not have the intention of changing the actual delivery system of medical care benefits, as do the Reuther and AFL–CIO proposals.

However, the Fulton bill differs from "Medicredit" in the following ways:

(1) a system of graduated tax credits would be based on adjusted gross income rather than on tax liability.

(2) there would be no ceiling on eligibility for tax credits—individuals at all income levels would be allowed a certain tax credit ranging from 100% credit for families whose income was under $5,000 to a 25% credit for families with an income of $10,000 or more.

(3) the maximum amount of credit available under this plan is specified as $400 for families filing joint returns, $200 for husbands and wives filing separately, and $150 for single persons without dependents.

(4) there is no age limit on participation in the plan—those 65 and over could use the tax credits to pay for Medicare premiums.

(5) the Fulton plan specified that if an individual accepts a tax credit, no medical deductions on the standard income tax form would be allowed.

The Fulton bill incorporates the AMA proposal providing for the Federal issuance and financing of medical care vouchers for those individuals whose tax return shows no tax liability or whose liability is less than the specified tax credit.

VII. The AFL–CIO plan

The AFL–CIO plan appears to be essentially an expansion and extension of the Medicare program. It would include all persons and would be financed through payroll taxes but with support also from the Federal Government. Tentatively, the employer would pay ⅓ of the cost, the employee would pay another third, and the balance would be financed by the Federal Government from its general revenues.

VIII. The proposal of Rep. Durward Hall

Another suggestion regarding the implementation of a national health insurance plan has been put forth by Congressman Durward Hall of Missouri. Representative Hall divides his proposal into two parts—the first, to replace Medicaid; the second, to be implemented at a later, unspecified, date. Under the plan, the lower income group, Title 19 Medicaid recipients, would receive voluntary health insurance coverage for approximately 85% of their health care costs. The balance of health care expenses would be picked up by the States. The second part would cover catastrophic illness and would apply when the family's health care costs exceed a certain percentage of the family income. The financing of both programs would be from general revenues. As far as we know, this proposal has not as yet been detailed in full, and is a resume taken from speeches, news releases, etc.

IX. The British National Health Service

Enacted in 1946 as a comprehensive program of health and medical benefits to all Britons, the National Health Service is financed through exchequer funds (general revenues), rates and exchequer grants (including interest accrued under National Insurance Funds), National Health Service contributions from individuals, and set fees charged the recipient of certain medical services and such items as eyeglasses, drugs, etc.

According to the latest information provided by the British Embassy in Washington, D.C., exchequer funds provide 72.5% of the cost of the program in England and Wales with the following categories providing the remainder of the cost:

(1) Rates and exchequer grants—12.5%.
(2) NHS contributions—10.75%.
(3) Charges for services—4%.

The remaining .25% is derived from "other" sources.

The National Health Services contributions from individuals are based on a weekly flat rate, to which additional graduated contributions are made by employed persons working for wages or salaries. The additional amounts paid by this class of employed persons are shared, in part, by employers on the basis of an established schedule calling for the employee to assume the bulk of additional charge. Self-employed and non-employed persons pay only the weekly flat-rate contribution and are not charged the additional graduated amounts.

KAY CAVALIER.

OUR NATIONAL NONSYSTEM OF HEALTH CARE—A NEED FOR A NEW STRATEGY

Mr. PELL. Mr. President, in the coming weeks the Senate will be considering the appropriations for the Federal Government's major health programs. In the course of that debate we will be, once again, facing the perplexing question of the inadequacies of health care in a nation which is capable of placing men on the moon, but which is not yet capable of delivering adequate health services to its citizens.

I do not believe we will be able to find those answers that will assure us that increased health appropriations will resolve our Nation's crisis unless we consider the significance of those appropriations in the perspective of the changes that need to be made in the methods by which health care is provided to the citizens of this country.

To gain this wide perspective, I believe we must use a systems approach in our analysis of the Nation's health problems.

In order to do this I will first describe what I mean by the term "health care system" and how I would use a systems approach as the means of approaching a solution to our impending health crisis.

The systems approach is a dynamic concept used to describe interrelated organizations or machines which operate together for the purpose of accomplishing common goals. The goal of the health care system of the United States is usually understood by most people to be a long life free of disease and incapacitating or debilitating illness.

Systems theory assumes that there are alternative strategies which can be followed to reach the goals established for the system and that the effectiveness of the various strategies or methods can be analyzed by comparing the output of the system under each strategy. I will first describe what I believe the present health care strategy is, and then I will suggest what I believe is a better alternative strategy.

If the strategy implicit in the operation of our present day health care system were analyzed, it would be described as an unconscious hospital-oriented strategy based on the premise that health care is a marketable item, that is, the level of health care an individual may receive in great part depends on the amount of money he can spend. The premise is rooted in a laissez-faire concept of medical care which predicated the doctor as an individual economic unit who determines his level of income by the level of demand for his services.

I describe the present strategy as hospital-oriented because the hospital is considered the heart of our health care system. In the mind of the average man, the hospital is the only place where health care takes place. It is the only place where a doctor can provide health care and it is where private and government insurance plans are most likely to provide the largest reimbursement.

I describe the present strategy as unconscious because it is not the result of any conscious decision by any representative body to provide health care in such a manner. Since our present health care system is rooted in a laissez-faire concept of medical care, the collective decision-making necessary for the rational planning of our health care system has not been possible until recent years. Consequently, our present health care strategy is the result of the interrelationships of various ad hoc decisions made by many different groups in the fields of health, insurance, finance, and government. Our present strategy has resulted in a nonsystem of health care.

To implement this unconscious hospital-oriented strategy, the United States now spends more money than any other country in the world for health care, 6.5 percent of the gross national product in 1968. Of the $53 billion spent in 1968, private sources contributed 63 percent, the Federal Government spent 24 percent and the State and local governments expended 13 percent.

From the Federal level, there are three main fiscal inputs into our national health care system which are funneled through 23 separate Federal agencies. First, there is the development of health resources for which the Federal Government spent $2.8 billion in 1968, second, there is the provision of hospital and medical services for which the Federal Government spent $10.8 billion in 1968, and third, there is the prevention and control of health problems for which the Federal Government spent $565 million in 1968.

Having described the present health care stratgy and the costs of implementing that strategy, I would now like to outline the results of that strategy and those expenditures, what is known in system terms as the outputs of our health care system.

There is no doubt that the level of health care in the United States, for those of us who can afford it, is the highest and best in the world. Our doctors are highly trained and are among the world's best.

Yet, our Nation, also the first in expenditures for health, ranks 14th among nations in terms of infant mortality and 16th among countries in terms of life expectancy. Between 1958 and 1966, the expectation of a healthy life at age 65 increased only by a scant .4 of a year to 13.5 years after the age of 65 in the United States.

In 1963, the last year for those figures, an estimated 6.2 million man-years were lost from the U.S. economy through illness. In 1968, in the health care system there was a shortage of 145,000 nurses, 52,000 physicians and 9,000 dentists in the United States.

Between 1958 and 1966 physicians' fees have risen 38 percent and hospital daily service charges have risen 100 percent. According to the Department of Health, Education, and Welfare, medical costs are now rising at more than double the increase in the cost of living. Physicians' fees are now increasing at 6 percent a year. Daily hospital costs which average $70 today are expected to be $100 a day within 3 years.

Besides the low ranking the United States receives according to international health indicators, the impact the present hospital-oriented and market determinative health care system of the United States is even more shocking when nonquantitative reports such as the Kerner Commission report are examined and the relationship of our health crisis to the problems of the cities, of race, and inflation become more evident.

In its analysis of the root causes of civil disturbances, the Kerner Commission said:

"The residents of the racial ghetto are significantly less healthy than most other Americans. They suffer from higher mortality rates, higher incidences of major diseases and lower availability and utilization of medical services."

In its study of the relationship of hunger and income, the Senate Select Committee on Nutrition and Human Needs, of which I am a member, said in its interim report that "clinical validated malnutrition exists in serious proportions in the United States and is a particularly acute problem among infants and pre-school and school children from low-income families. Malnutrition is both a major cause and a common result of ill health." Witnesses before the committee also suggested that there is a correlation between slow learners in school and the incidence of ill health in schoolchildren.

The effect of the present high cost hospital care and income focused strategy of the health care system on its accessibility to the lower middle class and the poor has been strikingly outlined by statistics developed by the Government.

For example, during 1963 and 1964, while 54 percent of children under 17 years of age in families whose income was in excess of $10,000 had at least one general physical examination, only 16 percent of those children under 17 years of age with family incomes of less than $2,000, had such a routine checkup. More than 20 percent of the people in families with incomes under $3,000 have never visited a dentist as compared to 7.2 percent of those in families with incomes of $10,000 who have never visited a dentist.

While to this point I have painted a somewhat depressing picture of the health care system in the United States, this does not mean that I do not believe that improvements cannot be made. I believe progress can be made if the Congress is willing to replace our present nonsystem of health care with a national system of health care based on a new strategy.

I believe we must develop a new strategy of health care capable of providing a floor of basic health care for all our people regardless of income.

Each citizen of this bountiful country should have a right to a minimum standard of health care. Reasonable health care should not be a function of the vicissitudes of the marketplace. It should not be dependent on the socio-economic conditions of the consumer. We must work to abolish the great disparities in the standards of health care that are now evident in the United States.

I believe a new strategy should be considered which emphasizes the preventive aspects of health care rather than the curative aspects of health care. Our present health system provides excellent care for the patient only after he has reached the hospital bed. A hundred dollars a day in a hospital is too expensive a way of providing health care. A strategy should be developed based on diagnostic and neighborhood health centers which allow for the preventive treatment of illness before hospitalization is required. People should be encouraged to have periodic checkups and the medical profession should attempt to find the time needed to provide those checkups.

Unfortunately, the majority of existing private and public health insurance plans do not create an incentive in their plans for preventive care, nor is there adequate medical personnel available to give the level of preventive care needed today. Both Government and private health insurance plans usually pay the largest amount of reimbursement for hospital care rather than ambulatory care.

The experience of the Kaiser plan in California, which provides coverage for adequate

preventive care is further evidence of the necessity of following a strategy based on ambulatory care rather than hospital care. The age adjusted utilization rates for Kaiser hospitals have been more than 30 percent below the average for California hospitals and the rise in expenditures for Kaiser hospitals has been considerably below the national average.

The experience of health care plans in two foreign countries also suggest changes which might be considered in our present health strategy. Under the old Chinese system of care, the doctor was not paid for his services unless the patient recovered. While I would not favor implementing such a drastic system, I think a new health care strategy should include some consideration for the development of incentives for doctors to provide quicker, more effective, and less costly health services.

Perhaps the health insurance companies could give doctors a bonus payment for patients who spend less bedridden time than is normal for their particular illness or perhaps the Government could pay doctors to take midcareer courses designed to update them with new discoveries and more effective ways of delivery health care.

The experience of the Australian plan suggests another consideration. In Australia, the costs of catastrophic illnesses are covered by a national plan. In the development of a new health strategy, I would suggest that consideration should be given, not only to the provisions of preventive care, but also to the coverage of the astronomical costs that are incurred as the result of a catastrophic illness or accident.

The final characteristic of the new strategy I suggest would be strong adherence to comprehensive health planning for localities, regions and the Nation. The health care system can no longer be managed as a cottage industry. Allocation of our limited health resources must be made in a rational manner according to where the need exists not where the dollar has the greatest pull. We must have a conscious and a coordinated health care strategy.

The implementation of the national health system's strategy, which I propose will place a heavy burden on the Congress for new legislation. It will require legislation for the following purposes:

First, to provide a health care floor for all Americans. I see no other alternative for the future than a universal health insurance plan for the United States. Such a universal health plan would provide financial coverage for a minimum floor of preventive care such as multiphasic screening. At a maximum it might also provide some form of protection against the high costs of catastrophic illnesses. While there are a number of financing arrangements that could be considered, I would hope that the national insurance plan finally proposed would be paid for by some sort of taxing structure with the Federal Government picking up the health insurance premiums for the very poor. I am not sure whether such a plan would be best administered by the Government like the medicare and medicaid programs or by nonprofit bodies such as Blue Cross, but I believe the Congress should begin in 1970 an investigation into possible alternative national health insurance measures.

For, I do know that, if expensive operations such as organ transplants are to become more widely available, if high-cost medical technology like kidney dialysis machines are going to become available to the people who need them, if a basic level of health care is to become part of the normal expectation of all our citizens—as is the expectation of a basic level of education, and police and fire protection, some form of a national health care system such as I suggest must be developed.

Second, I think greater authority should be given to State, regional, and national planning mechanisms, such as those that were established in Rhode Island and other States under the partnership for health legislation. Where comprehensive health plans have been developed, I believe Federal health funds should be spent only in conformance with those plans. I look to changes in the Federal health facilities construction programs which would not allow Federal expenditures to be made in violation of State comprehensive health plans. I look to changes in the hospital and long-term care facilities reimbursement formulas under the medicare and the medicaid programs which would prevent reimbursements to health facilities not in conformance with State plans. I hope that these are changes that both the Finance Committee and the Labor and Public Welfare Committee will consider.

Third, I believe a greater effort must be made to increase the supply of health manpower. This requires us to fully fund the health manpower programs.

Money to increase our country's supply of health manpower is in no way an inflationary pressure. As a matter of fact, by reducing the gap between the supply and demand for health manpower, expenditures for health manpower programs provide a deflationary pressure in the long run.

The development of health manpower requires many years of education. Our failure to act this year to reduce the health manpower shortage will make it even more difficult to fill that gap in future years. There are few other investments for which the Federal dollar can receive a greater return than health manpower programs. If we are to have a universal health coverage in the future, we must make the investments today to provide the manpower needed to operate such a system.

Fourth, a national health system means that steps will have to be taken to coordinate the Federal Government's 23 health programs under one Federal official and establish a Council of Health Advisers, similar to the Council of Economic Advisers, as Senator RIBICOFF has ably suggested.

I am hopeful that the actions we take on the health appropriations bill and on the many extensions of health authorizations which will be required in the coming year will represent the initial consideration of the new health strategy I propose.

While I realize that the changes I suggest will demand many hours of work by the Congress, I believe that the seriousness of our national health crisis justifies such actions.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 15628. An act to amend the Foreign Military Sales Act;

H.R. 15998. An act to authorize the disposal of Surinam-type metallurgical grade bauxite from the national stockpile and the supplemental stockpile;

H.R. 16289. An act to authorize the disposal of natural Ceylon amorphous lump graphite from the national stockpile and the supplemental stockpile;

H.R. 16290. An act to authorize the disposal of refractory grade chromite from the national stockpile and the supplemental stockpile;

H.R. 16291. An act to authorize the disposal of chrysotile asbestos from the national stockpile and the supplemental stockpile;

H.R. 16292. An act to authorize the disposal of corundum from the national stockpile;

H.R. 16295. An act to authorize the disposal of natural grade manganese ore from the national stockpile and the supplemental stockpile; and

H.R. 16297. An act to authorize the disposal of molybdenum from the national stockpile.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 2593) to amend the Immigration and Nationality Act to facilitate the entry of certain nonimmigrants into the United States, and for other purposes.

HOUSE BILLS REFERRED OR PLACED ON THE CALENDAR

The following bills were severally read twice by their titles and referred or placed on the calendar, as indicated:

H.R. 15628. An act to amend the Foreign Military Sales Act; to the committee on Foreign Relations.

H.R. 15998. An act to authorize the disposal of Surinam-type metallurgical grade bauxite from the national stockpile and the supplemental stockpile;

H.R. 16289. An act to authorize the disposal of natural Ceylon amorphous lump graphite from the national stockpile and the supplemental stockpile;

H.R. 16290. An act to authorize the disposal of refractory grade chromite from the national stockpile and the supplemental stockpile;

H.R. 16291. An act to authorize the disposal of chrysotile asbestos from the national stockpile and the supplemental stockpile;

H.R. 16292. An act to authorize the disposal of corundum from the national stockpile;

H.R. 16295. An act to authorize the disposal of natural grade manganese ore from the national stockpile and the supplemental stockpile; and

H.R. 16297. An act to authorize the disposal of molybdenum from the national stockpile, placed on the calendar.

THE NEED FOR AN INFORMATIONAL BANK, USING THE SYSTEMS APPROACH

Mr. PELL. Mr. President, the previous remarks bring to mind the difficulty we in Congress have in securing specific information and facts when we are considering proposed legislation.

We in the Subcommittee on Education have been caught short several times by not having available, the tables needed, the specific application of a bill as it affects different States, and the general material necessary for the orderly process of legislation.

I have seen this in connection with the conference report we are working on today. For several days, the senior Senator from New York has made the suggestion that we ought to have a State-by-State breakdown, yet the shortage of staff on the Hill, and the unwillingness, or the lack of cooperation from the executive branch, makes it very hard to get the figures.

I would hope that serious consideration would be given by the Committee on Rules and Administration, by Congress, and by the Senate, to the establishment of an information bank of our own, through the use of computers, utilizes to the full

the systems approach. If this is done we will no longer be dependent, as we are now, upon the executive branch for information. Information which is usually furnished to us swiftly when it is in support of their objective, but not so quickly or with as much alacrity when it is not in support of their objective.

(At this point Mr. BYRD of Virginia took the chair as Presiding Officer.)

TEXTILE AGREEMENT WITH JAPAN

Mr. JAVITS. Mr. President, on February 10, I reported to the Senate on my recent trip to Japan. My purpose was to put before the Senate my conclusions, after talking to Japanese Government and business leaders, with regard to two areas of greatest importance to both countries: Asian security problems and trade relations. I also made suggestions looking toward a fair and practical solution to a problem which threatens seriously to affect not only our relations with Japan, but also our entire trade and economic posture in the world: The problem of textile imports.

Others have also made highly constructive proposals and in this regard for example, I do not believe that the remarks of the Honorable WILBUR MILLS on January 27, 1969, have been taken nearly seriously enough.

In the month that has now passed, it is clear that negotiations remain at an impasse and that the climate for them has worsened. The American Textile Manufacturers Institute has passed a resolution calling for the breaking off of negotiations and for quotas to be fixed by law. Senator THURMOND has introduced a bill to this effect, appealing for bipartisan support. Trade unions affected by imports have called a 1-day strike. Members of the House of Representatives have notified their Japanese counterparts that they intend to seek a legislative remedy. And, angry words have been exchanged between U.S. officials and officials of the Common Market over this issue.

The public statements of Japanese textile company officials on the other hand, indicate a serious misreading of the U.S. congressional mood.

It is clear that this issue is not only affecting our political and economic relationships with Japan, but also with the European Common Market. This issue will also affect the fate in the Congress of the President's trade bill which will have a profound effect upon our trade relations for years to come; and it will affect, too, the administration's proposal for a generalized preferences scheme with the less-developed countries that has not, as of yet, been sent to the Congress. A solution to the textile problem could contribute immeasurably to more harmonious relations internationally and to the prospects of successful passage of this important legislation at home.

Japanese textile interests should be under no illusion that the U.S. Congress if it becomes convinced of Japanese immovability on this matter, can and probably will pass quota legislation on textiles—whether or not desirable. The American textile industry and the labor unions involved in the manufacture of textile products and apparel, on the other hand, used to be fully cognizant of the difficulty of passing legislation that would offer to the textile industry, alone. We have been warned of a "Christmas tree" of protectionist amendments to the trade bill, and there is certainly evidence of pressure for special protection from other industries which are alleged to be suffering from a similar sudden impact of competition from imports. Such a movement could bring on a trade war and set back the world's economy by decades.

I think my credentials in this entitle me to speak, as I have been on the side of liberal trade for over 20 years, all the time that I have been in public life.

I remain convinced that a mutually satisfactory compromise remains practicable—particularly if the counsel of the "wise men" in the United States and Japan prevails on this issue. And let us not overlook the fact that there are many groups on both sides of the Pacific who today are working for just such a compromise. But I am concerned that their wisdom and counsel may not prevail as hardening of positions continue to be buttressed by the continuing deadlock. Time, in this instance, is not on the side of reason—and a reasonable settlement.

When I reviewed the situation last February 10, I concluded that "as the Japanese have been delinquent in recognizing that trade must be a two-way street where one side should not enjoy a $1 billion-plus surplus, perhaps U.S. negotiators have not sufficiently realized that negotiations to be fruitful must also encompass give and take." More than a month has passed and what has happened since is not encouraging.

I find the Japanese aide memoire of March 9, 1970, unfortunate—the text of the aide memoire is said to have appeared in the Japanese press, and earlier this week parts of it were quoted in a Senate speech. United States and Japan almost as soon as it was delivered. This diplomatic note has caused much disappointment and yes, even chagrin, in the United States. It reportedly is said to contain formidable language declaring that the Government of Japan can implement export restraints solely on a selective basis, for those items which are subject to serious or threat of serious injury caused by increased imports, and upon obtaining the consent of the domestic industries concerned in Japan and also of other major exporting countries. The tone of the reported note leads me to the conclusion that the next move on this complicated chess board now rests with Japan.

I have previously stated that I hold no brief for Japan's rigidity in the fields of nontariff barriers to trade and liberalization of capital investment there. This same rigidity should not carry the day on the textile question. During my visit to Tokyo, I stated clearly that by maintaining such restrictive policies in the nontariff barrier and investment area, Japan was jeopardizing the whole world trading pattern. Today, the stakes in the textile issue are even greater since they involve United States-Japanese political relations as well. If Japan does not move now and make a serious counteroffer, I am concerned that with the passage of time, the chances of a compromise solution will be gravely diminished.

And for those in the United States who are playing the game of all or nothing, it seems clear that Japan will not liberalize if the effort is made to demand only a rigid comprehensive quota system. It also seems clear that the world would read and regard such a step as a shift toward protectionism on the part of the United States. This would strengthen the challenge of protectionism throughout the world—the same challenge shown by those attempting to maintain the common agricultural policy of the European Common Market on its present disruptive course.

The time is now ripe for the responsible political leaders in the United States and Japan who must make the overall determination as to the national interest of their countries, as distinct from regional or special interests, actively to involve themselves in this issue and to make a textile agreement. I call on both governments to avoid perpetuating a meaningless semantic impasse and move to the practical and pragmatic task of hammering out an agreement before our time runs out. The hot line between Japan and Washington should be activated, and it is up to Japan's leadership to make or authorize the next call.

S. 3636—INTRODUCTION OF THE HIGHER EDUCATION OPPORTUNITY ACT OF 1970

Mr. JAVITS. Mr. President, I introduce on behalf of the administration, for myself and the Senator from Colorado (Mr. DOMINICK), the Higher Education Opportunity Act of 1970. This measure is the implementation of the President's message on higher education of March 19, which I had the honor of introducing as the ranking member of the Committee on Labor and Public Welfare.

This measure, with authorizations for 5 years, has as a principal objective the reform of the present system of federally financed student aid. As the President indicated in his message:

> No qualified student who wants to go to college should be barred by lack of money.

The bill creates a National Student Loan Association to provide a secondary market for student loan paper from banks and institutions of higher education, thus increasing the accessibility of loans for students.

It recognizes the increased costs of a college education—tuition fees up 16 percent in the past year—by raising the amount of money a student can borrow with a Federal guarantee from $1,500 to $2,500.

It also extends the payback period from 10 to 20 years, without any repayment period.

Under this new student aid program, Federal funds will be concentrated on students from families under $10,000 an-

nual income. A student will now be able to assemble a package of grants and subsidized loans sufficient to give him the educational buying power of a student from a family earning $10,000, thus focusing the available resources of the Federal Government on the students most in need.

Another principal provision of the bill is the establishment of a National Foundation for Higher Education to foster excellence, innovation, and reform. Modeled along the lines of the National Science Foundation and with an authorization of $200 million for its first year, the new Foundation would provide project grants to postsecondary institutions for new quality programs and ideas as well as funding projects in public service education, community service, law school clinical experience, international education, language development and networks for knowledge, all programs presently authorized—but insufficiently funded in the past—without the limitations imposed by narrow categories.

With college costs and enrollments mounting each year and existing resources bending under the strain, it becomes increasingly necessary to utilize new means for educating a greater number of students at reasonable cost while at the same time strengthening the quality of education. This proposal should be explored in this light.

The new foundation could also be helpful in sustaining the Nation's private colleges which are being increasingly pressed by higher costs. As the minority members of the Senate Committee on Labor and Public Welfare noted in their report on the Higher Education Act of 1968:

> We are particularly concerned also with the future of our Nation's private colleges, now comprising 30% of all enrollment, whose growth is not keeping pace with that of higher education.

The provisions in the tax reform bill recently enacted by the Congress to encourage private donations to colleges and universities shows the congressional recognition of the need for sustaining such institutions which include among them the most illustrious in the Nation and among the most illustrious in the world.

In another principal title of the bill, the proposed career education program, funded at $100 million for its first year, recognizes the importance of community and junior colleges offering less than a 4-year course of study. It also recognizes the need to prepare more young people for meaningful careers in positions requiring postsecondary training but less than 4 years of college. This could be particularly helpful in fields with critical manpower shortages, such as engineering technicians, draftsmen, dental hygienists, occupational therapy assistants, psychiatric aides, practical nurses and medical therapists.

Other titles of the bill deal with developing institutions, college library assistance, interest subsidies for construction of higher education facilities and extension of the Education Professions Development Act, with technical amendments.

I ask unanimous consent that a summary of the major provisions of the bill be printed in the RECORD, and I send the bill to the desk for appropriate reference.

The PRESIDING OFFICER (Mr. BYRD of Virginia). The bill will be received and appropriately referred, and, without objection, the summary will be printed in the RECORD as requested.

The bill (S. 3636) to extend and amend the Higher Education Act of 1965, and for other purposes, introduced by Mr. JAVITS (for himself and Mr. DOMINICK), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

The summary, presented by Mr. JAVITS, is as follows:

SUMMARY OF MAJOR PROVISIONS OF HIGHER EDUCATION OPPORTUNITY ACT OF 1970

TITLE I. NATIONAL FOUNDATION FOR HIGHER EDUCATION

Establishes National Foundation with board and director, appointed by the President.

Authorizes the Foundation to make grants to institutions for innovation, reform, and the encouragement of educational quality.

Authorizes funding of projects in public service education, community service, law school clinical experience, international education, language development, and networks for knowledge, repealing existing authorities for those programs.

Transfers the administration of NDEA Title IV graduate fellowships to the Foundation.

TITLE II. COLLEGE LIBRARY ASSISTANCE

Focuses library assistance on institutions with exceptional need and repeals existing basic grant authority.

TITLE III. DEVELOPING INSTITUTIONS

Extends existing program, with technical amendments.

TITLE IV. STUDENT FINANCIAL ASSISTANCE

Establishes the National Student Loan Association to provide a secondary market for student loan paper from banks and institutions of higher education.

Removes interest ceiling on subsidized student loans, raises annual maximum loan from $1500 to $2500, and extends maximum repayment period from 10 to 20 years.

Targets Federal grants and subsidized loans on students from families of less than $10,000, providing these students with at least the same ability to pay as a student from a family earning $10,000 a year.

TITLE V. EDUCATION PROFESSIONS DEVELOPMENT

Extends existing program, with technical amendments.

TITLE VI. INTEREST SUBSIDY FOR CONSTRUCTION OF HIGHER EDUCATION FACILITIES

Limits Federal construction support to interest subsidies, repealing existing grant and direct loan authority.

TITLE VII. CAREER EDUCATION

Establishes a program of formula grants to States for additional costs incident to the development of post-secondary programs which provide career training for critically-needed skills.

Mr. PELL. Mr. President, I am delighted to have the bill introduced, and I am so glad that the senior Senator from New York, who takes such a leading role in the whole field of education, is doing so.

I would hope we could have hearings before long on this subject. As the Senator knows, we have already had 1 day of hearings. I am delighted that the administration has firmed up its thoughts.

I would hope that in any hearings we would particularly focus on the problem posed by the fact that the lowest quarter of the population, economically speaking, furnishes one-seventh of the students, as distinguished from the top quarter.

I am sure these figures do not reflect the borrowing power available and not being utilized in this country.

I am glad to see the administration proposal. I would hope that we could give some serious thought to my idea of working out some means of granting those students aid that they would receive as a matter of right without relationship to any other factor, if they are in good standing in college or wish to be in one, that would be the difference between the income tax the students pay, or their parents pay if they are carried as dependents, based upon $1,200 a year.

By doing that, it would mean that those students who come from poor families and do not have to pay any income taxes at all would receive the full benefit. If they come from that portion of America called middle America, with incomes of perhaps $8,000 or $10,000 a year, and paying taxes of perhaps $5,000 a year, they would receive a grant of $600 or $700.

This could mean the difference between youngsters going to college and not going to college.

I hope that this bill will be given serious consideration as soon as we catch our breath and get through with the primary and secondary education bills.

Mr. JAVITS. Mr. President, I am very grateful for the statement of the distinguished Senator from Rhode Island. I assure him that his views will not be overlooked. I know the President will be grateful to the Senator for the fine spirit of cooperation he has shown in this and any other matter related to education.

The Senator from Rhode Island has given support which is not only bipartisan, but also unpartisan, in its approach to the whole problem of education.

Mr. PELL. Mr. President, I thank my friend, the Senator from New York, for his comments. I will continue to try to cooperate in this regard.

We have a great need in the Senate for statistical information. I would hope that the executive branch of the Government would be as responsive as possible to giving us the statistical information we need.

It takes too long to get the information at present.

Mr. JAVITS. Mr. President, I will do my utmost in that regard. I am very cognizant of the requirements, and I shall join in requesting the information.

I believe the fine attitude the Senator shows generally will help in that regard and will make people work harder than they have to get the information.

Mr. PELL. I understand the statistical section of HEW might be small. It might have to be enlarged, but that is up to the executive branch.

Mr. JAVITS. Mr. President, if they have to be beefed up, I will do my utmost to see that that is done.

MINORITY GROUP EMPLOYEES IN STATE EMPLOYMENT SECURITY AGENCIES

Mr. JAVITS. Mr. President, I am pleased to report that the Secretary of Labor has today issued a policy statement which encourages State employment security agencies to hire more minority group employees for their staffs.

General Administration letter No. 1367 establishes this policy to insure that all employment security offices can effectively provide comprehensive manpower services. If the employment security agencies are to successfully fulfill this role in the communities served and with private employers, the agencies must themselves be models of equal employment opportunity.

With the emergence of employability development as a major component of manpower services, it is of primary importance that employment security staff members have an intimate knowledge of the local community and disadvantaged clients whom they serve. The ability to understand clients served is a fundamental qualification for persons employed in these public contact positions.

The Secretary of Labor has stated:

It is the policy of the Manpower Administration that the Employment Security agencies should employ such numbers of workers from minority groups as will assure that all agencies and offices can operate effectively in responding to the manpower and employment needs of the community being served.

I understand from the Department that Federal standards will be published in the near future and all State employment security agencies will be asked to submit detailed plans for:

First, making any necessary changes in agency personnel policies and practices, including job restructuring;

Second, working in cooperation with the merit system agency to assure that their policies and practices insure full equality of opportunity; and

Third, dealing with anticipated problems.

The upgrading of current minority staff is an important element of the total effort. In almost all State agencies, minorities are underrepresented in the higher level jobs.

This policy is in accord with legislation which I introduced earlier, the Manpower Training Act. The Manpower Training Act is designed to decentralize and simplify the delivery of manpower training services to the people who most need them. Since strong reliance would be placed upon the State employment security agencies under the Manpower Training Act, the new policy statement will increase the effectiveness of the Nation's manpower training programs.

As one who has fought hard and long for minority opportunities through the establishment of the Equal Employment Opportunities Commission and other Federal initiatives, and most recently for opportunities for minorities in the construction trades, I am particularly pleased that the concept of full opportunities for minorities will be implemented in this crucial area, where minority involvement will have a "multiplier" effect, since minorities can best bridge the gap between the "system" and those that have been excluded from it.

I, therefore, congratulate the Secretary of Labor for his enunciation of a policy which must be adopted by the States without reservation if the employment security system is to grow and increase its services to the disadvantaged. Effective response to the manpower and employment needs of the community it serves must be the hallmark of the State Employment Security System.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Alabama.

EXTENSION OF PROGRAMS OF ASSISTANCE FOR ELEMENTARY AND SECONDARY EDUCATION—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

Mr. ALLEN. Mr. President, at this time we are considering the conference report of the managers from the two Houses with respect to differences between the two Houses on the matter of the Elementary-Secondary School Amendments Act.

Some 2 or 3 weeks ago we were discussing the Voting Rights Act, and amendments to it, and the junior Senator from Alabama participated to some degree in that discussion. It was pointed out to him, however, that if the debate on the Voting Rights Act was concluded, we would get to the matter of confirming the nomination to the U.S. Supreme Court of Judge G. Harrold Carswell. With that thought in mind, the debate was allowed to be concluded.

We went into executive session and discussed for some days the matter of the confirmation of Judge Carswell.

The junior Senator from Alabama certainly recognizes the eminent fairness and wisdom of the majority leader, and his right to control the flow of legislation in this Chamber, but the Senate was in executive session, and a conference report is a legislative matter. The conference was not a privileged matter, as it would have been, had we been in legislative session. The matter was called up, and has now become the pending business before the Senate.

An effort was made earlier today to obtain the setting of a definite date for voting on the present pending business, the conference report having to do with the Stennis amendment. The junior Senator from Alabama objected to the setting of a time for a vote on the conference report unless it was tied in with an agreement for setting a time for voting on the Carswell nomination. So the junior Senator from Alabama stands ready and willing at any time, including today, to vote on both of these issues, the matter of the conference report on the Stennis amendment—and I think that is probably the best way to identify it—and the matter in executive session of the confirmation of the nomination of Judge Carswell to be an Associate Justice of the U.S. Supreme Court.

The Carswell nomination was under discussion in the Senate when the matter was withdrawn from the Senate and the conference report on the Stennis amendment substituted in lieu thereof. So the junior Senator from Alabama would suggest that it is the opposition to the Carswell nomination that is responsible for the extended discussion that is being carried on at this time.

The junior Senator from Alabama would be happy to agree to, and would be hopeful that, later on in the afternoon, an agreement will be reached, setting a definite date for voting on both of these issues.

I think it might be observed by just a casual glance that the opposition to the Carswell nomination, by and large, with some notable exceptions, are the opponents of the Stennis amendment and as such, of course, are the proponents of the adoption of the conference report.

I believe that later on, before the matter of agreeing to the conference report is voted upon, a motion will be made to send the report back to the conference committee, either with definite instructions or with general instructions, seeking to do a better job, a more effective job, of carrying into effect the expressed wishes of the United States Senate with regard to the Stennis amendment.

The Stennis amendment was adopted by the Senate in a great and all too rare exhibition of statesmanship, when it expressed as being the policy of the United States, in establishing guidelines and criteria for dealing with segregation in the public schools of the United States, that a uniform policy throughout the country would be adopted.

Mr. President, I am unwilling to accept as final a Federal policy, with respect to the public school system of this Nation, that allows or permits or encourages or fosters the existence of segregation in northern public schools and at the same time demands a crash program of desegregation in the public schools of the South.

Mr. President, the Stennis amendment was a short amendment, but it expressed what the Senate felt should be the public policy of this country with respect to the public schools of our Nation. It said that in dealing with the condition of segregation by race, whether de jure or de facto in the schools of the local educational agencies of any State, the guidelines and criteria shall be applied uniformly in all regions of the United States whatever the origin or cause of such segregation.

Why is it necessary for the Congress to declare this policy? For the very simple reason that the Department of Health,

Education, and Welfare recognizes two types or styles or conditions of segregation—de jure segregation which they say is segregation that resulted from operation of law or official government action or policy which has been held to be unconstitutional, and de facto segregation, which in many instances is much greater and exists to much greater extent in the big cities of the North than it does in the South. HEW takes the position that the latter is not unconstitutional, and that they are going to have two different policies, one with respect to de jure segregation and another with respect to de facto segregation.

The Stennis amendment merely states, in effect that there will be one uniform policy dealing with segregation—that we are one Nation under God, indivisible, with liberty and justice for all, that all peoples in this country are entitled to have the same rule applied with respect to them, and that we are not going to have one rule for the North and another rule for the South.

The distinguished Senator from Mississippi (Mr. STENNIS) stated on the floor of the Senate that he would be willing to abide by any uniform policy that the people of the North would be willing to abide by with respect to segregation and desegregation. Name the policy. Set the policy. Set a policy that sections outside of the South are willing to abide by, and the citizens of the South will accept that policy and observe it.

I was very much interested in some of the debate that took place in connection with the Stennis amendment. There was one distinguished Senator, who is not in the Chamber at the moment, who said, "We could not stand to have a uniform rule. We could not stand to have, in our area, the same policy applied to our schools as is applied to the southern schools." He said, "It would take the whole Army to enforce any such uniform policy in areas outside the South."

So that is the attitude that some adopt, that they could not live under the uniform policy if the policy with respect to de jure segregation were applied in the North with respect to de facto segregation.

Mr. President, another reason that I feel that the matter should go back to conference is to give our managers on the part of the Senate an opportunity to negotiate further with the managers on the part of the House, and see if they cannot come back with a proviso and plan that is more in conformity with the express wishes of the Senate.

Mr. President, the amendment which the conferees tacked on to the Stennis amendment is found in section 2(b) of the report. After defining the policy that shall be uniform throughout the country, the conference report has this amazing proviso:

> Such uniformity refers to one policy applied uniformly to de jure segregation wherever found, and such other policy—
>
> An entirely different policy—
>
> as may be provided pursuant to law applied uniformly to de facto segregation wherever found.

So, instead of having one uniform policy throughout the country, the conference report provides for two policies, both of which the conferees say are uniform—one uniform with respect to de jure segregation and the other uniform with respect to de facto segregation.

Mr. President, this provision, section 2(b) in the conference report. What the conferees apparently did was to substitute their language for the language in the bill as it passed the Senate, and the Senate amendment comes out as section 2(a). The language is exactly the Stennis amendment down to that point. But then they added the section 2(b), which changes it 180 degrees, so that instead of having one policy with respect to de jure segregation and the same policy with respect to de facto segregation, they say, "No, we are going to have two uniform policies."

Mr. President, that just belies the very definition of "uniform." The word "uniform" is based on the Latin word for "one." So it implies one policy, a uniform policy. The word "uniform" cannot apply to a splinter policy, one part going all the way North and the other, headed 180 degrees in the opposite direction, for the South.

In other words, the so-called uniform de jure segregation policy would be the policy that is headed toward the South; the so-called uniform de facto segregation policy would be the policy headed toward the North.

That does just exactly the opposite from what the Senate voted that it wanted to do. It wanted a uniform plan for the entire country, a plan that would give equal protection of the law to every citizen, North and South, whatever that policy is. We said, "Figure out whatever policy you want that is in accordance with the Supreme Court decision, but make the policy uniform, apply it North and apply it South." That is all the Stennis amendment seeks to do.

But the conferees, for all their willingness—and I am sure they tried hard, because each and every one of them is an honorable man. Every one of the conferees worked hard, to get the Senate version agreed upon by the House of Representatives. I feel confident that they did. The distinguished Senator from Rhode Island (Mr. PELL), I am sure, worked tirelessly in favor of getting the Senate position adopted. I admire and respect him and have the highest confidence in him. The distinguished Senator from New Jersey (Mr. WILLIAMS), I am sure, also worked hard to get the Stennis amendment agreed to, just as the Senate passed it. The Senator from Massachusetts (Mr. KENNEDY), I am sure, put forth his best efforts to get the Senate version providing for uniformity of application of whatever policy the Federal Government decides upon. I am sure he worked hard on that. I am sorry the distinguished Senator from Minnesota (Mr. MONDALE) is not here, because I wanted to pay particular tribute to his fairness and the objective manner I am sure he used in going into this problem and working with the conferees, and pointing out to them that it would not be proper for the conferees to turn their backs completely on the Senate enactment, and it would not be proper to change, by 180 degrees, the course that the Senate had set. I am sure that they worked hard for the Senate version.

I am sure that the distinguished Senator from Missouri (Mr. EAGLETON) worked hard. I noted on yesterday that the Senator from Missouri engaged in what the distinguished Senator from Rhode Island referred to as a scenario with him for building up the record on this matter. I am sure that the Senator from Missouri also tried to carry out the will of the Senate in this regard.

I do not see the distinguished Senator from Indiana on this list of conferees. I am wondering how he kept off this list of conferees. He does not seem to be here.

But the distinguished Senator from New York (Mr. JAVITS) was one of the conferees, and in all sincerity I do say that I am advised that he did make an impassioned plea for the adoption of the Senate version of the amendment.

Also, I am sure that the distinguished Senator from Pennsylvania (Mr. SCHWEIKER) worked hard for the Senate version.

But I believe that our distinguished conferees should be asked to go back and seek an additional audience with the House managers.

Mr. PELL. Mr. President, will the Senator yield?

Mr. ALLEN. I am delighted to yield.

Mr. PELL. I really did not catch the full tenor, as I should have, of the Senator's words; but, as the chairman of the Senate conferees, I must take exception to any thought that the Senate conferees did not fight vigorously for the Stennis amendment.

Also, I would remind the Senator that there is more in the bill than this one amendment. As chairman of the Subcommittee on Education, I am proud of this bill as one of the best that I think has come out in a long time.

Speaking with regard to the entire bill and specifically with regard to the Stennis amendment, I think we came back with more bacon than many other conferences.

I recall, incidentally, that the Senator from Mississippi did a great job as chairman of the Senate delegation in the conference with the House on the defense appropriations, when the liberals had various amendments adopted on the Senate side. Senator STENNIS fought hard for those. He brought back about half—a little less, a little more. There never was any question of impugning the vigor with which Senator STENNIS fought.

I am very struck by the fact that those who are basically traditionalists and believe in the system of conferees doing their best for the Senate now question whether these conferees in fact carried out the will of the Senate.

I recall that the one Member of the House conferees, who was most for the Stennis amendment, was particularly struck, and said so in the conference a couple of times, that we in the Senate were fighting for that amendment.

Questioning the vigor with which the Senate conferees pressed is simply not correct. I know that the Senator from Mississippi, who has been in conferences. has not expressed this thought.

When I did not get all I wanted in my gas warfare proposal or one of my disarmament proposals in the conference on the defense bill, and the Senator from Mississippi came back—one thing was dropped, if my recollection is correct, and something else was not—the slightest thought did not go through my mind of either questioning the vigor with which he fought or that I should say, "Let's send it back to conference," or "Maybe one of us should have been on the conference."

When one raises these questions, it goes to one of the fundamental questions in the Senate. If this is the question, and the vigor with which we fought these measures is impugned, then, I think that whenever measures are handled by other committees and we feel the conferees are not in sympathy with them and voted against them and we doubt their vigor, we should say that those who voted for the amendment should be on the conference. I think this would set a whole new premise in the Senate, and I am not sure it would be correct.

I can assure the Senator that we fought vigorously.

Mr. ALLEN. I will say to the distinguished Senator that I said nothing to the contrary. I said that the distinguished Senator did fight hard for the amendment.

Mr. PELL. Every Senator in the conference did. This is my point.

Mr. ALLEN. I was naming them when the Senator interrupted. I certainly meant to cast no reflection on the distinguished Senator from Rhode Island for his efforts in the matter. All that the junior Senator from Alabama was suggesting was that it might be possible to go back to conference, have the matter recommitted to conference, and to point out to the members of the House Conference Committee team that this conference report does not comply with the expressed wishes and views of the Senate after it debated for several weeks with regard to this very proposal.

Mr. PELL. It is absolutely the prerogative of the Senate to send us back. I have told the Senator from Mississippi that if we are sent back with instructions, we are sent back with instructions. But I do think that that approach is a different approach. But if the approach is at all on the basis that the battle was not fought vigorously, then I think we are opening up a Pandora's box.

I know that the Senator from Mississippi recalls the defense bill to which I referred. I do not think that one of the so-called liberals ever criticized him in the slightest for not coming back with a whole barrel of pork—just the opposite, we were trying to cut the pork—for coming back with less than we passed. Naturally, if we had again brought the thing to a vote and had said, "Go back with instructions," the Senator would have gone back with instructions.

I have noticed in the last couple of days of this debate that several times quite an issue has been made of who the conferees are and who has approved and who has not. If this is the case and if this is one of the lines of argument here, then I, as one Senator, want to serve notice, if this is valid, that whenever an amendment is agreed to and Senators who are conferees did not agree to it, we who have agreed to it in the Senate have a right to be on the conference; and I do not really think that is the case.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. ALLEN. I want to state at this point that I assure the distinguished Senator from Rhode Island that I intended no reflection on the distinguished Senator.

Mr. PELL. I realize that.

Mr. ALLEN. I was merely suggesting that if the matter is re-referred to the conference, it could be pointed out that this does not comply with the wishes of the Senate.

Mr. PELL. If the Senator will forgive me, he mentioned his curiosity that the Senator from Indiana was not on the conference.

Mr. ALLEN. Yes.

Mr. PELL. The reason for that is that he was not on the committee. The other Senators were on the committee.

Mr. ALLEN. I yield to the Senator from Mississippi.

Mr. STENNIS. I thank the Senator for yielding. I asked him to yield at this point because the Senator from Rhode Island referred to a bill we had in the Senate last year, of which I was floor manager, and we went to conference. He had two very constructive amendments and suggestions. He handled them well on the floor, and we did the best we could for them in conference. I appreciate his remarks.

I can see, too, that this is a big bill, and it is a sensitive subject—if I may use a mild term. I can see that debate would build up somewhat in the mind of one who was handling the bill, after all the struggle and the endless days. I have had the same experience.

But so far as the Senator from Alabama is concerned, I say to the Senator from Rhode Island that I have been sitting here all the time, and my interpretation is that the remarks of the Senator from Alabama were quite complimentary to the conferees. He called the Senator from Rhode Island by name, to start with, and paid special compliment to the Senator. During part of the time, the Senator from Rhode Island had to be out of the Chamber. I have heard all that the Senator from Alabama has said.

I thought it was complimentary. I took the allusion to the Senator from Indiana to be a kind of jest. The Senator from Indiana has a sense of humor about him that we like. I know that I do. I thought that was done in jest. But, I say, this debate has been rugged at times. We have talked about a 180 degree angle. But I do not believe anyone impugns the motives of Senators. I say that because I have a feeling about this thing, I think, from the standpoint of the Senator from Rhode Island. I have appreciated every word the Senator from Alabama said. I alluded yesterday briefly to the fact that the House conferees, being vigorous for their position, just waited it out. They are a very skillful group of people, as we all know. I believe that the tone of the debate was complimentary to the conferees.

I thank both Senators from Rhode Island and Alabama for yielding to me.

(At this point Mr. CRANSTON took the chair as Presiding Officer.)

Mr. ALLEN. Mr. President, another reason why I feel it would be well to send this measure back to conference is that at the time the conference report was drafted and returned to the respective Houses, the message of the President of the United States dealing with the subject of segregation and desegregation had not been made public.

It occurs to the Senator from Alabama that the conferees might take this message from the President, which he states is going to be the policy of the executive department with respect to the matter of desegregation. Possibly, it would be in order, or it would be capable of being accomplished, that some of the ideas and thoughts advanced by the President of the United States might be incorporated in the amendemnt proposed by the conference committee.

That is another reason, in the judgment of the Senator from Alabama, why it would be well for the conference report to be recommitted to the conference committee for the purpose of considering its actions, in light of the message from the President of the United States.

Now, Mr. President, I would like to point out, and I would like to have the comments of the distinguished Senator from Rhode Island after I have made this suggestion, that I see a serious danger in subsection (b) of getting the Federal public school policy and the actions of the school boards resulting from it in such a state so that there will be no integration at all in this country. I feel that the distinguished Senator from Rhode Island would not like to see that take place.

Subsection (b) provides for a uniform policy with respect to de jure segregation, and a uniform policy with respect to de facto segregation.

As the President pointed out, and as we all were aware, the Supreme Court has not ruled de facto segregation to be unconstitutional.

Now to apply, then, the present policy in this Nation to the segregation as it exists outside the South which, by and large, is held to be de facto, that would foster that type of segregation and it would be protected. If the application of the de jure policy, one of demanding immediate desegregation, if the segregated systems—if there be any—if they should all comply with the desegregation mandate of the Supreme Court, and comply to such an extent that there were no more segregated systems in the country, all systems outside of the South having desegregated—of course, we still have segregation in the North—but the desegregated school systems in the South, if they would then resegregate as a result of changing neighborhood patterns, so that we would have segregation again in the South, this time protected by the de facto rule—this uniform de facto rule, provided by the amendment—we then would have de facto segregation all over the country and no integration. I do not believe that the distinguished Senator

from Rhode Island would like to see that take place.

Mr. PELL. The Senator is absolutely correct. I would not like to see it take place, although from a legal viewpoint, while I might not like to see it happen, it could well happen under either section (b) to which the Senator referred in the conference report, or under some of the statements in the President's message to Congress on school integration that was sent up yesterday.

In this connection, section (b) of the conference reported Stennis amendment is similar in concept to what the President said in his message. This is the reason, I would imagine, why some thought was given to the idea, with the President's message in mind, that perhaps one way to resolve the problem we are here discussing would be the elimination of the whole provision. For the President, has moved directly along the lines of the Senate's wishes.

Mr. ALLEN. Mr. President, I would point out to the distinguished Senator that even if the provision is to be eliminated, the only way that could be done would be to send it back to conference. So that he would have to vote to send it back to conference before he could get it eliminated. The Senator either has to take the conference report, including the whole bill, or send it back.

Mr. PELL. That is correct. When, in the conference, suggestion was made that it be eliminated, the Senate's wishes were obviously not to do so. We sought to retain the amendment and while the clothing we dressed it in may not be pleasing to the parents of the child, we do feel that the child itself is the same. The President's message is very much along this line. Both the President and the conference sought to accept the fact that, for the time being, the courts have made a distinction between de jure and de facto segregation. I hope the day will come when there is no difference, but the applicable law does recognize a difference due to the cause of each. I do not mean that there is an analogy here. I am not a lawyer; but I am reminded of the fact that, if a man is killed, the law recognizes there is a difference between manslaughter which is accidental, and murder which is when it is intentional. De facto is the same. The man is dead.

And I would say in this discussion that, although segregation exists in two types, either way it is wrong. However, for the moment, the courts which do guide us have ruled that one is more wrong than the other, just as murder is a felony and manslaughter can be a misdemeanor.

The day may soon come when both kinds of segregation are declared to be equally wrong. In the meantime, the President has accepted the present view in his message.

Mr. ALLEN. Mr. President, the amendment the committee added does put a shelter or an umbrella around or over de facto segregation as it exists in the North, does it not?

Mr. PELL. It does. And as the Senator pointed out, if de facto segregation develops in the South from living patterns, the growth of suburbia, and things of that sort, both the President's message and the bill as it came from the conference would permit it to exist.

The Senator from Alabama asked me earlier if I would like to have that happen. The answer is "No."

Mr. ALLEN. Would it be better to have a Federal school policy that is seeking desegregation of both types of segregation rather than to have creeping de facto segregation eating in on the de jure segregation with the possibility that segregation will again be the order for the entire Nation?

Mr. PELL. That would be correct. Nevertheless a statement of policy is not law. And the Stennis amendment is in the form of a statement of policy. The basic law has to be changed or interpreted by the Supreme Court.

Mr. ALLEN. If that be true, why would the distinguished Senator mind adopting the Stennis amendment as such, if it is not law and it does not mean anything, why not adopt it?

Mr. PELL. Mr. President, I was opposed to the amendment in the Senate and I supported it in conference. Personally, I think it would have been advisable to have it remain, as adopted because the original policy change signaled by it to the administration was accomplished at the time of passage in February. And I do not think much more signaling was necessary. I think partly as a result of that signaling, we received the President's message.

Mr. ALLEN. It would occur to the Senator from Alabama that possibly the Senator from Rhode Island and the Senator from Alabama are cast in somewhat unfamiliar roles. The Senator from Rhode Island is advocating a policy that would protect segregation. The Senator from Alabama is saying, "Let's apply up North the same desegregation policies that are applied in the South." But the Senator from Rhode Island does not want that.

Mr. PELL. The Senator is absolutely correct. I perhaps sound somewhat inconsistent but we must look to the cause of the condition. In this connection, would the Senator like to sponsor some tightening up of the civil rights legislation? That would be the way to approach the matter.

Mr. ALLEN. We are seeking by the Stennis amendment to provide a uniform system, whereas the Senator from Rhode Island wants de facto segregation to continue in the North but the de jure segregation would be desegregated in the South.

Mr. PELL. It is not that I want to do this.

Mr. ALLEN. That is what the Senator is advocating, whether he wants to do so, or not.

Mr. PELL. I am advocating that different kinds of segregation be handled in the same way, wherever they occur.

Mr. ALLEN. Mr. President, I ask the Senator, is it segregation that is wrong or is it the means that have been used that result in segregation?

Mr. PELL. Both.

Mr. ALLEN. Is segregation wrong?

Mr. PELL. Absolutely. And the wrong is compounded because of the means.

Mr. ALLEN. Why is the Senator unwilling to do it by means of the Stennis amendment?

Mr. PELL. I sought to do it in the conference.

Mr. ALLEN. But the Senator from Alabama would respectfully point out to the Senator from Rhode Island that the conferees came out with a provision that would protect de facto segregation in the North but attack de jure segregation in the South.

If segregation is wrong, why is it not wrong in the North as well as in the South?

Mr. PELL. I think the Senator is a lawyer and realizes what the amendment does better than I do. It neither protects nor attacks segregation in the North or the South. It simply says that the two kinds of segregation must be treated alike, wherever they occur.

Mr. ALLEN. Not the two kinds, but each separate kind. That is a far cry from the single, uniform rule that is provided by the Stennis amendment.

Mr. PELL. Perhaps, if the Stennis amendment did indeed accomplish that end.

Mr. ALLEN. It surprises the junior Senator from Alabama to find the distinguished Senator from Rhode Island advocating then a policy that does protect and foster segregation in the North when, by his own statement he says that segregation is wrong.

Mr. PELL. I do not advocate any kind of segregation. I am saying that one type is presently permitted by the courts. And that is a fact. When the time comes that it is not protected, I will say hurray. But for the moment, this is the fact.

Mr. ALLEN. The Stennis amendment would apply the same desegregation rule throughout the country, would it not, so that if it is a Federal policy to attack segregation, then would not the Stennis amendment point out that the segregation in the North should be attacked or desegregated?

Mr. PELL. Mr. President, the problem is, as the Senator knows, that the Civil Rights Act—I think it is title VI—applies only to de jure segregation. So, if it is all put together, the effect would presumably be that there would be no enforcement at all. We have to interpret the statement of policy in light of what is presently within the terms of reference of the law.

Mr. ALLEN. I am glad the Senator mentioned the Civil Rights Act. The junior Senator from Alabama inquired soon after he came to Washington of the Secretary of the Department of Health, Education, and Welfare why it was if the Civil Rights Act of 1964 and if the appropriation bill for the Department of HEW in 1968 provided that funds provided by the appropriation bill should not be used to require busing, the closing of schools, or requiring any child to go to any school not the choice of his parents in order to overcome racial imbalance, this very thing was being done.

The junior Senator from Alabama asked the Secretary, "Why is it in the face of that that your department is getting up plans that it submits to the court to require the busing of students 10, 20, or 30 miles, the closing in my

State of $100 million worth of schools, and the denial of the freedom of choice to students to go to the schools of their choice? Why is it you are doing that in the face of this express provision of law?"

His answer was that those provisions just applied in the case of de facto segregation, that the phrase "racial imbalance" was synonymous with de facto segregation. So, it was found that the provision of law would offer protection to de facto segregation and prevent busing for the purpose of knocking down de facto segregation and prevent the closing of schools to desegregate de facto segregation, and prevent the denial of freedom of choice to knock down de facto segregation.

So we found that HEW was using these two standards. That is one of the first objections the Senator from Alabama has to this phrase; that whereas now HEW is carrying out its policy, it is a policy of protecting de facto segregation and attempting and succeeding by punitive means to do away with de jure segregation. That is the policy of HEW, whereas if the conference report is agreed to as is, it would write into law this dual policy. That is what the Senator from Alabama objects to.

This is far worse than if the conference had thrown out the Stennis amendment because the Stennis amendment provides for uniform policy. The conference report strikes down that uniform policy and sets up two policies that it calls uniform under separate conditions, but it proceeds to write that into law and it will have the force of a legal enactment of Congress; whereas if nothing is done that would be a policy that could be reversed through methods other than repeal of the statute itself.

So it does seem to the junior Senator from Alabama that there is an ample reason for sending the conference report back to conference and let it consider what it wants to do in light of the recommendations of the President.

Now, Mr. President, as I have pointed out in colloquy with the distinguished Senator from Rhode Island, section (b) of section II does have the effect of perpetuating segregation in the North or in areas outside of the South, whereas the Stennis amendment called for one uniform policy dealing with both types of segregation. The Stennis amendment took the position that whether segregation is good or bad, whether it is to be attacked by the Federal Government, whether desegregation is to be sought with respect to segregation, let that decision be a decision that will apply to the entire country and not build up some sort of legal fiction about segregation having resulted from operation of law or statutes calling for a dual system.

There have been no legal dual systems in the country since 1954. Prior to that time a dual system was legal and it was constitutional. As soon as the Brown decision was handed down that ended the legality of the dual system. It also forbade a State from fostering segregation. It knocked down the dual system. We have not had a dual system by law since 1954. I have some interesting figures here.

Mr. STENNIS. Mr. President, will the Senator yield to me for a series of questions?

Mr. ALLEN. I yield.

Mr. STENNIS. Mr. President, the Senator made reference to so-called de jure segregation. He has made reference also to what has been presented by those who are proposing we adopt something that would be a protection for segregation generally outside the South.

Does the Senator know—and I am sure he is familiar with it to a degree—that a great number of these States outside the South are States that for a long time have had laws on their books regarding segregation of the races for their public schools, and some of those statutes required separate schools and others permitted it; and that a great part of their history at the time their communities were growing up shows that they were influenced by those statutes as much as was done in the South? Will the Senator develop that thought? I refer to the State of Indiana and even the State of New York, and a number of States like that.

Mr. ALLEN. I appreciate the Senator's question. During the debate on the Stennis amendment the junior Senator from Alabama had printed in the RECORD a list of States which at one time had had a statute providing for the dual system and these States were some 44 or 45 in number. So nearly all of the States outside the South did have the statutes and, of course, if the Supreme Court took the position that there never could be erased the harmful effect of a statute, then the segregation that exists in those States should also be de jure segregation.

Mr. STENNIS. Is it not a fact of life that those statutes contributed, at least in part, and in substantial part, to the so-called housing patterns now that are used as an exemption basis?

Mr. ALLEN. Yes, although it has always been my thought that the schools were put where the people were rather than the people being put where the schools are.

Mr. STENNIS. That is true, but New York, for instance, until 1938, I think it was, still had a statute that permitted separate schools.

Mr. ALLEN. The Senator is correct.

Mr. STENNIS. Indiana had a statute as late as about 1950—maybe a few years later—that permitted and at one time required separate schools. My real point is, How do they exempt those States, without exempting the South, from their rules?

Mr. ALLEN. That is something the Senator from Alabama does not understand, either.

Mr. STENNIS. Still they claim exemptions for their States under their rules, do they not?

Mr. ALLEN. Yes. The Senator from Alabama would like to point out that until 1954 the dual systems and any statutes regarding the dual systems were not unconstitutional.

Mr. STENNIS. As a matter of fact, those statutes were firmly and expressly held to be legal.

Mr. ALLEN. Yes.

Mr. STENNIS. Those laws requiring segregation of the races were upheld as late as 1928, in a unanimous opinion written by Chief Justice of the United States Taft, a former President of the United States, who was presiding. Is that not true?

Mr. ALLEN. Yes, that is correct.

Mr. STENNIS. So if there is any opprobrium attached to any State that once had such laws, certainly they were under the scrutiny of the Supreme Court of the United States all that time, and they were repeatedly held to be valid until, of course, 1954.

Mr. ALLEN. Yes. I would like to point out to the Senator that some of the housing patterns came about as a result of the requirements of the Federal Housing Administration.

Mr. STENNIS. Yes.

Mr. ALLEN. The Senator knows that before the Federal Housing Administration would insure a proposed FHA loan, they would check the title, see if there were restrictions in that subdivision, and if there were, it was a matter of routine to put the racial covenant in the FHA approved loan, forbidding minority groups from residing in that particular area. So the Government itself has contributed to the housing pattern.

Mr. STENNIS. I am not condemning those areas or States that had those conditions. I only want to point out that we are not supposed to be condemned and have a permanent condemnation placed upon us for conditions that were legal and valid and so declared by the Supreme Court, conditions that existed in other areas that now claim immunity from having had those laws.

Mr. ALLEN. It would be the opinion of the junior Senator from Alabama that we have served this penalty period, and if any penalty should ever have been attached to us—which the junior Senator from Alabama does not feel should be the case, but if we should be penalized—and the segregation of the schools in our areas classed as the evil type of segregation, whereas the segregation in the North is, shall I say, benign segregation, then I feel, if any such penalty is to be attached to us, we have gone through that period and our segregation should be typed as de facto, as well.

Many of our areas and many of our communities are completely changing their character. Areas in the cities and in rural places that have been integrated are changing to being all of one type or the other. When we go through this period of resegregation, as I pointed out to the distinguished Senator from Rhode Island, we will be under this umbrella of de facto segregation and protected by that umbrella.

As the President pointed out, it has not been declared unconstitutional. So if we in the South get to the point where our segregation is de facto and is protected, as is de facto segregation in the North, then we are going to have to have, I suppose, the result of having school systems where there is practically no integration, because, as the Senator has pointed out in his speeches in the past,

many of the schools in Chicago and Gary, Ind., are 99 percent of a minority race, which is far out of proportion to the ratio between whites and blacks in those States or areas.

So, if we follow subsection (b), which is sought to be grafted onto the amendment of the Senator from Mississippi, to its logical conclusion, we are going to find that de facto segregation is legal, is protected and sheltered in the North, and if the segregation that applies in the South—and there is mighty little of it in the South at this time—changes, through desegregation and then resegregation, and then becomes de facto segregation, we would be out of reach of the law or the desegregation requirement, as well, and there would be no desegregation in the country, which I do not believe the advocates of subsection (b) understand or desire. But that is a very real and present danger.

Mr. STENNIS. I have said for some time that it looked to me like when this matter got close enough to the larger cities beyond the South, they would go looking for a way to change their rules; and I believe that is exactly what we are seeing done now. When we reach that point—and it will take some time for these changes to come about—and then resegregation sets in, which it will in some areas, I hope they do not change the rules again, then, and go back to putting us through another process. But I think by that time it will be realized that the people as a whole, black and white, do not want this enforced police power integration, enforced and sustained, when the costs—not money cost, but cost in emotions, cost in freedom, and other costs—are too great.

I want to direct the Senator's attention to another point. We are hearing in their argument—and it is made in good faith—that this segregation outside the South cannot be reached because it is not illegal, or at least has not been declared to be illegal by the Supreme Court of the United States. The Senator is a lawyer and has been keeping up with these cases. I think he knows that at least four times that question was presented to the Supreme Court of the United States from Courts of Appeals in districts outside the South, and each time the Court declined to hear the case on its merits and render a decision. Is that correct?

Mr. ALLEN. That is my understanding.

Mr. STENNIS. The real question, then, is: Is not this question before us now purely a congressional question, a legislative question? It does not interfere with the Court. It does not restrict the Court. It does not impede the Court in any way. It does not relate to the enforcement of any decrees of the Court.

The amendment the Senate adopted 5 weeks ago relates solely to money—Federal aid to schools.

Mr. ALLEN. That is right.

Mr. STENNIS. And the administration of that money by HEW.

Mr. ALLEN. Yes.

Mr. STENNIS. That is the whole story. This amendment just provides that HEW shall apply a uniform policy; that is, it is the policy of the Congress that HEW, in allotting this money over the Nation, will apply a uniform policy regarding segregation in the schools.

Mr. ALLEN. Yes.

Mr. STENNIS. That is the substance of it.

Mr. ALLEN. Yes.

Mr. STENNIS. It has nothing to do with a court case or what a court has said or not said. Is that right?

Mr. ALLEN. That is right. It is merely exercising our right under the Constitution to legislate.

Mr. STENNIS. And it is the sole power of the Congress to appropriate money.

Mr. ALLEN. Yes.

Mr. STENNIS. No other branch under our system can appropriate money.

Mr. ALLEN. Yes.

Mr. STENNIS. Of course, the President has a right to veto an appropriation bill, but he cannot originate it.

Mr. ALLEN. That is correct.

Mr. STENNIS. So after all, this is purely a congressional matter, for congressional decision, and the argument that the courts have not done this or have not done that is not even relevant, as I see it.

I thank the Senator for yielding.

Mr. ALLEN. I thank the distinguished Senator from Mississippi for his questions, and for the light that his comments have shed upon the question now before the Senate.

Mr. President, all that the Stennis amendment seeks to do is to provide equal protection of the law for all citizens in this entire Nation, and it does that by setting up this uniform rule that the distinguished Senator from Mississippi has referred to. The proponents of the Stennis amendment come in asking for equal protection of the laws.

Equal protection of the laws; we hear that term used a great deal here on the floor of the Senate. And why should not this great problem, this great issue, be handled with one uniform policy, applying throughout the entire country? The Senate, by a vote of 56 to 36, endorsed that principle that we should have one uniform policy.

An amendment was sought to be added to the Stennis amendment by the distinguished senior Senator from Pennsylvania (Mr. SCOTT). It was in two parts, as I recall. The first part provided that the Federal policy with respect to segregation, or desegregation, would be uniformly applied in all areas of the Nation where segregation had been ruled to be unconstitutional. So section (b) is a mere rewrite of the first section of the Scott amendment to the Stennis amendment. That amendment was voted down by the Senate; and yet we see it come back in the conference report.

The Scott amendment, providing that desegregation policies would be applied uniformly in those areas of the country where segregation had been ruled unconstitutional, took into account, of course, that the only area where the Supreme Court has declared segregation in our public schools to be unconstitutional is the South; therefore, all the Scott amendment—or that phase of it; there is another phase to which I shall allude in a moment—said was that desegregation policies shall be applied uniformly in the South. Well, all that means is uniform desegregation everywhere in the South. It made no reference whatsoever to areas outside the South.

This section (b) goes on and sets up this other policy: "Such uniformity refers to one policy applied uniformly to de jure segregation wherever found, and such other policy"—which is different, or the words would not be "such other policy." If they had wanted to say "the same policy," they would have said "the same policy."

Such other policy as may be provided pursuant to law applied uniformly to de facto segregation wherever found.

So this is just a rewrite of the old Scott amendment—or the Scott old amendment, it might be better to say.

The second phase of the Scott amendment provided that there would be no busing for the purpose of overcoming racial imbalance. Well, that has been a part of nearly every HEW or Civil Rights Act that has been passed since 1964, and it did not mean a thing in the world as to de jure segregation, because it has been held to apply just to de facto segregation. So all that could have said was that there would be no busing in areas outside the South.

Well, that was hardly a change of any great degree. It just restated what has been enacted time and time again by the Congress. But the conference report calls on the Senate to approve and give its endorsement to provisions that are 180 degrees removed from the provisions of the Stennis amendment, because it provides two separate policies. The Senator from Mississippi, in proposing the Stennis amendment, took a statesmanlike view. He did not ask for special treatment in the areas of the South. He did not ask that desegregation stop in the South. He just said:

> Whatever policy you decide on, whatever is the Federal policy on this subject, apply it uniformly.

Mr. President, the question that is somewhat difficult for the junior Senator from Alabama to answer and to reconcile is why it is that the Senators who favor the conference report, the Senators who favor a dual policy, a policy calling for immediate desegregation in the South and protection of segregation in the North, if they say, as the distinguished Senator from Rhode Island said, that segregation is bad, as they do under section (b), why do they freeze segregation into the law? If segregation is bad, it is bad no matter whether it is in the North or the South. But yet section (b), which the conference committee added—which completely emasculates the Stennis amendment; there is no doubt about that, and every Senator knows it—fosters, protects, encourages, and freezes into the law segregation in the North.

I have some interesting figures on that, which I used in the debate on the Stennis amendment. According to the figures of HEW, 91.7 percent of the Negroes in Alabama attend schools that are majority black. These same figures show that in the city of Los Angeles, 95.3 percent of Negroes attend majority black schools.

In Newark, N.J., 97.9 percent of the

Negroes attend schools that are majority black.

In Gary, Ind., 96.9 percent of Negroes attend majority black schools.

So they take the position that they do not want to proceed against de facto segregation—leave that alone; that is all right; that is fine—and let us go out and get this de jure segregation. There is more segregation in many areas outside the South than there is in many sections of the South. I cannot understand why the Senators who favor protecting de facto segregation are so anxious to attack and desegregate de jure segregation in the South. If desegregation is good for the South, it ought to be good for the North.

It would occur to the junior Senator from Alabama that the black constituency of such Senators as the Senator from Pennsylvania (Mr. SCOTT) might wonder why the distinguished Senator is willing to see segregation frozen into Philadelphia and other big cities of Pennsylvania. How is he able to convince them that segregation is good up North and is bad down South?

That is what subsection (b) would suggest that we do. Let us treat them differently. Let us have one rule pointing southward and another rule pointing northward. Yes, let us foster and encourage, by inaction, segregation in the North.

Mr. President, I am proud of the attitude of the people in the South in complying with the mandates of the courts. I am proud of the good faith efforts that the people of Alabama and the South have given to complying with the desegregation mandates of the courts, while at the same time all they have to do is to look northward, and not one single thing is being done up North to rid the northern areas of the evils of segregation in the public school systems up North. Our people would like to see a uniform policy. If you are going to have massive efforts to desegregate, fine. We have been living with that down South for quite some time. If you are going to have that, though, let us have it up North, too. If you are going to tolerate or foster or encourage segregation up North, the same rule ought to apply down South.

We are a State, one of the 50 States, and are proud to be a State. We observed our 150th anniversary as a State back in December. We are proud of our statehood. We are proud of our Constitution. We want to see it applied equally. We want to see equal rights under the law.

We have heard much in recent years, all through the years, "Well, you fellows down South, get right with us in other areas. You-all come along and conform." We have conformed. Now we want to see the other areas of the country conform to the same standard that has been set for us. Do not just say, "Segregation is bad down South; we want to get rid of it; but it is good for the North. We are going to protect it." It will take the whole Army, as one Senator said, to enforce the Stennis amendment if an all-out effort is made to put into effect in the North what the people of the South have been putting up with.

Mr. President, I would like to point out again what the junior Senator from Alabama suggested to the distinguished Senator from Rhode Island about the dangers, from his point of view, inherent in section (b). That has to do with de facto segregation—northern style segregation, shall we say—being protected in areas outside the South, and the statement of the President says: No Federal action against de facto segregation. But we are going to protect and foster de facto segregation that exists in many cases to such an extent that there are many, many, many all-black schools in the big cities of the country. We are going to protect that segregation. We are going to permit that. No move will be made against it. But we are going to desegregate down South.

So there are two rules: to desegregate in the South; to continue segregating in the North.

I have an interesting fact that I should like to read. I do not have any prepared remarks. I hope that Senators will forgive me if I ramble somewhat. I do have a number of copies of some of the speeches I made during the debate on the Stennis amendment. When I reach the point where I shall stop talking off the cuff, I shall probably have several hours of discussion here. But I would rather talk about these thoughts as they come to me.

Segregation is vanishing in the South. It is vanishing because our people are making good-faith efforts to end segregation.

What is the case up North? What is the case in the State of New York? Someone sent me an editorial broadcast by a New York radio station which referred to booklets published by the regents of the University of the State of New York. The first one is dated January 1968; the other is dated December 1969, pretty well up to date.

One paragraph in the booklet published in 1968 is headed "Problem Growth." It reads, in part, as follows:

> Despite the determined, significant accomplishments of many in education, the growth of the problem has outstripped the efforts to deal with it. Racial imbalance within school districts is increasing in both suburban and urban communities.

That, Mr. President, in the face of hundreds and hundreds of school districts in the South that have been desegregating all the time. I believe I noticed figures in the President's message saying that in the last year the number of desegregated districts had increased from 600 to 1,200. The number more than doubled last year. That doubling was practically all done in the South. I continue to read:

> Racial census reports show that between 1961 and 1966 in the 41 school districts with the highest percentage of Negro pupils, exclusive of New York City—

I would hazard the guess that it was probably a higher percentage in New York City than out in the State—

> the number of elemenetary schools with more than 50 percent Negroes increased from 60 to 72. The number with more than 90 percent Negro pupils increased from 25 to 33.

Racial isolation among school districts is also increasing. In this same period the percentage of Negro pupils in one suburban district rose to 82 and in another to 71. In three districts, the percentage surpassed 50. Then in December 1969, there was a review of the revised studies of the one taken some 2 years before, a restatement of policy in which it was stated that the efforts of the State of New York to eliminate segregation and speed integration must be increased. Racial social class isolation in the public schools has increased substantially during the past 2 years despite efforts to eliminate it.

Thus, Mr. President, that is what we say in the South, that the school districts desegregated there have doubled in the last year; whereas in the State of New York, segregation has increased dramatically. But the subsection (b) protects, shelters, puts an umbrella over this type of de facto segregation. We are not going to proceed against it.

So going on with my hypothetical case, showing the dangers inherent in section (b) and pointing out that the Federal policy as it exists now and as it would be frozen into the law under the conference committee report is one of protecting and favoring de facto segregation as it exists outside the South. But the same Federal policy—the two-pronged Federal policy—calls for immediate desegregation of the public schools in the South.

Now, Mr. President, is that equal protection of the laws? Is it fair? Is it equal? Does it protect at all the public schools of the South?

The Negro citizens of the South, a substantial number, if not a full majority of them, prefer their own neighborhood schools. I am happy that the President in his message spoke of using the neighborhood school as the base in matters having to do with the public schools of the country.

That is another reason we feel that the conference committee should consider its report in light of the President's suggestion. I feel that, if the Chief Executive of the Nation makes some suggestions, made after the conference committee made its report, there should be little opposition to sending that report back, so that the report can be considered in the light of the President's message.

The black citizens of Alabama and the South support the neighborhood schools. They are proud of them. I have had numerous complaints registered with me on the demand by the Department of HEW that the black schools be closed. They have school pride, a fine building, a fine band, a cafeteria which is used for community meetings. They have a good school spirit with some of the best bands in the country and fine football teams.

They do not want their schools closed. But we have had $100 million worth of schools ordered closed in Alabama.

Now, Mr. President, if the public schools of the South become completely desegregated to the full satisfaction and

approval by HEW and of the Supreme Court mandate and then the process of changing residence patterns begins to take place—as it took place in the great city of Washington where I understand the schools are about 95 percent black—if the process of resegregation takes place and the schools become completely segregated again, that would not be because of the dual system that the South had prior to 1954, and which were legal up to then.

That could not be laid at the door of the laws providing for a dual system of segregation, then, and resegregation would have to be considered de facto segregation.

Mr. President, if we have a complete desegregation of public schools in Alabama and the South, so complete that it meets the approval of HEW and meets the approval of the Federal court and meets the approval of the Supreme Court, and then if, over a space of months or years those systems by a change in residence patterns because of a flight to the suburbs, as has taken place in Washington, those systems become segregated again, if they become resegregated, then since they did not result from any State law providing for a dual system, they would come under the de facto segregation protected by subsection (b).

So, then we would have nothing in the entire country but de facto segregation. The Supreme Court still has not ruled on it. The President said they are not going to proceed against de facto segregation. Then we would have de facto segregation in the North and de facto segregation in the South. Would everyone be happy then?

That, I give warning, is the logical and reasonable expectation and conclusion to be reached as the probable consequence of the passage of section (b) recognizing the two systems.

Mr. President, the decision of the Supreme Court in 1954, in Brown against Board of Education, held that any segregated school was unequal. They were unequal schools and the States had to stop maintaining a segregated school system. It did not say anything about forced integration.

The Supreme Court has changed 180 degrees also. They first started out saying that the State could not force segregation in its public schools. They have now changed that to where they say the State has got to force integration. That is a change of 180 degrees, exactly the change that has taken place here in the conference committee report as compared with the action of the Senate.

It would occur to the junior Senator from Alabama, following the reasoning of the Warren court that segregation is unlawful and that a segregated school is unequal, how then can the proponents of the conference committee report, the proponents of the dual system of Federal policy, say they are affording equal protection of the laws to the boys and girls of their States who are required to go to a segregated school in the North?

That is the worst sort of legal reasoning to say that just because the South at one time had separate school systems, their type of segregation is unlawful, but the segregation in the North that came about by reason of residence patterns is not.

We are going to find down South some de facto segregation. We are going to find resegregation of our schools.

I would much prefer to see a uniform policy apply throughout the country than to have two different systems.

The President has spoken of bringing us together. We can be brought together better, it seems to me, by a uniform plan providing equal treatment for everyone.

How are we going to bring people together when we have two different ways of treating people? It hardly seems fair to the junior Senator from Alabama.

I believe that the proponents of this measure are going to go home and discover what the people really want. I am glad this thing is being carried over until after the Easter recess. I believe that when the proponents of this measure go home, their people who want to see the public schools of the South desegregated will, when they find out what is going on in the Senate, suggest to some of their Senators, "If you are going to be for desegregating those southern schools, why can you not be for desegregating these northern schools as the Stennis amendment would do?"

I believe they will find that the people back home want to see a uniform application of the law. And I do hope that the distinguished Senators who do advocate the conference committee report will analyze their position and see if it does not present a danger to the whole country in a matter of years, ending up with de facto segregation which they seek to protect.

They say, "Do not interfere with it. The Stennis amendment might interfere with our segregation up North. We want to keep that. Let us confine our efforts to our whipping boys down South. Let us keep on beating on them. Leave our conditions up here just as they are. Sweep them under the rug. Do not mention them. Keep on protecting them because it might take a whole army to enforce that type policy up North." That was stated by one of the distinguished Senators in the debate on the Stennis amendment.

Mr. President, I do not have any desire to monopolize the floor for the rest of the afternoon. I saw the distinguished majority leader come into the Chamber. It may be that some sort of an agreement can be reached with respect to voting on the conference committee report or some preliminary maneuver, but working on to the conclusion of the report, provided agreement is reached with respect to taking final action to vote on its merits on the nomination of Judge Carswell.

I say, as a matter of equity and fairness, that it is only right that these matters be handled together because the nomination of Judge Carswell to be an Associate Justice of the Supreme Court was under consideration in the Senate as the pending question when the distinguished majority leader, whom I admire and respect, and who has a right to control the flow of business and the flow of legislation up to a point, put in the conference committee report and made it the pending business.

Mr. LONG. Mr. President, will the Senator yield?

Mr. ALLEN. I am delighted to yield to the Senator from Louisiana.

Mr. LONG. I do not wish to reflect at all on anyone, but I think this statement should be in the record. I think it illustrates a problem that is common to all of us; that is, that those who live in glass houses should not throw bricks.

There have been a lot of calls here about the fact that Judge Carswell had a share of stock in a country club or some such thing.

I see that one of our colleagues, who has opposed Judge Carswell and has taken the position that Judge Carsweli is a racist, was once in an all-white fraternity which barred people of other races from participating.

I regret that the Senator from Indiana is not here at the moment, but he can comment on this when he hears about it.

I have before me an article whose headline reads: "BAYH Once in All White Group." The article states that as late as 1961 this fraternity at Purdue University limited membership to white Christian males. Not only were Negroes not permitted to join, but, according to the article—

> In 1961 the national fraternity withdrew its charter of the Stanford University Chapter when the local organization accepted 4 Jewish students as members.

Mr. President, the article refers to 1961. There has been reference to the present nominee being a member of a country club in 1956, which much predated the 1961 action of the Purdue fraternity group.

I think it might be appropriate to place this article in the RECORD. If the Senator wishes to object to it, it would be all right with me to strike it out. It is a matter of public record, and the article speaks for itself.

Does the Senator have any objection if I put it in the RECORD?

Mr. ALLEN. I believe I will object at this time. I am somewhat shocked and grieved and saddened by this disclosure. I do not believe this is the time to place it in the RECORD.

Mr. LONG. I will leave the article on my desk. If the Senator from Indiana wants to comment on it, he may. I will just leave it here.

If I might further impose on the time of the Senator, for some time I have wanted to make a speech about a change of rules in the Senate. Now that the germaneness period has expired, I would very much hope I might be able to make my speech, because I have four amendments that I think would be helpful to improve the efficiency and expedite the proceedings of the Senate.

May I ask whether the Senator will yield to me during the next 15 or 30 minutes so that I may obtain recognition? I have a double-spaced speech which is about 16 pages in length.

Mr. ALLEN. I was just concluding my remarks and would then have suggested the absence of a quorum. Then the Senator from Louisiana could seek recog-

nition, because I intend to yield the floor. I was just summing up the situation with regard to the unanimous-consent proposal.

Mr. LONG. If the Senator would be so kind, I could make my speech during the time that would be taken for the quorum call. I would be happy to suggest the absence of a quorum. The Senator from New York also wants to be recognized for a few minutes.

Mr. ALLEN. Would the Senator allow me 2 minutes to conclude my remarks?

Mr. LONG. Yes. I appreciate very much the Senator's very kind courtesy.

Mr. ALLEN. Mr. President, I was speaking with respect to the unanimous consent proposal, and I was pointing out that the Carswell nomination was under consideration in the Senate when the conference report supplanted it as the pending business.

Mr. PELL. Mr. President, will the Senator yield at that point?

Mr. ALLEN. I yield.

Mr. PELL. I think the RECORD should show that under the rules of the Senate the conference report was privileged and that there was no choice in the matter.

Mr. ALLEN. I am glad the Senator mentioned that, because the junior Senator from Alabama was not going to mention it. The Senator from Rhode Island is I believe, in error in feeling that the report was privileged, because we were in executive session at the time, and the report, being a legislative matter, it would have no privilege; it would have taken the vote of the Senate to change over to the other business.

Mr. PELL. I stand corrected. Undoubtedly the Senator has studied the rule. I thought it was a privileged matter.

Mr. ALLEN. I am glad the Senator asked the question.

Mr. President, the junior Senator from Alabama is ready and willing to vote on the conference report and on the nomination of Judge Carswell, and at any time the two are linked together and a time certain set for final votes on both matters, with preliminary motions leading up to that final vote to be in order; but the time for final votes being set, the junior Senator from Alabama is ready and willing and anxious to vote.

I yield the floor.

Mr. SCHWEIKER. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the Senator from Texas (Mr. TOWER) concerning the Stennis amendment to the education bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR TOWER

I commend our conferees on the presentation that they made concerning the Senate version of the Education Amendment bill. From what I understand, they presented our position forthrightly and with competence. However, I am concerned about the failure to retain intact the Stennis Amendment which would require equal enforcement of the HEW guidelines in all areas of the nation.

The debate on the Stennis Amendment was one of the most enlightening that we have had here in some time. Senators from every part of the Nation, representing every shade of political philosophy, united to stand for the proposition that everywhere the law which spread over a two-day period on this shall be applied equally. Both the debate, issue alone, and the vote, which was an overwhelming 56–36 in favor of the amendment, strongly demonstrated that this amendment should have been preserved. I do not fault the conferees for not being able at this time to fulfill this command of the Senate, for I understand fully the realities of the situation. However, the Senate spoke very decisively on this issue; I support the effort to send the bill back to Conference with binding instructions that the Stennis Amendment must be kept in the bill in the language originally approved by the Senate.

Again, I have rarely seen the Senate speak so clearly on any issue. After the length of debate that we had here, there was not a shadow of doubt in the mind of any Senator as to what the Amendment meant and what the feeling of the Senate was. In all good conscience, we must now send the measure back to conference to make certain that this most important issue is maintained. I have not the slightest doubt that if the matter were submitted to the House directly for a vote, that the Senate position would be upheld. Let us now proceed to ask the House to act affirmatively on this matter.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4148) to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

The message also announced that the House had agreed to the following concurrent resolutions:

S. Con. Res. 47. Concurrent resolution authorizing the printing of the report of the proceedings of the forthy-fourth biennial meeting of the Convention of American Instructors of the Deaf as a Senate document;

S. Con. Res. 50. Concurrent resolution authorizing the printing of additional copies of the 1969 report of the Senate Special Subcommittee on Indian Education (S. Rept. 91–501);

S. Con. Res. 52. Concurrent resolution authorizing the printing of a compilation of the hearings, reports, and committee prints of the Senate Subcommittee on National Security and International Operations entitled "Planning-Programing-Budgeting";

S. Con. Res. 53. Concurrent resolution authorizing the printing of the National Estuarine Pollution Study as a Senate document; and

S. Con. Res. 55. Concurrent resolution authorizing the printing of additional copies of Senate Report 91–617, entitled "Organized Crime Control Act of 1969."

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 559) directing the Clerk of the House with regard to enrolling the title of the bill, H.R. 4148, in which it requested the concurrence of the Senate.

SENATE RESOLUTION 377 THROUGH SENATE RESOLUTION 380—SUBMISSION OF PROPOSED CHANGES IN SENATE RULES

Mr. LONG. Mr. President, from the point of view of anyone who has ever worked in a State legislature, the U.S. Senate is inexcusably inefficient.

True, much can be said about the thoroughness with which our committees develop the facts. Much can be said in favor of the freedom of debate which exists here on the Senate floor. Nevertheless, there is not the slightest doubt in mind that this Senate could meet half as many days and do every bit as good a job as it does.

I am one of those who have advocated free debate in this body. I have resisted efforts to change the rules to make it easier to shut off debate. In some respects, the right to filibuster accounts for about 1 month out of the average Congress. I am one of those who has argued that this is not too high a price to pay to preserve the freedom of debate that we enjoy here.

Beyond the right to filibuster, there are a great number of matters which make the Senate inefficient that cannot be justified by any logic under the sun.

I am submitting some proposed changes of the rules to help to do something about some of the needless inefficiencies and waste of time in this body. If the Senate will act favorably upon as many as one-third of my suggestions, then I will offer at least as many more as I am offering now.

The first inexcusable waste of time in this body is the fact that a committee can be prevented from meeting while the Senate is in session although a majority of Senators are perfectly content that the committee meet. During much of a Congress, particularly during the early months of a first session, there is little to be done on the Senate floor because the major bills are being considered in the committees which are holding hearings and executive sessions. Yet, during this period, any Member who wishes to impede the progress of a bill which he opposes may leave a standing objection with the leadership on his side of the aisle and any motion that the committee be permitted to meet during the session of the Senate will be objected to by the leadership on his side of the aisle. True, a committee can be permitted to meet by a majority vote of the Senate, but the motion is debatable.

The Senator seeking to delay consideration of the bill need only suggest the absence of a quorum, thereby delaying the Senate for perhaps 20 minutes while the leadership prevails upon 51 men to enter the Chamber. Thereafter, the Senator seeking to delay legislation can discuss the matter for a while, then he can suggest the absence of a quorum again. By this time, the men who had entered the Chamber will have disappeared and it will take another 20 minutes to muster another quorum.

With the greatest of ease, a Senator can continue to discuss his reasons for objecting to the meeting of the committee with the result that the motion never comes to a vote and the committee is without the right to meet. The ridiculousness of this situation is farcical. So long as a quorum is present in the Senate or, for that matter, until it has been determined that no quorum is present, it is beyond the power of anyone to compel the presence of any Senator in the Chamber. He can go anywhere he wants to go or do anything his heart desires, provided it does not violate the

general laws affecting all situations, and no one can stop him. He can visit with friends; he can attend meetings downtown; he can stay at home; sleep all day; spend his time on the golf links; go to the picture show; visit the United Nations—or the burlesque for that matter—go to the ball game; exercise in the gym; attend a meeting of the Students for a Democratic Society or a convention of the Daughters of the American Revolution. He can do anything under the sun except attend a meeting to advance the consideration of legislation—which is one of his prime duties.

He can do anything that is his duty or anything that is not his duty. He need not even be in Washington or anywhere near Washington. But he is forbidden to attend the meeting of a committee to consider or to advance a piece of legislation even though the Senate may have instructed his committee to report this measure and may have placed a time limit on them.

If the committee should insist on meeting without consent of the Senate then the person who opposes the meeting has a right to insist that the Government not pay any of the clerical or stenographic expenses of the committee session. And, indeed, the stage has been set for dilatory action to prevent the measure from being considered because the committee met in violation of the rules of the Senate.

Accordingly, Mr. President, I am submitting a proposal (S. Res. 377) that committees of the Senate be permitted to meet unless they have been forbidden to meet by a majority vote of the Senate.

My proposal provides that a motion that committees be denied the right to meet shall be decided without debate. The importance of requiring that the motion that a committee should not be permitted to meet be put in this fashion is that the party seeking to delay matters by suggesting the absence of a quorum would have it beyond his power to prevent a committee from meeting during this period of time that 51 Senators were on their way to the Senate floor. The measure which I am proposing would not confront any effective leadership or any effective majority leader with a problem. Whenever he wished to require the presence of all Senators, he should have little difficulty in persuading a majority of Senators to vote that a committee could not meet.

In the event that a majority of Senators preferred to permit a committee to meet, there is no reason why the committee should not be permitted to meet even if it should incur the displeasure of a majority leader.

Those who are unfamiliar with the proceedings of the U.S. Senate should be aware of the fact that during most of the time that the Senate is in session there are no more than 15 Senators on the Senate floor. The number of Senators required to order a rollcall vote of the yeas and nays varies from 11 to 20, depending upon the number of Senators who were present at the previous quorum call or at the previous rollcall.

A considerable amount of delay in the Senate can be justified only on the theory that the public is unaware of the fact that the average Senator spends very little of his time on the Senate floor and that the public must be misled to think it is otherwise. Those who work for the Senate know that Senators do most of their work in their offices, committee rooms, and the various meeting rooms around the Capitol. In most cases, the average Senator hears very little of the debate that transpires. After a Senator has been in this body for 2 years, he has heard most of the issues discussed and he knows how he would like to vote on most of them. When he has served a full term, he has usually heard most of the issues discussed two or three times. He has voted upon most of the issues that he will be called upon to vote on at least once and, sometimes, two or three times.

Senators just do not waste much time listening to arguments they have heard before, particularly if it is an argument with which they do not agree. It is to maintain a false image that there are 51 or even 99 Senators present, hanging on every word the speaker is saying, that we do some things which waste a great deal of time. If we could keep a log to show how many Senators were present, in fact, it would save a great deal of the Senators' time.

But I am not seeking to do this because it would embarrass me, if not all of us. I only seek to bring about enough efficiency in the Senate so that it can do 6 months' work in 8 months, rather than in 12.

My second proposed change of the rules—Senate Resolution 378—would provide that once a quorum has been determined to be present, it would not be necessary to call the roll when the Presiding Officer can look across the Chamber and count 50 other Senators present. A procedure of this type is part of the Rules of the House of Representatives. Many times during the course of a Congress, a Senator will suggest the absence of a quorum merely to be dilatory. Many times I have witnessed a case where as many as 90 Senators would be present and a Senator would suggest the absence of a quorum, particularly for the purpose of delay. When the word was passed that he was intending to be dilatory, Senators would begin to depart from the Chamber and, by the time the Clerk had completed the call of the roll, there would be no more than a dozen Senators in the Chamber. By the time the Senator had been talking for 20 minutes there would be less than four Senators in the Chamber. I would not deny the right of a Senator to delay the Senate by engaging in debate. Many times, however, the Senator who is delaying the measure has so little knowledge of the subject that he is not even in a position to discuss it intelligently.

If one would delay the Senate when the overwhelming majority of the Senate are present, he should at least have to go the trouble of talking and speaking to the subject itself. He should not be permitted to impede Senate action by suggestion that a quorum is not present when anyone, at a glance, can tell that a quorum is clearly present in the Chamber.

If Senators are going to engage in a filibuster they should at least have to stand and speak. They should not be permitted to filibuster from their seats.

This second change of the rules which I am proposing has an additional advantage when the Senate is anxious to vote. If a Senator proposes an amendment particularly for the purpose of being dilatory, it is within the power of the Presiding Officer to recognize the majority leader, or some other Senator who is anxious to get on with the business, and that Senator may move to lay the amendment on the table. Under a rule in Jefferson's Manual, a Senator is entitled to make only two speeches on a given subject during a legislative day. If the Senate will keep a quorum present, then the Senator seeking to delay matters can be denied the right to speak on amendments with the result that he must direct his debate to the bill itself. In this fashion, a single Senator would be incapable of delaying the Senate more than 36 hours if the Senate were so determined that it was willing to continue its sessions around the clock. Even if two Senators were determined to prevent the Senate from voting they could hardly impede the Senate more than 4 days without the help of others. This is about as long as two Senators should be permitted to delay the others.

The proposed change which I am suggesting here would help to avoid other needless delay.

Under the rules, a rollcall vote may be had and the vote of each Senator recorded whenever a Senator so requests and one-fifth of the Senate supports his request. Many times the Senate does not care to have a rollcall vote on an amendment because to do so will take anywhere from 6 to 20 minutes where there are at the desk perhaps 100 amendments which have little or no support and Senators are tired from long sessions on a particular measure. They would, many times, prefer not to have a yea-and-nay vote. Under the present rules, the sponsor of the amendment can always have a yea-and-nay vote by simply being sufficiently dilatory that Senators would rather accord him a rollcall than to suffer the delay that it would otherwise cause them. Where a quorum is present, under the rule I am proposing, a majority leader—or manager of the bill—could bring the matter to a quick decision by obtaining recognition, asking for a brief limitation on debate and, failing to obtain the same, moving to lay the amendment on the table. Under the existing rules, a Senator who might have only his own vote in favor of his amendment could suggest the absence of a quorum. When the roll had been called and a quorum determined to be present he can then suggest the absence of a quorum again. That is how he can do it now. Upon being informed that no business had transpired since the previous quorum, he then need only appeal from the ruling of the Chair and, upon being voted down by the Senate, it would then be in order to suggest the absence of a quorum again. In this fashion, a single Senator, without the support of anyone else, can keep the clerk calling the roll all night long without the necessity of even making a speech in support of his position. This is a ridiculous situation.

So long as we retain these archaic rules, I reserve to myself the right to take full advantage of them.

Like everyone else in government, I have but one complaint—that I have so little influence. Like everyone else, I am convinced that everything which is wrong about this Government could be corrected if everyone would do exactly as I think they should do. I am sure that every President and most Senators who have served here for 20 years have probably shared or come near sharing that view.

But a legislative body must find ways to permit the majority view to prevail and, as I have said before, the Senate is inexcusably inefficient, in according a small minority, sometimes a minority of merely one, the right to so greatly impede a majority of 99 percent.

What I am suggesting would still permit a single Senator to delay the Senate for a long time—a day or even two days at a time—and a lot longer than that if anyone agreed with him sufficiently to do anything about it.

A third proposed change of the rules which I am offering—Senate Resolution 379—would provide that, when a rollcall vote is taken, a Senator entering the Chamber within 5 minutes after the result has been announced could be recorded as voting—provided it did not change the result. If the result would be changed then a motion to reconsider would be in order, as indeed it would be under the present rules. This should reduce the time for the average rollcall from 15 minutes to about 10.

The only argument that occurs to me against this proposal is that it might hurt attendance on the floor. This argument I would answer: There is nothing that anyone can do that would hurt attendance on the floor. Most of the time there is no Senator on the floor anyway except one who is making the speech, one who is caught in the chair of the Presiding Officer, and two who have been recruited to protect the majority and minority leaders and their rights on the floor. To that number should be added two, or perhaps three others waiting their turns to speak or to insert something in the RECORD.

It may be precarious to say what I am going to say next, but Senators know this is true: on most rollcall votes the majority of the Senators come into the Chamber without having heard what was said immediately prior to the vote. They inquire of someone in whom they have confidence what the vote is all about, decide how they want to vote, and proceed to do so with no more than 60 seconds of explanation although the matter may have been the subject of several hours of debate. Obviously, the measures have been much better considered than this statement would indicate. Consideration within the legislative committees has been much more thorough. Senators on both sides have undertaken to acquaint others with their views over luncheon tables or by buttonholing them on the floor or in the cloakroom. Even so, the suggestion that anything is to be gained by continuing the present method—if indeed it be a method at all—of obtaining a required number of Senators to be present at the moment of the vote in order to be recorded has nothing to offer.

As a matter of fact, it will help to improve attendance in the Senate to know that Senators can expect something to happen if they will stick around for a while, rather than the present situation which guarantees that nothing will happen at any time soon, with the result that Senators find it more productive to spend their time somewhere other than on the floor of the Senate. There is a better prospect of something happening if a Senator is on the floor when the Senate is not wasting its time calling the role or stalling to prevent announcing the result of a vote while waiting for someone in the gym to finish his shower, don his clothes, and rush to the floor. It is amusing how one ridiculous system leads to another. One of the reasons it takes so long to muster a quorum or to complete a rollcall is that some Senators are in the gym getting their daily exercise. The reason they must get that exercise while the Senate is in session is that it takes so long to ever get anything done that the Senate stays in session long hours and practically all year long. The fact that it takes so long to bring a matter to a vote on the Senate floor is the largest single reason why 80 percent of the Senators are not on the floor except when a rollcall vote is being taken.

A fourth proposed change of the rule which I am offering—Senate Resolution 380—is that when a Senator has agreed to accord another Senator a live pair, both Senators should be recorded as voting rather than having both of them recorded as not voting. This proposed change of the rule would not in any way affect the fact that 51 Senators must be present and voting in order for the vote to be effective. Beyond that fact, it serves no purpose to require that a Senator be present in the Chamber in order for his vote to be recorded, so long as the Senator is well aware of what he is voting on and why.

I can recall occasions when we have hauled dying men into this Chamber on stretchers. For example, when Matt Neely, of West Virginia, was on his deathbed, he was carried into this Chamber to cast a vote in favor of the Democrats organizing the Senate. Everyone who ever knew Matt Neely knew that he was as partisan a Democrat as the Good Lord ever provided to his green earth; nothing on this side of Heaven could prevent him from voting with the Democrats to organize the Senate. No one could have had the least doubt how he wanted to vote. Why need we have hauled him into this body, particularly as one of the kind Senators on the other side of the aisle would have been willing to accord him a pair? In fact, how could our Republican friends have declined to have granted Matt Neely a pair when not to do so would have only produced the scene of this man being carried in on a stretcher. Yet, we still insist on a ridiculous rule which says that even though a man well knows how he wants to be recorded, when he is absent from the Chamber for whatever reason he must be recorded as absent and not voting unless he can persuade someone to respect his position to the extent that that man would decline to vote in order to give the absent member a pair. The pair then is the only means we have to reflect what the true will of the Senate would be if all Senators were respected as representatives of their State rather than what the vote would be if a man dying in a hospital or attending his daughter's wedding were denied the right to have his views reflected on the rollcall. The adoption of the four changes of the rules that I have suggested would not make the Senate an efficient body although it would take us a considerable way in that direction.

The fact that a man giving a pair may also be recorded as present and not voting is adequate excuse for declining to give a pair. This in turn is cause for the party leaders to seek to delay the conclusion of the rollcall until more of their troops are present.

If these should be agreed to, however, it will encourage other Senators to suggest other changes in the rules—indeed, it would encourage this Senator to suggest other changes until we no longer need apologize to the public that we have not discovered the 20th century.

If we will improve our procedures in about a dozen ways along this line, there is absolutely no reason why we cannot do a better job and complete our job in 6 or 7 months, leaving us anywhere from 5 to 6 months during which we can visit and live among the people whom we represent. This will make us reflect more truly their needs and their purposes instead of reading Washington newspapers—good though they may be—and absorbing the Washington point of view until we reflect that point of view rather than the point of view of those who sent us here. We would be better representatives of our people because we would understand their needs and desires much better and they will understand us better.

From a reading of the rules of the Senate one can see, beyond any peradventure of doubt, that these rules predate the invention of the telephone. Indeed, they predate the United States. They had their origin in British parliamentary practice and in Jefferson's Manual, which itself was derived from British practice. When the rules of the Senate were first written it made sense that a Senator should not vote if he were not present. Any proposed measure might be amended or changed during the consideration of the measure; the Senator might not have heard the arguments, facts may be presented which he had not considered. It may very well be that someone with his interests at heart, such as his clerk, knowing all of these facts, would urge him to change his position had he come rushing from his horse up the Senate steps, panting, with his hat in his hand.

Nowadays we have a telephone. While we have yet to install a loudspeaker or pipe the debate into offices of Senators, as we certainly should do, at least a Senator's administrative assistant can sit in the gallery hearing every word that is said, advise his boss of the arguments

and help him decide how he wants to be recorded. In the committees, we are well aware of the telephones.

If I might say a word of pride about the Senate Committee on Finance, long before I became chairman of that very fine committee, it was the practice to break a tie by calling absent Senators over the phone and inquire how they would want to vote. I recall that during the Eisenhower administration I was speaking to a convention of the local governing bodies of Louisiana, which in that State is known as the Police Juries. During the course of my speech I was called from the speaker's platform and informed that the Committee on Finance had reached a tie vote on the question of whether the Reciprocal Trade Act, recommended by President Eisenhower, was to be a 3- or a 5-year act. I replied that I would like to be recorded in support of the President for a 5-year act and, thereby, determined the outcome of the decision from 1,100 miles away.

Our current procedure in that same committee is to call a Senator, and when Senators so request, we will permit the Senator on one side of the issue to listen in on an extension and a Senator on another side of the issue to listen in on another extension. Each can explain why they think the Senator should vote on their side and then his vote will be recorded if he wishes it.

In at least one other respect the Senate has learned that there is such a thing as a telephone. Just off this Chamber there is a President's Room which is there in order that the President could have it available to consult with legislative leaders on the last day of a session to assure that matters which he deemed vital were not left undecided when the Senate adjourned sine die. Only once in the 20 years I have been a Senator has a President used the room and then only for the ceremonial signing of the Civil Rights Act of 1964. The reason that the room is no longer used for its intended purpose is that Alexander Graham Bell invented the telephone. Nowadays, the leadership on both sides of the aisle goes to the office of the Secretary of the Senate and informs the President that the Senate has concluded its business when we are ready to adjourn sine die, unless the President should object.

There are other things that should be done to modernize the Senate of the United States. We should have an electric voting machine behind the Presiding Officer's desk with buttons on every Senator's desk and a board with red and green lights beside every Senator's name as is the case in most of the State legislatures. Senators of the United States are so reluctant to even permit a machine to be installed that I am not pressing for it at this time. If I am successful in achieving some of these things which commonsense dictates, then I shall, at some future time, risk shocking some Senators by suggesting that we at least try the method of voting which has proved so successful in State legislatures that none of them would consider changing back to the old system.

When one suggests that we should use a voting machine, he is confronted with all sorts of questions for fear that the machine might not fit into our outdated practices. On that score I would only suggest that we should acquire the machine first and then learn how to use it. Like an automobile or a pocket in one's pants, it is so convenient that if one has it he will use it. The only way to keep one from using it is not to have it. I would suggest to Senators, for example, if we had the machine here, could we not agree that, with a rule to permit an absent Senator to be recorded 5 minutes after the vote is announced, and after we had agreed to vote at a moment certain, such as at 10 minutes after 5, might we not save the time of the Senate by using a machine? Better yet, suppose after having agreed to vote at a time certain—reserving Senators the right to be recorded for another 5 minutes—a vote was taken and 100 Senators were present and voting, observing 100 Senators in their seats, could we not then agree that a motion to reconsider and a motion to lay on the table could be taken by the machine? Under our present procedure when a motion is voted and a motion to reconsider is made, it is customary that a motion is then made to lay the motion to recommit on the table.

If this motion is defeated, then the motion to reconsider is taken. If this motion should carry, then the motion on the original question is again voted. Under present procedure, even with everyone present and anxious to vote, these three votes could take 45 minutes. Why should they not be disposed of in 3 minutes, or perhaps 1 minute?

When I was a boy, 12 years of age, I witnessed the sessions of the State Senate of Louisiana prior to the installation of a voting machine in the senate. The house of representatives at that time had a machine and I found myself wondering how long it would take for those old fuddy-duddies in the State senate to wake up to the fact that they, too, needed a machine. Subsequently, it was my privilege to serve as minute clerk when the senate of only 39 men operated with a voting machine. I found myself wondering how that body ever got by prior to the installation of the machine, especially with the large amount of work that was to be done in a 60-day session. When I came to Washington, my administrative assistant, who had worked for two previous Louisiana Senators, told me that I would change my mind about the necessity of a voting machine in the Senate. Yet, every year that I have been here, I have been more convinced than ever that it is utterly ridiculous that we should not have a voting machine.

I well recall the fight over the proposal for public financing of presidential campaigns. The votes were about equally divided. My side won every second critical vote, and the fight lasted for more than a month while first one side and then the other dragged its feet, seeking to bring more of its troops back into town.

This is a sorry way to decide such an important question. It makes better sense to find out how every Senator feels about an issue and let the majority prevail.

The Congressional Quarterly and the press generally have ways to learn how every Senator feels about a matter and who it is—if anybody—truly wants to abstain and remain unrecorded. If newspapers, magazines, radio, and television can do it, why cannot we?

I can think of some reasons why some might think otherwise, but those reasons do not deserve to be explained because they reflect no credit upon the individual or upon the Senate. Any such reason unworthy of being publicly stated should not prevail in this body. I am talking about the individual who might find it to his advantage to be against such release for such reason as not wanting to be on record, for example, on a public issue.

If we will improve our procedures in about a dozen ways along the lines that I have suggested, there is absolutely no reason why we cannot do a better job and complete our work in 6 or 7 months, leaving us anywhere from 5 or 6 months, during which we can visit and live among the people whom we represent. This will make us reflect more truly their needs and their purposes instead of reading Washington newspapers—good though they may be—and absorbing the Washington point of view until we reflect that point of view rather than the point of view of those who sent us here. We would be better representatives of our people because we would understand their needs and desires much better and they will understand us better.

I ask unanimous consent that I may submit at this point the various changes of the rules that I have suggested.

The PRESIDING OFFICER (Mr. SCHWEIKER). The resolutions will be received and appropriately referred.

The resolutions (S. Res. 377 through S. Res. 380), which read as follows, were referred to the Committee on Rules and Administration:

S. RES. 377

Resolved, That paragraph 5 of rule XXV of the Standing Rules of the Senate is amended to read as follows:

"5. Any committee may sit while the Senate is in session until (1) the conclusion of the morning hour, or (2) the Senate has proceeded to the consideration of unfinished business, pending business, or any other business except private bills and the routine morning business, which ever occurs earlier. Any committee may sit thereafter while the Senate is in session unless the Senate has agreed to a motion to forbid such action by one or more such committees during a designated period of time. Any such motion shall be decided without debate. When any such motion has been agreed to, it may be rescinded by a motion agreed to by majority vote of the Senate. Any such motion to rescind shall be decided without debate.".

S. RES. 378

Resolved, That paragraphs 2 and 3 of rule V of the Standing Rules of the Senate are amended to read as follows:

"2. On the first occasion during a daily session of the Senate on which a question is raised by any Senator as to the presence of a quorum, the Presiding Officer shall forthwith direct the Secretary to call the roll and shall announce the result. On any subsequent occasion during a daily session of the Senate on which such a question is raised, the presence or absence of a quorum shall be determined in the following manner. If the Presiding Officer believes that a quorum

is present, he shall count the Senators present without a call of the roll, and shall announce the result of his count. If the Presiding Officer does not believe that a quorum is present, or if his count of the Senators present does not disclose the presence of a quorum, he shall forthwith direct the Secretary to call the roll and shall announce the result. Proceedings taken under this paragraph shall be without debate.

"3. Whenever it shall be ascertained pursuant to paragraph 2 that a quorum is not present, a majority of the Senators present may direct the Sergeant at Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; and pending its execution, and until a quorum shall be present, no debate nor motion, except to adjourn, shall be in order.".

S. RES. 379

Resolved, That paragraph 1 of rule XII of the Standing Rules of the Senate is amended to read as follows:

"1. When the yeas and nays are ordered, the names of Senators shall be called alphabetically; and each Senator shall, without debate, declare his assent or dissent to the question, unless excused by the Senate. Except as provided by this paragraph, no Senator shall be permitted to vote after the decision shall have been announced by the Presiding Officer, but may for sufficient reasons, with unanimous consent, change or withdraw his vote. Within a period of five minutes after the announcement of a decision taken by the Senate by the yeas and nays, any Senator who was absent during the voting shall be entitled to state the vote which he would have cast if he had been present and to request that such vote be recorded as having been so cast. At the end of that period, the Presiding Officer shall determine without debate and announce whether the decision so taken by the Senate would be changed by the recording of all votes of absent Senators so requested during that period. If the Presiding Officer determines that the decision of the Senate would not be changed by the recording of all votes so requested by Senators who were absent, all such votes shall be recorded as having been cast during the yea and nay vote. If the Presiding Officer determines that the decision of the Senate would be changed by the recording of all votes so requested by Senators who were absent, none of the votes of the Senators who were absent shall be recorded as having been cast. No motion to suspend this rule shall be in order, nor shall the Presiding Officer entertain any request to suspend it by unanimous consent.".

S. RES. 380

Resolved, That rule XII of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

"4. When the yeas and nays are ordered upon any measure or matter, and a Senator who is present has entered into a pair upon that measure or matter with a Senator who is absent, the vote of each Senator who is a party to the pair shall be recorded upon request made by the Senator who is present when his name is called. No absent Senator shall be counted as present in determining whether a quorum is present.".

ORDER OF BUSINESS

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Geisler, one of his secretaries.

MANPOWER REPORT—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

This first Manpower Report of my Administration recounts the major developments in employment and unemployment during 1969 and the progress we made in that year in reshaping and strengthening existing manpower programs. The report also discusses the contributions of manpower programs to the country's crucial economic objectives—controlling inflation and limiting and mitigating any rise in unemployment.

Despite the significant advances described in this report, our experience during this past year has substantiated what I said last August when I proposed a new Manpower Training Act. I said then that the inefficiencies inherent in the present patchwork of manpower programs were intolerable and that a new legislative approach to manpower problems was in order. I proposed specific reforms at that time and I take this opportunity to urge, once again, their prompt enactment.

Other important topics treated in this Manpower Report include the need for improvements in our Unemployment Insurance system and for fundamental reform of our welfare system. Clearly, these institutions require basic reform if we are to be effective in preventing as well as relieving poverty. I again ask the Congress to act in these significant areas.

Full opportunity for all citizens remains a central goal for this Nation. To achieve that goal will require exceptionally well-constructed and well-administered manpower programs. We have made much progress toward that end in the last year, progress which is detailed in this document. But there is still a great deal to do—and this report is especially valuable because it clarifies and underscores these challenges.

RICHARD NIXON.

The WHITE HOUSE, *March 25, 1970.*

FEDERAL WATER POLLUTION CONTROL ACT

Mr. BYRD of West Virginia. Mr. President, as in legislative session, I ask the Chair to lay before the Senate a message from the House of Representatives on House Concurrent Resolution 559.

The PRESIDING OFFICER. The Chair lays before the Senate House Concurrent Resolution 559 which the clerk will state.

The legislative clerk read as follows:

H. CON. RES. 559

Resolved, That in the enrollment of the bill H.R. 4148, the Clerk of the House of Representatives is authorized and directed to enroll the title so as to read: "An Act to amend the Federal Water Pollution Control Act, as amended, and for other purposes."

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the resolution.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, House Concurrent Resolution 559 was considered and agreed to.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL NATIONAL MORTGAGE ASSOCIATION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the nomination on the Executive Calendar under "New Report."

The PRESIDING OFFICER. The nomination will be stated.

The LEGISLATIVE CLERK. Allan Oakley Hunter, of California, to be president of the Federal National Mortgage Association.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AIR TRAFFIC CONTROLLERS WORK STOPPAGE

Mr. JAVITS. Mr. President, I wish to say a word about another work stoppage by Government workers; namely, the air

traffic controllers, who have pretty much tied up air traffic to New York and, indeed, in other areas across the land.

This is a most unfortunate development in the continuing controversy which has raged between the Professional Air Traffic Controllers Association, called PATCO and the FAA.

Clearly, the stoppage is illegal and cannot be condoned.

The controllers should return to work immediately.

Today's work stoppage is the culmination of many months of rigidity and bitterness and, indeed, some ineptitude in the handling of this dispute by both sides. PATCO and FAA.

Several weeks ago, on the eve of a threatened stoppage, at my suggestion, the parties agreed to call in a Federal mediator to help them resolve their differences.

Regrettably, both sides appear to have so limited the mediator's functions as to make it impossible for him to offer any meaningful help in resolving the controversy.

I believe that, in the public interest—bearing in mind that I first believe that the controllers must return to work—a full-scale inquiry into the conduct of all parties to this dispute and the grievances which have been expressed by the air traffic controllers themselves—many of which grievances are, in fact, justified—should be undertaken by the congressional committees concerned with our air transportation system.

Congress and the public are entitled to a full explanation of the circumstances which have led up to the crisis in the air transportation field which is now facing us.

I believe such an inquiry will show that the work stoppage today could have been avoided by reasonable measures had the parties to the dispute acted providently.

Mr. President, I also believe that this work stoppage and the postal strike, which still goes on in New York, indicates that there is something radically wrong with our system of dealing with Government employee grievances. A way must be found to achieve better communication between Government agencies and the representatives of their employees, as well as better bargaining techniques calculated to avoid rigidity on either side.

Continuance of the present policy can only lead to a tragic polarization of feeling between the Government and its employees and ultimately to the use of troops—which I understand was necessary but could have been avoided—or other drastic measures in public employee labor disputes such as prosecutions under the penal law, which would further embitter the situation.

No country can stand extensive labor disputes and work stoppages against the Government. We should be vigilant to prevent matters from getting to that pass.

I deeply believe our procedures are very archaic in this matter. I think the President is trying to improve them. But they do not begin to do the job.

I think the postal strike and the work stoppage by the air traffic controllers are of sufficient severity that Congress should get on top of them now. I hope that we will get to work on the matter.

I urge the air traffic controllers to come back to work. I think that is their best course, having made their point and having called attention in many respects to their grievances which, as I say, are quite justified.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CARSWELL NOMINATION

Mr. HART. Mr. President, the legislative voice of the city of Detroit is its common council. It has voiced its position with respect to the pending nomination to the Supreme Court of Judge Carswell.

It would be a mistake for me to attempt to elaborate on that expression. It speaks to the point and concludes that the nomination should be opposed.

I think this position of the common council reflects the feeling of the great majority of the people of the city of Detroit.

For the information of all Senators, and I hope with some persuasive effects, I ask unanimous consent that the resolution of the common council which was sent over the signature of George C. Edwards, its city clerk, be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION OF THE CITY OF DETROIT
MARCH 12, 1970
(By Councilman Ravitz)

Whereas, In 1948, G. Harrold Carswell spoke in favor of racial segregation and thought so highly of his speech that he had it published in his weekly newspaper, and

Whereas, In 1956, Judge Carswell helped organize a group to buy the Tallahassee Municipal Golf Course to convert it to a private club that would bar black people, and

Whereas, In 1966 Judge Carswell participated in a land sale with a restrictive racial covenant in it, even though the Supreme Court had outlawed such covenants in 1954, and

Whereas, Countless distinguished attorneys have testified that Judge Carswell has exhibited his hostility to them and to the cause of civil rights for their advocacy of these rights, and

Whereas, Numerous legal scholars from all over the country have declared in writing that Judge Carswell's level of legal competence is far below the standards acceptable for the United States Supreme Court;

Now, Therefore, Be It Resolved, That the Common Council call upon U.S. Senators Hart and Griffin to vote against confirmation of the nomination of Judge Carswell when the matter is brought to the floor of the Senate, and

Be It Further Resolved, That copies of this resolution be sent promptly to the two Senators from Michigan and to the President of the United States.

Mr. HART. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, I am about to propound a unanimous-consent request. I wish to do it personally, so that I will make sure that all the corners are covered, and if I am not doing so, I will be called to account.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that upon completion of the Senate's business on Tuesday next, the Senate recess in legislative session until 12 o'clock noon on Wednesday, April 1, 1970; and further, that immediately after the prayer, the conference report on H.R. 514 be placed before the Senate, and the debate thereon be limited to 4 hours, to be equally divided and controlled by the Senator from Rhode Island (Mr. PELL) and the Senator from Mississippi (Mr. STENNIS) or whomsoever they shall designate; and that the vote on the Stennis motion to recommit the conference report occur at 4 p.m.

Mr. PELL. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. PELL. Did the Senator mean that there was to be a vote on the Stennis amendment at 4 p.m.?

Mr. MANSFIELD. On the Stennis motion; and that after that is disposed of, and not to exceed 1 hour later, there be a vote on the conference report.

The PRESIDING OFFICER (Mr. SCHWEIKER). The Chair would state that the conference report is not open to amendment, and no amendment could be voted on.

Mr. MANSFIELD. I was referring to the motion of the Senator from Mississippi to recommit; and that after that is disposed of, there be a vote on the conference report itself within 1 hour thereafter.

Mr. ALLEN. If it is still pending.

Mr. MANSFIELD. Yes, if it is still pending.

The PRESIDING OFFICER. The Chair would state—will the Senator finish his statement?

Mr. MANSFIELD. That is the statement. Up to that point, is it understood?

Mr. JAVITS. Mr. President, one other point if the Senator will yield. It is understood that the Stennis motion to recommit will be concerned with the so-called Stennis amendment?

Mr. STENNIS. That is correct, Mr. President. May I ask the majority leader a question at this point?

Mr. MANSFIELD. Yes.

Mr. STENNIS. If the Senator will yield to me.

Mr. MANSFIELD. Yes, indeed.

Mr. STENNIS. I just stated that the motion the Senator from Mississippi has in mind would be on the amendment referred to by the Senator from New York.

I have in mind, now, a general motion to recommit generally, without assigning all the reasons. There may be others who would want to be more specific.

It has been agreed, as I understand, that they would have a chance to offer that if there is either an amendment to my motion or another motion to recommit. Say, it refers to section (c). I want that clearly understood—that no one else is cut off and that some time be allowed.

Mr. JAVITS. Mr. President, the intention of the majority leader—and he will correct me if I am wrong—is that when the 1 hour debate has expired after the vote on the Stennis motion to recommit, concerned with the Stennis amendment—however he may phrase it—that during that hour if he or Senator PELL yields time, or even without time, another Member might make a motion to recommit. That will then be voted on immediately before the vote up or down on the conference report. Assuming that the conference report still survives, it will be voted on up or down within 1 hour after—that is, when the 1 hour expires—after the first vote on the Stennis motion.

Mr. MANSFIELD. I concur completely with the Senator from New York's explanation.

Mr. JAVITS. Is that all right with the Parliamentarian?

The PRESIDING OFFICER. The Chair would ask if the motion to recommit with instructions is solely limited to the Stennis amendment.

Mr. JAVITS. As I understand it, the parties on the other side, Senator STENNIS included, say that the first motion which we will face within 4 hours after 12 o'clock on Wednesday will be a motion to recommit, with instructions, or some motion regarding the Stennis amendment. The Senator then says that in the succeeding hour after that is voted on, assuming that the conference report is still before us, there may be other motions to recommit also regarding the Stennis amendment; whatever there is will then be voted on immediately before the vote up or down.

Mr. GRIFFIN. It need not be limited to the Stennis amendment.

Mr. JAVITS. It need not. I will accept that. Any other motion to recommit will then come between the time of voting on the Stennis amendment and 1 hour thereafter.

As I understand the parliamentary rule, it must be voted on after the time has expired—to wit, 1 hour—and immediately thereafter the unanimous-consent request calls for a vote, up or down, on the conference report, assuming that it is still before us.

Mr. MANSFIELD. That is correct.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. Reserving the right to object, it seems to me that the time for debate on any of the motions to recommit, in addition to the general one I alluded to, should come before the beginning of this 1-hour debate on the conference report as a whole. It was a bill. So if some time will be allowed——

Mr. MANSFIELD. The time would be under the control of the Senator from Mississippi and the Senator from Rhode Island.

Mr. STENNIS. There are only 2 hours in all for each side. Suppose we might have—I do not know whether we will, but suppose we might have three or four proposals, motions to recommit, with a specific instruction. It would take more than the 2 hours for each side, perhaps.

Mr. MANSFIELD. How about 6 hours, and we will come in at 10 o'clock?

Mr. STENNIS. That would be all right, just so that there is enough time to argue them. I do not want to delay.

Mr. JAVITS. Six hours is fine.

Mr. MANSFIELD. I change the request so that the time to be divided before the vote at 4 o'clock will be 6 hours equally divided.

Mr. JAVITS. We will come in at 10 a.m. and vote at 4 p.m. on the Stennis amendment.

The PRESIDING OFFICER. Will the Senator from Montana restate the last point?

Mr. MANSFIELD. I just changed the hours to be allocated from 4 to 6 hours, the rest of the proposal to remain as is.

Mr. GRIFFIN. And to come in at 10 o'clock.

Mr. MANSFIELD. That is implied. We will get to that specific request later.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. ALLEN. Reserving the right to object, I think there is more to come, and I would like to hear the rest of it.

The PRESIDING OFFICER. The Senator will proceed.

Mr. HOLLAND. Mr. President, reserving the right to object—and I shall not object—unless I misunderstand the situation, I understood that the unanimous-consent agreement would also fix a time for the vote on the Carswell nomination.

Mr. MANSFIELD. I am getting to that.

The PRESIDING OFFICER. The Chair just stated that the Senator was to proceed with the whole package.

Mr. HOLLAND. I understand that the Presiding Officer was about to put the question on the package up to now.

The PRESIDING OFFICER. The Chair amended that.

Mr. HOLLAND. I thank the Presiding Officer.

Mr. MANSFIELD (continuing). That upon the completion of the Senate's business on Friday, April 3, 1970, the Senate recess, in executive session, until 10 a.m., Monday, April 6, 1970; that immediately after the prayer on Monday, April 6, the Chair will place before the Senate the nomination of G. Harrold Carswell. At that time, if such a motion has not previously been offered—that is, during the previous week—the Senator from Indiana (Mr. BAYH) or his designee will move that the nomination of G. Harrold Carswell be recommitted to the Judiciary Committee; that the debate on that motion on Monday, April 6, will be limited to 3 hours, to be equally divided between and controlled by the mover of the motion and the Senator from Nebraska (Mr. HRUSKA) or whomsoever they may designate.

Further, that the vote on the motion to recommit will occur at 1 p.m., Monday, April 6, 1970—the Senate convening that day at 10 o'clock—or as soon thereafter, as a motion to table the recommital motion is disposed of, if such a motion to table is made; that if the motion to recommit the nomination on Monday, April 6, 1970, at 1 p.m., does not prevail, or the motion to table the recommital motion does prevail then the vote on the confirmation of the nomination of G. Harrold Carswell will occur at 1 p.m. on Wednesday, April 8, 1970.

Mr. SCOTT. Following 3 hours of debate.

Mr. MANSFIELD. Following 3 hours of debate.

Mr. BROOKE. Mr. President, will the Senator yield for a question?

Mr. MANSFIELD. I yield.

Mr. BROOKE. Would there be an opportunity for a motion to table on Wednesday?

Mr. MANSFIELD. Yes, indeed.

Mr. BROOKE. Would that be written into the consent agreement, as well?

Mr. MANSFIELD. That motion, may I say, always is in order.

Mr. BROOKE. We have spelled it out on Monday, and I think we ought to be able to spell it out on Wednesday.

Mr. HRUSKA. Mr. President, it is not my information that a motion to table would always be in order if there is a unanimous-consent agreement to vote at a time specific, and I should like to have some information on that from the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is correct, that normally the situation would preclude a motion to table. But the way the question was stated, the agreement does include a motion to table as a possibility.

Mr. HRUSKA. And when would that motion to table be eligible?

The PRESIDING OFFICER. At 1 o'clock after debate.

Mr. HRUSKA. At the conclusion of the debate?

The PRESIDING OFFICER. That is correct.

Mr. HRUSKA. To be followed by a vote on the nomination proper, depending upon the outcome of the vote?

Mr. MANSFIELD. That is correct.

Mr. BROOKE. Mr. President, I am asking the majority leader if that will be written in the unanimous-consent agreement

Mr. MANSFIELD. We will be glad to write it in, to make sure, and I add it to the unanimous-consent request.

The PRESIDING OFFICER. Is there objection?

Mr. BAYH. Mr. President, I reserve the right to object.

Mr. ALLEN. Mr President, I reserve the right to object.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, I want to

commend the distinguished majority leader for reconciling the irreconcilable and coming up with this request, which seems to meet with general approval. I would like to inquire as to what the pending business will be before the Senate if the agreement is made.

Mr. MANSFIELD. We will go back on the Carswell nomination. I daresay there will be little speaking on that, but the Senate will then proceed to the consideration of the stockpile bills, the extension of Hill-Burton, the rural telephone bill, and other measures. There is plenty to occupy the attention of the Senate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The unanimous-consent agreements, later reduced to writing, are as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, that effective after the prayer on Wednesday, April 1, 1970 (with the Senate convening in legislative session at 10 a.m.), further debate on the conference report on H.R. 514, primary and secondary education, be limited to six hours with the time to be equally divided and controlled by the Senator from Rhode Island (Mr. PELL) and the Senator from Mississippi (Mr. STENNIS), after which the Senate will immediately proceed to vote on the Stennis motion to recommit, with or without instructions. After the vote on the Stennis motion there will be an hour of debate on adoption of the report should the Stennis motion fail with the time to be equally divided and controlled by the Senator from Rhode Island (Mr. PELL) and the Senator from Mississippi (Mr. STENNIS), following which any other motions to recommit with or without instructions if offered will be voted on without further debate, to be followed by a vote on the adoption of the conference report if it has not otherwise been disposed of.

UNANIMOUS CONSENT AGREEMENT

Ordered, that effective on Monday, April 6, 1970, (with the Senate convening in executive session at 10 a.m.) further debate on the nomination of G. Harrold Carswell to be Associate Justice of the United States Supreme Court, with the pending question on the motion of the Senator from Indiana (Mr. Bayh), to recommit the nomination to the Committee on the Judiciary, be limited to three hours to be equally divided and controlled by the Senator from Indiana (Mr. Bayh) and the Senator from Nebraska (Mr. Hruska), or whomever they may designate, with the vote coming at 1 o'clock, or following a vote on a motion to table the motion to recommit if such a motion should first be offered. Following the above vote or votes the Senate will proceed to vote on the confirmation of the nomination at 1 o'clock on April 8, 1970, or following the vote on a motion to table the nomination should such motion be made, and if the nomination is still before the Senate.

ORDER FOR ADJOURNMENT FROM TUESDAY, MARCH 31, TO WEDNESDAY, APRIL 1, 1970, AT 10 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of business on Tuesday, March 31, 1970, the Senate stand in adjournment until 10 o'clock a.m. on Wednesday next, April 1, 1970.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM FRIDAY, APRIL 3, 1970, UNTIL 10 O'CLOCK A.M. THE FOLLOWING MONDAY, APRIL 6, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of business on Friday next, April 3, 1970, the Senate stand in adjournment until 10 o'clock a.m. the following Monday, April 6, 1970.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TUESDAY, APRIL 7, 1970, UNTIL WEDNESDAY, APRIL 8, 1970, AT 10 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of business on Tuesday, April 7, 1970, a week from this Tuesday, the Senate stand in adjournment until 10 o'clock the next morning, Wednesday, April 8, 1970.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, reserving the right to object—and I shall not object—I should like for the RECORD to show that I hope the majority leader's request for coming in at 10 a.m. tomorrow morning does not rely on the need to move to the second order of business alluded to in the last part of the unanimous-consent request.

Mr. MANSFIELD. Well, time and the Senate will tell.

All I can say is thanks.

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senator from Missouri (Mr. EAGLETON) completes his remarks tomorrow, the Senator from Ohio (Mr. YOUNG) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SCOTT. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. SCOTT. It is my understanding that no rollcall votes are planned for tomorrow, or for Tuesday next. Would that be the understanding of the majority leader?

Mr. MANSFIELD. Not necessarily, because there are a number of stockpile bills—16, I believe. There is also the question of the Hill-Burton extension, and the question of the rural telephone extension. If the appropriate Members are here, it is possible that there would be votes on these measures.

I see the distinguished Senator from Delaware (Mr. WILLIAMS) is in the Chamber. He has a vital interest in the stockpile bills and has served notice that he has an amendment to offer to each of those bills. If appropriate Senators are on the floor, we would like to take them up and get them out of the way.

Mr. WILLIAMS of Delaware. Let me say to the distinguished majority leader that there will be some votes on those bills.

Mr. MANSFIELD. It all depends, but it appears that there will be no postal legislation this week. The conferees are meeting, and the possibility that we would have had to remain in session over the two-day recess I think has been negated because of that fact.

Mr. SCOTT. I thank the majority leader.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President I ask unanimous consent that on tomorrow, following the two special orders previously alluded to, there be a brief period for the transaction of routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS ON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during the period for the transaction of routine morning business on tomorrow, statements therein be limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. I ask unanimous consent that the order for the quorum call will be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR AIKEN TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, at the conclusion of the remarks by the able Senator from Ohio (Mr. YOUNG), the able senior Senator from Vermont (Mr. AIKEN) be recognized for not to exceed 30 minutes, prior to the period for the transaction of routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 9 minutes p.m.) the Senate adjourned until tomorrow, Thursday, March 26, 1970, at 10 a.m.

CONFIRMATION

Executive nominations confirmed by the Senate March 25, 1970:

FEDERAL NATIONAL MORTGAGE ASSOCIATION

Allan Oakley Hunter, of California, to be President of the Federal National Mortgage Association.

HOUSE OF REPRESENTATIVES—*Wednesday, March, 25, 1970*

The House met at 12 o'clock noon.

Rev. W. Christopher Hobgood, First Christian Church, Alexandria, Va., offered the following prayer:

Almighty God, we beseech guidance on this Hall. Here wars have been declared, peace celebrated, accomplishments recognized, and the Nation's directions have taken form.

Remind us that we harm history by not recognizing the purpose of the past, and do greater harm by not seeing our opportunities today.

In this land of promise, make us good stewards of the natural world; workers for justice; advocates of the day when "swords will become plowshares"; persons committed to excellence of ideal.

Bless the women and men who shape legislation here, with wisdom to know right and compassion to see every person as precious.

That peace and hope may be central so that all may be free to celebrate life's goodness, we dedicate today in this great House. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4148) entitled "An act to amend the Federal Water Pollution Control Act, as amended, and for other purposes."

THE PRESIDENTIAL MESSAGE ON DESEGREGATION—THE SAME OLD STORY

(Mr. FLOWERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLOWERS. Mr. Speaker, as far as I am concerned, the much-publicized Presidential message on desegregation simply amounted to a rehash of the same old story. While showing some real fancy footwork and trying to be all things to all people, I am afraid that what the President has really done is add his support to the dual standard and unequal treatment for the South that had already been established by the Supreme Court and HEW.

From the statement we can only conclude that freedom of choice is the law of the land everywhere but in the South. Forced busing is undesirable everywhere but in the South. The neighborhood school concept is good for everybody except us in the South and by engaging in rhetoric about the de facto and de jure differences in the origin of any segregation in education, the President is really saying to the North, East, and West that you can go ahead with yours the way it always has been but we are going to keep putting pressure on the South.

I do not know how this message will be received by others but I, for one, have just about had enough of this playing politics with our schools. We are either going to have a single national policy with single national standards or we are not, and they are not going to fool me with this cute distinction of what segregation is founded on neighborhood housing patterns and what began as a matter of law.

PROVIDING FUNDS FOR COMMITTEE ON AGRICULTURE

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–944) on the resolution (H. Res. 583) to provide additional funds for the Committee on Agriculture, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 583

Resolved, That effective December 1, 1969, the further expenses of conducting the studies and investigations authorized by H. Res. 127, Ninety-first Congress, incurred by the Committee on Agriculture, acting as a whole or by subcommittee, not to exceed an additional $100,000, including expenditures for the employment of accountants, experts, investigators, attorneys, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House, on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration.

SEC. 2. The official committee reporters may be used at all hearings, if not otherwise officially engaged.

SEC. 3. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the Chairman of the Committee on Agriculture shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

With the following committee amendment:

On page 1, line 1, strike out the following: "effective December 1, 1969,".

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR COMMITTEE ON SCIENCE AND ASTRONAUTICS

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–945) on the resolution (H. Res. 649) to provide funds for the further expenses for the studies, investigations, and inquiries authorized by House Resolution 192, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 649

Resolved, That the further expenses for the studies, investigations, and inquiries authorized by H. Res. 192, incurred by the Committee on Science and Astronautics, acting as a whole or as a duly authorized subcommittee, not to exceed $400,000, including expenditures for employment, travel, and subsistence of attorneys, experts, and consultants (including personnel of the Library of Congress performing services on reimbursable detail) and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Science and Astronautics shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

With the following committee amendment:

On page 1, line 5, strike out $400,000 and insert in lieu thereof $350,000.

The committee amendment was agreed to:

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR THE COMMITTEE ON ARMED SERVICES

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–946) on the resolution (H. Res. 750) to provide for the further expenses of the investigation and study authorized by House Resolution 105, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 750

Resolved, That the further expenses of the investigation and study to be conducted pursuant to H. Res. 105, by the Committee on Armed Services, acting as a whole or by subcommittee, not to exceed $250,000, including expenditures for the employment of special counsel, consultants, investigators, attorneys, experts, and clerical stenographic, and other assistants appointed by the chairman of the Committee on Armed Services, shall be paid out of the contingent fund of the House on vouchers authorized by such committee or subcommittee, signed by the chairman of the Committee on Armed Services, and approved by the Committee on House Administration.

SEC. 2. The chairman of the Committee on Armed Services shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing laws.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR COMMITTEE ON GOVERNMENT OPERATIONS

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 97–947) on the resolution (H. Res. 752) providing for the expenses of conducting studies and investigations authorized by rule XI(8) incurred by the Committee on Government Operations, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 752

Resolved, That the further expense of conducting the studies and investigations authorized by rule XI(8) and H. Res. 214, Ninety-first Congress, incurred by the Committee on Government Operations acting as a whole or by subcommittee, not to exceed $900,000 including expenditures for employment of experts, special counsel, and clerical, stenographic, and other assistants, which shall be available for expenses incurred by said committee or subcommittee within and without the continental limits of the United States, shall be paid out of the contingent fund of the House on vouchers authorized by said committee, signed by the chairman thereof, and approved by the Committee on House Administration.

SEC. 2. The official stenographers to committees may be used at all hearings held in the District of Columbia, if not otherwise officially engaged.

SEC. 3. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Government Operations shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR THE COMMITTEE ON THE JUDICIARY

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–948) on the resolution. (H. Res. 780) to provide funds for the Committee on the Judiciary, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 780

Resolved, That the additional expenses of conducting the studies and investigations authorized by H. Res. 93 of the Ninety-first Congress, incurred by the Committee on the Judiciary, acting as a whole or by subcommittee, not to exceed $250,000 including expenditures for the employment of experts, special counsel, clerical, stenographic, and other assistants, and all expenses necessary for travel and subsistence incurred by members and employees while engaged in the activities of the committee or any subcommittee thereof, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee and approved by the Committee on House Administration.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on the Judiciary shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

With the following committee amendment:

On page 2, add the following:

"SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law."

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR SELECT COMMITTEE ON SMALL BUSINESS

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–949) on the resolution (H. Res. 781) providing funds for the operation of the Select Committee on Small Business, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 781

Resolved, That the further expenses of conducting the study and investigation authorized by H. Res. 66 of the Ninety-first Congress, incurred by the select committee appointed to study and investigate the problems of small business, not to exceed $515,000 in addition to the unexpended balance of any sum heretofore made available for conducting such study and investigation, including expenditures for the employment of investigators, attorneys, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman thereof, and approved by the Committee on House Administration.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Small Business shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

With the following committee amendment:

On page 1, line 5, strike out "$515,000" and insert in lieu thereof "$465,000."

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR COMMITTEE ON BANKING AND CURRENCY

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–950) on the resolution (H. Res. 783) to provide additional funds for the expenses of studies, investigations, and inquiries authorized by House Resolution 152, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 783

Resolved, That the further expenses of conducting the investigations and studies authorized by H. Res. 152, Ninety-first Congress, incurred by the Committee on Banking and Currency, acting as a whole or by subcommittee, appointed by the chairman of the committee, not to exceed $331,000, in addition to the unexpended balance of any sum heretofore made available for conducting such investigations and studies, including expenditures for employment, travel, and subsistence of accountants, experts, investigators, attorneys, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Banking and Currency shall furnish the Committee on House Administration information with respect to any

study or investigation intended to be financed from such funds.

With the following committee amendment:

On page 2, add:

"SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law."

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR COMMITTEE ON BANKING AND CURRENCY

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–951) on the resolution (H. Res. 784) to provide additional funds for the expenses of the studies, investigations, and inquiries authorized by House Resolution 152, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 784

Resolved, That the further expenses of conducting the studies, investigations, and inquiries authorized by H. Res, 152, Ninety-first Congress, incurred by the Committee on Banking and Currency, acting as a whole or by subcommittee, not to exceed $350,000 in addition to the unexpended balance of any sums heretofore made available for conducting such investigations, studies, and inquiries, including expenditures for employment, travel, and subsistence of attorneys, accountants, experts, investigators, and clerical, stenographic, and other assistants, with respect to any matter or matters in the field of housing coming within the jurisdiction of such committee or subcommittee, including, but not limited to, (1) the status and adequacy of mortgage credit in the United States, (2) the terms and availability of conventional mortgage financing, (3) the flow of savings in relation to home financing needs, (4) the operation of the various Government-assisted housing programs, (5) the current rate of construction of residential dwelling units in relation to housing requirements and demands, (6) the role of housing construction in the national economy, (7) the requirement of and demand for Federal assistance in the development of community facilities, including mass transportation and other related facilities, (8) urban and suburban problems, including transportation facilities, as they affect the availability of adequate housing, (9) the operation of the slum clearance and urban renewal programs, and (10) rural housing and adequacy of rural housing credit, shall be paid out of the contingent fund of the House on vouchers authorized by such committee or subcommittee, and approved by the Committee on House Administration.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Banking and Currency shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–952) on the resolution (H. Res. 785) to provide funds for the expenses of the studies and investigations authorized by House Resolution 131, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 785

Resolved, That the further expenses of conducting the studies and investigations authorized by H. Res. 131 by the Committee on Merchant Marine and Fisheries, not to exceed $200,000, in addition to the unexpended balance of any sums heretofore made available for conducting such studies and investigations, including expenditures for the employment of investigators, attorneys, and experts, and clerical, stenographic, and other assistants, and all expenses necessary for travel and subsistence incurred by members and employees while engaged in the activities of the committee or any subcommittee thereof, shall be paid out of the contingent fund of the House on vouchers authorized and signed by the chairman of such committee and approved by the Committee on House Administration.

SEC. 2. The chairman, with the consent of the head of the department or agency concerned, is authorized and empowered to utilize the reimbursable services, information, facilities, and personnel of any other departments or agencies of the Government.

SEC. 3. The official committee reporters may be used at all hearings held in the District of Columbia, if not otherwise officially engaged.

SEC. 4. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Merchant Marine and Fisheries shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 5. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

With the following committee amendment:

On Page 1, line 4, strike out "$200,000", and insert in lieu thereof "$175,000".

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–953) on the resolution (H. Res. 786) to provide further funds for the expenses of the investigations authorized by House Resolution 21, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 786

Resolved, That the further expenses of investigations and studies to be made pursuant to H. Res. 21 by the Committee on Interior and Insular Affairs acting as a whole or by subcommittee, not to exceed $80,000, including expenditures for the employment of professional, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any matter which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Interior and Insular Affairs shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR COMMITTEE ON EDUCATION AND LABOR

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–954) on the resolution (H. Res. 789) providing for the expenses incurred pursuant to House Resolution 200, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 789

Resolved, That, effective from January 3, 1970, the expenses of the studies and investigations to be conducted pursuant to H. Res. 200 by the Committee on Education and Labor, acting as a whole or by subcommittee, not to exceed $769,600, including expenditures for the employment of investigators, attorneys, and experts, and clerical, stenographic, and other assistants, and all expenses necessary for travel and subsistence incurred by members and employees while engaged in the activities of the committee or any subcommittee thereof, shall be paid out of the contingent fund of the House on vouchers authorized and signed by the chairman of such committee and approved by the Committee on House Administration. Of such amount $60,000 shall be available for each of six standing subcommittees of the Committee on Education and Labor, and not to exceed $409,600 shall be available to the Committee on Education and Labor.

SEC. 2. The official committee reporters may be used at all hearings held in the District of Columbia, if not otherwise officially engaged.

SEC. 3. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Education and Labor shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

With the following committee amendment:

On Page 1, line 1, delete "That, effective from January 3, 1970, the" and insert in lieu thereof "That the further"

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR COMMITTEE ON PUBLIC WORKS

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–955) on the resolution (H. Res. 801) to provide funds for the further expenses of the studies, investigations, and inquiries authorized by House Resolution 189, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 801

Resolved, That the further expenses of the studies and investigations to be conducted pursuant to H. Res. 189 by the Committee on Public Works, acting as a whole or by subcommittee, not to exceed $587,000, including expenditures for the employment of investigators, attorneys, and experts, and clerical, stenographic, and other assistants and all expenses necessary for travel and subsistence incurred by members and employees while engaged in the activities of the committee or any subcommittee thereof, as the chairman deems necessary, shall be paid out of the contingent fund of the House on vouchers authorized and signed by the chairman of such committee and approved by the Committee on House Administration.

SEC. 2. The chairman, with the consent of the head of the department or agency concerned, is authorized and empowered to utilize the reimbursable services, information, facilities, and personnel of any other departments or agencies of the Government.

SEC. 3. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Public Works shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR SELECT COMMITTEE CREATED BY HOUSE RESOLUTION 17

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–956) on the resolution (H. Res. 808) to provide funds for the study and investigation authorized by House Resolution 17, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 808

Resolved, That the further expenses of the study and investigation to be conducted by the select committee created by H. Res. 17, not to exceed $850,000 including expenditures for the employment of investigators, attorneys, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman thereof, and approved by the Committee on House Administration.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditures in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Select Committee To Investigate and Study Crime in the United States shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resoultion shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

Mr. HAYS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with and that it be printed in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment. On page 1, line 3, strike out "$850,000" and insert in lieu thereof "$600,000".

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING EXPENSES FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–957) on the resolution (H. Res. 815) providing expenses for the Committee on Interstate and Foreign Commerce, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 815

Resolved, That the further expenses of investigations and studies to be made pursuant to House Resolution 116 by the Committee on Interstate and Foreign Commerce, acting as a whole or by subcommittee, not to exceed $465,000, including expenditures for the employment of professional, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purposes by any other committee of the House, and the chairman of the Committee on Interstate and Foreign Commerce shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

Mr. HAYS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with and that it be printed in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR COMMITTEE ON VETERANS' AFFAIRS

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–958) on the resolution (H. Res. 836) to provide additional funds for the expenses of the investigation and study authorized by House Resolution 47, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 836

Resolved, That the further expenses of conducting the study and investigation authorized by H. Res. 47 of the Ninety-first Congress, incurred by the Committee on Veterans' Affairs, not to exceed $100,000 in addition to the unexpended balance of any sum heretofore made available for conducting such study and investigation shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman thereof, and approved by the Committee on House Administration.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Veterans' Affairs shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

Mr. HAYS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with and that it be printed in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING FUNDS FOR COMMITTEE ON INTERNAL SECURITY

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–959) on the resolution (H. Res.

844) authorizing the expenditure of certain funds for the expenses of the Committee on Internal Security, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 844

Resolved, That, effective January 3, 1970, expenses of conducting the investigations authorized by clause 11 of rule XI of the Rules of the House of Representatives, incurred by the Committee on Internal Security, acting as a whole or by subcommittee, not to exceed $480,000, including expenditures for employment of experts, special counsel, investigators, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by said committee and signed by the chairman of the committee, and approved by the Committee on House Administration.

SEC. 2. That the official stenographers to committees may be used at all hearings, if not otherwise officially engaged.

SEC. 3. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Internal Security shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

Mr. HAYS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with and that it be printed in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

COMMITTEE AMENDMENTS

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments:

On page 1, line 1, delete "That, effective January 3, 1970," and insert in lieu thereof "That the further".

On page 1, line 5, strike out "$480,000" and insert in lieu thereof "$450,000".

Mr. HAYS. Mr. Speaker, with my usual benign consideration for the sensibilities of other Members, I yield 3 minutes to the gentleman from New York (Mr. RYAN) for his annual speech on this resolution.

Mr. RYAN. Mr. Speaker, at least the gentleman from Ohio did not refer to "benign neglect," and I appreciate his benign compassion.

Mr. Speaker, the gentleman is correct. As the House well knows, I do rise annually on the floor to protest the extravagant and exorbitant amount of money voted routinely for the Un-American Activities Committee, now dubbed the House Internal Security Committee.

But a rose by any other name, the old saying goes, smells the same.

We are here faced with a request for some $450,000, almost a half million dollars, to finance the activities of this committee for the forthcoming year.

Last year the amount was $400,000. I do not know what has transpired in the last year to justify an increase of $50,000. But at a time when Members of this House are constantly expressing their concern about inflation and Government spending, it would seem to me that the first place we should cut is the budget of this committee.

In 1968 the appropriation was $375,000; in 1967 it was $350,000. Without rhyme or reason, it snowballs each year.

The history of the committee is clear. I have repeated year after year on this floor, as have others, how it has infringed on basic civil liberties; how it has brought shame and discredit through its procedures and through the nature of its hearings upon the House of Representatives; how it is practically barren of any legislative activity.

The old saw about throwing good money after bad is exactly on point here.

The mandate in rule XI of the House Rules for the Internal Security Committee is so broad ranging and vague that the committee in effect has carte blanche to undertake intrusive investigation into virtually every organization and person who perceives ills in our society and seeks to ameliorate them. The committee's very existence signals the urge toward repression which is egging on bigotry throughout our Nation.

What is more, the powers of the House Internal Security Committee encroaches upon the jurisdiction of other committees of the House. This is particularly true in regard to the Judiciary Committee, which has traditionally had jurisdiction over matters of espionage, sedition, and the criminal penalties associated with these crimes.

Nor can this request for $450,000 be considered in isolation from past history. The name may be different but the aims are the same. The House Internal Security Committee remains, in purpose and in intent, the direct successor to the House Un-American Activities Committee. As did HUAC, so does this committee serve, as I said last April 1 when I opposed the appropriation for this Committee, "to harass and expose, not to investigate."

Past legislative history dictates rejection of the current appropriation recommendation of $450,000. Throughout its history only six bills reported out of this committee and its predecessor have been enacted into law. During the 89th Congress not one bill reported out was passed by this House. In the 90th Congress one bill was passed by both Houses of Congress and signed into law. Thus far, in the 91st Congress, only one bill reported out—H.R. 14864—has been passed by this House. And as I said on January 29 in opposition to H.R. 14864:

Virtually every section . . . is objectionable for its infringement upon individual liberties.

This is quite a costly record the people of this country have been bearing—not only in terms of the objectionable nature of the legislation reported out of the House Internal Security Committee, but, as well, in terms of the meager production for which so much money has been spent.

The record of the first session of this Congress amply demonstrates the total lack of legislative need for this Committee. In 1969, 15,434 bills were introduced in the House. Almost unbelievably, only 25 bills were referred to the House Internal Security Committee. And of these 25, 20 were either identical to each other or very similar. Thus, the grand total of substantive legislation before this Committee in 1969 amounted to five bills—a number so small as to make the current recommendation for $450,000 ludicrous.

But the story does not end at this point. All five of these bills properly belonged within the jurisdiction of other committees.

Let me briefly outline the status of each of these bills referred to the Internal Security Committee.

H.R. 384, introduced January 3, 1969, requires the Attorney General to maintain a register of Communist-action, Communist-front, and Communist-infiltrated organizations. The bill is currently in committee, as well it might be, since this or similar bills have been introduced in the last four Congresses without ever having been reported out.

H.R. 959, introduced January 3, 1969, proscribes two types of activities: obstructing movement of military personnel or supplies; and giving aid to nations with which the United States is engaged in armed conflict. Almost the identical bill was introduced in the 89th Congress as H.R. 11864, and was then referred to the Judiciary Committee. H.R. 959 is currently in committee—hearings were held on September 15 and 16. The statements of J. Walter Yeagley, Assistant Attorney General, Internal Security Division, Department of Justice, before the Subcommittee of the Committee on Internal Security holding hearings on H.R. 959 on September 15, 1969, shows that even the administration sees no need for this legislation. Assistant Attorney General Yeagley said:

The Department of Justice, as stated in the report from the Deputy Attorney General, knows of no compelling need, from a legal or factual standpoint, for this proposed legislation.

H.R. 11731, introduced on May 27, 1969, in effect makes dissent on college campuses criminal. The bill proscribes acts of force, threats of such acts, occupying of buildings, and "any other overt act in violation of any provision of law or any duly adopted rule or regulation promulgated by appropriate administrative authority of such federally assisted institution" willfully committed with intent to prevent, obstruct, or interfere with the orderly administration or operation of a federally assisted institution. Like the other bills, H.R. 11731 is in committee. Its concern with activities on college campuses likens it to H.R. 10940 and H.R. 13842, both of which were referred to the Judiciary Committee.

H.R. 11825 and numerous similar bills provide for repeal of the Emergency Detention Act of 1950, which is title II of the Internal Security Act of 1950. Hearings on these bills began last week, on March 16. Again, this same subject matter is before the Judiciary Committee.

to which has been referred H.R. 11373 and other bills.

H.R. 14864, passed by the House on January 29, is entitled the Defense Facilities and Industrial Security Act of 1970. The Washington Post well characterized this piece of legislation, when it said in its editorial of January 29:

Behind this malevolent and maladroit piece of legislation lies the misconception that lay behind the McCarthy hysteria of the 1950s—the misconception that the way to promote national security is to mistrust all Americans and to judge their suitability for employment in terms of the conventionality of their ideas.

Again, the Judiciary Committee would well have considered this bill, as it does those other bills referred to it, such as H.R. 725, which concern strengthening of our internal security.

The legislation referred to the House Internal Security Committee clearly could have been, and should have been, considered by other committees of this House—in most cases, the Judiciary Committee. Thus, apart from the philosophical and political offensiveness of this committee, there is as well its moribund legislative role warranting cessation of its funding.

The price the taxpayer pays for this body is, in monetary terms alone, a stiff one. Firstly, it should be pointed out that as of December 31, 1969, the House Internal Security Committee had the fifth largest staff—48 people—of the 21 standing committees provided for by rule X of the House rules. The following chart shows comparative staff sizes and rankings:

Committee	Staff size (as of Dec. 31, 1969)	Rank
Appropriations	95	1
Government Operations	62	3
Education and Labor	61	2
Banking and Currency	50	4
Internal Security	48	5
Interstate and Foreign Commerce	38	6
Public Works	37	7
Post Office and Civil Service	36	8
Judiciary	35	9
Armed Services	33	10
House Administration	31	11
Science and Astronautics	25	12
Ways and Means	23	13
Merchant Marine and Fisheries	21	14
Foreign Affairs	21	15
Veterans' Affairs	19	16
Agriculture	16	17
Interior and Insular Affairs	14	18
District of Columbia	12	19
Rules	6	20
Standards of Official Conduct	5	21

In terms of requests for funds this year, the Internal Security Committee ranks fifth; and in terms of the recommendations of the House Administration Committee before us today, the Internal Security Committee ranks sixth of the committees being considered:

Committee	Committee request	House Administration Committee request
Government Operations	$900,000	$900,000
Education and Labor	769,600	769,600
Banking and Currency	681,000	681,000
Public Works	587,000	587,000
Internal Security	480,000	450,000
Interstate and Foreign Commerce	465,000	465,000
Science and Astronautics	$400,000	$350,000
Post Office and Civil Service	394,000	394,000
Armed Services	250,000	250,000
Merchant Marine and Fisheries	200,000	175,000
Foreign Affairs	150,000	150,000
Agriculture	100,000	100,000
Veterans Affairs	100,000	100,000
Interior and Insular Affairs	80,000	80,000

The $400,000 which was appropriated last year for the House Internal Security Committee was not the limit of the funds available to it. Additional funds derived to it, as to other committees, under the Legislative Appropriation Act, Public Law 91–145. From July 1, 1969, through December 31, 1969, these funds covered $103,139.71 paid in salaries to the standing committee staff of the House Internal Security Committee. For the year, this staff received a total amount of $198,652.18, which, as I said, was not expended out of the funds appropriated by a House resolution, such as we have before us today.

Mr. Speaker, neither legislative goals, philosophy, nor economy justify the existence of the Committee on Internal Security. To the contrary, they all call for its dissolution. The committee serves no ends save repression and harassment. It accomplishes nothing of benefit, and works only to the detriment of the public and of this House.

Mr. Speaker, the utter lack of justification for the existence of the Internal Security Committee—a committee having the fifth largest staff of any standing committee this past year and the sixth largest appropriation recommendation today—urges us all to reject H. Res. 844, calling for an appropriation of $450,000. Not only is there no legislation which requires continuation of the activities of this committee, but its infringement of civil liberties and its tarnishing of the prestige and reputation of many of the individuals who appear before it, compel the committee's discontinuation.

By approving the request of funds, the House will thereby sanction the excesses and outrages of this committee, and the waste of money its existence means. The time is past due for the House to withdraw that sanction, which it has mistakenly tendered in years past. I urge my colleagues to vote for civil liberties and individual liberty—and this means a vote against H. Res. 844.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. HAYS. Mr. Speaker, I move the previous question on the resolution.

Mr. RYAN. Mr. Speaker, will the gentleman yield an additional minute?

Mr. HAYS. No; I cannot yield any more. There is a lot of other legislation to come up today. I am sorry.

The SPEAKER. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER. The question is on the committee amendments.

The committee amendments were agreed to.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. RYAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 307, nays 52, not voting 71, as follows:

[Roll No. 62]

YEAS—307

Abbitt	Dulski	Lloyd
Abernethy	Duncan	Long, La.
Adair	Edmondson	Long, Md.
Adams	Edwards, Ala.	Lujan
Albert	Edwards, La.	Lukens
Alexander	Erlenborn	McClory
Anderson, Ill.	Esch	McClure
Andrews, N. Dak.	Eshleman	McCulloch
Arends	Evins, Tenn.	McDade
Ashbrook	Fallon	McDonald, Mich.
Aspinall	Fascell	McEwen
Ayres	Feighan	McFall
Baring	Findley	McKneally
Beall, Md.	Fisher	Madden
Belcher	Flowers	Mahon
Bell, Calif.	Flynt	Mailliard
Bennett	Foley	Marsh
Betts	Ford, Gerald R.	Mathias
Bevill	Foreman	Matsunaga
Biester	Fountain	May
Blackburn	Frelinghuysen	Mayne
Blatnik	Frey	Meeds
Boggs	Friedel	Michel
Boland	Fulton, Pa.	Miller, Calif.
Bow	Fuqua	Miller, Ohio
Brademas	Galifianakis	Mills
Bray	Garmatz	Minish
Brinkley	Gaydos	Mink
Brock	Gibbons	Mize
Brooks	Gonzalez	Mizell
Broomfield	Goodling	Mollohan
Brotzman	Green, Oreg.	Monagan
Brown, Mich.	Griffin	Montgomery
Brown, Ohio	Griffiths	Morgan
Broyhill, N.C.	Gross	Morton
Broyhill, Va.	Grover	Moss
Buchanan	Gubser	Murphy, Ill.
Burke, Fla.	Gude	Murphy, N.Y.
Burke, Mass.	Hagan	Myers
Burleson, Tex.	Haley	Natcher
Burlison, Mo.	Hall	Nelsen
Burton, Utah	Halpern	Nichols
Bush	Hamilton	Obey
Byrnes, Wis.	Hammer-schmidt	O'Konski
Cabell	Hanley	Olsen
Caffery	Hanna	O'Neal, Ga.
Camp	Hansen, Idaho	O'Neill, Mass.
Carter	Hansen, Wash.	Passman
Casey	Harsha	Patten
Chamberlain	Harvey	Pelly
Chappell	Hastings	Pepper
Clancy	Hays	Perkins
Clausen, Don H.	Hébert	Philbin
Clawson, Del	Henderson	Pickle
Cleveland	Hicks	Pike
Collier	Hogan	Pirnie
Collins	Horton	Poage
Conable	Hosmer	Poff
Conte	Howard	Pollock
Corbett	Hull	Preyer, N.C.
Coughlin	Hungate	Price, Ill.
Cowger	Hunt	Price, Tex.
Crane	Hutchinson	Pryor, Ark.
Cunningham	Ichord	Pucinski
Daniel, Va.	Jacobs	Purcell
Daniels, N.J.	Johnson, Calif.	Quie
Davis, Wis.	Johnson, Pa.	Quillen
de la Garza	Jonas	Railsback
Delaney	Jones, N.C.	Randall
Dellenback	Kazen	Rarick
Denney	Kee	Reifel
Dennis	Keith	Rhodes
Dent	King	Riegle
Derwinski	Kleppe	Roberts
Devine	Kuykendall	Robison
Dickinson	Kyl	Rodino
Donohue	Landgrebe	Roe
Dowdy	Landrum	Rogers, Colo.
Downing	Langen	Rogers, Fla.
	Latta	Rooney, N.Y.

Rooney, Pa.	Snyder	Waggonner
Rostenkowski	Springer	Watson
Roth	Stafford	Watts
Roudebush	Staggers	Weicker
Ruppe	Stanton	Whalley
Ruth	Steiger, Ariz.	White
Sandman	Steiger, Wis.	Whitehurst
Satterfield	Stephens	Whitten
Saylor	Stratton	Widnall
Schadeberg	Stubblefield	Wiggins
Scherle	Stuckey	Williams
Schneebeli	Sullivan	Wilson, Bob
Schwengel	Symington	Winn
Scott	Talcott	Wold
Sebelius	Taylor	Wright
Shriver	Teague, Calif.	Wylie
Sikes	Thompson, Ga.	Wyman
Sisk	Thomson, Wis.	Yatron
Skubitz	Tiernan	Young
Slack	Udall	Zablocki
Smith, Calif.	Ullman	Zion
Smith, Iowa	Vander Jagt	Zwach
Smith, N.Y.	Vigorito	

NAYS—52

Anderson, Calif.	Evans, Colo.	Reid, N.Y.
Annunzio	Fraser	Reuss
Ashley	Gilbert	Rosenthal
Barrett	Green, Pa.	Roybal
Bingham	Hathaway	Ryan
Burton, Calif.	Hawkins	St Germain
Button	Hechler, W. Va.	St. Onge
Chisholm	Helstoski	Scheuer
Cohelan	Karth	Stokes
Conyers	Kastenmeier	Thompson, N.J.
Corman	Koch	Van Deerlin
Culver	Leggett	Vanik
Diggs	Mikva	Waldie
Dingell	Moorhead	Whalen
Eckhardt	Morse	Wilson, Charles H.
Edwards, Calif.	Mosher	Wolff
Eilberg	Nedzi	Yates
	Nix	

NOT VOTING—71

Addabbo	Flood	MacGregor
Anderson, Tenn.	Ford, William D.	Mann
Andrews, Ala.	Fulton, Tenn.	Martin
Berry	Gallagher	Melcher
Biaggi	Gettys	Meskill
Blanton	Giaimo	Minshall
Bolling	Goldwater	O'Hara
Brasco	Gray	Ottinger
Brown, Calif.	Harrington	Patman
Byrne, Pa.	Heckler, Mass.	Pettis
Carey	Holifield	Podell
Cederberg	Jarman	Powell
Celler	Jones, Ala.	Rees
Clark	Jones, Tenn.	Reid, Ill.
Clay	Kirwan	Rivers
Colmer	Kluczynski	Shipley
Cramer	Kyros	Steed
Daddario	Lennon	Taft
Davis, Ga.	Lowenstein	Teague, Tex.
Dawson	McCarthy	Tunney
Dorn	McCloskey	Wampler
Dwyer	McMillan	Watkins
Farbstein	Macdonald, Mass.	Wyatt
Fish		Wydler

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Celler with Mr. Kirwan.
Mr. Byrne of Pennsylvania with Mr. Meskill.
Mr. Lennon with Mrs. Reid of Illinois.
Mr. Brasco with Mr. Fish.
Mr. Carey with Mrs. Dwyer.
Mr. Kluczynski with Mr. Melcher.
Mr. Teague of Texas with Mr. Minshall.
Mr. Holifield with Mr. Cederberg.
Mr. Addabbo with Mr. Pettis.
Mr. Biaggi with Mr. Wydler.
Mr. Andrews of Alabama with Mr. Berry.
Mr. Daddario with Mr. Wyatt.
Mr. Giaimo with Mrs. Heckler of Massachusetts.
Mr. Farbstein with Mr. Dawson.
Mr. Patman with Mr. Watkins.
Mr. Shipley with Mr. Mann.
Mr. Davis of Georgia with Mr. Wampler.
Mr. Macdonald of Massachusetts with Mr. MacGregor.
Mr. O'Hara with Mr. Powell.
Mr. Dorn with Mr. Cramer.
Mr. Flood with Mr. Steed.
Mr. Gallagher with Mr. Lowenstein.
Mr. Gray with Mr. McCarthy.
Mr. Harrington with Mr. Anderson of Tennessee.
Mr. Rees with Mr. Clay.
Mr. Fulton of Tennessee with Mr. Jones of Alabama.
Mr. William D. Ford with Mr. Taft.
Mr. Colmer with Mr. Martin.
Mr. Clark with Mr. Ottinger.
Mr. Brown of California with Mr. McCloskey.
Mr. Jones of Tennessee with Mr. Blanton.
Mr. Jarman with Mr. McMillan.
Mr. Podell with Mr. Tunney.
Mr. Gettys with Mr. Kyros.
Mr. Rivers with Mr. Goldwater.

Mr. BARRETT and Mr. HAWKINS changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HELSTOSKI. Mr. Speaker, on rollcall No. 61, on yesterday, I am recorded as not voting. At the time of the vote, I was in conference with the Legislative Counsel for the purpose of drafting legislation which could avert future mail strikes.

Had I been present on the floor, I would have voted "nay" on the pending bill.

The SPEAKER. The gentleman's statement will appear in the RECORD.

GENERAL LEAVE ON SPECIAL ORDER

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 days in which to extend their remarks and include extraneous matter on the subject of my special order on March 24.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

DOCUMENTARY ON LIFE OF THE LATE DR. MARTIN LUTHER KING

(Mr. CONYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CONYERS. Mr. Speaker, I take this opportunity to commend to the attention of my colleagues the film on the life of the late Dr. Martin Luther King. Last night this film was shown in 1,000 theaters across this Nation. Its objective was to raise funds for the Southern Christian Leadership Conference, one of the truly dedicated civil rights organizations in the country, and to educate and inform our citizens of one of the most stirring and compelling dramas of our time, the struggle for equality in America.

The film was entitled, "King: From Montgomery to Memphis," and although I had been privileged to have participated in some of the events that were shown in the film, I was spellbound from beginning to end. It was a magnificent motion picture in every way, and was easily the most moving documentary I have ever seen. I was pleased that there were other Members from this body present but I am contacting today the noble wife of this great leader, Mrs. Coretta Scott King, to find out if this film can be shown again. I believe it should be made available not only to my colleagues who need to see it, but to young people of all races and creeds in this country who must get a clear and honest picture of a struggle that has been going on as long as this country is old.

On a personal note, let me confide with you that the greatest person, the most moving human being, that I have ever been privileged to meet and work with was the late Dr. Martin Luther King. Even now he still serves as my model, and although I am hardly able to walk in the footprints of this man who truly was a legend in his own time, I nevertheless study his sermons, read his speeches, and try, no matter how unsuccesfully, to live and work as he would have wanted me to. And thus, here in the Congress, I hope to honor the memory of Martin Luther King by living out and putting into action his lofty ideals and aspirations.

THE DOCUMENTARY: "KING FROM MONTGOMERY TO MEMPHIS"

(Mr. RYAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN. Mr. Speaker, I should like to join our colleague from Michigan (Mr. CONYERS) in strongly recommending that every Member of this body see that very powerful documentary which was exhibited throughout the Nation last night entitled "King: From Montgomery to Memphis." It describes powerfully and graphically the epic struggle, which the Reverend Dr. Martin Luther King, Jr., led during his lifetime, which continues, and to which all of us should be committed, and the ideals of Dr. King which the gentleman from Michigan (Mr. CONYERS) serves so well and exemplifies in his own conduct and in his own efforts to bring about racial reconciliation and social reconstruction in our country.

This documentary is a moving tribute to Dr. King. It captures his eloquence and dedication, and it makes clear the urgency of moving ahead in this Nation to meet his goals so that we are in fact one Nation, indivisible.

The moving words of Martin Luther King, Jr., on the steps of the Lincoln Memorial in August 1963, recalled to us last night, ring out:

Free at last, free at last, free at last.

Mr. Speaker, Martin Luther King, Jr., is free now of the evils which afflict our Nation and our world. But he has left us an obligation and a duty which not one of us can shirk, not one of us can disavow. We must struggle and work and persevere until real freedom rings across this country.

To Ely Landau and the rest of the masterful artists who created this beautiful and tragic film, I offer my gratitude. They have given all of us a renewed op-

portunity to witness the greatness of the Reverend Dr. Martin Luther King, Jr., and to renew again our commitment to the peace, the justice, and the brotherhood he so selflessly sought.

MARTIN LUTHER KING MOVIE

Mr. BURTON of California. Mr. Speaker, last night I was privileged to see the powerful and moving view of "Martin Luther King—Montgomery to Memphis."

The impact of this great man was powerfully presented and the message of the nonviolence he preached rang out from the screen as eloquently as when these words were uttered by him.

Certainly one felt the impact again of the great sense of loss which his death caused. A loss felt by those who sought justice and peace the world over. But the remainder of the loss served to refocus attention on his challenge and on the work left to be done.

I intend to join in the effort to see that there is a special showing again on the Hill so that Members who may have missed it, will have the opportunity to view the magnificent film.

It is my firm hope that, in addition, this film be made available to the schoolchildren of this Nation so that they might share the hopes and inspiration of the late Dr. Martin Luther King, Jr.

AUTHORIZING FUNDS FOR COMMITTEE ON POST OFFICE AND CIVIL SERVICE

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–960) on the resolution (H. Res. 869), authorizing expenses for conducting studies and investigations pursuant to House Resolution 268, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 869

Resolved, That the further expenses of conducting the investigations and studies pursuant to H. Res. 268 by the Committee on Post Office and Civil Service, acting as a whole or by subcommittee, not to exceed $394,000, including expenditures for the employment of investigators, attorneys, and clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration.

SEC. 2. The official committee reporters may be used at all hearings held in the District of Columbia if not otherwise officially engaged.

SEC. 3. The chairman of the Committee on Post Office and Civil Service shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House.

With the following committee amendment:

On page 2, after line 8 add:

"SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law."

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FUNDS FOR COMMITTEE ON FOREIGN AFFAIRS

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–961) on the resolution (H. Res. 883), providing for expenses of conducting studies and investigations authorized by House Resolution 143, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 883

Resolved, That for the further expenses of conducting the studies and investigations, authorized by H. Res. 143, Ninety-first Congress, incurred by the Committee on Foreign Affairs, acting as a whole or by subcommittee, not to exceed $150,000, including expenditures for the employment of experts, clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee or subcommittee, signed by the chairman of the committee, and approved by the Committee on House Administration.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditures in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Foreign Affairs shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration under existing law.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING TRANSFER FROM CONTINGENT FUND OF HOUSE FOR PAYMENT OF MILEAGE FOR MEMBERS

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–962) on the resolution (H. Res. 837) authorizing transfer of $20,000 from the contingent fund of the House for payment of mileage for Members, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 837

Resolved, That the Clerk of the House be and is hereby authorized to transfer $20,000 from the contingent fund of the House to the Sergeant at Arms of the House for payment of mileage for Members.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING ADDITIONAL COMPENSATION FOR CERTAIN EMPLOYEES IN HOUSE PUBLICATIONS DISTRIBUTION SERVICE

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–963) on the resolution (H. Res. 839) providing additional compensation for services performed by certain employees in the House Publications Distribution Service, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 839

Resolved, That, notwithstanding any other provisions of law, there is authorized to be paid out of the contingent fund of the House of Representatives such sums as may be necessary to pay compensation to each employee of the Publications Distribution Servive of the House of Representatives for all services performed by such employee in excess of the normal workday where such services are authorized by the Committee on House Administration. Such compensation shall be paid on an hourly basis at a rate equal to the rate of compensation otherwise paid to such employees.

This resolution shall take effect on its adoption and payments made under this resolution shall be terminated as the Committee on House Administration determines necessary.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR JOINT ECONOMIC COMMITTEE TO FILE ECONOMIC REPORT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the Joint Economic Committee have until midnight tonight to file its economic report.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

ARE WE A DELIBERATIVE BODY?

(Mr. ASHBROOK asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous material.)

Mr. ASHBROOK. Mr. Speaker, as one who always tries to uphold the prerogative of the House and always tries to speak out when we are criticized, I find myself time and time again confronted with those who appear to believe that the House of Representatives is not the deliberative body that it should be.

A very innocent case in point is revealed in a telegram I received this morning from Mr. William C. Becker, who is president of the United Community Council of Summit County, which is

Akron, Ohio. I point this out to the Members to show how the idea of our legislative inferiority is so ingrained in the minds of so many people in the country.

Listen to what he says:

We are not completely satisfied with the bill—

Referring to the welfare bill—

in all respects. However, we believe that this bill should be passed by the House at this time in order that it may be debated fully in the United States Senate, where an opportunity to amend its objectionable portions might be forthcoming. We urge your complete and wholehearted support of this important legislation.

Get that again, the idea that we support legislation in this House that our constituents think is not exactly what it should be, and we get it out of the way and then we send it to the other deliberative body. They then can do what needs to be done by amendment on the Senate floor, decide whether they want to add to it or subtract from it, or whatever their thought might be.

So there are many people in this country who believe today that the other body is the deliberative body. This is an innocent presumption from this particular person, and it reaffirms my conviction that we should reform some of our House rules and make this the kind of deliberative body it should be.

AUTHORIZING PRINTING OF REPORT OF PROCEEDINGS OF 44TH BIENNIAL MEETING OF CONVENTION OF AMERICAN INSTRUCTORS OF THE DEAF

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–964) on the Senate concurrent resolution (S. Con. Res. 47) authorizing the printing of the report of the proceedings of the 44th biennial meeting of the Convention of American Instructors of the Deaf as a Senate document, and ask for immediate consideration of the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 47

Resolved by the Senate (the House of Representatives concurring), That the report of the proceedings of the forty-fourth biennial meeting of the Convention of American Instructors of the Deaf, held in Berkeley, California, June 20–27, 1969, be printed with illustrations as a Senate document; and that five thousand additional copies be printed and bound for the use of the Joint Committee on Printing.

Mr. DENT (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the Senate concurrent resolution be dispensed with, and that it be printed in the RECORD.

The SPEAKER pro tempore (Mr. EDMONDSON). Without objection, it is so ordered.

There was no objection.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF ADDITIONAL COPIES OF 1969 REPORT OF SENATE SPECIAL SUBCOMMITTEE ON INDIAN EDUCATION

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–965) on the Senate concurrent resolution (S. Con. Res. 50), authorizing the printing of additional copies of the 1969 report of the Senate Special Subcommittee on Indian Education (Sen. Rept. No. 91–501), and ask for immediate consideration of the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 50

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on Labor and Public Welfare three thousand additional copies of the 1969 report of its Special Subcommittee on Indian Education entitled "American Indian Education: A National Tragedy—A National Challenge" (Senate Report 91–501).

Mr. DENT (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the Senate concurrent resolution be dispensed with and that it be printed in the RECORD.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF COMPILATION ENTITLED "PLANNING-PROGRAMMING-BUDGETING"

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–966) on the Senate concurrent resolution (S. Con. Res. 52) authorizing the printing of a compilation of the hearings, reports, and committee prints of the Senate Subcommittee on National Security and International Operations entitled "Planning-Programing-Budgeting," and ask for immediate consideration of the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution as follows:

S. CON. RES. 52

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on Government Operations three thousand copies of a compilation of the hearings, reports, and committee prints of its Subcommittee on National Security and International Operations entitled "Planning-Programming-Budgeting", issued during the Ninetieth Congress and the first session of the Ninety-first Congress.

Mr. DENT (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the Senate concurrent resolution be dispensed with and that it be printed in the RECORD.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF "NATIONAL ESTUARINE POLLUTION STUDY" AS A SENATE DOCUMENT

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–967) on the Senate concurrent resolution (S. Con. Res. 53) authorizing the printing of the "National Estuarine Pollution Study" as a Senate document, and ask for immediate consideration of the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution as follows:

S. CON. RES. 53

Resolved by the Senate (the House of Representatives concurring), That there be printed as a Senate document, in one volume, with illustrations, the National Estuarine Pollution Study, submitted to the Congress by the Federal Water Pollution Control Administration, Department of the Interior, in accordance with section 5(g)(3), Public Law 89–753, Clean Water Restoration Act of 1966, and that there be printed three thousand five hundred additional copies of such document, of which two thousand five hundred copies shall be for the use of the Senate Committee on Public Works and one thousand copies shall be for the use of the House Committee on Public Works.

Mr. DENT (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the Senate concurrent resolution be dispensed with and that it be printed in the RECORD.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF ADDITIONAL COPIES OF REPORT ENTITLED "ORGANIZED CRIME CONTROL ACT OF 1969"

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–968) on the Senate concurrent resolution (S. Con. Res. 55) authorizing the printing of additional copies of Senate Report 91–617, entitled "Organized Crime Control Act of 1969," and ask for immediate consideration of the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution as follows:

S. CON. RES. 55

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on the Judiciary one thousand two hundred additional copies of its report of the current Congress entitled "Organized Crime Control Act of 1969" (Senate Report 91–617).

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF ADDITIONAL COPIES OF "REPORT OF THE JOINT ECONOMIC COMMITTEE"

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91-969) on the resolution (H. Res. 890) authorizing the printing of additional copies of the "Report of the Joint Economic Committee" and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 890

Resolved, That there be printed for the use of the Joint Economic Committee four thousand five hundred additional copies of its report to the Ninety-first Congress, second session, entitled "Report of the Joint Economic Committee on the January 1970 Economic Report of the President, Together With Statement of Committee Agreement, Minority, Supplementary, and Dissenting Views," pursuant to section 5(b)(3) of Public Law 304, Seventy-ninth Congress, as amended.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 4148, WATER QUALITY IMPROVEMENT ACT OF 1970

Mr. FALLON. Mr. Speaker, I call up the conference report on the bill (H.R. 4148) to amend the Federal Water Pollution Control Act, as amended, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER (Mr. EDMONDSON). Is there objection to the request of the gentleman from Maryland?

Mr. HALL. Mr. Speaker, reserving the right to object, are we going to have an explanation of the Senate action on this joint conference?

Mr. FALLON. Yes.

Mr. HALL. I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The clerk read the statement.

(For conference report and statement, see proceedings of the House of March 24, 1970.)

Mr. FALLON. I yield to the gentleman from Minnesota (Mr. BLATNIK).

Mr. BLATNIK. Mr. Speaker, for many years I have risen in the well of this House to urge support of a meaningful water pollution program and over the years this House has consistently supported an ever-increasing and more far-reaching legislation to cover the means to guarantee pure water for all Americans.

I appear here on this floor today to urge adoption of the conference report on H.R. 4148. This is legislation which is another great step forward in our continuing battle to maintain the purity of our Nation's waters.

There are not many pieces of legislation which one can call "landmark" legislation. H.R. 4148 is in that category. It comes to this body for final approval today after some 2½ years or arduous work by both bodies of the Congress.

This conference report has been hammered out after long weeks and months of discussions in conference. It breaks into many new fields in our effort to curb the ever-growing threat of the pollution of our Nation's waters whether they be along our coast or inland waterways.

It contains such features as control of pollution by oil. It establishes for the first time in this category a clean-up authority; it also places strict features of liability on those who would ship oil. In the matter of vessels it establishes a category of $100 per gross ton or $14 million liability whichever is the lesser and in the field of on-shore and off-shore installations the figure is $8 million.

It moves into the area of operation of the small boat owners who move across our Nation's waterways in ever increasing thousands. It provides the basis for a meaningful control of pollution discharge from these vessels under the rules and regulations to be worked out jointly by the U.S. Coast Guard and the Secretary of the Interior.

For the first time it establishes a requirement that when those who seek a license or permit from a Federal agency for the use of our Nation's waters whether it be to build nuclear power plants, steam powerplants or any other uses of our navigable waters they must give reasonable assurances that the operation of whatever they seek to require a permit for, will not lower the water pollution standards of the waters of a particular State. It goes into the field of acid mine drainage research, pollution control in the Great Lakes, land acquisition for field laboratories for the studying of various forms of pollution; oil pollution removal research; extension of the basic research authorization program now in existing law; a clean lakes research section; language to require development of scientific knowledge on the effects of pesticides in the environment, a pilot training program and an additional program to give those who would operate our Nation's sanitary facilities the best background and experience to carry out the job for staffing for our all important Council on Environmental Quality. These, among many, are the highlights of this legislation. I could go on at length about its many features. Time does not permit. Suffice to say that today this is vital, necessary and important legislation. I am proud to have been a part of its development both in the Committee on Public Works and on the conference with the other body. I am particularly proud of my fellow conferees, the gentleman from Alabama (Mr. JONES); the gentleman from Texas (Mr. WRIGHT); the gentleman from Maryland (Mr. FALLON); our distinguished chairman of the Committee on Public Works; the ranking member of the committee, the gentleman from Florida (Mr. CRAMER); the gentleman from Ohio (Mr. HARSHA); and the gentleman from New York (Mr. GROVER).

I strongly support adoption of the conference report.

We had splendid cooperation from all the Members and especially splendid cooperation from the gentleman from Ohio (Mr. HARSHA). He is a tireless, persistent worker who wants to know about every dot and comma.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's statement, and I agree with him that this is landmark legislation, and certainly it is needed. I join with the gentleman in complimenting the Members who have brought this conference report into being and certainly compliment the members of the committee.

Mr. Speaker, would the gentleman please tell us wherein the Senate amendments differ from the House-passed legislation and the differences in cost authorized in this bill?

Mr. BLATNIK. Mr. Speaker, I do not have the figures here, but we have a detailed analysis of the figures and it will appear in the RECORD at this point.

H.R. 4148 (AS PASSED THE HOUSE)—AUTHORIZED APPROPRIATIONS

Item	Section identification	1970	1971	1972	Total amount
Cleanup revolving fund	17(h)(1)	$20,000,000			$20,000,000
Acid mine drainage reserve	19(d)(1)	15,000,000			15,000,000
Training grants and contracts	23(c)(3)	12,000,000	$25,000,000	$25,000,000	62,000,000
Estuary research extension	5(k)(4)	1,000,000			1,000,000
General research investigation and training extention.	5(1)	65,000,000	62,000,000		130,000,000
Project research extension	6(e)	60,000,000	60,000,000		120,000,000
Pollution control Great Lakes					20,000,000
Total		173,000,000	150,000,000	25,000,000	368,000,000

S. 7 (as passed the Senate) authorized the following appropriations	
Clean up revolving fund	$50,000,000
Acid mine drainage reserve	15,000,000
Pollution Control in the Great Lakes	20,000,000
Estaurine Study	1,000,000
General research ($65 million for 2 years)	130,000,000
Manpower (2 year)	71,000,000
Project research extension ($60 million for 2 years)	120,000,000
	407,500,000
Alaska Village Water Supply and Sanitation	5,000,000
Total	412,500,000

AUTHORIZATIONS CONTAINED IN CONFERENCE REPORT ON H.R. 4148

	Authorized			
	No fiscal year specified	For specified fiscal years: Amount	Fiscal year	Section total
Oil pollution revolving fund, sec. 11(k)	$35,000,000			$35,000,000
Area acid, sec. 14(d)	15,000,000			15,000,000
Great Lakes, sec. 15(c)	20,000,000			20,000,000
Training, sec. 19(3)		$12,000,000	1970	
		25,000,000	1971	
		25,000,000	1972	62,000,000
Alaska demonstrations sec. 20(a)	1,000,000			1,000,000
Research etc., sec. 105(1) (existing sec. 5):				
Sec. (g)(4) redesignated (m)(4)		1,000,000	1970	
		1,000,000	1971	2,000,000
Sec. (h) redesignated (n)		72,500,000	1970	
R. & D. grants, sec. 106 amending—		$75,000,000	1971	$147,500,000
Sec. 6(e)(1)		20,000,000	1970	
		20,000,000	1971	40,000,000
Sec. 6(e)(2)		20,000,000	1970	
		20,000,000	1971	40,000,000
Sec. 6(e)(3)		20,000,000	1970	
		20,000,000	1971	40,000,000
Title II, sec. 205		750,000	1971	
		1,250,000	1972	
		1,500,000	1973	3,500,000
Total				406,000,000

Mr. Speaker, the total cost for the provisions of this conference report amount to $406 million. That compares to the House version which asked for a total of $368 million, so it is about $58 million more than the House version. The Senate version, as I recall, was higher and we will get the exact figures. I think we worked out a pretty good compromise figure.

Mr. HARSHA. Mr. Speaker, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from Ohio.

Mr. HARSHA. Mr. Speaker, I would point out in reply to the gentleman from Missouri that in the House bill the revolving fund on oil pollution authorized the expenditure of $20 million, and the Senate asked for $50 million, and we compromised there on $35 million. In addition to that, the Alaska demonstration projects were not included in the House version. The Senate bill called for $5 million for 1970 and unlimited sums for the next 3 years. In addition to that, we agreed to a Senate training amendment adding an additional $17.5 million to that area.

But, in title II, which deals with the Environmental Quality Council and establishment of the Director of Environmental Quality, once more the House bill had no comparable provisions, and we compromised the House version with the Senate version and came up with title II in the conference report which has an authorized expenditure of $3.5 million. There was one other item of research of an additional $1 million. This makes a total increase over the House-passed version of $38 million.

The House-passed version, if I am not mistaken, totaled $368 million.

Mr. HALL. Mr. Speaker, I thank the gentleman.

If the gentleman will yield further, may I be reassured that all the conferees agreed and that the changes to the House version would be considered germane within the rules of the House?

Mr. BLATNIK. Yes. As far as I know, they are germane within the rules of the House.

Mr. Speaker, I thank the gentleman for the very thoughtful and generous expression regarding the work on this report.

(Mr. CRAMER (at the request of Mr. HARSHA) was granted permission to extend his remarks at this point in the RECORD.)

Mr. CRAMER. Mr. Speaker, the great American Poet John Greenleaf Whittier wrote:

For of all sad words of tongue or pen, the saddest are these: It might have been!

The conference report we have before us is a good illustration of both the truth of these words on the one hand and the opposite of them on the other hand; for part of what "might have been" would in this case indeed have been very, very sad, but what will be is, as a result of much hard work, much happier.

The Water Quality Improvement Act of 1970 was able, as a result of diligent study and as a result of sad experience, to improve many areas of the Water Quality Improvement Act of 1968, which this House twice passed in that year and which died awaiting Senate action when the 90th Congress came to a close.

An illustration of this, Mr. Speaker, may be found in section 102 of the conference substitute. This section deals with the control of oil pollution. In 1968 the House of Representatives refused to acquiesce to a Senate amendment that would have placed a $5 million limitation of liability on discharges from offshore facilities. Members of this body, and I am proud to say that I was among the leaders of them, refused to give such an obvious bonanza to oil companies operating under leases with the U.S. Government for the purpose of utilizing U.S. submerged lands on the Outer Continental Shelf to produce oil. We pointed out that there was no reason to limit the liability of those facilities. That the Secretary of Interior had the power to impose any limitations that he sees fit, including, but not limited to, absolute liability and responsibility for the full payment of clean-up costs in case of a spill. With the change from the Johnson administration to the Nixon administration the change in regulations took place so that oil companies engaged in offshore drilling under lease by the U.S. Government were made so liable and so responsible.

If we had accepted the Senate version then these wells including that responsible for the spill in Louisiana would have been liable for not more than $5 million worth of damage. I do not know but I believe that the instances of Santa Barbara and the recent spill on the gulf off Louisiana may have resulted in a change of position upon the part of the other body. Insofar as onshore facilities or offshore facilities, which are within State jurisdiction, our investigation showed that $8 million was a reasonable limitation of liability. But it should be borne in mind that this limitation of liability is solely for cleanup costs by the United States and does not proport to limit liability that might be imposed by State law or that exists under common law. Comparing then our position of today with the position that would have resulted if this body agreed in 1968 to the arbitrary limits inserted in the Senate bill, the wisdom or action at that time is magnified and confirmed. Similarly, in the area of vessel pollution, we have been able to derive a formula that is better than the 1968 bill, that is better than the Senate version of H.R. 4148, and indeed is better than the House version of H.R. 4148. In this, I feel particularly proud that as a member of the conference committee, I was able to bring directly to the attention of the conferees the benefits of lessons learned from the deplorable incident that took place in Tampa Bay when the Greek tanker, the *Delian Appolon*, spilled oil into our waters and upon our beaches. Directly as a result of this spill, I proposed several amendments, most of which were accepted—one of which was not.

The *Delian Appolon* spill demonstrated that our resources have not been gathered together for the prevention of damage when a spill does occur. It highlighted the lack of an effective contingency plan and led me to believe that whatever plan did exist was nothing more than a paper exercise, now outdated and of little practical use. As a result, my amendment which was adopted requires the President to develop a national contingency plan within 60 days. This plan provides for a complete guide to what should be done in case of oil spills and what should be on hand to minimize damage from oil spills, contain them and clean up the oil from

our waters, our shorelines, and our beaches. It provides for a designation of a strike force to go in immediately and stop the damage wherever it can. It provides for designation for equipment that should be kept on hand recognizing that this equipment will vary from location to location. Further, it requires a schedule of the waters of this country to indicate which of them can safely be subjected to chemical treatment of oil spills for the purpose of disbursing or making more sinkable the oil and which cannot. The schedule will also make quite clear what limits and which disbursants may be used. In case of doubt, the schedule, of course, may need to provide that the wisdom of an on-the-scene expert to be designated by the President must be drawn upon before which such chemicals can be used. The important thing is that the on-the-scene people will know which chemicals can be used, which cannot, and which waters would be so deleteriously affected by chemical treatment that the protection of the ecology demanded that such treatment would not be used.

Strange as it may seem, Mr. Speaker, after all our experience with oil spills very little is known about the theory of containment of oil spills and very few really effective devices have been developed. I am happy to see that there is some private research being conducted in this area and I think those that are doing it should be complimented for it. However, I feel that this is an area in which leadership should be exercised by the United States and, consequently, have offered an amendment which the conferees accepted. It would require research by the United States or its designee for the development of containment devices and procedures.

The Tampa Bay oil spill, caused by a vessel which just a few days earlier had polluted the waters of Port Everglades, Fla., and which may indeed have been involved in another spill just a few days after the Tampa incident, illustrated the need for inspection of vessels as a means of prevention of oil spills. The conferees accepted my amendment which provided for this inspection of vessels and cargo. I regret to say that they did not accept the portion of this amendment—which, incidently, as were the other amendments offered in this regard approved by the administration—was not accepted. This would have permitted samples to be taken from oil cargos so that in case of spills identification could be made from the spill material as to its source. I feel that it is unfortunate that this provision was stricken and hope that perhaps in the future we can revise the statute to include such a provision provided, of course, that the Secretary of Interior or the Secretary of the Department in which the Coast Guard is operating does not have that authority under some other law.

There are three examples as just stated whereby what came to pass was better than what might have been if the United States had accepted the Senate's amendments in 1968.

In the area of pollution by oil spills from vessels, I might say that the conference substitute is better than either the House bill or the Senate bill. As the Members of this body will recall, the position of this body was that limitations of liability and imposition of liability should not be such as to preclude the possibility of recovery of clean-up costs from the discharger. We felt that the guage of this liability should be whether or not insurance could be obtained to cover these events. Consequently, the House bill provided for limitations of liability for vessels based upon an evaluation of the world insurance market for this new type of risk. The Senate position was based upon figures for which we could find no substantiation in their hearings and which we were assured were completely uninsurable.

Both Houses recognized the difficulty of proving fault as the basis of recovery. The House solved this problem by providing for reversal of burden of proof while the Senate came to the same result by defining liability not based upon fault.

The conference was able to work out a compromise accepting the best features of both the House and the Senate positions. We arrived at a limitation of liability based on what we call strict liability. That is, regardless of fault and with certain very limited exceptions the discharger of oil will be liable. His limitation of liability would be $100 per gross ton or $14 million, whichever is higher. This figure incidentally is twice the amount paid in the *Torrey Canyon* case. In the case of cleanup necessitated as a result of a willful spill or of a negligent spill, the benefits of limitations of liability would be removed and where the privity and knowledge of the owner of the vessel was involved he would be required to pay the full costs for cleanup.

This position is stronger than the original Senate position because it is workable and is insurable. It is stronger than the original House position because it covers more situations where spills do damage. Indeed, it is even stronger than the proposed convention drafted by the International Maritime Consultive Organization—IMCO—which was drafted last November and signed by the United States. That convention, replete with legal devices by which the discharger could forestall payment, provides a total liability to third parties as well as for cleanup costs of $124 per ton. Our position limits liability only in the matter of cleanup costs to be returned to the U.S. Government at $100. If there are charges that another government would wish to make, say in the case of a spill that involved both the United States and Canada, or if there are charges or damages due to third parties under admiralty law or common law, these would be in addition and would not be subject to our limitation of liability.

Now, Mr. Speaker, one point I wish to emphasize to this body is that the American public has been deceived, perhaps unwittingly, primarily by press reports which have appeared purporting to describe the effects of this bill. They say that it would charge the oil companies for cleanup. In the case of discharges from vessels other than those owned by oil companies—and this, I understand, is usually the case—there would be no charge to the oil company at all. The entire charge would be against the ship or the owner of the vessel.

This appeared to me to be inequitable. After all, if the cargo is such as to require higher cleanup costs because of its nature—for example a bunker "C" oil which is thick and sticky—it would seem reasonable that the oil company should pay the cost. I, therefore, offered an amendment to the conference which would have made the cargo of oil as well as the ship liable for oil spills. It is unfortunate that the conferees saw fit not to accept my proposal. I think it would have had a salutary effect upon the choice of vessels made by oil companies choosing to ship their cargoes by waters.

It seems that oil cargoes despite the hazard they pose to our beaches and waters were very difficult to touch. The conferees refused to agree to make the oil cargo liable for the damage they caused, they refused to permit samples of the cargo to be taken, and removed a provision in the House bill which would make the expense of removing a vessel which poses a substantial threat of a pollution hazard chargeable against the cargo of the vessel as well as the vessel itself even though this has been done against a dangerous chlorine cargo when it threatened the Mississippi area. So that in three instances where it would have been possible to charge the oil companies rather than the vessels the conference refused to do it. I wish to make it clear, however, that my personal view was not in agreement with the result of the conference report in that area. I wish to make it equally clear, however, that aside from those provisions I believe that the conference has come up with the best possible solution at this time to the oil pollution question. I feel gratified that the conferees so readily accepted the amendments I proposed following the Tampa Bay incident.

Another amendment the conferees accepted, which came to pass as a result of the Tampa Bay spill, dealt with that of notice. Both Houses required that immediate notice be given in case of a spill by the person in charge of a vessel or of an onshore or offshore facility as soon as he has knowledge of any discharge of oil. Both Houses considered it proper that this should be a criminal penalty for we could imagine no more vile conduct than that of a person knowingly refusing to report an oil spill which could cause so much damage if left unattended, but which hopefully, if notice were given in time, would result in mitigation and containment of that damage. So I emphasize that this is a criminal penalty. Such a person, if arrested, will be put through the same procedures that any other person suspected of committing a Federal crime would be put through. As a result of the Tampa Bay experience, the con-

ferees concluded that a stiff penalty of a $10,000 fine or a year in jail or both would be imposed. This is twice the fine heretofore considered.

In all these regards relating to oil spill control and prevention, Mr. Speaker, I am convinced that we have benefited by the experiences that have befallen us. It is unfortunate that we did not have those provisions of the 1968 legislation in effect that would have provided for Federal cleanup in the case of the oil spills we have suffered, but this provision as well as many other beneficial provisions died when the other body refused then to see the wisdom or point of view at that time—a point of view which they now accept and have adopted.

However, illustrating the wisdom of the poet's words, I would like to invite the attention of this body to the sad "it might have been" if the 1968 bill had not been permitted by the Senate to die without final action. That bill would have provided an alternate means of financing the construction costs of sewage treatment plants. If it had passed, I doubt whether it would have been necessary now for the President to request legislation which is essentially similar to that which passed both Houses of Congress in 1968. Indeed, the contract authority that it would have provided for the construction of sewage treatment plants would have been in use and would have resulted in construction of sewage treatment facilities based upon a Federal participation of $1 billion for this fiscal year. Mr. Speaker, "it might have been."

Whether the 1968 act passed or not at least one portion of the new legislation would have been necessary. I point to this with particular pride because I introduced it into the House. The Committee on Public Works adopted it without change and the conference committee also accepted this provision as I have written it and that is the training provisions. Recognizing that water treatment and waste water treatment whether from human or industrial or agricultural or any other source of waste cannot be accomplished unless we have a trained cadre of qualified personnel from the operating and maintenance level on up through the postgraduate levels, I introduced a bill that would make it possible for many people who cannot now afford to undertake the studies necessary for training themselves in the water quality control field to do so. Without this training, no matter how much money we authorize, no matter how much money we appropriate, we will not—and I repeat this for emphasis—we will not be able to clean up the waters. We must have trained personnel, and this provision of the new bill does this. As I say, Mr. Speaker, I am very proud of it.

There are many other areas of this bill which are an improvement over the 1968 version. We have the provision resulting from the floor amendment of my good friend from Ohio providing for pollution control in the Great Lakes. We have taken into account as a result of a Senate floor amendment the unhappy and insanitary conditions resulting from the lack of proper water supply and sewage disposal facilities among the native villages of Alaska. We have what I believe to be a workable version of the certification provisions which would require an applicant for a Federal license to receive a certification from the States that the activity for which the application is made would not violate water quality standards.

As the Members will recall, this certification provision originally appeared very late in 1968 before there was any real chance of studying it.

There has been opportunity to study this matter and I believe that the provisions now contained are reasonable, workable, and will result in protection to our water environment without crippling our progress.

In short, Mr. Speaker, I believe that Congress has made good use of the time necessitated by the delay brought about when S. 3206 was left high and dry at the end of the 90th Congress. There are some things that we would have benefited by if the other body had been as perceptive as the Members of this body. Nevertheless, there is little use crying over spilled milk and I believe rather than doing so we are in a position to be proud of the work that has resulted in H.R. 4148, the Water Quality Improvement Act of 1970.

Mr. HARSHA. Mr. Speaker, will the gentleman yield?

Mr. BLATNIK. I yield to the very distinguished member of the conference, the gentleman from Ohio (Mr. HARSHA).

Mr. HARSHA. Mr. Speaker, the conference report before us on the Water Quality Improvement Act of 1970 is the result of many months of effort upon the part of the Members of both Houses and their staffs. It deals with a wide variety of subjects, each of which is intensely complicated in its own right.

In each case, the area was explored to the fullest. Experts on all sides were consulted and their views given the weight they merit. The position of the conferees on each subject indeed on each sentence and on every word was carefully considered in the light of the evidence that we had before us.

For example, the oil pollution provisions were extremely difficult to resolve because they affected directly our merchant marine, concepts of admiralty law, the American insurance market, the overseas insurance market, the balance of payments, our international relations, the economy, small business, onshore and offshore oil facilities, research provisions, vessel inspection requirements, requirements that vessels will carry oil spill containment equipment as well as the predominant consideration of the protection of our ecology. It was only after diligent effort that these difficulties were resolved and that agreement to the conference report by the conferees was reached. Incidentally, I should like to invite the attention of the House to an error that appears on page 31 of the conference report. The first word of the second line as printed is "submarginal." That word should be "submerged" so that the phrase reads "Submerged Lands Act of 1953."

This report has been in conference since October. Some believe that the length of time spent on it was due to lack of agreement among the conferees. This view could only be supported by those unfamiliar with the wide range of the bill's content.

In the area of vessel pollution, we provided the first Federal water quality legislation to affect vessel owners directly and which will result eventually in Federal standards applicable to all vessels to control the discharge of human wastes from them. It also will preempt State laws and regulations in the future and create uniformity between the States so that vessels will be able to pass from one State to another unhindered while at the same time preventing any discharge of untreated or inadequately treated sewage into those waters. In this area, Mr. Speaker, the questions of vessel construction, of small boat use of availability of shore base facilities for servicing of all vessels, availability of marine sanitation equipment, the condition of the waterways of the Nation, and specialized State laws and requirements had to be studied and considered with care.

Another area of great complexity is that covered by section 21—certification by the States to Federal agencies in cases where application has been made for Federal licenses or permits. That certification must come from the States unless, of course, the waters involved are under the direct supervision of the Federal Government or there is no State certifying authority. In those cases, the Secretary of Interior will be the certifying authority. In order to evaluate this law properly, every area of Federal licensing and permit procedure had to be examined to determine its special problems and to eliminate the possibility of overlooking important considerations in any specific area. It is under this provision that the questions of control of potential effects of heat discharged into the waters through heated effluents are dealt with. The complexities of that question are well known to the Members of this body. At the other end of the spectrum came permits such as those required for the building of small outfalls which present minimal potential for pollution, but nevertheless, must be considered.

In that same section 21, we reenforce by statute previously expressed Presidential policy to control water pollution by requiring compliance with quality standards by Federal facilities.

Another area that was investigated thoroughly by the conference committee was that of how properly to recognize industrial organizations and political subdivisions which have demonstrated outstanding technological achievement in waste treatment and pollution abatement programs while assuring such recognition could not be abused.

We evaluated once again the very complicated area of training of personnel of all types for the operating of waste treatment plants as well for their

design and research for new methods to solve our water quality problems.

We dealt with the complex problem of the staffing to be provided to support the Council on Environmental Quality and investigated the type and quantity of personnel that they would need to be effective.

The question of the control of hazardous polluting substances other than oil led us to an exploration of the manufacturing industry of the United States, including the process industries and chemical industries. We thus provided for designation of such substances after suitable determination and investigation by the President.

The question of area acid and mine water pollution control demonstrations brought us into another field of American life and technology.

Along with this, the dictates of humanity required us to consider the plight of the native villages of Alaska, which because of their peculiar position find themselves with no adequate water supplies and no means of preventing pollution of their waters. This, too, is an area that was explored with great care.

In short, Mr. Speaker, I would like to emphasize the very complex, wide ranged, and indeed the innovative concepts that we have dealt with here. I believe it to be an excellent piece of legislation. I am convinced that what we put into this bill is necessary and wise. I am also convinced that what we did not put in it this time should not be there at this time. Consequently, I take pride in urging the House of Representatives to adopt the conference report as reported on H.R. 4148, the Water Quality Improvement Act of 1970.

One Member of this body I believe deserves special praise for the work that he has done on this bill. The ranking minority member of the Public Works Committee, the gentleman from St. Petersburg, Fla., Mr. WILLIAM C. CRAMER, has over the period of the last several years devoted much of his time and effort to the question of resolving difficulties in water pollution legislation and developing practicable working solutions to our pollution problems. He has continuously been a leader in the area of water pollution control legislation. As a result, the law is replete with his innovations introduced either as bills or as amendments to legislation that this body has considered or is considering now. These include such items as provisions for the training of personnel for water pollution control, the financing of construction of municipal waste plants, the national contingency plan for the control of oil spills, strong penalties for failure to notify of spills, inspection, and prevention requirements to permit inspection of vessels carrying oil, the development of a strike force to deal with oil spills, provision for research for the containment of oil following a spill, research and study provisions for control and amelioration of damage caused by spills and many other areas in which his knowledge, experience, and expertise on matters dealing with water pollution have proven themselves so valuable to this committee.

Unfortunately, BILL CRAMER could not be here today. I have been in constant contact with him and have kept him apprised of the progress of this conference report. He is standing by in case any problems should arise. I assured him that we foresaw no problems in the passage of this conference report for I could imagine that there would be no problem in the House just as there was no problem in the other body. BILL CRAMER has voted for water pollution control legislation for many, many years. He voted on the original passage of this bill and was a leader for tough but workable provisions in the conference. In 1968, he twice voted for the passage of similar legislation so that his record on water pollution matters is intact. However, I feel that it is incumbent upon us to give recognition to a Member whose contribution in this field has been so great and to remind ourselves that even though he physically is not present today, his guiding hand and incisive reasoning pervades the legislation that we are considering, and I would take the liberty of reminding the Members of this body that he was indeed an active conferee, that he signed the conference report and approves and supports its provisions.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. BLATNIK. I am pleased to yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, I wish to commend our conferees for their diligent efforts in producing this comprehensive measure toward insuring the quality of our navigable waters. This piece of legislation represents an enormous investment of effort and time by those who have labored so hard over the past several months.

Though I support the underlying objectives of this bill, I am concerned by the tremendous potentials for delay which are inherent in the complicated system for State and Federal approvals embodied in section 21 of the bill—delays which can have many adverse effects in satisfying important needs of this country. Additionally, and without intending to fault the conferees in connection with weaknesses in some of the rather elaborate details, I detect several features which seem to me to leave something to be desired.

For example, in section 21(b) of the bill the language in subsection (2), pertaining to the objections of a State other than the State in which the discharge in point would take place, employs the key clause "to insure compliance with applicable water standards," whereas, elsewhere in the section the pivotal clause is more accurately worded in terms of "reasonable assurance—that such activity will be conducted in a manner which will not violate applicable water standards." Presumably the intention in subsection (2) is to insure that there is "reasonable assurance."

Also, in subsection (2) of section 21 (b) it is not clear what the scope of the licensing agency's judgment is intended to be, particularly in cases where the State in which the discharge would occur is satisfied on the basis of reasonable standards but another State that may be affected is not satisfied and wishes to impose unreasonably restrictive standards.

I am troubled, too, by the uncertainty which the bill creates in regard to facilities presently in operation in States that now have water quality standards.

Another potentially serious problem may be lurking in the provisions of subsection (b) (9) (B) of section 21, which apparently would enable a State that has no water quality standards at the time of construction and operation of a facility covered by the act to thereafter adopt water quality standards that would be impossible for an existing facility to meet. I am concerned that there may not be sufficient flexibility and practicality built into some of these features of the bill.

I shall vote for this bill notwithstanding my concerns.

Mr. Speaker, I might add that the Joint Committee on Atomic Energy has under consideration bills which would also permit States to establish radiological standards more restrictive than those of the Atomic Energy Commission.

Mr. BLATNIK. Mr. Speaker, I yield such time as he may consume to the distinguished majority leader, the gentleman from Oklahoma (Mr. ALBERT).

Mr. ALBERT. Mr. Speaker, I certainly appreciate the gentleman from Minnesota yielding this time to me, because I think that the Water Quality Improvement Act of 1970, to which the House is about to give final approval, is not only a landmark piece of legislation but is another outstanding example of congressional initiative.

I feel humble in this area in following the distinguished gentleman from Minnesota (Mr. BLATNIK).

I think we might point out here that in this bill, as in practically every other major field, comments in many quarters to the contrary notwithstanding, it has been the Congress rather than the executive branch of the Government which has moved ahead in a vital area of high national priority. This water pollution control legislation was first introduced, this particular bill, by the distinguished gentleman from Maryland (Mr. FALLON) the chairman of the House Committee on Public Works, as early as January 23, 1969. Public hearings opened in February, but the Department of the Interior was not prepared to present the administration's position until March. The legislative product which the House Public Works Committee has fashioned in executive session was almost exclusively, insofar as policy is concerned, the product of its own labors. The administration's contribution was minimal. Drawn on heavily was the wealth of experience acquired by the committee during the past decade in pioneering in the water pollution control field.

I would remind the House that as long ago as 1960, the 86th Congress passed an antiwater pollution bill which was vetoed by President Eisenhower. Not content to rely solely on the wealth of background material it had already possessed, however, the Committee on Public Works of the House of Representatives in 1969 proceeded to gather additional evidence both in Washington and in the field.

Visited and viewed firsthand, for example, was the Santa Barbara oil slick. I cannot emphasize too strongly that much more was involved here than merely physically inspecting the results of this unfortunate disaster. Rather, what is of prime importance is that the long immersion of the members of the Committee on Public Works, particularly the gentleman from Minnesota (Mr. BLATNIK) in this subject has equipped that committee with a sophisticated knowledge of what these problems mean both as to short- and long-range effects and how they can be dealt with on a practical basis and what the interrelationship may be between various water pollution problems.

To my knowledge no important official in the executive branch of the government could possibly possess this type of expert knowledge.

H.R. 4148 passed the House on April 16, 1969, and the other body last October. The final legislative product which we now have before us is the result of a long and arduous conference extending over weeks and months. The same expertise which was so vital in the drafting of the original House-passed measure has made possible a successful conclusion of the conference.

H.R. 4148 is truly a monumental measure. I extend my congratulations to the membership of the Committee on Public Works for a job well done. I am sure they will not object to my singling out for particular commendation my old friend, the gentleman from Minnesota (Mr. BLATNIK).

Fifteen years ago JOHN BLATNIK was warning the Nation and the Congress about water pollution. His was often almost a voice crying in the wilderness. He received no cooperation from the Eisenhower administration. As I said earlier, his antiwater pollution bill in 1960 was vetoed. His dogged efforts were finally crowned with success in 1961 with the enactment of the Federal Water Pollution Control Act. This legislation was further expanded in 1966. The passage of H.R. 4148 today represents yet another triumph for JOHN BLATNIK in the fight against water pollution. He was of course supported in this effort by the distinguished chairman of the Committee on Public Works (Mr. FALLON) and all other Members on both sides of the aisle. This was a great triumph; however, it is the climax of great effort on the part of JOHN BLATNIK. I am sure it will not be his last major effort in this very important area in this House, or in this Congress.

Mr. FALLON. Mr. Speaker, I yield 5 minutes to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, I am deeply grateful for the allocation of time from the distinguished chairman of the Committee on Public Works.

Let me speak out most emphatically in complimenting the members of the Committee on Public Works for sending to the House for action a conference report that I believe is a very broad-based and very constructive piece of pollution control legislation.

The House of Representatives through its Committee on Public Works has been in the forefront from the inception of the battle by the Federal Government against the problems of water pollution. The history recounted by the distinguished gentleman from Oklahoma (Mr. ALBERT) is, I believe, accurate in indicating that men like the gentleman from Minnesota, JOHN BLATNIK, deserve a great deal of credit. I would, however, add the name of one of the Members on this side of the aisle who I believe should also be recognized for his outstanding service in the Federal battle against the problems of water pollution. He is the gentleman from Florida (Mr. CRAMER), who has been, as far as I know, one of the persons in the Congress who has pushed the hardest and the most to get necessary legislation so that we could do something effectively in the field of water pollution.

Now I would like to make one observation in addition to complimenting all of the members of the Committee on Public Works on both sides of the aisle.

The gentleman from Oklahoma mentioned something to the effect that there had been a very bad oil pollution problem that developed in the Santa Barbara Channel or harbor in 1969.

If my memory is accurate, that problem arose in the last few days of January 1969. It was tragic. It was serious. Unfortunately, the tragedy that developed took place under the regulations promulgated by the previous Secretary of the Interior, the distinguished Secretary of the Interior, Mr. Udall, who served from January 21, 1961 to January 20, 1969. The regulations, we found, were inadequate. Mr. Udall apparently did not have tight enough regulations to preclude the kind of oil pollution problem that developed in the Santa Barbara Channel.

I am delighted that the Secretary of the Interior under the present administration, Mr. Hickel, has done something to remedy that problem. I am told that the new, corrective regulations which are tighter, more restrictive and more constructive have been issued by Secretary Hickel as of August 1969. I am simply saying that the Nixon administration, when it found the inadequacies of the regulations under the former Secretary of the Interior Stewart Udall, have done something to correct the problem. The new regulations will do a better job—although such regulations cannot in and of themselves prevent the kind of problem that on occasion may arise regardless of the best of intentions.

Now let me add this. This legislation I do not think is the final answer to the problems of pollution. The President has submitted to the Congress a number of bills, four of which involve the Committee on Public Works, in the area of water pollution. These bills, I am certain will get the prompt and constructive consideration of the Committee on Public Works under the chairman, the gentleman from Maryland (Mr. FALLON), and from the subcommittee under the chairmanship of the gentleman from Minnesota (Mr. BLATNIK). They are proposals that should be enacted into law. They will add to and supplement the current basic legislation. I hope and trust that within a relatively short period of time the President's new and comprehensive recommendations for clean water, for clean air, and for open spaces, will get the approval of this House. It should not be a partisan issue. It has not been in the past and it should not be a partisan issue in the future. This Congress can make a name for itself, in partnership with this administration, if we act affirmatively on the new legislative package recommended by President Nixon.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. FALLON. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. MCEWEN).

Mr. MCEWEN. Mr. Speaker, the question I would like to propose to my dear friend and colleague, the gentleman from Texas, who has given some consideration to this is—what the meaning of the term "navigable waters of the United States" is as it particularly applies in this bill, to preempting of standards for the reguation of discharge and treatment of sewage from vessels.

Mr. Speaker, the committees of both Houses—the Committees on Public Works—recognized there was a problem and it was forcefully brought to our attention by recreational boaters. They do not want to face a multiplicity of regulation as they transit interstate waters, from one jurisdiction to another.

I think we will agree that was the primary reason behind the preemption here by the Federal Government, as proposed in this legislation, setting standards.

What I would like to ask the gentleman from Texas is this. Is it his view that in this preemption we are also preempting for Federal standards wholly intrastate waters—a lake, shall we say, wholly contained within one State—that here, too, Federal standards shall apply?

Mr. WRIGHT. Of course the term "navigable waters" has been subject to many different interpretations. I believe the intention of the conference committee in this instance was to define "navigable waters of the United States" as those waters which have legally been so defined and those waters which are, in effect, navigable waters, and those, primarily, of course, are interstate streams.

The purpose of preemption of marine safety device and sanitary device standards by the Federal agency was, if I correctly understand it, to assure that boaters engaging their recreational craft in the use of the navigable waters of the United States would not confront a proliferation of differing standards as they travel from one State jurisdiction to another.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. FALLON. Mr. Speaker, I yield to

the gentleman from Ohio (Mr. FEIGHAN) such time as he may consume.

Mr. FEIGHAN. Mr. Speaker, I wish to commend the members of the conference committee and members of the House Committee on Public Works for their efforts in bringing to the floor of this House this report on the legislation which is of major importance in the control and cleanup of our national waters.

Mr. FALLON. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Speaker, I want to express my appreciation to the members of the Public Works Committee and to the House conferees for retaining the $20 million authorization for the special pollution problems of the Great Lakes.

I also want to point out that in the committee action to date and the recent recommendations of the President failed to provide any funding for the removal of any residual pollution which continues to contaminate the waters of the Great Lakes.

I hope that the committee will this year consider legislation to approach the special problems of pollution disaster areas such as Lake Erie, the Hudson River, San Francisco Bay, and certain portions of the gulf seaboard. Efforts must be made to meet such problems by increasing a water flow, developing wave action, and in the case of Lake Erie, by dredging or aerating certain areas of densely polluted waters. These pollution disaster areas are beyond the capacity of any State or local community and can only be handled through Federal action.

I hope to urge such a program before the Public Works Committee at the earliest opportunity.

Mr. FALLON. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. JACOBS).

Mr. JACOBS. Mr. Speaker, I was interested in what the minority leader had to say about the comparative performance of the previous administration and the present administration in water pollution control. I would direct the attention of the minority leader to the fact that the Commissioner of Water Pollution Control, one David Dominick, appointed by the current administration on January 5 of this year, sent out simultaneous letters to a number of career regional directors of this program in effect firing them, because of ordering them transferred. And, at least in one instance, in Chicago, Ill., the current administration nominee to replace a 20-year career public servant is a civil engineer without special qualifications who was chairman of "Lithuanians for Nixon" in 1968. I just say that for the edification of the minority leader.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. The gentleman's comments, however, do not deny the statement that I made earlier, that the oil slick problem in the Santa Barbara Channel took place under regulations promulgated by former Secretary of Interior, the Honorable Stewart Udall.

Mr. JACOBS. No, I do not; and I am sure the gentleman would not deny the fact that the oil spill which occurred in the Gulf of Mexico just 2 weeks ago occurred under regulations that exist now, and also regulations which, I am told, have not been properly enforced in the case of that well.

Mr. GERALD R. FORD. The original exemption or license was granted in that case by the previous Democratic administration, however.

Mr. FALLON. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. KEITH).

Mr. KEITH. I thank the gentleman.

Mr. Speaker, I wish to compliment the chairman of the committee and its members on their efforts to bring the final version of this important bill back to us for a vote. As the committee knows, I have been very much interested both in the problem of oil spills at sea and in territorial waters. With reference to the efforts of this administration versus earlier administrations, I would say that before 1969 there was a lack of direction insofar as the responsibility for cleanups was concerned. This legislation, I believe, firmly puts this responsibility on the shoulders of the Coast Guard, for the first time makes substantial sums of money available for oil spillage removal and delineates the responsibility of industry in the cleanup problem.

Now that this has been assigned, we can actually make some progress, but we should have done it many years ago. The House tried to do it, if I recall correctly, 2 years ago. We passed a bill in the closing hours of the session in 1968, but it died between the branches of Congress and so the fault does not lie with this administration but with earlier administrations at least insofar as the assignment of actual responsibility to the industry and to the branches of Government that have to cope with this problem.

At any rate, Mr. Speaker, this legislation comes not a minute too soon. In the last 2 years we have had a thousand oil spills which have tremendously damaged this ecology of America. Hopefully in the future through this legislation we will have found a way to cope with these problems, and at least cut down on the damage that would otherwise have continued to decimate our shoreline.

Mr. FALLON. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Speaker, I very much appreciate the chairman yielding to me.

I commend the House Committee on Public Works and the conference committee for the new subsection H of section 5 of the Federal Water Pollution Control Act which has been incorporated in the final version of H.R. 4148.

I am very pleased that this body has given recognition to the problems of eutrophication and lake pollution.

In fact, this provision will, for the first time, give authority directly to the Department of the Interior to carry on research and demonstration projects, including the construction of publicly owned research facilities, which will give us additional information on the problem of eutrophication and the ending of pollution in our inland lakes.

Mr. Speaker, I compliment the committee on its work and look forward to having the Department of the Interior implement this "clean lakes" section of the legislation at an early date.

Mr. FALLON. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Speaker, I, too, commend the committee, and I thank the chairman for having yielded to me.

Mr. Speaker, I direct one question to the gentleman from Texas regarding the matter of the discharge of waste from pleasure craft. I know there is some controversy on this subject, and there is a great deal of concern by pleasure craft owners about it in my area as to what regulations will be adopted.

Can the gentleman from Texas give us any information as to what procedures will be followed in settling this controversial question?

Mr. WRIGHT. Mr. Speaker, the bill does not lay down the guidelines but directs the Secretary of the Interior within 2 years to promulgate standards for these marine sanitation devices. Then it directs the Coast Guard to develop regulations for installation of the devices to see that they live up to the standards.

The bill exempts from these standards and regulations the vessels which already are equipped with sanitation devices that were installed pursuant to existing State law, so long as they remain consistent with existing State law. It provides that, after 2 years, new vessels would be required to comply with these standards and regulations. Existing vessels, however, would have 5 years before they have to come into compliance.

Mr. ASHBROOK. Mr. Speaker, I thank the gentleman. It seems a reasonable approach to this problem. Then those who have some controversy about this problem will have to sell their case to the authorities making those regulations.

(Mr. JONES of Alabama (at the request of Mr. FALLON) was granted permission to extend his remarks at this point in the RECORD.)

Mr. JONES of Alabama. Mr. Speaker, I am particularly pleased to have had the opportunity to be a part in bringing this conference report to the House today.

The conferees have worked long and hard to prepare this legislation which meets such a great need in our country.

This is a giant step forward and one which every Member of this House can be proud.

Since the first Water Pollution Control Act in 1948 I have worked with my distinguished and knowledgeable colleague from Minnesota, Hon. JOHN BLATNIK, to provide the most adequate legislation possible for control of water pollution.

We were able to extend the original act in 1953 and make it permanent in 1956. This initiated the grants for construction of municipal water treatment works.

Concern for quality of our environment was not so strong at that time.

In 1955 and 1956, public apathy was most obvious to me as chairman of the special subcommittee which traveled back and forth across the country conducting hearings on the Nation's water resource problems. Only in the urban centers were the warnings of growing pollution problems given voice.

During the early 1960's another series of hearings throughout the country before the Natural Resources and Power Subcommittee of which I was chairman, focused particular attention on the water pollution problems which were multiplying at an alarming rate.

The improvements of the Federal Water Pollution Control Act in 1961, 1965, and 1966 reflected the rising tide of public concern and interest in preventing the death of our lakes and streams.

It is in response to a great need and demand by the people of this country that we bring this conference report to the House for adoption today. This legislation will be an accommodation to the people who are earnestly seeking to make corrections and improvements in the quality of the water they use and discharge.

I believe that H.R. 4148 is another fine piece of legislation which has been reported from the Committee on Public Works, and which has already passed this body and is now before you today for final approval of the conference report. This bill is one of the outstanding pieces of legislation in which I have played a part in during my tenure with the Congress.

H.R. 4148 moves us into new categories in the drive to keep our Nation's waters pure. It establishes liability, monetary limitations, and requirements for oil cleanup spillage, whether it be by a vessel or onshore or offshore installation. It moves into the category of pollution from various types of vessels and lays down the guidelines for the development of appropriate disposal of sewage from those vessels in the years ahead. It requires for the first time certifications from any industry or from anyone who would use our Nation's waters for purposes such as nuclear power development, steel plant development, bridge construction, among other things that in the use of such Nation's waters the operation of any of these facilities will not effect the water quality standards of a State or States.

It covers many other major points too long to be enumerated here in the short time that I have. Suffice it to say I believe this legislation will prove to be one of the most important pieces of legislation this Congress will pass in this or any other session, and I recommend adoption of the conference report on H.R. 4148.

Mr. FALLON. Mr. Speaker, I am proud to have been a part in development of the legislation which is pending before this body today for final consideration before it will be sent to the White House for signature.

This is major legislation with a capital "M."

Throughout the years from the Committee on Public Works there has been reported legislation which has developed a stronger and stronger program to keep our Nation's waters clean. This body throughout the years has consistently supported legislation which will provide necessary funding to develop proper means of cleaning up our Nation's waters and when necessary it has provided a means by which the Federal Government and the States have the power to bring action against those who would violate the water quality standards or our Nation's rivers, lakes, streams, and oceans.

The legislation pending before this body is another giant step in an effort to accomplish the goal we all seek—clean water for the use of all Americans. It is a long and complex bill. It covers such diverse fields as control of pollution by oil; control of hazardous polluting substances; control of sewage from vessels; and a requirement that proper certification be received from those who would use our Nation's waters and in the process must obtain a Federal license or permit, that they give reasonable assurance of compliance with water quality standards for a State or States before that applicant can receive any license or permit. This includes among others a license from the Atomic Energy Commission for a nuclear powerplant or for any new dam which requires a license or from the Federal Power Commission, as well as many other industries which would require a permit to build a dock discharge pipe, a water intake pipe, or a bridge.

These are just some of the highlights of this fine legislation. It is the result of almost 2½ years of intensive work by the Congress and comes to you today as a result of one of the most fully discussed and lengthy conferences in the history of the Committee on Public Works.

I am proud to be a part of it and I support it.

May I conclude my remarks by commending all those on the conference who worked so hard for the legislation, in particular the gentleman from Minnesota (Mr. BLATNIK), the gentleman from Alabama (Mr. JONES), the gentleman from Texas (Mr. WRIGHT), the ranking member of the committee, the gentleman from Florida (Mr. CRAMER), the gentleman from Ohio (Mr. HARSHA), and the gentleman from New York (Mr. GROVER).

I urge adoption of the conference report.

Mr. FEIGHAN. Mr. Speaker, let me say that I myself have been a strong supporter over many years of all the legislation that the Committee on Public Works has reported in the field of water pollution. I am particularly grateful for the fact that this conference report contains language which I supported when H.R. 4148 was first considered by the House. I have reference to section 15 of the conference report dealing with pollution control in the Great Lakes. This is an opening for the Secretary to begin to develop projects, to find new methods and techniques to eliminate or control pollution in all portions of the watersheds of the Great Lakes.

I note that the figure of $20 million for this section is still retained in the conference report and I appreciate this as well. I am pleased that elsewhere in this legislation which is before us today there is also authorization for clean lakes study and their research. I am appreciative of all these steps but I might add that they are only a beginning.

The problem in Lake Erie and in the other Great Lakes and in many portions of the waters of this country is a pressing one.

Under the $20 million authorized for this Great Lakes program the pilot project of the program would be one dealing with Lake Erie itself. The problem in Lake Erie has been most pressing for a number of years and therefore the first attention and the first priority for this program will be given to Lake Erie.

We must move forward faster in this field and I intend to do all I can to see that this effort is made to finally clean up this problem. I believe the balance of the legislation covering such things as oil pollution, licensing of facilities who use our Nation's waters, vessel pollution, are major steps in the advancement of the pollution cleanup of our Nation.

I support the conference report.

Mr. DONOHUE. Mr. Speaker, I most earnestly urge my colleagues to speedily and overwhelmingly approve this conference report on H.R. 4148, the Water Quality Improvement Act of 1970.

Beyond the extension of the present water pollution control legislation, this report recommends the acceptance and inclusion of the substance of a measure, H.R. 9382, that I cosponsored in March last year, and the legislative proposal I supported last September to create a Council on Environmental Quality.

That act is implemented in this measure by providing for the further establishment of the Office of Environmental Quality, to provide technical advice and assistance that will enable the President, the Congress, States, and municipalities to better meet and overcome our environmental pollution dangers.

Other additional major provisions recommended in this report are those authorizing an accelerated study of the removal methods and enforcement measures designed to deal with releases of hazardous substances into the waters of the United States; requiring that all Federal facilities and activities, as well as those federally licensed or permitted facilities and activities, must comply with certain water quality standards; projecting a clearer policy, in the protection of the public interest, of complete liability upon owners and operators of vessels and onshore and offshore facilities for pollution cleanup costs incurred by the United States.

Mr. Speaker, these and other additions to existing water pollution control legislation, contained in this report, represent a vigorous forward step in our continuing efforts to recruit all the resources of our Government and our society to expedite the removal and control of the increasingly dangerous pollution of our waters.

They constitute a commendable legislative effort on the part of the Congress to join with the President in moving faster and more effectively toward the completion of what we might well call a great national house-cleaning project that is absolutely essential for our survival.

Of course, many of us here who joined

in urging the approval of the originally proposed appropriation of $1 billion for the construction of sewage and waste treatment facilities are mindful that our cause was lost by two votes. I sincerely hope that, when the time comes for the House to approve the actual appropriations necessary to carry out the provisions of this legislation, the same spirit of urgency and priority will be present as is being demonstrated here today.

Let us remember that most small towns, particularly, and our cities and States have practically reached the end of their financial resources and overburdened taxpayers, in these inflationary days, cannot bear the additional burden of cleaning up local and State waters. All our good intentions and our best legislative projections will come to nothing unless sufficient money is recommended by the President and appropriated by the Congress to fulfill the purpose of this act, and to honor our commitment to the taxpayers of the United States to provide them with a wholesome environment, free from pollution and poison.

Mr. VANIK. Mr. Speaker, I want to express my appreciation to the members of the Public Works Committee and to the House conferees for retaining the $20 million authorization for the special pollution problems of the Great Lakes.

I also want to point out that in the committee action to date and the recent recommendations of the President failed to provide any funding for the removal of any residual pollution which continues to contaminate the waters of the Great Lakes.

It is my hope that the committee will this year consider legislation to approach the special problems of pollution disaster areas such as Lake Erie, the Hudson River, San Francisco Bay, and certain portions of the gulf seaboard. Efforts must be made to meet such problems by increasing water flow, developing currents and wave action, and in the case of Lake Erie, by dredging or aerating certain areas of densely polluted waters. These pollution disaster areas are beyond the capacity of any state or local community and can only be handled through Federal action.

I expect to urge such a program before the Public Works Committee at the earliest opportunity.

Mr. ROTH. Mr. Speaker, the Water Quality Improvement Act—H.R. 4148, now reported out of conference after lengthy debate—is a significant step forward toward restoring and improving the quality of our Nation's waters. Initiated in the wake of the disastrous *Torrey Canyon* incident in 1967, and spurred by the Santa Barbara blowout and the *Ocean Eagle* spill in San Juan Harbor, this landmark legislation finally passed through the committees of both houses and was sent into conference committee last session. While the differences were being worked out, a series of disasters took place which prodded completion of the bill—a tanker grounded and leaking off the coast of Nova Scotia, one spilling its cargo into Tampa Bay, and the oil spillage following the drilling platform explosion off New Orleans.

From all these incidents, from 1967 to the present, it is necessary to conclude that there is a very serious problem and that our present laws are inadequate to deal with that problem. The penalties contained in the Oil Pollution Act of 1924—personal punishment of a fine of up to $2,500 and imprisonment went up to 1 year, or both, and vessel liabilities of up to $10,000—do not begin to cope with the threats posed by the expanding oil extraction and transportation industry. Far larger oil tankers, drilling platforms operated improperly or placed in seismically active offshore land, and increasing commerce with increasing chance of accidents—all call for the reform provided by this bill.

The conference report contains provisions for absolute liability to the United States, unless the owner or operator can prove that the discharge resulted solely from an act of God, an act of war, an act of U.S. Government negligence, or an act or omission of a third party. The limits on the liability have been set at $14 million for a vessel and $8 million for offshore or onshore facilities. This liability may not be high enough for the future, but it is sufficient to pay for the cleanup of the most disastrous spill on record.

A second provision of the bill that is needed badly is contained in section 21, which requires any applicant for a Federal license or permit with respect to the navigable waters of the United States to obtain certification that his activities will not violate existing water quality standards. This broad provision is very important. Among other things, it offers us the possibility of responding to the expanding demand for electric power and yet giving those parties especially concerned with the pollution generated along with that power a means, outside of the courts, for seeing that their concerns are considered.

This is vitally needed legislation and it has my wholehearted support. It is an integral part of the growing Federal effort aimed at assuring a quality environment for present as well as future generations. It is a sensible balancing of the growing demands of our people for the benefits from oil and electricity, and the benefits of a clean, healthy, life-promoting environment.

Mr. DENNEY. Mr. Speaker, I am a strong supporter of programs for improvement of our environment. One of the best of these that I see working in my district is the small watershed program—Public Law 566. I have been on these projects during the planning stage and have seen the problems faced by the local people and I have seen the projects with the land treatment on the land and the dams in place.

I strongly support the SCS budget increasing construction by $8,246,000. Why, I ask, since Aowa Creek watershed in Dixon County has been approved by Congress, have not funds been made available for construction. This is unfair to the local people. I have seen gullies in Aowa watershed 30 feet deep, eating away at the landscape and threatening roads and bridges. These gullies will continue to grow until action is taken. Gully erosion is an extremely serious problem throughout my district.

This source of sediment which causes pollution of our streams must be controlled. Also, the day must come when this land will be needed to satisfy our expanding population. The small watershed program is a natural for stopping these gullies and healing up the landscape. Frequent and devastating floods have plagued Nebraska during its entire history, and the people want to do something about them. In my district, the Nemaha Basin is now entirely covered with applications for assistance under the small watershed program. This work must go forward.

The accelerated land treatment program, an integral part of the small watersheds, supplements the going program of the soil and water conservation districts in holding soil and water on the farm, thus reducing sediment production and preventing agricultural chemicals from polluting the streams in the State.

Eastern Nebraska was not blessed with natural lakes. The small watershed program, however, is being used to develop water-based recreation that can satisfy a large part of this increasing demand for recreation. These recreational opportunities will make eastern Nebraska a better place in which to live, and will help prevent the outmigration of people.

As I have said, I support the SCS budget increasing construction funds, however, I am concerned at the sharp drop in planning funds. In my district alone there are 30 applications not yet planned even though 17 projects have been authorized and funded for construction and six projects completed.

Mr. FALLON. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 358, nays 0, not voting 72, as follows:

[Roll No. 63]

YEAS—358

Abbitt	Ashbrook	Boland
Abernethy	Ashley	Bow
Adair	Aspinall	Brademas
Adams	Ayres	Bray
Addabbo	Baring	Brinkley
Albert	Beall, Md.	Brock
Alexander	Belcher	Brooks
Anderson, Calif.	Bell, Calif.	Broomfield
	Bennett	Brotzman
Anderson, Ill.	Betts	Brown, Mich.
Anderson, Tenn.	Bevill	Brown, Ohio
	Biester	Broyhill, N.C.
Andrews, N. Dak.	Bingham	Burke, Fla.
	Blackburn	Burke, Mass.
Annunzio	Blatnik	Burleson, Tex.
Arends	Boggs	Burlison, Mo.

Burton, Calif.	Harsha	Price, Tex.
Burton, Utah	Harvey	Pryor, Ark.
Bush	Hastings	Pucinski
Button	Hathaway	Purcell
Byrne, Pa.	Hawkins	Quie
Byrnes, Wis.	Hébert	Quillen
Cabell	Hechler, W. Va.	Railsback
Caffery	Heckler, Mass.	Randall
Camp	Helstoski	Rarick
Carter	Henderson	Rees
Casey	Hicks	Reid, N.Y.
Chamberlain	Hogan	Reuss
Chappell	Horton	Rhodes
Chisholm	Hosmer	Riegle
Clancy	Howard	Roberts
Clausen, Don H.	Hull	Robison
	Hungate	Rodino
Clawson, Del	Hunt	Roe
Cleveland	Hutchinson	Rogers, Colo.
Cohelan	Ichord	Rogers, Fla.
Collier	Jacobs	Rooney, N.Y.
Collins	Johnson, Calif.	Rooney, Pa.
Conable	Johnson, Pa.	Rosenthal
Conte	Jonas	Rostenkowski
Conyers	Jones, N.C.	Roth
Corbett	Karth	Roudebush
Corman	Kastenmeier	Roybal
Coughlin	Kazen	Ruppe
Cowger	Kee	Ruth
Crane	Keith	Ryan
Culver	King	St Germain
Cunningham	Kleppe	St. Onge
Daniel, Va.	Koch	Sandman
Daniels, N.J.	Kyl	Satterfield
Davis, Wis.	Langen	Saylor
de la Garza	Latta	Schadeberg
Delaney	Leggett	Scherle
Dellenback	Lloyd	Scheuer
Denney	Long, La.	Schwengel
Dennis	Long, Md.	Scott
Dent	Lujan	Sebelius
Derwinski	Lukens	Shriver
Devine	McClory	Sikes
Dickinson	McCloskey	Sisk
Dingell	McClure	Skubitz
Donohue	McCulloch	Slack
Dowdy	McDade	Smith, Calif.
Downing	McDonald, Mich.	Smith, Iowa
Dulski	McEwen	Smith, N.Y.
Duncan	McFall	Snyder
Dwyer	McKneally	Springer
Eckhardt	Madden	Stafford
Edmondson	Mahon	Staggers
Edwards, Ala.	Mailliard	Stanton
Edwards, Calif.	Marsh	Steed
Edwards, La.	Mathias	Steiger, Wis.
Eilberg	Matsunaga	Stephens
Erlenborn	May	Stokes
Esch	Mayne	Stratton
Eshleman	Meeds	Stubblefield
Evans, Colo.	Melcher	Stuckey
Evins, Tenn.	Michel	Sullivan
Fallon	Mikva	Symington
Fascell	Miller, Calif.	Talcott
Feighan	Miller, Ohio	Taylor
Findley	Mills	Teague, Calif.
Fisher	Minish	Thompson, Ga.
Flood	Mize	Thompson, N.J.
Flowers	Mizell	Thomson, Wis.
Flynt	Mollohan	Tiernan
Foley	Montgomery	Udall
Ford, Gerald R.	Moorhead	Ullman
Foreman	Morgan	Van Deerlin
Fountain	Morse	Vander Jagt
Fraser	Morton	Vanik
Frelinghuysen	Mosher	Vigorito
Frey	Moss	Waggonner
Friedel	Murphy, Ill.	Waldie
Fulton, Pa.	Murphy, N.Y.	Watson
Fuqua	Myers	Watts
Galifianakis	Natcher	Weicker
Garmatz	Nedzi	Whalen
Gaydos	Nelsen	Whalley
Gibbons	Nichols	White
Gilbert	Nix	Whitehurst
Gonzalez	Obey	Whitten
Goodling	O'Hara	Widnall
Green, Oreg.	O'Konski	Wiggins
Green, Pa.	Olsen	Williams
Griffin	O'Neal, Ga.	Wilson, Bob
Griffiths	O'Neill, Mass.	Wilson, Charles H.
Gross	Patten	Winn
Grover	Pelly	Wold
Gubser	Pepper	Wolff
Gude	Perkins	Wright
Hagan	Pettis	Wyatt
Haley	Philbin	Wylie
Hall	Pickle	Wyman
Halpern	Pike	Yates
Hamilton	Pirnie	Yatron
Hammer-schmidt	Poage	Young
	Poff	Zablocki
Hanley	Pollock	Zion
Hanna	Preyer, N.C.	Zwach
Hansen, Idaho	Price, Ill.	
Hansen, Wash.		

NAYS—0

NOT VOTING—72

Andrews, Ala.	Fulton, Tenn.	Martin
Barrett	Gallagher	Meskill
Berry	Gettys	Mink
Biaggi	Giaimo	Minshall
Blanton	Goldwater	Monagan
Bolling	Gray	Ottinger
Brasco	Harrington	Passman
Brown, Calif.	Hays	Patman
Broyhill, Va.	Holifield	Podell
Buchanan	Jarman	Powell
Carey	Jones, Ala.	Reid, Ill.
Cederberg	Jones, Tenn.	Reifel
Celler	Kirwan	Rivers
Clark	Kluczynski	Schneebeli
Clay	Kuykendall	Shipley
Colmer	Kyros	Steiger, Ariz.
Cramer	Landgrebe	Taft
Daddario	Landrum	Teague, Tex.
Davis, Ga.	Lennon	Tunney
Dawson	Lowenstein	Wampler
Diggs	McCarthy	Watkins
Dorn	McMillan	Wydler
Farbstein	Macdonald, Mass.	
Fish		
Ford, William D.	MacGregor	
	Mann	

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Celler with Mr. Wydler.
Mr. Teague of Texas with Mr. Minshall.
Mr. Holifield with Mr. Meskill.
Mr. Hays with Mr. Cederberg.
Mr. Brasco with Mr. Fish.
Mr. Barrett with Mr. Watkins.
Mr. Lennon with Mr. Berry.
Mr. Macdonald of Massachusetts with Mr. Goldwater.
Mr. Monagan with Mrs. Reid of Illinois.
Mr. Farbstein with Mr. MacGregor.
Mr. Gallagher with Mr. Reifel.
Mr. Shipley with Mr. Kirwan.
Mr. Fulton of Tennessee with Mr. Kuykendall.
Mr. Gray with Mr. Schneebeli.
Mr. Giaimo with Mr. Tunney.
Mr. Daddario with Mr. Steiger of Wisconsin.
Mr. Davis of Georgia with Mr. Martin.
Mr. Landrum with Mr. Broyhill of Virginia.
Mr. Kluczynski with Mr. Taft.
Mr. Biaggi with Mr. Blanton.
Mr. Andrews of Alabama with Mr. Buchanan.
Mr. Jones of Tennessee with Mr. Wampler.
Mr. Rivers with Mr. Cramer.
Mr. Patman with Mr. Landgrebe.
Mr. Passman with Mr. Clark.
Mr. Dorn with Mr. Mann.
Mr. Jones of Alabama with Mr. McMillan.
Mr. Jarman with Mr. McCarthy.
Mr. Carey with Mr. Brown of California.
Mr. Colmer with Mr. Kyros.
Mr. William D. Ford with Mr. Dawson.
Mr. Gettys with Mr. Lowenstein.
Mr. Harrington with Mr. Clay.
Mr. Podell with Mrs. Mink.
Mr. Ottinger with Mr. Diggs.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

ENROLLMENT OF TITLE OF H.R. 4148, WATER QUALITY IMPROVEMENT ACT OF 1970

Mr. FALLON. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 559) and ask unanimous consent for its immediate consideration.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 559

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill H.R. 4148 the Clerk of the House of Representatives is authorized and directed to enroll the title so as to read: "An Act to amend the Federal Water Pollution Control Act, as amended, and for other purposes."

The SPEAKER pro tempore (Mr. EDMONDSON). Is there objection to the request of the gentleman from Maryland?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FALLON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

PROVIDING ADDITIONAL FUNDS FOR DISTRICT OF COLUMBIA BAIL AGENCY, 1970

Mr. DOWDY. Mr. Speaker, by direction of the Committee on the District of Columbia, I ask unanimous consent that the Committee of the Whole House on the State of the Union be discharged from further consideration of the bill (H.R. 16612) to amend the District of Columbia Bail Agency Act to provide additional funds for the District of Columbia Bail Agency for fiscal year 1970, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 16612

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 9 of the District of Columbia Bail Agency Act (D.C. Code, sec. 23-908) is amended by striking out ", but not to exceed $130,000 in any one fiscal year,".

Mr. DOWDY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the District of Columbia Bail Agency has been given, under the provisions of the omnibus anticrime bill which passed the House recently, a great deal of additional authority and responsibility.

They are presently operating under a ceiling of $130,000, and they will run out of money immediately. They will need about $40,000 more to finish out this fiscal year.

The committee has been advised there is an urgent need for this legislation. It is requested by the Director of the District of Columbia Bail Agency and by the chief judge of the U.S. District Court for the District of Columbia, as I said, because of the additional workload occasioned by the increased number of investigations required of the Agency.

I urge the adoption of the bill.

Mr. NELSEN. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I only wish to add that by statutory limitation, the authorization of appropriations was set at $130,000. Because of the great increase in arrests and consequently the demand for services, the bail agency finds it will be impossible to continue operations to the end of the fiscal year. The funds are available by reallocation but the limitation on the authorization prevents the Appropriation Subcommittee from making the necessary reallocation for the agency to execute the bail act as enacted by Congress.

There was no opposition whatever in the committee to this bill. I hope the bill will be passed.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM FOR BALANCE OF WEEK

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the remainder of the week as far as he can report it.

Mr. ALBERT. Mr. Speaker, will the distinguished gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, we do not expect any more legislative business this week. I say that in spite of the fact that I must also say that we are compelled not to adjourn for an Easter recess and will not adjourn for an Easter recess unless and until the mail problem is solved. We will not program ordinary legislation during the remainder of this week or next week, and we will undertake, if the Members are needed here, to advise Members. I am sure the gentleman from Michigan will cooperate with us in trying to give Members ample notice of any emergency legislation which might come up.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD, I yield to the gentleman from Illinois.

Mr. PUCINSKI. Will the distinguished majority leader give us some idea of where we are on this mail situation now, if the gentleman knows?

Mr. ALBERT. I cannot answer the gentleman. The gentleman probably knows that as far as the pending legislation is concerned the conferees met this morning and they will meet again this afternoon. I am not sure what will happen, but we do not expect any action on this matter this week. I can almost assure the gentleman of that. Otherwise I would not make this announcement. But I must say that we are not going to adjourn through next week.

Mr. PUCINSKI. The gentleman is saying, then, we will be here Monday for official business?

Mr. ALBERT. We will be here. The House will meet on Monday.

SUPPORTING LEGISLATION TO ESTABLISH A FEDERAL ADMINISTRATIVE JUSTICE CENTER

(Mr. KASTENMEIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KASTENMEIER. Mr. Speaker, I am today introducing a bill to fill a great and growing need of the Federal Government. My bill (H.R. 16663) would establish a Federal Administrative Justice Center with responsibility for encouraging and supporting the continuing legal education of lawyers in the service of the Federal Government.

There are about 10,000 lawyers in the Federal service. This includes some 600 hearing examiners appointed under the Administrative Act. They play a vital role in the administration and enforcement of the law. The Government has shown a keen interest in attracting capable young attorneys, and in making their posts attractive. But more attention should be given to measures which will induce the ablest to remain with the Government and enable all lawyers in Federal service to perform their duties more capably.

The measure I have introduced is also being introduced in the other body by the distinguished senior Senator from Massachusetts, Mr. KENNEDY. It is designed to fill a part of this gap by encouraging Government lawyers to develop their skills and to keep abreast of developments in Congress, the courts, the agencies, and in society, to the end that they may be prepared to perform their duties more competently and also to undertake effectively future challenges.

The bar has long recognized the desirability of continuing legal education. The First National Conference on the Continuing Education of the Bar which met at Arden House in 1958 emphasized this, saying:

> American lawyers today are confronted with problems of vast and increasing complexity. No law school education can be expected to deal with all of these problems. A practicing lawyer has an obligation to continue his education throughout his professional life. This education not only must increase his professional competence but also better qualify him to meet his professional responsibilities to his clients and to the public.

What was there said of the lawyer in general applies with special force to the lawyer in Government service.

Some Government lawyers and hearing examiners now have access to continuing legal education courses provided by the agencies which employ them. Others have access to courses sponsored by the Civil Service Commission, the bar associations, and the law schools. However, what is available falls short of the need and remedial legislation seems indicated.

In 1962 the personnel committee of the Administrative Conference of the United States noted the lack of well-rounded career development and training programs specially designed for lawyers in Federal service. In 1966 the Chairman of the Civil Service Commission and in 1967 the Presidential Task Force on Career Advancement observed that this deficiency still existed. In 1969 the American Bar Association and the Administrative Conference of the United States, adopted resolutions again pointing to the need for improved continuing legal education in the Government, and recommended as a remedy the founding by the Government of a Center in Washington which would be responsible for this activity.

The proposed Center would be organized as a new agency. It does not appear feasible to assign the function to any existing Government organization. Policy will be determined by a Board of Visitors, with the Attorney General as Chairman. A majority of the Board would consist of persons in Government employ; an outside viewpoint would be provided by members chosen from the private bar and law schools.

The activities of the Center would be supervised by a staff of lawyers similar to the administration of a law school. The staff would be small. The Center's proposed budget of $400,000 is a modest one. Students would be designated by the agencies of the Government employing them as lawyers. Fees covering the cost of a course would be paid out of funds available for training purposes by the agencies sending their lawyers to the courses organized by the Center.

The Center would work closely with the departments, agencies, and hearing examiners to identify education needs and to develop effective legal education programs, recruiting the expert faculty for each particular course as the need arises. This should avoid any necessity for the Center to employ a large permanent staff.

The Center is not intended to overlap the existing powers and responsibilities of any agency of the Government. Where training of lawyers is now done well within the Government, it would continue unimpaired. The Center would be expected to effect its role where a need for further education of lawyers is not adequately provided.

Continuing legal education could encourage more capable young lawyers to join the Government and help retain experienced attorneys of undoubted ability.

The Federal Administrative Justice Center is designed to fulfill a need for continuing legal education which will endure as long as there is an insistence that Government be administered with competence and justice. Continuing education is particularly essential to lawyers employed by the Federal Government during this time of rapid changes in our economy and society.

THE PRESIDENT'S VIEWS ON SCHOOL DESEGREGATION

(Mr. CORMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CORMAN. Mr. Speaker, the Nation now has the benefit of the President's views on school desegregation. One can, after a cursory reading, conclude that there is something in it for everybody.

I would call one specific passage of the President's statement to the attention of my colleagues because it relates to the case of Crawford against the Board of Education of the City of Los Angeles, which I inserted in the CONGRESSIONAL RECORD this past Monday.

The President characterizes this case as "probably the most extreme judicial decree so far," and goes on to conclude, "I believe it is preferable—when we have to make the choice, between desegregation and improvement of education—to use limited financial resources for the improvement of education."

But, the President does consistently reject toleration of de jure segregation, and deals with de facto segregation by saying "de facto segregation, which exists in many areas both North and South, is undesirable but is not generally held to violate the Constitution. Thus residential housing patterns may result in the continued existence of some all-Negro schools even in a system which fully meets constitutional standards. But in any event, local school officials may, if they so choose, take steps beyond the constitutional minimums to diminish racial separation."

The President may be faulted on two grounds in his characterization of the decision in the Los Angeles Board of Education case. First, Judge Gitelson found clearly that the Los Angeles board was guilty of de jure segregation; and second, whether it was de jure or de facto, the State board of education, at the time the case was before the court, had prescribed special goals to end de facto segregation, with which the local board had to comply.

Before one becomes either exalted or fearful—depending on one's own objective in the issue—about how much support for the desegregation of our elementary and secondary schools we can expect from the President of the United States, we must remember that this statement was delivered by the man who fired Leon Panetta, his own director for civil rights, and nominated Judge Carswell to the Supreme Court.

THE COMPREHENSIVE HEADSTART CHILD DEVELOPMENT ACT OF 1970

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, on March 19, I joined 40 of my colleagues in the House of Representatives in sponsoring the Comprehensive Headstart Child Development Act of 1970. The need for early childhood services has been well documented, and I will not dwell on it at this time except to say that many millions of children need services before they are 6 years old—children from culturally deprived families, children of working mothers, children from families undergoing temporary crises, and children whose parents just want them to have every possible advantage. It is the long-range purpose of this legislation, therefore, to spur the development of a comprehensive network of early childhood services sufficient to meet the national need.

To do this, however, a number of short-range steps are necessary. Several of these steps have already been taken, in fact, by the Republican administration—the organization of the Office of Child Development, the initiation of experimental activities to improve programs, and the proposal of welfare reform which includes day-care services for children of welfare mothers.

The rationale underlying this legislation is that still other measures are also necessary to build the kind of foundation sufficient to support a national early childhood structure. Title I of the bill consolidates several existing Federal programs into a single Federal program administered by a single Federal agency. Subsequent titles provide a beginning toward the research, personnel and facilities which will be needed to support broad scale early childhood programs and which are so sorely lacking at present.

If we accept as a long-range goal the provision of early childhood services for all who need them or desire them, we must understand that the eventual cost of such services could be as high as $22 billion annually by 1975. Obviously the Federal Government cannot be expected ever to assume a burden of these proportions, and State and local governments, already financially strapped, are not any better equipped to take over the job of financing such an immense effort.

A concept underlying this entire act, therefore, is that all parents must pay as much as they are able of the costs of services received by their children. The sliding fee-scale proposed in the bill will assure this, and will also mean that the overwhelming portion of Federal funds will be used to enable economically disadvantaged children to participate in early childhood programs.

Second, we must look to private enterprise, which has in the past supplied over half of all early childhood services, for the greatest future growth. Programs will be developed by private entrepreneurs, by employers of large numbers of working mother—hospitals are leading in this area at present, and by unions. Such private initiative—traditionally taking the form of private kindergartens, nursery schools, summer day camps, and child care centers—will be required to meet the same high standards as prevail for public and private nonprofit programs. In too many parts of the country, child care services are not available even for mothers who are willing to pay high prices for them. A mortgage-guarantee program to assist privately sponsored programs in meeting the large initial cost of constructing or acquiring a facility is included in this legislation, and it is hoped that this, together with the sliding fee-scale concept, will help stimulate the development of early childhood services in areas where they are needed.

THE COMPREHENSIVE HEADSTART CHILD DEVELOPMENT ACT OF 1970

(Mr. DELLENBACK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DELLENBACK. Mr. Speaker, I want my colleague, the gentleman from Illinois (Mr. MICHEL), to know that I particularly appreciate his joining with us in sponsoring legislation in this most important area of early childhood services.

Many bills have been introduced in this session of Congress which approach from several different directions the problem of providing adequate and appropriate early childhood services. Hearings have been completed by the House Education and Labor Committee's Select Subcommittee, and members from both parties are now working toward developing landmark legislation on a bipartisan basis which addresses itself realistically to the problem. It is expected that the subcommittee will act on the legislation within a matter of days.

In addition, there have been extensive discussions and correspondence with various representatives from the administration who have given the Comprehensive Headstart Child Development Act of 1970 their most careful scrutiny. After long deliberation, a letter was prepared which outlines the administration's response to this legislative proposal. We were especially pleased to note the strong affirmative statement supporting the underlying rationale of the bill as well as substantial agreement with many of the specific measures contained in the bill. This letter, from the Office of the Secretary of Health, Education, and Welfare, dated March 19, 1970, reads as follows:

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., March 19, 1970.

Hon. JOHN R. DELLENBACK,
House of Representatives,
Washington, D.C.

DEAR MR. DELLENBACK: I very much appreciate the interest and concern regarding comprehensive Child Development legislation expressed in your letter of February 8, 1970. I am writing to express the views of this Department on your bill, H.R. 15776, and the revised versions introduced by Senator Winston Prouty (S. 3480) and Representative Gerald Ford and others (H.R. 16265). My comments are addressed to these later versions. Because the Select Committee on Education has terminated its public hearings on this important subject, I will make my comments in this letter rather than waiting for a meeting to be arranged.

As you know, our Administration shares your concern and interest in early childhood development and has already taken a number of steps toward expanding and improving the administration of programs in this area. These include establishment of the Office of Child Development to serve as the focal point for the early childhood development activities in the Federal Government, and intensification of research and experimental programs as proposed in the FY 1970 and FY 1971 budgets and in the President's recent message on education. Furthermore, as you note in your letter, the President has

proposed, and the House Ways and Means Committee has ordered reported as part of H.R. 16311, a substantial day care program for low income families who qualify under the Family Assistance Plan. That program alone anticipates an increase of over 65 percent in Federal expenditures for preschool and day care programs.

We realize, however, that there is considerable interest in the Congress in going beyond these significant steps to enact some form of comprehensive child development legislation. The work of your Task Force and the Select Committee have provided an examination of a number of alternatives in this vital area. The Administration is in substantial agreement with many of the policies and concepts embodied in your legislative proposals. We applaud your initiative to consolidate the major authorities for preschool and day care programs. This is wholly consistent with the Administration's commitment to streamline the Federal Government and to make it more responsive to the needs of the people.

The Department agrees with and strongly supports the graduated and controlled approach to increases in budget authority taken by the bill. We have learned that we cannot wisely use enormous new appropriations before having developed effective technology, trained sufficient numbers of professional and paraprofessional staff, and devised an efficient delivery system. We must take the time to learn from programs such as Head Start, where there have been a number of disappointments as well as some real successes. We feel that the expansion of child care services as proposed in the Family Assistance Act—amounting to almost $400 million in the first full year of operation—is an appropriate and justifiable expansion at this time.

As a part of the Department's continuous planning and evaluation process we are currently reviewing the interdepartmental day care standards and we will continue to do so in the future. While we do agree with the provision of statutory authority to set standards which your legislation provides, we do not think specific standards should be incorporated in the statute. New knowledge is developing rapidly in this field and there is need to provide different levels of service in different situations, and we should retain the flexibility to adapt to this varying picture. My staff assures me that there is agreement on this point between the Administration and the sponsors of the legislation.

Another important area of agreement is in providing the Secretary with authority to disapprove grants or contracts which are not consistent with Federal law or regulations and to entertain appeals from organizations which feel that a State or local commission or agency has acted improperly. We are pleased to note that this authority is already provided in the latest versions of the proposal. We believe that the Secretary should have clear authority to fund programs directly in cases where an agency or commission is unwilling or unable to comply with Federal law or regulations, but we feel that clarifying language is needed in this regard.

The Department agrees with the principle of providing mortgage insurance for facilities which is included in your proposal. As you know, we do not favor making Federal grant funds available for new construction except in the most limited and exceptional circumstances. Federal support in the construction area should be primarily in the form of loan guarantees (a form of which is suggested in the bill), interest subsidies, or lease guarantees, rather than through direct grants.

We do feel that it is imperative that any such legislation provide sufficient flexibility for the Secretary to assure compatibility with the purposes and structure of the major new child care provisions of the Family Assistance Act which is expected to be before the House during April. In particular, care should be taken not to repeal Title IV of the Social Security Act because it will contain the child care authority of the Family Assistance Plan, should that proposal become law. This mechanism as amended in H.R. 16311 is critical to the success of the Family Assistance work training and employment system. We would, however, see to it that the child care provided pursuant to any comprehensive act and that provided under the Social Security Act are compatible insofar as possible.

The bill places substantial decision making powers in a State Commission. We agree with the need to decentralize such authority from the Federal to the State Government level. We feel, however, that mandating a new set of commissions in every State is not appropriate at this time. Policy control and program review authority should certainly be vested in some mechanism which ensures participation by a range of interested groups, including education and welfare agencies, parents, and public, nonprofit, and private proprietary program sponsors, but Governors should be given the flexibility to comply with that mandate in a variety of ways. In the area of actual program operation and administration, Governors should likewise have the authority to use either existing State agencies or to create a new agency. We also think that provision should be made for large local communities to have their own decision-making mechanism with regard to the choice of program sponsors.

We believe that improved coordination with preschool programs under Title I is highly desirable, but should be accomplished in such a way as to encourage continued and expanded involvement of the public schools. Repeal of the Title I preschool authority may inhibit needed cooperative and sequential planning between preschool child care and in-school activities. We think that our common purpose of achieving closer coordination could be better served by authorizing and directing the Commissioner of Education and the Director of the Office of Child Development to develop compatible policies for programs under their jurisdiction, and by requiring broadly based planning mechanisms at the State and local levels.

It is our feeling that the Secretary should have greater authority to use funds for direct grants, contracts, demonstrations, and innovative service delivery systems, with particular emphasis involving the private sector and testing voucher approaches. We would hope that a significant portion of the funds could be reserved to the Secretary for such direct grants and contracts. Authority for the Secretary to require experimentation by State and local agencies with innovative and improved delivery systems should also be provided. We are particularly anxious that the Secretary's authority be broad enough to encourage use of a variety of service providers in such a way that competition and parent choice can be properly expanded.

While we wholly sympathize with the purposes of the bill to establish a separate National Institute of Early Childhood Development, we think that the Office of Child Development as well as the President's proposed National Institute of Education (NIE) provides an improved framework to achieve the same objectives. Certainly, the proposed NIE could devote a substantial share of its resources and efforts in the area of early childhood education and we would very much appreciate discussing the interrelationship of these two institutions with you and your colleagues.

Your legislative proposal provides authority for the establishing of fee schedules to permit entry of non-disadvantaged children into these child development programs in return for payment of some or all of the costs, and we agree with this sliding fee schedule concept provided such schedules are subject to the approval of the Secretary. The available Federal Government dollars must be put to priority uses, however, namely the provision of day care and child development services to low income children. It is important, therefore, to give the Secretary authority to place a limit on the amount of subsidy which can be allocated to support non-disadvantaged children.

I cannot hope in this letter to comment fully on all the issues raised by the bill, but I would suggest, if you so desire, that the staff of the Department is available to you and to the Select Committee to assist you in drafting a bill which meets our mutual concerns.

In closing I would like to emphasize our appreciation for the support which you and your colleagues have given to the Administration's efforts so far. I feel that you are definitely embarked on the right track with your consolidation proposal and want to be of all possible assistance to you in furthering this effort.

Sincerely,

JOHN G. VENEMAN,
Acting Secretary.

THE COMPREHENSIVE HEADSTART CHILD DEVELOPMENT ACT OF 1970

(Mr. HANSEN of Idaho asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANSEN of Idaho. Mr. Speaker, I want to commend my colleague from Illinois (Mr. MICHEL) on his sponsorship of the Comprehensive Headstart Child Development Act of 1970 and on his thoughtful analysis of the need for the enactment of this legislation. I also want to acknowledge the exceptional contribution the gentleman from Oregon (Mr. DELLENBACK) has made in the development of this bill. The House Select Education Subcommittee under the leadership of its chairman, the gentleman from Indiana (Mr. BRADEMAS) has concluded lengthy public hearings on child development legislation. Almost without exception the witnesses who testified during the course of these hearings emphasized the urgency of the development of meaningful programs for children in the preschool-age group.

We are hopeful that we will soon be able to bring a bill to the floor of the House which responds to this need. I am confident that the bill will be the product of the bipartisan efforts of many Members of the House and of the cooperation between the Congress and the administration. We have a unique opportunity in this legislation to implement the commitment President Nixon made early in his administration to enhance the first 5 years of life. This will truly be landmark legislation.

By providing for intervention during the early years of life we can, in this bill, do more in the long run to improve the

quality of life about which the President has often spoken than with any other legislation to come before this Congress.

CLEANING UP THE POTOMAC RIVER

(Mr. GUDE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUDE. Mr. Speaker, I would like to commend Secretary Hickel in pressing forward with plans to clean up our Potomac River and make it a credit to the Capital of our Nation. He has announced preliminary plans to modernize and upgrade the Blue Plains plant where 80 percent of municipal wastes for Metropolitan Washington are handled.

Several days ago I had the opportunity to visit the Blue Plains plant and to inspect firsthand the pilot waste treatment project of the Federal Water Pollution Control Commission where innovative technology is being studied and developed. This research outdates the conventional systems of waste treatment as the jet plane outdates the balloon.

Secretary Hickel states that the results of this research will bring about the installation of a sophisticated waste treatment system that would pump treated water of near drinkable quality into the Potomac. The system combines the use of pure oxygen with a new physical-chemical treatment. The technique combines elements of new systems already in operation elsewhere.

The new system would raise the daily capacity of Blue Plains from the current 240 million gallons to 309 million gallons. The process removes nearly 100 percent of the biological impurities, 96 percent of the phosphates, and 85 percent of the nitrogen in waste water. In announcing the plans the Secretary said:

> I believe that the long awaited cleanup of the Potomac now will finally become reality within a few years. It illustrates how imaginative and inventive research can rise to the occasion.

Funds will be needed to institute this cleanup if we in Congress are going to fulfill our pledge to restore our environment. I urge that we stand behind the administration in this work to clean up the Nation's river as well as all the other streams and lakes of the United States.

THE POSTAL STRIKE

(Mr. AYRES asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. AYRES. Mr. Speaker, we have all been concerned about the postal strike. Perhaps the Members read in yesterday's paper the comments made by our colleague from Wisconsin (Mr. STEIGER), where it was absolutely necessary for those men and women who have been on strike, be on strike to pinpoint the problem. Although I do not agree with the fact that they struck on the basis that it was illegal, but I agree that their reasons for striking were perfectly justifiable.

As the gentleman from Wisconsin (Mr. STEIGER) pointed out, until we pay the city postal workers more money than we do the rural postal workers, we are going to have trouble.

I would suggest to the Congress, both the House and the other body, that they handle this matter like labor negotiates labor contracts. This thing is a mess. We all know this. In fact, the conferees met, and now they have agreed to meet again later this afternoon—with no solution anticipated.

They are going to drag this out and nobody is going to be happy. Why do we not set a date, say, April 30, at which time a bill will be on the desk of the President to sign or to veto. I have confidence in the executive branch of the Government, and I have confidence in the House of Representatives and I have confidence in the other body, and when the union leaders such as President Radamacher say that "we want a differential rate between the cities and the rural areas," we all know it has to come, and it should have come 20 years ago.

By providing now a date certain I feel confident that we can get those things in a bill that are necessary to improve the postal service, the executive branch can get partially what they want, the postal workers will get their increase, and we will get better postal service. Any agreement can be made retroactive.

Mr. Speaker, I would hope that this suggestion be considered very, very seriously. I have issued the following statement:

STATEMENT BY WILLIAM H. AYRES

Mr. Radamacher, President, National Association of Letter Carriers, AFL–CIO, has approved the concept of regional, or sectional negotiation in dealing with postal workers' wage scales. I urged adoption of this same concept more than 15 years ago.

One way to implement the regional concept, is to require the Civil Service Commission to meet with the postal workers' representatives in adjusting their wage scales. The Commission, already established in 10 regions throughout the Nation, has had experience in dealing with similar wage adjustment situations.

Cost of living indexes vary throughout the Nation. The postal workers in my district, a highly industrial complex, have been penalized because their pay is no greater than that of postal workers in other parts of the country where the cost of living is lower.

I am convinced that most postal workers will support my request to both Secretary of Labor Shultz and Postmaster General Blount to seek an increase in pay on a regional basis for postal workers in my district. I am also convinced that postal workers will support my concept of placing them in a "bargaining position" in dealing with these matters in the future rather than to continue to rely on highly paid professionals to lobby the Congress periodically on their behalf. I want also to commend the leadership as well as the postal workers themselves in my district for restoring the much needed mail service that was interrupted recently. They can rest assured of my support in every legitimate effort to secure equitable wage adjustments for them now and in the future.

THE PRESIDENT'S SCHOOL DESEGREGATION MESSAGE

(Mr. STEIGER of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. STEIGER of Wisconsin. Mr. Speaker, I rise to commend President Nixon for his thoughtful, perceptive, and forthright statement on school desegregation.

Recognizing full well the profound implications of a Presidential statement in a time and area so fraught with emotion, I believe the President has set the proper tone and course for the people of this country.

The President places school desegregation in perspective. He has clearly set out the state of the laws as developed by the courts and the Congress, and he pledges his administration to carry out these laws.

More importantly he has set out a course for the Nation to follow on the basis of the law.

I am hopeful that those who have been suspicious of the motivation of the President and his executive branch associates will now be willing to recognize the administration's good faith and commitment to uphold the law and achieve a free and open society.

The actions of the conference committee on the Elementary and Secondary Amendments of 1970 have again brought the debate on the Stennis amendment to the other body. Because of this the President's clarification of the distinction between de jure and de facto segregation takes on added significance. As a member of the conference committee I would prefer to see us drop the Stennis amendment altogether, but the clarifying language adopted by the conference is the minimum required.

The President's statement quite properly says:

> Racial imbalance in a school system may be partly *de jure* in origin, and partly *de facto*. In such a case, it is appropriate to insist on remedy for the *de jure* portion, which is unlawful, without insisting on a remedy for the lawful *de facto* portion.
>
> *De facto* racial separation, resulting genuinely from housing patterns, exists in the South as well as the North; in neither area should this condition by itself be cause for federal enforcement actions. *De jure* segregation brought about by deliberate school board gerrymandering exists in the North as well as the South; in both areas this must be remedied. In all respects, the law should be applied equally, North and South, East and West.

At this time and point I applaud this declaration of policy.

While condemning the gerrymandering of school districts to achieve segregation, the President has realized the very real values of the neighborhood school:

> The school stands in a unique relationship to the community, to the family and to the individual student. It is a focal point of community life. It has a powerful impact on the future of all who attend. It is a place not only of learning, but also of living—where a child's friendships center, where he learns to cooperate—and it is the one institution above all others with which the parent shares his child. . . .
>
> "One of the mistakes of past policy," the

message says, "has been to demand too much of our schools: They have been expected not only to educate, but also to accomplish a social transformation. . . ."

A major part of this task falls to the schools. But they cannot do it all or even most of it by themselves. Other institutions can share the burden of breaking down racial barriers, but only the schools can perform the task of education itself. If our schools fail to educate, then whatever they may achieve in integrating the races will turn out to be only a pyrrhic victory.

To assist school districts with the special problems of desegregating and to concentrate on the special needs of racially impacted and educationally disadvantaged school districts, the President has pledged $500 million for fiscal year 1971 and $1 billion for fiscal year 1972.

Prof. Charles Hamilton in commenting on the Alexander Bickel article in the New Republic said that segregationists "must be fought at every turn. But in our determination to defeat them," Hamilton stresses, we should not devise plans that defeat our purposes in other ways.

Hamilton contends:

The principle is a free and open society, and we can pursue several realistic routes to its achievement.

The President has pledged that he will continue to vigorously oppose unlawful segregation and he will continue to dedicate his administration to the goal of lowering artificial barriers in all aspects of American life.

The President writes:

We have overcome many problems in our 190 years as a nation, we can overcome this problem. We have managed to extend opportunity in other areas. We can extend it in this area. Just as other rights have been secured, so too can these rights be secured and once again the nation will be better for having done so.

In my judgment the President's statement is a reasoned, sound redeclaration of conscience, the Constitution, and commitment.

CRIMINAL JUSTICE SYSTEM

(Mr. FASCELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FASCELL. Mr. Speaker, during the past few years the Congress has done much to reshape our criminal laws and procedures in the effort to achieve a balanced and coordinated approach to the Nation's mounting crime problem. I am convinced that organized crime is a prime cause of the rising incidence of white collar and general crime.

In dealing with the unique menace of organized crime our criminal justice system is faced with obstacles that normally are not present in most other types of apprehensions and prosecutions. In some cases an organized criminal operation may involve hundreds of individuals, touch on a number of States and countries, ensnare countless victims, and corrupt the vital processes of government. All of this may be under the direction of a select and limited number of persons whose ability to perpetrate the giant conspiracy is exceeded only by their seeming success in escaping the clutches of the law.

If the approach to this menace is to prove successful we must have effective and just substantive laws aimed at crumbling the organizational foundation of organized crime and eliminating its source of illegal revenue. A legislative proposal which goes a long way toward those goals has been passed by the Senate and is now before the House Judiciary Committee. I am confident S. 30 will receive the overwhelming bipartisan support in the House as it did in the Senate. I support it fully.

An indispensable concomitant of S. 30, however, is a measure that will provide training to our Federal, State, and local organized crime prosecutors. There is little doubt that the prosecutor is the one key element of the criminal justice system whose training needs have been neglected. Upon the prosecutor rests much of the responsibility for coordinating the activities of the law enforcement and correctional agencies. Beyond this, the prosecutor is expected to deal with the complex phenomenon of organized crime, while having received little, if any, preparation for this task in law school.

Recently I introduced a bill which establishes, under the Law Enforcement Assistance Administration, a permanent training program for Federal, State, and local prosecuting attorneys engaged in organized crime prosecution. The bill also directs the Attorney General to conduct annual conferences of Federal, State, and local officials engaged in combating organized crime and to submit an annual report on organized crime in the United States and the progress of efforts against it.

I am pleased to report that 23 of my colleagues have joined with me in cosponsorship of this measure. Having previously introduced this bill in behalf of eight of the cosponsors, today I reintroduce it in behalf of 15 Members. I am very encouraged by this bipartisan support and by the other favorable comments this measure has evoked.

OBSCENITY

(Mr. WYLIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYLIE. Mr. Speaker, this morning, I noticed an article in the Washington Post with the headline, "Public Hearings Set on Smut." The article goes on to say that the Presidential Commission on Obscenity and Pornography, which has been receiving testimony from experts for nearly 2 years, is about to hear from the public.

Two weeks ago, on March 11, I was invited to testify before two members of this Commission, the Reverend Winfrey C. Link, a Methodist minister from Nashville, Tenn., and the Reverend Morton A. Hill, S.J., president of Morality in Media, Inc., in New York. They were holding public hearings on their own initiative because the chairman of the committee and, indeed, a majority of the members of the committee had apparently not seen the value of hearing from the public.

The article is disturbing in that it says the recommendations of the Commission are not expected before September of this year. The Commission was established by President Johnson in October 1967, for the purpose of analyzing existing laws concerning the distribution and effects of obscenity and pornography on the public and particularly upon minors. This, I am certain, was in response to pressure from the public to do something about what most people know to be a serious problem. Whether the Commission was motivated by the action of Reverend Link and Reverend Hill, I do not know. But I wish to commend Dr. Link and Father Hill for going ahead on their own and focusing attention on the importance of the mood of the country on this problem.

Another disturbing point is the allegation by Reverend Link that seven members of the Commission are against strong controls on obscene materials.

The article was further revealing in that the Commission has ordered research studies at a cost of $1.9 million on such topics as: Examination of erotic stimuli on junior college girls and unwed pregnant high school girls; comparison of responses of jailed sex offenders with those of people of similar economic and ethnic background; and review of Denmark's abolition of pornography laws and the effect on reducing sex crimes.

I agree with Dr. Link that "At the rate the Commission's report is going, it will not be worth a hill of beans."

All of this leads me to the conclusion that Congress cannot wait for the Commission's report if it plans any action this year. As I have suggested in a special order last June, in testimony before the Post Office and the Judiciary Committees, and in a letter to all members of the House and the other body who have introduced anti-obscenity legislation, Congress could enact a statute similar to the law in the State of New York which was upheld in the so-called second Ginsberg case—*Ginsberg* v. *New York*, 390 U.S. 629. Using this approach, a law could be passed prohibiting the dissemination of obscene materials to minors under the age of 18 through the mails or instrumentalities of interstate commerce.

The Post Office and Civil Service Committee has indeed reported out a bill which would do this. This measure now awaits action in the Rules Committee. Unfortunately, none has been requested as of this date. It should be brought to the floor for consideration immediately. It is obvious to me that the Judiciary Committee, which has numerous obscenity bills pending before it, is not going to act in the 91st Congress.

THE LATE HONORABLE ELIJAH LEWIS FORRESTER

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

man from Georgia (Mr. BRINKLEY) is recognized for 60 minutes.

Mr. BRINKLEY. Mr. Speaker, former Congressman Elijah Lewis Forrester, affectionally known as "Tic" Forrester, was a man concerned about his country. He was concerned about it because he loved it so much, and thus it is that his loss on Thursday, March 19, 1970, is the loss of all of us.

A man of honor and distinction, Tic, a Democrat, of Leesburg, Lee County, Ga., was born August 16, 1896, on a farm 1½ miles from Leesburg. He was educated in the Leesburg schools, and studied law in the office of his cousin, R. R. Forrester, and subsequently passed the State bar examination in 1917, and was admitted to the practice of law in Georgia. He was married to Thursba Marie Whitaker in 1929. His dear wife survives him, and my wife Lois and I express deep and heartfelt sympathy to her and to other members of the family.

Tic served as a private in World War I, then won a post as the solicitor of the city court of Leesburg, where he served from 1920 to 1933. He was elected mayor of Leesburg in 1922 and served in this capacity until 1931; was county attorney for Lee County from 1928 to 1937, and solicitor-general for the southwestern judicial circuit from 1937 until 1950.

Tic was elected to the U.S. House of Representatives from the Third District of Georgia on November 7, 1950, and served with great dedication until his retirement in 1964. During this time he was a valued member of the Committee on the Judiciary.

Not only was Tic an outstanding public servant, but he was also an outstanding citizen in his community. He was a member and chairman of the Board of Deacons of the First Baptist Church of Leesburg, and a former Sunday school teacher. On Sunday, one knew where to find Tic Forrester.

He also served as a member of the American Legion, was recently recognized as the Dougherty Civitan Club outstanding citizen and was placed in nomination for the Outstanding Citizen of North America Award.

Tic was known as the personable Georgia statesman who never lost an election. Fiercely patriotic, Tic recently wrote to Vice President AGNEW commending him for urging that the television media be more objective in its news reporting.

Tic was also concerned with programs which he believed to be of a socialistic nature. He was concerned about a new development in Lee County, Ga.

In a recent speech which he made during the post office dedication in Americus, Ga., the work of the man and the philosophy of the man was evident, and he was given a tremendous ovation on that occasion reflecting the very high sentiment and regard in which he was held.

The first time I saw Tic Forrester, I was an associate attorney with the firm of Young, Hollis & Moseley in Columbus, Ga. My office was near the front of the building and Tic Forrester entered into the building and strode purposefully down the hall which went past my office. From that time forward, I learned to love him.

The last time I was near him was at his funeral. The church was overflowing and many of us could not get in. Four men had accompanied me from Columbus: J. R. Estes, Jr., W. H. Young, Jr., Gerald B. Saunders, and James A. Byars. Were it not for his illness, Ralph King would have been with us. All of these men were like brothers to Congressman Forrester. Our remarks and comments on that trip could be summed up in one sentence: "Tic Forrester was a good and decent man."

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. BRINKLEY. I yield to the gentleman.

Mr. GERALD R. FORD. Mr. Speaker, Tic Forrester was a very close personal friend of mine. We had many delightful conversations and many opportunities to get together and to be together.

Tic Forrester's death will leave a great void in the hearts and minds of his many, many friends all over the United States, and particularly among those who served with him in the House of Representatives. He was a man of great political courage, and I believe a man of exceptional political wisdom.

I extend to the family of Tic Forrester my deepest personal condolences.

Mr. BRINKLEY. Mr. Speaker, I thank the gentleman from Michigan.

Mr. FLYNT. Mr. Speaker, will the gentleman yield?

Mr. BRINKLEY. Mr. Speaker, at this time I yield to my colleague, the gentleman from Georgia (Mr. FLYNT), who was with us on Saturday at Leesburg, Ga., together with his wife for comments that I know he wishes to make.

Mr. FLYNT. Mr. Speaker, I wish to associate myself with the remarks of my friend and colleague from Georgia (Mr. BRINKLEY).

I was saddened last Thursday, March 19, 1970, when I received word that my beloved friend and former colleague, Hon. E. L. Forrester died suddenly in the hospital at Albany, Ga.

Known to his former colleagues and to his family and friends alike as "Tic," Elijah Lewis Forrester served his district, State, and Nation as the Representative of the Third Congressional District of Georgia for seven terms.

He was nominated in the Democratic primary in September 1950 and subsequently was elected in the 1950 general election. He was sworn in on January 3, 1951, and served until his voluntary retirement, January 3, 1965.

He was born near Leesburg, Lee County, Ga., August 16, 1896, and was educated in the public schools of Lee County, Ga., and studied law under his cousin, Hon. R. R. Forrester, a prominent lawyer of southwest Georgia.

He served in World War I after volunteering for service shortly after war was declared in April 1917 and served until honorably discharged in 1918.

As his body lay in state before the funeral which was conducted in the First Baptist Church, Leesburg, his casket was covered with the flag of the United States of America. It remained there until it was tenderly folded and presented to his widow at the conclusion of the graveside services in the city cemetery.

No American ever deserved the right to have his casket covered with the flag of our country more than "Tic" Forrester because he loved his flag and his country with a fervent devotion.

Though small in stature, he stood tall in the eyes and hearts of the people of his hometown and district. He was their most prominent citizen who had served them well for 53 years—as soldier, lawyer, statesman, and friend.

Last Saturday the rain fell on Leesburg in torrents and the rain was in cloudburst proportions, but his friends came from far and near to pay their final respects and tribute to their friend who had served them loyally and well.

Those friends overflowed the church sanctuary, they filled and overflowed the Sunday school building and many had to brave the rain and stand outside.

They stayed through the brief but appropriate and impressive service at the church and then rode or walked slowly that mile to his last final resting place.

It seemed that nearly the whole cemetery was filled with raised umbrellas of his loved ones and friends.

They came from every county of the 24 counties which comprised his district when he served them as their Representative in the Congress of the United States of America. They came also from the counties which were placed in a different congressional district when the last reapportionment act was passed. They came from counties which were never in the Third Congressional District because his influence was felt beyond his district and he was loved by his friends in neighboring districts as he was loved by those of his own district.

Mr. Forrester began the study of law and was admitted to the practice of law in 1917. When "Tic" returned from World War I, he commenced the practice of law in Leesburg, Ga., in 1919.

He was soon elected city attorney, then county attorney, and then solicitor of the court of Lee County.

In 1936, he was elected solicitor general of the southwestern judicial circuit in which capacity he served from January 1, 1937, until January 3, 1951, when he resigned to take his oath of office as U.S. Representative in Congress.

In 1929, he was married to Miss Thursba Marie Whitaker of Leesburg. From the day of their wedding until last Thursday March 19, 1970, he loved her with a devotion which seemed to grow stronger each day of the 41 years of their married life. He was a devoted husband.

Mr. Speaker, I include as a part of my remarks, the news account of his death and an editorial which appeared in the Albany, Ga., Herald on Friday, March 20, 1970:

NOTED LAWYER, SOLON: "TIC" FORRESTER DEAD AT AGE 73

LEESBURG, GA.—Former Third District Rep. E. L. "Tic" Forrester, 73, of Leesburg, a mem-

ber of a prominent Lee County family and longtime champion of political conservatism, died Thursday afternoon at Phoebe Putney Hospital in Albany after an apparent heart attack.

Forrester had suffered a mild heart attack about two weeks ago and was hospitalized in Albany for several days. He was rushed back to the Albany hospital from his home at nearby Leesburg.

The veteran politician never lost an election. He served six terms as solicitor general of the Southwest Judicial Circuit and went on to serve another six in Congress.

DEMOCRAT

Forrester, a Democrat, had served on the House Judiciary Committee and was in the forefront of the early Southern delegation's fight against civil rights.

After retiring from Congress three and a half years ago, Forrester returned to Leesburg, where he carried on a limited law practice and was a frequent speaker at public meetings in the area.

Mr. Forrester was born near Leesburg on Aug. 16, 1896, a son of the late Mary Elizabeth Kimbrough Forrester, and the late Richard Alexander Forrester. He was educated in Lee County schools.

He studied law in the office of his cousin, R. R. Forrester of Leesburg and Tifton until he was admitted to the bar in 1918.

Forrester served as a private in World War I, then won a post as the solicitor of the city court of Leesburg, where he served from 1920 to 1933. He married Thursba Marie Whitaker in 1929.

COUNTY ATTORNEY

He became county attorney in 1928 and won the solicitor's post in 1937.

He attained prominence as a solicitor by successfully prosecuting a Negro woman, Rosa Lee Ingram, and her 14-year-old son, for the murder of a white Schley County farmer. The case received national publicity, and a battery of New York attorneys entered the case on behalf of the defendants.

In a series of appeals which eventually reached Federal courts, the Negro woman's sentence was reduced from death to life imprisonment and the youth was allowed to serve a prison sentence on probation.

Forrester, whose full name was Elijah Lewis Forrester, won his nickname in his youth because of his small size.

"Why, you are no larger than a wood tick," a friend once remarked. The nickname stuck, later being shortened to "Tic."

BAPTIST

He was a member and chairman of the board of deacons of the First Baptist Church of Leesburg and a former Sunday school teacher. He was a member of Leesburg Post No. 182, American Legion.

He recently received the Civitan Club "Outstanding Citizen Award."

Survivors include his wife, Thursba Whitaker Forrester of Leesburg; two sisters, Mrs. Roy Dorminey of Fitzgerald and Mrs. Charles E. Williams of Lexington, N.C.; two brothers, the Rev. R. H. Forrester and Edward S. Forrester, both of Leesburg, and several nieces and nephews.

The funeral will be held Saturday at 2:30 p.m. at First Baptist Church of Leesburg with the Rev. William L. Wooley, interim pastor, and the Rev. Bobby Moye, pastor of Kendricks Memorial Baptist Church of Columbus, officiating. Interment will follow in Leesburg Cemetery.

Pallbearers will be announced later by Kimbrell-Stern Funeral Directors.

ELIJAH LEWIS FORRESTER

Elijah Lewis Forrester was a man who loved his family, his region, his country and the principles he espoused with a fierce devotion. In the public service, which consumed the greater portion of his lifetime, he never made less than a total commitment, whether as Solicitor-general of the Southwestern Judicial Circuit or as the United States Congressman from the Third District of Georgia. Because of his alert response to the drumbeats within him, it was inevitable that he become a tempting target for his ideological opponents.

Yet he stood in the storm's eye of controversy and emerged unscathed. If he could not move his opponents—and they were numerous on public issues on Capitol Hill—at least he wrung from them a grudging respect for his steadfast integrity. Thus when the time came for him to leave his Washington post for reasons of health after a long and distinguished career, the House of Representatives rose en masse to salute him signally with honors that are seldom granted members of that body.

"Tic" Forrester was well aware that not all of his countrymen could approve his own beliefs, nor was he ever so intolerant of others as to demand utter acceptance. But he did insist and expect from all elements of this society the same fealty which he accorded the concept of a free America. He could not understand a patriotism that in any way fell short of the ideals to which he clung.

Small in stature but large in heart, he was the fighter to the core—indomitable and strong. We will not soon see his like again in our region of Georgia or in our Southland. The nation will be poorer for his loss.

Mr. Speaker, I also include as a part of my remarks the obituary account which appeared, with his picture in the Washington Post of March 20, 1970:

FORMER REPRESENTATIVE E. L. "TIC" FORRESTER

(By Martin Weil)

Former U.S. Rep. E. L. (Tic) Forrester (D-Ga.), 74, an outspoken enemy of civil rights legislation during a 14-year House career that began in 1951, died yesterday in an Albany, Ga., hospital after a heart attack.

The Georgia Democrat, known as one of his state's most conservative congressman when he retired from the House to his hometown of Leesburg, Ga., in 1964, because of a circulatory ailment. He suffered a mild heart attack a few weeks ago.

In April 1956, Rep. Forrester said he and many colleagues looked on the Eisenhower administration's new civil rights proposals as "punitive legislation" for which no justification had been shown.

A key provision of the measures would have allowed the Justice Department to step into civil rights disputes irrespective of state court action.

Passed by the House but kept off the Senate floor in 1956, civil rights legislation was again introduced in Congress in 1957, and again Rep. Forrester opposed it.

At a Judiciary Subcommittee hearing, he shook a finger, banged a fist, quoted the Bible and called the legislation "a monstrosity" and "a bunch of garbage."

Unable to block the 1957 rights bill, Southern congressmen modified it, restricting the Justice Department's power of intervention to voting rights violations.

Colleagues rallied to Rep. Forrester's support in 1964 when he was hospitalized at the time an appropriations bill was coming up that would have put a peanut research laboratory in his home district.

In two previous years, the 5-foot-3 legislator had fought long and hard for the appropriation, but lost. Now he was about to leave Congress.

"Let's do this for Tic Forrester," said Rep. Robert L. F. Sikes (D-Fla.). "He's one of the finest little guys any of you have ever known."

"This is the only appropriation he ever asked for in his 14 years in Congress," added Rep. John L. Pilcher (D-Ga.).

The $1.6 million appropriation won a preliminary victory, but failed on the House floor, 198 to 181, as economy overcame sentiment.

Born Elijah Lewis Forrester in Lee County, Ga., Rep. Forrester lived there all his life, serving as mayor of Leesburg from 1922 to 1931 and as county attorney for nearly 10 years. He was in the Army in World War I.

At the time of his election to Congress in 1950, Rep. Forrester was solicitor general of Superior Courts of Georgia's southwestern judicial circuit.

He is survived by his wife, Thursba, two brothers and two sisters.

Mr. Speaker, in addition to his beloved wife, Thursba, Mr. Forrester is survived by two sisters, Mrs. Roy Dorminey, of Fitzgerald, Ga., and Mrs. Charles E. Williams, of Lexington, N.C.; two brothers, Rev. R. H. Forrester and Edward S. Forrester, both of Leesburg, and several nieces and nephews.

Mrs. Flynt and our children join me in extending to Mrs. Forrester and to all members of the Forrester family our condolences and heartfelt sympathy.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. BRINKLEY. I yield to our distinguished majority leader.

Mr. ALBERT. Mr. Speaker, I wish to join my colleague, Congressman JACK BRINKLEY, in paying tribute to the Honorable E. L. Forrester, the news of whose recent death brought a deep sadness to me, and at the same time memories of him as a good friend and a Congressman deeply devoted to the people of his district. He represented the Third District of Georgia and I represented the Third District of Oklahoma during all the years that he served in the Congress. Those of us who served here with him will always remember "Tic." During all his years in the House, he and I were very close personal friends.

During his lifetime, in his every undertaking, he was faithful and courageous in the performance of his work. These traits were characteristic of his service as a private in World War I, as a lawyer, and as city solicitor, and afterward as mayor of his home city of Leesburg. I have been informed that, as county attorney for Lee County, and afterward as solicitor general of the southwest judicial circuit, he brought fine legal ability into play in his enforcement of the law. He stood only 5 feet 3, but he stood tall in ability and integrity and every inch of the man was employed in fighting for the welfare of his constituents. As a member of the House Judiciary Committee his work was outstanding.

My sympathy for his beloved wife and family is deeper than I can find words to express. In the memories which they have of him, they possess a heritage beyond measure.

Mr. O'NEAL of Georgia. Mr. Speaker, will the gentleman yield?

Mr. BRINKLEY. I yield to the gentleman from Georgia (Mr. O'NEAL).

Mr. O'NEAL of Georgia. Mr. Speaker,

I appreciate the gentleman yielding to me, and I appreciate the fact the gentleman has obtained this special order so that we might all express our grief.

Mr. Speaker, my shock was very great when I learned of "Tic" Forrester's death. I knew him, I suppose, longer than any other man in this House—unless it might be my friend JACK FLYNT. For 15 years "Tic" Forrester and I were colleagues as district attorneys in Georgia before he came to the Congress. In that time I learned to admire and respect his ability. I found it necessary to call on him for advice on many occasions, and I found it necessary to call on him for help in holding court for me on two occasions when I was sick. I recognized in him a greatness as a prosecuting attorney, and I also recognized that greatness in him when he became a Member of this Congress.

I saw "Tic" Forrester in Atlanta about a month ago and I was impressed with the fact that he looked well, and I was delighted to come back to Washington and tell that to his many friends who had been asking about him. I do not know anybody who was the object of more inquiry by his colleagues in this Congress than "Tic" Forrester. Hardly a day passed in the last 5 years that somebody who served with him and respected him and knew him intimately did not ask how he was getting along.

As has been said by the Members who have preceded me, "Tic" was deeply patriotic and he was fiercely patriotic. He loved his country with a great devotion. There are those in this day who would want to belittle patriotism and who might even call "Tic" a chauvinist. He was distressed at many of the trends he saw taking place in this country, and he felt deeply about them. As a matter of fact he felt deeply about many things. He was always willing to do his part in any fight to obtain the good ends or to oppose these dangerous trends, as the case might be.

I am very happy that my friend, JACK FLYNT, has inserted an editorial from the Albany Herald in the RECORD. It was my plan to do so. I think it says very well what was in my heart to say.

Again, Mr. Speaker, I express my appreciation to the gentleman for letting me express my grief. My wife has asked to join me in expressing our love to Mrs. Forrester.

Mr. STEPHENS. Mr. Speaker, will the gentleman yield?

Mr. BRINKLEY. I yield to the gentleman from Georgia (Mr. STEPHENS).

Mr. STEPHENS. Mr. Speaker, I thank the gentleman for taking the time so we may have this opportunity to say a few words about our great friend, Tic Forrester. I had the privilege of serving with him here in this body for the first 4 years I was here. I depended upon him for a great deal of guidance, and for his good sound judgment on problems when they came up for me as a new Member of Congress.

Tic Forrester was a man who had a fine mind. There was not a better lawyer in the House of Representatives than Tic Forrester. He was an orator of the old school. He could spellbind Members of Congress as much as any one person I have known since I have been here in the last 10 years. Tic had a very keen sense of humor, but it was a sense of humor that was kind. He was never mean nor vindictive in the kind of humor in which he indulged.

Tic was an outstanding Georgia Democrat and a leader of our party in the State of Georgia. He was a warm person and a warm friend. He made friends wherever he went and in whatever capacity he served. Tic Forrester had only an eighth-grade education, but he was one of the best informed persons I have ever been associated with.

I would say Tic was a great American and his career was the ideal that many of us have talked about in the past as the ideal for an American.

We all believe the success "Tic" Forrester achieved is possible in America. "Tic" Forrester was not a person who had a high, formal education. He was not a man big in stature or imposing in presence. He was not a person who was wealthy. But he proved to the people of his generation that if one had integrity, if one had intelligence, if one had a willingness to work, he would succeed.

I should like to see a continuation of those kinds of virtues to be impressed upon the young people of our State and of our country, because "Tic" Forrester was of the mold of men who have made America great.

I thank the gentleman for permitting me to take part in this eulogy.

Mr. BRINKLEY. Mr. Speaker, I appreciate the remarks of the distinguished gentleman from Georgia.

Mr. PEPPER. Mr. Speaker, will the gentleman yield?

Mr. BRINKLEY. I am glad to yield to the gentleman from Florida.

Mr. PEPPER. I thank the able gentleman in the well for yielding to me and for allowing me to join the distinguished delegation from Georgia and our other colleagues in paying tribute to one of the most beloved men who ever sat in this House, "Tic" Forrester.

I knew "Tic" for many years. I was one of his great admirers. My home, which used to be in Tallahassee, Fla., was only about 75 miles from his home. We knew him and knew him well. Our people liked and admired him. They honored him while he served that part of the country in the House of Representatives.

"Tic" Forrester was one of those men who won his way into the hearts of all who knew him. In his passing he leaves a revered memory for what he contributed to the legislative progress of his country, for what he did as a dedicated patriot. He leaves a void in the hearts of innumerable friends who will ever honor his memory and cherish the privilege of his friendship.

I join in sending our deepest sympathy to the bereaved members of his family.

Mr. BRINKLEY. I thank the gentleman for those remarks.

As a Representative presently serving the Third District of Georgia, I hope to mark his life well and to use "Tic" Forrester as an example for my own life, and to match his dedication and zeal in some small fashion.

In conclusion I would say that "Tic" Forrester exemplified the saying: "Good words will gain you honor in the marketplace; but good deeds will gain you friends among men!"

Tic Forrester was such a man in his public and private service to his fellowman.

Mr. SIKES. Mr. Speaker, I am one of those who was privileged to serve with "Tic" Forrester and I shall always consider this a rich and rewarding experience. He was of that sound and patriotic mold from which great Americans come. I watched his work for years in the Congress and, in my mind, there is no question but that he fully earned recognition for great and outstanding service to our Nation.

Certainly the proceedings of the Congress were improved by his participation. He was a man of courage and a man of forthright views. I was proud of his friendship and I am proud today to say that I counted him one of my close and constant friends.

America is a better place because a man named E. L. "Tic" Forrester once lived and worked in our midst.

Mr. EVINS of Tennessee. Mr. Speaker, I want to join my colleague, the gentleman from Georgia (Mr. BRINKLEY) and others in paying a brief but sincere tribute to the memory of our friend and colleague E. L. "Tic" Forrester following his recent untimely passing.

Judge Forrester was a great gentleman and a great Congressman. He served his district, State, and Nation ably and well. He was genial, resourceful, dynamic—a faithful Representative of his people.

As a member of the Committee on the Judiciary of the House, Congressman Forrester made great contributions toward the strengthening of our judicial and legal system.

Judge Forrester was a warm, friendly human being—and he will be greatly missed. I want to take this means of extending to the members of his family an expression of my deepest and most sincere sympathy in their bereavement.

Mr. CELLER. Mr. Speaker, it was sad news for me when I learned of the passing of Tic Forrester on Friday, March 20. He served on the Committee on the Judiciary of the House of Representatives for 12 years. I can personally testify to his gentleness, to his unfailing good humor, to his adherence to principles in which he strongly believed. Courtesy was the hallmark of Tic Forrester. And, even in disagreement, the innate quality of the true gentleman always shone through. I had a deep affection for the man. All who knew him well did.

I recall when Tic made the decision to retire from Congress. He came to me making one plea. Not for himself. He asked that I help to see that his able staff be placed in jobs so that they would not suffer the consequences of his retirement. He was like that, giving his loyalty

to those he believed merited it and he did it without reservation.

To his wife and members of his family I extend my deepest sympathy.

Mr. ANDREWS of Alabama. Mr. Speaker, the death of Elijah Lewis "Tic" Forrester last Thursday was a source of great sorrow to me. He was a good friend of mine and a former colleague who served with distinction in this great body.

For 14 years, "Tic" Forrester represented well Georgia's Third Congressional District, which borders my own district, separated only by the great Chattahoochee River. Because of this, we shared mutual interests in many matters relating to our respective districts.

"Tic" worked hard and long for this Nation and the good people of his district. His every action reflected his unbending honesty and sincerity.

The dedication and vigor with which "Tic" Forrester approached his congressional duties was an accurate reflection of the record that he had made before coming to Washington.

Born on a farm near Leesburg, Ga., "Tic" worked hard to become an attorney. Thereafter, he served as solicitor of the city court of Leesburg, mayor of Leesburg, county attorney for Lee County, solicitor-general of the southwestern judicial circuit, and finally U.S. Representative for the Third Congressional District of Georgia. Clearly, "Tic" was not one to let grass grow under his feet.

In the House, "Tic" gave his very capable service to the Judiciary Committee, on which he served until his retirement from Congress at the end of the 88th Congress.

In the passing of E. L. "Tic" Forrester, Georgia loses one of its outstanding citizens, and I, and many others in this body, have lost a dear friend.

I extend my most heartfelt sympathies to his lovely wife and fine family.

Mr. HALEY. Mr. Speaker, it was a very sad day when we were told that our dear friend and former colleague, E. L. "Tic" Forrester, had passed away.

When I came to the Congress in 1953, "Tic" Forrester was one of the first Members of the House of Representatives to greet me. As was his generous habit, he was willing to share knowledge with the newcomers, to give them his advice and counsel. He was helpful to many of us.

We became good friends and remained so until his death.

"Tic" Forrester was an able and effective legislator. He served his native Georgia and our Nation well.

We lost an outstanding Member of the Congress when he retired. The absence of his wise counsel was felt by many. And now, his many friends mourn his passing.

Mrs. Haley joins me in sending to Mrs. Forrester our deepest sympathy and kindest thoughts.

Mr. ARENDS. Mr. Speaker, the center aisle divides us as to our political party affiliation and frequently divides us on legislative issues. But there is no center aisle in the matter of friendships. I have many times said that most rewarding to me in my service in this body has been the friendships I have been able to make.

With the passing of "Tic" Forrester, who served here from the Third District of Georgia from 1951 to 1964, I have lost a very fine friend—one of the best any man could have. He was small in physical stature but he was big in heart and intellect.

To say that he served here with distinction is not to say enough. He made a contribution to the work of this House which will stand as a lasting monument to his service, not only to his district and his party but to our country. I look upon "Tic" Forrester as one of the ablest lawyers to serve in the House.

With the passing of "Tic" Forrester our country has lost a great American. I have lost a real friend.

Mr. RODINO. Mr. Speaker, I wish to extend my sympathy to the family of a former colleague and friend, E. L. "Tic" Forrester. I had the pleasure of serving with him on the Judiciary Committee and I knew him to have been a sincere and dedicated representative of the people while in Congress. His passing is a great loss to those who knew him and to all those whom he served.

Mr. UDALL. Mr. Speaker, I was greatly saddened to learn of the death on March 19 of E. L. "Tic" Forrester, a distinguished and able former Member of this body, with whom I was proud to serve in the 87th and 88th Congresses.

Tic Forrester represented the people of the Third District of Georgia in an exemplary manner and presented his views with vigor and distinction. Although he was a veteran of more than 10 years' service when I became a Member of this body, he graciously offered me his friendship and counsel. Tic was as decent, kind, and entertaining a person as one could ever meet, and I feel privileged to be able to pay tribute to him today. His passing is a loss to his family, his State, and the Nation.

Mr. GRIFFIN. Mr. Speaker, I commend the gentleman from Georgia for taking this special order to pay tribute to the life and character of the late E. L. Forrester.

I was a staff member during Mr. Forrester's tenure here, and it was my good fortune to know him and work with him on various matters.

I knew him to be a dedicated public servant, ever conscious of the needs and views of his constituency.

He was a kind man; a gentle man; a moral man.

Mr. Forrester held strong opinions. He was an able advocate in debate.

This House and this great Nation are better off because of Tic's service in this body.

I extend sympathy to his survivors.

Mr. ROONEY of New York. Mr. Speaker, I sadly join with my colleagues in paying tribute to a fine gentleman, the late Honorable E. L. "Tic" Forrester who for 10 years represented the people of Georgia's Third Congressional District. "Tic" was a genuine person, a man I liked very much. We disagreed many times, to be sure, but disagreement does not mean that one cannot like a person who has principles and sticks to them, popular or not. "Tic" made many friends in his years here and we all miss him. To his wife and brothers and sisters I extend my deepest sympathy in their great loss.

GENERAL LEAVE TO EXTEND

Mr. BRINKLEY. Mr. Speaker, I ask unanimous consent that all Members may be granted 5 legislative days in which to extend their remarks on the life, character, and service of the late Honorable "Tic" Forrester.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

THE CHARLOTTE SCHOOL CASE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONAS) is recognized for 10 minutes.

Mr. JONAS. Mr. Speaker, the Charlotte-Mecklenburg County school system is the largest in the Carolinas. It ranks 43d in size in the United States. There are approximately 84,000 students enrolled in this consolidated system. It is administered by a board of education composed of nine members elected by the people. There are 107 schools in the system. Approximately 71 percent of the students are white and 29 percent black.

A desegregation suit was filed against the board of education by certain local citizens in 1965. The board filed a desegregation plan which abolished all aspects of a dual school system and provided that students should be assigned to schools on the basis of residency within geographic zones without regard to race or color. This plan was approved by the Federal District Judge sitting in Charlotte and his decision was affirmed by the Fourth Circuit Court of Appeals.

In 1968 a motion was filed in the cause asking for further relief and alleging discrimination in teachers' salaries, facilities, and so forth. This motion was heard and considered by the present district judge who succeeded the one who heard the original action, the latter having been elevated to the Fourth Circuit Court bench.

On April 23, 1969—less than a year ago—the present district judge found certain facts about the Charlotte-Mecklenburg school system and based upon these facts held that:

No racial discrimination or inequality is found in the following:

The use of Federal funds for special aid to the disadvantaged; the use of mobile classrooms; the quality of the school buildings and equipment; coaching of athletics; parent-teacher association contributions and activities; school fees; school lunches; library books; elective courses; and individual evaluation of students.

In the April 23, 1969, order the district judge, who on February 5, 1970, subsequently entered the order requiring massive busing to achieve racial balance in the schools, said the following about

the Charlotte-Mecklenburg Board of Education:

They have achieved a degree and volume of desegregation of schools apparently unsurpassed in these parts, and have exceeded the performance of any school board whose actions have been reviewed in appellate court decisions. . . ."

The district court placed great reliance upon the holding of the Supreme Court in Green against New Kent County, and it should be noted that the Green case was decided in May of 1968, nearly a full year before the court in Charlotte had complimented the Charlotte-Mecklenburg Board of Education so highly as shown in the above quotation from his order.

In 1968 the Supreme Court had stated in Green against New Kent County that it is the school board's responsibility—

To achieve a system of determining admission to the public schools on a non-racial basis.

The following is quoted from the decision in that case:

The obligation of the District Courts, as it always has been, is to assess the effectiveness of a proposed plan in achieving desegregation. There is no universal answer to complex problems of desegregation; there is obviously no one plan that will do the job in every case. The matter must be assessed in light of the circumstances present and the options available in each instance. It is incumbent upon the school board to establish that its proposed plan *promises meaningful and immediate progress toward disestablishing state-imposed segregation.* It is incumbent upon the District Court to weigh that claim in light of the facts at hand and in light of any alternatives which may be shown as feasible and more promising in their effectiveness. *Where the court finds the board to be acting in good faith and the proposed plan to have real prospects for dismantling the state-imposed dual system 'at the earliest practicable date,' then the plan may be said to provide effective relief.* Of course, where other, more promising courses of action are open to the board, that may indicate a lack of good faith; and at the least its places a heavy burden upon the board to explain its preference for an apparently less effective method. Moreover, whatever plan is adopted will require evaluation in practice, and the court should retain jurisdiction until it is clear that *state-imposed segregation* has been completely removed. See No. 805, Raney v. Board of Education, post, at p. 5. (Emphasis added).

After having praised the board of education for having "achieved a degree and volume of desegregation of schools apparently unsurpassed in these parts and having exceeded the performance of any school board whose actions have been reviewed in appellate court decisions," the court ordered the board to design a new plan. The board did so several times only to have all of them, in effect, rejected. The court then appointed one of plaintiff's expert witnesses from Rhode Island as a consultant to come to Charlotte to design a plan.

On February 1, 1970, the board of education submitted a final plan utilizing a computer to achieve a maximum racial mix of approximately 72 percent white and 29 percent black in each school where possible by restructuring attendance lines.

The plan of the court appointed consultant incorporated part of the board's plan but went far beyond it by pairing 10 predominantly black schools with 23 predominantly white schools which will require massive busing to accomplish. The court adapted part of the board's plan and part of the plan prepared by the consultant but the controversy arises over the part of the plan designed by the consultant. The court entered its order on February 5, 1970.

Although the district judge stated in his February 5, 1970, order that it was not based upon any requirement of "racial balance," the order seems to require the achieving of racial balance in all the schools as will appear from the following quoted paragraphs of the order he entered:

That pupils of all grades be assigned in such a way that as nearly as practicable the various schools at various grade levels have about the same proportion of black and white students.

That its geographic zones are used in making school assignments, the parts of a zone need not be contiguous.

That the defendants maintain a continuing control over the race of children in each school, just as was done for many decades before *Brown* v. *Board of Education,* and maintain the racial make-up of each school (including any new and any re-opened schools) to prevent any school from becoming racially identifiable.

To comply with the Court's order, the Charlotte-Mecklenburg County Board of Education contends it would be required to provide transportation for 23,000 additional students, including 5,000 innercity blacks to be cross-bused with 5,000 suburban whites. Students in paired schools would have to travel approximately 15 miles through the congested area of the city and will average 2½ hours each day in transit.

It is contended by the school board that the transportation of 23,000 additional students would require 527 buses and cost approximately $3 million with an annual average operating cost of approximately $1,200,000. I am informed that it will be impossible to obtain that many buses by the deadline imposed by the Court for the transfer of students.

The Court imposed the following "deadlines" upon the board of education to completely implement its order:

Grades 1–6 by April 1, 1970.

Grades 7, 8, and 9 by May 4, 1970.

Grades 10 and 11 by May 4, 1970.

Grade 12 may remain in present school until end of year.

The Supreme Court has interpreted the 14th amendment to the U.S. Constitution as requiring the admission of students to public schools on a nonracial basis, and as forbidding their exclusion from any school on account of race. In a very late decision on this issue the Fourth Circuit Court of Appeals, in the Statesville case, said:

No school district may continue to operate a dual system based on race. Each must function as a unitary system within which *no person is to be excluded from any school on the basis of race.* (emphasis added)

With all due respect, I must say that in my opinion the order of the district judge now under discussion requires the massive busing of schoolchildren to accomplish exactly what the Supreme Court, and the Court of Appeals for the Fourth Circuit have said must not be done; namely, the assignment of thousands of Charlotte-Mecklenburg schoolchildren to particular schools on the basis of their race. The order in question would, in my judgment, violate the constitutional rights of white and black children by excluding them from their neighborhood schools solely on account of their race.

If the 14th amendment to the Constitution of the United States requires the desegregation of public schools, as has repeatedly been held by the Supreme Court, there can be no doubt about the responsibility of Congress to enforce the provisions of the 14th amendment by appropriate legislation. Section 5 of that amendment reads as follows:

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

It seems to me that there could not be a more specific grant of constitutional authority to Congress to enforce the provisions of the 14th amendment.

Congress undertook to discharge this constitutional authority by legislating on this subject in the Civil Rights Act of 1964. Title IV of that act deals with the desegregation of public education. Section 401 of that act defines certain terms used in it. Section 401(b) reads as follows:

"Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

Section 407 of title IV of that act confers authority on the Attorney General of the United States to institute desegregation suits, and after spelling out the conditions under which that authority might be exercised, the following proviso was added:

Provided that nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or from one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to insure compliance with constitutional standards.

The district judge who entered the Charlotte order on February 5, 1970, never mentioned the Civil Rights Act of 1964 in his order. Perhaps the reason he did not do so is because the Charlotte case was not brought by the Attorney General, nor was it instituted by any agency or department of the Federal Government. It was brought by private individuals and their suit was based on the Constitution and particularly the 14th amendment.

But I would respectfully point out that the above provisions of the Civil Rights Act of 1964 have never been repealed, have never been declared unconstitutional, and so far as I know the authority of the Congress of the United States to define what is "desegregation" in public education has never been questioned. I believe Congress had a right to define that term and unless and until that def-

inition is removed or stricken down, it would seem to me to be the law of the land as much as any other legislation enacted by Congress.

While widespread disapproval of the February 5, 1970, district court order has been voiced by citizens of Charlotte and Mecklenburg County, the people of that community are not anarchists or revolutionaries. They have not advocated that court orders be defied. There has never been any substantial resistance in Charlotte to the integration of the public schools or of public accommodations. The public schools for years have been open to all children regardless of their race or color. Blacks have been free to vote throughout that community for years and currently a Negro serves on the Charlotte City Council, having been elected by the people of an electorate in which whites far outnumber blacks. The people of Charlotte-Mecklenburg County and their board of education well deserve the high praise voiced by the district judge on April 23, 1969.

Having accepted with good grace desegregation of the public schools as that term was defined by Congress, the people are naturally bewildered and disturbed by a court order that, for the purpose of achieving racial balance, will require the massive busing of thousands of students, some of whom will spend 2 to 3 hours each day on a bus when they could use that time to better advantage at their studies or at school.

When I heard about that order and received many letters and telegrams from Charlotte protesting it, I discussed the situation with the President of the United States and urged him to issue a statement clarifying his position and that of his administration on the subject of compulsory busing to achieve racial balance. Two days following that conversation, the President had his office issue the following statement:

> The President has consistently opposed, and still opposes, compulsory busing of school children to achieve racial balance. This practice is prohibited by the Civil Rights Act of 1964. The Administration is in full accord with the provisions of the statute.
>
> School desegregation plans prepared by the Department of Health, Education and Welfare on request by school boards or pursuant to court order will be directed to the greatest possible extent toward preserving rather than destroying the neighborhood school concept. It is the President's firm judgment that in carrying out the law and court decisions in respect to desegregation of schools, the primary objective must always be the preservation of quality education for the school children of America.

In his March 24, 1970, statement outlining his position on the subject of school desegregation, President Nixon reasserted his support of neighborhood schools and his opposition to compulsory busing to achieve racial balance. He also said that in devising local compliance plans—

> Primary weight should be given to the considered judgment of local school boards—provided they act in good faith and within constitutional limits.

I also discussed the Charlotte case several times with Secretary Finch of HEW. Following these conversations Secretary Finch has made two forthright public statements dealing with compulsory busing, and in both of them he referred to the Charlotte case as requiring massive busing which he said he did not believe would promote quality education.

The first Finch statement was made on February 17, 1970, in testimony before the House Rules Committee, and the following is quoted from that testimony:

> The most extreme recent example has been the *Charlotte* case and the *Los Angeles* case. Neither HEW nor Justice were involved in those cases. The court chose to go far beyond anything that the law had ever imposed up to that point by saying that not only are you going to bus but the court laid out the precise proportions giving the total ratios of races within the full district and said each school within that district had to meet those ratios.
>
> Now, once you get to that point you obviously have to figure how you are going to transport those students. . . . Massive amounts of money will have to be spent . . . We do not believe that is educationally sound because it is not the best allocation of resources.

The second Finch statement was made on March 1, 1970, when he was being interviewed on the Metromedia News program in Washington, D.C. The following quotations are taken from an article published by the Washington Post on March 2, 1970, reporting that Secretary Finch said in that interview:

> Then you have problems like Charlotte . . . which I think are totally unrealistic, because they say that you shall take the percentages in the district as a whole and apply those and force on each district—or each school within that district.
>
> And in the case of Charlotte, they have to buy 400 new buses . . . when you have that kind of a situation, that's not the best of your resources because you're desperately trying to keep the doors open, to pay faculty, to pay janitors. But beyond that it's not the best educational experience, because to haul young children for an hour or more, across long distances . . . means they can't get any tutoring after school, the parents can't—have great difficulty—in getting to the teacher to talk about their child.

The Charlotte-Mecklenburg Board of Education had, as was found by the district judge in his April 23, 1969, order, achieved a remarkable degree and volume of desegregation of schools. All of the schools in the system are open to all students regardless of race or color. No student is denied admission to any school on account of his race or color. Despite this exemplary record, which had been achieved without resistance from the white community, the district judge entered his February 5, 1970, order requiring massive busing of thousands of students to achieve a racial balance in each school.

The board of education appealed that order to the Fourth Circuit Court of Appeals. After the appeal was taken, the district judge modified his order dated February 5, 1970.

The Charlotte News reports that the effect of the modification is to require the school board only to provide transportation to children whose "reassignment" is required by the order rather than the original requirement to provide transportation to all students whose "attendance" is required in a particular school to comply with the order. It has not been determined how many additional students will have to be bused under this modification. The Charlotte News reports that the judge estimates that this number will be reduced from 23,000 to from 10,000 to 14,000. But the chairman of the board of education says the number will still be close to 23,000.

It became necessary for the board of education to apply to and obtain from the Fourth Circuit Court of Appeals an order staying the implementation of the order issued by the district judge because the latter specifically declined to grant a stay pending an appeal and ordered that immediate steps be taken to comply with his order. The stay ordered by the circuit court applies to that part of the February 5, 1970, order which requires cross busing.

The plaintiffs in the Charlotte case filed a motion in the U.S. Supreme Court asking the Court to vacate the order of the fourth circuit court staying the district court order. On March 16 the Supreme Court denied that motion, leaving the stay order in effect.

It is important, I think, that the confusion over what is desegregation be cleared up. District courts are not uniform in their decisions. So we have the spectacle of a district judge in North Carolina ordering massive busing to achieve racial balance in all schools and district judges in neighboring States declining to do so. The law of the land should be made clear and it should apply in all of the States.

I undertook to put Congress on record again in this field by offering an amendment to the vetoed HEW appropriation bill. I was able to persuade the House Committee on Appropriations, on which I am a senior member, to accept my amendment. An effort was made to strike the amendment when the bill was considered in the House of Representatives, but that effort failed. Then the bill with my amendment in it went over to the Senate where a similar effort was made to persuade the Senate Appropriation Committee to knock my amendment out of the bill. That effort also failed. However, when the bill was considered in the Senate itself a final effort to eliminate the amendment succeeded. Following is the text of my amendment:

> Sec. 410. No part of the funds contained in this Act shall be used to provide, formulate, carry out, or implement, any plan which would deny to any student, *because of his or her race or color,* the right or privilege of attending any public school of his or her choice as selected by his or her parent or guardian.

Various bills have been introduced in the House and Senate undertaking to bring some uniformity out of the chaos that now exists and to state in unequivocal and unambiguous language the law of the land on this subject.

Since I am opposed to compulsory busing to achieve racial balance in the schools and am equally opposed to the assignment of students to particular schools on account of their race or color, and because I do not interpret the Constitution as either requiring or author-

izing such action, I introduced a bill in the House of Representatives to prohibit compulsory busing of schoolchildren and to adopt freedom of choice as a national policy. My bill simply adds a new section to the Civil Rights Act of 1964 and reads as follows:

Sect. 411. Nothing in this Act shall authorize or require any school board, or empower any court to order any school board, to assign any student to a public school or to transport any student away from the school of his choice, *on the basis of his race, color, religion, or national origin.*

I frankly do not see how anyone could oppose my bill because it seeks to do exactly what the Supreme Court has been saying should be done ever since Brown against the Board of Education—prohibit the assignment of students to public schools on the basis of their race or color.

My bill, which is number H.R. 15751, is now pending before the House Committee on the Judiciary. Those interested in helping bring this bill to the House for a vote might properly join me in urging that committee to report it out so that the House of Representatives can act on it.

The purpose of my bill is to provide certainty where now there is uncertainty. This confusion is intolerable and must be resolved. Presently local school boards do not know what the law is on desegregation. Congress has defined that term but some judges refuse to abide by Congress' definition. So Congress should try again and make the law on this subject clear and unequivocal. This is a responsibility Congress should assume and it must fulfill its responsibility to settle this controversy once and for all—the responsibility delegated to it by section 5 of the 14th amendment. Congress should not delegate that responsibility to another branch of Government and should not leave it to chance.

TWENTY-ONE BILLION FOR HEALTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. MICHEL) is recognized for 60 minutes.

Mr. MICHEL. Mr. Speaker, I have taken this special order for the purpose of setting the record straight. Neither the Congress nor the President have been or will be stingy when it comes to providing funds for the health of the people of this Nation.

A thorough scrutiny of the Federal budget for fiscal 1971 shows that approximately $21¼ billion has been recommended for health programs. This compares with about $18¾ billion for the current fiscal year.

These huge sums do not include the bulk of expenditures for the health requirements of the Armed Forces, as the budget lumps such spending with other items. That we in the Congress want our fighting men to have the best possible medical care goes without saying.

Most of the spending for health comes under the jurisdiction of the Department of Health, Education, and Welfare, the Veterans' Administration, and the Civil Service Commission. Comparatively minor amounts are expended by the Appalachian regional development programs, the Canal Zone government, and the Departments of State, Justice, and Transportation.

We hear a lot of talk to the effect that inflation is to blame for the increased costs of these programs. I am convinced that it is at least partly the other way around. When the Federal Government pours out in excess of $21 billion for health alone in just 12 months, there is bound to be an increase in the cost of physicians' services, the price of medicines and drugs, and the expense of hospitalization.

During the next few months, the Committee on Appropriations, on which I am privileged to serve, and the House of Representatives will have to decide on just how much we want to provide for the many health programs that are operated by the Federal Government. As we think about the physical health of the American people, we must also think about their fiscal health. If they are going to be able to provide the money needed to take care of their physical health, they must also be able to enjoy sound fiscal health.

If we balance the budget for the coming fiscal year, thus helping to check inflation, we will make it possible for the taxpayers to get more for the Government's health dollar and thus help to preserve both the physical health and the fiscal health of all of us.

The tabulation follows:

RECAPITULATION

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Funds appropriated to the President	$12,577	$46,883	$42,150
Department of Commerce	12		
Department of Defense, Military	244,488	255,257	238,937
Department of Defense, Civil	19,309	22,076	21,297
Department of Health, Education, and Welfare	14,058,629	15,639,004	17,844,371
Department of Justice	4,201	6,150	8,565
Department of State	25,400	28,238	31,245
Department of Transportation	7,227	7,770	8,485
Veterans' Administration	1,662,032	1,759,876	1,923,518
Civil Service Commission	840,205	978,513	1,121,634
Federal Radiation Council	115	132	144
Railroad Retirement Board	527	550	550
Smithsonian Institution		200	
National Commission on Product Safety	524	1,375	100
Grant totals	16,875,066	18,746,024	21,240,996

FUNDS APPROPRIATED TO THE PRESIDENT

Appalachian Regional Development Programs: Demonstration health projects	$12,427	$46,733	$42,000

Grants are made for the construction, equipping, and operation of multicounty demonstration health facilities, including hospitals, regional health diagnostic or treatment centers, and other facilities. Under the 1969 amendments to the Appalachian Regional Development Act, emphasis will be given to programs for child development and nutrition and to continued operational assistance for health activities in selected demonstrations within the Appalachian region.

FOREIGN ASSISTANCE

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Economic assistance: World Health Organization, medical research	$150	$150	$150

DEPARTMENT OF COMMERCE

Promotion of industry and commerce: Business and Defense Services Administration, advances and reimbursements, Public Health Service, air pollution	$12		

DEPARTMENT OF DEFENSE—MILITARY

Operation and maintenance: Air National Guard, medical support—Information for-eign currency schedule (value of goods and services provided by the Berlin magistrat (for occupation costs and mandatory expenditures)	$610	$641	$650
Medical activities	711	750	750

REVOLVING AND MANAGEMENT FUNDS

Air Force stock fund: Medical, dental	$44,992	$52,866	$51,537
Defense stock fund: Medical and dental material	198,175	201,000	186,000

DEPARTMENT OF DEFENSE—CIVIL

Soldiers' Home: Operation and maintenance, medical care	$3,921	$4,381	$4,478

A hospital is operated as part of the Home. In addition, certain members will receive specialized care at other hospitals.

THE PANAMA CANAL

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Canal Zone Government: Operating expenses, health and sanitation: Hospitals and clinics	$12,056	$13,319	$13,702
Other public health services	2,291	2,519	2,654

Hospitals and clinics. Two general medical and surgical hospitals, with out patient clinics, are maintained and operated to furnish medical care to eligible civilian and military personnel. A mental health center and a leprosarium also are operated and maintained.

Other public health services. This pro-

vides for communitywide public health services, sanitation and quarantine work in the Canal Zone, and for ships calling at its ports and transiting the canal, inspection of food processing establishments, and facilities for animal care and quarantine.

CANAL ZONE GOVERNMENT—CAPITAL OUTLAY—HEALTH AND SANITATION

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Replace and add equipment	$459	$807	$269
Improvements and rehabilitations to health facilities	43	64	194
Prior year projects	539	986	

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—CONSUMER PROTECTION AND ENVIRONMENTAL HEALTH SERVICE—FOOD AND DRUG CONTROL

Foods:			
Grants		$612	$2,946
Direct operations	$16,687	17,374	22,911
Drugs and devices	29,254	34,319	36,868
Product safety:			
Grants		748	748
Direct operations	1,822	3,607	4,396
Pesticides:			
Grants		783	783
Direct operations	4,937	11,761	14,155
Program direction and management services	6,583	5,079	6,742
Total program costs, funded	59,283	74,283	89,549
Change in selected resources	1,091		
Total obligations	60,374	74,283	89,549

The laws administered by the Food and Drug Administration are designed to protect the public against dangerous, misbranded, and adulterated foods, drugs, therapeutic devices, cosmetics, and other products, including pesticides, poisons, toys, and hazardous household substances.

Foods. Grants. Research and training grants are awarded to State agencies, to universities, and to qualified nonprofit institutions for studies of contamination of foods, including milk and shellfish.

Direct operations. Within this activity the Food and Drug Administration conducts intramural and extramural research, sets products standards, reviews petitions and establishes tolerances for food additives, defines good manufacturing practices, inspects manufacturing and distribution establishments, collects and analyzes samples of marketed foods to ensure that the final product is safe, wholesome, and properly labeled, and takes necessary regulatory actions.

The increase requested will fund additional self-certification efforts and expanded research on drug residues in foods and on the safety of food additives.

Drugs and devices. The agency evaluates all new drugs proposed for experimental testing in humans and again before they are sold to the public. After a a drug or device is marketed, the agency reviews reports of adverse reactions, conducts extramural and intramural studies to detect new problems, inspects manufacturing and distribution establishments, collects and analyzes samples of marketed drugs, and takes necessary regulatory actions.

The increase requested will provide for review of an increasing volume of new-drug submissions, collection of additional epidemiological data, and a preliminary survey of the device industry.

Product safety. Grants. Research grants are awarded to universities and to other institutions for the study of accidental poisonings, burns, and other injuries related to the use of potentially hazardous products.

Direct operations. The agency collects and evaluates epidemiological data on injuries involving hazardous products, conducts intramural and extramural studies, inspects manufacturing and distribution establishments, sponsors tests of products that appear unusually dangerous, and takes necessary regulatory actions.

The requested increase will fund the collection and evaluation of additional epidemiological data as well as partial implementation of the Child Protection and Toy Safety Act.

Pesticides. Grants. Research grants are awarded to State agencies, to universities, and to other institutions for the study of health hazards associated with the use of pesticides.

Direct operations. The agency inspects food firms and collects and analyzes product samples to ensure that foods do not contain unsafe levels of pesticide residues, evaluates all pesticide labels before they are registered by the Department of Agriculture, and conducts research on the health effects of pesticides.

The requested increase will support long-term animal studies on pesticides that have already proven to be hazardous in large dosages.

Program direction and management services. This activity includes the agency's executive and administrative functions: the establishment of policy, the allocation and control of resources, the evaluation of performance, and the support of the agency's operating units in such areas as financial management, personnel, training, and facilities management.

	1969 actual	1970 estimated	1971 estimated
Air pollution control:			
Abatement and control	$30,034	$35,194	$40,301
Research, development, and demonstrations:			
Grants and contracts	11,630	28,456	39,915
Direct operations	18,606	22,231	22,382
Manpower training	4,493	5,516	5,750
Program direction and management services	2,819	2,653	2,670
Total program costs, funded	67,582	94,050	111,018
Change in selected resources	12,592		
Total obligations	80,174	94,050	111,018

The Department has the responsibility for the investigation of causes of air pollution, the determination of its effects upon life and property, the development of effective means of prevention and control, the development of air quality criteria, and direct Federal enforcement. The Clean Air Act provides for an approach to these problems through: the solution of significant technical problems through research, development, and demonstration; and the application of available technology and control techniques, through a variety of coordinated Federal-State abatement and control measures.

The act places emphasis on regional control of air pollution, primarily as a State responsibility, with requirements for Federal action in regional designation and assistance in the development of State standards. A program of basic and applied research, accelerated development of improved emission control technology, grants-in-aid to air pollution control agencies, direct Federal abatement in specified areas, technical services to States and local agencies, review of State standards and plans, and a training program designed to provide competencies necessary to cope with the complex problem of air pollution, serves to carry out these approaches. The program is accelerated by extensive use of other organizations, both public and private, through grants and contracts.

Abatement and control. Control program grants are made to regional, State, and local air pollution control agencies on a matching basis for the purpose of establishing, developing, improving, and maintaining programs for the prevention and control of air pollution. This activity also includes direct Federal abatement in interstate and intrastate areas, enforcement of Federal automotive vehicle emission standards, technical assistance to States and local governments, the Federal facilities pollution control program, and implementation of the emergency episode provisions of the Clean Air Act. During 1971, emphasis will be directed at coordinating and assisting Federal, State, and local efforts in establishing effective control programs in cooperation with the designation of air quality control regions.

Research, development, and demonstrations. Grants and contracts. Grants are awarded to universities and other nonprofit institutions to conduct research into air pollution problems. Contracts relating to fuels and vehicles are used to accelerate research and development into new and improved methods, having industrywide application, for the prevention and control of air pollution resulting from the combustion of fuels. Special emphasis will be placed on development of technology for the control of sulfur oxides.

Direct operations. This activity includes research into the nature and extent of air pollution; its transport and atmospheric behavior; the effects on humans, other biological systems, property, and the atmosphere itself; and improvement in means for controlling pollution. The 1971 program will continue ongoing research in the control of vehicle emissions and sulfur oxides and the development of air quality criteria.

Manpower training. Training and technical personnel for Federal, State, and local government research and control operations is carried out through this activity. Special emphasis is placed on recruitment of technical personnel and short-term training for State and local agencies. Training grants are also

awarded to universities to support the development and improvement of graduate-level air pollution curricula and to provide student stipends. Fellowship awards support individual postgraduate training in air pollution research and control activities.

Program direction and management services. Overall executive direction and supervision of Federal air pollution activities and formulation of program and administrative policies are carried out under this activity. Direction, supervision, and coordination of administrative services, including financial and personnel management, general services, and facilities planning are also provided under this activity.

ENVIRONMENTAL CONTROL

	1969 actual	1970 estimated	1971 estimated
Solid waste management	$14,915	$14,275	$14,336
Occupational health	7,393	7,603	8,283
Radiological health		16,739	16,862
Community environmental management	13,022	10,342	5,712
Water hygiene	3,251	2,701	2,344
Program direction and management services	1,997	3,255	3,243
Total program costs, funded	40,578	54,915	50,780
Change in selected resources	747		
Total obligations	41,325	54,915	50,780

This appropriation supports a national program for the prevention and control of environmental hazards and health problems in order that man may more efficiently deal with his environment. Particular attention is devoted to solid waste management, occupational safety and health, radiological health, water hygiene, and community environmental management which includes human ecological systems, urban housing hygiene, and the special environmental problems of the Arctic, Appalachia, and other regions. These activities are carried out through research, training, and fellowship grants to universities, nonprofit institutions, and individuals; demonstration and planning grants to State, interstate, and local agencies in support of solid waste management programs; and direct Federal operations.

Solid waste management. The solid wastes program is designed to insure proper health protection and improved solid wastes disposal practices and technology through research, training, demonstration, development, and systems planning. Technical assistance is provided to States and communities throughout the Nation to improve solid waste management practices through application of existing technology and management techniques and through utilization of improved methods and equipment for collecting, processing, recycling, and disposing of solid wastes. In 1971 special emphasis will be placed on finding ways to insure that the costs of solid waste management are borne by those who generate the wastes.

Occupational health. Research and training is conducted and assistance provided to Federal, State, and local agencies, and to industry for prevention and control of occupational hazards and diseases. The 1971 increase will provide for the development of criteria for standards to control the health problems related to cotton dust, coal dust, uranium radiation, and noise.

Radiological health. This activity has the responsibility for conducting a national program for the control and prevention of radiological hazards to public health, involving research on the sources, levels, and effects of radiation. Criteria and standards are developed and enforced as a means of protecting the public. A training program is utilized to provide the competencies needed in the expanding area of radiation protection and control. Technical assistance is provided to State and local agencies to aid in the development of their own radiation programs. In 1971 increased attention will be given to the protection of the consumer from hazardous radiation from electronic products.

Community environmental management. This program directs its efforts to managing environmental conditions associated with man's home, neighborhood, metropolitan area, and regional complexities. Assistance is provided to communities through technical consultation, training, demonstrations, establishment of criteria for planning healthful environments for urban areas and the development and application of health standards related to housing.

Water hygiene. The responsibility of this program is to assure that the quality of the Nation's waters intended for drinking, recreation, and other human contact is maintained at safe levels. Through research, training, technical assistance, and standards development, guidance is provided to States and local communities for safeguarding the sanitary quality of water supplies.

Program direction and management services. The Office of the Commissioner of the Environmental Control Administration directs and coordinates the programs of the Administration and furnishes centralized management services. This is accomplished by formulation of administrative and program policies, coordination of research and development activities, and dissemination of information; and provision of management services related to program planning, legislative matters, financial and personnel management, and procurement.

BUILDINGS AND FACILITIES

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Food and Drug Administration:			
Laboratories	$141	$1,603	$8,006
District offices	310		11,912
National Air Pollution Control Administration			1,272
Environmental Control Administration		4,258	560
Total program costs, funded	451	5,861	21,750
Change in selected resources	31		
Total obligations	482	5,861	21,750

REVOLVING FUND FOR CERTIFICATION AND OTHER SERVICES

	1969 actual	1970 estimated	1971 estimated
Certification services:			
Antibiotics	$2,633	$3,054	$3,117
Color additives	500	559	571
Insulin	61	90	93
Establishing pesticide tolerances	219	280	283
Total operating costs, funded	3,413	3,983	4,064
Capital outlay, funded: Purchase of equipment	104	171	171
Total program costs, funded	3,517	4,154	4,235
Change in selected resources	−13		
Total obligations	3,504	4,154	4,235

The Food and Drug Administration certifies batches of antibiotics, insulin, and color additives for use in food, drugs, or cosmetics; it also establishes tolerances for residues of pesticide chemicals in or on raw agricultural products and for color additives in foods, drugs, and cosmetics. These services are financed wholly by fees paid by the industries affected.

ADVANCES AND REIMBURSEMENTS

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Food and drug control	$245	$326	$326
Environmental control	3,112	3,912	4,018
Total obligations	3,357	4,238	4,344

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION—MENTAL HEALTH

	1969 actual	1970 estimated	1971 estimated
Research:			
Grants	$91,630	$85,254	$87,740
Direct operations	22,412	25,982	26,389
Total, research	114,042	111,236	114,129
Manpower development:			
Training grants and fellowships	119,648	118,366	116,350
Direct operations	2,976	5,603	5,671
Total, manpower development	122,624	123,969	122,021
State and community programs—			
Community mental health centers:			
Construction	29,086	36,886	20,000
Staffing	45,959	47,550	60,100
Community narcotic addiction and alcoholism rehabilitation programs	8,000	8,000	15,900
Direct operations	1,410	2,453	2,499
Total, State and Community programs	84,455	94,889	98,499
ehabilitation of drug abusers	13,980	16,859	19,840
Program support activities:			
Field activities	1,677	2,320	2,366
Scientific communication and public education	2,635	3,667	4,387
Executive direction and management services	4,958	5,445	5,714
Total, program support activities	9,270	11,432	12,467
Total program costs, funded	344,371	358,385	366,956
Change in selected resources	2,082		
Total obligations	346,453	358,385	366,956

Research. Grants. Grants are awarded on a project basis for behavorial, clinical, psychopharmacology, and applied research in mental illness and health. Clinical research centers, research in special areas such as alcoholism, drug abuse, and violence, and general research support grants are also supported from this subactivity. Hospital improvement projects, which are awarded to State institutions for the mentally ill, are designed to improve the quality of care, treatment, and rehabilitation in these institutions.

Direct operations. Laboratory and clinical research is conducted in the behavorial and biological sciences; for example, psychiatry, socioeconomic studies, neurobiology, and neurochemistry. Additionally there is laboratory and clinical research in special mental health problems of neuropharmacology, clinical psychopharmacology, narcotic addiction, and alcoholism.

This subactivity also supports the planning, development, and administration of grant and contract programs in behavioral sciences research, applied research, clinical research, and psychopharmacological research. It also includes those multidisciplinary programs which focus and coordinate the National Institute of Mental Health's efforts in special areas of concern, such as alcoholism, drug abuse, suicide prevention, crime and delinquency, schizophrenia, and the mental health of children and families.

Manpower development. Training grants and fellowships. Grants are made to training institutions for training in psychiatry, behavioral sciences, psychiatric nursing, psychiatric social work, and other mental health disciplines. Experimental and special programs and continuing education in the mental health field are included as well as special training in such areas as alcoholism, drug abuse, and suicide prevention. Training stipends are awarded. Fellowship awards are made on the basis of excellence to individuals involved in mental health research.

Direct operations. Within this subactivity analytic studies of manpower are undertaken and the national mental health training program is coordinated and supported. Emphasis is given to the full range of manpower requirements in the field of mental health including the disciplines of psychiatry, behavioral sciences, psychiatric nursing, and social work. Also funded in this subactivity are the training activities of the National Center for Mental Health Services, Training, and Research, and a program for training psychiatrists for careers in the Public Health Service.

State and community programs. Community mental health centers. Construction. Grants are awarded for the construction of public and other nonprofit community mental health centers as authorized by the Community Mental Health Centers Act, as amended.

Staffing. Grants are awarded on a project basis to eligible community mental health centers for partial support of the operating costs of these centers as authorized by the Community Mental Centers Act of 1963, as amended.

Community narcotic addiction and alcoholism rehabilitation programs. These grants provide partial support for the construction and staffing of facilities for the treatment and rehabilitation of narcotic addicts and alcoholics. It also provides for grants to nonprofit agencies to cover the cost of developing specialized training programs for prevention and treatment of narcotic addiction and for evaluating narcotic addiction prevention and treatment programs with a view to their improvement.

Direct operations. The administration and stimulation of the community mental health centers program is undertaken in this subactivity as well as technical program assistance such as the mental hospital improvement program. The nucleus for experimental, model community mental health centers is also funded from this subactivity.

Rehabilitation of drug abusers. This subactivity provides for the treatment and rehabilitation of narcotic addicts under contract arrangements with community agencies, and in the narcotic hospitals located at Lexington, Ky., and Fort Worth, Tex.

Program support activities. Field activities. The professional activities related to mental health programs in the Department regional offices are funded in this subactivity. It also covers the central office coordination of regional programs and the Institute's relationships with other Federal agencies, professional societies, and State and community organizations.

Scientific communication and public education. The National Clearinghouse for Mental Health Information which collects and disseminates scientific and technical information in the mental health field and the Institute's public education programs are funded here. Major programs include public information on the dangers of drug abuse and alcoholism.

Executive direction and management services. Program planning and evaluation, biometric and legislative services, and administrative management are funded in this subactivity.

ST. ELIZABETHS HOSPITAL

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Clinical and community services	$37,240	$42,292	$42,238
Training and education	1,179	----------	----------
Research	576	----------	----------
Total program costs	38,995	42,292	42,238
Unfunded adjustments to total program costs: Property, services, or capital assets transferred in without charge	−225	−161	−161
Total program costs, funded	38,770	42,131	42,077
Change in selected resources	712	−736	----------
Total obligations	39,482	41,395	42,077

St. Elizabeths Hospital provides treatment and care for the mentally ill who are either beneficiaries of the Federal Government or residents of the District of Columbia. Programs of the hospital are financed by Federal appropriations covering treatment and care of Federal beneficiaries and by reimbursements made to the hospital for services rendered other patient groups, principally residents of the District of Columbia. During 1969, St. Elizabeths Hospital was reorganized as the National Center for Mental Health Services, Training, and Research. The goal of the National Center is to provide a model demonstration of the conversion of a large mental hospital into a modern, community-based mental health facility, develop a coordinated and intensified program for the provision of trained mental health personnel, and accelerate research efforts to provide a better understanding of mental illness.

The functions of the National Center are implemented under three divisions. Each division is represented by one of the three activity headings set forth below:

Clinical and community services. This activity consists of the St. Elizabeths Hospital—Division of Clinical and Community Services. It provides all of the therapeutic and rehabilitative programs of the National Center, maintenance of buildings, procurement of supplies and materials, and provision of necessary administrative services. The hospital is cooperating with the District of Columbia in the establishment and operation of a community mental health center on its campus, in order to serve the residents of the major southeast portion of the District.

Training and education. During 1969, a portion of the financial support for the National Center's Division of Intramural Training was derived from this activity, with the remainder of the program funded under the manpower development activity of the mental health appropriation. The function of the Division is to provide multidisciplinary clinical training for professional and ancillary personnel engaged in or interested in mental health activities. Effective in 1970, all of the funding for the Division of Intramural Training is being derived from the Mental Health appropriation.

Research. During 1969, this activity supported the Division of Clinical Research of the National Center which carries out coordinated research programs for the purpose of obtaining a better understanding of the causes of mental disorders, and of the factors bearing upon their development, treatment, and possible prevention. Effective in 1970, the funding for the Division of Clinical Research was transferred to the research activity of the Mental Health appropriation.

HEALTH SERVICES RESEARCH AND DEVELOPMENT

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Studies, training, and systems development:			
Grants and contracts	$16,846	$37,440	$50,867
Direct operations	7,850	3,850	5,025

HEALTH SERVICES RESEARCH AND DEVELOPMENT—Con.

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Program direction and management services	$1,390	$1,212	$1,511
Migrant health grants	6,218		
Mental retardation grants	14,297		
Total program costs, funded	46,601	42,502	57,403
Change in selected resources	20,338		
Total obligations	66,939	42,502	57,403

The National Center for Health Services Research and Development has been established as the principal agency within the Department to improve the organization, delivery, and financing of health services by stimulating and supporting research, research and development, demonstrations, and related training. The National Center is focusing on national priority problems in health services such as rising costs, unequal distribution and utilization of health services, inadequate methods for planning and decisionmaking, and shortages of professional personnel. To make progress in solving these problems, both basic studies and action-oriented research and development are essential. To increase the number of people and institutions capable of conducting such studies and projects, research training and the development of research capabilities in academic and community organizations are supported.

Studies, training, and systems development. Grants and contracts. Funds are provided to carry out large-scale research and development projects for the specific purpose of increasing the availability and controlling costs of health services. Of the budgeted increase, $10,000,000 will be used to initiate the development of effective health care delivery systems at regional, State, and local levels. The experiments, under the supervision of the National Center, will be conducted jointly with regional medical programs and comprehensive health planning agencies in selected places throughout the Nation. The experiments should result in a number of working models of health care system which could be utilized, with appropriate modifications, elsewhere in the Nation.

Basic studies. Grants and contracts are awarded to academic and other research organizations to conduct analyses of economic, social, and technological factors which have a basic effect on the organization, financing, and utilization of health services.

Resource development. Grants and contracts are awarded to academic institutions for the development of health services research and development resources.

Training and fellowships. Grants are awarded to institutions and to qualified scholars for supporting research training programs in the health services field.

Direct operations. This subactivity provides staff with the operational capability for both extramural and intramural research programs. It permits utilization of Federal direct health services and federally funded service programs, for the development, testing, and demonstration of improved health services techniques. It determines the strength of the research in such areas as cost containment, economic analysis, the improvement of health service institutions, technology, and community health services systems. The 1971 increase will provide for additional specialized staff to concentrate on the above areas, provide consultative services associated with the Center's program, and develop research training programs in universities and other appropriate settings.

Program direction and management services. This activity includes top management and staff services for the National Center, including central management services.

COMPREHENSIVE HEALTH PLANNING AND SERVICES

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Partnership for health grants:			
Planning	$16,689	$22,196	$22,000
Formula	65,642	90,000	90,000
Project	75,851	82,782	109,500
Migrant health grants		14,000	14,000
Standard-setting and resources development	1,697	11,338	11,434
Program direction and management services	1,011	3,185	4,564
Total program costs, funded	160,890	223,501	251,498
Change in selected resources	5,209		
Total obligations	166,099	223,501	251,498

This appropriation encompasses a comprehensive nationwide program directed to improving the quality, quantity, effectiveness, and availability of health services in all settings. This will be accomplished through the following:

Partnership for health grants. Planning. Formula grants for comprehensive health planning. These grants are awarded to States based on population and per capita income to provide a framework in which health needs and resources can be analyzed and alternative courses of action recommended. Agencies have been established in each of the 50 States, the District of Columbia, and five territories. Most State planning agencies have completed the organizational phase of their activities and have become involved in substantive planning and priority setting. The studies by the planning agencies provide a basis upon which future expenditures of health resources in the State can be rationalized. Initial areas of emphasis include health manpower, health information systems, health facilities, and health services to the poor.

Project grants for areawide comprehensive health planning. Through project grants to public or private nonprofit groups to establish an areawide health planning agency, a community has the opportunity to develop a coherent and efficient areawide health system. Such groups as private health practitioners, hospitals, medical schools, voluntary health agencies, local governments, consumers, and specialized planning groups now work through an institutionalized forum to reach agreement on local priorities for facility, service, and manpower development.

Project grants for training, studies, and demonstrations for comprehensive health planning. These grants provide support for both long-term and short-term training of health planners. Long-term academic programs are being supported which will train students in such areas as basic concepts of health, planning theories and techniques, urban sociology, and social problems in society today. The grants also support demonstration projects for the development of citizen representatives to serve effectively on health planning bodies.

Formula grants to States for health services. These bloc grants to State health and mental health authorities assist the States in attacking those health problems they consider of most immediate importance. The State plan for carrying out these programs must be in accord with the overall plans developed by the State comprehensive health planning agency. At least 15 percent of the funds must support mental health activities. Additionally, 70 percent of all funds must be made available for the provision of health services at the local level. Several States are placing major emphasis on expansion of their home health services, another describes its major priority as the need to expand services related to family planning, environmental health, and dental health. Still another State depicts a redirection of funds into such areas as drug abuse and suicide prevention. An increasing number of States are developing effective systems for making funds available to local officials and voluntary agencies for the support of health programs at the community level.

A review of the 1970 State plans for tuberculosis control activities shows increased financial support, due to the expanded Federal grant and the shift of program focus from Federal to State responsibility.

Up to 1 percent of the amount appropriated for formula grants may be used for evaluation of programs supported by the grants.

Project grants for health services development. These grants provide support for activities to meet special regionally or nationally determined needs. The highest priority is the support of comprehensive health service programs providing primary care and a broad range of ambulatory services. An intensive nationwide rubella immunization program initiated in 1970 will be continued. Grants will be awarded to support projects in other areas such as specialized health components supportive of community health programs, rodent control, health activities in model cities, and disease control programs. Up to 1 percent of the amount appropriated for project grants may be used for evaluation of programs supported by the grants.

Migrant health program. Grants are made to finance part of the costs of establishing family health services clinics, to provide short-term hospitalization, and for other projects to improve the

health services and health condition of agricultural migrant workers and their families. Through direct operations, the program provides technical assistance to migrant health projects and conducts studies vital to the effectiveness of the program.

Standard-setting and resources development. This activity provides for development of specialized programs in comprehensive health and medical care administration, including the professional health aspects of title XVIII of the Social Security Act and technical assistance for the migrant health grant program. Also included are the activities related to the promotion, consultation, and assistance in the development of the group practice concept.

Program direction and management services. This activity provides for overall executive direction and planning and for administrative management. It also includes analysis and evaluation of program activities and the Community Profile Data Center.

MATERNAL AND CHILD HEALTH

[In thousands]

	1969 actual	1970 estimate	1971 estimate
Maternal and child health:			
Grants to States	$105,959	$108,000	$118,600
Project grants	74,971	76,005	83,030
Research and training	15,188	14,885	17,085
Program direction and management services			3,109
Subtotal	196,118	198,890	221,824
Family planning activities:			
Project grants	11,909	22,800	29,500
Project contracts		2,200	2,515
Program direction and management services			1,500
Subtotal	11,909	25,000	33,515
Child welfare	56,185		
Total obligations	264,212	223,890	255,339

Maternal and child health. This program has as its major goal the provision of health services to mothers and children especially in rural areas or areas suffering from severe economic distress. Through assistance to States, localities, and nonprofit groups it directs primary attention to: reducing infant mortality and otherwise promoting the health of mothers and children; and locating, diagnosing, and treating children who are suffering from crippling or handicapping illnesses.

Infant mortality. Grants to States. Formula grants are made to States for health services as noted below. One half of the amount appropriated must be matched by the States and the remainder is distributed in proportion to financial need of the States, except that not more than 12½ percent of the appropriation may be used for special project grants.

Maternal and child health services. Funds are used by States for the extension and improvement of health services for mothers and children.

Crippled children's services. States utilize funds for casefinding, diagnosis, and treatment of children who are crippled or who are suffering from conditions leading to crippling.

Project grants. Grants are made to specified agencies to meet up to 75 percent of the costs of comprehensive health care in three major areas, as follows:

Maternity and infant care. State and local health agencies or other public or nonprofit private organizations operate projects to help reduce infant and maternal mortality and the incidence of mental retardation and other handicapping conditions associated with childbearing. The existing projects are also serving a demonstrated need to improve the quality and quantity of maternity services to women in low-income areas.

Health of school and preschool children. State or local agencies, medical schools, and teaching hospitals conduct comprehensive health care projects for children and youth, particularly in areas where low-income families are concentrated.

Dental health of children. State and local agencies and other public or nonprofit groups are eligible to conduct comprehensive dental care projects for children.

Research and training. Training. Grants are made to public or nonprofit institutions of higher learning including university-affiliated mental retardation centers for training personnel for health care and related services for mothers and children. Research. The focus of this program is to support research which shows promise of substantial contribution to the advancement of maternal and child health or crippled children's services and to study the effectiveness of such programs through research grants, contracts, or jointly financed cooperative arrangements.

Program direction and management services. This activity provides for executive direction, planning, and general management of the maternal and child health program.

Family planning activities. One of the most effective measures for reducing infant mortality is through the provision of family planning services which enable women to decide the number and spacing of children they wish to have. Thus, the Child Health Act of 1967 specified that not less than 6 percent of the amount appropriated for child health shall be available for family planning. In 1971 about 19 percent of the total maternal and child health appropriation for grants and contracts will be used for this purpose. Emphasis on voluntary family planning will be through the State grant program for maternal and child health services and the special family planning project grant program.

Project grants. Grants are made to State and local health agencies or other public or nonprofit private organizations to meet up to 75 percent of the costs of projects to provide family planning services to needy women who may wish such services.

Project contracts. Contracts will support training and studies to develop new and improved methods of delivering services and to review and evaluate existing family planning programs.

Program direction and management services. This activity provides for operating costs of the National Center for Family Planning Services.

REGIONAL MEDICAL PROGRAMS

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Regional medical programs:			
Grants	$72,365	$73,500	$79,500
Direct operations	896	1,771	1,812
Technical assistance and disease control	2,038	18,287	13,168
Program direction and management services	1,402	3,023	2,022
Total program costs, funded	76,701	96,581	96,502
Change in selected resources	822		
Total obligations	77,523	96,581	96,502

The goal of the regional medical programs service is to assist the Nation's health sector to provide the best possible care for patients with heart disease, cancer, stroke, and kidney diseases; to conduct education programs directed toward expanding public awareness of the adverse relationship between smoking and health; to identify the nutritional status of the Nation's population, and to develop methods and activities aimed at improving their health through better nutrition.

Regional medical programs. Grants. The regional medical programs promote and sustain, through grants, the developmental of regional cooperative arrangements among the Nation's health professions and institutions for: Regionalization of health resources and services; and enhancement of the capabilities of providers of care at the community level, and specifically to improve personal health care for persons threatened by heart disease, cancer, stroke, and related diseases. These activities are aimed at improving the quality of health care and strengthening the health care system generally throughout the Nation.

Medical personnel will participate in postgraduate and certificate training programs funded through regional medical program grants. Patients will benefit either from improved medical care or expanded health services derived from regional medical program projects. Medical schools, hospitals, community health organizations, and other health related institutions will be involved in planning and operational activities supported by regional medical programs.

Direct operations. Funds supported review processing and awarding of grants; provide health data required by the central regional medical program service staff and local regional medical programs in the implementation of their activities; and maintain appropriate relationships with the government and private agencies concerned with improving the organization and delivery of health services.

Technical assistance and disease control. These funds will support activities aimed at: providing continuing education assistance to the wide range of health occupations involved in diagnosing and treating heart disease, cancer, and stroke; providing technical and professional assistance to regional medi-

cal programs in the development and implementation of their activities and to promote the application of new concepts, standards, and practices in the areas of heart disease, cancer, stroke, and related diseases; preventing and controlling chronic kidney disease through improvement of artificial kidney treatment and increasingly to use kidney dialysis methods as a step toward more permanent treatment by means of the cadaver transplantation procedure; identifying and assessing the prevalence, location, and causes of malnutrition and assisting local resources in immediate and long-range remedial action; reducing the number of cigarette smokers by stimulating and supporting National, State, and local activities to help those who wish to stop smoking and by encouraging youth not to take up the practice.

In 1970, this activity supported five additional programs—heart disease control, cancer control, diabetes and arthritis, neurological and sensory diseases, and respiratory diseases—which are being eliminated in 1971.

Program direction and management services. This activity provides for a central staff needed in planning, directing, and evaluating the broad scope of program activities that exist in the regional medical programs service; maintains effective communication and information links with the local regional medical programs and the general public; and provides management services such as personnel management, management policy, contract administration, and general administrative services.

COMMUNICABLE DISEASES

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Prevention and control:			
Grants	$8,008	$3,866	$2,114
Direct operations	41,123	33,627	30,271
Laboratory improvement	6,019	6,178	6,955
Program direction and management services	1,887	1,978	2,198
Total program costs, funded	57,037	45,649	41,538
Change in selected resources	−614	−4,600	
Total obligations	56,423	41,049	41,538

This program provides facilities and services for the investigation, prevention, and suppression of communicable diseases, including tuberculosis and venereal diseases, by the direct development, advancement, and demonstration of knowledge and techniques, through research grants, and through the prevention of the introduction of communicable diseases from foreign countries.

Prevention and control. Grants. Research grants are awarded to organizations, institutions, and individuals for research concerned with epidemiology, prevention, laboratory diagnosis, and treatment of communicable diseases at the community level.

Direct operations. Communicable diseases. Scientific and technical skills in the fields of epidemiological medicine and microbiology are provided to State and local health departments through investigations, consultations, and demonstrations. Important disease investigation and control programs include hepatitis, aseptic meningitis, poliomyelitis, rubella, viral encephalitis, the enteric diseases, staphylococcal and other institutionally acquired infections, the acute fungal diseases, diseases of animals transmissible to man, and the vector borne diseases. Professional competence in the investigation of epidemic outbreaks is afforded to the States through the staff of the Epidemic Intelligence Service which is constantly alert to the epidemic situation in the country. These Service officers provide a wide range of service, including epidemic aid, epidemiological field investigations, consultations in communicable disease control, surveillance of infectious diseases, and collaborative field and laboratory research.

Tuberculosis. Studies are conducted in epidemiology, prevention, detection, diagnosis, and therapy of tuberculosis. This research is conducted in cooperation with State and local health departments, tuberculosis hospitals, private investigators, and others. The results of the applied research are made available to the States and integrated into tuberculosis control programs by means of demonstrations, consultative services, operational studies, and training activities.

Venereal diseases. Research and evaluation activities are directed toward maintenance of uniformly satisfactory nationwide serologic services; development and introduction of new syphilis diagnostic tests; development of an immunizing agent for syphilis; improvement of diagnostic techniques for gonorrhea; evaluation of more effective methods of therapy; and the improvement of control procedures. Scientific and general information about venereal disease for both professional and lay groups is disseminated through State agencies.

Foreign quarantine. Certain visa applicants are examined in order to determine those who are excludable for physical or mental reasons. Other inspections—persons and importations—are made to prevent the introduction into the United States of quarantinable and other communicable diseases.

Laboratory improvement. A comprehensive national laboratory improvement program is administered through research for improving and standardizing laboratory methodology and through evaluation of techniques, materials, and reagents used in public health laboratories. States are provided experimental vaccines and special immune globulin is distributed to prevent and control laboratory infections. States are also provided consultation, training, and informational services in laboratory techniques. The program provides for upgrading the performance of the Nation's clinical laboratories and for the licensure and evaluation of clinical laboratories engaged in interstate commerce.

Program direction and management services. This activity includes top management and staff services for the National Center.

	1969 actual	1970 estimated	1971 estimated
Medical facilities construction:			
Construction grants	$280,040	$248,849	$130,000
Direct loans			30,000
Interest subsidies			5,000
District of Columbia medical facilities		15,000	
Program direction and technical assistance	3,902	4,131	4,321
Total program costs, funded	283,941	267,980	169,321
Change in selected resources	−16,333		
Total obligations	267,608	267,980	169,321

Federal funds are provided on a grant or loan basis to assist States, other public agencies, and nonprofit organizations in the construction or modernization of hospitals and other health facilities. Funds are also provided for payment of interest subsidies for guaranteed loans.

Construction grants. Federal funds are provided for the construction of rehabilitation facilities, diagnostic or treatment centers, public health centers, and related health facilities. The availability of diagnostic or treatment centers and rehabilitation facilities reduces the need to construct expensive bed-care institutions.

Direct and guaranteed loans. A new program of loans for the construction and modernization of hospitals and other medical facilities is authorized. This method of financing takes into consideration the increasing ability of hospitals to generate revenue to repay loans. Direct loans would be made to public institutions; guaranteed loans to private nonprofit agencies. Both direct loans and the guaranteed loan fund would be allotted to the States annually on the basis of population, financial needs, and need for additional health facilities and modernization. Direct loans would be at a reduced interest rate but the maximum loan or combination of loan and grant could not exceed 90 percent of the cost of a project.

Interest subsidies. The interest on guaranteed loans by non-Federal lenders to nonprofit private agencies for modernization or construction of hosiptals, long-term care facilities, and diagnostic or treatment centers will be subsidized with Federal funds. This subsidy will reduce the cost of mortgage money to these agencies and limit the need for direct Federal grants for construction of certain health facilities.

District of Columbia medical facilities. Public Law 90–457 authorizes grants and loans to assist public and private nonprofit medical facilities in the District of Columbia to meet the cost of projects for the construction or modernization of public health centers, long-term care facilities, including extended care facilities, diagnostic or treatment centers, rehabilitation facilities, facilities for the mentally retarded, and community mental health centers.

Program direction and technical assistance. State agencies are provided technical assistance in determining additional facilities required, and develop-

ing programs to meet the indicated needs. State plans and their annual revisions are reviewed for conformance with planning criteria and guidelines. Assistance is provided to States and communities in the planning, programing, design, and functioning of hospital and other health facilities, and proposed projects are reviewed to determine eligibility and compliance with the law and regulations. Construction projects are inspected and payments are made as construction progresses. In addition, the program provides program management assistance, consultation, and architectural and engineering assistance to construction projects assisted under the Health Manpower Act, health facilities assisted under sections 202 and 214 of the Appalachian Redevelopment Administration, and rehabilitation facilities assisted under Section 12 of the Vocational Rehabilitation Act.

	1969 actual	1970 estimated	1971 estimated
Patient care and special health services:			
Operation of hospitals and clinics	$71,573	$79,194	$81,464
Medical care for special groups:			
Coast Guard	3,681	4,217	4,336
Federal employees	2,846	3,415	4,026
Payment to Hawaii	1,200	1,200	1,200
Personnel detailed to other agencies	688	678	678
Program direction and management services	2,286	2,639	2,485
Total program costs, funded	82,274	91,343	94,189
Change in selected resources	1,594	----------	----------
Total obligations	83,868	91,343	94,189

Hospitals and outpatient facilities are operated to furnish medical and dental care to legal beneficiaries of the Public Health Service. The major beneficiary groups are American seamen, Coastguardsmen and their dependents, Bureau of Employees' Compensation cases, and persons afflicted with leprosy. Among these, the largest single category is the American seamen who receive comprehensive medical care in service facilities for all conditions. Medical care is also provided to foreign seamen and beneficiaries of other Federal agencies on a reimbursable basis.

Operation of hospitals and clinics. Operating under this activity are general hospitals, and the National Leprosarium at Carville, La. In addition, outpatient clinics and contract physicians handle ambulatory patients at these clinics and physicians' offices, respectively.

In addition to the direct provision of medical services, the Public Health Service hospitals are actively participating in efforts to improve health services in the local community. Professionals and allied health personnel receive clinical training in these facilities. Under section 328 of the Partnership for Health Amendments, the Federal Health Programs Service is cooperating in the operation of a neighborhood health center, a metropolitan areawide student mental health program and a community family planning clinic. Current plans are to expand community health activities in 1971.

Medical care for special groups. Coast Guard. Medical services are provided for Coast Guard personnel at shore stations and on vessels and include care in Public Health Service and other Federal facilities and care in contract facilities in areas where there are no Federal facilities available.

Federal employees. This activity provides consultation to and surveys of Federal agencies upon request on the conduct of Federal employees occupational health programs. Federal employee health programs are operated for Federal agencies on a reimbursable basis, on request.

Payment to Hawaii. Grants are made to Hawaii to defray the cost of care and treatment of persons afflicted with leprosy.

Personnel detailed to other agencies. Medical, dental, and other professional personnel are detailed to other Federal agencies on a reimbursable basis.

Program direction and management services. Staff program advice, guidance, and direction, along with management services, are provided operational personnel and facilities with regard to the efficient and effective conduct of program activities.

NATIONAL HEALTH STATISTICS

[In thousands]

	1969 actual	1970 estimated	1971 estimated
National vital and health statistics	$6,860	$8,633	$9,358
Program direction and management services	616	537	560
Total program costs funded	7,476	9,170	9,918
Change in selected resources	651	----------	----------
Total obligations	8,127	9,170	9,918

National vital and health statistics. The program of the National Center for Health Statistics comprises the major activities of the Public Health Service in the measurement of the health, health care, and health resources of the Nation and in developing and applying optimum technical methods for the collection, processing, and analysis of health statistics. It includes: the collection, compilation, analysis, and dissemination of statistics on births, deaths, fetal deaths, marriages and divorces, and other health data related to these basic vital events; continuing surveys and special health statistics studies on the amount, distribution, and effects of illness and disability in the United States and the services received for or because of such conditions; studies of health survey methods with a view toward their continued improvement; and technical advice and assistance on the application of statistical methods in the health and medical fields.

Program direction and management services. All of the program activities of the National Center for Health Statistics are centrally directed and managed. The Office of the Director establishes program priorities for the Center and provides centralized administrative management support. The Office of Program Planning and Evaluation reviews program plans and periodically evaluates overall effectiveness of program activities.

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Retired pay of commissioned officers:			
Retirement payments	$7,029	$8,920	$10,869
Survivors' benefits	142	157	175
Dependents' medical care	7,094	7,623	8,457
Total obligations	14,265	16,700	19,501

Retirement payments. Provision is made for the pay of officers retired for age, disability, or length of service.

Survivors benefits. Under the provisions of the Retired Servicemen's Family Protection Plan, retired commissioned officers who elect to receive reduced retirement payments may provide for monthly payments to their survivors.

Dependent's medical care. This activity provides funds for care in non-Public Health Service facilities for dependents of Public Health Service beneficiary members of the uniformed services and retired personnel in accordance with the Dependents' Medical Care Act, as amended by Public Law 89-614.

	1969 actual	1970 estimated	1971 estimated
Buildings and facilities:			
National Institute of Mental Health:			
St. Elizabeths Hospital	$1,382	$1,968	$7,473
Other	517	81	2
Subtotal	1,899	2,049	7,475
National Communicable Disease Center	462	750	529
Federal Health Programs Service	617	3,210	747
National Institutes of Health	5,483	----------	----------
Consumer Protection and Environmental Health Service	235	----------	----------
Total program costs, funded	8,696	6,009	8,751
Change in selected resources	7,609	−3,204	1,370
Total obligations	16,305	2,805	10,121

This appropriation includes all proposed direct construction items of the Health Services and Mental Health Administration except construction of Indian Health Facilities.

	1969 actual	1970 estimated	1971 estimated
Office of the Administrator:			
Management and central services	$9,877	$10,589	$11,812
International health activities	89	----------	----------
Total program costs, funded	9,966	10,589	11,812
Change in selected resources	−665	----------	----------
Total obligations	9,301	10,589	11,812

Management and central services. This activity supports the Office of the Administrator and includes staff advice to the Administrator and guidance, leadership, and direction to the programs and activities of the Health Services and Mental Health Administration regarding administrative and financial management, personnel, property and records management, office services, and organization and staffing problems.

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Indian health services:			
Patient care	$70,162	$76,829	$83,632
Field health services	22,810	26,294	28,997
Special assistance to the Menominee Indian people	339	350	----------
Administration	1,903	2,094	2,138
Adjustment of prior year—costs	−568	----------	----------
Total program costs, funded	94,646	105,567	114,767
Change in selected resources	546	----------	----------
Total obligations	95,192	105,567	114,767

This program provides medical care and public health services for Indians and Alaska native people.

Patient care. This activity consists of the operation of general hospitals and their outpatient clinics and tuberculosis sanatoria and medical care under contract with non-Federal hospitals, clinics, private physicians, and dentists, as well as contractual arrangements with State and local health organizations.

In 1971 a new—replacement—medical center at Phoenix, Ariz., will be in full operation. In addition, a pilot inpatient mental health program will be implemented at the Gallup Medical Center, Gallup, N. Mex., and the dietetic program will be expanded to extend the patient education services.

Field health services. These include programs in sanitation, health education, nutrition, maternal and child health, school health, tuberculosis, and other communicable disease control, medical social services, public health nursing, oral health, family planning, and mental health. The services are provided through health centers, clinics, and other field health units operated directly by the Indian Health Service, as well as through contractual arrangements with State and local health organizations. A program initiated in 1969 to train Indians as community health representatives providing educational, sanitation, and referral services to the Indian population will be continued. In addition to expanding the mental health program, a program to train Indians as nutrition aides will be initiated in 1971.

Special assistance to the Menominee Indian people. A 4-year program to assist the Menominee Indian people of Menominee County, Wis., was authorized by Public Law 89–653. This program terminated in 1970. The assistance covered joint school district costs and public welfare benefits as well as health and sanitation services.

INDIAN HEALTH FACILITIES

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Hospitals:			
New and replacement	$2,554	$2,837	----------
Modernization and repair	573	1,033	$233
Outpatient care facilities	2,073	2,385	1,650
Grants to community facilities	409	855	1,400
Sanitation facilities	7,190	14,487	25,303
Personnel quarters	574	1,394	287
Total program costs, funded	13,373	22,991	28,873
Change in selected resources	5,140	5,011	−10,733
Total obligations	18,513	28,002	18,140

Hospitals. New and replacement. The completion of the Indian Medical Center at Phoenix, Ariz., and the planning funds for the replacement hospital at Tuba City, Ariz., are reflected in the 1970 program. Modernization and repair. Included in the estimate are completion of several projects in 1970 and 1971, including a dental addition at Gallup Hospital, N. Mex.

Outpatient care facilities. Completion of various projects in 1970 and 1971 is anticipated, including health centers, health stations, school clinics, a dental addition, and ambulance storage.

Grants to community facilities. The estimate reflects continuation of construction of a community hospital in Fairbanks, Alaska.

Sanitation facilities. Funds are included for provision of sanitation facilities to serve Federal and tribal housing programs and to serve residents of rancherias, reservations, and land allotments in California.

Personnel quarters. Some quarters are in association with outpatient care facilities being constructed in 1970 and 1971.

EMERGENCY HEALTH

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Medical stockpile	$3,480	$3,065	$2,290
Community preparedness	1,749	1,142	1,258
Program direction and management services	1,243	1,039	1,133
Total program costs, funded	6 472	5,246	4,681
Change in selected resources	$−67	$−744	$−32
Total obligations	6,405	4,502	4,649

Medical stockpile. The goal of this activity is to provide essential medical material for civilian needs in time of disaster. Medical supplies and equipment have been assembled into emergency packaged disaster hospitals which are located throughout the United States in affiliation with community hospitals. In 1971 such packaged disaster hospitals will be pre-positioned throughout the Nation. Selective medical supplies have been placed in community hospitals to meet heavy disaster medical care workloads. The estimate for 1971 provides a program for the accountability and maintenance of the medical stockpile inventories.

Community preparedness. Programs are inaugurated and maintained to support the preparation of national emergency health and medical plans and the development of preparedness action projects to achieve a continuity of health services necessary to meet all conditions of a national emergency. The estimate for 1971 provides for a program to assist States and communities during disaster situations; continue the development of plans and operational capability for civilian health manpower as well as utilization and distribution of health resources; develop and initiate disaster management services; and continue the operation of training programs at the State and local level. In 1971 persons in all 50 States will be trained in programs supported by the emergency health appropriation.

Program direction and management services. Total program control is provided for the organization and planning of programs that will afford adequate medical care for individuals in medical emergencies. The estimate for 1971 provides for a continuing activity that furnishes program direction, coordination, and management services to carry out the total emergency health preparedness program. Working relationships are to be maintained with professional organizations and other Government agencies for the development of an effective disaster readiness program for the civilian population.

CHRONIC DISEASES

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Grants:			
Research	$2,939	----------	----------
Training	243	----------	----------
Direction operations	8,660	----------	----------
Total program costs, funded	11,842	----------	----------
Change in selected resources	17,084	----------	----------
Total obligations	28,926	----------	----------

SERVICE AND SUPPLY FUND

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Operating costs, funded:			
Fiscal services program: Cost of services	$1,174	$1,819	$2,070
Supply and distribution sales program:			
Cost of goods sold	2,005	2,208	2,202
Other	605	600	600
Publications storage and distribution program: Cost of services		34	34
Common services program: Cost of services		237	465
National Institute of Health program: Cost of services	15,231		
Total operating costs	19,015	4,898	5,371
Capital outlay funded:			
Fiscal services program: Purchase of equipment	1	8	16
Supply distribution sales program: Purchase of equipment	4	36	40
Common services program: Purchase of equipment		6	10
Total capital outlay	5	50	66
Total program costs funded	19,020	4,948	5,437
Change in selected resources	495	—141	—45
Adjustment in selected resources (donated working capital)	—9		
Total obligations	19,506	4,807	5,392

This fund finances medical supply and service operations of the Health Services and Mental Health Administration. It is reimbursed from the appropriations supporting the programs benefited.

Budget program. The principal activities of the fund are the: Supply Service Center which maintains inventories of medical stock and supplies to meet, in part, the requirements of the Health Services and Mental Health Administration and requisitions of other Government organizations; Office of Financial Management and the Office of Systems Management which finance accounting and auditing services and data processing services for Headquarters Offices of the Health Services and Mental Health Administration; Publications Storage and Distribution Center which stores and issues publications relating to the health and well-being of the individual; and Office of Central Services which provides common services to the program occupying the Parklawn Building, Rockville, Md. This fund is to be reimbursed from applicable appropriations or funds available when services are performed or stock furnished on the basis of rates which includes estimated or actual charges for personal services, materials, equipment—including maintenance, repairs, and depreciation—and other expenses.

ADVANCES AND REIMBURSEMENTS

[In thousands]

	1969 actual	1970 estimated	1971 estimate
Office of the Administrator	$2,163	$140	$25
National Center for Health Services Research and Development	72	150	150
National Center for Health Statistics	604	449	449
National Communicable Disease Center	5,761	9,600	9,600
National Institute of Mental Health	66	107	11
Health Facilities Planning and Construction Service	272	280	525
Community Health Service	149	127	15
Regional Medical Programs Service	545	1,127	1,104
Indian Health Service	9	2	
Federal Health Programs Service	2,639	2,162	1,952
Maternal and Child Health Service			145
Total program costs, funded	12,279	14,143	13,976
Change in selected resources	—758	—380	—211
Total obligations	11,521	13,763	13,765

PUBLIC HEALTH SERVICE TRUST FUNDS

Patients' benefits	$51	$50	$50
Gifts	76	74	75
Special statistical work	10	15	15
Construction and maintenance of Indian sanitation facilities	97	292	200
Total program costs, funded	233	430	339
Change in selected resources	85	—44	—93
Total obligations	318	386	246

Gifts to the Public Health Service, some of which are limited to specific uses by the donors, are expended for the benefit of patients at Public Health Service hospitals and for research of other activities of the Service. Donations are also received by St. Elizabeths Hospital and used for patients' benefits as provided by the donors.

Contributions are made by Indians and others to be served toward the construction, improvement, extension, and provision of sanitation facilities as provided by Public Law 86–121.

NATIONAL INSTITUTES OF HEALTH

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Grants:			
Research	$555,281	$527,871	$546,389
Fellowships	54,827	46,771	44,817
Training	141,565	131,751	131,970
Total grants	751,673	706,393	723,176
Direct operations:			
Laboratory and clinical research	87,828	90,264	102,544
Collaborative research and development	121,165	114,724	165,607
Other	47,426	47,206	44,221
Total direct operations	256,419	252,194	312,372
Facility planning and construction	$500		
Total research institutes and divisions	1,008,592	$958,587	$1,035,548
Bureau of Health Professions, Education, and Manpower Training	452,566	469,433	454,650
Construction of health educational, research, and library facilities	(172,343)	(149,281)	(126,100)
National Library of Medicine	21,739	19,963	19,769
Buildings and facilities		4,186	8,399
Office of the Director		7,807	8,206
Expired accounts	244	273	
Total obligations	1,483,141	1,460,249	1,526,572

These total obligations have not been included in the grand totals that appear at the end of this compilation, as they are duplicated below.

The National Institutes of Health is the primary arm of the U.S. Government in the support of biomedical research, education, and communications. Its mission is investigating basic life processes; advancing the capability for the diagnosis, treatment, and prevention of disease; and supporting the development of adequate health research, educational, and communications resources.

In 1971, the National Institutes of Health will initiate or expand its activities in several areas. In a major program expansion, the National Cancer Institute will increase research on viruses as the cause of cancer with the aim of developing a vaccine or other means for preventing virus-induced cancers. The National Heart and Lung Institute will initiate a national effort to predict and control the relationship between risk factors and the incidence of diseases of the heart and lungs. The National Institute of Child Health and Human Development will expand research on diseases and other factors affecting the health of infants and children and will increase efforts to develop safe and effective contraceptives. The National Institute of Dental Research will expand research efforts to understand the cause, and develop a means of preventing, dental caries. Research on the biological effects of environmental pollutants will be increased by the National Institute of Environmental Health Sciences and on eye diseases and disorders by the National Eye Institute. Biomedical research on other diseases and disorders will be continued at about the 1970 level by the National Institute of Arthritis and Metabolic Diseases, the National Institute of Allergy and Infectious Diseases, the National Institute of Neurological Diseases and Stroke, and the National Institute of General Medical Sciences.

The missions of the research institutes and divisions are carried out through the following funding mechanisms: Research grants are awarded to individual researchers in support of projects which have been reviewed by study groups composed of outstanding scientists, recommended for their high scientific merit

and approved by disease-oriented national advisory councils. Fellowships are awarded to promising individuals preparing for a research career in the biomedical sciences. Training grants are awarded to academic or research institutions which have demonstrated the ability to design and conduct successful training programs in one or more of the biomedical sciences.

In addition to grants, the research institutes and divisions of NIH support biomedical research through direct operations which can be categorized as follows: Laboratory and clinical research is conducted in the Institutes' laboratory facilities and in a commonly shared clinical center facility. Collaborative research and development projects are conducted by NIH researchers in collaboration with other Federal and non-Federal institutions largely through contracts and thus are strongly oriented toward the solution of specific health problems in areas where the state of knowledge is sufficiently advanced to permit a more directed approach. Other activities under direct operations include biometry, epidemiology, and field studies, international research, and biologics standards, and will be discussed under their respective appropriations. Funds are also included for program direction, research support and service activities, and review and approval of grants.

In 1971, increased efforts will be made to expand the supply of trained health manpower by assisting the institutions responsible for health education to expand enrollments. The Bureau of Health Professions Education and Manpower Training provides a national focus for health manpower activities, and supports programs designed to enlarge and improve the pool of qualified health manpower through institutional support grants, student assistance awards, and research grants and direct operations which evaluate and support special studies related to health manpower requirements and utilization. The National Library of Medicine serves as a national resource for biomedical information and as a focus for national planning to improve communications in the health sciences. Construction grants are provided on an individual project basis to public and other nonprofit agencies or organizations to assist in the construction of new facilities and the expansion, rehabilitation, and modernization of existing facilities for teaching, for research in the sciences related to health, and for medical library facilities. Appropriations for buildings and facilities support construction, renovation, and maintenance of NIH laboratory clinical and administrative facilities while that for Office of the Director supports salaries and expenses for the staff of the Director's office, NIH.

The biomedical research and health manpower programs which will be initiated or expanded in 1971 will be supported largely through research grants, direct operations of the research institutes—principally collaborative Research and Development contracts—and the programs of the Bureau of Health Professions Education and Manpower Training.

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Biologics standards—Program costs, funded	$7,985	$8,223	$8,640
Change in selected resources	45	----------	----------
Total obligations	8,030	8,223	8,640

Activities include administration of the Biologics Control Act, establishment of standards for preparation of biologics, testing of vaccines and their preparation, and research related to development, manufacture, testing, and use of vaccines and analogous products.

[In thousands]

	1969 actual	1970 estimated	1971 estimated
National Cancer Institute:			
Research	$80,052	$75,144	$77,193
Fellowships	4,366	3,610	3,348
Training	11,636	10,774	10,774
Total grants	96,054	89,528	91,315
Laboratory and clinical research	16,438	17,842	18,820
Collaborative research and development	65,743	61,944	88,384
Review and approval	2,478	2,556	2,707
Program direction	1,212	1,136	1,157
Total direct operations	85,571	83,478	111,068
Total program costs, funded	181,925	173,006	202,383
Change in selected resources	511	----------	----------
Total obligations	182,436	173,006	202,383

Grants. Research. Grants will be supported. In addition, funds are provided for general research support grants and specialized research centers.

Fellowships. Postdoctoral and special fellowships will be supported, as well as career award and career development fellowships.

Training. Grants are awarded to accredited schools for the improvement of instruction in the curriculum; clinical training grants are awarded for training in such fields as surgery, pathology, radiobiology, radiotherapy, and internal medicine; and grants are awarded to research training centers for individual traineeships.

Direct operations. Laboratory and clinical research. Research includes laboratory research in the fields of biochemistry, biology, pathology, and physiology, and clinical research in the fields of dermatology, endocrinology, immunology, metabolism, and surgery.

Collaborative research and development. Research is conducted in the areas of etiology and cancer therapy. This activity includes several task forces including breast cancer and lung cancer. Research efforts include field studies, investigations, and contracts with public and private organizations and universities for the acquisition, development, and application of new knowledge pertinent to the prevention, control, and treatment of cancer.

NATIONAL HEART AND LUNG INSTITUTE

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Grants:			
Research	$99,632	$94,500	$100,468
Fellowships	6,933	6,563	6,195
Training	18,800	16,943	17,643
Direct operations:			
Laboratory and clinical research	13,375	13,840	15,663
Collaborative research and development	14,758	15,788	26,491
Biometry, epidemiology, and field studies	1,639	1,787	1,807
Training activities	219	169	165
Review and approval of grants	2,693	2,656	2,690
Program direction	682	624	625
Total program costs, funded	158,731	152,870	171,747
Change in selected resources	3,185	----------	----------
Total obligations	161,916	152,870	171,747

Grants. Research. Grants will be supported. In addition, funds are provided for general research support grants, categorical and specialized research centers, and the heart cooperative drug study.

Fellowship. Awards will be supported.

Training. For undergraduate training, funds in 1971 will provide assistance to schools of medicine, osteopathy, and public health. Funds will also provide for grants for graduate research and clinical training.

Direct operations. Laboratory and clinical research. Research is conducted to aid in the understanding of the cardiovascular system and its diseases, with emphasis in therapeutic agents, diagnostic instrumentation. surgery, and clinical medicine.

Collaborative research and development. Funds will support programs in myocardial infarction, artificial heart research, drug studies, blood resources, clinical applications, and pulmonary diseases.

Biometry, epidemiology, and field studies. This activity conducts and supports therapeutic evaluations, epidemiology, and biometrics research.

Training activities. Inservice training is provided for positions requiring unique combinations of cardiovascular training and experience.

NATIONAL INSTITUTE OF DENTAL RESEARCH

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Research	$15,050	$14,516	$16,054
Fellowships	1,765	1,529	1,367
Training	5,492	5,206	5,206
Total, grants	22,307	21,251	22,627
Laboratory and clinical research	4,844	4,954	5,833
Collaborative research and development	814	831	4,333

NATIONAL INSTITUTE OF DENTAL RESEARCH—Continued

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Biometry, epidemiology, and field studies	$492	$462	$670
Review and approval of grants	704	722	724
Program direction	430	359	376
Total direct operations	7,284	7,328	11,936
Total program costs, funded	29,591	28,579	34,563
Change in selected resources	−20		
Total obligations	29,571	28,579	34,563

Grants. Research. Research grants support fundamental, clinical, and applied research studies in such areas as dental caries, periodontal disease, oral-facial growth and development, and dental restorative materials. Support is furnished for studies designed to advance scientific frontiers and exploit emerging research opportunities including: investigation of the interplay of host, dietary, and microbiotic factors in dental caries; development of more effective therapeutic and preventive measures in periodontal disease; development of treatment procedures and determination of preventive measures for oral-facial anomalies; and work on the immediate problems of dental treatment through development of new and improved restorative materials and clinical methods. In addition, support is furnished for clinical research centers, dental research institutes, and general research support grants.

Fellowships. Funds for fellowships are used for support of clinical and basic research training. Applications under this program are for special fellowships, predoctoral and postdoctoral fellowships, and career development and career awards.

Training. Training funds are the principal means of meeting the need for dental research and academic personnel in the dental schools to teach clinical and basic sciences and to conduct research.

Direct operations. Laboratory and clinical research. Laboratory and clinical research studies conducted in Institute facilities are concerned with the causes, treatment, control, and prevention of such dental diseases and disorders as caries, periodontal disease, oral-facial anomalies and oral cancer. Three primary approaches are used: Basic research directed at the acquisition of new knowledge as a means of solving dental health problems; field studies and clinical trials of new therapeutic and prevention concepts coming out of basic research; and further studies on the definition and distribution of oral-facial diseases and disorders on an epidemiologic or geographic basis. Much of this research will make direct contributions to the recently initiated national caries program.

Collaborative research and development. The programs in this activity involve contracts with public and private research and development organizations. Primary objectives include the development of new and improved dental restorative materials and support of the national caries program.

Biometry, epidemiology, and field studies. These activities are concerned with the planning, conduct, and analysis of epidemiological and field investigations concerning such matters as prevalence of oral disease, and effectiveness of new or improved methods of diagnosis, control, and prevention. A number of the studies conducted will be integral parts of the national caries program.

NATIONAL INSTITUTE OF ARTHRITIS AND METABOLIC DISEASES

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Grants:			
Research	$91,688	$86,027	$85,874
Fellowships	6,737	5,482	5,094
Training	16,109	15,072	15,072
Total grants	114,534	106,581	106,040
Direct operations:			
Laboratory and clinical research	15,690	15,897	16,953
Collaborative research and development	5,441	5,650	5,806
Biometry, epidemiology, and field studies	708	709	858
Review and approval of grants	2,307	2,226	2,157
Program direction	396	330	338
Total direct operations	24,542	24,812	26,112
Total program costs, funded	139,076	131,393	132,152
Change in selected resources	1,221		
Total obligations	140,297	131,393	132,152

Grants. Research. Grants will be supported. Funds are also provided for general research support grants and clinical research centers.

Fellowships. Fellowships will be supported.

Training. Grants will be awarded to accredited schools for the improvement of instruction.

Direct operations. Laboratory and clinical research. Research is conducted in the fields of arthritis, rheumatism, diabetes, and other metabolic disorders, as well as studies in the major disciplines including pharmacology, physiology, biochemistry, nutrition, chemistry, pathology, endocrinology, physical biology, molecular biology, chemical biology, gastroenterology, hematology, and biomathematics.

Collaborative research and development. Collaborative research and development projects are conducted cooperatively and under contract with individuals and institutions, including programs in scientific communications, such as the preparation of abstracts on specific areas of research interests; research and development conducted cooperatively and under contract leading to improved methods of hemodialysis and the development of a simpler, more economical, and less cumbersome artificial kidney; and projects directed toward the preparation and distribution of hormonal substances.

Biometry, epidemiology, and field studies. Research and epidemiological studies are conducted on arthritis, diabetes, cholecystitis, iodine metabolism, and hyperuremia in American Indians and other special population groups, primarily long-range studies in the southwestern United States.

NATIONAL INSTITUTE OF NEUROLOGICAL DISEASES AND STROKE

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Grants:			
Research	$75,256	$55,528	$54,591
Fellowships	3,630	2,657	2,595
Training	19,502	14,300	14,300
Total, grants	98,388	72,485	71,486
Direct operations:			
Laboratory and clinical research	10,691	10,036	10,852
Collaborative research and development	7,683	8,692	8,972
Biometry, epidemiology, and field studies	2,721	3,035	3,150
Training activities	63	64	62
Review and approval of grants	2,504	2,097	1,964
Program direction	763	469	486
Total, direct operations	24,425	24,393	25,486
Total program costs, funded	122,813	96,878	96,972
Change in selected resources	3,271		
Total obligations	126,084	96,878	96,972

Grants. Research. Grants will be supported. In addition, funds are provided for general research support grants, clinical research center grants, and specialized research center grants.

Fellowships. Fellowships will be supported.

Training. Graduate training grants will be supported. These grants are made to training institutions to establish and improve programs to train teachers and clinical investigators in neurology, ophthalmology, and otology. Traineeships will be awarded to individuals for specialized postgraduate training.

Direct operations. Laboratory and clinical research. Research is being conducted on disorders of the brain, and spinal cord and peripheral nerves, such as epilepsy, multiple sclerosis, apoplexy, and Parkinson's disease; on neuromuscular disorders, such as muscular dystrophy; hearing impairments; and the perinatal physiology studies using primates.

Collaborative research and development. These studies include the coordination and central service activities for the collaborative project on cerebral palsy, mental retardation, and other neurological and sensory disorders of childhood. Also included is the Institute's research programs on head injury and epilepsy.

Biometry, epidemiology, and field studies. These studies include epidemiological, biometric, and international studies relating to cerebrovascular disease, speech and hearing disorders, and research on viruses and their effect on the central nervous system.

Training activities. Support is given for inservice training of qualified staff members in subjects related to neurological and other sensory disorders.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Grants:			
Research	$52,235	$56,205	$56,780
Fellowships	4,035	3,581	3,504
Training	9,463	8,972	8,972
Total grants	65,733	68,758	69,256
Direct operations:			
Laboratory and clinical research	15,350	15,547	16,818
Collaborative research and development	9,398	11,265	11,274
Training activities		105	93
Review and approval of grants	1,451	1,505	1,452
Program direction	415	319	326
Total direct operations	26,614	28,741	29,963
Total program costs, funded	92,347	97,499	99,219
Change in selected resources	264		
Total obligations	92,611	97,499	99,219

Grants. Research. Grants will be supported. In addition, funds are provided for general research support grants, clinical research centers, Gorgas Memorial Laboratory, and International Centers for Medical Research and Training.

Fellowships. Fellowships will be supported.

Training. Grants will be provided to train individuals in allergy and immunology, tropical medicine, infectious diseases, parasitology, mycology, and rickettsiology.

Direct operations. Laboratory and clinical research. This research is conducted in the broad fields of allergic immunology, chronic and degenerative, and viral diseases. Current studies are concentrated on the natural antiviral substance—interferon—and its inducers. Immunological studies are concerned with the problems of allergy, transplanted organ rejection, mechanisms of protection against infections, and prevention of autoimmune disease.

Collaborative research and development. Contracts are programed in the areas of vaccine development and testing, research reagents development, production and distribution, tissue transplantation immunology, and for the geographic medical science program.

Training activities. This activity was established to provide 2-year training of promising young scientists to work abroad as members of the U.S. biomedical research groups in medical research related to problems of an international nature which cannot ordinarily be undertaken in the United States.

Grants. Research. Grants will be supported. In addition, funds are provided for general research support grants, research and training resources, and research centers in diagnostic radiology and anesthesiology.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Grants:			
Research	$83,217	$77,894	$78,193
Fellowships	21,373	17,626	17,142
Training	46,901	44,477	43,746
Total, grants	151,491	139,997	139,081
Direct operations:			
Collaborative research and development	4,648	3,548	4,665
Training activities	353	279	268
Review and approval of grants	3,061	3,267	3,209
Program direction	1,350	1,108	1,153
Total, direct operations	9,412	8,202	9,295
Total program costs, funded	160,903	148,199	148,376
Change in selected resources	−799		
Total obligations	160,104	148,199	148,376

Fellowships. Fellowship awards will be made.

Training. Grants will be awarded.

Direct operations. Collaborative research and development in the biomedical science and supportive areas are conducted by contract with institutions.

Training activities. This activity supports a program for training pharmacologists and toxicologists.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Grants:			
Research	$41,675	$43,131	$49,773
Fellowships	4,192	3,616	3,653
Training	10,012	9,392	10,142
Total grants	55,879	56,139	63,568
Direct operations:			
Laboratory and clinical research	6,434	6,262	9,102
Collaborative research and development	2,277	6,674	15,350
Biometry, epidemiology and field studies	1,737	2,101	2,145
Training activities	81	71	73
Review and approval	1,958	2,040	2,178
Program direction	1,073	850	887
Total direct operations	13,560	17,998	29,735
Total program costs, funded	69,439	74,137	93,303
Change in selected resources	1,766		
Total obligations	71,205	74,137	93,303

Grants. Research. Grants will be supported. In addition, funds are provided for general research support grants, clinical research centers, and mental retardation research centers.

Fellowships. Postdoctoral and special fellowships will be supported, as well as career awards and career development fellowships.

Training. Training grants will be supported.

Direct operations. Laboratory and clinical research. Laboratory and clinical research is conducted in five major program areas of child health and human development. Reproduction and population research—reproductive biology, endocrinology, and ecology. Perinatal biology and infant mortality—maternal-child interactions; maturation of motor and behavioral systems; nutrition and development. Growth and development—neurophysiology, neurochemistry, and nutrition. Adult development and aging—cellular biology, biochemistry, physiology, and psychology. Mental retardation—biochemistry, neurophysiology, and behavioral research.

Collaborative research and development. Supplements the Institute's five research programs primarily through the contract mechanism. The research conducted is usually Institute initiated and is directed toward gaps in existing research or to expand on current studies of either the intramural program or the research grant program. This activity provides one of the most effective ways of coordinating programs development in the five program areas. The main thrust of the Institute's population research program is accomplished through contract efforts within this activity. In addition to the contract activities, program liaison is maintained and advanced through support of interdisciplinary research conferences and symposia and through scientific information centers.

Biometry, epidemiology, and field studies. Through contracted research, this activity supports the Institute's scientific staff in planning and conducting studies dealing with the incidence, distribution, and control of health problems in certain populations. Efforts are also being made to develop more effective and reliable means for measuring health problems, to collect and analyze health data and to make statistical studies for use in initiating and evaluating scientific programs.

Training activities. This activity represents the National Institute of Child Health and Human Development's career development program designed to help overcome the shortages of professional manpower in pediatrics and obstetrics and the lack of the necessary cross-disciplinary training required in the basic research programs of the Institute.

Grants. Research. Grants will be supported. In addition, funds are provided for general research support grants and categorical clinical research center grants.

Fellowships. Fellowships will be supported.

Training. Graduate training grants will be supported. These grants are made to training institutions to establish and improve programs to prepare clinical investigators and laboratory scientists for research and academic careers in disorders of the eye and visual system.

NATIONAL EYE INSTITUTE

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Grants:			
Research	$16,873	$18,372	
Fellowships	876	876	
Training	2,998	2,998	
Total, grants	20,747	22,246	
Direct operations:			
Laboratory and clinical research	818	1,807	
Collaborative research and development	332	332	
Biometry, epidemiology, and field studies	334	330	
Review and approval of grants	461	658	
Program direction	130	313	
Total, direct operations	2,075	3,440	
Total obligations	22,822	25,686	

Direct operations. Laboratory and clinical research. Research is conducted to increase available knowledge on disorders of the eye and visual system through a multidisciplinary blend of fundamental laboratory studies with clinical research aimed directly at specific vision disorders such as glaucoma, diseases of the retina and choroid, cataracts, and uveitis.

Collaborative research and development. Funds will support various studies including those dealing with manpower needs and biomedical communications.

Biometry, epidemiology, and field studies. This activity supports the national vision research effort through the design of collaborative studies and biostatistical consultation with in-house and extramural programs. Causal factors of vision disorders are also sought by studies of population groups.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Grants:			
Research	$8,638	$7,903	$8,941
Fellowships	194	164	264
Training	3,650	3,617	3,117
Total grants	12,482	11,684	12,322
Direct operations:			
Laboratory and clinical research	5,383	5,068	6,696
Review and approval of grants	415	453	456
Program direction	398	363	369
Total direct operations	6,196	5,884	7,521
Total program costs, funded	18,678	17,568	19,843
Change in selected resources	−772		
Total obligations	17,906	17,568	19,843

Grants. Research. Regular research grants will be supported, as well as environmental health centers. The latter activity supports research on the phenomena associated with the source, distribution, mode of entry, and effect of environmental agents on biological systems through grants to universities, research institutes, and other public or private nonprofit institutions.

Fellowships. Fellowship awards will be supported. Under the fellowship program, predoctoral, postdoctoral, special, and research career development awards are made to graduate students and scientists for training in the field of environmental health sciences.

Training. Training grants will be supported. The graduate research training program supports the availability of high-quality training opportunities in environmental health. It has a threefold goal: To increase the number of highly qualified scientists primarily concerned with environmental health; to enable training institutions to strengthen and to enrich the research training capabilities; and to expand opportunities for environmental health research training in a greater number of graduate institutions throughout the United States.

Direct operations. Laboratory and clinical research. This activity supports the in-house research programs in environmental health sciences at the National Environmental Health Sciences Center in Research Triangle Park, N.C. Included are research efforts in cell biology, pharmacology and toxicology, analytical and synthetic chemistry, biophysics and biomedical instrumentation, animal science and technology, pathologic physiology, epidemiology, biometry, epidemiologic pathology, and scientific information as well as the supporting services for these laboratories and branches.

Review and approval of grants. The scientific and administrative staff responsible for the review, negotiation, processing, and awarding of all grants is supported by this activity.

Program direction. This activity supports the office of the director of the Institute and scientific administrative staff who assist in the planning, supervision, and technical direction of the program.

JOHN E. FOGARTY INTERNATIONAL CENTER FOR ADVANCED STUDY IN THE HEALTH SCIENCES

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Operations:			
Grants:			
Research		$150	$150
Fellowships	$193	1,067	779
International Center	89	1,734	1,735
Facility planning and construction	500		
Total program costs, funded	782	2,951	2,664
Change in selected resources	155		
Total obligations	937	2,951	2,664

The primary function of the international center is to create the environment and provide the means to bring together scholars, scientists, and innovative minds for advanced study of the development of science as it relates to health and its implications for the future. Specifically, the center administers a fellowship program to provide support for the broad international exchange of individuals for teaching, research, and study in the health and related sciences. It also administers the international postdoctoral research fellowship program and its complementary program of grants to returning fellows. It serves as the focal point of the special foreign currency program for the National Institutes of Health. Further, the international center provides leadership in planning and organizing conferences, seminars, and working scientific sessions developed around the major scientific problems, opportunities, trends, and developments to facilitate the progress of knowledge and to explore its implications for society. In addition, the international center serves as the central point for reception and assistance of foreign scientists and other international visitors to the National Institutes of Health.

Operations. Grants. Research project. Grants will be supported. In addition, funds are provided for scientific evaluation. Fellowships. Fellowships will be supported.

International center. Provides for the executive direction or planning and coordinating of all international activities of the National Institutes of Health, including operation of overseas offices and international seminars and conferences.

HEALTH MANPOWER

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Institutional support:			
Medical, dental, and related	$56,288	$101,400	$113,650
Nursing	5,657	7,000	11,000
Public health	8,429	9,471	9,071
Allied health professions	8,598	10,988	14,245
Student assistance:			
Traineeships	19,381	30,027	23,220
Scholarships and opportunity grants	20,071	34,857	37,000
Loans	30,602	22,473	21,610
Manpower requirements and utilization:			
Grants	3,895	4,082	4,082
Direct operations	9,046	11,003	12,508
Program direction and management services	1,297	1,668	1,798
Total program costs, funded	163,263	232,969	248,184
Change in selected resources	23,420		
Total obligations	186,683	232,969	248,184

Institutional support. The principal agents of this activity are grant programs directed toward enhancing the educational experience of students entering the health and allied health professions resulting ultimately in better health service to the Nation. Schools use these funds to support and enlarge faculty staffs, expand library holdings, modify existing and add new curriculums, modernize teaching laboratories, and purchase educational aids and equipment. A substantial increase is requested in 1971 for these activities, of which $5,000,000 is for the physician augmentation program initiated in 1970.

Improving the utilization of limited resources of health professionals requires appraisal of the various types of personnel needed and the identification of new categories of allied health professionals and technicians for more effective team practice. In 1971, allied health new methods grants will support projects to develop curriculums to produce personnel requiring new identified skills.

Student assistance. Student assistance is of two kinds: graduate and specialized, comprising traineeships and research fellowships; and undergraduate, comprising scholarships and student loans. Research fellowships support candidates at the predoctoral and postdoctoral levels for research training in special fields related to studies for improving nursing care. Traineeships support the graduate and specialized preparation of teachers needed to expand and improve curriculum offerings, and the advanced training needed by supervisors, administrators, and other specialists in nursing, public health, and the allied health professions. Allied health short-term training will be provided for the first time in 1971.

Nursing and health professions scholarships enable deserving students from low-income families to pursue their education. Students of veterinary medicine became eligible for scholarships for the first time in 1970. Schools make scholarship awards to students who, in the judgment of the school, have an exceptional financial need. The student loan programs for the health professions, including nurses, are also designed to help provide an adequate supply of health manpower and to assure that the needed supply of health professions and nursing manpower is drawn from the most capable individuals, but particularly to assure that students from low-income families can enroll for health professions training. The 1971 program, as did the program in 1970, concentrates on making these loans to students from lower income families.

Pursuant to authority contained in the appropriation language, under certain conditions sums may be obligated for student assistance programs in advance of their being appropriated in order to facilitate the enrollment of students in health profession and related schools. The timing of these obligations, which is reflected in the schedules, does not affect the actual training of the students which is by academic year. Increases in appropriations for allied health traineeships and for nurse scholarships are requested.

Manpower requirements and utilization. Grants. Research grants support studies in the areas of physician methods and techniques, continuing physician education, effective use of health manpower, nursing care, and methods to deliver nursing care to patients. Research training grants enable institutions to establish training programs in fields where there is unusual demand for researchers having skills in nursing specialties and in the field of educational research.

Direct operations. Funds are provided for programs to assess requirements, availability, and quality of health discipline education; provide professional guidance and leadership to meet the goals of nursing care by means of research, consultation, application of research findings and administration of grants; develop, administer, and support grant and operational methods to increase the supply and improve the education, utilization, and effectiveness of manpower in the health occupations; for servicing training and construction grants, student loans, scholarships, and operational programs for training of personnel. The budget for 1971 includes increases for services and technical assistance related to expanded grant programs; continuing education and other physician manpower programs; nurse recruitment and refresher training contracts; and initiation of a program to encourage returning veterans to enter the health field.

Program direction and management services. The Bureau of Health Professions Education and Manpower Training provides a national focus for health manpower activities. The Bureau guides and supports health manpower programs, designs proposals to meet needs for new or revised health manpower programs, coordinates research, and program reporting activities, and provides technical guidance and coordination to Bureau activities.

DENTAL HEALTH

	1969 actual	1970 estimated	1971 estimated
Grants:			
Research	$651	$1,259	$1,259
Fellowships	63	150	150
Training	1	4,301	4,301
Direct operations	2,808	5,114	5,244
Total program costs, funded	3,523	10,824	10,954
Change in selected resources	5,266	----	----
Total obligations	8,789	10,824	10,954

Grants. Research. Research grants support studies related to the distribution and supply of dental manpower, the organization of manpower and other resources for the delivery of dental services, and the promotion of preventive dental measures by practitioners and the public.

Fellowships. Research fellowships support candidates for advanced degrees to prepare them to conduct research to help improve dental health in the area of dental education, preventive dentistry, organization and delivery of dental services, and dental diseases.

Training. Funds are provided to dental schools to support programs to train students to use dental auxiliaries. Research training grants support programs for training researchers in the applied dental sciences to produce high quality investigators. Projects to provide continuing education for dental practitioners will be supported.

Direct operations. Funds are provided for programs to insure that there is an adequate supply of dental manpower to meet the growing needs for dental treatment and services. Particular attention will be given to further increasing the productivity of the private dentist through use of auxiliaries performing expanded functions in the dental office. The educational process will be studied for improvements in curriculums and methods for teaching dental students. Continuing programs will be maintained in the area of the prevention and control of dental diseases and conditions and in the more effective organization and delivery of dental services to the public.

RESEARCH RESOURCES

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Grants:			
Research	$61,033	$59,310	$60,310
Fellowships	135	126	126
Training	376	352	352
Direct operations:			
Collaborative research and development	1,133	1,384	1,384
Review and approval of grants	1,229	897	909
Program direction	729	609	620
Office of International Research	11,969	----	----
Division of computer research and technology	3,554	4,462	----
Engineering development	812	----	----
Total program costs, funded	80,970	67,140	63,701
Change in selected resources	1,950	----	----
Total obligations	82,920	67,140	63,701

The programs administered by the Division of Research Resources are oriented toward providing the resources and facilities necessary for the conduct of biomedical research, including support for the maintenance of laboratory animals and the provision of specialized resources such as large-scale equipment to improve multidisciplinary research capabilities of institutions. The Division also administers the general research support grants program.

Grants. Research. General clinical research centers, special research resources, and animal resources—including primate centers—will be supported.

Fellowships. Fellowship awards will be supported.

Training. Training grants will be supported.

Direct operations. Collaborative research and development. Research is conducted in collaboration with Federal and non-Federal institutions through contracts. Included are chemical/biological information handling program, special research resources, surveys of animal resources, and development of standards for laboratory animal facilities.

CONSTRUCTION OF HEALTH, EDUCATIONAL, RESEARCH, AND LIBRARY FACILITIES

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Grants for construction of teaching facilities:			
Medical, dental, and other health personnel	$130,073	$141,122	$118,100
Nurses	18,644	8,137	8,000
Allied health professions personnel	3,008	----	----
Grants for construction of health research facilities	20,618	22	----
Total obligations	172,343	149,281	126,100

Teaching facilities. Federal grants are provided on an individual project basis to assist in the construction of medical, dental, pharmacy, optometry, podiatry, veterinary, osteopathy, and public health teaching facilities, schools of nursing, and for training centers for allied health personnel.

Allied health professions personnel. Matching grants are made to public and other nonprofit schools for construction, expansion, and rehabilitation of teaching facilities as training centers for technical and other allied health personnel.

Health research facilities. Matching grants are made to public and other nonprofit institutions to assist in the construction of new facilities, and replacement of outmoded facilities, for the conduct of research in the sciences related to health.

Medical libraries. Matching grants are made to public and other nonprofit agencies or institutions for construction of new, and the renovation, expansion, or rehabilitation of medical library facilities.

NATIONAL LIBRARY OF MEDICINE

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Grants for support of medical libraries	—$3,104	$6,157	$5,792
Direct operations:			
Lister Hill National Center for Biomedical Communications	818	898	906
National Medical Audiovisual Center	1,838	2,050	1,799
Library operations	5,519	7,160	7,592
Toxicology information	1,380	1,507	1,185
Review and approval of grants	684	604	623
Program direction	1,544	1,587	1,872
Total direct operations	11,783	13,806	13,977
Total program costs, funded	8,679	19,963	19,769
Change in selected resources	13,060		
Total obligations	21,739	19,963	19,769

The National Library of Medicine serves as a national resource for biomedical information and as a focus for national planning to improve communications in the health sciences. Toward these ends the Library conducts programs to provide: interlibrary loan, reference, and bibliographic services to units of the national system of libraries and information centers; bibliographic and literature searches through the computer-based medical literature analysis and retrieval system and its decentralized satellites; specialized information services including development of a toxicology information exchange to meet national needs for information relating to the effects of chemical agents on man; audiovisual resources and services and the development of new media for medical and health-related education through the National Medical Audiovisual Center; systems engineering, design, and implementation of a national, multimedia biomedical communications network for the most timely and efficient delivery of biomedical information to health professionals; and administration of grant support programs authorized by the Medical Library Assistance Act for the improvement of communications in the health sciences.

Grants for support of medical libraries. This activity provides funds for six categories of grant support as follows: Training, special scientific projects, research, library resources, regional medical libraries, and publications support.

Direct operations. Lister Hill National Center for Biomedical Communications. The Center applies existing technology to the development of biomedical communications systems aimed at improving health education, medical research, and the delivery of health services. The Center also serves as the Department's focal point for coordination of health communications systems and network projects. In 1971, the Center will continue planning and development of a national biomedical communications network, including continued identification of existing resources available to the network, demonstration of remote access devices to link the physician in his office to a central information source, and experimentation in telephone dial-access to diagnostic and therapeutic procedure messages.

National Medical Audiovisual Center. The Center's activities in 1971 will emphasize the collection, cataloging, and loan distribution of quality medical films and audio and video tape to qualified users; and, educational and technical assistance services to support the needs of schools of the health professions and practicing physicians. There will be a concomitant deemphasis on audiovisual productions.

Library operations. This activity provides bibliographic, reference, and loan services through a national network of regional and local medical libraries with the National Library of Medicine serving as Mid-Atlantic Regional Library and as a national backup for the network; acquires and maintains an archival and reference collection of the world's biomedical literature; and, supports the development and operation of the medical literature analysis and retrieval system, a computer-based bibliographic information storage and retrieval system now undergoing conversion to a second-generation system with expanded capacity and capabilities.

Toxicology information. The program was established in the National Library of Medicine in 1968 to develop and operate a computer-based information storage, processing, and retrieval system on the effects of chemical compounds on man and his environment. In 1971, development will continue with file building for selected pesticides and poisons, programing software development for the computer storage and retrieval system, continued identification and updating of the list of useful information sources which will be published in the "Directory of Information Sources in the United States: Toxicology," and development of a retrospective drug interaction reference file.

Review and approval of grants. This activity supports the scientific and administrative staff responsible for grant review, negotiation, processing, and award. This staff also provides program planning, contract development, review, and evaluation of projects abroad funded by the appropriation Scientific activities overseas.

Program direction. Funds in this activity support the staffs of the Immediate Office of the Director, Office of Administrative Management, and the Office of Public Information and Publications Management and reimbursement to the National Institutes of Health management fund for centralized administrative and plant maintenance support services.

BUILDINGS AND FACILITIES

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Research facilities		$3,615	$3,139
Service and administrative facilities		3,725	2,130
Total program costs, funded		7,340	5,269
Change in selected resources		−3,154	3,130
Total obligations		4,186	8,399

The following activities will require appropriation of funds in subsequent years to complete, but will be continued in 1971 with funds appropriated in prior years:

Child health and human development research facility, combined services facility and warehouse, dental health center addition, master utilities extension, multilevel parking facilities—general office building, national environmental health sciences center, National Institutes of Health animal shelter, repairs and improvements.

The following activities will be completed with funds appropriated in prior years:

Cancer-mental health-neurology cafeteria, cancer research facility, expansion of clinical center facilities, general office building extension, gerontology research facility, incinerator facility, isotope laboratory addition, multilevel parking facilities for cancer-mental health-neurology buildings, neurology-child health facility, Sabana Seca facility—Puerto Rico, stone house renovations.

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Office of the Director: Program direction and management services—Obligations		$7,807	$8,206

This provides for overall executive and program direction, and for supporting services relating to program planning and evaluation, public information,

financial management, personnel management, and management policy and review.

This program is supported by foreign currencies derived through the sale of surplus agricultural commodities, as authorized by the Agricultural Trade Development and Assistance Act of 1954.

SCIENTIFIC ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Foreign health research, obligations	$16,618	$4,297	$32,444

Research efforts are directed toward the prevention, control, and treatment of specific disease and health problems in the United States and abroad. Emphasis is placed on institutional development in host countries through training, demonstration, and information dissemination.

The increase requested in 1971 will be directed toward biomedical research activities—particularly in the area of family planning and nutrition.

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Expired accounts:			
Construction of mental health-neurology research facility	$581	$543	
Change in selected resources	−337	−270	
Total obligations	244	273	

HEALTH EDUCATION LOANS

Health Professions Education Fund:			
Loans to health professions schools	$12,197	$6,088	
Interest	1,567	2,365	3,595
Total obligations	13,764	8,453	3,595

The Allied Health Profession Personnel Training Act of 1966—Public Law 89–751—amended title VII, part C, of the Public Health Service Act to establish a revolving fund from which schools may obtain loans to provide loans to health professions students. This amendment supplements the existing Federal capital contributions method of funding student loans as authorized by the Health Professions Educational Assistance Act—Public Law 88–129.

NURSE TRAINING FUND

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Loans to schools of nursing	$5,113	$4,040	
Interest	449	1,188	2,116
Total obligations	5,562	5,228	2,116

The Allied Health Professions Personnel Training Act of 1966—Public Law 89–751—amended section 827 of the Public Health Service Act to establish a revolving fund to provide loans to nursing students. This amendment supplements the existing Federal capital contribution method of funding student loans as authorized by the Nurse Training Act—Public Law 88–581.

[In thousands]

	1969 actual	1970 estimated	1971 estimated
General research support grants, obligations	$60,700	$57,677	$45,977

Public Law 86–798 amends the Public Health Service Act to provide for grants-in-aid to universities, hospitals, laboratories, and other public or nonprofit institutions for the general support of research and research training in sciences related to health. The act specifies that this program will be supported with funds provided for research grants through the appropriations for the National Institutes of Health and the National Institute of Mental Health.

NATIONAL INSTITUTES OF HEALTH MANAGEMENT FUND

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Research services	$4,592	$4,843	$4,900
Engineering services	9,794	10,491	10,911
Clinical services	18,243	19,364	19,694
Administrative services	12,111	7,987	8,191
Grant review and approval	8,399	7,713	7,835
Program direction	2,555		
Computer services			4,372
Total program costs, funded	55,694	50,398	55,903
Change in selected resources	744		
Total obligations	56,438	50,398	55,903

The National Institutes of Health management fund was established to facilitate the conduct of operations of the National Institutes of Health which are financed by two or more appropriations. The activities of the fund are financed primarily from advances and reimbursements from the several institutes. A small portion of the funds comes from reimbursements from outside sources and from other Government agencies.

The centralized oragnizations of the National Institutes of Health provide supporting services to all programs as follows:

Research services provide the central administration and operation of services for the conduct of research activities such as providing laboratory animals, culture media, and glassware; design and fabrication of laboratory instrumentation; operating the NIH medical reference library, including the translation of medical literature; scientific photography and medical arts; and environmental engineering services.

Engineering services provide engineering, architectural, craft, and labor services required for the operation and maintenance of the NIH facility; planning of NIH facilities and improvements; administration and inspection of NIH construction performed under direct contract; and liaison and inspection of projects administered by the Public Buildings Service of the General Services Administration.

Clinical services consists of the operation of the 516-bed clinical center together with the laboratory space required for the care and treatment of research patients.

Administrative services provides for: plant and office services, including cleaning of space; mail, messenger, telephone, and other communication services; operation and maintenance of motor vehicles; guards, firefighting, and other plant protection and safety services; procurement and supply management; and negotiation of research contracts.

Grant review and approval initiates and develops recommendations and provides staff support services for the National Institutes of Health in formulating Public Health Service grants and awards policies and procedures relating to research, Center, and training grants and fellowship programs; assigns grant and award applications to the appropriate bureau of the Public Health Service; assigns applications within the National Institutes of Health to institutes and divisions and to initial review groups, and provides for the scientific review of applications by the National Institutes of Health study sections and review committees; conducts negotiations with grantee institutions, makes studies, and provides advisory and consultative services to NIH institutes and divisions relative to Public Health Service grant policy and NIH-wide management matters; collects, stores, retrieves, and analyzes management and program data needed by the National Institutes of Health in the management of its extramural programs.

Computer services. Conducts research and development in the application of computer sciences, applied mathematics, and physical sciences to the biomedical research mission of the National Institutes of Health. It provides professional advice to other areas of NIH, serves as a focus for training activities in computation and data processing, and operates a central computing facility for the National Institutes of Health.

SERVICE AND SUPPLY FUND

[In thousands]

	1969 actual	1970 estimated	1790 estimated
Administrative services:			
Cost of goods sold		$5,257	$5,584
Other		2,401	2,388
Data processing services: Cost of service		4,974	5,503
Instrumentation:			
Cost of goods sold		293	306
Other		1,263	1,274
Research animals:			
Cost of goods sold		129	140
Other		1,365	1,233
Total program cost, funded		15,682	16,428
Change in selected resources		159	68
Total obligations		15,841	16,496

The National Institutes of Health service and supply fund provides a single means for consolidated financing and accounting of business-type operations involving the sale of services and commodities to customers.

The following activities are carried out under the fund:

Administrative services. These services include the sale of commodities, printing and reproduction services, and other services. The NIH maintains a supply of scientific and general-use materials and supplies, alteration and construction material, linens, and special equipment. The printing and reproduction section provides printing, distribution, and related services.

Data processing services. This central facility is expected to provide data systems design and consultation, key punching, computer programing, and computer processing services to institute/divisions of NIH.

Instrumentation. The biomedical instrumentation and engineering branch maintains, repairs, and fabricates scientific laboratory apparatus and equipment for use in the research laboratories at NIH. There is also a specialized inventory of materials used in the development of the scientific equipment which is part of the services provided by the shops.

Research animals. The NIH animal facilities provide small and large research animals to the research laboratories. The facilities include breeding, holding, and conditioning facilities for mice, rats, guinea pigs, rabbits, hamsters, dogs, cats, primates, and ungulate animals.

ADVANCES AND REIMBURSEMENTS

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Medical research	$2,230	$988	$969
Health manpower	1,747	2,129	2,175
National Library of Medicine	436	485	125
Total obligations	4,413	3,602	3,269

SOCIAL AND REHABILITATION SERVICE

Grants to States for public assistance: Medical assistance: For those eligible for maintenance assistance	$1,433,427	$1,732,506	$2,159,916
For those not eligible for maintenance assistance	748,349	828,386	814,253
State and local administration	93,681	119,413	139,516
Total	2,275,457	2,680,305	3,113,685

Medical assistance. Grants for medical assistance under title XIX of the Social Security Act—medicaid—and for medical assistance provided under other titles of the act are made to States having plans approved by the Department of Health, Education, and Welfare. After January 1, 1970, Federal financial participation in payments to medical vendors will be available only under medicaid. Federal medicaid payments vary from 50 percent to 83 percent according to the per capita income of the State. Eligible recipients must include all persons receiving or eligible to receive money payments under the Social Security Act. States also may elect to cover certain medically needy persons eligible for help only with their medical bills. Medicaid complements the Federal medicare program by paying the deductible and coinsurance for the needy aged, paying their premiums for medicare's supplementary medical insurance program, and by paying for services not covered by Medicare; for example, long-term nursing home care.

The Federal share is expected to amount to about 52 percent of the total Federal, State, and local expenditure in 1971, slightly more than in 1970. More favorable matching provisions under title XIX compared to the provisions of the money payment titles and increasing expenditures for States with relatively higher medical assistance percentages are responsible for the increasing Federal share.

The major factors accounting for the increase from 1970 to 1971 for Federal payments are the continued rise in medical prices, an increase in the number of eligible recipients, and continued increase in utilization under State programs.

As more States come into the program, a larger number of persons becomes eligible for medical assistance. As of July 1, 1969, 44 States or jurisdictions were operating under medicaid. It is anticipated that all of the remaining States will begin operation during the year.

Medical assistance payments are for care in hospitals and nursing homes, physicians' fees, and drugs.

The Medical Services Administration within the Social and Rehabilitation Service of the Department of Health, Education, and Welfare has responsibility for providing program direction for medicaid.

GRANTS TO STATES FOR PUBLIC ASSISTANCE

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Medical assistance: For those eligible for maintenance assistance		—$5,200	
For those not eligible for maintenance assistance		—18,290	
State and local administration		1,307	
Total		—22,183	

The above is part of Grants to States for Public Assistance which is proposed for separate transmittal, existing legislation.

In November 1969, State public assistance agencies forecast the Federal share of public assistance programs in 1970 as $7,554,984,000, or $146,753,000 over the amount appropriated. Of the latter amount, medical assistance accounts for $22,183,000. The overall increase is due to repeal of the aid to families with dependent children "freeze" requirement and increased costs for social services and administration, but offset in part by reduced estimates of 1970 costs for the adult categories and for medical assistance vendor payments.

SALARIES AND EXPENSES

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Medical assistance	$1,372	$4,215	$7,627
Maternal and child health and development	4,352	4,610	

MEDICAL ASSISTANCE

Administers program of medical assistance to the needy, particularly the medical assistance program authorized by title XIX of the Social Security Act. These programs provide comprehensive medical care, including nursing homes and intermediate care facilities to the needy, through State medical assistance programs. Also included in evaluation of the programs, assistance in recruiting and training State staff, and the development of polices and guides related to the comprehensiveness of State medical assistance programs.

Maternal and child health and development. This activity includes the functions of the Children's Bureau which were transferred from the Social and Rehabilitation Service to the Office of Child Development and the Health Services and Mental Health Administration in October 1969. The salaries and expenses for these functions were charged to this appropriation through 1970. Included are maternal child health services and related research and training. Also included are the functions of investigating and reporting on activities related to the welfare of children as established by the act of 1912.

ASSISTANCE TO REFUGEES IN THE UNITED STATES

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Health services	$2,150	$2,701	$3,254

These services are provided to new arrivals and to needy refugees in Miami and include medical screening, outpatient clinic services, and care of patients with tuberculosis and mental illness.

[In thousands]

	1960 actual	1970 estimated	1971 estimate
Advances and reimbursements: Medical Services Administration	$94		

SOCIAL SECURITY ADMINISTRATION

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Payments to social security trust funds: Matching payments for supplementary medical insurance	$895,000	$928,151	$1,245,282
Hospital insurance for the uninsured	465,227	617,262	878,688
Military service	105,000	105,000	105,000

SOCIAL SECURITY ADMINISTRATION—Cont.

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Special benefits for disabled coal miners: Occupational health and standard setting		$2,500	

Note: This appropriation is the first step in the implementation of the Federal Coal Mine Health and Safety Act.

	1969 actual	1970 estimated	1971 estimated
Special benefits for disabled coal miners: Occupational health and standard setting			$7,000

Benefit payments to recipients are intended to assist a significant number of living coal miners who are totally disabled from pneumoconiosis arising out of employment in underground coal mines, and survivors of such miners whose death was due to this disease.

LIMITATIONS ON SALARIES AND EXPENSES (TRUST FUND)

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Health insurance:			
Hospital insurance	$101,652	$122,373	$122,680
Supplementary medical insurance	185,700	216,382	233,592

Health insurance program. The hospital insurance program affords protection to persons age 65 and over against the costs of inpatient hospital services, posthospital home health services and posthospital extended care services. Bills for services rendered under the hospital insurance program are generally submitted by hospitals, extended care facilities, home health agencies and, in some instances, by individuals who have received emergency care in nonparticipating hospitals. The growth in beneficiaries who will be covered by the program as the population age 65 and over increases and the rise in the utilization rates of available services cause an increase in the number of bills in both 1970 and 1971.

Supplementary medical insurance program. Almost all persons age 65 and over are eligible to enroll in the supplementary medical insurance program which covers the cost of physician services and other medical costs within certain deductible and coinsurance requirements. Enrollees in the program pay a monthly premium and the aggregate of these premiums is matched by the Federal Government by appropriations from Federal funds.

The volume of claims will rise in 1970 and 1971 as a result of the growth in the age-65-and-over population and the projected increase in utilization of medical services.

The administrative costs budgeted under this activity cover the bill and claim payment functions performed by the intermediaries and carriers; services performed by the State agencies in certifying and consulting with providers of services; all work performed by the Social Security Administration in directing the program, providing services to beneficiaries, maintaining records by individual beneficiary of utilization of hospital and medical services and processing claims to establish entitlement to hospital insurance for persons not insured for cash benefits under either the social security or railroad retirement program.

FEDERAL HOSPITAL INSURANCE TRUST FUND

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Benefit payments	$4,653,976	$5,225,000	$6,325,000
Construction	393	308	930
Administration:			
Authorized program	112,466	135,588	137,008
Proposed increase in limitation		1,447	
Incentive reimbursement experimentation		2,730	2,265
Total obligations	4,766,835	5,365,073	6,465,203

For persons on the social security and railroad retirement rolls, the costs of services covered by the hospital insurance program and administrative costs are financed by contributions from workers, employers, and self-employed individuals based on earnings. Costs for those not insured under the social security or railroad retirement program are met from general revenues of the Treasury.

Benefit payments. The hospital insurance program provides protection to persons age 65 and over against the costs of inpatient hospital services, posthospital home health services, and posthospital extended care services. The growth in benefit payments in 1970 and 1971 results from increases in covered population and in utilization of services and unit cost of services.

Construction. The costs of site acquisition, design, construction, alterations, and equipment of office facilities for the Social Security Administration are financed by this and the other trust funds.

Administration. The administrative expenses of the Social Security Administration as reflected in its salaries and expenses appropriation and those incurred for social security programs by the Treasury Department and other Department of Health, Education, and Welfare components are financed in part by each trust fund.

Incentive reimbursement experimentation. The 1967 social security amendments provide authorization to conduct experiments for reimbursement of providers of services on a basis other than the "reasonable cost" or "reasonable charges" provisions generally applicable under the medicare program in order to achieve incentives for economy while maintaining or improving quality in the provision of health services. Costs of administering and evaluating the experiments are distributed currently on an estimated basis between the hospital insurance and supplementary medical insurance trust funds.

FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Benefit payments	$1,644,842	$1,949,000	$2,078,000
Construction	575	450	1,364
Administration:			
Authorized program	188,644	224,233	242,859
Proposed increase in limitation		1,915	
Incentive reimbursement experimentation		770	735
Total obligations	1,834,062	2,176,368	2,322,958

Almost all persons age 65 and over are eligible to enroll in the voluntary supplementary medical insurance program provided by the Social Security Act, and about 95 percent of those eligible have chosen to do so. The costs of services covered by the program and administrative expenses are financed by premium payments from enrollees together with matching contributions from the general revenues of the Treasury.

Benefit payments. Participants in the program are covered for the costs of physicians' services, home health services not covered under the hospital insurance program, outpatient services, and certain other medical costs with specified deductible and coinsurance amounts.

Construction. The costs of site acquisition, design, construction, alteration, and equipment of office facilities for the Social Security Administration are financed by this and the other trust funds.

Administration. The administrative expenses of the Social Security Administration, as reflected in its salaries and expenses appropriation, and those incurred for social security programs by the Treasury Department and other Department of Health, Education, and Welfare components are financed in part by each trust fund.

Incentive reimbursement experimentation. The 1967 Social Security Amendments provide authorization to conduct experiments for reimbursement of providers of services on a basis other than the "reasonable cost" or "reasonable charges" provisions generally applicable under the medicare program in order to achieve incentives for economy while maintaining or improving quality in the provision of health services. Costs of administering and evaluating the experiments are distributed currently on an estimated basis between the hospital insurance and supplementary medical insurance trust funds.

SPECIAL INSTITUTIONS

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Howard University, Freedmen's Hospital	$13,443	$14,425	$15,735

The hospital furnishes inpatient and outpatient care and facility for training of physicians and nurses and other professional and technical health personnel. Operation of the hospital is fi-

nanced by direct appropriation and income derived from charges for medical and hospital services from patients other than medicare, medicare patients, the District of Columbia, and other jurisdictions. Federal funds provide 71 percent of the total operating costs.

	1969 actual	1970 estimated	1971 estimated
Howard University: Hospital construction		$7,700	

The 1970 budget request for construction of the Howard University teaching hospital is based on 1967 cost levels. Since the original estimate was made, construction costs have been rising in the Washington, D.C., area. The proposed supplemental appropriation would compensate for the higher costs and permit the General Services Administration to advertise for bids on the hospital facility.

DEPARTMENTAL MANAGEMENT

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Advances and reimbursements:			
International health activities	$591	$1,005	$1,146
Task Force on Prescription Drugs	91	—	—
Secretary's Advisory Committee on Health Protection and Disease Prevention	91	276	
Secretary's Task Force on Medicaid		264	
Smoking and health		50	50
Secretary's Commission on Pesticides		45	

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Family planning activities			$12,000

Legislation is proposed to initiate a program of project grants to public or nonprofit private agencies, institutions, and organizations to meet up to 90 percent of the costs of projects that provide family planning services and related research and training. The program's emphasis will be the provision of family planning services to women who want but cannot afford such services.

SOCIAL AND REHABILITATION SERVICE

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Grants to States for Public Assistance: Reduction in medical assistance			—$235,000

In order to discourage overutilization of institutional inpatient care and to place increased emphasis on the provision of preventive medical care, it is proposed to modify the medicaid program to increase Federal matching for care provided by hospital outpatient clinics, comprehensive health centers, and home health services; and reduce Federal matching for care provided in mental institutions, nursing homes, and hospitals after a period of time sufficient for active medical treatment by these providers.

DEPARTMENT OF JUSTICE—FEDERAL PRISON SYSTEM

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Salaries and expenses Bureau of Prisons:			
Medical services	$3,676	$4,306	$4,936
Narcotic addict treatment	525	1,844	3,079

Medical services. Funds are allocated to the Public Health Service for the cost of medical, psychiatric, and technical services.

Narcotic addict treatment. This covers the cost of treatment of narcotic addicts while in institutions and provides for aftercare treatment services once the inmate is released.

BUILDINGS AND FACILITIES

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Construction, new: Medical facility, Butner, N.C.			$550

During 1971 advance planning will be undertaken for a psychiatric study and treatment center in Butner, N.C.

DEPARTMENT OF STATE

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Administration of Foreign Affairs:			
Advances and reimbursements:			
Kabul Hospital: Agency for International Development	$208	$194	$194
Peace Corps	29	58	58
Defense	17	21	21
Other accounts	22	27	27
International organizations and conferences:			
Contributions to international organizations:			
World Health Organization	18,076	19,533	21,681
Pan American Health Organization	6,550	8,403	9,264

The World Health Organization is increasing its activities in the fields of public health services, education and training, communicable disease control, and environmental health. The Pan American Health Organization increase includes incorporating the fourth step increment of the malaria eradication campaign, expansion of the Foot and Mouth Disease Center, and expanded programs in health and population dynamics, water and sanitation—including *Aedes aegypti*—and nutrition.

[In thousands]

	1969 actual	1970 estimated	1971 estimated
World Health Assembly, 22d	$498	$2	

The 22d World Health Assembly of the World Health Organization was held in July 1969.

DEPARTMENT OF TRANSPORTATION

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Federal Aviation Administration:			
Operations:			
Administration of medical programs	$5,219	$5,808	$6,485

This activity covers the development of regulations governing the physical and mental fitness of airmen and other persons whose health affects safety in flight; the development and supervision of a health and medical program for agency personnel; the administration of an aviation medical research program, the project costs of which are financed under research and development; and the operation of the Civil Aeromedical Institute building.

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Research and development: Aviation medicine	$2,008	$1,962	$2,000

The Federal Aviation Administration carries out a program of medical research.

VETERANS' ADMINISTRATION—MEDICAL CARE

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Direct operating costs funded:			
Maintenance and operation of VA facilities:			
Neuropsychiatric hospitals	$312,592	$341,175	$339,447
General hospitals	781,465	855,763	885,662
Nursing home care	21,127	27,420	35,903
Domiciliary care	34,764	36,604	37,301
Restoration centers	3,464	3,799	3,870
Outpatient care	211,808	241,516	265,004
Miscellaneous benefits and services	17,489	19,065	20,839
Contract care:			
Hospitalization	16,532	17,367	16,125
Nursing home	15,774	20,071	22,999
Grants for State home care:			
Domiciliary	8,662	7,232	5,681
Nursing home	3,831	5,254	5,917
Hospitalization		2,625	5,250
Total direct operating costs, funded	1,427,508	1,577,891	1,643,998

VETERANS' ADMINISTRATION—MEDICAL CARE—Continued

	1969 actual	1970 estimated	1971 estimated
Capital outlay, funded:			
Neuropsychiatric hospitals	$6,988	$10,270	$10,879
General hospitals	30,135	41,763	43,874
Nursing home care	23	275	262
Domiciliary care	242	990	1,100
Restoration centers	12	114	101
Outpatient care	820	1,392	1,588
Miscellaneous benefits and services	186	404	398
Total capital outlay	38,506	55,208	58,202
Total direct program costs, funded	1,466,014	1,633,099	1,702,20

REIMBURSABLE PROGRAM

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Maintenance and operation of VA facilities:			
General hospitals	$10,861	$9,904	$9,904
Outpatient care	2,299	2,096	2,096
Total reimbursable program costs	13,160	12,000	12,000
Total program costs, funded	1,479,174	1,645,099	1,714,200
Change in selected resources	6,530		
Total obligations	1,485,704	1,645,099	1,714,200

This appropriation provides for the cost of care and treatment of eligible beneficiaries in Veterans' Administration hospital, domiciliary and nursing care beds, restoration centers, outpatient clinics, contract care facilities, and State homes.

	1969 actual	1970 estimated	1971 estimated
Medical and prosthetic research:			
Operating costs, funded:			
Medical research	$42,391	$48,135	$49,227
Prosthetic research	1,281	1,609	1,898
Total operating costs, funded	43,672	49,744	51,125
Capital outlay, funded:			
Medical research	6,626	7,995	8,030
Prosthetic research	33	39	45
Total capital outlay	6,659	8,034	8,075
Total program costs, funded	50,331	57,778	59,200
Change in selected resources	−38		
Total obligations	50,293	57,778	59,200

Medical research. Medical research projects are conducted in Veterans' Administration laboratories or in other institutions on a contract basis, whichever is more advantageous or economical.

In addition to amounts provided for the medical research program by direct appropriation, the Veterans' Administration receives advances, grants, and donations from the National Institutes of Health and from other organizations sponsoring medical research. Various affiliated medical schools also receive grants for research in which the Veterans' Administration participates.

Prosthetic research. This is a research program to develop and test prosthetic, orthopedic, and sensory aids for the purpose of improving the care and rehabilitation of disabled eligible veterans, including amputees, paraplegics, and the blind.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Operating costs, funded:			
Medical, hospital, and domiciliary administration	$11,308	$12,918	$13,379
Postgraduate and inservice training	2,016	2,906	3,599
Exchange of medical information	547	1,340	1,852
Total operating costs, funded	13,871	17,164	18,830
Capital outlay, funded:			
Medical, hospital, and domiciliary administration	28	41	41
Postgraduate and inservice training	101	40	81
Exchange of medical information	353	660	148
Total capital outlay	482	741	270
Total program costs, funded	14,353	17,905	19,100
Change in selected resources	233		
Total obligations	14,586	17,905	19,100

Medical, hospital, and domiciliary administration. This covers the development, implementation, and administration of policies, plans, and broad objectives, and provides executive direction for all agency medical programs.

Postgraduate and inservice training. This provides for tuition and registration payments, lecturer fees, travel expenses, and training materials incidental to continuing education programs for professional medical and administrative staff. This also serves as a media for disseminating information on medical advances resulting from research efforts.

Exchange of medical information. This provides for entering into agreements with medical schools, hospitals, research centers and individual institutions, and members of the medical-scientific community under which physicians at hospitals not affiliated with medical schools will maintain closer contact with such schools and other primary sources of medical information.

These funds provide for the construction of new hospital and domiciliary facilities, replacement and relocation of existing hospitals and domiciliaries, acquisition of sites, modernization and other improvements, alterations and additions for medical research facilities, nursing home beds, regional offices, supply depots, and data processing centers, including construction planning, administration, and related staff activities. This estimate is for the eleventh increment for financing a program to modernize the hospital system. While this program will be primarily for improvements to the older—pre-World War II—hospitals, it will also provide for replacement of hospitals, for air conditioning where indicated, and for the correction of deficiencies in post-World War II hospitals as necessary to bring them up to modern medical standards.

CONSTRUCTION OF HOSPITAL AND DOMICILIARY FACILITIES

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Hospitals:			
New	$255	$113	
Replacement and relocation	23,727	41,658	$28,757
Modernization	5,270	7,032	8,550
Other improvements	10,740	14,028	9,769
Domiciliaries		7	112
Nursing homes	198	245	640
Research facilities	2,316	5,413	4,128
Other facilities	408	133	
General administration	5,542	6,371	6,339
Total program costs, funded	48,456	75,000	58,295
Change in selected resources	57,180	−42,863	62,123
Total obligations	105,636	32,137	120,418

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Grants for State nursing home construction	$1,769	$4,000	$5,000
Grants for existing State home hospital or domiciliary facility remodeling, modification, or alteration			2,500
Total program costs, funded	1,769	4,000	7,500
Change in selected resources	2,083	468	
Total obligations	3,853	4,468	7,500

This program provides grants to assist the States in the construction of State facilities for furnishing nursing home care to war veterans.

Also provided for, beginning in 1971, are grants to States which have submitted, and have had approved by the Administrator, applications for assistance in remodeling, modification, or alteration of existing hospital or domiciliary facilities in State homes providing care and treatment for veterans.

GRANTS TO THE REPUBLIC OF THE PHILIPPINES

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Medical care and treatment of veterans	$1,178	$1,262	$1,900
Medical research and training grants	24	100	100
Hospital equipment, plant, and facilities rehabilitation grants	164	44	
Total obligations	1,366	1,406	2,000

Prior to the enactment of Public Law 89–612, grants-in-aid were made to the Republic of the Philippines for the medical care and treatment at the Veterans Memorial Hospital of Philippine Commonwealth Army veterans with service-connected disabilities. Public Law 89–612 extended the program for another 5 years through June 30, 1973, and expanded reimbursement to include payments for hospital care of Commonwealth Army veterans with non-service-connected disabilities, if financial need exists. The program was extended further to give new Philippine Scouts, both service-connected and non-service-connected, the same coverage to which the Commonwealth Army veterans are entitled.

ADVANCES AND REIMBURSEMENTS

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Medical and prosthetic research	$414	$500	$500
Medical administration and miscellaneous operating expenses	4	113	50
Construction of hospital and domiciliary facilities	−1		
Research, training, and demonstration projects	174	470	550
Total program costs, funded	591	1,083	1,100
Change in selected resources	3		
Total obligations	594	1,083	1,100

CIVIL SERVICE COMMISSION

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Salaries and expenses; Occupational health	$32	$271	$275

The Commission assists departments and agencies to develop adequate occupational health programs with services provided at work locations, issues standards and guidelines and, in cooperation with other agencies, works toward achieving a modern and comprehensive health program for the Federal work force.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Government contributions for annuitants benefits (1959 law)	$30,803	$34,179	$37,893
Government contributions for annuitants benefits (1960 act)	10,258	9,990	9,669
Administrative expense (1960 act)	196	235	249
Total program costs funded	41,257	44,404	47,811
Change in selected resources	−508	−3,219	−1,288
Total obligations	40,748	41,185	46,523

This appropriation covers the Government's share of the cost of Federal employees health benefits for certain annuitants as defined in sections 8901 and 8906 of title 5, United States Code; the Government's share of the cost of health benefits for other annuitants—who were retired when the Federal Employees Health Benefits Law became effective—as defined in the Retired Federal Employees Health Benefits Act of 1960—Public Law 86–724—and the Government's contribution for payment of administrative expenses incurred by the Civil Service Commission in administration of the Retired Federal Employees Health Benefits Act of 1960.

The use of these funds is reflected in the schedules for the employees health benefits fund and the retired employees health benefits fund.

EMPLOYEES HEALTH BENEFITS FUND—OPERATING COSTS, FUNDED

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Payments to carriers: Semimonthly (subscriptions)	$747,272	$873,591	$1,011,410
Annual from contingency reserve	27,506	42,000	42,000
Excess or deficiency on payments to carriers	54,000	−9,000	−4,000
Administration	1,069	1,517	1,568
Total operating costs, funded	829,847	908,108	1,050,978
Change in selected resources	−47,000	15,000	10,000
Total obligations	782,847	923,108	1,060,978

The fund finances the cost of health benefits for: active employees; employees who retired after June 1960, or their survivors; and the related expenses of the Commission in administering the program.

Financing. The fund is financed by: withholdings from active employees and annuitants; agency contributions for active employees, appropriated to agencies; and Government contributions for annuitants appropriated to the Commission.

RETIRED EMPLOYEES HEALTH BENEFITS FUND

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Subscription charge payments to uniform plan carrier	$8,971	$8,751	$8,422
Less excess subscription charges held by carrier	−1,854	−600	−210
Net payments	7,118	8,151	8,212
Government contributions to annuitants with private plans	5,730	5,563	5,397
Administration	196	235	249
Total, program costs, funded	13,044	13,949	13,858
Change in selected resources	3,354		
Total obligations	16,398	13,949	13,858

This fund created by the Retired Federal Employees Health Benefits Act—Public Law 86–724—finances: the cost of health benefits for retired employees and survivors who enroll in the Government-sponsored uniform health benefits plan; the contribution to retired employees and survivors who retain or purchase private health insurance; and expenses of the Civil Service Commission in administering the program.

Financing. The fund is financed by contributions from those participants enrolled in the Government-sponsored plan and by Government contributions.

FEDERAL RADIATION COUNCIL

	1969 actual	1970 estimate	1971 estimate
Salaries and expenses: Executive direction and administrative costs	$137	$150	$144
Change in selected resources	−22	−18	
Total obligations	115	132	144

The purpose of the Federal Radiation Council is to advise the President with respect to radiation matters, directly or indirectly affecting health, including guidance for all Federal agencies in the formulation of radiation standards, and in the establishment and execution of programs of cooperation with the States.

The Council membership consists of the Secretaries of Health, Education, and Welfare, Chairman; Agriculture; Commerce; Defense; Interior; and Labor; and the Chairman of the Atomic Energy Commission.

The Council recommends basic guides for radiation protection. When approved by the President, these guides become the basis for the promulgation of operational procedures and regulations by Federal agencies. The Council's activities in radiation protection and evaluation of health effects of radioactive materials have resulted in a number of memoranda and reports to the President, to agencies of the executive branch, and to the public.

The funds requested provide for the salaries of the permanent staff, consultant services which are required from time to time on different projects, and funds for contracts with the National Academy of Sciences—National Research Council, and National Council on Radiation Protection and Measurements to maintain a continuing review of the current state of information regarding knowledge of biological risks associated with exposure to ionizing radiation.

RAILROAD RETIREMENT BOARD

	1969 actual	1970 estimated	1971 estimated
Advances and reimbursements: Medicare activities (Social Security Administration), obligations	$527	$550	$550

SMITHSONIAN INSTITUTION

	1969 actual	1970 estimate	1971 estimate
Construction: Armed Forces Institute of Pathology		$200	

TEMPORARY STUDY COMMISSIONS

	1969 actual	1970 estimate	1971 estimate
National Commission on Product Safety, salaries and expenses: Study and investigation of hazardous household products	$520	$1,379	$100
Change in selected resources	4	4	
Total obligations	524	1,375	100

Pursuant to Public Law 90-146, the Commission is conducting a comprehensive study and investigation of the scope and adequacy of measures currently employed to protect consumers against unreasonable risk of injuries which may be caused by hazardous household products. Such study and investigation includes consideration of the following:

The identity of categories of household products which may present an unreasonable hazard to the health and safety of the consuming public.

The extent to which self-regulation by industry affords such protection.

The protection against such hazardous products afforded at common law in the States, including the relationship of product warranty to such protection.

A review of Federal, State, and local laws relating to the protection of consumers against categories of such hazardous products, including scope of coverage, effectiveness of sanctions, adequacy of investigatory powers, uniformity of application, and quality of enforcement of those laws.

[In thousands]

	1969 actual	1970 estimated	1971 estimated
Grand totals.....	$16,875,066	$18,746,024	$21,240,996

NEEDHAM TOWNSPEOPLE CONFRONT DRUG PROBLEM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER), is recognized for 10 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, when Art Linkletter's daughter died from the effects of drug abuse, the Nation shuddered and grieved at this bereavement, which was a dramatic illustration of the proliferation of the drug problem in America. When the tragic death of Robert Marshalsea occurred in Needham, Mass., more recently, drug addiction became an even more personal problem for me. Ready availability of narcotics is now a fact in nearly every city and town across the country, but this is no consolation to the family who experiences the grief that drug addiction brings or to the community faced with the complexities of eradicating drug traffic.

There is no more stirring narrative than that relating to the death of this fine young Needham boy, who was so popular among his friends and classmates, and all who know his story share in his family's sense of loss. Thirty-seven other persons in Massachusetts have recently traveled the stormy road of drug abuse to a similarly tragic conclusion—further credible evidence of the widespread availability and use of drugs in Massachusetts and the attendant miseries.

The drug crisis is many-faceted, and all the resources of the community, State, and Federal Government must be mustered to attack every aspect of the problem. Control of drugs must be developed through legislation on Federal and State levels. The pressing need for effective and available rehabilitation must be met. Those who have fallen prey to the ravages of narcotics addiction cannot cure themselves without continuous and sympathetic professional help and public understanding. The challenge can never be met by speeches of public officials or by broken hearts of grief-stricken families. The joint efforts of every community organization and age-group must be combined to wage an active campaign against this devastating contagion plaging American society today.

The swift and responsive action of the town of Needham in rising to confront the problem culminating in the local death gives great hope for the future. Chairman Richard Salamone and the board of selectmen, the townspeople of Needham, and the young people themselves displayed great courage as well as their spirit of cooperation in convening town meeting and boldly speaking out. The example here might well be followed by other communities besieged with narcotic traffic. Great resolve and determination will be required to face the dimensions of this problem in an effective way—for those who are tempted by narcotics pushers, to realize their potential vulnerability; for those who are taking drugs, to admit their weakness and come to grips with rehabilitation; for teenagers, to speak out against the drug invasion in the schools; for the community, to develop responsive and properly staffed rehabilitation clinics. The illness of drug abuse has a mysterious, elusive quality, and the cure will not be easily found.

On the Federal level, I shall certainly do everything within my power to provide the latest information, to support effective legislation, and to augment the efforts of local officials in waging war on drug traffic, drug abuse, and in developing practical methods of rehabilitation which will reach all who are in need. We must assure that this young Needham life, extinguished in such a tragic manner, was a life not lost in vain.

The future of American society lies in the healthy development and education of youth's leadership potential, and the drug crisis must be the focus of every citizen's concern until the threat is overcome. The youth of America have all the talent necessary to meet the problems of today and tomorrow with constructive solutions. Through their unsurpassed commitment and involvement in social concerns, I am confident that the current crisis of the drug problem will be conquered—and that the quality of life throughout America will be significantly improved through the contribution of work and dedication of our younger generation reaching maturity at this difficult and bewildering time.

TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The United States is the leading producer of steel ingots and castings in the world. In 1967 the United States produced 115,406,000 metric tons of steel ingots and castings. The Soviet Union was second, producing 102,200,000.

VETERANS' BENEFITS MUST BE INCREASED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PRICE), is recognized for 20 minutes.

Mr. PRICE of Texas. Mr. Speaker, as this is Easter week, I can think of no more appropriate a time than this for Congress to turn its attention to a group of Americans who have made great sacrifices for our country. I refer to our veterans of military service.

American veterans are living monuments to this Nation's dedication to the cause of freedom and its willingness to stand firm and fight, if need be, against communism and tyranny wherever and whenever it rears its ugly head.

Our veterans are more than living monuments, however, they are, above all human beings who have rendered a great patriotic service to the Nation. They deserve our undying gratitude and our dedicated assistance.

I think it is most unfortunate, indeed it is tragic, that benefits provided veterans have not kept pace with the rising costs of living. Inflation, like a thief in the night, has robbed veterans of their justly deserved benefits, just as it has robbed all those who depend to one extent or another on fixed sources of income.

In my judgment, Congress has the responsibility to rectify this sad state of affairs. Congress must help our honored veterans stay abreast of rising living costs.

In an effort to facilitate congressional action, I am today introducing two bills which I hope will provide a foundation on which improvements in veterans benefits can soon be adopted. One bill, would increase the rates of compensation for disabled veterans, a group particularly deserving of society's assistance. This bill, in recognition of the great human sacrifices our soldiers have made in past wars and are continuing to make in the war in Vietnam, would limit the rate increases to those veterans with service-connected disabilities.

My second proposal would increase the rates of compensation and increase the income limitations on pension payments and parents dependence and indemnity compensation. This bill is aimed at providing veterans and widows who receive non-service-connected pensions with a substantial increase in payments. The same would apply to dependent parents receiving dependency and indemnity compensation.

Mr. Speaker, in my judgment, these two bills, taken together, provide much needed benefit increases. These increases, which amount to approximately 10 percent will truly bring a greater measure of economic parity to veterans and their families. To deny them this full measure would be unthinkable. To refuse them their hard-earned due would be criminal.

Throughout the remainder of this Easter week, I beseech my colleagues to also turn their thoughts and pledge their help to our military veterans. They need our assistance because they sacrificed for us. Dare we let their sacrifices go unrewarded?

THE DEVELOPING CRISIS IN INTERNATIONAL TRADE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BOLAND), is recognized for 30 minutes.

Mr. BOLAND. Mr. Speaker, a veritable tide of imported products is streaming into the United States, jeopardizing scores of American industries, and the jobs of millions of American workers. Foreign industries are taking a larger and larger share of the American market in everything from steel to mink-skins. Without protective devices—higher tariffs, for example, or something roughly akin to quota systems—foreign manufacturers find it startlingly easy to underprice their American competitors in the U.S. marketplace.

The cheap labor supply amply available in most European and Asian countries gives their industries an enormous economic advantage over ours. How, for example, can a U.S. shoe firm paying its workers $5 an hour compete with an Asian firm paying what is equivalent to 20 cents an hour? The answer, of course, is that it cannot.

Foreign inroads into the American marketplace pose a major threat to an entire spectrum of U.S. industries—the shoe industry, the apparel industry, the ceramic industry, the textile industry, and many others.

Today, however, I would like to speak specifically about the domestic electronics industry. Workers in this industry—hundreds of thousands of workers living everywhere from California to Maine—may eventually lose their jobs unless the Congress and the administration act to shield them against unfair foreign competition. They face a dual threat: An alarming rise in the importation of electronic products from foreign manufacturers, and an equally alarming rise in the number of American electronic firms setting up operations in foreign countries. A few statistics make plain the extent of this latter threat. The accompanying tables—table 1 and table 2—show, first, the U.S. electronic firms now operating in Mexico near the American border and, second, the U.S. firms now operating in Taiwan. This grim trend toward relocation abroad increases virtually week by week, taking more and more jobs away from American workers.

Local 1500 of the International Brotherhood of Electrical Workers—the union local representing workers at the Sickles Division of the General Instrument Co. in Chicopee, Mass.—has asked the U.S. Tariff Commission to examine the plight of American electronics workers and to recommend means of redress.

Four members of Local 1500 were in Washington last week conferring with my colleague Congressman CONTE and me on their petition to the Tariff Commission and taking part in an AFL–CIO Industrial Union Department meeting on "The Developing Crisis in International Trade."

They are:

Mrs. Ethel Gregoire, president of Local 1500.

Mrs. Esther Bubilo, recording secretary.

Mrs. Muriel Otto.

Mr. George Breault.

The IBEW's New England representative, Robert Dillon, accompanied them to Washington.

The following white paper, prepared by the AFL–CIO and entitled the "Developing Crisis in Electronics and Companion Industries," makes explicit the concern of Local 1500 and hundreds of other IBEW locals throughout the United States.

U.S. ELECTRONICS FIRMS ON MEXICAN BORDER

Western Gear de Mexico, S.A. (Western Gear, Los Angeles).

Heussen Aircraft.

Electromex de Tijuana (Fairchild Semi-Conductors, Mountain View, California).

Marshall de Mexico (Marshall Industries, Monrovia, California).

Triad de Mexico (Litton Industries, Venice, California).

Treces, S.A.

Hatch International, S.A. de CV (Hatch Control Device, El Paso, Texas).

Electronica Atlas, S.A.

Transitron Mexicana, S.A. (Transitron Electric Corp., Wakefield, Massachusetts).

Sarkes Tarizan Mexicana, S.A. (Sarkes Tarizan, Inc., Bloomington, Indiana).

Cal Pacifico, S.A. (Cal-Pacifico, Newport Beach, California).

Zaphiro, S.A. (Topaz, Inc., San Diego, California).

Internacional Manufacturera, Electronica y Consultas, S.A. (Republic Corporation, California).

Curtis Mathes de Mexico, S.A. (Curtis Mathes Mfg. Co., Athens, Texas).

Tecate Internacional, S.A. (Temple Industries, Inc., Tecate, California).

Electronica del Noroeste, S.A. (Fox Electronics, El Cajon, California).

Electronic Control Corp. de Mexico, S.A. (Electronic Control Corp., Eucless, Texas).

C.T.S. de Mexico, S.A. (C.T.S., Elkhart, Indiana).

Standard Components Division.

Standard Kollsman Industries.

Electronica Atlas, S.A.

Certron Audio, S.A. (Certron Corp., Anaheim, California).

Tecnica Magnetica, S.A. (Pulse Engineering, Santa Clara, California).

Electronica de Baja, California (Warwick Electronics, Chicago, Illinois) (Silvertone TV).

Components de Mexico (Fairchild, Hickville, California).

C. P. Clare, S.A. (General Instruments).

Agua Prieta Electronica (Ensign Coil, Chicago, Illinois).

Dickson Mexicana, S.A. (Dickson Electronics Corp., Scottsdale, Arizona).

Sprague Capacitors (Sprague Electric, Worcester, Mass.).

Lear Jet (Lear-Siegler, California).

Varo Mexicana.

Border Electronics (Hunt Electronics, Texas).

Industrial Motorola Mexicana, S.A. (Motorola Inc., Phoenix, Arizona).

Ensambladores Electronicos de Mexico, S.A. (Solitron Devices, Tappan, New York).

Electronica Intercontinental, S.A.

Switch Luz, S.A. (Transformer Engineers, San Gabriel, California).

Semiconductores de Baja California, S.A. (Raytheon Co., Mountain View, California).

Goleta Coil, S.A., de C.V. (Ratel Inc., Goleta, California).

Ratel Internacional, S.A. (Ratel Inc., Goleta, California).

Maquiladora Electronica, S.A.

Maquiladora Monterrey, S.A.

Radio y Television California, S.A.

Fairchild Controls (Fairchild Camera & Instrument Corp., Syosset, New York).

Industrias Mega (Mega Ind., Encino, California).

Mexivend de Mexico, S.A.

Motorola Semiconductors (Subsidiary of Motorola, Inc., Franklin Park, Illinois).

Video Craft.

RCA.

STATUS OF FOREIGN INVESTMENT IN TAIWAN'S ELECTRONIC INDUSTRY (INVESTMENT ALREADY APPROVED, JUNE 30, 1968)

Name of foreign investor	Products	Date of approval	Employment	Plant site	Remarks
1. General Instrument Corp. (TEC)	IFT, tuners, deflection yokes, etc	May 1, 1964	6,350	Hsintien	Operation started in November 1964.
2. First Capacitor Manufacturing Co., Ltd	Capacitors	Dec. 11, 1964	94	Hsinchuan	Operation started in February 1965.
3. E. J. Rehfeldt (Taiwan United States Inc., Co.)	Coils	Feb. 6, 1965	88	Taipei City	Operation started in October 1965.
4. Philco-Ford Corp	Radio, TV, phonograph	Nov. 4, 1965	1,089	Chumei, Tamshui	Operation started in June 1966.
5. TRW, Inc. (Thompson Ramo Wooldridge, Inc.)	Variable condensers IFT, ceramic condensers, peaking coils.	Apr. 14, 1966	1,000	Shu-Lin	Operation started in October 1966.
6. Philco Micro Electronics, Inc	Integrated circuit transistor	Apr. 23, 1966	837	KEPZ	Do.
7. Electronic Building Element Industries	Matrix plane	Apr. 22, 1966	187	KEPZ	Operation started in April 1967.
8. Taiwan Nobel Electronic Co., Ltd	Switch, resistor	May 10, 1966	85	Kweishan	Operation started in December 1965.
9. IBM Corp. (Tatung Electronics Corp.)	Memory plants, IBM memory units	Aug. 8, 1966	402	Peitou, Taipei Hsien	Operation started in October 1966.
10. Sunetics Ltd. (Eorgflo Corp.)	Magnetic pole pieces	Oct. 13, 1966	59	KEPZ	Operation started in May 1967.
11. Admiral Overseas Corp	AM radios, stereo chassis, phono chassis	Nov. 7, 1966	706	Chungho, Taipei Hsien	Operation started in September 1967.
12. Far East Electronics Inc	Earphones	Dec. 20, 1966	93	KEPZ	Operation started in November 1966.
13. Cornell Dubillier Electronics Co	Mica and electrochemical capacitors	Jan. 24, 1967	250	Taoyuan	Operation started in September 1967.
14. Parsons Electronics (the Ramsey Ind. Taiwan)	Magnetic tape recorder, electric modules, cards, assemblies, etc.	do	2	KEPZ	Suspended production since Mar. 1, 1968.
15. Taryo Communication Industrial Co	Polyester condensers	Jan. 28, 1967	30	Taipei	Works under training.
16. Taiwan Toko Electronic Co., Ltd	IFT, OSC coils	Feb. 15, 1967	270	KEPZ	Operation started in June 1967.
17. Consolidated Merchandising Corp	Transistor radio, tape recorders, recorder phonograph.	Apr. 3, 1967	200	Taipei	Applying for bonded factory, worker under training.

STATUS OF FOREIGN INVESTMENT IN TAIWAN'S ELECTRONIC INDUSTRY (INVESTMENT ALREADY APPROVED, JUNE 30 1968)—Continued

Name of foreign investor	Products	Date of approval	Employment	Plant site	Remarks
18. Radio Corp. of America (RCA Taiwan, Ltd.)	Memory plants	May 11, 1967	156	Taoyuan	Operation started in February 1968.
19. Econ Electronic Co., Ltd	Electronic condensers	May 20, 1967	34	Puli, Taichung	Operation started in April 1968.
20. Fox Electronic Co	Electrolytic capacitor, printed circuit board	May 29, 1967		Taoyuan	Suspended production since June 20, 1968.
21. Yamatake Honeywell Co., Ltd	Electronic self-balance tape recorder indicator	June 8, 1967	13	Taipei	Factory construction finished, workers under training.
22. Channel Master Corp. (Trans World Electronics)	Television apparatus	June 19, 1967	67	KEPZ	Operation started in December 1967.
23. Ampex Corp	Printed circuit board cable harness, memory units.	Mar. 28, 1968		Kweishan	Factory under construction.
24. Televac, Inc	Receiving tubes	Apr. 13, 1968		Hsing Shan Hsin Chu	Machinery under installation.
25. Thomas L. Higgins	Magnetic head coils, transformers for electronic use, electronic components for computers semifinished hearing aid products.	May 25, 1968			
26. C.T.S. Corp	Electronic components assembly and manufacturing.			Kaohsiung	
27. Lloyd's Electronics International	Transistor radios			Taipei	
28. Singer Industrial (Taiwan), Ltd	Sewing machines, parts, and consumer products			do	
29. Wang Laboratories (Taiwan), Ltd	Manufacturer of computer products			do	
30. Sunetics, Ltd	Manufacturer of magnetic heads for TV recording			Kaohsiung	
31. Tusic (Taiwan) U.S. Industrial Co., Ltd	Magnetic components, printed circuit boards, etc			Taipei	

The Developing Crisis in Electronics and Companion Industries

I. Current Reasons for Concern

While the Electronics industries are considered to be among the Nation's leading growth industries, current developments in consumer electronics, components, business and computing machines, and companion product lines, should give every American—not merely those whose jobs are directly threatened—genuine cause for concern. For, what is happening is this:

Key growth segments of electronics and companion industries (their know-how, production and jobs) have been, and are being, exported abroad. Moreover, the exodus is rapidly escalating.

The dangerously rising volume of imports—increasingly, in foreign-made American brands and in imports by domestic parent firms from foreign-based plants—tends to accelerate the process of terminating U.S. operations and transferring domestic production and product lines to facilities outside U.S. borders.

The production and jobs transferred abroad are, to a large extent, of the types urgently needed here. They are needed if we are to find work for members of minority groups as well as others among the unemployed poor whom we are now trying to reach through antipoverty, manpower training, and similar programs, at a vast expense of taxpayer dollars.

While the electronics industries, and major electronics-electrical firms, are and have been heavily subsidized by the Federal government, they may possibly grow even more dependent on government, especially the Defense Department, for support. Currently, annual sales to DOD and, in far smaller amounts, to other government agencies, aggregate $13 billion. This represents more than half the industries' $25 billion in annual sales.

II. Historical Summary and Short Statistical Rundown

Electronics grew from a $1 billion to a $25 billion industry in 20 years. Over these 20 years, the Federal government has not only been the industry's largest customer, taking annually a major slice of its dollar output; it has also been the underwriter and sponsor of its remarkable technological progress.

Giant corporations dependent on Defense contracts for a substantial portion of sales include General Electric, Westinghouse, R.C.A., I.T.T., Sperry-Rand, Litton Industries, and dozens of others. In fiscal 1969, G.E.'s Defense contracts totaled more than $1.6 billion. Raytheon's amounted to $547 million; Sperry-Rand's, to $468 million; Westinghouse's, to $430 million; Litton Industries', to $377 million; and R.C.A.'s, to $300 million. Without profitable Defense contracts, Sperry-Rand could hardly have weathered large, sustained computer and business machines losses. Sperry's most profitable product line today is computers, but it was its Defense business that kept it solvent.

The technological lead of American electronics firms was nurtured and underwritten by billions of dollars in government R&D money. As the OECD Directorate For Scientific Affairs points out, "semiconductors, numerical control, electronic computers . . . as well as a host of other less significant innovations, owe their development to Federal support." Huge Federal outlays for research, development, test and evaluation, made possible revolutionary developments in miniaturization, microwave, solid state, integrated circuitry, laser technology, etc.; thereby helping to give domestic firms a commanding technological edge over foreign competitors. Many of the profitable patents these firms hold—and on which they are paid royalties by foreign and domestic firms—resulted from government sponsored R&D programs. As indicated earlier, production and product lines financed by government R&D funds have been transferred to U.S.-owned overseas plants.

How much taxpayer money was poured into R&D? According to National Science Foundation figures, from 1957 to 1965, leading firms in the electronics (and communications) industries spent $23 billion for research and development—22–24 percent of total domestic R&D expenditures. Of this amount, two-thirds was directly provided by the Federal government.

Overseas capital investment by the American electrical-electronics industry continues undiminished, despite the imposition of direct investment controls. Expenditures for equipment and plants outside U.S. borders by electrical-electronics concerns were estimated at $625 million for the years 1967–68. About $2.5 billion was directly invested in new equipment and plants abroad during the 1958–68 decade. This sum does not include profits earned, accumulated and reinvested abroad. According to available but incomplete statistics, at least two dozen new American-owned plants were established on the Mexican border within the past year. The trade press and official records show similar escalating shifts of production, products, and jobs to Taiwan, Hong Kong, South Korea, Singapore and other areas in the Far East.

The process feeds on itself. The transfer of production, product lines, and jobs abroad by one or two American firms is a signal for others to follow. That is is one reason why new and expanded U.S.-owned plants are springing up on the Mexican border and in the Far East, as well as in Europe. The exodus is encouraged and abetted by the U.S. Department of Commerce, which frequently acts as promoter and agent for U.S. firms. Commerce Department employees stationed abroad assist U.S. companies in finding suitable plant locations. Occasionally, they may also arrange financing, and provide other advertised services. As inducements, host countries (Taiwan, Mexico, South Korea, Singapore, Hong Kong, etc.) offer tax and rent concessions plus other attratcive advantages—in addition, of course, to wage costs that range from less than 15 cents to 30 or 35 cents an hour.

The General Instrument Company is a case in point. It is now the largest employer in Taiwan, with 12,000 workers in its semiconductor, TV tuner, recorder and IFT plant—up from last year's 7,200, and from 500 in 1962, the year the plant opened. Hourly wages including fringes, average 15–20 cents. In the last two years, G.I. closed three of its components plants in New England—one in Rhode Island two in Massachusetts. All told, close to 2,000 workers were permanently displaced. Production of affected product lines was transferred to the company's expanded Taiwan facility. Other product lines and jobs may soon follow.

A second case in point is Ford-Philco, whose work force in Philadelphia was recently reduced by 1300, with additional layoff foreseen. Philco-Taiwan, with current employment of over a thousand, now makes radios, phonographs and components for hi-fi and Color TV assemblies previously manufactured in the U.S. Philco has also been importing sets from Japan under its own brand name, further reducing domestic employment.

Electronics is rapidly developing into one of Taiwan's major industries and especially into its major export industry. In 1968, for example, it exported $60 million worth of electronic products, up from $36 million in 1966. But by 1972, Taiwan's export of TV sets alone—almost entirely to this country—should reach $250 million. Total 1972 electronic exports are estimated at $500 million. Currently, exports to the U.S. in major electronic categories are up 40–80 percent from year ago levels. About 650,000 B & W TV sets were exported to the U.S. in 1969—80 percent more than the year before.

Restrictions imposed on foreign firms make it impossible for them to sell radios, TV sets or other products on the domestic Taiwanese market. American firms, however, are not seriously interested in producing for the Taiwanese market. They came to Taiwan primarily for one reason: to manufacture products at Taiwanese wage costs for exports to the U.S. Some of the American firms with factories in Taiwan are: I.B.M., G.E., T.R.W., R.C.A., Admiral, Philco (two plants), Cornell Dubilier, Raytheon, Motorola, Singer, General Instrument, Ampex, C.T.S., etc.

The Mexican border program, devised to attract U.S. firms south of the border through substantial wage differentials plus other advantages, similarly imposes restrictions that make it impossible for such firms to sell Mexican-made products on the Mexican market. Directly below our border, we have

a classic illustration of what such programs are about. Parts and components—machinery, too—are imported into Mexico duty free, machined and assembled in Mexican plants, and then shipped back to the U.S. for final, finish-up assembly in completed units. This is known as the Twin Plants concept.

The U.S. plants, however, are quite small and, quite frequently, only for show. Units are fully assembled into finished products in Mexican factories by Mexican workers earning 30–35 cents an hour. (Nearly 208,000 B & W TV sets were exported to the U.S. in 1969, up 420 percent from 1968). But the tariff on goods shipped back to the U.S. is only on the "value added" by low wage Mexican workers. Thus, a TV set assembled in Mexico from U.S.-made component parts pays only a fraction of the tariff levied on TV sets wholly made abroad from parts and components supplied by foreign manufacturers.

The "value added" tariff, applied as it is now, in conjunction with wage differentials merely encourages "runaway" companies to relocate. The same "value added" tarriff is applied, incidentally, to imports from U.S.-owned plants in Taiwan, Hong Kong, South Korea and elsewhere, whenever almost wholly assembled products are made from parts shipped to the foreign facility from a U.S. plant. The applicable section of the law—Section 807—needs to be drastically changed.

Sales of foreign manufacturing affiliates of U.S. firms were $4 billion in 1965, compared with $1.9 billion in 1959. Though reliable current sales data is unavailable through government or private sources, we have reason to believe sales have increased at a much higher ratio than in previous years. In 1968, for example, G.E.'s foreign affiliates had net sales of $800 million, while I.T.T. and Singer's foreign affiliates had estimated sales aggregating more than $1 billion between them. *What should be remembered is that sales of such foreign manufacturing affiliates are, to an increasing extent, imports into the U.S.*

Finally, while there are no accurate statistics on the number of electronic, electrical, household, office and business machine facilities owned and operated abroad by multinational American corporations (a large percentage of whom are conglomerates), the number may be figured in thousands. As previously indicated, the number rises each year. All major corporations, as well as a large and growing number of medium-sized and smaller companies, now own and operate plants abroad, using government-subsidized technology and production know-how to manufacture products, formerly made here, for import into the U.S. (or to manufacture products for sale to third countries—frequently, depriving one of the company's U.S. affiliates of its markets).

III. RISING IMPORTS, TRANSFERS OF PRODUCTION AND DOMESTIC PLANT CLOSINGS

In 1967, the value of TV sets imported by the U.S. amounted to $125.5 million. TV imports in 1969 are estimated at about $300 million, up 46 percent from 1968 and 140 percent from 1967. According to preliminary figures, Japan alone exported to the U.S. 880,000 Color and over 2,200,000 B & W TV sets, supplying more than 15 percent of the U.S. Color and more than 40 percent of the U.S. B & W TV market.

In 1967, the value of radio receiving sets, radio-phonograph combinations and parts, and radio apparatus, imported into the U.S., totaled $243 million. Imports for the first 11 months of 1969 are $374.5 million, and the full year estimate ranges between $410–$420 million. An estimated 85–90 percent of all radios sold in the U.S. are imports. From January to October, 1969, the U.S. imported 17 million transistor radios from Japan; 13 million from Hong Kong; close to 4 million from Taiwan; and close to 900,000 from South Korea.

In 1967, the value of phonographs, tape recorders and other sound recorders and reproducers imported into the U.S., was $153.4 million. In the first 11 months of 1969, the figure was $303.8 million. For the full year, it could reach $335 million, up 45 percent from 1968. Less than 10 percent of the tape recorders, cassettes, or similar equipment sold in the U.S. market are made in U.S. plants.

Thus, within two years, from 1967 to 1969, the dollar value of imports of TV sets, radios, phonographs, radio-phonographs, tape recorders and related consumer products has doubled. This doubling follows a previous quadrupling of the value of imports in the years 1962–67. Our 1969 balance of trade deficit on these consumer electronic products should approach one billion dollars.

Last year, Westinghouse closed its TV manufacturing plants in Edison, New Jersey, laying off 3,000 workers. Like several other firms, Westinghouse now imports and sells—under its own brand—Color and B & W TV sets made for it by Japanese firms. Formerly a manufacturer, it is now a distributor.[1] Several other U.S. manufacturers import and sell under their own brand Color and B & W TV sets, radios and other consumer equipment. TMA in Illinois cut back its production lines over 50 percent when it began importing radios and stereos from Japan.

As previously indicated, a sizable number of manufacturers have transferred production to foreign-based plants. Sylvania, for example, now makes TV sets in Hong Kong; Warwick Electronics, which supplies Sears, has drastically reduced production, and laid off hundreds of workers in its Arkansas plant, transferring TV output to a Mexican facility. Admiral and Motorola have established consumer electronics plants in Taiwan. In one of its recent ads, G.E. announced it was the only remaining domestic manufacturer of radios. Implicit in the ad was a warning it might discontinue all production of radios in the U.S.

The domestic household sewing machine industry is now confined to part of one plant (Singer) in Elizabethport, New Jersey, which employs some 2,000 workers (previous employment high was over 10,000). It is the only remaining household sewing machine plant in the U.S. Yet for every three Singer machines sold here, two were made in the company's foreign plants.

During the past decade, the acquisition-conscious Singer Company acquired a number of major firms in the electronics and office machines industries, among them Friden, a manufacturer of office calculators now known as the Friden Division. Two years ago, Friden signed an agreement with Hitachi, whereby Hitachi would manufacture—under the Friden label and to Friden's specifications—its electronic desk calculators. Friden now distributes in the U.S. and abroad Friden calculators made by Hitachi in Japan.

Burroughs and others have similar agreements. Formerly manufacturers, they have become distributors of the products they once made. The domestic electronic desk calculator business is now dominated by Japanese firms. Currently, 60 percent of this growing market is controlled by Japanese firms. Within the next two or three years, Japanese manufacturers are expected to supply almost the entire market—directly, as well as through Friden, Burroughs and other domestic labels.

Several months ago, the press reported that Litton Industries—a major conglomerate whose various enterprises, such as shipbuilding and electronics, are heavily subsidized by DOD contracts—was shutting down domestic Royal typewriter plants. We learned earlier the Justice Department was investigating the company's acquisition of two German typewriter firms, Triomph and Adlerwerke, for possible Antitrust Act violations. Litton moved into the typewriter business in 1965 when it acquired Royal-McBee. A year or two later, it bought up the British company, Imperial Typewriters, Ltd. The Royal DeLuxe 660, one of the more popular and attractive Royal models, became the Imperial 660. Now Litton has announced Royal Typewriter models will be made in Japan to Royal specifications.

Sperry-Rand, kept alive through Defense contracts and R&D money, decided to close out domestic production of typewriter models a number of years ago. Sperry shifted operations to its European plants. These plants were subsequently closed. Now, Remington typewriters are made for Sperry under the Remington label by the Japanese firm, Brothers.

There is a campaign, promoted and supported by American industry, to urge the Japanese government to remove restrictions imposed on freedom of foreign investment, and on ownership and control of manufacturing facilities and enterprises in that country. It should be noted that some firms already have substantial, though not controling, investments in Japanese concerns.[2] A major example is G.E., which owns 10 percent of the outstanding stock of Tokyo Shibaura Electric (G.E. also owns 12 percent of the outstanding stock of the German electrical giant, A.E.G.).

We do not believe any agreements reached between the U.S. and Japan permitting American ownership and control of manufacturing facilities in Japan in the electrical and electronic industries would be in the best interests either of American workers or the American people at this time. We feel it would further encourage export of production and jobs from the U.S.

IV. EMPLOYMENT, COMPARATIVE WAGE COSTS AND MAN-HOUR PRODUCTIVITY

By and large, employment in the Electrical Equipment and Supplies industry (SIC 36) has held up fairly well. Expanded Defense efforts and national economic growth were important contributing factors in the growth of this diverse industry group. Unemployment in the industry, however, may soon be on the rise, threatening to occur at a time when the labor force is rapidly increasing (it will grow 16 percent, to a total of 94 million by 1975) and at a time when the Administration is engaged in a massive drive to find hundreds of thousands of jobs for Negroes, Mexican-Americans and others among the poor for whom gainful employment is urgently needed. The government's various job creating and manpower training programs require several billions of dollars annually in federal expenditures. *Yet the types of jobs exported are precisely the unskilled and semi-skilled jobs needed here if we are to win the war against poverty and provide gainful employment of our disadvantaged poor.*

Moreover, at a time when total national and manufacturing employment was expanding, comparative figures for the months of October 1966, and October, 1969, show a decline of 24,500 factory production workers (17 percent) in the *Radio* and *TV Receiving Equipment industry*. In *Electronic Components* and *Accessories*, there was a decline of 20,100 factory workers. The combined production worker decline in the two related industries comes to 44,600. Since

[1] Emerson Radio Division of National Union Electric, another New Jersey TV manufacturer, has announced it is closing out production of TV and other consumer electronic equipment.

[2] American firms also have licensing agreements with Japanese and European counterparts, the latter paying royalties for the use of American patents.

these are basically growth industries, there should normally have been an increase in the number of production workers employed.

In another major growth industry, *Office and Computing Machines*, there was a total employment increase of 30,000, yet factory employment was up only a mere 400 jobs. The annual growth in computer shipments has averaged 15 percent, and this rate of growth should continue at least until 1975. However, firms in this industry have been exporting component parts to overseas plants for assembly into completed machines, effectively cutting into our exports of such machines. These foreign plants may soon be producing their own parts.

The effect cutbacks in Defense and other government programs will have on factory employment in other electrical-electronic industries is difficult to predict, but it could be quite severe.

A careful analysis of our employment problems indicates the need to retain and to increase the number of jobs of the types now being exported. Such jobs are required for those among our citizens most in need of productive work.

Since high labor costs are invariably given as a major reason for rising imports as well as for the shift of domestic production to U.S.-owned overseas plants, let us analyze this argument for a moment. When we do analyze it, we find that multinational conglomerate corporations have achieved almost unlimited exportability of capital, technology, production lines and production techniques. They can move capital, production and jobs freely wherever they wish, taking easy and quick advantage of substandard wages, low rents, favorable interest rates, tax loopholes, and tariff concessions. And, it is obvious the American taxpayer and the American worker has subsidized this mobility.

High U.S. labor costs are used increasingly to dismiss the problem as well as to assess blame. There is no merit in such contentions. For, wages in these industries—not high in themselves—cannot be expected to compete with foreign wages of 15 cents to 35 cents an hour—nor with the $1 an hour wage-fringe-social benefit costs in Japan. Even if wages were reduced to the $1.60 legal minimum, they would, with fringe costs added, be more than double the total current Japanese wage-fringe cost. They would be from 8 to 12 times as much as the prevailing labor costs in Singapore, Hong Kong, South Korea and Taiwan, and 5 times as high as prevailing labor costs in Mexico. Thus, these countries enjoy a "comparative advantage" vis a vis the U.S. by virtue of pitifully substandard wages, with which American wages cannot compete. Nor can they be expected to.

It should also be added that during the Sixties, man-hour productivity in the electrical-electronics industry, averaging about 4 percent a year, exceeded total wage and fringe benefit gains (2.8 percent a year at General Electric and 2.6 percent at Westinghouse). Since annual productivity gains were more than one percent higher than wage-fringe benefit gains, *increases in domestic labor costs can hardly have been a decisive factor in stimulating domestic plant closings* and in the relocation of U.S. plants overseas.

V. TRADE BALANCE CONSIDERATIONS

The American trade balance was at a breakeven point in 1968, dropping from the "historic" annual U.S. trade surplus of $5 billion. Concern for our declining trade balance has been expressed by the Assistant Secretary of Commerce and by the Department's Bureau of International Commerce. In its study, *U.S. Foreign Trade: A Five Year Outlook*, BIC points out that, omitting government-financed exports, there was a trade deficit in 1967, amounting to $1.6 billion.

The study also reveals that since 1962 the rate of rise of U.S. imports has outstripped the increase in U.S. exports by a ratio of almost 1½ to 1. During 1962–68, there was a decline in both our total (including government financed) and "commercial" trade surpluses. At least half our trade surplus during these years resulted from government-financed exports. If one were to exclude government-financed exports for 1966–68, the resulting trade balance figures would show a substantial deficit. Each year between 1962 and 1967, there was a sizable annual payments deficit.

The ratio of imports of consumer goods (other than food) and finished manufactures rose rapidly since 1962, and in 1968 accounted for 51 percent of all imports into the U.S. The import value of non-food consumer goods, exclusive of automobiles, rose from $2.3 billion in 1962 to $5.3 billion in 1968. Imports of TV sets, radios, radio-phonographs, etc., which quadrupled between 1962 and 1967, has again doubled. It is essential, according to BIC, to take vigorous action, including, among other things, aggressive and ingenious promotional campaigns, if we are to expand our exports. The U.S. share of world markets, which has been declining, will decline further. A declining U.S. share of growing world markets appears inevitable, and the decline will be evident in practically all geographic areas. The trade deficit for consumer goods (other than food and autos) may nearly double during the 1969–73 period.

The Electrical machinery industry as a whole has always been a "trade surplus" industry, providing the economy with a much needed currency surplus. The extent to which figures are inflated by government-financed exports is unclear but it may amount to several hundred million dollars. In 1966, total industry exports were $1.9 billion, compared with imports of $1.02 billion. Since 1966, exports have climbed 37 percent to an estimated 1969 total of $2.6 billion. But imports have increased far more dramatically, rising 83.7 percent, to an estimated $1.86 billion.

In 1960, the ratio of exports to imports was 3.8 to 1. This ratio fell to 1.9 to 1 in 1966, and to 1.4 to 1 in 1969. No reversal in the declining trend is expected over the next few years. In consumer electronics (TV sets, radios, radio-phonos, tape recorders, etc.), the most seriously affected industry group, the estimated 1969 trade deficit is more than three times the $285 million deficit of 1966.

VI. CONCLUSIONS AND REMEDIES

In today's world of multinational corporations; in a world, that is, in which technology, products, production techniques, and jobs are readily exportable, and in which licensing agreements and joint ventures are common, traditional theories of international trade (laws of comparative advantage), are no longer applicable. And while there is urgent need to expand world trade on a rational basis, so that the world's people may benefit thereby, the growth must be orderly, equitable, and must contribute to real growth in living standards. The benefits to be derived from increased production and broader world distribution are self-evident. If the electrical-electronics industry's products and instruments, from electric lamps to medical computers, were to be produced in sufficient quantities to meet the earth's population basic minimum needs, there would be enough full time employment in all producing countries for the entire foreseeable future. This is an objective devoutly to be pursued. In its pursuit, however, we cannot permit living standards already achieved—as in this country—to be threatened or undermined. Nor can we permit growth industries and the employment they generate to be exported at a time of substantial increases in the labor force, or at a time when we are trying to find jobs for the unemployed and underemployed poor.

Among the remedies we propose are the following:

A truth-in-import labeling act to identify the manufacturer and nation of origin of all imported products.

A tariff on the full value of the unit or product imported, not merely on the so-called "value added."

A clearly defined international program to raise substandard wage levels.

Measures to limit the export of capital, including a tax thereon.

Public ownership of patents developed on public programs and/or with public funds.

Quotas, either voluntary or involuntary limiting the imports, and import growth, of products and components whose rate of import growth since 1966 has exceeded a stated percentage—with provisions for extension to other products and components whenever the rate of import increase during two successive years seems excessive.

Adjustment assistance for all workers displaced by a rise in imports, where the import rise can be shown to be a major or a significantly contributing cause of such displacement.

I and my colleague from Massachusetts, Congressman SILVIO O. CONTE, have been working for years to achieve the kind of remedial measures cited by the AFL–CIO. We have sponsored legislation seeking to limit the importation of electronic products manufactured in foreign nations. We have appealed to the Tariff Commission, to the administration's chief negotiator for international trade, to virtually every governmental body even peripherally related to U.S. trade policy.

But we need help in this effort.

A handful of concerned Congressmen and Senators cannot do the job by themselves.

The entire Congress—or, at the very least, a majority of the Congress—must recognize its responsibility to help safeguard the livelihood of American workers.

With permission, Mr. Speaker, I put in the RECORD at this point a resolution on foreign trade adopted by the AFL–CIO Industrial Union Department and the program for its conference here last week:

RESOLUTION ADOPTED BY THE INDUSTRIAL UNION DEPARTMENT, AFL–CIO, CONVENTION, ATLANTIC CITY, N.J., SEPTEMBER 25–26, 1969

INTERNATIONAL TRADE

American workers are being displaced by foreign imports in ever-increasing numbers. The recent experiences of the textile, apparel, shoe, steel, electronic and ceramic industries, among many others, show that as American corporations export more and more capital to establish foreign operations, the jobs performed by Americans are seriously restricted.

A few statistics emphasize the magnitude of the problem. In the textile industry the volume of imports has more than doubled in the last four years. From 1.5 billion equivalent square yards in 1964, imports mounted to 3.3 billion yards in 1968, when the excess of textile imports over exports amounted to more than $800 million. In the electronics field foreign exports to the United States will increase from $1.3 billion in 1968 to nearly 1.9 billion this year. Hardest hit of all in proportionate terms is the shoe industry, with an import increase from 10 million pairs of footwear in 1956 to 176 million in 1968.

To compound the problem, in the last few years many American conglomerates have become global conglomerates. This U.S. foreign investment is now in excess of $65 million. The AFL–CIO has testified before Congress that this is "a problem with wide-ranging effects on the balance of payments, international trade, and American jobs."

In the last few years, thousands of members of IUD unions have been displaced by the movement of U.S. firms to plants located across the Mexican border. These plants process component parts manufactured in the U.S. They use very low-paid Mexican labor to complete the production process. The final product is then brought back to this country under special tariff arrangements and sold at regular U.S. prices to the American public. Although the cost of production has been reduced substantially, the price to the public generally remains unchanged. The American corporations involved in this traffic are thus exploiting the low-wage Mexican workers, the displaced American workers and the American consumers.

Unfortunately, the Adjustments Assistance provisions of the Trade Expansion Act have been a total failure in assisting workers whose jobs have been displaced by imports. These provisions were a condition of labor's support for the act, but they have been valueless.

Now therefore be it resolved:

1. The Industrial Union Department is in favor of healthy expansion of trade with other nations and the development of greater world markets based on improving the standards of the workers in other countries as well as workers at home. It is not true that all increases in international trade accomplish these objectives.

2. We encourage the U.S. government to establish voluntary multilateral trade agreements when such agreements are essential to American interest In the event of failure or unreasonable delay, or refusal of foreign countries to enter into meaningful multilateral arrangements or comprehensive bilateral agreements, we urge Congress to enact unilateral restraints on imports of selected products adversely affecting American workers.

3. We will work for effective governmental supervisory machinery to control the massive exportation of U.S. capital and technology. Such controls should include taxation and other methods of discouraging the gross and unreasonable outflow of American capital.

4. We urge the U.S. government to establish effective information and reporting requirements to make clear the relationship between foreign investments and trade flow, and to evaluate the impact of the new multinational corporations on trade.

5. We call for repeal of Item 807 in the Tariff Code which permits such unfair practices as are now mushrooming on the Mexican border.

6. We will convene a conference of those unions whose members have been adversely affected by international trade. The conference will also deal in depth with the emerging role of the international corporation and its effect on trade and the American economy.

7. We will seek to expose the fraud perpetrated on American consumers by American corporations which use components and complete units made overseas, at sweatshop wages, with no reduction in price. We will push aggressively for "truth in labeling" as part of our campaign to educate the consumer.

CONFERENCE PROGRAM

Thursday, March 19, morning session, Sheraton Hall South.

10:00 a.m.: Opening Remarks and Introduction, Joseph Molony, Vice President, United Steelworkers of America.

10:10 a.m.: Keynote Speech, I. W. Abel, President, Industrial Union Department.

10:45 a.m.: Multi-National Companies and Their Effect on the American Economy, Nat Goldfinger, Director, Research Department, AFL–CIO.

11:30 a.m.: Panel on General Agreement on Tariffs and Trade, and Trade Act of 1970, Professor Richard N. Gardner, Columbia Law School.

Theodore R. Gates, Assistant Special Representative, Trade Negotiations, Executive Office of the President.

Lazare Teper, Research Director, International Ladies' Garment Workers' Union.

Luncheon Meeting, Sheraton Hall North.

Chairman: I. W. Abel, President, Industrial Union Department.

12:45 p.m.: Address: Senator Edmund S. Muskie.

Afternoon Session, Sheraton Hall South.

Chairman: Floyd Smith, President, International Association of Machinists and Aerospace Workers.

2:00 p.m.: Panel on Fair International Labor Standards, Professor George Lodge, Jr., Harvard Graduate School of Business.

Professor Everett Kassalow, Department of Economics, University of Wisconsin.

Seminar No. 1, Sheraton Hall South.

Chairman: William Pollock, President, Textile Workers Union of America.

3:15 p.m.: Panel on Escape Clause, Anti-Dumping and Other Temporary Relief Against Imports, Bruce E. Clubb, Member, United States Tariff Commission.

Vernon Jirkikowic, Research Director, International Association of Machinists and Aerospace Workers.

Seminar No. 2, Virginia Suite.

Chairman: A. F. Grospiron, President, Oil, Chemical & Atomic Workers Intl. Union.

3:15 p.m.: Panel on Export Obstacles and Non-Tariff Barriers, Philip H. Trezise, Assistant Secretary of State for Economic Affairs.

Leonard B. Tennyson, Director of the European Community Information Service.

Howard Samuel, Vice President, Amalgamated Clothing Workers of America.

Reception, Sheraton Hall North.

6:00 p.m.: For Delegates and Guests, dinner meeting, Sheraton Hall North.

Chairman: I. W. Abel.

6:30 p.m.: Address, Senator Vance Hartke.

Friday, March 20, morning session, Sheraton Hall South.

Chairman: Charles H. Pillard, President, International Brotherhood of Electrical Workers.

9:30 a.m.: The Overseas Labor Point of View on Tariff and Trade, Karl Casserini, Chief Economist, International Metal Workers Federation.

10:15 a.m.: Voluntary Agreements and Quotas, Kenneth M. Davis, Jr., Assistant Secretary of Commerce for Domestic and International Business.

Seminar No. 3, Sheraton Hall South.

Chairman: Paul Jennings, President, International Union of Electrical, Radio and Machine Workers.

11:30 a.m.: Foreign Made Components and Products, Herbert Blackman, Deptuy Assistant Secretary of Labor for Trade and Adjustment Policy.

Abe Morganstern, Research Director, International Union of Electrical, Radio and Machine Workers.

Seminar No. 4, Virginia Suite.

Chairman: George Fecteau, President, United Shoe Workers of America.

11:30 a.m.: Readjustment Allowance, Edgar Eaton, Director, Office of Foreign Economic Policy, Bureau of International Affairs, Department of Labor.

Meyer Bernstein, International Affairs Representative, United Steelworkers of America.

Luncheon meeting, Sheraton Hall North.

Chairman: I. W. Abel.

1:00 p.m.: Address: George Meany, President, AFL–CIO.

Chairman: I. W. Abel.

Concluding Session.

2:30 p.m.: Summaries from Seminars: Anthony Bellissimo, Assistant to the President, International Brotherhood of Electrical Workers. Foreign Made Components and Products. Elizabeth Jager, Economist, AFL–CIO, Export Obstacles and Non-Tariff Barriers.

Howard P. Chester, Executive Secretary, Stone, Glass and Clay Coordinating Committee.

Readjustment Allowance.

Arnold Mayer, Legislative Representative, Amalgamated Meat Cutters and Butcher Workmen of North America.

Escape Clause, Anti-Dumping and Other Temporary Relief Against Imports.

Mr. CONTE. Mr. Speaker, I want to commend my good friend and colleague from Massachusetts for his remarks and add my own unqualified pledge to work with him in this fight to preserve the jobs of those at the Sickles plant in Chicopee, which are now threatened by increased competition from the cheap labor markets of Taiwan and Portugal.

With regard to the damage already done, I intend to work closely with union representatives who are now preparing a petition for readjustment allowances to aid those workers already displaced.

As long as we are threatened by these imports from cheap labor markets, however, preventive measures will be needed. The bill, H.R. 9274, which I introduced a year ago, would insure an equitable sharing of the U.S. electronics market between foreign and domestic goods. Having visited Taiwan last summer, I can report to you, Mr. Speaker, that there are women and children in these plants not only working for paltry wages, but also, in many cases, without adequate industrial safety devices. It seems to be extremely shortsighted, as well as detrimental to the domestic American industry, for American companies to continue to go abroad to produce products that, when sold here, threaten the livelihood of our own employees.

On a related subject, Mr. Speaker, I fully support the recent suit filed by Westinghouse Electric against six foreign countries which are dumping large transformers on the American market at prices much lower than they charge in their own markets. When this illegal practice is compounded by the denial of the right to permit American transformers to be sold in their countries, this discrimination becomes intolerable.

Only this week I met with officials in Pittsfield, where G.E. has one of the largest power transformer plants in the Nation, to assure them of my continued support.

Mr. Speaker, I was represented at the recent outstanding conference of "The Developing Crisis in International Trade," sponsored by the Industrial Union Department of the AFL–CIO. Their seminars on these and other subjects provided valuable information on the dimensions of the crisis and the need for more effective remedies.

I join with my distinguished colleague from Massachusetts in his determination to prevent the wholesale dismantling of the domestic electronics industry by unfair foreign competition.

GENERAL LEAVE

Mr. BRINKLEY. Mr. Speaker, I ask unanimous consent that all Members may revise and extend their remarks on the special order given today by the gentleman from Massachusetts (Mr. BOLAND).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

GOVERNMENT SHOULD BE ASHAMED OF ITS NEGLECT OF POSTAL EMPLOYEES

(Mr. MOSS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MOSS. Mr. Speaker, while violation of the law cannot be condoned, the events that led up to the current action of the postal workers, must be carefully considered in context with some pertinent history. I recall, as a freshman Member of this body, the times when I argued in favor of increases for postal workers under the threat of presidential veto and I must say that that experience has been repeated many times.

In the current instance this body adopted necessary postal pay increase legislation. We did so not only under a threat of presidential veto, but under the lash of demand that postal reform be included. Reality is that the two are not intertwined. They should, and indeed must stand alone and be considered on individual merit.

We have waited far too long to render unto the postal workers that which is overdue. There is no question that the salary of these dedicated public servants is not in any way equitable nor is there any question that a postal employee deserves adequate compensation to live a life of dignity and to provide for his family opportunities for a better life.

I am including in the RECORD at this point an editorial which was printed on Friday, March 20, in the Sacramento Bee. I commend it heartily for the consideration of my colleagues, as follows:

GOVERNMENT SHOULD BE ASHAMED OF ITS NEGLECT OF POSTAL EMPLOYES

The illegal and paralyzing strike by postal workers in New York and elsewhere cannot be dismissed by mere denunciation of the letter carriers for defiance of federal law banning such strikes. The sequence of cause and effect events which galvanized the extreme action by postal employes stems directly to the government's mishandling of the whole issue of postal wages and reform of the postal department.

First, of course, the strike demonstrates the uneven consequences of such disruption of public services by public employes. The innocent public becomes the major victim of the issue. Government itself is not hit in the pocketbook, as in the case of strikes in the private sector.

Yet in another sense the public is a party to the dispute in that the elected leadership in Congress created the conditions which postal employes found intolerable in the extreme.

In early February, President Richard Nixon conceded that postal employes, along with all other federal workers, were entitled to a 5.75 per cent cost of living pay increase. But he refused to recommend it on grounds it would spur inflation. He offered a 5.4 per cent increase to rank and file mailmen but only if it were tied to his proposed controversial reform of the postal department which would create a semi-independent postal corporation to be called the postal authority.

At the same time, rank and file postal employes labor under one of the lowest wage systems in the country. A letter carrier makes $6,100 to start and reaches only $8,442 after 21 years of service. The starting pay in the New York area is under the government's own poverty level index for a family of four which is $6,700. The government ought to be ashamed it lets such a situation exist.

Simple justice and federal law required the administration to provide equitable wages for the mailmen. A law was enacted several years ago which requires the government to meet comparable wage scales in private industry.

Nixon was wrong in tying his proffered wage increase to the postal reform proposal, a matter he knew faced uncertain congressional treatment. Mailmen should not have been made the pawns in the reform struggle. Their strike is illegal but the administration cannot shrug off its responsibility in the matter.

PRESIDENT NIXON ON NONDISCRIMINATORY SCHOOL SYSTEM

(Mr. MIZELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MIZELL. Mr. Speaker, yesterday, President Nixon made public his feelings on a subject that is important to all Americans, that being school desegregation and the effect it has on our educational system. I want to commend the President for speaking out as he did on such a controversial and complicated subject. It was evident to me that he, throughout his statement, had the welfare of our children in mind, and that his first consideration as he confronts the problem of school desegregation is quality education.

I was very happy to hear that Mr. Nixon feels that the neighborhood school should be the basis for solving our problems, and that the busing of students for the purpose of achieving racial balance should not be required.

Many of us have been confronted with the problem of school desegregation on a more direct and personal basis than others, and many of us have tried to find solutions to this great problem. I personally, along with 18 cosponsors, introduced a bill dealing with this subject last month. I was very happy to see that the President's statement and my Nondiscriminatory Education Act, H.R. 16083, were in almost total agreement. Pages 13 and 14 of the President's statement deal with administration policy as it relates to the enforcement of school desegregation laws. I have taken each of the statements in this section and compared them with my bill. In all but one area, that dealing with teacher assignment, the Presidential statement agrees with my Nondiscriminatory Education Act. The following is a list of the President's policies in regard to "Principles of Enforcement" and how they compare with my bill:

President's statement: Deliberate racial segregation of pupils by official action is unlawful, wherever it exists. In the words of the Supreme Court, it must be eliminated "root and branch"—and must be eliminated at once.

Mizell bill: Title III, Sec. 301(a) "The operation of any school system receiving public support other than a non-discriminatory school system shall be illegal."

President's statement: Segregation of teachers must be eliminated. To this end, each school system in this nation, North and South, East and West, must move immediately, as the Supreme Court has ruled, toward a goal under which "in each school the ratio of White to Negro faculty members is substantially the same as it is throughout the system."

Mizell bill: This is the one area where the Administration's views and the Mizell bill differ. Title I Sec. 104 requires the placement of faculty members on a "non-discriminatory" basis only, without regard to race, creed, color, etc. It does not, however, force teacher transfers based on district-wide racial percentages.

President's statement: With respect to school facilities, school administrators throughout the nation, North and South, East and West, must move immediately, also in conformance with the court's ruling, to assure that schools within individual school districts do not discriminate with respect to the quality of facilities or the quality of education delivered to the children within the district.

Mizell bill: Title II Sec. 201 . . . "A nondiscriminatory system is one in which there is no force or discrimination present, based on race, creed, color, religion or national origin, in establishing the make-up of the student body, the faculty or in the allocation of funds, books and facilities to the respective schools.

President's statement: In devising local compliance plans, primary weight should be given to the considered judgment of school boards—provided they act in good faith and within Constitutional limits.

Mizell bill: The entire Mizell bill is devoted to local administration of school business with no Federal interference as long as the local school boards carry out their business in a non-discriminatory manner. The Mizell bill enhances the so-called "good faith" policy.

President's statement: The neighborhood school will be deemed the most appropriate base for such a system.

Mizell bill: Title I Sec. 101 "The right of elementary and secondary education students to attend their neighborhood schools shall not be abridged by any Federal authority based upon race, creed, color, religion or national origin of the student."

President's statement: Transportation of pupils beyond normal geographic school zones for the purpose of achieving racial balance will not be required.

Mizell bill: Forcing a child to leave his neighborhood school to attend another more distant because of his race, color, creed, religion, or national origin shall be illegal.

President's statement: Federal advice and assistance will be made available on request, but Federal officials shall not go beyond the requirements of the law in attempting to impose their own judgment on the local school district.

Mizell bill: Under the Mizell bill, Federal assistance could be utilized in the formulation of local school plans, but Federal authorities could in no way interfere uninvited as long as the local school boards are acting in a non-discriminatory manner.

President's statement: School Boards will be encouraged to be flexible and creative in formulating plans that are educationally sound and that result in effective desegregation.

Mizell bill: Throughout the Mizell bill, school boards are required to act in a non-discriminatory manner and it is left up to the individual school boards to draw boundaries under the non-discriminatory restriction. Federal encouragement is welcomed, but if the boards are acting in a non-discriminatory manner, Federal interference would be illegal.

President's statement: Racial imbalance in a school system may be partially *de jure* in origin, and partly *de facto*. In such a case, it is appropriate to insist on remedy for the *de jure* portion, which is unlawful, without insisting on a remedy for the lawful *de facto* portion.

Mizell bill: The Mizell bill, because of its non-discriminatory features, actually eliminates *de jure* segregation or any laws that would establish or perpetuate segregation in the school systems. School zones would be established so that the schools serve their geographic constituency in a non-discriminatory manner. Any segregation existing under the Mizell bill would be due to housing patterns or *de facto*.

President's statement: *De facto* racial separation, resulting from housing patterns, exist in the South as well as the North; in neither area should this condition by itself be cause for Federal enforcement actions. *De jure* segregation, brought about by deliberate school board gerrymandering exists in the North as well as the South; in both areas this must be remedied. In all respects the law should be applied equally North, South, East and West.

Mizell bill: The Mizell bill states that school zones must serve the needs of the community and must be drawn in a non-discriminatory manner, without regard to the race, creed, color, religion or national origin of the students. This in itself would make the gerrymandering the President is speaking of illegal.

CHANGES IN POST OFFICE DEPARTMENT

(Mr. CARTER asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. CARTER. Mr. Speaker, last December 20, 1969, I spoke on certain changes being proposed and implemented in the Post Office Department. I have continued in my efforts to understand why these changes are being made, but after an exhaustive research I am unable to come to any satisfactory conclusion.

It is common knowledge that the Post Office Department is in need of reform and one must commend this administration and the Committee on Post Offices for their dedication in trying to do something about this archaic system that has managed to break even only 17 times in its history. For the past 3 years, the Department's losses have come to over $1 billion annually, and I am ready to support reform legislation that will correct this deplorable situation.

The Postmaster General has used his executive authority to bring about a number of administrative reforms that would be part of procedures proposed in his new legislation. I would like to bring a few facts to your attention so that you might understand what in practice the reform bill proposes.

We all know that the Post Office suffers from a lack of good service and efficiency, and these problems exist, primarily, in our large urban areas. The Postmaster General has said as much publicly, but any evidence of improvements in these areas is yet to be presented. To the contrary, we see these areas closed down by an illegal strike. What has become evident is a further decline in service and efficiency in my own congressional district, which is characteristically rural.

As in most rural areas, there are many rural and star route carriers in my district. The star route carriers' contracts were due for renewal last July, and instead of a 4-year contract, which was given in the past, they received a 6-month extension. Approximately a month before Christmas, these carriers were notified that their last day of work would be the day after Christmas; their assistance was needed to get the Christmas mail delivered, but that would be the final need for their services.

This news saddened me greatly, for the majority of these carriers had given over 25 years of dedicated service to the Post Office. Most of them were in excess of 50 years of age with some being over 60. They are good men who had compiled flawless records of service. Since they were private contractors, their services could be terminated, but the hard facts are that these men are upward in years, they live in an economically depressed area where unemployment is high and new jobs are scarce. The Post Office later extended their contracts, but it is inevitable, under present policy, that they finally be terminated.

The Post Office's action was questioned and they replied that it was necessary for improved service and efficiency. This may have been their reason for initiating such action, but the results do not justify these changes.

In a few cases, the carriers were not as fortunate, and their contracts were not renewed. In cases where the contracts were not extended, several routes were combined into one. This, of course, meant that star carriers were losing their jobs and one man would have a heavier workload. Those routes whose carriers did not receive extensions were very similar to those where administrative changes were made. I took this as an opportunity to investigate first-hand some of the reforms Postmaster Blount had proposed to Congress. Since his proposals are theoretical answers to our problems, I considered these changes as pilot programs which make possible our evaluation of them as they actually apply to the realities of postal problems.

If services improved at a lower cost, I could understand why the Postmaster desired these changes; and, although it would still be regrettable that these gentlemen of long service would be without work, there would be some justification for the changes. The desired results of our Postmaster General, however, were not evident.

One example investigated was in Adair County, and this study is illustrative of other such cases across the district. Two carriers lost their positions and their duties were placed on one man. Rather than saving money under the new contract, it was discovered that the new contract cost more than the total the previous carriers received. Here is an example of the Post Office's reform which is directed toward saving money, and it, in fact, cost more.

A similar investigation was conducted to determine whether the new procedure improved services, and it had not. The patrons along this route had been accustomed to receiving their mail in the mornings, and now it was delivered as late as 5, 6, or 7 o'clock in the evening. This is after sunset, and many of these patrons live a good distance from the road where their boxes are located. Their choice is to either cross rough terrain in the dark and risk injury, for many of them are our elder citizens, or to leave their mail in the boxes overnight and risk vandalism. Others complain of misdeliveries to their neighbors' boxes, infrequent pickup of mail, discontinuance of services, such as selling stamps, and so forth. The list of grievances could go on, and it all means that not only has the cost gone up but service has fallen to an all-time low.

I recently received a letter from the publisher of the Middlesboro Daily News, and he states that it takes first class mail 6 days to go 56 miles, but his primary complaint is a proposed change in his area that will reroute mail to where a letter or newspaper which is to be delivered to communities 16 and 30 miles away will be sent along a route totalling 360 miles. The reasons for such a proposal are, it is assumed, increased efficiency and service. I hope the postal authorities are correct, but I cannot see how they are, since it will make his daily news completely out of date by the time it arrives.

These are factual examples of what the changes would be like if the Postmaster General is allowed the reforms he asks us to enact. These are changes which I can never endorse, and I urge Mr. Blount to rescind such actions.

Another part of the reform legislation would no longer require the appointment of postmasters to be confirmed by the Senate. I have no desire to perpetuate the congressional appointive system, but I will defend those who have been appointed under such a system.

In the 5 years I have served here in Congress, there has never been a mention of malfeasance on the part of a postal employee in my district. These men have passed a difficult civil service test, their character and reputation have been reviewed and approved, and in all cases they have performed in a manner which would make the Senate proud of their selection. It is the desire of the Congress and of our Nation to improve conditions in the Post Office, and if a change in this procedure is necessary, then one must act accordingly. However, good reasons must be shown, and the alternative procedure must not only appear to be an improvement, but must actually carry out those goals upon which we have focused our attention.

The new system proposed by the Postmaster General would create National and Regional Management Selection Boards which will in turn recommend appointments of postmasters. These boards have already been created and are mak-

ing recommendations, but postal authorities have classified their actions as secret. For reasons which cannot be explained, it is impossible to discover whom they recommend, but one would think that if their selections are based on merit, ability and good character, then such selections should withstand any public query.

Procedures presently being used to appoint postmasters are also cause for alarm. In my own Commonwealth of Kentucky there have been 72 postmasters appointed as temporary officers-in-charge. Neither these nor the other 2,100 appointments have been presented to the Senate for confirmation. Although our population places us at 22 among the other States, we rate as the seventh most active State for postal changes. One can only assume that those changes are best for the Post Office Department, but there is reason to fear such an assumption will prove fallacious, for wherever one looks for evidence to confirm this belief he will be discouraged.

It is extremely regrettable that the Postmaster General has decided to disregard the law and make appointments without Senate confirmation, as is presently required. It is my considered opinion that high Government officials have no more right to disregard those laws they disagree with than other men. It seems, however, that the Postmaster General has created his Management Selection Boards, that they are making recommendations, that he is appointing their nominees as temporary postmasters-in-charge, and that they, for all practical reasons, are postmasters with all the duties and benefits of those postmasters who previously went before the Senate to have their qualifications reviewed and confirmed. Although the veil of secrecy which surrounds these appointments makes it impossible to draw a factual conclusion, the clear implication is that the Postmaster General has every intention of showing his disrespect for the Senate and the law by instituting his own reform, although it has never been enacted by Congress. I know of no other case where confirmation of the Senate is necessary, and the nominee has been allowed to assume his position for 2 years without confirmation. This causes serious doubt as to the validity of our Postmaster General's actions.

These remarks should in no way be construed as my doubting the qualifications of the new appointees, for I know many of them personally and would consider it an honor to expedite their permanent appointment. I am also cognizant, however, of temporary officers who have repeatedly failed their examinations but continue in office, therefore, blocking the appointment of applicants who have passed stiff requirements. I know, also, of cases where the "temporary" officer-in-charge acquired his position through political consideration from outgoing postmasters. These are appointments which the Postmaster General has elected to make while espousing a reform approach which rewards ability and discounts politics. These are cases which illustrate the abominable application of the proposed panacea to postal problems.

Several conclusions can be made from those investigations which should be of interest to all of us. First, the reforms encompassed in the Postal Corporation are more expensive than the present system. Second, the service declines at a faster rate than at present. Third, many postal employees, including star route carriers, rural route carriers, postmasters of second-, third-, and fourth-class post offices, will be terminated. As was stated earlier, I am ready to support any postal reform legislation that will improve postal service, but the present legislation is not the answer. These investigations also illustrate how the proposals will result in terminating the positions of many employees who work in the rural areas of our country.

TRIBUTE TO HON. CHET HOLIFIELD

(Mr. ALBERT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ALBERT. Mr. Speaker, for more than 22 years I have had the pleasure to serve in the House with the gentleman from California (Mr. HOLIFIELD). During those years I have at all times found him to be fair in his dealings with his colleagues, forceful and well-prepared in debate, and diligent in meeting his committee responsibilities. It is apparent as well that his efforts have been approved by the people of his 19th Congressional District in California.

Because of his moderate but progressive approach to issues, Congressman HOLIFIELD holds the respect of his colleagues on both sides of the aisle. He is a man of principle and commitment, and his commitments are as good as his word. He has also refused to "soapbox" issues of fleeting but popular appeal, preferring to work in areas of less glamor but much greater importance to the Nation. His contribution in the field of nuclear energy will come to be recognized, in my opinion, as "statesmanlike" in the classic sense of the word.

Congressman HOLIFIELD is the dean of the California congressional delegation. This prestigious position has been held by only a handful of men over the years. It is a tribute to a man who has worked hard and long for California and the Nation. These few men like the gentleman from California (Mr. HOLIFIELD) who have made the House the great institution that it is, have made singular contributions to the Nation through their tenure and committee positions. I think it would be fitting at this point in the RECORD to insert a summary of Congressman HOLIFIELD's distinguished public record:

CONGRESSIONAL SERVICE AND COMMITTEE ASSIGNMENTS

Congressman Chet Holifield, who represents the 19th District of California, resides in Montebello, California. He was born in Kentucky, educated in the public schools of Arkansas, and has lived in Montebello, California, since 1920. He has been engaged in the retailing of men's clothing for over 40 years. He is a member of the Christian Church and various fraternal and civic organizations. Chet Holifield and his popular and attractive wife, Cam, have four daughters and 15 grandchildren.

He was elected to the 78th Congress in 1942 to represent the newly formed 19th Congressional District and has served his constituency continuously since then. He has been re-elected by overwhelming majorities of votes in each of his 14 elections. Because of his 14 terms in Congress, he is in the 9th seniority group in rank. Congressman Holifield's work for his constituents has won approval and commendations from substantial organizations such as the Los Angeles Board of Supervisors, City Councils, the Metropolitan Water District, and his efforts have been endorsed by countless civic groups, business organizations, labor unions, veterans groups, and government employee associations. His record on behalf of civil liberties for all citizens regardless of race, color, or creed is unsurpassed.

Congressman Holifield is now serving as Chairman of the important Joint Committee on Atomic Energy. He is the acting Chairman of the House Committee on Government Operations and will succeed to the Chairmanship in January, 1971, due to the retirement of the present Chairman. He is also serving as the Chairman of the Military Operations Subcommittee of the Government Operations Committee.

An indication of the respect for his integrity and judgment that his colleagues in Congress have for Congressman Holifield, was his appointment by the Speaker, the Honorable John W. McCormack, to serve on the new committee on Congressional ethics, the Committee on Standards of Official Conduct.

Congressman Holifield's Subcommittee on Military Operations has for many years investigated waste and inefficiency in the Department of Defense. As a result of those investigations, Mr. Holifield introduced a bill to establish a blue ribbon commission of 12 members to make a study of all Federal procurement practices and procedures in order to eliminate waste of the taxpayers money. That bill was passed and subsequently signed by the President. Speaker McCormack has appointed Mr. Holifield as one of the two House members to serve on the Commission on Government Procurement.

As a member of the Joint Committee on Atomic Energy, since its beginning in 1946, Congressman Holifield has been outstandingly active in the field of atomic energy legislation. Hearings that he has held as a member of this committee have developed the most far-reaching information of the effect of radiation on man and the problems of civil defense in the case of an atomic war.

Congressman Holifield always has insisted on civilian rather than military control of the atom. He is a constant and vigorous proponent of a strong atomic defense for the United States and has worked for a strong program of research to develop the peaceful uses of atomic energy. The Congressman has always insisted that the benefits of atomic research and development be safeguarded for the benefit of the private citizens of the United States whose taxes have been invested so heavily in this huge enterprise.

As the ranking member of the House Committee on Government Operations he has been responsible for some of the most important developments in good government over the past century. He authorized the legislation which established the General Services Administration, that body which does most of the purchasing for the civil departments of government.

He served on the Hoover Commission which recommended 45 Presidential Reorganization Plans and he helped in the passage of 39 of these Plans into law. During the 89th Congress, Congressman Holifield held hear-

ings and managed a bill which created the Department of Housing and Urban Development and made its chairman a member of the President's Cabinet.

In 1966 Congressman Holifield authored a bill which created the Department of Transportation, another cabinet level department. Thus, he became the only Representative in our history to manage legislation creating two Cabinet-level departments. These departments have allowed the government to modernize itself and keep up with our rapidly changing times.

In 1967 Mr. Holifield managed the President's Reorganization Plan for the District of Columbia, creating a mayor-council form of government, the first major reform of the national capital's governmental machinery in over 90 years.

PUBLIC SERVICE AWARDS AND RECOGNITION

The California Congressoional Recognition Plan is a privately endowed, nonprofit educational organization whose purpose is the improvement of public understanding of the records and services of the California Delegation in Congress. This group has cited Congressman Holifield nine times as an outstanding member of the Delegation.

The academic world has honored Congressman Holifield three times by awarding him honorary degrees: Whittier College, Doctor of Laws; East Los Angeles College, Associate of Arts; Lynchburg College Doctor of Laws. In 1967 he received the coveted Congressional Distinguished Service Award of the American Political Science Association. This honor is given only every other year to two Congressmen, one from each party, for exceptional and outstanding public service.

Chairman Holifield is known as "a Congressman who does his homework" and because of his hard work, attention to detail and expert knowledge, he has been signally honored. He was elected to serve on President Truman's Special Evaluation Commission on the Atomic Bomb Tests at Bikini Atoll in 1946. He has served as Congressional Advisor to the United States Delegation at most of the International Conferences on the Peaceful Uses of Atomic Energy in Geneva, Switzerland. He also has been chosen to represent the United States at several of the General Conferences of the International Atomic Energy Agency in Vienna, Austria, and Tokyo, Japan, and has served as Advisor to the U.S. Delegation, First International Symposium on Water Desalinization, and the Conference of the Committee on Disarmament in Geneva, Switzerland four times.

In addition to the other honors which have come to Mr. Holifield, he was the only Member of the House of Representatives, other than the Chairman of the Foreign Affairs Committee, designated to represent the United States at the Dedication of the German peoples' memorial to General George Marshall at Bonn in October, 1963.

President Johnson requested Mr. Holifield to chair an ad hoc committee of Western Senators and Representatives to develop an agreement between privately owned and publicly owned utilities to use in California and Arizona the excess electrical power from the Bonneville Dam in Washington State. Because of his work, for which he has been commended by both the utilities and the President, California and Arizona now receive about 3 million kilowatts of cheap, smog-free electricity from Bonneville through the Pacific Intertie.

Congressman Holifield's extensive knowledge of the Federal Government and atomic energy has been recognized by the media. He has been a guest on such nation-wide programs as "Meet the Press," "The Today Show," "Face the Nation," and various special news programs. He has been the subject of many articles in national magazines: *Saturday Review, Fortune, Saturday Evening Post, Reader's Digest, Nations Business,* and *Atlantic Monthly,* among others.

Congressman Holifield's 28 years of service in the House of Representatives have earned him a position of high seniority and leadership. The honors and responsibilities which have come to Mr. Holifield have given him wide knowledge and experience and have earned him the respect and confidence of his colleagues, the other leaders of Congress and of the Executive Department.

CONGRESSIONAL SENIORITY AND SPECIFIC SERVICES TO CONSTITUENTS IN THE 19TH DISTRICT

Congressman Holifield is Dean of the California delegation and because of his seniority and leadership ability he has been in an excellent position to guide legislation of importance to California and to the Nation through difficult debates on the Floor of the House of Representatives. During the 90th Congress, he was instrumental in winning a major victory in the battle against air pollution. Aided by his skillful leadership, the House voted to permit California to set air pollution standards which are stricter than those imposed by the Federal Government. Mr. Holifield "mapped the strategy" for the Floor fight on the California Amendment and with the help of his California colleagues, secured passage of the legislation.

The 19th Congressional District, which he is privileged to represent, has always been Mr. Holifield's foremost concern. As a result of his efforts, the District has benefited in many ways. He was able to obtain over a million dollars for flood control in the district; he has helped all of the school districts obtain Federal funds for special projects. He helped obtain funds from the Office of Economic Opportunity for the newly established Rio Hondo Community Action Council. He has obtained funds for the Montebello Transit System, Montebello and Cerritos public libraries, Whittier College science building, and many other worthy District projects. Through his help, Norwalk has acquired park land and Pico Rivera, a Municipal Golf Course. Mr. Holifield was credited by the Former Secretary of Transportation as being largely responsible for obtaining 90% of the funds for the new Century Freeway.

Mr. Holifield has been a staunch advocate of Federal grants to the schools of his district and has secured many thousands of dollars in administrative educational facility grants and student loans under Federal guarantees.

Of late many public officials have discovered "Pollution of Air and Water" and have stated publicly their concern. In November of 1965, Congressman Holifield spoke before the American Association for Contamination Control on the dangers and hazards of Contamination of Man's Environment. For years he has been urging the pollution free production of electrical energy by means of atomic generators. His work on the 1967 Air Quality Act has been noted. These are just other indications of his foresight and concern for the public welfare.

In addition to obtaining Federal funds for Post Offices, hospitals, libraries, community facilities, and a clean environment, Congressman Holifield has assisted many thousands of people in his district in the problems that they had with the various branches of the Federal Government. Through his full-time, competently staffed Field Office, located in Pico Rivera, Congressman Holifield has provided assistance to businessmen who were contracting with the Federal Government, people who had problems with the Veterans' Administration, Social Security, the Armed Forces, Internal Revenue, Immigration Services, and almost all branches of the Government. Numerous letters of appreciation from grateful residents indicate the importance of this kind of Congressional work.

COMMENDATION OF PRESIDENT NIXON FOR PROPOSAL TO DEAL WITH ILLEGAL HANDLING OF EXPLOSIVES

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GERALD R. FORD. Mr. Speaker, legislation being sent to Congress by President Nixon to make a Federal crime of the illegal possession, use, and interstate transporting of explosives should be dealt with on an emergency basis.

The times are critical and call for immediate action. I believe the strong penalties proposed by the President to deal with the rash of bombings we have witnessed are appropriate to the problem.

The punishment the President has proposed fits the crime. Whether upon enactment it will serve as a deterrent to the commission of such crimes by the highly irrational individuals who engage in terrorist bombings remains to be seen. But certainly it will assist State and local authorities if the investigative powers of the FBI are brought to bear on the situation by greatly broadening the scope of existing Federal law dealing with the illegal handling of explosives.

I commend the President for this most timely effort.

PRESIDENT TAKES A STRONG SENSIBLE APPROACH TO PROBLEMS OF INTEGRATION

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GERALD R. FORD. Mr. Speaker, the President has taken a strong sensible approach to the problems of integration.

Certainly the President's commitment to upholding the law of the land cannot be questioned, particularly in view of his willingness to earmark $1.5 billion in Federal funds to help local school districts with their desegregation problems. I applaud the President's pledge to help make desegregation work. At the same time I agree completely with his position that the neighborhood school is the cornerstone of the local school system and that students should not be bused outside of their neighborhoods merely to achieve an artificial racial balance in schools. Like the President, I believe that funds spent on forcible busing of students might better be spent on improving the quality of education in our elementary and secondary schools. The President's statement was noteworthy for its honesty and realism.

MR. ACHESON ON RHODESIA

(Mr. GROSS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GROSS. Mr. Speaker, I would like to share with the American people the views of former Secretary of State Dean Acheson on the ill-considered closing of this country's consulate in the Republic of Rhodesia, and thus the severing of

diplomatic relations with that friendly nation.

Mr. Acheson was kind enough to express himself on this subject in a letter to me on March 23, 1970. As is customary with him, he gets right to the point by saying:

I regard this action as a grave mistake.

His letter continues as follows:

The newspapers reported that Mr. Michael Stewart, the British Foreign Secretary, called in our ambassador and told him that the British Government, which in the Foreign Secretary's view was sovereign in Rhodesia, wished the United States to withdraw its consulate from this part of Her Majesty's domain. Presumably the State Department recommended to the President, who under the Constitution conducts our foreign relations, that we should bow to this wish. Presumably also the African Bureau of the State Department (which surprisingly is staffed by the personnel appointed by Assistant Secretary Mennen Williams during the Kennedy Administration) formulated this recommendation because it disapproves of the new constitution that was recently put into effect by the Government of Rhodesia.

Thus I think it fair to assume that the action was based upon and will have the effect of perpetuating two myths. The first is that Queen Elizabeth II is the sovereign in Rhodesia and that Her Majesty's Government in the United Kingdom does exercise control over that country. The second is that external action both political and economic, short of military conquest, can and will induce the Rhodesians to change their ways and adopt the principle of one-man-one-vote, which so far as I know is not in effective operation anywhere in Africa.

The trouble with perpetuating myths is that they lead those who perpetuate them further and further from reality. They are a sort of political LSD, inducing the taker to live in a world of dreams. They also have another and far more malignant quality of LSD. They can ultimately destroy the user's capacity to think rationally.

Recently the Senate of the United States wisely and almost unanimously endorsed the view that having relations with a foreign state does not in any way indicate approval of its domestic institutions or conduct. Rhodesia is friendly to the United States. Economic relations with Rhodesia are greatly to our benefit. To alienate that country by an attempt to force it to do what is both impossible and beyond any proper concern of our government is worse than a crime; it is a blunder.

There is also a view current in the United Nations circles that to prevent the dominating Afro-Asian communist bloc in the United Nations from recommending courses that are both extreme and unwise we should join them in courses that are less extreme but equally unwise. I would characterize this view as stupid.

Sincerely yours,

DEAN ACHESON.

Mr. Speaker, that describes the situation in a nutshell, and I commend Mr. Acheson. The sooner the Nixon administration stops taking this "political LSD" and returns to reality by formally and fully recognizing the Republic of Rhodesia and its government, the better off we all will be.

In that regard, Mr. Acheson notes with surprise—as do I—that the President is being advised by a State Department crew put together by G. Mennen Williams—the same Williams and the same crew that presumably gave former President Johnson the sorry advice that led to our present spineless policy. Where is the State Department housecleaning that was promised the American people in the fall of 1968? It is shockingly overdue.

HAS STATE DEPARTMENT PROBE BEEN KILLED?

(Mr. GROSS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GROSS. Mr. Speaker, the Washington Evening Star has published in the past few days two interesting accounts dealing with an investigation conducted by White House Special Counsel Clark Mollenhoff into allegations that State Department bureaucrats deliberately sabotaged the President's efforts to settle the Biafran war.

This type of sabotage is not unknown in the executive branch of Government, and is widely believed to be most prevalent among the "Foggy Bottom" set.

The two Star articles were interesting, also, in that the second one states that the Mollenhoff investigation has suddenly—and somewhat mysteriously—been cancelled.

I do not know the identity of the Star's White House source of the statement that the investigation has been stopped.

But I would certainly suppose that Secretary of State Rogers would be most anxious for it to continue full speed. If he were not, I would be more than a little surprised.

I am reminded that the Secretary is scheduled to testify before the Foreign Affairs Committee in the near future and perhaps at that time he will enlighten us on whether the blinders have been put on Mr. Mollenhoff as the newspaper states they have.

I include the two articles for insertion in the RECORD at this point:

[From the Washington Star, Mar. 19, 1970]

DO U.S. DIPLOMATS SET OWN POLICY?

(By James Boyle)

Special Counsel Clark Mollenhoff of the White House staff is conducting a low-keyed inquiry into the State Department's role—or lack of it—in the execution of foreign policy.

Mollenhoff has zeroed in on U.S. policy toward Nigeria and Biafra as a wedge to explore a larger question: Whether entrenched career diplomats have thwarted Nixon's attempts to change American foreign policy.

There is no reason to believe that Mollenhoff is acting on behalf of President Nixon and his national security adviser, Henry A. Kissinger. He has been given a good deal of independence to act as an informal inspector general to protect the President's interests throughout the bureaucracy.

But the disenchantment between White House and State Department that has affected every recent administration has taken hold again. Relations between Kissinger's National Security Council staff and the top layer of the State Department have become strained in recent months.

Some but not all of this strain was caused by deep differences between the two in the aftermath of Biafra's surrender, and charges that the State Department's estimate of the situation did not accurately reflect the extent of starvation in the country.

Influential critics of the department within the Republican party have charged that the State Department was guilty of negligence and insubordination because it failed to fully support Nixon, who was urging the Nigerian government to accept immediate and massive relief for Biafra.

Mollenhoff has drawn up a series of questions concerning the department's handling of policy toward Biafra. And while White House sources stress that the inquiry is not intended to become an inquisition or a purge, the questions raised are intended to suggest to the top political appointees at State that they may have allowed career subordinates to thwart presidential wishes.

The questions were apparently prompted by public charges issued by the Ripon Society, a national organization of young liberal members of the Republican party.

Members of the Ripon hierarchy studied the Biafra controversy and concluded, in a lengthy article in their latest monthly magazine, that Nixon had attempted to reverse U.S. policy on Nigeria after he took office, but was thwarted by career diplomats on the African desk.

It is not clear how Mollenhoff became involved. He is considered to be far more conservative than the Ripon Society membership.

But their central complaint is one that has frequently been stated in the past by conservatives: That career diplomats have set out deliberately to change policy unknown to the President or against his wishes.

As an investigative reporter for the Des Moines Register before joining the administration, Mollenhoff frequently wrote about the State Department in similar cases.

The cause of Biafra drew a good deal of support from both conservatives and liberals. During his 1968 campaign Nixon charged that the Johnson administration was allowing diplomatic red tape to interfere with a massive United States relief effort to feed the civilians in the war zone.

His position was roughly the same as that of Democratic Sens. Edward M. Kennedy and Eugene McCarthy. Near the end of the Johnson administration relief efforts were stepped up.

SPECIAL ENVOY

Early in his administration Nixon appointed a special ambassador, C. Clyde Ferguson, to handle Biafra relief. He also spoke for the first time of American aims as a "negotiated end to the conflict," as opposed to the position that Biafra should surrender and be returned to central Nigeria, which is eventually what happened.

Mollenhoff is investigating the Ripon allegation that it was not until eight months later that the State Department began considering a compromise settlement rather than surrender.

He is also asking State to explain whether it disregarded the evidence of starvation submitted in a report by a nutritionist hired by the department. It showed the highest rates of edema, a degenerative disease, ever recorded in food-scarce areas.

THREE REPORTED UNDER FIRE

The general thrust of Mollenhoff's inquiry is to suggest that the State Department omitted from reports to the White House important information that would have supported the need for immediate U.S. action, and to pose the question of whether the department reacted with a deliberate lack of speed it carrying out presidential directives.

The three persons who reportedly come under fire are Undersecretary of State Elliot L. Richardson, Ambassador Ferguson, and William H. Brubeck, director of the Nigerian section of the department.

A source in the department said today that no inquiries had yet been received from Mollenhoff, and that the undersecretary's office was not aware of Mollenhoff's effort.

And the department repeated an earlier denial that any rift exists with the White House over the conduct of Nigeria policy.

"There is close and continuing cooperation," said a State Department spokesman, Carl Bartch.

But in recent weeks the strain between the National Security Council staff and the top State Department staff reportedly has increased.

Both prepared drafts of Nixon's "State of the World" message delivered to Congress on Feb. 18, but the secretary of state withdrew his version from consideration.

The cover story at the time was that it had been too closely parallel to the White House version to serve as a supplement, and would be reworked as a country-by-country blue-print.

Kissinger and the President are said to have rejected it as unacceptable and poorly drawn.

[From the Washington Star, Mar. 23. 1970]

MOLLENHOFF'S INQUIRY GETS ACTION—THE AX

(By James Doyle)

President Nixon's assistant for national security affairs, Henry A. Kissinger, was "upset" when he picked up a newspaper Thursday and read that another presidential assistant, Special Counsel Clerk Mollenhoff, had begun an inquiry into the State Department's handling of U.S. policy toward Nigeria and Biafra.

As a result, the inquiry disappeared over the weekend.

Neither Kissinger nor President Nixon was aware that Mollenhoff had drawn up a series of questions for submission to the State Department.

The questions concerned charges by the liberal Republican Ripon Society that the State Department mismanaged the United States role in the Nigeria-Biafra war, especially the opportunity to move food into the ravaged Biafran enclaves when they finally fell to Nigerian forces.

White House press Secretary Ronald L. Ziegler acknowledged Mollenhoff's inquiry at a press briefing Thursday afternoon.

But Saturday a White House official, clearly authorized to speak for the administration, invited a reporter to his office and made this statement:

"Mr. Mollenhoff is not looking into State Department actions on Nigeria-Biafra policy, or any other State Department actions.

"Any discussion of the State Department staff would be coordinated through the secretary of state. Anything along that line would be directly through the auspices of the secretary of state, and the White House would not go into it without clearing it with the secretary."

The official was reminded that Ziegler had acknowledged the Mollenhoff inquiry on Thursday. "I can tell you that there is no inquiry," he repeated.

In the cold language of the administration spokesman, it would appear that Clark Mollenhoff had been admonished, and that at least part of his charter had been revoked.

When he left his job as investigative reporter for the Des Moines Register to join Nixon, Mollenhoff's role at the White House was described as that of inspector general for the administration. He prefers the title "presidential ombudsman" and says simply that it is his job to protect the President's interest in all matters that come to his attention.

It is not easy to describe Mollenhoff's role in any given case, because, while he sees reporters frequently he seldom speaks for the record.

Behind his desk there is a neatly lettered sign that says "Background Only" in large letters. It adds that reporters who want quotes should see Herbert Klein, the President's communications assistant.

But Mollenhoff has been quoted as saying that he is answerable only to the President himself, and in his first eight months, "there's not an agency or department I haven't looked into."

But Mollenhoff touched one of the administration's most sensitive nerves when he showed sympathy with the young liberal intellectuals of the Ripon Society and their complaints.

And apparently his authority has changed now. The State Department has been put off limits.

Undersecretary of State Elliot L. Richardson had been a long supporter of the Ripon Society, when members of that Republican group expressed concern over American policy toward Biafra.

It was Richardson who made it possible for them to interview diplomats in the African section of the State Department and to see the cable traffic to Lagos.

Despite this cooperation, two leading members of the organization, President Josiah Lee Auspitz and member Christopher Beal, remained unconvinced and published a lengthy report criticizing the department—and specifically Richardson—for "insubordination" in neglecting to carry out Nixon's attempt to modify Nigerian policy.

The report received almost no major attention in the press despite its sensitive nature and the aggressive advertising of some Ripon members. When this failed to put the heat on the State Department, Beal and Auspitz went to Mollenhoff.

He reportedly considered their complaints worth checking in the light of past complaints against the department bureaucracy, usually made by conservative Republicans, which amounted to the same charge of sabotage of presidential wishes.

State Department officials have maintained that all of this is a tempest in a teapot; that the President has never shown the flaming concern for Biafra that the Ripon Society suggests, and that he has not expressed any dissatisfaction with the State Department.

Whether this is the case or not, Kissinger moved quickly to keep relations with the the department from deteriorating, especially his own personal relations with Richardson, which have been close.

Not everybody in the White House agreed with the interpretation that Mollenhoff has been called off, but he was maintaining his posture of official silence.

MIZE HAILS ACTION ON INCREASE IN GI EDUCATIONAL BENEFITS

(Mr. MIZE asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MIZE. Mr. Speaker, I am very pleased to note that the Senate this week cleared the conference report on the Veterans' Education and Training Amendments Act of 1970 for signature by the President.

Under this important legislation, the veterans' educational assistance allowance rate will be increased by 34.6 percent. Considering the rapidly increasing costs of higher and vocational education, these increases have been overdue.

Many Vietnam veterans have made an effort to continue their educations, often with heavy family responsibilities. This legislation will serve to promote their continued enrollment in college and it will encourage other Vietnam veterans to return to school.

Mr. Speaker, the Kansas 69th Brigade, and other fine Kansas Reserve and Guard units were called by President Johnson to serve in Vietnam. These men, many of whom are combat veterans of Korea and World War II, distinguished themselves again in some of the most treacherous combat our fighting men have ever undergone.

These new benefits that the Congress has approved cannot in full measure repay all the Nation owes them—but it can serve as an expression of our compassion for their difficulties and our understanding of their desire to continue their schooling after military interruption.

Mr. Speaker, our Nation owes these veterans a deep debt of gratitude for their selfless service in an unpopular and little-understood war. Vietnam has been called a "second-class war in a second-class country."

One thing is for sure—our Vietnam veterans deserve more than second-class educational benefits. This legislation is a move in the right direction.

URBAN GROWTH POLICY

(Mr. ASHLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASHLEY. Mr. Speaker, I am introducing today legislation calling for a national urban growth policy and the building of new communities and the improvement of the quality of existing communities. I am joined in this legislation by the distinguished chairman of the House Banking and Currency Committee (Mr. PATMAN), the chairman of the Housing Subcommittee (Mr. BARRETT), the majority whip of the House (Mr. BOGGS), the chairman of the Democratic caucus (Mr. ROSTENKOWSKI), and many of my colleagues on the Banking and Currency Committee.

Identical legislation is being introduced in the Senate today by the distinguished chairman of the Senate Banking and Currency Committee, the Honorable JOHN SPARKMAN.

Mr. Speaker, we have had a half century of rapid urbanization in the United States during which the Federal Government has taken a "watch-topsy-grow" attitude. The time has come to start shaping events in our urban society rather than have events shape us. Demands for a decent living environment can only be satisfied if we have a national policy to use all our resources for rational urban development—both physical and socioeconomic.

There are a multitude of Federal programs and policies, such as the Federal interstate highway program, which shape our urban destiny and yet they are carried on in a mindless fashion with little or no consideration of how they will affect or destroy any rational urban objectives.

Extensive hearings by the Subcommittee on Urban Growth have carefully charted population growth which indicates an increase in population of 100 million during the next 30 years. These additional people must be housed and the quality of housing of many of our existing people must be improved. Continued reliance on urban sprawl is only going to aggravate the abrasive quality of urban life.

This bill creates a three-member Coun-

cil on Urban Growth in the Executive Office of the President. With the Secretary of Housing and Urban Development as member ex officio, this group would be responsible for formulating national policies to guide States, counties, metropolitan areas, and cities and towns toward rational growth and development.

The bill provides assistance, both technical and financial, for a comprehensive approach to urban overgrowth. It contains major provisions for the development of new communities, inner city areas and plans for State and regional growth and stabilization.

The bill substantially expands HUD's title IV new community program which only guarantees obligations sold by developers to finance land development. Under the new legislation, public bodies would be eligible for grants for feasibility studies and planning for new community development. Any eligible developer, private or public, could receive loans for the costs of land acquisition and the construction of public facilities and commercial and industrial centers. The loans have the advantage of substantial delay before repayment is due to begin.

The legislation creates a Community Development Corporation to run this new community development program. The Corporation would have a five-member Board of Directors, one of whom is a member of the Executive Council. The Corporation's responsibilities include providing grant and loan assistance and assuming title IV guaranteeing power from the Secretary of Housing and Urban Development, planning community growth and development programs, carrying out large-scale new community demonstration projects on federally owned land and land acquisition. All these powers and duties would be vested in the Corporation's Board.

The provisions for inner-city development are aimed at acquiring currently occupied land for rebuilding for residential use to help solve the housing shortage in our cities. The legislation amends title I of the Housing Act of 1949. It differs from conventional urban renewal in that the land does not have to be blighted to qualify it for use under this title. Instead, local public agencies would be given assistance for rebuilding projects on land currently occupied by functionally obsolete or uneconomic uses, endangered by natural hazards or inadequately developed. Infrequently used rail yards, air rights over streets, flood lands, and other unused or underused land could be acquired for the development of residential housing and public facilities.

The bill also provides States and regional bodies with grants to assist in financing population growth and urban development programs and technical assistance in land-use planning and development. Grants under the bill's fourth title may also be used to purchase open or predominantly open land surrounding urban areas for purposes of new community development, recreation, or generally to conserve and protect the environment.

I understand that hearings on this and other related legislation will begin in mid-April. I hope that we may see enactment of this legislation this year.

Mr. Speaker, I am inserting in the RECORD at this point a brief summary of the bill and the bill itself:

SUMMARY OF H.R. 16647—THE URBAN GROWTH AND NEW COMMUNITIES DEVELOPMENT ACT OF 1970

The objectives of this bill are to provide for the development of a national urbanization policy and to encourage and support more rational, orderly, efficient, and economic growth and development of our States, metropolitan areas, cities, and towns with emphasis upon the development of new communities and upon inner city development. In order to achieve the objectives, the act establishes a Council on Urban Growth to develop a national urbanization policy, requires the submission to Congress and to the President of a biennial Report on Urban Growth, creates a Community Development Corporation within the Department of Housing and Urban Development to promote and sponsor new community and more orderly urban development, provides for inner city development to augment the supply of housing, and encourages State and regional planning for growth and stabilization.

Title I of the act recognizes the need for a national urbanization policy and specifically outlines the purposes of this policy. A Council on Urban Growth is created within the Executive Office of the President to prepare a biennial Report on Urban Growth, to collect, analyze, and evaluate relevant information, to assess the effects of Federal programs on urban growth, and to assess other public and private efforts to create rational urban growth. The report shall include significant problems encountered as a result of urban growth trends and developments, a review of existing programs and efforts, and recommendations for future programs and policies.

Title II, the Development of New Communities, encourages public and private bodies to undertake community growth and development programs, including the development of new communities, satellite communities, accelerated growth centers, new towns-in-town, and other large scale urban development. The Community Development Corporation is established and authorized to extend financial assistance through loans to eligible developers for feasibility studies, planning, land acquisition and development, construction of essential public works and facilities, and necessary commercial and industrial areas. The Corporation may also provide public service grants for the staffing of essential public facilities and services. Any development undertaken under this title must be economically feasible and must contribute to the orderly growth and development of the area. The developer must provide a sound internal development plan which is consistent with any comprehensive planning in the area and which has received all necessary governmental approvals. The new community guarantee program authorized by title IV of the Housing and Urban Development Act of 1968 is transferred to the Corporation. The Community Development Corporation, as a government corporation within the Department of Housing and Urban Development, is authorized to establish a Community Development Fund, carry out demonstration programs and advise on the compatibility of any major Federal installation with the provisions of this act.

Title III provides for inner city development to augment the inventory of housing and essential public services through more rational use of urban land and space. Title I of the Housing Act of 1949 is amended to permit the Secretary of Housing and Urban Development to make financial assistance available to local public agencies for rebuilding projects on land which is currently occupied by functionally obsolete or uneconomic uses or which is currently unusable because of natural hazards or inadequate development, though not necessarily "blighted". Grants under this title shall be available for feasibility studies, planning and developing the project, and the acquisition and preparation of land and space.

Title IV, Assistance Planning for State and Regional Growth and Stabilization, amends section 701 of the Housing Act of 1954 to provide grants to States, regional bodies, State boundary commissions and municipal incorporation control agencies to assist in financing the cost of conducting population growth and urban development planning programs. In addition this title provides technical assistance to State and regional agencies engaged in land-use planning and authorizes grants to enable such agencies to purchase open land surrounding urban and metropolitan areas to insure proper growth and development.

Title V of this act includes general provisions relating to relocation requirements and payments, housing priorities for programs assisted, requirements for the utilization of new and improved construction methods and techniques, and advance consent to interstate compacts for mutual assistance in carrying out the objectives of the Act.

H.R. 16647

A bill to provide for the development of a national urban growth policy, and to encourage and support the rational, orderly, efficient, and economic growth and development of our States, metropolitan areas, cities, counties, and towns, with emphasis upon the development of new communities and upon inner city development

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Urban Growth and New Community Development Act of 1970".

STATEMENT OF PURPOSE

SEC. 2. (a) It is the policy of the Congress and the purpose of this Act to provide for the development of a national urban growth policy and to encourage the rational, orderly, efficient, and economic growth, development, and redevelopment of our States, metropolitan areas, cities, counties, and towns in predominantly rural areas which demonstrate a special potential for accelerated growth; and to encourage and support development which will assure our communities of adequate tax bases, community services, job opportunities, and well-balanced neighborhoods in socially, economically, and physically attractive living environments.

TITLE I—DEVELOPMENT OF A NATIONAL URBAN GROWTH POLICY

FINDINGS AND DECLARATION OF POLICY

SEC. 101. (a) The Congress finds that the rapid growth of urban population and expanding urban development in the United States, together with a decline in farm population, slower growth in rural areas, and migration to the cities, has created an imbalance between the Nation's needs and resources, and that the economic and social development of the Nation and the achievement of satisfactory living standards depend upon the sound, orderly, and more balanced development of all areas of the Nation.

(b) The Congress further finds that Federal programs affect the location of population, economic growth, and the character of urban development; that such programs frequently conflict and result in undesirable and costly patterns of urban development; and that existing and future programs must

be interrelated and coordinated within a system of planned development and established priorities consistent with a national urban growth policy.

(c) To promote the general welfare and to properly apply the resources of the Federal Government to strengthen the economic and social health of all areas of the Nation, the Congress declares that the Federal Government, consistent with the responsibilities of State and local government and the private sector, must assume responsibility to develop a national urban growth policy, which shall incorporate social, economic, and other appropriate factors. Such policy shall serve as a guide in making specific decisions at the national level which affect the pattern of urban growth and shall provide a framework for development of interstate, State, and local growth and stabilization policy.

(d) The Congress further declares that the national urban growth policy should—

(1) favor patterns of urbanization and economic development and stabilization which offer a range of alternative locations and encourage the wise and balanced use of physical and human resources in metropolitan and regional areas as well as in urban areas (with full consideration being given to the development of "accelerated growth centers" within the meaning part A of title II);

(2) foster the continued economic strength of all parts of the United States, including central cities, suburbs, smaller communities, local neighborhoods, and rural areas;

(3) reverse trends of migration and natural growth which reinforce disparities among States, regions, and cities;

(4) treat comprehensively the problems of poverty and employment (including the erosion of tax bases, and the need for better community services and job opportunities which are associated with urbanization and rural decline;

(5) develop means to reverse present trends which foster racial conflict;

(6) define the role of the Federal Government in revitalizing existing communities and encouraging planned, large-scale urban and new community development;

(7) assist general governmental institutions in achieving balanced urban growth and stabilization; and

(8) facilitate increased coordination in the administration of Federal programs so as to encourage desirable patterns of urban growth and stabilization.

CREATION OF COUNCIL ON URBAN GROWTH

SEC. 102. There is created in the Executive Office of the President a Council on Urban Growth (hereinafter in this title referred to as the "Council"). The Council shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate, and the Secretary of Housing and Urban Development ex officio. The President shall designate one of the appointed members of the Council to serve as Chairman. Each appointed member shall be a person who, as a result of his training, experience, and attainments, is exceptionally well qualified to analyze and interpret urban and environmental trends and information of all kinds; to appraise programs and activities of the Federal Government in the light of the policy set forth in sections 2 and 101; to be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interests of the Nation; and to formulate and recommend national policies to carry out the policy set forth in sections 2 and 101.

EMPLOYMENT AND COMPENSATION OF COUNCIL STAFF

SEC. 103. The Council may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

FUNCTIONS OF COUNCIL; URBAN GROWTH POLICY, PLANNING AND COORDINATION

SEC. 104. In order to develop the national urban growth policy and otherwise to promote the objectives of this Act, the Council shall—

(1) prepare for the President a biennial report, to be known as the Report on Urban Growth, and such supplementary reports and other materials as the President may require for purposes of this Act;

(2) collect, analyze, and evaluate authoritative information, current and prospective, concerning population growth and movement, urbanization, economic growth and stabilization, land use, natural resource conservation, and development;

(3) continuously assess the progress and effectiveness of Federal efforts to carry out the policy described in sections 2 and 101 and developed pursuant to this Act, with particular emphasis upon the manner in which efforts involving economic development, health, education, and training, the location and pace of population growth, resettlement, and rehabilitation, housing and large-scale urban development, and vocational and employment opportunities relate to and affect the pattern and quality of urban growth and stabilization;

(4) review and estimate current and foreseeable needs of interstate, State, local, and private plans and programs affecting the policy described in sections 2 and 101 and developed pursuant to this Act;

(5) evaluate the relationship of Federal programs and policies to the plans, policies, and programs referred to in paragraph (4); and

(6) estimate the current and foreseeable needs of Federal programs which affect the plans, policies, and programs referred to in paragraph (4).

URBAN GROWTH AND STABILIZATION REPORT

SEC. 105. (a) The President shall transmit to the Congress, during the month of January in every even-numbered year beginning with 1972, the Report on Urban Growth for the preceding two years as prepared by the Council under section 104(1). The report shall include—

(1) information and statistics describing characteristics of urban growth and stabilization and identifying significant trends and developments;

(2) a summary of significant problems facing the United States as a result of urban growth trends and developments;

(3) an evaluation of the progress and effectiveness of Federal efforts designed to meet such problems and to carry out the policy described in sections 2 and 101 and developed pursuant to this Act;

(4) an assessment of the policies and structure of existing and proposed interstate planning and developments affecting such policy;

(5) a review of State, local, and private policies, plans, and programs designed to carry out such policy;

(6) current and foreseeable needs in the areas served by such policies, plans, and programs, and the steps being taken to meet such needs; and

(7) recommendations for programs and policies for carrying out such policy, including such legislation and administrative actions as may be deemed necessary and desirable.

(b) The President may transmit from time to time to the Congress supplementary reports on urban growth which shall include such supplementary and revised recommendations as may be appropriate.

COMPENSATION OF COUNCIL MEMBERS

SEC. 106. Members of the Council shall serve full time and the Chairman of the Council shall be compensated at the rate provided for Level II of the Executive Schedule Pay Rate (5 U.S.C. 5313). The other members of the Council shall be compensated at the rate provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315).

AUTHORIZATION

SEC. 107. There is hereby authorized to be appropriated not to exceed $———— for the fiscal year ending June 30, 1971, and for each of the next four fiscal years, to carry out the purposes of this title.

TITLE II—DEVELOPMENT OF NEW COMMUNITIES

PURPOSES

SEC. 200. (a) It is the purpose of this title to (1) encourage and assist State, regional, and local public bodies and agencies and private entities to undertake community growth and development programs through the creation of wholly new communities, satellite cities, and new-towns-in-town, through the expansion and redevelopment of existing small communities, particularly in predominantly rural areas, having a special potential for accelerated growth, and through the undertaking of other large-scale urban developments; (2) more effective carry out the new community program established by title IV of the Housing and Urban Development Act of 1968 through the provision of additional assistance as contained in this title; and (3) create the organizational entity required to carry out a comprehensive program of developing new communities and redeveloping the Nation's urban areas.

(b) It is the further purpose of this title that the assistance made available herein shall be provided in such a way as to assure that a community growth and development program assisted under this Act will—

(1) contribute to the general betterment of living conditions through the improved quality of design for the provision of homes, commercial and industrial facilities, public and community facilities, and open spaces;

(2) make substantial contributions to the sound economic growth and stabilization of the areas in which they are located;

(3) provide needed additions and improvements to the general housing supply;

(4) provide opportunities for innovation in housing and community development technology and in planning;

(5) enlarge housing and employment opportunities by increasing the range of housing choice and providing new investment opportunities for industry and commerce;

(6) encourage the maintenance and growth of a diversified local homebuilding industry; and

(7) include, to the greatest extent feasible, the employment of new and improved technology, techniques, materials, and methods in housing construction, rehabilitation, and maintenance under programs administered by the Department of Housing and Urban Development with a view to reducing the cost of such construction, rehabilitation, and maintenance, and stimulating the increased and sustained production of housing under such programs.

PART A—DEVELOPMENT ASSISTANCE

GENERAL AUTHORITY FOR ASSISTANCE

SEC. 201. (a) The Community Development Corporation established by part C of this title (referred to hereinafter as the "Corporation") shall carry out the purposes set forth in section 200 by extending assistance

as hereinafter provided to eligible developers (as defined in section 206(1)) for initiating, planning, and carrying out community growth and development programs (as defined in section 206(2)) pursuant to overall plans developed and approved as provided in section 202.

(b) No assistance under this part with respect to any community growth and development program shall be provided unless the Corporation has determined that—

(1) the program (A) will be feasible in terms of economic base or potential for growth, and (B) will contribute to the orderly growth and development of the area of which it is a part; and

(2) the new community or other development proposed under the program—

(A) will include, to the extent appropriate taking into consideration the size and nature of the development, most, if not all, of the basic activities generally associated with a city or town—housing, commerce, industry, and recreation—combined in a balanced and harmonious whole creating an attractive environment in which to live, work, and shop,

(B) will have a favorable impact on the development, growth, and stabilization of the area in which it is located, particularly with respect to regional open space development and the fostering of public forms of transportation,

(C) will be designed for the fullest possible range of individuals and families of diffent compositions and incomes and will be open to members of all national, ethnic, and racial groups.

(D) will contain an adequate range of sale and rental housing for people of all incomes, ages, and family composition, including a substantial amount of housing which is designed for people of low or moderate income and which is located in proper relation to schools, shopping, and neighborhood facilities in order to minimize segregation by income levels and social groups, and

(E) is planned in such a way as to be responsive to the needs of present and future residents and will be periodically reevaluated in terms of its success in meeting these needs as a basis for improving later stages of development.

DEVELOPER'S OVERALL PLAN

SEC. 202. No assistance shall be provided under this part to any developer with respect to any community growth and development program unless—

(1) there is a sound internal development plan for such program which (A) has received all governmental approvals required by State or local law, and by the Corporation, and (B) is acceptable to the Corporation as providing reasonable assurance that the program will contribute to good living conditions in the area being developed, will be characterized by sound land-use patterns, will include a proper balance of housing for families of low and moderate income, and will include or be served by such shopping, school, recreational, transportation, and other facilities as the Corporation deems satisfactory;

(2) the internal development plan includes practical provision (with appropriate time schedules) for any non-Federal financing which may be required in connection with the program and for making all improvements and completing all physical operations which may be required in connection with the program, and such financing gives due consideration to the public purposes and social objectives of this Act and the special problems of developing new communities; and

(3) the internal development plan is consistent with any comprehensive planning which covers or is being carried on for the area of the program, and demonstrates to the satisfaction of the Corporation that the development will be feasible and upon its completion will contribute to the orderly growth, development, and stabilization of the area.

FINANCIAL ASSISTANCE FOR STUDIES AND PLANNING

SEC. 203. (a) The Corporation is authorized to make grants to, and to contract with, any eligible developer which is a public entity (described in section 206), to pay 75 per centum of (1) the cost of conducting a feasibility study to determine the desirability and practicability of a community growth and development program proposed to be undertaken by such developer, and (2) the cost of planning such program, after its feasibility is determined, including fees for designing and engineering essential public facilities as determined by the Corporation.

(b) Financial assistance may be provided under this section to any eligible developer which is a public entity with respect to any community growth and development program only if the Corporation has determined that there exists (1) satisfactory administrative machinery through which coordination of all related planning activities of local agencies can be achieved, and (B) satisfactory evidence that necessary cooperation of agencies engaged in related activities can be obtained.

FINANCIAL ASSISTANCE FOR APPROVED COMMUNITY GROWTH AND DEVELOPMENT PROGRAMS

SEC. 204. (a) The Corporation is authorized to approve any community growth and development program if, after review of the applicable overall plan developed as provided in section 202 and of any study and planning carried out or proposed to be carried out under section 203, it determines that the proposed community growth and development program meets the conditions of this part and will contribute to the achievement of the purpose set forth in section 200.

(b) To assist the eligible developer in initiating and carrying out the community growth and development program as approved under subsection (a), the Corporation is authorized to extend assistance to such developer in the form of—

(1) loans to finance the full cost of acquiring the land necessary to carry out such program;

(2) loans to finance the full cost of land development and the construction of essential public works and facilities and necessary capital improvements in connection with such program, including but not limited to roads, schools, hospitals, public buildings, transit system extensions, and water and sewer distribution, purification, and treatment facilities; and

(3) loans to finance in full the cost of constructing and developing the commercial centers and industrial areas (including buildings) which are necessary to initiate and assure the economic soundness of the program.

(c) Loans made under this section shall be subject to such terms and conditions as the Corporation may prescribe in order to insure that the program involved will effectively contribute to the achievement of the purpose set forth in section 200, and to protect the interests of the United States; except that in any case—

(1) loans made under subsection (b)(1) shall bear interest at a rate equal to the current average yield on outstanding obligations of the Corporation as of the last day of the month preceding the date on which the loan is made, plus one-eighth of 1 per centum per annum, and shall have maturities not exceeding sixty years, with repayment of principal and interest beginning (and continuing on a level basis) no later than fifteen years after the date of the loan.

(2) loans made under subsection (b)(2) shall bear interest at a rate determined by the Corporation which shall not be more than the current average yield on outstanding obligations of the Corporation of the last day of the month preceding the date on which the loan is made nor less than two-thirds of such yield, and shall have maturities not exceeding forty years, with repayments of principal and interest beginning (and continuing on a level basis) no later than ten years after the completion of construction of the improvements involved; and

(3) loans made under subsection (b)(3) shall bear interest at a rate equal to the current average yield on outstanding obligations of the Corporation as of the last day of the month preceding the date on which the loan is made, plus one-eighth of 1 per centum per annum, and shall have maturities not exceeding twenty years, with repayment of principal and interest beginning (and continuing on a level basis) no later than five years after the completion of the construction involved or after the structures constructed with the proceeds of the loan are 75 per centum occupied.

(d)(1) In addition to making loans under the preceding provisions of this section, the Corporation may make public service grants (in such amounts as it may determine to be required) to eligible developers described in subparagraphs (A) and (B) of section 206(1) (or, where appropriate as determined by the Corporation, to the local government of the area involved) to cover the initial costs incurred by such developers (or governments) in staffing and otherwise providing for the essential public services (including educational, health, and safety services) which are necessary to initiate the program and adequately serve the needs of the residents of the development.

(2) There is authorized to be appropriated not to exceed $——— for the fiscal year ending June 30, 1971, and for each of the next four fiscal years, to carry out the purposes of paragraph (1).

(e) No assistance shall be provided under this part to any developer (or government) after June 1972 unless adequate planning, assisted under title IV and covering the area for which the assistance is proposed, has been initiated.

MISCELLANEOUS PROVISIONS

SEC. 205. (a) The Corporation shall adopt such requirements as it deems necessary to assure that community growth and development programs assisted under this part will encourage the maintenance of a diversified local homebuilding industry and broad participation by builders, particularly small builders.

(b) All laborers and mechanics employed by contractors or subcontractors in community growth and development programs assisted under section 204 shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5). No assistance shall be extended under section 204 for any community growth and development program without first obtaining adequate assurance that these labor standards will be maintained upon the construction work involved in such program. The Secretary of Labor shall have, with respect to the labor standards specified in this section, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267), and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

(c) Nothing in this title shall be construed to exempt any real property that may be acquired and held by the Corporation as a result of its activities under this part from real property taxation to the same extent, according to its value, as other real property is taxed.

(d) Insofar as they relate to any assistance provided pursuant to this part, the financial transactions of recipients of such assistance may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by such recipients pertaining to such financial transactions and necessary to facilitate the audit.

DEFINITIONS

SEC. 206. As used in this part—

(1) the term "eligible developer" means—

(A) a State, county, city, or other political subdivision of a State including a regional body, or an agency or instrumentality thereof,

(B) a public-sponsored development corporation or redevelopment agency, or any other public body or instrumentality (including an organization of representative public officials described in section 701(g) of the Housing Act of 1954), which is authorized by State or local law to undertake and carry out community growth and development programs, and

(C) a private corporation or organization (profit, nonprofit, or limited dividend) which is approved by the Corporation (on the basis of financial, technical, legal, and administrative ability) for purposes of assistance under this part and is acting on behalf of, or pursuant to a community development plan approved by, a public body described in subparagraph (A) or (B);

(2) the term "community growth and development program" means a comprehensive program for the establishment of one or more wholly new communities, satellite cites, or new-towns-in-town, the development or redevelopment of existing communities having a special potential for accelerated growth, and the undertaking of other large-scale urban developments; and

(3) the term "land development" has the meaning given it by section 415(a) of the Housing and Urban Development Act of 1968.

PART B—GUARANTEES FOR FINANCING NEW COMMUNITY LAND DEVELOPMENT

TRANSFER OF GUARANTEE FUNCTIONS TO CORPORATION

SEC. 211. In order to carry out the purpose set forth in section 200, there are hereby transferred to and vested in the Corporation all of the functions, powers, and duties of the Secretary of Housing and Urban Development under title IV of the Housing and Urban Development Act of 1968, along with all assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, or other funds held, used, arising from, or available or to be made available in connection with such functions, powers, and duties.

AMENDMENTS TO EXISTING LAW

SEC. 212. Title IV of the Housing and Urban Development Act of 1968 is amended—

(1) by striking out "Secretary" each place it appears (except where it refers to the Secretary of Labor in section 410 and the Secretary of Agriculture in section 412(c)) and inserting in lieu thereof "Corporation";

(2) by striking out "Secretary's" each place it appears in section 405(a)(4) and inserting in lieu thereof "Corporation's";

(3) by striking out "he" in the second sentence of section 403, the second sentence of section 406, and section 412(c) and inserting in lieu thereof "it";

(4) by striking out "his" in section 405(a)(4), section 405(a)(7), and section 412(c) and inserting in lieu thereof "its"; and

(5) by striking out "him" each place it appears in section 407(c) and section 413 and inserting in lieu thereof "it".

PART C—COMMUNITY DEVELOPMENT CORPORATION

CREATION OF CORPORATION

SEC. 221. (a) There is hereby created a body corporate to be known as the Community Development Corporation, which shall be in the Department of Housing and Urban Development and shall be subject to the direction and supervision of the President. The Corporation shall be an instrumentality of the United States and shall have succession until dissolved by Act of Congress. It shall maintain its principal office in the District of Columbia and shall be deemed, for purposes of venue, to be a resident thereof; but agencies or offices may be established by the Corporation in such other places as it may deem necessary or appropriate in the conduct of its business.

(b) Within the limitations of law, the President shall determine the general policies which shall govern the operations of the Corporation under this Act; but all of the powers and duties of the Corporation shall be vested in its Board of Directors, under the direction of which the Corporation shall be administered and which shall have power to adopt, amend, and repeal by laws governing the performance of the power and duties granted to or imposed upon the Corporation by law.

BOARD OF DIRECTORS

SEC. 222. (a) The Corporation shall have a Board of Directors (hereinafter referred to as the "Board") which shall consist of five members, one of whom shall be a member of the Council on Urban Growth as designated by the President and the other four of whom shall be appointed by the President of the United States by and with the advice and consent of the Senate. The term of office of each member of the Board shall be four years; except that of the members first appointed one shall be appointed for a term of four years, one for a term of three years, one for a term of two years, and two for terms of one year.

(b) Members of the Board shall serve at the pleasure of the President and until their successors have been appointed and have qualified, and shall receive compensation at the rate provided for positions at level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315) (except that the member who is designated from the Council on Urban Growth shall receive no additional compensation for his service on the Board).

(c) The President shall designate one of the members of the Board to serve as its chairman.

(d) The Board shall meet at the call of its chairman, who shall require it to meet not less often than monthly.

MANAGEMENT OF CORPORATION

SEC. 223. The management and administration of the Corporation shall be vested in the chairman of the Board, who shall act under the Board's general direction.

FUNCTIONS OF CORPORATION

SEC. 224. (a) It shall be the function of the Corporation—

(1)(A) to provide assistance (including grants under section 203 and loans under section 204) to aid in financing community growth and development programs as provided by part A and this part, and part (B) to provide assistance in the form of guarantees to aid in financing new community development as provided in part B;

(2) when requested to do so on its behalf by an eligible developer which is a public entity described in section 206, to plan, initiate, and carry out community growth and development programs (subject to the provisions of this Act which are applicable to the conduct of such programs by State or local agencies to the extent such provisions can be applied), utilizing its own personnel and facilities or contracting with qualified public or private persons or entities for the purpose;

(3) upon specific authorization by the President and under applicable Federal law respecting the use of federally owned lands, to carry out large-scale projects demonstrating the development of new communities, which shall be designed to contribute to the achievement of the purposes of this title and serve as models for similar developments (with or without assistance under part A or part B) which could feasibly be carried out by other public and private developers;

(4) to take such actions as may be calculated to assist in developing a high level of Federal capability in the field of regional and community planning and development;

(5) to carry on other research, training, and demonstrations in the field of regional and community planning and development; and

(6) to make available such information, provide such other assistance, and take such other actions as may be necessary or appropriate to carry out the purposes of this title or as may be otherwise provided for by law.

(b) Whenever any Federal department, agency, or instrumentality proposes to establish, develop, or construct (or provide assistance for the establishment, development, or construction of) any major installation (as determined in accordance with regulations of the Board), the head of such department, agency, or instrumentality shall notify the Corporation (without the necessity of any request therefor) of its intent to establish, develop, or construct such installation (or provide such assistance), and shall furnish to the Corporation such information as the Corporation may request concerning the proposed installation. If the Corporation determines that the proposed installation would be wholly or partly inconsistent with the purposes of this title, it shall so advise the head of the department, agency, or instrumentality involved and shall provide him and the President with such recommendations with respect thereto as it deems appropriate. The head of such department, agency, or instrumentality shall thereupon consult fully with the Corporation concerning the proposed installation, and shall take such action to conform with the Corporation's recommendations as he deems appropriate and feasible, before proceeding with the establishment, development, or construction of the installation or the provision of such assistance.

FINANCING OF CORPORATION'S ACTIVITIES

SEC. 225. (a)(1) To carry out its functions under this title, the Corporation is authorized and directed to establish in the Treasury of the United States a revolving fund to be known as the Community Development Fund, which shall be available without fiscal year limitation for making loans under this title.

(2) The Community Development Fund shall be credited with—

(A) the proceeds from the sale of obligations under subsection (b) of this section,

(B) the proceeds from repayments of loans provided under part A, and

(C) any other receipts from operations under this title, including annual payments made pursuant to subsection (c)(1) of this section.

(3) No part of the amounts in the Community Development Fund shall be used for the payment of any administrative expenses.

(4) Notwithstanding the preceding provisions of this subsection, the payment of liabilities incurred by the Corporation as a result of guarantees made under title IV of the Housing and Urban Development Act of 1968 shall be made only from the guarantee

fund established pursuant to section 407 of such Act and in accordance with the terms of such title; and the Community Development Fund established pursuant to this subsection shall not be available for the provision of assistance in the form of guarantees under such title or credited with any receipts from operations under such title.

(5) An annual business-type budget for the Community Development Fund shall be prepared, transmitted to the Congress, considered, and enacted in the manner prescribed by law (sections 102, 103, and 104 of the Government Corporation Control Act (31 U.S.C. 847–849)) for wholly owned Government corporations.

(b) In order to obtain funds for its activities under part A (except grants under section 204(d)), the Corporation—

(1) is authorized, with the approval of the Secretary of the Treasury, to issue and have outstanding obligations having such maturities and bearing such rate or rates of interest as may be determined by the Corporation. Such obligations may be redeemable at the option of the Corporation before maturity in such manner as may be stipulated therein. The aggregate amount of obligations of the Corporation outstanding at any one time shall not exceed $, which amount shall be increased by on July 1, 1971, and by $ on July 1 of each of the three succeeding years. The Corporation is authorized to purchase in the open market any of its outstanding obligations issued under this paragraph; and

(2) is authorized to issue to the Secretary of the Treasury such obligations, having such maturities and (subject to the succeeding provisions of this subsection) bearing such rate or rates of interest, as the Corporation may determine to be necessary. The Secretary of the Treasury is authorized to purchase any obligations issued under the preceding sentence, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, as now or hereafter in force; and the purposes for which securities may be issued under the Second Liberty Bond Act as now or hereafter in force are extended to include such purchases. Each purchase of obligations by the Secretary of the Treasury under this subsection shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturities. The Secretary of the Treasury may sell, upon such terms and conditions and at such price or prices as he shall determine, any of the obligations acquired by him under this paragraph. All redemptions, purchases, and sales by the Secretary of the Treasury of such obligations under this paragraph shall be treated as public debt transactions of the United States.

The full faith and credit of the United States is pledged to the payment of both the principal and interest of all obligations issued by the Corporation under paragraph (1) or (2) of this subsection.

(c) (1) With respect to such amounts of loans made by the Corporation under section 204 as may be specified in appropriation Acts, the Secretary of Housing and Urban Development is authorized to make, and to contract to make, annual payments to the Corporation in such amounts as are necessary to equal the amount by which the dollar amount of interest paid by the Corporation on account of its obligations issued under subsection (b) exceeds the dollar amount of interest received by the Corporation on account of loans made by it pursuant to such section 204.

(2) There are hereby authorized to be appropriated to the Secretary of Housing and Urban Development such sums as may be necessary to make the annual payments required by contracts entered into by him pursuant to paragraph (1).

(d) There are authorized to be appropriated such sums as may be necessary to pay the administrative expenses incurred in carrying out the purpose set forth in section 200.

GENERAL POWERS OF THE CORPORATION

SEC. 226. (a) The Corporation (subject to its bylaws) shall have power—

(1) to adopt, alter, and use a corporate seal, which shall be judicially noted;

(2) to enter into and perform contracts, leases, cooperative agreements, or other transactions, on such terms as it may deem appropriate, with any agency or instrumentality of the United States, or with any State, territory, or possession, or the Commonwealth of Puerto Rico, or with any political subdivision thereof, or with any person, firm, association, or corporation;

(3) to execute all instruments necessary or appropriate in the exercise of any of its powers;

(4) in its corporate name, to sue and to be sued, and to complain and to defend, in any court of competent jurisdiction, State or Federal, but no attachment, injunction, or other similar process, mesne or final, shall be issued against the property of the Corporation or against the Corporation with respect to its property;

(5) to conduct its business without regard to any qualification or similar statute in any State of the United States, including the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States;

(6) to lease, purchase, or acquire any property, real, personal, or mixed, or any interest therein, to hold, rent, maintain, modernize, renovate, improve, use, and operate such property, and to sell, for cash or credit, lease, or otherwise dispose of the same, at such time, in such manner, and to such extent as the Corporation may deem necessary or appropriate;

(7) to prescribe, repeal, and amend or modify rules, regulations, or requirements governing the manner in which its general business may be conducted;

(8) to accept gifts or donations of services, or of property, real, personal, or mixed, tangible, or intangible in aid of any of its purposes; and

(9) to do all things which are necessary or incidental to the proper management of its affairs and the proper conduct of its business.

(b) Except as may be otherwise provided in this Act, in the Government Corporation Control Act, or in other laws specifically applicable to Government corporations, the Corporation shall determine the necessity for and the character and amount of its obligations and expenditures and the manner in which they shall be incurred, allowed, paid, and accounted for.

(c) The Corporation, including its franchise, capital, reserves, surplus, mortgages or other security holdings, and income shall be exempt from all taxation now or hereafter imposed by the United States, by any territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority; except that any real property of the Corporation shall be subject to State, territorial, county, municipal, or local taxation to the some extent according to its value as other real property is taxed.

(d) The Board shall have power to select and appoint or employ such officers, attorneys, employees, and agents of the Corporation, to vest them with such powers and duties, and to fix and to cause the Corporation to pay such compensation to them for their services, as it may determine, subject to the provisions of title 5, United States Code, governing appointments in the competitive service and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. Bonds may be required for the faithful performance of their duties, and the Corporation may pay the premiums therefor. With the consent of any Government corporation or Federal Reserve bank, or of any board, commission, independent establishment, or executive department of the Government, the Corporation may avail itself on a reimbursable basis of the use of information, services, facilities, officers, and employees thereof, including any field service thereof, in carrying out the provisions of this title.

(e) The Federal Reserve banks are authorized and directed to act as depositaries, custodians, and fiscal agents for the Corporation, for its own account or as fiduciary, and such banks shall be reimbursed for such services in such manner as may be agreed upon; and the Corporation may itself act in such capacities, for its own account or as fiduciary, and for the account of others.

(f) Moneys of the Corporation not currently needed for the purpose of this title shall be kept in cash on hand or on deposit, or invested in obligations of the United States or guaranteed thereby, or in obligations, participations, or other instruments which are lawful investments for fiduciary, trust, or public funds.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 227. (a) The financial transactions of the Corporation shall be audited by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where the accounts are normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, financial records, reports, files, and other papers, things, or property belonging to or in use by the Corporation and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians.

(b) The expenses of any audit performed under this section shall be borne out of appropriations to the General Accounting Office, and appropriations in such sums as may be necessary for this purpose are authorized. The Corporation shall reimburse the General Accounting Office for the full cost of such audit as billed therefor by the Comptroller General, and the General Accounting Office shall deposit the sums so reimbursed into the Treasury as miscellaneous receipts.

(c) A report of each such audit for a fiscal year shall be made by the Comptroller General to the President and to the Congress not later than six months following the close of such fiscal year.

ANNUAL REPORT

SEC. 228. The Corporation shall, as soon as practicable after the close of each fiscal year, transmit to the President and the Congress a report of its operations and activities.

TITLE III—INNER CITY DEVELOPMENT

PURPOSE

SEC. 301. It is the purpose of this title to provide our cities, which desperately need to augment their inventories of housing (particularly housing for low and moderate income families) and essential public facilities but have virtually no vacant land upon which to build, with a program which will make possible the more rational use of urban land and space that is currently occupied by

industrial or commercial uses which though not "blighted" are functionally obsolete or uneconomic, or of land and space that is not usable in its present state because of natural hazards or inadequate developments, so that in appropriate cases major rebuilding projects (including new towns in town) may be undertaken without major clearance activities and with minimal displacement.

"PART C—INNER CITY DEVELOPMENT PROJECTS

SEC. 302. Title I of the Housing Act of 1949 is amended by adding at the end thereof the following new part:

"PART C—INNER CITY DEVELOPMENT PROJECTS

"PURPOSE AND AUTHORITY

"SEC. 141. (a) For the purpose of facilitating needed development in urban areas through the more effective use of land and space that is currently occupied by functionally obsolete or uneconomic uses or is not usable in its present state because of natural hazard or inadequate development, the Secretary is authorized to make financial assistance available under this title to local public agencies for inner city rebuilding projects which are approved by him pursuant to this part.

"(b) An inner city rebuilding project shall consist of urban renewal project undertakings and activities which are planned and designed to carry out the purpose of this part by—

"(1) acquiring for alternative uses—

"(A) infrequently used rail yards and rail storage facilities, and excessive or vacated railroad rights-of-way;

"(B) air rights sites over streets, expressways, railroads, waterways, and similar locations;

"(C) strips and plots of land which are vacant or are occupied by functionally obsolete nonresidential buildings or used for low-utility purposes, or are used for purposes which are plainly inappropriate in the light of modern community needs and desirable standards of good land use;

"(D) land which is covered by shallow water or is subject to periodic flooding, or which consists of unused or underused slips or dock areas or other waterfront property;

"(E) park and open space land which would be more appropriately devoted to uses consistent with the purpose of this part and will be replaced (by trade or otherwise) by equal or greater amounts of park or open space land (or land to be cleared for park or open space purposes) in other locations; or

"(F) other land or space within the city which is vacant, unused, underused, or inappropriately used and the acquisition of which would contribute significantly to the achievement of the purpose of this part; and

"(2) preparing the land or space so acquired for development (with particular emphasis on housing for low and moderate income families), including preparation for the provision of schools, hospitals, parks, and other essential public facilities and, in appropriate cases, for the development of new towns-in-town (within the meaning of that term as used in Part A of title III of the Urban Growth and New Community Development Act of 1970).

"(c) No financial assistance for an inner city rebuilding project shall be approved by the Secretary unless—

"(1) the governing body of the locality has, by resolution or ordinance, approved the proposed project and authorized the filing of the application for assistance, and

"(2) the Secretary has concluded that—

"(A) there exists the necessary capacity to carry out the undertakings and activities proposed in connection with the project;

"(B) the need for the housing or other facilities to be provided has been established;

"(C) the proposed use of the land or space involved is appropriate and consistent with the planning objectives of the community and provides a positive benefit to the adjacent neighborhoods; and

"(D) the proposed housing and other facilities cannot be provided expeditiously under traditional renewal processes.

"FINANCIAL ASSISTANCE

"SEC. 142. (a) Upon the submission of a proposed inner city rebuilding project to the Secretary, he may approve the undertakings and activities proposed in connection with or as part of such project to the extent that he finds they are or will be consistent with the provisions of this title and the purpose of this part; and the cost of any undertakings and activities so approved shall be financed in accordance with the loan, capital grant, and project cost provisions of part A except as specifically hereafter provided in this section.

"(b) Assistance under this title with respect to an inner city rebuilding project shall be available only to finance the costs of—

"(1) feasibility studies to determine the desirability and practicability of the project, including—

"(A) in the case of land described in section 141(b)(1)(D), studies to determine the types of reclamation activities needed and improvements required to make the land usable, and to determine the potential for such improvements and the ecological consequences which would result therefrom;

"(B) in the case of land described in section 141(b)(1)(E), activities designed to test the feasibility of proposed land trades and to develop appropriate legal safeguards to guarantee full and adequate replacement; and

"(C) in any case where the land involved is to be developed under the project for a new town-in-town, studies to explore and test the feasibility of the necessary site assembly and to assure that there can be made available an area of sufficient size to give reasonable potential for large-scale development with a substantial increase in the amount of low and moderate income housing in the community;

"(2) planning and developing the project after feasibility has been determined; and

"(3) acquiring the land or space necessary to carry out the project and preparing such land or space for the development provided for under the project as approved.

"(c)(1) Assistance under this part with respect to an inner city rebuilding project (which, except to the extent that the project involved is part of a project or program approved under part A or part B, shall be separate and distinct from other assistance under this title in all respects including funding) shall be in the form of a grant in an amount determined in the same manner, under the same formulas, and with the inclusion and exclusion of the same items as is provided by sections 103(a) and 110 (d), (e), and (f), and by any other relevant provisions of part A, with respect to assistance in the form of capital grants under that part.

"(2) The Secretary may contract to make grants under this title for inner city rebuilding projects as provided in this part in an amount not to exceed $———— in any fiscal year, and there are authorized to be appropriated such sums as may be necessary to provide therefor. The Secretary may, notwithstanding the provisions of section 3648 of the Revised Statutes, make advance or progress payments on account of any grant contracted to be made pursuant to this section. The full faith and credit of the United States is pledged to the payment of all such grants contracted for.

"(3) For purposes of paragraph (1), the term 'cost of the undertakings and activities involved' means, insofar as the cost of acquiring and preparing the land or space (as described in subsection (b)(3) is concerned, the difference between—

"(A) the cost of acquiring and preparing such land or space (including the cost of track removal and track realignment in the case of land described in section 141(b)(1)(A) and the cost of eliminating flood and drainage problems in the case of land described in section 141(b)(1)(D)), and

"(B) the re-use value of the land or space as proposed under the project.

In the case of air right sites as described in section 141(b)(1)(B), such term includes the cost of the design and construction of foundations, platforms, and site access facilities.

"REGULATIONS

"SEC. 143. The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this part, including such special regulations as may be required to modify the relevant provisions of part A in order to make them effectively applicable under this part in a manner calculated to achieve its purpose."

TITLE IV—ASSISTANCE TO STATES AND REGIONAL BODIES FOR PLANNING FOR STATE AND REGIONAL GROWTH AND STABILIZATION

AMENDMENT TO SECTION 701 URBAN PLANNING PROGRAM

SEC. 401. (a) In order to provide special assistance for programs of planning and development designed to assure rational and controlled State and regional growth and stabilization, section 701 of the Housing Act of 1954 is amended by adding at the end thereof the following new subsection:

"(j)(1) The Secretary is authorized to make grants to States and appropriate regional bodies (including organizations of representative public officials described in subsection (g), State boundary commissions, and municipal incorporation control agencies) to assist in financing the cost of developing and conducting population growth and urban development planning programs.

"(2) Programs assisted under this subsection shall be designed to determine, on the basis of analyses of available basic resources (including water, air, land, and power) and the need to conserve such resources and to maintain or recapture a quality environment, where and how much growth and development ought to take place in the State or region involved and the standards, which ought to be established to control and stabilize such growth or development. Each such program shall include recommendations for improved governmental efficiency through intergovernmental arrangements, functional consolidations, general government consolidations, and establishment of service districts under the control of the general governments involved; and shall be designed to undertake or assist—

"(A) studies of the projected growth, composition, and movement of population in the State or region involved, and the public facilities (including but not limited to health, education, water, and power) which would be necessary to accommodate such population efficiently and without adverse effect on the environment;

"(B) the development of criteria for the size, composition, location, and design of new communities to be established and existing communities to be substantially expanded and enlarged in order to accommodate the population projected, and criteria for the environmental factors (including public facilities and other community facilities) necessary to achieve desirable communities;

"(C) the preparation of an inventory of the sites available and most suitable for development;

"(D) the study, development, and implementation of methods for assuring the availability of land and its proper development; and

"(E) the promotion by State and regional agencies of rational and constructive land use and development, and the conduct by

such agencies of effective studies and planning to reduce governmental complexity, streamline governmental machinery, and avoid duplication of public functions in planning and development.

"(3) The amount of any grant made under the authority of this subsection shall not exceed 90 per centum of the estimated cost of carrying out the program assisted.

"(4) Of the amount appropriated pursuant to paragraph (5) to carry out this subsection for any fiscal year—

"(A) the sum of $———— shall first be allocated to each State for the purpose of this subsection;

"(B) there shall then be reserved to the Secretary such sums as he may require for the administration of this subsection, together with an amount equal to 10 per centum of the amount so appropriated for research, technical assistance, publications, and demonstration projects to be conducted by the Secretary to advance the purposes of this subsection; and

"(C) the remainder shall be allocated among the States for the purposes of this subsection, with each State receiving an amount which bears the same ratio to such remainder as the population of such State bears to the population of all the States.

"(5) There are authorized to be appropriated to carry out this subsection such sums as may be necessary, not exceeding $——— prior to July 1, 1971. Amounts so appropriated shall remain available until expended."

(b) The caption for such section 701 is amended by adding at the end thereof the following: ", AND ASSISTANCE FOR STATE AND REGIONAL GROWTH AND STABILIZATION PLANNING".

SPECIAL ASSISTANCE FOR LAND ACQUISITION TO CONTROL GROWTH

SEC. 402. (a) In addition to his function of providing financial assistance under section 701(j) of the Housing Act of 1954 (as added by section 401 of this Act), the Secretary of Housing and Urban Development (hereinafter referred to as the "Secretary") may—

(1) provide technical assistance to State and regional agencies engaged in programs of land-use planning and development which might qualify for assistance under this title, and undertake (either directly or by contract) such studies and evaluation of State, regional, and related local programs as he determines to be desirable; and

(2) make grants to State agencies and regional bodies which are conducting State or regional programs of land-use planning and development approved for purposes of this section, to enable them to purchase such interests in strips or wedges of open or predominantly open land surrounding urban or metropolitan areas as may be necessary to insure proper and constructive community growth and development, and achieve the objectives of a State or regional growth and stabilization program, by preventing uncontrolled encroachment upon such land by commercial, industrial, or residential construction, with such grants being limited to 75 per centum of the purchase price of the land and being subject to such other terms and conditions as the Secretary may consider reasonable and appropriate.

Land acquired by a State or regional agency with assistance under paragraph (2) may be held out of development to protect and develop new communities, to provide scenic easements and flood plains, to preserve historic places, to be used for recreation, or generally to conserve and protect the environment; and the Secretary shall establish by regulation such terms and conditions applicable thereto as he deems necessary or appropriate, including provisions governing the minimum periods of time the land is to be devoted to particular uses, the permissible uses of such land upon resale, and the repayment of grants under such subparagraph, and including provision for such equitable arrangements as may be desirable with respect to the sharing of an increase in value of such land over its initial purchase price upon its resale.

(b) There is authorized to be appropriated for each fiscal year not to exceed $———— to carry out this section.

REGULATIONS AND DEFINITIONS

SEC. 403. (a) The Secretary shall prescribe such regulations and make such arrangements as may be necessary or appropriate to insure that the special assistance provided under section 402 and section 701(j) of the Housing Act of 1954 will be effectively coordinated, without duplication, in a manner calculated to promote the objectives of this title.

(b) As used in this title and section 701(j) of the Housing Act of 1954, the term "State" means any of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands; and the term "region" means any area within the United States which includes all or a part of one or more States.

TITLE V—GENERAL PROVISIONS

RELOCATION REQUIREMENTS AND PAYMENTS

SEC. 501. (a) Any contract or other arrangement for assistance under this Act with respect to a program or project shall include a plan for the relocation of individuals, families, business concerns, and nonprofit organizations displaced or to be displaced in the carrying out of such program or project. The provisions and procedures included in any such relocation plan shall meet relocation standards equivalent to those described under section 105(c) of the Housing Act of 1949 with respect to urban renewal projects assisted under title I of that Act, and the relocation activities under the plan shall to the maximum extent feasible be coordinated with the activities assisted under this Act so as to assure that the available supply of housing in the area involved will be maintained or improved.

(b)(1) To the extent not otherwise authorized under any Federal law, financial assistance under any provision of this Act shall include grants to cover the full cost of relocation payments.

(2) As used in paragraph (1), the term "relocation payments" means payments to a displaced individual, family, business concern, or nonprofit organization which are made on such terms and conditions and subject to such limitations (to the extent applicable, but not including the date of displacement) as are provided for relocation payments, at the time such payments are approved, by section 114 (b), (c), (d), and (e) of the Housing Act of 1949 with respect to projects assisted under title I thereof.

PRIORITIES IN HOUSING PRODUCED UNDER PROGRAMS ASSISTED

SEC. 502. Under regulations which shall be prescribed jointly by the Community Development Corporation and the Secretary of Housing and Urban Development, a priority to occupy housing produced under or resulting from any program or project carried out or assisted under this Act shall be given to individuals and families who have been displaced from their homes by urban renewal, highway construction, or any other activities carried out by a governmental agency or with assistance under a Federal program.

UTILIZATION OF NEW AND IMPROVED CONSTRUCTION METHODS AND TECHNIQUES

SEC. 503. No assistance shall be provided under any provision of this Act with respect to any program or project unless the Community Development Corporation or the Secretary of Housing and Urban Development (as may be appropriate) finds that there are in effect within the area where such program or project is located modern building and housing codes which permit the utilization of factory-built housing, industrialized building techniques, and other improved housing construction methods, technology, techniques, and materials which have been tested and approved by institutions qualified to do so and found acceptable by the Secretary for purposes of programs within his jurisdiction.

INTERSTATE COMPACTS

SEC. 504. The consent of the Congress is hereby given to any two or more States to enter into agreements or contracts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in carrying out or implementing any of the purposes of objectives of this Act, and to establish such agencies, joint or otherwise, as they may deem desirable for making effective such agreements and compacts.

AMERICANS OF ITALIAN DESCENT—THE SILENT MAJORITY IS AWAKENING

(Mr. RARICK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, last night I had the privilege of addressing the Americans of Italian descent at the annual installation of officers banquet of the Middlesex County chapter at North Brunswick, N.J.

On the same program was a distinguished leader of the Democratic Party, its recent candidate for mayor of New York City, and an outstanding spokesman for the Americans of Italian descent in the United States, the Honorable Mario A. Procaccino, a foreign-born American who has contributed to our American way of life by service on the faculties of City College of New York and Fordham University; as a judge; as comptroller of the city of New York, and presently as academic president of Verrazano College.

Because I believe that Judge Procaccino's address best demonstrates the real American sentiments and loyalties of the Americans of Italian descent, I insert his remarks in the RECORD for all of our colleagues to read:

REMARKS OF JUDGE MARIO A. PROCACCINO

Mr. Chairman, Distinguished Guests, Fellow Italo-Americans:

First of all, let me thank you Mr. Chairman, for the kind words you said about me. More importantly, I wish to express my thanks and gratitude to each and every one of you for this "outstanding Italo-American Award" and for your kind invitation to be here this evening.

I feel very flattered because within a space of a few weeks, I have been honored by the Italian government as a Commander in the Order of Merit, I have been designated as "Mr. New York" by the citizens of Brooklyn, and now the "outstanding Italo-American" award by this outstanding group of citizens of New Jersey.

I enjoy being here, not only because I feel that I am among friends, but because it permits me to pay tribute to the officers and members of your organization, and to wish that you enjoy continued success. I believe that this gathering is proof of the support and confidence which the members and friends of the association have in its leadership, in its objectives, in its work and its accomplishments.

I have great respect for your organization, realizing that it is made up of Ameri-

cans of Italian origin, who originally banded together to combat discrimination. I know that yours is a nonpolitical association, whose members are proud of their Italian heritage and equally proud to be Americans. Accordingly, may I extend my sincere congratulations for the work you are doing in the community.

There can be little question but that we are facing one of the most critical periods in our country's history. One cannot read a newspaper or watch a television newscast without becoming intensely aware of the fact that disrespect for the law and the rights of others is daily becoming more and more a way of life.

As a New Yorker, I am ashamed to admit that anarchy is abroad in the streets of the greatest city in the world, terrorists disrupt commerce and industry at the cost of a phone call, violent revolution is preached openly on our campuses, the demolition squads of the radical-left have created panic among the people, and not one of the self-described "Liberals" who seek Democratic nomination for high office in the New York State 1970 elections has uttered a word of condemnation.

I am concerned and alarmed by this silence on the part of men who hold themselves forth as being worthy of the public trust, as civic leaders, and as protectors of the common good. I ask why this failure to speak out? Is it because they are so closely identified with and obligated to the radical-left that they dare not raise their voices? Do they espouse the radical-left philosophy of government? Are they cowed by physical fear, or are they afraid of alienating the votes of alienated youth?

Over recent years, selfish politicians and educators have encouraged the phony "cult of youth" syndrome to the point where bearded and disheveled tramps under the age of 25 are considered to have a license to engage in violence and offenses against the public interest.

I predict that, if this pseudo license is not revoked through the enforcement of existing laws, an alarmed and outraged public will demand and get the enactment of extremely repressive measures which will do violence to constitutional guarantees.

As the spokesman for progressive and moderate Democrats in New York, I demand that the contenders for the party nominations explain their sinister silence in the face of the blatant left-wing violence which threatens to destroy New York City, and that they make known their attitude and position with regard to the radical-left.

It is my firm judgment that our form of government, with its principles of democracy, is too precious to be permitted to sicken and decay. Our country will remain strong and healthy only as long as the rule of law is there to sustain it. Let us remember that laws are made to be respected, obeyed and enforced, and that if we violate the rights of others we are disregarding those laws.

This is why I feel so strongly about public officials conducting themselves in such a way as to make clear their dedication to duty, integrity, courage and leadership in preserving our laws and in protecting the lives and property of our citizens. For once we lose respect for our laws, we lose respect for our heritage, our ideals, our community, our nation, our families and ourselves.

By the work you are doing, by fighting discrimination, you set an example that, hopefully, will be emulated by others. By serving your community and your fellow citizen, you are teaching respect for the rights of all people and for the law—you are bringing credit to your heritage as Italo-Americans.

Speaking to you as an Italo-American who came here as a young immigrant, who understands what discrimination and struggle mean, let me leave you with these thoughts. To me, the United States of America is something to be loved with a passion that transcends patriotism, with a reverence that goes beyond worship, and with a dedication and devotion that go beyond duty. To me, this land must remain the symbol of opportunity, liberty and hospitality and security. It must remain an open door and open heart, more generous, more charitable and more forgiving than any other nation anywhere on earth.

This does not mean that I will ever forget the land of my birth. It was Nicholas Murray Butler, the late President of Columbia University, who once said, "The place of Italy is best shown by trying to subtract that place from world history. Take away her scientific accomplishments, her statesmanship, her leadership of the world for many years and what you have left? The world looks badly decapitated. You can subtract Italian culture from civilization only by destroying that civilization."

As Italo-Americans, never apologize to anyone for our background, our conduct, or our contributions as Americans. We must never assume the defensive—we must accentuate the positive.

Let all know that Italy is not just the mother country of many people, but historically, one of the great and noble parents of all civilization. The influence of things Italian upon the world is legendary.

The pages of history are too long, and far too many Italian names are recorded, for me to talk about them this evening. But let the world remember names like Michelangelo, Dante, Raffaello, de Vinci, Verrazzano, Columbus, Vespucci, Cellini, Petrarca, Galileo, Marconi, Fermi, Toscanini and thousands of others.

Let the world know of the countless thousands of Italo-Americans in every phase of human endeavor, in education, literature, and art, in law, health and medicine, in business and industry, in entertainment, sports and theatre, in science, politics and government—all of whom have contributed to the advancement of mankind and have brought honor to us all.

Let them know of the Italo-Americans who gave their blood for this country and let anyone name one, yes one, Italo-American, if they dare, who was ever convicted of treason against the United States of America.

Preaching this gospel of achievement should be our aim—this should be our creed.

In my twenty-five years of public service I have tried to bring credit and commendation to the Italo-Americans. I have always done the best I could to bring honor to all of us as a public servant, as a member of the faculties of City College and Fordham University for more than 21 years, as a Judge, as Comptroller of the City of New York, and now as the academic president of an institution of higher learning currently under formation, Verrazano College.

Since coming to this country at the age of nine, I believed in the American way of life, and believing in it, I have been particularly proud to play a role in a community in which both the fruits and obligations of democracy would be shared by all of its citizens on a basis of full equality without qualifications of any kind.

This is why I am deeply concerned about the discrimination being practiced by the limousine liberals, the committee for Democratic Demolition, and the political kingmakers, against Italo-Americans in the City and State of New York. Putting aside what politicians did to me on the way to City Hall, the fact remains there is—

Not a single city-wide elected official of Italian background in New York City.

Not a single Italo-American Borough President.

Not a single Italo-American District Attorney.

Not a single Italo-American member of the Board of Estimate.

Not a single state-wide elected official of Italian background.

What makes this more shocking is the fact that in New York State, Italo-Americans constitute the largest ethnic or national group—yes, over 37% of the population of the State of New York has an Italian background. Accordingly, let us serve notice on all—that we Italo-Americans possess the training, the know-how, the experience, the knowledge, the education, the integrity, the ability, and the dedication to serve our cities, our states, and our country in any and all fields of endeavor.

Yes, my friends, it is not enough to be proud of our ancestors but to make our descendants proud of us. It is not enough to let the world know who we are, but to let the world know what we do. It has been said that reputations are won, not made.

Everyone who is here tonight is to be congratulated for trying to make America proud of our Italian heritage. Many of us here tonight have had the same story of early struggle and early suffering, in order to win a place of honor and esteem in this wonderful land of opportunity.

The fact that many of you were born here, were married here, or your children were born here, makes you Americans of the first order. This is what gives our country its tremendous unity—a nation of all people from all parts of the world. With citizens like you, America will never die.

In conclusion, may I state that I am happy to have joined with you this evening and to have participated in paying tribute to your Italian background.

I again thank you for the award and for having invited me. May our country continue to prosper and lead the world in the family of nations.

IMPACT AID MONEYS

(Mr. BLACKBURN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, on the afternoon of March 23, 1970, I engaged in a colloquy with the gentleman from Michigan, Mr. WILLIAM D. FORD, regarding the President's expenditure of the impact aid moneys authorized and appropriated by the Congress during this session for the current fiscal year.

In order to clarify the RECORD, I am inserting herein a letter from the Assistant Commissioner for Legislation, Dr. Albert Alford, of the Office of Education of the Department of Health, Education, and Welfare. You will note that Mr. Alford confirms my statement on the House floor that the President had no choice but to obligate the expenditures of all the moneys appropriated by reason of the law and his agreement with the Members of Congress.

The letter follows:

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
OFFICE OF EDUCATION,
Washington, D.C., March 25, 1970.

HON. BENJAMIN B. BLACKBURN,
House of Representatives,
Washington, D.C.

DEAR MR. BLACKBURN: In response to an inquiry by Mr. Drew Tidwell of your staff, let me state the following facts as I understand them relative to the appropriations for Impact Aid for Fiscal Year 1970.

The President had originally requested $187 million for Fiscal Year 1970 for Public Law 874. The first appropriations bill passed by the House and the Senate agreed on a figure of $585 million for the program. After vetoing the first appropriations measure, and

after his veto was sustained, the President recommended $425 million for this program. The House Appropriations Committee in reporting out the second bill recommended $505.4 million. This amount of money was agreed to by the Senate and sent to the President for signature.

The President in signing H.R. 15931 agreed to the conditions of the bill which required the full expenditure of the $505.4 million. This will be done and the figure has not been reduced as a part of the 2 percent overall reduction in the total appropriations.

It should be emphasized that while the administration would have preferred its earlier figure of $187 million or its subsequent offer of $425 million, it will obligate the full $505.4 million appropriation. The Administration feels that it is essential to amend the Impact Aid program to remove its inequities and has submitted the Impact Aid Reform Act of 1970 to provide the necesary changes. Hearings on this proposal are currently being held by the General Subcommitte on Education.

If the Office of Legislation can be of further assistance, please let us know.

Sincerely yours,

ALBERT L. ALFORD,
Assistant Commissioner for Legislation.

JULIUS HOCHMAN

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, on Tuesday, March 17, Julius Hochman died. Former vice president of the International Ladies Garment Workers Union and former general manager of the New York Dress Joint Board, as well as a founder of the Liberal Party, Julius Hochman was the true self-made, self-educated man. An immigrant to this country at the age of 15, Julius Hochman rose to intellectual and political eminence.

Julius Hochman was a man who took full advantage of the opportunities that America had to offer. And to his great credit, and to our great benefit, he fought to secure these opportunities for us all.

The following is the obituary memorializing Mr. Hochman's life which appeared in the March 21, 1970, issue of the New York Times:

JULIUS HOCHMAN OF I.L.G.W.U. DIES

(By Burton Lindheine)

Julius Hochman, a retired vice president of the International Ladies Garment Workers Union and former general manager of its New York Dress Joint Board, was found dead at his home, 321 West 24th Street, on Thursday. He was 78 years old and apparently died of a heart attack Tuesday.

Mr. Hochman served as a union official for 46 years until his retirement in 1962. He was widely known as an innovator in industrial relations, a crusader for new techniques in collective bargaining, an advocator of style promotion and a specialist in adult education and the problems facing the aging worker.

In the nineteen-thirties, he was a strong proponent of the Congress of Industrial Organizations in his union, and some of his critics suggested that his huge eyebrows sometimes made him think he was John L. Lewis, the late leader of the Mine Workers Union.

BORN IN BESSARABIA

He was born in Bessarabia Jan. 12, 1892, and came to the United States at 15, having already served for three years as a tailor in Europe. He joined Local 23 during the great cloakmakers' strike in 1910 and embarked on a systematic program of reading that ranged through the social sciences and the arts. He later supplemented these studies with courses at the Rand School of Social Sciences and Brookwood Labor College.

In 1916, the union became a constant concern and the welfare, health and happiness of 100,000 dressmakers of the New York Dress Joint Board, and his chief goal.

Mr. Hochman began as business agent of Garment Workers' Local 25, then became an international representative and organizer in Chicago and a manager for the Dressmaker Union here. In 1923, he led his first general strike in New York and later was a striker leader in Toronto, Montreal and Boston.

In 1929—after a Communist attempt to seige control of the union was smashed with his aid—he became general manager of the Dress Joint Board. He had been named a vice president of the international union in 1925.

Under Mr. Hochman's leadership, dressmakers won the 40-hour week in 1923. In 1941, he called on employers to eliminate production and managerial waste and drew up the plan for a large-scale promotion campaign focusing on the creation of the New York Dress Institute.

He led the dressmakers' strike here in 1958 and afterward left the Dress Joint Board to direct the union's new label department. He retired from union activity in 1962.

As an industrial statesman, Mr. Hockman developed a rate schedule for garment workers to minimize the impact of inflation and helped to set up an elaborate arbitration system.

LED AMERICAN LABOR PARTY

Active in politics, Mr. Hochman had been a leader in the American Labor party and, when the Communists took over that party, helped to create the Liberal party. He was also a leader in aiding Jewish victims of World War II and had been a vice president, vice chairman of the executive committee and a director of the World ORT Union.

Because of his broad cultural interests, his preoccupation with the life of the mind and his consuming interest in the works of Dr. Sigmund Freud, the father of psychoanalysis, Mr. Hochman was sometimes called "The Professor" by colleagues.

For his part, he saw no paradox in the fact that a labor leader had intellectual interests. Indeed, he was convinced that the philosopher and the labor leader have a common denominator—creativity.

He once lectured to a group of doctors on a thought suggested by a footnote in the writings of Freud. The lecture dealt with the retirement of the aged—to which he was opposed—and became a part of his book "The Retirement of the Aged," published in 1950. Mr. Hochman's books also included "Industrial Planning Through Collective Bargaining" (1941) and "Why This Strike?" (1936).

ADM. JOHN S. McCAIN, JR., OUR DISTINGUISHED COMMANDER IN CHIEF IN THE PACIFIC

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, the March issue of Reader's Digest carried an excellent article on one of the great military leaders of our time, Adm. John S. McCain, Jr., U.S. Navy.

He is currently serving as Commander in Chief Pacific. Admiral McCain has appeared before the Armed Services Committee on numerous occasions, and has set a high mark for his candor on difficult and frequently controversial diplomatic and security issues. I admire and respect Admiral McCain for his courage and inspiring leadership during these troubled days in the Pacific Ocean areas. He is a leader with conviction. He keeps an open mind and a sense of humor.

Mr. Speaker, because so many of our Members know Admiral McCain and hold him in such high regard because of his distinguished service here on the Hill as chief of legislative liaison for the Navy, I felt the profile in Reader's Digest should be included in the RECORD and I recommend it to all Members. Here is one of our great military leaders, and we can be proud of him.

The article follows:

SENTINAL OF THE PACIFIC—JACK MCCAIN, THE GINGERY WARRIOR-DIPLOMAT CHARGED WITH PATROLLING THE BIGGEST BEAT IN MILITARY HISTORY

(By John G. Hubbell)

The scene at Hickam Air Force Base, Hawaii, could have been written for James Bond. The last three numbers on the big jet are 007; its pilot's name is Capt. Harold Liberty. The interior of the plane is a marvelous complex of teleprinter machines spewing forth an endless stream of intelligence, alongside a battery of telephones by which instant contact can be made with the White House, the Pentagon, or any other major U.S. command post on earth, sea or in the air.

A black limousine rolls planeside, and there emerges a figure who couldn't possibly look less like James Bond—a silver-haired, slightly stoop-shouldered, cigar-chomping wisp of a man, whose responsibility for free-world security would give pause to any fictional hero. This is CINCPAC—Commander in Chief Pacific—Adm. John S. McCain, Jr., 59, boss of all U.S. military forces in an 85-million-square-mile area from the west coast of the Americas to the middle of the Indian Ocean—the largest single area of military responsibility in history.

Primarily, the McCain job is to defend the United States against attack through the Pacific region, and to protect our vital interests throughout the Far East. More than 300 million free Asians depend to a large extent for their continued freedom on how well he performs his mission.

ON PATROL

McCain walks quickly to the plane and embarks on a patrol of his long beat. This time, there will be a Southeast Asia Treaty Organization military-representatives meeting in Bangkok, Thailand, then another close-up look at the Vietnam war. "The communists have chosen to make Vietnam the testing ground for their so-called wars of national liberation," he says. "If they can make this kind of aggression work there, we can expect to be faced with more such wars elsewhere. We are there to prove to them that it won't work."

CINCPAC's "incoming mail" basket holds more than enough to occupy McCain's attention while he is on the plane. The continuing program of Vietnamization and American troop redeployments will reduce authorized U.S. strength in Vietnam to 434,000 men by April. For McCain, this means endless hours of attention to logistic details and frequent meetings with Gen. Creighton W. Abrams, commander of U.S. forces in Vietnam.

In addition, broad strategic decisions must be evolved concerning developing patterns in McCain's area of responsibility. Chief among these are the now significant Soviet naval presence in the Indian Ocean, and the planned British military withdrawal from

the Far East in 1971. McCain worries. The strategic importance of the area is symbolized, he points out, by the Malacca Strait, the gateway between the Indian and Pacific oceans, and a vital commercial lifeline.

He plows on through the morning's intelligence, learning that communist guerrillas are stepping up insurgency activities in Thailand, Laos and Burma. There has been more shooting in the Korean demilitarized zone where North Korea's belligerent dictator, Kim Il Sung, is keeping the pressure on.

McCain broods over each report from the immense, seething Command, wrings facts and opinions from staff officers, debates with them, fires off requests for more intelligence and judgments. Then, shirtsleeved, his tie loose, he roams the aircraft, chatting easily with everyone. Says a yeoman who has worked for McCain for years, "You always have the feeling that you are really involved in helping to get big, important things accomplished. Besides the work, he always wants to know what everyone thinks. I've seen him keep a V.I.P. waiting while he finished a conversation with a cabdriver."

McCain never misses a chance to talk to combat troops. "The enlisted man is the most important individual in the entire Defense establishment," he says. "Everything else is in support of the kid who stands on a piece of real estate with a rifle in his hands and says, 'This is mine.' "

CINCPAC pulls a navigator's watch from his pocket. Noting the time he frowns: the 500-m.p.h. flight is too slow. "I wish," he grumbles, "that I could get my hands on one of those Apollo capsules!"

MAKING OF A SEA DOG

Jack McCain has always been in a hurry. The first of three children, he was born in Council Bluffs, Iowa. At 16, he won a Presidential appointment to the Naval Academy at Annapolis. "That," he says, "was the last time I shone scholastically."

Midshipman McCain, although he was the youngest and smallest of plebes, lost no time in winning attention. He was given to taking unauthorized midnight leave, and spent much of his four Naval Academy years in contention with authority and working off massive doses of extra duty. Graduating in 1931 near the bottom of his class, he was not considered an outstanding candidate for success. He was ordered to the battleship *Oklahoma*. The battlewagon's size, range, and firepower imbued him with a sense of the real meaning of seapower. And since junior officers were in constant contact with enlisted men—forcing them to develop as leaders—Ensign McCain began becoming an officer.

In the middle 1930s, McCain volunteered for submarine duty, and applied a meticulous vigor to learning the undersea warfare business. Then, despite his earlier performance at the Naval Academy, he was ordered there as an instructor in electrical engineering and physics. To take on the midshipmen, he prepared himself as carefully as for war. "I learned a lot more about leadership during that stretch," he says. "One thing I had going for me was that I knew all the angles and tricks. The lads learned soon enough never to try to hoodwink an old hoodwinker."

By the time the United States entered World War II, McCain had his first command, the submarine O-8, a World War I boat used for training at New London, Conn. In August 1942, he took command of the newly commissioned submarine *Gunnel*, and helped guide the assault boats to the beaches during the North African landings. He later made five war patrols in the Pacific, where he sank 21,000 tons of enemy shipping and a Japanese destroyer.

Then came a postwar tour of duty in the Records Section of the Navy's Bureau of Personnel. "I was *mad* when I got that job," he recalls. "It seemed like a *dull* assignment. But later I was grateful, because it familiarized me with the problems of personnel administration, which is a tool worth having if you are to deal successfully with large numbers of people." He ended that stint by submitting a long paper to the Chief of Naval Operations, advising that the most effective way to make young officers ready for high command would be to take them out of their air, surface or submarine specialties, and provide them with across-the-board training and experience. This revolutionary concept caused a great, angry stir and was summarily discarded. It has since been adopted in all the services.

Later, as a captain in the Pentagon, McCain outspokenly deplored the fact that the Navy seemed to be a collection of separate, rival services. He rounded up six other like-minded captains, and they met weekly to trade ideas aimed at unifying the Navy. McCain's forthright attitudes drew the admiring attention of the then Chief of Naval Operations, Adm. Arleigh Burke, who thenceforth required the captain's presence at the frequent meetings he held with his top admirals.

"THEY RESPECT YOU FOR IT"

By late 1958, McCain was himself a rear admiral and the Navy's chief liaison officer on Capitol Hill, where he proved himself a persuasive spokesman. When the Navy won a hard fight for the restoration of funds vital to its aircraft-carrier construction program, a group of officers congratulated Secretary of the Navy William Franke. "If you think I'm responsible, you're wrong," Franke told them. "It came down to one man—Jack McCain."

In 1962, just as the Cuban missile crisis was getting under way, McCain became Navy Chief of Information. During the crisis, military men were prohibited from discussing it with newsmen. McCain would plant persistent reporters on a couch in his office and, cheerfully ignoring their pleas for information, would regale them for hours with detailed lectures on the then budding but little-recognized (now fullblown and fully recognized) Soviet naval threat. "I didn't want the missile crisis to be a complete waste of time for them," he says with a grin. "I wanted to help with their education."

In the spring of 1965, as a vice admiral commanding the Atlantic Fleet's amphibious forces, he displayed his ability in spectacular fashion when President Lyndon Johnson ordered him to isolate the Dominican Republic, which was undergoing a political upheaval, until order was restored. Moving with lightning speed, McCain clamped a tight military vise on the country. "Some people condemned this as an 'unwarranted intervention,' " McCain says, "but the communists were all set to move in and take over. People may not love you for being strong when you have to be, but they respect you for it and learn to behave themselves when you are."

McCain's next assignment was as military adviser to the U.S. Ambassador to the United Nations, at that time Arthur Goldberg. Then came two years as Commander in Chief U.S. Naval Forces Europe. When the quietly brilliant Adm. U.S. Grant Sharp retired as Commander in Chief Pacific in mid-1968, Jack McCain was the logical choice to succeed him.

Although he is the son of an admiral (who died a few days after World War II ended) and perhaps the nation's leading exponent of seapower, McCain is a violent advocate of inter-service cooperation. "One thing several wars have taught us is that teamwork is absolutely vital," he says. "If we are going to do our job effectively, we had damned well better work as a team. In Vietnam, we have been doing just that."

To keep the Pacific team on its toes, McCain pops constant phone calls and unannounced visits on his component commanders. "He's always got plenty of ideas and questions," says one officer, "and you'd better have the answers ready."

Nonstop Mission. Making his Pacific rounds aboard the 007, McCain lands in Bangkok and spends days conferring with SEATO allies. Then he flies on to Saigon to meet with Gen. Creighton Abrams. He is Abrams' immediate military superior and is in virtually constant communication with him, but is appalled that anyone might think he would tell Abrams how to manage the war. "That would be like telling Babe Ruth how to hit home runs," he says. He helicopters and walks miles through the battle zones, observing and talking to the troops, explaining to them why it is necessary that they by there, how proud he is of them and the job they are doing, how eager he is to get home.

(He hopes the war may be brought to an early and successful conclusion for a personal reason, too: his son, Lt. Cdr. John S. McCain III, 34, a naval aviator, has been a prisoner of war in North Vietnam since October 1967.)

Then, after 12 exhausting days, there is a long, working flight through ten time zones back to Hawaii. It is noon when the McCain troupe lands at Hickam. Some of his staff are in a daze. Not CINCPAC. He strides from 007, a man absorbed in his mission, shouting through his cigar, "Let's get up to the office and get some work done. We've got to get out and deal with that Okinawa situation on Friday, and while we're at it we may as well go on and look at Korea."

THE LATE ROBERT W. STANLEY, MANAGING EDITOR OF THE AMSTERDAM, N.Y., EVENING RECORDER

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, earlier this month my home city of Amsterdam lost one of its truly great leaders, Bob Stanley, managing editor of the Amsterdam Evening Recorder. Bob Stanley's editorials were read and pondered by every citizen of our community. He called the shots as he saw them, with clear vision, with courage, with wit, sometimes sharply, more often compassionately, and always in an arresting and stimulating fashion. In many ways Bob Stanley, with his pen, led the way to the new Amsterdam that is now growing on the banks of the historic Mohawk River.

All of us have lost a real friend in Bob Stanley's passing. To honor his contributions to our city and our country I include herewith an editorial on Robert Stanley from the Amsterdam Evening Recorder of March 5, 1970:

OUR LOSS AND YOURS

The Recorder feels deep loss in the death of Robert W. Stanley, who has been our managing editor and editorial page spokesman since 1953, and we are sure the community senses the void his passing leaves.

Bob Stanley was managing editor in a period which saw Amsterdam plunge into economic depths and then begin the long process of hauling itself up by its bootstraps; he was managing editor during the period when Amsterdam began to remake itself from an old city to an exciting modern one, with glistening future. He was not just an observer. His editorials often showed the way when the path ahead was not easily discerned. His words lent encouragement when it was needed; they could be scathingly critical if conditions or a situation seemed to demand this approach, but one of his staunchest beliefs was that The Recorder editorial voice must never become a common scold.

In his work he was a perfectionist, probably partly due to his background in the printing trade, and nothing pained him more than a sloppily written news story or a typographical blunder. His career was in keeping with the best traditions of a long line of distinguished Recorder managing editors, including his immediate predecessor, the late Earl O. Stowitts, whom many still remember fondly.

Bob Stanley's colleagues at The Recorder and the circle of friends who knew him best found him to be warm, understanding and intelligent, always ready with a quick and witty quip and possessing a real zest for living life to its fullest.

We at The Recorder extend our heartfelt sympathies to Bob's wife, Helen, and to their daughter Mrs. Robin B. Welch.

Perhaps our editor wrote his own epitaph best in an editorial, Growing Old Gracefully, published only yesterday. It ended in this manner:

"So what to do? Sit back and wither in our rocking chairs? Certainly not. Live life to the fullest possible—that's what. This leaves less time for staring into the mirror and worrying about that latest wrinkle."

TWO YOUNG LEADERS OF AMSTERDAM, N.Y., LOOK TO THE FUTURE

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, we often wonder what our young people really think about their home communities, and their Nation. We are often concerned about whether they will be able to take over their share of the leadership in the days ahead.

At a recent dinner meeting of the John F. Kennedy Club in Amsterdam, N.Y., my home city, I had the privilege of hearing two outstanding young people of Amsterdam give their views of what the future holds.

John Allen, a student at the Lynch High School and Janet Messineo of Bishop Scully High School were the speakers. Because I was so impressed with their remarks, I include here an article from the Amsterdam Evening Recorder, summarizing both speeches, and also the text of Mr. Allen's remarks. I believe you will find them most interesting.

The material follows:

KENNEDY CLUB LEARNS WHAT'S ON MIND OF YOUNG PEOPLE FROM TWO SPEAKERS

"Don't poor mouth Amsterdam." This was part of the advice given by Lynch High student John Allen to members and guests at the second annual J. F. Kennedy Club installation dinner-dance, Saturday night at St. John's Hall.

Allen and Bishop Scully senior Janice Messineo were the guest speakers and they spoke about parents, families and the city of Amsterdam.

Correlating with a scene from the musical "Carousel," Allen touched on three topics: "A star, a slap and some advice."

Asking the people present if they had ever seriously looked at the city of Amsterdam by starlight, he said the one star on which most young people here want to hang, is the star of optimism.

"Young people may not sound optimistic when you hear about the bomb, drugs and no rules," he continued. "But they really are. They make plans for the future, marriage, college and are trying to earn money in order to own things. He urged the adults not to lose the happy outlook of youth.

Allen told the adults present to "scold us for not speaking well of our city," as he touched upon the slap. "We hear too much about the good old days in Amsterdam," he said, charging the people to look toward the future and "praise our place."

The young Lynch senior cited the "two hospitals, Clare Bacon School, new schools coming, the Truway exist, a newspaper that helps the YMCA, Veterans' Park" and forthcoming apartments as examples of what is making the city grow.

"Believe that Amsterdam is improving and can improve in the future," he told the people.

SOMETHING IN COMMON

Janice Messineo spoke about "something we have in common, the United States of America."

Talking about the recent riots that have run rampant from coast to coast, she said, "Mabye the rioters don't know about the three virtues which built our nation."

"First there was hope. Pilgrims came over hoping for a new freedom: freedom of religion and they found it."

"Then there was faith. In the next decade, men had faith they could build a better nation, faith in themselves and in their country. They fought, sweat and died for this faith. Men like George Washington, Thomas Jefferson, Alexander Hamilton and Benjamin Franklin."

"These men also hoped and they saw their hope and faith rewarded with a Declaration of Independence, a new Constitution, a new nation: the United States of America. Faith was borne."

The last of the three, she cited, was peace. "This virtue was a little harder to obtain. When the United States entered World War I, II and the Korean War, the goal was peace. It's true the men killed and were killed. They destroyed and were destroyed, but at long last, peace was borne.

"What have we now?" she asked the audience. "What virtues are the driving force in our countries?"

Answering her own question, she said, "It can't be hope. People today feel we have everything. We don't have to hope anymore. We don't even have to care. Selfishness was born. It can't be a drive for peace. Oh, they cry for peace, but won't fight for it."

"Those of you who still feel these virtues, pass them on. By being the best possible citizens, we can revive hope, faith and peace and then, maybe, we can once again start the flame of pride burning in the hearts of Americans."

Supervisor Thomas McNamara, toastmaster, said, "We should be proud of our youth," following the speech. "I think we have proven here tonight we do have good youth in Amsterdam."

REMARKS OF JOHN R. ALLEN AT KENNEDY CLUB DINNER, FEBRUARY 21, 1970

For a moment would you imagine with me a scene from the musical "Carousel".

The scene is in the backyard of heaven, the time is anytime and the characters are Billy, a young man who has just committed suicide because he couldn't support his wife and he found out that his wife is expecting a child, and a character called the Starkeeper, a wise old man. As the scene opens, the Starkeeper is seen standing on a ladder, dusting stars on a celestial clothesline. The Starkeeper immediately begins to question Billy and he asked him if he would like to go back to earth for a day to finish any unfinished business that he might have. Billy flatly refuses. He is afraid to go back. In the course of the questioning Billy finds that his child has been born and that it is a daughter. He also learns that she is now 15 years old and very unhappy and needs help very badly. Immediately Billy wants to go back down to earth to help her. He takes with him a star to give to her, thinking that might make her happy. She is afraid of the star and when Billy offers it to her she refuses it. Billy gets angry and slaps her. The next time we see Billy, he is at his daughters graduation and here he meets a new character, Dr. Seldon, who looks very much like the Starkeeper. He gives the graduating class some advice.

To-night I would like to give us three things from "Carousel" that we can learn something from. They are a star, a slap and some advice. The star is the kind of optimism that young people always seem to have. The slap is to help us stop a bad habit that we all seem to have here in Amsterdam. The advice is to have faith that Amsterdam has a bright future.

First let's talk about the star. For a moment let's go back to the story of "Carousel". The Starkeeper has a star hung over Philadelphia to beautify the city. A good example of stars beautifying a city can be observed by anyone happening to travel the Thruway and pass Amsterdam at night. The stars overhead make the city a beautiful site. But the star that I would like to hang in Amsterdam is one of youthful optimism.

You may think that the youth of today do not exhibit many optimistic qualities. This is because, unfortunately, the youth we read about in the newspapers are the minority that speak about the end of world coming soon and that the bomb will kill us all, that drugs are the only way to get away from reality and that we need a society with no rules. But the majority of youth today are very optimistic and this is proven by the way they make plans. If you were to ask any high school junior or senior what he planned to do after high school for his future, a good percentage would say college, finding a job and then marriage.

The reason they go to college is so that they will have a preparation for the future, to meet the world and the challenges ahead of them. Just the fact that they plan ahead reflects their optimistic attitude. I would urge all of us to keep this happy outlook of the youth. Getting back to "Carousel" the girl was afraid to accept the star, but we don't have to be afraid because we know our star is good. The youth of Amsterdam have proven that to us.

Next the slap. The slap would be a warning against not to poor-mouth the city of Amsterdam. I like to scold all of us for not speaking well of our city at all times. We hear too much of the "good old days in Amsterdam" when the mills were in the city and everything was prosperous. But, let's face it, the mills are gone now. The people who worked in them have found new jobs, here in the city, or left the city.

Right now in Amsterdam we hear all the time that we have to get new people and new industry to move to our city. But being realistic, how can we expect people to come to a city whose own residents have nothing good to say about it. We can't. Also, we hear people say that we must keep the youth in our city, but in order to do so, the adults must boost the city to their children and make them want to stay. We must praise our place and make it appealing to ourselves and to others.

The third thing that we can take from "Carousel" is some advice and that is believe that Amsterdam has a bright future. In "Carousel," at the graduation exercises, the doctor says "you jest stand on yer own two feet. The world belongs to you as much as to the next feller. Don't give up! And try not to be skeered . . ." And who of us has to be scared about Amsterdam's future when we have: 1. Two hospitals. One practically new. 2. A fine school system. The Clara Bacon Elementary School is one of the finest in the northeast. People from all over the

eastern part of the country come to see it and witness the education process there. 3. The promise of a new senior high school. 4. The Thruway Exit. We may take this for granted, but of all the cities on the Thruway throughout New York State, Amsterdam is the only one with an exit within the city limits. 5. A newspaper that helps. The Amsterdam Evening Recorder trys to boost our city and not just wash its dirty linen. 6. The YMCA. 7. The Veterans Field Park and swimming pool complex. 8. The new low-cost housing development and we have the promise for more apartments to be built in the future. My advice to us is to believe that Amsterdam is improving and can improve more in the future.

Now, as in "Carousel," I gave us the *star*—the plea for an optimistic viewpoint, the viewpoint of youth; the *slap*—a scolding for down-grading our city; and I gave the *advice*—to believe in Amsterdam's future. But, we cannot do this alone. The youth cannot do it by themselves and the adults cannot do it by themselves. We must do it together.

In closing, I can't help but quote once again from "Carousel."

"Walk on through the wind, walk on through the rain though your dreams be tossed and blown . . . walk on, walk on with hope in your heart, and you'll never walk alone. You'll never walk alone."

PRISON REFORM: A PARTIAL ANSWER TO THE CRIME CRISIS

(Mr. NEDZI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. NEDZI. Mr. Speaker, the national increase in crime is, for ready reasons, a national preoccupation.

The law-abiding, peaceful citizen fears to walk in his own neighborhood at night. In our cities, particularly, one hesitates to travel downtown.

As we all know, the crime situation is not only bad in itself, but it has taken on a bitterly racial aspect. Crime is eating away at the precariously thin commodity of goodwill between the races. Crime and violence and the yen for reprisal are corroding the national ethic.

The United States must urgently and dramatically increase its investment not only in law enforcement and crime prevention, but in its corrections system. "Corrections" includes jails, prisons, probation, and parole.

The nationwide inadequacy of correction facilities, particularly for youthful offenders, is shameful to the point of scandal and disgrace.

Congress and the executive have not faced up to this problem.

I was surprised, frankly, that the report of the National Commission on the Causes and Prevention of Violence failed to include any recommendation whatever on prison facilities. A serious oversight.

It should also be noted that of the 13 major anticrime bills sent up by the Nixon administration in the first session of the 91st Congress, none related to the need to modernize our prisons and provide desperately needed facilities for hard-core juvenile offenders.

Furthermore, I regret that the President failed to mention prison reform in his state of the Union message of January 22, 1970.

The most overcrowded jails are located in metropolitan areas, but the need for action exists in every region of the country.

In my hometown, Detroit, one of the most respected men in the field, Judge James Lincoln of juvenile court, is faced with a heartbreaking lack of adequate juvenile corrections facilities. As a result, he must release hundreds of juvenile offenders, many incorrigible. They roam the streets, undetained and uncorrected.

Take Lorton Reformatory, well known to District of Columbia residents. It is not filled to 100 percent of capacity; it is filled to nearly 200 percent of capacity. No rehabilitation program has a chance in such circumstances. To the overcrowding add drugs, violence, homosexual rape, and the situation cries for our attention.

The young offender constitutes the largest and most virulent portion of the danger on the streets of our cities. His ricidivism rates are enormously high.

We simply must get them off the streets, then do a better job of saving them once they are off the streets.

Unless we obtain a national commitment on this particular aspect of the crime problem, no end to the crime spiral is in sight.

Any careful examination of the corrections complex will lead to the unhappy conclusion that "rehabilitation" is an empty phrase. Rehabilitation is nowhere a smashing success.

The first imperative is to isolate the dangerous and the incorrigible young criminals from society. The second imperative is to upgrade the people, the techniques, the facilities which make up the corrections system. An improvement in this aspect can have a multiplier effect in the other aspects.

There are now 1.3 million people under the supervision and restraint of Federal, State, and county corrections departments. One-third are behind bars, two-thirds under parole and probation. By 1975, the figure is expected to swell to 1.8 million.

Since experts agree that the Nation's prisons are the major breeding grounds for criminal careers, it is imperative that new efforts must be made at recidivism prevention.

I have studied this problem carefully. I have talked to judges, prosecutors, parole officers, policemen. Police morale is damaged by the revolving door system of the criminal courts in many jurisdictions. A policeman risks his life to make an arrest of a young, hardened, habitual offender, sees him released on bail, too often to commit more crimes, sees him finally tried and convicted, only to have a harried judge give him a suspended sentence. Inevitably, police are discouraged by this situation.

However, if the young offender who would be in jail but for the absence of suitable facilities, is put in jail, crime would decrease appreciably. In Detroit, for example, the jailing of 200 such offenders would decrease crime 25 percent, Judge Lincoln tells me. Police morale, and efficiency, would improve markedly.

UNMET PRISON NEEDS

The National Council on Crime and Delinquency took a close look at many State and local prison facilities in 1968, and found that an astounding 93 percent of all juvenile courts have no separate juvenile detention facilities. In Illinois, for example, only nine juvenile detention homes exist for the State's 102 counties, and only two of these are considered to meet reasonable standards.

Chronic overcrowding exists in both juvenile and adult facilities. One direct result is that law-abiding citizens continue to be terrorized by those who are in their midst only because of lack of cell space.

The phenomenon is by no means confined to a single State or region. State and local governments suffer from an inability to finance needed improvements even where public officials have an enlightened and deep concern for the problem.

Not only is detention space inadequate, but adult and juvenile institutions which do exist are, by and large, very old and in unsatisfactory condition.

Dramatic evidence of prison inadequacy is found in a recent report cited by the Council on Crime and Delinquency. Federal jail inspectors found the following in considering 622 institutions in 27 states:

Twenty-three percent of these jails were built before 1900.

Nineteen percent were built between 1901 and 1920.

Twenty-two percent were built between 1921 and 1940.

Twenty-two percent were built between 1941 and 1960.

Thirteen percent were built between 1961 and 1966.

These are the conditions at a time when violent crimes have increased 131 percent between 1960 and 1969.

It is estimated that nearly half of all such facilities in this country are over 50 years old—well beyond what is considered reasonable use. A great many cells are poorly lighted and ventilated, and contain no sanitary facilities of any kind.

THE BREAKDOWN IN PROBATION AND PAROLE

A sound probation and counseling program often makes the critical difference in holding down the rate of crime. We find, however, that these services are severely hampered by the inability of State and local governments to adequately finance them.

The President's Crime Commission found in 1965 that one-third of the 250 counties studied had no probation service at all.

The Department of Health, Education, and Welfare reported in 1969 that there was a nationwide need for 44,468 additional professional staff, 34,587 probation and parole officers, and 1,976 additional training personnel. Perhaps more disturbing is the report that while 2,500 additional diagnostic staff are needed today, total recruitment of only 120 is expected because of the inability of States to offer competitive salaries and job benefits. Turnover of staff is very heavy.

Treatment and training programs, like the work-release concept, receive a very small share of corrections budgets. For example, in the District of Columbia Department of Corrections, only 5 percent of moneys available have been allocated for treatment and training programs de-

signed to rehabilitate offenders; 95 percent is used for the mere warehousing of prisoners. A change in emphasis is desirable.

A PROPOSAL

We have begun to recognize the need, but we have not yet made a significant commitment in attacking the problem.

I propose legislation calling for a total of $10 billion to be made available to the States, over the next 5 years, for improvements in corrections systems.

One billion dollars would be authorized for each of fiscal years 1971 and 1972; $2 billion for fiscal year 1973; and $3 billion for fiscal years 1974 and 1975.

The funds would be allocated to the States according to their respective populations, and would be in the form of matching grants, the States contributing 10 percent of the cost of juvenile-oriented programs and facilities, and 25 percent of the cost of adult institutions and projects. All corrections, improvements, and rehabilitative projects, including staffing costs, may be funded under these grants.

Local and State agencies would be required to submit programs to their respective State governments who would, in turn, present them to the Department of Justice. The State governments would be solely responsible for the administration of these projects, and for compliance with application and auditing procedures to be formulated by the Attorney General.

Any unused annual allocation would revert to a funding pool, from which additional moneys may be allocated to individual States on a showing of exceptional need to the Department of Justice.

The need is clear. It has been well analyzed. It is time for Congress to help the States do the job.

It is time to reverse the growing danger in our cities and in our prisons, and to restore to both offender and victim the opportunity to build useful lives in an atmosphere of security and freedom.

OUR MILITARY—TARGET OF A SMEAR

(Mr. RARICK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, Brig. Gen. Robert L. Scott, Jr., USAF, retired, is yet another of our true military heroes who understands the logical result of the subversive assault on our fighting men, and is touring our country trying to tell the story to the American people.

I include the text of one of his recent vital speeches at this point in the RECORD:

OUR MILITARY—TARGET OF A SMEAR

That there is a smear campaign there must be no doubt. For at least a decade everything possible has been done to destroy the morale of our Armed Services. Decision after decision by our powerful un-elected officials in our name—have sent our sons to fight for us in the hell-holes of the world. At the same time have not only refused them the right to fight and win—but have ordered them to lose. We have allowed such national disgraces as the *Pueblo* incident—not only failing our Servicemen but allowing them to be dishonored. Worse, we sat by and permitted respect for them to be eroded at home . . . by our own indifference, by our own gullibility—we helped destroy them.

No need to repeat other tragedies, we have learned to live with them so effortlessly they have become household words—our consciences are numb by now. Sum-up the situation by realizing we have been in a major war a long time, and have risked the lives of over a million men in combat without the military professional having anything much to do with the strategy except to die. We ordered them in—then denied them the same rights we gave the cowards and the demonstrators back home. Especially did we direct our air force not to strike military targets of the enemy, refused to let it touch much of the oil storage—made them literally sanctuaries, only three out of every ten ammunition targets ever struck . . . not because we could not have hit them—because we would not permit it. In fact—at least half of the identified top priority targets—strategic as well as tactical—declared "off-limits" . . . to our waiting airmen. More than a hundred vital positions—such as his (the enemy's) air defenses—SAM missile sites—*granted amnesty*. Over half his hydro-electric generating facilities likewise "sanctified"—sixty per cent of his transportation network awarded immunity. Do I need to add—*how in hell could we expect our sons to win?* We sent them in—then hand-cuffed them. . . . *Made them lose;* the only way Americans could ever have lost a war . . .

And, now we come to the lowest blow of all: *The lies of My Lai* . . .Communist lies—dug-up by our enemies as part of their sinister plan to help us help ourselves to *achieve* defeat. Because—should our military men insist on even defending themselves—and have to kill an enemy—*court martial them as murderers* . . . White Lieutenant Calley—Black Sergeant Mitchell . . . and on and on—to finally the last one to date—destroy the general who was there—we have to have high ranking scapegoats too . . . even if he has come back to be Superintendent of the US Military Academy at West Point . . . Oh—we don't need to worry about the draft as opposed to a volunteer Army, Navy, Marine Corps—or Air Force, Hells' Fire—no self-respecting man—no matter how dedicated would dare risk his honor—his integrity—his family's future—much less his life, in such a profession. Fellow Americans, make sure you write your senators and congressmen of that fact because I certify to you—as one who volunteered nearly fifty years ago—that you will never get any volunteers worth a damn for the type military professional you seem to want . . .

When I was a boy I would have crawled across the whole United States to enlist in the Army—with the ambition to someday wear the uniform of a West Point cadet. I'd have made the crawl over broken glass to know I'd wear the silver wings of an Air Force pilot—any wings, of any pilot in any of the armed services of our Country. I prayed for years for such ambitions to be fulfilled—and they were and now—this near half-century later—I wish to God I could feel the same way—because I have loved every one of my 34 years in uniform and each of the thousands of hours I have flown fighter planes and even the unarmed transport planes—in combat. Why, I came close to doing all those things I dreamed of . . . for the greatest Nation in all the world . . . The tragedy is—that here now I do not see how any young man would ever select a career in the Armed Services of the USA—and want to wear any of those hallowed uniforms . . . I believe there has been a systematic, meticulous, most subtle destructive campaign to destroy the very ambitions mentioned—by a ruthless enemy—. And a good bit of that campaign has been through the use or the co-operation of our own do-good society . . .

Either by positive plan of our enemies or as some kind of a "fringe benefit" by people among us—calling themselves: Americans—our military profession has been made a much maligned laughing stock. A trap for fools—a public disgrace. *Not that it is any disgrace*—I hastily stop to make clear—but with malice intended—it has been made to appear that way . . .

A couple of years ago, when I returned from one of my trips to Viet Nam—I was asked as a retired general officer from another war—to act as escort for eighteen dead heroes of this generation—their *remains*, my order said. So, I felt honored and brought them back home in those *pathetic plastic bags*. Then another form of dishonor—was soon apparent: We, those bodies of our dead—and I—had to virtually slip back as unobtrusively as possible—into our homeland. . . . Once, the land of the Free—and the Home of the Brave . . . Because I maintain that while those men were the bravest of any generation—we have ceased to be very brave back here—we who send them out—and refuse to see that they come home on their shields—in dignity . . . Why did we have to come that way? Because there was fear of demonstrations and maybe riots or a moratorium against the war in which those men had died . . . Demonstrations, sit-ins or something by small batches of misbegotten unkempt and disrespectful youth—whom our modern education and information and entertainment media keeps insisting over and over—as faithfully portraying the entire present generation. *That generation*—represented certainly in great part—by those fine brave men I brought home. Therefore, while my talk has been billed under the title: The American Military—Target of a Smear . . . It seems to me a more apt one might be: Pardon us—While We Slash Our Wrists—and Destroy Ourselves. . . .

That is exactly what we are doing with our My Lai and The Pueblo and what we make a profession of doing awfully well . . . We seem to have developed a self-flagellation complex; bedeviled as political masochists . . . Let us get down to the cold facts and not only admit it but shout it to the world. . . . *Peace—not war is our most precious gift to this world* . . . That and the last bastion of freedom left here . . . Yet, you can *pick* up almost any newspaper, listen to any radio program—look at any television; even part of what they call: entertainment, on the tube—and you will be assailed by a bill of fare of quite the opposite. We are told we are *warmongers;* that we are the *aggressors* in Vietnam—told so many times we get to thinking maybe we are. We sit courteously still while some of our political leaders—with as high offices as several senators say to multi-millions of us—*that we have brought all this misery upon the world and that collectively we should be ashamed.* That we are furthermore the persecutors of the Viet Cong and the poor innocent people of Hanoi . . . These men and even our do-gooders we permit to go to visit our enemies and damn their nation (our nation) and our men fighting for us—wield great propaganda because their words are shouted on the *major media networks*. Those three senators were then campaigning for the highest job in this land of ours—the presidency. Well, we neither nominated or elected either one—but others we never elected either—not to any political job—have kept right on managing our foreign policy and keeping our military professional from winning . . . One of them—McNamara, gone now from a Defense job to handling higher finances—set out with personal ven-

detta to destroy the integrity of the military professional from the private to the general—and from the looks of things—may very well have succeeded. Oh, I don't blame R. Strange McNamara or any of the others never elected—always appointed managers of our destiny—I blame ourselves for sitting still all that time and doing nothing more positive than watch.

When I came home from China in 1943—from my bush league war—leading the Flying Tigers and working under the command of a great general by the name of Chennault—I was given a parade in my hometown. A Robert Scott Day was proclaimed in my state . . . I never was permitted to buy a drink if I entered a bar . . . I was beat on my back so much in adulation and called a hero so often—I must have come to have the hallucination that maybe I was one . . . *How Green Was My Valley*—then. Now, how blighted is the return of the real heroes today! These modern Jobs of ours—our military come home.

Better men than we ever were—*giving up more*, magnificently trained and motivated—skilled in better weapons; denied a life at home in the best years of their lives. Sent abroad to a dinky little beach-head they could have stormed and enveloped in a week—with the correct strategy, instead, after they were there—ordered not to hurt anybody, not to fight to win . . . Finally, when he comes home, maybe in that plastic bag—we sit still and permit utter vermin to demonstrate against him. We sit still and indifferently watch the desecration of the flag the hero died for . . . Those who make it home, we sometimes watch him too, beat on the head until he is dead. There are those times,when he's already dead—and they cannot kill him again—we take part as idle spectators—as radicals and mobs kill his wife and family instead. We but stand in the wings and watch—it is a bad dream—it will all go away . . . Our Supreme Court will find a loop-hole as they make new laws to protect the anarchists we harbor among us . . . And again—I reiterate, WE, not the mobs are at fault. WE, not the Supreme Court—at fault. And that is why I am here—that and the memory that I lost many of my men in combat—back there two or three wars ago—and they can never speak again and so I must—for them. . . .

I repeat, peace, not war—not aggression either, is our legacy to this messed-up world. And I defy the enemy—the Communists abroad as well as some right here among us—to prove otherwise. No matter how the busy Communists have stacked the decks of world opinion along with some type American opinion here at home. Apparently stacked a good bit by some remote use of our news and educational media . . . using our own television tubes. . . .

As an old fighter pilot—and I suppose, no matter how young I feel—have to admit now to being an old soldier too—I certify to you with all my heart and soul that *nobody* ever assured any kind of peace, protected any loved ones, home and country . . . unless they were ready to stand up and fight—even be ready to die for that peace. It cannot be assured either by sending your brave men to fight and then refusing to permit them to fight—even when the enemy has used the unexpected guile of making that war the most unpopular war—here on our own doorstep, in all history. . . .

"The condition upon which God hath given liberty to man is eternal vigilence; *which condition—if he break;* servitude is at once the consequence of his crime and the punishment for his guilt" (a quote from John Philpot Curran—way back there in 1790—just after those first Americans had the courage to sign a paper called the Declaration of Independence—which I imagine was unpopular with the fainthearted—fair-weather Americans—then too).

Tonight, while it is a pleasure to speak to each of you and I thank you very much for giving up a few hours of your lives to be concerned enough to come and hear me—I am going to try and concentrate my thoughts from now on . . . primarily on Young America. Because no matter how important we may be as that Silent Majority—an older and more mature majority—every other American today is virtually a teen-ager . . . That adds-up to just about one hundred million of them—and the gap will be getting wider for a long time. Thus, it is imperative we get through to them. Not that we want to dictate to them—even change them—but to see that their real image is the one depicted on the media as their true representation. The one shown me on TV has evidently not been taught the truth . . . It seems to have learned that life is supposed to be easy and uncomplicated . . . That it must be changed drastically—right now . . . And changed ONLY as revolutionary radicals can effect that change. Let us assure this priceless generation that we know from experience that history proves otherwise . . . And anybody, any generation, any nation, any civilization—ignoring history, is doomed to repeat the mistakes of the past . . .

Again—why is this so important?

Surely we remember our first real confrontation with Communism? It was Korea . . . General William F. Dean—one of our Army Commanders out there—was captured by the enemy and tortured as a prisoner for over two years . . . Inhumanly, they almost murdered him—gradually, while the United Nations did nothing and our America did just about as much. At last, when General Dean was wasted away to near death—they used him more sadistically as propaganda to show the world how magnanimous Communists are . . . and announced they were releasing him. So he was escorted to the seventeenth parallel, or someplace like that—where he'd walk across a bridge to freedom at last . . . Oh, how General Dean could taste that freedom—he could not suppress a smile in his anticipation. That was when the Red Chinese psychologist, one of a team or torturers that had been trying to break him and make him confess for those years—said":

"General, you grin at leaving our hospitality. Don't you know we will soon be with you again? You see, we don't need you any more—you have served our purpose. But we are going to capture your country!" . . .

When General Dean asked how—the Communists replied:

"We are going to destroy the moral character of a generation of your children. When we have finished with them—you will have nothing with which to defend yourselves against us." . . .

Sinister words? Spoken brazenly as a programmed threat to our civilization. And has there not been such a plan carried out??? More and more demonstrations every month since then . . . university campuses taken over—antiwar, anti-American—anti-anything marches . . . More and more dope addicts among the young . . . Therefore, if we believe the press and the radio and TV—combine—we have had it . . . Well, I do not believe it yet—that this generation is gone . . . Oh, for some reason I think the mass media has used a selected few as *sensational examples*, or examples of their much needed "sensationalism' if you want it that way—enough to make many of us believe that this generation is represented and has been twisted and destroyed as that Chi-Com Psychologist claimed . . . But, *I still have faith that the great majority of our young Americans have moral and patriotic character as fine as any other generation.* Because regardless of what most of the media depicts as representative of that crucial generation *over all*—I have faced a good many of them on those more than two hundred college and university campuses—and while I always met some radicals—I was always of the opinion that the great majority were fine Americans—believing in the same things I believe in. More than that—I have visited Viet Nam—been where the action is—and visited the real heroes—the black ones—the brown ones—and the white . . . *That generation is all right*—maybe it is the control somebody, other than a real American patriot has over the mass media that is all wrong . . . Seems like Vice President Spiro Agnew feels about the same way—if I interpret correctly what he was talking about a few months ago . . .

Then, as recently as March 15th—TV news commentator Howard K. Smith made a candid admission that he believes there is a pro-liberal network news bias. Mr. Agnew recited this same bias . . . put it as strong as possible that such bias distorted the political debate necessary in our nation—and openly criticized what he called: the "unelected elite" . . . which day after day presents its narrow interpretations as the only interpretations. Then, we can never forget how instantly—the three presidents of NBC, CBS and ABC—fairly leaped to their own defense on their own network's prime time. Over and over they repeated the charge that the Vice President had advocated censorship of the untouchable press and other news media . . . accusing Mr. Agnew with every innuendo of the *big lie* technique of the Nazis and the Communists . . . Surely to cloud the real issue which had been honestly raised by our Vice President. . . .

Mr. Agnew went out of his way to say that night when it all started that he was opposed to censorship. That, of course—was months ago . . . So now when Howard K. Smith comes along—who by his own admission is *slightly* left of center—at least a "semi-socialist", he says . . . and admits he is deeply concerned that the preponderence of a *uniform, dogmatic, liberal* bias does exist on network radio and television and in the press—and it is bad for them (the networks) as well as the nation . . . I figure Mr. Agnew ought to be smiling. . . .

Howard K. Smith continued to insist that this strong bias conformed to a rigid liberal party line in which network newsmen were primarily interested in pleasing each other and the editors of the New York Times and the Washington Post. They concentrate on the militant blacks and the new left white zanies—they depict irrational radicals as perfectly normal protests—and worst of all, they represent present day youth as being the image *in-toto* made by that hairy, dirty and uninhibited one or two per cent we see so often. All this projected into our family lives each hour on the hour on that educational and entertainment Boob Tube.

This last is what I fear—not that this generation has departed us. . . .

A few weeks ago I had the privilege of helping make awards to the Five Outstanding Young Men of my home state of Georgia. . . . Considering that these Americans were all extraordinary and they most likely represented the other young people of this generation—I confidently expected the news media down there in Central Georgia—and even the wire services—to advertise proudly the accomplishments of those honored five. . . . One, a US Congressman, another is president of a life insurance company, the third at just over 30 is Director of Personnel for the Trust Company of Georgia. . . . Number four, a young man, less than thirty—by the name of Nolan Murrah, Jr., vice president of the Royal Crown Cola Company. And last—a young man named Don Smith—who at thirty has

served three years in Viet Nam—is now a quadra-plegic—totally paralyzed except from the neck up . . . legs cut off—imprisoned forever in a wheel chair. Who, regardless refuses to accept defeat, no matter what the nagging pain which is with him all the time—physically and mentally. A resident of the Veterans' Hospital in Dublin, Georgia. *Yet*, with all those strikes of fate against him—Curtis Donald Smith was named Citizen of the Year in 1969 by the Laurens County Civitan Club. . . . Also, last year—was Honorable Coach of the NCAA Basketball Tournament—for his work with young people. All that and Don Smith paralyzed except in heart and soul and will. . . . Has himself lifted in his wheel-chair to the top of a truck each day and coaches his football teams and inspires young Americans to still love this great Country. . . . He is those kids' Coach of All The Years—and that was why the Georgia Junior Chamber of Commerce selected him this year.

What I am getting to is that I was surprised after that Saturday night affair in the Macon Coliseum.—*Sunday morning* and on and on—there was never a mention by the radio or television or the press of either Congressman Williamson S. Stuckey, Jr., Donald K. Miller, Wade Truetlin Mitchell, Nolan Murrah, Jr., or Curtis Donald Smith—all of whom—I maintain do represent this young America. YET—that same blind or deaf or indifferent—or worse, media *did have time and space to* print across their front pages and clutter the airwaves with the accomplishments of the Chicago Seven—sentenced the day before by Judge Hoffman for destroying the dignity of his Court—for making obscene threats to both himself and this Country—making a mockery of justice. . . . So, I am forced to ask you and ask this media I condemn—why? I could understand something more important taking such from the front page—maybe they ran out of prime time . . . yet there was time and space for that filthy seven—they were presented "hot mikes" on national television—at that time which I think costs about six thousand dollars a minute . . . to blaspheme over and over their sordid threats to some sixty million watchers of the tube. . . . Thus public opinion and world images—are molded again the wrong way. . . . Are we fools?

So, back to the more appropriate: Pardon us—while we help get rid of our civilization. . . . *We are responsible*—not the combine of Press and TV and Radio . . . because we sit and stare and indifferently let a little bit more of America go down the drain each day. . . . It is high time we faced the facts of life. Don't we realize yet that we have one real positive sadistic enemy striving and plotting each second to destroy us? Dedicated and willing to wait a hundred years for his way—if he has to. *Communists are absolutely confident* they are going to supersede our civilization as they destroy us. Why are we set on helping them all we can? We are doing just that—watching it destroyed all around us by people who call themselves Americans. One more example—all right!

Take this thing our eager news media call The Massacres at My Lai. Another Communist tactic . . . The real battle for Viet Nam never has been fought offensively in the rice paddies, the jungles or the villages of that sad country. But right here at home in the press and on the air waves with all the super-educational technology of television. The Communists decided long ago never to face us openly. They knew we would never attack them first—we have promised. So, give us enough rope and we will hang ourselves *in their own propaganda*. What a statement, but think about it. They dug-up the evidence at My Lai—honestly it first appeared in the *Daily Worker*. Then was picked-up by our media with all the eagerness of a victory in Viet Nam. All the while the Commies must have sat back and laughed at us—getting the knife in our own back and doing a little twisting.

Oh, I don't blame them for fighting that way—everything is fair in love and war—you know. They never lose a Russian or a Red Chinese and we run around flailing ourselves—and losing good Americans. I just blame our gullibility for falling for the ruse. I feel sorry for us, we should have gone on and won and the hell with world opinion. I realize bad things come out of wars. There never has been one where troops under the stress of battle did not commit acts they never would have committed under more favorable conditions of human understanding. But these have not been favorable conditions . . . Dammit, we are war—whether our striped-pants diplomats admit it or not.

In World War Two—I was a fighter pilot commander—I led hundreds of combat missions against an enemy—I killed a good many of them . . . in the air—in aircraft which were killing our allies down below and doing their best to kill me and my men. I killed more of the enemy on the ground—who were also trying to kill me and my men . . . Most likely I killed some women and children. I won't act tough and say such a thing was an honor and I am happy about it . . . I hope I have always been and still am a compassionate human being. But what I did under the circumstances of combat—I would do again and again—*against an enemy of my Country*—do it right now and never have any guilt complex or any remorse. Therefore—am I not just as much a *murderer* as either black Sergeant Donald Mitchell or white Lieutenant William Calley of Pinkville—Song My—My Lai? Or, as much as any other of those American military scapegoats who were sent out there to fight for us—and to whom it was: *Kill or be Killed*. And I mean that whether that enemy was male or female—old or young.

Here we stand with a self-assumed national guilt some of our leaders have told us to share—collectively. We are sort of urged to slash our wrists and pay penance—maybe hang ourselves as a nation—all the while brave men we let go out there and represent us—led to the block that WE may be expurgated for our national "crime". Why can't we see it for what it is—clever propaganda—and get so mad we would see the light and do something about that very real "mortal enemy" of ours. But, against our own soldiers. I feel sorry for us. The American Military Forces are under attack on so many various fronts that it is almost impossible to follow the machinations of a ruthless enemy. We can understand the foreign one—but the far more dangerous one here at nome defies our contemplations.

Good officers and men leave the Services in disgust and disappointment. Among us here at home disrespect for the Military has been encouraged. Sure, it is part of the enemy campaign but nevertheless do we have to promote it? It is a facet of the combat technique of the enemy. That enemy knew it could not defeat us by any stupid *"Marquis of Queensbury Rules"* as our foes had used in the past—more or less conventional with guns and bullets and bombs and trained men. So they found a way with propaganda and lies and treason. Hear this eye witness account of the way things have been in Viet Nam . . . things you most likely never heard or saw in any of our news media because *they were not sensational enough*.

Quotes by our sons—who were there: "We would take a village from the C.V.C. . . . there would be nothing but old men, women and children. . . Where were the young men? They were with the VC. . . . We would search the native hutches for weapons because we had been fired on from that village many times. Some of us had been wounded there and some of us killed. . . . Well, when the sergeant led some of the men into those huts—Claymore mines would go off . . . and they'd be blown up—my buddies and the sergeant. A little "old lady"—sitting on her hutch-step, was also sitting on some strings—which she tugged when she saw our men go into the right hut. Off would go the mine. Even innocent looking kids were used by the Cong. Any time you see a kid holding out his arms to hug you—grinning at you—begging for candy. Look out! The chances are he's carrying a bomb in a little old box—or a grenade. He's been taught by the V.C. to pull a string too—or the pin—soon as he has his arms around your neck—hugging you, or is well within your group of laughing G.I.'s All he wants to do is give the Yanks a surprise. Sure, the kid blows-up along with whoever your buddy was—but he doesn't know that—the Cong didn't tell him. *This is one hell of a war!"*

Back when I came home from my war—there in 1944, there was quite a different reception for me—; compared to the one handed out today. What the modern day Serviceman has to face astounds on old soldier like me. It is as though some "American Cong" was entrenched back here to bring about another kind of surrender of our Armed Forces. Peaceniks marching with Commie flags—signs that say "Freak the Army"—if they can't get to the G.I.—they sometimes get to his family. There's a defense fund raised to defend "servicemen" who refuse to participate in riot control training. By propaganda the G.I. is told over and over he cannot trust his own government. The anti-war congressmen and senators become more and more active and must be hearing the draft card burners loud and clear. There is no doubt in my mind that the Serviceman's worst enemy is right here at home—the one that has been at his back all while he was over here.

One more thing—during the last two years as I visited all those colleges and universities—elementary as well as high schools—I became convinced we need some of those things the press calls: moratoriums, all right. I agree with the National Commander of the American Legion—Milton Patrick says we desperately need a *moratorium for the USA*.

In this decade we have just entered we will observe the 200th Anniversary of our Country. That is—if we are around as a nation—to observe it. Which brings to mind that a former justice of the Supreme Court said: "history shows that the first evidence of each society's decay appeared in the toleration of *disobedience of its laws"*.

Well, our nine Justices in those black robes have done a lot of changing of opinions since then—because we are doing a lot of "tolerating" and they are helping us do it. This decade could bring the death of America as we know it. You and I pray that it will not. We love this Country and we have always respected the military establishments and we revere all those who have fought for and given their lives for our freedoms. We know that our government is one of *laws—not of men*. We have been trying to live that way. We mean it when we pledge our allegiance to "One Nation Under God, indivisible, with liberty and justice for all" . . . The overwhelming majority of us, I am certain, feel pride in this America today—just as much as when I became a soldier in 1927 and when I came home from combat in 1945 . . .

Yet, just imagine a soldier back in World War Two, who we will say had gotten wounded in the head and had amnesia—had been in a sort of coma—ever since. A modern day Rip Van Winkle who had slept away this most productive quarter century—yet most tragic period too. Surely he would not recognize this place. Man—would he be confused trying to relate the glorious history and promise of that America he remembered! If he had to depend on what the Press tells him and after the TV got through to him for the first time—he'd know he had come-to in a

strange land. What had become of that Constitution and that Declaration of Independence—given us by the vision and the sacrifices of our fore-fathers? Maybe we wanted them only if they cost us nothing?

This is the dangerous image I see us portraying as the current day USA—all over the world. And as it benefits nobody but the Communists—I am positive that they have planned it that way and have encouraged us in some way to advertise it with their propaganda. We sit and watch it as not only news—but as entertainment every day . . . much of it inflammatory, more of it trash . . . Some of it open and shut recipes for the lethargic public to make them wonder *if they actually need a professional military anyway.* . . . Are you laughing—then consider a comedy situation TV series by the title of Hogan's Heroes. Colonel Hogan looks every bit when he's made-up like the American Boy who used to live next door—before he left home and joined the Army Air Corps before Pearl Harbor. Long before any of these better than a hundred million—every other American, was born. Good looking, fun loving, debonaire Colonel Hogan represents (whether you believe it or not) the American military heirarchy; he along with his equally fun-loving airmen and sergeants and an RAF type or two. While blubberous bumbling Sergeant Schultz, of course buffons the kraut enemy. Then there is equally bumbling and stupid Colonel Klink—the prison commandant. So we are supposed to laugh at even the antics of the sinister black shirts in the SS . . . And we do. *If we don't* and write the TV network about miscarriages of fact and the rewriting of history—they reply in consternation that Hogan's Heroes is a fun series . . . they are sorry it did not make us feel good—do we have a sense of humor?

Well, now I do have such a thing and yet I don't even smile—much less laugh—when it is made to appear as documented fact that the Luftwaffe was as stupid as Klink or as happy-go-lucky and bumbling as Feldwebel Schultz. Not to mention, above all—that shot-down and captured American *Obersts,* pardon me, I mean Yankee Colonels like Hogan—had instant access to the German CO's office—and clandestinely led his men over or through the wire every other night into the neighboring Hun villages to have dates with blond beautiful frauleins. Or, as far as that goes—that our Americans who became prisoners of war in the various *Stalag-lufts*—kept right on fighting in their own way and contributed much towards the ultimate winning of the war—tactically and strategically. Slipping out at will, helping run the underground blowing up bridges, capturing and dispatching back home new Hitler secret weapons—and always having those love affairs with German *Mata Haris*—still having time and opportunity to befuddle the Wehrmacht generals, the Luftwaffe obersts and even the sadistic SS of Heinrick Himmler. Because, my friends *that is rewriting history*—I had friends who were shot down over Nazi Europe and made prisoners like Hogan and they were such for very serious years under that Third Reich. They *did not* have fun most of the time, they *did not* go out on the town for entertainment, they *did not* play games with tricking the camp commanders or his *feldwebels,* they *did* not plan and execute sabotage all over Germany to disrupt the war, they *did not carry on* radio communication with our Eighth and Ninth Air Forces back across the English Channel. Instead—a good many of them were tortured—some tried and condemned to death for escaping and plotting break-outs—a good many died. Sure, we come back to that weak explanation of the TV movie-makers: "It's only a fun piece—can't you laugh and forget war"? That is the sinister plot—laugh it all off—forget it! So many of us do laugh and not only forget—believe it. "By George, that must have been not so bad to be a prisoner back there in WWII . . . Why take Colonel Hogan, for instance—Man, that Robert Crane is a gas. Maybe some of those congressman and senators and moratorium kids are right after all—when they say we don't need so much high priced military—*maybe we don't need any at all!"*

Well, that's enough about TV movies—we could go on and on. . . . with the *Wackiest Ship in the Army, Fail Safe, Seven Days in May,* and *Doctor Strangelove*—look back at them and think. It is not that they are not well produced in Hollywood with top budgets and they hold one's attention . . . but they are misrepresentations of fact and produced with that sinister though subtle plan of casting doubt upon the integrity and the honor of your military establishment. You can never convince me they were not made with the approval of the soft on Communists groups—and as part of the overall World Plan of Communism . . . and it is no accident they teach fear and ridicule of the military establishment.

Another part of the image of America flashed on screens abroad too—promoted by our mortal enemies. Here at home they further strengthen a larger and larger element of our negative, defeatist society; *that faint-hearted society of so-called Americans.* This class of people is not new, they have always been with us—that almost 200 years we have been a nation. They were right there during the American Revolution—when they would have sacrified our independence and freedom for a quick settlement at some peace-table very similar to what came later at places like Panmunjom and Paris. George Washington knew them and said of them: "Their game is one more dangerous than efforts by arms!" In the past though, before television and its ease of teaching and distributing and undermining, our defeatists never had their way. They must not have it today.

So, back to that recommendation for a Moratorium *for* the U.S.A. . . . I urge you as Americans to become vitally concerned as citizens, get involved if it hurts—support an active moratorium with a mobilization of the Silent Majority—for America . . . We desperately need it against the blind and destructive criticism of our Nation's policy in Southeast Asia. We need peace in this world—but we need it through *strength and honor.* Primarily because that is the only way we are going to get it and keep it. It must be made absolutely clear to the world that the militant few teen-agers and middle aged lawyers who seem to think they are teen-agers—*do not* represent America any more than they depict a great generation . . . That there is a massive majority in this land that stands with this Country and with its leaders—*who hate war but love liberty more.*

The peaceniks scream at us that we have no business in Viet Nam. Yet, four successive presidents we elected—have determined with all the experience and brains at their beck and call—that *we do have most urgent business there.*

The business of stopping the tide of Communist aggression;

The business of honoring our words to brave allies;

The business of *Peace,* not war—no matter how much we have to sacrifice and fight to preserve that honorable peace.

The key to all this urgent business is an able, respected, *honored professional military—in being.* Refuse to take seriously the words of do-gooders, leftists, liberals—even communists, when they are handed hot and ready TV microphones with built-in audiences. Demand along with Vice President Agnew that facts be presented instead of distortion and bold biased views—. No matter how much the Chicago Seven and the like are permitted to be "news" to sell deodorants, tobacco and soap—take them for what they are; anarchists. They desecrated the sanctity of a court of law. They threatened and ridiculed and cursed a judge in the performance of his duty. But even if you are overly fair and believe ALL Americans should be heard, even if they advocate the overthrow of our government; then demand equal time for some of the real Americans who have been out there in YOUR uniforms—fighting *for you.* Hear the words of this one: one who placed his life on the line for you and me *as well as for the Chicago Seven and Eldredge Cleaver and Rap Brown and the white SDS as well as Cassius Clay*—offered his life for very low pay, not much security for his family and one in which he never was allowed to talk anywhere nearly so much as the radicals who curse this Nation today. . . . Major James Rowe finally managed to escape after *five years* a prisoner of the Viet Cong. And I will guarantee you it was pure hell amidst filth and destruction of dignity—and NOT even similar to what has been depicted over and over as the life of the glamorous, fun-loving, quick with a joke—Colonel Hogan and his "heroes" . . . Major Rowe testified that peace demonstrations back home helped break the spirit of Americans—already suffering as prisoners of war—and *boosted the morale of the enemy.* . . .

Yes, the Communist enemy has discovered the crack in our armor—in our honor. They are winning with words, *we repeat for them over and over,* a war they could never have won with bullets and bombs and fighting men. . . .

Oh, God! How could we have had the callousness to make our sons give up these comforts and pleasures and send them to foreign battlefields and refuse to back them all the way? Send them away as sacrifices—order them to stay there but not to fight to win—not even to kill an enemy Our highly trained military professional was denied the right to do much more than just be away from home and accept the risks for us. Perhaps even that could be understood. But then he does protect himself—as trained, and we bring him home within sight of all those blessings he gave up—*we charge him with murder,* destroy him far more effectively than his enemy ever could have. Are we not ashamed? Don't you imagine our sons would have rather come back home in that pathetic plastic bag? *I would have.*

ADDRESS OF HON. ROBERT B. MAUTZ

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on January 23, 1970, the Honorable Robert B. Mautz, an esteemed educator and chancellor, State university system of Florida, delivered a notatable address on the modern role of the university, both public and private, and its challenge to be concerned not only with the transmission of knowledge but with an even more refined manifestation of intelligence, namely, the creation of knowledge. The speech was presented on the occasion of the board of trustees annual commencement luncheon which I had the privilege of attending.

Chancellor Mautz has been a practicing attorney in New York State, British West Africa, and Berlin, Germany. He served as professor of law and assistant dean, University of Florida, from 1950 through 1958; and dean of academic affairs, University of Florida, 1958–63. In 1963 he assumed the office of vice president of academic affairs at the university.

He is a contributor to the Encyclopedia International; a trustee and past president of the Florida Beta Students Aid Fund, Inc.; past president of the Florida Association of Colleges and Universities; and past president, academic vice presidents and deans, Southern Association of Colleges and Universities.

I commend this able address of Chancellor Mautz to my colleagues and my friends and countrymen, and include it in the RECORD immediately following my remarks:

REMARKS BY CHANCELLOR ROBERT B. MAUTZ, STATE UNIVERSITY SYSTEM OF FLORIDA AT THE BOARD OF TRUSTEES ANNUAL COMMENCEMENT LUNCHEON, UNIVERSITY OF MIAMI, JANUARY 23, 1970

One of the single greatest differences between man and other forms of life is man's ability to transmit knowledge. Knowledge is transmitted by other forms of life, but the methods of transmission are primitive and unsystematic. A mother bear will cuff her cubs into climbing a tree at the first approach of danger and thereby teach them something of self-preservation. Animals transmit information to each other, but their primitive and unsophisticated methods cannot compare with the logical systematic, and organized methods devised by man. The wonders of speech, the use of the printed word, and the mysteries of the computer are unique to man. Standing at the peak of this difference between man and other forms of life is the university.

Increasingly a university is concerned not only with the transmission of knowledge but with an even more refined manifestation of intelligence, namely, the creation of knowledge. Universities have changed from storehouses of old knowledge to their present role as generators of new knowledge which fuel our modern society. They have become essential not only to maintaining our society but to its continued growth and to our ability to improve the quality of our life in the face of an overwhelming increase in numbers. The universities' contributions are legion. One can begin with "A" for atomic energy and read through a list which includes the agricultural revolution that enables one family to feed almost eight others—to man's walking on the moon—to microwave ovens—to our improved health—to prepackaged foods—to the plastics which we wear—to this lighted, air-conditioned room to name but a few of the manifold ways in which universities have changed our lives.

The increase in knowledge has necessitated specialization. We have of necessity retreated into monasteries of mystery. In a very real sense our success has contributed to a great void and lack of understanding between the university world and the rest of society. The uniqueness of universities aggravates and exacerbates this lack of understanding. Let me examine just a few of the more obvious ways in which universities differ from the society around them. In the first place, one of the tasks of a university is to be a critic of the society which supports it. Frequently the function of this criticism is dissipated in the emotional fact that any criticism exists or in the impact of specific criticism. Sometimes critics point out facets of our society which we would rather ignore and pretend did not exist. Furthermore, the enormous prestige which settles upon a faculty member because of his expertise in his limited field of study carries over into his role as a citizen—a halo effect, if you will. The professor's role as an expert in some fields gives him totally unwarranted notoriety and attention in other fields in which he has no special qualifications but with respect to which he has a right to opinions as does any other citizen. Tragic examples come to mind such as the case of J. Robert Oppenheimer, a prominent theoretical physicist who treaded into the unfamiliar waters of politics. Another example in Linus Pauling who in his recent biological discoveries may very well have opened the path to elimination of many a man's illnesses and certain birth defects. His pronouncements in the areas of politics and economics are given added weight because of his success in his speciality, and we attribute a wisdom to such pronouncements which in fact contain no more than the wisdom possessed by ordinary citizens.

A second factor which inhibits our understanding of universities is our lack of ability to translate its accomplishments into the common measure of value of our society, namely, money. What is the value of a work of art, or a musical performance, or a book, or for that matter a scientific discovery. In a society which measures accomplishments by the price they can bring and which is attuned to the balance sheet, the goal of which is a profit, what standards can be brought to bear upon the contributions of a university? Today over fifty per cent of the power plants under construction or on the drawing boards will be nuclear powered.

But who would have been willing to assess a dollar value in 1930 to the simple formula $E=MC^2$. Or for that matter, who today can state the monetary value of Einstein's work. Who can predict the benefits to mankind coming from work now going on in quantum biology, the fundamental of which is an equation. Thus, in making the case to society for financial support, universities must deal in subjective judgments and appeal in a language out of tune with normal ways of measuring the value of societal effort. The coin which maintains universities is the coin of the realm, but the song heard in return by those who pay that coin is unfamiliar and not subject to judgment by normal standards.

The third problem which faces universities is that the material in which they deal is basically not of much interest to most of us. A study of anthropology may produce a history of a little known tribe. That history may have significant implications in tracing and understanding our culture, but it is only of slight interest to the average person. It is difficult to become as excited about antimatter as it is about *I am Curious (Yellow)* or as interested in lasers as in the winner of the Super Bowl. The painstaking research which occurs in a biology laboratory may ultimately aid in producing a cure for red tide, but presented in the dry language of chemistry, viruses, and ribonucleic acid it presents as much fascination as a car on a freeway. I came to Miami from a seminar on quantum theory at Sanibel Island. Nobel Laureates and learned discussors abounded. I confess that as much as I am a part of the university world I had trouble staying interested in the discussions. The audience for the grist of a university's daily mill is not extensive and is largely uncomprehending.

Finally, universities are expensive. They are principally service institutions, and hence a large portion of their budgets must go for salaries. The competition for talent is great, the market for faculty is national, and salaries must be competitive, which is a gentle way of saying that in the present market faculty salaries are high. If we are to compete for brains, the salaries must remain relatively high. But another important element of expense is increasingly pressing upon universities. Approximately one billion *minutes* have passed since the birth of Christ. If one took a thimble full of air and began to pour the molecules out of the thimble at a rate of a billion molecules per *second*, not per *minute*, and began pouring almost a quarter of a century before Columbus discovered America, the thimble would still be half full.

But universities no longer deal in particles as huge as molecules. They are really no longer concerned with those larger parts of a molecule known as atoms. They deal with the particles which make up an atom, with mesons, neutrons, and protons. Dealing with these infinitesimal particles requires eyes to see and instruments to measure that did not exist even in man's imagination a few decades past. Accelerators must be built at a cost of millions of dollars. Cyclotrons are a necessary part of the physicist's life, computers of his calculations. Perhaps the most dramatic example of the change in instrumentation is contained in the history of the microscope. Not more than half a century ago a $600 microscope would have delighted a scientist and even made of him a favored individual. Hanging on my office wall is a photograph of a virus. That virus attacks a cell, feeds upon and destroys that cell, and multiples itself fourteen times in a matter of ten seconds. If we understand the precise chemistry through which that virus extracts food from the cell and thereby reproduces by a factor of fourteen, we may have learned something significant about cancer and its causes and thereby have taken a giant stride towards its cure. The photograph was made with the help of an electronic miscroscope which magnified that virus 700,000 times. The microscope cost $300,000.

I take advantage of your time to plead with you for understanding of this unique and vital institution—a university. That understanding is essential to support, and that support is essential to our future well-being. It was Jean Jacques Servan-Schreiber who wrote in the *American Challenge:*

"Everyone admits that our lag in national education sterilizes much of our intellectual potential, that the inadequacy of professional training is one of the major causes of the rigidity of our industry, and that the poverty of our research threatens to make us an economic satellite."

He was writing of France, and he pointed out that the United States is the envy of the world. It has attained this state because of a combination of government, industry, and education which is unique in the history of mankind and which is responsible for the United States' great thrust forward in both the material and intellectual world.

I make the case for both public and private institutions. The two are complementary, and the richness and diversity the two systems provide are partially responsible for Jean Jacques Servan-Schreiber's envy. Universities must not be permitted to suffer the curse of mediocrity. We labor for our children and thereby labor for mankind. With all of its faults, higher education must have your support, sympathy, and understanding in order that it may correct those faults and assure the well-being of our successors.

CABINET MEMBERS SHOULD BE LAW-ABIDING

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, President Nixon, in ordering troops to move the mail in the postal workers' strike, stated:

What is at issue then is the survival of a government based upon law.

It is in this spirit that I have joined with my colleagues, Hon. PHILLIP BURTON, Democrat, of California, and JAMES G. O'HARA, Democrat, of Michigan, as well as one of my own constituents, John Mendez of Chapmanville—a coal miner working for the Wheeling-Pittsburgh

Steel Corp. at the Stirrat, W. Va., mine—in filing suit against Secretary of the Interior Walter J. Hickel, and Secretary of Health, Education, and Welfare Robert H. Finch. In an administration which professes an adherence to "law and order," these Members of the President's Cabinet have since March 2 been in violation of an explicit provision of the Federal Coal Mine Health and Safety Act.

In letters to Secretary Hickel on February 20 and March 5, 1970, I have pointed out the specific deadlines embodied in the act which the President signed on December 30, 1969. The most flagrant violation of the law concerns the failure of the two Cabinet officers to fulfill their obligation to publish in the Federal Register the manner in which coal dust samples shall be taken, in order to comply with the requirements to reduce the level of coal dust in the mines. Section 202(a) of the act states:

Each operator of a coal mine shall take accurate samples of the amount of respirable dust in the mine atmosphere to which each miner in the active workings of such mine is exposed. Such samples shall be taken by any device approved by the Secretary (of the Interior) and the Secretary of Health, Education, and Welfare and in accordance with such methods, at such locations, at such intervals, and in such manner as the Secretaries shall prescribe in the Federal Register within sixty days from the date of enactment of this Act and from time to time thereafter.

Under the act, coal operators must bring the level of coal dust down to 3 milligrams of coal dust per cubic meter of air within 6 months of the passage of the law, and 2 milligrams within 3 years. Time extensions for compliance, with certain limitations, are allowed for operators who can demonstrate that they are unable immediately to comply.

Secretary Hickel has completely ignored my letters of February 20 and March 5. He has not even acknowledged them, much less answered them. I have made an informal check to insure that the letters were indeed delivered and are in the Department.

A week from today will be April 1—the date when the mandatory safety standards for coal mines go into effect. In the period since the passage of the act on December 30, 1969, the principal action of the administration has been the firing of Bureau of Mines Director John F. O'Leary and the firing of Henry Doyle, Assistant Director of the Bureau of Mines for Mineral Industries Health. I charge that these men were fired because of pressure by the coal industry, and because these men proved themselves to be dedicated to the enforcement of the law. An atmosphere of torpor has enveloped the Bureau of Mines. Down through the years, that Bureau has been production-oriented, rather than safety oriented. Jack O'Leary tried manfully to reverse the process, to bring objectivity and balance into enforcement, and for the first time to help provide protection for the coal miner without disrupting the industry. He got the ax for his efforts. The fact that he survived for nearly 14 months testifies to his superior professional ability. The Nixon administration needed him when the Coal Mine Safety Act was being debated in Congress, and now feels it can quietly shove him overboard.

The text of the court suit follows:

THE U.S. DISTRICT COURT, FOR THE DISTRICT OF COLUMBIA

Ken Hechler, 917–5th Avenue, Huntington, West Virginia 25508; Phillip Burton, 845 Pine Street, San Francisco, California 94108; James O'Hara, Utica, Michigan; and John Mendez, 361–D Airport Road, Chapmanville, West Virginia 25712, Plaintiffs, against Walter J. Hickel, Secretary of the Interior, C Street between 18th & 19th Sts. N.W., Washington, D.C. 20240, and Robert H. Finch, Secretary of Health, Education and Welfare, 330 Independence Avenue, N.W., Washington, D.C. 20201, Defendants.

COMPLAINT FOR MANDATORY INJUNCTION TO COMPEL DEFENDANTS TO ISSUE REGULATIONS

1. This is an action against the Secretaries of the Interior and Health, Education, and Welfare to compel them to perform a ministerial duty imposed upon them by an Act of Congress, and to compel agency action, unlawfully withheld and unreasonably delayed. This Court has jurisdiction under the Federal Coal Mine Health and Safety Act of 1969, P.L. 91–173, 83 Stat. 742 (1970), 5 U.S.C. § 706(1) and 28 U.S.C. § 1361.

PLAINTIFFS

2. Plaintiffs Burton, Hechler and O'Hara are members of the House of Representatives of the Congress of the United States and were sponsors of the Bill which was enacted as the Federal Coal Mine Health and Safety Act of 1969, P.L. 91–173, 83 Stat. 742. Plaintiffs Burton and O'Hara are members of the House Education and Labor Committee which reported the Bill. Plaintiff Hechler represents a Congressional District in which many coal miners live. Plaintiff Mendez is a coal miner and member of the class that the Federal Coal Mine Health and Safety Act of 1969 was intended to benefit.

DEFENDANTS

3. Defendants are the Secretary of the Interior and the Secretary of Health, Education, and Welfare, on whom are imposed the duty of enforcing the Federal Coal Mine Health and Safety Act of 1969.

FIRST CAUSE OF ACTION

4. The Federal Coal Mine Health and Safety Act became law on December 30, 1969.

5. Section 202(a) of the Act provides that the defendants, within 60 days from the enactment of the Act, shall prescribe in the Federal Register the devices, methods, locations, intervals and manner in which operators of coal mines shall take accurate samples of the amount of respirable dust in the mine atmosphere to which miners, in the active workings of the mine, are exposed.

6. The 60-day period within which the regulations referred to in paragraph 5 of this Complaint were to have been prescribed and published in the Federal Register expired on Monday, March 2, 1970.

7. Defendants have failed to prescribe and publish the regulations as required by Section 202(a) of the Act with respect to methods, locations, intervals and manner of taking samples.

8. Defendant Hickel has failed and refused repeatedly to respond to inquiries from plaintiff Hechler respecting when, and whether, defendants will comply with and perform the duty imposed upon them by Section 202(a) of the Act.

9. Defendants' failure to perform the duty imposed upon them by the Act has the effect of thwarting the will of the Congress, of which plaintiffs O'Hara, Hechler and Burton are members, as expressed in an Act of Congress duly enacted and approved by the President of the United States; and will postpone beyond the period of time provided for by the Congress, the effectiveness of the provisions of Section 202 of the Act relating to permissible dust standards and required respiratory equipment in coal mines.

SECOND CAUSE OF ACTION

10. The failure of defendants to perform the duty imposed upon them by the Act will perpetuate and continue for plaintiff Mendez and all other coal miners, beyond the period of time provided by law, a danger to health and safety from excessive concentrations of coal dust in mine atmospheres that it was the intent and will of Congress to remove.

THE DUTY IMPOSED UPON DEFENDANTS IS MINISTERIAL

11. The duty imposed upon defendants by the Act to prescribe before March 2, 1970 methods, locations, intervals and manner for taking accurate samples of respirable dust in coal mines is ministerial and not discretionary insofar as Congress has provided a fixed period and a time certain for the issuance of such standards and regulations, whatever their content may be.

RELIEF REQUESTED

12. Plaintiffs pray that this Court issue an order in the nature of mandamus directing the defendants immediately and forthwith to prescribe and publish in the Federal Register the methods, locations, intervals and manner in which operators of coal mines shall take samples of the amount of respirable dust in the mine atmosphere to which each miner in the active workings of a mine is exposed;

13. Plaintiffs pray that the Court declare that defendants have failed to perform a duty owed to plaintiffs Burton, Hechler and O'Hara, and to all other members of the Congress of the United States, faithfully to execute and carry out the will of the Congress as expressed in the Federal Coal Mine Health and Safety Act of 1969;

14. Plaintiffs pray that the Court declare that the defendants have failed to perform a duty owed to plaintiff Mendez and all other coal miners, to act within the time limits established by law for the benefit and protection of plaintiff Mendez and all other coal miners.

WILLIAM A. DOBROVIR,
Attorney for Plaintiffs.

FEBRUARY 20, 1970.

Hon. WALTER J. HICKEL,
Secretary of the Interior,
Department of the Interior,
Washington, D.C.

DEAR SECRETARY HICKEL: I am concerned with the Interior Department's new final regulation published in the *Federal Register* on February 18, 1970, (35 F.R. 3122) regarding applications for extension of time under section 303(r) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742).

Why was not the new regulation published as proposed rule-making under the first sentence of section 301(d) of the Act, since there appears to be sufficient time to do so before Title III of the Act becomes operative?

A review of the definition set forth in the regulation of a "mechanized mining section" indicates that it is at variance with the definition of that term in the Senate Report on the legislation (see S. Rept. No. 91–411, p. 63) and the section-by-section analysis of the Act set forth in the Congressional Record on final passage of the Act in the Senate (see CONGRESSIONAL RECORD, vol. 115, pt. 29, p. 39990). I would appreciate your advising me why there is such a variance. I also would like to know what is excluded from the term "production equipment" by referring to a "conventional" or "continuous mining section."

The last paragraph of the regulation provides that the Bureau of Mines' district manager "will advise the operator of the conditions which must be met during the period

of extension", but there is no reference made anywhere in the regulation to the rights of the miner in the affected mine.

The second sentence of section 301(d) of the Act provides:

"Before granting any exception to a mandatory safety standard as authorized by this title, the findings of the Secretary of his authorized representative shall be made public and shall be available to the representative of the miners at the affected coal mine." (Italic supplied.)

This provision is designed to protect the miners at a mine from the granting indiscriminately of exceptions from the mandatory safety standards of Title III of the Act. It also makes public such exceptions and avoids the often criticized procedure of carrying out a safety program without active participation by those most interested, namely the miner. The statement of the Managers of the House on the bill explains this provision as follows (H. Conf. Rept. 91–761, p. 78):

"3. The Senate bill provided that, where an exception to a standard is authorized, it can only be made when the criteria for the exception as set forth in the standard is met and upon a finding that granting the exception would not pose a danger to the safety of miners. There was no comparable House provision. The conference agreement adopted the approach of including this requirement in the appropriate provision of the title which permits exceptions rather than making it a general requirement, but, at the same time, requiring that, in granting any exception to a standard, the Secretary or his inspector must publish the reasons therefor and make them available to the miners at the mine before the exception is effective. If the miners believe that the granting of any exception will diminsh safety, their redress is to utilize the provisions of section 301(c)."

A similar statement is in the Senate's section-by-section analysis (see CONGRESSIONAL RECORD, vol. 115, pt. 29, p. 39989).

I would appreciate your promptly advising me (a) why there is no reference to section 301(d) of the Act in the new regulations, and (b) what steps you have taken to implement section 301(d) in connection with exceptions such as the one in this new regulation.

As you know, I am very much interested in insuring that this new Act will be implemented and administered vigorously and in a manner that will afford the greatest health and safety protection to the miner as is possible.

Sincerely,

KEN HECHLER.

MARCH 5, 1970.

Hon. WALTER J. HICKEL,
Secretary of the Interior, Department of the Interior, Washington, D.C.

DEAR SECRETARY HICKEL: Sixty-five days ago the landmark Federal Coal Mine Health and Safety Act of 1969 was signed into law by President Nixon after the Congress worked nearly ten months to draft the most comprehensive worker's health and safety Act of this nation. What has happened since then? Hardly anything for the good of the coal miner.

In less than one month, the Act will be in effect. Yet your department and the Health, Education, and Welfare Department have failed to meet any of the following time schedules listed in the Act:

1. Section 101(j)—All interpretations, regulations, and instructions in effect on enactment must be published, according to the House Conference Report "as soon as possible after enactment for information purposes and to consolidate them in one place. The managers view this requirement as a very minimal task for the Department to undertake and one that is quite important to both the operators and the miners."

2. Section 202(a).—Prescribe methods, locations, intervals, and manner of sampling respirable dust within 60 days after enactment.

3. Section 307(d)—Prescribe procedures and safeguards for making repairs on high-voltage lines within three months after enactment.

In addition to failing to meet these time schedules, a number of key positions in the Bureau of Mines have long gone unfilled and remain unfilled, except in an acting capacity, even today—just 27 days before the Act becomes effective. Some of these are:

1. Associate Director of Health and Safety—Mr. Henry Wheeler is filling this posision in an acting capacity. The position has been vacant for over a year.

2. Assistant Director for Mineral Industries Health—Mr. Henry Doyle is filling this position in an acting capacity, but I understand that he has submitted his resignation because your Department has not appointed him permanently to the position for over one year.

3. Assistant Director for Minerals Research—Mr. Carl Rampacek is filling this position in an acting capacity.

Now, over the last weekend the President abruptly and unceremoniously accepted the pro forma resignation of Mr. John F. O'Leary effective on Sunday, March 1, 1970—one month before the Act becomes effective, leaving the Bureau to be run, again in acting capacity, by Dr. Earl T. Hayes who has little or no experience or understanding of this new Act. Mr. O'Leary is a dedicated public servant who realized at the time of the tragedy in Farmington, West Virginia on November 20, 1968, that, while coal mining is a hazardous occupation, it can be made many times safer and healthier. His efforts in seeking workable, but strong, health and safety legislation will, in future years, be remembered by coal miners. Although I have not always agreed with him, I believe his performance overall for the coal miner was commendable.

In accepting Mr. O'Leary's resignation, your Department has rid itself of the only person with any real understanding or knowledge of this new Act. It will take time for new people, when finally appointed to these positions, to have even a modicum of this knowledge and understanding. This delay in leadership will inure to the benefit to those operators who continue, and there are *still* many, to oppose the legislation and resist its enforcement and to the detriment of the coal miners. It will be used as an excuse for lackadaisical enforcement—an excuse that the Congress, I am sure, will not tolerate.

Mr. Secretary, the Department's record since March, 1969, when President Nixon sent a proposed bill to Congress in this area has been equivocal, inept, and unresponsive, and it has generally exhibited, by its inaction, an unconcerned attitude for the coal miner. Even its rhetoric has been less than satisfying to the coal miner. Now the fate of the coal miner is left by the Department to the mercies of a leaderless Bureau of Mines that has a long history of floundering before the Farmington disaster. While I generally believe that no one is indispensable, I am convinced that the demise of Mr. O'Leary at this very crucial time is one instance where the falseness of this belief is unmistakably demonstrated.

I understand that, prior to his leaving office on March 1, Mr. O'Leary had approved a number of proposed health and safety regulations for publication in the Federal Register, including one on dust sampling. I would appreciate promptly receiving a copy of these proposed regulations. I would also appreciate a prompt response to my letter of February 20, 1970, regarding regulations published in the Federal Register under Section 303(r) of the Act.

Sincerely,

KEN HECHLER.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ASPINALL, from 1 o'clock p.m., March 26, to noon, April 6, 1970, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. MICHEL, for 60 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. PUCINSKI, for 60 minutes, on Thursday, March 26.

(The following Members (at the request of Mr. BLACKBURN) to revise and extend their remarks and include extraneous matter:)

Mrs. HECKLER of Massachusetts, for 10 minutes, today.

Mr. FINDLEY, for 30 minutes, on March 26.

Mr. MICHEL, for 60 minutes, on March 25.

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. CRANE, for 20 minutes, on March 26.

Mr. PRICE of Texas, for 20 minutes, today.

Mr. HALPERN, for 5 minutes, today.

(The following Members (at the request of Mr. BRINKLEY), to revise and extend their remarks, and to include extraneous matter:)

Mr. BOLAND, for 30 minutes, today.

Mr. RARICK, for 20 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. PRYOR of Arkansas, for 60 minutes, on March 26.

EXTENSION OF REMARKS

By unanimous consent, to revise and extend remarks was granted to:

Mr. HALL and to include pertinent material.

Mr. DELLENBACK's remarks to follow those of Mr. MICHEL.

Mr. HANSEN of Idaho's remarks to follow those of Mr. DELLENBACK.

Mr. RYAN to extend his remarks and include tables and extraneous matter during debate on House Resolution 844.

Mr. FEIGHAN in five instances and to include extraneous matter.

(The following Members (at the request of Mr. BLACKBURN), and to include extraneous matter:)

Mr. DERWINSKI.

Mr. KEITH.

Mr. CUNNINGHAM in five instances.

Mr. ZWACH.

Mr. BEALL of Maryland.

Mr. MIZE.

Mr. STEIGER of Wisconsin in two instances.

Mr. DAVIS of Wisconsin in two instances.

Mr. ASHBROOK in two instances.

Mr. SCHERLE in two instances.

Mr. AYRES.

Mr. WYMAN in two instances.

Mrs. HECKLER of Massachusetts.

Mr. KLEPPE.

Mr. SCHADEBERG.

Mr. NELSON.

Mr. HUNT in two instances.

Mr. Bow in two instances.
Mr. DELLENBACK.
Mr. ESCH.
Mr. BOB WILSON.
Mr. PELLY in three instances.
Mr. SCOTT in two instances.
Mr. WOLD.
Mr. HOSMER in three instances.
Mr. STEIGER of Arizona.
Mr. WIDNALL in two instances
Mr. WINN.

(The following Members (at the request of Mr. BRINKLEY) and to include extraneous matter:)

Mr. PUCINSKI in six instances.
Mr. BRADEMAS in six instances.
Mr. FOUNTAIN in three instances.
Mr. LONG of Maryland in two instances.
Mr. EVINS of Tennessee in two instances.
Mr. MATSUNAGA.
Mr. HELSTOSKI in two instances.
Mr. SCHEUER.
Mr. PRYOR of Arkansas.
Mr. MIKVA in eight instances.
Mrs. GRIFFITHS.
Mr. ROYBAL in six instances.
Mr. ROE.
Mr. MOORHEAD in two instances.
Mr. ANDREWS of Alabama in two instances.
Mr. NIX.
Mr. DINGELL.
Mr. EDWARDS of California.
Mr. CHARLES H. WILSON.
Mr. PICKLE in three instances.
Mr. PATTEN.
Mr. GALLAGHER.
Mr. RODINO.
Mr. GONZALEZ in two instances.
Mr. VANIK in two instances.
Mr. FRASER in five instances.
Mr. HOWARD.
Mr. ROONEY of Pennsylvania in two instances.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2593. An act to amend the Immigration and Nationality Act to facilitate the entry of certain nonimmigrants into the United States, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills of the House of the following titles:

On March 24, 1970:

H.R. 3786. To authorize the appropriation of additional funds necessary for acquisition of land at the Point Reyes National Seashore in California.

On March 25, 1970:

H.R. 11959. To amend chapters 31, 34, and 35 of title 38, United States Code, in order to increase the rates of vocational rehabilitation, education assistance, and special training allowance paid to eligible veterans and persons under such chapters; to amend chapters 34, 35, and 36 of such title to make certain improvements in the educational programs for eligible veterans and dependents; and for other purposes.

ADJOURNMENT

Mr. BRINKLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 18 minutes p.m.), the House adjourned until tomorrow, Thursday, March 26, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1828. A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend title 37, United States Code, to provide that enlisted members of a uniformed service who accept appointments as officers shall not receive less than the pay and allowances to which they were previously entitled by virtue of their enlisted status; to the Committee on Armed Services.

1829. A letter from the Comptroller General of the United States, transmitting a report on benefits to the Virgin Islands economy from U.S. imports of watch movements duty-free from the islands, Departments of the Treasury, Commerce, and the Interior; to the Committee on Government Operations.

1830. A letter from the Executive Director, Federal Communications Commission, transmitting a report on backlog of pending applications and hearing cases as of February 28, 1970, pursuant to the provisions of section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HAYS: Committee on House Administration. House Resolution 583. Resolution to provide additional funds for the Committee on Agriculture; with an amendment (Rept. No. 91–944). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Resolution 649. Resolution to provide funds for the further expenses for the studies, investigations, and inquiries authorized by House Resolution 192; with an amendment (Rept. No. 91–945). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Resolution 750. Resolution to provide for the further expenses of the investigation and study authorized by House Resolution 105; (Rept. 91–946). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Resolution 752. Resolution providing for the expenses of conducting studies and investigations authorized by rule XI(8) incurred by the Committee on Government Operations (Rept. No. 91–947). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Resolution 781. Resolution to provide funds for the Committee on the Judiciary; with an amendment (Rept No. 91–948). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Resolution 781. Resolution providing funds for the operation of the Select Committee on Small Business; with an amendment (Rept No. 91–949). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Resolution 783. Resolution to provide additional funds for the expenses of studies, investigations, and inquiries authorized by House Resolution 152; with an amendment (Rept. No. 91–950). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Resolution 784. Resolution to provide additional funds for the expenses of the studies, investigations, and inquiries authorized by House Resolution 152; (Rept. No. 91–951). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Resolution 785. Resolution to provide funds for the expenses of the studies and investigations authorized by House Resolution 131; with an amendment (Rept. No. 91–952). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Resolution 786. Resolution to provide further funds for the expenses of the investigations authorized by House Resolution 21; (Rept. No. 91–953). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Resolution 789. Resolution providing for the expenses incurred pursuant to House Resolution 200; with an amendment (Rept. No. 91–954). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Resolution 801. Resolution to provide funds for the further expenses of the studies, investigations, and inquiries authorized by House Resolution 189; (Rept. No. 91–955). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Resolution 808. Resolution to provide funds for the study and investigation authorized by House Resolution 17; with an amendment (Rept. No. 91–956). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Resolution 815. Resolution providing expenses for the Committee on Interstate and Foreign Commerce; (Rept. No. 91–957). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Resolution 836. Resolution to provide additional funds for the expenses of the investigation and study authorized by House Resolution 47 (Rept. No. 91–958). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Resolution 844. Resolution authorizing the expenditure of certain funds for the expenses of the Committee on Internal Security; with amendments (Rept. No. 91–959). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Resolution 869. Resolution authorizing expenses for conducting studies and investigations pursuant to House Resolution 286; with an amendment (Rept. No. 91–960). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Resolution 883. Resolution providing for expenses of conducting studies and investigations authorized by House Resolution 143 (Rept. No. 91–961). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Resolution 837. Resolution authorizes transfer of $20,000 from the contingent fund of the House for payment of mileage for Members (Rept. No. 91–962). Ordered to be printed.

Mr. HAYS: Committee on House Administration. House Resolution 839. Resolution providing additional compensation for services performed by certain employees in the House Publications Distribution Service (Rept. No. 91–963). Ordered to be printed.

Mr. DENT: Committee on House Administration. Senate Concurrent Resolution 47. Concurrent resolution authorizing the printing of the report of the proceedings of the 44th biennial meeting of the Convention of

American Instructors of the Deaf as a Senate document (Rept. No. 91-964). Ordered to be printed.

Mr. DENT: Committee on House Administration. Senate Concurrent Resolution 50. Concurrent resolution authorizing the printing of additional copies of the 1969 report of the Senate Special Subcommittee on Indian Education (Senate Rept. 91-501), (Rept. No. 91-965). Ordered to be printed.

Mr. DENT: Committee on House Administration. Senate Concurrent Resolution 52. Concurrent resolution authorizing the printing of a compilation of the hearings, reports, and committee prints of the Senate Subcommittee on National Security and International Operations entitled "Planning-Programing-Budgeting" (Rept. No. 91-966). Ordered to be printed.

Mr. DENT: Committee on House Administration. Senate Concurrent Resolution 53. Concurrent resolution authorizing the printing of the National Estuarine Pollution Study as a Senate document (Rept. No. 91-967). Ordered to be printed.

Mr. DENT: Committee on House Administration. Senate Concurrent Resolution 55. Concurrent resolution authorizing the printing of additional copies of Senate Report 91-617, entitled "Organized Crime Control Act of 1969" (Rept. 91-968). Ordered to be printed.

Mr. DENT: Committee on House Administration. House Resolution 890. Resolution authorizing the printing of additional copies of the "Report of the Joint Economic Committee" (Rept. 91-969). Ordered to be printed.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 15374. A bill to amend section 355 of the Revised Statutes, as amended, concerning approval by the Attorney General of the title to lands acquired for or on behalf of the United States, and for other purposes; with an amendment (Rept. 91-970). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 16612. A bill to amend the District of Columbia Bail Agency Act to provide additional funds for the District of Columbia Bail Agency for fiscal year 1970; (Rept. 91-971). Referred to the Committee of the Whole House on the State of the Union.

Mr. PATMAN: Joint Economic Committee. 1970 Joint Economic report (Rept. 91-972). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California:

H.R. 16646. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHLEY (for himself, Mr. PATMAN, Mr. BOGGS, Mr. BARRETT, Mr. REUSS, Mr. MOORHEAD, Mr. ST GERMAIN, Mr. GONZALEZ, Mr. ANNUNZIO, Mr. REES, Mr. GALIFIANAKIS, Mr. HARRINGTON, and Mr. ROSTENKOWSKI):

H.R. 16647. A bill to provide for the development of a national urban growth policy, and to encourage and support the rational, orderly, efficient, and economic growth and development of our States, metropolitan areas, cities, counties, and towns, with emphasis upon the development of new communities and upon inner city development; to the Committee on Banking and Currency.

By Mr. BUTTON:

H.R. 16648. A bill to adjust agricultural production, to provide a transitional program for farmers, and for other purposes; to the Committee on Agriculture.

By Mr. DAWSON:

H.R. 16649. A bill to implement cost-sharing policies with respect to Federal participation in small boat harbor projects; to the Committee on Public Works.

H.R. 16650. A bill to amend title 10 of the United States Code to terminate the Coast Guard Selected Reserve program, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 16651. A bill to provide for the sale by the Federal Government of the Alaska Railroad; to the Committee on Interstate and Foreign Commerce.

H.R. 16652. A bill to provide that the Federal Government be reimbursed for the costs of Federal grading, classing, and inspection of certain crops; and for the costs incurred in administering marketing agreements and orders; and for other purposes; to the Committee on Agriculture.

H.R. 16653. A bill to amend title 38 of the United States Code to require that certain veterans receiving hospital care from the Veterans' Administration for non-service-connected disabilities be charged for such care to the extent that they have health insurance or similar contracts with respect to such care; to prohibit the future exclusion of such coverage from insurance policies or contracts; and for other purposes; to the Committee on Veterans' Affairs.

H.R. 16654. A bill to amend title XI and XIX of the Social Security Act to encourage, through adjustments in the amount of Federal payments made thereunder to the States, the provision of services related primarily to medical, rather than domiciliary, care; to the Committee on Ways and Means.

H.R. 16655. A bill to amend the Public Health Service Act to eliminate institutional grants thereunder to schools of veterinary medicine; to the Committee on Interstate and Foreign Commerce.

H.R. 16656. A bill to reform the laws relating to Federal assistance to schools in federally impacted areas; to the Committee on Education and Labor.

H.R. 16657. A bill to repeal certain provisions of law relating to the purity and quality of tea; to the Committee on Ways and Means.

By Mr. FASCELL (for himself, Mr. BROWN of California, Mr. CLEVELAND, Mr. COWGER, Mr. FRIEDEL, Mr. HUNGATE, Mr. MANN, Mr. MOORHEAD, Mr. POLLOCK, Mr. RODINO, Mr. ROGERS of Florida, Mr. ROSENTHAL, Mr. ST GERMAIN, Mr. STEIGER of Arizona, Mr. THOMPSON of New Jersey, and Mr. YATRON):

H.R. 16658. A bill to provide for a training program for organized crime prosecutors, an annual conference of Federal, State, and local officials in the field of organized crime, an annual report by the Attorney General on organized crime, and for other purposes; to the Committee on the Judiciary.

By Mr. GILBERT (for himself, Mr. ADDABBO, Mr. BIAGGI, Mr. BRASCO, Mr. BROWN of California, Mr. BURKE of Massachusetts, Mr. BURTON of California, Mr. CARTER, Mrs. CHISHOLM, Mr. CLARK, Mr. DADDARIO, Mr. DENT, Mr. DONOHUE, Mr. EILBERG, Mr. FRIEDEL, Mr. HALPERN, Mrs. HECKLER of Massachusetts, Mr. HELSTOSKI, Mr. KOCH, and Mr. MIKVA):

H.R. 16659. A bill to establish a senior citizens skill and talent utilization program; to the Committee on Education and Labor.

By Mr. GILBERT (for himself, Mr. PATTEN, Mr. PETTIS, Mr. POLLOCK, Mr. POWELL, Mr. REES, Mr. ROE, Mr. ROSENTHAL, Mr. RUPPE, Mr. ST. ONGE, Mr. SCHNEEBELI, Mr. STUCKEY, Mr. SYMINGTON, Mr. TIERNAN, and Mr. VANIK):

H.R. 16660. A bill to establish a senior citizens skill and talent utilization program; to the Committee on Education and Labor.

By Mr. HELSTOSKI (for himself, Mr. BROWN of California, Mr. DENNEY, Mr. HAMMERSCHMIDT, Mr. MONTGOMERY, and Mr. SAYLOR):

H.R. 16661. A bill to amend title 38, United States Code, to authorize a maximum of $15,000 coverage under servicemen's group life insurance, to enlarge the classes eligible for such insurance, to improve the administration of the programs of life insurance provided for servicemen and veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HOSMER:

H.R. 16662. A bill to amend the Internal Revenue Code of 1954 with respect to the effective date of certain provisions relating to capitalization of costs of planting and development of citrus groves; to the Committee on Ways and Means.

By Mr. KASTENMEIER:

H.R. 16663. A bill to amend title 5 of the United States Code to establish the Federal Administrative Justice Center to enhance the quality of administrative law operations in the United States; to the Committee on the Judiciary.

By Mr. LONG of Louisiana:

H.R. 16664. A bill to amend section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended, to authorize the Secretary of Agriculture to furnish financial assistance in carrying out plans for works of improvement for land conservation and utilization, and for other purposes; to the Committee on Agriculture.

H.R. 16665. A bill to authorize the Secretary of Commerce to transfer surplus Liberty ships to States for use in marine life conservation programs; to the Committee on Merchant Marine and Fisheries.

H.R. 16666. A bill to amend the act entitled "An act to establish a contiguous fishery zone beyond the territorial sea of the United States", approved October 14, 1966, to require that the method of straight baselines shall be employed for the purpose of determining the boundaries of such fishery zone, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 16667. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. McCLOSKEY:

H.R. 16668. A bill to amend the Internal Revenue Code of 1954 to limit the number of personal exemptions allowable for children of a taxpayer who are born after 1972; to the Committee on Ways and Means.

By Mr. MIKVA:

H.R. 16669. A bill to amend title 39, United States Code, to establish a procedure by which postal patrons may be relieved of the burden of receiving commercial advertisements transmitted in the mails, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MORTON:

H.R. 16670. A bill to amend the Water Resources Planning Act (79 Stat. 244) to include provision for a national land use policy by broadening the authority of the Water Resources Council and river basin commissions and by providing financial assistance for statewide land use planning; to the Committee on Interior and Insular Affairs.

By Mr. NEDZI:

H.R. 16671. A bill to assist State and local criminal justice systems in the rehabilitation of adult and youth criminal offenders, and for other purposes; to the Committee on the Judiciary.

By Mr. OBEY:

H.R. 16672. A bill to assist in reducing crime by requiring speedy trials in cases of persons charged with violations of Federal criminal laws, to strengthen controls over dangerous defendants released prior to trial, to provide means for effective supervision

and control of such defendants, and for other purposes; to the Committee on the Judiciary.

H.R. 16673. A bill to assist in combating crime by reducing the incidence of recidivism, providing improved Federal, State, and local correctional facilities and services, strengthening administration of Federal corrections, strengthening control over probationers, parolees, and persons found not guilty by reason of insanity, and for other purposes; to the Committee on the Judiciary.

By Mr. PRICE of Texas:

H.R. 16674. A bill to amend title 38 of the United States Code to increase the rates and income limitations relating to payment of pension and parents' dependency and indemnity compensation, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 16675. A bill to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROBISON:

H.R. 16676. A bill to improve and increase postsecondary educational opportunities throughout the Nation by providing assistance to the States for the development and construction of comprehensive community colleges; to the Committee on Education and Labor.

By Mr. ST GERMAIN:

H.R. 16677. A bill to authorize the importation without regard to existing quotas of fuel oil to be used for residential heating purposes in the New England States; to the Committee on Ways and Means.

By Mr. STRATTON:

H.R. 16678. A bill authorizing the Administrator of Veterans' Affairs to convey certain real property to the city school district of Canadaigua, N.Y.; to the Committee on Veterans' Affairs.

By Mr. WOLD:

H.R. 16679. A bill authorizing the Secretary of Interior to convey interest in certain water rights to the State of Wyoming; to the Committee on Interior and Insular Affairs.

By Mr. BURKE of Florida:

H.J. Res. 1147. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. RARICK:

H.J. Res. 1148, Joint resolution amending title 39, United States Code, to provide for the addition to the uniform of letter carriers in the postal field service of a special insignia constituting an exact reproduction of the flag of the United States of America, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BROCK (for himself, Mr. BERRY, Mr. BLACKBURN, Mr. BUCHANAN, Mr. BROYHILL of Virginia, Mr. CAMP, Mr. CHAPPELL, Mr. COLLINS, Mr. DANIEL of Virginia, Mr. DENNEY, Mr. FLYNT, Mr. LUKENS, Mr. MONTGOMERY, Mr. POLLOCK, Mr. SNYDER, and Mr. KUYKENDALL):

H. Con. Res. 560. Concurrent resolution expressing the sense of Congress with respect to freedom of choice and compulsory transportation in connection with public schools; to the Committee on Education and Labor.

By Mr. NICHOLS:

H. Con. Res. 561. Concurrent resolution expressing the sense of Congress with respect to freedom of choice and compulsory transportation in connection with public schools; to the Committee on Education and Labor.

By Mr. MIKVA:

H. Res. 894. A resolution to express the sense of the House of Representatives with respect to troop deployment in Europe, to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 16680. A bill for the relief of Anka Kosanovic; to the Committee on the Judiciary.

By Mr. DUNCAN:

H.R. 16681. A bill to provide for the return of certain war trophies to Jack D. McKeehan; to the Committee on the Judiciary.

By Mr. GUDE:

H.R. 16682. A bill for the relief of Adelaide Tamonda Griffiths; to the Committee on the Judiciary.

By Mr. RARICK:

H.R. 16683. A bill for the relief of Mrs. Leo R. McArdle; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

342. The SPEAKER presented a memorial of the General Court of the Commonwealth of Massachusetts, relative to establishing a Department of Consumers Affairs administered by a Secretary who shall be a member of the President's Cabinet, which was referred to the Committee on Government Operations.

PETITIONS, ETC.

Under clause 1 of rule XXII,

424. The SPEAKER presented a petition of the city council of Fort Hueneme, Calif., relative to establishing the Channel Islands as a national park, which was referred to the Committee on Interior and Insular Affairs.

EXTENSIONS OF REMARKS

THE VALUE OF A PROGRAM CALLED "A PRESIDENTIAL CLASSROOM FOR YOUNG AMERICANS"

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mr. BIAGGI. Mr. Speaker, I wish to congratulate the many people who have given of their time and energy to make "a presidential classroom for young Americans" the success that it is.

The purpose of "a presidential classroom for young Americans" is to give American high school seniors an opportunity to study in the Nation's Capital, the intricacies of the United States Government; to enlighten these seniors by giving them the chance, through personal involvement and contact, to experience at firsthand what Government is doing in various fields; and to encourage dedication to and understanding of the American governmental system which all too often seems remote, bureaucratic and inaccessible to today's young people.

A teacher has said of this program:

The opportunity to see a practical application of our government at work, as provided by "a presidential classroom for young Americans", should give to a responsible segment of our young people a better foundation from which to make decisions to ensure a better society in the future; our student was most enthusiastic over the manners in which the various sessions were conducted, and he returned to us a much more enlightened young American.

Having seen these young Americans in Washington, I have been impressed with the spirit, the capabilities, the knowledge and the resourcefulness that high school students of today will bring in later life to the all-important job of improving our society.

With a more complete understanding of the problems and functions of government, these students are better equipped to help this Nation progress without the disrupting influence of misinformed and violent protest.

Perhaps the most effective way to articulate the value of the program is through the comments of an actual participant who, after a recent stay in the Nation's Capital, saw fit to make his views known to me. Mr. Speaker, I offer for the RECORD the following letter from a proud young American from my constituency, Mr. Donald Marchese of Bronx, N.Y.

MARCH 8, 1970.

Hon. MARIO BIAGGI,
Congress of the United States, House of Representatives, Washington, D.C.

DEAR MR. BIAGGI: As a senior high school student from Evander Childs in the Bronx, I was extremely proud to represent my school in a presidential classroom for young Americans. I believe the idea for such a program of study is extremely useful for today's politically minded youth. In my opinion, a presidential classroom taught me that our system's governmental structure may not be entirely fool-proof but, by far, it is the best known to exist in the world today. It reaffirmed my belief that if change is to come, it must come from within the established system, and that nothing can be accomplished by attempting to forcibly destroy it.

The set course of study, as established by Mrs. Margery Kraus, the curriculum director of a presidential classroom for young Americans, truly depicts the pulse of the people that make up the Nation's Government. The set course of study is composed of twenty-three seminars, in which we would hear speakers representing Washington's many governmental agencies. In addition to the planned course of study, the students are permitted to hold their own evening discussions on topics of their choice.

At any one time when you are exposed to three-hundred and fifty people from every State in our great Union you undoubtedly receive three-hundred and fifty different viewpoints on various topics. I can testify to the fact that, by having this opportunity to speak and listen to people from the far corners of the United States, I have since corrected some misapprehensions about American domestic and foreign policies, which I probably would have continued to vigorously defend.

I firmly believe that the dollars expended for this program of study should not be reduced. Instead, the program should be ex-

panded to include longer stays in Washington for the Nation's youth and include a program by which a student could work for his Congressman in some capacity.

Furthermore, I firmly believe that such an expanded program of in-depth study, would also be beneficial to college students as well. If at any time there be a question as to the increase of monetarial appropriations to such a program as a presidential classroom for young Americans, let us not forget the words of President Hoover when he said, "A boy is a complete self-starter, and therefore wisdom in dealing with him consists most in what to do with him next. The priceless treasure of boyhood is his endless enthusiasm, his high store of idealism, his affection and his hopes. When we preserve these, we have made men, we have made citizens, and we have made Americans."

I want to thank you for making my brief stay in Washington so pleasant and enlightening. I shall long remember it. My thanks again.

Sincerely,

DONALD MARCHESE.

THE BUFFALO AND THE IRON HORSE

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mr. ROBISON. Mr. Speaker, in my continuing search for solutions to and comments on the state of our Nation's railroad passenger service, I came across an excellent comment thereon in the March 12 New York Times. Columnist Tom Wicker points out most emphatically that what is needed is a national transportation system. I could not agree more for this is what I have been urging as policy. We know what is needed, so let us do it.

Mr. Wicker's fine column follows:

THE BUFFALO AND THE IRON HORSE

(By Tom Wicker)

Now that the Penn Central has asked to abandon passenger service in what is almost the heart of America—the area between Chicago and Harrisburg—the scheme the railroads have been pushing for decades is nearing completion. With the collusion of the Interstate Commerce Commission, which is supposed to protect the interests of the public, railroad passenger service has been all but sacrificed to profits.

This is not because passenger trains are inherently unprofitable in the era of the jet plane and the superhighway, or because there is no railroad riding public to be cultivated and served. It is because the railroads sought to make maximum profits by concentrating on freight-hauling and defaulting their obligations as passenger carriers.

CATALOGUE OF HORRORS

At least since World War II, therefore, most lines have been deliberately discouraging passenger traffic through poor service, ill-kept schedules, filthy trains, insolent crewmen, archaic ticketing and reservations systems, outmoded station facilities, ancient rolling stock and the steadily declining frequency and availability of trains even between major cities. To this catalogue of public horrors, the railroads added outrageously contrived financial "losses" on passenger trains for the sympathetic consideration of the I.C.C.

An article in this newspaper by Christopher Lydon has detailed how accounting gimmickry made it appear that passenger trains had been losing huge sums since 1945—when in fact passenger traffic was profitable, despite the decline in service, at least until the early sixties, and in the East until 1966. It was, of course, on the basis of the hoked-up figures that the I.C.C. permitted the discontinuance of so many trains in the fifties and sixties.

THE SUBSIDY ISSUE

And while it is true that throughout this period the Government in one way or another was heavily subsidizing air and highway travel, Mr. Lydon pointed out that it was the railroads themselves that took the lead in asking the Government to discontinue a major form of passenger-train revenue—Federal payments for carrying the mail.

Thus the railroads' disinterest in serving passengers, the complaisance of the I.C.C. and the lack of a coherent Federal transportation policy have combined to deprive the American public of what citizens of every other Western industrial nation take for granted—adequate railroad service. And this has happened at a time when the automobile has become the worst polluter of the air, when airports and the air traffic lanes around important centers are dangerously overcrowded, when technology is exploding, and when the American people are the richest in history.

The Penn Central's Metroliner has proved between New York and Washington the need for and the potential of convenient, comfortable, fast rail service in metropolitan corridors, of which there are many. The Seaboard Coast Line's Florida Special on the New York-Miami run demonstrates every winter that there is still a demand and need for first-rate long-haul service over particular routes.

But the California Zephyr, which runs through some of the most spectacular scenery anywhere in the world, is apparently to be abandoned. Like so many other things of value in America, its worth is not recognized by a careless people tragically exploited by those designated to serve them and to protect their interests. Properly operated and offered to the public, the route of the Zephyr should be a priceless asset to American tourism, to say nothing of American transportation.

The problem is not just to retain the spavined bones of an ancient and staggering passenger network as a sort of curiosity, like the few buffalo one can now see penned sadly in corners of the great range which once roamed in their vast and splendid herds. *What is needed is a national transportation system, providing safe and speedy airservice everywhere needed, maintaining the great interstate highway grid, extending into similar corridors the kind of fast intercity service the Metroliner provides, maintaining and improving a serviceable minimum of long-haul rail routes to supplement air and auto travel and tourism.*

A LAST-GASP BILL

That kind of integrated national transportion network is beyond the scope of a last-gasp bill that the Senate Commerce Committee is developing. But that measure would at least preserve, like buffalo, a last few passenger trains, placing them beyond the power of the railroads to subvert, providing some operating and equipment subsidies, and keeping alive the dim hope of better, safer, more convenient travel in America.

PRESIDENTIAL APPOINTMENTS

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mr. BUSH. Mr. Speaker, 3 years ago in a book review for the Harvard Law Review, Charles Alan Wright, one of our finest constitutional specialists, took issue with those who believe that Federal judges should not be appointed on a political basis. His argument is as follows:

We have come to accept the fact that judges in general, and federal judges in particular, are required to pass upon public issues of the most sensitive sort. I would think a President derelict in his duty, and unfaithful to democratic theory, if we did not endeavor to appoint to the bench men whose sets of values with regard to such issues were similar to his own. He is more likely to find such men among his political friends than among his political opponents.

The propriety of the Senate applying an ideological test to Presidential appointments is at issue in connection with the Carswell nomination.

I believe very strongly that the system would be seriously compromised if Presidential appointments are rejected when a majority of the Senate is of the opposite party or of a different ideology from the President.

The confirmation of Judge Carswell is not within the jurisdiction of the House of Representatives. However, knowing of Charles Alan Wright's reputation, I thought his comments might be of interest to our colleagues in the other body.

URBAN AMERICA—PROBLEMS AND PROSPECTS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mr. CLAY. Mr. Speaker, Americans welcome the emphasis which has belatedly come to rest on our environment—the air, the water, and the land. We must insist, however, that all this talk does not come to pass without action and we must insist—that this concern for environment does not exclude the vital consideration for human resources and existences.

Here is where real waste can be observed and where we can least afford it. Our urban environment is being suffocated not only by smog—but by the carelessness of man which breeds the filth of ghettos, the sickness of hunger, and the cycle of poverty.

It is difficult to reach for optimism in the midst of the crises which now exist, but Howard T. Robinson, who currently serves as labor attaché in the American Embassy, Tokyo, Japan, sees hope. Mr. Robinson, during his recent fellowship at the Center for Advanced Studies, Wesleyan University, documented a course for action in urban America. Mr. Robinson's reasoning and subsequent recommendations are worthy of note.

For the attention of my colleagues who share my interest, I submit the following paper, "Urban America: Its Problems and Prospects," by Howard T. Robinson.

URBAN AMERICA: ITS PROBLEMS AND PROSPECTS

Since September of last year and due to my good fortune of having an opportunity to accept a fellowship at Wesleyan University's Center for Advanced Studies, I have turned

my thoughts from foreign affairs to that of our domestic problems. The problem which is the most pressing is that of our urban community.

I shy away from the common term, "urban crisis". Perhaps reflecting my optimistic nature, or perhaps the nature of the problem, I prefer the word "challenge". "Challenge" is a more adequate metaphor and a better indication of the considerations required to solve these problems. Crisis implies too little, too fast. I venture to say that the solutions will arise when we find a way to commit our maximum resources to domestic problems, while at the same time continuing to protect our world-wide interest. I do not suppose, nor do I suspect you do, that our domestic problems can be totally separated from our international interest, for it is only natural that other nations will make their judgments about us on the basis of our strengths and weaknesses both at home and abroad. Our domestic problems, therefore, affect the way in which other nations see and feel about us. Though wanting to make this point, it is not my purpose in this paper to examine the international impact of our domestic troubles but instead to focus on the governmental and racial aspects of our cities. And perhaps, if you are still with me, to discuss the conflicting priorities which we must face if we are to successfully confront these particular problems.

Mr. John Gardner, President of the National Urban Coalition, says, "that human institutions require periodic redesign (if only because of their tendency to decay)".[1] Our cities are a vivid example of this decay. To confirm it we need only examine their historical neglect as they grew from small villages into towns and finally into the crowded and paradoxical edifices of technological, cultural, and social change. The city and the adjoining urban community represent over 70 percent of our population today—and it is the city that houses our major business and financial institutions, our theaters, libraries, zoos, and a score of other cultural gains. It is also the city that most widely and vividly reflects losses. The city is, and quite rightly ought to be, the showcase of both our failures and accomplishments, for like it or not, urban America is what we as a nation have become. We are no longer a rural-urban society—we are urban!!! And probably our greatest domestic problem is therefore urban decay.

There are many reasons for the decay and many obstacles to solution. One is our past failure to plan, a failure that has left us in many places with such a shambles of streets and bricks and crowding as to render absurd the kind of neatly packed immediate solutions that are currently in such demand. Nor can the blame for this lack of planning be justly placed on any one group of persons. Blaming get us nowhere in any case, since the real point is that we face what philosopher William Ledbetter tells us, "we're all sailing in the same boat, brother. You can't shake one end without you shake the other."

So neither can we find a lasting solution in the super-charged rhetoric now in use. The blacks cannot get out of the ghetto and whites cannot get away, no matter how they run. Yet current rhetoric about our urban community, focusing as it does on a "we-they" kind of analysis, misses this point, when in fact some, or even perhaps indeed our major, urban problems would probably have been with us even if there had been no "theys" to contend with.

A basic reason for our failure to plan is our concept of individual freedom, a belief which obviously restricts the government's ability to plan. Even our most militant critics, in spite of the fact that they seek immediate cures for our urban ills, demand that maximum individual freedom be continued and expanded. A further obstacle to lasting solutions is that our most intelligent young people seeking government careers are not attracted to local government service. They want national exposure. Therefore, there are few among us with adequate in-depth knowledge of and concern for county government. And even fewer know how county, State, and Federal government relate to and compete with city government for its share of the local tax dollar and federal fund transfers. Yet, the need for people of such knowledge is great, because the ability of local government to provide comprehensive service is perhaps the most important avenue toward solving our current urban problems. This is true despite the fact that under present conditions the bureaucracies of these local governments feel forced to spend most of their time protecting their autonomy.

The many overlapping responsibilities between State, city, and county governments are a further obstacle to progress. In some instances, a city government will not have responsibility for the education and social welfare needs of its population. In others, certain taxes and areas of law-enforcement are matters left to the county, what splitting of responsibility means, of course, is that citizens are confused as to where to seek needed services—city hall, the state house, or Washington.

I want to emphasize the importance of local government despite the fact that it is intricate in its layering, overly self-protective and currently weak on services to its population. To improve local government, we must strengthen our local political base of citizen participation, not lessen or eliminate it. Again permit me to quote Mr. John Gardner. "In order to have a vital society, we must have as high a degree of participation by the individual as we can manage." With this I agree. It is only in citizen participation that we can find the *power-source* which can bring into being a more effective and concerned local government. We and our neighbors can contribute to a solution of our own problems, if only we are sufficiently motivated, and would evidence genuine respect for the rights of all our neighbors, black, white, rich, or poor.

Since our cities were largely products of individualism, they failed to take account of *all* of these rights. They were built by individuals and groups of men who made a profit from their efforts. Once these buildings and roads were completed, they had to be serviced. So local governments were chartered, and obviously needed money. Individual taxations were unpopular and still are, but taxation on commerce and property were acceptable partly because of the politicians' power and partly because the men who built the buildings and roads were willing to be taxed for services directly relevant to their interests such as sanitation, water, power, and transportation. But health, education, and social welfare did not seem directly related to their interests and hence were not top priorities for them then and still suffer from lack of priority now. A good portion of social welfare cost is still derived from private donation—such things as teachers' salaries, school buildings, and updated teaching materials also still suffer as well from the same lack of priority. Welfare and education, important as they are, are only part of the low priority problem. Another major part is poverty.

On this important item the history of poverty legislation is of significant interest. It did not generate from the masses of the poor in our cities. In a political sense, poverty was discovered in the 1950's in the "depressed" areas and/or regions of high unemployment. It was not considered and urban problem or a black problem per se. Kenneth B. Clark states that the "problems of poverty and social change were not identified as racial (even) in the early 1960's as the anti-poverty program got underway." He notes that "the Appalachian region of West Virginia, rather than northern ghettos, served to symbolize poverty in the 1960 presidential primary race and election campaign." And that "it was only after the anti-poverty program focused on the problem of the urban Negro that the words "Negro" and poor came to seem synonymous," and that this has been "to the detriment of the white and black alike." For "as a result," he says, "the white poor often refused to participate in such programs, particularly in the northern cities, and antipoverty and community action projects in many urban areas became almost exclusively Negro."[2]

The point I wish to press upon you is that only as poverty is realized as a national challenge, and not exclusively an urban or racial one, can we handle it properly even as an urban problem. Once we appreciate this, *it is possible, I believe, for us to see our urban centers as reflections of what we have become and not what one or the other group within our society has caused.*

A second important aspect of the poverty problem is that while urban problems exist in all developed countries, and give rise to youth disaffection throughout the world, it is only in our Nation, the richest of them all, that we have the large scale relative poverty that is the cause of so much disaffection, as the gap between the rich and the poor continues to widen, more and more people are caught up into the poor and near-poor category: the near poor are perhaps the worst off, for they live on the fringe of social ostracism. I could go on talking about the poor and near poor: indeed I could do so from personal experiences, but as you see, I'm about to stray from my main topic, the cities, in which poverty is only one factor, albeit, a very important one.

So to return directly to urban problems—the vital point is how we think of our cities and the institutions that go into their make-up. Unfortunately, many of those who were responsible for building our cities only use them today for limited entertainment and commercial purposes. And what is worse, in spite of the fact that they gain their income from the cities, they show little interest in their improvement. And this has left a vacuum for the influx of new people, which the city could not have done without, seeking a better way of life via improved job opportunities. These people had neither power, nor money, nor urban education when they came. We did little or nothing to help them help themselves or contribute to community well-being. We merely treated the new arrivals as temporary labor. But today due to technilogical advancement we need a new kind of labor force, and it *must* have training. As Peter R. Drucker[3] explains, between 1850 and 1870 "the center of economic gravity shifted from the industries of the industrial revolution . . . to new and different industries . . . and that . . . Now, a hundred years later: we are in the early stages of a similar and equally drastic shift. . . ." This new shift, he says, will demand a different work force. The demand, he explains, will be for "knowledge workers rather than manual workers". This fact poses perhaps our greatest educational challenge: How to develop the human resource for the age in which we live, for both personal and social well-being. As Mr. Drucker further tells us, "the transfer of marginal farmers and farm workers to urban employment has by itself probably been the largest single factor in the rise of (our) national productivity". This being true, there is every justification that public assistance and higher education *as a right* ought to be provided the urban poor because they have earned it; and if they have not, it is not altogether their fault. We must keep in mind

Footnotes at end of article.

that it is the success of our technological age which provides us our new luxury and at the same time has forced millions of our fellow citizens from jobs they themselves thought to be secure. Many of these were black.

Let me amplify on the consequences of our failure to help these people as we should have, especially the Blacks. Between the years 1940 and 1966 an excess of 3.7 million nonwhites fled the south seeking their promised land in the north. Once they arrived, they needed housing and jobs. But due largely to discrimination, neither were available to the degree expected. Beyond that, the new arrival did not possess marketable skills usable in the urban context; and this was true for white workers as well. But for the Blacks there were few schools or other public services available for acquisition of marketable skills. Even if there had been, job discrimination would have still prohibited their ability to become employed. Apprenticeship programs were closed to Blacks.

Their housing had to be shared with their previously arrived uncles, cousins, or brothers. This spawned unsanitary conditions, overcrowding of available houses, schools, and other public facilities, thus creating a ghetto of that badly needed but unwanted human resource. The rise of ghettos created with it the social phenomena of school segregation, inferior education, joblessness, and crime. Much of this was not unlike the conditions that existed with previous ghetto dwellers (the Irish, Italians, Poles, etc.). The real difference was that the new poor were mostly Black, not able to assimilate: A change of name or religion could not change a skin color.

PRIORITIES

Lisle Carter[4] former assistant secretary of the Department of Health, Education and Welfare and vice president of the Urban Coalition recently said that "we have, in fact, two kinds of communities . . . This conflict", he said, "between the city and the suburbs is a real one. We talk of air and water pollution, mass transit, freeways, ending traffic congestion. We talk of conservation", he went on, "and preservation of open space and so forth: these are all urban problems of a kind, and they are all important urban problems. But they represent the priorities of a society that has solved most of its economic and social problems, that has jobs, that has good schools and health care and good housing". Mr. Carter says "these are, in fact, the priorities of the great middle-class suburbia that is America. In contrast, he said, "The society of the inner city has different values: not that it doesn't also approve of clean air and clean water, freeways and the like. But this inner city society has to give priorities to economic and social goals (which) suburban America now take for granted".

Mr. Carter's analysis gives us focus. A focus in which every level of our society must direct its attention: The Federal Government, the Congress, the State Legislature, and the City Council. The question is *where shall we place our priorities for the expending of public monies?* The suburbs cry for "Law and Order". The inner city cries for social justice under the law: We want jobs and better schools . . . We want social welfare as a right and with dignity. The suburbs echo that social welfare restricts individual initiatives and are give-aways, i.e., the poor are lazy. On and on the debate . . . and it can continue, unless we—you and I—take responsibility for facing this challenge. You and I, the individuals, can alter these priorities by our participation, if we are motivated and have the will to do so . . . This is an area in which our youth can constructively make a contribution: *A far more immediate and effective contribution than in national politics.* Not that I wish to suggest that national politics are unimportant in dealing with urban problems. That would be untrue, but it is true that a strong and determined local government can have reasonable quick effect on members of Congress and federal executives. The power for change is at City Hall and the County Seat, because this is where the voters live and work.

PROSPECTS

I will now turn my thoughts to a more detailed discussion of the prospects for solutions for the problems already outlined. There are of course no precise and clear answers. After a frustrating search for more precise answers to present in this paper, I came across an article in *The New York Times* which came to my rescue. The article was headlined (March 24, 1969, on page 29): "Private organizations try to come to grips with causes of urban crisis and potential remedies". One of the points the article makes is that "Even if . . . A way is found to combat white racism, the private urbanologists believe only a fraction of the problem would be solved . . . the difficulty is not so much 'conscious racism' as civic indifference and selfishness, and the universal tendency to cling to business as usual". (This is true of all races.) It is therefore a challenge confronting all of us, not just the problem of the poor, the blacks, and the unorganized. But how can we best work together? And together we must come.

Edward Sylvester, a former director of the Federal Government's office of contractual complaints and later assistant secretary of H.E.W., has one important suggestion.[5] Speaking on the "emerging role of the poor, the blacks, and the unorganized", he said that . . . "the poor, the blacks and the unorganized are really in fact the ultimate clients" (of our institutions). But Mr. Sylvester says that ". . . on close analysis we'll find that just as often as not their interests are really not parallel (with the constituency) of the organized institutions. For example, he said that "our institutions . . . do . . . serve the majority of the people of this country in a very effective way." It is, therefore, the poor, the blacks and the unorganized that suffer because of their lack of organizational ties. These are the people of our inner city.

Consequently, I believe we ought to encourage the poor, the blacks and the unorganized to become active participants in our political organizations. I think we could effect such a plan, if we used our patronage system properly. In this way we could stimulate people to participate more fully in the political process. I am convinced that if the citizen knew and had faith in his ability to affect his own life in this way, he would do so. The old patronage system did provide many with hope. But unfortunately we failed to modernize and make the system of patronage work toward wider citizen participation. I do not think that corruption caused the demise of political patronage. It was, rather, our failure to see in it a source of institutional strength that led to its decay. The prospect of a revival of local political interest seems to me quite possible, if we follow the concepts laid down in O.E.O. legislation: i.e., *maximum feasible local participation.* I think we are clearly moving in this direction and I suggest that we begin to see that if we are to strengthen local Government we must increase the level of participation.

A second point of attack is on rural poverty, an attack already mounted. The March 1st *AFL–CIO News* carried an article, "rural aid programs called vital to cities". The article reports that the federation proposes to Congress that a ceiling ought to be placed on Federal income maintenance benefits paid to each farm, and that measures to help farmers bargain collectively for reasonable prices for their products be legislated. The AFL–CIO also proposed that farm workers be covered under the National Labor Relations Acts, minimum wage law, State unemployment, and workmen's compensation laws, and other minimum Federal welfare standards. The AFL–CIO, to justify these proposals, cite that the one-fourth of the nation's total population that remains in rural America contains one-half of all the poor. This attack is of basic importance, because if we wish to dissuade people from further congesting our cities they must have opportunities of a national standard, including wages and social benefits, even if they are still living in rural America.

A third point of attack is to break the vicious circle of the social welfare, jobs and education, the unorganized poor and the blacks are caught in. *One needs welfare to survive without a job . . . in today's technological society one needs education to obtain a meaningful job. To obtain an education, if you are a mature adult, you must have an income. If you are a family man, you must have a secured income, not only while attending school, but also for a period between training and employment.* To ask our society to pay for this preparation of our citizens for economic and social independence is not a "hand-out". It is sheer social justice and social health.

We are living in a new world, one in which public responsibility of citizens is not merely desirable but required, if we are to retain a sense of social justice and health. The prospect for preparing people for a productive life and good citizenship seems to me fairly good, and we can afford it. *But will we react in time?* When one sees that states like Rhode Island have begun to couple the factors of jobs, social welfare, and education together to benefit our citizens it stimulates optimism. So has our Manpower Act. But unfortunately too much of the training is concerned with job skills that will too soon become obsolete by technological advancement. There is no need to train a person to be a welder if the likelihood is that the job will soon be done by automation. What is needed is to train drop-outs in such a way as to permit them to attend college. In other words, give him credit for his vocational training and life experience toward a college degree, i.e., engineering if he is mechanically inclined, or business if his experience and previous training are along this line. And finally, why not have continuous public education?

The prospects for this kind of program seem good. OEO seems clearly to be moving in this direction. But our institutions of higher learning must be willing to accept these potential students.

In conclusion, whatever we do requires institutional flexibility. The thoughts I have expressed, tonight, are those of hope and optimism. An optimism regarding challenges to a people who have met them before . . . although we are forced to admit that previous confrontations have not demanded so much of the individual. The demand is clear and urgent. In order to preserve the viability of our institutions that make up our cities, we as individuals must make them flexible enough, and do it now, do it in time to ward off unwarranted suppressive action. We cannot do it all, let alone in time, except by maximum personal participation in all sectors of our community.

And not the least of these is local politics, our urban centers call out today for you and me to give of ourselves in local politics, in education, in home building, in establishing the right social priorities. More importantly, the call is for a sincere sense of brotherhood and a demonstration of citizen pride—black, white, rich and poor.

We as citizens have a nation to advance. We must engage our minds and our energies in finding direction and constructive solutions to all our problems. The time when we could blame a particular group of our citizens for these ills has long passed us by.

Footnotes at end of article.

But basic to it all is the abolition of racism and the establishment of integration. Our failure to deal swiftly and effectively with our racial problems has brought down upon us a broad sense of distrust from our young people. The young blacks, unlike blacks of previous generations, have little faith in integration as a goal. But yet, we all know that by finding a solution to the problem of integration, we will free ourselves to tackle the other major institutional problems. So long as we fail to face squarely and remove the cancer of racialism . . . we will only delay our ability to establish the meaningful priorities—much less providing solutions. There are those who would refuse to be flexible and there are those, black and white, who believe that the only solution to our racial problems is separation. Black people must not be fooled by this easy way to temporary satisfaction and long range frustration. The black man's stake is in a solution to overall problems. His stake is not in racialism. His stake is in making America live up to the promises of democracy, and in being proud of his heritage—an agent and not a victim of power.

Our cities, populated as they are with people of all races, offer us a unique opportunity to meet this basic challenge. Why is it we are so slow in realizing this opportunity? It is hard to say because given the very close proximity of our citizens within the urban centers, we have a better opportunity to educate them to live, work, and play as one. It is therefore central to the solution of the urban challenge that we find a method for neighborhood improvement instead of neighborhood destruction. The destruction of buildings within center city neighborhoods displaces people and disrupts the economic flow of the neighborhood. Additionally, these empty lots become eyesores and dangerous playgrounds for children. The challenge is to find ways of utilizing our educational institutions in a manner that will provide relevant education to meet these needs and permit all our local citizens an opportunity to make continuous use of these facilities to improve their income, their social status, and their environment.

In doing this we cannot overlook the problem of sociological and psychological employment and unemployment. The poor, the black men, and women dislike the stigma we associate with them if they are employed in menial tasks. We need to have the functions performed but we must provide a decent wage level for them and learn to classify these jobs so as to meet social standards. They dislike the stigma our society has given the broom and the shovel. These people desperately need and desire jobs from which they can gain income and social dignity and we can provide it. Let us not forget how social stigma caused by servile employment can lead to unfortunate types of behavior, including crime.

Our educational institutions can be helpful in overcoming these psychological problems relative to employment. We ought to gear our education institutions to take the lead in doing so. Perhaps the best agency for this is the community college as has been suggested by Dr. Clark Kerr.[6] Dr. Kerr notes that "the campus may approach the cities in several ways . . . location in the city . . . adult education . . . provide centers for cultural programs, to act as a base for community renewal". But he also rightly warns us that "the city is not a single interest . . ." rather, he says, it is full of tensions and conflicts, and campus involvement with the city carries implications for involvement in local politics". The danger of students and faculty members becoming involved in local politics at cross purposes with local political leaders must be guarded against. And this can be done through having the college become more relevant to the *practical* aspects of the local community, not by trying to direct the community's actions. I am optimistic that we will meet this challenge and that we can establish the right priorities for accomplishing our broad social needs and at the same rebuild the cities. But again I must emphasize the basic pre-conditions: The need for individual participation and overcoming racism. Failure to deal with these questions will be, in the long run, more harmful than failure to rebuild the dilapidated buildings, because we cannot have a healthy city if we do not have maximum citizen participation and full fledged integration. The burden of long term solution lies in both the quantity and quality of our personal participation.

FOOTNOTES

[1] John W. Gardner, "We, The People" Address at California Institute of Technology, Nov. 21, 1968.

[2] Kenneth B. Clark, "Agenda for the Nation," Kermit Gordon, Ed. New York: Doubleday & Co., 1968.

[3] Peter F. Drucker, "The Age of Discontinuity," New York: Harper and Row, 1968.

[4] Lisle Carter, "The Problems of Communication in an Urban Society," Speech to Seminar "How Can Our Institutions Deal Effectively with Social Change?", Wesleyan University, September 30, 1968.

[5] Edward Sylvester, "Emerging Role of the Blacks, the Poor and the Organized," Speech to Seminar "How Can our Institutions Deal Effectively With Social Change?", Wesleyan University, October 28, 1968.

[6] Dr. Clark Kerr, "Agenda for the Nation," Kermit Gordon, Ed. New York: Doubleday & Co., 1968.

DURHAM, N.C., VA HOSPITAL LACKS FUNDS AND PERSONNEL, REACHING CRIPPLING PROPORTIONS ACCORDING TO THE HOSPITAL'S CHIEF RESIDENT PHYSICIAN

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mr. TEAGUE of Texas. Mr. Speaker, the Committee on Veterans Affairs has been in the process of conducting a comprehensive investigation in to the operations of the VA medical care program because we had received reports from many sources that many sick and disabled patients in VA hospitals were receiving inadequate care.

Mr. Speaker, our preliminary investigation of this serious problem is being brought to a conclusion and we expect to make a final determination of the overall dimension of this problem throughout the 166 VA hospital system so that enough additional funding will be added to the 1971 VA budget to help correct many of the deficiencies which we have found in the VA medical program.

We have recently received letters and telegrams from VA hospital employees indicating that the lack of funds is seriously handicapping hospital operations to the point of crippling proportions. Typical of these communications is one recently received from Dr. David L. Brewer, chief medical resident at the Durham, N.C., VA hospital, which follows:

DURHAM, N.C.,
March 3, 1970.

Hon. OLIN E. TEAGUE,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. TEAGUE: We would like to bring to your attention some problems in the V.A. Hospitals which directly effect the quality of medical care available for veterans. The lack of necessary finances has been a problem for years, but recently it has reached *crippling* proportions. The Durham V.A. Hospital is one of the busiest hospitals in the V.A. system and delivers a high quality of medical care, largely due to its close affiliation with Duke University Medical Center. In spite of this, we are severely handicapped because of lack of adequate personnel and finances. There is no doubt that patients suffer because of this.

Some of the more pressing problems are listed below:

(1) Wards of 41 patients, many of whom are quite ill, are staffed by one nurse on two of the three shifts daily. We are unable to have personnel ceilings raised or have budgetary support for additional urgently needed nurses.

(2) Nursing procedures cannot be done by these few hard working nurses and, as a result, vital signs are not recorded as often as ordered by the physicians; some patients are seen only once during an 8 hour shift by the nurse; patients' call lights may go 15–20 minutes before they are answered; and patients do not receive the necessary bathing, help with eating, and other nursing procedures. Physicians in the hospital find themselves doing nursing duties on seriously ill patients because they would not be done otherwise.

(3) In spite of a long waiting list of patients to be admitted and large numbers of applicants for admission (averaging approximately 100 per day), we have beds which are closed because there are no nurses available to care for these areas.

(4) Our laboratories, which perform excellent work during the day, are so poorly supplied with personnel that emergency laboratory tests at night have 2–5 hour delays and are often inaccurate and unreliable because untrained personnel are all we can afford to hire at night. Patients are sick around the clock and with increasing medical sophistication emergency laboratory determinations must be done promptly and accurately for adequate patient care.

(5) In spite of a national crisis in medical care because of a lack of well-trained physicians the V.A. has now cut the amount of money available to pay residents and interns in training by 10 per cent. This means that rather than increasing post-graduate training for physicians, the number who will be trained is less.

(6) The building is *unsanitary* and poorly cleaned because enough personnel cannot be hired for adequate housekeeping. This certainly is not the sort of cleanliness one would expect in a hospital.

(7) Patients must wait several days for x-rays at times because we are unable to hire enough x-ray technicians to keep up with the demands. In the long run this prolongs hospitalizations and increases overall costs.

(8) In spite of the V.A. having a program for placement of convalescent veterans in contract nursing homes there is no money available to provide this service. As a result, our beds in acute hospitals become jammed with chronically ill patients who would be more economically cared for in nursing homes. Patients who are acutely ill may not be admitted because no beds are available. (Our Medical Service runs at 98 per cent bed occupancy.)

(9) There is frequently no money to afford certain specialized laboratory tests which are needed for diagnosis.

(10) Renovation of certain existing facilities are badly needed. Many wards lack such simple equipment as high-low beds and sick patients have to crawl up to lie down. Simple renovation could create offices for students and physicians where presently there are virtually none.

There is little doubt that these problems seriously impair our ability to deliver the high quality health care that is available

today. It is evident that the primary problem that is responsible for this less than optimal health care is lack of financial support for the V.A. Hospitals. Our own hospital administrators appear to be doing their best with the limitation of funds.

Thank you for your interest in these problems. Those of us in the "field" share your concern for the welfare of these hospitals and patients.

Sincerely yours,

DAVID L. BREWER, M.D.,
Chief Medical Resident.

CHIROPRACTIC SHOULD BE INCLUDED

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mr. ULLMAN. Mr. Speaker, the Committee on Ways and Means has before it my bill, H.R. 14512, which would amend title XVIII of the Social Security Act to include chiropractic services. This bill limits chiropractic coverage, not only to those functions authorized by State law, but to diagnosis and treatment of neural, muscular, and skeletal conditions.

Throughout consideration of the medicare authorization and subsequent amendments to the program I have been committed to the principle of freedom of choice on the part of medicare patients. Many thousands of persons covered under the program seek chiropractic treamtent. To deny them benefits is not the answer.

I would like to submit in the RECORD at this point a resolution passed by the Bend, Oreg., Golden Age Club:

Whereas, Chiropractic is a licensed healing art in the State of Oregon as well as 46 other States and Whereas, Chiropractic is recognized by over 500 insurance companies and State Industrial Accident Insurances and Whereas, Chiropractic is the second largest healing art in the United States and millions of citizens have utilized the services of Chiropractors including many elderly citizens and Whereas, the Oregon Senior Citizens Group and many others have requested Chiropractic be included in Medicare now. Be it therefore resolved that the Bend Golden Age Group, Inc. consisting of seventy to seventy five regular members of Bend, Oregon go on record as recommending Chiropractic services be included in Medicare.

The American Association of Retired Persons and the National Retired Teachers Association, which have a combined membership of 2 million members, met in Washington January 27 to 29 and the following statement concerning improved social security and medicare in regard to chiropractic services was adopted:

We suggest the inclusion of chiropractic services under part B of medicare.

These are two of the most recent expressions I have received from elderly citizen's associations who support the inclusion of chiropractic services under medicare.

Since medicare is an insurance-type program it is reasonable that the same options be available as in other health insurance. Evidence has been received by the Ways and Means Committee that most insurance companies provide for chiropractic coverage in their medical policies without any increase in premium.

VA FACES HEALTH CARE CRISIS

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mr. OBEY. Mr. Speaker, the ability of the Veterans' Administration to provide a quality medical program is waning. It could not be happening at a worse time.

Adding his warning to those sounded by Members of Congress, Dr. Stewart Wolf, regents professor of medicine at the University of Oklahoma School of Medicine and head of neurosciences of the Oklahoma Medical Research Foundation, has said:

The current national priorities, as reflected in the personnel ceiling policy and budget cuts imposed on the VA, threaten the quality of the veterans medical facilities at a time when they are about to be challenged by a great wave of discharged and handicapped GI's. . . .

The U.S. veteran population is over 27 million and increasing at the rate of about 75,000 per month as more servicemen are being discharged. Given such responsibility, this prediction from an American Legion magazine article deserves our attention:

Unless realistic investments of money are fed into the VA system in the very near future, the world's largest hospital system must head downhill.

Mr. Speaker, I should like to insert the article in its entirety:

CRISIS FACES VETERANS DUE TO SLASHES IN VA BUDGET

(NOTE.—The Veterans' Administration's ability to provide quality medical care for veterans—already hampered by money problems—was further hampered by a reduction of some $161 million dollars from its original budget request for the current year. Thus, a crisis faced by veterans served by the VA has been heightened.

(Before President Johnson left office the VA submitted a fiscal 1970 budget request of $7.866 billion dollars. The Bureau of the Budget recommended this be trimmed to $7.741 billion dollars—a reduction of some $125 million. In April 1969, the Bureau of the Budget under President Nixon further revised this figure downward to $7.671 billion. Late last November Congress restored some of the cuts and sent back a budget—which President Nixon signed—of $7.705 billion.)

The downward trend in VA budget funds was fought by Congressional veterans' affairs leaders all along the line. Last year, Committes of both Houses of Congress held hearings to point up the problems which face the VA and which will worsen if its funds are slashed again in future budgets. The hearings told the story of over $20 million in modern medical equipment standing idle in VA hospitals as of August 1969 for lack of funds to hire and train personnel to operate it; of seriously depleted staff levels; of manpower lost and services eliminated; of hundreds of thousands of pending actions and inquiries backlogged in VA regional offices for lack of staff to handle them; of cutbacks in matching funds to states for construction and operation of veterans' domiciliaries which would help relieve the federal crush; of a veteran population that is soaring at the rate of about 75,000 a month as Vietnam Era servicemen are being released from military duty; of the 235,000 U.S. servicemen in need of care for wounds and of how modern combat casualty evacuation techniques have saved thousands of severely wounded fighting men who in other wars might not have survived, thus placing them on the list of totally disabled veterans needing continual care at a time when funds are being whacked out of the agency whose function it is to care for veterans.

Legion Nat'l Rehabilitation Director E. H. Golembieski expressed the Legion's concern with these problems on Dec. 16, 1969, before the Subcommittee on Veterans Affairs of the Senate Committee on Labor and Public Welfare.

"The American Legion," he said, "is gravely concerned over the effects of repeated reductions in budget requests for the Veterans' Administration Department of Medicine and Surgery on its ability to deliver first-class health services to eligible veterans.

"As a result of the personnel reduction imposed by Section 201 of the Revenue and Expenditures Control Act of 1968; the denial of increased employee levels in the fiscal 1969 appropriation requests; and the recent Executive revision of Federal employment estimates, the VA is being forced to operate what was designed to be a second-to-none medical care program for the nation's sick and disabled veterans with inadequate and arbitrary personnel limitations."

Sen. Alan Cranston (Calif.), Chairman of the Subcommittee, had ordered the hearings to determine the effect of economy reductions on VA hospital and medical services and what it meant in human values to the nation's veterans. Golembieski presented figures showing that the VA hospital system is operating with the lowest personnel-patient ratio in the nation, averaging 1.5 personnel per patient as compared to a national community hospital ratio of 2.65 per patient and a university hospital ratio which varied from 3.5 to 4.0.

He said: "In reviewing the actions of the Executive arm of the federal government over the past several years, there is an evident unwillingness to accept the principle that the Veterans Administration is obliged not only to provide first-class medical care for veterans, but also, to the full extent of its professional and physical resources, to contribute to the advancement of medical knowledge through research, to the dissemination of medical knowledge through education, and to the education and training of sorely needed health manpower."

The VA's Administrator, Donald E. Johnson said: "The real crux of our budgetary problems, especially in our medical program areas, stems from enactment of the Revenue And Expenditures Control Act of 1968 (PL 90–364). Although the VA was specifically exempted from the expenditures limitations of the act, we were covered by the provisions of Section 201, which required us to roll back fulltime permanent employment to the number on duty as of June 30, 1966.

"From where we were as of July 1, 1968, this meant a reduction of 3,389 personnel needed to be made from onboard employment by attrition through not filling more than three out of each four ensuing vacanies. Due to the high rate of employment turnover in our medical programs, the reduction occurred by Nov. 1, 1968.

"In addition to the loss of 3,389 employees from where we were at July 1, 1968, as a result of PL–90–364, we also lost an increase of 3,376 in employment provided for in our fiscal 1969 appropriation request."

The total of those personnel figures is 6,765 employees. In the 1970 medical budget, the VA asked for 3,578 new employees. How

many of these will actually be put on the job is questionable.

Another witness, Dr. Hugh Luckey, President of the New York Hospital-Cornell Medical Center, said: "Are we doing all we know how to do for our veterans? The answer is definitely no. Within the limitation of funds, personnel, and physical resources, the Department of Medicine and Surgery is doing a fine job. However, we would be deceiving ourselves if we did not admit that we could do better. . . . Do we have reason to be apprehensive about the future of health care in the VA? I would say the answer must be a resounding yes. We are in the midst of a severe health care depression in this country. . . . The VA is subject to the same pressures as exists in other areas of our health care system. Salaries of VA fulltime professional personnel are not competitive. . . . Many VA facilities are becoming obsolete. Funds to support research are so limited as to restrict this important attraction of high quality personnel. . . . In the face of this health, education and care depression, the future of our VA medical care system is foreboding. As it is for the other 200 million citizens of our country."

On returning and wounded Vietnam vets, Dr. Russell V. Lee, founder of the Palo Alto Medical Clinic and Clinical Professor of Medicine Emeritus at Stanford University, said: ". . . The veterans hospitals have done a remarkably good job in rehabilitation in many of the hospitals. Some of them are really outstanding, but they are not prepared, without some extra help, for the new burden they are going to have of getting these people back to duty. That means not only physical rehabilitation of the people to their wounds, but vocational rehabilitation so that they will be fitted for some sort of useful life into the future. This money, of course, is well spent, because those who can get back to useful occupations are going to be of enormous help in the productive activities of the country. . . . This requires more money, more money than they have had before, not less. And that was one of the reasons I was seriously concerned about the cut in funds for medical help in the VA. . . ."

From Dr. Stewart Wolf, Regents Professor of Medicine at the Univ. of Oklahoma School of Medicine and Head of Neurosciences of the Oklahoma Medical Research Foundation: "I should like to emphasize . . . the danger of deterioration of what has been a vital force in modern medicine in this country. . . . The current national priorities, as reflected in the personnel ceiling policy and budget cuts imposed on the VA, threaten the quality of the veterans medical facilities at a time when they are about to be challenged by a great wave of discharged and handicapped GI's. . . .

"In the recent past the VA has been able to attract the highest quality of professional staff. Today, however, there is a concern among potential recruits, in part because of the financial strictures, in part due to the vulnerability of the top administration to the winds of political change, but mainly as a consequence of a subtler problem, namely the feeling that the halcyon days are over. Thus, there is a real danger that the administration and the Congress are about to see veterans' hospitals revert to the mediocre status of the 20's and 30's, where tired physicians and political jobholders provided the care for the defenders of our country."

From Dr. Philip Lee, Chancellor of the Univ. of California Medical Center in San Francisco and former Assistant Secretary for Health and Scientific Affairs at HEW: ". . . I believe the budget cuts and restrictions on personnel have seriously affected the improvements in patient care that are needed in the veterans' hospitals and clinics. I believe that a minimum of $100 million is needed merely to convert the personnel deficit that has resulted from the ceilings imposed in the past several years.

"Second, funds are needed—about $100 million annually to build new hospitals and modernize existing hospitals and clinics in order that first-rate care can be provided.

"Third, funds are needed to construct research and teaching space in the new hospitals and provide it in existing university-affiliated hospitals. The cost for both of these needs can be provided by the VA, but I would estimate the need to be $30–$40 million a year for the next five years. These are urgent needs. They will improve patient care as no other investment by the VA can.

"Fourth . . . emphasis should be placed on correcting the 50,000 physician shortage, the 9,000 shortage in dentists, the 145,000 nurse shortage and the 200,000 allied health professional shortage. . . .

"Fifth, adequate funds need to be provided the VA for a major program of health facilities and health services research. There should be 10–20 such VA hospitals that are the centers for such research.

"Finally, . . . in answer to (the) basic questions, 'Are we doing all we can about this problem? Are we doing all we must?,' the answer is an emphatic no. The tragic fact is that we are asking the veteran to pay in his health for the anti-inflationary policies that are followed by the administration. I think we are asking him to pay too high a price."

Expert testimony of a more personal kind came from former Army Captain Max Cleland, 27, of Atlanta, Ga., a triple amputee who lost both legs and his right arm in an accidental grenade explosion in Vietnam. Capt. Cleland was awarded the Silver Star for gallantry in action.

Among other things, he discussed the delayed psychological repercussions that affect severely wounded battle casualties. He said: "Anyone who deals with a Vietnam returnee must understand this delayed, severe psychological symptom, and, in my opinion, more effort has to be made, especially by the VA, to insure that the small but select minority of Vietnam returnees in VA hospitals have adequate social, recreational and psychological activities to help them in readjusting to American life.

"Administrative transfer from the military service to the charge of the VA is for the wounded Vietnam returnee a deep psychological move closer to the realities of civilian life. It is highly important that this shift when it occurs not be complicated with administrative problems in adjustment of pay, securing of appropriate hospital equipment, finding the correct VA hospital to go to, calculation of disability compensation, driver training, etc. . . .

". . . This is certainly an area of interest to Congress to see that money and time are not wasted, and that a veteran can take heart from the fact that his government acts without a letter to Congress to prod it to do so."

Captain Cleland went on: "In summary, in a war everyone wishes to forget, it is too easy to forget the men who fought it, to forget that they are still this nation's charge, that they are managing more and more to survive severely disabling wounds, that they can take little comfort and find little peace in the division of attitudes concerning the war, and that finally, it is up to the agencies of this government to make an added effort in their behalf to meet their special physical and psychological problems. The American people should support with money and public concern the effort of this government to take care of its defenders. It seems the least this government can do for men who have shown their trust in this government in the most dramatic way."

The Committee on Veterans' Affairs of the House of Representatives was equally busy on the subject of the VA's budget crunch. On Oct. 9, 1969, its Chairman, Olin E. Teague (Tex.), told the House of Representatives that as of August 15 last year over $20 million of modern medical life-saving and life-prolonging equipment was standing idle in VA hospitals for lack of money to hire and train such personnel.

Rep. Teague said that the Revenue and Expenditures Control Act of 1968 had—and this was borne out by testimony of the VA's chief medical director and other independent experts at hearings—resulted in serious staffing shortages at VA hospitals throughout the country. He pointed out that the VA was running the largest single hospital system in the world with about half the personnel-patient ratio of the other modern hospital systems elsewhere in the nation. Compounding the problem was the huge increase in workload factors caused by returning Vietnam vets and a veteran population of over 27,000,000 (the bulk of it from WW2) grown older and needing increasing medical attention.

In the face of this, Rep. Teague noted, the budget submitted to Congress by President Nixon last April contained a recommendation that over 4,000 medical personnel be cut from the budget which had been recommended by the former President Johnson last January. On top of that, the Administration reimposed personnel ceilings resulting in the further loss of 634 more VA positions.

Congressman Teague estimated that even if the 166 VA hospitals were brought up to a minimum acceptable staffing ratio of 2.0 to each patient for general medical hospitals and 1.0 for psychiatric hospitals, over 28,000 additional hospital personnel would be needed. Under present pay scales, this item alone would cost some $240 million and still leave VA hospitals at only half the staff/patient ratio of general hospitals.

Another facet of the problem was brought out at Senate hearings by Dr. Irving G. Brick, the Legion's Rehabilitation Division Senior Medical Consultant. Referring to the additional role of VA hospitals as medical training institutions, he noted that "There is a strain in the relationships between some of the universities and the VA hospitals because of the fact that the hospitals have not been able to keep up with the modern practices of medicine. It seems to me that if the VA hospitals, which were designed to give the best care that the country can afford its veterans, are not giving the best care, do not have the appropriate facilities and the appropriate people, that there is going to be a greater deterioration.

"Look at what the VA hospital system has contributed to the education of medical students, of interns, of residents, these people who are taking special training that have made American medicine so great," he went on. "Fully half or more of the trainees in this country, if we include sophomore medical students, get some part of their medical training at VA hospitals. This is certainly true of the postgraduate specialties." (In 1968, over 10,000 medical students and thousands of other para-medical personnel were trained in the VA system.)

Dr. Brick continued: "What I am trying to say . . . is that here is a great national resource for the production of health manpower. . . . The VA knows how to do it. It is in the education field. It has been in the education field. I think we ought to think in terms of expanding the affiliation with medical schools. . . . I think that we should be trying to expand and strengthen and make the VA hospitals a great repository of medical education and research for the benefit not only of the veterans but of the whole country, because this is what happens when advances in medicine are made.

"It is for this reason that it now becomes distressing to me, after watching this great system flourish for more than 20 years, to see a slight beginning of deterioration because of budgetary restrictions. I think it is urgent, if we do not want this deterioration to increase, to do something about equalizing some of these facilities in the best modern manner possible."

These things now are pretty clear. The U.S. veteran population is over 27 million and increasing at the rate of about 75,000 per month as more servicemen are being discharged. Close to 250,000 U.S. servicemen have received non-fatal wounds in Vietnam—approximately 120,000 of them requiring hospitalization—with about 12,000 of these totally disabled. The rate of neuropsychiatric cases has doubled since 1965.

The VA's full-time employment of nurses and doctors is at about the same level as it was in 1965, while Vietnam casualties requiring hospital care increased more than 300 percent. (Part of the job load has been taken over by an increase in the number of part-time doctors, nurses, residents and interns, but many question if this is good practice.)

The VA's budget is as much a victim of inflation as any other segment of U.S. society. Its funds are being eaten up by increasing salary levels and sky-rocketing costs of equipment, construction, drugs and supplies. The budgetary cuts serve to deny the VA's operations the opportunity to provide for satisfactory professional staffing, operating expenses, the modernization and construction of necessary medical facilities, and the utilization of life-saving and life-prolonging facilities and equipment.

The current VA budget estimate included the tenth annual installment for financing a 15-year program of modernization of VA hospital and domiciliary facilities begun in 1960 to be applied at the rate of $75 million a year. That rate was not always met through the intervening years and the VA's problems with it increased as construction costs rose, older facilities deteriorated, and maintenance costs and inefficiency ratios climbed.

Unless realistic investments of money are fed into the VA system in the very near future, the world's largest hospital system must head downhill.

MISCALCULATION IN THE MIDDLE EAST

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mr. EILBERG. Mr. Speaker, refusal by the Nixon administration to sell Israel aircraft so vital for her defense is shocking, deplorable, and fraught with the dangers of miscalculation.

Israel is not, and has never been the aggressor in the Middle East. That nation has fought to survive, never to dominate. She has succeeded in three wars because she has known that defeat meant annihilation. The Arab States have lost three wars but their Governments survive, still calling for holy wars of vengeance. The first war Israel loses will be the last she fights, her voice forever still.

The persuasions of history have failed to impress the President and Secretary of State William P. Rogers. Rather their statements emphasize the naive hope that Moscow will cooperate in our search for a just peace, despite continuing Russian rejection of every past U.S. overture.

Last fall, U.S. negotiators thought they had wrested from their Russian counterparts an agreement on a framework for Middle East peace talks, only to be cynically rebuked.

Last week, Moscow delivered to Cairo an undisclosed number of surface-to-air missiles and 1,500 Russian troops to man them, in itself an act which badly upsets the balance of power in the Middle East in favor of the Arabs.

This week, the administration announces it will not sell vital jets to Israel because, in Secretary Rogers' words, "In our judgment, Israel's air capacity is sufficient to meet its needs for the time being." When questioned about the administration's logic that this repudiation of an American friend and ally would make Russia more flexible despite overwhelming evidence to the contrary, Secretary Rogers replied: "But there is always hope."

Israel will not long survive on the evanescent shards in Mr. Rogers' hope chest.

Israel cannot survive without clearly demonstrated superiority in the air. A nation of 3 million cannot outman or outgun 100 million enemies on the ground.

The sale of 110 French jets to Libya, jets that will end up in Nasser's hands, and the introduction of Russian-manned surface-to-air missiles already have compromised Israel's air superiority.

This administration speaks of peace despite the experience that the risk of war increases whenever the Arabs doubt Israel's military superiority.

This administration, by raising these doubts, has increased, not reduced, the risk of open war in the Middle East, and the specter of big-power confrontation there.

The administration speaks of bringing both Arabs and Israelis to the peace table, despite the common view that the Arabs will not go to the peace table until they surrender forever their foolish dreams of military conquest.

This administration, by feeding this Arab fantasy, has encouraged Arab belligerency and dimmed, rather than brightened, the prospects for peace talks.

Finally, and I raise this point reluctantly, there is the question of responsibility to a friend and ally. Israel has not asked very much, some 125 planes for which she is willing to pay. She has not asked for troops. She has not asked for direct intervention.

To betray such a friend and ally is nothing short of irresponsible.

This administration has put much stake in its claim that Israel's air capacity is sufficient for the time being. If it were insufficient, Mr. President, Israel would now be fighting a death-struggle on the beaches of the Mediterranean. Insufficiency means annihilation.

This administration has promised to keep "a close watch" on the military balance of power in the Middle East. It is my fervent prayer that history does not demand another Dunkirk before this administration comes to understand how delicate a thread survival really is.

ARTS AND HUMANITIES

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mr. PHILBIN. Mr. Speaker, under unanimous consent to revise and extend my remarks in the RECORD, I include therein the very pertinent remarks appearing in a recent edition of the New York Times of Hon. Barnaby C. Keeney, former distinguished president of Brown University warning Congress of the peril involved in neglecting the humanities.

Dr. Keeney's statement was delivered before the joint Senate-House subcommittee hearing held on President Nixon's proposed legislation that would double direct Federal subsidies to the arts and humanities to $40 million next year and extend the life of the program an additional 3 years beyond June 30, 1970.

To the best of my knowledge—

Said Keeney—

there is no way to bring various opposing forces together excepting by a better understanding of the past, a better analysis of the present and a better view of the future.

He said:

The Government devises programs that order what is best for even another country without understanding its history, its institutions or even its language.

It appears that the doctor's statements must be taken to heart by everyone in the Congress interested in balance of educational and cultural programs and that Congress must recognize the urgent need for supporting the humanities as well as science in our national education programs.

The preservation and projection of our rich cultural heritage is a necessary component of our scientific advancement, as well as the progress of the Nation, and Congress must continue to have that in mind when we are legislating in these areas.

Moreover, we must extend and adequately implement and support the entire arts and humanities program, since it is of great importance to the country and the American people.

I have urged the joint committee currently holding hearings in these matters to take prompt favorable action, so that Congress can pass the pending bill for arts and humanities at an early date. It is needed to prevent the fast encroaching vulgarian takeover engineered by those who aim at the destruction of our basic moral, cultural, linguistic values, and good manners, and who work to tear up our social and economic systems and free institutions by the roots.

They will never prevail.

Excerpts from Dr. Keeney's statement follow:

[From the New York Times, Jan. 27, 1970]

EXCERPTS FROM KEENEY REMARKS ON SCIENCE STRESS

WASHINGTON, January 26.—Following are excerpts from a statement made today by Dr. Barnaby C. Keeney, chairman of the National Endowment for the Humanities, at a joint Senate-House subcommittee hearing on the Arts and Humanities Act of 1965:

It is my own conviction that until the electorate and the persons they elect can use historical and philosophical material to help decide the major public questions of the day, we shall not solve those problems, and until the general public is capable of using knowledge of the past to solve personal problems, we shall not have an orderly society.

Certainly, many of the most important problems cannot be solved by science, which we have greatly supported and which has made many important contributions to our society. Science cannot solve these problems because scientists alone cannot decide what

to do with the knowledge that is produced. There is a great imbalance in education at every level from school through graduate school in favor of the sciences. It is obvious from even the most casual inspection of any university campus, where most of the new buildings are for scientific uses.

I support and have supported government sponsorship of scientific research and teaching, but the imbalance is now so serious that it is seriously threatening the education of our next generation.

LACK OF UNDERSTANDING

What this country, and indeed the whole world lacks, is an understanding of the past, where we have been; the present, where we are; and the future, where we are going. An historical and analytical approach is essential.

Where we are is the result of where we have been and has a decisive influence on where we are going. Where we are now is in real trouble. We have cherished knowledge of material things, but we have not given sufficient attention to abstract considerations.

We have attempted to put new knowledge together with old assumptions in the naive belief that the more one knows the better one will understand, and possibly even accept.

The result has been the destruction of our system of values, so that our people now have no real guide for their lives. New assumptions are stated as proven fact and the result is violent disagreement, and I mean violent, or passive indifference, or, worst of all, an effort to accept several value systems.

A country of this size and complexity cannot proceed successfully without consensus on major issues and we no longer have this consensus, though possibly it is appearing, and again not so much as the result of scientific but of humanistic thought.

Our physical environment is in serious trouble. A frequently overlooked part of the environment is the intellectual. This consists of the product of thought, but it also consists of the product of taste and it contains the values of which I spoke.

Here we have little, if any, agreement. We have generation faced against generation, race against race. To the best of my knowledge, there is no way to bring various opposing forces together excepting by a better understanding of the past, a better analysis of the present and a better view of the future.

[From the New York Times, Jan. 27, 1970]

CONGRESS WARNED OF PERIL IN NEGLECT OF HUMANITIES

(By Nan Robertson)

WASHINGTON, January 26.—Congress was warned today that a growing imbalance of science teaching and research in relation to the humanities was dividing the nation, destroying its values and making it impossible to solve society's most serious problems.

Barnaby C. Keeney, historian and former president of Brown University, who now heads the National Endowment for the Humanities, told a joint Congressional subcommittee that American society was "in real trouble" because of the overwhelming emphasis on science and technology.

"It is my own conviction that until the electorate and the persons they elect can use historical and philosophical material to help decide the major public questions of the day, we shall not solve those problems," Dr. Keeney said.

MAJOR CONFLICTS SEEN

He was the first witness at hearings on President Nixon's proposed legislation that would double direct Federal subsidies to the arts and humanities to $40-million next year. The President has also asked Congress to extend the legislative life of the National Foundation on the Arts and Humanities three years beyond its present termination date of June 30, 1970.

Dr. Keeney said the nation now has "generation faced against generation, race against race."

"To the best of my knowledge," he continued, "there is no way to bring various opposing forces together excepting by a better understanding of the past, a better analysis of the present and a better view of the future."

The witness expanded on Mr. Nixon's call last month to bring "the lessons of our history to bear on the problems of the future."

Scientists "ought to be forced to answer" the questions of what impact their technological achievements will have upon the quality of life, but so far they have not done so, even on the White House level, Dr. Keeney charged.

"We can do all sorts of things," he said, "But why do we do it? Where do we want to go? What do we want to be?"

Any American college freshman can step on campus and instantly see by the new buildings devoted to science, where the priorities are, Dr. Keeney said. He sees that the history department is housed in a former dormitory condemned as a firetrap, "the English department is in the old physics building and the philosophy department is in what used to be the geology building. It gives a kid a sense of values very quickly."

In many ways, the would-be teacher also sees the gap, with "10 times as many fellowships awaiting the equally competent or less competent scientist" than the average humanist, Dr. Keeney added.

A PROBLEM IN HISTORY

When asked by Representative Ogden R. Reid, Republican of Westchester, why government kept making the "same mistakes" over and over, Dr. Keeney replied: "Because of an inadequate knowledge of history."

The Government, he said, devises programs that order "what is best for even another country without understanding its history, its institutions or even is language."

Dr. Keeney indicated that for these and other reasons, the National Endowment for the Humanities had shifted strongly from heavy funding of scholarship and research programs in its first year—1965—to educational programs.

The joint congressional subcommittee that heard his testimony was formed of members of the Senate Special Subcommittee on Arts and Humanities of the Labor and Public Welfare Committee and the House Select Subcommittee on Education of the Education and Labor Committee.

The next witness, scheduled for Wednesday's hearing, is Nancy Hanks, chairman of the National Endowment for the Arts.

The national endowments for the humanities and the arts were created by Congress in 1965 and provide Government funds for special projects in these fields.

THE 25TH ANNIVERSARY OF THE YALTA CONFERENCE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mr. DERWINSKI. Mr. Speaker, Mr. Stefan Kleczkowski, a former journalist for the London Daily Mail, acquired a reputation over the years for proper insight into the complications in Eastern Europe and especially Poland. Therefore, I insert into the RECORD his article which appeared in the March 1970, edition of the London Contemporary Review in which he discusses the significance of the 25th anniversary of the Yalta Conference. As we gaze at the map of Eastern Europe, the unfortunate consequences of the Yalta Conference literally stare us in the face.

THE 25TH ANNIVERSARY OF THE YALTA CONFERENCE

(By Stefan Kleczkowski)

February 11, 1970, marks the twenty-fifth anniversary of the abortive Yalta Conference which decided the fate of Poland, without its consent, as it was within its September 1, 1939, frontiers, duly recognised by the whole world.

Contrary to the provisions of the Anglo-Polish Treaty of Mutual Defence signed on August 25, 1939, this conference was conducted in absence of a legal representative of the allied Polish Government then officiating in London and fully recognised and honoured by the Governments of Great Britain and of the United States of America. In other words, the Fifth Partition of Poland was effected by the three Contra-acting Powers (Britain, U.S. and Soviet Russia) without the presence of a delegate of the legal Polish Government being invited to participate in its deliberations. Thus a breach of international law was caused, and the fate of an ancient nation and 'the first and most faithful ally' (Churchill) settled without any obligatory formality, with the result that Poland, a western and Christian nation, with a population of over 32 million, was squeezed by force into the orbit of the Soviet Communist Empire. This was done despite the efforts and sacrifices of the Polish troops then fighting under the British Command, and subsequent huge losses in manpower and treasure on all the battlefields of Europe and Africa.

At the same time, the country was deprived of 46 per cent of its national territory by the establishment of an artificial frontier running from the city of Grodno in the North, along the river Bug in the centre, to the great fortress of Przemysl in the south—i.e. the so-called 'Curzon Line' which was suggested as a demarcation line for an armistice between Poland and the Soviet Union then at war in 1919. This partition and subjugation of Poland was never recognised by the lawful London Polish Government and by the Polish nation because, after the Russian troops occupied it, it never had been a free agent to express its will.

The partitioning powers took no notice of Poland's stand on this vital question, contrary to the international law, and only informed its London Representatives when their wartime ally was of no further use to them. The final blow came on July 5, 1945, when the Governments of Great Britain and America jointly decided to 'withdraw their recognition' from the London Polish Government, and sent it packing into the wilderness, in which it still remains to this day.

Thus, five years of Poland's tremendous losses and sacrifices (nearly 6 million dead and 2 million deported to the Soviet concentration camps) were cynically sacrificed by the western allies in order to appease a notoriously insatiable and treacherous Communist partner. It was in fact 'more than a crime'—a mistake as Talleyrand would put it, as the subsequent events had shown.

From the point of view of international law this tragic transaction was, of course, null and void, but in the prevailing circumstances, and in view of the unwillingness of the western allies to defend its wartime partner, it was an operation of doubtful moral standards and far less political wisdom and foresight.

To-day Great Britain is paying dearly for this 'mistake' by facing the threat of Soviet aggression right in the centre of Europe,

within only 400 miles of the British coast, a threat which is daily growing stronger and more menacing, as Soviet Russia is building up its conventional forces and nuclear power in Europe, and acquiring new advance bases in the Middle East and the Mediterranean.

For the record, it should be stated that the Anglo-Polish Treaty of Mutual Defences of August 25, 1939, was a freely concluded agreement in which Britain undertook to resort to arms in defence of Poland's independence in the event of an unprovoked German attack.

It was preceded by a one-sided declaration made by Mr. Neville Chamberlain on March 31, 1939, in the House of Commons, a declaration soon to be converted into a 'reciprocal mutual defence agreement'. So strengthened, Poland was ready to oppose Hitler's demands for a free passage across the Polish Corridor and for the incorporation of the Free City of Danzig into the Third Reich. The subsequent inclusion of the Polish forces under British command further strengthened this agreement in the name of Anglo-Polish brotherhood-in-arms.

The existence of a formal British undertaking to defend Poland was made public by Mr. M. Petheric, MP, on February 28, 1948, during the Yalta debate. The secret protocol attached to it specified that it became applicable only in case of German aggression, while section 1, paragraph 5, provided for reciprocal help in the event of such an aggression. Clause 3 further stated that 'any new undertaking which the Contracting Powers undertook under the present agreement shall neither limit nor indirectly create new obligations between the Contracting Parties not participating in these undertakings and the third State concerned'. In a further paragraph it was stated that 'should such an agreement be entered into by the Contracting Parties either the sovereignty or territorial inviolability of the other Contracting Party' shall not be affected. Sir Anthony Eden's declaration fully confirms this interpretation of the said treaty of defence.

In connection with the signature of the Polish-Soviet pact of July 30, 1941, Sir Anthony Eden wrote to the late General W. Sikorski, wartime Polish Premier and C. in C., as follows: 'I avail myself of this opportunity to inform you that in accordance with the Anglo-Polish Treaty of Mutual Defence of August 25, 1939, the British Government has not given the Soviet Government any undertaking which could affect its relationship between Poland and the U.S.S.R. I wish to assure you at the same time that the British Government does not recognise any territorial changes effected in Poland from August 1939.' This was an undertaking to defend Poland's independence and the integrity of its territory, and was in accord with the Atlantic Charter, signed by all the wartime allies on August 14, 1941.

It is, therefore, unfortunate to recall that during the Yalta debate in the House of Commons on February 28, 1945, Sir Anthony Eden should have interpreted the treaty of defence in a narrower sense, that is, by stating that it referred only to Germany, not to Soviet Russia. This new interpretation was contrary to the text of the treaty of defence, together with its secret protocol, as well as Sir Anthony's personal declaration.

Count Edward Raczynski, wartime Polish Ambassador, commenting on this in his book entitled: *The Anglo-Polish Alliance*, concludes that 'this treaty included a reciprocal undertaking of mutual help understood very widely, although it does not specify the guarantee interests in Latvia, Esthonia and Rumania which tie to Poland's eastern territories.' This is an undeniable proof that both parties to the treaty of defence took these matters under their consideration which were based on the existing territorial status in the then prevailing political systems of which the Polish Republic was an essential member within the boundaries of the Riga Treaty, recognised by Great Britain in 1923. Moreover, the Atlantic Charter signed in London on May 26, 1942, between Britain and Soviet Russia as well as other states, guaranteed that these powers would not seek territorial aggrandisement, should recognise the right of all nations for self-determination and refuse to interfere in the affairs of other nations.

Under the circumstances, the Polish Government could never agree to any changes of its national territory except after consultation with the legally elected Polish Parliament sitting in Warsaw. Since that government stayed in the U.K. throughout the war, it could not possibly condone such changes. In the absence of a parliamentary mandate, the whole transaction had no chance of being put into effect and could not, therefore, be binding on Poland.

So much for the legal aspect of the Yalta Agreement. Apart from the above-mentioned treaty obligations, the Poles relied throughout the war on Mr. Churchill's promises made in the House of Commons and elsewhere. In one of such speeches he said 'It is the earnest desire of the British Government that Poland should be mistress in her own house and captain of her soul.' Speaking in the House on February 8, 1945, he again stated that 'to break altogether with the lawful Government of Poland, which had been recognised during all the five years of war, would be an act subject to the most severe criticism in England. Great Britain would be charged with forsaking the cause of Poland.'. . .

These declarations left no doubt in the hearts and minds of the Poles fighting under British Command and of the London Polish Government as to how Britain stood towards Poland's independence, and they were therefore hopelessly disappointed when they found out, after the conclusion of the Yalta Agreement, that everything they fought for was scrapped on the altar of political expediency, contrary to international law, and to Great Britain's real interests. They remembered that Britain went to war to defend Poland on the clear understanding that by so doing she was defending herself, at least temporarily, from the threat of the German attack. Although promises were made of loans and war materials, none was kept, but Poland had stood its ground for as long as possible, until the 'Soviet stab in the back', when further resistance was useless.

Although some military commentators today question the wisdom of Poland's stand in 1939, it is now clear that it gave Britain breathing space and saved her from the German air attacks for at least a year. That Poland played its role successfully, was admitted obliquely by Herr Alfred Speer, Hitler's wartime minister of munitions, in a *Sunday Telegraph* statement that his chief 'made a mistake in attacking Poland. It should have been a military demonstration on the Austrian and Czechoslovak model.' Unfortunately for Hitler, it misfired and Germany lost at least a year before she attacked Britain.

President Roosevelt's attitude towards Poland was always ambiguous. All he was interested in at Yalta was that 'Poland will be thoroughly friendly to the Soviet for years to come', which in fact meant complete domination by Soviet Russia. All he really wanted was to find a tool with which to rope in the votes of American Poles in the forthcoming Presidential Elections. An ill and dying man in Yalta, he was no match for the bloody, cunning and treacherous tyrant who faced him across the conference table, and who twisted him around his little finger.

The result was that the Yalta Conference opened the door for Soviet Russia not only for the domination of Eastern Europe, but of the whole European Continent, with a clear threat of further aggression following the ruthless incorporation of Czechoslovakia in 1968. Furthermore, it dealt a mortal blow to the whole structure of the British Empire because it undermined the confidence of its members in Britain's real strength, of which the failure of the 'Suez affair' was but a link in the chain-reaction which it set off.

The conclusion is that the hope of a peaceful co-existence with Soviet Russia is a myth, because she is not interested in such a pipe-dream but in the domination of the world.

REMARKS BY RICHARD J. O'MELIA ABOUT AIR TRAFFIC ENFORCEMENT

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mr. O'KONSKI. Mr. Speaker, a former resident of my district, Richard J. O'Melia, Director, Bureau of Enforcement, Civil Aeronautics Board, delivered a very important message before the Association of Group Travel Executives in New York on March 5, 1970.

With the traffic problems being what they are, I am sure the remarks that follow will be of interest to Members of Congress and the general public:

REMARKS BY RICHARD J. O'MELIA, DIRECTOR, BUREAU OF ENFORCEMENT, CIVIL AERONAUTICS BOARD, BEFORE THE ASSOCIATION OF GROUP TRAVEL EXECUTIVES, NEW YORK, MARCH 5, 1970

It is a pleasure to meet with you today to discuss the functions and activities of the Civil Aeronautics Board's Bureau of Enforcement. As you may know on January 23, 1970, the Bureau, not the Board, filed complaints against five air carriers, eight travel agents, 15 organizations and 17 individuals alleging violations of the Federal Aviation Act and the Board's Economic Regulations. This action was taken as a result of the Bureau's year-long West Coast charter investigation.

There has been some misconception within the general public and in parts of the industry that our enforcement complaints sought immediate suspension and/or revocation of air carrier authority on the North Atlantic. Some have even charged that we set out to destroy a segment of the air transport industry. However, a reading of our recent enforcement complaints will make it clear that our petitions asked for suspensions only against four carriers on the North Atlantic, on the basis of alleged violations of the Act.

It should be emphasized that the filing of complaints by the Bureau of Enforcement does not constitute any action or prejudgment by the Board itself. All respondents named in our complaint have full rights to due process.

The carriers and other parties under the Board's rules are entitled to full and fair hearings before a hearing examiner who will issue his decision based on evidence submitted, subject to the Board's discretionary review. No interim relief is granted, nor can a carrier be suspended in economic enforcement cases except after a hearing and a final decision that the nature and extent of the violations justify such action.

To my knowledge, there has never been an enforcement problem which precipitated such great public interest. Our enforcement efforts to bring illegal charters under control have drawn mixed reactions from the industry, from Congress and from the general public. There are some from each of those areas who have vigorously opposed enforcement action while there are others who have just as vigorously applauded our efforts.

As to the charge that by filing our complaints we were attempting to destroy a segment of the air transport industry, let me say, that it is such a ludicrous statement I will not dignify it by denying it. But to set the record straight, the Bureau of Enforcement, as it has in the past, will file complaints against any segment of the transportation industry, whenever and wherever violations of the Federal Aviation Act and the Board's regulations are found. Let there be no doubt about that.

The Board's enforcement program, although relatively small, is an indispensable part of the Board's overall work. We have a total staff of 33 which includes 10 attorneys in our Legal Division, six Investigators in our Investigation Division—the same number we had in 1952—and five professional staff people in our Consumer Complaint Section. The Bureau's function is to: (1) obtain compliance with the economic provisions of the Federal Aviation Act and with the regulations, orders, certificates, permits, exemptions, and other requirements issued thereunder; (2) prevent improper claims for subsidy and unfair and deceptive practices, and restrictive competition; (3) protect the public from unjust discrimination and mistreatment by air carriers and their agents; and (4) improve the quality and dependability of air transportation service. In the public interest, the Bureau seeks to assure that the complaints of individual travelers and shippers will receive prompt and proper consideration.

The Board's enforcement responsibilities cover 39 certificated air carriers, 12 supplemental air carriers, 136 foreign air carriers (a total of 187 airlines), 146 authorized domestic and international air freight forwarders, about 3,500 air taxi operators, who are subject to some degree of economic regulation, a number of intrastate and commercial operators who become involved in interstate or foreign common carriage, and thousands of travel agents who are subject to section 411 of the Act, which empowers the Board to investigate competitive practices among air carriers and travel agents.

I doubt that the Federal Aviation Act and the Board's regulations would have meaningful effect without the machinery to insure reasonable compliance. That is where enforcement comes in. It is our responsibility to preserve the integrity of the laws and regulations by filing complaints where necessary through appropriate enforcement processes.

I have given the above figures to show that charter violations are only one part of our workload. However, in recent months, they certainly have been taking an increasing amount of the Bureau's time. It appears from our continuing investigation, notwithstanding the recent complaints that we filed, that charter violations are like old soldiers, they never die; in fact, they don't even appear to be fading away.

Travel Age West reported last week that its editor joined a charter on the West Coast 48 hours before it departed for Europe. He paid his money, joined a group that backdated his membership card six months and off he flew. He also reported interviewing many other passengers on the flight who had just joined for the purpose of a low-cost trip to Europe and were not bona fide members of the chartering organization.

The Federal Aviation Act and the Board's regulations differentiate between charter flights by supplemental airlines and individually-ticketed operations of the scheduled airlines, primarily by requiring that charter service be offered only to bona fide charter organizations and not to travel agents, who are in the business of soliciting these customers from the general public (except with respect to ITC's and BIT's). In my opinion, the public's serious misunderstanding of the Board's charter regulations is due either to the failure of the industry, or in some cases, to persons, who refuse to accept the fact that special conditions must be observed, to distinguish between legitimate charters and individually-ticketed service.

As you may know, the Board holds the carrier primarily responsible for screening a charter flight and for insuring its conformance to the Board's regulations. It should be made clear that the Board is not empowered to physically cancel flights. The Board's staff brings charter problems to the carrier's attention as far in advance of the flight departure date as possible. If the carrier elects to go ahead and operate the flight in the face of such notice, then it risks possible enforcement action after the flight. However, the carriers do cancel many charter flights when questions as to charterworthiness are brought to their attention.

You are all familiar with the West Coast charter complaints through the publicity given them in the press, on radio and TV and through trade publications, etc. You may also know that we are continuing our investigation on the East Coast.

If any one in this room is planning a charter flight this summer, let me tell you what you can do to make sure your charter flight is legitimate and that it won't be canceled at the last minute: You should know whether the organization you belong to is charterworthy. In making this determination in connection with your flight, you should consider the following:

(1) How long has the organization been in existence.

(2) Does it function for purposes other than travel.

(3) Did you join the organization for reasons other than travel.

(4) Has there been public solicitation of the flight in which you are interested.

(5) How long have you been a member.

(6) Were you a member before the flight was announced and a member for at least six months.

(7) Is the price of the air trip based on a pro rata share of the cost of the charter or have you been asked to pay other charges such as registration fees, membership fees or special contributions.

You should also be sure to check to see that the air carrier scheduled to perform the charter has a contract with the organization with which you are affiliated.

To put it another way, our East Coast charter investigation has pinpointed the principal charter violations as (1) the acceptance of flight participants who are not bona fide members of the chartering organization, (2) the collection of charges over and above the pro rata cost of the flight, (3) the carriage of an excessive percentage of one-way passengers, (4) the intermingling of passengers between going and returning flights and (5) the back-dating of membership cards for six months.

The modus operandi on the East Coast is to conduct charter flights under an arrangement whereby participants are first sold tickets through legitimate travel agents in the New York/New England area. Transportation originally is sold for travel at somewhat less than the group fare rates on scheduled route carriers. These transactions are later liquidated when the agents transfer the passengers over to passenger consolidators who have chartered flights through various organizational fronts, some of which are identified as bona fide organizations and others which exist in name only. There are several such consolidators operating on the East Coast and it is estimated that there are more than 150 agents participating in these transactions.

We have found that the legally objectionable charters on the East Coast have operated by using large retail or wholesale travel agents who have obtained commitments from carriers for a number of charter flights. It often comes about that the wholesaler cannot get enough charterworthy organizations to fill a large commitment, and even where legitimate organizations charter the flights, they often have difficulty in filling the planes. The wholesaler then broadcasts to the small retail agents his call for bodies.

With this information at his desk, the small retailer is ready to steer those who want a cheap trip. For his service in producing the passengers, the small agent may earn from $25 to $35 or more per head. Sometimes the "passenger" is charged a registration or membership fee which makes the total cost larger than the pro rata share of the charter cost. A membership card is then sent to the passenger who has purchased the seat. As a final indignity, the passenger is often required to sign a statement that he has been a member of the organization for more than six months.

The common denominator of charter problems, on both coasts, is illegal profits. If this problem could be resolved, many other abuses would disappear because there would not be the inducement to indulge in illegal charter practices in the first place. The whole effect of these abuses has been to provide cut-rate, individually-ticketed, flights to the general public through the guise of charters. Much of the general public is apathetic to the charter requirements and could care less about them, so long as they can buy air transportation substantially below scheduled airline fares.

The gross profit potential to passenger consolidators on the East Coast is from $10,000 to $15,000 per flight. Although we have no statistics showing the number of such flights operated, the activity indicates that there must be several hundreds.

Several cases have been developed on the East Coast to a point where formal complaints can be considered. Let me here again emphasize that our enforcement problems with charters are not limited to any one class of air carriers. The charter problems extend to all categories of air carriers—U.S. and foreign route carriers, foreign charter carriers and U.S. supplemental carriers. There is much room for educational work in apprising the public of the existence of our charter regulations, to avoid last minute cancellations which could result in the stranding of thousands of innocent people who have saved and planned for low-cost charter trips. If the charter organizations and their individual members are made aware of the regulations, we can reduce charter abuses without jeopardizing the tremendous benefits of charter transportation.

The Board's staff has been studying proposed changes in our charter regulations. The National Association of Air Carriers has submitted a rule-making proposal for suggested charter regulation changes. The Civil Aeronautics Board is expected to move forward on this front in the near future. Please be assured that any new charter regulations will be promulgated only after all segments of the aviation industry and the general public have been heard, so that there will be no misunderstanding as to what constitutes legitimate charters.

In the meantime, the Bureau of Enforcement will enforce the present charter regulations to the best of its ability.

You are all aware, I am sure, of the ever-increasing, and sometimes revolutionary, changes taking place in the airline industry, primarily because of the transitional changes in equipment, piston to jet, jet to wide-bodied jet, and soon to supersonic jets. You probably haven't given much thought to the changes which have been occurring in our enforcement activities within the industry and you may be of the impression that our enforcement process today is the same as it was many years ago. Not so. We have had our changes too and I consider them evolutionary.

For example, there is an entirely new group of entities, which command our enforcement attention today, that were nonexistent several years ago. The latest in this new category is the bulk inclusive tour operator. He was brought into being just this past year through the Board's approval of an IATA resolution which established this new type of indirect passenger air carrier.

These regulations had hardly been put into print before our enforcement problems began. One formal complaint already has been filed against a bulk inclusive tour operator and it is presently being settled with a consent cease and desist order. The BIT regulation requires a large surety bond for each tour program or, in the alternative, an escrow bank account and a smaller surety bond for each flight. This particular operator failed to abide by either requirement. When a BIT operator fails to meet these financial requirements, the Bureau of Operating Rights, which processes the prospectus filed by the BIT operator, then refers the matter to us for appropriate enforcement action to ensure compliance with the regulations.

Another similar entity is the inclusive tour charter (ITC) operator which has been in existence for several years. This operator charters aircraft from supplemental carriers and sells inclusive tours to the public. He must meet requirements which are basically similar to those of the bulk inclusive tour operators. There are many such operators located throughout the country and there are thousands of travel agents who may act as subagents for these tour operators. Advertising practices, financial responsibilities and many other facets of such operations demand enforcement attention. However, with our limited staff we are obviously unable to make the total surveillance desired of all such operators.

One of the most intriguing new entities is the aircraft lease operator who also came into being only within the past few years. This operator engages in unauthorized air transportation through the guise of dry-leasing aircraft ostensibly in the manner that Hertz and Avis lease cars. However, the aircraft lease operator actually retains control of the operation and, in effect, furnishes charter air transportation without authority similar to that provided by legitimate carriers. Thus, he circumvents the economic requirements of the Board and the safety requirements of the Federal Aviation Act.

The stage was set, so to speak, for such operations when piston engine aircraft were replaced with jet equipment, thereby making available DC–7's and Constellations that could be picked up literally for a dollar and a promise. Enterprising promoters then obtained these aircraft and operated them, ostensibly under a dry lease of equipment arrangement, for any individuals and companies desiring to obtain cut-rate transportation.

The enforcement pattern showed that the operations became increasingly sophisticated and complex, obviously in an effort to preserve the guise of a private lease operation. The operators go so far as to draw up two separate sets of contracts, one for the lease of the aircraft and one for furnishig of of the aircraft and one for furnishing of the arrangements appear as just a dry lease of the aircraft. To rebut this requires considerable investigative digging to show that the aircraft lessor masterminds the entire operations and, in effect, through the integration of the various services, provides a wet lease or charter flight. After considerable investigation, we developed sufficient evidence to file a complaint against one of the larger aircraft lease operators who was charged with engaging in unauthorized air transportation. Fortunately, these operations have been mostly in the cargo rather than passenger field. Otherwise, there might be some cause for concern by persons using such air services since the flights are operated only under the general aviation rules (the same as apply to small private aircraft operations), which are much less stringent than those for air carriers and commercial operators of large transport equipment. Unfortunately, some of the public do not consider the safety aspects of such operations and are blinded by the seeming bargain of a flight price much lower than that charged by a legitimate operator who must conform to air carrier standards.

The economic effects of such operations are also devastating, and unless they are controlled, the legitimate carriers will be placed in an impossible competitive position. For example, such operators, having no tariff requirements and knowing what the tariff rates of legitimate carriers are, can underbid the price to the extent necessary in order to get the business.

The new "Truth in Lending Act" is another area which has been recently added to our enforcement responsibilities. It is our job to insure that the public is protected, under the terms of this Act, insofar as the credit sale of air transportation is concerned. This part of our activity is being handled by the Bureau's Consumer Complaint Section.

The public's growing interest in charter flight services has brought into existence all sorts of specialists. We now have with us a charter service wholesaler. He specializes in package tours based on charter transportation. Such a wholesaler blocks charter space to popular resort areas on carriers and then prepares a package using ground services he has arranged on a group-use basis.

These packages are then sold to retail travel agents to fill their needs for large groups where charter service would have an appeal. When the package is sold to a retail travel agent, the wholesaler realizes his profit from the land package and the retailer earns the commission from the carrier for the charter flight.

While this only a variation on an old theme, it shows how quickly innovators adjust in this constantly changing industry. Although we have not established, as yet, that such operations involve violations of our regulations, we are concerned that the arrangements involving the entry of a wholesaler in a controlling position in the charter field may create enforcement problems in the future.

Another new innovation in our industry involves real estate flights which are operated to carry prospective purchasers to land development sites, such as those being promoted in the Southwest, in Florida, and in the Caribbean. Many passengers sign up for these trips because of the appeal of free or reduced rate travel but fail to realize, as indicated in complaints received in our office, that they will be subjected to extreme promotional pressures to make property purchases.

I am sure that most of you have heard of the private flying clubs which purchase aircraft that are utilized to carry club members on exotic flights. So long as the flights are confined to bona fide members of the clubs, we consider the operations to be private carriage outside of the Board's jurisdiction. However, the line between private and common carriage is a fine one and through public soliciation and acceptance of persons other than their bona fide members, some clubs may have, in our opinion, engaged in air transportation. There are no definite rules, from an economic standpoint, for flying clubs so, consequently, our enforcement problems become ones of interpretation of the facts.

Recognizing that public response to enforcement action is not always favorable, I am reminded of what President Lincoln once said about "duty":

"If I were to try to read, much less answer, all the attacks made on me, this shop might as well be closed for any other business. I do the very best I know how—the very best I can, and I mean to keep doing so until the end. If the end brings me out all right, what is said against me won't amount to anything. If the end brings me out wrong, then ten angels swearing I was right, would make no difference."

"WHAT HAPPENED TO THE BEAUTIFUL AMERICA?"—SACRAMENTO CHILDREN SPEAK OUT AGAINST POLLUTION

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mr. BROWN of California. Mr. Speaker, I have recently come across a series of quite poignant statements about environmental quality. And I am deeply impressed by these remarks, not only because they come from students ranging in age from 6 to 17, but because they show the real anguish that younger persons feel over the world they will be living in.

These statements come from students in the Sacramento County school system and were compiled in the schools superintendent's bulletin for March 1970.

[From the Sacramento (Calif.) County Schools Superintendent's Bulletin, Mar. 1970]

(Recognition goes to students from the following schools. Short selections were made from a great quantity of excellent material in an attempt to convey the intense concern young people feel for their environment and their commitment to the future. All the material submitted adds to the feeling of concern and commitment and is as valuable as what you read here.

(Cameron Ranch Elementary School; Cordova Gardens Elementary School; D. W. Erlewine Elementary School; Del Paso Manor Elementary School; John Bidwell Elementary School; Hemlock Elementary School; Bowling Green Elementary School; Woodlake Elementary School; Orville Wright Elementary School; Fairsite Elementary School; Babcock Elementary School; Sequoia Elementary School; Sutter Junior High School; Peter Lassen Junior High School; John H. Still Junior High School; Norte Del Rio High School; Mira Loma High School; Haiku contributions all from Encina High School.)

WHEN I WAS YOUNG

"When I was young we used to come down here to the creek and find frogs and polliwogs and things. Now it's just full of oily water and people throw their junk here."—George, grade 6.

"People all over the country are destroying the air with smoke. People are throwing trash in the rivers. People are flooding the animal's homes. They also destroy animal's homes when they forget to put out a campfire and the forest burns. People are wasting food, water and wood."—Stanley, grade 3.

"When I went fishing the water was dirty. The fish were almost dead. Campers had thrown papers and bottles in the water."—Terry, grade 3.

"Water is polluted and smells bad. Fish are dying. Lake's are becoming the dumps and you can't swim. I wish things were beautiful and animals more alive."—Linda, grade 6.

"Did you know the water you drink has had paper, beer cans, coke bottles, oil from the smog causing car, and maybe the old car itself thrown into it?"—Allen, grade 5–6.

"When we went for a boat ride it was a

lot of fun, but the only thing was the water. It was badly polluted. It had bubbles like detergent was in it. It had paper and other litter—twigs, driftwood, and cans floating all over. It smelled very bad. There were dead fish all over the place. The bank was just as bad if not worse. It was really a miracle we got used to the smell. I wonder how the people that live there get used to it?"—Robin, grade 5–6.

"Oil sometimes gets in water from busted oil wells and from boats. This is not good for fish or any other animals. When ducks are around the oil gets on their wings and they can't fly?"—Susan, grade 6.

"Our water resources are being abused and destroyed at an alarming rate. Industries pour their waste into nearby streams or waterways because it's cheaper that way. Campers and tourists find it less bothersome to dispose of their trash into the lake. Even the so-called 'gutter flooder' is at fault. Some might say that this is a result of the public not being informed, but really it's more like a case of 'it's not my fault, somebody else is doing it.' "—Karen, grade 11.

"I bend down to sip
The cold clear water, but pause
To watch the scum pass."
—*Kim Fisher.*

"Our environment leaves a lot to be desired. There is too much air pollution around us. The smog around us comes from our own doings. We make it when people work in factories to make clothes, goods, etc. Smog and air pollution comes mainly from smoke. The smoke comes from car engines through the exhaust pipes into the air. Also the smoke comes from burning trash, burning houses and such."—Connie, grade 6.

"Each year tons and tons of garbage are dumped into our rivers and lakes; suds from washing machines, chemicals from factories, water so hot it kills animal life by changing their natural environment. You can walk by rivers in your own town and see debris being dumped into our water supply. Why is this allowed?"—Craig, grade 12.

"Clean water is essential to life. Yet many waterways are used as dumps for raw sewage, garbage, and industrial wastes. Water pollution comes from two major sources. First, our cities, towns, and villages dump untreated sewage and garbage into the nearest streams. Second, industries discharge wastes consisting of acids, chemicals, greases, oils, and animal and vegetable matter. Such materials poison drinking water and endanger public health. They destroy commercial fisheries. They prevent fishing, boating, bathing and other recreational uses of the poisoned waterways."—Paula, grade 8.

"Company's wastes go into lakes and rivers, factory smoke pollutes the air, and then there's the uncontrollable litter the people throw out everywhere. Exhaust fumes from cars and many other things are polluting our land."—David, grade 6.

"What happened to the Beautiful America? Now all you see in the city is dirty, filthy skies. The smog is so bad in some cities you can't even see the moon at night."—Martha, grade 8.

"It goes down river,
Hidden in all the water,
all of the topsoil."
—*Terry Palmer.*

"Until a few years ago people really didn't think much of air pollution as a serious problem but now some people think of it third only to Vietnam and inflation. The skys are darkening faster than the public thinks and by the rate it's going now the earth could be sterile by the 21st century. It is upsetting the balance of nature and the ability of the plants to produce their best is being impaired by the growing problem of air pollution."—Steven, grade 8.

"The problem of DDT is very bad because it causes some birds to become extinct. A man could spray a bush with DDT so that when it rains the DDT washes off into the gutter and then gradually into lakes and streams. The fish then eats some DDT and dies. Then the bird eats the fish and it causes a disease in the bird, so when the bird lays an egg the shell is soft and the bird crushes the egg, thus, the bird becomes extinct. This could also happen to Man, by spraying DDT on crops, then the cows and pigs eat the crops, then Man eats the animal and gradually builds up a supply of DDT in himself. This is one way to solve the population explosion, but not the right way."—Trudie, grade 5–6.

"The problem of litter has grown very much since the war. Industries that produce boxes, bottles, cans, cartons, gadgets, and a thousand varieties of paper products has aided our litter problems. The government is spending about $750,000 a year to remove trash and litter from the parks."—Stephanie, grade 5–6.

"The majority of people disregard and are unaware of the destructive problem of air pollution. Never before has the air in which we live been polluted to the extent it is today. Air pollution has an adverse effect on our economy. The deterioration, maintenance and need for replacement of materials, structures and machines is greatly increased by air pollution. More tragic, the pollution levels usually observed damage vegetation. A multitude of field crops are poisoned by many of the contaminants in smog. Smog damages our forest trees. For some three billion Ponderosa and Jeffery pines in the San Bernardino National forest smog is becoming fatal. The dying pines are the first known casualties in the conifer forests. Our resources can not last forever, and their wasting away by air pollution will surely hurt our economy."—Jeanie, grade 12.

"See the pretty coat.
It's made of pure leopard skin.
Where are the leopards?"
—Hank Tonnemacher.

"I think that we should have left the forest and the bay the way that they were before we chopped down the trees and filled up the bay. It was better in the old days when we didn't have cars and things like that."—Karen, grade 5–6.

"I know that some of the trees have to be cut down for lumber . . . so many trees are cut down when it comes to Christmas. People should stop cutting down some of them because they are beautiful. Just think if there were no trees when you go camping. If there were no trees when you woke up you coudn't hear the birds singing . . . I like to live in this world but it wouldn't be worth it if I can't see the trees in the spring and winter and summer. Trees are one of nature's gifts and they need to be saved."—Ruth, grade 4.

"I know we have to kill some animals sometimes for food, but why do people have to kill racoons, rabbits, and foxes for their fur just to have a coat or a hat of animal's furs only to look good? Why can't they let animals be free, not shoot the birds, rabbits, and foxes just for fun but for a special reason like for food and useful things? So why don't we save wild animals?"—Julie, grade 4.

"I feel very bad about the soil breaking away. Without soil we can not plant food. Cows can not eat then the cows will die and so will we and other animals, too. The plants will die and not look pretty."—Diane, grade 4.

"We have a tendency to drive valuable soil to rotten soil. We also disuse the soil. Take for example the Sacramento Metropolitan Airport. Under that airport is rich soil. They could have built it somewhere else, but no they had to put it there! Also by the levee road there is valuable soil but it is filthy—beer cans, weeds, and other junk litter that place."—Matt, grade 6.

"Our rich land has cities and company's buildings on it and our poor land they leave for the farmers. Lots of farmers are moving to the big cities or they are selling their land to big companies and also freeways are going through them. It is not good at all!"—Danny, grade 6.

"As our population has increased at an uncontrollable rate, so have our problems of waste disposal, urban sprawl, and noise, air, water, and land pollution.

"We are making unreasonable demands upon our technology. We have asked for increased food production, and we are now faced with the problem of pesticide pollution; we have required more land to 'live' on, and we have less to enjoy; we have expected faster and faster transportation, and we have received the noise and pollution which is inherent in this. In general we have demanded progress, even at the price of life itself."—Mark, grade 11.

"There are empty buildings near my home that were zoned for business but they are overgrown with weeds. Some people and children dump trash there. If the property gets run down the value of our property will also go down. There are too many billboards and signs and old unused buildings that clutter up and spoil the scenic views. The traffic in my neighborhood is heavy and it is dangerous for the children going to school."—Barry, grade 5–6.

"DDT was the super bug killer, it was cheap and relatively harmless to man in its immediate, noticeable effects. But now it appears that the DDT family lingers in the environment, accumulates in soil, plants, and fatty tissues of warm blooded creatures and aquatic life. The heavy pesticide application causes more complex problems. Many Californians are injured by pesticides or other agricultural chemicals.—Terri, grade 5–6.

"I think that there are too many people. The more people, the more cars. And this brings up some big problems: smog, traffic, and air pollution. Because of the big increase of people there are more industries to pollute the air."—Mike, grade 5–6.

"It seems like we are sardines in a can, the houses are so close together and then you go into the city you are so crowded you can hardly move, it's horrible!"—Trudie, grade 5–6.

"A threat to nature
Many guises it assumes.
Progress is its name."—*Tom Park.*

"Another problem is greed! Nobody is satisfied with what they have. If we all worked together we could all be better off."—Worried.

"Sacramento is also feeling the effects of smog. During the burning of the rice fields that surround the city after harvest time is the time when it gets the most smog. Last year it was exceptionally bad because the winds brought the smoke and haze right into the city. Sacramento was left in a bubble of smoke. Cities like Los Angeles and New York may be too far gone but I hope Sacramento won't be."—Steven, grade 8.

"Scientists say that in Los Angeles children will not be able to have gym class, because they would breathe harder and need more oxygen, and there is not enough."—Carol, grade 8.

"Where is tomorrow? I think that's one question the youth of today want to know the most.

"When you sit down and read a book about long ago, you read about clear skies, clean lakes, large forests, and birds flying and singing above.

"Then you look outside. You hear noisy cars, see dirty streets, and breathe filthy air.

"So you ask an adult why hardly anything is being done about it and they say, 'Well, this is what comes with progress.' or 'It's

those idiotic Democrats or Republicans back east who won't let the good bills pass in the congress or the senate.'

"Perhaps this is the reason why the youth of today are revolting. We're not satisfied with those answers. We want a better tomorrow! The type of tomorrow we want is one without air and water pollution, without racial prejudice or social injustice, without so many people! To do this we must have everyone's cooperation, but I believe in their hearts everyone wants a clean world."—Peggy Leichel, grade 6.

"When I grow up I hope pollution problems and wildlife problems are stopped so my children will not be ashamed of their country."—Danny, grade 4.

"I think that the water pollution problem could be helped in some places by enforcing the laws better. My generation are the people who are going to have to do something about these problems and I know that when I grow up I'm about to do all that I can."—Debbie, grade 5–6.

"If the government would ban off-shore drilling and build factories away from water it would help."—Pam, grade 6.

"I will not waste water."—Debbie, Tim, Matt, grade 1.

"We should not waste water, air or soil. We should turn the water off after using it."—Lori, grade 3.

"We could stop the pollution of air by stopping the burning of our leaves and garbage. Instead of burning leaves you could put them in the garbage can or plow them into the soil to make it fertile. Also it might help if they put some kind of device on cars to prevent so much smog. Also manufacturers shouldn't burn their wastes."—Jeanine, grade 6.

"Now if everybody would do their share by getting an electric engine when they come out, stop burning their trash, stop smoking, and write a letter to your congressman and ask him to do something about it, we would be better off and more healthful, too."—Patrick, grade 6.

"In my opinion the environmental problems are everybody's fault. Without thinking you start your car in the morning. Thus, by the simple turning of a key, you are adding to the smog."—Allen, grade 5–6.

"The silent calm night
Peaceful still and so quiet
If you're on the moon."
—*Marcia Muggelberg.*

"Garbage is not just a thing of the past; it's here and now. We should be able to invent a disintegrator for the disintegration of garbage. I wish people had enough sense to think ahead and clean up. We must save our species—civilization has left a trail of filth. I can't help but think what a beautiful world it must have been before people came. We must clean up this world so that there will be a world worth living in for our children and grandchildren."—Tammy, grade 5–6.

"What changes in my environment would change me? or maybe anybody? How often would you stop and pick up wrappers or cans lying around? How many people care about their environment? If we did little things to help, such as picking up our own garbage, keeping our property neat, throwing things in litter cans, wouldn't other people catch the idea and do the same? Wouldn't people be happy if their town was clean? Sure! Face up to it, people are too busy, or think they are, to do things for a better environment. But everyone can do things helpful! Why don't we all help? Come on let's change some habits and some dark moods to happy ones!"—Stacy, grade 6.

"People shouldn't treat their property disrespectfully. It's their country and if they want a clean one you mustn't litter."—Marty, grade 6.

"When you are out at the lake bring a sack or something to put your trash in."—Lisa, grade 3.

". . . use only things that can be used over and over again."—Terry, grade 5–6.

"Pollution is bad
We are losing the battle
Let's work together."
—*Robert Trulock.*

"We need forests for camping, hunting and timber. Don't start forest fire. We can do this by drowning out our camp fires. And take other safety precautions. There should be planned cutting and replanting so the lumber is not wasted.

"Engineers must keep up with new methods of road building and other projects and try to build roads on land not suitable for agriculture."—Karen, grade 6.

"We should be careful not to leave campfires burning because we might burn down the forest and destroy the animals' homes."—Kevin, grade 3.

"One way to stop the people from killing animals is to raise the fines higher and enforcing the laws."—Danny, grade 4.

"We should try to save our animals. Do not kill animals for no reason. Help sick animals."—Lisa, grade 3.

"Soil, too, needs help. Men are building homes and factories on very fertile soil and leaving the hard dry land for farming. In the hard land it is very hard to grow anything. To stop this from going any further we should give these men a bad time and get a better planning board in all the counties."—Patrick, grade 6.

"Soil should not be wasted by building factories on good farm land. Farmers should rotate crops every year so they don't use up all the minerals. We shouldn't go building roads on good farm land either."—Kristi, grade 6.

"There are so many environmental problems. The people who can really help are the congressmen. People should get together and do something about them."—Stephanie, grade 5–6.

"There are so many people who just throw the matter aside and say 'Our government will think of something to do.' Well this just isn't true . . . So what are we going to do about it? If everyone went around saying, 'Who cares?' or 'it isn't really all that serious,' we would end up wtih no one trying to help. So how about you and me doing all that we can to help. O.K.?"—Bobbie, grade 6.

"If we can start now, I think our children will see the future with beautiful plants and flowers, having love for animals and also love for being alive themselves. I think being alive is the most precious thing in the world besides love. We can't survive without either one."—Lily, grade 9.

". . . but it will take energy within ourselves to help ourselves instead of waiting for some genius to solve all our problems. Life isn't that simple. We have to change our mind and heart and stop talking and start 'doing'."—Shelia, grade 12.

"Keep our water clean
"Save our ancient forest trees
"Make our country shine."
—Nancy Patton.

"We will have to make better use of our environment so many people in the future can enjoy all the world's beauty and have good things to eat and drink."—Doris, grade 5.

"I would like to change my environment by cleaning up our surroundings. Many of us are not paying attention, but letting things die, be destroyed and wasting materials. Many of our old buildings and houses are being torn down. This does not have to happen. Certainly we can do something with old buildings. If we can't restore them, we can use the raw materials as glass or pipes, or, if there is furniture we could always repair the furniture and put it back on the market.

"Another thing which happens in school is we throw away paper just because we made a mistake. Probably many boys and girls do not know what paper is made of therefore do not consider it important if we waste a lot of it. If everyone threw away a lot of paper it would soon add up to quite a lot of lumber wasted and eventually our forests. I know of many things that are wasted and not used again as reusable resources. Almost everything can be used again.

"The main idea is we do not realize how lucky most of us are, and also, if we would share and give to others instead of taking everything for ourselves it would improve our environment."—Sandra, grade 6.

"Also, sometimes I think our country has too much money or else we spend it in the wrong places.

"We should ban DDT and all other dangerous pesticides."—Paula, grade 5–6.

"I feel population has a great deal to do with pollution. More people are dumping more and more pollutants in the same size environment. For example if there were less people there would be less cars to pollute the air.

"I think that if every two people would have only two children there would be a lot less pollution in the future. If people want big families they should adopt children."—Stephanie, grade 6.

"Land, water, and air are limited resources. Although our population has increased from 31,000,000 to 195,000,000 in 100 years, the supply of land, water, and air has remained the same. Unless we change our whole concept of the environment and unless we conserve our natural resources and use them intelligently, we cannot pass our civilization on the future generations."—Jeannene, grade 8.

"I think the people of Sacramento can clean up the pollution if they try."—Pam, grade 6.

"Everybody knows what people are doing to our environment. We all should know, too, that it has to be stopped. Most people are ready to do something about it but feel they're alone. They blame it on the guy next door or the politicians or the laws. The guy next door is probably as concerned as you. The laws are there. The politicians are doing something about it. We all must get together and stop it. No one person can do it alone."—Steven, grade 5–6.

"If more people wrote their congressmen or started groups or clubs things would start to happen. Who knows, someone might get a solution to end all our problems."—Karla, grade 5–6.

"Soil, water, and air
Can not stay fair forever
Without help from us?
—Brad Mishler.

"If we spent as much time cleaning up the garbage as we did rioting and protesting, we would have a pretty nice place to live. The United States is a good place, but we could make it better."—Carol, grade 8.

"Perhaps if we all became involved and acquainted with the facts the problem would be half solved. Now that I am acquainted with the facts, I will become a stronger anti-pollutionist. I see the extreme and immediate necessity of preserving the beauty of the world for the future generations. Are we so selfish and narrow minded as to prevent posterity from enjoying what we enjoy?"—Peggy, grade 11.

"Conservation has become an heated issue in which taxpayers are not stopping to consider the source of necessary funds while applauding legislators who vow to stop at nothing in waging all-out war against pollution. History has shown without doubt that any war must result in higher taxes if it is to be fought effectively and won."—Laurie, grade 12.

"Flowers grow today,
Front lawns are still growing grass,
Don't blink and miss it."
—KATHY CHARLES.

"Our land is not very beautiful anymore and when I get married and have children I don't want them to grow up in nothing but dense fog and smoke."—Robin, grade 6.

"Every person needs to see what he can do to help."—Sharon, grade 6.

"A POEM ABOUT AIR POLLUTION

"Air pollution is the thing,
that flows in the air.
"It covers the city
and causes a scare.
"I see it in the blue
when I am walking the dog.
"If we can only find a clue
To stop this smog."
—Andrew Hironaka, grade 3.

"Would you like to have
A conversation about conservation,
We don't want plants to look as ugly as a pig,
We want them pretty and big."
—Kimberli Luke, grade 3.

"We pollute the sea and air
and never seem to want repair.
Pollution is no thing of joy
all it does is to annoy.
People want their clear, clean sky
but all they do is sit, not try.
What we need is good fresh air
that we can breathe without despair.
If everyone would do their share
we could clean the dirty air."
—Lisa Vancavage, grade 4.

"Air, water and soil,
All we need to exist with.
How long will we live?
—Scott Matthews.

"The fog, the smog,
It's everywhere,
You ought to know by now,
It's been spreading all around,
And everyone knows how.
"It's been coming from our factories,
Cigarettes and cigars,
It's been coming from all the airplanes,
and from the backs of cars.
"All the fog and all the smog,
It's been spreading through the nation,
It's been making people fight for breath,
And die of suffocation.
"So if someone doesn't hurry up,
and find a good solution,
All of us will surely die,
Of all this bad pollution."
—Dan Newman, grade 6.

"What's happened to our clear sunny waters
so sparkly and gay
And the bright clear skies I once saw every day?
Pollution! That is what happened, it's distressing to say
The water's all muddy, the sky is all gray."
—Coleen Goin, grade 6.

"Die! You insect pest!
We'll kill you with DDT.
Maybe ourselves, too?"
—Eric Carleson.

"Air pollution can be stopped,
So we can have clean air,
I wish you'd think of other people,
It just isn't fair.
"I'd stop it if I could, but I need you, you, and you,
To make this polluted world nicer to breathe in, and make
Some things illegal, like smoking or burning,
Help make new burning laws, that's all it would take.
"But I, can't make it illegal,
So you must act like it is that way,
To help end the air pollution,
That is in this world today."
—Toni Marie Tino, grade 6.

"Redwood trees are tall
At least it used to be so
I'm not quite sure now."
—Rod Bittner.

"Pollution is in the air,
But it isn't really fair.
For the people who do it
Do not really care.
"Pollution is in the sea.
It really bothers me.
Do the people who do it
Know they are bugging thee?"
—Carrie Marshall, grade 6.

"The land is ruined,
They rob earth of her beauty
People are greedy."
—Renee Veitenhous.

". . . the wind blows
the river flows
man lives
animals try
we
make it
harder for
them
to live
on this earth
amen . . ."
—Bob Carlsen, grade 11.

"A BEAUTIFUL WORLD

"Let the forest be green,
Let the sky be blue,
Let the land be clean,
Let the water be clear,
Let the world be beautiful to everyone on it.
Let's both, you and I, keep this world beautiful."
—Peggy Betts, grade 6.

"Win a few
Lose a few
Who cares?
Why worry?
Won't be around
when there's nothing . . .
No water to drink
No soil for food
No air to breathe
Enjoy yourself
while you can.
"Cough, Cough, gag
Get me out of LA
Send me somewhere
where I can get fresh air.
"Lungs full of muck
with a little luck
I'll reach middle age.
Cough, cough, gag
Can't anyone see
what is happening to me?
"Don't go to the moon
Stay home.
Help us clean up
Don't give up hope
Be a sport
It won't take long
Soil isn't bad
Water can be fixed
Air is fine
So come on back
and join the crowd.
"Help! Help! Help!
Give me water
to quench my thirst
to bathe my swollen tongue
to wash clean my bloodied throat.
Don't let me die!
Let me live!
Give me water,
fresh clean water.
"Love to eat!
Love to live!
Love to do many things!
Hate to suffocate . . .
Hate to starve . . .
Hate to die!
Won't you listen?
Can't you hear?
Don't pollute
Soil, water, and air.

"This is Whispering Pines
I said, 'This is Whispering Pines . . .'
But the roads drown their tales."
—*Judy Pryor.*

"Air pollution is very bad
Wash your clothes and they're still drab
And all the people are very sad
If a solution we could grab
I know all people would be very glad."
—*Susan Sabala,* grade 5.

"Poor young lady
Don't be silly
Water is water
What's the worry?
What can happen?
loads of water . . .
won't run out
stop that crying
blow your nose.
Time will tell
that I am right.

"Be a pig!
Be a litterbug!
This world's polluted . . .
What's a few
more trash.
Air is bad
Water smells
Soil's dry.
Be a pig!
Be a litterbug!
Be like everyone.

"Earth!
Rich, moist earth!
Beautiful earth . . .
Pregnant earth . . .
Man and earth!
dull, dry, sad.
Barren and ugly
Poor poor earth
What's the matter?
Are you dying?

"Water, water, drink of life
Along with ambrose
Drink of the gods.
Along comes man
whose greed is great
whose carefree ways
Cloud the jewel of earth.
May a way be found
Soon, soon, soon.
Or the fountain of life
will be no more.

"Can it come to pass?
Are we to die
by our own hands?
The pollution of
Air, water, and soil
All is our doing
A race of gods
A doomed race
Unless they unite,
for that is their weakness."
—Corinne Wong, grade 11.

"HELP

"I hate pollution don't you?
In the water all that goo,
And what about up on shore?
There's all that smoke and soot galore.
In water, land, and in the air,
Pollution is positively everywhere.
I will tell you anyhow,
Something's got to be done right now."
—David Jasinki, grade 6.

"AIR, WATER, AND LAND—WHY THEM?

"Is there change in the wind,
or is it death's ugly smell?
Is there peace in the water,
or is it death's ugly taste?
Is there food from the land,
or is it death's ugly poison?
Why them? Why them? Why them?
When will man realize,
When will man stop the waste?
Will it be too late?
—Ernest Louie, grade 8.

INFORMATIVE SERIES OF ARTICLES ON PRISON REFORM

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mr. DICKINSON. Mr. Speaker, I rise today to include in the RECORD a series of six articles written on the Nation's present system of corrections. I found the series to be extremely informative. In my opinion, the articles should be required reading for every lawmaker and every corrections official—arresting, attorney, judge, prison official—in the United States.

The six-part series is written by Robert Betts of the Copley News Service. It appeared as a daily feature in the Montgomery Advertiser, Montgomery, Ala., beginning Sunday, February 22, 1970, until conclusion Friday, February 27, 1970.

Mr. Speaker, the articles cover the failure of the corrections system to effectively succeed in rehabilitation, the futility experienced when attempting to offer treatment to recidivists or repeat offenders, the lack of funds and facilities, the lack of qualified personnel, and the lack of agreement on how best to utilize the available resources. They examine the philosophy of penology. The series attempts to answer the questions: "Is punishment still a dominant need for mankind? Does imprisonment deter? Prevent? Correct? Should prisons offer social protection and/or rehabilitation?"

In brief, the six-part series takes a hard look at these areas:

First. The divergent views of the philosophy of penology.

Second. The problems faced by corrections in dealing with the recidivist.

Third. An examination of the "model" facility—the Federal system.

Fourth. The State institutions.

Fifth. The local, city and county, facilities.

Sixth. Progress in prison reform.

I urge you to read this series. At times, you will be shocked but we must make the public aware of the deplorable conditions in many of our systems that have been produced in the name of corrections. Fortunately however, there are many bright areas in prison reform that can serve as the ideal example in improving our system of corrections.

In connection with this, I also recommend that everyone should read "The Summary of the Joint Commission Recommendations for Improving Corrections" written by Bill Andronicos for the Federal Times, February 18, 1970, which I am including in the RECORD today.

[From the Montgomery Advertiser and the Alabama Journal, Feb. 22, 1970]

NO QUICK SOLUTION SEEN TO "EVERYBODY'S FAILURE"

(By Robert Betts)

A sweeping overhaul of the erratic, uncoordinated and confused system under which criminals are confined and treated in America will be attempted under a 10-year prison reform program called for by President Nixon.

The present corrections system, as the President has emphasized clearly, is failing to rehabilitate most prisoners.

No one, from the President on down, expects to find immediate solutions to a sweeping problem which one corrections official calls "everybody's failure," extending far beyond penal institutions. It is a hodgepodge system which daily must accommodate a half million criminals accused of everything from petty theft to murder.

The number of repeat offenders is a major dilemma.

Statistics show that nearly half of all those released from prison arrive back inside sooner or later for another crime, often more serious than the one which put them there in the first place.

Crime rose 120 per cent in the last decade, and much of it was committed by repeating offenders, known to prison authorities as recidivists.

Eight out of 10 offenders sampled in a recent Federal Bureau of Investigation study had at least one prior arrest. Seven of 10 had a prior conviction.

Of those charged with burglary, auto theft or armed robbery, between 60 and 70 per cent had been arrested two or more times in the preceding seven years.

The President said a nation as resourceful as the United States should not tolerate a record of such futility in its correctional institutions.

His reform plan calls for the establishment of a task force to make recommendations on a unified corrections system. Other recommendations now being worked on include:

1. Exploration of the feasibility of pooling resources of several governmental units—federal, state and county—to set up specialized treatment facilities;

2. Federal assistance to states and localities in developing parole and probation programs and other alternatives to incarceration;

3. Replacement of local jails with a comprehensive, community-oriented facility which would bring together a variety of detention efforts, adult and juvenile court diagnostic services and treatment programs;

4. Development of programs for juvenile offenders, who make up a third of all those under correctional treatment;

5. A major new research effort by the Justice Department into better methods of rehabilitation;

6. Coordination of all federal correctional programs by the U.S. attorney general.

The subject of prison reform has long been debated among sociologists, psychologists, criminologists, lawyers, politicians, police, prison and other government officials.

There have been hearings, investigations and official reports. Some grim pictures have been painted of confinement in the United States.

Many suggestions for improvement have been made. Some have been adopted. Others have been delayed for lack of funds, lack of qualified personnel, or lack of agreement on how best to use available resources.

At the root of the controversy is the whole philosophy of penology.

Agitation for prison reform is inspired not by humane considerations alone. Many reformers feel that recidivism is due as much to present modes of punishment as to any inborn criminal bent. Some contend that confinement in itself, apart from actual physical brutality and other evils which are said to sometimes accompany it, has a demoralizing , brutalizing effect on human beings, thereby increasing antisocial tendencies.

The National Council on Crime and Delinquency has raised such questions as: "Must the offender . . . be held isolated from society, or may he remain in the community of man? Is punishment still a dominant need of mankind? Does imprisonment deter? Prevent? Correct? Is the convicted criminal so much more dangerous than his nondetected or nonconvicted fellow man?"

The 1967 President's Commission on Law Enforcement and Administration of Justice stated: "The ultimate goal of corrections under any theory is to make the community safer by reducing the incidence of crime."

The fact that this goal seems to be receding rather than approaching, despite increasing emphasis on rehabilitation, has caused some to feel there has been too much "coddling" of criminals and that some criminals are incapable of ever being rehabilitated.

FBI Director J. Edgar Hoover believes, "Our patient public, ever willing to give a person who has breached our legal code of behavior another chance, has had its capacity for patience taxed to the ultimate."

There is the other point of view that modern society itself is to blame for its indifference to a "punitive and repressive" system which only leads to more crimes being committed.

A witness told members of one of the numerous Senate subcommittee hearings on prison conditions that public ignorance and indifference had made "the institutional setting a prime source of corruption, political intrigue and human degradation."

A confidential memo to a national foundation recommending a grant for a study of the U.S. correctional system declared: "Most of the recent attention to the criminal law process has been in the nature of a preoccupation with stopping crime and catching convicted criminals . . . Once a criminal is caught and tried and incarcerated, interest wanes . . . The general public seems to care little about prisons and prisoners, wrongly assuming that the issues they raise concern only questions of punishment or deterrence."

Dr. Karl Menninger, eminent U.S. psychiatrist and author of "The Crime of Punishment," believes there is a great public apathy to proposals for more intelligent control of crime and rehabilitation of criminals "because we have a persistent, intrusive wish for vengeance."

He argues that detention in prison, which "was supposed to be a modification of the infliction of pain," is often "more cruel and destructive than beating."

In his opinion, "Before we can reduce our self-inflicted sufferings from ill-controlled aggressive assaults, we must renounce the ancient, obsolete penal attitude in favor of a modern, therapeutic one."

Another well-known expert speaks in defense of punishment.

Dr. Ernest van Haag, sociologist, psychoanalyst and author of "The Fabric of Society," says, "People act when positive desire is stronger than the desire to avoid the cost. Accordingly, the crime rate itself rises if—for whatever reason—the impulse to commit crime rises and the average cost imposed by law is not raised with it, or is reduced. The crime rate falls when the impulse to commit crime falls, or the average cost imposed by law is raised."

One-sided emphasis on conditions which are said to produce propensity to crime, and undue neglect of costs to offenders, contribute to an unnecessarily high crime rate, he asserts.

Although he agrees rehabilitation is worth trying, he believes "the best of all rehabilitation programs is not likely to affect the rate of recidivism more than marginally."

Despite the poor rehabilitative results, the weight of opinion among prison and crime preventive authorities is for more research and experiment along those lines.

Hoover himself says: "Available crime statistics clearly establish a need for greater social action to prevent and abort more careers in crime, greater effectiveness on the part of law enforcement agencies in creating crime deterrents, and improved rehabilitation programs by the courts and correctional agencies."

[From the Montgomery (Ala.) Advertiser, Feb. 23, 1970]

ADEQUATE TO APPALLING; THAT'S QUALITY RANGE OF U.S. PRISONS

(By Robert Betts)

Recidivism—repeated criminal acts by the same offender—is the despair of the U.S. correctional system.

If the penal system could restore all or even most offenders to the community as responsible citizens, the national crime rate would drop significantly.

For a great many offenders, however, correction does not correct. The sad fact is that nearly half of them return to crime after their release, and the crime rate goes on soaring.

Some of those concerned with the problem are indeed coming to feel that the conditions under which many offenders are handled, particularly in institutions, are often a detriment to rehabilitation.

According to various investigators, the quality and conditions of the nation's custodial institutions—federal, state and county—range from adequate at best to appalling.

A parade of witnesses has painted a grim picture of confinement in all areas of the United States.

The Senate subcommittee on Juvenile Delinquency has heard prisons variously described as "crime hatcheries," "monster-producing factories," places which succeed only in turning out "finely honed weapons against society."

Subcommittee Chairman Sen. Thomas Dodd, D-Conn., was moved to comment, "We do better with our animals than we do with a lot of our human beings."

Four congressmen, members of the House Select Committee on Crime, who took a look at prison conditions in the District of Columbia in 1969, concluded that a man who walks out the gate after serving his time stands little chance of staying out.

Myrl E. Alexander, director of the U.S. Bureau of Prisons, told them, "The endless cycle of arrest, imprisonment, release and re-arrest has plagued our society. The time to interrupt this cycle is long overdue."

The 1967 report of the President's Commission on Law Enforcement and Administration of Justice stated: "Life in many institutions is at best barren and futile, at worst unspeakably brutal and degrading.

"To be sure, the offenders in such institutions are incapacitated from committing further crimes while serving their sentences, but the conditions in which they live are the poorest possible preparation for their successful reentry into society, and often merely reinforce in them a pattern of manipulation or destructiveness."

The report admits, "These conditions are to a great extent the result of a drastic shortage of resources, together with a widespread ignorance as to how to use the resources available."

There is also widespread disagreement, not only among correctional authorities themselves, but among lawmakers and penological experts outside the system.

There is little cooperation among federal, state and county authorities with a view to tackling the corrections problem on a nationwide basis. Each level of government often acts independently.

The federal government has no direct control over state corrections. The states usually have responsibility for prisons and parole programs, but frequently probation is tied to court administration as a county or municipal function.

Counties do not have jurisdiction over the jails operated by cities and towns.

The United States has more than 50 types of penal institutions. There are prisons with bars, prisons without bars, "halfway houses" (officially called Community Treatment Centers), rehabilitation homes with various probationary and psychiatric supervision schemes, special work projects and career training programs.

The nation's correctional system handles nearly 2.5 million admissions a year, and spends over a billion dollars doing so. On any day it is responsible for some 1.3 million offenders. Two-thirds of these are on probation or parole. The rest are under confinement.

Nine out of 10 prison inmates are men. About 60 percent are under 35 years of age. Over one-quarter are under 25, and about 10 percent are teenagers.

While some distinction between crimes is made for the purpose of incarceration, the present correctional method is criticized on the ground that too little consideration is given to the differences among criminals.

"Offenders themselves differ strikingly," the President's Commission stated. "Some seem irrevocably committed to criminal careers; others subscribe to quite conventional values; still others, probably the majority, are aimless and uncommitted to goals of any kind. Many are disturbed and frustrated youths. Many others are alcoholics, narcotics addicts, victims of senility, and sex deviants.

"This diversity poses problems for correctional officials, for in most places the many special offender groups must be managed within large, general purpose programs."

Prison authorities generally concede that there are obvious deficiencies in the system. Not the least of their problems are overcrowding, understaffing and lack of funds needed to modernize institutions, to recruit and train more staff and to introduce recommended reforms.

About 121,000 persons are employed in the corrections system. Although rehabilitation is considered the primary task (the aim being to see that lawbreakers, after once coming under control of the system, do not return to crime), only 20 per cent of the corrections personnel are concerned with treatment and rehabilitation. The other 80 per cent are responsible for maintenance and custodial functions.

The president of the American Correctional Association, Ellis MacDougall, said prison administrators lack basic and necessary tools. But he also charged that the institutions were being made scapegoats for "everybody's failure."

"We have the failures of the schools," he said, "the failures of our families, our churches, of mental retardation programs . . . We deal with everybody's deficiencies."

The President's Commission pointed out: Corectional agencies across the country face acute shortages of qualified manpower, especially in positions charged with responsibility for treatment and rehabilitation.

"Thousands of additional staff are required now to achieve minimum standards for effective treatment and control. Many more thousands wil be needed in the next decade."

[From the Montgomery (Ala.) Advertiser, Feb. 24, 1970]

HELPFUL WORK FOR INMATES IS BIG PROBLEM IN PRISONS—CORRECTIONAL INSTITUTIONS TEND MORE AND MORE TO HAVE OPEN DORMITORIES

(By Robert Betts)

"Prison is no picnic," said the warden, sticking his fork into a hamburger cooked by an inmate.

It was lunchtime at the Federal Correctional Institution on Terminal Island, Calif., near Los Angeles.

In the prisoners' mess hall next door to the staff dining room the inmates were eating basically the same food.

It wasn't food that the warden was talking about, but life for prisoners generally.

Everybody knows how tough it is, even if they've never been inside: all those bars, hard beds, stern guards, no privacy and, worst of all, no freedom.

But outright brutality?

"We're long past those days," said the warden, Greig Richardson, who is chief administrative officer at Terminal Island.

Prison officers generally think the average American has a distorted view of prison—a popular picture of mutinous inmates rattling tin cups on cell bars or shooting their way out in a big break.

All was quiet in the cell block the day I looked in.

Prisoners, reclined on their bunks, reading or snoozing. Some stared stonily through the bars. A few nodded "Hi." But most didn't bother even to look up.

These were the "close custody" inmates—new arrivals undergoing a 30-day admission process, transferees from other federal prisons finishing the last few years of a long-term sentence, and a few difficult ones who were not considered fit to mingle with the general prison population.

Most of the 790 men sleep in open dormitories with an average of 62 men to a unit. With their rows of neatly made beds and lockers, the dormitories could have been sleeping quarters in any Army barracks. Each has an adjoining recreation room where the inmates can watch television till 11:30 p.m.

Two units of 78 single rooms, which once were cells, have been converted to honor dormitories for trustees and others considered to have made outstanding adjustments.

Terminal Island is a "medium security" institution. It may not be the "ideal" prison, if such a place could ever exist. At least it presents the modern example of what the Federal Bureau of Prisons is trying to achieve in fulfilling the dual function of social protection from, and prisoner rehabilitation of, the men and women in its custody.

"The harsh abuses of punishment which have characterized many prisons in the past and which have served only to degrade and brutalize the prisoner have never been part of the program at Terminal Island," said Richardson. "In fact, for many years, corporal punishment of any kind has been totally outlawed in all institutions of the federal prison system.

"So far as possible, Terminal Island is individualized. There are few written rules. Rather, an attempt is made to formulate a wholesome and flexible structure of communal living."

In the main mess hall—no drearier, even brighter than some service and works canteens—inmates lined up at the service counters and seated themselves with their food at tables for four. One or two guards stood, armed with no more than a bunch of keys. Only the guards in the two watchtowers are armed.

Outside in the large central square, men strolled in the lunchtime sunshine or sat around laughing and chatting. Others were playing handball, badminton, horseshoes or lifting weights. There are also basketball and softball games.

"One of the greatest problems faced by most penal and corrections institutions is that of providing constructive work for the inmates," said Richardson.

At Terminal Island the work program takes precedence over all other demands upon the inmates' time. They work in the furniture refinishing shop, upholstery department or metal equipment factory turning out products for other federal departments. Training also is given in plumbing, carpentry, masonry, electrical work and other skills. In the women's section vocational training is given in dressmaking, cookery, cosmetology, hospital and office work.

The 1965 Prisoner Rehabilitation Act sparked a minor revolution in federal penology by authorizing the daytime release of prisoners for work or study in nearby communities.

Currently some 35 Terminal Island inmates—the figure varies as men become eligible—are traveling to jobs outside and returning to prison after work. They walk to nearby bus stop to begin their halfway journey into society. Each is provided with a prison lunch—two sandwiches, fruit and a slice of pie.

Eligibility requirements for work release are high. The prisoner must be within six months of completing his sentence. His offense and adjustment to prison life are taken into account.

"We have had very few failures," said Richardson. "One or two failed to return, but were picked up again. One was brought back by his parents. They had persuaded him it was in his best interest in the long run.

"Another had a drinking problem. He came staggering back one night—but at least he came back.

"The support from everyone—the police, civic groups, employers—has been great. Many men have carried on in their jobs after release and turned out to be good workers, well thought of by their employers. The old reluctance to employ exprisoners is dying."

Money earned by prisoners working inside or outside the institution goes to support their families, for transportation and clothing. Savings go into a trust fund established by prison officials. At the commissary inmates may buy cigarettes, candy and over 150 other items. Profits from commissary operations are used for providing television sets, motion picture equipment, prizes for special recreation events and the like.

The education department has a well-stocked library of fiction, non-fiction, standard reference works and books in various technical fields. There are teaching machines where prisoner-students sit at individual desks pressing buttons and watching a lighted panel as they conduct their own individual study program. Courses enable an inmate to obtain a certificate in elementary or high school level achievement. Special courses in the trades and professions are available from the International Correspondence Schools.

Said Warden Richardson, who has been 25 years in the prison service, "Prisoners cannot be stereotyped like you see them in the movies—all-smart and thoroughly evil or all-dumb and talking by the side of their mouths. They're all individuals, as varied as people outside.

"Neither is it possible, with our present knowledge, to predict their future behavior with any certainty. I've seen men leave here who seemed reformed and ready to start a new life, only to have the disappointment of seeing them back in prison before long. On the other hand, where I would almost have gambled on a man landing back inside, I have learned that he has completely turned over a new leaf, is going straight and making good."

Richardson agreed that certain types of crime have a higher repetition rate—such as "paper-hanging" (forgery) and auto theft, probably because they are easier to commit, less dangerous and comparatively harmless, at least in the criminal's view.

Narcotics addicts are another problem. Terminal Island has a special research program aimed at the treatment and social rehabilitation of addicts. It claims 35 per cent success so far.

"Recidivism is a subject that no one can be dogmatic about," Richardson said. "It is a hazy, controversial subject. Recidivism rates vary from prison to prison and there is no one set of figures applying to the whole country.

"Much more research and elevation are needed. It is not enough to know that a man has been returned to prison. We need to know whether he committed a new crime or violated parole, what his previous prison or probation record was, the types of rehabilitation programs he participated in, how serious was his crime or his parole violation.

"It takes time and the efforts of many more people than we have at the moment to accumulate, tabulate and evaluate this information. It also takes cooperation and coordination between the various correctional authorities across the country.

"We need a central information base which will give all the data on offenders and their background.

"Much progress in prison reform has been achieved over the last few years, but we still have much to learn."

[From the Montgomery (Ala.) Advertiser, Feb. 25, 1970]

SAN QUENTIN: "DOING OUR BEST ON LIMITED BUDGET"

(By Robert Betts)

California not only boasts sunshine and good living, it has the best prisons.

So officials in and out of the state claim. Not all prisoners may agree.

At grim old San Quentin, for instance, they grouse about the food, the crowded accommodation, the guards, the routine and regimen, the monotony of it all.

There are even complaints about the rehabilitation and vocational training programs, which apparently don't come up to the expectations of some people, in and out of the prison system.

Officials admit there's room for improvement.

"We're not trying to whitewash this place," said a San Quentin officer, "but we're doing the best we can with a limited budget."

Still, most penologists—in the federal system as well—acknowledge California to be one of the, if not the most advanced state as far as corrections go.

The state's Department of Corrections officials say that one advantage is having 13 institutions which affords more opportunity to segregate the hard-core criminal from the first-time offender. There is extensive shifting of inmates from one institution to another as their personal conditions change.

Nearly half the state's 27,500 prisoners are in minimum security—no bars, no high walls, no gun towers.

The department operates a number of minimum security conservation and highway camps, ranches and farms for specially selected inmates. About 2,500 of them live in forestry-conservation camps, working on firebreaks, fighting fires, helping conserve the state's natural resources and saving California taxpayers millions of dollars.

The California Institution for Men at Chino, opened in 1941 as the first open minimum security facility, became the model for similar institutions throughout the world. "A bit less pleasant and it might pass for a military base," commented one visitor.

At the institution's Tehachapi branch an experimental family visiting program is being conducted. This year about 200 inmates will be able to spend weekends with their families in specially provided apartment units.

California operates a number of programs to prepare prisoners for release. One is the 72-hour leave. Within 90 days of release, a prisoner is given 72 hours freedom to visit his family, interview for a job, obtain a driver's license, check with his labor union, and take entrance exams if necessary for future employment.

Another program is the work-furlough, under which some prisoners work at jobs on the outside during the day and return to the prison at night. One recent prisoner at San Joaquin County Jail was in the aircraft sales business, spent his work furlough flying charter planes, returning to the lockup after landings.

About 900 prisoners went from work furlough to parole last year.

Through a program of intensified parole supervision concentrated on the tougher cases, California claims to have cut its recidivism rate from 45 per cent, before the program was begun in 1965, to 32 per cent. Of these only 14 per cent committed new felonies.

Roy K. Procunier, director of the Corrections Department, said: "We need to continue the effort to develop strong community-based corrections programs such as intensive parole supervision, halfway houses and work furloughs. These programs provide an alternative to long and costly incarceration, and appear to offer the best hope for breaking the too frequent cycle of crime and confinement."

California's more liberal approach to corrections is being adopted in more and more states.

The work furlough program is now used in 24 of them, as well as in the federal prison system. In fact the idea was first tried in Wisconsin in 1913.

It was introduced in California in 1957 when legislation provided for inmates of county jails to go out to work. In 1965, additional legislation was passed under which selected prisoners from state prisons could join the county-administered program. The same year the work-release program was introduced into the federal prison system under the Prisoner Rehabilitation Act.

In North Carolina, where 12,000 select convicts have earned $10 million in 10 years, inmates are eligible for work release when they have served a relatively small portion of their sentences. Cancellation of work release for serious misbehavior—generally absconding—has occurred in 15 per cent of the cases.

Revocation has been lower in the federal system, where prisoners usually enter work release approximately six months before their expected parole date.

As of Jan. 1, Illinois has a separate Department of Corrections and Department of Law Enforcement, both operations of which formerly came under the one Department of Public Safety. Work release, halfway house and other rehabilitative programs are being expanded and corrections personnel increased.

"Illinois is not going to continue to run the kind of dehumanizing prisons which have created the present cycle of despair and human failure," promised Illinois Gov. Richard B. Ogilvie.

While some prisons have earned praise as well-run institutions with modern rehabilitative processes and splendid treatment programs, others have been the subject of scandalous revelations.

One of the most notorious recently (1968) concerned the Arkansas state penal system. A former superintendent told Senate investigation subcommittee that Arkansas prisons were festering with "inmate abuse and official corruption including death, threats, shooting of prisoners, gratuitous beating with rubber hoses, blackjacks, brass knuckles, ax handles, torture, stompings, lashings, kickings, sexual perversion and other forms of punishment." He also contended that he dug up bodies of inmates he believed were murdered by guards.

Arkansas Gov. Withrop Rockefeller instituted major penal reforms, including appointment of a new superintendent.

As to the theory that confinement in itself is a "brutalizing process" and that prisons can only serve as "graduate schools in crime," opinion varies widely, even among prison officials.

Superintendent of Illinois Prisons Hollis McKnight does not believe they are.

He pointed out that in his state an illiterate person entering the Illinois prison system could by the time of his discharge have earned an associate of arts degree or could have learned any of 54 different trades taught in prison.

"We seldom hear of the man on the outside who makes good," McKnight said, "because he isn't likely to publicize the fact that he has been in prison."

Paul Gaither, sheriff of Potter County in

Amarillo, Tex., for 21 years, does not believe prisons are a "brutalizing process" either, though he agrees they are "graduate schools in crime."

Vocational training programs might help a prisoner "if he'd go out and find himself a job, but most of them won't do it," he said. "That old saying, 'Crime doesn't pay' is not true. It does pay."

The nearly half of released convicts who land back in prison "don't regret going back to the pen today," Gaither said. "The first offender is scared, but the second and third timers don't mind going back at all. They say, 'We've got it made when we get back.'

"I've taken men to the penitentiary, and on the way they'll be talking to each other about when they get out, and they can almost tell you the date. The prison authorities want to get rid of them as fast as the criminals want to get out. Facilities are crowded."

Texas, which has about 12,000 prisoners for 18 prison units, is rated with California as one of the better state penal systems. It boasts a remarkable six-week course at a relaxed center near Houston, where civilian volunteers including bankers, auto salesmen, and personnel experts, lecture felons on how to obtain loans, buy cars, apply for jobs.

"Even the prisoners now call Huntsville (state penitentiary) the "Summer Resort," said Gaither. One prisoner told him, "If Huntsville is like it was when I was there before I'd break away from you. You'd have to kill me before I'd let you take me back. But now I don't mind. I've heard how it is there now."

Many penologists believe that the percentage of those prisoners who cannot be reformed is very small.

Gaither thinks the figure is nearer one in a thousand. "If criminals never think anything very tough is going to happen to them when they commit a terrible crime, what is the deterrent?" he said.

"I hate to say it, but in the United States we've been too easy on criminals after they get in the pen."

Arnold Pontesso, director of the Oklahoma Department of Corrections, said that after a person has been committed to prison three times, "He's OK—he's where he is comfortable and has no worries—sort of like being on welfare. When he's released, it's like a vacation. He gets out, has a little crime spree and then, goes back 'home.' "

[From the Montgomery (Ala.) Advertiser, Feb. 26, 1970]

LOCAL FACILITIES WEAK LINK IN CORRECTIONS SYSTEM

(By Robert Betts)

No part of U.S. corrections is weaker, according to critics of the system, than the county jails and other local facilities which handle persons awaiting trial and serving short sentences.

Because the inmates seem to present no clear danger to society, the response to their needs may be one of indifference.

Turnover at city and county jails across the nation is around 1.1 million annually.

Classification of prisoners as to their danger to other inmates or need for counseling has been found often to be perfunctory or nonexistent.

First offenders, juveniles, women, even those awaiting trial who may be innocent, are imprisoned with confirmed criminals, drunks and mental defectives.

Such institutions are usually administered by police or county sheriffs, enforcement authorities whose experience and concern are mainly in fields other than prisoner counseling or rehabilitation. Neither have they the time nor the staff qualified to handle these added duties.

Yet it is here, at the primary level of confinement, that such work is most important, say prison reformers.

In its 1967 report to the President's Crime and Delinquency Commission, the National Council on Crime and Delinquency suggested that definite steps should be taken to improve conditions in local jails.

The report quoted penologist Louis Robinson who said a half century ago: "From many points of view, the jail is the most important of all our institutions of imprisonment. The enormous number of jails is alone sufficient . . . to make (one) realize that the jail is, after all, the typical prison in the United States. From two-thirds to three-fourths of all convicted criminals serve out their sentences in jails.

"But that is not all. The jail is, with small exception, the almost universal detention house for untried prisoners. The great majority, therefore, of penitentiary and reformatory prisoners have been kept for a period varying from a few days to many months within the confines of a county or municipal jail . . . Important witnesses also are detained in jail, and it is used at times for still other purposes, even serving occasionally as a temporary asylum for the insane."

The Crime Council's report states, "Now, in the seventh decade, this statement by Robinson and his comments on filth, neglect and maladministration still accurately describe the role and status of jails and short-term institutions in the United States."

The council believes that because jails are at the beginning of the penal continuum, they offer perhaps the "great opportunity to restrain the offender from descending down the ladder to maximum security facilities."

It states, "The availability of qualified services at this point could result in promptly removing many from the correctional process who have been swept in unnoticed and undetected and who are more in need of protective, medical and mental care from welfare and health agencies than they are in need of custodial care . . . "

Originally intended to be short-term holding operations, county and city jails have had to cope with a growing backlog of cases awaiting court action. Unsentenced local prisoners are therefore being held much longer than normal.

Bulging local facilities have been described as nests of "rampant vice."

A Philadelphia judge, releasing without bail a 20-year-old accused car thief and check forger, said, "Even if he's guilty, it would be a greater crime to keep him in prison than to allow him to repeat the offense."

The youth was said to have been a victim of repeated homosexual rape while held in pretrial custody.

In Washington, D.C., where homosexual attacks have also been revealed in city prisons, a federal judge refused to send four youths to a workhouse to serve five days for contempt because he did not want to subject them to "sexual molestation in the workhouse."

Such assaults are common in many local jails, authorities say. "It's a result of warehousing a hodgepodge of prisoners in antiquated prisons where they have little or nothing to do," said E. Preston Sharp, secretary of the American Correctional Association.

The Cook County Jail in Chicago, described by one official as "a great big human warehouse," was rocked in 1967 by revelations of corrupt guards, homosexual assaults, murders of inmates and strong convict control within the prison. A new warden was appointed, a $9-million bond issue was passed to finance jail improvements, 60 per cent of the guards were replaced and guards' salaries were increased.

Testifying before a House Appropriations subcommittee recently Herman G. Mueller, acting director, Bureau of Prisons, said:

"The condition of the more than 3,000 local jails in the United States, without question, contributes directly to the crime problem. For more than half a century little has been done to use the jail as a correctional institution. They have meager, if any, diagnostic and treatment programs. Personnel are untrained and generally underpaid. Most jails serve largely as warehouses and crime factories—places where impressionable young offenders learn ways of crime."

Some authorities have moved ahead to improve local conditions. Bucks County Prison, 25 miles north of Philadelphia, recently has been developed into what many experts consider a model jail despite the forbidding exterior of its 85-year-old structure. More guards have been hired and at higher pay. An inmate-screening system assigns all prisoners to work or training programs within 24 hours of their arrival. There is a work release program. More than a third of the inmates attend education classes—one of the highest levels in the nation's prisons.

Multnomah County, Ore. (Portland), is among the jurisdictions which have established special facilities as an adjunct to their county jails. The program includes work, counseling, tutoring by college student volunteers, corrective surgery and dentistry.

San Diego County Jail, Calif., boasts some of the most up-to-date facilities in the country—computerized processing, closed-circuit TV to keep surveillance over all strategic points inside the building, plate glass windows instead of bars in the reception wing, piped-in music, medical and dental clinics, as well as advanced rehabilitative and job placement programs.

"It does no good to keep people merely locked up," said jail administrator, Capt. John F. Duffy. "We have to pay regard to their personal problems and needs. Some need job training. Some are already skilled but have for some reason lost their self-confidence or self-respect. They need encouragement to point them in the right direction.

"We have the cooperation of several local welfare organizations who send volunteers to work inside the jail. With the help of volunteer students and professors from the University of California we are conducting our own drug rehabilitation program, to try and do something about the increasing number of young drug offenders."

Another recent innovation at San Diego, designed to speed up inmate release, is the acceptance of checks, money orders or credit cards in lieu of cash as bail for prisoners.

The county has established five camps to which prisoners sentenced to the jail are transferred after screening.

Separation and detention facilities for juveniles was one of the recommendations of the President's Commission on Law Enforcement and Administration of Justice. It also recommended that local jails and misdemeanor institutions be integrated into state correctional systems.

Arnold Pontesso, director of Oklahoma's Department of Corrections, believes the influence that the more sophisticated corrupt individuals exert over beginners is one of the chief causes of recidivism.

Pontesso, a former warden of the federal reformatory at El Reno, Okla., is very correction-minded and seriously concerned with rehabilitation.

"We're trying to take first termers, and at least part of the second-termers, and keep them from becoming professional convicts," he said. "If we have a better means of separating the starters, I think we'd have a better success."

[From The Montgomery (Ala.) Advertiser, Feb. 27, 1970]

PRISON REFORM HAS COME LONG WAY, STILL MORE TO DO

(By Robert Betts)

Prison reform has come a long way since Benjamin Franklin and his friends founded the Philadelphia Society for Alleviating the Miseries of Public Prisons. But many penologists today consider it hasn't come far enough.

Philadelphia's 18th Century Quakers rejected execution, torture, flogging and other corporal punishment as a way of dealing with offenders. Solitary confinement until death or release was more human treatment, they believed.

They also introduced the notion of labor as a necessary part of penance. Visitors from Europe were amazed at what they saw in Philadelphina's new stone penitentiary—inmates working at carpentry, weaving, shoemaking. Some prisoners even slept in dormitories.

The reform movement spread, but slowly. Each state set its own standards, and some were more progressive than others.

In 1831, historian De Tocqueville wrote, "By the side of one state, the penitentiaries of which might serve as a model, we find another whose jails present the example of everything which ought to be avoided.

In the opinion of the National Council on Crime and Delinquency these words "need not even be paraphrased to describe accurately the uneven quality of prisons in the United States today."

According to council director Milton G. Rector, it is impossible to give a black and white, yes or no answer to the question of whether the states and other jurisdictions are doing their best to improve correctional care.

"Some are in the dark ages, but others follow enlightened policies," he said.

As reforms have been introduced so has the whole correctional system become far more complex. Correctional authorities across the country, already working on a limited budget and lacking qualified personnel, have been called on to provide a wide range of extra services mainly connected with rehabilitation—educational programs, work programs, vocational training schemes, counseling and various forms of medical and psychiatric care.

Attempts to improve prison atmosphere have resulted in notable changes in the physical features of many federal and state institutions. Barred cells have given way increasingly to rooms or dormitories with locked doors and windows. Dreary mess halls have been brightened up. The old long wooden tables and benches have been replaced by separate tables.

Fences rather than high walls and gun towers now surround many modern institutions, other than maximum security prisons. Prison grounds have been replanned with gardens, sports and recreation areas. Theaters, hobby and handicraft rooms, classrooms, workshops, vocational training centers and other facilities for the recreation, instruction or rehabilitation of inmates have been added, expanded or modernized.

Progress has not uniform or free from complication. Legacies from the old days still exist in much prison architecture—grim and fortresslike, with tier upon tier of individual cells arranged chiefly with a view to security.

More than a score of U.S. prisons are over 100 years old, beyond replanning on modern lines.

Neither are public funds for prison improvement easily obtainable.

"Many people feel that spending money on better jails amounts to coddling prisoners," commented Philadelphia District Attorney Arlen Spencer.

Many institutions, especially those for juveniles, have taken on more social workers, counselors, psychologists and teachers to aid in the rehabilitative process. Modern reformers who would like to see much more rehabilitation work being done complain that there are not nearly enough of them.

Another criticism is that the majority of prison custodians are unfamiliar with institutional care or do not get the on-the-job training which could improve their capability in keeping with the shift of emphasis from simple restraint to rehabilitation.

"We don't pay our people well enough to have them capable of being counselors," said Arnold Pontesso, director of Oklahoma's Department of Corrections. "Most of them are guards, regardless of what we call them."

Starting salary for a prison guard in Oklahoma is $350 per month. Requirements are an 8th-grade diploma and, says Pontesso, passing "a very simple test and being warm. Zoo keepers make more money starting with no experience."

Some states pay their guards more. Illinois offers $415 per month to start, but makes it $482 at the maximum security Joliet facility. The base for a correctional officer in California is $545.

Qualifications for prison personnel also vary from state to state. In some there is no basic educational requirement for guards.

Louisiana State Warden C. Murray Henderson, responsible for the once-notorious Louisiana State Prison at Angola, said "We would like to require a high school education or at least the G.E.D. (general education degree), but we probably wouldn't get enough guards if we did."

The shortage of guards at Angola is such that inmate trustees are utilized when necessary, a practice Henderson regards as "most undesirable." The practice, however, is not unusual in U.S. penal institutions.

As for being qualified in rehabilitation work, a report prepared for the President's crime Commission stated that in 28 per cent of the prisons "one can be a 'professional worker' without having graduated from high school. In at least one (prison system) the mail clerk is called a social worker."

One of the nation's foremost pioneers of prison reform, Joseph E. Ragen, who as warden transformed Joliet-Stateville, Ill., state prison from anarchy to a model correctional institution in the 1930s, confirmed that the key to carrying out rehabilitation in prison is having qualified personnel to teach and train convicts. He regrets the lack of competent custodial officers, but sees little that can be done about the problem so long as state legislatures refuse to pay the bill for such a purpose.

"You can't get the right kind of help unless you pay for it," he said. "Society pays one way or another for crime. The offender goes to trial and the taxpayer is faced with the burden of supporting him when he is sent to prison."

It costs around $10 a day to keep a person locked up in a federal prison.

One way of cutting the cost is to put fewer offenders behind bars and allow more to remain in the community under parole supervision and treatment. It is estimated to be 10 times cheaper than keeping a person locked up.

"Even allowing for the substantial improvements in salaries and personnel needed to make community programs more effective, they are less costly," stated the President's Commission on Law Enforcement and Administration of Justice.

In fact there has been a recent trend toward more parole and probation rather than confinement, not merely for reasons of economy but because of the widening acceptance of the belief that incarceration is in itself an inhuman method which can do nothing to rehabilitate a person.

More and more judges, forsaking the old rule, "Let the punishment fit the crime" for the new maxim, "Let the treatment fit the needs of the offender," are putting defendants on probation rather than sending them to prison.

Of the 1.3 million people now under correctional authority two-thirds are on probation or parole.

"If judges are turning to probation increasingly," said Ellis C. MacDougall, president of the American Correctional Association, "an important reason is the conditions that exist in our prisons—along with indications that many more types of offenders can be helped by probation than once was thought possible."

Not all law enforcement authorities are enthusiastic about the trend, however.

In Chicago, the state's attorney for Cook County, Edward W. Hanrahan said: "There has been abroad in the land a trend toward much more leniency toward defendants, leading to a very large number of sentences of probation, both in state and U.S. courts.

"I think this trend is very harmful. Criminal prosecutions and indictments have lost a large part of their deterrence impact because offenders realize the likelihood of probation."

District Attorney James E. Hamilton of Imperial County, Calif., deplored "the practices of paroling hardened criminals who roam the streets and kill innocent people."

Federal Bureau of Investigation Director J. Edgar Hoover, long a critic of freeing men he thought were likely to commit more crimes, has drawn attention to the fact that "of 87,600 offenders convicted in 1966 and 1967, over half had received leniency in the form of parole, probation, supended sentence or conditional release on one or more occasions in their criminal career."

He deplores "attempts to justify the premature release on parole or probation of repeating offenders whose entire records emphasize utmost contempt for our legal processes." He says, "Such attitudes offer little comfort to the law enforcement officer who falls before the blazing gun of an unreformed parolee, caught committing yet another violent crime."

Questioning the attitude of some in authority that it is they who are taking the chance in granting parole or probation, Hoover said, "It appears much more reasonable to the average citizen that it is he, the possible victim of an unreformed repeating offender, who is taking the chance. Our citizens have simply become overwhelmed with what they consider unwarranted concern with the rights of repeating offenders. They demand a fair share of regard for the security of their families, themselves, and their homes."

Lately there have been signs that the Nixon administration may be putting a brake on the liberalization trend in the parole system, as part of its emphasis on law and order.

Earlier this year, President Nixon threw his support behind detention of more "hardcare" criminals prior to trial.

The U.S. Parole Board recently scrapped a year-old policy which had been designed to speed up the process under which convicts were to be considered for parole.

The number of parolees has dropped since Mr. Nixon's selection as Parole Board chairman, George J. Reed, took office last May. From May through October, latest period for which figures are available, the percentage of paroles granted to those eligible for them dropped from 39 percent compared with 44 percent during fiscal 1969.

Reed said that before returning to the board—he had held the same job under the Eisenhower administration—he reviewed with Attorney General John N. Mitchell the "alarming rate of increased federal parole failures."

The failure rate—parolees charged with violating terms of their freedom—hit an all-time high of 40.7 per cent in 1968. This, Reed noted, was the year after the number of paroles granted had climbed to a peak of 52.5 per cent.

Reed hopes to implement a complete revision of Parole Board workings "which will be more scientific in its decision-making process."

He said, "My intention of returning to the board was to increase its professional standards in decision-making to the end that the public is better served."

But it will be a long time before it will be possible to assess the ability of one man or one administration to influence or change a system which has evolved over 200 years of trial and error.

[From the Federal Times, Feb. 18, 1970]

CORRECTIONS GOALS STILL FAR AWAY

(By Bill Andronicos)

(Summary of Joint Commission recommendations for improving the corrections system)

WASHINGTON.—The major problems facing corrections today have been caused to a large extent by complacency and ignorance about the volatile nature of social problems that have been left unattended too long.

This is the contention of Joint Commismission on Correctional Manpower and Training, Inc.

In a report titled "A Time to Act," the Joint Commission said that although some progress has been made over the years to arouse public interest and to remove corrections from the shadow of political patronage, "not nearly enough has been accomplished."

There are still far too many employes in institutions, probation departments and parole agencies, the report said, who are there not because they were educated and trained for particular jobs but because their appointments satisfied political needs.

The report adds that there also are far too many correctional workers who look for other kinds of jobs to satisfy economic and personal needs because they cannot earn a decent living in corrections.

Although the American public has never quite made up its mind as to whether it is more important to punish offenders, to protect society, by locking them up—or to try to change them into useful citizens, there is an increasingly growing awareness among the public of the need for rehabilitation.

Hence, reintegration of the offender into society is seen by correctional personnel as one of their major objectives.

But, seeing the objectives and carrying them out effectively seem to be two completely different things.

For one thing, there is still too little cohesion among correctional workers themselves—cohesion which could weld them into an effective force for advancing their programs and promoting corrections as a unified field of work.

Moreover, there is still insufficient federal financial support available to state and local correctional agencies, despite enactment of major crime and delinquency laws aimed at strengthening state and local criminal justice systems.

Actually, most levels of government in the United States operate some or all of the correctional programs. The federal government, for example, has institutions, probation and parole programs for offenders convicted of violations of federal law.

States, however, are the major employers in the correctional field, operating institutions, parole systems and probation agencies. Local governments, however, administer the preponderance of probation services.

Whatever the case, the complexity of the correctional scene in the United States today has raised a number of multiple problems. These include apathy, inadequate funding, piecemeal programming, insufficient opportunities for the professional and personal growth of corrections personnel, inadequate training and management development programs and a host of others.

On the heels of such findings, the Joint Commission warned that the correctional enterprise must immediately be accorded support commensurate with the magnitude of the task to which it has been assigned. Otherwise, says the report, society may have to pay an even greater price in terms of social and economic costs for keeping its offenders out of sight and out of mind.

Among other things, the Joint Commission stresses the need for greater involvement by the general public, academicians, legislative bodies, governors and others in the executive, and judicial branches of federal, state and local governments—who by virtue of position and power can significantly alter corrections' position on the nation's agenda of social concerns.

As a result of its three-year study—and upon completion of the compilation of the most comprehensive set of facts ever assembled on correctional manpower—the Joint Commission included in its report a host of recommendations which it feels will help bring about improvements in the field of corrections.

Here are some highlights from the summary of recommendations issued by the Joint Commission:

A comprehensive nationwide recruitment program using brochures, television, magazines and other mass media should be developed immediately. Recruitment should include efforts to expand opportunities for minority groups, younger persons, and women.

Patterns of supervision and administrative control must be constantly reexamined to guard against overly restrictive supervision of employes.

Corrections must make provision for greater advancement opportunities in order to attract and retain high quality personnel.

To encourage mobility, provisions should be made for relocation expenses of prospective employes at supervisory, middle-management, top-management and specialist levels.

Correctional agencies, especially those in the community should adopt more flexible work schedules in order to utilize better their manpower and facilities. A rigid nine-to-five office schedule is a needless contraint on personnel time. Greater latitude in scheduling such things as conferences, contacts, home visits and report writing can also result in a more meaningful level of service to offenders and the community.

The establishment of a national retirement fund, which would permit correctional workers to transfer from one jurisdiction to another without loss of pension rights, should be a major goal of every agency and association seeking the betterment of correctional services.

The age of entry into some correctional jobs should be lowered to 18. Many correctional tasks can be performed by persons at that age, especially when job assignments are coupled with agency training or are part of a work-study program. Consideration also should be given to a uniform mandatory retirement age of 70.

Inflexible height and weight requirements should be eliminated and replaced by appropriate physical examinations to assess physical fitness and agility required by particular positions in corrections. Persons with correctional vision and hearing defects should not be excluded solely on the basis of these conditions.

Correctional agencies should examine their hiring policies to maximize the potential of those with physical handicaps.

Modifications should be made in prevailing civil service and merit systems policies, including: Elimination of written tests for entry into correctional work except for those positions where tests can show demonstrable evidence of measuring capacity to perform the functions required; substitution of oral interviews and evaluation of work, educational life and experience as the basic screening device; and elimination of written tests for promotions, with greater emphasis on evaluative considerations of promotion review boards.

Legal and administrative barriers should be lowered to permit the hiring of ex-offenders in corrections, as well as in other governmental agencies.

Salaries, retirement plans and other employe fringe benefits should continually be assessed and efforts made to keep them in line with comparable positions in government and industry in the same geographical area. Annual cost-of-living increases should be made an integral feature of salary negotiations.

A top priority should be given to the education and training of correctional managers in the areas of collective bargaining and labor-management relations.

The undergraduate degree should become the standard educational requirement for entry-level work in probation and parole agencies and for comparable counselor and classification positions in institutions. Preferred areas of specialization should be psychology, sociology social work, criminology, criminal justice, education and public administration.

A career ladder, which affords an opportunity for those with high school education or less to enter the field and make their way to journeyman levels through a combined work-study program, should be adopted by the field of corrections.

The two-year community colleges should expand their programs for correctional personnel. These schools are an excellent resource for corrections, particularly in the development of special programs for custodial and group-living staffs, case aides and community aides.

Correctional agencies, community colleges, four-year colleges and universities, as well as private and non-profit organizations involved in the education and training of correctional personnel should seek funds from federal programs concerned with corrections.

A comprehensive educational financial assistance program should be established in an appropriate federal agency, as a means of providing support for persons in or preparing to enter the field of corrections. Such a program should include provisions for: Scholarships; fellowships; guaranteed loans; research and teaching assistantships; work-study program; educational opportunity grants for students from disadvantaged, low-income families.

A federally supported grant program should also be created to provide sabbatical leaves for correctional administrators so that they may attend a college or university full-time for an academic year, with salaries, tuition and other instructional costs provided.

Corrections should restructure its roles so that optimal use may be made of the training and skills brought to the agency by specialized manpower.

Graduate-level training should be encouraged and supported in the academic fields from which correctional agencies draw their specialized manpower. Also, correctional agencies should press for sufficient funds to purchase the service of specialized manpower.

Correctional agencies should adopt a multi-faceted research strategy which would include: In-house evaluation projects; collaborative research ventures with institutions of higher education, private industry, and non-profit organizations; and cooperation with national, regional and state efforts to disseminate research results. Greatly increased funding at national, regional, state and local level will be required to provide correctional agencies with an adequate level of research capability.

Correctional agencies should expand their use of volunteers.

Correctional agencies should reexamine their policies and practices regarding the employment of offenders and ex-offenders. Criminal records should not automatically prevent persons from being considered for employment in corrections. Increased experimentation is encouraged to delineate further the special contributions which can be made to corrections by those who have been through the system.

Staff promotional policies should be reassessed to place a greater stress on the possession of knowledge and skills in management processes.

Correctional agencies must develop—in conjunction with colleges and universities, as well as the private sector—a range of management development programs including degree-oriented course work in administration and management seminars, workshops and institutes.

The federal government should make funds available to states to finance management development programs. Similarly, states should subsidize management development activities in local jurisdictions.

Correctional agencies at all jurisdictional levels should adopt sound management development programs.

A network of national, regional and state training centers should be created to develop training programs and materials as well as to provide technical assistance and other supportive aids to correctional agencies. Such centers should stress manpower development rather than a limited definition of training—and should develop close working relationships with colleges and universities as well as with private training organizations. Federal and state funds are urgently required for the development and support of such centers.

Federal and state funds should also be made available to agency training units to provide for the purchase and lease of modern training equipment.

Whenever feasible, future correctional facilities should be located near centers of business, commerce and education in order to facilitate linkages between offenders and the community and its resources.

Correctional agencies should contract with schools of law and individual faculty members to conduct training programs, seminars and institutes for all correctional employes who work directly with offenders. This kind of training would include basic legal concepts of due process, offenders' rights and recent legal trends.

Correctional agencies should add legal specialists to their staffs, not only to serve as agency advisors but also to provide legal assistance to offenders regarding civil matters.

A model code of correctional procedure should be formulated and its adoption pursued. The code would provide the necessary guidance for correctional decisionmaking processes involving offenders. A panel to draft such a code should include judges, lawyers, correctional administrators, academicians and lay citizens.

Correctional agencies should utilize more fully the resources of private industry—particularly in such areas as management development, research, basic education and job training for offenders—and should encourage private foundations to take a greater interest in the problems of corrections and in the education and development of correctional manpower.

Correctional agencies should make a concentrated effort to inform the community at large—and community groups in particular—about corrections' goals, needs and problems, and enlist their cooperation in working together to create the social climate necessary for offenders to assume meaningful roles in society.

Correctional agencies at all levels of government should establish units of community relations and public affairs staffed with public information specialists, in order to provide for a free and constant flow of information to the public.

Among other things, the Joint Commission said that the fact that 73 per cent of all correctional personnel are employed by states, coupled with the increasingly important roles being played by state-level planning agencies in criminal justice and delinquency, makes state involvement crucial in the implementation of the commission's recommendations.

While much of what must be done to improve correctional services can be done by states, local governments and the private sector, the report adds, the major changes required to upgrade correctional manpower necessitate a greatly expanded federal role.

"The resources now available to this field are so limited that any meaningful effort to develop adequately trained manpower for corrections can come about only through broad, continuing federal commitment to correctional rehabilitation," the report says.

A number of federal agencies provide support for education, training, technical assistance, research and program operations to corrections and to those colleges and universities and private organizations closely allied with the field.

For example, the Departments of Justice, of Health, Education and Welfare, of Labor and of Housing and Urban Development, as well as the Office of Economic Opportunity, all have grant programs which directly affect corrections.

But in each instance, the Joint Commission said, the level of funding at which these programs are operating is far less than that which would be required to do an adequate job—and no one agency has the authority to coordinate the total federal effort in this field.

Hence, along with its other recommendations, the Joint Commission has urged the President—as a part of current studies regarding the reorganization of the executive branch of government—to consider the designation of an appropriate agency to oversee the total federal effort in correctional rehabilitation. The commission also urged Congress to create a Correctional Manpower Development Act to help marshal and coordinate the total federal effort in the correctional field.

POLITICAL JUDGES AT WORK

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mr. RARICK. Mr. Speaker, the other body is currently acting on a Presidential nomination to fill a vacancy on the Supreme Court. This matter being within the constitutional preserve of the other body, I have refrained from comment. However, an unfortunate and indeed sickening event, involving my own State, has entered into the matter, and I feel that it is necessary for me to point out some simple truths.

During the course of debate on S. 952, the bill creating some 54 new permanent "pork barrel" Federal judgeships, I called to the attention of the House—see the RECORD at page 7912—my personal knowledge of the activities of a Federal judge sitting in Louisiana, who knowingly and willfully violated a Federal statute to usurp jurisdiction over litigation then pending in the State court over which I had the honor to preside. I did not yesterday name the judge, but reading his name in the local newspapers in another and equally uncomplimentary context, I do so now.

John Minor Wisdom, elevated by Dwight Eisenhower from his political job as Republican national committeeman for Louisiana to the bench of the Fifth Circuit Court of Appeals—a bench which he has discredited since his first donning of the judicial robes—is the judge to whom I had referred.

As part of the vindictive Reconstruction legislation of the last century, the Congress provided for removal from State courts to U.S. district courts of both civil and criminal actions in cases where the defendant claimed that he was unable to obtain a fair trial and the full recognition of his constitutional rights in the State court where the action was pending. Due to the abuse of this removal procedure by defendants who were able to utilize the review of Federal trial court actions as a dilatory maneuver, thus defeating the ends of justice, the Congress in 1875 expressly prohibited review of U.S. district court remands to the State courts "by appeal or otherwise."

In such a case, at the request of James Farmer and other CORE defendants who sought to avoid in public trial where they would be required to testify under oath, John Minor Wisdom signed a stay order with the names of two judges not present, and in violation of the statute. He purported to usurp the jurisdiction of the State court by granting a prohibited appeal. It is of some interest that the legal brain behind this maneuver was the same Communist mouthpiece, William Kunstler, who has been receiving nationwide publicity lately. Kunstler had personally drafted as a part of the 1964 Civil Rights Act a provision to repeal the very law which Wisdom violated at his behest.

Now we find that overworked Judge Wisdom is lobbying here in Washington against the confirmation of an appointee to the Supreme Court. Without regard to the qualifications of the nominee, I question both the ethics and propriety of a sitting U.S. judge who endeavors to influence the Senate by widely publicized statements, ignoring its committees. He had the same opportunity as other Americans to be heard on oath. Neither is it the business of a Federal judge to thwart the desire of other colleagues of his bench to submit their views in a proper manner. It is most definitely not the business of any Federal judge to act in contravention of the Constitution, to alter the public policy of the United States, or to attempt to pack the

courts by demanding a veto over nominees who do not meet his personal standards.

If Judge Wisdom wants to acquire the right to advise and consent to judicial nominations, he should first get elected to the body charged with that responsibility—an accomplishment which even he knows is an impossibility, because he could never win an election in the State where he is known. His contempt for the Constitution and the law is exceeded only by his contempt for the people of Louisiana.

It is appropriate for those interested in the removal of those elements which are polluting our judicial system to take a long and careful look at John Minor Wisdom, his conduct on and off the bench, and the evident improvement in the Federal judiciary which would immediately result from an empty chair where he now sits.

Pertinent news clippings are included in my remarks:

[From the Washington Post, Mar. 19, 1970]

SECOND COLLEAGUE JOINS FOES OF CARSWELL

(By Spencer Rich)

John Minor Wisdom, a colleague of Supreme Court nominee G. Harrold Carswell on the Fifth U.S. Circuit Court of Appeals, revealed yesterday that he opposes Carswell's nomination and that he helped block a letter of endorsement from the entire Fifth Circuit bench.

Wisdom's position was made known in an interview with Carolyn Lewis of WTOP–TV, who reported that Wisdom said he had doubts about Carswell from the start and had warned other members of his court that he would send a letter of opposition of his own if his colleagues went through with a plan to send a letter of endorsement.

On Tuesday, Sen. Joseph D. Tydings (D.–Md.) revealed in the Senate that Judge Elbert Tuttle, also of the Fifth Circuit, had withdrawn his support of Carswell.

In a telephone interview with the Washington Post late yesterday, Wisdom said that he had never intended to endorse Carswell and confirmed that he had told WTOP–TV, "I stand with Tuttle."

The Senate completed its third day of debate on the nomination yesterday with a charge by Sen. Alan Cranston (D-Calif.) that Carswell had violated three canons of judicial ethics through his "bias and hostility toward anyone arguing a civil rights case" when he was a federal district judge in Florida.

Cranston revealed the name of another civil rights attorney who accused Carswell of bias, Theodore Bowers of Panama City, Fla., whom Cranston said he had reached by phone. Bowers did not appear before the Senate Judiciary Committee during hearings on the nomination. Several other civil rights lawyers did and said Carswell showed bias against them and their clients.

Cranston said Bowers told him that between 1964 and 1968, when Bowers argued before Carswell, the judge was "hostile even over routine matters," turned away and didn't listen, "criticized Supreme Court civil rights decisions from the bench in the midst of hearings on a civil rights case," and "verbally attacked U.S. attorneys appearing in his court on civil rights cases, as well as private attorneys."

Cranston said this conduct appeared to violate canons 5, 10 and 34, requiring a judge to be temperate, impartial, courteous and above reproach in his conduct.

In other developments on the nomination:

Rep. Donald W. Riegle Jr. (R-Mich.) urged that the nomination be withdrawn or rejected, saying many saw it as part of a "larger strategy" against Negro rights which included a desegregation slowdown, attempts to weaken the 1965 Voting Rights Act and "the strident rhetoric of the Vice President."

Senate Minority Whip Robert P. Griffin (R-Mich.) predicted Carswell would be confirmed with at least 60 votes. He reaffirmed his support for the nominee, despite mail running "four or five to one" against him and despite a statement Tuesday from Michigan's Republican Gov. William G. Milliken opposing the nomination.

Sen. Roman L. Hruska (R-Neb.), a strong Carswell supporter, told the Senate he had not meant to call Carswell "mediocre" or suggest that mediocrity deserved representation on the court, when he told a broadcaster Monday, "Even if he were mediocre, there are a lot of mediocre judges and people and lawyers, and they are entitled to a little representation, aren't they?"

Sen. Mark Hatfield (R-Ore.), whose vote helped defeat the last Supreme Court nominee, Clement F. Haynsworth, Jr., said he was leaning toward voting for Carswell.

"How many times can I vote against an ABM and a Haynsworth and still be in the ball game?" he said, referring to several votes in which he had bucked the President.

FLAG NAMED "OLD GLORY"

HON. DAVID PRYOR

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. PRYOR of Arkansas. Mr. Speaker, on March 7, 1970, I had the privilege to participate in "Patriotic Day" in Pine Bluff, Ark. Several hundred students, faculty members, and local citizens, along with scouting groups and the American Legion officials, made this day a resounding success.

One of the many illuminating messages was delivered by Miss Sarah Lynnette Hartfield, a high school student in the Pine Bluff area. It presented some new thoughts concerning our flag and was entitled, "Flag Named 'Old Glory.'"

I submit Miss Hartfield's message for the consideration of my colleagues:

FLAG NAMED "OLD GLORY"

The name "Old Glory" was first applied to the United States flag by a young sea captain who lived in Salem, Mass. On his twenty-first birthday, March 17, 1824, Capt. William Driver was presented a beautiful American Flag by his mother and a group of Salem girls. Driver was delighted with the gift. He exclaimed, "I'll name her 'Old Glory.'" Then "Old Glory" accompanied the captain on his many voyages.

Captain Driver quit the sea in 1837. He settled in Nashville, Tennessee. On patriotic days he displayed Old Glory proudly from a rope extending from his house to a tree across the street. After Tennessee seceded from the Union in 1861, Captain Driver hid Old Glory. He sewed the flag inside a comforter. When Union soldiers entered Nashville on February 25, 1862, Driver removed Old Glory from its hiding place. He carried the flag to the Capitol building and raised it above the state capital.

Shortly before his death, the old sea captain placed a small bundle into the arms of his daughter. He said to her: "Mary Jane, this is my ship flag, 'Old Glory.' It has been my constant companion. I love it as a mother loves her child. Cherish it as I have cherished it."

The flag remained as a precious heirloom in the Driver family until 1922. Then it was sent to the Smithsonian Institution in Washington and there it is carefully preserved under glass today.

OUR FRIENDS—THE FARMERS

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mr. OBEY. Mr. Speaker, a few days ago I made a speech on this floor in defense of the American farmer. In my remarks I tried to point out the problems facing the family farmer today—inflation, a cost-price squeeze which shrinks, if not eliminates his profits, and recent policies of the administration which are proving to be of great disadvantage to our farm population.

In my remarks I also made a special appeal to my urban colleagues, asking them to give as serious consideration to solving the problems of our farmers as they ask all of us—and rightly so—to give to our cities and more metropolitan areas.

Last week, there appeared an editorial in an Allied Industrial Workers newspaper published in Milwaukee, Wis., entitled "Our Friends—The Farmers."

To quote directly from that editorial:

The fact is that both the family farmer—not including the new-fangled corporation style farms—and the worker face a similar fate of having to scramble hard to scrape together a living for their families.

This points out simply, I believe, the ties which truly exist between the farmer and the worker, those in our rural and those in our urban areas. It represents the kind of mutual understanding between urban and rural residents which I think we need.

Mr. Speaker, I commend this editorial to my colleagues and include it in full below:

OUR FRIENDS—THE FARMERS

For years, there has been a tendency to portray the worker as the enemy of the farmer and, conversely, the farmer as the enemy of the worker.

After all, the reasoning went, the wage increases bargained by workers increased the cost of equipment that farmers had to buy to till their land and milk their cows; and, the increasing costs of food could be blamed on the farmer and his prices.

Nothing could be further from the truth, but too often the family farmer and the worker both swallowed this hook, line and sinker.

The natural enemies of both groups are big business and big banks.

The high price of farm equipment, for instance, comes about despite increased productivity of workers. Figures show corporate profit increases of 93% after taxes from 1960 to 1968, while wage increases amounted to 35%.

And, food price increases cannot be blamed specifically on the farmer. He gets but 41c out of every dollar spent by consumers on food.

Furthermore, both farmers and workers are victimized by the high cost of interest. Farmers find their ability to buy needed farm equipment stifled because of high bank rates, and workers find themselves priced out of housing and other necessities by high mortgage rates.

The fact is that both the family farmer—not including the new-fangled corporation style farms—and the worker face a similar fate of having to scramble hard to scrape together a living for their families.

Too many workers have listened to the business-oriented press and have permitted a wedge to be driven between the worker and the farmer. Politically this fact has hurt by making most rural Congressmen antilabor.

This does not have to occur. Common sense dictates otherwise.

BLACK TRUCKER FIGHTS FOR RIGHTS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mr. CLAY. Mr. Speaker, the story of only one black businessman's plight in this economy is soon to unfold before the Senate Commerce Committee—when Timothy Person, black trucker and constituent of the First Congressional District in Missouri—takes the stand. Mr. Person will relate the trials and tribulations of his attempts to secure licensing to engage in national interstate transportation of household goods. He has encountered only great difficulty trying to participate in the closed system and procedures laid down by the ICC.

More and more the suggestion to disband the ICC is heard. The agency designed to protect the public interest has evolved into a Government paid staff and mechanism for the perpetration and protection of certain private interests. There is no audience for the public interest in the ICC.

I commend to the attention of my colleagues the following comment carried by Jack Anderson who found the story of Timothy Person worthy of note. The following is taken from Mr. Anderson's column of March 20 which appeared in the Washington Post:

BLACK BIAS

A black trucker, trying to get ahead in the white man's world of long-distance hauling, has documented for a Senate committee how the federal government plays ball with white firms to exclude Negroes.

Timothy Person, president of Allstates American Van Lines, has turned his data over to the Senate Transportation subcommittee, now deep in a probe of the Interstate Commerce Commission.

This column has obtained copies of the data, including signed statements by ghetto dwellers who couldn't get the big national firms to move them. Person also has tapes, recorded in his office dictating machine, of the giant firms refusing ghetto business.

Yet the ICC has twice turned him down for a 50-state license, claiming there is no "immediate and urgent need for any of the service proposed" by Person.

A signed statement in the committee files from Queen Esther Fields of St. Louis disputes the callous ICC view. It claims that agents for Allied-General Van and Storage, Red Ball Transit, North American Van Lines and four other firms all gave her the runaround when she told them her address.

After a month and nine days, Person answered her appeal and moved her from St. Louis to Stockton, Calif. He has a license to operate in more than half the states, but must turn down jobs for others.

As a man who is making black capitalism work, Person is not asking for money, only a license to build his particular American dream.

PREVIEW OF TESTIMONY

The black fleet owner will testify later before the Senate committee, headed by Sen. Vance Hartke (D-Ind.) An advance copy of his statement, obtained by this column, details his charges against the ICC, which makes a great public fuss of its "aggressive anti-discrimination policies."

States Person: "Out of approximately 15,201 total motor carriers in his country, there are 18 blacks with very limited authority. There are 4,000 household goods carriers (but) only 16 black carriers.

"There are 18 national household goods carriers but there is not one black national carrier. Out of the tens of thousands of local agents that represent major carriers as master agents there are less than a dozen blacks so fortunate."

Nevertheless, Person said, the ICC sided with the white transport tycoons, who "protested my application on the grounds that they have more than 54,000 (trucks) and because they felt that my 12 trucks would jeopardize their investments and business."

Person's unpublished statement pointed out that none of the ten presidentially-appointed ICC commissioners are black, none of the five motor carrier board members are black and none of the 101 district supervisors are black. In fact, the ICC's white face turned red with embarrassment when this column asked who the highest ranking Negro is. They found a black trial attorney in Boston.

"The ICC could hardly indict the trucking industry for discrimination when its own record in race relations is just as bad, if not worse," Person said in his statement to Hartke.

POLITICAL DEFINITIONS

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. HUNT. Mr. Speaker, the economic system characterizing our society and, indeed, a fundamental element of our way of life, is capitalism. It has withstood attacks, although in a weakened condition, from the radical left for many years. Although a hindrance to the New Left in the achievement of its revolutionary social goals, capitalism is the only system which both advances and thrives on individual freedom and liberty.

In this connection, several comparative and poignant political definitions were recently brought to my attention, and I include them following my remarks for your reference. Beginning with socialism and building to capitalism, all the definitions start with the premise that "You have two cows." I am sure you will agree that capitalism is the only system with the potential for yielding more than that with which you started.

The definitions follow:

Socialism—You have two cows. The government takes one and gives it to your neighbor.

Communism—You have two cows. The government takes both and gives you the milk.

Fascism—You have two cows. The government takes both and sells you the milk.

Nazism—You have two cows. The government takes both and shoots you.

New idealism—You have two cows. The government buys both, shoots one, milks the other and throws the milk away.

Capitalism—You have two cows. You sell one and buy a bull.

STOP THE DEMAGOGUERY—TELL IT LIKE IT IS

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. CUNNINGHAM. Mr. Speaker, I am amazed at the many conflicting stories, inflammatory remarks, and pure demagoguery by various people relative to the postal strike. For that reason I wish to insert at this point in the RECORD a statement I made on Sunday, March 22, in Omaha, at the time the Omaha Letter Carriers' Union met to decide their course so far as whether or not they would strike. I am happy to advise that they voted against a strike by better than 3 to 1. But more importantly, there follows a story which was on the front page of last Saturday's Chicago Tribune, written by Russell Freeburg, and this is the story that I say tells it like it is. The statement and article follow:

WHOSE FAULT IS IT?

(A statement to Omaha letter carriers from Congressman GLENN CUNNINGHAM, a senior member of the House Post Office Committee, Sunday, March 22, 1970)

You have read many conflicting stories, many of them inflammatory and many of them written by reporters who don't know what they are talking about. We have a serious situation confronting us and all postal employees should think seriously as far as this issue is concerned. For 13 years I have championed the causes of all postal unions in bringing about salary increases, increases in fringe benefits and all things I knew were needed by our loyal and dedicated postal workers.

As you know, the strike began in New York City, and even though many of the postal workers there are militants and members of the radical Students for a Democratic Society, when the first vote was taken in one of the large Letter Carrier Locals in New York there was only a plurality of some 500 votes in favor of the strike, which, of course, you know is illegal and a violation of the Federal law.

However, strike actions have spread and evolved into a political issue. The President of the United States is being criticized for not granting salary increases. The fact is salary increases are out of the hands of the President and rest solely with the Congress.

I think almost everybody who receives mail admires his letter carrier, and many know him on a first-name basis. Because of this we have had public support from the postal patrons for the various salary increases and many fringe benefits which we have been able to effect in the 13 years that I have served as a member of the Post Office Committee, since I have been a member of Congress. Proof of this has been the testimonials given me by the Letter Carriers on various occasions in the Omaha area as an expression of their appreciation of my active support of their salary increases, improved working conditions, and many fringe benefits. I have been awarded by the Carriers a lifetime honorary membership card in the Omaha Letter Carriers Union.

I have been criticized through the years by the Omaha World-Herald *for having voted for increased wages* and fringe benefits for postal workers. But that newspaper has always opposed me and *it did not bother me a bit* because I knew what was right and what was the right thing to do.

Unfortunately, there is great rivalry among the postal unions, particularly between the Carriers and the Clerks. The Clerks have been exceptionally mean recently due primarily to the political maneuvering of Pat Nilan, the Clerks' Legislative Representative in Washington, and their National President, for the reason that Nilan is working as hard as he can in an undercover way to try to snatch the presidency of the Clerk's Union at their next national convention.

I left Washington, D.C., in the early morning hours this past Saturday in order to bring my family to Omaha so that they could be here for the Easter vacation and to allow me several days to take care of official business in my Congressional District. I am in constant contact with the Postmaster General and the White House in the event that I am needed there for any meetings, and although I had planned to stay here several days, I will drop everything immediately if I am called for any meetings on the postal crisis, and I can be in Washington within a matter of two or three hours.

I have been in constant telephone contact since I arrived in Omaha this past Saturday with the administration and postal officials, as well as the National Letter Carriers Union. In fact, I was on the telephone until 1:00 a.m. today, Sunday, and then snatched a little sleep and was again in constant communication beginning at 5:00 a.m. (C.S.T.) this same Sunday morning. In any event, in spite of all you have read in the newspapers by inexperienced or ill-informed reporters, when I stopped over in Chicago at O'Hare Field yesterday (Saturday) I picked up a copy of the Chicago Tribune and read a front-page article written by Russell Freeburg, who is the correspondent in Washington for the Tribune. *He is an outstanding journalist, knows exactly what is going on and what the true facts are.* In this article (identified as a "News Analysis") it carries the headline: *Postal Reform Bills Stifled by House and Senate Leadership.* This article tells it exactly as it is. It is the fault of the Congress that we have this situation today. I, as a member of the House Post Office Committee, have worked many long hours for many months to bring about true postal reform and to include increases in salary as a part of that package. I support the proposal for an 11.1 percent increase in salary and a compression of the in grade increases so that a Clerk or Carrier need not wait for some 20 years to reach the top salary, but rather can reach the top salary level in approximately 8 years.

Mr. Freeburg hits the nail on the head and tells it like it is, as I mentioned above, and I think each and everyone of you should read this article because it is truthful and according to the facts. The article follows:

"POSTAL REFORM BILL STIFLED BY HOUSE AND SENATE LEADERS

"(By Russell Freeburg, Chicago Tribune Press Service)

"WASHINGTON, March 20.—Calls for postal reform have been loud and they have been clear for three years, but a handful of members of Congress unwilling to give up their power over the Post Office wouldn't listen.

"There is a strong feeling in the Capital tonight that if these men, mainly Rep. Thaddeus Dulski (D, N.Y.) and Sen. Gale McGee (D, Wyo.), had acted the nation wouldn't be threatened with a strike of postal workers.

"WON'T RELINQUISH POWER

"But men such as Dulski and McGee don't want to give up their political power over the Post Office. McGee is chairman of the Senate Post Office Committee. Dulski heads the Post Office Committee in the House.

"The Postmaster General has little real authority over major postal functions. It is Congress and the Committee chairmen who control the operating and capital budgets of the Post Office, dispense pay increases, and set postal rates.

"Nearly three years ago, in April, 1967, Lawrence O'Brien, then Postmaster General, first proposed abolishment of his job and conversion of the Post Office Department into a non-profit government corporation. He told Congress that the Post Office was 'in a race with catastrophe'.

"Seven months earlier, ten million pieces of mail had piled up in Chicago. For a decade, warnings of poor working conditions and mounting mail volume went unheeded on Capitol Hill, especially by Dulski and a few other members of his Post Office Committee. As recently as seven days ago Dulski voted against postal reform.

" 'The Post Office Department should fully reflect the genius of American management and industrial skills', said O'Brien in 1967. 'Management and employees alike should be paid according to standards of comparable industries. If we ran our telephone system the way we run our Post Office, the carrier pigeon business would still have a great future.'

"NIXON SEEKS REFORM

"The corporation idea with Dulski in immediate opposition was approved in July, 1968, by a Commission on Postal Organization set up by former President Johnson and headed by Frederick R. Kappel, retired chairman of the American Telephone and Telegraph Company.

"In May, 1969, President Nixon asked Congress for legislation, promptly bottled up by Dulski, to convert the Post Office Department into a government-owned, but self-supporting, corporation with only limited Congressional control.

"Nixon, as the Johnson Administration before him, said the Post Office Department should be taken out of politics. He said, 'Only a complete reorganization of the postal system can avert the steady deterioration of this vital public service.'

"The aim of his plan, Nixon said, is to 'dramatically improve working conditions, increase efficiency, and reduce costs.' One of the features of the postal corporation would be collective bargaining for postal employees, instead of Congress setting their wages.

"PAY RISES SLOWLY

"Since 1955, Congress has increased the pay of Letter Carriers from $3,640 annually to a range of $6,100 to $8,442. In the same years, Congress has increased its own pay from $15,000 to $42,500. There also have been scandals.

"Daniel Brewster, a member of the Senate Post Office Committee while a Democratic Senator from Maryland, and officials of Spiegel, Inc., Chicago mail order house, have been indicted on bribery charges stemming from Brewster's activities on the Committee. In August, 1967, Dulski acknowledged that he pocketed $11,000 raised from a testimonial dinner paid for mainly by mail lobbyists.

"McGee told a press conference this afternoon that he would fight to keep political control of the Post Office.

"There are signs that other members of Congress are getting restless about the stalling of fellow members like Dulski and McGee. Last Friday when Dulski voted against the Postal Reform Bill other members of the Post Office Committee finally overrode him and approved the Nixon administration plan."

Jim Rademacher, your National President, is a close personal friend of mine and we have worked closely to finalize the Postal Reform Bill, which includes salary increases as well as what postal unions have long sought, namely employee-management bargaining on wage and fringe benefits by law rather than by Executive Orders. Your National President told me a few days ago that he would do whatever is necessary to remind you of my dedication to your cause and that we have seen eye to eye throughout this very trying period so far as your future is concerned. But this same cooperation has not been forthcoming from the Clerks' Union. All of you should be mighty proud of Jim Rademacher. He is *one of the truly sincere, honest, dedicated labor leaders* in the United States.

Mr. Speaker, I also find other responsible and knowledgeable reporters who "tell it like it is" and I refer to an article written by columnists Rowland Evans and Robert Novak which appeared in Wednesday morning's Washington Post. The article follows:

UNION INTRANSIGENCE ON REFORM LAID GROUNDWORK FOR MAIL CRISIS

(By Rowland Evans and Robert Novak)

Although Democratic politicians are having a field day blaming the postal crisis on President Nixon's intransigence, the groundwork for disaster was laid over the past three years by the stubborn opposition of postal union leaders to long-overdue reform.

Ever since President Johnson's postmaster general, Lawrence F. O'Brien, began pushing basic postal reform in 1967, the union bosses have stubbornly resisted not only reform but even gentle compromise out of fear it might undermine their power. Their adamant opposition was renewed when President Nixon's Postmaster General, Winton F. Blount, backed reform with an iron tenacity in refusing to surrender to implacable union opposition.

The fact, admitted privately by realistic congressional Democrats, is that there would be no postal crisis today—and postal employees would have a more nearly decent living wage—had the unions not refused to consider reform. What ever mistakes the Congress and Mr. Nixon have made the past six months could not have occurred but for that refusal.

The reason for this short-sighted opposition is found in the unique nature of the unions. Because Congress itself determines postal pay, postal unions do not engage in collective bargaining but in Capitol Hill lobbying. Their chiefs are not really labor leaders but high-priced Washington operatives, dispensing campaign contributions around Capitol Hill.

O'Brien's proposal for an independent postal corporation would have ended all this, establishing wage procedures ending in compulsory arbitration. Afraid of the unknown, the postal union leaders reflexively opposed reform—with the backing of AFL–CIO President George Meany.

As the Nixon administration took office in 1969, coincidental developments contributed to a turmoil in postal politics. The two major unions, the Letter Carriers and the Clerks, had new leadership and their once warm relationship grew frigid. There was feuding inside the Clerks, with the new president and legislative director in conflict. The Senate Post Office Committee had a brand new chairman, Sen. Gale McGee of Wyoming.

Most important was the nature of the new postmaster general. Unlike O'Brien, Blount was no politician willing to bend but a stiff-backed millionaire Alabama businessman appalled by inefficiency he found in the Post Office Department.

It was Blount's vigorous recommendation last autumn that led to President Nixon's warning that the 11 per cent postal pay raise passed by the House would be vetoed.

Blount's implicit offer: pass reform and you'll get your pay increase. Faced with this hard-boiled ultimatum, President William Rademacher of the Letter Carriers broke the solid union facade against reform.

A compromise pay-reform bill worked out by Rademacher, Blount, and Rep. Morris Udall of Arizona (foremost Democratic advocate of reform) finally cleared the House Post Office Committee on Feb. 12—to the amazed chagrin of its chairman, Rep. Thaddeus Dulski of New York, mouthpiece of the postal unions. Although the bill called for only a 5.4 per cent pay increase, it contained a provision—quietly agreed to by the White House—virtually guaranteeing a much bigger boost effective July 1.

But like so many union chieftains today, Rademacher had lost his rank-and-file. Just as they were about to get their delayed pay increase, the letter carriers revolted in wildcat strikes and the crisis was born.

It is a crisis for Rademacher as well as President Nixon and the U.S. Officials of other postal unions, having maintained their opposition to reform, bitterly resent Rademacher. They communicate with him only in formal communications (addressed "Dear Mr. Rademacher"). They can take pride in having maintained the proper degree of militancy.

Indeed, "with the pressure now on the President, Congress and Rademacher, the other union leaders are off the hook with their past record obscured. Lost in the shuffle, for example, is the fact that postal union leaders have long and unwisely opposed geographical distinctions in pay—a major grievance of hard-pressed New York City workers who began the walkout.

The result is impasse. With an atmosphere of lawlessness pervading the country, there is strong sentiment in both the White House and Congress against capitulation to the postal workers, inviting illegal strikes by municipal workers nationwide. All this could have been prevented had the unions accepted postal reform, but that simple truth is lost in the chaos.

Also, Mr. Speaker, I am including an article entitled "Nixon Acts To Move the Mail," which appeared as an editorial in the Washington Daily News on Tuesday, March 24:

NIXON ACTS TO MOVE THE MAIL

President Nixon had no other choice than to call out federal troops to move the mail in New York City. His promise to take similar action in Chicago, Detroit and other cities if the postal strike continues is a clear indication that Mr. Nixon intends to see that the mail is delivered—as a President must.

Any other course of action would be an invitation to anarchy.

Federal employes are forbidden by law to strike against the public. If the postal workers can strike—and win benefits that way—so can every one of the three million government employes in this country.

Neither the President nor the Congress is likely to approve pay raises until the strike ends—and the strikers are simply fooling themselves if they think otherwise.

As it stands, only about 20 per cent of the nation's 750,000 postal workers are taking part in the strike—the first since the postal system was organized by Ben Franklin in 1775.

Without question, many mailmen are underpaid, especially those working in cities where the cost of living is high.

As the President pointed out yesterday, the postal system "no longer serves its employes, its customers or its country as it should."

The Post Office Department should have been taken out of politics and operated like a business years ago. Unfortunately, it wasn't.

But this does not justify an illegal strike that cuts off Social Security checks, interferes with tax collections and disrupts countless other functions of commerce and government.

Mr. Nixon has asked the mailmen to come back to their jobs. If they hope to retain any semblance of public support, they should take his advice.

RIGHTS AND RESPONSIBILITIES

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. ZWACH. Mr. Speaker, one of the newspapers I read regularly and with a great deal of interest is the weekly St. Cloud Visitor. I find some of its columns particularly thought provoking.

One such column, "Rights and Responsibilities" is very appropriate at this time.

With your permission, I would like to insert this column by Father James D. Hogan in the CONGRESSIONAL RECORD and commend its reading to my colleagues:

RIGHTS AND RESPONSIBILITIES

We are living in an age of rights. Voices from every side proclaim human rights, student rights, women's rights—and in many cases the arguments are right! Yet we see activists for various causes heedlessly trampling others' rights . . .

There is another side to the coin of justice. While obtaining and safeguarding rights are vitally important in a Christian society, there is more. Obligations only begin when we get and enjoy rights.

Responsibility is the duty of freedom. Slaves—and small children—have few responsibilities and few rights. With a very limited freedom, a person has few worries. If he fulfills simple tasks, he is taken care of. His obligations are almost nonexistent. The complexities of long-range planning and interaction with others are not the concerns of slaves or children.

But, once a man lifts up his head into the stimulating air of freedom, he is obliged to think of others. If he is free to act, he must act with regard for others—or he is unworthy of his rights. He is free of the heavy hand of serfdom or totalitarianism, but he assumes the obligation of responsibilities.

For an example, let's consider student rights and responsibilities.

A student has the right to receive an adequate education from the society in which he lives. If he is to benefit most from this training period, he must receive his greatest support from his family and from the taxes placed on productive citizens. But the student then has a responsibility to use, for society's benefit, the opportunity given him. School taxes are not designed to finance twelve-year vacations.

A student has the right to express his views. Still, he has the responsibility of allowing—and even encouraging—other opinions to be voiced. If he has the right to speak, he has the responsibility of helping others speak.

A student has the right to meaningful instruction. He should not be required to waste his time with useless trivia. In accord with this, he has the responsibility of using his own time well. If he demands the best, he has the corresponding duty of producing his best.

A student has the right to a widening social life. His contacts with others should be increasing both in number and variety. At the same time, his responsibilities are increasing. A boy's obligation to a girl he dates are greater than to a girl he merely passes in the hallway. Members of a team have a right to each other's support, but each member becomes responsible for all of his team.

Such a list can be endless. Wherever rights exist, there are corresponding responsibilities. Perhaps the truest test of a person's ability to enjoy rights is his reliability in meeting responsibilities.

Responsibilities stir up less passion and noise than rights. But I believe the steady, determined fulfillment of obligations—albeit at times with reminders—will advance Christian civilization further than preoccupation with one's own rights.

THE JOHN HANSON STATUE IN THE U.S. CAPITOL

HON. J. GLENN BEALL, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. BEALL of Maryland. Mr. Speaker, in advance of the April birthdate of John Hanson, I would like to share with my colleagues the story entitled "The John Hanson Statue in the U.S. Capitol" which was written by Judge Edward S. Delaplaine of Frederick, Md.

John Hanson is one of Maryland's most distinguished patriots and statesman. He was a Delegate to the Continental Congress from 1780–83, and during that period served as President of the United States in Congress assembled. Along with Charles Carroll of Carrollton, he was designated by the Maryland Legislature to be honored by having a statue placed in the Capitol of the United States.

Judge Edward S. Delaplaine is also a very distinguished Marylander who served for a number of years on the Maryland Court of Appeals, which is our State's highest tribunal. Since retirement he has done yeoman service in collecting information and writing about matters of historical significance in our State and particularly in Frederick County. His story of "The John Hanson Statue in the U.S. Capitol" follows:

THE JOHN HANSON STATUE

The life story of John Hanson, whose home in Frederick, Maryland, was located on West Patrick Street west of Court Street while he was serving as President of the United States in Congress Assembled begins at Mulberry Grove in the year 1715.

The story of the statue of John Hanson—a seven-foot bronze in the Capitol of the United States—does not begin until more than 80 years after his death, which occurred at Oxon Hill Manor in the year 1783.

This story begins on April 19, 1864. Antietam and Gettysburg, were horrible memories. The battle of the Monocacy had not yet been fought.

The scene opens in the spacious new hall of the House of Representatives. Speaking on the floor of the House is a Congressman from Vermont, Justin S. Morrill, who is discussing a resolution he had introduced to make use of the old House chamber as a Statuary Hall. Mr. Morrill, in early life a merchant and farmer, eventually served 12 years in the House and nearly 32 years in the Senate.

The Capitol, as Mr. Morrill explained, had been built in five separate sections. "The expansion of our country from the old 13 to 36 states," he said, "imposed upon us the burden as well as the privilege of building

and extending a structure for the accommodation of the legislative branches of the Government and appropriate for the Capitol of the foremost Republic in the world."

The first section to be erected was the original North wing. The cornerstone was laid in 1793 by the President, George Washington, assisted by Thomas Johnson of Frederick, who had been the first Governor of the State of Maryland, now head of the Board of Commissioners of the Federal City.

When the original North wing was completed in 1800, the members of Congress moved from Philadelphia to Washington, as the Federal City became officially known in 1791.

The original south wing was completed in 1807, and this was then occupied by the representatives.

In 1814 the British invaders set fire to the Capitol and also the White House. As soon as the South wing was reconstructed, the representatives moved back into it.

The Rotunda of the Capitol was built in 1827. Some years later the Congress decided to build another South wing for the House of Representatives and another north wing for the Senate. The new wing for the House was completed in 1857, the new wing for the Senate in 1859.

The Senate chamber in the old North wing was thereafter used for sessions of the United States Supreme Court.

For seven years after the Representatives moved into the new south wing, the old House chamber, which had been in use during a period of nearly fifty years, was put to no use whatever. So it happened that Mr. Morrill of Vermont was recommending to Congress that the old House chamber be used as a hall for statues of distinguished patriots.

Mr. Morrill's resolution provided as follows:

"Suitable structures and railing shall be erected in the old Hall of Representatives for the reception and protection of statuary * * * and the President is hereby authorized to invite each and all of the States to provide and furnish statues, in marble or bronze, not exceeding two in number of each State, of deceased persons who have been citizens thereof and illustrious for their historic renown or for distinguished civic or military services, such as each state may deem to be worthy of this national commemoration; and when so furnished the same shall be placed in the hall of the House of Representatives, in the Capitol of the United States, which is set apart, or so much thereof as may be necessary, as National Statuary Hall for the purpose herein indicated."

In support of the resolution Mr. Morrill said: "The extension of the Capitol has added so much space to existing accommodations that the old Hall is not required as a warehouse or for committee rooms, and it is impossible to divide and distribute it, if it were so required, in any manner that will be satisfactory, or that will not disclose an awkward, ill-begotten, ill-born, second-handed purpose; while if it shall be left whole and unmutilated as it now is, and only decorated, as now proposed, with works of art, it will appear as imposing and perfect as though the idea sprung from the brain of the architect at the foundation of the Capitol."

In conclusion he predicted that the gifts from the States would speedily furnish, without any cost to the National Government, a collection of statutary that would reflect honor upon the illustrious patriots and upon the Republic.

The resolution was passed by the House and the Senate and was thereupon presented to President Lincoln in the White House.

Lincoln gave his approval to the resolution on July 2, 1864—exactly one week before what was doubtless to be the most exciting day in the history of Frederick, the day when the municipal officials with the cooperation of the banks paid $200,000 as a ransom to prevent the burning of the city, and when the troops led by Jubal A. Early were delayed in their march toward Washington by the troops commanded by Lew Wallace along the Monocacy River three miles from Frederick.

It cannot be said that the states furnished the statues speedily. Rhode Island, it is true, was prompt, presenting a statue of General Nathaniel Greene in 1870 and one of Roger Williams in 1872. But action by other states was not so prompt. It was not until 1903—thirty-eight years after the death of President Lincoln—that the two Maryland statues were installed in Statuary Hall.

In 1896—thirty-two years after Congress set apart the old hall of the House of Representatives for use as Statuary Hall—the Legislature of Maryland took the first step toward placing two statues in the National Capitol. In that year a resolution was introduced to request the Governor to appoint a commission of five citizens to report to the Legislature which two Marylanders were, in the judgment of the commissioners, most worthy of national commemoration in Statuary Hall.

A unique feature of the resolution was that, although Maryland had been known for her many patriots, who had achieved distinction sufficient to make them worthy of being entered in the Hall of Fame—such statesmen as Thomas Johnson, John Hanson, Samuel Chase, and Charles Carroll of Carrollton; a Chief Justice of the United States, Roger B. Taney; Luther Martin and William Pinkney, famous lawyers; and notable military officers including John Eager Howard, William Smallwood, Otho Holland Williams, and Tench Tilghman—there was a mention of only one distinguished Marylander in the resolution. In it was a provision that it should be the particular duty of the commission to "report whether or not in the judgment of such commissioners one of such statues should be of Francis Scott Key, the author of our immortal national ode, 'The Star-Spangled Banner.'"

Presumably this suggestion for the members of the commission was a hint that recommendation of Francis Scott Key for one of the statues would be agreeable to the Governor and the members of the Legislature.

There could be no doubt that the choice of Key for one of the statues would be pleasing to the Governor, Lloyd Lowndes, who was a resident of Cumberland, for Lowndes was a descendant of Governor Edward Lloyd 5th, whose sister, Mary Tayloe Lloyd, became Key's wife in 1802.

The resolution was undoubtedly pleasing also to the Senator from Frederick County, Frank C. Norwood, a forty-year-old member of the Frederick bar. Mr. Norwood, who was unusually fond of Maryland history, was personally acquainted with members of the Francis Scott Key Monument Association, who were raising funds for a monument over Key's grave in Mount Olivet Cemetery in Frederick. To many of his friends Senator Norwood had told how proud he had been while on a trip to the Pacific Coast to see the Francis Scott Key Monument in Golden Gate Park, which had been unveiled before the erection of the monument in Frederick.

After the resolution was passed by the Senate and House of Delegates, Governor Lowndes named the members of the commission. Their report was presented to the Legislature at its session of 1898, but Key's name was not mentioned. The report recommended:

(1) That Charles Carroll of Carrollton be commemorated by one of the statutes.

(2) That for the other statue, General John Eager Howard be commemorated, if military services are preferred for recognition; but if civil services are preferred, then Thomas Johnson, the first Governor of the State, be commemorated.

The commission also reported that an appropriation of $12,000 for each statue would not in their judgment be excesssive but would probably approximate the cost of the sculpture.

The Legislature rejected the recommendations of John Eager Howard and Governor Thomas Johnson, and ordered that the statues should be made of Charles Carroll of Carrollton and John Hanson.

The Legislature appropriated the sum of $24,000 to pay for the two statues and directed the Governor to appoint a commission of five to carry their law into effect. The law was approved by the Governor April 14, 1898.

Governor Lowndes named on this commission former Governor John Lee Carroll, Douglass H. Thomas, General Thomas J. Shryock, Richard K. Cross, and Fabian Franklin, Ph.-D., editor of the Baltimore News.

Mr. Carroll, who had served as Governor from 1876 to 1880, was a great-grandson of Charles Carroll of Carrollton. He was born at Homewood, now a part of the campus of Johns Hopkins University, but when he was three years old, his father moved to ancestral Doughoregan Manor. The future Governor was educated at Mount St. Mary's College and at Georgetown. While he refused to seek any further political office after his term as Governor, he cheerfully agreed to serve as chairman of the commission to arrange for the sculpture of the statues of Carroll and Hanson.

The commission selected as their sculptor a young native of Massachusetts, Richard E. Brooks, whose father was born in England and mother in Scotland. The sculptor had grown up in the vicinity of the granite quarries of Quincy. He was only in his thirties, but he had studied sculpture in Boston and his first important work, a bust of Governor Russell, was so satisfactory that he was encouraged to go to Paris to devote himself to further study. There his first Salon subject brought him honorable mention in 1895. His next important work was the statue of Thomas Cass, which was installed in the public gardens in Boston. This statue was acclaimed to be "as fine a statue of a quiet, soldierly figure as any which an American sculptor has yet produced."

Sculptor Brooks worked with great diligence on the statues of Carroll and Hanson. He was impressed by the fact that he was carving statues that would be installed in the Nation's Hall of Fame in the Capitol, where they would be seen by countless millions of Americans as well as hosts of sightseers from all over the world.

And so he worked with meticulous care and with all the skill at his command. Fortunately there were several portraits of the patriots. One early portrait of Hanson had been painted by John Hesselius, but the sculptor evidently relied more largely on the later painting which Charles Willson Peale had made for Independence Hall.

Governor Lowndes was no longer in office when the statues were completed. He had campaigned for re-election in 1899 but was defeated by John Walter Smith of Worcester County. Smith was inaugurated in 1900 and it was he who was notified in 1902 that the statues were cast in bronze.

Shortly before Congress adjourned for Christmas in 1902, Governor Smith signed two letters, one to the United States Senate, the other to the House of Represenatives, giving official notice that Maryland was ready to present the statues of Carroll and Hanson to the National Government.

At that time the Senators from Maryland were George L. Wellington of Allegany County and Louis E. McComas of Washington County.

McComas, the junior Senator, a graduate of Dickinson College and a member of the Washington County bar, handled the arrangements for the ceremony in the Senate. It was scheduled for Saturday afternoon, January 31, 1903.

McComas made the first address in the

Senate. Before commencing he presented a concurrent resolution that the thanks of Congress be presented to the State of Maryland for providing the bronze statues of Carroll and Hanson, and that they be accepted and placed in National Statuary Hall.

The crowning service of Hanson's career, Senator McComas said, was his unalterable determination to oppose ratification of the Articles of Confederation until all the States had surrendered their claims to the Northwest Territory. He asserted that Maryland, in leading the way for the acquisition of the National domain, laid the foundation for the Federal Union.

For this one stand alone, the Senator said, Hanson was worthy to be placed in Statuary Hall. It determined for all time, he said, that "the after acquired territory of the United States should in due time by Congress be fashioned and admitted as States, augmenting the power of the Republic and the grandeur of the American Union."

Four Senators from the States—George F. Hoar of Massachusetts, Jonathan P. Dolliver of Iowa, Chauncey M. Depew of New York, and Augustus O. Bacon of Georgia—added praise for the patriotic services of Carroll and Hanson.

Senator Wellington delivered the final speech. Although he had started to work at the age of twelve, and thus was mainly self-educated, Wellington had become successful in Cumberland as a banker and industrialist and he was a forceful orator.

In his tribute to John Hanson, Wellington said:

"He was the first President of the United States in Congress Assembled, and his hand guided the fortunes of the new Nation in the year which brought the final success of American arms, after a long period of vicissitudes and changeful fortune.

"He was not a man of selfish ambition but became active in the affairs of his native Colony by reason of his love of country and steadfast purpose to stand by and for the right. Only a high sense of duty kept him for five and twenty years constantly engaged in public service, and allowed him to retire only when his fondest hopes had been realized in the consummation of freedom and self-government for native land."

Upon a motion made by Wellington, the Senate adopted the resolution offered by McComas.

The arrangements for the ceremony in the House of Representatives were made by Congressman George A. Pearre, a graduate of Princeton, West Virginia University, and the Law School of the University of Maryland, and a member of the Cumberland bar.

Mr. Pearre spoke at length on Charles Carroll of Carrollton, and was followed by Congressman John Dalzell of Pennsylvania.

Mr. Pearre had invited his colleague, Charles R. Schirm, of Baltimore, to pay the tribute to Hanson.

Mr. Schirm said that after the French and Indian War the tide of immigration turned to the fertile regions of Frederick County, and thither in 1773 John Hanson followed the long train of sturdy home builders. His sound judgment and honesty of character, he said, won for him the respect and confidence of the people.

After mentioning that Hanson held the highest Federal office ever conferred upon a Marylander, Mr. Schirm paid tribute to other members of the Hanson family, who had rendered public service:

"His grandfather, Colonel Hanson, fell at Lutzen for the cause of religious liberty; his oldest brother, Judge Walter Hanson, was Commissary for Charles County; his brother Samuel was a patriot and presented to General Washington 600 pounds sterling to provide shoes for his barefoot soldiers; William, his youngest brother, was Examiner General of Maryland; his son, Alexander Contee, was a patriot and intimate with Washington, was one of the first Judges of the General Court and Chancellor of the State; and an Elector for Washington, and compiled the Laws of Maryland; his son, Samuel, was a surgeon in the Life Guards of Washington; and his son, Peter Contee, of the Maryland Line, was wounded at Fort Washington."

Upon motion of Mr. Schirm, the House adopted the concurrent resolution introduced by Mr. Pearre thanking the State, accepting their statues, and ordering that they be placed in Statuary Hall.

The statue of Carroll is in Statuary Hall, but after thirty years Hanson's statue was moved to another location in the Capitol. The reason for the change of location was that as States were added to the Union and new statues were presented by the States, some of the members of Congress were apprehensive that the concentrated weight of marble and bronze might possibly cause a structural collapse. Following an investigation by an engineer, the Congress passed a resolution in 1933 directing that the statues be relocated in order to relieve the congestion in Statuary Hall. The work of relocation commenced in 1934.

Today three of the statues that belong to the Statuary Hall Collection are in the Rotunda. The others in the Rotunda were not gifts from any State, but were acquired otherwise.

The statues comprising the Statuary Hall Collection are now installed in the following seven locations in the Capitol:

(1) Statuary Hall, the original chamber of the House of Representatives.

(2) The Rotunda.

(3) The small House Rotunda.

(4) The House Connecting Corridor.

(5) The Senate Connecting Corridor.

(6) The Vestibule of the old Supreme Court Chamber.

(7) The Hall of Columns on the first floor of the House wing.

The statue of John Hanson was moved out of Statuary Hall and given a location in the Senate Connecting Corridor. However, it will always be considered as a part of the Statuary Hall Collection. Moreover, the location of the statues is not of paramount importance. Their significance lies in the lessons taught by the careers and characters of those who are commemorated in the Hall of Fame.

Senator Wellington spoke with eloquence of their influence in his peroration in the United States Senate on the last day of January in 1903. Just before moving the acceptance of the statues of Carroll and Hanson, the senior Maryland Senator paid this tribute to their immortality:

They have passed away, but they shall be ever remembered, and their fame will extend into the distant future. Their influence has not ceased. True it is, the principles which they evolved and for which they struggled seem at present to be obscured by an eclipse. If it be so, would it not be well upon this occasion to call a halt in the fateful march, would it not be well to look backward, and, if necessary, retrace our steps until we may stand again in that altitude where our vision will become bright and clear * * * and in its stead we shall see again that light which led us for a century and a quarter in honorable history and glorious achievement as a nation?

"We shall march to the music of the song of the great Declaration for which Charles Carroll and John Hanson lived and labored throughout many years, and realize, as did they, that our strength as a Nation depends upon the exemplification of the grandest doctrine ever promulgated to men—that they shall be free and govern themselves, under God, according to their own consent and pleasure."

ALCOHOL-GASOLINE FUEL WOULD CUT POLLUTION, FARM SURPLUSES

HON. THOMAS S. KLEPPE

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. KLEPPE. Mr. Speaker, yesterday I had the privilege of testifying at a joint meeting of the Subcommittee on Air and Pollution of the Senate Public Works Committee and the Subcommittee on Energy, Natural Resources, and the Environment of the Senate Commerce Committee on the feasibility of blending gasoline with alcohol made from grain to provide a cleaner burning motor vehicle fuel.

I include in the RECORD my testimony, together with the text of a statement on the same matter submitted by Mr. Dwight L. Miller, Assistant Director of the Northern Research Service, U.S. Department of Agriculture, Peoria, Ill.:

TESTIMONY BY REPRESENTATIVE THOMAS S. KLEPPE

Mr. Chairman and Members of the Subcommittee. I appreciate this opportunity to testify on air pollution control legislation.

My testimony today relates exclusively to the advantages of combining gasoline with alcohol made from grain to produce a cleaner burning motor vehicle fuel. I believe a strong start in this direction could be made within the framework of amendments to the Clean Air Act proposed by many Members of Congress, including myself.

On February 16, 1970, I wrote to President Nixon, suggesting that he instruct affected Federal agencies to investigate the possibilities of utilizing the alcohol-gasoline blend as a means of combatting air pollution.

There is nothing new about the basic idea. For many years it has been extensively discussed, studied and tested. Today, with the great national interest in our total environment and with the serious air pollution caused by motor vehicle exhausts, it may be an idea whose time has finally come.

There isn't any question that an alcohol-gasoline blend will work efficiently in present-day motor vehicles. It will measurably reduce hydrocarbon exhaust emissions, by as much as 50 per cent, some tests show. It will prolong engine life. It will provide extra power, without a tetraethyl-lead additive. It has long been used successfully in other countries.

The obvious question is: Why aren't we using it? The answer, up to now, has always been: Cost.

Back in the middle-1950's, President Eisenhower appointed a commission to study increased industrial uses of agricultural products. Then the principal objective was to expand markets for surplus farm products. The projected cost of producing alcohol from grain led the commission to conclude that it would be "impracticable to recommend an alcohol motor-fuel program."

The urgent need to control air pollution—to regulate automobile emissions of carbon monoxide and hydrocarbons—places the cost factor of converting grain to alcohol in a different perspective now. Moreover, large-scale conversion of grain to alcohol could literally save billions of dollars of farm program costs.

In his Message to Congress on the Environment, the President pointed out that "Most air pollution is produced by the burning of fuels. About half is produced by motor vehicles."

The proposed amendments to the Clean

Air Act would empower the Secretary of Health, Education and Welfare to "establish standards respecting the chemical or physical properties of any (motor vehicle) fuel or fuel additive to assure that such fuel or fuel additive will not cause or contribute to emissions which would endanger the public health or welfare. . . ."

Even though new engine designs, more lead-free gasolines and improved exhaust control devices will come during the 1970's, millions of motor vehicles now on the road and to be built in the next few years will be operating well into the 1980's. It would appear on the basis of what we already know, that immediate implementation of an alcohol-gasoline program is fully warranted. We could begin on a limited basis almost overnight. The mood and the money were not there in the past but they are today.

I believe what is needed now, to get a large-scale alcohol-gasoline fuel "on the road," is convincing proof that it can be done economically. We must look not only at the first cost of extracting alcohol from grain but also at the value of the high protein by-product which remains as a food and feed source. We must consider what a cleaner-burning lead-free motor vehicle fuel would be worth from both a public health and dollar standpoint.

We must consider the savings in farm program and price support costs which would result from the elimination of production controls and payments to farmers for diverting wheat and feed grain acreage. This would be in the neighborhood of $2 billion a year and there would be further savings of perhaps half a billion dollars in storage, interest and administrative costs borne by USDA.

In other words, we must look at the many "offsets" against the cost of producing alcohol from grain. Viewed that way, I am reasonably convinced that alcohol can be made from grain at relatively low cost—low enough to make it economical and practical as an automotive fuel.

Although the petroleum industry opposed this concept in the past, for obvious reasons, we have a far different situation today. Like it or not, the industry will have to come up with a much cleaner-burning and probably lead-free fuel or alternative power sources will inevitably be developed. The State of California is now buying automobiles powered with bottled gas. Battery-powered automobiles (we had some years ago) are being considered again. Some say we should go back to the Stanley Steamer. And it has even been suggester, facetiously I am sure, that a 100-mile-long extension cord could be hooked up to the dream car of the future.

Alcohol is also made from petroleum products. This certainly gives the petroleum industry a major stake in the development of alcohol-gasoline fuels. Moreover, the petroleum reserves of the United States are neither unlimited nor renewable. Alcohol from grain is, of course, a renewable resource.

Although industry now has the capacity for producing considerable amounts of alcohol, a mammoth expansion would be required to convert three or four billion bushels of grain into this form each year. Several hundred plants, costing several billions of dollars, would have to be constructed. If the petroleum industry shifts from tetraethyl-leaded gasolines to the more costly refining processes necessary to produce higher-octane, non-leaded products, the transition would be at least as expensive.

The President of Union Oil Company says on this:

"Several years will be required to construct the needed new refining equipment. The total capital cost of installing new refining equipment nationwide to add 7 octane numbers is estimated to be between $5 billion and $6 billion. Because of limited construction capacity, it is impossible for all major refineries to add such needed equipment in a time schedule that may be required by law"

So, I ask, why not go the other route? Why not start now with production of the alcohol-gasoline blend?

The implications of this for the Nation's farm economy would be enormous. For years we have sought to obtain new industries for rural areas. Certainly it would make sense to locate alcohol extraction plants where the grain is produced.

If we "freed up" our millions of retired acres for all-out grain production, both the farm economy and the total economy would get a much-needed boost. It would take more machinery, more gasoline (blended with alcohol). More fertilizer, more labor, more transportation, more of everything that goes into farm production and the transportation and utilization of agricultural commodities.

It would open the way for tremendous increases in the development of higher-yielding wheats and other grains which might not meet present-day milling standards but which would be entirely suitable for conversion into alcohol. Today there is advanced experimentation on a durum wheat-rye cross—Triticale—which has tremendous yield potential, as much as 200 bushels per acre on a dryland farm, according to some reports.

There is no doubt in my mind that by putting our idle acres to work and, at the same time, utilizing more fully the higher-yielding grain varieties, the United States could easily produce the extra three billion or more bushels needed to meet motor vehicle fuel requirements. There would still be enough—a safe margin—to meet both domestic and export requirements.

As of January 31, 1970, Commodity Credit Corporation had under price support loan and under actual ownership, 1,762,399,000 bushels of feed grains and 862 million bushels of wheat. Both of these totals are up substantially over a year earlier.

These quantities of grain are not all to be counted as surpluses. Conservatively, though, I would say about half of the totals could be so classified. In other words, we have more than enough grain available now to swamp existing facilities for converting grain to alcohol. By the time additional facilities were available, farm production could easily be increased sufficiently to keep them operating at full capacity.

I have received a few letters from people who say it is criminal to talk about converting grain to motor vehicle fuel at a time when there are millions of hungry people in the United States and hundreds of millions throughout the world. If this be true, then it is also immoral to impose production restrictions on American farmers today. What I am proposing, essentially, is a program under which we would continue to supply at least as much food grain to our own people and to those around the world as we are today. The grain for alcohol would come from increased American production—from our idle acres and the higher-yielding crop varieties.

Then there is the question of cost—both to the government and to the user of the alcohol-gasoline blend. When he "offsets" I mentioned are cranked into the equation, it seems to me that the government would gain, both in farm program savings and in the incalculable benefits which would result from cleaner air.

From the motorist's point of view, I believe a blend of 10 or 12 per cent of grain alcohol with gasoline will cost him little more than the higher octaine, non-leaded gasoline he will be using in the future if the decision is made to rely entirely on what the Union Oil Company calls "more severe refining processes." If the "offsets" are fully weighed, it may well be less.

In fact, the motorist using the alcohol-gasoline blend would receive as a bonus, instead of green stamps or a free candy bar, actual dollar savings through the longer and more trouble-free operation of his automobile engine.

It seems to me that the transition to the alcohol-gasoline blend could be made in an orderly way, without disrupting the petroleum industry, the automotive industry or the farm economy. We could start now, in a limited way, with what we have available. There is time to smooth out the bumps in the road ahead before we get there. It will take some planning, some ingenuity and some determination. But it can be done.

I am encouraged by the support I have received not only from the public but also from Members of Congress, scientists and others concerned with the air pollution problem. It is time to bring this dream, so long held by American farmers, to reality.

STATEMENT BY DWIGHT L. MILLER

Mr. Chairman, I am Dwight L. Miller, Assistant Director, Northern Regional Research Laboratory of the Agricultural Research Service, U.S. Department of Agriculture, in Peoria, Illinois. I am a Chemical Engineering graduate of the University of Illinois, and had over 20 years experience in the fermentation and chemical industries before joining the Department of Agriculture 12 years ago. Our division conducts utilization research on corn, wheat, grain, sorghum and other grains.

In the past two or three years we have had increasing interest and inquiries concerning up-to-date information on the production of ethyl alcohol from cereal grains and its use in motor fuels. About a year ago I was requested to bring together the studies and developments and prepare a report on "Industrial Alcohol from Wheat," for presentation at the Sixth National Wheat Utilization Research Conference, Oakland, California, Nov. 5–7, 1969.

Since I presented the report in November there has recently been fuller recognition of motor fuel as an air pollutant, and the overabundant supply of cereal grains has resulted in greatly renewed interest in the whole subject of alcohol's use in motor fuels.

I will present the highlights of my research report and then be glad to answer any questions relating to the technical processes of producing alcohol from grain and some of the aspects of utilization of that alcohol in a motor fuel mixture.

Ethyl alcohol in the United States is produced both by fermentation and by chemical synthesis. Cereal grains, sugar, molasses, and other natural products, are the major raw materials for the fermentation. Beverage alcohol must by law come from these raw materials. Synthetic alcohol is produced from petroleum-based oils or gasses. Industrial fermentation alcohol and synthetic alcohol are chemically identical. The present annual United States industrial (nonbeverage) alcohol market is about 300 million gallons and the alcohol is almost entirely synthetic because it is lower in cost.

Practically all natural products high in starch or sugar could be used to produce industrial ethyl alcohol by fermentation. Corn and sugar byproducts (molasses) have been selected in the past because of low cost. Wheat, sorghum, and other materials, have had relatively minor use. However, during World War II (1942–1945), when alcohol need was critical for synthetic rubber production and cost was of lesser importance, about 250 million bushels of wheat were used for alcohol production. The alcohol yield from all these materials is theoretically in direct ratio to the contained starch or sugar per unit weight. In practice, the chemical and physical properties of each natural raw material affect the production to some degree. The most important byproduct of the grain fermentation operation is residual, distillers

grains, containing all of the original ingredients, except the starch or sugar. This byproduct has a protein content of 20 to 30 percent depending on the type of grain and its original protein content. This high protein byproduct has been used as animal feed.

Synthetic alcohol has developed since 1929 and now supplies the industrial alcohol market. Most of this alcohol is produced from ethylene obtained from petroleum and natural gas. Newer synthetic alcohol plants are relatively large with minimum annual capacities in the order of 50 million gallons.

Ethyl alcohol has had use in some countries as a component of motor fuels. In the United States petroleum products have generally been the least expensive fuel and therefore furnish the best motor fuel. It is possible to use gasoline-alcohol blends in present engines with acceptable performance. A blend should contain at least 10 per cent (by volume) alcohol to prevent handling and separation problems and must be anhydrous alcohol. Lower proportions of alcohol might be used, but would necessitate dual or more expensive carburetor systems.

The basic problem hindering this utilization has been unfavorable economics. Legislative action that would require the use of alcohol blends with alcohol produced from cereal grain (i.e., wheat) would be required for a significant volume motor fuel alcohol market. Through such legislative action, all motor fuel could be required to contain at least 10 per cent ethyl alcohol, produced from United States cereal grain (types and ratio could be specified) in U.S. plants. The market for grain created by such legislation would be very large. The annual U.S. consumption of automobile fuels is about 85 billion gallons. Over 3 billion bushels of cereal grains would be required annually to produce the 8.5 billion gallons of anhydrous alcohol for a 10-percent blend.

Capital investment for the approximately 500 fermentation plants necessary to produce this amount of alcohol would be in the order of $6 billion. Practically all the fermentation plants would be new.

About 25 million tons of high protein byproduct distillers grains would also be obtained. The effects of this quantity of byproducts on the animal feed market have not been evaluated. The feeding value of these distillers grains varies, according to F. B. Morrison's book, "Feeds and Feeding". According to Morrison, insufficient data are available on distillers grains from wheat for comparison, although Morrison implies that the wheat product should be comparable to that from corn.

The effect of alcohol blends on motor fuel costs depends on many factors, including grain prices, conversion costs, byproduct feed values, profits, and other expenses. Assuming such a program were legislated, the alcohol blend would add about one cent per gallon plus the grain cost. Grain at $1.00 per bushel would add 4 cents per gallon, making a total increase cost of five cents per gallon. The effect of grain prices on the alcohol cost is shown in the attached table. In all cases, the costs do not include any allowance for profits, packaging, and sales expense.

Tetraethyl lead (TEL) is now used in more than 97 percent of all motor fuels. Its proposed removal for pollution control will require major revisions in petroleum refining procedures, automotive engine design, and fuel blending. The economics of producing the engines and lead-free fuels is now a major and unresolved subject. Increased fuel costs by refining, as reported in several journals, have been in the 2.5 to 4.0 cents per gallon range and the required capital expenditures have been estimated at $4.2 to $6.0 billion. The use of an alcohol-gasoline mixture in automobiles would be a lead-free fuel that would eliminate lead pollution from auto emissions.

Ethyl alcohol could have an important role also in controlling hydrocarbon pollution from automobile emissions but apparently would not completely eliminate pollution from this source. The Southwest Research Institute reported (Air Pollution Control Association Meeting, Houston, Texas, June 1964) that 25 percent alcohol-gasoline blends resulted in average reductions in exhaust hydrocarbons of 25 to 30 percent; and a few individual tests showed greater reductions. More complete information on modern engines is needed for definite conclusions.

For maximum reduction of pollution from exhaust emission, catalytic converters to remove the products of incomplete combustion appear to be a favored approach. Tests with catalytic converters have indicated the lead in present gasoline that passes through the exhaust poisons the catalyst and destroys its ability to control hydrocarbon pollution. It is most probable that the combustion products of gasoline containing 10% alcohol would not poison the catalytic converter. These converters are being perfected by automobile manufacturers and scheduled to be installed on all cars in the future. Converters would presumably last much longer with the alcohol mixture than with the present lead additive. This prospect could be substantiated through research in a relatively short period of time and should be initiated immediately if plans are made for the use of alcohol-gasoline blends in motor fuels.

EFFECT OF WHEAT COST ON ETHYL ALCOHOL COST

[Basis: 2.6 gal. 200 proof alcohol/bushel/

Wheat price/bushel (dollars)	Alcohol cost/gallon, cents		
	Wheat	Conversion	Total base cost
1.00	38.5	21	59.5
1.25	48.0	21	69.0
1.50	57.7	21	78.7

Note: These costs do not include profits, packaging and sales, expenses.

BYELORUSSIAN INDEPENDENCE

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. PATTEN. Mr. Speaker, today in the State of Byelorussia officials will celebrate the observance of the 100th anniversary of the birth of Lenin, former head of the Soviet Government.

I would like to convey to my colleagues, however, what Lenin and his policies have meant to the Byelorussian people as expressed to me by Mr. John Kosiak, president of the Byelorussian Congress Committee of America. He states:

By introduction of his own totalitarian communist regime in Byelorussia, Lenin deprived Byelorussian people of all its human rights and freedoms, the rights recognized by the Western World at this time, and proclaimed earlier by the Byelorussian Democratic Republic. Those rights being: freedom of speech, freedom of assembly, freedom of press, freedom of association, freedom of worship, freedom of economical activity, freedom to elect one's own government, freedom to choose one's habitat and travel abroad, immunity of home, independence of judiciary, etc. . . Freedom of activity was given to the Bolshevik Party only, which was executing orders from the central government in Moscow. The leadership of this party in Byelorussia was composed of non-Byelorussians. It was a reliable instrument for domination over the Byelorussian nation.

The last 50 years in Byelorussian history have indeed been tragic. This country has seen the annihilation of over 6 million of her inhabitants, the systematic Russianization, deportation, and colonization of her people.

Mr. Speaker, the designation of today, March 25, 1970, as the day to honor Lenin in Byelorussia, is certainly a crowning insult. For today among the Byelorussian people is commemorated as the 52d anniversary of independence. It honors that day in 1918 when these wonderful people at last tasted the freedom we take for granted. It was so short lived, and yet there continues to be hope among the Byelorussians that they may one day again join the family of free Nations. I would like to join my colleagues and Byelorussians everywhere in marking this 52d anniversary of independence. May my Byelorussian friends know I support them in their strugle. Let us hope and pray that they will once again set their country free.

NIXON ADMINISTRATION'S GOALS FOR THE COUNTRY

HON. WILLIAM H. AYRES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. AYRES. Mr. Speaker, I am today placing in the RECORD what I consider to be the best statement of the Nixon administration's goals for the country which I have yet seen.

This statement is an address delivered by the Secretary of Labor, the Honorable George P. Shultz, before the management conference of the Graduate School of Business of the University of Chicago.

The Secretary, who used to be the dean of the Graduate School of Business at Chicago, was on familiar turf. It was not necessarily pro-Nixon turf. It was an ideal time and place for a high official of the administration to set forth the goals and fundamental operations of the Nixon administration. This the Secretary did with his customary style, logic, and clarity.

By having the central, National Government set standards and the State and local governments carry out operations, it is the purpose of the "new federalism" of the Nixon administration to achieve, in Secretary Shultz' words: "New standards of fairness, new respect for diversity, and a new spirit of confidence in our system of government."

Mr. Speaker, I commend this eloquent address by Secretary Shultz to every Member:

ADDRESS BY SECRETARY OF LABOR GEORGE P. SHULTZ

I don't think the Nixon Administration is being well enough criticized.

I did not say we weren't being criticized enough. I said not *well* enough. Here is what I mean:

In domestic as well as in foreign affairs, the President is pursuing a strategy. You may not agree with his strategy; but I think you owe it to yourselves to come to grips with that strategy, to try to understand this Administration's philosophy, so you can criticize it fairly and constructively.

One of the cliches of this Administration is a phrase taken from professional football—"game plan." Whenever I make a proposal, or whenever we come up with a new tactic, we have to show how it fits in the overall game plan.

Today, I would like to go beyond the confines of being a spokesman in the field of labor, to try to explain what our Administration game plan is. There are some who will call it madness, but even they will have to admit there is some method in it.

Let me begin by suggesting what our method is *not*. We are not professional zigzaggers. We are not trying to sell liberal principles with conservative rhetoric, or vice versa. We are not trying to heal the nation's differences by "splitting the difference."

Our preference for a theoretical underpinning shows in many ways. At a Washington Redskins football game last season, there was a blatantly bad call by the referee on pass interference. Edward Bennett Williams, owner of the team, yelled "Bad call!" Former Chief Justice Warren, sitting next to him, said in a dignified way "Poor judgment." And Henry Kissinger rose to his feet, shook his fist at the referee, and shouted "On what theory?"

We ask ourselves "on what theory?" all the time. The theory, or political philosophy, that has emerged after one year has been called the New Federalism. I submit to you that it is more than a catch phrase; it is a new approach, one that has evolved from the national experience, one deserving careful analysis by thoughtful men.

To grasp the new approach, you have to cast out one of the basic measurements of political ideology—the idea of liberal versus conservative, the old political spectrum of left and right. It will be a wrench to set aside this familiar caliper, but it does not measure what is going on in government today.

That is because, in the past decade, liberals and conservatives found themselves using the same language in describing their common complaints.

Liberals were complaining that government was becoming unresponsive—that there was a greater need for local and citizen involvement. This sounded like the old conservative demand for decentralization.

Conservatives, on the other hand, were saying that our welfare system and our educational establishment were in need of fundamental reform, to correct the unfairness built in over three decades of trying to cure social ills. Liberals found little to argue about in that.

It was as if the nation had gone through a gigantic half-time and the old opponents had switched sides, each now marching on the other's former goal.

But the change is deeper than that. The change centered on a unique area of agreement. As a Labor Secretary, it is my job to discover areas of agreement in what appear to be positions of great dispute, and I can certainly see one here.

Liberals and conservatives agree on the need for a new fairness in American life. And hopefully, through this new sense of fairness we can achieve greater efficiency in the administration of domestic affairs.

Liberals and conservatives agree on the need for a selective decentralization of government.

Liberals and conservatives agree on a reform of our institutions that makes the setting of national standards a national affair and makes the detailed administration of government programs a very local affair.

The New Federalism broadens and deepens these areas of agreement. In essence, the New Federalism calls upon us to act as one nation in setting the standards of fairness, and then to act as congeries of communities in carrying out those standards. We are nationalizing equity as we localize control, while retaining a continued federal stewardship to insure that national standards are attained.

The best way to explain any theory is to cite examples. And the examples are there, in the field of labor and in many others.

Take welfare. A national sense of fairness says that a man who is working ought to make more than a man who is not working. A national common sense says that a working man who makes less than a man on welfare across the street will be inclined to stop working.

To introduce that element of fairness in our family assistance proposal, we aim to assist the working poor in a way that will always make it profitable to work.

But to permit diversity, to encourage localities and States to make their own decisions on the degree to which they want to help the less fortunate, we provide an income floor but no ceiling. It is up to the States and cities to administer large portions of this program consistent with national goals and to decide for themselves how much more they are able to do.

Thus, we have a *national minimum* on family assistance—as the President puts it, "no child is worth more in one State than in another," as far as the Federal government is concerned. At the same time, we have *local participation* in administration and local say-so on what more should be done. National fairness, local diversity.

Take manpower training, really a classic example of this New Federalism. On the national level, we recognize the need for training people for new and better jobs, and the need to fund this activity. But most labor markets are local in scope—this is where the action is and this is where the best judgment concerning the use of resources should be. The basic way we have proposed to handle this situation is to provide incentives for State and local government and private sponsors to get into the act—providing more money and more local control in specific stages, as localities develop the means to put these programs into action. Again, national fairness, local assumption of control.

Another example in the labor area—safety standards. Two million workers a year are injured on the job. On the Federal level the President's proposal would set up a national Occupational Safety and Health Board; its standards are to adapted and administered by the States, as they demonstrate their capacity to take this over. The enforcement of safety standards is local, with national monitors. The Federal government pays 90% of the State's planning costs, then shares the administrative costs on a 50–50 basis. Again, national standards, local administration and enforcement, a reserve federal "clout."

Attaining our national goal of equal opportunity in employment is another example of the New Federalism. Where Federal funds are used, affirmative action can be used to eliminate discrimination in employment on the part of management or labor. In our Philadelphia Plan, we put this into practical action in the construction industry for the first time—and not without considerable controversy. But there is no necessity for the mechanical application of Federal standards if the local people can work out a strong agreement among themselves. In this case, as in so many others, there is no solution like a hometown solution—provided it works toward our national goal.

I could cite a dozen other examples of this New Federalist approach—in our environmental program, that sets anti-pollution standards and provides for local enforcement and a sharing of the financing of treatment facilities; in tax policy, that removes seven million poor from the tax rolls and provides a greater incentive to start working; in our computerized job bank, that looks toward a national information system with local and regional participation and control.

In case after case, the pattern is clear—a concern for fairness as a nation, a concern for diversity as a people, a recognition of federal stewardship.

But while it is a clear pattern, it is not a simple one. You cannot label this "decentralization"—because the establishment of so many national standards, in so many fields, is a form of centralization. But this is done in a way that does not dehumanize and depersonalize government, resulting in alienated people and ineffective bureaucracy. It is done in a way that decentralizes administration and encourages local participation, bringing about the best of both worlds—fairness and citizen involvement. At least, that is what we are hoping to do.

By taking this tack, we hope to reinstill in the American people their faith in the responsiveness of their government to what they consider to be fair.

By following this method we call the New Federalism, we hope to reinstill self-reliance on the part of individuals and strength in the institutions of local and State government and voluntary agencies.

And by pursuing these principles, we hope to achieve a society more pluralistic in its operation and more equal in its opportunity. We do not believe that equality of opportunity is the enemy of diversity.

If we are successful with our philosophy—in actually bringing about this realignment of power between the levels of government, what sort of nation will we become?

We will no longer be divided by the fear of centralized domination and the personal alienation such domination always brings.

At the same time we will not be a nation where tranquility and calm and harmony reign supreme. A national nirvana is not in the cards for America.

We have seen what happens in the arena of labor relations when strikes and lockouts and sabotage are replaced by orderly grievance procedures. Labor and management do not become sweethearts; opposing economic forces do not merge their goals. What does happen, in the best of times, is that the force of the antagonism is channeled through an institution that permits progress for all the antagonists.

In the same way, under the New Federalism, the relatively poor will not lose their envy of the rich. The States will not lose their reluctance to part with power to either the local or national government. The federal bureaucracy will not lose its capacity for either initiative or inertia. Tensions will continue to exist, and indeed they should exist—provided we can build those institutions that channel these tensions into progress for all. We are not slicing a pie, we are building a cathedral. Productive tension, the modern descendant of "divine discontent," is the mortar we need to build it.

One job of government in the final third of this century is to encourage competition among the centers of power without allowing it to become cutthroat competition and without taking the easy way out toward the monopoly of centralization. To abolish all tension would be to lose our freedom; we intend to harness tension and make it productive.

On the basis of the examples I have given you this evening I believe you can discern a strategy that is being put into action. It may be helpful to those who like to plot our future moves, because the New Federalism approach of this Administration has built in to government not only credibility, but predictability. It will be useful in doing what I said

was needed at the beginning of my talk: in criticizing us about how well we do what we have set out to do.

The credo of the New Federalist, as I see it, is this:

We must act as one nation in determining national goals;

We must act as a federation of States and localities in meeting those goals, providing leeway for local option and individual diversity;

The Federal government and the courts must provide checks against any unfairness inflicted by local government, and local government must be able to provide checks against unfairness caused by national standards;

Power must be permitted to seek its own level of efficient response, flowing to that level of government closest to the people and willing and able to exercise it;

Local innovation and voluntary action must be aggressively encouraged, which limits the liability of the failure of worthwhile experiments and raises the chances of finding practical solutions;

We must reinstill a new respect for individual responsibility and personal freedom, recognizing that the dignity of work is the counterpart of human dignity;

The individual citizen must think and act on two levels: He must contribute to the determination of our national goals and then must involve himself locally in making those goals a reality where he lives.

This may not seem like a revolutionary credo, but if it is followed in our time, it could have the same revolutionary impact that followed the acceptance of the ideas of the original Federalists.

In spelling out the fundamental principles of a new approach to government, I have had to oversimplify. In actual operation, it is infinitely complex—far more complex, I submit, than a doctrinaire liberalism or conservatism.

These are some of the questions we face in putting these principles into practice:

What issues or problems lend themselves to national standards and which do not? For example, air and water pollution, crossing interstate lines, calls for a national approach—and an interstate highway system can hardly be developed on the basis of purely local initiative. On the other hand, a broad range of municipal and States services are better dealt with entirely at that level, assuming that these services can be adequately financed. That is what the President's proposed Revenue Sharing Plan is all about. Nevertheless, the question is a tough one and the answer is as tough, or perhaps complex, as the question itself.

Another complex question: How can we be sure, in the process of decentralization, that the local government can handle the job? To paraphrase a revolutionary slogan, decentralization without preparation is abdication. For example, we know it would be far more effective for local government to administer our manpower training programs. When you sit in Washington and pull the strings, you discover an awful lot of slack in almost every string. On the other hand—there's that phrase again—when you sit in Omaha and a Federal program is dumped in your lap, you are not likely to have the organization to make use of it effectively. What we have done in this situation is to set up a phased-in decentralization. Planning money is provided 90% by the Federal government; as soon as a State shows it has a plan to handle program administration, it gets administrative control of part of the program; as soon as that plan reaches a certain level of success, it earns a larger slice of control, until, at its own pace, it is ready to handle the entire administrative job.

Another complexity: How do we decentralize when local political boundaries make little economic sense? A labor market does not live within a city limits, and a transportation system doesn't end at the county line. For this reason, in many cases we have been encouraging metropolitanism, or regional planning, in an effort to help make the political system fit the problems it is called on to meet, and not the other way around.

Let me conclude with a reference that illustrates in a different way the spirit of the New Federalism.

Those of you who are familiar with industrial relations know about "the Hawthorne effect." Some years ago, experiments were conducted at the Hawthorne Works of the Western Electric Company in Chicago. These experiments dealt with the effect of different physical variables on productivity. One of these variables was the intensity of the lighting. The workers were told that the light level of their work area would be raised to see if productivity increased. It was, and it did, to the accompaniment of much attention to the experiment and the workers involved. The light was increased some more, and again productivity rose. Then somebody had the bright—or dim—idea of telling them the lighting would be lowered to its original level and, surprisingly enough, productivity still rose. This experience lead to the identification of the so-called "Hawthorne effect". The level of lighting wasn't nearly as important as the active participation and sense of importance of the workers in the experiment.

I have not told this story merely to revalidate my academic credentials. In government today, we are involving the people in an experiment to replace the deadening "Washington effect" with a constructive "Hawthorne effect". The very fact of our effort to try a new approach, a new experiment in government, involving the people in this experiment, should have a stimulating effect of its own and help make that experiment succeed.

That is what we, as a nation, are searching for. When this Administration is over—hopefully, in the year this nation reaches its 200th anniversary—we hope to have introduced new standards of fairness, new respect for diversity, and a new spirit of confidence in our system of government.

TO REDUCE U.S. TROOP STRENGTH IN EUROPE

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. MIKVA. Mr. Speaker, it is no secret that our massive military commitments abroad and our corroding domestic economy are intimately enmeshed problems. Both questions have taken up much of our time in these Chambers. We have fretted over the nature of our military goals overseas—how many troops, what kind, what for? We have dredged for sources of money to fund vital programs at home while decrying the dollar drain abroad. How many times we have talked and harangued and agonized about these problems, and felt helpless to really deal with either one.

Solutions are obviously not easy. But a beginning is possible. I am introducing today a resolution which calls simply and forthrightly for a reduction in numbers of our troops permanently stationed in Europe. It is similar to Senate Resolution, S. 292, introduced by Senator MANSFIELD and cosponsored by 48 Senators.

The security of the North Atlantic community from now on must depend on the responsible efforts of all its members, no longer on a disproportionate burden—both military and economic—carried by the United States.

From a military standpoint, this resolution does not imply a weakening of our position in NATO, nor is it any form of abandonment of our allies. Our support is still complete. It means only, and rightly so, that it has come time for European nations, after two decades now strong and able, to assume a greater share of responsibility for their own defense.

From an economic standpoint as well, this resolution acknowledges the incredible drain on our balance of payments by military and personal expenditures—$1.5 billion a year—into an already strong and growing European economy.

There is no justification at this stage of history, to have over a half-million troops, dependents and supportive personnel stationed in Europe. The political climate has considerably warmed from the time of our initial deployment. Transportation technology alone, not to mention advanced weaponry, has made such a massive deployment of men and supplies both unnecessary and untenable.

We must begin now to redeploy our troops to domestic bases from where, if they were needed anywhere in the world, they could be quickly transported. Not only would this greatly reduce the balance-of-payments deficit abroad, but could, with rational organization, pave the way for large total manpower cutbacks throughout the services. And I repeat, with rational organization, such a move would not at all have to weaken our international position, or threaten our ability to fulfill military commitments.

The point is, rational organization in the military, as in Government, does not come about overnight. And we have been too long overextended, and I might say, exploited on the European front. The sheer weight of our military contingent there is now not only obsolete, it has become a hinderance to our own national progress.

That meaningful planning for this European troop reduction might finally begin, I ask my colleagues to join in support of this resolution. I insert the text of the "sense of the House" resolution at this point in the RECORD:

H. RES. 894

Resolution to express the sense of the House of Representatives with respect to troop deployment in Europe

Whereas the foreign policy and military strength of the United States are dedicated to the protection of our national security, the preservation of the liberties of the American people; and the maintenance of world peace; and

Whereas the United States, in implementing these principles, has maintained large contingents of American Armed Forces in Europe, together with air and naval units, for twenty years; and

Whereas the security of the United States and its citizens remains interwoven with the security of other nations signatory to the North Atlantic Treaty as it was when the treaty was signed, but the condition of our

European allies, both economically and militarily, has appreciably improved since large contingents of forces were deployed; and

Whereas the means and capacity of all members of the North Atlantic Treaty Organization to provide forces to resist aggression has significantly improved since the original United States deployment; and

Whereas the commitment by all members of the North Atlantic Treaty is based upon the full cooperation of all treaty partners in contributing materials and men on a fair and equitable basis, but such contributions have not been forthcoming from all other members of the organization; and

Whereas relations between Eastern Europe and Western Europe were tense when the large contingents of United States forces were deployed in Europe but this situation has now undergone substantial change and relations between the two parts of Europe are now characterized by an increasing two-way flow of trade, people, and other peaceful exchange; and

Whereas the present policy of maintaining large contingents of United States forces and their dependents on the European Continent also contributes further to the fiscal and monetary problems of the United States: Now, therefore, be it *resolved*, that—

(1) it is the sense of the House of Representatives that, with changes and improvements in the techniques of modern warfare and because of the vast increase in capacity of the United States to wage war and to move military forces and equipment by air, a substantial reduction of United States forces permanently stationed in Europe can be made without adversely affecting either our resolve or ability to meet our commitment under the North Atlantic Treaty.

POSTAL WORKERS AND THE NIXON ADMINISTRATION

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. NIX. Mr. Speaker, the Philadelphia delegation feels that it is imperative that the public know its disagreement with what is being done to postal workers by the Nixon administration and we take our stand in these words.

We regret that the postal strike occurred, only because it is contrary to law. At the same time, we admire the courage of postal workers who believed they had no other recourse but to strike in order to bring their indecent wages to the public's attention.

Postal workers earn approximately $2,000 less than garbage collectors each year in many of our major cities.

We think it is important that the public know that President Nixon caused this strike when he threatened to veto any pay raise legislation for postal or Federal workers. He did say in December that he would agree to a small postal pay increase for some postal employees if employee unions would support his semiprivate postal corporation. This meant that he demanded that postal unions reverse their position before Congress and bring pressure to bear on their friends in Congress regardless of the fact that they opposed turning over a Government agency to a board of directors appointed by Nixon.

Mr. Nixon in his desire to turn the Post Office Department over to a semiprivate corporation, attempted to blackjack the Congress and postal unions.

His threatened veto of any decent pay legislation delayed any action on pay legislation for 4 months by a conference committee of the House and Senate until today, March 25, 1970. A decent pay bill, H.R. 13000, had passed both Houses of Congress in mid-December 1969. Only the Nixon veto threat made action by a House-Senate conference a worthless act. Now the Congress has decided to pass a pay bill regardless of a Presidential veto.

It is not necessary to talk about the injustice of Mr. Nixon's threats and acts. It is apparent.

Mr. Nixon's answer up until this time to the postal strike has been to send troops to New York City. A soldier who was working in the post office in New York described this act as a token gesture.

It is a token gesture standing for the employee-management policy of a President who is neither sympathetic or concerned about employees of the Federal Government.

We urge that the Congress pass H.R. 13000 delayed this past 4 months by President Nixon's threats. If he vetoes a decent pay bill, we will fight to override that veto. All of American labor is being challenged by President Nixon. He has shown once and for all his attitude toward American labor, through his actions against postal employees. If he is successful against employees of the Government he leads, he will set an example for corporate executives of intransigence that will lead to the worst work stoppages since the Second World War.

We must win. We will win together. The American people understand the plight of postal workers. Let President Nixon do his worst, while we do our best.

THE PROBLEM OF FOREIGN IMPORTS

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. HALL. Mr. Speaker, I have long been concerned about the impact of foreign shoe imports on the economy of the American shoe industry.

Imported shoes, made by low-paid workers earning as little as 60 cents an hour, have increased their share of the U.S. market to nearly 30 percent. This poses a threat to our entire shoe industry, including the jobs of thousands.

This is just one example, of the harm to one industry, caused by an almost unretricted flow of low cost and in some instances foreign national subsidized imported merchandise.

I am sure that many other American industries are feeling these same pressures. I have long felt the reciprocal trade and tariff agreement as amended by us, delegated our responsibility, and was the "root of all evil."

To those Members who are concerned about the whole problem of foreign imports, I offer the following article by O. R. Strackbein, president of the Nationwide Committee on Import-Export Policy.

The article follows:

REMARKS OF O. R. STRACKBEIN, PRESIDENT, NATIONWIDE COMMITTEE ON IMPORT-EXPORT POLICY

The foreign trade policy of this country has been running on a single one-way track for thirty-five years. The so-called Reciprocal Trade Program was first enacted in 1934. Under it our average tariff level has been reduced upward of 80%.

Far-reaching economic changes have occurred in this country and in other parts of the world during this long period of time. Yet the national trade policy continues with very little change, thus ignoring the altered conditions that have in the meantime greatly affected international competition.

The President seeks further tariff-cutting authority even though our average tariff is less than 20% of what it was thirty-five years ago, when the tariff-cutting was inaugurated. The full cuts agreed to under the Kennedy Round still have 60% of the way to go before their final installment is completed. Therefore the full effects of these cuts have not made themselves felt. Why then extend further authority now to cut what will be left of the tariff in 1972?

The principal economic changes that have transformed the competitive standing of this country in point of both imports and exports in recent years can no longer be successfully concealed, as they have been over the years by false governmental reporting of trade statistics. The competitive tide has been running so strongly against us in recent years that efforts to conceal our weak international competitive standing have come a cropper. Today the handsome trade surplus that measured from $4 to $7 billion annually until the past two years has all but disappeared despite the padded statistical device used by the Department of Commerce under which it included Foreign Aid shipments as exports.

The inclusion of goods paid for by the American taxpayer as exports made it possible to point to our trade policy as a great success whereas we were falling increasingly behind in our *competitive* exports. At the same time the official statistics showed our imports at their *foreign value* without including ocean freight and other charges. This practice is contrary to that of nearly all the other leading trading nations. The practice understates the actual costs of our imports by some 10%.

Today what appears to be a trade surplus of the magnitude of about a billion dollars is really a deficit in terms of competitive goods. This deficit is in the magnitude of $4 to $5 billion.

By hiding or ignoring these uncomfortable facts, the present Administration is able, no less than the preceding Administration was able, to propose further tariff reductions, as if other countries needed further inducement to increase their sales in this country. That no such inducement was or is necessary may be concluded from the upward surge of imports in recent years, especially in the form of manufactured goods.

One of our heaviest export items consists of machinery. From 1960–68 our exports of this item doubled (moving from $4.4 billion in 1960 to $8.8 billion in 1968). Imports of machinery, by contrast, increased over 5-fold, (moving from $0.7 billion in 1960 to $3.7 billion in 1968). This still left a high margin in favor of exports, but the trend is unmistakable, and it has been running very rapidly. Indeed machinery, including the

sophisticated products of electronic origin, together with chemicals and aircraft, represent the only important surplus items in exports. An astoundingly wide variety of other products are incurring deficits in varying degrees. The public is little aware of our very weak competitive position.

Such buoyancy as our exports show today is virtually confined to the narrow sector just mentioned. In 1968 we enjoyed an export surplus in these few products of $9.3 billion. Little wonder that some of these industries support the continuing tariff-cutting program!

Compare this record with that of the products classified by the Bureau of the Census as "Other Manufactured Goods." In that group, which includes *iron and steel mill products, textiles, clothing, paper and manufactures, rubber manufactures, metal manufactures, photographic supplies, glassware, pottery, boots and shoes, clocks and watches, bicycles, toys, sporting goods, motorcycles, etc.*, a deficit instead of a surplus was shown in 1968. This deficit was one of $5.473 billion. As recently as 1960 this deficit was only $760 million or about 1/7 of its 1968 magnitude. (Source: Statistical Abstract of the United States, 1969.)

At the same time our surplus in the machinery, chemicals, aircraft exports grew only a little over 60% from 1960–68.

This simply means that while we had a moderate increase in our trade surplus in the front-running group we suffered a disastrous increase in our trade deficit in the much broader group of "Other Manufactured Goods."

These realities of our changing trade trends are wholly ignored by the thrust of our continuing trade policy.

In 1968 the number of workers employed in turning out the "Other Manufactured Goods" was nearly 2 million higher than those engaged in manufacturing machinery, chemicals and aircraft. Yet it was in the former group that we suffered the heavy trade deficit. A deficit of this magnitude (i.e., of over $5.4 billion), having widened since 1960 so dramatically (seven-fold), reflects a sharp deterioration of our competitive position.

Evidently the trade advisers of the White House have failed to bring these facts to the President's attention. Otherwise the President could not propose further tariff reductions.

Beyond the trade trend in recent years represented by the statistics cited here, which pose a threat of disaster to industries that employ over 7½ million workers, another shift in our trade mix has taken place. It too carries ominous implications. In 1950 only 27½% of our imports consisted of manufactured goods. During the 1936–40 period the share was $32.8%. In 1968 the share was approximately 65%. In other words, our imports have shifted heavily toward goods incorporating a full complement of labor application. The impact on unemployment is therefore twice as great as formerly. In this country employment in manufacturing is of a ratio of about 3½ to 1 in relation to employment in agriculture, mining, fishing and lumbering, which produce our raw materials. Our imports today therefore offer a sharper threat to our employment than in the past.

Measured in relation to exports of all other countries American exports, including foreign aid, have lost ground in recent years. This means simply that exports of other countries have expanded *more rapidly* than U.S. exports. In turn this suggests that their goods are more competitively priced in world markets. In 1960 our share of world exports was 15%; in 1967 it was 14.5%. Had our exports in 1967 enjoyed the same proportion of world exports as in 1960 we would have exported $4.6 billion more in 1967 than we did export, or $35.8 billion instead of $31.2 billion. (See United Nations Statistical Yearbook, 1968.)

The irrebutable fact is that we are in a weak competitive position in world markets and in our own market *vis a vis* imports.

The trend since 1960 is unmistakable. A trade policy that was based on competitive conditions as they existed before 1960 is no longer in focus. It is unrealistic.

What does our weak competitive position suggest with respect to our trade policy?

The problem of import competition would be more acute than it is were it not for the $30 billion annual boost to our economy provided by our Viet Nam involvement. Since our tariff has been cut to an ineffective level without present hope of reversal some other instrument for control of our market-and-employment erosion attributable to imports must be provided.

The establishment of import ceilings with a backstop of import quotas as provided in the Fair International Trade bill, represents both a reasonable and a moderate and effective approach. That bill provides for expansion of imports in proportion to domestic consumption, and in most instances, calls for acceptance of the attained level of imports.

It has been introduced in the Senate by the Chairman of the Senate Finance Committee and in the House by over 45 Members, including four Committee Chairmen.

Enactment of this legislation would provide assurance that imports, despite their cost advantage resulting from lower wages, will not be allowed to run wild and thus disrupt industry after industry. Instead of relying on first aid ministration in the form of adjustment assistance, the injury to our employment and industrial expansion would be controlled ahead of time. Imports would not be awarded the right of eminent domain in our market but would be given the opportunity to grow in proportion to domestic consumption.

We face an opportunity to adopt a trade policy that would achieve the undoubted benefits of world trade without incurring its unfair and destructive impact on a widening front.

PRESIDENT OF THE CHICAGO BOARD OF TRADE SUPPORTS LIBERALIZATION OF INTERNATIONAL TRADE

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. MIZE. Mr. Speaker, President Henry H. Wilson of the Chicago Board of Trade is widely respected as an expert on international trade.

His views on agricultural trade, as reported in the Journal of Commerce on Tuesday, February 17, 1970, should be of interest to all Members of Congress. The article follows:

LIBERALIZING OF INTERNATIONAL TRADE, END OF FARMING PROTECTIONISM URGED

(By Henry H. Wilson)

CHICAGO.—The agribusiness leaders, opinion makers, and politically influential men of the world have a responsibility to liberalize international trade and to end agricultural protectionism.

That is the opinion of Henry H. Wilson, president of the Chicago Board of Trade, world's largest commodities exchange, where 80 per cent of all world grain futures are traded.

"The agricultural sector of our own country has always been in the forefront of the movement to liberalize our trade policies. This is readily understood when one looks at the impact of exports on agricultural products throughout the United States."

EXPORTS PROVIDE EMPLOYMENT

Every state in the United States, with the exception of Alaska, exports agricultural products. Production of one out of every four crop land acres is exported. Exports provide employment for one out of every eight farm workers and account for 17 cents out of the farmer's market dollar.

"We have found from time to time, that such a liberalization policy may have a self-destructive effect—but only in the short run," Mr. Wilson said. "Over the long term, a free trade policy has been most effective on political and economic levels at home and abroad."

Looking at the Japanese-American grain trade policy, Mr. Wilson said: "It is common knowledge that, while the United States' exports to Japan have increased over the past decade, Japan's exports to the U.S. have increased at an even greater rate. The result has been a balance of trade surplus in favor of Japan of about $1.4 billion during 1968, and the surplus in 1969 was even greater.

"REASONS FOR TRADE DEFICIT

"One of the reasons for the large U.S. trade deficit is that agricultural sales to Japan in 1968 were down from the prior year, totaling approximately $900 million. This is, of course, of particular concern to the agribusiness community.

"In 1968, agricultural sales totalled 32 per cent of all U.S. exports to Japan and recent reports established by the Japanese Ministry of Agriculture and Forestry indicate that Japan's need for agricultural imports will continue to rise," he said.

"This is due to the fact that in Japan there are now 100 million people living on a land area smaller than that of the state of Montana and that this land is only 15 per cent arable. These reports indicate that, by 1977, the rise in import needs will include 86 per cent more soybeans, about 22 per cent more wheat, 67 per cent more feed grains, and sharp increases in many other products. The increase expectations are due, in part, to a higher intake of animal-protein foods.

JAPAN'S MEAT CONSUMPTION

"Still, Japan's per capita meat and poultry consumption remains below 25 pounds a year—near the average for all of East Asia, but far below that of Western Europe and of the United States," he added.

He explained that, by comparison, the average American consumed 228 pounds of meat and poultry last year.

"If Japan's per capita meat consumption were raised just to the 31 pound per capita average in Taiwan alone, an additional 825 thousand tons of meat would be required. At existing grain-meat rations, Japan would need approximately 4.7 million tons of feed grain. It would be, of course, presumptuous of us to ask the Japanese to 'eat more meat,' but that may well be a natural response to the Japanese unparalleled real per capita growth," he said.

GROWTH IN JAPAN

In 1967–68 that growth in Japan was 12½ per cent. Japan's increased livestock and poultry industry activity has been only one result, he said.

All these factors combined to support an estimate that Japanese grain import needs by 1985 could be more than double those in 1966, which were 11 million tons. And, if trade conditions were to remain constant until 1985, our supply of grain to Japan would double, as well, benefiting our agribusiness outlook, he said.

"The fact is, of course, that conditions rarely remain so constant, and the United States is faced with stiffening competition from other countries to supply Japan's needs.

FEED GRAIN EXPORT MARKET

"In recent years, the United States has held 50 per cent of the world's feed grain export market. Our share declined last year with exports at a level of only 18.2 million short tons—out of total world exports of 44 million tons. The export picture would be much brighter except for the over-supply of wheat in the world," Mr. Wilson said.

Carryover stocks of wheat in the five principal exporting nations totaled about 2 billion bushels at the end of the 1968–69 marketing year—an increase of some 620 million bushels from the previous season. This is the third straight year that world stocks have increased.

"The oversupply of wheat in the world is creating a multitude of problems in the international wheat trade. There has been price-cutting by all exporters and the United States has had to make adjustments in its own pricing under the International Grains Agreement.

"Complicating the wheat trade situation has been the fact that the EEC is providing 50 cents a bushel to subsidize greater feed-use of wheat. This subsidization has cut sharply into their traditional grain imports. In fact, feed manufacturers in some countries have begun to substitute cheap wheat rather than corn or soghum for feed," Mr. Wilson said.

He indicated that soybean production has had tremendous growth in the U.S. for the past 15 years, due in large part to the many new uses found for soybean products.

In Illinois alone, the harvested acreage of soybeans has increased in 15 years from around 4 million acres to around 6½ million acres.

GOVERNMENT'S POLICY

"Our government's policy has been to encourage this growth with price supports, and in 1966 the price support was established at $2.50 a bushel. This proved an unrealistically high price support, and soybeans lost potential markets to competitive products," he said.

"A decision was made in 1969 to lower the price support and make the price more competitive, a long-term benefit to soybean farmers. The anticipated result of this reduction for soybeans will be that, during the present year, 100 per cent of the crop will be utilized, whereas two years ago, only 87 per cent of the crop was utilized," Mr. Wilson said.

He feels that a free international trade is essential for our country's soybean market, and the price support reduction of last year should further stimulate utilization.

33 CENTS PER BUSHEL LEVY

"With the hope that the advantage of our lower price support could be passed on to consumers throughout the free world, it is very important that other governments remove their levies on soybeans. Returning again to our example, Japan has such a levy of 33 cents per bushel," he said, adding:

"During the Kennedy Round negotiation, under the General Agreement on Tariffs and Trade, such levies were under discussion and Japan obligated herself to remove half of the levy by 1971. It would be advantageous to all if even more of the levy were removed, and if other countries followed suit.

"In order, then, for a truly free international market to exist, it would be necessary for all countries of the free world to take two vital steps: First, subsidization of agricultural products should be reduced where possible. Secondly, import levies should be lowered to the point that exporting of grains and feed would be stimulated."

REVISED REGULATIONS

Steps by the U.S. government to ease free international trade are already underway, and the U.S. Department of Commerce recently revised its regulations to eliminate the requirement that applications for licenses to export agricultural commodities to Communist Bloc nations in Eastern Europe must include a statement that the sale of such commodities does not include barter.

Late last year, Mr. Wilson said, the Department of Agriculture added Bulgaria, Czechoslovakia and Hungary to the list of countries to which agricultural commodities may be exported under the barter program. This revision had no meaning until the Commerce Department provided that licenses would be granted on exports to these countries under barter arrangements.

"This step in freeing restrictions on trade in grain and other agricultural commodities with the nations of Eastern Europe is a modest one," Mr. Wilson said. "But it is a step in the right direction. A greater step, taken by many countries appears to be unrealistically optimistic at this time, but there can be no doubt that all countries participating in such a program would benefit greatly."

"The steps recommended here must be enforced by our own nation, before we can ask the cooperation of others, and leaders of the U.S. agribusiness community must first deal with our own government to both reduce the burden of other nations from which we are importing and to lessen the assistance to our farmers, in order to put them in a more competitive situation in the free world trade," he added.

JUDICIAL QUALIFICATIONS

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. ROYBAL. Mr. Speaker, I have been deeply disappointed in the continued delay and apparent lack of action by the California State Judicial Qualifications Commission in considering the serious allegations of improper conduct and gross ethnic discrimination made against Judge Gerald S. Chargin of the Superior Court in Santa Clara County, Calif.

The allegations arose as a result of statements made by Judge Chargin at a juvenile court hearing held in San Jose, Calif., of September 2, 1969.

According to the court reporter's official transcript of the hearing, which I have had an opportunity to review, Judge Chargin's remarks from the bench amounted to what can only be called an outrageous and insulting ethnic slur against the entire Mexican American community in the United States.

I have communicated repeatedly to the chairman of the Judicial Qualifications Commission to protest in the strongest terms possible the intemperate bigotry and bias shown by Judge Chargin, and to urge his immediate removal from judicial office as having disqualified himself from continuing to sit on the bench.

The inexcusable and offensive language used by Judge Chargin, which I will not dignify by repeating in this forum, is simply unacceptable to the people of this country, and has no place whatsoever in a civilized court of law.

His remarks attempt to perpetuate profound misunderstanding about the Mexican American community, its rich cultural heritage, its highest aspirations, and its many significant contributions to American life.

In my opinion, Judge Chargin stands convicted by his own words as clearly unfit to serve in any judicial capacity. and he should be removed from the bench forthwith.

IT IS ESSENTIAL IN THE NATIONAL INTEREST TO REDUCE INTEREST RATES NOW

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. ROE. Mr. Speaker, the people of America are pleading for Federal action to reduce interest rates, and although it is never easy to predict the judgment of history, Congress must take action now. There can be little doubt that economic historians of the future will look back upon 1969 as a year of the most painful inflation since World War II and the Korean war. In some respects it was even more serious than the inflations of the latter 1940's and early 1950's. This was particularly true with respect to the staggering increase in interest rates. As the Economic Report of the President coldly sets forth, page 35:

> In fact interest rates did soar in 1969. By the end of 1969, most interest rates had climbed around 4 percentage points above their 1965 level. One must consult records for the Civil War and earlier to find comparable interest rates. And the steepness of the advance, on long-term as well as short-term securities, may well have been unprecedented.

Paradoxical as it may appear, these high interest rates can be considered in part as contributing toward inflation, and in part as a weapon to combat it. To the extent that high interest rates effectively shut off certain segments of the economy, such as housing, from ready access to the money market, their demand for funds were of course curtailed. However, segments of the economy which had reason to believe that they could profitably push up prices even more than the hike in interest rates, those with monopolistic power, or those with a virtually guaranteed market, could take advantage of the higher interest rates, at the expense of the economy as a whole.

That high interest rates have, thus far, not had any appreciable effect in slowing down the rise in consumer prices is clearly demonstrable. That they have had a severe effect on housing is equally clear. The combination of steadily increasing building and land costs on the one hand and of shrinkage of mortgage money on the other has led to a serious shrinkage of the housing market. It is hardly surprising therefore, that new housing starts in 1969 were 4 percent under the total for 1968, and that January 1970 housing starts were a full 36 percent under the total for January 1969. And the outlook for the rest of 1970 is bleak indeed. This is a particularly serious matter when we reflect on the large and growing unsatiated de-

mand for decent housing. The situation has long been critical in many central cities, and among low income families everywhere. Now with a surge in new family formations, the demand will be severe even at middle- and higher-income levels.

High interest rates have also had a serious impact on construction of essential public facilities, Federal, State, and local. The crisis of the cities has been too loudly proclaimed to require elaboration here. The call for massive public expenditures to preserve and enhance a healthy environment is only just beginning in intensity. Clearly, governments are not in a position, in community after community across the land, to float bond issues needed to undertake the projects essential to their health, education, and economy. The Federal Government itself is finding it necessary to cut back on assistance to many undertakings which have become unconscionably expensive as a result of high interest costs.

Now we are finding that high interest rates are having an increasingly severe impact on other segments of the private economy, beyond housing and construction. February unemployment rose to a seasonally adjusted 4.2 percent of the civilian labor force, up from 3.5 percent only 2 months earlier; this was the sharpest rise since the 1957 recession and the highest rate since October 1965. Demand for automobiles has slackened appreciably, and the picture is similar for other consumer durable goods and, of course, consequently for such raw materials as steel.

There is no doubt that the economy has reached a point where an imminent recession is more than outside chance. If the stringencies imposed by existing interest rates continue, it will become close to a certainty.

Therefore, it is important for the Government, and in particular the Federal Reserve Board, to take steps promptly to insure a lowering of interest rates to a level more appropriate to the present needs of the economy. Arthur Burns, the new chairman of the Board, indicated to the Senate Commitee on Banking and Currency this week, March 16, that he believed that the bank prime interest rate would come down this year, and hoped that "it comes fairly soon." In view of the deteriorating economic situation, it is important to do more than hope. Action to make funds more readily available for essential purposes at a reasonable cost needs to be taken now.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1400 American prisoners of war and their families.

How long?

TESTIMONY OF ARTIST ROBERT MOTHERWELL ON ENVIRONMENTAL EDUCATION

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. BRADEMAS. Mr. Speaker, the Select Subcommittee on Education has just completed its first 2 days of testimony on H.R. 14753, the Environmental Quality Education Act.

This measure authorizes support for curriculum development for environmental education courses in elementary and secondary schools, programs of environmental education for community leaders, and a variety of other programs to provide greater knowledge of environmental problems to our citizens.

Our first 2 days of testimony have produced some extraordinarily eloquent testimony from ecologists, students, artists, and theologians on the subject of environmental deterioration and its consequences for all Americans.

Because the remedies for our environmental crisis will necessarily involve changes in the attitudes which many of us have toward our surroundings, the first day of hearings was concentrated on questions of the values of human life.

A particularly eloquent statement was that of the distinguished American artist, Robert Motherwell, who discussed the world we have made for ourselves and the effect of the physical environment on human behavior and attitudes.

I believe that Members of Congress will read with great interest Mr. Motherwell's observations. I, therefore, insert the text of his testimony, delivered on March 24, 1970, at this point in the RECORD:

TESTIMONY BEFORE THE SELECT SUBCOMMITTEE ON EDUCATION, MARCH 24, 1970

(By Robert Motherwell)

I am sure that scientists have or will testify to the relevant facts here, and know them far better than I. I speak only as an artist, but to speak as an artist is no small thing. Most people ignorantly suppose that artists are the decorators of our human existence, true aesthetes to whom the cultivated may turn when the real business of the day is done. But actually what an artist *is* is a person skilled in expressing human feeling, and if the "real" business of the day has led to a distortion or petrification of human feeling on the part of the participants—as for example, when a builder mows down the trees on a tract of land because it is easier and cheaper to build houses on barren ground, and the worker who drives the tractor that plows down the trees to do his job in order to race home for a Budweiser and a TV Western does it oblivious of the hurt to the landscape, and the hurt to the ultimate house buyer who, if he has sensibility and limited means, will plant saplings that will take a generation or two or three to reach the stature of the trees torn down in a few minutes—then we are dealing with a business of the day that makes the building and the worker looking later at a masterpiece of landscape painting—say, a Constable or Monet—in a museum, a cultural transaction so grotesque and absurd that the most extreme plays of Ionesco or Samuel Beckett are less absurd than everyday life itself.

A great modern playwright has said that he has only felt happy when drunk, as millions of younger people now seem only happy when drugged. Which are two ways of contending with the nausea that a person of sensibility must feel when he looks at the waste of modern civilization covering the landscape like a slimy coating of vomit. What kind of a race of men is it who can rape or vomit on the landscape by the millions, like drunken soldiers in a conquered village, or destructive and greedy little boys let loose in an enormous toy and candy store, to break and gorge as they like? While other little boys in other parts of this planet that we Americans are turning into a garbage dump stand with a piece of string and an orange rind as their treasures.

THE ARTIST'S RESPONSE TO THE ENVIRONMENT

As an artist I am used to being regarded as a somewhat eccentric maker of refined but rather unintelligible objects of perception. Actually those objects contain a murderous rage in black and white forms at what passes for the business of everyday life—a life so dehumanized, so atrophied in its sensibility that it cannot even recognize a statement as subtle and complicated as the human spirit it is meant to represent—as well as at other times an expressor of adoration for the miracle of a world that has colors, meaningful shapes, and spaces that can exhibit the real expansion of the human spirit, as it moves and has its being. But as every artist knows, this is expressed in the middle of, and despite the vomit that surrounds us, a nauseous waste that makes the incessant and endless chewing down of trees by beavers seem amateurish and almost benign, said they do not have the technology that we humans do to destroy on a huge scale. If we gave beavers our tools, the forests of the world would disappear in one day. We are slightly more sensitive: it might take us a generation or two. Or again, perhaps not. We are also capable of destroying the forests of the world, of destroying everything that is not already covered with vomit, as well as everything that is, in one day.

NO MORE FRONTIERS

I suppose America began as a few people on a vast tract of land, so vast that one could be as greedy and wasteful as one wanted, and there was still more. That time is gone. Now there are millions of people and millions more in the offing, and that vast land is becoming more like the scale of a park humanly speaking, but a park filled with waste—rusting cars, bottles, garbage, enormous signs seducing you to buy what you don't want or need, housing projects that don't show a rudimentary sense of proportion in any shape or line or material—suburbs that are a parody of the barrenness of the Bronx and the gaudiness of Las Vegas. Indeed, if God had said to a group of men, "Here is a vast park of millions of square miles. Let's see how quickly you can cover it with everything that is an affront to the human spirit, and above all be certain that it is done on a scale of such extravagance and waste and lack of regard for the sensibilities of the inhabitants of the other parks in the world, then we might by definition call that group of men that God so addressed Americans.

THE RESPONSE OF YOUTH

No wonder our youth are up in arms! They are so to preserve their sanity, in the midst of a vulgarity, a waste, a contamination without precedent in the annals of

mankind. We talk about a "generation gap". I am more optimistic. I prefer to think of it as a "sanity gap," of a young generation saying in the interests of a growing sensibility that they certainly did not inherit from their parents, to their elders, "The way you go on covering our natural park with filth, waste, and vomit for the sake of monetary gain and monetary economy is insane." If most of the members of Congress think that they are either leading or in touch with the young, I would remind them of a masterpiece of Renaissance painting by Peter Brueghel the Elder called, "The Blind Leading the Blind." Congress may be leading or mirroring the so-called "silent majority," but all persons of human sensibility are regarding this scene of vomit with the only sane response, nausea, and no man, if they can cure it, will endure a state of nausea for long.

I do not know how you legislate the growth of human awareness, or how you can make shameful insensitivity to our landscape. But if the present bill can in any way do either or both, who could not favor it? Each of us lives a brief moment in what was once a primordially beautiful park that could only elicit a sense of ecstasy and natural music that of a virgin place. Does that moment for us now have to be spent surrounded by our own filth? So much of it that it is a problem to cast it away? What kind of a human existence is that? A gift to our children? No, it is a dirty joke and a senseless one, and not God's but our own. The old cliche, the word "mess", is now taking on a vivid and literal meaning. The American landscape is visibly and literally a mess, outsiders and the young know it. Let us give them all our positive knowledge. It is little enough, compared to the mess we have given them. For if you want to drive anyone insane, rear them in an environment without a sense of limits. Because even our vast reality is limited indeed.

THE ABSENCE OF FEELING

One's mind reels at what men without an esthetic sensibility have been capable of. Far from being merely decorative, the artist's awareness, with its sense of proportion and harmony, is one of the few guardians of the inherent sanity and equilibrium of the human spirit that we have. Keat's famous line that "truth is beauty, beauty is truth" should be regarded as an obvious fact, not an enigma. What is enigmatic is that a whole society—and our modern technological one, which we cannot lose if we would, is the first such one in human history—that a whole society can think it flourishes, when in fact its mountains of waste matter reveal a paralyzed and psychopathic—in having no feeling—lack of response to the wonderously complex and sensitive perceptions that are the human spirit itself. What have we gained in conquering a virgin piece of nature if, in the process, we have destroyed the sensibility with which the human spirit perceives the world, that is, if we have destroyed our capacity to feel? Everyone knows that absence of feeling is the prime characteristic of death. A lot of what we observe among the young these days is their various reactions to moving about in an environment devoid of basic feeling so as to better manipulate nature in the interests of greed. In short, from moving about in an environment that is deathlike. If they go to extremes in their efforts to revivify our environment, it can only be because of the mortal threat to their lives and states of being that our landscape represents.

The French Surrealists liked to think of themselves as Super realists. In fact they were sub-realists in their realism, compared to the nightmare of the aesthetic reality that we patriotic Americans have made for ourselves, without sensibility or plan. The French have managed to ingrain into a whole culture a sensibility to what one eats. Each meal is a job. I would that we would do the same in relation to the American landscape. How enhanced all our individual lives would be!

BYELORUSSIAN INDEPENDENCE

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. HOWARD. Mr. Speaker, today we pay tribute to a dream. March 25, brings the celebration of the 52d anniversary of Byelorussian Independence. Unfortunately, this is no longer a celebration of fact, as is our 4th of July, but it is rather the remembrance of a fact, and the celebration of a hope.

During the decade prior to World War I, the Byelorussian people, who had been ruled by the Russians, began to redevelop their own nation culture and language. This cultural revival was later to have distinct political relevance as well.

The outbreak of World War I created unique opportunities for those non-Russian peoples residing along the borderlands between the Russian Empire and Europe proper. The Byelorussians, like the Ukranians, Lithuanians, Estonians, and others within the empire, seized the opportunity provided by the confusion of war and revolution, to establish their own national independence.

Despite German occupation during the war, the Byelorussians were able to carry on their political work, as well as continuing the rejuvenation of their culture and language. These brave people developed a new sense of nationalism, and felt able to once again hold their heads high in national pride and effort.

During 1917 and 1918, the Byelorussian people developed a democratic constitution and, on March 25, 1918, they declared their independence and set up a government at Minsk, the capital city. After the declaration of independence, the government and the people set to work, and made significant advances in the fields of education, culture, and social welfare. This was accomplished at great risk, and despite the fact their fragile independence was dependent upon the fortunes of war and the occupying military forces.

With the end of the war and the disolution of the German armed forces, the Red army advanced into Byelorussia, and on December 10, 1918, seized Minsk. In 1921, the Treaty of Riga divided the Byelorussian territory and the efforts of the Byelorussian National Republic were defeated.

Today, however, the 8 million Byelorussian people still hope that they will once again have the opportunity to develop and take their place as a free nation among men. We must, as we give thanks for our own freedom, continue to pray that this captive nation may once again share in the freedom which we believe to be rightfully theirs.

COMMUNISM—JUST HOW MUCH IS THE FACE CHANGING?

HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. WOLD. Mr. Speaker, the historic confrontation between West German Chancellor Willy Brandt and East German Premier Willi Stoph in Erfurt, Germany, March 19, produced a side effect the Communists had not counted on.

As described in a concise article by Christian Science Monitor staff correspondent Harry B. Ellis, the East German officials in this first of its kind meeting "perceived clearly how much pro-Brandt—and quite possibly anti-Communist—sentiment has been waiting an opportunity for expression among East Germans."

Mr. Ellis continues, writing that the Communist official, taken back by the spontaneous outpourings of warmth for Brandt:

Hastily arranged for a counterdemonstration of party faithful, calling for recognition of East Germany and for an end to the ban on the Communist Party in West Germany. But the damage, from the East German point of view, had been done. Dozens of Western reporters had been engulfed by the people calling for Willy Brandt and had recorded their enthusiasm on film and tape.

Here was the tip of an iceberg of emotion, suddenly exposed. This was the first opportunity in years which ordinary East Germans had had to express how they felt about Mr. Brandt and, by implication, about their own regime and German unity.

Mr. Speaker, I insert the Christian Science Monitor account of the "Dialog of the Germanys—Act 1" in the RECORD with my remarks at this point:

DIALOGUE OF THE GERMANYS—ACT 1

(By Harry B. Ellis)

ERFURT, GERMANY.—Thousands of East German citizens chanting "Willy Brandt" changed the character of the historic all-German summit just concluded in Erfurt.

Surging through police lines and demanding a glimpse of the visiting West German leader, the cheering crowd hinted at the pressures bubbling below the rigidly controlled surface of East German life.

Obviously taken aback, Communist officials hastily arranged a counterdemonstration of party faithful, calling for recognition of East Germany and for an end to the ban on the Communist Party in West Germany.

But the damage, from the East German point of view, had been done. Dozens of Western reporters had been engulfed by the people calling for Willy Brandt and had recorded their enthusiasm on film and tape.

An East German woman in the crush behind me simply whispered "Willy, Willy," when the Chancellor appeared briefly at a window in the Erfurter Hof, the hotel across from the railroad station where Mr. Brandt conferred with his host, East German Premier Willi Stoph.

The Chancellor stood quietly, sober-faced, by no motion of hand or body trying to excite the crowd.

His restraint was proper. No one knew better than Mr. Brandt that there was nothing he could do to help these people, once his special train had pulled out of Erfurt and crossed the border into the federal republic.

Indeed, his desire to lighten human bur-

dens in divided Germany may have been struck a blow, by the very enthusiasm with which he was greeted by ordinary people in Erfurt.

East German officials perceived clearly how much pro-Brandt—and quite possibly anti-Communist—sentiment had been awaiting an opportunity for expression among East Germans.

"NEXT ACT" IN WEST GERMANY

All along Mr. Brandt's journey through East Germany, observers on the train reported, people waved handkerchiefs from windows and at grade crossings.

The Walter-Ulbricht-Willi Stoph team is highly unlikely to give Mr. Brandt and East Germans direct exposure to each other again, much less allow East German citizens to travel freely to West Germany, as the Chancellor would like.

Mr. Ulbricht is the veteran Moscow-trained Communist who, as chief of state and first secretary of the Socialist Unity (Communist) Party, has led East Germany since its establishment in 1949.

The next act in the developing all-German dialogue will unfold on West German soil, when Mr. Stoph travels to the town of Kassel to meet with Mr. Brandt on May 21.

A continuation of the dialogue had been Mr. Brandt's chief aim at the Erfurt meeting, the first time since Word War II that government chiefs of the two Germanys had met face to face.

All indications were that Mr. Stoph, during the six hours he conferred with his West German guest, stuck closely to the familiar list of East German demands, centering on full diplomatic recognition of East Germany by Bonn.

Mr. Brandt, in return, suggested the formation of "commissions" by both governments, to continue technical discussions at the beginning of what the Chancellor called the "long and arduous road" that lay ahead.

He offered to make available to such an East German commission "appropriate permanent working possibilities" in Bonn.

On his return to Bonn Mr. Brandt told the West German Parliament that the Erfurt meeting had been "important, necessary, and useful."

For those who witnessed the surging crowd of young men and women, workers and students at Erfurt—not "hippies and old ladies" as one East German source put it—the human drama was high.

Here was the tip of an iceberg of emotion, suddenly exposed. This was the first opportunity in years which ordinary East Germans had had to express how they felt about Mr. Brandt and, by implication, about their own regime and German unity.

OPPOSING G. HARROLD CARSWELL FOR THE SUPREME COURT

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mr. MIKVA. Mr. Speaker, I have spoken out before in opposition to the nomination of Judge G. Harrold Carswell to the Supreme Court of the United States. But like so many others who have spoken on this issue, I fear that I have not really touched the central objection. In all the debate and discussion, the real problem with Judge Carswell has been politely obscured. Perhaps out of deference to the man's feelings, perhaps out of an understandable desire to focus the debate on a man's record rather than his personality, we have been passing over the central reason that Judge Carswell is unqualified.

Mr. Speaker, Judge Carswell is too unknowledgeable to sit on the Supreme Court of the United States. I have chosen my words carefully here. I use unknowledgeable not as an epithet, not to cast doubt on the man's college or his law school, but in the purest sense of the word. Judge Carswell is too unknowledgeable for the Court because he is, to use Webster's words, "uninstructed, uninformed, unaware."

When I assert that Judge Carswell is unknowledgeable, I do not mean to limit that to matters of law. Certainly the man's judicial qualifications have long since been shown inadequate—the endorsement of 12 members of the ABA committee on the Federal judiciary notwithstanding. As this morning's Washington Post indicated, a man with an affirmance rate on appeal of civil cases of 34 percent simply does not know the law. So the question of Judge Carswell's ignorance of the law is well documented.

But what is even more distressing is the nominee's ignorance of the society and the world around him. To use two of Webster's synonyms, the judge is both uninformed and unaware. A man who can tell a blatantly racist joke after the agony of the civil rights struggle in this country is uninformed about the spirit of this Nation. A Federal district judge who would participate in the organization of a segregated golf club after the supreme judicial tribunal in the land had declared that equal protection of the law prohibits such activities is unaware of the responsbilities of his office.

The tragedy of nominating an unknowledgeable man to the Supreme Court of the United States is heightened in the case of Harrold Carswell. The tragedy is heightened because of the history of the seat for which this unknowledgeable man has been nominated. As former Justice Arthur Goldberg said last weekend, this is one of the original seats on the Supreme Court. In this seat sat men such as Joseph Story, author of treatises on constitutional law and equity which are still cited today more than a century after they were written, one of the first teachers at the Harvard Law School. In Story's seat later sat perhaps the finest intellect ever to serve on the Court, Justice Oliver Wendell Holmes: A scholar, the long-time chief justice of the Supreme Court of Massachusetts, a writer of judicial opinions so profound and so far ahead of their times that today we are still citing Justice Holmes' dissents long after the majority opinions he opposed have been forgotten. After the "Yankee from Olympus" there came from New York the Justice with the finest command of language on the High Court in this century: Benjamin Cardozo. Cardozo, distinguished legal scholar, author of the justly celebrated work on "The Nature of the Judicial Process," and New York State court judge, brought his robust, stately prose to the service of the Nation for an all too brief 7 years. What lawyer will ever forget the ringing phrases of Cardozo in cases like Paulsgraf and Palko against Connecticut?

After Cardozo came Harvard Law School professor and legal activist Felix Frankfurter. By the time he was appointed to the Court, Frankfurter had written his defense of Sacco and Vanzetti, had argued cases before the Supreme Court, had staffed the New Deal with brilliant lawyers from across the Nation. Frankfurter had helped to draft the Norris-LaGuardia Anti-Injunction Act. Frankfurter was the Justice who, upon taking the seat vacated by Cardozo, founded that school of judicial interpretation which has now become so venerated by those who would destroy everything for which Felix Frankfurter stood. Frankfurter was the father of the philosophy of "judicial restraint," a philosophy so important that it dominated an entire era of the Court's work.

These, then, are the predecessor's that Harrold Carswell has been nominated to succeed. These are the men who have through the years sat in that high place. When we think back over the history of that seat, who can honestly disagree with the judgment of former Justice Goldberg who also sat in that seat: Harrold Carswell is not fit to serve in that seat.

Mr. Speaker, I believe that we as a Nation are benefitting from the delay in the Senate's consideration of the Carswell nomination. We are benefitting because every day that passes heightens the disgust of the American people with this cynical political triffling with the stature of our Supreme Court. With every day that passes more people are realizing what it will mean if this unknowledgeable man is confirmed to sit on the Court. And with every day that passes more people are letting their Senators know the revulsion they feel about this nomination.

I urge the Senate to reject Judge Carswell's nomination. We have no need of unknowledgeable men on the Supreme Court of the United States.

Mr. Speaker, I include pertinent newsclippings at this point:

[From the Washington (D.C.) Post, Mar. 24, 1970]

JUDGE CARSWELL: A LOOK AT THE REVERSAL RECORD

There has been a lot of talk in the Senate in recent days about Judge Carswell's 11 years of service as a federal trial judge and how well that fits him or does not fit him for service on the Supreme Court. Those opposed to his confirmation point to the rate at which his decisions have been reversed as a demonstration that he is, at best, a run-of-the-mill judge. Those who support confirmation claim that the reversal rate presents a "distorted and unreal" picture. "Like so many of the charges against him (this one) dissolves when exposed to the light of day," Senator Gurney said the other day, claiming that the judge has been reversed in only 33 out of the more than 2,000 civil cases he has handled and in only eight out of more than 2,500 criminal cases.

These figures are totally irrelevant, not to say blatant distortions.

The numbers of 2,000 and 2,500 represent all the cases filed in Judge Carswell's court and only about 15 per cent of these ever went to trial. What matters is what the Court of Appeals thought of the far smaller number

of decisions it actually had an opportunity to review. There are fewer than 200 of these, according to the reports of the Fifth Circuit Court of Appeals, but no one has produced a list of all of them. Compiling such a list is difficult since the cases are spread over tons of volumes of law books. But we have looked at all those we could find in the reports of the Fifth Circuit since July 1, 1964 and report the following concerning the record of the last half of his trial judge experience:

In criminal cases, Judge Carswell was upheld in 21 of 25 decisions, an affirmance rate of 84 per cent. All the other judges in his circuit were upheld 81 per cent of the time during the last five fiscal years.

In civil cases, Judge Carswell was upheld in 18 of 53 cases, an affirmance rate of 34 per cent. All the other trial judges in his circuit were upheld 72 per cent of the time.

In habeas corpus and similar cases, included in the civil category above because the courts list them that way, Judge Carswell was upheld in 5 out of 15 decisions, an affirmance rate of 33 per cent. All the other judges in Florida were upheld in 67 per cent of these cases during this period.

In the other civil cases—the disputes over contracts, accidents, and so on that are the bread and butter of the federal courts—Judge Carswell was upheld in 13 of 39 cases, a rate of 33 per cent. The other judges in the South having a batting average in such cases of about 75 per cent.

The key that may explain this record seems to lie in the reputation Judge Carswell has among some lawyers of not want'ng to try cases. Each habeas corpus reversal came because he denied a petition without a hearing. More than half of all the other reversals in civil cases came because he granted pretrial motions to dismiss, or for summary judgment, in situations which the Court of Appeals said required trials. It seems remarkable, for instance, that he was reversed several times over several years in negligence cases involving such things as auto accidents, a swimming pool accident, and a boat collision. These are cases in which the facts almost always determine the outcome and the law is clear that disputed facts cannot be resolved in summary judgments.

Judge Carswell's inclination to dispose of cases summarily does help clear court dockets when he is right. But it also helps clog them when he is wrong. And it seems that those who believe a jury ought to decide the facts must pay the costs of an appeal to win a reversal and a trial. The desire of a judge to be bold and to dispose of cases without trial might be understandable if he presided over an extremely busy docket. However, the caseload in Judge Carswell's court was regularly below the average per judge in his circuit and after 1962 was the lowest per judge in that circuit.

This record is not what could be called a good one. It is not, we suspect, even mediocre, as Senator Hruska would say. Nor can it be explained away, as some of the judge's supporters would have us believe, by arguments about the cases that were not appealed, about laws or court interpretations that had been changed in midstream, or about partial reversals. Among the 35 reversals in civil cases, three were partial, and no more than half a dozen came because of intervening court decisions and new issues of law. The others were decisions by the Court of Appeals that Judge Carswell was simply wrong—wrong 12 times because he ruled without hearing the facts. What all this means, it seems to us, is that the claim that Judge Carswell has been "an outstanding federal judge," to use Senator Gurney's words, evaporates when it is exposed to careful scrutiny.

[From the New York Times, Mar. 23, 1970]

THE AMERICAN BAR: A FAILURE OF RESPONSIBILITY

(By Anthony Lewis)

LONDON.—Some of us have an instinctive respect for the legal profession. We believe with Holmes that "the practice of law, in spite of popular jests, tends to make good citizens and good men." But the performance of the organized bar of the United States is making it hard to sustain that view.

The constitutional rights and legal traditions that protect Americans from arbitrary treatment by authority are under intense attack these days. Lawyers, of all people, might be expected to understand and speak out. But with some honorable exceptions, the voice of the bar is unheard.

RIGHTS UNDER ATTACK

For example, it has long been a fundamental assumption that the police may not invade a man's house or his person without some notice and some showing of cause. Now, in the name of fighting crime, legislation is being pushed to let policemen break into homes, and take blood or fingerprints or other physical evidence from suspects without their consent.

The Nixon Administration has sought, and the House has passed, legislation authorizing the "preventive detention" of men accused but not convicted of crime. There may be good arguments for the idea. But at the least it faces weighty objections in a constitutional system based on the assumption of trial first, sentence after.

The American Bar Association might have discussed some of the pressing issues of official power and individual freedom at its meeting last month in Atlanta. Instead, the delegates debated genocide—and managed to find dangers in the notion of a stand against mass murder. A small majority opposed the Administration's request that the United States join every other major country in ratifying the 1949 treaty on genocide.

Twenty years ago Philip L. Graham, late publisher of The Washington Post and a lawyer himself, told a group of lawyers that their profession had "substantially failed to meet its proper obligation of supporting individual freedom." It had silently acquiesced, he said, in restrictions that not long before "would have raised the collective hairs of this association straight on end."

Mr. Graham happened to be speaking to one legal group that did and does take a serious view of its public duty: The Association of the Bar of the City of New York. But for most of the profession his judgment is even more painfully true now than when he spoke.

THE BAR'S RESPONSIBILITY

The bar surely should feel a special responsibility toward the Supreme Court of the United States. In Britain it would be unthinkable for the profession to stay silent in the face of a political assault on the judicial process, yet that is what in fact is now happening in the United States.

Worse yet, the American Bar Association is playing a supporting role in what must be taken as a calculated effort to demean the Supreme Court. That is the nomination of Judge G. Harrold Carswell to the Court.

The A.B.A.'s Committee on the Federal Judiciary has found Judge Carswell "qualified." This of a nominee whose supporters have been unable to find a single opinion, a speech, a professional activity to which they can point as evidence of the slightest legal distinction. While Judge Carswell sat on the Federal District Court, his decisions taken to appeal were reversed 59 percent of the time. If he was "qualified" to sit on the Supreme Court, it would be simpler for the A.B.A. committee to do its work by keeping current a list of lawyers who would be "unqualified"—possibly about five.

The irony is that the president of the A.B.A., Bernard G. Segal, must know as well as anyone what an insult to the Court and to the American legal profession the nomination of Judge Carswell is. Mr. Segal is an enlightened man who was for years dedicated chairman of the A.B.A. Judiciary Committee. One understands the restraints upon him but still wishes he would speak out.

In failing to fulfill its public function the organized bar is surely inflicting wounds upon itself. Bright young people already question the outlook of the legal profession; the big firms are having a very difficult time attracting the best law graduates. If lawyers want to retain their traditional place of honor and influence in American life, they will have to remember, and live by, those other words of Justice Holmes: "The law is the witness and external deposit of our moral life. Its history is the history of the moral development of the race."

[From the New York Times, Mar. 23, 1970]

RATING JUDGE CARSWELL

The Senate, in its desultory debate over whether to confirm the nomination of Judge G. Harrold Carswell to the Supreme Court, is giving an uninspiring demonstration of its sense of responsibility on an issue of grave national concern.

President Nixon, in his weekend press conference, urged Senators to weigh, not the mail, but the evidence. It is precisely on the evidence that Judge Carswell emerges with a mediocre judicial record and with questionable attitudes toward social justice.

Senator Roman L. Hruska, Republican of Nebraska, in apparent contempt for excellence in American institutions, championed the right of all who are mediocre to be represented by mediocrity on the Supreme Court. Application of this view to the Senate is bad enough; to extend it to the highest court is intolerable. Yet, this appears to be the intent of those who deliberately spurn all honest assessment of evidence unfavorable to Judge Carswell.

For example, it has now become known that Elbert F. Tuttle, the retired Chief Judge of the United States Court of Appeals for the Fifth Circuit in the South, who originally backed the nomination, subsequently decided to withdraw his endorsement. But Judge Carswell's supporters let the impression of Judge Tuttle's approval be used as continuing support for him.

A group of distinguished lawyers, including Francis T. P. Plimpton, president of the New York Bar Association, as well as the deans of leading law schools, have charged that the "qualified" rating, given Judge Carswell by the Federal Judiciary Committee of the American Bar Association, is seriously misleading. They consider the issue sufficiently grave to demand that the committee reopen the case and provide a more explicit rating, as it does in the case of other Federal judges.

Judge Carswell's supporters have used the A.B.A. rating as a judgment of high merit, when it is little more than an evasive rubber stamp. Attorney General Mitchell, who undoubtedly knows the real meaning of the A.B.A.'s faint praise, has stated publicly that his nominee comes "highly recommended" by the association.

These misleading tactics amply justify the demand for a more enlightening reappraisal An explicit rating would do much to help the Senators when they ultimately cast their vote on the dictates of both fact and conscience. The legal profession surely has a responsibility to offer credible guidance and, at the very least, make sure that its testimony cannot be abused in ways that might demean the Supreme Court.

SGT. HARRY CHINN OF HPD—A NEW KIND OF COP

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. MATSUNAGA. Mr. Speaker, the undue emphasis in recent times of depicting in news media scenes of alleged police brutality has left many Americans with an erroneous impression of the work of law-enforcement officers.

Too little attention has been focused on the many responsible and dedicated policemen who are quietly working in communities throughout the Nation in efforts to strengthen the forces of justice, law, and order.

One such policeman is Sgt. Harry Chinn of the Honolulu Police Department. For some time now Sergeant Chinn has been teaching an experimental "law and justice awareness" class at the Waianae Intermediate School, on the leeward side of the island of Oahu, and the response from the students has been highly enthusiastic.

Sergeant Chinn is now in the second of three semester-long classes at Waianae, and Honolulu Advertiser staff writer John Bilby recently wrote an excellent feature article for his paper on this "teaching experiment that works."

The article sets forth the specific objectives in Sergeant Chinn's lesson plan as follows:

(To) develop awareness of the extent to which law violations affect the community, develop a positive attitude toward upholding law and order, explain the process of establishing laws, explain why there are laws in a democratic society, and instill faith and confidence in the administration of justice.

Sergeant Chinn utilizes other innovative techniques in his classes, such as dramatic skits and musical plays, to which the young people can meaningfully relate in their daily lives.

Written essays on "Why We Should Get Involved" are required, and the students also participate in debates on apathy as they make an indepth study of their roles and responsibilities to the community.

I know that my colleagues would wish to join with me in commending Sgt. Harry Chinn on his remarkable achievements. Today's students at Waianae will, no doubt, be better citizens tomorrow because of his dedicated efforts.

I commend this refreshing story on the work of a police officer to my colleagues. I am sure that it will be an inspiration to many as we seek to restore confidence and respect in our peace officers and to find effective ways to combat the wave of lawlessness in our Nation.

The article, "Policeman Harry Chinn Makes Sense to Kids," from the March 17, 1970, issue of the Honolulu Advertiser, follows for the RECORD:

A TEACHING EXPERIMENT THAT WORKS—POLICEMAN HARRY CHINN MAKES SENSE TO KIDS

(By John Bilby)

Some of the kids call Harry Chinn a beautiful cat.

He wears a blue uniform, and a badge, and even a gun on his hip, and sergeant's stripes, and shined black shoes and a friendly smile, really gentle as well as firm.

He has been doing a job that must raise many questions, and doing it in such a way that he seems to be getting lots of earned credit. Chinn has been pushing law and order with the kids at Waianae Intermediate School.

A city policeman, he has been teaching a Law and Justice Awareness class.

It's an experimental class. This is why I say it must raise questions. Our country is founded on many principals which oppose our becoming a police state, and many other principals which oppose anarchy and disregard of the laws.

Most observers agree that there is an understanding gap between police and young people today. There are many differing opinions about why, including, even, the opinion that law enforcement in the U.S. has made the problem worse.

Chinn seems to be the sort of policeman-teacher who recognizes his own responsibilities in trying to teach responsibility to intermediate school children.

Chinn is the sort of policeman-teacher who is not afraid or ashamed to say that love is where it's at, which puts him many jumps closer to communicating with young people than most good and brave men who wear the badge.

The second of three semester-long classes in law abiding have been taught by the sergeant now. He has to commute from the city to the country daily for the job.

Chinn's mimeographed lesson plan sets forth such specific objectives as: "develop awareness of the extent to which law violations affect the community," "develop a positive attitude toward upholding law and order," "explain the process of establishing laws," "explain why there are laws in a democratic society," and "instill faith and confidence in the administration of justice."

In early sessions, students report on their own experiences with losses through theft and as victims of crimes. They are advised on safeguards against burglary.

They are taught to recognize concepts like "character assassination," and how false statements can harm others unjustly, much as labels (for instance, the lesson plan mentions "fuzz") can limit one's thinking.

Family and community responsibilities are disdevoted to studying the kind of apathy which allows citizens to stand by without helping or doing anything when others are being attacked in their presence.

The students write an essay, "Why We Should Get Involved." They have debates on apathy. The role of the police officer is examined.

Students are divided into groups and act out situations, such as giving and receiving traffic citations, dealing with and being dealt with as boisterous, or intoxicated or lawbreaking persons.

When, for instance, the student has to figure out how to deal, in his role as policeman, with a boisterous group, he gets a new perspective on that kind of happening. "They feel what it's like to be a policeman," the teacher said.

Sgt. Chinn gets into how laws are made, reviews different social systems—communism, socialism, fascism, anarchy.

Other law officers visit the class and lecture. "Every one has walked out with a completely different picture of the younger generation," Chinn said.

The class makes a field trip to the Capitol and various courts. There is class time devoted to airing personal criticisms of laws that exist. The sergeant says the students are outspoken.

"At times they've come up with some very constructive possible revisions of laws," he said. "And I had kids who wouldn't stand up in class and say anything who now can go up on the stage before an audience."

Chinn was outlining all of this shortly after the standing ovation that he and three dozen of his Law and Justice Awareness class had received after putting on an evening assembly program and skit before an audience of 300 at Waianae Intermediate School.

They called it a skit, but it was really a play, "Who's Guilty?"

A disturbance is created in a nightclub by Miss Jones, played admirably by Charlotte Kaopua. An officer arrives. "Well, well, here comes the fuzz," says Miss Jones, bringing down the house. "Hi! You're kinda cute," she tells the hapless officer, Calvin Corpuz, before decking him in one of the most convincing fight scenes ever staged.

She is finally subdued, then handcuffed. A crowd gathers. "Hey! What are you doing to her?" someone in the crowd demands.

The officer is eventually brought to trial on charges of police brutality. At first, during the trial no witnesses will come forth to testify in his behalf. Finally, out of conscience, one couple comes before the judge, Raymond Meyers, and clears the officer's name.

The program began with introduction of police officers and other VIPs, and remarks by Raymond Miyasato, principal of Nanakuli High, and Police Captain George Kisni.

In the play, students played roles ranging from streetwalkers and "old maids" to lawyers and hula, Tahitian, Samoan and Maori dancers.

Officer Joe Kamai assisted Chinn in getting the production together. Chinn played guitar and composed the final song sung by the cast. I asked him for the lyrics.

"You look like a hip guy," he said to me. Somehow I expected that with the badge riding there on his chest, my long hair and bell-bottoms were going to result in his talking down to me. On the contrary, he meant that he thought I would understand the art of his poetry.

"When you're on a ferris wheel, everything seems so different and beautiful," he said. I couldn't tell when he was just rapping and when he was reciting the lyrics.

"When you're on the top and look down, watching the crowds below, people laughing, children shouting. This is the way the world should go.

"Round and round on the ferris wheel, everything's aglow. Hand in hand they seem to stand. This is the way the world should go. Why can't this world always be like today, people sharing their dreams along the way.

"No cares or sorrows, no hate and no fears.

"Sounds of love ringing in our ears.

"Up above on the ferris wheel, round and round we go. Feeling fine, love's on our mind. This is the way the world should go."

About half of the play's cast had gathered around Sgt. Chinn as I interviewed him, including a couple of girls who had cried on stage when he announced that this was to be their last dramatic performance together.

"Did some of them start out with hostility toward you?" I asked.

"Definitely," he said.

"Are there a few that still feel that way?"

Chinn reflected and finally said, "What do you think, Ray?" to the boy who had played the judge.

"Everybody likes him," Ray told me.

"I am amazed at times at the potential warmth and love," Chinn said. "At times I scold them. I'm not afraid to bring out their faults directly, but when they leave, there are no hard feelings. There's love.

"These are the most beautiful kids I've ever worked with," he said. "You can quote me on that, please!"

"You're a beautiful cop, man," I said. The circle of kids around us nodded in thoughtful agreement."

RECESSION, PLEASE GO AWAY

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. EVINS of Tennessee. Mr. Speaker, Columnist David Lawrence, editor of U.S. News & World Report, writes in the current issue of the magazine of signs pointing to a recession.

As evidences of this downturn in the economy he cites increasing unemployment, high interest rates, and inflation, among other factors.

Because of the interest of my colleagues and the American people in this most important subject I place the Lawrence column in the RECORD herewith.

The column follows:

RECESSION, PLEASE GO AWAY!

(By David Lawrence)

"Recession" is an unpleasant word No Administration likes to concede that an existing economic condition is a recession. But as unemployment begins to rise, as profits start to fall, as interest rates soar, as mortgage rates reach unprecedented heights, and as the cost of living is at record levels, these economic facts cannot merely be dubbed "inflation."

When the President of the United States, moreover, orders $1.5 billion of government funds—which he previously had withdrawn from building programs—to be reallocated now to aid the construction industry, it means that the national economy is feeling some of the pangs of a recession.

The President appeals to labor and management to hold down wages and prices, but says not a word about any controls to be imposed by the Government.

The business and financial community has been given hope that interest rates will soon be lowered, and that this particularly will make money available for more activity in new housing. Nobody in the Administration, however, is predicting specifically just when the high interest rates will come down.

Paul W. McCracken, Chairman of the President's Council of Economic Advisers, in a press conference on March 17, said that he does not believe the country is running into a recession. But it all depends upon whether a serious recession is meant or one that is slight, yet painful just the same. Mr. McCracken realizes that price levels are not easily changed. He commented thus:

"The price level objective is not, of course, a lower price level. The price level objective is to achieve a new stability of the price level. It might have been better if we had never gotten this far, but we are here and consequently it cannot be the objective of policy to try to drive back down the general price level. All we want is a new stability. That is not inconsistent with the fact that specific prices, of course, may go down and there will always be the inevitable churning around."

Another way of saying this, to be sure, is that, when the Vietnam war began, the Government might well have insisted upon applying wage and price controls. The price level could thereby have been maintained at a lower stage. It certainly is going to be difficult to attain stability at a high price level when many wage and price adjustments remain to be made.

Arthur Burns, Chairman of the Federal Reserve Board, has been hinting that the tight money policy will have to be relaxed in order to prepare the way for a decline in interest rates. He told the Senate Banking and Currency Committee a few days ago:

"The downward interest rate adjustments that have taken place reflect primarily a recognition by market participants that the economy is slowing, that inflation expectations are beginning to be replaced by more sober judgments about the outlook for prices, and that some easing in monetary policy might soon take place."

Mr. Burns added that a number of important economic indicators have been pointing downward recently, "thereby giving rise to concern that the corrective measures taken by the Government may go too far and perhaps lead to a business recession." He also declared:

"It is still our view (on the Federal Reserve Board) that the current economic adjustment lacks the pervasive and cumulative characteristics of a recession and that, in any event, the economy will resume its upward course later this year."

It is apparent, however, that uncertainty prevails even in Government circles, and that experimentalism rather than a reliance on past experience in dealing with wages and prices has been the reason why the nation has been drifting into a recession.

Evidently there will be no effort to impose wage and price controls because the political consequences are feared. So the prospects are that the Administration will try a new method—to manage what it considers a slowdown by allowing just a little more inflation. This is a risky way to handle an economy which has a gross national product of more than $950 billion.

Meanwhile, big strikes are possible for the year 1970. These will have a far-reaching effect even on unrelated industries. For wage scales have a way of being paralleled by workers in different kinds of businesses. Management, on the other hand, has no choice. Either it gives in to labor's demands or undergoes strikes.

Heretofore Congress has enacted laws authorizing wage and price controls whenever the United States has been engaged in any war involving the expenditure of large sums.

The real question now is whether the ill effects of a disrupted economy can be cured by the Government itself and how much of a recession is going to be necessary in order to achieve some form of stability in wages and prices and to bring about the lowering of interest rates to workable levels.

Officials hope that their corrective measures will stop the slowdown in business and that the economy soon will adjust itself. So, in effect, the soft-spoken plea of Government today is: "Recession, please go away!"

RONNEBERG, HAGERSTOWN GI, IS KILLED IN VIETNAM ACTION

HON. CLARENCE D. LONG

OF MARYLAND

Wednesday, March 25, 1970

Mr. LONG of Maryland. Mr. Speaker, Pfc. Hugh J. Ronneberg, a fine young man from Maryland, was killed recently in Vietnam. I would like to commend his courage and to honor his memory by including the following article in the RECORD:

RONNEBERG, HAGERSTOWN GI, IS KILLED IN VIETNAM ACTION

HAGERSTOWN, MD., March 23.—The Department of Defense announced today that PFC Hugh J. Ronneberg, of Hagerstown, has been killed in action in Vietnam.

Private Ronneberg, 20, was killed March 18, while he was driving a military vehicle that hit an enemy mine, the Pentagon said.

WORKED AT RACE TRACKS

The youth had entered the Army last August and received his basic training at Fort Bragg, N.C. and Fort Knox, Ky.

He was assigned to Vietnam January 8.

He attended South Hagerstown High School until age 16 when he became a stable groom, and was employed at race tracks in Laurel and Bowie, Md., as well as in Delaware.

In addition to his parents, Mr. and Mrs. John Ronneberg, of the 900 block Lanvale street here, he is survived by five brothers, John H. Ronneberg, Jr., of North Plainfield, N.J., Nicholas T. Ronneberg, of Laurel, Frederick W. Ronneberg, of Phoenix, Ariz., and Robert F. Ronneberg, 18, and Conrad J. Ronneberg, 14, both at home, and three sisters, Mrs. James Morris, of South Bound Brook, N.J., Mrs. David Whelan, of Watchung, N.J., and Cheyl Ann Ronneberg, 11, at home.

A SALUTE TO CAPT. ROBERT M. WILBUR, JR., WHOSE COURAGE AND CALM BROUGHT 70 PEOPLE TO A SAFE LANDING

HON. WILLIAM B. WIDNALL

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. WIDNALL. Mr. Speaker, 1 week ago, Capt. Robert M. Wilbur, Jr., of Fair Lawn, N.J., performed an act of skill and courage for which he has been praised throughout the world. I join with other residents of New Jersey's Seventh District in saluting our neighbor.

His extraordinary performance reflects the quality of his training and the capability of airline pilots throughout America who carry us across millions of accident-free miles each year. But, the most significant note of Captain Wilbur's achievement is his own self-control and determination in bringing 70 people safely to earth.

The following story from Newsweek magazine unravels the facts to date of his heroic act:

HIJACKING: MURDER IN THE SKY

It was the most routine of flights—the Eastern Airlines 7:30 p.m. shuttle from Newark, N.J., to Boston—and Sandy Saltzer and Christine Peterson, two pretty stewardesses, were collecting fares while the DC–9 made its descent to Logan International Airport. When the girls approached a slender young man sitting all alone in the next to last row of seats, he handed Miss Saltzer $18—$3 shy of the full fare. She asked for more, and the passenger reached into a black valise only to pull out not the expected dollar bills but a .38-caliber revolver. "I want to see the captain," he said.

Coolly, Miss Saltzer asked the gunman to put the weapon inside his shirt so as not to disturb the other 65 passengers. After he complied, she led him to the rear-cabin intercom. "I'm busy," retorted Capt. Robert M. Wilbur Jr., on being informed of the gunman's request; but when the stewardess mentioned the gun, co-pilot James E. Hartley stuck his head out of the cockpit and asked what the trouble was. Into the cockpit went Miss Saltzer and the gunman. Out came the stewardess, doing her best to look unruffled. Minutes later, shots were heard.

Tableau: "They sounded like a cap gun," Miss Peterson said later, but the gunfire was real. By now some passengers knew trouble was afoot. The jet made an abrupt but smooth landing at Logan airport, and the cockpit held a grisly tableau: co-pilot Hartley was slumped unconscious in his chair, the gunman lay wounded on the floor, and Captain Wilbur sat wearily at the controls, both arms bleeding heavily from gunshot wounds.

At Massachusetts General Hospital, resuscitation efforts failed to revive the 30-year-old Hartley, but the assailant and Captain Wilbur were soon pronounced out of danger. As investigators probed the affair, the following picture of what had actualy gone on in the cockpit emerged. Unlike other recent U.S. aerial hijackers, the intruder did not want to go to Cuba. "I don't really have any place to go—just fly till the plane runs out of gas," he ordered Wilbur. But then the aircraft went into a turn, and the gunman started shooting. Hartley jumped up, and though mortally wounded, succeeded in grabbing the gun and shooting the attacker. In the next few minutes, Wilbur, 35, not only subdued the still active gunman, but radioed for emergency landing clearance, an ambulance, a doctor and the police, and even remembered to flick on the "No Smoking" sign.

The armed passenger turned out to be a 27-year-old unemployed bachelor named John J. DiVivo, who lived with his widowed mother in West New York, N.J. At the weekend, about the only light police could shed on the episode was the fact that DiVivo had tried to commit suicide twelve years ago by shooting himself in the head. The bullet lodged in his brain and, according to his mother, it was never removed.

VISITING NURSE ASSOCIATION AND MEDICARE

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. O'NEILL of Massachusetts. Mr. Speaker, on February 25, the Visiting Nurse Association of Boston held its annual meeting and announced the serious and often tragic results of a reinterpretation of medicare regulations. This new interpretation and a utilization review procedure have resulted in a major decrease in medicare payments for service to the elderly.

I have called this a tragic situation because the Visiting Nurse Association estimates that between 20 to 30 percent of elderly patients who presently are served by the VNA will no longer have their expenses paid by medicare.

Most elderly people are on fixed incomes and are the most severely hurt but the massive inflation presently plaguing our economy. Medicare has meant to many of them the difference between life and death and the difference between adequate medical care and no medical assistance at all. The Visiting Nurse Association intends to continue to serve these people, but it cannot afford to continue at the present rate on its limited budget. Patients themselves or their families will have to provide some reimbursement. The welfare department of the Commonwealth will have to provide the rest.

I am enclosing a press release from the Visiting Nurse Association of Boston for the benefit of my colleagues. I ask that particular attention be directed to the three examples of the people who will not be covered by Medicare under the new ruling. All of these people definitely need the service of the VNA, and it seems to me to be absolutely arbitrary and unreasonable to exclude them from the coverage.

I have contacted the Director of the Social Security Administration protesting this action, and have included a copy of my letter. I urge my colleagues to do likewise.

The statement and letter follows:

[Press release of Visiting Nurse Association of Boston, Feb. 26, 1970]

MAJOR CUTS BEING MADE IN MEDICARE COVERAGE, FOR PATIENTS NEEDING VISITING NURSE SERVICES

The Visiting Nurse Association of Boston announced at its annual meeting on Wednesday that a reinterpretation of Medicare regulations and a new utilization review procedure by the fiscal intermediary (Massachusetts Blue Cross Association) have resulted in a major cut back in Medicare payment for service. An estimated 20–30% of elderly patients presently served by the V.N.A. under the program will *no longer* have their expenses paid by this federal government health insurance program.

The current interpretation of the rules means that only patients whose condition will definitely improve or who are in the terminal stage of an illness are eligible for Medicare services from the V.N.A. (home health agency). These patients also must be homebound, have a definite functional limitation, and require skilled nursing, physical therapy or speech therapy services on an intermittent basis to be eligible.

What will happen to the one hundred or more patients no longer eligible for their service to be covered by Medicare? Although the V.N.A. of Boston will continue to provide care, patients who can pay all or part of the cost will be billed for the service rendered. Patients who cannot afford to pay should apply to the Welfare Department for Medicaid which will reimburse the V.N.A. at partial cost for services not covered by Medicare. The V.N.A. is presently attempting to estimate the financial impact of this new development on its budget. During this period the Agency's endowment fund is being used to finance the care not covered by other payment plans. The V.N.A. will receive $242,-500. United Fund Money through U.C.S. in 1970, but this is already budgeted to pay for services to other patients not eligible for either Medicare of Medicaid and unable to pay for their care. If additional funds cannot be obtained, the V.N.A. *will be forced to curtail its services.*

We strongly urge either a change at the federal level in the interpretation of "skilled nursing" on an "intermittent" basis which the law specifies as required for covered home health services, or new legislation to encompass the types of home health services urgently needed by the elderly. The V.N.A. of Boston will communicate its concern to the Social Security Administration which administers the Medicare Program and do everything it can through the National League for Nursing and other channels to bring about the necessary changes so that elderly patients can be cared for in their own homes with the comfort and dignity to which they are entitled.

The following are examples of patients whose V.N.A. service will no longer be covered by Medicare:

1. The elderly cardiac patient with a pacemaker implanted to regulate his heart beat and for whom the doctor has requested professional nursing assessment weekly to detect any beginning malfunctioning of the pacemaker which would require prompt hospitalization, does not meet the criteria for covered service.

2. The patient with pernicious anemia who requires an intramuscular injection of Vitamin B12 monthly indefinitely to maintain a satisfactory blood count does not meet the criterion for "intermittent" service and the V.N.A. claim for payment is rejected.

3. The blind diabetic who has been taught to give himself insulin with a special tru-set syringe but requires weekly checking of the syringe to see that it is set for the correct dosage, and weekly assessment of the patient's general condition including foot care and skin care so crucial for a blind diabetic patient if he is to remain in his own home alone no longer meets the criterion of a need for *skilled nursing* as the services "could have been adequately and safely self administered or performed by the average nonmedical person."

The major health needs of the majority of elderly people living in their own homes who are homebound because of one or more chronic illnesses are on-going, assistance with personal care; supervision of a special medical regime including diet, medications, and physical activity; professional nursing assessment of patient's condition and reaction to the medical regimes; emotional support of patient and family faced with chronic illness; and periodic reporting to patient's physician. This service is provided by the V.N.A. of Boston through its nursing and home health aide staff, and frequently is the service which keeps patients from developing complications which would require more extensive medical and other professional skilled care. This service also makes it possible for patients with chronic illnesses to live and die in their own homes rather than in more costly and depersonalized nursing homes and hospitals. Actually only a small percent of the elderly patients require the type of skilled services currently recognized by Medicare as "covered services" from home health agencies (V.N.A.'s).

Patients and their families cannot accept the fact that the Medicare Insurance will not pay for needed service. From all the literature and publicity, they were given to understand that Medicare was the answer to their health care needs and that they are entitled to 100 home health visits a year. They are very upset by this recent interpretation of more limited service.

ALICE M. DEMPSEY,
General Director.
Mrs. PHILIP EISEMAN,
President.

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 25, 1970.

ROBERT M. BALL,
Commissioner, Social Security Administration, Washington, D.C.

DEAR COMMISSIONER BALL: Enclosed is a press release from the Visiting Nurse Association of Boston with regard to the effects of a re-interpretation of Medicare regulations. An estimated 20–30% of elderly patients presently served by the V.N.A. under the Medicare Program will no longer have their expenses paid for visiting nurse service.

I believe this is absolutely unfair and contrary to the intent of the program and in contradiction to hopes fostered by the previous rulings under Medicare.

I would greatly appreciate knowing what you intend to do about this, and when these people might again be brought under Medicare coverage.

With every good wish,

Sincerely,

THOMAS P. O'NEILL,
Member of Congress.

TV SHOWS ON OIL IMPORTS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. CONTE. Mr. Speaker, I should like to call the attention of the House to an important two-part television program on oil import policy scheduled for Sun-

day, March 29 and Sunday, April 5 at 10 p.m.

The National Educational Television network program "The Advocates" will deal with the question "Should the United States Eliminate All Tariffs and Import Quotas on Foreign Oil?"

It will be seen here in Washington on WETA, channel 26.

ENVIRONMENTAL NEWSLETTER

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. BROWN of California. Mr. Speaker, here is the text of a recent newsletter I am sending out to many Californians:

ENVIRONMENTAL NEWSLETTER

CONCERNED CALIFORNIANS WANT STRONGER GOVERNMENT ACTION ON ENVIRONMENTAL QUALITY

Over a half-million Californians responded to my recent questionnaire on a broad range of environmental issues, and the overall indication is that tougher, more positive government action should be forthcoming.

In addition to over 500-thousand questionnaire replies, my offices have been flooded with detailed letters from citizens with suggestions and comments on various environmental problems. Many of the recommendations are quite valuable, and could lead to new legislative and administrative proposals.

Already, the overwhelming show of support for strong government direction and action has influenced my legislative program. I have been drafting and introducing almost a dozen new proposals to augment what I already consider the strongest package of environmental legislation before the Congress, and next month's newsletter will go into greater detail about these new measures—all of which reflect the questionnaire results.

While we have not added up the individual tallies on question 8 which asked for a listing of national priorities for 1970, the top two issues by far were Vietnam and pollution. Here now is the final statewide breakdown of answers on the questions:

Do you favor proposals to ban the internal combustion gasoline engine unless it meets stringent exhaust emission standards?

Yes; 80 percent.

No: 20 percent.

Do you feel the oil companies and automobile manufacturers should be required to act more quickly to solve the problems of air pollution?

Yes: 96 percent.

No: 4 percent.

Do you favor a Federal Regulatory Commission on Environmental Quality?

Yes: 77 percent.

No: 23 percent.

Do you favor stronger government efforts to regulate shoreline use in order to substantially increase the amount of beach property available for public use?

Yes: 83 percent.

No: 17 percent.

Would you support stronger government efforts to regulate use of undeveloped open spaces, including advance acquisition of land for public use?

Yes: 82 percent.

No: 18 percent.

Would you support a complete ban on all federal offshore oil drilling except in national emergency?

Yes: 77 percent.

No: 23 percent.

Do you favor much stronger governmental efforts to educate the public as to the problems of over population?

Yes: 87 percent.

No: 13 percent.

SCIENCE COMMITTEE HOLDS ENVIRONMENTAL HEARINGS

Questionnaire results aided recent hearings conducted in Los Angeles and San Francisco by the Science, Research and Development subcommittee of the House Science and Astronautics Committee.

I acted as hearing chairman in the two days in San Francisco, and during the four days we heard from over 50 witnesses who gave their views on the topic, "Technology Assessment and Environmental Problems."

Certainly it became amply evident in the hearings that we need to develop an "ecological point of view" as well as new institutions to enable us to see more clearly the full range of factors involved in environmental planning.

The hearings also highlighted what appears to be increasing skepticism with the traditional and conventional beliefs that progress and economic growth are, in themselves per se, good. As Dr. John Dyckman of Berkeley noted at our hearings in San Francisco:

"For over a generation we have pointed to our National Income and Gross National Product as proud measures of our accomplishment. Now we may face the necessity of revaluation of that output, perhaps by subtracting the costs of environmental cleanup from our output, and the massive transfer payments to the poor from our income."

It is clear that if we in California—and in this nation—are to achieve the kind of life to which we aspire, we may have to make some fundamental changes in our own life styles; in our views toward resource utilization, the application of our technologies, and the increasing growth of our population.

As one witness noted, the probability of some particular environmental catastrophe occurring is "proportional to the power of our technology, to the number of people on whose benefit that technology is exercised, and to the haste with which that technology is applied to ill-considered goals."

Dr. Willard Libby, the Nobel Prize-winning Chairman of the Department of Chemistry at UCLA, called for the development of new career category, that of Environmental Doctor. Dr. Libby testified that this new professional would be analogous to the Medical Doctor (M.D.) His patient would be the natural and human environment. Dr. Libby, in cooperation with Drs. A. J. Haagen-Smit and Chauncey Starr of UCLA, is presently developing an interdisciplinary curriculum for this new professional area. Final decision on the future of this concept as a formal degree will have to be made by the UCLA Administration and the State Board of Regents.

Dr. John Rodman, Professor of Political Studies at Pitzer College, had some cautionary words about the involvement of youth in environmental problems and the trends toward Pop Ecology:

"Pop Ecology is the religion of a coming generation of voters, and I think this will fundamentally change the nature of the political ballgame. It is terribly important that people in positions of authority in science, industry, and government not simply take offense at the Luddite mood—its symbolic destruction of machines, its "return to nature," etc.—but that they respond sympathetically and imaginatively to the concerns that animate it and to the legitimate questions it poses . . ."

Many witnesses at our hearings, such as Dr. Philip Lee, Chancellor of the University of California at San Francisco, called for large scale Federal reorganization to meet present and future environmental crises. As Dr. Lee noted:

"I would suggest that a further step must be taken in the Executive Branch in relation to programs affecting the environment. I believe a single agency should be established, either along the lines of the Atomic Energy Commission (AEC) or the National Aeronautics and Space Administration (NASA) to administer federal programs related to the quality of the environment."

I believe that it is imperative for the Congress to equip itself to assess technological developments, predict the probable consequences, and act to protect the American people against adverse results while assuring the nation of all possible benefits. To this end, our Subcommittee on Science, Research and Development—after three years of study—introduced recently a bill to establish within the Congress an Office of Technology Assessment (OTA). I believe this bill is of major historical significance both to the Congress and American people.

WHAT YOU CAN DO

A Washington, D.C., television station devotes part of three weekly newscasts to pictorial reports of who local polluters are and what they are doing. Area residents get in touch with the station, and the station takes it from there.

I like that idea. It involves local citizens in the environmental crusade, and it vividly points out just who are the major offenders.

I have decided to ask that you, as members of the Action Committee on Environmental Quality, participate in a similar project. We can compile a list of the California polluters—both public and private—with your cooperation.

To do this, we will need a photograph of the offender and the pollution it is causing. It is imperative that we have pictures if we are to prove our cases. Send the photos, with a very brief description, to the Action Committee, Box 69, Los Angeles, 90028.

ITALIAN–NASA AGREEMENT SIGNED

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. MILLER of California. Mr. Speaker, I am very happy to report to the House of Representatives that the Italian National Research Commission and the National Aeronautics and Space Administration have entered into an agreement for the launching of Italian scientific spacecraft.

This is not the first such agreement and it indicates the fine cooperation which exists between this country and Italy in developing the techniques of using outer space for the benefit of mankind.

Following is a news release of the event:

ITALIAN-NASA AGREEMENT SIGNED

In an agreement signed today, the Italian National Research Commission (CNR) and the National Aeronautics and Space Administration set forth conditions under which NASA will provide reimbursable launchings for Italian scientific spacecraft.

The first spacecraft expected to be launched under the agreement will be the Italian satellite SIRIO to be placed in a 22,000 mile stationary orbit by a Delta rocket in 1972. The satellite, which will be designed and made in Italy, will carry telecommunications, technology and scientific experiments

which will be carried out with ground stations in Europe.

The agreement provides that separate launch contracts will be entered into for each launching requested by CNR and sets forth responsibilities of each party in connection with launchings.

CNR will provide the spacecraft and its experiments, will inform NASA of the spacecraft's design and mission, and will reimburse NASA for the launch vehicle and associated services.

NASA will furnish a rocket which will meet the mission requirements and will provide the launching, tracking and data acquisition and other services as needed.

The agreement was signed by Professor Giampietro Puppi of CNR and NASA Administrator Thomas O. Paine.

The present agreement is the second memorandum of understanding concerning reimbursable launchings entered into by NASA. The first was concluded with the European Space Research Organization Dec. 30, 1966.

149TH ANNIVERSARY OF GREEK INDEPENDENCE DAY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. BIAGGI. Mr. Speaker, today marks the 149th anniversary of the struggle for Greek independence. It is a fitting occasion to salute those of Greek origin here in America who are among our most valued citizens, and it is also fitting to extend our hand of friendship across the sea to those in Greece who have pledged themselves to deter the forces of any despots who would rob their nation of its liberty and national independence.

Greece gave birth to the principles of freedom and democracy. Our Founding Fathers adopted these concepts to frame our Constitution, and we have continued to thrive on the basic philosophies handed down to us by the ancient Greek.

Out of the show of 400 years of oppressive rule under the Ottoman Turks, the first blow for Greek independence was struck by a small band of patriots headed by Ypsilanti on March 25, 1821. This bloody struggle for national independence lasted 7 succeeding years over land and sea before the Greek people finally managed to extricate themselves from Turkish rule.

Since the time the Archbishop of Patras raised his standard of the cross over his monastic establishment in 1821, we, here in America, have followed the course of dramatic events in Greece with heartfelt sympathy and interest.

We truly admire the traditions and history of this land across the sea whose brave people formed the true cradle of Western civilization. In fact the whole Western World has adapted Grecian art, Grecian architecture, and the pathos and drama of the Greek theater. Grecian philosophy and arts run through the threads of American history, tightly interwoven and intermingled with the American way of life.

The Greek people are loved for their spirit and fire, and foremost for their courage. From the time of the ancient Greek gladiators to the patriots who fought in the hills after World War II, Greeks have strived for the principles of liberty and freedom that we cherish in America. In fact the very principles of a sense of independence and freedom were ideals first conceptualized, fought for and died for in Greece.

Mr. Speaker, I cannot begin to recount the many contributions Americans of Hellenic extraction have made to this Nation. The list, which begins with such great names as Mitropoulos in music, Papanicolau in medicine, Anagnostopoulos in education, Zachos in literature, and Vice President SPIRO T. AGNEW, runs on in a seemingly endless line.

To these great Americans, and to my brothers in the Order of the Ahepa, which I am proud to be a member of, and to all my friends of Hellenic extraction, I would like to extend my warmest best wishes on this day of celebration. I salute the 149th anniversary of Greek Independence Day.

FIFTY-FIRST ANNIVERSARY OF AMERICAN LEGION

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. GAYDOS. Mr. Speaker, the American Legion, longtime champion of the American servicemen, longtime supporter of numerous youth programs, longtime watchdog of this Nation's liberty and democracy, observed its 51st anniversary early this month.

Since its beginning on March 15, 1919, by members of the first American Expeditionary Force in Paris, France, the Legion has expanded, until today it spreads across the face of the Nation. It includes more than 16,500 individual posts with more than 3 million members.

The accomplishments by the Legion have been vast and far flung. It has proven to be far more than an organization where returning servicemen gather to swap war stories. It is an organization which has spent more than half a century impressing upon individual citizens their obligation to safeguard this Nation's belief in justice, freedom, and democracy; to protect all we hold as sacred.

The Legion has helped servicemen adjust to their return to civilian life but it has done far more than that alone. It has assured the veteran of the welfare of his widow and children. The GI bill not only enabled veterans to further their education, thus bringing a tremendous return in benefits to the Federal Government for the money spent, but it also insured the right of veterans to many rehabilitation and compensation programs. The Legion worked tirelessly to extend these benefits to those who served in the Korean war and the Vietnam conflict.

The Legion has always been in the forefront of the fight against the spread of communism on all levels. It has initiated programs to inform the public of the insidious means used by this political philosophy to undermine American principles.

The Legion has carried its belief in its motto, "For God and Country," into working with the youth of the Nation, guiding and instilling in them the ideals which have made America great.

It has spent approximately $200 million since 1925 to protect the welfare of veterans' children; it has sponsored more than 4,000 Boy Scout units; thousands upon thousands of youth have taken advantage of its athletic programs. The best example of the latter, I believe, is its American Legion baseball program but there are others.

Outside the realm of athletics, the Legion has taken an active role in other youth activities. It has programs such as the Boys State and Nation, the Girls State and Nation, the National High School Oratorical Contest, and various scholarship awards.

The Legion and its work, I feel certain, has exceeded the dreams of its founders and the occasion of its 51st anniversary should not pass without official recognition from a grateful Nation. I take great pleasure to extend congratulations to all Legionnaires in all posts. I wish them the greatest of success in their future endeavors.

CENSUS BUREAU ISSUES CHINESE AND SPANISH LANGUAGE 1970 QUESTIONNAIRE GUIDES

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. CHARLES H. WILSON. Mr. Speaker, as the Members know, one of the early and continuing concerns of the Subcommittee on Census and Statistics has been the adequacy of the procedures being developed by the Census Bureau to insure, in the 1970 census, a complete and accurate count of the population—particularly as regards our ethnic minorities, for, historically, these are the groups which have been most difficult to enumerate.

As chairman of the subcommittee, I have made an especial effort to keep the Congress informed of the Bureau's progress toward its goal of making the 1970 census the best ever enumerated. Recently, for example, I reported to the House that information about the census is being made available in 24 different languages to make certain that minority groups will be accurately enumerated.

Today, I wish to report on still another step taken by the Census Bureau to improve the census—a step which our subcommittee has long encouraged.

Special followup questionnaire guides, printed in Spanish and Chinese, will be made available to enumerators in applicable geographic areas, to be used when the householder indicates that he was unable to fill out the regular census questionnaire because of an insufficient understanding of the English language.

Since this is an important innovation in census methodology, and one in which

the entire membership has a direct interest, I will be glad to make available to the Members copies of these questionnaire guides.

THE 52D ANNIVERSARY OF BYELORUSSIAN INDEPENDENCE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. PUCINSKI. Mr. Speaker, for centuries the peoples of Russia suffered under the heavy yoke of Russian tsarism.

The outbreak of World War I created unique opportunities for those non-Russian peoples residing along the borderlands between the Russian Empire and Europe proper. Russia's distress created political advantages for these peoples that otherwise would have been denied them. The Byelorussians, like the Ukranians, Lithuanians, and others within the empire, seized the opportunity to establish their own national independence.

The first all-Byelorussian Congress met in Minsk on December 5, 1917, and adopted a resolution by an overwhelming majority which endorsed the right of nations to self-determination and called for the establishment of a democratic government to be designated the Byelorussian National Republic—BNR.

Sensing the danger to their own revolutionary interests, the Bolsheviks, who had seized power in November, surrounded the place where the Congress was being held and with a display of armed power broke up the meeting. By this action, Byelorussia became one of the first victims of Communist aggression.

On March 25, 1918, the Byelorussian Government proclaimed its total independence and set to work expanding its activities in all fields of national life. It was granted recognition by many states, but this was to be short lived.

On December 10, 1918, the Red army seized Minsk and established a government of military revolutionary committees. Byelorussia's efforts to establish an anti-Bolshevik force failed, and with the Treaty of Riga in 1921, ending the war between Poland and Bolshevik Russia, Byelorussia was partially divided between her neighbors, and the remainder came under Soviet control.

We can take little satisfaction from the fact that Byelorussia gained reunification after World War II, since she is still a slave under the Soviet Communist Government, in reality an extension of the czarist system.

Nor can we take satisfaction from the fact that in the U.N. General Assembly, the U.S.S.R., Byelorussia, and the Ukraine each have a separate vote as free and independent nations. Neither Byelorussia nor the Ukraine is free or independent, but merely married in bondage to a totalitarian system permeating all of eastern Europe.

Today, we have 1 million people of Byelorussian origin living in the free world, primarily in the United States, Canada, the United Kingdom, and Australia. The fate of their countrymen and the fate of the other captive nations serve as testimony to remind us of those words spoken so accurately by J. Reuben Clark, Jr., former Ambassador to Mexico and Under Secretary of State, when he stated:

> Tyranny has never come to live with any people with a placard on his breast bearing his name. He always comes in deep disguise, sometimes proclaiming an endowment of freedom, sometimes promising help to the unfortunate and downtrodden, not by creating something for those who do not have, but by robbing those who have. But tyranny is always a wolf in sheep's clothing, and he always ends by devouring the whole flock, saving none.

Mr. Speaker, let us pay homage to the country of Byelorussia and her people on this day, their 52d anniversary of independence. Let us all hope and pray that one day soon, we can truly celebrate the independence and freedom of Byelorussia as we did briefly in 1918.

YOUNG STUDENT PROMOTES DRUG EDUCATION

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. BURTON of Utah. Mr. Speaker, in our concern over drug education, we sometimes forget that mature teenagers can communicate better than adults. The following story illustrates this fact, I believe it might be of interest:

[From the Deseret News, Mar. 19, 1970]

SUSAN, 13, IS BAD NEWS TO BAY'S DRUG PUSHERS

NEWARK, CALIF.—Susan Dusio, 13, is bad news to local drug pushers.

The 4-foot-7, 70-pound eighth grader at MacGregor Junior High School is almost entirely responsible for arranging a week of drug-abuse education that taught 640 teenagers what the drug scene is all about.

"The response was indescribable," says Vice Principal Kenneth Strange. "She had help, of course, but Susan carried the ball from the very beginning and virtually handled the thing by herself. It wouldn't have happened without her."

The fact that Susan knew some teen-agers on drugs led her to choose that topic for a special report in history class.

"A lot of kids smoke, but cigarettes are not as bad as drugs. A lot of kids picked air pollution, but that's not as bad as drugs, so I picked drugs because it's the worst problem."

She sent for some literature and learned that speakers, exhibits and movies were available. Her teachers responded enthusiastically to her suggestion for a week of programs.

"It's important that kids get the right information on drugs, not lies and exaggerations," says Susan, who politely refuses whenever she is offered drugs, usually out of school.

She got on the telephone—to the state Narcotics Bureau in San Francisco, Alameda County authorities, the private Synanon House in Oakland, and to Headway, another volunteer group in Oakland working to stop the spread of drug abuse.

Susan lined up a list of speakers, exhibits, and movies, and a week in March was set aside by the school for the show. Local service clubs and banks chipped in $150 to help with expenses.

At the conclusion of the week of discussions, she was pleased with the results.

"A lot of kids seem to know more now about what it means to take drugs," Susan says. "I think some of them have a different point of view about it now. I hope so."

PLYMOUTH, MICH., YOUTHS PRODUCE BILLS IN SIMULATED SESSION

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mr. ESCH. Mr. Speaker, all too often the youth of America are judged by the headlines which a few destructive and revolutionary young people are able to engender. On the whole I believe that today's young people are the most interested, informed, and concerned generation our Nation has seen for a long time. They do more than talk about the issues. They look for constructive solutions and then work for the adoption of their proposals.

An excellent example of the constructive nature of today's young people was the simulated congressional session held by the Plymouth, Mich., American history classes. These students, who represent a cross section of students throughout the Nation, produced some very thoughtful "bills" during their session.

Because I believe all of us as Members of Congress are interested in the thoughts and ideas of America's young people, I submit their bills at this point in the RECORD:

AN AMENDMENT TO AUTHORIZE THE ESTABLISHMENT OF A NATIONAL MINIMUM VOTING AGE

SECTION 1. Every citizen of the United States of America shall be qualified, after registering, to vote in any election in the United States when reaching the age of eighteen years, on or before the day of that election, with the following exceptions.

1. Those persons who are declared to be mentally incompetent shall not be accorded the right to vote, regardless of any and all other qualifications.

2. Those persons who are convicted of any felony shall forfeit their right to vote, regardless of any and all other qualifications, for the duration of their imprisonment.

SEC. 2. Any election is defined as all Federal, State, and local (municipal, county, and parish) elections, except when stated otherwise in this Constitution.

1. 'State" as used in this amendment includes the District of Columbia.

SEC. 3. In regard to local elections, all persons qualified to vote shall be a resident of that locality (municipality, county, and parish), in which the election takes place, in accordance to that locality's required length of residency.

SEC. 4. In regard to State elections, all persons qualified to vote shall be a resident of that State, in which the election takes place, in accordance to that State's required length of residency.

SEC. 5. In regard to registration requirements, all States shall define those requirements necessary for registration within that State, with the following exceptions:

1. No State or political subdivision (counties, Municipalities, and parishes) may re-

quire the use of any test or device as a prerequisite for registration or voting.

2. No State or political subdivision may deny any qualified voter, formerly a resident of that State or political subdivision, the right to vote in any presidential election, if that person does not meet the residency and registration requirements of that State or political subdivision in which that person resides at the time of that election.

3. No State or political subdivision may require any other minimum voting age than eighteen years of any qualified voter, as previously defined, in any election.

THE PIKE BILL—1970 EDUCATION ACT

PART I

An act to provide subsidies for inadequate public education facilities on the Federal level.

SECTION I. The Federal Government of the United States shall provide financial assistance to those school districts which indicate the necessity.

1. The above aid shall be distributed in ratio to the tax base thereof.

2. The said tax base of each district shall be rated on a national scale having those districts that rate in the bottom 30% (percentile) of the said scale shall be eligible for application of Federal subsidies of part one of this section.

3. After the said application has been approved by the committee on Health, Education, and Welfare, funds shall be directed to and under the auspices of each accepted district through the Board of Education of that district.

PROPOSAL 796: VIETNAMIZATION POLICY

SECTION I. DE-ESCALATION OF TROOP SUPPORT IN SOUTH VIETNAM

Act I

Effective February 1, 1970, and continuing for 18 months, the Defense Department of the United States shall withdraw 29,700 American troops monthly, from fighting in Vietnam.

Act II

That withdrawn American troops shall be replaced by the South Vietnamese Army. To assist South Vietnam in withstanding opposing forces, the United States shall instruct military advisors to train the South Vietnamese Army in strategic warfare, during the withdrawal period.

SECTION II. UNITED STATES POLICY AFTER WITHDRAWAL

Act I

That the United States shall support the financing of the war, after the troop withdrawal until such a time that a truce has been ratified in Vietnam. United States shall continue to attend the peace talks in Paris on behalf of the government of South Vietnam.

Act II

That the United States shall reinstate troops in South Vietnam, at such a time that a major foreign power declares war or sends troops to Vietnam to assist the North Vietnamese in an act of aggression against the country of South Vietnam.

PROGRAM FOR DEESCALATING THE VIETNAM CONFLICT AND TO PROVIDE A PROGRAM FOR ECONOMICAL SUPPORT OF VIETNAM

ARTICLE I

SECTION 1. A speedy withdrawal of existing offensive armed forces in Vietnam shall be accomplished by a timetable set on the basis of two years as a deadline. The years to accomplish this task shall be divided into four quarters, each a separate but equal time of six months.

(A) the first quarter—forty percent (40%) of the existing Army combat units shall be withdrawn

(B) the second quarter—an additional twenty percent (20%) of the original Army forces shall be withdrawn as well as forty percent (40%) of the Marine force and ten percent (10%) of the Air Force

(C) the third quarter—an additional thirty percent (30%) of the Army, thirty percent (30%) of the Marine Corps shall be withdrawn

(D) the fourth quarter—the remaining armed forces of the United States of America shall be withdrawn that are offensive in purpose

(E) any forces still stationed in Vietnam at the end of two years shall be only for defense of noncombatant personnel and to train the Army of the Republic of the South Vietnam. Under no circumstances will these forces become offensive in nature or purpose

(F) this timetable is affective immediately as the bill is passed.

SEC. 2. This section is to provide for a volunteer support group in Vietnam that will be supported by the government of the United States. The purpose of this support group will be:

(A) define any noncombatant personnel on mission in Vietnam by approval of the United States Government and the South Vietnamese Government

(B) train and instruct the Army of South Vietnam with approval of both governments—any member of this force shall be under the U.S. Army and Congressional Committee on Vietnam Affairs.

If the conditions of support group as stated below exist, the following steps shall be taken:

(A) if the support group is not strong enough for its purpose the difference of needed men shall be made up with regular Army personnel. The sole purpose of this force is to define noncombatant personnel on mission or duty by the approval of the United States Government.

(B) If the support group is too strong, an adequate force will remain to protect the said personnel. The remainder may either return to the regular U.S. Army, or by their choice become a unit of the South Vietnamese Army (with South Vietnam's approval) and thus severing all ties and support from the U.S. Army.

ARTICLE II

SECTION 1. The establishment of a Congressional-Civilian Committee known as the Committee on Vietnamese Affairs (C.V.A.). The committee shall be composed of ten (10) members and a chairman. Present on the committee will be:

(A) Two members of the House of Representatives who shall be chosen by a majority vote in the House.

(B) Two members of the Senate who shall be chosen by a majority vote of the Senate.

(C) A military tactician who has the knowledge to realize the needs of the South Vietnamese Army so that training and equipping the army shall be conducted in an orderly and intelligent manner.

(D) Five members shall be representing the Vietnamese Government.

(1) one shall be an economic expert of Vietnam.

(2) one shall be an agricultural expert of Vietnam.

(3) one shall be a financier who recognizes the financial problems of South Vietnam.

(4) two shall be representing the President of South Vietnam as his advisors.

(E) All committee members belong to the committee for its duration unless:

(1) they resign.

(2) they are voted out by a two-thirds majority vote by the committee.

(3) they no longer hold their political seat in the United States Government.

(F) The duration of the committee is to be ten (10) years.

At the end of that time, if there is still a need for the committee, the existing committee shall continue until both Houses of Congress feel it is unnecessary.

SEC. 2. Purpose for establishing the Committee on Vietnam Affairs will be:

(A) Overseas troop withdrawal.

(B) Release funds from the war to be channeled to the committee for purposes of:

(1) equipping and training the South Vietnamese Army

(2) developing a suitable agricultural program for South Vietnam

(3) help the Government of South Vietnam care for its citizens by the following means:

(a) medical—to set up health and medical needs

(b) providing food, housing, and etc.

(c) develop a practical education system through the Peace Corps.

SEC. 3. Any American in Vietnam is responsible to the committee, with the exception of regular combat army units (not the volunteer support group) who are stationed in Vietnam for Defensive action only. Any person not an American, but working for the Government of the United States is also responsible to the C.V.A.

SEC. 4. All official meetings of the C.V.A. are open to the public. The minutes of the meeting are to be printed and posted. Mailing lists will be available to any interested citizen who subscribes to it. The meetings will be held in Vietnam for three months out of the year, and the remaining nine months the meetings will be in Washington D.C.

SEC. 5. The committee has the power to establish study groups at any time for any specific problem in Vietnam. At any time the financier must have the use and amount of allotted funds available. The committee is open at all times for investigation by the President, Vice-President, and Congress. All study groups must be approved by the President, Vice-President and Congress.

JOINT ACT OF 1970

I. It shall be unlawful for any person to manufacture, possess, have under his control, or compound any narcotic drug.

II. If convicted for dealing with marijuana the accused will not lose his public rights of: right to vote, right to hold public office, and the right to receive a passport.

III. Maximum penalties for possession of marijuana will be as follows: (1) First offenders will be sentenced to 1 to 5 years probation and an additional $200 to $500 fine. (2) Second offenders will be subjected to 1 to 5 years in jail and $500 to $1,000 fine.

IV. Maximum penalties for sale of marijuana will be as follows: (1) First offenders will be subjected to two to ten years or $2,000 to $5,000 fine. (2) Second offenders will receive a mandatory 7 to 15 years or $5,000 to $10,000 fine.

V. It is proposed that the government of the United States set up and finance a Government Drug center and hospital.

SMITH BILL—PROPOSED BILL ON NEW FEDERAL MARIJUANA LAW

(A) Marijuana, (scientifically called Cannabis sativa in the plant form) in the United States of America shall be legal and federally controlled and taxed. It will be permissible for any enterprise, which is in accordance with federal and state governments to engage in the purchasing, selling, and advertising of marijuana. The tax put on marijuana shall be 30% of total retail cost.

(B) However, it will be illegal for any individual under the age of seventeen years to be in the possession of, or under the direct influence of, marijuana in any of its forms.

(C) Penalties by law, for first and second offense, the individual (under the age of seventeen) discovered in possession of mari-

juana will be 1. no more than a fine of one hundred dollars minimum to no more than five hundred dollars maximum. 2. The third offense shall be a fine of one hundred dollars minimum and five hundred maximum plus one year probation. 3. For subsequent offenses a minimum of three months to a maximum of twelve months detention and fine as specified in section a paragraph C.

EMERGENCY

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. SCOTT. Mr. Speaker, on March 24, an editorial appeared in the Richmond Times-Dispatch, a daily newspaper published in the capital city of Virginia and which serves my congressional district, entitled "Emergency." This editorial is related not only to the postal strike but also to possible strikes by other public and quasi-public workers. It brings out the fact that a strike by public employees is not only illegal but a felony and states that if the right of public employees to strike and to shut down essential government activities in defiance of law is permitted, the state of emergency can pass to a state of ruin.

In my opinion, this is a very thoughtful editorial alerting us to the danger of any change in thinking that would shift public opinion away from the rule of law upon which this and all orderly societies are based. While I do not advocate making an example of the postal workers who went out on strike or dealing harshly with individual workers, I do believe the Government has an obligation to see that the leadership is taught that defiance of law will not result in personal benefit to individuals or organizations.

The editorial is set forth below:

EMERGENCY

President Nixon is only partly right. A state of emergency does indeed exist in this nation, but it was not created over the weekend by the outrageous postal strike that has crippled a service essential to the life of the country.

The postal strike is but the latest, and most dramatic, manifestation of an ugly, virulent attitude that has been spreading through the United States for the past several years. It is an attitude that holds established prosesses of government in utter contempt and favors coercion as the principal instrument for achieving a particular goal. This pernicious doctrine is gnawing at the very fabric of our society, making it ever more susceptible to lawlessness.

Our legislative bodies, designed to represent all the people, not just groups with power and pressure, are too slow for some members of the Now Generation. So are our courts. Rather than work through such bodies to promote their causes, some impatient organizations take to the streets and attempt to force governments to accede to their demands. The rights of the majority may be overwhelmed by the wishes of a minority.

Civil rights activists helped to popularize such tactics in the years following the United States Supreme Court's school desegregation decision 16 years ago. Opponents of the war in Vietnam have used them. So have students, foes of public work projects and others. Is there a program or a project or a law that displeases somebody? Well, there's an excellent chance that eventually there'll be an organized extralegal or illegal move against it. Even Richmond's City Council was told that unless it rescinded a ban on leaf-burning, some residents of the newly annexed area might stage a "burn-in" to show their contempt for the law.

That illegal tactics are sometimes used to promote a noble cause or to discredit a bad law does not justify them. Mobs of the Old West occasionally lynched a guilty horse thief, but who would attempt to defend lynching?

The postal strike is illegal, no question about that. At least 15 years ago, Congress enacted a law making it a felony for a federal worker to strike. Each striking postal worker is subject to a $1,000 fine and up to a year and a day in jail.

But the view that public employes should not strike is older, much older than that law. When he was governor of Massachusetts in 1919, Calvin Coolidge supported the dismissal of some striking Boston policemen, saying "there is no right to strike against the public safety by anybody, anywhere, anytime."

But strike the postal workers did. What inspired such audacity? Successful displays of force by other groups, including other public employes, that's what. New York City especially has a history of appeasing illegal strikers—garbage collectors, transit workers and others. If these men could defy the law and profit as a result, postal workers must have asked themselves, why can't we?

Now the nation faces a severe test. It cannot allow the postal workers to bully it into action on postal pay increases, no matter how desirable such increases might be, and it cannot allow those responsible for this challenge to the no-strike law to get away with what they have done.

Even if President Nixon succeeds in delivering the mail with troops, and even if postal workers do return to work promptly, the United States government—and established authority throughout the land—will be in deep trouble unless somebody is punished for this illegal strike. Other groups of public employes throughout the United States, seeing that they can strike with impunity, might be encouraged to follow the postal workers' lead. And special interest groups might be more convinced than ever that the best way to get action from a government is to threaten to disrupt it in some serious way.

Unless this notion is squashed immediately, the United States will pass from a state of emergency to a state of ruin.

BYELORUSSIAN INDEPENDENCE CELEBRATION

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. RODINO. Mr. Speaker, freedom of the individual is the highest goal of man. It is to this end that all should aspire. Those already enjoying the fruits of liberty and democracy must work for those still restricted and oppressed. It is with this in mind that I rise today to pay tribute to the people of Byelorussia who today celebrate the 52d anniversary of the Byelorussian Declaration of Independence. I urge the continuance of the pursuit of the liberty and freedom of all people.

LABOR SECRETARY SHULTZ ON THE NEW FEDERALISM

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, Secretary of Labor George Shultz addressed the management conference of the Graduate School of Business, University of Chicago, last week.

His speech is excellent and one of the best presentations of the new federalism of the Nixon administration I have seen.

I intend to insert the full text at the end of my remarks, but because it is a lengthy address I would like to highlight one particular section.

The credo of the New Federalist, as I see it—

The Secretary said—

is this:

We must act as one nation in determining national goals;

We must act as a federation of States and localities in meeting those goals, providing leeway for local option and individual diversity;

The Federal government and the courts must provide checks against any unfairness inflicted by local government, and local government must be able to provide checks against unfairness caused by national standards;

Power must be permitted to seek its own level of efficient response, flowing to that level of government closest to the people and willing and able to exercise it;

Local innovation and voluntary action must be aggressively encouraged, which limits the liability of the failure of worthwhile experiments and raises the chances of finding practical solutions;

We must reinstill a new respect for individual responsibility and personal freedom, recognizing that the dignity of work is the counterpart of human dignity;

The individual citizen must think and act on two levels: He must contribute to the determination of our national goals and then must involve himself locally in making those goals a reality where he lives.

This may not seem like a revolutionary credo, but if it is followed in our time, it could have the same revolutionary impact that followed the acceptance of the ideas of the original Federalists.

The complete text follows:

ADDRESS BY SECRETARY OF LABOR GEORGE P. SHULTZ

I don't think the Nixon Administration is being well enough criticized.

I did not say we weren't being criticized enough. I said not *well* enough. Here is what I mean:

In domestic as well as in foreign affairs, the President is pursuing a strategy. You may not agree with his strategy; but I think you owe it to yourselves to come to grips with that strategy, to try to understand this Administration's philosophy, so you can criticize it fairly and constructively.

One of the cliches of this Administration is a phrase taken from professional football—"game plan." Whenever I make a proposal, or whenever we come up with a new tactic, we have to show how it fits in the overall game plan.

Today, I would like to go beyond the confines of being a spokesman in the field of labor, to try to explain what our Administration game plan is. There are some who

will call it madness, but even they will have to admit there is some method in it.

Let me begin by suggesting what our method is *not*. We are not professional zigzaggers. We are not trying to sell liberal principles with conservative rhetoric, or vice versa. We are not trying to heal the nation's differences by "splitting the difference."

Our preference for a theoretical underpinning shows in many ways. At a Washington Redskins football game last season, there was a blatantly bad call by the referee on pass interference. Edward Bennett Williams, owner of the team, yelled "Bad call!" Former Chief Justice Warren, sitting next to him, said in a dignified way "Poor judgment." And Henry Kissinger rose to his feet, shook his fist at the referee, and shouted "On what theory?"

We ask ourselves "on what theory?" all the time. The theory, or political philosophy, that has emerged after one year has been called the New Federalism. I submit to you that it is more than a catch phrase; it is a new approach, one that has evolved from the national experience, one deserving careful analysis by thoughtful men.

To grasp the new approach, you have to cast out one of the basic measurements of political ideology—the idea of liberal versus conservative, the old political spectrum of left and right. It will be a wrench to set aside this familiar caliper, but it does not measure what is going on in government today.

That is because, in the past decade, liberals and conservatives found themselves using the same language in describing their common complaints.

Liberals were complaining that government was becoming unresponsive—that there was a greater need for local and citizen involvement. This sounded like the old conservative demand for decentralization.

Conservatives, on the other hand, were saying that our welfare system and our educational establishment were in need of fundamental reform, to correct the unfairness built in over three decades of trying to cure social ills. Liberals found little to argue about in that.

It was as if the nation had gone through a gigantic half-time and the old opponents had switched sides, each now marching on the other's former goal.

But the change is deeper than that. The change centered on a unique area of agreement. As a Labor Secretary, it is my job to discover areas of agreement in what appear to be positions of great dispute, and I can certainly see one here.

Liberals and conservatives agree on the need for a new fairness in American life. And hopefully, through this new sense of fairness we can achieve greater efficiency in the administration of domestic affairs.

Liberals and conservatives agree on the need for a selective decentralization of government.

Liberals and conservatives agree on a reform of our institutions that makes the setting of national standards a national affair and makes the detailed administration of government programs a very local affair.

The New Federalism broadens and deepens these areas of agreement. In essence, the New Federalism calls upon us to act as one nation in setting the standards of fairness, and then to act as congeries of communities in carrying out those standards. We are nationalizing equity as we localize control, while retaining a continued federal stewardship to insure that national standards are attained.

The best way to explain any theory is to cite examples. And the examples are there, in the field of labor and in many others.

Take welfare. A national sense of fairness says that a man who is working ought to make more than a man who is not working. A national common sense says that a working man who makes less than a man on welfare across the street will be inclined to stop working.

To introduce that element of fairness in our family assistance proposal, we aim to assist the working poor in a way that will always make it profitable to work.

But to permit diversity, to encourage localities and States to make their own decisions on the degree to which they want to help the less fortunate, we provide an income floor but no ceiling. It is up to the States and cities to administer large portions of this program consistent with national goals and to decide for themselves how much more they are able to do.

Thus, we have a *national minimum* on family assistance—as the President puts it, "no child is worth more in one State than in another," as far as the Federal government is concerned. At the same time, we have *local participation* in administration and local say-so on what more should be done. National fairness, local diversity.

Take manpower training, really a classic example of this New Federalism. On the national level, we recognize the need for training people for new and better jobs, and the need to fund this activity. But most labor markets are local in scope—this is where the action is and this is where the best judgment concerning the use of resources should be. The basic way we have proposed to handle this situation is to provide incentives for State and local government and private sponsors to get into the act—providing more money and more local control in specific stages, as localities develop the means to put these programs into action. Again, national fairness, local assumption of control.

Another example in the labor area—safety standards. Two million workers a year are injured on the job. On the Federal level the President's proposal would set up a national Occupational Safety and Health Board; its standards are to be adapted and administered by the States, as they demonstrate their capacity to take this over. The enforcement of safety standards is local, with national monitors. The Federal governments pays 90% of the State's planning costs, then shares the administrative costs on a 50–50 basis. Again, national standards, local administration and enforcement, a reserve federal "clout."

Attaining our national goal of equal opportunity in employment is another example of the New Federalism. Where Federal funds are used, affirmative action can be used to eliminate discrimination in employment on the part of management or labor. In our Philadelphia Plan, we put this into practical action in the construction industry for the first time—and not without considerable controversy. But there is no necessity for the mechanical application of Federal standards if the local people can work out a strong agreement among themselves. In this case, as in so many others, there is no solution like a hometown solution—provided it works toward our national goal.

I could cite a dozen other examples of this New Federalist approach—in our environmental program, that sets anti-pollution standards and provides for local enforcement and a sharing of the financing of treatment facilities; in tax policy, that removes seven million poor from the tax rolls and provides a greater incentive to start working; in our computerized job bank, that looks toward a national information system with local and regional participation and control.

In case after case, the pattern is clear—a concern for fairness as a nation, a concern for diversity as a people, a recognition of federal stewardship.

But while it is a clear pattern, it is not a simple one. You cannot label this "decentralization"—because the establishment of so many national standards, in so many fields, is a form of centralization. But this is done in a way that does not dehumanize and depersonalize government, resulting in alienated people and ineffective bureaucracy. It is done in a way that decentralizes administration and encourages local participation, bringing about the best of both worlds—fairness and citizen involvement. At least, that is what we are hoping to do.

By taking this tack, we hope to reinstill in the American people their faith in the responsiveness of their government to what they consider to be fair.

By following this method we call the New Federalism, we hope to reinstill self-reliance on the part of individuals and strength in the institutions of local and State government and voluntary agencies.

And by pursuing these principles, we hope to achieve a society more pluralistic in its operation and more equal in its opportunity. We do not believe that equality of opportunity is the enemy of diversity.

If we are successful with our philosophy—in actually bringing about this realignment of power between the levels of government, what sort of nation will we become?

We will no longer be divided by the fear of centralized domination and the personal alienation such domination always brings.

At the same time we will not be a nation where tranquility and calm and harmony reign supreme. A national nirvana is not in the cards for America.

We have seen what happens in the arena of labor relations when strikes and lockouts and sabotage are replaced by orderly grievance procedures. Labor and management do not become sweethearts; opposing economic forces do not merge their goals. What does happen, in the best of times, is that the force of the antagonism in channeled through an institution that permits progress for all the antagonists.

In the same way, under the New Federalism, the relatively poor will not lose their envy of the rich. The States will not lose their reluctance to part with power to either the local or national government. The federal bureaucracy will not lose its capacity for either initiative or inertia. Tensions will continue to exist, and indeed they should exist—provided we can build those institutions that channel these tensions into progress for all. We are not slicing a pie, we are building a cathedral. Productive tension, the modern descendant of "divine discontent," is the mortar we need to build it.

One job of government in the final third of this century is to encourage competition among the centers of power without allowing it to become cutthroat competition and without taking the easy way out toward the monopoly of centralization. To abolish all tension would be to lose our freedom; we intend to harness tension and make it productive.

On the basis of the examples I have given you this evening I believe you can discern a strategy that is being put into action. It may be helpful to those who like to plot our future moves, because the New Federalism approach of this Administration has built in to government not only credibility, but predictability. It will be useful in doing what I said was needed at the beginning of my talk: in criticizing us about how well we do what we have set out to do.

The credo of the New Federalist, as I see it, is this:

We must act as one nation in determining national goals;

We must act as a federation of States and localities in meeting those goals, providing leeway for local option and individual diversity;

The Federal government and the courts must provide checks against any unfairness inflicted by local government, and local government must be able to provide checks against unfairness caused by national standards;

Power must be permitted to seek its own level of efficient response, flowing to that level of government closest to the people and willing and able to exercise it;

Local innovation and involuntary action must be aggressively encouraged, which limits the liability of the failure of worthwhile experiments and raises the chances of finding practical solutions;

We must reinstill a new respect for individual responsibility and personal freedom, recognizing that the dignity of work is the counterpart of human dignity;

The individual citizen must think and act on two levels: He must contribute to the determination of our national goals and then must involve himself locally in making those goals a reality where he lives.

This may not seem like a revolutionary credo, but if it is followed in our time, it could have the same revolutionary impact that followed the acceptance of the ideas of the original Federalists.

In spelling out the fundamental principles of a new approach to government, I have had to oversimplify. In actual operation, it is infinitely complex—far more complex, I submit, than a doctrinaire liberalism or conservatism.

These are some of the questions we face in putting these principles into practice:

What issues or problems lend themselves to national standards and which do not? For example, air and water pollution, crossing interstate lines, calls for a national approach—and an interstate highway system can hardly be developed on the basis of purely local initiative. On the other hand, a broad range of municipal and State services are better dealt with entirely at that level, assuming that these services can be adequately financed. That is what the President's proposed Revenue Sharing Plan is all about. Nevertheless, the question is a tough one and the answer is as tough, or perhaps complex, as the question itself.

Another complex question: How can we be sure, in the process of decentralization, that the local government can handle the job? To paraphrase a revolutionary slogan, decentralization without preparation is abdication. For example, we know it would be far more effective for local government to administer our manpower training programs. When you sit in Washington and pull the strings, you discover an awful lot of slack in almost every string. On the other hand—there's that phrase again—when you sit in Omaha and a Federal program is dumped in your lap, you are not likely to have the organization to make use of it effectively. What we have done in this situation is to get up a phased-in decentralization. Planning money is provided 90% by the Federal government; as soon as a State shows it has a plan to handle program administration, it gets administrative control of part of the program; as soon as that plan reaches a certain level of success, it earns a large slice of control, until, at its own pace, it is ready to handle the entire administrative job.

Another complexity: How do we decentralize when local political boundaries make little economic sense? A labor market does not live within a city limits, and a transportation system doesn't end at the county line. For this reason, in many cases we have been encouraging metropolitanism, or regional planning, in an effort to help make the political system fit the problems it is called on to meet, and not the other way around.

Let me conclude with a reference that illustrates in a different way the spirit of the New Federalism.

Those of you who are familiar with industrial relations know about "the Hawthorne effect." Some years ago, experiements were conducted at the Hawthorne Works of the Western Electric Company in Chicago. These experiments dealt with the effect of different physical variables on productivity. One of these variables was the intensity of the lighting. The workers were told that the light level of their work area would be raised to see if productivity increased. It was, and it did, to the accompaniment of much attention to the experiment and the workers involved. The light was increased some more, and again productivity rose. Then somebody had the bright—or dim—idea of telling them the lighting would be lowered to its original level and, surprisingly enough, productivity still rose. This experiment led to the identification of the so-called "Hawthorne effect". The level of lighting wasn't nearly as important as the active participation and sense of importance of the workers in the experiment.

I have not told this story merely to revalidate my academic credentials. In government today, we are involving the people in an experiment to replace the deadening "Washington effect" with a constructive "Hawthorne effect". The very fact of our effort to try a new approach, a new experiment in government, involving the people in this experiment, should have a stimulating effect of its own and help make that experiment succeed.

That is what we, as a nation, are searching for. When this Administration is over—hopefully, in the year this nation reaches its 200th anniversary—we hope to have introduced new standards of fairness, new respect for diversity, and a new spirit of confidence in our system of government.

DEFOLIANTS IN VIETNAM

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. DELLENBACK. Mr. Speaker, on February 9, I inserted into the RECORD Thomas Whiteside's excellent New Yorker article concerning the effects of defoliants upon the people and environment of Vietnam. In the March 14 issue of that magazine, Mr. Whiteside has amplified his previous effort by comparing the concentrations of chemical herbicides used in Vietnam with those permissible in the United States.

There is overwhelming evidence that defoliants produce extensive skin eruptions, disorders of the nervous system, fatigue, and depression. It is our domestic practice that, when doubt is cast regarding the safety of a substance produced for human consumption, the Food and Drug Administration immediately withdraws that product from the market. The dioxin contaminants in 2,4,5T produce birth deformities, yet this herbicide continues to be used in Vietnam. Moreover, the rates of concentration are 13 times greater than those considered safe and effective by the manufacturer.

In October 1969, Dr. Lee DuBridge restricted the use of 2,4,5T to those areas of Vietnam remote from population. In addition, he ordered the FDA to find a safe level of concentration of 2,4,5T or cancel permits for its domestic use on January 1, 1970. I was very pleased to learn of Dr. DuBridge's position. My colleagues might be interested to know that today I addressed a letter of inquiry to Dr. DuBridge concerning discrepancies between U.S. policy and practice with regard to potentially dangerous chemical herbicides. In addition, I commend the following most recent New Yorker article to the Congress:

DEPARTMENT OF AMPLIFICATION

NEW YORK,
March 5, 1970.

The EDITORS,
The New Yorker.

DEAR SIRS: In an article that appeared in *The New Yorker* on February 7th, I wrote that Dr. Lee DuBridge, the President's science adviser, issued a statement last October at the White House saying that because a laboratory study had shown a "higher than expected number of deformities" in the fetuses of mice and rats exposed to the herbicide 2,4,5–T, agencies of the United States government would take action to restrict the use of that substance in this country and in Vietnam, where it was being used in extensive military defoliation operations. This action, Dr. DuBridge announced, would include the cancellation, by January 1st of this year, of Department of Agriculture permits for the use of 2,4,5–T on some American food crops unless the Food and Drug Administration had by then been able to determine a safe concentration of the herbicide in foods. Dr. DuBridge further announced that the Department of Defense would thenceforth "restrict the use of 2,4,5–T to areas remote from the population" in Vietnam. His statement added that these actions and others "will assure the safety of the public while further evidence [of the alleged harmful effects of 2,4,5–T] is being sought."

Four months have passed, and 2,4,5–T is still being used as widely as ever. The Department of Agriculture has yet to cancel its permits for the use of the herbicide on food crops in this country, and the Department of Defense is continuing to use it in populated areas of Vietnam. In the meantime, officials of the Dow Chemical Company, which is one of the largest producers of 2,4,5–T, have been maintaining that the samples of 2,4,5–T used in the study cited by Dr. DuBridge, which was done by the Bionetics Research Laboratories, of Bethesda, Maryland, were uncharacteristic of the 2,4,5–T currently being produced, because the material tested by Bionetics—which did not come from Dow—was contaminated to an unusual extent by a toxic substance identified as symmetrical 2,3,6,7–tetrachlorodibenzo-*p*-dioxin. This contaminant, usually called dioxin, was alleged by the Dow people to be present in the Bionetics samples at a concentration of approximately twenty-seven parts per million, and they claim that the 2,4,5–T that Dow is currently producing contains the dioxin contaminant in concentrations of less than one part per million. The Dow people maintain that their currently produced 2,4,5–T does not appear to have the effect of deforming rat fetuses. In January, a Dow official told the Department of Health, Education, and Welfare, "We strongly urge that action concerning the status of 2,4,5–T be held in abeyance until [Dow's] testing program is completed [in] April." The United States government's failure so far to place the promised restrictions on the use of 2,4,5–T in this country may in part be attributed to this plea.

Because of the seriousness of the issues involved, it seems to me that the government's failure to act on the use of 2,4,5-T here and in Vietnam calls for much fuller public discussion. Even though the dioxin contaminant may now be present in 2,4,5-T in what the Dow Chemical Company apparently considers to be no more than tolerable amounts, the substance is of such potency that its release even in small concentrations must prompt deep concern. In the presumably more heavily dioxin-contaminated samples of 2,4,5-T that were used in the Bionetics work, the smallest dosages of 2,4,5-T that the test animals were given caused extensive deformities in fetuses. In more recent

studies of the dioxin contaminant, conducted by Dr. Jacqueline Verrett, of the Food and Drug Administration (who earlier was responsible for revealing the carcinogenicity of cyclamates), extensive teratogenic, or fetus-deforming, effects were discovered in chick embryos when the dioxin, or a distillate predominantly consisting of it, was present at concentrations of little more than a trillionth of a gram per gram of the egg. The magnitude of this effect on chick embryos may be gathered from the fact that, according to Dr. Verrett's studies, the dioxin appears to be a million times as potent a fetus-deforming agent as the notorious teratogen thalidomide was found to be in tests on chicks. Of course, chick embryos are far down the biological ladder from human fetuses, and they are also extremely sensitive to many substances.

But even if, for theoretical purposes, we reduced the teratogenic power of the dioxin, as shown in Dr. Verrett's chick-embryo studies, approximately a million times, we would *still* have to consider that we were dealing with a substance as teratogenically potent as thalidomide. That the United States government permits, the presence, even in minute amounts of such a substance in herbicidal mixtures to be sold for spraying on food crops and on suburban lawns—where some of the chemical may enter shallow wells and other drinking-water supplies—is hardly reassuring. And it is particularly disturbing when one reflects that in the quarter of a century in which 2,4,5-T was used prior to Dr. DuBridge's announcement not a single regulatory agency of the United States government, nor the Department of Defense—which has been spreading huge quantities of 2,4,5-T on vast areas of Vietnam—and not, as far as is known, the researchers for any one of the half-dozen large American chemical companies producing the material had ever so much as opened up a pregnant mouse to determine whether 2,4,5-T or the dioxin contaminant in it did any systemic or pathogenic harm to the fetus. Several studies of the sort are now under way, but the United States government still seems to take the position that the 2,4,5-T produced by Dow and other large chemical companies should be considered innocent until it is proved to be otherwise. Meanwhile, 2,4,5-T is being sprayed on certain crops and on areas where it may come into contact with human beings, cattle, and wildlife. In Vietnam, it is still being sprayed by the military in concentrations that average thirteen times as great as those that the manufacturers themselves recommended as safe and effective for use in this country.

It is true that the teratogenicity of dioxin—as distinct from dioxin-contaminated 2,4,5–T—has not yet been established in tests conducted on experimental animals of mammalian species. However, the direct toxic, or body-poisoning, effects—as distinct from fetus-deforming effects—of dioxin are known to be very high both in animals and in human beings. In past studies on rats, dosages of forty-five millionths of a gram per kilo of the mother's body weight have been found to kill fifty per cent of the offspring. When dioxin was given orally to pregnant rats in recent tests, it was found, on preliminary investigation, to kill all fetuses with dosages of eight millionths of a gram per kilo of the mother's body weight, and to damage fetuses with dosages of a half-millionth of a gram per kilo.

Further, the effects of dioxin on human beings, even in small dosages, are known to be serious. In the past, in plants manufacturing 2,4,5–T an illness called chloracne seems to have been widespread among the workers. In the mid-sixties, Dow was obliged to close down part of a 2,4,5–T plant in Midland, Michigan, for some time because about sixty workers contracted chloracne as a result of contact with dioxin, which seems to be always present in varying degrees during the process of manufacturing 2,4,5–T and in the finished 2,4,5–T itself. The symptoms of this disease include extensive skin eruptions, disorders of the central nervous system, chronic fatigue, lassitude, and depression. Workers at a 2,4,5–T plant in New Jersey run by another company suffered similar symptoms in the mid-sixties, and six years later some of them were reported to be still suffering from the effects of the disease. In Germany, since the mid-fifties, workers in factory after factory producing 2,4,5–T and polychlorophenolic compounds have been afflicted with chloracne after absorbing apparently only minute amounts of the dioxin contaminant; their symptoms have been described in several medical papers as including liver damage, nervous and mental disorders, depression, loss of appetite and weight, and markedly reduced sexual drive.

A few weeks ago, when a reporter approached an official in Dr. DuBridge's office for information on 2,4,5–T he was told that he would be given White House cooperation "only to a certain extent," because the official didn't want "wild speculation" stirred up. He cited as an example of "wild speculation" the recent controversy over the birth-control pill, which, he said, had "caused millions of women to get hysterical with worry." The reporter replied that he didn't think the analogy between 2,4,5–T and the Pill was a particularly good one, for the reason that a women using the Pill could employ alternative methods of contraception, whereas a Vietnamese woman exposed to herbicidal spray put down by the American military had no choice in the matter.

But perhaps the comparison between 2,4,5-T (and its dioxin contaminant) and commonly used pills is worth pursuing. Suppose that such a dangerous substance as dioxin were found to be contained in a pill offered for human consumption in this country, and suppose that the contaminant were present in such minute amounts that an adult following the prescribed dosage might ingest a hundredth of a millionth of a gram of the contaminant per day. There is no doubt whatever that, according to existing Food and Drug Administration standards, the F.D.A. would immediately ban production and sale of the pill on the ground that it was highly dangerous to public health; in fact, the amount of such a potent contaminant that the F.D.A. would permit in a pill under the agency's present policy on toxicity would almost certainly be zero.

While 2,4,5-T, with or without the dioxin contaminant, doesn't come in pill form, it may be worthwhile to try to calculate, on the basis of a hypothetical pill, how much 2,4,5-T (and dioxin) a Vietnamese woman living in an area sprayed by the American military might ingest in a day. It has already been calculated by reputable biologists that, if one takes into account the average amount of 2,4,5-T sprayed per acre in Vietnam, and also takes into account a one-inch rainfall—such as is common there—after a spraying, a forty-kilo (about eighty-eight-pound) Vietnamese woman drinking two litres (about two quarts) of 2,4,5-T-contaminated water per day could be ingesting about a hundred and twenty milligrams (about two-hundred-and-fiftieth of an ounce) of 2,4,5-T a day. If the 2,4,5-T contained the dioxin contaminant at a level of one part per million—which is what the Dow people say is the maximum amount present in the 2,4,5-T they are currently producing—the Vietnamese woman would be absorbing a little over a tenth of a microgram of dioxin per day, or ten times the amount of dioxin entering the system of an adult from the hypothetical pill that the F.D.A. would certainly find dangerous to human health.

Further, if this Vietnamese woman were to conceive a child two weeks, say, after the spraying, the weight of the dioxin that by these same calculations would have then accumulated in her system (the evidence thus far is that dioxin accumulates in mammalian tissue in the same manner as the chlorinated hydrocarbons, such as DDT) would be more than the weight of the just-fertilized ovum. Considering the existing evidence of the frightening degree of tetratogenicity of the dioxin in chick embryos and its highly toxic effects on mammalian fetuses, the presence of this much dioxin in a mother's body at the very beginning of a human life surely has ominous implications.

Now, what about the safety of 2,4,5-T itself? Admittedly, the dioxin contaminant seems to be a residue from one stage of its manufacture. But if by some future chemical miracle the very last trace of dioxin could be removed from the finished 2,4,5–T, would the resultant "pure" 2,4,5-T be harmless? The fact seems to be that even then 2,4,5-T, as produced in this country, would have to be viewed with suspicion, for the breakdown products of 2,4,5-T, when subjected to heat and other conditions, are themselves capable, according to a number of responsible biologists, of producing dioxin. Given this potential, the ultimate folly in our defoliation operations in Vietnam was possibly achieved during 1965 and 1966, when the military made large-scale efforts in two defoliated areas to create fire storms—that is, fires so huge that all the oxygen in those areas would be exhausted. The apparent intention was to render the soil barren. (A fire storm would also, of course, have the result of burning or suffocating any living beings remaining in the area.) Operation Sherwood Forest, conducted in 1965, was an attempt to burn a defoliated section of the Boi Loi Woods. In October, 1966, the military began Operation Pink Rose, a similar project. Neither of the projects, in which tons of napalm were thrown down on top of the residue of tons of sprayed 2,4,5-T, succeeded in creating the desired effect; whether they released into the atmosphere dioxin produced by the breakdown products of the 2,4,5–T will probably never be known.

There are also less spectacular ways in which conditions suitable for the release of dioxin in Vietnam may have been created. For example, after areas accessible by road have been defoliated, woodcutters move in to chop up the dead timber, which is then carted off to nearby towns and sold as firewood. Large quantities of it are said to have been entering Saigon for years. Since the fires are customarily tended by Vietnamese women, and since many of them are certainly pregnant, the hazards to health and to the lives of unborn children surely cannot be ignored.

In the United States, the potential hazards from the present use of 2,4,5-T are considerably less than they are in Vietnam. In the first place, the recommended concentrations of 2,4,5-T for spraying here are, as I have pointed out, about a thirteenth of what the Vietnamese population is sometimes subjected to. And, in the second place, a great deal, if not most, of the 2,4,5-T that would otherwise have been sprayed on American crops and grazing areas has for several years been sent to Vietnam. However, the shortage of 2,4,5-T in this country does not necessarily mean that the potential hazards are at a minimum. The substances known as the trichlorophenols and compounds of pentachlorophenol, which officials of the F.D.A. believe may be chemical precursors of dioxin under certain thermal and other conditions, are used widely in the manufacture of a large variety of consumer products, ranging from paper to laundry starch and hair shampoo. Dow Chemical puts out a whole line of polychlorophenolic chemicals known as Dowicide Products. Monsanto Chemical also puts out a line of pentachlorophenol substances, known as Penta Compounds. Since a very great many consumer products wind up being burned sooner or later, and since the polychlorophenolic compounds are suspected

of being capable, under particular thermal and other conditions, of releasing dioxin, the alarming question arises whether, and to what extent, dioxin is being released into the environment through the atmosphere. Pentachlorophenol, used in certain herbicides, is readily decomposed in sunlight, and in its breakdown process a number of products, including chemical precursors of chlorodibenzo-*p*-dioxin compounds, are produced. Because of these factors, a whole range of pesticides, as well as of herbicides, now must come under suspicion of producting dioxin compounds.

Although the chemical companies that manufacture 2,4,5-T have long taken pride in pointing out that 2,4,5-T itself is quite readily decomposable in soil, the crucial matters of how stable the dioxin contaminant is and to what extent it is cumulative in animal tissue have apparently been neglected. Consequently, the fact that traces of compounds virtually indistinguishable from dioxin have already been detected in this country in the human food chain—in the livers of chickens and in edible oils—clearly indicates that dioxin should be considered a hazard to man. Why, under all these inauspicious circumstances, the production and the use here and in Vietnam of 2,4,5-T has not summarily been stopped by the United States government is hard to understand.

Sincerely,

THOMAS WHITESIDE.

GALLAGHER SEES JERSEY CITY HOUSING AUTHORITY AS "SHOWCASE FOR THE NATION"

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. GALLAGHER. Mr. Speaker, it has been one of my great privileges during my terms in the Congress to work with the Jersey City Housing Authority of Jersey City, N.J.

The Jersey City Housing Authority has demonstrated itself to be one of the most effective, creative, and successful agencies of its kind in the United States.

It has led the battle for more and better quality low-income housing, for better facilities for our elderly citizens, for improved recreational centers in low-income areas. Last year, I was pleased to join with the authority in bringing a "meals-on-wheels" program to Jersey City. We have provided for school breakfast programs through the authority. Indeed, Mr. Speaker, the list of accomplishments are endless.

As our Nation attempts to grapple with the problems of urban America, I can think of no example more worth following than that of the Jersey City Housing Authority; it truly is a showcase for the Nation.

Thus, in order that all of our Members may learn for themselves of the authority's structure and programs, I am pleased to insert an article covering those topics at this point in the RECORD:

JERSEY CITY HOUSING AUTHORITY "SOCIAL GOALS" PROGRAM IS SHOWCASE FOR THE NATION

"Housing the low income families means more than collecting rents, and seeing that heating and utilities are available." So declared Ettore Vignone, executive director of the Jersey City Housing Authority.

The housing official in a statement said "the involvement of our people with new social goals in mind is paramount if a total housing job is to be done. Complete cooperation of all community agencies, both public and private, is important", he said.

Under the terms of the cooperation agreement cities have with the federal government, communities are responsible for such services to public housing as police and fire protection, educational programs, medical facilities, garbage removal, recreation, and the availability of utilities and related items.

"Beyond these services, however, we find that all low-income families, not only those living in public housing, need a consideration of social programs which will bring them programs improving their health, and those of social, cultural, and educational enrichment," said the housing official.

"Acompanying the necessity of tying in social programming with public housing families, this agency began more than 15 years ago to develop needed programs. At that time when Mayor Kenny was in office, we started the first of our Baby Keep Well Stations which provides preventative maintenance for the pre-school child," he said.

"It has been in the last ten years, however," said Vignone "that our public has really gone to fore through the activity of our tenant service and tenant relations office."

Noting that the Jersey City Housing Authority is the second largest in the state with over 4,000 families containing more than 14,000 individuals, Vignone reports they have almost 7,000 children among their families. Among the 4,000 families there are more than 1,500 of the senior citizen classification.

Developing the programs for the Jersey City Housing Authority is the direct responsibility of Tenant Services Director Conrad J. Vuocolo and his staff. Programs are developed in the fields of economic opportunity, education, recreation, health, arts and crafts, community responsibility, consumer education, nutrition programming, planned parenthood, mental health, and cultural enrichment, which includes visits to parks and playgrounds. Most of the programs are sponsored in conjunction with an assisting community agency, for example, there are eight Head Start classes using public housing facilities committing more than 150 children from in and around the neighborhood to attend the pre-school classes. This program is sponsored by Jersey City Can Do.

The Jersey City Board of Education has six classrooms for children in the housing area from the Kindergarten to the 8th grade. About 225 children attend these classes which are located on the first floor of one of the buildings in Montgomery Gardens. The placing of these classrooms in the public housing location is unique in the area and the program is now entering its sixth year. It began at the request of the Jersey City Board of Education to allow the children to attend a full class day and relieve over-crowding in the neighborhood school.

The State of New Jersey Department of Institutions and Agencies operates a Day Care Center, the first of its type in public housing in the state in the Booker T. Washington developments where 50 children attend classes everyday which allows working mothers of those in need of some assistance in the care of their children. This program is under the direction of the Bureau of Children's Services of the New Jersey Department of Institutions and Agencies and is paid for out of state funds.

The Jersey City Division of Medical Services operates Baby Keep Well Stations for the pre-school children at the A. Harry Moore Apartments, Currie Woods, Cerosky Apartments, in the Marion section, and Montgomery Gardens. Thousands of children receive immunizations and weekly attention from pediatricians.

The same facility is used on alternate days by the Hudson County Planned Parenthood Association which operates clinics on alternate days in several of these locations.

Another day brings the Mount Carmel Guild and the Jersey City Department of Health under the supervision of Walter Lezynski into the clinical area with a family counselling team to assist those with emotional and other family problems. Almost 200 attend these clinics, many of them in the senior citizen category.

At Berry Gardens, The Jersey City Division of Medical Services under the direction of Dr. Patrick F. McGovern provides a geriatrics clinic one day a week as part of Mayor Thomas Whelan's neighborhood community health program.

Last year a nutrition clinic was directed by Mrs. Hanna Waterman, City Nutritionist, who worked at Berry Gardens Health Clinic, striving to tie in nutritional needs with extra food programs available through Food Stamps and Commodities Distributing programming sponsored by the United States Department of Agriculture.

This month several hundred senior citizens received free vaccines in the Health Clinic at Berry Gardens.

Job opportunities is a primary goal of our public housing agency said Board Chairman Frank Tedesco. Six years ago we started Project Job (Just One Break) and since then more than 1,000 of our tenants had some economic enrichment through programs we sponsored in the work field for the young and old, plus white collar and blue collar positions made available in the maintenance and management divisions of our agency. Tedesco said in addition to these jobs, we constantly contact those we do business with in private industry striving to map their needs with the talents of one of our tenants.

This agency has been funded by the United States Department of Labor for the last five years with a Neighborhood Youth Corps program which has permitted more than 3,000 Jersey City youngsters to work during the summer and after school at jobs in public and private community agencies whereby they can earn about $1,500 per year.

These programs are known as Project Learn-Earn and Operation Step-Up. For the past two years the Housing Authority has received grants from the State Department of Economic Development which has permitted children to make bus trips to parks and playgrounds and places of historical interest. "This has been incorporated with Operation-Take-A-Trip which was started in 1958 by the Housing Authority and has resulted with more than 75,000 children being involved," said Frank Berrell, director of finance for the agency.

The agency also received the very first senior citizen work program in the nation when Operation Service was funded which permits 39 of the over 65 year old set to earn $1.60 per hour working 25 hours a week in various community services.

Through Jersey City State College the agency has a contract for the last five years which allows students from that institution to work in and around the housing developments in the College Work-Study Program. They work as clerical aids, in recreation programs, as tutoring aids, and some are assigned to agencies which cooperate with the housing administration. More than 300 college students have obtained experience in working with the inner city youth while earning money during the summer and after school.

There is a senior citizen recreation program which is sponsored by the Jersey City Department of Recreation in five of the developments, which has a high number of the elderly under the direction of Miss Carla Edwards teaching the elderly on the prepara-

tion of seasonal articles which are put on display in an annual senior citizen hobby show which is sponsored each May by the Housing Authority.

For the youngsters, Jersey City State College students and Neighborhood Youth Corps high school students through Operation Step-Up bring a vast array of recreational programs during the summer. Last year over 5,000 took part in the various types of programs, which include arts and crafts, track and field events, baseball and basketball competitions, and swim meets.

In cooperation with Jersey City Can Do, the Housing Agency has provided space in Hudson Gardens for the Jersey City Meals On Wheels. This program is designed to bring hot, nutritional meals right into the homes of the confined elderly under the direction of Mrs. Mary Johnson and since it was started in June 1967 almost 40,000 such meals have been served, according to Housing Commissioner Samuel DiFeo.

Dr. William G. Wilkerson, vice-chairman of the NAACP said he is of the opinion that social involvement programs have helped to keep the community stable. "I especially liked the attitude of our employees toward the tenants. We are pleased that all the Jersey City Housing employees attended a 13 week seminar on Human Relations several years ago sponsored by Jersey City State College", said Wilkerson. "To my knowledge ours was the first agency in the United States to have such a program with a college or a university," he said.

High on the priority list with the local agency is serving our ever-growing senior citizen population, according to Commissioner Stanley Shableski. More than 100 employees and tenants have been trained in a Friendly Visitors program which under the direction of the New Jersey Department of Chronic Illness Control has given us a program which brings comfort and assistance to many of those who are shut in and alone. They visit in the apartments upon invitation and sit down helping with cooking, house maintenance, going to the store, accompanying a person to a hospital, reading to a blind person, or writing a letter for an arthritic victim. "These services which are voluntary in nature help provide some glimmer of hope to our people who have these problems," said Vignone.

The housing agency has cooperated with high school counsellors, and the three local universities, St. Peter's College, JCSC, and Rutgers University, in their Upward Bound Programs. "More than 100 public housing youngsters are now attending colleges, which would have been impossible a few years ago," said Commissioner Rafael Bou. "Our community is pleased," said Bou, "to learn of the close cooperation between the Tenant Service Office and ASPIRA, a nonprofit agency which is making college opportunities for youngsters of Puerto Rican extraction," Bou added this would have a decided effect on our future generation.

Other programs that the Housing Authority involved itself with is that of drug abuse with the leadership provided by Commissioner Frank Quilty. Employees and tenants groups have visited the Liberty Park Drug Abuse Center in Jersey City, and gained information on the problem.

To help provide for large families the local agency has gone into a program of leased housing and 200 units are being developed for families in more than 30 locations in the city. A program of preventative maintenance is to be given to the families by Peter Kenny, director of maintenance.

Family counselling is provided at least once a year by the housing managers under the direction of Howard J. Curry, department director, and John Connelly, his assistant. "In order to keep abreast of the tenants needs and abilities we maintain a Tenant Analysis Card for each one of our families," said Curry. This card tells the managers at a glance what a family needs are and gives us an opportunity to advise and serve them. In charge of each of the developments management offices are Isiah Oliver, Lafayette Gardens, Andrew Witruk, Cerosky Apartments, Jeanne Donnelly, Booker T. Washington Apartments, Helen McCaffrey, Hudson Gardens, Margaret Kelly, Holland Apartments, Joseph Tyrell, Montgomery Gardens, Andrew J. O'Connor, A. Harry Moore Apartments, Joseph P. Flessey, Currie's Woods Gardens, and Sadie Dohrman, Berry Gardens.

"The newest need we are attempting to fill is in the field of nutrition," said Vuocolo. "Due to the lack of a school breakfast program in Jersey City, we have undertaken a program of trying to bring some nutritional assistance to the thousands of children living in and around the developments." "Last summer with a grant from the New Jersey Board of Education Surplus Commodities from the United States Department of Agriculture and personnel provided by Jersey City State College Work-Study program, senior citizens working in Operation Service, and high school students from Operation Step-Up, plus tenant volunteers, we served more than 54,000 breakfasts in our developments from July 1st to August 30," he said.

"We were pleased," said the housing official "to receive authorization to have an after-school snack program which has been in effect since September 1st. More than 1,200 children get a snack comprised of milk and a sandwich, or bakery product, everyday." He indicated that a dozen mothers are involved in helping to bake for the children each afternoon.

Vignone said that the problem of communication with our tenants is so paramount that we have developed a house organ which is distributed to 5,000 of our tenant families, our employees, and friends each edition. In addition to some of the programs above mentioned, we use this medium to advise of the various children's contest sponsored at Christmas, Easter, Thanksgiving, and Halloween, which provides an outlet for the younger set who are invited to color appropriate pictures.

Of far reaching impact was the opening last November of a PROOF Office which is a new community concept in harnessing resources and programs to aid persons referrals from the New Jersey Department of Institutions and Agencies. This resource center is the first of its type in the nation according to the state office and is funded round the clock through an appropriation by the New Jersey Legislature.

Community responsibility is another important theme of ours, said Alan Kraut, counsel to the agency. We urge the people to take part in community programs serving the less fortunate than they, taking part in community fund drives, and to register for voting. Kraut reports the success of the "Senior Power Program" developed by the Tenant Relations Office which helps the silver-haired set to become involved and to register their needs and abilities with all echelons of government. A special registration drive last summer resulted in more than 200 of the elders voting for the first time.

Vignone reports that excellent community service is also undertaken by the Jersey City Public Library who provides a Bookmobile service which services these developments. More than one-half million books have been circulated since the Bookmobile was provided by Mayor Bernard J. Berry and William Rohrenbeck, City Librarian over 10 years ago. In addition to the traveling mobile unit, senior citizens working under the direction of Mrs. Mary Leary, coordinator of Operation Service, bringing large print books directly to those elders who are infirm or incapacitated. A cart is utilized to carry the books which are well received by the seniors.

An Information Center is provided in the Tenant Services Division which gives up-to-date information regarding Social Security, Veterans Administration, Food Stamps, recreation facilities, and related items to the elderly. This Senior Citizen Information Center was started by this agency in 1952.

A small but important program on beauty culture was organized by this agency and the Jersey City Women's Job Corps located in the Medical Center. Within the last year more than 500 seniors have visited the Cosmetology Department of the Job Corps where they have received free hair, skin, and beauty treatment, provided by the enrollees. This program was established in cooperation with the National Council On Aging with the details cut by John Sheenhan of the NCOA and Vuocolo.

Of special significance to low income families in what seems to be a never ending battle is to stabilize living costs. In this vein the housing agency conducts a continuing consumer education program which in addition to having a 55 week course on consumer problems was held in Montgomery Gardens as a monthly information program.

Government pamphlets are provided on the subject of marketing, food preparation, medical care, and related subjects, by Representative Cornelius E. Gallagher and Dominick V. Daniels. More than 200,000 booklets of this variety have been furnished free to the housing tenants.

Last year State Senator Frank J. Guarini Jr. started a program of obtaining booklets of interest from the New Jersey State Department of Health and other offices.

"Movies and programs on the possibility of our low income tenants taking a giant step toward private home ownership is also planned," said Vuocolo, "as this is our goal for all our families."

Vignone said the 70's should be of interest to our families as we plan further programming which will add to their economic enrichment through our work with the federal job developer in the area plus the Urban League Skills Bank Manpower Development Training Administration under the direction of Frank Cioffi, an affiliated agency. We also hope to have prenatal clinics established in our developments and are planning for community kitchens which will bring low cost meals to our needy and worthy low income senior citizens. We also hope to have a closer tie with a credit unit operation to instill programs of saving and financial programs for our tenants.

In conclusion, Vignone said, "Public housing is intended to be a steppingstone for low-income families and with continuing and expanding interest of public agencies including those in the private variety, public housing will truly reach its goal."

AN ADDICT'S PLEA: A VIABLE APPROACH

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. STEIGER of Arizona. Mr. Speaker, entirely too many youths of the United States suffer from a terrible affliction: they are addicts—misusers of pills, narcotics, LSD, and such. For a multitude of reasons they ignored various warnings on the dangers involved and succumbed to the lure of taking these materials.

Drug abuse was once thought to be almost exclusively done by those of the inner city. To some extent this complacency has contributed to the problem's growth and now few areas of society

can say, "It cannot happen here." It is occurring everywhere, among all segments of the population.

This point was made emphatic to me when a friend's daughter, an honor student at college, was arrested. As her letter shows, she is an addict.

TEMPE, ARIZ.,
March 6, 1970.

EDITOR,
The Arizona Republic,
Phoenix, Ariz.

DEAR SIR: For the past three weeks or so you have finally had some very intelligent and *true* articles on drugs and their abuse in the valley. It is way past it's time—and yet there is still so much to learn that the average person doesn't know or even realize.

I know—because I'm an addict or junkie, whichever. I've been taking drugs for five years—pills (amphetamines and barbiturates), marijuana, LSD, methadrine, experiments in which I had no idea what I was taking, and finally to heroin for the last year. I was arrested recently and possibly am facing five years or more in the state prison. (By the way I'm only a 22 year old girl). Is it worth it? Most definitely no. Not only because of prison but for myself. I ask myself each day if being an addict for the rest of my life is what I want to look forward to—oh my God—how could it be."

I'm paying for *my* mistakes now. I've broken by parents hearts, I may go to jail, and I have a monkey on my back that will not let go very easily at all. If I never take another bit of heroin in my life I will still be a junkie because when I do take that first one it will start all over again. It isn't quite that easy to stop. It takes time, patience, strong will, and God.

Whether people want to face it or not Arizona is probably second or third in the U.S. for the amount of drugs. And it is about time someone in this state did something about this problem. CODAC has finally emerged—but it needs the help and support of the people in this community to realize what a crucial point drug abuse is today.

I am in a rehabilitation program at St. Lukes. For me and many like me it has been a life-saver. Unfortunately people have only condemned the program for giving outpatient therapy with the use of methadone tablets, a truly miracle drug. People have made such an uproar about giving addicts drugs to use on their own. (You must realize that this drug not only kills pain of withdrawal without a high, but also stops the physical and mental craving for heroin when used sensibly.) Sure, some of the tablets have been found on people who were busted. Not all the people on the program are going to be honest—But that's true of anything.

The main point is that some people are realizing that drug addiction is a sickness like alcoholism—and these people need help. Some doctors, lawyers and those of CODAC are trying to help—but we have to reach the judges, police and the people. When they finally see that if you send an addict to prison you're sending him right back down—to a junkie. There is more heroin and an easier accessibility to it in prison than on the street. And prison is the best school in the world for a criminal. An addict is basically not a criminal but forced there by his addiction.

"Help." cries a junkie. His heart is that cry—only who can help? *You* can help. But only when you understand the problem and realize most addicts (not hard-core pushers) are *humans*. Not Animals!

Please support CODAC, and the hospitals and people who understand and know that are trying to help.

I would sincerely like to sign my name, but the reasons are very obvious why I can't. It's very sad that we people can't be a little more understood and free.

Very sincerely yours,

AN ADDICT.

The CODAC mentioned refers to the Community Organization for Drug Abuse Control—1807 North Central Avenue, Phoenix, Ariz. Recognizing the needs in Arizona for a major effort to curtail drug abuse and rehabilitate to the extent possible those who were addicts, representatives from various government and nonprofit agencies and groups gathered together to form CODAC.

The inclusive, wide-ranging nature of this program deserves to be followed throughout the country. It is truly a prototype of the kinds of efforts needed to solve this problem. Arizona is taking the necessary steps in this regard.

In June of 1969 the Drug Abuse Committee of the Maricopa County Medical Society issued a statement that the drug abuse problem among Phoenix area young people had reached epidemic proportions.

Studies made during the past year have shown that an increasing number of young people are experimenting with drugs and an increasing number are becoming addicted to opiates. Figures from these studies show up to 50 percent of our high school age youths experimenting with drugs. And hospitals report a growing number of addicts are coming to them for help.

An indication of the scope of the problem is gained by looking at the record of a typical month's drug activity recorded by the Phoenix Police Department. During the month of September 1969, they confiscated the following: 113 pounds of marihuana; 21 growing marihuana plants; 10 ounces, 2 grams heroine; 7 ounces, 5 grams speed; 164 tablets LSD; 1,255 tablets Benzedrine; 11 ounces peyote; 123 tablets Seconal; 178 tablets other miscellaneous dangerous drugs.

In addition, they participated with the Federal Bureau of Narcotics in the confiscation of 92 kilos of marihuana and 14,000 tablets of LSD.

There are many needs that must be met in our community if we are to effectively combat the abuse of drugs. These needs can be grouped as follows:

First. The need for community involvement and support if programs to combat drug abuse are to be successful.

Second. The need for educational and referral resources.

Third. The need for the establishment of priorities in the development of drug abuse programs.

Fourth. The need for eliminating the fragmentation and duplication of existing programs by a variety of agencies and groups in Maricopa County and the State of Arizona.

Fifth. The need for rehabilitation resources for drug users in Maricopa County, an area which has become even further depleted since the community mental health center had to severely decrease its staff.

In order to combat the abuse of drugs in our community and provide help for those drug-involved individuals desiring it, the Community Organization for Drug Abuse Control, Inc.—CODAC—was formed. CODAC is a compilation of representatives from various governmental and nonprofit agencies and groups working in the area of drug abuse in Maricopa County and the State of Arizona. It functions as an umbrella agency for coordinating the efforts in the area of drug abuse control, and through its affiliated agencies, intends to establish a total program of drug abuse control for Maricopa County and eventually the State of Arizona.

The objectives of CODAC are:

First. To eliminate duplication of efforts in the drug abuse area through coordination of existing and potential programs.

Second. To establish priorities in the following areas and assure that these priorities are met: Education and prevention, treatment and rehabilitation, and training and research.

Third. To stimulate community support for programs to combat drug abuse.

In order to meet our objectives, the following methods will be utilized:

First. CODAC will hold regularly scheduled meetings and mail newsletters to all interested persons with the goal of eliminating duplication and fragmentation of efforts.

Second. Priorities have already been established in the aforementioned areas of education and prevention, treatment and rehabilitation, training and research, and are as follows: They are not arranged in order of importance; rather it is felt that these are priorities which must all be met if we are to effectively combat our problem.

Education and prevention: classroom programs, community-oriented sessions in local areas, seminars for administrators and educators, inservice faculty training courses, professional panels, and dissemination of educational materials.

Treatment and rehabilitation: contact referral centers for young drug users—both actual and potential addicts, detoxification facilities in conjunction with local hospitals, halfway houses for rehabilitation of drug addicts, long-term rehabilitation center for reconstructing individuals whose lives have been deeply disturbed by drug usage, outpatient groups for various kinds of drug-involved individuals, and parent anonymous groups for parents of drug-involved children.

This is, obviously, the most expensive phase of our program and will call for a great deal of financial and planning assistance from Federal, State, and local officials.

Training and research: Training of professional and paraprofessional staffs for treatment and rehabilitation centers, and drug abuse library and information system—computerized retrieval.

An in-depth series was recently run by the Phoenix Gazette on drug abuse and CODAC. I am including it at the end of my remarks in the hope that others will find the information helpful.

The series referred to, follows:

DRUG ABUSE AMONG YOUTHS HERE REACHES "FRIGHTENING PROPORTIONS"

(By Carol Schatt)

A Valley psychologist who has found a rather sudden increase of drug addicts among his patients says of the drug scene in Phoenix:

"Well, it's a disaster."

"It's a phenomenon that has reached such frightening proportions in the last 2½ years," the psychologist said. "Three to five years ago, we didn't have a problem. Today it has devastated homes and lives."

One year ago, a survey of Valley high school students indicated that 30 per cent of Phoenix teen-agers had tried or were using marijuana or drugs.

Today, close observers as well as members of the drug subculture itself say that figure has reached 50 per cent. The percentage of addicts is estimated at 15–20 per cent. And, they add, almost any kind of drug—marijuana, heroin, speed, STP, barbiturates, cocaine, LSD, you-name-it—is readily and easily available.

Even to grade school kids.

Probably first to take note of the leaping incidence of illegal use of drugs were the Phoenix Police Department and state narcotics officials, and the courts.

Law enforcement and court action seemed no more able to control the increase than a twig can stop water gushing from a broken reservoir.

Other organizations developed separate programs to help curb drug abuse. Among them was Dope Stop, designed to offer help to drug abusers, provide answers about drugs and dope, and put the finger on pushers. Dope Stop, the first more-or-less community effort, has since moved into an emphasis on educating high school and grade school students about drug abuse.

Members of the Maricopa County Medical Society's Committee on Drug Abuse recognized, however, the need for a central body to coordinate programs and eliminate duplication of efforts.

Hence in June 1969 the Community Organization for Drug Abuse Control (CODAC) was incorporated to coordinate the efforts of 30 organizations—governmental, professional and business—concerned in the drug war.

Since that time the list of member organizations has grown, and CODAC officials welcome participation by an interested group.

CODAC, at 1807 N. Central, Suite 114, is squaring off against a strong opponent: Drug abuse: Members of the drug subculture are no longer only the poorer area, substandard elements of society. A substantial portion—some say the majority—are the children of affluence.

"They're in the suburbs and Paradise Valley," said one member of the drug subculture. "They have money, cars. They have better education, better clothes, they have better everything and everything isn't where it's at.

"It's not an escape," he said. "They aren't really escaping anything because they have everything. They're looking for something else."

CODAC has no precedent in battle plans to follow. U.S. cities and towns—in fact the very web of American society—have never faced so fearfully and desperately what their children embrace so readily.

BIG ORGANIZED FORCE OFFERS HOPE, HELP TO DRUG ADDICT

(By Carol Schatt)

In the face of a mushrooming dilemma of drug abuse, more than 30 organizations have linked arms to confront the situation with all available resources.

Their coordinating creation, Community Organization for Drug Abuse Control (CODAC), at 1807 N. Central, Suite 114, ties together facilities, funds, manpower and concern of government, businesses and professional groups.

"CODAC is working to wipe out the problems of drug abuse," said Don Jackson, executive director.

Dr. Eugene C. Ryan, one of CODAC's guiding lights and first president of its executive board, explained its four-pronged aims:

Education and prevention.

Treatment and rehabilitation.

Training and research.

Coordination of efforts by various organizations.

Dope Stop, initiated last year by the Maricopa County Mental Health Association, is a preventative education arm of CODAC and utilizes high school volunteers.

"Our chief emphasis is on teen involvement," said Dope Stop voluntary director John French, "in a program aimed at involving high school students to educate grade school students."

Response has been excellent, with more than 1,000 high schoolers now working in the program, he said.

The high school, volunteer "counselors"—non-users of drugs themselves—visit an assigned grade school classroom once a month, discussing sniffing glue and marijuana, in particular, and the pros and cons of taking drugs.

The program emphasizes honesty. If the high school student can't answer a question from his own monthly training sessions (and they're finding the fifth- through eighth graders knowledgeable and sophisticated about drugs), he says so and returns with the answer next session.

"The subtle value of the program," French said, "is to give an image. The grade school kids are realizing that everybody up in high school isn't smoking pot."

"Our sole purpose is educational and aimed at the non-user . . . We present all the facts, ask the children to weigh them and make a decision whether or not to use drugs.

"Not making a decision beforehand is almost a decision to use drugs. When they are faced with the temptation—when they are with friends smoking marijuana, for instance—they will likely make the decision to use drugs."

Dope Stop personnel also coordinate a CODAC speaker's bureau which provides education for the public in the forms of community-oriented sessions, seminars for administrators and educators, in-service faculty training courses, professional panels and dissemination of educational materials.

Another educational arm of CODAC is the Arizona Alcoholic and Narcotic Educational Association.

The second and most expensive thrust of CODAC involves treatment and rehabilitation through five types of facilities.

Contact referral centers, such as Terros House on First Street, where drug users having a bad trip or seeking help may phone 253–3118 anytime.

At Terros, manned by former drug users and an adult supervisor, long-haired counselors "talk down" the drug abuser from a bad trip or arrange emergency medical treatment for him.

Valley hospitals have offered beds for those emergency drug cases. They charge only as much as the patient can pay. Good Samaritan Hospital, the first to cooperate, has spent several thousand dollars of special funds for this purpose.

Terros has been credited with saving 40 lives last fall, and takes about 1,000 phone calls a month.

Detoxification facilities will be provided by hospitals, offering a drug addict the medical care to get his system cleaned out.

Halfway houses where a drug addict can pick himself up in a protected environment.

Two have already been established, both near hospitals. They offer the drug addict an environment out of the drug culture while providing job training through the State Department of Vocation and Rehabilitation.

Psychological counseling and group therapy during an addict's stay at the halfway house help him adjust to life and resolve the psychological problems of dependency on drugs.

One halfway house is being used for narcotic addicts. The second, established only last week, is for pill users (speed freaks, etc.).

A longterm rehabilitation center for reconstructing individuals whose lives have been deeply disturbed by drug usage CODAC is trying to establish such a facility for 1–2 year patients in an isolated area such as the desert or mountain country.

Outpatient groups for various drug-involved individuals as a follow-up to other treatment.

Thus, a drug user conceivably might experience a "bad trip," call Terros and be referred to a hospital for emergency treatment and detoxification, spend a year or two at the longterm rehabilitation center undergoing psychological readjustment, return to a halfway house for a few months as a buffer between himself and society, and get vocational training, and then emerge at last—ready to rejoin society as a self-strong member without the crutch of drugs.

The third thrust of CODAC is the training of personnel to staff the many facilities and do research in drugs. Many physicians today find their medical training outdated and that "the kids know more about drugs" than they.

Putting all this together is a board of directors (about 25 members), helped by a large advisory board and under an executive board of officers.

Up to this point CODAC has been funded strictly from private organizational contributions. Jackson said expenditures have been under $20,000.

CODAC PULLS TOGETHER LOOSE ENDS IN GROWING BATTLE ON DRUG ADDICTS

(By Carol Schatt)

Programs have sprung up all around the country groping their way toward effective control of the misuse of drugs.

Phoenix' program is Community Organization for Drug Abuse Control (CODAC), at 1807 N. Central, Suite 114. It appears to have struck a responsive chord with the community.

"There are lots of programs in the country," said Dr. Eugene Ryan, who served as CODAC's first executive board president. "The thing that amazes them all—in Washington and elsewhere—is the cooperation and coordination CODAC is getting from all groups involved."

Those cooperating in CODAC range from government on all levels to business organizations to professional associations to individuals in the community and members of the drug culture itself. Persons representing those facets of the community serve on CODAC's board of directors and advisory board.

Among groups offering the most cooperation, said Don Jackson, executive director of CODAC, is the Phoenix Police Department.

"I feel sure that CODAC has done two things in the community," said Lt. Hugh Ennis, of the department's bureau of special investigations. "They've helped focus citizen interest and support on the drug problem. And through the work at Terros House, they've saved some lives that wouldn't have been saved otherwise."

Terros House is a facility run by long-haired exdopers who receive calls from persons seeking emergency medical help from a "bad trip." Terros gets about 1,000 calls a month, and its staffers are often instrumental in helping a youngster get off drugs.

Terros, known widely in the dope subculture by word of mouth, advertises "no

heat," meaning a youngster in trouble with drugs can get help there without fear of arrest or being turned over to the authorities.

"The police department doesn't ask Terros for any information," Lt. Ennis said, "and Terros doesn't volunteer any."

"Terros is not privileged," he emphasized. The police insist that no drugs can be kept there or used there except under a doctor's administration.

"Everybody wants to help solve the drug problem," Ennis said. "But they're going in different directions. CODAC is pulling them together."

Before CODAC and the Dope Stop educational program in the schools, said Capt. Ralph Milstead, director of training for the department was carrying the load by itself as far as education is concerned."

Previously, police were not only busy with law enforcement of drug abuse, but were doing the only educating against drug abuse.

Sister Francesca Fischer, S. M., administrator of the Narcotic Addict Rehabilitation Act program and assistant administrator of the mental health program at St. Joseph's Hospital and Medical Center, pointed to shifts in the history of drug abuse. The first pattern of drug abuse, she said, was use of marijuana leading to addiction to heroin or new morphine. Now, she said, drug users play with a whole range of drugs, particularly amphetamines, barbiturates and the like.

Nara, one portion of St. Joseph's outpatient mental health program and one arm of the CODAC effort, is a pilot program created by the federal government in 1966 and implemented in 1968. It involves initial evaluation and examination of an addict, followed by hospital treatment at federal facilities in Lexington, Ky., or Ft. Worth, Tex., after which NARA patients are returned to Phoenix for after-care.

NARA, a 36-month program for the ex-addict, has handled 50 to 60 patients, Sister Francesca said, and has met with 30 to 40 per cent success in rehabilitation and cure.

At the turn of the century, she said, middle-class whites were getting hooked on drugs, i.e., through prescriptions and pills. It was later that the heroin problem developed in ghetto areas, "and we weren't too concerned," she said.

Now, however, the hard-drug problem is shifting back to middle-class, white areas while hard drugs are fading in the ghettos and a serious war against abuse begins, she noted.

In fulfilling his campaign promise, Mayor John Driggs said plans are under way to link the City of Phoenix more closely to the CODAC campaign.

"We were working even before the administration took over with many discussions with CODAC officials laying the ground work for action by this city council to implement an expanded drug abuse campaign," Driggs said.

"We have great hope that the efforts of CODAC can be expanded through increased participation by the City of Phoenix," he said.

A state legislator and member of the board of directors pointed to the combination of government and private citizens as the key to success in CODAC's drive.

"I think for the first time we have a blend of government and civic cooperation," said Rep. Timothy Barrow, R-Maricopa "Alone neither could do it sufficiently effectively because there's a good deal of suspicion of government in this area and the public doesn't have the funds."

The campaign against drug abuse is not only that of the "establishment." Twenty-one-year-old Tim Walters, spokesman for Terros House, said, "The whole answer to getting people off drugs is the peer group."

"It's not so much the drugs, it's the subculture," he said. "Young people can wind up in the drug scene for several reasons among them a sense of alienation from parents and closer identification with friends."

They're not in drugs to make money. Lots of kids buy some and sell enough to supply their own stash. They don't sell enough to make money," Walters said, and if they have any extra they might treat a friend.

Young persons are expected, he said, to study 1 to 18 years, to listen, to live in the often-easy environment provided by parents, to strive for goals that are those of their parents but which may not interest them. In such an atmosphere of waiting and preparation, those of the "do it now" generation feel they're parked, worthless, on a shelf.

"It's necessary for the people to feel they are somebody," Walters said.

DRUG CONTROL HERE SEEN IN 5 YEARS WITH ALL-OUT EFFORT

(By Carol Schatt)

"The effort to control drugs is just getting started in Phoenix," said Don Jackson, executive director of Community Organization for Drug Abuse Control (CODAC), at 1807 N. Central, Suite 114.

For the drug abuser or addict, CODAC hopes to offer full treatment and rehabilitation services, including:

Contact referral houses such as Terros House, where persons in trouble with drugs can come for help.

Emergency medical treatment and hospitalization.

Out-patient clinics for therapy and counseling.

Halfway houses where ex-addicts can live and help each other kick the habit.

Long-term rehabilitation center operated by professional medical personnel and ex-addicts to provide a proper environment for one- to two-year stays during which time an addict can be helped in reconstructing his personality.

Such facilities are expensive, Jackson said. CODAC hopes to establish two or three referral centers, seven or eight halfway houses and one long-term rehabilitation center.

Terros is one contact house operating and there are now two halfway houses, but doctors and hospitals find their hands tied by the lack of any rehabilitation facilities.

"Once they hit the street they go back to drugs," said one doctor. "There is no intensive follow-through to a cure."

Jackson said CODAC has spent $18,000 since its inception in June 1969 in getting Terros and the halfway houses—and CODAC general organization—under way.

"The expensive part is in the organizational phase, getting things operating," he said. "Maintaining the program doesn't cost nearly so much."

The $18,000 came from private donations by firms, associations and clubs, he said.

"Now we're looking for future funding in the hundreds of thousands of dollars."

They will come from the city, county and state and will be used as matching funds to bring in federal dollars, he said. And interest on all levels of government promises enough inducement to get those federal grants.

"In addition to seeking government funds, we're looking for local support and contributions from individual citizens and organizations," Jackson said.

CODAC's tentative budget is in the half-million dollar bracket, with the bulk provided through federal monies.

Federal grants, however, are diminishing; the government decreases such grants gradually over a period such as five years.

Where will CODAC get its funds when it has exhausted its federal checkbook?

"By that time we feel the community could and should support the program," Jackson said. "We'll have a program they can support. And if the community doesn't feel it is good enough or important enough, then the program probably is not worth having."

Among civic groups helping CODAC this year are Valley Kiwanis clubs. Kiwanis International has declared its main project for the year to be Operation Drug Alert, said Russell Williams.

"Locally," Williams said, "this means that each club will be spending time and money on educating parents as well as kids . . . What most clubs will be doing besides raising funds and contributing to CODAC is working through high school Key clubs."

Williams, area coordinator for Kiwanis' anti-drug program, said the 20 Maricopa County clubs will probably contribute $20,000 or more "to be spent one way or another" in the drug war.

"It was no selling effort at the clubs to get their support," he said. "The most difficult thing is to figure out how everyone can put their shoulder to the problem."

What about the future of CODAC and the drug problem?

"Unless an all-out effort is done now, I don't see any end to the drug problem in the foreseeable future," said Dr. Eugene Ryan. "By 'foreseeable future' I mean 5 to 10 years.

"However with the momentum gained by CODAC in the past six months and with the continued and increasing community support, I honestly believe we can control the drug problem in our community within five years.

"Hopefully, during this five-year period we will have action going in all directions, and, particularly, promote stringent action in regard to the pushers.

"We have to get legislative and judicial action to deal with these people."

"Now that we're getting recognized with more and more groups participating, we probably will be able to go to the legislature and also the judicial branches and get that across," Williams said.

Meanwhile, many observers see CODAC's greatest contribution as preventive education.

Parents of youngsters involved in drugs or those who want to know about drugs and communicate with their children are being invited to "parents anonymous" discussion groups now being formed. Interested parents may telephone CODAC at 252-7655.

BYELORUSSIAN INDEPENDENCE DAY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. DINGELL. Mr. Speaker, the gifted and gallant people of Byelorussia have shared the misfortunes of all other peoples of Eastern Europe. Being relatively less numerous—about 10 million—than their powerful neighbors, Byelorussians have been subjected to the oppressive rule of Russia's czarist autocracy and Communist tyranny. As a matter of fact their modern history is almost totally overshadowed by Russian history, because during nearly all that time their country—east of Poland and west of Moscow—was part of Russia's czarist empire. Thus for centuries Byelorussians suffered under the heavy Russian yoke. On their part the Russians did their best to assimilate these people by eradicating all Byelorussian national traits. But these sturdy descendants of their stouthearted forebears, always aware that they have

had a longer history as a nation than the Russians themselves, were never willing to forgo and forget their distinct identity, were never reconciled with their lot under the Russian czars, and have always yearned for their freedom and independence. The opportunity for the attainment of their goal came in 1918.

The Russian Revolution of 1917 overthrew the decrepit and detested czarist autocracy in Russia, and freed, for the time, all subject peoples in the Russian empire. Freedom reigned from the Baltics to the Caucasus, and many national groups asserted their freedom by proclaiming their national independence. The Byelorussians did this on March 25, 1918, and established the Byelorussian National Republic. In a joyful and optimistic mood, it was then hoped that these ruthlessly oppressed people, having thus attained their independence in their historic homeland, would be allowed to enjoy their freedom in peace. Unfortunately that was not to be; they were destined to enjoy peace and freedom for only a short time, and then suffer even more under Soviet totalitarianism.

Early in 1921 aggressive Soviet forces attacked and overran Byelorussia, thus putting an end to the Byelorussian National Republic. Since then, for nearly 50 years, their homeland has become one of the constituent republics of the Soviet Union, and unhappy Byelorussians are unwilling toilers there, working largely for the benefit of the Russian rulers. These gallant people, however, have not given up their hope for their freedom, and even under the tyranny of communism they continue their struggle for liberty. It is my ardent wish to see the day when these fighters are freed from Communist totalitarian tyranny and enjoy the blessings of democracy in their own homeland.

DENIAL OF JETS TO ISRAEL CONDEMNED

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. ROSENTHAL. Mr. Speaker, the Nixon administration's refusal to sell Israel Phantom jet fighters is no contribution to world peace.

Not only will it jeopardize the future military planning of Israel so essential to keeping militant Arab States at bay; but it will also fan the aspirations of Arab fanatics and encourage their aggressive acts which could lead to the outbreak of a full-scale war.

We all know what a serious threat such an event would pose to the prospects for world peace. In addition, the Nixon administration seems willing to gamble Israel's very existence on the remote chance that withholding the Phantoms will appease the Arabs' bellicose tendencies.

When Richard Nixon was running for President, he urged the maintenance of Israel's overwhelming air superiority over the Arabs. Yet at a press conference 5 days ago, the President declared:

What we must understand in the Middle East is that when one side gets an enormous advantage over another, or a significant advantage, the danger of war coming escalates.

Not only has the President appeared to discard the concept that Israel's overwhelming military superiority is essential to prevent the eruption of full-scale hostilities; he also has suddenly coupled the Arab militants and the Israelis in the same breath when it comes to lust for revenge, desire for territorial expansion, and disdain for a negotiated settlement.

To make things worse, at the very time Washington was disclosing intentions to withhold weaponry from Israel, the Russians were busily sending military personnel and new sophisticated rockets into the United Arab Republic.

The President should show by actions and not words that our commitment to help preserve the sovereignty of Israel remains intact. Let him reverse his refusal to supply the Phantoms and thereby fulfill one of the promises on which he campaigned for the Presidency.

WALK FOR MANKIND

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. BOB WILSON. Mr. Speaker, in our world today, we hear a great deal of talk, but not much action, about aiding the poor, the sick, and the downtrodden. I would like to pay tribute to a group of unselfish individuals who have put their words into action through dedicated service to their fellow men.

Project Concern is a San Diego-based, nonprofit organization which is providing desperately needed medical care in Mexico, Appalachia, Hong Kong, and South Vietnam. There is a pressing need for additional funds to enable Project Concern to continue and expand its humanitarian work, for Project Concern is completely dependent on public contributions for its support.

One of the most worthwhile and innovative fundraising projects initiated by Project Concern is their "walk for mankind." Through these "walks," young and old, rich and poor, are able to make a meaningful and personal contribution to serving others and I wholeheartedly endorse the unselfishness and devotion of the thousands of men and women who have participated in these "walks." I would like to share with my House colleagues the details of these "walks" which benefit this very deserving cause.

WALK FOR MANKIND

WHAT IS IT?

Walk for Mankind is Project Concern's newest national plan for involving schools, organizations and communities in a rewarding fund-raising effort to help the helpless—the sick of all ages who desperately need medical aid, food and basic sanitation. Operating without government subsidy and entirely dependent on public contributions, Dr. Jim Turpin has taken his organization, Project Concern, into neglected areas to help where the need is greatest. Funds to operate are needed. *Walk for Mankind* is an easy fund-raising project designed for Project Concern Committees, Jaycees, Women's Clubs, churches, schools and other organizations. Essentially, the project is a fun hike through the most interesting sections of your hometown!

CHALLENGE TO YOUTH

Walk for Mankind offers an exciting, challenging activity for the young people of your community. The Walk is primarily for them. It gives high school and college students a chance to become concerned about the less fortunate—a chance to protest against misery and sickness. There will be some hardy adults too, but most of the Walkers will be teenage students. Bands and banners, "way-out" costumes, free food and drink—all these make the Walk a great outing and colorful affair.

Here's the simple procedure. Each Walker is preregistered (usually at his school), given a Project Concern brochure or a locally developed flyer with information about Project Concern's intenational medical relief work, as well as instructions for the Walk, and Sponsor sheets. He then rounds up as many Sponsors as possible—family, friends, businesses, and others. He negotiates with each Sponsor for a certain sum per each mile walked. Naturally the higher the amount the better! Perhaps the Sponsor agrees to pay 10 cents—or maybe $10.00—for every mile completed of the established Route and verified by Walk Marshals at each checkpoint. After the Walk, each Walker is responsible for returning to all of his Sponsors, collecting the amount due, and depositing the total at a specific Bank or local *Walk for Mankind* office. Tax deductible receipts are given Sponsors upon request.

WHY WALK?

More than 200,000 ill—and often starving—children and adults will be helped through Project Concern this year in its six clinics and two rural hospitals in Hong Kong, South Vietnam, Mexico, and Appalachia, U.S.A. Dr. Turpin and 147 volunteer doctors, nurses, technicians and other staff work in physically depressed areas where the need is acute. Along with medical and dental aid, feeding programs provide children with soup or milk and vitamin-packed wafers ward off malnutrition.

A village self-help program in Tuyen Duc Province of South Vietnam trains local young men and women to give basic medical aid in their own villages.

Dr. Turpin's organization is made possible by the interest and good will of private citizens who care enough to send contributions personally or to help stage a fund-raising event. *Walk for Mankind* is an opportunity for those concerned about humanity.

HEADQUARTERS' ASSISTANCE

Walk for Mankind materials will be sent without cost to organizations planning a Walk. A *Walk for Mankind* manual with instructions, information kits for workers, publicity kits, Project Concern brochures and "Walk for Mankind" buttons will be provided by Project Concern. Other promotional materials such as posters, and a local flyer with Walk route, Sponsor sheet, et cetera, may be developed by the sponsoring group.

Responsible officers of interested organizations may write for free materials to the nearest office:

Project Concern International Headquarters, P.O. Box 2468, San Diego, Calif. 92112.

Project Concern Development Office, Stone-Brandel Center, 1439 So. Michigan Avenue, Chicago, Ill. 60605.

Project Concern Regional Office, 44 Linwood Ave., Ardmore, Pa. 19003.

Walk for Mankind, Santa Rosa, California, was the first American city to hold a Project Concern "Walk." Saturday, September 6, about 500 Santa Rosans led by Dr. Jim Turpin, public officials, and inspired by

Sparky Schulz's "Peanuts" character, hiked over a 21 mile route in the picturesque Valley of the Moon area and earned $12,000.

SEADROME

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. PUCINSKI. Mr. Speaker, with the ushering in of the 1970's, we truly find ourselves in a space age. Man's endless quest to reach the heavens has been partly satisfied with our conquering of the moon, reminding us of those immortal words of Robert Browning:

> Ah, but a man's reach should exceed
> his grasp,
> Or what's a heaven for?

But back down on earth, man's immediate quest is to reach his destination faster and in the shortest period of time, which is by air. With more people traveling by air than ever before and with airplanes getting bigger, such as the newly unveiled Boeing 747 and a supersonic transport in the planning stage, our airports are congested and many are too out of date to accommodate more people and bigger airplanes.

It is obvious that we need larger and more modern airports, but this is a very expensive undertaking when we consider the cost of land, construction, noise, transportation and other related factors. One proposal that I consider highly feasible is to build new airports on water.

Mr. A. J. Harris, senior partner of the London consulting engineers firm of Harris & Sutherland, has outlined design considerations for a seadrome, an offshore floating airport, which would alleviate many of the problems of building an airport on land.

The article written by Mr. Harris is pellucid and his design outline for a seadrome seems most practicable for future new city airport locations. His ideas should be given the most serious consideration, and I highly recommend them to my colleagues.

Mr. Speaker, the article follows:

SEADROME

(By A. J. Harris)

Of the earth's surface, 73% is water. Many of the great cities are near the edge of open water.

As available space inland grows both expensive and remote, and as take-off and landing over houses becomes more and more objectionable, cities turn their eyes seaward and speculate whether they cannot find there the space they need for their airports. Already a number of airports have extended marginally over the sea on filling or piles—Hong Kong, Kingston Jamaica, La Guardia New York, Nice. What about taking the plunge and putting the airport afloat?

The idea is not new—ideas rarely are. The navies of both Britain and the USA tried it out in World War II, using various shapes of steel pontoon hinged together. Then there was the famous Habbakuk scheme for a floating staging post in mid-Atlantic, to be built of 'Pykrete', a mixture of water and sawdust frozen to form a sort of durable iceberg. But wars come to an end and civilian needs are different; it is only recently that the expansion of air transport has reopened the question.

That such a proposal has its problems needs little emphasis. Water is not for walking on—at least, not in the common run of affairs. On ordinary earth, we need a foot or so of concrete to spread the load of an aircraft; when the sustaining power is so much less, how much more structure shall we then need! Furthermore, it must be made to float. Whatever else happens to a floating airport, it may not sink. Seas can get rough; waves might break up the structure. Even if the structure resists, the waves might slosh over runways, rendering them unusable; the movement of the slab could be dangerous during landing and take-off.

Not all is loss, of course. Concrete as a material is always expanding and contracting slightly under the influences of temperature, moisture, loading and age; contraction predominates. When laid on the ground, these movements are restricted by friction between ground and concrete; either the concrete cannot expand and it buckles and bursts, or it cannot contract and thus crack and breaks into pieces.

These dangers are countered by splitting up a runway into a patchwork of small squares, with gaps between them filled by something black and sticky. The gaps are expensive to construct and require continual maintenance; a runway cut up in this manner is very much less strong than it would be if made of one piece. But a slab resting on water suffers no such restraint. It is completely free to expand and contract and the size of a single piece is in consequence not limited.

Again, while water is weaker than earth, its characteristics are at least the same everywhere and need no exploration to determine them—and there are no soft spots. Finally, water lies flat. Those extensive earth moving operations demanded at many airports to move hills and fill hollows have no parallel here.

TWO IDEAS

Our proposal incorporates two technical ideas:

The ability to form a floating slab of indefinite extent from separate elements precast on shore by prestressing them together, and

The ability to shelter the runway so formed from rough seas by a floating breakwater.

Let us take the runway first.

We all know how a shelf load of books can be picked up as a single unit after pressing in with a hand at each end. This is essentially prestressing—the inward push of the hands is a prestressing force holding the books together, and while the force is applied they act as a beam.

Imagine, then, that buoyant hollow slabs of concrete 100 ft. square are cast on shore. Ten of them are placed end to end, and high strength wires are fed through the whole length, tensioned up and anchored; we now have a strip 1000 ft. by 100 ft. held together as were the books. In practice, very high forces can be so applied, and the permanent compression created gives very high strength to the assembly.

A number of these strips may then be placed side by side, and again wires are passed through transverse holes, tensioned and anchored. We now have a large extent of concrete stressed together in two directions, made up from a number of identical square slabs. In fact, it is often inconvenient to have very long wires. The same effect is therefore obtained by shorter wires anchored at intermediary points with further lengths, overlapping with them or spliced to them, stressed in their turn. There is no limit to the size of floating slab that can be built up in this way.

The slabs themselves are rather like egg boxes made of concrete, with a top slab, a bottom slab and concrete partitions running in two directions parallel to the sides. Such a box will clearly float provided that water is kept out of the voids.

Now, properly made concrete is a watertight material for all practical purposes. Yet it is essential to ensure that the runway continues to float under any circumstances and after no matter what lapse of time. Even a remote possibility of slow seepage into the voids must be guarded against. Accordingly, they are filled with expanded polystyrene, a very light foamed material comprising a vast number of very tiny closed cells of plastic which permanently exclude water. This material has a further advantage: it can be fabricated beforehand to the exact shape of the void, and used as formwork for the concrete.

The capacity of a runway formed of such slabs to carry load can be predicted wfth some precision. In contrast, the support given to a slab on dry land by the ground beneath it is always a matter of doubt; the way ground deflects under load can vary enormously, and with any given ground the assumption that deflection is proportional to load is true only for very small deflections. With water we profit from one of the earliest of scientific observations, that of Archimedes, to the effect that the upthrust on a floating body is equal to the weight of water displaced. This is rigorously exact, whatever the depth of immersion, and provides the basis for a confident analysis of stress.

The behaviour of a prestressed assembly is of interest.

At a value of load where the tension caused by the load is greater than the compression caused by the wires, cracks will open at the bottom of the joints. Under bigger loads than this, deflections will increase rapidly; very large deflections will be needed to cause permanent damage to the slab. Removal of loads will result in cracks closing up and the structure returning to its original condition.

The slab is, in fact, calculated not to crack under any foreseeable combination of load and temperature difference, and its large deflection before rupture provides an attractive fail-safe feature.

The various techniques employed in this structure are familiar and well-tried; their use in harbour works has been common for the last 30 years. Only the application is novel.

THE BREAKWATER

In many places, sheltered water is available. It will consequently be enough to build the runways with no supplementary protection. A monolithic slab 15,000 ft.×1,000 ft. is a very stable object; it will also by definition be very strong, since it must support aircraft weighing, say, 1,000,000 lb. Quite minor expedients such as thickening the slab towards its edges, or adding a wave wall, will enable the runway to operate in moderate exposure such as exists at a large number of offshore sites.

But there will always be cities whose only airport site is the open sea, where the incident wave height must be reduced. Unless it is, storms may cause damage or—in less extreme weather—salt water flooding over the surface may make the runway unusable.

Floating breakwaters have a long history. I was engaged on them on the coast of France during the 1939–45 War, and witnessed both the brief success and final failure of our biggest attempt—it failed because the moorings broke. Most schemes have hitherto run into this difficulty because they sought to offer a vertical barrier to a wave.

Now if one is faced with a roaring drunken bully (a reasonable simile for a rough sea), one may punch him on the nose, though to

do so requires careful calculation of the consequences. On the other hand, one may with advantage trip him up. The floating breakwater proposed here acts by tripping up the waves; instead of a vertical barrier, we have a horizontal barrier on which the waves break as if on a beach and spend themselves.

There is no sudden violence; the dissipation of energy is progressive along the breakwater, and mooring forces are small.

The performance of such a breakwater has a number of peculiarities. In the first place, the broader it is in the direction of the wave, the more effective; if it were very narrow, it would just ride the waves like a cork. In general, it continues to be of significant effect against a wave whose length is about twice the width of the breakwater, when it halves the height of the waves. For shorter waves than this, the performance is progressively better, until with wavelengths of half the breakwater width, hardly any wave action penetrates at all. Width, thus seen to be closely related to effectiveness, is also closely related to cost.

Measurements of mooring forces and bending stresses show that they reach a peak value near this upper limit of effectiveness; with longer waves, they diminish substantially. An automatic fail-safe behaviour is thus built in that transforms design.

Let us examine this. With a classic rigid breakwater, we must make it capable of resisting the worst conceivable conditions with an adequate factor of safety; it provides either complete protection always, or it collapses. But complete protection may not be necessary. A storm water sewer system is a parallel case. Sewers capable of taking the worst conceivable storm are not worth the cost and complexity of building them. It is accepted that roads get flooded momentarily and at rare intervals—the water then flows away and roads and sewers are left as they were before.

So it is with the floating breakwater. Exceptional waves pass through it, but the breakwater remains intact. With a breakwater of given characteristics, the number of days every year during which the facility protected by it is unserviceable may be estimated, and the loss of production set against the economy in breakwater cost. Clearly, complete protection may be obtained if it is desired; but if it is not, then the savings can be substantial.

When the breakwater is used to protect a floating runway, the particular circumstances need appraisal. In one location, the worst sea state may occur during a hurricane, when aircraft will be grounded anyhow; in another, a heavy sea may be caused by a storm hundreds of miles away even though the local weather is fine. The capital feature is that there is flexibility in design; it is not an all-or-nothing situation.

This, then, is the second of the basic technical ideas seen as necessary to the floating runway concept. The first, prestressing, is part of the standard practice of civil engineering; the floating breakwater is novel. During its development, it has been tested very extensively in different tanks at about 1/100th scale (assuming full scale to be big enough for effectiveness in the open ocean), including tests in a model of an actual harbour installation. It has also been tested at about 1/10th scale in the large wave-tank at the UK National Physical Laboratory, and a trial section of breakwater for less exposed conditions (which may be considered as being about 1/8th scale relative to the open ocean) has been in position and functioning for more than 18 months.

These tests have provided information on wave attenuation (discriminating between reflection and dissipation), movement of breakwater, and mooring forces for both wind and paddle generated waves. During the larger tests, bending stresses have been measured. The tests at different scales and in different tanks show very good agreement.

FURTHER AIRPORT REQUIREMENTS

There is, naturally, more to an airport than a runway. Let us look at some of the other factors.

Drainage

In principle, this presents no great problem—a hole in the runway is enough. It is conceivable that a pattern of closely-spaced holes would succeed in stopping rainwater from lying on the runway, thus avoiding the risk of hydroplaning. Such a measure would be highly convenient, and may one day be adopted. For the moment, classic crossfalls have been incorporated in the runway proper, draining away to a line of holes on each side.

Services

For service runs, the whole of the underside of the slab is available. A 'way-out' solution would doubtless provide for a regular pattern of sockets in the bottom surface, to which cable racks could be fixed; access would be by frogmen through manholes regularly spaced in the slab, and the services would be led up through holes broken out as need be.

It is, however, not necessary to be condemned to work underwater. In the first scheme a regular pattern of ducts is cast-in, passing through every cell in two directions and connecting up with main service trunks; all services can thereby be installed in the dry.

Navigational aids

The only apparent problem is with Category 3 landing approaches, for which the ILS aerials must be very accurately located relative to the floating pavement. This is not easy. But there are several possible solutions and the problem is not seen as insurmountable.

Terminal buildings

The load imposed by one large aircraft is about equivalent to the load of a moderately light-weight, three story building of some 50 ft × 50 ft in plan. Thus the runway structure itself can support extensive terminal accommodation.

Naturally, the raft cannot be treated entirely as though it were terra firma. It carries aircraft only because it spreads their weight over a wide area; attention must therefore be paid not only to the weight of building, but to its extent as well. Many facilities—for example, those for aircraft maintenance—will require special treatment and would probably need founding on special buoyant caissons. Not all of this is wasted expenditure, however. The buoyancy chambers constitute a basement that can be put to a useful purpose, such as for stores and workshops.

Access

There is no general solution to the access problem—it depends on the site. All means are open, from the most classic (the piled viaduct) to the most modern (the Hovercraft), either individually or in combination. Large rise and fall of tide will usually be an embarrassment, since it necessitates a long articulated span somewhere to accommodate the change in level. But the difficulties are minor.

Moorings

The forces on the runway are caused primarily by the drag of wind and current. Their total can be very substantial. There are two basic approaches to resisting these forces. In the first, the runway is held by a multiplicity of flexible cables each ending in its own anchor, which may be either just an anchor or alternatively a pile driven in the sea bed, or a large mass such as a sand filled caisson. In the second approach, a few very large supports are provided, such as large concrete caissons prestressed into the sea bed and supporting the runway rigidly through sliding joints or rockers.

The choice of solution will largely be dictated by such considerations as the depth of water and the nature of the bed.

FUTURE DEVELOPMENTS

The present scheme has been designed to satisfy the requirements of ICAO Annexe 14, certain of whose provisions invite reappraisal if they are to be applied to floating runways.

Perhaps the most important is that for clear space at runway level. This has been taken as a requirement to permit aircraft to run off the runway without danger, and structure capable of supporting an aircraft extending over the full clearance width has accordingly been provided in the scheme.

Such provision is expensive. It is noticeable that many runway extensions over water (New York, Hong Kong) where structure is costly do not, in fact, provide the full clearance width. We may expect that a rational statement on the needs of safety will allow some less expensive treatment of the areas alongside the runway, possibly incorporating devices either to decelerate aircraft or to direct them back onto the runway.

As far as the breakwater is concerned, work is now in hand to see whether it could be made monolithic with the runway structure. It would thus become a specially shaped fringe along the edge of the runway, and would benefit in performance from the enormous stability of the runway itself.

MANUFACTURE AND COSTS

The runway would be manufactured in 100 ft square elements in shelter on the coast. A sheltered beach would be ideal. The very large numbers to be cast, together with their general uniformity, would provide the opportunity for rationalised mass-production processes.

In a typical situation, a casting bed some 8000 ft long would be prepared at the top of a beach a few feet below high neap tide level, behind a bund wall. The casting bed would be divided into six sections each with 12 units; one section would be one day's work, and the whole six sections would be completed every week. Each section would be flooded separately at high tide, and the 12 units contained in it floated out through a collapsible gateway such as a butyl rubber bag filled with water. With this installation, the casting of a two-runway airport to international standards and comprising some 5 million square yards of pavement could be completed in 1.5–2 years.

A concreting machine developed from present-day paving equipment and spanning the full width of the section would run the length of the casting yard on rails, with a separate track for return. The machine would carry its own roof. The bottom slab would be cast, a prefabricated cage of reinforcing steel dropped on, the polystyrene blocks placed, and the webs and then the top flange cast in turn. The top surface would then receive its final non-skid finish.

On floating out, the elements would be moored near the foreshore, from where they would be towed away to the runway site. At the site, the first step would be to construct the necessary protecting breakwaters. Even if none are required for the final structure, a small mobile floating breakwater might well be of value as special protection during the actual assembly.

After the rafts have been floated into position they are seized by erection beams and held, the joints are made and allowed to set, and the tendons threaded through, tensioned, anchored and grouted up.

In considering economy, the significant figure is the cost per unit area of raft. This is the major item of special expenditure in a floating runway.

A detailed estimate of a specific project, that for the two-runway international airport at Foulness in the Thames Estuary, gives a cost per square yard of the structure alone, including drainage, of £10 12s 0d ($25.50). The moderately exposed site at Foulness needs protection by floating breakwater at a further cost of £2 4s ($5.30) per square yard. In a fully exposed site, this addition

could be doubled or trebled. The total area at Foulness for runways, taxiways, hard standings and aprons is 5 million square yards, giving a structural cost of £64 million ($153.6 million).

The equivalent figure for a land based runway would have to cover the purchase of land, levelling and consolidation, the laying of the runway slab and its drainage. To these items must be added the more imponderable sums for convenience of access, noise nuisance, social amenity and many related factors, depending upon the location of the site in question.

NO MAD BOMBERS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. ASHBROOK. Mr. Speaker, the March 23 issue of Barron's, the weekly organ of the business and financial world, carried a provocative article on the danger of subversion especially to the American businessman. As is noted in the article, Barron's has consistently publicized material on the various radical and extremist groups whose goal is the destruction of our constitutional system.

Periodically, articles by Mrs. Alice Widener, a syndicated columnist of long standing, have reported on the various activities of these elements. Now perhaps, with the burning of the Bank of America bank at Isla Vista, the business world will realize that the vast commercial system in our country is a prime target.

The article entitled "No Mad Bombers" outlines the program of destruction which has been taking place against the businessman in recent years and I insert it in the RECORD at this point:

NO MAD BOMBERS

To the handful of bankers who stand up to be counted (Barron's, March 16), albeit belatedly or reluctantly, add the names of Messrs. A. W. Clausen and Louis B. Lundborg, president and chairman of the board of directors, respectively, of the Bank of America. At the annual meeting of the largest commercial bank in the U.S. last week, both executives, in response to the sniping of a few dissident shareholders and to outside radical attacks, succeeded in taking a stand of sorts. Mr. Lundborg ruled out of order a resolution offered by a group of respectable peaceniks urging an immediate, total withdrawal of U.S. forces from South Vietnam. He also defended the bank's financial activities in that embattled land, and refused "positively" to consider shutting up shop in Saigon. Mr. Clausen, in turn, assailed the "pernicious propaganda" spread by "agitators" from Isla Vista, small community near the University of California campus and site of a Bank of America branch which "rampaging demonstrators—students and nonstudents"—burned to the ground late in February. At that time Bank of America, in full-page advertisements, broke the majority's silence on the issue of violence, which it urged all its countrymen, heedless of differences, to join hands in shunning. "We believe that at some time and in some place Americans must decide whether they intend to have their decisions, indeed their lives, ruled by a violent minority. We are but one bank, but we have decided to take our stand in Isla Vista."

Nothing like a burning branch to make one see the light. Or perhaps coercive picket lines flung around the homes of executives, demonstrations on company property and dynamite blasts at offices and plants will do just as well. If so, business and banking alike can scarcely fail to realize that they are under seige. Last spring, Barron's warned: "'Enlightened' or otherwise, capitalism has come under direct assault from a hit-and-run coalition of radical students and alienated members of minority groups who seek not to achieve higher wages, improved working conditions or more jobs, but . . . to shake the Establishment and ultimately bring it down. Scorning such bourgeois expedients as collective bargaining, they opt for tactics like infiltration, intimidation, boycott, sabotage and violence." Since then the plot, so to speak, has thickened. In one labor dispute after another, left-wing extremists have sought to forge an alliance between students and workers. To judge by what happened last week at the Bank of America and Hercules Powder—as well as by disclosures in the underground press of plans for a widespread campaign against "war profiteers" and "polluters"—the annual meeting, like the campus, is destined to become a battleground. Corporate headquarters, after a spate of recent bombings, already have wound up on the casualty list.

Along with the office equipment, furniture and files, the explosions should have shattered a few pervasive myths about the origins of revolution and the means needed to combat it. Communism is supposed to spring from misery and poverty, yet the most ruthless of the plotters emerge as daughters (and sons) of riches. "Workers of the world unite," cry Students for a Democratic Society (obscene misnomer); if they succeed, however, all power will be wielded by so-called intellectuals, who, from secure command posts deep in the groves of academe, push the buttons. Neither free enterprise nor freedom, finally, can long endure without learning how to protect itself. As Eastman Kodak and Ford, two early targets found out the hard way, corporate statesmanship and a social conscience are open invitations to trouble; IBM, showcase of enlightened capitalism, is still cleaning up the bomb-blasted rubble. Instead, commerce and industry should close ranks behind internal security legislation (now pending in the Senate Judiciary Committee) which would rebuild the nation's defenses against sedition and subversion. Full-page ads denouncing violence are all well and good as expressions of moral indignation and righteous wrath; amidst a clear and present danger, survival demands more.

The thrust at the corporate jugular takes many forms, some, at the outset at least, little more than harassment. Last week, for example, 30 young militants picketed headquarters of Hercules, Inc., handing out leaflets accusing the company, which supplies the military in Vietnam, of "war crimes." Radical "agitators" denounced the Bank of America as capitalist "profiteers," charges which the top executives indignantly denied. During the next six weeks or so, other strategic annual meetings throughout the country are targeted for demonstration, invective or worse. Here are the militants' marching orders, as disclosed in the latest issue of "New Mobilizer": "April is seen as the time to focus on the economic issues of the war around the theme 'Who Pays For the War? Who Profits From the War?' . . . In East Hartford, Conn., on April 14 we will bring publicity to bear on United Aircraft. In Seattle, Washington, on April 27 we will confront Boeing. . . . Plans for April 15 in Cleveland are moving ahead well. A lot of work has gone into demonstrations at the annual stockholders' meeting of AT&T to be held at the Public Auditorium in Cleveland on the 15th . . . Buffalo . . . A detailed scenario has been mapped out. Leafleting will take place at three local steel plants early in the week of April 15: Bethlehem, Republic and Allegheny-Ludlum . . . On April 28 we will be demonstrating at Gulf Oil in Pittsburgh and Honeywell, Inc., in Minneapolis . . . Honeywell, Inc., makes the anti-personnel fragmentation bomb, the most hideous weapon presently used against the Vietnamese."

Violent words, moreover, long ago escalated to deeds. In February of last year, hundreds of students from riot-torn San Francisco State College joined the picket line of refinery workers striking against Standard Oil Co. of California. In Seattle the University of Washington SDS pinned a United Fruit recruiter against a wall and forced him to watch a film purporting to depict his company's depredations in Latin America. In Washington, D.C., nine anti-war demonstrators broke into the offices of Dow Chemical Co., ransacked the files and splattered blood on the walls. At Ford Motor Co.'s assembly plant in Mahwah, N.J., a group of workers known as the United Black Brothers staged a wildcat strike, and, with SDS help, set up a picket line that temporarily disrupted production. During the prolonged shutdown at General Electric, a cause which SDS and its allies in the Progressive Labor Party promptly embraced as their own, student activities sought to run GE recruiters off college campuses at Michigan State, Princeton, Rutgers and the University of Chicago. "The revolutionary assault on American universities and industries," warned Representative William E. Brock (R., Tenn.) at the December Congress of the National Association of Manufacturers, "is a calculated attempt to weaken and eventually destroy private enterprise in America. Students for a Democratic Society and their allies are trying to forge a Marxist student-worker alliance which will create disruption in industry."

Violence inevitably has led to destruction of property, personal injury and death (which fate, with fine irony, so far has reserved for the radicals). Last August an explosive device with the force of 24 sticks of dynamite ripped through the Marine Midland Building in New York City, devastating the eighth floor and injuring 19; "It was a miracle," said one victim, "that nobody was killed." Others were hurt in mid-November, when bombs went off in the Chase Manhattan, General Motors and RCA Buildings. Two weeks ago bombs caused extensive damage in offices of General Telephone & Electronics, IBM, and Mobil, while an accidental detonation recently destroyed a bomb factory (and killed several activists) in a town house in Greenwich Village. Repeated bombings also have occurred in San Francisco, Seattle and Detroit.

The first explosions were something of a mystery—The New York Times even speculated that they might be the handiwork of some new Mad Bomber. Subsequent events soon disclosed the method in the madness. In November an anonymous letter to the newspapers, denouncing "the giant corporations," acknowledged the deed. This month a group which calls itself "Revolutionary Force 9" claimed the credit. "IBM, Mobile (sic) and GTE are enemies of all life," said the market communique. "All three profit not only from death in Vietnam, but also from American imperialism in the Third World. They profit from racist oppression, from the exploitation and degradation of employes forced into lives of antihuman work, from the pollution and destruction of our environment."

Beginning to get the picture? A closer look at those who have been arrested in connection with the bombings, or managed to blow themselves up, reveals a clear-cut pattern of left-wing extremism. Not that squalor is

much in evidence—on the contrary, two of the victims found in the ruins of the Greenwich Village townhouse, as well as one of the survivors (whose father owned the $250,000 dwelling), come from wealthy families. They were graduates of "good" schools (notably Swarthmore and Bryn Mawr, which, on the basis of the fragmentary evidence to date, assay remarkably high in radicalism; Bryn Mawr last fall appoitned as Professor of Black Studies Herbert Aptheker, noted "theoretician" of the Communist Party, U.S.A.). Most of them had traveled to Cuba, rioted in Chicago or elsewhere and belonged to the "Weathermen" or some other ultra-violent wing of SDS, which J. Edgar Hoover, in the FBI Law Enforcement Bulletin for June 1969 has described as "rapidly gaining a definite Marxist-Leninist coloration."

Such disclosures seemed to astound both the so-called communications media and the public. They should have come as no surprise to readers of Barron's, who, thanks to the skill and courage of crusading journalists like Alice Widener, have long been alerted to the growing menace of the New Left and their Old Left mentors. Year-by-year Mrs. Widener, virtually single-handed, has covered the annual conferences of Socialist Scholars, at which blueprints for the radicalization of American college youth have been unveiled with increasingly open arrogance. At the first such affair (held, fittingly, at McMillin Theater, Columbia University, scene of bloody student riots several years later) Prof. Staughton Lynd, then of Yale University (and then and now associated with organizations cited by the U.S. Attorney-General as subversive), urged his fellow scholars to be ready at any time to put aside their books and go for "the jugular." "I wonder whether every teacher who calls himself a Socialist," he mused, "doesn't have the duty to become a professional revolutionary."

The Second Conference played host to a meeting of leaders of the Radical Education Project, an enterprise of SDS, which outlined a proposed "network of people in the U.S. and abroad who will serve the movement as quick, incisive sources of intelligence . . . such a network, including scholars, journalists, leftist youth leaders, government officials, guerrilla leaders etc. can provide us with first-hand reports of the action of insurgent movements, the workings of the foreign policy apparatus, impending developments. . . ." Guest of honor at the Third Conference was Owen Lattimore, whom the U.S. Senate Internal Security subcommittee has labeled "a conscious, articulate instrument of the Soviet conspiracy," while the Fourth, held at Rutgers in September 1968 featured an address by Ernest Mandel, Belgian Marxist and a chief strategist of the bloody French student revolts (for which he has been banned from France). Mandel advocated "mass strikes and mass movements," with students as the 'detonators in the formula for triggering a social explosion, creating a revolutionary situation."

Barred from the U.S. as well, he used blunter language in a taped message to a rapt audience in New York's Town Hall last fall: "As a revolutionary Marxist you must know that you cannot destroy capitalism piecemeal. You can abolish the structure only by overthrowing it." Yet The New York Times denounced his ban as the "blacklisting" of a distinguished person who only sought to participate in "academic discussions," while last week, it reported, "six American Scholars" (in point of fact, four of them Socialist Scholars) brought suit in federal court to restrain the Attorney-General from barring M. Mandel and keeping him from a scheduled "lecture tour."

Finally, at the Fifth Annual Conference, the Socialists dropped all pretense of scholarship. According to the official program, they plan the widespread reproduction and distribution of SSC papers in pamphlets "for assignment in the college classroom of materials written from an explicitly socialist perspective. . . ." As Mrs. Widener summed up (Barron's, September 15, 1969): "There you have it. Sure of immunity, the Socialist Scholars no longer need the 'convenience' of dissimulation concerning aims, methods and acts. They no longer need put on a false front of academic objectivity; they no longer need pretend that there is a separation between activities off-campus and on-campus, out-of-classroom and in-class."

Whence comes such immunity? Why, largely from the U.S. Supreme Court, which, under the influence of Earl Warren and his fellow-traveling associate, William O. Douglas (whose new book openly sanctions violent revolution) over the years has systematically gutted the nation's internal security laws. It would come to an abrupt end if Congress enacted various measures now in committee. One bill, supported by Rep. J. Herbert Burke (R., Fla.), would restore the power of the Secretary of State (stricken down by the High Court in 1967) to limit the travel of U.S. citizens to hostile countries, notably Cuba; Fidel Castro, charged the Congressman, "is operating a university of revolution in the hills of Pinar del Rio, where new left Americans receive training in bombing tactics and guerrilla warfare." A more comprehensive piece of legislation, currently in the Senate Judiciary Committee, would prohibit, without regard to the immediate effect thereof, the willful or knowing teaching or advocacy of the duty or need to overthrow by force or violence the government of the United States. If such statutes were passed and enforced few Socialist Scholars or SDS members would be walking around loose.

McCarthyism, some will cry, repression! We say that actions—notably dynamite bomb blasts—speak louder than words. The Preamble to the U.S. Constitution, following "in order to form a more perfect union, establish justice," sets forth as the next high purpose "to insure domestic tranquility." Today no task is more compelling.

LET THERE BE LIGHT SHED ON THIS PLAN

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. HOSMER. Mr. Speaker, on February 24, 1970, I introduced with the cosponsorship of 11 colleagues H.R. 16139, providing for a study and trial period of year-round daylight saving time.

Joining me on this measure were Mr. CLEVELAND, Mr. FRIEDEL, Mr. GALLAGHER, Mr. GUDE, Mr. HELSTOSKI, Mr. LOWENSTEIN, Mr. MOORHEAD, Mr. OTTINGER, Mr. PETTIS, Mr. WHITEHURST, and Mr. HALPERN.

I am pleased to note that the initial public reaction to this bill has been extremely favorable. The Long Beach Independent, Press-Telegram on March 16 carried an editorial supporting the measure.

I am including this editorial in the RECORD with the hope that the Department of Transportation will promptly forward its comments on this measure.

LET THERE BE DAYLIGHT SHED ON THIS PLAN

Rep. Craig Hosmer (R.-Long Beach) and 10 other members of Congress have introduced a bill authorizing a preliminary study and trial period of year round daylight saving time throughout the country. We're inclined to go along with it.

The bill directs that the secretary of transportation conduct a three-month study of the feasibility and desirability of the proposal. If the results are favorable, a two-year trial period will ensue to assess its effects.

Among claims made in behalf of the proposal. The change would get the bulk of the nation's urban workers and shoppers home during daylight hours in winter. It would increase traffic safety during the evening rush hour. It would provide children a bit more after school playtime and it would reduce the incidence of street crimes.

Above all, it would end the twice yearly confusion and expense surrounding the time changes.

For these reasons—and because more than sufficient time is provided to determine if there are disadvantages—we think Congress should enact the measure.

MOVING THE MAIL

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. BOW. Mr. Speaker, the Wall Street Journal on Tuesday had some very sensible comments on the postal situation which I wish to include in the RECORD for the consideration of all who are concerned. The article follows:

[From the Wall Street Journal, Mar. 24, 1970]

MOVING THE MAIL

The first priority in the current mail strike is to get the mail moving. President Nixon recognized as much yesterday when he ordered military personnel to handle essential mail in New York City, where the tie-up started and where the Post Office was still shut down.

At the same time Mr. Nixon stressed that the "overwhelming majority" of postal employes had refused to join the illegal walkout and instead were carrying out their responsibilities. To these workers, as well as to those on strike, he promised full discussions of all grievances—but not while thousands remain off their jobs.

As the President conceded, the economic problems of postal workers in some cases are severe. Still, those problems should be kept in perspective.

The top pay of letter carriers, $8,442, obviously is not high in these inflated times. Perhaps it's worth remembering, though, that the median income for all U.S. families is only about $8,000. Whatever the problems of the postmen, in other words, around half of all Americans are worse off.

Federal employes, moreover, have a degree of job security seldom attainable in private employment. This security is especially great in the Post Office, where the chief change over the years has been a growing demand for service—and personnel.

The real problems the postmen do have run much deeper than money. Ironically, most of the postal workers' unions have been fighting tooth and nail to preserve the politics-ridden system that is mainly responsible for their members' troubles.

Some critics claim the Administration precipitated the mail crisis by tying a postal pay raise to sensible postal reform. If the Administration did in fact link the two, it was showing much more compassion for the workers' real grievances than their leaders were.

It is, for one thing, perfectly clear that $8,442 is a lot more money in some parts of the nation than it is in others. But Congress, setting postal wages largely for political reasons, hasn't been inclined to fix higher wages for one member's constituents than for others.

A semi-independent postal authority, of the sort the Administration proposes, would be flexible enough to take living costs into account. At the same time, of course, it could shear away the political appointees who still occupy many top postal positions, and thus leave many career postal workers stuck in dead-end jobs.

If the postal unions really wanted to help their members, all of them would have been working hard for reform. An $8,442 wage wouldn't look discouraging anywhere if an ambitious postal worker knew that it did not need to be the end of the road.

However serious the problems of any of the workers, they do not justify illegal strikes. The fact that the strikes started in New York is unsurprising; postal workers there have watched while other public employes pulled illegal walkouts—and usually wound up being rewarded with higher pay.

New York has long been known as a "good" labor town, meaning one where the politicians generally knuckle under to the unions. At the state level this shows up in the fact that New York actually pays unemployment benefits to workers who go out on strike. Since the benefits are financed by employers, the companies thus subsidize strikes against themselves.

The Federal Government simply cannot permit itself to get in that sort of predicament. If the postal strikers get away with this power play, there are many other Federal workers only too likely to follow the leaders.

What is at issue, as President Nixon said, is survival of a Government based upon law. If the strikers begin to see that is so, there will be no need for the President to order troops into cities other than New York. He made it clear, though, that he would not hesitate to take whatever steps become necessary.

It was the sort of decision no political leader enjoys making. The postal strikers, however, left a President of the United States no other choice.

NOMINATION OF JUDGE CARSWELL SHOULD BE REJECTED

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 24, 1970

Mr. RYAN. Mr. Speaker, today's Washington Post carried a letter by Dagmar S. Hamilton, instructor in government, University of Texas, about the nomination of Judge G. Harrold Carswell to the Supreme Court. Miss Hamilton's letter, which I append at the end of this statement, raises what I think is the real core of the issue before the other body—can responsible action on its part gibe with approval of this nomination?

The Constitution makes clear the Senate's responsibility. Article II, section 2, clause 2 provides:

> The President . . . shall nominate, and by and with the Advice and Consent of the Senate shall appoint . . . Judges of the Supreme Court. . . .

Two words stand out—they were capitalized by the framers themselves: advice and consent. The duty of the Senate is two-fold, then. It must render or withhold its consent to the nomination which the President makes. And—and notice that this world comes before "consent"—it must tender its "advice." This advice is the real crux of the responsibility at issue here.

The Senate is obliged by the Constitution to advise the President; rubberstamp consents will not do. What are the considerations which should be taken up in rendering this advice? First, there is the question of the person who has been nominated—what does he stand for; what has he stood for? Second, there is the nominee's likelihood of being a contribution to the highest tribunal. Third, there is the nominee's impact on the social fabric of society—does his placement on the Supreme Court signal rejection of some groups or some people?

When we look to Judge Carswell's record of accomplishment off the bench, we see a man who has not just once, but in several instances, espoused views totally at odds with morality, with the 14th amendment of the Constitution, and with the forward progress of those who seek equality and justice for all.

We all know, by now, of Judge Carswell's 1948 statement—made before he became a judicial officer, but when he was already a mature man of 28—that "segregation of the races is proper and the only correct way of life in our States."

In 1956, then U.S. Attorney Carswell joined others in arranging to convert the Tallahassee public golf course into a private club. Affidavits from black and white citizens affirm that this private country club arrangement was commonly known to be a ruse to evade compliance with the Supreme Court's rulings. Thus, Judge Carswell's disclaimer of any knowledge that a discriminatory intent lay behind his actions is hard to accept. It is even more so in light of the fact that U.S. Attorney Carswell was then a Federal officer, responsible for knowing the developing law of the day.

Thus, as a private citizen, G. Harrold Carswell has espoused views which are alien to the premises on which this Nation was founded.

As a judge, Judge Carswell stands as a man unsuited to be placed on the Supreme Court. Men who have achieved the highest eminence in the legal profession have said that his judicial career has been mediocre:

Prof. William Van Alstyne, a supporter of Judge Haynsworth's nomination, testified that Judge Carswell shows no promise of ability or judicial capacity—

> To warrant any expectation whatever that he could serve with distinction on the Supreme Court of the United States.

Dean Louis Pollak of Yale testified that Judge Carswell:

> Has not demonstrated the professional skills and the larger constitutional wisdom which fits a lawyer for elevation to our highest court. . . . With all deference, I am impelled to conclude that the nominee presents more slender credentials than any nominee for the Supreme Court put forth this century.

Dean Derek Bok of Harvard has written that Judge Carswell has:

> A level of competence well below the high standards that one would presumably consider appropriate and necessary for service on the Court.

Professor Charles L. Black, Jr. of the Yale Law School has written:

> (T)here can hardly be any pretense that he [Carswell] possesses any outstanding talent at all. On the contrary, all the evidence I have seen would lead to the conclusion that mediocrity is an independent valid objection to his appointment.

Twenty members of the University of Pennsylvania Law School concluded "that he is an undistinguished member of his profession, lacking claim to intellectual stature." Nineteen members of the faculty of the University of Virginia School of Law concluded that Judge Carswell is a "judge whose legal abilities and judicial background are so sadly wanting." The list of names of law professors throughout the country would run on for hundreds if all those who have publicly expressed their rejection of Judge Carswell were published here.

And this rejection is not limited to professors. Lawyers throughout the country have as well expressed their view of Judge Carswell's lack of competence to serve on the Supreme Court. Among them, I would note, are Bruce Bromley, former judge, court of appeals, State of New York; Francis T. P. Plimpton, president, the Association of the Bar of the City of New York; Judge Samuel I. Rosenman, former president, the Association of the Bar of the City of New York; and Bethuel M. Webster, also a former president of the association.

The Ripon Society has made a comprehensive study of Judge Carswell's 11 years as a district judge. Using five relevant criteria—reversals on appeal, reversals in general, citation by other courts, elaboration of opinions, and use of authority—the Ripon Society concluded that "they form a most impressive indictment of Judge Carswell's judicial competence." Their report states:

> 1. Reversals on Appeal: During the eleven years (1958–1969) in which Judge Carswell sat on the federal district court in Tallahassee, 58.8% of all of those cases where he wrote printed opinions (as reported by West) and which were appealed resulted ultimately in reversals by higher courts. By contrast in a random sample of 400 district court opinions the average rate of reversals among all federal district judges during the same time period was 20.2% of all printed opinions on appeal. In a random sample of 100 district court cases from the Fifth Circuit during the 1958–1969 time period the average rate of reversals was 24.0% of all printed opinions on appeal.
>
> 2. Reversals in General: Carswell's rate of reversals for all of his printed cases was 11.9% as compared to a rate of 5.3% for all federal district cases and 6% for all district cases within the Fifth Circuit during the same time period.
>
> The majority of cases before any federal district judge ordinarily do not result in appeals, hence precluding the possibility of reversals in those cases. It is significant however, that Carswell's overall reversal record for his printed cases is more than twice the average for federal district judges. When additional unprinted opinions are included, Carswell is found to have an overall reversal rate of 21.6%.
>
> 3. Citation by Others: Carswell's 84 printed opinions while he was serving as a district court judge were cited significantly less often

by all other U.S. judges than is the average for the opinions of federal district judges. Carswell's first 42 opinions during his first five years on the federal judiciary (1958–1963) have been cited an average of 1.8 times per opinion. Two hundred opinions of other district judges randomly chosen from district court cases spanning this same time period have been cited an average of 3.75 times per opinion. The 42 most recent of Carswell's printed district court opinions have been cited an average of 0.77 times per opinion.

Two hundred opinions of other district judges randomly chosen from cases spanning the same 1964–1969 time period have been cited an average of 1.57 times per opinion.

4. Elaboration of opinions: Carswell's printed district court opinions average 2.0 pages. The average length of printed opinions for all federal district judges during the time period in which Carswell sat on the district bench was 4.2 pages.

5. Use of authority: In the 84 above-mentioned Carswell opinions the average number of citations of cases is 4.07 per opinion, and the average number of citations of secondary source material is 0.49 per opinion. The average for all district judges during the 1958–1968 time period was 9.93 case citations per opinion and 1.56 citations of secondary source material per opinion.

Judge Carswell's lack of judicial distinction is sufficient reason for rejection of his nomination.

Perhaps an even greater indictment against him lies in his antipathy toward civil rights. Numerous attorneys have attested to the judge's hostility toward them and their clients—a hostility clearly showing a lack of the impartial temperament required of every judicial officer. Prof. Leroy Clark of New York University, who supervised the NAACP Legal Defense Fund litigation in Florida between 1962 and 1968, called Judge Carswell:

(T)he most hostile federal district court judge I have ever appeared before with respect to civil rights matters. . . . Judge Carswell was insulting and hostile. I have been in Judge Carswell's court on at least one occasion in which he turned his chair away from me when I was arguing. I have said for publication, and I repeat it here, that it is not, it was not an infrequent experience for Judge Carswell to deliberately disrupt your argument and cut across you, while according, by the way, to opposing counsel every courtesy possible.

It was not unusual for Judge Carswell to shout at a black lawyer who appeared before him while using a civil tone to opposing counsel.

Prof. John Lowenthal of Rutgers University Law School recalled attending a session in Judge Carswell's chambers in 1964 in which he—

Can only describe his [Judge Carswell's] attitude as being extremely hostile.

He expressed dislike at Northern lawyers . . . appearing in Florida, because . . . (they) were not members of the Florida bar.

Norman Knopf, a Justice Department attorney, who had worked with Professor Lowenthal in 1964, corroborated Professor Lowenthal's recollections:

Judge Carswell made clear, when he found out that he was a northern volunteer and that there were some northern volunteers down, that he did not approve of any of this voter registration going on. . . . It was a long strict lecture about northern lawyers coming down and not members of the Florida Bar and meddling down here and arousing the local people, and he in effect didn't want any part of this, and he made quite clear that he was going to deny all relief that we requested.

Finally, Judge Carswell's decisions show full well his antipathy toward civil rights. Delay, failure to follow controlling precedent, and hostiity mark his decisions. To cite just one example:

On April 22, 1963, Judge Carswell ordered a grade-a-year elimination of dual attendance zones in *Steele v. Board of Public Instruction of Leon County*, 8 RACE REL. L. REP. 934. On three separate occasions in 1965, he denied plaintiffs' motions for changes in this pace. 10 RACE REL. L. REP. 607. Yet, on February 24, 1965, months before Judge Carswell denied these motions, the Fifth Circuit outlawed grade-a-year plans in the circuit in *Lockett v. Board of Education of Muscogee County School District, Ga.*, 342 F. 2d 225 (5th Cir. 1965).

Mr. Speaker, Judge Carswell's record as a judge leaves little doubt that in terms of temperament, intellect, ability, and prejudice, he is unsuited to sit on the Supreme Court.

Finally, one must look at how confirmation of his nomination would affect the social fabric of our society. In view of Judge Carswell's racial prejudice, in view of his actions as a private citizen to actualize this prejudice, and in view of his judicial actions giving governmental imprimatur to this prejudice, I think there can be only one conclusion: Judge Carswell's nomination is an outright, unabashed insult to the 20 million black citizens in this country. And it is equally an offense to those whites who believe in, and will struggle for, equal rights and equal justice for all men.

Confirmation of this nomination would constitute senatorial signature to this outrage. It would endorse the regression which this administration has encouraged by its posture toward school desegregation. I, for one, hope my colleagues in the other body will do better. I believe that they cannot afford to do any less.

The letter of Dagmar S. Hamilton, instructor in government at the University of Texas, follows:

[From the Washington Post, March 24 1970]

JUDGE CARSWELL'S NOMINATION

Every spring, in a beginning government class my students discuss the theory of checks and balances in the American system. This year, it has been very difficult to explain that the Constitution aparently does not mean what it says, when it liimts the presidential "power to appoint . . . justices of the Supreme Court" by adding, "subject to the advice and consent of the Senate."

The students are disposed to take this qualification literally (strict constructionists) and to believe that the Founders meant that the Senate has the *duty* (not just the right) to reject nominees it finds unqualified. They do not think that it means the Senate should be a rubber stamp; they see nothing to indicate that if the Senate rejects a president's nominee, it must as a matter of courtesy accept the second time around. They argue that it would not be much of a check if a president could (simply by pulling identical substitutes out of a hat) eventually nominate the sort of person the Senate first rejected.

When a president's second selection is, as many senators will privately admit, "worse than the first," students find it even more difficult not to be cynical about the whole system. They know that Carswell is worse than Haynsworth in terms of his legal competence (reversed frequently, described as the weakest nominee of the century by the Dean of Yale Law School, criticized sharply by a majority of people teaching in his field). And they *know* that Carswell's judicial philosophy is worse, in the sense that it ignores both the spirit of the 14th Amendment and the basic premise that "the Constitution is colorblind."

Having learned also that the Framers intended the Court to be above partisan politics (e.g. lifetime appointments), students think it an insult to the Court even to insinuate that it should respond to the silent majority. They *know* that the Court needs men who are responsible—not necessarily to a fickle majority—but to the highest principles and ideals of the rule of law.

In the matter of Carswell, if any Senator abdicates his responsibility to vote his conscience, in favor of expediently going along with the President then *he*—that Senator—must be responsible for the failure of our system of checks and balances; not the disillusioned students, and not that small group of dissidents who attack the system for the most part much less effectively.

DAGMAR S. HAMILTON.

A NATION'S CONCERN FOR ITS MILITARY WIDOWS

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. HOSMER. Mr. Speaker, the sad plight of widows of career military personnel is attracting nationwide attention, evidenced by several bills introduced in this body. It is a tragic oversight on the part of the Congress that these women today are largely ignored on the matter of annuities.

Why, people are asking, is the widow of a retired military careerman not entitled to a pension as are the widows of civilian Federal retirees?

To correct this gross inequity, Mr. GUBSER has introduced H.R. 6226, which is now pending before the Committee on Armed Services. Last year, I introduced H.R. 2087, which would accomplish essentially the same objectives.

One of the leading editorial columnists of the Long Beach Independent Press-Telegram, Mr. Larry Collins, Sr., has written an excellent article on this problem, urging immediate congressional action. He indicates that H.R. 6226 has wide support within the Armed Services Committee, including the distinguished chairman.

I am hopeful that the Department of Defense can promptly make its views known on this matter so that the Congress may proceed forthwith.

I am including Mr. Collins' fine article in the RECORD:

MILITARY WIDOWS LEFT WITHOUT PENSIONS

(By L. A. Collins, Sr.)

About the only widow today who is left without a portion of the pension the husband had received is the widow of a retired military career man. The widow of a man receiving Social Security is entitled to a portion of the husband's pension. But the widow of a retired career service man finds her husband's pension cut off at the time of his death.

Former National President of the Fleet Reserve Association, Bernard P. O'Hare of Long Beach tells of efforts to have this inequity changed by Congress. In my opinion it is an issue that each of us should support in fairness to the wives who have been associated with our military forces.

It would be realistic if each local retired member of our military forces wrote to his congressman urging a vote in favor of the bill referred to in the following outline of the problem. It would also be helpful if they wrote to the congressmen from the area which was their former home. Mr. O'Hare outlines the issue as follows:

The widow of a military retiree is the victim of a cruel inequity which exists today. She is the only widow of a federal retiree who dose not receive an annuity based on her husband's retired pay. The widow of a civilian federal retiree can receive an annuity equal to 55 per cent of the retired pay her husband was receiving at the time of his death.

Contrary to common belief, the military widow receives no money from the Service in which her husband served. If her husband was a veteran, the Veterans Administration will, under certain conditions, pay her a widows pension ranging from $17 to $74 a month. However, the widow of every veteran is entitled to such a pension. To be a veteran, a person must have served on active duty for a minimum of 90 days and be honorably discharged. There are no special provisions for career servicemen.

The military retiree does have a survivors benefit program available to him. It is entitled the Retired Serviceman's Family Protection Plan (RSFPP). It is an actuarially sound program and receives no government financing. The participants pay the total costs of the program. For example, a retired chief petty officer (E–7) with 20 years of active service may contribute $13.77 monthly from his military retired pay and in the event of his death his widow will receive $83.75 a month.

Under federal law the civilian federal retiree in a comparable pay grade pays only $5.92 a month and his widow will receive $130.50 a month.

The federal government pays almost 80 per cent of his survivor's annuity cost. It is because of this gross difference and other restrictive provisions that less than 15 per cent of all military retirees participate in RSFPP. Yet, more than ninety per cent of all civilian federal retirees participate in their survivors benefit program.

The fleet reserve Association, an organization of more than 75,000 career sailors and marines, has launched an intensive legislative program to correct this inequity. The association has conducted a comprehensive, eighteen-month study of survivor benefit programs offered to employes of the government and private enterprise. This study has been published in the revealing 64-page pamphlet entitled, "Widow's Equity."

The FRA drafted corrective legislation which provides for military retirees to receive the same survivor benefits that are offered to civilian federal retirees. Representative Charles S. Gubser, of California's Tenth Congressional District, introduced the legislation, H.R. 6226, on February 5, 1969. H.R. 6226 is now before the House Committee on Armed Services and the committee has been patiently awaiting the Department of Defense's position on the measure. The principle of the bill is widely supported by members of the House, including Chairman L. Mendel Rivers.

Each day more military retiree wives join the rolls of widows. The majority of these widows are in their senior years and in dire financial need. They are too proud to accept charity as they have always earned their keep through faithful service to their nation. They do not understand why they are denied the fruit of their husband's dedicated and self-sacrificing labors; nor do we!

Under the provisions of H.R. 6226 they will receive no more than what the widows of federal civilian retirees are receiving. Benefits they should be receiving now! H.R. 6226 should be enacted into law immediately.

NEW SMITHSONIAN MAGAZINE

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD the announcement of the sending of the new Smithsonian magazine.

We strong supporters of the Smithsonian Institution welcome this fine new venture and will participate heartily for its success.

I am sure this fine article from the Washington Evening Star, Monday, March 23, 1970, by Herman Schaden will be of interest to my colleagues and to the American people:

"SMITHSONIAN" MAKES DEBUT

(By Herman Schaden)

The Smithsonian has a new baby measuring 8¼ by 11 inches and weighing 7 ounces—tiny as human infants go, but quite a bundle if it is your first national magazine.

Wrapped between covers of two courting elephants and a book ad, the youngster is off to homes from coast to coast christened simply "Smithsonian" by parents who can't resist bragging about its sparkling four-color pictures and 76 pages of articles and advertisements.

Godfather S. Dillon Ripley, who long envisioned the magazine as an inducement for millions to join the national Smithsonian Associates, greeted the newcomer enthusiastically.

"He was ecstatic," one editor said of the Smithsonian secretary. "I hope he hasn't cooled off."

General Manager Joseph Bonsignore also was happy with the product and the way it is being accepted by subscribers and advertisers. Editor Edward K. Thompson, formerly of Life magazine, expressed pleasure with the first edition but said it "did not necessarily set a pattern for future issues."

PACKAGE DEAL

The publication is being offered as one of the benefits of being a Smithsonian Associate. The package deal gives members special privileges in connection with Smithsonian museums. There are no newsstand sales.

No figures were released on current circulation, but Bonsignore said it "well exceeded the 175,000 minimum guaranteed to advertisers." The Smithsonian is determined to make the magazine self-sustaining through membership and advertising revenues.

Bonsignore is proud that production is almost totally a Washington area enterprise. For instance, the color separations are by Lanman Co. of Alexandria, whose subsidiary, Lanman Lithoplate of Washington, does the stripping and page filming. Type for the articles is set by Harlowe Typography of Washington; the offset proofwork is by Fawcett-Haynes Printing Co. of Rockville, and the high-grade paper is supplied through Parsons Paper Co. of Washington.

Volume 1, Number 1 is about 75 percent textual, 25 percent advertising. Technically it is a superb product—with clear, easy-to-read type, lustrous color illustrations, and skillful layout and art work.

Ripley sums up the need for the magazine in his opening comments: "Even in the 'now' generation, when history has lost its dates, art its roots, when sleep research shows up the absolute necessity of the non-intellective experience, and the new mode is a kind of abstract existentialism, man's thirst for knowledge continues unabated."

STARFISH, BLACK STUDIES

The cover story is by the National Zoo's resident scientist, John Eisenberg. It is a richly illustrated report from Ceylon on the courtship and mating habits of elephants and a survey of their ecology.

Rene Dubos writes on "Life, An Endless Give and Take with Earth and All Her Creatures." Among other features are a story on how starfish are destroying Pacific coral atolls, an examination of black studies and paintings illustrating the Metropolitan Museum of Art's centennial.

Russell Lynes writes on "The Met as Mother Hen." Frank Sartwell visits a laboratory in which crowded mice evoke images of overcrowded man. The scope of subjects is representative of the magazine's aim to cover the sciences, arts, and humanities with emphasis on current problems of the environment.

PRESIDENT NIXON'S EDUCATION REFORM MESSAGE

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. BRADEMAS. Mr. Speaker, President Nixon's education message of March 3, 1970, challenged the theory and effectiveness of school aid programs funded under title I of the Elementary and Secondary Education Act of 1965.

In a letter to the Washington Post, Roger A. Freeman, Special Assistant to the President, expanded on the President's message.

On March 15, 1970, the Washington Post printed Mr. Freeman's letter, as well as an article by Douglass Cater, former Assistant to President Johnson, and an editorial dealing with ESEA title I.

I insert these articles in the RECORD:

[From the Washington Post, Mar. 15, 1970]

BACK TO A STALEMATE IN EDUCATION?

(By Douglass Cater)

(NOTE.—Cater was a special assistant to President Johnson and worked on the Johnson education programs.)

A few days ago, the Lockheed Corporation was reported to be in serious financial trouble. Promptly, Deputy Defense Secretary Packard hastened to Congress to explore ways to bail out this great manufacturer of aircraft and missiles. Regularly, we learn of cost overrides in the defense industry totaling billions of dollars. Tanks, planes and missiles not only cost much more than estimated but perform below expectations. Our defense policy is to grimace and bear it, recognizing that weapons production is a complicated business.

To educate a child is more complicated than to construct a plane or missile, especially if that child suffers from the ugly blight euphemistically called "disadvantage."

Yet, President Nixon means to apply the policy of a prudent investor in education. "As we get more education for the dollar, we will ask Congress to supply more dollars for education," he has declared in his Message

on Education Reform earlier this month. Knowing why education works and what makes it fail, he argues, must "precede" any rational attempt to provide every student with the best possible education.

Lockheed would go bankrupt if such a policy were applied to defense. It may have less dramatic but no less destructive impact on the national education. For the Nixon budget makes explicit what his message only hints at: The federal commitment to education is being reduced. Support for higher education has received an even more severe cutback than the elementary and secondary programs. I find it hard not to conclude that Nixon policy is designed to achieve the stalemate that was the longtime condition of federal aid to education.

It may be useful to review the federal role and how we got where we are today. Since 1946, at least a dozen presidential commissions have called urgently for federal aid to education. These included the one appointed by President Eisenhower in 1954 and headed by Neil McElroy, who is now being summoned to study the subject still another time. As a result, beginnings were made in higher education. Yet, there were roadblocks to federal assistance at the lower level—segregation, church-state separation, distribution formulas—which produced 20 years of stalemate.

Finally, Congress cleared away or bypassed the roadblocks. A successful formula was worked out assigning first priority to the needs of the disadvantaged student. This formula became Title I of the Elementary and Secondary Education Act of 1965—a major breakthrough.

There was abundant evidence that ESEA not only was good politics; it was good policy. Over the past two decades, there has been an explosion in the nation's education system. Middle-class America was moving to the suburbs and spending great sums for new school plants, teachers, etc. Overall statistics reveal this growth. But it doesn't take a statistician to measure what has been happening to the metropolitan school systems as well as to many rural ones. Most have been caught in a desperate budget squeeze.

HAS TITLE I FAILED?

Can anyone dispute the logic of ESEA's Title I that disadvantaged students have a severe impact on schools? The sad question, as we witness the desperate floundering of city school systems where the influx of disadvantaged students has been heaviest, is why government did not anticipate this impact 20 years earlier and help the schools prepare for it.

Has Title I failed? Commissioner Allen points out that many school systems have diverted Title I funds to other purposes. This is grevious folly on their part and points to a lack of controls in the federal system. It won't be corrected by President Nixon's promise of revenue sharing with the states.

President Nixon's aides have cited the Coleman Report to prove that the size of classes don't have a measurable effect on learning achievement. They come precariously close to arguing that dollars don't make a difference in education.

To anyone who has watched a child in school, the Coleman findings are not that surprising. While learning cannot be measured by student-teacher ratio, learning does depend on student-teacher relations. Even in the age of technology, the best kind of education may still be "Mark Hopkins on one end of a log and a student on the other." You can't buy inspired teachers like Mark Hopkins with dollars alone. But it takes dollars to expand the Teacher Corps and other programs which offer incentives to attract our best teachers to the hardship posts in education.

Prof. Coleman and others have rightly pointed to the need for basic reforms in the public school systems. But I doubt very much that they meant their words to be seized by the politicians to justify stalemate on federal aid to education. Coleman, for example, calls for increased action to break down *de facto* segregation as the best way to achieve equal educational opportunity. To have the remotest chance of success, this will cost a great many more dollars.

President Nixon's aides mention numerous failures and few sucesses in programs of compensatory education. They claim that these programs have not paid off in improved reading norms. Even if this were a fair summary, what does it prove? What would have happened to reading norms in New York or Washington if there had been no attempt to cope with the disadvantaged students crowding into the schools? Perhaps it was an achievement merely to prevent total collapse of the public school system.

But the fact is that there have been notable breakthroughs. The Nixon aides fail to mention the latest Hawkbridge study which cites some of the success stories of Title I. The Kingsbury Center here in Washington has pioneered in overcoming severe learning disabilities, including those of children from the black ghetto. Operating costs run about $3,500 per student. A fearful cost. Almost as much as it costs to keep a youngster in a reformatory or a mental institution.

We need to know more. That is why President Johnson's first education message in 1965 put such heavy stress on research. Congress multiplied many times the budget for research in the Office of Education. Regional education laboratories have been established in leading universities. But President Nixon is right in saying we need more and better research. I support his proposal to create a National Institute of Education.

But research alone can never provide the answer. It is faulty to use the analogy of the National Institutes of Health. We cannot expect to discover miracle drugs to cure learning disability as we hope to cure cancer. We can't innoculate a kid against ignorance. Our chief frustration today is in transforming what we already know into effective action. It is going to take trial and error, success and failure. To open the mind of a child, especially one scarred by his life outside the classroom, is an independent miracle each time it happens.

Can we prove compensatory education will pay off? Of course not! Can President Nixon prove that putting a $1,600 floor under income will enable a family to break out of the rut of poverty? Of course he can't! Conceivably, it could lead to an inflation of the ghetto economy that would quickly soak up all the benefits. It may take a floor of $6,000 or $8,000 to have a measurable impact in a city like New York, just as it may cost much more than was anticipated to make New York's education programs succeed. But this is no reason to delay the new commitment to welfare. The alternative of standing still is unbearable.

Education, like welfare, is a dynamic enterprise in America. It can't be made to lie dormant while waiting for reform several years in the future. To cripple the momentum of our nation's commitment to equal education opportunity is a greater gamble than to delay spending billions of dollars on the ABM. For the dangers of the education gap are more clearly demonstrable.

In the struggle over priorities in the federal budget, education has great disadvantage in competing against defense programs. Education has to fight harder for its claim on the federal dollar. If the President tries to whittle away the education budget, if he fails to set clear and purposeful priorities, this fight for dollars could turn into a bitter struggle among vested interest groups. For example, the programs for federally impacted areas, though grossly inequitable, will claim a lion's share no matter what the President says. Strong interest groups will rally selfishly around tax credits for tuition, costing billions in federal revenue and mainly benefitting the higher income families.

While this savage struggle goes on, the programs to bring equal opportunity could die of neglect, and a great national commitment be forgotten. The Nixon message and the Nixon budget seek to freeze these programs until there is positive proof of "more education for the dollar." If this policy succeeds, the nation's education is in danger.

[From the Washington Post, Mar. 15, 1970]

EDUCATION: A "NEW TIME" THE WHITE HOUSE

The aim of criticism says something about its merits. There is much to find fault with and to improve in the public school system and in the pattern of federal financial aid to that system. But it makes a mountain of difference whether an attack upon it comes from a source seeking to help it succeed or from a source convinced that it is doomed to failure. Roger A. Freeman, whose critique of our editorial on the President's recent education reform message was a bit long for the regular Letters space on this page and accordingly appears on page 5 of today's Outlook Section, has been telling the world for 15 years that federal aid to education won't work. It affords, in our judgment, a lugubrious commentary on the point of view from which President Nixon approaches the public school problem that Mr. Freeman is now signing letters on White House stationery over the title, "Special Assistant to the President."

As long ago as 1955, Mr. Freeman took the position—in a pamphlet titled "Federal Aid to Education—Boon or Bane?"—that "if federal aid should be enacted during the second session of the 84th Congress—and this is quite possible, 1956 being an election year—then it will not be done because the states are unable to provide for the schools or because the American people wanted it. It will be done because organized pressure was brought to bear upon individual members of Congress with threats of reprisal, because insufficient effort was made to get the facts to the American public in order to counteract the distortions and propaganda, and because, faced with a clamor for more of the easy money, many congressmen were afraid to vote their convictions in an election year which is always conducive to passing pork barrel legislation. Mr. Freeman's unswerving adherence to this view is a tribute to his sincerity and we welcome his sudden public re-emergence in the thick of the education debate; he is, of course, as entitled to his own opinion as any other man. But it is still a little numbing to find him serving as a special assistant to a President who said as a candidate: "I pledge my administration to be second to none in its concern for education."

Convinced that federal aid is undesirable, Mr. Freeman quotes a passage from the celebrated Coleman report saying that "the physical and economic resources going into a school had very little relationship to the achievements coming out of it"—which, taken entirely by itself, sounds like a suggestion that the states and localities as well as the federal government should abandon support of the schools altogether. But Dr. Coleman's important study was focused on "*Equality* of Educational Opportunity," and it's preeminent point was that school achievement is significantly conditioned by a child's background and early childhood training. "One implication stands out above all," Dr. Coleman says: "That schools bring little influence to bear on a child's achievement that is independent of his background and general social context; and that this very lack of an independent effect means that the inequalities imposed on children by their home, neighborhood, and peer environment are carried along to become the inequalities

with which they confront adult life at the end of school."

This is why Title I of the Elementary and Secondary Education Act was aimed at inner city schools and at poor, disadvantaged children. But as we protested editorially a few months ago in a comment on the constructive report of the Washington Research Project and the NAACP Legal Defense and Educational Fund, "Title I funds have not reached eligible children in many school districts, have not been concentrated as they should have been on those most in need and have, instead, been dissipated for general school purposes and, in some instances to replace state expenditures."

Mr. Freeman dazzles us with a lot of figures intended to show that expenditures for better buildings and more teachers are of no avail and a lot of figures to show that expenditures for schools have been munificent. His statistics all involve national averages. It makes a lot of difference to a child, however, whether he attends an urban or a suburban school. In New York City itself, the per pupil expenditure in 1968–69 was $1031; in Scarsdale, it was $1628. In Los Angeles $434 was spent for each pupil, while $1131 was expended for each in Beverly Hills. In Cleveland, it was $630 as compared with $968 in Shaker Heights. So it goes. Professor Herbert Kiesling of the University of Indiana is quoted in a report on *Schools and Inequality* prepared for the Urban Coalition as saying that "the relationship of expenditure to performance in large urban districts is quite strong."

One additional contrast between schools for the poor and schools for the well-to-do is illuminating—and in an area where the President has been particularly myopic. "In addition to the tendency for low SES (socio-economic status) schools to be old and crowded, they seem to be less well equipped," according to the Urban Coalition study. "Moreover, low SES schools have available fewer library books per 1000 students. At the extremes of social class, the inequity of available library books is especially great. The lowest SES schools are able to provide 1.7 library books per child while the highest SES schools provide 5.4 library books per child."

The first function of federal aid to education is to redress these monstrous imbalances. That is what Title I is all about. To say that we cannot do anything at all about this situation because we do not yet know everything about the learning process—and to say it to inner city children whose learning time and opportunity are irrecoverable—seems to us an unconscionable irresponsibility. We must do the best we can, the most we can.

Remarking just a few days ago that drug addiction in the schools is "increasing at an alarming rate," President Nixon said he was releasing frozen federal funds and initiating new programs to tackle the problem. Well, there's a lot we don't know about drug addiction; but we are glad the President is not holding back those funds until another commission is established and another study is completed. It is imperative to live today. If Mr. Nixon's and Mr. Freeman's strictures on the shortcomings of federal aid to education were presented in the context of an effort to perfect the program and make it more effective, we would join them unreservedly. Inaction seems to us the counsel of defeatism and despair.

[From the Washington Post, Mar. 15, 1970]

A COMMUNICATION

Your March 7 editorial "The Never-Never Land of Education" charges that "There is hardly a platitude ever uttered about education that is not contained in the President's special message to Congress on educational reform. It is as though someone snipped sentences from all the annual school reports ever written—on a frequency of their recurrence." From there you advance a program of your own which you desire the President to recommend. Your program has one clear advantage over the President's—not only has it been proposed in hundreds of reports over many years in "all the annual reports ever written"—your proposals have been carried out. That they did not produce the promised results apparently does not deter you from repeating over and over again, as you have for years, the same old tune, like a stuck gramophone needle.

Your six points were:

1. School buildings are "antiquated, desperately overcrowded and hazardous . . ."
2. The pupil-faculty ratio is unconscionably high and "it is indisputable that a high ratio of pupils to teachers impedes learning."
3. "Title I of the Elementary and Secondary Education Act, designed to aid disadvantaged children in disadvantaged areas of the big cities, has abundantly proved itself in practice. It works . . ."
4. School libraries are an invaluable aid . . .
5. Schools need more professional aides besides teachers . . .
6. The Headstart program should be pushed.

This adds up to little more than the conventional wisdom that our educational problems can be solved by pouring new billions into the same old system. If the quality of education were proportionate to the number of dollars spent—American education should have long ago entered its golden age.

Janes S. Coleman of Johns Hopkins, who in 1965/66 headed the most extensive examination of American public schools ever undertaken, found to his surprise: "The evidence revealed that within broad geographic regions, and for each racial and ethnic group, the physical and economic resources going into a school had very little relationship to the achievements coming out of it." He concluded that "if it were otherwise, we could give simple prescriptions: Increase teachers' salaries, lower classroom size, enlarge libraries, and so on. But the evidence does not allow such simple answers."

Reviewing the ensuing debate in the New Work Times Magazine of August 10, 1969, Christopher Jencks of the Harvard School of Education summarized his conclusions: "Variation in schools' fiscal and human resources have very little effect on student achievement—probably even less than the Coleman Report originally implied."

The most thorough report on New York City schools ("New York City School Fact Book," Institute for Community Studies at Queens College, CUNY, Marilyn Gittel, Director, 1969) found that: "The evidence we have accumulated is somewhat surprising. We have recorded traditional variables that supposedly affect the quality of learning: class size, school expenditure, pupil/teacher ratio, condition of building, teacher experience and the like. Yet, there seems to be no direct relationship between these school measurements and performance. Schools that have exceptionally small class registers, staffed with experienced teachers, spend more money per pupil, and possess modern facilities do not reflect exceptional academic competence."

"Nor has the More Effective Schools Program—a saturation services compensatory education program of high cost—shown any noteworthy results in this year's tabulations. Of twenty one schools measured in the MES program, pupils in only four, mostly middle class white, read on grade level."

The fact is that over the past 20 years, while enrollment in the public schools rose slightly better than 80 per cent, school revenues increased 350 per cent in *price adjusted* dollars (from $5.4 to $33.5 billion in *actual dollars*.) This is almost three times the rate of the simultaneous rise in national income or product.

Expenditure per pupil in average daily attendance jumped from $209 to $766 in *actual dollars*—an increase of 133 per cent in *constant* dollars.

What did this accomplish? There are now about four pupils fewer in the average classroom than there were 20 years ago. In his first education message in 1961, President Kennedy, in proposing federal school construction aid, suggested that 600,000 classrooms ought to be built during the 1960s to take care of all needs. Actually, about 700,000 new classrooms were completed in the 1960's, *without a federal construction aid program*, but you still list a classroom shortage as your first point. The ratio of the instructional staff to pupils was meanwhile reduced from 1:26.1 to 1:21.3, which means that there are now 4.8 fewer pupils per teacher than there were in 1950. Moreover, the Coleman Report—an a few hundred other research reports summarized in the Encyclopedia of Educational Research—were unable to find a correlation between class size and pupil achievement.

The nonteaching professional staff of the public schools—administrators, counselor, advisors, psychologists, librarians, etc., increased from 48,000 to 220,000 in the past 20 years (the ratio to pupils fell from 1:523 to 1:215).

Your claim that the Title I program of the Elementary and Secondary Education Act of 1965 for "disadvantaged children" "works" flies in the face of all known facts. In his message, the President quoted a summary by the Office of Education of reports on Title I that a child who participated in a Title I project had only a 19 per cent chance of a significant achievement gain, a 13 per cent chance of a significant achievement loss, and a 68 per cent chance of no change at all.

The U.S. Civil Rights Commission found after reviewing the major compensatory education programs since 1957 that "none of the programs appear to have raised significantly the achievement of participating pupils." Compensatory programs have been tried for over a decade, Title I programs for almost 5 years, with an expenditure of $5 billion. Could we not expect that at least some modest results should by now have shown up?

According to latest available reports, New York City spends about twice as much per pupil in its public schools as other large cities and it employs one-third more teachers in relation to pupils. Its teacher-pupil ratio dropped from 1:23.9 to 1:18.5 over the past six years. However, not only are pupil achievements much below norms in the city, with almost two-thirds of all pupils below reading comprehension norms in 1969—they have been coming down. One-third of the pupils are one year or more below the norm, one-fourth two years below their grade level.

The 21 schools in New York's "More Effective Schools" project have an average teacher-pupil ratio of 1:11.7 and an expenditure of $1,275 per pupil—but their educational achievements rank below other schools and are not improving.

The number of examples could be multiplied: through thousands of compensatory education projects from "Higher Horizons" in New York, to the Banneker project in St. Louis and to the Madison project in Syracuse runs a story of consistent failure to produce the educational achievements which their sponsors promised.

What this adds up to is, of course, not that we should quit increasing school resources every year. The President made that abundantly clear. But to keep pouring additional billions into programs that have proven ineffective without trying to find methods to accomplish the desired ends provides no solution to our educational problems.

Far from repeating other reports, the President sounded an entirely new tune in his message, a tune that had not been heard before but needed airing: let us find out through research what methods will accomplish what we are aiming at—an adequate education for millions of American children who now lag one or several years behind national norms, who leave the schools, with or without a diploma, and cannot read, write or count sufficiently to meet even minimal civic and occupational requirements.

To use a comparison with health programs: intensive research has so far not produced an effective preventive or cure for cancer. This is why work needs to continue on a broad scale until victory is won. No purpose would be served by extending on a national scale a particular cancer program—until one has proven its value. This is in contrast to polio and numerous contagious diseases against which effective cures were found—and extended to cover the population.

Maybe it would be easier, from a political point of view, to pretend that several additional billions of dollars in federal funds would solve our school problems. If they could—why did boosting school funds from $5.8 billion in 1950 to $38.5 billion in 1970 not bring us any closer? Would we not, by holding out promises that cannot be fulfilled, generate more disappointment, frustration and violence when hopes are first aroused and then crushed—as they were in recent years?

Do honesty and a sense of public responsibility not require us to admit that money is not an adequate substitute for methods which have not yet been found? Should we not concentrate our efforts at discovering better methods than pretend that more square feet of classroom space per pupil or fewer per teacher are the answer when it has become evident that they are not?

There is probably no solution to the school problem that will not cost large sums of money. But until we learn how to apply the funds, in a manner that will produce tangible results, there is little to be gained by spending the money anyway, just so we can pretend that we have done everything.

This was the first message on education by any President that faced the problems squarely, admitted the existing shortcomings and did not promise a quick solution by the infusion of a few billions in federal money. It was the most frank and most sophisticated message ever on the subject of education. Your attempt to downgrade it and to bring efforts to improve the education of American children to the lowest denominator shows an approach that has proven futile time and again, an unwillingness to understand the nature of the problem.

The Congress and the American people have a right to expect that their President tells them a straight story, even if it hurts. This is what the message did. To create a mirage by reducing our educational problems to mere dollars, as you did, may confuse some, but not many and not for long. Most Americans now realize, or will soon, that the most urgent need at this time is to get more education for every dollar spent. This is what we are hoping to accomplish.

ROGER A. FREEMAN,
Special Assistant to the President.
WASHINGTON.

HOUSE OF REPRESENTATIVES—*Thursday, March 26, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

This do in remembrance of Me.—Luke 22: 19.

As we continue our way through Holy Week, our Father, we would climb the stairs that lead to the upper room where we may be still and know that Thou art God, and from Thee receive forgiveness for our sins, love for our hearts, wisdom for our minds, and humility for our spirits.

Here we pray for our families whose affection and understanding make life worth living, for our friends whose faithfulness and friendliness make our existence a joy, for our Nation where freedom is a rich blessing and in whose heart we seek good will with justice for all, for the nations of the world, asking that we learn to treat them as we want them to treat us.

From this upper room of prayer send us out into the world to do justly, to love mercy, and to walk humbly with Thee.

In the spirit of the Master we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 14289. An act to permit El Paso and Hudspeth Counties, Texas, to be placed in the mountain standard time zone.

The message also announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 559. Concurrent resolution directing the Clerk of the House with regard to enrolling the title of the bill H.R. 4148.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 13448. An act to authorize the exchange, upon terms fully protecting the public interest, of the lands and buildings now constituting the U.S. Public Health Service Hospital at New Orleans, La., for lands upon which a new U.S. Public Health Service hospital at New Orleans, La., may be located.

The message also announced that the Senate agrees to the amendments of the House to a bill (S. 2601) of the Senate entitled "An act to reorganize the courts of the District of Columbia, and for other purposes," with an amendment in which concurrence of the House is requested.

The message also announced that the Senate insists upon its amendment to the amendments of the House to the bill (S. 2601) entitled "An act to reorganize the courts of the District of Columbia, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. TYDINGS, Mr. BIBLE, Mr. SPONG, Mr. EAGLETON, Mr. PROUTY, Mr. GOODELL, and Mr. MATHIAS to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 59. Concurrent resolution to provide for the adjournment of the Senate from March 26, 1970, until March 31, 1970.

SOCIAL AND ECONOMIC REFORM IN VIETNAM WILL HELP SAVE AMERICAN LIVES

(Mr. MOSS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MOSS. Mr. Speaker, this day may well be one of the great days in modern history. Today could be the beginning of the end of the war in Vietnam. This is the day that South Vietnam takes a giant step toward becoming a real functioning democracy.

In a ceremony at Cantho in the Mekong Delta, President Thieu signed into law one of the most sweeping land reform programs proposed by any government in power in the history of the world. The new law should completely abolish all tenant farming in Vietnam and give the land free to the peasant. A great national holiday has been declared in Vietnam to mark the event.

Yes, Mr. Speaker, the peasants are weeping in Vietnam. But for the first time, they are weeping for joy—not out of anguish, pain, and hopelessness. Today is the day the peasants of Vietnam are freed from economic serfdom. No longer should they have to pay up to 80 percent of their crops to landlords who have been exploiting them for generations.

This action is a body blow to the Vietcong. It may totally eclipse any military action that could be taken against the Communists. They have been able to recruit guerrillas by falsely promising to the peasants: "Give us your sons and we will give you your land." The whole history of Communist agrarian reform proves that such lands eventually end up in the hands of the state.

As chairman of the House Foreign Operations and Government Information Subcommittee, I want to commend President Thieu for this action. It is a step our subcommittee has been championing for 4 years—ever since we made our first examination of the economy and efficiency of U.S. aid efforts in the field of agrarian reform.

Our interest in land reform progress in Vietnam has been a totally bipartisan one. The gentleman from New York (Mr. REID) and his Republican colleagues on the subcommittee strongly encouraged

and supported our attempts to make U.S. aid in agrarian reform as economical and efficient as possible. That is the only way it could be made truly effective.

I am also proud of the fact that a distinguished American law professor—Dr. Roy L. Prosterman of the University of Washington—played a key role in South Vietnam's efforts to bring reality to this dream. Over the years, he became the principal architect and exponent of the land reform program. In my view, he should be awarded the Medal of Freedom. It is my hope President Nixon will consider such a nomination.

It is also my hope that the United States will continue to take an active role in the successful accomplishment of this progressive program to put economic power into the hands of the many instead of just a few. I might emphasize that the total cost of this major social and economic reform is equivalent to 1 week of what it is costing the United States to wage war in Vietnam.

Mr. Speaker, this program of land reform is going to save American lives in Vietnam. The Communists are going to find it harder and harder to recruit peasants to act as guerrillas. And it will give the peasants a real stake in the future. They will want to protect their ownership of land and turn against the Communists. So this is why I say it well could be the beginning of the end of the Vietnam war. Let us pray to God this is so.

I include an article from the Washington Evening Star of March 25, and a letter at this point in the RECORD:

VIETNAM LAND REFORM

There is a great predilection among the news disseminators of this country to point out, with appropriate expressions of horror, everything that is wrong with the government in Saigon. This is as it should be. President Thieu should be criticized for every repressive move he makes.

But an interest in Saigon's warts should not make it impossible to appreciate the occasional beauty spots that appear. And yet, to judge from the reaction to the passage of Thieu's land reform program, our sense of appreciation has become dulled. The final passage of the reform bill—the best news to come out of Vietnam since the end of the Japanese occupation—was, with a very few exceptions overlooked.

The program is important for three reasons. First, it is right for the peasants and tenant farmers to own the land they till. Second, it can have a considerable beneficial impact on the popularity and the stability of the central government. Finally, it robs the Viet Cong of their major selling point.

The plan calls for the free distribution of 3 million acres of land among some 1 million families. It is—disregarding the Chinese communist program—the most massive land reform project in the Far East of modern history. And the Chinese program can, in common with all Communist land reforms, be logically disregarded in view of its temporary nature. The record shows that soon after the distribution all the land is reclaimed by the state.

There is little justification for cynicism about Thieu's intention to carry out the reform. The program was conceived by him and pushed through a reluctant assembly. Additional evidence of his sincerity can be found in the fact that he has already initiated the distribution of 150,000 acres of government-owned lands—a move that deprived some well-placed officials of a major source of income.

The plan will cost the Saigon government some $400 million over the next eight years in payment to the former landowners. The United States has, so far, pledged $40 million toward that cost. If more is needed it should be promptly forthcoming.

The total cost would be less than the cost to us of one week of the Vietnam war. When the land reform is carried out, it will seriously undermine the appeal of the Viet Cong and thus be a major incentive to them to seek an acceptable political settlement with Saigon. Washington, as a matter of enlightened self-interest, should give the program every bit of encouragement and support it needs.

DECEMBER 14, 1967.

Hon. DEAN RUSK,
Secretary of State, Department of State, Washington, D.C.

DEAR MR. SECRETARY: We, as the Chairman and ranking minority member of the Foreign Operations and Government Information Subcommittee, after having carefully studied the problems of land reform in Vietnam, have reached certain conclusions which we hope will be embodied ultimately in a report to be issued by the House Committee on Government Operations.

In our judgment, however, land reform in Vietnam is a matter of sufficient urgency to warrant an interim letter voicing our concern that sweeping and dramatic actions must be undertaken promptly by the Government of South Vietnam with the full and vigorous support of United States officials.

The people of South Vietnam have been subjected to a long history of unfulfilled promises with regard to land reform. The most recent of these include public commitments made at the Manila Conference, in the Constitutional Assembly, and in the "program of action" announced late this fall by President Thieu and Premier Loc.

The sad fact is that each "commitment" has been followed in turn by an absence of major substantive action. The distribution of token amounts of land, re-establishment of expired land leases, and issuance of permanent rather than provisional land titles is not the kind of major action we believe is sufficient and imperative. Our findings, supported by a study conducted by the General Accounting Office, reflect a record of inadequacy:

1. Since 1954, the Government of South Vietnam (GVN) has acquired only part of the arable land in South Vietnam appropriate for expropriation and has been slow to distribute the land it has acquired. Distribution came to a virtual standstill between 1962 and 1967.

2. A comparison of Vietnamese law with other land appropriation programs in Asia indicates that the present maximum retention limit of 247 acres may well be excessive. A retention limit of seven to ten acres would appear to be more equitable.

3. Of the more than 2.47 million acres of arable land acquired by the GVN for distribution, only about 667,000 acres have actually been distributed to 128,000 families since 1954. These figures include 51,800 acres actually distributed to 12,000 families since January 1, 1967.

4. In 1958 the GVN acquired 566,000 acres of choice riceland from French owners. Although the GVN has rented about 240,000 acres of this land to small farmers, no actual distribution of land was made until October 1966, eight years after the land was expropriated.

5. The Montagnards feel that their lands have been unjustly confiscated. On October 17, 1964, the GVN decided to grant the Montagnards lands they occupied and cultivated. However, no law has been enacted by the GVN to implement this policy.

6. Although the GVN has enacted some basic legislation relating to the rental of land, we have information which shows that the GVN has not fully enforced these laws. There was some evidence indicating that GVN armed forces had been assisting in the unlawful collection of back rents and taxes.

The Viet Cong, during this period, have instituted their own land reform program—distributing reportedly some five times the amount of land distributed by the GVN—and this program has not been effectively countered by the GVN. The Viet Cong have eliminated landlord domination and reallocated lands owned by absentee landlords and the GVN to the landless and others who cooperate with Viet Cong authorities.

We are not unaware of new initiatives taken by Ambassador Bunker at the direction of the Department of State, nor with the emphasis placed by United States officials upon title distribution and the establishment of clear occupancy rights for farmers at the time of the pacification of secure areas. Further, we are cognizant of other substantial efforts by Embassy Saigon to aid GVN agricultural officials in improving farming practices and increase yield per acre.

But we believe that major actions must be taken promptly, including accelerated distribution of land presently available and the total remission of rents for arable lands—at least in certain areas—with appropriate compensation for landlords.

Mr. Secretary, we trust that during the impending period of Congressional adjournment, the Department of State will take such action as is necessary to make crystal clear to the Government of South Vietnam the imperative nature of its undertaking a true commitment of action with regard to the pressing problems of land reform. The time for pledges to be fulfilled by the GVN has more than come.

Very truly yours,

JOHN E. MOSS,
OGDEN R. REID,
Members of Congress.

ADJOURNMENT TO TUESDAY, MARCH 31, 1970

Mr. ALBERT. Mr. Speaker, I call up Senate Concurrent Resolution 59 and ask for its immediate consideration.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 59

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourn on March 26, 1970, it stand in adjournment until 12 o'clock meridian, Tuesday, March 31, 1970.

AMENDMENT OFFERED BY MR. ALBERT

Mr. ALBERT. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ALBERT: On line 4, page 1, strike out the period and insert: "; and that when the House adjourns on Thursday, March 26, 1970, it stand adjourned until 12 o'clock meridian, Tuesday, March 31, 1970."

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Iowa will state his parliamentary inquiry.

Mr. GROSS. What is the parliamentary situation? Is not unanimous consent required to call up this resolution?

The SPEAKER. No, it is a privileged matter.

(Mr. ALBERT asked and was given permission to address the House for 1 minute.)

Mr. ALBERT. Mr. Speaker, I rise in support of the amendment.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. I am not quite clear as to what this resolution calls for with the amendment inserted. Would the gentleman please explain it?

Mr. ALBERT. The Senate has sent over a concurrent resolution which would permit the Senate to adjourn until Tuesday of next week. We are simply attempting to amend it so that when the House adjourns today, under the resolution we would also return on Tuesday next. If the gentleman will bear with me, if we get all the consent requests that we hope to get today, we do not expect to have business on Tuesday next.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. ALBERT. I yield to the gentleman from Iowa.

Mr. GROSS. The distinguished majority leader is well aware that there is supposed to be a conference in operation. I shall have more to say about that conference a little later today, I hope. But I wonder if we should, at this hour, not have the ability to call the House into session on Monday if some agreement can be reached. I doubt that it will be. But I am not as optimistic about the situation as some people at the other end of Pennsylvania seem to be, and perhaps some Members of Congress with relation to what may develop next week.

Mr. ALBERT. The gentleman is more aware of what is going on in the conference than I. In any event, I do not think we would be prepared, especially with the Senate adjourning until Tuesday, to consider legislation before Tuesday.

Mr. GROSS. If the gentleman will yield further, I will say to the gentleman that if I had it within my power—and I do not have—I would try to defeat any such resolution under the circumstances that presently exist.

But I see nothing to be gained by the House being in session tomorrow or Monday, and therefore I am not going to ask for a rollcall on this resolution or comment any further about it.

Mr. ALBERT. The gentleman's logic is absolutely convincing and I agree with him.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Speaker, let me see if I understand, for my benefit as well as the benefit of my colleagues, what the situation is. Earlier this year when we convened for the second session of the 91st Congress an announcement was made to this body that we would adjourn from the close of business today until Tuesday next.

Mr. ALBERT. That is correct.

Mr. WAGGONNER. Then there was a change made to that notice, and the Congress was told when we adjourned at the conclusion of business today, we would adjourn until 12 o'clock noon on April 6.

Mr. ALBERT. That is what we contemplated.

Mr. WAGGONNER. Now the gentleman is offering an amendment to a privileged resolution coming from the Senate, which reverts back to the initial announcement calling for the reconvening of the House on Tuesday next after the close of business today. Is that correct?

Mr. ALBERT. That is correct.

May I say to the gentleman it is implicit in any advance announcement—for instance, we have announced we hope we will be able to adjourn earlier—this year, that circumstances which are of national importance may alter our plans. We cannot help that. We had intended to adjourn until April 6 as we had announced, and that was our intention until the developments of the past few days.

Mr. WAGGONNER. Mr. Speaker, if the gentleman will yield further, the gentleman said, in answer to the gentleman from Iowa, that it was not the intention of the leadership to conduct business or to schedule business on Tuesday when we are scheduled to reconvene.

Mr. ALBERT. That is correct.

Mr. WAGGONNER. What can the gentleman tell the House about Wednesday and Thursday and Friday of next week? Some of us have made some rather far-reaching commitments.

Mr. ALBERT. I realize that. No one is more discommoded than I. I have canceled all of my plans. I am sorry I had to do it, but let me say to the gentleman that we do not intend to schedule anything that is not related to a national emergency until Tuesday a week. We will not schedule anything until then.

Mr. WAGGONNER. Until Tuesday a week?

Mr. ALBERT. The gentleman is correct.

Mr. WAGGONNER. Until Tuesday a week, or Tuesday of next week?

Mr. ALBERT. Until Tuesday a week; until Tuesday, April 7. We are coming back next week because of the postal crisis so we can act if necessary, and I will advise the House at this time, that we will undertake, if something develops that will help settle the postal crisis, not to take any action until we have sent out notices 48 hours in advance to all Members of the House.

Mr. DULSKI. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. Mr. Speaker, I yield first to the gentleman from New York, and then I will yield to the acting minority leader. I yield now to the gentleman from New York (Mr. DULSKI).

Mr. DULSKI. Mr. Speaker, to clarify the situation, we have been in conference for the last 2 days. We met twice yesterday and also this morning. We have not been able to attain any progress as far as marking up H.R. 13000 is concerned. A resolution was adopted by the Senate conferees which I will bring into the record on my own time, and I have my own statement pertaining to why the Congress has to be available if we are able to bring back a conference report.

The genesis of this situation is the promise of the President and the Postmaster General to meet with the labor leaders and negotiate the full range of postal employees' grievances. The Senate conferees will mark up H.R. 13000 only when that is done.

The Senate conferees, as I said, disclosed that attitude by a resolution that they adopted today. The conferees on this side were willing to mark up the bill immediately. That is where we were stymied, so that we do not have a report. As I understand it, there may be a chance for a report within the next few days.

The only thing I will say to the gentleman from Oklahoma is that the "5-day limitation" on labor-management negotiations expires on Monday. At that time, the President of the United States, Postmaster General Blount, and the Bureau of the Budget have to evaluate the demands of the postal unions.

It is only fair that we adjourn to a time certain, and then if we do have a sudden breakthrough—if the negotiations are successful or if the parties do not agree—then the conferees on H.R. 13000 will go back into conference and report promptly to their respective Houses.

Mr. ALBERT. I thank the gentleman for his statement which clarifies the situation.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. I thank the gentleman from Oklahoma for yielding.

I merely want to say that the distinguished majority leader did us the courtesy of clearing this Senate resolution, together with the amendment thereto he has offered, with the minority side of the aisle. We certainly concur in the propriety of the action he is recommending; and I believe, particularly with the assurance we have that adequate notice will be given to Members to return in case action is required on a conference report, that we can take the action the gentleman suggests.

Mr. ALBERT. We are going to endeavor to give every Member, or at least his office, at least 48 hours' notice before we schedule anything in connection with this matter.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield once again?

Mr. ALBERT. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Will someone tell me what the relationship is of the arbitration now underway between the Postmaster General and the postal employees, at least their representatives, and the conference on the two pay bills between the House of Representatives and the Senate of the United States? Is it

intended that the conferees are going to wait for the executive branch of the Government to tell us what to do, or is the Congress going to take action?

Mr. ALBERT. The conferees on both sides have to agree.

Mr. DULSKI. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from New York.

Mr. DULSKI. The House conferees adopted a resolution by themselves to go ahead immediately with H.R. 13000. The other body adopted a resolution that they do not want to mark up any part of H.R. 13000 at this time.

If the distinguished majority leader will yield further, let me read the item from their resolution:

2. The Senate conferees will act in conference, or if necessary will recommend to the Senate Committee on Post Office and Civil Service and the Senate the immediate enactment of legislation for postal pay increases when (1) the President recommends legislation on the basis of successful negotiations or (2) the parties to the negotiations announce that they agree that they have bargained in good faith with every intention to reach an agreement, and that they are unable to do so.

So the House has acted responsibly and the Senate has not acceded to our request for us to continue.

Mr. ALBERT. To clarify the matter for the record, when the gentleman said "the other body" he meant to say "The conferees of the other body"?

Mr. DULSKI. The Senate conferees, yes.

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Massachusetts.

Mr. BOLAND. I wonder if the distinguished chairman of the Post Office and Civil Service Committee can advise the House as to whether or not the Post Office Department and the Postmaster General, or the executive branch, have been keeping the House conferees informed as to what is developing in the negotiations between the executive department and the postal unions.

Mr. DULSKI. No, they have not.

Mr. BOLAND. And whether or not they have been keeping the conferees on the other side informed?

Mr. DULSKI. Yes, they have.

Mr. ALBERT. As far as I know they have not been keeping the leadership of the House informed.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the distinguished majority leader for yielding.

Mr. Speaker, as one of the House conferees on H.R. 13000, the bill to provide pay increases for postal workers and other Federal employees, I must report to the House, with regret, that I have never witnessed more duplicity and futility.

The conference started at 10 o'clock yesterday morning. There has been a total of three meetings of the conferees yesterday and today.

The conferees of the other body have been adamant in their refusal to work on either their version or the House version of H.R. 13000.

Mr. Speaker, I could understand the necessity for exploratory discussions within the so-called conference at the initial session yesterday morning. But when the conferees reconvened yesterday evening it became fully obvious that the conferees on the part of the other body had not the slightest intention of participating in specific and meaningful negotiations.

When this situation became clear, the House conferees, to make their position unqualified, adopted a motion declaring they were then ready, willing, and able to begin immediately the markup of H.R. 13000.

The conferees of the other body then adopted a motion which had the effect of outright refusal to begin an immediate and effective conference.

Again this morning, the House conferees were ready to begin meaningful negotiations. Again the representatives of the other body refused and on the specious grounds that they were awaiting the results of certain negotiations that are taking place beyond the Halls of Congress.

Mr. Speaker, I entered into this conference in good faith and I assumed that Members of the other body likewise accepted the call to conference in good faith.

Up to this point I have believed there was a separation of powers in this Government. I now question whether the Congress is autonomous. When and under what conditions the conferees on H.R. 13000 will again meet is anyone's guess.

Mr. Speaker, this to me is a sad and incredible performance. I can only say to you that a majority of your conferees have tried to honorably and faithfully represent the House of Representatives.

Mr. ALBERT. I thank the gentleman from Iowa.

The SPEAKER. The question is on the amendment offered by the gentleman from Oklahoma (Mr. ALBERT).

The amendment was agreed to.

The Senate concurrent resolution, as amended, was concurred in.

The title was amended to read as follows: "To provide for the adjournment of the Congress from March 26, 1970, until March 31, 1970."

A motion to reconsider was laid on the table.

AUTHORIZING CLERK TO RECEIVE MESSAGES AND SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House from March 26 to March 31, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

AUTHORIZING THE SPEAKER TO ENTERTAIN MOTIONS TO SUSPEND THE RULES—CALL OF THE CONSENT CALENDAR ON TUESDAY, APRIL 7

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that on Tuesday, April 7, it shall be in order for the Speaker to entertain motions to suspend the rules notwithstanding the provisions of clause 1, rule XXVII, and that it shall also be in order to consider business under clause 4, rule XIII, the Consent Calendar rule.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PRIME INTEREST RATE

(Mr. BEVILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEVILL. Mr. Speaker, I want to take this opportunity to express my strong support of House Concurrent Resolution 522, which is being considered at this time by the House Banking and Currency Committee. Passage of this resolution, which I am cosponsoring, asks the administration to revise its policy of high interest rates, and have the Federal Reserve Board take steps to gradually roll the prime interest rates back to 6 percent.

During the last 14 months, almost a million Americans were added to the list of unemployed and inflation has continued to rise at a fast rate.

During this same period, the small businessman, hit sharply by increases in interest rates, has curtailed business expansion, which has resulted in production cutbacks and job losses.

High interest rates and tight-money conditions have made it impossible for half the people of this Nation to purchase their own home.

Accordng to a recent study made by the House Banking and Currency Committee, over 100 million Americans cannot afford payments on the minimum loan for an adequate house. This study shows that to buy a home, a family must have a gross income of at least $13,000 a year and be able to make monthly payments of $226. And the increase in interest rates has caused rent to go up to an all-time high.

While these are but a few of the most obvious examples, there are many more. The areas hit first and hardest by rising interest rates are most noticeable. The actual impact, however, is far greater, because the influence of interest rates on prices reaches practically every area of our economy.

The policy of deliberately maintaining high interest rates which has been in effect for the past 14 months, is apparently having no measurable effect on lowering prices.

High taxes, high interest rates, rising cost of food, housing, and medical care bear most heavily upon the low- and middle-income families of our country.

What is needed most at this time is a sound economic program which will put the United States on a stable course and avoid a recession.

I am heartened by the fact that many of the major banks across the country have cut their prime lending rate to 8 percent from a record 8½ percent. I believe a large measure of the credit for bringing about this reduction in interest rates must go to the House Banking and Currency Committee. For this committee has persistently focused attention on the need to reduce interest rates, and the effect these rates are having on the American economy.

This is a beginning. But we cannot stop at this point. I believe the President should use the prestige of his office to persuade the big banks of this country to continue to roll back interest rates, gradually, until the prime interest rate is back to 6 percent.

Additionally, I believe the President should insist that these big banks exercise restraint during the coming months.

POSTAL STRIKE

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MONTGOMERY. Mr. Speaker, I take this opportunity to commend the military services for the outstanding manner in which they performed in New York during the postal employees strike. Regular forces of the Army, Air Force, and Navy, as well as reservists and National Guardsmen, were used for 3 days in New York. They handled themselves in a quiet, orderly, and efficient manner.

Guardsmen and reservists from the New York area worked in seven post offices in New York with the guidance of supervisory personnel. Their assignments included sorting and sacking the mail, as well as delivering it in the financial district. The postal supervisors indicate they did an outstanding job.

I think the truly important point to be made is that over 95 percent of the men assigned to the units that were called out reported to duty. This is really an outstanding turnout on such short notice and when you consider some were probably sick or out of town. The officers and men of the Guard and Reserves are citizen soldiers who make personal sacrifices when called to duty. Again this week they proved their worth when they responded to the call of the President of the United States.

SUIT TO REAPPORTION NATIONAL CONVENTIONS

(Mr. FLYNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FLYNT. Mr. Speaker, the attorney general of the State of Georgia today filed suit to reapportion the 1972 Democratic and Republican National Convention on a one-man one-vote basis.

The suit, filed Wednesday in the U.S. District Court in Washington, D.C., points out that the two national political parties apportion delegates to their national conventions based on how the voters of a State voted in the last presidential election, not on the basis of population.

The Democratic Party awards 10 votes to States which went Democratic. The Republican Party gives at least six votes to Republican States. Georgians, who gave neither party a majority in 1968, would be underrepresented at both national conventions in 1972. Every State will be underrepresented in one or the other national convention.

The suit charges, in effect, that the two political parties share monopoly power in electing U.S. Presidents and that their malapportioned national conventions are an integral part of the presidential election process.

In addition to the political parties, the suit, brought by Attorney General Arthur K. Bolton, names the two national committees as defendants. Plaintiffs in the suit include the State of Georgia, the State election board, Governor Lester Maddox, and Secretary of State Ben Fortson.

I include as a part of my remarks a copy of the petition as filed:

[In the U.S. District Court for the District of Columbia]

CIVIL ACTION NO. CA 882–70

(The State of Georgia (State Capitol Building, Atlanta, Georgia 30334, c/o Lester G. Maddox, Governor); Lester G. Maddox (Governor's Mansion, 391 W. Paces Ferry Road, N. E., Atlanta, Georgia), individually and as Governor of the State of Georgia; the State Election Board of Georgia (State Capitol Building, Atlanta, Georgia 30334, c/o Ben W. Fortson, Jr., Secretary of State); Ben W. Fortson, Jr. (105 Rumson Road, N. E., Atlanta, Georgia), individually and as Secretary of State of the State of Georgia and Chairman of the State Election Board of Georgia; Mrs. Harry B. Williams (620 Forest Road, Athens, Georgia), individually and as Vice-Chairman of the State Election Board of Georgia; W. F. Blanks (P. O. Drawer 311, Montezuma, Georgia), individually and as member of the State Election Board of Georgia, John W. Greer (1166 Evergreen Drive, Atlanta, Georgia), individually and as member of the State Election Board of Georgia; Ralph A. Dougherty (Route 4, Griffin, Georgia), and Harold N. Hill (9490 River Lake Drive, Roswell, Georgia), and for and on behalf of others similarly situated, Plaintiffs, *v.* the National Democratic Party, an unincorporated association; the Democratic National Committee, an unincorporated association; Channing E. Phillips, individually and as member and representative of the National Democratic Party and the Democratic National Committee and their members; Miss Flaxie Pinkett, individually and as member and representative of the National Democratic Party and the Democratic National Committee and their members; The National Republican Party, an unincorporated association; the Republican National Committee, an unincorporated association; Carl L. Shipley, individually and as member and representative of the National Republican Party and Republican National Committee and their members; Mrs. J. Willard Marriott, individually and as member and representative of the National Republican Party and Republican National Committee and their members; Defendants.)

COMPLAINT

The Plaintiffs above named respectfully show to the Court as follows:

Parties—Plaintiffs

1. The plaintiffs in this action are the State of Georgia; Lester G. Maddox, individually and as Governor of the State of Georgia; the State Election Board of Georgia; Ben W. Fortson, Jr., individually and as Secretary of State of the State of Georgia and Chairman of the State Election Board of Georgia; Mrs. Harry B. Williams, W. F. Blanks, and John W. Greer, individually and as members of the State Election Board of Georgia; and Ralph D. Dougherty and Harold N. Hill, individually.

2. The State of Georgia and the State Election Board of Georgia bring this action pursuant to authority granted, inter alia, by Georgia Code Sections 40–1610 (Ga. Laws 1931, pp. 7, 39), 34–202 and 34–203(a) (Ga. Laws 1964, Extra Sess., pp. 26, 35, 36, as amended).

3. The individual plaintiffs are residents and citizens of the State of Georgia and of the United States of America. Said individual plaintiffs are registered and qualified voters of the State of Georgia and as such are entitled to vote for Presidential Electors to be elected in the General Election to be held in November, 1972 and each four (4) years thereafter.

4. The plaintiffs bring this action in their behalf and in behalf of all qualified voters of the State of Georgia who are aggrieved by the hereinafter alleged dilution and impairment of their right to vote for Presidential Electors. The members of this class are so numerous as to make it impractical to bring them all before the Court. There are questions of law and fact common to the class. The claims of the named plaintiffs are typical of the claims of the class and the named plaintiffs will fairly and adequately protect the interests of the class.

5. The named individual plaintiffs include Democratic and Republican voters.

6. The class represented by plaintiffs includes persons who voted for the Democratic or Republican nominees for the office of Presidential Electors for Georgia in the 1968 General Elections. Said class includes residents of Georgia who were too young to vote in the 1968 General Election but who are now registered and eligible to vote in the 1972 General Election. Said class includes persons who were residents of other States at the time of the 1968 General Election and who are now residents of Georgia registered and eligible to vote in the 1972 General Election.

7. The defendants, as hereinafter alleged, are penalizing the plaintiffs and the class they represent, particularly the aforesaid members of the plaintiff class who were too young to vote in 1968, and those who were residents of other States in 1968, by reason of the failure of the Georgia voters who voted in 1968 to elect either the Democratic or Republican nominees for the office of Presidential Electors.

Defendants

8. The defendants in this action are as follows:

(a) The National Democratic Party, an unincorporated association, authorized at this time to act by and through the Democratic National Committee, whose offices are located at 2600 Virginia Avenue, N.W., Washington, D.C.

(b) The Democratic National Committee,

an unincorporated association, whose offices are located at 2600 Virginia Avenue, N.W., Washington, D.C.

(c) Mr. Channing E. Phillips, individually and as member and representative of the National Democratic Party and the Democratic National Committee and their members, who resides at 1373 Locust Road, N.W., Washington, D.C.

(d) Miss Flaxie Pinkett, individually and as member and representative of the National Democratic Party and the Democratic National Committee and their members, who resides at 1509 Ninth Street, N.W., Washington, D.C.

(e) The National Republican Party, an unincorporated association, authorized at this time to act by and through the Republican National Committee, whose offices are located at 1625 "I" Street, N.W., Washington, D.C.

(f) The Republican National Committee, an unincorporated association, whose offices are located at 1625 "I" Street, N.W., Washington, D.C.

(g) Mr. Carl L. Shipley, individually and as member and representative of the National Republican Party and the Republican National Committee and their members, who resides at 3740 Fordham Road, N.W., Washington, D.C.

(h) Mrs. J. Willard Marriott, individually and as member and representative of the National Republican Party and the Republican National Committee and their members, who resides at 4500 Garfield Street, N.W., Washington, D.C.

9. The named individual defendants are committee members of their respective National Committees.

10. The named defendants are sued as class representatives, to wit: as representatives of their respective National Committees and the members thereof, and as representatives of the political parties to which they belong and the members thereof. The members represented by the named defendants are so numerous as to make it impractical to bring them all before the Court. There are common questions of law and fact. The defenses of the named defendants are typical of the defenses of the class and the named defendants will fairly and adequately protect the interests of the class.

Jurisdiction

11. This Court has jurisdiction of this action and over the parties hereto. This action is brought under Title 28, United States Code, Sections 1343(3), 1343(4) and 2201, and under Title 42, United States Code, Sections 1983, 1985(2), 1985(3), and 1988.

12. The following provisions of the Constitution of the United States are applicable to this action: Article II, Section I; and the Fourteenth Amendment, Sections 1 and 2.

13. This is an action to redress the deprivation, under color of State laws, statutes, regulations, customs and usages, of rights and privileges secured by the Constitution and by acts of Congress providing for equal rights. 28 U.S.C. § 1343(3).

14. This is an action to secure equitable and other relief under the Civil Rights Acts of Congress for the protection of civil rights, including the right to vote. 28 U.S.C. § 1343(4).

15. This is also an action for a declaratory judgment. 28 U.S.C. § 2201.

Statement of the claim

16. Article II, Section 1, of the Constitution of the United States provides in pertinent part as follows:

"The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows:

"Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress. . . ."

17. Every four (4) years since 1788, a President and Vice President have been elected. The last such election occurred in 1968 and the next will occur in 1972.

18. There exists in this nation today a two political party system, which system has existed since at least 1868. The two political parties are the defendant National Democratic Party and the defendant National Republican Party.

19. The political party system of nominating conventions to choose candidates for the Presidency began in 1832 in the Democratic Party. The Republican Party met in its first national convention in 1856.

20. Every four (4) years the defendant political parties meet in convention to elect nominees for the offices of President and Vice President.

21. The persons nominated at the respective conventions for the offices of President and Vice President are entitled under the laws of 48 States to have their names placed on the General Election ballot. In the two remaining States, Alabama and Mississippi, the names of presidential electors representing the two political parties are entitled under state law to be placed on the general election ballot.

22. No person not a nominee of one or the other of the two defendant political parties has been elected President or Vice President in the last 100 years.

23. Nomination of the candidates of one's choice at one of defendants' national conventions as nominee for the office of President or Vice President is the only means available to succeed in electing such candidates to such offices.

24. Failure to become the nominee for the office of President or Vice President of one or the other of the two defendant political parties is equivalent to defeat.

25. Voters in the United States, including voters in plaintiff State, are effectively limited in their choice of President and Vice President to the nominees of one or the other of the defendant political parties.

26. The nominees of the two defendant political parties are chosen in malapportioned National Conventions.

27. The defendant Democratic National Committee is the permanent agency authorized to act in behalf of the defendant National Democratic Party during intervals between Democratic National Conventions, in accordance with the Rules of the defendant Democratic National Party.

28. The defendant National Democratic Party has delegated to the defendant Democratic National Committee to apportion among the States, the District of Columbia, and certain territories, the number of votes to be cast at the Democratic National Convention.

29. The defendant Democratic National Committee adopted and there was in use at the 1968 Democratic National Convention the following formula of apportionment:

"*Resolved* That the distribution of votes, delegates and alternates from the various States and territories to the Democratic National Convention to be held in Chicago on the twenty-sixth day of August, 1968, be as follows:

"(1) Each State shall have three (3) Convention votes for each of the Electors from that State in the Electoral College.

"(2) Each State shall have a popular vote bonus equal to one Convention vote for each 100,000 popular votes, or major fraction thereof, cast in that State in 1964 for Electors who either voted for the nominees of the 1964 Democratic National Convention or who were not elected but ran on the ticket of voting for said nominees: *Provided,* That (i) there shall be a minimum of one such bonus vote for each State.

"(3) There shall be a victory bonus of ten (10) Convention votes for each State which cast its Electoral votes for the nominees of the 1964 Democratic National Convention.

"(4) Each member of the Democratic National Committee elected by the 1964 Democratic National Convention or subsequent thereto by the Democratic National Committee shall have one Convention vote, said vote to be personal and to be incapable of exercise by any alternate.

"(5) Canal Zone, Guam, Puerto Rico and the Virgin Islands shall have twenty-three (23) Convention votes, inclusive of the votes of members of the Democratic National Committee, distributed as follows:

"Canal Zone	5
"Guam	5
"Puerto Rico	8
"Virgin Islands	5"

30. The defendant Republican National Committee is the permanent agency authorized to act in behalf of the defendant National Republican Party during intervals between Republican National Conventions, in accordance with the rules of the defendant National Republican Party.

31. The defendant National Republican Party adopted and there was in use at the 1968 Republican National Convention the following formula of apportionment:

"Rule No. 30

"The membership of the next National Convention shall consist of:

"*A. Delegates at Large*

"1. Four Delegates at Large from each State.

"2. Two additional delegates at Large for each Representative at Large in Congress from each State.

"3. Nine Delegates at Large for the District of Columbia and three additional Delegates at Large for the District of Columbia if it casts its electoral vote, or a majority thereof, for the Republican Nominee for President in the last preceding Presidential election.

"4. Six additional Delegates at Large from each State casting its electoral vote, or a majority thereof, for the Republican Nominee for President in the last preceding Presidential election. If any State does not cast its electoral vote, or a majority thereof, for the Republican Nominee in the last preceding Presidential election, but at that election or at a subsequent election held prior to the next Republican National Convention elects a Republican United States Senator or a Republican Governor then in such event such State shall be entitled to such additional Delegates at Large.

"5. Five Delegates at Large for Puerto Rico and three Delegates at Large for the Virgin Islands.

"*B. District Delegates*

"1. One District Delegate from each Congressional District casting two thousand (2,000) votes or more for the Republican Nominee for President or for any elector pledged to vote for the Republican Nominee for President in the last preceding Presidential election, or for the Republican Nominee for Congress in the last preceding Congressional election.

"2. One additional District Delegate for each Congressional District casting ten thousand (10,000) votes or more for the Republican Nominee for President or for any elector pledged to vote for the Republican Nominee for President in the last preceding

Presidential election, or for the Republican Nominee for Congress in the last preceding Congressional election."

A chart, marked Appendix B, showing the foregoing distribution of convention votes by States is attached hereto and incorporated herein by reference.

32. Under the apportionment formula prescribed by Republican Rule 30 (par. 31 above), each State had at the 1968 Republican National Convention at least 4 delegates at large, plus 2 delegates at large for each Representative at large in Congress, 6 more delegates at large if the State went Republican for President or if it elected a Republican Senator or Governor, plus 1 district delegate for each congressional district which cast at least 2000 votes (and 1 extra for each casting at least 10,000 votes) for any Republican elector for President or a Republican Congressman in the last election. Each such delegate had one vote in the National Convention.

33. The defendant political parties have for the last several or more national conventions not nominated candidates on the basis of one person-one vote.

34. Unless restrained and enjoined, the defendant National Democratic Committee will adopt for use at the 1972 Democratic Convention a formula for apportionment of votes which provides for victory or popular vote bonuses or both.

35. Unless restrained and enjoined, the defendant Republican National Party will use at the 1972 Republican National Convention a formula for apportionment of votes which provides for votes based upon whether or not the voters of a State voted for the Republican nominees for President and Vice President, or Senator, or Governor, or Congressman, which formula gives excess votes to states which voted for the Republican nominee for President because it also gives extra votes to states in which congressional districts voted for the Republican nominee for President.

36. Eleven States (California, Florida, Massachusetts, Nebraska, New Hampshire, New Jersey, Ohio, Oregon, South Dakota, West Virginia and Wisconsin) and the District of Columbia elect all delegates to the defendants' National Conventions at State primaries, where State laws regulate the primaries and therefore the processes of selection. The number of delegates to be elected at such primaries is controlled by defendants' apportionment formulas.

37. Three States, Illinois, New York and Pennsylvania, elect district delegates to the defendants' National Conventions at State primaries, where State laws regulate the process of selection.

(a) In Illinois, delegates at large are elected by State conventions, the membership in such State conventions being regulated by State law and the members being chosen at county conventions consisting of committeemen elected at primaries regulated by State law.

(b) In New York and Pennsylvania, the delegates at large are elected by State party committees, the members of such State party committees being elected at State primaries, regulated by State law.

(c) The number of delegates to be elected in Illinois, New York and Pennsylvania is controlled by defendants' appointment formulas.

38. In four States, Alabama, Georgia, Montana and Rhode Island, State law permits the political parties to exercise the option of electing National Convention delegates at State primaries (regulated by State law), or by some other means.

(a) In Alabama, the Democratic Party usually utilizes the primary method, whereas the Republican Party usually utilizes the convention method.

(b) In Georgia, State law permits the political parties to adopt rules and regulations providing for the method of electing delegates to National Conventions. The rules of the Democratic Party provide that such delegates shall be selected by its executive committee chairman. The rules of the Republican Party provide that such delegates shall be elected in the primary or by district and state conventions. The Republican custom has been to elect National Convention delegates by conventions.

(c) In Montana, statutes authorize each political party to provide for the method of selection of delegates to national conventions. Both parties utilize the state convention method. Delegates to state conventions are elected in county conventions. State law requires that county conventions be composed of precinct committeemen and women elected in state primaries, which primaries are regulated by state law.

(d) In Rhode Island, party state central committees are authorized by statute, at their discretion, to require election of national convention delegates at primary meetings in cities and towns, but both parties select such delegates pursuant to § 17–12–2 (2) of the Election Laws of the State of Rhode Island.

(e) The number of such delegates to the defendants' National Convention is controlled by defendants' apportionment formulas.

39. In three States, Arizona, Arakansas and Louisiana, all national convention delegates are selected by State party committees.

(a) In Arizona, state law requires that each party have a State committee and permits the selection of delegates by such committees.

(b) In Arkansas, state law requires the selection of national convention delegates by state party committees, such state committees being selected by county conventions held as required by law and attended by county members elected in primaries.

(c) In Louisiana, state law permits the selection of delegates by primary, convention or state central committee, but the political parties do not utilize the primary. Democratic delegates are selected by the state central committee, the composition of which is regulated by law, the membership being elected in the primary. Republican delegates are selected by congressional district and state conventions, as ordered by the state central committee of that party, which committee is regulated by law and elected in the primary.

(d) The number of delegates selected in each of these states is controlled by defendant's apportionment formulas.

40. In twenty-seven States, national convention delegates are selected in state and district conventions.

(a) In Indiana, Maryland and New Mexico, the members of such conventions are elected in primaries which are regulated by state law.

(b) In Colorado, Iowa, Michigan, Minnesota, Mississippi, North Dakota, Texas, Utah and Wyoming, the members of such conventions are chosen by local bodies elected in primaries or caucuses which are regulated by state law.

(c) In Connecticut, Idaho and Kansas, the members of such conventions are derived partly from primaries and partly from meetings of subordinate party units regulated by state law.

(d) In Hawaii, Kentucky, Maine, Tennessee, Vermont and Virginia, the members of such conventions are elected at meetings of subordinate party units. In Vermont the membership is regulated by state law. In Hawaii and Kentucky the conventions are regulated by state law.

(e) In Delaware, Missouri, Nevada, North Carolina, Oklahoma and South Carolina, the members of such conventions are chosen at county conventions derived from local meetings. In Missouri, Nevada, North Carolina, Oklahoma and South Carolina, they are regulated by state law.

41. Alaska, Delaware, Maine, Oklahoma, Tennessee, Virginia and Washington permit the political parties to choose the method of selecting national convention delegates.

42. In each of the fifty states, the recognition, organization and government of the Democratic and Republican parties is controlled by state law.

43. In each of the fifty states, the selection of delegates to national conventions is governed by state law in either (a) the election of such delegates in primaries regulated by state law, (b) the election of such delegates in state or district conventions, which conventions are regulated by state law, or whose members are chosen in primaries regulaed by state law or whose members are chosen by persons chosen in primaries regulated by state law, or (c) the selection of such delegates by party organizations created and subject to regulation by state law.

44. In each of the fifty States, the method of selecting delegates to national conventions is controlled by, or is subject to the control of, state law, whereas the number of delegates to be selected is controlled by defendants' apportionment formulas.

45. In 1968, fourteen states, California, Florida, Illinois, Indiana, Massachusetts, Nebraska, New Hampshire, New Jersey, Ohio, Oregon, Pennsylvania, South Dakota, West Virginia, Wisconsin, held preferential presidential primaries, regulated by state law.

46. Fifteen states, Arkansas, California, Illinois, Indiana, Maryland, Massachusetts, Mississippi, Nebraska, New Hampshire, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, and Wisconsin each have statutory instructions applicable to voting by delegates at national conventions.

47. In forty-eight states, the persons nominated at the respective national conventions conducted by defendants are entitled under state law to have their names placed on the general election ballots as the nominees of their respective political parties. In such states, votes cast for the party nominees for President and Vice President count toward the election of presidential electors supporting such nominees. In the two remaining States, Alabama and Mississippi, the names of presidential electors representing the two political parties are entitled under state law to be placed on the general election ballot.

48. All States (except Arizona) and the District of Columbia have statutory instructions governing their Presidential Electors.

49. All fifty States and the District of Columbia have laws, statutes, regulations, customs or usages which bear directly or indirectly upon the selection of delegates to national conventions, the election of presidential electors, and the election of the President and Vice President of the United States.

50. By their laws, statutes, regulations, customs and usages, the States and the District of Columbia have made the national conventions of the defendant political parties their agents for the selection of persons to be voted upon for the Office of President and Vice President of the United States.

51. The States and the District of Columbia have made the defendants' national conventions an integral part of the presidential election process of each State and the District of Columbia.

52. The States and the District of Columbia have afforded the defendants the means of depriving plaintiffs and the class they represent of their constitutional rights.

53. Unless defendants apportionment

formulas are revised, plaintiffs and the class they represent will be under represented on the basis of one person-one vote at the defendants' 1972 national conventions.

54. By reason of the malapportionment of defendants' national conventions, plaintiffs are being deprived by defendants, under color of state laws, statutes, regulations, customs and usages, of rights and privileges secured by Article II, Section I, of the Constitution of the United States and Sections 1 and 2 of the Fourteenth Amendment thereto.

55. Plaintiffs and the class they represent are being denied the privileges of citizens of the United States and the equal protection of the laws guaranteed to them by the Fourteenth Amendment to the Constitution of the United States and are being denied the right to vote on a one person-one vote basis as guaranteed to them by said amendment, by virtue of the malapportioned national conventions conducted by defendants.

56. Plaintiffs have no plain, adequate or complete remedy at law to redress the wrongs herein complained of, and thus bring this action for declaratory and injunctive relief, to avoid delay and a multiplicity of suits and further irreparable injury and damage to plaintiffs and others similarly situated.

Relief

Wherefore, the plaintiffs respectfully pray, as follows:

a) That declaratory judgment issue, holding and declaring that the National Conventions of the Democratic and Republican Parties are malapportioned; and

b) That declaratory judgment issue, holding and declaring that such malapportionment violates plaintiffs' constitutional and civil rights; and

c) That the defendants, their officers, members, and successors, and those they represent, be restrained and enjoined from nominating candidates for the office of President or Vice President in a malapportioned National Convention; and

d) That the Court grant such additional and other relief as may be necessary or proper in the premises.

Respectfully submitted,

ARTHUR K. BOLTON,
Attorney General.
HAROLD N. HILL, Jr.,
Executive Assistant Attorney General.
WILLIAM L. HARPER,
Assistant Attorney General.
ROBERT J. CASTELLANI,
Assistant Attorney General.

APPORTIONMENT OF VOTES, DELEGATES, AND ALTERNATES FOR THE 1968 DEMOCRATIC CONVENTION, APPROVED JAN. 8, 1968 (INCLUDING 1964 APPORTIONMENT)

						Basis for 1968 convention votes and delegates					Basis for 1964 convention votes and delegates				
State	1968 convention vote	National Committee members [1]	Maximum number of delegates to be selected [2] (from cols. 2E and 2D)	Maximum number of alternates to be selected	Maximum total delegation [3]	3 each elector	1 each 100,000 popular vote for nominees	10 bonus, 1964 victory	Total votes [2]	Maximum number of delegates [2]	1 each 100,000 popular vote for nominees	10 bonus, 1960 victory	Total votes [6]	Total delegates [2]	1968 vote gain or loss over 1964
	(A)	(B)	(C)	(D)	(E)	(2A)	(2B)	(2C)	(2D)	(2E)	(2F)	(2G)	(2H)	(2J)	(2K)
Alabama	32	2	56 with 30 votes [4]	30	88	30			30	[4] 56	1	5	36	56	—[6]
Alaska	22	2	20 with 20 votes	20	42	9	1	10	20	20	1		10	16	+10
Arizona	19	2	32 with 17 votes [4]	17	51	15	2		17	[4] 32	2		17	32	
Arkansas	33	2	52 with 31 votes [4]	31	85	18	3	10	31	[4] 52	2	10	30	52	+1
California	174	2	172 with 172 votes	172	346	120	42	10	172	172	32		152	160	+20
Colorado	35	2	40 with 33 votes [4]	33	75	18	5	10	33	[4] 40	3		21	40	+12
Connecticut	44	2	42 with 42 votes	42	86	24	8	10	42	42	7	10	41	41	+1
Delaware	22	2	20 with 20 votes	20	42	9	1	10	20	20	1	10	20	20	
Florida	63	2	61 with 61 votes	61	124	42	9	10	61	61	7		49	56	+12
Georgia	43	2	64 with 41 votes	41	107	36	5		41	[4] 64	5	10	51	64	−10
Hawaii	26	2	24 with 24 votes	24	50	12	2	10	24	24	1	10	23	23	+1
Idaho	25	2	24 with 23 votes [4]	23	49	12	1	10	23	[4] 24	1		13	24	+10
Illinois	118	2	136 with 116 votes [4]	116	254	78	28	10	116	[4] 136	24	10	112	136	+4
Indiana	63	2	66 with 61 votes [4]	61	129	39	12	10	61	[4] 66	10		49	66	+12
Iowa	46	2	50 with 44 votes [4]	44	96	27	7	10	44	[4] 50	6		33	50	+11
Kansas	38	2	40 with 36 votes [4]	36	78	21	5	10	36	[4] 40	4		25	40	+11
Kentucky	46	2	60 with 44 votes [4]	44	106	27	7	10	44	[4] 60	5		32	60	+12
Louisiana	36	2	50 with 34 votes [4]	34	86	30	4		34	[4] 50	4	10	44	50	−10
Maine	27	2	28 with 25 votes [4]	25	55	12	3	10	25	[4] 28	2		14	28	+11
Maryland	49	2	47 with 47 votes	47	96	30	7	10	47	47	6	10	46	46	+1
Massachusetts	72	2	80 with 70 votes [4]	70	152	42	18	10	70	[4] 80	15	10	67	80	+3
Michigan	96	2	100 with 94 votes [4]	94	196	63	21	10	94	[4] 100	17	10	90	100	+4
Minnesota	52	2	60 with 50 votes [4]	50	112	30	10	10	50	[4] 60	8	10	48	60	+2
Mississippi	24	2	44 with 22 votes [4]	22	68	21	1		22	[4] 44	1		22	44	
Missouri	60	2	76 with 58 votes [4]	58	136	36	12	10	58	[4] 76	10	10	56	76	+2
Montana	26	2	30 with 24 votes [4]	24	56	12	2	10	24	[4] 30	1		15	30	+9
Nebraska	30	2	30 with 28 votes [4]	28	60	15	3	10	28	[4] 30	2		17	30	+11
Nevada	22	2	28 with 20 votes [4]	20	50	9	1	10	20	[4] 28	1	10	20	28	
New Hampshire	26	2	24 with 24 votes	24	50	12	2	10	24	24	1		13	20	+11
New Jersey	82	2	80 with 80 votes	80	162	51	19	10	80	80	14	10	75	80	+5
New Mexico	26	2	32 with 24 votes [4]	24	58	12	2	10	24	[4] 32	2	10	24	32	
New York	190	2	226 with 188 votes [4]	158	416	129	49	10	188	[4] 226	38	10	177	226	+11
North Carolina	59	2	72 with 57 votes [4]	57	131	39	8	10	57	[4] 72	7	10	56	72	+1
North Dakota	25	2	23 with 23 votes	23	48	12	1	10	23	23	1		13	20	+10
Ohio	115	2	126 with 115 votes [4]	113	241	78	25	10	113	[4] 126	19		97	126	+16
Oklahoma	41	2	56 with 30 votes [4]	39	97	24	5	10	39	[4] 56	4		28	56	+11
Oregon	35	2	33 with 33 votes	33	68	18	5	10	33	33	4		22	32	+11
Pennsylvania	130	2	160 with 128 votes [4]	128	290	87	31	10	128	[4] 160	26	10	123	160	+5
Rhode Island	27	2	32 with 25 votes [4]	25	59	12	3	10	25	[4] 32	3	10	25	32	
South Carolina	28	2	40 with 26 votes [4]	26	68	24	2		26	[4] 40	2	10	36	40	−10
South Dakota	26	2	24 with 24 votes	24	50	12	2	10	24	24	1		13	20	+11
Tennessee	51	2	64 with 49 votes [4]	49	115	33	6	10	49	[4] 64	5		38	64	+11
Texas	104	2	120 with 102 votes [4]	102	224	75	17	10	102	120	12	10	97	120	+4
Utah	26	2	24 with 24 votes	24	50	12	2	10	24	24	2		14	24	+10
Vermont	22	2	20 with 29 votes	20	42	9	1	10	20	20	1		10	16	+10
Virginia	54	2	64 with 52 votes [4]	52	118	36	6	10	52	64	4		40	64	+12
Washington	47	2	52 with 45 votes [4]	45	99	27	8	10	45	[4] 52	6		33	52	+12
West Virginia	38	2	48 with 36 votes [4]	36	86	21	5	10	36	[4] 48	4	10	35	48	+1
Wisconsin	59	2	60 with 57 votes [4]	57	119	36	11	10	57	[4] 60	8		44	60	+13
Wyoming	22	2	26 with 20 votes [4]	20	48	9	1	10	20	[4] 26	1		13	26	+7
District of Columbia	23	2	21 with 21 votes	21	44	9	2	10	21	21			14	16	+7
Canal Zone	5	2	6 with 3 votes [4]	3	11				3	[4] 6			3	6	
Guam	5	2	do	3	11				3	[4] 6			3	6	+2
Puerto Rico	8	2	12 with 6 votes [4]	6	20				6	[4] 12			6	12	
Virgin Islands	5	2	6 with 3 votes [4]	3	11				3	[4] 6			3	6	
Total	[5] 2,622	110	2,989 with 2,512 votes	2,512	5,611				2,512	2,989			2,208	2,944	+296

[1] Each national committee member has an automatic vote within his delegation; no alternates may be submitted.
[2] Excludes national committee members.
[3] Includes national committee members.
[4] Applying the proviso that "a State shall be entitled to select the same number of individuals to serve as delegates as it was authorized to select for the 1964 convention, the States would send this number of delegates (figures from col. 2J)."
[5] Needed to nominate: 1,312.
[6] Including 3 votes for each presidential elector but excluding 2 votes (one each) for national committeeman and national committeewoman.

Source: "Nomination and Election of the President and Vice President of the United States, Including the Manner of Selecting Delegates to National Political Conventions," compiled under the direction of Francis R. Valeo, Secretary of the Senate, Jan. 1968, pp. 37–38.

APPORTIONMENT OF DELEGATES TO THE 1968 REPUBLICAN NATIONAL CONVENTION, APPROVED SEPT. 9, 1967 (INCLUDING 1964 APPORTIONMENT)

State	Apportionment of delegates: Delegates at large	Apportionment of delegates: Delegates from each congressional district	Number of delegates at convention: 1968	1964	Gain or loss	Alternates, 1968	Total delegation, 1968
Alabama	10	2	26	20	+6	26	52
Alaska	12		12	12		12	24
Arizona	10	2	16	16		16	32
Arkansas	10	2	18	12	+6	18	36
California	10	2	86	86		86	172
Colorado	10	2	18	18		18	36
Connecticut	4	2	16	16		16	32
Delaware	12		12	12		12	24
District of Columbia	9		9	9		9	18
Florida	10	2	34	34		34	68
Georgia	10	2	30	24	+6	30	60
Hawaii	14		14	8	+6	14	28
Idaho	10	2	14	14		14	28
Illinois	10	2	58	58		58	116
Indiana	4	2	26	32	−6	26	52
Iowa	10	2	24	24		24	48
Kansas	10	2	20	20		20	40
Kentucky	10	2	24	24		24	48
Louisiana	10	2	26	20	+6	26	52
Maine	10	2	14	14		14	28
Maryland	10	2	26	20	+6	26	52
Massachusetts	10	2	34	34		34	68
Michigan	10	2	48	48		48	96
Minnesota	10	2	26	26		26	52
Mississippi	10	2	20	13	+7	20	40
Missouri	4	2	24	24		24	48
Montana	10	2	14	14		14	28
Nebraska	10	2	16	16		16	32
Nevada	12		12	6	+6	12	24
New Hampshire	4	2	8	14	−6	8	16
New Jersey	10	2	40	40		40	80
New Mexico	14		14	14		14	28
New York	10	2	92	92		92	184
North Carolina	4	2	26	26		26	52
North Dakota	4	2	8	14	−6	8	16
Ohio	10	2	58	58		58	116
Oklahoma	10	2	22	22		22	44
Oregon	10	2	18	18		18	36
Pennsylvania	10	2	64	64		64	128
Puerto Rico	5		5	5		5	10
Rhode Island	10	2	14	14		14	28
South Carolina	10	2	22	16	+6	22	44
South Dakota	10	2	14	14		14	28
Tennessee	10	2	28	48		28	56
Texas	10	2	56	56		56	112
Utah	4	2	8	14	−6	8	16
Vermont	12		12	12		12	24
Virginia	4	2	24	30	−6	24	48
Virgin Islands	3		3	3		3	6
Washington	10	2	24	24		24	48
West Virginia	4	2	14	14		14	28
Wisconsin	10	2	30	30		30	60
Wyoming	12		12	12		12	24
Total number of delegates			[1] 1,333	[2] 1,308	+25	1,333	2,666

[1] Needed to nominate, 667.
[2] Needed to nominate, 655.

Source: "Nomination and Election of the President and Vice President of the United States, Including the Manner of Selecting Delegates to National Political Conventions," compiled under the direction of Francis R. Valeo, Secretary of the Senate, January 1968, p. 48.

PFC. TIMOTHY S. GUARINO

(Mr. DINGELL asked and was given permission to address the house for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DINGELL. Mr. Speaker, it is indeed with a deep sense of honor that I report to the House that a constituent of mine, Pfc. Timothy S. Guarino of the U.S. Marine Corps has been awarded the Navy Cross for extraordinary heroism while on duty in the Republic of Vietnam.

While his unit was under heavy ground attack on June 1, 1969, Private Guarino rescued a wounded companion who was exposed to enemy advance and subsequently saved this same companion and a hospital corpsman from death when he threw himself over them and absorbed the full force of an exploding grenade.

Private Guarino's gallantry in combat action exemplifies the traditions of which the Marine Corps is rightfully proud. But beyond this, Private Guarino's conduct represents the human spirit at its noblest.

I am pleased to be able to report that Private Guarino has recovered in large part from his extensive injuries and has now returned to civilian life. He is currently working full time and attending college during the evening. He plans to become a full-time student this fall.

I know that Private Guarino's parents, Mr. and Mrs. Anthony Guarino, of River Rouge, Mich., are extremely proud of their son. I want them to know that I share that pride, as I feel sure does each Member of the House.

Mr. Speaker, I ask unanimous consent that the text of Private Guarino's citation appear at this point in the CONGRESSIONAL RECORD.

THE SECRETARY OF THE NAVY,
Washington.

The President of the United States takes pleasure in presenting the Navy Cross to Private First Class Timothy S. Guarino, United States Marine Corps, for service as set forth in the following.

CITATION

For extraordinary heroism while serving as a Machine Gun Ammunition Man with Company G, Second Battalion, Ninth Marines, Third Marine Division in the Republic of Vietnam on 1 June 1969. Company G came under a vicious ground attack by a determined hostile force utilizing satchel charges, automatic weapons fire and rocket-propelled grenades. While resolutely defending his position in a sector of the perimeter which had been penetrated by the enemy, Private First Class Guarino observed a wounded companion fall in a position dangerously exposed to the enemy advance. Completely disregarding his own safety, he fearlessly crossed the fire-swept area and carried his injured comrade to a place where medical aid was available. As he was assisting in treating the casualty, an enemy hand grenade landed beside the corpsman and the wounded Marine. Fully aware of the possible consequences of his actions and thinking only of the safety of his companion, Private First Class Guarino unhesitatingly knocked the corpsman to the ground beside the wounded Marine and valiantly threw himself over their bodies thus absorbing the full force of the grenade's detonation and sustaining extensive wounds. His heroic and bold efforts inspired all who observed him and saved the lives of two comrades. By his courage, selfless concern for his fellowman and unwavering devotion to duty in the face of grave personal danger Private First Class Guarino upheld the highest traditions of the Marine Corps and the United States Naval Service.

For the President,

JOHN H. CHAFEE,
Secretary of the Navy.

LOW WAGE IMPORTS THREATEN DOMESTIC PRODUCERS

(Mr. MONAGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, the flow of imports into this country continues to increase with serious effects upon business in our State and in the Nation.

Only recently a local stainless steel flatware company and other U.S. companies lost a very substantial order from a U.S. airline to a Japanese supplier.

The substantially lower foreign wages when added to a technology that is comparable to ours permit the Japanese and other low-wage nations to undersell our own companies in our domestic market.

We have seen similar invasions in rubber footwear, canvas footwear, and pins, to mention just a few other local examples. Nor do the Japanese appear to be responsive to the pleas made to them to modify this tendency by voluntary means. They refer to our legal procedures set up for the imposition of tariffs or quotas and maintain that this procedure should be used.

I again bring this question to the attention of the House because in my judgment it is going to be one of the most serious questions facing the Nation in the months ahead. The trickle of imports which began after the war has now become a flood. Instead of 1 or 2 or 5, the

percentage of the domestic market captured by imports in some cases reaches 36 percent and to 56 percent when calculated as a percentage of domestic production.

Clearly a more realistic attitude on the part of those administering our trade programs will be required. Everyone wants to expand trade in a reasonable manner, but an application of these principles without relation to reality and the needs of domestic workers and producers will obviously mean the continued decline if not the demise of some of our industries. In the post-Vietnam period it will be more vital than ever that our industries remain active and productive because the cushion provided by defense industry will be lacking.

I have warned about this trend for many years and we are this year seeing one of the results of it in Naugatuck, Conn., where the competition of imports is one of the reasons why the management of the Uniroyal footwear plant there has indicated possible plans to close the plant.

I have corresponded with President Nixon and his trade representative about these matters, but I can perceive no broad-scale understanding of the threat that these imports pose. I was most interested to see that Senator MUSKIE the other day had called attention to this urgent and difficult problem and predicted that it would be a top source of difficulty in the years ahead. I am glad that he is coming to understand this matter.

I therefore wish to place in the RECORD, as I have already expressed it to the President and his trade representative, my deep concern and my earnest hope that the administration will soon make an overall examination of this problem and initiate a positive policy of defensive action before the invasion of these imports has wrought irreparable damage.

FASCELL BILL TO PROVIDE FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES NEEDED TO MEET REQUIREMENTS OF FEDERAL LAW

(Mr. FASCELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FASCELL. Mr. Speaker, many public school systems throughout our country are presently on the brink of financial disaster. Burgeoning construction, operating, and supply costs coupled with changing economic, social, and demographic conditions have compounded the problem.

Most recently it has become apparent that school systems will have to incur an additional strain as a result of the immediate implementation of desegregation plans.

In enacting the 1964 Civil Rights Act, the Congress anticipated some of the need for Federal assistance by providing technical assistance and training institutes to aid in carrying out desegregation of public education. Such assistance is limited, however, to advising schools on the special educational problems occasioned by desegregation while training institutes are established through grants to, or contracts with, institutions of higher education.

The Congress has, in recent years, concerned itself more and more with the financial crisis of our schools and with the achievement of educational excellence for all students. The impacted area aid program was first established by the 81st Congress to be followed in 1965 by the enactment of the Elementary and Secondary Education Act. This latter hallmark legislation was the first attempt to aid all public school systems.

The general authorization for ESEA, however, is not now sufficient to cope with the additional, excessive strains on our school systems. Certainly, the present level of assistance cannot possibly fund the added expenses resulting from the immediate implementation of school desegregation plans.

In many parts of the country, the courts have ruled that public education has remained segregated in clear violation of the intent of the 1954 Brown against Board of Education decision. In recent months, Dade and Orange Counties in my own State of Florida, certain counties in South Carolina and Mississippi, and Los Angeles county in California have been ordered to immediately implement desegration plans. The Board of Education in Los Angeles, for example, estimates that implementation of its proposed desegregation plan would cost in excess of $180 million a year over an 8-year period. In the face of an already financially overburdened educational system, such high additional costs cannot possibly be met without Federal assistance.

It is for this reason, Mr. Speaker, that I am today introducing a bill to remedy the situation. This legislation would authorize the U.S. Commissioner of Education to provide financial assistance to local educational agencies to meet the requirements of law by providing: First, direct grants to individual school districts in order to meet additional administrative expenses; and second, loans at the lowest possible interest rate for the construction of school facilities.

The grants to local educational agencies would be made on the basis of a formula which takes into account the number of children who, as the result of the implementing of a desegregation plan, are attending a public school they would not otherwise have attended; further, there would be a direct allowance to the school system for each teacher reassigned as a result of desegregation efforts.

Mr. Speaker, the purpose of this legislation is to meet a critical problem confronting one of our most cherished possessions, our educational system. If we are to continue to strive for the educational excellence which has long been our goal, it is essential that this legislation be enacted.

LAREDO SCHOOLS GAIN NATIONAL ACCLAIM FOR DEVELOPING DRUG ABUSE CURRICULUM

(Mr. KAZEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KAZEN. Mr. Speaker, today's school board members, administrators, and parents, not having faced drug use or abuse as children, cannot comprehend how any child, let alone their own, could become involved with drugs or need to be educated about drug hazards.

All too often a shocked family and a shocked community find out about a local drug problem too late, when a youngster's first experiment with stimulants, depressants or hallucinogens backfires—and becomes his last.

The most effective manner of curtailing and preventing the improper use of dangerous drugs is through an effective and greatly expanded educational program. The Drug Abuse Education Act of 1969 seeks to assist in eliminating the problem of drug abuse by striking at which is essentially the heart of the problem—the lack of knowledge on the dangers of improper drug use.

Long before the Drug Abuse Education Act of 1969 was enacted, the alert citizens of Laredo, Tex., had already organized a committee to develop a curriculum guide expressly dedicated to the purpose of teaching its schoolchildren about the proper use of drugs and the dangers involved in the improper use of drugs and narcotics.

When the Drug Abuse Education Act of 1969 was enacted, the schools of Laredo were prepared and ready to implement a well-organized program of instruction in a unified effort to impart to their children the realization that the thrills and kicks they seek in drugs are not worth the price they will have to pay in crippled minds, broken bodies, shame and degradation.

Recently, the schools of Laredo, Tex., my hometown that previously won national fame and recognition for their outstanding bilingual educational program, have now won national acclaim for having developed a most comprehensive curriculum guide especially designed for the implementation of the Drug Abuse Education Act of 1969.

The school system has developed a sequential, conceptual, multidisciplinary approach type program to be implemented directly into the existing curriculum at all levels—grades 1 through 12. In an effort to present factual, basic information that ultimately will influence the student's total development, each grade level and subject matter is closely interwoven and related.

This pilot project is a most remarkable story of community awareness, civic dedication and cooperation. I take great pride in this remarkable achievement and in the countless hours of volunteer work by the many people involved, such as teachers, school administrators, parents, doctors, pharmacists and many others. Special recognition and credit is due to

Dr. Leo Cigarroa, distinguished physician, civic leader, and school board member; Mr. Vidal Trevino, the assistant school superintendent who also served as chairman of the citizens' coordinating committee on drug abuse; and Mrs. Graciela C. Ramirez, who compiled the final draft of the "Curriculum Guidelines for Drug Education."

The schools of Laredo received national and international publicity through an associated press story written by a most able reporter, Richard Beene. Since this story was published and aired over radio and television, more than 25 States have written the Laredo schools inquiring about this curriculum development.

Articles, with photo coverage, will soon be published in Texas Medicine, publication of the Texas Medical Association, and in the Medical Tribune, a worldwide medical news service publication of New York.

Queries for information and copies of the curriculum guidelines have come from various sources, such as: KGMB–TV of Honolulu, Rockford, Illinois Chamber of Commerce, Louisiana Department of Education, Baton Rouge; New Jersey Regional Drug Abuse Agency, Jersey City, N.J.; Format Productions, Inc., of Hollywood, Calif., who specialize in educational films for small children; Auburn University's Extension Service for Homemaker Clubs, to include programs on drugs in their State program of work; and public schools from Marlborough, Mass., Greenville, Mich., Albert Lea, Minn., and the West Geauga Local Schools of Chesterland, Ohio.

A parent in New York, N.Y., Mrs. Arnold J. Davidson, of 176 East 77th Street, wrote:

> Congratulations on beginning your anti-drug program in the first grade. As an aware and concerned parent, I have been "fighting"—alone—to lower the grade level of the drug education program in our daughter's school.
>
> I firmly believe that conditioning of the child must take place before the age of experimentation begins. . . .

Mr. Speaker, I think my colleagues would be interested in knowing how all of this was accomplished, so, with your permission, I would like to read the Associated Press story that appeared in the February 25, 1970 edition of the San Antonio Light:

> LAREDO TO BEGIN ANTIDRUG PROGRAM IN PRIMARY SCHOOLS—EXPANSION PLANNED
>
> (By Richard Beene)
>
> Look at that nice kid who manfully shoots baskets on the third grade team and then hurries home to struggle with his piano lessons.
>
> There's no reason to teach him about the dangers of marijuana, speed, LSD and the like is there?
>
> There certainly is. He may be hooked already, say some people close to the children.
>
> The school system at Laredo, on the border of Mexico which is a major supplier of certain kinds of drugs, begins an anti-drug program in March aimed at first graders. It will be expanded to all levels.
>
> Equally important, believe the Laredo educators, the schools hope to teach ways of adjusting to life without the crutch of drugs.
>
> By junior high school, said a physician who supports the new program, "the glue sniffers and the gasoline sniffers are already started. And that's where it all begins."
>
> The Texas Legislature felt so strongly about glue sniffing that it passed control laws. A child purchasing glue—the kind used to assemble model airplanes and the like—must be accompanied by an adult who must sign a book recording the purchase.
>
> Glue sniffing causes intoxication with symptoms similar to alcohol.
>
> The belief that glue sniffing leads to use of drugs is shared by Assistant School Superintendent Vidal Trevino.
>
> A substantial number of the young people who use or experiment with narcotics, he says, begin with glue sniffing in elementary grades.
>
> The federal government became sufficiently interested to invest $9,000 in a project to help two dozen Laredo teachers spend months collecting information and drawing up teaching guides.
>
> "We had nothing to go by," said Trevino in an interview. "There aren't any guidelines on how to write up something like this. It's a completely new area for this district and there's no other district which has such a plan to guide us."
>
> Trevino and his associates will have no classes in drugs. They use the word "fused"—meaning it will be inserted in standard school subjects.
>
> First, second and third graders will learn about the enticing bottles in the family medicine cabinet. Fourth through sixth grades will include instruction on the dangers of glue and marijuana.
>
> The emphasis then will turn to heroin, LSD, amphetamines, barbiturates and related drugs and, as one teacher put it, "whatever else is in vogue."
>
> The pilot project begins with 5,300 pupils and next fall it will include the school districts' 17,000 youngsters.
>
> Mrs. Grace Ramirez, member of the faculty committee which drew up the program, explained how the subject will be inserted.
>
> A history or social studies class may learn about morphine from its use on battlefields. Physical education studies will include the effect of drug misuse on the body.
>
> Biology and chemistry classes are natural forums for discussing the technical side of drugs with emphasis on bad effects. Right now the problem of getting the subject into English and literature courses is being studied.
>
> Nothing is rigid about the teaching guides, said Mrs. Ramirez. Films and books on the subject are being made available to teachers.
>
> The guides "aren't like a Bible to be taught literally word for word," Trevino said.
>
> "This is not a program for rehabilitation or law enforcement. It's strictly educational. And we don't preach," Trevino emphasized.
>
> The Department of Health, Education and Welfare (HEW) sponsored the planning phase with the $9,000 grant.
>
> Trevino said HEW hopes to print the guidelines drawn up in this grass roots effort and distribute them throughout the nation.
>
> In time, Trevino said, HEW officials hope also to distribute the guides to 33 foreign countries.
>
> Trevino and his team of teachers do not expect the project to operate perfectly this spring. They'll spend more months this summer evaluating the project and rewriting the guidelines before introducing the program in all schools here next fall.
>
> Schools in Laredo's sister city across the Rio Grande, Nuevo Laredo, have indicated an interest in the program, Trevino said.
>
> Why did Laredo schools decide to take on such a project?
>
> It dates back, officials said, to the arrest of a group of Laredo youngsters, including some from prominent families, for smoking marijuana.
>
> This, coupled with a report from officers that narcotics use is widespread in Laredo schools, led to the formation of a Citizens War Against Narcotics Committee. Planning for the school program soon got under way.
>
> Trevino notes there are some who feel a drug education program will serve only to encourage young people to experiment with drugs, but he adds:
>
> "It's all over TV and the papers. They know about LSD, about freaking out. We think that, if we give our youngsters enough information to base their judgments on, they will not use and will not, experiment with narcotics."

FEDERAL PAY BILL

(Mr. DULSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DULSKI. Mr. Speaker, as chairman of the Committee on Post Office and Civil Service and as chairman of the House conferees on H.R. 13000, the broad Federal pay bill passed by the House last October, I would like to make the following report to the Members on the progress of our conference with the Senate counterparts.

We had two meetings with the Senate conferees on Wednesday and another meeting this morning. On Wednesday the conferees from both Houses were in unanimous agreement that any pay bill to be reported by the conference would be retroactive. This is an assurance to the workers of our intention to include a retroactive feature in the bill.

Beyond that agreement, the Senate conferees are unwilling to discuss any of the merits of this legislation which passed the House on October 14, and then was passed by the Senate in greatly modified form on December 12.

The House asked for conference on December 17 and the Senate agreed to a conference on December 18. Until yesterday the conferees had not met on this bill, although as early as February 25, 1970, I keyed the Senate conferees to meet promptly.

In the meeting this morning the Senate conferees maintained their position that they did not want to consider the merits of H.R. 13000 while the negotiations between management and employees were going on downtown.

The House conferees voted yesterday to begin immediate markup of the conference report.

The Senate conferees disagreed, and therefore no markup has begun. In the meeting this morning the House conferees adopted the following motion:

First. The House conferees regret the unwillingness of the Senate conferees to proceed now with markup of H.R. 13000;

Second. In view of this unwillingness, it is the view of the conferees that it is pointless to continue meeting with the Senate conferees at this time;

Third. Therefore, we move that the House conferees adjourn subject to the call of the chairman of the House committee.

For the information of the House, our conferees stand ready to meet at any time to proceed with the markup of this legislation. My House colleagues in the conference feel, as I do, that we should get down to the details of the matters that are within the area of a compromise of the House and Senate versions of H.R. 13000.

I regret that I cannot give my colleagues in the House any indication as to when there will be further meetings by the conference committee.

I also include in my remarks a conference resolution:

CONFERENCE RESOLUTION

The conferees on the part of the Senate propose the following resolution:

Whereas the Postmaster General, by direction of the President, has instituted proceedings for negotiations with representatives of the AFL–CIO postal unions, and

Whereas the representatives of the postal unions have agreed to negotiate with the Postmaster General, and others, and

Whereas any action on pay legislation in the Congress during this period of negotiation would necessarily affect the progress of such negotiations by limiting, outlining, establishing minimum or maximum terms of settlement acceptable to the Congress, or eliminating the necessity for such negotiations, and

Whereas all AFL–CIO postal unions have strongly advocated the enactment of provisions for collective bargaining in the postal service, particularly as incorporated in the labor-management provisions of S. 3613, S. 309, S. 2460, and H.R. 4, and the Postmaster General has approved the terms for collective bargaining incorporated in H.R. 4, therefore

Be it resolved, that the conferees on the part of the Senate specifically commit themselves to the following:

1. Legislation enacted by the Congress for postal pay increases, whether recommended by the President as a result of successful negotiations between the parties or as a result of congressional action independent of such negotiations, will be retroactive in effect to a date not later than the first pay period which occurred on or after January 1, 1970.

2. The Senate conferees will act in conference, or if necessary will recommend to the Senate Committee on Post Office and Civil Service and the Senate the immediate enactment of legislation for postal pay increases when (1) the President recommends legislation on the basis of successful negotiations or (2) the parties to the negotiations announce that they agree that they have bargained in good faith with every intention to reach an agreement, and that they are unable to do so.

"TECHNICAL ASSISTANCE"—A MATTER OF WHOSE OX IS POISONED

(Mr. MIKVA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MIKVA. Mr. Speaker, we have seen a curious contrast in recent weeks between the Justice Department's and the Law Enforcement Assistance Administration's eagerness to assist Mississippi State College and its apparent failure to provide comparable assistance in solving the cases of mysterious poisoning of livestock on privately owned farms in Alabama. One would think that the Department of Justice and LEAA would be equally zealous to assist blacks in the South seeking the law's protection as they are to enforce the law against them; but that does not seem to be the case.

One need not embrace the Black Muslim philosophy in order to believe that citizens of this Nation are entitled to the protection of the laws whatever their skin color. That, I take it, is what "equal protection" in the 14th amendment is supposed to mean. One would like to see the Justice Department move with the same alacrity it showed at Mississippi State to provide "technical assistance" to black citizens of Alabama whose property is being systematically destroyed.

One of the quickest ways to undermine respect for law—or for law and order for those who prefer that phrase—is to demonstrate to the citizenry that law enforcement or nonenforcement depends on who you are, what your color is, or who you know. I have written to the Attorney General to ask for details of the Department of Justice's involvement in the Mississippi State College incident. I think the disparity between the Department's and LEAA's actions in that case and their failure to act or even investigate the racially motivated incidents in Alabama is a sad commentary on law and order in the Department of Justice.

ROGERS SAYS PREVENTIVE MEDICINE SHOULD BE PROVIDED TO YOUNG PEOPLE, TOO

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Florida. Mr. Speaker, I read with interest that the Department of Health, Education, and Welfare was proposing a third part of medicare in the area of preventive medicine. I certainly think that it is about time HEW take a course that will keep people out of the hospital instead of spending all its efforts on curing people after they have suffered illness.

But I find it ironic that at a time when HEW is proposing preventive medicine for those of our citizens over 65 HEW is trying to cut out or reduce preventive medicine for the young citizens of our country.

Mr. Speaker, almost without exception, communicable diseases in the United States are raising alarmingly. Unfortunately, most people think that plain measles is only a discomfort. And although most people now realize that German measles can have a terrible effect on the unborn if an expectant mother contacts it, most people here too do not realize the consequences.

But to dispel this notion, I would like to note just a few of the very frightening effects that "plain measles" will have on our population during the period between March 6 and June 30 of this year.

In the age range of 1 to 12, there is expected to be 267,320 cases, of which 1,254 children will be hospitalized for 11,818 days.

In addition to this expense, one out of every 100, or about 267, will contract encephalitis. There will be an estimated 88 persons rendered retarded. And 27 children will die. The cost in money is estimated at $13,131,000. But this cannot be compared with the death and the permanent disabling effect that this will have. And this is plain measles—common measles. Preventable measles.

Tabulation of reported common measles in this country of the 1969–70 season thus far compared with the 1968–69 season show a general increase in the country of 112 percent.

Yet the administration has testified that H.R. 11913, which I have introduced, is not necessary nor desirable. The administration is apparently willing to incorporate the communicable disease functions into the Partnership for Health Act, but without proper funding to carry the program which we have started to a proper conclusion.

Yet we see that Rubeola measles, the common measles, is up 114 percent.

Rubella measles—German—is up 82 percent.

Mumps is up 14 percent and diphtheria is up 254 percent.

TB is increasing also.

These are preventable diseases. And, they are killers and maiming diseases which cost the American public in lives and millions of dollars each year.

I am certainly for the administration's theory of preventive medicine for those over 65, but I think the administration is completely wrongheaded in limiting preventive medicine to one segment of our society.

Our children should be given all the medical care possible when we have the solution to disease. The administration should not adopt such a posture of being only half safe.

I call on the Secretary of Health, Education, and Welfare, as he considers preventive medicine for the elderly, to change his policy of denying preventive medicine in the young.

GOLDEN EAGLE

(Mr. EDMONDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDMONDSON. Mr. Speaker, this morning the House Committee on Interior and Insular Affairs reported a very substantially modified version of the bill S. 2315—the so-called golden eagle legislation about which many Members have been getting a good deal of mail. The committee I believe very wisely concluded that the extension should be only for approximately 20 months to permit a review of the procedures being used. The committee also very wisely concluded that to continue the status quo with regard to the Army Engineers reservoirs, which means that the provisions of the Flood Control Act of 1968 will continue to prevent any entrance or admission fees at these multipurpose reservoir recreational areas.

On a 9-to-9 tie vote the committee failed to adopt the amendment which

I offered which would have extended the prohibition as to entrance and admission fees to the reclamation projects in the country and also to our national forest recreational areas.

The committee on a very close vote turned down another amendment which would have prevented an increase in this golden eagle of 43 percent, from $7 to $10.

These matters will be brought to the floor of the House by a number of us on the committee who believe that this is not time to raise the charge for this fee while it is under study and who believe that the prohibition of entrance and admission fees should be extended to our reclamation areas and our national forests.

THE NURSING-HOME INDUSTRY

(Mr. BRINKLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRINKLEY. Mr. Speaker, the following letter from a dedicated, sincere constituent places the nursing-home picture in better perspective. Those of us who know the principals involved recognize and attribute to them the utmost of good faith. Yet, reasonable men will surely agree that the deficiencies found in some institutions do not justify a blanket indictment against all nursing homes.

It is a pleasure to contribute the following letter toward a more complete picture of this humane industry. Both the writer and I would be among the first to join in efforts for improved quality in any substandard nursing homes nationwide.

The nursing homes found in the third district of Georgia would be good models to study and to follow.

The letter follows and I commend it to the attention of all Members:

Congressman JACK BRINKLEY,
Congress of the United States, Cannon House Office Building, Washington, D.C.

DEAR CONGRESSMAN BRINKLEY: It is a shame that people are unaware of the one industry in this Country that has moved faster and more efficiently to meet a critical social need than any other in history. For your information, I submit to you comments on the various points of a recent news release made by one of your colleagues.

1. The Gentleman stated he had been shaving "old men" but criticized a home that had their maintenance man shaving patients. Small nursing homes usually have employees doing various jobs ranging from assisting with patients to housekeeping to light maintenance work. For the rates we charge, small homes cannot afford to employ maintenance people that do nothing except maintenance. In an effort to cut costs, our orderlies help with painting, plumbing repairs and yard work when they finish their orderly duties. I believe that these people are as competent to shave patients as is your colleague.

2. The Gentleman says he only found two homes out of twelve he visited to which he would send his mother, and he could not afford either of them. The only way a home can provide luxurious surroundings and sophisticated care is to have income sufficient to cover the expense of this kind of service. We in the industry would like nothing better than to be able to provide service normally enjoyed only by royalty and the wealthy—but such services cost money.

Since the nursing home industry depends so much on tax funds, I think the industry's and the government's goal should be to provide adequate care in buildings constructed of materials and to standards equal to residences of middle income families in America. I cannot see spending $20,000 per bed for nursing home construction as does the Hill-Burton program when perfectly adequate facilities such as the one I am building in Columbus, Georgia and the one I have in Montezuma, Georgia can be provided for $7,000 per bed. Can the taxpayers of America really afford to provide elderly Americans with mansions in which to live? I say no. They do not expect it. There is already enough waste in government, and Congressmen should be looking for ways to hold spending in line with the needs of the people, and not seek to overspend in areas that do not benefit the recipients of these services.

3. Nursing homes have a responsibility to provide adequate care to those entrusted to them. The example of a mother writing a wistful letter to her son saying she desired to be closer to him is in no way a reflection on the nursing home. This is a personal family problem that cannot be solved by the nursing home. Does the Congressman feel the home should put this patient on a plane or bus and send her to California? Its responsibility is to care for her as long as the family desires.

4. His quote of a statement made by an attendant is regrettable. It is difficult to get the large number of employees in nursing homes to all speak and do as the administrators or owners would like. Our employees are no different from the store clerk that tells a disgruntled customer that he should take his business elsewhere, even though the owner of the store would certainly have a different attitude. This is a problem that comes from employing people that are not unique to the nursing home field. I doubt that the owner of the nursing home in which the attendant allegedly made this statement about a "little heart attack" and "hating to disturb the doctor on Sunday" shares the same opinion as his employee. This could just as likely happen in a Hill-Burton nursing home as in one privately owned.

5. I feel the government should continuously study all areas of life in these United States. However, I do think there exists enough sources of information regarding the nursing home industry including government agencies and trade associations to provide the Congress with what it needs without spending additional millions on investigations. If Congress feels it can spend more in this field, spend it on the patients, not on more reports, documents and government employees. One of the main problems with the Medicare Program is that most of the money spent on extended care patients goes to government agencies, intermediaries, such as Blue Cross, for personnel to assemble and complete the ridiculous amount of paper work required on every patient that utilizes services offered by Medicare. I say eliminate all these unnecessary middle men between the U.S. Treasury and the patient and let these dollars benefit the patient.

6. In a television interview I heard the Congressman say he thought nursing homes should be non-profit—that this would more directly benefit the patients of nursing homes. The fact is, non-profit nursing homes have rates just as high if not higher than do profit-making ones, and the ones I have visited provide no more services. Here in Georgia, the most expensive nursing homes as far as the taxpayers are concerned are the State operated and the County operated Hill-Burton facilities. Such homes are no better staffed or operated than most privately-owned homes, including my own.

7. He says "stock in these establishments is doing very well on the securities market." This is true, but it is due to promotion work by the stock brokers and on a false belief that the public has of the nursing home industry. Because of its rapid growth in recent years, the public believes it to be a high-profit industry. This is not true, and an investigation into these large chains and public companies will prove it. I have never known one to pay a dividend and stocks have sold for as high as 50 times earnings. No one has to tell you that this is not a good investment. When people see new buildings going up and witness thousands of people being served, they automatically assume it is a big money maker. Most of us that own and administer our own homes make a small return on our investment. And why shouldn't we? These people buying stocks from the exchanges are going to lose their shirts; they are the ones that are going to get hurt in all this sudden growth, not the patient. The managers of nursing homes will continue to provide the services being purchased by the patient as efficiently as possible. However, no matter how efficient his operation, he will still have a difficult time having money left over that he can call profit.

8. It is hard to believe a Congressman would admit, as this one did in the news article, that he has been very quiet since being in Congress but now is ready for a fight. His whole motive in attacking the nursing home industry seems to be calculated toward blowing his own horn. He has managed to make the newspapers, but it's a shame he chose to do it in a fashion that could hurt a lot of honest, hard-working businessmen trying to provide a worthwhile service to mankind in a free enterprise system that believes itself to be more efficient and having less selfish desires than would a government agency trying to provide the same service.

My hope is that you can convince the rest of Congress that most of this industry is made up of honest, hard-working taxpayers doing the best they know how on the money that's available. What else can be asked?

Very truly yours,

R. DEAN FOWLER.

JUDGE CARSWELL

(Mr. RARICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RARICK. Mr. Speaker, we are witnessing a skillfully managed attack on Judge Carswell, the latest appointee to the Supreme Court, primarily because he is a southerner and a free man.

Judge Carswell is free of any suspicion of conflict of interest or of improper conduct; he has no financial holdings of significance, and is not a wealthy man. The only rallying call for his attackers is that he belongs to an all-white country club and that several of his judicial decisions were reversed.

If this attack succeeds, then no American who is a member of the Masonic Order, Knights of Columbus, Moose, or any other fraternal organization, even B'nai B'rith, can be considered qualified for a position in our Government. All of

these clubs are about as integrated as Sweden.

The reversal of this judge's decisions by the present fifth circuit court or the present Supreme Court are to his credit.

The simple truth is that the Communist-coined trigger word "racist" has been very effectively used to stifle free speech and to confuse reasoning and destroy logic.

If this second southern judge is rejected, it can only be because of the true racism demonstrated by his antagonists. In which case, the South should then take notice that taxation without representation has returned.

PERSONAL EXPLANATION

(Mr. NICHOLS asked and was given permission to address the House for 1 minute.)

Mr. NICHOLS. Mr. Speaker, on Thursday last week I was in my home district on official business. Had I been present on that day I would have voted "yea" on the passage of the bill H.R. 16196, the District of Columbia Crime and Criminal Procedures Act, and I ask that the RECORD so indicate.

LEGISLATION DESIGNED TO SOLVE THE GROWING PROBLEM OF BOMBINGS AND BOMB THREATS INTRODUCED

(Mr. McCULLOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCULLOCH. Mr. Speaker, I have today introduced legislation designed to solve the growing problem of bombings and bomb threats that have sprung up across this Nation.

This bill would strengthen the existing Federal law contained in 18 U.S.C. 837 regulating the transportation and use of explosives in the following ways:

First. The definition of "explosive" would be expanded to include certain incendiary devices such as Molotov cocktails.

Second. The maximum penalties for illegal transportation of explosives in interstate commerce would be increased to a term of up to 10 years or a fine of up to $10,000. If personal injury resulted from a later explosion these penalties would be doubled and, if death resulted, the penalty might be as much as a life sentence or death.

Third. The penalty for willfully making a false bomb threat would be raised to a maximum of 5 years imprisonment and a $5,000 fine.

Fourth. The following would be made new Federal crimes: malicious bombing of Federal premises, unauthorized possession of explosives in Federal buildings, malicious bombing of businesses and commercial establishments and possession of explosives with knowledge or intent that such explosives will be transported or used in violation of any other provision of the bill.

The bill further provides that the Attorney General, or an Assistant Attorney General designated by the Attorney General, must personally authorize any investigation of possible violations or prosecution therefor on the basis of his judgment that such investigation or prosecution is in the public interest.

Mr. Speaker, I most strongly condemn the many senseless bombings that have taken place. Buildings and personal property have been needlessly destroyed. Some citizens have lost businesses, which they took an entire lifetime to build up. But most outrageous of all is the resulting loss of human life and infliction of physical injuries—usually on innocent bystanders who just happened to be in the wrong place at the wrong time.

Many of the people who commit these violent attacks on society actually seek the destruction of society itself. For us to allow this outrageous action to continue without taking prompt action to stop it would be to abandon to anarchy the Nation that our forefathers have taken 200 years to build.

We must resolve to put an end to this reign of terror and destruction in our midst. I therefore urge that the Congress give prompt and favorable consideration to this most important and necessary legislation.

But we must do more than just outlaw bomb throwing, Mr. Speaker. We must attack the underlying causes of this antisocial conduct. It is not enough merely to treat the symptom; we must cure the disease.

We must give hope to the disaffected, the young, the poor, the black. For it is these people who, when they have lost all hope in the establishment and the system, begin to think of bombs and revolution.

We must insure that all Americans, black as well as white, poor as well as rich, enjoy free and equal access to the ballot box, decent housing, opportunities for meaningful employment and quality education for their children. We must bring our young people more into the mainstream of society through such things as more realistic drug laws, a more equitable draft system and, most important, achievement of President Nixon's goal of a speedy and honorable end to American military involvement in Vietnam. Action of this nature was eloquently advocated by two Presidential Commissions which have submitted final reports within the last 2 years.

In short, Mr. Speaker, we must build a better, freer, a more just society in which all Americans can find a place within the system. And if we do this, few people will then want to blow it up.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 2 legislative days in which to extend their remarks on the bill that I have just introduced.

There being no objection, it was so ordered.

Mr. MacGREGOR. Mr. Speaker, in light of the recent terror tactics committed throughout the United States, President Nixon has proposed the enactment of more stringent legislation to eliminate the threat to life and private property as well as to our Federal buildings and public property. I am happy to cosponsor this proposal in the House of Representatives. This bill would have the effect of strengthening the penalties for violation of the law and include prohibition of additional explosives, specifically incendiary devices. Perhaps even more significantly, however, the bill would expand the reach of the law to use and possession of explosives to damage or destroy Federal property. The law which it would amend presently deals with use and possession incident to interstate commerce.

Our great institutions have always been subject to change by consensus. This, in fact, is the strength of our system. We must not, however, allow these institutions to be intimidated and subjected to terror tactics with the goal of subversion and eventual violent overthrow. I feel that this bill will serve to protect these institutions which were designed to secure our individual liberties.

We must not delay in this legislation while public property is being destroyed, while our Government buildings are being subjected to bomb threats, while lives are being lost, while our citizens feel the threat of anarchistic terrorism. The criminal element must experience swift and effective opposition to insure that public safety is once again restored as an integral entity of the society we expect and shall have.

FARM SUBSIDY PAYMENTS

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, I hope at a later date to offer my $20,000 agriculture subsidy limitation, or some other type of limitation, which will bring some sanity to our scandalous farm program.

Twice, this House passed my amendment to limit farm payments to $20,000, which would have saved the taxpayers $300,000,000 annually.

I have submitted in the CONGRESSIONAL RECORD a table listing all farmers who received more than $25,000 in farm payments for 1969, beginning on page 9129 to 9163, No. 46, part II, Tuesday, March 24, 1970, reads like a Montgomery Ward catalog.

The entire list amounts to an incredible scandal sheet, clearly demonstrating the bankruptcy of our farm program. These farm payments went to a very strange collection of recipients, including State governments. Montana collected $641,341; Washington, $171,781 for not planting.

State prisons: Arizona, $148,628; Louisiana, $85,219; Texas, $82,155. Seven corporations over $1 million: Burwill, $4,370,657; Standard Oil, $127,995.

In the face of this massive evidence of inexcusable waste, I was extremely disappointed that Agriculture Secretary Clifford M. Hardin has given no indication that he is prepared to put an end to

these giveaways. In testimony last Monday before the Senate Agriculture Committee, Hardin told Louisiana's Senator ELLENDER and his colleagues that the administration is willing to commit itself to substantially the same high payment program for the next 3 years in order to see the new administration farm bill enacted.

While I am sure this is good news to Mississippi's Senator EASTLAND, who picked up $146,792 in 1969, $30,000 better than his 1968 record, I can assure the Secretary that the Congress and the American people will no longer stand for it. With millions of Americans still suffering from hunger and malnutrition, the time has come to apply the brakes on this runaway program and redirect these funds to more pressing domestic needs.

UTAH'S SIGNIFICANT DRUG USE STUDY UNDERSCORES NEED FOR SOUND CONGRESSIONAL ACTION

(Mr. LLOYD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LLOYD. Mr. Speaker, I doubt that anyone in this House will question the statement that drug abuse, particularly among our young people, has increased dramatically in the last 2 years. This increase has come in the fact of strict laws forbidding the possession and sale of narcotics and dangerous drugs. These laws are the object of ridicule for the growing number of drug abusers, many of them more sophisticated about drugs than their parents.

We hear so much about drug abuse and drug addiction that we become numbed and even blase. Statistics on drug addiction among our children no longer shock us. But last week the problem was made frighteningly real to me when I talked with William S. Mole and Bruce Woolley, chairman and executive secretary of the Governor's Citizen Advisory Committee on Drugs in Utah. For 6 months in 1969 the committee conducted surveys and studied on drug abuse in Utah. They summarized their findings in an excellent report to the Governor submitted last winter.

The committee's report was divided into seven major sections: extent of drug abuse, drug traffic, law enforcement, education, rehabilitation, and church and civic involvement.

The committee found that drugs were generally available in every part of the State. In Salt Lake County an area of recognized high moral and religious standards there is no junior or senior high school that has not had drugs. The Salt Lake County Detention Center rarely saw a drug user prior to 1966; now they cannot keep an accurate record of the drug users entering the center.

Educators and law-enforcement officials estimated that about 30 to 50 percent of the high school population had had experience with at least one kind of drug. Extensive surveys among the students showed that 12 to 13 percent had tried drugs, but both users and nonusers believed that figure to be low.

The age of drug abusers is dropping. Arrests have been made in the sixth grade for possession of marihuana. The number of drug abusers below age 13 is increasing. Economic status is no deterrent to obtaining drugs and youngsters of all economic levels are involved. The committee reports that it is frequently the more intelligent and inquisitive young people who become involved in drugs. And there are few, if any, motivational factors for the drug users to seek treatment. They consider the drug a source of pleasure and have no desire to be rid of that pleasure.

The committee reports:

> Legal controls have not resulted in the desired effect in many instances There seems to be a generally negative attitude toward law enforcement and statutes surrounding drug abuse. . . .
>
> Drug traffic occurs right on the streets, yet, for the majority of the public, everything appears to be normal. For this reason, most of the drug offenders look upon our "straight" society with contempt and ridicule for its unenforceable laws and its naivete.

The main laws on drug control in Utah are contained in two spearate acts, the Uniform Narcotic Drug Act and the drug abuse control law. The committee found these laws as amended to be among the most progressive in the Nation. However, committee members heard evidence that law enforcement agencies are frustrated in their efforts to enforce laws as they are currently written. Drug abuse laws are scattered throughout the Utah statutes and need to be condensed into one comprehensive bill. With our present laws the use of fraudulent prescriptions is a felony under one statute and a misdemeanor under another. Such discrepancies need to be reconciled and placed in a single law that is manageable by law enforcement officials.

In the area of law enforcement the committee found that limited law enforcement manpower, training, finances, and seemingly lax courts were hindering the effective enforcement of drug laws. In addition, the committee found a general apathy and indifference on the part of most of the public. It said:

> A complacent "it can't happen here" attitude exists in many segments of the State. A large number of parents do not know what to look for, and refuse to acknowledge the possibility that their child is involved. Young drug abusers are accepted by their peers.
>
> The martyr attitude of drug users makes them willing to fill the jails and be the recipients of severe punishment for what to them appears to be a just cause. There are probably no other serious types of offenses in which persons involved are so obviously engaged in advocating use or participation by other people.

The committee found that there was no comprehensive education program on drug abuse involving most of the high schools and grades below the high schools. Drug education is supposed to be covered in a health class required for graduation from high school. However, the committee found that large numbers of students have substituted physiology or an allied science for the health course and have, therefore, never been exposed to any kind of drug education. The committee reported:

> There is no centralized agency or standardized program for accumulating and screening proper education material for training of teachers, informing the public, educating church and civic groups, and implementing a statewide program against drug abuse. Comprehensive courses are not now being presented to students at low enough grade levels. Instruction in this field should commence at least in the fifth grade and continue through the junior and senior high schools.

The committee found not only a lack of drug education programs but also a lack of rehabilitation facilities for drug users. There is no State-sponsored center for the rehabilitation of the heavy drug user, the weekender, the experimenter, or even for education and prevention of the potential user. Community centers and neighborhood programs are wholly inadequate. The committee found a lack of sustained effort by civic and church groups in carrying out drug education and rehabilitation programs. However, the committee noted that these groups do recognize the existence of a drug problem and given proper guidance are willing to work to combat it.

The committee concluded that Utah does in fact have a serious drug abuse problem of sufficient proportions to warrant immediate action to curtail its expansion. The committee report contained recommendations for a comprehensive program of education, prevention, law enforcement, and rehabilitation. Some of their recommendations have already gone into effect. The Utah Institute of Drug Problems has been conducting 18-hour courses on drug abuse in the major communities of Utah. This summer Utah educators will go through an intensive 2-week course on drug abuse. And as of next fall, comprehensive courses on drug abuse will be conducted in every school in Utah.

We are lucky in Utah. Our drug problem is still in an early stage. We still have a chance to educate our young people about the dangers of drug abuse before they become drug users. Utah is taking the first steps to control the spread of drug abuse before drug abuse controls Utah's young people.

We in the House have a responsibility to help Utah and all the other States who are desperately trying to control drug abuse. Our Federal laws on narcotics and dangerous drugs are unrealistically harsh and antiquated. The Senate has already recognized the need for drug law reform and passed the Controlled Dangerous Substances Act of 1969. It is now left to the House to act on its own drug control legislation. But we must do it soon. The health and well-being of our children depend on it.

PRINCIPLES OF THE ADMINISTRATION IN DEALING WITH PROBLEMS OF DESEGREGATION

(Mr. GERALD R. FORD was given permission to extend his remarks at this

point in the RECORD, and to include extraneous material.)

Mr. GERALD R. FORD. Mr. Speaker, the President of the United States has submitted to the Congress and to the American people a most unusual document—a statement of the principles to which his administration will adhere in dealing with the problems of desegregation. This is an historic and extraordinary document, one which deserves the widest possible circulation.

In his statement, the President has provided us with a most helpful review of judicial rulings on the subject of segregation. He has also reaffirmed his own personal belief that the 1954 Supreme Court decision in Brown against Board of Education was "right in both constitutional and human terms." In other words, the President has made it unmistakably clear that he will carry out the mandate of the Supreme Court regarding segregation in the schools.

The President's statement is remarkable for its forthrightness in that the President emphatically sets forth his opposition to "compulsory busing of pupils beyond normal geographic school zones for the purpose of achieving racial balance." While opposing compulsory busing, the President also states most unequivocally that he is "dedicated to continued progress toward a truly desegregated public school system." He makes the point that there are other ways of achieving desegregation than by the massive busing of students to schools far from their homes.

I think the President has done much to clarify the situation regarding desegregation questions. He makes it plain that Federal officials are to concern themselves only with de jure segregation, not with de facto segregation—and that this dictum holds true both North and South. He also lays down the guideline that—

Federal officials should not go beyond the requirements of law in attempting to impose their own judgment on the local school district.

Mr. Speaker, the President's statement should go far toward clearing away much of the confusion that exists on desegregation in the country today. I commend a reading of it to all Americans. The President's statement follows:

STATEMENT BY THE PRESIDENT ON ELEMENTARY AND SECONDARY SCHOOL DESEGREGATION

My purpose in this statement is to set forth in detail this Administration's policies on the subject of desegregation of America's elementary and secondary schools

Few public issues are so emotionally charged as that of school desegregation, few so wrapped in confusion and clouded with misunderstanding. None is more important to our national unity and progress.

This issue is not partisan. It is not sectional. It is an American issue, of direct and immediate concern to every citizen.

I hope that this statement will reduce the prevailing confusion and will help place public discussion of the issue on a more rational and realistic level in all parts of the nation. It is time to strip away the hypocrisy, the prejudice and the ignorance that too long have characterized discussion of this issue.

My specific objectives in this statement are:

—To reaffirm my personal belief that the 1954 decision of the Supreme Court in *Brown* v. *Board of Education* was right in both Constitutional and human terms.

—To assess our progress in the 16 years since *Brown* and to point the way to continuing progress.

—To clarify the present state of the law, as developed by the courts and the Congress, and the Administration policies guided by it.

—To discuss some of the difficulties encountered by courts and communities as desegregation has accelerated in recent years, and to suggest approaches that can mitigate such problems as we complete the process of compliance with *Brown*.

—To place the question of school desegregation in its larger context, as part of America's historic commitment to the achievement of a free and open society.

Anxiety over this issue has been fed by many sources.

On the one hand, some have interpreted various Administration statements and actions as a backing away from the principle of *Brown*—and have therefore feared that the painstaking work of a decade and a half might be undermined. We are not backing away. The Constitutional mandate will be enforced.

On the other hand, several recent decisions by lower courts have raised widespread fears that the nation might face a massive disruption of public education: that wholesale compulsory busing may be ordered and the neighborhood school virtually doomed. A comprehensive review of school desegregation cases indicates that these latter are untypical decisions, and that the prevailing trend of judicial opinion is by no means so extreme.

Certain changes are needed in the nation's approach to school desegregation. It would be remarkable if sixteen years of hard, often tempestuous experience had not taught us something about how better to manage the task with a decent regard for the legitimate interests of all concerned—and especially the children. Drawing on this experience, I am confident the remaining problems can be overcome.

WHAT THE LAW REQUIRES

In order to determine what ought to be done, it is important first to be as clear as possible about what *must* be done.

We are dealing fundamentally with inalienable human rights, some of them constitutionally protected. The final arbiter of of Constitutional questions is the United States Supreme Court.

The President's responsibility

There are a number of questions involved in the school controversy on which the Supreme Court has not yet spoken definitively. Where it has spoken, its decrees are the law. Where it has not spoken, where Congress has not acted, and where differing lower courts have left the issue in doubt, my responsibilities as Chief Executive make it necessary that I determine, on the basis of my best judgment, what must be done.

In reaching that determination, I have sought to ascertain the prevailing judicial view as developed in decisions by the Supreme Court and the various Circuit Courts of Appeals. In this statement I list a number of principles derived from that prevailing judicial view. I accept those principles and shall be guided by them. The Departments and agencies of the Government will adhere to them.

A few recent cases in the low courts have gone beyond those generally accepted principles. Unless affirmed by the Supreme Court, I will not consider them as precedents to guide Administration policy elsewhere.

What the Supreme Court has said

To determine the present state of the law, we must first remind ourselves of the recent history of Supreme Court rulings in this area.

This begins with the *Brown* case in 1954, when the Court laid down the principle that deliberate segregation of students by race in the public schools was unconstitutional. In that historic ruling, the court gave legal sanction to two fundamental truths—that separation by law establishes schools that are inherently unequal, and that a promise of equality before the law cannot be squared with use of the law to establish two classes of people, one black and one white.

The Court requested further argument, however, and propounded the following questions, among others:

"Assuming it is decided that segregation in public schools violates the Fourteenth Amendment

"a. would a decree necessarily follow providing that, within the limits set by normal geographic school districting, Negro children should forthwith be admitted to schools of their choice, or

"b. may this Court, in the exercise of its equity powers, permit an effective gradual adjustment to be brought about from existing segregated systems to a system not based on color distinctions?"

In its second *Brown* decision the following year, the Court addressed itself to these questions of manner and timing of compliance. Its ruling included these principles:

—Local school problems vary: school authorities have the primary responsibility for solving these problems; courts must consider whether these authorities are acting in good faith.

—The courts should be guided by principles of equity, which traditionally are characterized by a practical flexibility in shaping its remedies and by a facility for adjusting and reconciling public and private needs."

—Compliance must be achieved "with all deliberate speed," including "a prompt and reasonable start" toward achieving full compliance "at the earliest practicable date."

In 1964, the Supreme Court spoke again: "The time for mere 'deliberate speed' has run out, and that phrase can no longer justify denying these . . . children their constitutional rights."

At the same time, Congress also added to the impetus of desegregation by passing the Civil Rights Act of 1964, an Act that as a private citizen I endorsed and supported.

Although the Supreme Court in the *Brown* cases concerned itself primarily, if not exclusively, with pupil assignments, its decree applied also to teacher asisgnments and school facilities as a whole.

In 1968, the Supreme Court reiterated the principle enunciated in prior decisions, that teacher assignments are an important aspect of the basic task of achieving a public school system wholly freed from racial discrimination. During that same year, in another group of Supreme Court decisions, a significant and new set of principles also emerged.

—That a school board must establish "that its proposed plan promises meaningful and immediate progress toward disestablishing State-imposed segregation," and that the plan must "have real prospects for dismantling the State-imposed dual system 'at the earliest practicable date.'"

—That one test of whether a school board has met its "affirmative duty to take whatever steps might be necessary to convert to a unitary system in which racial discrimination would be eliminated root and branch" is

the extent to which racial separation persists under its plan.

—That the argument that effective desegregation might cause white families to flee the neighborhood cannot be used to sustain devices designed to perpetuate segregation.

—That when geographic zoning is combined with "free transfers," and the effect of the transfer privilege is to perpetuate segregation despite the zoning, the plan is unacceptable.

The most recent decisions by the Supreme Court have now rejected any further delay, adding to the Court's mandate:

—"The obligation of every school district is to terminate dual systems at once and to operate now and hereafter only unitary schools."

—That the obligation of such districts is an affirmative one and not a passive one.

—That freedom of choice plans could no longer be considered as an appropriate substitute for the affirmative obligation imposed by the Court unless they, in fact, discharge that obligation immediately.

The Court has dealt only in very general terms with the question of what constitutes a "unitary" system, referring to it as one "within which no person is to be effectively excluded from any school because of race or color." It has not spoken definitely on whether or not, or the extent to which, "desegregation" may mean "integration."

In an opinion earlier this month, Chief Justice Burger pointed out a number of "basic practical problems" which the Court had not yet resolved, "including whether, as a Constitutional matter, any particular racial balance must be achieved in the schools; to what extent school districts and zones may or must be altered as a Constitutional matter; to what extent transportation may or must be provided to achieve the ends sought by prior holdings of this Court."

One of these areas of legal uncertainty cited by Chief Justice Burger—school transportation—involves Congressional pronouncements.

In the 1964 Civil Rights Act, the Congress stated, ". . . nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to insure compliance with constitutional standards."

In the 1966 amendments to the Elementary and Secondary Education Act, the Congress further stated, ". . . nothing contained in this Act shall . . . require the assignment or transportation of students or teachers in order to overcome racial imbalance."

I am advised that these provisions cannot constitutionally be applied to *de jure* segregation. However, not all segregation as it exists today is *de jure*.

I have consistently expressed my opposition to any compulsory busing of pupils beyond normal geographic school zones for the purpose of achieving racial balance.

What the lower courts have said

In the absence of definitive Supreme Court rulings, these and other "basic practical problems" have been left for case-by-case determination in the lower courts—and both real and apparent contradictions among some of these lower court rulings have generated considerable public confusion about what the law really requires.

In an often-cited case in 1955 (*Briggs* v. *Elliott*), a District Court held that "the Constitution . . . does not require integration. . . . It merely forbids the use of governmental power to enforce segregation."

But in 1966 another court took issue with this doctrine, pointing out that it had been used as justifying "techniques for perpetuating school segregation," and declaring that: ". . . the only adequate redress for a previously overt system-wide policy of segregation directed against Negroes as a collective entity is a system-wide policy of integration."

In 1969, the 4th Circuit Court of Appeals declared: "The famous *Briggs* v. *Elliott* dictum—adhered to by this court for many years—that the Constitution forbids segregation but does not require integration . . . is now dead."

Cases in two circuit courts have held that the continued existence of some all-black schools in a formerly segregated district did *not* demonstrate unconstitutionality, with one noting that there is "no duty to balance the races in the school system in conformity with some mathematical formula."

Another circuit court decision declared zones were based on objective, non-racial criteria, the fact that they failed to produce any significant degree of integration meant that they *were* unconstitutional.

Two very recent Federal court decisions continue to illustrate the range of opinion: a plan of a southern school district has been upheld even though three schools would remain all-black, but a northern school system has been ordered by another Federal court to integrate all of its schools completely "by the revising of boundary lines for attendance purposes as well as busing so as to achieve maximum racial integration."

This range of differences demonstrates that lawyers and judges have honest disagreements about what the law requires. There have been some rulings that would divert such huge sums of money to non-educational purposes, and would create such severe dislocations of public school systems, as to impair the primary function of providing a good education. In one, for example—probably the most extreme judicial decree so far—a California State court recently ordered the Los Angeles School Board to establish a virtually uniform racial balance throughout its 711 square mile district, with its 775,000 children in 561 schools. Local leaders anticipate that this decree would impose an expenditure of $40,000,000 over the next school year to lease 1,600 buses, to acquire site locations to house them, to hire drivers, and to defray operating costs. Subsequent costs would approximate $20,000,000 annually. Some recent rulings by federal district courts applicable to other school districts appear to be no less severe.

I am dedicated to continued progress toward a truly desegregated public school system. But, considering the always heavy demands for more school operating funds, I believe it is preferable, when we have to make the choice, to use limited financial resources for the improvement of education—for better teaching facilities, better methods, and advanced educational materials—and for the upgrading of the disadvantaged areas in the community rather than buying buses, tires and gasoline to transport young children miles away from their neighborhood schools.

What most of the courts agree on

Despite the obvious confusion, a careful survey of rulings both by the Supreme Court and by the Circuit Courts of Appeals suggests that the basic judicial approach may be more reasonable than some have feared. Whatever a few lower courts might have held to the contrary, the prevailing trend of judicial opinion appears to be summed up in these principles:

—There is a fundamental distinction between so-called *"de jure"* and *"de facto"* segregation: *de jure* segregation arises by law or by the deliberate act of school officials and is unconstitutional; *de facto* segregation results from residential housing patterns and does not violate the Constitution. (The clearest example of *de jure* segregation is the dual school system as it existed in the South prior to the decision in *Brown*—two schools, one Negro and one White, comprised of the same grades and serving the same geographical area. This is the system with which most of the decisions, and the Supreme Court cases up until now, have been concerned.)

—Where school boards have demonstrated a good-faith effort to comply with court rulings, the courts have generally allowed substantial latitude as to method—often making the explicit point that administrative choices should, wherever possible, be made by the local school authorities themselves.

—In devising particular plans, questions of cost, capacity, and convenience for pupils and parents are relevant considerations.

—Whatever the racial composition of student bodies, faculties and staff must be assigned in a way that does not contribute to identifying a given school as "Negro" or "White."

—In school districts that previously operated dual systems, affirmative steps toward integration are a key element in disestablishing the dual system. This positive integration, however, does not necessarily have to result in "racial balance" throughout the system. When there is racial separation in housing, the Constitutional requirement has been held satisfied even though some schools remained all-black.

—While the dual school system is the most obvious example, *de jure* segregation is also found in more subtle forms. Where authorities have deliberately drawn attendance zones or chosen school locations for the express purpose of creating and maintaining racially separate schools, *de jure* segregation is held to exist. In such a case the school board has a positive duty to remedy it. This is so even though the board ostensibly operates a unitary system.

—In determining whether school authorities are responsible for existing racial separation—and thus whether they are Constitutionally required to remedy it—the *intent* of their action in locating schools, drawing zones, etc., is a crucial factor.

—In the case of genuine *de facto* segregation (i.e., where housing patterns produce substantially all-Negro or all-White schools, and where this racial separation has not been caused by deliberate official action) school authorities are not Constitutionally required to take any positive steps to correct the imbalance.

To summarize: There is a Constitutional mandate that dual school systems and other forms of *de jure* segregation be eliminated totally. But within the framework of that requirement an area of flexibility—a "rule of reason"—exists, in which school boards, acting in good faith, can formulate plans of desegregation which best suit the needs of their own localities.

De facto segregation, which exists in many areas both North and South, is undesirable but is not generally held to violate the Constitution. Thus, residential housing patterns may result in the continued existence of some all-Negro schools even in a system which fully meets Constitutional standards. But in any event, local school officials *may*, if they so choose, take steps beyond the Constitutional minimums to diminish racial separation.

SCHOOL DESEGREGATION TODAY

The progress

Though it began slowly, the momentum of school desegregation has become dramatic.

Thousands of school districts throughout the South have met the requirements of law.

In the past year alone, the number of black children attending southern schools held to be in compliance has doubled, from less than 600,000 to nearly 1,200,000—representing 40 per cent of the Negro student population.

In most cases, this has been peacefully achieved.

However, serious problems are being encountered both by communities and by courts—in part as a consequence of this accelerating pace.

The problems

In some communities, racially mixed schools have brought the community greater interracial harmony; in others they have heightened racial tension and exacerbated racial frictions. Integration is no longer seen automatically and necessarily as an unmixed blessing for the Negro, Puerto Rican or Mexican-American child. "Racial balance" has been discovered to be neither a static nor a finite condition; in many cases it has turned out to be only a way station on the road to resegregation. Whites have deserted the public schools, often for grossly inadequate private schools. They have left the now re-segregated public schools foundering for lack of support. And when whites flee the central city in pursuit of all- or predominantly-white schools in the suburbs, it is not only the central city schools that become racially isolated, but the central city itself.

These are not theoretical problems, but actual problems. They exist not just in the realm of law, but in the realm of human attitudes and human behavior. They are part of the real world, and we have to take account of them.

The complexities

Courts are confronted with problems of equity, and administrators with problems of policy. For example: To what extent does desegregation of dual systems require positive steps to achieve integration? How are the rights of individual children and their parents to be guarded in the process of enforcement? What are the educational impacts of the various means of desegregation—and where they appear to conflict, how should the claims of education be balanced against those of integration? To what extent should desegregation plans attempt to anticipate the problem of *re*segregation?

These questions suggest the complexity of the problems. These problems confront us in the North as well as the South, and in rural communities, suburbs and central cities.

The troubles in our schools have many sources. They stem in part from deeply rooted racial attitudes; in part from differences in social, economic and behavioral patterns; in part from weaknesses and inequities in the educational system itself; in part from the fact that by making schools the primary focus of efforts to remedy long-standing social ills, in some cases greater pressure has been brought to bear on the schools than they could withstand.

The context

Progress toward school desegregation is part of two larger processes, each equally essential:

—The improvement of educational opportunities for all of America's children.

—The lowering of artificial racial barriers in all aspects of American life.

Only if we keep each of these considerations clearly in mind—and only if we recognize their separate natures—can we approach the question of school desegregation realistically.

It may be helpful to step back for a moment, and to consider the problem of school desegregation in its larger context.

The school stands in a unique relationship to the community, to the family, and to the individual student. It is a focal point of community life. It has a powerful impact on the future of all who attend. It is a place not only of learning, but also of living—where a child's friendships center, where he learns to measure himself against others, to share, to compete, to cooperate—and it is the one institution above all others with which the parent shares his child.

Thus it is natural that whatever affects the schools stirs deep feelings among parents, and in the community at large.

Whatever threatens the schools, parents perceive—rightly—as a threat to their children.

Whatever makes the schools more distant from the family undermines one of the important supports of learning.

Quite understandably, the prospect of any abrupt change in the schools is seen as a threat.

As we look back over these sixteen years, we find that many changes that stirred fears when they first were ordered have turned out well. In many Southern communities, black and white children now learn together—and both the schools and the communities are better where the essential changes have been accomplished in a peaceful way.

But we also have seen situations in which the changes have not worked well. These have tended to command the headlines, thus increasing the anxieties of those still facing change.

Overburdening the schools

One of the mistakes of past policy has been to demand too much of our schools: They have been expected not only to educate, but also to accomplish a social transformation. Children in many instances have not been served, but used—in what all too often has proved a tragically futile effort to achieve in the schools the kind of a multi-racial society which the adult community has failed to achieve for itself.

If we are to be realists, we must recognize that in a free society there are limits to the amount of government coercion that can reasonably be used; that in achieving desegregation we must proceed with the least possible disruption of the education of the nation's children; and that our children are highly sensitive to conflict, and highly vulnerable to lasting psychic injury.

Failing to recognize these factors, past policies have placed on the schools and the children too great a share of the burden of eliminating racial disparities throughout our society. A major part of this task falls to the schools. But they cannot do it all or even most of it by themselves. Other institutions can share the burden of breaking down racial barriers, but only the schools can perform the task of education itself. If our schools fail to educate, then whatever they may achieve in integrating the races will turn out to be only a pyrrhic victory.

With housing patterns what they are in many places in the nation, the sheer numbers of pupils and the distances between schools make full and prompt school integration in every such community impractical—even if there were a sufficient desire on the part of the community to achieve it. In Los Angeles, 78 per cent of all Negro pupils attend schools that are 95 per cent or more black. In Chicago the figure is 85 per cent—the same as in Mobile, Alabama. Many smaller cities have the same patterns. Nationwide, 61 per cent of all Negro students attend schools which are 95 per cent or more black.

Demands that an arbitrary "racial balance" be established as a matter of right misinterpret the law and misstate the priorities.

As a matter of educational policy, some school boards have chosen to arrange their school systems in such a way as to provide a greater measure of racial integration. The important point to bear in mind is that where the existing racial separation has not been caused by official action, this increased integration is and should remain a matter for local determination.

Pupil assignments involve problems which do not arise in the case of the assignment of teachers. If school administrators were truly color blind and teacher assignments did not reflect the color of the teacher's skin, the law of averages would eventually dictate an approximate racial balance of teachers in each school within a system.

NOT JUST A MATTER OF RACE

Available data on the educational effects of integration are neither definitive nor comprehensive. But such data as we have suggest strongly that, under the appropriate conditions, racial integration in the classroom can be a significant factor in improving the quality of education for the disadvantaged. At the same time, the data lead us into several more of the complexities that surround the desegregation issue.

For one thing, they serve as a reminder that, from an educational standpoint, to approach school questions solely in terms of race is to go astray. The data tell us that in educational terms, the significant factor is not race but rather the educational environment in the home—and indeed, that the single most important educational factor in a school is the kind of home environment its pupils come from. As a general rule, children from families whose home environment encourages learning—whatever their race—are higher achievers; those from homes offering little encouragement are lower achievers.

Which effect the home environment has depends on such things as whether books and magazines are available, whether the family subscribes to a newspaper, the educational level of the parents, and their attitude toward the child's education.

The data strongly suggest, also, that in order for the positive benefits of integration to be achieved, the school must have a majority of children from environments that encourage learning—recognizing, again, that the key factor is not race but the kind of home the child comes from. The greater concentration of pupils whose homes encourage learning—of whatever race—the higher the achievement levels not only of those pupils, but also of others in the same school. Students learn from students. The reverse is also true: the greater concentration of pupils from homes that discourage learning, the lower the achievement levels of all.

We should bear very carefully in mind, therefore, the distinction between educational difficulty as a result of race, and educational difficulty as a result of social or economic levels, of family background, of cultural patterns, or simply of bad schools. Providing better education for the disadvantaged requires a more sophisticated approach than mere racial mathematics.

In this same connection, we should recognize that a smug paternalism has characterized the attitudes of many white Americans toward school questions. There has been an implicit assumption that blacks or others of minority races would be improved by association with whites. The notion that an all-black or predominantly-black school is automatically inferior to one which is all or predominantly-white—even though not a product of a dual system—inescapably carries racist overtones. And, of course, we know of hyprocrisy; not a few of those in the North most stridently demanding racial integration of public schools in the South at the same time send their children to private

schools to avoid the assumed inferiority of mixed public schools.

It is unquestionably true that most black schools—though by no means all—are in fact inferior to most white schools. This is due in part to past neglect or shortchanging of the black schools; and in part to long-term patterns of racial discrimination which caused a greater proportion of Negroes to be left behind educationally, left out culturally, and trapped in low paying jobs. It is not really because they serve black children that most of these schools are inferior, but rather because they serve poor children who often lack the home environment that encourages learning.

Innovative approaches

Most public discussion of overcoming racial isolation centers on such concepts as compulsory "busing"—taking children out of the schools they would normally attend, and forcing them instead to attend others more distant, often in strange or even hostile neighborhoods. Massive "bussing" is seen by some as the only alternative to massive racial isolation.

However, a number of new educational ideas are being developed, designed to provide the educational benefits of integration without depriving the student of his own neighborhood school.

For example, rather than attempting dislocation of whole schools, a portion of a child's educational activities may be shared with children from other schools. Some of his education is in a "home-base" school, but some outside it. This "outside learning" is in settings that are defined neither as black nor white, and sometimes in settings that are not even in traditional school buildings. It may range all the way from intensive work in reading to training in technical skills, and to joint efforts such as drama and athletics.

By bringing the children together on "neutral" territory friction may be dispelled; by limiting it to part-time activities no one would be deprived of his own neighborhood school; and the activities themselves provide the children with better education.

This sort of innovative approach demonstrates that the alternatives are not limited to perpetuating racial isolation on the one hand, and massively disrupting existing school patterns on the other. Without uprooting students, devices of this kind can provide an additional educational experience within an integrated setting. The child gains both ways.

Good faith and the courts

Where desegregation proceeds under the mandate of law, the best results require that the plans be carefully adapted to local circumstances.

A sense of compassionate balance is indispensable. The concept of balance is no stranger to our Constitution. Even First Amendment freedoms are not absolute and unlimited; rather the scales of that "balance" have been adjusted with minute care, case by case, and the process continues.

In my discussion of the status of school desegregation law, I indicated that the Supreme Court has left a substantial degree of latitude within which specific desegregation plans can be designed. Many lower courts have left a comparable degree of latitude. This does not mean that the courts will tolerate or the Administration condone evasions or subterfuges; it does mean that if the essential element of good faith is present, it should ordinarily be possible to achieve legal compliance with a minimum of educational disruption, and through a plan designed to be responsive to the community's own local circumstances.

This matter of good faith is critical.

Thus the far-sighted local leaders who have demonstrated good faith by smoothing the path of compliance in their communities have helped lay the basis for judicial attitudes taking more fully into account the practical problems of compliance.

How the Supreme Court finally rules on the major issues it has not yet determined can have a crucial impact on the future of public education in the United States.

Traditionally, the Court has refrained from deciding Constitutional questions until it became necessary. This period of legal uncertainty has occasioned vigorous controversy over what the thrust of the law should be.

As a nation, we should create a climate in which these questions, when they finally are decided by the Court, can be decided in a framework most conducive to reasonable and realistic interpretation.

We should not provoke any court to push a Constitutional principle beyond its ultimate limit in order to compel compliance with the court's essential, but more modest, mandate. The best way to avoid this is for the nation to demonstrate that it does intend to carry out the full spirit of the Constitutional mandate.

POLICIES OF THIS ADMINISTRATION

It will be the purpose of this Administration to carry out the law fully and fairly. And where problems exist that are beyond the mandate of legal requirements, it will be our purpose to seek solutions that are both realistic and appropriate.

I have instructed the Attorney General, the Secretary of Health, Education, and Welfare, and other appropriate officials of the Government to be guided by these basic principles and policies:

Principles of enforcement

—Deliberate racial segregation of pupils by official action is unlawful, wherever it exists. In the words of the Supreme Court, it must be eliminated "root and branch"—and it must be eliminated at once.

—Segregation of teachers must be eliminated. To this end, each school system in this nation, North and South, East and West, must move immediately, as the Supreme Court has ruled, toward a goal under which "in each school the ratio of White to Negro faculty members is substantially the same as it is throughout the system."

—With respect to school facilities, school administrators throughout the nation, North and South, East and West, must move immediately, also in conformance with the Court's ruling, to assure that schools within individual school districts do not discriminate with respect to the quality of facilities or the quality of education delivered to the children within the district.

—In devising local compliance plans, primary weight should be given to the considered judgment of local school boards—provided they act in good faith, and within Constitutional limits.

—The neighborhood school will be deemed the most appropriate base for such a system.

—Transportation of pupils beyond normal geographic school zones for the purpose of achieving racial balance will not be required.

—Federal advice and assistance will be made available on request, but Federal officials should not go beyond the requirements of law in attempting to impose their own judgment on the local school district.

—School boards will be encouraged to be flexible and creative in formulating plans that are educationally sound and that result in effective desegregation.

—Racial imbalance in a school system may be partly *de jure* in origin, and partly *de facto*. In such a case, it is appropriate to insist on remedy for the *de jure* portion, which is unlawful, without insisting on a remedy for the lawful *de facto* portion.

—*De facto* racial separation, resulting genuinely from housing patterns, exist in the South as well as the North; in neither area should this condition by itself be cause for Federal enforcement actions. *De jure* segregation brought about by deliberate school-board gerrymandering exists in the North as the South; in both areas this must be remedied. In all respects, the law should be applied equally, North and South, East and West.

This is one nation. We are one people. I feel strongly that as Americans we must be done, now and for all future time, with the divisive notion that these problems are sectional.

Policies for progress

—In those communities facing desegregation orders, the leaders of the communities will be encouraged to lead—not in defiance, but in smoothing the way of compliance. One clear lesson of experience is that local leadership is a fundamental factor in determining success or failure. Where leadership has been present, where it has been mobilized, where it has been effective, many districts have found that they could, after all, desegregate their schools successfully. Where local leadership has failed, the community has failed—and the schools and the children have borne the brunt of that failure.

—We shall launch a concerted, sustained and honest effort to assemble and evaluate the lessons of experience: to determine what methods of school desegregation have worked, in what situations, and why—and also what has not worked. The Cabinet-level working group I recently appointed will have as one of its principal functions amassing just this sort of information and helping make it available to the communities in need of assistance.

—We shall attempt to develop a far greater body of reliable data than now exists on the effects of various integration patterns on the learning process. Our effort must always be to preserve the educational benefit for the children.

—We shall explore ways of sharing more broadly the burdens of social transition that have been laid disproportionately on the schools—ways, that is, of shifting to other public institutions a greater share of the task of undoing the effects of racial isolation.

—We shall seek to develop and test a varied set of approaches to the problems associated with "*de facto*" segregation, North as well as South.

—We shall intensify our efforts to ensure that the gifted child—the potential leader—is not stifled intellectually merely because he is black or brown or lives in a slum.

—While raising the quality of education in all schools, we shall concentrate especially on racially-impacted schools, and particularly on equalizing those schools that are furthest behind.

Words often ring empty without deeds. In government, words can ring even emptier without dollars.

In order to give substance to these commitments, I shall ask Congress to divert $500 million from my previous budget requests for other domestic programs for Fiscal 1971, to be put instead into programs for improving education in racially-impacted areas, North and South, and for assisting school districts in meeting special problems incident to court-ordered desegregation. For Fiscal 1972, I have ordered that $1 billion be budgeted for the same purposes.

I am not content simply to see this money spent, and then to count the spending as the measure of accomplishment. For much too long, national "commitments" have been measured by the number of Federal dollars spent rather than by more valid measures such as the quality of imagination displayed,

the amount of private energy enlisted or, even more to the point, the results achieved.

If this $1.5 billion accomplishes nothing, then the commitment will mean nothing.

If it enables us to break significant new ground, then the commitment will mean everything.

This I deeply believe:

Communities desegregating their schools face special needs—for classrooms, facilities, teachers, teacher training—and the nation should help meet those needs.

The nation also has a vital and special stake in upgrading education where de facto segregation persists—and where extra efforts are needed if the schools are to do their job. These schools, too, need extra money for teachers and facilities.

Beyond this, we need to press forward with innovative new ways of overcoming the effects of racial isolation and of making up for environmental deficiencies among the poor.

I have asked the Vice President's Cabinet Committee on School Desegregation, together with the Secretary of Health, Education and Welfare, to consult with experts in and out of government and prepare a set of recommended criteria for the allocation of these funds.

I have specified that these criteria should give special weight to four categories of need:

—The special needs of desegregating (or recently desegregated) districts for additional facilities, personnel and training required to get the new, unitary system successfully started.

—The special needs of racially-impacted schools where *de facto* segregation persists—and where immediate infusions of money can make a real difference in terms of educational effectiveness.

—The special needs of those districts that have the furthest to go to catch up educationally with the rest of the nation.

—The financing of innovative techniques for providing educationally sound interracial experiences for children in racially isolated schools.

This money—the $500 million next year, and $1 billion in Fiscal 1972—must come from other programs. Inevitably, it represents a further reordering of priorities on the domestic scene. It represents a heightened priority for making school desegregation work, and for helping the victims of racial isolation learn.

Nothing is more vital to the future of our nation than the education of its children; and at the heart of equal opportunity is equal educational opportunity. These funds will be an investment in both the quality and the equality of that opportunity.

This money is meant to provide help *now*, where help is needed now.

As we look to the longer-term future, it is vital that we concentrate more effort on understanding the process of learning—and improving the process of teaching. The educational needs we face cannot be met simply with more books, more classrooms and more teachers—however urgently these are needed now in schools that face shortages. We need more effective methods of teaching, and especially of teaching those children who are hardest to reach and most lacking in a home environment that encourages learning.

In my message on education reform earlier this month, I proposed creation of a National Institute of Education to conduct and to sponsor basic and applied educational research—with special emphasis on compensatory education for the disadvantaged, on the Right to Read, on experimental schools and on the use of television for educational purposes.

I repeat that proposal—and I ask that the Congress consider it a matter of high priority.

A FREE AND OPEN SOCIETY

The goal of this Administration is a free and open society. In saying this, I use the words "free" and "open" quite precisely.

Freedom has two essential elements: the *right* to choose, and the *ability* to choose. The right to move out of a mid-city slum, for example, means little without the means of doing so. The right to apply for a good job means little without access to the skills that make it attainable. By the same token, those skills are of little use if arbitrary policies exclude the person who has them because of race or other distinction.

Similarly, an "open" society is one of open choices—and one in which the individual has the mobility to take advantage of those choices.

In speaking of "desegregation" or "integration," we often lose sight of what these mean within the context of a free, open, pluralistic society. We cannot be free, and at the same time be required to fit our lives into prescribed places on racial grid—whether segregated or integrated, and whether by some mathematical formula or by automatic assignment. Neither can we be free, and at the same time be denied—because of race—the right to associate with our fellow-citizens on a basis of human equality.

An open society does not have to be homogeneous, or even fully integrated. There is room within it for many communities. Especially in a nation like America, it is natural that people with a common heritage retain special ties; it is natural and right that we have Italian or Irish or Negro or Norwegian neighborhoods; it is natural and right that members of those communities feel a sense of group identity and group pride. In terms of an open society, what matters is mobility: the right and the ability of each person to decide for himself where and how he wants to live, whether as part of the ethnic enclave or as part of the larger society—or, as many do, share the life of both.

We are richer for our cultural diversity; mobility is what allows us to enjoy it.

Economic, educational, social mobility—all these, too, are essential elements of the open society. When we speak of equal opportunity we mean just that: that each person should have an equal chance at the starting line, and an equal chance to go just as high and as far as his talents and energies will take him.

This Administration's programs for helping the poor, for equal opportunity, for expanded opportunity, all have taken a significantly changed direction from those of previous years—and those principles of a free and open society are the keys to the new direction.

Instead of making a man's decisions for him, we aim to give him both the *right* and *ability* to choose for himself—and the mobility to move upward. Instead of creating a permanent welfare class catered to by a permanent welfare bureaucracy, for example, my welfare reform proposal provides job training and a job requirement for all those able to work—and also a regular Family Assistance payment instead of the demeaning welfare handout.

By pressing hard for the "Philadelphia Plan," we have sought to crack the color bar in the construction unions—and thus to give black and other minority Americans both the right and the ability to choose jobs in the construction trades, among the highest paid in the nation.

We have inaugurated new Minority Business Enterprise programs—not only to help minority members get started in business themselves, but also, by developing more black and brown entrepreneurs, to demonstrate to young blacks, Mexican-Americans and others that they, too, can aspire to this same sort of upward economic mobility.

In our education programs, we have stressed the need for far greater diversity in offerings to match the diversity of individual needs—including more and better vocational and technical training, and a greater development of 2-year community colleges.

Such approaches have been based essentially on faith in the individual—knowing that he sometimes needs help, but believing that in the long run he usually knows what is best for himself. Through them also runs a belief that education is the key that opens the door to personal progress.

As we strive to make our schools places of equal educational opportunity, we should keep our eye fixed on this goal: To achieve a set of conditions in which neither the laws nor the institutions supported by law any longer draw an invidious distinction based on race; and going one step further, we must seek to repair the human damage wrought by past segregation. We must give the minority child, that equal place at the starting line that his parents were denied—and the pride, the dignity, the self-respect, that are the birthright of a free American.

We can do no less and still be true to our conscience and our Constitution. I believe that most Americans today, whether North or South, accept this as their duty.

The issues involved in desegregating schools, reducing racial isolation and providing equal education opportunity are not simple. Many of the questions are profound, the factors complex, the legitimate considerations in conflict, and the answers elusive. Our continuing search, therefore, must be not for the perfect set of answers, but for the most nearly perfect and the most constructive.

I am aware that there are many sincere Americans who believe deeply in instant solutions and who will say that my approach does not go far enough fast enough. They feel that the only way to bring about social justice is to integrate all schools now, everywhere, no matter what the cost in the disruption of education.

I am aware, too, that there are many equally sincere citizens—North and South, black and white—who believe that racial separation is right, and wish the clock of progress would stop or be turned back to 1953. They will be disappointed, too.

But the call for equal educational opportunity today is in the American tradition. From the outset of the nation, one of the great struggles in America has been to transform the system of education into one that truly provided equal opportunity for all. At first, the focus was on economic discrimination. The system of "fee schools" and "pauper schools" persisted well into the 19th century.

Heated debates preceded the establishment of universal free public education—and even in such States as New York, New Jersey and Connecticut, the system is barely a century old.

Even today, inequities persist. Children in poor areas often are served by poor schools—and unlike the children of the wealthy, they cannot escape to private schools. But we have been narrowing the gap—providing more and better education in more of the public schools, and making higher education more widely available through free tuition, scholarships and loans.

In other areas, too, there were long struggles to eliminate discrimination that had nothing to do with race. Property and even religious qualifications for voting persisted well into the 19th century—and not until 1920 were women finally guaranteed the right to vote.

Now the focus is on race—and on the dismantling of all racial bars to equality of opportunity in the schools. As with the lowering of economic barriers, the pull of con-

science and the pull of national self-interest both are in the same direction. A system that leaves any segment of its people poorly educated serves the nation badly; a system that educates all of its people well serves the nation well.

We have overcome many problems in our 190 years as a nation. We can overcome this problem. We have managed to extend opportunity in other areas. We can extend it in this area. Just as other rights have been secured, so too can these rights be secured—and once again the nation will be better for having done so.

I am confident that we can preserve and improve our schools, carry out the mandate of our Constitution, and be true to our national conscience.

POSTAL REFORM AND SALARY ADJUSTMENT ACT OF 1970

(Mr. BLACKBURN asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. BLACKBURN. Mr. Speaker, within the next few weeks this body will be considering H.R. 4, the Postal Reform and Salary Adjustment Act of 1970. Under the terms of this legislation, all labor management activities of the postal authority to be established by this will be conducted under the provisions of the National Labor Relations Act of 1948—Taft-Hartley.

As all members of this body are aware, this act allows for the negotiation of union shop agreements in private industries except where State law specifically prohibits such contracts. If this act is applied to the new postal authority, it would enable postal unions to negotiate union shop agreements for the whole postal service.

Some will argue that State laws should apply to this matter. However, the Supreme Court in *United States* v. *Sharpnack*, 355 U.S. 286 (1958), ruled that State laws do not generally apply on Federal reservations, State laws only apply on Federal reservations where such laws are of a criminal nature. Generally, State right-to-work laws are civil in nature and therefore would not apply to prevent a closed or union shop on property owned by the Post Office.

Recently Joseph Young, the Federal affairs reporter for the Washington Evening Star in a brief column succinctly discussed this problem. For the information of my colleagues I hereby insert this column into the RECORD:

[From the Evening Star, Mar. 15, 1970]

POSTAL BILL COULD OPEN WAY FOR COMPULSORY UNIONISM

(By Joseph Young)

Compulsory unionism could occur in the government within the next few years.

The postal reform bill approved by the House Post Office and Civil Service Committee provides that the union shop is an issue of negotiation between the postal employee unions and postal management under the proposed collective bargaining system.

Should an impasse develop on the union shop, it would go to third-party binding arbitration. Thus, if the arbitrator ruled for the unions, there would be a union shop in the postal service, with employes required to belong to one of the unions representing their craft in order to hold their jobs.

The only exception to this would be in 19 states which have right-to-work laws which bar the union shop.

Should postal employe unions get the union shop, federal employe unions would certainly seek the same rights.

Nearly 90 percent of all postal workers are unionized so a union shop would apply nationwide, except in 19 right-to-work States.

The majority of federal classified and blue collar workers are not unionized, although the rate of unionization among them has grown tremendously in the past decade.

What federal employe union leaders would ask for is a union shop in all of the government installations and offices in which they have exclusive recognition by virtue of having won majority elections.

The National Right-to-Work Committee strongly opposes any union shop in government and is lining up support for an amendment that will be offered by conservative forces in the House when the postal reform bill is voted on to forbid any union shop in government.

The committee also declares that there is doubt that postal workers in the 19 Right-to-Work States would be protected against the union shop.

THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY

(Mr. ADAIR asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous material.)

Mr. ADAIR. Mr. Speaker, the House Committee on Foreign Affairs has recently held hearings on the authorization bill for the U.S. Arms Control and Disarmament Agency which, under the leadership of ACDA Director, Gerald C. Smith, is doing a very effective job.

Recently ACDA issued a report and news release on "World Military Expenditures in 1969." Because of the broad interest within the Congress on this subject, I am pleased to submit excerpts from the news release:

World military spending reached a record $200 billion in 1969, up 44 percent since 1964, but preliminary data now available suggest that the year-to-year increase slowed down during the past two years and that some reduction in the ratio to world income is likely if the pattern continues.

The new statistics were issued today by the United States Arms Control and Disarmament Agency in its fourth annual report on global outlays based on national data for 120 countries. The study for the first time covers estimated spending through the calendar year just ended.

ACDA Director Gerald C. Smith, who is also the Chief U.S. Negotiator in the strategic arms limitation talks with the Soviet Union, states in his introduction: "The report shows the rise in military spending continuing, although it is less sharp. The world remains the poorer for it."

Between 1965 and 1967, world military expenditures in current prices soared at the rate of 13 percent a year. Since 1967, the increase has averaged five percent yearly. Most of the increase in this latter period has resulted from price inflation. In terms of constant prices, 1969 expenditures were three percent above 1967 and only fractionally higher than in 1968.

Despite the more encouraging recent trend, ACDA points out that it will take more than a diminished rate of increase to lessen significantly the heavy economic burden of military spending. The Agency reports that if recent spending patterns were to continue, the nations of the world by the end of the 1970's will be devoting more than $300 billion a year to defense. Over the decade, they would have spent for this one purpose alone an amount virtually, equivalent to the present tangible wealth of the United States—all the land, homes, factories, highways, minerals, and other real assets.

Furthermore, the global slowdown in the rate of increase has been accompanied by an acceleration in the countries that can least afford it.

Highlights of the report show that of the $200 billion spent for defense in 1969, $174 billion was spent by the developed countries and $26 billion by developing countries. Expressed in constant dollars, expenditures of developed countries were unchanged from 1967—the latest year covered by the previous study—to 1969, but the spending by developing countries rose 25 percent.

The world's total military outlays in current dollars grew from $139 billion in 1964, $143 billion in 1965, $160 billion in 1966, $181 billion in 1967, to an estimated $191 billion in 1968.

Including the $200 billion for 1969, this means that over the six-year period more than $1 trillion ($1,000,000,000,000) have been spent on arms and Armed Forces. Measured against available economic resources, the sum exceeds the value of all goods and services produced in the United States in the past year; it is more than two years' income for the world's developing countries in which two and one-half billion people live; and it is equal to as much public money as was spent by all governments on all forms of public education and health care in the six-year period.

. . . an increasing portion of world outlays was found in the military expenditures of countries outside the two major blocs. In both 1968 and 1969, the military budgets of such countries appeared to be growing at a rate more than twice that of the world total, reflecting an accelerated arms race in some of the developing countries.

The ACDA report finds that the upward spiral of arms budgets in poorer countries was "one of the most striking—and disturbing—aspects of the latest trends in world military spending."

The study contains a series of charts covering world military expenditures from 1964 to 1969 and comparisons with GNP for the same period, developed and developing countries' shares of the world total in 1967, the realative burden of military expenditures by country, world military and other public expenditures, and average per capita expenditures for military, education, and health by region.

A unique feature of the ACDA report is that it provides comparative figures in dollars for each of the 120 countries in the survey. The statistical tables show national expenditures for defense, education, health and foreign aid, as well as GNP, population and armed forces. The latest year for which the detailed data are available for all the countries is 1967. ACDA has estimated world trends in military spending and GNP for 1968 and 1969 based on preliminary and partial national figures. Several international and U.S. agencies contribute statistics to the report.

The study was made by the Arms Control Agency's Economics Bureau, headed by Robert H. B. Wade, an assistant director of the Agency and former U.S. Permant Representative to the United Nations Educational, Scientific, and Cultural Organization (UNESCO). It represents part of the Bureau's effort to meet its responsibilities for a continuing study of the effects of military spending on both the international and the domestic scene.

EXTENSION OF PAY RAISE TO POSTMASTERS AND SUPERVISORS

(Mr. SCOTT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous material.)

Mr. SCOTT. Mr. Speaker, I received a telegram last night from the president of the National Association of Postmasters requesting that Congress apply any pay raise given postal employees in an equitable manner so that postmasters and supervisors who attempted to handle the mail during the recent strike not be discriminated against in favor of those who did illegally strike.

It may be that the telegram was only sent to members of the Post Office and Civil Service Committee, and I insert it in the RECORD at this point in full for the information of the entire membership.

WASHINGTON, D.C.,
March 25, 1970.

Hon. WILLIAM L. SCOTT,
House of Representatives,
Washington, D.C.:

We earnestly plead that in considering pay raises for postal employees that Congress in its wisdom apply such raises equitably to all postmasters and supervisory levels. You will not find postmasters and supervisors striking to get a pay raise. They were there trying to handle the mail when the rank and file employees were out on strike.

BREMER EHRLER,
President, National Association of Postmasters.

THE PRESIDENT'S MESSAGE ON HIGHER EDUCATION

(Mr. MAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAYNE. Mr. Speaker, the President has sent to the Congress a message dealing with higher education. I commend it to all of my colleagues.

I would like especially to call attention to the President's recommendations for increasing the funds available for loans to college students. The administration has proposed the creation of a National Student Loan Association which would enable students of all income levels to obtain Government-guaranteed loans. It is estimated that during the first year of operation alone this device would increase the pool of lendable funds by over $1 billion.

In addition, every eligible student would be able to borrow up to $2,500 a year and to repay the loan over a 20-year period. I am certain that this message will be good news to the many parents who have young children and who are wondering how they will be able to pay for the college costs of these children. I urge careful attention to the Higher Education Opportunity Act.

AMBASSADOR PHILIP C. HABIB, ACTING HEAD, AMERICAN DELEGATION TO PARIS MEETINGS ON VIETNAM

(Mr. MORTON asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. MORTON. Mr. Speaker, recently some individuals have been saying that our negotiating position is being hurt by not having a qualified permanent head of the American delegation to the Paris meeting on Vietnam. I disagree with those who are taking this position and fear that our negotiating position may have been hurt by such statements.

Ambassador Philip C. Habib is extremely capable and more than qualified to represent the American interests in Paris. His familiarity and direct experience with the situation in Vietnam is extensive. Ambassador Habib's career exemplifies the finest in government service. He has received recognition of high order for his outstanding service.

For the RECORD I am including a brief résumé of Ambassador Habib's career which is very impressive.

AMBASSADOR PHILIP C. HABIB ACTING HEAD, AMERICAN DELEGATION TO PARIS MEETINGS ON VIETNAM

Ambassador Habib was born in New York City on February 25, 1920. He is married and has two daughters. He received his B.S. at the University of Idaho in 1942 and a Ph.D. (Economics) at the University of California (Berkeley) in 1952. During World War II he served as a Captain overseas in the United States Army. Ambassador Habib is a career Foreign Service Officer Class 1. He has been with the U.S. Delegation at the Paris talks since the first meetings were held in May, 1968. He was made Acting Head of the Delegation and given the personal rank of Ambassador by President Nixon on December 15, 1969.

Ambassador Habib joined the Department of State in 1949. Since then, he served in the Department and at Foreign Service posts abroad at Ottawa, Wellington, Port of Spain, Seoul, Saigon and, currently, in Paris. He served in the Department of State as Deputy Assistant Secretary in the Bureau of East Asian and Pacific Affairs, with special responsibility for Viet-nam, from July 1967 to May 1968.

In addition to other foreign policy responsibilities he has had, Ambassador Habib served as Minister-Counsellor for Political Affairs at our Embassy in Saigon under Ambassadors Henry Cabot Lodge and Ellsworth Bunker, from 1965 to 1967, and as Counselor of Embassy for Political Affairs in Seoul, Korea, from 1962 to 1965.

Ambassador Habib has been President of the American Foreign Service Association. In 1969, he received the Rockefeller Public Service Award in the field of foreign affairs.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. MORTON. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I would like to congratulate the gentleman for his remarks today. I think they are of great importance. I think it is extremely important that the distinguished gentleman should make the statement that he has made because he is one of the most significant political leaders in America. I hope the negotiators for North Vietnam will recognize the fact that Mr. Habib has the full and unquestioned confidence of all of us here in Congress. He has attended every single session from the very first session. I do not know anyone in this world who is better qualified and more knowledgeable on all the aspects of these negotiations than Ambassador Habib. I congratulate the gentleman for his statement.

Mr. MORTON. I thank the gentleman from Illinois for his fine contribution.

POSTAL NEGOTIATIONS

(Mr. ANDERSON of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ANDERSON of Illinois. Mr. Speaker, I merely wanted to take this opportunity to make an observation in connection with the colloquy that took place earlier today between the distinguished majority leader (Mr. ALBERT) and the chairman of the Post Office and Civil Service Committee (Mr. DULSKI). The statement was made that the leadership here in the House had not been informed as to the precise progress, if any, occuring in the talks now going on between the representatives of the Post Office Department and the representatives of the so-called exclusive unions or postal unions.

It is my understanding that there is an agreement—and it was one that was arrived at between the representatives of the postal unions and the management representatives at the table—that they would deliberately try to negotiate these matters without making any statements or public releases of information to anyone until they felt that the negotiations had progressed to the point where that could be done without jeopardizing the success of the outcome of the negotiations.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, the occasion of my remarks simply was that someone asked the chairman whether he thought the Senate conferees were being advised, and he said yes. Then the chairman was asked, Were the House conferees being kept advised? And he said no. So far as I know, that is the situation.

Mr. ANDERSON of Illinois. Mr. Speaker, it is certainly my understanding, and I want to assure the distinguished majority leader that I am convinced there is no intention on the part of the administration to affront the leadership on either side of this House, but in order to preserve the very delicate balance that does exist while the negotiations are going on, they want to maintain some degree of secrecy about what is being said on both sides.

TRIBUTE TO THE LATE EUGENE J. MORIARTY

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, the word I have just received on the passing of a beloved and respected friend, Eugene J. Moriarty, has deeply saddened me. Eugene Moriarty was my close personal friend, and served as executive editor of the Boston Herald-Traveler for over 30 years. He died last

night at Boston Carney Hospital at the age of 62.

Born in Boston, he was a graduate of St. Margaret's School and High School of Commerce and attended Brown University. He was an honorary alumnus of Columbia University of New York.

Beginning his newspaper career at the Boston American, he rose to reporter. With this experience he went to New York and worked at the Bronx Home News and the New York Journal. He briefly returned to the Boston American and later went to Rhode Island to work for the Pawtucket Times as assistant managing editor.

Returning to his native Boston, he spent a year at the Herald and left to accept a position as managing editor of the Providence Tribune.

During the next few years he returned to Boston several times finally serving the Herald-Traveler as managing editor. As assistant managing editor of the Boston Herald, Moriarty directed coverage of such historic moments as the sinking of the *Andrea Doria*, the assassination of President John F. Kennedy, and the great blackout of 1965.

His career was climaxed when Moriarty was named executive editor of the Herald and Traveler 3 years prior to their merger.

Until incapacitated by his recent illness, Gene Moriarty worked with Cardinal Richard J. Cushing on the cardinal's $50 million jubilee fund drive. At that time, the cardinal said:

May God bless and reward you for your goodness. I promise you and your loved ones a faithful remembrance in my prayers.

Two years ago, he was honored by being elected corporator of the Lincoln Savings Bank in Boston.

His interest included a long-time membership in the St. Francis de Sales Society and was a founding member of the American Press Institute at Columbia University.

Harold E. Clancy, publisher of the Boston Herald-Traveler, said of Moriarty:

Gene Moriarty was a professional news man whose ability and integrity set daily standards over a more than 30 year career with the Herald-Traveler. He will be missed by this newspaper, its employees, and all of his associates.

The Boston local of the American Newspaper Guild which represents the editorial employees of the Herald-Traveler said of Moriarty:

Gene Moriarty was a fine man, a fair man, a man's man, a gentle man. He was truly a credit to our profession, a model for all who seek to achieve success in a field of journalism and in the far more important fields of gentility, kindness and fairness. He was a former member of the Guild but even when he left the Union to assume executive position he remained sympathetic to our goals and objectives. He was a friend. He will be sadly missed.

Not long before Gene Moriarty was taken ill, a longtime rival, the publisher of another Boston newspaper, stuck out his hand and said with respect: "The newspaper man's newspaper man."

Gene Moriarty was a man who was admired and respected for his ability, and at the same time, he could affectionately be sought out for his friendship and for the goodness of his heart.

Gene Moriarty leaves his wife, Mrs. Katherine Toomey Moriarty, at their home on 33 Oak Road, Milton, and daughter, Kathleen, an Emmanuel College graduate and teacher in a Dorchester, Mass., elementary school.

My deepest sympathy and prayer is extended to his devoted wife and daughter.

Mr. Speaker, I include two news articles, one by the Boston Herald-Traveler and the other by the Boston Globe.

[From the Boston Herald-Traveler, Mar. 26, 1970]

E. J. MORIARTY DIES, HT EXECUTIVE EDITOR

Eugene J. Moriarty, executive editor of the Boston Herald Traveler, died last night in Carney Hospital. He was 62.

"Gene," as he was affectionately known by staff members and associates, was a veteran of half a dozen editorial staffs in Boston, Rhode Island and New York and had been more than 30 years with the Herald Traveler.

Born in Boston, he was a graduate of St. Margaret's School and the High School of Commerce and attended Brown University. He was an honorary alumnus of Columbia University in New York.

He began his newspaper career as an office boy at the Boston American and there rose to reporter.

With this background he headed for New York where he worked for the now-defunct Bronx Home News and for the New York Journal.

He then returned to the American and later joined the Pawtucket, R.I., Times as assistant managing editor.

Returning to Boston, he spent a year at the Herald and left to become managing editor of the Providence Tribune.

After returning to the American, where he served as city editor, he moved to the Traveler in the same capacity and eventually became its managing editor.

Prior to the merger of the Herald and the Traveler three years ago, Moriarty was named executive editor of both news staffs.

He also had been news editor and assistant managing editor of the Herald before the merger.

Herald Traveler Publisher Harold E. Clancy observed last night:

"Gene Moriarty was a professional newsman whose ability and integrity set daily standards over a more than 30-year career with the Herald Traveler. He will be missed by this newspaper, its employes and all of his associates."

The Boston local of the American Newspaper Guild, which represents editorial employes at the HT, said of the editor:

"Gene Moriarty was a fine man, a fair man, a man's man, a gentlemen. He was truly a credit to our profession, a model for all who seek to achieve success in the field of journalism and in the far more important fields of gentility, kindness and fairness.

"He was a former member of the Guild, but even when he left the union to assume executive positions, he remained sympathetic to our goals and objectives. He was a friend. He will be sadly missed."

The antithesis of moviedom's hard-bitten newsman, Moriarty won the unswering loyalty of his staff with his fairness, kindness and modesty.

But he could still growl and frown in high fashion when an erring reporter failed to produce as expected.

"I learned the trade under Gene," said one HT reporter last night, "and I learned it well. There was only one acceptable way to perform under him. That was to do the job right and do it fast. There was no other way."

"He was stinting with his praise," recalled another. "A smile from him was the equal of the Army's Medal of Honor.

"But if you were in trouble—and you were right—he'd fight like a tiger to protect you. He was my guy all the way."

Gene's skill at evaluating news, his sure, calm instructions when a big news story was breaking, drew the admiration of all who worked under him.

Until his illness, Moriarty served as an adviser for Cardinal Cushing's $50 million Jubilee Fund Drive, for which the cardinal wrote him:

"May God bless and reward you for your goodness. I promise you and your loved ones a faithful remembrance in prayers."

Heading the public relations program for the cardinal's fund drive was retired Herald editor Arthur E. Fetridge who also died yesterday.

Two years ago, Moriarty was elected a corporator of the Lincoln Savings Bank in Boston.

In addition to his news career, he was a long-time member of the St. Francis de Sales Society, a Greater Boston association of editorial workers, and was a member of the founding seminar of the American Press Institute at Columbia University.

He leaves his wife, Mrs. Katherine Toomey Moriarty, at their home at 33 Oak Rd., Milton, and a daughter, Kathleen, an Emmanuel College graduate and a teacher in a Dorchester elementray school.

[From the Boston Herald-Traveler, Mar. 26, 1970]

EVEN RIVALS ADMIRED MORIARTY: NEWSPAPERMAN'S NEWSPAPERMAN

At a social gathering not long before Gene Moriarty was taken ill, the publisher of a rival newspaper stuck out his hand and said with respect:

"The newspaperman's newspaperman."

Since Gene Moriarty was a modest man—a truly modest man—the remark puzzled him, but it puzzled none of his friends.

For despite his modesty, Moriarty was in a business where each day his work was laid before the public, and over a period of 40 years that work had set standards for others in the business.

As City Editor of The Boston Traveler, Moriarty recruited what was probably the best afternoon newspaper staff in the East, if not in the country.

With zest and dash, they covered Massachusetts politics, daring the wrath of the Legislature and on occasion being barred from the floor of one or another house of the Legislature for a particularly incisive story.

As assistant managing editor of The Boston Herald, Moriarty directed coverage of such epic stories as the sinking of the Andrea Doria, the assassination of President John F. Kennedy and the Great Blackout of 1965.

When the papers merged in 1967, it was no surprise to the staff that Moriarty should be named to direct the new operation, and he set even higher standards.

When Robert F. Kennedy was shot by an assassin in June of 1968, Moriarty turned a morning newspaper into an around-the-clock operation, running as many as four extra editions.

His career began in the age of train and telegraph and ended with the footprints of men on the moon, but Moriarty seldom looked back.

He was more concerned with exploiting the potential of Telex machines and four-color processes than he was with nostalgia.

But on those rare occasions when he could be persuaded to recall the old days—usually in the early morning hours while awaiting a replate edition from the press room—the warmth of his personality glowed.

He especially enjoyed recalling the "O'Hara days." Westbrook Pegler referred to them as the "War of the Wild Irish Roses."

The war involved Walter O'Hara, proprietor of Narragansett Park and publisher of the Providence Star-Tribune, and Gov. Robert Quinn of Rhode Island.

Eugene J. Moriarty was the editor of the Star-Tribune and before it was over there were suits and counter-suits and the calling out of the National Guard, and Moriarty back home in Boston.

It was a measure of his spirit that there he was served with the papers of a suit alleging he had libeled a man by publishing a story about a bookmaking parlor in Gov. Quinn's hometown of Warwick.

The libelee sought damages of $25,000, and whatever became of the suit nobody knows.

But everybody who knew Gene will cherish his light-hearted remark when served with the papers in the $25,000 affair.

"Fine," he said, "this should help my credit."

[From the Boston Globe, Mar. 26, 1970]

EUGENE J. MORIARTY, AT 62; HERALD-TRAVELER EXECUTIVE EDITOR

Eugene J. Moriarty, 62, executive editor of the Boston Herald-Traveler, died last night in Carney Hospital.

"Gene," who began his newspaper career as an office boy at the Boston American, had served more than 30 years with the Herald Traveler.

He was well liked in the professional world. Last night Herald-Traveler Publisher Harold E. Clancy said:

"Gene Moriarty was a newsman whose ability and integrity set daily standards."

The Boston local of the American Newspaper Guild, which represents editorial employees at the Herald-Traveler, said of him:

"Gene Moriarty was a fine man, a fair man, a man's man, a gentle man. He was truly a credit to our profession, a model for all who ask to achieve success in the field of journalism and in the far more important fields of gentility, kindness and fairness."

He was a graduate of St. Margaret's School, Dorchester, and the High School of Commerce and was an alumnus of Brown University.

In early days he worked for the now-defunct Bronx Home News and the New York Journal. After a short stint at the Boston American he joined the Pawtucket, R.I. Times as a managing editor.

After a year at the Herald in Boston he went back to Rhode Island, as managing editor of the Providence Tribune. Returning to Boston, he served as city editor at the American, then moved to the Traveler in the same position. He was named executive editor upon consolidation of the Herald and Traveler.

He leaves his wife, Mrs. Katherine (Toomey) Moriarty, and a daughter, Kathleen, a teacher in a Dorchester elementary school. The family home is at 33 Oak rd., Milton.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. BURKE of Massachusetts. I yield to the distinguished Speaker of the House.

Mr. McCORMACK. I am very sorry to learn of the death of Eugene Moriarty, and join with my distinguished friend and colleague (Mr. BURKE) in the expressions he has made and in extending to Mrs. Moriarty and to her daughter my deep and profound sympathy.

Eugene Moriarty was one of the outstanding members of his profession. He loved his profession. He lived up to the high ideals of the profession of journalism.

He always recognized that freedom of the press meant responsibility of the press and not license of the press, not abuse of the press.

He was one of those men who typified to the highest degree humanly possible the great traditions of a noble profession and a system guaranteeing freedom under our Constitution which is of invaluable aid and assistance to democratic institutions of government and to our people.

He was also very active in public affairs and private affairs such as charitable affairs.

Eugene Moriarty was a man of deep faith, a man of broad understanding, a man who not only impressed but also inspired others whom he met and who knew him to elevate their minds to the higher things, to the nobler things of life.

Eugene Moriarty played a very important part in many respects during his journey of life along the pathway of constructiveness. He will be greatly missed.

Again I extend to Mrs. Moriarty and her daughter my deepest sympathy in their bereavement.

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. BURKE of Massachusetts. I yield to my colleague from Massachusets.

Mr. BOLAND. I join my distinguished colleagues from Massachusetts, Speaker McCORMACK and Mr. BURKE, in paying tribute to Eugene Moriarty. A one-time copyboy who rose to the peak of his profession, Gene Moriarty was celebrated in the newspaper world for his tough professionalism and his coolheaded poise under the pressure of a deadline. He was, as the publisher of a rival Boston newspaper once described him, the "newspaperman's newspaperman."

Brisk and businesslike while crouched over his desk reading copy, Gene was still capable of the most remarkable kind of friendship and charity. A host of friends—friends ranging from Governors to copyboys—can testify to this fact. "If you were in trouble, and you were right, Gene would fight like a tiger to protect you," said one Herald-Traveler reporter of Gene's dogged tenacity in supporting the causes he felt just. As just one example, Gene spent countless hours as an adviser to Cardinal Cushing's $50 million Jubilee Fund Drive.

Beginning his newspaper career at the Boston American, he later moved to New York as a reporter for the old Bronx Home News and the New York Journal. He then returned to Boston, working a year at the Herald before heading for nearby Providence, R.I., to take on the managing editor's job of that city's Tribune. Before the merger of the Herald and the Traveler, Gene had become executive editor of both news staffs.

Gene, of course, was consumately skilled as a reporter and editor.

And, even more significantly, he was equally skilled in building lasting friendships with his colleagues throughout the Northeast.

I extend my deepest sympathy to his wife, Katherine, and his daughter, Kathleen.

With permission, Mr. Speaker, I put in the RECORD at this point an article on Gene published today by the Herald-Traveler:

EVEN RIVALS ADMIRED MORIARTY—NEWSPAPERMAN'S NEWSPAPERMAN

At a social gathering not long before Gene Moriarty was taken ill, the publisher of a rival newspaper stuck out his hand and said with respect:

"The newspaperman's newspaperman."

Since Gene Moriarty was a modest man—a truly modest man—the remark puzzled him, but it puzzled none of his friends.

For despite his modesty, Moriarty was in a business where each day his work was laid before the public, and over a period of 40 years that work had set standards for others in the business.

As city editor of the Boston Traveler, Moriarty recruited what was probably the best afternoon newspaper staff in the East, if not in the country.

With zest and dash, they covered Massachusetts politics, daring the wrath of the Legislature and on occasion being barred from the floor of one or another house of the Legislature for a particularly incisive story.

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When Robert F. Kennedy was shot by an assassin in June of 1968, Moriarty turned a morning newspaper into an around-the-clock operation, running as many as four extra editions.

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The war involved Walter O'Hara, proprietor of Narragansett Park and publisher of the Providence Star-Tribune, and Gov. Robert Quinn of Rhode Island.

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The libelee sought damages of $25,000, and whatever became of the suit nobody knows.

But everybody who knew Gene will cherish his light-hearted remark when served with the papers in the $25,000 affair.

"Fine," he said, "This should help my credit."

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. BURKE of Massachusetts. I yield to my colleague from Massachusetts.

Mr. CONTE. I want to join my col-

league from Massachusetts, the Speaker of the House, and my colleague from the Second District, in mourning the death of the executive editor of the Boston Herald Traveler, Eugene J. Moriarty.

I cannot adequately pay tribute to a long and distinguished journalistic career in just a few brief words. That takes a talent found only in journalists of the caliber of Mr. Moriarty. But I am honored to have the opportunity to join with my colleagues in praising the fine works of this man.

It may be that Eugene Moriarty has written his last "30," but his career and his writing will long be remembered by his many friends throughout Massachusetts and throughout the country.

He was an outstanding newspaperman in the truest sense of the word. He was an excellent reporter, an outstanding editor, a man who reported the news as he saw it, and who always showed great responsibility.

I join my colleagues in extending my deepest sympathy to Mrs. Moriarty and her daughter.

You know, I think one of the greatest things you can say about a man is that he is a good man, and in my book Eugene Moriarty was a good man.

Mr. MACDONALD of Massachusetts. Mr. Speaker, my colleague in Congress, the honorable JAMES A. BURKE, spoke on the floor of the House this morning about Eugene J. Moriarty, whose untimely passing last night has deprived New England of a great spokesman.

I would like to join with Mr. BURKE in expressing my profound sorrow.

The great contribution Gene Moriarty has made to the newspaper business stands forever on the records of the Boston Herald-Traveler, where he so ably served for over 30 years.

I extend my deepest sympathy to his wife and daughter. I hope they will find some consolation in the knowledge that their loss is shared by countless others.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I wish to join my good friend and colleague, the gentleman from Massachusetts (Mr. BURKE), in paying final tribute to Eugene J. Moriarty, executive manager of the Boston Herald-Traveler, who passed away suddenly last night at the Boston Carney Hospital at the age of 62.

Many meaningful thoughts have been expressed here today regarding the astonishing career of this fine newsman and more importantly, the integrity and gentility of the man himself. I share these sentiments, and I am profoundly saddened to learn of his untimely passing.

All my sympathy goes to those he has left behind, his beloved wife, Katherine, and his daughter, Kathleen.

Mr. KEITH. Mr. Speaker, I join with my colleagues in eulogizing Gene Moriarty. Although he was not a close personal friend, I knew him by reputation to have those fine qualities which my colleagues have just cited.

Through his own personal initiative and high standards of journalism, he worked his way up in the newspaper world and contributed the last 30 years of his life to the Boston Herald-Traveler and the community which it serves. The high standards which he set helped shape the character of this great newspaper. His character was reflected in the news and editorial columns of the Herald-Traveler. Like Homer Bigart of the New York Times, his scoops were straight and not slanted by personality; they contained facts which the reader could be sure would stand up in the second edition.

Mr. Speaker, Eugene Moriarty was a top-rate journalist and a great asset to the Boston area. Mrs. Keith joins me in extending our sincere condolences to his wife, Katherine, and his daughter, Kathleen.

Mrs. HECKLER of Massachusetts. Mr. Speaker, I would like to associate myself with your remarks regretting the passing of Eugene J. Moriarty, executive editor of the Boston Herald-Traveler. I knew Gene Moriarty. I respected him highly, and I believe that his death is a great loss to New England and the profession in which he served so notably for 40 years.

I think there was a rather eloquent summation of what Gene Moriarty meant to his associates in his obituary in today's Herald-Traveler. An unidentified reporter expressed his feelings with these words:

> He was stinting with his praise. A smile from him was the equal of the Army's Medal of Honor. But if you were in trouble—and you were right—he'd fight like a tiger to protect you. He was my guy all the way.

I think Gene would have liked those words. He was demanding, as an editor should be. He was also known for his fairness and his modest nature. He was truly a unique human being.

Except for a brief period in New York, Gene Moriarty was a New England newspaperman. He started as an office boy as the Boston Record American. He served in editing positions with Rhode Island papers, but spent 30 years with the Herald-Traveler. He rose from city editor of the Traveler, before the Herald and Traveler were merged, to become executive editor of both news staffs. He contributed to the greatness of the newspaper.

He was a member of the Newspaper Guild in his earlier days, and was as much admired by the union as by those in executive positions. The Herald-Traveler said his career began in the age of train and telegraph and ended with the footprints of men on the moon, "but Moriarty seldom looked back." The challenge for him was today's deadline and tomorrow's news.

I extend my deepest sympathy to his wife, Katherine; his daughter, Kathleen; and to his associates who will deeply feel his loss. I join you, Mr. Speaker, in grieving at the passing of Gene Moriarty.

GENERAL LEAVE TO EXTEND

Mr. BURKE of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on this subject in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DESEGREGATION STATEMENT

(Mr. ANDERSON of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANDERSON of Illinois. Mr. Speaker, on Tuesday President Nixon issued a comprehensive statement on school desegregation in which he stated unequivocally that, "the constitutional mandate will be enforced." In the absence of a Supreme Court ruling on the constitutionality of de facto school segregation, the President has determined that it, "is undesirable but is not generally held to violate the Constitution." At the same time, the President recognized that—

> We are dealing fundamentally with inalienable human rights, some of them constitutionally protected. The final arbiter of Constitutional questions is the United States Supreme Court.

Until such time that the de facto segregation question has been settled by the Court, there will continue to be a legal distinction between de facto and de jure segregation. De facto segregation resulting from residential housing patterns, has not been held unconstitutional; de jure segregation, resulting from deliberate and legally sanctioned separation, is in clear violation of the Constitution. In President Nixon's words:

> There is a Constitutional mandate that dual school systems and other forms of de jure segregation be eliminated totally, and the law should be applied equally, North and South, East and West.

The President has further recognized the value of the neighborhood school and its "unique relationship to the community, to the family, and to the individual student." He has rejected the concept of massive busing of pupils at great distances, simply to achieve racial balance in the schools. He has asked that, to the extent possible, the neighborhood school system be preserved and maintained.

Given the reality of de facto segregation in the schools resulting from residential housing patterns, the President has addressed himself to the problems surrounding this unfortunate situation. He has spoken to the need to upgrade schools in the central city where pupils have suffered due to poor home environments and inadequate school facilities. He has called on the Congress to divert an additional $1.5 billion for the purpose of compensatory educational programs in racially impacted areas, and for programs to assist those districts which are in the process of desegregating their schools. There is an urgent need for this kind of attention if we are truly dedicated to the proposition of equal educational opportunities for all our schoolchildren.

Finally, the President has spoken forthrightly about the need for other institutions in our society to share the bur-

den of breaking down racial barriers which exist. The administration has already begun its efforts to expand job opportunities for minority groups, and I think the Philadelphia plan in the construction industry is an excellent example of this commitment. The open housing law of 1968 will also be a key factor in allowing for the type of upward mobility the President said is so essential in a free and open society. In the President's words:

Freedom has two essential elements: the right to choose, and the ability to choose. The right to move out of a mid-city slum, for example, means little without the means of doing so.

So decent jobs are a prerequisite for obtaining decent housing. Likewise, a good education is esssential to obtaining a decent job. We must continue to press forward on all these fronts if all our citizens are to have the mobility which is fundamental to a free and open society.

Mr. Speaker, as this administration continues to demonstrate its commitment to these goals, I will lend my full and enthusiastic support.

RURAL AMERICA NEEDS HELP NOW

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RANDALL. Mr. Speaker, because of the current high interest rates and near impossibility to borrow money, a severe blow has been dealt rural areas to secure financing for the installation of water systems and sewage disposal facilities.

Formerly, the Farmers Home Administration made grants and loans to small communities for construction of such public works for 5-percent interest. For the FHA to replenish its reservoir of funds, the practice has been to guarantee these loans and sell such guaranteed paper to private investors at 6 percent. Under sections of the Internal Revenue Code, such bonds have been regarded as municipal bonds; income in the form of interest was tax-free.

Recently the Treasury Department and Bureau of the Budget ruled it is not in the public interest for the Government to insure loans to public bodies if the income from these loans is tax-free when transferred in the form of bonds to private investors.

Although the Treasury Department-Budget Bureau ruling seems to be consistent with treatment accorded the sale of other Government-insured securities, such ruling has virtually halted the construction of water-sewage systems in unincorporated areas of rural America, because rural areas sometimes have no corporate structure to back the bonds they might issue themselves. There is no established credit rating to recommend such securities to private investors.

Enabling legislation is necessary to provide for a tax on the interest income from such bonds if they are still to be guaranteed by the FHA.

I am today introducing a bill which will in effect permit purchasers of water-sewer bonds guaranteed by the FHA to be subject to a tax derived from these bonds. If my bill or similar legislation is passed these bonds would become available for purcase by private investors. I hope the appropriate committee will move with dispatch to implement this or similar legislation.

TOM EAGLETON PINPOINTS THE ISSUES

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RANDALL. Mr. Speaker, the junior Senator from the State of Missouri made, in my opinion, a most excellent presentation of the issues that will be presented for the consideration of the American people in the November 1970 election.

He appeared on Saturday morning, March 21, 1970, at a breakfast in Springfield, Mo., and in a forceful manner made clear that in the fall elections of 1970 the principal issues to be debated will be: funding for education, including the veto by the President of the appropriations for health and education; improvement of our environment and whether or not there had been adequate appropriations to do the job to clean up our contaminated environment; and, finally, the condition and trend of our economy.

Senator EAGLETON hit hard at the administration's reasons given for the famous veto and then proceeded to point out that the President had engaged in a lot of rhetoric about cleaning up our environment but had never provided any money in the budget to do the job.

Deploring high interest rates and tight money as the medicine for inflation the fact remains prices are not decreasing and last year rose more than any since 1951. The people that are hit the worst are the consumers, small businessman, the farmer, and the homebuyers. Because of the clarity and sound logic of Senator EAGLETON'S remarks, I wanted to share them with my colleagues and readers of the CONGRESSIONAL RECORD, as follows:

SPEECH OF SENATOR THOMAS F. EAGLETON, SPRINGFIELD, MO., MARCH 11, 1970

As you may have noticed, you have started to feel a little better about being a Democrat recently. It's nature's cure for pernicious Nixonitis—sort of an antidote that builds up in the public bloodstream as a defense against too much showmanship and not enough leadership in the White House.

We Democrats haven't been well. 1968 was a year of bitter factionalism—over Vietnam, over party procedures, over personalities. The usual process of reconciling our separate interests in favor of the national interest had not been completed by election day, and this cost us the White House.

Throughout the campaign there was uncertainty in the minds of many people as to just what the Democratic Party stood for . . . what its goals were . . . whether it still spoke for the average American . . . whether it was democratic enough.

These were painful questions. And they are still not resolved.

But they are precisely the questions which any party must answered over and over if it expects to renew its constituency and win elections.

Today, when you hear that the McGovern Commission on party structure and delegate selection or the O'Hara Commission on party rules has held another hearing . . . or when you hear that the Democratic Policy Council has met in heated debate but finally hammered out a position . . . or when a new chairman is named *not* by appointment but by hard-nosed compromise . . . and when that Chairman is as widely regarded and highly qualified as Larry O'Brien . . . then I think you are hearing the sounds of rejuvenation and vitality. It's in the air. You can feel it in Washington and you can feel it in this room. And I predict that it will snowball in the next few months.

I think you'll find more and more people willing to work in your precincts . . . more and more people willing to contribute their efforts and their money to Democratic candidates.

You'll see some hard-fought Democratic primaries and conventions this summer; but after the dust has settled, most states will have a kind of Democratic party unity that has lately been out of fashion.

And on November 3, I am convinced that you will see a decisive majority returned to both Houses of Congress, and substantial Democratic victories in states and cities the Republicans have on their safe list today.

Do *not* expect all the differences within our party to be resolved this year, or by 1972 . . . or ever. And don't expect our party treasury to look like either Fort Knox or the Republican treasury, whichever is greater.

But I *do* think we Democrats will once again have a clear, confident and progressive message for the American people.

And I think we'll have their support.

You're going to find that Democrats aren't the only ones who need an antidote to Nixonitis.

There is something in the chemistry of a nation, as well as of a party, that craves a higher purpose than a good Neilson rating. It wants leadership which is occasionally willing to be right rather than popular. It wants substance rather than image. It wants frankness and, as we know all too well, it abhors a credibility gap.

Yet after a year, the Madison Avenue crew that put Nixon in the White House is still "selling" the President . . . but neglecting the nation.

They call it "benign neglect." I call it "malign ambivalence"—a policy of coming down squarely on both sides of an issue, along with a plea that "we should be judged by our deeds, not our words."

Let's look at some of their words and deeds.

Laos—Last summer, amidst much fanfare, the President announced the Guai Doctrine, his plan to severely restrict future U.S. military involvement in Asia.

Ever since, there has been a steady escalation in our participation in the Laotian conflict.

Senator Symington held a series of hearings in which he inquired exhaustively into the nature of our involvement in Laos. Since that time, he has fought to obtain the release of even a censored transcript of his hearings, but has been blocked by State Department objections.

As Senator Symington put it recently, we have fought two undeclared wars in the last twenty years and it now appears that we are fighting an undisclosed war.

Education—In 1968 candidate Nixon said his Administration would be second to none in education. But *President* Nixon has fought Democratic efforts in Congress to pro-

vide adequate money for American education every step of the way.

When the President took to television to veto the appropriations for health and education, he singled out inequities in the impacted school aid program as his principal reason. Later, off the screen, he made a deal with Republican Congressional leaders to leave intact a subsequent appropriation for impact aid if he could have discretionary authority to cut back on spending for other programs, such as school libraries. How is this consistent with the "right to read" program he announced last week?

One of the worst examples of the Administration's malign ambivalence strategy occurred in the Senate debate over the Stennis amendment dealing with school desegregation. Republican Senators Scott, and Tower, who were on opposite sides of the amendment, each claimed to be speaking for the Administration. Sure enough, each got a letter from the White House the next day expressing support for their mutually contradictory positions.

Like many issues before us as a nation, school desegregation is an extremely complex and difficult challenge. It will not go away by itself. And if it is going to be handled in an orderly fashion, it demands strong, decisive leadership that doesn't run and hide under the bed between TV shows.

Environment—Congress appropriated $800 million to help states and cities fight water pollution. The Administration apparently considered most of this money to be unnecessary spending—unlike the ABM system and the supersonic transport—and refused to use $600 million of the amount appropriated.

The President and his image makers had a change of heart as they saw the Democratic Party taking the message for a clean environment to an increasingly receptive public. So they made the environmental crisis a central point in his State of the Union address in January and released the $600 million.

In the space of a few months, they managed to claim credit for saving $600 million in wasteful government spending and for investing $600 million in the fight against water pollution—all with the same money.

Economy—Shortly after he took office, President Nixon prescribed high interest rates and tight money as the bitter but necessary medicine for inflation. After fourteen months of this medication, the patient has grown even weaker.

The people taking the medicine—the ones who are being hurt—are not the bankers and the well-financed corporations who can be counted on to contribute generously to Republican causes. They are not the oil men or the steel men or the people who can afford $10,000 Treasury bills. They are the people least able to pay—the consumers, the small businessmen, the farmers, the home buyers . . . people to whom credit is essential but who are unable to pass along 10% or 12% or 18% financing charges to someone else down the line.

Prices *aren't* decreasing. Last year, they rose more than in any year since 1951. Unemployment reached its highest level in four years and there's every indication that it's going a lot higher.

Protecting the rich and soaking the poor is an eternal verity of Republican policy. People forgot that in 1968. They remember it now.

The President has neither inspired the nation by his words nor moved it by his deeds. And by 1972 the American voters will be ready to seize upon the obvious cure for pernicious Nixonitis.

In the meantime, we can get partial relief by assuring that a Democratic majority is retained in Congress. Right here in Missouri, we can express our confidence in the great work done by Senator Symington and by nine-tenths of our outstanding Missouri Congressional delegation.

They surely deserve our support, our work, and—never forget it—our money. I intend to campaign for them whenever I am able and wherever I am wanted. I urge each of you to lend your help as well.

LEGISLATIVE PROGRAM

(Mr. ALBERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALBERT. Mr. Speaker, I take this time only to advise Members of the House that we will announce next week the program for the business of the House for the following week—the week of April 6.

I want to make it clear, also, that barring business of an emergency nature, we plan to schedule no business for the House of Representatives until Tuesday, April 7. If an emergency develops requiring the presence of Members, we will attempt to give all Members at least 48 hours notice.

UNITED STATES DEFERS SALE OF JETS TO ISRAEL

(Mr. LOWENSTEIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. LOWENSTEIN, Mr. Speaker, millions of Americans are outraged and astonished by President Nixon's decision to defer the sale of jet planes to Israel. There is no corresponding delay in arms delivery to the Arab States. To the contrary, last week, following in the wake of confirmation of the French sale of jets to Libya, an undisclosed number of surface-to-air missiles were delivered to the United Arab Republic by the Soviet Union. Thus the American failure to sell Israel weapons needed for her defense produces a sort of unilateral arms freeze that must encourage the Arab States to expect to gain a military superiority in due course that will make it unnecessary ever to sit down to negotiate with Israel.

With this one irresponsible decision the U.S. Government has managed to weaken Israel's military position at precisely the wrong moment, and in the process to make peace in the Middle East even more remote.

I shall discuss this situation at greater length in the near future, but I cannot allow this day to pass without protesting grotesque and astonishing miscarriage of good sense and justice.

BYELORUSSIAN INDEPENDENCE DAY

(Mr. DANIELS of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DANIELS of New Jersey. Mr. Speaker, once again, we are commemorating the valiant efforts of the Byelorussian people to achieve freedom for the Byelorussian Republic.

Today is the 52d anniversary of the declaration of independence of the Byelorussian people. Time after time these heroic people have attempted, in the face of systematic conquest, persecution, and tyranny, to throw off their oppressors and live as a free people.

Even in the face of oppression, however, the Byelorussian people have protected their culture and history and their spirit remains strong and resolute.

Mr. Speaker, I know I speak for all freedom-loving people in pledging our constant support for the valiant efforts of the Byelorussian people in their fight for freedom.

EXCHANGE OF LANDS FOR PUBLIC HEALTH SERVICE

Mr. ROGERS of Florida. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 13448) to authorize the exchange, upon terms fully protecting the public interest, of the lands and buildings now constituting the U.S. Public Health Service Hospital at New Orleans, La., for lands upon which a new U.S. Public Health Service Hospital at New Orleans, La., may be located, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, lines 6 and 7, strike out "administrators of the Tulane educational fund" and insert "Administrators of the Tulane Educational Fund".

Page 2, line 6, strike out "administrators of the Tulane educational fund" and insert "Administrators of the Tulane Educational Fund".

Page 2, lines 14 and 15, strike out "administrators of the Tulane educational fund" and insert "Administators of the Tulane Educational Fund".

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. GROSS. Mr. Speaker, reserving the right to object—and I shall not object, I hope—listening to the amendments and the changes in the bill, I take it that the amendments are all germane to this bill.

Mr. ROGERS of Florida. The gentleman is correct. The amendments are germane. It is simply changing the title of the Tulane Educational Fund.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in our-

selves as individuals and as a nation. In 1967 the United States produced 18,171,000,000,000 cubic feet of marketable natural gas. This was approximately 65 percent of the world total. The Soviet Union was second producing 18 percent of the world total.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

MARCH 26, 1970.

The Honorable SPEAKER,
U.S. House of Representatives.

DEAR SIR: I have the honor to transmit herewith a sealed envelope addressed to the Speaker of the House of Representatives from the President of the United States, received in the Clerk's Office at 4:20 p.m., on Wednesday, March 25, 1970, and said to contain a message from the President transmitting the Manpower Report of the President.

With kind regards, I am
Sincerely yours,
W. PAT JENNINGS,
Clerk,
By W. RAYMOND COLLEY.

FIRST MANPOWER REPORT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-287)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Education and Labor and ordered to be printed with illustrations:

To the Congress of the United States:

This first Manpower Report of my Administration recounts the major developments in employment and unemployment during 1969 and the progress we made in that year in reshaping and strengthening existing manpower programs. The report also discusses the contributions of manpower programs to the country's crucial economic objectives—controlling inflation and limiting and mitigating any rise in unemployment.

Despite the significant advances described in this report, our experience during this past year has substantiated what I said last August when I proposed a new Manpower Training Act. I said then that the inefficiencies inherent in the present patchwork of manpower programs were intolerable and that a new legislative approach to manpower problems was in order. I proposed specific reforms at that time and I take this opportunity to urge, once again, their prompt enactment.

Other important topics treated in this Manpower Report include the need for improvements in our Unemployment Insurance system and for fundamental reform of our welfare system. Clearly, these institutions require basic reform if we are to be effective in preventing as well as relieving poverty. I again ask the Congress to act in these significant areas.

Full opportunity for all citizens remains a central goal for this nation. To achieve that goal will require exceptionally well-constructed and well-administered manpower programs. We have made much progress toward that end in the last year, progress which is detailed in this document. But there is still a great deal to do—and this report is especially valuable because it clarifies and underscores these challenges.

RICHARD NIXON.

THE WHITE HOUSE, *March 25, 1970.*

TO PRESERVE A MEMORY

(Mr. CONYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, today I am pleased to join with the distinguished gentlewoman from Massachusetts (Mrs. HECKLER) in introducing legislation that would provide for the issuance of a gold medal to the widow of Dr. Martin Luther King, Jr., and the furnishing of duplicate medals in bronze to Morehouse College and the King Family Memorial Center. These bills are offered in conjunction with Senator HUGH SCOTT and Senator EDWARD BROOKE, who today will introduce similar legislation in the Senate. I am hopeful that the bipartisan support in this effort will hasten passage of the bill.

As a trustee of the King Family Center, I know what a great tribute the issuance of these medals would be. The inscription on the reverse side of them—Justice-Peace-Brotherhood—are goals which we all must work toward so that some day Dr. King's dream will be a reality for all Americans. Through our work, and by this tribute, the memory of this great leader will be preserved.

AUTHORIZING RECESS TO BE CALLED TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that it may be in order at any time this afternoon for the Speaker to declare a recess subject to the call of the Chair.

The SPEAKER. Without objection it is so ordered.

There was no objection.

WORLD HABEAS CORPUS

The SPEAKER. Under previous order of the House the gentleman from Illinois (Mr. PUCINSKI) is recognized for 60 minutes.

(Mr. PUCINSKI asked and was given permission to revise and extend his remarks.)

Mr. PUCINSKI. Mr. Speaker, I have today introduced a resolution cosponsored by six Members of this House, requesting the administration to direct the U.S. Ambassador to the United Nations to call upon the General Assembly and the Secretariat and request the convening of an international convention for the purpose of drafting and adopting a World Habeas Corpus Treaty-Statute and make it available for ratification by member signatory states of the United Nations.

Alternatively, and for implementation, we urge the administration to initiate the calling of a conference of the members of the Atlantic Community and the Organization of American States for the purpose of regionally adopting and ratifying such a treaty-statute of world habeas corpus.

If the United States were to take this bold step of championing world habeas corpus as the buckler and shield of individual liberty we would reassume the initiative of capturing the imagination of mankind and, in the words of Tom Paine, we would again make "the cause of America the cause of mankind."

World habeas corpus is a step toward the strengthening of world community and the attainment of world peace. It is a practical step in the evolution of world law. As the late great President John F. Kennedy stated:

> Let us focus instead on a more practical, more attainable peace, based not on a sudden revolution in human nature but on a gradual evolution in human institutions—on a series of concrete actions and effective agreements which are in the interest of all concerned . . . For peace is a process, a way of solving problems.

The proposal for world habeas corpus was originally suggested by Luis Kutner, a Chicago lawyer and internationally acclaimed innovator in national and international law. In the wake of the rise of the Nazi dictatorship and the goose step trampling of human rights, Kutner, conceived of making the hallowed English common law remedy, which stems from the Magna Carta, into an international remedy by which an individual, who is arbitrarily detained or imprisoned, may, after exhausting all recourse to municipal law, seek international relief.

The story of how this idea has developed has been well told in an article by Dr. Ernest Katin, a lawyer and political scientist, in the winter-spring 1969 issue of the University of Miami Law Review and by the internationally renowned Prof. Harold D. Lasswell of the Yale Law School in a paper which is to be published in a symposium on world habeas corpus by the University of Miami Press.

When Mr. Kutner first proposed world habeas corpus, he was met by silence and indifference. The notion that individuals were to be protected by international law or that human rights was an international concern was not generally accepted. But he attracted the support of Roscoe Pound, who became his mentor in propagating the proposal. Noted scholars like John Dewey were attracted to the cause. He soon received the support and active cooperation of Harold D. Lasswell, Myres S. McDougal, Quincy Wright, and the then U.S. Attorney General, Francis Biddle. The late George Cardinal Mundelein reacted enthusiastically. Kutner, pursuing this cause, expended his own funds and convened conferences of distinguished scholars and jurists to develop the concept of world habeas corpus. The Commission for In-

ternational Due Process of Law was formed as a tax exempt, nonprofit corporation under the laws of the State of Illinois. Dean Roscoe Pound was honorary counsel, Hans Kelsen is now honorary counsel. The world policy and executive committees consist of such well-known personages as Associate Supreme Court Justice William J. Brennan, Jr., Judge Caroline Simon of New York, General Telford Taylor, Louis B. Sohn, and Egon Schwelb. Chief Justices and other jurists throughout the world have joined as sponsors with seminars having been held in India, Hong Kong, Japan, Taiwan, Greece, France, Italy, and elsewhere. The Commission is now affiliated with the World Peace Through Law Center and has the support of the American Bar Association.

The concept of world habeas corpus has been extensively elaborated in numerous scholarly publications, national, and international, and in a book by Kutner, entitled "World Habeas Corpus," which was published by Oceana.

World habeas corpus is a legal ligament for international order in providing protection for the individual as a subject of international law. It is premised on the concept that man, as the subject of international law, should have his individual security guaranteed by an international treaty-statute enforceable by a competent rule of law. It involves no impairment of the sovereignity of states. The proposal does not in any way involve the setting up of a world government.

The proposal for world habeas corpus is based on the premise that human rights is a shared value for world order.

International law and practice has manifested a growing concern for human rights.

International concern for human rights was first expressed in efforts to outlaw slavery, expressions of humanitarian concern with respect to the persecution of Jews and in the development of the Rules of War. Following the end of World War I international protection of human rights was further expressed in the minorities treaties, the League of Nations mandates and the conventions of the International Labor Organization.

Following World War II, human rights and the individual received new international recognition with the Nuremberg Charter and the trial of Nazi and Japanese war criminals. When individuals can be made personally responsible for violations of international law, it logically follows that they have rights in international law which they should be permitted to assert and which is buttressed by a summary, effective legal remedy.

The signatories to the United Nations Charter obligated themselves to promote the universal respect for the observance of human rights and fundamental freedoms. These rights and freedoms were codified by the Universal Declaration of Human Rights which was adopted unanimously by the General Assembly of the United Nations and has been reaffirmed continuously in a series of resolutions.

The protection of human rights has been furthered by the adoption of the United Nations Covenant on Political and Civil Rights. Article 9 of the Declaration on Human Rights and the Covenant affirms that "everyone has the right to liberty and security of person" and "no one shall be subjected to arbitrary arrest or detention."

The protection of human rights has also been affirmed with the adoption of the International Convention on the Elimination of all forms of Racial Discrimination and in expressions of United Nations concern regarding the trampling of human dignity in the imposition of apartheid in South Africa and the policies of suppression in the Portuguese colonies in Africa.

In addition to United Nations action, human rights has been furthered by the adoption of regional conventions, including the European Convention on Human Rights and Fundamental Freedoms and the Declaration of the Rights of Man of the Organization of American States. Of most significance is the European declaration which contains provisions for enforcement through a commission.

Enforcement procedures have constituted a serious gap in the law of international human rights. The United Nations Covenant on the Eliminations of all Forms of Racial Discrimination and the Covenant on Political and Civil Rights contain but limited and halting provisions for enforcement.

Would habeas corpus provide the means for the filling of this vacuum. As the Honorable Arthur J. Goldberg has perceived:

> The idea of worldwide habeas corpus, internationally recognized and enforceable in an appropriate international court, can only be applauded by those who are dedicated to the rule of law and the attainment of lasting world peace. For the very term "rule of law" or "due process of the law" implies a procedure such as habeas corpus; a means whereby official detention can be challenged and, if not justified on the basis of valid laws, terminated. Without this simple procedural mechanism, many of the substantive rights that have been recognized as so important in the cause of peace must remain little more than mere aspirations. With the advent of international habeas corpus, and the universal respect for human rights that it would encourage, a long stride toward a peaceful world would be taken.

As Sir Winston Churchill well perceived, "world habeas corpus is the difference between civilization and tyranny."

It is, in the words of Justice Kotaro Tanaka of the International Court of Justice, "a most elementary and primary necessity or condition sine qua non of the world community that there shall exist no vacuum in the world in regard to the habeas corpus and that, therefore, the natural law principles of the habeas corpus shall be vested with positive effect as soon as possible."

Our distinguished and learned U.S. Solicitor General, Erwin N. Griswold, former dean of the Law School of Harvard University has stated:

> Luis Kutner has done great work for World Habeas Corpus. If it can be made to grow in strength it can become a mighty power for order and decency and peace in the world.

World habeas corpus embodies adherence to a universal standard of respect for human rights while taking account of cultural diversities. Nine regional circuit courts of world habeas corpus have been proposed to reflect procedures in differing legal and cultural systems staffed with lawyers capable of processing writs of world habeas corpus. There would also exist a world tribunal. Individuals who are arbitrarily detained would, upon exhaustion of all available domestic recourse, have the right to appeal to the appropriate regional tribunal for the adjudication of their rights. The tribunal would be empowered to order the detained person to be brought before it and would determine whether he is being detained in accordance with international due process of law. It would have the authority to order the individual's release upon a finding that the detention did not accord with international standards. The individual would also have a right of appeal to the world tribunal of world habeas corpus.

The world habeas corpus system need not be totally implemented all at once. Conceivably, a group of nations may agree to the formation of a world habeas corpus circuit. The nations of the Atlantic community, or those nations belonging to the common law tradition or situated in the Western Hemisphere may set the process in motion by establishing a circuit. The resolution here presented permits precisely this approach though world circuits are the final goal.

As former Chief Justice Leonard Sutton of the Colorado Supreme Court has observed:

> History teaches us that the progress of the human race has always been one of struggle to achieve the better way of life, more perfect justice and more peaceful existence. The writ of habeas corpus has been one of the most potent weapons yet devised in man's attempt to follow paths to these fundamental and rightful goals. Mankind will somehow, some way, and hopefully very soon, use this ancient, revered and versatile remedy to serve his need for human freedom on an international basis. Surely, Regional International Courts of Habeas Corpus are within reach. Once created and obeyed, they will permit those who in good faith adhere to the precepts of the United Nations Charter, to see to it that at least, in their countries, there is protection against arbitrary arrest and unlawful detenion. Hopefully, this safeguard can gradually be extended to all men everywhere.

Prof. Quincy Wright, a long-time supporter, regards world habeas corpus as "a fundamental requirement of human justice."

The writ of habeas corpus, or analogous writs such as Amparo in the Latin American nations, have been universally adopted as summary remedy for arbitrary arrest. The Honorable Zafrula Khan, former president of the General Assembly of the United Nations and Justice of the International Court of Justice declares that:

> The Writ of World Habeas Corpus is a procedure designed to make effective what has largely come to be known as the rule of law, as a contrast to the arbitrary exercise of executive authority. The Rule of Law is firmly rooted in Islamic jurisprudence,

and there is nothing in the concept and procedure of the Writ to create any problem or difficulty for an Islamic State. The whole trend of Muslim juristic thinking lends strong support for the effective safeguards for human freedom.

A petition for a writ of world habeas corpus was filed with the Commission on Human Rights of the United Nations for the release of Associated Press Newsman William N. Oatis from detention by authorities in Czechoslovakia. According to the Honorable John V. Beamer, who was then a member of this House and had labored for Oatis' release, recalled in 1958:

Six years ago, when the Associated Press reporter William N. Oatis was imprisoned illegally by Czechoslovakia, Mr. Kutner cooperated with me in my fight to free Oatis and filed a petition for a U.N. writ of habeas corpus before the Human Rights Commission. It was a debatable legal question whether the petition could be entertained by that body. Tremendous pressures arose for its consideration, but before action was taken, Mr. Oatis made coerced confessions and was released. I believe that the Kutner petition was greatly instrumental in assisting me in speeding Oatis' release.

In 1967 another petition for a writ of world habeas corpus was filed with the Human Rights Commission of the United Nations to obtain the release of former Congo Premier Moise Tshombe following the hijacking of his plane and kidnaping to Algeria. The public attention focused by this petition was a factor in averting the contemplated extradition of Tshombe to the Congo and certain execution. The ultimate death of Tshombe on June 30, 1969, as the forgotten former head of state, is an acute reminder that wrongful imprisonment demands a world remedy where national legal processes are delinquent.

When two Israelis—passengers on a hijacked TWA plane to Damascus—were detained by Syrian authorities, Kutner prepared a petition for a writ of world habeas corpus after consultation with Israel and American authorities. Prior to filing the petition with the United Nations, a copy was sent to the Syrian Ambassador. A legal confrontation developed. A few days later the Israelis were released.

Currently Kutner and the Commission for International Due Process of Law have focused on the oppression of Christians, Muslims, and Jews in the United Arab Republic, Syria, and Iraq. A petition for a writ of world habeas corpus is being prepared on behalf of 70 persons slated for a mock trial and, possible, certain execution in Iraq.

These petitions have contributed the case precedents to blazing the trail for conferring a competent status upon the individual to seek redress before international tribunals.

An institutional remedy for the protection of human rights is most pressing. In many parts of the world human dignity is being trampled upon. In the Soviet Union writers and artists expressing dissenting ideas have been arbitrarily imprisoned and exiled. In Cuba and Haiti, individual rights have been trampled. In Iraq, Christians, Jews, and Muslims have been executed without the semblance of a fair trial. In the United Arab Republic, groups of individuals have been subjected to tortures in prisons reminiscent of Nazi concentration camps. In the Sudan, Christians have been subjected to killing and harassment. The racial policies of South Africa have shocked the conscience of mankind.

The trampling of human rights is an ever-present threat to world peace. The struggle for human rights cannot be suppressed. If no legal recourse is to be provided, these rights will be asserted by no other means. No longer can it be said that human rights is of no international concern. The question is whether to resolve these matters by institutional and legal means or through international anarchy.

World habeas corpus provides the means through the rule of law. The role of world habeas corpus was well described by Associate Justice William J. Brennan of the U.S. Supreme Court:

What is important is the obvious utility of world habeas corpus as a tool for the avoidance of the dangers of the police state, and its great promise as a contribution toward preserving and furthering world peace by repudiating, through an enforceable international rule of law, systematic and deliberate denial of human rights. The plan requires no surrender of national sovereignty to a supranational state and there is more than a feeble hope that the nations of the world would perceive that this plan would indeed serve their national interests . . .

U.S. support for establishing world habeas corpus tribunals would provide hope and confidence as to the securities of individual liberty throughout the world. World habeas corpus would, in the long run, enlist more hundreds of millions of persons in support of the principles of individual freedom than any amount of financial aid that might ever be granted to them by our Nation. World habeas corpus will strengthen the forces of peace and guarantee individuals throughout the world with the personal peace of personal liberty. It will erect a worldwide barrier against the knock on the door at 3 a.m.

As the eminent international law authority, Yale professor Myres S. McDougal, has commented:

It was appropriately urged by the late Judge Hersch Lauterpacht that until "an effective right of petition—which means a right of petition with the right to have it investigated with the view to such action being taken upon it as is necessary—is granted to individuals concerned or to bodies acting in their behalf, any international remedy that may be provided will be deficient in its vital aspect." . . . For the larger community of mankind genuinely aspiring toward improved implementation of human rights the proposal for internationalizing habeas corpus would appear to offer plausible hope for remedying the greatest defect in its present armory of institutional practices. Certainly the United States could have nothing to lose, save its reputation for indifference to the human program, by vigorous and positive action in exploration and promotion of the potentialities that inhere in the World Habeas Corpus proposal.

The rule of law has many images, and it has many spokesmen. In world history, from time to time, it has been ignored or violated by iron-willed, narcissistic, or psychotic rulers; but it is the only ligament that permeates the ever enlarging domain of the purpose and society of man.

The rule of law is not technology, it is not gadgetry of some mysterious cult. Nor is it any forbidding social monster. The evolution of law—rules of conduct that are permissive and prohibitive—is a constant adventure of the human spirit. It seeks to buttress faith in an order of reason out of a chaotic universe of which man is a part in his quest for individual security, opportunity, and meaningful peace.

In other words, the rule of law is a wellspring of human discontent that stirs man to seek more of life than merely a place of abode and to eat and sleep. And that human discontent flames higher with each generation. However, it fails to keep step with advancing scientific, chemical, military, and agricultural technology, albeit though the discontent is nurtured by the desire to realistically contemplate the achievement of the highest of social ideals for the condition and existence of man.

The emergence of the human being as subject and not object of law—domestic or international—is of significance in the current space age explorations of the entire universe and probably the entire galaxy. The accelerating age of science and technology comes to grips with the very nature and purpose of man as to what basically constitutes a good life in a turbulent world society.

While collective science concerns all of mankind, all nations, be they emerged or emerging, or expanding or contracting, recognize the truth that the progress of law, to permit people to live peaceably, productively, and nonhurtfully, is the only durable conquest of the story of humanity in the earthbound and space worlds.

History records the jailing, torture, degradation, and executions of men of science, men of law, and men engaged in "revolutionary activities" who dared to suggest social designs for shaping social and cultural patterns. It is a tragic cliche of a contemporary age to reject the dreams of the progressive thinkers. As genuine revolutionaries, developing cultural patterns and fostering vigorous sciences, explorations, and inventions, men and women have been condemned by a society devoid of discernment to recognize ability or to govern itself rationally and with justice.

The enigma of history has been the relentless pace of progress in the face of obstinate and obsolescent opposition. Since man, with his limited knowledge, is the cause of violence, it is a wonder and excitement that the world has reached the incredible plateau of being able to convene a World General Assembly of United Nations to exchange and debate viewpoints in the quest for peace and the implementation of the security of human rights. The divinity of rulers and the perfection of politicians are no longer dogma or accepted on an absolute basis. It is the constant com-

pliment to man to discover his own inadequacies and to develop the implementations that point to ultimate truths.

Law, being self-revising, recognizes that there is no absolute right or absolute justice, but it does recognize that interpersonal relations between men and nations are connected and responsible to each other. To live comfortably and peaceably with law, it is necessary to live with dynamically changing systems of cultural, national, and political concepts.

Responding to the interpretations of the needs and complexities of mankind, conservative attitudes are necessary to thwart and resist the easy abandonment of national and international concepts of law and religion. Not only are the rule of law and religion constantly subject to change, but its prophets of law and religion for a better world are under challenge themselves.

Organizations, such as the World Peace Through Law Center, International Bar Association, international law committees of national and local bar associations, now enjoy the stimulation of intellectual exchanges dedicated to the end that the collective rule of law be made understandable to the world public. This mutual goal is one of constant education and intellectual discipline. This includes a constant reassessment of governmental obligations to live up to its contracts with its citizens that there be no violation of the human person or the realistic impairment of the sovereignty of nations.

Those engaged in bringing into being the world cultural pattern of the rule of law are a sensitive group. This group is not capricious or whimsical, but is endowed with historical optimism. They have the courage to forcefully tackle the awesome problems of creating an affirmative, behavioral world court. This is the true approaching tide of progress, recognizing that man will always be a small island isolated in a vast hostile sea.

This then is the continuous creation of the men of law, the age of the rule of law. With it comes the promise of what the life of man can be with peace, education, food, adequate housing, and human freedom for all. It leads to a more even balance between individualism and collectivism.

The men of the rule of law for world habeas corpus commit themselves to build a world where mankind will not live at the razor edge of danger. The men of the rule of law have a vital, flexible, and ever-evolving concern about the nature and purpose of man and what constitutes a good life and a good society. It is to them that the human dimension of world habeas corpus is entrusted.

Mr. Speaker, in this age of instant annihilation this beacon light of world habeas corpus for human justice may well be our last hope of preventing the world apocalypse.

The day of world habeas corpus must not be delayed.

As Justice Brennan has stated, Luis Kutner has performed an invaluable service for the world. He has earned the tribute of a grateful mankind.

SUGGESTED STRIKES IN COAL MINE INDUSTRY

(Mr. KEE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KEE. Mr. Speaker, as the representative in the Congress of the largest coal producing district in the United States and realizing the vital importance of the mining of coal to our Nation and our customers overseas, I am deeply disturbed over suggestions which have been put forth with reference to strikes of our brave and dedicated men who mine the coal.

The suggested strikes would be in violation of a sacred contract between employer and employee, and more importantly should such a strike occur during this period of time when there is a greater demand for coal than production capabilities, such a strike could serve only to destroy the coal industry.

In short, to close down our coal mines would utterly destroy the coal operator, the payroll for the essential employment, would bring about the elimination of jobs of our coal miners, and in addition, the loss to the coal industry would bankrupt every business establishment including the small independent businessman, and all coal producing industries in the United States.

At this point, I would like to include an editorial which appeared in the Welch Daily News, the only daily newspaper in McDowell County, which is the largest coal producing county in the United States, in order that reason will prevail and our men will continue to produce this essential source of energy, without which the United States can not long exist.

The editorial follows:

[From the Welch Daily News, Mar. 11, 1970]

STRIKE WOULD NOT HELP YABLONSKI INVESTIGATIONS

Congressman Ken Hechler's latest public outbursts—hinting for Yablonski supporters to strike—reflects seriously on the man's mental state.

We are sure that if he gives this idea a little more thought, he'll forget about it. The Yablonski sons are also tainted by their speeches about "shutting out the lights" of the entire country.

What happens in the coal fields, for instance, when Yablonski supporters decide to strike and Boyle workers decide to work? Heretofore, coal miners have had one unchangeable trait. They don't cross picket lines. That is, until now.

We can't believe that loyal Boyle supporters, which are in a great majority down this way, would take part in a pro-Yablonski demonstration of any kind.

The end result can only be violence. And lest Hechler forgets, there is nobody more violent than a coal miner around a picket line.

Hechler seems to want to pit these opposing forces against each other to further his own political ambitions—whatever they happen to be. This could develop into a most dangerous situation. We sincerely hope he considers this before his next public outburst.

Secondly, we fail to see how a strike could further the investigation into the Yablonski murders. The only result that we can see is it might force the federal government to move hastily. Justice is never achieved in haste.

Once again we have to say the murders were vile and unthinkable acts. The murderers and those who perpetrated it should be punished to the full extent of the law.

We are not, however, prepared to convict anyone in the public press before a trial is held. The attacks against Tony Boyle are almost as bad as the murders themselves. The Hechler-Yablonski faction has done everything but actually put the gun in Tony's hand. Hechler is guilty of irresponsible utterances that reflect on the entire state. The tragedy of it is, national television is making some sort of a hero out of him.

CONGRESSMAN KEE REPORTS TO THE PEOPLE OF THE FIFTH DISTRICT OF WEST VIRGINIA

(Mr. KEE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KEE. Mr. Speaker, I have asked for this time to address the House in order to present my official report to the residents of the Fifth Congressional District of West Virginia, which will cover my legislative activities, as well as to set forth very briefly some of the vital issues faced by the Congress during this extremely critical period in the history of America.

This report covers the first session of the 91st Congress and has been brought up-to-date on these activities during the second session of the 91st Congress.

In order that the people of the Fifth Congressional District of West Virginia may be better informed of my activities as their Congressman during the first session and part of the second session of the 91st Congress I would like to take this opportunity to set forth very briefly an outline of my service, some of the main issues faced by the Congress, and how they were handled.

The first session of the 91st Congress was the longest since 1963 and the sixth longest in history. The session began on January 3 and adjourned December 23, 1969. There were difficulties which naturally arise when a new administration takes office and difficulties inherent in divided control of the Government. These difficulties did not deter us from taking actions necessary to the welfare of the country. They did, however, delay the legislative processes in getting started, and this contributed to the extraordinary length of the first session. I am pleased to report that my record of attendance is one of the best in the Congress. My officially recorded attendance record on both voting and rollcalls of the House is 94 percent out of a possible 100 percent. I also voted hundreds of additional votes which were taken either by voice, division, or teller.

In analyzing the record of the first session, as well as part of the second, I think it is fair to state that this was a Congress that displayed considerable responsibility.

For example, in response to the near constitutional crisis resulting from the 1968's presidential election, the House acted to modernize the process by which

the American people elect their President and Vice President. In a historic action, the House on September 18 passed an amendment to the Constitution which will provide, upon passage by the Senate and ratification by the necessary number of States, for direct election of the President and Vice President. This action to abolish the electoral college, which has elected the President since the beginning of the Republic, meets with the approval of fully 80 percent of the American public. I think the House was well advised in its action.

The temper of the American people had penetrated this body. Questions of national priority have been of great concern to Members of the House. Hence, we witnessed during the first session a diligent scrutiny of military spending and reassessment of expenditures in the domestic area. The 1969 session faced the reality of inflation and spiraling increases in the cost of living. The mood of the country has expressed clear evidence of discontent over high taxes and inflation. With the Vietnam war still going on, inflation is an even more serious problem than it was in 1968.

Legislation ranging over a large spectrum of problems facing the average American citizen were considered and enacted during the months it has been in session. Such issues as tax reform, inflation, environmental and conservation measures, crime and law enforcement, education, national defense, draft lottery, electoral college reform, health, including the all-important Coal Mine Health and Safety Act of 1969, medicaid, housing, unemployment compensation, social security benefits, as well as the needs of our veterans.

FOREIGN AFFAIRS AND NATIONAL DEFENSE

The conflict in Vietnam, of course, dominated congressional thinking in the area of foreign affairs. Congress provided the necessary tools for our fighting forces in Vietnam while cooperating with the President in his efforts to conclude the war. The defense appropriations measures for fiscal year 1970 totaled $69.64 billion, a substantial reduction in the administration's budget, but still the largest money bill of this session. This total represents the biggest cut in defense appropriations since the Korean war. These funds will enable our military forces to maintain national security. The reductions made will, at the same time, support the fight against inflation.

On November 4, 1969, I cosponsored a resolution endorsing President Nixon's efforts to secure a "just" peace in Vietnam. Speaker JOHN MCCORMACK stated that the passage of this resolution, which was approved on December 2, gave additional support to the principle of free elections in Vietnam. Another important provision of this resolution called upon the North Vietnamese Government to abide by the Geneva Convention of 1949 in the treatment of prisoners of war.

Criticism of the draft system led the President to request that Congress remove the prohibition against a draft lottery. This we did. Under the random-selection method, each eligible young man enters a lottery pool during his 19th year. If he is not drafted that year, it is very unlikely that he ever will be. By utilizing the lottery system, we have eliminated one of the major criticisms of the previous draft system—the extended period during which a young man has been kept in doubt about probable induction into the military.

Congress has taken cognizance of the complex domestic problems facing our country in this past year.

TAXES

The most significant Tax Reform Act in the history of our country cleared the Congress just prior to adjournment. It is a judicious mix of reform and relief. It includes a whole new concept in the tax law, a "minimum tax" aimed at preventing wealthy individuals or corporations from completely escaping the Federal income tax. It passed the House 394 to 30 on August 6 and was signed into law December 30, 1969.

CRIME AND LAW ENFORCEMENT

One of the most important problems facing the American people today is the steady increase in crime. With a growing crime rate that amounts to a national disgrace, it is fitting that Congress, which handles the legislation on this subject, should conduct its own studies and recommend corrective measures. In this connection, a select committee to study crime in the United States was created by the House of Representatives on May 1, 1969. Seven Members of the House, designated by the Speaker, were authorized to conduct a full and complete investigation of all aspects of crime in the United States. I am pleased to report that I was a cosponsor on this resolution.

On behalf of law enforcement officers I have introduced legislation to extend benefits to those not employed by the United States who are killed or totally disabled in the line of duty, as well as encouraging States and units of local government to provide civil service coverage for all law enforcement personnel other than elected officials. It is my hope that Congress will act on this legislation during this session.

HEALTH

In the first session, Congress took a strong step to strengthen protection for the health and safety of the more than 144,000 coal miners in the United States. Clearly, if we are to have any impact on the high accident rate, we need a law that gives the broader enforcement powers to the inspector and thereby provides stronger incentives for management and labor to think of safety at all times. I am happy to report that I introduced legislation dealing with these problems. I also testified before the committee on this legislation. By so doing, my bill, H.R. 9850, which provides for the payment of benefits for death or total disability due to pneumoconiosis—or black lung—was incorporated into the Federal Coal Mine Health and Safety Act of 1969, which was signed into law on December 30, 1969, under title IV.

This legislation imposes immediately a dust ceiling of a 4.5 milligrams per cubic meter of air and requires that it be reduced to 3 milligrams in 6 months. By setting limits on the amount of coal dust permitted in a mine, we have curtailed the threat of black lung disease, incurable and a major cause of death. Another key provision permits further development of health and safety standards by administrative action without further legislation and provides for a panel of Federal officials to hear requests from coal operators for more time to comply with health and safety standards, as well as the liberal compensation for miners suffering from this incurable disease as provided by my bill, H.R. 9850, under title IV.

At the same time I introduced a bill to amend the Social Security Act to make provision for the payment of benefits to coal miners afflicted with pneumoconiosis, as well as to disabled railroad employees. H.R. 10499 would also extend the medicare program to individuals receiving cash benefits based on disability without regard to their age. This legislation is at the present time under consideration by the House Ways and Means Committee.

With the acceptance of public responsibility for new health services, the House extended for 3 years the present program of matching grants to the States for construction and modernization of health facilities. We also established a new program of Federal guarantees for loans made for construction or modernization of public or nonprofit private hospitals and other health facilities, with an added provision for an interest subsidy on such loans. Appropriations of $937.3 million over the 3-year period were authorized to include $405 million for hospital construction grants, $165 million in modernization grants, and $300 million for construction of facilities for long-term care, diagnosis and treatment, and rehabilitation.

Since the inception of this program, over $3 billion in Federal funds have been matched by slightly over $7.2 billion in non-Federal funds, leading to the construction and expansion of over 9,800 facilities. These projects have provided 425,000 inpatient care beds in hospitals and nursing homes, and have provided approximately 2,800 other health facilities such as public health centers, diagnostic and treatment centers, and rehabilitation facilities.

There is no question of the continuing need for correcting serious deficiencies in the area of health and patient care and Congress during this session passed legislation aimed at correcting these deficiencies.

The House also approved subsidies to State and local school districts to provide free or reduced-cost breakfast and lunch programs in elementary and secondary schools; increased the authorization to encourage the consumption of milk in schools; and increased funds available for child nutrition programs, to provide food services for children in need. I supported this legislation.

HOUSING

We have strengthened incentives for urban renewal by extending for 1 year

most major housing programs in the authorization of $4.8 billion, by the passage of the Housing and Urban Development Act of 1969, on October 23, 1969, by a vote of 339 to 9. This amount provides an additional thrust to current Federal efforts to make more housing available to low-income families by requiring that displaced families be provided decent housing.

SOCIAL SECURITY

Recognizing the plight of our older citizens whose fixed incomes are being ravaged by inflation, the Congress has provided for an across-the-board increase of 15 percent in social security benefits. Since social security payments were increased a year and a half ago, the cost of living has increased 10 percent. However, the token increase at that time left the majority of social security recipients living on incomes below the subsistence level. At present there is no provision in their benefits for escalation in line with the steady increase in the cost of living. Meanwhile the sources of income for older Americans are limited and full-time employment exceedingly difficult to find.

These citizens cannot be blamed for their plight and they should not be required to suffer as they do now. At present there are 1.2 million elderly social security recipients who must rely on old-age assistance. The average social security benefit is less than one-third of the $3,900 which the Bureau of Labor Statistics says is necessary for a modest standard of living. The 15-percent increase means that the approximately 25 million people benefiting from social security payments can enjoy a more adequate standard of living. These include not only our senior citizens, but widows with minor children and disabled veterans as well.

LABOR

In the field of labor, the Congress provided for the collection of Federal unemployment taxes on a quarterly basis, as well as legislation to promote health and safety in the construction industry in all Federal or federally financed or federally assisted construction projects. This legislation requires that no construction contractor or subcontractor may require an employee to work under any conditions that are unsanitary, hazardous, or dangerous to his health or safety.

H.R. 14705, a bill to extend unemployment insurance to, first, workers in agricultural processing activities; second, employees of nonprofit organizations; third, employees of State hospitals and universities; and fourth, employees of an American employer, who perform services outside of the United States, passed the House by a vote of 337 to 8 on November 13, 1969, and was reported out of the Senate Finance Committee on March 19, 1970.

VETERANS

The House of Representatives, in passing House Resolution 661, voted to commend the American serviceman and veteran of Vietnam for his efforts and sacrifices and let him know that Members of the House, regardless of their opinions about the national policy concerning the conflict, take note of the bravery and dedication in the service of his country that the American serviceman has exhibited.

The 91st Congress has likewise acted to meet its responsibilities to our veterans. Its actions have been in marked contrast to the position of the executive branch. The Nixon administration has opposed all congressionally initiated veterans bills, rejecting a proposal to use veteran-owned insurance funds for veterans home loans for returning Vietnam veterans killed or who died of service-connected causes, rejecting housing payment increases for paralyzed and other seriously disabled veterans, and asked that action to increase insurance for servicemen in Vietnam be deferred.

During the past year over the objections of the Nixon administration we also acted to provide increased compensation for veterans' survivors. Public Law 91–96 changes the formula.

Although almost a million Vietnam veterans each year are being returned to civilian life, Mr. Nixon's Budget Director cut $41 million in VA hospital modernization funds, including 17 million which would have air-conditioned VA hospitals. Also cut was $4 million for States to modernize soldiers' homes. One of the most glaring examples of action contrary to words was the Nixon administration's cut of $11 million for medical education and research and a reduction of 4,000 medical personnel below that recommended in January—although the administration decried "massive health crisis" at a Presidential press conference on July 10. This "massive health crisis" did not deter the administration from broad and sweeping cuts in practically every area of medical and health research just at a time when they are becoming most productive, nor disapproving personnel to man over $16 million of modern lifesaving equipment standing idle in Federal hospitals.

In an effort to prevent any recipients of non-service-connected pensions or parents receiving dependency and indemnity compensation from losing their VA benefits because of the recently enacted 15-percent increase in social security benefits, I joined with the chairman of the Veterans' Affairs Committee in introducing legislation to increase the monthly benefits, as well as increase the annual income limitations. It is my hope that this legislation will receive favorable consideration within the very near future.

ECONOMIC DEVELOPMENT

In the continual fight for economic development a total of $1,219 million was authorized to extend programs for regional development; $268.5 million for nonhighway programs; $275 million for the other five regional commissions; and $525 million for other economic development programs administered under the Economic Development Administration.

As a Member of the House of Representatives my assignments on the House Public Works Committee include membership on the Special Subcommittee on Economic Development Programs and the Ad Hoc Subcommittee on Appalachia. These subcommittees are directly concerned with Appalachia and economic development, where I served as a cosponsor on these legislative measures, which have been of utmost help to West Virginia.

It was through the Appalachian regional program that provision was made for Federal participation and the construction of Appalachian regional highways, as well as other programs, such as hospital construction, health services, water and sewerage improvements. Under the Economic Development Administration Act, which has a field office in Oak Hill, both grants and long-term, low-interest-rate loans are provided for the establishment of private enterprise. The Fifth Congressional District of West Virginia established the very first multi-county economic corporation in the United States with headquarters in Bluefield.

POVERTY

We in the Congress recognize the need for strong governmental action to attack these problems of poverty and we have shown awareness of the need for substantial resources that must be committed to fight it. The Economic Opportunity Act was extended for 2 years. Sufficient success has been achieved by OEO in its experimental operation in the coordination of Federal agencies. Its services were never designed to be all inclusive and long range in the war on poverty, but to initiate programs which would immediately lift poor people out of poverty—programs which require governmental subsidies. These subsidies total $2,195 billion for fiscal 1970 and $2,295 billion for fiscal 1971. Programs to which funding applies are Headstart, Follow Through, legal services, comprehensive health, emergency and food and medical program, family planning, senior opportunities, alcoholic recovery, and drug rehabilitation.

At present, about 25,400,000 persons, representing 13 percent of the population, live in virtual poverty. Of this large poverty population 42 percent are children, under 18, and 18 percent are elderly, over 65.

On November 13, 1969, the President approved House Joint Resolution 934 which authorizes $610 million for the food stamp program. This law does not change the program itself, but provides the Secretary of Agriculture with funds to deal with the problems of hunger and malnutrition. Congress is considering other legislation to alter the food stamp program so that it may more efficiently eliminate these problems which plague too many Americans.

EDUCATION

In the all-important field of education it was the Congress rather than the administration which asserted the leadership in the actual appropriation of funds for education. There is a pressing need for this Federal assistance to education in the United States. Congress has recognized that local authorities require significant outside assistance in providing disadvantaged students with the educational equipment they must have to become participating, contributing citizens in our society.

President Nixon's budget had provided a request of $370 million below that of the Johnson administration. Congress by way of contrast acted to increase the Nixon request by over $1 billion for education. Regrettably, the President has criticized the Congress for its proeducation stance and not only ordered the increased funds withheld from spending, but has actually ordered education expenditures to be reduced below those of last year.

Nevertheless, we have continued to meet the challenges by providing adequate assistance to education in America by extending the Elementary and Secondary Act which passed the House on April 23, 1969, by a vote of 400 to 17. Without the 2-year extension of the 1965 act, local and State authorities would have been denied the program continuity and advance funding required for proper financial planning.

The House Veterans' Affairs Committee began hearings on June 25 on an increase in educational benefits for Vietnam veterans. A bill was reported from the committee on July 10 and passed the House over the objections of the administration on August 4. H.R. 11959, which has been in conference, is expected to pass the Senate on Monday, March 23, and sent to the White House despite the risk of a possible veto by President Nixon.

DRUG ABUSE

Drug abuse in the United States is reaching alarming proportions with young people—whether living in our urban slums, in our affluent suburbs, or in small towns—experimenting with drugs ranging all the way from marihuana to heroin.

One of the best ways to combat the problem is through a frank and straightforward presentation of the facts. No solution is more reasonable than education, through Federal grants and contracts to local educational agencies.

Realizing the gravity of this addiction problem the House on October 31, 1969, by a unanimous vote of 290 to 0 passed a long-needed Drug Abuse Education Act of 1969 which authorizes $29 million over 3 years for Federal grants to train teachers, lawmen, and other officials who, in turn, will carry truth about the drug misuse to children and their parents.

ENVIRONMENT AND CONSERVATION

The National Environmental Policy Act of 1969, which became law on January 1, 1970, is one of the most important and far-reaching environmental and conservation measures acted upon by Congress in recent years. This measure, which provides new approaches in dealing with environmental problems on a preventive and anticipatory basis, is a significant starting point in the task of renewing our environment. It makes clear that Congress is responsive to the needs of present and future generations of Americans.

On March 9, 1970, I am pleased to report that I cosponsored a joint resolution for the purpose of establishing a Joint Committee To Study Environment and Technology to assure full congressional focus on the total environmental situation.

We have also responded to public demands to alleviate the threat of pollution, both water and air. As a result Congress has appropriated triple the administration request funding water pollution control grants, including sewage treatment plants administered by the Interior Department. The omnibus clear water bill establishes standards for cleaning up the Nation's waterways and preventing further water pollution by upgrading water quality standards across the Nation and setting controls on sewage emanating from vessels which foul many of the Nation's marinas, harbors, and ports.

Congress acted on the problem of air pollution control and abatement by authorizing $45 million, fiscal 1970, for extension of the Clean Air Act of 1967. Pressed by the Nation's need for practical solutions to the very serious air pollution problems, renewed emphasis has been given to research concerning the effects of fuel combustion and motor vehicle exhaust. The future success of air pollution abatement depends on the development of adequate control technology, essential not only to reduce the atmospheric emissions from existing sources, but also to counteract the increasing number of new sources.

CONSUMER AFFAIRS

The 91st Congress extended the life of the National Commission on Product Safety through June 30, 1970. In doing so it recognized the importance of the contributions made by the commission as a result of its studies of hazardous merchandise and its subsequent recommendations to Congress for additional consumer-protection legislation.

We also passed the Child Protection and Toy Safety Act of 1969 which amends the existing act to include protection of children from toys which are hazardous due to electrical, mechanical, or thermal hazards.

MISCELLANEOUS

I have been vitally interested in trying to help solve many other problems affecting the good people of the Fifth Congressional District of West Virginia, as well as other citizens living throughout this Nation. As a result, I have introduced legislation to authorize a survey of the Gauley River and tributaries in West Virginia, in the interest of flood control, water supply, and recreation; a bill to provide for the renewal and extension of certain sections of the Appalachian Regional Development Act of 1965; a bill to encourage the growth of international trade on a fair and equitable basis; a bill providing for Federal railroad safety; a bill to amend the Public Health Service Act so as to add to such act a new title dealing especially with kidney disease and kidney-related diseases; a bill to amend the Social Security Act to provide disability insurance benefits for the blind; cosponsored a concurrent resolution concerning prisoners of war or missing in action; resolution proposing an amendment to the Constitution extending the right to vote to citizens 18 years of age or older; as well as concurrent resolution for the promotion of peace in the Middle East.

CONCLUSION

In conclusion permit me to state these and other activities and concerns of your Congressman are matters which have made it a welcomed opportunity and a high privilege to serve in this office in the 91st Congress. I have tried, to the best of my ability, to render conscientious service to our district.

PRIVATE ENTERPRISE CAN PLAY AN IMPORTANT PART IN POSTAL REFORM

(Mr. CARTER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CARTER. Mr. Speaker, the elephantine labors to reform the Post Office Department has brought forth a mouse built to Government specifications and has created great interest not only among my colleagues but among taxpayers as well. The monopolistic authority of the Post Office Department has not been questioned. It seems as if "reform" has taken on a very limited definition, that instead of meaning "to make over," it means "adjust" or "rearrange." The proposals submitted to us for consideration are interesting and have suggested new procedures which should be followed but they have not gone far enough. They are remodeling the Post Office Department, not reforming it.

This Nation has witnessed thousands of programs which were the answer to any assortment of problems because they contained a million or billion dollar price tag and Federal intervention. We have also witnessed the regretful announcement that for some reason yet to be determined these programs failed to meet expectations. One reason for this is that legislative myopia has prevented Congress from looking beyond the walls of the Federal agencies. The time has now come for us to look to private enterprise for assistance. We have already done this in our efforts to combat poverty, urban renewal, job training, health care, and other areas. The lessons learned in these misadventures must be applied to our efforts to correct problems within the Post Office Department. This raises two questions which will be discussed herein. First, why is there a postal monopoly, and second, would private enterprise enter into the postal enterprise to the public's general advantage?

Postal monopolies developed with the national monarchies during the European Renaissance. England retained the monopoly because they feared the postal system could be used for treasonous purposes and even then its use by private citizens was discouraged. It later developed into a profitable operation and the royalty permitted his favorite subjects to manage it for their own profit. This is the form by which the colonies were introduced to it and it has remained remarkably similar for these centuries. The Articles of Confederation gave Congress "the sole and exclusive right and power

of—establishing and regulating post offices" thus a monopoly. The Federal Constitution of 1789 provides that Congress shall have power "to establish post offices and post roads," and it is interesting to note that the clause "sole and exclusive right and power" was eliminated. It seems, therefore, that those responsible for the Constitution elected to abolish the monopoly as a constitutional mandate, although one of the first acts of Congress was to pass an act which provided that "the regulations of the Post Office shall be the same as they last were under the resolutions and ordinances of the late Congress." That law has henceforth been interpreted by the U.S. Supreme Court as establishing a postal monopoly. There was clearly a need for a monopoly at that time; for private enterprise, in its beginning, could not meet the need and any postal service would have had to be protected from competition. The Post Office Department with its monopolistic powers was created and the tone was set for years to come, for in its first year it ended up in the red.

The next major postal legislation was in 1792, which prohibited any private person from carrying any letters for hire, or from setting up a private post for hire or any post road, or by vessel if such would damage the post office's revenue. The emphasis was not on protection from competition but only from competition that threatens the revenue.

Private enterprise began developing and they found loopholes in this and subsequent legislation which permitted it to enter into mail delivery services. The most common illustration of these enterprises is pony express. In arguing for more restrictive legislation, the Postmaster General in 1843 submitted the following statement to support the postal monopoly:

> These private expresses will only be found to operate upon the great and profitable thoroughfares between great commercial points, whilst the extremes are left to depend upon the operations of the United States mail, crippled and broken down for the want of means.

This same argument was used in England and has been repeated ever since, and in some ways I find it consoling to read in the Kappel report a similar statement in defense of the monopoly:

> The postal service is particularly vulnerable to 'cream-skimming' in the high-volume, high-value segments of its market, e.g., delivery within or between downtown business districts of major cities. It would probably be uneconomic for the Post Office to meet competition by offering a reduced rate for such service because of the additional costs of administering a rate scheme split along geographic lines. The competitor would then be able to serve the low-cost segment of the market, leaving the Post Office to handle the high-cost services. Under such competition the Post Office would lose lucrative portions of its business, increasing its average unit cost and requiring higher prices to all users.

It is comforting, however, only in the sense that the President's Commission either held a certain spot in its heart for history or a sense of humor in that they felt the same situation exists today as that in 1843.

Congress responded to this plea from the Postmaster General and enacted restrictive legislation that absolutely forbids the regular delivery of mail regardless of the method for conveyance. This is essentially the position of the Post Office Department today, so it seems as if the postal monopoly was created out of necessity and that it has continuously been protected from competition that threatened its revenue. Justifications for protective legislation was merely a financial consideration and no concern was given to whether the public enjoyed better service by these enterprising companies.

The Kappel report cites two reasons justifying postal monopoly. One reason was previously cited and will be discussed at greater length later. The other reason was given by attempting to draw an analogous situation between public utilities and the Post Office Department. To illustrate this, a situation was referred to wherein a community is served by two telephone companies, and it was their purpose to show how ridiculous this would be for the customer who would either be required to have two instruments or be limited to the number of other patrons they could reach. What, in fact, such an illustration points out is the failure of the President's Commission to understand utilities and how they work together. In my own district, a county and a commercial area are serviced by two telephone companies. Patrons of neither system are required to have two instruments, nor do they have limitations on whom they telephone at normal rates. These companies have worked together for the benefit of everyone in that area and the same idea can apply to postal service. The Post Office Department is not a natural monopoly and opening it to competition does not necessarily mean inefficient duplication of services.

The second justification given by the Kappel report, as previously mentioned, is the vulnerability of the Post Office Department to competition and the fear competition would concentrate on deliveries within or between downtown business districts of major cities. Such reasoning is illogical and based on cliches rather than on facts. It is common knowledge that the most inefficient and wasteful element of the Post Office Department is its service to large urban areas and one would think that the Department would welcome assistance, but it does not. It seems as if the Department would rather contribute its losses to these areas with one hand and hold them in the other as a profitable venture which is needed to offset losses elsewhere. It may also be possible that the Department does not mean service to the entire community but only to that which originates and terminates within a few blocks of each point. If this is the case, then the Department is presenting a very small part of the whole operation as justification for it all, and surely it would not present this as justification.

The only remaining justification for a postal monopoly to be explored is the theory that private enterprise cannot do an adequate job and that even if it were permitted to compete, it would concentrate on the high-volume, high-value segments of the market. The time has now come to cease using cliches made popular in Victorian England and evaluate private enterprise of the 1970's—to see if it can handle the mail and offer a public service. Even though there is a Federal monopoly, several private companies have come into existence in recent years which afford interested parties an opportunity to review their operations and determine for themselves what these companies can do. The largest of these companies began in the Midwest a few years ago and instead of reporting a deficit in its first year, it reported large capital gains. It did this not by concentrating on high value mail but by delivery of third-class mail, commonly referred to as "junk mail," by the Department. They did this by promising and delivering service which was more efficient and more economical than what the Post Office Department could offer. They claim to deliver mail at a rate of about 42 percent of what the Department charges and to do it faster with more dependability. It is left to one's imagination what they could do in the delivery of mail which the Department terms profitable. There are entrepreneurs waiting on the sidelines with plans to utilize modern technology which is necessary to bring postal service into the 20th century and they are willing to assume the complete responsibility of delivery service to the larger communities in the Nation.

Those who would have you believe that there is no alternative to losing money in the postal service are pointedly refuted by available evidence. In saying that private competitors will concern themselves only with selected fields, these competitors show that they are unaware of what can be done with the assistance of imagination and modern technology.

The restrictions on private companies now in operation are severe, but these companies have overcome the limitations and are able to present a better record than that of the Post Office Department. This can be elucidated by referring to certain key elements desired in postal service. Rates are cheaper with privately-held companies than with the Post Office Department. The record of efficiency is much better with the new companies, and improvements can be expected with experience. Conversion of capital to adjust with the times is a built-in factor with capitalistic enterprises, not with the Government. Service is much better than with the Post Office Department. For example, the day a parcel will be delivered to the addressee is guaranteed, delivery to an occupied home is guaranteed, and service need not be confined to certain hours.

These factors are grounds enough to justify the permission of private companies to compete in mail service but if doubt still lingers, one need only look to the cost factor of both systems. Legislation is presently pending which would authorize the Postmaster General to sell $10 billion worth of stock to the Treasury, and this would, in turn, be paid

for by congressional appropriations. This is questionable business procedure when you consider that the organization has been in the black only 17 times since 1789 and lost $10 billion since 1960, and further, we have no assurance that this approach will work. To the contrary, it was illustrated in a speech yesterday, March 24, how the new reforms were actually resulting in increased cost and decreased efficiency, but supposing such appropriations do bring the Post Office Departemnt up to date, there is no way that it can continue to keep in step with this fast age without requiring more appropriations in the future. Private enterprise, however, must remain aware of new demands and adjust its services accordingly. They have the added advantage that they pay taxes. It is conceivable that the taxes raised from these companies would at some point match the drain on the Federal budget caused by our sponsorship of the Post Office Department.

Mr. Speaker, it has been my purpose to submit a summary statement of the origins of the postal monopoly, to explore the reasons for its existence and analyze them in light of contemporary evidence to see if they continue to be valid. It is not my purpose to discredit the Kappel report, postal employees or my colleagues who have introduced legislation on this subject. It is clear that the reasons for the monopoly no longer exist and that the time has now come to where we can turn to private enterprise for a solution to a problem Congress inherited nearly two centuries ago. By taking this action, we will be insuring ourselves of postal service that will adjust with the times. We will have a self-supporting system that yields taxes to our Treasury. We will be offering improved services to the public and this is long overdue. These proposals are not revolutionary, for they could be modeled after our Federal Reserve banks.

Few functions of the Federal Government could be more vital to the security of our Nation than control over the dollar, and we have entrusted this to private enterprise which operates under strict Government control. There is no reason why we cannot entrust our postal service to private enterprise which can operate under the guidance of Federal regulations. Such a move should be a consummation devoutly to be wished by all, for at a time when increased demands are being made upon our revenue and administrative ability, we now have the opportunity, the duty, to pursue a legislative course of action that would free Congress from the albatross around its neck.

POSTAL PAY EQUALIZATION ACT

(Mr. AYRES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. AYRES. Mr. Speaker, I am today introducing a bill, printed below these remarks to make our postal pay system responsive to differences in cost of living, and differences in the wage structure, in various metropolitan areas and broad geographical sections of the Nation.

The Postal Pay Equalization Act I am introducing would direct the U.S. Civil Service Commission to establish area and regional wage boards, and a national review board, to carry out this policy. The act would apply to all but the top positions in the postal service—those above level 14 in the postal field service schedule—and to all of the rural carrier positions. It would permit increases up to 50 percent of the amounts set forth in the schedules, based upon impartial findings as to cost of living and private enterprise pay for comparable work.

Mr. Speaker, I believe that a system such as I am proposing is fair and equitable, that it would put an end to most of the legitimate wage complaints of the loyal men and women who make up our postal service, and that it would prevent the Nation's postal service from staggering from one crisis to another in its relationships with its employees.

Mr. Speaker, this bill could be on the President's desk within days if the Congress would act, and I am convinced that it would do much to alleviate present difficulties, as well as to head off similar difficulties in the future.

A recent column of Evans and Novak, dealing with the postal problem, is included below as a part of my remarks.

[From the Washington Post, Mar. 25, 1970]

UNION INTRANSIGENCE ON REFORM LAID GROUNDWORK FOR MAIL CRISIS

(By Rowland Evans and Robert Novak)

Although Democratic politicians are having a field day blaming the postal crisis on President Nixon's intransigence, the groundwork for disaster was laid over the past three years by the stubborn opposition of postal union leaders to long-overdue reform.

Ever since President Johnson's postmaster general, Lawrence F. O'Brien, began pushing basic postal reform in 1967, the union bosses have stubbornly resisted not only reform but even gentle compromise out of fear it might undermine their power. Their adamant opposition was renewed when President Nixon's Postmaster General, Winton F. Blount, backed reform with an iron tenacity refusing to surrender to implacable union opposition.

The fact, admitted privately by realistic congressional Democrats, is that there would be no postal crisis today—and postal employees would have a more nearly decent living wage—had the unions not refused to consider reform. Whatever mistakes the Congress and Mr. Nixon have made the past six months could not have occurred but for that refusal.

The reason for this shortsighted opposition is found in the unique nature of the unions. Because Congress itself determines postal pay, postal unions do not engage in collective bargaining but in Capitol Hill lobbying. Their chiefs are not really labor leaders but high-priced Washington operatives, dispensing campaign contributions around Capitol Hill.

O'Brien's proposal for an independent postal corporation would have ended all this, establishing wage procedures ending in compulsory arbitration. Afraid of the unknown, the postal union leaders reflexively opposed reform—with the backing of AFL–CIO President George Meany.

As the Nixon administration took office in 1969, coincidental developments contributed to a turmoil in postal politics. The two major unions, the Letter Carriers and the Clerks, had new leadership and their once warm relationship grew frigid. There was feuding inside the Clerks, with the new president and legislative director in conflict. The Senate Post Office Committee had a brand new chairman, Sen. Gale McGee of Wyoming.

Most important was the nature of the new postmaster general. Unlike O'Brien, Blount was no politician willing to bend but a stiff-backed millionaire Alabama businessman appalled by inefficiency he found in the Post Office Department.

It was Blount's vigorous recommendation last autumn that led to President Nixon's warning that the 11 per cent postal pay rise passed by the House would be vetoed.

Blount's implicit offer: pass reform and you'll get your pay increase. Faced with this hard-boiled ultimatum, President William Rademacher of the Letter Carriers broke the solid union facade against reform.

A compromise pay-reform bill worked out by Rademacher, Blount, and Rep. Morris Udall of Arizona (foremost Democratic advocate of reform) finally cleared the House Post Office Committee on Feb. 12—to the amazed chagrin of its chairman, Rep. Thaddeus Dulski of New York, mouthpiece of the postal unions. Although the bill called for only a 5.4 per cent pay increase, it contained a provision—quietly agreed to by the White House—virtually guaranteeing a much bigger boost effective July 1.

But like so many union chieftains today, Rademacher had lost his rank-and-file. Just as they were about to get their delayed pay increase, the letter carriers revolted in wildcat strikes and the crisis was born.

It is a crisis for Rademacher as well as President Nixon and the U.S. Officials of other postal unions, having maintained their opposition to reform, bitterly resent Rademacher. They communicate with him only in formal communications (addressed "Dear Mr. Rademacher"). They can take pride in having maintained the proper degree of militancy.

Indeed, with the pressure now on the President, Congress and Rademacher, the other union leaders are off the hook with their past record obscured. Lost in the shuffle, for example, is the fact that postal union leaders have long and unwisely opposed geographical distinction in pay—a major grievance of hard-pressed New York City workers who began the walkout.

The result is impasse. With an atmosphere of lawlessness pervading the country, there is strong sentiment in both the White House and Congress against capitulation to the postal workers, inviting illegal strikes by municipal workers nationwide. All this could have been prevented had the unions accepted postal reform, but that simple truth is lost in the chaos.

H.R. 16684

A bill to authorize the United States Civil Service Commission to adjust levels of compensation in the postal field service to reflect regional and area differentials in the cost of living and in pay for comparable jobs in private industry, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Postal Pay Equalization Act of 1970".

SEC. 2. Chapter 45 of title 39, United States Code, is amended by adding at the end thereof the following new sections:

"§ 3590. Policy

"(a) It is the policy of the Congress that rates of pay for employees within the purview of this Chapter be based on the principles—

"(1) that compensation for the postal field service (including rural carriers) is to be governed basically by the schedules set forth in this Chapter and in no instance be less than amounts therein provided;

"(2) that such compensation nevertheless should be adjusted annually, on a regional and/or area basis, so as to reflect regional or area differentials in cost of living and to be made comparable with private enterprise rates of pay for work of the same type or level of difficulty.

"(b) Rates of pay shall be adjusted annually, in accordance with the policy set forth in subsection (a) of this section and the procedures prescribed in section 3591 of this title.

"§ 3591. Duties of the Civil Service Commission; establishment of postal wage boards

"(a) The United States Civil Service Commission is authorized and directed to establish, in such manner as the Commission may deem best calculated to carry out the purposes of section 3590 of this title, a national postal wage review board, and such regional and area postal wage boards as may be necessary, to carry out the purposes of this section.

"(b) It shall be the duty of the area or regional postal wage boards to review at least annually the factors bearing upon the wages of postal workers in such area or region and to recommend to the national postal wage review board such adjustments (within the limitations herein specified) as may be needed to assure:

"(1) that such wages reflect significant changes in the cost of living within such area over the preceding twelve months; and

"(2) that such wages are comparable to those paid by private enterprise in such area for comparable types of work.

"(c) It shall be the duty of the national postal wage review board to review the recommendations of area boards, to make such adjustments as may be necessary to reflect differences in cost of living between areas and regions of the Nation or to conform to the findings of its review, and to certify the resulting figures to the Chairman of the United States Civil Service Commission.

"(d) The Chairman of the United States Civil Service Commission, upon receipt of the certifications pursuant to subsection (c), shall notify the Postmaster General of the changes to be made in wage structures within particular areas or regions and such changes shall become effective within thirty days of such notification.

"§ 3592. Limitations

"(a) The provisions of sections 3590 and 3591 shall apply to the Rural Carrier Schedule and to the first fourteen salary levels in the Postal Field Service Schedule, but shall not apply to level 15 or higher levels in such schedule.

"(b) No recommendation or finding of a wage board established pursuant to this Chapter shall act to lower any rate of compensation established pursuant to the schedules set forth herein, nor shall such recommendations or findings result in an increase in such rate or rates of compensation by more than fifty percentum of the amount set forth in such schedules.

"(c) Changes in levels of compensation made pursuant to sections 3590 and 3591 shall not result in positions in any salary level in the Postal Field Service Schedule being compensated at a level above that of a higher position in the area or region affected by such changes.

"§ 3593. Definitions

As used in sections 3590, 3591, and 3592—

"(a) The term 'region' shall mean a broad geographical region of the United States or such other area within the coverage of this title as the Civil Service Commission deems best calculated for the purposes of these sections.

"(b) The term 'area' shall mean a standard statistical metropolitan area as utilized by the Bureau of the Census, except as the Civil Service Commission may determine such area to be inappropriate for the purposes of these sections.

COMMERCIALIZATION OF OUR AGED, PART II, THE NURSING HOME PATIENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. PRYOR) is recognized for 60 minutes.

(Mr. PRYOR of Arkansas asked and was given permission to revise and extend his remarks and include extraneous matter.)

GENERAL LEAVE TO EXTEND

Mr. PRYOR of Arkansas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the subject of the special order I am presenting at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. PRYOR or Arkansas. Mr. Speaker, when I addressed the House 1 month ago on the subject of nursing homes and homes for the aged, I referred to the disastrous fire in Marietta, Ohio, which took the lives of 32 of the 46 patients of the Harmar House Nursing Home. I return to the subject of this fire today, not to belabor this particular nursing home or this tragedy any further, but to comment on some of the lessons it teaches us about standards in Federal programs for nursing home care and the performance of these programs in protecting patients and the public.

Shortly before 10 p.m. on January 9, 1970, the heat sensor in room 104 of Harmar House registered 136 degrees and signaled the nurses' station. The nurse's aide pulled the aged occupant of the room to safety, but dense, acrid smoke billowed through the home and when the toll was finally counted, 32 people were dead. Harmar House was a modern building of fire resistive construction. We are told by State and local officials that the home had no building code violations. There was little structural damage to the building. The patients died of smoke inhalation. The smoke was produced mainly by the foam rubber backing of the nylon pile carpeting as it burned in the rooms and down a long undivided corridor.

Mr. Speaker, Harmar House was certified as an extended care facility for participation in Medicare. Some of the patients were beneficiaries of this Federal program. Section 1861 (j) of the Social Security Act provides in part that an extended care facility shall meet "conditions relating to the health and safety of individuals—as the Secretary may find necessary." The Congress stated the charge clearly. The public and the beneficiaries of the program should be able to look to the regulations of the Secretary for protection of health and safety. But, sad to say, such is not the case. Let us examine these regulations.

Mr. Speaker, these regulations, known as the conditions of participation, were drawn up on 1966 and made effective with the start of the extended care benefit in Medicare on January 1, 1967. At that time the Federal Government—specifically the Public Health Service of the Department of Health, Education, and Welfare—had adopted and made mandatory a specific standard, based on a widely recognized test procedure, for the flame spread rating of carpeting and other interior finishes in hospitals and nursing homes finished through the Hill-Burton program. Despite the years of experience and the expertise in the field of structural and fire-safety standards developed by the Hill-Burton program, the Bureau of Health Insurance of the Social Security Administration—also a part of the Department of Health, Education, and Welfare—did not utilize it as they wrote the conditions of participation relating to fire safety for extended care facilities. In my speech in this chamber on February 24, I spoke of fragmentation of responsibility and noncommunication among Government agencies administering programs involving nursing homes. Here is a clear example.

Hill-Burton standards require fire and smoke barriers at specifically stated intervals to help contain and localize fire and smoke damage. At Harmar House, which met the Social Security Administration's standards, the burning of the carpet backing and the propogation of deadly smoke spread unimpeded in a 244-foot undivided corridor. It seems almost incredible, Mr. Speaker, that two programs in the same Federal department do not have comparable safety standards for the same facilities.

Instead the Social Security Administration went its own way and issued standards for fire safety which are not really standards at all. They rely almost wholly on State and local codes, on vague phrases, and on the discretion of nameless inspectors. I would like to illustrate the dangerous permissiveness of the fire-safety provisions in Medicare:

In section 405.1134, "Condition of Participation—Physical Environment," we find the following:

(a) Standard; Safety of Patients. The extended care facility is constructed, equipped, and maintained to insure the safety of patients. It is structurally sound and satisfies the following conditions: (1) The facility complies with all applicable state and local codes governing construction. (2) Fire resistance and flame spread ratings of construction, materials, and finishes comply with current State and local fire protection codes and ordinances. (3) Permanently attached automatic fire extinguishing systems of adequate capacity are installed in all areas considered to have special fire hazards including but not limited to boiler rooms, trash rooms, and nonfire resistant areas or buildings. (4) Doorways, passageways, and stairwells are well enough for easy evacuation of patients and are kept free from obstruction at all times. (5) Unless the facility is of fire resistive construction, blind and nonambulatory or physically handicapped persons are not housed above the street level floor. (6) Reports of periodic inspections of the struc-

ture by the fire control authority having jurisdiction in the area are on file in the facility. (7) The building is maintained in good repair and kept free of hazards such as those created by any damaged or defective parts of the building. (8) No occupancies or activities undesirable to the health and safety of patients are located in the building or buildings of the extended care facility.

These, Mr. Speaker, are almost all of the provisions of the medicare fire safety standards. I call attention particularly to the terms which allow and invite wide discretion on the part of State or local inspectors, who may or may not be technically qualified to make the judgments; terms like "wide enough for easy evacuation." But even these provisions are undermined by the preamble to this section of the regulations which reads as follows:

The following standards are guidelines to help State agencies to evaluate existing structures which do not meet Hill-Burton construction regulations in effect at the time of the survey, and to evaluate in all facilities those aspects of the physical environment which are not covered by Hill-Burton regulations. They are to be applied to existing construction with discretion and in light of community need for service.

The inspector now is armed with vague and subjective standards which he is instructed to apply "with discretion."

Mr. Speaker, in a letter to the Washington editor of Hospital Practice magazine, replying to a question about the vagueness and permissiveness of medicare fire safety standards, the Director of the Bureau of Health Insurance made the following statement:

The phraseology used in the regs in no way limits the scope of a surveyor's inquiry or his authority to insist on corrective measures, and a Medicare surveyor is therefore empowered to insist on Class A carpeting or any other change he feels is essential to patient safety.

With all respect to this worthy Federal official, I say that statement is nonsense. It is ridiculous. It is another example of passing the buck, of shifting the onus of hard decisionmaking to someone else. Moreover, it is not true. If an inspector sought to insist on class A carpeting and disapprove a nursing home for participation on this basis when the regulations speak only of a requirement for complying with State and local codes, he certainly would be found to be arbitrary and capricious by a court if not by his own administrative superiors. However, leaving the legality of this statement aside for the moment, let us look at the practicality of it.

In many States, the actual inspections for medicare certification are made not by State agencies but by surveyors from local agencies. In the case of Harmar House in Marietta, Ohio, the actual inspections for medicare were made by a nurse employed by the county health department. I ask each of my colleagues now to try to imagine himself in the position of this county health department nurse as she goes out to inspect Harmar House. One of the principal owners of Harmar House is the county coroner. The coroner's wife is the city health officer of Marietta. The other owners of the home include some of the most prominent physicians and businessmen in the community. And we, the great Federal Government, are saying to this county employee: "We are not going to give you a standard to apply. It is up to you. Now, go out there and get tough with them."

Mr. Speaker, I do not wish to be misunderstood. I am not alleging that the inspector of Harmar House was intimidated or that the owners of the home acted in any improper way. On the other hand, I do say that if Federal programs are to rely in the last analysis on the local inspector for the application of Federal regulations, we must consider some of the realities of the daily life of these people who are on the firing line. I do not know if our present method of relying on local surveyors and State review processes is the best way to apply Federal program requirements to nursing homes. I think this subject should be carefully studied and alternative methods evaluated. I believe the Select Committee on Nursing Homes and Homes for the Aged which I have proposed should undertake this as one of many much-needed studies. But as long as we do administer standards for nursing homes who sell services to Federal programs according to the present pattern, the Federal administrators owe it to the surveyor in the field and owe it to the patients and their families to equip the surveyors with standards which can and will be uniformly and objectively applied. As Mr. W. H. Veigel of the Ohio health department put to a reporter for Hospital Practice magazine:

As a person reviewing surveys, I think it is time Medicare people showed some intestinal fortitude by letting operators of nursing homes know what's important.

Mr. Speaker, one would think that the lessons of the Harmar House tragedy might have brought out some of this intestinal fortitude. Carpeting is widely used in nursing homes today, especially in the newer facilities we find participating in medicare. What could be more obvious that the omission in the medicare regulations of any standard for floor covering should be promptly corrected? What, in fact, has happened since January 9, 1970? Let us take a look.

On January 19, 10 days after the fire, the Public Health Service sent a memorandum to State agencies stating that:

No carpet or carpet assembly (carpet plus pad) presently installed or proposed for installation should have a flame spread rating of more than 75.

This is the Hill-Burton standard. Mr. Speaker, there is a great difference in the two words "should" and "shall." The medicare standards refer only to State and local codes which, in the case of this Ohio home, permitted carpet which registered 275 when tested by Underwriters Laboratories. However, the Public Health Service was handing out mere advice, not regulation. The Bureau of Health Insurance must act to protect medicare patients from the hazards of unsafe floor covering.

Another month went by before the Bureau of Health Insurance, whose officials by then were facing a hearing before the subcommittee headed by the distinguished gentleman from North Carolina (Mr. FOUNTAIN), decided to send a letter to State agencies advising them that at some unspecified future date a regulation would be issued incorporating the Public Health Service advice—partially incorporating the Hill-Burton standard for flame spread ratings of interior finishes which has been in effect since before the medicare program began. In the meantime, State agencies were asked to send letters to nursing homes inquiring whether they had carpet and if so, the flame spread rating. Where unsafe carpeting is found, the nursing home is to be asked to "explain the steps it will take to correct the deficiency or alternative steps to protect the environment from fire hazard." This process will take even more months. Will yet another Marietta occur while a cumbersome, slow, unresponsive, duplicating, bureaucratic system awaits the "explanation" of why unsafe carpeting is permitted in our Nation's nursing homes and homes for the aged?

Why wait? Why temporize with this issue of safety? The Hill-Burton standard has been in effect for years. Similar standards for floor coverings are found in the model code of the National Fire Protection Association and many State Codes. The carpet industry is accustomed to these standards and every major carpet manufacturer can supply carpet which meets them. For nursing homes to remove and replace unsafe carpeting creates inconvenience and expense; but, the alternative is to allow medicare beneficiaries who may be aged and helpless to be confined in the presence of a known hazard to life while, no doubt, thinking that their Government has acted to assure their health and safety. Obviously, this alternative is unacceptable. Eventually, these standards must be issued. Why not now? If the Bureau of Health Insurance cannot act now when the terrible deaths of 32 helpless people are fresh in our minds, when will it act?

Mr. Speaker, I have focused my remarks today on the subject of fire safety standards and on some specialized and technical aspects of that subject. I have done so not just to crusade for safe carpet, but because the performance of the administrators of medicare on this issue may tell us something about the more general problem of assuring that beneficiaries of Federal programs in nursing homes are protected. In my earlier speech I spoke of the patient taking a back seat to a rather thirsty quest for profits on the part of nursing home operators. The nursing home patient may be occupying another back seat, too; a back seat to the convenience and the comfort of bureaucrats. I am sure that officials of the Bureau of Health Insurance who are responsible for that agency's milling about in the field of standard setting, ritually avow, like medical care administrators everywhere, their unflagging devotion to "the patient." But this patient is an abstraction.

They do not see him in the offices and corridors of the Social Security Administration. They do see other bureaucrats, representatives of providers and other interest groups. Administrative and policymaking routines are established in

which these are the participants. The patient, although often mentioned, is not there. He again is voiceless—helpless against a vast, complex and mysteriously bureaucratic system which protects the system—not the patient. The patient, who is in reality a living, feeling human being, takes a back seat to the working of that system, to the difficulty of making a decision, to the defense of past decisions, to the reluctance to take a firm stand in the presence of criticism or opposition, to the fear of rocking the boat.

Mr. Speaker, I recently received a copy of a resolution adopted by the Board of Directors of the National Consumer League. I was very interested to see that the National Consumer League combined in one expression of policy its concern over the passive policies and vacillation of the Social Security Administration in the matter of medicare safety standards and its support for my resolution calling for the creation of a Select Committee on Nursing Homes and Homes for the Aged in the House of Representatives. This in part led me to look more deeply into the Harmer House experience and to prepare these remarks. I join the League in urging prompt and forthright action on the part of the Social Security Administration to give meaning to the safety standards for medicare nursing homes. I welcome the League's support of my resolution and I hope that the Select Committee can address itself to the difficult problems involved in making Federal programs involving nursing home care more sensitive and more responsive to the protection and vital needs of the hundreds of thousands of citizens we seek to serve.

Mr. Speaker, I include the resolution of the National Consumer League and an article from the March issue of Hospital Practice magazine entitled "Fire Disaster in Ohio Home: How Good Are Safety Codes?" at this point.

MARCH 18, 1970.

Hon. DAVID PRYOR,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN PRYOR: The League commends you for introducing House Resolution 850.

Enclosed are copies of the Resolution adopted by the League Board on March 10, and the letter of transmittal to Speaker McCormack. We have also written to Secretary Finch and Commissioner Ball on this subject.

Sincerely yours,

SARAH H. NEWMAN,
General Secretary.

RESOLUTION OF NATIONAL CONSUMERS LEAGUE ON SOCIAL SECURITY ADMINISTRATION, EXTENDED CARE FACILITIES, AND SAFETY, AND HOUSE RESOLUTION 850

The National Consumers League finds that Medicare regulations covering the safety of patients in extended care facilities are faulty. They are highly permissive and rely on state and local codes, which often are weak. The Medicare regulations should form a basic, clear national standard guaranteeing safety to those weak and feeble patients.

The League urges the Social Security Administration to overhaul the Conditions of Participation for Extended Care Facilities to embody a strict safety code, with particular emphasis on flame resistance of such interior finishing materials as carpets.

The League recognizes that nothing in the Medicare conditions limited the installation of the type of carpeting which burned at the Marietta, Ohio nursing home in January. The carpet produced dense, toxic smoke that killed 32 of the 46 patients.

The League finds that the Social Security Administration has temporized with the safety of the aged by not taking the essential step of requiring nursing homes to remove this type of carpeting at once. The League urges SSA to do this immediately. And states and localities are also urged to tighten their codes.

Because nursing home patients often are subjected to disgraceful and scandalous treatment, the League endorses House Resolution 850, submitted by Rep. David Pryor of Arkansas. This resolution would set up a nine-member select committee on nursing homes and homes for the aged. It would have investigative but not legislative authority. We urge Congress to take up this resolution at the soonest moment possible and to approve establishment of this committee.

FIRE DISASTER IN OHIO HOME: HOW GOOD ARE SAFETY CODES?

Sometime after 9:30 PM, January 9, fire broke out in room 104 of the Harmar House Convalescent Home in Marietta, Ohio. In less than an hour, the fire was over. But the thick clouds of smoke, leaving an acrid smell behind, were not to be forgotten easily. Twenty-one of the 46 patients, most of them in their late 70's or 80's, had died almost at once. Soon another 11 were to die. Cause of death: asphyxiation from smoke inhalation. Not one had burned flesh.

Gov. James A. Rhodes described the proprietary home, owned by businessmen and several physicians (among them the county coroner) as a "first class institution." Ohio Fire Marshal Samuel T. Sides called it a "modern fire-resistant structure with no building code violations." W. H. Veigel of the Ohio department of health said it was "one of the finest and safest homes in the U.S."

What then explained the loss of 32 lives?

A good part of the answer lies in the carpeting. Fire Marshal Sides said the toxic smoke came principally from the bonded foam-rubber backing under the 100% nylon tufting. Harmer House had carpet in all patient rooms and corridors, including a 244-foot north-south corridor. It was a carpet assembly of a type that could be bought in any store.

But carpeting was not all, a Hospital Practice Study finds. Fire safety is the result of attention to large and small details in construction and operation of a health facility. The Marietta fire illustrates failures of significance to physicians and others who work in or have responsibility for patients in these facilities. It is also of significance to physicians and others as consumers. They may be loading their homes and offices with products that increase fire hazards without being aware that they are doing so.

The Marietta fire also demonstrated a breakdown in fire evacuation procedures. Perhaps most important of all, it showed that Medicare and state codes may not protect patients effectively. In Ohio, they did not.

THE FIRE

Exactly when fire broke out in room 104 is not known. Nor how. It may have begun when the elderly occupant or an employee dropped a lit cigarette or emptied an ashtray into a plastic wastebasket, Marietta Fire Chief Beman Biehl told a U.S. Senate committee under Frank Moss (D-Utah) last month. Fire spread from the basket to a wooden nightstand and a plastic-covered chair as well as to the carpet. A heat sensor in the room signaled trouble when the temperature hit 136° F. From the nurses' station at the center of the cross-shaped building came in an aide and a practical nurse, two of the home's four employees on that shift. (Two private-duty nurses also were in the home.) The practical nurse turned away at the sight of dense smoke spewing from 104. The aide, 19-year-old Doris Watts, made it into the room. Although she weighs only 87 lb, she managed to pull the patient from bed and up the corridor. She left the door open. Intending to get a fire extinguisher and return to 104, she found the smoke gushing down the corridor intolerable. She and other employees began moving patients outside. Somebody left the corridor door open.

Chief Biehl estimates at least a four-minute delay in the staff's telephoning the fire department. Firemen arrived within five minutes. They had the fire out in 12. Marietta Mayor John A. Burnworth says hair was unsinged on many bodies.

Harmar House was required, as a Medicare extended care facility, to have a disaster plan. From the time it entered Medicare in 1967 until early 1969, it had deficiencies in its plan. Health department surveyors working for Medicare listed deficiencies in specification of alarm signals, frequency of fire drills, and assignment of personnel responsibility in a crisis. In April 1969, the Washington County health department nurse surveying the facility reported the deficiencies were remedied, according to Social Security Administration files in Baltimore. However SSA did not know how the deficiencies were remedied or if the changes were really in effect. An official said SSA relied on the local health department's word.

According to Chief Biehl, the home's staff was unfamiliar with the sound of the fire alarm. He said that Miss Watts had been on the job for a few months but had had no fire evacuation instruction. Mayor Burnworth quoted her as saying she thought the heat sensor automatically signaled the fire department. But there was no direct line, and there was no state or local requirement for this. Nor one in Medicare. The home's last drill, Chief Biehl said, was in April 1969, but he did not know how thorough it had been.

Cardinal to any fire disaster plan is closing room doors to confine fire. This is as important as sounding the alarm and calling the firemen, authorities agree unanimously. Chief Biehl was asked by Sen. Ralph Yarborough (D-Texas) if he thought there was negligence on the part of a Harmar House employee. The chief said he didn't know whether it should be called negligence or human error. He said Miss Watts knew she did not shut the door and that this was wrong. But, he pointed out later, she was a small woman struggling to get a feeble patient up the hall.

Mayor Burnworth told Hospital Practice the doorway to 104 was too narrow to let pass a hospital bed. He said the beds had to be assembled in the room. Chief Biehl was not sure about the width. But whatever it was, it was not in violation of state or Medicare regulations. As in many other things, Medicare leaves widths of doorways, corridors, and aisles to the discretion of the surveyor by saying they should be "wide enough for easy evacuation."

Fire officials reported no fire doors in the 244-foot north-south corridor. And none was required by the state. Nor Medicare. Hill-Burton and the Life Safety Code of the National Fire Protection Association call for at least one division every 150 feet of corridor. Fire doors block fire and smoke and impede drafts that fan fires. The state building code covering small nursing homes has been criticized for years for not requiring compartmentalization. However, the agency that sets building codes has no fire safety expert on its policy board. Medicare, though a national program, relies on state and local codes. According to James P. Regan, the former chief of fire prevention for New York City's fire department and a consultant to

the American Nursing Home Association, the lack of compartmentalization in corridors and a loft at Harmar House contributed to the loss of life.

The home had no sprinklers. Expert opinion is divided on their value. Chief Biehl believes that automatic sprinklers would have saved lives at the home. (Indeed, a fire in a patient's room at another Ohio nursing home in February was put out by a sprinkler after the nurse had removed the patient and closed the door.) Richard Stevens, technical secretary of the National Fire Protection Association, says that automatic devices in one combination or another—such as sprinklers, heat sensors, and smoke detectors—are essential in health facilities. They should be linked by telegraph line to fire departments to allow automatic reporting. Patients themselves are fire hazards, and where staff turnover does not permit a high degree of discipline, the need is for as much automaticity in fire protection as possible, he told the committee.

Regulations that leave discretion in fire evacuation procedure, construction, and finishing materials in the hands of local persons are not likely to protect patients, said Mayor Burnworth, implying that pressure groups have kept Ohio's fire code affecting nursing homes in poor shape. "One responsibility the federal government has is to do things for us we can't do for ourselves. I'm not against federal intervention if it's for the benefit of the patient," he told the committee. This echoed a comment by Mr. Veigel of the health department in a telephone interview. "As a person reviewing surveys, I think it is time Medicare people showed some intestinal fortitude by letting operators of nursing homes know what's important," he said. He termed Medicare and the Ohio code "weak."

CARPETING

The Moss committee was shown slides of smoke damage at Harmar House. Even white tile was shown blackened from the dense smoke. There was little structural damage, however. The smoke was attributed to the foam-rubber backing on the carpet, made by Dan River Mills, Inc., and marketed in 1965 under the name "Marathon." There was nothing illegal under the Ohio code in using it. Nor under Medicare. The Ohio code allows carpeting that has a flame-spread rating of up to 500 when tested by the so-called tunnel test. By reference, Medicare incorporates this standard in Ohio. "Marathon" had a flame-spread of 275, according to Underwriters Laboratory, Chicago.

This is almost four times the maximum flamespread rating regarded as safe under the Hill-Burton construction standards for hospitals and nursing homes built with government grants. The National Fire Protection Association's Life Safety Code recommends that interior finishes, such as carpeting, have no more than a 75 rating, the same as Hill-Burton, for patients' rooms. (In corridors, Hill-Burton recommends no more than 25 but will allow up to 75 per carpet if other materials in walls, ceilings, and structure are below 25.)

By virtue of a law Sen. Moss championed in 1967, the Life Safety Code became effective in Ohio Medicaid nursing homes on January 1, 1970. The code, which has many waiver provisions on existing construction but is tougher on new construction, covers carpeting. It allows local authorities to permit more than a 75 flamespread rating if convinced no hazard arises to patients. A forthcoming revision will remove the waiver from the code but not the law, which is pegged to the current edition of the code. Harmar House was eligible to receive Medicaid patients but had none at the time of the fire. As the code now exists, Harmar House might have been approved on waivers, but the picture is not clear. However, under the Moss provision, a surveyor would have to give reasons for waivers and state alternative means of safeguarding patients, giving a time limit for compliance.

Ohio officials are not clear about whether they must apply the Life Safety Code to homes that are in Medicare but not in Medicaid. Under the Medicare law, the Social Security Administration could require Ohio to apply this code if SSA recognized the code as superior to current Medicare requirements. But up to the time of the Marietta disaster, SSA had made no move to make a finding—even though Medicaid's use of the code had been scheduled by Congress almost two years ago.

On January 16, seven days after the fire, the Public Health Service circulated a memorandum to state agencies, advising against the use of carpet and carpet assemblies with ratings of more than 75. The memo said major manufacturers could supply safe carpeting if asked. Since 1965, when the Hill-Burton branch of PHS began calling for carpet meeting this standard, industry had begun in earnest to test for flammability. The knowledge about standards and testing was available in 1966 when Medicare ECF regulations were drawn up. Nonetheless, the regulations contain no specific reference to them.

In 1967, on another front, Sen. Moss helped amend the Flammable Fabrics Act to cover carpeting. But only last December did the Department of Commerce propose a test to establish flammability status. The test employs a methenamine pill as an ignition source. It is dropped on a square of carpet held in a frame. The extent of burning in a defined interval is measured. A piece of carpet from Harmar House was subjected to the "pill test." It passed. Sen. Moss later termed the proposed test "inadequate" and asked Commerce to replace it with the more severe tunnel test used by Hill-Burton.

At the hearings, Sens. Moss and Harrison Williams Jr. (D-N.J.) participated in a demonstration. They held a specimen of Harmar House carpet while Mayor Burnworth ignited it to show the smoke production. "Smells like a rubber tire," he said, dropping the piece into a galvanized trash can and putting on the lid to spare the packed hearing room more of the acrid smell. The ubiquity of such carpeting was demonstrated by Chief Biehl. He reported that "Marathon" was in Marietta Memorial Hospital and Selby General Hospital. It was in the Marietta schools, too. He found similar carpeting in the anteroom of the New Senate Office Building, and a piece burned as smokily as "Marathon." Fire Marshal Sides said he had similar carpeting in his office.

Dan River Mills representatives told the committee that "Marathon" was not hazardous in any respect "from the standpoint of any known flammability in 1965, when it was in production. In 1968, the carpet industry made 71 million square yards of carpeting with foam-rubber backing, or 12% of all carpet production. In 1969 the figure went up 10%. Dan River said it believed the "pill test" simulates the most realistic household hazard, dropping of a match or cigarette. However, an expert on such testing, Calvin Yuill of the Southwest Research Institute, San Antonio, has told Commerce that the pill test does not really simulate actual hazard conditions and that any representations of safety based on it could create "an unjustified security in the mind of the consumer."

Much of the carpeting and foam-rubber underlays produced in this country exceed the rating Hill-Burton finds acceptable. This seems clear. But there is considerable dispute between industry and health officials over what test is acceptable for general purposes. It also seems clear that flammability testing is in its infancy and there is a need to measure the toxicity of fumes from mixtures of burning plastics from furniture, carpets, wall and ceiling materials.

STANDARD SETTING

Testifying for the American Patients Association, Theodore O. Cron, its president and a former HEW official, declared that the Medicare regulations "can hardly be called 'standards,' they are so nonspecific. For example, corridors in Medicare-supported homes need only be 'wide enough for easy evacuation.' Yet, the Hill-Burton standard and the Life Safety Code have real specifications—eight feet as the minimum corridor width.

The Ohio Nursing Home Association told Sen. Moss it endorsed the application of the Life Safety Code.

In opening the hearing, Sen. Moss noted that Medicare's section on fire safety contains a disclaimer unique in the ECF regulations. He said it was a double disclaimer: While seeming to insist that an ECF be built and maintained "to insure the safety of patients," the regulations declare (1) that "the following standards are guidelines," and (2) that they be applied "with discretion in the light of community need for service."

In addition, ECF's are acceptable to Medicare if a surveyor finds them in "substantial," not complete, compliance. This concept has been attacked by a staff report of the Senate Finance Committee. It urged eliminating it. The report hinted at a possible reason for substantial compliance, which has been criticized as lacking solid objective criteria for judgment. In a section entitled, "Wholesale Certification of Facilities," the report referred to an attempt to certify as many nursing homes as possible in 1966 and 1967. As of July 1969, it noted further, 1,374 ECF's were in full compliance but 3,402 were in "substantial" compliance.

Several fire safety experts were asked by Hospital Practice to review the Medicare regulations on fire safety, section 405.1134 of the "Conditions of Participation." Mr. Stevens of the National Fire Protection Association said they lacked the nitty-gritty exactness of true standards. It's like asking everybody to "drive safely" rather than setting limits, Mr. Stevens said. Mr. Regan, the fire safety consultant was succinct: "They stink!"

The director of SSA's Bureau of Health Insurance, Thomas M. Tierney, objected to the conclusion that Medicare regulations pack no punch because they are couched in general terms, whereas the Life Safety Code is very specific. "It is not true that standards couched in general terms are lower than standards which spell out a series of specific requirements," he wrote this journal.

Sen. Moss says that if the PHS or SSA needs more legislative authority to get tight fire safety into Medicare, "I will introduce legislation forthwith." He intends to have the Life Safety Code incorporated in Medicare—with no disclaimers. He is considering a bill to ban smoking in hospitals and nursing homes, except in designated areas away from immobilized patients.

Spurred by the interest in fire safety after Harmar House, SSA is expediting revisions of its regulations in consultation with PHS. Commerce says it is working on tests in addition to the pill test, to establish the safety of carpet in general use.

One may hope with Sen. Moss that his hearing indicates society's "refusal to accept disaster as inevitable." The resolve sounds fine, but it remains to be seen how long it will take government to make good on it.

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman yield?

Mr. PRYOR of Arkansas. I yield to the gentleman.

Mr. HECHLER of West Virginia. Mr. Speaker, I would like to commend the gentleman from Arkansas for the imaginative and conscientious work which he has done in bringing to the attention of the Congress and the country the problems in the nursing homes of our Na-

tion, and what needs to be done in order to correct these problems. The disastrous fire at Harmar House in Marietta, Ohio, which the gentleman has just been describing took the lives of a number of West Virginians, my own constituents. Many things need to be done to correct not only the situation which led to this fire but conditions generally in nursing homes throughout this Nation. I am very pleased that the gentleman from Arkansas has taken the lead on this issue, and I hope the Members of this House and the other body will join him, as I know people throughout the Nation have, in supporting his efforts to correct these conditions.

Mr. PRYOR of Arkansas. Mr. Speaker, I appreciate the gentleman's remarks and also appreciate his interest in and deep concern for our nursing home patients today and those who are confined to some 23,000 homes for the aged.

Mr. MURPHY of New York. Mr. Speaker, will the gentleman yield?

Mr. PRYOR of Arkansas. I yield to my friend, the gentleman from New York (Mr. MURPHY).

Mr. MURPHY of New York. Mr. Speaker, I want to congratulate the gentleman from Arkansas for his indepth study and not just an academic study of the problem of bureaucracy in the nursing homes.

The gentleman has given much of his own personal time as a volunteer to help many of our aged people. He has shaved men and played cards with women—these senior citizens who seem to have in many cases outlived their contemporaries and are very lonely, and whose physical disabilities require such institutions that we now know as nursing homes.

When the gentleman speaks of bureaucracy, we know that we have inspection standards on the Federal level, on the State level, on the county level, and on the municipal level, and somehow through the many levels many things get confused.

The cost of nursing homes have increased fourfold in recent years, and probably a part and parcel of this cost increase is this tremendous bureaucracy as it relates to the nursing homes.

The Internal Revenue Service, medicare and medicaid, all perform the same audit at nursing homes so that we have nursing home's bookkeeping departments receive the same audit five and six times at great cost to the nursing home without any improvement in bedside care to our older people.

I think that we also know that the cost-reimbursement-type nursing home, where the Federal Government pays on the basis of the cost of the home, have caused many difficulties.

In my State, particularly, we have nursing homes that I would call sloppily run, very poorly operated nursing homes that have negotiated labor contracts that require for greater wage and benefit costs than their competitive nursing homes, if we can use the term "competitive." And they can, let us say, give away this extra increment of the funding of the home through poor negotiating of their contracts because of the reimbursement type of payment that the homes are based on. In other words there is no incentive to efficiently run a nursing home.

I think the entire nursing home industry needs a look at, and needs a look at from the Federal level. We should have some relationship between the payment to nursing homes and the level of care given to the patient. I do not think, as the gentleman has so adequately pointed out to the entire Nation in February, that we can afford to have faulty inspections such as triggered and were responsible for the tragedy that the gentleman has been talking about. I think we need a tightening and a reevaluation of this bureaucracy as it relates to nursing home care.

Again, Mr. Speaker, I congratulate the gentleman from Arkansas on taking the lead in this field.

Mr. PRYOR of Arkansas. Mr. Speaker, I deeply appreciate the remarks of my friend, the gentleman from New York (Mr. MURPHY). He was very eloquent and most enlightening. In fact, the gentleman has mentioned some facts just now that had not come to my attention, and I want the gentleman to know that I appreciate this. I know that many millions of Americans appreciate the interest of the gentleman from New York in this very crucial and vital matter which faces our Nation today.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. PRYOR of Arkansas. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I commend the gentleman for bringing this important matter to the attention of Members of the Congress and the people of this country. It is so important that certainly some of the situations the gentleman describes should be brought to the attention of the Members. I associate myself with the gentleman in his remarks.

Mr. PRYOR of Arkansas. Mr. Speaker, I deeply appreciate the remarks of my friend, the gentleman from Mississippi (Mr. MONTGOMERY), and thank him for his generous statement. Certainly we welcome his support in this endeavor.

Mr. UDALL. Mr. Speaker, I was moved by the speech of the gentleman from Arkansas, and I want to commend him on his effort in behalf of millions of forgotten Americans. While I cannot speak for the country at large, I can tell the Members there is widespread support in my district for the gentleman's proposal that the Congress create a committee to study the adequacy of nursing homes in this country.

What I have heard today convinces me even more of the need for such a committee and such a study. We are told that the tragic Ohio fire was caused by poor-quality carpeting, yet by the standards applied by the Social Security Administration this carpeting was "safe." It did not meet the safety standards of the Hill-Burton Program, which was also applicable but apparently ignored. In any event, a tragedy occurred, and we will go on wondering whether it could have been avoided if there were better oversight and coordination on the part of Federal agencies.

I notice in the papers that the term "benign neglect" has gained some popularity lately. I suppose this term could apply to the manner in which we Americans treat our old and infirmed. These are the people who exist only in the fringe of our national consciousness, in retirement or nursing homes far removed from the thoroughfares of this society. They are easily ignored, and we are moved to take notice of their existence only when there is a fire or a scandal or, God forbid, when it becomes necessary to place one of our own in such a home.

Mr. Speaker, this is one of the great disgraces of American society. I join with the gentleman from Arkansas (Mr. PRYOR) in calling on Congress to turn its attention to America's aged, and to right what we all know to be an egregious wrong.

Mr. HALPERN. Mr. Speaker, I rise to indicate my complete endorsement of the resolution offered by the gentleman from Arkansas (Mr. PRYOR) calling for the creation of a House Select Committee on Nursing Homes and Homes for the Aged. Such a proposal has been long overdue and constitutes, I believe, a public service not only to the Nation's older people, but to the nursing home industry as well.

For many years now, we have seen—repeated time and time again—disastrous occurrences which have revealed the hazards which many such homes can represent to the safety and well-being of the people needing nursing home care. Exposés such as that which our distinguished colleague so boldly undertook, demonstrates beyond any doubt that we have indeed made little effort to upgrade the quality of all of our long-term care institutions in America.

Of course, not all nursing homes and homes for the aged in this country fall into the category of death traps or illness-producing institutions. In fact, it is a tribute to most owners and administrators of homes that serious efforts have been made to improve the quality of care which these facilities offer to the American people. But there can be no doubt that laxity, indifference, and greed have also helped to provide a breeding ground for hundreds and perhaps even more facilities whose doors should be nailed shut. It is my sincere belief that a large majority of the American people have lost all confidence in the Nation's nursing home industry. Many older people dread the thought of having to go into institutions which provide care they know little about. Sons and daughters of our senior citizens tremble at the knowledge that they may have to send their older relatives into institutions with a long record of fire disasters, poor care, and little hope of improvement. Even our medical profession seems unable or unwilling to exert its influence to eliminate those homes whose performance hardly justifies the name of "nursing home care."

As I see it, they, the creation of a Select Committee on Nursing Homes in the House can have important direct and sanitary effects on the quality of nursing home care in the United States. First, I would hope that this committee could recommend to the House specific ways in

which legislative action might substantially strengthen our surveillance of nursing home care facilities. Also, there may be new ways in which we can assist the States, who now bear the responsibility for such monitoring, to improve their efforts. Or, there may be ways in which through Federal programs we can guarantee the kind of care we believe nursing homes should provide. But the very existence of such a committee can also help us focus on the variety of other problems which plague the country's long-term care portion of the health industry. Intensive public scrutiny can bring about, voluntarily, many of the needed improvements in a system where little enlightenment in the past has occurred.

I, therefore, ask each one of my colleagues to join me in supporting this resolution and take pride in commending the efforts of the gentleman from Arkansas (Mr. PRYOR) for his constructive, and what I believe are effective, recommendations.

Mr. WYMAN. Mr. Speaker, as a cosponsor of House Resolution 850, I want to join the very distinguished gentleman from Arkansas (Mr. PRYOR) in bringing to the attention of our colleagues the sometimes tragic and needlessly depressing existence of so many of our senior citizens in certain of our Nation's nursing homes.

As the able gentleman has pointed out, an industry or business which allegedly receives $2 billion in tax money annually and purportedly is performing a public service responsible for the health and welfare of well over a million Americans, merits the close attention of Congress. When poor living conditions and inadequate care are forced upon dependent elderly persons for the sake of profit—when government neglects the needy and fails to respond to those for whom it is ultimately responsible—when an American citizen cannot look forward to dignity and a reasonable degree of comfort in his later years, then Congress should be compelled to investigate and see what can be done to reform such a poor situation.

House Resolution 850, by creating a select committee to investigate excessive profits and develop a national policy toward nursing home care, will meet the obligation which the legislative branch must live up to.

Congressman PRYOR is to be commended for his unusual and selfless work in this area. His concern shows a rare sensitivity toward the problems of senior Americans, and the Members of this body would do well to assist him in his efforts to bring about better living conditions for those confined to nursing homes because of ill health or the absence of resources of relatives or friends that would enable senior citizens to enjoy the degree of independence during their twilight years that they deserve.

Mr. PEPPER. Mr. Speaker, this year we will mark the fifth anniversary of the enactment of the medicare program. This long-overdue legislation finally gave some recognition to the fact that our older citizens, as a group, have exceptionally heavy needs for medical care at a time of life when they can least afford to pay for that care. The 1965 medicare law went a long way toward meeting these needs, particularly with respect to hospital and medical care for illnesses of brief or moderate duration. There are, however, a number of areas in which a great deal remains to be done, and one of the most pressing problems is the problem of nursing home care.

Today there are about 20 million Americans aged 65 or over. Many of them fortunately are in good health and are able to live by themselves or with relatives and to take care of their own needs. But this is not always the case. Too often our older citizens suffer disabling illnesses, illnesses which require institutional care for long periods of time—months or even years. Except in a long-range sense through the support of medical research, we cannot do much to prevent this type of need from arising, but we can assure that, when the need does arise, it is met with care which is at least adequate in terms of both quantity and quality. To do any less would be a disgrace, and I am ashamed to say that today we are doing far, far less. The number of facilities does not approach the need, and all too often the facilities that do exist do not provide an acceptable level of care. In fact, conditions in some of our nursing homes can only be described as shocking.

There are, of course, some very excellent nursing homes, and there has been considerable impetus given to the expansion and upgrading of nursing home care as a result of such legislation as the medicare and medicaid programs. Also, in the field of veterans care, recent legislation has placed greater emphasis on nursing home care. But all these efforts have not been enough, and this is particularly true with respect to nursing care for the chronically ill. In fact, the laws passed in recent years have put so much emphasis on improving short-term nursing home care that the net result may have been a deterioration in the type and quantity of care available for those who need such care for an extended period of time. By limiting payments under medicare and medicaid to facilities providing the highly skilled services needed for relatively short-term care, we may have lessened the incentive on the part of those best able to provide quality nursing home care to enter or remain in the long-term care field.

I am not, of course, suggesting that we should not continue to upgrade the quality of the high-skill type of facility. The development and expansion of these institutions must be continued. But I am deeply concerned with the lack of adequate provisions for those who have chronic illnesses and who may need only custodial care. We must make improvements in this area. We must develop new programs to see that facilities offering such care are constructed, and we should make whatever changes are necessary in the laws governing medicare and medicaid so that our older citizens may be able to obtain whatever level of care they need. For our veterans, for whose medical care this country bears the most direct responsibility, we must provide sufficient funds to allow a great expansion of the nursing home care provided by the Veterans' Administration.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendment of the House to a concurrent resolution of the Senate of the following title:

S. Con. Res. 59. Concurrent resolution to provide for the adjournment of the Congress from March 26, 1970, until March 31, 1970.

YEAR OF THE VOTER

(Mr. MELCHER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MELCHER. Mr. Speaker, the League of Women Voters of the United States has declared 1970 "The Year of the Voter."

It has enlisted a score of national organizations in a crusade to encourage every American to exercise his, and her, right to vote and help make democracy work. The organizations hope that the crusade will be marked by special events in every town, county, city, and State in the Nation.

I think it will be especially appropriate if Congress helps get this crusade off to a good start by extending the right to vote to our 18-year-old citizens. In this day and age, they are well enough informed to be intelligent electors.

The Senate has passed the 18-year-old voting rights provision sponsored by Montana's Senator MIKE MANSFIELD. There is going to be some opposition to it in the House, mostly from those who fear anything new.

But there is also going to be a young and aggressive group of House Members, with whom I will be associated, making a fight to assure its passage, and we expect to win.

Much of the unrest we are experiencing in this Nation today is a result of a growing feeling that citizens are left out of the decisionmaking process. And the young people who make up the bulk of our Armed Forces and the bulk of our lower paid work forces want a voice in our government. With a voting age at 21, half of the first time voters never get to vote in a presidential election until they are past 23.

Every citizen with the right to vote can have a voice in government. The League of Women Voters' "Year of the Voter" is a worthy effort to demonstrate that fact.

Extending the vote to 18-year-olds will extend the right to participate to a group of young citizens who are entitled to that right and be a great start for the "Year of the Voter."

And we can wind it up appropriately next November with a record turnout at the polls.

I hope everyone will help make this the biggest year of the voter in our national history.

A PROPER MEMORIAL TO VIETNAM WAR DEAD

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

man from Illinois (Mr. FINDLEY) is recognized for 30 minutes.

Mr. FINDLEY. Mr. Speaker, on March 25, 1969, just 1 year ago, I placed in the CONGRESSIONAL RECORD the names and hometowns of the 31,379 American men who had died in hostile action in Vietnam at the time Richard Nixon became President of the United States.

Covering 121 pages of fine print, the listing was, I felt, the most graphic and adequate way to present the grim cost of the Vietnam war to the people of this country, and to give an accurate measurement of Mr. Nixon's most burdensome inheritance.

Over the year that followed, it served as a focal point for those who felt that the Vietnam policy of the previous administration was wrong and had to be reversed.

It also served to explain with mute eloquence that only war dead can muster just why the new President embarked upon the policy of reversal now well advanced.

Reversal it has been. Casualties have been cut in half. The weekly lists of war dead, instead of spiraling upward, are down. The responsibility for ground combat has shifted from American to Vietnamese shoulders. Instead of a buildup in troop levels, a substantial reduction has been achieved. The total in Vietnam is now nearly 100,000 less than a year ago, and a further substantial reduction has been announced for the coming months. Instead of steadily growing violence, the war has been "wound down."

All this is cause for rejoicing and thanksgiving. Yet despite these positive steps toward peace, the toll of war has continued for many families. The anguish over a dead or maimed body is not lessened for loved ones by the fact that fewer families experience such grief.

Yesterday I learned of a young soldier from my district critically ill from battle wounds that required the amputation of both legs. He and his family will find it difficult to find cause for rejoicing and thanksgiving. So will the family of another constituent killed by hostile action just a few days earlier.

Unfortunately the anguish they experience has cast its shadow over many homes in the past year. Three times in 1969—in April, July, and December—I felt required to supplement the original Vietnam roll of honor.

I do so again today, listing the names and hometowns of 1,159 men who were killed in Vietnam by hostile action in just 3 months of last year—October, November, and December. These names bring to 40,551 the total killed since American participation in the war began. Prior listings may be found as follows:

Mar. 25, 1969 (through January 1969)	31,379
Apr. 3, 1969 (February and March 1969)	2,148
July 22, 1969 (April and May 1969)	2,866
Dec. 2, 1969 (June through September 1969)	2,999
Mar. 26, 1970 (October through December 1969)	1,159
Total	40,551

The new listing brings to 9,172 the number killed during the 11 months immediately following President Nixon's inauguration. This total demonstrates the terrible momentum of 5 years of mistaken policy.

Although Mr. Nixon undoubtedly made the decision to end American ground combat involvement even before he took the oath of office, and certainly has pressed vigorously with its implementation ever since, the stark inescapable fact is that 9,172 men lost their lives in the period of transition—Vietnamization. The total casualties—dead and wounded—for this period was 73,819.

The staggering cost of disengagement, in terms of lives lost and injured, when added to the even greater cost of the earlier buildup period, demands—yes, demands—that the Vietnam war result in something more than a dismal account in the history books. The losses have been too immense and tragic for the American people to be satisfied with a pious and quickly forgotten affirmation that this must not happen again.

We must discover the flaw in our governmental system which permitted this great tragedy to develop, and then act to correct it.

If the deaths of 40,551 men shall not have been in vain, we must erect new safeguards to prevent error, and we must do so now, while the agony of the war is plainly in sight. Memory is short, even of 40,551 deaths, and if we put off the construction of safeguards until the war is ended, other pressing problems may quickly divert public attention.

The problem is one that requires the attention of the Congress, even more than that of the President.

Our President has given assurances that he will avoid future Vietnams. As the conflict grows in Laos and instability threatens Cambodia, he has moved to reassure Congress and the American people that he has no intention of introducing American ground combat troops without first seeking prior congressional approval.

This is all that reasonably can be expected of the President at this juncture, but it is not all that can be expected of the Congress. It is essential that the Congress examine carefully the possibility of other U.S. military involvements similar to the one in Vietnam. No one can accurately forecast the intensity of emotion and political pressure that may be brought to bear suddenly upon Mr. Nixon or his successors in behalf of military action in various parts of the world.

If experience has taught us anything, it has shown how fragile peace really is, and how difficult it is to draw the fine line between U.S. involvement as a provider of noncombat military support and U.S. involvement in combat itself. In recent years the President has assumed to his own office the difficult chore of drawing that fine line. The responsibility is too great and too grave to place in the hands of any man, even the President of the United States, and even one as experienced and chastened as President Nixon. This fact was clearly acknowledged by the men who drafted our Constitution.

Difficult as the chore may be, the Constitution clearly charges the Congress, not the President, with the responsibility for drawing the line between peace and war.

The Constitution places exclusively in the hands of the Congress the responsibility and authority to declare war, raise and support military forces, and to provide for their regulation.

Too often, Congress has shirked this responsibility. It has shrunk from decisions and judgments which were difficult and awesome. It is not natural to grasp the nettle of basic decision if the chore can be left to others. It is more comfortable—easier—to relax in the relatively passive role of supply sergeant to the nation's military needs, a role that has become the custom of Congress in recent years.

Nevertheless, neglect of its constitutional duty does not absolve the Congress of responsibility for the 40,551 lives lost as a direct consequence of our inaction. Our responsibility is just as real as if we had actually declared war in 1965, for the result has been the same. And we had the power to change it.

The experience has been a great teacher. We have learned that a war effort carried forward by gradualism and without the unifying force of formal congressional approval is gravely shortchanged. We have found that a limited military response ordered on his own by the President can lead the Nation into a paralyzing quagmire. It can leave the Nation divided, uncertain and immobilized, and military forces demoralized.

It may be that in the future the public interest will require that our forces engage in military action, even in distant places. But let the decision to do so result from the proper, wise safeguards built into our constitutional system.

Let the Congress fulfill the fundamental role of decisionmaker, not because such is the pleasure of the President, but because it is demanded by public interest and the Constitution itself.

Let the decision to send troops, or not to do so, result from a synthesizing vote—an action which will help forge a unified public will behind national policy.

Let us lift from the shoulders of the President the warmaking authority which no one should wish to exercise on his own.

The Vietnam roll of honor is a final tribute to men who answered in the most supreme way possible when their country called. Those of us privileged to live on, and especially those of us who have served in the Congress during these grave years, can erect the most fitting monument to these heroes by recementing the foundation of our constitutional system. The separation of powers which gave the Congress, not the President, the greatest authority in military policy, has fallen into disrepair and needs to be rebuilt along original lines.

The monument we erect to those who died must give maximum assurance that no future war will be fought without prior congressional approval. Congress alone can build that monument, because it must be done through the legislative process.

Today I am introducing a joint resolution which hopefully will be the first step in erecting the monument. It recognizes the fundamental constitutional reserva-

tion to the Congress of the power of the sword. It clarifies the circumstances in which the President has the implied responsibility, and authority, to take military action without first securing congressional approval. It also establishes a reporting procedure which will, I feel, give greater assurance that future war of American military forces will be strictly within constitutional bounds.

Here is the text of the resolution:

H.J. RES. 1151

Whereas, the Constitution of the United States specifies that "The Congress shall have power . . . to declare war", "to raise and support armies", "to provide and maintain a Navy", and "to provide for calling forth the Militia to . . . repel invasions"; and

Whereas, the Constitution of the United States specifies that "The Congress shall have power . . . to make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Office thereof": Now, therefore be it

Resolved by the Senate and the House of Representatives of the United States in Congress assembled, That,

Section 1. The Congress finds that there are three circumstances where the President of the United States is not required by the Constitution to seek and obtain prior Congressional approval before committing military personnel to foreign territory. These three circumstances are—

1. to repel an attack upon the United States, its citizens or property, or those under its protection;

2. to protect from imminent peril the lives and property of United States citizens; and

3. to fulfill an obligation to commit military personnel set forth explicitly by treaty or legislative enactment.

SEC. 2. To enable the Congress to fulfill its responsibilities under the Constitution, the President of the United States shall, within 48 hours following the issue of orders committing military personnel to foreign territory without first obtaining prior approval of Congress, submit to the Congress a full report delineating (1) the circumstances necessitating such commitment of military personnel and (2) the justification for committing personnel without prior congressional approval. Such report shall be in writing or delivered by the President to a joint session of the Congress.

I believe the three instances specified in the resolution are the only ones in which the President may properly commit military personnel without first obtaining approval of Congress. They are widely recognized as being among the implied powers of the Chief Executive.

The problem is to restrict these powers to proper bounds. These exceptions to Congress' general warmaking authority should be strictly construed. A President cannot properly invoke as authorization the need to protect American lives or property when in fact there is no clear showing of danger to such at the time of intervention.

The power to repel attack is not unlimited. As with the protection of lives and property, this authority permits only a limited response to a specific situation, and it terminates when the need for self-defense terminates.

Beyond this, any proper—that is to say, constitutional—intervention by American forces must be preceded by specific congressional approval.

In all candor, it must be admitted that loose interpretation of implied warmaking powers has been common practice, especially in recent history.

That is why my resolution imposes a reporting requirement upon the President, charging him with the duty within 48 hours of ordering military personnel to foreign territory to report formally and directly to the Congress, giving the justification for the action and the authority under which the action was taken.

In the area of obligations under treaties or legislation, the examples of authorization to which the President may appeal are rare indeed. Under the NATO treaty we have—wisely, I think—set up a unified command, and the treaty holds that an attack upon any member of NATO is to be followed immediately by military response by our forces. Here, a treaty, properly ratified and clarified, has prescribed as being essential to the security of our Nation a course of automatic commitment of forces under certain conditions. It is unique in this respect.

The Middle East resolution at the time of enactment was interpreted by Secretary of State Dulles as conveying to the President the authority, without congressional approval, to use military force in certain circumstances in that area. It, too, is unique in this respect, and frankly, I believe it should be amended to require congressional approval before forces can be moved.

The resolution I have introduced is intended to help restore to Congress its proper role in setting fundamental military policy for our Nation.

Had it been in effect when President Kennedy first considered sending combat forces to Vietnam it might well have given him pause. It would have required that, within 48 hours of issuing orders for the troop movement, the President would have had either to present in writing to the Congress or explain personally by appearing before a joint session the circumstances that impelled this troop movement and the precise justification for not coming to Congress first. Could he have cited attack, threat to American lives and property, or the clear requirements of a treaty? To do so might have stretched credulity. Confronted with this dilemma, it is my opinion that President Kennedy would not have sent the troops, or, if he did, he would have first gone to Congress for a clear expression of approval.

It may be argued that this resolution is a prescription for inaction, that the process of congressional approval is too cumbersome and lengthy to meet the requirements of the modern world. However, the facts are otherwise. Congress can act speedily when circumstances require. The law which prevented a rail strike, just a month ago completed the entire legislative process in less than 4 hours. To be sure, the process would hopefully cause the President to be very careful and selective in using our military forces on foreign territory, but what is wrong with that? The main purpose of the resolution is to keep the President from mistaken military policy.

The resolution seeks to define the proper limits of presidential power, and thereby build a suitable monument to those who have died in consequence of improper use of this power.

Impelled by the sacrifices of our men in Vietnam, its enactment could help assure that these sacrifices were not in vain.

The 1,159 names listed below, together with the 39,392 names listed previously in the CONGRESSIONAL RECORD, summon us of the Congress to meet our responsibilities to future generations with appropriate courage and devotion to duty:

DEATHS RESULTING FROM HOSTILE ACTION IN VIETNAM IN OCTOBER 1969

ALABAMA

Army

Adamson, Larry Oneal, Fairfax.
Heath, Kenneth Edward, Gadsden.
Hogans, Walter Jim, Newville.
Kennedy, Robert, Jr., Birmingham.

Marine Corps

Dawes, William Le Grand, Birmingham.
Ellard, Claude Ernest, Jr., Mobile.
Jackson, Williams Otis, Pratt City.
Price, Michael Keaton, Jemison.
Taylor, Stevie, Tuscumbia.

ARIZONA

Marine Corps

Jones, Jerrell Ray, Superior.

ARKANSAS

Army

May, Farris Eldon, Damascus.

Marine Corps

Watson, Joe Nathan, Tuckerman.

CALIFORNIA

Army

Aday, Robert Lee, Bakersfield.
Appleton, Danny Elbert, Sanger.
Baker, John Thomas, Marysville.
Bruhn, Gary William, Los Angeles.
Canada, Clyde Lee Roy, Canoga Park.
Coston, Richard James, San Jose.
Duarte, John Frank, Jr., Los Angeles.
Engleman, Thomas Almet, Chula Vista.
Garcia, Domingo Yabbara, Five Points.
Garcia, Marcus Jose, Vallejo.
Gee, Alan Timothy, Baldwin Park.
Graham, James Henry, Garden Grove.
Hartman, Robert Glenn, Chico.
Hearne, Maury William, Norwalk.
Lucas, Michael Elsmere, Oroville.
Marquez, Florencio Q., Westmorland.
Roediger, Chriss Leslie, Fair Oaks.
Saldano, Vincent, Oakland.
Shultz, Charles Edgar, Long Beach.
Taylor, Gary Dean, Menlo Park.
Ulibarri, Edward Anthony, Salinas.
Van Valkenburg, Clyde W., Jr., Tulare.
Vigil, Alexander, Casmalia.

Air Force

Woods, James Clark, Bridge Road.

Marine Corps

Holtz, Michael Lee, Redding.
Kipp, Dennis Walter, Fallbrook.

Navy

Wall, Paul Everett, Buena Park.

COLORADO

Army

Wilhite, Troy Dean, Durango.

Air Force

Cardy, Bruce Lee, Denver.

Marine Corps

Howerter, Earl Everett, Jr., Colorado Springs.
Kenton, Stanley Charles, Monaco.

CONNECTICUT

Army

Bachman, Charles W., Jr., Norwalk.
DuFault, James Raymond, Moosup.
Fritzer, Thomas Albert, Jr., North Granby.
Goett, John Kenneth, Monroe.
Hughes, Paul Arnold, Waterbury.

Marine Corps

Stolarun, Richard Raymond, New Britain.

DELAWARE

Army

Boxler, Charles Everett, Wilmington.

Marine Corps

Rodowicz, Michael John, Claymont.

DISTRICT OF COLUMBIA

Army

Davis, Erle Fletcher, Washington.

Air Force

Andrews, George Robert, Washington.
Dorsey, James Vernon, Jr., Washington.

Marine Corps

Moldenhauer, Peter James, Washington.

FLORIDA

Army

Franks, Monroe, Ft. Lauderdale.
Jackson, Mark, Vero Beach.
Langley, Washington Morris, Brooksville.
Matthews, Seth Hayden III, Merrit Island.
Smith, Richard Alan, Sr., Hollywood.
Williams, Johnnie Lee, Jr., Jacksonville.

Air Force

Gott, Rodney Herschel, Miami.

Marine Corps

Carter, Gregory, Fort Lauderdale.
Cox, Jimmie Don, St. Augustine.
Hysmith, Harold Franklin, Jasper.
Kubik, Kenneth Arthur, Hollywood.
Williams, Leroy C., Jacksonville.

Navy

Norton, Kenneth Dean, Lady Lake.

GEORGIA

Army

Brown, Benton, Twin City.
Ellison, Alton Leon, Le Grange.
Gibson, Walter Murrah, College Park.
Gnann, Henry Mouzon, Stillwell.
Hamby, Lanny Mayes, Marietta.
Holmes, Joseph, Atlanta.
Hopkins, Perry Bernard, Waycross.
Johnson, Forest Denver Jr., Bremen.
Lott, Douglas Hugh Jr., Columbus.
Lowe, Jere Rone, Tallapoosa.
O'Neal, Tony Lee, Gay.
Smith, Galen Minor, Canon.
Thorton, Dwight Jackson, Albany.
Wages, Jerry Leon, Atlanta.
Wallace, Roosevelt, Guyton.

Air Force

Corbett, Issac Joseph, Willacoochee.
Sweat, Norman Roger, Waycross.

Marine Corps

Dupree, Benny Ray, Summerville.
Peterson, Joe Lee, Albany.

Navy

Adkins, Wayne Lawrence, Hampton.

HAWAII

Army

Doane, James Abraham, Aiea.
Yamashita, Melvin Masaichi, Honolulu.

IDAHO

Army

Boushele, Gary Ray, Hailey.
Pugmire, Max Welker, Montpelier.
Vermeesch, Wesley William, Pierce.

ILLINOIS

Army

Coleman, James Ivory, Chicago.
Dagnon, Michael Erwin, Rockford.
Fletcher, Thomas Theron, Decatur.
Gonzales, Dennis, Waukegan.
Goyne, Allen Benjamin, Jr., Champaign.
Hagstrom, Ronald Edwin, Glen Ellyn.
Hatter, Jerome Gerald, Chicago.
Heilig, Robert Frank, Jr., East St. Louis.
Kiesler, Raymond Joseph, Chicago.
McKenna, John Michael, Pana.
Munson, Ronald Lee, Streator.
Parr, Keith Mason, Mt. Carmel.
Shroba, Thomas Michael, Chicago.
Stevenson, James Derril, Western Springs.
Thomas, Marshall Floyd, Chicago.
Trecinski, Leon, Chicago.
Walker, Eddie Lee, Waukegan.
Westphal, Ronald Dale, Marengo.

Air Force

Lynn, Homer Morgan Jr., Elmwood.

Marine Corps

Donoho, Wilford Lynn, Salem.
McPhillips, James Craig, La Grange.
Rhodes, James Lawrence, Kansas.
Rodriguez, Dennis, Chicago.

INDIANA

Army

Baugh, Larry Michael, Henryville.
Burkholder, Larry Gene, Portland.
Glover, Larry Ray, New Whiteland.
Miller, Cary Duane, Richmond.
O'Connell, Michael Grant, Peru.
Reiplinger, Robert Lee, Schererville.
Sheely, Robert Paul, South Bend.

Air Force

Hayes, Robert Wayne, Fairland.
Niggle, Harry Tillman, Bloomington.

Marine Corps

Booker, Terry Wayne, Evansville.
Noble, James Herbert, Tell City.
Terry, Michael Dean, McCordsville.

IOWA

Army

Carroll, Roger Eugene, Avoca.
Evans, Vance Martin, Altoona.
Herin, James Edward, Burlington.
Lytle, Michael Linn, Oskaloosa.
McCombs, David Leroy, Oskaloosa.
Ross, Stanley Dennis, Mount Pleasant.
Small, Burton Eugene, Wapello.

Marine Corps

Cooper, Leonard Dean, Lucus.

KANSAS

Army

Greatthouse, Robert Charles, Hutchinson.
Lemley, Billy Joe, Wichita.

KENTUCKY

Army

Conkright, James Edward, Owensboro.
De Marches, John Thomas, Bowling Green.
Elkins, George Andrey, Louisville.
Hagy, Joseph Robert, Jr., Lebanon.

LOUISIANA

Army

Davis, Frank, Jr., Logansport.
Guillory, Gerald James, Ville Platte.
Hall, Dennis Gayle, La Grange.
La Fleur, Gregory L., Baton Rouge.
Miller, Robert Richard, New Orleans.
Renfrow, Billy Joe, Winnsboro.
Reynolds, Harvey Claude, Louisville.

Marine Corps

Bennett, Benjamin F., Jr., Denham Springs.

MAINE

Army

Bazemore, Thomas Wayne, Kennebunk.

Marine Corps

Albert, Louis Basil, Jr., Danforth.
Trott, Donald Hermon, Perry.

MARYLAND

Army

Bush, Nathaniel, Baltimore.
Novosod, Raymond Oritiz, Ellicott City.
Preis, Mark Joseph, Baltimore.
Redding, Charles VIII, Baltimore.
Smith, Russell Francis, Crownsville.
Winkler, David De Sales, La Plata.

Marine Corps

McLean, Alex Leon, Baltimore.

MASSACHUSETTS

Army

Desmarais, Donald Roger, Fairhaven.
Kazanowski, John Francis, Carlisle.
Keating, Allen Francis, Cohasset.
Kuhns, David Allen, Summerville.

MICHIGAN

Army

Alfred, James Vincent, Hamtramck.
Blossey, Raymond Robert, Port Huron.
Brannon, David Craig, Dearborn.
Brown, Jimmie Donovan, Detroit.
Demgen, Robert Nicholas, Detroit.
Durtka, Wilbert, Wayne.
Fussey, Gene Paul, Alpena.
Gibson, Raymond Albert, Pinconning.
Groom, Alan Davis, Midland.
Haney, William Thomas, Pontiac.
Jones, James, Carleton.
Kraemer, Maurice Peter, Jr., East Jordan.
Kuczynski, David Edward, Livonia.
Miedzielec, Timothy R., Grand Rapids.
Mosher, Alex Roy, Deckerville.
O'Byrn, Herman James, Southgate.
Ollikainen, Robert John, Livonia.
Rulison, Daniel Grant, Charlotte.
Seabridge, Richard Roy, Detroit.
Wenrick, Clyde Allen, Monroe.
Wilkinson, Richard Thomas, Grand Haven.

Marine Corps

Cotes, Michael Eugene, Linden.
Staley, Freddy Keith, Holly.
Thane, Robert Lee, Caro.
Van Beukering Mark, Alan, Grand Haven.

MINNESOTA

Army

Barnick, Charles Edward, Albert Lea.
Hamilton, Milbert Walter, St. Paul.
Johnson, Ralph William, Minneapolis.
Kruse, Paul Harlan, Winnebago.
Olmstead, Dale Frank, Hoyt Lakes.
Ugelstad, Bruce Allen, Minneapolis.

Air Force

Olson, Robert Eugene, St. Paul.

MISSISSIPPI

Marine Corps

Howard, George Douglas, Pascagoula.
Jones, Willie Morris, Denmark.
King, Robert Shelton, Jr., Como.

MISSOURI

Army

Bozikis, Ronald Henry, St. Louis.
Clayton, Bennie Clifford, Agency.
Cortor, Francis Edwin, Jr., Festus.
Jenry, Robert Eugene, Boonville.
Poss, Gary Steven, St. Louis.
Short, Billy Dale, St. Louis.

MONTANA

Marine Corps

Robinson, Timothy Charles, Kalispell.

NEBRASKA

Army

Berney, Terry Lynn, Palmer.
Kinkaid, Frank W., Jr., Kearney.
Wilkinson, Harland Lyle, Omaha.

NEW JERSEY

Army

Brennan, John Patrick, Union.
Crozoz, Stanislaw Joseph, Newark.
Foxworth, Arthur, Newton.
Piano, Ralph Ernest, Jr., Madison.

Sheppard, Robert Lee, Jr., Millville.
Whelan, Joseph Vincent, Garwood.

Navy

Macvean, Stephen Sherwood, Ho Ho Kus.

NEW MEXICO

Army

Arviso, Herbert, Farmington.

NEW YORK

Army

Akerley, Dennis, Grahamsville.
Babey, David Paul, Rochester.
Calamia, Jack, New York.
Camerlengo, Joseph Vincent, New York.
Creamer, Francis P., New York.
Cribbs, Martin Joseph, Schenectady.
Funk, Robert Nelson, Penfield.
Greene, Richard Hayward, New York.
Hall, Clarence Jay, Genesee.
Huffman, Ronald Peter, New York.
Lambert, Dennis Michael, New York.
Muench, Joseph Earl, Grand Island.
Namer, Martin Yale, New York.
Ortega, William, Jr., New York.
Rios, Jose Tomas, New York.
Tokarski, Stanley Richard, New York.
Tomaszewski, Thomas David, Buffalo.

Air Force

Burke, Walter Francis, Flushing.

Marine Corps

Klingman, Ronald Arthur, Levittown.
Lenhard, Howard Thomas, Suffolk.
Rivera, Emilio, Beacon.

Navy

Mulrooney, George, Astoria.
Welch, Stephen Martin, Syracuse.

NORTH CAROLINA

Army

Baxley, Bobby, Fayetteville.
Davis, Albert Lee, Biscoe.
Jackson, Benny Charles, Wake Forrest.
Jones, Victor Lawrence, Fairmont.
Keith, Willie Lee, Myrtle Beach.
Markham, Marshall Thomas, Fayetteville.
Traylor, James Douglas, Durham.
Wicker, Walter Guy, Jr., Silver City.

Air Force

McNeill, Clarence Leon, Warsaw.

Marine Corps

Allison, Stephen Harris, Statesville.
Mehaffey, Keith Dale, Waynesville.

NORTH DAKOTA

Army

Poling, Larry Sterl, Fargo.

Marine Corps

Mangin, Mark Daniel, Verona.

OHIO

Army

Arquillo, John Dominick, Lorain.
Baughn, Phillip Wayne, Dayton.
Biehl, James Albert, Cleveland.
Clark, Thomas Elmer, Bryan.
Dyce, Donald Myron, New Middletown.
Edwards, Charles Kenneth, Cleveland.
Hull, Edison Dennis, Trotwood.
Logan, Richard Matthew, Elyria.
Patterson, Keith Allen, Londonderry.
Peters, Billy Lee, Mount Vernon.
Schroeder, Glenn Michael, Elyria.
Seger, Vernon Joseph, Minster.
Sharp, Stephen Lamont, Cleveland.
Spears, Rondall Preston, Galion.
Warren, John Albert, Richwood.

OKLAHOMA

Army

Alexander, Mickey Roy, Fort Supply.
Cecil, Alan Bruce, Holdenville.

Marine Corps

Shields, James Curtis, Kiowa.

OREGON

Army

Larson, William Francis, Silverton.

Marine Corps

Larson, Lawrence Donald, Eugene.

PENNSYLVANIA

Army

Bartasch, Walter, Norristown.
Clickner, Lee Fulton, Langhorne.
Giebell, Floyd Stephen, Burgettstown.
Highberger, Fred Dean, Jr., Greenburg.
Joliet, David Louis, Meadville.
Klotz, Graig Gordon, Nazareth.
Landis, Claude Bruce II, Elliottsburg.
Mancill, Donald Bryan, Drexel Hill.
Norris, William Henry, Jr., Mechanicsburg.
Ortiz, Louis Thomas, Philadelphia.
Roberts, James Allen, Pittsburgh.
Sowell, Ronald, Philadelphia.
Trbovich, David John, Millvale.

Air Force

Clever, Louis John, Westmoreland City.
Curry, Wendell Paul, Meadow Brook.
Quinn, John Arnold, Allenton.

Marine Corps

Baker, Dennis Ralph, Ellwood City.
Berger, Eldin George, Jr., West Chester.
Booth, Terry Lyle, Clairton.
Lear, Richard David, Chester.
Schussler, William James, Philadelphia.

Navy

Nicholas, David Lamprey, Pittsburgh.
Wissler, Richard Lavern, Jr., Willow Street.

RHODE ISLAND

Army

Ajgustine, Frank Francis, Portsmouth.
De Cubellis, Carmen, Jr., Cranston.
James, Edward Arthur, Westerly.
Lambert, Henry Raymond, Woonsocket.

SOUTH CAROLINA

Army

Boles, Harry Lee, Fort Jackson.
Peterson, Matthew, Florence.

Marine Corps

Ward, Ben Calhoun, Georgetown.

TENNESSEE

Army

Bishop, William Buel, II, Knoxville.
Canning, Richard Bruce, Memphis.
Davis, Aubrey Guy, Gleason.
Looney, Robert, Chattanooga.
Luscinski, James Timothy, Murfreesboro.
Miller, Billy Lee, Christiana.
Mullen, Elvis Earl, Memphis.
Payne, Monte Lynn, Maryville.
Taylor, John Henry, Jackson.
Wilks, James Alan, Covington.

Marine Corps

Allen, Adrian Laurence, Kingsport.
Curtis, Harold Gene, Concord.
Moore, Herbert Lee, Jr., Memphis.
Wright, Albert N., Jr., Stanton.

TEXAS

Army

Chapa, Lorenzo, Jr., San Angelo.
Churchill, Thomas Henry, San Antonio.
Essary, Martin William, Jr., San Antonio.
Golemon, Floyd Edward, Jr., Houston.
Haynes, Robert Marion, Jr., Amarillo.
Jageler, Charles David, Gatesville.
La Combe, Robert Lee, Brookshire.
Ortiz, Jose Espiridion, Houston.
Smith, Ralph Mack, Colorado City.
Vickrey, Clarke Kemble, Conroe.
Wolley, James Ned, Odessa.

Air Force

Hatton, Wilton Neil, Fort Worth.

Marine Corps

Barber, Henry Edward, Jr., San Marcos.
Carter, Steve Dwayne, Fort Worth.
Dwyer, Lawrence Lee, Jr., San Antonio.
Martinez, Eugene Oscar, Jacksboro.
Siler, Manley Eugene, Jr., Odessa.
Suarez, Valentine Berrones, Houston.

Navy

Larremore, Paul William, Odessa.

UTAH

Army

Pierce, Ted, Layton.
Stuewe, Christopher S., Salt Lake City.
Vasquez, Tony Maria, Kenilworth.

VIRGINIA

Army

Garrett, Henry Wayne, Montvale.
Paier, Helmut Walter, Hampton.
Sawyer, Michael Kenneth, Norfolk.
Seay, Tony Elwood, Richmond.

Air Force

Pirruccello, Joseph S., Jr., Alexandria.

Marine Corps

Keberline, Michael John, Alexandria.
Loundermon, Ralph E., Danville.

Navy

Yates, Richard Woodrow, Quantico.

WASHINGTON

Army

Acre, Lawrence Dale, Spokane.
Erickson, William L., Jr., Seattle.
Foster, Thomas Richard, Seattle.
Gasseling, James Lee, Yakima.
Raber, Ralph Donald, Seattle.

Air Force

Sherburn, Hugh Leslie, Vancouver.

Marine Corps

Bengen, Arthur Burton, Bellingham.
Herbert, David Nelson, Kirkland.

WEST VIRGINIA

Army

Collins, Rodney Ray, Chester.
Foster, Shelby Gene, Ohley.
Grella, Patrick Martin, Wheeling.
Nicholas, David Lyle, Bristol.
Sackett, David Lee, Welch.

Marine Corps

Hesson, Danny Robert, Parkersburg.
Pickett, John Price, Morgantown.
Slavensky, Joseph Jr., Morgantown.

WISCONSIN

Army

Beitlich, John Willard, Onalaska.
Black, Nolan Eugene, Beloit.
Kopke, Roger Joseph, Green Bay.
Schuh, Arnold Raymond, Kaukauna.

Marine Corps

Dumke, Allen William, West Allis.

WYOMING

Army

Boal, Steven, Upton.
Marrington, Craig Thomas, Gillette.
McCabe, Lester, Fort Laramie.
Wayman, Albert Orlando, Jr., Evanston.

PUERTO RICO

Army

Gonzales-Sanchez, Roberto, Barceloneta.
Hernandez-Rivera, Angel L., Lajas.

DEATHS RESULTING FROM HOSTILE ACTION IN VIETNAM IN NOVEMBER 1969

ALABAMA

Army

Anderson, William Allison, Mount Vernon.
Brown, Larry Allen, Ashford.
Dismukes, Raymond Kyle, Birmingham.
Holbrook, Vernon Glen, Piedmont.
Lewis, Grady Leonard, Tuscaloosa.
Lindsay, James Rickey, Maylene.
Long, Ray Frank, Athens.
Ragsdale, Joseph Michael, Oneonta.

Robison, Larry Wayne, Winfield.
Trainham, Johnny William, Linden.

Marine Corps

McGowan, Ira Eugene, Birmingham.
Rutherford, Michael Toxey, Greenville.

ALASKA

Army

Betts, Larry Le Roy, Eagle River.

ARIZONA

Army

Allen, Henry Gerhardt, Phoenix.
Biles, Michael Lynn, Phoenix.
Cannon, Francis Eugene, Phoenix.
Epperson, Roy Allen, Phoenix.
Poole, John Edward, Hindsville.
Thrasher, John Douglas, Phoenix.
Wahl, Johnnie Mitchell, Tucson.
Weeks, Curtis Miller, Jr., Yuma.

Marine Corps

Garcia, Clive, Jr., Morenci.

ARKANSAS

Army

Goacher, Carl Franklin, Hughes.
Kingrey, Donald Lee, Arkadelphia.

CALIFORNIA

Army

Alex, Charles Ray, Gardena.
Bedard, Barry Joseph, Los Angeles.
Burchard, Mark Wayne, Carmont.
Bustamante, Michael Andrew, Pacoima.
Carrillo, Jose Castaneda, Los Angeles.
Castillo, David Rivas, San Fernando.
Ducommun, Ronald Lloyd, San Francisco.
Fazzah, George Richard, Fullerton.
Hunter, Rory William, Covina.
Iggulden, Scott Warren, Burbank.
Kimble, Cleatus Paul, Chula Vista.
Knepp, Jack Dale, Big Bear City.
Kostich, Robert Bozo, Jr., Oceanside.
Lauderdale, Ronald Gene, Spring Valley.
Lease, William Frederick, Montclair.
Manemann, Richard Raymond, Granada Hills.
Newberg, Robert Marion, Long Beach.
Rhea, Randolph Vincent, Fullerton.
Roles, John Wayne, Costa Mesa.
Smith, Daniel Jeffrey, Los Altos.
Stevens, Dennis Lee, Redding.
Timmons, Dennis Edward, San Francisco.
Torres, David, Los Angeles.
Upright, Russell Edward, San Fernando.
Williams, Richard Frank, San Leandro.
Wilson, Adam, San Diego.

Air Force

Fales, Philippe B., Carmel.

Marine Corps

Bayles, Stephen Ernest, Biggs.
Deal, Oliver Evans, Jr., Lancaster.
Graves, Thomas Lawrence, Bell Gardens.
Jackson, James Arthur, Lakewood.
Rummerfield, James C., Jr., Tulare.
Stroble, James John, Winton.
Ylian, Charles David, Mendota.

Navy

Donovan, Patrick John, Trinidad.
Purdin, Patrick Lawrence, Long Beach.

COLORADO

Army

Berry, John Alvin, Naturita.
Rupke, Daryl James, Denver.
Serna, Ernest, San Pablo.
Wright, John Paul, Aurora.

Marine Corps

Etheridge, Michael Raymond, Denver.
Williams, Leslie Wayne, Pueblo.

CONNECTICUT

Army

Lilley, Frank John, Huntington.

Marine Corps

Carter, D. C., New Haven.

DISTRICT OF COLUMBIA

Army

Foreman, Dwight Gary, Washington.
Robinson, John Jacklon, Washington.

FLORIDA

Army

Burkhart, Walter Guy, Fort Lauderdale.
Coleman, Oliver, Jr., Key West.
Greeson, David Curtis, Melbourne.
Hershberger, Gary Patrick, Hialeah.
Hester, Leo Claude, Jr., Jacksonville.
Lavezzoli, Paul Richard, Fort Lauderdale.
McIntosh, Willie Edward, Orlando.
McLellan, John Malger, West Palm Beach.
Peters, Joseph Craig, Sarasota.
Smith, Dennis, Jr., Sebring.

Marine Corps

Croce, John Joe, Miami.
Newland, Lonnie Pitts, Pinellas Park.

GEORGIA

Army

Caldwell, Allen Hayes, Columbus.
Fickling, Roy Edward, Marietta.
Gittens, Eric Eugene, Hapeville.
Jones, Thomas Howard, Tennille.
Key, Hulus Edgar, Jr., Tifton.
Ray, William Cotter, Marietta.
Vollrath, Johnny Dewey, Royston.

Marine Corps

Griffin, Oscar Lee, Adel.

HAWAII

Army

Yoshino, Kanji, Honolulu.

IDAHO

Army

Harshbarger, Eric Thomas, Filer.
Smith, Ariel James, Shelley.
Turner, Rodney Carl, Boise.

ILLINOIS

Army

Adduci, John Joseph, Downers Grove.
Beaver, James Clarke, Dolton.
Clarbour, Donald Alan, Arlington Heights.
Dean, Carl Early, Jr., Chicago.
Firak, Anthony Marian, Chicago.
Flowers, Ralph Eugene, Jr., Havey.
Habada, Tom, Hinsdale.
Hedgecock, Donald Gene, Cahokia.
Ireland, Ronald Wayne, St. Elmo.
Lowery, Charles William, Chicago.
Mitchell, Charles Irvin, Kewanee.
Moake, Charles Edward, Jr., Johnson City.
Naughton, John R., Jr., Sterling.
Penn, Charles Varence, Chicago.
Shields, Elmer Matthew, Gorham.
Vaultz, Jimmy Lee, Chicago.
Wollford, Paul Burnell, Streator.

Marine Corps

Owens, Robert Ernest, East St. Louis.
Rackhaus, John Pell, Marshall.
Sherman, Robert Carl, Danville.
Steibel, Frank Dale, Prairie.

INDIANA

Army

Bailey, James Anthony, Vincennes.
Hamel, Teddy Leon, Whiting.
Hammack, Leslie Tobias, Mooresville.
Harris, Michael Leroy, South Bend.
Shafer, Royal Roy, Hamilton.
Wallace, Gilbert Earl, Indianapolis.

IOWA

Army

Cone, John Milton, Independence.
Dart, Lawrence Michael, Des Moines.
Harris, Robert Duane, Percival.
Schares, Robert John, Jesup.

Marine Corps

Jurgensen, Daniel Lee, Waterloo.
Rexroat, Terry Lynn, Cedar Rapids.

KANSAS

Army

Enlow, Philip James, Manhattan.
Harrison, Jimmy Ken, Wichita.
Ross, Dennis Wayne, Parker.

Marine Corps

Pierce, Clinton Dwight, Augusta.
Sidener, Wesley Melvin, Burns.

Navy

Wolfe, Richard Ogden, Kansas City.

KENTUCKY

Army

Carpenter, Eddie Dean, Lexington.
Colwell, Keith, Austin.
Harris, Joseph Randall, Versailles.

LOUISIANA

Army

Harris, Wesley Homer, Jr., Kilbourne.
Lenoir, Eugene, Mer Rouge.
Marshall, Billy Ray, Ruston.
Pattison, John, Jr., New Orleans.

Marine Corps

Welch, Arthur Norman, Bossier.

Navy

Holloway, Larry Daniel, Colfax.

MAINE

Army

Dalrymple, Leslie Aaron, East Wilton.
Hodgkin, Forest Clayton, Lewiston.
Nadeau, Robert John, Westbrook.

Marine Corps

McMorrow, James Joseph, Lewiston.

MARYLAND

Army

Barkley, Kenneth Paul, Jr., Cumberland.
Cook, David Richard, Baltimore.
James, Franklin Theodore, Baltimore.
McNeil, Willie Davis, Olive Branch.
Seekford, Daniel Leonard, Baltimore.
Steffe, Michael William, Baltimore.

Marine Corps

Henry, Howard Boyd, Baltimore.
Pittinger, Charles Robert, Thurmont.

MASSACHUSETTS

Army

Camerlengo, Michael Dennis, Arlington.
Cormier, Edward James, South Barre.
Dondero, Robert Alfred, Brockton.
Dunne, Paul Hubert, Jr., Newton.
Eagan, Stanley Joseph, Saugus.
Kamp, Thomas Keith, Longmeadow.
Parker, Robert Kenneth, Newburyport.
Silva, Robert John, Somerville.
Zozula, Nikolas, Roslindale.

Marine Corps

Harrington, John Daniel, Worcester.
Hayden, John Joseph, Jr., Somerville.
Lee, Vincent Burke, Lawrence.
Lynch, Daniel Francis, Jr., East Weymouth.

Navy

Tozer, Eldon William, Natick.

MICHIGAN

Army

Caswell, Kenneth, Lee, Dearborn Heights.
Davis, Ernest J., Jr., Detroit.
De Die, Roger Allen, Vicksburg.
Lindsey, Dennis Paul, Milford.
Livingstone, David Michael, Warren.
Logan, Bradley John, Dearborn.
McQueer, Michael Patrick, Traverse Ctiy.
Miller, George Ernest, Jackson.
Pierpont, William McGreor, White Pine.
Pomeroy, Jack William, Edmore.
Ponak, Cordell Joseph, Prescott.
Rugenstein, Gregory P., Roseville.
Sexton, Andrew Bowman, Detroit.
Smolarek, Kenneth James, Detroit.
Tallman, Roger Lee, Munising.
Van Hattem, James Robert, Grand Rapids.

Air Force

Karr, Charles Lee, Dearborn.

Marine Corps

Fowler, John Kenneth, Garden City.
Junga, Harold Joseph, Detroit.
Skinner, Robert Clarence, Ypsilanti.
Van Cleave, William F., Temperance.

Navy

Burns, Howard Michael, Adrian.
Kushmaul, Robert Edward, Jr., Chelsea.
Vandenberg, John Edward, Jr., Grand Rapids.

MINNESOTA

Army

Jewell, Philip Lawrence, Minneapolis.
Johnson, Gerald Dean, Edgerton.
Lau, Joel Thomas, Minneapolis.
Martinson, Delvin Carl, Benson.
McClennan, Michael James, St. Peter.
Pruden, Robert Joseph, St. Paul.
Schaefer, Roger Bernard, St. Paul.
Spence, Donald Edwin, Minneapolis.
Teich, David Lee, Pine City.

Marine Corps

Gillespie, George Allen, St. Cloud.

MISSISSIPPI

Army

Brantley, William Osler, Jr., Jackson.
Burris, Johnny Lee, Vicksburg.
Haynes, Freddie Neil, Vicksburg.
Powers, Roger Steven, Stoneville.

MISSOURI

Army

Adams, Richard Lyle, Florissant.
Andreson, Terry Lee, Morrisville.
Berlowe, Marvin Richard, Independence.
Dalton, Michael Joseph, Ferguson.
DeWeese, Ronald Gene, Licking.
Downing, James Leslie, Green City.
Duncan, William Arthur, St. Louis.
Jorens, Everett Ralph, Jr., St. Louis.
Lowrey, Chubby Dean, Columbus.
Matthei, Peter Karl, St. Louis.
Philips, Burton Keeney, Jr., Clayton.
Pierce, Darrel Gene, Hillsboro.
Stilwell, Roy Miles, Kansas City.
Zumalt, Terry Lester, Neosho.

Air Force

Smith, William Douglas, St. Louis.

Marine Corps

Butler, Jimmie Joe, Bernie.
Morgan, Miller Edward, East St. Louis.
Walling, Roger Paul, Chamois.

Navy

Balcom, Joel Arnold, Independence.
Fritter, John William, Richards.
Keesling, Gerald Edward, St. Peters.

MONTANA

Army

Greeno, Gerald Thomas, Jr., Billings.

Marine Corps

Elmore, Kenneth Glenn, Great Falls.

NEBRASKA

Army

Hagood, John Robert, Arcadia.
Kelley, Harvey Paul, Omaha.
Limbach, Henry Paul, North Bend.

NEVADA

Army

Rodrigues, Ronald, Fallon.

Marine Corps

Steele, Roger Allen, Mason.

NEW HAMPSHIRE

Army

Olson, Ronald Leon, Concord.

NEW JERSEY

Army

Attarian, Alan, Teaneck.
Bachman, Roger Joseph, Westfield.
Braswell, James Hilliard, Newark.
DeMagnin, Michael Andre R., Ridgewood.
Jackson, Harry John Jr., Pleasantville.
Kulaczkowski, Leszek A., Clifton.
Little, William F. III., Mountainside.
Rankin, John Robert, Blackwood Terrace.
Virbickas, Anthony A., West Patterson.
Zaporozec, Julius, Hackettstown.

Marine Corps

Gruca, Peter Alan, Port Reading.

NEW MEXICO

Army

Howland, Leroy Larkin, Santa Fe.
Meadows, John William, Albuquerque.

NEW YORK

Army

Autorino, Joseph G., Jr., Rosedale.
Bariglio, Richard Louis, Long Island.
Beckman, Robert Carl, New York.
Brady, John Patrick, Jr., Kingston.
Brown, Stanley Alton, Albany.
Brown, William Joseph, Poughkeepsie.
Carlucci, Anthony Jack, New York.
Douglas, Clark Robert, Corning.
Fuerst, George Joseph, New York.
Green, Richard Hershel, Flushing.
Hileric-Padilla Luis A. N., Yonkers.
Hunt, Daniel Thomas, New York.
Keitt, Charles Joseph, New York.
Kiener, Kenneth Richard, Woodside.
LaGray, Ernest James, Utica.
Ritz, David Gerald, Croghan.
Rosa, John Michael, Brentwood.
Turner, Willie George, New York.
Vad, Henry Joseph, New York.
Walters, Bruce Elliot, New York.

Marine Corps

Burns, Frederick John, Merrick.
Townley, Cyril Harris, New York.

Navy

Gutloff, Peter Emmanuel, New York.
Rost, James Francis, Jr., Malverne.

NORTH CAROLINA

Army

Alexander, Roger Dale, Newton.
Dwiggins, Donald Homer, Jr., Raleigh.
Gill, Lewis Bernard, High Point.
Greene, Jerry Lane, Marion.
Grubbs, Gary Eugene, Winston-Salem.
McDonald, Harold Wayne, Fayetteville.
Sutton, Larest Clennon, Riegelwood.

Marine Corps

Holman, Clarence Leaneal, Burlington.

Navy

Wright, Franklin Earl, Cherryville.

NORTH DAKOTA

Army

Vollmer, Donald Gene, Bismarck.

OHIO

Army

Bailey, Derwin Michael, Cincinnati.
Branson, David Russell, Franklin.
Connor, Peter Michael, Cincinnati.
Doyle, David Lee, Springfield.
Eder, Robert Otto, Fremont.
Evilsizor, Ralph Raymond, Irwin.
Gibson, Ronald Warren, Valley City.
Landrum, Thomas William, Fairborn.
Leach, Richard Stephen, Springfield.
Lunsford, James William, Jr., Chillicothe.
McCarty, Edward Wesley, Cincinnati.
Monroe, Francis Marion, Bellaire.
Putman, Thomas Andrew, Toledo.
Ross, James Arthur, Canton.
Scheely, Robert James, Parma.
Smith, Hershel Clifford, Millfield.
Starkey, Daniel Lee, Kent.
Sustersic, Louis Robert, Blaine.
Thomas, Clyde Eugene, Dayton.
Wehr, Donald Gene, Barnesville.
Woolard, James Harry, Manchester.
Woolums, Everett Earl, Jr., Cincinnati.

Air Force

Adams, Stanley Lee, Dayton.
Thomas, Norman Eugene, Cleveland.

Marine Corps

Higgins, Jerome, Springfield.
Kelly, Willie J., Columbus.
Leasure, John Edward, Cambridge.
Lofton, Joseph Alan, Akron.
Spence, Ronald Lee, Belpre.

OKLAHOMA

Army

Barnett, Gary Keith, Broken Arrow.
Boyles, Donald Ray, Stigler.
Buchanan, Gary Wayne, Stroud.
Campbell, Thomas Eugene, Lawton.
Gordon, Drannon Ray, Oklahoma City.
Harjo, Kenneth Dewayne, Seminole.
Jenkins, Eugene Ray, Tulsa.
Johnson, James Earl, Edmond.
Parsons, Lionel Eugene, Weleetka.
Romero, Walter David, Tulsa.
Smith, James Ronald, Moore.
Sweeten, R. C. Earl, Sulphur.

Navy

Rankin, Kenneth Dean, Broken Arrow.

OREGON

Army

Baldon, Rudy Lee, Hood River.
Bossom, John Austin, Portland.
Craighyle, Floyd Joseph, Lyons.

Marine Corps

Achison, Timothy Eugene, Portland.
Green, Craig Steven, Portland.

PENNSYLVANIA

Army

Benedik, Norman Florian, Pittsburgh.
Cohen, Charles Mitchell, Philadelphia.
Danielson, Charles F., Jr., Verona.
Deeter, Jack Earl, Meadville.
Donahue, Robert William, Jr., West Chester.
Fowler, Larry Lynn, New Gallilee.
Gaiser, James Alfred, Scranton.
Gamble, David John, Ellwood.
Greeley, Dennis Anthony, Pittsburgh.
Hartman, Thomas Joseph, Phoenixville.
Hrutkay, Michael Stephen, Greensburg.
Kline, David Samuel, Landisburg.
Kline, Kenneth Gordon, McKeesport.
McFarland, Richard Scott, Carlisle Barracks.
Pastorino, Michael Anthony, Huntington Valley.
Polusney, James Francis, Pittsburgh.
Port, William David, Elizabethtown.
Kiley, Nathaniel Julius, Jr., New Castle.
Sauers, Gerald, Pittsburgh.
Wilson, John Henry, Scranton.

Marine Corps

Barr, Robert Charles, Pittsburgh.
Conti, Robert Frew, Emmaus.
Dias, Ralph Ellis, Shelocta.
Henderson, Carl, Philadelphia.
Merrill, William Franklin, State College.
Nesmith, Leroy, Philadelphia.

RHODE ISLAND

Army

Gallagher, Robert Patrick, Wyoming.
Milliard, Dennis Evans, Warwick.

SOUTH CAROLINA

Army

Dixon, Frazier Thomas, Clarks Hill.
Faison, Everson Benjamin, Conway.
King, Wylie Clarence, Floyd Dale.
McMillan, Robert Allen, Spartanburg.
Mincey, James Marshall, Conway.
Parker, Albert Eden, State Park.
Smoak, James Thurston, Jr., Orangeburg.
Walters, Richard Edwin, Lancaster.

Navy

Coker, Billy Lee, Greewood.

SOUTH DAKOTA

Air Force

Coates, Harry Jay, Jr., Yankton.

TENNESSEE

Army

Blackburn, William Alfred, Knoxville.
De Long, Ronald Lawrence, Collegedale.
Moore, James Michial, Lewisburg.
Napper, Charles Crawford, Shelbyville.
Rawls, Jerry Douglas, Henry.
Shipley, Thomas Frederick, Sale Creek.
Thompson, Carl Allen, Nashville.
Tucker, Tomas C., Chattanooga.
Walker, Jackie Carroll, Corryton.
Wallace, Ulysses, Memphis.

Marine Corps

Rogers, Thomas Franklin, Jr., Spencer.

TEXAS

Army

Carbajal, Ruben Jose, El Paso.
De la Rosa, Gumesindo, Riviera.
Delgado, Francisco H., San Antonio.
Foerster, Raymond Carl, Dallas.
Garza, David, Eagle Pass.
Garza, Pablo Benitez, San Antonio.
Herrera, Moises Romero, Jr., Pleasanton.
Johnson, Johnny Vent, Livingston.
Jones, Johnny Carl, Diboll.
Logan, Francis Marrion, III., Corpus Christi.
Macias, Roberto Javier, El Passo.
Mangum, Sam Henry, Hitchcock.
Oaks, Robert Larry, Lamesa.
Padier, Wilton, Jr., San Antonio.
Plambeck, Paul Walding, Jr., Austin.
Torres, Ezequiel, Jr., New Braunfels.
Wheeler, Conrad Jack, San Marcos.

Air Force

Honey, Richard Lance, Houston.

Marine Corps

Grissett, Edwin Russell, Jr., San Juan.
May, Joel Ausbin, Jr., Roxton.
Stephens, Bennie Vorice, Jr., Dallas.

Navy

Cain, Jimmy Ray, Fort Worth.
Geisert, Charles Price, Wichita Falls.

UTAH

Army

McArthur, Brent Hall, Mt. Pleasant.
Smith, Jerry Dean, Brigham City.

Marine Corps

Simmons, Serge Benson, Ogden.

VIRGINIA

Army

Abbott, David Francis, Newport News.
Chartier, Raymond Allen, Mechanicsville.
Collins, Larry Elbert, Wytheville.
Evans, Billy Kennedy, Jr., Roanoke.
Gibson, Michael Thurston, Bondtown.
Gouldin, Thomas Milton, Woodford.
Jackson, Withers Theodore, Rustburg.
Napier, David Lawrence, Glen Allen.
Sirocco, William David, Jr., Amherst.
Underwood, Harry Edward, Roanoke.

Marine Corps

Gill, Donald Wade, Jr., Alexandria.
Hamblett, Robert Bryant, Roanoke.

WASHINGTON

Army

Clements, Robert Steven, Seattle.
Logan, Gordon Wesley, Jr., Anacortes.
McCarthy, James Irvin, Jr., Seattle.
Regalado, Ricardo Wayne, Everett.
Rock, Don Leslie, Spokane.
Rose, Mark Richard, Everett
Salisbury, Robert James, Cowen.
Schooler, Steven Thomas, East Wenatchee.
Williamson, Donald Lee, East Wenatchee.

Marine Corps

Smith, John Michael, Walla Walla.

WEST VIRGINIA

Army

Byus, Roger Lee, Winfield.
Gore, Everett, Jr., Uneeda.
Ranson, Rodney Kent, Salt Rock.
Sherman, Rex Marcel, Romney.

Marine Corps

Gibson, Herman Danny, Hurricane.
Long, Brian Lewis, New Martinsville.

WISCONSIN

Army

Curtis, Thomas Michael, West Allis.
Grotzke, Allen Frederick, Portage.
Gunderson, James John, Superior.
Hajman, Peter Oscar, Milwaukee.
Henke, Kenneth Lee, Berlin.
Kirschmayer, Andrew Gregory, Fort Atkinson.
Mosher, Larry Clarence, Gleason.
Roeglin, William John, Greenfield.
Ross, Ronald Alan, Muskego.
Schroeder, Robert Emil, Jr., Milwaukee.

WYOMING

Army

Garst, Walis Warren, Weston.
Kastner, Richard Thomas, Casper.

PUERTO RICO

Army

Acevedo-Millan, Angel Luis, Juncos.
Villegas-Vila, Hector, Rio Piedras.

DEATHS RESULTING FROM HOSTILE ACTION IN VIETNAM IN DECEMBER 1969

ALABAMA

Army

Carthage, Otis, Jr., Northport.
Lynn, Stephen David, Albertville.

ARIZONA

Army

Barnes, William Acker, Phoenix.
Rasmussen, John William, Glendale.

Navy

Schoenewald, David Charles, Phoenix.

ARKANSAS

Marine Corps

Curie, John Charles, Van Buren.

CALIFORNIA

Army

Babyak, Lawrence Joseph, Van Nuys.
Barragan, Reynaldo Leon, Jr., San Diego.
Dalton, Robert Le Roy, Eagle Mountain.
Dyer, Terry Brooks, La Puente.
Gallagher, Arthur Terry, Blythe.
Harvey, Neil Edward, Downey.
Hires, Thomas Michael, San Diego.
Jero, David Wayne, San Bernardino.
Medlin, Paul Charles, San Francisco.
Mendoza, Joseph Louis, San Jose.
Ragsdale, Stephen Leon, Wasco.
Roche, John, Los Angeles.
Thompson, Richard Martin, Fallbrook.
Trujillo, Francisco M., Livingston.
Trussell, Royce William, Jr., Pomona.
Venters, Roger Lee, Chula Vista.

Air Force

Davison, David Michael, San Jose.
Knott, David Lloyd, Richmond.

Marine Corps

Brown, Russell Lee, San Bernardino.
Cranmer, Foster, Palo Alto.
Joslin, Terry Leroy, Sacramento.
Lowry, James Earl, Manteca.
Yates, Robert Alan, Roseville.

COLORADO

Army

Franz, Bruce Ronald, Fruita.
Mason, Sven Sterning, Littleton.

CONNECTICUT

Army

Da Costa, Richard, Bridgeport.
Dinda, Michael Joseph, Kensington.
Good, Curtis, New Haven.
Healey, John Joseph, Jr., Derby.

Marine Corps

Zaborowski, William John, Danbury.

Navy

Sandberg, Joel Alexis, Meriden.

DELAWARE

Army

Falkenau, Robert Arthur, Wilmington.

DISTRICT OF COLUMBIA

Army

Dickerson, David Downing, Washington.

FLORIDA

Army

Atwell, Donald William, Jr., Ft. Myers.
Auve, Charles Paul, Jacksonville.
Bassett, Roy Douglas, Jr., Tampa.
Clark, Arthur Boyd, Starke.
Dean, James Robert, Jr., Orlando.
Goodwine, Isom Junior, Plant City.
Hayes, James Edward, Miami.
Hickman, David Allen, Ft. Walton Beach.
Love, Charles William, Jr., Winter Garden.
McCormick, Bruce Allen, Lake City.
Miller, J. C. Theodore, Fort Myers.
Newkirk, Terry Curtis, Clearwater.

Navy

Benak, Joseph Frank, Juniper.

GEORGIA

Army

Bonner, William Edward, Augusta.
Brown, Roger Ray, Blairsville.
Clarkson, James La Fayette, Trion.
Hall, Perry Woodrow James, Lilburn.
Harper, Clarence Eugene, Jr., Rockmart.
Marks, Tommy Lee, Albany.
Rogers, Edward Leroy, Cedartown.
Smarr, Kenneth Wayne, Atlanta.
Williams, Howard Eugene, Jr., Chamblee.
Wood, Larry Lester, Carrollton.

Marine Corps

Cooper, James Arthur, Folkston.

Marine Corps

Patrick, Jimmy Ralph, Summerville.

IDAHO

Army

Baldwin, Gerald Lee, Nampa.

Marine Corps

McCaslin, Raymond Louis, Boise.

ILLINOIS

Army

Bishop, James Walter, Moline.
Brittenum, Oscar Lee, Jr., Chicago.
Combs, Farrish, Chicago.
Durflinger, Rolland Leon, Watseka.
Gedeon, Russell Eugene, River Grove.
Kell, Lyle Francis, Wood Dale.
Leif, Michael Wayne, Lynn Center.
Martin, John Eugene Pawnee.
McCreight, Timothy Joe, Aledo.
McIntosh, Robert James, Venice.
McRight, Roger Lynn, Tinley Park.
Montgomery, Stanley Dykus, St. Charles.
Muehe, Mark Ronald, Bridgeview.
Tarbert, Charles Stanley, Pecatonica.
Williams, Ottaway Larson, St. Anne.

Marine Corps

Walker, Aaron, Chicago.

INDIANA

Army

Collins, Ronald Charles, Flora.
Dean, Anthony William, Evansville.
Dennis, Ronald Gene, Indianapolis.
Fankboner, Daniel Ross, Marion.
Hughes, Carl Leroy, Jr., Kokomo.
Mister, Darnell, Gary.
Raines, Robert Stephen, Greenwood.
Rea, Emory Lee, Evansville.
Reed, George Parnell, Milan.
Richey, Kenneth Alan, Marion.

Marine Corps

Fore, James Edward, Spencerville.

IOWA

Army

Beach, Floyd Irvy, Ft. Madison.
Hatting, William Theodore, Ashton

Hein, Gary Lloyd, Tipton.
Johnson, Charles Everett, Mapleton.
Lampert, Arlyn Loranz, New Albin.
Luse, Kenneth Alan, Cedar Rapids.
Merritt, Charles Everett, Runnells.
Pickering, Russell Thomas, Des Moines.

Marine Corps

Glaspey, Ricky Maurice, Mason City.

KANSAS

Army

Patrick, Daryl Wayne, Murdock.

Air Force

Mueller, Steven Al, Sylvan.

KENTUCKY

Army

Cheatham, James Michael, Morganfield.
Fulks, Charles Eugene, Louisville.
Montgomery, Clifford, Louisville.
Rose, Robert Lee, Vanceburg.
Spivey, Willard Earl, Franklin.
Stamm, Monte Lewis, Wallingford.
Talley, Floyd G., Scottsville.
Vance, Dennis Lee, Glendale.

LOUISIANA

Army

Faughn, Issac David, Bossier City.
Fedele, John Anthony, Covington.
Frey, John Harvey, New Orleans.
Hall, Vincent Joseph, Plattenville.
Haywood, Glennon, Monroe.

Air Force

Sibert, Frederick W., Jr., New Orleans.

Marine Corps

Ford, Bob Joe, Jr., Mer Rouge.
Francies, Dolroy, Bossier.

Navy

Stevenson, Don Eddie, New Orleans.

MAINE

Army

Huntley, John Norman, Portland.
Spencer, William Edward, Lewiston.

Navy

Ellis, Fred Milton, Stockton Springs.

MARYLAND

Army

Ghee, James Fitzroy, Baltimore.
Hill, Richard Garfield, Essex.
Niewenhous, Gerald E., Jr., Rockville.
Sessums, Kenneth Bruce, Hyattsville.

Air Force

Bowling, David Bicknel, La Plata.

Marine Corps

Soltys, Michael Thaddeus, Baltimore.
Taylor, Ralph Lee, Baltimore.

MASSACHUSETTS

Army

Araujo, Rudolph Ernest, Canton.
McCann, Vincent Owen, Jr., Holyoke.
Norman, Gordon Joseph, Somerville.

Marine Corps

Williams, Alfred Lacy, Roxbury.

Navy

Johnson, Willis Wayne, Worcester.

MICHIGAN

Army

Curl, Robert Graham, Walled Lake.
Emery, Robert Lewis, Marine City.
Gryzen, Gary M., Hudsonville.
Kulik, Casimir, East Detroit.
Lams, Allen James, Taylor.
Pakula, Thomas Vincent, Stambaugh.
Schrock, Philip John, Southgate.
Scott, Barry Frank, Linden.
Zalesny, Harry Franklin, Jr., Plymouth.

Marine Corps

Cook, Joel Leslie, Belding.
Hughes, Robert Allen, Kalamazoo.

Navy

Stafford, Thomas Stephen, Port Huron.

MINNESOTA

Army

Bast, Albert Frank, Jr., Miltona.
DeVinney, Robert Eugene, Mound.
Lovellette, Gary Vaughn, Fergus Falls.
Peterson, Walter Arnold, Jr., Mora.
Soma, Thomas Edward, Winnebago.
Swedenburg, Robert John, Thief River Falls.
Thompson, Wesley Robert, Badger.

Marine Corps

Zutter, Daniel Roger, Saint Cloud.

MISSISSIPPI

Army

Neely, Billy Joe, Meridian.
Sumlin, Thomas Earl, Shubuta.
Townsend, Jonathan, Prairie.

Air Force

Welch, E. J., Jr., Harrisville.

MISSOURI

Army

Farrington, Robert Dean, Kansas City.
Marlin, Ellis Sanford, Cardwell.
Parnell, Peter Paul, Jr., Kansas City.
Sanders, Marvin Howard, Fortuna.
Schwartz, Charles Glennon, Marthasville.
Sullivan, Melvin, Kansas City.
Wenger, Jeff Lynn, Independence.

Marine Corps

Hawks, Ronnie Lee, University City.

Navy

Jackson, Dearing Michael, Fayette.

MONTANA

Army

Brown, Robert Raymond, Ft. Peck.
Oviatt, Stephen Stanford, Bozeman.
Piseno, Raymond Richard, Jr., Forsyth.
Rambo, Arthur John, Libby.
Smith, Gary Michael, Missoula.
Westfall, Richard Earl, Polson.

NEBRASKA

Army

Bartz, Roger Charles, Crofton.
Hundt, Roger Lee, Norfolk.
Swain, James Lee, Superior.

Marine Corps

Backhaus, Steven Eugene, Omaha.
Gage, John Thomas, McCook.

Navy

Parson, Doyle Hall, Weeping Water.

NEW JERSEY

Army

Hancock, John Albert, Flemington.
Nugent, James Patrick, Jersey City.
Thompson, Calvin Eugene, Jr., Trenton.
Walker, Gerald Joseph, Carlstadt.

NEW MEXICO

Army

Bergfeldt, David Edward, Las Cruces.
Edwards, Daniel Winslow, Jr., Albuquerque.
Miranda, Peter Kalani, Holloman AFB.
Teter, Randall Keith, Albuquerque.

NEW YORK

Army

Abruzese, Robert Alexander, Hartsdale.
Corbett, Mark Charles, Buffalo.
Cristen, Ronald Arthur, Smithtown.
Farrar, Errold Rufus, Mattydale.
Foreman, John William, Manlius.
Halen, James Paul, Bay Shore.
Katz, Elker Gurth, Niagara Falls.
Keeler, William Charles, Hamburg.
Marchese, Thomas Vincent, Buffalo.
May, Thomas Andrew, Buffalo.
McCarron, William P., Jr., Flushing.
Romesser, Richard James, North Java.
Scibelli, Thomas Anthony, New Hyde Park.
Sheradin, Robert Donald, Geneva.
Sinclair, Gary Philip, Queens Village.
Trinchitella, Francis A., Port Washington.

Air Force

Dice, Richard Carl, Sea Cliff.

Marine Corps

Butts, Roy John, New York.
Carloni, James Francis, Buffalo.
Reed, David Neal, Rochester.
Sutherland, Reginald J., Hartscale.
Watts, Richard Allen, Schenectady.

Navy

Doherty, Martin Stephen, New York.

NORTH CAROLINA

Army

Allen, Jon Anthony, Asheville.
Bullard, Allen Anthony Jr., Wilmington.
Byers, Easley Philip Jr., Greensboro.
Hassell, William Robert, Maysville.
Phillips, Gary Thomas, West Jefferson.
Ray, Carl Bruce, Waynesville.

Navy

Dameron, Larry Ray, Burlington.

OHIO

Army

Draher, Clifford Earl, Minerva.
Jackson, David Russell, Cleves.
Kaletta, Barry Paul, Cleveland.
McConaughead, Harvey R., Jr., Canton.
McIntyre, David Allen, Newark.
Rader, Alan Reed, Fostoria.
Tomsic, Thomas T., Cleveland.

Marine Corps

Pallaye, Louis Dale, Carrollton.

Navy

Johnson, Larry Richard, Columbus.

OKLAHOMA

Army

Ferrell, Charles Elton, Lawton.
Heiderich, Danial Guy, Overbrook.
Osborn, Robert James, Bartlesville.
Rapp, William Henry, Jr., Red Oak.
Thornton, Terry Allen, Tulsa.
Wheeler, Carl Eugene, Moore.

Marine Corps

Martin, Donald Arthur, Watts.

OREGON

Army

Crane, William Randall, Portland.

Marine Corps

Bright, Richard Hall, Corvallis.
Smith, David Lee, Enterprise.

PENNSYLVANIA

Army

Barber, David Leon, Defiance.
Buccille, Richard Gary, Pittsburgh.
Burke, Roy Jeffrey, Carnegie.
Capitani, Daniel Carl, McDonald.
Dawson, Daniel Millard, Hookstown.
Dowd, Thomas Joseph, Philadelphia.
Gallagher, John Joseph, Philadelphia.
Gillespie, Wilbert Lee, Philadelphia.
Grega, George William, McKees Rocks.
Hohman, Larry Louise, Irwin.
Jones, Charles Richard, Parryville.
Kresho, Stacy, Pittsburgh.
Marshall, Thomas Robert, Sandy Lake.
Miller, George Livingston, Ambler.
Walker, Wayne Howard, Allentown.
Yonika, Thaddeus M., Jr., West Middlesex.

Air Force

Spillers, William Robert, Wissahickon Garden.

Marine Corps

Kuzak, Terrence Michael, West Middlesex.
Newman, Charles David, Pittsburgh.

Navy

Messino, Damien John James, Hummelstown.

RHODE ISLAND

Army

Gill, Thomas Patrick, III, Pawtucket.

Marine Corps

Weir, David Anthony, Bristol.

SOUTH CAROLINA

Army

Cail, Glenn Alfred, Burton.
Cox, Roger Dale, Marietta.
Melvin, James Edwin, Jr., Beaufort.
Moore, Thomas Anthony, Seneca.
Wright, Joe David, Pickens.

Air Force

Layton, Webb Herman, Jr., Spartanburg.

SOUTH DATOTA

Army

Swaze, Gerald Clifford, Wilmont.

Air Force

Fantle, Samuel III, Sioux Falls.

TENNESSEE

Army

Casteel, James Dennis, Englewood.
Hassler, Frederick Andrew, Crossville.
Hughey, Chester Lyn, Memphis.
Long, Freddie Leron, Ooltewah.
Lyles, Oscar Burl, Jr., Parsons.
Neal, Edward Leon, Knoxville.
Rucker, Macey Lee, Rutledge.
Vaughn, William Orel, Jamestown.

Marine Corps

Finley, Nick Allison, Jackson.
Hall, Frank, Jr., Memphis.
Raines, Charles Ransome, Newport.

TEXAS

Army

Bell, Albert Lee, Cameron.
Benavidez, Trino Baltazar, San Antonio.
Buchanan, Herman Dale, Pittsburg.
Carrillo, Juan, Laredo.
Forsythe, Thomas Lynn, Henderson.
Giesecke, Jerry Don, Comanche.
Herndon, Arthur Robert, Ft. Worth.
Hood, Charles Jerry, Jr., Aledo.
Kennedy, Lee Donnie, Tyler.
Kimball, William Robert, Teague.
Ojeda, Joe B., Corpus Christi.
Patton, Jerry Don, Mt. Pleasant.
Pickard, Alfred, Houston.
Royston, Roy Lee, Houston.
Williams, Samuel Harry, Crockett.

Marine Corps

Conner, Stephen Grant, Harlingen.
Gillings, Johnny Ray, Fort Worth.
Long, Carl Edwin, College Station.
Turner, Tony Ray, Edna.

Navy

Ashton, Curtis Morris, Sweetwater.
Reck, David Lynn, Phillips.

UTAH

Army

Campbell, Reed Earl, Slaterville.
Mays, Thomas Monroe, Salt Lake City.
Newell, Gregg A., Richfield.

Marine Corps

Belander, Donn Whitney, Bountiful.

VERMONT

Marine Corps

Levesque, Steven Douglas, Barre.

VIRGINIA

Army

Colgan, George Burton III, Alexandria.
Cunningham, William Neal, Newport News.
Eggleston, David Leroy, Jetersville.
Gary, Douglas Taylor III, Dahlgren.
Gatewood, Clearence Melvin, Woodford.

Army

Taylor, Stanley Edward, Lynchburg.
Thompson, David Benton, Falmouth.
Wolfe, Hiram Michael, IV, Springfield.

Marine Corps

Baldwin, Sanders Ray, Manassas.

WASHINGTON

Army

Anderson, Wayne Marshall, Pullman.
Gray, Christopher James, Seattle.
Gustafson, Bruce Gordon, Bellevue.
Leisy, Robert Ronald, Seattle.
Smiley, Edward Rowe, Jr., Kent.
Turner, Alfred Lee, Bothell.

Marine Corps

Bruce, David Raymond, Pasco.

WEST VIRGINIA

Army

Crews, John W., Jr., Lerona.
Dean, James Howard, Huntington.
Leach, Earl Gene, Fireco.
Miller, Randall Bruce, Danville.
Neel, Franklin Wylie, Gap Mills.
Schnably, Donald Francis, Weston.
Whitlatch, William Carl, Jr., Moundsville.

Marine Corps

Miller, Christopher A., Charleston.

WISCONSIN

Army

Anderson, Thomas Leslie, La Crosse.
Evelanc, Joseph Norman, Black Earth.
Flynn, Roger John, Milwaukee.
Folz, Gary Lee, Wisconsin Rapids.
Hauschultz, Jerry Lee, Marion.
Perz, Terry Lee, Green Bay.
Theisen, William Anthony, Deerbrook.

Air Force

Hayes, Patrick John, Milwaukee.

WYOMING

Army

Romero, Robert Eugene, Rock Springs.

PUERTO RICO

Army

Velez-Hernandez, Jose A., Ponce.

WHY NOT COMPETITION FOR THE POST OFFICE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CRANE) is recognized for 20 minutes.

Mr. CRANE. Mr. Speaker, in recent days there has been much said about the situation that confronts our Nation because of the recent breakdown in our postal system. Despite the rhetoric, the charges and countercharges that have been leveled, it seems to me that the question of the greatest importance has been consistently overlooked.

The primary question is not one of wages or working conditions. I believe that it is this: How can we best see that the mail is delivered from one point to another, speedily and accurately, in this great Nation of ours?

Many of my colleagues have pointed out that the recent strike by postal employees is illegal. This is a statement of fact. Others have pointed to the validity of the demands being made by the postal employees. Here, too, there is much truth.

Nonetheless, not one of my colleagues, to the best of my knowledge, has looked for a means of solving the underlying problem so that a similar crisis cannot erupt in the future.

Some maintain that the President's plan for a postal corporation to take over the functions of the Post Office would be a panacea. I deny that.

Some maintain that the Congress must retain its traditional role over this monopoly service of the Federal Government. I deny that.

What no one seems to have recognized is that our postal system, by its very nature as a Government monopoly, cannot function efficiently. As a monopoly, there is no incentive to change, to modernize, or to improve postal services.

My response to this crisis, therefore, is somewhat different. I believe that it is time for the Congress to act to improve our postal system by providing for the Post Office the same stimulant that has brought American business and industry to its high peak of achievement: competition.

Legislative action should be taken to eliminate the monopoly that is exercised by the Post Office Department over the delivery of mail. Private carriers should be permitted to enter into competition with the Post Office, so that the carrier who provides the most efficient service at the most reasonable price may prevail.

Mr. Speaker, today I am introducing such legislation. The basic intention of my bill is to repeal those provisions of title 39 of the United States Code that prohibit the private carriage of mail. Further, it will repeal that provision of title 18 of the United States Code which makes the private carriage of mail a criminal offense.

Our traditional governmental policy has been to oppose the concentration of economic power in a monopoly. This is evident from the fact that we long ago established the Federal regulatory agencies. It is clear from the Sherman and Clayton Antitrust Acts. However, it is not apparent from our policy with regard to mail service.

Mr. Speaker, permit me to ask a rhetorical question. Why should the Government continue to exercise a monopoly over the area of postal service, when it would not permit private enterprise to exercise monopoly power over any other area of our economy?

I realize that some of my colleagues will say that if we open the door to competition we will be faced with a deficit-ridden governmental agency that will be left to deliver only those items unprofitable for private enterprise. Now this may indeed turn out to be the case. If so, it seems to me that basic economics would dictate that we determine the real costs of those services, and see that individuals, businesses, or other users are held responsible for paying them.

It is intriguing to speculate on what would happen if this bill were to be passed. How would private enterprise respond to the lifting of the longstanding ban on private carriers of mail? One can only conjecture. But American private enterprise, through all of our history, has never failed to rise to any challenge; and there is no real reason to expect our vital private sector to do so now.

The telephone and telegraph systems have long been available as alternatives to the postal system, and today's advancing technology has provided others, such as the transmission of printed data over telephone lines. I think we can anticipate just such a response from the free, dynamic private sector of our economy to the challenge of opportunity presented by the legislation I propose.

That this legislation would indeed provide a tremendous and exciting challenge to the private sector has already been demonstrated on a relatively small,

but nonetheless substantial, scale. When the Postmaster General first addressed the Nation on the recent strike, then localized in New York City, he temporarily repealed the prohibitions on private mail carriers for the duration of the emergency. Overnight, driven by necessity, a wide range of alternatives to the Post Office began to operate: Private messenger services, transcontinental couriers, armored bank vans, and the like. And this was only an immediate, unplanned, and unprepared response to a presumably temporary need. Have we so little faith in the free enterprise system that we cannot see how much more effective its response could be if developed and implemented with careful planning and improved over the long run by technological progress?

And why should we not permit the free enterprise system to function in this area? Can anyone offer any rational excuse? Can anyone put forward a reasonable explanation, other than the defense of archaic 19th century edicts to the contrary? For a Nation that considers itself a leader in technological advancement, to allow efficient mail service to be hindered by a prohibition on private carriers is ludicrous in the extreme. As we approach the end of the 20th century, with our eyes on the future in all other aspects of life, why should we force our mail service to remain a relic of ages past?

At this point, let me address myself particularly to my colleagues on the other side of the aisle. Those of my political and philosophical persuasion are often characterized as being opposed to change. Let me urge my colleagues across the aisle to rise to the occasion and prove that when a member of the minority introduces legislation that does call for substantial change, he will be greeted with an open mind that transcends political and ideological lines. And to my collegues on this side of the aisle, I say this: We who are so often criticized for being opposed to change have always maintained that we will gladly support constructive change. This legislation offers us the opportunity to prove the truth of that statement.

Far more important, however, is the fact that this legislation will constitute an important step toward an efficient postal system, a system that will bring into play the energies and technological expertise of our dynamic private sector and permit the free, competitive market to operate, insuring for us all that our mail can be delivered with the maximum feasible speed and accuracy at minimum cost. And that, after all, is what our responsibility, as Members of Congress, demands.

Mr. Speaker, I include the text of the bill in the RECORD at this point.

H.R. 16691

A bill to repeal certain provisions of law relating to the private carriage of letters, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) sections 901 and 902 of title 39, United States Code, relating to the private carriage of letters, are repealed.

(b) Sections 1694, 1695, 1696, and 1697 of title 18, United States Code, are repealed.

(c) Section 1698 of title 18, United States Code, is amended by inserting "(other than those carried by private express)" immediately after the word "cargo".

(d) (1) Section 1699 of title 18, United States Code, is amended by inserting "except where carried by private express and" immediately after "nearest post office,".

(2) Such section 1699 is further amended by inserting "except where carried by private express and" immediately after "under my power or control,".

BLACK AND WHITE: THE DOUBLE STANDARD FOR CONFIRMING JUSTICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. WAGGONNER) is recognized for 15 minutes.

Mr. WAGGONNER. Mr. Speaker, shortly after President Johnson nominated Judge Thurgood Marshall to the post of Solicitor General of the United States, I addressed the House to point out to the Members of this body and the Senate a sampling of his membership in Communist-front organizations, his long record of association with Communists, and his widely quoted remarks criticizing the loyalty program of this Government. My words fell on deaf ears because Marshall was supported by the liberals, the radicals, and the New and Old Left.

I specifically called attention to his membership on the national committee of the International Juridical Association, an organization cited by the House Committee on Un-American Activities as a Communist front which actively defended Communists and consistently followed the Communist Party line.

The other body was not interested in this patently Red background of the judge because President Johnson said he was an honorable man. I also reminded the House and Senate that Marshall had been on the executive board of the National Lawyers Guild which has also been cited as a Communist front by the House Committee on Un-American Activities with the description that it was the foremost legal bulwark of the Communist Party in the United States.

The other body was not interested in this patently Red background of the judge because President Johnson said he was an honorable man.

I called the attention of the House and Senate to the fact that Marshall had, in 1948, appeared on a forum held here in Washington for the purpose of attacking the loyalty program of our Government.

The other body was not interested in this patently Red background of the judge because President Johnson said he was an honorable man.

I cited the fact that, at another time in his past, Marshall had come to the defense of the so-called Hollywood 10, a group of suspected Communist sympathizers.

But the other body was not interested in this patently Red background of the judge because President Johnson said he was an honorable man.

Finally, I recalled to the Members of the House and Senate a statement of Judge Marshall which he confirmed under oath before a subcommittee of the Senate Committee on the Judiciary. Judge Marshall stated:

I want you to understand that when us colored folks take over, every time a white man draws a breath, he'll have to pay a fine.

But the other body was not interested in this racist philosophy espoused by the judge because President Johnson said he was an honorable man.

When the appropriate Senate subcommittee conducted its so-called hearing on the Judge's nomination, only two members of the committee even bothered to show up for the meeting. As far as I know, no other member of either body raised a voice in protest.

The double standard which the other body employs when, on the other hand, a nominee to high judicial post is both white and southern, has become disgustingly plain during the consideration of Judge Carswell. The fact that he may have had some knowledge of a racial covenant on a piece of property in 1948 is of major, even, earth-shaking import. The fact that, in that same year, Judge Marshall was addressing a meeting in Washington attacking the loyalty program of this Nation meant nothing at all, because, after all, who would dare question the loyalty of a Negro from the North? Or, again after all, who had the temerity to question the loyalty of a Negro from the North at a time when the President was desperately scouring the country for a black man he could groom for the Supreme Court so he would go down in history as the first President to appoint one? And yet again, after all, what are a few Communist fronts among friends? Some of my best friends, and so forth.

The qualifications of the Negro judge might not have stood up under the kind of scrutiny which has been given to the background of the white Floridian, either. What were the qualifications of Judge Marshall? They were then and they are now a matter of record, a totally undistinguished practice in Baltimore until he was employed by the National Association for the Advancement of Colored People. Had he remained in private practice, Thurgood Marshall would never have been heard of outside the city limits of Baltimore. He was nominated to be Solicitor General of the United States because President Johnson wanted a Negro for this post at the height of the civil rights fever. If Justice Marshall thinks otherwise, and I doubt that he does, he knows he sits on the Supreme Court today because of the color of his skin.

It now seems that Judge Carswell may not sit on that same bench because of the color of his.

This double standard is no credit to the other body. If Judge Carswell is not confirmed or if enough Members dodge their responsibility by hiding behind a recommital motion, they deserve no more than the disdain with which they will be held by the people.

The nomination of Judge Carswell offers an opportunity for the other body to redeem itself for what it did in 1967 when it railroaded the nomination of Judge Marshall. Judge Carswell does not ask for that kind of treatment. He asks only for an honest, unprejudiced, and impartial examination. He deserves it. The Nation deserves it. The question is: Is the other body fairminded enough to give it to him?

SPECIAL MEDAL TO HONOR DR. MARTIN LUTHER KING, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER), is recognized for 30 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, the life of the late Dr. Martin Luther King, Jr., exemplifies the highest ideals of our American democracy. I am today introducing a bill to assist in perpetuating his memory by the striking of a special medal in honor of Dr. King.

I consider it especially fitting that this bill authorizes the President to present the gold medal to Mrs. Coretta King, his brave widow who has carried forward the ideals of Dr. King. Duplicate medals in bronze will be struck for the use of Morehouse College, his alma mater, and the Martin Luther King, Jr. Memorial Center in their fundraising efforts. These funds are to be appropriately used for such purposes as providing scholarships to needy students and to preserve Dr. King's memorabilia.

I am pleased, Mr. Speaker, that a number of our colleagues have agreed to join in the introduction of this bill and that a similar bill will also be introduced today in the other body.

We will not forget Dr. King's words, "I have a dream." It was his dream that all Americans should have equal rights and opportunities. Dr. King believed that justice could be obtained under the law.

He directed his energies not at destruction of a society, in which serious problems had arisen, but at finding constructive solutions to these problems. His work received worldwide recognition when he was awarded 1964 Nobel Peace Prize. When he turned his cheek to his foes, as he inevitably did because he believed so fervently in nonviolence, he was struck down by an assassin's bullet. But I think Dr. King's work will not be left unfinished. He inspired many to dedicate themselves to his high ideals.

We have far to go to eliminate prejudice, bigotry and hate, but the example provided by Dr. Martin Luther King gives hope that the barriers to the fulfillment of every American's potential can be eliminated by peaceful means. I share this belief and I am proud to honor the man who inspired it.

I hope that the Congress will take immediate and positive action to enact this proposal to honor Martin Luther King.

Mr. FRASER. Mr. Speaker, the tragedy of my generation is that we have already had to strike medals, mint coins, and dedicate memorials to several of our contemporaries who were also our leaders. Martin Luther King, Jr., is one of these fallen leaders. It gives me little pleasure to be a cosponsor of this legislation, but it is a fitting testimonial to Dr. King's memory. I can think of no more appropriate words for this occasion than to repeat several lines of Yevegeny Yevtushenko from his poem "Mayakovsky":

Being dead, he has become "The best and most talented"—
Alive he would have been declared an enemy of the people.
And if that shot hadn't rung out,
Not seeking for himself reward and fame,
Like so many—he would have remained honest,
Dragging the epoch on his shoulders.
No, he wouldn't have yielded,
Wouldn't have broken—
He, like a spearhead would have led us forward.

Mr. KOCH. Mr. Speaker, I welcome the opportunity to join with the gentlewoman from Massachusetts in introducing a bill to honor Dr. Martin Luther King by the striking of a special medal.

The inscription on Dr. King's grave reads:

Free at last, free at last, thank God Almighty, I'm free at last.

The words proclaim both the glory and tragedy of his life and death.

For a black man in America to find his freedom only in death is the shame of this Nation. Dr. King loved this country but he hated its injustice. And so he dreamed of reconciliation someday between love and hate, between black and white. T. S. Eliot once wrote:

Between the idea and the reality falls the shadow.

We live in that shadow and it is darker now without Dr. King.

So let us strike this medal in his honor and then get on with his dream. There is so much to be done and so little time.

Mr. BRADEMAS. Mr. Speaker, I want to join my colleagues in honoring the memory of Dr. Martin Luther King, Jr., by joining my colleague from Massachusetts (Mrs. HECKLER) in introducing a bill to strike a special medal which will commemorate the life of this extraordinary American.

Mr. Speaker, I am particularly pleased that these medals in bronze will be struck for the use of Morehouse College, his alma mater, and if the Martin Luther King, Jr. Memorial Center to aid in their efforts to provide student scholarships and to preserve Dr. King's memorabilia.

Dr. King, ordained a Baptist minister in 1947, began his leadership in the civil rights movement in 1956 when he led a successful boycott of Montgomery, Ala., public transportation by Negro riders protesting Jim Crow practices. He quickly became the most prominent leader in the nonviolent civil rights movement, which led to the Civil Rights Acts of 1964 and 1965.

In 1966, Dr. King took his crusade for racial equality to the North—to Chicago. There, in the manner of the 16th century religious reformer whose name he bore, he affixed to the city hall door his demands for housing, welfare, education, and job reform. Throughout that year, Dr. King commuted to the South to continue his crusade in Mississippi.

The marches in Mississippi pointed up the divergence of moderates and militants in the civil rights movement. While refusing to repudiate "black power" advocates, Dr. King sought a rapprochement among all in the civil rights movement. His nonviolent efforts to bring about change won him international recognition in 1964, when he was awarded the Nobel Peace Prize.

Mr. Speaker, we should remember, in honoring Dr. King, that his first commitment was to the fulfillment of the America democracy as a just society. We must rededicate ourselves to this goal for which he lived and died—a plural society based on mutual respect and self-respect.

Mr. Speaker, I hope that passage of this bill will be a first step to a further recognition of Dr. King by the creation of a national holiday in his memory—literally, a holy day when we remember his good works.

Mr. Speaker, I insert at this point in the RECORD an article written by Henry Fairlie in 1968 in Encounter magazine, which I commend to my colleagues. It is an incisive discussion of Dr. King's leadership. The article follows:

MARTIN LUTHER KING

(By Henry Fairlie)

"You can liberate a free man, but you cannot liberate a slave." That is the first and the last thing to be said about Martin Luther King. Almost alone among American Negro leaders, he had ceased to be a slave. He had become a free man, who could be liberated as a human being. Almost every other American Negro leader, from the Uncle Toms to the SNCC extremists, is still bound in the wheel of slavery. Almost none can escape the memory of it. They are slaves still; and it is to slavery, like Nat Turner, that they react. Stokely Carmichael and H. Rap Brown are not yet free men. "It is the nature of slavery," says Louis Halle again, "to render its victims so abject that at last, fearing to be free, they multiply their own chains." This is the Black Power leader. He fastens fetters to himself even as he screams for freedom. Martin Luther King, almost alone, had escaped from slavery, whereas others have escaped only from the slave-owners. He had surmounted it, had left it behind, and could think and feel, act and speak, as a free man.

He was not a saint, he was a man; a whole and liberated man, while so many others, white as well as black, remained slaves. This was his greatness; and this, above all, was his prophecy.

Martin Luther King was given to America by the South. The South may have killed him—we do not know yet—but it was the South also which bore him. He himself would have made the acknowledgment. It meant everything that he was buried in a Baptist Church of the South, to the hymns of the South, to the rhetoric of the South, to the prayers of the South: the black South maybe, but still the South.

"Go gently into the South," I was advised when I first came to America 3 years ago, and I took the advice. I journeyed slowly through Virginia, through North Carolina and South Carolina, until at last I reached Georgia; and there, for a time, I stopped to survey the civilisation in which I had arrived, before pushing on to the dark interior of the South, in Alabama and Mississippi and Louisiana, where the civilisation has survived, until now, a closed and arrested society.

Like almost all who know the South, I found that I grew more and more fascinated by it: that I grew to love it and to fear it; and then to love it more and fear it more. Not the white South or the black South, but the South itself, in which, as W. J. Cash said, "Negro entered into white man as white man entered into Negro," the relationship between them "nothing less than organic." That the Negro problem in America was ceasing to be a Southern problem was one of the most directly personal difficulties which Martin Luther King encountered.

QUALITIES OF THE SOUTH

All the qualities of the South, as Cash pointed out, find expression in its fondness for rhetoric, a "gorgeous, primitive art, addressed to the autonomic system and not to the encephalon"; and in the South, from the beginning, "there was the daily impact upon the white man of the example of the Negro, concerning whom nothing is so certain as his remarkable tendency to seize on lovely words, to roll them in his throat, to heap them in redundant profusion one upon another until meaning vanishes and there is nothing left but the sweet, canorous drunkenness of sound."

I first heard Southern rhetoric at an annual, open-air, gathering of red-neck farmers in the tidelands of Virginia. I heard it again at a Ku Klux Klan rally, at Durham in North Carolina, a cross-burning preceded by hour upon hour of speeches, of primitive rhythm, of the "canorous drunkenness of sound." I heard it again from a sheriff, in front of a courthouse in Mississippi. But I heard it most often whenever I went to a Negro church in the South, and listened as the Biblical prose was churned into passionate oratory, flung by the preacher to his congregation in mounting cadences, until at last, all voluntary power surrendered, they flung back their Amens at every sentence. It is one of the sounds of the South which stay with me: the Amens of the white Klan rally and the black Baptist congregation, in the heaviness of the heat and the moist, impossible to tell apart, since the voice is the same, the voice of the South.

This was the instrument which Martin Luther King took from the South, translating it to his own use, until all America listened to it as its own prophecy, and even all the world listened and claimed it as its voice.

In the most famous passage of his most famous speech, before the Lincoln Memorial in Washington, in 1963, three centuries of the rhetoric of the South were pulled together into one exalted outburst. Every device ever contrived by every preacher of the South, black or white, was put to use, until his huge audience, black and white, had been carried beyond itself, no longer merely the sum of its members. He bit into the gathering Amens, the answering "Yeah! Yeah!", the thundering applause, for they were not to be allowed to rest, but were to be carried to a higher pitch with each ejaculation.

It went like this.

I have a dream that one day even the State of Mississippi, a desert sweltering with the heat of injustice and oppression—

"Yeah! Yeah!"—

will be transformed into an oasis of freedom and justice—

the *Amens* roll into the rising applause. He does not let them die:

I have a dream that my four little children—

"Amen! Amen!" "Yeah! Yeah!"—

will one day live in a nation where they will not be judged by the colour of their skin but by the content of their character—

the *Amens* and the applause swell. But he bites into them:

I have a dream today.

The applause rises, held now in anticipation of what is to come:

I have a dream that one day the State of Alabama. . . .

And so on, until he bites against into the applause, with the reiterated, "I have a dream today," as he carries the audience to the final:

I have a dream that one day every valley shall be exalted, every hill and mountain will be made low, the rough places will be made plain, and the crooked places will be made straight, and the glory of the Lord shall be revealed, and all flesh shall see it together.

Ben Shahn has done a drawing of Martin Luther King, in which the man seems to be part of the background of the Georgia soil and the Georgia sky. He was indeed, and this one must remember if one is to understand him, a gift of the South.

ONE OF THE SAD THINGS

One of the sad things about America today is that the South, which has so much to teach the North about the races living in close proximity, is unable to do so, partly as a result of its own defects, partly as a result of its own arrested development, partly because the problems in the North are not the same as the problems in the South, and partly because the terrible gap between the North and the South has not been bridged more than a century after the Civil War. That the South should at last have spoken to the North through one of its Negroes may seem a paradox or an irony. But it is merely another example of the truth in the man. With this truth within him, he took the violent rhetoric of the South—and his own was violent—and made it carry the message of nonviolence.

It is strange—and important—to remember how small was the issue with which he began his struggle for the civil rights of Negroes. One night, in Montgomery, Alabama, Rosa Parks, a Negro seamstress, got on a bus and sat down near the front. Following custom, the driver ordered her to give her seat to a white man and to move to the back. She refused. "I don't know why," she said later. "I was just tired. My feet hurt." She was prosecuted and fined. Martin Luther King called his first nonviolent protest: the Negro boycott of the buses. The bus company was driven to the verge of bankruptcy, and then capitulated. It desegregated its buses. Only a year before, in 1954, the U.S. Supreme Court had ordered the desegregation of public education.

But there is something else which helps, perhaps even more forcefully, to fix the time of Martin Luther King, and the context in which he acted. James Baldwin published Notes of a Native Son in 1957. Nobody Knows My Name and Another Country followed in 1961 and 1962. Father Malcolm Boyd recently said of them:

At his best, what did James Baldwin achieve? He let someone white get inside his black skin (not just any black skin, but Baldwin's own). The white person had a new experience, a rather shattering, personal one. In those curious pre-movement, pre-revolution days, he found out from Baldwin how quite precisely, it makes an absolute major difference in this society what kind of skin one wears. Then the reader, racist or liberal, bigot or paternalist, had to take a further step, face a simpler and greater truth—that skin is essentially skin.

This, of course, is precisely what the Black Power leader today denies. Skin, he says, is not essentially skin: it is mind and heart and soul and being. He proclaims his skin. He has no desire to let the white man inside his skin anymore than he wishes to get inside the white man's skin. Neither Stokely Carmichael nor H. Rap Brown could use the term, "skin deep." They deny the common humanity which lies beneath the skin, and so logically preach apartheid.

Did Martin Luther King and James Baldwin, then, merely serve their hour, and have they now been overtaken? Was Martin Luther King a man for one season only, or for all seasons? No one who knew him denies that the new leaders' assertion of their "blackness" or "négritude" was a deeply personal challenge to him: that he examined himself and his position with an exacting and painful rigour, before emerging, in the last few months of his life, with his old beliefs intact, still persuaded that integration, and not apartheid, was the right course. His march on Washington was to be a march of the poor. His opposition to the war in Viet Nam was the opposition of a pacifist. His witness was still to be the witness of a man, black or white. It could not be otherwise, unless he were to enslave himself, were to cease to act as a liberated man.

NO WHITE MAN CAN DISMISS

No white man can easily dismiss the furious emotions which nourish the Black Power movement, and which it in turn nourishes. Yet the white man must try to speak and act as a liberated man, too: liberated from the feelings of guilt which prevent him from offering his own views frankly. I have taken considerable trouble to read the literature of the Black Power movement, and I have not the slightest doubt that it is a reactionary one. It can lead nowhere but back. Its end can only be slavery to slavery. Separate Negro states would be slave states, in mind and temper, perhaps even in regulation. This new self-enslavement is noticeable in the most recent writings of Negroes like LeRoi Jones. Father Malcolm Boyd, again, has pointed to the new sterotype of the Negro which is being created in these post-movement, post-revolution days: "A stereotype needs to be removed, so that underneath it a person who is an artist may find himself. . . ."

It was the black stereotype—whether created, first, by the white man or, now, by the Negro himself—which Martin Luther King consistently rejected throughout his career. He would have none of it; and he could have none of it because, to him, a stereotype was simply another form of slavery. He would no more enslave himself to a stereotype than to a slave-owner; and he would not ask his people to do so. In this, he knew them well. There is no such personality, individual or collective, as *the* American Negro. Martin Luther King had good reason to know this: when Mayor Wagner called him to Harlem during the riots of 1964, the people there gave him a hostile reception. It was inevitable that they should do so. The cultural diversity of the American Negroes is remarkable, and there is little the Negroes of Harlem have in common with the Negroes of the SCLC (Southern Christian Leadership Conference). This is one reason why the Black Power leaders have no real base, why they move from city to city taking advantage of whatever situations they find favourable, why they are themselves so divided amongst themselves. There is no Black People to whom to give Black Power. Of all people, the American Negroes, with their diverse experiences, cannot be enslaved in a stereotype.

WE ARE ALL A LITTLE LESS SLAVES

Martin Luther King had a base. In recent years, he stubbed his toes many times not only against the white communities of the North, but also against their black communities. His march of the poor on Washington was, essentially, a return to his true base. The marchers were to be drawn from all over the country, but their core was to come from the South: the temper was to be the temper of the South. The mule wagon which drew his body at his funeral was intentionally symbolic: and how far it seemed from the

conditions—and the looting and the arson—of the Northern cities.

It does Martin Luther King no honour not to recognise the character of his base. Donald B. Gibson has recently pointed out the "absurdity of the notion that there are Negro leaders who may speak for the Negro in the same sense that leaders of countries, communities, or religious sects, may speak for their citizens or congregations. . . ." Martin Luther King was, to this extent, a politician with a base in exactly the same way as Adam Clayton Powell is a politician with a base. The Negro in the North, in fact, has always had every reason to disclaim Martin Luther King's leadership. Yet from this narrow base—as narrow as any held by any Negro leader—he had, by the time he died, established an exceptional position, and it is this that is remarkable.

During the days after his death, I asked an American friend how he would summarise the real importance of Martin Luther King. He thought for a moment, and then said: "I guess he was the first Negro leader to show that he had the capacity to survive. After all, there he was, fourteen years after it all began, still at the head. . . ." From the bus boycott in Montgomery to a movement which deserves to be called a revolution: and still there, was Martin Luther King. The gathering momentum of the revolution had not swept him away. He had suffered setbacks; but he never sank beneath the flood. As the revolution became more and more violent, there was every temptation for him to become more and more extreme; instead, he came back, and back again, and then back again, his views, his character, his ambitions, his position, all unchanged. He did not modify, nor qualify. Yet he survived. There is only one possible explanation, and of how few men in history can it be said: there was a truth in the man which no temptation could bend and no opposition could break.

What Robert Bolt says of Thomas More, in his introduction to A Man For All Seasons, can with the smallest adjustments be said of Martin Luther King:

Thomas More, as I wrote about him, became for me a man with an adamantine sense of his own self. He knew where he began and left off, what area of himself he could yield to the encroachments of his enemies, and what to the encroachments of those he loved. It was a substantial area in both cases. . . . Since he was a clever man and a great lawyer, he was able to retire from those areas in wonderfully good order, but at length he was asked to retreat from the final area where he located his self. And there this . . . person set like metal, was overtaken by an absolutely primitive rigour, and could be no more budged than a cliff.

His followers in Atlanta held up the banner: "Free At Last." One can hardly quarrel with so deeply Christian a legend for so deeply Christian a man. Yet he seemed to me the free man here on earth. He did not have to wait for the assassin to be liberated. By some marvel, born in the hills of the South, he had freed himself; and freed the rest of us a little; freed us especially from our fears.

We are all a little less slaves as a result of Martin Luther King's life.

GENERAL LEAVE TO EXTEND

Mrs. HECKLER of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order this afternoon.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

CRIMINAL BOMBINGS MUST BE STOPPED

The SPEAKER pro tempore. Under a previous order of the House, the Chair recognizes the gentleman from Texas (Mr. PRICE), for 10 minutes.

Mr. PRICE of Texas. Mr. Speaker, I am proud to join the distinguished gentleman from Ohio (Mr. MCCULLOCH) and other concerned Members in introducing the President's proposals to stop the rash of criminal bombings sweeping the Nation.

These senseless acts of wanton destruction, committed under the guise of political idealism, are but the first stages of a violent revolutionary movement which threatens to destroy American institutions and traditions. The perpetrators range from anarchists to Communists; but whatever their political motivation, they have joined in an orgy of violence against our country and our people.

These outrages must be stopped and stopped quickly, before any more innocent individuals are injured or killed and before any more property is damaged or destroyed. To date, however, the difficulty has been that the anarchists, militant leftists. and Communists, have formed separate revolutionary cells from which their terroristic activities have sprung. The separate identity of these cells has made police detection and prevention extremely difficult, for the organized conspiracy runs deep underground rather than openly and brazenly as does the so-called peace movement.

In response to the rash of bombings, President Nixon has proposed strengthening and expanding the existing Federal law which makes the transport of explosives across State lines, a Federal crime under certain circumstances. These proposals are well conceived. They clearly define the circumstances under which the law should be applied. They set forth explicit standards regarding what are punishable offenses. They greatly increase penalties for violators.

More specifically, the bill proposes that—

Anyone involved in the transport or receipt in commerce of explosives, intending their unlawful use, be made subject to imprisonment for 10 years or a fine of $10,000 or both. The current maximum penalty is a single year in prison or a $1,000 fine or both.

The maximum penalty be doubled to 20 years in prison or a $20,000 fine or both if anyone is injured as the ultimate result of such transport of explosives.

Penalties for bomb threats be raised from 1 year in prison to a maximum of 5 years or $5,000 fine or both.

Incendiary devices be included in the category of "explosives," bringing such devices under the antibombing provisions.

Use of explosives to damage or destroy any building, vehicle, or other property owned or leased to the Federal Government be made a Federal crime.

Possession, without written authorization, of any explosive in such a building be made a Federal crime.

Use of explosives to damage or destroy any building or property used for business purposes by any person or firm engaged in interstate commerce, or in any activity affecting such commerce, be made a Federal crime.

Possession of explosives with the intent to damage either Federal property or property used in its business by a person engaged in interstate commerce also be made a Federal crime.

The individual engaged in the transport or use of explosives in violation of these provisions be made subject to the death penalty if a fatality occurs.

Mr. Speaker, I urge my colleagues to come together in a nonpartisan effort to stop terrorist bombings and bring the perpetrators to justice. As President Nixon stated in his message to Congress:

The anarchic and criminal elements who perpetrate such actions deserve no more patience or indulgence. . . . They must be dealt with as the potential murderers they are.

BYELORUSSIAN INDEPENDENCE

The SPEAKER pro tempore. Under a previous order of the House, the Chair recognizes the gentleman from New York (Mr. HALPERN) for 5 minutes.

Mr. HALPERN. Mr. Speaker, March 25 commemorated the 52d anniversary of that brief moment in 1918 when the Byelorussian National Council declared their independence from the Russian state.

The Byelorussian American Association's national headquarters is located in my congressional district, and I join with them in the fervent hope that these people attain their long-sought independence from Russian rule. Speeches and remarks by Members of Congress have served to remind the Russian people that we here in America still recognize their plight and are mindful of their unfailing great strength and never-ending hope for freedom.

In these tremulous times, when freedom's candles flicker more and more faintly in so many parts of the world, I would like to remind my colleagues of the Byelorussian people's long struggle for their freedom and their land.

Since the beginning of the 13th century, these courageous people have strained against repeated shackles of tyranny and bondage to preserve their sense of national honor and unity. They were content with the simple and mean existence of the farmer on a vast and frigid land of 80,000 square miles which extends from the eastern borders of Poland to the western approaches of Moscow. In 1795, their land was overrun by the Moscovites.

When the czarist regime tried to obliterate all traces of nationalistic feeling among the Byelorussians, these rugged people resisted, finally seizing upon the chaotic conditions at the outbreak of World War I as a desperate opportunity to establish their own national independence. The first all-Byelorussian Congress met much like the founders of our own country met, to establish a new nation free from the burdens and bondage of a stranglehold possessor nation. They adopted a resolution endorsing the right of nations to

self-determination and overwhelmingly called for the establishment of a democratic government to shape the destiny of this new nation.

But the powerful Red army, sensing a threat to their interests, forcibly disbanded the Congress and attacked the new republic. The Byelorussians fought valiantly for nearly a year, only to finally fall under the heel of the Communist state. Their land was made a part of the Soviet Union, but these peoples indomitable spirit could not be crushed.

Today the Byelorussians still tend to their farms and simple customs in the heart of Russia. But they have not lost the hope for freedom nor the love of their land, and they live with the destiny of their little nation ever foremost in their minds and hearts. The Byelorussian national headquarters here in America strives to keep this spirit alive, to sustain of hope of their people. And today, on the anniversary of this lost nation that scarcely uttered its first breaths before being crushed, I offer my fervent prayer that one day soon the words of their declaration of independence will again ring true and these people will again be free to create the coveted destiny of their nation, Byelorussia.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. WAGGONNER, for 15 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. BLACKBURN) to revise and extend their remarks and include extraneous matter:)

Mrs. HECKLER of Massachusetts, for 30 minutes, today.

Mr. PRICE of Texas, for 10 minutes, today.

Mr. HALPERN, for 5 minutes, today.

Mr. SCHWENGEL, for 30 minutes, today.

(The following Members (at the request of Mr. PRYOR of Arkansas) to revise and extend their remarks and include extraneous matter:)

Mr. LOWENSTEIN, for 30 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ZABLOCKI and to include extraneous matter.

Mr. MILLS (at the request of Mr. BYRNES of Wisconsin), to extend his remarks in the RECORD today.

Mr. GERALD R. FORD (at the request of Mr. BYRNES of Wisconsin), to extend his remarks in the RECORD today.

Mr. RIVERS and to include an editorial.

(The following Members (at the request of Mr. BLACKBURN) to revise and extend their remarks and include extraneous matter:)

Mr. LANGEN.

Mr. BROYHILL of Virginia.

Mr. ASHBROOK in two instances.

Mr. DERWINSKI in three instances.

Mrs. HECKLER of Massachusetts in two instances.

Mr. PETTIS.

Mr. MCCLOSKEY in two instances.

Mr. HALPERN.

Mr. HAMMERSCHMIDT in two instances.

Mr. CONTE in two instances.

Mr. GOODLING.

Mr. SCHERLE in two instances.

Mr. HORTON.

Mr. SHRIVER in three instances.

Mr. KEITH.

Mr. FINDLEY in two instances.

Mr. SCHWENGEL.

Mr. CHAMBERLAIN.

Mr. CARTER.

Mr. BOB WILSON.

(The following Members (at the request of Mr. ZWACH) and to include extraneous material:)

Mr. GUBSER.

Mr. WYLIE.

Mr. HORTON.

(The following Members (at the request of Mr. PRYOR of Arkansas) and to include extraneous matter.)

Mr. BOLAND in two instances.

Mr. SCHEUER in three instances.

Mr. VAN DEERLIN.

Mr. HARRINGTON in two instances.

Mr. DINGELL in three instances.

Mr. RYAN in six instances.

Mr. HELSTOSKI in two instances.

Mr. RODINO.

Mr. FOUNTAIN in two instances.

Mr. BENNETT in four instances.

Mr. KLUCZYNSKI in two instances.

Mr. HUNGATE in two instances.

Mr. DULSKI in three instances.

Mr. TEAGUE of Texas in six instances.

Mr. BINGHAM in two instances.

Mr. ANDERSON of California in two instances.

Mr. MINISH.

Mr. ROGERS of Florida in six instances.

Mr. DAWSON.

Mr. MILLER of California in five instances.

Mr. EVINS of Tennessee.

Mr. MACDONALD of Massachusetts in two instances.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4148. An act to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

ADJOURNMENT TO TUESDAY, MARCH 31, 1970

Mr. PRYOR of Arkansas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. In accordance with Senate Concurrent Resolution 59, 91st Congress, the Chair declares the House adjourned until 12 o'clock noon on Tuesday, March 31, 1970.

Thereupon (at 1 o'clock and 46 minutes p.m.) pursuant to Senate Concurrent Resolution 59, the House adjourned until Tuesday, March 31, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1831. A letter from the Acting Assistant Secretary for Congressional Relations, Department of State, transmitting copies of a Presidential determination and memorandum justifying the determination relative to authorizing an increase of more than 20 percent in military assistance for one country, pursuant to the provisions of title I of the Foreign Assistance and Related Agencies Appropriation Act of 1970; to the Committee on Appropriations.

1832. A letter from the Secretary of the Interior, transmitting volumes 2 through 7 of the report on the National Estuary Study supporting the main report (vol. I) transmitted by the President, pursuant to the provisions of Public Law 90–454 (H. Doc. No. 91–286); to the Committee on Merchant Marine and Fisheries and ordered to be printed, with illustrations.

1833. A letter from the Assistant to the Commissioner, District of Columbia, transmitting a draft of proposed legislation to authorize the District of Columbia Council to fix the rates charged by the District of Columbia for water and water services and for sanitary sewer services; to the Committee on the District of Columbia.

1834. A letter from the Secretary of Commerce transmitting a draft of proposed legislation to authorize appropriations for fiscal years 1971, 1972, and succeeding fiscal years to carry out the Flammable Fabrics Act, as amended; to the Committee on Interstate and Foreign Commerce.

1835. A letter from the Chairman, Securities and Exchange Commission, transmitting the 35th annual report of the Commission for the fiscal year ended June 30, 1969, pursuant to the provisions of law; to the Committee on Interstate and Foreign Commerce.

1836. A letter from the Attorney General, transmitting a draft of proposed legislation to amend section 837 of title 18, United States Code, to strengthen the laws concerning illegal use, transportation, or possession of explosives and the penalties with respect thereto, and for other purposes; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MORGAN: Committee on Foreign Affairs. H.R. 16200. A bill to amend the Arms Control and Disarmament Act, as amended, in order to extend the authorization for appropriations and provide for the uniform compensation of Assistant Directors; with amendments (Rept. No. 91–973). Referred to the Committee of the Whole House on the State of the Union.

Mr. NIX: Committee on Post Office and Civil Service. H.R. 16542. A bill to amend title 39, United States Code, to regulate the mailing of unsolicited credit cards, and for other purposes (Rept. No. 91–974). Referred to the Committee of the Whole House on the State of the Union.

REPORT OF EXPENDITURES OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS INCURRED IN TRAVEL OUTSIDE THE UNITED STATES DURING 1969 AS REQUIRED BY THE MUTUAL SECURITY ACT OF 1954, AS AMENDED BY PUBLIC LAW 86-472 AND BY PUBLIC LAW 86-628

Mr. FRIEDEL. Mr. Speaker, section 502(b) of the Mutual Security Act of 1954, as amended by section 401(a) of Public Law 86-472, approved May 14, 1960, and section 105 of Public Law 86-628, approved July 12, 1960, require the reporting of expenses incurred in connection with travel, including both foreign currencies expended and dollar expenditures made from appropriated funds.

The required reports for travel during 1969 are submitted herewith:

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 127, 1ST SESS., 91ST CONG., BY THE COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1969

Name and country	Name of currency	Date: Arrival	Date: Departure	Date: Total days	Per diem rate: Foreign currency	Per diem rate: U.S. dollar equivalent or U.S. currency	Total amount per diem: Foreign currency	Total amount per diem: U.S. dollar equivalent or U.S. currency	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency
Martin B. McKneally:												
Guam		12/27	12/28	1		50.00						
Vietnam		12/28	1/2	5½		50.00						
	German marks[1]								8,474	2,115.86	8,474	2,115.86
Total										2,115.86		2,115.86

[1] Travel involved in both 1969 and 1970 calendar years. Entire amount reported.

Mar. 17, 1970.

W. R. POAGE,
Chairman, Committee on Agriculture.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1969

Name and country	Name of currency	Date: Arrival	Date: Departure	Date: Total days	Per diem rate: Foreign currency	Per diem rate: U.S. dollar equivalent or U.S. currency	Total amount per diem: Foreign currency	Total amount per diem: U.S. dollar equivalent or U.S. currency	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency
Defense Subcommittee	Dollar							705.32		872.50		1,577.82
Foreign Operations Subcommittee.	Dollar, rupee							2,570.00		8,405.28		10,975.28
Interior Subcommittee	Dollar							1,334.00		1,523.20		2,857.20
State, Justice, Commerce, and Judiciary Subcommittee.	Dollar							2,098.00		5,095.30		7,193.30
Surveys and Investigations Staff.	Dollar							6,360.00		9,329.55		15,689.55
Total								13,067.32		25,225.83		38,293.15

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS OF THE SUBCOMMITTEE ON DEFENSE OF THE COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1969

Name and country	Name of currency	Date: Arrival	Date: Departure	Date: Total days	Per diem rate: Foreign currency	Per diem rate: U.S. dollar equivalent or U.S. currency	Total amount per diem: Foreign currency	Total amount per diem: U.S. dollar equivalent or U.S. currency	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency
Mr. Peter J. Murphy, Jr.:												
United States	Dollar	2/13	2/14	1				22.00				22.00
Grand Bahama Island	Dollar	2/14	2/17	3				81.00				81.00
United States	Dollar	2/17	2/18	1				22.00				22.00
Transportation	Dollar									[1] 138.00		138.00
Subtotal								125.00		138.00		263.00
Mr. S. Ralph Preston:												
United States	Dollar	2/13	2/14	1				22.00				22.00
Grand Bahama Island	Dollar	2/14	2/17	3				81.00				81.00
United States	Dollar	2/17	2/18	1				22.00				22.00
Transportation	Dollar									[1] 138.00		138.00
Subtotal								125.00		138.00		263.00
Hon. Jeffery Cohelan: United Kingdom.	Dollar	4/1	4/6	5								[2]
Hon. Robert L. F. Sikes:												
England	Dollar	8/9	8/10	1				30.00				30.00
Greece	Dollar	8/10	8/11	1				17.12				17.12
Turkey	Dollar	8/11	8/13	2				22.75				22.75
Iran	Dollar	8/13	8/15	3				45.00				45.00
Pakistan	Dollar	8/16	8/17	1				12.20				12.20
India	Dollar	8/17	8/20	3				45.25				45.25
Burma	Dollar	8/20	8/21	1				10.00				10.00
Thailand	Dollar	8/21	8/23	2				34.30				34.30
Laos	Dollar	8/23	8/24	1				12.15				12.15
Cambodia	Dollar	8/24	8/25	1				12.20				12.20
Vietnam	Dollar	8/25	8/27	2				38.00				38.00
Indonesia	Dollar	8/27	8/29	3				48.45				48.45
Singapore	Dollar	8/29	8/30	1				20.00				20.00
Taiwan	Dollar	8/30	9/3	3				42.30				42.30
Japan	Dollar	9/3	9/4	2				40.60				40.60
United States	Dollar	9/5		1				25.00				25.00
Transportation	Dollar									[1] 596.50		596.50
Subtotal								455.32		596.50		1,051.82
Total								705.32		872.50		1,577.82

[1] Transportation partially furnished by Government-owned aircraft.

[2] No per diem claimed; transportation provided by Government-owned aircraft.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS OF THE SUBCOMMITTEE ON FOREIGN OPERATIONS OF THE COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1969

Name and country	Name of currency	Date: Arrival	Date: Departure	Total days	Per diem rate: Foreign currency	Per diem rate: U.S. dollar equivalent or U.S. currency	Total amount per diem: Foreign currency	Total amount per diem: U.S. dollar equivalent or U.S. currency	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency	Total: Foreign currency	Total: U.S. dollar equivalent or U.S currency
Hon. Garner E. Shriver:												
United States	Dollar		2/6	1		25.00		25.00				25.00
Belgium	Dollar	2/7	2/8	2		32.00		64.00				64.00
Switzerland	Dollar	2/8	2/11	3		30.00		90.00				90.00
Turkey	Dollar	2/12	2/13	2		21.00		42.00				42.00
India	Dollar	2/14	2/16	3		29.00		87.00				87.00
Thailand	Dollar	2/17	2/18	2		28.00		56.00				56.00
Vietnam	Dollar	2/18	2/20	2		36.00		72.00				72.00
Hong Kong	Dollar	2/20	2/23	3		30.00		90.00				90.00
Korea	Dollar	2/23	2/25	2		28.00		56.00				56.00
Japan	Dollar	2/26	2/27	2		28.00		56.00				56.00
United States	Dollar	3/2		2		25.00		50.00				50.00
Transportation	Rupees									2,075.76		2,075.76
Subtotal								688.00		2,075.76		2,763.76
Hon. Donald W. Riegle, Jr.:												
United States	Dollar		2/6	1		25.00		25.00				25.00
Belgium	Dollar	2/7	2/8	2		32.00		64.00				64.00
Switzerland	Dollar	2/8	2/11	3		30.00		90.00				90.00
Turkey	Dollar	2/12	2/13	2		21.00		42.00				42.00
India	Dollar	2/14	2/16	3		29.00		87.00				87.00
Thailand	Dollar	2/17	2/18	2		28.00		56.00				56.00
Vietnam	Dollar	2/18	2/22	4		36.00		144.00				144.00
Hong Kong	Dollar	2/22	2/23	1		30.00		30.00				30.00
Korea	Dollar	2/23	2/25	2		28.00		56.00				56.00
Japan	Dollar	2/26	2/27	2		28.00		56.00				56.00
United States	Dollar	3/2		2		25.00		50.00				50.00
Transportation	Rupees									2,075.76		2,075.76
Subtotal								700.00		2,075.76		2,775.76
Mr. Aubrey A. Gunnels:												
United States	Dol ar		2/6	1		25.00		25.00				25.00
Belgium	Do.lar	2/7	2/8	2		32.00		64.00				64.00
Switzerland	Dollar	2/8	2/11	3		30.00		90.00				90.00
Turkey	Dollar	2/12	2/13	2		21.00		42.00				42.00
India	Dollar	2/14	2/16	3		29.00		87.00				87.00
Thailand	Dollar	2/17	2/18	2		28.00		56.00				56.00
Vietnam	Dollar	2/18	2/20	2		36.00		72.00				72.00
Hong Kong	Dollar	2/20	2/23	3		30.00		90.00				90.00
Korea	Dollar	2/23	2/25	2		28.00		56.00				56.00
Japan	Dollar	2/26	2/27	2		28.00		56.00				56.00
United States	Dollar	3/2		2		25.00		50.00				50.00
Transportation	Rupees									2,075.76		2,075.76
Subtotal								688.00		2,075.76		2,763.76
Hon. Otto E. Passman:												
United States	Dollar		8/30	1		25.00		25.00				25.00
United Kingdom	Dollar	8/31	9/2	2		30.00		60.00				60.00
France	Dollar	9/2	9/4	2		36.00		72.00				72.00
Switzerland	Dollar	9/4	9/6	3		30.00		90.00				90.00
Transportation	Dollar									1,161.00		1,161.00
Subtotal								247.00		1,161.00		1,408.00
Mr. Francis G. Merrill:												
United States	Dollar		8/30	3		25.00		25.00				25.00
United Kingdom	Dollar	8/31	9/2	2		30.00		60.00				60.00
France	Dollar	9/2	9/4	2		36.00		72.00				72.00
Switzerland	Dollar	9/4	9/6	1		30.00		90.00				90.00
Transportation	Dollar									1,017.00		1,017.00
Subtotal								247.00		1,017.00		1,264.00
Total								2,570.00		8,405.28		10,975.28

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS OF THE SUBCOMMITTEE ON INTERIOR OF THE COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1969

Name and country	Name of currency	Date: Arrival	Date: Departure	Total days	Per diem rate: Foreign currency	Per diem rate: U.S. dollar equivalent or U.S. currency	Total amount per diem: Foreign currency	Total amount per diem: U.S. dollar equivalent or U.S. currency	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency
Hon. John J. Flynt, Jr.:												
United States	Dollar		2/6	1		25.00		25.00				25.00
Great Britain	Dollar	2/7	2/24	18		30.00		540.00				540.00
United States	Dollar	2/24										
Transportation	Dollar									752.60		752.60
Subtotal								565.00		752.60		1,317.60
Hon. Ben Reifel:												
United States	Dollar		11/19	1		25.00		25.00				25.00
Germany	Dollar	11/20	11/21	2		28.00		56.00				56.00
Austria	Dollar	11/21	11/24	3		28.00		84.00				84.00
Switzerland	Dollar	11/24	11/26	2		30.00		60.00				60.00
Italy	Dollar	11/26	11/29	3		30.00		90.00				90.00
Spain	Dollar	11/29	12/2	3		28.00		84.00				84.00
France	Dollar	12/2	12/5	3		34.00		102.00				102.00
Belgium	Dollar	12/5	12/7	2		32.00		64.00				64.00
England	Dollar	12/7	12/10	3		30.00		90.00				90.00
Ireland	Dollar	12/10	12/14	3		28.00		84.00				84.00
England	Dollar	12/14	12/14	1		30.00		30.00				30.00
United States	Dollar	12/14										
Transportation	Dollar									770.60		770.60
Subtotal								769.00		770.60		1,539.60
Total								1,334.00		1,523.20		2,857.20

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS OF THE SUBCOMMITTEE ON STATE, JUSTICE, COMMERCE AND JUDICIARY OF THE COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1, AND DEC. 31, 1969

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Sidney R. Yates:												
Bermuda	Dollar	3/15	3/17	2								(1)
Hon. John J. Rooney:												
United States	Dollar	8/13	8/14	1		25.00		25.00				25.00
Italy	Dollar	8/15	8/20	6		30.00		180.00				180.00
Ireland	Dollar	8/20	8/24	4		28.00		112.00				112.00
Great Britain	Dollar	8/24	8/26	2		30.00		60.00				60.00
Poland	Dollar	8/27	8/28	2		19.00		38.00				38.00
Germany	Dollar	8/28	9/4	7		28.00		196.00				196.00
United States	Dollar	9/5	9/10	4				64.00				64.00
Transportation	Dollar									1,637.70		1,637.70
Subtotal								675.00		1,637.70		2,312.70
Mr. Jay B. Howe:												
United States	Dollar	8/13	8/14	1		25.00		25.00				25.00
Italy	Dollar	8/15	8/20	6		30.00		180.00				180.00
Ireland	Dollar	8/20	8/24	4		28.00		112.00				112.00
Great Britain	Dollar	8/24	8/26	2		30.00		60.00				60.00
Poland	Dollar	8/27	8/28	2		19.00		38.00				38.00
Germany	Dollar	8/28	9/4	7		28.00		196.00				196.00
United States	Dollar	9/5	9/10	4				64.00				64.00
Transportation	Dollar									1,637.70		1,637.70
Subtotal								675.00		1,637.70		2,312.70
Hon. Elford A. Cederberg:												
Norway	Dollar	8/20	8/22	2		34.00		68.00				68.00
Sweden	Dollar	8/22	8/27	5½		34.00		187.00				187.00
Denmark	Dollar	8/27	8/31	3½		34.00		119.00				119.00
Transportation	Dollar									909.95		909.95
Subtotal								374.00		909.95		1,283.95
Mr. Robert C. Gresham:												
Norway	Dollar	8/20	8/22	2		34.00		68.00				68.00
Sweden	Dollar	8/22	8/27	5½		34.00		187.00				187.00
Denmark	Dollar	8/27	8/31	3½		34.00		119.00				119.00
Transportation	Dollar									909.95		909.95
Subtotal								374.00		909.95		1,283.95
Total								2,098.00		5,095.30		7,193.30

[1] No per diem claimed; transportation provided by Government aircraft.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS OF THE COMMITTEE ON APPROPRIATIONS, SURVEYS AND INVESTIGATIONS STAFF, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1, AND DEC. 31, 1969

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S currency
Cornelius R. Anderson:												
Germany	Dollars	9/13	9/24	11½		28.00		322.00		0		322.00
Switzerland	Dollars	9/24	9/26	1¾		30.00		52.50		0		52.50
Spain (Madrid)	Dollars	9/26	9/28	2		28.00		56.00		0		56.00
Spain (Rota)	Dollars	9/28	10/1	3		25.00		75.00		0		75.00
England	Dollars	10/1	10/4	3		30.00		90.00		0		90.00
Round trip transportation	Dollars									965.70		965.70
Subtotal								595.50		965.70		1,561.20
Carl L. Bennett:												
England (London)	Dollars	3/1	3/5	4¼		30.00		127.50		0		127.50
England (Middlesbrough)	Dollars	3/5	3/7	2		25.00		50.00		29.70		79.70
England (London)	Dollars	3/7	3/8	1		30.00		30.00		0		30.00
France	Dollars	3/8	3/10	2¼		36.00		81.00		0		81.00
Germany	Dollars	3/10	3/17	7		28.00		196.00		19.05		215.05
Sweden	Dollars	3/17	3/22	4¾		34.00		161.50		0		161.50
England	Dollars	3/22	3/23	1		30.00		30.00		0		30.00
Round trip transportation	Dollars									890.00		890.00
Subtotal								676.00		938.75		1,614.75
William G. Currall:												
England	Dollars	3/1	3/8	7		30.00		210.00		13.00		223.00
France	Dollars	3/8	3/10	2½		36.00		90.00		0		90.00
Germany	Dollars	3/10	3/19	8¾		28.00		245.00		25.00		270.00
Switzerland	Dollars	3/19	3/22	3¼		30.00		97.50		0		97.50
Round trip transportation	Dollars									840.00		840.00
Subtotal								642.50		878.00		1,520.50
William L. Davis:												
England (London)	Dollars	3/1	3/5	4¼		30.00		127.50		0		127.50
England (Middlesbrough)	Dollars	3/5	3/7	2		25.00		50.00		29.70		79.70
England (London)	Dollars	3/7	3/8	1		30.00		30.00		0		30.00
France	Dollars	3/8	3/10	2¼		36.00		81.00		0		81.00
Germany	Dollars	3/10	3/17	7		28.00		196.00		19.05		215.05
Sweden	Dollars	3/17	3/22	4¾		34.00		161.50		0		161.50
England	Dollars	3/22	3/23	1		30.00		30.00		0		30.00
Round trip transportation	Dollars									890.00		890.00
Subtotal								676.00		938.75		1,614.75

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS OF THE COMMITTEE ON APPROPRIATIONS, SURVEYS AND INVESTIGATIONS STAFF, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1, AND DEC. 31, 1969—Continued

Name and country	Name of currency	Date: Arrival	Date: Departure	Date: Total days	Per diem rate: Foreign currency	Per diem rate: U.S. dollar equivalent or U.S. currency	Total amount per diem: Foreign currency	Total amount per diem: U.S. dollar equivalent or U.S. currency	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency
L. Clyde Groover, Jr.:												
England	Dollars	3/1	3/8	7		30.00		210.00		13.00		223.00
France	Dollars	3/8	3/10	2½		36.00		90.00		0		90.00
Germany	Dollars	3/10	3/19	8¾		28.00		245.00		25.00		270.00
Switzerland	Dollars	3/19	3/22	3¼		30.00		97.50		0		97.50
Round trip transportation	Dollars									840.00		840.00
Subtotal								642.50		878.00		1,520.50
Coy M. Ivy:												
Germany	Dollars	9/13	9/24	11½		28.00		322.00		8.25		330.25
Switzerland	Dollars	9/24	9/26	1¾		30.00		52.50		0		52.50
Spain (Madrid)	Dollars	9/26	9/28	2		28.00		56.00		0		56.00
Spain (Rota)	Dollars	9/28	10/1	3		25.00		75.00		0		75.00
England	Dollars	10/1	10/4	3		30.00		90.00		0		90.00
Round trip transportation	Dollars									965.70		965.70
Subtotal								595.50		973.95		1,569.45
Robert G. Kunkel:												
England (London)	Dollars	3/1	3/5	4¼		30.00		127.50		0		127.50
England (Middlesbrough)	Dollars	3/5	3/7	2		25.00		50.00		29.70		79.70
England (London)	Dollars	3/7	3/8	1		30.00		30.00		0		30.00
France	Dollars	3/8	3/10	2¼		36.00		81.00		0		81.00
Germany	Dollars	3/10	3/17	7		28.00		196.00		19.05		215.05
Sweden	Dollars	3/17	3/22	4¾		34.00		161.50		0		161.50
England	Dollars	3/22	3/23	1		30.00		30.00		0		30.00
Round trip transportation	Dollars									890.00		890.00
Subtotal								676.00		938.75		1,614.75
Paul J. Mohr:												
England	Dollars	3/1	3/8	7		30.00		210.00		13.00		223.00
France	Dollars	3/8	3/10	2½		36.00		90.00		0		90.00
Germany	Dollars	3/10	3/19	8¾		28.00		245.00		25.00		270.00
Switzerland	Dollars	3/19	3/22	3		30.00		90.00		0		90.00
England	Dollars	3/22	3/23	1		30.00		30.00		0		30.00
Round trip transportation	Dollars									840.00		840.00
Germany	Dollars	9/13	9/24	11½		28.00		322.00		8.25		330.25
Switzerland	Dollars	9/24	9/26	1¾		30.00		52.50		0		52.50
Spain (Madrid)	Dollars	9/26	9/28	2		28.00		56.00		0		56.00
Spain (Rota)	Dollars	9/28	10/1	3		25.00		75.00		0		75.00
England	Dollars	10/1	10/4	3		30.00		90.00		0		90.00
Round trip transportation	Dollars									965.70		965.70
Subtotal								1,260.50		1,851.95		3,112.45
Hugh J. Smith:												
Germany	Dollars	9/13	9/24	11½		28.00		322.00		0		322.00
Switzerland	Dollars	9/24	9/26	1¾		30.00		52.50		0		52.50
Spain (Madrid)	Dollars	9/26	9/28	2		28.00		56.00		0		56.00
Spain (Rota)	Dollars	9/28	10/1	3		25.00		75.00		0		75.00
England	Dollars	10/1	10/4	3		30.00		90.00		0		90.00
Round trip transportation	Dollars									965.70		965.70
Subtotal								595.50		965.70		1,561.20
Grand total								6,360.00		9,329.55		15,689.55

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 105, 1ST SESS., 91ST CONG., OF THE COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1969

Name and country	Name of currency	Date: Arrival	Date: Departure	Date: Total days	Per diem rate: Foreign currency	Per diem rate: U.S. dollar equivalent or U.S. currency	Total amount per diem: Foreign currency	Total amount per diem: U.S. dollar equivalent or U.S. currency	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency
MASTER COMPILATION												
Subcommittee to Western Europe								2,845.96		7,353.38		10,199.34
Full Committee								645.00		1,613.27		2,258.27
Grand total								3,490.96		8,966.65		12,457.61

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	5,931.02
Appropriated funds:	
Government Department (identify each):	
Air Force	6,526.59
Total	12,457.61

L. MENDEL RIVERS,
Chairman, Committee on Armed Services.

Mar. 3 1970.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 105, 1ST SESS., 91ST CONG., OF THE SUBCOMMITTEE ON WESTERN EUROPE OF THE COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 1, 1969

Name and country	Name of currency	Date: Arrival	Date: Departure	Total days	Per diem rate: Foreign currency	Per diem rate: U.S. dollar equivalent or U.S. currency	Total amount per diem: Foreign currency	Total amount per diem: U.S. dollar equivalent or U.S. currency	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency
Hon. L. Mendel Rivers:												
France	Francs	5/29	6/6	9	245	50.00	2,205	450.00			2,205	450.00
Transportation [1] [2]	D. Marks								1,686	421.00	1,686	421.00
Subtotal								450.00		421.00		871.00
Hon. Philip J. Philbin:												
Ireland	I. Pounds	5/31	6/1	2	20.17.10	50.00	41.15.08	100.00			41.15.08	100.00
France	Francs	6/2	6/2	1	245	50.00	245	50.00			245	50.00
Germany [3]	D. Marks	6/3	6/3	1								
France	Francs	6/3	6/7	5	245	50.00	1,225	250.00			1,225	250.00
Transportation	U.S. Dollar									1,125.12		1,125.12
Subtotal								400.00		1,125.12		1,525.12
Hon. Charles S. Gubser:												
Ireland	I. Pounds	5/31	6/1	2	20.17.10	50.00	41.15.08	100.00			41.15.08	100.00
France	Francs	6/2	6/7	6	245	50.00	1,470	300.00			1,470	300.00
Transportation [4]	U.S. Dollar									829.96		829.96
Subtotal								400.00		829.96		1,229.96
Hon. William L. Dickinson:												
Ireland	I. Pounds	5/31	6/1	2	20.17.10	50.00	41.15.08	100.00			41.15.08	100.00
France	Francs	6/2	6/7	6	245	50.00	975	198.00			975	198.00
Transportation [4]	U.S. Dollar									9289.6		829.96
Subtotal								298.00		829.96		1,127.96
Hon. W. C. Daniel:												
Germany	D. Mark	6/3	6/4	2	200	50.00	400	100.00			400	100.00
Transportation [4]	U.S. Dollar	(4)								486.25		486.25
Subtotal								100.00		486.25		586.25
Hon. Ed Foreman:												
Italy	Lira	5/28	5/31	4	31,350	50.00	125,400	200.00	40,020	64.13	165,420	264.13
Spain	Peseta	6/1	6/4	4	3,490	50.00	13,960	200.00			13,960	200.00
Transportation [4]	U.S. Dollar	(4)								854.22		854.22
Subtotal								400.00		918.35		1,318.35
Mr. Earl J. Morgan:												
Ireland	I. Pound	5/31	6/1	2	20.17.10	50.00	41.15.08	100.00			41.15.08	100.00
France	Franc	6/2	6/7	6	245	50.00	1,470	300.00	4,191.19	754.63	[5] 5,661.19	1,054.63
Transportation [4]	U.S. Dollar	(4)								829.96		829.96
Subtotal								400.00		1,584.59		1,984.59
Mr. Ralph Marshall:												
Ireland	I. Pound	5/31	6/1	2	20.17.10	50.00	41.15.08	100.00			41.15.08	100.00
France	Franc	6/2	6/2	1	245	50.00	245	50.00			245	50.00
Germany	D. Mark	6/3	6/4	2	200	50.00	400	100.00			400	100.00
France	Franc	6/5	6/7	3	245	50.00	725	147.96			725	147.96
Transportation [6]	D. Mark	(6)							132.12	33.03	132.12	33.03
	U.S. Dollar	(5)								1,125.12		1,125.12
Subtotal								397.96		1,158.15		1,556.11
Total								2,845.96		7,353.38		10,199.34

[1] Commercial Air to Europe.
[2] Return from Europe to U.S. at no expense to Government.
[3] No foreign currency drawn.
[4] Military aircraft.
[5] Local transportation for entire subcommittee.
[6] Commercial aircraft.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	4,118.75
Appropriated funds:	
Government Department (identify each):	
Air Force (for military aircraft)	6,080.59
Total	10,199.34

L. MENDEL RIVERS,
Chairman, Committee on Armed Services,
of Subcommittee on Western Europe.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS OF THE COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1969

Name and country	Name of currency	Date: Arrival	Date: Departure	Total days	Per diem rate: Foreign currency	Per diem rate: U.S. dollar equivalent or U.S. currency	Total amount per diem: Foreign currency	Total amount per diem: U.S. dollar equivalent or U.S. currency	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency
Hon. Charles S. Gubser:												
Denmark	D. Kroner	8/28	[1] 8/31	4	376.25	50.00	1,505.00	200.00	2,144.00	285.05	3,649.00	485.05
Ireland	I. Pound	9/12	9/12	1	20.18.11	50.00	20.18.11	50.00			20.18.11	50.00
Transportation [2]	D. Mark								3,528.00	882.22	3,528.00	882.22
Subtotal								250.00		1,167.27		1,417.27

See footnotes at end of table, p. 6.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS OF THE COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1969—Continued

Name and country	Name of currency	Date: Arrival	Date: Departure	Date: Total days	Per diem rate: Foreign currency	Per diem rate: U.S. dollar equivalent or U.S. currency	Total amount per diem: Foreign currency	Total amount per diem: U.S. dollar equivalent or U.S. currency	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency
Mr. John R. Blandford:												
Germany	D. Mark	4/3	4/12	7	200	50.00	1,100.00	275.00			1,100.00	275.00
Spain	Peseta	4/8	4/10	3	350	50.00	8,355.00	120.00			8,355.00	120.00
Transportation[3]	U.S. Dollar									446.00		446.00
Subtotal								395.00		446.00		841.00
Total								645.00		1,613.27		2,258.27

[1] Sept. 1–12 with North Atlantic Assembly Military Tour under auspices of Committee on Foreign Affairs.
[2] Commercial air from United States and return.
[3] Military aircraft.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	1,812.27
Appropriated funds: Government Department: Air Force	446.00
Total	2,258.27

L. MENDEL RIVERS,
Chairman, Committee on Armed Services.

Oct. 15, 1969.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 152, 1ST SESS., 91ST CONG., OF THE COMMITTEE ON BANKING AND CURRENCY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1969

Name and country	Name of currency	Date: Arrival	Date: Departure	Date: Total days	Per diem rate: Foreign currency	Per diem rate: U.S. dollar equivalent or U.S. currency	Total amount per diem: Foreign currency	Total amount per diem: U.S. dollar equivalent or U.S. currency	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency
Hon. Frank Annunzio:												
Greece	Drachma	8/15, 8/31	8/21, 9/1	9	1,500	50.00	13,300	443.33			13,300	443.33
							[1] 1,700	[1] 56.67				
Italy	Lit.	8/22	8/30	9	31,400	50.00	2,826.00	450.00	54,595	86.98	3,371.95	536.98
Germany	DM			0					1,052	287.43	1,052	287.43
Hon. Frank J. Brasco:												
Italy	Lit.	8/17	8/28	12	31,400	50.00	3,768.00	600.00	1,668.54	266.12	5,436.54	866.12
Portugal	Esc.	8/29	9/2	5	1,421	50.00	7,105	250.00	1,350	47.45	8,455	297.45
Germany	DM			0					4,146	1,036.76	4,146	1,036.76
Orman S. Fink: Australia	A$	4/8	4/13	6	44.64	50.00	277.85	300.00			277.85	300.00
							[1] 20.53	[1] 23.00				
Hon. Seymour Halpern:												
Australia	A$	4/8	4/13	6	44.64	50.00	257.32	277.00			257.32	277.00
Hon. Richard T. Hanna:	HK$	1/8	1/8	1	305	50.00	251.70	41.36			251.70	41.36
Hong Kong.												
Japan	Y	1/3, 1/22	1/3, 1/27	7	18,000	50.00	126,000	350.00	30,994	86.09	1,569.44	436.09
							[1] 20,000	[1] 47.06				
Indonesia	Rp	1/13	1/15	2½	21,000	50.00	43,000	102.94			43,000	102.94
							[1] 124.00	[1] 40.86				
Malaysia	M$	1/15	1/18	3½	151.62	50.00	482.50	159.14	445.50	146.79	928.00	305.93
							[1] 46.19	[1] 11.79				
Philippines	P	1/19	1/21	3	195.80	50.00	541.21	138.21			541.21	138.21
Taiwan	NT$	1/4	1/7	4	2,000	50.00	8,000	200.00			8,000	200.00
							[1] 875	[1] 42.33				
Thailand	B	1/9	1/12	4	1,034	50.00	3,259	157.67	1,700	82.24	4,959	239.91
									[1] 660.80	[1] 164.99		
Germany	DM			0					8,207	2,062.59	8,207	2,062.59
Hon. Margaret Heckler:												
Australia	A$	4/8	4/13	6	44.64	50.00	277.85	300.00			277.85	300.00
Hon. Albert W. Johnson:												
Australia	A$	4/8	4/13	6	44.64	50.00	277.85	300.00			277.85	300.00
Hon. Thomas M. Rees:												
Argentina	P	8/15	8/19	5	17,500	50.00	87,500	250.00			87,500	250.00
Chile	Esc.	8/20	8/22	3	533	50.00	1,599	150.00			1,599	150.00
Peru	S/.	8/23	8/26	4	2,160	50.00	8,640	200.00			8,640	200.00
Colombia	Col$	8/27	8/29	3	868	50.00	2,604	150.00			2,604	150.00
Germany	DM			0					2,944	804.37	2,944	804.37
							[1] 1,500	[1] 50.00				
Hon. Lawrence Williams:												
Greece	Drachma	8/16	8/25	10	1,500	50.00	13,500	450.00			13,500	450.00
							[1] 277	[1] 50.00				
France	Fr.	8/26	8/27	2	277	50.00	554	100.00	839	151.45	1,393	251.45
Italy	Lit.	8/28	8/29	2	31,400	50.00	62,800	100.00			62,800	100.00
Greece	Drachma	8/30	8/31	2	1,500	50.00	3,000	100.00			3,000	100.00
Germany	DM			0					1,404	383.61	1,404	383.61
Total								5,569.65		5,441.88		11,011.53

[1] Refund.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	11,011.53

WRIGHT PATMAN,
Chairman, Committee on Banking and Currency.

Mar. 11, 1970.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS OF THE GENERAL SUBCOMMITTEE ON LABOR OF THE COMMITTEE ON EDUCATION AND LABOR, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1969[1]

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. John H. Dent:												
United Kingdom	Pound	5/5	5/16	6	20.18.7	50.00	125.11.6	300.00	5.14.0	13.62	131.5.6	313.62
Germany	Mark								3,308.00	825.97	3,308.00	825.97
Hon. Augustus Hawkins:												
United Kingdom	Pound	5/11	5/16	6	20.18.7	50.00	125.11.6	300.00	6.4.0	14.82	131.15.6	314.82
Germany	Mark								3,528.00	880.90	3,528.00	880.90
Hon. Phillip Burton:												
United Kingdom	Pound	5/10	5/18	9	20.18.7	50.00	188.7.6	450.00	18.2.0	43.26	206.9.6	493.26
Germany	Mark								3,192.00	797.00	3,192.00	797.00
Hon. Louis Stokes:												
United Kingdom	Pound	5/11	5/16	6	20.18.7	50.00	125.11.6	300.00	44.2.0	105.40	169.13.6	405.40
Germany	Mark								3,192.00	797.00	3,192.00	797.00
Hon. William Clay:												
United Kingdom	Pound	5/11	5/16	6	20.18.7	50.00	125.11.6	300.00	41.4.0	98.47	166.15.6	398.47
Germany	Mark								3,192.00	797.00	3,192.00	797.00
Hon. John Erlenborn:												
United Kingdom	Pound	5/11	5/17	7	20.18.7	50.00	146.10.0	350.00			146.10.0	350.00
Germany	Mark								3,192.00	797.00	3,192.00	797.00
Hon. Orval Hansen:												
United Kingdom	Pound	5/11	5/16	6	20.18.7	50.00	146.10.0	350.00	2.18.0	6.93	149.8.0	356.93
United Kingdom[2]	Pound						20.0.0	47.80			20.0.0	47.80
Germany	Mark								3,504.00	874.91	3,504.00	874.91
Robert E. Vagley:												
United Kingdom	Pound	5/11	5/16	6	20.18.7	50.00	125.11.6	300.00	5.17.0	13.98	131.8.6	313.98
Germany	Mark								3,192.00	797.00	3,192.00	797.00
Michael Bernstein:												
United Kingdom	Pound	5/11	5/18	8	20.18.7	50.00	167.8.6	400.00	6.4.0	14.82	173.12.6	414.82
Germany	Mark								3,192.00	797.00	3,192.00	797.00
William C. Roll:												
United Kingdom	Pound	5/11	5/17	7	20.18.7	50.00	146.10.0	350.00			146.10.0	350.00
Germany	Mark								3,192.00	797.00	3,192.00	797.00
William C. Amans:												
United Kingdom	Pound	5/11	5/17	7	20.18.7	50.00	146.10.0	350.00			146.10.0	350.00
Germany	Mark								3,192.00	797.00	3,192.00	797.00
Total												15,017.63

[1] United Kingdom Pound: Local transportation and miscellaneous expenses prorated among the following individuals authorized to receive and expend counterpart funds: Rep. John H. Dent; Rep. Augustus F. Hawkins; Rep. Phillip Burton; Rep. Louis Stokes; Rep. William Clay; Rep. John Erlenborn; Rep. Orval Hansen; Messrs: Robert E. Vagley and Michael Bernstein; Major William C. Roll; and Sgt. Major William C. Amans (foreign currency, 794.4.11) $2,046.35.

[2] Refund.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	15,017.63

CARL D. PERKINS,
Chairman, Committee on Education and Labor.

Mar. 13, 1970.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 143, 1ST SESS., 91ST CONG., BY THE COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1969

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. E. Ross Adair:												
Colombia	Peso	3/27	3/29	3	854.5	50.00	2,563.5	150.00			2,563.5	150.00
Transportation	D-Mark								1,764.0	440.45	1,764.0	440.45
Melvin O. Benson:												
England	Pound	2/7	2/11	4	20.17.10	50.00	83.11.3	200.00	6.13.10	16.01	90.5.1	216.01
Nigeria	Pound	2/11	2/14	3	17.17.7	50.00	53.12.9	150.00	16.13.8	46.65	70.6.3	196.65
Nigeria	Pound	2/16	2/19	3	17.15.0	50.00	53.5.11	150.00			53.5.11	150.00
Transportation									5,360.80	1,338.53	5,360.80	1,338.53
Portugal	Escudo	8/10	8/13	3	1,422.0	50.00	4,266.0	150.00			4,266.0	150.00
Angola	Escudo	8/13	8/15	2	1,420.0	50.00	2,840.0	100.00			2,840.0	100.00
Mozambique	Escudo	8/15	8/17	2	1,421.0	50.00	2,842.0	100.00			2,842.0	100.00
Swaziland	Rand	8/17	8/19	2								
Lesotho	Rand	8/19	8/20	1	35.72	50.00	178.57	250.00	4.00	5.61	182.57	255.61
Botswana	Rand	8/20	8/22	2								
Zambia	Kwacha	8/22	8/26	4	35.35	50.00	141.40	200.00	20.80	29.19	220.80	229.19
Malawi	Pound	8/26	8/27	1	20.15.1	50.00	20.15.1	50.00			20.15.1	50.00
Tanzania	Shilling	8/27	8/30	3	356.80	50.00	1,070.40	150.00	170.00	23.82	1,240.40	173.82
Israel	Pound	8/30	9/2	3	175.00	50.00	525.00	150.00			525.00	150.00
France	Franc	9/2	9/3	2	277.0	50.00	554.0	100.00			554.0	100.00
Transportation	D-Mark								7,520.3	1,55.21	7,520.30	1,855.21
John J. Brady, Jr.:												
Trinidad and Tobago	TT dollar	10/14	10/19	6	100.00	50.00	600.00	300.00			600.00	300.00
Transportation	U.S. dollar									471.00		471.00
Hon. John Buchanan:												
Taiwan	NT dollar	1/21	1/26		2,000.0	50.00	334.0	8.35			334.0	8.35
Vietnam	Piaster	1/26	1/30	4	5,900.0	50.00	23,600.	200.00			23,600.	200.00
Japan	Yen	1/30	2/1	2	18,000	50.00	8,000.	24.70			8,000.	24.70
Transportation	D-Mark								646.0	162.27	646.0	162.27
Hon. John C. Culver:												
Dominican Republic	Peso	5/29	6/1	4	50.00	50.00	200.00	200.00			200.00	200.00
Costa Rica	Colon	6/2	6/4	2	346.00	50.00	205.00	31.65			205.00	31.65
Guatemala	Quetzal	6/4	6/7	4	50.00	50.00	185.00	185.00			185.00	185.00
Transportation	D-Mark								2,454.0	612.73	2,454.0	612.73
Marian A. Czarnecki:												
Dominican Republic	Peso	5/29	6/1	4	50.00	50.00	200.00	200.00			200.00	200.00
Costa Rica	Colon	6/2	6/4	2	346.0	50.00	575.00	83.98			575.00	83.98
Guatemala	Quetzal	6/4	6/8	5	50.00	50.00	250.00	250.00			250.00	250.00
Transportation									2,254.0	562.80	2,254.0	562.80
Trinidad	TT dollar	6/18	6/23	6	100.00	50.00	500.00	250.00			500.00	250.00
Transportation	D-Mark								1,148.0	286.64	1,148.0	286.64
Colombia	Peso	8/3	8/10	8	842.5	50.00	6,930.0	400.00	289.0	16.82	7,219.0	416.82
Transportation	D-Mark								1,640.91	410.33	1,640.9	410.33

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 143, 1ST SESS., 91ST CONG., BY THE COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1969—Continued

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Edward J. Derwinski:												
Austria	Shilling	4/5	4/14	9					1,290.0	50.00	1,290.0	50.00
Hon. Charles C. Diggs, Jr.:												
England	Pound	2/7	2/11	4	20.17.10	50.00	83.11.3	200.00	6.13.10	16.01	90.5.1	216.01
Nigeria	Pound	2/11	2/14	3	17.17.7	50.00	53.12.9	150.00	16.13.8	46.65	70.6.3	196.65
Nigeria	Pound	2/16	2/19	3	17.15.0	50.00	53.5.11	150.00			53.5.11	150.00
Transportation	D-Mark								5,504.80	1,374.48	5,504.80	1,374.48
England	Pound	8/9	8/10	2	20.17.9	50.00	41.15.6	100.00	19.0.0	45.41	60.15.6	145.41
Portugal	Escudo	8/10	8/13	3	1,422.0	50.00	4,266.0	150.00	470.0	16.52	4,736.0	166.52
Angola	Escudo	8/13	8/15	2	1,420.0	50.00	2,840.0	100.00			2,840.0	100.00
Mozambique	Escudo	8/15	8/17	2	1,421.0	50.00	2,842.0	100.00			2,842.0	100.00
Swaziland	Rand	8/17	8/19	2								
Lesotho	Rand	8/19	8/20	1	35.72	50.00	178.57	250.00	194.50	271.56	373.07	521.56
Botswana	Rand	8/20	8/22	2								
Zambia	Kwacha	8/22	8/26	4	35.35	50.00	141.40	200.00	171.55	240.16	312.95	440.16
Malawi	Pound	8/26	8/27	1	20.15.1	50.00	20.15.1	50.00			20.15.1	50.00
Tanzania	Shilling	8/27	8/30	3	356.80	50.00	1,070.40	150.00	170.00	23.83	1,240.40	173.83
Israel	Pound	8/30	9/2	3	175.00	50.00	525.00	150.00	421.95	120.56	946.95	270.56
Transportation	D-Mark				*				7,079.50	1,959.68	7,079.50	1,959.68
Hon. Leonard Farbstein:												
Trinidad and Tobago	TT dollar	10/14	10/19	6	100.00	50.00	600.00	300.00			600.00	300.00
Transportation	U.S. dollar									510.60		510.60
Hon. Dante B. Fascell:												
Guatemala	Quetzal	6/3	6/8	6	50.00	50.00	250.00	250.00	31.50	31.50	281.50	281.50
Transportation	D-Mark								1,468.0	366.54	1,468.0	366.54
Colombia	Peso	8/3	8/6	4	864.5	50.00	3,458.0	200.00	289.0	16.83	3,747.0	216.83
Transportation	D-Mark								1,616.0	404.10	1,616.0	404.10
Hon. Paul Findley:												
Greece	Drachma	9/4	9/7	3	1,500.0	50.00	4,500.0	150.00			4,500.0	150.00
Transportation	D-Mark								4,772.0	1,193.30	4,772.0	1,193.30
Hon. Donald M. Fraser:												
Austria	Shilling	7/10	7/13	4	1,288.0	50.00	5,152.0	200.00	8,725.0	338.31	13,877.0	538.31
Switzerland	Franc	7/14	7/18	5	215.25	50.00	1,076.25	250.00			1,076.25	250.00
Transportation	U.S. Dollar									780.00		780.00
Hon. Peter H. B. Frelinghuysen:												
Austria	Shilling	7/9	7/12	4	1,288.0	50.00	5,152.0	200.00			5,152.0	200.00
Switzerland	Franc	7/13	7/16	4	215.25	50.00	861.0	200.00	720.00	166.55	1,581.55	366.55
Transportation	U.S. dollar									682.00		682.00
Hon. Cornelius E. Gallagher:												
Italy	Lira	6/16	6/17	1	31,400	50.00	31,400	50.00	6,650.0	10.61	38,050	60.61
Switzerland	Franc	6/17	6/27	11	215.25	50.00	2,360.5	550.00	356.40	82.44	2,716.90	632.44
Transportation	D-Mark								3,845.6	960.20	3,845.60	960.20
Hon. Wayne L. Hays:												
Bermuda	Pound	3/16	3/17	2	20.16.8	50.00	41.13.4	100.00			41.13.4	100.00
Transportation	U.S. dollars									182.00		182.00
Mexico	Peso	3/27	3/29	3	624.5	50.00	1,873.5	150.00			1,873.5	150.00
Colombia	Peso	3/29	4/1	3	854.5	50.00	2,563.5	150.00			2,563.5	150.00
Transportation	D-Mark								2,548.4	636.30	2,548.4	636.30
Hon. Sherman P. Lloyd:												
Trinidad and Tobago	TT dollar	10/14	10/19	6	100.00	50.00	600.00	300.00			600.00	300.00
Transportation	U.S. dollar									510.60		510.60
Hon. William S. Mailliard:												
Colombia	Peso	8/3	8/6	4	842.5	50.00	3,458.0	200.00	289.00	16.83	3,747.0	216.83
Transportation	D-Mark								1,764.00	441.11	1,764.00	441.11
France	Franc	10/21	10/25	4	279.00	50.00	1,116.0	200.00			1,116.00	200.00
Transportation	D-Mark								3,081.72	842.00	3,081.72	842.00
Hon. John S. Monagan:												
Austria	Shilling	4/12	4/13	2	1,290.0	50.00	2,580.00	100.00	10,359.5	401.53	12,939.5	501.53
Trinidad and Tobago	TT-dollar	6/18	6/21	4	100.00	50.00	337.00	168.58			337.00	168.58
Transportation	D-Mark								1,148.00	286.64	1,148.0	286.64
Hon. William T. Murphy:												
Ireland	Pound	5/31	6/2	2	20.17.10	50.00	41.15.8	100.00			41.15.8	100.00
France	Franc	6/2	6/7	6	245.00	50.00	1,470.0	300.00			1,470.0	300.00
Hon. Lester L. Wolff:												
France	Franc	10/23	10/25	3	279.0	50.00	837.00	150.00			837.00	150.00
Transportation	D-Mark								2,993.88	818.00	2,993.88	818.00
Portugal	Escudo	8/10	8/13	3	1,422.0	50.00	4,266.0	150.00			4,266.0	150.00
Angola	Escudo	8/13	8/15	2	1,420.0	50.00	2,840.0	100.00			2,840.0	100.00
Mozambique	Escudo	8/15	8/17	2	1,421.0	50.00	2,842.0	100.00			2,842.0	100.00
Swaziland	Rand	8/17	8/19	2	3,571.0	50.00	73.57	100.00	4.00	5.61	77.57	105.61
Yugoslavia	Dinar	8/19	8/22	3	625.00	50.00	1,875.00	150.00			1,875.00	150.00
Turkey	Pound	8/24	8/27	3	450.00	50.00	1,350.0	150.00			1,350.0	150.00
Israel	Pound	8/27	9/2	6	175.00	50.00	875.0	250.00	421.95	120.55	1,296.95	370.55
France	Franc	9/2	9/3	2	277.00	50.00	554.0	100.00			554.00	100.00
Transportation	D-Mark								8,135.2	2,034.31	8,135.2	2,034.31
Hon. F. Bradford Morse:												
Bermuda	Pound	3/15	3/20	6	20.26.8	50.00	125.0.0	300.00			125.0.0	300.00
Transportation	U.S. dollar									182.00		182.00
United Kingdom	Pound	5/19	5/21	3	20.17.10	50.00	62.13.6	150.00			62.13.6	150.00
Costa Rica	Colon	6/2	6/4	2	346.00	50.00	440.00	64.89			440.00	64.89
Guatemala	Quetzal	6/4	6/7	4	50.00	50.00	140.00	140.00			140.00	140.00
Transportation	D-Mark								1,780.80	443.35	1,780.80	443.35
Belgium	Franc	10/16	10/18	2	2,500.00	50.00	5,000.00	100.00			5,000.00	100.00
France	Franc	10/18	10/26	8	279.00	50.00	2,232.00	400.00			2,232.00	400.00
Transportation	D-Mark								1,599.80	437.10	1,599.80	437.10
France	Franc	12/29	1/3	6	279.0	50.00	1,674.00	300.00			1,674.00	300.00
Transportation	D-Mark								1,054.55	386.00	1,054.55	386.00
Hon. James G. Fulton:												
Italy	Lira	4/30	5/3	4	31,400	50.00	125,600	200.00	18,562	29.60	144,162	229.60
Israel	I. Pound	5/3	5/6	3	175.00	50.00	525.00	150.00	122.50	35.00	647.50	185.00
Transportation	I. Pound								3,870.13	1,105.75	3,870.13	1,105.75

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 143, 1ST SESS., 91ST CONG., BY THE COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1969—Continued

Name and country	Name of currency	Date: Arrival	Date: Departure	Total days	Per diem rate: Foreign currency	Per diem rate: U.S. dollar equivalent or U.S. currency	Total amount per diem: Foreign currency	Total amount per diem: U.S. dollar equivalent or U.S. currency	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency
Hon. J. Herbert Burke:												
England	Pound	2/7	2/11	4	20.17.10	50.00	83.11.3	200.00	6.13.10	16.01	90.5.1	216.01
Nigeria	Pound	2/11	2/14	3	17.17.7	50.00	53.12.9	150.00	14.8.4	40.32	68.1.1	190.32
Pound	Pound	2/16	2/17	1	20.17.10	50.00	20.17.10	50.00	7.17.7	18.85	28.15.5	68.85
Transportation	D-Mark								5,360.8	1,338.53	5,360.8	1,338.53
France	Franc	5/29	5/31	2	248.5	50.00	1,131.50	272.03			1,331.50	272.03
France	Franc	6/4	6/7	4								
Tunisia	Dinar	5/31	6/3	4	26.25	50.00	105.00	200.00			105.00	200.00
Transportation	D-Mark								2,476.96	584.00	2,476.96	584.00
Total							13,829.18	26,897.89				40,727.07

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	37,408.87
Appropriated funds: Government Department:	
Department of Defense	1,856.20
U.S. Information Agency	1,462.00
Total	40,727.07

THOMAS E. MORGAN,
Chairman, Committee on Foreigh Affairs.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 213, 1ST SESS., 91ST CONG., BY THE COMMITTEE ON GOVERNMENT OPERATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1, AND DEC. 31, 1969

Name and country	Name of currency	Date: Arrival	Date: Departure	Total days	Per diem rate: Foreign currency	Per diem rate: U.S. dollar equivalent or U.S. currency	Total amount per diem: Foreign currency	Total amount per diem: U.S. dollar equivalent or U.S. currency	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency
NTERGOVERNMENTAL RELATIONS SUB-COMMITTEE, HON. L. H. FOUNTAIN, CHAIRMAN												
D. C. Goldberg: Great Britain	Pounds	3/28	3/31	4	20.16.8	50.00	79.3.4	190.00			79.3.4	190.00
FULL COMMITTEE, HON. WILLIAM L. DAWSON, CHAIRMAN												
. R. Davis:												
Great Britain	Pounds	8/15	8/20	6	20.16.0	50.00	125.13.0	300.00			125.13.0	300.00
Belgium	Francs	8/21	8/23	3	2,500	50.00	7,500	150.00			7,500	150.00
Holland	Guilders	8/24	8/27	4	180.625	50.00	722.50	200.00			722.50	200.00
Denmark	Kroners	8/27	9/1	6	376.25	50.00	1,881.25	250.00			1,881.25	250.00
Transportation	Guilders								1,684.84	462.75	1,684.84	462.75
Subtotal							900.00			462.75		1,362.75
J. A. Lanigan:												
Great Britain	Pounds	8/15	8/20	6	20.16.0	50.00	125.13.0	300.00			125.13.0	300.00
Belgium	Francs	8/21	8/23	3	2,500	50.00	7,500	150.00			7,500	150.00
Holland	Guilders	8/24	8/27	4	180.625	50.00	722.50	200.00			722.50	200.00
Denmark	Kroners	8/27	9/1	6	376.25	50.00	1,881.25	250.00			1,881.25	250.00
Transportation	Guilders								1,684.84	462.75	1,684.84	462.75
Subtotal							900.00			462.75		1,362.75
L. P. Redmond:												
Great Britain	Pounds	8/15	8/20	6	20.16.0	50.00	125.13.0	300.00			125.13.0	300.00
Belgium	Francs	8/21	8/23	3	2,500	50.00	7,500	150.00			7,500	150.00
Holland	Guilders	8/24	8/27	4	180.625	50.00	722.50	200.00			722.50	200.00
Denmark	Kroners	8/27	9/1	6	376.25	50.00	1,881.25	250.00			1,881.25	250.00
Transportation	Guilders								1,684.84	462.75	1,684.84	462.75
Subtotal							900.00			462.75		1,362.75
Full committee total							2,700.00			1,388.25		4,088.25
FOREIGN OPERATIONS AND GOVERNMENT INFORMATION SUBCOMMITTEE, HON. JOHN E. MOSS, CHAIRMAN												
V. J. Augliere:												
Japan	Yen	10/6	10/7	1	18,000	50.00	18,000	50.00			18,000	50.00
Hong Kong	HK$	10/7	10/8	1	304.25	50.00	304.25	50.00			304.25	50.00
Vietnam	Piasters	10/8	10/12	4	5,900	50.00	23,600	200.00			23,600	200.00
Indonesia	Rupiahs	10/12	10/18	6	19,250	50.00	115,500	300.00			115,500	300.00
Hong Kong	HK$	10/18	10/20	2	304.25	50.00	508.50	83.56			508.50	83.56
Transportation	Deutsche Marks								7,449.52	2,035.39	7,449.52	2,035.39
Subtotal							683.56			2,035.39		2,718.95
N. G. Cornish:												
Japan	Yen	10/6	10/7	1	18,000	50.00	18,000	50.00			18,000	50.00
Hong Kong	HK$	10/7	10/8	1	304.25	50.00	304.25	50.00			304.25	50.00
Vietnam	Piasters	10/8	10/12	4	5,900	50.00	23,600	200.00			23,600	200.00
Indonesia	Rupiahs	10/12	10/18	6	19,250	50.00	115,500	300.00			115,500	300.00
Hong Kong	HK$	10/18	10/20	2	304.25	50.00	508.50	83.65			508.50	83.56
Transportation	Deutsche Marks								7,449.52	2,035.39	7,449.52	2,035.36
Subtotal							683.56			2,035.39		2,718.59

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 213, 1ST SESS., 91ST CONG., BY THE COMMITTEE ON GOVERNMENT OPERATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1969—Continued

Name and country	Name of currency	Date: Arrival	Date: Departure	Date: Total days	Per diem rate: Foreign currency	Per diem rate: U.S. dollar equivalent or U.S. currency	Total amount per diem: Foreign currency	Total amount per diem: U.S. dollar equivalent or U.S. currency	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency
J. L. Nelligan:												
Japan	Yen	10/6	10/7	1	18,000	50.00	18,000	50.00			18,000	50.00
Hong Kong	HK$	10/7	10/8	1	304.25	50.00	304.25	50.00			304.25	50.00
Vietnam	Piasters	10/8	10/12	4	5,900	50.00	23,600	200.00			23,600	200.00
Indonesia	Rupiahs	10/12	10/18	6	19,250	50.00	115,500	300.00			115,500	300.00
Hong Kong	HK$	10/18	10/20	2	304.25	50.00	508.50	83.56			508.50	83.56
Transportation	Deutsche Marks								7,449.52	2,035.39	7,449.52	2,035.39
Subtotal								683.56		2,035.39		2,718.95
Foreign Operations and Government Information Subcommittee total								2,050.68		6,106.17		8,156.85
Full committee and subcommittees						50.00		4,940.68		7,494.42		12,435.10

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	12,435.10

WILLIAM L. DAWSON,
Chairman, Committee on Government Operations.

Feb. 12, 1970.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY THE COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1969

Name and country	Name of currency	Date: Arrival	Date: Departure	Date: Total days	Per diem rate: Foreign currency	Per diem rate: U.S. dollar equivalent or U.S. currency	Total amount per diem: Foreign currency	Total amount per diem: U.S. dollar equivalent or U.S. currency	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency
W. Pat Jennings: Japan	Yen	11/7	11/25	9	18,000	50.00	162,000	450.00			162,000	450.00

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	450.00

SAMUEL N. FRIEDEL,
Chairman, Committee on House Administration.

MAR. 19, 1970.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 21, 1ST SESS., 91ST CONG., BY THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1969

Name and country	Name of currency	Date: Arrival	Date: Deprature	Date: Total days	Per diem rate: Foreign currency	Per diem rate: U.S. dollar equivalent or U.S. currency	Total amount per diem: Foreign currency	Total amount per diem: U.S. dollar equivalent or U.S. currency	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency
Hon. Hugh L. Carey:												
Switzerland	SWF	10/8	10/13	6	214.50	50.00	1,287.00	300.00			1,287.00	300.00
	SWF								914.10	212.53	914.10	212.53
Portugal	ESC	10/13	10/16	3	1,421.33	50.00	4,264.00	150.00			4,264.00	150.00
	ESC								1,980.00	69.62	1,980.00	69.62
	DM								3,228.12	882.00	3,228.12	882.00
Hon. Laurence J. Burton:												
United Kingdom	Pounds	10/6	10/7	2	20.18	50.00	41.16.0	100.00			41.16.0	100.00
	Pounds								8.3.0	19.47	8.3.0	19.47
Switzerland	SWF	10/7	10/14	7	214.50	50.00	1,501.50	350.00			1,501.50	350.00
	SWF								914.10	212.53	914.10	212.53
	DM								3,228.12	882.00	3,228.12	882.00
William L. Shafer:												
United Kingdom	Pounds	10/6	10/7	2	20.18	50.00	41.16.0	100.00			41.16.0	100.00
	Pounds								6.0.0	14.34	6.0.0	14.34
Switzerland	SWF	10/7	10/15	8	214.50	50.00	1,715.75	400.00			1,715.75	400.00
	SWF								914.10	212.53	914.10	212.53
	DM								3,228.12	882.00	3,228.12	882.00
Total						50.00		1,400.00		3,387.02		4,787.02

Note: The Members of Congress and the professional staff of the committee were authorized by the Speaker of the House and pursuant to H. Res. 21, First Session, 91st Congress, to attend meetings of the International Lead and Zinc Study Group at Geneva, Switzerland.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	4,787.02

WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs.

Mar. 19, 1970.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 116, 1ST SESS., 91ST CONG., BY THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1969

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Samuel N. Friedel:												
France	Fr	5/30	6/6	7	145	50.00	1,715.00	350.00			1,715.00	350.00
	DM								3,368.00	840.95	3,368.00	840.95
Total							1,715.00	350.00	3,368.00	840.95		1,190.95
Hon. Torbert H. Macdonald:												
France	Fr	5/27	6/7	12		50.00	2,940.00	600.00				600.00
Haiti	G	11/25	11/30	5		50.00	1,250.00	250.00			1,250.00	250.00
	DM								3,176.00	793.01	3,176.00	793.01
Total												1,643.01
Hon. Tim Lee Carter:												
U.K	£	8/20	8/28						97.3.6	232.25	97.3.6	232.25
Denmark	DKr	8/29	8/31						1,386.00	184.28	1,386.00	184.28
Sweden	SKr	9/1	9/3						570.00	110.42	570.00	110.42
Total												526.95
Hon. J. J. Pickle:												
Taiwan	NT$	8/23	8/25	3		50.00	54,000	150.00 [1] 112.50				37.50
Japan	¥	8/26	8/28	3		50.00	54,000	150.00		90.85		240.85
	Dm								1,094	273.57		273.57
Total												551.92
Hon. James F. Hastings:												
Hong Kong	HK$	8/7	8/9	2		50.00	608.00	100.00			608.00	100.00
Vietnam	P/	8/9	8/14	5		50.00	29,500	250.00			29,500	250.00
Taiwan	NT$	8/15	8/16	2		50.00	4,000	100.00			4,000	100.00
Korea	Won	8/17	8/18	2		50.00	28,563	100.00			28,563	100.00
Japan	¥	8/19	8/23	5		50.00	90,000	250.00	56,072	155.75		405.75
Total												955.75
Hon. Clarence J. Brown:												
France	Fr	6/3	6/6	4		50.00	980.00	200.00	111.50	22.50		222.52
U.K	£	6/6	6/10	3		50.00	62.12.6	150.00	16.03	38.27		188.29
DM									2,100.00	524.34		524.34
Total												935.15
Hon. Joe Skubitz: Japan	¥	8/26	8/28	3		50.00	54,000	150.00		90.85		240.85
	HK$									234.11		234.11
Total												474.96
Hon. Williamson S. Stuckey:												
France	Fr	6/4	6/8	5		50.00	1,225	250.00			1,225.00	250.00
U.S.S.R	Ruble	6/9	6/11	3		50.00	135.00	150.00				150.00
U.K	£	6/11	6/14	3		50.00	62.15.6	150.00	13.7.9	32.00		182.00
									4,863.00	1,214.28	4,863.00	1,214.28
Total												1,796.28
Hon. Peter N. Kyros:												
France	Fr	6/5	6/8	4		50.00	980.00	200.00			980.00	200.00
U.S.S.R	Ruble	6/9	6/11	3		50.00	135.00	150.00				150.00
DM									4,726.00	1,180.22		1,180.22
Total												1,530.22
Hon. Dan Kuykendall: France	Fr	6/5	6/14	10	245.00	50.00	2,450.00	500.00			2,450.00	500.00
	Dm								3,368.00	842.00	3,368.00	842.00
Total												1,342.00
Hon. Fletcher Thompson:												
France	Fr	5/28	6/8	12		50.00		600.00 [1] 226.22		122.30		496.08
U.K	£	5/23	5/28	6		50.00	62.15.6	300.00	135.3.3	323.05		623.05
Japan	¥	9/1	9/7	7		50.00	126,000	350.00 [1] 350.00				
									1,476	368.54		368.54
Total												1,487.67
Hon. Brock Adams:												
France	Fr	5/28	6/2	6		50.00	1,470.00	300.00			1,470.00	300.00
U.S.S.R	Ruble	6/3	6/4	1		50.00		50.00 [1] 44.44				11.12
U.K	£	6/5	6/6	2		50.00	41.15.6	100.00 [1] 100.00	28.9.0	68.00		68.00
DM									4,863.20	1,328.74		1,328.74
Total												1,696.74
Less additional refund												451.40
Total												1,245.34

[1] Refunded.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	13,679.25

HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce.

Mar. 18, 1970.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 93, 1ST SESS., 91ST CONG., BY THE COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1, AND DEC. 31, 1969

Name and country	Name of currency	Date		Total days	Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Donald G. Benn:												
Switzerland	Swiss Francs	11/28	12/4	7	214.50	50.00	1,501.5	350.00			1,501.50	350.00
Germany	Marks								3,704.40	882.00	3,704.40	882.00
Total								350.00		882.00		1,232.00
Hon. Emanuel Celler:												
France	Francs	8/12	8/20	9	277	50.00	2,493	450.00	1,490	298.64		748.64
Portugal	Escudos	8/21	8/26	6	1,422.50	50.00	8,536	300.00				300.00
Germany	Marks								3,704.40	882.00		882.00
Total				15				750.00		1,180.64		1,930.64
Garner J. Cline:												
Jamaica	Pounds	4/14	4/21	8	22.3.1	50.00	167.46	400.00			167.46	400.00
Germany	Marks								860	214.73		214.73
Total				8				400.00		214.73		614.73
Switzerland	Swiss Francs	5/13	5/25	13	216	50.00	2,803	650.00	588	136.36	3,391	786.36
Ireland	Pounds	5/12	5/13	1	20.19.2	50.00	20.19.2	50.00			20.19.2	50.00
Germany	Marks								3,496.80	873.11	3,496.80	873.11
Total								700.00		1,009.47		1,709.47
Italy	Lire	8/13 8/24	8/20 8/30	13	31,350	50.00	408,200	650.00	189,900	302.74	598,100	952.74
Czechoslovakia	Kr	8/20 8/22	8/22 8/24	2	717.50	50.00	1,435	100.00	241	16.80	1,676	116.80
Austria	Shillings	9/2	9/3	4	1,282	50.00	5,146	200.00	4,209	163.28		363.28
Switzerland	Swiss Francs	8/30	9/2	3	216	50.00	648	150.00	539.40	124.81	1,187.50	274.81
Poland	Zlotys	9/3	9/4	1	1,200	50.00	1,200	50.00	25,761.60	1,073.40	26,961.60	1,123.40
France	Francs	9/5	9/7	3	277	50.00	831	150.00			831	150.00
Total				26				1,300.00		1,681.03		2,981.03
Switzerland	Swiss Franc	11/21	12/4	14	216	50.00	3,020	700.00	499.75	116.19		816.19
Austria	Shillings	12/4	12/7	3	1,286	50.00	3,858	150.00			3,858	150.00
Germany									3,967.32	944.60	3,967.32	944.60
Total				17				850.00		1,060.79		1,910.79
Frances Christy Cline:												
France	Francs	8/12	8/20	9	277	50.00	2,493	450.00	1,490	298.64		748.64
Portugal	Escudos	8/21	8/26	6	1,422.50	50.00	8,536	300.00				300.00
Germany	Marks								3,939.60	938.00		938.00
Total				15				750.00		1,236.64		1,986.64
Bess E. Dick:												
France	Francs	8/12	8/20	9	277	50.00	2,493	450.00	1,490	298.64		748.64
Portugal	Escudos	8/21	8/26	6	1,422.50	50.00	8,536	300.00				300.00
Germany	Marks								3,939.60	938.00		938.00
Total				15				750.00		1,236.64		1,986.64
Hon. Joshua Eilberg:												
Poland	Zloty	11/21	11/22	1	1,200	50.00	1,200	50.00			1,200	50.00
U.S.S.R	Ruble	11/22	11/30	8	45	50.00	360	400.00	81.90	91.00	442	491.00
Switzerland	Swiss Franc	11/30	12/3	4	216	50.00	862	200.00	673	156.48	1,535	356.48
Austria	Shilling	12/3	12/6	2	1,286	50.00	2,573	100.00			2,573	100.00
Germany	Mark								5,177.50	1,232.75	5,177.50	1,232.75
Total				15				750.00		1,480.23		2,230.23
Hon. Walter Flowers:												
Hong Kong, B.C.C	H.K.$	8/9	8/10	2	304	50.00	547.20	90.00	60.80	10.00	608	100.00
Vietnam	Piastres	8/11	8/15	5	5,900	50.00	26,550	225.00	2,950	25.00	29,500	250.00
Taiwan	NT $	8/16	8/17	2	2,000	50.00	3,600	90.00	400	10.00	4,000	100.00
Korea	Won	8/18	8/19	2	14,281.50	50.00	25,707	90.00	2,856	10.00	28,563	100.00
Japan	Yen	8/20	8/23	5	18,000	50.00	81,000	225.00	65,072	180.75	146,072	405.75
Total				16				720.00		235.75		955.75
Hon. William Hungate:												
Japan	Yen	8/23	8/29	7	18,000	50.00	100,350	278.75	2,800	7.78		286.53
Taiwan	NT $	8/30	8/31	2	2,000	50.00	3,890	97.25			3,890	97.25
Hong Kong B.C.C	H.K. $	9/1	9/6	6	304	50.00	1,704	280.33	54.50	8.93	1,758.50	289.26
Thailand	Baht	9/11	9/12	6	1,041.20	50.00	6,205.50	297.97			6,205.50	297.97
Philippines	P	9/13	9/15	3	199	50.00	387.85	98.95			387.85	98.95
Germany	Marks								6,034.40	1,508.95		1,508.98
Total				24				1,053.25		1,525.69		2,578.94
Hon. Clark MacGregor:												
Switzerland	Swiss Francs	8/31	9/2	2	215	50.00		100.00			430	100.00
Czechoslovakia	Krs	9/4	9/5	1	717.50	50.00	430.00	27.70			397.50	27.70
Poland	Zloty	9/3	9/4	1	1,200.00	50.00	397.50	50.00	25,804.80	[1]950.20	27,004.80	1,000.20
France	Francs	9/5	9/6	2	277	50.00	1,200.00	68.98			381.00	68.98
Austria	Shillings	9/2	9/3	2	1,286.50	50.00	381.00	100.00	330.96	12.85	2,903.96	112.85
Total				8				346.68		963.05		1,309.73

[1] Reflects refund in dollars from TWA in the amount of $125.00.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 93, 1ST SESS., 91ST CONG., BY THE COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1969—Continued

Name and country	Name of currency	Date: Arrival	Date: Departure	Total days	Per diem rate: Foreign currency	Per diem rate: U.S. dollar equivalent or U.S. currency	Total amount per diem: Foreign currency	Total amount per diem: U.S. dollar equivalent or U.S. currency	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency
Hon. James R. Mann:												
Hong Kong, B.C.C.	H.K. $	8/9	8/10	2	304	50.00	486.40	80.00	121.60	20.00	608	100.00
Vietnam	Piastres	8/11	8/14	4	5,900	50.00	23,600	200.00	5,900	50.00	29,500	250.00
Taiwan	NT $	8/15	8/16	2	2,000	50.00	3,600	90.00	400	10.00	4,000	100.00
Korea	Won	8/17	8/18	2	14,281.50	50.00	23,565	82.49	4,998	17.51	28,563	100.00
Japan	Yen	8/19	8/22	4	18,000	50.00	72,000	200.00	74,071	205.75	146,071	405.75
Total				14				652.49		303.26		955.75
Hon. Thomas J. Meskill:												
Germany	Marks								3,824	954.81	3,824	954.81
Switzerland	Swiss Francs	5/20	5/22	2	216	50.00	432	100.00				100.00
Ireland	Irish Pounds	5/22	5/23	2	20.18.1	50.00	41.16.2	100.00				100.00
Total				4				200		954.81		1,154.81
Hon. Thomas J. Meskill:												
Italy	Lire	11/28	11/30	3	31,450	50.00	94,350	150.00			94,350	150.00
Switzerland	Swiss Franc	11/30	12/3	3	216	50.00	646	150.00	308.50	71.73	95,450	221.73
Ireland	Irish Pounds	12/3	12/6	3	20.18.1	50.00	62.14.3	150.00	40.0.6	95.77	102.14.9	245.77
Germany	Marks								2,541	605.00		605.00
Total				9				450.00		772.50		1,222.50
Hon. Thomas F. Railsback:												
Switzerland	Swiss Francs	5/20	5/24	4	218	50.00	864.00	200.00	189.50	43.92	1,053.50	243.92
France	Francs	5/24	5/25	2	245	50.00	490.00	100.00			490.00	100.00
Germany	Marks								3,599.44	898.76	3,599.44	898.76
Total				6				300.00		942.68		1,242.68
Hon. Thomas F. Railsback:												
Switzerland	Swiss Francs	12/3	12/5	3	218	50.00	646.50	150.00				150.00
Germany	Marks	11/28	12/2	6	185	50.00	1,104.00	300.00	4,559.18	1,302.03	5,663.18	1,602.03
United Kingdom	Pounds	12/6	12/7	2	20.15.10	50.00	41.11.8	100.00	51.5.0	122.49	92.168	222.49
Total				11				550.00		1,424.52		1,974.52
Hon. Peter W. Rodino, Jr.:												
Ireland	Pounds	5/11	5/12	1	20.19.2	50.00	20.19.2	50.00	29.7.8	70.37	50.6.10	120.37
Switzerland	Swiss Franc	5/13	5/22	10	216	50.00	2,155.75	500.00	1,685.25	390.83	3,841.00	890.83
Germany	Marks								3,792.29	933.60	3,792.29	933.60
Total				11				550.00		1,394.80		1,944.80
Hon. William St. Onge:												
Italy	Lire	8/15	8/21	7	31,400	50.00	219,800	350.00	56,500	90.11	276,300	440.11
Austria	Shillings	8/21	8/26	5	1,282	50.00	6,432.50	250.00	1,798.03	69.72	8,230.53	319.72
France	Franc	8/26	8/30	4	277	50.00	941.80	170.08	1,402.64	253.18	2,344.44	423.26
Germany	Marks								2,541.00	605.00	2,541	605.00
Total				16				770.08		1,018.01		1,788.09
Hon. Charles W. Sandman, Jr.:												
Switzerland	Swiss Francs			8	216	50.00	1,724	400.00	2,151.30	500.19	3,875.30	900.19
Germany	Marks								3,704.40	882.00	3,704.40	882.00
Total				8				400.00		1,382.19		1,782.19
Hon. Charles E. Wiggins:												
Switzerland	Swiss Franc	5/21	5/23	3	216	50.00	648	150.00	474.10	109.95	1,122.10	259.95
Italy	Lire	5/23	5/25	2	31,350	50.00	62,700	100.00	9,250	14.82	71,950	114.82
Israel	Pounds	5/25	5/29	4	177.50	50.00	700.00	200.00	2,400.45	685.84		885.84
Turkey	TL	5/29	5/30	1	450.00	50.00	450.00	50.00			450.00	50.00
Lebanon	LL	5/30	6/1	2	168.00	50.00	336.00	100.00			336.00	100.00
Greece	Drachma	6/1	6/4	3	1,500	50.00	4,500	150.00			4,500	150.00
Total				15				750.00		810.61		1,560.61
Grand total								13,342.50		21,710.04		35,052.54

[1] Reflects refund in dollars from TWA in the amount of $125.

EMANUEL CELLER,
Chairman, Committee on the Judiciary.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 131, 1ST SESS., 91ST CONG., BY THE COMMITTEE ON MERCHANT MARINE AND FISHERIES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1969

Name and country	Name of currency	Date: Arrival	Date: Departure	Total days	Per diem rate: Foreign currency	Per diem rate: U.S. dollar equivalent or U.S. currency	Total amount per diem: Foreign currency	Total amount per diem: U.S. dollar equivalent or U.S. currency	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency
Frank M. Clark:												
Spain	Pts	4/4	4/6	3	3,485	50.00	10,455	150.00			10,455	150.00
Italy	Lit	4/6	4/8	3	31,400	50.00	94,200	150.00	14,575	23.36	108,775	173.36
Libya	L£	4/8	4/9	2	17.80	50.00	35.62	100.00			35.62	100.00
Greece	Dr	4/10	4/12	3	1,500	50.00	4,500	150.00			4,500	150.00
Turkey	TL	4/13	4/15	3	450	50.00	1,350	150.00			1,350	150.00
United Kingdom	£	4/16	4/19	4	20.9	50.00	83.7.6	200.00	60.8	143.23	144.5	343.23
	DM								5,380.	1,343.55	5,380	1,343.55
United Kingdom	£	8/12	8/15	4	20.9	50.00	83.7.6	200.00			83.7.6	200.00
Belgium	BF	8/15	8/16	1	2,500	50.00	2,500	50.00			2,500	50.00
Germany	DM	8/17	8/21	5	199.5	50.00	997.50	250.00	1,120	279.65	2,117	529.65
Norway	NKr	8/21	8/24	4	357	50.00	1,427	200.00	3,991	559.64	5,418	759.64
United Kingdom	£	8/25	9/1	8	20.9	50.00	167.6	400.00	141.9	338.18	309.5	738.18
	DM								3,616	988.03	3,616	988.03

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 131, 1ST SESS., 91ST CONG., BY THE COMMITTEE ON MERCHANT MARINE AND FISHERIES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1969—Continued

Name and country	Name of currency	Date: Arrival	Date: Departure	Date: Total days	Per diem rate: Foreign currency	Per diem rate: U.S. dollar equivalent or U.S. currency	Total amount per diem: Foreign currency	Total amount per diem: U.S. dollar equivalent or U.S. currency	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency
Philip E. Ruppe:												
Spain	Pts	4/4	4/6	3	3,485	50.00	10,455	150.00			10,455	150.00
Italy	Lit	4/6	4/7	1	31,400	50.00	28,200	44.23			28,200	44.23
	DM								3,722	928.99	3,722	928.99
Ned P. Everett:												
Spain	Pts	4/4	4/6	3	3,485	50.00	10,455	150.00			10,455	150.00
Italy	Lit	4/6	4/8	3	31,400	50.00	94,200	150.00			94,200	150.00
Libya	L£	4/8	4/9	2	17.80	50.00	35.62	100.00			35.62	100.00
Greece	Dr	4/10	4/12	3	1,500	50.00	4,500	150.00			4,500	150.00
Turkey	TL	4/13	4/15	3	450	50.00	1,350	150.00			1,350	150.00
United Kingdom	£	4/16	4/19	4	20.9	50.00	83.7.6	200.00	37.4	88.91	121.1	288.91
	DM								5,166	1,289.94	5,166	1,289.94
Helmer S. Pearson:												
Spain	Pts	4/2	4/6	5	3,485	50.00	17,425	250.00			17,425	250.00
Italy	Lit	4/6	4/8	3	31,400	50.00	94,200	150.00			94,200	150.00
Libya	L£	4/8	4/9	2	17.80	50.00	35.62	100.00			35.62	100.00
Greece	Dr	4/10	4/12	3	1,500	50.00	4,500	150.00			4,500	150.00
Turkey	TL	4/13	4/15	3	450	50.00	900	100.00			900	100.00
United Kingdom	£	4/16	4/19	4	20.9	50.00	63.6	150.00			63.6	150.00
	DM								5,166	1,289.94	5,166	1,289.94
Richard T. Hanna:												
Germany	DM	8/18	8/21	4	199.5	50.00	798	200.00			798	200.00
Norway	NKr	8/21	8/24	4	357	50.00	1,427	200.00	288	40.36	1,715	240.36
United Kingdom	£	8/25	9/3	10	20.9	50.00	208.8	500.00	71.19	171.97	279.9	671.97
	DM								3,528	882.22	3,528	882.22
Ernest J. Corrado:												
United Kingdom	£	8/12	8/15	4	20.9	50.00	83.7.6	200.00			83.7.6	200.00
Belgium	BF	8/15	8/16	1	2,500	50.00	2,500	50.00			2,500	50.00
Germany	DM	8/17	8/21	5	199.5	50.00	997.50	250.00			997.50	250.00
Norway	NKr	8/21	8/24	4	357	50.00	1,427	200.00	288	40.36	1,715	240.36
United Kingdom	£	8/25	9/1	8	20.9	50.00	167.6	400.00			167.6	400.00
	DM								3,616	988.03	3,616	988.03
Halert C. Shepheard:												
United Kingdom	£	2/23	3/1	7	20.9	50.00	146.5	350.00	79.14	190.04	225.6	540.04
United Kingdom	£	4/13	4/19	7	20.9	50.00	146.0	350.00	120.6	287.55	266.6	637.55
United Kingdom	£	10/15	10/31	17	20.9	50.00	355.1	850.00				850.00
	DM								3,010	751.66	3,010	751.66
Total						1,800.00		7,544.23		10,625.61		18,169.84

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	18,169.84

EDWARD A. GARMATZ,
Chairman, Committee on Merchant Marine and Fisheries.

Mar. 16 1970.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 269, 1ST SESS., 91ST CONG., BY THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1969

Name and country	Name of currency	Date: Arrival	Date: Departure	Date: Total days	Per diem rate: Foreign currency	Per diem rate: U.S. dollar equivalent or U.S. currency	Total amount per diem: Foreign currency	Total amount per diem: U.S. dollar equivalent or U.S. currency	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency
Hon. T. J. Dulski:												
Denmark	Danish kroner	8/29	9/1	3	187.50	25.00	562.50	75.00	3,242	430.00	3,804.50	505.00
Spain	Pesetas	9/1	9/7	5	1,750	25.00	8,750	125,00			8,750	125.00
Transportation round trip to Europe.	Deutsche mark								3,618	904.00	3,618	904.00
Andrew DiAntonio:												
Denmark	Danish kroner	8/29	9/1	4	376.24	50.00	1,505	200.00			1,505	200.00
Spain	Pesetas	9/1	9/7	6	3,500	50.00	21,000	300.00			21,000	300.00
Germany	Mark								1,934.80	483.82	1,934.80	483.82
Hon. Charles H. Wilson:												
Ireland	Pound	9/1	9/3	2	20.16.8	50.00	41.17.11	100.00	22.4.6	52.99	64.2.5	152.99
United Kingdom	Pound	9/3	9/6	3	20.16.8	50.00	62.18.10	150.00	234.5.0	559.87	297.3.10	709.87
Switzerland	Swiss franc	9/6	9/8	2	216.30	50.00	427.95	100.00	627.00	145.04	1,054.95	245.04
Denmark	Danish kroner	9/8	9/10	2	375.97	50.00	751.95	100.00	4,059.00	539.69	4,810.95	639.69
Sweden	Swedish kroner	9/10	9/13	3	258.50	50.00	775.80	150.00	2,092.00	404.64	2,867.80	554.64
Germany	Mark								3,959.00	990.00	3,959.00	990.00
Hon. Robert O. Tiernan:												
Ireland	Pound	9/1	9/3	2	20.16.8	50.00	41.17.11	100.00			41.17.11	100.00
United Kingdom	Pound	9/3	9/6	3	20.16.8	50.00	62.18.10	150.00			62.18.10	150.00
Switzerland	Swiss franc	9/6	9/8	2	216.30	50.00	427.95	100.00	505.00	116.82	932.95	216.82
Denmark	Danish kroner	9/8	9/10	2	375.97	50.00	751.95	100.00			751.95	100.00
Sweden	Swedish kroner	9/10	9/13	3	258.50	50.00	775.80	150.00			775.80	150.00
Ireland	Pound	9/13	9/17	4	20.16.8	50.00	83.15.10	200.00	79.5.0	188.96	163.0.10	388.96
Germany	Mark								4,032.00	1,008.25	4,032.00	1,008.25
Hon. Richard C. White:												
Norway	Norwegian kroner.	8/23	8/26	3	356.75	50.00	1,070.25	150.00	1,611.27	225.92	2,681.52	375.92
Sweden	Swedish kroner	8/26	8/28	2	258.50	50.00	517.00	100.00	684.00	132.51	1,201.00	232.51
Denmark	Danish kroner	8/28	8/31	3	375.97	50.00	1,129.03	150.00			1,129.03	150.00
Germany	Mark	8/31	9/3	3	200.00	50.00	600.00	150.00	1,978.80	494.82	2,578.80	644.82
United Kingdom	Pound	9/3	9/7	5	20.16.8	50.00	104.14.6	250.00			104.14.6	250.00
George B. Gould:												
Ireland	Pound	9/1	9/3	2	20.16.8	50.00	41.17.11	100.00			41.17.11	100.00
United Kingdom	Pound	9/3	9/6	3	20.16.8	50.00	62.18.10	150.00			62.18.10	150.00
Switzerland	Swiss franc	9/6	9/8	2	216.30	50.00	427.95	100.00			427.95	100.00
Denmark	Danish kroner	9/8	9/10	2	375.97	50.00	751.95	100.00			751.95	100.00
Sweden	Swedish kroner	9/10	9/13	3	258.50	50.00	775.50	150.00			775.50	150.00
Germany	Mark								3,959.00	990.00	3,959.00	990.00
Hon. Robert J. Corbett:												
Germany	D. mark	8/19	8/24	5	200.00	50.00	1,000.00	250	3,639.20	909.99	4,639.20	1,159.99
Switzerland	S. franc	8,24	8/28	4	214.87	50.00	859.50	200	1,139.45	263.57	1,988.95	463.57
Denmark	D. kroner	8/28	9/2	5	376.24	50.00	1,881.25	250	2,326.50	309.33	4,207.75	559.33
United Kingdom	Pound	9/2	9/8	7	20.16.8	50.00	146.14.0	350	314.7.6	751.37	461.1.6	1,101.37

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 269, 1ST SESS. 91ST CONG., BY THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31 1969—Continued

Name and country	Name of currency	Date: Arrival	Date: Departure	Date: Total days	Per diem rate: Foreign currency	Per diem rate: U.S. dollar equivalent or U.S. currency	Total amount per diem: Foreign currency	Total amount per diem: U.S. dollar equivalent or U.S. currency	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency
Hon. Albert W. Johnson:												
France	Franc	8/27	8/31	4	277	50.00	1,108	200			1,108	200.00
Germany	D. kroner	8/31	9/4	4	200.00	50.00	800	200	2,348	587.15	3,148	787.15
United Kingdom	Pound	9/4	9/8	5	20.16.8	50.00	104.15.0	250	70.12.6	168.80	175.7.6	418.80
William A. Irvine:												
Germany	D. mark	8/19	8/24	5	200.00	50.00	1,000.00	250	3,989.20	997.38	4,989.20	1,247.38
Switzerland	S franc	8/24	8/28	4	214.87	50.00	859.50	200	26.00	6.01	885.50	206.01
Denmark	D. kroner	8/28	9/2	5	376.24	50.00	1,881.25	250			1,881.25	250.00
United Kingdom	Pound	9/2	9/8	7	20.16.8	50.00	146.14.0	350			146.14.0	350.00
Byron Thompson:												
Switzerland	S. Franc	8/24	8/28	4	214.87	50.00	859.50	200	220.00	50.89	1,079.50	250.89
Denmark	D. kroner	8/28	9/2	5	376.24	50.00	1,881.25	250			1,881.25	250.00
United Kingdom	Pound	9/2	9/8	7	20.16.8	50.00	146.14.0	350			146.14.0	350.00
Total						50.00		7,050.00		11,711.82		18,761.82

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	18,761.82
Total	18,761.82

THADDEUS J. DULSKI,
Chairman, Committee on Post Office and Civil Service.

Mar. 18, 1970.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 192 1ST SESS., 91ST CONG., BY THE COMMITTEE ON SCIENCE AND ASTRONAUTICS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31 1969

Name and country	Name of currency	Date: Arrival	Date: Departure	Date: Total days	Per diem rate: Foreign currency	Per diem rate: U.S. dollar equivalent or U.S. currency	Total amount per diem: Foreign currency	Total amount per diem: U.S. dollar equivalent or U.S. currency	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency
Hon. Geo. P. Miller:												
United Kingdom	Pounds	3/25	3/31	7	21.0	50.00	146.3	350.00			146.3	350.00
Germany	Marks [1]								3,010.4	751.66	3,010.4	751.66
Ireland	Pounds	5/31	6/1	2	21.0	50.00	41.15	100.00	52	124.72	94	224.72
France	Francs	6/2	6/7	6	245	50.00	1,470	300.00	1,348	276.77	2,818	576.77
Transportation [2]										829.96		829.96
Total												2,733.11
Hon. Earle Cabell:												
Greece	Drachma	8/15	8/16	2	1,500	50.00	3,000	100.00			3,000	100.00
Greece	Drachma	8/26	8/28	3	1,500	50.00	4,500	150.00			4,500	150.00
Germany	Marks [1]								2,129.8	571.00	2,129.8	571.00
Total												821.00
Hon. E. Q. Daddario:												
France	Francs	9/24	9/26	3	277	50.00	831	150.00			831.00	150.00
Italy	Lire	9/30	10/5	6	31,450	50.00	188,700	300.00	17,790	28.33	206,490	328.33
Germany	Marks [1]								1,560	426.23	1,560	426.23
Total												894.56
R. A. Carpenter:												
France	Francs	11/29	11/30	1	278	50.00	278	50.00			278	50.00
Switzerland	Francs	11/30	12/1	1	2,155	50.00	215.5	50.00			215.5	50.00
France	Francs	12/2	12/6	5	278	50.00	1,250	224.00			1,250	224.00
Total												324.00
Hon. Larry Winn Jr.:												
Ireland	Pounds	5/31	6/1	2	21	50.00	41.15	100.00	52	124.72	94	224.72
France	Francs	6/2	6/7	6	245	50.00	1,470	300.00	1,348	276.77	2,818	576.77
Transportation [2]										829.96		829.96
Total												1,631.45
Hon. B. L. Podell:												
Ireland	Pounds	5/31	6/1	2	21	50.00	41.15	100.00	26	62.36	68	162.36
France	Francs	6/1	6/7	7	245	50.00	1,760	350.00	1,348	276.77	3,108	626.77
Transportation [2]										729.29		729.29
Total												1,528.02
R. D. Price:												
Ireland	Pounds	5/31	6/1	2	21	50.00	41.15	100.00	26	62.36	68	162.36
France	Francs	6/1	6/7	7	245	50.00	1,760	350.00	1,348	276.77	3,108	626.77
Transportation [2]										729.29		729.29
Total												1,528.02
F. R. Hammill, Jr.:												
Ireland	Pounds	5/31	6/2	2	21	50.00	41.15	100.00	52	124.72	94	224.72
France	Francs	6/2	6/7	6	245	50.00	1,470	300.00	1,348	276.77	2,818	576.77
Transportation [2]										829.96		829.96
Total												1,631.45
J. E. Wilson:												
Ireland	Pounds	5/31	6/2	2	21	50.00	41.15	100.00	52	124.72	94	224.72
France	Francs	6/2	6/7	6	245	50.00	1,470	300.00	1,348	276.77	2,818	576.77
Transportation [2]										829.96		829.96
Total												1,631.45

See footnotes at end of table, p. 16.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 192, 1ST SESS. 91ST CONG., BY THE COMMITTEE ON SCIENCE AND ASTRONAUTICS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1969—Continued

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency.
W. G. Wells, Jr.:												
Ireland	Pounds	5/31	6/2	2	21	50.00	41.15	100.00	52	124.72	94	224.72
France	Francs	6/2	6/7	6	245	50.00	1,470	300.00	1,348	276.77	2,818	576.77
Transportation [2]										829.96		829.96
Total												1,631.45
P. A. Gerardi:												
Ireland	Pounds	5/31	6/2	2	21	50.00	41.15	100.00	52	124.72	94	224.72
France	Francs	6/2	6/7	6	245	50.00	1,470	300.00	1,348	276.77	2,818	576.77
Transportation [2]										829.96		829.96
Total												1,631.45
R. W. Givens:												
France	Francs	5/25	5/30	6	245	50.00	1,470	300.00			1,470	300.00
France	Francs	6/2	6/7	6	245	50.00	1,470	300.00	1,348	276.77	2,818	576.77
Ireland	Pounds	5/31	6/1	2	21	50.00	41.15	100.00	52	124.72	94	224.00
Germany	Marks [1]								1,889	471.81	1,889	471.81
Total												1,572.58
Paul Van Gilder:												
France	Francs	5/28	6/7	11	245	50.00	2,315	473.25	1,348	276.77	3,663	750.02
Germany	Marks [1]								1,674	417.98	1,674	417.98
Total												1,168.00
R. W. Cottrell:												
France	Francs	5/25	6/7	14	245	50.00	3,430	700	1,348	276.77	4,778	976.77
Germany	Marks [1]								1,674	417.98	1,674	417.98
Total												1,394.75
Liichi Isomura: Japan	Yen [3]								553,104	1,536.40	553,104	1,536.40
Zivorad Kovacevic: Yugoslavia	Dinars [3]								12,325	986.00	12,325	986.00
Llewelyn-Davies: United Kingdom.	Pounds [3]								313.12	747.56	313.12	747.56
Frans Posthuma: Netherlands	Gilders [3]								2,900	796.48	2,900	796.48

[1] Cost of overseas transportation.
[2] Cost of transportation furnished by Department of the Air Force.
[3] Special consultants to committee as per letters of authority from House Administration Committee, Dec. 16 1969.

GEORGE P. MILLER,
Chairman, Committee on Science and Astronautics.

Mar. 11 1970.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 47, 1ST SESS., 91ST CONG., BY THE COMMITTEE ON VETERANS' AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1969

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. G. V. (Sonny) Montgomery:												
Vietnam	Piastres	12/21	12/28	7	5,900	50.00	35,260	298.81			35,260.00	298.81
Republic of Philippines	Philippine Peso	12/28	12/29	2	196.00	50.00	355.92	90.81			355.92	90.82
Germany (transportation only).	Deutsch mark								6,876.32	1,863.50	6,876.32	1,863.50
Total								389.63		1,863.50		2,253.13

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	2,253.13

OLIN E. TEAGUE,
Chairman, Committee on Veterans' Affairs.

Mar. 17. 1970.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY HOUSE OF REPRESENTATIVES DELEGATION, CANADA-UNITED STATES INTERPARLIAMENTARY GROUP EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1969

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. C. E. Gallagher, co-chairman, Canada.	C$	137.80	128.64	18.57	17.34			24.15	22.50	180.52	168.48
Hon. Mark Andrews, Canada	C$	142.00	132.55	3.86	3.61			17.10	15.96	162.96	152.12
Hon. Frank Horton, Canada	C$	137.80	128.64	4.46	4.17			12.15	11.32	154.41	144.13
Hon. Harold T. Johnson, Canada	C$	137.80	128.64	3.14	2.93			11.35	10.60	152.29	142.17
Hon. Peter Kyros, Canada	C$	33.60	31.40	11.78	11.01			26.94	25.19	72.32	67.60
Hon. Odin Langen, Canada	C$	130.80	122.10	7.90	7.38			4.02	3.75	142.72	133.23
Hon. Thomas E. Morgan, Canada	C$	137.80	128.64	14.99	13.99			1.50	1.38	154.29	144.01
Hon. Claude Pepper, Canada	C$	48.30	45.15	3.00	2.81			5.75	5.37	57.05	53.33
Hon. J. J. Pickle, Canada	C$	139.90	130.60	10.98	10.25			1.75	1.62	152.63	142.47
Hon. William J. Randall, Canada	C$	133.60	124.70	16.27	15.19			2.00	1.87	151.87	141.76
Hon. Robert T. Stafford, Canada	C$	137.80	128.64	16.32	15.23			4.30	4.00	158.42	147.87
Albert C. F. Westphal, Canada	C$	100.85	94.14	11.45	10.70			2.00	1.87	114.30	106.71
Louise O'Brien, Canada	C$	100.85	94.14	6.60	6.15			10.27	9.58	117.72	109.87
Delegation expenses									584.92		584.92
Total			1,417.98		120.76				699.93		2,238.67

RECAPITULATION

	Amount
Appropriated funds: Public Law 86-42	2,238.67

CORNELIUS E. GALLAGHER,
Chairman, Committee on House Delegation, Canada-United States Interparliamentary Group.

Mar. 17, 1970.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY HOUSE OF REPRESENTATIVES DELEGATION, MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1969

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	* U.S. dollar equivalent or U.S. currency	Foreign currency	* U.S. dollar equivalent or U.S. currency	Foreign currency	* U.S. dollar equivalent or U.S. currency	Foreign currency	* U.S. dollar equivalent or U.S. currency	Foreign currency	* U.S. dollar equivalent or U.S. currency
Hon. Robert N. C. Nix, Chairman, Mexico.	U.S. dollar		90.60		12.50		16.50		89.92		209.52
Hon. James C. Wright, Mexico	U.S. dollar		111.60		24.58		12.00		17.50		165.68
Hon. Harold T. Johnson, Mexico	U.S. dollar		99.60		21.08		13.50		18.14		152.32
Hon. Eligio de la Garza, Mexico	U.S. dollar		104.40		28.62		12.50		13.96		159.48
Hon. James W. Symington, Mexico	U.S. dollar		21.60		4.28		95.00				120.88
Hon. Sherman P. Lloyd, Mexico	U.S. dollar		99.60		13.78		12.50		18.32		144.20
Hon. Sam Steiger, Mexico	U.S. dollar		21.60		18.54		134.00		22.50		196.64
Hon. J. Irving Whalley, Mexico	U.S. dollar		99.60		16.50		17.50		15.92		149.52
Hon. George Bush, Mexico	U.S. dollar		21.60		5.40		84.00				111.00
Hon. Manuel Lujan, Jr., Mexico	U.S. dollar		16.80		.84		153.90				171.54
Hon. Abraham Kazen, Jr., Mexico	U.S. dollar		95.60		16.88		15.20		15.40		143.08
Albert C. F. Westphal, Mexico	U.S. dollar		78.60		11.82		26.24		18.18		134.84
Helen L. Hashagen, Mexico	U.S. dollar		66.60		12.82		8.50		10.50		98.42
Delegation expenses									266.30		266.30
Total			927.80		187.64		601.34		506.64		2,223.42

*If foreign currency is used, enter United States dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Appropriated funds: Public Law 86-420	2,223.42

ROBERT N. C. NIX,
Chairman, House of Representatives Delegation, Mexico-United States Interparliamentary Group.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 551, 1ST SESS., 91ST CONG., BY HOUSE OF REPRESENTATIVES DELEGATION TO NORTH ATLANTIC ASSEMBLY, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1969

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Leslie C. Arends:												
Belgium	Franc	10/14	10/22	8	2,500.0	50.00	20,000	400.00			20,000	400.00
Hon. Jack B. Brooks:												
Belgium	Franc	10/14	10/21	7	2,500.0	50.00	17,500	350.00			17,500	350.00
England	Pound	10/21	10/24	4	20.17.0	50.00	83.8.0	200.00			83.8.0	200.00
Hon. Frank M. Clark:												
Belgium	Franc	10/19	10/20	2	2,500.0	50.00	5,000	100.00			5,000	100.00
England	Pound	10/21	10/24	4	20.17.0	50.00	83.8.0	200.00				200.00
Transportation	D-Mark								1,599.80	437.10	1,599.80	437.10
Hon. Samuel L. Devine:												
Belgium	Franc	10/14	10/21	7	2,500.0	50.00	17,500	350.00			17,500	350.00
England	Pound	10/21	10/24	4	20.17.0	50.00	63.5.6	151.90			63.5.6	151.90
Hon. Paul Findley:												
Germany	D-Mark	2/1	2/2	2	200.00	50.00	400.00	100.00			400.00	100.00
Belgium	Franc	8/30	9/5	5	2,500.0	50.00	12,500	250.00			12,500	250.00
Belgium	Franc	10/14	10/22	8	2,500.0	50.00	20,000	400.00			20,000	400.00
Hon. Charles S. Gubser:												
Belgium, Netherlands, Germany.	Franc	9/1	9/3	3	2,500.0	50.00	7,500	150.00			7,500	150.00
Germany	D-Mark	9/4	9/8	4	199.5	50.00	798.00	200.00			798.00	200.00
Norway	B-Franc	9/8	9/9	1	2,500.0	50.00	2,500.0	50.00			2,500.0	50.00
England	B-Franc	9/9	9/10	1	2,500.0	50.00	2,500.0	50.00			2,500.0	50.00
England	Pound	9/10	9/11	2	20.18.6	50.00	41.17.0	100.00	6.9.4	15.46	48.6.4	115.46

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 551, 1ST SESS., 91ST CONG., BY HOUSE OF REPRESENTATIVES DELEGATION TO NORTH ATLANTIC ASSEMBLY, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1969—Continued

Name and country	Name of currency	Date		Total days	Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Wayne L. Hays:												
England	Pound	1/27	1/31	5	20.17.0	50.00	104.5	250.00			104.5	250.00
France	Franc	2/1	2/4	4	279.0	50.00	1,116.0	200.00			1,116.0	200.00
England	Pound	6/11	6/13	3	20.17.0	50.00	62.11	150.00			62.11	150.00
Belgium	B-Franc	6/14	6/15	2	2,500.0	50.00	5,000	100.00			5,000.0	100.00
Belgium	B-Franc	10/14	10/21	7	2,500.0	50.00	17,500.0	350.00			17,500.0	350.00
England	Pound	10/21	10/24	4	20.17.0	50.00	83.8.0	200.00			83.8.0	200.00
England	Pound	12/5	12/10	6	20.17.0	50.00	125.5.0	300.00			125.5.0	300.00
Hon. David T. Martin:												
Belgium	Franc	10/14	10/19	6	2,500.0	50.00	15,000	300.00			15,000	300.00
England	Pound	10/21	10/24	4	20.17.0	50.00	83.8.0	200.00			83.8.0	200.00
Hon. Albert H. Quie:												
Belgium	Franc	10/14	10/21	7	2,500.0	50.00	12,480.00	249.60	625.00	12.01	13,105.00	261.61
England	Pound	10/22	10/23	2	20.17.0	50.00	21.14.0	52.20			21.14.0	52.20
Hon. L. Mendel Rivers:												
Belgium	Franc	10/14	10/22	8	2,500.0	50.00	20,000	400.00			20,000	400.00
Hon. Peter W. Rodino, Jr.:												
Belgium	Franc	10/14	10/22	8	2,500.0	50.00	20,000	400.00			20,000	400.00
Philip B. Billings:												
Belgium	Franc	10/14	10/21	7	2,500.0	50.00	17,500	350.00			17,500	350.00
England	Pound	10/21	10/24	4	20.17.0	50.00	83.8.0	200.00			83.8.0	200.00
Delegation expenses, including transportation and official representation:												
England												1,973.79
Belgium												350.00
France												300.00
Total								6,753.70		464.57		9,842.06

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	9,842.06

WAYNE L. HAYS
Chairman, House Delegation to North Atlantic Assembly.

Mar. 18, 1970.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY DELEGATIONS OF THE U.S. GROUP, INTERPARLIAMENTARY UNION, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1969

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. E. Ross Adair: Austria	AS	7,870.50	314.82	1,975.00	79.00			958.00	38.35	10,803.70	432.17
Hon. Emilio Q. Daddario:											
Austria	AS	7,870.50	314.82	4,015.00	160.00			1,168.40	45.95	13,053.90	520.77
Denmark	D. kr	279.00	37.20	93.50	12.72					372.50	49.92
U.S.S.R	U.S. $		297.74								297.74
India	Rupees	1,658.14	218.17	1,810.28	238.60			1,989.92	260.80	5,458.34	717.57
Thailand	Bahts	836.00	41.80	66.00	3.30			1,864.61	89.53	2,766.61	134.63
Korea	Won	6,534	21.57	1,080	3.57					7,614.00	25.14
Japan	Yen	16,608	46.14	8,501	23.62			54,000	150.00	79,109	219.76
Hon. Edward Derwinski:											
Austria	AS	6,318.00	252.75	1,733.50	69.35			819.50	32.78	8,871.00	354.88
Austria	US$				55.00				45.00		100.00
Hon. John Jarman:											
Austria	AS	6,318.00	252.75	2,067.00	82.70			651.00	25.25	9,036.00	360.70
Austria	US$				35.00						35.00
Denmark	D. kr	262.00	34.93							262.00	34.93
USSR	US$		297.74								297.74
India	Rupees	1,228.92	161.70	89.45	11.79			214.50	53.22	1,532.87	226.71
Thailand	Bahts	836.00	41.80	192.20	9.61					1,028.81	51.41
Korea	Won	6,534.00	21.57	2,161.00	7.14					8,695.00	28.71
Japan	Yen	10,912	30.31	11,868	32.97					22,780	63.28
Hon. Robert McClory:											
Austria	AS	7,864.50	314.58	1,729.00	69.16			1,490.60	58.83	11,084.10	442.57
Austria	US$				34.50		1.00				35.50
Denmark	D.kr	262.00	34.93							262.00	34.93
Denmark	US$				12.00						12.00
U.S.S.R	US$		297.74								297.74
India	Rupees	1,228.92	161.70	76.20	9.45			190.00	25.00	1,495.12	196.15
Thailand	Bahts	836.00	41.80	79.20	3.96			2.00	.10	917.20	45.86
Korea	Won	6,534.00	21.57	1,713.00	5.66					8,247.00	27.23
Japan	Yen	10,912	30.31	1,506	4.19			2,760	7.66	15,178	42.16
Japan	US$				36.00						36.00
Hon. John S. Monagan:											
Austria	AS	7,870.50	314.82	1,552.00	62.08			828.10	32.35	10,250.10	409.25
Denmark	D.kr	234.00	31.20							234.00	31.20
USSR	US$		297.74								297.74
India	Rupees	1,250.92	164.59	97.85	12.87			190.00	25.00	1,538.7	202.46
Thailand	Bahts	836.00	41.80	97.90	4.90					933.90	46.70
Korea	Won	7,260.00	23.97							7,260.00	23.97
Japan	Yen	10,912.00	30.31	14,557	40.44			3,592.00	9.98	29,061.00	80.73
W. R. Poage Austria:	AS	7,870.50	314.82	2,576.00	103.10			645.00	26.16	11,101.37	444.08
Hon. Alexander Pirnie:											
Austria	AS	5,758.50	230.35	980.00	39.20			878.10	34.32	7,616.60	30.837
Austria	US$						489.60				489.60
Denmark	D.kr	159.00	21.20							159.00	21.20
USSR	US$		148.87								148.87
India	Rupees	760.42	100.06	70.85	9.32			200.30	26.36	1,031.57	135.74
Thailand	Bahts	748.00	37.40	70.40	3.52					818.40	40.92
Korea	Won	6,534.00	21.57	619.00	2.05					7,153.00	23.62
Japan	Yen	14,960.00	41.55	2,468.00	6.86					17,428.00	48.41

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY DELEGATIONS OF THE U.S. GROUP, INTERPARLIAMENTARY UNION, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1969—Continued

Name and country	Name of currency	Date: Arrival	Date: Departure	Date: Total days	Per diem rate: Foreign currency	Per diem rate: U.S. dollar equivalent or U.S. currency	Total amount per diem: Foreign currency	Total amount per diem: U.S. dollar equivalent or U.S. currency	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency
Hon. Charles Zinn:												
Austria	AS	7, 353. 00		294. 12	3, 296. 00	131. 85			687. 00	26. 70	11, 336	452. 67
Denmark	D. kr	262. 00		34. 93	55. 60	7. 48					317. 60	42. 41
USSR	US$			297. 74							297. 74	297. 74
India	Rupees	1, 085. 92		142. 88	297. 85	39. 20			200. 00	26. 32	1, 583. 77	208. 40
Thailand	Bahts	836. 00		41. 80	199. 10	9. 96			58. 00	2. 90	1, 093. 10	54. 66
Korea	Won	6, 534. 00		21. 59	1, 603. 00	5. 29					8, 137. 00	26. 88
Japan	Yen	14, 800. 00		41. 11	660. 00	1. 85					15, 460. 00	42. 96
Total				5, 982. 86		1, 479. 26		490. 60		1, 042. 56		8, 995. 28

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	1, 926. 56
Appropriated funds: Other, 22 U.S.C. 276	7, 068. 72
Total	8, 995. 28

JOHN SPARKMAN,
Chairman, Delegations of the U.S. Group, IPU.

Mar. 19, 1969.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY HOUSE OF REPRESENTATIVES PARLIAMENTARY GROUP TO KOREA, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1969

Name and country	Name of currency	Date: Arrival	Date: Departure	Date: Total days	Per diem rate: Foreign currency	Per diem rate: U.S. dollar equivalent or U.S. currency	Total amount per diem: Foreign currency	Total amount per diem: U.S. dollar equivalent or U.S. currency	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency
Hon. Carl Albert:												
Japan	Yen	3/1	3/2	2	18, 000	50. 00	36, 000	100. 00			36, 000. 00	100. 00
Korea	Won	3/2	3/7	4	14, 075	50. 00	56, 300	200. 00			56, 300. 00	200. 00
Hon. Jackson E. Betts:												
Japan	Yen	3/1	3/2	2	18, 000	50. 00	36, 000	100. 00			36, 000. 00	100. 00
Korea	Won	3/2	3/7	4	14, 075	50. 00	56, 300	200. 00			56, 300. 00	200. 00
Hon. Edward P. Boland:												
Japan	Yen	3/1	3/2	2	18, 000	50. 00	36, 000	100. 00			36, 000. 00	100. 00
Korea	Won	3/2	3/7	4	14, 075	50. 00	56, 300	200. 00			56, 300. 00	200. 00
Hon. William S. Broomfield:												
Japan	Yen	3/1	3/2	2	18, 000	50. 00	36, 000	100. 00			36, 000. 00	100. 00
Korea	Won	3/2	3/7	4	14, 075	50. 00	56, 300	200. 00			56, 300. 00	200. 00
Hon. John N. Camp:												
Japan	Yen	3/1	3/2	2	18, 000	50. 00	36, 000	100. 00			36, 000. 00	100. 00
Korea	Won	3/2	3/7	4	14, 075	50. 00	56, 300	200. 00			56, 300. 00	200. 00
Hon. Eligio de la Garza:												
Japan	Yen	3/1	3/2	2	18, 000	50. 00	36, 000	100. 00			36, 000. 00	100. 00
Korea	Won	3/2	3/7	4	14, 075	50. 00	56, 300	200. 00			56, 300. 00	200. 00
Hon. Thomas S. Foley:												
Japan	Yen	3/1	3/2	2	18, 000	50. 00	36, 000	100. 00			36, 000. 00	100. 00
Korea	Won	3/2	3/7	4	14, 075	50. 00	56, 300	200. 00			56, 300. 00	200. 00
Hon. Peter H. B. Frelinghuysen:												
Japan	Yen	3/1	3/2	2	18, 000	50. 00	36, 000	100. 00			36, 000. 00	100. 00
Korea	Won	3/2	3/7	4	14, 075	50. 00	56, 300	200. 00			56, 300. 00	200. 00
Hon. Frank R. Gaylor:												
Japan	Yen	3/1	3/2	2	18, 000	50. 00	36, 000	100. 00			36, 000. 00	100. 00
Korea	Won	3/2	3/7	4	14, 075	50. 00	56, 300	200. 00			56, 300. 00	200. 00
Hon. Cornelius E. Gallagher:												
Japan	Yen	3/1	3/2	2	18, 000	50. 00	36, 000	100. 00			36, 000. 00	100. 00
Korea	Won	3/2	3/7	4	14, 075	50. 00	56, 300	200. 00			56, 300. 00	200. 00
Hon. Lee H. Hamilton:												
Japan	Yen	3/1	3/2	2	18, 000	50. 00	36, 000	100. 00			36, 000. 00	100. 00
Korea	Won	3/2	3/7	4	14, 075	50. 00	56, 300	200. 00			56, 300. 00	200. 00
Hon. Richard T. Hanna:												
Korea	Won	2/28	3/7	6	14, 075	50. 00	84, 450	300. 00			84, 450. 00	300. 00
Germany	D-Mark								3, 371. 20	841. 75	3, 371. 20	841. 75
Hon. Joseph E. Karth:												
Japan	Yen	3/1	3/2	2	18, 000	50. 00	36, 000	100. 00			36, 000. 00	100. 00
Korea	Won	3/2	3/7	4	14, 075	50. 00	56, 300	200. 00			56, 300. 00	200. 00
Hon. Thomas S. Kleppe:												
Japan	Yen	3/1	3/2	2	18, 000	50. 00	36, 000	100. 00			36, 000. 00	100. 00
Korea	Won	3/2	3/7	4	14, 075	50. 00	56, 300	200. 00			56, 300. 00	200. 00
Hon. Sherman P. Lloyd:												
Japan	Yen	3/1	3/2	2	18, 000	50. 00	36, 000	100. 00			36, 000. 00	100. 00
Korea	Won	3/2	3/7	4	14, 075	50. 00	56, 300	200. 00			56, 300. 00	200. 00
Hon. Chester L. Mize:												
Japan	Yen	3/1	3/2	2	18, 000	50. 00	36, 000	100. 00			36, 000. 00	100. 00
Korea	Won	3/2	3/7	4	14, 075	50. 00	56, 300	200. 00			56, 300. 00	200. 00
Hon. Thomas P. O'Neill, Jr.:												
Japan	Yen	3/1	3/2	2	18, 000	50. 00	36, 000	100. 00			36, 000. 00	100. 00
Korea	Won	3/2	3/7	4	14, 075	50. 00	56, 300	200. 00			56, 300. 00	200. 00
Hon. Edward J. Patten:												
Japan	Yen	3/1	3/2	2	18, 000	50. 00	36, 000	100. 00			36, 000. 00	100. 00
Korea	Won	3/2	3/7	4	14, 075	50. 00	56, 300	200. 00			56, 300. 00	200. 00
Hon. Richardson Preyer:												
Japan	Yen	3/1	3/2	2	18, 000	50. 00	36, 000	100. 00			36, 000. 00	100. 00
Korea	Won	3/2	3/3									
Germany	D-Mark								1, 388. 00	346. 57	1, 388. 00	346. 57
Hon. Melvin Price:												
Japan	Yen	3/1	3/2	2	18, 000	50. 00	36, 000	100. 00			36, 000. 00	100. 00
Korea	Won	3/2	3/7	4	14, 075	50. 00	56, 300	200. 00			56, 300. 00	200. 00

See footnotes at end of table.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS BY HOUSE OF REPRESENTATIVES PARLIAMENTARY GROUP TO KOREA, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1969—Continued

Name and country	Name of currency	Date: Arrival	Date: Departure	Date: Total days	Per diem rate: Foreign currency	Per diem rate: U.S. dollar equivalent or U.S. currency	Total amount per diem: Foreign currency	Total amount per diem: U.S. dollar equivalent or U.S. currency	Transportation: Foreign currency	Transportation: U.S. dollar equivalent or U.S. currency	Total: Foreign currency	Total: U.S. dollar equivalent or U.S. currency
Hon. Donald H. Pryor:												
Japan	Yen	3/1	3/2	2	18,000	50.00	36,000	100.00			36,000.00	100.00
Korea	Won	3/2	3/7	4	14,075	50.00	56,300	200.00			56,300.00	200.00
Hon. Albert H. Quie:												
Japan	Yen	3/1	3/2	2	18,000	50.00	36,000	100.00			36,000.00	100.00
Korea	Won	3/2	3/7	4	14,075	50.00	56,300	200.00			56,300.00	200.00
Michael L. Reed:												
Japan	Yen	3/1	3/2	2	18,000	50.00	36,000	100.00			36,000.00	100.00
Korea	Won	3/2	3/7	4	14,075	50.00	56,300	200.00			56,300.00	200.00
Hon. J. William Stanton:												
Japan	Yen	3/1	3/2	2	18,000	50.00	36,000	100.00			36,000.00	100.00
Korea	Won	3/2	3/7	4	14,075	50.00	56,300	200.00			56,300.00	200.00
John P. White:												
Japan	Yen	3/1	3/2	2	18,000	50.00	36,000	100.00			36,000.00	100.00
Korea	Won	3/2	3/7	4	14,075	50.00	56,300	200.00			56,300.00	200.00
Hon. W. R. Poage: [1]												
Japan	Yen	3/1	3/2	2	18,000	50.00	13,000	36.27			13,000.00	36.27
Korea	Won	3/2	3/7	4	14,075	50.00	17,945	63.75			17,945.00	63.75
Harry C. Cromer:												
Japan	Yen	3/1	3/2	2	18,000	50.00	36,000	100.00			36,000	100.00
Korea	Won	3/2	3/7	4	14,075	50.00	56,300	200.00			56,300	200.00
Delegation Transportation:												
Japan	Yen								131,737	469.32	131,737	469.32
Korea	Won								159,806	443.91	159,806	443.91
Cost of transportation furnished by Department of Defense										46,385.50		46,385.50
Grand total								7,700.02		48,487.05		56,187.07

[1] Includes deduction for U.S. dollar refund of $99.84.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	9,801.57
Appropriated funds: Government Department: Defense	46,385.50
Total	56,187.07

Mar. 12, 1970.

CARL ALBERT,
Chairman, House Parliamentary Group to Korea.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES:

H.R. 16684. A bill to authorize the U.S. Civil Service Commission to adjust levels of compensation in the postal field service to reflect regional and area differentials in the cost of living and in pay for comparable jobs in private industry, and for other purposes; to the Committee on Post Office and Civil Service.

By Mrs. HECKLER of Massachusetts (for herself, Mr. BIESTER, Mr. FRASER, Mr. OTTINGER, Mr. LEGGETT, Mr. WHALEN, Mr. MIKVA, Mr. TIERNAN, Mr. NIX, Mr. HORTON, Mr. SCHEUER, Mr. ADAMS, Mr. HECHLER of West Virginia, Mr. CHARLES H. WILSON, Mr. RIEGLE, Mr. HARRINGTON, Mr. ROSENTHAL, and Mr. HELSTOSKI):

H.R. 16685. A bill to provide for the issuance of a gold medal to the widow of the Rev. Dr. Martin Luther King, Jr., and the furnishing of duplicate medals in bronze to the Martin Luther King, Jr. Memorial Fund at Morehouse College and the Martin Luther King, Jr. Memorial Center at Atlanta, Ga.; to the Committee on Banking and Currency.

By Mrs. HECKLER of Massachusetts (for herself, Mr. CONTE, Mr. BRADEMAS, Mr. MORSE, Mr. DIGGS, Mr. DADDARIO, Mr. DULSKI, Mr. MCCLOSKEY, Mr. BUTTON, Mr. FARBSTEIN, Mr. KOCH, Mr. BURKE of Massachusetts, Mr. THOMPSON of New Jersey, Mr. EDWARDS of California, Mr. ANDERSON of California, Mr. MATSUNAGA, Mr. BROWN of Michigan, and Mr. DELLENBACK):

H.R. 16686. A bill to provide for the issuance of a gold medal to the widow of the Reverend Dr. Martin Luther King, Jr., and the furnishing of duplicate medals in bronze to the Martin Luther King, Jr., Memorial Fund at Morehouse College and the Martin Luther King, Jr., Memorial Center at Atlanta, Ga.; to the Committee on Banking and Currency.

By Mr. BURKE of Massachusetts:

H.R. 16687. A bill to require any person who sells phonograph records or tape recordings to the public to place thereon an identifying number, which shall be issued to him only upon payment of a Federal stamp tax; to the Committee on Ways and Means.

By Mr. BUTTON:

H.R. 16688. A bill to amend title 5, United States Code, to require the heads of the respective executive agencies to provide the Congress with advance notice of certain planned organizational and other changes or actions which would affect Federal civilian employment, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CELLER:

H.R. 16689. A bill to amend title 28, United States Code, with respect to judicial review of decisions of the Interstate Commerce Commission, and for other purposes; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mr. BROWN of California, Mrs. CHISHOLM, Mr. CLAY, Mr. CORMAN, Mr. LOWENSTEIN, Mr. POWELL, Mr. REUSS, Mr. RYAN, and Mr. STOKES):

H.R. 16690. A bill to provide for the issuance of a gold medal to the widow of the Reverend Dr. Martin Luther King, Jr., and the furnishing of duplicate medals in bronze to the Martin Luther King, Jr., Memorial Fund at Morehouse College and the Martin Luther King, Jr., Memorial Center at Atlanta, Ga.; to the Committee on Banking and Currency.

By Mr. CRANE:

H.R. 16691. A bill to repeal certain provisions of law relating to the private carriage of letters, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DICKINSON (for himself, Mr. FLOWERS, Mr. FREY, Mr. EDWARDS of Alabama, Mr. WRIGHT, Mr. GRIFFIN, Mr. BUCHANAN, Mr. ANDREWS of Alabama, Mr. CHAPPELL, Mr. GIBBONS, Mr. SIKES, and Mr. ECKHARDT):

H.R. 16692. A bill to authorize the Secretary of Commerce to transfer surplus Liberty ships to States for use in marine life conservation programs; to the Committee on Merchant Marine and Fisheries.

By Mr. FASCELL:

H.R. 16693. A bill to provide financial assistance to local educational agencies needed to meet requirements of Federal law; to the Committee on Education and Labor.

By Mr. HALPERN:

H.R. 16694. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to provide for a Federal Drug compendium which lists all prescription drugs under their generic names together with reliable, complete, and readily accessible prescribing information and includes brand names, suppliers, and a price information supplement, and providing for distribution of the compendium to physicians and others, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HARSHA:

H.R. 16695. A bill to increase the penalties for the illegal use or possession of explosives; to the Committee on the Judiciary.

H.R. 16696. A bill to establish an orderly trade in textiles and in leather footwear; to the Committee on Ways and Means.

By Mr. HORTON:

H.R. 16697. A bill to amend title 38 of the United States Code to increase the rates and income limitations relating to payment of pension and parents' dependency and indemnity compensation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HOWARD:

H.R. 16698. A bill to amend title 5, United States Code, to require the heads of the respective executive agencies to provide the Congress with advance notice of certain planned organizational and other changes or actions which would affect Federal civilian employment, and for other purposes; to

the Committee on Post Office and Civil Service.

By Mr. McCULLOCH (for himself and Messrs. POFF, MACGREGOR, AYRES, HUTCHINSON, MCCLORY, SMITH of New York, HARSHA, WIGGINS, FISH, COUGHLIN, LUKENS, MAYNE, GERALD R. FORD, ASHBROOK, BOW, BUSH, CLANCY, BETTS, LATTA, MILLER of Ohio, MINSHALL, PRICE of Texas, and FREY):

H.R. 16699. A bill to amend section 837 of title 18, United States Code, to strengthen the laws concerning illegal use, transportation, or possession of explosives and the penalties with respect thereto, and for other purposes; to the Committee on the Judiciary.

By Mr. McCULLOCH (for himself and Messrs. DEVINE, TAFT, WHALEN, WYLIE and BROWN of Ohio):

H.R. 16700. A bill to amend section 837 of title 18, United States Code, to strengthen the laws concerning illegal use, transportation, or possession of explosives and the penalties with respect thereto, and for other purposes; to the Committee on the Judiciary.

By Mr. MIKVA:

H.R. 16701. A bill to provide for the establishment of the George Washington Memorial Institute for the Social Sciences to be located in the District of Columbia, to function primarily as a national center at which individuals of outstanding ability will pursue studies anticipating, identifying, and isolating social problems in the United States; to the Committee on Education and Labor.

H.R. 16702. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit donations of surplus personal property to State fish and wildlife agencies; to the Committee on Government Operations.

H.R. 16703. A bill to amend the Federal Water Pollution Control Act to protect the navigable waters of the United States from further pollution by requiring that synthetic petroleum-based detergents manufactured in the United States or imported into the United States be free of phosphorus; to the Committee on Public Works.

By Mr. OTTINGER (for himself, Mr. PODELL, and Mr. POWELL):

H.R. 16704. A bill, Newsmen's Privilege Act of 1970; to the Committee on the Judiciary.

By Mr. RAILSBACK:

H.R. 16705. A bill to amend the Truth in Lending Act to eliminate the inclusion of agricultural credit; to the Committee on Banking and Currency.

By Mr. RANDALL:

H.R. 16706. A bill to provide that the interest on certain insured loans sold out of the Agriculture Credit Insurance Fund shall be included in gross income; to the Committee on Ways and Means.

By Mr. RYAN:

H.R. 16707. A bill to amend the Department of Health, Education, and Welfare Appropriation Act, 1970, to fully fund the air pollution control programs authorized by the Clean Air Act; to the Committee on Appropriations.

By Mr. RYAN (for himself, Mr. HELSTOSKI, and Mr. ROE):

H.R. 16708. A bill to provide for a comprehensive program for the control of noise; to the Committee on Interstate and Foreign Commerce.

By Mr. STAFFORD:

H.R. 16709. A bill to authorize the importation without regard to existing quotas of fuel oil to be used for residential heating purposes in the New England States; to the Committee on Ways and Means.

By Mr. TEAGUE of Texas:

H.R. 16710. A bill to amend chapter 37 of title 38, United States Code, to authorize guaranteed and direct loans for mobile homes if used as permanent dwellings, to authorize the Administrator to pay certain closing costs for, and interest on, certain loans guaranteed and made under such chapter, to remove the time limitation on the use of entitlement to benefits under such chapter, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. VAN DEERLIN:

H.R. 16711. A bill to exempt fishing vessels from certain requirements of the Communications Act of 1934 relating to radio equipment and radio operators aboard ship; to the Committee on Interstate and Foreign Commerce.

By Mr. BOB WILSON:

H.R. 16712. A bill to restrict travel in violation of area restrictions; to the Committee on the Judiciary.

By Mr. YATES (for himself, Mr. ANDERSON of California, Mr. BRADEMAS, Mr. BROWN of California, Mr. BUTTON, Mr. CONYERS, Mr. DADDARIO, Mr. DELLENBACK, Mr. FARBSTEIN, Mr. HANSEN of Idaho, Mr. HELSTOSKI, Mr. KARTH, Mr. LUKENS, Mr. MIKVA, Mrs. MINK, Mr. OTTINGER, Mr. REES, Mr. SCHEUER, and Mr. SYMINGTON):

H.R. 16713. A bill to amend section 208 of the National Emissions Standards Act to permit States to adopt motor vehicle emission standards more stringent than the Federal standards; to the Committee on Interstate and Foreign Commerce.

By Mr. DINGELL:

H.J. Res. 1149. Joint resolution proposing an amendment to the Constitution of the United States to extend the right to vote to persons 18 years of age and older and to require that they be treated as adults for the purposes of all law; to the Committee on the Judiciary.

By Mr. DULSKI:

H.J. Res. 1150. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. FINDLEY:

H.J. Res. 1151. Joint resolution to require Presidential reports on the use of military personnel on foreign territory; to the Committee on Foreign Affairs.

By Mr. HAWKINS:

H.J. Res. 1152. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.J. Res. 1153. Joint resolution to authorize the President to issue a proclamation designating the last full calendar week in April of each year as "National Secretaries Week"; to the Committee on Judiciary.

By Mr. RYAN (for himself, Mr. DADDARIO, Mr. HANLEY, Mr. MOORHEAD, Mr. NIX, Mr. OBEY, Mr. SYMINGTON, and Mr. WALDIE):

H. Con. Res. 562. Concurrent resolution expressing the sense of Congress that the Secretary of the Interior prescribe and implement regulations for the harvesting of Northern fur seals to insure quick and painless death before skinning; to the Committee on Merchant Marine and Fisheries.

By Mr. BROWN of Ohio:

H. Res. 895. Resolution to amend the rules to provide for timely appropriations; to the Committee on Rules.

By Mr. FRIEDEL:

H. Res. 896. Resolution authorizing the Committee on House Administration to conduct certain studies and investigations within its jurisdiction; to the Committee on Rules.

By Mr. HALPERN:

H. Res. 897. Resolution to express the sense of the House on Armed Forces in Laos; to the Committee on Foreign Affairs.

By Mr. PUCINSKI (for himself, Mr. BUTTON, Mr. DINGELL, Mr. FRASER, Mr. HARRINGTON, Mr. NIX, and Mr. SCHEUER):

H. Res. 898. Resolution on World Habeas Corpus; to the Committee on Foreign Affairs.

By Mr. RYAN (for himself, Mr. BROWN of California, Mr. BURTON of California, Mr. CONYERS, Mr. ECKHARDT, Mr. EDWARDS of California, Mr. FRASER, Mr. KASTENMEIER, Mr. MIKVA, and Mr. ROSENTHAL):

H. Res. 899. Resolution to express the sense of the House of Representatives on the use of U.S. Armed Forces, and paramilitary or auxiliary forces, in Laos; to the Committee on Foreign Affairs.

By Mr. RYAN:

H. Res. 900. Resolution creating a select committee to conduct an investigation and study of the care of the aged in the United States and the effects of Federal laws and programs on the availability and quality of care; to the Committee on Rules.

By Mr. STUBBLEFIELD:

H. Res. 901. Resolution to commemorate the 150th anniversary of Todd County, Ky.; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR:

H.R. 16714. A bill for the relief of Domingo Pareira Guingab and Anita Guingab; to the Committee on the Judiciary.

By Mr. HANNA:

H.R. 16715. A bill for the relief of Moo-Woong Kho; to the Committee on the Judiciary.

H.R. 16716. A bill for the relief of Kwang Ho Kim and his brother, Sung Ho Kim; to the Committee on the Judiciary.

H.R. 16717. A bill for the relief of Yung Tae Kim; to the Committee on the Judiciary.

By Mr. HANSEN of Idaho:

H.R. 16718. A bill for the relief of Carol V. Hebert; to the Committee on the Judiciary.

By Mr. KOCH:

H.R. 16719. A bill for the relief of Rodrigo Emelio Lopez; to the Committee on the Judiciary.

H.R. 16720. A bill for the relief of Jose Alberto Aguilar Moscoso; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 16721. A bill for the relief of Cecelie Maxwell; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 16722. A bill for the relief of William H. Evans; to the Committee on the Judiciary.

By Mr. VAN DEERLIN:

H.R. 16723. A bill for the relief of Victoria B. Toia and her two minor children, Caterina Toia (age 7) and Antonio Toia (age 6); to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

343. By the SPEAKER: A memorial of the General Court of the Commonwealth of Massachusetts, relative to assisting and protecting the fishing industry; to the Committee on Merchant Marine and Fisheries.

344. Also, a memorial of the General Court of the Commonwealth of Massachusetts, relative to establishing a Regional Ocean Industry Development Council; to the Committee on Merchant Marine and Fisheries.

PETITIONS, ETC.

Under clause 1 of rule XXII,

425. Mr. BRINKLEY presented a petition of Mrs. John W. Roach, Cataula, Ga., Mrs. Mike Matyas, Cataula, Ga., et al., for freedom of choice in the public school system of Harris County, Ga., and the State of Georgia, which was referred to the Committee on Education and Labor.

SENATE—*Thursday, March 26, 1970*

The Senate, in executive session, met at 10 o'clock a.m. and was called to order by Hon. WILLIAM B. SPONG, Jr., a Senator from the State of Virginia.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, whose glory men beheld in the face of Jesus going about doing good, who came as a servant not to be ministered unto, but to minister, and in the end transformed a cross into an instrument of redemption, help us to understand the fellowship of suffering, that we may have His higher wisdom. Make us to know that resurrection is planted in the foundation of the universe. Keep alive in us the crucifying hope that it is only by losing life we find it again and that it is by dying we live. Be with us as we work this day, go with us when we part, stay with us when we worship, come with us when we return.

In the name of Him who is the Resurrection and the Life. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington D.C., March 26, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. WILLIAM B. SPONG, Jr., a Senator from the State of Virginia to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. SPONG thereupon took the chair as Acting President pro tempore.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the order of yesterday, the Senator from Missouri (Mr. EAGLETON) is recognized.

Mr. MANSFIELD. Mr. President, with the consent of the distinguished Senator from Missouri, I ask unanimous consent to proceed for 15 minutes as in legislative session to attend to unanimous-consent business and to make a few remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, March 25, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADJOURNMENT UNTIL TUESDAY, MARCH 31, 1970—CONCURRENT RESOLUTION

Mr. MANSFIELD. Mr. President, I send to the desk a concurrent resolution and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The resolution will be stated.

The legislative clerk read the resolution as follows:

S. CON. RES. 59

Resolved by the Senate, the House of Representatives concurring, that when the Senate adjourns on March 26, 1970, it stand in adjournment until 12 o'clock meridian, Tuesday, March 31, 1970.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the concurrent resolution (S. Con. Res. 59) was considered and agreed to.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 740, 741, 743, and 744.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDING THE INTERNATIONAL TRAVEL ACT OF 1961

The Senate proceeded to consider the bill (S. 1289) to amend the International Travel Act of 1961, as amended, in order to improve the balance of payments by further promoting travel to the United States, and for other purposes, which had been reported from the Committee on Commerce with an amendment, strike out all after the enacting clause and insert:

That section 3(a) of the International Travel Act of 1961 (75 Stat. 129; 22 U.S.C. 2123 (a)) is amended—

(1) by striking out the period at the end of clause (4) and inserting in lieu thereof a semicolon; and

(2) by inserting at the end thereof the following:

"(5) upon the application of any State or political subdivision or combination thereof, may make grants for projects designed to carry out the purposes of this Act if he finds that such projects will facilitate and encourage travel to any State or political subdivision, or combination thereof, by residents of foreign countries. No financial assistance shall be made available under this clause unless the Secretary determines that joint participation funds will be available from State or other non-Federal sources, and in no event shall the amount of any grant under this clause for any project exceed 75 per centum of the cost of such project;

"(6) may enter into contracts with private profit- or non-profit-making individuals, businesses, and organizations for projects designed to carry out the purposes of this Act whenever he determines that such projects cannot be accomplished under the authority of clause (5) of this subsection; and

"(7) may make awards of merchandise manufactured and purchased in the United States to travel agents and tour operators in foreign countries as an incentive for their promotion of travel to the Unitew States by residents of foreign countries.

SEC. 2. (a) Section 4 of such Act (22 U.S.C. 2124) is amended to read as follows:

"SEC. 4. There is established in the Department of Commerce a United States Travel Service which shall be headed by an Assistant Secretary of Commerce for Tourism who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall report directly to the Secretary. All the duties and responsibilities of the Secretary under this Act shall be exercised directly by the Secretary or by the Secretary through the Assistant Secretary of Commerce for Tourism. In addition, the Secretary shall designate at least one individual to serve as Deputy Assistant Secretary of Commerce for Tourism who shall be under the supervision of the Assistant Secretary of Commerce for Tourism."

(b) Clause (12) of section 5315 of title 5, United States Code (relating to level IV of the Executive Schedule), is amended by striking out "(5)" and inserting in lieu thereof "(6)"

SEC. 3. Such Act is amended—

(1) by striking out "SEC. 7" and inserting in lieu thereof "SEC. 9"; and

(2) by striking out section 6 and inserting in lieu thereof the following new sections:

"SEC. 6. (a) There is established a National Tourism Resources Review Commission (hereinafter referred to in this section as the 'Commission'). The Commission shall be composed of fifteen members appointed by the President from among persons in private life who are informed about, and concerned with, the improvement, development, and promotion of United States tourism resources and opportunities or who are otherwise experienced in tourism research, promotion, or planning. The President shall appoint one of the members as Chairman. The Commission shall meet at the call of the Chairman.

"(b) The Commission shall make a full and complete study and investigation—

"(1) to determine the domestic travel needs of the people of the United States and of visitors from other lands through 1980;

"(2) to determine the travel resources of the United States available to satisfy such needs through 1980;

"(3) to determine policies and programs which will insure that the domestic travel needs of the present and the future are adequately and efficiently met;

"(4) to determine a proposed program of Federal assistance to the States in promoting domestic travel and;

"(5) to recommend an existing department, agency, or instrumentality within the Government to consolidate and coordinate tourism research, planning, and development activities presently performed by different existing agencies of the Government.

"(c) The Commission shall report the results of such investigation and study to the President not later than two years after the first meeting of the Commission. The President shall submit such report, together with his recommendations, to the Congress. The Commission shall cease to exist thirty days after it has submitted its report to the President.

"(d) In order to carry out the provisions of this section, the Commission is authorized—

"(1) to make, promulgate, issue, rescind,

and amend rules and regulations governing the manner of the operations of the Commission;

"(2) to appoint and fix the compensation of such officers and employees as are necessary to carry out the provisions of this Act and to prescribe their authority and duties; and

"(3) to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

In addition, the Secretary shall make available to the Commission such secretarial, clerical, and other assistance and such pertinent data prepared by the Department of Commerce as the Commission may require to carry out its functions.

"(e) Members of the Commission, while engaged in the performance of their duties as members of the Commission, shall receive compensation at a rate to be fixed by the President, not to exceed $100 each day, including traveltime and shall, while so serving away from their homes or regular places of business, be entitled to travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"SEC. 7. (a) For the purposes of carrying out sections 1 through 5 of this Act, there are authorized to be appropriated not to exceed $15,000,000 for each of the fiscal years ending June 30, 1971, June 30, 1972, and June 30, 1973. Funds appropriated under this section shall be available without regard to sections 501 and 3702 of title 44, United States Code. Funds appropriated under this section for the printing of travel promotion materials are available for the fiscal year for which appropriated and the succeeding fiscal year.

"(b) For the purposes of carrying out section 6 of this Act, there is authorized to be appropriated not to exceed $2,500,000.

"SEC. 8. As used in this Act, the term 'United States' and the term 'State' are defined to include the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. INOUYE. Mr. President, I am most heartened by the Senate passage of S. 1289, a bill to amend the International Travel Act of 1961 to enable us to expand and intensify our efforts to attract foreign visitors to the United States thereby reducing our huge travel deficit of $1.877 billion in our 1968 balance of payments.

Last year the Senate Commerce Committee held hearings which I chaired on the present U.S. efforts to attract foreign visitors. The committee received extensive testimony from members of the U.S. Travel Service, the Department of Commerce, directors of State travel bureaus, and numerous witnesses from private industry. As a result of these hearings several broad areas of agreement emerged and this consensus is reflected in S. 1289, which was reported from the committee with amendments.

S. 1289 provided for a Federal grant program with States, cities, and regional groupings to increase our efforts to attract foreign visitors and improve U.S. host and reception facilities; elevates the Director of U.S. Travel Service to an Assistant Secretary of Commerce for Tourism; increases the authorization level from $4.7 million to $15 million per year for the next 3 fiscal years; extends our eligibility for our tourism development program to all U.S. possessions and territories; and creates Tourism Resources Review Commission to study and make recommendations to the Congress and the President on the future travel needs of citizens of United States and visitors from foreign countries.

Federal efforts to attract foreign visitors began less than a decade ago. The recent hearings showed that intensified efforts are needed if we are to reduce our travel deficit and capitalize on the huge potential for growth of foreign tourism to the United States. S. 1289 will be of invaluable assistance in promoting these goals.

FEDERAL LOW-EMISSION VEHICLE PROCUREMENT ACT OF 1970

The Senate proceeded to consider the bill S. 3072 to stimulate the development, production, and distribution in interstate commerce of low-emission motor vehicles in order to provide the public increased protection against the hazards of vehicular exhaust emission, and for other purposes, which had been reported from the Committee on Commerce, with amendments, on page 1, line 4, after the word "of," strike out "1969"." and insert "1970".'; on page 2, line 7, after the word "highways", strike out "principally for the transportation of passengers"; in line 19, after the word "designee," insert "the Chairman of the Council on Environmental Quality or his designee,"; in line 24, after the word "President.", strike out "The Secretary of Transportation or his designee shall be the Chairman of the Board.", and insert "The President shall designate one member of the Board as Chairman."; on page 4, line 8, after the word "vehicles", strike out "presently" and insert "at that time"; in line 9, after the word "the", strike out "United States." and insert "Federal Government."; in line 19, after the word "serviceability,", strike out "and"; in line 20, after the word "availability", insert a semicolon and "and"; after line 20, insert "(6) its noise level."; in line 23, after the word "of", where it appears the first time, strike out "two years" and insert "one year"; on page 5, line 9, after the word "investigation", insert "it determines is"; on page 6, after line 5, strike out:

SEC. 5. Certified low-emission vehicles shall be acquired by purchase by the Federal Government for use by the Federal Government in lieu of other vehicles if the General Services Administrator determines that such certified vehicles have procurement and maintenance costs which are no more than 125 per centum of the procurement and maintenance costs of the class or model of motor vehicles for which they are certified substitutes.

And, in lieu thereof, insert:

SEC. 5. (a) Certified low-emission vehicles shall be acquired by purchase by the Federal Government for use by the Federal Government in lieu of other vehicles if the General Services Administrator determines that such certified vehicles have procurement and projected maintenance costs (including any foreseeable emission control inspection costs) which are no more than 125 per centum of the average retail procurement and retail maintenance costs of the least expensive class or model of motor vehicles for which they are certified substitutes.

(b) In order to encourage innovative development of inherently low-polluting propulsion technology, the Board may, at its discretion, raise the premium set forth in subsection (a) of this section to 150 per centum of the average retail procurement and retail maintenance costs of any class or model of motor vehicles for which a certified low-emission vehicle is a certified substitute, if the Board determines that the certified low-emission vehicle is powered by an innovative, inherently low-polluting propulsion system.

On page 7, after line 7, insert a new section, as follows:

PRIORITY OF PROCUREMENT

SEC. 6. The procuring agency shall be required to purchase available certified low-emission vehicles which are eligible for purchase to the extent they are available before purchasing any other vehicles for which any low-emission vehicle is a certified substitute. In making purchasing selections between competing eligible low-emission vehicles, the procuring agency shall give priority to any class or model which does not require extensive periodic maintenance to retain its low-polluting qualities or which does not require the use of fuels which are more expensive than those of the classes or models of vehicles for which it is a certified substitute.

At the beginning of line 22, change the section number from "6" to "7"; after the amendment just stated, strike out "For the purposes of this Act any statutory price limitations shall be waived, and the procuring agency shall be required to purchase available certified low-emission vehicles which are eligible for purchase before purchasing any other vehicles for which the low-emission vehicle is a certified substitute."; and, in lieu thereof, insert "For the purpose of procuring certified low-emission vehicles any statutory price limitations shall be waived.";

On page 8, after line 4, insert a new section, as follows:

COMPLIANCE TESTING

SEC. 8. The Secretary of Health, Education, and Welfare shall, from time to time as the Board deems appropriate, test the emissions from certified low-emission vehicles purchased by the Federal Government. If at any time he finds that the emission rates exceed the rates on which certification under this Act was based, the Secretary shall notify the Board. Thereupon the Board shall give the supplier of such vehicles written notice of this finding, issue public notice of it, and give the supplier an opportunity to make necessary repairs, adjustments, or replacements. If no such repairs, adjustments or replacements are made within a period to be set by the Board, the Board may order the supplier to show cause why the vehicle involved should be eligible for recertification.

At the beginning of line 21, change the section number from "7" to "9"; after the amendment just above stated, strike out "There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. Congress hereby authorizes the expenditure of such sums as may be necessary to carry"; and, in lieu thereof, insert "There is authorized to be appropriated annually for the purposes of carrying out the provisions of this"; on page 9, line 1, after the word "this", strike out "Act:" and insert "Act"; after the amendment just above stated, strike out *"Provided,* That such expenditures shall" and insert "a sum not to exceed $50,000,000."; and after the

amendment just above stated, strike out "per year."; so as to make the bill read:

That this Act may be cited as the "Federal Low-Emission Vehicle Procurement Act of 1970".

DEFINITIONS

SEC. 2. For the purpose of this Act—

(1) "Board" means the Low-Emission Vehicle Certification Board;

(2) "Federal Government" includes the legislative, executive, and judicial branches of the Government of the United States, and the government of the District of Columbia;

(3) "motor vehicle" means any vehicle, self-propelled or drawn by mechanical or electrical power, designed for use on the highways except any vehicle designed or used for military field training, combat, or tactical purposes;

(4) "low-emission vehicle" means any motor vehicle which produces significantly less pollution than the class or model of vehicles for which the Board may certify it as a suitable substitute.

LOW-EMISSION VEHICLE CERTIFICATION BOARD

SEC. 3. (a) There is established a Low-Emission Vehicle Certification Board to be composed of the Secretary of Transportation or his designee, the Secretary of Health, Education, and Welfare or his designee, the Chairman of the Council on Environmental Quality or his designee, the Director of the National Highway Safety Bureau in the Department of Transportation, the Administrator of the General Services Administration, and one member appointed by the President. The President shall designate one member of the Board as Chairman.

(b) Any member of the Board not employed by the United States may receive compensation at the rate of $125 for each day such member is engaged upon work of the Board. Each member of the Board shall be reimbursed for travel expenses, including per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

(c) (1) The Chairman, with the concurrence of the members of the Board, may employ and fix the compensation of such additional personnel as may be necessary to carry out the functions of the Board, but no individual so appointed shall receive compensation in excess of the rate authorized for GS–18 by section 5332 of title 5, United States Code.

(2) The Chairman may fix the time and place of such meetings as may be required.

(3) The Board is granted all other powers necessary for meeting its responsibilities under this Act.

CERTIFICATION

SEC. 4. (a) The Secretary of Health, Education, and Welfare shall determine which models or classes of motor vehicles qualify as low-emission vehicles in accordance with the provisions of this Act.

(b) The Board shall certify any class or model of motor vehicles—

(1) for which a certification application has been filed in accordance with subsection (d) of this section;

(2) which is a low-emission vehicle as determined by the Secretary of Health, Education, and Welfare; and

(3) which it determines is suitable for use as a substitute for a class or model of vehicles at that time in use by agencies of the Federal Government.

The Board shall specify with particularity the class or model of vehicles for which the class or model of vehicles described in the application is a suitable substitute. In making the determination under this subsection the Board shall consider the following criteria:

(1) the safety of the vehicle;

(2) its performance characteristics;

(3) its reliability potential;

(4) its serviceability;

(5) its fuel availability; and

(6) its noise level.

(c) Certification under this section shall be effective for a period of one year from the date of issuance.

(d) (1) Any party seeking to have a class or model of vehicles certified under this Act shall file a certification application in accordance with rules established by the Board and publised in the Federal Register.

(2) The Board shall publish a notice of each application received in the Federal Register.

(3) The Board shall determine whether or not the vehicle for which application has been properly made is a low-emission vehicle in accordance with procedures established by it and published in the Federal Register.

(4) The Board shall conduct whatever investigation it determines is necessary, including actual inspection of the vehicle at a place designated by the Board in the certification application rules established under this section.

(5) The Board shall receive and evaluate written comments and documents from interested parties in support of, or in opposition to, certification of the class or model of vehicle under consideration.

(6) Within ninety days after the receipt of a properly filed certification application, the Board shall reach a decision by majority vote as to whether such class or model of vehicle is a low-emission vehicle and is a suitable substitute for any class or classes of vehicles presently being purchased by the Federal Government for use by its agencies.

(7) The Board shall publish in the Federal Register, within ninety days after the receipt of a properly filed certification application, a report of its decision on such application which sets forth with particularity the reasons for granting or denying certification, together with dissenting views.

PROCUREMENT OF LOW-EMISSION VEHICLES

SEC. 5. (a) Certified low-emission vehicles shall be acquired by purchase by the Federal Government for use by the Federal Government in lieu of other vehicles if the General Services Administrator determines that such certified vehicles have procurement and projected maintenance costs (including any foreseeable emission control inspection costs) which are no more than 125 per centum of the average retail procurement and retail maintenance costs of the least expensive class or model of motor vehicles for which they are certified substitutes.

(b) In order to encourage innovative development of inherently low-polluting propulsion technology, the Board may, at its discretion, raise the premium set forth in subsection (a) of this section to 150 per centum of the average retail maintenance costs of any class or model of motor vehicles for which a certified low-emission vehicle is a certified substitute, if the Board determines that the certified low-emission vehicle is powered by an innovative, inherently low-polluting propulsion system.

PRIORITY OF PROCUREMENT

SEC. 6. The procuring agency shall be required to purchase available certified low-emission vehicles which are eligible for purchase to the extent they are available before purchasing any other vehicles for which any low-emission vehicle is a certified substitute. In making purchasing selections between competing eligible certified low-emission vehicles, the procuring agency shall give priority to any class or model which does not require extensive periodic maintenance to retain its low-polluting qualities or which does not require the use of fuels which are more expensive than those of the classes or models of vehicles for which it is a certified substitute.

WAIVER

SEC. 7. For the purpose of procuring certified low-emission vehicles any statutory price limitations shall be waived.

COMPLIANCE TESTING

SEC. 8. The Secretary of Health, Education, and Welfare shall, from time to time as the Board deems aprpopriate, test the emissions from certified low-emission vehicles purchased by the Federal Government. If at any time he finds that the emission rates exceed the rates on which certification under this Act was based, the Secretary shall notify the Board. Thereupon the Board shall give the supplier of such vehicle written notice of this finding, issue public notice of it, and give the supplier an opportunity to make necessary repairs, adjustments, or replacements. If no such repairs, adjustments, or replacements are made within a period to be set by the Board, the Board may order the supplier to show cause why the vehicle involved should be eligible for recertification.

APPROPRIATIONS AUTHORIZED

SEC. 9. There is authorized to be appropriated annually for the purposes of carrying out the provisions of this Act a sum not to exceed $50,000,000.

EFFECTIVE DATE

SEC. 10. This Act shall take effect immediately upon signing by the President and the Board shall promulgate the procedures required to implement this Act within ninety days thereafter.

The amendments were agreed to en bloc.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT OF COLUMBIA ANATOMICAL GIFT ACT

The Senate proceeded to consider the bill S. 2999 to authorize, in the District of Columbia, the gift of all or part of a human body after death for specified purposes, which had been reported from the Committee on the District of Columbia, with amendments, on page 5, after line 14, strike out:

ANATOMICAL DONOR CARD
of

---
print or type name of donor

In the hope that my gift may help others, I hereby make this anatomical gift to take effect upon my death. The words and marks below indicate my desires.

I give: (a) any needed organs or parts
(b) only the following organs or parts

---
specify the organ(s) or part(s)
(c) my entire body for anatomical study

For the purposes of transplantation, therapy, medical research or education

Limitations: ---
specify limitations, if any

This is a legal document under the Uniform Anatomical Gift Act or similar law.

* * * * *

(Other side of card)

Signed by the donor in the presence of the following two (2) witnesses:

Witness Signature of doner

Witness Date of birth

Date signed

And, in lieu thereof, insert:

UNIFORM DONOR CARD
of

_____
(Print or type name of donor)

In the hope that I may help others, I hereby make this anatomical gift, if medically acceptable, to take effect upon my death. The words and marks below indicate my desires.

I give: (a)—any needed organs or parts
(b)—only the following organs or parts

_____
specify the organ(s) or part(s)

for the purposes of transplantation, therapy, medical research, or education;
(c)—my body for anatomical study if needed.

Limitations or special wishes, if any:_____

_____
(Other side of card)

Signed by the donor and the following two witnesses in the presence of each other:

_____
Signature of donor Date of birth of donor

_____
Date signed City and State

_____
Witness Witness

This is a legal document under the District of Columbia Anatomical Gift Act or similar laws.

On page 11, after line 2, insert:

(b) *Subsection (b) of section 4 of the District of Columbia Tissue Bank Act is amended by striking out "prescribing, without limitation," and inserting in lieu thereof "to carry out the purposes of this Act and the District of Columbia Anatomical Gift Act, including, without limitation, rules and regulations prescribing."*

At the beginning of line 9, strike out "(b)" and insert "(c)"; at the beginning of line 11, strike out "(c)" and insert "(d)"; and at the beginning of line 21, strike out "(d)" and insert "(e)"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DEFINITIONS; SHORT TITLE

SECTION 1. (a) As used in this Act, the term—

(1) "bank or storage facility" means a facility licensed, accredited, or approved under the laws of any State for storage of human bodies or parts thereof;

(2) "decedent" means a deceased individual and includes a stillborn infant or fetus;

(3) "donor" means an individual who makes a gift of all or part of his body;

(4) "hospital" means a hospital licensed, accredited, or approved under the laws of any State and includes a hospital operated by the United States Government, a State, or a subdivision thereof, although not required to be licensed under State laws;

(5) "part" includes organs, tissues, eyes, bones, arteries, blood, other fluids, and other portions of a human body, and "part" includes "parts";

(6) "person" means an individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership, or association or any other legal entity;

(7) "physician" or "surgeon" means a physician or surgeon licensed or authorized to practice under the laws of any State; and

(8) "State" includes any State, district, Commonwealth, territory, insular possession, the District of Columbia, and any other area subject to the legislative authority of the United States of America.

(b) Sections 1 through 8 of this Act shall be known as the "District of Columbia Anatomical Gift Act".

PERSONS WHO MAY EXECUTE AN ANATOMICAL GIFT

SEC. 2. (a) Any individual of sound mind and eighteen years of age or more may give all or any part of his body for any purposes specified in section 3, the gift to take effect upon death.

(b) Any of the following persons, in order of priority stated, when persons in prior classes are not available at the time of death, and in the absence of actual notice of contrary indications by the decedent, or actual notice of opposition by a member of the same or a prior class, may give all or any part of the decedent's body for any purposes specified in section 3:

(1) the spouse,
(2) an adult son or daughter,
(3) either parent,
(4) an adult brother or sister,
(5) a guardian of the person of the decedent at the time of his death, or
(6) any other person authorized or under obligation to dispose of the body.

(c) If the donee has actual notice of contrary indications by the decedent, or that a gift by a member of a class is opposed by a member of the same or a prior class, the donee shall not accept the gift. The persons authorized by subsection (b) may make the gift after death or immediately before death.

(d) A gift of all or part of a body authorizes any examination necessary to assure medical acceptability of the gift for the purposes intended.

(e) The rights of the donee created by the gift are paramount to the rights of others except as provided by section 7(d).

PERSONS WHO MAY BECOME DONEES, AND PURPOSES FOR WHICH ANATOMICAL GIFTS MAY BE MADE

SEC. 3. The following persons may become donees of gifts of bodies or parts thereof for the purposes stated:

(1) any hospital, surgeon, or physician, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation; or

(2) any accredited medical or dental school, college, or university, for education, research, advancement of medical or dental science, or therapy; or

(3) any bank or storage facility, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation; or

(4) any specified individual for therapy or transplantation needed by him.

MANNER OF EXECUTING ANATOMICAL GIFTS

SEC. 4. (a) A gift of all or part of the body under section 2(a) may be made by will. The gift becomes effective upon the death of the testator without waiting for probate. If the will is not probated, or if it is declared invalid for testamentary purposes, the gift, to the extent that it has been acted upon in good faith, is nevertheless valid and effective.

(b) (1) A gift of all or part of the body under section 2(a) may also be made by document other than a will. The gift becomes effective upon death of the donor. The document, which may be a card designed to be carried on the person, must be signed by the donor, in the presence of two witnesses who must sign the document in his presence. If the donor cannot sign, the document may be signed for him at his direction and in his presence, and in the presence of two witnesses who must sign the document in his presence. Delivery of the document of gift during the donor's lifetime is not necessary to make the gift valid.

(2) Any such document referred to in paragraph (1) of this subsection may be in the following form and contain the following information:

"UNIFORM DONOR CARD
"of

"_____
"print or type name of donor

"In the hope that I may help others, I hereby make this anatomical gift, if medically acceptable, to take effect upon my death. The words and marks below indicate my desires.

"I give: (a)—any needed organs or parts
"(b)—only the following organs or parts

"_____
"specify the organ(s) or part(s)

"for the purposes of transplantation, therapy, medical research, or education;

"(c)—my body for anatomical study if needed.

"Limitations or special wishes, if any:_____

"(Other side of card)

"Signed by the donor and the following two witnesses in the presence of each other:

"_____
"Signature of donor

"_____
"Date signed

"_____
"Witness

"_____
"Date of birth of donor

"_____
"City and State

"_____
"Witness

"This is a legal document under the District of Columbia Anatomical Gift Act or similar laws."

(c) The gift may be made to a specified donee or without specifying a donee. If the latter, the gift may be accepted by the attending physician as donee upon or following death. If the gift is made to a specified donee who is not available at the time and place of death, the attending physician upon or following death, in the absence of any expressed indication that the donor desired otherwise, may accept the gift as donee. The physician who becomes a donee under this subsection shall not participate in the procedures for removing or transplanting a part.

(d) Notwithstanding section 7(b), the donor may designate in his will, card, or other document of gift the surgeon or physician to carry out the appropriate procedures. In the absence of a designation, or if the designee is not available, the donee or other person authorized to accept the gift may employ or authorize any surgeon or physician for the purpose.

(e) Any gift by a person designated in section 2(b) shall be made by a document signed by him, or made by his telegraphic, recorded telephonic, or other recorded message.

DELIVERY OF DOCUMENT OF GIFT

SEC. 5. If the gift is made by the donor to a specified donee, the will, card, or other document, or any executed copy thereof, may be delivered to the donee to expedite the appropriate procedures immediately after death, but delivery is not necessary to the validity of the gift. The will, card, or other document, or an executed copy thereof, may be deposited in any hospital, bank or storage facility, or registry office that accepts them for safekeeping or for facilitation of procedures after death. On request of any interested party upon or after the donor's death, the person in possession shall produce the document for examination.

AMENDMENT OR REVOCATION OF THE GIFT

SEC. 6. (a) If the will, card, or other document of executed copy thereof, has been delivered to a specified donee, the donor may amend or revoke the gift by—

(1) the execution and delivery to the donee of a signed statement, or

(2) an oral statement made in the presence of two persons and communicated to the donee, or

(3) a statement during a terminal illness or injury addressed to an attending physician and communicated to the donee, or

(4) a signed card or document found on his person or in his effects.

(b) Any document of gift which has not been delivered to the donee may be revoked by the donor in the manner set out in subsection (a) or by destruction, cancellation, or mutilation of the document and all executed copies thereof.

(c) Any gift made by a will may also be amended or revoked in the manner provided for amendment or revocation of wills, or as provided in subsection (a).

RIGHTS AND DUTIES AT DEATH

SEC. 7. (a) The donee may accept or reject the gift. If the donee accepts a gift of the entire body, he may, subject to the terms of the gift, authorize embalming and the use of the body in funeral services. If the gift is of a part of the body, the donee, upon the death of the donor and prior to embalming, shall cause the part to be removed without unnecessary mutilation. After removal of the part, custody of the remainder of the body vests in the surviving spouse, next of kin or other persons under obligation to dispose of the body.

(b) The time of death shall be determined by a physician who attends the donor at his death, or, if none, the physician who certifies the death. This physician shall not participate in the procedures for removing or transplanting a part.

(c) A person who acts in good faith in accord with the terms of this Act, or under the anatomical gift laws of another State is not liable for damages in any civil action or subject to prosecution in any criminal proceeding for his act.

(d) The provisions of this Act are subject to the laws of the District of Columbia prescribing powers and duties with respect to autopsies.

UNIFORMITY OF INTERPRETATION

SEC. 8. This Act shall be so construed as to effectuate its general purpose to make uniform the law of those States which enacted it.

SEC. 9 (a) That part of section 3 of the District of Columbia Tissue Bank Act (D.C. Code, sec. 2–252) which follows the definition of the term "Commissioners" is amended to read as follows:

"'Donor' means any person who, in accordance with the provisions of the District of Columbia Anatomical Gift Act, bequeaths or donates his tissue for removal after death in furtherance of the purposes of such Act, and also means any deceased person whose tissue is donated or disposed of for the purposes of this Act, the District of Columbia Anatomical Gift Act, or sections 675, 676, and 683 of the Act of March 3, 1901, as amended (D.C. Code, sec. 27–119a and sec. 27–125).

"'Tissue' means any body of a dead human or any portion thereof, including organs, tissues, eyes, bones, arteries, blood, and other fluids.

"'Tissue bank' means a facility for procuring, removing, and disposing of tissue for the purposes set forth in the District of Columbia Anatomical Gift Act, and for the purposes of reconstructive medicine and surgery, and research and teaching in reconstructive medicine and surgery."

(b) Subsection (b) of section 4 of the District of Columbia Tissue Bank Act is amended by striking out "prescribing, without limitation," and inserting in lieu thereof "to carry out the purposes of this Act and the District of Columbia Anatomical Gift Act, including, without limitation, rules and regulations prescribing."

(c) Sections 6, 7, and 8 of the District of Columbia Tissue Bank Act are hereby repealed.

(d) Subsection (b) of section 9 of the District of Columbia Tissue Bank Act is amended to read as follows:

"(b) The Coroner of the District of Columbia may, in his discretion, allow tissue to be removed from any dead human body in his custody or under his jurisdiction, if such tissue removal shall not interfere with other functions of the Office of the Coroner, and the person who, in accordance with section 2(b) of the District of Columbia Anatomical Gift Act, is authorized to donate tissue therefrom, shall first authorize such tissue removal."

(e) Section 683 of the Act of March 8, 1901 (D.C. Code, sec. 27–125), is amended by deleting "may be removed by or under the supervision of a person licensed under the authority of section 4 of such Act for preservation in a tissue bank operating pursuant to such Act," and inserting in lieu thereof the following: "or the District of Columbia Anatomical Gift Act may be removed by or under the supervision of a person licensed under the authority of section 4 of the District of Columbia Tissue Bank Act for preservation in a tissue bank operating pursuant to such Act, or for use in accordance with the provisions of the District of Columbia Anatomical Gift Act,".

(e) Sections 675 and 676 of the Act of March 3, 1901 (D.C. Code, sec. 27–119a), is amended by inserting immediately after "such Act" the following: "or the District of Columbia Anatomical Gift Act".

Mr. GOODELL. Mr. President, I am extremely pleased that unanimous consent was granted to permit consideration of the pending bill. I ask that it be passed.

On October 7, 1969, I introduced S. 2999, the District of Columbia Anatomical Gift Act, with the cosponsorship of all of the members of the Senate District Committee: Senators BIBLE, EAGLETON, MATHIAS, PROUTY, SPONG, and TYDINGS. On February 4, 1970, I was the chairman of full committee hearings at which a number of physicians and lawyers presented the committee with detailed statements supporting the bill and urging its expeditious passage.

Subsequent to the hearings, the committee received a considerable number of letters from national medical and legal organizations all endorsing the bill and calling for early passage. I am delighted that this legislation has received such prompt consideration by the Senate District Committee and the Senate.

The purpose of this bill is to provide in the District of Columbia a comprehensive and uniform legal framework for organ donation and transplantation consistent with the recommendations of the National Conference of Commissioners on Uniform State Laws made in 1968.

The committee report on S. 2999 has succinctly outlined the need for this legislation, as follows:

NEED FOR LEGISLATION

Laws relating to the disposition of a dead body and to the donation of organs for transplantation are under State jurisdiction, and in the District of Columbia they are enacted by Congress. Existing law on this subject in the District of Columbia is a confusing mixture of the common law—dating back to the 17th century—and numerous statutes governing autopsies, unclaimed bodies, and coroners.

With the success of corneal transplantation and improvements in kidney transplants in the 1950's, some 40 States and the District of Columbia were stimulated to enact some type of legislation giving an individual the authority to donate an organ for medical purposes upon his death. Four other States provided for the donation of eyes only. Nonetheless, it is generally recognized that these individual State statutes are somewhat inadequate and incomplete, and that there is a compelling need to have as much uniformity in the law as possible throughout the country.

With the development of revolutionary advances in the use of organ transplantation, it has become necessary to provide a uniform, favorable legal environment throughout the country for the donation and use of organs and tissue for medical research, education, and therapy.

Although the exact-effectiveness of some of the methods of treatment are not yet determined, there is no doubt that transplantation is one means of medical treatment whose potential has only begun to be explored. Vast experience is being accumulated in surgical techniques and great improvements have been made in tissue matching and the suppression of immune reactions.

Transplantation is now a recognized therapeutic procedure in treating kidney disease, and other tissues which have been successfully transplanted for varying lengths of time include skin, cartilage, bone tendon, nerve, artery heart valve, liver, and lung. Organ donation is not only used in transplantation. Human organs and tissue are required for research into such problems as the cause of cancer.

Nationwide uniformity of the laws governing organ transplantation is necessary in order to further medical advances in this area. The passage of the Uniform Act in 41 States in less than 2 years since the adoption by the National Conference of Commissioners on Uniform State Laws is compelling evidence of its need and importance.

Mr. President, Senators will be interested to note that as of March 19, 1970, the Uniform Anatomical Gift Act has been passed in the following States: Alabama, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Michigan, Minnesota, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, Wyoming.

As the committee report points out, the objectives of S. 2999 are to provide—

A simple mechanism for executing the gift after death of the body or parts thereof by persons 18 years of age and older;

A declaration that the donor has absolute priority over anyone who may frustrate such desire following death;

A priority list establishing the line of authority following the decedent for making a donation if the decedent had not indicated his desire;

A protection from liability for medical technicians and surgeons who act in good faith in carrying out the provisions of the Uniform Anatomical Gift Act;

A listing of permissible donees, including only those persons or institutions licensed or authorized to practice medicine and to engage in tissue banking and related matters;

A method by which the next of kin may authorize a gift via a telephonic recorded message with the hospital, physician, or institution involved;

A method of revoking a gift should a donor decide to do so after previously having made a decision to donate; and

A reciprocity provision which honors the donation statute of other States.

Mr. President, organ donation and transplantation in the District of Columbia are now provided for by the District of Columbia Human Tissue Bank Act of 1962, as amended. Although comprehensive in certain respects, this statute does not cover many aspects of donation and transplantation which are provided for by the Uniform Act. A significant aspect of S. 2999 is that it contains a model donor card which can be considered a valid form of donation under the bill. This card can be carried by an individual, and will be a valuable means of facilitating the use of organs for transplantation.

This card is currently being distributed throughout the country by a number of medical organizations, including the Eye Banks Association of America, the Falconer Foundation, the Living Bank, Medic Alert, the National Kidney Foundations, National Pituitary Agency, the Tissue Bank of the U.S. Naval Medical School, National Naval Medical Center in Bethesda, Md., and the United Health Foundations.

Mr. President, there is tremendous public interest in the use of transplantation as a therapeutic device. With the passage of S. 2999, the residents of the District of Columbia will be covered by a comprehensive statute and the urgently needed nationwide uniformity of law in this area will be further enhanced. It is for these reasons that I ask its favorable passage by the Senate today.

The amendments were agreed to, en bloc.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AUTHORIZING EL PASO AND HUDSPETH COUNTIES, TEX., TO BE PLACED IN THE MOUNTAIN STANDARD TIME ZONE

The Senate proceeded to consider the bill (H.R. 14289) to permit El Paso and Hudspeth Counties, Tex., to be placed in the mountain standard time zone.

TEXAS' TWO WESTERNMOST COUNTIES SHOULD BE IN MOUNTAIN TIME ZONE

Mr. MANSFIELD. Mr. President, the senior Senator from Texas (Mr. YARBOROUGH) is necessarily absent today; however, he has a longstanding interest in H.R. 14289, a bill to place El Paso and Hudspeth Counties of Texas in the mountain time zone, and has a statement on the bill.

I ask unanimous consent that Senator YARBOROUGH's statement be printed in the RECORD.

There being no objection, the statement and letter were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR YARBOROUGH

Mr. President, I support H.R. 14289 by the Honorable Richard White, a Member of Congress from the 16th District of Texas. The bill will authorize the Secretary of Transportation to place El Paso and Hudspeth Counties in Texas in the Mountain Time Zone upon written request of the county commissioners court of these two counties. For some years these counties have been informally observing mountain time. This bill provides a means by which these two counties can legally be included in this time zone.

El Paso and Hudspeth Counties, Texas, are the two westernmost counties of Texas. Both counties are west of Denver, Colorado, which is in the Mountain Time Zone, and they lie at least 200 miles west of the nearest large population center in Texas. Although all the rest of my State is in the Central Time Zone, I think that by virtue of their location, these two counties are certainly entitled to be placed in the Mountain Time Zone.

Representative White has long been interested in having this proposal enacted, and all of the local officials of these two counties enthusiastically support the measure. On February 18, 1970, I wrote the chairman of the Committee on Commerce, the distinguished Senator from Washington (Mr. Magnuson), urging the passage of the bill, and I do so again on the floor of the Senate.

Mr. President, I ask unanimous consent that my letter, to the chairman of the Committee on Commerce (Mr. Magnuson), be printed in the RECORD.

There being no objection the letter was ordered to be printed in the RECORD.

FEBRUARY 18, 1970.

Hon. WARREN G. MAGNUSON,
Chairman, Senate Committee on Commerce, New Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: There is pending before your Committee, a bill introduced by the Honorable Richard White of Texas, a member of Congress from the western part of my State, to place two westernmost counties permanently on the Mountain Time Zone.

The two counties affected are El Paso and Hudspeth Counties. El Paso County is 1054 square miles in area and had an estimated population of 365,412 in 1969. The largest city is El Paso. Hudspeth County is 4533 square miles in area and had an estimated population in 1969 of 2556.

These two counties are so far west that they fall south of the Mountain Time Zone even though Texas as a whole is a part of the Central Time Zone. The county officials and residents of these counties have annually requested that they be placed in the Mountain Time Zone for reasons of convenience. As I understand it, this bill would simply make this change permanent. In view of these facts, I feel that the change is both wise and warranted.

Because this matter is of great interest to my constituents in these two counties, and because of all I have been able to determine the vast majority of the residents of these counties prefer to be in the Mountain Time Zone, I respectfully request that this bill be considered as promptly as the schedule of your Committee permits.

With best wishes.

Sincerely,

RALPH W. YARBOROUGH.

The bill was ordered to a third reading, read the third time, and passed.

PRIVILEGE OF THE FLOOR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the administrative assistant of the Senator from Missouri (Mr. EAGLETON), Douglas Bennett, be entitled to the privilege of the floor today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR MUSKIE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Maine (Mr. MUSKIE) be allowed to proceed for not to exceed 10 minutes, after the remarks of the distinguished Senator from Vermont (Mr. AIKEN).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CLEANING UP THE ENVIRONMENT

Mr. SCOTT. Mr. President, today, more than ever, individual initiative and involvement are a must, if we are to tackle the problem of cleaning up our environment. Government alone cannot purify our streams, decontaminate our air, and reclaim our countryside without the active commitment of every American to join in the task.

I was, therefore, most pleased to receive a letter from a group of seventh graders from Fleetwood, Pa., expressing their desire to participate in a nationwide Clean-Up Day. I applaud and wholeheartedly support their interest and efforts. I ask unanimous consent to have their letter printed in the RECORD as an example for us all.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FLEETWOOD, PA.

DEAR SENATOR SCOTT: I am in 7th grade and truly concerned about the pollution in our country. I'd like to know if it would be at all possible to have a *National Clean-Up Day?* We could even have debates on TV and on radio. It would be worth it. Then, hopefully, more people would be concerned. All people should be, and hopefully, will be, warned about this awful problem. On *Clean-Up Day,* as well as every day, people should be asked to pick up every bit of litter they see and throw it away.

Sincerely,

KATHRYN F. WOLFORD.

Here are a few names of classmates who are also worried about this problem: Jerry Apgar, Sandy Manwiller, Tracy Seidel, David Johnson, Woodrow Sandey, Merrill Weidner, Carleton Goodheart, Tim Weiss, and John Hainly.

S. 3643—INTRODUCTION OF A BILL TO PRESENT TO CORETTA KING A GOLD MEDAL IN HONOR AND COMMEMORATION OF THE LIFE OF THE REVEREND DR. MARTIN LUTHER KING, JR.

Mr. SCOTT. Mr. President, I introduce for myself and Senator EDWARD BROOKE as principal cosponsor, Senators ALLOTT, BIBLE, BURDICK, CASE, COOPER, DODD, DOLE, GOODELL, GRAVEL, HARRIS, HARTKE, KENNEDY, MCINTYRE, MUSKIE, NELSON, PACKWOOD, PELL, PERCY, RANDOLPH, SAXBE, SCHWEIKER, TYDINGS, WILLIAMS of New Jersey, a bill to authorize the President to present, to Coretta King, a gold medal in honor and commemoration of the life of Rev. Dr. Martin Luther King, Jr. My bill also authorizes the striking of duplicate medals in bronze to be furnished jointly to Morehouse College and the King Family Memorial Center. Each memorial fund will be able to sell quantities of the bronze medal to the public at large.

This legislation is also being introduced today in the House of Representatives by the Honorable MARGARET M. HECKLER of Massachusetts, and the Honorable JOHN CONYERS, Jr., as princi-

pal sponsors, with a bipartisan group of Representatives.

Although the medal has not been fully designed, Mrs. Coretta King has expressed her wish that Dr. King's profile and the dates "1929–1968" be placed on the face of the medal, and the words "I Have a Dream" and "Justice-Peace-Brotherhood" be placed on the reverse side.

Dr. King stood for the highest American ideals—equal job opportunity, equal housing, and education—and he worked hard in the interest of both black and white. Americans want to honor Dr. King's memory and want his life story, which is part of our contemporary history, to be preserved. Toward this goal, the bereaved King family established the Martin Luther King, Jr., Memorial Center to preserve memorabilia. Morehouse College, Dr. King's alma mater, established the Martin Luther King, Jr., memorial fund which will provide scholarships for needy students, among other things.

Passage of my bill will help to provide needed financial aid to these two memorials. I urge favorable and immediate action by Congress on this measure.

On Tuesday, March 24, 1970, in 1,000 theaters over the country, a film entitled "King—A Filmed Record From Montgomery to Memphis" was simultaneously shown. The purpose of the film was to help further the sacred memory of Martin Luther King, Jr. In this same spirit, I offer my bill.

The ACTING PRESIDENT pro tempore (Mr. SPONG). The bill will be received and appropriately referred.

The bill (S. 3643) to provide for the issuance of a gold medal to the widow of the Reverend Dr. Martin Luther King, Jr., and the furnishing of duplicate medals in bronze to the Martin Luther King, Jr. Memorial Fund at Morehouse College and the Martin Luther King, Jr. Memorial Center at Atlanta, Ga., introduced by Mr. SCOTT (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Banking and Currency.

EVENTS IN SOUTHEAST ASIA

Mr. MANSFIELD. Mr. President, in recent weeks, events in Southeast Asia have escalated to a point that, I think, calls for the continued attention of the Senate, as well as the administration.

We know that the Pathet Lao and the North Vietnamese in Laos number, according to the President's figures—and these are North Vietnamese—something on the order of 67,000. They have advanced into and beyond the Plaines des Jarres and are reportedly within 20 miles of the Royal Laotian capital of Luang Prabang.

We know also that as a result of the successes of the Pathet Lao and the North Vietnamese—they are primarily North Vietnamese successes—that an exchange of letters has occurred between Prince Souphanouvong, the leader of the Pathet Lao, and Prince Souvanna Phouma, Prime Minister of the Royal Laotian Government.

The letter sent by Prince Souphanouvong has been received by Prince Souvanna Phouma and, I dare say, that he and his cabinet are looking into the contents with great care at this time.

I assume, also, that what is contained in that letter has been brought to the attention of the U.S. Government and that it, likewise, is giving this matter careful attention.

I would hope, Mr. President, that the situation in Laos could be stabilized through a meeting between the two princes, who are half brothers, for a discussion of the contents of the letter. It is to be hoped that some sort of agreement might be reached which would bring a degree of peace to a very, very peaceful people.

In addition, perhaps the International Control Commission, which is still functioning in Laos, and does maintain contact between the Pathet Lao strongholds at Samneua and Phong Saly, as well as in the territory under the control of the Royal Laotian Government, might be beefed up, that their use as intermediaries would be furthered, and that whatever services they could offer, to bring an end to the difficult situation in Laos, would be forthcoming.

Furthermore, I join wholeheartedly in the plea of the President of the United States to the United Kingdom and the Soviet Union, the cochairmen of the Geneva conferees to reconvene that meeting—to me, it is immaterial whether it is the 1962 or the 1954 meeting—for the purpose of trying to bring about a guarantee of the neutrality of Laos which so many of us—14 nations, I believe—agreed to in 1962.

It is quite possible that the situation unless faced up to in this manner, or something approaching it, may well get out of hand.

I would point out to my colleagues that at the present time there is a Chinese-built road extending from Phong Saly, one of the Pathet Lao strongholds, in the northwestern part of Laos through Meng La, in Yunnan, a Chinese province, down to Muong Sai, which in looking at the map I would hazard a guess is probably 20 miles from the border of Burma.

There is another road from Meng La in Yunnan extending southward toward a town called Muong Lo, which would tie up with the road to Dienbienphu in Vietnam. In a southwesterly direction, the road extends from Muong Sai to Muong Houn, and it is within about 30 miles of the Thai border. According to my information, it is still being built.

It is estimated there are 8,000 to 10,000 Chinese along this road, mostly in labor battalions, but with a few antiaircraft battalions as well, for the protection of the Chinese roadbuilders.

All of these factors should be taken into consideration in any discussion of Laos so that the American people will have the facts laid out before them and be aware of just what the potential and possibilities are in that country.

I commend the President for his showing of forbearance. But I disassociate the attacks on the Ho Chi Minh trail which are, in effect, troops of Vietnam and connected with the war in the fighting in other areas of Laos where, I understand, although it cannot be proven, that Thai troops have been involved in seeking to block the extension of the power of the Pathet Lao and Vietnamese.

Then there is the question of Cambodia. Some people seem to be very happy that Prince Sihanouk has been overthrown and is now in Peking where statements attributed to him have been issued of late. It is my understanding that Prince Sihanouk has indicated that as long as he is out of Cambodia, he will divide his time between Peking and Moscow.

I regret to see this form of event, because in my opinion Sihanouk was a very shrewd political leader dedicated to keeping alive the neutrality and the entity of Cambodia. He was able to keep his country in relative peace and stability, as contrasted with the surrounding nations. He did so in most difficult circumstances because he was pressured from all borders, from the west by the Thais, and once in a while by red Khmer Serai units from the north, by the Vietcong and the North Vietnamese, who number something in the order of 45,000 to 50,000 in the northern province of Cambodia stretched out from the east border of Vietnam to the west border of Cambodia at Battambang, which borders on Thailand.

Now we have a deposed prince, living in Moscow, who has been accused of having great sums of money in Swiss banks but the fact is that he has authorized all Swiss banks to disclose the facts to prove or disprove this charge.

He has been accused of a number of other things, but he can never be accused of his lack of dedication to Cambodia and its preservation. Before there is too much rejoicing at his overthrow, it would be well to bear in mind that of all the countries in Indochina, Cambodia under Sihanouk is the only country into which we have not poured billions in aid in recent years and the only country where we have not had Americans fighting and dying during this tragic conflict. What are we to expect now? Aid programs for Cambodia? An extension of military operations into that country? What would this Nation gain from that course?

I am concerned because with the overthrow of Prince Sihanouk and his being established in Peking, a new situation has developed in Southeast Asia as far as Cambodia is concerned. I reiterate that it may well be that we were not too happy with Cambodia's neutrality at times. But it was an area in which a certain degree of stability had been achieved in Southeast Asia.

If events develop to an extent that the present situation brings about an expansion of the war or a civil war in Cambodia, I would hope most devoutly that this Nation would stay out of it and would not intervene in any way in the affairs of Cambodia. That we would not once again fall into the trap of extending aid to one faction and in that way taking the first step toward a new involvement. I would hope, rather, that this Nation would do all in its powers to keep the

war from spreading beyond its present limits and thereby prevent a situation which would require an increase in commitment of American forces rather than the phased withdrawal that the President has wisely put into effect up to this time.

Mr. SCOTT. Mr. President, will the majority leader yield?

Mr. MANSFIELD. I yield.

Mr. SCOTT. Mr. President, I thank the majority leader for yielding at this time.

I think this is the time to make it clear that, as far as I am concerned, I think the distinguished majority leader has correctly and accurately stated a point of view which Americans ought to listen to very carefully and with which I find myself in broad general agreement.

There has been, first of all, a tendency to regard Prince Sihanouk as something of a playboy. Yet, underneath that rotund exterior, there has proven to be a very shrewd manipulator of forces much larger than his own in offering a way to preserve this precarious neutrality for quite a long time.

There is also a tendency, I notice, in discussing the overthrow of Sihanouk to draw the assumption that because those who overthrew him appear to be oriented to the West, that this would necessarily be a good thing for the United States.

It is a broadening of the war and certainly would not be a good thing if it leads to a decision by Peking or Moscow to come into that country. The situation would be much worse, because no matter whether the power which overthrew Sihanouk proves to be oriented to the West or to the East, any power in Cambodia and indeed the whole nation can be overthrown in a matter of hours or days by anyone having the will to do so.

This was the nature of Sihanouk. It required a rather brilliant achievement. He was able to preserve this balance for so long a time. It is too bad that he decided to pack himself off to Peking and Moscow. That will let him in for a lot of travel and travail.

I agree that we were better off when we had him keeping Cambodia neutral.

In my judgment, there is not going to be any expeditionary force in Laos. Neither do I believe there will be any commitment of American ground forces in Cambodia.

I hope we will do nothing to risk the broadening of the war by actions which we take in regard to Cambodia.

I have seen no indication that we intend to run the further risk of broadening that war. I hope we will not. There are American forces close to that border in South Vietnam. They will have to be protected. The interdiction of the Ho Chi Minh Trail will presumably continue. But I do not believe that this administration has any more intention of bringing any ground combat forces into Cambodia than we do of sending them into Laos.

The sooner we get out of the whole embroiled peninsula, the better for all of us.

I am satisfied that the administration is doing everything in its power to accomplish this objective which the American people want.

Mr. MANSFIELD. Mr. President, I agree wholeheartedly with what the distinguished minority leader has just said. I want to assure him that my purpose in speaking today is not to criticize the administration, but to try to be constructive and point out pitfalls and dangers which may arise. I am sure the administration is fully aware of them, but I assume that some comment from the Senate is welcomed.

I am heartened by what the minority leader said, because it indicates that so far as the joint leadership is concerned there is an identity of views. It is unfortunate that so many of our people have tended to look upon Prince Sihanouk as a playboy. He is a man of great ability and great capability, and great energy. He has had to perform a Machiavellian feat in keeping Cambodia independent and neutral since 1953, because Cambodia's independence was achieved even before the Geneva agreements of 1954.

So the purpose of this exchange as the distinguished minority leader pointed out by implication, is that we ought to be extremely careful. We should not be carried away by requests for this or that, not only as far as American personnel are concerned in both Laos and Cambodia, but also as far as American aid is concerned.

We should have learned our lesson and learned it well after what happened in Korea and what has been happening for all too long, for all too many years in South Vietnam. The figures there of what this war has cost us in manpower are appalling. The latest figures I have are as of March 19, less than 1 week ago and they indicate that as of then, last Thursday, 269,719 Americans were wounded in South Vietnam, 40,947 were killed in combat, and 7,627 were killed in noncombat capacities. The total casualties so far, and they are still increasing, amount to 318,293 as of 1 week ago.

This is a high price to pay for an area which is not vital to the security of this country and never was. This is a high price to pay for a war which was a mistake. This is a high price to pay for a war which is a continuing tragedy and affects all elements of our population. In my opinion, it has had a large role in the development of internal domestic difficulties in this country. It has taken well over $100 billion of money to wage this war to which there really is no end in sight at the present time, money which in large part could better have been used to face up to problems of the ghettos, to meet the needs of our people, and in that way to be put to constructive use rather than destructive use.

I want to commend the administration for what it is doing in this respect, for the firmness it is showing against advice I am sure has been advanced that we get behind this government in Cambodia. We do not know what kind of a government it is and only time will tell. In any event, I hope the administration will show a forbearance in line with congressional amendments that there be no use of U.S. ground combat troops in Laos or Cambodia.

I want to assure the administration, in my capacity as a Senator from Montana and as majority leader, that I will continue to do my very best to support the administration in carrying out the Nixon policy, which I approve 100 percent, of keeping a low profile in our relations with nations not only in Southeast Asia but throughout the world, and in keeping to the phased withdrawals of our troops from Vietnam; and hopefully, if the opportunity arises, Cambodia and Laos notwithstanding, that that phased withdrawal can be increased considerably.

The President has tried through the Geneva accords, through the International Control Commission, and through private channels, with all means available at his command to bring about a lifting of this shadow which overhangs all of our lives, to the end that we can withdraw, lock, stock, and barrel, from all Southeast Asia. It is my hope that his efforts will bear fruit and that there will come a reconvening of the Geneva Conference; and out of that an ironclad guarantee to which all Geneva nations would give assent, which would insure the neutrality of all Southeast Asia. In this way perhaps peace can be achieved.

If we do not keep our feet on the path toward this objective, then I can see only increased costs, increased casualties, and I think we have had enough of both.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I am delighted to yield.

Mr. SCOTT. Mr. President, I do not want to prolong this discussion at all, other than once more to say that the distinguished majority leader has shown his judgment and his patriotism move hand in hand, as he indicates his support for the efforts of the administration. He and I both did our very vest with previous administrations and with the problems that were presented in foreign policy, to give support. We jointly are now doing it again.

I would add only one very small comment which in no way changes anything the majority leader said, and that is I often notice headlines to the effect that we are in a new war in Laos. Mr. President, there is no new war in Laos. The commitment of Americans in Laos on the ground, and outside of the air interdictions, has varied in the last several years between only 1,000 and 1,040 personnel, about one-half of which are civilians. Since January 20, 1969, deaths in Laos on the ground have amounted to seven, one military and six civilian. This does not look like a new war.

I say this only to make the point that we must not have even that many casualties in Cambodia. We must have no casualties whatever in Cambodia if we can avoid it, and the way to avoid it is to have no commitment in Cambodia, as the majority leader outlined, and that is the effort through many nations to preserve the neutrality of that troubled state.

I thank the Senator.

Mr. MANSFIELD. Mr. President, I thank the distinguished minority leader for his remarks. I must reiterate that what we are both trying to do is to be constructive with an administration which did not start the war, but which was saddled, in effect, with a number of problems connected with it, and a war which seems awfully difficult to disengage from at this time.

I thank the distinguished minority leader.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Pursuant to the previous order, the Chair now recognizes for a period not to exceed 45 minutes, the Senator from Missouri (Mr. EAGLETON).

MENINGITIS OUTBREAK AT FORT LEONARD WOOD, MO.

Mr. EAGLETON. Mr. President, I would like to speak this morning on the meningitis outbreak at Fort Leonard Wood, Mo., and submit to the Senate my report and my findings in connection therewith.

I ask unanimous consent that, at the conclusion of my remarks, the full text of my report be printed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. EAGLETON. I also ask unanimous consent, Mr. President, that following the printing of the text, various appendices and related documents be printed in the CONGRESSIONAL RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

SUMMARY: INVESTIGATION, FINDINGS AND CONCLUSIONS

INVESTIGATION

Mr. EAGLETON. Fort Leonard Wood, Mo., one of the larger military installations in our Nation, has experienced in recent months an exceptionally severe outbreak of meningitis. It dates back as far as October of 1969, and is an ongoing, continuing and currently existing crisis.

The carrier rate, according to the most recent survey, has reached 68 percent in some basic training units and 80 percent in some advanced individual training units. There have been 51 active cases of type C meningococcal disease, as compared with 15 last year. Thus far, there have been four deaths of military personnel on the base, and one additional death causally connected with the base, a young girl, age 16, Kathy Osiier, of Kansas City, Mo., who died last week in a Kansas City hospital of meningococcal disease.

Meningitis is a well-known phenomenon in Army training centers, and the Army has established a number of procedures for dealing with it. In the context of the extraordinary number of cases at Fort Leonard Wood this year, however, my office has received a great many allegations of improper or imprudent training procedures and inadequate medical care.

I have, therefore, through the dedicated efforts of some very fine staff people, conducted an extensive investigation of the Fort Leonard Wood situation over the past 20 days. I add parenthetically at this point, which every Senator knows, that a Senator's capability to function, insofar as that which he can seek to do, is directly proportional to the quality of his staff work; and in this instance two of my staff members have been singularly industrious, and I would like to commend them and have their names appear in the RECORD for their loyal efforts over and beyond the call of duty: Mr. Stephen Vossmeyer and Mr. Edward Filippine. These two men, along with others, have devoted over 600 man-hours to accumulating a massive amount of information from personal interviews, telephone interviews, written information, official replies to specific inquiries, and 2 long, long days of personal investigation at Fort Leonard Wood itself. Recruits, trainees, parents, doctors, and Army personnel of all ranks have been contacted and interviewed, both on the base at Fort Leonard Wood and outside the confines of the base at Fort Leonard Wood.

The information obtained is synthesized into the following report.

I recognize that this endeavor, despite our efforts, must of necessity be limited in scope. Obviously some points will not be covered as fully as others. Some points may not be covered at all.

I hope, nevertheless, that the following findings and recommendations will be helpful to the Army in completing its own investigation and in combating future outbreaks, and to the interested and concerned public, whose right to know must not be denied.

I would now like to summarize some of the major factual findings and some of our major conclusions.

MAJOR FACTUAL FINDINGS

A. Training procedures:

First. The relationship between the general physical condition of recruits and the incidence of meningitis is not definitely established to a medico-scientific certainty. However, specific procedures established by the Surgeon General of the United States and the Army itself require that overly exhaustive training routines should be eliminated when meningitis breaks out.

Second. These procedures recommended by the Army to halt the spread of meningitis were often violated at Fort Leonard Wood until after the meningitis reached epidemic proportions.

In fact, our investigation reveals that the first day on which Army procedures for safeguarding the health of the trainees and recruits at Fort Leonard Wood were fully complied with was, interestingly enough, 2 days before three Missouri Congressmen visited the base at Fort Leonard Wood. The visitation had previously been announced, and the base had suddenly, instantly, but tragically belatedly, shaped up for this visitation of Representatives ICHORD, RANDALL, and HALL.

B. Medical care:

First. Medical care for meningitis which was administered to the recruits once they entered the base hospital was excellent within the limitations of the available facilities.

Second. Procedures in some companies discouraged recruits from reporting for medical care, and these procedures continued for a substantial period of time after the outbreak reached epidemic proportions.

Third. A vaccine which, though still classified as experimental, had proven its value through widespread inoculation of 20,000 trainees was unavailable at Fort Leonard Wood until February 11, and then became available only in limited quantities, on a 1-in-5 basis. By some magical means, the doctors selected one out of every five recruits to perhaps survive. The others were to do it on their own, as best they could.

I have reached the following major conclusions relating to training procedures:

First. Had the authorities at Fort Leonard Wood followed from the outset the procedures prescribed by the Surgeon General and by the Army, the meningitis outbreak may well not have reached such serious proportions.

Second. The overly exhausting training routine, the lack of adequate sleep, et cetera, caused many recruits to be in a state of serious fatigue.

I believe that the overly exhausting training routine and the lack of adequate sleep—all of which are specified in the Surgeon General's regulations as prohibited especially during a meningitis crisis—caused many recruits to be in a state of serious fatigue. We have testimony that one of the leading doctors at Fort Leonard Wood talked to the parents of one of the diseased recruits and confided that after examining many young men in the hospital they "were not really sick in an identifiable disease sense, but rather they are suffering from exhaustion."

Groups at this base, Mr. President, were exhausted and fatigued, and you do not have to be a doctor, you do not have to be an epidemiologist, to know that any individual in a state of fatigue or exhaustion is susceptible to the contraction of illness.

Therefore, in my judgment, had such a condition of fatigue been avoided by following the Surgeon General's and the Army's own procedures, rules, and regulations, the epidemic proportions of the meningitis could well have been less severe.

My conclusions on medical care are as follows:

Once recruits were diagnosed as having meningitis, they received excellent medical care. Most doctors at the base should be commended for their dedication and their industry in this matter. Many of them stayed up night after night with some of these boys. Fortunately, many of these patients survived. Unfortunately, four of them died.

I also conclude that recruits in some units were both directly and indirectly discouraged from going on "sick call." Such discouragement in my judgment is unwise under even normal circumstances

and is fatally dangerous when an epidemic is in the making.

One of the officers at Fort Leonard Wood, after the meningitis epidemic at Fort Wood had been brought out in public, appeared on television in my home city of St. Louis and pointed out that "The good guys don't go on sick call. The good guys don't complain. The good guys take it like a man." And if he had completed his statement, he might have added that the good guys die in their bunks.

I should like at this point, to describe one of the most tragic cases, Mr. President.

This boy, Pvt. Larry Breeling, did not die of meningococcal meningitis; he died of pneumococcal pneumonia.

Larry Breeling was admitted to the hospital on Friday, February 13, with an upper respiratory infection. He was discharged from the hospital on Sunday, February 15, 2 days later. At that time, all symptoms were classified as normal.

On Tuesday, February 17, he was required to make up a physical proficiency test that he had missed—a rather rigorous test. He had completed 4 of the 5 parts of the test when he told his drill instructor that he was sick, and asked if he could be excused from taking the last part—the mile run. Although he already had compiled enough points to pass, the sergeant reportedly explained that failure to complete the entire test would require retaking it. Apparently this is one Army regulation that is stringently enforced.

He ran it—or, more properly, he walked it. He then "double timed it" back to the barracks.

At 5:30 p.m., he went to his barracks, throwing up, with severe headaches, and he became delirious, talking of "getting" the sergeant who made him run back to the barracks.

At 6:15, one of the other recruits in the barracks—they have, Mr. President, what is known as the buddy system where the recruits are supposed to help each other—had found a sergeant who came to Breeling's room.

The sergeant did so, and upon leaving the room he is reported to have commented that, "If he is not careful, he's going to talk himself into a court-martial."

Despite more vomiting, difficult breathing, and complaints of pain, no further action was taken. Despite numerous pleas by several roommates that he go to the hospital, and despite having many of the symptoms of meningitis when the sergeant came in, Breeling remained in the barracks without medication.

There he died, some time before 3:45 a.m. the next morning, of pneumococcal pneumonia which develops in several days and has a 30-percent mortality rate if untreated. A delirious 19-year-old in obvious distress with serious symptoms was not sent to the base hospital simply because he indicated that he did not want to go and no one in authority sent him.

That is the story of Larry Breeling, who was a good guy. Good guys do not go on sick call, Mr. President.

A final medical observation: The U.S. Army prides itself on supplying its men with the best of training, the best of weapons, presumably the best of everything. Why did the U.S. Army not take the necessary steps to supply its men with necessary vaccine, which had been successfully tested 19,999 out of 20,000 times, and which was then available but unpackaged in a drug manufacturer's factory? Why did it take until February 11 to start utilizing this vaccine on a 1-in-5 basis? The crisis had started in October, grew in November, expanded in December, continued unabated in January.

It seems to me that almost raises the same question which some doctors have raised with respect to heart transplants: Who is to decide who has the right to live, or the duty to die? Who is to decide, of all the trainees at Fort Leonard Wood, who is to get a chance to have the inoculation, and which four unlucky ones do not?

The Army's attitude throughout this investigation has been a curious one. There have been one or two rather informative letters from Secretary Resor, which give the appearance of cooperation, but never a complete answer. To this very minute, at 10 minutes to 11, certain requests for specific information that we have submitted over a month ago to Secretary Resor have not been answered. When it became known that I would speak on this subject at 10 o'clock this morning, I was informed that further information would be made available at 11, after my report was filed and after the presentation has been made.

What is it about the Army that makes them take such fiendish delight in playing hide-and-go-seek with public information? We know that some of the information was prepared at least 12 days ago at Fort Leonard Wood. We know it because somebody at Fort Leonard Wood allowed us to see it. We have seen an advance copy—an incorrect advanced copy, I might add, because there were factual errors in it. But it was there.

My office will get it some time today, or tomorrow, or next week, or next month, or next year.

I do not know why the U.S. Army believes that it has been anointed to exercise some kind of mandate to operate in secrecy.

We ask for the names and addresses of young recruits in various units over 3 weeks ago. What is so complicated about that? Most of the units that we were interested in interviewing have now graduated and scattered from Fort Leonard Wood.

That is as good a reason as I know of not to give us the list, because now we would have to run all over the country, wherever they have been transferred after their recruit training, to interview them. I guess that is a darn good reason for the Army not to give us the information.

So I resent—and I resent very bitterly—the fact that the Army has been less than totally candid in its divulgence of facts, statistics, and information that is easily ascertainable to them and, which would have been useful in our investigation.

I find another attitude of the Army in this matter serious.

Time and again, we are told meningitis outbreaks occur all the time. This year at Fort Leonard Wood; last year at Fort Lewis, Wash.; the year before at Fort Ord. Next year, fort what? Next year, what State, what base, what group of recruits is going to be hit with this because the Army does not even comply with its own procedures, or provide an adequate amount of vaccine. I do not know what fort, Mr. President. I do not know what training base. I do not know what group of recruits. But it will happen. It will happen again next year somewhere, unless the Army changes its attitude and changes its procedures and changes its benign acceptance of death at military installations.

So what will come of this, Mr. President? What will come of this 40-page report? What will come of the experience that has been gained by the people at Fort Leonard Wood in dealing with meningitis. I ask that as a rhetorical question, and I am uncertain of the answer.

Human nature is a funny thing. As an ex-prosecutor I have seen many instances where an aroused public could force immediate reforms. However, I also know that reforms often die out as fast as public interest does.

After the furor dies down, after the fine light of public opinion is redirected away from Fort Leonard Wood, after the questions I have raised have been ducked, and with the passage of time, will the Army revert to its old ways? Will the Army say, "Well, this crisis is over; EAGLETON has had his say; but now the heat is off and we will go back to business as usual"? If that be the Army attitude, I can predict that more young men will die next year when the weather turns again, because their procedures and their practices and their operations are such as to create an atmosphere inescapably conducive to the outbreak of meningococcal meningitis.

So I close, Mr. President, with the personal hope that perhaps the Army in this instance will say now is enough; that enough boys have died; that the procedures the Surgeon General spelled out were put on the books for a purpose; that they should be utilized; that inoculant vaccine should be where the crisis is and not in a factory; and that it is just as important to have medicine available on a base as it is to give Chiang Kai-shek bombers or jet fighters.

We can make such cumbersome overseas deliveries, and in the name of health and humanity, one would think we could take care of medical deliveries inside the United States.

I hope they have learned, and my hope is shared by others. I know that my hope is shared by Mr. Iglauer, who lost his only son. He is the one who originally contacted me over a month ago about this matter. He knows there is nothing I can do, or the Army can do, that will restore to life his dead son, but he does believe that his son's death should not be in vain or coldly forgotten. He hopes that if enough facts are known about his son's death and procedures at Fort Wood others in the future will not die.

I know that my hope is shared by the

family and the brother of Larry Breeling, whose case I have described.

I talked from time to time to Larry Breeling's older brother, who is a law student in Iowa. He is not a vindictive young man. He is not out to have anyone court-martialed. He has the natural, innate curiosity that any relative has, to know how and why his brother died. But he also has the hope, like Mr. Iglauer, that his brother's death will, again, not be in vain.

Thus, I plead with the Army that these deaths not be in vain.

We cannot change the past. But the past is the prologue to the future and I hope that the future will be a far different one from the tragic experience of Fort Leonard Wood, Mo.

EXHIBIT I

REPORT ON MENINGITIS OUTBREAK AT FORT LEONARD WOOD, MO.

1. SUMMARY: INVESTIGATION, FINDINGS, AND CONCLUSIONS

Investigation

Fort Leonard Wood, Missouri, has experienced an exceptionally severe outbreak of meningitis this winter. The carrier rate, according to a recent survey, has reached 68% in some basic training units and 80% in some advanced individual training units. There have been 51 active cases of type C meningococcal disease, as compared with 15 last year. Thus far, there have been four deaths.

Meningitis is a well-known phenomenon in Army training centers, and the Army has established a number of procedures for dealing with it. In the context of the extraordinary number of cases at Fort Leonard this year, however, my office has received a great many allegations of improper or imprudent training procedures and inadequate medical care.

I have therefore conducted an extensive investigation of the Fort Leonard Wood situation over the past 28 days. Over 600 man-hours have been devoted to accumulating a massive amount of information from personal interviews, telephone interviews, written information, official replies to specific inquiries, and 2 days of personal investigation at Fort Leonard Wood itself. Recruits, trainees, parents, doctors, and Army personnel of all ranks have been contacted.

The information obtained is snythesized into the following report.

I recognize that this endeavor, despite our efforts, must of necessity be limited in scope. Obviously some points will not be covered as fully as others. Some points may not be covered at all.

I hope, nevertheless, that the following findings and recommendations will be helpful to the Army in completing its own investigation and in combatting future outbreaks, and to the interested and concerned public, whose right to know must not be denied.

Major factual findings

(a) Training procedures:

1. The relationship between the general physical condition of recruits and the incidence of meningitis is not definitely established to a medico-scientific certainty. However, specific procedures established by the Surgeon General and the Army require that overly exhaustive training routines should be eliminated when meningitis breaks out.

2. These procedures recommended by the Army to halt the spread of meningitis were often violated at Fort Leonard Wood until well after the meningitis reached epidemic proportions.

(b) Medical care:

1. Medical care for meningitis received by recruits *once they entered* the base hospital was excellent within the limitations of the available facilities.

2. Procedures in some companies discouraged recruits from reporting for medical care, and these procedures continued for a substantial period of time after the outbreak reached epidemic proportions.

3. A vaccine which, though still classified as experimental, had proven its value through widespread inoculation of 20,000 trainees was unavailable at Fort Leonard Wood until February, and then only in limited quantities.

Major conclusions

(a) Training procedures:

1. Had the authorities at Fort Leonard Wood followed from the outset the procedures prescribed by the Surgeon General and the Army, the meningitis outbreak may well not have reached such serious proportions.

2. The overly exhausting training routine, the lack of adequate sleep, etc., caused many recruits to be in a state of serious fatigue. Individuals in such a state are susceptible to contraction of illness. Had such a condition of fatigue been avoided by following the Surgeon General's and Army's own regulations, the epidemic proportions of the meningitis could well have been less severe.

(b) Medical care:

1. Once recruits were diagnosed as having meningitis, they received excellent medical care. However, established preventive medical techniques were not widely utilized.

2. Recruits in some units were directly and indirectly discouraged from going on "sick call." Such discouragement is unwise under even normal circumstances and is fatally dangerous when an epidemic is in the making.

3. The United States Army, which prides itself on supplying its men with the best of training, the best of weapons, the best of everything, should have taken steps to supply its men with necessary vaccine which was then available in a drug manufacturer's factory.

II. NATURE OF THE EPIDEMIC

Normally, the number of meningitis cases reported each year at Fort Leonard Wood is relatively low. During the six-year period of 1964–1969, cases of meningitis at Fort Leonard Wood totaled 181, with three deaths reported.

However, since October 1, 1969, Fort Wood has suffered the worst outbreak of meningococcal disease at any base in the nation. Fifty-one men have been stricken. Four have died.

Table A shows the number of Type C Meningococcal Disease cases and the month diagnosed since 1964.

All deaths, and all but seven of the cases reported since October 1 of this year, have occurred in basic training units.

As of March 17, 1970, 27 *cases and all 4 deaths had occurred in the 2nd Basic Combat Training (BCT) Brigade,* while the 3rd BCT Brigade had experienced 15 cases and no fatalities.

Table B summarizes information on epidemiological trend groupings for meningococcal disease cases at Fort Leonard Wood for the period from October 21, 1969 to March 12, 1970.

TABLE A—TYPE C—MENINGOCOCCAL DISEASE, FORT LEONARD WOOD

Year	October	November	December	January	February	March	April	Total
1964–65	2	2	8	3	9	4	0	28
1965–66	1	3	8	5	9	6	1	33
1966–67	6	7	3	1	1	5	2	25
1967–68	1	0	1	2	5	1	3	13
1968–69	1	2	3	0	4	5	0	15
1969–70	2	4	6	7	18	14		

Note: 51 cases—4 deaths.

TABLE B—EPIDEMIOLOGICAL TREND GROUPINGS FOR MENINGOCOCCAL DISEASE CASES FOR THE PERIOD OCT. 21, 1969 TO MAR. 12, 1970

I. Age
Number: 17: 1; 18: 3; 19: 12; 20: 8; 21: 4; 22: 11; 23: 5; 24: 4; 12: 5

II. Race
Number: Neg: 4; Cau: 45

III. Unit

Battalion-brigade	Total no. cases	Company
1–1	1	C
2–1	2	DF
3–1	1	B
1–2	1	D
2–2	5	BCADD
3–2	2	BE
4–2	9	BBBBBCEEC
5–2	10	AACDCACDCD
1–3	2	AC
3–3	7	BBAECBE
4–3	3	ABD
5–3	3	CBC
2–4	1	D
3–4	1	B
LPC	1	

IV. Category
Number: RA: 23; US: 4; NG: 12; ER: 10

V. Week of training
Number: 1: 2; 2: 10; 3: 5; 4: 13; 5: 8; 6: 4; 7: 3; 8: 1; Maint fill: 2; Perm party: 1

VI. Date of admission

Month	No. Cases	Day
October	2	21, 23
November	4	5, 8, 8, 12
December	6	5, 10, 13, 14, 15, 18
January	7	13, 26, 27, 27, 28, 29, 30
February	18	5, 9, 10, 11, 12, 12, 12, 14, 18 20, 20, 20, 22, 22, 24, 25, 26, 27
March	12	1, 4, 4, 5, 6, 7, 7, 9, 10, 10, 11, 12

VII. Diagnosis on admission
Upper respiratory infection(URI): 30; Meningococcemia: 15; Meningitis: 4

VIII. State or origin
Number: Colo.: 1; Conn.: 1; Del.: 1; Ga.: 1; Ill.: 4; Ind.: 5; Kans.: 3; Md.: 1
Number: Mass.: 2; Mich.: 5; Mont.: 1; Mo.: 10; Nebr.: 1; N.J.: 1; N.Y.: 1; Ohio: 2
Number: S.C.: 1; S. Dak.: 1; Tenn.: 1; Tex.: 3; Va.: 1; Wis.: 1; Costa Rica: 1

IX. Immunization
Number of cases: Immunized: 4; Control: 45; Not immunized

X. Years of education
Number: 7: 1; 8: 1; 9: 1; 10: 17; 11: 5; 12: 6; 13: 4; 14: 11; 15: 3; 16: Not listed
A. College experience: 26 ..... 56.5%
B. Mean educational level: 13.4 years

In addition to meningococcal disease, admissions to the hospital for upper respiratory infection this year are nearly triple those of the same period last year according to the Army. Approximately 900 cases of upper respiratory infection were admitted during February 1969. In February this year, nearly 2,500 admissions for upper respiratory infection were recorded. Most of these were among basic trainees. One died of pneumonia.

On February 23, in response to these reports of exhaustive duty, extensive harassment and inadequate medical assistance at the base, I asked Secretary Resor to make an investigation into the situation at Fort Leonard Wood. I renewed that request on February 27 and March 2. I urged it again in a speech on the Senate floor on March 3. The speech and the letters to Secretary Resor can be found in Appendix I.

On March 6, 1970, Secretary Resor partially answered my initial request. He discussed the nature of meningitis and the procedures used to combat it at Fort Leonard Wood. He stated in part (emphasis added):

"I fully share your concern for the health and welfare of our soldiers at Fort Leonard Wood as expressed in your recent letters. I am closely following the meningitis outbreak at Fort Leonard Wood. The Surgeon General and the Command Surgeons of Fifth Army and CONARC have been in close contact with post authorities and their representatives have visited Fort Leonard Wood this week to insure that all appropriate measures are being taken and to provide necessary assistance.

"The meningococcus, causative agent of meningococcal meningitis, is transmitted as a respiratory disease. Most individuals who contract infection with this organism do not become ill, but "carry" it at no harm to themselves. *During the peak of the respiratory disease season, about 20 percent of newly-arrived recruits will be found to carry the meningococcus.* Bringing these young men, from varied backgrounds, and with varied past disease experience, together into the military setting with close contact and increased physical activity fosters the transmission of the meningococcus as well as other respiratory agents.

"Until vaccines become generally available against this disease, only non-specific preventive measures are applicable. These include measures to prevent or to slow the transmission of respiratory agents and to improve individual resistance. Examples of such measures which are undertaken at all basic training posts, including Fort Leonard Wood, are: training in personal hygiene, prevention of mixing of personnel from various units, provision of adequate barracks' space, control of post population density, and provision of adequate nutrition, rest and ventilation.

"Some of the actions that the Army has taken at Fort Leonard Wood as part of the 'preventive medicine' program are: early morning runs in BCT have been eliminated; men are excused from morning training the day following guard duty or K.P.; guard duty has been shifted from the third and fourth week of BCT to the eighth week, when the schedule is less strenuous; company officers inspect barracks at "lights out" and thirty minutes before reveille to insure that all trainees are in bed; and duty personnel check the barracks throughout the night to insure that the ventilation is adequate."

Also on March 6, Congressman Ichord, Randall, and Hall began and completed an investigation of the situation at Fort Leonard Wood for the House Armed Services Committee. Congressman Ichord found the situation was "under control." He further stated that it would take five or six days to separate fact from fiction and would require a "different method of approach." However, he did not feel such an additional investigation was necessary. The transcript of the Ichord, Hall, and Randall press conference is found in Appendix 2.

Not satisfied that fact could not be separated from fiction, I announced on March 7 that "my office will continue to conduct its own examination of the Fort Leonard Wood matter . . . The focus of my examination will be on these basic questions:

"1. Were overly exhausting training practices at Fort Leonard Wood contributory to the spinal meningitis?

"2. Once meningitis cases began to develop, did the base promptly take the necessary precautions, including changes in training schedule, to control the spread of meningitis?

"3. Were procedures for necessary medical assistance readily available without any harassment and without any penalty to the trainee if he sought such medical assistance?

"4. Was the medical assistance itself adequate?"

Allegations which prompt these questions and my findings are set out in the following sections.

III. ALLEGATIONS

In recent weeks our office has received many allegations by letter, telegram and telephone regarding training and hospital procedures at Fort Leonard Wood.

In order to separate fact from fiction it was decided to interview those who had contacted our office. Information obtained from these people led to other contacts and further interviews. As much information as possible was sought in an effort to be comprehensive and unbiased.

Obviously, complaints are not conclusive in themselves. Some were unwarranted, others reflected isolated incidents and experiences, but many reflected unacceptable conditions.

Fatigue, lack of sleep time, extra duty details, overexertion, general training procedures, medical treatment and its accessibility through sick call, are the most common complaints, but not the only ones.

The subject matter of these complaints is overlapping. For example, lack of sleep is often related to the lack of compensatory time off for necessary night details as well as early morning running. Obviously these are all related to fatigue, as are other training procedures.

The following analysis covers the broad range of complaints in an attempt to indicate the starting point for our inquiry.

Sleep

Private Henry Iglauer, (Co. C, 5th Bn, 2nd BCT Bde), who died of meningitis, stated in several letters that he was getting only six hours sleep. On one occasion he complained of being up until 2 A.M. preparing for inspection, only to be roused at 4 A.M. to start the day with only two hours sleep time. Just two days before his death he referred to a "persistent lack of sleep."

On February 6, Private David Mack, (Co. B, 4th Bn, 2nd BCT Bde), also one of the meningitis fatalities, wrote that he had only one and one half hours of sleep after GI'ing his barracks, then pulling fire guard at 3 A.M., then getting up when his company got up at 4 A.M. He was hospitalized five days later.

Private Stephen Lagermann, (Co. C, 5th Bn, 2nd BCT Bde), a third fatality, told of getting up at 3:30 A.M. On February 11, 1970, he stated: "We have been getting at the most four hours of sleep at night." In fairness, in a letter dated February 15, 1970 he noted a change, stating that C–5–2 was allowed to sleep until 5:00 A.M., as required by regulations.

These complaints about lack of sleep are not isolated; they are widespread. Other trainees making such complaints asked that their names be withheld for fear of retaliation.

Although "lights out" was at 9:00 P.M., many trainees indicated that it was impossible to go to bed then and still do all that was required to prepare for the next day. Others chose to do personal letter writing after 9:00 P.M.

Some of the companies and platoons were required to get up between 4:00 and 4:30 A.M. Others were allowed to sleep until 5:00 A.M. Some companies received the required 8 hours rest regularly. Others clearly did not.

Reasons for this varied. Often work or night duties cut into rest time. Certainly running before breakfast did. Some trainees chose to get up early to prepare their barracks. Others were roused by zealous platoon guides for the same reason.

Interviews indicated that the Third Brigade usually received 8 hours sleep even before Col. Reberry assumed command on January 22, 1970.

Being tired after less than eight hours sleep was a general complaint in the 2nd Brigade until several policies were changed.

Running

Col. Greer, the 2nd Brigade Commanding Officer, stated that he encouraged pre-breakfast running.

Private Iglauer related that C–5–2 ran between two and four miles. If the company didn't sound off loudly they went from double-time to full sprints and were required to run an extra distance. Pvt. Lagermann, also of C–5–2, indicated that runs of two and one half miles before breakfast were increased within a few days to four miles.

Obviously running before breakfast required getting up before 5:00 A.M., unless the breakfast hour were to be changed. Such runs had an effect on both sleep and fatigue.

Some companies in the 2nd Brigade did not run, but C–5–2 was by no means the only company in the 2nd Brigade to engage in pre-breakfast runs.

All running was discontinued in mid-February.

Training procedures

General training procedures were also criticized.

In the Second Brigade, Pvt. Lagermann complained of being hot and sweaty after a three mile run and then taking an hour of outside physical training and of forced marches from the rifle range followed by an hour of physical training. Overheating from not being able to remove or unzip jackets in the mess hall was also mentioned.

Members of the 3rd Brigade told of marching as many as 8 or 9 miles to a bivouac area and then being given Physical Combat Proficiency Tests.

Base procedure for infiltration course training was also criticized. Department of Army regulations require that the course be run once in daylight without live fire and again after dark with live ammunition. The course was usually extremely wet and men were required to wait hours while wet and muddy for the second run.

Sick call policies

Certain sick call policies and practices in a number of companies in the 2nd Brigade were criticized, especially requirements that the sick man pack all his gear and haul it to supply before going to sick call. In fact for about 10 days in February, with URI and meningitis outbreaks at their peak, one company, E–4–2, instituted the cleaning of rifles as an additional pre-requisite before going on sick call.

One report indicates that one 2nd Brigade trainee was forced to crawl the length of the barracks and back before being allowed to go on sick call, but this is judged to be an isolated instance of harassment.

A 3rd Brigade trainee was forced to do push-ups before going. This, too, appears not to be a common practice.

Others indicated that the attitude and

tone of some Drill Instructors and sergeants was intimidating, especially to the younger men.

Quality of medical care and treatment in hospital

The quality of medical treatment has also been criticized. Pvt. Lagermann wrote that unless one had a 104° temperature or better, one got two aspirins from the hospital and was sent back into the field.

This appears to be a misunderstanding. The evidence strongly indicates that anyone with a temperature of 101° or more was and is automatically admitted to the hospital and those with less are admitted upon the judgment of the doctors.

Patients complained about orderly duty in the hospital, especially in the old hospital. Patients were assigned to clean floors, latrines and shower stalls. Others complained of being forced to lie on the covers of their hospital beds all day after making them. Conditions in the old hospital were often criticized.

Other complaints

Other complaints regarding the length of sick call lines seem to be understandable since in January and February there were many upper respiratory infection (URI) cases in addition to other diseases and ailments.

Some men complained of poor sanitary conditions, for instance doing the low crawl or other training exercises that require becoming wet and muddy and then not being allowed to wash up for mess.

The lack of sneeze sheets was also mentioned. However, they are now up.

Isolated complaints about temperatures of 46°, 52° and 58° in the barracks were heard, especially in January.

IV. FINDINGS

Were overly exhaustive training practices contributory to the outbreak of spinal meningitis?

No one can definitely say with medico-scientific certitude. There is no medical evidence to prove whether over-exertion, exhaustion, physical fatigue, prolonged exposure to inclement weather, inadequate sleep, and a myriad of other strenuous practices are in themselves contributory to spinal meningitis.

However, measures which are effective against the spread of disease which is transmitted via the respiratory route, as spinal meningitis is, have been recommended by the Surgeon General, the Continental Army Command (CONARC), the 5th Army, and the medical personnel at Fort Leonard Wood. These recommendations do deal with overly exhaustive training procedures.

The Department of the Army Technical Bulletin, TB MED 274, on meningococcal disease prescribes that "an integral portion of environmental control is related to protecting the resistance of the individual by eliminating unnecessary fatigue, maintaining nutrition, and reducing environmental exposure to chilling and overheating." It further recommends that "a minimum of 8 hours of rest or sleep including compensatory time for night exercises or duty should be observed," and the "fitting of physical training and exertion to the capabilities of the individual to prevent unnecessary fatigue."

These rules were not rigorously followed at Fort Leonard Wood until recently. Less than 8 hours of sleep was common. Compensatory time off for night duty did not become policy in the 2nd Brigade until after the beginning of March. Extra physical training was not curtailed until half way through February. And concern over environmental exposure did not extend to one of the most rigorous exercises, the running of the infiltration course, until early March.

No one can say that if these rules were followed and enforced that the incidences of upper respiratory infection and meningitis would have been prevented or even substantially curtailed. But the fact remains that they were not followed, and this is discussed in more detail under the following heading.

Once meningitis cases began to develop, did the base promptly take the necessary precautions, including changes in training schedule, to control the spread of meningitis?

The Army prescribes procedures for dealing with the outbreak of meningitis. According to the Surgeon General's Office, these should be in effect throughout the upper respiratory infection and meningitis season.

The Department of the Army Technical Bulletin, TB MED 274, on Meningococcal disease prescribes the following measures:

"b. Environmental measures. These measures are effective against spread of disease transmitted via the respiratory route. The purpose of environmental control is to reduce to the minimum the droplet spread of infection by decreasing group intermingling and density of the individuals making up the group. An integral portion of environmental control is related to protecting the resistance of the individual by eliminating unnecessary fatigue, maintaining nutrition, and reducing environmental exposure to chilling and overheating.

"c. Control Plan. The following points contain elements of those measures which can be incorporated into preventive medicine plans for command execution:

"(1) Plans should be flexible, provide minimum interference with the military mission and maximum safeguards to the health of the command.

"(a) Phased control measures to progressively provide increased protection by restricting group and individual mixing as the potential incidence of disease increases are recommended.

"(b) Thorough dissemination of the plan and orientation of unit leaders and individual personnel on the basic philosophy behind the plan is absolutely necessary to insure success. The basic trainee, for example, will forego many recreational and off duty activities if he understands that restrictions are in effect to protect his health in order that he may complete his training in the shortest time with his basic training unit.

"(2) Specific control measures applicable to Military Training Centers:

"(a) The company or platoon system should be strictly applied. This system forms incoming personnel into self-contained units which vary in size according to the requirements of troop housing. Platoon sized units are preferable. The integrity of the unit must be maintained to the maximum extent possible at all times. Where possible, the unit should be formed at the reception station and be kept intact during the entire training period so that during all processing, training, housing, messing, and recreational activities minimum contact occurs between units. The ideal situation would be to isolate units and thus limit exposures to respiratory disease agents to those already present in the unit.

"(b) Basic trainees will be provided 72 square feet of sleeping space per bed. All other personnel require not less than 55 square feet of sleeping space per bed. Provision of less space in personnel housing carries the danger of increasing respiratory disease spread. Commanders who are forced to accommodate personnel in housing with less than 55 square feet of sleeping space must be willing to accept increased incidence of all respiratory disease including meningococcal infections.

"(c) Plans to control population density in facilities which require use by more than one unit must be formulated and enforced. This includes placing limits on numbers of personnel from the same unit in a given area, at any one time. Common use facilities include latrines, messes, dispensaries, post exchanges, snack bars; rooms in service clubs, classrooms, theaters, chapels, and bowling alleys. Mobile P-'s, 16 mm. commercial movies (paid attendance), unit area chapel services, scheduled sick calls, and other measures may be necessary to reduce unit contact during periods of high disease incidence.

"(d) Prevention of back-to-back training cycles to permit maintenance and airing of individual barracks is encouraged.

"(3) Other measures:

"(a) A minimum of 8 hours of rest or sleep including compensatory time for night exercises or duty should be observed.

"(b) Fitting physical training and exertion to the capabilities of the individual to prevent unnecessary fatigue. Extra periods of physical exercise for individuals or groups as a disciplinary measure are not recommended.

"(c) Supervision of the proper use of clothing and equipment to avoid overheating and, particularly, chilling is very important.

"(d) Encouraging and supervising personal hygiene is necessary. Covering the mouth and nose when coughing and sneezing reduces infective droplets in the air. Spitting should be avoided. Mouth and teeth cleansing reduce bacterial flora in the oropharynx.

"(e) Adequate ventilation, tempered by the ambient temperature and wind conditions, dilute infective organisms in the atmosphere of closed areas. Baffle boards on window reduce discomfort from drafts and encourage adequate ventilation. Opening bottom and top windows 2 inches in most barracks provides approximately 600 cubic foot per minute air exchange and is sufficient for control purposes.

"(f) The extension of the "buddy system," which is used to prevent heat and cold injuries and detect attached ticks in some training areas, can be extended to assist in early recognition of meningococcal infections. Buddies are responsible for getting each other to report to sick call at the earliest symptom of severe respiratory infection. This aids in preventing the highly motivated trainee from endangering his life by not reporting respiratory disease and meningococcal infection for the early diagnosis and treatment which is so essential.

"(g) Other measures which have been effective in reducing respiratory and droplet-spread diseases are wet mopping, airing of bedding, "sneeze sheets" between beds, head-to-foot arrangement of beds, complete airing of barracks during periods of non-occupancy, maintaining barracks temperature between 68° and 72° F. during occupancy and maintaining relative humidity between 50 and 60 percent."

Medical and command personnel stressed that all cadre should learn to observe trainees for symptoms of any illness. In October, two-hour classes on meningitis and upper respiratory infections were held. A one-hour examination was given on these classes. Also, new Drill Instructors and personnel were reportedly informed.

The Commander of the 4th Battalion indicated that permanent party personnel were instructed in URI and meningitis symptoms at least three times.

The "buddy system," under which trainees observe one another and report any signs of illness to an officer or non-commissioned officer was stressed.

The Breeling Case: A Break Down in the Prevention system. On many occasions the "budding system" worked well, and officers exercised good judgment. However, this system is only as good as the cadre and on occasion it tragically broke down. One such breakdown came when Pvt. Larry Breeling, a member of Company E, 4th Battalion, 2nd BCT Brigade, died in his barracks of pneumococcal pneumonia.

Private Breeling was admitted to the hos-

pital on Friday, February 13, 1970 with 101.2° temperature and diagnosed as having an upper respiratory infection. There he received salt water gargle, aspirins, cough syrup and forced fluids. When discharged on Sunday, 15 February 1970, his urine analysis, blood count, throat culture and temperature were normal and his chest was clear, so he was not given a "medical profile" restricting him to light duty.

A make-up Physical Combat Proficiency Test was given on Tuesday afternoon, February 17 for everyone who missed the original on Saturday. Since Pvt. Breeling did not have a light duty profile and did not ask to be excused from the test, he began to take it.

After completing four of the five training exercises, he complained to the sergeant that he was not feeling well, and asked to be excused from the fifth part of the test, the mile run. Although he already had enough points to pass, the sergeant reportedly explained that failure to complete the entire test would require retaking it in its entirety.

Private Breeling then "ran" the mile in 20 minutes and upon completion double-timed back to his barracks, a distance of several blocks.

The Battalion commander said the supervising sergeant did not order Breeling to run back to his barracks although Breeling told a roommate that he had.

Breeling got to his room about 5:30 P.M. complaining of pains in his legs. Several roommates tried to help by rubbing his legs. He began to complain of a headache and his roommates indicated that he was hot, feverish and breathing hard. He later vomited several times.

At this point the "buddy system" worked: one of his roommates went to find the Charge of Quarters. Although unable to find the CQ he did find another sergeant who came to Breeling's room about 6:15 PM.

Breeling was described as being incoherent and talking about getting even with the sergeant who made him run back from the PT test—an unusual thing to do in front of another sergeant. Upon leaving the room without taking any action the sergeant is reported to have said something to the effect: "If he's not careful, he's going to talk himself into a court-martial."

Despite more vomiting, difficult breathing and complaints of pain, no further action was taken. Despite numerous pleas by several roommates that he go to the hospital, and despite having many of the symptoms of meningitis when the sergeant came in, Breeling remained in the barracks without medication.

There he died, sometime before 3:45 AM the next morning, of pneumococcal pneumonia which develops in several days and has a 30% mortality rate if untreated. A delirious 19 year old in obvious distress with serious symptoms was not sent to the base hospital simply because he indicated that he did not want to go and no one in authority sent him.

A copy of the military police report of this case, dated 20 February, 1970 is attached hereto as Appendix 3.

Human judgments were involved in the Breeling case and they were tragically wrong. It is understandable that courses, lesson plans and memorandum cannot prevent a tragic mistake in human judgment.

But certain aspects of lesson plans, memorandum, recommendations and regulations are simple to interpret and easy to follow, and they were not implemented early or uniformly at Fort Leonard Wood despite the meningitis outbreak.

Environmental controls

Sleeping Space

Control Plan C, (2)(b) provides for 72 square feet of sleeping space for trainees. Stress is placed on the maintaining of adequate ventilation and heating.

Apparently this standard is being met at Fort Leonard Wood. Two types of two-man rooms are found in the basic training barracks, one with 174 square feet, the other with 199 square feet. One-man rooms contain 117 sq. feet and the NCO lounge, sometimes used when barracks are full contains 243 sq. feet for three people. All these rooms meet the standard.

Most of the rooms in the new barracks where trainees are roomed were originally designed for 8 people. However, one of the beds has been removed in order to meet the 72 sq. foot standard. Since at least last August, only 7 trainees have occupied these 517 sq. foot rooms, an average of approximately 74 sq. feet per trainee. However, 8 large wall lockers take up considerable space which may bring the average below 72 sq. feet. Also, the distribution of men on each side of a half-wall divide, three men on one side and 4 on the other, causes further doubts about the actual space available per man.

If this standard is *critical* to health, then these factors should be checked further.

Quonset huts contain 2,096.1 square feet and are occupied by a maximum of 28 men. This appears to be adequate.

Temperature control between 68 and 72 degrees is recommended for the barracks. Water cans are used to maintain the recommended humidity between 50 and 60 percent. Humidity control presents a real problem.

When checked on March 18 the barracks temperature was approximately 68 degrees. However, some 3rd Brigade trainees indicated that during January, barracks thermostats dropped as low as 46, 52, and 58.

Recommendations include the use of baffle boards to improve ventilation while reducing the discomfort from draft. However, baffle boards are apparently not used.

Further, trainees indicated that windows were not weather-stripped, causing an influx of cold air around the windows.

SNEEZE SHEETS

Sec. C(2)(g) recommends that "sneeze sheets" be used to minimize the spread of respiratory diseases by droplet. Apparently they are presently used in all companies of both brigades. The 3rd Brigade has had them up, as Brigade policy, since last October. They were incorporated as 2nd Brigade policy sometime between mid-February and early March.

However, in fairness to the 2nd Brigade, there was a minor medical controversy at Ft. Leonard Wood over whether "sneeze sheets" did more good by minimizing droplet spread, or harm by interfering with ventilation.

This controversy was settled in February, as URI and meningitis increased, and a recheck of TB Med 274, Department of Army Technical Bulletin, on meningococcal disease indicated that "sneeze sheets" should be used. On February 12, a letter was sent to all commands, down to the company level, requiring "sneeze sheets" between beds. However, interviews indicated that "sneeze sheets" were not up in many companies of the 2nd Brigade until early March.

Individual protective measures

Adequate Sleep

Directives require a minimum of 8 hours of rest or sleep throughout the URI season, including compensatory time for night exercises or duty. Apparently these directives were followed with few exceptions in the 3rd Brigade. *In the 2nd Brigade, however, they were not followed rigorously until recently.*

The directives were clear: On October 6, 1969, on page two, Paragraph g(3), "adequate rest providing 8 hours of sleep per day per trainee;" on December 20, 1969, p. 2, Paragraph d, "Sleep. (1) assure receptees and trainees an opportunity for a minimum of 8 hours sleep nightly;" on February 12, 1970, Subject: Prevention and Control of Respiratory Infection, Par. E, Individual Protective Measures: "(1) avoid unnecessary fatigue. Provide 8 hours of sleep, including compensatory time for night exercises or duty;" in Sec. (3)(a) of the Department of the Army Technical Bulletin, TB MED 274, on meningococcal disease, it states "A minimum of 8 hours of rest or sleep including compensatory time for night exercises or duty should be observed." (See Appendix 4)

Nothing could be clearer. However notwithstanding all these directives, *8 hours sleep time including compensatory time for night duties, was not enforced uniformly in the Second Brigade.* Companies were roused before 5:00 until February 13. *Compensatory time was not Brigade policy until March 2.*

Although lights out was at 9:00 PM, many trainees found it impossible to retire and still be adequately prepared for the next day. Others, anxious to write home, could only find time after 9:00 PM.

Extensive interviews indicate that many trainees in 2nd Brigade companies arose anywhere between 4:00 and 4:30 AM until mid-February. A few indicated on some occasions they got up before 4:00.

In his letter of February 15, 1970, Private Lagermann mentioned the mid-February change and noted trainees were allowed to sleep until 5:00 a.m.

This change which partially complies with provisions for 8 hours sleep came only after 26 meningitis cases were diagnosed and even then it was only in partial fulfillment of the recommendations.

In the 2nd Brigade prior to March 2, no compensatory time for sleep was given for night exercises or duty. Fireguard duty in the permanent buildings was required about once every five days, and in the quonset huts once every three days. KP and guard duty also took sleep time.

On March 2, compensatory time was given for all three activities, finally bringing procedures into compliance with directives. In addition, the 2nd Brigade procedure for fireguard was changed. Previously 8 men would take one hour shifts. Now two men work the entire night, two hours on and two hours off with compensatory sleep time given until noon the next morning.

Colonel Greer expressed concern that compensatory time would hinder the training mission since trainees on fireguard duty now miss training until noon the following day. However, upon questioning he admitted that procedures were available for making up any missed instruction by taking training with another company and, if necessary, another Brigade. *It appears that granting compensatory time creates more of an administrative nuisance than a hazard to full and complete training.*

The 3rd Brigade still runs guard duty on one hour shifts, but gives compensatory sleep time to insure eight hours sleep.

Guard duty also has been changed in both Brigades. It is now scheduled only in the 7th and 8th weeks when the schedule is less strenuous.

Early Morning Running

Brigade policies on early morning running also differed. In the 3rd Brigade the policy was that there would be no morning runs in the winter months. Colonel Greer, the 2nd Brigade CO, encouraged running.

Colonel Greer expressed concern that physical training (PT) was not adequate. He stated that many trainees told him upon the completion of their training that PT was not rough enough. He therefore said that he encouraged running, which actually is double time, and the Air Borne shuffle, as an addition to physical conditioning. The breakfast schedule interfered with the time available for some companies to run. He further pointed out that the men ran without heavy jackets to avoid becoming overheated. The running was stopped around February 13 after a phone call from Colonel Miller, the head of the base hospital, who expressed his

concern over the apparent fatigue in many of the men reporting to the hospital.

Colonel Greer indicated he would like his Brigade to run again after the URI season.

The distance is not known, but where it did occur, sleep time was affected. Colonel Petersen, CO of the 5th Battalion indicated the maximum run was about 2.2 miles at a cadence of 180 steps per minute. This took at least a half hour.

Private Steven Lagermann of the 5th Battalion wrote that they ran about two and one-half miles before breakfast and within a few days were running about four miles.

The commander of the 4th Battalion indicated that it was based on an exercise period of 15 minutes.

Chills

Directives indicate that overheating and chilling should be avoided. Some trainees complained that they become overheated because they were required to stand in the mess line with their jackets on and zipped. However, this was not Brigade policy and around mid-February was specifically prohibited.

Other trainees complained of sustained periods of vigorous outside exercise followed by sustained periods of outside instruction causing chills. For instance, Private Lagermann complained on February 11 that a march of six and one-half miles was followed by an hour of physical training outside without coats.

This and other similar allegations were neither proved or disproved but some improvements in basic training conditions were evident.

The infiltration course serves as an excellent example. On March 18, during a visit to the infiltration course heavy equipment was present, moving dirt and gravel in an attempt to dry it off.

The sergeant in charge indicated that the course had been reconstructed last October and this was the first attempt to dry it out. Originally it was constructed so the high point was in the middle allowing the course to drain. However, after thousands of men ran, or more precisely, crawled the course, ruts would retain water and the course usually remained extremely wet. In an attempt to correct this, the heavy equipment was brought out for the first time on March 18.

Procedure for training at the course was also changed. Prior to early March, trainees came to the infiltration course in the late afternoon, drew their helmets, and were instructed in how to run the course. After one runthrough in the daylight without live fire they were usually wet and muddy. They ate on the site in that condition and then were instructed on safety measures. Then they waited for dark to run it a second time with live ammunition. This procedure required wet and muddy trainees to eat, be instructed, and wait to run it again in the cold.

This procedure was change during the first week of March. Now after arriving at the course, trainees draw helmets, are instructed in both running the course and safety procedures, etc., and then when it is almost dark they run it for the first time. It is almost dark when they complete the first run, and they then turn around and run it a second time. The reconstruction of the course will lessen the trainees' chance of getting extremely wet and the change in procedure minimize the wet time spent outside.

Simple common-sense changes like this were long overdue. Without jeopardizing the maximum amount of training exposure to conditions that can lead to disease has been minimized.

Change such as this is commendable. But it came late. And, in fact, that is the story of our findings at Fort Wood. The 2nd Brigade, especially, waited until forced to institute uniformly the procedures that should have been instituted immediately. This policy of gradual tightening up is not acceptable. It is not up to a Brigade commander to second guess medical authorities or attempt to read medical statistics and decide medical policy.

In summary, after much delay, training conditions at Fort Wood today appear to be adequate. However, only strict and continued enforcement and vigilance can keep them that way.

Were procedures for necessary medical assistance readily available without harassment and without penalty to the trainee if he sought such medical assistance?

According to members of the command and medical staffs at Fort Leonard Wood, sick call is encouraged.

However, during the URI and meningitis season at Fort Leonard Wood, *a policy of requiring the trainee to pack and transport all his gear to the supply room before reporting on sick call retarded this laudable objective.*

Although the Commanding Officer of the 2nd Brigade, Colonel Greer, does not favor such a policy during basic training, it was nonetheless used in the 2nd Brigade, apparently at the discretion of company commanders.

It is my belief that this policy has no place in the fight against URI and meningitis. It is distressing that this policy runs counter to the wishes of the Brigade Commander, and that it apparently was instituted and followed without his knowledge. In some instances it was even pursued without the Battalion Commander's knowledge. (See Appendix 5)

For instance, Col. Greer, by letter dated March 10, 1970, to the Commanding General at Fort Leonard Wood, reiterated that this policy was not the policy of the 2nd Brigade and that only one company, C–5–2, was found to be using it—it was stopped."

However, after extensive investigation, *it was learned that in the 2nd Brigade at least 6 of the 10 companies in the 4th and 5th Battalions had used this policy.* Limitation of time and manpower precluded more extensive investigation into the policies of the 1st, 2nd or 3rd Battalion of the 2nd Brigade.

At a briefing on March 18, 1970, Col. Greer stated that he had determined a second company in the 5th Battalion also had used this policy.

Later that morning at a meeting in the 2nd Brigade Headquarters with the commanding officers of the 4th and 5th Battalions it was learned that 4 of the 5 companies in the 5th Battalion had used this policy. It was further learned that A–5–2 had discontinued it on January 21, after 3 meningitis cases in A Company; B–5–2 ended it on the 2nd of March; C–5–2 ended it on February 1 after two cases of meningitis; and Company D–5–2 reportedly ended it on February 10 after 2 cases of meningitis, although some evidence indicated it was not discontinued until several weeks later.

Further, at the same meeting the commander of the 4th Battalion denied that this practice had ever existed there. However, evidence has been accumulated that this policy had indeed been practiced in at least two companies of the 4th Battalion, B and E, and that in E–4–2 it had been instituted during the height of the URI and meningitis outbreak.

After inquiring during the day, Col. Greer conceded that this practice had been used in E Company of the 4th Battalion from approximately 16 February through 19 February. It was, we were told, instituted in preparation for a Command Maintenance and Management Inspection (CMMI). Further assurance had been offered Col. Greer by the Company Commander that the reason for the procedure was clearly explained to the men and that although gear was to be packed it was only to be taken to the day room in the barracks and not to the supply room several blocks away.

This simply was not substantiated by information previously obtained.

Col. Greer suggested that the matter be cleared up by interviewing a randomly selected samply of 16 members of E–4–2. This interview took place on the evening of March 18. It was determined from this interview, (and Colonel Greer and later the Commanding Officers of the 4th Battalion and E Company were present) that the practices had been instituted on February 9 and were continued for about 10 days. None of the trainees had heard of the CMMI inspection, and they were under the impression the gear was to be carried to the supply room. In addition they were required to clean their rifles.

One of the trainees volunteered the quite obvious fact that this procedure had discouraged other trainees from going on sick call. Equally distressing however, is that this procedure was in fact instituted in some companies during the URI and meningitis outbreak, and according to some sources, with a specific admonition to trainees that sick call was too high.

This procedure is sometimes rationalized as necessary to fulfill Paragraph 6–3, AR 700–84, which requires that "clothing and equipment of hospitalized personnel be immediately secured in the unit supply room." However, the 3rd Brigade apparently complies with all inventory requirements without using this procedure as do many 2nd Brigade Companies.

Clearly, communications had broken down. The Brigade Commander was unaware that this policy was being practiced, and Battalion Commanders were only partially aware of it. Had it been known, it apparently would have been stopped. No one in the command structure bothered to check closely. Even a company commander who ordered it did not check to see that the policy and the reason for its implementation was fully explained.

If it was implemented for the reasons and the manner stated by the company commander, it should have been so explained to the trainees. If it was intended to cut down on sick call, it is to be deplored. In fact, regardless of the reason for implementation, this policy is unacceptable.

Although isolated cases of individual harassment for going on sick call were reported (See Allegations above) in the 2nd and 3rd Brigades, they apparently are exceptions rather than the rule.

Information indicated that younger trainees were sometimes intimidated by the attitude and tone of certain Drill Instructors and Sergeants. On occasions they were reminded that certain mandatory training exercises were coming up and that recycling was mandatory if they didn't keep up.

However, I did not find evidence that anyone was ever directly refused access to sick call. In fact, many statements indicate that Drill Instructors sincerely sought men who might be ill and even took some to the hospital in their own cars. One commander became so concerned that he brought his entire company to the hospital to be checked.

There are several psychological deterrents which work against reporting to sick call.

Many men fear recycling. *Recycling* is mandatory if a trainee misses five consecutive days of training. It extends basic training and requires that the trainee adjust to a new unit and new personnel.

There is some question whether recycling is adequately explained. It involved placing a trainee at the same stage in training as he was before becoming ill. If by any chance this process is unclear, it should be thoroughly re-explained to all recruits.

I am still awaiting information regarding

actual recycling at Fort Wood which will be analyzed.

Other trainees seem to feel that reporting to sick call indicates a lack of manhood. In such cases it may be necessary to literally compel the trainee to go to sick call.

Finally, the language in a letter from Fort Leonard Wood headquarters, dated February 12, gives the impression *that there may have been a negative stigma attached to a company if too many trainees report to sick call.* The letter states in Par. 3b (2), "(2) Disciplinary measures for individuals seeking medical care are only conducive to increased hospitalization rate and, therefore, not recommended. Sick call and admission rates should not be used to compare units or as an index of efficiency."

Avoidance of sick call should not be a matter of company honor. If it has been one, it should be discouraged. Both Colonel Greer and Colonel Reberry stated that the number of sick calls has no bearing on company competition.

In summary, constant care and effort is required to assure that no procedural or personal obstacles are placed between individual trainees and sick call. In fact, in some instances where the trainee himself resists, his superior may have to compel him.

Was the medical assistance adequate?

The adequacy of medical assistance must be judged by several standards. By most standards, it has been good.

Meningococcal disease is neither a new or unusual disease on Army bases. The Army is aware of the problem as indicated by the Bulletin on Data Pertaining to Upper Respiratory Infections and Meningococcal Disease which states:

"The occurrence of meningococcal disease in our training centers is a well known and established phenomenon. It is here that young men coming from all parts of the country are brought into an environment of close interpersonal relationship, affording an ideal situation for the development and transmission of this disease."

The preventive measures against meningococcal infections can be grouped into two categories: A) chemoprophylactic measures, and B) environmental measures.

Chemoprophylactic measures

A number of investigators early in World War II discovered that the administration of sulfadiazide to a total closed population would stop meningococcal infections. With the administration of only two grams a day or two consecutive days, carrier rates immediately dropped to near zero levels, as did actual cases. This procedure was so effective that it rapidly became routine to administer it to closed populations in the Army as well as to the families of patients.

There was great optimism that meningococcal infections would never again present a problem of any magnitude. Although it was recognized that some strains were less sensitive to this immunization process, the general consensus was that they presented no significant problem.

Beginning in 1963, after sulfadiazine had proved to be a model prophalactic drug for suppressing meningococcal disease via the eradication of meningicocci from the throats of asymptomatic carriers for many years, this method became ineffective because of the increased prevalence of sulfa-resistant strains of meningococci. With the emergence of a sulfadiazine resistant meningococci, this time honored method was rendered totally ineffective and no longer practical.

In 1969, the Army began testing a new vaccine against type C meningococcal disease, producing and testing on a smaller scale a type A vaccine, and developing a vaccine against type B.

The meningococcal group C poly-saccharide vaccine, which combats type C, the only kind reported so far at Fort Leonard Wood, has been tested by approximately 20,000 trainees on six installations throughout the country. Only one has since come down with type C meningitis. In a nationwide test last year of 50,000 non-vaccinated trainees, 38 cases of type C were reported.

In essence, type C vaccine is the only preventive medical measure that can be taken against type C meningococcal disease.

The head of the Preventive Medicine Division at Fort Leonard Wood, Col. Varela, became concerned about the possibility of a meningitis epidemic in early December, and inquired by phone about the use of type C vaccine.

On December 17, Malcolm S. Artenstein, M.D., the Chief of the Department of Bacterial Diseases, sent a letter to Col. Louis B. Edelman of the 5th Army outlining the required procedures for the use of the vaccine at Fort Leonard Wood.

Those procedures were:

"If a program of vaccination were to be undertaken at Fort Leonard Wood it would be done in a similar fashion. I might explain to you the mechanism for obtaining informed consent. The meningococcal vaccine is given during reception period when flu and polio vaccines are administered. Every fifth man (as listed on the roster) is called aside; the vaccine program is explained (by means of a printed poster); vaccine is administered to those who do not refuse it; all men return to the routine immunization lines."

When asked why only one out of five receptees were given the vaccine, Colonels Miller, Varela, and Mosebar pointed to certain problems. In descending order of importance they were:

(1) The vaccine was not available in the quantity necessary to innoculate more than 1 out of 5.

(2) The experimental medical protocol referred to above contained specific procedures.

(3) There was a likelihood that if everyone received type C inoculations, type B would become the prevalent strain. In fact, at Fort Wood one unit with a carrier rate of 80%, had 20% type B strain. Presently there is no effective vaccine against type B. However, the treatment for type B varies little from type C; and therefore would not present any new treatment problems.

Colonels Miller, Varela, and Mosebar expressed their anticipation that if more vaccine had been available as many as 50 to 60 percent of the incoming trainees could be inoculated.

After another call to Walter Reed Hospital from Colonel Varela in late January, it was arranged for the inoculation program to begin on February 11. Two medical specialists came to Fort Wood to assist in the program. Since then some 1,000 trainees have been inoculated on a one out of every five trainees basis and none have contracted meningococcal disease.

In a later telephone conversation, Dr. Malcolm S. Artenstein confirmed that the vaccine was in short supply, with only 6,000 to 7,000 individual doses for the next several months to continue similar inoculation programs at Fort Ord, California and Fort Lewis, Washington.

If more vaccine were available, a modification in the experimental protocol to allow more inoculations at Fort Wood could have been considered, since the Army Investigational Drug Review Board can approve and alter the protocols unilaterally. Protocols are then cleared through the Continental Army Command (CONARC), the 5th Army, and individual post commanders where it would be tested.

Dr. Artenstein noted, in fact, that discussions last fall covered possible expansion of the immunized test group, but that realities of supply made such an expansion impossible.

The short supply of type C vaccine is particularly important, since it is presently the only preventive chemoprophylactic measure that can be taken.

This vaccine was contracted to Squibb Company by Walter Reed Army Hospital so that after the testing is complete, mass production could begin immediately. However, Squibb has decided not to mass produce type C vaccine after the original contract is fulfilled.

Approximately half a million individual doses were called for in the original contract. Delivery was scheduled for the end of 1969. Dr. Artenstein stated that as of March 20, 1970, only about 10% had been delivered. According to Dr. Artenstein, about 450,000 individual doses are presently at the Squibb plant in New Brunswick, New Jersey and have been there for several months. No final delivery date has yet been set.

In summary, the chemoprophylactic measures taken at Fort Leonard Wood appear to have been adequate.

The seriousness of the problem was recognized early and steps were taken. Inoculation began as soon as the vaccine was available and was limited by a lack of vaccine nationally and not a lack of concern by medical personnel at Fort Wood.

The critical need for an effective vaccine to combat spinal meningitis is not limited to the requirements of the Armed Forces. Young children are especially vulnerable to the disease. One-half of the cases occurring in the United States in 1968 (the most recent year for which figures are available) were found in children under age fourteen. Although death rates by age are not available, the mortality rate in 1968 for all persons contracting meningococcal infections was approximately 25%.

The Vaccine Development Advisory Committee for the National Institute of Allergy and Infectious Disease (NIAID) has just this week recommended that NIAID proceed with studies to determine the efficacy for use in children of the vaccine developed by the Army at Walter Reed. It was this Advisory Committee that provided the main stimulus for development of a vaccine against rubella, now widely used.

I urge NIAID to respond positively to the Advisory Committee's recommendation and to attach a high priority to programs that will determine whether these vaccines are suitable for use in children. If the vaccines developed by the Army, or modifications thereof, are suitable for civilian use NIAID should exert every effort to promote their commercial production so that there will be ample supplies available to halt outbreaks of meningicoccal infections in the future.

Unfortunately, the Squibb Company, which has acquired a great amount of expertise in the production of this vaccine by reason of its contract with the Army, has rejected the opportunity to undertake its commercial production. Partially through the investment of government funds, this company now has a clearly demonstrated capability to produce Type A and Type C vaccine through large-scale, automated production processes. Because of the delicate fermentation process involved and the careful environmental controls required during production, Squibb's expertise could not be duplicated without a substantial additional investment of time and money. Indeed, I have been informed by authorities in this field that there is perhaps only one pharmaceutical company in the country other than Squibb that has the resident technical staff capable of producing these vaccines on a large scale.

I think it is deplorable that Squibb has seen fit to abandon this extremely promising program at such a critical stage. There has been a great deal of testimony presented to Congress in recent years attesting to the inordinately high prices charged by drug companies for preparations which are vital to the health of many people. It seems to me that this is an opportunity for

one of those companies to demonstrate civic responsibility and to make a contribution to the health of America's children and our servicemen by continuing with the development and production of meningococcal vaccines.

Medical supervision of environmental measures

The lack of chemoprophylactic preventive measures makes all the more important the environmental measures stressed throughout this report. The medical team on the base, for instance, recommends that until a vaccine is available, the only preventive measures available are those general measures which prevent or slow down the transmission of respiratory diseases and those general measures which keep up the individual's general resistance to disease."

Implementation of these measures is not and should not be, a primary responsibility of the Fort Leonard Wood medical team. *Medical personnel can warn and prescribe what army regulations require, but only individual commanding officers in individual training units can see that regulations are carried out.*

Personnel from the Preventive Medicine Division occasionally ran random checks on some companies, but such measures are clearly inadequate to insure strict compliance.

Further and personal action was taken by the head of the Fort Wood Hospital, Colonel Miller, on or about February 13.

During the height of the URI epidemic, top medical personnel reported to Col. Miller that many of the night emergency cases appeared to be exhausted and fatigued. This judgment was confirmed by Col. Miller's own observations of both day and night reportees and discussed among Colonels Miller, Mosebar and Varela. *After consultation, Colonel Miller personally called the Brigade Commanders and relayed his observations and expressed his concern.*

In a later interview, Colonel Greer, Commanding Officer of the 2nd Brigade stated that after this call extra P.T. and running were discontinued in the 2nd Brigade as a matter of Brigade policy. It should be noted, as stated previously, that this discontinuation came after 26 cases of meningitis were reported at the Fort and one death had occurred.

In summary, the medical team made information or preventive environmental measures available to the training cadre and continued to stress awareness. However, medical staffing was clearly inadequate to check whether these measures were being fully implemented, although some attempts were made. Further, it is not a medical responsibility to enforce such measures and it probably should not be.

Generally, the preventive medical assistance must be judged to be adequate.

Attitude

A great deal of concern was evident among the top hospital personnel. Personal calls to the Brigade Commanders regarding apparent fatigue is a notable example.

The new policy that every trainee reporting to sick call be seen by a doctor, as strongly expounded on by Colonel Mosebar is another. Until late February trainees reporting to dispensaries for regular sick call were seen only by medical aides, unless febrile, in which case they were sent to the hospital to see a doctor. Now one doctor remains at one dispensary after regular sick call hours to insure that everyone reporting, regardless of time or temperature, is seen by a doctor. This change in policy is good and should be retained year-round.

The dispensaries are staffed by young doctors, two to each dispensary during the regular morning sick call. At a staff meeting these doctors indicated that during late January and throughout February the flow of trainees to dispensaries increased. One staff member indicated that at the peak of the URI season 300 to 400 trainees would be seen by doctors at each of the three trainee dispensaries each day. During this period sick call would often run from 6:30 A.M. to 1:00 P.M. Although policy required that the sickest be taken first, this determination is often difficult to make. Several doctors noted that the number of trainees actually ordered to report for sick call also increased during February.

One doctor suggested that a de-emphasis on recycling and discontinuation of the practice that required gear to be packed and stored before reporting on sick call, would contribute to the general health situation.

However, many of his young colleagues differed with him. Generally they felt that the practice of packing and storing gear was only dissuasive to chronic complainers. They saw nothing wrong with making it just a little bit harder to go to sick call and noted although only 5 to 10 percent were "gold bricking," as many as two-thirds of trainees they saw would not come in to see a doctor in civilian life. They noted that they get tired of looking down normal or only slightly aggravated throats and reading normal or slightly elevated temperatures.

The civilian analogy seems less than perceptive. For while civilians can decide their own schedule—whether or not to stay home, keep warm and drink lots of liquids—there is no such freedom of choice in the service. Without a "medical profile" a trainee participates in usually rigorous outside training.

And while there is no evidence to indicate this attitude in and of itself is dissuasive to reporting on sick call it nonetheless is distressing, especially when the Surgeon General states of meningococcal disease "early diagnosis and treatment are the only means to minimize mortality," and Fort Leonard Wood policy states "individuals with early signs and symptoms of disease will be referred to the nearest dispensary. Delayed referral of a sick individual may endanger his life."

General medical treatment

The medical care was judged on the whole to be better than adequate after a full day of investigation at both the new General Leonard Wood Hospital and the so called "old hospital"—a barracks that serves as an annex to the GLWA Hospital. This examination included visits to the various wards, discussions with patients and staff, and questions on procedures and treatment propounded by a noted epidomologist from the faculty of Washington University School of Medicine.

Everyone entering either the old or new hospitals, receives a chest x-ray, a complete blood count, and a urine analysis as standard procedure. URI patients during the URI season are also given a throat culture. This is good operating procedure according to competent medical authorities.

Any trainee with over a 101 degree fever is also admitted automatically. Admissions for trainees with under 101 degrees is left to the discretion of each doctor.

However, some improvements can be made. The new hospital is overcrowded. The old hospital is inadequate. And both hospitals are often understaffed.

The old hospital

The Old Hospital is used to hold and observe URI cases. Some wards have only one dirty shower for 35 patients. Heat and humidity are hard to control. Ventilation is bad. There is some question whether there is adequate space. And although one ward had been waxed and buffed twice on the day it was visited (the usual procedure is once a week), the sanitary facilities still left much to be desired.

It was determined, after interviews with patients there, that most had URI symptoms for several days before reporting to sick call. The old hospital facilities could be one reason for the delay.

Clean up duties fall to patients with under a 99 degree temperature and those who are about to leave the hospital that day according to hospital spokesmen. However, numerous reports indicate that on many occasions this "maximum temperature" mark has been considerably escalated. The 6:00 A.M. temperature reading is usually used to determine the "clean up" detail, even though most doctors agree that early morning readings are usually lower and therefore not the best reflection of general health.

The old hospital is used extensively. In 1968–69 it was open from October until mid-June. This year it opened in October.

Although the old facility is inadequate, by using it to hold and observe URI patients and by sending those with worsening symptoms to the new hospital, it is administered in the most effective way possible. During their stay there, all URI patients receive a cold pack. Aspirin is given upon request if temperatures are under 101 degrees and prescribed if over that.

In summary, although the best is being made of a bad situation, the old hospital is outmoded and should be replaced by an addition to the new hospital.

The new hospital

All the meningitis patients and the more serious URI cases are treated at the new General Leonard Wood Army Hospital. It is an excellent medical facility.

An inspection was made of the emergency room, the lab facilities and the meningitis ward. Ten of the twelve meningitis patients were interviewed. Later in the day the records of two of the meningitis fatalities and one of the other meningitis patients were examined by a faculty member of the Washington University School of Medicine. He was satisfied that everything that could have been done, was done. In fact, it should be noted that the fatality rate for meningitis patients at Fort Wood is less than 8%, far below the national average.

There was consensus reached among meningitis patients and their parents that the treatment in the hospital was good to excellent, with one exception. The parents of Private David Mack, one of the meningitis fatalities, felt that equipment and personnel in the intensive care units were less than adequate. These allegations are attached in Appendix 6 and should be pursued further by the Army.

The intensive care units were also visited. They are located in a small room with four beds and special equipment. The doctors noted that the room was too small, especially when geared to intensive care for all four beds. About $20,000 is required to make improvements that have been under discussion for quite some time. It is an investment well worth making and I intend to suggest it to the Armed Services Committee.

Despite generally excellent facilities and good personnel, the new hospital is overcrowded. It was built for 300 beds with an expansion capability to 391. Presently there are 483.

The previously recommended addition is needed not only because the old hospital is inadequate, but because the new hospital is far too overcrowded.

And both hospitals are often understaffed. The staffing of both hospitals is adequate to handle 500 patients. Yet during the 442 day period from January 1, 1969 through March 8, 1970, the hospital averaged 568.40 occupied beds per day. Over 500 beds were occupied for 380 days. Over 600 beds were occupied for 142 days. And over 700 beds have been occupied for 48 days. Even though some of these beds are occupied by minimal care patients, some returning from Vietnam, more staffing is necessary and should be authorized.

[From the CONGRESSIONAL RECORD, March 3, 1970]

METHODS OF ARMY TRAINING IN VIOLATION OF ARMY REGULATIONS

Mr. EAGLETON. Mr. President, yesterday I sent the Secretary of the Army a letter regarding the situation at Fort Leonard Wood in Missouri. It was the third communication I had sent him on this subject in a week. It urged, in the strongest terms, that the Secretary look into allegations "that methods of training are being used that may well be in violation of Army regulations—and that these methods have caused such a general state of low resistance in the trainees as to make them highly susceptible to such contagious diseases as spinal meningitis and pneumonia."

During the past month 18 soldiers at Fort Leonard Wood have contracted spinal meningitis. Three have died of it. One other boy has died of pneumonia. This is a tragedy. Maj. Gen. W. T. Bradley, commanding officer of Fort Leonard Wood, has stated:

"The occurrence of meningococcal disease in our training centers is a well-known and established phenomenon."

All right. Yet reports from soldiers and their parents indicate that the Army has been lax in dealing with this meningitis crisis. These reports allege that base officials—through at best unthinking and insensitive action and through at worst unconscionable and perhaps illegal action—have increased the likelihood that upper respiratory diseases, often a forerunner of meningitis and pneumonia, would spread, and they have.

I do not make this statement lightly. I have asked three times in 1 week that the Secretary of the Army give his immediate attention to seeing that proper preventive action is taken to stop this mounting death toll and that he investigate the entire situation at Fort Leonard Wood.

The seriousness of the situation goes to the very heart of this Government's responsibilities to our servicemen as they fulfill their responsibilities to the Nation.

In the past 2 weeks, reports of exhausting duty, extensive harassment, and inadequate medical assistance at Fort Leonard Wood have come to my office. As I stated in a letter to the Secretary of the Army on February 23:

"I have received some mail concerning conditions at Fort Leonard Wood. The mail not only deals with the meningitis cases at Fort Leonard Wood, but also, and just as importantly, the overly exhaustive routine which the trainees are required to perform which weakens their physical condition to the point that they are susceptible to serious illness. These letters indicate that the men are often awakened at 4:00 a.m. and do not return to their barracks until 9:00 p.m. at which time they are then obliged to do all of the bunk details, shoe shining, cleaning up, etc. One letter indicates a situation where a trainee had an 18 hour K.P. duty and then on successive nights guard duty and fire watch duty."

There have also been disturbing reports about the adequacy of medical assistance, harassment of soldiers who go to the hospital, and of alleged intimidation of soldiers from going on sick call.

It was only yesterday that I learned about the trainee at Fort Leonard Wood who died February 17 of pneumonia. The St. Louis Globe Democrat interviewed Pvt. Burman Dyer, whose wife is critically ill with meningitis after visiting him at the base February 22. Private Dyer told of the circumstances surrounding the death from pneumonia of Pvt. Larry Breeling, a 4-year enlistee and a member of his company.

According to Dyer, Breeling became ill in early February and was sent to the base hospital where his condition was diagnosed as pneumonia. Dyer said of Breeling:

"They gave him penicillin and sent him back on duty within 24 hours. He could not take his physical training test when he came back. He was still too sick."

Dyer stated that 2 nights later he and some members of his company discovered Breeling apparently delirious in his bed. Once again I quote:

"He was screaming and shouting and yelling for them to leave him alone. A sergeant who was in charge of our building that night told us to quiet him down or else he was asking for a court martial."

The next morning Breeling was discovered dead in his bed.

This is not an isolated instance.

Pvt. Steven G. Lagermann died of meningitis on February 24. In the last letter he wrote to his parents before his death he stated:

"Mom, is there any possible way you could get me some of those penicillin pills? I found out that at least one guy died here because his resistance was so low . . . so to save our lives we need the medication . . . you go to the hospital and they give you two aspirins and send you back into the field . . . there were only 125 in the field today out of 220 . . . rest are sick."

Lagermann's father said that in a telephone conversation with his son, Steven stated:

"You have to have at least a 104 degree temperature before they would pay any attention to you."

The St. Louis Post Dispatch stated that about 400 trainees a day are being treated for respiratory ailments. Spokesmen for the Army at Fort Leonard Wood acknowledged that hospital admissions for upper respiratory infections—running 100–150 a day in mid-February—have been reduced. However, from most accounts, many are inadequately treated and others fear harassment in the hospital if they go on sick calls.

The father of Pvt. Henry Iglauer, who died on February 11 of meningitis, wrote me on February 17:

"Henry died last week, and I am enclosing a clipping from the St. Louis Post Dispatch, of some of the details. I am writing you, however, because in all our grief and in our loss of our only son, we would like to do something about protecting the rest of the men at Ft. Leonard Wood.

"In the last week we have had ample opportunity to talk to enlisted men, junior and senior officers alike, and the stories we can piece together from their comments are unbelievable in the 1970's. The treatment of these young men—the youth of our country—is actually inhuman. Neither did my son have, nor do we have any objection to physical fitness. My son enjoyed the rigors of creating and keeping a healthy body. But the Army is tearing down step by step, day by day, the physical being of the men under their command. The biggest complaint of everyone there is the lack of sleep which these men suffer.

"Men are being scared not to go on sick call because 'if they miss 5 days of duty they will be re-cycled and have to start all over again.' Men are told in the very beginning that if they go on sick call they have to pack up all their belongings and return them to the supply depot first, before they can go on sick call. This is a chore when you are well. Much more so when you are sick."

Mr. Iglauer also told me that one of his son's friends told him of a soldier in the hospital with measles and 101 degree fever. On the second day he was told to mop the floors in the hospital. I have been told of similar situations by other reliable sources.

The situation at Fort Leonard Wood necessitates an immediate and full investigation. After three letters I have still not received the courtesy of a reply from the Secretary of the Army or from anyone on his staff. However, I am not concerned with courtesy or governmental amenities, but rather with action.

I want to know if the accepted procedures in dealing with an outbreak of meningitis, as described by the Office of the Surgeon General, were followed. These procedures call for the hospitalization of those with a fever of over 99.6 degrees. They call for an evaluation by the post surgeon and a reduction of the total number of hours of training. They call for an increase in hot meals. Were these procedures followed? If not, why not?

I want to know if Army regulations have been broken. Have these men been denied adequate rest? Has medical attention been adequate? Was a man suffering from pneumonia released from the hospital? Why was not a man suffering from a delirium brought in? Does harassment occur in the hospital or retaliation occur upon leaving?

In the last 4 days I have received many letters and phone calls from parents of inductees and reservists and the men themselves, asking if they should report to Fort Leonard Wood. They ask me, "What should I do?" How can a public official with serious doubts about the situation at Fort Leonard Wood answer such a question? I honestly do not know.

These and other questions must be answered, and answered fully, completely and promptly.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD my correspondence with Secretary of the Army Resor, including my letter to him dated February 23, 1970, my telegram to him of February 27, 1970, and my letter to him of March 2, 1970.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., February 23, 1970.

Hon. STANLEY R. RESOR,
The Pentagon,
Arlington, Va.

DEAR MR. SECRETARY: Enclosed you will find a Xerox copy of a news article from the February 13, 1970 issue of the *St. Louis Post Dispatch.*

I have received some mail concerning conditions at Fort Leonard Wood. The mail not only deals with the meningitis cases at Fort Leonard Wood, but also, and just as importantly, the overly exhausting routine which the trainees are required to perform which weakens their physical condition to the point that they are susceptible to serious illness.

These letters indicate that the men are often awakened at 4:00 a.m. and do not return to their barracks until 9:00 p.m. at which time they are then obliged to do all of the bunk details, shoe shining, cleaning up, etc. One letter indicates a situation where a trainee had an 18 hour K.P. duty and then on successive nights guard duty and fire watch duty.

Mr. Secretary, I was an enlisted man in the U.S. Navy and I realize that there is always some griping by recruits, etc. I personally used to "gripe like hell."

However, the tone and tenor of the mail to which I have referred, in my judgment, transcends the routine or expected gripe. In my judgment, it indicates the possibility of some substantial problems at Fort Leonard Wood which need attention and improvement.

I respectfully ask that with all due haste you examine both the health status and the physically exhausting training rigors as they have existed or do continue to exist at Fort Leonard Wood.

Yours very truly,

THOMAS F. EAGLETON,
U.S. Senator.

Hon. STANLEY R. RESOR,
Secretary, U.S. Department of the Army, The Pentagon, Arlington, Va.

MR. SECRETARY: I have just received a report of the third death this month of a recruit at Fort Leonard Wood, Missouri, from spinal meningitis. Fourteen other cases have been reported this month, and there were nine cases in January.

In light of the obvious crisis that exists, I urgently request that preventive action be taken immediately to avert the possibility of any further deaths, and I further request that an immediate investigation be ordered by your office of conditions at the base, including methods of training, as I requested in my letter to you February 23, to which I have not yet received a reply.

This investigation must be made with all possible speed to determine whether conditions at the base contributed to the current health situation and whether changes and improvements must be made.

THOMAS F. EAGLETON,
U.S. Senator.

U.S. SENATE,
Washington, D.C., March 2, 1970.

Hon. STANLEY R. RESOR,
Secretary, U.S. Department of the Army, The Pentagon, Arlington, Va.

DEAR MR. SECRETARY: Since my telegram to you last Friday it has been revealed in the press that another trainee at Fort Leonard Wood died in February—this time of pneumonia—bringing the total number of deaths at the base last month to four, three of them from spinal meningitis.

It was also disclosed this morning in a St. Louis newspaper that the wife of another trainee is in critical condition with spinal meningitis apparently contracted after a visit February 22 at Fort Leonard Wood with her husband, who is in basic training there.

This woman is a teacher at a high school with more than 4,100 students and taught for four days after visiting her husband before becoming visibly ill. School officials are now worried she may have infected some of the students.

It is my information that hundreds of cases of respiratory infections are now being treated daily at Fort Leonard Wood. Base spokesmen continually are quoted as saying that nothing unusual is occurring. I don't think they can be believed.

For a week now I have been getting an increasing number of letters and phone calls from the parents of boys now undergoing basic training at Fort Leonard Wood. These letters and phone calls consistently allege that methods of training are being used that may well be in violation of Army regulations—and that these methods have caused such a general state of low resistence in the trainees as to make them highly susceptible to such contagious diseases as spinal meningitis and pneumonia. I outlined some of these to you in a previous letter.

Letters written home before their deaths by two of the meningitis victims are revealing—and they should not go unheeded.

I have received calls from parents whose sons told them as recently as yesterday that trainees are still being intimidated from going on sick call—and this with more than 25 cases of spinal meningitis reported in the last two months, with four young men dead, with base officials admitting they have a high incidence of respiratory disease among trainees.

Even sick call may not be of much help. The young man who died of pneumonia was allowed a very short stay at the base hospital and then was sent back to his barracks—where he died within two days.

The facts are serious. So are the reports I have received from the worried parents of trainees about the type of training their sons have been forced to undergo. In light of the facts, these allegations warrant an immediate and extensive investigation, and I again request that you order that an investigation be made.

Yours very truly,

THOMAS F. EAGLETON,
U.S. Senator.

Mr. SYMINGTON subsequently said: Mr. President, earlier this morning I was at a meeting of the Committee on Armed Services, which heard for the first time the distinguished Secretary of the Army and Chief of Staff, General Westmoreland. Therefore, it was not possible for me to be in the Chamber when my distinguished colleague, Senator EAGLETON, delivered a short address with respect to the problems we now face at the Army encampment at Fort Leonard Wood in Missouri.

I want to commend my colleague for his logical and constructive interest in this matter. We have had an epidemic of meningitis there, and four tragic deaths.

What the Senator has done guarantees that the matter will be looked into by the Army; and I have already requested, as a member of armed services, that they do so.

APPENDIX 2

A VERBATIM ACCOUNT OF THE NEWS CONFERENCE HELD BY REPRESENTATIVES RICHARD ICHORD, DURWARD G. HALL, AND WILLIAM J. RANDALL AT FORT LEONARD WOOD, MO., MARCH 6, 1970

ICHORD. I would like to make an opening statement. Then I will yield to the ranking minority member, Doctor Hall and to my colleague, Mr. Randall, on my right.

The recent meningitis cases here at Fort Leonard Wood with the attendant national publicity has prompted the chairman of the full committee of the House Armed Services Committee to appoint a subcommittee to look into the situation, thus our visit here today. I was designated as chairman. My colleague from Missouri, Bill Randall, and Dr. Hall on my right were appointed members. All three of us, of course, are very much concerned because each of us have constituents here at Fort Leonard Wood. I am particularly grateful that my colleague Bill Randall and Dr. Hall would choose to serve on this subcommittee. Of course, Fort Leonard Wood is in my own congressional district and I, for that reason, would have more concern than most members of Congress. I am particularly obligated to Dr. Hall because I know he had other plans made and he did consent to come down here to look into this very important problem. We brought with us from Washington today Dr. Winter from the Office of the Surgeon General. There are also preventive medical people from Fifth Army Headquarters here at the post today. We have been briefed. We have subjected the authorities here at Fort Leonard Wood to very close questioning, including the medical authority, and I have been assured by them and am convinced that everything possible is being done to bring meningitis under control. All standard procedures have been invoked and I am very happy to find that these procedures were invoked before we arrived. With that opening statement I will yield to my colleague, Dr. Hall.

HALL. Well, thank you Mr. Chairman. First of all, I think in proper context we must realize that meningococcus meningitis is one of the regular recurring diseases that breaks out in a skin rash. In the profession, we call it one of the eczematours. The principal sign and the first recognizable sign outside of the vague headaches and aches and pains, is a skin rash. There are many fulminating types of this contagious meningitis. Some of it comes and goes, but worst of all, in different years it is more virilent than in others. Further complicating the factor is the usual miracle drugs which we referred to so proudly in the 50's, the germs, the meningococcus, in this case, have developed an attenuation for and are resistant to the drugs and we can not give mass medication and prevent it in a place where men are brought together as they are in a training camp. There are certain prophylactic measures that we know that can be exercised and brought into play, including: additional rest, more airation, certain prophylaxis with the onset of colds, not bringing people together and all of these things that are difficult in a training camp where you have an input of maybe 1,100 or more new recruits or receptees in our training system a week. This is quite different from the advent of college one time a year, in the fall, where they all develop their immunities at the same time together even though it is a new group of people. I certainly join with the chairman in being pleased to find first of all on arrival that for the past two or three days there have been people here from the epidemiological board, from the Fifth Army, from the Office of the Surgeon General and elsewhere who are specialists in preventive medicine and these techniques I am even more pleased to find that even before that, General Bradley, your own staff had instituted the regular standard operating procedures. Now, this is a bad disease and it is bad to have to bring people together in time of war, undeclared or otherwise, for the purpose of training. But, everyone including the public whom I think has been over messaged and exercised and riled up by unfortunate questions and statements before people even determined whether all the standard operating procedures had been placed in effect or not were beneficial and had been adopted. I think they have been. I think we may have some more lumps as this respiratory disease season passes out. I hope and pray that we have no more losses but it is better to train and it is better to institute these procedures and continue than it is to turn out troops who are not trained in a manner so that they can defend themselves or so that indeed they will be enured against infection when they reach their theatres of combat. So, I have optimism, I give thanks and appreciation. I certainly have the hope and faith and belief that the worst of this is over and that we have done everything that is known in the present state of human science to help each other and I hope that the epidemic is waning. There are other epidemics in other camps, in other stations. They, too, are being handled well. This will be beneficial and who knows but out of it may come the discovery that will prevent this eczematous from recurring when we bring men together for training in the future. I think that is all I would have to say, Mr. Chairman, until time for questions and answers.

ICHORD. Congressman Randall.

RANDALL. Mr. Chairman, at the very beginning, well, first I would like to say that I concur generally with my two colleagues but, before we go into any further discussion I want to express the gratitude of the subcommittee to General Bradley and all of the other military personnel here today. They have been very cooperative. They have taken us all to the area we needed to see. We have been to the hospital. We have been to all the barracks. We have been to the field, the bivouac areas. We have had a full day here. I have talked to several of our own constituents, the troop personnel and I get the report from them that they are not fearful of the infection. They realize it is here, they suggest that they are going ahead and training just as they have been. I have the feeling that the maximum is being done to get on top of this. I believe our colleagues may have mentioned that the Army has been on top of this before we got here—both the Surgeon General of the Army and also Fifth Army. One of the principal witnesses before us today pointed out that in spite of the worried parents, the servicemen themselves have a fine espirit de corps, that they are particularly dedicated young men. I was very much impressed with one of the statistics of the trainees here on the base. A high percentage

of them are college graduates, about 25 percent. They understand why they are being trained and they have pride in their units. As we looked about on the base today we found such slogans as, "We're Second to None," and "We Strive for Perfection." I was convinced that the medical staff is dedicated. There is no doubt about that. They are hard working. They are working in good faith—and that applies to the medical staff and non-medical people who are working with a hard problem. This is a very hard problem. We are wrestling with a disease that we really do not know all about yet. It is a seasonal matter. It is a matter, as Dr. Hall suggested, that is drug resistant. Now, all the standard procedures are being followed. The Army was, as I said, working before we get here and we are glad to hear that. I hope that the epidemic has reached its peak and we believe that with the passage of this month that the worst may be over. I would hope that the command would keep a careful surveillance over the lower echelons to be sure that the eight hours sleep is observed. Now, I know that is the order, they get eight hours sleep. But, there may be some instances where some acting MCOs get overzealous and want to shave that off a little bit. I would hope that would be carefully carried out—that order which has been issued by the higher command. I would also hope that there would be surveillance to try to screen out those who are really sick and need treatment because of the nature of the malady we are wrestling with, and those who may simply want to go on sick call to avoid strenuous physical training. Mr. Chairman, I concur generally with the findings of the Chairman and Dr. Hall.

ICHORD. Thank you Mr. Randall. Gentlemen, we would be happy to answer any questions that you might have. When you direct your questions please mention the name of the gentleman to whom you direct the question, including General Bradley.

QUESTION. Mr. Ichord, what did your committee see today?

Answer, ICHORD. We have met with General Bradley, briefed first of all by General Bradley. We have met with the chief medical officer of Fort Leonard Wood, Colonel Miller. We have been briefed by the brigade commander, Colonel Greer, of the Company C, where the two deaths occurred. We subjected them to intensive questioning. We have visited Company C. We talked to the company commander. We have talked to the men of Company C. We have also been to the hospital and talked to Colonel Miller and his staff and subjected various questions that we had to those individuals.

QUESTION. Mr. Ichord, did you feel that one day is enough time to investigate fully?

Answer, ICHORD. Well, of course, if you are asking whether or not we would attempt to separate all of the facts from the fiction that is surrounding this whole matter, no, it would be impossible for me to do that in a one day period of time.

QUESTION. I would like to question Dr. Hall, please. Senator Eagleton suggested that the health techniques here left something to be desired. Did you find this to be the case in your visit to the medical facilities today?

Answer, HALL. Well now, if you can figure out what Senator Eagleton had in mind when he said any health facility left something to be desired then maybe I could answer your question. I certainly do not know and I think there has been too much flag waving and spring board of publicity seeking by non-technical people about a very technical matter, the techniques of which I am thoroughly satisfied with within the present state of the art including epidemiology and immunology. I do not know what the junior Senator based his speech or his claims on. I understand he was personally impressed, but we have looked at the records. I have been on the intensive care ward. I have been on the less intensive care wards. I know the time that has been spent, the priorities and emphasis that are being given, the techniques that are being used and they are a maximum exercise not only of the state of the art but of the state of the science in prevention and certainly in treatment. I did not talk to a single ill soldier or his parent who was not satisfied that they are receiving the maximum benefit of the most skilled and available care that they could. Does that answer your question?

QUESTION. I would like to direct this question to Dr. Hall. There has been a number of allegations that trainees are not allowed to seek medical attention here through one means or another. There has been a charge made that you have to have a 104 degree temperature before you can get on sick call and that sort of thing. Are you satisfied, Dr. Hall, as a medical doctor, that there is no hitch in a soldier seeking medical attention and receiving it?

Answer, HALL. First of all, I used to hear these things when I was a company training commander myself. That was some 20 . . . well, it is longer ago than I like to think about and I might have been outdated, so this entire committee went particularly into this question, both with the command and with the troops. In fact, I went up and down the list of those waiting in the dispensaries that were still operating today when we reached there and furthermore, at the hospital. I broke away from the rest of the group and went with friends of mine in the profession up and down the aisle of those waiting to see how long they had waited, whether they had had trouble getting by their "Top Kick" in order to go to the dispensary and get on the sick list in the first place or not, how long they had had to wait, whether they were getting good service and I did not find any instances of displeasure or regret. I can say categorically that in this dispensary set-up I feel it is adequate for the battalions, for the brigade training centers, and that the rule is not that you have a temperature of 104 to be admitted to the hospital, but that if the temeprature is above 100 it is almost an automatic ticket for admission and this was in effect starting last October with increased personnel and increased precaution. Head to feet sleeping in the same room, increased aeration space, reducing those in squad rooms from eight to seven to get the required cubic footage of air and all of these other precautions which are all we know about how to prevent this disease. I think there has not been unusual exercise of duress in training. Quite the contrary, I believe the command function of maintaining the health of the troops has been out ahead of this epidemic. But, we are up against a tough one which is developing some fulminating cases that no one knows how to treat.

QUESTION. Dr. Hall, did you find that the men in your opinion are receiving the proper amount of sleep and receiving all the major personal hygiene measures necessary to prevent upper respiratory infection?

Answer, HALL. I think within the command decision of balancing off the need for training before these men are committed for their future involvements with the necessity of sleep and the necessity of actual extra rest, including compensatory time when, because of their training, they do miss a night's sleep that I am satisfied about this.

RANDALL. I just want to supplement that point. We are all, I am sure I speak for the chairman, Mr. Ichord, and I know for myself, that we are very fortunate to have with us a colleague who is both a member of the House Armed Services Committee and also a former practicing physician. I might add in connection with our visit to the hospital, the doctor was on one part, some of us in another. We personally questioned each one of those who were in a room waiting to be treated at the hospital and we found that about half of them had not come through their dispensary, but had come direct. So, there is certainly no one barring them from coming to the hospital.

HALL. May I add one other sentence, Mr. Chairman, in that regard. That is, I want to assure the people that we have reviewed the individual cases including the hospital records, the dispensary records and the company rosters of these whom we have unfortunately lost with the dread disease. They were more than adequately cared for and we still lost.

QUESTION. Mr. Chairman, I would like to direct this question to Congressman Randall. Congressman Randall, do you feel that the Army reacted soon enough with these extraordinary measures?

RANDALL. Well, of course, we did not have knowledge of what they had been doing except when we got into this the first of the week. I certainly could find no evidence here today. This is a seasonal matter and we had testimony that they started conferences way back in October with these provisions for reduction in the extent of physical training and insistence upon eight hours of sleep. That was our testimony. We feel that they recognized that it is not a question of January and February, it is also December and they were taking some of these steps in December.

ICHORD. I would add to that by saying that the authorities did institute an instructional program down to the company level as far back as October, which is the beginning of the meningitis season. Also, an immunization program was early instituted. As I stated before, I am firmly convinced that everything is being done that is possible and should be done to bring this matter under control.

QUESTION. I would like to direct my question to General Bradley. General, the committee seems in agreement that there is an epidemic condition existing on the base. Shouldn't, in the best public interest, we seriously consider placing the base off limits to visitors until this problem has peaked, as Mr. Randall states it?

BRADLEY. No, sir, I think not. We must, and have, considered various measures of quarantining or isolating various elements at every stage. And, it has been our considered judgment that this is not necessary. There was one isolation of one company for a five-day period shortly after they had five cases of meningitis occur in their company. Since then, we have not had any concentration such as that.

QUESTION. I am referring, General, to this woman from the St. Louis area who visited the base and then became ill with meningitis shortly after. Can't we expect that this may happen again?

ICHORD. I might add there, General, and I do not want to underestimate the seriousness of the situation. There are some serious meningitis cases in the hospital at the present time, but I would concur with Dr. Hall's opinion that this matter has been blown completely out of proportion in my opinion. For example, my wife almost imposed a wifely quarantine on me if I came down to Fort Leonard Wood. That was before she studied a little bit about meningitis and I think I will be able to get into the house when I return to Washington. Dr. Hall, did you have something to add?

HALL. Let me answer that question by saying that we have reviewed the case of the lady in question and I am sure that a post quarantine would not only have kept the press off this afternoon if it had been imposed, which I think you would have objected to violently, but this lady does not have epidemic meningitis or even a meningoccal infection. She has the hemophilic influenza type of meningitis which is quite different. It is not associated with, is not contagious and so forth. Now, this is where one can get into trouble by assuming without knowing technically the difference. We could give you

other cases that have allegedly been caught at Fort Wood, but are not even meningitis and which in no way could be associated with epidemic meningococcus infection let alone meningococcus meningitis.

QUESTION. This is a question for Dr. Hall. Doctor, you mentioned going to the hospital and talking with men and their families and none of them were dissatisfied with the care that they are having. I would like to ask, did you talk with any of the men who had meningitis or with any of their families?

HALL. Yes, these were the ones I was specifically referring to on the intensive care ward as late as this afternoon, including some of these who had to hold their fingers in their tracheotomy tube in order to talk and answer and express their thankfulness for many things, and indeed, those people should be thankful because they have had a very close shave. This is a very fulminating type of this particular recurrent seasonal epidemic.

QUESTION. I would like to direct this question to General Bradley. At any time during this discussion, General Bradley, has Senator Eagleton been in contact with the command at Fort Leonard Wood. Has he verified any of the allegations made in letters that he released on the Senate floor?

BRADLEY. Not in recent dates.

QUESTION. What do you mean, General, by, "in recent dates?"

BRADLEY. Subsequent to my understanding that he has asked that this matter be looked into, I have not corresponded with him or heard from him directly.

QUESTION. Congressman Ichord, did you discuss the case of Private Larry Breeling?

ICHORD. Yes, that was discussed. However, on all of these things, I am not going to, as I stated before, to attempt to separate fact from fiction and to go into all of the rumors with just one day's investigation. If I were to do that I would require five or perhaps six days and certainly choose a different way of proceeding than we have today. But, I have heard all kinds of rumors on this matter. As a matter of fact, I was advised before I left Washington that the little 11-year-old girl from Centralis had died of meningitis who had visited relatives here on post. I have ascertained today that she actually died from viral encephalitis, I believe. So, we have asked questions about many of these rumors, many of these allegiations, all of them that were brought to our attention. But, I'm not going to attempt to make any conclusive finding in regards to any of these things today and I think I have adequately explained the reason why.

QUESTION. Congressman Ichord, did you find any evidence that fear or threat of recycling was keeping the man from going on sick call?

ICHORD. Actually, I questioned at least six men from Company C in that regard. They related to me that they were very much concerned during the first cases, now they have been informed about meningitis and I would point out that we have an educational television system here and just a few minutes ago information went out to the troops themselves. I did not find that they were concerned. Now, of course, you would have to get into the individual cases. They do have a policy of if you miss five days, I am sure this is not a hard and fast rule, that would be five consecutive days, that you may have to be recycled. Some of the individual troops, I think, would be concerned about that and others might not. You have to look into the individual himself.

RANDALL. I would like to supplement that by saying that we talked to the same six and four of those six had been in the hospital. I talked to a boy from Colorado and he said yes, several months ago that fear did exist, but word is now among the troops that it does not make such difference, you are going to start right in another class. We do not regard that as saying you are going to be recycled would dissuade us from going to the hospital.

HALL. Of course, they recycle automatically also if they do not shoot 30 the first day they are on the target range.

QUESTION. Congressman Ichord, what will be your subcommittee's recommendation to Congressman Rivers' committee?

Answer, ICHORD. We will report to congressman Rivers substantially what we have related here today. We will tell him in the report that we think everything possible is being done to bring this matter under control. As far as anything additional, I have no specific recommendations in mind at this time. I would also like to point out that we were advised that the physical training requirements have been released since the outbreak of meningitis, which I think was a good policy because of the association of fatigue with this particular disease.

RANDALL. Couldn't we add to this report that we commended both the command the dedicated medical people that have worked on holiday schedule, 12 to 14 hours a day or around the clock when necessary. And, I'm now speaking especially of the nurses, corpsmen and all who have helped in the hospital and in the dispensaries in order to try to alleviate this epidemic. I think we can certainly add that. And, I would like to add a word for the non-medical people who have realized all along the seriousness of the problem they are facing here—the command and the different echelons of the command.

QUESTION. What would you say to concerned parents, in a word or two?

Answer, ICHORD. Well, I would not underestimate or understate the seriousness of the situation, but I think that they can rest assured that the authorities here at Fort Leonard Wood, the medical authorities here at Fort Leonard Wood, are doing everything possible to control this outbreak of meningitis and I would point out that only a few small percentage, less than one half of one percent, of the 30,000 troop compliment here have been infected with anything resembling this disease.

RANDALL. Actually, the figure, I recall is 2/10ths of one percent.

ICHORD. It would be less than one half. Yes, it would be 2/10ths. There have been 29 cases since the first of January. There have been 40 cases since the beginning of the season, which began last October.

Thank you, gentlemen.

VISIT OF HOUSE ARMED SERVICES SUBCOMMITTEE, MARCH 6, 1970

1. This directive announces the itinerary and establishes responsibilities for the visit of House Armed Services Subcommittee headed by Congressman Richard H. Ichord, on 6 March 1970.

2. Commanders and officers concerned are responsible for their portion of the itinerary, and will be prepared at times indicated to conduct the briefings and/or visits outlined in the itinerary.

For the Commander:

B. H. KERR,
Colonel, GS, Chief of Staff.

ITINERARY FOR CONGRESSIONAL COMMITTEE

Action Agency: Chief of Staff.
Escort Officer: MG W. T. Bradley.

TIME, FUNCTION, PLACE, AND RESPONSIBILITY

Friday, 6 March 1970

0845: Arrival, Forney Army Airfield; MG Bradley.

0845–0900: Travel to Post Headquarters, En route, MG Bradley.

0900–1000: Briefing, Conference Room, Building 401, CG.

1000–1005: Travel to General Leonard Wood Army Hospital, En route, CG.

1005–1120: Visit General Leonard Wood Army Hospital, GLWAH, Col. Miller.

1120–1130: Travel to B–1–5 Messhall, En route, CG.

1130–1230: Lunch, Building 1231, CO, 5th CST Bde.

1230–1240: Travel to 2d BCT Brigade Headquarters, En route, CG.

1240–1520: Visit 2d BCT Brigade (to include Barracks, Dispensary, Messhall, Troops), 2d BCT Bde Area, Col. Greer.

1520–1645: As Desired.

1645: Press Conference, Conference Room, Building 401, Congressman Ichord.

Completion of above, Travel to Forney Army Airfield and Departure, Forney Army Airfield, CG.

APPENDIX 3

MILITRAY POLICE REPORT

From: Provost Marshal, Fort Leonard Wood, Mo., 20 Feb. 70.

Subject: Breeling, Larry W., [redacted], E–4–2FLW.

COMP stated that he tried to wake VIC up. COMP noticed that VICT was not breathing. COMP checked pulse and found out that VIC didn't have any. COMP notified Drill Sergeant who in turn notified the Military Police. VICT was conveyed to GLWAH where he was pronounced dead by Maj. Harman Urbano. At 0840 hours, 19 Feb. 70, Maj. Lesliea Torgenson, [redacted], Patholcgist.

General Leonard Wood, Army Hospital, was contacted in reference the autopsy of SUBJ. Maj. Torgenson stated that autopsy revealed that SUBJ died from pneumonia, and at the present time they had two cultures growing from the samples taken from the lungs to determine the severity of the pneumonia.

Witnesses to the death are:
Alspough, James R., [redacted].
Downes, Charles, Jr., [redacted].
English, Don W., [redacted]
Dolton, Stephen W., [redacted].
Cockrell, Randall S., [redacted].
Christiansen, Robert D., [redacted].
Burris, Robert W., [redacted].
Childress, Gerald R., [redacted].
Carter, John Alden, Jr., [redacted].

WITNESS STATEMENT OF DOWNES, CHARLES, JR.

Mr. Breeling was breathing hard and having pains at 9:00 p.m. last nite, 2–17–70. When we got up this morning, I was about the first one up. I noticed Mr. Breeling was quite pale and not breathing that I could see. I moved closer and took his wrist and could find no pulse or heartbeat, he was cold and his arm was stiff already. I went down to our Platoon Sergeant (Jack Carter) and had him notify someone downstairs such as drill sergeant, S.D.I., etc.

WITNESS STATEMENT OF ALSPAUGH, JAMES R.

I went to bed at 8:30 last night and noticed that he was asleep and breathing a little heavy.

WITNESS STATEMENT OF BURRIS, ROBERT D.

I checked on Mr. Breeling to see what was wrong with him at about 6:00 p.m. He was having a hard time breathing and there was something wrong with his legs. I asked if he wanted anything and he said no.

I went to bed at 8:30 and I must of fallen asleep in about 15 or 20 minutes. That's the last I heard of him. He was breathing heavy.

Last saw victim alive at 8:30, heard victim breathing heavily at about 2:00 in the morning.

While on fire guard last night between the time's of 9:30 to 10:30, I heard Breeling throwing up so I enter the room he was laying over the side of the bed throwing up in a Butt-can. I ask him if he wanted to go to the latrine he said no, so I held him there for a moment then I went to get a cold compact. I placed it on his head and layed him on his back, I asked if he wanted something, he said no so I left him, at this time he was breathing pretty hard.

WITNESS STATEMENT OF RANDALL S. COCKRELL

I saw the victim alive at 8:30 last night when I went to bed. He was breathing real heavy and was sick. I awakened several times during the night and he was still breathing hard but I have no idea what time it was because I didn't have my watch on.

WITNESS STATEMENT OF CARTER, JOHN A.

Last night at about 1800, Pvt. Breeling, after taking a make up PT test, was having problems breathing and having bad cramps in his legs. He spit out phlegm. Then seemed to quite down and rest easily. He said he was doing all right. I left at about 1830 and checked several times later on, seeing that he was doing all right.

Between 1800 and 1830 he said he was hot and then cold. Talking deleriously of "getting even" with the DI who made him run back from the PT test.

WITNESS STATEMENT OF GERALD RAY CHILDRESS

I got back from chow last night about 6:00 and found him rolling in pain on his bunk. (He had just gotten back from the hospital with pneumonia Sunday.) I asked him what was wrong and he said he was all cramped up. I asked him where and he said his legs, under the kneecap mostly. (He also was having trouble breathing.) I started trying to massage his legs, and he said they felt better. He had a small fever, so I covered him up to try and keep him warm. He was all right, sleeping for about the next half hour. Then he woke up and said he was hot, so I put a cold towel on his head and massaged his legs some more. He wanted some water so I let him have some water. Then he laid back down and went to sleep. About a half hour later he leaned over the bunk and vomited into a can. So I rewet the towel and he said his legs hurt so I massaged them some more. At this time he complained of a severe headache. He then rolled over and went back to sleep. After about 15 minutes he got up and went to the latrine. He then came back and just kind of fell into bed. I asked him if he was feeling better and he said yes. After that about every 20 minutes he would wake up and vomit. I'd wipe his head and cover him back up. At 8:30 I went to bed. I woke up about ten and heard him breathing heavily. I got up and asked him how he was and he said his head hurt so I wiped his head off, covered him back up, and then went back to bed. I woke up at 3:45 and saw Downes standing over him, and then he said he was dead. Somebody went to get Carter, and I tried to see if I could feel or hear any heartbeat. I couldn't, and I felt that he was already ice cold.

APPENDIX 4

Subject. Prevention of Acute Respiratory Diseases.

To See distribution.

From S3, Second BCT Bde.

1. Your attention is invited to comment 1.

2. Recommend this subject be presented to all cadre during one of your scheduled NCO classes for the month of October 1969. The lesson plan attached as an inclosure is forwarded as a guide for presentation.

For the Commander:

JOHN B. OLIVER, Jr.,
Major, Infantry Adjutant.

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1. References:

a. AR 40–5.

b. TB MED 274.

c. FM 21–10.

d. FLW Regulation 40–1.

2. In any discussion of diseases of military significance at Fort Leonard Wood, acute respiratory disease of the trainees will emerge as the most prevalent. It has been shown that during the period of the epidemic from October through April, and during an eight-week period encompassing the epidemic, as many as 80% of the trainees acquire the infection. Of these, 50% may require hospitalization and another 20% may require dispensary care. The remainder of the infections are apparently subclinical.

3. To insure that commanders at all levels are aware of this problem, and to facilitate training of personnel under their jurisdiction, the attached lesson plan should be presented at frequent intervals during the period October through April. Particular emphasis should be given to the early recognition of signs and symptoms of disease as described here, and early referral of trainees to the nearest dispensary.

4. The noted references should be available to all cadre personnel to permit further knowledge of this problem than is presented by the lesson plan.

For the Surgeon:

JAMES F. PATTERSON,
Maj., USMC Administrative Officer.

LESSON PLAN

Instructional unit: Prevention of Upper Respiratory Infections and Meningococcal Disease.

Type: Lecture and Film.

Time allotted: One hour.

Class presented to: Individual Units.

Tools, equipment and materials: None.

Personnel: Projectionist.

Instructional aids: Lesson plan and Film, TF 8–3875, "Prevention and Control of Respiratory Diseases in USATC".

References: AR 40–5, FM 21–10, FLW Reg 40–1, 5th USA Reg 40–31.

Study assignments: None.

Student uniform and equipment: Duty uniform, no equipment.

Troop requirements: None.

Transportation requirements: None.

1. Presentation. Lecture, 30 minutes.

a. Introduction. Prevention of Upper Respiratory Infection. Upper respiratory infections (URI) caused by viruses are by far the most important cause of non-effectiveness among trainees; hospital admissions during winter months approach 50% of trainees during the eight week period with an additional 20% requiring out-patient treatment by the unit dispensary.

b. Objective. The objective of this lecture is to familiarize military personnel with some important basic considerations relating to upper respiratory infections and to outline measures to be taken for their prevention and control.

2. Examination.

a. What are upper respiratory infections (URI)? These are diseases of the upper respiratory tract (nose, throat), of sudden onset, usually mild and short lasting (three-four days).

b. What are the signs and symptoms? Fever and chills are the outstanding constitutional symptoms. The average temperature is around 100° F., although it may reach 103° F.; accompanying fever there is usually headache, dry cough, sore throat, burning eyes, nasal obstruction with occasionally a slight nasal discharge and a feeling of general malaise.

c. What causes URI? This disease which has been described almost exclusively in military recruits is caused by a group of organisms known as adenoviruses, so-called because they were originally found on tonsils and adenoids surgically removed. Their relationship was first established in 1954 when type 4 adenovirus was isolated during an epidemic occurring among the troops at this installation. Subsequent investigations revealed most outbreaks of upper respiratory infections are caused by types 4 and 7, although a few cases have also been attributed to type 3.

d. How is the disease transmitted?

Upper respiratory infection, as other respiratory borne diseases, is transmitted from person to person with the sneezing, coughing and talking of infected persons. The causative organisms are contained in invisible droplets or dropping nuclei.

e. Why are they more frequent during the winter months?

The exact cause of the seasonal influx is not clear, however, presumably not one but many factors are involved. There is apt to be a greater amount of crowding, since people tend to gather in inside areas more than they do in the summer months. This crowding gives a better opportunity to pass the infection from person to person.

f. What is the treatment for URI?

There is no specific treatment for this disease except symptomatic care to include bed rest. Complications among hospitalized patients are so rare that there is no need for the prophylactic use of antibiotic drugs.

g. What are the measures to be taken to prevent and control URI?

Individual protective measures are:

(1) Good personal hygiene and cleanliness.

(2) Good general physical conditioning.

(3) Adequate rest providing eight hours of sleep per day for trainees.

(4) Good nutritional state.

(5) Early treatment to preclude the development of complications, such as pneumonia.

(6) Wearing proper uniform, as determined by weather conditions, to avoid overheating.

Envifonmental protective measures:

(1) Provide 72 sq. ft of sleeping space to trainees at all times.

(2) Head to foot arrangement of beds.

(3) Adequate ventilation, temperature and dust control in billets, classrooms and theaters.

(4) Protection of trainees from inclement weather where they are required to wait outdoors to enter facilities.

h. Is there any kind of immunization against URI? There is an effective oral vaccine capable of suppressing URI infections caused by adenovirus type 4. An oral type 7 vaccine will also be available for the first time, for the 1969–1970 season.

1. Presentation. Lecture.

a. Introduction. Prevention of Meningococcal Disease. No infectious agent can kill a human being quicker than the meningococcus. Death has occured in less than two hours from the appearance of the first symptoms.

b. Objective. To familiarize military personnel with the disease and outline the basic principles essential in its control.

2. Explanation.

a. What is meningococcal disease? Meningococcal disease is the invasion of the human body by a bacteria called meningococcus. Once localized in the upper throat the organisms may invade the blood (meningococcemia) and may be finally localized in the membranes covering the brain and spinal cord (meninges) causing inflammation of the same (meningitis). This disease occurs all over the world and may occur at any season although it is most prevalent in late winter and spring. Cases resulting from infection by the meningococcus tend to concentrate among individuals crowded together in such places as military installations, ships, schools, etc.

b. How is the disease transmitted? The mode of transmission is essentially that described for other infections of the respiratory tract or direct contact with the discharge from nose and throat of infected persons usually carriers.

c. What is a carrier and what is its importance in the transmission of meningococcal disease?

A carrier is an infected person who harbors a specific infectious agent, in this case, meningococcus, in the absence of any sign

or symptom of disease. Normally the carrier rate among the general population may be as high as 20%. This figure is higher among trainees and at times may reach 70–90%. The probability of cases developing from contact with a patient is no higher than from the healthy population of carriers.

d. What are the signs and symptoms of meningitis?

There are three stages in the development of meningitis:

(1) Localization of the meningococcus in the upper throat where it may multiply abundantly, often without causing any symptoms. If the infection proceeds no further such person is a temporary carrier.

(2) Invasion of the blood stream by the meningococcus (Meningococcemia). The patient appears ill, febrile, a rash often develops characterized by minute red spots throughout the body. On the other hand, the presence of meningococcus in the blood stream may be so mild that the disease never progresses further.

(3) In the majority of cases, the third stage of infection, meningitis, develops. The organism has reached the meninges producing intense inflammation. The first symptom of meningitis usually is vomiting. A severe, bursting headache develops because of inflammation of the meninges and because the pressure of the spinal fluid increases. Stiffness of the neck then develops, due to irritation of the spinal nerves supplying those muscles. The degree of stiffness varies but often the head is retracted. Sometimes the head and spine may be drawn backward like a bow. At this time, mental disorientation is the rule and the patient may progress into coma.

e. How is the disease treated?

Since the clinical picture may change so rapidly anyone having fever, headache, vomiting, stiffness of neck, should be suspected of having meningococcal disease and should be rushed to the hospital. Once the diagnosis is made, treatment consists of chiefly intravenous penicillin in large doses.

f. What is the importance of upper respiratory infection in relation to meningoccocal disease?

A meningococcal infection presumably begins as a localized upper respiratory infection and is often asymptomatic. Thus the importance of early recognition and treatment of upper respiratory infection.

g. How can meningococcal disease be prevented?

The measures of prevention are essentially the same as described for the prevention of upper respiratory infection. In the absence of a drug which may eradicate the infectious agent (meningococcus) from the throat of the high percentage of healthy carriers and thus eliminate the risk of transmission, the real emphasis in control must be placed on the regulations of environmental factor, assuring the minimum of 72 square feet of sleeping space to basic trainees and 55 square feet to others, providing adequate ventilation of sleeping quarters, prescribing head to foot sleeping arrangements, teaching and insisting on the practice of good personal hygiene, encouraging men to report to sick call upon first developing any sign or symptom of an illness, avoiding excessive fatigue and loss of sleep.

PREVENTION OF MENINGOCOCCAL DISEASE AND ACUTE RESPIRATORY DISEASE

Commanding Generals, CONUSA.

1. This letter supersedes letter, ATMED, HQ USCONARC, 11 March 1968, subject: Prevention of Meningococcal Disease.

2. References.

a. Paragraph 1–3, AR 40–5, "Preventive Medicine."

b. Paragraph 8b, AR 210–16, "Bachelor Housing, Officer, Enlisted and Civilian Employees."

c. Paragraph 6, TB Med 274, "Meningococcal Disease."

3. With an increase in meningococcal and acute respiratory disease being reported throughout CONUS, it is appropriate that commanders review preventive measures and insure the following:

a. Control of population density.

(1) *Mass troop formations will be kept to a minimum.*

(2) Overcrowding will be avoided in troop housing, classrooms, dispensaries and recreation areas where trainees congregate. Where available space permits in classrooms, theaters, or similar facilities, *usage of "checkerboard" or spaced seating of personnel is recommended.*

(3) A minimum of 72 square feet per man will be provided in billets for each receptee and basic trainee. Individuals other than receptees and basic trainees will be provided a minimum of 55 square feet per man.

b. Limitation of exposure.

(1) Restrict basic trainees to company areas as much as possible *during the early weeks of training.*

(2) Conduct processing, training, messing, recreational activities and billeting of basic trainees by platoons or companies to the maximum extent possible.

c. Environmental controls.

(1) Maintain adequate ventilation and heating in billets, classrooms and theaters.

(2) Provide shelter from inclement weather for trainees when they are required to wait outdoors to enter facilities.

(3) Ventilate billets in both the reception stations and training companies for a minimum of 48 hours before they are used by new receptees or trainees.

(4) Provide warming tents on ranges and at other training areas where there is prolonged exposure to the elements.

(5) Provide sufficient facilities, such as vacant classrooms, on weekends to prevent overcrowding, when increase in visitors exceeds existing dayrooms and service clubs normal capacity.

d. Sleep.

(1) Assure receptees and trainees an opportunity for a minimum of eight hours sleep nightly.

(2) Receptees arriving at reception stations after 1800 hours will receive only that in-processing which is essential at that time. Formal processing cycle will commence after receptee has been afforded an opportunity for minimum of eight hours sleep.

e. Health education at all levels.

(1) TF 8–3875, "Prevention and Control of Respiratory Disease at US Army Training Centers," will be shown to training center officers and noncommissioned officers and to the staffs of supporting medical facilities. This film will be shown initially as part of the orientation for new training center personnel. The film will be reshown just prior to the start of the usual respiratory disease period. Appropriate at that time would be a short briefing by a medical officer emphasizing signs and symptoms of meningococcal disease and stressing the critical importance of early identification and immediate entry into medical channels of personnel suspected of having the disease.

(2) Officers, drill sergeants, and other cadre members will observe trainees for any indication of illness and if noted insure that the trainee receives medical attention immediately.

(3) A "buddy system" will be instituted so that the trainees observe one another and report any indication of an illness to an officer or noncommissioned officer.

4. Measures which the local commander desires to take, but is unable to because of local conditions or directives from higher headquarters, will be brought to the attention of this headquarters through command channels. Intermediate commanders will take corrective action as resources and authority permit.

For the Commander:

ROBERT H. SCHELLMAN,
Major General, GS, Chief of Staff.

PREVENTION AND CONTROL OF RESPIRATORY INFECTION

1. References:

a. FLW Regulation 40–1.

b. AR 40–5.

c. TB MED 274.

2. There has been appreciable increase in the number of military personnel recently admitted to the hospital for meningococcal and upper respiratory infection. This upward trend requires a definition of objectives and revision of current preventive measures.

3. Pending revision of FLW Regulation 40–1, Prevention and Control of Respiratory Infection, the following will receive immediate implementation:

a. Health education.

(1) All personnel should be familiar with the nature of the disease, the mechanism of transmission and the presenting signs and symptoms. A revised lesson plan is attached.

(2) Each member of the chain of command will receive a program of instruction as outlined by the Preventive Medicine Activity. This program will provide training for trainer cadre to be able to frequently observe their men for early signs and symptoms of disease, supervise adequacy of clothing, personal hygiene and other basic principles of health.

b. Early diagnosis of disease.

(1) Individuals with early signs and symptoms of disease will be referred to the nearest dispensary. Delayed referral of sick individual may endanger his life.

(2) Disciplinary measures for individuals seeking medical care are only conducive to increased hospitalization rates and, therefore, not recommended. Sick call and admission rates should not be used to compare units or as index of efficiency.

(3) The buddy system will be utilized at all times. Each man will help another to look for the first signs and symptoms of respiratory disease and report to sick call at the earliest symptoms of disease.

c. Reduction of disease spread.

Respiratory and meningococcal diseases are transmitted from individual to individual with the discharges from nose and throat of infected persons. Measures which have been effective in reducing this transmission include:

(1) Strict application of platoon or company concept observing integrity through processing, training, messing and billeting.

(2) Restriction of groups upon notification from Installation Surgeon as the potential residence of disease increases.

(3) Avoidance of overcrowding in classrooms, assembly halls and similar facilities where trainees congregate and group intermingling.

(4) Provision of 72 square feet of sleeping space to basic trainees. Effort will be made to provide 72 square feet for permanent party personnel, however, when this cannot be achieved, the minimum for permanent party personnel should not be less than 55 square feet.

(5) Reduction of mass formations to a minimum.

(6) Adequate sanitation of barracks to include wet mopping of floors, airing of bedding, head to foot arrangments, sneeze sheets between beds.

d. Environmental control measures.

(1) Provide adequate ventilation maintaining temperature between 68–72 degrees Fahrenheit in all buildings occupied by troops, and insure close monitoring by periodic checks.

(2) Protection of trainees from inclement weather where they are required to wait outdoors to enter facilities.

(3) Warm-up areas or warm-up tents on ranges and training areas will be provided during the Upper Respiratory Infection season and these will be set up in advance where there is prolonged exposure to the elements.

e. Individual protective measures:

(1) Avoid unnecessary fatigue. Provide eight hours of sleep including compensatory time for night exercises or duty.

(2) Receptees arriving at Reception Station after 1800 hours will receive only that in-processing essential at that time. Formal processing cycle will commence after receptee has been afforded an opportunity for minimum of eight hours sleep.

(3) Encourage good personal hygiene, cover the nose and mouth when coughing. Mouth and teeth cleansing reduce oral and throat bacterial flora. Good general physical conditioning.

(4) Supervision of proper use of clothing to avoid overheating and chilling.

For the commander:

STEPHEN P. KELLY,
2Lt., AGC Assistant AG.

UPPER RESPIRATORY INFECTIONS AND MENINGOCOCCAL DISEASE

LESSON OUTLINE

1. Upper respiratory infection (URI)

a. Presentation

(1) *Objective.*—The objective of this presentation is to familiarize military personnel with what URI is, how it is transmitted, what the symptoms are, and what specific preventive measures can be taken.

(2) *Introduction.*—Upper Respiratory Infections caused by viruses are by far the most important cause of lost training time among trainees. Hospital admissions during winter months usually include up to 50% of the trainees during an eight week period, with an additional 20% requiring out-patient treatment by the unit dispensary.

b. Explanation

(1) *What are Upper Respiratory Infections (URI)?*

These are diseases of the upper respiratory tract (nose and throat), of sudden onset, which are usually mild and short lasting (three to four days). This disease is caused by a group of organisms known as adenoviruses so-called because they were originally found on tonsils and adenoids which had been surgically removed. The organisms's relationship to URI was first established in 1954 when type 4 adenovirus was isolated during an epidemic occurring among the troops at this installation. Subsequent investigations have revealed that most outbreaks of URI are caused by types 4 and 7, with a few cases attributed to type 3.

(2) *How is URI transmitted?*

Upper Respiratory Infection is transmitted from person to person through the sneezing, coughing and talking of infected persons. The organisms are contained in invisible droplet nuclei which remain suspended in air for hours. This allows the organisms to be breathed in by other individuals. During the winter months there is an increase in cases of URI. This is because there is apt to be a greater amount of crowding, since people tend to gather inside more than they do in the summer months. This crowding gives a better opportunity to pass the infection from person to person. Also, during the colder months, an individual's body resistance to the URI organism is usually lower.

(3 *What are the signs and symptoms of URI?*

Fever and chills are the most outstanding symptoms. The average temperature of the individual is approximately 100 degrees Fahrenheit, although it may reach 103 degrees Fahrenheit. Accompanying the fever, there is usually headache, dry cough, sore throat, burning eyes, nasal obstruction with an occasional slight nasal discharge, and a feeling of general discomfort.

(4) *What are the measures to be taken in order to prevent and control URI?*

(a) Individual Protective Measures:

Good personal hygiene and cleanliness.

Good physical conditioning.

Adequate rest providing eight hours of sleep per day.

Good nutrition.

Early treatment to avoid the development of complications, such as pneumonia.

Wearing of the proper uniform, as determined by weather conditions, to avoid overheating.

(b) Environmental Protective Measures:

72 square feet of sleeping space for trainees at all times.

Head to foot arrangement of beds.

Adequate ventilation, temperature (68 degrees to 72 degrees F.), and dust control in barracks, classrooms and theaters.

Protection of trainees from inclement weather when they are required to wait outdoors before entering facilities.

2. Meningococcal disease.

a. Presentation.

(1) *Objective:* The objective is to familiarize military personnel with what meningococcal disease is, how it is transmitted, what the symptoms are, and what specific preventive measures can be taken.

(2) *Introduction.*—The seriousness of meningococcal disease must not be underestimated; no infectious agent can kill a human being quicker than the meningococcus. Death may usually occur in less than 24 hours, although it has occurred in less than two hours from the time of the appearance of the first symptoms.

b. Explanation.

(1) *What is Meningococcal Disease?*

This disease is the invasion of the human body by a bacteria called meningococcus. Once localized in the upper throat region, the organisms may invade the blood (Meningococcemia), and finally may be localized in the membranes covering the brain and spinal cord (meninges) causing inflamation of these membranes (meningitis). This disease occurs all over the world and may occur at any season, although it is most prevalent in late winter and spring. Cases resulting from infection by the meningococcus tend to concentrate among individuals crowded together in such places as military installations, ships and schools.

(2) *How is Meningococcal Disease transmitted?*

Meningococcal Disease is transmitted like URI: from person to person through the sneezing, coughing and talking of infected persons. The disease is also transmitted through the direct contact with the discharges from the nose and throat of infected individuals.

An infected person who harbors the meningococcus without showing any sign or symptom of the disease is called a carrier. Normally the carrier rate among the general population may be as high as 20%. This figure is higher among trainees, and at times may reach 70 to 90%. The probability of cases developing from contact with a patient is no higher than from contact with the carriers.

(3) *What are the signs and symptoms of Meningococcal Disease?* There are three stages in the development of Meningococcal Disease:

(a) Localization of the meningococcus in the upper throat region where it may multiply abundantly, often without causing any symptoms. If the infection does not proceed any farther, such a person is a temporary carrier.

(b) Invasion of the blood stream by the meningococcus (Meningococcemia). The patient appears ill, has a fever, and a rash often develops characterized by minute red spots throughout the body. However, the presence of meningococcus in the blood stream may be so mild that the disease never progresses any farther.

(c) In the majority of cases, the third stage of infection develops (Meningitis). Here the organisms have reached the meninges producing intense inflammation. The first symptom of meningitis is vomiting. Then a severe, bursting headache develops due to the inflammation of the meninges and the increased pressure of the spinal fluid. Next, stiffness of the neck develops due to the irritation of the spinal nerves which serve the neck muscles. The degree of stiffness varies, but often the head is drawn back. Sometimes the head and spine may be drawn backward like a bow. At this time, mental disorientation occurs, and the patient may progress into coma.

(4) *What are the measures to be taken in order to prevent and control Meningococcal Disease?*

The measures of prevention are essentially the same as described for the prevention of Upper Respiratory Infection. In the absence of a drug which can eradicate the infectious agent (meningococcus), the real emphasis in control must be placed on the regulation of the environmental factors: assuring the minimum of 72 square feet of sleeping space to basic trainees, and 55 square feet to others, providing adequate ventilation of sleeping quarters; prescribing head to foot sleeping arrangements; teaching and insisting upon the practice of good personal hygiene; encouraging men to report to sick call upon the first sign or symptom of illness; and avoiding excessive fatigue and loss of sleep.

INQUIRY FROM SENATOR EAGLETON

COMMANDING GENERAL,
USATC Engineer at Fort Leonard Wood,
Fort Leonard Wood, Mo.:

1. Reference: Memorandum for Record, Subject: Senator Eagleton's Inquiry into Health Conditions at Fort Leonard Wood, dated 9 March 1970.

2. Attached as inclosures 1 through 3 are copies of all documents available in this headquarters that pertain to recycle procedures. The documents are attached in chronological order. No documents are available that prescribe policies earlier than 1965. The following is a summary of the information contained in each document:

a. Annex I (Retraining Policies and Procedures) to Section VIII, 2d TRB SOP, dated 21 April 1965.

(1) Paragraph 4 explains the policy in effect at that time which permitted recycle of trainees under the following circumstances:

(a) Absent for *more than* five consecutive days of training (applicable to all training but range firing).

(b) Absent for five consecutive days of range firing.

(2) The unit commander could retain an individual if he felt that the training missed could be made up within the unit. If, however, it was determined that recycle was necessary, the individual was reassigned commensurate with his level of training.

b. Annex I to Section VIII, 2d Brigade SOP, dated 11 February 1966, paragraph 4 indicates the policy concerning training absences to be the same as that previously cited except that an absence of four consecutive days during marksmanship training constituted grounds for recycle. The unit commander retained the prerogative to keep the individual if he felt that the training missed could be made up in the unit.

c. 2d BCT Brigade Regulation 350–1, Appendix 33, Annex B—Reassignment of Trainees, dated 24 January 1969. Paragraph 3 defines the circumstances which warrant a recycle to be a training absence of 5 consecutive days.

3. Sick Call Procedures:

a. No written policy has been established at brigade level regarding sick call procedures, however, the procedures outlined below are standard throughout all units of this brigade.

(1) At reveille formation those personnel who desire to go on sick call are identified.

(2) Each man going on sick call is issued a "sick slip" containing basic information necessary for use by the local dispensary, i.e., name, rank, SSAN, reason for sick call, etc.

(3) The individual reports to the local dispensary at 0630 and waits his turn to see the doctor.

(4) After seeing the doctor, the individual is returned to his unit (if fit for duty or if given limited duty that may be performed in the unit) or sent to the hospital for further examination and/or admission based on the judgment of the doctor.

b. Trainees may report for emergency sick call at any time. It is, and always has been, the unwritten policy of this brigade that no one is denied sick call. Since the increase in URI and outbreak of meningitis, units have not only been encouraging sick call but all personnel have been alerted to watch for sick men at all times and send them to see a doctor at any time of the day when they appear sick.

4. It is not policy within the 2d BCA Brigade to have a trainee pack his belongings and bedding and carry them to the supply room before going on sick call. In one company this winter (C–5–2) this policy did exist for the first two weeks of the training cycle but was discontinued. This policy was not intended to prevent personnel from going on sick call, but was implemented to carry out the provisions of paragraph 6–3, AR 700–84 which requires that the clothing and equipment of hospitalized personnel be immediately secured in the unit supply room. In the past, a few isolated instances of similar procedures have been found, but were immediately eliminated when discovered. The fact that this policy was used in C–5–2 was contained in a reply, signed by the Commanding General, to an inquiry from Representative Symington on 5 March 1970 regarding the meningitis problem. Before receipt of inquiry letters, a survey of the brigade was made to insure this policy was not in effect. One company was found to be using it—it was stopped.

5. Tab C, inclosure 1 contains current 2d Brigade policy regarding recycle procedures. An individual who misses five consecutive days of training is recycled. He is assigned to a unit in an appropriate week of training so that he may continue training without being required to repeat the entire cycle. This policy has been in effect at least since 1965 with minor modifications as to the amount of training that could be missed before recycle action was necessary (see paragraph 2a, b, c).

For the Commander:

JOHN B. OLIVER, Jr.,
Major, Infantry Adjutant.

APPENDIX 6

HARMONY, R.I., *March 4, 1970.*

DEAR CONGRESSMAN TIERNAN: I am writing with deep concern in my heart for all those boys at Fort Leonard Wood, Missouri. As you know we lost our son on February 22 after a ten day illness with spinal meningitis.

Pvt. David M. Mack, [redacted].

My husband, David's father, spent the most trying days of his life at Fort Leonard Wood watching his oldest son, 20 years old, die. We feel very strongly that the Army is definitely lacking in the field of preventive medicine. The boy had written home several letters referring to poor latrine systems, lack of sleep and lack of vaccine, experimental but better than nothing. He was not the type to complain, I am sure all his comrades will assure you of that. But at a time when a "killer" is on the loose it seems the Army should dole out more humane treatment than they did. I have outlined in red on the copies of Davids letters statements to back up our accusations.

When my husband arrived on Friday the 13th, the terror found amongst the boys seemed like a nightmare. After days of observing and talking to these boys we became even more concerned for their welfare. It seems to be a game of Army regulars playing games with the new recruits, they may say this is untrue, but check these letters closely and I'm sure you, too, will agree with us, much of this harassment is uncalled for.

We feel sorry for the Drs. and nurses who worked so desperately hard to save David, but we cannot forgive the Army for lack of equipment, and lack of trained personnel. It is extremely upsetting when your son's life is dependent on a respirator (ventillator) and people are standing around trying to figure out manuals, as they don't know how to operate it. Also when a boy has hemorrhaged and received over 15 units of blood, to have a lackadaisical blood technician draw blood through his only vein left and forget to irrigate so it too was destroyed. These are just a few of the trying things that happened during Davids last days.

An eeg was requested for over 5 days and due to lack of machine and trained personnel and typical army red tape it was never done—it was too late Monday—David was dead.

We cannot help but to question—what is the worth of a human life—the boys are having severe mental problems awol etc. Many, many have upper respiratory diseases and are not getting adequate attention.

We do hope you will find our plight a worthy one, we are truly concerned about this situation, it is ridiculous in this day and age. Please try to prevent any further tragedies by giving this your consideration our representatives are our only prayer at this time, we are counting on you.

If we can be of any further help, please contact us. Thank you.

Sincerely,

MAURICE and ALYCE MACK.

ORDER OF BUSINESS

Mr. EAGLETON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HARRIS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the distinguished Senator from Ohio (Mr. YOUNG) is now recognized for 15 minutes.

PENTAGON SHOULD RELEASE THE FACTS ABOUT MY LAI ATROCITY

Mr. YOUNG of Ohio. Mr. President, Pentagon officials have been withholding important information about the My Lai massacre under the pretext that unless the facts are suppressed "the rights of defendants in current and potential criminal proceedings would be prejudiced." As a result there has been a profusion of rumors and misinformation which is really far more prejudicial to the rights of officers and men who face court-martial trials. More important, it has placed the American people in the position of determining what happened at My Lai on the basis of hearsay and more recently downright false statements.

The citizens of the United States who are paying dearly for the Vietnam war—in lost sons, brothers, and fathers, as well as billions of dollars—have a right to know what our brutal policy has wrought. If hundreds of innocent Vietnamese villagers were murdered at My Lai, the American people should know. They should know if it is true that American officers and GI's participated in murdering civilians—old men, women, children, and babies. Also in committing rape on young girls and women.

Lt. Gen. W. R. Peers and Mr. Robert MacCrate have conducted a thorough and extensive inquiry into the events surrounding the My Lai massacre. The facts they have uncovered would, if released, provide a new perspective on the meaning of American involvement in that immoral, undeclared war in Vietnam. The text of the Peers-MacCrate report is an indictment of American policy as well as of individual Americans.

Mr. President, I assert that this is the real reason the Department of the Army is withholding important facts. Pentagon officials simply do not want the public to have further accurate information which would lead them to the appropriate conclusion that we should withdraw all of our troops from Southeast Asia without delay.

I call upon the Secretary of Defense and the Secretary of the Army to release the full Peers-MacCrate report at this time, deleting only the names of the persons involved. This would in no way prejudice the rights of defendants to receive a fair trial. We read daily in the United States, and particularly in our Nation's Capital, of murders and rapes. Knowledge of the facts in these cases has never proved to be prejudicial.

The fact is that the failure of the Pentagon to release the substance and facts of the Peers-MacCrate report has already had serious consequences. Instead of being protected from the truth, the public has been subjected to a series of misrepresentations, misinformation, and mistakes.

Yesterday, the Subcommittee To Investigate Juvenile Delinquency of the Senate Judiciary Committee concluded hearings on the influence, if any, of drugs in the atrocities at My Lai. During those hearings no testimony whatever was heard from either Lt. Gen. W. R. Peers or Robert MacCrate who conducted the extensive inquiry into the My Lai incidents. Information in their report could and would have provided conclusive evidence as to any allegation of the influence of drugs at My Lai. It is significant that Stanley Resor, Secretary of the Army, who is extremely knowledgeable and knows all the important facts pertaining to this atrocity, was not called as a witness before the subcommittee. Had he been he would have testified that the My Lai massacre was not related to drugs in any way.

I know the facts, because I was present as a member of the Armed Services Committee when Stanley Resor, Secretary of the Army, testified before us in closed hearing.

Instead of relating facts, one witness made an allegation in the hearing before this subcommittee that a majority of soldiers who had participated in the My Lai atrocity had smoked marihuana at some time or other, some as recently as the night before. There is no basis for this allegation. It is an untruthful statement. I charge that this witness used his imagination or deliberately lied.

The facts are that on the morning that Captain Medina and First Lieutenant Calley who were in direct command of soldiers on the spot, whose mission was to sweep through the village, gave the order to "destroy the village and everything in it." They gathered old men, women, children, and babies in groups. Grenade launchers were hurled into some groups. Captain Medina admitted killing a woman with a rifle shot. He admitted shooting a few inches over the heads of others. Soldiers in his outfit followed his example. Later that morning only three weapons were found in the entire area. Orders given by Medina and Calley were so terrifying that one GI shot himself in the foot to avoid participating. The GI said he just could not take it—the attack on the village. He said, "I gotta get out. I cannot stand this."

Secretary of the Army Resor would have stated before the subcommittee as he has stated on other occasions that this was something new in our national history and experience and he could offer no explanation. When Secretary of the Army Resor testified before a closed session of the Armed Services Committee there were tears in his eyes.

Mr. President, very definitely, this was murder in cold blood of old men, women, children, and babies on order of officers who will be placed on trial in due time.

The Senator from Hawaii (Mr. INOUYE) sat beside me and said:

I am sick to my stomach. I never knew anything like this to happen before.

As you know, Mr. President, Senator INOUYE lost his right arm in combat in Italy.

It is an untruthful allegation that what occurred at My Lai on that morning was the result of marihuana or smoking pot.

Mr. President, unfortunately, young Americans conscripted into our Armed Forces and following only 4 months training are sent into combat in Vietnam. They are involved in a civil war in a faraway Asiatic land where their officers have brutalized our military effort with body count procedures in a senseless, immoral, unpopular, and undeclared war. All this may have resulted in the brutalization of fine young Americans.

Like many other Senators, I served in combat in World War II, but we never heard of any such thing as a body count.

Paul Meadlow, honorably discharged and returned to his home in Indiana, stated after talking with his wife and his parents he felt he must purge his mind of the horror he had participated in. His mother said:

He was a good boy when the army took him. They returned a murderer.

Sergeant Ronald Haeberle, present that morning, reported:

There was a little boy walking toward us in a daze. He'd been shot in the arm and leg. He wasn't crying or making any noise. The GI fired 3 shots into the child. The first knocked him back, the second shot lifted him into the air. The third shot put him down and the body fluids came out. The GI simply . . . walked away.

The chairman of this Senate subcommittee has alleged that there was a connection between the use of drugs and the mass killings by American troops. I know the evidence does not substantiate his suspicion or allegations. I am familiar with the facts. He is not.

Mr. President, I assert that no American involved in the My Lai massacre was under the influence of marihuana or other narcotics at the time. More important, I assert that Lieutenant General Peers or Mr. MacCrate or officials of the Department of the Army could and would have verified that fact.

Only yesterday, when the subcommittee hearings were in their final day, did officials in the Department of the Army release the facts which prove that no American involved in the My Lai massacre was under the influence of marihuana or other narcotics.

If the Peers-MacCrate report had been released to the public earlier, the harmful lies and misinformation produced in this hearing could have been avoided altogether. There is no valid excuse for keeping the facts secret any longer. All of the facts should be reported now to the American people.

Mr. President, the murders in cold blood of old men, women, children, and babies at My Lai were not the result of marihuana. They were the result of a brutalization of America's young men by prolonged participation in a dirty, senseless, immoral war.

Mr. President, it is the greatest stain on our national conscience and the greatest blunder any President ever made to send into Vietnam hundreds of thousands of U.S. fighting men—more than 2,500,000—to take over and continue the aggression of the French colonial oppressors seeking to restore the Indo-Chinese empire which ended with their defeat at Dienbienphu.

We should admit the cruelty and stupidity of our continuing aggression in Vietnam and bring all of our ground forces home in the same manner that they were sent into Vietnam—by planes and ships, and do that this year.

We must then deal with serious problems within our own country or we can expect to read of more abominations such as the one at My Lai—drugs or no drugs.

TREND TOWARD MILITARISM MUST BE STOPPED

Mr. YOUNG of Ohio. Mr. President, the power and influence of our Military Establishment and its allies in industry has grown to the point where our Nation is on the verge of becoming a militarized society. In the words of former Marine Corps Commandant Gen. David M. Shoup:

America has become a militaristic and aggressive nation . . . Militarism in America is in full bloom and promises a future of vigorous self-pollination.

As a nation, we have become like the man so obsessed with fear of catastrophe that he spends his income on insurance against improbable events while his children go hungry and his house falls apart.

Like every American, I am concerned about the defense of our country and determined that the United States remain the strongest nation that ever existed under the bending sky of God. However, what deeply worries me and, I am sure, millions of my countrymen is the difference between legitimate defense requirements and a vast military bureaucracy exercising enormous influence on our economy, our foreign policy, and our national priorities.

The most obvious evidence of this unwarranted influence is the size of the Military Establishment. There are 3,400,000 men in our Armed Forces. The Defense Department employs 1,300,000 civilian workers. Defense contracts provide jobs for an additional 3,800,000 industrial workers. It is a fact that 50 percent of all U.S. scientists and engineers are employed by companies doing military and aerospace work. In total, the Pentagon furnishes one out of every nine jobs in the United States. The Defense Department has contracts with 22,000 prime contractors and 100,000 subcontractors. Pentagon money flows into 363 of the 435 congressional districts. Entire communities are wholly dependent on military-industrial activity for their economic life. In some sections of the country, the local economy depends entirely upon the whim of Pentagon bureaucrats.

Because the military distributes hundreds of millions of dollars to colleges and universities, it is also deeply embedded in the Nation's educational system.

Today, defense expenditures, including the cost of past wars, account for 70 cents of every dollar of Federal expenditures. This, in addition to the more than a trillion dollars spent for defense purposes since World War II.

At the same time, the Pentagon employs 339 lobbyists, or two for every three Members of Congress. By its own admission, the Defense Department is spending 27.7 million this year alone on public relations, or, in other words, in lobbying activities. The Department of Defense propaganda staff involves more than 6,000 people whose job it is to polish up the public image of the Pentagon. In the meantime, legitimate news such as the horrendous My Lai massacre is suppressed and news to our fighting men in Vietnam is censored.

Before World War II the military held an honored but not a primary role in our society and in the policymaking functions of Government. Since World War II and the advent of the cold war the rapidly increasing influence of the Military Establishment and its allies in that huge portion of the industrial establishment dedicated to huge profits from war contracts has brought forth a new element in American life. Never in our his-

tory have we had such a prolonged period of involuntary conscription. Never in our history have we devoted for such a sustained period of time such a large percentage of our gross national product on expenditures for our Armed Forces. Never in our history have the voices of the generals and admirals carried such weight in the formulation of our national and our foreign policy, and in many of the basic institutions of our society.

Slowly, imperceptibly, and unconsciously, Americans are becoming conditioned to the acceptance of regimentation, wiretapping, and snooping by large defense-related investigative agencies. Slowly, Americans are accepting as natural an invasicn of their individual privacy that their forefathers would have rebelled against. Unfortunately, security investigations, background reports, questioning of attitudes and opinions have become a part of our way of life.

Every facet of public life from politics to elementary and secondary school education to what is shown on motion picture screens is beginning more and more to be influenced by the growing power of the Pentagon. Our children are being subtly taught not to question the views of their military leaders, but to accept them as gospel. The military has been glorified on television and in motion pictures to the point where it is considered subversive by many citizens to criticize the Pentagon or the actions and statements of military leaders.

It is reasonable to assume that such a situation as we now find ourselves in was very much in the mind of President Eisenhower when, in his farewell address to the Nation in January 1961, he warned against the growing power and influence of the military-industrial complex. It is also noteworthy that George Washington, in his Farewell Address, also cautioned against excessive military power and influence. It was not conspiracy with which our first and 34th Presidents were concerned. Rather, they warned against a basic institutional danger—a military bureaucracy too powerful for the interplay of the traditional checks and balances upon which our democracy depends.

Mr. President, one of the most urgent tasks facing the Nation is to return the military to true civilian control and to reduce its influence over every aspect of American life. The architects of the Constitution—the Founding Fathers—wisely and with great foresight provided that in our Nation civil authority should always be supreme over the military. Unfortunately, since the end of World War II, we have drifted in the direction of a police state by our willingness to maintain the military as the unquestioned and spoiled darling of our national budget.

The combination of forces that has taken us this far down the road to complete militarization can still be stopped. Americans have finally begun to realize that after spending far more than a trillion dollars for national security since 1945, they have also bought a great deal of insecurity. There is hope that they will demand a breakout from the old needless arms spiral approach to national security.

One hopeful sign is the fact that the Pentagon can no longer rely on traditional congressional rubberstamping of Department of Defense requests. In 1968 the Senate spent only 2 days debating the Defense Department military authorization bill. The authorized $70,800 million was the highest single amount appropriated for the Defense Department in the history of the Republic. The Senate, almost without debate, yielded to the demands of the Joint Chiefs of Staff. Last year there was a world of difference. This bill contained authorization for the deployment of the ABM system proposed by President Nixon. Then, for more than a month the bill was thoroughly debated in the Senate. The opposition to the ABM deployment was voted down by only a one-vote majority. Those of us who opposed the ABM, and appropriations that would necessarily follow as being utter waste of taxpayers' money, attempted to restore sanity between national expenditures and national goals.

Unless the seemingly relentless drive toward militarization is halted, we cannot even begin to make progress toward arms control and reduction or toward establishing healthy national priorities for solving our great social problems—racism, poverty, the decay of our cities, the disillusionment and rage of our youth, environmental pollution, the stagnation of our educational system, our shameful treatment of the mentally ill and the elderly, inflation, and a host of others. These pressurized problems may well explode and make an already largely ungovernable society chaotic. Such a catastrophe would be an open invitation to a domestic military solution—order at the point of a bayonet.

Let us pray that we shall never be faced with that alternative—an alternative that would spell the end of the American dream.

Mr. President, instead we must strive to keep our Nation secure, free, and powerful and to leave as a legacy to our children and grandchildren a country that is the last best hope for permanent peace in the world. Many of us have children; some have grandchildren. I have five young granddaughters. They and our children and grandchildren will be the guardians, keepers, and trustees of our Nation in a comparatively few years. I want all of them to have their country mighty, solvent, free and great just like we now have. Along with that, we all want to leave them as a legacy the last best hope for permanent peace in this now troubled world. What greater contribution can we make to those Americans who come after us than for them to summon up out of their heritage all the talent and ability that Almighty God gave them in an atmosphere of freedom and peace? If we do that then eye hath not witnessed nor finite mind conceived the future grandeur and glory of our country and its people.

The PRESIDING OFFICER (Mr. HARRIS). Under the previous order, the Chair recognizes the Senator from Vermont (Mr. AIKEN) for 30 minutes.

THE SAINTS AND SINNERS OF FOREIGN AID

Mr. AIKEN. Mr. President, in his "State of the World" message, President Nixon said that he expected a new approach to foreign assistance to be one of his major foreign policy initiatives in the coming years.

He said:

> A new American purpose and attitude are required, if our economic assistance is to contribute to development in the new environment of the 1970's.

He has now sent to the Congress for our comments the report of his Task Force on International Development.

It does represent a new attitude.

But I do not find any candid statement of a new American purpose.

Congress still has not been presented with a sufficient reason to continue foreign aid as we know it now.

I have been a consistent supporter of our foreign aid programs, but the more I have lived with the existing legislation, the more I have come to believe a new American purpose in this area is most necessary.

Unless we can develop a more practical program we might as well give up the pretense under which we have been operating for the last few years.

The report of the Peterson Commission makes some interesting suggestions for rearranging the pieces on the bureaucratic crazy quilt in order to give a much needed lower profile to our foreign aid effort.

Most of my comments are now directed at questions left unanswered not only by the Peterson report, but by most of the other recent reviews of this subject by distinguished Americans and others with long attachment to foreign aid.

Before we can talk seriously about new institutional arrangements, we must have the new purpose that President Nixon asks for.

The Peterson Commission recommends a divorce of those foreign aid activities concerned with military assistance and counterinsurgency in the broadest sense of the term from those activities that are concerned with economic and humanitarian objectives.

The union between the saints and the sinners of foreign aid should be dissolved, it is said, to pave the way for giving the saints more money to spend.

Although this may be a laudable objective, I am not sure that divorce would have any such result.

Probably our most successful foreign aid programs were in Korea and Taiwan where there were ample roles for both saints and sinners.

But I agree that a divorce would be most desirable if it promises to achieve practical results.

The Peterson Commission should at least be commended for that recommendation.

If the State Department really wishes to control foreign policy in the foreign relations bureaucracy, it must be willing to accept such responsibilities.

At present, AID is a mechanism for diffusing responsibility.

It provides an irresistible temptation

to all the chiefs of the foreign relations bureaucracy—Defense, CIA, State, and the White House itself—to play at intervention.

AID now provides the players with two kinds of levers to enhance their influence; if the arguments of the saints are not persuasive, there are always the arguments of the sinners.

Congress never intended the foreign aid agency to become an all-purpose intervention department.

The Peterson Commission may be right in asking that AID as it now functions be disbanded.

That is a debatable question.

But simply dissolving the marriage between the saints and the sinners of foreign aid is no reason why the Congress should vote a bigger foreign aid program.

There remains the vital question of a new American purpose.

On this score I find both the Peterson and the Pearson Commission reports disappointing.

A thorough reexamination is needed if only to rescue foreign aid from becoming the most boring subject of public policy today.

Take the word "development."

Ten years ago we thought we knew what it meant.

Now we know that development is simply a modern synonym for progress and as such it has become practically meaningless as a guide to policy.

The world is not divided into developed and underdeveloped nations.

Latin America, Africa, and Asia are not bound together in a mysterious condition called underdevelopment.

They are not bound together at all.

No worthy interest can be served by pretending otherwise.

It is true that Latin America, Asia, and Africa have experienced, in common, an historical encounter with Western ideas, Western economic and commercial penetration, and, usually, Western conquest.

And they are reacting to that common experience in certain similar ways.

They resent the fact that they were dominated or colonized in the past.

They are envious of the wealth and vitality of Western societies.

But it does not follow that the United States and other rich countries should pay reparations in the form of foreign aid for the historical impact they have had.

Nor does it follow that we should mount a crusade in the name of development in order to impose our ideas of progress on these countries.

Those who try to maintain the illusion that the world is divided into developed and underdeveloped nations must answer to the charge that they are investing the state of development with qualities of not just economic, but moral superiority as well.

There is much too much unconscious arrogance in this myth of the underdeveloped world, a myth which hides the vital differences that make these nations both interesting and understandable.

Latin America's culture is rooted in 16th century Spain; Asia's in a variety of infinitely complex traditional cultures dating back several millenia.

If Western man has undoubtedly disturbed the peace of tradition in these parts of the world, it does not follow that we should try to impose our priorities on government there, even in the name of progress.

All foreign aid inevitably involves just that hazard because all foreign aid as now practiced involves intervention in the internal affairs of other countries.

This is the most important reason why we need a new American purpose if we are to carry on foreign aid, and the Congress must understand that purpose.

The champions of development have compounded their difficulties by inventing an ingenious numbers game, designed to shock rich countries with the magnitude of the inequalities among nations, and at the same time to provide a basis for measuring the need for foreign aid.

This game has been played over and over again in years past until it has actually become a menace to the cause it is supposed to serve.

The foreign aid numbers game grossly exaggerates the real inequalities in welfare among nations.

It puts a premium on comparisons that heighten quite unnecessarily the envy and resentment between rich and powerful nations and poorer, weaker nations.

It creates a sense of hopelessness about the problems of the poorer nations that is certainly no service to them.

The key counter in this game is a useful economic indicator that was never intended to be used for international comparisons—the Gross National Product.

The foreign aid numbers game turns the GNP into a new weapon of "Western imperialism," as it is called in Communist countries.

We are supposed to believe that the average American lives 50 times better than the average Indian because, as far as we can calculate, our GNP is 50 times greater than India's.

An American family of four living under the official "poverty" line of $3,600 a year is by this method of analysis more than 10 times better off than the average Indian family.

By the same token, a haircut that costs $2.50 in Boston, Mass., is supposed to be 10 times better than the one a citizen of Bombay can get for a quarter.

There is something sinister in a method of measuring inequalities in welfare that is based on the notion that human services of roughly the same quality are somehow worth more in the rich countries simply because the price is higher.

Yet, this is precisely the kind of measurement that underlies virtually all professional attempts to measure the need for foreign aid and to set just targets for same.

Therefore, I am pleased that the Peterson Report decided against recommending that a certain portion of the U.S. GNP be earmarked for foreign aid.

I would not for a minute deny the dire plight of the masses in several poorer countries, squeezed by population pressure either into a life of landless laboring in the eroded countryside or into a formless, aimless mode of existence in the crowded cities.

But is it humane to so exaggerate the real inequalities between societies with such absurd measures of progress that envy replaces hope and real human services are denied because they cannot be measured for the GNP the way ours can.

Almost half of our GNP consists of many personal and professional services that embrace much of the human activity in our country.

In a poor country most human services, most human activity takes place outside the money economy and, therefore, does not show up in Western man's calculations of GNP.

Now I ask, are they for this reason alone worse off?

In our search for a new American purpose in foreign aid we might ask President McNamara of the World Bank why the international community should not formally abandon international comparisons based on per capita GNP in favor of some better measures—measures that dispel illusions rather than creating them; measures that do not add to misunderstanding, but hopefully lessen it.

If this means admitting that we do not really know what the need for foreign aid is, that is an admission we should accept with humility because it is obviously the truth.

A new American purpose in foreign aid should start by making a virtue out of what we don't know about progress, not about what we think we do know.

What we should have learned most from foreign aid is a better appreciation of our shortcomings.

The new purpose, then, should accent the courage to explore the unknown, not as the bearer of charity and certainly not as the payers of reparations, but rather as the beneficiaries of a technology that has blessed a minority of mankind but only rippled the peace of tradition of the vast majority.

The new purpose of American foreign aid should be, perhaps, a dedication to see how technology can be made as good a servant in hot climates as it has become in temperate climates—and especially a good servant of the very poor in those parts of the world, not just the handmaiden of the rich.

This new purpose should accent people-to-people assistance, not government-to-government assistance.

Our Government should show in word and deed that the American people do care about sharing their knowledge with other nations and helping to adapt that knowledge to the many problems that exist in Asia, Africa, and Latin America.

But primarily it should be private Americans, not official Americans that offer their services.

If they hope to be really helpful, Americans must be willing to serve others rather than just their own Government and its special interests.

They must be invited by others, not imposed or bestowed as a result of a rich country's largess.

They must work under agreements where mutual responsibilities are set out clearly.

They should be fired if they do not live up to their part of the bargain.

Americans with the skills and motivations to give this kind of help, to undertake new voyages of technological discovery, exist in many different kinds of organizations in the United States.

They can be found in universities, in private corporations, and in a host of private associations, religious and secular.

It may be that they should not be brought into the Government because government may not provide a suitable career for them.

The Government's primary task in foreign aid should be to receive requests from others and refer them to likely contractors in the private sector and to help with the negotiation of suitable contracts.

The Government should not be in the business of implementing this kind of foreign aid.

I can imagine an institution to implement foreign aid that is wholly outside government, directed and supported by one or more foundations on an unselfish basis.

Such an institution could be financed by both public and private contributions in the measure that its services were requested, and its contracts proved useful.

I believe Congress would support generously such an institution as an alternative to the progressive bureaucratization of foreign aid.

Such an institution is needed to encourage a new generation of Americans who are willing and able to work in the hot climates of the world where so many of the world's impoverished millions live.

Such an institution could play a part in encouraging private investment.

I can see no need for a new development bank as recommended by the Peterson Task Force On International Development.

We have a sufficient number of international and regional development finance agencies now.

Insofar as their performance warrants it, we should continue to support these agencies.

But let us not forget that capital dressed up as foreign aid is simply a subsidy to the exporters in the rich countries.

We offer through the Export-Import Bank certain financial facilities for American exporters.

Perhaps they should be liberalized somewhat to accommodate some of the development lending now done by AID.

But when it comes to providing others with capital to buy things in the United States, that business should be conducted on a businesslike basis.

Borrowers come to a bank, like the Export-Import Bank, because they want to buy something in the United States.

That is purpose enough, and we do not have to dress that business up as development aid.

Here we run into that old foreign aid numbers game again.

We are told that capital, subsidized capital from the rich countries, is the first need of poor countries today.

We are not told that subsidies to exporters in the rich countries are needed, or are what so many exporters desire.

This seems to me to be a dangerous game, pretty much like a con game in which only the dealer can win.

To falsify the real price of capital in a poor country is not progress or development.

It is simply inhumane treatment.

It could mean sentencing millions to misery if the capital thus provided deprived more people of a livelihood than it employed by exhausting their resources and limiting their income.

After all, poor countries have in the main one natural advantage in the competition among nations and that is a potentially vast pool of labor.

If foreign aid does not build on that advantage, it cannot be called humane.

We need a new American purpose in foreign aid because we are an activist people and because real inequalities in welfare among societies today affront our sense of justice.

But injustices cannot be expressed in terms of Gross National Product, nor can they be overcome by falsifying the function of capital in society.

No manipulation of foreign aid funds, no benevolent banker of poor countries, can buy us out of what is a historical predicament that promises to be with us for generations.

The real opportunity of the rich countries is not to offer subsidized capital but to see their own economies in global terms.

They must create more and more room in the world market for the production of the poorer countries simply to insure expanding opportunities for themselves.

More than anything else this means expanding the purchasing power of the people of the less affluent nations.

This is particularly important now that we live in a state of more or less permanent inflation because there is so much to do here at home.

Without more and more sources of production in the world markets, without the discipline of international competition, costs and prices in the rich countries will become even more absurdly unrelated to real human welfare than they are now.

When a haircut comes to cost $10 in Washington or Paris or Tokyo, it is not going to be forty times better than a haircut that still costs a quarter in Bombay.

There is so much hypocrisy in the rich countries' attitude toward foreign aid.

To subsidize exports in the name of foreign aid, while at the same time barring imports from the very countries to which the aid is flowing, is not a new purpose—it is a very old hypocrisy.

If the rich countries really care about the plights of the poor, they will accept President Nixon's challenge to institute a system of global trade preferences designed to assure poor countries the right to compete in the world market with their new production.

We should also try to enter into agreements so that the rich countries do not use poorer countries as pawns in the international trade wars.

After all, the most serious and damaging effect on our own economy comes not from the poorer countries but from the most prosperous nations.

I said I was in favor of divorcing the saints and the sinners of foreign aid in order to reduce the temptation that the present marriage provides for all those who want to play at intervention.

But obviously it is not always easy to tell the saints from the sinners in this business.

To search for a new purpose is much more difficult than the proponents of foreign aid would have us believe.

Perhaps if we abandon the numbers game, perhaps if we stop talking about vague concepts like development and start concentrating on the real possibilities of making technology the servant of the very poor who crowd the hot climates of the world, perhaps if the rich countries really begin to see their economies in global terms—perhaps only then will a new purpose emerge.

All of us are hoping that the President will give us a new direction, for not to do so would be to admit to a failure on our part.

Foreign policy must appeal to something more than very narrow notions of national interest if it is to enjoy sustained public support in this country.

Foreign aid used to suggest such a dimension.

At the same time a nation that can only express such purposes in terms of dollars is a nation in search, not of a new purpose, but merely of a sop to its conscience or a gratification to its desires.

Foreign aid is not worth it as a sop to our conscience for we will probably do more harm than good with it.

To sum up my remarks on foreign aid programs, I have these recommendations to make:

First. Do not use aid as an excuse for intervention in the affairs of smaller, poorer countries;

Second. Stop using the Gross National Product as a yardstick for comparing rich and poor countries;

Third. Use international banks for the business for which banks are intended, not for imposing our moral or political beliefs on the needy people of poorer countries;

Fourth. Recognize the fact that much of our aid programs over the past 10 years have simply made rich countries richer and poorer countries more discouraged.

In the absence of a new American purpose, perhaps it would be better to close the books on the past two decades of American foreign aid programs and leave the work to international agencies with such support from us as their performance warrants.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. AIKEN. I yield.

Mr. MANSFIELD. I was delighted to receive a copy of the Senator's speech before he gave it. I have not given it as much detailed study as I would like, but I do appreciate the accent which he stresses, the emphasis which the Senator places upon people-to-people assistance rather than government-to-government assistance. The latter, I think, by and large, has been in all too many instances a complete failure.

The summing up of recommendations which the distinguished Senator would

make for carrying out the foreign aid program meets with my approval. I think he has exposed some methods which have surrounded this program for too long. This idea of using the gross national product as a measure of what it means or does not mean—anyone can twist that as he sees fit. The suggestion that there should be more internationalization, certainly, I think is worth a great deal; and most important, the Senator's No. 1 recommendation, "Do not use aid as an excuse for intervention in the affairs of smaller, poorer, countries," I believe is most sound.

I commend the distinguished Senator.

Mr. AIKEN. Mr. President, I appreciate the remarks of our majority leader, and would tell him that I would have given him an advance copy of these remarks sooner, except that they were finished only about a half hour before I started delivering them.

Mr. MANSFIELD. May I say that in that respect the distinguished Senator reminds me many times of Adlai Stevenson, who was never able to get his talks down on paper until just before he started to speak. But I am delighted to to have this copy.

Mr. AIKEN. Sometimes all of us slow down and have to be pushed up against a deadline before we can get to work.

But I particularly wanted to point out the travesty of using the gross national product in comparing the welfare of people in poor countries with the welfare of people in rich countries.

The gross national product is all right as a means of comparing ourselves with Japan or Western Europe; but when it comes to comparing our situation, our welfare, with that of people who live in some of the very poor tropical countries, the use of GNP for this purpose is simply a farce.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Maine (Mr. MUSKIE) is recognized for 10 minutes.

ERA OF NEGOTIATION?—PART I

Mr. MUSKIE. Mr. President, this morning, representatives of the United States, Saigon, Hanoi, and the Vietcong met for the 60th session of the Paris Vietnam peace talks. Nothing was accomplished, just as nothing has been accomplished on the negotiating front at any of the other Paris sessions since Ambassador Henry Cabot Lodge resigned his post, 126 days ago.

While the charade of talks goes on, the war continues in Vietnam and threatens to spread in other parts of Southeast Asia. Laos is a battleground and Cambodia is in turmoil. We teeter on the edge of a wider war without a semblance of an effort to negotiate a peace settlement in that troubled part of the world.

A negotiated settlement is the only answer that makes sense in Southeast Asia, for those who live there and for the United States. A military solution is not viable for Vietnam, and it cannot bring peace in other countries of that region.

Unfortunately, Mr. President, the administration does not seem to be committed to a negotiated settlement. While it pursues the goal of false optimism with Vietnamization, the war goes on, casualties are up, and the dangers to world peace escalate. We are now told that the most the administration is planning, and the best it can achieve under Vietnamization is to have 225,000 troops left in Vietnam at the end of 1971—21 months from now.

This is a matter of grave concern to me and to other Members of the Senate. It is a matter which cannot be brushed aside by vague assurances and an attitude of wait and see.

I believe the time has come for the administration to turn its attention to a genuine effort toward a negotiated settlement, or to tell the American people why they have written off negotiations as the best way to end the fighting and the killing in Vietnam. For these reasons, Mr. President, I intend to raise the question about a negotiated end to the war in Vietnam each week in the Senate, until a successor to Mr. Lodge has been named and until some meaningful steps have been taken toward a settlement in Paris.

INCREASING DOUBTS

Each week more questions are being raised about the wisdom of the administration's policies and the directions in which they are leading us. A common thread unites the critics. The tragic conflict in Vietnam will know no satisfactory conclusion other than by negotiation.

As Gen. Matthew B. Ridgeway wrote in the New York Times, March 14, 1970:

> Many continue to argue that a military solution, or 'victory', in Vietnam has all along been within our reach, that nothing less would serve our interests. I believe such a solution is not now and never has been possible under conditions consistent with our interests. . . .
>
> A negotiated settlement, which I think we would all prefer, and which I believe we must ultimately reach, will be unattainable unless we retain the initiative and face up to these problems now.
>
> Regardless of how much this may tax the wisdom and determination of our Government and the patience of our people, our decision is, I believe, the prudent one, and we should channel its execution into the mainstream of our long-range national interests.

Arthur M. Cox, in an article in the "Outlook" section of the March 22, 1970, Washington Post, noted the inconsistency in President Nixon's policies, when he wrote:

> The President says Vietnamization is a plan "which will bring the war to an end regardless of what happens on the negotiating front." That is an impossibility which has been allowed to go unchallenged. The war will end only when one side wins a military victory or when a settlement has been negotiated. Since Vietnamization rules out serious negotiation, the only conceivable other assumption must be that the President is counting on the South Vietnamese to win their own war.

Commenting on recent events in Laos and Cambodia, the St. Louis Post-Dispatch of March 22, 1970, noted in an editorial:

> The coup in Cambodia and Communist military success in Laos reemphasize what has been clear ever since the Geneva Conference of 1954—that peace in the whole Indochina peninsula depends on making peace in Vietnam.
>
> If the Nixon administration had the wit to recognize this, it would forget about Vietnamizing the war and set about negotiating a Vietnam settlement, which in turn would make possible peace in both Cambodia and Laos. Unfortunately and tragically, the administration appears to be bent on moving in precisely the opposite direction—toward expansion of the war in Laos and Cambodia as a means of supporting the policy of Vietnamization. If this is an accurate estimate of its course, then the Nation is being condemned to more and more years of war in Asia after being solemnly promised an end to it.

CONFRONTATIONS VERSUS NEGOTIATIONS

Fourteen months ago, President Nixon declared in his inaugural address that the United States would, under his administration, forsake "the era of confrontation" for "an era of negotiation" in international relations. His intentions were applauded.

On our most vexing international relations problem, ending the Vietnam war, the longest war in our history, the President said later that his administration was "proceeding in our pursuit for peace on two fronts—a peace settlement through negotiations, or if that fails, ending the war through Vietnamization."

How do those words square with the administration's failure to name a high-level replacement for Ambassador Lodge as our chief negotiator at the Paris Vietnam peace talks for more than 4 months of the 14 months of the new Nixon "era of negotiation"?

Mr. President, the administration's declarations on trying to end the war in Vietnam through negotiations are in conflict with its record of performance.

Let me focus today on just one aspect of the problem—the impact of the 4-month vacancy in the office of the top U.S. negotiator in Paris.

Our interim representative in Paris, Philip Habib, is an able career Foreign Service officer. He probably knows as much or more about Vietnam than any public servant now working for the Government. But he has not had prior ambassadorial rank. He is not a confidant of the President. He does not have the prestige needed to deal with the Communists, to explore proposals they may make, or to take initiatives on our behalf. He is at a hopeless disadvantage in his assignment.

Mr. Habib was the No. 3 man on the U.S. delegation, first under Ambassadors Harriman and Vance, and then under Ambassadors Lodge and Walsh. The North Vietnamese and Vietcong delegates have made it clear, time and again, that their top people will not engage in major discussions with representatives from our side who in their view, lack top credentials.

They made this clear in the past as well as in the present. When Averell Harriman was not present, his able deputy, Cyrus Vance, was never able to meet with their top man. I believe the same situation prevailed during Ambassador Lodge's tenure. Since Ambassador Lodge resigned, the Communists have not once sent their chief negotiators to the talks, and they have told us publicly and pri-

vately that they will not engage in serious talks with Mr. Habib.

This may seem a mere matter of protocol to some, but I believe it amounts to shortchanging the negotiations on the part of the Nixon administration. Obviously, North Vietnam, a country of fewer than 20 million people, is going to be acutely conscious of such matters in dealing with the United States, one of the world's two superpowers, with more than 10 times its population.

This is, moreover, an unfortunate and foolish time to be disadvantaged by the level of our representation in Paris. Le Duc Tho, a member of Hanoi's politburo and acknowledged as one of the top 10 in the North Vietnamese power structure, returned to Paris recently after an absence of many months. But we have been unable to engage in any discussions with him because he will not do business with anyone Hanoi considers of lesser rank.

This imbalance is accentuated by the representatives of the two South Vietnamese parties. The Vietcong representative, Madame Binh, holds the rank of "foreign minister of the provisional revolutionary government." Since General Ky left Paris early last year, the Government of South Vietnam has been represented by Ambassador Lam, who now frequently fails to appear and sends a deputy to the weekly meetings. Apparently he wants to strike a pose of equality with the second-rank representation of the Communists.

This is a problem we have caused by our failure to replace Ambassador Lodge with a representative of equal rank. Even when Lam has been present at the sessions, he has been a negotiator of limited means, who has to obtain authority for virtually every move, no matter how minor, from his superiors in Saigon.

QUESTIONS NEEDING ANSWERS

Mr. President, what is the administration trying to convey by this unfortunate diplomatic-protocol gap in Paris?

Is it so pleased with the progress and future of Vietnamization that it feels that the whole conflict can be settled to our satisfaction by force? Or does it feel that the reduced but still enormous U.S. troop presence in the south is inadequate to let us speak effectively to Hanoi or Saigon, to get them to resolve their differences by negotiation?

What has the administration done to get Saigon to send to Paris a representative both able and willing to negotiate?

How does the administration propose to deal with the related instability and conflict in Laos and Cambodia?

Is the administration so certain, in the face of some contrary evidence, that Hanoi's position in Paris is one of total intransigence? Even if the administration is so convinced, does this mean it has no obligation to probe and to try? Does it believe the tough bargaining necessary to achieve a negotiated end to the war is not worth the time of a top-level appointment as our chief negotiator in Paris?

Has the administration written off negotiations? If not, what are its preconditions for resuming meaningful negotiations? Is it, in effect, asking North Vietnam to surrender?

Is the administration playing a game where the next move can be made only by the other side?

Have we given up the initiative toward peace to the other side?

I raise these questions, Mr. President, because they must be answered if we are to know what the administration's real intentions are with respect to Vietnam and the rest of Southeast Asia. We have been told that the administration has a plan for peace in Vietnam, but the hard questions remain.

I believe the American people have a right to get some answers to those questions, and I intend to raise them each week until they are answered.

Mr. GRIFFIN. Mr. President, will the Senator yield for a moment?

Mr. MUSKIE. I yield.

Mr. GRIFFIN. Mr. President, I listened with interest to the statement of the distinguished Senator from Maine. I am sure he does not intend to leave the impression or suggestion that the North Vietnamese have been negotiating or seeking to negotiate in good faith in Paris; or does he believe that is the case?

Mr. MUSKIE. I understand the questions I have asked leave impressions. The questions were very carefully asked.

These impressions would not exist if we were to get tangible reassurance from the administration that it considers the negotiations, though difficult, important to our national interest.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MUSKIE. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes so that I may respond to the Senator from Michigan.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE. We have learned from our experience of over a quarter of a century that negotiating with the Communists can be a time-consuming, drawn out, and frustrating experience, we learned that during the negotiations following Korea; we learned that from our experience in Berlin.

The question is whether or not, notwithstanding these difficulties and frustrations, we regard this process, however difficult, as significant and important to our interests.

The question raised by the Senator's question is whether or not the administration—which he is in a better position to represent than I—has decided that the next initiative in Paris will be taken only by the other side and not by us.

Mr. GRIFFIN. Mr. President, will the Senator yield further for a brief observation?

Mr. MUSKIE. Yes.

Mr. GRIFFIN. Of course, I cannot let the record stand without noting that for many months the distinguished and very able former ambassador to the United Nations, Mr. Lodge, represented us in Paris; that every effort was made and has been made throughout many long, long months of negotiating to reach some kind of agreement with the Communists at the negotiation table in Paris; and I also would dispute any suggestion that his successor who now represents the United States in Paris is not most able, most capable, most distinguished, and most qualified to represent this Nation at Paris.

Further, I wish to remind the Senator and note for the RECORD that the United States at all times has been willing and eager to consider any good-faith offer or serious suggestion which the North Vietnamese might put forth at any time. That has been true, it continues to be true, and it will continue to be true.

I thank the Senator for yielding.

Mr. MUSKIE. Whatever any of us say on this subject leaves impressions. The impressions I get from the Senator's comments are: First, because of the frustrations Ambassador Lodge faced prior to his resignation, we decided not to seriously pursue negotiations in Paris, and second, as a result of that experience, if any initiative is taken in Paris, it will have to be taken by the other side. I hope those impressions are erroneous. I raised questions in my prepared remarks which, if answered, would correct those impressions.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the order of yesterday, the Senate will now proceed to the consideration of routine morning business, with statements limited to 3 minutes.

The Chair recognizes the Senator from Vermont.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. SPONG) laid before the Senate the following letters, which were referred as indicated:

PROPOSED APPROPRIATIONS TO CARRY OUT THE PROVISIONS OF THE FLAMMABLE FABRICS ACT

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize appropriations for fiscal years 1971, 1972, and succeeding fiscal years to carry out the Flammable Fabrics Act, as amended (with accompanying papers); to the Committee on Commerce.

REPORT ON THE NATIONAL ESTUARY STUDY

A letter from the Secretary of the Interior, transmitting, pursuant to law, volumes 2 through 7 of a report on the national estuary study (with accompanying documents); to the Committee on Commerce.

PROPOSED LEGISLATION AUTHORIZING THE DISTRICT OF COLUMBIA COUNCIL TO FIX RATES CHARGED FOR WATER, WATER SERVICE AND SANITARY SEWER SERVICES

A letter from the Assistant to the Commissioners transmitting a draft of proposed legislation to authorize the District of Columbia Council to fix the rates charged by the District of Columbia for water and water services and for sanitary sewer services (with an accompanying paper); to the Committee on the District of Columbia.

PROPOSED LEGISLATION TO LOWER THE MANDATORY RETIREMENT AGE FOR FOREIGN SERVICE OFFICERS WHO ARE CAREER MINISTERS

A letter from the Secretary of State, transmitting a draft of proposed legislation to amend the Foreign Service Act of 1946, as amended, to lower the mandatory retirement age of Foreign Service officers who are career ministers (with accompanying papers); to the Committee on Foreign Relations.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on U.S. imports of watch movements duty free from Virgin Islands which benefit the islands' economy, Department of the Treasury, Commerce, and the Interior (with an accompanying report); to the Committee on Government Operations.

PROPOSED LEGISLATION CONCERNING ILLEGAL USE, TRANSPORTATION, OR POSSESSION OF EXPLOSIVES

A letter from the Attorney General of the United States, transmitting a draft of proposed legislation to amend section 837 of Title 18, United States Code, to strengthen the laws concerning illegal use, transportation, or possession of explosives and the penalties with respect thereto, and for other purposes (with accompanying papers); to the Committee on the Judiciary.

PETITION

The ACTING PRESIDENT pro tempore (Mr. SPONG) laid before the Senate a concurrent resolution of the Legislature of the State of Hawaii, which was referred to the Committee on the Judiciary, as follows:

HOUSE CONCURRENT RESOLUTION 14

Requesting congressional action on the repeal of the Emergency Detention Act of 1950

Whereas, Title II of the Internal Security Act of 1950, otherwise known as the Emergency Detention Act of 1950, provides that upon declaration by the President of the United States of a state of "internal security emergency," the President through the United States Attorney General, may apprehend and by order detain any person as to whom there is reasonable ground to believe that such person probably will engage in, or probably will conspire with others to engage in, acts of sabotage or espionage; and

Whereas, Title II does not provide for a trial by jury or even before a judge, nor does it provide appeal to the courts, such civil rights and liberties being guaranteed under the United States Constitution, substituting instead the judgment of the Preliminary Hearing Officer appointed by the Attorney General and a Detention Review Board composed of members appointed de facto and paid by the Attorney General, the very official who initiates the proceedings for the apprehension and detention of the suspect; and

Whereas, this country has already experienced the tragic and regrettable consequences of the unnecessary and unwarranted internment of over 100,000 Americans of Japanese ancestry in detention camps during World War II without due process of law; and

Whereas, the Emergency Detention Act of 1950 was the product of another era when cold war tensions were at a fever pitch and when Communist subversion was the great national fear, however, in the last two decades our socio-political climate has changed greatly and other more meaningful, just, and effective laws and procedures to safeguard internal security could be used; and

Whereas, it is now imperative to eliminate a meaningless provision that has been used to generate equally meaningless fears among minority groups, and to remove the specter of concentration camps which remains in America as long as such a provision remains law; and

Whereas, approximately nine bills have been introduced in the 91st Congress thus far calling for the repeal of Title II of the Internal Security Act of 1950 largely through the combined efforts of Senator Daniel K. Inouye and Representative Spark M. Matsunaga and which have been co-sponsored by an unprecedented one-fourth of the membership of the Congress; now, therefore,

Be it resolved by the House of Representatives of the Fifth Legislature of the State of Hawaii, Regular Session of 1970, the Senate concurring, that the President of the United States, the Vice-President of the United States, the Speaker of the United States House of Representatives, United States Senator Hiram L. Fong, United States Senator Daniel K. Inouye, United States Representative Spark M. Matsunaga, United States Representative Patsy T. Mink, and the chairmen of the respective congressional committees considering those bills calling for the repeal of Title II of the Internal Security Act of 1950, be, and hereby are, requested to take whatever action is necessary, including the holding of and participation at public hearings on the subject, to ensure the repeal of Title II of the Internal Security Act of 1950; and

Be it further resolved that duly certified copies of this Concurrent Resolution be transmitted to Richard M. Nixon, President of the United States; to Spiro T. Agnew, Vice-President of the United States; to John W. McCormack, Speaker of the United States House of Representatives; to each member of Hawaii's delegation to the United States Congress; and to the chairmen of the respective congressional committees which will be or presently are considering those bills calling for the repeal of Title II of the Internal Security Act of 1950.

ENROLLED BILL SIGNED

The ACTING PRESIDENT pro tempore (Mr. SPONG) announced that on today, March 26, 1970, he signed the enrolled bill (S. 2593) to amend the Immigration and Nationality Act to facilitate the entry of certain nonimmigrants into the United States, and for other purposes, which had previously been signed by the Speaker of the House of Representatives.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. LONG, from the Committee on Finance, with amendments:

H.R. 14705. An act to extend and improve the Federal-State unemployment compensation program (Rept. No. 91–752).

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. FONG:

S. 3642. A bill to provide for the addition of certain property to Hawaii Volcanoes National Park in the State of Hawaii, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. FONG when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. SCOTT (for himself, Mr. BROOKE, Mr. ALLOTT, Mr. BIBLE, Mr. BURDICK, Mr. CASE, Mr. COOPER, Mr. DODD, Mr. DOLE, Mr. GOODELL, Mr. GRAVEL, Mr. HARRIS, Mr. HARTKE, Mr. KENNEDY, Mr. MCINTYRE, Mr. MUSKIE, Mr. PACKWOOD, Mr. PELL, Mr. PERCY, Mr. RANDOLPH, Mr. SAXBE, Mr. SCHWEIKER, Mr. TYDINGS, Mr. WILLIAMS of New Jersey, and Mr. NELSON):

S. 3643. A bill to provide for the issuance of a gold medal to the widow of the Reverend Dr. Martin Luther King, Jr., and the furnishing of duplicate medals in bronze to the Martin Luther King, Jr. Memorial Fund at Morehouse College and the Martin Luther King, Jr. Memorial Center at Atlanta, Ga.; to the Committee on Banking and Currency.

(The remarks of Mr. SCOTT when he introduced the bill appear earlier in the RECORD under the appropriate heading.)

By Mr. SMITH of Illinois:

S. 3644. A bill to amend the Federal Aviation Act of 1958 in order to authorize free or reduced rate transportation for blind persons and persons in attendance, when the blind person is traveling with such an attendant; and

S. 3645. A bill to authorize appropriations to be used for the elimination of certain rail-highway grade crossings in the State of Illinois; to the Committee on Commerce.

(The remarks of Mr. SMITH when he introduced the bills appear later in the RECORD, under the appropriate heading.)

By Mr. MCINTYRE:

S. 3646. A bill for the relief of Bernardino Rossetti; to the Committee on the Judiciary.

By Mr. TYDINGS (by request):

S. 3647. A bill to authorize the Commissioner of the District of Columbia to lease airspace above and below freeway rights-of-way within the District of Columbia, and for other purposes;

S. 3648. A bill to provide improvements in the administration of health services in the District of Columbia, and for other purposes; and

S. 3649. A bill relating to the rental of space for the accommodation of District of Columbia agencies and activities, and for other purposes; to the Committee on the District of Columbia.

By Mr. HRUSKA:

S. 3650. A bill to amend section 837 of title 18, United States Code, to strengthen the laws concerning illegal use, transportation, or possession of explosives and the penalties with respect thereto, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. HRUSKA when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. NELSON:

S. 3651. A bill to amend section 510(h) of the Federal Food, Drug, and Cosmetic Act so as to require inspection thereunder at least once every 6 months of factories, warehouses, and establishments in which food, drugs, devices, and cosmetics are manufactured, processed, packed, or held; and

S. 3652. A bill to amend the Federal Food, Drug, and Cosmetic Act, as amended, to require that the label of drug containers, as dispensed to the patient, bear the established name of the drug dispensed; to the Committee on Labor and Public Welfare.

(The remarks of Mr. NELSON when he introduced the bills appear later in the RECORD under the appropriate headings.)

By Mr. DODD:

S. 3653. A bill to amend the Gun Control Act of 1968 to provide for better control of interstate traffic in explosive components; to the Committee on the Judiciary.

(The remarks of Mr. DODD when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. MONDALE:

S. 3654. A bill for the relief of Rachid Jabbra; to the Committee on the Judiciary.

S. 3642—INTRODUCTION OF A BILL TO PROVIDE FOR THE ADDITION OF CERTAIN PROPERTY TO HAWAII VOLCANOES NATIONAL PARK, HAWAII

Mr. FONG. Mr. President, I introduce for appropriate reference a bill to provide for the addition of certain property to the Hawaii Volcanoes National Park in the State of Hawaii.

This measure would authorize the National Park Service to acquire for enlargement of the Hawaii Volcanoes National Park not more than 198,000 acres of lands by donation, or by purchase with donated or appropriated funds or by exchange. Presently the park acreage is approximately 201,007 acres of land.

With this acquisition we would preserve for posterity one of the most picturesque and wild areas in the Hawaiian Islands. As it is hoped that most of the land will be donated, the cost of enlarging the park will be minimal.

Hawaii Volcanoes National Park is situated on the gentle slopes of the volcano Mauna Loa. On this acreage is to be found the spectacular volcano crater Kilauea which continues to erupt and to provide to tourists and natives unrivaled shows of nature.

The landscape itself includes the lush growth one would expect in a semitropical climate. Many native Hawaiian trees such as the Koa and the Ohia with its bright red flowers, flourish in the park. Then, too, there are miles of sparse and desolate aa and pahoehoe lava spewed up by both recent and not-so-recent lava flows.

All of this contrasting landscape composes a beautiful and picturesque national park.

This park area has also been the site of scientific experiments. The National Aeronautical and Space Administration brought a group of astronauts to the Hawaii Volcanoes National Park to walk over the lava fields as mental preparation for the landing on the moon. The atmosphere at the high ranges of the park is ideally clear and is used as the site for astronomical observatories.

To the northwest of the present park site is Hualalai, a mountain that rises to its peak from the oceanside town of Kailua-Kona. In the Hualalai area are crevices where the earth has caved inwards. There are mounds of red and black cinders dotted with sparse vegetation. The summit of Hualalai is marked with cones and craters of past volcanic eruptions. On the slopes of Hualalai graze wild goats and pigs as well as wild turkeys and the nene, a kind of goose which is unique to Hawaii and is the official State bird.

The bill I am introducing today would extend the present boundaries of the Hawaii Volcanoes National Park to include Hualalai Mountain and the area between the park and this picturesque but lonely peak.

It would also authorize the National Park Service to acquire additional lands adjacent to the City of Refuge National Historical Park area situated at Honaunau at the base of Hualalai.

Honaunau has been restored to something of its original state when it was an ancient Hawaiian city of refuge. It was the law that any fugitive who reached Honaunau was to be free from persecution while he remained there.

The City of Refuge itself is part of the National Park Service system. The land adjacent to Honaunau is partially under private ownership and partially under trust control. Some of the private owners and trusts have expressed a desire to have some of that land deeded over to the National Park Service in order to preserve it as part of the historical park.

The bill authorizes the Secretary to acquire not more than 710 acres as an addition to the City of Refuge National Historical Park, by donation, purchase or exchange. Whatever State lands are acquired for these parks would be by donation.

The bill also authorizes the Secretary of the Interior to designate a right-of-way, together with related sites for the purpose of developing a Hawaii parkway joining the Hualalai area with the present Hawaii Volcanoes National Park and the City of Refuge National Historical Park with the Hualalai area.

I am convinced that the acquisition of these lands are essential to the preservation of this critical part of Hawaii's ecological history. These land areas provide an outdoor classroom for not only Hawaii's citizens but all of the people of our great country and those who visit Hawaii from foreign countries. Here they can see first-hand the creation and metamorphosis of once molten lava into habitable lands.

It may be that refinements will have to be made in certain details of this measure which I am introducing today. However, it does provide a starting point for consideration by the Congress and I urge the Senate Committee on Interior and Insular Affairs, the committee to which this bill is being referred, to take action on it as soon as possible.

The ACTING PRESIDENT pro tempore (Mr. SPONG). The bill will be received and appropriately referred.

The bill (S. 3642) to provide for the addition of certain property to Hawaii Volcanoes National Park in the State of Hawaii, and for other purposes, introduced by Mr. FONG, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 3644—INTRODUCTION OF A BILL TO EXTEND TRAVEL FARE CONCESSIONS TO BLIND AIRLINE PASSENGERS WHO ARE ACCOMPANIED BY SIGHTED GUIDES

Mr. SMITH of Illinois. Mr. President, I introduce for appropriate reference a bill to permit the Nation's airlines to extend travel fare concessions to blind passengers who are accompanied by sighted guides. I ask unanimous consent that the text of the bill be printed in the RECORD immediately following my remarks.

Mr. President, this is permissive legislation only, to permit that the same type of fare concessions may be granted to the blind by the airlines as are currently granted by the railroads and buslines. Travel fare concessions have been authorized and have worked successfully on buses and trains in the United States for more than 30 years and are permitted on airplanes in several European countries.

This legislation would not require any airline to grant fare concessions to the blind. Neither would it establish what type of fare concessions might be granted.

The fare concession granted most often by the buslines permits free travel for a sighted attendant when the blind passenger pays full fare.

The most common railroad fare concession allows the sighted attendant to travel free when the blind passenger pays first-class fare.

The American Council of the Blind has discussed fare concessions with a number of the airlines and receive assurances that the airlines would be favorably disposed to grant fare concessions if the Federal Aviation Act were amended to permit them to do so.

It is the policy of this Government to encourage the fullest possible participation in all aspects of life by any handicapped individual. Our legislative programs for special education, research, and vocational training programs for the handicapped testify to our concern that all Americans enjoy to the fullest the benefits of life in this country. Favorable action on this bill will make it economically more feasible for the blind to explore and expand their world of opportunity.

The PRESIDING OFFICER (Mr. HARRIS). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3644) to amend the Federal Aviation Act of 1958 in order to authorize free or reduced rate transportation for blind persons and persons in attendance, when the blind person is traveling with such an attendant, introduced by Mr. SMITH of Illinois, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3644

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 403(b) of the Federal Aviation Act of 1958 is amended by inserting after "persons in connection with such accident;" the following: "blind persons and persons with sight attending such blind persons, when the blind person is traveling with such a person in attendance;".

S. 3645—INTRODUCTION OF A BILL TO AUTHORIZE FEDERAL ASSISTANCE FOR THE ELIMINATION OF CERTAIN RAIL-HIGHWAY GRADE CROSSINGS IN THE STATE OF ILLINOIS

Mr. SMITH of Illinois. Mr. President, I introduce for appropriate reference a bill to authorize Federal assistance for the elimination of certain rail-highway grade crossings in the State of Illinois. I ask unanimous consent that the text of the bill be printed in the RECORD immediately following my remarks.

Mr. President, the State of Illinois and the Chicago area specifically form one of the major links in our national rail system. The marketplaces of the world are served by the rail centers of Illinois.

Each ground-level, rail-highway crossings in the great rail network of Illinois is a potential safety hazard where the

slightest mishap can tie up and delay the delivery of goods and the mail throughout the Nation. The elimination of these ground-level crossings will facilitate the service of the Nation's railroads to the Nation.

The PRESIDING OFFICER (Mr. HARRIS). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3645) to authorize appropriations to be used for the elimination of certain rail-highway grade crossings in the State of Illinois, introduced by Mr. SMITH of Illinois, was received, read twice by its title, referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

S. 3645

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to pay the cost of each project to eliminate a ground-level, rail-highway crossing on those railroad routes in the State of Illinois, used in connection with the rail transportation of freight or passenger traffic. Each project to eliminate such a crossing shall be subject to section 130 of title 23, United States Code, in the same manner and to the same extent as any other project subject to such section, except that the entire Federal cost of a project for which payment is authorized by this Act shall be paid out of sums appropriated to carry out this Act and not from amounts apportioned to a State in accordance with section 104 of title 23, United States Code. Payments under this Act shall be made by the Secretary of Transportation to the State of Illinois in accordance with such rules and regulations as he deems necessary to protect the interests of the United States.

S. 3650—INTRODUCTION OF BILL TO STRENGTHEN FEDERAL CRIMINAL LAWS CONCERNING ILLEGAL USE, TRANSPORTATION AND POSSESSION OF EXPLOSIVES

Mr. HRUSKA. Mr. President, I introduce a bill which is designed to strengthen the Federal criminal laws concerning the illegal use, transportation, and possession of explosives. I am introducing this bill at the request of the Attorney General and ask that it be appropriately referred.

The country is being subjected to a rising tide of terrorism. In Washington, D.C., the Nation's Capital, on one day earlier this month, there were 28 bomb threats. On the same day in New York City, there were 161 bomb threats. That same night, a building in Buffalo, N.Y., was seriously damaged by an explosion.

During the last 3 months, more than a score of bombs have exploded in more than a dozen different cities, killing at least six persons and injuring at least 15. The property damage has run well into the millions of dollars. This terrorism must be stopped.

The bill modifies existing law, as found in 18 U.S.C. 837, in several respects. First, a new subsection is added to cover malicious damage to Federal property, when that damage is caused by explosives. Another subsection is included to cover malicious damage to real and personal property used for business purposes by persons engaged in "commerce." Other modifications are made to the penalty sections.

The bill submitted by the administration is designed to carry out the commitment made by the President of the United States to deal with this recent rash of bombings.

I ask unanimous consent that a copy of the statement of the President, the letter of transmittal from the Attorney General to the Vice President, be printed in the RECORD along with the bill and a section-by-section analysis.

The PRESIDING OFFICER (Mr. ALLEN). The bill will be received and appropriately referred; and, without objection, the bill, statement of the President, the letter of transmittal and the section-by-section analysis will be printed in the RECORD.

The bill (S. 3650) to amend section 837 of title 18, United States Code, to strengthen the laws concerning illegal use, transportation, or possession of explosives and the penalties with respect thereto, and for other purposes, introduced by Mr. HRUSKA, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 3650

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 837 of Title 18, United States Code is amended to read as follows:

§ 837. *Explosives—illegal transportation, use or possession; threats or false information.*

"(a) As used in this section—

"'commerce' means commerce between any State, the District of Columbia, or any Commonwealth, Territory or possession of the United States, and any place outside thereof; or between points within the same State, the District of Columbia, or any Commonwealth, Territory or possession of the United States but through any place outside thereof; or within the District of Columbia, or any Territory or possession of the United States;

"'explosive' means gunpowder, powder used for blasting, all forms of high explosives, blasting materials, fuzes (other than electric circuit breakers), detonators, and other detonating agents, smokeless powders, other explosive or incendiary devices within the meaning of paragraph (5) of section 232 of this title, and any chemical compounds, mechanical mixture, or device that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities, or packing that ignition by fire, by friction, by concussion, by percussion, or by detonation of the compound, mixture, or device or any part thereof may cause an explosion.

"(b) Whoever transports or receives, or attempts to transport or receive, in commerce any explosive with the knowledge or intent that it will be used to kill, injure, or intimidate any individual or unlawfully to damage or destroy any building, vehicle, or other real or personal property, shall be imprisoned for not more than ten years, or fined not more than $10,000, or both; and if personal injury results shall be imprisoned for not more than twenty years or fined not more than $20,000, or both; and if death results shall be subject to imprisonment for any term of years, or to the death penalty or to life imprisonment as provided in section 34 of this title.

"(c) Whoever, through the use of the mail, telephone, telegraph, or other instrument of commerce, willfully makes any threat, or maliciously conveys false information knowing the same to be false, concerning an attempt or alleged attempt being made, or to be made, to kill, injure, or intimidate any individual or unlawfully to damage or destroy any building, vehicle, or other real or personal property by means of an explosive shall be imprisoned for not more than five years or fined not more than $5,000, or both.

"(d) Whoever maliciously damages or destroys, or attempts to damage or destroy, by means of an explosive, any building, vehicle or other personal or real property in whole or in part owned, possessed, or used by, or leased to, the United States or any department or agency thereof, shall be imprisoned for not more than ten years, or fined not more than $10,000, or both; and if personal injury results shall be imprisoned for not more than twenty years, or fined not more than $20,000, or both; and if death results shall also be subject to imprisonment for any term of years, or to the death penalty or to life imprisonment as provided in section 34 of this title.

"(e) Whoever possesses an explosive in any building in whole or in part owned, possessed, or used by, or leased to, the United States or any department or agency thereof, except with the written consent of the agency, department or other person responsible for the management of such building shall be imprisoned for not more than one year, or fined not more than $1,000, or both.

"(f) Whoever maliciously damages or destroys, or attempts to damage or destroy, by means of an explosive, any building, vehicle, or other real or personal property used for business purposes by a person engaged in commerce or in any activity affecting commerce shall be imprisoned for not more than ten years or fined not more than $10,000, or both; and if personal injury results shall be imprisoned for not more than twenty years or fined not more than $20,000, or both; and if death results shall also be subject to imprisonment for any term of years, or to the death penalty or to life imprisonment as provided in section 34 of this title.

"(g) Whoever possesses an explosive with the knowledge or intent that such explosive will be transported or used in violation of this section shall be imprisoned for not more five years or fined not more than $5,000, or both.

"(h) Nothing in this section should be construed as indicating an intent on the part of Congress to prevent any State, Territory, or possession of the United States, or the District of Columbia, from exercising jurisdiction over any offense over which it would have jurisdiction in the absence of this section, nor shall anything in this section be construed as depriving State and local law enforcement authorities of responsibility for investigating and prosecuting actions that may be violations of this section and that are violations of State and local law.

"(i) No investigation or prosecution of any offense described in this section shall be undertaken by the United States except upon a determination by the Attorney General, or an Assistant Attorney General designated by the Attorney General, that in his judgment an investigation or prosecution by the United States is in the public interest."

SEC. 2. The reference to section 837 in the analysis of Chapter 39, Title 18, United States Code, is amended to read as follows:

"837. Explosives—illegal transportation, use or possession; threats or false information."

The material, presented by Mr. HRUSKA, is as follows:

STATEMENT BY THE PRESIDENT

Recent months have brought an alarming increase in the number of criminal bombings in the cities of our country. In recent weeks, the situation has become particularly acute, as telephoned threats and actual bombings have sent fear through many American communities.

Schools and public buildings have had to be evacuated; considerable property has been destroyed; lives have been lost. Clearly, many of these bombings have been the work of political fanatics, many of them young criminals posturing as romantic revolutionaries. They must be dealt with as the potential murderers they are.

Under existing law, the transport of explosives across the State lines is, under some circumstances, a Federal crime. I am proposing an extensive strengthening and expansion of that law. In the proposals being sent to the Congress, it is asked that:

Anyone involved in the transport or receipt in commerce of explosives, intending their unlawful use, be made subject to imprisonment for ten years or a fine of $10,000 or both. The current maximum penalty is a single year in prison or a thousand dollar fine or both.

The maximum penalty be doubled to twenty years in prison or a twenty thousand dollar fine or both if anyone is injured as the ultimate result of such transport of explosives.

Penalties for bomb threats be raised from one year in prison to a maximum of five years or five thousand dollars fine or both.

Incendiary devices be included in the category of "explosives," bringing such devices under the anti-bombing provisions.

Use of explosives to damage or destroy any building, vehicle or other property owned or leased to the Federal government be made a Federal crime.

Possession, without written authorization, of any explosive in such a building be made a Federal crime.

Use of explosive to damage or destroy any building or property used for business purposes by any person or firm engaged in interstate commerce, or in any activity affecting such commerce, be made a Federal crime.

Possession of explosives with the intent to damage either Federal property or property used in its business by a person engaged in interstate commerce also be made a Federal crime.

The individual engaged in the transport or use of explosives in violation of these provisions be made subject to the death penalty if a fatality occurs.

Our purpose in bringing these crimes under Federal jurisdiction is not to displace State or local authority. Federal investigations and prosecutions would begin only after the Attorney General had determined that intervention by the national government is necessary in the public interest. Our purpose is rather to assist State and local governments in their efforts to combat the multiplying number of acts of urban terror. I am also asking that Law Enforcement Assistance Administration funds be specifically designated for special training programs for State and local law enforcement agencies to aid them in coping with this latest threat to the public safety and to the maintenance of a free and open society.

The anarchic and criminal elements who perpetrate such acts deserve no more patience or indulgence. It is time to deal with them for what they are.

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: There is enclosed for your consideration and appropriate reference a legislative proposal "To amend Section 837 of Title 18, United States Code, to strengthen the laws concerning illegal use, transportation, or possession of explosives and the penalties with respect thereto, and for other purposes."

This proposed legislation is designed to assist in the carrying out of the President's commitment to deal with the recent series of bomb explosions and bombing threats. It would revise 18 U.S.C. 837 to expand its scope, improve its effectiveness, and increase its penalties in several significant respects. The potential large loss of life, the destruction of property, and the disruption of the daily activities of our people, our economy and our government all require that we act promptly.

First, the definition of explosives in subsection (a) has been expanded, chiefly by including the definition of explosive and incendiary device in section 232 of the same title, which section more specifically covers devices such as "Molotov cocktails".

Second, subsection (b) of section 837, which now deals with the offense of transporting an explosive with the knowledge or intent that it will be used in cretain wrongful ways, has been substantially broadened both as to the overt conduct covered and as to the range of known or intended wrongful uses that are specified. The present basic penalties of up to a year's imprisonment or a fine of up to $1,000 or both, have been increased to up to ten years or $10,000, or both. These would be doubled if personal injury resulted, with additional imprisonment for up to a life term or the death penalty if death resulted.

Third, subsection (c), dealing with willfully conveying threats or information known to be false (now covered by subsection (d)), has been revised with respect to the subject matter and character of the threats or false information to relate more directly and effectively to bombing threats and malicious bombing scares. The maximum penalties have been increased from a year's imprisonment and a $1,000 fine, to five years and a $5,000 fine.

Fourth, a new subsection (d) is proposed to cover malicious damage or destruction by explosives of federal premises and other federal property. The range of penalties in this subsection, ranging up to the death penalty if death results, is the same as that proposed for subsection (b).

Fifth, a new subsection (e), with lesser penalties, covers unauthorized possession of explosives in federal buildings, including buildings used by or leased in whole or in part to federal agencies.

Sixth, a new subsection (f) covers malicious damage or destruction of real or personal property used for business purposes by persons or firms engaged in commerce or activities affecting commerce. The range of penalties is the same as in subsection (b) and (d).

Seventh, a new subsection (g) covers possession of explosives with the knowledge or intent that they will be transported or used to violate the section. Penalties of up to five years imprisonment, a $5000 fine, or both, are prescribed.

Eighth, present subsection (e) of the section, dealing with the effect of the section on State laws, has been revised as subsection (h) to emphasize State law enforcement responsibility.

Finally, since the Federal Government cannot possibly have the manpower and facilities to become involved in every bomb threat or bombing incident, and because the investigation and prosecution of most such incidents are State and local responsibilities, a new subsection (i) has been added to make certain that federal action under the section will not be undertaken except upon high level authorization in each case.

A section-by-section analysis of the proposal is enclosed and further explains its provisions.

This legislation will, in the view of this Department, provide legal tools of substantial value in dealing with the unfortunate and continuing rash of bombings and bomb threats. The Bureau of the Budget has advised that its enactment would be in accord with the Program of the President.

Sincerely,

———— ————,
Attorney General.

ANALYSIS OF LEGISLATIVE PROPOSAL TO AMEND 18 U.S.C. 837, RELATING TO EXPLOSIVES

Section 1 of the measure amends section 837 of title 18, United States Code, recasting it in nine subsections. The changes are as follows:

1. *Subsection* (*a*) expands the definition of "explosive" in present subsection (a), primarily to include explosive or incendiary devices as defined in 18 U.S.C. 232. Technical revisions are also made in the definition of "commerce."

2. *Subsection* (*b*) presently makes it a crime to transport explosives in interstate commerce with the knowledge or intent that they will be used to damage or destroy property for the purpose of interfering with its use for specific objectives or for the purpose of intimidating any person pursuing such objectives. The bill would amend subsection (b) to include receipt as well as transportation; apply to attempts; cover movement in "commerce" rather than "interstate commerce" so as to embrace movement wholly within areas, such as the District of Columbia, which are subject to plenary federal jurisdiction, and clearly to embrace movement originating and terminating within one jurisdiction but through another one; abolish the test of specific forbidden purposes in favor of a general requirement of knowledge or intent that the explosives would be used in substantially any crime of violence; and increase the applicable penalties. Two technical amendments to subsection (b) are also made. The provision for imposing the death penalty is revised to comply with the Supreme Court's decision in *United States* v. *Jackson*, 390 U.S. 570 (1968), and the present reference in subsection (b) to aiding and abetting is deleted as unnecessary (see 18 U.S.C. 2).

3. Present subsection (c) is deleted. This subsection creates a rebuttable presumption that a person who uses an explosive for certain destructive purposes or who possesses an explosive with intent so to use it has violated subsection (b). This presumption is of dubious validity (see *Tot* v. *United States*, 319 U.S. 463 (1943), *Leary* v. *United States*, 395 U.S. 6 (1969)). This coupled with the ambiguous proviso at the end of the subsection has prompted its deletion.

4. *Subsection* (*c*) is a substantially revised subsection (d) of existing law, which deals with bomb threats and hoaxes. Changes are made to conform to the broadened coverage of subsection (b). The requirement of showing the specific purpose of the threat has been deleted and replaced with the more general requirement that the threat must be willful or the false information must be communicated maliciously. The maximum term of imprisonment for violation has been increased from one to five years, and the maximum fine raised from $1,000 to $5,000.

5. *Subsection* (*d*) is new. It would forbid the malicious damage or destruction of federal property by means of an explosive. The requirement of maliciousness is intended to exclude the application of this provision to accidental damage or authorized use of explosives on such property.

6. *Subsection* (*e*) is new. It would cover unauthorized possession of an explosive in a building used, possessed, occupied or leased by the Federal Government, in whole or in part. This is the only provision of the statute which punishes mere possession. Such a prohibition is justified because possession of explosives is so dangerous as to call for punish-

ment whether or not the possessor intends to use the explosives for a criminal purpose.

7. *Subsection* (*f*) is another new provision. It would cover malicious bomb damage or destruction of any real or personal property used for business purposes by a person engaged in commerce or any activity affecting commerce. Since the term "affecting commerce" embraces "the fullest jurisdictional breadth constitutionally permissible under the Commerce Clause," *NLRB* v. *Reliance Fuel Corp.*, 371 U.S. 224, 226 (1963), this is an extremely broad provision. Like subsections (b) and (d), subsection (f) provides for more severe penalties in cases where injury or death results.

8. *Subsection* (*g*) is new. This subsection would cover possession of explosives with the knowledge or intent that they will be transported or used in violation of any of the other provisions of the section. It prescribes a maximum penalty of five years imprisonment, a $5,000 fine, or both.

9. *Subsection* (*h*), formerly subsection (e), constitutes a Congressional declaration of its intent not to pre-empt the field in which the statute applies. Minor revisions have been made in phraseology.

10. *Subsection* (*i*), a further expression of Congressional intent not to displace State and local jurisdiction and responsibility, provides that this section shall not be invoked except upon the express authority of the Attorney General or a designated Assistant Attorney General, on the basis of his judgment that a federal investigation or prosecution is in the public interest. It recognizes that most bombings and bomb threats will be investigated and prosecuted by State and local law enforcement personnel.

Section 2 of the bill appropriately amends the reference to section 837 in the analysis of Chapter 39.

S. 3651—INTRODUCTION OF A BILL TO AMEND THE FEDERAL FOOD, DRUG, AND COSMETIC ACT RELATING TO FREQUENCY OF INSPECTIONS

Mr. NELSON. Mr. President, I introduce, for appropriate reference a bill to amend the food and drug law which would require that the plants of drug manufacturers be inspected at least once every 6 months rather than every 2 years as the law reads at present.

In the course of the Senate Small Business Committee's Monopoly Subcommittee's hearings on competitive problems in the drug industry, it became clear that there is a very real need for proper and continuous inspection of drug manufacturing plants.

I wonder how many people are aware that as things stand at present, the American public can buy meat and even pet food which have been produced under more frequently inspected conditions than the drugs on which their health and life may depend. We can sit down and eat the meat we have purchased and generally not worry about whether or not it is wholesome. Meat products are packed under continuous Federal supervision. Meat processing and packaging plants have resident inspectors paid for by the Federal Government with the plant paying for any overtime.

We can feed our pets food which is packaged and labeled "Packed under continuous inspection of the U.S. Department of Agriculture." Pet foods which contain meat, fish, or poultry, in order to rate a seal of approval, not only are packed under continuous Federal supervision but are also inspected by State officials, generally backed up by the Food and Drug Administration.

Yet, when we purchase the drugs upon which our health and even life may depend, we have no such assurances. Under the 1962 Kefauver-Harris amendment to the Food and Drug Act, inspection of plants of drug manufacturers is required at a minimum of once every 2 years. That this has proven inadequate is easily seen on the basis of the large number of drug recalls carried out by the Food and Drug Administration year after year. These drugs are recalled because they do not meet the standards of either the U.S. Pharmacopeia or the National Formulary, the official compendia of the United States.

In testifying before our subcommittee at the second in our series of hearings, Dr. Solomon Garb, then professor of pharmacology and professor of community health at the University of Missouri Medical Center, stated:

> They (the American people) are entitled to wholesome, pure, effective and safe (drug) products. There is absolutely no excuse for having anything else on the market. The solution is inspection not one day out of every two years . . . but continuous inspection. . . .

Dr. Garb went on to say:

> Seven years ago I asked why we could not have the same safeguards for drugs that we have for dog food. Thus far I have not received a satisfactory reply. . . . Most drugs which are produced in this country today are being inspected by inspectors hired and paid for by the manufacturers and the costs are included in the price of the drugs. If we had continuous Government inspection, the costs should not increase . . . in the long run the cost of inspection would still be paid by the person who uses the drugs.

Mr. President, I submit that there is no place for any kind of substandard drug anywhere in America. It is essential that the American people have adequate safeguards as to the wholesomeness and purity of drug products. This, of course, will take continuous cooperative effort on the part of both the drug manufacturers and the Food and Drug Administration.

I ask unanimous consent that the full text of the bill be printed in the RECORD at this point of my remarks.

The PRESIDING OFFICER (Mr. CRANSTON). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3651) to amend section 510(h) of the Federal Food, Drug, and Cosmetic Act so as to require inspection thereunder at least once every 6 months of factories, warehouses, and establishments in which food, drugs, devices, and cosmetics are manufactured, processed, packed, or held, introduced by Mr. NELSON, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 3651

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 510(h) of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 360(h)), is amended (1) by striking out "once in the two-year period" and inserting in lieu thereof "once in the six-month period"; and (2) by striking out "once in every successive two-year period thereafter" and inserting in lieu thereof "once in every successive six-month period thereafter".

S. 3652—INTRODUCTION OF A BILL TO REQUIRE THAT DRUG CONTAINER LABELS BEAR THE ESTABLISHED NAME OF THE DRUG DISPENSED

Mr. NELSON. Mr. President, I introduce, for appropriate reference, a bill to amend the Federal Food, Drug, and Cosmetic Act, as amended, to require that the label of drug containers, as dispensed to the patient, bear the established name of the drug dispensed. I ask unanimous consent that the bill be printed in the RECORD.

The PRESIDING OFFICER (Mr. CRANSTON). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3652) to amend the Federal Food, Drug, and Cosmetic Act, as amended, to require that the label of drug containers, as dispensed to the patient, bear the established name of the drug dispensed, introduced by Mr. NELSON, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 3652

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 503(b)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)(2)) is amended by inserting immediately after the words "bears a label containing" the following: "the established name (as defined in section 502(e)(2) of this Act) of the drug or in the case of combination drugs the established name of the active ingredients of the drug, unless the prescriber of such drug specifically directs that the established name not appear on the label,".

S. 3653—INTRODUCTION OF THE EXPLOSIVE COMPONENT CONTROL ACT OF 1970

Mr. DODD. Mr. President, the sound of bombs is reverberating across the land. It is a sound that is frightening. It is a sound of terror.

In my own State of Connecticut, a police station was bombed in the city of Danbury, as a diversionary tactic during a bank robbery.

In New York City, the offices of three large corporations, involved in varying degrees in the Vietnam war effort, were shaken by bombs. An entire floor of one building was destroyed in a single blast.

In Maryland, two persons were blown to pieces when a bomb exploded in the car in which they were riding. Hours later, a blast leveled a part of the courthouse in Cambridge, Md.

In Greenwich Village, a townhouse, converted into a bomb factory by young militants, was completely destroyed. In inexperienced hands, the unstable chemical nitroglycerin exploded and killed the young bomb manufacturers.

The traditional forms of dissent have

been supplanted by acts of violence and terror. The dynamite stick is replacing the protest placard; the bomb, the demonstration.

The injury, damage, and destruction that could result from the use of bombs in congested areas is a chilling potentiality, for it would take little of such terrorist activity to bring a large city to its knees.

In view of this situation, I was very pleased to note the action which the administration took yesterday to provide stiff Federal penalties for those involved in bombing or in bomb threats. This action may well prove to be significant as a deterrent to those who might engage in these terror tactics.

Nonetheless, an increased penalty structure as a deterrent will not solve the problem. Instead, we must move to regulate explosives and explosive devices before they reach the hands of those who should not have them.

In a majority of States, anyone can buy explosives and anyone can sell them. For the most part, State laws, where they do exist, are sorely inadequate.

Frankly, it is more difficult in most States to own and license a dog than it is to purchase a deadly package of explosives and explosive devices. In many jurisdictions, it is more difficult for someone under 16 to purchase a package of cigarettes than it is to buy a box of blasting caps.

It should be abundantly clear that Federal controls over the purchase of explosives and other bomb components are essential.

Industry wants them. The National Fire Protection Association has demanded them. And one of the Nation's large manufacturers and distributors of explosives, the Du Pont Corp., has recently urged speedy action to provide for Federal regulation of explosives so that those States without controls do not become suppliers for the arsenal of the radical militants.

To provide these controls, Mr. President, I introduce for appropriate reference, a bill entitled the Explosive Component Control Act. This legislation amends the Gun Control Act of 1968 by expanding the definition of destructive devices to cover under its regulatory provisions the main components of homemade bombs. Included within this new definition would be: any device, or chemical compound or mixture, which primarily functions or is customarily used as an explosive including, but not limited to, dynamite, black powder, pellet powder, initiating explosives, blasting caps, electric blasting caps, safety fuses, fuses, lighters, fuse igniters, nitroglycerin, picric acid, lead acid fulminate of mercury, and detonating primers.

All of these materials would be regulated in much the same way that the sale of firearms is now regulated.

In order to sell explosives or explosive devices, a manufacturer or dealer would have to secure a license from the Secretary of the Treasury.

The seller would be required to keep careful sales records, including the name and address of the purchaser and the quantity and kind of explosives or explosive devices that have been purchased.

In order to purchase explosives and explosive components, the buyer must submit an affidavit to the Secretary of the Treasury, and present a copy to the dealer, indicating that he is 21 years of age. The affidavit must also show that he is a bona fide employee or corporate officer of a business engaged in mining, construction, quarrying, agriculture, seismographic research, or that he is an individual who has a bona fide use for such devices.

While the Gun Control Act of 1968 prohibits the sale of firearms to nonresidents of the State in which the dealer operates, this bill allows an explosive manufacturer to sell the devices directly to a buyer in another State, provided that the affidavit mentioned above is submitted. I have added this section to the bill because I am well aware that a legitimate business located in a State like Nevada might well purchase explosives directly from a manufacturer located in a State like Delaware. It is probable that this practice has been going on for years, and I see absolutely no reason to hinder legitimate industry in the purchase of the tools necessary for its trade.

Increased criminal penalties are provided in this bill for commission of a felony with explosives. Under the Gun Control Act, the penalty for commission of a Federal felony while armed with a firearm was a sentence of not less than 1 year and not more than 10 years. While I have been steadfast in my opposition to the imposition of mandatory sentences, in the case of bombings, where hundreds could be killed or injured in a single incident, the penalty must be consistent with the gravity of the crime. Accordingly, I am proposing that the penalty for a felony using any of the items described above be raised from a 1-year minimum to a 10-year minimum sentence.

With this bill, I am hopeful that the alarmingly casual purchase of explosives will be completely eliminated. The purchase and use of these items are serious matters, and there should be effective legal barriers to prevent the terrorists and the irresponsible from buying and using them.

Mr. President, the situation is urgent, and I hope this bill will receive early attention. The longer we permit the unchecked purchase and stockpiling of weapons of terror, the greater will be the hold of fear and danger on our people. And the more tentative the security and tranquility of our cities and towns, the less capable we shall be of dealing with our other problems.

The PRESIDING OFFICER (Mr. CRANSTON). The bill will be received and appropriately referred.

The bill (S. 3653) to amend the Gun Control Act of 1968 to provide for better control of interstate traffic in explosive components, introduced by Mr. DODD, was received, read twice by its title, and referred to the Committee on the Judiciary.

ADDITIONAL COSPONSORS OF BILLS

S. 3528

Mr. BYRD of West Virginia. Mr. President, in behalf of the Senator from New Hampshire (Mr. MCINTYRE), I ask unanimous consent that at the next printing, the names of the Senator from Indiana (Mr. BAYH), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Minnesota (Mr. MONDALE), the Senator from Oregon (Mr. PACKWOOD), the Senator from Nevada (Mr. CANNON), and the Senator from Iowa (Mr. MILLER) be added as cosponsors of S. 3528, to amend the Small Business Act.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

S. 3552

Mr. BYRD of West Virginia. Mr. President, in behalf of the Senator from New Hampshire (Mr. MCINTYRE), I ask unanimous consent that, at the next printing, the names of the Senator from New Jersey (Mr. WILLIAMS) and the Senator from Indiana (Mr. BAYH) be added as cosponsors of S. 3552, a bill to provide certain privileges against disclosure of confidential information obtained by newsmen.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

S. 3562

Mr. HUGHES. Mr. President, I ask unanimous consent that, at the next printing, the names of the following Senators be added as cosponsors of the bill (S. 3562) to provide a comprehensive Federal program for the prevention and treatment of drug abuse and drug dependents: the Senator from Utah (Mr. MOSS), the Senator from Ohio (Mr. YOUNG), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Nevada (Mr. BIBLE), the Senator from Hawaii (Mr. INOUYE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Maine (Mr. MUSKIE), and the Senator from Nevada (Mr. CANNON).

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

S. 3565

Mr. BYRD of West Virginia. Mr. President, in behalf of the Senator from New Hampshire (Mr. MCINTYRE), I ask unanimous consent that, at the next printing, the names of the Senator from New Jersey (Mr. WILLIAMS) and the Senator from Indiana (Mr. BAYH) be added as cosponsors of S. 3565, a bill to provide for the establishment of national standards for warranties made with respect to consumer goods distributed in or affecting interstate commerce, and for other purposes.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

S. 3614

Mr. COOK. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Pennsylvania (Mr. SCOTT), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Ohio (Mr. YOUNG) be added as cosponsors of S. 3614, to amend

the Federal Water Pollution Control Act and the Clean Air Acts through Federal procurement contract procedures.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 59 — CONCURRENT RESOLUTION SUBMITTED AND AGREED TO RELATING TO ADJOURNMENT OF THE SENATE FROM MARCH 26, 1970 UNTIL MARCH 31, 1970

Mr. MANSFIELD submitted a concurrent resolution (S. Con. Res. 59) to provide for the adjournment of the Senate from March 26, 1970 until March 31, 1970, which was considered and agreed to.

(The remarks of Mr. MANSFIELD when he submitted the concurrent resolution appear earlier in the RECORD under the appropriate heading.)

SENATE RESOLUTION 381—SUBMISSION OF A RESOLUTION TO EXPRESS THE SENSE OF THE SENATE REGARDING A TREATY ON HIJACKING AIRCRAFT

Mr. DODD. Mr. President, I submit for reference to the appropriate committee a resolution which seeks to convey the sense of the Senate to the American delegation that will be attending the extraordinary session of the General Assembly of the International Civil Aviation Organization which has now been convened for this coming June 16.

The purpose of this conference will be to deal with the growing threat to air safety, including the threats posed by sabotage, bombing, and hijacking. I welcome the announcement, which was made yesterday morning, that there will be an extraordinary session of the ICAO General Assembly to deal with these problems.

I note in this connection that in the resolution which I introduced on January 29 of last year, I called for a special international conference, convened on an emergency basis, to deal with the problem of hijacking.

The entire situation has of course been gravely complicated in recent months by the midair bombings of two European aircraft, resulting in the loss of many innocent lives. I think it worth noting that three of the victims of the bombing of the Swiss airlines bound for Israel were prominent citizens in my own State.

As a result of a special conference which took place in Montreal in February of 1969, the ICAO legal committee was given the task of drafting a new treaty dealing with hijacking. It is my understanding that a draft treaty has now been prepared and that it will be acted on by a special diplomatic conference to be convened in December of this year.

I have been informed that the treaty drafted by the legal committee calls for either extradition or for prosecution under the laws of the country which receives the hijacked aircraft.

The Department of State feels that this represents a significant advance because it would automatically make hijacking an extraditable offense where extradition treaties exist; it is currently listed as such an offense in only two existing treaties. However, it is clear that the treaty would have absolutely no effect on Cuba, which, incidentally, continues to function as a member of ICAO.

The Department apparently has serious doubts about the wisdom of raising the question of mandatory extradition at the forthcoming General Assembly because of the adverse reaction from many countries the last time this proposal was made.

In introducing my resolution of January 29, 1969, I said that if a hijacking epidemic ever got underway in Communist Europe, it might soon make our own epidemic look like small potatoes. Since I made this statement, there have been a number of instances involving the hijacking or attempted hijacking of Communist-bloc aircraft.

If it was not clear to the Communist leaders previously, then it should be clear to them today that they have much to gain from an agreement that would effectively prevent hijacking by guaranteeing the automatic extradition of hijackers.

For this reason, I am in favor of having our delegation raise the problem for discussion at the ICAO General Assembly, even though I know that the proposed treaty can only be amended at the special diplomatic conference scheduled for this coming December.

I think there is everything to be gained and nothing to be lost by letting the members of ICAO know, and also letting the Soviet Union and other nonmember nations know, that the Congress of the United States is not satisfied with what has been proposed to date, and that we demand stronger action to deal with the situation.

I hope the Senators will give their support to this resolution as an indication of the attitude of the U.S. Senate.

The PRESIDING OFFICER (Mr. CRANSTON). The resolution will be received and appropriately referred.

The resolution (S. Res. 381), which reads as follows, was referred to the Committee on Foreign Relations:

S. RES. 381

Whereas the past two years have witnessed a growing international epidemic of the hijacking of commercial airplanes, which has endangered the lives of many hundreds of passengers and resulted in serious inconvenience to both passengers and airlines; and

Whereas in recent months this danger has been further aggravated by two midair bomb explosions perpetrated by Arab terrorists against European planes bound for Israel or carrying mail for Israel, resulting in a heavy loss of innocent lives; and

Whereas pursuant to the call of ten nations (Austria, Belgium, Denmark, Federal Republic of Germany, Netherlands, Norway, Spain, Sweden, Switzerland and the United Kingdom), an extraordinary session of the General Assembly of the International Civil Aviation Organization will be convening on June 16, 1970, to deal with the growing threats of air safety, including the threats posed by sabotage, bombing, and hijacking; and

Whereas the new draft treaty on hijacking drawn up by the ICAO legal committee for submission to a special diplomatic conference, does not call for the mandatory extradition of hijackers because there has heretofore been widespread opposition to this proposal among ICAO members; and

Whereas there is serious reason for believing that any action short of mandatory extradition would be ineffective in dealing with the problem of hijacking; and

Whereas there is reason to believe that, in consequence of the recent series of hijackings and attempted hijackings involving Communist planes, even the Communists might today be willing to reconsider their opposition to the mandatory extradition of hijackers;

Therefore be it resolved that it is the sense of the Senate

1. that the American delegation to the forthcoming General Assembly of ICAO should be instructed to raise the question of fortifying the draft treaty proposed by the ICAO legal committee by providing for the automatic extradition of hijackers, even in the absence of bilateral extradition treaties;

2. that it should also be instructed to raise the question of requiring member nations of ICAO to suspend bilateral flight agreements with those nations who refuse to agree to the automatic extradition of hijackers, or who condone or refuse to take action against terrorist organizations involved in attacks on passenger aircraft;

3. that the American delegation should press for a broad examination of other measures, technical and legal, that might be taken to further discourage and control the hijacking of commercial aircraft and terrorist operations against them.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, March 26, 1970, he presented to the President of the United States the bill (S. 2593) to amend the Immigration and Nationality Act to facilitate the entry of certain nonimmigrants into the United States, and for other purposes.

NOTICE OF HEARING ON CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL PROJECT

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Ohio (Mr. YOUNG), I ask unanimous consent that a statement by him with respect to the notice of hearing on central and southern Florida flood control project be printed at this point in the RECORD.

There being no objection the statement was ordered to be printed in the RECORD, as follows:

Mr. YOUNG of Ohio. Mr. President, I wish to announce that the Subcommittee on Flood Control-Rivers and Harbors of the Committee on Public Works will hold a hearing on the matter of monetary authorization for the Central and Southern Florida Control Project, including consideration of the relationship of the project to the Everglades National Park.

The hearing wil be held on Wednesday, April 8, 1970, and will begin at 9:30 a.m., in Room 4200, New Senate Office Building.

Persons desiring to testify or to submit written statements in connection with this hearing should notify Mr. Joseph F. Van Vladricken, Professional Staff Member, Committe on Public Works, Room 4204, New Senate Office Building, Washington, D.C. 225-6176.

VERMONT CITIZENS MOBILIZE FOR GREEN-UP DAY ON APRIL 18

Mr. AIKEN. Mr. President, on Saturday, April 18, an army of Vermont citizens will be mobilized to participate in a statewide highway beautification program.

This unique, all-volunteer effort has been called "Green-Up Day."

The goal will be to pick up trash and other unsightly wastes which have been discarded along the roadsides of the Green Mountain State.

This program was conceived last year by Gov. Deane C. Davis.

It has also been given moral support by the Vermont General Assembly.

Vermont officials from State, civil, and local agencies are coordinating in this program.

But the muscle of this citizens' army will be the average Vermonter who has agreed to give up a day of his time in order to make his community, and Nation, a better place to live.

I have always felt that the best place to start projects of this kind is at home.

Not only will the Vermont Green-Up Day get the citizenry involved in cleaning up the highways, but it will also result in saving the taxpayers some money.

In Vermont about $200,000 a year is spent on cleaning up the roadsides.

As a result of Green-Up Day, State officials estimate that taxpayers' dollars will be saved.

In this time of national concern and, indeed, even alarm over the spoilation of our natural surroundings, I commend the citizens of Vermont for their decision to do something about the pollution problem.

It seems to me that President Nixon must have been thinking of Vermonters when on February 10 in his message to the Congress on the environment, the President said:

> The task of cleaning up our environment calls for total mobilization by all of us.
>
> It involves government at every level; it requires the help of every citizen.
>
> It cannot be a matter of simply sitting back and blaming someone else.
>
> Neither is it one to be left to a few hundred leaders.
>
> Rather it presents us with one of those rare situations in which each individual everywhere has an opportunity to make a special contribution to his country as well as his community.

Once again, Vermonters have shown that they do not sit back and let someone else do the job.

They are rolling up their sleeves and getting on with the job of cleaning up their surroundings.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of Governor Davis' proclamation designating April 18 as Green-Up Day, and a copy of the resolution approved by the Vermont General Assembly.

There being no objection, the proclamation and the resolution were ordered to be printed in the RECORD, as follows:

PROCLAMATION

Whereas, Vermont is presently engaged in a historical effort to preserve and protect its environment through legislation, education, citizen involvement, conservation groups and student, business, labor and industrial committees; and

Whereas, continued interest in the environment should be fostered by practical involvement of students and citizens in projects that promote ecological understanding and appreciation; and

Whereas, Vermonters are concerned about the maintenance and perpetuation of roadside beautification, marred each spring with the melting snows by the unsightly accumulation of trash and refuse; and

Whereas, awareness of this problem will be dramatically and uniquely fostered on GREEN UP DAY, Vermont's statewide clean up day involving a massive coordinating effort between state, civil and local agencies and the utilization of a volunteer army of thousands of citizens in every town in the State;

Now, therefore, I, Deane C. Davis, Governor of the State of Vermont, do hereby proclaim April 18, 1970 as: Green-Up Day in Vermont and urge all citizens to observe the day by volunteering two hours of their time to rid the highways of litter and to green up their neighborhoods.

Given under my hand and the Great Seal of the State of Vermont this fourth day of March, A.D. 1970.

DEANE C. DAVIS,
Governor.

RESOLUTION

Whereas, Governor Deane C. Davis has proclaimed April 18, 1970 as Green Up Day in the State of Vermont and urged all citizens to observe the day by volunteering two hours of their time to rid the highways of litter and to green up their neighborhoods; and

Whereas, Vermont is presently engaged in an historical effort to preserve and protect its environment through legislation, education, citizen involvement, conservation groups and student, business, labor and industrial committees; and

Whereas, continued interest in the environment should be fostered by practical involvement of students and citizens in projects that promote ecological understanding and appreciation; and

Whereas, Vermonters are concerned about the maintenance and perpetuation of roadside beautification, marred each spring by the unsightly accumulation of trash and refuse; and

Whereas, awareness of this problem will be dramatically and uniquely fostered on Green Up Day, now therefore be it Resolved by the Senate and House of Representatives; That all Vermonters be urged to join forces in a massive Green Up army on April 18, 1970, to remove highway litter, thereby preserving Vermont as a special way of life.

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTEREST RATE CUT

Mr. GRIFFIN. Mr. President, the Irving Trust Co., America's 12th largest bank, cut its prime interest rate from 8½ percent down to 8 percent this morning. Major banks across the country, including the Nation's four largest, have responded and are also reducing their prime rates.

This is a welcome and significant response to President Nixon's efforts to cool the fires of inflation.

Even more important to some economists is the news that yesterday the Bureau of Labor Statistics reported wholesale prices for March showed the smallest increase in 7 months.

And industrial commodity prices scored their smallest rise since last July. We are, in other words, approaching a stable economy.

The anti-inflationary policies of the Nixon administration do seem to be working. The evidence of success continues to mount.

The interim objective of policy—to restrain economic expansion—is being realized. The ultimate objective—to reduce the rate of price inflation to an acceptable level—is being steadily achieved.

This morning's news of reductions in interest rates and a slowing down of price increases is heartening proof that we are, indeed, on the right track.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADMINISTRATION DESEGREGATION POLICY MAKES SENSE

Mr. BYRD of West Virginia. Mr. President, I applaud the President of the United States for his statement on Tuesday, March 24, setting forth in detail the administration's policies on the subject of desegregation of America's elementary and secondary schools. I commend him for the soundness of his views on this difficult problem that has created so much unhappiness and turmoil in all parts of our country.

His statement was realistic, it was reasonable, it was appropriate. I am glad to hear somebody at last say something that sounds as if he has his feet on the ground with respect to this issue. It was the first statement on this subject which has come from the White House within the past several years that has had the stamp of commonsense upon it.

There were many cogent sentences in the President's position paper, which I hope will not be forgotten. For example, he said:

> Demands that an arbitrary "racial balance" be established as a matter of right misinterpret the law and misstate the priorities.

The Supreme Court has never ruled that there must be racial balance, and the Congress has never so required by any legislative act. Moreover, to insist upon racial balance would be not only grossly impracticable in so many situations; it would also be inordinately costly. No good purpose would be achieved, but, quite to the contrary, bad matters would simply be made worse. Insistence upon racial balance is as unwise as it is unworkable.

The President reviewed the pertinent

court decisions beginning with the historic Brown case in 1954, in which the Supreme Court laid down the principle that enforced segregation of students by race in the public schools is unconstitutional.

That decision was constitutionally sound and right. That is the law of the land, and I support it. However, the Supreme Court, in that decision, did not use the words "forced integration." And the court has never at any time outlawed freedom of choice or declared freedom of choice to be unconstitutional.

Of course, a few of the lower courts and a few overzealous bureaucrats have gone beyond the Supreme Court decisions on school desegregation.

But, as the President said, a review of school desegregation cases plainly shows that the decisions which have caused so much upheaval and confusion and agony in parts of the country are "untypical" and "the prevailing trend of judicial opinion is by no means so extreme."

The President noted that there are a number of questions involved in the school desegregation controversy on which the Supreme Court has not yet clearly spoken.

Mr. President, sanity needs to be restored in the mess that has been made of school desegregation. If the policies which Mr. Nixon has outlined are adhered to, I believe that sanity can be restored.

For too many years there has been far too much doctrinaire theory and too little common sense expressed in the complex problem of school desegregation. The Supreme Court has never said that all-white schools or all-black schools in a de facto situation are unconstitutional or unlawful, and I do not believe them to be unconstitutional or unlawful.

Moreover, in the 1964 Civil Rights Act, as the President pointed out, the Congress stated:

> Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another . . . in order to achieve such racial balance.

That language seems plain enough to me, as it apparently does to the President. Yet, we have seen attempt after attempt made to circumvent the will and intend of Congress by the Department of Health, Education, and Welfare, and by some of the lower Federal courts.

Buttressing my belief that those who have sought to bring about total forced integration have gone considerably beyond what the Supreme Court has thus far required were the words of Chief Justice Burger in a decision earlier this month in which he noted that a number of "basic practical problems" have not been resolved, "including whether, as a constitutional matter, any particular racial balance must be achieved in the schools."

In view of these facts, I think the President has taken precisely the position he should have taken in expressing his opposition to "any compulsory busing of pupils beyond normal geographic school zones for the purpose of achieving racial balance."

The truth, Mr. President, is that decisions of lower Federal courts on this matter of requiring an artificial racial mix in the schools are in conflict. There are disagreements over what is required—disagreements brought about primarily by the overzealous efforts of fanatics who would force everyone to their own way of thinking.

In all of this confusion, one thing is very clear: the Supreme Court, which ordered an end to forced segregation, has not yet ordered forced integration to bring about racial balance, and it may very well never go to such an undesirable and impracticable length.

The President's statement makes it plain that he is thoroughly aware of this fact; and it makes plain also that he is aware of the deep dissatisfaction of millions of American citizens—black and white—with the ruthless manner in which the education of children in so many areas is being sacrificed on the altar of fanatical devotion to forced integration in de facto situations.

The theorists, the fanatics—as the President correctly noted—have succeeded in heightening racial tensions and exacerbating racial frictions. In place of the impossible utopia they envisaged, they have created instead an educational chamber of frustration, uneasiness, and, in many instances, plain fear for countless numbers of American children. In the President's telling words:

> Children in many instances have not been served, they have been used—

They have been used, I repeat for emphasis.

> in what all too often has proved a tragically futile effort to achieve in the schools the kind of multiracial society which the adult community has failed to achieve for itself.

The Nation has witnessed the predictable but understandable results that have followed: The flight of whites from the central cities; the decay of the cities; the erosion of the tax base; the deterioration of schools; the rise of school violence and crime; and a generation of inadequately educated children. These, Mr. President, are the end products of forced integration.

De facto segregation, based upon residential patterns, is not illegal, and I agree with Mr. Nixon that the Nation has a vital and special stake in upgrading education where de facto segregation exists. We should do everything possible to improve educational opportunity in racially impacted areas, with special emphasis placed upon equalizing those schools which are furthest behind.

If America means anything, it means opportunity—opportunity for all. But opportunity is not created by rigidly forcing children into unrealistic situations and hostile surroundings. Children and parents should have the right to decide the matters of school preference and attendance for themselves. After all, the parents who pay the taxes should have some say in where their children go to school.

In a free society, a mobile society such as ours, Mr. President, it is not possible to bring about a synthetic racial balance by executive order or judicial fiat. The final result of such tactics will inevitably be a de facto resegregation. Washington, D.C., is an example, with a school population that has become 95 percent Negro.

I seriously doubt that even the faulty social ends that are sought can be realized by such colossal judicial blunders as that which occurred in California, where a State court has ordered the Los Angeles school board to establish a racial balance in its 711 square mile district with its 775,000 children in 561 schools.

This draconian decree will cost the taxpayers there $40 million in the next year alone just to lease 1,600 unnecessary buses, to acquire facilities to house them, to hire drivers, and to buy gas and oil and tires. The annual additional cost in each subsequent year, it is estimated, will be $20 million. How much more sense it would make to use these funds for the upgrading of education itself. Money for schools is almost always in short supply. It ought to be used for better facilities and materials and methods, not frittered away to implement questionable notions of social readjustment.

The President made the valid point that only when Federal rulings and orders have the support of those at the local level can they be expected to produce the desired results. He emphasized the importance of neighborhood schools, and the essential necessity of having the cooperation of local school officials. What local school official could possibly react with anything but anger to such a high-handed decision as that rendered in Los Angeles?

The President is right when he insists upon minimum disruptions of education, and he recognizes that the neighborhood school is the most appropriate base for a system which puts the proper emphasis on education. In recent years, too much emphasis has been placed upon integration of the races and, as a result, education has become secondary. The primary purpose of the public school system is to educate children, black and white, but the cart has been placed before the horse by some of the lower courts and by some public officials. As a consequence, public education has suffered, private schools have proliferated, and the public school system has been undermined and impaired and, in fact, endangered.

Mr. Nixon said:

> If our schools fail to educate, then whatever they may achieve in integrating the races will turn out to be only a pyrrhic victory.

I agree completely with those views. The business of our schools is to educate, not to provide a meaningless and superficial racial mix. The social and economic status of Negro children can be improved much more surely through a policy which places the primary emphasis upon education rather than upon forced integration.

I was glad to hear the President say that—

> There are limits to the amount of Government coercion that can reasonably be used.

I also agree with the President's statement that—

> There has been an implicit assumption that blacks would be improved by association with whites.

Many Negroes in this country have come around to the view that forced integration is not an unmixed blessing for them, if it is, indeed, any blessing at all. They prefer spending more money on improving their own neighborhood schools and upgrading the quality of education there, and they want to see less hauling of their children around like cattle at great cost and distance just that they might look into white faces.

Many of us, Mr. President, rode the school bus when we were young, but we did it in order to get to the closest school which, in many instances, was several miles away from where we lived. Busing in such a situation could not be helped. But that was a far cry from the forced busing that is being visited upon some communities and some children today in order to comply with some theoretical formula requiring racial balance. May I say, as I have often said, it is sheer hypocrisy for Federal judges and legislators and other public officials to require other people's children to forcibly integrate while these same officials and judges are able to send their own children and grandchildren to private schools or they can afford to live in suburbia where the schools are mostly all white. And may I add, in this connection, that many of the pseudoliberal columnists who constantly prattle about the righteousness of forced integration simply do not know, or do not care, about the real problems that are involved, and one can surmise, their own children probably do not go within 10 miles of a school in which there are many blacks.

And what Mr. Nixon did not say, Mr. President, I shall say. Many parents are fearful of what might happen to their children when they are forced to go to schools like some of those in the Nation's Capital—where militants carry switchblade knives and guns and where shakedowns occur and where obscenities and profanity are the order of the day. It is a traumatic and unsettling experience for white children to be forced into an environment where they live in fear of being molested or attacked, robbed, and beaten. Some consideration should be given to the lasting psychic injury which may result to them, and no one should have difficulty in realizing that such a situation is not conducive to learning.

Mr. President, as an example of what happens in Washington, D.C. schools, I recall that in 1968 my Negro barber, here in the Capitol Building, came to me with an earnest plea that I assist him in getting his daughter, Brenda, transferred from the junior high school which she was then attending to another junior high school. He stated that his daughter had been attacked by five girls during the lunch hour and again after school, that she had been badly beaten and kicked, that she had lost 2 weeks of school from her classes, and that her life had been threatened to the point of death. I asked my barber to put the matter in writing, and I quote the following sentence from his letter:

> Whenever Brenda does return to school, we are afraid all progress in learning will be impeded by this ever pending danger and threat of further attacks which could result in sustaining injuries becoming more serious than before.

I contacted the board of education and was able to assist in having this little Negro girl transferred to another junior high school for the sake of her safety and peace of mind.

Mr. President, many Negro parents in the District of Columbia send their children to private schools out of consideration for their safety.

Moreover, to force fast learners to adjust their pace to that of slow learners is to sacrifice the welfare of intelligent children to the cult of mediocrity. This is often what happens—often what happens, in the mad rush to bring about some degree of racial balance.

Mr. Nixon said that:

> An open society does not have to be homogeneous or even fully integrated.

I commend the President on having the courage to speak the truth. It is time that the fanatical integrationists, the theorists, the pseudointellectuals, and the super-duper liberals realize the wisdom of the President's statement. It is not the statement of a segregationist; it is not the statement of one who is against voluntary integration. It is a statement which is realistic and which makes sense. It is a statement based upon sound and thoughtful judgment.

In summation, the President's speech expressed the following basic principles: That ours is a free and open society; that ours is a government of laws, that the law of the land will be upheld, but that there will be a limit to Government coercion; that every individual, black and white, must have an equal chance to go just as high and as far as his talents and energies will take him; that quality education and integration are not necessarily synonymous terms; and that, while de jure segregation is unconstitutional, de facto segregation is not.

His speech, Mr. President, was a speech for liberty, for freedom, for equality.

The President has done the Nation a service in clarifying his views and in forthrightly stating his administration's policy on school desegregation.

There will be a better day for education, and a better opportunity for all American children, black and white, throughout the land if the Nation now proceeds in accordance with the wise policy that President Nixon has enunciated.

Mr. President, I represent a border State, which is neither North nor South. But this is a national problem, and we, as U.S. Senators, should put the interests of public education, the interests of the Nation first. I believe that the approach to the problem proposed by the President puts the interests of the Nation and public education first.

Mr. President, a very fairminded liberal editorial on President Nixon's school desegregation statement was published in the Washington Star on yesterday, Wednesday, March 25, 1970, which I hope will be widely noted.

The editorial views Mr. Nixon's statement as one of landmark significance. As I have already indicated, I would have to agree, if for no other reason than the fact that the President's position is based on practical reality rather than on impractical theory. That, in itself, in my judgment, is something of a landmark.

I agree wholeheartedly with the Nixon statement on school desegregation. It should be obvious to all, save those who will not see, that forced integration, in an effort to bring about racial balance—even at the price of subordination of education—is not working and will not work.

Mr. President (Mr. CRANSTON), I ask unanimous consent that the editorial be printed in the RECORD and that it be followed in the RECORD by the Negro barber's correspondence and by the President's 8,000 word statement to which I have referred.

There being no objection, the editorial and the President's statement were ordered to be printed in the RECORD, as follows:

[From the Evening Star, Mar. 25, 1970]

RACE AND THE SCHOOLS

President Nixon's 8,000-word message defining his administration's approach to the complex and crucial problems inherent in school desegregation, an issue which touches all our lives both as Americans and as parents, is of landmark significance.

Mr. Nixon made two particuarlly important points. The first is that whatever else it may achieve, a school system that does not educate has failed in its basic task. Children of all races, as the President points out, "have not been served but used" as the spearhead for achieving a social transformation "which the adult community has failed to achieve for itself."

The second is that it is evident that the school system alone is too fragile to bring about the color-blind society which the law requires, and which so many Americans of all races rightly cling to as a basic article of their political faith. It is clear that if this goal is to be achieved, the burden is one which must be borne not only by the schools but by other federal, state and local institutions and—more importantly—by each of us in our daily thoughts and acts.

There are those who will see in the President's emphasis on desegregation rather than integration, in his differentiation between vestigial unconstitutional de jure segregation and the socially-undesirable de facto segregation imposed by housing patterns, a presumptive "Southern strategy" and a retreat from the Warren Court's epochal Brown versus Board of Education decision of 1954. We do not see it.

Mr. Nixon has made it clear that, in his view, the neighborhood school is and must be the basic vehicle for educating our children. He holds that the busing of students for many hours each day across many miles to achieve an arbitrary racial balance—as ordered recently by a California state court at an estimated recurrent cost to the city of Los Angeles of $20 million—is both faulty educational practice and an inane use of limited funds.

We agree on both counts and are of the view that the great mass of parents—black and white—take the same position. All of us want to do what is right; at the same time, each of us wants the best education possible for his children. The two need not be incompatible.

The President asserts that his administration, in devising local plans for compliance with court desegregation orders, plans to give "primary weight" to the considered judgement of local school boards, "provided they act in good faith, and within constitutional limits." That, again, is wise. For only when

local leaders actively back the rulings of the courts can there be hope of success. It is the abdication of responsibility by many leaders, white and black—not least in this city—which has resulted in the failures the children have had to bear.

To fund what he hopes will produce a return to educational sanity, Mr. Nixon intends to ask Congress to divert from "other domestic programs" $500 million for fiscal 1971 and twice that sum the following year to improve education in "racially impacted areas" in both the North and the South. Some of this money the President sees being used in area centers to which children would come from their neighborhood schools for supplementary educational activities on racially "neutral" territory. The idea is interesting and certainly deserves exploration, as does his reiterated proposal for creation of a National Institute of Education to help us to understand—and solve—the problems we face.

One means of achieving the integrated society we must eventually achieve is education. What matters is less the pigmentation of individual schools than the quality of the education each offers. The President to his credit, has given public recognition to this truth.

WASHINGTON, D.C.,
November 15, 1968.

To: The Honorable Robert Byrd.

DEAR SENATOR BYRD: On November 1, 1968, Brenda, age 13, an 8th grade student attending Banneker Junior High School, located on Georgia Avenue and Euclid, was attacked by five (5) girls during the lunch hour (12:00 noon) and again after school (3:00 P.M.). She was badly beaten and kicked.

As a result of this attack, Brenda has lost two weeks out of school and from her classes, which means, this time must be made up before the end of this year or may cause her to repeat some of these classes, and most of all, we have a fear for her life. At the time of the attack, her life was threatened to the point of death. Whenever Brenda does return to school, we are afraid all progress in learning will be impeded by this ever pending danger and threat of further attacks which could result in sustaining injuries becoming more serious than before.

It was suggested that a transfer to another Junior High School within the boundaries and not too far from our home could be a solution. Although a hardship would be imposed on us, we are willing to risk this imposition for the safety and welfare of Brenda. The Jr High School, we had in mind, is Garnet Patterson located at 10th and Vermont Avenue, N.W.

We would greatly appreciate all efforts within your power to help us in this critical matter. We would further ask you to look into this matter as soon as possible due to the loss of time for Brenda in her classes and the difficult time spent in trying to tie in school, home and our employment schedules. We also appreciate any help in initiating any action or actions in transferring Brenda to the suggested school or any other suggestions and actions you may advise. Again, we wish to thank you for your consideration.

Sincerely yours,

E. G.

STATEMENT BY THE PRESIDENT ON ELEMENTARY AND SECONDARY SCHOOL DESEGREGATION

My purpose in this statement is to set forth in detail this Administration's policies on the subject of desegregation of America's elementary and secondary schools.

Few public issues are so emotionally charged as that of school desegregation, few so wrapped in confusion and clouded with misunderstanding. None is more important to our national unity and progress.

This issue is not partisan. It is not sectional. It is an American issue, of direct and immediate concern to every citizen.

I hope that this statement will reduce the prevailing confusion and will help place public discussion of the issue on a more rational and realistic level in all parts of the nation. It is time to strip away the hypocrisy, the prejudice and the ignorance that too long have characterized discussion of this issue.

My specific objectives in this statement are:

—To reaffirm my personal belief that the 1954 decision of the Supreme Court in Brown v. Board of Education was right in both Constitutional and human terms.

—To assess our progress in the 16 years since Brown and to point the way to continuing progress.

—To clarify the present state of the law, as developed by the courts and the Congress, and the Administration policies guided by it.

—To discuss some of the difficulties encountered by courts and communities as desegregation has accelerated in recent years, and to suggest approaches that can mitigate such problems as we complete the process of compliance with Brown.

—To place the question of school desegregation in its larger context, as part of America's historic commitment to the achievement of a free and open society.

Anxiety over this issue has been fed by many sources.

On the one hand, some have interpreted various Administration statements and actions as a backing away from the principle of Brown—and have therefore feared that the painstaking work of a decade and a half might be undermined. We are not backing away. The Constitutional mandate will be enforced.

On the other hand, several recent decisions by lower courts have raised widespread fears that the nation might face a massive disruption of public education; that wholesale compulsory busing may be ordered and the neighborhood school virtually doomed. A comprehensive review of school desegregation cases indicates that these latter are untypical decisions, and that the prevailing trend of judicial opinion is by no means so extreme.

Certain changes are needed in the nation's approach to school desegregation. It would be remarkable if sixteen years of hard, often tempestuous experience had not taught us something about how better to manage the task with a decent regard for the legitimate interests of all concerned—and especially the children. Drawing on this experience, I am confident the remaining problems can be overcome.

WHAT THE LAW REQUIRES

In order to determine what ought to be done, it is important first to be as clear as possible about what must be done.

We are dealing fundamentally with inalienable human rights, some of them constitutionally protected. The final arbiter of Constitutional questions is the United States Supreme Court.

The President's responsibility

There are a number of questions involved in the school controversy on which the Supreme Court has not yet spoken definitely. Where it has spoken, its decrees are the law. Where it has not spoken, where Congress has not acted, and where differing lower courts have left the issue in doubt, my responsibilities as Chief Executive make it necessary that I determine, on the basis of my best judgment, what must be done.

In reaching that determination, I have sought to ascertain the prevailing judicial view as developed in decisions by the Supreme Court and the various Circuit Courts of Appeals. In this statement I list a number of principles derived from that prevailing judicial view. I accept those principles and shall be guided by them. The Departments and agencies of the Government will adhere to them.

A few recent cases in the lower courts have gone beyond those generally accepted principles. Unless affirmed by the Supreme Court, I will not consider them as precedents to guide Administration policy elsewhere.

What the Supreme Court has said

To determine the present state of the law, we must first remind ourselves of the recent history of Supreme Court rulings in this area.

This begins with the Brown case in 1954, when the Court laid down the principle that deliberate segregation of students by race in the public schools was unconstitutional. In that historic ruling, the court gave legal sanction to two fundamental truths—that separation by law establishes schools that are inherently unequal, and that a promise of equality before the law cannot be squared with use of the law to establish two classes of people, one black and one white.

The Court requested further argument, however, and propounded the following questions, among others:

"Assuming it is decided that segregation in public schools violates the Fourteenth Amendment.

"a. would a decrease necessarily follow providing that, within the limits set by normal geographic school districting, Negro children should forthwith be admitted to schools of their choice, or

"b. may this Court, in the exercise of its equity powers, permit an effective gradual adjustment to be brought about from existing segregated systems to a system not based on color distinctions?"

In its second Brown decision the following year, the Court addressed itself to these questions of manner and timing of compliance. Its ruling included these principles:

Local school problems vary: school authorities have the primary responsibility for solving these problems; courts must consider whether these authorities are acting in good faith.

The courts should be guided by principles of equity, which traditionally are characterized by a practical flexibility in shaping its remedies and by a facility for adjusting and reconciling public and private needs."

Compliance must be achieved "with all deliberate speed," including "a prompt and reasonable start" toward achieving full compliance "at the earliest practicable date."

In 1964, the Supreme Court spoke again: "The time for mere 'deliberate speed' has run out, and that phrase can no longer justify denying these . . . children their constitutional rights."

At the same time, Congress also added to the impetus of desegregation by passing the Civil Rights Act of 1964, an Act that as a private citizen I endorsed and supported.

Although the Supreme Court in the Brown cases concerned itself primarily, if not exclusively, with pupil assignments, its decree applied also to teacher assignments and school facilities as a whole.

In 1968, the Supreme Court reiterated the principle enunciated in prior decisions, that teacher assignments are an important aspect of the basic task of achieving a public school system wholly freed from racial discrimination. During that same year, in another group of Supreme Court decisions, a significant and new set of principles also emerged.

That a school board must establish "that its proposed plan promises meaningful and immediate progress toward disestablishing State-imposed segregation," and that the plan must "have real prospects for dismantling the State-imposed dual system 'at the earliest practical date.'"

That one test of whether a school board has met its "affirmative duty to take whatever steps might be necessary to convert to a unitary system in which racial discrimination would be eliminated root and branch" is the extent to which racial separation persists under its plan.

That the argument that effective desegregation might cause white families to flee the neighborhood cannot be used to sustain devices designed to perpetuate segregation.

That when geographic zoning is combined with "free transfers," and the effect of the transfer privilege is to perpetuate segregation despite the zoning, the plan is unacceptable.

The most recent decisions by the Supreme Court have now rejected any further delay, adding to the Court's mandate:

"The obligation of every school district is to terminate dual systems at once and to operate now and hereafter only unitary schools."

That the obligation of such districts is an affirmative one and not a passive one.

That freedom of choice plans could no longer be considered as an appropriate substitute for the affirmative obligation imposed by the Court unless they, in fact, discharge that obligation immediately.

The Court has dealt only in very general terms with the question of what constitutes a "unitary" system, referring to it as one "within which no person is to be effectively excluded from any school because of race or color." It has not spoken definitely on whether or not, or the extent to which, "desegregation" may mean "integration."

In an opinion earlier this month, Chief Justice Burger pointed out a number of "basic practical problems" which the Court had not yet resolved, "including whether, as a Constitutional matter, any particular racial balance must be achieved in the schools; to what extent school districts and zones may or must be altered as a Constitutional matter; to what extent transportation may or must be provided to achieve the ends sought by prior holdings of this Court."

One of these areas of legal uncertainty cited by Chief Justice Burger—school transportation—involves Congressional pronouncements.

In the 1964 Civil Rights Act, the Congress stated, ". . . nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to insure compliance with constitutional standards."

In the 1966 amendments to the Elementary and Secondary Education Act, the Congress further stated, ". . . nothing contained in this Act shall . . . require the assignment or transportation of students or teachers in order to overcome racial imbalance."

I am advised that these provisions cannot constitutionally be applied to de jure segregation. However, not all segregation as it exists today is de jure.

I have consistently expressed my opposition to any compulsory busing of pupils beyond normal geographic school zones for the purpose of achieving racial balance.

What the lower courts have said

In the absence of definitive Supreme Court rulings, these and other "basic practical problems" have been left for case-by-case determination in the lower courts—and both real and apparent contradictions among some of these lower court rulings have generated considerable public confusion about what the law really requires.

In an often-cited case in 1955 (Briggs v. Elliott), a District Court held that "the Constitution . . . does not require integration. . . . It merely forbids the use of governmental power to enforce segregation."

But in 1966 another court took issue with this doctrine, pointing out that it had been used as justifying "techniques for perpetuating school segregation," and declaring that: ". . . the only adequate redress for a previously overt system-wide policy of segregation directed against Negroes as a collective entity is a system-wide policy of integration."

In 1969, the 4th Circuit Court of Appeals declared:

"The famous Briggs v. Elliott dictum—adhered to by this court for many years—that the Constitution forbids segregation but does not require integration . . . is now dead."

Cases in two circuit courts have held that the continued existence of some all-black schools in a formerly segregated district did not demonstrate unconstitutionality, with one noting that there is "no duty to balance the races in the school system in conformity with some mathematical formula."

Another circuit court decision declared that even though a district's geographic zones were based on objective, nonracial criteria, the fact that they failed to produce any significant degree of integration meant that they were unconstitutional.

Two very recent Federal court decisions continue to illustrate the range of opinion: a plan of a southern school district has been upheld even though three schools would remain all-black, but a northern school system has been ordered by another Federal court to integrate all of its schools completely "by the revising of boundary lines for attendance purposes as well as busing so as to achieve maximum racial integration."

This range of differences demonstrates that lawyers and judges have honest disagreements about what the law requires. There have been some rulings that would divert such huge sums of money to non-educational purposes, and would create such severe dislocations of public school systems, as to impair the primary function of providing a good education. In one, for example—probably the most extreme judicial decree so far—a California State court recently ordered the Los Angeles School Board to establish a virtually uniform racial balance throughout its 711 square mile district, with its 775,000 children in 561 schools. Local leaders anticipate that this decree would impose an expenditure of $40,000,000 over the next school year to lease 1,600 buses, to acquire site locations to house them, to hire drivers, and to defray operating costs. Subsequent costs would approximate $20,000,000 annually. Some recent rulings by federal district courts applicable to other school districts appear to be no less severe.

I am dedicated to continued progress toward a truly desegregated public school system. But, considering the always heavy demands for more school operating funds, I believe it is preferable, when we have to make the choice, to use limited financial resources for the improvement of education—for better teaching facilities, better methods, and advanced educational materials—and for the upgrading of the disadvantaged areas in the community rather than buying buses, tires and gasoline to transport young children miles away from their neighborhood schools.

What most of the courts agree on

Despite the obvious confusion, a careful survey of rulings both by the Supreme Court and by the Circuit Courts of Appeals suggests that the basic judicial approach may be more reasonable than some have feared. Whatever a few lower courts might have held to the contrary, the prevailing trend of judicial opinion appears to be summed up in these principles:

—There is a fundamental distinction between so-called "de jure" and "de facto" segregation: de jure segregation arises by law or by the deliberate act of school officials and is unconstitutional; de facto segregation results from residential housing patterns and does not violate the Constitution. (The clearest example of de jure segregation is the dual school system as it existed in the South prior to the decision in Brown—two schools, one Negro and one White, comprised of the same grades and serving the same geographical area. This is the system with which most of the decisions, and the Supreme Court cases up until now, have been concerned.)

—Where school boards have demonstrated a good-faith effort to comply with court rulings, the courts have generally allowed substantial latitude as to method—often making the explicit point that administrative choices should, wherever possible, be made by the local school authorities themselves.

—In devising particular plans, questions of cost, capacity, and convenience for pupils and parents are relevant considerations.

—Whatever the racial composition of student bodies, faculties and staff must be assigned in a way that does not contribute to identifying a given school as "Negro," or "White."

—In school districts that previously operated dual systems, affirmative steps toward integration are a key element in disestablishing the dual system. This positive integration, however, does not necessarily have to result in "racial balance" throughout the system. When there is racial separation in housing, the Constitutional requirement has been held satisfied even though some schools remained all-black.

—While the dual school system is the most obvious example, *de jure* segregation is also found in more subtle forms. Where authorities have deliberately drawn attendance zones or chosen school locations for the express purpose of creating and maintaining racially separate schools, *de jure* segregation is held to exist. In such a case the school board has a positive duty to remedy it. This is so even though the board ostensibly operates a unitary system.

—In determining whether school authorities are responsible for existing racial separation—and thus whether they are Constitutionally required to remedy it—the *intent of* their action in locating schools, drawing zones, etc., is a crucial factor.

—In the case of genuine *de facto* segregation (i.e., where housing patterns produce substantially all-Negro or all-White schools, and where this racial separation has not been caused by deliberate official action) school authorities are not Constitutionally required to take any positive steps to correct the imbalance.

To summarize: There is a Constitutional mandate that dual school systems and other forms of *de jure* segregation be eliminated totally. But within the framework of that requirement an area of flexibility—a "rule of reason"—exists, in which school boards, acting in good faith, can formulate plans of desegregation which best suit the needs of their own localities.

De facto segregation, which exists in many areas both North and South, is undesirable but is not generally held to violate the Constitution. Thus, residential housing patterns may result in the continued existence of some all-Negro schools even in a system which fully meets Constitutional standards. But in any event, local school officials *may*, if they so choose, take steps beyond the Constitutional minimums to diminish racial separation.

SCHOOL DESEGREGATION TODAY

The progress

Though it began slowly, the momentum of school desegregation has become dramatic.

Thousands of school districts throughout the South have met the requirements of law.

In the past year alone, the number of black children attending southern schools held to be in compliance has doubled, from less than 600,000 to nearly 1,200,000—representing 40 per cent of the Negro student population.

In most cases, this has been peacefully achieved.

However, serious problems are being encountered both by communities and by courts—in part as a consequence of this accelerating pace.

The problems

In some communities, racially mixed schools have brought the community greater interracial harmony; in others they have heightened racial tension and exacerbated racial frictions. Integration is no longer seen automatically and necessarily as an unmixed blessing for the Negro, Puerto Rican or Mexican-American child. "Racial balance" has been discovered to be neither a static nor a finite condition; in many cases it has turned out to be only a way station on the road to resegregation. Whites have deserted the public schools, often for grossly inadequate private schools. They have left the now resegregated public schools foundering for lack of support. And when whites flee the central city in pursuit of all—or predominantly—white schools in the suburbs, it is not only the central city schools that become racially isolated, but the central city itself.

These are not theoretical problems, but actual problems. They exist not just in the realm of law, but in the realm of human attitudes and human behavior. They are part of the real world, and we have to take account of them.

The complexities

Courts are confronted with problems of equity, and administrators with problems of policy. For example: To what extent does desegregation of duel systems require positive steps to achieve integration? How are the rights of individual children and their parents to be guarded in the process of enforcement? What are the educational impacts of the various means of desegregation—and where they appear to conflict, how should the claims of education be balanced against those of integration? To what extent should desegregation plans attempt to anticipate the problem of resegregation?

These questions suggest the complexity of the problems. These problems confront us in the North as well as the South, and in rural communities, suburbs and central cities.

The troubles in our schools have many sources. They stem in part from deeply rooted racial attitudes; in part from differences in social, economic and behavioral patterns; in part from weaknesses and inequities in the educational system itself; in part from the fact that by making schools the primary focus of efforts to remedy long-standing social ills, in some cases greater pressure has been brought to bear on the schools than they could withstand.

The context

Progress toward school desegregation is part of two larger processes, each equally essential:

The improvement of educational opportunities for all of America's children.

The lowering of artificial racial barriers in all aspects of American life.

Only if we keep each of these considerations clearly in mind—and only if we recognize their separate natures—can we approach the question of school desegregation realistically.

It may be helpful to step back for a moment, and to consider the problem of school desegregation in its larger context.

The school stands in a unique relationship to the community, to the family, and to the individual student. It is a focal point of community life. It has a powerful impact on the future of all who attend. It is a place not only of learning, but also of living—where a child's friendships center, where he learns to measure himself against others, to share, to compete, to cooperate—and it is the one institution above all others with which the parent shares his child.

Thus it is natural that whatever affects the schools stirs deep feelings among parents, and in the community at large.

Whatever threatens the schools, parents perceive—rightly—as a threat to their children.

Whatever makes the schools more distant from the family undermines one of the important supports of learning.

Quite understandably, the prospect of any abrupt change in the schools is seen as a threat.

As we look back over these sixteen years, we find that many changes that stirred fears when they first were ordered have turned out well. In many Southern communities, black and white children now learn together—and both the schools and the communities are better where the essential changes have been accomplished in a peaceful way.

But we also have seen situations in which the changes have not worked well. These have tended to command the headlines, thus increasing the anxieties of those still facing change.

Overburdening the schools

One of the mistakes of past policy has been to demand too much of our schools: They have been expected not only to educate, but also to accomplish a social transformation. Children in many instances have not been served, but used—in what all too often has proved a tragically futile effort to achieve in the schools the kind of a multi-racial society which the adult community has failed to achieve for itself.

If we are to be realists, we must recognize that in a free society there are limits to the amount of government coercion that can reasonably be used; that in achieving desegregation we must proceed with the least possible disruption of the education of the nation's children; and that our children are highly sensitive to conflict, and highly vulnerable to lasting psychic injury.

Failing to recognize these factors, past policies have placed on the schools and the children too great a share of the burden of eliminating racial disparities throughout our society. A major part of this task falls to the schools. But they cannot do it all or even most of it by themselves. Other institutions can share the burden of breaking down racial barriers, but only the schools can perform the task of education itself. If our schools fail to educate, then whatever they may achieve in integrating the races will turn out to be only a pyrrhic victory.

With housing patterns what they are in many places in the nation, the sheer numbers of pupils and the distances between schools make full and prompt school integration in every such community impractical—even if there were a sufficient desire on the part of the community to achieve it. In Los Angeles, 78 per cent of all Negro pupils attend schools that are 95 per cent or more black. In Chicago the figure is 85 per cent—the same as in Mobile, Alabama. Many smaller cities have the same patterns. Nationwide, 61 per cent of all Negro students attend schools which are 95 per cent or more black.

Demands that an arbitrary "racial balance" be established as a matter of right misinterpret the law and misstate the priorities.

As a matter of educational policy, some school boards have chosen to arrange their school systems in such a way as to provide a greater measure of racial integration. The important point to bear in mind is that where the existing racial separation has not been caused by official action, this increased integration is and should remain a matter for local determination.

Pupil assignments involve problems which do not arise in the case of the assignment of teachers. If school administrators were truly color blind and teacher assignments did not reflect the color of the teacher's skin, the law of averages would eventually dictate an approximate racial balance of teachers in each school within a system.

Not just a matter of race

Available data on the educational effects of integration are neither definitive nor comprehensive. But such data as we have suggest strongly that, under the appropriate conditions, racial integration in the classroom can be a significant factor in improving the quality of education for the disadvantaged. At the same time, the data lead us into several more of the complexities that surround the desegregation issue.

For one thing, they serve as a reminder that, from an educational standpoint, to approach school questions solely in terms of race is to go astray. The data tell us that in educational terms, the significant factor is not race but rather the educational environment in the home—and indeed, that the single most important educational factor in a school is the kind of home environment its pupils come from. As a general rule, children from families whose home environment encourages learning—whatever their race—are higher achievers; those from homes offering little encouragement are lower achievers.

Which effect the home environment has depends on such things as whether books and magazines are available, whether the family subscribes to a newspaper, the educational level of the parents, and their attitude toward the child's education.

The data strongly suggest, also, that in order for the positive benefits of integration to be achieved, the school must have a majority of children from environments that encourage learning—recognizing, again, that the key factor is not race but the kind of home the child comes from. The greater concentration of pupils whose homes encourage learning—of whatever race—the higher the achievement levels not only of those pupils, but also of others in the same school. Students learn from students. The reverse is also true: the greater concentration of pupils from homes that discourage learning, the lower the achievement levels of all.

We should bear very carefully in mind, therefore, the distinction between educational difficulty as a result of race, and educational difficulty as a result of social or economic levels, of family background, of cultural patterns, or simply of bad schools. Providing better education for the disadvantaged requires a more sophisticated approach than mere racial mathematics.

In this same connection, we should recognize that a smug paternalism has characterized the attitudes of many white Americans toward school questions. There has been an implicit assumption that blacks or others of minority races would be improved by association with whites. The notion that an all-black or predominantly-black school is automatically inferior to one which is all or predominantly-white—even though not a product of a dual system—inescapably carries racist overtones. And, of course, we know of hypocrisy: not a few of those in the North most stridently demanding racial integration of public schools in the South at the same time send their children to private schools to avoid the assumed inferiority of mixed public schools.

It is unequestionably true that most black schools—though by no means all—are in fact inferior to most white schools. This is due

in part to past neglect or shortchanging of the black schools; and in part to long-term patterns of racial discrimination which caused a greater proportion of Negroes to be left behind educationally, left out culturally, and trapped in low paying jobs. It is not really because they serve black children that most of these schools are inferior, but rather because they serve poor children who often lack the home environment that encourages learning.

Innovative approaches

Most public discussion of overcoming racial isolation centers on such concepts as compulsory "busing"—taking children out of the schools they would normally attend, and forcing them instead to attend others more distant, often in strange or even hostile neighborhoods. Massive "busing" is seen by some as the only alternative to massive racial isolation.

However, a number of new educational ideas are being developed, designed to provide the educational benefits of integration without depriving the student of his own neighborhood school.

For example, rather than attempting dislocation of whole schools, a portion of a child's educational activities may be shared with children from other schools. Some of his education is in a "home-base" school, but some outside it. This "outside learning" is in settings that are defined neither as black nor white, and sometimes in settings that are not even in traditional school buildings. It may range all the way from intensive work in reading to training in technical skills, and to joint efforts such as drama and athletics.

By bringing the children together on "neutral" territory friction may be dispelled; by limiting it to part-time activities no one would be deprived of his own neighborhood school; and the activities themselves provide the children with better education.

This sort of innovative approach demonstrates that the alternatives are not limited to perpetuating racial isolation on the one hand, and massively disrupting existing school patterns on the other. Without uprooting students, devices of this kind can provide an additional educational experience within an integrated setting. The child gains both ways.

Good faith and the courts

Where desegregation proceeds under the mandate of law, the best results require that the plans be carefully adapted to local circumstances.

A sense of compassionate balance is indispensable. The concept of balance is no stranger to our Constitution. Even First Amendment freedoms are not absolute and unlimited; rather the scales of that "balance" have been adjusted with minute care, case by case, and the process continues.

In my discussion of the status of school desegregation law, I indicated that the Supreme Court has left a substantial degree of latitude within which specific desegregation plans can be designed. Many lower courts have left a comparable degree of latitude. This does not mean that the courts will tolerate or the Administration condone evasions or subterfuges; it does mean that if the essential element of good faith is present, it should ordinarily be possible to achieve legal compliance with a minimum of educational disruption, and through a plan designed to be responsive to the community's own local circumstances.

This matter of good faith is critical.

Thus the far-sighted local leaders who have demonstrated good faith by smoothing the path of compliance in their communities have helped lay the basis for judicial attitudes taking more fully into account the practical problems of compliance.

How the Supreme Court finally rules on the major issues it has not yet determined can have a crucial impact on the future of public education in the United States.

Traditionally, the Court has refrained from deciding Constitutional questions until it became necessary. This period of legal uncertainty has occasioned vigorous controversy over what the thrust of the law should be.

As a nation, we should create a climate in which these questions, when they finally are decided by the Court, can be decided in a framework most conducive to reasonable and realistic interpretation.

We should not provoke any court to push a Constitutional principle beyond its ultimate limit in order to compel compliance with the court's essential, but more modest, mandate. The best way to avoid this is for the nation to demonstrate that it does intend to carry out the full spirit of the Constitutional mandate.

POLICIES OF THE ADMINISTRATION

It will be the purpose of this Administration to carry out the law fully and fairly. And where problems exist that are beyond the mandate of legal requirements, it will be our purpose to seek solutions that are both realistic and appropriate.

I have instructed the Attorney General, the Secretary of Health, Education, and Welfare, and other appropriate officials of the Government to be guided by these basic principles and policies:

Principles of enforcement

Deliberate racial segregation of pupils by official action is unlawful, wherever it exists. In the words of the Supreme Court, it must be eliminated "root and branch"—and it must be eliminated at once.

Segregation of teachers must be eliminated. To this end, each school system in this nation, North and South, East and West, must move immediately, as the Supreme Court has ruled, toward a goal under which "in each school the ratio of White to Negro faculty members is substantially the same as it is throughout the system."

With respect to school facilities, school administrators throughout the nation, North and South, East and West, must move immediately, also in conformance with the Court's ruling, to assure that schools within individual school districts do not discriminate with respect to the quality of facilities or the quality of education delivered to the children within the district.

In devising local compliance plans, primary weights should be given to the considered judgment of local school boards—provided they act in good faith, and within Constitutional limits.

The neighborhood school will be deemed the most appropriate base for such a system.

Transportation of pupils beyond normal geographic school zones for the purpose of achieving racial balance will not be required.

Federal advice and assistance will be made available on request, but Federal officials should not go beyond the requirements of law in attempting to impose their own judgment on the local school district.

School boards will be encouraged to be flexible and creative in formulating plans that are educationally sound and that result in effective desegregation.

Racial imbalance in a school system may be partly de jure in origin, and partly de facto. In such case, it is appropriate to insist on remedy for the de jure portion, which is unlawful without insisting on a remedy for the lawful de facto portion.

De facto racial separation, resulting genuinely from housing patterns, exist in the South as well as the North; in neither area should this condition by itself be cause for Federal enforcement actions. De jure segregation brought about by deliberate school-board gerrymandering exists in the North as the South; in both areas this must be remedied. In all respects, the law should be applied equally, North and South, East and West.

This is one nation. We are one people. I feel strongly that as Americans we must be done, now and for all future time, with the divisive notion that these problems are sectional.

Policies for progress

In those communities facing desegregation orders, the leaders of the communities will be encouraged to lead—not in defiance, but in smoothing the way of compliance. One clear lesson of experience is that local leadership is a fundamental factor in determining success or failure. Where leadership has been present, where it has been mobilized, where it has been effective, many districts have found that they could, after all, desegregate their schools successfully. Where local leadership has failed, the community has failed—and the schools and the children have borne the brunt of that failure.

We shall launch a concerted, sustained and honest effort to assemble and evaluate the lessons of experience: to determine what methods of school desegregation have worked, in what situations, and why—and also what has not worked. The Cabinet-level working group I recently appointed will have as one of its principal functions amassing just this sort of information and helping make it available to the communities in need of assistance.

We shall attempt to develop a far greater body of reliable data than now exists on the effects of various integration patterns on the learning process. Our effort must always be to preserve the educational benefit for the children.

We shall explore ways of sharing more broadly the burdens of social transition that have been laid disproportionately on the schools—ways, that is, of shifting to other public institutions a greater share of the task of undoing the effects of racial isolation.

We shall seek to develop and test a varied set of approaches to the problems associated with "de facto" segregation, North as well as South.

We shall intensify our efforts to ensure that the gifted child—the potential leader—is not stifled intellectually merely because he is black or brown or lives in a slum.

While raising the quality of education in all schools, we shall concentrate especially on racially-impacted schools, and particularly on equalizing those schools that are furthest behind.

Words often ring empty without deeds. In government, words can ring even emptier without dollars.

In order to give substance to these commitments, I shall ask Congress to divert $500 million from my previous budget requests for other domestic programs for Fiscal 1971, to be put instead into programs for improving education in racially-impacted areas, North and South, and for assisting school districts in meeting special problems incident to court-ordered desegregation. For Fiscal 1972, I have ordered that $1 billion be budgeted for the same purposes.

I am not content simply to see this money spent, and then to count the spending as the measurement of accomplishment. For much too long, national "commitments" have been measured by the number of Federal dollars spent rather than by more valid measures such as the quality of imagination displayed, the amount of private energy enlisted or, even more to the point, the results achieved.

If this $1.5 billion accomplishes nothing, then the commitment will mean nothing.

If it enables us to break significant new ground, then the commitment will mean everything.

This I deeply believe:

Communities desegregating their schools face special needs—for classrooms, facilities, teachers, teacher training—and the nation should help meet those needs.

The nation also has a vital and special stake in upgrading education where de facto segregation persists—and where extra efforts are needed if the schools are to do their job. These schools, too, need extra money for teachers and facilities.

Beyond this, we need to press forward with innovative new ways of overcoming the effects of racial isolation and of making up for environmental deficiencies among the poor.

I have asked the Vice President's Cabinet Committee on School Desegregation, together with the Secretary of Health, Education and Welfare, to consult with experts in and out of government and prepare a set of recommended criteria for the allocation of these funds.

I have specified that these criteria should give special weight to four categories of need:

—The special needs of desegregating (or recently desegregated) districts for additional facilities, personnel and training required to get the new, unitary system successfully started.

—The special needs of racially-impacted schools where de facto segregation persists—and where immediate infusions of money can make a real difference in terms of educational effectiveness.

—The special needs of those districts that have the furthest to go to catch up educationally with the rest of the nation.

—The financing of innovative techniques for providing educationally sound inter-racial experiences for children in racially isolated schools.

This money—the $500 million next year, and $1 billion in Fiscal 1972—must come from other programs. Inevitably, it represents a further reordering of priorities on the domestic scene. It represents a heightened priority for making school desegregation work, and for helping the victims of racial isolation learn.

Nothing is more vital to the future of our nation than the education of its children; and at the heart of equal opportunity is equal educational opportunity. These funds will be an investment in both the quality and the equality of that opportunity.

This money is meant to provide help now, where help is needed now.

As we look to the longer-term future, it is vital that we concentrate more effort on understanding the process of learning—and improving the process of teaching. The educational needs we face cannot be met simply with more books, more classrooms and more teachers—however urgently these are needed now in schools that face shortages. We need more effective methods of teaching, and especially of teaching those children who are hardest to reach and most lacking in a home environment that encourages learning.

In my message on education reform earlier this month, I proposed creation of a National Institute of Education to conduct and to sponsor basic and applied educational research—with special emphasis on compensatory education for the disadvantaged, on the Right to Read, on experimental schools and on the use of television for educational purposes.

I repeat that proposal—and I ask that the Congress consider it a matter of high priority.

A FREE AND OPEN SOCIETY

The goal of this Administration is a free and open society. In saying this, I use the words "free" and "open" quite precisely.

Freedom has two essential elements: the right to choose, and the ability to choose. The right to move out of a mid-city slum, for example, means little without the means of doing so. The right to apply for a good job means little without access to the skills that make it attainable. By the same token, those skills are of little use if arbitrary policies exclude the person who has them because of race or other distinction.

Similarly, an "open" society is one of open choices—and one in which the individual has the mobility to take advantage of those choices.

In speaking of "desegregation" or "integration," we often lose sight of what these mean within the context of a free, open, pluralistic society. We cannot be free, and at the same time be required to fit our lives into prescribed places on a racial grid—whether segregated or integrated, and whether by some mathematical formula or by automatic assignment. Neither can we be free, and at the same time be denied—because of race—the right to associate with our fellow-citizens on a basis of human equality.

An open society does not have to be homogeneous, or even fully integrated. There is room within it for many communities. Especially in a nation like America, it is natural that people with a common heritage retain special ties; it is natural and right that we have Italian or Irish or Negro or Norwegian neighborhoods; it is natural and right that members of those communities feel a sense of group identity and group pride. In terms of an open society, what matters is mobility: the right and the ability of each person to decide for himself where and how he wants to live, whether as part of the ethnic enclave or as part of the larger society—or, as many do, share the life of both.

We are richer for our cultural diversity; mobility is what allows us to enjoy it.

Economic, educational, social mobility—all these, too, are essential elements of the open society. When we speak of equal opportunity we mean just that: that each person should have an equal chance at the starting line, and an equal chance to go just as high and as far as his talents and energies will take him.

This Administration's programs for helping the poor, for equal opportunity, for expanded opportunity, all have taken a significantly changed direction from those of previous years—and those principles of a free and open society are the keys to the new direction.

Instead of making a man's decisions for him, we aim to give him both the right and ability to choose for himself—and the mobility to move upward. Instead of creating a permanent welfare class catered to by a permanent welfare bureaucracy, for example, my welfare reform proposal provides job training and a job requirement for all those able to work—and also a regular Family Assistance payment instead of the demeaning welfare handout.

By pressing hard for the "Philadelphia Plan," we have sought to crack the color bar in the construction unions—and thus to give black and other minority Americans both the right and the ability to choose jobs in the construction trades, among the highest paid in the nation.

We have inaugurated new Minority Business Enterprise programs—not only to help minority members get started in business themselves, but also, by developing more black and brown entrepreneurs, to demonstrate to young blacks, Mexican-Americans and others that they, too, can aspire to this same sort of upward economic mobility.

In our education programs, we have stressed the need for far greater diversity in offerings to match the diversity of individual needs—including more and better vocational and technical training, and a greater development of 2-year community colleges.

Such approaches have been based essentially on faith in the individual—knowing that he sometimes needs help, but believing that in the long run he usually knows what is best for himself. Through them also runs a belief that education is the key that opens the door to personal progress.

As we strive to make our schools places of equal educational opportunity, we should keep our eye fixed on this goal: To achieve a set of conditions in which neither the laws nor the institutions supported by law any longer draw an invidious distinction based on race; and going one step further, we must seek to repair the human damage wrought by past segregation. We must give the minority child, that equal place at the starting line that his parents were denied—and the pride, the dignity, the self-respect, that are the birthright of a free American.

We can do no less and still be true to our conscience and our Constitution. I believe that most Americans today, whether North or South, accept this as their duty.

The issues involved in desegregating schools, reducing racial isolation and providing equal educational opportunity are not simple. Many of the questions are profound, the factors complex, the legitimate considerations in conflict, and the answers elusive. Our continuing search, therefore, must be not for the perfect set of answers, but for the most nearly perfect and the most constructive.

I am aware that there are many sincere Americans who believe deeply in instant solutions and who will say that my approach does not go far enough fast enough. They feel that the only way to bring about social justice is to integrate all schools now, everywhere, no matter what the cost in the disruption of education.

I am aware, too, that there are many equally sincere citizens—North and South, black and white—who believe that racial separation is right, and wish the clock of progress would stop or be turned back to 1953. They will be disappointed, too.

But the call for equal educational opportunity today is in the American tradition. From the outset of the nation, one of the great struggles in America has been to transform the system of education into one that truly provided equal opportunity for all. At first, the focus was on economic discrimination. The system of "free schools" and "pauper schools" persisted well into the 19th century.

Heated debates preceded the establishment of universal free public education—and even in such States as New York, New Jersey and Connecticut, the system is barely a century old.

Even today, inequities persist. Children in poor areas often are served by poor schools—and unlike the children of the wealthy, they cannot escape to private schools. But we have been narrowing the gap—providing more and better education in more of the public schools, and making higher education more widely available through free tuition, scholarships and loans.

In other areas, too, there were long struggles to eliminate discrimination that had nothing to do with race. Property and even religious qualifications for voting persisted well into the 19th century—and not until 1920 were women finally guaranteed the right to vote.

Now the focus is on race—and on the dismantling of all racial bars to equality of opportunity in the schools. As with the lowering of economic barriers, the pull of conscience and the pull of national self-interest both are in the same direction. A system that leaves any segment of its people poorly educated serves the nation badly; a system that educates all of its people well serves the nation well.

We have overcome many problems in our 190 years as a nation. We can overcome this problem. We have managed to extend opportunity in other areas. We can extend it in this area. Just as other rights have been secured, so too can these rights be secured—

and once again the nation will be better for having done so.

I am confident that we can preserve and improve our schools, carry out the mandate of our Constitution, and be true to our national conscience.

Mr. BYRD of West Virginia. Mr. President, I yield the floor.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 13448) to authorize the exchange, upon terms fully protecting the public interest, of the lands and buildings now constituting the U.S. Public Health Service Hospital at New Orleans, La., for lands upon which a new U.S. Public Health Service hospital at New Orleans, La., may be located.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 59) to provide for the adjournment of the Senate from March 26, 1970, until March 31, 1970, with amendments, in which it requested the concurrence of the Senate.

The message further also announced that the House had passed a bill (H.R. 16612) to amend the District of Columbia Bail Agency Act to provide additional funds for the District of Columbia Bail Agency for fiscal year 1970, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 4148) to amend the Federal Water Pollution Control Act, as amended, and for other purposes, and it was signed by the President pro tempore.

HOUSE BILL REFERRED

The bill (H.R. 16612) to amend the District of Columbia Bail Agency Act to provide additional funds for the District of Columbia Bail Agency for fiscal year 1970, was read twice by its title and referred to the Committee on the District of Columbia.

ADJOURNMENT OF CONGRESS TO MARCH 31, 1970

Mr. BYRD of West Virginia. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on Senate Concurrent Resolution 59.

The PRESIDING OFFICER (Mr. CRANSTON). The Chair lays before the Senate the amendments of the House to Senate Concurrent Resolution 59, which the clerk will state.

The assistant legislative clerk read as follows:

Resolved, That the resolution from the Senate (S. Con. Res. 59) entitled "Concurrent resolution to provide for the adjournment of the Senate from March 26, 1970, until March 31, 1970", do pass with the following amendments: Line 4, strike out the period, and insert "; and that when the House adjourns on Thursday, March 26, 1970, it stand adjourned until 12 o'clock meridian, Tuesday, March 31, 1970."

Amend the title so as to read: "Concurrent resolution to provide for the adjournment of the Congress from March 26, 1970, until March 31, 1970."

Mr. BYRD of West Virginia. Mr. President, I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a question?

Mr. BAYH. I am glad to yield.

Mr. BYRD of West Virginia. Mr. President, has the morning business been concluded?

ADDITIONAL STATEMENTS OF SENATORS AS IN LEGISLATIVE SESSION

STATUS OF LEGISLATIVE PROPOSALS

Mr. MANSFIELD. Mr. President, on February 5, I reported to the Senate on actions taken by the bipartisan leadership of both the House and Senate to expedite legislative proposals deemed necessary before Congress could adjourn sine die.

At that time, I outlined goals as being early submission of the President's budget to Congress, an identification of new authorizations necessary for enactment prior to appropriations action, and an early submission of messages and legislative proposals on those authorization bills.

The leadership had been assured by chairman of the legislative committees that early hearings on those proposals would be scheduled and the measures brought to the floor of the Senate in a timely manner so as not to delay the appropriations process.

The chairman of the Committee on Appropriations in the House of Representatives, Mr. MAHON, announced on March 17 a schedule for reporting and floor consideration of all appropriations bills. If this schedule can be met, it is entirely feasible to reach an early adjournment this year.

For the information of the Senate, at the end of my remarks, I will place in the RECORD a table outlining the status of recommended 1971 budget items which require additional authorizing legislation.

It should be noted that some laws have been enacted; some acts are awaiting the President's signature; some measures have passed the Senate and are awaiting House action; others are on the Senate Calendar and will be acted on soon—in fact, one is the pending business; and others are under active consideration in the appropriate legislative committees.

However, it should also be noted, Mr. President, that in at least five cases, legislative proposals have not yet been forwarded by the Executive. In order that Congress may act in a timely and thorough manner, it is necessary that these proposals be received at the earliest possible time.

I ask unanimous consent that appropriate tables be printed in the RECORD.

There being no objection the tables were ordered to be printed in the RECORD, as follows:

STATUS OF RECOMMENDED 1971 BUDGET ITEMS REQUIRING ADDITIONAL AUTHORIZING LEGISLATION AS OF MARCH 26, 1970

PUBLIC LAWS ENACTED

Mental Health—PL 91-211.
National Library of Medicine—PL 91-212.

ENROLLED LEGISLATIVE ACTS AWAITING PRESIDENT'S SIGNATURE

Bureau of Reclamation—S. 3427.
Office of Saline Water—HR 15700.

PASSED SENATE, AWAITING HOUSE ACTION

Food Stamp Program—S. 2547.
Metric System Study—S. 1287.
Child Nutrition Program—HR 515.
U.S. Travel Service—S. 1289.

BILLS ON SENATE CALENDAR

Elementary and Secondary Education—HR 514.
Medical Facilities Construction (Hill-Burton)—HR 11102.

MEASURES RECEIVED AND REFERRED TO COMMITTEE FOR ACTION

Aeronautical and Space Sciences Committee

National Aeronautics & Space Administration—S. 3374.

Armed Services Committee

Defense Procurement—S. 3367.
Military Construction—S. 3588.

Banking and Currency Committee

Housing and Urban Development Act of 1970—S. 3639.

Commerce Committee

Fire Research—HR 16538.
Coast Guard—S. 3473.
Bureau of Commercial Fisheries and Bureau of Sport Fisheries (Anadromous Fish Conservation)—HR 1049.
Maritime Administration—S. 3489.
Railroad High Speed Ground Transportation.

Foreign Relations Committee

Peace Corps—S. 3430.
Foreign Military Sales—S. 3429 & HR 15628.
Arms Control and Disarmament—S. 3544.

Interior and Insular Affairs Committee

Trust Territories of Pacific—S. 3479.
National Park Service, Historic Properties—S. 3029.

Judiciary Committee

Law Enforcement Assistance—S. 3451.
American Revolution Bicentennial Commission—HR 16408.
Civil Rights Commission—S. 2455.

Labor and Public Welfare Committee

Health Services, Comprehensive Health, Regional Medical Services—S. 3443.
National Foundation on Arts and Humanities—S. 3238.
National Science Foundation—S. 3412.
Social Rehabilitation Services
S. 2846—Developmental Disabilities Services and Facilities Construction.
S. 3277—Mental Retardation Services Act.

Public Works Committee

Air Pollution—S. 3466.

Environmental Control—S. 3469.

Joint Committee on Atomic Energy

Atomic Energy Commission—S. 3409.

LEGISLATIVE PROPOSALS NOT YET FORWARDED BY THE EXECUTIVE

Agriculture and Forestry Committee

PL 480, Foreign Assistance.

Commerce Committee

Bureau of Standards Research on Flammable Fabrics.

Foreign Relations Committee

Economic Assistance.

Labor and Public Welfare Committee

Health Manpower.

Public Works

Economic Development Administration

Federal Aid to Highways Biennial Authorization Bill

Forest roads and trails.
BLM roads and trails.
Highway beautification.
Highway safety.
Forest highways.
Public Lands highways.
Highway trust funds.

COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES

SCHEDULE FOR REPORTING AND FLOOR CONSIDERATION OF APPROPRIATION BILLS, MAR. 17, 1970

Bill	Report in full committee	Floor consideration [1]
Education	Thursday, Apr. 9	Week of Apr. 13.
Legislative	Friday, Apr. 10	Do.
Treasury-Post Office	do	Do.
Second supplemental, 1970	[2]	[2].
Independent offices-HUD	Thursday, May 7	Week of May 11.
Interior	Thursday, May 14	Week of May 18.
State-Justice-Commerce-Judiciary	Friday, May 15	Do.
District of Columbia	Thursday, May 21	Week of May 25.
Transportation	do	Do.
Agriculture	Late May	Late May.
Foreign operations	Monday, June 1	Week of June 1.
Defense	Wednesday, June 3	Week of June 8.
Public works	Thursday, June 4	Do.
Military construction	Monday, June 8	Do.
Labor-HEW-OEO	Thursday, June 11	Week of June 15.

[1] Exact floor dates to be worked out in cooperation with House leadership.
[2] Probably some time during period mid-April/mid-May.

MARYLAND DAY—1970

Mr. GURNEY. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from Maryland (Mr. MATHIAS), who is necessarily absent today, relating to Maryland Day, 1970.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MATHIAS

Mr. President, during the past week, we in Maryland passed a significant milestone. On March 25th we commemorated the 336th anniversary of the founding of Maryland, the day that the first settlers arrived at St. Clement's Island at the end of their journey from England. Maryland is older than any other northern State save only Massachusetts. Marylanders share a history of the continuous exercise of the right of self-determination, of representative government, of freedom of religion and of many of the principles which today are considered keystones to the operation of a modern social and political system. We can very truly be proud of the tradition and of the heritage which we have been given by the early settlers who on March 25, 1634 first set foot in Maryland with the object of making it a good place to live.

But there is a high tax on this pride of pedigree. It is a tax that I think everyone of us should be happy to pay because it is a tax which merely demands that we do in our time and in our generation the very best that we can to equal and, if possible, to improve the quality of life that we have inherited. This means that Marylanders today have a high standard to match in meeting the kind of effort and the kind of principle which was established for our benefit 335 years ago. We have, I think, a tremendous record of progress. Maryland has grown from an original population of about 250 settlers to a State of more than four million, larger than many of the sovereign nations of the earth. We have wealth and technology and a variety of landscape and seascape.

We have the material ability to contribute to life on this planet, and we must have a correlative, a parallel desire, to use this bounty for the benefit of all mankind. Moreover, I think we must develop a great respect for the resources that were used first by the settlers who came to Maryland on the Ark and the Dove, and we must preserve the Chesapeake Bay as well as the mountains of Western Maryland from pollution and from despoilment. So, I think it's appropriate that on this Maryland Day of 1970, during the week in which we celebrate the anniversary of the settling of our State, that we remember the prayer which was offered on behalf of Maryland by the Very Reverend Francis Sayre, Dean of the National Cathedral in Washington:

"Blow, Lord, Thy clean winds upon the shores and shoals of Maryland.

Blow gentle breeze of blessing across the earth, atop her stalwart hills, and over the greening fields.

Blow, Holy Spirit, the freshness of liberty through the hearts of Thy people whose domain named for a queen, yet worships the King who is the Father of us all.

So may Thy children catch upon their hopes the breath of glory which Thou doth send to fill the spangled sky, the lofty sails of ships, and faithful lives of men.

Fulfill then, O God, the promise once borne upon the wings of a dove of a land of peace and companionship, and encourage enough ever to follow after Thee; through Jesus Christ Our Lord. Amen.

HOW TO DEAL WITH STUDENT UNREST

Mr. FULBRIGHT. Mr. President, the warden of Wadham College, Oxford, developed an original method of dealing with student unrest.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

The Warden and Fellows of Wadham College, Oxford, in a letter to a group of students who had presented a list of non-negotiable demands:

Dear Gentlemen: We note your threat to take what you call "direct action" unless your demands are immediately met. We feel that it is only sporting to let you know that our governing body includes three experts in chemical warfare, two ex-commandos skilled with dynamite and torturing prisoners, four qualified marksmen in both small arms and rifles, two ex-artillerymen, one holder of the Victoria Cross, four karate experts, and a chaplain. The governing body has authorized me to tell you that we look forward with confidence to what you call a "confrontation," and I may say even with anticipation.

RECORDING INDUSTRY'S CULTURAL AWARD TO WILLIS CONOVER

Mrs. SMITH of Maine. Mr. President, in these days of cynical pragmatism and pretentious expressions, rarely are we privileged to hear or read a truly moving statement. I heard such a statement on March 18, 1970.

It was elegant in its clarity and simplicity.

It was inspirational in its honesty and frankness.

It was admirable in its quiet and humble delivery.

It is truly rare and unforgettable.

It was the acceptance statement of Willis Conover of the Voice of America's "Music USA" on the Recording Industry Association's Cultural Award to him.

I have had much to do with the Voice of America and with the U.S. Information Agency, and nothing of their programs has impressed me as much as Mr. Conover's message. The American people are truly fortunate to have this man projecting not only our music but also our image to the people of the world.

I had never met Mr. Conover prior to hearing his message. But it was clearly evident that here was a rare person—a truly wise man in a world of too many "wise guys."

One of the greatest needs of our Nation today is more of his rare type to offset the "jet set" types and the "burn baby burn" types.

I envy and admire him. I only wish that I were capable of achieving such a message in such a manner as he did in his acceptance of the Cultural Award.

The Voice of America should have a prominent and repeated place for the Conover message.

One of the member companies of the Recording Industry Association should record the great value of the Conover message and acceptance statement and make a record of it in a manner similar to the Dirksen recordings.

It is too inspirational and reassuring not to be shared. For that reason, Mr. President, I ask unanimous consent that it be printed in the RECORD, for you cannot help catching its spirit when you read it.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY WILLIS CONOVER OF VOICE OF AMERICA

When we were kids, we took for granted that the world we knew was the world every-

one knew. People had different names and different faces, but if our home was happy (or if it was unhappy) we assumed that was the way all other homes were. Remember? If we were Protestants, or Catholics, or Jews, we joined our gang in teasing or fighting kids of other faiths for being "different", but it didn't occur to us that the services in those other churches might be very different from what we knew. We would have howled at anyone who told us that in the Southern Hemisphere it's winter in June and summer in January.

We held on to whatever beliefs we could grasp in the chaos, wrong beliefs and right ones, because that was all we had, then, and —really, it seemed—all we ever would have: We would never become adults because adults were "grownups" and we were "kids" and how could you change *that?*

Then we approached the door into the adult world. And every door was different. Some of us were good talkers, and maybe a dedicated teacher urged us to go into the Debating Society, and we found we could convince and influence. We went through the door and became salesmen if money was what we wanted, or politicians if we wanted to change the way the world was run.

Some of us wrote poems, or drew copies of comic strip characters, or sang in an amateur show, and were praised by Mommy and Daddy (or weren't praised, which could be even more decisive) and found ourselves artists on the other side of the door. When I was fourteen I played the part of a radio announcer in a high school play, and afterwards everyone said, "You sounded just like a real radio announcer!", and I knew then exactly which door I was going to go through.

Well, things on this side of the door aren't always what we thought they'd be. But here we all are tonight: salesmen and executives, Congressmen and Senators and other government officials, and artists. (I am none of these unfortunately. The things I do are a step or two away from all of them.) It would appear that we are all different from each other. And of course we are. But there is one simple kind of difference that, paradoxically, unites us all. A congressman friend of mine once told me: "There are two kinds of congressmen: The kind who work to get in the headlines and the kind who work to accomplish something for their country." Some times, of course, the two overlap.

There are two kinds of performers. Those who want to be instant celebrities—famous because they're famous, guests on TV talk shows, names in the gossip columns, and best tables in night clubs—and those who are proud not of "who they are" but of what they do and how they do it.

Two kinds of salesmen, in the entertainment industries: those who push performers who want a paper-fire success, a big fast blaze and then out, and those who help the artists achieve a steady, enduring glow. In my own field, lacking (as I said) those other talents, I was forced by the circumstances to settle on a sort of secondary talent, that of editor, or interpreter, or sometimes catalyst. I believe I saw a difference here, too. The headline stuff, the quick spotlight, the fast buck never appealed to me. I'm simply unable to be one of the "Now" people: no past, no future, just the quantum jump into Now—and a closet full of last year's Nehru jackets.

But "It's what's happenin', baby"? Comic books and sex magazines outsell Saturday Review, Atlantic Monthly, and Harper's; but I'm not going to throw Shakespeare out of my library (either William or Frank) for Batman. Andy Warhol is what's happening; in my gallery, I hang Warhol only in effigy. Drugs are what's happening; crime is what's happening; rudeness; shoddy workmanship; pollution; noise. Adults are trying to imitate children. Whites are trying to imitate blacks. Officers are being Good Guys with enlisted men. And they're all being laughed at behind their backs.

Okay, so the flashy headline and the Now stuff makes a buck. And we need that too.

But when I talk about America to people overseas, when I broadcast American music, when I encourage performers, my subject is the thing you've done that you're most proud of. Whether or not it made the papers or the charts. Your unadvertised good works are what I advertise.

And so we share that difference. You can honor me this evening only because of the honorable things you do. I can't exist without them.

And neither can America.

ELECTRIC POWER AND THE ENVIRONMENT

Mr. MUSKIE. Mr. President, one example of the concern throughout the Nation for our environment has been the difficulties experienced by the electric utility industry in finding acceptable sites for their new generating plants and for transmission line rights-of-way. The Intergovernmental Power Coordination and Environmental Protection Act (S. 7242), which I introduced and which has been the subject of hearings in Washington, D.C. and in the field, would provide a rational means to resolve the conflict between two significant national objectives: adequate electric energy to meet the Nation's demands and the protection of the environment.

We cannot permit this problem to go unattended and unresolved. The likelihood of "brown-outs" this coming summer, similar to those experienced last summer and even during the periods of peak demand for electric energy during the winter, makes it evident that this problem cannot be ignored without risking drastic consequences.

The New York Times of Sunday, March 1, contained a perceptive article by Mr. Gene Smith entitled "Utilities Damned at Any Location." Mr. Smith has summed up the dilemma in a very few paragraphs. I ask unanimous consent that his article be printed in the RECORD in order that his analysis may be read by those concerned about this situation.

In his article, Mr. Smith refers to a speech made by Lee C. White, the former Chairman of the Federal Power Commission, setting forth a number of specific suggestions to be considered by utility executives in undertaking to meet this challenge. An editorial from Electrical World for February 23, 1970, a publication widely read in the electric utility industry, comments favorably on Mr. White's suggestions and commends them to the attention of utility executives throughout the country. I, too, believe that Mr. White's suggestions are worthy of examination and ask unanimous consent that the text of his speech, which contained the nine-point proposal, and the editorial from Electrical World also be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 1, 1970]

UTILITIES DAMNED AT ANY LOCATION

(By Gene Smith)

Like frustrated apartment seekers, electric utilities are having trouble these days finding a place to live.

Or, as the January issue of Resources, the Magazine Inc., headlined a recent article: "Power—Yes; Power Plants—No."

The utilities have reached the point where they seemingly have no place to turn. Power demand doubles at a rate slightly faster than every 10 years but utilities are opposed by certain groups if they try to situate plants in cities, by others if they seek sites in the suburbs or wilderness areas and by still others if they try to locate near vital water supplies.

Several developments of recent weeks point up the problems of finding sites for power plants, whether nuclear, fossil-fueled (coal, oil or gas) or hydro:

The New York City Council has before it a proposed law regarding nuclear reactors. It reads in part: "No person, corporation, association, institution, college or university shall conduct an industry, occupation, business, profession, training program, demonstration or experiment, educational or otherwise, requiring the use of a nuclear reactor in the city."

Northeast Utilities announced last Wednesday that it might build a giant pumped-storage power plant at one of two sites in the Lower Berkshires on either side of the Connecticut-Massachusetts border. The utility asked governmental and citizens groups to participate in feasibility studies. Conservationists immediately indicated their opposition to any plants in the area.

Speakers at a recent briefing on a national energy policy suggested that maybe the time had come for electric utilities to slow down on their salesmanship "at least until we can catch up and develop power-supply technology that will minimize environmental concerns."

Federal Governmental officials have urged the creation of regional or national regulatory groups to pass on potential power-plant sites, and several states have already established such bodies with varying degrees of power.

Congressional leaders have called for a moratorium on all nuclear-plant construction, while the California Environmental Quality Study Council wants to give top priority to nuclear plants to eliminate future air pollution.

Obviously, the solution lies somewhere between these extremes, and the more progressive utility leaders recognize this. Lelan F. Sillin Jr., president and chief executive officer of Northeast Utilities, explained last week that he would use the same approach for future nuclear and fossil-fueled plants that he unveiled last Wednesday at Salisbury, Conn. He described it as an "open-planning concept" and acknowledged that it had such drawbacks as the possibility of escalating land values by disclosing well in advance exact sites for power projects.

Mr. Sillin said it was "quite apparent that we've got to improve the process for siting (power plants)." He added that in the past the lowest possible cost, which included straight-line routing of high voltage power lines, was the chief criterior.

"This is a step beyond the unilateral decision," he went on. "We are seeking a truly cooperate approach . . . one that will avoid the 'climate of crisis.'

"It sort of seems to me that we've lost the art of communications. We intend to bend over backwards to establish a quality of credibility and hope we can do it this way rather than in a climate of polarized views." Mr. Sillin added.

The New York State Atomic and Space Development Authority expects to spend most of its time during the next 15 months finding sites for future nuclear-power plants. Under the state's electric-power program, the Authority is authorized to select and acquire sites and to make them available as needed to electric-power generating organizations through leases or other contractual agreements.

CONSIDERATION INVOLVED

James G. Cline, general manager, indicated that the key criteria would take into consideration thermal effects, nuclear safeguards, power growth and grid needs, esthetics and actual land usage, including how best to integrate facilities into the environment.

He explained his group realized that there were "certain places where power plants belong, just as there are certain places where they don't belong." He emphasized that all alternative sites would be considered in the process of eliminating for the best locations.

Governor Rockefeller has proposed additional legislation aimed at establishing "a procedure for resolving questions relating to the location of major utility facilities without undue delay."

LUCE URGES REVISION

Charles F. Luce, chairman and chief executive officer of the Consolidated Edison Company, has called for a complete revision of state laws on the licensing of power plants and transmission lines. He has repeatedly urged the creation of one single regulatory agency that would make engineering, economic and environment decisions in consultation with state and local agencies interested in the outcome of licensing procedures.

Maryland has threatened a moratorium on nuclear plants if the Federal Government doesn't institute a crash program to study potential hazards.

Oregon and Washington have established advisory and coordinating committees aimed at the control of power-plant sites.

Senator Edmund S. Muskie, Democrat of Maine, has introduced a bill that calls for resolving power-plant siting on a regional level and providing a means for coordinating Federal, state and local group responsibilities for all the maintenance of reliable power supplies. Mr. Luce indicated he felt this would only add another level of regulation to the already over-crowded procedures.

Lee C. White, former chairman of the Federal Power Commission, recently outlined a nine-point plan for utilities faced with growing environmental problems. Chief among his points were:

Break away from the traditional approach of keeping long-range plans supersecret.

Give the earliest possible advice on plans to all state and local agencies that might have a hand in planning.

Consider for nomination to boards of directors persons identified with the conservation movement.

Name a company official responsible for environmental matters.

"Come very quickly to grips with the environmental crisis that faces you . . . The question is getting a little more attention in Congress these days, but I do not believe that, if I were managing a utility, I would wait for that particular salvation," Mr. White concluded.

REMARKS BY LEE C. WHITE, SEMER, WHITE & JACOBSEN, BEFORE THE ANNUAL MEETING OF THE MISSOURI BASIN SYSTEMS GROUP, DENVER, COLO., FEBRUARY 4, 1970

Every competent, or even semi-competent, speech writer has an all purpose speech entitled "The ——— Industry is at the Crossroads." Today the electric utilities industry—and that term includes every segment of the industry—is truly facing a future unrecognizable in terms of the past and even the present. I am not as close today as I was 6 months ago to the specifics of the problems facing the industry, and I can't even claim that my remoteness has necessarily given me new breadth or better perspective, but this has never deterred me in the past from expressing my views; and, having come this far, it is difficult for me to conceive of any force that could prevent me from expressing them now.

Not necessarily in the order of importance, I see the following problem areas and would like to discuss each of them in turn: financing and rates; the need for greater coordinated planning and operations; the commitment to nuclear energy; the need for greater research efforts; and the environmental crisis.

Financing and Rates.—The electric utility industry, which is already the nation's number one industry in capital investment, at somewhere near $100 billion, is estimated to require an additional capital investment of $350 billion by 1990, and this is occurring at a time when interest rates on utility bonds are between 8½ and 9 percent. An industry that prided itself on the fact that while the cost of living was rising steadily, rates for electricity were relatively constant and, if anything, had experienced a decline, is apparently moving into an era of sharply rising rates. I am no longer faced with the problem of determining what rates should be allowed, but I have considerable sympathy for those who must. The nation's regulatory bodies are now staring at hundreds of millions of dollars in proposed rate increases. Their obligation—to fix fair rates which will enable the utilities to secure the necessary funds to finance their required expansion and yet at the lowest cost to the consumer consistent with that requirement—is indeed a monumental assignment, and especially difficult will it be to perform the task reasonably and without undue delay. I hope that the individual states will provide adequate funds for staffing their regulatory bodies and that they will attract to those commissions men of vision, experience, and competence to protect the public interest. At this point, let me indicate my enthusiastic support for the action of Governor Rockefeller of New York in designating my predecessor at the Federal Power Commission to be Chairman of the New York Public Service Commission—simultaneously I should express my great pleasure that Mr. Swidler accepted the assignment. As opportunities to fill their important positions occur, I hope the appointing authorities will find the best possible candidates, especially at this time when the responsibilities are greater than ever before and where the tasks are probably more difficult than ever before.

An even more complicated aspect of rate making has begun to atract attention, and this is the structuring of rates. It has been suggested that rates should be tailored to assist the economically disadvantaged, not only because of their need to have vital utilities service, but perhaps because they are bearing an inordinate share of the rate burden, in that a greater investment in facilities is required to serve suburban areas than the more densely settled inner city. It also has been noted recently that, if we are approaching a period in our national life when there will not be sufficient energy to meet all demands, it may make sense to conserve energy by reversing the normal pattern and charging higher rates for that amount of energy used over the minimum required for the most esssential services. This is not the time and place to discuss these problems in detail—and, frankly, I don't know what the answers are, but suffice it to say that this is the type of issue that must be identified and resolved by those with regulatory responsibilities.

The Need for Greater Coordinated Planning and Operations.—Improved coordination in planning and operations by electric utilities is just about universally accepted as a laudable objective; but, quite candidly, we have had a little difficulty in getting from here to there. In some sections of the country, for example the Pacific Northwest, considerable progress has been made toward this end. Elsewhere, problems such as the tensions that have existed between different forms of ownership have impeded efforts to achieve that level of cooperation that is essential to a nation that is heavily dependent upon electric energy. In my view, one of the outstanding contributions of the Federal Power Commission during the 1960's was to get the various segments of the electric utility industry to focus on their common needs and problems and to put aside the natural rivalries and tensions that have existed between the different forms of ownership through the decades. Unfortunately, this has not been uniform throughout the country. As you know better than I, in the upper Midwest there have been some severe problems in achieving the accord and understanding that is essential to the mutual strength of all of the systems serving all of the people of the area. Electrons do not run around wearing little tags saying "produced by investor-owned utility" or "produced by a cooperatively-owned utility" or "produced by a municipally-owned system." While serving in the government I recommended legislation which would have required regional coordinating councils and authorized the FPC to approve the method of operating them. This recommendation was made with full recognition of the fact that it is difficult to legislate cooperation. I hope the fact Congress has not acted on that recommendation will not encourage utilities to hang back, but rather will serve as a prod to achieving the required level of coordination on a voluntary basis. I hope, too, that the developing regional councils will respond affirmatively to the FPC's very courteous "request" in its revised order on voluntary interconnection and coordination by power systems to permit participation by FPC and state regulatory commission staff on a non-voting basis "in their principal meetings, and upon occasion, as may be requested by the Commission's Chief, Bureau of Power, in important technical meetings."

I do not hold to the view expressed by some that the inevitable solution to the bulk power supply problem is the establishment of only 12 or 15 bulk supply corporations operating in the United States. This is certainly *an* approach, but there are other appropriate and legitimate methods, and none is more promising than true regional coordination.

The Commitment to Nuclear Energy.—There is, of course, something stimulating about people in a technical industry operating in the outer reaches of technology. Undoubtedly, some electric utilities have committed themselves to nuclear energy plants only for the prestige associated with the new technology. Those whose operations and locations (that is nearness to conventional fossil fuels) permit have apparently hedged their bets by ordering conventional facilities at the same time they are sticking their toes in the nuclear bathtub. The remarkable delays in getting nuclear units on the line (particularly the very large units); the increase in cost per installed kilowatt of capacity over the quoted prices of only a few years ago; the continuing concern about both thermal pollution and potential radioactive emissions have all conspired to slow down the pellmell rush for nuclear contracts that existed in 1967 and 1968. Recent announcements of new contracts indicate that there has been a slight quickening of the pace that nuclear is creeping back up from a very difficult 1969. The Atomic Industrial Forum predicted last week that there would be a 50 percent increase in nuclear plant orders in 1970 over 1969. I do not advocate the barring of nuclear plants or a slow-

down by the industry in the purchasing of such plants, but certainly any utility management has the greatest obligation to satisfy itself that the decision to go nuclear not be made without the most exhaustive assessment of both the benefits and the disadvantages of such a course.

The Need for Greater Research Efforts.—It has become standard fare for the people in government to criticize the electric utility industry for the relatively meager contribution it has made in research and development. In my view, the reason is quite evident: Simply stated, the criticism is valid.

The FPC recently released its compilation of Statistics for Privately Owned Electric Utilities in the United States for 1968. It reveals that the approximately 200 investor-owned utilities spent less than $39 million, or about 2/10 of 1 percent of revenues, on research and development in 1968 either directly by the utility or in support of outside organizations. In the same year, expenses for advertising and other sales expenses were over $273 million. I do not have comparable figures for the municipally and cooperatively-owned systems, but I doubt that they would look much better.

The unwillingness of the industry to finance an experimental magneto hydrodynamics (MHD) plant is, in my view, inexcusable. It has always mystified me that, as important and as financially strong as the electric utility industry is, it had left so much of the research and development to the manufacturers of electrical equipment. Basic human behavior would suggest that the organization performing the research will resolve any differences or questions of emphasis in favor of its own needs, not someone else's. The Federal Power Commission has sought to encourage research by utilities; its most recent action being a rule proposed last week which would permit expenditures for research not only to be an operating expense, but a part of the utility's rate base. Although the objective is certainly commendable, I personally have a little trouble with the concept of including the research and development expenses as part of the rate base. However, I am confident the matter will be thoroughly argued before the Commission before it reaches a decision on the question.

The point, rather simply, is that the consuming public has the right to expect a greater research effort by the industry, especially in the light of the environment problems it faces.

The Environmental Crisis.—Undeniably, the major problem facing electric utilities throughout the country is the sharply increased concern about the environment. This problem, which manifested itself a few years ago in sporadic outbursts, has now risen to the point where it is designated by President Nixon as perhaps the most important domestic problem facing the nation.

Although a whole host of us lesser lights may get a litle charge out of digging copies of our own brilliant analyses of these problems out of our files and can point with pride to our vision of years ago, the significant factor is that today there is legitimate and vigorous competition among our top political leaders for preeminence in the field of preserving and protecting our environment. This, as I see it, is all to the good.

What it means, however, is that the problems associated with selecting generating sites and transmission line rights of way constitute one very prominent, visible, and definable chunk of the total environmental problem. Because of its character, this particular chunk will certainly continue to have a great deal of attention focused on it.

Prior to leaving the Federal Power Commission, I predicted that within 2 years—that is by May 1971—the utility industry would be asking Washington for assistance to help it cut through the growing stalemate between those who have the responsibility to meet the steadily increasing power needs of the nation and those who are deeply concerned about the impact of such industrial growth on the environment. I have a hunch that that particular prediction will prove to be a little better than the political predictions I have been making during the past few years.

In any event, it is worth noting that Mr. Charles Luce, Chairman of the Board of the Consolidated Edison Company of New York, in a speech to the Association of the Bar of the City of New York a couple of months ago, expressed the view that the State of New York should adopt legislation vesting in one state agency the authority to cut through the complex of issues that is preventing Con Ed from constructing the facilities necessary to meet its projected load growth. I do not know that I favor individual state legislation, but certainly the situation cannot continue as it has without a very severe danger that we will find ourselves without adequate power.

It is perfectly evident that the dialogue between the environmentalists and utilities is beginning to shift. The utilities are no longer being asked, "why don't you locate your plant in a site other than the one that you have selected?" The question being asked today is, "can you justify the construction of an additional plant anywhere?" In short, the public is beginning to challenge the basic assumption upon which the electric utilities have operated in the past 85 years, namely, that not only must the utility meet every request for power, but it was appropriate and desirable for it to promote increased consumption of electric energy. Today there are a very few voices in the wilderness questioning this basis precept. Tomorrow there will be additional voices, and the day after that, a veritable chorus.

Realistically, we will continue to increase our consumption of electricity in the United States, and those of you who bear the responsibility for seeing to it that there is an adequate supply must, in my view, very quickly come to grips with the environmental crisis that faces you. The problems generally are more intense in the congested areas along the eastern and western seacoasts; but, if the problem has not come to your system yet, you can take bets on its doing so and you can also predict that it will come faster than perhaps you wanted it to. The point is that time is exceedingly short, and I would strongly encourage each of the systems, individually and on a joint basis, to analyze these problems and begin to provide workable solutions.

Let me offer for your consideration, in a very sketchy way, some approaches that occur to me to hold some hope. As I have indicated, I would tread the legislative path. The question is getting a little bit more attention in Congress these days, but I do not believe that, if I were managing a utility, I would wait for that particular salvation. I offer you the following suggestions:

1. Break away from the traditional approach of keeping long-range plans for construction of generating and transmission facilities super secret—even though controversy will be engendered by revealing them, recent experience indicates there is just as much controversy if you reveal your plans the day before construction is to commence.

2. Recognize the legitimacy of the people's concern for and interest in our environment—certainly there are some environmentalists and conservationists who are so extreme in their positions that accommodation with those positions is impossible, but that is not to suggest that the great bulk of concerned people do not appreciate the need to develop acceptable accommodations between the need for power and the negative environmental by-products.

3. Encourage the various societies, associations, and organizations in your service area who are concerned with environmental matters to come together in a voluntary grouping so that your engineers and design people can work with them on an early and constructive basis—you may even find their contribution to be helpful and they may afford protection against spontaneous and less qualified critics.

4. Provide formal recognition of your concern for the environment by designating an assistant manager or a vice president for environmental matters—this not only will indicate organization concern, but will serve to channel injuries and advice to the appropriate office.

5. Additional recognition can come through appointment to your Board of Directors of local or national personalities identified with the conservation movement—their knowledge, understanding and familiarity with issues and people can be a positive force in the decision-making process.

6. Develop working relationships with those elements of universities in your service area devoted to environmental matters—where such disciplines are already established, you can use the benefits of their research and knowledge of local factors, and where they do not exist or are weak, try to help them achieve the capability of providing the soundest analytical foundation for decision-makers.

7. Give the earliest possible advice on system plans to all appropriate state and local agencies, including zoning authorities, pollution abatement agencies, regulatory bodies, aesthetic, historical, and scenic preservation agencies, as well as governors, mayors, county commissioners and other elected officials—they will increasingly feel the intense interest (and even heat) from the public and are entitled to be fully and promptly informed.

8. Examine your research budgets to see whether a greater effort is possible, particularly in such environment-protecting fields as more economical undergrounding of transmission lines, treatment of fuels before use, removal of pollutants after combustion—technological progress got us into some of these difficult environmental problems; we should be able to use some of our creativity and ingenuity to resolve those problems.

9. Publicize in every legitimate way actions taken by your system that demonstrate your sensitivity to the environmental problems—to the extent the electric utility industry intensifies its efforts to meet these challenges and so advises the consuming public, it will receive improved understanding and acceptance.

Conclusion.—Earlier I referred to the rivalries and tensions that have continued to exist between the various segments of the electric utility industry. In a very real sense I can see some progress being made in improved cooperation between the segments of the industry—I only wish that it were uniformly good across the country. It occurs to me, however, that one highly legitimate form of competition between the consumer-owned segments of the industry and the investor-owned utilities might be a contest to see which major group can first develop the means of responding to the nation's heightened interest in the environment and indeed some of the other problems that have been discussed today. The temptation to an old government employee such as myself to preach is very nearly irresistible. Thus, I would like to conclude with one observation that will be at least controversial and probably offensive: Utilities that are owned by their customers tend to believe that their hearts and their deeds must, because of that

fact, be pure—may I respectfully suggest that this is not necessarily true. As managers with the responsibility to meet all the legitimate needs of your customers who also happen to own your systems, you have a special duty and opportunity to provide leadership for the great industry of which you are a significant part.

[From Electrical World, Feb. 23, 1970]

NINE SUGGESTIONS FROM AN OLD PRO

Rarely less than forthright in speaking his mind on utility industry issues when he was chairman of the Federal Power Commission, Lee C. White appears no less candid in his present role as private citizen. We found real wisdom in nine suggestions he offered utility management earlier this month for coping with the environmental crisis, in an address before a utility group in Denver. These were his suggestions:

1. Break away from the traditional approach of keeping long-rang plans for construction of generating and transmission facilities supersecret—even though controversy will be engendered by revealing them. There is just as much controversy if you reveal them the day before construction begins.

2. Recognize the legitimacy of the people's concern for and interest in our environment. Certainly some environmentalists are extreme in their positions, but the great bulk of concerned people appreciate the need to develop acceptable accommodations between the need for power and the negative environmental byproducts.

3. Encourage the various societies, associations, and organizations in your service area who are concerned with environmental matters to come together in a voluntary grouping so that your engineers and design people can work with them on an early and constructive basis.

4. Provide formal recognition of your concern for the environment by designating an assistant manager or vice president for environmental matters. This will indicate organizational concern, and channel inquiries and advice to the appropriate office.

5. Additional recognition can come through appointment to your board of directors of local or national personalities identified with the conservation movement. Their knowledge, understanding, and familiarity with issues and people can be a positive force in the decision-making process.

6. Develop working relationships with those elements of universities in your area devoted to environmental matters. Where such disciplines are already established you can use the benefits of their research—and where they are weak try to help them achieve capability.

7. Give the earliest possible advice on system plans to all appropriate state and local agencies, including zoning authorities, pollution-abatement agencies, regulatory bodies, and aesthetic, historical, and scenic-preservation agencies, as well as governors, mayors, and county commissioners. They feel the intense interest (even heat) from the public, and are entitled to be fully and promptly informed.

8. Examine your research budgets to see whether a greater effort is possible, particularly in such environment-protecting fields as more economical undergrounding of transmission lines, treatment of fuels before use, removal of pollutants after combustion. Technological progress got us into some of these difficult environmental problems; we should be able to use some of our creativity and ingenuity to resolve them.

9. Publicize in every legitimate way actions that demonstrate your sensitivity to environmental problems. To the extent that the electric utility industry intensifies its efforts to meet these challenges and so advises the consuming public, it will receive improved understanding and acceptance.

For those who must bear the responsibility for seeing to it that there is an adequate supply of electricity in the United States, White had one more bit of advice:

"Come very quickly to grips with the environmental crisis that faces you . . . The question is getting a little more attention in Congress these days, but I do not believe that, if I were managing a utility, I would wait for that particular salvation."

This is very sound counsel.

MICHIGAN MARINE WINS NAVY CROSS

Mr. GRIFFIN. Mr. President, today I received word from the Department of the Navy that the Nation's second highest award for valor, the Navy Cross, will be presented to a young Marine from Michigan.

He is Pfc. Timothy S. Guarino, son of Mr. and Mrs. Tony Guarino, of 311 Richter Street, River Rouge, Mich.

I have been informed that Timothy Guarino, now returned to civilian life, will be decorated with the Navy Cross at appropriate ceremonies early next month in his hometown.

I ask unanimous consent that the citation which will accompany the award be printed in the RECORD.

There being no objection, the citation was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE NAVY,
Washington, D.C.

The President of the United States takes pleasure in presenting the Navy Cross to Private First Class Timothy S. Guarino, United States Marine Corps for service as set forth in the following

CITATION

For extraordinary heroism while serving as a Machine Gun Ammunition Man with Company G, Second Battalion, Ninth Marines, Third Marine Division in the Republic of Vietnam on 1 June 1969. Company G came under a vicious ground attack by a determined hostile force utilized satchel charges, automatic weapons fire and rocket-propelled grenades. While resolutely defending his position in a sector of the perimeter which had been penetrated by the enemy, Private First Class Guarino observed a wounded companion fall in a position dangerously exposed to the enemy advance. Completely disregarding his own safety, he fearlessly crossed the fire-swept area and carried his injured comrade to a place where medical aid was available. As he was assisting in treating the casualty, an enemy hand grenade landed beside the corpsman and the wounded Marine. Fully aware of the possible consequences of his actions and thinking only of the safety of his companion, Private First Class Guarino unhesitatingly knocked the corpsman to the ground beside the wounded Marine and valiantly threw himself over their bodies thus absorbing the full force of the grenade's detonation and sustaining extensive wounds. His heroic and bold efforts inspired all who observed him and saved the lives of two comrades. By his courage, selfless concern for his fellowman and unwavering devotion to duty in the face of grave personal danger Private First Class Guarino upheld the highest traditions of the Marine Corps and the United States Naval Service.

For the President,
/s/ JOHN H. CHAFEE,
Secretary of the Navy.

QUESTIONS ABOUT THE PRESIDENT'S EDUCATION PROPOSALS

Mr. HARRIS. Mr. President, the recent announcement by President Nixon relating to the Higher Education Opportunity Act of 1970 has prompted certain questions from school administrators and concerned citizens.

If the President's proposal were adopted, it appears that many of the objectives and desirable features of the national defense loan program would be killed. As I understand the President's proposal, there would no longer be any direct Federal loans and no longer would subsidies on interest for guaranteed loans be available to students.

While I would be the first to agree that we can improve our present efforts in providing an opportunity for all qualified students to pursue fully their educational desires, I have serious reservations about the President's proposal.

Mr. Elton G. Davis, director of financial aid at the University of Oklahoma, has agreed with the President's stated objective of making more loans available to students from low-income families, but has expressed concern that the President's proposal by creating more new programs may in fact end up being wasteful. Mr. Davis asked:

How can the government talk of a new program and ask support for new ideas, when they can't support the programs we have already established?

Comments made by Mr. Davis appear in the Oklahoma Journal of March 22, 1970. Since they reflect some of the questions being raised by the President's proposal, I think the column will be of interest to Senators. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Oklahoma Journal, Mar. 22, 1970]

OU OFFICIAL RAPS NIXON'S LOAN PLANS

(By Richard Boggs)

NORMAN.—President Nixon could help more needy students by directing educational assistance money into existing programs than by spending thousands creating new agencies, a University of Oklahoma student loan official said Saturday.

Elton G. Davis, OU director of financial aid, agreed with Nixon's recommendation to trim the fat and make loans more readily available to lower income families. But he added it would be a waste to establish new programs for this purpose.

"There is a heck of a cost involved in setting up the machinery for a loan program," said Davis.

"If he wants to set up a federal bank and spend all this money, fine. But by putting that money in established programs, a lot more kids could go to school.

"Dropping the limit from $15,000 to $10,000 would strap a lot of people," he said. "If the president wants to give those people from families of $7,500 the same chance to go to college as kids from $10,000 well and good.

"The irony is that generally the people who get our loans, some 75 per cent or more, are from families of less than $7,500 already. Some of them are as low as $3,000."

He said the maximum allowable on other federal programs, including the National Defense Loan program, is already $9,000 annual

income and only $6,000 if his wife does not work and there are no children.

"As for the bank loans in which the government pays all of the interest," he said, "some families making $20,000 can qualify. The criteria is based on the adjusted gross income."

"Some families with $20,000 income, heavily in debt or with a large number of children, are not in as good of shape for dishing out college money as other families with incomes less than $10,000 per year."

"There is far more participation from banks in rural areas than in the metropolitan area," he said. "They know the people and know they will be customers when they get out."

Last year, the University of Oklahoma processed 1,432 applications for the guaranteed bank loans. Slightly more than half were approved by banks. Records showed confirmation of only 762 loans under the program.

The state Board of Regents for Higher Education showed 6,149 loans for all public and private schools in the state and for all Oklahoma students attending accredited out of state schools.

"They don't like to advertise it (the loan program) because they don't want the business," said Dr. E. T. Dunlap, the regents monitor for the program.

"In the three-year history of the programs, the regents have underwritten 13,125 loans totaling $10,270,165.51."

Asked about the Oklahoma City banks, Davis said, "They are not too strong, not too strong. That's all I can say, they are not giving the program the support they should.

"I don't blame them for wanting a profit, they're in business to make money," he said.

"I think they should do this for the people of their community. Students will remember their bankers when they get their degree."

One Oklahoma City banker said they would not take his bank off the list of institutions making such loans.

Davis said all five Norman banks had given good support to the program and set an example of civic responsibility.

"There are a lot of other communities, mostly rural, which have supported the program," he said.

He said many students who didn't really need the money to go to school had applied and in some cases been granted loans.

"Some students borrow the money under the program, let the government pay the interest while they are in school and let daddy earn interest with it," he said. "The government should cinch up a little on that. There's far too much of it.

"We figure it takes an average of $1,500 to go to OU for a year and we've been able to help every student that has applied to this office and who reflects a need whether with a loan or work or a scholarship," he said. "We try to keep the student from getting $1,000 per year loan and building a huge debt.

"First of all, we want them to come to school with money from their summer work, and if he's willing to work when he gets here, we can put him on work study," he said. In that program a student works a maximum of 15 hours per week for tuition assistance.

"If he earns $700 that way, that leaves $800 and we can get qualified students an educational opportunity grant of half that and a loan for the balance," he said. "Even if we can't get the student qualified for the grant, a loan of $800 per year is something he can live with and is much better than $1,000 or $1,500."

"How can the government talk of a new program and ask support for new ideas," Davis asked, "when they can't support the programs we have already established?"

He said most programs will face budget cutbacks in September.

"It's the third year in a row we've cut back on the National Defense loans," he said. "A lot of students will have to drop out of school, others won't get in."

THE CHICAGO BIELARUSSIAN AMERICANS

Mr. SMITH of Illinois. Mr. President, we in the United States are indeed fortunate to be a nation of many peoples. Our national heritage is a tapestry woven from the riches of all of the cultures of the world.

My own State of Illinois is especially fortunate to have within her borders citizens who strive to preserve their cultural backgrounds and honor the homelands of their fathers.

Yesterday the Americans of Bielarussian descent celebrated the 52d anniversary of the Declaration of Independence of Bielarus. These fine Americans, enjoying the freedoms of this country, have not forgotten, and will not forget, the plight of their brothers enslaved behind the Iron Curtain.

Last year at this time, the Chicago Bielarussian Americans endorsed a resolution reaffirming their belief in the American democratic principles and requesting the assistance of the United States and the United Nations in assuring the return of liberty to the captive people of Bielarus.

Mr. President, I ask unanimous consent that the resolution of the Chicago Bielarussian Americans be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

A RESOLUTION BY THE CHICAGO BIELARUSIAN AMERICANS

We, Americans of Bielarusian descent, who have gathered this 29th day of March 1969, A.D., at 6:30 p.m., at the Bielarusian Cultural Center located at 3107 West Fullerton Avenue, Chicago, Illinois, to commemorate the Fifty-first anniversary of the Declaration of Independence of Bielarus (Byelorussia), do solemnly affirm and reiterate our position of previous years as follows:

Whereas, the people of Bielarus (Bielarussia), one of the first victims of the Russian Communist aggression, which two years ago marked fifty years of existence of their imperialistic and colonial state, have been forcibly deprived of their national sovereignty, their religious, political, cultural, and economic liberty, and are still subjected to inhuman policy of oppression, terror, mass deportation, Russification, economic slavery and colonial exploitation; and

Whereas, the Bielarusian people are strongly opposed to foreign domination and are determined to restore their freedom and sovereignty which they had rightly enjoyed for many centuries in the past; and

Whereas, with the attention of the world focused on the new African and Asian nations which were liberated from colonialism with the aid of the United Nations and have joined the community of free and independent states, the plight of the Bielarusian and other non-Russian nations enslaved in the U.S.S.R. have been neglected; and

Whereas, the present government of the Bielarusian S.S.R. and its United Nations delegation, who are not democratically constituted representatives of the Bielarusian nation but only the executors of the will of the Russian colonial administration, will not and cannot, therefore, protect and defend the Bielarusian people; therefore be it

Resolved, that this Commemorative Assembly of the Fifty-First Anniversary of the Declaration of Independence of Bielarus appeal to the President, the Secretary of State, and members of the Congress of the United States of America with the request to do everything possible that the liberation of Bielarus and other countries subjugated by Communist Russia be included in the program of the American foreign policy; and be it further

Resolved, that the Government of the United States of America take appropriate steps through the United Nations and other channels to stop the Soviet Russia's policy of colonialism in Eastern Europe and force the Russians to pull out their armed forces from non-Russian lands and to institute free elections in Bielarus under the supervision of the United Nations, as it was already proposed in the resolution in the Senate of the United States by the Senator from Illinois, Everett M. Dirksen, on January 22, 1965; and be it further

Resolved, that we, Americans of Bielarusian origin and descent, reaffirm our adherence to the American democratic principles of government and pledge our support to our President and our Congress in their firm stand against the Communist aggression in Vietnam and in their efforts to achieve a lasting peace in the world, with freedom and justice; and be it further

Resolved, that the Bielarusians in the Free World, together with Americans of Bielarusian descent, are the sole and rightful spokesmen for the Bielarusian freedom cause and should be consulted in all matters regarding Bielarus; and be it further

Resolved, that the best name in English for the country of our ancestry is Bielarus and the adjective Bielarusian and that such terminology should be promoted along with the name Byelorussia, which is greatly disliked by all Bielarusian people everywhere.

BETTER CHOICES FOR NOMINATION TO THE SUPREME COURT

Mr. BAYH. Mr. President, during the debate on the nomination of Judge G. Harrold Carswell to the Supreme Court, I have, on numerous occasions, suggested that my opposition to the nominee is not based on the fact that he would be a "strict constructionist," but on other considerations. After a study of Judge Carswell's record and after listening to the testimony before the Committee on the Judiciary, I became convinced that Judge Carswell lacked the qualifications to sit on our Highest Court. At that time and on several subsequent occasions I said that there are numerous outstanding men and women the President might appoint who, while strict constructionists, have established records of judicial competence and professional distinction.

The current issue of Life magazine contains an article naming nine distinguished attorneys and judges who, the editors feel, would be better choices for nomination to the U.S. Supreme Court than Judge Carswell. Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DOES NIXON HAVE TO STAFF THE COURT WITH CARSWELLS?

Underlying the Senate's debate on the Supreme Court nomination of G. Harrold Carswell was a nagging question, is this the

best the U.S. can do? Richard Nixon's choice of Carswell was by no means a casual one. Unlike his predecessors, who frequently elevated cronies to the High Court, Nixon said he considers only nominees who are personally not close to him and have previous judicial experience. He also had another unproclaimed but plain, purpose: to pick a Southern conservative. The Nixonian approach (above) apparently involves painstaking examination of the nominee's mind, health and political bona fides, and finally the cosmetic touches which produce the Compleat Associate Justice. It should work as well as any other. But has it? Even those who accept the proposition that a President has as much right to choose a "strict constructionist" as to fill a "Jewish seat" have been moved to wonder whether it ought not be possible to find someone with more positive qualities and credentials than Carswell. So LIFE asked a number of prominent judges, legal scholars and bar officials what they thought. Nine alternative candidates for the Court whom they often mentioned, or highly praised, follow:

HERE ARE NINE BETTER CANDIDATES

The jurists pictured here do not represent an attempt to make book on the particular individuals President Nixon will appoint to the Court. But most of them are the kind of people the President could feel comfortable in picking, if he widened his field of choice beyond narrowly geographic or partisan considerations. The list excludes men closely identified with Democratic administrations, such as Ramsey Clark and ex-Solicitor General Archibald Cox.

One of Nixon's criteria—that the Court needs to be balanced with appointees who are "strict constructionists"—need not disqualify all liberals. There are many judges who favor liberal social legislation and nonetheless have strong reservations about legislating by court decision.

Because they are for life, age is a question that always arises in connection with Supreme Court appointments. Some think that a man already past 60 would normally have insufficient time to make his mark on the bench. Except for James F. Byrnes, 62 when he was appointed by F.D.R. in 1941, no associate justice over 60 has been appointed to the Court since 1932. The Nixon administration is said to have made 64 its age ceiling, thus conceivably ruling out—as we have here—such respected federal judges as New York's Henry Friendly, 66, and Pennsylvania's William Hastie, 65.

All those listed are professionally active in the field of law, though no constitutional requirement or precedent says that a Supreme Court justice must be. In making future appointments (retirements from the present Court within the next few years could give him as many as three openings to fill) Nixon might look elsewhere. In the past, to solve a problem or to reward a friend, Presidents have named senators and congressmen, many of whom are lawyers.

Charles Breitel

Associate judge of the New York State Court of Appeals, 61. Outstanding on criminal law procedure. Like Chief Justice Warren Burger, a longtime prominent advocate of penal reform. Sensitive on civil liberties issues, but generally a strict conservative on the limits of court intervention. In a controversial 1961 decision, wrote that New York City could not deny American Nazi George Lincoln Rockwell his constitutional right to speak in public. A protégé of Tom Dewey. Republican.

Shirley Hufstedler

California-based circuit judge of the U.S. Court of Appeals, 44. Before taking up law practice, a teacher, a secretary and salesgirl; now the highest-ranking and most highly regarded woman judge in the federal court system. Decisions widely praised for clarity and legal craftsmanship, as well as display of sharp intellect. Democrat.

Frank Johnson, Jr.

U.S. district judge for southeastern Alabama, 51. In 14 years of courageous frontline enforcement of the Constitution, applied the 1954 school desegregation decision to the Montgomery bus system, thus helped speed desegregation in all public facilities. Presided over the trial in which an all-white jury convicted three Ku Klux Klansmen in the murder of Viola Liuzzo. Sat on the courts that abolished the Alabama poll tax, and that handed down the nation's first statewide school desegregation order, first order requiring a state to reapportion voting districts and the first court-devised reapportionment plan. Scrupulously fair, an excellent craftsman. Republican.

William Coleman, Jr.

Philadelphia lawyer, 49. Distinguished as private attorney in respected law firm, but also as a strong force in NAACP Legal Defense Fund. Member of the Eisenhower Commission on the Causes and Prevention of Violence and of U.S. delegation to the United Nations. Twenty-two years ago was chosen by Justice Frankfurter to be first Negro law clerk in the history of the Supreme Court. Republican.

Paul Freund

Carl M. Loeb University Professor at Harvard, 62. Quite possibly the most brilliant constitutional scholar in the country; one of Harvard Law School's most gifted teachers since Felix Frankfurter; most frequently praised—and passed over—choice for the Court throughout the past decade. Judicially, a moderate conservative: agreed, for instance, when the Warren Court ordered reapportionment, but thought it applied the doctrine too inflexibly. Politically, a New Deal Democrat.

Edward Gignoux

U.S. district judge for the State of Maine, 53. Personally outstanding for his judicial temperament, effectiveness in working with other judges, remarkable courtroom courtesy. Holder of a compassionate viewpoint soundly expressed in opinions widely admired by colleagues. Is well known far beyond Maine partly because, his in-state case load being light, he frequently sits in on other district courts. Did stint in Dean Acheson's Washington law firm, Covington and Burling. Republican.

Bernard Segal

President of the American Bar Association, 62. Was a loquacious and energetic chairman of the ABA's influential watchdog on court appointments, the Committee on Federal Judiciary. Wealthy Philadelphia lawyer and an opponent of some forms of civil disobedience. But served as a co-chairman of Lawyer's Committee for Civil Rights under Law, which represented civil rights workers in Mississippi in the mid-1960s. Republican.

Herbert Wechsler

Harlan Fiske Stone Professor of Constitutional Law at Columbia University, 60. A leading scholar, with fine sensitivity to changing legal nuances in criminal law. Director of the American Law Institute, an important force for standardization and modernization of U.S. law and for improved administration of justice. Headed Institute's 10-year project to draw up the now widely used Model Penal Code. During World War II, U.S. Assistant Attorney, General in charge of the War Division, then adviser to U.S. members of the Nuremberg tribunal. Democrat.

Charles Alan Wright

Charles T. McCormick Professor of Law at the University of Texas, 42. Despite his youth, a legal scholar of national reputation. Author of a definitive work on federal courts. Member of the U.S. Judicial Conferences standing committee on federal court rules of practice and procedure, and governing council of the elite American Law Institute. Was vigorous supporter of Haynsworth. Would qualify as moderately conservative "Southern" appointee. Republican.

FROM O. WENDELL TO G. HARROLD—A JUDICIAL GENEALOGY

The Supreme Court seat for which Harrold Carswell was nominated has made its share of history and headlines. Graced for 30 years by the wit and wisdom of Oliver Wendell Holmes it came to be known as the "Jewish seat" when Holmes was succeeded by Associate Justice Benjamin Cardozo (1932), Felix Frankfurter (1939), Arthur Goldberg (1962) and Abe Fortas (1965). When Fortas resigned over a financial scandal. Clement Haynsworth was nominated for the seat. The Senate rejected him on grounds of ethical shortcomings. Then came Carswell, for whom his most vocal Senate supporter, Nebraska's Roman Hruska, made the strange case last week: "Even if he were mediocre, there are a lot of mediocre judges and people and lawyers. Aren't they entitled to a little representation and a little chance? We can't have all Brandeises and Frankfurters and Cardozos and stuff like that there."

HISTORIC LAND REFORM IN VIETNAM

Mr. PEARSON. Mr. President, a historic but little noticed event took place on March 16 when the National Assembly of the Republic of Vietnam voted final passage of a massive land reform program which when fully implemented will provide for the free distribution of 3 million acres of land among 1 million South Vietnamese peasant farmers. This is one of the most encouraging bits of news to come out of Vietnam for a long time. If effectively implemented, and there is considerable evidence that it will be, it will do a great deal to complement the Nixon administration policy of Vietnamization. And certainly it will do as much as any other single reform to stabilize conditions in South Vietnam and to strengthen the capacity of that country to resist takeover either by the Vietcong or the North Vietnamese forces.

In the long and tragic history of our involvement in Vietnam there is no greater failure than the glaring absence of genuine major land reform. Providing the opportunity for South Vietnamese peasants to become landowners will not guarantee the survival of a non-Communist political regime in South Vietnam. But a study of modern world history clearly suggests that in semi-feudal, underdeveloped nations like South Vietnam conversion of peasants from tenants to landowners has been the absolutely essential first step toward achieving a more democratic, a more stable, and a more economically progressive society.

Mr. President, the significance of this land reform program, which is being signed into law today by President Thieu, was effectively described by an editorial

published in yesterday's Washington Evening Star. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star, Mar. 25, 1970]

There is a great predilection among the news disseminators of this country to point out, with appropriate expressions of horror, everything that is wrong with the government in Saigon. This is as it should be. President Thieu should be criticized for every repressive move he makes.

But an interest in Saigon's warts should not make it impossible to appreciate the occasional beauty spots that appear. And yet, to judge from the reaction to the passage of Thieu's land reform program, our sense of appreciation has become dulled. The final passage of the reform bill—the best news to come out of Vietnam since the end of the Japanese occupation—was, with a very few exceptions, overlooked.

The program is important for three reasons. First, it is right for the peasants and tenant farmers to own the land they till. Second, it can have a considerable beneficial impact on the popularity and the stability of the central government. Finally, it robs the Viet Cong of their major selling point.

The plan calls for the free distribution of 3 million acres of land among some 1 million families. It is—disregarding the Chinese communist program—the most massive land reform project in the Far East of modern history. And the Chinese program can, in common with all Communist land reforms, be logically disregarded in view of its temporary nature. The record shows that soon after the distribution all the land is reclaimed by the state.

There is little justification for cynicism about Thieu's intention to carry out the reform. The program was conceived by him and pushed through a reluctant assembly. Additional evidence of his sincerity can be found in the fact that he has already initiated the distribution of 150,000 acres of government-owned lands—a move that deprived some well-placed officials of a major source of income.

The plan will cost the Saigon government some $400 million over the next eight years in payment to the former landowners. The United States has, so far, pledged $40 million toward that cost. If more is needed it should be promptly forthcoming.

The total cost would be less than the cost to us of one week of the Vietnam war. When the land reform is carried out, it will seriously undermine the appeal of the Viet Cong and thus be a major incentive to them to seek an acceptable political settlement with Saigon. Washington, as a matter of enlightened self-interest, should give the program every bit of encouragement and support it needs.

ABA FAILS ON GENOCIDE

Mr. PROXMIRE. Mr. President, I invite attention to an excellent editorial published in the Milwaukee Journal of February 27, 1970. The editorial offers interesting and forceful insight into the ABA refusal to endorse the United Nations Convention on Genocide.

The editorial's analysis of the ABA failure in this important area goes right to the heart of the matter, and concludes that much of the crucial opposition to ratification came from an influential bloc of southern, midwest, and western conservative delegates.

I am in firm agreement with the conclusion of this fine editorial:

It will be shameful if we continue to stand aside; and refuse to state officially that we oppose killing or harassing people on racial or other grounds. The Senate should ratify the treaty, as President Nixon asked, regardless of the narrow majority of ABA delegates who say "no."

Mr. President, I ask unanimous consent that the editorial entitled "ABA Fails on Genocide" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Milwaukee Journal, Feb. 27, 1970]

ABA FAILS ON GENOCIDE

The American Bar Association House of Delegates rejected the recommendation of its Committee on World Order Under Law that it support ratification of the United Nations Convention on Genocide.

The Association was asked to agree that deliberate liquidation or harassment of any group for reasons of race, color, sex, or anything else is abhorrent. But Southern delegates and Mid-West and Western conservatives carried the day, as they have in the past. One reason, treaty supporters contend, is that some delegates feel that there are racial connotations to the agreement—that it is somehow aimed at those who don't want equal rights for Negroes in this country.

The extremes to which the arguments want are illustrated by Attorney Roy E. Willy, of South Dakota, who said: "The way to maintain peace is for the United States to remain strong and free. I come from foreign ancestry. I wouldn't be here if we didn't commit genocide by getting rid of the Indians . . . ." The implication is that if some people climbed up over the bodies of others, such action should not be closed to others.

President Nixon, his Attorney General and many legal experts say that there is nothing in our Constitution contrary to the Genocide Convention. It has been ratified by 75 nations. It will be shameful if we continue to stand aside and refuse to state officially that we oppose killing or harassing people on racial or other grounds. The Senate should ratify the treaty, as President Nixon asked, regardless of the narrow majority of ABA delegates who say "no."

RAILROAD BOXCAR SHORTAGE

Mr. CURTIS. Mr. President, for many years—as long as I can remember—the Nation has been greatly handicapped by a shortage of railroad boxcars. For as many years, complaints have been followed by investigations but too little has been accomplished to correct the recurring serious problem.

Secretary of Agriculture Clifford M. Hardin testified before the Senate Committee on Commerce this week and stated the problem as it relates to agriculture. There can be no further excuse for allowing farmers, among others, to suffer continuing economic losses resulting from the boxcar shortage with the evidence now available to Congress.

Mr. President, I ask unanimous consent to have printed in the RECORD, the testimony of Secretary of Agriculture Clifford M. Hardin, before a subcommittee of the Committee on Commerce.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE HONORABLE CLIFFORD M. HARDIN

Mr. Chairman and Members of the Committee: The continuously growing shortage of railroad boxcars presents a serious threat to the economy of this Nation. It's especially bad for the agricultural sector. That's why I appreciate the opportunity to discuss this matter with your Committee today.

Many distinguished members of both houses of the Congress are deeply concerned about the critical situation regarding railroad movement of agricultural commodities.

The problem is simple. It involves a severe shortage of ordinary boxcars suitable for bulk movement of farm commodities from country points, especially during the harvest period.

The answer to the problem is complex: It involves money for equipment, changing railcar usage patterns, rising costs, and distribution of available equipment into agricultural areas at times of peak harvest demand.

The number of plain boxcars in use has declined annually for the past 11 years or more.

Between Jan. 1, 1959 and Jan. 1, 1970, this decline was a sharp 42.7 percent.

On Jan. 1, 1959, American railroads had 674,792 such boxcars; by Jan. 1 this year, this total had dropped to 386,499. Of these boxcars, the total of narrow-door boxcars suitable for grain hauling had declined to 180,574 as of terminals—increased from 58,383 on Jan. 1, 1959, to 125,867 on Jan. 1, 1970. However, these hopper cars are used for many purposes other than the transportation of grain and similarly-handled agricultural products. They have by no means met the current needs of the grain industry.

In addition to the shortage of ordinary boxcars, there is also a critical shortage of mechanical refrigerated cars for the movement of perishable agricultural products.

While the boxcar shortage has grown increasingly acute since 1959, the population of the United States has increased by more than 27 million persons. The need for adequate movement of the basic agricultural raw materials into the food production areas of our Nation increases daily.

Complicating matters even more are two strictly agricultural problems. One is the matter of greatly increased crop volumes which must be moved and the particularly sharp increase in fall-harvested crops.

Wheat production during the 1959–70 period has expanded from around 1 billion bushels annually to about 1½ billion; corn production has grown from around 3.8 billion bushels to around 4.5 billion; grain sorghum from 555 million bushels to more than 700 million; and soybean production has nearly doubled—to the point where it now exceeds 1 billion bushels annually. Furthermore, the percentage of the corn and grain sorghum crops moved off the farm has increased substantially.

For these four crops alone, the jump in annual output in 11 years has been nearly 2 billion bushels. An ordinary boxcar hauls around 2,000 bushels of grain. So the problem is clearly magnified. Instead of 288,293 fewer boxcars, we need many, many more. Of course, all of us know that we don't need a million more boxcars to move the extra 2 billion bushels increase in productivity. Much of the extra production is fed to livestock on farms, and much is moved by truck and barge lines. But the great bulk moves by rail. And need for suitable boxcars is the crux of the entire problem.

Complicating factors are present in this transportation problem.

Corn production patterns have changed in the last few years. In prior years, ear corn from the fields was stored for long periods in on-farm cribs. With the advent of picker-shellers, corn is now harvested in a relatively short time. There has been a marked increase in marketing of corn off the farm. The picker-sheller corn harvest requires immediate drying before moving into commercial markets. This has placed an additional heavy burden on the carriers.

Soaring production from our fields has also led to increased pressures to move agricultural products into export. These exports are essential to the health of our Nation's economy. They provide us with a major share of our favorable balance of payments in international trade.

Yet, today we are losing export markets. We are losing them because grain cannot be delivered to port when it is needed. For instance, we could have sold much more grain sorghum for export this year had it been possible to achieve timely deliveries.

Then there is the very personal matter of individual farmers losing grain because they have to pile it on the ground at harvest time. Merchants refuse to buy grain at country points because they cannot move it to markets, and because they cannot afford to pay current interest rates on money to carry grain inventories.

The Department has long been mindful of the steadily worsening railcar shortage, and we have done everything within our authority to help alleviate the problem.

Commodity Credit Corporation each year has carefully planned and accomplished the reconcentration of CCC-owned grain as far in advance of harvest season as possible in order that its grain would not compete with farmers' grain for the use of boxcars at peak periods. Last year, for example, the CCC movement was substantially complete by Oct. 1, thus avoiding the critical car shortage of the last quarter. Similarly, shipments have been moved this year as rapidly as cars could be obtained, and we hope to again see CCC grain out of the way before harvest.

USDA took the lead in the development of origin-sampling techniques utilizing automatic samplers at country origins. We hope to encourage the acceptance of origin grades throughout the industry. When this practice is adopted and accepted by the industry, the need for intermediate inspection of grain should be sharply reduced. This will reduce the traditional delay of cars at inspection points.

The Department recently reviewed its farm storage and drying equipment loan program and made changes which should encourage the expansion of on-farm storage and drying systems. This should help substantially to relieve the transportation burden at peak harvest periods. In some 20 years of operation, more than a billion bushels of farm storage facilities have been constructed under this program.

Finally, in considering the total U.S. agricultural picture—the sharply expanding need for transportation facilities and the failure of railroad carriers to provide suitable equipment—you can come to only one conclusion.

There is a disastrous breakdown in the agricultural rail transportation system.

What can be done about this crisis?

Many efforts are being made to change the rules, regulations, and procedures in order to achieve better car utilization and distribution. These efforts are helpful and should be encouraged, but generally they strive towards greater use of a totally inadequate fleet of cars.

We favor ICC Order 252 which provides incentive per diem in emergencies and earmarks funds for the purchase of plain boxcars.

We favor the mandatory return of boxcars to western railroads.

We believe the problem can be solved on a long-term basis only when some method is developed to promote the construction of more boxcars.

ENVIRONMENTAL WARFARE IN VIETNAM: HAS TECHNOLOGY SHAPED OUR POLICY?

Mr. NELSON. Mr. President, in the last 9 years we have conducted a program, initiated on a modest scale and a humane basis, that has grown to the point where the United States has created a new instrument of large-scale force—environmental warfare. During this period 100,000,000 pounds of chemical herbicides have been sprayed on 5 million acres in South Vietnam, an area the size of the State of Massachusetts.

Disturbing facts have begun to filter through the thick screen of secrecy that inevitably covers military operations. Inadvertent crop damage, ecologic disruptions, often irreversible, and alleged cases of deformed babies and human deaths and illnesses have been reported.

The major defoliant in use in Vietnam is called "Orange," a mixture of 2,4,5-T and 2,4-D. Both are herbicides that have become the subjects of great controversy; 2,4,5-T was shown in a study contracted out by the National Institutes of Health to produce an extremely high rate of fetal deformities in the animals tested. Another series of tests should be completed soon. Preliminary results tend to fortify the earlier conclusions. Yet, the Department of Defense continues to use the highly questionable chemical on a large scale and to the best of my knowledge has not systematically investigated the claims that our defoliation program had caused deformities in Vietnamese babies.

In fact, when such information began to leak out of Vietnam the lid of secrecy was clamped down on the Saigon press. Reports of deaths and illnesses allegedly caused by defoliants, have also been hushed up. However, the State Department, late last year, released information that the United States has paid the South Vietnam Government $3.5 million to settle claims for damage to private property including croplands. Many claims are still pending. This is just an indication of the extent of damage caused thus far.

The anticrop program continues even though the Department of Defense has admitted that at best it is difficult to determine whether crops are intended for fighting units or noncombatants. Dr. Jean Mayer, now the President's special adviser for nutrition, asserted in 1967 that the ultimate target of an anticrop campaign is the civilian population. Surely, no one can contest that fighting units will use all their power to survive. They can deprive local noncombatants of their food supply, if necessary.

We have defoliated areas along logistics routes, justified on the basis that ambushes are reduced or curtailed. A sad example of how man can easily let technology take charge is the use of chemicals along the entire 60-mile Rung Sat Canal that leads from the sea to Saigon. The reason for searing the edges of the canal was to prevent attacks on ships. To date no ships have been sunk before or after defoliation. The military has admitted that a serious attack could be mounted along only 1 mile of the canal where it narrows. As a result, however, mangrove trees, once a vital part of the canal life system, have been killed on a massive scale.

Innumerable cases can be cited. Military restrictions have made it difficult, if not impossible, to objectively assess their impact. Yet, the burden of proof should rest on the shoulders of those who advocate these policies. Military benefits must greatly outweigh the harmful political, social, physical, as well as military side effects if there is even anything to the old claim that such a policy is justified.

If such proof is not available, which I believe is true, then the American people are witnessing another example of how technology determines policy instead of vice versa.

In 1962 Rachel Carson wrote "Silent Spring," a book that changed our attitudes toward technology and with it the course of history. She awakened a nation to the fact that a social price is paid for every step of technological progress. Now the Federal and State Governments are starting a continuous assessment of herbicides and insecticides. Their process of assessment leaves much to be desired but progress has been made. If the gallant lady were alive today she might be tempted to write a sequel to her classic, a Vietnam reader entitled "Silent Tet." The large-scale application of herbicides would give the songbirds still alive little to sing about and the demoralized Vietnamese little solace in the music of nature.

The use of herbicides clearly illustrates two themes that Miss Carson spotlighted in her book. First, technology drives policy. If we can do something then we will find the rationale to do it. Technology is irresistible. We developed herbicides and then decided to use them in Vietnam. In case after case, though, as with the B–52's, technology not designed for use in Southeast Asia has failed to accomplish our objectives. In fact it has often been counterproductive.

Second, we have looked to technology as a short cut that too often bypasses essential processes—be they biological, social, or political. The defoliation of forests, infiltration routes and base perimeters together with crop spraying have caused severe adverse affects.

Politically, we have boxed ourselves in with respect to the Geneva protocol. Those countries that have signed the protocol have forsworn the first use of "asphyxiating, poisonous, or other gases, and of all analogous liquids, materials, or devices." So have we. Yet, a Swedish resolution, placed before the main political committee of the U.N. General Assembly, condemned the use of tear gas and defoliants in war. It was supported by 80 nations last December. Only the United States, Australia, and Portugal voted against the resolution.

We can hardly admit to a violation of the chemical and biological warfare

treaty that we will soon be asked to ratify. On the other hand, if we ratify the treaty with reservations, a majority of nations of the world could and most likely would immediately accuse the United States of violating the treaty.

Some Americans have clearly stated that the use of herbicides in Vietnam amounts to a war atrocity. There is good reason to believe that many high-level decisionmakers in the administration regret the day we sprayed the first ounce of herbicide on the first plant in Southeast Asia and are hopeful that the program will be permanently discontinued. This position fortifies the statements of those who have spoken out publicly.

The program that grew like Topsy has created long term biological, ecological, and political problems. Nine years and 100,000,000 pounds of chemicals later we are beginning to realize that American technology can drive policies, in foreign as well as domestic affairs, that are painfully expensive in the final accounting.

Mr. President, for these reasons I am strongly in favor of a cessation of the use and stockpiling of herbicides for military purposes by the Department of Defense.

The forcing function of technology has allowed the introduction of a new form of warfare—a type that is militarily ineffective, biologically and ecologically damaging, and politically explosive. We have to develop new attitudes so that we will not automatically equate technology with progress or efficiency and will not see it as a panacea to cure the problems of the Nation and of the world.

LENIN'S BIRTHDAY

Mr. ALLOTT. Mr. President, this year the United Nations is celebrating "International Education Year." As a part of this celebration, the U.N. is going to honor the 100th anniversary of Lenin's birth.

The birthday celebration for the late and unlamented dictator will include a UNESCO symposium on the theme "Lenin and the development of science, culture, and education." If the participants in this symposium are looking for positive contributions to any of those fields, it could be the shortest symposium in recorded history.

Lenin's conception of science was primitive. His dogmatic turn of mind made him incapable of appreciating the scientist's sceptical and inquisitive turn of mind.

Lenin's approach to cultural questions set a pattern for subsequent totalitarian regimes. He believed that all cultural matters should be ruthlessly politicized. Art became a tasteless instrument of politics, controlled by Communist Party operatives.

The original support for this symposium came from UNESCO. It was proposed by the Soviet Union to the UNESCO General Conference in 1968, not long after the invasion of Czechoslovakia; 26 other states backed the Soviet proposal. Of course, the United States delegation opposed it, with great energy. During the debate, two other Member states joined us in speaking against the symposium.

In the vote on the proposal 48 member states voted for the symposium; the United States and six other member states voted against; 21 abstained; and 47 were recorded as absent.

After the vote was taken, the Assistant Director General of UNESCO made some remarks to the effect that the symposium will be conducted in a manner that respects free discussion and the honest pursuit of truth.

If that is the case, it will be ironic. Lenin never made any pretense of respecting free discussion or the honest pursuit of truth.

Lenin's approach to education was similarly a blend of the banal and the sinister. He was incapable of appreciating the distinction between propaganda, which attempts to enslave the mind, and education, which attempts to liberate the mind.

We wish the participants in the Lenin symposium all the best. They deserve our sympathy. What could be more tiresome than pondering Lenin's contributions to these matters?

The only thing that can be said for this symposium is that it is not especially expensive. Thus far, $8,000 has been budgeted for it, out of UNESCO's regular budget of $77.4 million. Still, $8,000 spent honoring Lenin is $8,000 too much.

It was after the vote at the UNESCO General Conference that the U.N. Human Rights Commission "welcomed" the Lenin symposium and asked the Chairman of the Commission to consult with UNESCO about sending a commission of representatives to the symposium. The U.S. representatives opposed this.

So this is where we stand. UNESCO will honor a dictatorial propagandist as a part of International Education Year. And the U.N. Human Rights Commission will volunteer to honor a mass murderer.

Of course, there is nothing the U.N. can do to rehabilitate Lenin. His name is odious wherever his deeds are known and men value freedom.

The only real loser in this sorry performance is the United Nations itself. We hope that in the future the members of that organization will spend their time pondering the world's problems, rather than wasting time honoring one of the men who got the world into its current dangerous mess.

Even if the United Nations cannot realistically expect to solve the world's problems, it can at least avoid birthday parties for infamous tyrants.

The U.N. can at least avoid actions which wound the feelings of the many millions of oppressed peoples who owe their oppression to Lenin's revolution. The U.N.'s decision to honor Lenin is an odious insult to those who live in Lenin's enduring prison, and to the memories of those many millions who have been murdered by the dictatorship which Lenin launched.

Mr. President, with this in mind I want to offer some especially warm words of friendship to all Americans of Byelorussian origin. Today they celebrate the 52d anniversary of the proclamation of independence of the Byelorussian Democratic Republic.

Unfortunately, the only Byelorussians who can celebrate today are those who no longer live in Byelorussia. That Republic was an early casualty of the Russian Revolution and of Lenin's brutal policies regarding the rights of the various nationalities within the Russian Empire.

We sometimes forget how much controversy raged within Russia immediately after the revolution. In that period of great turmoil, the tiny Bolshevik party struggled to gain control of the seething nation.

In the first hours of triumph the Bolsheviks were not strong enough to govern in the manner of which they are most fond—unvarnished terror. The Bolsheviks understood that they could not launch their terror regime until they had lulled some of the fears of people who were hoping for the best from the revolution.

The Bolsheviks understood that many persons were particularly worried about what was called "the nationalities question." These people wanted some respect and autonomy for the many nationalities that had existed for centuries in the territory that was to be encompassed by the U.S.S.R. Thus Lenin's government adopted the rhetoric of tolerance toward the ancient peoples of the Russian Empire.

But this was mere rhetoric, accompanied by duplicitous and impotent constitutions. These constitutions granted rights on paper which were crushed in reality by the Red army and the secret police.

The last vestige of Byelorussian independence was extinguished in 1921. Since then the dream of Byelorussian independence has been faithfully cherished by those Byelorussians fortunate enough to have escaped the long night of tyranny that has descended on their native land.

This dreadful chapter in Soviet history should cause us to renew our dedication to the freedoms we enjoy, and to the hope that those who today are denied these freedoms may one day be rescued from oppression.

UNKNOWN UNKNOWNS IN DEFENSE PROCUREMENT

Mr. PROXMIRE. Mr. President, the Washington Star for Wednesday, March 25, contains an article by Orr Kelly which combines an intelligent analysis of some of the major problems in defense weapons system procurement with the light touch of a professional writer.

Mr. Kelly writes about an article in the Harvard Business Review by Hudson B. Drake and Drake's Unk-Unk chart.

Unk-Unk's are not characters from George Orwell's "Animal Farm." Unk-Unk's are unknown unknowns, as compared with the "known unknowns" of defense procurement. He believes that one

of the major problems in defense contracting and a cause of the present scandalous system is the Unk-Unks. Contractors can anticipate that in certain areas there will be unknowns. These are the known unknowns. But what really baffles them, according to Drake, are the unanticipated unknowns which pop up during key phases of defense weapon system production.

The article proposes a number of reforms, many of which have considerable merit. However, I must say that I am unable to comprehend very clearly one key paragraph from Drake's article which prescribes reform in the following terms:

> What is really needed is reformed policy that includes viable estimating procedures and a procurement policy for major system acquisitions that is consistent with the technical development process and the evolution of a sound technical baseline on which to formulate realistic estimates of cost and schedule.

Perhaps that paragraph should be added to the Unk-Unk's.

While this is not the place to outline the reforms needed in defense procurement in detail, my own view is that we must prevent buy in bidding—deliberate low bidding to get a contract.

We should institute day-to-day supervision of contract costs—called ditch-digging in the trade—rather than relying on some new contract system—such as total package procurement or PERT or PEP or value engineering. Essentially, these are gimmicks and public relations measures rather than fundamental means of checking costs and waste.

We need more production of prototypes before major production begins. The way to meet the problem of both known unknowns, and Unk-Unk's, is to build a prototype first.

If it does not fly, if the wings crack, if it fails to meet specifications, if it is too far advanced for the state of the art, all that has been lost are the funds for development and the prototype. That might be high, but it is a great deal less than the huge overruns we are now experiencing on the C–5A, Poseidon, MBT–70, and, in fact, every major weapon in the weapons system arsenal.

Finally, I would say we need to simplify our weapons. We are in trouble because weapons are asked to do too much. The black boxes, the compasses and radars and gyroscopes, and the weight produced a generation of weapons which are far too costly, are almost never delivered on time, and which do not function according to their specifications.

I commend the article and the problem of the Unk-Unk's to the readers of the RECORD. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Star, Mar. 25, 1970]

UNK-UNKs MAR DEFENSE CONTRACTS

(By Orr Kelly)

Anyone who wants to know what to do about cost overruns, poor performance and all those bugaboos of the military weapons business should take a long look at Hudson B. Drake's UNK-UNK Chart.

Drake, director of the President's Commission on White House Fellows while on leave from North American Rockwell Corp., is the author of one of two recent articles in the Harvard Business Review that have received widespread attention in the defense industry.

Drake's article, in the January-February issue, is entitled "Major DOD (Department of Defense) Procurements at War with Reality." The other piece, "Anguish in the Defense Industry," appeared in the November-December issue and was written by Richard M. Anderson, director of H. R. Land & Co., a Los Angeles consulting firm.

Together, they give a broad picture of what is wrong with both the Defense Department and defense industry.

A large foldout chart showing how unknowns are gradually eliminated during the development of a new weapons system accompanies Drake's article.

There are two kinds of unknowns—known, or anticipated, unknowns, and unknown, or unanticipated, unknowns—referred to as UNK-UNKs.

The UNK-UNKs, obviously, can be more troublesome and more costly than anticipated problems simply because they are unexpected.

Such a problem has just occurred in the F-111 airplane. Even though the plane has been flying for several years, even in combat, the entire fleet, except for seven research planes, is now grounded because of a totally unanticipated problem with a new kind of steel used in the wing.

What Drake's chart shows is that, in the typical major development program, the UNK-UNKs normally don't rear their ugly little heads until well along in the program, when the system is being put together and tested. Most importantly, that is after the government and contractor have signed a contract agreeing on price and production schedule.

Drake thinks some of the things done under the Nixon administration are moves in the right direction—but he thinks much more needs to be done.

"What is really needed," he writes, "is reformed policy that includes viable estimating procedures and a procurement policy for major system acquisitions that is consistent with the technical development process and the evolution of a sound technical baseline on which to formulate realistic estimates of cost and schedule.

"Until this reform comes, a sense of emergency will permeate major-system work, and the public, conscious of this tension, will continue in its attitude of near panic."

While Drake's recommendations are directed primarily at the Pentagon, Anderson argues that the defense contractors had better shape up, too.

Some reforms instituted in the early 1960s by Robert S. McNamara were good, but he failed to bring the contractors along with him, Anderson feels. McNamara set up a "contract definition" program, for example, in which the goal was to work out on paper the broad outlines of a new program.

"More accustomed to constant fire fighting than thorough planning, the sizable contractor task forces assembled to accomplish this task often did not know how to go about their planning function," Anderson writes.

Because they did not do their planning well, he says, "it was a rare competition in which at least one of the contenders was not willing to revert to the habits of the old environment and bid whatever it took to win the award. . .

"In short, contractors often signed fixed-price, total-package contracts at prices below the expected costs, containing risks that were not thoroughly appraised, and for which they lacked the management discipline necessary to perform the work in an efficient manner.

"With hindsight, such bidding appears incredibly naive. But at the time many experienced defense-industry managers thought it naive to do anything else."

This, one must remember, was written well before the president of Lockheed asked the Defense Department for financial help on four contracts—two of them total-package programs on which Lockheed was the prime contractor.

The danger now is that demands for reform will center on the wrong things rather than the real problems, with the result that the real problems will remain unsloved and that the country will lose the full advantage of the advanced technology that landed a man on the moon.

The loss will not be only in military and space technology but in those areas such as pollution control and surface transportation where the skills of the military-industrial complex might help us to keep this a livable world.

NOMINATION OF GEORGE HARROLD CARSWELL TO THE SUPREME COURT

Mr. GURNEY. Mr. President, the real issue in the current dispute over the confirmation of the nomination of a Supreme Court Justice is whether President Nixon will have the right to change the direction of the Court by appointing a strict constructionist, as he promised the American people he would do before his election.

In an effort to prevent the President from fulfilling this pledge, attacks have been made on the character, ability, and philosophy of, first Judge Haynsworth and now, Judge Carswell. Yet these attacks are basically unfair, because they are made in an effort to conceal the real reason for the opposition to President Nixon's nominees.

An editorial published in the Washington Daily News of March 23 puts the issues in the Carswell nomination in their true perspective. I ask unanimous consent that the editorial be printed in the RECORD, and commend it to the attention of Senators.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE CARSWELL CASE

What must be remembered about these Senate battles over Supreme Court nominations is that a struggle of epochal proportions is under way as President Nixon attempts to use every opportunity to shift the U.S. Supreme Court to the right—as he pledged repeatedly in his campaign to do.

The northern Democrats, civil rights leaders and other liberals who liked the liberal expansionist rulings of the Warren Court of the past 17 years and want no change are fighting with every device at their command to block the President's intentions.

It is our belief that, along with other things, the American people in their 1968 presidential vote did opt for a change in Supreme Court direction, particularly in such fields as pornography and police powers, and for more consideration for the rights of victims versus the rights of criminals and protestors.

If opponents should succeed in blocking the current nominee, Judge G. Harrold Carswell, it's 10-to-1 they will face another fight against "a strict constructionist of the

Constitution" nominee. They are correct in attaching great importance to each Supreme Court nominee since President Nixon probably will have enough appointment opportunities to set the court's philosophy for years to come.

In our opinion, unless someone has "anti" evidence of a stronger nature than has so far been revealed, the nomination of Judge Carswell should be confirmed.

We believe Judge Carswell's word that he long since has shelved any tendency to racial prejudices he once might have had.

The other chief weapon being used against him, the claim he is some sort of a legal pygmy, seems mighty strained and contrived to us.

Judge Carswell may not be the greatest legal mind sitting on a lower federal court today.

But, as even his opponents know, some of the greatest justices in history came to the court without great legal reputations. And twice since his nomination has been before the Senate, the American Bar Association's standing committee on the federal judiciary has unanimously concluded that Judge Carswell is qualified as to "integrity, judicial temperament and professional competence to sit on the Supreme Court."

He served four years as a district attorney, 10 years as a federal district judge in Northern Florida and in June, 1969, was confirmed unanimously by the Senate for elevation to the Fifth Circuit Court of Appeals.

It is passing strange that if Judge Carswell's judicial record was as low-grade as opponents now claim, no voices of protest were raised when he was nominated to the appeals court—the nation's second highest court.

Most damaging specific development against him in our opinion has been the unexplained decision by the respected retired chief judge of the Fifth Circuit Court of Appeals, Elbert P. Tuttle, of Atlanta, that he could not testify in support of Judge Carswell's nomination. This after Judge Tuttle had sent a letter to the Senate Judiciary Committee offering to testify "to express my great confidence in him as a person and a judge."

Fifth Circuit Judge John Minor Wisdom of New Orleans has made clear, too, he is not supporting the Carswell nomination but also says he is not opposing him. Three other of Judge Caswell's colleagues of the Fifth Circuit have written glowing letters stating he is qualified in every way for the highest bench, but still others have not come to his support.

It is worth noting that opponents who are making so much out of the lack of unanimous support for Judge Carswell from his circuit court colleagues were totally unimpressed by the unanimous support given by his cohorts of the Fourth Circuit Court of Appeals for Judge Clement F. Hainsworth when he was an unsuccessful Supreme Court nominee before Carswell.

It also is worth noting that practically every senator now opposing Carswell opposed the Haynsworth nomination.

The Supreme Court desperately needs to be at full strength. Unless someone like Judge Tuttle has some strong evidence—and is willing to speak up—the Senate should confirm Judge Carswell and let the court get on with its work.

ISRAEL MUST BE ALLOWED TO DEFEND ITSELF

Mr. HARTKE. Mr. President, Monday's announcement by Secretary of State Rogers of the administration's decision to withhold sale of jet aircraft to Israel can only serve to encourage Soviet and Arab intransigence in the Middle East. It is a further sign—if any more were needed—that this administration deludes itself into thinking that it can win some measure of Arab favor by vacillating and backtracking on its commitments to Israel.

There could hardly be a greater delusion. Arab leaders will settle for nothing less from the United States than a renunciation of our historic ties to Israel. That, of course, is unthinkable and, therefore, we can only be pursuing a will-o'-the-wisp in our pursuit of influence with Israel's mortal enemies.

At the same time, by causing Israel to question our constancy and determination, we run the grave risk of impelling that brave people to an act of desperation. We surely cannot expect them to watch unconcernedly as the Russians arm and rearm the Arabs with vast quantities of new weapons. Nor can we expect them to hazard their existence on our estimate of their needs. They must and will determine for themselves the risk to their very survival. And if, through our negligence, they decided that the arms imbalance appears to be growing too great in favor of the Arabs, we should not be surprised to see Israel launch another preemptive strike against their enemies.

And that would mean yet another renewal of full-scale war in an area that has known too much war during the last quarter century. I need hardly remind my colleagues how surpassingly dangerous to world peace would be that kind of outbreak, and how ruinous to the nations in the region.

Yet we are told that the precise purpose of America's policy in withholding arms from Israel is to prevent war, to stabilize the political situation. Mr. President, I can only characterize that view as fatuous. It completely ignores the psychology of the situation. It completely ignores the history of it. It concentrates instead on the kind of geopolitical abstractions that led German planners from one disaster to another during this century. It is a view so full of danger to our own vital interests in the Middle East that I find it hard to believe that it was formulated by American officials. But it was, of course, and that is the tragedy of it.

Mr. President, we had best stop deluding ourselves. We had best stop imagining that we can purchase the good will of those who revile us by playing games with the security of our one and only friend and ally in the region. We need, instead, to repeat over and over again—and back our words with actions—that we intend to continue to supply Israel with the tools of survival, so that neither the Arabs nor their Soviet manipulators will be able to suppose that time is on their side in the monstrous campaign to destroy Israel.

In the meantime, as a thoughtful constituent of mine, Mr. Barnett Labowitz, recently wrote me:

> The U.S. should continue to counsel Israel in its use of military power, to generosity and humanity in its relations with the Arabs who live in the occupied territories, its concern for Arab refugees. No friend of Israel would wish other advice to be given.

Military strength, generosity, and humanity—that is the formula for lasting peace in the Middle East. I strongly urge President Nixon and Secretary Rogers to do all in America's power to implement it.

DRUG ABUSE

Mr. SCHWEIKER. Mr. President, drug abuse and the related problems of physical and psychologcial damage caused by drugs is one of the most important problems confronting youth in our metropolitan areas. We in the Senate are especially fortunate that the distinguished Senator from Iowa (Mr. HUGHES) has given the problem his special attention. The Special Subcommittee on Alcoholism and Narcotics, chaired by Senator HUGHES, on which I am privileged to serve, is presently conducting hearings on this important problem, and the testimony provided by experts from all levels of Government and medical sciences has been invaluable.

Yet even as the hearings continue, and the problem gains increasing national attention, our treatment facilities for addicts are becoming overcrowded and frequently losing funds. The Surgeon General has certified only two States as having adequate treatment facilities: New York and California. My State of Pennsylvania has few treatment facilities adequately financed well enough to meet the growing needs among our youth.

Philadelphia's treatment facilities, for example, are constantly overcrowded. The March 15 edition of the Philadelphia Inquirer printed an excellent article about the growing problem of drug addiction among youth, and the difficulties of providing adequate treatment and care for them, and I request that this article be inserted at the completion of my statement.

The problem in Pittsburgh is equally bad. A study sent to me by Charles Cohen, a counselor at the Allegheny County Juvenile Detention Home in Pittsburgh, showed that 63 percent of children from 10 to 17 years old that he interviewed had experimented with drugs. These children are the victims of our inadequate facilities. For these children the future is not particularly bright, since they are awaiting disposition by the courts, and the courts have nowhere to send them for treatment if they have serious problems with narcotics.

It is my understanding, from discussions with officers of the court in Pittsburgh, that the problem among youth is becoming more acute rather than lessening. They are simply frustrated by the lack of treatment facilities for youth.

Pittsburgh is also an excellent example of the problem we face in the future. For whereas the city has inadequate treatment facilities, the television stations which usually reach the young have done an excellent job in exposing the problem. However, there is no single approach to this problem. We cannot have educational programs, without treatment facilities and expect to solve the problem. We must insure on-going treatment facilities to meet the problem.

Thus, it distresses me greatly that one of Pittsburgh's better facilities is in danger of being closed. The Hill House Rehabilitation Center which treats 700

addicts on Lomotil a nonnarcotic pill developed at the rehabilitation center in Waco, Tex., has lost its funds from the local CAP agency in Pittsburgh. I am sure that all individuals interested in the question of treatment facilities will be interested in an article from the March 22 Pittsburgh Press. I ask unanimous consent that it be printed in the RECORD.

Mr. President, I look forward to the Subcommittee on Alcoholism and Narcotics reporting significant proposals to help solve our drug abuse problem. It is a problem that must not be allowed to grow any greater.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CENTER LOSES FUNDS TO "INNOVATIVE" PROGRAM: SUCCESS PERILS DRUG ADDICT AID

(By Al Donalson)

Success is spoiling the Hill House Rehabilitation Center.

Funds for the drug rehabilitation facility on Wylie Avenue in the Hill District were recently canceled by Community Action Pittsburgh (CAP), the city's anti-poverty agency.

The center, which operates on a budget of $100,000 a year and has 17 fulltime employes, may close.

CAP's action was explained by Robert Williams, the agency's director of planning.

"Federal funds channeling into the Pittsburgh area have dropped from $6.4 million to $4.5 million. National policy is to take money from programs which have been successful and distribute funds to those which have innovative quality," he said.

PROBE SLATED

All of this leaves Charles Mikell, the center's director, understandably upset. And one recent development in the local drug fight hasn't helped to soothe his ire.

He is very skeptical of the Allegheny County commissioners recently announced committee to investigate the drug problem in the county.

"At a time when most of us in drug treatment are fighting for our lives, the commissioners are going to waste the taxpayers money providing this panel with a staff that's going to make a study.

"We don't need studies, we need action," he said.

"While the commissioners are studying," he continued, "kids will be dying in alleys and on street corners from overdoses if this place closes."

The center, which opened in 1966, is now operating on contingency funds from the Community Chest. It presently has a caseload of 700 addicts and 80 alcoholics.

In addition, the center's kitchen serves a full dinner daily to about 80 local senior citizens.

"It's the only meal a lot of them get," said Mikell.

The basic treatment used in the center's health clinic, which is maintained by Mercy Hospital, is Lomotil, a nonnarcotic pill which alleviates the withdrawal pains of addicts trying to kick their habits.

It was developed at the federal rehabilitation center in Waco, Tex., and it is believed that Hill House is the only clinic in the country using it on a wide scale.

"We think we've been successful," Mikell said, "in terms of the number of addicts who realize they need help."

Addicts aren't solicited at the center—only those coming in on their own volition are admitted.

SUCCESS CITED

"If you want to look at it in more practical terms, addicts starting treatment with us use from four to five bags of heroin a day. After being with us a while, we get them down to about one or two bags a month," Mikell said.

Although the majority of the patients are blacks from the Hill District, about 25 per cent are whites—some coming from as far as Greensburg.

Mikell feels that drug rehabilitation in this country has been hampered by the Harrison Act of 1914, a statute still on the federal lawbooks.

"This law made drug addiction a criminal offense rather than a medical problem. It is punitive not only to the pushers and the users, but also to doctors who try to treat addicts," he said.

Even though the center's future is uncertain, Mikell is confident that the facility will continue to operate.

"I'm hoping that either the Community Chest or Model Cities will finance us on a continuing basis. I have a lot of faith in the good will of people, and I refuse to believe that those of good will are going to let this place close," he said.

Tom Sheridan, the center's white clinical psychiatrist, feels deeply about the operation. "It would be very tragic if this places closes," he said.

"Believe me, if white parents from Mount Lebanon, Bethel Park, Shadyside and other middle class areas allow their children to come to the heart of the ghetto for treatment at a shoestring operation, we must be doing something worthwhile."

DRUG ADDICTION AMONG YOUTH GROWING HERE

(By Acel Moore and James Lintz)

Is Philadelphia experiencing an epidemic of juvenile drug addiction?

Court statistics reveal as little of the problem as the visible part of a floating iceberg does of its bulk, but the answer they indicate is a strong "yes."

Of course, every juvenile in court on a narcotics charge is not an addict, but at least he's somewhere along the trail that could take him there—and he's getting more company.

231 JUVENILES IN '68

In 1968, a total of 231 juveniles appeared in court on such charges, according to Dr. Leonard Rosengarten, director of the juvenile division of Family Court, a branch of Common Pleas Court.

The figure for the following year, 1969, was 403, Dr. Rosengarten said.

And for the first 71 days of 1970, there already have been 160 cases, forecasting by projection about 800 such cases this year, double those of last year and more than three times the 1968 total.

Two-thirds of this year's 160 juveniles are white, emphasizing the warning to middle-class white parents that "the drug problem is moving out of the ghetto." And almost half are heroin cases.

YOUNGEST ADDICT

Included in the 160 is the youngest heroin addict authorities can recall here—a 6-year-old Northeast girl who had been using five bags a day—at $5 each.

But most juvenile addicts do not get into statistics, it is believed by authorities, because the nature of the problem is secretive, including a close-mouthed policy of users about sources and unwillingness of parents to air their children's affliction.

Juvenile addicts come to light almost always as a result of some other trouble. An example is a 16-year-old North Philadelphia boy who was arrested for burglary. It wasn't much of a burglary, and since he had no prior police record, he stood a good chance of getting off with probation.

However, before his case came up, his mother filed an incorrigibility petition, saying she was unable to control him and asking the court to put him in some institution.

WITHOUT A "FIX"

Just before his scheduled appearance in court, he told a social worker he was a heroin addict without a "fix," and asked for help to kick the habit.

A fair student and no problem until six months earlier, he had puzzled his mother with his sudden, steady deterioration in school performance and home behavior. When she filed the incorrigibility petition, she didn't know about his affliction. One of the things she had noted, however, was the disappearance of money and objects of value from her home.

The addiction was reported to the judge who, on recommendation of the public defender, committed the youth to Philadelphia General Hospital which has a drug-treatment center. The program is a painful three to five-day withdrawal or "drying-out" period.

He was transferred subsequently to Northwestern Mental Center where he was rejected, after evaluation, as an incurable addict since he required psychiatric and psychological therapy not available there.

The youth is now in Pennypack House, a detention center for juveniles in two wings of the adult House of Correction, awaiting disposal of his case.

INSUFFICIENT FUNDS

This is typical of Philadelphia's difficulty in coping with growing juvenile addiction. There are centers in the city, which offer treatment, but they are swamped by the numbers needing it. The juvenile problem always has been a stepchild, with insufficient funds and inadequate facilities.

But the price of whatever is necessary would be little, compared to the cost of the habit in money alone, according to figures compiled by a North Philadelphia osteopathic physician who has done considerable work in the field.

"The average heroin addict," said Dr. Frederick C. Hawkins Jr., "uses about seven bags a day to satisfy his craving, at a cost of $5 a bag or a daily cost of $35. This sum amounts to $245 a week or $12,740 a year.

"There are over 12,000 people in this city who have used an addicting drug more than three times in the last 30 days, and of this 12,000 there are more than 4000 hard-core addicts. The money required by 2000 addicts on half the hard-addict population to purchase heroin on a yearly basis is $25,480,000.

"The new addict or the individual first experiencing narcotic addiction quickly will exhaust his financial reserves, dissipate all available funds and come to the point where he must steal or perform immoral or illegal acts to obtain money to finance its habit.

ADDICT WILL STEAL

"The usual course of events is that the new addict will steal from his family or friends. I have had numerous reports of families complaining of objects or money missing from the home with pointed suspicions that a particular family member or friend was the the thief. (The mother of the 16-year-old boy noticed money and objects of value missing from her home without realizing why).

"The next step, once the pressure is insurmountable in the home, is that the new addict, by that time a hard user, resorts to performing an illegal act outside the family to get the money he needs."

One of the centers treating juvenile addicts is Gaudeniza House, 1934 W. Tioga St. Its president and director, John Ruocco, said he notices "a definite increase among teenagers using drugs," and that 10 adolescent addicts are now under treatment. They are subjected to complete withdrawal with no other drugs to ease the ordeal.

In addition, Ruocco said, there is a group of 50 who have been using drugs, but are not addicted yet. They are undergoing treatment on an outpatient basis.

Asked if he could estimate the number of juvenile addicts in the city, he put the figure at "a minimum of 15,000."

TEEN CHALLENGE

Another treatment center is Teen Challenge, 1620 N. Broad St., in a black neighborhood, where 90 percent of the patients are white, according to Sunday Bachman, business administrator of the religiously oriented center.

Miss Bachman said she hoped the racial proportions at the center would change "because we don't want people to think we're set up only for whites."

"In the last year," she said, "we've had more people wanting to enter our program than we can handle."

The system at Teen Challenge is the "cold turkey" withdrawal, finding the strength in religious conviction to "sweat it out" with no alleviating drugs.

There are boys' and girls' residences at Teen Challenge, each with a capacity of 20. Ages range from 15 to 25. Ten of the present 20 girl residents—all under 18—are "hardcore addicts," Miss Bachman stated.

The Young Great Society has a center for drug addicts in Mantua which has been in operation 15 months. There, a less dangerous drug, methadone is substituted for a more dangerous toxic one such as heroin.

Statistics to separate juveniles from adults have not been kept at this center, a spokesman said, "but we have treated over 1700 addicts in our 15 months."

During the last year, said Dr. Hawkins, 60 percent of his new male patients from 14 to 30 years of age have been drug addicts seeking help.

He disagrees with the methadone system, but administers large doses of tranquilizers to lessen the suffering during the withdrawal stage, almost enabling addicts to "sleep through" the worst part, he said.

Edward T. Kelly, regional director of the Bureau of Narcotics and Dangerous Drugs, a U.S. Justice Department agency, deals with sources rather than users, but said his observation leads him to believe use and addiction by juveniles and young adults may well have attained epidemic proportions here. He said he has noted "a definite increase in drug addiction among juveniles in a short period of time."

Kelly also said there is more heroin in the Philadelphia area now than last year. It has been coming here by way of New York from Europe, especially Marseilles France, he added.

WHERE HAVE ALL THE FLOWERS GONE?

Mr. HART. Mr. President, how many times must a nation be warned that it faces a society divided and torn?

How many times must we be told that men come in colors other than white?

How long must we ask that a black child be grateful to be told, "Don't believe them because they are lies"?

Mr. President, those are questions asked by a black who attended the recent gridiron dinner in Washington.

Those are questions any sensitive man must ask of a nation which, almost 200 years old, still refuses to ask where have all the flowers gone, still refuses to recognize that the missing flowers diminish each of us, each child, black or white.

The pen in the hands of a sensitive, wise man is still our best hope of healing the wounds which divide our Nation.

We should be grateful that men such as Roger Wilkins, a former Assistant Attorney General of the United States, has the patience to once more put pen to paper to remind us of what the Kerner Commission told us, of the future the National Commission on the Causes and Prevention of Violence predict for us.

There are no flowers for any of us in that future.

Mr. Wilkins reminded all of us, kind men, good men, warm men, that we are running out of times we can turn our head and pretend we just do not see.

To help us all see more clearly, I ask unanimous consent that Mr. Wilkins' article entitled "A Black at the Gridiron Dinner," published in the Washington Post, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A BLACK AT THE GRIDIRON DINNER

(By Roger Wilkins)

When it was all over, a number of men had tears in their eyes, even more had lifted hearts and spirits, but a few were so dispirited that they went upstairs to get drunk. We had just heard the President and Vice President of the United States in a unique piano duet—and to many old Gridiron Dinner veterans, it was a moving show-stopper. To a few others, it was a depressing display of gross insensitivity and both conscious and unconscious racism—further proof that they and their hopes for their country are becoming more and more isolated from those places where America's heart and power seem to be moving.

The annual dinner of the Gridiron Club is the time when men can put on white ties and tails and forget the anxiety and loneliness that are central to the human condition and look at other men in white ties and tails and know that they have arrived or are still there.

The guests are generally grateful and gracious. But the event's importance is beyond the structures of graciousness because it shows the most powerful elements of the nation's daily press and all elements of the nation's government locked in a symbiotic embrace. The rich and the powerful in jest tell many truths about themselves and about their country. I don't feel very gracious about what they told me.

Some weeks ago, to my surprise and delight, a friend—a sensitive man of honor—with a little half-apology about the required costume, invited me to attend the dinner.

The first impression was stunning: almost every passing face was a familiar one. Some had names that were household words. Some merely made up a montage of the familiar faces and bearings of our times. There were Richard Helms and Walter Mondale and Henry Kissinger and George McGovern and Joel Broyhill and Tom Wicker and William Westmoreland and John Mitchell and Tom Clark (ironically placed, by some pixie no doubt, next to each other on the dais) and Robert Finch and Ralph Nader, and of course, the President of the United States.

One thing quickly became clear about those faces. Apart from Walter Washington—who, I suppose, as Mayor had to be invited—mine was the only face in a crowd of some 500 that was not white. There were no Indians, there were no Asians, there were no Puerto Ricans, there were no Mexican-Americans. There were just the Mayor and me. Incredibly, I sensed that there were few in that room who thought tnat anything was missing.

There is something about an atmosphere like that that is hard to define, but excruciatingly easy for a black man to feel. It is the heavy, almost tangible, clearly visible, broad assumption that in places where it counts, America is a white country. I was an American citizen sitting in a banquet room in a hotel which I had visited many times. (My last occasion for a visit to that hotel was the farewell party for the white staff director and the black deputy staff director of the United States Commission on Civil Rights.) This night in that room, less than three miles from my home in the nation's capital, a 60 per cent black city, I felt out of place in America.

That is not to say that there were not kind men, good men, warm men in and around and about the party, nor is it to say that anyone was personally rude to me. There were some old friends and some new acquaintances whom I was genuinely glad to see. Ed Muskie who had given a very funny and exquisitely partisan speech (the Republicans have three problems: the war, inflation, and what to say on Lincoln's Birthday) was one of those. I was even warmly embraced by the Deputy Attorney General, Mr. Kleindienst, and had a long conversation with the associate director of the FBI, Mr. DeLoach.

But it was not the people so much who shaped the evening. It was the humor amidst that pervasive whiteness about what was going on in this country these days that gave the evening its form and substance. There were many jokes about the "Southern strategy." White people have funny senses of humor. Some of them found something to laugh about in the Southern strategy. Black people don't think it's funny at all. That strategy hits men where they live—in their hopes for themselves and their dreams for their children. We find it sinister and frightening. And let it not be said that the Gridiron Club and its guests are not discriminating about their humor. There was a real sensitivity about the inappropriateness of poking fun that night about an ailing former President, but none about laughing about policies which crush the aspirations of millions of citizens of this nation. An instructive distinction, I thought.

There was a joke about the amendments to the Constitution (so what if we rescind the First Amendment, there'll still be 25 left), and about repression (you stop bugging me, I'll stop bugging you), and there were warm, almost admiring jokes about the lady who despises "liberal Communists" and thinks something like the Russian Revolution occurred in Washington on November 15. There was applause—explosive and prolonged—for Judges Clement Haynsworth and Julius Hoffman (the largest hands of the evening by my reckoning).

As I looked, listened and saw the faces of those judges and of the generals and of the admirals and of the old members of the oligarchies of the House and Senate, I thought of the soft, almost beatific smile of Cesar Chavez; the serious troubled face of Vine Delora Jr., and the handsome, sensitive faces of Andy Young and Julian Bond of Georgia. All those men and more have fought with surely as much idealism as any general ever carried with him to Saigon, with as much courage as any senator ever took with him on a fact-finding trip to a Vietnam battlefield, or even as much hope, spirit and belief in the American dream as any Peace Corps kid ever took to the Andes in Peru. But the men I have named fought for American freedom on American soil. And they were not there. But Julius Hoffman was.

As the jokes about the "Southern strategy" continued, I thought about the one-room segregated schoolhouse where I began my education in Kansas City. That was my neighborhood school. When they closed it, I was bused—without an apparent second thought—as a 5-year-old kindergartener, across town to the black elementary school. It was called Crispus Attucks.

And I thought of the day I took my daughter when she was seven along the Freedom Trail, in Boston, and of telling her about the black man named Crispus Attucks who was the first American to die in our revolution.

And I remember telling her that white America would try very hard in thousands of conscious and unconscious ways both to make her feel inferior. And I remember the part in building America's greatness and to make her feel inferior. And I remember the profoundly moving and grateful look in her eyes and the wordless hug she gave me when I told her, "Don't you believe them because they are lies." And I felt white America in that room in the Statler Hilton telling me all those things that night, and I told myself, "Don't you believe them because they are lies."

And when it came to the end, the President and the Vice President of the United States, in an act which they had consciously worked up, put on a Mr. Bones routine about the Southern strategy with the biggest boffo coming as the Vice President affected a deep Southern accent. And then they played their duets—the President playing his songs, the Vice President playing "Dixie," the whole thing climaxed by "God Bless America" and "Auld Lang Syne." The crowd ate it up. They roared. As they roared I thought that after our black decade of imploring, suing, marching, lobbying, singing, rebelling, praying and dying we had come to this: a Vice Presidential Dixie with the President as his straight man. In the serious and frivolous places of power—at the end of that decade—America was still virtually lily white. And most of the people in that room were reveling in it. What, I wondered, would it take for them to understand that men also come in colors other than white. Seeing and feeling their blindness, I shuddered at the answers that came most readily to mind.

As we stood voluntarily, some more slowly than others, when the two men began to play God Bless America, I couldn't help remembering Judy Collins (who could not sing in Chicago) singing "Where Have All the Flowers Gone?"

So, later, I joined Nick Kotz, author of "Let Them Eat Promises" and we drank down our dreams.

I don't believe that I have been blanketed in and suffocated by such racism and insensitivity since I was a sophomore in college when I was the only black invited to a minstrel spoof put on at a white fraternity house.

But then, they were only fraternity brothers, weren't they?

RETIRED GENERALS SPEAK ON VIETNAM

Mr. FULBRIGHT. Mr. President, four distinguished retired generals have made timely and perceptive statements about the war in Vietnam. Two of these generals, David M. Shoup and Samuel B. Griffith II, have appeared in recent years as witnesses before the Foreign Relations Committee.

These statements by experienced and outstanding former members of the armed forces are relevant to our present difficulties and I urge Senators to take note of their views.

I ask unanimous consent that statements as they appear in the publication Lithopinion be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

[From the Lithopinion, spring 1970]

BEYOND THE CALL OF DUTY

(Four retired generals speak their minds about Vietnam.)

When is a peacenik not a peacenik? When is a hawk not a hawk? The bitter debate over our commitment to the war in Vietnam has resulted in stereotypes that make rational discussion of the conflict virtually impossible. Everyone who opposes the war has been pigeonholed as a "peacenik"—which, in the judgment of most people who use the term, is usually supposed to mean someone less patriotic than he should be. And everyone who favors our participation in the war is pigeonholed as a "hawk"—which, in the judgment of most people who use the term, is usually supposed to mean someone who is willing to drop hydrogen bombs to get it over with.

Lithopinion takes pleasure in disrupting these sterotypes by presenting a gallery of hawks who are peaceniks—that is, professional warriors of the highest reputation who believe this particular war is a stupid ordeal to which we have subjected our young men and our energies and finances long enough. In previous wars involving the protection of this country, they were the fiercest of hawks. But in this conflict, for reasons they will explain, they advise the sheathing of talons.

We recommend that special attention be given the opening article, written specifically at the invitation of Lithopinion, in which Brigadier General Samuel B. Griffith II, United States Marine Corps, Retired, urges unilateral withdrawal, if necessary—a unique and brave suggestion in itself; further, he explodes the domino theory which holds that if South Vietnam falls, all Asia will fall under the domination of Communist China. General Griffith argues that China is surrounded by hostile forces which are sufficient to contain her and, coincidentally, to explain her belligerent posture.

General Griffith, twice decorated with the nation's second highest medal for heroism, retired in 1956. As a member of the 1st Marine Raiders during World War II, he earned the Navy Cross and Purple Heart at Guadalcanal and the Army Distinguished Service Cross at New Georgia. After his retirement he received a Doctorate in Chinese Military History from Oxford (New College) in 1961. His latest book is *The Battle for Guadalcanal*, one of Lippincott's Famous Battles of History series. He has served as a research fellow in China studies at the Council on Foreign Relations in New York City. He is also a member of the Institute on Strategic Studies, London. As a recognized expert in Chinese and other Asian affairs, he has written for The New Yorker, The Saturday Evening Post, and Foreign Affairs. He has frequently lectured at the Armed Forces Staff College, Vassar College, the U.S. Naval War College, and West Point. He graduated from Annapolis in 1929. The citation for the Navy Cross reads in part: "On Sept. 27, 1942, with the only other field officer of the battalion killed that morning, and with his men greatly outnumbered and almost completely surrounded, Lt. Col. Griffith moved forward to a position where he could reconnoiter the ground in front of him in order to effectively employ the troops under his command. While in this position he was painfully wounded by an enemy sniper bullet. Refusing to relinquish command of his troops or leave them without a field officer to control the situation he returned to his post and personally directed the movements of the battalion throughout the remainder of that afternoon." The Army DSC, for action from July 7–10, 1943, on New Georgia, reads in part: "Lt. Col. Griffith frequently went alone on reconnaissance through areas covered by enemy fire as he skillfully led his battalion in its advance through swamp and dense jungle to its objective. Although his men had been without food or water for 36 hours, his fervent leadership infused them with fresh energy to deliver paralyzing blows in the final assault, during which four naval guns were seized and 350 of the enemy were killed." On his return to the U.S. he served as commanding officer of the candidate school at Quantico. Then he became commanding officer of the 21st Marines. The following is Griffith's thinking about America and Asia.

FOR BETTER OR FOR WORSE, the United States is a Pacific power, and will remain one for the indeterminate future. For this reason, our frustrating, bloody and costly experience in Vietnam imperatively dictates that President Nixon and his policy advisers give immediate priority to dispassionate and objective reassessment of United States security interests in Asia.

It should now be painfully apparent, even to the most belligerent and vociferous "hawks," that this nation, rich and powerful as it is, cannot afford a repetition of the Vietnam adventure, either in Southeast Asia or elsewhere.

Had such a realistic evaluation been made, even as late as early 1965, there is at least a good chance that the nation would have been spared the tragedy of the last five years. For there can be no question that any such appraisal would have emphatically indicated that American security interests in Vietnam were at best marginal, and could not possibly justify major commitment to a costly, protracted guerrilla-type war in the jungles, swamps and paddy fields of this small, poor, underdeveloped and strategically insignificant country on the rimland of Asia.

But for three full years after he launched the bombing campaign against the north, a campaign designed by "air power" proponents to hammer Ho Chi Minh's government into submission and force Hanoi to accept dictated negotiations, President Johnson unfailingly responded to his field commanders' unceasing requests for more ground combat troops, more artillery, more planes, more helicopters—in fact, "more" of everything. And so the inconclusive war, which ravaged South Vietnam, disintegrated the fabric of its society, and dangerously polarized our own, dragged on.

ESCALATION CLOSED THE DOOR

During this time, Washington's thesis was that the preservation of South Vietnam as an independent non-Communist state was a matter of *vital* concern to us. Why this was so was never satisfactorily explained to the American people, who were constantly assured that the North Vietnamese threat to overthrow the inept, oppressive and corrupt government in Saigon would soon be beaten back. This assertion could always be substantiated by the contents of "captured documents," by Viet Cong defections, by prisoner interrogation, by "kill ratios." There was always "light at the end of the tunnel."

The Johnson thesis was not successfully challenged until the early spring of 1968, when the pressure of events made it inescapably apparent, even to an obdurate President determined to "nail the coonskin to the wall," that he had gradually led the nation into an untenable position; that the passage of time, our increasing involvement, and the consequent escalation of violence by both sides, had closed out alternative courses of action, and that no viable option remained but disengagement, negotiated if possible, unilateral if not.

President Nixon, who came to office unencumbered with the emotional fixation that held his predecessor in thrall, appreciated the fact that winding down the war was an urgent political necessity. He has, in fact, settled for what he optimistically hopes will be a stalemate.

At the same time, he has tried to make it clear that while the United States will assist Southeast Asian nations to repel external aggression, he does not propose to commit this nation again to a major land war in Asia. This is, of course, the bare bones of an Asian policy, which must be fleshed out in more specific terms.

THE COLLISION OF FEARS

During the coming decades, the major power factor in the Asian equation will be

the People's Republic of China, and any realistic reevaluation of our Asian security interests must take into account Peking's estimation of her own. Unfortunately, her conception of necessary security and our conception are almost entirely incompatible.

To appreciate this, one must look at the Asian environment in which China will be required to operate, not from the point of view of Foggy Bottom, but as it is seen by those who make policy in Peking. This environment—which decisively affects Peking's official pronouncements, her propaganda themes for internal and external consumption, and her domestic and foreign policy lines—appears to her to be essentially hostile and threatening.

Deterioration of the transitory fraternal Sino-Soviet relationship has probably reached the point of no return. Certainly, events of the past decade have exorcised the disturbing spectre of a monolithic Eurasian Communism directed from the Kremlin. What we see now is a clash of nationalisms, which neither adversary bothers any longer to disguise in ideological terminology. Each side dislikes, distrusts and fears the other.

Along 4500 miles of a disputed northern border, the Soviet Union has deployed powerful ground, air, rocket, armored and airborne forces poised to strike at China's burgeoning nuclear installations in the western province of Sinkiang and to attack her vulnerable and irreplaceable heavy industrial complexes in the three northeastern provinces (Tung-pei).

USSR AND USA "IMPERIALISM"

The Chinese response to this show of force, with its incipient threat, has been to charge that the "socialist imperialists" (the USSR) and the "capitalist imperialists" (the USA) are "colluding to isolate and contain China." Fanciful as this charge may appear to be in both Washington and Moscow, the danger seems very real to the Party's Military Affairs Commission (MAC) in Peking, which has recently ordered the armed forces alerted, the militia into intensive training, and directed that a variety of passive defense measures be undertaken without delay. In fact, the People's Republic today is on a war footing, and is behaving as if a Russian attack were imminent.

Bordering the Yalu, south of Manchuria, lies North Korea, governed (or misgoverned) by an erratic dictator, Kim Il-sung, subservient to Moscow and since 1966 recipient of Soviet economic and military aid, and beneficiary of a bilateral defense treaty with the Soviet Union. This relationship does not conduce to allay Peking's apprehensions. Nor can she derive much comfort from Kim Il-sung's announced intent to unify Korea in the face of a known U.S. commitment to defend the integrity of the Republic of Korea.

Japan, another Asian ally of the United States, has made tremendous progress in every field. Her technological and industrial achievements during the past twenty years are equalled only by those of West Germany, and have made her the leading power in Asia, a position the Chinese aspire to attain for themselves. Here, as in South Korea, American atomic military power is deployed, alert to strike Chinese targets.

IT'S NOT TEMPTING CHINA

To the south lies Taiwan, bound to the United States by bilateral aid and defense treaties. Taiwan, considered a province of China by both Generalissimo Chiang Kai-shek and his enemy, Mao Tse-tung, is a galling thorn in Peking's side, and "liberation" of Taiwan has since 1949 been a priority policy objective of the mainland government. There is no possibility that this ambition can be realized so long as the United States continues to give its support to the Nationalists.

Further to the south, the Philippines, long considered by Peking a fertile ground for a "People's Liberation War," is tied by treaty to the U.S. and provides basing facilities for both the U.S. Navy and Air Force. There the government, suspicious of the resident Chinese minority and envious of its dominant position in the mercantile field, has taken suppressive measures to reduce its importance and influence.

Chinese reaction to the American presence in South Vietnam reflects a basic anomoly. For while Peking is anxious to see Party Chairman Mao Tse-tung's thesis on "Wars of National Liberation" ultimately confirmed there, and the Americans driven out, the Maoists who control policy are content to sit on the sidelines and contemplate with satisfaction the spectacle of America pouring resources into a war that doctrine correctly assured them the "Imperialists" could not win. History now confirms Mao Tse-tung's speculation to the effect that the Americans would eventually "get tired" in Vietnam and would "go away."

Hanoi, in desperate need of both Chinese and Soviet aid to prosecute the war in the south, is anxious to preserve political integrity and freedom of action. In this political balancing act, the North Vietnamese have found a responsive ally in the Soviet Union, which is quite as determined to contain the spread of Chinese influence in Asia as we are.

PEKING MISSES THE BOAT

For Peking, theoretically neutralized Laos is a question mark, as indeed it is for us. With continuing North Vietnamese infiltration, and the gradual spread of Pathet Lao control, it seems inevitable that a major portion of this politically confused nation, an artificial entity if there ever was one, will eventually be dominated by Hanoi. This will not necessarily be to Peking's advantage.

Cambodia, which fears both the Vietnamese and the Thais, also fears Chinese influence, however indirectly exerted. This fragile political structure, governed by the benevolent but wily and intensely nationalistic Sihanouk, might have been fair game for a Peking-engineered *coup* some years ago. The opportunity has passed.

Thailand, superficially secure from Chinese-inspired revolutionary machinations, has received considerable amounts of U.S. economic and military aid. Her hostility to China is as undisguised as are her pro-American sentiments. Here, the United States enjoys basing rights and deploys strategic aircraft capable of delivering nuclear weapons to any target in the People's Republic. A pro-Peking Thai National Liberation Front operates in the northern provinces, but poses no real threat to the government in Bangkok.

Burma has had her own experience with the militant Maoist, but whether she will be able to maintain her independent position is an open question. She is a susceptible target for a Chinese-supported "War of Liberation."

REDS GOOF IN INDOCHINA

South of the Himalayan arc lies a hostile India, recipient of economic and military aid both from the U.S. and the USSR and deeply suspicious of Peking and Peking's friend. India's enemy, Pakistan. The three tiny and militarily impotent Himalayan states. Nepal, Bhutan and Sikkim, could not resist Peking if she should decide to take them over. Nor could India protect them.

Elsewhere in Asia, Peking has no friends. The attempted *coup* in Indonesia (which she certainly inspired, but probably did not trigger), ruptured the Peking-Djakarta axis and resulted in a bloody shambles in which tens of thousands of pro-Maoists were exterminated. The Chinese were quick to accuse the CIA of promoting this blood bath, which wrote *finis* to Peking's efforts to acquire an ally whose unique strategic position would have immeasurably enhanced Chinese potential to affect the course of Asian history to her advantage.

The expressed or implied hostility of the great majority of her neighbors, most of whom are supported by the United States, is not the only factor that the Chinese must take into account as they assess the Asian environment. For over the eastern horizon the U.S. Seventh Fleet, a nuclear-armed striking force, cruises, and in the depths Polaris submarines, with missiles targeted, wait.

BASICALLY, CHINA IS PRUDENT

The Chinese are unable to influence this environment in any substantive way. This impotence, and the frustration it induces, are best reflected in the bellicose verbal barrages directed against both the Soviet Union and the United States. But, despite the ferocious rhetoric, Peking's policy has on the whole been distinguished by a realistically prudent assessment of her own vulnerabilities and of the overwhelming strength of her adversaries.

Peking's policy has been, and for a long time to come will continue to be, the avoidance of a direct confrontation with either the U.S. or Soviet Union. But she will certainly encourage, and where possible support, proxy "Wars of National Liberation" in the areas she defines as "Storm Centers of World Revolution," i.e., Asia, Africa and Latin America. This is a "low risk" policy which at the very least will discomfort the United States and which may produce disproportionate dividends.

China's belligerent propaganda, combined with our own cumulative frustration in Vietnam, impelled the Johnson administration in late 1967 to try to persuade the American people that Peking, not Hanoi, was our real enemy. The President viewed with horror the prospect of the Chinese swallowing Hawaii and taking over California; his Secretary of State conjured the fearsome picture of "a billion Chinese . . . armed with nuclear weapons," and the Vice President pointed to Peking as "headquarters" of a militant, aggressive Asian Communism determined to overrun Southeast Asia.

FIRST THINGS FIRST IN CHINA

It is certainly true that by 1980 there will be a billion Chinese, and that Peking will then have at its disposal a nuclear arsenal, given peace in Asia. The prospect of Chinese armadas headed for San Francisco is of course pure fantasy, and whether Peking is "headquarters" of an "Asian-Communist Movement" determined to capture Southeast Asia is at least arguable.

In this context, it may be relevant to point out that Peking has profound, complex and possibly insoluble domestic problems that will require her urgent attention and absorb her energies for some considerable time to come. She has not now, nor will she have in the foreseeable future, the military capability to "overrun" Southeast Asia.

Nevertheless, geographic propinquity, historical association and many cultural similarities account for a legitimate Chinese interest in Southeast Asia. No Peking government would be happy to see United States influence paramount in the area while its own was completely excluded. This is not to imply that I believe the Chinese will attempt to "take over" that part of the continent by force of arms. But it can mean in the future a continuing and frequently abrasive political, psychological and economic struggle between China and the United States. It will be a problem for both to keep this struggle within bounds, for there can be no military solution.

It seems clear that any realistic reevaluation of American security interests in Asia will clearly indicate which areas, if any, are truly *vital*, which important, which mar-

ginal and which unimportant. Our problem has been a failure to discriminate. It was this failure that drew the nation step by step into the morass of Vietnam, from which President Nixon is now attempting to gradually extricate us. This will be a prolonged process, and will require patient determination—not, unfortunately an American characteristic.

MAOISM ISN'T "WAVE OF FUTURE"

The primary definition of the word *vital* as given in the Funk and Wagnalls Standard College Dictionary is: "necessary to existence of continuance; essential." It taxes the imagination to conceive that the continuance of our free American society could depend on the existence of an artificial state in South Vietnam. Yet this was the conviction that obsessed President Johnson, and the loaded phrase "vital security interest" was repeatedly used by administration spokesmen to justify a course of action that became daily less acceptable to the American people.

We do, of course, have important interests in Asia. It is to our best interest to encourage the development there of stable, viable, democratic societies capable of protecting themselves against internal subversion by parties either of the left or the right. But we have learned, or should have, that massive intervention is not the answer. We may indeed ask whether a society unable or unwilling to protect itself from subversion is worth a salvage effort, particularly if that effort threatens in the process to tear our own apart.

During the coming decade, China's capacity to directly influence the course of history in Asia will be negligible. Maoism has been rejected by every Asian nation, with the possible exceptions of North Korea and North Vietnam, as unsuitable and irrelevant. It is not "the wave of the future."

What Asian societies seek, and what we should assist them to find, is expression of their own, unique character. Japan has reached this point; India, Indonesia and some of the smaller nations are striving to reach it, and with our aid and encouragement, will.

It is equally to our interest to take steps that will allay Peking's apprehensions of our intentions. Neutralization of Southeast Asia, with both China and the United States among the guarantors, would be an important ultimate goal.

General David M. Shoup. U.S. Marine Corps, Retired. Among his decorations is the Congressional Medal of Honor, won for gallantry which, according to Pentagon sources, "was largely responsible for the final decisive defeat of the Japanese forces" at the bloody battle of Tarawa Atoll in 1943. His citation reads: "Although severely shocked by an exploding enemy shell soon after landing at the pier and suffering from a serious, painful leg wound which had become infected. Shoup fearlessly exposed himself to the terrific and relentless artillery, machinegun, and rifle fire from hostile shore emplacements. Rallying his hesitant troops by his own inspiring heroism, he gallantly led them across the fringing reefs to charge the heavily fortified island and reinforce our hard-pressed, thinly held lines. Upon arrival on shore, he assumed command of all landed forces and, working without rest under constant, withering enemy fire during the next two days, conducted smashing attacks against unbelievably strong and fanatically defended Japanese positions despite innumerable obstacles and heavy casualties." Under Presidents Eisenhower and Kennedy, Shoup was commandant of the Marine Corps. Kennedy referred to him as "my Marine." Here is Shoup on the Vietnam war:

"In all of my studies and all of my associations over the years with hundreds of flag officers of the Army, Navy, Air Force, and Marines, always the conclusion after every study, every discussion was that under no circumstances should we get engaged in a land warfare in South Asia, in Asia, on the Asian mainland. If my memory serves me as well as I hope it does, in addition to those people I have personally heard three Presidents say the same thing, and yet there we are, bogged down in the same manner that had been predicted over the last 25 years at least by all those military people who studied the situation and who advised against it.

"When we were in Laos, this same thing [getting bogged down in a land war] would have happened except it was a provable situation that we could not logistically support the number of armed forces organization that would be required to fight this out in Laos. We couldn't do it. But then the next time a confrontation possibility came to pass, and we had the seashore on our flank, increasing our capabilities of logistics support, we went right at it. I do not know why.

"The first reason we were given for being in South Vietnam was so that the South Vietnamese might determine their own destiny without outside interference, and at the very time this was given as a reason the people we were fighting were almost 99 percent South Vietnamese.

"It has always been my contention that this was a civil war amongst South Vietnamese, and if we leave them alone to solve their own problems in the manner that they want to solve them they would be proud of their solution, support whatever conclusions they finally came to, and go ahead in the business of being a nation. Instead of winning the minds and hearts of the South Vietnamese, we have rather closed their minds and broken their hearts. There is a great deal of that. They don't like us meddling in their business and they don't like us trying to tell them what kind of a house they ought to live in, what kind of bandage they ought to put on their foot, and all the rest of it. They would like to live the way they want to live.

"The second reason we were given for being in South Vietnam was that if we don't stop them there, the Communists will soon attack Pearl Harbor or crawl up the beaches of Los Angeles. It is ludicrous to think that just because we lose in South Vietnam that very soon somebody is going to be knocking at the doors of Pearl Harbor. The third reason we were given was the containment of China. Although the United States has an interest in what happens in Vietnam and other parts of Southeast Asia, it is not vital to the security of the United States.

"You cannot defeat the armed forces of North Vietnam—which is the nation we are at war with, whether declared or not—by winning, so-called, in South Vietnam. It is not possible because the big army of North Vietnam is not there. If you poured sufficient troops in and if you also violated the sovereignty of Laos and Cambodia, you could probably drive the North Vietnamese out of South Vietnam in time. But even then you have not defeated the nation or the armed forces of the nation. If we invade North Vietnam with an idea of defeating militarily the armed forces of that nation, and by such action the Chinese Armed Forces come into the war on an all-out basis we cannot win a ground warfare against China without nuclear weapons.

"What do we win if we win? The gain, no matter how greatly it may be embellished, will never equal one/one-thousandth of the cost.

"Have we during this conflict, except indirectly, harmed the two great Communist—so-called Communist—powers? Have we caused them any problems? Very few. And are those two great Communist nations causing us trouble? If they are, we are not harming them. They are harming us by using up our men, money and materials.

"As for China, from my experiences over parts of five years in China and what I know of conditions there today, I'm sure that more Chinese know where tomorrow's food is coming from than ever in the history of living man. And to what must go the credit? The system they're serving under. The alienation of the friendship of the great and wonderful Chinese people will surely vie for decades to come as the greatest blunder this country ever made in her relations with other nations, unless the final results from our Vietnam commitment overshadow it."

Brigadier General Robert L. Hughes, U.S. Army, Retired. A member of General MacArthur's staff in World War II, he wears the Silver Star, Bronze Star with Oak Leaf Cluster, Combat Infantry Badge, and Purple Heart (he was badly wounded on New Guinea). Hughes, on the Vietnam war:

"Those who have died in Vietnam have died in support of an unstable foreign government that is maintained only by the strength of the United States . . . We are prosecuting an immoral war in support of a government that is a dictatorship by design. It represents nothing but a ruling clique and is composed of morally-corrupt leaders who adhere to a warlord philosophy.

"We are losing the flower of American youth in a war that could stretch into perpetuity. We cannot be sure of the security of villages three miles from Saigon because we can't tell the good guys from the bad guys. This is one hell of a war to be fighting. We must disengage from this tragic war. There is not a piece of real estate over there that has any particular strategic value to the U.S."

Brigadier General William Wallace Ford, U.S. Army, Retired. He is one of the few who can say that he fought every day of both World War I and World War II. In the second of these conflicts, he was artillery commander of the 88th Division as it slugged its way across France, Belgium and Germany. Says General Ford:

"In my judgment, the war in Vietnam is wrong politically, militarily and morally. On the foreign side it is isolating us from the sympathies of most of the world. The countries of Europe, to whose support we rallied in two World Wars, now either openly condemn us or turn their heads as in shame and embarrassment for a friend who has committed an ignoble act.

"This war is wrong politically because it seeks to fight ideas with bullets. We must find better ways to fight Communism than by trying to shoot it out of a country where it seems to have more appeal than what we offer here at home. This effort to impose our style of government and society upon a little undeveloped country, half-way around the world, which clearly has no enthusiasm for it, is an exercise in the arrogance of power which has brought down great empires. It will bring us down if we persist.

"This war is wrong militarily because it runs the risk of involving us in a great land war in Asia, which we could not possibly win, or, worse yet, a nuclear war, which *no one* could win.

"This war is wrong morally because it violates our basic doctrine as to self-determination by peoples, violates sober international commitments, offers to the world and to ourselves excuses which cannot bear the light of examination, and forces into its support vast numbers of our people who believe it wrong and suffer an agony of conscience.

"The most unbearable cost is that the war in Vietnam is shattering the unity of our nation. By coercing into support of the war vast numbers of people who have strong conscientious objections to it, by drafting their sons and brothers and husbands to kill and be killed against their profound convictions,

we are doing injury to our national spirit that will be difficult to repair.

"Well, what to do? How do we get out of this mess?

"The way to stop the war is simply to stop fighting. Let us not worry about losing face in offering peace. France was in almost exactly the same position in Algeria some years ago, but finally decided that her effort was not only wrong, but futile. She got out. No one has reviled her for her action. Russia overplayed her hand in Cuba, and was forced to withdraw. No one calls Russia a paper tiger.

"Nations all over the earth have dreamed great dreams around the American Image. For their sake, but even more for ours, let us hope they will again."

ANALYSIS OF JUDGE CARSWELL'S RECORD

Mr. BAYH. Mr. President, the Ripon Society and the Law Students Concerned for the Courts yesterday released the most thorough analysis yet presented of Judge Harrold Carswell's judicial record.

A earlier study prepared by these groups had been criticized by the Justice Department as "unreliable" because it included only Judge Carswell's published opinions and excluded his unpublished ones. In response, these young lawyers conducted a survey of every appeal to the fifth circuit between the years 1959 and 1969—nearly 7,000 cases.

Mr. President, I believe that the results of this study cast grave doubt on the qualification of Judge Carswell for the High Court. Of the 122 cases—reported and unreported—decided by Judge Carswell over the 11-year period and appealed to the fifth circuit, over 40 percent were reversed. Of the 67 district court judges in the fifth circuit with 20 or more decisions appealed, Judge Carswell ranks 61st—that is, in the bottom 10 percent—in rate of affirmance.

But the most startling fact revealed by this study is that Judge Carswell's performance worsens as time goes on. Grouping his decisions chronologically, the judge was reversed on 25 percent of his first 30 appeals, 33 percent of the next 30 appeals, 48 percent on the next 31 appeals, and 53 percent of the last 31 appeals. This compares to an average rate of reversals for all fifth circuit district judges varying only slightly over the 11-year period from a high of approximately 30 percent to a low of 23 percent.

I do not believe the Senate should confirm for the Supreme Court the nomination of a man with such an undistinguished record. And I am deeply troubled at the concept of a Supreme Court Justice who is increasingly unable to follow existing precedent—increasingly determined to impose his own views of the law in the face of superior decisions to the contrary. I cannot believe that the Senate can support for the Supreme Court a judge who not only has a mediocre record, but who becomes less and less able the longer he serves on the bench.

I ask unanimous consent that the entire analysis by the Ripon Society and Law Students Concerned for the Court be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

ANALYSIS OF JUDGE CARSWELL'S RECORD

The following is a brief summary of the purpose, methods, and results of a study of the judicial record of Judge G. Harrold Carswell by the Law Students Concerned For the Court.

I. PURPOSE

The Law Students Concerned for the Court released a statistical study of the judicial record of Judge Carswell at a press conference in Washington, D.C. on March 5. The study used five objective criteria to compare the record of Judge Carswell with that of the other judges in the 5th Circuit District Courts and the District Judges of the country as a whole. Probably the most important criteria was the reversal rate of those decisions appealed from Judge Carswell's 84 opinions printed in F. Supp. Of these decisions, 17 were appealed and 10 were reversed—a rate of 58.8%—almost three times the national average. This result was disregarded by a Justice Department spokesman as unreliable since it represented only a small portion of Judge Carswell's total record. (Washington Post, 3/6, p. A–15.)

This response led the Law Students Concerned for the Court to issue a challenge to Attorney General John Mitchell. The challenge was a request that the Attorney General publicly set a minimum standard of ranking by reversal rate which a nominee to the Supreme Court ought to have. The challenge was issued in a letter to the Attorney General which was also released to the press on March 11. (See Attachment No. 1) In accordance with this challenge, the Law Students vowed to examine every 5th Circuit appellate decision for the last twelve years in order to record every single appeal from Judge Carswell's decisions as a District Judge thereby setting forth the complete record as apparently required by the Justice Department.

While no response to the challenge was received, the Law Students proceeded with their second study. The results, we think, add new substance to the record of Judge Carswell. While they are most consistent with the previous statistical study and with the statements of Dean Bok of Harvard, Dean Pollak of Yale, and Prof. Van Alstyne of Duke, among many who have registered their dissent to this nomination, this new study is revealing in its own right. The results strongly indicate that Judge Carswell most assuredly fails to present the credentials expected of a Supreme Court nominee—and in fact, is quite far removed from such credentials.

II. METHODS

This study includes an examination of every 5th Circuit appellate decision beginning with volume 252 of the Federal Reporter, Second Series, and continuing up to volume 419, the most recent one. Every 5th Circuit decision was recorded on a card, as was the name of the District judge who wrote the opinion from which the appeal was taken. Only those decision for which a District judge was named, which included almost all of them) were recorded. Appellate rulings on decisions by administrative agencies (eg NLRB) were disregarded.

The appellate rulings were tabulated in three categories: (1) affirmances, (2) reversals, and (3) those affirmed in part and reversed in part. Judgments vacated were treated as reversals. Whenever necessary the appellate decision was closely read in order to determine whether the decision below was essentially affirmed or reversed.

The study was basically looking to see if the ruling on a point of law by the District judge was allowed to stand by the Court of Appeals. Every effort was made to fairly place a decision in one of the above categories Judgments modified were not recorded as such, although if the modification was clearly a reversal then it was placed in that category.

Appellate decisions were all shepardized although only those rulings amounting to an affirmance or reversal or part thereof were counted. "Cert. Denied," "U.S. Appeal Pending" and "modified" (unless dispositive) were not recorded. Shepardizing being completed, the decisions were then sorted and tabulated by the judge using the three categories mentioned.

III. RESULTS

A. Reversal record

Judge Carswell had 122 decisions appealed to the Fifth Circuit or the Supreme Court. 70 of these were affirmed—46 were reversed—with 6 being affirmed in part/reversed in part. Judge Carswell's reversal rate was 40.2% applying our method of giving each reversal in part the value of one-half a full reversal (with the affirmed in part likewise counting for one-half.) This method of treating AIP/RIP results was judged to be most representative and a fair one. Judge Carswell's reversal rate is almost a full ten percent greater than the Fifth Circuit District Judge average as a whole of 30.0%.

B. Percentile rank of Judge Carswell by reversal rate

Looking at all Fifth Circuit District Judges with 20 or more decisions appealed, Judge Carswell ranked in the lowest 10% of reversal rates (i.e. having one of the highest rates). He stands 61 out of 67 judges in order of increasingly high reversal rates. Among those judges with 30 or more and 50 or more decisions appealed, Judge Carswell ranked in the lowest 15% of District judges in the Fifth Circuit. Among judges with 75 or more, and 100 or more decisions appealed, Judge Carswell ranked in the bottom quarter. He stands well below the median in all categories.

C. A chronological look at Judge Carswell's reversal rate

Judge Carswell's record shows an increasing number of reversals, the longer he sat on the District bench.

Among his first 61 opinions there were 42 affirmances, 18 reversals, and 1 AIP/RIP for a reversal rate of 30.0%. Among his next 62 opinions, there were 28 affirmances, 28 reversals, and 5 AIP/RIP which gave him a reversal trend of 50.0%.

Dividing Judge Carswell's opinions into fourths, the pattern becomes clearer. The number of his reversals increases steadily from 7 to 10 to 13 to 16 while the number of affirmances decreases. The reversal rate increases from 25% to 33% to 48% to 53% for the last thirty-one decisions appealed

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LAW STUDENTS CONCERNED FOR THE COURT, COLUMBIA LAW SCHOOL,
New York, N.Y., March 11, 1970.

Hon. JOHN MITCHELL,
Justice Department,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: In response to the Justice Department's criticism that this group's statistical study of Judge Carswell judicial record is invalid because it considers only his printed decisions, this letter both defends the findings announced last Thursday and respectfully challenges you to agree to recommend withdrawing his name if his *total* record is found to fall below the percentile of judges—which you are hereby asked to designate in advance—who alone should be appropriately considered for elevation to the Supreme Court.

In order to avoid the slightest question regarding sampling, this group hereby commits itself to perform such a further study, certified under oath, by devoting whatever time and manpower is necessary to consider *every single decision*, published or unpublished, by Judge Carswell and every other district judge between 1958 and the present which was appealed in the Fifth Circuit Court of Appeals. We submit that you cannot in good faith continue to recommend that Judge Carswell

sit in judgment on the highest court if his record on the lowest federal court does not meet the level which you deem to be appropriate.

As you recall, our group found that Judge Carswell ranked far below the average of all other federal judges on each statistical criterion which was applied to all of his 84 printed decisions and to a sample of 400 printed decisions of other judges. The findings we released last Thursday at our press conference together with the Ripon Society at the New Senate Office Building showed:

1. Carswell was reversed on 58.8% of the appeals from all of his printed decisions, which is practically 3 times the 20.2% average for all federal district judges and 2½ times the 24.0% for district judges in the Fifth Circuit.

2. As a percentage of all his printed decisions, Carswell's rate of reversal was still twice as high as both the national and Fifth Circuit district judge average, 11.9% as against 5.3% and 6.0%, respectively.

3. Throughout the period he sat, Judge Carswell's decisions were accorded relatively little authoritative weight by other judges: each of his opinions was cited by all other U.S. judges less than half as often, on the average, as those of all district judges and Fifth Circuit district judges.

4. Carswell's opinions were about two-fifths as thoroughly documented with case authority, and less than one-third with secondary source authority, as the average of all district judges.

5. Carswell's average opinion was less than half as extensive as the average for all other district judges.

A spokesman for your Department questioned the reliability of our findings on Judge Carswell's performance because they were based only on his *printed* decisions. He said: "No affirmance-reversal statistics based on that small a portion of any judge's decisions are reliable, even assuming the raw figures to be accurate." As to that final little innuendo, incidentally, our work sheets were and remain open to the inspection of both the press and your office and we trust that if you seriously question the accuracy of our raw figures you will produce those you believe to be correct.

Printed decisions, as you are surely aware, constitute a judge's principal—and indeed his only visible—contribution to the law. Further, judges select for publication in Federal Supplement (and West Publishing Co. additionally requests) decisions of more than routine nature—those of some importance, interest or novelty. The overwhelming majority of cases which judges elect not to publish, West has told us, are ordinary judgments upon jury trials, orders and decisions turning on questions of fact rather than on serious questions of law.

In view of those circumstances, and in fact that the work of a Supreme Court Justice is deciding and explaining not ordinary questions of law and fact but important questions of law which are novel and unsettled, how can your Department maintain that Judge Carswell's entire printed record of 84 decisions is an unreliable basis for measuring his judicial performance? President Nixon asked the Senate to "look at his record . . . as a Federal judge," and Senator Ervin has said, "I think we can judge a man's judicial past on the basis of the opinions he has written." If we cannot depend on the entire printed record, what can we depend on? Moreover, on what basis have you recommended his nomination?

Although we have confidence in the accuracy of our earlier findings that Judge Carswell falls drastically below the average level of performance of federal judges, we respectful extend to you the challenge mentioned above: Tell us the percentile of federal judges—top 2%, top 10%, top 25%, whatever—which *you* think should alone be considered for possible elevation to the Supreme Court. We will examine every one of the ten or fifteen thousand Fifth Circuit and Supreme Court decisions on appeals from decisions, printed or unprinted, of district judges in Judge Carswell's Fifth Circuit. We will preserve a card record of each case and certify under oath as to our methods and results. Judge Carswell's complete record on appeals will be measured against the complete record of each other judge during the same period.

Let the total record be determinative. Commit yourself to recommend Judge Carswell's withdrawal if his record fails to meet that which you designate in advance as a minimum standard. As a Supreme Court Justice he would be called upon to decide wisely those most complicated questions with few clear guideposts and with strongly competing principles which constitute the Court's work. You must certainly agree that as a district judge, charged with the duty of finding and applying better demarcated law on more elementary issues, Judge Carswell must not have been found to have erred more consistently than that number of other judges which you deem appropriate.

We hope that you will accept our respectful challenge, and that we may have your early reply.

Respectfully yours,

ALAN C. ZETTERBERG,
(For the committee).

APPELLATE DECISIONS OF JUDGE CARSWELL'S DISTRICT COURT OPINIONS IN CHRONOLOGICAL ORDER (CITED FROM F.2D)

("A"=Affirmance; "R"=Reversal; "AIP/RIP"=Affirmed in part & Reversed in part)

266–792 A
267–834 R
268–422 A
269–83 A
272–574 R
274–68 R
274–685 A
276–203 A
276–919 A
276–924 A
279–19 A
279–561 A
281–789 A
282–942 R
283–4 R
283–244[2] A
283–245 A
286–697 AIP/RIP
287–701 A
288–620 A
291–422 R
292–153 A
295–370 A
296–37 A
296–50 R
296–898 A
297–339 A
302–307 A
303–278 A
303–576 A
304–160[1] A
304–459 A
304–878 A
306–182 R
306–433 A
306–862 R
308–728 A
308–807[2] A
313–783 A
316–189 A
318–713 A
322–576 V
324–178 A
324–804 A
325–162 R
327–549 R
330–337 A
333–307 A
333–630 R
334–243 A
335–592 A
338–62 A
338–53 A
341–351 A
341–535 A
341–914 A
344–958[1] V
345–795[2] R
346–433 R
349–873 V
351–311[1] R
351–950[2] A
354–1006[1] A
356–660 A
356–771 R
356–921 A
361–443 A
362–352 A
362–493 R
363–439 A
365–457 AIP/RIP
365–478 R
369–940 R
371–139 R
371–395 V
374–123 A
377–861 A
380–182 R
380–489 AIP/RIP
380–915 V
381–734 A
382–852 AIP/RIP
384–882 A
384–363 A
386–520 AIP/RIP
387–70 R
388–977 R
390–662 A
390–872 A
391–13 R
391–248 R
391–921 R
394–153 R
394–492 A
395–211 A
395–675 A
397–810[3] R
398–507 R
398–1011 R
399–142 R
399–417 R
399–478 R
400–264 A
400–548 R
401–769 A
402–63 R
402–755 A
405–1206 A
406–724 R
407–189 A
407–348 A
409–225 A
412–644 R
412–851 A
414–428 R
414–657 A
414–739 AIP/RIP
415–393 R
415–799 A
417–905 R
417–991 R
417–1041 A

Total, 122 Opinions.
First 33 Decisions: 7R, 1AIP/RIP.
Last 33 Decisions: 18R, 1AIP/RIP.
Among first 61 opinions:
42A 18R/V 1AIP/RIP
Among second 61 opinions:
28A 28R/V 5AIP/RIP
First half reversal rate: 30%.
Second half reversal rate: 50%.
Dividing opinions into fourths:

	1–30	31–60	61–91	92–122
A:	22	20	14	14
R:	7	10	13	16
AIP/RIP:	1	0	4	1
Rev. Rate:	25%	33%	48%	53%

Note increasing amount of reversals and increasingly high reversal rate.

("V" is counted as "R")

(An "AIP/RIP" is counted as one-half a reversal and one-half an affirmance in the above percentages.)

RANKING OF ALL 5TH CIRCUIT DISTRICT JUDGES BY REVERSAL RATE

[Every appeal from all decisions of every judge, 1958–69]

Rank—Minimum number of appeals					Percentile (on reversals) and judge	Number of appeals	Percent reversed
100	75	50	30	20			
					Above median:		
					1. Cassibry, Fred J	21	9.5
					2. Mitchell, Lansing L	24	10.4
		1	1		3. Ainsworth, Robert A	62	13.7
					4. Edenfeld, Newell	27	14.8
1	1	2	2		5. Sloan, William B	108	15.3
			3		6. Scott, Charles R	45	15.6
	2	3	4		7. Jones, Warren L	95	15.8
	3	4	5		8. Smith, S. O., Jr	78	16.7
					9. Eaton, Joe	29	17.2
2	4	5	6		10. Christenberry, Herbert	231	17.5
	5	6	7		11. Estes, Joe E	80	18.1
	6	7	8		12. Dyer, David W	90	18.4
					13. Thornberry, Homer	21	19.0
	7	8	9		14. Hunter, Edwin F	96	20.8
		9	10		15. Garza, Reynoldo G	67	22.4
					16. Taylor, William	29	22.4
3	8	10	11		17. Wright, J. Skelly	143	22.4
4	9	11	12		18. Hooper, Frank A	177	22.8
					19. Pittman, Virgil	28	23.2
	10	12	13		20. Brewster, Leo	90	23.3
	11	13	14		21. Hannay, Allen B	83	24.1
5	12	14	15		22. Morgan, Lewis	125	24.1
		15	16		23. Roberts, Jack	56	24.1
6	13	16	17		24. Bottle, William A	178	24.5
			18		25. Atkins, C. Clyde	46	25.0
7	14	17	19		26. Connally, Ben C	156	25.0
		18	20		27. Putman, Richard J	52	25.0
		19	21		28. Noel, James L	56	25.0
		20	22		29. Mehrtens, William O	73	26.0
					30. Krentzman, Ben	23	26.1
		21	23		31. Young, George C	73	26.1
8	15	22	24		32. Clayton, Claude F	137	26.2
9	16	23	25		33. Simpson, Byron	142	26.4
			26		34. Russell, Dan M., Jr	30	26.7

Rank—Minimum number of appeals					Percentile (on reversals) and judge	Number of appeals	Percent reversed
100	75	50	30	20			
					Below median:		
			27		35. Crowe, Guthrie	30	26.8
		24	28		36. Guinn, Ernest	53	28.4
10	17	25	29		37. Fulton, Charles B	100	28.5
11	18	26	30		38. Grooms, Harlan Hobart	125	28.5
			31		39. Cabot, Ted	47	28.8
12	19	27	32		30. Ingraham, Joe M	216	29.9
		28	33		41. Dooley, Joe B	74	30.3
13	20	29	34		42. Hughes, Sarah	116	31.4
14	21	30	35		43. Lieb, Joe P	158	31.4
15	22	31	36		44. Dawkins, Benjamin C	126	31.7
16	23	32	37		45. Johnson, Frank M	191	32.6
		33	38		46. Spears, Adrian A	69	32.6
17	24	34	39		47. McRae, William A	150	32.7
18	25	35	40		48. Rice, Benjamin H	103	33.0
					49 Allred, James V	22	34.0
19	26	36	41		50. West, E. Gordon	160	34.0
					Bottom 25 percent:		
20	27	37	42		51. Choate, Emmett C	363	35.2
21	28	38	43		52. Fisher, Joe E	141	35.8
			44		53. Ellis, Frank B	49	36.3
22	29	39	45		54. Lynne, Seybourne	109	37.1
	30	40	46		55. Elliott, J. Robert	99	37.4
		41	47		56. Thomason, R. E	71	37.4
		42	48		57. Suttle, Dorwin W	53	37.8
					Bottom 15 percent:		
	31	43	49		58. Whitehurst, George W	78	37.8
			50		59. DeVane, Dozier A	38	38.1
	32	44	51		60. Allgood, Clarence W	86	39.0
					Bottom 10 percent:		
23	33	45	52		61. Carswell, G. Harrold	122	40.2
24	34	46	53		62. Cox, William H	196	40.6
25	35	47	54		63. Sheey, Joe W	109	41.7
26	36	48	55		64. Davidson, T. Whitfield	142	41.9
27	37	49	56		65. Mize, Sydney	106	43.8
28	38	50	57		66. Scarlett, Frank	224	45.7
29	39	51	58		67. Thomas, D. Holcombe	171	47.4

TABULATION OF DECISIONS ON EVERY APPEAL FROM EVERY DECISION OF EACH JUDGE IN THE DISTRICT COURTS OF THE FIFTH CIRCUIT—1958–69

Judge	Total number of decisions	Reversals	Affirmances	Affirmed in part, reversed in part	Reversal rate (percent)
Ainsworth, Robert A	62	8	53	1	13.7
Allgood, Clarence W	86	32	51	3	39.0
Allred, James V	22	7	14	1	34.0
Arnow, Winston E	13	4	9	0	30.8
Atkins, C. Clyde	46	10	33	3	25.0
Atwell, William H	18	9	8	1	52.8
Barker, William J	11	4	6	1	41.0
Battisti, Frank J	2	0	2	0	0
Bell	2	1	1	0	50.0
Blumenfeld	3	1	2	0	33.3
Boldt	2	0	2	0	0
Bowen	4	1	3	0	25.0
Bootle, William A	178	39	130	9	24.5
Boyle, Edward J	13	1	11	1	11.5
Brewster, Leo	90	17	65	8	23.3
Cabot, Ted	47	13	33	1	28.8
Carswell, G. Harrold	122	46	70	6	40.2
Cassibry, Fred J	21	2	19	0	9.5
Cecil	9	4	5	0	44.5
Christenberry, Herbert W	231	37	187	7	17.5
Choate, Emmet C	363	119	226	18	35.2
Clayton, Claude F	137	34	99	4	26.2
Comiskey, Janes A	10	1	8	1	15.0
Conally, Ben C	156	37	115	4	25.0
Cox, Allen	6	2	3	1	41.7
Cox, William H	196	75	112	9	40.6
Crave, Guthrie	30	8	22	0	26.8
Davidson, T. Whitfield	142	56	79	7	41.9
Davis, T. Hoyt	8	4	4	0	50.0
Dawkins, Benjamin C	126	38	84	4	31.7
DeVane, Dozier A	38	13	22	3	38.1
Dooley, Joe B	74	20	49	5	30.3
Doyle	2	0	2	0	0
Duncan	4	0	4	0	0
Dyer, David W	90	15	72	3	18.4
Eaton, Joe	29	5	24	0	17.2
Edenfield Newell	27	4	23	0	14.8
Elliott J. Robert	99	34	59	6	37.4
Ellis Frank B	49	16	31	2	36.3
Estes Joe E	80	12	63	5	18.1
Fisher Joe J	141	47	87	7	35.8
Fulton Charles B	100	26	69	5	28.5
Garza Reynolds G	67	12	49	6	22.4
Grooms Aalan Hobart	125	34	88	3	28.5
Graven Henry N	18	4	14	0	22.2
Guinn Ernest	53	14	37	2	28.4
Hannay Allen B	83	18	61	4	24.1
Heebe Frederick	15	3	12	0	20.0
Henderson Albert J	4	2	2	0	50.0
Henley	3	0	3	0	0
Hitcheson	2	1	1	0	50.0
Hoffman	5	0	5	0	0
Holland, John W	5	0	2	3	0

Judge	Total number of decisions	Reversals	Affirmances	Affirmed in part, reversed in part	Reversal rate (percent)
Hooper, Frank A	177	38	134	5	22.8
Hughes, Sarah T	116	33	76	7	31.4
Hunter, Edwin F	96	20	76	0	20.8
Ingraham, Joe M	216	63	150	3	29.9
Johnson, Frank M	191	61	127	3	32.6
Jones	95	13	78	4	15.8
Justice, William Wayne	2	2	0	0	100.0
Keady, William C	8	3	5	0	37.5
Kellam	2	1	1	0	50.0
Kennerly, Thomas M	2	1	1	0	50.0
Kerr	2	0	2	0	0
Krentzman, Ben	23	6	17	0	26.1
Lawrence, Alexander A	4	1	3	0	25.0
Lieb, Joseph P	158	47	106	5	31.4
Lynne, Seybourne H	109	37	65	7	37.1
Martin	14	8	5	1	60.7
Major	13	4	8	1	34.7
Mathes	11	2	8	1	22.7
McRae, William A	150	45	97	8	32.7
Mehrtens, William O	73	17	52	4	26.0
Mitchell, Lansing L	24	2	21	1	10.4
Mize, Sidney C	106	44	57	5	43.8
Morgan, Lewis	125	29	93	3	24.1
Nixon, Walter L	2	1	1	0	50.0
Noel, James L	56	13	41	2	25.0
Pittman, Virgil	28	6	21	1	23.2
Putnam, Richard J	52	13	39	0	25.0
Reeves, Albert L	17	4	9	4	35.3
Rice, Ben H., Jr	103	33	68	2	33.0
Rizley	3	0	1	2	33.3
Rives, Richard T	4	0	3	1	12.5
Roberts, Jack	56	13	42	1	24.1
Rubin, Alvin B	18	2	16	0	11.1
Russell, Dan M., Jr	30	8	22	0	26.7
Scarlett, Frank M	224	98	117	9	45.7
Scott, Charles R	45	5	36	4	15.6
Seals, Woodrow B	19	2	17	0	10.5
Simpson, Bryan	142	36	103	3	26.4
Singleton, John V., Jr	17	8	8	1	50.0
Sheehy, Joe W	109	43	61	5	41.7
Sloan, William B	108	14	89	5	15.3
Smith, Orma B	2	1	1	0	50.0
Smith, Sydney O., Jr	78	12	63	3	16.7
Soloman	3	0	3	0	0
Spears, Adrian A	69	20	44	5	32.6
Stephenson	2	1	0	1	75.0
Suttle, Dorwin W	53	20	33	0	37.8
Sweeney	4	2	2	0	50.0
Taylor, William M., Jr	29	5	21	3	22.4
Thomas, Daniel Holcombe	171	76	85	10	47.4
Thomason, R. E	71	25	43	3	37.4

TABULATION OF DECISIONS ON EVERY APPEAL FROM EVERY DECISION OF EACH JUDGE IN THE DISTRICT COURTS OF THE FIFTH CIRCUIT—1958-69—Continued

Judge	Total number of decisions	Reversals	Affirmances	Affirmed in part, reversed in part	Reversal rate (percent)
Thornberry, Homer	21	4	17	0	19.0
Tuttle	2	0	2	0	0
Underwood, E. Marvin					
Vaught	7	6	1	0	85.8
West, E. Gordon	160	51	102	7	34.0
Whitehurst, George W	78	28	47	3	37.8
Whitfield	3	0	3	0	0
Woodward, Halbert O	6	1	5	0	16.6
Wilkin	7	5	2	0	71.5
Wright, J. Skelly	143	29	108	6	22.4
Wyche	10	7	3	0	70.0
Young, George C	73	19	54	0	26.1
All others	54	11	40	3	23.2
Page total	127	30	94	3	
Grand total	6,942	1,943	4,719	280	30.0
Carswell (repeated)	122	46	70	6	40.2

LOW CASELOAD, HIGH BACKLOG FURTHER EVIDENCE OF CARSWELL INADEQUACY

The "Reversal Trend" Graph [not printed in the RECORD] presents the most striking evidence of Judge Carswell's lack of legal accomplishment. The following facts illustrate that this reversal trend is no fluke.

1. Judge Carswell's rate of reversal on cases appealed dramatically increased during his tenure as Federal District Court Judge in the Fifth Circuit. In his first 30 appeals he was reversed on 25%. In his last 31 appeals, before his appointment to the Fifth Circuit Court of Appeals, he was reversed on 53.2%.

2. Simultaneously, his caseload decreased and his backlog increased. His rate of appeals per thousand cases terminated rose almost parallel with the national average, and slightly more strikingly than the other judges of the Fifth Circuit District Courts.

A. CASELOAD (BASED ON NUMBER OF CASES COMMENCED)

Judge Carswell began with a caseload of 353 when he was appointed to the bench of the Northern District of Florida in 1958. In terms of caseload, he was 11th of 16 districts in that circuit. In 1966, he was 17th of 17 districts in the same circuit, and remained so through 1968, despite the fact that Winston G. Arnow was appointed as a second Federal District Judge in the Northern District of Florida. (In light of the consistently light caseload, it is interesting that another judge was appointed at all.)

B. APPEALS PER THOUSAND CASES TERMINATED

Judge Carswell's high reversal rate, it would seem, cannot be explained by any supposition that only his wrong decisions were appealed from. In fact, Judge Carswell was appealed from slightly more often than the average rate for all Fifth Circuit Districts from 1958 to 1969, and on a parallel with the national average during the same time period. It might be thought that with such a light caseload and with more time therefore to work on opinions, Judge Carswell's decisions would have been less frequently appealed.

C. BACKLOG (CASES APPROPRIATE FOR TRIAL AND PENDING)

In 1958, Judge Carswell inherited a backlog of 126 cases. By 1966, his caseload (353 in 1958) had shrunk to 193 (17th of 17 districts in the Fifth Circuit), but his backlog had risen to 282. By June 19, 1969, the date to the Fifth Circuit Court of Appeals, with the appointment of a second judge in his Northern District of Florida, Judge Carswell's caseload was 160, but the backlog for the Northern District had dropped to 120. Furthermore, while the average caseload in Fifth Circuit District Courts was substantially higher than in Judge Carswell's court, the average backlog was lower. While the average caseload in Fifth Circuit District Courts increased, Judge Carswell's caseload decreased. While the average backlog in Fifth Circuit District Court decreased, Judge Carswell's backlog more than doubled.

CONCLUSION

In fiscal 1968, his last full year on the District Court, Judge Carswell handled 38% fewer cases than the average Federal District judge and 45% fewer cases than the average Federal District judges in his own Fifth Circuit. Nonetheless, Judge Carswell's civil cases, taking the median, were 75% more delayed in reaching trial than the United States average, and 133% more delayed than civil cases in the Fifth Circuit District Courts. Examining the most serious cases (those 10% delayed the longest), Judge Carswell's docket averaged 21% more delay than the national average and 42% more delay than the other Fifth Circuit District Court cases.

In light of these statistics, the assessment of mediocre is perhaps a charitable one. The statistics developed by the Law Students Concerned For the Court clearly reflect negatively on Judge Carswell's qualifications for the Supreme Court. The Supreme Court docket is well known to be most burdensome in terms of both caseload and complexity of issues presented.

It might also be pointed out that Canon Seven of the American Bar Association Code of Judicial Ethics states:

"A judge should be prompt in the performance of his judicial duties, recognizing that . . . habitual lack of punctuality on his part justifies dissatisfaction with the administration of the fusiness of the court."

Moreover, bearing in mind that 10% of the civil cases in Judge Carswell's court were more than 47 months old (3 yrs. 11 mos.) before they reached trial, it should be noted that the declared policy of the Federal Judiciary is that "every case pending three years or more and appropriate for trial be regarded as a judicial emergency."

These facts are uniquely relevant now, when the issues of law and order and due process are so important to the fabric of American life, when it is so important to restore confidence in the legal process.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

EXTENSION OF PROGRAMS OF ASSISTANCE FOR ELEMENTARY AND SECONDARY EDUCATION—CONFERENCE REPORT

The PRESIDING OFFICER (Mr. CRANSTON). As in legislative session, the Chair lays before the Senate the pending question, which the clerk will state.

The ASSISTANT LEGISLATIVE CLERK. The report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 514) to extend programs of assistance on elementary and secondary education, and for other purposes.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, will the Senator from Indiana yield for a unanimous-consent request?

Mr. BAYH. I yield.

SUPREME COURT OF THE UNITED STATES

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the further consideration of the nomination of Mr. George Harrold Carswell.

The PRESIDING OFFICER. Without objection, it is so ordered.

In executive session, the Chair lays before the Senate the pending business which the clerk will state.

The ASSISTANT LEGISLATIVE CLERK. The question is, Will the Senate advise and consent to the nomination of George Harrold Carswell to be an Associate Justice of the Supreme Court of the United States.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. BAYH. Mr. President, yesterday the Senate unanimously agreed to vote on April 6 on a motion to recommit the nomination of Judge Carswell, pursuant to the unanimous-consent agreement as set forth on page 9314 of the CONGRESSIONAL RECORD. Pursuant to that unanimous-consent agreement, where there is reference to a motion to be made by the Senator from Indiana, with the understanding that the vote will come on April 6 on the motion to recommit, at this time I do hereby move that the nomination of Judge G. Harrold Carswell be recommitted to the Committee on the Judiciary.

The PRESIDING OFFICER. The motion is in order.

Mr. DOLE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOLE. Mr. President, would that still be subject to a motion to table?

The PRESIDING OFFICER. Under the same conditions as set forth in the unanimous-consent agreement. That is correct.

(The following proceedings, which occurred earlier today, are printed here by unanimous consent.)

Mr. FULBRIGHT. Mr. President, since the conclusion of hearings and the report of the Judiciary Committee on the nomination of Judge Carswell to be an Associate Justice of the Supreme Court, a number of additional questions have been raised concerning Judge Carswell's qualifications. These are questions which the Judiciary Committee did not have the opportunity to consider.

I refer particularly to the uncertainty which has arisen regarding the willingness—or lack of willingness—of Judge Carswell's colleagues on the Fifth Circuit Court of Appeals to endorse his nomination. The record, as we know, contains a

letter from former Chief Judge Elbert P. Tuttle offering to testify on the nominee's behalf. This letter is also cited on page 5 of the committee's report. On March 17, the senior Senator from Maryland informed the Senate that he had received three telegrams from Judge Tuttle indicating that he was no longer prepared to testify in support of Judge Carswell. It is not clear why Judge Tuttle has changed his mind, although it would be useful to the Senate to have this explained before the nomination is brought to a vote.

According to television and press reports, another of Judge Carswell's colleagues, Judge John Minor Wisdom, actively opposes the nomination. According to these reports, Judge Wisdom blocked a letter of endorsement from the entire fifth court bench by advising his colleagues that, if such action were taken, he himself would send a personal letter to the Judiciary Committee opposing the nomination.

Mr. President, I wish to emphasize that I have great respect for the President's prerogative in the nomination of high officials in the judicial and especially the executive branches of our Government.

Officials in the executive have a direct responsibility to the Chief Executive and generally hold office at his pleasure. On the other hand, Justices of the Supreme Court are appointed for life, they usually serve long after the President has retired, and they have a constitutional responsibility to support, to defend, and to interpret the Constitution and not necessarily support the policies of any Chief Executive. Therefore, the Senate has a special responsibility to exercise its independent judgment in confirming a Justice of the Supreme Court.

Other questions have arisen which the Judiciary Committee did not have the opportunity to consider. There have been several allegations of bias against certain attorneys on Judge Carswell's part. The meaning of the endorsement of the nominee by the Federal Judiciary Committee of the American Bar Association has been called into question by a group of distinguished lawyers, including the president of the New York Bar Association and the deans of leading law schools. In addition, the press reported yesterday, I believe, that the Philadelphia Bar Association—I think unanimously—opposes this nominee. These developments, I again emphasize, have all occurred since the Committee on the Judiciary considered this nomination.

Mr. President, it is no fault of the Judiciary Committee, or of the nominee, that the matters were not brought forth for orderly, thorough examination before the nomination was reported to the Senate. Nonetheless, they raise questions which I—and, I would guess, other Members of the Senate—wish to have clarified before voting on the nomination. I would think it unfortunate if Senators were forced to rely on press reports, television interviews, and an incomplete correspondence for highly pertinent information on the merits of this nomination.

I should like to make it clear that I myself am undecided, as of now, how I will cast my vote. I most emphatically do not share the lack of enthusiasm in some circles for the appointment of a southern judge. I applaud and appreciate the President's reported desire to nominate a judge who would give the Court regional balance. There are many eminent jurists in the southern part of the United States, and I have the fullest confidence in the ability of any of a number of them to serve with distinction on the Supreme Court.

Nor do I share the distaste which I have heard expressed for a "strict constructionist." I have, indeed, welcomed reports that the President sought a nominee who would practice judicial restraint. There is much to be said for a stricter construction of the Constitution than has been in favor in recent years—in both domestic and, I might say, in foreign affairs. In short, Mr. President, I consider myself a strict constructionist, especially in regard to the effect of the Constitution with respect to this body in our governmental system.

On these and other grounds, I thought the President's first nomination a satisfactory one and I cast my vote in favor of Judge Haynsworth. Before voting on the present nominee, I would very much like to have further information on the questions which have arisen since the nomination was reported on February 27.

This information can best be provided through the orderly procedures of the Judiciary Committee. I intend to support, therefore, Mr. President, the motion that the nomination of Judge Carswell be recommitted to the Committee on the Judiciary for such further consideration and action as the committee and its chairman may think appropriate.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. BAYH. I listened with a great deal of interest to the statement of the distinguished Senator from Arkansas; and I must say that, being a bit familiar with the currents that are running across the country, I salute him for such a courageous approach to this matter.

I thought the Senator from Arkansas made two salient points: First, to draw a distinction between the Presidential prerogative so far as appointing members of his administration—teammates, if you please—with whom he must work, on one hand, and the responsibility of initiating nominations to the Supreme Court of men who will be there long after any of us, either he or any of us in this body, have the opportunity to serve.

The second matter that I thought was appropriate was the fact that by recommittal, the Senator from Arkansas pointed out the fact that there is a continuing search right now to differentiate between fact and fiction, to try to find out what was said and what was not said, to try to refine into the most minute details all the facts involved in the judge's background and what his qualifications are.

I ask unanimous consent to have printed at this point in the RECORD an article by Mr. John MacKenzie relative to one of these facts, quoting a distinguished attorney from Washington, Charles A. Horsky, who is a member of the ABA panel, and an article by Mr. Fred Graham in the New York Times yesterday, about certain facts relative to the golf course case that I think would be important for us all to study.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 25, 1970]

JUSTICE RUTLEDGE'S SON QUESTIONS CARSWELL STAND; VOICES DOUBTS ON HIGH COURT NOMINEE'S STATEMENT ABOUT FORMING OF PRIVATE CLUB

(By Fred P. Graham)

WASHINGTON, March 24.—The credibility of Judge G. Harrold Carswell's testimony about his role in the formation of a segregated private golf club has become a major issue in the battle over confirmation of his nomination to the Supreme Court.

Senator Birch Bayh, Democrat, of Indiana, released today a telegram from Neal P. Rutledge, a Miami lawyer who is the son of the late Justice Wiley Rutledge of the Supreme Court. Mr. Rutledge questioned Judge Carswell's testimony that he had not heard that a reason for forming the private club to take over Tallahassee's golf facilities was to prevent desegregation of the facilities.

Judge Carswell was United States Attorney for the Tallahassee area in late 1955 and early 1956, when the country club was formed and acquired the municipal facilities. He is now a member of the United States Court of Appeals for the Fifth Circuit.

CALLED "COMMON KNOWLEDGE"

His signing of the club's charter of incorporation, in his capacity as an incorporator and a director, has been construed by his critics as an indication of segregationist sentiment. He has told the Senate Judiciary Committee that the segregation motive "was never mentioned to me—I didn't have it in my mind, that is for sure."

Mr. Rutledge declared in his telegram that he lived in Tallahassee during much of this period and that "it was common knowledge in the community there at that time, and especially among the members of the bar," that the dominant motive for forming the private club was to prevent desegregation.

"It is impossible for me to believe that any prominent member of the Tallahassee community at that time, such as then United States Attorney Carswell, was not fully aware" of this motive, Mr. Rutledge said.

Charles A. Horsky, a Washington lawyer who serves on the American Bar Association committee that found Judge Carswell "qualified" for the Supreme Court, has told friends and associates here that some of the nominee's testimony on Jan. 27 seemed inconsistent with a discussion the two men had the previous night.

Mr. Horsky reportedly went to Judge Carswell's hotel room the night of Jan. 26 to ask about the nominee's role in forming the club, which was not disclosed in the press until the next morning.

QUESTIONED BY COMMITTEE

According to Mr. Horsky's associates, who would not be quoted by name, Judge Carswell at first insisted that he had only contributed $100 to help improve the club's facilities.

Then Mr. Horsky reportedly spread copies of the incorporation documents on the bed and pointed out Judge Carswell's signature on them. Judge Carswell then reportedly conceded that he had been an incorporator.

Before the Senate Judiciary Committee the next morning, when he was first asked about the club, Judge Carswell appeared uncertain about his role in it. He testified he had "hurriedly" read the news accounts that

morning and had asked someone to make a telephone call to get more facts.

"I can only speak upon my individual recollection of this matter," he said. He added, "I was never an officer or director of any country club anywhere."

Asked if he had served as a director, as alleged in the press, he answered, "No, sir; nor in any other official capacity."

Then Senator Roman L. Hruska, Republican of Nebraska, asked, "Were you an incorporator of that club, as was alleged in one of the accounts I read?"

"No, sir," Judge Carswell replied.

Later that morning, Senator Edward M. Kennedy, Democrat of Massachusetts, brandished what appeared to be a copy of a corporate charter and asked Judge Carswell, "Did you in fact sign the letter of incorporation?"

"Yes sir, I recall that," the nominee answered.

When Senator Kennedy asked what he recalled about it, Judge Carswell replied, "They told me when I gave them $100 that I had the privilege of being an incorporator. They might have put down some other title, as if you were potentate or something."

TESTIMONY OF JUDGE DISPUTED

(By John P. MacKenzie)

Supreme Court nominee G. Harrold Carswell told two American Bar Association representatives that he was an incorporator of a segregated Tallahassee country club on the night before he swore to the Senate that he had no such role.

The secret meeting in a Washington hotel on Jan. 26, which was acknowledged yesterday by authoritative sources in and out of the ABA, was followed within hours by a letter from the ABA's judiciary committee informing the Senate that Carswell was rated "qualified" for the court vacancy.

No one familiar with the meeting could account for Carswell's flat "No, sir" when he was asked under oath by Sen. Roman L. Hruska (R-Neb.) whether he had served in 1956 as an incorporator of the Capital City Country Club, thereby helping to convert a public facility to a private club at a time when the courts were ordering the desegregation of public golf courses.

The incorporation papers were uncovered by members of the Washington Research Project Action Council, a civil rights organization, Joseph L. Rauh Jr., co-chairman of the Leadership Conference on Civil Rights, which opposes Carswell, delivered copies to Charles A. Horsky, Washington lawyer and the District of Columbia member of the ABA's judiciary committee.

The full committee had met on Sunday, Jan. 25, but adjourned without announcing whether it rated the nominee qualified. The role of Judge Carswell in the country club episode reportedly was part of the committee's unfinished business.

Horsky and fellow committee member Norman P. Ramsey of Baltimore then located Carswell at a downtown hotel and showed him the documents.

Judge Carswell reportedly then acknowledged that he was one of the club's incorporators.

The committee's chairman, Lawrence E. Walsh of New York, confirmed yesterday that the meeting between Carswell and the two ABA representatives occurred. He refused to elaborate.

Reports of Carswell's involvement in the Tallahassee golf club's changeover from public to private facility were aired in the morning newspapers of Jan. 27, when Carswell's confirmation hearing began before the Senate Judiciary Committee.

Carswell told the senators he had "read the story very hurriedly this morning," adding "I had someone else make a phone call to get some dates about this thing." He then flatly denied to Hruska that he had been an incorporator of the golf course.

Pressed by Sen. Edward M. Kennedy (D-Mass.), who was holding a copy of the incorporation papers, about whether he ever signed letters of incorporation, Carswell replied:

"Yes, I recall that," and went on to give this explanation:

"They told me when I gave them $100 (to help build a clubhouse) that I had the privilege of being called an incorporator. They might have put down some other title, as if you were a potentate or something. I don't know what it would have been."

Throughout his testimony Carswell, a 50-year-old judge of the Fifth U.S. Circuit Court of Appeals, repeated that he was among many Tallahassee residents solicited for a club refurbishing project that, so far as he knew, had no racial aspect.

Asked whether he had "any idea that that private club was going to be opened or closed" to Negroes. Carswell replied, "The matter was never discussed."

"What did you assume?" asked Kennedy.

"I didn't assume anything," the nominee replied. "I assumed that they wanted the $100 to build a clubhouse."

Did he think blacks could belong?

"Sir, the matter was never discussed at all."

Kennedy tried once more. "What did you assume, not what was discussed."

Carswell replied, "I didn't assume anything. I didn't assume anything at all. It was never discussed."

It was learned yesterday that the question of Carswell's candor with the Senate Judiciary Committee was discussed last month when the ABA group again took up the case. After a secret meeting that lasted several hours, the ABA reaffirmed unanimously its opinion that Carswell was qualified for the high court.

Mr. BAYH. I salute the Senator from Arkansas for this very courageous statement.

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. HARRIS. Mr. President, I join in the comments of the distinguished Senator from Indiana about the statement just made by the distinguished Senator from Arkansas.

I, too, have felt very strongly, as the Senator knows, that there are certain matters in connection with this nomination which ought to be considered again by the Judiciary Committee; and I have therefore felt, as the Senator from Arkansas has stated, that that would be a proper course for the Senate to take.

I point out, as did the Senator from Indiana, that in addition to the matters which the Senator from Arkansas has mentioned, the matter of the Tallahassee golf course also has been of concern to me and I think might be considered further by the Judiciary Committee.

For those reasons, I hope that such a motion, when made, will prevail; and I agree with the Senator from Arkansas.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. CRANSTON. Mr. President, I, too, salute the Senator from Arkansas for his statement, for his cautious approach to this nomination.

As a westerner, I want to say that I wholeheartedly concur with the right of the South to be represented on the Court, and with the right of the President to nominate a strict constructionist. I agree that there are many men in the South who are eminently qualified to serve on the Court, and I would be glad to support such a nomination.

At one point in his remarks, the Senator from Arkansas referred to reports that the Philadelphia Bar Association had gone on record against Judge Carswell. I would like to verify that they have indeed done so. I have in my hand—I will place it in the RECORD—the statement of the Philadelphia Bar Association against Judge Carswell. It was unanimous. According to the Philadelphia Enquirer, this is the first time that the Philadelphia Bar Association has gone on record in regard to a Supreme Court nomination. The San Francisco Bar Association, likewise, went on record a few days ago against the nomination.

Mr. FULBRIGHT. I did not know that.

Mr. CRANSTON. These are two great American cities where the bar associations have joined the growing list of bar associations which have locally gone on record against the nomination.

Mr. President, I ask unanimous consent that the resolution of the Philadelphia Bar Association and the resolution of the San Francisco Bar Association against Judge Carswell be printed at this point in the RECORD.

There being no objection the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTION ADOPTED BY THE BOARD OF DIRECTORS OF THE BAR ASSOCIATION OF SAN FRANCISCO, FRIDAY, MARCH 20, 1970

Whereas the Bar Association of San Francisco has a policy of recommending and supporting for judicial office those judges and members of the bar who by their character, temperament and experience have demonstrated their special qualifications for judicial office, and opposing the selection for judicial office of those persons who do not possess these qualifications; and

Whereas the members of this Association, as lawyers, are particularly concerned with the status of the Supreme Court of the U.S. as an institution and as a symbol of justice particularly in this day of great scepticism about the ability of the judiciary to deal with current crises; and

Whereas the Directors of this Association recognize the right of the President of the U.S. to appoint to the Supreme Court of the U.S. persons of competence who reflect his judicial and political philosophy, but believe that standards of professional aptitude and experience should be maintained on that court as well as on others; and

Whereas the Directors of this Association have considered the qualifications of G. Harrold Carswell as a lawyer and judge;

Now therefore be it resolved that the Directors of the Bar Association of San Francisco recommend that the nomination of G. Harrold Carswell as an associate justice of the Supreme Court of the U.S. be withdrawn or disapproved on the basis of his lack of qualifications to sit on that court.

RESOLUTION UNANIMOUSLY ADOPTED BY THE BOARD OF GOVERNORS OF THE PHILADELPHIA BAR ASSOCIATION ON MARCH 23

Whereas, there is no more compelling occasion that calls for the public expression of informed opinion by the organized bar than the occasion of an appointment of a Justice of the Supreme Court of the United States.

Whereas, the testimony and statements of leading legal scholars and lawyers raise serious questions as to Judge Carswell's legal ability and judicial stature to serve upon the highest court of our land;

And whereas, the evidence raises serious questions as to Judge Carswell's sensitivity to human and individual rights;

Now therefore be it resolved that the board of governors of the Philadelphia Bar Association hereby urges the Senate of the United States to refuse its consent to the nomination of G. Harrold Carswell to be an associate Justice of the Supreme Court of the United States.

Mr. CRANSTON. I would like to add that the Vermont Bar Association also has gone on record against Judge Carswell.

Mr. FULBRIGHT. I thank the Senators from California, Oklahoma, and Indiana for their kind remarks.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the distinguished Senator from Nebraska.

Mr. HRUSKA. It was with interest that I listened to the statement of the Senator from Arkansas, and I appreciate the very deep interest and the deep thought that he has devoted to it.

I might say, in regard to the news story of Mr. MacKenzie, which has just been inserted in the RECORD, there has already been ample coverage of these facts. It was discussed thoroughly before the Judiciary Committee during the hearings:

On one occasion, the Senator from Nebraska asked the nominee a question, as follows:

Were you an incorporator of that club, as was alleged in one of the accounts I read?

Judge Carswell said:

No, sir.

I do not know whether he misunderstood the question or if he was asked whether he actually drew the articles or what the role was. The fact is that later in the testimony—I believe it was pages 32 and 33—there was a full explanation by the nominee Carswell. I shall go into this in greater detail at a later time. We are on limited time now, I understand.

A full analysis of Mr. MacKenzie's article has been furnished to the editor of the Washington Post in a letter which I, along with Senators GURNEY, ALLOTT, and DOLE, signed. I ask that the letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., March 26, 1970.

The EDITOR,
The Washington Post,
Washington, D.C.

DEAR SIR: It is often said that the most desperate charges are made in the closing days of an election. If this has any application to Supreme Court nominees, then the article on your front page yesterday must be an indication that we are approaching a vote on the nomination of Judge Carswell.

We have no quarrel with the one half of the truth which you have told. It is true, as your article states, that Judge Carswell met with representatives of the American Bar Association on the night before his hearing and was shown (but did not examine) a copy of the articles of incorporation for the country club which had been prepared and signed fourteen years earlier. It is true that in the opening minutes of the hearings Judge Carswell responded to a question of Senator Hruska by stating that he was not an incorporator of the country club. It is true that this reply was in error.

The other half of the truth which you have carefully concealed from your readers is that Judge Carswell immediately corrected this misstatement. Less than five minutes later Senator Hruska asked, "Could the stock that you received on this occasion have borne the label, 'incorporator,' indicating that you are one of the contributors to the building fund for the clubhouse?" Judge Carswell responded, "Perhaps. I have no personal recollection." (Judge Carswell had not recently seen the stock certificate.)

Whatever confusion might have been created by his earlier reply was again laid to rest less than an hour later that same morning before the noon recess when the following exchange with Senator Kennedy took place.

"Senator KENNEDY. Did you in fact sign the letter of incorporation?

"Judge CARSWELL. Yes sir. I recall that.

"Senator KENNEDY. What do you recall about that?

"Judge CARSWELL. That they told me when I gave them $100 that I had the privilege of being called an incorporator." (See Hearings, p. 32.)

As if this were not enough, the earlier reply was again corrected that afternoon when Judge Carswell told Senator Bayh, "No. 2, what I have to say about the matter is that whatever the records show and whatever capacity it may be listed that I am in, whether it be director, president, incorporator, or potentate, as I tried to suggest earlier, I had no conversations with anyone about any activities of that organization in any manner at all."

In fact, the corporation whose charter Judge Carswell signed never functioned. It never operated at all. It was replaced by a non-profit corporation which was formed later.

This is brought out at pages 36 and 37 of the hearings:

"The CHAIRMAN. You bought a share of stock in a country club?

"Judge CARSWELL. Yes sir.

"The CHAIRMAN. Did that corporation ever operate a country club?

"Judge CARSWELL. Never operated at all.

"The CHAIRMAN. Never operated at all?

"Judge CARSWELL. Never operated at all.

"The CHAIRMAN. In fact, it was a corporation organized for profit, wasn't it?

"Judge CARSWELL. That is my understanding, Senator. It was organized for profit and then, later, a nonprofit Corporation was formed, in which I had no part as a director.

"The CHAIRMAN. That was a corporation that operated the country club?

"Judge CARSWELL. That is the one that got the title to the property that has been the subject matter for discussion.

"The CHAIRMAN. Yes."

Our criticism of your most recent attack on Judge Carswell, however, is much more fundamental. Since Judge Carswell first appeared before the Senate Judiciary Committee on January 27, everyone has known of the existence of his initial reply and his later clarification that day and the following day. Your reporters were there at the hearing on those days and, since the Post at that time did not suggest that Judge Carswell "misled" the Senate Judiciary Committee, it was doubtless conceded that Judge Carswell had merely made an inadvertent misstatement which he immediately corrected. The notion that Judge Carswell's conflicting statements about a transaction consummated fourteen years ago, based on memory and a glimpse at one of the documents the preceding evening, show an intent to deceive is one which most informed people would not share. Thus the only conceivable basis for the Post's rehashing this two-months-old story on page one simply won't wash.

The same members of the American Bar Association Committee who met with Judge Carswell the night before the hearing later voted to reaffirm their opinion that Judge Carswell was qualified for the Supreme Court. In continuing to support Judge Carswell, they obviously were aware that Judge Carswell had immediately corrected his initial reply and had continued to correct it throughout the rest of his testimony.

Now, however, the Post strenuously attempts to transform this two-months-old testimony into a news story. By referring to the initial reply in the leading sentence on the front page and by burying the one later clarification which you quote at the end of the article on page 12, you manage to leave an entirely inaccurate impression of Judge Carswell's testimony.

It is disappointing that you did not see fit to be more fair and honest.

Sincerely,

EDWARD J. GURNEY,
ROMAN L. HRUSKA,
GORDON ALLOTT,
ROBERT DOLE,
U.S. Senators.

Mr. HRUSKA. Mr. President, as is pointed out, all these things were laid before the American Bar Association committee. They were thoroughly considered in the light of his record, and they reaffirmed unanimously the initial decision of the committee.

Mr. FULBRIGHT. I did not insert that story in the RECORD.

Mr. HRUSKA. I know the Senator did not.

Mr. FULBRIGHT. I did not know about the story. But I did not believe that Judge Tuttle's position had been made clear.

I noticed a letter from the chairman of the Judiciary Committee a few days ago—I think it was Sunday—to the editor of the Post, in which he said that the record, so far as he knew and so far as the committee's records show, had only the letter from Judge Tuttle saying that he supported the nominee. Unless the Senator from Maryland is grossly misinformed, this no longer stands. So I think this is a matter on which the record is not at all clear. That is what I made reference to.

After all, Judge Tuttle is a key figure, having been the Chief Judge of this district, and a man of great reputation and prestige in the area. I think this is a matter of great importance, and it ought to be cleared up.

Mr. HRUSKA. Mr. President, we could go on ad infinitum if we are going to say, "Well, that story has been told; let us get another one."

The fact when the nomination was sent up, Judge Tuttle wrote a handwritten letter and that letter is in the record.

Mr. FULBRIGHT. That is correct.

Mr. HRUSKA. The committee has heard nothing from him since. It is to be presumed that, inasmuch as he has been in this picture by reason of telephone calls from both sides, and many people are involved in it, and if he does not express any indication of wanting to amend or revise his testimony, he does not intend to do so. Are we to hold this record open indefinitely for all the judges and all the witnesses, to give them a chance to change their minds? I do not think that is reasonable to expect.

The Supreme Court has had eight members on it since last May, and we are engaging in what is not a filibuster, to be sure. It is extended debate. Thank

goodness we have a date fixed for the vote on the motion to recommit and for a vote on the nomination.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I have the floor. I would like to make this comment.

I hope the Senator did not get the impression that the situation regarding Judge Tuttle is the only reason that has developed—that is, the indecision as to where he stands. It is only one of the more important ones. The Senator has confirmed the fact that the record of the committee stands as it was at the time they reported the nomination. But I must say that I have sufficient respect for the integrity of the Senator from Maryland that he would not say this on the floor, that he had received telegrams and information to the contrary, if it were not so. I think that should be cleared up, but let me make it clear, that it is one of the incidents which I think need clarifying.

The other developments, many of which have come since then, such as the expressions by the Philadelphia Bar and, as I am just told, by the Vermont Bar, and the San Francisco Bar, were not considered by the Judiciary Committee. In a matter of this kind, there is a great distinction between a judge being considered and a prospective Cabinet member.

The PRESIDING OFFICER. The time of the Senator from Arkansas has expired.

Mr. FULBRIGHT. Thus, I submit there is a great difference.

If I have any more time I yield to the Senator.

Mr. HRUSKA. Mr. President, I ask unanimous consent to yield 3 additional minutes to the Senator from Vermont (Mr. AIKEN).

Mr. AIKEN. Mr. President, referring to the position of the Vermont Bar——

Mr. FULBRIGHT. If the Senator will allow me to interject, the Senator from California (Mr. CRANSTON) stated to me a moment ago that he had the information that the Vermont Bar had come out against Judge Carswell.

Mr. AIKEN. May I make this explanation: The Vermont Bar, as I have been advised, had its annual meeting last Friday with 240 members present.

Early Friday afternoon, an attempt was made to bring up the Carswell nomination, but the motion to discuss the Carswell nomination failed.

By 4 o'clock, 140 of the 240 members had left, and the matter was then brought up and Mr. Carswell's nomination was disapproved by a vote of 70 to 30, with 140 absentees.

Mr. FULBRIGHT. That clarifies it.

Mr. AIKEN. I will say, however—I do not say I approve or disapprove of the action taken on Judge Carswell—but I will say that the conservative element of the Vermont Bar elected all the officers this year, whereas last year, it was just the opposite. Thus, the Senator from Arkansas can draw his own conclusion as to what the situation is in the Vermont bar.

But there were 240 good lawyers, and unfortunately——

Mr. FULBRIGHT. That was not stated by this Senator, but by the Senator from California.

Mr. AIKEN. I understand. But there were 140 of them who went home to do the milking, or something else, leaving behind 100 politically astute lawyers who then proceeded to bring the Carswell resolution up a second time. [Laughter.]

Mr. FULBRIGHT. I want it to be clear that this has become such a controversial matter, with so many communications coming in on the subject from my own State, that I believe it would be much wiser for the committee to take another look at it, and then for us to pass upon it. Without further consideration by the Judiciary Committee, it seems to me it would be unwise to conclude action on this nomination.

Mr. TYDINGS. Mr. President, earlier this week I addressed myself to the question of whether Judge Carswell has the ability to put aside his own prejudices and biases so as to be able to approach every case with a fair and open mind. Stated another way, the question is whether regardless of the color of one's skin or one's social or economic class, every man may expect and in fact has received a fair trial in Judge Carswell's court.

Mr. President, if the hallowed principle of equal justice under law is not to become an empty slogan, we cannot condone one single instance of overt judicial favoritism, intolerance, or hostility. Justice in every case must be, in actuality and appearance, even handed.

Thus, if but one lawyer had come forward to report a case in which Judge Carswell manifested from the bench an antagonism toward or bias against the rights of a litigant who was black or poor, this alone would have raised serious doubts as to whether he has the requisite judicial temperament to sit on any Federal court not to mention the highest court of our land.

The case against this nomination does not rest on only one instance of highly improper judicial conduct. No less than seven lawyers who were involved in civil rights cases before Judge Carswell have already spoken of his blatant inability to divorce himself from his personal bias.

Time and again lawyers have stated that Judge Carswell has comported himself in a matter which demeans the Federal judiciary and is totally at odds with the basic principles of fairness upon which our judicial system is founded. The regrettable experiences of Prof. Leroy Clark, Prof. John Lowenthal, Norman Knopf, Ernst Rosenberger, and Theodore Bowers evidence a pattern of conduct on the part of Judge Carswell that is deserving of censure, not reward; deserving of admonishment, not elevation to the Supreme Court.

It is indeed shocking to contemplate the statements of those members of the legal profession who have actually practiced before Judge Carswell in cases involving the rights of the poor, the blacks, and the disadvantaged.

Prof. Leroy Clark:

The most hostile federal district court judge I have ever appeared before with respect to civil rights matters.

Florida attorney, Theodore R. Bowers:

Judge Carswell is the most prejudiced judge before whom I have had the honor to practice.

Prof. John Lowenthal:

I can only describe (Judge Carswell's) attitude (in voter registration case) as being extremely hostile.

Justice Department Attorney Norman Knopf:

Judge Carswell made clear . . . that he did not approve of any of this voter registration going on.

Florida attorney, Maurice Rosen:

The reputation of Judge Carswell among attorneys handling civil rights cases . . . was that they could not expect to win a civil rights related case before him.

Florida lawyer, James Senderlin:

Judge Carswell could not be relied on for a fair, impartial and equitable disposition of civil rights matters.

Mr. President, yesterday I received telegrams from two more members of the Florida bar who, on the basis of their personal experiences in Judge Carswell's court, have decided to speak out against this nomination. The telegrams come from Judge James W. Matthews, associate municipal judge for the city of Opa Locka, and Judge Harold L. Braynon, municipal judge for the city of Miami.

Judge Matthews, who has been a member of the Florida bar for over 11 years and who has served as an assistant U.S. attorney for the southern district of Florida, states in his telegram:

I have practiced in Judge Carswell's court while he served as the United States District Judge. I believe that Judge Carswell has shown bias toward civil rights litigants on many occasions. While trying a particular case in Judge Carswell's court, it was quite evident to me that my client's were not accorded equal treatment. Judge Carswell gave every indication of his distaste for handling civil rights matters. I am of the opinion that Judge Carswell cannot be completely objected (sic) in the handling of civil rights cases, if his nomination to the Supreme Court is confirmed. I feel confident that most black lawyers practicing in the State of Florida would go on record as being opposed to his confirmation. Harrold Carswell is not the type or caliber jurist to serve as an Associate Justice on the Supreme Court of the United States. I strongly implore you to vote against his confirmation.

Judge Braynon, who has been a member of the Florida bar for 8 years and has served as an assistant to the attorney general of the State of Florida for 2 years, states in his telegram:

I have been present in the United States District Court, Northern Division, while Judge Carswell presided on many occasions. It is my firm belief that his attitude toward civil rights cases and the lawyers that handle those cases was indeed outright hostile. His reputation among black lawyers in the State of Florida is not at all good. I would urge you and other well thinking Senators to vote against his nomination to the Supreme Court of this great country.

Mr. President, the statements from these two judges together with the testimony and statements of others who have been treated unjustly in Judge Carswell's court, carry one clear message: Judge Carswell does not have the ability to divorce his personal bias from his judicial conduct, he does not possess the fair and

open mind which is an absolute prerequisite for a Justice of the Supreme Court, and his nomination should be defeated.

Mr. President, I ask unanimous consent that the complete telegrams from which I read portions be printed at this point in the RECORD.

There being no objection the telegrams were ordered to be printed in the RECORD, as follows:

MIAMI, FLA.,
March 25, 1970.

Senator TYDINGS,
U.S. Senator,
New Senate Office Building,
Washington, D.C.

SENATOR TYDINGS: I am a member of the Florida Bar and have been for over 11 years. In addition thereto, I have served as an assistant to the United States attorney for the Southern District of Florida for a period in excess of two years. I have practiced in Judge Carswell's court while he served as the United States District Judge. I believe that Judge Carswell has shown bias toward civil rights litigants on many occasions. While trying a particular case in Judge Carswell's court, it was quite evident to me that my client's were not accorded equal treatment. Judge Carswell gave every indication of his distaste for handling civil rights matters. I am of the opinion that Judge Carswell cannot be completely objective in the handling of civil rights cases, if his nomination to the Supreme Court is confirmed. I feel confident that most black lawyers practicing in the State of Florida would go on record as being opposed to his confirmation. Harrold Carswell is not the type or caliber jurist to serve as an Associate Justice on the Supreme Court of the United States. I strongly implore you to vote against his confirmation.

JAMES W. MATTHEWS,
Associate Municipal Judge for the City of Opa Locka.

MIAMI, FLA.,
March 25, 1970.

Senator TYDINGS,
U.S. Senator,
New Senate Office Building,
Washington, D.C.

SENATOR TYDINGS: The possible confirmation of Harrold Carswell as an Associate Justice of the United States Supreme Court makes it necessary for me to make my position known to the United States Senate. I have served as an assistant to the attorney general of the State of Florida for two years and have been a member of the Florida Bar for 8 years. I have been present in the United States District Court, northern division, while Judge Carswell presided on many occasions. It is my firm belief that his attitude towards civil rights cases and the lawyers that handle those cases was indeed outright hostile. His reputation among black lawyers in the State of Florida is not at all good. I would urge you and other well thinking Senators to vote against his nomination to the Supreme Court of this great country.

HAROLD L. BRAYNON,
Municipal Judge for the City of Miami.

Mr. HRUSKA. Mr. President, in connection with the nomination of Judge Carswell, I have received a letter from an eminent authority in jurisprudence and law. It comes from Prof. Charles Alan Wright, at the University of Texas at Austin, at the school of law there.

First let me read from the statement of Charles Alan Wright when he testified in the Haynsworth nomination, which is to be found at page 591 of the Haynsworth hearings:

For more than twenty years my professional specialty has been observing closely, and teaching and writing about, the work of federal courts. From 1950 to 1955 I was a member of the faculty at the University of Minnesota Law School and I have been at The University of Texas since that time. I was a visiting professor at the University of Pennsylvania Law School in 1959–60, at the Harvard Law School in 1964–65, and at the Yale Law School in 1968–69. I regularly teach courses in Federal Courts and in Constitutional Law, a seminar in Federal Courts, and a seminar on the Supreme Court. Since 1964 I have been a member of the Standing Committee on Rules of Practice and Procedure of the Judicial Conference of the United States and prior to that time was a member of the Advisory Committee on Civil Rules. I was Reporter for the recently-completed Study of Division of Jurisdiction between State and Federal Courts made by the American Law Institute.

My writings include a seven-volume revision of the Barron and Holtzoff Treatise on Federal Practice and Procedure. That set of books is now being supplanted by a new treatise on the same subject. Publication of the new treatise began in February of this year with my three volumes on criminal practice and procedure, and the first of the volumes on civil litigation, which I am writing in collaboration with Professor Arthur R. Miller, was published in April. In addition I am the author of a one-volume hornbook, *Wright on Federal Courts,* a second edition of which is now at the publisher's, and, in collaboration with two others, am the author of the Fourth Edition of *Cases on Federal Courts.*

Professor Wright is an eminent and highly respected figure in the practice and teaching of law. He is a legal scholar. He sent me a letter on March 18, 1970, which I received 2 or 3 days later.

I ask unanimous consent that the full text of the letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HRUSKA. Mr. President, the letter states in part:

I have known Harrold Carswell for eight years and argued a case before him prior to that time. I have also had the benefit—as I suspect many of the professors who oppose him have not—of reading every word of the hearings with regard to his nomination as well as the Report of the Judiciary Committee and the statements of individual views that accompany it. I studied with particular care the testimony of Dean Pollak and Professor Van Alstyne. They are good friends of mine for whose judgment I have the utmost respect. In this particular instance however their views do not persuade me that there is any sufficient reason for refusing to confirm Judge Carswell.

The critical comments about Judge Carswell's ability have rested almost entirely on a reading of his opinions. I do not think that this is a fair measure of a judge and especially not of a district judge who writes opinions in only a tiny proportion of the matters he hears. As I have read these criticisms of Judge Carswell I have been reminded of Justice Frankfurter's comments about Chief Justice Morrison R. Waite in Frankfurter's book *The Commerce Clause* (1937). At page 76 Professor Frankfurter, as he then was, said of Waite that "to deny him significance is to allow the pedestrianism of his opinions to obstruct understanding of a great judge. History ought not to reflect contemporary misjudgment, due in no small degree to Waite's lack of the grand manner, his total want of style. The touch of the commonplace about him was, indeed, the key to his appointment as Chief Justice." and Frankfurter said:

Then he goes on to say, later in his letter:

I read with care in the Congressional Record for March 13th the name of those who had signed the statement urging rejection of the nomination. After twenty years of law teaching I know how easy it is to get law professors to sign petitions and statements. My expectation is that most of the law professors who signed the statement did not support Richard M. Nixon for President. I further believe that most of them based their judgment entirely on what they read in the press and that they have not studied Judge Carswell's work or the record of the hearings.

I hope that the nomination will be confirmed.

Respectfully yours,
CHARLES ALAN WRIGHT.

Mr. President, I think he says much in this two-page letter. It is my hope that our colleagues in this body will read the letter thoughtfully and be inspired by it.

EXHIBIT 1

THE UNIVERSITY OF TEXAS AT
AUSTIN SCHOOL OF LAW,
Austin, Tex., March 18, 1970.

Hon. ROMAN L. HRUSKA,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HRUSKA: I have followed with interest and concern the controversy that has developed about the nomination of Judge Carswell for the Supreme Court. I was asked to testify before the Judiciary Committee on his behalf. Unfortunately the hearings came at a time when I was sick in bed and in any event I doubted whether my support would be useful after the vigorous role I had taken—and am still taking, see my letter to the editor in the March issue of the American Bar Association Journal—about Judge Haynsworth.

I have recently had called to my attention an article that appeared in *The Washington Post* a month or more ago. In it the following sentence appeared: "Opponents point out that of three legal educators who testified in favor of Haynsworth, one made a special trip to Washington to testify against Carswell and the other two have made no public comment on the nomination. It is plain that I am one of the "other two" referred to and I should be very unhappy if my silence were thought to mean that I do not support the nomination.

I have known Harrold Carswell for eight years and argued a case before him prior to that time. I have also had the benefit—as I suspect many of the professors who oppose him have not—of reading every word of the hearings with regard to his nomination as well as the Report of the Judiciary Committee and the statements of individual views that accompany it. I studied with particular care the testimony of Dean Pollak and Professor Van Alstyne. They are good friends of mine for whose judgment I have the utmost respect. In this particular instance however their views do not persuade me that there is any sufficient reason for refusing to confirm Judge Carswell.

The critical comments about Judge Carswell's ability have rested almost entirely on a reading of his opinions. I do not think that this is a fair measure of a judge and especially not of a district judge who writes opinions in only a tiny proportion of the matters he hears. As I have read these criticisms of Judge Carswell I have been reminded of Justice Frankfurter's comments about Chief Justice Morrison R. Waite in Frankfurter's book *The Commerce Clause* (1937). At page 76 Professor Frankfurter, as he then was, said of Waite that "to deny him significance is to allow the pedestrianism of his opinions to obstruct understanding of a great judge. History ought not to reflect contemporary misjudgment, due in no small degree to Waite's lack of the grand manner his total want of style. The touch of the commonplace about him was, indeed, the

key to his appointment as Chief Justice." Again at pages 110 and 111 Frankfurter said:

"No doubt Waite had neither the power nor the subtlety of Marshall and Taney. He was not of their flight. Yet he belongs to the great tradition of the Court. For he was true to De Tocqueville's admonition against confounding the familiar with the necessary, and thereby escapes inclusion among those to whom Mr. Justice Holmes referred when he wrote. 'It is a misfortune if a judge reads his conscious or unconscious sympathy with one side or the other prematurely into the law, and forgets that what seem to him to be first principles are believed by half his fellow men to be wrong.' Waite's temperament was staid, and his imagination was never ignited by the spark of genius. But he did not confine the Constitution within the limits of his own experience, nor did he read merely his own mind to discover the powers that may be exercised by a great nation. The disciplined and disinterested lawyer in him transcended the bounds of the environment within which he moved and the views of the clients whom he served at the bar. He brought to the Court no emotional commitments compelling him to translate his own economic or political convictions into constitutional commands."

(This marks the end of the proceedings which were ordered to be printed at this point by unanimous consent.)

Mr. HARRIS. Mr. President, I join in the motion just made by the distinguished Senator from Indiana. I think it is a worthy motion, as I stated earlier this week in the Senate and earlier today in connection with the statement of the distinguished Senator from Arkansas.

I hope that even those who have been proponents of this nomination will now, as I said when I first suggested this course last week, join in this motion because I think there are matters which deserve consideration again in connection with this nomination by the Committee on the Judiciary.

I commend the distinguished Senator from Indiana for the very excellent leadership which he has shown in regard to this entire matter and for making the motion which he has just placed before the Senate.

Mr. BAYH. Mr. President, I appreciate the kind remarks of my colleague and good friend from Oklahoma.

I would like to point out that, indeed, it was the Senator from Oklahoma who had expressed earlier concern about this nomination and who suggested this vehicle as one which might come closer to solving the problem of this nomination than other parliamentary vehicles available to us.

I appreciate the Senator's comments on my leadership. I am frank to say that this is leadership which is not at the top of the priority list as far as the various opportunities we have in the Senate. If one believes in the advice and consent responsibility of the Senate, as the Senator from Indiana does and, as I think most Members of this body do, I do not believe we should rubberstamp nominations from the President. That is why I have felt it necessary on two occasions to help in some small way to suggest to the President that we could get a better man.

I would like to make one further observation. It seems to me that this motion to recommit, although it can be interpreted in a number of ways, indeed, does give us an opportunity to express deep reservation and concern to the President about this nomination to the Supreme Court. This motion to recommit gives us an opportunity to say to the President, "Mr. President, take another look. Voluntarily remove us and yourself from this very controversial and questionable position. Find us another man on whom we can readily agree and who most of us will feel is qualified to serve on the highest court of our land."

I think this can be realistically interpreted as a good-faith effort to get the President, on his own initiative, to solve this problem before the Senate has to speak generally on it.

I yield the floor.

Mr. ALLEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLEN. Mr. President, as the junior Senator from Alabama understands, even though the motion to recommit has been made, in no event will there be a vote on that motion prior April 6, after the argument for that day has been concluded.

The PRESIDING OFFICER (Mr. CRANSTON). As provided in the unanimous-consent agreement, that is correct.

Mr. ALLEN. Also, since a motion to table is not debatable, and since debate is guaranteed under the unanimous-consent agreement, no motion to table would be in order until the debate has been concluded.

The PRESIDING OFFICER. The Senator is correct.

Mr. ALLEN. I thank the Presiding Officer.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the nomination of Judge Harrold Carswell be laid aside now and the Senate proceed in further consideration of the conference report on H.R. 514, as in legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF PROGRAMS OF ASSISTANCE FOR ELEMENTARY AND SECONDARY EDUCATION—CONFERENCE REPORT

The Senate, as in legislative session, resumed the consideration of the report of the committee of conference on disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

AUTHORIZATION TO SIGN DULY ENROLLED BILLS DURING ADJOURNMENT OF THE SENATE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Vice President, the President pro tempore, or the Acting President pro tempore be authorized to sign duly enrolled bills during the adjournment of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO ON TUESDAY, MARCH 31, 1970

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Tuesday next, immediately following the disposition of the reading of the Journal, the able Senator from Ohio (Mr. YOUNG) be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BYRD of West Virginia. Has the requisite time under paragraph 3 of rule VIII, the so-called germaneness rule, now expired for today?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD of West Virginia. I thank the Chair.

SALUTE TO PAUL H. DOUGLAS ON HIS 78TH BIRTHDAY

Mr. PROXMIRE. Mr. President, today is the 78th birthday of Paul H. Douglas, our friend and former colleague who brought to the Senate of the United States a massive intellect, courageous action, and incisive judgment. He was the noblest Athenian of them all.

Allen Nevins said of him:

Of all our Senators, none has written a more consistently elevated record of public service; none has so clearly combined intellectual distinction—technical expertness—with practical legislative power; none has set so high a moral tone.

Paul Douglas was the LaFollette and Norris of our time. Those men were his two senatorial heroes, and the inspiration Paul drew from them served the Nation well. Along with portraits of Abraham Lincoln, Jane Addams, John Peter Altgeld, and Clarence Darrow, they graced the walls of his senatorial office.

While most men are fortunate to distinguish themselves in a single career, Paul Douglas has distinguished himself in many.

He first of all was a teacher and economist. Along with Charles W. Cobb he produced a unique and seminal contribution to economics in the work "The Theory of Production"—the Cobb-Douglas Production Function—which first appeared in the American Economic Review in March 1928. His book, "The Theory of Wages" won for him an international prize and is one of the classic works in the literature. It graces the Oxford syllabus on economics along with the works of Keynes, Marshall, Pigou and Hicks, and Joan Robinson. His teaching career at the University of Illinois, Reed College, and the University of Chicago

was capped when he was elected president of the American Economic Association at the end of World War II.

In the 1920's and 1930's he distinguished himself as a great private citizen. Almost singlehandedly he brought down the Insull traction empire which had corrupted both the business and the political life of Chicago and of Illinois. The result was the Illinois Utilities Act which he drafted.

He served with distinction as an arbitrator in the printing industry. He served on the Illinois Housing Commission. He was an expert consultant on unemployment to Franklin Roosevelt. He helped draft the original social security law. He was one of the first men who recognized and spoke out against the threat which Hitler and fascism posed to the security of the United States and to the freedom of the world.

In his private role in these years, Paul Douglas fought for consumer issues before there was a consumer movement. He was a conservationist before the word "environment" became popular and the word "ecology" was even known.

He proposed family allowances and minimum family incomes decades before those questions were placed on the agenda of public needs.

During World War II, he elected another career and gained yet further distinction. He prevailed upon his friend, Col. Frank Knox, then Secretary of the Navy, to waive his poor eyesight and, at age 50, Paul Douglas joined the Marine Corps as a private. He went through boot training at Parris Island and was chosen the top boot in his class. He chose to become a combat Marine, rose to the rank of lieutenant colonel, was twice wounded in combat at Pelilieu and Okinawa, and was awarded the Bronze Star for gallantry in action. At Okinawa, he deliberately forsook the safety of a behind-the-lines command post, volunteered as a stretcher bearer at the Naha-Shuri line where the battle was raging, was wounded and almost lost his left arm, and nearly bled to death when he ordered the other men evacuated first. According to the eyewitness testimony of the chaplain who was there, he told the Navy doctors and corpsmen at the front line medical station he was "Private" Douglas to prevent them giving him special treatment because of his rank. Such is the stuff of which Paul Douglas is made.

He entered on a fourth career—a political career—first as alderman from the Fifth Ward in Chicago, where he earned a deserved reputation as a fearless, independent minded, maverick in the Chicago City Council, and in 1948 as U.S. Senator from Illinois.

In the Senate he distinguished himself again. He introduced and nursed through the legislative process a vast quantity of legislation—the major features of the landmark 1949 Housing Act, railroad retirement legislation, the 1955 Minimum Wage Act, the Union-Management Pension and Welfare Fund Act, the depressed areas bills, a series of civil rights provisions over the sternest opposition any Senator can encounter, the bill to save the Indiana dunes, and dozens of others.

But men are known for the bad bills they stop and for the causes they espouse as well as the legislation they put on the law books.

The 1960 study of prices, wages, and growth by the Joint Economic Committee was the blueprint for the economic policies of the first 6 years of the 1960's—policies which combined a vast increase in economic growth, a major reduction in the level of unemployment, and the most stable price levels of any industrial country in the world.

He was the first Senator to mount a major campaign against the loopholes in our tax laws.

He, along with a handful of others, of which I am proud to include myself as one, stopped the attack on the equal representation opinion of the Supreme Court and preserved the concept of one man, one vote.

He was the architect of the Federal Reserve-Treasury accord.

He applied benefit-cost analysis to public works projects before benefit-cost analysis became popular.

The number of times he stopped new tax loopholes, prevented an economic subsidy to a special interest group because their advocates knew that he would be watching for it on the floor, or stripped a measure of its facade and exposed its real fabric to public debate, are legion.

As Allen Nevins—a truly great historian—said:

> He has sometimes been on the unpopular side; he has sometimes been on the losing side; but he has always been on the just side.

A number of instances which exemplify Paul Douglas' Senate career spring easily to mind. In 1953, Paul Douglas and Lister Hill were leading the fight against the massive giveaway of offshore oil to the States who were much easier prey to the oil companies than the Federal Government. They contended that the area beyond the 3-mile limit belonged to the Federal Government and the people of the United States. By holding firm on this issue they forced the proponents of the bill to accept an amendment reserving title to the oil beyond the 3-mile limit to the Federal Government.

It now turns out that the vast abundance of oil is found there. At last count some $4 billion had accrued to the Treasury of the United States from leases and royalties, most of which would otherwise have ended up in the treasuries of the major oil companies.

Paul Douglas proved by that act alone that a liberal need not be a wastrel.

In 1960, he and the Senator from New York (Mr. JAVITS) introduced a bill to provide Federal registrars to register disenfranchised Negroes in those States where they have actually been prevented from voting. That bill was killed by the leadership of the Senate. The ineffective system of court appointed referees continued.

But 5 years to the day after that bill had been killed by the majority and minority leadership of the Senate, an almost identical measure was sent to the Senate by the President of the United States, and was embraced by the minority leader, the same two men who had killed it 5 years before. It became law.

That exemplified the intellectual power and eventual success of causes which Paul Douglas championed. And much the same is true of his championship of consumer causes—especially truth in lending—and his fights on military waste.

Finally, his one-man fight to save the Indiana Dunes for the people of the United States against every conceivable powerful economic group one could imagine, was a modern saga of David and Goliath.

He often said:

> As a young man I wanted to save the world. In my forties, I wanted to save the United States. But in my sixties, I felt the most important thing I could do was to save the Dunes.

Paul Douglas did all of these things and more. But with it he combines a warm heart and a forgiving countenance. While no man has ever demanded a higher level of ethical conduct from himself, no man understands so well and is more forgiving of the weaknesses and shortcomings of others. While he never boasted of it, dozens of men in personal or financial difficulty constantly turned to him and were in turn helped by him. At any one time there was a cadre of human beings whose lives had been seared by the harshness of events whom he was helping with funds, encouragement, and human compassion.

He combines with a massive intellect, a warm heart, and compassionate spirit which is unique among men.

Since leaving the Senate he has continued his careers. He taught at the New School for Social Research. He has headed a consumers group to support the closing of tax loopholes, and he has published one book and has finished another.

For 2 years he headed the National Commission on Urban Problems. In the hot summer of 1967 the Commission held hearings in the ghettos of 2 dozen American cities while the civil disorders of that year followed and preceded it. The Commission published more than 20 detailed studies on every aspect of the housing problem and concluded with a massive report, "Building the American City," which is a gold mine of background, information, and recommendations on the ills of American housing and urban development.

Throughout all these careers, Paul has had with him his lovely and charming wife, Emily Taft Douglas. Distinguished in her own right as an author, and as an actress and artist, she was a Member of Congress as Congresswoman at Large from Illinois before Paul Douglas was elected to the Senate. Paul often said that he was first elected on a case of mistaken identity when the citizens of Illinois thought they were voting for his wife rather than for him. And he has claimed that while many wives have succeeded their husbands in public office, this is the first time a husband has succeeded his wife.

Paul Douglas, we salute you on this your 78th birthday. May your careers continue to flourish.

Mr. HART. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. HART. Mr. President, I am delighted that I happened to be in the

Chamber when the able Senator from Wisconsin expressed his birthday good wish to Paul Douglas. I could not have expressed it as elcquently, but I hope the Senator from Wisconsin will let me add a footnote to that birthday card. It bespeaks my sentiments, also.

Mr. PROXMIRE. I might say that of all the Senators now serving in the Senate, there is no one Paul would rather have congratulate him than the distinguished Senator from Michigan.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. NELSON. Mr. President, I am delighted that I happened to walk into the Chamber when the senior Senator from Wisconsin was making his remarks about former Senator Paul Douglas.

I endorse everything the Senator from Wisconsin has said about Senator Douglas. I have known him since 1949. I think it can be correctly stated that he is one of the handful of distinguished and great statesmen of the 20th century, and his valuable contribution to the dialog about the issues that confronted the country and the world over the years that he spent in the Senate is unmatched by anybody else I know.

I might add that on top of it all, he was a man of great integrity and a man of great courage.

I am pleased to join the Senator from Wisconsin in the fine tribute he has made here today.

Mr. PROXMIRE. I thank my colleague from Wisconsin.

I want to recall once again the fact that Senator Paul Douglas was a conservationist—as I said, an ecologist, before that word was known. The Senator from Wisconsin has become the real champion in this country, in my view, of conservation, especially with the measures he has introduced this year; but for a long time this has been true.

I know that Senator Paul Douglas will be extremely grateful to my colleague for his fine tribute.

Mr. NELSON. He was a great and thoughtful conservationist. His last great fight on the floor of the Senate—and great success, of course—was the passage of the Indiana Dunes bill, for which he fought for many years against some of the most powerful forces in this country, and he finally achieved a victory of great consequence to the whole country.

MAN AND HIS ENVIRONMENT

Mr. NELSON. Mr. President, we are only now beginning to understand the subtle but unbreakable bond between man and his environment. As we confront the specific scars of physical degradation about us and learn of the multitude of individual environmental insults which occur each day, we must carefully consider the role that man and his activities have played in producing this deterioration.

For almost 100 years, we in the United States have been pursuing a policy of industrialization and urbanization. We have measured our success quantitatively and the mystical indicators in this quest have been the gross national product and the Dow–Jones industrial average. Unfortunately, in our myopic pursuit of ever-increasing levels of production and consumption we failed to detect and concern ourselves with the corresponding decrease in quality of life. And so today, we find ourselves in the position of having to cope with the accumulated costs of years of unrestricted environmental despoiliation.

In the headlong search for plenty, we are learning that we are ending up with less. We are discovering that man cannot live or act apart from his environment. The seemingly unrelated actions of another day and another place are erupting in a continuum of environmental abscesses: we sprayed the field to kill the pests and introduced a long-lived poison into our soil, water, and bodies; we mined the coal to produce the power and feed the machines, and raped the landscape and gave our streams acid indigestion; we rushed to put up the suburbs and slashed away the ground cover and silted our waterways; we elevated the automobile to almost religious significance, and multiplied the number of efficient pumps for pouring toxic substances into the air; and we channel industrial technology into creating new consumer products and processes, and multiplied the number of chemical contaminants that can foul our air, water, land, and even food.

The list of such shortsighted, terricidal actions is vast, and they all bore the label—"Progress." The boastful nature with which these actions were initially proclaimed reminds me of the traveler in Shelley's poem "Ozymandias," who came across a broken statue of the ancient king in the desert wastes. On the pedestal the traveler found these words: "My name is Ozymandias, king of kings: Look on my works, ye Mighty, and despair!" And the traveler saw that "Round the decay/Of that colossal wreck, boundless and bare/The lone and level sands stretch far away."

Will it be that the enduring monument to our acts of past bravado shall be the endless wasteland, the wastes of the productive-consumptive society stretching far away—without a man to record the scene in verse?

It is to be hoped that the new awareness of the ecological bonds between man and his environment, and increased knowledge of the burdens imposed by past actions, will lead this country to a new operating ethic, and will establish quality of life as a primary goal for all our people. There are some encouraging signs that this may occur. In particular, I have found an understanding, an awareness, and a desire among our younger citizens for environmental improvement. It is to be hoped that with their energy, dedication, and above all, greater ecologic knowledge, they may be able to persuade their elders to alter old attitudes.

But the movement to change ingrained patterns and habits will not be easy. In Sunday's New York Times, Mr. Tom Wicker gives thoughtful consideration to the momentum which propels narrow-viewed industrial and environmental actions.

Mr. President, at this point I ask unanimous consent to have Mr. Wicker's March 22, 1970, article entitled "In the Nation: All Is Not Gold, Etc." printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

IN THE NATION: ALL IS NOT GOLD, ETC.

(By Tom Wicker)

One airline now has asked for, and another is considering, a surcharge to be imposed on transcontinental passengers flying the big new 747 jet planes. This makes again the necessary, if bitter, point that even in the age of technology things are not always what they seem, and even less what they are predicted to be.

The 747, to which the public is now being seduced by the usual overblown advertising, was developed to carry larger payloads more economically and thus—so everyone was assured—to reduce long-haul fares. The craft's performance apparently justifies the expectation, but the public may have to pay the surcharge anyway.

UNEXPECTED COSTS

The trouble is that no one realized that the huge new plane would run up the cost of ground operations by as much as 30 per cent; or, if anyone did realize it, no one scrupled to warn the public or temper the advertising wind to the shorn lamb. So it may be a long time, if ever, before the passenger gets all the promised benefits of the 747.

It will be well to bear this in mind as pressures continue for the even newer supersonic jets. And the ironic lesson of the 747 surcharge—that technological and industrial achievements can bring unexpected and unwanted side effects—is being frequently taught in far more dangerous ways. But it is much less frequently heeded.

Both President Nixon and the relevant committees of Congress, for instance, are pledging to build sewage-treatment plants everywhere they are needed. The major issue seems to be how much money will be required for this quick response to the current environmental interest, and what share of it the Federal Government ought to pay. Few question what the money will be spent for.

In fact, if a great many more large sewage-treatment plants of the usual kind are to be built, with the treated matter carried off to the nearest waterway, an incerase in eutrophication of our lakes and streams will follow. This is the process in which the treated matter simulates the growth of algae, which chokes the water and crowds out other species.

SEWAGE EXPERIMENT

The March issue of Environment Magazine makes this point in a report on an interesting experiment at Pennsylvania State University, where a "living filter" for sewage has been successfully developed. In this experiment, the treated matter was piped away and sprinkled on the earth. The result was an increase in agricultural productivity, a consequent decline in the need for chemical fertilizers (another water pollutant), a rise in the water table from a source that otherwise would have been carried by stream flows to the sea, and an ultimate ability to use the waste as drinking water.

The report warns that this plan is more adaptable to small-city and suburban needs than to metropolitan areas, but it makes the necessary points that in complex environmental questions a variety of aspects—not just economics or convenience—has to be considered, and that now, not when it is too late, is the time to re-evaluate present concepts of sewage disposal.

LESS POWER NEEDED

The same issue of the same magazine raises even more challenging questions: Do we really need all the electric power we're producing and planning to produce? Is what we're planning to do with the power worth the consequences?

Electric-power production is doubling every ten years. At that rate, by the year 2000, power plants of all kinds will raise by twenty degrees the temperature of the total volume of water running over the surface of the United States each year. The amount of carbon dioxide (from fossil plants) and radiation (from nuclear plants) in the air may have drastic effects on the global climate and on all living species.

Since orders for new plants placed in the seventies will account for about half the expectable generating capacity in the year 2000, now is again the time to determine whether all those plants really have to be built. Population increase and over-all economic expansion do not require it. By far the major user is the primary metals industry, and aluminum production alone accounts for 10 per cent of industrial-power consumption.

BEER-CAN POLLUTION

This suggests at once that the aluminum beer can, a litter problem itself, is also a major air and water polluter through power-plant waste. By designing automobiles—an even bigger disposal problem—to be easily reclaimed by manufacturers, energy requirements for their production could be reduced dramatically because making reclaimed steel requires only about a quarter of the energy it takes to make it from ore.

There are many other ways to hold down the need for electric-power production—recycling paper back to its producers, for instance. Heedless acquiescence in more and more plants turning out more and more energy only means more and more poisoning of the environment—a surcharge that, ultimately, no one can afford.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate stand in recess, subject to the call of the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

(At 1 o'clock and 59 minutes p.m., the Senate took a recess, subject to the call of the Chair.)

At 2 o'clock and 8 minutes p.m., the Senate reassembled, when called to order by the Presiding Officer (Mr. BYRD of West Virginia).

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senate will be in order. The Senator from South Carolina (Mr. THURMOND) is recognized.

JAMES J. KILPATRICK'S ARTICLE ON 18-YEAR-OLD VOTE

Mr. THURMOND. Mr. President, James J. Kilpatrick is a venerable journalist who has observed the Washington scene for some time. His views are respected by people of all political persuasions and his column is widely read. On Tuesday, March 17, one of his articles entitled "The Senate and the Vote for 18-Year-Olds" appeared in the Evening Star newspaper.

Mr. Kilpatrick makes note of the fact that the Senate traditionally has been the house of Congress that served as a brake on the rash and reckless excesses of the House of Representatives. However, he points out that with the coming of the legislation providing for the 18-year-old vote by act of Congress, the Senate looks more like a Cub Scout den.

He chides the Senate for careening down the legislative highway and drag racing with the law of the land.

Mr. President, Mr. Kilpatrick's discussion of the applicable constitutional law is accurate and to the point, with the point being that Congress cannot by its own action set the voting age for any State.

Mr. President, this article should be read by each Member of this body. Mr. Kilpatrick has held a mirror before the Senate and has in this article reflected its image, which to his eye seems to appear slightly psychedelic.

Mr. President, I ask unanimous consent that the article "The Senate and the Vote for 18-Year-Olds" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE SENATE AND THE VOTE FOR 18-YEAR-OLDS

(By James J. Kilpatrick)

There was a time, thought it is getting harder and harder to recall it, when the United States Senate served as a sober brake upon the reckless driving of the House. The Senate was the upper chamber; its members were older; and because of their six-year terms, they were not so vulnerable to the voters' passing fancies. The House might be ruled by impetuous youths; the Senate would restain them.

No more. In its top-down dash to achieve 18-year-old voting by simple statute, rather than by constitutional amendment, the Senate is careening down the legislative highway with 500 horses, dual carbs, racing stripes, and an air scoop on the hood. This is the Senate? The chamber looks more like a Cub Scout den, voting on when to eat the weenies.

This impetuous misadventure becomes all the more bizarre when one looks at some of the drivers. Barry Goldwater! That old states righter! And Dominick of Colorado! He is one of the soundest conservatives in the body. Boggs of Delaware! More than 60 members—maybe 70—are prepared to ram this doubtful piece of legislation into law. What has come over the Senate?

From time immemorial, the fixing of a minimum age for voting has been regarded as a matter plainly within the reserved powers of the states. The notion that the Fourteenth Amendment vests such authority in the Congress would stagger the sensibilities of those who framed and ratified that amendment a hundred-odd years ago.

Indeed, the forgotten second section of the 14th Amendment implicitly recognizes 21 as the accepted minimum age for voting. This section provides for a reduction in a state's representation in Congress if the state denies the vote "to any of the male inhabitants of such state, being 21 years of age." Everything in our constitutional history confirms the rule that age is one of those "qualifications requisite for electors" that each state may decide on its own.

It is not necessary to look back to Reconstruction days. Over the past 30 years, more than a score of states have exercised what they understand to be their exclusive power in this field. Georgia went to 18-year-old voting in 1943, Kentucky in 1955. Alaskans now vote at 19, Hawaiians at 20.

Through the old-fashioned devices of referenda, the people steadily are making their wishes known. Oklahoma rejected the 18-year-old idea as far back as 1952. South Dakota said no in 1958. Idaho rejected a 19-year-old minimum in 1960. Within the past two years, voters in Hawaii, Michigan, New Jersey and Tennessee have refused to accept the 18-year-old proposition, and voters in Maryland, Nebraska, North Dakota and Ohio have said no to 19.

Does all this make no impression on the Senate? Eleven other states have scheduled referenda this year on a lower age for voting. The most elementary principles of comity and federalism suggest that Congress wait upon these expressions from the states. No hearings have been held in committee. What's the mad rush? Where's the fire?

On the merits of 18-year-old voting, to be sure, Goldwater and his bedfellows make a persuasive case. It does seem absurd, when you think about it, to cling to an age limit derived, if I am correctly informed, from 18th Century laws of inheritance.

Eighty percent of today's 18-year-olds are high-school graduates. They work, pay taxes, drive automobiles. Nearly a million young men, 18 to 21, are serving in the armed forces. And 18-year-olds are tried in our courts as adults.

The proposition is plausible that 18-year-olds should have a right to vote. I have nothing against it beyond my politically misanthropic instincts which tell me, here and elsewhere, the less democracy the better.

But there are right ways and wrong ways of seeking change. If two-thirds of the senators are so confident of their judgment, why don't they whip up a constitutional amendment, abide by the speed limits, and stop this drag-racing around with the law of our land?

THE STRANGE NOMINATION OF MR. SONNENFELDT

Mr. THURMOND. Mr. President, on March 11 the list of nominations received by the Senate included the name of one Helmut Sonnenfeldt of Maryland for appointment as a Foreign Service officer of class I.

This is a most unusual appointment. The Foreign Service is supposed to be composed of career diplomats who have served their country around the world and have their special status recognized through the Foreign Service rating system. The rating of FSO I is normally the highest rank which a career diplomat can achieve aside from the exceptional positions of Career Minister and Career Ambassador, reserved for a handful of the most distinguished members of the corps. Thus, it appears that we have Mr. Sonnenfeldt entering the Foreign Service at the highest rank normally achieved by others after years of service abroad. Thus, this unusual appointment threatens the status and achievement of the many dedicated Foreign Service officers who have served with distinction. It is an affront to the career system and a threat to the stability of impartial ratings and of the morale of those who have worked their way up through the ranks to achieve their present positions.

Mr. Sonnenfeldt's appointment is especially outrageous in view of the fact that at the present time, due to the economy measures being taken throughout the Government, the Foreign Service Corps is currently affected by a reduction in force of approximately 10 percent. This means that about one out of 10 of every career Foreign Service officer reviewed for promotion is "selected out"—that is, severed from the Service. So at the very time when many Foreign Service officers are being severed from the Service because of the high rate com-

pelled by the reduction in force, Mr. Sonnenfeldt, who has never served abroad, is entering into the Foreign Service Corps at the highest possible level.

Mr. President, as I have pointed out, this is a highly unusual situation. In fact, it is a unique situation. I am informed that in the fiscal year of 1970—that is, since June of last year—only three men have made lateral entry into the Foreign Service; two of them at the relatively low class III level and only one at the class I level. That sole individual is Mr. Sonnenfeldt.

We can see, therefore, that Mr. Sonnenfeldt is an exceptional case who is given special treatment at a time when many others are losing their jobs.

I have mentioned that Mr. Sonnenfeldt has never been abroad. I have received information concerning Mr. Sonnenfeldt's personnel history. Originally, he was in civil service status—and in 1965 he was converted from a GS–15 to Foreign Service Reserve Officer II—maximum U.S. duty.

The FSRO was originally conceived by Congress as a means for the temporary use abroad of persons who were particularly qualified in one aspect or another and whose qualifications filled a need for a particular job overseas.

At this period, Mr. William Crockett, who was then Deputy Under Secretary for Administration in the State Department, began to use this wise provision of the law as a means for enlarging his domestic staff without specific congressional authorization. He invented the category of FSRO—maximum U.S. duty—meaning a Foreign Service officer would never be assigned to foreign service. Those who accepted such a service would enjoy a higher pay scale than in civil service, without having the burden of serving abroad. On Mr. Crockett's part, it relieved him of observing civil service regulations with regard to job rights and categories.

Mr. Sonnenfeldt thus entered the Reserve Officer Corps under this highly unusual situation as a FSRO class II—maximum U.S. duty. I am told that in 1967 he was promoted to the rank of FSRO I—maximum U.S. duty—by a special panel dealing only with officers of this unusual category. The same panel recommended that he be converted from FSRO I to FSO I; that is, to permanent status. But the board of examiners reportedly refused to do so because he had not personally applied for the job, and there was no certificate from the Director of the Foreign Service that he was needed. It is significant that, if he had personally applied, then he would have been liable for duty overseas.

Under these circumstances, he was appointed to the National Security Council staff in 1969 in what is essentially a political policymaking position. From the prestige status of this political appointment, he applied for conversion to FSO I in September 1969. He is, in effect, starting at the top. It is hard to escape the assumption that questions of political influence have overshadowed the merit system of the FSO.

It is particularly interesting that Mr. Sonnenfeldt received this special treatment, despite the fact that his wife is known as an antagonist to the present administration. I find it very disturbing that a top assistant in the National Security Council staff, responsible for formulating and advising on our international policy, should be chosen from a milieu which is antagonistic to the work of the President. I do not question the right of Mrs. Sonnenfeldt to engage in political activity, but the question arises whether she acted with the approval or at the direction of her husband. Under the Hatch Act, no Government employee may do indirectly what he is forbidden to do directly. In any event, I find it particularly strange that a top policy adviser is picked from such a political context and, on top of that, given preferential and unusual treatment which threatens the justice and fair workings of the Foreign Service Corps.

In this regard, an article appeared in the Sunday Star last week which discusses Mrs. Sonnenfeldt's political activities. Mr. President, I ask unanimous consent that the article "Offbeat Washington" by Vera Glaser and Malvina Stephenson be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Sunday Star, Mar. 22, 1970]

(By Vera Glasser and Malvina Stephenson)

OFFBEAT WASHINGTON: TWO WIVES

Two Democratic wives of high administration officials worked hard to defeat Richard Nixon in 1968.

Now they're "lying low" as off-year election races warm up in another test of his popularity.

The attractive young matrons are Mrs. Helmut Sonnenfeldt, whose husband is a top member of Dr. Henry Kissinger's National Security Council staff in the White House, and Mrs. Robert J. McCloskey, wife of the deputy assistant secretary of state for press relations.

"There is a whole crew of democrats still in key positions in the Nixon administration. It makes me very pleased," said Mrs. Rowena Hoover, executive secretary of the Democratic headquarters in nearby Montgomery County, where the two women have been stalwarts.

"They helped carry the county for the Humphrey-Muskie ticket by 7,400 votes," she recalled.

Marge Sonnenfeldt said she manned get-out-the-vote telephones for presidential candidate Hubert Humphrey on election eve 1968 "until they pulled the wires out."

Anne McCloskey said most of her work had been for Democratic Senatorial Candidate Margaret Schweinhaut, who lost that year to the GOP's Charles M. Mathias Jr.

Both women have been less active since Richard Nixon took office, Mrs. Hoover said.

NOT NAGGING

"I haven't been nagging at Marge because I'm glad to have her husband in the White House. For the most part her terrific energy was used in her neighborhood in 1969," Mrs. Hoover said.

Mrs. McCloskey said candidly that she had toned down her partisan activity because her husband's job made it sensitive.

"I am willing to collect dollars for Democrats but have done no precinct work," she said. Mrs. McCloskey at one time worked for GOP Sen. Jacob Javits of New York.

Mrs. Sonnenfeldt said she felt her partisan activities should not be embarrassing to her husband in the White House because "he's a professional."

CONCURRENCY IN MILITARY WEAPONS PROGRAM

Mr. THURMOND. Mr. President, earlier this year a member of the Senate Armed Services Committee, the distinguished junior Senator from Pennsylvania (Mr. SCHWEIKER), told the Senate that 1969 was the year of cost growth in weapons systems but that he hoped 1970 would be the year of cost controls.

This is a point in which we are all interested because our military forces will be stronger if we properly exercise cost control in that better use of our funds will enable us to have more of the weapon systems we need to provide for our national security.

Mr. President, this matter of cost growth has received a great deal of attention by the Congress in the past year. It should be made clear, however, that many billions of dollars represented as cost growth have not been spent to date.

A case in point is the MARK–48 torpedo where the projected cost growth is in the neighborhood of $3 billion dollars, but as of today the Navy has not procured the first production torpedo. This does not mean this program will not experience a huge cost growth. It does mean that the prototypes of this highly sophisticated torpedo have cost thousands of dollars more than the planners in 1962 thought they would cost and when you look at the projected cost of the program into the 1980's the price is going to far exceed that earlier estimate. Many times these costs growths are reduced when the actual buying begins. This results from competition or reduced requirements.

Using those comments to set the cost growth picture somewhat in perspective, I wish to comment for just a few minutes today on a point through which I believe we could greatly improve our weapon systems cost control. This point involves concurrency.

Concurrency is defined in this context as the production of a major weapon system prior to the completion of development and testing. Such a procedure is considered one of the major reasons for the cost growths we have experienced over the past few years.

This concurrent development and production has taken place and is still taking place in a number of major weapon systems of all three of our military services. The services and the Defense Department are aware of the problem and are beginning to take effective steps to control it, but unfortunately they have not gone fast enough or far enough.

The General Accounting Office has found that production of a large number of major Navy weapon systems was undertaken on a large scale for operational use before development and testing was completed. This particular study covered about $2 billion in development funds alone for a 3-year period.

Mr. President, the rapid movement into weapon system programs is often the result of the pressures of a conflict such as Vietnam. The feeling in the services is that we need these systems as soon as possible so the programs are rushed along. There is certainly some justification in this approach and as we all know our concern regarding the need for a

stronger intercontinental ballistic missile force a number of years ago resulted in a crash program involving concurrency in the fullest sense of the word.

Today, hopefully, we are moving out of the pressures of such times. We are winding down in the war in Vietnam. New rules should be applied, or old rules should be carefully followed, to insure weapons systems are fully debugged before production is begun. Our weapons system history is replete with the examples of such folly. In past days we have seen the F–111 and other systems as prime examples.

Mr. President, another unfortunate result of concurrency is that our operating forces receive weapons for operational use which do not perform up to requirements. Thus, it is easy to see the failure of rushing a system through, for in rushing it we often get nothing but more costs added on because of necessary retrofits.

Moreover, the record shows that the deployment of ineffective weapons had other results which impaired the overall strength of our military forces. For instance, if you put a weapon system on a Navy ship which does not work then the ship must be taken out of service for retrofits and thus the effective force available is reduced. Some examples covering all three of the services would be the Navy's P–3C, the Army's Sheridan and M60A1E2 tank, and the Air Force's F–111 and C–5A.

It is obvious from the record that tighter controls relating to concurrent development are badly needed. Or perhaps we need better enforcement of the concurrency controls already in effect in the Department of Defense and the individual services.

Last week in an executive session of the Senate Armed Services Committee I asked a series of questions on the concurrency theme. I have been asking questions like this throughout the procurement hearings, and I will continue to ask them of the services.

In my opinion, our Nation's defense must be the strongest in the world, and I mean the strongest in the world without any question. Unfortunately our Military Establishment is being weakened in some areas which could result in threats to our national security. We should all oppose such steps, for if we fall behind the Soviets militarily then all our domestic achievements could be laid to waste.

One way to insure our military strength is to deal decisively with the problems of concurrency. Unfortunately, the services are asking Congress this year for production funds for a number of weapon systems in which sizable research and development work remains to be done. As one of the most glaring examples, money is being asked for production of an airplane while at the same time over 50 percent of the research and development work remains to be funded.

Possibly the purchase of these planes should be in the research and development account, but it was not presented to Congress that way.

Mr. President, the risks for concurrent development are great from the standpoint of the effectiveness of the system as well as the cost to the taxpayer. Past experience has shown us something must be done in this area, if not by the Defense Establishment, then by Congress.

THE CHEYENNE HELICOPTER

Mr. THURMOND. Mr. President, an interesting and informative article on Army Aviation as published in the March issue of Government Executive magazine.

This article is especially informative because the Congress is considering additional research and development funds for the Army's proposed gunship, the Cheyenne helicopter.

The war in South Vietnam has resulted in the application of the Army's air mobility concepts which followed World War II. The result has been that the Army has successfully employed helicopters in combat to provide air mobility for a percentage of our ground forces. The tremendous utilization of this concept has resulted in the development of the helicopter gunship which provides certain types of close air support to our ground forces.

This airborne fire support has initially been provided through the conversion of troop transport helicopters to helicopter gunships. The result has been the Huey Cobra helicopters which provide a type of firepower not available from fixed wing close air support planes.

As a result of the knowledge gained in Vietnam the Army began development of the Cheyenne which has a fuselage like a jet fighter and travels at speeds of 200 miles per hour, but is propelled by rigid rotary blades rather than the thrust of jet engines.

While the development of the Cheyenne has had its problems which resulted in the cancellation last year of the production contract, it is still an important program which should be continued from a research standpoint. We have already spent around $170 million on this development program and have about $30 million to go.

Mr. President, this article addresses some of the popular opinions which have resulted from the helicopter type war we have conducted in Vietnam. To a degree the author dispels the popular idea that the helicopter is an extremely vulnerable weapon system. The article also makes the point that the helicopter gunship can give close ground support in a way which is impossible for Air Force close support planes to match.

Hopefully, the Nixon doctrine will bring us into an era of relative peace in this decade, but no matter what policies the United States follows we are faced with continued Communist probes is Asia, the Middle East, Africa, or South America. In the event our national security is endangered by any such moves the helicopter gunship would be an invaluable weapons system for the limited type deployment of military forces that military confrontations of the future seem to require.

This article includes some provocative comments on the concepts which our ground commanders might have to employ in such areas, and should be of interest to the Congress as we deal with the important task of our defense appropriations.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Government Executive, March 1970]

ARMY AVIATION: AFTER VIETNAM, WHAT?

HIGHLIGHTS

1. Army aviation, no longer a short-lived, Vietnam phenomenon, is emerging as a major facet of Army tactical planning.

2. Plans and programs under way at Army Aviation Systems Command in St. Louis suggest a confrontation with the Air Force over aerial missions may be in the offing.

3. The myth of helicopter vulnerability, now shattered, provides the basis for a well-reasoned Army argument for going into aviation in a big way.

4. AVSCOM has grown from a small field operation in the early Sixties to a command of over 10,000 personnel watching the life cycle of 12,000 Army aircraft—just 3,000 shy of the Air Force inventory.

5. A detailed look at AVSCOM provides a meaningful insight into Army thinking on aviation and Army's future role in it.

Those who view the helicopter's role as a tactical, short-lived phenomenon suited only for Vietnam-type situations are in for a surprise.

The U.S. Army is in the business of aviation for keeps and, if the present trend continues to its logical conclusion, the Air Force may soon be hard put to justify its tactical air arm.

This conclusion was reached after a *Government Executive* visit to the Army Aviation System Command (AVSCOM) headquarters in St. Louis. This outfit, part of the Army Materiel Command, is not really "the" headquarters for Army aviation—it's the supply and logistics arm of Army aviation.

AVSCOM is staffed largely by professional Army aviators, men who live for aviation and who influence the direction of research and development, which, of course, sets the pattern for the Army's future air arm.

The Commander of AVSCOM, Maj. Gen. John Klingenhagen, a captain at 19, an aviator proud of his wings and the youngest Army officer to make both brigadier and major general, came alive when the discussion drifted into the future tense.

He picked up the *Huey* helicopter model from his table and, in the fashion of all aviators, wheeled it through the air displaying its attack and withdrawal profiles. He also spoke of the *Cheyenne* helicopter and future aircraft for the Army.

His Chief of Staff, Col. Elmore Swenson, added a perspective to Army aviation that one can't get from the many fact sheets, handouts and official briefings available.

The result: a nagging set of questions. Where does Army aviation leave off and the Air Force take over? Is someone viewing developments in both Air Force and Army tactical aviation to define who's in charge of what? Has the Air Force simply forfeited its role in the future of tactical aviation to put its money into manned bombers and ICBMs?

The new breed of helicopters being designed and tested under AVSCOM's charter is, in effect, a new type of fighter plane—big, fast, missile- and gun-equipped and durable.

The term helicopter to most laymen conjures up an image of a light utility craft used for liasion duties. Vietnam, of course, saw the arming of these aircraft, and they play a pivotal role in the war, providing mobility and fire power in a way the Air Force can't.

The Army's present attitude about the fu-

ture of aviation reminds one of the fight after the Korean War about ground defense of U.S. airbases abroad. This resulted in the Air Force attempting to evolve a set of "ground-pounders" for air base defense—reasoning that the Army forfeited its infantry role in Korea as far as the defense of air bases was concerned.

Thinking of the future, Army aviators seem inclined not to rely on the Air Force. They would apparently prefer to do it themselves and, judging from the plans and programs under way at AVSCOM, they're doing just that.

To call the *Cheyenne*—which the Army still wants badly—a helicopter is, perhaps, poetic license. It's really a new form of tactical aviation, allegedly suitable for action in conventional war in Europe and even in a nuclear environment.

The *Cheyenne* is 54 feet long, weighs close to 12,000 pounds and flys at 250 miles per hour. It carries six wing pylons on which either 2.75 inch rocket pods or TOW wire-guided antitank missiles can be mounted.

Its flexible nose turret can be equipped with either an array of 40mm grenade launchers or a six-barrel 7.62 inch mini gun. On its belly a 360-degree swiveling turret is equipped with a 30mm automatic gun.

Researchers at AVSCOM spoke proudly of work under way to give the *Cheyenne* a day-and-night capability with the help of computers and sophisticated sensor systems.

The trend toward Army developing its own air support began in the late Fifties and early Sixties. Despite intraservice squabbles over the Army and Air Force roles in aviation, the Army has steered onto a course which today seems implicitly geared to evolving an independent air arm directly responsive to infantry needs.

ARMY EVOLVES AIR BRANCH

The Air Force put up a fight when guns were mounted on choppers in Vietnam. It didn't have a reasonable substitute, however, and the guns stayed. Next came the *Huey* and the *Cobra*—versatile choppers which evolved from troop transporters into formidable gunships, again providing firepower in a way the Air Force can't.

Then came the *Cheyenne*, a cross between a powerful jet fighter and a gunship. Its role from concept onward was viewed by Army aviators in a perspective far broader than simply Vietnam.

It perhaps should be stressed that this trend has no earmarks of a conspiratorial one. Rather it seems to have stemmed from a dynamic and zealous leadership convinced of the importance of aviation and bent on doing the best job possible for the Army.

The *Cheyenne*, once operational, will complete the transition to a full-fledged Army tactical air branch, capable of providing deadly accurate fire support against enemy tanks, fortifications and troops in any battle environment. Army aviators, however, deny that the implications are that broad.

Further down the pike, research and testing now under way at AVSCOM in vertical and short field takeoff aircraft and the "advanced compound helicopter" (with rotor for vertical ascent and props for forward flight) suggest that even more of the traditional Air Force ball park—air logistics—will be invaded ultimately by the Army.

If anything, these developments, not unusual in today's complex military, merely underscore how innocently major trends can emerge. Subjective judgments, obviously, can be made about this particular trend in Army aviation; however, those are for men in responsible positions, not laymen journalists.

An examination of the breadth of activity now under way at AVSCOM reveals in detail the scope of Army thinking and actions in the field of aviation.

Tucked in an ungainly converted warehouse in downtown St. Louis, AVSCOM has grown from a small field unit in the early '60s to an aviation complex numbering almost 10,000 military and civilian personnel. Klingenhagen admitted that its growth was a difficult one.

"A couple of years ago the Command was in chaos. The Commanding General had 41 subordinates reporting directly to his office. You can imagine the constant state of turmoil the front office was in.

"This was changed, however, and now we have eight subordinates reporting to the Commander. To understand what they do you have to understand that we have life-cycle management. It evolves from our basic responsibilities.

"AVSCOM has responsibility for all Army aircraft throughout their life cycle—from the engineer's drawing board to the obsolete aircraft trundled out the back door of the hangar. Primarily AVSCOM is charged with the design, production and maintenance of Army aircraft."

The Army aviation inventory, incidentally, numbers over 12,000 aircraft—just 3,000 shy of the number in the Air Force inventory. Last year, 1969, Army aviators logged 6.7 million flying hours while their Air Force brethren logged 8.5 million. The Navy with an aircraft inventory of about 9,700 only flew 3.7 million.

"AVSCOM's responsibility includes research and initial development of new aircraft, testing of new equipment, contracting for its production, providing repair and maintenance assistance to the field Army and providing international logistic support to other countries using Army aircraft.

"Our research capability—long the weakest link in Army aviation—is getting top priority," Klingenhagen stated. "It was not until the mid-60s that we were given engineering responsibility, and prior to that our laboratory effort was minimal.

"Quite frankly in the case of the *Cheyenne* helicopter we didn't have the base of knowledge where we could assess the risks involved in the rigid rotor. Our research capability will be built up over the next two to three years however.

"We have recently signed a contract with the Space Administration to establish Army aviation labs at NASA facilities. This will save about $200 million in facilities alone.

ARMY WANTS "CHEYENNE"

"Moreover our joint efforts will fill gaps where NASA research has been weak—the phenomenon of the rotor. We haven't done nearly enough work on the rotor as was evidenced with the *Cheyenne* flap."

Commenting further on the *Cheyenne*, Klingenhagen stated: "The production contract has been terminated and the tooling is in storage. The R&D contract, however, continues in effect, and Lockheed is running flight and wind tunnel tests to work out the problems in the rotor control system.

"We're watching the progress of these tests closely. The Army still has a requirement for the *Cheyenne* and we believe there is a good chance that we'll eventually overcome the problems.

"On the operating end of AVSCOM, we have four deputies to follow Army aircraft through their life cycle—an R&D Division, an Acquisition Division, a Logistic Support Division and a Resource Management Division."

Engineers at the Army Aviation Lab at Fort Eustis, Va., divide their efforts between advanced design, aeromechanics, systems and equipment development and applied aeronautics.

They are now working on advanced V/STOL aircraft and advanced compound helicopters. They are applying the results of propulsion and airframe research to such aircraft as the XH–51A, a rigid rotor compound helicopter that has attained a speed of 302 miles per hour.

They have also modified the *Huey* helicopter with more streamlined design features and the addition of stub wings and a jet engine to test high-speed helicopter performance.

Moreover, they are experimenting with applying research done in winged transport aircraft with tilt rotors to determine which airframe designs will meet future Army needs.

Turning to the one argument raised about the utility of helicopters in combat—their vulnerability to ground fire—Klingenhagen was defensive:

"The survivability of the helicopter in a combat environment has been a matter of interest, speculation, debate and testing for 20 years.

"During the past eight years Army helicopters have flown about 7.5 million hours in the combat environment of Vietnam. It is most unfortunate that an old belief that the helicopter is a fragile piece of equipment has persisted.

"A few statistics that might help place in perspective the true survivability of the helicopter in combat might be helpful. From 1965 through September 1969, the Army increased its combat flying hours by more than 700 percent and its combat sorties by over 1,000 percent.

"This increase resulted primarily from the growth of our Vietnam inventory, which has gone from 700 in 1965 to over 3,500 helicopters in 1969.

"With the increase in helicopter activity our combat loss rates also increased, although not near the magnitude of the increase in activity.

"Loss rates rose from 12.0 helicopters lost per 100,000 flying hours in 1965 to 16.1 helicopters lost in 1969. We reached our loss peak in 1968 when we suffered almost 18.0 helicopter combat losses per 100,000 flying hours.

"Despite these figures on loss rates, let's also discuss the true survivability of the helicopter in Vietnam.

"For example, let's compare the Army AH–1G helicopter and the UH–1B and C gunships with the Air Force F–100 and F–4 combat losses per 100,000 sorties for 1969.

"The Air Force F–100 and F–4 loss rate is over five times the loss rate of the Army's two attack helicopters. We realize that Air Force sorties are generally longer than helicopter sorties by a factor of perhaps four; however, the combat exposure—the time the aircraft is exposed to enemy fire—is considerably greater per sortie for the helicopter gunship. I believe you will agree these figures show the helicopter to be a pretty tough bird.

"The effects of ground fire will present a good picture of helicopter survivability. On the average, helicopters are hit by enemy ground fire once in 400 flying hours. Of those helicopters hit, one is shot down in every 4,300 hours flown. Of all the helicopters hit and shot down, only one is lost on over 7,700 hours flown.

"Personal survivability in terms of crew members is of constant concern to everyone. An examination of crew member survivability versus the combat infantryman shows that aviation personnel fair considerably better—about four times as good as the infantryman.

"There are many instances of helicopters taking over 25 rounds of enemy automatic weapons fire at a single time and remaining in the air. The first OH–6 *Cayuse* helicopter to complete 1,000 hours of combat flying had been shot down five times and recovered, received fire on 57 occasions and had survived 150 bullet strikes."

In conversation, Klingenhagen stressed that the Army is not working toward establishing an aviation branch. Rather, he emphasized that the flying elements in the Army are to be integrated into the present structure to better support the ground troops.

"Air mobility has gained respectability and so has the firepower we can provide. During the '70s we will be striving to in-

crease our firepower support to ground troops.

"Moreover, we want to provide much more mobility to all echelons. In Vietnam we started out with each Division Commander having his own chopper to get above the action and get a better view. We finally worked this air mobility concept down to the battalion level.

"In the future we want to get it down to the company level. The helicopter is a true substitute for the horse.

"With aviation integrated into the ground forces, we can achieve a closer degree of battlefield cooperation with our air elements. We can place fire more accurately and stay on target longer. We can cut down the waiting time for air support and, with aviation integrated into the ground units, we can better anticipate our air support needs on the spot—outthinking the enemy and keeping a step ahead of him.

"If Army Aviation is to make progress in the '70s," Klingenhagen asserted, "we have to pay the price of more sophisticated machines. Of course we may not have to buy as many to do the job. The three primary areas of concern for the coming decade will be providing more firepower, more mobility and a heavier lift capability."

THE NOMINATION OF JUDGE GEORGE HARROLD CARSWELL

Mr. THURMOND. Mr. President, one of the most valuable assets a man can possess is experience. It is through experience that men learn, mature, and develop wisdom. The world has learned that the value of mature men is not their age but that they have observed through the years various phenomenon and have thereby gained insight and understanding; but is better described as experience.

In Judge George Harrold Carswell, we find a man of experience.

Indeed, he has had considerable experience for a man of so few years. Judge Carswell was born in Irwinton, Ga., 51 years ago. He attended public school in Irwinton, Atlanta, and Bainbridge, Ga., before entering Duke University in 1937. He graduated from Duke University 4 years later and engaged himself in the study of law at the University of Georgia. His career as a legal scholar was interrupted by the advent of World War II. Upon returning from that conflict, Judge Carswell resumed his study of jurisprudence and graduated from the school of law at Mercer University in June 1948.

His tour of duty from 1942 until the end of the war included service aboard the U.S.S. *Baltimore* with both the 3d and 5th Fleets during engagements at Taiwan, Kwajalein, and Iwo Jima. In March 1945 he transferred to the U.S. Naval Academy at Annapolis where he did postgraduate work. He left the service in November of that year with the rank of lieutenant.

An acquaintanceship with the intricacies and subtle fine points of the law was not the only experience gained by the judge during his tenure at Mercer. While there he taught undergraduate English, edited a weekly newspaper, organized a telephone company, and served as president of the student government.

Truly the fact of his ability to engage in such a diverse and demanding extracurricular schedule demonstrates his great industry and an unusual capacity for productive endeavor at an early age.

In 1948, as a young lawyer, he ran for the Georgia State Legislature. Although he was defeated, there can be no question that the seeking of an elected office is an experience of inestimable value: It teaches one humility, gives a sense of perspective, and acquaints one with the vital issues of the day.

Moving to Tallahassee in 1949, he entered private law practice as an associate in the firm of Leroy Collins where he remained until 1951 when he organized the firm of Carswell, Cotton & Shrivers. Thereafter, he continued practice until his appointment as U.S. attorney in July 1953.

Judge Carswell proved to be a competent and able Federal advocate and in 1958 became the chief judge of the U.S. District Court for the Northern District of Florida. At the time of his appointment to the Federal bench, he was the youngest member of the Federal judiciary in the United States.

In mid-June 1969, Judge Carswell was appointed to the Fifth Circuit Court of Appeals, a post which he now holds.

Mr. President, we can see that Judge Carswell has had experience as a student, a soldier, a teacher, lawyer, U.S. attorney, Federal district judge, and Federal appellate judge.

If no other factors were present, these experiences alone would qualify this man for the position to which he has been nominated.

However, let us look a bit further at the experiences of the nominee.

During his years on the Federal bench, Judge Carswell has been unusually active in the field of judicial administration. He has served as a member of both the Judicial Conference's Committee on Statistics, which plays an important role in recommending to Congress the creation of additional Federal judgeships, and its committee on personnel, which deals with problems relating to the administration of the judiciary. In April 1969, Judge Carswell was chosen by the circuit and district judges of the fifth circuit as the circuit's district judge representative to the Judicial Conference. As such, he attended and participated in the meeting of the conference held in June 1969, dealing with the problems of judicial ethics arising from outside employment of Federal judges. He voted with the majority of the committee to require disclosure of outside employment, and to regulate it in other ways.

It would seem clear, therefore, that Judge Carswell has realized great knowledge and ability through his varied experiences.

The record compiled by Judge Carswell as a jurist indicates that he has presided over a variety of different types of cases ranging from administrative law to wrongful death, including such subjects as civil rights, criminal law, habeas corpus, labor law, and other areas as complex as taxation and insurance.

Sometimes people forget that the Supreme Court hears a number of cases each year that do not involve civil rights and criminal law. Judge Carswell's experience in treating with different subjects will be of great benefit to the Court.

A review of the decisions he has written or participated in demonstrate his ability to single out the issue of the case, bring together the facts and applicable law, and succinctly state the conclusion with brevity and exactness. This style of writing judicial opinions is somewhat unique today, for the opinions of many of our judges are too long and superfluous. This style of legal writing indicates that Judge Carswell is capable of exactness in considering and interpreting a question of law. This ability certainly commends him to the position for which he has been selected.

Mr. President, so far I have made certain observations concerning the experience, knowledge, and ability of the candidate under consideration for confirmation to the Supreme Court as Associate Justice.

I ask my colleagues, are my observations and conclusions correct? Are they reflected by others who have turned an objective eye toward the nominee?

In evaluating the qualifications of Judge Carswell, the Judiciary Committee received the opinion of the American Bar Association. Lawrence E. Walsh, a former Federal judge and chairman of the American Bar Association's prestigious standing committee on the Federal judiciary, reported by letter to the Judiciary Committee:

> On the basis of its investigation the committee has concluded, unanimously, that Judge Carswell is qualified for appointment as Associate Justice of the Supreme Court of the United States.

In his letter, Judge Walsh explained the nature of the examination which had led to that conclusion by stating that the committee's opinion was based upon the views of a cross section of the best informed lawyers and judges as to the integrity, judicial temperament, and professional competence of the nominee.

The high esteem in which Judge Carswell is held by his colleagues is further demonstrated by the fact that several of his fellow circuit judges have submitted letters to the Judiciary Committee in support of the nomination. Judge Robert A. Ainsworth, Jr., stated in his letter that "undoubtedly he will bring distinction, credit, and honor to our Highest Court." Judge Warren L. Jones praised Judge Carswell "as eminently qualified in every way: personality, integrity, legal learning, and judicial temperament for the Supreme Court of the United States." Judge Bryan Simpson and Homer Thornberry expressed the same opinion. These commendations given Judge Carswell by his colleagues are impressive indeed.

Mr. President, on the basis of the objective record, no man can rationally conclude that Judge Carswell is not qualified by experience on the Federal bench to serve on the Highest Federal Bench as Associate Justice of the Supreme Court.

There are those who would make the incredulous argument that because Judge Carswell has not written a number of law review articles he is not qualified to sit on the Supreme Court. The writing of articles for law reviews has never been and is not now a prerequisite to confirmations to the Supreme Court. Further, the position has been asserted by certain smug and self-righteous, self-styled experts on the Court that the quality of legal education dis-

pensed at any law school other than at certain ones in the northeastern section of this country is less than acceptable for candidates to the High Court. This argument is the result of prejudice and snobbishness, and should be rejected out of hand. To proffer such a postulate as a legitimate criteria for judging candidates for the High Court is folly—law schools can only be judged by the performance of their graduates, and you may rest assured that no single law school in the Nation has any monopoly on good graduates.

So much for the trite arguments that have been bantered about as to his judicial qualifications.

Mr. President, the ugly specter of racism has been deliberately raised by certain opponents of Judge Carswell. It could be suspected with reasonable accuracy that those people who have raised these arguments would be opposed to Judge Carswell or any nominee solely on the basis of his being from the South, and not having spent his life apologizing for the fact.

The ostensible basis for the charge of bigotry is a statement made by Judge Carswell when he was a candidate for the Georgia Legislature in 1948. This is over two decades ago, and he has categorically renounced that unfortunate utterance.

Like drowning men clutching at straws, the enemies of the nomination point to a charter to a country club and a deed to a house which allegedly proved the prejudice of Judge Carswell. The record bears vivid testimony to the abject failure of the evidence contained within these documents to indict him for racism. Former Florida Gov. Leroy Collins, a man possessing impeccable liberal credentials, stated before the Judiciary Committee:

> Judge Carswell, Gentleman, is no racist. He is no white supremist. He is no segregationist. I am convinced of this.

Let me point out that Governor Collins also owned an interest in the country club in question, and no one has ever hinted or suggested that that fact proved he was a racist. If it does not prove that Leroy Collins was a racist, Mr. President, it does not prove that Judge Carswell was a racist. Further, the list of prominent Americans of all political persuasions who have committed these particular sins is so long as to make this argument worthless.

Prof. James W. Moore, Sterling professor of law at Yale University, before the Judiciary Committee, recounted having met Judge Carswell while being consulted in connection with the Carswell record in racial cases, saying:

> If this were not so serious, this charge of racism against Judge Carswell, it would almost be funny. By that I mean it is certainly ironic, because you know in Florida many people regard certain parts of the Northern District of Florida as a little bit to the right of Louis the 14th, and I can tell this committee in all sincerity and honesty that Harrold Carswell has displayed unusual courage I think and faithfulness to the law that he serves in his civil rights rulings, in an altogether hostile climate.
>
> I think he is a very strong man. I was shocked to read the speech, the young man's speech he made, because in all of my dealings with Harrold Carswell including the *Brooks* case I would have thought he was just the opposite, and most people who had dealings with him in Tallahassee feel that he is indeed a fine judge. He believes in liberty and justice for all, and there is no two ways about it.
>
> My particular reason for writing you at this time is that I am fully convinced that the recent reporting of a speech he made in 1948 may give an erroneous impression of his personal and judicial philosophy and I would be prepared to express this conviction of mine based upon my observations of him during the years I was privileged to serve as chief judge of the Court of Appeals for the Fifth Circuit.

Judge Bryan Simpson of the Fifth Circuit Court of Appeals praised Judge Carswell as a legal craftsman and then added:

> More important even than the fine skill as a judicial craftsman possessed by Judge Carswell are his qualities as a man: Superior intelligence, patience, a warm and generous interest in his fellow man of all races and creeds, judgment and an openminded disposition to hear, consider and decide important matters without preconceptions, predilections, or prejudices. I have always found him to be completely objective and detached in his approach to his judicial duties.

Judge Homer Thornberry observed:

> Judge Carswell has the compassion which is so important in a judge.

Mr. President, a group of northern lawyers testified before the committee that they had gone to Florida to represent civil rights plaintiffs in Judge Carswell's court, and that he had evidenced hostility toward them and their clients. These charges were handily rebutted by the statements of several individuals.

Mr. Charles F. Wilson, Negro civil rights attorney who represented criminal and civil rights litigants before Judge Carswell stated:

> As a black lawyer frequently involved with representation of plaintiffs in civil rights cases in his court, there was not a single instance in which he was ever rude or discourteous to me, and I received fair and courteous treatment from him on all such occasions. I represented the plaintiffs in three of the major school desegregation cases filed in his district. He invariably granted the plaintiffs favorable judgments in these cases, and the only disagreement I had with him in any of them was over the extent of the relief to be granted.

One of the most persuasive arguments against the charge of racism was made in a letter by Mr. Allen L. Levine of the State of Massachusetts which was addressed to the Honorable F. BRADFORD MORSE, a Member of the House of Representatives from that State. The letter is long and so I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. THURMOND. Mr. Levine was in the Navy with Judge Carswell and the essence of this testimony is found in a few sentences which I shall read:

> My own position is this: I have no ax to grind for or against whatever position the Senators may take, but I hope that you may find useful the opinions of a concerned constituent who happens to have had some extended personal contact with Judge Carswell. My opinion is that Judge Carswell was not and is not a racist or bigot.

Mr. President, just as in a former hearing on the same subject, the Judiciary Committee tolerated an entourage of self-styled experts on the law, some of whom were not lawyers, who spewed forth their venom against Judge Carswell.

Each one assured the committee that he had objectively reviewed the record of the nominee and had reached the conclusion that he was unqualified and they were opposed to him. Mr. President, is there anyone so naive that he would believe that the opposition to this man is based on any rational or objective foundation?

These witnesses concentrated primarily on the school desegregation cases handled by Judge Carswell. This fact in itself clearly demonstrates their lack of objectivity, for Judge Carswell has dealt with a number of different kinds of cases and yet they were not mentioned in the testimony.

The basic belief of the ultraliberal is that if a law is bad it is not to be obeyed. This sort of premise leads directly to the destruction of our republican form of government and ultimately to anarchy.

The criticism of those who oppose Judge Carswell is based on the premise that a judge should not support or obey a law which in their opinion is bad but should go beyond the law and through the process of opinion writing destroy the existing law and impose in its place his own brand of law.

Judge Carswell's treatments of the issues before him have been in accordance of the law as it was at the time the matter was in his court. In this context I call attention to an article that appeared in the New York Times written by Fred P. Graham. The article is a lengthy one and I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. THURMOND. This article bears witness, as do the decisions of Judge Carswell, to the fact that Judge Carswell understands and practices the proper role of a jurist as it should be practiced in our system of government; namely, that he is to apply the law, not as it should be, or used to be, or ought to be, but as it is.

Mr. President, look at the record. This man is no zealot and yet he is accused of being a racist and of being incompetent by some people who are zealots. The ultra-liberals have come here mouthing the pretty platitudes of the left, both old and new, but after one removes the slick veneer from his pious pronouncements of objectivity it is readily obvious that they simply oppose anyone who will not rule their way in every case, every time, even if it means complete disregard of the rule, letter, and spirit of the law. The opposition posed by these individuals is purely political and without substance.

Mr. President, this man is qualified, both as a student and practitioner of the law. The Senate has confirmed his

nomination to high Federal positions three times, two of which nominations were to the Federal bench. In doing so, this body has gone on record as approving his qualifications to sit on the Federal bench.

Some time ago, the ultra-liberals in this country decided that Congress would not go along with all of their ill-conceived visionary schemes, so they turned to the other branches of Government and found the courts most vulnerable to their arguments. They have enjoyed a virtual monopoly on judicial appointments until this administration, and they have reacted by vicious and unwarranted attacks on President Nixon's appointments.

The American judicial system is the backbone of our Republic, because the court is the place where the citizen can redress his grievances, sue his Government, and right his wrongs without force or violence. To undermine the court is to undermine the Nation, and to destroy the court is to destroy the Nation.

So we come to the crux of the matter—if Carswell or any other strict constructionist is denied a seat on the Court, it will remain outside the constitutional boundaries set by our forefathers; but if Judge Carswell is confirmed, then a balance will be effected on the High Tribunal, and the system of checks and balances will again function within the constitutional framework.

Mr. President, we must look to the dangers of refusing confirmation. Congress legislates; the Executive legislates through Executive orders, regulations, and bureaucratic fiat; and the Supreme Court has taken upon itself to legislate. Where, indeed, is our system of checks and balances? It appears that it is dormant, but it must be revived and renewed. The only way to resurrect these checks and balances is to balance the court, and it will require the placing of a strict constructionist such as Judge Carswell on the Supreme Court to accomplish this purpose. By confirming Judge Carswell, we shall accomplish more than fill a vacancy on the Supreme Court; we shall by that action reaffirm our belief in the American system of checks and balances.

Mr. President, I support the confirmation of Judge George Harrold Carswell to be Associate Justice of the Supreme Court and I call on my colleagues to support President Nixon in his choice of this able and dedicated American.

EXHIBIT 1

JANUARY 24, 1970.

Hon. F. BRADFORD MORSE,
House of Representatives,
Washington, D.C.

DEAR BRAD: Although I realize that you will not be called upon to vote on the confirmation of Judge G. Harrold Carswell, I am writing to you to share information which may be of some interest to those who will be required to decide how to vote on the matter.

You have no doubt read that Judge Carswell served in the United States Navy during World War II. He and I reported for duty aboard the U.S.S. Baltimore early in 1943 at the Fore River Works in Quincy, Mass. We were both newly-commissioned ensigns, and we were put in the junior officers bunkroom together with about twenty other civilians in uniform.

The Baltimore shook down in the Caribbean, then went to the Pacific and operated as part of the fast carrier striking force screen, participating in all the invasions of the Central Pacific campaign, Gilberts, Marshalls, Saipan, Guam, Iwo, Philippines, Okinawa—interrupted only by a return to the West Coast in August, 1944 to pick up President Roosevelt and take him to Pearl Harbor to meet with General MacArthur and Admiral Nimitz.

George Carswell and I were aboard all during that period, until he was detached in February, 1945, to attend staff school, and I was aboard until May, 1945, when I was ordered to Japanese Language School. We were promoted to junior grade lieutenants and moved out of the J.O. bunkroom and into a cabin for two officers, where we were roommates for about a year. We had a chance to learn each other's views during a period when we were both under a good deal of combat-generated emotional pressure. I think that under such circumstances a lot of basic human values become evident, and during that year we talked about everything under the sun—education, politics, philosophy, sex, history, movies and anything else that came to mind.

During all that time, I never heard George utter any point of view that could be described as racist or illiberal. His attitude was a truly humanistic and liberal one in that he reacted to people as individuals and not as stereotypes. This was especially apparent in his behavior toward black sailors. At that time Navy policy was segregationist, and black sailors afloat could only serve in the wardroom mess as stewards mates. There were other officers of Southern origin who were outspokenly antagonistic to the steward's mates for racial reasons, but George Carswell was always pleasant and considerate to all. Our Gunnery Officer, Comdr. Truesdell, felt that the steward's mates ought to be given the opportunity to serve in a more meaningful capacity, and saw to it that their station at general quarters was to man a battery of 20 millimeter anti-aircraft guns. While other officers questioned the desirability of this, George Carswell was enthusiastically in favor of it.

I remember that once during a shore excursion in the forward area George and I together encountered for the first time a black petty officer, evidence that at long last the Navy was beginning to move away from its segregationist policies, and George could see the wisdom of that too.

In view of the attacks on Judge Carswell's legal philosophy by civil libertarians, and especially in view of the pro-segregationist views expressed in his campaign for election to the state house of representatives from a rural constituency in Georgia in 1948, which he recently has firmly and, I am convinced, sincerely repudiated, I am sure that members of the Senate must be subject to pressure to vote against his confirmation to the Supreme Court. At the same time I am sure that the Administration would welcome an expression of regularity and support by an affirmative vote.

My own position is this: I have no axe to grind for or against whatever position Senators may take, but I hope that you may find useful the opinion of a concerned constituent who happens to have had some extended personal conflict with Judge Carswell. My opinion is that Judge Carswell was not and is not a racist or a bigot. He is a warm, friendly, outgoing person, extremely intelligent, and about as liberal as the Southern milieu into which he was born could produce at that time. I have no fear of his subverting past actions and decisions of the Court should his appointment be confirmed. While I do not think that his elevation to the Court would warrant the probability of his development into a liberal of the Hugo Black variety, neither do I believe that we should fear the emergence of a modern Roger B. Taney. Out of personal knowledge and affection for George Carswell as I knew him during the war, I am happy to be able to give some justification for a favorable consideration of his appointment.

Sincerely yours,

ALLAN L. LEVINE,
Executive Vice President, Towers Motor Parts Corp., Lowell, Mass.

EXHIBIT 2

CARSWELL'S CREDO IS RESTRAINT

(By Fred P. Graham)

WASHINGTON, January 20.—Judge G. Harrold Carswell, President Nixon's new nominee to the Supreme Court, has a virtually unblemished record as the type of "strict constructionist" that Mr. Nixon promised to appoint when he campaigned for the Presidency.

In speeches across the country, Mr. Nixon promised to name men to the high court who would "interpret" the law, not "make" it.

In 11 years as a Federal District judge in Tallahassee, Fla., and in six months as a member of the United States Court of Appeals for the Fifth Circuit, Judge Carswell sprinkled the lawbooks with opinions on matters ranging from civil rights to the legality of Florida's poultry law.

Throughout these opinions runs a consistent tendency to view the law as a neutral device for settling disputes, and not as a force for either legal innovation or social change.

AN IRONIC COMPARISON

An ironic byproduct of this consistency is that Judge Carswell's judicial record is more conservative than that of Judge Clement F. Haynsworth Jr., who was defeated for confirmation to the same seat by liberal forces that branded him as a conservative who was "not a contemporary man of the times."

Judge Haynsworth was ahead of the Supreme Court in devising fuller review for state prisoners in Federal habeas corpus proceedings, and occasionally anticipated the high court in ruling in favor of Negroes in civil rights cases.

An exact comparison with Judge Carswell is difficult, as the new nominee served as a trial judge much of the time, and most of his opinions dealt with day-to-day issues rather than sweeping constitutional matters. But the lawbooks contain at least 25 appellate opinions he wrote when he sat, as District judges frequently do, on the Court of Appeals.

These opinions reveal a jurist who hesitates to use judicial power unless the need is clear and demanding; who finds few controversies that cannot be settled by invoking some settled precedent, and who rarely finds the need to refer to the social conflict outside the courtroom that brought his cases before him.

ATTITUDE OF RESTRAINT

This attitude of restraint has generated friction only in the field of civil rights, where Judge Carswell's policy of sticking with settled precedents until change came from higher courts had the result of allowing dilatory school officials to delay segregation.

An example was provided when parents of Negro children in the Pensacola area sued to break up the segregation of faculty and staffs in the formerly all-black school. Although the higher courts had not said in so many words that faculty, as well as student, segregation must end, lawyers for the Negroes argued that these courts could not have meant that the newly integrated schools would be staffed with all-black and all-white faculties. Judge Carswell ruled otherwise.

"The Brown cases," he wrote, referring to the Supreme Court's landmark school decisions of 1954 and 1955, "hold that the segre-

gation of white and Negro children on the basis of race denies to Negro children equal protection of the laws guaranteed by the 14th Amendment to the Constitution." He put the word "children" in italics, and went on to state that these decisons and subsequent ones by the Fifth Circuit did not reach the question of faculty desegregation.

NOT DIRECTLY AT ISSUE

"This court can not indulge in a presumption that these Federal courts decided the points of law asserted by plaintiff by inference," he said, because staff members' rights were not directly at issue in those cases.

Finally, he declared, students have no standing to intervene in such matters: "Students herein can no more complain of injury to themselves of the selection or assignment of teachers than they can bring action to enjoin the assignment to the school of teachers who were too strict or too lenient."

Some civil rights lawyers who have appeared before Judge Carswell have charged that his tendency to issue declaratory judgments rather than injunctions—to hand down limited desegregation orders rather than sweeping ones—was a convenient use of judicial self-restraint to cloak segregationist sympathies.

Leroy D. Clark, a professor of law at New York University, who formerly headed the operations of the N.A.A.C.P. Legal Defense and Educational Fund, Inc., in northern Florida, asserted in an interview today that Judge Carswell had repeatedly delayed school cases by failing to rule until pressed to do so, and then by often issuing decisions that were palpably wrong and quickly reversed.

"We would have a hearing and it would take several months for him to rule," Mr. Clark said. "I would have to file a motion to ask him 'would you please rule?'—which is outrageous.

"It was my view that of the Federal District judges I appeared before, Harrold Carswell was clearly the most openly and blatantly segregationist. He was a clever and an intelligent man, so that when he was wrong on the law it wasn't because he didn't know what the law was—it was because he was biased."

* * * wrote a political science dissertation in 1968 that analyzed the civil rights decisions of the 31 Federal District judges appointed to posts in the Deep South between 1953 and 1963.

When she ranked the 31 judges in terms of the number of times they had ruled in favor of Negro plaintiffs' position, Judge Carswell ranked 23d. Her study showed that, of his civil rights decisions to be appealed, 60 per cent were reversed.

In most of these cases, Judge Carswell would have had to move beyond clearly settled precedents to rule in favor of the civil rights position. When these precedents have existed, He has struck down segregation in crisp forthright opinions.

In 1965, he declared that the barber shop in Tallahassee's Duval Hotel had to serve Negroes under the public accommodations provision of the Civil Rights Act of 1964.

He brushed aside a barber's assertion that he was not covered because 95 per cent of the customers were local people and not guests in the hotel. "From a reading of the act it is clear," Judge Carswell observed, "that relative percentages of local, as compared to transient, customers may not be used as criteria to determine coverage."

PROSPECTS BRIGHTER

In 1960 when Tallahassee Negroes sued to desegregate the counters, waiting rooms and restrooms in the city-owned airport, he did not hesitate to order desegregation.

Even though Judge Carswell's civil rights record may be fully as objectionable to civil rights forces as that of Judge Haynsworth, the new nominee's prospects for confirmation seem much brighter, partly because he has not antagonized organized labor as Judge Haynsworth had.

Federal District Judges rarely rule on labor cases, which are usually appealed from the National Labor Relations Board directly to a Court of Appeals.

Tom Harris, the official of the American Federation of Labor and Congress of Industrial Organizations who led the successful attack against Judge Haynsworth, said today that Judge Carswell "doesn't appear to have a significant record on labor cases." He said the AFL–CIO had no plans at present to oppose him.

The few labor opinions that Judge Carswell has written reflect his reticence to use judicial power and his tendency not to extend the judiciary's power.

SOME DISSENTING OPINIONS

In one decision, when a three-judge Court of Appeals ordered a soft-drink company to comply with the minimum wage laws, he dissented, saying: "It is my view that the injunctive power of courts should never be invoked lightly, nor should it be converted into a mere ministerial function triggered automatically upon the finding of an infraction of the law."

Judge Carswell's opinions tend to be bloodless documents, setting out the facts and the precedents, then briskly coming to a conclusion that is said to be within the precedents.

He is not given to broad statements of his philosophy, but his creed at this point in his career seems to have been summed up in one statement from an opinion he wrote shortly after he became a judge in 1958: "Established law, with its imperfections, must nonetheless be applied as it is and not on the predilections of the court."

WHY THE LONG DELAY IN RELEASING THE LAOS TESTIMONY

Mr. SYMINGTON. Mr. President, it is now more than 5 months since the Subcommittee of the Foreign Relations Committee on U.S. Security Agreements and Commitments Abroad completed its hearings on Laos.

The record of those hearings remains classified top secret at the insistence of the State Department. That record contains a great deal of information about U.S. activities in Laos which the American people should know and have a right to know. Repeated attempts on the part of the subcommittee to persuade the State Department to declassify portions of the record, however, have been to no avail.

We want it to be clear, Mr. President, that we have never suggested the entire record should be published. I agree it contains some material which should not be published. But it contains a great deal of material which should be published if the American people are to maintain that proper confidence in their Government.

Almost daily the press makes more revelations—or raises more questions—about what is going on in Laos, and in Thailand as it affects Laos.

The Washington Star, in a dispatch by Henry S. Bradsher from Udorn, Thailand, March 15, described how the air war in Laos is run out of seven bases in Thailand, sometimes with unmarked planes.

The Washington Post on March 16, in a dispatch by T. D. Allman from Vientiane, reported in detail how 12 Americans were killed 2 years ago defending a secret air navigation facility at Phou Pha Thi, Laos.

The Washington Star on March 17, in a dispatch by Tammy Arbuckle, described the evacuation of Sam Thong, Laos, by Air America. This story went on to say that there have been approximately 70 Americans in the Sam Thong-Long Chien area armed with M–16 rifles and captured Communist AK–47 submachineguns.

In a dispatch from Vientiane March 20, the Associated Press reported that two Thai battalions have been flown to Long Chien in U.S. civil aircraft to help defend that Army base from an expected North Vietnamese onslaught.

On March 23, a story from Bangkok by Jack Foisie in the Washington Post described other Thai activities in Laos. According to this story, two Thai artillery battalions were used in Laos last year under American auspices during the defense of Muong Soui. Further, according to Mr. Foisie, Thai pilots have flown T–28 bomber planes, and Thai observers fly in spotter planes to direct artillery fire and bomber strikes.

On March 22, the Associated Press had the Thai Premier himself admitting that some volunteers may have gone to Laos.

On March 23, the Christian Science Monitor stated flatly, "A Thai artillery battalion is operating in Laos with the support of the United States."

And finally, on March 25 a story from Vientiane in the Washington Star described in some detail an American-directed secret army which operates all through Southeast Asia.

I ask unanimous consent that the full texts of the newsstories to which I have referred may be printed in the RECORD at the conclusion of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SYMINGTON. Mr. President, I again urge the State Department to agree to telling the American people the facts. What the Thais may or may not be doing in Laos is a matter between the Thais and the Laotians—unless the United States is paying for it, in which case it becomes a legitimate matter of public concern for the citizens of the United States.

The President himself stated it best in his televised address of November 3 last year:

> The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless they know the truth about that policy.

EXHIBIT 1

[From the Washington Star, Mar. 15, 1970]

UDORN AIR BASE IN THAILAND U.S. MAINSTAY IN LAOS FIGHT

(By Henry S. Bradsher)

UDORN, THAILAND.—When President Nixon admitted nine days ago the well-known fact that the U.S. Air Force is flying combat support missions for the government of Laos, he did not mention where the bases are.

The biggest of them is on the southern edge of this dusty northeast Thailand town.

The 36 F4D Phantom supersonic fighter-bombers stationed at Udorn fly day and night to attack North Vietnamese forces in Laos.

They also escort Udorn's unarmed RF4C Phantom reconnaissance planes over Laos and North Vietnam. They are authorized to attack antiaircraft weapons in North Vietnam if fired on—or perhaps if they only expect to be fired on; Secretary of Defense Melvin R. Laird refused to clarify this point when he was in Saigon last month.

The Udorn base is also busy with helicopter units, C47 "Spooky" gunships and some other ground-support firepower planes, *not all of which are marked with U.S. Air Force insignia,* and shuttles of supporting transport planes.

And sharing the 10,000-foot runway is Air America, the airline created by the Central Intelligence Agency to provide logistical support for Lao government forces.

The base is officially known as Udorn Royal Thai Air Force Base, and the 6,500 U.S. military men here are guests of the Thai government.

The official base commander is Thai Lt. Col. Jaru Sanguanphokai. He commands a Thai Force squadron of propellor-driven T28s stationed here.

U.S. officials are careful to avoid anything which might imply Thailand lacks control of Udorn or the other six air bases used by the United States in this country. They do not want to give offense that might, among other things, become a cause for Thailand's restricting American activities.

But at the moment the Thai attitude seems to be the opposite.

Rather than being worried about Americans exceeding their authorization here, the Thai government fears that public opinion in the United States—or at least senatorial criticism—might cause a restriction of air operations over Laos from Thai bases.

Thailand wants a maximum U.S. air effort to check the North Vietnamese dry-season offensive in Laos. Laos lies just across the Mekong River from Thailand and this country sees itself threatened.

ANXIETY NOT RELIEVED

The current lull in the offensive while the Lao Communists propose peace talks has not relieved the anxiety in Bangkok. One top official there described it as "a diplomatic offensive to go with the military offensive."

Thai concern over Lao air war criticism in the United States means a continuation of the sensitivity which always has marked U.S. Air Force operations here, but for a reversed reason.

Originally, the United States was secretive about its Thai operations to avoid embarrassing the government in Bangkok. Although 80 percent of the U.S. air strikes against North Vietnam were flown from Thailand, this country did not want to appear too committed to Washington.

In the case of Lao operations, there also has been the same consideration which long kept Washington mum about American activities. That was the theoretical neutrality of Laos under the 1962 Geneva agreement.

HISTORY OF BASE

Those who get Thai government permission to visit the U.S. Air Force at Udorn—not an easy thing to do—are given a history of the base which only begins in 1964.

In May 1964, the State Department confirmed that U.S. reconnaissance flights were being made over Laos at the request of the Lao government, then as now fighting North Vietnamese troops.

A few days later, after a fighter-bomber had been shot down, the State Department confirmed that armed escort was being flown for the reconnaissance planes and the escorts were allowed to shoot back if fired upon.

For six years that was the official explanation of Phantom fighter operations over Laos from Udorn and other American planes' Lao operations from other Thai bases.

INTERDICTORY MISSIONS

But on March 6 Nixon said that in May 1964, U.S. planes "began flying certain interdictory missions against invaders" of Laos. That means bombing North Vietnamese.

The United States, he said, has continued "to fly combat support missions for Laotian forces." The North Vietnamese offensive has caused an increase in missions, making Udorn busier than it has been since the bombing of North Vietnam ended in 1968.

Nixon's statement has not yet filtered down through channels to provide a more comprehensive explanation of what goes on from Udorn. U.S. officers here are cautiously noncommittal and they let visitors look but not talk to people.

The 1964 date is deceptive.

A plaque on the wall of the U.S. consulate here marks eight years of Air America operations from Udorn—March 1961 to March 1969.

This base was obviously a key point in U.S. support for Lao anti-Communist forces long before Washington was asked in 1964 to help the government legally established in Vientiane by the 1962 agreement.

That long support from here reflects long Thai concern over the danger of Laos falling completely under Communist control.

On April 1, 1961, the Chinese Communist newspaper, People's Daily, complained that "the United States has built an Air Force base capable of handling large aircraft at Udorn in Thailand, only 50 miles away from Vientiane across the Mekong River . . ."

It was to Udorn that U.S. Marines, helicopters and weapons were rushed in 1962 when the North Vietnamese rout of Lao forces at Nam Tha, in northwest Laos, panicked the Bangkok government. The Marines later left.

GUERRILLAS TRAINED

The Air America date of March 1961 is about the time the first U.S. Special Forces teams went into Laos to train Lao guerrillas—what have become today the "secret army" of Gen. Vang Pao. These guerrillas could not exist without Air America's aerial support.

Recently Air America advertised in the Bangkok Post for Thias to work in Udorn at a long list of jobs, mostly technical ones like aircraft mechanics. Two job listings, however, were "stock control clerks with military supply experience" and "supply storekeepers with military warehouse activities experience."

U.S. military supplies trucked from ports on the Gulf of Siam are flown by Air America to hazardous little air strips in the Lao mountains.

The separately fenced Air America part of the air base has a wide variety of planes, from small liaison craft to four-engined transports. Some are marked "Air America," some have no markings.

USED TO TRAIN PILOTS

A few unmarked T28s are used by Air America to train Lao Air Force pilots. T28s, slow old planes originally built as trainers, are used by Laos to bomb enemy positions.

The Lao T28 operations have to be coordinated with U.S. Air Force strikes in Laos, which are ordered from Saigon. Udorn is a link in the control system, which ends with U.S. Air Force officers stationed at Lao T28 bases up and down Laos.

Udorn is the headquarters for the 7–13 Air Force, which directs all U.S. Air Force activities in Thailand.

It comes under the 7th Air Force at Saigon's Tan Son Nhut Air Base for operational matters and under the 13th Air Force at Clark Field, the Philippines, for logistical support.

The A1 Skyraider prop-driven fighter-bomber that was shot down over northern Laos Tuesday, and announced as part of the post-March 6 policy of reporting American losses in Laos, came from Nakhon Phanom Royal Thai Air Force Base.

Located on the Mekong River border with Laos 80 miles east of Udorn, it is directly linked with Udorn operations.

On five-minute standby at Nakhon Phanom is a team of two rescue helicopters, a transport plane to refuel the copters in the air and direct them, and four A1s to provide covering fire during a rescue. Such a team brought back Tuesday's downed A1 crew.

Last August and September, when the U.S. use of Thai bases was being much discussed in Washington to the displeasure of the Thai government, a reduction of American activity here was envisaged. Vietnamization seemed to make it possible.

But at the moment there is no indication that Udorn or the other six bases will slow down. While Vietnam was the consideration then, Laos has been added now as a main—perhaps the main—factor.

Under a Sept. 30 agreement, 4,500 U.S. military personnel have been withdrawn from the 48,000 then in Thailand. A total of 6,000 is scheduled to be gone by July.

Officials say the 6,000 are mostly Army construction troops whose job is done but include some Air Force units flying obsolescent support planes.

Any further reduction would begin to cut into U.S. capabilities to support the Lao and South Vietnamese wars. And the mood of worry over Laos in Bangkok makes that seem as undesirable for the Thai government as it seems from here to be for Nixon.

So the hot, now dusty but soon muddy air base here at Udorn is likely to go on making the claim of being the busiest in Southeast Asia.

[From the Washington Post, Mar. 16, 1970]

12 AMERICANS DIED IN LOSS OF SECRET LAOTIAN OUTPOST

(By T. D. Allman)

VIENTIANE, March 15.—More than a dozen Americans were killed in Laos two years ago when Communist troops overran a secret American installation that assisted U.S. bombing of North Vietnam. The incident has been kept a secret.

In his March 6 statement on Laos, President Nixon said, "No American stationed in Laos has ever been killed in ground combat operations."

The sentence, although carefully phrased to exclude casualties in the American air war in Laos and U.S. military personnel who have fought in Laos from U.S. bases in South Vietnam and Thailand, failed to cover scores of Americans performing military and military supported functions on the ground in Laos who have been killed in combat with North Vietnamese and Pathet Lao troops.

[Speaking with newsmen Friday. White House spokesman Ronald L. Ziegler said there were "some" U.S. casualties in Laos besides the announced death of Army Capt. Joseph K. Bush Jr. Without saying how many, Ziegler said "some of the casualties would be U.S. civilians, some would be U.S. military."]

The most costly of these engagements, according to long-time Laos residents, occurred just two years ago, when more than a dozen Americans were killed defending an American radar, reconnaissance and rescue base in extreme northeastern Laos that guided U.S. aircraft to their targets and electronically released their bomb loads by radio.

The installation was called Phou Pha Thi.

Phou Pha Thi is a 5,860-foot-high mountain, 190 miles northeast of Vientiane and about 160 miles west of Hanoi, in Lao's Communist-dominated Samneua Province ("Phou" is the Laotian word for mountain). Phou Pha Thi, one of the highest and most

isolated mountains in the hilly northeast, lies within 15 miles of the North Vietnamese frontier in a province that was granted to the Pathet Lao in 1954 as a regroupment area.

Phou Pha Thi, like most of the mountains of northeast Laos, is largely limestone. It rises up sheer on three sides. The fourth side also steep but negotiable, rises more than 1,600 feet from a valley.

The mountain was controlled by Meo partisans of the CIA-organized Clandestine Army until March 1968.

In August 1964, following the Gulf of Tonkin incident, according to reliable American sources then working in the Air Force, U.S. aircraft completed surveys of northeast Laos with the principal objective of finding areas close to the North Vietnamese border that could be used to support the American bombing of the Ho Chi Minh Trail and North Vietnam itself.

STARTED IN 1964

Although foreign military intervention in Laos was prohibited by the 1962 Geneva accords, the sources say construction of the Phou Pha Thi installation was begun in late 1964.

The mountain had obvious strategic advantages. It faced a narrow valley where a 700-foot-long dirt landing strip was built.

Its proximity to North Vietnam and its commanding heights made it ideal for radar guidance systems and as a base for "Jolly Green Giant" rescue helicopters, which were used to save American pilots downed by anti-aircraft fire in North Vietnam.

The base, as described by a variety of Americans and Laotians here who visited it, was like something out of an Ian Fleming novel.

Exotic telecommunications equipment, including radar nets, dotted Phou Pha Thi and several nearby hills. American Air Force and CIA personnel used the valley landing strip as the base for American-led teams of Meo mercenaries entering North Vietnam on special harassment missions.

These teams were also used to attack the Pathet Lao administrative headquarters and Samneau town, 23 miles to the east.

REMOTE-CONTROL BOMBING

The radar was used to pinpoint exact distances between Phou Pha Thi and targets in North Vietnam, and guide the planes there. This sophisticated installation was considered essential for bombing in bad weather and at night.

The main American headquarters was in a deep limestone cavern near the mountain's summit.

Inside the cavern were control consoles for the electronic equipment and a situation room. Living quarters were in a nearby concrete bunker.

The entire complex was ringed with Clandestine Army positions, directed by American personnel in cooperation with Meo officers paid by the CIA.

Into the Pha Thi runway, civilian American pilots, employed by Air America, the charter airline that acts as the U.S. logistics arm in Laos, would fly supplies, electronic equipment and arms.

Unmarked, armed helicopters transported Laotian soldiers and U.S. personnel on missions. Short take-off and landing aircraft based at Pha Thi were used to link scores of other "friendly" positions deep in the Communist hinterland.

JUST VISITING

Some of the Americans there would fly into North Vietnam just so they could say they'd been there, one witness said. There was a Philippine cook who made steaks and ham sandwiches, he added.

This American use of Laos to support the bombing of North Vietnam quickly became intolerable to Hanoi. Several attacks at Pha Thi failed in 1965 and 1967.

"The place was impregnable," said one American. "To get up three sides you would have needed to be an Alpine expert. On the fourth was a lot of American hardware and Vang Pao's Meos."

On Jan. 12, 1968, four Soviet-manufactured single-engine biplanes of the North Vietnamese air force attempted to destroy the base. The planes were AN–2s, vintage Soviet aircraft that can carry some 10 passengers at a speed of less than 200 miles an hour. The aircraft are used by Aeroflot for crop dusting, rural transport and passenger service in remote areas of Siberia.

An American civilian, who was at Pha Thi at the time of the only confirmed North Vietnamese air attack in the history of the Laotian war, related:

"JUST WACKY"

"It was just wacky. We saw these four incredibly slow-moving old planes coming out of North Vietnam. It was like something out of the First World War. The Viets were trying to shoot machine guns out of windows. The AN-2 has no bomb bay and they were going to push explosives out of the open door. Everybody saw them coming, so the Air American helicopters took off at once and, being much faster, ran rings around the Viet planes. The Air America guys fired M–16s at the planes right on the border. One of the planes crashed inside Laos.

"Another went down about two kilometers inside North Vietnam. The other two got away. It was like a joke."

The wreckage of one plane was eventually carried to Vientiane, where it was exhibited in front of the That Luang Monument, Vientiane's most important religious shrine, as evidence of North Vietnamese military aggression in Laos.

TAKEN BY COMMUNISTS

Two months later, however, in March 1968, Phou Pha Thi was taken by Communist troops. During the dry season of 1966 and 1967, Laotian troops, with American support, had re-taken large areas of Pathet Lao territory, including Nambac, a valley town 65 miles north of the royal capital of Luang Prabang.

In early 1968, the North Vietnamese retook Nambac and pushed into other government-held areas, such as the Sedone Valley in South Laos, where an American strategic-hamlet program had been started in an attempt to deny the valley's rice harvest to the Pathet Lao who, it was believed, were passing it on to North Vietnamese troops on the Ho Chi Minh Trail.

The 1968 Laos offensive, which corresponded to the Tet offensive in South Vietnam, also saw increased Communist attacks in Samneua Province.

After several North Vietnamese attacks at Phou Pha Thi in February 1968, a Communist assault there finally succeeded. Several guarding positions fell early in March, and some U.S. personnel were evacuated.

On March 10, 1968, the landing strip was lost, cutting Pha Thi's only link with the outside world. North Vietnamese troops then fought their way up the exposed side of the mountain, advancing in some cases in hand-to-hand combat, and attack.

Inside the limestone cave and concrete bunker, again according to American sources familiar with the incident, were between 12 and 21 Americans, mostly U.S. Air Force personnel, a number of Laotian officers and some 100 Meo troops.

FOUGHT TO LAST MAN

"They fought to the last man," said one American. "They were all killed on March 11, inside that grotto. An enormous amount of electronics equipment was lost, too."

The U.S. government never has acknowledged officially the deaths of these Americans, nor the fact that Laotian territory within a few miles of North Vietnam was used to support the U.S. bombing of North Vietnam.

The incident, however, has been common knowledge among long-time residents of Vientiane for two years. It was never fully reported before in the press and was fading from memory when President Nixon's statement raised the question of American ground combat deaths in Laos.

The number of Americans killed at Phou Pha Thi is not exactly known. Pathet Lao broadcast in March 1968 claimed the total as 21.

The Pathet Lao representative in Vientiane, Col. Soth Pretasi, said in an interview this week that the number was 19. Several American and Laotian sources also have given the number killed as 19.

"SUBSTANTIALLY CORRECT"

An American official, while refusing to confirm or deny the account of the fall of Pha Thi as reconstructed here, has said the Pathet Lao account "appears to be substantially correct."

Other well-informed sources have said the total of Americans killed at Pha Thi was "13 or a little less."

The above version of the incident was corroborated in cross-interviews with American, Laotian, European, and Pathet Lao sources.

In an interview yesterday, an authoritative North Vietnamese diplomat said, "If Laos is to be neutralized and have peace again, it must be in such a way that its neighbors will not be threatened and be able to coexist peacefully with Laos."

Other Communist sources have indicated that North Vietnam, as the part of any overall Laos settlement, regards guarantees that Laotian territory will never again be used to attack North Vietnam, the sine qua non of permanent peace.

The U.S. government and the government of Prince Souvanna Phouma see things differently. They point out that the Ho Chi Minh Trail has been used by North Vietnam to attack South Vietnam since the early sixties, that an estimated 50,000 North Vietnamese troops are in Laos, and that the North Vietnamese recently attacked the Plain of Jars.

"SERVED ITS PURPOSE"

"There's no use being a bleeding heart about Phou Pha Thi," said one of the Americans who provided some of the above details. "The North Vietnamese have used Laos. So have we. Phou Pha Thi served its purpose, and Hanoi will have no right to complain until it begins to practice what it preaches."

Although Laotian government troops briefly reoccupied Phou Pha Thi in December 1968, the mountain never again has been used to support the U.S. war effort in Vietnam.

Nineteen days after the outpost fell, President Johnson announced the halt of bombing of North Vietnam north of the 19th Parallel.

[From the Washington Star, Mar. 17, 1970]

REDS CAPTURE LAOS OUTPOSTS OF GUERRILLAS

(By Tammy Arbuckle)

VIENTIANE.—North Vietnamese forces launched new thrusts in northern Laos today directed at the outer defenses of U.S. and Meo guerrilla bases in Sam Thong and Long Chien, 100 miles north of Vientiane.

(Wire service reports indicated that some Americans—perhaps a dozen—were being evacuated from Sam Thong.)

Meo guerrillas in the hills around Tha Tam Bleung, 5 miles northeast of Sam Thong, woke up this morning to find North Vietnamese troops occupying Tha Tam airstrip.

The Communist forces took Phou Pa Xai outpost a few miles east of Sam Thong after a brief fight at 4 a.m., the Lao military said.

A Communist commando squad threw satchel charges at a U.S. generator outpost 5 miles southeast of Long Chien.

Reliable military sources said seven battalions of Hanoi's 316th Division were in-

volved in the advance on Sam Thong. This means between 2,000 and 3,000 troops.

Air America today evacuated more than 200 government wounded from Sam Thong hospital as a precaution in the event the base falls. Fifty-six of these were seriously wounded troops from this morning's fighting which was described by the military as "spotty."

In Washington, the State Department said the American Embassy had reported that the "Military situation is serious" at both Sam Thong and Long Chien.

The Communist thrust against the U.S.-guerrilla bases represents a new Communist move in the Laos war.

Previous Communists attacks have been confined to retaking areas held by the Communists when the 1962 Geneva Accords were signed. The Sam Thong-Long Chien thrust means that the Communists are attacking areas held by the government in 1962.

Meo refugees today were reported to be walking into Sam Thong from fallen outposts.

There have been approximately 70 Americans in the Sam Thong-Long Chien area, including one woman.

The figure includes eight workers, for the U.S. Agency for International Development, 12 Air America employees at Sam Thong and between 40 and 50 others—CIA and military advisers, interrogators and Air Force men.

The Americans are armed with M16 rifles and captured Communist AK47 submachine-guns.

Long Chien houses sophisticated American communications equipment.

The North Vietnamese military aim—if the present thrust continues—would be to smash the U.S.-supported Meo guerrillas headed by Gen. Vang Pao. With American backing, Vang Pao has held off the North Vietnamese for eight years with the loss of at least 15,000 men on each side.

Informed sources said the thrust is timed to coincide with the Communist call for political talks with Premier Souvanna Phouma's government.

"It's part of the Communists' old talk-fight policy," sources said, explaining that the destruction of Vang Pao would so seriously weaken the forces of neutralist Souvanna Phouma that he would be forced to make concessions to the Reds at the bargaining table.

The Pathet Lao have offered a five-point peace plan but have not yet sent an emissary to Vientiane with the proposal.

The Pathet Lao radio said today, however, that the emissary has left "the liberated zone" but gave no destination for him.

If the North Vietnamese take Long Thien, they will be within 20 miles of an American-built road leading to Vientiane, the administrative capital.

Also, the troops of Gen. Kouprasith Abhay at Sala Phou Khoun, 150 miles north of here, will be cut off by road from Military Region 5 including the capital defense for which the general is responsible.

[From the Baltimore Sun, Mar. 21, 1970]

THAI TROOPS SAID TO HELP DEFEND LAOS—BUT ZIEGLER INDICATES INVOLVEMENT AT BASE IS "VERY LIMITED"

VIENTIANE, LAOS, March 20.—Two Thai battalions have been flown to Long Cheng in U.S. civil aircraft to help defend that Army base from an expected North Vietnamese onslaught, well-informed sources said today.

In Washington, Ronald L. Ziegler, White House press secretary, confirmed some Thai involvement, but said the report that two battalions were involved was "grossly exaggerated."

Mr. Ziegler first said he would not comment on the report, but added: "I will say that the report is grossly exaggerated. I am not going to comment on the very limited Thai involvement in Laos." He said he would leave that to the governments of Laos and Thailand.

Long Cheng, 90 miles north of Vientiane, appeared in peril after the North Vietnamese seized three hill top positions and advanced to within a mile of the base, the informants reported.

This report came just about the time a pro-Communist Pathet Lao emissary arrived in Vientiane from Hanoi bringing a peace plan for Prince Souvanna Phouma, the Premier. The Pathet Lao emissary, Col. Pradith Thiengtham, is expected to see the Premier tomorrow.

FIVE-POINT PEACE PLAN

The Pathet Lao recently unveiled a five-point peace plan and announced that Colonel Pradith, an aide to Prince Souphanouvong, nominal head of the Pathet Lao, would carry details to Vientiane.

The plan calls for an end to all U.S. bombing in Laos, including the Ho Chi Minh supply trail used by the North Vietnamese in eastern Laos, a cease-fire, a consultative conference of all political parties, creation of a demilitarized zone for the conference, and a provisional coalition government.

The informants, in a position to know, said the Thai battalions were flown from Thailand bases in planes of Air America, which is chartered by the U.S. Aid agency in Laos. (The airline is also believed to have close ties to the Central Intelligence Agency.)

A Thai battalion normally has a peak strength of 500 men. This was the first report of any sizable Thai force entering the conflict in Laos. There have been numerous reports, however, of small groups of Thai advisers working with the Laotian forces.

The sources said anti-Communist demonstrations in neighboring Cambodia, topped by the coup Wednesday that deposed Prince Norodom Sihanouk as chief of state, encouraged the royal Laotian government to stiffen its stand against the Pathet Lao and their North Vietnamese allies.

The sources did not know precisely how the Thais fitted into this situation, although they noted that Thailand has recognized a potential threat to its borders in the North Vietnamese drive through Laos.

The sources explained that Lao officials initially had ordered their forces to pull back from Sam Thong, a key supply base 10 miles northwest of Long Cheng, in the face of the North Vietnamese advance. The officials had been considering abandoning Long Cheng as well until the Cambodian events occurred.

In addition to the two Thai battalions, hundreds of other reinforcements have been sent into the Long Cheng-Sam Thong region. These include regular Laotian Army troops and American-trained Laotian special forces troops.

The advance on Long Cheng was reported to be by company strength units although the North Vietnamese are believed to have about 4,000 troops in that area.

Laotian Air Force T-28 bombers made 15 raids a mile from the eastern end of the Long Cheng airfield after a North Vietnamese force was detected there moving toward the headquarters of Gen. Vang Pao.

Col. Thongphanh Knoksy, the Defense Ministry spokesman, denied that the North Vietnamese actually had captured Sam Thong Wednesday, as reported by well informed sources. In any event, the U.S.-maintained supply base was abandoned by officials. A pilot flying over the town yesterday reported it appeared deserted.

[From the Washington Post, Mar. 23, 1970]

THAIS LONG INVOLVED IN LAOTIAN FIGHTING

(By Jack Foisie)

BANGKOK.—Thai military involvement in Laos may be "very limited," as presidential press secretary Ronald L. Ziegler cautiously allowed Friday, but it is not new.

Under American auspices, two Thai artillery battalions were used in Laos last year during the defense of the northern road junction town of Muong Soui.

Thai pilots have flown T-28 bomber planes, although now the pilots may be almost entirely Laotian.

Thai observers fly in spotter planes to direct artillery fire and bomber strikes on the enemy. They are valuable because of their ability to speak Lao (which is similar to the Thai language) and English.

There are Thai "liaison officers" in every Lao military region. Their function is obscure but likely to be connected with the allied trail watching teams that range deep into the area of enemy infiltration routes through Laos into the South Vietnam war arena.

For this highly paid and dangerous assignment, Asians are used because the presence of white faces would quickly be transmitted to the enemy. Besides Thais, trail watchers include Nung tribesmen from South Vietnam, Filipinos and Chinese. Laotians generally do not serve because of the danger of including enemy agents.

There are estimates that as many as 5,000 Thais may be involved, in some role, in the Laotian war; but most long-time observers think the number is lower, and that the level fluctuates greatly.

In a sense, the United States counts on the Thais as a strategic ground force reserve in Laos. When the war heats up, Thais are flown in.

Almost without exception the Thais arrive in American aircraft, are armed and trained by Americans, and are paid—indirectly—by Americans at scales much greater than regular Thai army pay.

What may be new about Saturday's fly-in of a new Thai contingent to Long Tieng is that it indicates a tipping of the scales within Thai top-level policy bodies for larger and possibly more open involvement in the Laotian war.

Thailand has a growing insurgency in its northern regions adjacent to Laos and there is ample evidence that insurgents are moving into Thailand from Lao bases.

[From the Baltimore Sun, Mar. 23, 1970]

CIA AIDING LONG CHENG DEFENDERS—100 AGENTS SAID TO BE INSTRUCTING MEOS FOR LAOTIAN OPERATION

VIENTIANE, LAOS, March 22.—The American Central Intelligence Agency, the United States Army and neighboring Thailand are directly involved in the defense of the threatened Laotian base at Long Cheng, informed sources said tonight.

They said as many as 100 CIA agents, working under the cover of the U.S. Embassy and the U.S. Agency for International Development, are taking part in the secret operation, training Meo tribesmen as guerrillas in both Laos and Thailand.

It is known that U.S. Army officers directed a massive airlift of both Laotian and Thai reinforcements into Long Cheng, which is the headquarters of Gen. Vang Pao's American-trained army of Meo guerrillas and is under heavy North Vietnamese pressure. It is located 80 miles north of the capital, just below the Plain of Jars, now held by the North Vietnamese.

"SOME VOLUNTEERS"

In Bangkok the Thai premier, Field Marshal Thanom Kittikachorn, denied today that two Thai army battalions were sent to reinforce Long Cheng but admitted that "some volunteers" may have gone there.

Estimates in Bangkok of the number of volunteers, reportedly being trained by U.S. Special Forces teams, range from 300 to 12,000. The figure mentioned most often is 5,000.

Sources in Vientiane said as many as 400 Thai troops, including an artillery detachment, were flown into Long Cheng, mostly from bases in Thailand.

They added that the United States has been prodding the Thai government to give Laos more support, both economically and militarily.

AERIAL OBSERVERS

Americans listed in official records as Army attaches constantly fly over Long Cheng as aerial observers, gathering intelligence on which to base tactical ground and air operations.

Sources said these Americans never remain at Long Cheng overnight, but commute daily, leaving Vientiane early in the morning and returning by dusk. It is a 45-minute helicopter flight each way.

"We wouldn't want the Communists to capture any Americans or find any American dead on the battlefield," one source explained. Most enemy attacks on Long Cheng are launched under the cover of darkness.

North Vietnamese hit the base with rocket fire today for the third successive day. About a dozen rockets exploded in the predawn darkness, sources said, but first reports indicated no casualt ies or damage.

U.S. PLANE IS DOWNED

The U.S. Command said Sunday in Saigon that a U.S. Air Force OV–10 Bronco was shot down and destroyed yesterday over the Plain of Jars north of Long Cheng, but the pilot was rescued with no reported injuries. The twin-engine armed reconnaissance craft was the eighth U.S. plane lost over Laos since the command began reporting air operations there March 10.

Speaking with newsmen at Bangkok Airport after seeing off Indonesian President Suharto, Mr. Kittikachorn said the reason Thai volunteers were going to Laos was "probably because Laos and Thailand are neighbors and both countries' people have blood relations. The volunteers may be cousins or brothers of Laotians."

Pressed on whether the airlift of Thai troops had taken place, he said: "There may be some truth in it." But he added: "As I said, these men may be volunteers."

He also said some Laotian soldiers have "received training in Thailand and returned to Laos to be advisers and instructors in the Laotian army."

Gen. Surakit Mayalarb, the Thai army chief of staff, said no Thai troops had been sent to Laos.

General Surakit was reported to have flown secretly to Laos two weeks ago for talks on the military situation with the Laotian premier, Prince Souvanna Phouma, and his generals.

Vang Pao, the guerrilla general, was in Vientiane today with other top Laotian military commanders to discuss the deteriorating war situation with Mr. Phouma.

[From the Christian Science Monitor, Mar. 23, 1970]

SINGLE THAI BATTALION IN LAOS

A Thai artillery battalion is operating in Laos with the support of the United States.

The presence of the Thai artillerymen has been a closely held secret of the governments concerned. Hints of its presence in the battle zone came Friday in wire dispatches from Laos referring to "two Thai battalions" in the area of the beleaguered support base at Long Cheng. Apparently the perhaps 300 artillerymen were confused with a larger force. The confusion may have been abetted by the presence of a Thai general with the artillerymen. Normally, a battalion would be under the command of a lieutenant colonel.

Sources here disclosed, however, that the U.S. has not so far favored the insertion of more Thai forces than the single artillery battalion.

Because of the delicacy of the situation, American funds to support the Thai artillerymen have been provided separately from other, more obvious funding for the war in Laos.

The Thai battalion has been flown in and out of Laos from time to time, most recently a week or so ago.

It was not immediately clear why the original decision was made to use the Thais in Laos with American support. The use of the combat force was, of course, a violation of the Geneva agreements. But the violation of those agreements has been a fairly regular occurrence since the North Vietnamese decided to initiate the campaign against Laos and the Americans reacted.

Sources here say that the artillerymen were more desirable than Thai ground forces for several reasons. First, they are a 155 mm. howitzer battalion, and there were no Meos (hill tribesmen who live along the border) or Royal Lao forces trained in 155 mm. howitzer operation when the decision was considered to bring the Thais in. Second, it was thought that, as artillerymen, they would prove to be less visible during the fighting than would infantrymen confronting the enemy directly. Finally, they could serve as ground forces if absolutely necessary.

When the decision was made to send the Thais in, the Thai Government was interested in demonstrating support for the Royal Lao Government. Laos separates Thailand from North Vietnam and acts as a buffer. The Lao Government, which does not possess an extremely capable army, was eager for the help and the United States was willing.

At this moment, the disclosure of the Thai presence does not seem likely to alter the course of the war. It is apparently not a prelude to anything more. Indeed, according to present plans, the artillerymen are to be withdrawn from the battlezone around midyear to be replaced by Lao forces newly trained in the use of medium artillery.

[From the Washington Star, Mar. 25, 1970]

DIRECTED BY THE UNITED STATES.—"SECRET ARMY" ACTIVE AROUND SOUTH ASIA

(By Tammy Arbuckle)

VIENTIANE.—The Thai troops who have joined the fighting in Laos are part of an American-directed "secret army" which operates all through Southeast Asia.

Making up its units are Cambodians, Vietnamese, Chinese and Laotians, as well as Thais and various hill tribes, such as the Meos who have been active on the Plain of Jars.

Its operations extend into northeast Burma, China's Yunnan Province, North Vietnam, South Vietnam, Cambodia and Thailand—all part of the guerrilla war fought by both Communist and anti-Communist forces for many years in this part of the world.

For example, Haw tribal agents working for the Central Intelligence Agency cross into South China from Laos and Black Thai tribesmen cross into North Vietnam from Laos.

These tribes live on both sides of the borders, the Haw in northern Laos and Yunnan, the Black Thai in Laos' Sam Neua Province and North Vietnam's Dien Bien Phu Province, making their detection difficult.

The pro-American guerrillas have killed Communist leaders, destroyed key links in Communist communications and logistics and, tied down large numbers of Communist soldiers in defensive actions.

In Laos the secret army has wiped out Communist headquarters and taken over prison camps and rescued inmates.

On one occasion in South Laos, a guerrilla group in one night operation wiped out a prison camp controlled by Pathet Lao guards and rescued 59 prisoners, crossing back into Thailand before the Communists could strike back.

The Thai force at Long Chien, which helped yesterday to clear a ridge overlooking the base, may be listed as the secret army's latest success.

About 1,000 Thais were reported yesterday to have joined Gen. Vang Pao's army of Meo tribesmen at Long Chien. Reports from the area today said a North Vietnamese attack was beaten back and some positions previously lost to the Communists had been retaken.

Thais have long operated in Laos. In February 1967, reporters saw Thai commandoes at Nam Bac, a Lao government base 60 miles north of the royal capital of Luang Prabang, not far from the Hanoi-Peking borders.

The Thais stood out like a sore thumb for they spoke in a Bangkok dialect.

When questioned closely they admitted they were from the Thai military.

The secret army operations in Southeast Asia are directed by small groups of efficient Americans working out of offices under cover of organizations in various cities in the region.

Laos, bordering on all the Southeast Asia nations, is ideal for these U.S. operations. And the secret army concept fits neatly into the Guam doctrine.

Americans take care of the leadership, training, planning and logistics. The Asians do the bulk of the fighting.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Thereupon (at 2 o'clock and 58 minutes p.m.), the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 2 o'clock and 59 minutes p.m., when called to order by the Presiding Officer (Mr. HUGHES).

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON TUESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, immediately following the remarks of the able senior Senator from Ohio (Mr. YOUNG) on Tuesday morning next, there be a period for the transaction of routine morning business, with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. The question is on the adoption of the conference report on H.R. 514, Primary and Secondary Education.

ADJOURNMENT TO TUESDAY, MARCH 31, 1970

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move in accordance with Senate Concurrent Resolution 59, that the Senate stand in adjournment until 12 o'clock meridian on Tuesday, March 31, 1970.

The motion was agreed to; and (at 3 o'clock p.m.) the Senate adjourned until Tuesday, March 31, 1970, at 12 o'clock meridian.

EXTENSIONS OF REMARKS

BYELORUSSIAN AMERICANS MARK 52D ANNIVERSARY OF INDEPENDENCE

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. CUNNINGHAM. Mr. Speaker, American citizens of Byelorussian origin today mark the 52d anniversary of the Proclamation of Independence of the Byelorussian Democratic Republic. In Byelorussia, however, a national celebration has been replaced by observance of the 100th anniversary of the birth of Vladimir Ulianoff, the man we know as Nikolai Lenin.

The United Nations' Commission on Human Rights also has adopted a resolution to commemorate the birth of this man on April 20 of this year.

Might I say, Mr. Speaker, this commemoration is a most cynical humiliation of the idea of humanism. It is a public mockery of human rights as defined by the Universal Declaration of Human Rights as adopted by the United Nations.

This resolution demonstrates a flagrant injustice by the free world toward not only the Byelorussian nation, but all others who were conquered and suffered oppression under Lenin's rule.

Mr. Speaker, I feel it is most inappropriate for those of us who believe in freedom and justice for all to honor a man such as Nikolai Lenin.

I include the following letter at this point:

BYELORUSSIAN CONGRESS COMMITTEE OF AMERICA,
Queens, N.Y., March 9, 1970.

Hon. GLENN CUNNINGHAM,
House of Representatives,
Washington, D.C.

DEAR SIR: March 25, 1970 will mark an anniversary of great significance for American citizens of Byelorussian origin, for on that day Byelorussians everywhere in the countries of the free world will celebrate the 52nd anniversary of the proclamation of independence of the Byelorussian Democratic Republic. In Byelorussia, however, a national celebration of independence is replaced by the observance of 100th anniversary of the birth of Vladimir Ulianoff (Lenin), former leader of the Russian Bolshevik Party and former head of Soviet Russian Government, glorified as the alleged benefactor of the Byelorussian people.

The United Nations' Commission on Human Rights on March 13, 1969 has adopted a resolution to commemorate the 100th year since the birth of Vladimir Ulianoff (Lenin), former leader of the Russian Bolshevik Party and former head of Soviet Russian Government, as a great humanitarian. This celebration will take place on April 20, 1970.

Byelorussian people is enslaved by Soviet Russia today and is unable to express freely its past and present experiences under communism and its opinion on the humanitarianism of Lenin. Therefore, we would like to present an opinion on the humanitarianism of Lenin with respect to the Byelorussian people and its country.

As a theorist of Russian Bolshevism, Lenin appeared as a decisive defender of the integrity of the Russian Empire, many years before usurping power in Russia. In his program, for the Russian Social-Democratic Workers' Party (Bolsheviks), Lenin acknowledged the right of non-Russian nations for self-determination down to separation, but not real separation. Lenin was against separation of non-Russian nations from Russia. His position was for holding them inside the borders of the Russian state and to convince his own party members to take the same attitude (Letter, by Lenin, from Krakau to S. Shaumian, November 23, 1913).

After usurpation of power in Russia on November 7, 1917 Lenin showed utmost hostility toward the liberation of all non-Russian nations, dominated by the Russian Empire. The Declaration of Rights for nations of Russia, accepted by the Bolshevik Government, was a repetition of the national policy as it was formulated previously in the program of the Bolshevik Party by Lenin.

The treatment of Byelorussia, headed by the Lenin government was—as follows. The First All-Byelorussian Congress consisting of 1,872 representatives convened in Miensk on December 15, 1917. This was a national Byelorussian assembly, whose aim was to decide the future statehood of Byelorussia. Bolshevik-Russian delegates were in a small minority. They were not able to influence the Congressional decisions. The Congress has chosen independence for the Byelorussian state. On December 17, 1917 the Red Russian Army dispersed the Congress by order of the Soviet Russian Government.

During the continuing war, at a favorable situation, the Council of the First All-Byelorussian Congress proclaimed independence of the Byelorussian Democratic Republic on March 25, 1918. In opposition to this independent Byelorussian state Lenin ordered the creation of the Byelorussian Soviet Socialist Republic (BSSR). This fictitious state, as well as its government, were created by the Soviet Government in Moscow. Proclamation of the BSSR took place on January 1, 1919 in the city of Smalensk which was conquered by Russia.

Later, the Soviet Russian Army conquered most of Byelorussia. Concluding peace treaty with Poland in Riga in 1921, Lenin without representatives from the BSSR divided the territory of Byelorussia as follows: The BSSR was alloted a territory of six counties of the Miensk district only, with a population of approximately 1.2 million. Poland was given approximately 100,000 sq. km. of Byelorussia with a population of approximately 4 millions. Directly to Russian SFSR there was annexed approximately 250,000 sq. km. of Byelorussian territory with a population of over 9 millions. This partition of Byelorussia and subjugation of her people existed until the death of Lenin. In this way Lenin brutally suppresed the aims of the Byelorussian people for self-determination and independence, and turned into a colonial people of Soviet Russia.

By introduction of his own totalitarian communist regime in Byelorussia, Lenin deprived Byelorussian people of all its human rights and freedoms, the rights recognized by the Western World at this time, and proclaimed earlier by the Byelorussian Democratic Republic. Those rights being: freedom of speech, freedom of assembly, freedom of press, freedom of association, freedom of worship, freedom of economical activity, freedom to elect one's own government, freedom to choose one's habitat and travel abroad, immunity of home, independence of judiciary, etc. Freedom of activity was given to the Bolshevik Party only, which was executing orders from the central government in Moscow. The leadership of this party in Byelorussia was composed of non-Byelorussians. It was a reliable instrument for domination over the Byelorussian nation.

The constitution of the BSSR, as well as the USSR, guaranteed in writing most of the above mentioned freedoms. However, these constitutions exist on paper only to mislead the foreign opinion. In reality the Bolshevik Party is using such policies which are suiting her aims, ignoring completely existing constitutions.

Lenin introduced a very brutal tyranny by governing Bolshevik Party superiors. Called by him, hypocritically, "workers' and peasants' government," as well as a Central Committee of Bolshevik Party, included neither a single worker, nor a peasant. The Communist Party occupied a privileged place, that which was previously held by nobility in czarist era.

The Bolshevik Party represented a new ruling class of fascist type. It used a limitless and merciless exploitation of working people. Starvation and hunger, shortage of all necessary articles existed in reality during Lenin's rule. Only the members of the Communist Party were supplied through special exclusive distribution stores, unaccessible to the rest of the population.

This oppression of people was possible only by the use of mass and ruthless terror. In this field Lenin showed extraordinary ability. He organized Cheka (Extraordinary Committee—Secret Police) headed by the notorious F. Derzhynsky. This mill of death had no other predecessor in modern history. The infamous czarist security service (okhranka) in comparison with Cheka was a very liberal institution. The surveillance by police was raised to systematic denunciation of each person. The Cheka kept an accumulative file on all. A new crime was discovered in which each person became a suspect—the potential enemy of the Soviet Government. The arrests of innocent people in mass as those potential enemies; the relentless savage abuse and torture of imprisoned people, who were admitting the non-committed crimes; the shooting of people en mass without trial—all this, as a sword of Damocles, was hanging over a defenseless people, murdered by Lenin's bureaucrats, immune to any responsibility.

Lenin is the father of Russian Bolshevism, that which is oppressing Byelorussian people for over 50 years. This period is the most severe and tragic of all Byelorussian history. During this time the Bolshevik Moscow annihilated over 6 million of Byelorussians. But, at the present time, using systematic Russianization, deportations of Byelorussians to Siberia, and colonization of Byelorussia by Russians, the Moscow Government is attempting a complete removal from the globe of the separate Byelorussian nation and transforming it into a part of Russia. This genoside is a direct result of the Leninist national policies applied towards non-Russian nations of the USSR.

Miss Svetlana Alliluyeva, daughter of J. Stalin, recently made this public statement, ". . . all of this did not begin with my father. So many people think that he invented the system, the dictatorship, the police, the spying. But he didn't. He inherited it all from Lenin."

Lenin projected conquest of the entire globe by Bolshevism. He designed a universal USSR, of course, under the hegemony of Soviet Russia. This design is used by the present government of Moscow as a current program of realization. Soviet Russia is giving top priority to the development of her own military power, and is gradually realizing the testament of Lenin on the conquest and enslavement of the remaining independent countries. This subjugation of nations of central Europe after the 2nd World War, communist expansion in Greece, Korea and Vietnam, the recent military invasion into Czechoslovakia, all these are the con-

current steps leading towards the realization of the expansionist plan designed by Lenin.

We are assuming, that proposal to commemorate the birthday of Lenin in the United Nations was initiated by the representatives from Soviet Russia, or by their subservient countries-satellites. The real aim behind this diversionist maneuver is to disorient nations of the free world, and to make them more vulnerable to gradual absorption by Moscow.

We would like to call your kind attention to the fact that this commemoration would be a most cynical humiliation of the idea of humanism. It would be a public mockery of human rights as defined by the Universal Declaration of Human Rights, adopted by the United Nations. It will demonstrate a flagrant injustice expressed by the free countries towards the Byelorussian nation, which was conquered, oppressed and suffered heavily under Lenin's terrorist rule, as well as under the rule, inspired by him, of the present Government of Soviet Russia. We would like to ask you for decisive rejection of this celebration as completely inappropriate for people honoring freedom and justice for all.

At this time, the Byelorussians living in their native country do not have any opportunity to defend their national interests. Therefore, we take liberty to ask you for support of the desires of the Byelorussian people for liberation from Soviet Russian slavery, and for restoration of an independent Byelorussian state.

Very respectfully yours,

JOHN KOSIAK,
President.

FARM PAYMENTS OVER $25,000

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. FINDLEY. Mr. Speaker, during the past 2 years I have placed in the CONGRESSIONAL RECORD the names of the farmers in the Nation which in 1967 and 1968 received huge sums of money from the U.S. Treasury in the form of farm program payments.

Each year, too, I have introduced amendments which would place a limit on the amount of payments any one farmer could receive from the Federal Treasury. The idea of limiting to a reasonable amount the maximum amount of funds going to a farmer has grown in popularity both among the Members of Congress and the Nation's citizens. This acceptance on the part of the citizenry stretches the length and breadth of the Nation and comes from the rural as well as the urban sectors.

Limitation of farm payments is an idea which is commonly accepted and so that each Member of the Congress can make a side-by-side comparison with the information placed in the RECORD the past 2 years, I am placing in the RECORD today the names of the Nation's farmers who in 1969 received $25,000 in Federal farm program payments—excluding wool and sugar—listing them by State and county.

I announced in Tuesday's RECORD that I again plan to introduce an amendment to place a limitation on Federal farm payments in the range of $20,000. The list of names as I have them assembled will assist every Member of Congress in determining which farmers in their State or district will be affected by such a limit.

During 1969, a total of 7,795 farmers received payments from the Federal Government in excess of $25,000. This is an increase of 1,881 farmers in this rather exclusive group over the previous year. These farmers divided a total of $93,333,643 more in 1969 than the farmers receiving these huge payments the previous year.

Listed below are some farmers who received exceptionally high payments both years. You will note that in nearly every case, the amount received by these farmers in 1969 was greater than before.

The tabulation follows:

	1968	1969
ARIZONA		
Maricopa County: Farmers Inv. Co	$504,389	$673,410
Pima County: BKW Farms, Inc	331,512	350,607
CALIFORNIA		
Fresno County:		
Giffen, Inc	2,772,187	3,333,385
Vista Del Llano Farms	745,647	778,624
Kings County:		
J. G. Boswell Co	3,010,042	4,370,657
South Lane Farms	1,177,320	1,788,052
Salver Land Co	786,459	1,637,961
LOUISIANA		
Natchitoches County: J. H. Williams	144,403	158,174
MISSISSIPPI		
Bolivar County: Delta & Pine Land Co	605,796	731,772
Leflore County: Buckhorn Planting Co	146,510	180,440
Sharkey County: Pantherburn Co	158,521	194,960
Washington County: Potter Bros., Inc	277,768	248,244
NEW MEXICO		
Curry County:		
John Garrett & Sons	111,799	179,598
Garret Corporation	94,423	147,319
James E. & John Garrett	(1)	124,899
NORTH CAROLINA		
Robeson County:		
McNair Farms	351,596	366,584
Southern National Bank	170,044	224,254
OREGON		
Umatilla County: Cunningham Sheep Co	84,993	88,305
SOUTH CAROLINA		
Sumter County:		
W. R. Mayes	156,284	185,039
J. E. Mayes	95,237	122,198
TEXAS		
Bailey County: Carl C. Bamert	96,348	101,763
Bowie County: Three Way Land Co	206,883	198,879
Brazos County:		
Tom J. Moore	289,883	325,886
H. H. Moore & Sons	283,962	310,411
Castro County:		
Hill Farms	174,815	130,979
Jimmy Cluck	142,345	172,359
Cochran County: J. K. Griffith	320,315	322,355
Dawson County: Bill Weaver	136,105	140,462
Hale County:		
Ercell Givens	156,583	172,152
I. F. Lee	131,881	183,638
Hidalgo County: Engelman Farms	155,011	
Reeves County: Worsham Bros	176,036	222,487
WASHINGTON		
Columbia County: Broughton Land Co	140,695	141,688
Whitman County: Glen Miller	116,844	123,532

[1] None.

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Alabama

AUTAUGA COUNTY	
McQueen Smith Farms	$147,272
Wadsworth Brothers	38,355
Autauga Farming Co	38,194
J. D. Dismukes	33,239
J. A. Rainwater	25,525
D. L. Yarbrough Estate	25,199
Total payees in county (6)	307,784
BARBOUR COUNTY	
W. L. Corcoran	83,235
BIBB COUNTY	
James Brothers	53,076
Young Brothers	46,401
J. C. Goodson	39,327
Total payees in county (3)	138,804
BLOUNT COUNTY	
Dean Pruett	95,738
Johnny Whitley	43,556
Total payees in county (2)	139,294
BUTLER COUNTY	
Harry Poole	32,654
CALHOUN COUNTY	
Sorrell Bruce Wesson	28,398
CHAMBERS COUNTY	
Fred Kendrick	27,740
CHEROKEE COUNTY	
Ellis Bros	38,699
Sewell Brothers	30,140
Jerrell W. Stepps	25,667
Total payees in county (3)	94,506
CHILTON COUNTY	
C. R. Childress	36,464
Charles F. Culp	25,140
Total payees in county (2)	61,604
COFFEE COUNTY	
J. A. Wise & Son	25,989
COLBERT COUNTY	
Herbert C. Harris, Jr	75,216
Billy Pullen	50,632
R. Gordon Preuit	49,728
Eugene V. Blythe	48,739
J. J. Johnson	45,049
W. Carter Reid	39,396
William Elbert Reid	38,879
Howard Keeton	38,113
Ben Fennel, Jr	38,081
Daniel Counts	37,017
Price Counts, Jr	32,809
Paul Reid	32,310
William Posey	31,815
Roe S. Woodis	31,221
Hollis Isbell	27,883
Charles Keeton	27,006
Bill Blackburn	25,992
J. H. Johnson	25,493
James M. Underwood	25,403
Oneal Sockwell	25,102
Total payees in county (20)	745,884
CONECUH COUNTY	
J. T. Ward	30,722

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Alabama—Con.

COVINGTON COUNTY

W. G. Foshee, Jr	$28,675
Crum Foshee	25,282
Total payees in county (2)	53,957

CULLMAN COUNTY

T. J. Pate	41,434
W. F. Blackwood	33,046
Carmon Maze	32,424
Total payees in county (3)	106,904

DALE COUNTY

Borland Bros	34,592
Jim Espy	29,427
Total payees in county (2)	64,019

DALLAS COUNTY

Joe I. McHugh	109,505
Beers Brothers	59,466
J. W. Suttle	48,232
James A. Minter, Jr	41,174
W. H. Watte and Son	39,251
R. Furniss Ellis	33,929
Carl Henderson	33,601
Cedar Creek Farms	33,126
W. J. Neighbors	32,171
Thomas E. McHugh	30,933
James A. Minter III	29,661
Nelson Norris	27,584
Total payees in county (12)	518,633

ELMORE COUNTY

J. Melvin Taylor	66,297
Wood T. Dozier	36,939
Harper Brothers	33,381
Garnand and Thornton	30,963
George Douglas McCartha, Jr	30,194
Ralph Till	26,086
Total payees in county (6)	223,860

FAYETTE COUNTY

J. C. Randolph	31,449

GENEVA COUNTY

Elmer Joe Motley	26,668

GREENE COUNTY

N. G. Garth	33,660
Elan Smith	28,731
Bayne Ethridge	28,301
Total payees in county (3)	90,692

HALE COUNTY

W. J. Chandler and Sons	90,472
Marvin D. Johnson	30,390
Waller E. Wedgworth III	28,166
Morrison Bros., Co	28,114
Turpin Vise	27,977
Total payees in county (5)	205,119

HENRY COUNTY

Kirkland Brothers	26,382

JACKSON COUNTY

W. C. McCord	27,155
James L. Medlock	25,006
Total payees in county (2)	52,161

JEFFERSON COUNTY

Jimmy M. Bagwell	25,929

LAUDERDALE COUNTY

Theo Scott	$34,444
Robert L. Winters	33,805
Andrew C. Walker	32,246
Hugh L. Rice, Jr	26,385
Harvell J. Walker	26,325
James Walker	26,268
Total payees in county (6)	179,473

LAWRENCE COUNTY

E. F. Mauldin	118,654
Dan Claborn	85,783
Albermarle Corp	84,045
G. T. Hamilton	76,970
James Blythe, Jr	76,192
Daniel Gilchrist	53,224
D. L. Martin, Jr	45,669
Wheeler Farms, Inc	40,421
Russell Armstrong	39,869
W. W. Hamilton	39,817
Grady B. Rose	36,339
Hugh J. Posey	36,102
W. J. Lee and Son	35,319
George Collins	34,798
Samuel R. Letson	34,426
E. H. Dewberry	34,168
Harold Green	33,752
Lynn Cross	33,641
Hubert Coffey	33,347
Grady Windle Parker	33,222
W. J. Dewberry	31,544
O. D. Brackin	30,997
Roland Cross	29,574
Benjamin A. Rose	28,304
J. R. Knouff	28,139
J. C. Claborn	27,943
Leon Hamilton	26,011
Jack C. Davis	25,724
Total payees in county (28)	1,233,994

LEE COUNTY

Robert E. Gullatte	26,846
Nelson Hillyer	26,586
Total payees in county (2)	53,432

LIMESTONE COUNTY

Walter B. Shaw	62,003
Joe R. Murphy	58,186
Ned Johnson	56,179
R. W. Anderson & Sons	51,657
Fred William Hays	47,640
Gene Thomas Burgreen	46,492
James T. Sanderson	42,614
Dan Atkinson	40,992
Lucille F. Bowles	37,281
Glennes V. Moore	36,108
Vester M. Leonard	35,463
Hargrave Brothers	34,917
Henry Charles Baucom	34,034
John D. Anderson	32,980
James P. Grooms	31,255
L. V. Moore	30,989
Grover C. Lawson, Jr	29,686
Luke Pryor	29,290
McDonald Farms, Inc	28,544
Winfred Barron	28,141
Glenn Black	28,047
Thomas H. Vann	28,006
Robert Horace Marks	26,702
Total payees in county (23)	877,206

LOWNDES COUNTY

B. C. Rhyne	54,785
G. T. Meadows, Jr	50,010
Harrell Hammonds	47,493
O. P. Woodruff	37,123
Total payees in county (4)	189,411

MACON COUNTY

Mrs. H. A. Torbert & Sons	$37,808
A. L. Lazenby Jr	36,471
F. C. Thompson	29,237
Robert F. Walters, Jr	26,273
Segrest Bros	26,094
Ben W. Walker	25,846
Total payees in county (6)	181,729

MADISON COUNTY

Douglass & Vandiver	62,802
Hunter Brothers	59,397
John W. League	56,506
Dublin Farm	55,253
Wilburn B. Douglass	53,399
John W. McCrary	50,215
W. Homer Tate	45,765
Robert L. Pickens	45,467
James E. Patterson, Jr	41,460
W. R. Spears	38,771
Donald Sublett	37,266
Tyler Denton	35,163
Ray Vandiver	35,001
Tom E. Lowery	34,258
Jack T. Clift	30,477
Carl A. Williams	29,850
Everett Jones	29,696
Grady Abernathy	29,528
R. F. Vandiver	29,324
Carlton Ikard	28,598
Wesley Thomas	28,378
C. Q. Lowery	27,792
M. E. Moore	27,024
Orville H. Esslinger	26,350
John W. Hays	26,202
Don Martin	26,201
Kenneth Pike	26,046
Walter Lowery	25,249
Total payees in county (28)	1,041,438

MARENGO COUNTY

James W. Glass	35,748

MARSHALL COUNTY

Harold Burnett	28,079

MONTGOMERY COUNTY

W. H. McLemore	50,495
T. O. McLemore	28,670
A. J. McLemore, Jr	25,164
Total payees in county (3)	104,329

MORGAN COUNTY

Percy Sharp	27,773
W. Aaron Beaver	27,067
Total payees in county (2)	54,840

PERRY COUNTY

J. C. Moore Mercantile Co	64,934
Ed Bobbitt	35,422
T. J. Jones	32,224
Total payees in county (3)	132,580

RUSSELL COUNTY

Ben F. Bowden	78,657

SHELBY COUNTY

D. E. Morris	37,480
L-B-L Ranch	34,697
John M. Thompson	27,668
Total payees in county (3)	99,845

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Alabama—Con.

ST. CLAIR COUNTY

Norris K. Waites	$25,758

TALLADEGA COUNTY

James D. Robinson	31,306
Robert M. Gambrell	30,719
Clyde A. Walker	27,247
Total payees in county (3)	89,272

TALLAPOOSA COUNTY

William M. Wisener	57,401

TUSCALOOSA COUNTY

Joe Rice, Jr	37,983
Darden D. Barton	34,708
J. L. Harper	33,191
Total payees in county (3)	105,982

WILCOX COUNTY

Raymond Pharr	26,793
Total payees in state (201)	7,738,254

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Arizona

COCHISE COUNTY

Bill Hilburn	$187,574
Kinard Bros	66,745
Floyd Robbs	62,053
Jones Ranches	60,133
Edward Barnes	57,515
Eugene Allison	57,157
Montierth Farms	52,996
Buckner & Kidd	50,538
Jack Robison & Sons	43,289
Charles Wade	43,080
Wilcx. Lnd. & Ctl	43,935
Eddie Jay Sr	43,002
W. R. Shumaker	36,788
E. V. Hart	36,475
F. L. Heidel	36,366
Eaton Fruit Co., Inc	34,185
Roy Lee Young	34,077
Marvin Holmes	34,070
Wisks Ranches	31,627
J. C. Dunagan	31,121
Tx. Gr. Stg. Co	28,245
Boyd Smith	27,569
Delbert Motes	27,176
John Kimzey	26,812
Ernest L. White, Jr	26,805
V. C. Smith	26,739
Thomas W. Cook, Jr	26,170
M. K. Sellers	26,133
J. F. Schmelzla	26,095
W. R. Grimes	25,321
Total payees in county (30)	1,308,891

GRAHAM COUNTY

Melvin R. Bryce	63,747
Alf B. Claridge	44,877
Daley Brothers	34,765
Norman Welker	27,793
Glen Layton	27,483
Ned Daley	25,409
Total payees in county (6)	224,074

GREENLEE COUNTY

Adrian Richins	25,917

MARICOPA COUNTY

Farmers Inv. Co	$673,410
Youngker Farms	382,786
Goodyear Farms	275,654
David A. Shumway	215,684
Community Gin	178,790
Southmountain Farms	166,696
Roscoe Farm Co	161,122
Waddell Ranch Co	148,543
Leyton Woolf	142,061
F. C. Layton	141,324
Arena Co. of Ariz	138,494
Hugh Bennett	135,734
Ed Ambrose	127,912
Martori Bros	127,526
Harris Cattle Co	121,412
Carl E. Weiler	112,421
Davis Ranch Co	108,147
Morrison Bros	107,184
Fridenmaker Farms	106,771
H. L. Anderson	106,126
J. L. Hodges Farming Co	101,721
J. L. Golightly Jr	100,698
Gladden Farms	99,639
W. H. Haggard Jr	93,759
Woodrow Lewis	92,521
Power Ranches Inc	88,031
F. H. Hogue Prod. Co	87,638
Jacob S. Stephens	85,043
Barney-Mecham	80,775
Sutton Bros	77,650
Ben Riggs & Son	77,175
C. W. Neely	76,319
Rhodell Farms Inc	76,162
Phelps & Palmer	75,854
Skousen & Hastings	74,253
Travis H. Jones	74,135
Wallace Bales	74,076
M. B. M. Farms	73,879
Moore & Taylor	72,955
L. R. Layton	71,708
W. A. Heiden & Son	71,428
Hardesty Bros	70,660
Garcia Farms Ptns	69,055
William Hardison	68,873
Lee Wong Farms Inc	68,863
K. V. Jordon & R. B. Coplen	68,320
C. O. Pitrat & Sons	66,762
Henry L. Voss	62,998
John D. Hamilton	62,462
D. & R. Farms	62,180
S. & P. Farms Inc	62,045
Kempton & Snedigar	61,921
CCG Farms Inc	61,752
James M. Hamilton	61,539
Lone Butte Ranches	60,851
W. H. Haggard, Jr	59,616
Grant-Vaughn Ellsworth	59,228
Baskett Farms	58,268
Arid Zone Farms	58,024
Phil Ladra	57,661
F. M. Gorrell	57,145
Dougherty Ranch	56,637
King Farms	55,168
Arrowhead Ranches	55,080
D. L. Hadley	54,713
Bell Road Farms	54,139
John M. Williams Jr	53,249
J. R. Tucker	53,013
Jewell Turner Farms	52,453
Joe A. Sheely	52,262
Ray & Wayne Vanosdell	52,087
J. S. Hoopes	51,412
George Knapple	50,811
Earl C. Recker Co	49,281
R. & J. J. Blasdell Ptshp	49,254
Dobson & Patterson	48,201
Germain H. Ball	48,143
Sam Cambron	47,592
Turner Ranches	47,000
Ralph Shepard	46,454
Sossaman Farms	46,229
Donald Wiechens	45,892
J. V. Pace	45,396
Tommy Wheelis	45,173
Jerome Thompson	44,146
J. A. & R. Blasdell	$44,116
Fred G. Hilvert Co., Inc	43,893
A. Tumbling T. Ranch	43,598
W. P. Haggard & Son	43,593
Ed Weiler	43,562
B. & B. Industries	43,524
Earl S. Dobson	43,245
D. & D. Farms, Inc	42,975
Holly Ranch	42,419
Reed J. Kerby	42,304
Queen Cr Pot & Cold St., Co	41,812
Bill R. Moore	40,784
Gordon Cameron	40,669
Ronald W. Thayer	40,005
Trimble Farms	39,940
Jon A. Tucker	39,651
James Marioneaux	39,296
James L. Craddock	38,769
Paul Smith	37,863
J. L. Woolf	37,210
W. H. Jarnagin	37,136
R. Leslie Ward	36,131
Wiley Herman, Jr	35,865
Wallace Thelander	35,337
Win Farms	34,753
Anthon R. Cluff	34,420
Robert L. Cook	34,187
O. E. McGinty	34,110
Emory J. Hurley Est	34,058
William Wade	33,806
Allen F. Belluzzi	33,746
Wm. G. Brandon	33,572
Radius A. Hudson	33,524
W. H. Miller	33,487
C. H. Willis, Est	33,482
W. E. Hayden, Est	32,948
Sands Trading Co	32,948
Lloyd Martin	32,488
J. A. Wood Co	32,340
Percy L. Smith	32,055
Rudolph Johnson	31,940
Fremon Coker, Jr	31,709
Dave Kenly	31.628
West Valley	31,376
M. B. & C. E. Sanders	31,179
Bob Stump	31,141
Centennial Valley Farms	30,864
Rala Singh	30,826
Joe Bickman	30,639
John Fornes	30,446
Chet John & Sons	30,290
Cheatham Dairy, Inc	30,101
R. M. Hume	29,851
Nichols Farms	29,573
Rainbow Ranches	29,489
Ladell S. Wood	29,099
Marion I. Vance	29,095
Jack Barnes	28,994
Hugh L. Gieszl	28,757
Raymond Cook	28,497
Francis Schulz	28,381
Stanley McDaniel	28,011
Henry F. Backer	27,884
John Tolmachoff	27,881
James M. Shahan	27,758
Robert Ellsworth	27,480
Byron Patterson	27,317
Richard Mayfield	27,261
B. F. Youngker, Sr	27,011
E. Garth Lamb	27,008
Chas. F. Youngker	27,004
Ben F. Youngker, Jr	27,004
Richard Evans	26,974
A Lazy T Cattle Co	26,969
James L. McBride	26,882
Joe Bob Neely	26,817
Tolmachoff Farms	26,630
R. R. Wood	26,494
L. D. Henry	26,326
George Pew	26,146
Versluis Ranches	26,009
Howard & Ronald Henry	25,980
Gilbert Turner	25,476
Bartlett-Heard Co	25,287
A. L. Power	25,167
Total payee in county (170)	10,651,496

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Arizona—Con.

MOHAVE COUNTY

Eldon K. Parish	$43,065

PIMA COUNTY

BKW Farms Inc	350,607
John J. & Ola V. Lord	176,760
John Kai	160,835
C & W Ranches Inc	111,599
J. Boyd White	98,241
Avra Land/Cattle Co. Ptnship	80,893
Ludd Payne	57,499
Watson Farms	56,717
David Anway	55,417
Wallis Farms Inc	53,557
Harvey Davison	51,876
Gladden Farms A Part	45,974
Growers Finance Gin	45,920
Midvale Farm Co	44,805
J. R. Norton Co	43,420
Buck Sam Chu	42,326
R. A. Davis	36,234
Woodrow Jarvis	34,585
Bull Farms	33,328
Evco Farms Inc. Synd	29,865
E. C. Barnett	28,964
R. G. Buckelew	28,462
Total payees in county (22)	1,667,884

PINAL COUNTY

Bud Antle Inc	596,293
C. & V. Growers, Inc	468,899
Hamilton Farms	432,206
Red River Land Co	391,237
John D. Singh	345,064
Ak Chin Farms	336,796
Gila River Farms	303,898
Bogle Farms, Inc	280,911
Arizona Farming Co	269,198
Kirby Hughes	245,643
W. T. Golston Farms	239,469
L-4 Ranches, Inc	213,273
Coury Bros	193,196
Rancho Tierra Prieta	187,815
Thunderbird Farms	163,779
Diwan Ranches, Inc	158,895
J. A. Roberts	156,415
Talla Farms, Inc	156,190
C. & A. Equipment Co	148,039
Isom & Isom	130,115
Finley Bros	127,087
Raymond Schnepf	121,978
Greater Arizona Ranch, Inc	116,341
Glenn Lane	111,064
McCarthy Hilderbrand Farms	106,609
Empire Farms	104,640
Fred Enke	104,222
Jack Ralston	97,491
Peter J. Robertson	95,729
L. Z. Farms, Inc	93,389
Combs & Clegg Ranches, Inc	91,466
Dunn Farms	85,860
Sunset Ranches, Inc	85,683
P. S. Thompson	85,332
Martin Talla	83,364
Duane Ellsworth	82,649
H. L. Holland	82,486
Wilbur Wuertz	82,479
Independent Gin Co	82,261
Anderson-Palmisand Farms	81,427
C. Ray Robinson	80,720
Phil Taber	79,515
C. J. & L. Farms	79,506
Chas. Urrea & Sons	75,153
Pinal Farms, Inc	75,000
R. W. Neely	74,966
H. L. Kendrick	73,312
Alex & Norman Pretzer	72,862
Charles Hill	72,350
A. C. T. Ranches, Inc	72,127
Jay Wilson	71,658
Crouch Bros	70,544
Buford Gladden	68,011
Larry R. Scott	67,436
Merlin Hamilton	67,044

PINAL COUNTY—continued

Chanan Singh	$65,743
El Dorado Rnch, Inc	65,389
K. K. Skousen	65,324
M. & S. Rnchs, Inc	64,834
Santa Cruz Farms, Inc	64,710
J. H. Farms	63,237
John Smith	63,196
Tracy Hutchins	62,971
Robert W. Brooks	62,201
Era Mae Barnes	61,724
Maricopa Growers Gin	60,924
Marathon Farms	60,868
Robert D. Bechtel	60,352
Rex Neely Trst	60,298
Buckshot Farms, Inc	58,836
Picacho Buttes Farms	58,463
Cameron Sides	57,859
Edward Pretzer	57,559
Dan C. Palmer	57,500
Otice Self	57,228
Max K. Schnepf	57,206
G. Buster Brown	55,860
Margie L. Hanna	55,797
Noel E. Martin	55,771
R. C. Smith	54,867
Max Nichols	53,663
C. S. C. Farms, Inc	53,114
Daley & Bogle	52,855
M. & W. Farms, Inc	52,422
Wm. E. Foster	52,186
Rodney Kleck	51,180
Fred R. North	51,116
Ernest McFarland	51,069
C. W. England	50,154
J. O. Burns	50,125
Harold L. Earley, Sr	50,059
John Dermer	49,995
Red Eye Farms Inc	49,842
R. P. Anderson	49,725
England & England	49,604
Howard Arthur Wuertz	49,467
D. H. Cole & Son	48,741
McFarland & Hanson Rnchs	48,638
Jack Nutter	48,584
Elsberry & Nowell	48,456
Bianco Bros	48,363
Sunshine Valley Rnchs	47,953
Herman & Carl Myers	47,129
Harlan Russell	46,669
M. C. Montgomery	46,506
Worth K. Bartlett	46,347
Dell Sellers	46,341
Frank Lang	46,335
W. D. Storie	45,953
Pinal Ranches	45,640
Earl Lane Estate	45,292
Paul Ollerton	45,250
Robert M. Davis	44,831
Frank Abate	44,252
Florence Farms Inc	43,661
Stanley Ellis	43,335
Dr. P. F. Hartman	43,108
Thayer A. White	42,987
Robert A. Taylor	42,934
E. I. & J. E. Jones	42,525
Marcus Vanderslice	41,835
Paul Pearce	41,599
Robert Ellsworth	40,973
W. S. Conner	40,858
Aulton S. Harris	40,597
Avra Plantations Inc	40,459
Green Reservoir Frms	39,820
W. & J. Farms	39,332
C. P. Honeycutt	38,557
Debb Stephens	37,866
Warren E. Cox	37,256
Carlton Farms, Inc	36,903
Duncan Butler	36,823
Delbert Lewis	36,818
Raymond Ford	36,716
Clemans Cattle Co	36,285
Luis Flores	35,889
Rodney Delange	35,659
Richard Cruz	35,577
Kortsen & Kortsen	35,569
Barbara Earley	35,474
Roger Goff	35,314
Agnes K. Beggs	35,098
Parke Gilbert dba Elaine Fms	34,962
David Tolmachoff	34,869

PINAL COUNTY—continued

Grant E. Peterson	$34,675
Emmett Grasty	34,382
West Coast Land & Cattle Co	34,147
Frank Graham	34,144
Norman Hagen	34,034
Rio Bravo Rnchs Inc	33,893
L. D. S. Church	33,878
Jack Nichols	33,869
W. A. Ladd	33,715
Mickey A. Clark	33,715
Robert Kanaga	33,276
R. F. Cunningham	33,061
S. C. McFarland	32,882
Storey Rnchs Inc	32,629
Jones Ranches Inc	32,389
Jack Connelley	32,306
C. L. Skousen & Son	32,296
Collerette Est	32,086
Howell Wadsworth	31,985
Hamilton Farms Inc	31,798
Picacho Land & Cattle Co	31,791
Marie White	31,744
W. W. Ritchey	31,430
Kortsen Bros	31,417
P. W. Vensel	31,390
Wayne Ray	30,959
Rogers & Rogers	30,934
Do-Bar Farms	30,908
J. E. Robinette	30,780
R. C. Goree	30,724
Black Land Frms Inc	30,670
Koenig Aviation Inc	29,647
John Payne	29,572
Wootan & Casey	29,451
Wales Ranches Inc	29,443
Wales Farms Inc	29,443
Robert Kirkland	29,147
C. B. Shiflet	29,114
Charles E. Wright	29,007
F. O. Barnes	28,956
Patrick Talla	28,769
Emmett Jobe	28,563
Irene McCown Waugh	27,690
Leonard Anderson	27,048
Mrs. Dale Combs	26,876
Ronald Miller	26,501
Thomas M. Carlton	26,322
Claude H. Evans	26,067
Jim Pate	25,610
Wesley D. Hood	25,496
Guy Gilbert Farms	25,472
Ellsworth & Kortsen	25,388
E. M. Layton	25,218
Louis L. Johnson	25,105
Total payees in county (199)	14,446,867

YUMA COUNTY

Barkley Co. of Ariz	332,642
Bruce Church Inc	229,638
Ben Simmons	225,151
Sherill-Lafollette	202,602
J. W. Olberg and Son	194,624
Winston Farms	172,391
Texas Hill Farms	143,243
Arthur Blohm	135,785
Glen Holt	128,928
Jr. & J. W. Cullison	122,053
C. M. S. Farming Co	120,624
Woods Co	116,531
Earl Hughes	115,891
W. J. Scott	107,327
Ed Hall	91,093
Fred Nussbaumer	86,991
D. M. Brown	84,495
Mauldin Mauldin	82,175
Dunn Farms	71,347
Stanley Snitzer	68,106
Wm. W. Harrison	66,710
M. E. Lee	63,254
M and V Farms	62,570
Clyde Curry	60,249
Robert Cockrill	56,600
Clayton Farms	56,568
Peters & Nall	55,340
T. W. Williams	51,756
W. M. Wootton	51,373
Ferguson and Sons	49,330
Riverside Ranches	46,315

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Arizona—Con.

YUMA COUNTY—Continued

Wm. Thacker	$44,806
C and V Growers, Inc	44,596
Archie Mellon	44,391
Henry Leivas	43,462
Chrismer Farms	41,265
Louie Kehl	40,356
Pete Pasquinelli	38,536
Valley Packing Co. of Ca	37,586
Mark and Howard Moore	37,215
Oscar Walls	37,010
Burnis Williams	36,782
McElhaney Farms	34,619
Glen Sturges	34,025
Maricopa Dust Spray	33,388
Keller Farms	33,005
Wide River Farms, Inc	32,913
A. C. Cockrill	31,153
Clarence Phillips	31,073
John C. Smith, Jr	30,953
Garland Wisby	30,717
Gunther & Shirley	30,368
Cuming and Sons	30,305
Phil and H. D. Sibley	30,277
Dean Stanley	30,277
O. K. Weeks and Son	29,820
Cuming Farms, Inc	29,688
Moenk Fletcher	27,288
C. L. Stephens	27,165
Marion Griffin	26,664
George Silva	26,404
Tom Howell	25,943
Jack Ramsey	25,675
L. W. Simmons	25,537
Robert Woodhouse	25,351
Total payees in county (65)	4,580,315
Total Payees in State (494)	32,948,509

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Arkansas

ASHLEY COUNTY

Gus Pugh Sons, Inc	$87,873
W. W. & Earl Cochran	66,092
Guy Botsford	53,114
James B. Young	41,987
C. C. Morschheimer, Jr	41,019
Kenneth Rice	40,542
B. E. Fisher	39,625
Victor Edwards	37,844
E. D. Gregory Company	37,490
CRC Lynn, Inc	36,600
William B. Deyampert	36,075
Billy E. Scroggins	35,856
R. E. Lee	33,119
John H. Ralph	31,521
Bobby Foster	31,136
James H. Gay	30,716
Jack Edwards, Inc	30,491
Charles E. Bridewell	29,618
Edith Robinson & Martha Rye	26,656
Bill Gibbs	25,677
Total payees in county (20)	793,051

CHICOT COUNTY

Keith Brothers	54,115
Rosamond Carpenter	42,947
Handley & Dunavant Farm	37,095
Yellow Bayou Plt., Inc	36,172
Alvin Ford, Sr	32,790
T. P. Borgognoni	32,121
Ray Black	30,112
B. and V. Pieroni	29,659
W. T. Dixon	29,116
Fred Woodall	28,965
A. S. Rocconi	27,917
Burchfield Farms, Inc	26,126
Ed Lawler	25,173
Total payees in county (13)	432,308

CRAIGHEAD COUNTY

Aubrey Wood	$31,179
Zane G. Beaton	27,285
Albert Johnston	25,641
Paul Owens	25,402
Total payees in county (4)	109,507

CRITTENDEN COUNTY

Rodgers Bros	119,806
Carlson Brothers	105,243
Bond Pltg. Co	100,676
M. K. & J. F. Rieves Jr	89,924
Pacco Inc	89,120
A. Angeletti Inc	86,363
Pirani & Sons	85,723
J. F. Twist Plantation	84,404
Bruins Plng. Co	79,176
Mallory Farms	72,361
Allen B. Helms	70,612
Lake Plantation	68,975
E. H. Clarke & Co	67,543
Joe Beck Trust	64,313
N. S. Garrott & Sons	62,642
Richland Plan Inc	58,782
Bernard Farms	55,752
Ray D. Ross	54,952
Alpe Brothers	54,390
Charles S. Riggan	53,594
D. & J. Inc	52,819
Morrison Bros	49,652
Johnny Greer	49,267
Nickey-Eason Plantation	48,509
William B. Rhodes Co	47,551
Carter Planting Co	47,261
Milton Lubin	46,728
James W. Young Jr	46,166
O. Neal & Son Inc	45,329
Earl C. Beck Jr	45,047
Ragland Plant Inc	44,796
L. G. Byford	44,265
Joe Rodgers	43,528
Sulcer Planting Company Inc	42,571
Handley Farms	42,552
L. C. Smith	41,869
Looney Bros	41,691
Oliver Bros	41,472
Alton Grant Farms	41,224
Nugenco, Inc	39,159
Fogleman & Son	38,767
Julian L. Hardin	38,748
F. G. Barton Cotton Co	36,833
E. J. Barham, Jr	35,377
Rembert & Miller Farms	34,007
John M. Swepston	33,910
H. M. Brinkley Est	33,834
David Harrison, Jr., Est	33,639
S. & W. Farms, Inc	33,545
Erle Biggs	33,381
Cupples Bros	33,331
H. P. Sisk	33,278
Dan Springfield, Jr	31,400
Manuel T. Sharp	31,340
C. L. Eubanks & Sons	30,909
Bollinger Bros	30,589
F. H. Griffin	30,313
Adolph Pirani	30,119
Joe & Willie Bramucci	29,976
Sam Crowder	29,961
E. P. Rainey & Sons	29,058
Hester Parker	29,023
Pirani Brothers	28,696
E. M. Ott	28,303
J. W. Prescott	27,408
Beuford J. Wallace	27,377
C. B. Britton	27,181
Cage Farm	26,816
B. P. Kelley	26,607
J. L. Currie	26,204
Aldo Marconi	26,025
E. J. Baker, Jr	25,669
Total payees in county (72)	3,417,431

CROSS COUNTY—continued

Robert W. Spencer	$52,657
John H. Johnston	45,527
Paul and Beene	44,116
W. M. Smith and Sons	41,555
Twist Grain Co	37,155
Cherry Farms	36,395
Ruston Farms	31,275
Ira F. Twist	29,576
R. W. Byrd	29,152
Paul McCutchen	27,295
Gordon Morris	26,982
Hugh B. Proctor Jr	26,772
Leslie Nix	25,472
Richard Twist	25,277
Total payees in county (14)	479,206

DALLAS COUNTY

Benton Taylor	33,343

DESHA COUNTY

R. A. Pickens & Son, Co	221,325
Stimson Veneer & Lumber Trust	85,107
Brooks Griffin	49,133
Clay Cross	47,930
Reedville Farms	40,734
P. W. Teeter & Sons, Co	38,890
McCulloch Planting Co	37,545
Bickham Bros	31,944
Martin Wood	30,812
Stimson Katterhenry Trust	30,299
Baxter Land Co	27,689
J. L. Britt	25,216
Total payees in county (12)	666,624

DREW COUNTY

R. G. Greenway & Virgil Greenway	39,514
John Arnn & Son	38,525
William Bulloch	35,504
Carl Pamplin	30,350
Tillar & Co	29,511
Bilgischer and Sponer	27,831
Total payees in county (6)	201,235

FAULKNER COUNTY

J. W. Brown, Jr	31,825

JACKSON COUNTY

Doyle and Wilmans Ptnrs	47,854
Burton Merc. & Gin Co	38,733
R. D. Wilmans & Sons Co	28,095
Bell & Carson	25,247
Total payees in county (4)	139,929

JEFFERSON COUNTY

Ar. State Penal Farm	148,628
Cornerstone Farm & Gin Co	98,010
Elms Planting Corporation	86,720
Lyons Planting Co., Inc	57,509
B. N. Word Co., Inc	55,867
Bost Farms	55,581
Jimmy Blair	51,122
Lake Dick Elms Farming Co	47,095
Hudgens Jeter	44,419
R. E. Watkins	42,782
Richland Planting Company	42,606
D. Stratton Inc	42,195
Stillwater Farming Co., Inc	39,741
M. A. Rose and Sons, Inc	39,673
New Gascony Elms Farming Co	38,552
W. A. Albright	38,431
Earl Chadick & Sons	37,063
Pipkin Farm	36,957
Noah S. Peek, Jr	36,711
S. R. Baugh	36,446
James Terkeurst	36,308
A. C. Hunter	33,768
Richardson Elms Farming Co	33,604
Earle T. Phillips	33,082

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Arkansas—Con.

JEFFERSON COUNTY—continued

Leon Callaham	$30,868
W. W. West Company	29,895
Oscar Homer Jones, Jr	28,491
Archer Farm	28,350
L. L. Dutton & Son	28,179
Clarence Dutton & Son	28,077
Chambliss Farms	27,840
E. L. Burgess	26,647
Collins A. Andrews, Jr	26,643
Fish Lake Farms	26,556
Sam R. Cady	26,337
R. L. Bruton	25,409
Total payees in county (36)	1,546,162

LAFAYETTE COUNTY

Lawrence E. Taylor	55,105
Troyce E. Endsley	47,689
Carl Adams, Jr	37,166
Andrew Whisenhunt	35,969
James R. Murphy	31,221
William L. Goza	30,693
Mickey Walding	29,922
Ralph W. Braswell	26,382
Marvin McCalman	26,332
J. G. Allen, Jr	26,072
Total payees in county (10)	346,551

LEE COUNTY

Sweet Brothers	79,533
H. T. Dillahunty & Sons	77,899
C. E. Yancey & Sons	58,044
Robert May	56,664
Sherman Brothers	54,368
Bakers Farms, Inc	49,207
Miller Farms, Inc	44,189
Dan Felton & Co	43,477
Ed Vaccaro	41,918
C. M. Cooke	38,326
Dick Ed Thomas	38,054
Lindsey Farms, Inc	34,749
Mann Farms, Inc	30,921
Parten Farms, Inc	30,673
Ellis Evans	30,399
Sisk Farms, Inc	29,326
Jerry P. Hicky	26,494
Total payees in county (17)	764,241

LINCOLN COUNTY

H. R. Wood & Son, Inc	55,749
N. M. Ryall & Sons, Inc	51,109
Holthoff Brothers	48,667
Frizzell Farms, Inc	48,154
Marion F. Baugh	46,746
C. H. Clowers & Co	39,537
J. L. McEntire & Sons, Inc	33,607
A. O. French	30,922
Bruce Norton	28,314
Boscoe Blagg	25,941
Wood Brothers	25,895
K. Berzent Blagg	25,574
Total payees in county (12)	460,215

LITTLE RIVER COUNTY

E. C. Lavoice and Sons	32,854

LONOKE COUNTY

James W. Phillips	46,673
Luchen Walls	43,964
Robert L. Dortch, Jr	40,267
Albert Eugene Yarbrough	39,580
Basel Henderson	37,667
James Carroll Rollins	37,457
Sam McNeil	35,846
Odes Perry	30,551
Charles Capps	30,435
Jimmie H. Boggess	30,182

LONOKE COUNTY—continued

Wm. J. Bevis	$28,967
Waylon B. Sims	27,722
R. W. Morris	27,565
Bobby Gene Wright	25,367
James Workman	25,192
Total payees in county (15)	507,435

MILLER COUNTY

Price Plantation, Inc	36,028
Doyle Stevens	28,818
Total payees in county (2)	64,846

MISSISSIPPI COUNTY

Lee Wilson and Co	500,055
Wesson Farms, Inc	166,762
Midway Farms, Inc	120,178
Armorel Planting Co	107,147
Harold Senter	94,856
Ben Wood Farms	86,515
R. D. Hughes	78,056
C. J. Lowrance & Sons	76,543
R. Creecy & T. Tate	74,559
Clide Barnett	70,300
Lowrance Bros. & Co	68,966
Jack Hale	67,263
Larry Woodard Farms, Inc	66,879
Wilbur F. Johns Farms	65,510
Crosthwait Farms, Inc	65,244
W. J. Denton Est	65,005
Riggs Bros	60,398
C. B. Robinson	58,746
J. A. Crosthwait	55,794
John A. Edrington	54,349
Taylor Bros	50,227
Charles Nick and Richard Rose	50,207
M. J. Koehler	49,845
Charles W. Bowles	49,741
Langston Gin Co	47,810
R. J. Gillespie	46,966
J. E. Crain Est	46,945
B. C. Land Co	46,697
Russell Gill	46,370
Henry Battle	45,470
Sullivan Bros	45,427
John E. Crain, Jr	43,889
Larry J. Woodard	41,615
Amon Eugene Holt	41,605
John M. Stevens, Jr	41,213
Dan and Chester Caldwell	40,765
Ira G. Ashley	39,830
J. H. Felts and Sons	39,703
Glen A. Cook	39,209
Wesley Stallings	37,653
Stanall Farms	36,966
John M. Speck	36,705
Earl H. Wildy	36,642
Clifford Gillespie	36,092
C. L. Denton, Jr	34,063
W. M. Taylor, Jr	33,696
Chiles Planting Co	33,644
Cullom Bros	33,567
Nancy M. Trimue	32,896
Golden Lake Farms	32,844
Chas. Robert Jackson	32,638
Ashmore Bros. & Brown	32,376
L. T. Dillard	31,661
Clarence Crosskno	31,340
Joe Dilldine	31,093
E. H. Riley	31,068
H. T. Bonds Sons, Inc	30,866
Don Brinn	30,305
Bryce Grant	30,091
Speck Bros	29,372
Clyde Whistle	29,084
A. A. Banks	28,862
John W. West	28,710
Richard Cromer Farm	28,660
Robert Gammill & Son	28,460
Ohlendorf Farms	28,210
John B. Wilson	28,065
McGuire & Son, Inc	27,965
James H. Woodard	27,561
Moreland B. White	27,450
W. T. Metzger, Jr	27,404
Forrest Moore	26,989
Allen Metheny	26,546

MISSISSIPPI COUNTY—continued

Willis Stutts	$26,468
Charles R. Moore	26,384
A. E. Teaford	26,176
W. H. O'Keefe	26,136
R. C. Branch, Sr., estate	25,735
V. S. Johnson	25,465
Charles Wildy	25,338
F. B. Crews	25,180
Vaughn L. Shownes	25,104
Total payees in county (82)	4,148,139

MONROE COUNTY

Ralph Abramson	46,649
Ray Fuller	45,696
Amos Everett	27,704
Carter-Clifton Company	27,622
Floyd H. Shaw	26,756
Total payees in county (5)	174,427

PHILLIPS COUNTY

Howe Lumber Company, Inc	237,251
Highland Lake Farm	134,351
Brooks Griffin	120,537
Hill Farms, Inc	120,276
Alexander Farms, Inc	106,371
Tunney Stinnett	80,253
Wood-Sanderlin Farm	71,673
Ray Dawson	54,739
Buron Griffin	54,090
E. T. Wells, Inc	49,467
Riverside Farm	47,100
King-Wells Farm	45,312
Dixie Farm Company	45,185
Curtis Clark	44,559
Dave Inebnit	44,355
David Solomon	44,271
T. W. Keesee	42,851
Delta Plantation, Inc	42,364
R. J. Young	41,200
Solomon Bros., Inc	40,600
J. E. Storey	36,750
J. O. Wheeler	36,710
Harry Stephens	35,877
Joe Pillow	35,832
Oneida Planting Company	33,944
James E. Yancey	33,359
Catron Plantation	32,839
Bruce Byrd	32,628
Chesterfield Crisp	30,872
M. M. Crisp	30,711
J. A. Hill	30,678
Wooten-Epes Company	30,570
Loveless Farms, Inc	29,866
M. J. Lake	29,430
R. M. Hornor	29,125
F. O. Griffin, Jr	28,706
Chip Franklin, Jr	28,151
Woodrow Reed	27,848
Lester Crawford	27,697
David Brooks Griffin Trust	27,449
Winston Foster	27,340
Billy Hill	27,030
W. D. Suddath	26,836
R. J. Suddath	26,836
Jake Crow	26,339
A. F. Gregory, Jr	26,157
Thomas E. Young	25,724
Total payees in county (47)	2,282,109

POINSETT COUNTY

Hyneman Farms, Inc	139,709
E. Ritter and Company	134,432
Dan F. Portis	53,862
Fairview Farms Company	46,278
S. C. Chapin	43,170
Walter H. Provost	42,147
Citizens Gin Co., Inc	40,326
B. & H. Farms	37,668
Stuckey Bros., Inc	36,204
H. F. Underwood	34,361
Moreland Barton	33,203
Cecil H. Justus, Jr	31,463
Guy L. Prince	31,327

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Arkansas—Con.

POINSETT COUNTY—continued

W. T. Pearson	$29,599
Chickasaw Oil Mill, Inc	28,794
Frank Dean	27,656
Moon & Cash, Inc	27,410
Frank A. Bell	27,327
Norcross Farming Company	26,177
Portis Planting Company, Inc	25,845
J. D. Fletcher	25,766
Total payees in county (21)	922,724

PRAIRIE COUNTY

John D. Naill, Jr	26,553

PULASKI COUNTY

Reber McGhee & Son	52,818
Chapman Bros. Farm	35,419
Walter Isgrig	30,046
Craig Planting Co	28,768
J. B. Morgan	28,605
W. A. Ratcliffe, Jr	27,740
R. S. Bredlow	27,628
Walter C. Estes	27,242
Total payees in county (8)	258,266

ST. FRANCIS COUNTY

Miller Lumber Co	83,365
Shannon Bros. Entp	73,400
J. G. Adams and Son	71,384
A. B. Farms, Inc	56,188
W. W. Draper, Jr	53,774
Kellogg and Hughey	52,830
Luke E. Burch, Jr., Inc	50,065
Higgins Brothers, Inc	47,217
Chappell & Moore	44,759
C. J. Beasley and Son	42,165
Red Gum Plantation	41,866
Robert Brewington	41,255
Belle Meade Plantation	40,818
Lindsey Brothers	37,792
McCain Bros., Inc	37,769
Elmwood Plantation, Inc	37,608
Davis Biggs	37,250
V. E. Beene	33,182
B. McCollum, Jr	33,120
Thomas McDaniel	32,934
A. B. Malkin, Jr	32,445
J. C. Rice and E. Stough	32,175
Joe Burch	31,442
Troy W. Leoppard	31,271
Claud Buford	30,792
Earl Dean Williams	30,101
Hammons Farms, Inc	29,996
John C. Lindsey, Sr	28,982
C. D. Brown & Sons, Inc	28,930
R. T. Landrum	28,437
Freeman Nichols	28,153
Mound Planting Co	27,931
Oscie Hardy	27,688
F. W. Derossitt and Son	27,615
Betty M. Stoddard	27,371
Rex Twist	27,167
Joe Oswalt	26,772
Ida Mae Norsworthy	26,554
Harold Trigger Wall	26,334
Wheatley Mill & Gin Co. Farm	25,612
Total payees in county (40)	1,524,509

WOODRUFF COUNTY

Gerald L. Morris, Jr	70,323
W. L. McAdams	54,600
Gregory Farm, Inc	53,735
Bruce D. Tarkington	40,408
L. L. Cole & Son, Inc	35,687
Gum Ridge Corp	27,440
Total payees in county (6)	282,193
Total payees in State (450)	19,645,683

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—California

BUTTE COUNTY

Parrott Inv. Co	$76,636
Wright Lands, Inc	25,483
Total payees in county (2)	102,119

COLUSA COUNTY

H. & A. Andreotti	40,955
A. Steidlmayer & Sons	32,466
Total payees in county (2)	73,421

FRESNO COUNTY

Giffen, Inc	3,333,385
Mt. Whitney Farms	1,152,294
Vista Del Llano Farms	778,624
Boston Ranch Co	643,006
Telles Ranch, Inc	503,285
Jack Harris, Inc	475,924
Airway Farms, Inc	360,823
Raymond Thomas, Inc	272,280
W. J. Deal	244,755
Timco	241,965
Gragnani Bros	227,451
Schramm Ranches, Inc	215,435
J. E. O. Neill, Inc	215,295
M. J. & R. S. Allen	209,819
Clarence Matheson	205,755
Colt Ranch, Inc	178,949
Redfern Ranches, Inc	171,289
So. Pac. Company	161,068
V. C. Britton Co	155,252
Comfort Farm, Inc	147,462
Coelho Farms	144,954
Sumner Peck Ranch, Inc	139,100
Wood Ranches	132,139
Britz Chemical Co	125,604
Hammonds Ranch, Inc	124,691
Ryan Bros	121,525
Rabb Bros	117,072
Griffin & Griffin	116,892
Pilibos Bros, Inc	113,548
O. Neill Farms, Inc	113,546
Weeth Ranches, Inc	103,085
Melcombs Ranch, Inc	99,803
Gordon Bros	99,739
Enrico Farms, Inc	98,567
Linneman Ranches, Inc	95,940
Pacific Farms Co	94,876
Kriesant Operating Co., Inc	92,790
Giusti Farms, Inc	90,676
S. E. Lowrance Ranch	87,026
John & Alex Kochergen	85,801
M. L. Dudley & Co	83,672
Willson Farms, Inc	81,542
Price Giffen Ranch	81,482
Sierra Dawn Farms	80,971
Aladdin Ranch	80,456
J. & J. Ranch	80,035
Wayne Sniffin	77,446
Michael Giffen Ranch, Inc	76,142
C. H. & G. Farms, Inc	73,545
Sam & D. M. Biancucci	72,385
Pappas & Co., Inc	71,930
Milo Erwin	70,141
Richard Swearingen	68,760
Starkey & Erwin	68,106
Vincent Kovacevich	67,880
J. C. Andresen	67,846
Vernon Swearingen	67,778
Claremont Farms	67,658
Western Vly Ranches, Inc	66,055
Rusconi Farms	65,191
William E. Glotz	64,072
Goodman Traction Ranch	62,099
J. C. Conn, Inc	61,774
Drew Farms, Inc	61,299
Reuben Crosno	60,171
Davis Drier & Elevator, Inc	59,807
Harold O. Banion	59,287
Sommerville Farms, Inc	56,381
S. & S. Ranch, Inc	55,233
Wm. H. Noble	53,776

FRESNO COUNTY—continued

Marchini Bros	$53,042
Raven Land Co	52,359
John L. Errecart	51,667
Arthur J. Cuelho	50,756
Robert Cardwell	50,542
Poso Dairy Farms, Inc	50,183
Fred Rau	49,397
Wm. Erickson	49,292
Deavenport Ranches, Inc	48,674
Vierhus Farms	48,393
W. F. McFarlane	46,956
Davis & Huey, Inc	46,795
Irby Abercrombie	44,657
Del Testa Farms	44,483
Rogers Ranches, Inc	44,023
A & H Farms	43,394
Joe M. Lovelace	42,835
Half Moon Fruit & Pro. Co	42,532
D. T. Locke	41,756
Pucheau Ranch	40,976
Dean E. Pryor	39,945
Clayton Brown	39,863
Joe E. Yraceburu	38,939
F. Silveira & J. Peterson	38,825
J. A. Marshall, Est	38,715
Double J Farms	38,580
Perez Bros	38,509
Donald Bellando	38,402
Bill & Ed Koda	37,949
B T V Farms	37,830
Leavelle Bros	36,825
Dodd Fam. Liv. Trust	36,690
Edward Azhderian	35,956
Fairless & Pifferini	35,921
Hanson & Fortune	35,576
J. Teore & G. Tavares	34,533
Britz Fertilizer	34,423
Hale Bros	34,371
Martin Costales	34,011
Edgar Wilkins Ranch	33,785
The Desert Ranch	33,724
Melvin Coelho	33,634
Indart, Inc	33,576
Delbert Morse	33,472
Alfred Russell	33,046
Harnish Five Points, Inc	32,980
Ru Ann Dairy	32,555
Paul Crevolin	32,498
McKean Bros	32,438
A & D Koligian	32,437
Des Jardins Bros	32,167
Levon Azhderian	31,443
Mike Etcheberry	31,327
Diamond R Farms, Inc	31,060
Jarrott Ranch	30,699
Markarian Farms	30,698
Gerawan & Penner Ranches, Inc	30,215
Burnett Bros	29,611
Nichols & Wood	29,504
Ed Wilkins	29,202
John Teixeira	29,115
Jack D. Jones	28,602
D. J. Rowland	28,206
Carvalho Farms, Inc	28,153
Ernest E. Sullivan	27,333
Earl Brinkley	27,302
Frank Ayerza	27,040
United Packing Co	26,973
John Wm. Kinnunen	26,947
Jean Errotabere	26,752
Reece Bros	26,570
Hubert Beene	26,406
Alex Maul	26,335
Frank Chounet Est	25,858
Tai Hing & Co	25,855
E. Weeth & Son	25,796
Re-Al Farms, Inc	25,665
Echeveste & Elizalde	25,500
P. R. Farms, Inc	25,263
Earl L. Carter	25,123
Motte Ranches	25,084
Irwin R. Efird	25,010
Total payees in county (152)	17,058,144

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—California— Continued

GLENN COUNTY

Ernest M. Michael	$37,671
Shintaffer Farms	27,837
Ernest W. Michael	25,492
Total payees in county (3)	91,000

IMPERIAL COUNTY

H. B. Murphy Co	431,733
Elmore Co	218,565
W. E. Young & W. E. Young Jr	209,531
Sinclair Rches	193,869
Irvine Co	174,408
George B. Willoughby	165,889
Jack Elmore	165,708
Russell Bros. Rches, Inc	155,583
J. H. Benson Rchs, Inc	148,545
Hugh Hudson Ranches	140,943
C. T. Dearborn	131,032
Stephen H. Elmore	104,733
Kenneth Reynolds	104,023
Baretta & Little Farms	100,073
Donald K. Donley	95,916
Fifield Land Co	92,793
Raymond Oconnel & Son	92,010
Fifield Farms	88,397
Donald H. Cox	87,505
Abatti Bros	86,568
Griset Bros	86,393
Salton Sea Farms	84,514
Cal.-Tenn. L. & C. Co	82,587
W. & Q. Farms, Inc	79,530
Charles Vonderahe	76,792
California Sturges Ginning Co	74,371
Davis Beauchamp	70,084
Neil Fifield Co	67,647
Adamek & Dessert	66,406
Jack Bros. & McBurney, Inc	63,676
Stafford Hannon	62,522
Dearborn & Maraccini	61,663
Harry Schmidt Farms	60,699
Leroy Edwards	58,106
C. W. Sanders	56,237
R. S. Reese	51,567
Hawk & Sperber	50,756
Moiola Bros	47,495
Bonanza Farms	47,427
J. N. Osterkamp Rches	46,817
Edward M. Wavers	46,277
Jimmie Sekhon	46,220
J. M. Bryant	44,829
Ed Wiest	44,034
John V. Merten	43,038
Lee M. Whittle	42,954
Brandt Bros	41,512
J. Emanuelli & Sons	41,301
Preciado Bros	40,862
Antone Borchard Co	40,790
Berryman Farms	40,770
Johnny P. Singh	40,412
Delmar A. Brady	40,236
San Pasqual L. & C. Co	39,769
Homer Slater	39,615
Sundial Farming Co	38,604
D. Arrigo Bros. Co	37,472
Dixie Ranches	37,333
James A. Taylor	36,446
John R. Chas. & Chas., Jr., Kershaw	36,437
Fleming & Jack	36,066
House & Haskell	35,754
Michael D. Ayala	35,227
Dubois Ranch	34,970
Berylwood Inv. Co	33,753
R. B. Wilson Co	33,529
Perez & Morrell	32,839
John V. Borchard	32,839
J. R. & B. R. Smith	32,781
Robinson & Layaye	32,433
John H. Borchard	32,251
Brock Ranches	32,107
Robert C. Brown	31,845
Layton Farms	31,561
Earl W. Ashurst	31,409
M. & B. Farms	31,336
Deol & Sunghera	31,317
Allen B. Griffin	30,960

IMPERIAL COUNTY—continued

C. S. Sandhu	$30,855
Fritz Kuhn, Jr	30,714
Sweetwater Feeders	30,391
C. Alex Abatti	30,211
Valjon Trst	30,098
Ernest L. Ayala	30,060
James P. & Michael J. Casey	29,868
Correll Farms Inc	29,817
Charles C. Bowles	29,668
Edwin Chew	29,465
Dahm Bros	29,410
Green Valley Farms	29,354
Lerno Bros	28,145
Murray R. Hoffman	27,654
Robert Harp	27,385
L. L. Lyerly	27,064
Valley Properties	26,913
Alvaro Deen	26,712
Claverie Bros	26,490
Marlin E. Medearis	26,448
Luckey & Hellis	26,340
M. J. Labrucherie Rch	26,332
Loma Farms	25,032
Total payees in county (101)	6,349,437

KERN COUNTY

Kern County Land Co	974,163
S. A. Camp Farms Co	928,917
B. V. Fms & Miller & Lux	292,961
W. B. Camp & Sons	267,559
Santiaga Ranch	243,366
Houchin Bros. Farming	232,163
Giumarra Vineyard Corp	227,539
Ridgeside Farms	226,709
C. J. Vignolo	225,797
Mazzie Farms	207,146
Twin Farms	201,683
Joe Mendiburu	195,290
D. M. Bryant Jr	182,994
Coberly-West Co	171,367
M. & I. Farms	159,463
Reynold M. Mettler	156,566
EM H. Mettler & Sons	152,902
McKittrick Ranch Inc	142,358
Bidart Bros	137,096
Tejon Ranch Co	133,501
Standard Oil Co	121,254
Vcth Farms Inc	118,150
Wheeler Farms	117,869
The Mirasol Co	116,516
Willis & Kurtz	110,574
M. B. McFarland & Sons	102,872
Sill Prop. Inc	101,559
Rossi Farms Inc	99,140
Belluomini Bros	96,113
E. O. Mitchell Inc	89,985
Paul Pilgrim	89,582
Cattani Bros	87,008
C. Mettler	86,349
M. Lane	84,908
H. & H. Farms Inc	84,622
Antongiovanni & Jarrard	82,512
Tracy Ranch Inc	81,894
L. A. Robertson Fms. Inc	80,304
Wedel Farms	78,255
Kenmar Farm	77,981
Palm Farms Inc	77,488
Cerro Bros	77,218
Sanders Farms	76,113
Parsons Ranch	75,678
B. S. Baldwin & Sons	75,015
J. Antongiovanni & Sons	72,885
Wayne Kirschenmann	71,460
Garone Brothers	70,907
Fredlo Farms	70,201
Torrigiani Bros	69,645
James O. Payne	69,402
H. Buller Farms	69,251
Sanders & Sanders	68,011
Opal Fry & Sons	67,896
Melvin McConnell Fms	67,088
Henson & Sons	66,618
Tollie Barton	66,571
Porter Land Co	66,445
Angelo & Eugene Fanucchi	65,665
A. H. Wegis & Sons	65,177
Diablo Farms	65,062
Antongiovanni Bros	64,484

KERN COUNTY—continued

J. Kroeker Sons	$64,398
Camp & Lachenmaier	63,291
Barling Bros	62,662
Bloemhof Hay Co	62,491
John Valpredo	61,445
Joe Freitas Jr	59,768
H. Miller Tr. V. Chinn	59,690
Barnard Bros	59,000
Joe G. Fanucchi & Sons	58,616
K. & P. Farms Inc	58,500
D. C. Crawford & Son	58,130
Tejon Potato Co	57,941
Kern Valley Farms	57,725
Pandol & Sons	57,132
Three H Ranch	56,937
Milham Farms	56,733
Chase & Harmon Farms	56,419
Kirschenmann Farms	55,187
Russell J. O'Grady	54,067
Livio Palla	54,480
Claude Botkin Co., Inc	54,205
Jeffries & Lachenmaier	53,827
Scarrone Bros	53,471
D. & R. Farms	52,552
Sam Andrews Sons	51,439
Gal-Co Farms	51,191
R. H. Garlow Farms	51,081
Kenneth Twisselman	51,027
Maple Leaf Farms	50,477
E. D. Neufeld	49,885
B. L. Gibson	49,833
E. L. Goodspeed	49,343
Patterson & Hale	49,232
Stoller Bros. Inc	49,211
Bonanza Farms	49,078
R. B. Tucker	49,053
Gammon Bros	48,725
B. F. B. Farms	48,564
Tazioli & Son	48,140
Enbe Ranch	47,823
R. A. Jacobsen	47,718
Bruno Baggiani & Lido Isola	47,567
Woods Stone	47,464
Mike Hankins	47,330
Weidenbach Bros	46,727
Haddad Bros Fms	46,502
Barnard & Barnard	46,006
Jimmie Icardo	45,797
Henson & Landers	45,669
Sandrini Bros	45,457
Torigiani Fms	45,369
Johnston Farms	43,686
Costerisan Farms	43,590
Crettol Farms	43,546
Banducci & Son	43,505
M. Parker	43,176
Jack G. Thompson	43,148
V & C Farms	42,968
Elo & Vido Fabbri	42,790
K. Malofy & Son	42,187
Joseph J. Trino	42,105
Little & Hanes	42,097
Hudson Ranch	42,031
Guido Romanini	41,953
Howard Frick	41,375
Shafter Wasco Invest. Co	40,778
Costa Farms	40,710
Harry Banducci	40,607
Edward Kraft	39,607
D & B Moore	39,409
Mason Snow	39,324
Rancho Trio	38,309
Bleecker Farms	37,918
L. M. Betti	37,799
F. W. Handel Farm Co	37,546
F. Palla	37,290
L. A. Grant & Sons	37,120
John A. Malley	36,912
D. M. Steele & Son, Inc	36,868
J. L. Billington	36,472
Allen Bottorff	35,749
J. Pavlina	35,746
A. Palla	35,506
Roland M. Vallicella	35,350
Romanini Bros	35,232
W. S. Kimmel	35,165
V. C. McLain Est	34,776
Mahoney & Mahoney	34,506
John Kovacevich	34,423
Dale Snell	34,310
C. G. Muzinich	34,215

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—California—Continued

KERN COUNTY—continued

Triple J. Fms., Inc	$34,192
Banducci Farms	34,064
O. Torigiani Farm	34,012
Waldrip Fms	33,978
Lester Neufeld & Son	33,901
Buford L. Fox	33,288
Meadow Gold Farms	33,266
E. A. Yakstich	33,226
L. C. Kreim	33,179
L. I. Rhodes & Sons	32,717
Freeborn Bros	32,699
H. Visser	32,630
Louis E. Borel & Sons	32,395
Double L. Farms	32,334
A. L. Muzinich	32,194
Eugene Black	31,968
Pomeroy & Jewett	31,265
E. Neuman	31,208
O. D. Handel & Son	31,164
C. D. Ross	31,056
Lowrimore & Wood	31,022
W. P. Romero	30,963
Central Farms	30,849
Precie Farms	30,748
Skylane Farms Corp	30,190
Fox & Williams Fms	30,184
Pete Romanini Fms	29,734
Frank C. Bury	29,732
Beck & Sons	29,681
Geo. Noroian	29,548
M. L. Rockwell	29,506
Warren McCulley	29,246
W. C. Handel & Sons, Inc	29,081
C. Valpredo	29,022
Delis Farms	28,940
Destefani Farms, Inc	28,100
Regan Farms	27,785
A. Neufeld Farms	27,765
Derby Farms	27,494
M. L. Stephens	27,488
Richard Elrich	27,448
G. H. Baumgardt	27,391
B. J. Handel Co	27,282
Banducci Frmg. Co. Inc	27,229
Bernard Sasia	26,877
Dave Bloemhof	26,782
Bruno Cauzza	26,703
Lee Roy Janzen	26,407
Two M. Farms	26,259
George W. Wise	26,201
Louis Ricci	26,075
H. S. Jewett	26,049
Kenneth McClanahan	26,007
R. Palla	26,007
Toretta Farms	25,964
Frank Franceschi	25,813
Ratzlaff Bros	25,765
Robert K. Long	25,654
Donald Molatore	25,642
Vista Farms	25,548
E. M. Taylor	25,532
Ervin Baublitz	25,412
Neffs Ranch	25,344
Maple Ranch	25,233
Rose Ranch	25,112
Total payees in county (218)	15,055,536

KINGS COUNTY

J. G. Boswell Co	4,370,657
South Lake Farms	1,788,052
Salyer Land Co	1,637,961
Westlake Farms	697,360
Vernon L. Thomas Inc	392,790
Gilkey Farms, Inc	295,415
J. G. Stone Land Co	266,968
West Haven Farming Co	238,201
Borba Bros	196,986
Boyett Farming	179,401
R. A. Rowan & Co	178,975
G. W. Nickel, Jr	140,768
Schwartz Farms, Inc	139,075
Newton Brothers	130,120
South Fork Ranch Inc	116,202
Peterson Farms	115,130

KINGS COUNTY—continued

Wesley Hansen	$106,312
H. L. Yocum & Sons	105,332
Jones Farms	98,468
P. Hansen Ranch	97,631
Harp & Hansen	90,860
Inco Farms, Inc	83,834
Lone Oak Ranch	75,339
W. W. Boswell, Jr	72,610
Tule Ranch Apts	61,629
R. S. Barlow	61,433
L. E. Culp, d.b.a. Culp Ranches	55,182
Avila Bros. J. L. C	54,886
Murray Farms, Inc	53,569
Couture Farms	51,427
Eastside Farms	51,396
Verburg Brothers	49,993
Grant W. Squire	48,822
Chatom Co	46,074
S. L. Newton, d.b.a. Newton Farms	44,169
R. Gonsalves	43,280
M. S. Simas Est	42,854
Barcellos & Wolfsen	42,812
M. Murray Farms, Inc	42,532
Costa & Quintel, Inc	41,432
C. Elmer Spafford	40,705
Wedderburn Bros	37,159
G. E. Brewster Est	36,884
Dufur & Castadio	35,849
Ralph Marshall	35,365
Dunlop Farms	35,357
Gregory Stanton	33,986
J. B. Long	33,588
John Victoria, Jr	32,198
Double O Ranch	32,164
Franna Farms	30,744
Gilkey Farms Delta	30,258
John Hild	28,830
Fagundes Bros	27,422
Joseph R. Fabry, Jr	27,079
Kenneth G. Walker	27,024
S. P. S. Farms	27,016
L. E. Hansen Farms, Inc	26,773
Giacomazzi Bros	26,705
Basin Farms, Inc	26,517
Ralph Gilkey	25,765
Mussel Slough Farms	25,694
George H. Meyer	25,303
Total payees in county (63)	13,114,322

LASSEN COUNTY

Clyde Grafe	36,388

LOS ANGELES COUNTY

John Fuson	100,121
Kurt F. Ullman	29,012
Healy Enterprises, Inc	25,881
Total payees in county (3)	155,014

MADERA COUNTY

Newhall Land & Farming	258,555
Schuh Bros	122,642
Dave Mendrin & Sons	117,539
Hooper Farms, Inc	99,413
Larry Chapman	81,400
Johnny Deniz	65,556
Baker Brothers	53,011
Fred Toschi	51,919
Van Curen Farms	51,235
Bill G. Clay	50,828
Henry Watson	50,716
Sherman Thomas	49,886
El Peco Ranch	49,252
Logoluso Farms	47,691
A. K. Baker	45,665
Norman Kuhr	44,349
H-M Farming Company	43,326
B. A. Watson	42,688
Triangle T Ranch	40,574
Forrest Clayton	39,943
R. C. Weaver	38,749
Frank J. Martin	37,973
Red Top Ranch	37,146
Burkhart Farms	36,506
Howard Glantz	35,814
L. D. McRee	35,115

MADERA COUNTY—continued

Wm. E. Roberts	$32,452
Curran Ranches	31,196
Wesson Farms	30,754
Ben Curutchet	30,441
George Andrew	30,395
Buffington Agri Ent	30,345
Dan Branco	29,774
Roger Beldon	29,672
Sam Mariani	29,579
Adobe Ranch	28,769
Willard Haynes	28,537
Florence Averill	28,452
Brittons Eside Ranch	27,101
J. A. & T. R. Hawkins	26,459
Hake Ranch	26,401
Sagouspe Brothers	25,772
Total payees in county (42)	2,093,590

MERCED COUNTY

Sam Hamburg Farms	183,380
Wolfsen Land and Cattle	154,466
Bowles Farming Co	95,808
San Juan Ranching Co	90,248
Carl V. Grissom	69,021
Vernon Porter	62,224
Favier Bros	59,661
Lindemann Farms Inc	59,503
Brights Nursery Inc	54,815
Bisignani Bros	43,492
Joe G. Machado, Jr	41,695
Lewis Maiorino	37,161
Clay Farms, Inc	36,750
Santa Rita Ranch Co	36,597
Findley M. Upton	35,664
Woo Bros	32,272
Sorg Bros	31,240
James Maiorino, Jr	31,197
F. Serrano	29,512
Chas. E. Andrews	29,270
Vandenberg Bros	28,299
Cozzi Bros	27,750
Obanion Ranches	26,782
Total payees in county (23)	1,296,807

MONTEREY COUNTY

Martinus & Martinus	41,315
Porter Estate Co	28,046
Total payees in county (2)	69,361

PLACER COUNTY

Evans Bros	25,512

RIVERSIDE COUNTY

Wilco Produce	314,402
Riverview Farm & Cattle	262,114
Clarence Robinson	127,025
Kennedy Bros	126,458
John Norton Farms	121,803
Scott & Knappenberger	82,316
Delta Ranches, Inc	75,480
Schindler Brothers	64,059
George Arakelian Farms Inc	58,838
Pi-Land & Cattle Co	56,918
Fisher Ranch	56,403
High & Mighty Farms	55,282
Rummonds Bros. Ranches Inc	52,341
Verne Wuertz	49,257
Wayne Barrett	48,533
J & R Enterprises	46,485
Lawrence Chaffin	46,075
E. C. Apodac Est	45,801
Sunrise Farms	45,474
Joe H. Ulmer	43,544
Albert Keck Co	41,198
W. K. Kenworthy	40,299
Dale Hull	37,372
Harboe-Ensley	36,297
Hanna Farms Inc	35,542
G & S Farms	32,340
Ford Underwood	28,761
Peter Rabbit Farms	27,297
Motte & Sons	27,257

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—California— Continued

RIVERSIDE COUNTY—continued

Marshburn Bros	$27,096
Bud Antle Inc	25,442
Total payees in county (31)	2,137,509

SACRAMENTO COUNTY

Silva Farms	46,390
E. D. Willey & Sons	33,161
Morgan Johnson	28,738
Upham Ranch	27,783
Charles Coldani	26,041
Total payees in county (5)	162,113

SAN DIEGO COUNTY

Daley Enterprise	29,137

SAN JOAQUIN COUNTY

M. & T. Inc	39,464
O. Narducci	31,310
Dell Aringa Bros	30,072
Total payees in county (3)	100,846

SAN LUIS OBISPO COUNTY

Jackson & Reinert	55,378
Miller Brothers	54,355
William S. Alley	39,505
Mildred Hansen	37,689
John J. Pond	29,785
Claude Arnold	29,683
William P. Wreden	27,957
Total payees in county (7)	274,352

SANTA BARBARA COUNTY

R. L. Calhoun	65,585

SOLANO COUNTY

Peter Cook, Jr	44,618
Moore Bros	31,220
George M. Struve, Jr	27,524
Total payees in county (3)	103,362

SUTTER COUNTY

Broomieside Farms	32,572
Sutter Basin Corp	29,956
Roy C. Osterli	26,254
Agrivest Corp	25,734
Total payees in county (7)	114,516

TEHAMA COUNTY

Sutfin Bros	27,534

TULARE COUNTY

F. J. McCarthy & Sons	262,890
Nichols Farms	190,944
Roberts Farms Inc	178,408
S. K. Ranch	158,308
Marion Harris	154,156
Shuklian Bros. Inc	143,701
Correia Brothers	109,805
John Valov	103,442
G. L. Pratt	102,554
C. J. Ritchie	89,602
M. Curti & Sons	84,335
Rogers Farming Co	83,385
A. E. Panetta Farms	81,707
Don & Vern Thiesen	77,011
E. W. Merritt Farms	74,348
E. Batsch	73,563
Richard Berry & Sons	72,103
Morris Stuhaan	70,389
R. A. Hildebrand	70,116
T. V. Cardoza & Son	68,406

TULARE COUNTY—continued

R. E. Smith & Sons	$66,589
G. E. Paxton	65,753
Jack Phillips	64,891
Glenn Schott & Sons	64,259
Carl & Paul Shannon	62,402
Menezes Bros	61,997
Doe Cattle & Land Company	61,981
Bill White	61,879
Andy Wheat	59,297
J. D. Andreas & Sons	57,234
A. Caratan & Son	53,571
Atilio Belezzuoli	51,424
Mitchellinda Ranches	50,955
L. W. Turk	50,808
Clyde Quillin Jr	50,362
C. & W. Ranches	50,175
Edward L. Irwin	49,642
Baker Bros	49,358
Roy D. Murray	48,725
Sherman Land & Cattle Co	44,965
Robert F. Bowman	44,641
Vernon Hutsell	44,290
John Torrez Jr	42,653
Guthrie Farming Co	41,634
Doyle Ritchie	41,583
Hochuli Bros	41,055
W. M. & D. L. Colson	40,370
H. A. Vossler & Sons	39,812
George A. Efseaff	39,389
Nagatani Farms	38,902
A. T. & J. R. Villard	37,951
Glenn L. Cooper	37,182
Wilbur Ranch	36,955
Charlie Minoletti	36,620
Melvin Miller	35,270
Lawrence Taylor	34,684
Lapadula Farms	34,605
Louie F. Morris	34,361
Roy Kent	34,080
Fisher Bros	33,890
Benson Brothers	33,754
Nickell Farms	33,413
Robert Taggart	32,468
Hash Nursery	32,344
Sam W. Bell	32,327
Dick Anderson	32,315
Mary Rocha	32,310
Glenn Newsom	32,002
Richard Stuhaan	31,863
Earl Royer	31,439
Louie McQuay	31,142
Joe W. Ramos	31,122
Chas. E. Slaughter Farms	31,007
Harvey Lauritzen	30,890
J. X. Bettencourt	30,835
Galbraith Brothers	30,657
Don MacMillan	30,573
Amos Margosian	30,524
Don Eisner	30,465
Clark Bros	30,242
Edgar Schieler & Sons	30,061
Luella B. Hyde & Sons	29,849
Pradera Del Lago	29,781
C. D. Speer	29,462
Overholt Brothers	28,933
J. C. Ribeiro & Sons	28,929
Coy M. Daffern	28,522
L. Raviscioni Farms	28,504
Troy Huckabay	28,069
Watte Brothers	27,851
Frank L. Day	27,579
Schlitz & Twiford Farms	27,576
Nielsen Farms	27,545
Hank Anderson	27,386
James D. Cupp	27,225
Toomey Brothers	26,590
Manuel I. Rocha	26,372
A. W. Carlson	26,183
Geo. Shannon	26,178
Hercal Corporation	26,163
S & S Ranches	26,102
E. L. Beaver	26,025
Rollis Friend	26,013
Kirby Wyllie	25,920
Cowart & Moorhead	25,623
Manuel Martin, Jr	25,329
Larry Hawthorne	25,094
Total payees in county (107)	5,515,923

YOLA COUNTY

Heidrick Farms, Inc	$103,101
E. L. Wallace	80,429
C. Bruce Mace Ranch, Inc	77,358
Layton Knaggs	49,837
Kirtlan Bros	40,731
E. L. Wallace and Sons	39,583
L. H. Farms Corp	36,457
Total payees in county (7)	427,496
Total payees in State (783)	64,479,024

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Colorado

ADAMS COUNTY

Kalcevic Farms Inc	$64,624
Monaghan Farms Inc	49,752
Box Elder Farms, Co	41,455
Total payees in county (3)	155,831

ARAPAHOE COUNTY

Roland K. Cronk	31,793
Joseph Turecek, Est	28,731
Tom Bradbury	27,106
Ed Fischahs	26,357
Robert E. Carlson	25,536
Total payees in county (5)	139,523

BACA COUNTY

T. F. Arbuthnot	56,520
C. V. Cogburn	51,055
Russell Lofiin	43,908
F. M. Swanson	40,559
Wayne Orebaugh	36,214
Bernard Neill	32,184
Samuel Thompson	32,019
W. E. Tolbert	31,810
Brownie Farms	31,560
J. T. McEndree	30,345
Homsher Farms and Ranches	28,878
A. B. Hefley	28,565
Lewis Robbins	27,545
T. L. Tucker and Jesse Wade	27,020
Roy B. Hanes and Delano Alley	26,638
Total payees in county (15)	524,820

BENT COUNTY

George C. Camilli	41,080
Jake Broyles	37,276
Fred Rohlman	31,719
G. Swift, Est	30,089
Cordes and Oberlander	26,927
Total payees in county (5)	167,091

CHEYENNE COUNTY

Jeanne L. James	60,099
John Kriss	52,471
Dale Mitchek	40,005
James McCormick, Jr	35,994
Archie M. Lowe & Sons	34,345
Marvin Lowe	33,241
August Kern & Sons	32,612
A. D. Reed	29,626
Edwin Hendrickson	29,466
William L. White	29,322
M. K. White	28,317
White Woman Creek Inc	27,378
Henry Funk	26,774
Allen Bros	25,093
Total payees in county (14)	484,743

CROWLEY COUNTY

Crowley Land & Dev. Co	47,538

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Colorado—Con.

ELBERT COUNTY

Andy Kochis, Jr	$26,591

KIOWA COUNTY

Olive W. Garvey	103,726
James S. Garvey	95,113
Harold Wyckoff	52,020
George A. Jacobs	50,557
Wayne E. Tallman	47,002
M. E. Templer	43,599
Stum & Schuler	42,613
C. W. Schwerdfeger	42,216
Ruth G. Fink	41,884
Wayne E. Tallman Farms Co	39,410
W. Harold Tuttle	37,720
Woolfolk Grain Co	34,476
Gene Schwerdfeger	33,668
William J. Weber	32,269
E. L. Hatcher	30,512
Arthur C. Wilks	29,784
Aubrey Shotton	28,875
Clyde E. Buck	28,460
Bill Marx	28,369
Jerald R. Quindt	26,488
Charles E. Tallman	26,322
Total payees in county (21)	895,083

KIT CARSON COUNTY

Baughman Farms, Inc	310,255
Delmer Zweygardt	116,483
Penny Ranch	62,114
Hinkhouse Bros	61,784
Dannie Weaver	59,089
Leonard Feldhousen	55,875
Russell Scott	53,059
Iron Mueller, Inc	51,680
Marvin Grusing	50,764
Reed Ranches	46,155
Orville Chapin	45,678
Dale D. Hanna	45,420
Buol Farms, Inc	42,411
B. D. Hargrove	41,656
Raymond Schulte	37,373
George Andrews	37,251
Q. G. Demmit	35,013
William Paul Hornung	33,832
John R. Zurcher	33,610
Raymond Duell	33,319
Rex Hitchcock	33,235
Kenneth Harrel	32,801
Francis McCaffrey, Sr	31,254
Raymond Thomas Downey	30,930
Ernest Pottorff	29,254
Chester E. James	28,920
Mae Belle Crouse	28,777
Herman Ridder	28,733
Harold Pickard	27,596
C. E. McCartney	27,343
Bess Jones	26,722
Edwin Rainbolt	26,411
Kenneth Hitchcock	26,402
Virgil Unruh	25,707
Total payees in county (34)	1,656,906

LINCOLN COUNTY

Orval F. Parker, Inc	28,633
Harold Kuckartz	26,631
J. F. Elliston	26,116
Bill Poss	25,342
Total payees in county (4)	106,722

PROWERS COUNTY

Reyher Farms	72,770
X. Y. Ranch Co	67,603
C. H. Fletcher	61,153
C. E. Willhite	50,300
Howard A. Ragsdale	47,485
C. A. Barth and Robert Barth	44,745
C. Hart Farms, Inc	42,056
L. W. Bailey	40,988
Sun Vue, Inc	40,042

PROWERS COUNTY—continued

Curtis Duvall	$36,848
J. Willhite and Son	34,983
Gene and Claude Hammit	33,187
George E. Holmes	31,250
Eugene Rundell	30,441
Horsecreek Farms	30,290
Jack Herrin	29,874
Frank Duvall	28,188
Dorenkamp Farms, Inc	27,220
Creamer Ranch	27,133
Leonard Hart	26,540
John Gentz	25,601
R. L. Hatcher	25,089
Total payees in county (22)	853,786

PUEBLO COUNTY

R. Lewis Fillmore	53,772

ROUTT COUNTY

Gilbert Evans	27,070

SEDGWICK COUNTY

Wm. Stretesky	30,433

WASHINGTON COUNTY

Andrew Blake	46,545
Robert Thomas	36,680
V. V. Davie	35,179
Alfred Ward and Son	34,617
X Bar 4 Ranch, Inc	33,373
Ben Gay, Inc	29,897
Joseph Kejr Test- Tr. No. 2B	29,766
Earl Anderson	28,970
Donald Wright	27,739
Jay Hickert	25,808
Total payees in county (10)	328,574

WELD COUNTY

Jean Eichheim	40,168
Lyle V. Cooksey	35,689
L. J. King	35,054
John E. Epple	29,892
Dorothy S. Linnebur	29,856
Walter John Peters	27,200
Henry S. King	25,427
Total payees in county (7)	223,286

YUMA COUNTY

Big Creek Farms Co	52,519
Chester Whomble	32,178
Leonard L. R. Dutton	32,177
C. D. & Don Seedorf	28,047
George W. Wingfield	27,483
Carroll Josh	26,094
Total payees in county (6)	198,498
Total payees in State (151)	5,920,267

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Florida

JEFFERSON COUNTY

Pinckney Hill Plantation	$39,525

SANTA ROSA COUNTY

J. E. Golden	43,916
Lem Strickland	31,357
Total payees in county (2)	75,273

SUWANNEE COUNTY

Sid Allen, Jr	26,186
D. W. Stephens	25,540
Total payees in county (2)	51,726
Total payees in State (5)	166,524

BAKER COUNTY

Newberry Angus Farms, Inc	34,908

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Georgia

BARTOW COUNTY

J. C. Evans	$41,610
Smith Gin Company	33,585
W. P. Lanier	32,678
Joe G. Brandon, Jr	31,951
J. M. Maxwell/W. Smith	31,796
H. E. Harris	29,338
Glenn Nelson	26,813
Total payees in county (7)	227,771

BEN HILL COUNTY

J. H. Dorminy, Jr	37,626

BLECKLEY COUNTY

Stuckey Timberland, Inc	33,686
James E. Perry	25,487
Total payees in county (2)	59,173

BROOKS COUNTY

H. R. Crosby	28,922

BULLOCH COUNTY

H. S. Blitch and Son	42,942

BURKE COUNTY

Roy Barefield	64,358
Quinton Rogers	55,654
Kitchen and Land	51,172
B. G. Collins	49,464
R. L. Webster	47,317
James Beall	45,242
Jimmie R. Robinson	42,852
Eliz O. Barefield	42,423
T. R. Rowland	40,717
J. H. Rowland	39,769
A. H. Sandeford	39,458
Paul Shivers	37,801
H. W. Mobley	36,410
J. B. Walden	35,994
T. W. and R. W. Mobley	35,933
Percy Dixon	35,392
Frank C. Griffin	34,348
Ray Delaigle	34,077
R. L. Quick	32,655
Farris L. Wren	31,597
Porter W. Carswell	29,528
Lamar Prescott	28,784
Irvin Reeves	26,900
W. T. McBride	26,696
J. T. Cooper	25,368
Total payees in county (25)	969,909

CALHOUN COUNTY

David Bruner	32,185
Jordan Farms Partnership	30,303
R. M. Jordan	29,413
R. L. Perryman	25,330
J. S. Cowart, Jr	25,260
Total payees in county (5)	152,491

CHANDLER COUNTY

M. J. Bowen	44,279

CLAY COUNTY

Jack Hattaway	29,373

COLQUITT COUNTY

Samuel F. Brewer	29,979

COWETA COUNTY

W. J. Estes	48,226

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Georgia—Con.

CRISP COUNTY

Noel Williams	$69,381
L. E. Williams, Jr	43,349
Harold Jackson	28,728
W. H. Williams	27,604
Total payees in county (4)	169,062

DODGE COUNTY

James J. Mullis	61,770
Candler Farms	41,659
S. C. Cadwell	30,488
Guy Tripp	30,346
Total payees in county (4)	164,263

DOOLY COUNTY

Asbury Wright	123,156
Olen J. Burton	57,829
Eugene McCleskey	57,074
Van Peavy	57,046
Rha McCleskey, Jr	54,432
Madison B. Coley, Jr	53,434
Ike Everett	47,325
W. R. Jackson, Jr	45,993
W. H. and C. V. Cross	42,378
Millard Peavy	42,362
Warren Taylor	39,673
Ellis H. Davis	37,784
Lee Bailey, Jr	36,621
Otha Peavy	36,253
Ronney Ledford	36,143
Carl Bowen	36,113
F. H. Sparrow	35,057
R. L. Calhoun	34,314
Richard Doster	31,919
Ossie T. Spradley, Jr	30,940
Anderson Reed	30,573
John S. Williams	29,267
Raymond Davis	28,829
W. G. Joiner	28,439
L. L. Minor, Sr	28,439
Tippett Peavy	27,779
Marvin Capus Jones	27,367
Ben T. Ambrose	27,295
Total payees in county (28)	1,163,834

EARLY COUNTY

Singletary Farms	65,605
Leonard White	38,154
Sam Clinkscales	30,555
P. H. Clinkscales	27,400
Total payees in county (4)	161,714

EMANUEL COUNTY

Frank Flanders	55,725
D. E. Brown	35,697
Billie Walden	31,167
Total payees in county (3)	122,589

GLASCOCK COUNTY

John Everett Hadden	25,617

GORDON COUNTY

Gus G. Moore	31,383
Frank Erwin	27,945
Moss Land Co	27,251
Total payees in county (3)	86,579

HANCOCK COUNTY

Grover A. Walls, Sr	50,964
Herman Archer	25,183
Total payees in county (2)	76,147

HART COUNTY

Hubert Cheek, Jr	114,065
L. M. York	37,368
Total payees in county (2)	151,433

HOUSTON COUNTY

Charlie T. Kersey	$51,501
Gunn Farms	44,130
L. E. Hicks	42,562
John E. Richards	40,572
W. V. Brannen	28,738
S. A. Nunn, Jr	27,481
Total payees in county (6)	234,984

JEFFERSON COUNTY

Bryants Incorporated	65,717
T. B. Kelly Estate	52,897
G. C. and Johnny McGahee	52,717
Harry and A. P. Jones	45,283
Judson McNair	41,742
Lewis Alford	34,556
W. P. Smith and Sons	32,249
Paul and Larry Cobb	31,639
R. J. Jones	30,986
A. H. Braswell	26,313
Hugh L. Salter	25,195
Total payees in county (11)	439,294

JENKINS COUNTY

T. L. Black	42,407
Virgil H. Black	33,113
Buck Brinson	29,197
Lamar Black	27,789
Total payees in county (4)	132,506

JOHNSON COUNTY

W. R. & J. L. Jackson	50,687
T. E. Jordan, Jr	36,319
Total payees in county (2)	87,006

LAURENS COUNTY

W. A. Rountree	93,432
W. H. Lovett	69,403
Ed Roche	41,898
Jack Cook	32,343
H. L. Harper	30,503
A. L. Parker	29,500
B. Moorman and B. F. Watson	28,018
Estate of E. B. Claxton, dec	26,676
Total payees in county (8)	351,773

MACON COUNTY

C. J. Harp, Jr	32,831
Hixon Guest	29,610
J. T. Fullington	28,929
F. W. Smith	25,662
Total payees in county (4)	117,032

MADISON COUNTY

Whitehead Farms	35,670

MERIWETHER COUNTY

Gay and Keith	39,898
A. G. Estes, Inc	33,404
W. R. Arnall	28,583
Total payees in county (3)	101,885

MITCHELL COUNTY

Billy Hatcher	38,011
H. G. McGahee	36,660
Harry Frosteg	33,618
Dan Palmer, Jr	28,630
James & Harry Holton, Inc	26,710
Total payees in county (5)	163,629

MORGAN COUNTY

D. W. & B. H. Malcom	82,026
Otis Whitlock	61,027
Bonny Shepherd	42,616
Total payees in county (3)	185,669

OCONEE COUNTY

Fonnie F. Dickens, Jr	$59,176
Joe D. Murrow	32,151
Total payees in county (2)	91,327

OGLETHORPE COUNTY

Carl C. Culbertson	52,489

PEACH COUNTY

Marlon Maddox	25,773

PIKE COUNTY

R. D. Crawford	39,063
R. F. Strickland Co	35,007
Total payees in county	74,070

PULASKI COUNTY

John W. Dawson	69,299
Dunaway Brothers	45,504
Norman C. Hardy	37,894
B. E. Dunaway	28,137
Total payees in county (4)	180,834

RANDOLPH COUNTY

Edward Sanders	44,205
J. R. Curry	33,338
R. R. Rice	25,995
Total payees in county (3)	103,538

SCREVEN COUNTY

Millhaven Co	73,515
G. L. Rouse	56,747
Paul K. Newton	35,818
John L. Murray Farm	31,138
L. E. Pryor	28,553
C. M. Austin	27,028
T. V. Parker	25,548
F. F. Glisson	25,529
Total payees in county (8)	303,876

SEMINOLE COUNTY

Raymond Odom	48,149

STEWART COUNTY

W. C. Bradley Co	65,929
M. J. Lane	31,204
Total payees in county (2)	97,133

SUMTER COUNTY

Gene Reeves	69,810
Floyd J. Frazier	32,800
T. E. Stephens, Jr	32,553
Neill Hodges	29,164
J. C. Jones	28,301
Pat Crumpton	26,500
Harold J. Israel	25,124
Total payees in county (7)	244,252

TAYLOR COUNTY

D. W. Payne, Jr	35,298
Ed Richardson	27,904
William A. Simpson	26,054
Total payees in county (3)	89,256

TERRELL COUNTY

Don Bridges	56,560
W. K. Jones	50,588
Wilbur Gamble	45,373
Hugh Lee	36,917
W. B. Johnson	34,504
Huson Brim	29,710
McLendon Brothers	25,993
Total payees in county (7)	279,645

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Georgia—Con.

THOMAS COUNTY

J. G. Griffin	$39,556
Perry Bell Enterprise	25,925
Total payees in county (2)	65,481

TREUTLEN COUNTY

Manning Mimbs	25,843

TURNER COUNTY

Pirkle Farms	47,067
J. F. Gibbs	30,423
Total payees in county (2)	77,490

TWIGGS COUNTY

Sam Floyd, Sr	28,485

WALTON COUNTY

Garland Kilgore	31,763
Robert B. Chandler	26,625
Robert M. Hawk	25,122
Total payees in county (3)	83,510

WARREN COUNTY

Guy H. Shivers, Sr	105,031
Harrison Farms	28,238
Total payees in county (2)	133,269

WASHINGTON COUNTY

Eugene Cook	46,177
E. B. Price, Jr	44,855
Gilmore Bros	41,558
L. A. Garrett	39,374
Ernest C. Smith	31,245
Lonnie S. McDonald	27,372
Olen Price	26,630
Washington Ginning Co	26,125
Total payees in county (8)	283,336

WILCOX COUNTY

Whelchel & Whelchel	28,768
Jack Warren	27,584
Marcus Reeves	26,855
Total payees in county (3)	83,207

WORTH COUNTY

Taylor Farms	44,788
J. R. Odom	27,818
William Sledge	25,958
Total payees in county (3)	98,564
Total payees in state (211)	8,135,812

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Idaho

BANNOCK COUNTY

Dale Koester	$26,235

BINGHAM COUNTY

Lenard Schritter	49,221
Matsuura Bros. Co. Inc	37,402
Vincent R. Benson	31,250
Lloyd Stolworthy Inc	30,217
C. Leslie Williams	29,970
Total payees in county (5)	178,060

BONNEVILLE COUNTY

Jess Croft & Son	59,403
E. Bud Johnson	53,768
J. R. Hays & Son, Inc	47,236
Clements & Jackson	36,199
Karl Brown & Merle Brown	31,126
Schwieder Brothers	27,632
Weeks Brothers & Sons	$27,493
Elmer N. Jensen	25,365
Total payees in county (8)	308,222

CAMAS COUNTY

Gwinn F. Rice	30,927

CARIBOU COUNTY

Barker Brothers	62,861
King Creek Graz Assn	28,196
Total payees in county (2)	91,057

CASSIA COUNTY

Heglar Ranch, Inc	62,427
Paul Spanbauer	59,420
Parr Bros. Inc	49,666
Matthews Bros	36,552
Raymond H. Johnson	32,381
Cold Springs Farm	29,846
Gorringe Bros	29,393
Anderson Bros	28,851
Bell Bingham and Assc	27,055
Total payees in county (9)	355,591

ELMORE COUNTY

Tri C Ranch	25,631
Total payees in county (1)	25,631

FRANKLIN COUNTY

Evan O. Koller	28,871
Total payees in county (1)	28,871

FREMONT COUNTY

Max D. Parkinson and Son, Inc	25,570
Total payees in county (1)	25,570

IDAHO COUNTY

Green Bros	53,172
Total payees in county (1)	53,172

JEFFERSON COUNTY

Western Potato Co	41,964
Snake River Equipment	37,505
Total payees in county (2)	79,469

KOOTENAI COUNTY

Idaho Irrigation Inc	35,981
Drechsel Bros	27,056
Total payees in county (2)	63,037

LATAH COUNTY

Pfaff Bros., Inc	49,472
Total payees in county (1)	49,472

LEWIS COUNTY

Joe Lux	32,761
Aubrey Pratt	31,484
W. W. Riggers & Sons	27,978
Total payees in county (3)	92,223

MADISON COUNTY

Summers Bros	31,035
Ross Parkinson	29,365
Total payees in county (2)	60,400

MINIDOKA COUNTY

Vernon B. Clinton	89,125
Morgan Shillington Farms Co	54,404
Total payees in county (2)	143,529

NEZ PERCE COUNTY

Wagner Brothers Inc	78,236
McIntosh and Sons	69,147
Meacham Land and Cattle Co	55,975
Van Sullivan	$38,839
Stanton Becker Farms	32,957
Herndon Farms	32,647
McGregor Farms Inc	29,958
Edward Bozarth Estate	25,590
George Brammer	25,271
Winston Mader	25,229
Total payees in county (10)	413,849

POWER COUNTY

Fred G. Mayer & Sons	35,639
Jay H. Hulet	31,334
W. W. Hubbard & Sons, Inc	29,763
Wallace Hayes	28,300
Elmer Funk, Jr	26,214
Total payees in county (6)	151,250

TETON COUNTY

Rammel Brothers	29,440
Shayne Linderman	27,930
Total payees in county (2)	57,370

TWIN FALLS COUNTY

W. B. Savage Ranches	26,523
W. T. Williams, Inc	25,185
Total payees in county (2)	51,708
Total payees in State (61)	2,285,643

1960 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Illinois

ALEXANDER COUNTY

Dowco Land Co	$62,492
Elott Raffety Farms, Inc	38,759
Gerard Farms	28,751
E. J. Showmaker	27,204
Total payees in county (4)	157,206

BOONE COUNTY

Donald Clark	33,412

BUREAU COUNTY

Claude Bailey	31,819
Ronald Wolf	28,774
Clint Thomas	25,960
Total payees in county (3)	86,553

COOK COUNTY

Marvin Dunteman	33,546

DE KALB COUNTY

O. M. Johnson	41,895
Edward Weaver	28,155
Total payees in county (4)	70,050

DE WITT COUNTY

C. H. Moore Trust Est	105,428

DOUGLAS COUNTY

Ray Wax	36,435

FULTON COUNTY

Meadowlark Fms	118,973
Lowell Wier	29,072
Total payees in county (2)	148,045

GALLATIN COUNTY

Pat Scates, Sr	66,852
Lawrence Rollman	36,797
James A. Raben	28,275
Total payees in county (3)	131,924

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Illinois—Con.

GREENE COUNTY

James Gesarey	$37,402
Henry Vantuyle	26,492
Total payees in county (2)	63,516

HANCOCK COUNTY

Hancock Land Co	29,499
Total payees in county (1)	29,499

JACKSON COUNTY

Roger Novack	25,404
D. L. Heine & A. Behnken Ptrp	25,303
Total payees in county (2)	50,707

JERSEY COUNTY

I. Sringhausen L. & C. Inc	34,754
Total payees in county (1)	34,754

KANE COUNTY

Baert Bros. c/o F. Baert	30,505
Young Bros., Inc	27,184
Harry Schoger	27,034
John A. Gorenz	26,737
Leon Meredith	25,922
Total payees in county (5)	137,382

KANKAKEE COUNTY

Cote Farms, Inc	126,895
Tallmadge Ranch, Inc	84,498
Sunset Farms, Inc	26,449
Loitz Bros	26,035
Total payees in county (4)	263,877

KNOX COUNTY

James S. Thompson	34,456
Total payees in county (1)	34,456

LAKE COUNTY

Tempel Farms	29,713
Elza Gwaltney	28,749
Total payees in county (2)	58,462

LAWRENCE COUNTY

Earl Minderman	39,839
Total payees in county (1)	39,839

LEE COUNTY

A. H. Nicholas	49,931
Martin Ravnaas	25,636
Total payees in county (2)	75,567

LOGAN COUNTY

John L. White	28,413
Harold Park	27,949
Total payees in county (2)	56,362

MC HENRY COUNTY

Meyer & Schuring	49,169
George Raabe	29,405
Perfection Farms	28,474
Total payees in county (3)	107,048

MC LEAN COUNTY

G. J. Kruger	35,585

MERCER COUNTY

Scott Farm Co	25,120

MONTGOMERY COUNTY

W. Darrell Kilton	$59,596

MORGAN COUNTY

James O. Harris	36,369

PERRY COUNTY

Southwestern Coal Co	50,901

PIATT COUNTY

U. of I., c/o D. G. Smith	32,935

PIKE COUNTY

Bob Richter	29,049
Total payees in county (1)	29,049

RANDOLPH COUNTY

Behnken & Behnken	35,604
Total payees in county (1)	35,604

ROCK ISLAND COUNTY

Martin Bros	31,179
Total payees in county (1)	31,179

SANGAMON COUNTY

Vincent Braner	31,296
Dowson Bros., A Ptrp	30,505
Lillie E. Mayfield, Adm	29,186
Total payees in county (3)	90,987

SCOTT COUNTY

Karl W. Meisenbach	31,397
Total payees in county (1)	31,397

SHELBY COUNTY

Smith Farm, Inc	25,854
Total payees in county (1)	25,854

VERMILION COUNTY

L. J. Larry	29,904
Evert E. Berglund	26,331
Total payees in county (2)	56,235

WHITE COUNTY

Frank H. Ackerman	36,424
Wilburn Duvall	33,727
L. R. Brown, L. A. Brown	31,056
Ford Turkey Island	26,506
Total payees in county (4)	127,713

WHITESIDE COUNTY

Rosengren Bros	31,449
Hugh J. Hermes	30,091
William Mencarow	26,778
Total payees in county (3)	88,318

WINNEBAGO COUNTY

Dale F. Straley	36,720
Lester Gummow	28,005
Dwight Jewell	25,402
Total payees in county (3)	90,127

WOODFORD COUNTY

Martin Bros. Implement Co	52,288
Ben Hodel	31,691
Dorothy Bally, Adm	26,209
Total payees in county (3)	110,188
Total payees in State (73)	**2,711,225**

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Indiana

CASS COUNTY

Merl Homburg	$33,335

DAVIESS COUNTY

Graham Farms, Inc	59,330
Manos Evans	28,130
Aden Michael Sprinkle	28,128
Floyd E. Lee	26,226
Total payees in county (4)	141,814

FOUNTAIN COUNTY

Dr. Lee Maris	33,810

FRANKLIN COUNTY

Calvin Kolb	25,284

GIBSON COUNTY

John C. Blood	36,997

HAMILTON COUNTY

Dan Taylor	28,505

HENRY COUNTY

Marvin Luellen	29,906
Sam Goldman	26,119
Total payees in County (2)	56,025

JASPER COUNTY

James D. Green Tr	46,070
Fred & Austin Moore	43,782
William Gehring, Inc	39,671
Savich Farms	38,765
Savich & Green	36,210
Robert Schoon	30,570
R and D Farms	28,272
Stewart Farms	25,947
Total payees in county (8)	289,287

KNOX COUNTY

Thompson Farms, Inc	60,336
Schenk Farms, Inc	36,790
G.A. & E.C. Steckler	34,298
Ernest Vieke	31,423
William R. Huey	28,651
Robert Carnahan	25,549
George R. Wilson	25,010
Total payees in county (7)	242,057

KOSCIUSKO COUNTY

Creighton Bros	55,358
Herbert Fervida	26,577
Total payees in county (2)	81,935

LA PORTE COUNTY

R. and J. Gumz Farms, Inc	30,188
Wolff Farms	25,964
Frank Leroy and Sons	25,752
Total payees in county (3)	81,904

LAKE COUNTY

Verle Little	28,559

NEWTON COUNTY

Robert A. Churchill	51,029
Mark J. Mahan	34,915
Albert Molson, Jr	34,079
Everett Madison	32,658
James Printy, Jr	28,417
James L. Churchill	26,212
Total payees in county (6)	207,310

PARKE COUNTY

Adams Farm Company, Inc	43,932
Kenneth Ramsay	29,214
Total payees in county (2)	73,146

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Indiana—Con.

POSEY COUNTY

New Harmony Realty	$49,135
Edward C. Culley	30,760
Total payees in county (2)	79,895

PULASKI COUNTY

Overmyer Farms	128,586
Arthur P. Gumz	68,666
Total payees in county (2)	197,252

RANDOLPH COUNTY

Byron Baker	26,209

ST. JOSEPH COUNTY

E. Gumz, Inc	27,762

STARKE COUNTY

Richard Gumz	96,238
Wm. R. Solmos	33,321
Benjamin O. Bierly	26,693
Jerome Gumz	26,130
Total payees in county (4)	182,382

SULLIVAN COUNTY

John Gray Kelly	66,969

TIPPECANOE COUNTY

Watland Farms, Inc	34,497
James Kellerman	28,168
William Banta	25,860
Total payees in county (3)	88,525

VANDERBURG COUNTY

Donald E. Kolb	42,691

VERMILLION COUNTY

Harvey Estate	35,894

VIGO COUNTY

James Harlan	43,421
Burch Harlan	34,157
N. & N. Farms, Inc	29,660
Peter A. Farmer	29,252
Lyman Pendergast	27,445
Total payees in county (5)	163,935

WARREN COUNTY

Richard Clark	29,916
Total payees in State (62)	2,301,398

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Iowa

AUDUBON COUNTY

Melville Farms	38,038

BLACK HAWK COUNTY

Wellman Farms, Inc	29,554

BOONE COUNTY

George Uthe	30,339

BUCHANAN COUNTY

Charles Hoffman	26,897

BUENA VISTA COUNTY

Lanphere Farms	26,484

BUTLER COUNTY

Alfred McWilliams	29,997

CARROLL COUNTY

Garst Company	67,860

CERRO GORDO COUNTY

Wayne Van Duzer	29,010
Louis A. Kopple, Md	26,066
Total payees in county (2)	55,076

CHEROKEE COUNTY

John Heline	$33,337

CRAWFORD COUNTY

Leonard Heistand	26,043

DES MOINES COUNTY

Robert L. Gabeline	39,570

FAYETTE COUNTY

Agricultural Investors Inc	38,111

FLOYD COUNTY

Julius Huxsol	48,918
Leon Koebrick	30,571
V. Rottler Etal	30,088
Total payees in county (3)	109,577

FRANKLIN COUNTY

Lawrence W. Hamilton	36,720
Staley Farms Inc	35,394
Steven C. Stockdale	33,331
John H. Ricke	30,808
Total payees in county (4)	136,253

FREMONT COUNTY

Payne Valley Farms, Inc	81,656
Reeves Farms	44,615
Walter M. Doyle	29,844
Schaaf Farms	28,149
J. E. Good	25,906
Total payees in county	210,170

GREENE COUNTY

Delmar Van Horn, Jr	31,180

GUTHRIE COUNTY

Harold Griffith	27,633

HANCOCK COUNTY

Fraser Farms, Inc	47,652

HARDIN COUNTY

Thelma L. Warman	30,946

HOWARD COUNTY

Gerald Sovereign & Sons	26,220

IDA COUNTY

William Piper	26,484

IOWA COUNTY

Amana Society	149,172

MADISON COUNTY

Baur Farms, Inc	27,959

MILLS COUNTY

R. C. Good	39,898
Luther Gammon	27,150
Harry E. Paul	26,842
Herman Stortenbecker	25,713
Total payees in county (4)	119,603

MITCHELL COUNTY

E. B. Mohr	28,925

MONONA COUNTY

Charles Lakin	129,148
Franklin D. Seitzinger	44,216
Lakin Ranch, Inc	39,669
George Macclure	25,724
Hanson Bros	25,596
Total payees in county (5)	264,353

MONTGOMERY COUNTY

Marvin Hunt	31,148

PALO ALTO COUNTY

Wegener Bros	27,564

POCAHONTAS COUNTY

Grinnel Shoe Co	$25,547

SAC COUNTY

H. J. Turin	29,934
Quirk Farms Inc	25,917
Total payees in county (2)	55,851

STORY COUNTY

Harold M. Britten	36,219

W. POTTAWATTAMIE COUNTY

Thomsen Bros	26,834

WASHINGTON COUNTY

Robert M. Flynn	28,670

WEBSTER COUNTY

Ltichfield Realty Co	25,572

WORTH COUNTY

Beverly Land	37,534

WRIGHT COUNTY

Joe Keller	29,353
Total payees in State (54)	2,001,725

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Kansas

ALLEN COUNTY

Harold Whitaker	$42,851

BARBER COUNTY

Junior Dumler	31,097

BARTON COUNTY

Schartz Bros	26,892
Richard C. Brining	25,420
Total payees in county (2)	52,312

CLARK COUNTY

Dwight D. Klinger	25,355
Muriel G. Gardiner	25,297
Total payees in county (2)	50,652

COFFEY COUNTY

Evans & Nee Ptr	32,501

COMANCHE COUNTY

Vernon Huck	28,181
Glen Woolfolk & Sons	26,384
Total payees in county (2)	54,565

DICKINSON COUNTY

Laurence Clemence	28,274

EDWARDS COUNTY

David Britton	31,089
McLean Bros	28,739
Slentz Bros	27,007
Total payees in county (3)	86,835

ELLIS COUNTY

Leo J. Dreiling	25,896

FINNEY COUNTY

Garden Cy Company	81,166
Andrew E. Larson	59,922
Leland L. Crist	59,217
John Miller	53,903
George L. Potter	44,841
G. R. Byrd	40,360
Tom Linville	35,166
William D. Foster	35,040
Leroy F. Cooley	33,510
Emanuel Doll	33,508

Carson J. Davis	$33,038
Clarence Gigot	31,224
Max Engler, Jr	30,850
Marion L. Russell	29,434
Lawrence Miller	29,395
Leigh Warner	28,963
Francis Schreibvogel	28,552
Frank McClure	28,299
C. C. Spikes	26,942
Roger Ramsey	26,277
Eugene F. Ware	25,994
J. D. Hewes	25,855
Raymond Crist	25,844
Brookover Feed Yard Inc	25,227
Total payees in county (24)	872,527

GOVE COUNTY

R. S. Coberly	27,785

GRANT COUNTY

J. David Sullivan	38,139
Tuttle & Tuttle & Mawhirter	37,898
H. N. Hobart, Jr	35,376
Wiebe Bros., Inc	32,089
Arthur B. Williams	29,739
Total payees in county (5)	173,241

GRAY COUNTY

Sidney Warner	58,091
Cecil Obrate	30,797
W. D. Brady	30,446
Diane Janof	25,644
Total payees in county (4)	144,978

GREELEY COUNTY

Dale Steele	77,573
Kleymann Brothers	61,177
Ervin Schneider	46,700
Smith Ranch Company	39,605
Lemon & Maness	31,271
Duane F. Schneider	31,255
Jay A. Hoffman	30,423
H. C. Wear	29,570
J. V. Kuttler	28,739
Myron E. Sell	25,845
Total payees in county (10)	402,158

HAMILTON COUNTY

Richard Plunkett	39,061
John Lewis	35,341
Forrest L. Smith	28,915
W. T. Hughs	28,851
Clarence Simmonds	27,606
Louis J. Eddy	27,537
Harold Guldner	26,299
Milford E. Zook	26,272
Richard Cheatum	26,154
Ray Jackson Enterprises	25,858
Total payees in county (10)	291,894

HARPER COUNTY

Williams Est	30,762

HASKELL COUNTY

Haskell Land Co	54,844
Paul J. Brown	33,567
Kirby B. Clawson	30,572
Ed Hall	29,093
Forrest Cox	28,728
Randall Bird	27,807
Leslie A. Alexander	26,650
Joe K. Augerot	26,192
Total payees in county (8)	257,453

JEWELL COUNTY

Neil Durham	30,117
Lauren J. and Bill J. Roe	$28,027
Total payees in county (2)	58,144

KEARNEY COUNTY

Ethel M. Martin	58,468
Raymond Dienst, Sr	40,835
B. E. Miles	38,838
D. E. Steenis	35,022
Max R. Miller	34,834
Gordon W. Crone	33,754
Elmer L. Taylor	32,306
Ray Rohlman	31,390
Vernon G. Kropp Est	30,875
Vernon E. Eberhart	29,553
Edward E. Wiatt	28,368
Charles Eskelund	26,525
Don H. Shaw	26,480
W. T. Rooney, Jr. Est	25,143
Total payees in county (14)	472,391

KIOWA COUNTY

Pleasant Valley Farm & Ranch	29,686

LOGAN COUNTY

J. Ernes Bertrand	47,401
John W. & V. A. James	42,191
Keller Bros	36,015
Charles Bertrand Tr	35,358
Delton W. Hubert	29,976
A. F. Hueftle	28,079
Total payees in county (6)	219,020

MARION COUNTY

Vestring Bros	37,506

MEADE COUNTY

W. R. Cottrell	58,915
Maud Collingwood Est	40,604
Holmes Cattle Co	30,379
Total payees in county (3)	129,898

MITCHELL COUNTY

Paul Mears	36,634

MORTON COUNTY

W. J. Light	46,835
J. E. Light	37,085
Ralph Breeding	35,785
Leon Jackson	30,695
Glenn Sipes	30,288
Gwyn Thrash	26,946
Paul Light	26,884
Total payees in county (7)	234,518

NEOSHO COUNTY

Wesley Kroeker	80,048

OSBORNE COUNTY

Adrian Schweitzer	31,224
Max D. Remus	26,555
Total payees in county (2)	57,779

PHILLIPS COUNTY

John B. Wyrill, Jr	45,975
Angie S. Wyrill	37,703
Cox Bros. Farming Trust	34,486
Total payees in county (3)	118,164

REPUBLIC COUNTY

Swen E. Carlson	28,690

RUSSELL COUNTY

Brown Farms	25,678

SCOTT COUNTY

Floyd M. Krebs	48,019
Hattendorf Bros	44,460
Marion Hutchins	33,877
Claude Hughes	33,751
Felt Farms	$28,347
Notestines, Inc	28,199
Total payees in county (6)	216,653

SEWARD COUNTY

Hitch Lnd Cttl Co	42,329
Kenneth Martin	41,700
Total payees in county (2)	84,029

SHERIDAN COUNTY

E. A. Baalman & Sons	47,197

SHERMAN COUNTY

Lloyd Kontny	61,696
Kenneth House	54,123
C. Wilbur White	49,895
S. Everett Dennis	46,628
Wm. A. Davis and Sons	45,953
Golden Wheat Ranch	45,759
Charles L. Silkman	35,401
Vernon Irvin	31,685
Robert J. Hayden	29,490
John Raile	29,013
Arnold Schields	28,756
Harold L. Bair	27,032
John H. Golden	26,752
Walker Briney	26,676
Jim Flanders	26,629
Fred H. Schield	26,139
Keith Cook	25,993
Iron H. Mueller	25,848
Everett L. Craft	25,824
Harland J. Taylor	25,419
Total payees in county (20)	694,711

SMITH COUNTY

Ferguson Bros	36,700

STAFFORD COUNTY

Carl McCune Sons	31,141

STANTON COUNTY

G. H. J. Farms Ltd	91,596
Clarence Winger & Sons	76,058
Paul E. Plummer and Sons	52,141
Guy Rorick	45,970
Walter Herrick	43,725
Kans. Univ. Endow. Assoc	40,692
Kendrick Farms	39,789
Theodore J. Julian	39,174
Edna E. Collingwood	34,995
John Shore	34,797
G. D. Troutman	31,314
John W. Baughman Trust Est	29,688
Herman Cockreham	29,327
Rozella M. Van Brunt	28,808
Charles Lucas	28,638
Lester Stanton and Son	27,456
Milt Graber	27,289
D. E. Cockrum	27,267
Lester Canny	26,890
R. H. Trostle	25,900
Hobert Stewart	25,400
Total payees in county (21)	806,914

STEVENS COUNTY

Warren Spikes	65,383
Carl N. Brollier	53,107
Lawrence J. Lightcap	47,784
Gerald L. Schmidt	43,091
Fred Walkemeyer & Son	28,090
James Ford	27,013
A. E. Kramer, Agt. Pelajo Prop	26,665
Charles Dudley	26,103
Wayne Persons	25,470
Total payees in county (9)	342,715

SUMNER COUNTY

Stewart Farm Account	31,989

THOMAS COUNTY

Willard W. Garvey	$53,448
Marshall Farms	39,453
B. A. Hutton	32,099
Harold Hills, Jr	26,796
Total payees in county (4)	151,796

1969 ASCS program payments of $25,000 or more excluding price supoprt loans and wool and sugar payments—Kansas—Con.

WALLACE COUNTY

J. E. Ely, Est., A. E. Larson Adm	$46,222
N. D. Sexson	31,601
Gareth J. McFadden	30,820
Arthur R. Mai	28,797
Frasier Farms	28,634
Wm. H. Akers	25,692
Total payees in county (6)	191,766

WASHINGTON COUNTY

Herman Bott	51,520

WICHITA COUNTY

Glee S. Smith	41,477
J. W. Zellner	38,998
Eugene Berning	26,062
Leo Harkness	25,500
Total payees in county (4)	132,037

WOODSON COUNTY

H. W. Pierpont	29,515
Eldon Kee, Jr	28,517
Total payees in county (2)	58,032
Total payees in state (199)	7,011,137

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Kentucky

BALLARD COUNTY

James Wilson	25,804

BRECKENRIDGE COUNTY

J. D. Tobin	27,405

DAVIESS COUNTY

William Miles	27,434

FULTON COUNTY

Robert Sanger	27,813
Sanger Farms, Inc	25,859
Total payees in county (2)	53,672

HARDIN COUNTY

Dixie Stock Farms	27,954

HENDERSON COUNTY

Reynolds Metals Co	57,930
S. S. Wathen	26,757
Total payees in county (2)	84,687

HICKMAN COUNTY

Larkins Bros	25,954

TRIGG COUNTY

S. D. Broadbent, Jr	37,530

UNION COUNTY

Aluminum Co. of America	48,414
Total payees in county (1)	48,414
Total payees in state (11)	358,854

1969 ASCS Program Payments of $25,000 or more excluding price support loans and wool and sugar payments—Louisiana

AVOYELLES PARISH

Haas Inc. Co. Inc	55,784

BOSSIER PARISH

Scopena Plantation	60,685
C. E. Roemer III	60,685
L. H. Woodruff	56,393
Rosedale Plantation Inc	50,746
Elm Grove Plantation Inc	40,133
Curtis Planting Co	$39,401
Joe Clark	36,693
R. J. Viola	34,456
E. D. Barnett	28,353
I. W. Whittington Jr	28,042
R. T. Stinson	25,013
Total payees in parish (11)	460,600

CADDO PARISH

Mission Planting Co	78,144
Dalton R. Pittman	73,423
J. W. Lynn Plantation	60,368
Dan P. Logan	59,866
Sam W. Smith Jr	54,319
L. R. Kirby Jr	51,386
Stinson Brothers	50,535
G. A. Frierson	49,219
A. C. Dominick Jr	48,482
W. J. Hutchinson Sons	46,010
L. S. Frierson Jr	45,439
Webb & Webb	44,354
C. N. Frierson	43,155
Robinson Co	41,499
G. W. Vanhoose Sr	37,391
G. W. Van Hoose Jr	37,168
T. A. Tinsley	36,597
Paul Dominick Jr	36,366
Carroll W. & Malcolm W. Feist	35,202
Paul Dominick	33,994
E. R. Cupples	33,812
A. L. Sentell	33,607
M. A. Roberson	33,080
C. M. Hutchinson, Jr	32,636
Bryan Connell	31,787
R. L. Nance, Jr	30,412
Clifton Dodson	30,270
Tom P. Moore, Jr	29,512
C. C. Whittington	28,901
J. W. Glassell	28,451
Yearward Bros	28,046
W. L. Crain	26,468
J. L. Teer	25,674
W. M. Yarbrough	25,665
Total payees in parish (34)	1,381,238

CALDWELL PARISH

Rowland Bros	44,253
Lelon Kenney	38,684
Jack Keahey	28,068
Total payees in parish (3)	111,005

CATAHOULA PARISH

George Yarbrough	171,967
Jimmy Goode	43,076
Total payees in parish (2)	215,043

CONCORDIA PARISH

Harriss and Sons	51,563
Panola Land Dev. Co	50,192
Pittsfield Pltn	37,696
Vaucluse Pltn	30,155
Lucerna Planting Co	26,179
R. S. Rife, Jr	25,006
Total payees in parish (6)	220,791

DE SOTO PARISH

James E. McMullen	30,703
R. C. LeGrand	29,470
Total payees in parish (2)	60,173

EAST CARROLL PARISH

Epps Plantation	102,181
Hollybrook Land Co., Inc	94,701
Quitman Fortenberry	53,646
J. E. Brown & Sons	50,351
Gilfoil Farms, Inc	49,624
Keener Howard	48,858
Jack S. Hamilton, Inc	$48,728
H. D. Harvey	46,081
W. H. Bullock	40,249
J. P. Brown	39,504
Wendell Downen	39,265
J. B. McPherson, Sr	38,463
Clyde Robinson	37,911
Jessie M. Blair	36,893
W. H. Crews	36,362
Edward Burgess	35,876
John Hankins	34,202
Orville Coody	33,394
Bernard Rosenzweig	32,338
Shepherd & Shepherd	31,338
Philip Brown	31,189
Howington Bros	31,059
Doris Pltn	30,718
Oliver Baker & Oliver	30,701
Clinton Fortenberry	30,165
F. H. Schneider, III	28,480
H. H. Howington, Jr	28,222
Buckmeadow Plantation	28,107
Houston Condrey	27,610
Reese Coleman	27,299
Howell Pippin	26,616
J. H Crews	26,103
W. T. Presley	25,769
Total payees in parish (33)	1,302,003

FRANKLIN PARISH

Yarbrough Brothers	61,776
Riley H. Graham	46,130
Gerald Sadler	39,006
Carl D. Batey	33,576
C. J. Grayson	32,208
Earl Carroll	30,582
Total payees in parish (6)	243,278

GRANT PARISH

Louis E. Stevens	54,444
Gordon Randolph	38,251
Total payees in parish (2)	92,695

MADISON PARISH

Dudley Pillow, Jr	93,960
Ashly Plantation	65,629
Maxwell Plantation	54,157
Elton Fortenberry	42,627
Harrison Evans	38,192
Albert H. Paxton	31,610
Jim S. Folk	30,606
Jeff Marsh & Sons	29,554
Robert Graves	28,319
James B. McPherson, Jr	27,564
M. C. Sevier	26,076
Total payees in parish (11)	468,294

MOREHOUSE PARISH

Barham, Inc	105,702
James U. Yeldell, Jr	66,562
H. A. Pipes, Jr	56,167
Davenport Bros	49,454
Duke Shackelford	47,194
Mott & Mott	44,890
N. W. Mott	43,650
F. Earl Hogan	42,366
Erle M. Barham	41,902
Kelly Bros	37,687
Wesley Bunch	36,502
Max Brodnax	36,420
C. L. Clark, Jr	34,447
J. B. Newman	33,312
Kimball Est	33,136
Joe S. Carter, Jr	32,038
Herbert Johnson	30,422
G. L. Shepard	29,131
C. E. Shepard	28,759
Bob Erle Clark	28,749
John F. Shackelford	28,095
John S. Barr & Son	27,816

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Louisiana—Con.

MOREHOUSE PARISH—continued

W. C. Norsworthy	$27,685
David Doles, Jr	25,736
Don Sims	25,574
Warren White	25,554
Pipes Planting Co	25,548
John Knox Nunn	25,145
Total payees in parish (28)	1,069,643

NATCHITOCHES PARISH

J. H. Williams	158,174
J. Alton Lambre	50,308
Prudhome Bros	49,700
Murry Lambre	47,848
Est. of H. Cohen & Sons	33,672
Riverside Plantation	32,175
Est. Sarah J. Hertzog	31,936
Charles E. Cloutier	31,789
G. C. Messenger	29,908
Starlight Plantation	27,733
Bayou Camitte Plantation	27,038
Est. of J. C. Carnahan	25,462
Deloy Blewer	25,250
Total payees in parish (13)	570,993

OUACHITA PARISH

Mason & Godwin	80,437
W. A. & T. A. Calloway	78,835
George P. Smelser	50,600
J. A. Moore	49,437
Travis Howard	48,422
J. M. Pratt, Sr	47,028
J. B. Johnston, Jr	43,071
A. C. Ransom & Son	42,220
Fred W. Huenefeldt	34,123
C. M. McMullen	28,953
Frank Mardis	28,430
Bruce F. Gregg	26,809
J. W. Perry	26,503
R. Z. Johnson	26,280
Total payees in parish (14)	611,148

RAPIDES PARISH

Christophe Keller, Jr	41,744
John H. Robert	31,542
Henry C. Boone, Jr	30,504
Weil Company, Inc	29,981
Frank J. Dautremont	28,711
Lucian A. Branch, Jr	26,897
Woodrow Dewitt	26,707
Total payees in parish (7)	216,086

RED RIVER PARISH

F. I. Waltman	36,060
J. T. Bierden, Jr	32,882
Wyche T. Coleman	32,392
Woster Anderson	26,979
Larry Bundrick	26,549
Paul Bundrick	26,355
Total payees in parish (6)	181,217

RICHLAND PARISH

C. W. Pardue	52,175
Geo. B. Franklin & Son, Inc	51,325
Goldmine Plt	43,265
C. L. Morris	38,339
Robertine R. Cobb	35,633
Jane R. Oliver	33,317
Noah W. Robinson	31,338
Earl Patrick	28,944
Ralph Powell	28,863
Charles D. Ware	27,996
John Carrol Rice	26,611
Clyde Cartlidge	26,456
Edward E. Holley	26,174
W. F. Finley, Jr	26,079
Total payees in parish (14)	476,515

ST. LANDRY PARISH

J. A. Pickett	$62,506
Nick D. Dubuisson	35,614
Lee Bert Fontenot	32,203
Lee Bert Fontenot	32,203
Hudspeth Bros	27,618
Total payees in parish (4)	157,941

ST. MARTIN PARISH

Willis Brothers	28,203

TENSAS PARISH

E. R. McDonald & Sons	91,355
Panola Co	75,547
Somerset Pltn	51,912
Frank Burnside	46,674
Cypress Grove Pltn	34,626
H. C. Miller III	33,647
G. C. Goldman	31,837
J. C. Crigler	27,011
Lakeplace Pltn	26,691
Wade Vinson, Jr	26,348
Jim Huff	26,223
R. E. Lancaster, Jr	25,721
Russell Ratcliff	25,086
Total payees in parish (13)	522,678

WEST CAROLL PARISH

Larry Crowe	25,225

WEST FELICANA PARISH

Louisiana State Penitentiary	36,971
Total payees in State (213)	8,507,524

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Maryland

KENT COUNTY

Edwin C. Fry	27,729

MONTGOMERY COUNTY

E. Brooke Lee	29,556

TALBOT COUNTY

I. R. Swann	34,957
Total Payees in State (3)	92,242

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Michigan

CASS COUNTY

Donald McKenzie	31,081
Gerald Wright	29,360
Total payees in county (2)	60,441

INGHAM COUNTY

Diehl Fields	31,817

LENAWEE COUNTY

Leland Bush & Sons	39,229
Mueller, Inc	30,390
H. H. Driggs Dairy	28,510
Richard Walters	26,268
George Vanhaerents	26,606
Total payees in county (5)	150,003

MONROE COUNTY

Albert Health	39,878
Total payees in state (9)	282,139

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Minnesota

BLUE EARTH COUNTY

Dale Duncanson	37,606
Kenneth Hiniker	28,562
Total payees in county (2)	66,168

BROWN COUNTY

Lester B. Krueger	$27,339

DOUGLAS COUNTY

Leland Holder	30,874

FARIBAULT COUNTY

Pirsig Bros	37,191
Thomas Legred and Sons	30,783
Dehy Farms, Inc	27,155
Bailey Blair	26,076
Total payees in county (4)	131,205

FREEBORN COUNTY

Homer Jensen	30,307
Arnold Hensche	26,607
Total payees in county (2)	56,914

GOODHUE COUNTY

Kenyon Farms Co	46,142
Gerald F. Ryan	29,882
Total payees in county (2)	76,024

JACKSON COUNTY

Hans Nielson	29,322
T. E. Barkeim	26,737
Total payees in county (2)	56,059

KITTSON COUNTY

Prairie Farms	35,517
John Bogestad	28,603
Kiene Farms, Inc	27,402
Total payees in county (3)	91,522

LE SUEUR COUNTY

George Weaver	27,692

LYON COUNTY

Edward Delanghe	32,590

MARSHALL COUNTY

E. G. Melo	58,398
Art Howard	32,586
Harry Howard	29,906
Lee Selnes	29,088
Thomas E. Kuznia	27,991
Total payees in county (5)	177,969

MARTIN COUNTY

Robert W. Luedtke	32,074
Marlo Maschoff	31,724
James P. Scholl	28,220
E. & R. Redenius Partnership	25,754
H. Boler Farms	25,170
Total payees in county (5)	142,942

MOWER COUNTY

Martin Bustad	30,551
Raymond Ratcliff	26,589
James Bell	25,548
Total payees in county (3)	82,688

NOBLES COUNTY

Jack C. Boote	31,717

RENVILLE COUNTY

George Rauenhorst	31,368
Frank Farms, Inc	26,472
Vernon Hoffman	25,969
Jerome Green	25,092
Total payees in county (4)	108,901

SIBLEY COUNTY

J. W. Easland and Son, Inc	29,567
Big Stone Canning Company	26,376
Total payees in county (2)	55,943

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Minn.—Con.

STEELE COUNTY

Cashman Nurseries, Inc	$30,863

SWIFT COUNTY

Minn Farms Co	43,698

WEST POLK COUNTY

Keith and Raymond Driscoll	34,128
James and Joe Fanfulik	28,133
Angus Acres, Inc	27,746
Total payees in county (3)	90,007

WILKINS COUNTY

James J. Walton	56,409
Total payees in state (45)	1,417,524

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Mississippi

ADAMS COUNTY

Ivanhoe Assoc., Inc	$65,936

ATTALA COUNTY

H. S. Smithson, Sr	38,189
Gideon W. Atwood	33,311
Charles Donald	28,652
Clyde S. Hester, Jr	25,794
H. S. Smithson, Jr	25,646
Maurice Crowder	25,145
Total payees in county (6)	176,737

BENTON COUNTY

Leake Brothers	27,538

BOLIVAR COUNTY

Delta and Pine Land Co	731,772
Allen Gray Estate	155,976
J and M Planting Co	138,757
J. A. Howarth, Jr	103,325
Charles A. Russell	96,743
J. G. Gourlay	91,021
McMurchy Farms	88,062
Dossett Plantation, Inc	86,733
Lewis Barksdale, Jr	82,527
Sunrise Dairy	79,344
Carr Planting Co	77,727
Robbins & Long	66,139
Maryland Plantation Inc	63,942
Zumbro Planting Co	63,817
A. D. Murphree, Jr	63,313
T. E. Pemble Farms, Inc	56,949
James House	55,546
D. A. and J. E. Williams	55,489
L. B. Pate and Sons	54,994
Charles J. Wilson	54,307
H.H. Lawler	53,863
R. C. Malone	53,175
L. & R. Plantation, Inc	53,071
R. N. & E. C. Tibbs	51,629
Rainbow Plantation Inc	50,646
H. B. Hood	50,068
B. E. McDearman, Jr	49,482
Shelby Farms	48,614
A. & B. Farms, Inc	48,234
Rogers Hall	47,787
M. J. Dattel	47,401
W. H. Howarth	46,881
W. F. and W. H. Hardin	45,792
Max Dilworth	44,030
Allendale Planting Co	43,839
Charles Speakes	43,608
E. M. Walton	41,742
S. D. Long	41,485
James L. Maxwell	41,862
William Peacock	40,338
Cowan & Franklin	39,853
Warfield Brothers Farms, Inc	39,299
J. R. Parkinson	39,288
Denton Mfg. Co., Inc	38,570
Boyd Lane Plantation	37,440
Alfred Butler	$36,881
J. R. Dodson	36,263
Clear Lake Farms, Inc	36,176
Elmer Prewitt	36,141
L. E. Murphy	36,060
Ralph W. Ray	35,947
Sidney Levingston	35,641
F. R. Trainor	35,114
J. P. Riley & Son	34,740
J. W. Reynolds	33,937
Rudolph Massey	33,150
James B. McGowan	32,744
F. H. Nance	32,676
M. A. Bell	32,568
R. P. Herbison	32,420
Hiter Farms	31,766
A. J. Cowart	31,425
W. C. Brown	31,151
George B. Noland	31,059
J. & V. Aguzzi	30,947
B. H. Bass Jr	30,783
Dalton Taylor	30,519
Parks Place Inc	30,501
Triumph Farms	30,453
C. T. Stanford	30,420
Norman Brown	30,359
E. E. and D. T. Jones	30,056
W. J. Sumrall	29,997
J. E. Dedford	29,958
Carl T. Harkins	29,800
M. L. and W. M. Payne	29,651
Andrew Sanders	29,446
Hillard Plantation	29,435
W. W. Denton III	29,366
Albert Day	29,157
J. A. Harris	29,084
The Wolfe Co	29,068
J. R. Taylor	28,879
W. A. Welshans	28,657
F. R. Armstrong	28,464
Patterson Planting Co	28,342
Huddleston Farms Inc	28,337
Carl M. Prewitt	28,229
John C. Hendon	28,171
Allen L. Edwards	27,714
W. S. Coleman	27,643
G. W. Litton	27,593
I. C. Rayner Jr	26,920
Myles Looney	26,818
A. R. Mann Jr	26,719
J. H. Avritt Jr	26,373
W. S. Adams	26,130
F. B. Alyward	26,108
J. W. Parker	26,023
W. F. Ervin	25,993
S. I. Gregory	25,942
Dr. D. Tuminello	25,910
J. B. Lowe	25,871
A. & N. Fioranelli	25,447
J. R. Turner	25,076
A. D. Murphree Sr	25,000
Total payees in county (106)	5,235,198

CALHOUN COUNTY

Grady Easley	61,707
Russell P. Shipp	27,724
Total payees in county (2)	89,431

CARROLL COUNTY

B. B. Sanders	39,797
J. W. Hobgood	38,045
M. B. Whitten	28,224
R. C. Colvin	27,943
Wilton L. Nash, trustee	25,183
Total payees in county (5)	159,192

CHICKASAW COUNTY

Coleman Farms	96,423
W. J. Linn	54,682
J. Q. Demoville	33,171
Y. B. Gore	29,054
Samuel E. Wade	28,455
Total payees in county (5)	241,785

CLAY COUNTY

J. T. Brand	$42,255
John E. Judson	32,588
Total payees in county (2)	74,843

COAHOMA COUNTY

John B. McKee, Jr	271,743
Roy Flowers	221,228
Oakhurst Company	153,734
Roundaway Planting Company	137,286
Kline Planting Company	126,082
King & Anderson, Inc	122,117
Fred Tavoleti & Sons	118,228
J. H. Sherard & Son	102,695
W. S. Heaton, Jr	84,669
Leon C. Bramlett	79,254
Garrett & Son	79,136
Graydon Flowers	78,021
Fox Brothers	77,912
Dan Crumpton, Jr	77,879
McHead Planting Co	74,380
H. H. Twiford	74,299
Carr-Mascot Pltn., Inc	73,612
Maryland Planting Co	67,154
Weeks Plantation, Inc	63,654
Flowers Brothers	62,939
Johnson Brothers	61,306
Wheeler-Graham	59,009
Viney Ridge Farms	58,629
Kirk Haynes	58,500
J. H. Pruett	58,457
P. F. Williams & Sons	56,854
Connell & Company	56,435
C. E. Presley, Jr	55,423
J. F. Humber, Jr	54,764
J. W. Henderson	54,538
R. W. Jones & Sons, Inc	54,408
Allen & Ritch	51,438
Oscar Connell Farm	51,173
H. M. Haney Estate	50,874
Fant Brothers	50,683
T. M. Luster	50,000
R. L. Perryman	49,529
Simmons Planting Co	49,507
Dulaney Farms, Inc	49,157
Eastover Plantation	48,877
M. C. Stovall, Inc	48,203
King & Anderson Ent	47,347
W. H. Maynard, Jr	47,065
A. L. Brady	46,709
Prairie Planting Company	46,325
Quinton Rives	45,559
J. L. Stribling & Son	45,031
Stribling Planting Co	44,844
J. B. Laney	44,765
Stribling & Smith	44,171
Omega Planting Co	44,016
G. L. McWilliams, Sr	43,780
Lucille & C. W. Fyfe, Jr	43,295
Wilbur Welch	42,958
R. N. McWilliams	42,726
David B. Mullens	42,592
David S. Manker	41,945
L. S. Powell Estate, Inc	41,842
R. M. Aust	41,513
M. J. Commer	41,354
W. C. Luckett Farms	41,207
Robert G. Johnson	40,757
L. B. Shipp	40,338
Allen C. Evans	40,225
J. T. Longino, Jr	39,914
Edwin J. Mullens	39,182
John H. Garmon, Jr	38,794
Travis H. Taylor, Jr	38,716
John T. Hays & Son	37,376
W. W. Cooper, Jr	37,006
Ellendale Planting Co	36,925
Weakley Brahan	36,734
Morris Eason	36,547
Russell Planting Company	36,332
Andrew J. Donelson	36,309
Eaglenest Pltg. Co	36,242
Lea Planting Co	36,015
B. B. Smith	35,262
John C. Taylor	34,675
Massey Farms, Inc	34,391
E. V. Catoe, Jr	34,216
Rocco G. Morris	34,045
Mattie B. Boone	32,852

Charles Monty, Jr	$32,828
Preston P. Bennett	32,805
Dana Haynes	32,716
Harry L. Black	32,638
L. T. Payne	32,204
Graham Bramlett	32,171
T. Earl Johnson	31,775
Parolli Farms, Inc	31,556
Robert A. Boyce	31,267
Richard Russell	30,942
John P. Pelegrin	30,401
H. J. McMillian	29,618
Carson Pelegrin	28,581
Marlon Farms	28,570
W. E. Meredith	28,407
Tony Morris	28,167
Ellington Massey	27,981
Monty Planting Co	27,809
William P. Howell	27,750
Montgomery Farms	26,905
C. M. Allen	26,728
W. T. Salmon	26,551
Belmont Inc	26,531
Jennie W. Haynes	26,293
Elsie W. Heaton	26,124
R. B. Lyon	26,054
W. J. Brady	25,814
Lake Roberson Jr	25,673
John F. Rodgers	25,497
Clinton Bailey	25,431
Total payees in county (113)	5,831,470

COPIAH COUNTY

W. S. Reed	39,748

COVINGTON COUNTY

Toxie Allen	32,825

DE SOTO COUNTY

Topanga Caine Farm	193,671
Banks & Co	106,176
Sarah P. Sanders Extr	97,472
Howard & Blythe Plt	88,188
Herman Koehler	62,884
Warren W. Sullivan	60,655
Red-Bud M. W. Jefcoat	56,735
R. S. Jarratt	56,221
Tract-O-Land Pltn	49,316
E. F. Crenshaw	48,211
M. C. Sparks & Son	46,822
C. E. Clifton	41,762
J. E. Dollahite	40,545
Pidgeon Roost Ranch	37,668
Dudley Bridgeforth	35,481
J. R. Summers	32,166
Ulrich O. Bibb, Jr	31,497
Richard Leatherman, Jr	31,053
J. A. Earnheart	28,722
A. A. Whitten	28,507
Total payees in county (20)	1,173,752

GRENADA COUNTY

Kraetzer Cured Lumber Co	44,548
B. A. Little	41,138
Paul L. Gray	28,969
Thomas A. Ligon	27,172
Reginald E. Forrest	27,057
Total payees in county (5)	168,884

HINDS COUNTY

Gaddis Farms, Inc	102,502
Gilkens Farms, Inc	90,247
C. C. Floyd	51,793
C. D. Noble	49,282
B. H. Virden	46,324
J. A. Tucker, Jr. & Sr	43,148
Gaddis & McLaurin, Inc	40,543
Ward Carraway	25,359
Total payees in county (8)	449,198

HOLMES COUNTY

Egypt Planting Co	99,876
Lynchfield Planting Co	$79,438
Stonewall Planting Co	77,585
Pluto Planting Co	63,356
Wayne Watkins	60,671
W. J. Waits	57,224
J. E. Cunningham	68,827
Bardin, Reddett	57,166
George D. Wynn	56,079
Paul Wilson	54,117
J. E. Hays	52,803
Shotwell Plantation, Inc	51,442
Byron B. Sharpe	51,274
J. P. Love	50,761
Charley Wade	48,100
E. W. Hooker	47,289
Donald Parrish	47,167
R. T. Hardeman	45,198
Graves Planting Co	43,122
Mark Farms	42,891
R. L. Peaster Co	41,176
Gum Grove Planting Co	41,145
H. F. Flemming	38,353
Humphrey Farm	37,564
J. A. Killebrew	37,119
M. K. Shute	35,521
H. H. Howard	34,723
Bonanza Plantation	32,396
S. J. Foose, Jr	30,266
D. C. Conn	30,230
J. A. Barrett	29,805
C. R. Logan, Jr	28,789
W. G. Gwin	28,764
J. R. Peaster, Jr., Estate	26,924
H. E. Mathias	26,657
Frank A. Jones	26,175
Total payees in county (36)	1,679,993

HUMPHREYS COUNTY

The Delta Co	120,165
James E. Coleman	106,035
C. B. Box Co	97,613
O. B. Nerren	77,159
R. D. Hines	67,278
B. W. Smith, Jr	64,566
S. U. Smith	64,566
B. A. Holaday Company	60,028
Halbrook Farms	59,313
A. B. Jones, Jr	59,154
Spencer H. Barret	57,410
T. M. Simmons, Jr	54,935
Stoner Farms	50,967
Wm. L. Dillard	50,336
Gammons Farm	49,662
R. P. Hairston	46,657
Gladstone B. Mortimer	45,678
Jack Cash	44,788
D. W. King	43,689
O. J. Turner III	43,273
B. W. Smith Planting Co	42,882
Seward & Harris	41,919
Rodgers Farms	41,199
Homer Martin, Jr	38,872
Blue Sack Plth., Inc	38,136
Irby Turner	38,125
Curtis F. Johnson	37,928
C. B. Aycock, Jr	36,836
R. R. Roberts	36,706
B. A. Seward	36,679
Edwards Farms	35,587
R. D. Bearden	35,371
T. J. Corley	35,313
T. N. Turner Farms, Inc	35,293
Reed Bros	34,907
Powell Farms	34,682
G. H. Hairston and Son	34,452
R. P. & Tom P. Ellis	33,720
Hillsdale Pltn	33,262
Rokeby Pltn	32,927
Jones Planting Co	32,759
O. M. Parker, Jr	32,727
G. H. Hairston, Jr	32,582
Bearden Bros	32,226
W. T. Turner	31,972
Crawford Brothers	30,877
Claude R. Gholson	30,754
J. D. Upshaw	$30,719
E. L. Nerren	30,493
James G. Outlaw	28,655
W. A. Pepper	28,379
Frank L. Gordon	27,788
Fred Champion	26,878
Hollowell Bros	26,489
W. A. Pearson	26,411
E. L. Parker	25,181
Total payees in county (56)	2,472,958

ISSAQUENA COUNTY

W. T. Touchberry	122,327
Bear Kelso Plt., Inc	71,877
Levee Plt., Inc	50,190
Harper R. Myres	47,459
Loyd M. Heigle	44,992
W. C. Woodruff	33,791
Rudy Plt	33,452
Cordell and Cordell	28,004
Charles Leon Delaney	27,471
Esperenza Plt	25,990
Total payees in county (10)	485,553

JEFF DAVIS COUNTY

Hubert Rutland	36,266

LAFAYETTE COUNTY

Walker E. Downs	41,536
R. B. Anderson	39,311
J. T. Smith	34,026
Total payees in county (3)	114,873

LEAKE COUNTY

Grady Williams	28,209

LEE COUNTY

H. M. Scruggs	27,273

LEFLORE COUNTY

Buckhorn Planting Co	180,440
Wildwood Plantation	144,288
West, Inc	138,022
Annapeg, Inc	132,818
Four Fifths Plantation	128,878
The Brown Farm	114,179
Race Track Plantation	113,286
O. F. Bledsoe Pltn. Est	111,781
Roebuck Plantation	98,039
L. W. Wade Farms, Inc	92,276
Ruby Planting Co	85,945
Hobson Gary	84,441
D. E. Reynolds, Jr	84,139
Joe Pugh	78,654
King Plantation	76,901
Runnymede Plantation	76,467
Ray Tribble	73,579
W. H. Morgan and Son, Inc	69,284
F. T. Leavell	64,367
John M. Welch	63,688
Hugh M. Arant	61,839
W. J. Roberson	59,860
T. J. Carter	55,979
Dudley Pillow	55,301
Sturdivant & Bishop	53,404
B. B. Provine, Jr	53,311
R. L. Pillow	51,729
Holly Grove Plantation	51,500
B. G. McGeary	50,775
W. L. Craig	49,839
I. T. McIntyre III	49,544
J. Wayne Bush	48,379
Hugh A. Warren, III	47,610
Jeff L. Cole	47,609
W. D. Bradford	46,634
Lake Henry Pltn	45,714
E. H. Neill	44,492
French Bend Pltn	44,149
Fort Loring Plantation	42,190
Landrum & Leavell	41,633
B. C. S. Corporation	41,276
Ed Hunter Steele	40,820
Tupelo Pltn	40,529

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Minn.—Con.

LEFLORE COUNTY—continued

Pee Dee Pltg., Co	$39,976
James Morgan Jr	39,609
R. T. Wade	39,268
C. L. Patridge	38,292
L. L. Walker & Sons	38,086
Sam Balkin Trust Estate	37,530
Murphey Bros	36,941
W. G. Somerville	36,565
Shoe String Plantation	36,330
Hayward Jacks	36,153
Carrie P. Avent & Jones	34,654
Leo Murphree	34,625
J. E. Gwin, Jr	34,306
Bishop Cottonland	34,092
Robert L. Pillow Farms, Inc	33,385
W. P. Kimbrough, Jr	33,355
F. R. Morgan, Jr	32,630
M. C. Tillman	32,626
Lock Eleven	32,103
Glen Burr Plantation	31,782
E. D. Strain, Jr	31,688
W. E. Taylor	31,247
Black Cat Pltg. Co	30,733
Wier Bros	29,605
Lamar Makamson	29,264
C. J. Hammond	29,031
W. C. Haynes	28,732
Davis and Young	28,670
Kimble Makamson	28,489
Lundy Bros	28,117
Lake Side Plantation	27,119
W. H. Gillon, Jr	26,742
Mike Kelly	26,452
James Stowers	26,435
L. E. Rowland	26,187
Frank H. Coleman	26,165
John Ellis Williams, Jr	25,686
L. W. Wade	25,614
Loyce Makamson	25,402
Virginia Brumfield	25,185
Total payees in county (83)	4,404,459

LINCOLN COUNTY

C. C. Clark	33,424

LOWNDES COUNTY

James C. Richards	43,158
Saunders B. Carson	35,071
Gilmer Plantation	30,525
J. A. Hanson	25,945
Total payees in county (4)	134,699

MADISON COUNTY

J. D. Rankin	98,407
Bozeman Farms, Inc	77,972
George H. Moore	71,908
Thomas L. James	66,688
S. C. Dulaney and Son	58,934
E. D. Mansell	47,972
M. S. Cox, Jr	47,741
Ben Stribling	46,933
W. S. Patrick	44,246
E. K. Bardin	36,829
Julius Edgar	36,778
O. J. Sharpe, Sr	35,435
J. R. Tate	35,152
A. B. & W. Mansell	26,175
Roy E. Tate	25,190
Total payees in county (15)	756,360

MARSHALL COUNTY

Odell J. Wilson	58,049
Jennie W. Ash	56,029
L. E. DeVore	54,542
C. B. Robinson	39,114
Jack McClatchy	34,286
McClatchy & Son	32,431
Howard Carpenter	30,795
Wayne Briscoe	30,704
J. W. Cocke	$29,953
Tom C. Lacey	29,426
Artie Edlin	28,949
Russell G. Houston	28,218
Wallace Briscoe	27,359
Hugh McClatchy	25,823
C. S. Hurdle	25,749
Total payees in county (15)	531,427

MONROE COUNTY

Sid T. Sanders	53,342
Fay Nevins	33,013
L. C. Sanders	28,922
Richard S. Cole	28,363
Fred Bell	26,313
Delmer Holloway	25,375
Total payees in county (6)	195,328

MONTGOMERY COUNTY

Sidney Branch	30,140

NOXUBEE COUNTY

E. F. Nunn and Co	158,423
Circle M Ranch, Inc	50,664
Valley Farm	35,698
Ralph Spurgeon, Jr	30,031
A. B. Stevens, Jr	27,755
Total payees in county (5)	302,571

PANOLA COUNTY

W. S. Taylor, Jr	64,381
Donald Bartlett	52,352
Robert McMillan	51,631
J. H. Magee & Sons	45,730
Hays Bros. & Hall	42,909
Joe L. Davidson	40,316
Crenshaw Bros. Inc	38,323
Raymond Birdsong	36,757
M. H. Sumner or C. N. Sumner	36,393
W. P. Lemaster	36,186
Steve Short	35,664
F. F. Lunceford Farms Inc	35,469
Clarence Taylor	34,445
Short Brothers	33,610
J. B. Wardlaw & Co	33,007
Alton Milam	31,624
Carlyle Whitworth	29,381
Leon Crigler	28,977
Mury R. Harris & Sons Inc	28,331
W. S. Hamer	28,279
Hosey White	27,107
Estate of Fred Taylor, Sr	26,369
Dave Pointer	26,254
Total payees in county (23)	843,500

QUITMAN COUNTY

Roger Davidson	115,597
John B. Ford	109,773
L. J. Barksdale	74,036
G. H. Barker	71,407
P. M. B. Self Estate	70,753
Self & Co	70,732
F. R. Trainor	66,138
Ben E. Pittman	62,774
Wise Bros	55,892
Garmon Farm	54,561
Posey Mound Planting Co	53,477
H. T. Pittman	50,548
T. C. Potts	48,025
Burl & Jearl Mahan	45,807
Fletcher S. Haynes	44,868
Belen Planting Co	44,301
C. W. Denton	43,869
E. M. Fedric Farms, Inc	43,799
E. Q. Vance, Jr	41,850
Buckskin Plantation	41,179
Joe E. Benson	39,857
Thomas B. Barnes	38,344
Noel Wilborn	37,072
McBride Planting Co	37,066
Echo Planting Co	36,732
Clifton Planting Co	35,777
Lent E. Thomas, Jr	$34,671
Shannon Planting Co	34,154
Bob Crenshaw	33,777
F. R. Wright, Jr	33,345
Starr Farm	32,870
L. P. Butler, Est &	32,328
B. O. Tedford & Sons	31,894
B. D. Mason	31,199
I. L. Henry	30,873
A. L. King, Jr	30,815
B. H. Cobb	30,473
Allen Est & T. G. Powell	29,728
Melton Brothers, Inc	29,536
H. W. Howze, Jr	28,507
Hubert Haynes	28,032
James A. Jackson	27,410
E. H. Anderson	26,919
Total payees in county (43)	1,960,765

RANKIN COUNTY

J. W. Patrick, Jr	43,890

SHARKEY COUNTY

Pantherburn Co	194,960
Murphy Jones	129,481
Cameta Plantation, Inc	108,294
H. G. Carpenter	100,000
Little Panther Plantation	84,440
Raymond Brown and J. M. Brown	77,663
M. C. Ewing Co., Inc	72,391
Carter Brothers	69,767
Moore Planting Co. Inc	68,285
Evanna Plantation Inc	62,494
Powers Company Inc	61,976
Baconia Plantation Inc	60,531
Reality Plantation Inc	57,719
Martin Planting Co. Inc	55,393
S. M. Montgomery	53,458
Lynndale Planting Co. Inc	53,084
James A. Boykin	52,052
G. C. Cortright	48,250
Council Bend Inc	45,153
Greer Incorporated	44,246
Darden Company Inc	41,466
Louise Planting Co	40,654
June F. Grundfest	39,804
Patton Planting Co	39,708
Charles Kline	39,550
Rebekah Fields, Billy Field	38,727
T. M. and Q. Farm	32,469
A. B. Williams Jr	32,135
Neff Farms Inc	31,755
T. W. Harris	30,679
Grosvenor Farms Inc	28,434
Pat R. Dunaway	28,071
Ben Lamensdorf	27,264
McKinney and Son	26,989
Dudley Moore	26,323
W. A. Chase	25,560
Total payees in county (36)	2,029,225

SMITH COUNTY

Homer Rutland	59,868
Clinton Phipps	41,649
Total payees in county (2)	101,517

SUNFLOWER COUNTY

William C. Maloney	184,630
Eastland Plantation, Inc	146,792
Duncan Farms, Inc	124,350
Billups Pltn., Inc	124,118
J. Levingston Est., Inc	121,349
Kelly R. Mahan	120,734
W. D. Patterson	100,854
Allen & Brashier Pltg. Co	91,823
Douglas Mallette	89,581
H. T. Bonds	77,318
Lipe Farms, Inc	75,091
W. P. Scruggs Est	69,490
Billy Joe Waldrup	68,026
William M. Pitts	67,468
J. B. Baird	66,242
Pauline V. Adair	65,102
Pecan Grove Pltn	65,016
Garrard Est	62,875
W. E. Austin	61,939

Dick Barrett	$60,111
Kay Planting Co	59,413
J. H. Hill	58,503
J. M. Montgomery, Jr	58,262
P. H. B., Inc	56,915
Poindexter Brothers	56,627
Rubye Morgan & Sons	55,937
Shurden and Owens	55,821
C. S. Simmons, Jr	55,317
Brewer Morgan	53,990
P. & C. Planting Co	52,776
Frank T. Brumfield	52,447
Phillip Fratesi	52,255
H. P. Watson	51,774
R. M. & C. H. McClatchy	51,504
J. P. Fisher, Jr	49,934
Ethel Lyon	49,456
N. H. McMath	49,446
F. L. Tindall	49,181
H. T. Miller Pltg. Co., Inc	48,709
F. E. Mitchell	48,595
Pitts Pltg. Co., Inc	48,489
A. J. Hill Estate	48,132
W. O. Shurden	47,684
Fletcher Brothers	45,951
Billy Brewer	45,523
A. K. Maxwell	45,282
J. S. Parker, Jr	44,907
W. O. Shurden, Inc	43,891
A. E. Schuyler	43,199
St. Rest Plantation, Inc	42,475
H. W. King	42,404
Bruce Brumfield	42,092
Dyche Plantation, Inc	41,661
R. K. Clark	41,453
J. A. Ely, Jr	41,016
C. W. Barrett	40,802
Allen Brothers	40,625
Brashier-Allen	40,151
Jones Brothers	39,752
James Bradshaw	39,644
W. E. Jefcoat	38,033
Robert Mullins	37,751
Louis Millen	37,141
W. E. Lamastus, Jr	36,571
Dar Bayou Pltg. Co	36,319
Peeples & Poss Farm	36,055
Lake O. Lindsey	35,956
F. T. Clark and Son	35,882
Glenn McCoy	35,795
J. B. Failing	35,769
J. T. McGregor	35,677
L. A. Safley	35,168
Will A. Price	34,842
C. A. McGregor	34,388
M. & F. Planting Co	33,910
John J. Hall, Jr	33,805
Kansas Plantation, Inc	33,802
V. E. Lester	33,564
George C. Scroggins	33,342
Hugh Medders	33,272
George L. & Charles W. Evans	33,094
Lakewood, Inc	32,525
F. T. Clark	32,497
Leroy Anthony	32,368
Hugh G. Fisher	32,249
L. D. McCoy, Jr	32,234
J. G. Prichard	32,117
Grittman and Adams	32,000
H. A. Recker	31,959
Parker Planting Co	31,750
Max A. Hodges	31,714
W. T. Timbs, Jr	31,680
G. D. Lyon	31,674
H. C. Eastland	31,471
W. H. Baird	31,444
McWilliams & Pyron	31,404
J. R. Dockery	30,921
J. W. Stowers	30,917
W. D. Marlow III & Son	30,771
W. D. Simmons	29,820
Miller Bros	29,765
Braswell Farms	29,253
Jessie Russell	29,236
Patterson Brothers	29,151
Hubert Robertson	29,014
George W. Bowles	28,732
J. C. Haney	28,241
Gorden Dement	28,138
Roberts Brothers	27,968
James L. Beckham	27,941
Norris Hill	$27,93
Jack Curry	27,685
J. B. Reed	27,638
Berryhill Bros. Pltg. Co., Inc	27,345
E. E. Shurden	27,296
Dodd Brothers	27,140
Robert Barnett	26,853
Jack Griffith	26,724
J. L. Hall	26,605
W. B. Lovett	26,375
George E. Baird, Jr	26,276
Fred V. Jones	25,962
Mrs. Nannie S. Parks	25,881
W. C. Lester	25,756
Joseph A. Oglesby, Jr	25,611
Total payees in county (125)	5,805,073

TALLAHATCHIE COUNTY

M. T. Hardy	104,792
Mike P. Sturdivant	104,261
Hoparka Plantation	95,203
E. C. Fedric	92,555
E. D. Graham	89,809
J. L. Hill & Co	83,689
A. A. Mabus	78,812
Cotton Dixie Inc	77,898
J. R. Flautt & Sons	75,575
Twilight Planting Co	72,052
Ralph T. Hand Jr	71,706
T. C. Buford	70,098
Equen Planting Co	69,244
Triple M Planting Co	67,993
Rainbow Planting Co	66,976
S. M. Fewell & Co	64,925
Evans Townes Plantation	63,222
Frank & Dorothy Sturdivant	62,993
Mitchener Farms Inc	62,673
Jerry Falls	60,592
H. T. Bond Jr	59,600
R. W. Mabry	57,923
Martha B. Lowe	57,436
Benford Brown	57,182
Frank Sayle	54,571
Herbert Rice	53,327
T. B. Abbey Jr	51,073
N. J. McMullen Est	50,249
James Brothers	50,160
Phil Thornton Jr	50,083
J. C. Hardy	46,575
J. Noel Reed	45,310
Stuart Denman	44,874
M. S. Dale	44,779
M. E. Foreman	42,768
Murphey & Hardy Inc	41,520
John W. Sherman	39,884
W. A. Worsham	39,799
M. L. McMillan	39,729
Dan L. Fedric	38,680
Murphey Plantation	38,473
Ray Roberson Farm, Inc	35,241
D. A. Tubbs	34,623
Bailey Brake Farm	34,372
William Tribble	33,867
C. E. Waldrup	32,764
C. S. Rankin	32,666
Don Allison	32,584
Casburn Brothers	32,359
A. E. Moody	31,693
Steve Worley	31,638
Margaret M. Norman	30,308
B. A. Marley	30,055
Paul Melton	29,565
Bilbo Pennington	29,266
Gene T. Fleming	27,862
Mike Fortenberry	27,814
Bend Plantation	27,760
Raymond Roberson	27,107
Ellett & Sandifer Farms	26,798
G. C. Trout	26,636
Greenfield Pltg. Co	25,957
Ernest Brasher Jr	25,811
Total payees in county (63)	3,205,809

TATE COUNTY

M. P. Moore	71,365
Jim Presley	54,592
E. E. Moore	$49,526
Tom Wilson	32,255
R. G. Roseborough	27,342
W. P. Veazey Jr	26,805
Thomas E. Smith Jr	26,509
J. V. Moore	25,992
Double J Ranch	25,621
Total payees in county (9)	340,007

TUNICA COUNTY

Indian Creek Planting Co	141,155
Abbay and Leatherman Inc	130,486
Carl C. May	119,144
H. R. Watson and Sons	104,202
Bibb, Inc	96,092
M. L. Earnheart Co	95,699
Owen Brothers	87,008
Paul Battle, Jr	84,069
R. W. Owen, Inc	79,514
S. A. Arnold, Jr	77,412
Arnold Farms, Inc	75,964
Oaklawn Plantation, Inc	68,541
Clinton P. Owen	64,614
D. C. Parker	62,973
S. C. Wilson & Son	62,333
Withers & Seabrook	61,846
A. S. Perry & Sons, Inc	60,771
T. O. Earnheart Co., Inc	53,687
McClintock Farms, Inc	53,546
Boyd Brothers	53,134
Hood Farms, Inc	52,423
W. C. McLean, Inc	52,100
A. C. Caperton	51,939
C. Buck Graves	51,459
Irwin Company, Inc	51,450
Austin Brothers	50,076
James Byrd	48,184
Youngblood Company	47,839
B. R. Smith	47,352
C. H. Block & Co	44,475
W. H. Houston, Jr	42,315
R. I. Abbay	39,852
Lloyd E. Ryals	38,627
Alterra Planting Co	37,346
Clyde J. Perry	33,952
Johnson & Frank	33,511
Swindoll Brothers	31,256
Flowers & Parker	29,772
Jack W. Perry & Company, Inc	29,662
C. E. Pegram and Son	27,436
Ransom A. Myers	27,384
Wayne McDonald	27,281
Jerry Lake Planting Co., Inc	27,039
R. C. Smith	26,579
A. T. Earnheart	25,769
E. J. Lake, Inc	25,720
Edgar Hood, III	25,661
A. T. Earnheart Co	25,368
Total payees in county (48)	2,684,017

UNION COUNTY

Hugh Stephens	82,850

WARREN COUNTY

Aden Brothers, Inc	92,566
B. N. Simrall and Son, Inc	44,804
W. O. Miller	36,265
Laura Brown	32,608
H. A. Downey, Jr	31,125
Ratliff Farms, Inc	26,716
Ferris Farms, Inc	25,897
Total payees in county (7)	289,981

WASHINGTON COUNTY

Potter Bros., Inc	248,244
Crowe Farms	202,041
R. A. Ingram	186,397
Trail Lake Plantation	174,602
H. K. Hammett and Sons	143,003
Husbandville Pltn	129,052
Torrey Wood and Son	127,835
Franklin Trotter	120,699
Hagan and Bruton Farm	117,999

1969 ASCS program payments of $25000 or more excluding price support loans and wool and sugar payments—Minn.—Con.

WASHINGTON COUNTY—continued

Baker Planting Co	$101,471
I. D. Nunnery, Jr	97,963
Walker Farms, Inc	95,858
Gilnockie Pltg. Co	94,369
Fairfax Pltn	91,641
W. G. Trotter and Son	79,619
Lakeland Farms	77,769
Alex Curtis	75,880
Dan L. Smythe	71,762
W. C. Skates & Son	69,747
F. L. Gerdes, Jr	69,113
Ganier Brothers	68,674
J. C. Reed	67,765
M. H. Rich, Jr	66,673
W. E. Taylor	65,496
Faith Pltn	64,685
Arcola Planting Co	64,294
James Middleton	63,670
Refuge Pltn	63,342
Trail Lake Gin Co	62,058
John T. Dillard	62,008
Highland Pltn	61,442
Barton Ingram	60,022
Dean and Co	59,283
Arcola Plantation Inc	57,248
Deandale	55,221
Clyde V. Gault	54,662
E. J. Ganier	54,275
Cope and Neff	53,675
Stevens Brothers	52,166
Walnut Bayou Pltg Co	52,145
Mounds Pltn, care of Com Nat Bk	50,582
Word Planting Co	50,363
W. O. Hester	49,928
Robert N. Aldridge & Sons	49,266
Metcalfe and Weathers	48,812
Osceola Plant Co	48,701
H. T. Cochran & Son	48,338
Four C. Land Co. Gordon Crowe	48,306
A. G. Mahaltc	46,516
Ralph Owens	44,499
Isola Pltn H. W. Branton	44,479
Wilmot Planting Co	43,700
E. W. and G. W. Stone	43,361
Harris and Harris, Inc	43,065
V. L. & L. A. Nunnery	43,059
Glen Taylor	42,591
W. H. Neill and Sons	42,030
Marathon Pltn	41,778
J. R. Ross	40,023
E. E. Cooper	39,292
Munn and Morgan	39,234
Thomas A. Hollingsworth & Co	39,106
Saldorose Pltn	38,949
Gus Pieralisi	38,822
James A. Petty	38,336
David B. Flanagan	38,282
Walcott Planting Co	38,255
C. D. Verner	36,233
Montgomery and Grissom	36,050
Reggie C. Kellems	35,746
Ray F. Beckham	34,963
Winston Walker	34,941
Hampton Collier	34,036
O. R. Horton	33,946
J. P. Wilkerson	33,543
Delta Experiment Station	32,988
Park Farms	32,293
Chester Kellems	32,179
Raymond Clark	32,044
Don O. Baker	31,985
T. R. Pittman	31,019
Edward P. Vieh	30,849
Hiram W. Hill	30,318
Max Phillips	29,687
J. M. Brown Pltg. Co	29,541
D and S Plant Co., Inc	29,327
Sam Pendergrass	29,146
Henry Hemphill	29,121
Edward Trotter	29,118
W. A. Dunaway and Son	28,920
M. L. Gower	28,835
Everhope Pltn	28,527
W. B. Andrews	28,311
V. L. Sandifer	28,270
Tony and Larry Fratesi	$28,179
A. L. Andrews	27,868
Kirk Pltn	27,641
George F. Stock	27,617
E. A. Currey, Jr	27,603
Edward Shackleford	27,364
Wade Burns	27,078
Bob Ainsworth & Son	27,015
G. G. & G. W. McCool	26,567
Frank Rochelle	26,445
William E. Avis	26,334
Milam Planting Co	25,986
R. M. Pritchett	25,703
J. E. Bratton	25,568
D and W Jones, Inc	25,397
Total payees in county (109)	6,017,860

WILKINSON COUNTY

W. E. Stone	25,980

WILKINSON COUNTY

Lech Leven	27,599

YALOBUSHA COUNTY

J. C. Sides, Sr	101,110
W. C. Hall	50,549
John N. Covington, Jr	44,950
H. H. White	42,072
W. V. Moore	29,746
Total payees in county (5)	268,427

YAZOO COUNTY

E. T. Jordan & Sons	109,621
Lakeview Pltg. Co	109,338
Ruby Walker	86,882
H. S. Swayze	85,230
D. H. Dew, Jr	84,334
Coleman Planting Co	82,248
Ray Scroggins	65,865
D. H. Dew, Sr	62,312
E. T. Schaefer	60,602
Seward and Harris	60,552
Seward & Son	59,082
Ivanhoe Plt	51,714
Kinkead Plantation	50,986
John J. Peaster	47,251
Eldorado Planting Co	45,653
L. M. Phillips	42,576
Barrier & Barbour	42,035
John S. Howie	40,966
W. T. Clark, Jr	39,773
Frazier Thompson	38,849
Barrier Farms, Inc	37,360
J. V. Whitaker	35,994
J. N. Hart	34,493
Barrier Bros	34,171
D. H. Shipp	31,179
Thomas R. Stricklin	30,532
A. S. Nichols	30,480
Mary Lee Bridgforth	30,284
Buford Atkinson	30,261
Norway Plantation	30,149
James L. Dixon	30,014
Martin Farms, Inc	29,645
Jerry B. Barrier	29,043
Sam S. Fisher, Jr	28,717
F. W. Sharbrough	28,696
Leon W. Rice	28,617
Sam E. Dixon, Jr	28,122
W. F. Cresswell	28,060
Morrison Farms, Inc	27,948
Jack F. Phillips	27,863
T. E. Fouche	27,637
Stricklin & Lewis	27,535
M. S. Johnson, Jr	26,174
Williams & Williams	25,985
Burdette Boyd	25,166
Total payees in county (45)	2,009,994
Total payees in State (1,033)	50,736,564

1969 A.S.C.S. program payments of $25,000 or more excluding price support loans and wool and sugar payments—Missouri

ATCHISON COUNTY

Bass Farms	$49,414
Scamman and Co	34,930
Jimmie Low	34,003
Wm. M. Griffin	32,833
Orville Wolf	28,635
Dean Bolton	27,843
Charles C. Martin	26,257
Total payees in county (7)	233,915

AUDRAIN COUNTY

A. C. Farms, Inc	32,946

BATES COUNTY

True Beisly	26,275

BOONE COUNTY

Dorsey M. Bass	38,338

BUCHANAN COUNTY

Sonnenmoser Bros	31,976
Frederick L. Schuster	28,597
Total payees in county (2)	60,573

CALLAWAY COUNTY

Wise Bros., Inc	25,450

CARROLL COUNTY

Famuliner Brothers	45,412
D. N. M. Grain Co	38,860
R. E. Wiese Farms, Inc	36,713
Kipping Brothers	36,299
Total payees in county (4)	157,284

CHARITON COUNTY

Quinn Bros	56,244
C. S. Bramble and Sons	30,022
W. L. Dickinson	29,569
Total payees in county (3)	115,835

CLAY COUNTY

Woodrow Wren	25,517

DUNKLIN COUNTY

Albert Hall	29,903
J. F. Baker	27,273
Harris Farms, Inc	26,185
Total payees in county (3)	83,361

HENRY COUNTY

Labahn Sloan Corp	27,649

HOLT COUNTY

Patterson Farms, Inc	108,112
Donald E. Morris	67,964
Jack Windle	42,546
Haer Farms	29,566
Total payees in county (4)	248,188

HOWARD COUNTY

Roy J. Davis	53,237
Davisdale Farms	29,981
Total payees in county (2)	83,218

JACKSON COUNTY

Rlds. Church	80,034

KNOX COUNTY

James B. Washburn	31,993

LAFAYETTE COUNTY

Batman Farms Co	62,756

LAWRENCE COUNTY

Jackie L. Thomas	31,409

LEWIS COUNTY

J. Oren Reid	$25,744

LIVINGSTON COUNTY

Marshall Meservey	27,440
J. C. Neal, Jr	25,218
Total payees in county (2)	52,658

MERCER COUNTY

Alfred Ryder	25,386

MISSISSIPPI COUNTY

Dearmont Oliver	88,099
Marshall Lands, Inc	85,354
Wolf Island Farms	83,489
Burke Bros. & Giltz, Inc	63,313
William Love	47,855
Bryant Farms, Inc	46,710
Big Oak Farms	46,364
H. & D. Duenne Farms	39,074
Choate Farms, Inc	36,691
Lankheit Plantation	35,425
Stallings Bros	33,863
Thurmond Farms, Inc	32,480
Sam G. Jones	31,261
Jasper Miller & Sons	31,250
Pulltight Farms	29,619
Babb & Deline	28,607
Robert C. Jackson	27,354
Shelby Farms, Inc	27,273
Carl Simpkins	27,020
Harvey Drake	26,452
Moxley Farms	26,097
James C. Moreton	25,928
Sam Cox Goodin	25,808
Ray Hillhouse	25,545
Mt. Level Farms	25,268
Total payees in county (25)	996,199

MONITEAU COUNTY

Knipp Bros	37,323

NEW MADRID COUNTY

Swiney & Sons	59,711
Charles Pikey & Son	53,049
Byars Orton	52,394
E. B. Gee, Jr	51,560
Walter O. Swiney	49,225
F. S. Hunter	42,105
Ernest Carpenter	41,159
A. C. Riley	40,056
Fletchers Gin, Inc	38,479
Aubra Wrather	38,118
Raymond Ashley	36,324
David Barton	33,451
W. V. Riley	33,305
Nesselrodt and Campbell	31,342
Lorwood Plantation	30,228
George Dawson	30,085
Barry Richardson	27,891
Collis Maltbia	27,428
Robert Greene	27,162
James B. Crouthers	25,637
C. J. Stancil	25,422
Total payees in county (21)	794,131

NODAWAY COUNTY

Arressar Ranch, Inc	25,808

PEMISCOT COUNTY

O. H. Acom Farms, Inc	55,515
L. Berry Farms, Inc	46,761
R. O. Pierce	42,943
Dolphin Land Company	40,142
Watkins Farms, Inc	38,535
Mehrle Farms	37,428
Donald Rone	35,073
Coy Wilson	33,709
J. E. Ward	31,700
W. E. Smith, Jr	31,564
Orton and Toton	31,502
S. Crews Reynolds	31,142
J. R. Hutchison, Jr	$31,044
T. R. Cole & Sons	30,945
James O. Taylor	30,492
Gene Wingfield	29,774
John & Leroy Whitener	28,559
John R. Franklin	28,348
Lee Dorroh	26,688
Howard Fike	26,253
Ansel Underwood	26,095
J. D. Long	25,781
A. P. Kersey Jr	25,611
Total payees in county (23)	765,604

PERRY COUNTY

O. F. Gremaud	80,671
N. H. Bruckerhoff	57,104
Total payees in county (2)	137,775

PIKE COUNTY

Pike Grain Co	34,675
Dundee Cement Co	30,775
Marion Mackey	27,007
Total payees in county (3)	92,457

RAY COUNTY

Green Top Farms Inc	65,722
F. O. Handley	32,563
Total payees in county (2)	98,285

SALINE COUNTY

Eugene Elson	59,050
L. W. Van Dyke & Co	42,950
L. J. Rasse Est	31,915
Jim Franklin	31,748
Robertson & Swisher	26,416
Total payees in county (5)	192,079

SCOTT COUNTY

E. P. Coleman Jr	56,306
North Ridge Co	39,212
Wm. H. Deane III	30,584
Heckemeyer Farms	27,348
Total payees in county (4)	153,450

ST. CHARLES COUNTY

Saale Bros Farm & Grain Co	54,557

STE. GENEVIEVE COUNTY

Bartels Farms Inc	59,685
Loida Bros	36,387
Aubuchon Farms	28,288
Total payees in county (3)	124,360

ST. LOUIS COUNTY

Emil Hoechst	31,702

STODDARD COUNTY

W. P. Hunter	121,058
Mahan, Mahan & Radcliff	61,432
Taylor Bros	57,901
Hermon Smith	52,455
Claude Keasler	39,679
Gary Crump	38,755
Lane Brothers	28,547
Total payees in county (7)	399,827
Total payees in State (138)	5,372,086

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Montana

BEAVERHEAD COUNTY

Jones Ranches, Inc	$47,920

BIG HORN COUNTY

Campbell Farming	201,260
Floyd Warren, Inc	62,080
Pryor Land Company	47,252
Robert Formanack	$34,104
Erwin Schnad	25,495
Total payees in county (5)	370,191

BLAINE COUNTY

Rasmussen Farming, Corp	32,747

BROADWATER COUNTY

V. R. Cazier & Sons	45,987

CARTER COUNTY

Adolph Fix	37,042

CASCADE COUNTY

R. S. Oday, Jr	51,346
Donald Bowman	30,697
Sun Prairie Farm, Inc	27,639
Sylvia & Robert Gruel	27,040
Zoller Farms	26,118
Total payees in county (5)	162,840

CHOUTEAU COUNTY

Onstad Grain Co	54,965
R5 Ranch, Inc	37,892
Robertson Ranch Co	37,474
Juedeman Grain Co	34,415
Oscar A. Kalgaard	33,666
Wyley P. Good	31,986
J. G. Robertson Corp	31,823
George Gray	30,029
Morris B. Stewart	29,946
Birkeland & Son, Inc	28,656
Paul Onstad	28,535
Raymond Romain	27,681
Helland Land Co	27,011
Forrest Charlson	27,006
MacDonald Farms, Inc	26,506
Phil F. Schafer	26,374
Royce Applegate	26,017
Perry Farms	25,112
Fred A. Booth	25,037
Total payees in county (19)	590,131

DANIELS COUNTY

State of Montana	641,341

DAWSON COUNTY

Wolff and Sons, Inc	33,229
D. W.—R. D. Tague	28,866
Frank Klempel	25,695
Total payees in county (3)	87,790

FLATHEAD COUNTY

Paul Grosswiler	30,353

GARFIELD COUNTY

Al Ballinsky	35,732

GLACIER COUNTY

J. W. & Bob Smith	28,406
Stufft Farms, Inc	25,280
Warren Swenson	25,104
Total payees in county (3)	78,790

HILL COUNTY

Leo M. Kraft	37,866
Spicher Brothers	31,049
Dees Brothers	30,833
Miller Brothers	29,823
Lineweaver Farms	29,155
Marlin Spicher & Sons	27,585
Total payees in county (6)	186,311

LEWIS AND CLARK COUNTY

Diehl Ranch Co	28,740

LIBERTY COUNTY

Allen C. Kolstad	43,392
McNutt Brothers	36,086

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Montana—Con.

LIBERTY COUNTY—continued

Clarence Romain	$32,187
Dayton Kolstad	30,524
John Wanken	28,522
Gordon and/or John Kammerzell	28,444
Oliver Skari	28,154
Total payees in county (7)	227,309

MADISON COUNTY

Mariner Ballard	31,716
R. C. Rice	30,756
Total payees in county (2)	62,472

M'CONE COUNTY

Otis S. Waters	57,009
Bodray Hagestad	26,790
Total payees in county (2)	83,799

MEAGHER COUNTY

Springdale Colony	28,450

PONDERA COUNTY

John Keil & Sons, Inc	42,393
Ralph Bouma	31,782
Tom McCracken	31,187
Loren Warwick	29,596
New Miami Colony	29,477
Total payees in county (5)	164,435

ROOSEVELT COUNTY

Schnitzler Corp	52,168
MOE Farm Corporation	31,276
A. A. Werner	28,357
Total payees in county (3)	111,801

SHERIDAN COUNTY

Nash Brothers	62,256
E. J. Lander and Co	28,266
Total payees in county (2)	90,522

STILLWATER COUNTY

Yellowstone Grain Co	25,154

SWEET GRASS COUNTY

Donna J. Cremer	34,255
Leo J. Cremer, Jr	25,056
Total payees in county (2)	59,311

TETON COUNTY

Maurer Brothers	27,714
Van Horn Ranch Co	26,652
Total payees in county (2)	54,366

TOOLE COUNTY

S. A. Adaskavich	50,843
Bill McCarter	49,417
Kenneth Leck	39,333
Douglas Aklestad	28,364
Total payees in county (4)	167,957

VALLEY COUNTY

Francis Tarum	29,467
Ervin Fast	26,263
Arnold Pearson	25,013
Total payees in county (3)	80,743

WIBAUX COUNTY

Harry Begger	25,556

YELLOWSTONE COUNTY

Pearlie Lee	29,627
Total payees in State (85)	3,587,417

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Nebraska

ADAMS COUNTY

Ruth Hunt	$40,991
Mary Lanning Hosp. Tr	26,140
Total payees in county (2)	67,131

BOONE COUNTY

Dobson Brothers, c/o R. Dobson	39,092
Choat & Sons Inc	37,119
Wolf Bros. & Reich	30,549
Total payees in county (3)	106,760

BOX BUTTE COUNTY

Edward Jelinek	33,065
Jessen Farms Inc	26,512
Total payees in county (2)	59,577

BUFFALO COUNTY

Western Alfalfa Corp	25,973

BURT COUNTY

Hundahl Farms	49,971
John Tobin & Sons	47,134
Chatt Bros. Renters	31,666
Van Newell	28,652
Mariane Tobin	25,270
Total payees in county (5)	182,693

BUTLER COUNTY

John J. Prigge	29,112

CHASE COUNTY

Yaw Farms, Inc	41,800
Dudden Elevator	33,534
Maddux Cattle Co	30,487
Bernard Oneil	28,679
Leslie E. Smith & Sons, Inc	26,494
Total payees in county (5)	160,994

CLAY COUNTY

Albert J. Skalka, Sr	30,584
Woods Bros. & Ells	30,475
Delvin L. Dane	26,752
Total payees in county (3)	87,811

COLFAX COUNTY

F. J. Higgins Farms, Inc	82,593
L. and Wagner Co	30,802
A. Glenn Kluck	25,162
Total Payees in county (3)	138,557

CUMING COUNTY

Albers Dehy Co	31,279

CUSTER COUNTY

Reuben R. Squier	36,851
Pirnie Brothers Cattle Co	31,285
Harry W. Henry	25,163
Total payees in county (3)	93,299

DAKOTA COUNTY

Leo C. Andersen	51,328
Beermann Farms, Inc	47,715
Total payees in county (2)	99,043

DAWES COUNTY

William E. Colwell	57,329

DAWSON COUNTY

Central Alfalfa, Inc	$40,817
Dawson County Feed Prod., Inc	39,505
Noel Cover	35,926
Platte Valley Products, Inc	32,171
Total payees in county (4)	148,419

DEUEL COUNTY

W. H. Palser Farms, Inc	40,088
Grace Land and Cattle Co	32,982
Total payees in county (2)	73,070

DODGE COUNTY

Harland S. Milligan	52,043

DOUGLAS COUNTY

Tony Vencil	33,184
B. Johnson, Exec	31,256
Wedak Farms, W. R. Wedberg	27,807
Father Flanagan's Boys Home	26,855
Hans Neumeyer	25,245
Total payees in county (5)	144,347

DUNDY COUNTY

Dan Ellis	26,597

FILLMORE COUNTY

Dale Lovegrove	50,763
Robert Bettger	35,315
Lauber Seed Farms	28,997
Bruce Nedrow	28,130
O'Connor Brothers	27,903
Robert B. Waring, Jr	27,811
Karl C. Brinkman	26,899
Keith Burt	25,599
Glenn Kovanda	25,089
Total payees in county (9)	276,506

FRANKLIN COUNTY

W. J. Bach	31,112

FURNAS COUNTY

Johnson Bros. & Jones	71,077
Leuking Farm & Ranch Crop	28,639
Kenneth Carpenter, Sr	27,107
Total payees in county (3)	126,823

GAGE COUNTY

John Krause & Sons	32,407
Flo-Wal Farms, Inc	30,026
Total payees in county (2)	62,433

GARDEN COUNTY

Leo Jessen	69,005

GREELEY COUNTY

James H. Dugan	42,509
Marvin W. Dugan	30,079
Total payees in county (2)	72,588

HALL COUNTY

Wm. Packer and P. H. Packer Ptnrs	$32,279
Dobesh Farms, Inc	29,469
Total payees in county (2)	61,748

HAMILTON COUNTY

Farm Inc., W. Wilcynski Pres	44,230
Kreutz Bros Inc	37,518
Total payees in county (2)	81,748

HARLAN COUNTY

Bernard Lueking	$38,519

HOLT COUNTY

Fred Horne Jr	49,221
Wm. A Curry	26,901
Total payees in county (2)	76,122

JEFFERSON COUNTY

A. L. Rosener and Sons	55,582
Stanley A. Snyder	26,607
Total payees in county (2)	82,189

KEARNEY COUNTY

Wells Brothers	34,156

KEITH COUNTY

Walter Armstrong	28,216
Homer Shelburne	27,034
Total payees in county (2)	55,250

KIMBALL COUNTY

Raymond Jessen	32,171

LANCASTER COUNTY

Warner Hereford Farm	31,000
Loren E. Schwaninger	27,121
Total payees in county (2)	58,121

LINCOLN COUNTY

Miron Moore	33,656
Gothenburg Feed Products Co	25,915
Total payees in county (2)	59,571

MERRICK COUNTY

Dinsdale Bros., Inc	45,492

NANCE COUNTY

Johnnie Bruna	25,064

NEMAHA COUNTY

A. B. Ritchie, Jr	37,738
Lehr Farms	37,653
Wm. E. Rogge	25,864
Total payees in county (3)	101,255

NUCKOLLS COUNTY

A. C. Jones	25,772

OTOE COUNTY

Hammond Farms	51,946
Forrest Binder	28,552
H. Novak	26,160
Total payees in county (3)	106,658

PERKINS COUNTY

Svoboda & Hannah	59,461
Palser & Palser	37,494
Charles R. Cutler	29,231
Knipp Land Co	26,182
Total payees in county (4)	152,368

PHELPS COUNTY

Sam T. Schrock, Jr	47,025

POLK COUNTY

Albertus Larson	29,645
K. D. Strong	26,627
Total payees in county (2)	56,272

RED WILLOW COUNTY

Myers Bros	$41,628
Friehe Farms, Inc	28,278
Charles Barber	27,066
Total payees in county (3)	96,972

RICHARDSON COUNTY

Stalder Cattle Co	45,265
Keith Sherburne	28,541
Elmer Duerfeldt	27,242
Total payees in county (3)	101,048

SAUNDERS COUNTY

Walter E. Adams	42,995
Arthur Gifford	31,687
Total payees in county (2)	74,682

THAYER COUNTY

Albert B. Miller	27,251

THURSTON COUNTY

Willis Leinart	29,985

VALLEY COUNTY

Arvin Bredthauer	25,351

WASHINGTON COUNTY

Gilbert Potadle	27,886

WEBSTER COUNTY

Delbert Lewis	38,856

YORK COUNTY

Broadwell, Inc	62,628
T. W. Harrington	58,919
Logan Otto	40,624
Leroy Pettey	26,709
R. L. Kaliff Ranch Co	26,266
Total payees in county (5)	215,146
Total payees in State (114)	3,999,179

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Nevada

HUMBOLDT COUNTY

Rio King Land & Inv. Co	41,024

NYE COUNTY

Walter J. Williams	104,537
Tim Hafen Ranches, Inc	50,936
Total payees in county (2)	155,473

PERSHING COUNTY

Brinkerhoff Ranch	52,487
Herman Dennler	45,335
Total payees in county (2)	96,822
Total payees in State (5)	293,319

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments— Nevada

CHAVES COUNTY

A. W. Langenegger	81,531
H. C. Berry	61,264
Hal Bogle	61,135
J. P. White, Jr	49,392
Jack Patterson	40,120
R. and B. Co. care of Bronson Corn	39,456
Poe W. Corn	35,210
Rosendo Casarez	34,072
Clardy Farms, Inc	33,479
Willard Watson	32,815
James Norris	$30,866
Melvin Pearson	30,600
Crawford Associated	29,476
Weldon Wagner	27,513
Bonham Farms, Inc	26,075
Schrimsher Bros	26,050
James Grassie	25,366
Total payees in county (17)	664,420

COLFAX COUNTY

Roy M. Wood	30,583

CURRY COUNTY

John Garrett and Sons	179,598
Garrett Corporation	147,319
James E. and John Garrett	124,899
Lockmiller and Son	112,051
Lee Ross Hammond	106,863
George Hammond	104,926
Eldon Blackburn	104,069
C. Elton Green	83,262
John Garrett, Jr	79,893
John H. Spearman	77,535
Dale Elliott	76,548
Leon Marks	67,821
Hanes and Demaio	67,240
O. H. Pattison	66,280
Frank Wicks	62,964
L. R. Talley	60,112
D. D. Myrick	59,289
David Turner	58,405
Sid Pipkin	58,176
Harold House	57,531
J. W. Graham	56,537
M. M. Snell	56,398
Malcolm Garrett	56,282
Ronnie Mitchell	55,725
J. R. Shumate, Jr	55,303
Virgie Harrison	52,678
The Hecht Company	51,399
L. E. Davis	51,256
Cecil Porter	51,012
C. E. Christian	49,449
Golden West Seed Co	49,290
Haney Tate	49,069
Fern Castor	47,867
Frank Blackburn	44,346
John W. Gunter, Jr	44,004
Max L. Kelso	43,696
Leslie Pattison	43,391
W. W. Bomar	43,229
Willie O. Wall	43,160
Walter Kaltwasser	42,476
Vachrel Ridley	41,879
Edgar Campbell	41,182
Archie Baker	41,160
Fred Northcutt	40,889
Otha Lockmiller	40,574
John W. McIntosh	40,444
Calvin Stout	40,177
Tom Cobb, Jr	39,533
J. L. Wall	38,747
Francis L. Decker	38,452
Hershel L. Hughes	38,402
Lester Merrill	38,055
N. E. Thompkins	36,730
Wayne Martin, Jr	36,376
Donald R. Rucker	35,779
Michael Garrett	35,064
Elbert Mitchell	35,056
Joel Sealey	34,912
Bobby Wilhite	34,851
Gilbert Smith	34,308
A. R. Kleeman	34,294
Russell Downey	34,249
J. C. Eshleman	34,169
Four Lane Farms, Inc	34,123
Paul P. Harrison	33,065
George H. Trimble	32,666
Ray E. Castleberry	32,450
Jackie Roberts	31,969
Clinton C. Burnett	31,732
E. C. Murrell	31,718
L. Conrad Pippin	31,686
Gorman Hand	31,616
E. L. Smith	31,542
Jerry Paul	31,359
Oscar Fryar	31,292

1969 ASCS program payments of $25,000 or more excluding price supoprt loans and wool and sugar payments—N. Mex.—Con.

CURRY COUNTY—continued

Don Harmon	$30,652
Lane K. Goar	30,633
John Fury	30,251
Waymon Mitchell	30,048
Billy J. Dodd	30,044
Robert D. Martin	29,900
Jimmy J. Wallace	29,633
Dudley Bailey	29,661
Edgar H. Cooper	29,443
Joe Clark, Jr	29,243
Elzie Jones	29,199
James C. Woods	29,086
Joe Paul Cobb	29,010
Frank R. Meier	28,867
Buford Qualls	28,845
B. P. Davis	28,638
Herbert Jones	28,630
Williams Farm & Ranch Corp	28,622
Carrel Dennington	28,194
H. W. Harmon	28,173
Anson Bowers	28,050
Joe Byron Burford	28,048
James E. Garrett	27,866
Ray Starbuck	27,825
Robert Walker	27,085
Melvin Estes	27,634
Floyd Lofton	27,388
Howard Duncan	26,673
Edith A. Lewis	26,565
Jim Brooks & Sons	26,476
S. Wayne Snyder	26,225
Eddie R. Harrington	26,059
Clarence Meeks	25,902
Richard Lee Miller	25,874
Harold S. Holland	25,859
Phillip Tate	25,817
Leroy Bailey	25,757
John C. White	25,721
Sterling Lockmiller	25,694
Gibbs Rucker	25,663
Elmer White	25,477
Albert Matlock	25,438
James L. Moss	25,161
G. H. Laney	25,065
Total payees in county (119)	5,212,692

DONA ANA COUNTY

Stahmann Farms, Inc	47,320
Tharp Farms	40,553
Jesus Acosta	39,248
J. F. Apodaca Farms Co., Inc	33,958
J. K. Nakayama & Sons	33,698
Robert S. Hayner, Est	32,248
Clyde Simpson	29,987
W. G. Ikard II	28,102
Ernest Harris	27,973
W. E. Esslinger	25,481
Carl Wiley	25,414
Ralph R. Hackey	25,406
Chelton Farms Op. Co., Inc	25,186
William F. Hayner	25,073
Total payees in county (14)	439,647

EDDY COUNTY

Snodgrass and Carlisle	71,678

EDDY COUNTY

Roy Ingram	47,878
Draper Brantley	45,811
Bob Morgan	45,094
Alfalfa Dale Farms	32,508
Tom E. Vandiver	32,326
W. D. Bounds and Son	31,117
W. H. Waldrip	30,194
James Thigpen	29,797
Carter Farms	29,443
Quentin Rogers	29,162
W I. Johnson	25,110
Total payees in county (12)	450,118

HIDALGO COUNTY

Harriet Veck	$73,844
Richins Brothers Inc	42,764
Sidney O. Wright	36,254
Woodrow and Clark	29,390
R. H. Wamel	26,951
Massey Farms	25,835
Total payees in county (6)	235,038

LEA COUNTY

Emma Lawrence	184,580
Elvis Jones	70,057
C. O. Price	53,852
John Richardson	40,742
Taylor & Heidel Inc	40,152
W. G. Turnipseed	39,978
G. Bradford Feed Pens	33,696
McClish Farms	31,676
Dwain F. Woody	30,840
Brady Lowe	30,588
Boyd Bros	27,507
Total payees in county (11)	583,668

LUNA COUNTY

Jerry Lynn Hilburn	127,637
Edward Ray Hooper	62,219
L. G. Guaderrama	53,205
Darrell McCauley	33,607
Keeler Brothers	31,143
W. R. Johnson	26,573
Leo W. Koenig	26,567
G. X. McSherry	25,117
Total payees in county (8)	386,068

OTERO COUNTY

Truett L. Maddox	26,227

QUAY COUNTY

Odus Rush	60,897
Ivan Rush	48,502
D. F. McCasland	47,226
Jack Gunn	46,357
Charley Roy Best	44,332
Jennings Bros	36,642
J. V. Curtis	35,027
Bruce A. Runyan	32,625
Edward O. Sumrall	32,499
H. J. Lee & Sons Inc	30,762
Olen L. Yocom	29,878
J. L. Jordan Jr	25,296
Total payees in county (12)	470,043

ROOSEVELT COUNTY

Thetford and Massey	48,207
Harvey L. and Ava L. Balko	41,584
Brown and Brown	40,582
Glenn W. Thompson	39,391
Claudie W. Reeves	34,357
Sidney E. Pool	31,472
Allen Chapman	31,399
E. B. Robbins, Jr	27,008
Pete Field Estate	26,863
Damon B. Lieb	25,999
Harding Burris	25,807
Total payees in county (11)	372,669

SOCORRO COUNTY

Gerald Brawley	26,959

UNION COUNTY

Arthur Jernigan	39,164
Total payees in State (214)	8,937,296

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—New York

GENESEE COUNTY

My-T-Acres	$33,111

LIVINGSTON COUNTY

Myron Brady	$26,365

NIAGARA COUNTY

Holman O. Connor	30,753

ORLEANS COUNTY

Kludt Brothers	27,929

SCHOHARIE COUNTY

Shaul Farms, Inc	32,411
Total payees in State (5)	150,569

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—North Carolina

ANSON COUNTY

Edwin J. Wall	$33,233

BEAUFORT COUNTY

A. D. Swindell	66,692

CLEVELAND COUNTY

Edwin Y. Harrill, Jr	44,930
Morgan & Co., Inc	35,084
A. M. Boggs & Sons	32,016
Billy Wilson	26,367
Total payees in county (4)	138,397

CURRITUCK COUNTY

James H. Ferebee and Son	46,554

EDGECOMBE COUNTY

M. C. Braswell Farms	77,037
Peoples Bk	26,657
R. R. Brake, Jr	25,689
Total payees in county (3)	129,383

HALIFAX COUNTY

Bill Pickette	25,263

HARNETT COUNTY

First Nat. Bank of ENC	69,943

HOKE COUNTY

R. L. Gibson	42,034
W. S. Thomas	34,461
Dundarrach Trading Co	32,123
Earl Hendrix	27,171
J. K. McNeill Farms	26,041
J. G. Balfour	25,376
Total payees in county (6)	187,206

LENOIR COUNTY

Parrott Farms	27,517

MONTGOMERY COUNTY

Robert Chappell	41,515

NORTHAMPTON COUNTY

Henry Bennett	39,699
John G. Burgwyn	30,584
M. C. Dunlow	26,008
William R. Johnston	25,651
Total payees in county (4)	121,942

PASQUOTANK COUNTY

Henry Winslow	26,740

PITT COUNTY

F. L. Blount, Jr	25,176

RICHMOND COUNTY

Cecil Sikes	25,007

ROBESON COUNTY

McNair Farms	366,584
Southern National Bank	224,254
D. D. McColl	68,052

Allen M. Shook	$58,984
Waccamaw Bank and Trust Co	58,134
Maxton Supply Co	40,767
Bill Herndon	34,265
Bassil Gentry	33,546
R. E. Parnell	33,333
William A. Davis	31,394
Neil Watson	27,881
Tom McRimmon	26,671
W. A. Taylor	25,615
Pates Supply Co., Inc	25,426
Total payees in county (14)	1,054,906

SCOTLAND COUNTY

J. T. John Co., Inc	66,850
Z. V. Pate, Inc	61,835
John Carmichael	54,099
A. R. McMillan, Jr	48,236
Jesse Snead	46,802
James R. McKenzie	33,644
Evans Brothers	28,317
J. N. Gibson, Jr	27,211
Total payees in county (8)	366,994

WASHINGTON COUNTY

J. B. Bell	50,423
Total payees in State (50)	2,436,891

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—North Dakota

ADAMS COUNTY

Morris C. Merwin	$28,264

BARNES COUNTY

Paul B. Jornson	34,380

BOTTINEAU COUNTY

Ballantyne Brothers	47,396
Norman Glinz	36,154
The Witteman Company	31,207
Willis Glinz	30,428
Pearson Bros	27,495
Total payees in county (5)	172,680

BOWMAN COUNTY

Melvin Miller	25,660
William Stegner	25,616
Total payees in county (2)	51,276

CASS COUNTY

John S. Dalrymple, Jr	37,156

DICKEY COUNTY

Alamo Farms	33,466

DIVIDE COUNTY

David Jensen	35,422
Lawrence Hagen	31,368
Total payees in county (2)	66,790

EDDY COUNTY

Norman Birkeland	25,868

FOSTER COUNTY

Louis S. Reimers	29,037

GOLDEN VALLEY COUNTY

Lloyd Weinreis	39,681
Donald Kittelson	27,651
Total payees in county (2)	67,332

GRAN FORKS COUNTY

John W. Scott	30,623
Ryan Farms	29,308
Elk Valley Farms	25,728
Total payees in county (3)	85,659

HETTINGER COUNTY

Benjamin Schaible	58,979
John F. Swindler	57,156
Swindler Bros	54,602
Arthur Schaible	37,075
Milton Hertz	35,017
August C. Kirschemann	33,546
Marion Swindler	29,646
Total payees in county (7)	306,021

KIDDER COUNTY

Ward Whitman	37,007

LA MOURE COUNTY

Rott Bros	27,595

MC KENZIE COUNTY

Peter A. Nygaard	34,444
L. A. Powell	25,131
Total payees in county (2)	59,575

MORTON COUNTY

Wachter Ranch	49,796

MOUNTRAIL COUNTY

Otto Engen	53,736

PEMBINA COUNTY

Bert Johnson	44,235
Bert Olson and Sons	32,264
F. Kent Vosper	27,404
Laurence Gapp	27,156
Melvin Juhl	27,047
Stanley Metelmann	26,143
Ted Eagen	25,231
Total payees in county (7)	209,480

PIERCE COUNTY

Archie Lindseth	26,715

RAMSEY COUNTY

Herman Dimmler	33,367
Leo Langton	30,617
John F. Elsperger	25,611
Total payees in county (3)	89,595

RANSOM COUNTY

William R. Huether	25,521

RENVILLE COUNTY

Harry P. Anderson, Jr	27,314

RICHLAND COUNTY

Ivan Miller	34,794
Richard Ista	28,461
Dotzenrod Bros	28,215
Total payees in county (3)	91,470

SARGENT COUNTY

G. A. Klefstad	25,479

SIOUX COUNTY

Peter Sittner	28,687

SLOPE COUNTY

Frank Dilse	47,418
Maurice O'Connell	35,339
Harold Brooks & Sons	33,050
Stuber Ranch	30,715
Total payees in county (4)	146,522

STEELE COUNTY

E. A. Brag	25,985

STUTSMAN COUNTY

Eddy Farms	59,479
Arvel Glinz	56,506
Hoggarth Brothers	$47,540
Freddie Mutschler	26,000
Total payees in county (4)	189,525

TOWNER COUNTY

W. A. Schmidt	32,140

WALSH COUNTY

L. E. Tibert Co	27,064

WARD COUNTY

Earl Schwartz Co	46,695
C. Morris Anderson	30,704
Total payees in county (2)	77,399

WELLS COUNTY

Weckerly Bros	34,011
Carlton Larson	27,566
James W. Schaefer	25,458
Total payees in county (3)	87,035
Total payees in State (67)	2,275,567

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Ohio

CHAMPAIGN COUNTY

Maurice Earl Botkin	$25,723
Avery Linville	25,112
Total payees in county (2)	50,835

CLARK COUNTY

Michael Sons	29,678

CLINTON COUNTY

Midwest Farms John Goings	34,110

DELAWARE COUNTY

Charles Walton	25,680

FAYETTE COUNTY

B. B. Pettit	29,248

LUCAS COUNTY

Wolf Farms	25,509

MADISON COUNTY

A. G. Lands	37,436
Bill Miller	33,263
Orleton Farms Co	27,153
Carl L. Drumm	26,377
Total payees in county (4)	124,229

MARION COUNTY

Ward Walton and Asso., Inc	115,235

MEDINA COUNTY

Hall Growers, Inc	28,577

MIAMI COUNTY

Mark Knoop	29,463

PICKAWAY COUNTY

Jean Clow Crites	34,032
William J. Richards	32,182
Total payees in county (2)	66,214

SANDUSKY COUNTY

Gries Seed Farms	29,611

WYANDOT COUNTY

Norman Gottfried	26,817
David J. Needs	25,829
Total payees in county (2)	52,646
Total payees in State (19)	641,035

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Oklahoma

ALFALFA COUNTY

Bouziden Bros	$71,385

CADDO COUNTY

S. G. Stevens	32,283

CANADIAN COUNTY

Margaret Petree	31,829

CIMARRON COUNTY

E. C. Mingenback	49,394
Billy R. Gowdy	47,264
L. J. & Clovis Stafford	46,358
Lee D. Rice	35,904
Dayle M. Oyler	33,125
Clifford Hinds	32,712
E. G. Bearden	32,380
John D. Burrow	28,774
Mabry Foreman	28,608
Eugene Sizemore	28,250
Craig Pugh, Jr	27,561
Junior J. Heppard	25,865
H. E. Hammond	25,856
W. H. Spradlin, Jr	25,735
Harold J. Froning	25,473
Total payees in county (15)	493,259

COTTON COUNTY

Hertis Baber	30,705
Royce McGee	25,363
Total payees in county (2)	56,068

CUSTER COUNTY

Issac Fransen	38,888
J. G. Stratton, Sr	37,430
George Fransen	36,357
Total payees in county (3)	112,675

GARFIELD COUNTY

E. B. Mitchell & Sons	34,249
Eddie Zaloudek	29,888
Total payees in county (2)	64,137

GRADY COUNTY

Virgil Voigt	32,281

GRANT COUNTY

C. W. Leforce and Son	34,831

GREER COUNTY

Frankie Johnson	34,111
Milton Vaughan	29,513
Clinton Nesmith	26,397
Total payees in county (3)	90,021

HARMON COUNTY

Paul & Chas. Horton	51,750
F. E. Motley	48,754
Shelby & Kirby	39,627
Elmo Jones	35,916
G. D. Payne	31,932
Carrick Brothers	31,306
J. R. Scott	31,168
Arlis Motley	30,598
Beanland & Sons	28,636
H. E. Moore	27,790
Clay Whorton	27,099
Harold Nichols	26,538
A. C. Mayhugh	25,765
Total payees in county (13)	436,879

HASKELL COUNTY

John L. Horn	27,120

JACKSON COUNTY

Wayne Q. Winsett	70,605
Harold Worrell	59,599
Murray R. Williams	$54,002
Glenn Southall	47,275
Brewer Bros	42,681
Carthal F. Mock & Son	39,226
Gordon Thomas	34,953
Roy A. Holsey	33,241
Robert Robbins	32,968
Clayton Tinney	29,947
Earl E. Abernathy	28,845
John Boyd McMahan	28,543
Rodney Hughes	28,496
Elton Talley	26,546
Travis Walls	26,158
Total payees in county (15)	583,085

KIOWA COUNTY

E. F. Bunch	33,613
Glenn and Sam Pfenning Ptnrs	29,589
Charles & Gayl Portwood Ptnrs	29,376
Total payees in county (3)	92,578

MC CURTAIN COUNTY

Mike Columbus	29,040

MUSKOGEE COUNTY

Dick Sheffield	54,842
Pearson Bros	46,123
Total payees in county (2)	100,965

SEQUOYAH COUNTY

Sloan Farms	37,871

TEXAS COUNTY

H. C. Hitch, Jr	132,717
Walter M. Anderson	53,505
Irvin Clark	50,562
Worth Jeffus	42,165
R. Lee, Jr. & R. Lee, Sr	40,428
C. F. Webb	34,350
Fred R. Sweet	34,102
Long Brothers	33,437
G. G. Freeman	31,322
Gustav Dencker	30,259
Joyce H. Gray	28,916
Total payees in county (11)	511,763

TILLMAN COUNTY

Kenneth Kimmel	34,461
John Wade Kent	31,531
H. W. Campbell	30,596
Glen and Leroy Hargis	27,402
Clarence Adams	25,100
Total payees in county (5)	149,090

WAGONER COUNTY

Clifford C. Hatfield	26,953

WASHITA COUNTY

Ridling Brothers	35,636

WOODS COUNTY

Maxwell Brothers	37,824
W. C. Diacon	26,329
Total payees in county (2)	64,153
Total payees in State (86)	3,113,902

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Oregon

BAKER COUNTY

Clyde Ward and Sons	$27,871

BENTON COUNTY

Clarence Venell	26,015
Horning Brothers	25,216
Total payees in county (2)	51,231

GILLIAM COUNTY

Wilcox Investment Company	$47,763
E. Earl Pryor	30,886
Total payees in county (2)	78,649

JEFFERSON COUNTY

Haycreek Range & Cattle	42,916
Kenneth Binder	27,850
Total payees in county (2)	70,766

KLAMATH COUNTY

Tulana Farms	55,006
O'Connor Livestock Co	31,401
Total payees in county (2)	86,407

MARION COUNTY

Jensen Bros	27,340

MORROW COUNTY

Ralph S. Crum	51,905
Porter-Peringer Inc	42,046
Frank Anderson	37,716
Marquardt Ranch	32,400
Amanda S. Duvall	26,101
Harvey Smith	25,516
Kenneth Batty	25,513
Total payees in county (7)	241,197

POLK COUNTY

R. L. Walker Farms	37,287

SHERMAN COUNTY

W. F. Wallace	26,222

UMATILLA COUNTY

Cunningham Sheep Co	88,305
B. L. Davis Ranch Inc	68,388
Robert G. Bafus	59,748
Glenn Thorne	44,287
Johns Smith & Beamer	40,408
Barnett Rugg Inc	37,242
Don A. Woodward Farms Inc	34,572
McCormmach Bros	34,526
Hawkins Co. Inc	32,762
Hill Ranches Inc	31,769
Coppinger & Son Ranches	31,437
H. & L. Barnett Inc	28,881
H. T. Rea Inc	28,367
Timmermann and Co	27,785
Purchase Ranches	26,937
R. M. Thompson	26,305
T. M. Campbell	26,243
Richard Hampton	26,135
Hoeft Ranches Inc	26,134
O. L. Straughan & Sons	25,971
Raymond & Son Inc	25,945
Harold G. Kleinbach	25,685
Hansell Farms, Inc	25,558
Total payees in county (23)	823,390

UNION COUNTY

Robert A. Brogoitti	30,389

WASCO COUNTY

The Miller Ranch Co	33,422
Total payees in State (44)	1,534,171

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Pennsylvania

DAUPHIN COUNTY

Hyles Hagy, Jr	$40,603

LEHIGH COUNTY

James Delong	55,562

NORTHAMPTON COUNTY

Schoeneck Farms, Inc	69,453
Howard Seiple	44,425

Green Acre Farms	$31,120
Keystone Dehydrators	31,109
Total payees in county (4)	176,107
Total payees in state (6)	272,272

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—South Carolina

ABBEVILLE COUNTY

S. F. Sherard, Sr	$35,766

AIKEN COUNTY

K. L. Flanders	37,292
Mackey Scott & Sons	35,595
M. R. Warner & Son, Inc	28,027
Total payees in county (3)	100,914

ALLENDALE COUNTY

W. M. Terry	79,037
Kirkland & Best	74,412
J. V. Spigener	44,558
G. L. Rouse	44,455
Cecil L. Dunbar	38,527
W. Ben Oswald	33,372
W. R. Johns, Jr	30,402
J. C. Oswald	29,982
N. B. Loadholt	28,434
Robert E. Connelly	26,226
Total payees in county (10)	429,405

ANDERSON COUNTY

Lee Dobbins	46,142
Tommie Drake	29,004
Total payees in county (2)	75,146

BAMBERG COUNTY

H. W. Herndon	56,999
H. D. Free	43,275
H. L. Free	42,517
C. & S. Storage Co., Inc	31,657
Henry F. Bamberg III	25,210
Total payees in county (5)	199,658

BARNWELL COUNTY

Birt & Keel	37,140
Harold R. Lott	30,266
M. D. Martin	30,203
Total payees in county (3)	97,609

CALHOUN COUNTY

W. W. Wannamaker Seed Farms	53,403
F. M. Wannamaker	46,079
Wiles Farm	45,524
Blackwoods Farm	38,305
Robert L. Felkel	37,200
John C. Bickley	28,262
D. S. Davis	28,037
J. D. Rast and Sons	25,873
Total payees in county (8)	302,683

CHEROKEE COUNTY

Robert G. Scruggs	48,872

CHESTER COUNTY

H. H. Robinson	51,143

CHESTERFIELD COUNTY

T. R. and G. E. King, Jr	68,135
Burr Farms	42,166
Hector R. McLeod	33,428
J. Calvin Rivers	31,114
James Chappell Hurst	30,634
J. Calvin Rivers Jr	29,346
Total payees in county (6)	234,823

CLARENDON COUNTY

H. Fox Tindal	$66,854
Charles N. Plowden	57,433
Samuel E. Durant	54,571
Durant Brothers	47,700
W. D. Harrington	38,741
D. Leslie Tindal	37,108
L. E. Richardson	32,783
R. V. Elliott	32,586
Henry T. Everett	30,385
Rickenbaker and Sconyers	30,239
Felder Farms, Inc	29,718
J. R. Briggs	29,295
James H. Richbourg	28,779
Jack Witherspoon Farms, Inc	28,394
C. D. Smith, Jr	25,262
Total payees in county (15)	569,848

COLLETON COUNTY

W. H. Varn, Jr., Inc	33,087

DARLINGTON COUNTY

Cokers Ped Seed Co	75,293
A. R. Mims	46,972
William Howard, Jr	42,538
Gary E. Byrd, Jr	39,451
Posey D. Kelley	35,165
John Jay James	30,871
Raymond Amerson	26,649
Total payees in county (7)	296,939

DILLON COUNTY

L. S. McColl, Jr	54,351
R. L. McLaurin	47,234
Pee Dee Growers, Inc	42,894
T. C. McSwain Est	31,525
Henry C. Quick, Jr	29,888
Lloyd Page	26,998

DILLON COUNTY

A. M. McDonald	25,849
Brown and Marion R. McCallum	25,595
Total payees in county (8)	284,334

EDGEFIELD COUNTY

Cecil Yonce	40,348
Maurice Smith	27,414
Total payees in county (2)	67,762

FLORENCE COUNTY

E. S. Willis, Jr	55,336
Billy E. Graham	53,982
C. Allan Young, Jr	38,245
Total payees in county (3)	147,563

GREENWOOD COUNTY

Fred P. Henderson	29,034
Calvin W. Kinard	28,401
Total payees in county (2)	57,435

HAMPTON COUNTY

Hugh T. Lightsey	53,439
C. P. Barnes	27,124
Total payees in county (2)	80,563

KERSHAW COUNTY

Lugoff Farms, Inc	59,910
Robert M. Marsh	31,228
Total payees in county (2)	91,138

LAURENS COUNTY

J. T. Hollingsworth	38,181
Billy Deshields	35,599
Total payees in county (2)	73,780

LEE COUNTY

J. E. Mayes	78,979
C. E. Atkinson	62,450
C. B. Player, Jr	$56,760
E. B. McCutchen	54,493
M. N. White	54,215
H. W. Shaw & Son	48,037
R. Joe and Richard Hearon	47,903
R. V. Segars, Sr	45,641
Willis Woodham	43,357
Calvin Joyner	41,546
Marion J. Barnes	39,386
H. R. Colclough	37,902
John M. McCutchen	36,222
J. E. McCutchen, Jr	35,813
L. M. Chewning	35,242
E. Brad McCutchen	34,770
James W. Scott, Jr	34,443
S. McBride Rhodes, Jr	31,622
B. J. Barnett	31,605
Clyburn Bros. and Son	30,584
C. R. Woodham	29,852
J. E. Turner	28,302
Wallace Deschamps	27,945
Jack Woodham	27,745
W. A. Berry	25,833
Total payees in county (25)	1,020,647

LEXINGTON COUNTY

Don W. Jeffcoat	26,700

MARLBORO COUNTY

Claude P. Polston, Jr	119,570
Lawrence E. Pence	114,020
Hubbard W. McDonald	90,786
Charles E. Lynch	74,522
Thomas A. & Charles O'Neal	62,424
Frank B. Rogers, Jr	52,624
Ernest C. McInnis	52,308
Jimmy P. Wallace	45,498
E. M. Otuel	44,851
Richard M. Adams	43,866
F. M. Hinson	43,600
A. L. Calhoun, Jr., Co	42,241
Marion F. Wright	38,294
George B. Kerr, Inc	37,257
James Lytch, Est	36,019
John D. Kinard, Est	35,054
William C. Covington	33,704
Hugh Driggers	33,167
Leon Driggers	32,512
Brooks Odom	32,191
Jimmie C. Baker	32,159
Lawrence S. Norton	31,780
Rufus M. Pegues	31,347
Joseph P. Hodges	31,094
Walex Hinson	29,179
John F. Everett	29,084
Frank R. Quick	27,616
Jimmy B. Hinson, Jr	26,896
John W. Liles	26,158
Robert A. Vail	25,874
Julian M. Drake	25,813
Angus G. Newton	25,411
J. G. Hubbard	25,385
Total payees in county (33)	1,432,304

ORANGEBURG COUNTY

E. E. Gasque and Son	64,764
Edgar L. Culler	51,940
John David Clark	49,565
J. W. Williamson, Agt	43,095
Earl J. Smoak	38,680
Hugo L. Felkel	37,890
W. B. Bookhart	34,476
Woodford Gin Co. Inc	34,009
Thomas B. Jackson, Jr	33,809
Vallentines	33,303
T. W. Irick Est	32,132
J. Walter Whisenhunt	30,865
Rossie P. Hughes	30,830
Norman V. Hughes, Mgr	30,624
Magnolia Lane Farm	30,260
J. M. Russell, Jr	29,384
M. L. McIver	27,655
Julian C. Crum	27,126
T. J. Wiggins and Son	26,243
Total payees in county (19)	686,650

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—S.C.—Con.

RICHLAND COUNTY

Robert Lee Scarborough	28,152

SALUDA COUNTY

R. M. Watsons Sons	45,008

SPARTANBURG COUNTY

James W. Cox	32,265

SUMTER COUNTY

W. R. Mayes	185,089
J. E. Mayes	122,198
J. F. Bland, Jr	103,725
B. J. Barnett Inc	51,410
Marvell W. Goza	48,419
J. M. Edens, Jr	41,887
J. T. Brogdon III	31.943
H. C. & H. C. Edens, Jr	29,316
T. D. Keels	28,792
C. O. Gulledge	28,562
Clayton Lowder	28,285
W. A. Dabbs	28,014
I. W. Brunson	25,611
Eli E. Parker	25,454
Total payees in county (14)	778,605

WILLIAMBURG COUNTY

S. Wayne Gamble	54,622
Leroy S. Epps, Jr	47,125
T. V. Ligon	28,440
Total payees in county (3)	130,187

YORK COUNTY

Roy J. McFadden	32,629
Gene Daves	28,212
Total payees in county (2)	60,841
Total payees in state (184)	7,519,827

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—South Dakota

BENNETT COUNTY

Elkhorn Farm	$36,076
John Hippen	25,547
Total payees in county (2)	61,623

BROWN COUNTY

Hanson Farms, Inc	40,927
Clark Bros., Inc	38,118
Verl Cutler	25,559
Ott Brothers	25,076
Total payees in county (4)	129,680

BRULE COUNTY

Helen Christiansen	27,180

BUTTE COUNTY

McLeod, Smith Ranches & Farms	53,256
Goeringer Farm	25,596
Total payees in county (2)	78,852

DAVISON COUNTY

Doyle Aslesen	34,592

DAY COUNTY

Hansmeier & Son, Inc	33,148
Earl Morehouse	25,889
Total payees in county (2)	59,037

EDMUNDS COUNTY

Petersen Farms, Inc	27,115

HAND COUNTY

Bryce Sample	$32,032

HUGHES COUNTY

Leon Crain	27,985
John Spaid	$26,351
Total payees in county (2)	54,336

JONES COUNTY

Daniel M. Parish	25,126

LYMAN COUNTY

Leo J. Terca	25,763

MARSHALL COUNTY

Dalton Docter	43,226
Penrhos Farms, Inc	27,492
Donald Jarrett	26,734
Total payees in county (3)	97,452

PERKINS COUNTY

O. Theo Beckman	35,868
Ham Bros., Inc	31,083
Total payees in county (2)	66,951

POTTER COUNTY

Daniel Cronin	26,051
Joe Mangin & Richard Mangin	25,141
Total payees in county (2)	51,192

SANBORN COUNTY

Vernon Amick	30,770

SHANNON COUNTY

Orville Schwarting	30,860

SPINK COUNTY

Glendale Colony	29,234
Hammer Bros	26,377
Total Payees in county (2)	55,611

STANLEY COUNTY

Neil Clarke	32,425

SULLY COUNTY

William J. Asmussen	97,142
Dean Nelson	69,078
Stanley Asmussen	61,450
Ken R. Huse	32,503
Kenneth Kinkler	32,495
D. L. Anderson Corporation	31,881
John W. McSpadden	26,113
Total payees in county (7)	350,662

TURNER COUNTY

Bones Hereford Ranch	51,702

WASHABAUGH COUNTY

Donald Handcock Inc	34,666
Total payees in state (39)	1,357,627

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Tennessee

CARROLL COUNTY

John A. Shoaf	$34,207

CHESTER COUNTY

Jess Thomas	25,418

CROCKETT COUNTY

James F. Jordan	27,187
Joe H. Carter	26,967
Max Cates	26,603
Total payees in county (3)	80,757

DYER COUNTY

Moody Prop Inc	25,092
Tiger Tail Farms, Inc	25,043
Total payees in county (2)	50,135

FAYETTE COUNTY

Jerry Skelton	82,779
Cowan Bros	79,392
Ames Plantation	50,653
L. J. & J. A. Williams	$44,481
B. L. Davis	40,610
Fowler-Moore-Moore-Fowler	39,779
Hurdle & Valentine	38,690
Allien M. Nunn	38,087
J. W. Owen	34,215
Gordon Tomlin	32,385
Davis Bros	30,539
H. H. Farley	29,885
A. W. Blalock	28,554
M. D. McClanahan	28,453
A. K. Morrison	27,746
Total payees in county (15)	626,248

FRANKLIN COUNTY

David R. Owens	42,675
Emmett Owens	40,181
O. R. Collins, Jr	29,060
Total payees in county (3)	111,916

GIBSON COUNTY

Bobby Harper	29,905

GILES COUNTY

White & Witt	30,600

HARDEMAN COUNTY

J. L. Chambers	49,661

HAYWOOD COUNTY

Tommy B. Willis	56,846
Billy Frank Morris	46,064
Charles Haynes	32,745
Carlton and Claiborne	27,302
Allen King	27,091
Glenn Lonon	26,642
Total payees in county (6)	216,690

LAKE COUNTY

W. T. Jamison, Jr	70,047
Bruce D. Wyatt	51,467
Tipton Bros. and Sullivan	43,811
W. E. & Bruce Dunlap	39,894
Walter Delaney	35,479
Riley Bros	35,040
Nard Shull	38,871
George Dial	33,698
G. F. Parker	31,972
Fred A. Wortman	31,786
Bill Lindamood	28,966
James Mooring	28,953
Floyd Flowers	25,034
Total payees in county (13)	490,018

LAUDERDALE COUNTY

George Lawson Elder	48,796
Jim Fullen	42,306
Kenneth Harley Blackwood	39,120
Ft. Pillow State Farm	33,660
Odell Williams	29,961
William H. Moore	28,477
Jack Crutcher	27,440
Clyde Younger	27,134
Jimmy Fullen	26,589
Total payees in county (9)	303,483

MADISON COUNTY

Neely Robley	29,818

SHELBY COUNTY

Riggan Planting Co	82,339
T. A. Densford & Son	64,590
H. S. Mitchell	64,297
Horne Bros	43,748
Cedar Hill Farms	37,903
Aubrey Howell	28,018
Thurman Chapman	26,610
Madge M. Harrison	26,091
C. D. Thomason	25,491
Paw Paw Block Farm	25,131
Total payees in county (10)	424,218

TIPTON COUNTY

Charles L. Walker	$54,707
Horace E. Moore & Sons	45,304
R. W. Anderson	38,753
John A. McIntyre	35,659
Johnson Brothers	34,271
John C. Balton	33,865
Marshall C. Huffman	29,551
Austin E. Anderson	29,497
Total payees in county (8)	301,607

WEAKLEY COUNTY

Kermit Cates	41,142
Total payees in state (76)	2,845,823

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Texas

ANDREWS COUNTY

W. H. Vanlandingham	$44,560
C. C. Shortes	27,352
Total payees in county (2)	71,912

ARANSAS COUNTY

B. E. S. Co	26,662

ARMSTRONG COUNTY

Parker Cattle Co	45,410
James Bible	36,301
Robert L. Grigsby	34,768
Henry Finley	27,683
Troy F. Vance	25,027
Total payees in county (5)	169,189

BAILEY COUNTY

Carl C. Bamert	101,763
Horace Hutton	77,499
W. T. Millen	74,448
J. Bert Williams	71,445
Buffalo Farms, Inc	64,502
Bill Jim St. Clair	64,479
M. E. Little	61,984
Randy Johnson	60,619
B. J. Gable	57,083
W. M. Pool	53,387
W. B. Little	51,705
Ray Wood	50,547
J. G. Arnn	49,358
Homer Richardson	47,848
B. G. Free	45,740
J. F. Furgeson	45,326
Jack Schuster	44,674
M. A. Snider, Jr	44,051
L. D. Davis	43,990
John R. Young	41,593
Jee L. Smallwood	40,406
O. A. Jones	40,246
Wilbert Kalbas	39,512
C. J. Feagley	38,123
Lester Howard	36,005
Freddie Parkman	33,737
Wesley Warren	33,263
Van Rogers	32,195
A. P. Fred	31,845
Lewis Brothers	31,484
Jim Claunch	31,433
C. L. Saylor	31,250
Jesse Carter	31,203
A. R. McGuire	30,392
W. Lewis Scoggin	30,057
A. P. Childers	29,561
James Gore	29,385
Byron Gwyn	28,991
W. E. Latimer	28,892
Elmer L. Hargrove	28,856
Virgil Wood	28,848
Thomas W. Gregory	28,537
Weldon Avery	27,625
Houston Hart	27,544
Johnnie Prater	27,202
Karl Cayton	27,035
John W. Gunter	26,853
Marvin May	26,143
W. Q. Casey	$25,584
Austin Bros	25,563
J. R. Austin Jr	25,461
Robert Nunnally	25,412
Ben Roming	25,315
Levelland Compress Co., Inc	25,191
Total payees in county (54)	2,181,190

BAYLOR COUNTY

Megargel Drilling Co	36,068
Roy Butler & Son	33,945
Total payees in county (2)	70,013

BEE COUNTY

Amko Farming, Inc	32,571

BORDEN COUNTY

John Springer Stephens	43,713

BOWIE COUNTY

Three Way Land Co	198,879
Elwood Elkins	81,675
William H. Farris	48,798
Waymon W. Elrod	44,726
George H. Vance	42,289
Guy W. Farris	35,668
Ely T. Moores	27,042
D. P. T. Farris, Inc	26,343
Total payees in county (8)	505,420

BRAZOS COUNTY

Tom J. Moore	325,886
H. H. Moore and Sons	310,411
Brazos A. Varisco	120,624
Lee J. Fazzino	83,963
J. P. Terrell and Son	82,203
Vince Court	47,213
Don Angonia	41,822
Tony Varisco, Jr	39,751
Tony Joe Varisco	29,696
Matt Morello	28,543
W. J. Terrell	25,559
Joe Varisco	25,484
Total payees in county (12)	1,161,155

BRISCOE COUNTY

Joe B. Mercer	63,649
L. O. Weaks	63,255
G. W. Lee	55,832
Fred W. Mercer	51,949
Alva C. Jasper	43,396
Gordon Montague	42,717
Clyde Mercer	40,106
Ray Teeple	38,042
J. D. McGavock	34,023
H. F. Parker	32,387
Roy Montague	31,740
Troy Burson	31,384
George Long	31,357
Allen Kellum	30,610
Cook & Cook	30,272
Deanie Henderson	30,184
D. T. Northcutt	29,052
Harold Storie	29,048
Walter Graham	28,240
Theron Culwell	28,197
Dallas Culwell	27,097
Carolyn Self	26,590
J. D. Nance	26,368
Frank Mercer	26,137
Pat Northcutt	25,830
Don Garrison	25,593
Ben Whitfill	25,247
Total payees in county (27)	948,302

BURLESON COUNTY

Holland Porter	132,441
Est. Geo. C. Chance	122,724
Marion J. Malazzo	55,153
Pete J. Scamardo	$53,023
Phil. Scamardo	50,785
Marvin M. Porter	50,350
H. H. and Edgar Baker	48,462
A. and M. Plantation	46,832
Luke Restivo	44,822
Steve A. Scarmardo	38,341
Mitt A. Bush	36,599
G. R. Hutson	33,426
Cevil Giesenschlag	32,822
John W. Giesenschlag	32,084
Joe S. Campise	29,062
Sandyr Scarmardo	27,687
Total payees in county (16)	834,613

CALDWELL COUNTY

Terrell T. McGee	28,343

CALHOUN COUNTY

Roy Smith	71,900
Henry C. Wehmeyer	42,517
Total payees in county (2)	144,417

CAMERON COUNTY

James D. Russell	169,964
John A. Abbott	122,397
Oscar Mayfield & Sons	120,887
Simpson & Wilson	93,027
P & W Inc. & Santa Monica Fms.	85,725
DBA D. L. Smith Farms	79,611
Rio Grande Equip Company	71,920
George L. Labar & Sons	68,665
Herbert W. Bode	65,744
Joe S. Wolf	65,398
Schmitt Bros. Farms Ptn	63,584
Robert F. Ashley	62,473
Rex L. McGarr	56,640
Elijah B. Adams & Sons	55,707
Henry V. Macomb	53,626
Scoggins Brothers	53,121
Rodolfo B. Samano	52,790
Herman Lynch	51,399
Shimotsu Farms	50,375
George Nixon	49,803
Taylor Grain Co., Inc	48,013
Ballenger & Ballenger	47,955
L. R. Cherrington	47,566
James A. McCarthy	47,357
Owsley Hill	46,197
Cholick Farms	44,977
Eubanks Brothers	44,895
Elmer E. Meek	44,665
William J. Bryan	41,683
P. Maurin & Jt. Maurin	41,394
Carl Otsuki & P. & W., Inc	41,147
Lamon & Lamon	40,555
J. L. & Bill Gray	39,875
Brocecky & Lomax	39,073
Crockett Groves, Inc	38,746
Est. J. Kelly Cain	38,182
Oval A. Martin	37,196
Robert L. Shuckman	36,902
Kenneth Shuckman	36,237
Bauer Brothers	35,237
F. H. Cherrington	35,215
Berg & Berg	34,789
Smith & Smith	34,619
Wolf Farms Ptn	33,160
M. R. Davis & Son	33,073
Johnson Brothers	32,986
McElwrath Farms	32,834
Elvin Pederson, Sr	32,722
Horace Wells	32,060
S. R. & C. D. Stone, Trs	31,846
Hollie C. Lewis	31,489
S. M. & W. M. Halbert	31,158
Jack Abbott	30,724
Pilar Cabrera	29,803
Lloyd G. Payne, Jr	29,788
Milton E. & Monica C. Wentz	29,771
Ross D. Waters	28,634
Clifford L. Smith	28,560
Lester Nixon	28,527
Billy N. Cantwell	28,368
Raymond C. Jones	28,245
Elijah B. Adams	28,244

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Texas—Con.

CAMERON COUNTY—continued

Edward E. Billings	$28,188
J. G. Wreden	28,088
Ashley D. Youngblood	28,052
Sunny Ann Farms, Inc	27,947
Harry J. Garrett	27,626
Elward M. Smith	27,267
Nester Mack	27,123
Joe G. Ballenger	26,975
Adolph Thomae, Jr	26,966
Walter L. Clore	26,552
Charle L. Shofner	26,510
Oscar B. Gray & Sons Ptn	26,477
Joe W. Lane	26,415
Geo. & Sam Taylor	26,370
Robert Mathers	26,313
Jackson Est. & D. E. Jackson, Jr	26,180
Milan W. Nelson	25,945
Bob F. Morrow	25,839
Norman F. Willms	25,609
Charles J. Buchen	25,559
Kitamura Brothers	25,433
W. B. Mack	25,143
Total payees in county (84)	3,603,900

CARSON COUNTY

Frank Robinson	87,999
Texas Technological Research F	63,654
Sam Kotara	45,191
B. F. Urbanczyk	43,443
H. Freimel & Sons Ptn	40,539
Marvin Urbanczyk	36,820
John D. Kelly, Jr	35,001
Clinton Williams	33,601
H. L. Beddingfield	33,207
Frank Simms	32,591
Bob McBrayer	31,463
J. B. McCray	30,045
Geo. Rohan	29,399
Leo M. Britten	29,287
Rolla J. Sailor, Jr	28,387
Ralph Britten	27,678
Ronald Kotara	26,858
C. W. & Faye Herndon Ptn	26,785
John Kotara, Jr	26,755
Leonard Olson	26,535
A. L. Stovall	26,126
Jack Martin	25,416
Total payees in county (22)	786,780

CASTRO COUNTY

Jimmy Cluck	172,359
Homer Hill	130,979
G. L. Willis, Jr	123,572
J. F. Martin	82,004
Carl Bruegel	73,324
George Gabel	69,630
Otto Steinberg	68,602
H. D. Smith	66,336
Clements Corp	64,940
Donald J. Wright	64,450
Gilbreath Farm Co	63,329
Kenneth Heard	63,012
Jerry Cluck	60,941
Chas E. Armstrong	59,733
Homer A. Hill	59,329
Carl L. Kemp	58,785
E. L. Howard	58,211
Frank Wise	57,085
Dan J. Heard	53,777
B. L. Moore	53,732
R. E. McDaniel	52,130
Fred Bruegel, Jr	51,659
J. M. Wright	50,535
Margaret H. Ware	50,242
Woodrow Nelson & Sons	48,004
Henry W. Golden	46,557
S. A. Hodges, Jr	46,024
Geo. & Kenneth Frye Ptnshp	45,673
Lorenzo Lee	45,009
Clint B. McFarland	44,700
Dick Ellis	44,161
Chas Heck, Jr	42,952
Max Sageser	$42,016
W. O. Markley	41,932
Charles T. Noland	41,722
Truman Touchstone	41,429
Earl Harkins	41,105
Milburn & Eddie Haydon	39,660
George Sides	39,176
Leo Witkowski	38,335
James H. Bradley	38,107
M. L. McFarland	38,030
Melvin Barton	37,475
Tom W. Miller	37,194
George Heck	36,853
H. C. Nelson	36,782
Truvis Campbell	36,773
Jim Elder	36,365
Lamar Found	36,143
David Smith	36,086
Jack Miller	35,943
W. J. Giles	35,655
Floyd Cole	35,218
Jack George	34,592
Downing & Epperson	34,139
William Baldridge	33,888
A. D. Lee	33,721
W. B. Hammonds	33,705
Loyd Farris	33,603
Don Carpenter	33,448
David Nelson	33,093
W. W. Lemons	32,881
George C. Heard	32,745
Shirley L. Garrison	32,410
H. M. Boozer	32,258
Clyde Hancock	32,071
Clyde H. Damron	31,575
Harvey C. Davis & Sons	31,246
W. W. Gilbreath	31,255
M. N. Smith	31,086
Doyl Underwood	30,998
James Welch	30,739
Harlan L. Barber	30,730
Fritz Smith	30,345
Bill Rich	30,169
Joe M. Scott	30,116
J. D. Myrick	29,788
W. V. Struve	29,607
Ivan L. Block	29,532
Carl King	29,475
Geo. Ed. Bennett	29,359
Rayphard Smithson	29,182
E. Herring Est	29,121
Lonnie Bell	28,786
Jay Lee Touchstone	28,774
Kenneth Christie	28,770
Joe Nelson	28,652
Fleetwood Farms	28,585
M. L. Aven	28,526
Odus Hastings	28,496
Chas Veigel Est	28,465
Robert L. Hawkins	28,013
Ray Robertson	27,572
Andy Nelson	27,334
James Buckley	26,976
Jerry Tunnell	26,921
Madge M. Roberts	26,570
Charles Burks	26,541
Dud Winders	26,286
Ed Wilson	26,129
R. R. Rule	26,087
L. L. Shultz	26,067
Allan Webb	25,704
Dent Bradley	25,294
Roger E. Haberer	25,271
Maurice E. Powell	25,110
Total payees in county (106)	4,445,551

CHILDRESS COUNTY

Carroll Seal	38,192
Arthur Kane	27,566
Luther C. Hill	26,503
Derrill Nippert	25,204
Total payees in county (4)	117,465

COCHRAN COUNTY

J. K. Griffith	322,355
John A. Wheeler	193,645
C. C. Slaughter Farms	98,870
F. O. Masten	$90,792
T. K. Williamson	76,641
Jimmy Millar	67,309
R. L. Polvado	65,976
Erma Griffith	64,527
J. E. Polvado	64,236
H. B. Barker	63,134
Slaughter Hill Co	60,522
E. L. Polvado	57,722
Hub Baggett	52,525
D. E. Benham	49,212
James Greener	45,486
Ben & Edward Pinkert	43,719
J. C. OBrien	43,349
Max Bowers Est	41,532
Ike Williams	37,030
Leonard O. Coleman	36,044
Bobby Smith	34,827
W. B. Merritt	33,786
E. E. Silhan	32,953
Emmett E. Thomas	32,365
Ronald Coleman	32,361
Dalton Redman	30,247
George Smith	29,600
W. C. Eubanks	29,570
Raymon Hall	29,509
C. C. Harvey	28,824
Dan Valentine	28,495
B. H. Tucker	28,488
C. E. Buchanan	28,473
Ira Brown	28,437
H. Y. Christian	27,646
Danny Key	27,611
H. H. Kern	27,369
Clayton Stokes	27,050
J. W. Silhan	26,958
Jack French	26,518
Mrs. Dona Doughty	25,389
Don M. Lowe	25,353
A. R. Lamb	25,026
Total payees in county (43)	2,241,481

COLLINGSWORTH COUNTY

Carthel G. Lewis	32,317
James Doneghy	32,253
Wood & Wood	29,999
Elbert Watts	29,758
J. B. Killian	28,557
Louis E. Allred	25,784
Total payees in county (6)	178,668

COLLIN COUNTY

Welborn & Welborn	30,889

COLORADO COUNTY

T. Cattle Co	80,492
Mahalitc Bros	60,167
J. K. J. Mahalitc	33,276
Arthur E. Mahalitc	27,735
Total payees in county (4)	201,670

COTTLE COUNTY

Jack Parnell	38,803
R. D. Wall Jr	27,479
Donald D. Love	25,680
Jack Tippen	25,295
Total payees in county (4)	117,257

CROSBY COUNTY

Mitco, Inc	102,667
G. J. Parkhill Jr	88,994
Delton Caddell	81,618
Luis Garcia/Sons Inc	78,005
Lloyd Gambrel	61,022
Jean D. Smith	60,610
Lynn T. Smith	59,975
Donald Aycock	58,133
Jesse L. Reese	57,849
Lynn E. Campbell	54,386
H. N. Watson, Jr	53,819
Compton Cornelius	51,685
Bob Kimbrough	49,066

Elvis O. Martin	$48,282
The McLaughlins	47,002
Cleve Cypert	45,601
W. O. Lockwood	44,713
J. P. Beck	44,581
R. H. Farris, Jr	43,720
D. J. Moses	43,638
Marvin T. Heinrich	43,608
John L. Haynes	43,021
Tom F. Oats	42,464
Clyde Crausbay	42,275
Elton Ellison	41,685
Max Johnson	41,131
Billie McClaran	40,802
Marvin O. Greer	40,408
Bill N. Gilbreath	40,250
Arvis E. Moore	39,629
Bobby H. Kendrick	38,632
Dee Cash	38,379
Ross Cash	38,378
O. D. Moore	38,275
Darrell J. Dunn	38,126
Craig McDonald	37,810
Carroll Himmel	36,952
Claude Adams	36,524
I. B. Davis	35,649
Buster E. Smith	35,526
J. W. Jackson	35,476
James W. Holman	35,445
Ray Marsh	35,386
Rex Wheeler	35,374
W. T. Leon	33,989
David A. Prewitt	33,841
Kenneth Gray	33,463
Jack E. Robertson	33,401
Clyde Crump	32,898
Harold Hodges	32,734
Robert Fullingim	32,597
Kenneth Summerford	32,415
Harvey Hancock	31,767
Gene Fullingim	31,648
James A. Boydstun	31,562
Loyd B. Parkhill	31,551
Donald Wooten	31,297
W. Clayton Sellers	30,404
Arnold Ratheal	30,388
John R. Green	29,924
J. R. Terrell	29,892
B. L. Anderson, Sr	29,655
L. E. Littlefield	29,568
Eldred L. Mize	29,340
Dewey E. Wells, Jr	29,148
Roy Lee Ellis	28,997
J. J. Griffin	28,924
Charles E. Sanders	28,776
C. B. Gallimore	28,750
Billy Kirk	28,572
Arnold Hodges	28,547
T. W. Stockton, Jr	28,500
L. Don Anderson	28,147
James W. Sales	28,029
T. G. Kirkendall	27,859
C. B. Hendrick	27,540
Thomas A. Poulson	27,281
Jimmy R. Fullingim	27,238
F. Eugene Woodard	27,017
Wayne J. Parker	26,837
Dick Snodgrass	26,692
Roy Schluter	26,667
Vernon D. Wheeless	26,618
Donald H. Berry	26,482
Nelton Chote	26,281
Roy J. Warren	26,275
J. B. Prewitt	26,263
L. M. Powell	25,955
Byron E. Powell	25,817
Will D. Griffin	25,721
E. C. Simmons	25,707
Eubank/Searsy	25,679
Charles B. Gray	25,675
Billy Crump	25,473
George W Poulson	25,394
Donnie Powell	25,221
Harold Verett	25,025
Total payees in county (97)	3,630,011

CULBERSON COUNTY

Lee Talley	39,073
J. J. Taber	33,271
J. E. Beasley	$30,837
Olen Lane	29,748
Total payees in county (4)	132,929

DALLAM COUNTY

Elmer Heiskell	112,990
Hugh L. Gordon	68,252
James E. Crabtree	59,980
Raman L. Chandler	57,049
H. F. Beyer	56,549
Jimmie O. Brewster	56,072
Kerrick Land & Cattle Co	54,321
Leo H. Moore	50,807
George H. Noble	50,013
Melvin Przilas	48,433
Horace D. Estes	47,712
Carleton Davis	46,795
Tim E. Field	45,449
David P. McBryde	44,488
Alex Stafford	43,938
William W. Allen	43,171
J. T. McAdams	42,205
Wall & Sons	40,628
Roy Nall	39,931
Webb/Webb/Johnson Ptnp	38,276
R. L. McMurtry	37,626
Tommy Lovett	37,602
Curtis G. Chisum	37,399
Billy Chesnut	37,095
Glenn Johnson	37,031
Don W. Slaughter	36,702
Ell Dee Field	35,732
Circle Farms, Inc	35,649
Leo J. Field	35,338
James M. Field	34,982
Clancy Cummings	34,465
Loyd J. Pillans	33,793
L. A. Mathis	33,184
Tommy Gerber	33,159
Triple M. Farms	33,152
Charles Grice	33,137
Summerour Brothers Ptnp	31,819
Keith Green	31,418
James H. Warnken	30,619
Adolph Hill	30,524
Frank C. McDaniel	30,179
Ray T. Taylor	30,040
Billy G. Moore	29,725
Glenn D. Cummings	28,932
Russell C. Cummings	28,932
Marvin Gibbs	28,685
Donald A. Borth	28,515
Norval W. Bressler	27,802
Charles Vickers	27,61[illegible]
H. B. Watson	27,32[illegible]
Delbert Butler	26,995
Edward Lethen	26,954
Feral Carruth	26,931
Bill Wedel	26,659
Meredith H. Brown	26,520
Vanus Byrd	25,609
Roy W. Wharton	25,061
Oscar O. Przilas	25,022
Total payees in county (58)	2,234,993

DALLAS COUNTY

Olin B. Curry	37,840
Roddy Brothers	36,192
Ralph B. Pickett	31,192
Total payees in county (3)	105,224

DAWSON COUNTY

Bill Weaver	140,462
Gordon V. Waldrop	77,143
Sam C. Jenkins	62,609
Henderson and Son	55,150
J. W. Gardenhire	53,558
Charles Warren	48,890
Woodward Farms, Inc	47,861
E. D. Adcock	45,327
George Eiland	45,174
Donnell Echols	44,070
Carson Echols	43,177
C. R. Taylor	42,633
R. M. Middleton	$42,193
Adcock Farming Co., Inc	41,535
B. L. Middleton	39,544
Eiland Crawley Palmore	39,518
Arlan Youngblood	39,512
E. E. Sumrow	35,881
Doyle Terry	35,813
Bobby Warren	33,592
Robert F. Hardberger	33,025
O. H. Preston, Jr	33,025
Donovan V. Phipps	32,936
Bill Treadaway	30,410
V. W. McGee	28,610
E. Bar Cattle Co	28,475
Lloyd Cline	28,250
S. N. M. M. Farm Corp	28,232
John D. Banta	28,055
David Hughes	27,756
David Franklin	27,532
Arther Nolen	27,089
E. L. Hendon	27,003
Leroy Holladay	26,820
Dennis Lamphere	26,581
Norris Barron	26,444
W. T. Pomroy	26,303
J. D. Bennett	25,505
N. B. Leatherwood	25,094
Ferguson Schneider	25,005
Total payees in county (40)	1,575,792

DEAF SMITH COUNTY

Hill Farms	221,359
Taft McGee	200,309
Perrin Bros	129,124
Delmar R. Durrett	118,789
W. H. Gentry	111,921
Virgil F. Marsh	96,915
White Farms & Cattle Co	95,383
Wm. J. Schulte	94,559
D. T. Reed	87,677
R. C. Godwin Farms, Inc	82,140
Billy Wayne Sisson	80,920
John & Ray Brorman	78,440
Forrester Ranch, Inc	77,081
Reinauer Bros	75,719
O. D. Bingham	71,418
Melvin May	71,032
Clarence D. Carnahan	70,106
Herbert Friemel	68,654
Vernon Denson	66,071
Quien Sabe Farms	65,781
West AC Farms, Inc	64,974
Joseph A. Meyer	63,219
Harry Brorman	62,580
A. R. Dillard	61,809
J. R. Durrett Trusts	61,697
James A. Bullard	61,337
W. F. Ponder	60,468
Joe Lyons & Lyons	59,574
Brorman Bros	58,961
Anthony Paschel	58,594
Jorde Farms	56,683
Hosea Foster Estate	55,716
Solomon Bros	54,977
Garrison Bros. & Nelson	54,020
McCathern & Heck Farms	53,493
A. C. Hays Jr	53,294
Higgins & London	51,681
John A. & Raymond Smith	51,424
Montgomery Farms	50,641
Morris W. Blankenship	49,912
B. C. Hodges	49,527
Edwin Axe Farms Inc	47,974
James Fangman	47,250
Iverson Leake	46,505
Billy J. Cleavinger	46,105
Brooks & Brooks	45,937
Oneway Farms	45,930
Donald Kimball	45,891
Johnny Jesko	45,349
R. M. Mason	44,784
Jimmy Brown	44,447
Harris & Thrush Sales Co	44,284
Meiwes Bros	44,129
L. J. Jones, Jr	43,903
Francis E. Barrett	43,615
Jim Monroe	42,603
B. T. Spear	42,558
E. C. R. Corporation	42,097

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Texas—Con.

DEAF SMITH COUNTY—continued

Charlie & Kenneth Robinson	$40,312
S. A. Fangman	39,896
Ray Gerk	39,621
J. E. McCathern, Jr	39,153
Norton, Inc	38,839
Herbert E. Bippus	38,680
J. T. Gilbreath, Jr	38,283
Gerald McCathern	38,103
Glenn B. Allred	38,040
Edwin Morrison	37,837
Gary McQuigg	37,521
Matt Webb	36,791
Richardson Seed Farm	36,757
Luther Ellis	36,333
A. G. Flippin	36,120
D. Neumayer	35,872
Jimmy Brown	35,771
Madison F. Fields	35,163
Woodrow Whitaker	35,060
Helen Godwin	33,561
Hickman Farms, Inc	33,406
R. C. Godwin	33,138
W. E. Warrick	33,114
Bertram Jack	33,068
Frank V. Zinser, Jr	32,230
J. B. Haile	31,979
Samie West	31,921
Robert R. Lindsey	31,646
Norman Hodges	31,519
John Skaggs & Son	31,228
F. A. Marnell	31,073
Henry J. Kuper	30,599
Schlabs Farms Inc	30,586
Dan W. Berger	30,504
Walter G. Russell	30,477
Tom Robinson	30,330
Alton Fraser	30,284
Mrs. N. A. Brown & Sons	30,231
J. C. Price	30,162
Donald Hicks	30,131
Harold D Moore	30,107
Wm. A. Carter	30,050
Richard D. Friemel	30,020
Bob Veigel	29,833
Kenneth Walker	29,685
Glen Wagner	29,581
Bennie Newbill	29,513
Mary Inman Hipes	29,334
Jack Williams	29,109
Kenneth Artho	28,546
A. C. Brorman	28,510
Charles Hoover	28,401
Floyd E. Tomlinson	28,204
G. C. Brown	28,089
Koetting Bros	27,985
Luther Lesley	27,611
Carl J. Berend	27,593
Shepard Cattle Co	27,296
O. G. Hill Estate	27,273
Paul Wilson	26,937
Bridwell Ranch West	26,905
Ralph Rice	26,768
J. F. Brorman	26,693
Hall Bros	26,483
Alban Farms	26,297
Edgar Brown Est	26,178
James Overstreet	26,034
Charles Packard	25,983
Joe M. Zinser	25,846
Tom J. Boyd	25,814
Cecil Morrison	25,774
Donald J. Meyer	25,660
Josef C. Grotegut	25,634
Wilburn P. Axe	25,625
Sam A. Lynch	25,237
Herbert H. Miller	25,219
Lester B. Godwin	25,158
Total payees in county (135)	6,311,664

DENTON COUNTY

Elmo & Ernest Chesney	30,312
Bennett Griffin	26,463
Total payees in county (2)	56,775

DICKENS COUNTY

G. B. Morris	$54,640
Raymond Eldredge	36,201
Dumont Bridge	35,538
Paul Dale Hagins	35,014
Vernon Harris	29,515
Raymon Harris	29,259
Paul Braddock	27,112
D. W. Edinburgh	26,607
Rex Carlisle	26,347
Total payees in county (9)	300,233

DIMMIT COUNTY

Warren Wagner, Inc	37,008

DONLEY COUNTY

Hall S. Hardin	34,649
J. Melvin Asberry	30,012
Total payees in county (2)	64,661

EL PASO COUNTY

R. T. Hoover Farms	121,314
Lee Moor Farms	116,793
L. R. Allison Co	60,209
Mike Maros	54,315
Ralphs Farms, Inc	54,128
H. D. Hilley	49,935
C. P. Brown	40,726
Lettunich Farms	39,342
Jerry Rogers	38,484
George Eads	38,107
Fabens Prod., Inc	35,142
George B. Spence	34,972
Bills & Ellis Farms	33,685
James Strachan	32,459
Schuster Farms, Inc	29,814
W. C. Passmore & Son	29,456
Hiram Whitaker	28,883
Gulbant S. Gil & Sons, Inc	28,635
Jack H. Stallings	25,938
W. A. Rawls Ranch	25,934
Joe Hanson	25,514
Total payees in county (21)	943,790

ELLIS COUNTY

H. R. Burden	54,669
J. B. & Jas. Underwood	50,515
Jack B. Eastham	46,858
Ramon Armstrong	28,710
C. O. Nash	26,927
B. D. Wakeland	25,149
Total payees in county (6)	232,828

FALLS COUNTY

Basil Abate	112,932
Felix Tusa	51,927
Morris Scamardo	47,137
Jack Falco	45,130
Roman Gonzales	41,631
Falsone Brothers	35,763
W. A. Hudgens	35,204
Louis Corpora	30,166
Total payees in county (8)	399,890

FANNIN COUNTY

Riverby Plan	35,589
W. Frank Howell	28,980
Total payees in county (2)	64,569

FAYETTE COUNTY

John E. Morgan	28,356

FISHER COUNTY

Max Carriker	31,144
John D. Ferguson	30,789
Jim Obriant	30,599
J. E. McCoy, Jr	27,434
Total payees in county (4)	$119,966

FLOYD COUNTY

John C. Alford	74,190
Dorris Jones	68,798
R. I. Bennett	68,532
Hershel Carthel	59,817
J. S. Hale, Jr	58,756
Marvin Shurbet	56,030
Bigham Farms	54,186
Thomas Bros	53,444
Marble Brothers	53,173
L. N. Johnson	51,158
Watson Jones	48,701
Gene Belt	48,665
Ward Brothers	48,259
Ewald Quebe	47,697
W. L. Norman	47,631
Malvin A. Jarboe	47,307
R. F. & Robert Stovall	46,777
Fred Zimmerman, Jr	43,800
Walter E. Bloys	42,669
Johnney West	40,605
C. C. Whittle	40,594
Dougherty Grain	40,331
J. E. Franklin	40,272
H. B. Robertson	39,578
Robert L. Smith	39,315
Billy W. Fulton	38,533
Reed Lawson	38,470
J. A. Welch	38,298
K. E. Probasco	37,992
H. L. Porter, Jr	37,916
R. G. Dunlap	37,739
G. W. Smith	37,452
Louis Pyle	37,276
W. R. Ware	37,257
J. R. Turner	36,985
Tom Snead	36,811
Tri C Corp	36,560
Buren C. & Lucy Cates	36,284
Luther B. Brandes	36,136
Roy H. Tinsley	36,050
Kenneth Bean	35,982
R. Fred Brown	35,950
Paul Weiss & Paul Hrbacek	35,544
Everett Miller	35,363
C. L. Henderson	34,965
J. W. Taylor, est., ptnsp	34,636
L. T. Wood	33,353
Loyd Widener	32,678
Wayne Bramlet	32,471
Lane Decker	32,185
Walter W. Taack	32,146
Oscar Golden	31,996
Tate Jones	31,826
Early P. Pritchett	31,542
Bill Sherman	31,341
J. A. Miller	31,292
W. M. Staniforth	30,974
Eugene Gilly	30,800
Fred Jackson	30,617
W. S. Poole Estate	30,585
William E. Whitfill	30,379
G. C. Cattle Co., Inc	30,365
Travis Jones	29,905
W. H. Simpson	29,680
George H. Willis, Jr	29,637
Don Marble	29,559
Bruce W. Davis	29,393
Lewis Reddy	29,226
Donal Akin	29,165
Weldon Hammonds	28,907
G. Taylor & T. Fortenberry	28,905
J. R. Belt, Jr., Farming, Inc	28,757
L. L. Rhodes	28,372
Charlie Boedeker	27,712
Strickland & Co	26,988
Frank D. Brown	26,801
S. J. McIntosh	26,623
Joe Appling	26,622
Chester W. Mitchell	26,596
Mack Hickerson	26,540
Leighton O. Teeple	26,174
Brock Farm	26,160
E. A. Noland	26,152
P. Keith Marble	26,125
Fred L. Marble	26,122
Johnnie Cates	26,087
Eldon Fortenberry	25,621
Lon Davis, Jr	25,461

R. C. Mitchell	$25,419
J. E. Rexrode	25,207
Joe N. Dunn	25,006
Total payees in county (91)	3,329,965

FORT BEND COUNTY

Tx. Dept. of Corr	343,654
Sugarland Ind., Inc	67,591
Foster Farms, Inc	51,563
Eppolito Bros	31,579
Total payees in county (4)	494,387

FRIO COUNTY

Bennett Bros., Inc	59,349
A. E. Schletze Farms	57,418
Clyde Cox	50,196
Al Klopek	43,043
Tony Mann	36,117
Eulan Cox	36,060
John Barkley	35,537
J. H. Woodward	35,094
Jay Kay Ranch	27,891
H and B Farms	26,446
Riggan & Neal Farms, Inc	26,045
Total payees in county (11)	433,196

GAINES COUNTY

Paul Morgan	61,968
E Bar S Ranch	60,072
H. L. Hill	57,200
Shamrock Farms	56,507
John Henry Jones	55,738
Jennie Lee Lands	55,380
Marvin Rayford Hays	52,677
Earl Layman	50,725
Thomas Michael Jenkins	48,962
Kenneth Hancock	46,133
R. I. Oliver	45,106
M and J Farms	43,273
Troy Martin	42,057
Leon Foote	38,789
Douglas Floyd	38,661
J. A. Grammer	38,236
Marion C. Bowers	38,050
E. D. Marion	37,906
Paul J. Condit	37,814
J. A. Benthall	37,796
W. E. Berry, Jr	36,945
Vernon Goodwin	36,726
Alvin Ward	36,559
Claude-Doak Hearne	35,645
Herbert Hicks	35,644
Ray Garrett	35,132
Keith Young	35,045
Kenneth Bass	34,869
Norman Hicks	34,735
D. G. Chiles	33,665
Robert Sneed	33,463
Billy J. Evans	33,414
Roy Apple	33,406
W. G. and G. R. White	33,046
N. B. Fields	33,043
Tommy Lacy	32,826
Tommy Billings	31,927
Alvin Childers	31,726
Charles Nance	31,644
M. T. McIlwain	31,121
Vester Smith	30,954
William Charlie Faulkenberry	30,931
Alton Billings	30,733
A. W. Byrd	30,651
Bob Moffatt	30,551
Moody Neeley	30,136
Marcus Crow	29,993
Noah Lemley	29,899
L. D. Mills	29,804
Rinehard Vogler	29,460
Don Sanders	29,364
Bill Moore	29,307
Joe Tarbet	29,190
Glenn Hillman	29,138
Harmon Mills	28,606
Alton Faulkenberry	28,580
B. J. Smith	27,986
J. E. Neeley	$27,981
Ewell Kenneth Scott	27,664
Cline E. Morris	27,483
Delmon Ellison	27,294
Tom Hunt	27,229
Charles Gay	27,159
Charles Medlin	26,858
Big Four Farm	26,843
Earnest Spradlin	26,761
H. Dale Cope	26,690
Jesse L. Smith	26,362
J. H. Flippo	26,535
S. M. Hanson, Jr	26,331
J. A. White	25,998
George D. Vaughon	25,795
Rueben F. Owens	25,764
W. O. Fortenberry Est	25,603
Kent Denson	25,502
Carlos Berry	25,417
W. D. Freeman	25,183
James R. Davis	25,008
Total payees in county (78)	2,684,192

GARZA COUNTY

H. V. Wheeler	44,513
Avery Moore, Jr	30,291
Clarence E. Basinger	29,035
S. C. Storie, Sr., Est	26,503
Total payees in county (4)	130,342

GLASSCOCK COUNTY

Bednar Bros	41,592
August M. Frysak	32,367
Fred J. Hoelscher	32,006
Edwards and Edwards	26,959
Alfred E. Perry	26,708
Sidney F. Hirt	25,171
Total payees in county (6)	184,803

GRAY COUNTY

Moody Farms	31,562
Paul Wagner & Sons	28,497
Total payees in county (2)	60,059

GRAYSON COUNTY

Bob Light	28,972

GRIMES COUNTY

Harris Farms	44,675
Roy W. Moore	32,220
Paul Keelan & Sons	28,522
Total payees in county (3)	105,417

GUADALUPE COUNTY

Frank P. Watson, Jr	36,806

HALE COUNTY

I. F. Lee	183,638
Ercell Givens	172,152
J. C. Mills	117,201
Ballard and Hurt	86,180
James Cannon	75,999
Jason H. Allen	74,759
Elmo Stephens	74,748
Warren Mathis	69,043
E. A. Houston	66,593
Elbert Harp	64,850
T. C. Clanton	63,423
Ralph Wheeler	61,141
W. D. Scarborough, Jr	60,995
John Trimmier, Jr	60,911
T. R. Joines	60,647
Frank Moore	60,613
Lonnie Cannon	58,833
R. Bruce Walker	57,719
Bradshaw and Meador	56,148
Horne Brothers	55,441
W. C. Harper	55,440
A. J. Givens	54,147
Swann Pettit	54,007
Walter Gilliam	$50,372
Winston T. Jones	49,714
John A. Bell	49,022
Jimmy McLaughlin	48,306
G. O. King	47,977
Clayton Terrell	47,569
Bob Riley	46,691
O. D. Rhodes	46,100
Charles Flowers	45,742
O. A. & C. E. Webb	45,671
C. R. Kay	43,853
John C. Carter	43,677
William Thomas Joines	43,649
Carl Phillips	43,255
J. H. Kirby and Sons	42,980
E. J. Pope, Jr	42,896
Edwin Adams	42,842
Leo Mathis	42,734
Heck Gin, Inc	42,632
Frank Megna	42,166
Benson Farms, Inc	41,998
Doug Ellison	41,992
W. M. Kurfees	41,749
John M. Norfleet	41,696
Harvey Lutrick	41,489
Lee C. Oneil	41,329
C. T. Minchew and Miller Trust	41,302
Jim Bob Curry	40,721
J. L. Browning	40,640
Terrell and Daniel	40,128
C. P. Smith	39,986
Ralph E. Davis	39,623
Virgal Pierson	39,462
Charles Noel	39,159
R. G. Russ, Jr	38,354
Heath Brothers	37,654
J. W. Pope	37,165
Earl G. Beach	37,129
Owen E. Jones	37,057
Burgess Farm Account	36,757
Warren Thomas	36,254
Neal and W. E. Burnett	36,181
Laura Faye McDougal	36,107
Jack Gonzales	35,774
Wallace Cannon	35,702
L. K. Gregory	35,623
Rae Groce	35,352
Joe Sherrod	35,112
Miller Farms	35,065
James E. Laney	34,931
Frank Stanton, Jr	34,694
Kenneth R. Wiese	34,677
Alton Leach	34,437
G. A. McWilliams	34,410
Brownlake Farms	34,092
Gordon H. Branham	34,006
Donald C. Ebeling	33,918
Witten Farms	33,688
Millard J. Hancock	33,582
Donald Lee Terrell	33,354
William H. Finkner	33,287
The Waters Trust	32,835
A. E. Lewellen	32,533
Raymond G. Miller	32,433
Paul Stukey	32,389
Marcus Breland	32,364
Joe Oswalt	32,127
B. L. Griffith	32,004
Raymond Akin	31,880
Jerry V. Young	31,872
Arthur W. Sorelle	31,838
Carl J. Marshall	31,734
J. W. Davis	31,656
Davis Cannon	31,534
Herman S. Tennell	31,470
S. R. Heard	31,421
Bill Riley	31,366
Irvan Rhodes	31,335
Rex Jordan	31,165
Jack K. Stephens	30,939
Earl M. James	30,884
S. J. Young	30,783
Don Cannon	30,566
L. L. Ray	30,564
R. L. Tullis	30,463
Mac Houston	30,383
James McDaniel	30,126
Ross and Thompson	30,022
Herschel Blankenship	30,010
Megna and Riley	29,886

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Texas—Con.

HALE COUNTY—continued

Mrs. J. S. McBeth	$29,837
Wesley Davis	29,811
Wesley A. Schumachler	29,792
Jack Robertson	29,690
Wesley Webb	29,355
Joe Barton	29,338
Frank Schulte	29,244
John Joe Kirchoff	28,921
C. E. Hobgood Est	28,597
Orval Boyd	28,590
Quentin Redinger	28,380
W. E. McPherson	28,297
Austin O'Neil, Jr	28,164
U. O. Hobgood	28,152
J. L. Miller, Jr	28,073
Oliver Harmel	28,032
Owen Benn	27,984
True H. Rosser, Jr	27,852
Jerry K. Oswalt	27,782
Jason Justice	27,741
Ray R. Copeland	27,657
Clyde Benn	27,388
Henry Ahrens	27,354
Jake Q. Finney	27,176
Otey Shadden	27,002
R. D. Hoffman	26,975
Wilson Brothers	26,928
Jerrell Cate	26,886
Floyd Terrell	26,850
Loy Eldon Teague	26,820
C. E. Carter and Son	26,803
Melvin Kelm	26,764
Lafont Farms	26,668
Don L. McKenzie	26,583
Charles L. King	26,536
Robert E. Wilson	26,460
Forest Young	26,430
Kit McDaniel, Jr	26,221
Joe Sharp	26,190
Joe A. Evans	26,180
Elmer Koenning	26,102
Kathryn Raymond	25,951
J. E. Helm	25,920
Thrane Parsons	25,891
J. P. Barton	25,882
W. T. Settle	25,840
W. H. Rollow	25,730
Paul Robertson	25,720
Jack Connell	25,654
Kenneth W. Ashby	25,208
U. V. Helbert	25,107
Weldon Reed	25,085
Johnnie J. Maberry	25,068
Rhodes and Rhodes	25,022
Total payees in county (167)	6,554,377

HALL COUNTY

Jim Hutchins	36,537
Henry Sofoster	33,558
Clark Bros	32,392
J. A. McNear	31,639
Allen L. Monzingo	31,087
Clinton B. Halford	30,284
W. H. Reed	27,557
Billy J. Rothwell	26,823
Carroll Fowler	26,484
Loyd J. Becker	25,934
Tom W. Collins	25,478
Lonnie F. Widener	25,293
Total payees in county (12)	353,066

HANSFORD COUNTY

Collier Bros. Inc	77,226
Jack Hart	69,777
R. E. and Rue Sanders	63,192
Lynn and Jon Hart	59,061
R. L. Porter Est	55,566
C. H. Clawson	53,976
Bill Logsdon	51,907
Gus O. Birdwell	43,826
Williard McCloy	38,043
D. C. Dilley Est	37,815
J. P. Armes	$35,153
H. Vance Collier	35,034
Roy Roper	34,242
Lloyd Buzzard	34,189
Hez M. Frazier	34,005
Ward V. Nolder	32,250
Eva Holt	31,517
Don Hart	30,936
Ernest Wilmeth	30,734
J. L. Whitaker	29,989
Taylor & Gee	29,838
W. R. Murrell	29,437
Fletcher Bros., Inc	29,113
Betty Bros	28,851
Joel D. Stavlo	27,385
Dan E. Archer	27,111
Robert H. Novak	26,606
A. R. Bort	26,253
Coy M. Holt	26,146
Donnie Thoreson	25,543
Carl Archer	25,307
Total payees in county (31)	1,180,028

HARDEMAN COUNTY

Robert Nippert	45,170
M. E. Watson, Jr	40,870
Roy Hines	38,056
1st Natl Bk Trus C. G. Conley	34,686
Carl Vestal	29,847
Edward L. Turner	28,857
Nuckles & Gerald	26,703
Weldon Tabor	25,664
Total payees in county (8)	269,853

HARTLEY COUNTY

Carl L. Kuper	108,810
Harold H. Hogue	107,764
Thomas L. Moran	89,178
John W. Bookout	78,104
Framack Farms	77,904
First National Bank	69,415
Verlin O. Lasley	68,375
Frantz & Frantz	53,389
Hartley-Moore Farms	51,348
Leopold J. Schmidt, Sr	47,058
G. Malcolm Bryant	42,704
Mountain Potato Corp	41,983
Bobby G. Green	36,723
U Anchor Cattle Co	36,547
Doyce W. Franklin	33,359
Joe D. Keast	31,374
Wilbur L. Bryant	30,926
James R. Wilson	29,654
G. Ivory Edlin	29,087
Harold W. Hudgins	28,568
Howell L. McCleskey	28,445
James R. Reynolds	28,367
Exum Ranch	26,111
J. D. Hance, Jr. & Jack Clayton	25,067
D. B. Thompson	25,043
Total payees in county (25)	1,225,503

HASKELL COUNTY

Johnny D. Reid	40,994
Thomas J. Bevel & Son	40,923
Burson and Burson	39,102
John L. Grindstaff, Jr	31,237
E. H. Tankersley, Jr	29,265
Ray Carter	29,066
William G. Ellis	26,997
Amos D. May	26,963
Melvin C. Josselet	26,218
L. Weldon Norman	25,757
Arlos W. Weaver	25,232
Total payees in county (11)	341,754

HIDALGO COUNTY

Engelman Farms	162,222
Krenmueller Farms	141,971
Sam Sparks	105,737
Ben Estes Bearden	104,874
Geo. T. Helle	$104,309
Rio Farms, Inc	101,580
J. W. Wallace & Sons	92,580
J. B. Hardwicke Co., Ptn	92,093
C. B. Shields, Jr	90,028
Beckwith Farms	87,160
Davis & Gandy	80,244
Frank Schuster	77,244
Holcomb & Black	77,085
La Strawberry & Veg. Dist. Co	74,352
Sebastian Cot. & Gr. Corp	68,897
Knapp Farms	67,976
Byron Campbell Est	65,606
Carl Schuster	65,151
Guerra Bros	65,133
C. C. & Jack Harbison	64,497
Valley Acres	63,225
Jerry Block	63,023
Bell Bros	62,688
Fuller Farms	62,237
Edgar R. Smith	57,671
J. R. Russell	57,612
N. H. Kitayama	57,185
Bill Burns	55,044
J. R. Stump	54,875
J. B. Pollock	53,989
Turberville Farms	53,691
M. D. & N. J. Moore, Jr	53,056
Relampago, Inc	52,484
Shary Farms, Inc	49,229
Paul D. Moore, Jr	46,514
American Farm, Inc	46,213
Las Palmas Farms	44,060
Evergreen Farms, Inc	43,445
W. A. Odom, Jr	40,941
Everett Bell	39,044
Barr Ewing	38,900
Holmes Farms, Inc	38,848
J. R. Wade Farms, Inc	38,635
James Dyer	38,243
Geo. V. Harren	37,745
Bryan Hanks	37,542
Bradford & Eoff Ptns	36,888
R. O. Wade Farms Inc	35,208
Boyce Farms Inc	33,925
Mervin Headley	33,467
E. L. Good	33,331
Wyatt & Ware	32,974
Homer Ramsey	32,935
L. J. Krska	32,678
Mitsuru Sakai	31,840
Wm. T. Dudley	31,410
Dan Logan	31,385
E. L. Tyner	30,611
W. H. Drawe	30,177
Edith Tyner	29,944
Harold Decker	29,890
Alton Malone	29,879
Roy W. Barnes	29,806
L. H. Freeman	29,777
J. S. & Quinn McManus	29,763
Marvin A. Schwarz	29,758
M. A. Drewry	29,265
Keith Pollock	28,834
Shiba & Kakuda Farms	28,432
Ray C. Jones, Jr	28,041
T. E. Bottom	27,607
Lloyd Schwarz	27,160
C. A. Townsend & Sons	26,750
E. J. Blake	26,507
Granville Smith	26,148
B. W. Carlson	26,055
M. F. Klose, Sr	25,777
Franklin Dusek	25,764
H. M. Pitts	25,511
Earl F. Cohrs	25,073
Total payees in county (80)	4,087,448

HILL COUNTY

Ellison Bros	33,325
Daniel Pustejovsky	30,892
Seth Orr	29,965
G. Ray Sawyer	29,315
Gerik Bros. Ptnrs	26,477
Cecil & Delmer Sullins Ptnrs	25,473
Total payees in county (6)	175,447

HOCKLEY COUNTY

Post Montgomery	$87,106
White Face Farms, Inc	82,705
Aubrey L. Lockett	67,510
J. Walter Hobgood	61,671
Billy Ray McInroe	60,590
Neal Caswell	56,742
Marvin E. Green	50,130
Joe W. Cook, Jr	50,050
H. T. Chrenshaw	48,633
Barry Armes	44,701
Gordon McMillan	43,973
Fred G. Owens	43,710
Don Brazil	42,710
H. Joe Schwartz	40,994
Harry L. Fitzgerald	38,891
L. E. Mitchell	35,783
Spade Ranch, Inc	35,041
James T. Rackler	34,765
Chester Borders	34,645
Elwood Patterson	34,550
W. N. Halliburton	34,394
Erlan D. Gresham	34,191
William Clements	32,960
William M. Cain	32,674
Don Reding	32,366
Frank Karvas, Jr	32,319
W. L. Harris	31,515
Troy M. Overman	31,495
Walter S. Carter	30,711
Elbert C. White, Jr	30,590
Jim J. Hobgood	30,581
Sam Hoover	30,485
Carl E. Ratliff	30,480
E. W. Sanford Est	30,289
Jack Sherrod	30,288
Loyd Hood	30,272
William E. Carr, Jr	30,188
Cecil B. Helms	30,178
Douglas Kauffman	30,046
James Buford Chambers	29,447
Preston L. Lyda	29,397
George Wade, Jr	29,215
Earl D. Lewis	28,954
H. E. Mowry	28,936
Slaughter Farms	28,774
Catharine C. Whittenburg	28,767
Palmer & Dowell	28,488
Mallet Ranch	28,456
William J. Brazil	28,408
Richard Lawson	28,323
Acuff Farms	27,959
Ralph F. Wade	27,939
J. T. Stout	27,559
Chesley G. Hobgood	27,275
R. R. Hutcheson	26,931
E. B. Burelsmith	26,406
Kenneth Spradley	26,316
Talmage C. Ivey	26,128
George R. Martin	25,971
Billy Arnwine	25,937
J. E. Wisdom	25,794
L. E. Mitchell, Jr	25,651
S. J. Clevenger	25,416
Ford A. Carter	25,224
Martin Lawson	25,091
J. T. Hall, Jr	25,068
Total payees in county (66)	2,328,752

HOUSTON COUNTY

John R. Rials	44,468
Wade Minter, Jr	41,244
D. H. Arnold	33,353
T. J. Maples	28,799
Total payees in county (4)	147,864

HOWARD COUNTY

Edgar Phillips	36,109
James C. Barr	34,205
Harvey Fryar	32,659
Delbert Stanley	31,687
Robert V. Fryar	31,483
G. C. Broughton Jr	31,047
H. L. Adams	25,616
S. M. Haney	$25,363
Paul Adams	25,314
Total payees in county (9)	273,483

HUDSPETH COUNTY

C. L. Ranch	125,740
Grady E. Miller Jr	57,610
B. E. Walker	48,788
Dell View Farms	34,001
C. L. Machinery	33,429
Skov Bros	27,124
Gentry Bros	25,585
Total payees in county (7)	352,277

HUNT COUNTY

William H. Myre	40,520
Total payees in county (1)	40,520

HUTCHINSON COUNTY

Claude Higley	55,417
Henderson & Parks	50,145
McCloy Brothers	46,639
Jack Johnson Jr	45,485
John W. Bergner	30,718
Raymond Jarvis	30,412
Henry Reid	27,183
Charles Johnson	25,645
R. E. Womble	25,603
Total payees in county (9)	337,247

JACKSON COUNTY

Albert C. Randall	29,914
A. R. Vincik	27,269
Total payees in county (2)	57,183

JIM WELLS COUNTY

Don Boggan	30,897
Leon Eschberger	30,346
J. M. Dellinger, Jr	28,930
Total payees in county (3)	90,173

JOHNSON COUNTY

James E. Kemp	81,145
Total payees in county (1)	81,145

JONES COUNTY

Hoke Propst	75,807
W. C. Matchett	50,292
Chas. M. Herndon	45,356
Hollis W. Madden	35,272
Bill Pritchard	34,194
Herman B. Propst	33,970
H. L. Ford	28,382
Vernon Lovvorn	28,154
Willie L. Byrd	27,172
Weldon F. Walker	26,569
Thomas G. Nix	25,205
Total payees in county (11)	410,373

KAUFMAN COUNTY

Monty Clayton	45,341
Vernon Griffin	39,073
J. L. Helm	30,412
Star Brand Cattle Co	26,458
Jerry R. Maloney	25,913
Total payees in county (5)	167,197

KING COUNTY

Allen D. Goodwin	28,540
Total payees in county (1)	28,540

KNOX COUNTY

Eugene L. Thompson	48,510
William J. Goode	35,685
Floyd L. Reed	34,027
B. M. Farmer	$30,698
J. G. Hawkins	30,186
George L. Floyd	29,717
Vernal Zeissel	28,477
Marvin Zeissel	27,814
Total payees in county (8)	265,114

LAMAR COUNTY

Hicks Braves	78,284
Mashburn Farms, Inc	76,349
H. L. Schlottman	56,934
J. B. Jackson	25,286
Total payees in county (4)	236,853

LAMB COUNTY

Halsell Cattle Co	180,907
Busby Farms	111,711
J. D. Smith	75,078
Lonnie R. Smith	68,099
L. C. Hewitt	62,337
Billy W. Clayton	61,407
Parish Farms	59,671
J. A. Stubblefield	57,064
L. J. Welch	56,212
T. A. King, Jr	55,319
Gene Templeton	51,835
Leo V. Smith	49,740
F. M. Smith	49,034
Reginal Stephens	48,038
Royce Collins	47,822
H. M. Gable	45,899
W. C. Stout	45,864
John Bridges	45,812
Fred Welch	45,228
Barton Bros	43,944
D. R. Hopkins	43,931
Stephen Smith	40,068
J. B. James	39,821
Royce McFadden	38,822
L. B. Montgomery	38,518
Edward Wuerflein	38,431
M. P. Thedford	38,283
Charles W. Wiseman	38,177
Joe F. Miller	36,195
Donald J. Bryant	35,132
Gordon B. Timms	35,071
Jack Allcorn	34,218
Donald Street	34,066
Kenneth Hinson	34,008
Ernest E. Jones	33,996
H. M. Sheats	33,975
J. M. Farmer	33,770
Thomas Harris	33,535
Phillip Haberer	33,007
Raymond Durham	32,556
Edd Haley	31,392
Jearl James	31,386
Matt Nix, Jr	31,019
Charles Carpenter	30,711
D. W. Bawcom	30,587
Eddie Wallace	30,512
W. B. Jones	30,438
Daniel B. Heard	30,072
R. D. Nix	30,022
Wesley Neinast	29,730
E. O. Feagley	29,653
Don Joyner	29,603
Elmer Lewis	29,575
Royce Turner	29,508
James Sanderson	29,396
Dan Wood	29,387
F. D. Clayton	29,385
Harley Bussanmas	29,134
Fred A. Smith	28,937
Bobby Jo Harlan	28,839
James E. Steffey	28,461
Neil Wood	28,434
Willie Steffey	28,006
Wm. R. Morris, Jr	27,781
James A. Littleton, Jr	27,674
N. W. Emfinger	27,582
Randall Roper	27,582
J. L. Snider	27,437
W. M. Smith	27,381
Calvin Wood	27,205
Jerry W. Kelley	26,877

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Texas—Con.

LAMB COUNTY—continued

J. R. Banks	$26,814
Tavie Lee Simmons	26,587
Kenneth Wiseman	26,319
Doug G. Sopher	26,163
Wayne McLarty	26,163
Paul Yarbrough	26,119
L. G. Watson	26,091
J. D. Melton	26,067
Douglas Giles	25,900
A. B. Roberts	25,258
Bobby D. Green	25,243
Total payees in county (82)	3,177,031

LASALLE COUNTY

H. Dudley Storey, Jr	30,834
Gerald Mann	25,696
Lloyd Hurt	25,335
Total payees in county (3)	81,865

LEON COUNTY

Oscar O. Brown	41,682

LIMESTONE COUNTY

Walter B. Honeycutt, Jr	33,111

LIPSCOMB COUNTY

Lazy S. Ranch	37,371
Marvin Born	32,460
Vernon G. Schultz	30,339
Alex Born & Sons	26,007
John L. Gadberry	25,995
Total payees in county (5)	152,172

LIVE OAK COUNTY

Fred Thoms	31,388

LUBBOCK COUNTY

William E. Armstrong	102,222
Dulaney Bros	91,353
Standefer-Gray, Inc	76,170
L. L. Lawson	72,560
James F. Davis, Jr	66,801
A. L. Cone	66,709
J. Carter Caldwell	64,398
Coyne E. Killian	60,845
R. E. Jones	59,560
Billy J. Robbins	57,022
George Oliver Jackson	55,391
Medlock Farms, Inc	51,727
John M. Clark	51,401
McFarling & Clark	51,200
Kirby Hobgood	50,922
Wendell D. Vardeman	50,310
Fred E. McNabb	50,075
Elijah M. Debusk	50,027
George A. Taylor, Jr	49,759
M. B.-R. B. Stanton Pts	49,296
Joe B. Lovelace	48,917
J. W. Furgeson	48,452
Howard L. Alford	47,437
Walter O. Heinrich	46,976
J. W. Shadden	46,604
Graham C. Holmes	46,425
Davis & Son Pts	45,902
Greenlee Farms	44,946
The Dunlap Co	44,831
B. J. Hutcheson	44,795
San Augstine Ranch	43,791
Jay Stanton	41,395
Hugh V. Newton	41,190
George H. Harlan	40,145
J. C. Heinrich	40,065
Clifford Hamilton	39,870
Leroy Grawunder	39,257
Edward S. Smith, Jr	38,721
Morris S. Smith	37,946
Johnnie Joiner	37,936
O. B. Chesshir	36,233
L. T. Foster	35,628
Max Barnett	$35,473
C. W. Teal	35,450
Doyce Middlebrook	35,363
Weldon M. Boyd	34,944
Medlock Inv. Co., Inc	34,546
Ferman R. Priddy	34,409
Sam A. Durham	34,244
Roy Hugh McKelvy	34,133
Frank W. Hancock	33,980
A. B. Enloe, Jr	33,375
Luther Lawson	33,334
Charles W. Wood	33,122
Davies & Davies	32,811
Debusk Enterprises, Inc	32,618
Clayton E. Enger	32,578
Herschel V. Newman	32,399
Farm Enterprises, Inc	32,185
Robert Melcher	32,027
R. W. Woodruff	31,944
Billy Meyers	31,807
Buddy Hettler	31,577
Weldon Ferguson	31,458
Alton L. Lawson	31,349
Albert C. Henderson	30,497
Sid Capshaw	30,349
Wienke Bros	29,628
Smith Brothers	29,465
Fred D. Bradshaw	29,350
John T. Patterson	28,782
Smith Keller	28,755
David S. Enger	28,252
Omer D. Lindsey	28,029
Edward Moseley	27,913
Bobby B. Jones	27,867
Felix H. Macha	27,843
Raymond R. Marshall	27,833
Valton V. Cox	27,651
Olan K. Dorsett, Jr	27,524
Gilbert H. Ragland	27,441
Willie C. Neel	27,392
Chester B. Gilmore	27,250
W. A. Bill Alspaugh	27,217
B. B. Hobgood	27,042
France Baker	26,851
Luther C. Childers, Jr	26,752
James T. McMenamy	26,706
Earl Reasoner	26,492
J. & J. Farms	26,489
William V. Halford	26,288
I. Arnold Chauncey	26,171
Roy C. Clark	25,858
Harold Campbell	25,693
Bennie L. James	25,662
Brodie A. Darby	25,556
Bruce Isom	25,525
John B. Lamb	25,367
Ward W. Carroll	25,336
Billy Bryan Boyd	25,210
Glen B. Payne	25,199
William B. Criswell	25,094
J. Frank Jones	25,077
Paul E. Crosnoe, Jr	25,046
Charles R. Hedges	25,024
Total payees in county (105)	4,011,812

LYNN COUNTY

Cass Edwards, II	89,341
W. C. Huffaker, Jr	76,070
Heirs Edwards, EST	54,439
Cecil Dorman	48,426
Wm. G. Lumsden	47,813
L. C. Unfred	47,546
Billy G. Gardenhire	40,757
C. T. Ingle	40,606
Dallas Vaughn	37,870
R. L. Thomas	37,811
Clarence Church	36,777
L. H. Nettles	36,113
Lynn West	35,722
R. L. Dulin	34,665
C. E. Roper	34,377
W. T. Kidwell	34,167
Charles Schniers	34,048
Natt Park	33,599
O. R. Phifer, Jr	32,838
J. T. Forbes	32,489
Carl Sanders	32,307
L. M. Mires, Jr	31,591
Othell Meeks	31,343
Jim Bob Smith	$31,252
J. Weldon Martin	30,893
Kenneth Davies	30,412
R. L. Warren	30,406
Oscar Lowrey	30,133
C. L. Mason	29,883
Draper and Sons Ptrshp	29,158
C. E. Thetford	29,024
C. A. Moore	28,629
Wayland F. Taylor	28,617
A. P. Edwards	28,420
Ray Cook	28,319
James A. Evans	28,090
Bryan Wright	27,635
David L. Hill	27,076
Wayne Carroll	26,981
Guy Bennett	26,863
W. E. Singleton, Jr	26,562
D. J. Bessire	26,066
Jack Webb	25,887
Charles Oliver	25,448
Weldon Bailey	25,394
Willis Pennington	25,368
Total payees in county (46)	1,607,231

MARTIN COUNTY

Glen Cox	61,613
A. C. Woodward	58,529
Eddie C. Cook	38,043
Woody Brothers	36,413
Holcomb Farms	34,414
L. D. Freeman, Jr	34,356
Billy Fryar	34,257
James Newman Biggs	34,218
James Ernest Franklin	30,984
E. & E. Farms, Inc	30,522
Raymond T. Kingsfield	29,759
Earl Vernon Hightower	29,611
Sam B. Parham	29,521
Floyd Martin	29,516
Ralph Wesley Williams	28,448
Charlie A. Nichols	26,855
Edmond Tom Ranch, Inc	26,758
John Wallace Kelly	26,171
Newell Wayne Tate	25,418
Lorenzo Freeman	25,172
Total payees in county (20)	670,578

MATAGORDA COUNTY

J. W. Jenkins, Jr	28,886
Carl M. Hansen, Jr	26,035
Total payees in county (2)	54,921

MAVERICK COUNTY

Roseta Farms	72,940
Jack Keisling	37,655
Total payees in county (2)	110,595

MCLENNAN COUNTY

James M. Warner	61,046
J. Weldon Youngblood	55,576
Jim Radle	29,398
C. M. Freeman	27,838
Total payees in county (4)	173,858

MIDLAND COUNTY

Alan Spinks	44,930
Eugene F. Jones	40,998
Ervin A. Baumann	34,102
Total payees in county (3)	120,030

MILAM COUNTY

Daniel D. McDaniel	83,120
Cobb Bros	59,681
Walter Pyle	41,949
Wilburn E. Beckhusen	34,361
Darrel Cobb	34,194

Mesa Cattle Co	$27,272
W. & Culpepper Est	25,897
Pete C. Gibson Jr	25,126
Total payees in county (8)	331,600

MITCHELL COUNTY

A. K. McCarley, Jr	41,308
Travis P. Turner	40,070
Chas N. Stubblefield	33,101
D. M. Smith	31,194
A. Preston Morris	30,786
W. H. Narrell	29,568
L. A. Browne	28,807
Raymond Watlington	27,357
Harold Hester	25,328
Warren Anderson	25,172
Total payees in county (10)	312,691

MOORE COUNTY

Marshall Cator	63,799
Morris L. Hunt	61,631
Joe Friemel	61,102
Schuman Farm, Inc	57,051
Wells Agricultural Corp	56,617
Gordon Taylor	51,541
Clearview Farms	50,269
Gossetts, Inc	48,571
Verdie & Lloyd Beauchamp	47,984
J. W. Huff	46,696
Stringer Farms, Inc	43,118
Rex Hall, Jr	43,103
Jesse C. Cooper	38,319
Jimmy C. Stokes	36,868
Edward M. Stallwitz	36,756
Jessie Glynn Burnett	36,632
Edward L. Stallwitz	36,398
McMurry Farms, Inc	36,149
H. D. Lewis	36,109
Linda & Howard Moore	35,720
Thomas E. Harbert	35,017
Arthur B. Stavlo	34,786
D. Rex Langley	34,682
Carl Beauchamp	33,625
W. M. Toliver	33,159
E. C. Britain, Jr	33,145
A. J. Harris	32,811
Harold N. Keisling	32,726
Frank Woods	32,593
Jack H. Mills	32,433
John H. Goodwin	32,384
Thurman E. Fisher	32,175
Lacy Meek	30,866
Dale M. Coleman	30,384
Claude Johnson & Son	30,370
Jerry B. Keith	30,249
Johnny M. Goodwin	28,637
Delmer W. Keisling	27,409
Robert J. Ownbey, Est	25,739
J. E. Bright	25,198
David McClellan	25,111
Total payees in county (41)	1,577,932

MOTLEY COUNTY

Claudie A. Matney	30,246

NAVARRO COUNTY

Fortson Farms	54,191
Drew Gillen	45,355
W. C. Adams	38,715
Webb Armstrong	33,009
William F. Mahoney	31,291
Bancroft Brothers	29,310
James Fortson	25,603
Total payees in county (7)	257,474

NOLAN COUNTY

D. S. Riggs	45,077
Philip V. Haynes	38,648
Ronda H. Whorton	37,840
Clifford C. Etheredge	35,616
Clyde H. Ater	33,665
Max Wright	$33,210
Joe G. Williams	31,200
Homer L. McLeod	30,799
Herbert L. Williams	30,505
J. B. Cooper, Jr	29,922
Lawlis Y. Sipe	27,552
T. D. Young	25,705
Total payees in county (12)	399,739

NUECES COUNTY

Walter Mattiza, Est	57,813
C. A. Lowman	51,326
W. E. Scarborough	42,688
W. W. Walton, Jr	39,760
Mack B. Norris	35,672
Hale & Hale	35,194
Harlan Bros	34,945
Caldwell Cattle Co	33,477
Driscoll Foundation	32,573
Alvin McNair	30,798
W. M. Bevly	30,112
W. M. Bevly, Jr	29,761
J. C. Mayo	29,400
Frank Moravek, Jr	27,818
R. L. Garrett	27,696
Mrs. H. C. Crook	26,360
Randy Farenthold	26,215
Wm. S. Gandy, Jr	25,064
Total payees in county (18)	616,672

OCHILTREE COUNTY

Earl Leslie	41,571
Jewell Pearson	29,680
Charles Morton Share Trust	27,413
Philo Butler and Son	26,084
Bob Urban	25,637
Total payees in county (5)	150,385

OLDHAM COUNTY

George B. Doshier	77,973
Herman Grusing	56,425
Vega Land Cattle Co., Inc	41,619
E. Duane Allred	36,323
Charles B. Short	36,150
Taylor Brothers	35,135
Roy Taylor	32,317
B. F. W. Grain Co., Inc	31,043
James Voyles	26,765
J. E. Davis & Sons	26,056
Total payees in county (10)	399,806

PARMER COUNTY

Clarence Martin	145,722
Ranza Boggess	94,120
Bruce Parr	86,881
J. C. Mills	74,944
Sloan Osborn	65,503
Dave M. Thompson	64,557
James W. Dixon	64,045
W. O. Chadwick	58,914
Fangman Farms, Inc	57,856
Verney Towns	56,087
Glenn Phillips	53,964
J. T. Ford	53,404
Walter R. Mabry	52,545
Roscoe Q. Silverthorne	51,522
J. D. Kirkpatrick	51,158
Van E. Nichols	50,320
Thomas L. Whaley	50,063
Keith Garner	48,471
Edward D. Chitwood, Jr	47,830
John Renner	45,511
Clawson Bldg. Co	45,188
James W. Barnett	44,842
Tom Caldwell	44,743
R. J. Renner, Jr	43,032
O. E. Williamson	43,012
James Readheimer	42,978
Edwinston Clark	42,710
Floyd T. Dyer	42,298
J. G. McFarland	41,805
Voges & Reisiger	41,598
Jack Moseley	$41,377
Robert G. Sparks	40,700
Melborn C. Jones	40,644
David W. Grimsley	40,276
Leonard L. Grissom	40,012
A. Dargin Kirk	39,258
Raymond K. Schueler	39,241
T. F. Taylor	38,179
Vernon C. Willard	38,020
John E. Bingham	37,546
Wyle M. Bullock	37,523
Gene Smith	37,475
Curtis W. Murphree	37,103
Herman D. Geries	37,073
John L. Ray	36,582
J. T. Mayfield	35,182
Joe F. Blair	35,171
M. A. Black	35,011
Thomas D. Ware	34,959
C. V. Potts	34,823
Thomas N. Browning	34,524
Billy J. Thorn	34,100
Ralph W. Shelton	34,081
James Ensor	33,848
Don B. Sudderth	33,460
J. B. Sudderth	33,325
Arlin L. Hartzog	33,138
Robert H. Schueler	33,035
Herbert I. Howell	32,992
Melvin G. Sachs	32,947
Adolf H. Haseloff	32,667
Henry Haselof	32,271
A. O. Dickson	32,200
Alphonse L. Reznik	32,178
David H. Carson	32,133
Richard & Jerry London	32,080
Eulynn G. Phipps	31,691
R. W. Jones	31,604
Richard B. Vaughn	31,602
D. E. Richards	31,266
Thomas W. Beauchamp	31,214
Gilbert A. Kaltwasser	30,978
John C. Miller	30,906
J. E. Knight	30,885
Jim R. Daniel	30,855
Grady W. Sorley	30,722
Gilbert E. Wenner	30,487
Bill W. Carthel	30,022
William L. Lee	30,006
Walter D. Howard, Jr	29,824
Donald Christian	29,473
Louis L. Welch	29,457
Billy L. Marshall	29,258
Marston G. Mars	29,091
Dalton K. Caffey	29,060
Lawrence Jamerson	29,041
Marion H. Carson	28,998
Eulan A. Parham	28,978
Troy Christian	28,708
J. H. Dunbar	28,202
Charles E. Trimble	28,157
Walter R. Riethmayer	28,051
Jimmie Heard	27,951
Herbert L. Schueler	27,802
Fred W. Foster	27,659
Elvin O. Johnston	27,640
Dean MacCallum	37,536
Roland D. Dale	27,262
Virgil Young	27,001
Durward K. Bell	26,967
John W. Hand	26,960
Clarence A. Johnson	26,544
A. W. Anthony Jr	26,429
Amos E. Steelman	26,350
John F. Dixon	26,348
John W. Littlefield	26,242
Russell D. Smith	25,921
Orbra A. Cole	25,819
Deon Awtrey	25,815
Royce G. Welch	25,796
James M. Procter	25,662
Ellis W. Tatum	25,491
Don Williams	25,250
Odell Cole	25,052
Billy E. Bourlon	25,049
Max C. Crim	25,035
Total payees in county (116)	4,402,874

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Texas—Con.

PECOS COUNTY

Coyanosa Farms	$143,993
Belding Farms Inc	117,209
C and C Farms	110,372
Elvin Crow	108,758
Ranches of the SW	100,025
David C. McAteer	95,920
A. B. Foster	90,268
Albert J. Hoelscher	72,270
Mike A. Burkholder	69,570
Trans Pecos Farms, Inc	67,269
Ralph C. Dickson	63,227
Harrell and Harrell	51,513
Lakeside Farms	51,212
Melvin H. Mc Kinney	49,819
Luther C. Holladay	45,143
W. H. Riley III	42,728
Harral and Marable	39,405
Glen J. Ellis	37,687
Lelan D. Haren	31,778
S. F. Williams, Jr	31,702
Virgil W. Massingill	30,152
Harlan Black	30,130
Marshall G. Nevill	29,967
Gilbert J. Moore, Jr	28,932
Carpenter Farms, Inc	28,356
Total payees in county (25)	1,567,405

POTTER COUNTY

C. B. Emeny	48,237
E. B. Fite	34,457
G. A. Burrell	28,425
A. B. Bingham	25,971
Total payees in county (4)	137,090

PRESIDIO COUNTY

Valley Farms Co	48,822
Charles Spencer	40,296
Total payees in county (2)	89,118

RANDALL COUNTY

Simon G. Elliott	50,108
Earnest L. Barnett	48,862
Robert C. Sims & Sons	47,833
Jack R. C. Vincent	45,825
Paul Schniederjan	45,198
Fred Fegel	43,650
Eldon Durrett Trusts	42,876
Johnny Sluder	42,115
Clinton Glenn	41,480
Vernon Andrus	41,360
John A. Williams	35,540
Tom Henry	35,248
Pete E. Fischbacher	34,948
Math Albracht & Sons	34,609
Robert W. Foster, est	33,548
D. L. Allison	33,527
Gilbert Irlbeck	33,423
John L. Butler	32,725
Walter A. Graham	31,555
Albert F. Fischbacher, Jr	30,108
W. T. Smoot, Jr	29,792
Ross Elliott	29,680
McRoberts & Jacobsen Bros	28,777
John E. Frost	28,247
Charles Wright	28,027
Howard Fuqua	27,955
Leo Zimmerer	27,943
Kuehler Farms	27,931
Gary Wagner	27,524
John F. Robinson	27,018
F. S. Strohmeyer	26,414
David K. McGehee	26,185
Total payees in county (32)	1,120,031

REAGEN COUNTY

Alfred J. Schwartz	25,082

RED RIVER COUNTY

Barlow & Willis Planting Co	$40,588
First American Farm Inc	35,945
Doug Alsobrook	27,477
Total payees in county (3)	104,010

REEVES COUNTY

Worsham Bros	222,487
Kenneth Lindemann	170,334
Kesey Bros	151,294
Clark and Roberts	144,458
W. A. Sullivan	128,375
Smallwood Farms	107,664
Cedarville Corp	104,447
Lattner and Mills	101,834
Reetex Farms	99,582
W. W. Hill	93,428
Winterrowd Bros	92,045
Joe Lee McMahon	88,883
W. W. Clem	85,959
Loy Kilgore	85,190
Rowe and Turnbough	82,628
Frank Bounds	77,463
Raymond Beauchamp	73,935
G. G. Passmore	70,975
T. J. Wilson	66,866
Davidson Bros	65,468
Tom Passmore	65,000
J. W. Bryan	62,817
Broyles Pecos Farm	62,769
Weinacht Bros	54,694
David D. Davis	51,890
Coy Fraley	51,546
Dale Toone	47,144
J. T. McKinney	46,471
Jack Duke	44,590
B. C. Kesey	44,279
William R. Ramsey	43,860
Peppy McKinney	43,814
Jerry Jenkins	42,778
H. R. Hudson, Jr	41,391
F. F. Bradley	41,054
Dingler Farms, Inc	39,860
Robert M. Owen	38,539
J. T. Moore and Son	37,812
Don Watkins	37,662
L. Barrett Johnson	37,420
W. W. Hill, W. R. Sage	36,913
Clem Crowley	35,842
Cherry Draw Co	35,286
C. S. Hess and Son	34,392
A. J. Carpenter	33,931
J. F. Crews	33,385
B. V. Shaw	33,279
Herbert H. Toone	32,954
Charles Spence	31,471
Ronald Miller	31,284
Chocolate Flats Farm Co	30,952
Roy Blahosky	30,457
Metz Rowe	29,535
James L. Sears	29,498
Cherry Creek Farm	29,481
Ennis B. Tudor	28,968
Jack Davis	28,685
Hermosa Farms, Inc	28,305
Robert G. Davis	28,273
Kenneth Staniford	28,252
Bettye W. Ivey	27,762
J. B. Hopkins	27,607
W. B. Evans	27,013
Richard Hoefs	26,181
James C. Passmore	25,972
Duncan Farms, Inc	25,396
McKinney and Taylor	25,257
Evans Butler	25,082
Total payees in county (68)	3,890,118

REFUGIO COUNTY

Wright Bros. Farms	37,960
Voges and Boenig	35,378
Hartmann Farms	32,166
T. G. and R. L. Jackson	31,145
G. H. Frazier	30,143
J. M. Tatton	27,670
J. C. Ermis	27,483
Charles J. Schindler	$26,709
W. F. Abney	25,871
Total payees in county (9)	274,525

ROBERTS COUNTY

W. R. Holland	36,174

ROBERTSON COUNTY

James H. Jones	110,069
John W. Nigliazzo	96,650
Vence Corpora	95,331
Goodland Farms, Inc	93,909
Anthony Denena & Son	91,640
William P. Scamardo	90,733
Joe Reistino, Jr	75,088
John C. Reistino	67,687
Sam Degelia, Sr	61,586
Louis Muse	57,349
Ned Fachorn	55,363
Barton Farms	53,386
Joe Reistino	51,093
Fred J. Ferrara	49,296
Thomas D. Wilson	48,281
Gathan Reistino	48,042
Joe Scarpinato	45,879
J. W. Foster, Jr	42,657
Anthony L. Scamardo	38,056
A. M. Lampson	36,997
Pete L. Scamardo	36,862
Pauline Doremus	35,903
Ross Cash	34,100
Sam Destefano	33,909
3 D Farm & Ranch	33,374
N. R. Lutz	33,172
A. H. Judkins	32,819
Frank Sam Loria	30,418
James & Tony Cortemelia	30,288
Frank Destefano	29,482
Ben Perrone	29,482
Frank B. Seale Est	29,179
Rose F. Denena	29,019
Luke Scamardo	27,841
Carl Cotropia	26,627
Sam Morello	26,367
Charlie P. Briggs III	25,860
Total payees in county (37)	1,833,794

ROCKWALL COUNTY

Glynn Dodson	43,179
A. R. Seabolt, Jr	38,118
Henry Zollner	37,397
Total payees in county (3)	118,694

RUNNELS COUNTY

Bennie W. Wilde	29,865

RUSK COUNTY

Otho Morris	36,963

SAN PATRICIO COUNTY

Vahlsing Christina Corp	142,088
Heirs of Jos. F. Green	79,493
Williams & Burkhardt	75,353
R. E. Hart	65,694
Charles H. Mayo	63,223
McKamey Farms	57,532
Floyd Webb Jr	55,460
H. G. Ritchie Jr	49,102
Chester B. Brittain	37,977
Floerke Bros	37,274
H. G. Ritchie Est	37,250
R. C. Dillon	36,785
Thomas Ardel Setliff	33,897
W. L. Shelburne Jr	33,740
W. C. McDaniel	33,553
Daniel P. Moore	33,196
Howard H. Webb	29,008
L. T. Porter	27,951
C. P. Rosson Jr	27,282
Adams Brothers	26,881
Edwin C. McDaniel	26,467
Dave Odem	25,851
W. O. Hart	25,778
George J. Ermis	25,685

Bevly Bros	$25,083
Total payees in county (25)	1,111,603

SCURRY COUNTY

Billy Huddleston	50,868
J. B. Autry	36,317
Clements Bros	32,824
C. A. Daugherty	29,433
Emil Schattel, Est	26,620
Henry G. Gafford	25,216
Total payees in county (6)	201,278

SHERMAN COUNTY

McClellan & McClellan	68,102
Paul Hays	66,928
Ezra F. Fisk	57,989
R. M. Buckles, Ind. Exec	49,708
R. M. Buckles	45,814
Wood, B. Craig	44,718
Jack Heil	43,880
Cartrite Bros	43,538
William R. Murrel	41,463
Morris & Morr, Inc	37,725
Dietrich & Gurley	33,364
Frank Berry, Jr	33,018
Judd Cattle Co	32,587
Huber R. Tillery	31,564
Carter & Wegner	31,429
Vance B. Morris	31,100
Monroe Bros	29,799
Dick Diehl	29,226
Roy Browder	28,075
Leroy Robinson	27,960
Mrs. Latimer Murfee	27,817
Wallace Corse	27,692
Arnold B. Morris	26,688
Pat Holt	26,621
Sam R. Cluck	26,555
Verne W. Foreman	26,400
H. D. Meil	26,357
Bill & Glenn Reed	26,308
Elmo Fortenberry	26,139
W. L. Price	25,491
Total payees in county (30)	1,074,055

STARR COUNTY

Charles Roos, III	128,983
Valley Onions, Inc	73,994
Starr Produce Farm Acct	66,251
John Fish	57,309
H. L. Conger	43,695
La Casita Farms, Inc	40,347
E & S Farms	37,956
R. S. Margo	27,571
Total payees in county (8)	476,106

SWISHER COUNTY

Fowler E. McDaniel	160,849
Warner Reid	109,374
B. Raymond Evans	92,096
Miller Farms Company	86,462
Grady Shepard	73,058
Devin, Devin & Patterson	64,346
J. L. Francis	63,672
Tyline N. Perry	60,619
Lloyd M. Hale	60,311
S. A. Barrett	59,557
Hinton Brothers	55,393
Corliss H. Currie	51,547
L. G. Mahagan	50,352
Jack G. Foster	49,283
Lloyd Glenn	46,486
Craig Silverthorne	44,718
James Cruce	44,219
Tye & Son	43,846
James W. Cox	43,602
Emily Holmes	43,451
Buck Garrett	42,472
Jack D. Loring	41,565
Wylie A. Byrd	41,155
M. T. Glenn	40,308
Morgan Sturgess	39,754
Larry Nelson	$38,764
H. O. Thompson	38,522
Andrew Price	38,488
Allen Glenn	38,401
Otis Harman	38,209
Lonnie G. Todd	37,094
John Spilman	36,370
Daryl R. Dixon	36,283
A. B. Raymond	35,998
Street Brothers	35,516
R. H. Gayler	35,485
Carl M. Weathers	35,320
James Vineyard	35,036
Nelson Borchardt	35,005
Jim Doan	34,792
H. T. Copeland	34,537
Boyd & Boyd	34,147
Hoyet Burnam	34,059
Cone W. Johnson	33,566
Jack Middleton	33,066
Victor L. Harman	32,688
Doris L. Boston	32,572
Dr. Wm. B. Childress	32,338
Leroy & Hulan Hill	32,269
Harley L./Gene King	32,154
Curtis Latham	31,555
Delbert L. Devin	30,288
A. Emmet Pittman	29,709
R. W. McClure	29,217
Graham Brothers	29,045
L. F. Campbell	28,979
Billy W. Evans	28,808
Frank Bass	28,641
Ray Reiss	28,510
Don A. Nelson	28,426
Jake Jones	28,401
Victor Martin	28,320
Claude F. Harris	28,201
T. M. Lawson	28,063
Robert K. Brooks	27,893
Harold Ray Caraway	27,524
F. J. & David Burgess	27,458
Dayle Culwell	27,437
L. L. Armor	27,225
John Hays	27,017
John N. Simpson, Jr	27,013
T. L. Abernathy, Jr	26,902
O. H. Olson	26,811
Paul N. Irlbeck	26,696
Burle D. Byrd	26,520
W. Leroy Roberts	26,270
Leo W. Foster	26,050
Melvin D. Jennings	26,029
Holland & Sons	26,001
Glenn Jolly	25,992
Copus O. Boyd	25,726
Kathryn M. Benefield	25,612
Glenn Terrell	25,441
B. J. Holland	25,307
Total payees in county (84)	3,326,261

TERRY COUNTY

Howard Hurd	77,965
Muldrow Farms	70,834
Milton Addison	64,771
Bonard Stice	63,650
W. A. Fulford	62,943
Charlie Caswell	53,269
Graham Swain	53,257
Olane Caswell	52,678
Norman Caswell	48,938
H. L. King	47,624
Doyle Moss	46,334
Carter Farms, Inc	45,895
W. C. Cabe	45,854
Robert Beasley	45,313
Keith Vandivere	42,241
Troy Phillips	41,698
G. M. Newsom	41,628
W. M. Hunter	41,626
Don C. Day	39,785
Art W. Adair	38,859
Don C. Day	39,875
Kenneth Purtell	38,833
Davis Beasley	38,684
Odell L. Lowe	38,441
Val Garner	37,569
Tatum Est & Freddie Tatum	37,342
L. L. Banta	37,238
T. T. T. T. & L	$37,026
Foster Gin Fm	36,557
M. E. Hinson	36,318
Melton Briscoe, Jr	35,967
Robert Baumgardner	35,283
D. A. Kelly	35,209
D. S. Carroll	34,854
L. T. Hawkins	34,584
Cletus Floyd	34,572
Clarence Faught	34,309
Joe Joplin	33,483
Homer C. Hinson	32,924
Mack Wilmeth	32,474
N. R. Marchbanks, Jr	32,250
Charles Ray Smith	32,233
Tom Adams	32,049
Billy McCallister	31,929
James G. Davis	31,650
David Turnbough	31,429
Jess McWherter	31,088
Frank Ratliff, Jr	31,030
C. A. Winn	30,634
Bill W. Blackstock	30,315
R. R. McNeil	30,109
Rufus Dill	30,071
R. D. Jones, Jr	29,375
Thurman Skains	28,483
Elmo Adair	28,232
G. I. Sims	28,146
M. H. Wagner	27,971
Truman Hayes	27,744
C. R. Farrar	27,460
Billy Timmons	27,258
Donald Hancock	27,188
Russell Hendricks	27,186
J. C. Chambers	27,063
R. O. Webb	26,823
W. Wayne Lewis	26,718
R. L. Burnett	26,568
James J. Martin	26,501
G. W. Dill	26,374
George Weiss	26,312
C. J. Fails, Jr	26,243
Homer C. Barron	26,155
J. V. Riley	26,033
Billy R. Jones	26,018
Brown Farms	25,710
George Kempson	25,575
Billy H. Wilson	25,389
Jack Purtell	25,348
S. M. Dill	25,323
Merlin Speed	25,124
Total payees in county (79)	2,842,868

THROCKMORTON COUNTY

Francis D. Hamilton, Jr	27,000

TOM GREEN COUNTY

B. R. Weatherford	26,663
Edwin J. Wilde	26,600
Total payees in county (2)	53,263

TRAVIS COUNTY

Wilburn Burklund	26,520

VAN ZANDT COUNTY

Thurman J. Miles	27,346

WALKER COUNTY

Texas Dept. of Corr	82,155

WEBB COUNTY

Palafox Exp. Co	25,192

WHARTON COUNTY

W. D. McMillan	32,694
Robert D. Williams	28,993
Wendel Inc	28,517
Nilson Farms	26,905
Total payees in county (4)	117,109

WHEELER COUNTY

J. M. Tindall	36,288

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Texas—Con.

WILBARGER COUNTY

W. T. Waggoner Trust Est	$139,651
John H. Turner	34,023
Robert H. Belew	25,433
Total payees in county (3)	199,107

WILLACY COUNTY

Daniel Gustafson	73,392
K. L. & D. E. Morrow Ptns	67,061
Alazan Farms	61,059
Funk Farms, Inc	60,609
S. & S. Seed	58,892
B. W. Kirsch	51,667
O. L. & James Whitfield	46,831
Alden Johnson	46,099
Funk Brothers	45,680
Adele M. Schmidt	45,310
Wayne Labar	39,654
Chester A. Johnson	38,986
Emil B. Lagerstam, Jr	35,314
W. Don Stone	34,612
A. C. Durivage	31,591
Swanberg Twins	31,108
Lewis A. Oaks	28,420
W. M. Dreyer	27,823
G. M. & C. Ring	27,018
Total payees in county (19)	851,126

WILLIAMSON COUNTY

Stiles Farm Foundation	47,928
Telander Bros	29,118
Total payees in county (2)	77,046

YOAKUM COUNTY

Wheeler Robertson	63,507
Olen Edwards	55,517
R. G. Hartman	44,105
Don & Max Hawthorne	42,241
Alvin Joiner	37,466
Russell S. Faulkenberry	37,033
Truett F. Jones	36,387
Darwin Hobbs	33,387
Louis Eubanks	33,207
James W. Warren	31,984
Robert A. Long	31,685
Rayford E. Bearden	31,134
C. C. Perkins	30,144
W. R. Nelson	29,431
Morris Lowe	27,787
K. Lanse Turner	27,634
T. A. Elmore	27,089
Tom Warren, Jr	27,058
W. M. Nelson	26,798
Kent Welch	26,699
T. Edward Smith	25,708
Earl Kiser	25,236
Total payees in county (22)	751,237

ZAPATA COUNTY

Ralph Hinkle	25,258

ZAVALA COUNTY

Norment Foley	100,836
Leslie H. Laffere	60,945
Ritchie Bros	49,222
Evans-Wortham	46,066
Newden Farm	31,515
Batesville Farming	27,036
Malcolm A. Maedgen, Jr	26,560
Hardin Farm	25,019
Total payees in county (8)	367,199
Total payees in State (2,460)	100,348,765

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Utah

BOX ELDER COUNTY

D. Rigby Family Partnership	$41,101
Delbert Holmgren	31,296
Laurence G. Whitney	25,164
Dennis Petersen	25,142
Total payees in county (4)	122,703

UTAH COUNTY

Garn Holbrook	29,872

WASHINGTON COUNTY

E. J. Graff	59,898
Total payees in State (6)	212,473

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Virginia

SOUTHAMPTON COUNTY

C. E. Moore	$30,125

VIRGINIA BEACH COUNTY

Frank T. Williams	45,797
Malbon Brothers	36,737
Total payees in county (2)	82,534
Total payees in State (3)	112,659

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Washington

ADAMS COUNTY

Leonard & Henry Franz	$81,156
D. E. Phillips	73,400
Donald Damon Est	66,141
Richard L. Kagele	55,551
Robert V. Phillips	49,764
Ralph Gering & Sons	49,272
Hutterian Brethren, Inc	49,099
Robert A. Franz	47,727
Arthur Johnson	34,497
J. Boyd Phillips	32,425
Rex T. Lyle	30,166
Elwyn Lyle	30,166
Gene Kagele	30,145
Dwayne Blankenship	28,646
Melvin L. Kleweno Est	28,302
Walter E. Franz	27,760
Baumann Farm, Inc	27,551
Williams and Williams	27,255
Nick Seivers, Jr	27,209
Gilbert Brothers	26,691
Total payees in county (20)	822,923

BENTON COUNTY

Bi County Farms	55,206
Vollmer-Bayne	47,028
Gould Brothers	37,596
Bateman Bros	35,079
Horrigan Inv. Co	33,619
Wirth Brothers	32,998
Horrigan Farms	32,966
Emerson L. Eby	28,490
Total payees in county (8)	302,982

COLUMBIA COUNTY

Broughton Land Co	141,688
Mead Ranch	33,173
Wilfred Thorn	29,958
Eslick Farms	28,746
Dallas W. Long	27,849
Ferrell & Luvaas	25,934
R. F. Young	25,176
Total payees in county (7)	312,524

DOUGLAS COUNTY

State of Wa	$171,781
Ben Nelson	31,188
Russell Hunt	30,109
Loebsack & Sons	28,053
Josh Barnes & Son	25,531
Total payees in county (5)	286,662

FRANKLIN COUNTY

Herron Bros	45,777
J. H. Klundt & Sons	31,389
Melvin Moore and Sons	29,766
Kenneth Owsley	28,402
Harold Thompson	26,244
Total payees in county (5)	161,578

GARFIELD COUNTY

Geo. D. Brown—Sons	48,772
Klaveano Ranches, Inc	36,458
John and Herman Herres	30,260
John E. Elsensohn	29,594
Wayne Beale	26,249
Total payees in county (5)	171,333

GRANT COUNTY

David Stevens	51,073
Lourence Dormaier	40,982
Kelley Brothers	35,835
Harold Isaak	32,327
Higginbotham Brothers	30,912
Paul H. Landis	28,494
Total payees in county (6)	219,623

KLICKITAT COUNTY

Robert Imrie	32,579
Robert Andrews	29,062
Total payees in county (2)	61,641

LINCOLN COUNTY

The Sheffels Co., Inc	58,124
Tanke Farms, Inc	37,827
Timmco, Inc	34,480
L. Sheffels & Son, Inc	31,048
George H. Ellis	30,578
Carl E. & George W. Mielke /P/	29,630
Rockdale Farms /P/	29,194
A. Bodeau and Sons	29,040
S. and E. Barr Ranch	27,495
Wilbur Security Co	27,445
Pfeifer Brothers /P/	26,053
Total payees in county (11)	360,914

SPOKANE COUNTY

Osborne Belsby	41,286
Bell & Bell, Inc	30,005
Cornwall Farms	26,030
Total payees in county (3)	97,321

WALLA WALLA COUNTY

Grote Farms, Inc	56,980
Kent Land Co., Inc	53,132
Robison L and L Co	44,775
Kenneth Smith	41,723
John H. Rea	39,001
Dwelley Jones	38,936
Twain Bodmer	36,512
Matt Lyons	32,262
Schwerin Farms, Inc	30,644
Foundation Farm, Inc	30,623
Fred Sherry	30,410
John E. Hair	29,630
Gar Ran, Inc	28,304
Robert E. Anderson	27,620
Emeral Duncan	27,298
Henry V. Zuger	27,214
Tucker Farms, Inc	26,701
Harold V. Gorham	26,446

Houstan H. Marshall	$26,075
Martin Farms, Inc	25,750
Total payees in county (20)	680,036

WHITMAN COUNTY

Glen Miller	123,532
McGregor Land & Livestock Co	73,930
Dippel Bros	49,207
Harold Boyd	42,946
Urgel Bell	36,779
John G. Schlomer	36,419
Bennett Land Co	33,689
Boyd & Sons	32,705
Clarks Farms % Asa Clark	31,012
Jackson W. Smith, Inc	31,007
Maley Land & Livestock Co. % AR	29,627
Carl Boyd	29,313
James R. Davis	29,216
Richard E. Despain	29,077
R. Paul Cocking	28,781
Ira Scott	28,767
Glorfield Bros., Jack & Benny	28,581
James Knott	28,509
Joe Myers	28,082
Robert Whitmore	27,498
E. C. Hay & Sons, Inc	25,793
William H. Evans	25,763
Dan Hood	25,603
Henry Fisher	25,180
Filan Bros	25,173
Palouse Grasslands, Inc	25,056
Total payees in county (26)	931,245

YAKIMA COUNTY

Ralph Mains	29,772
Harold R. Clayton	28,998
F. T. Gamble	26,606
Total payees in county (3)	85,376
Total payees in State (121)	4,494,158

1969 ASCS program payments of $25,000 or more excluding price support loans and wool and sugar payments—Wisconsin

COLUMBIA COUNTY

Fall River Farms, Inc	$25,690

DANE COUNTY

Stoughton Farms	42,916
William F. Renk and Sons Inc	35,497
Vasby Farms	28,621
Total payees in county (3)	107,034

DODGE COUNTY

Willard Nehls	47,223

FND DU LAC COUNTY

Flying Dollar Ranch	25,847

MILWAUKEE COUNTY

Norbert Verhalen	26,618

RACINE COUNTY

Charles H. Kuiper	48,187
Kenneth Vyvyan	34,390
Total payees in county (2)	82,577

ROCK COUNTY

Stuart Rahberg	43,751
K. E. Sherman	38,675
Stuart Shadel Jr	30,859
Total payees in county (3)	113,285

WAUKESHA COUNTY

Bishop Farms, Inc	32,803
Total payees in State (13)	461,077

1969 ASCS programs payments of $25,000 or more excluding price support loans and wool and sugar payments—Wyoming

CARBON COUNTY

Anderson Farms, Inc	$47,668

LARAMIE COUNTY

Leroy Goertz	26,166
Total payees in State (2)	73,834

GARY CARLSON—A TRIBUTE

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. KEITH. Mr. Speaker, I recently had the sad duty of attending a memorial service for one of the finest young men it has been my privilege to know, Capt. Gary W. Carlson. I knew Gary as a neighbor in West Bridgewater; I saw him grow up from a youngster to a young man; I appointed him to West Point, and took added pride in his achievement there. And when he died in his country's service, it was my own personal loss as well as the Nation's.

Recently the Distinguished Service Cross, the Purple Heart, and the Bronze Star were presented posthumously to Gary, for "extraordinary heroism" and devotion to duty.

No medals can do anything to add to the luster of this man's memory among those who knew him—or knew of him. But they are a grateful Nation's only means of expressing its profound appreciation for what Gary Carlson was, and what he did. And so I am proud to place in the RECORD a story from the Brockton Enterprise about Capt. Gary Carlson. I trust that his example of courage and patriotism will serve as an example and an inspiration to others.

The article follows:

WEST BRIDGEWATER HERO POSTHUMOUSLY AWARDED NATION'S SECOND HIGHEST MEDAL

WEST POINT, N.Y.—The Distinguished Service Cross, the nation's second highest award for combat heroism, was recently presented posthumously to Capt. Gary W. Carlson of West Bridgewater, in ceremonies held at the U.S. Military Academy.

Accepting the award were his wife, Mrs. Dhana Carlson, daughter, Jennifer, and Mr. and Mrs. Carl Carlson of 491 West St., West Bridgewater.

Also awarded were the Purple Heart and Bronze Star Medals.

Capt. Carlson, a 1967 graduate of the academy, was killed in action in Vietnam in June, 1969. At that time he was a Troop Commander for Troop C, 3rd Squadron, 4th Cavalry, 25th Infantry Div.

A portion of the citation accompanying the award read: "When the troop came under fire from a well-concealed enemy force, he immediately led his men in an assault on the hostile fortifications. Realizing that the crossfire was impeding the movement of his troop, he single-handedly assaulted and destroyed the most strategic hostile position. He then directed his fire against another enemy position, silencing it with hand grenades and rifle fire. Spotting a wounded comrade lying exposed to the enemy barrage, Capt. Carlson braved the fusillade to move the man to safety. He then returned to the center of conflict to evacuate another casualty.

"As he returned to his vehicle, he was knocked to the ground by a rocket-propelled grenade which rendered his command vehicle inoperative. Braving a hail of fire to reach another vehicle, he resumed control of his troop. It was while he was directing this assault on the enemy that he was mortally wounded by enemy fire. Capt. Carlson's extraordinary heroism and devotion to duty, at the cost of his life, were in keeping with the highest traditions of the military service and reflect great credit upon himself, his unit, and the United States Army."

While attending the Academy, Capt. Carlson was active in the Baptist Student Union, Pistol Club and Goat Football Team.

Carlson graduated from West Bridgewater High School in 1963. Following graduation he was appointed to West Point and graduated from the academy on June 7, 1967.

Gary was a member of the Trinity Baptist Church. He was a member of the Christian Youth Fellowship. Gary married the former Dhana Lee Kent on July 1, 1967, in the Holy Trinity Chapel at West Point. He became a father on April 8, 1969 when his daughter, Jennifer, was born.

Following his graduation from West Point Carlson was stationed at Fort Knox, Ky., and Fort Benning, Ga. In November of 1968 he was sent to Vietnam. On Sept. 14, 1969, he was honored by his townspeople at a flagpole memorial with Cong. Hastings Keith presiding.

BYELORUSSIAN INDEPENDENCE DAY

HON. WILLIAM B. WIDNALL

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. WIDNALL. Mr. Speaker, today, March 25, several million people of Byelorussian national origin will be free to celebrate the 52d anniversary of the proclamation of independence of the Byelorussian Democratic Republic.

The Republic established freedom of speech, freedom of press, freedom of association, freedom of assembly, freedom of worship, freedom of economic activity, freedom of election, freedom to hold property, freedom of travel, and an independent judiciary system to continue these freedoms.

On January 1, 1919, one massive crunch of oppression mashed these freedoms and replaced a system of justice with an organization called Cheka.

Cheka's surveillance was more intense than the Russian secret police. Operating under a law that defined a new crime—potential enemy of the Soviet Government—Cheka arrested, imprisoned, tortured and murdered en masse.

The father of Cheka, Vladimir Ulyanoff—Lenin—called for the takeover of Byelorussia after which he organized the lethal police organization. On March 25, instead of celebrating independence, Byelorussians on home soil are compelled to honor officially this man who assassinated their parents.

This perversion of patriotism reminds us that the U.S.S.R. does not maintain a

benign political posture. This enforced homage reminds us to hope for the liberation of Byelorussians so they may live again under the humane provisions they asked for five decades ago.

TO PROTECT AMERICANS FROM UNWANTED JUNK MAIL

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. MIKVA. Mr. Speaker, I want to speak today about intrusion—intrusion into the privacy of my life and my childrens' life and your life—intrusion into all of our lives at one time or another.

Each of us is harassed, often dozens of times in a year, by many forms of intrusion into our homes and offices—salesmen; telephone solicitors, and interviewers. But one of the most insidious, and often offensive, sources of intrusion into our lives is unsolicited commercial advertising—junk mail.

Junk mail may seem like a petty aggravation to most recipients. We look at it; we may read it or take out the coupons; then we throw it way. But such a daily aggravation, taken over a year and across a wide continent of mail-receivers turns out to be not so petty an intrusion into our lives after all.

Ask your mailman. During 1969, mailmen carried over a million tons of junk mail on their backs.

Or look in your own mailbox. In 1969, over 19.6 billion pieces of third-class mail—most of it commercial advertising—were delivered to American homes and businesses. That is nearly 100 pieces of junk mail for every man, woman, and child in the United States. That is intrusion.

And it is not cheap. According to the cost ascertainment report of 1968, the Post Office Department that year lost $400,792,000 on the delivery of third-class mail—the mail that few of us want and most of us ignore.

I am introducing today a bill which would help curb this incredible flow of commercial junk mail and in so doing protect postal patrons from at least one form of annoying intrusion into their lives.

The first provision of this bill allows any postal patron to stop any specific commercial advertiser whose message he does not care to receive from continuing to mail to him. By filing a notice at the post office, the patron instructs the Postmaster General that he does not wish to receive any further mailings from a given organization organized for profit which offers for sale goods, matter, or services whose communications he may have found in any way annoying or unacceptable to himself or to him on behalf of his minor children. Upon this instruction, the Postmaster General is authorized to expressly direct the named sender of such communications to strike the patron's address from his mailing list and further, if the patron has so requested, to prohibit that sender from exchanging or selling that patron's name to any other mailer.

A second provision is even broader. By setting up a public register which mailers must consult before sending out any commercial advertising, it allows the postal patron to not only request his name be removed from the mailing list of a single advertiser, but if he wishes, from the mailing lists of all commercial advertisers.

The third provision of the bill I am introducing today establishes yet another form of protection against intrusion of junk mailers into the privacy of a postal patron's life—protection from having his name and address, individually or as part of a mailing list, sold for profit unless he has specifically authorized such a sale.

I think these provisions offer a definite protection for mail receivers who find themselves harassed by an onslaught of unwanted commercial mail. But the implications of the bill for particular types of unwanted mail go beyond that.

You will notice that no arbitrary qualifications have been placed on the postal patron or on his personal criteria of a given mailing's unacceptableness. By avoiding, for example, an age restriction, and any definition of or restriction to obscenity which is at best of questionable constitutionality, this bill may at last provide a truly workable law against obscene commercial mailings—to minors or adults—something which we have been seeking for many years.

This bill does not require a postal patron to justify his unwillingness to receive unsolicited commercial mail from a given source, or any source, merely to state it. It provides in law what is already being done in fact under the provisions of the 1967 Antipandering Act, where postal patrons may, by declaring they find a given mailer's communications erotically arousing or sexually provocative, instruct the Postmaster General to have their names removed from that sender's mailing list. Under the provisions of this bill, no such categorical declaration is necessary, only the decision of the postal patron that he no longer wants to receive a given type of mail—for any reason.

This bill is not designed to threaten the operations of nonprofit organizations who often depend on the privilege of sending unsolicited mail to postal patrons. Indeed, it expressly protects them. Nor should it threaten commercial operations whose communications recipients are unlikely to find unacceptable.

I urge my colleagues to consider the implications of this bill carefully. The important question of obscenity aside, because it is only a secondary target of this bill, I think this bill reestablishes a postal patron's right to the privacy of his own mailbox—to receive the nature of mail he wishes to receive, and to refuse to accept that mail which, for whatever reason he finds it objectionable, he does not wish to receive.

I am including the text of bill described above:

A bill to amend title 39, United States Code, to establish a procedure by which postal patrons may be relieved of the burden of receiving commercial advertisements transmitted in the mails, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4009 of title 39, United States Code, is amended to read as follows:

"§ 4009. Procedure for refusal by postal patrons of receipt of commercial advertisements transmitted by mail

"(a) Whoever for himself, or by his agents or assigns, mails or causes to be mailed any advertisement of an organization organized for profit which offers for sale goods, matter, or services shall be subject to an order of the Postmaster General to refrain from further mailings of such materials to designated addressees thereof if those addressees do not wish to receive such advertisements.

"(b) Upon receipt of notice from an addressee that he has received such mail matter, determined by the addressee in his sole discretion to be of the character described in subsection (a) of this section, the Postmaster General shall issue an order, if requested by the addressee, to the sender thereof, directing the sender and his agents or assign to refrain from further mailings to the named addressees.

"(c) The order of the Postmaster General shall expressly prohibit the sender and his agents or assigns from making any further mailings to the designated addressees, effective on the thirteenth calendar day after receipt of the order. The order of the Postmaster General shall also direct the sender and his agents or assigns to delete immediately the names of the designated addressees from all mailing lists owned or controlled by the sender or his agents or assigns and, further, shall prohibit the sender and his agents or assigns from the sale, rental, exchange, or other transaction involving mail lists bearing the names of the designated addressees.

"(d) Whenever the Postmaster General believes that the sender or anyone acting on his behalf has violated or is violating the order given under this section, he shall serve upon the sender, by registered or certified mail, a complaint stating the reasons for his belief and request that any response thereto be filed in writing with the Postmaster General within fifteen days after the date of such service. If the Postmaster General, after appropriate hearing if requested by the sender, and without a hearing if such a hearing is not requested, thereafter determines that the order given has been or is being violated, he is authorized to request the Attorney General to make application, and the Attorney General is authorized to make application, to a district court of the United States for an order directing compliance with such notice.

"(e) Any district court of the United States within the jurisdiction of which any mail matter shall have been sent or received in violation of the order provided for by this section shall have jurisdiction, upon application by the Attorney General, to issue an order commanding compliance with such notice. Failure to observe such order may be punished by the court as contempt thereof.

"(f) Receipt of mail matter thirty days or more after the effective date of the order provided for by this section shall create a rebuttable presumption that such mail was sent after such effective date.

"(g) Upon request of any addressee, the order of the Postmaster General shall include the names of any of his minor children who have not attained their nineteenth birthday, and who reside with the addressee.

"(h) The provisions of subchapter II of chapter 5 (relating to administrative procedure) and chapter 7 (relating to judicial review) of part I of title 5, United States Code, shall not apply to any provisions of this section.

"(i) For the purpose of this section—

"(1) mail matter, directed to a specific address covered in the order of the Postmaster General, without designation of a specific addressee thereon, shall be considered as addressed to the person named in the Postmaster General's order; and

"(2) the term 'children' includes natural children, stepchildren, adopted children, and children who are wards of or in custody of the addressee or who are living with such addressee in a regular parent-child relationship.".

(b) The table of contents of chapter 51 of title 39, United States Code, is amended by adding at the end thereof—

"4009. Procedure for refusal by postal patrons of receipt of commercial advertisements transmitted by mail.".

SEC. 2. (a) Chapter 51 of title 39, United States Code, is amended by inserting immediately after section 4009 thereof the following new section:

"§ 4009a. Procedure for advance notification by postal patron of desire not to receive commercial advertising through the mails

"(a) Whoever for himself, or by his agents or assigns, mails or causes to be mailed any advertisement of an organization organized for profit which offers for sale goods, matter, or services shall, prior to the mailing of such advertisement, submit to the Postmaster General in writing, in such form as the Postmaster General by regulation shall prescribe, a certification with respect to such mailing which states—

"(1) that the mailer has, within the five days immediately preceding the date of mailing, consulted the register provided for by subsection (b) of this section; and

"(2) that none of the advertisements included in the mailing covered by such certification is addressed to any postal patron, whose name appeared on the register as of the date on which the mailer consulted the register, against the wishes of that postal patron as indicated by his registration in accordance with subparagraph (1) or subparagraph (2), as applicable, of subsection (b) of this section.

"(b) The Postmaster General shall establish and keep up to date a register containing the name of any postal patron who has indicated as provided in section 4009—

"(1) that he does not wish to receive commercial advertisements from any particular mailer, and

"(2) that he does not wish to receive commercial advertising through the mails from any source whatsoever, as well as any additional information which the Postmaster General determines to be necessary to carry out the purposes of this section. Such register shall be maintained in such form as the Postmaster General considers necessary to carry out the purposes of this section, including a form which will permit (if the Postmaster General considers it necessary) the use of electronic data processing techniques, machinery and equipment. The Postmaster General shall maintain a composite register of all names in Washington, District of Columbia, and, in addition, shall maintain duplicate copies of such register in such other places as he considers necessary to carry out the purposes of this section.

"(c) Whoever for himself, or by his agents or assigns, mails or causes to be mailed any commercial advertisement in violation of the certification submitted to the Postmaster General by the mailer with respect to such mailing, or without submitting such certification, shall forfeit to the United States the sum of $100, as a civil penalty, for each commercial advertisement so mailed.

"(d) Any district court of the United States within the jurisdiction of which any commercial advertisement shall have been sent or received in violation of the certification submitted to the Postmaster General with respect to such mailing, or sent or received without such certification having been submitted as required by subsection (a), shall have jurisdiction, upon application by the Attorney General, to assess the penalty referred to in subsection (c) and, if the court considers it necessary, to issue an injunction to prohibit the further mailing by any commercial mailer for himself, or by his agents or assigns, without complying with the requirements of subsection (a). Failure to comply with the injunction may be punished by the court as contempt thereof.

"(e) The Postmaster General may issue such regulations as may be necessary for the implementation of this section."

(b) The table of sections of chapter 51 of title 59, United States Code, is amended by adding immediately below the item referring to section 4009 the following new item:

"4009a. Procedure for advance notification by postal patron of desire not to receive commercial advertising through the mails.".

SEC. 3. Part IV of title 39, United States Code, is amended by adding immediately after chapter 51 thereof the following new chapter;

"CHAPTER 52—SALE AND PURCHASE OF MAILING LISTS BY COMMERCIAL MAILERS

"SEC.

"4021. Sale or purchase of mailing lists prohibited; exception.

"4022. Procedures; proof; defense.

"4023. Civil penalties; injunctions.

"4024. Exclusion; charitable organizations.

"4025. Definitions.

"§ 4021. Sale or purchase of mailing lists prohibited; exception

"(a) No commercial mailer shall sell or purchase, or offer to sell or purchase, any name or list of names intended to be used for mailing any commercial advertisement.

"(b) The fact that a name or list of names is sold to or purchased by any person usually and customarily engaged in the business of commercial mailing is prima facie evidence that the name or list of names was sold to or purchased by such person with intent that it be used for mailing of a commercial advertisement.

"(c) Notwithstanding the prohibition in subsection (a), a commercial mailer may sell or purchase, or offer to sell or purchase, the name of any postal patron who has specifically consented in writing to the sale or purchase of his name for use in the mailing of commercial advertisements.

"§ 4022. Procedure; proof, defense

"(a) A postal patron may file a complaint with the Postmaster General whenever he has reason to believe that the provisions of section 4021 have been violated. The complaint shall specify—

"(1) that the postal patron has received an unsolicited commercial advertisement; and

"(2) the circumstances of the incident and the nature and description of the commercial advertisement received, including the name and address of the commercial mailer mailing the advertisement, if known; and

"(3) the name and address of the person on whose behalf the advertisement was mailed; and

"(4) the reasons that the postal patron believes that his name, or a list containing his name, has been transferred in violation of section 4021.

"(b) Upon receipt of a complaint filed pursuant to subsection (a), the Postmaster General shall initiate an investigation to determine whether a violation of section 4021 has occurred. If the Postmaster General determines that there is reason to believe that a violation of section 4021 has occurred, he shall transmit to the Attorney General for action as provided in this section the evidence pertaining to the alleged violation.

"(c) The Attorney General may institute a civil suit in any district court of the United States which has jurisdiction over the alleged violation for the recovery of civil penalties, or for injunctive relief, as provided in section 4023. Upon a finding, based on a fair preponderance of the evidence, that a commercial mailer has violated the prohibitions contained in section 4021, the district court, sitting without a jury, shall award such relief provided for in section 4023 as it believes is warranted under all the circumstances of the case.

"(d) It is an affirmative defense to an action instituted under this section that the person alleged to have violated the prohibition contained in section 4021 had in his possession, at the time of the act alleged to constitute a violation, a written permission from the postal patron whose name was allegedly transferred in violation of section 4021, which permission authorized the sale or purchase of the postal patron's name for purposes of mailing commercial advertisements.

"§ 4023. Civil penalties; injunctions

"(a) Any person found to have violated the prohibition contained in section 4021 shall forfeit to the United States the sum of $1,000, as a civil penalty, for each name sold or purchased or offered for sale or purchase.

"(b) Any district court of the United States which has jurisdiction over any person found to have violated the prohibitions contained in section 4021 shall have jurisdiction, upon application by the Attorney General, to assess the penalty referred to in subsection (a), and—

"(1) to issue an injunction to prohibit the use for commercial mailing by any person of the name of any postal patron which was transferred in violation of the prohibition contained in section 4021; and

"(2) to issue an injunction to prohibit the further transfer of any name transferred in violation of section 4021 by any person, and to prohibit the further transfer of the name of any other postal patron in such a manner as to violate section 4021.

Failure to comply with the injunction may be punished by the court as contempt thereof.

"§ 4024. Exclusion of non-profit organizations

"Nothing contained in this chapter shall be construed to prohibit the sale, purchase, offer to sell or purchase, or other transfer or offer to transfer of any name or list of names to or by any non-profit organization for the purpose of informing the public or any person of the activities of such organization or soliciting financial or other support for such activities.

"§ 4025. Definitions

For purpose of this chapter—

"(1) the term 'person' means any natural person, corporation, partnership, association, organization, or other group;

"(2) the term 'name' means the given name or surname of any person, whether or not accompanied by a street address or city or town of residence, whether printed or written on paper, contained on computer card or tape, or in the form of addressograph plate or other mechanical reproduction or device;

"(3) the term 'commercial advertisement' means any advertisement of an organization organized for profit which offers for sale goods, matter, or services, or any advertisement which offers an opportunity to obtain

goods, matter, or services without cost in connection with a later sale of goods, matter, or services, or which offers an opportunity to participate in a lottery, sweepstakes, contest, or game of chance in connection with the sale of goods, matter, or services at some future time;

"(4) the term 'commercial mailer' means any person who usually and customarily mails, or addresses or prepares for mailing, any matter in return for a fee or for profit, or, which offers such services for profit to the public,

"(5) the term 'nonprofit organization' means any charitable, philanthropic, artistic, political, or other organization which is not intended to and does not make a profit.".

SEC. 4. The amendments made by this Act shall become effective on the sixtieth day following the date of enactment of this Act.

TRIPLE STANDARD FOREIGN POLICY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. RARICK. Mr. Speaker, in at least three areas of the world established countries are under terrorist attack by guerrilla warfare aimed at the overthrow and destruction of the target nation. In each of these instances the guerrilla troops are Communist indoctrinated, armed with Communist weapons, and pursue Communist aims. Yet, in each of these three areas the U.S. involvement or participation varies so distinctly that it must be said that we observe a triple standard in dealing with Communist aggression.

In South Vietnam the Vietcong and the National Liberation Front are well identified Communist guerrilla forces, armed with Communist weapons, and being exploited against their own people to further Communist aims. The target in South Vietnam is the Republican Government, but it is also American men and the U.S. policy of preventing Communist aggression. Our announced policy is withdrawal, no-win—which is tantamount to enemy victory.

In the Middle East, Israel is under repeated terrorist attack by the Palestinian Arab guerrillas, armed with Communist weapons, and being exploited for the Communist purposes of the Soviet Union and Red China. The apparent policy of our country with regard to Israel is a guaranteed survival, regardless of cost or participation by our Nation.

In Southern Africa, the Republic of Rhodesia and the Portuguese Provinces of Mozambique and Angola have for years been under unceasing terrorist border attack by guerrilla hordes from Tanzania, Zambia, and the Democratic Republic of the Congo bearing Communist weapons and operating pursuant to Communist warfare and ideology. U.S. foreign policy as to this threat from Communist aggression is declared for support the guerrillas and suppression of the right of self-defense by the civilized Christian anti-Communist people under attack.

There may be some kind of logic in distinguishing between good enemies and bad enemies, but it seems that in Africa we alwaye manage to give our support to the savages—the more Communist-controlled the better—against civilized people.

I include an article from the Washington Star in the RECORD at this point:

[From the Washington (D.C.) Evening Star, Mar. 23, 1970]

PEKING ENCOURAGING THE BELLIGERENCE OF PALESTINIAN GUERRILLAS

(By Henry Bradsher)

HONG KONG.—While Secretary of State William P. Rogers was preparing to explain today the U.S. effort to keep the Middle East peaceful, Communist China fanned the bitter embers of a Palestinian war.

"Only through armed struggle is it possible" for the Arabs to recover territory lost to Israel, according to Peking.

As other big nations have skirted the brink of renewed Middle Eastern war with varying degrees of caution, China has uncautiously encouraged those Palestinian refugee organizations to see war as the only way of regaining lost land.

The contrast between Chinese and Soviet policy has been especially sharp. Peking has, however, refrained from the kind of direct attacks on Moscow's Middle Eastern policy that it makes on many other areas of Sino-Soviet policy differences.

Since the 1967 Arab-Israeli war, the Soviet Union has advocated a political solution to the Middle East problem, rather than a military one. Although its arms policy has sometimes thrown doubt on the sincerity of this stand, the Kremlin is assumed by Western observers to want to avoid the dangers of another war.

Its policy has been particularly strained by the refugee guerrilla organizations. Politically unable to denounce them, yet wary of the potential explosiveness of their activities, the Soviets have given them only cautious and limited endorsement.

The Chinese have felt no such need for caution.

Without any responsibilities or economic interests in the Middle East, without client states that might try to drag it into another war, without compunctions about seeing a distant part of the world aflame, China has encouraged the guerrillas.

Peking is now entertaining the leader of Al Fatah, the main refugee guerrilla movement, Yasser Arafat.

When he arrived in Peking Saturday, a full-scale official welcome was given Arafat. It was headed by Deputy Premier Li Hsien-nien, who is China's acting foreign minister.

At a banquet for Arafat, Li said the Palestinian people and peoples of Arab countries "understand ever better that perseverance in the people's armed struggle is the correct road for them."

Arafat expressed "love and respect" for Chairman Mao Tse-tung. "It is no secret if I say that Al Fatah, initiator of the Palestine revolution, received aid first from Peking," Arafat said, according to New China news agency.

Apparently referring to combined U.S.-Soviet-French efforts to arrange a peaceful Middle East settlement, Arafat said: "Our people are facing a monstrous intrigue aimed at undermining our revolution and stopping its advance from behind our backs."

The same day, New China News Agency distributed an Al Fatah statement from Algiers saying the Palestinian people reject any "political solution." Today Radio Peking quoted Al Fatah from Algiers as rejecting a U.N. peace plan for the Middle East.

Radio Peking also repeated in every newscast that Arafat and Li had had a "sincere and friendly" meeting yesterday.

The nature of Chinese aid to Al Fatah was not spelled out in connection with Arafat's visit.

It has been reliably reported in the past, however, that China has provided some weapons and training for Palestinian guerrillas.

The Chinese attitude has produced cool relations with some cautious Arab governments, but has been greatly appreciated by fiercely militant Syria.

Syria was the one Arab nation directly involved in the 1967 war which, although heavily dependent upon Soviet aid, refused to accept the Soviet "political solution" line.

When the Soviet Union became increasingly reluctant to arm Syria, for fear it would itself or through guerrilla fronts spark off another war, the Syrians turned to the compatible Chinese.

Last May a Syrian military delegation visited Peking after plans to seek more weapons from Moscow fell through. However, China lacks the ability to provide as much aid as the Soviets, and has only a limited capacity to supply the spare parts needed to keep Soviet-made equipment running.

Chinese relations with the United Arab Republic, where Communist parties are illegal, have had ups and downs.

In December 1965, China was accused at a Cairo trial of giving funds to set up a pro-Peking Communist party. Cairo asked for the recall of the Chinese ambassador.

After the 1967 war, China hoped to capitalize on Egyptian disillusionment with the failure of Moscow to prevent an Arab defeat.

Although herself buying wheat from Australia, China offered Cairo 150,000 tons of wheat, plus $10 million in cash. But when President Gamal Abdel Nasser accepted the Soviets' "political solution" line at the Khartoum Arab summit, the Chinese offer was withdrawn.

Last month Premier Chou En-lai wrote to Nasser reaffirming China's support for Arab revolutionary movements and attacking President Nixon on the basis of early reports Israel would get U.S. Phantom jets. Nasser's reply avoided agreeing with Chou's endorsement of "protracted struggle."

The Chinese letter seemed aimed not so much at Nasser as at others in the Middle East. Chinese propagandists gave wide distribution to favorable comment from Syria, Iraq and Al Fatah.

During the Chinese cultural revolution, Cairo was the only capital in which a Chinese ambassador remained. He went back to Peking in mid-1969 and has not yet been replaced.

At the same time last year, new ambassadors were being sent by Peking to Syria and Algeria. They are the only nations directly involved in the Middle East situation in which China now has ambassadors.

THE 52D ANNIVERSARY OF BYELORUSSIAN INDEPENDENCE

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. HUNT. Mr. Speaker, 52 years ago today—March 25, 1918—the independence of Byelorussia was proclaimed in the following solemn and determined words:

A year ago (1917), the peoples of Belorussia, together with all the peoples of Russia, threw off the yoke of Russian tsarism

which, taking no advice from the people, had plunged our land into the blaze of war that ruined most of our cities and towns. Today, we, the Rada of the Belorussian National Republic, cast off from our country the last chains of the political servitude that had been imposed by Russian tsarism upon our free and independent land. From now on, the Belorussian National Republic is to be a free and independent power. The people of Belorussia themselves, through their own Constitutent Assembly, will decide upon the future relations of Belorussia with other states.

Consider, if you will, what it would be like if in this country on July 4th there were no patriotic speeches, no mass assemblies to pay tribute to our Founding Fathers, no stirring news commentaries on the history of our independence, no public prayers in recognition of our spiritual heritage, and, in fact, no other manifestation of freedom by which we might choose as individuals to mark the occasion of our own Declaration of Independence. There would in sum be nothing more than the shallow ring of commemorations, however sincere, of the occasion in some far off land and the private and reflecting thoughts of individuals in silent remembrance of a dream that used to be.

Impossible? No. Implausible? Yes, but only if we are ever mindful that the once free peoples of other less fortunate nations have succumbed to the brutal and suppressive aggression of communism. I view the commemoration of Byelorussian independence today, as well as the anniversaries of the declarations of independence of other captive nations, as continuing and forceful reminders that the hope of these people for freedom, independence, and the recognition of individual liberties rests on the leadership of the United States and the strength of the conviction of our own people in these principles.

CHICAGO BAR ASSOCIATION ENDORSES HANDGUN CONTROL ACT OF 1970

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. MIKVA. Mr. Speaker, on March 3, I introduced H.R. 16250, the Handgun Control Act of 1970. The purpose of this bill is to dry up the huge supply of freely available handguns in America. Crime statistics show over and over again that it is the handgun—as opposed to the rifle and the shotgun—which is the criminal's favorite weapon. If we are serious about stopping violent street crime, we must face up to the necessity of limiting the availability of handguns.

I am most gratified to announce that the Chicago Bar Association has endorsed the Handgun Control Act as a necessary step toward the reduction of violence and street crime in America. I insert at this point in the RECORD a copy of the press release issued by the Chicago Bar Association endorsing the Handgun Control Act of 1970.

The document referred to follows:

HANDGUN CONTROL ACT OF 1970

The Chicago Bar Association urges the prompt enactment at both the Federal and State level of legislation imposing strict controls on the importation, manufacture, sale and purchase of hand guns. It supports the initiative of Representative Abner J. Mikva of Illinois in introducing Federal legislation for this purpose.

No arguments against such controls can, in our judgment, outweigh the urgent necessity of curbing the free availability of hand guns. We have just had another tragic killing of a policeman by a person armed with a hand gun. If we mean what we say about waging an unrelenting war against crime, we simply cannot tolerate the absence of effective gun controls. Possession of hand guns should be permitted only to the police and authorized security agencies.

It also follows that The Chicago Bar Association is strongly opposed to the effort to write into the Illinois Constitution a provision guaranteeing the right of citizens "to bear arms". The action of the Bill of Rights Committee of the Constitutional Convention in giving approval to such a provision is a serious mistake and we hope that it will be promptly corrected. If the provision is intended only to confirm what is already provided by the United States Constitution, it is completely unnecessary. If it is intended to go beyond the interpretation by the Supreme Court of the United States of the Federal provision, then we think that it is fraught with mischief and the possibility of abuse.

THE BOOKBURNERS ARE BACK

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. RARICK. Mr. Speaker, for years our people have been conditioned to accept filth, pornography, and socialistic doctrine in their schools under the cry of academic freedom. Any announced protest or opposition resulted in the cry of "bookburner," "censorship," and suppression of free thought and dissent. In fact, in many instances the decent people know better but have become tolerant of radically different thoughts and ideologies because they were sure that full, open, and frank discussion of all ideas, truth could never be hidden for long.

Now the bookburners are back again. This time the censors are not from the midstream of the decent societies, but rather a few extremists who would stifle any truth which might disagree with their radical views and goals.

In nearby Maryland, the Human Relations Council has removed from school libraries a book alleged to be racist. The offended family must suffer from reverse racist delusions, because the offense of the book was to show tolerant and kindly race relations.

At Yale, once considered a liberal institution of learning, even Tarzan has been suppressed as being "racist."

This hero of generations of young Americans can now join the other victims of history rewritten—"Amos and Andy," the wonderful Stephen Foster songs, the minstrel show, "Birth of a Nation," the Confederate flag, "Dixie," the State song of the Commonwealth of Virginia, and even decent English language have been convicted of "racist" overtones and abolished.

The bookburners are truly back. Americans, beware. Truth is under attack.

I include pertinent newsclippings in my remarks:

[From the Washington, (D.C.) Post, Mar. 13, 1970]

YALE BLACKS BLOCK TALK BY "TARZAN"

NEW HAVEN, CONN. March 12.—Tarzan of the Apes was forced to leave a speaking engagement Wednesday night at Yale University when a group of black student militants blocked the showing of his 1932 film, which they labeled "racist."

Johnny Weissmuller, 66 former Olympic swimming champion who rose to fame in Hollywood films as the jungle man, appeared at the Yale Law School auditorium as part of a "Tarzan film festival" sponsored by the Yale Record, an undergraduate humor magazine.

Weissmuller, on hand to discuss his 1932 film classic. "Tarzan the Ape Man," returned to New York City after members of the Yale's Black Student Alliance stood in front of the projector and prevented the film from being shown. A spokesman for the magazine said Weissmuller "took it well but was visibly hurt" by the incident.

About 200 students attended the festival. One was dressed in a loincloth and swung from a suspended rope. Invitations to the event said "black tie or loincloth" was the preferred dress.

[From the Washington (D.C.) Star, Mar. 18, 1970]

PANEL TO SCREEN BOOKS OF MONTGOMERY SCHOOLS

The Montgomery County school system today announced the formation of a committee to review, and possibly revise, criteria and procedures for approving books and other school materials.

One of the group's main tasks will be to insure that any of the resulting guidelines provide "fair treatment" to Negroes and other minority groups.

Creation of the committee stems directly from the complaint of a Rockville couple, Mr. and Mrs. Ivan J. Wanless, Jr., about a book they considered to be "racially objectionable and offensive."

The Wanlesses objected to the dialect attributed to a Negro groom in the book, "The Little Fellow," and the "Sambo-type" expressions given him in the illustrations.

A 1945 edition of the book was subsequently removed from libraries in the county's elementary schools. A later edition, with the dialect removed but with the same illustrations, is still being used.

The five-member subcommittee of the school system's Human Relations Advisory Committee which recommended removal of the first edition, has now also called for removal of the later version because of the illustrations.

School officials have taken this recommendation under "serious advisement," a spokesman said, but are deferring any decision until the criteria and procedures are reviewed by the new committee.

"There are some personnel in the school system concerned about academic freedom and freedom of expression who have some concern about the banning of books," the spokesman said. He noted that removal of "The Little Fellow" from school libraries is "the first time in six years we actually have yanked a book off the shelves."

On the other hand, he said, "some of the rest of us have concern about literature that tends to stereotype any minority groups or cast certain segments of society in poor light.

"What we hope to do with the new com-

mittee is to look at the problem objectively and come up with criteria to use in reviewing any material."

The new committee will include the subcommittee which originally reviewed "The Little Fellow." These include a teacher, elementary principal, an area director, the director of the school system's operations division and the supervisor of social studies.

The group will be expanded to include a librarian and a senior high school principal.

LEGISLATION AFFECTING AUXILIARY PERSONNEL

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. PUCINSKI. Mr. Speaker, the very talented counsel for the House General Subcommittee on Education, Mr. John F. Jennings, recently delivered a speech on the legislative process which I would like to call to the attention of my colleagues.

I believe Mr. Jennings has properly captured the intricacies of legislating in the complex field of educational legislation.

His speech, which appeared in the February 1970, issue of the Journal of Home Economics, follows:

LEGISLATION AFFECTING AUXILIARY PERSONNEL

(By John F. Jennings)

Legislation often is a major determinant in the financing and control of programs for training and using auxiliary personnel. This speech and the question and answer session which followed helped participants at the AHEA Workshop on Utilization and Training of Auxiliary Personnel in Home Economics to understand the many types of existing legislation related to auxiliary personnel and to explore the need for initiating new legislation.

Legislation which affects the use of auxiliary personnel is a recent phenomenon in federal legislation. Only within the last five years have there been federal laws encouraging the use of para-professionals. Yet this is a vastly growing area and a very timely one for study.

As you know, two out of every five workers around the country are women, and this ratio will grow in the next few years because of the demands of our economy and because of the willingness now of women to go outside the home to work. We find that even though two out of five workers are women, women are discriminated against in employment. The average wage nationally for women workers is one-half of the average wage for men. Only 7 percent of employed women make over $10,000 a year, whereas the number of men who make over that amount is 20 times greater. Many women work at jobs which are far below both their ability and training. Last year one-fifth of all women college graduates who had finished four years at an accredited institution were working in such nonprofessional jobs as clerks and secretaries.

I mention these facts to you because a major problem involved in the use of auxiliary personnel is the reluctance on the part of professional people to employ them. Some people feel as though they are threatened by the presence of auxiliary personnel in their job setting.

A LARGE RESERVOIR OF TALENT

Paraprofessionals, or auxiliary personnel, to use a more limited term, can be helpful to you as professionals. As you know, home economics and the demands being made upon it are changing. The Commission on Technology, Automation, and Economic Progress in 1966 concluded that within the next 10 years we could easily use 5.3 million new jobs in the public sector. Many of these jobs are in areas in which traditionally home economics has been involved. Even though home economists are about 100,000 strong, we are finding that demands for home economics personnel will not be met by institutions of higher education. At the same time economic and social conditions exist in our country which give us a large reservoir of unused talent—mostly the disadvantaged. We find that today in the slum areas of our cities we have two and one-half times the rate of unemployment that we have in other areas of the country. By the end of the 1970's we are going to have 50 percent more nonwhites in their twenties, and these are the people who are the least trained and least prepared for occupations in our society.

Although we will have this vast increase in the number of unprepared people, the number of unskilled jobs will go down to 5 percent of the total number of jobs available at the end of the 1970's. And even people with skilled jobs will find themselves outmoded. By 1980 professional and technical jobs are going to far outdistance skilled craftsmen. Even if a person has certain skills, he may, by the end of the 70's, be out of a job. What are we going to do with this large reservoir of talent?

ENCOURAGEMENT FOR PARAPROFESSIONALS

Some types of paraprofessionals which the federal government is seeking to encourage are child care specialists, teacher aides, family planning aides, clothing aides, and so forth through the whole gamut of professions.

In the fall of 1969 we had a deficiency of 222,400 teachers in our schools. Most of these, 164,400, were in the elementary schools. This is the area where we can use auxiliary personnel to the best possible advantage. Presently we have approximately 100,000 teacher aides, but with the shortage of trained teachers, we have a need for many more.

Child care is another vastly growing need. The federal and state governments are encouraging the growth of day care centers. With the Head Start programs, nursery school and other day care programs, and migrant education programs, there is a need for auxiliary personnel. Professional personnel cannot handle all of the tasks put before them.

We also need paraprofessionals in mental health and welfare areas. We need government aides—people who can serve as ombudsmen, who can help reduce the alienation present not only among the disadvantaged population but also among our middle-class population caused by the feeling that they are not influencing the government, that the government is somehow "out there." Paraprofessionals, if they are used in these areas, can help reduce this gap between government and citizens.

Paraprofessionals obviously can be used in clothing, interior decorating, food service, and other areas.

The federal government has seen this need and at the same time it has seen the large numbers of disadvantaged in our population who do not have jobs or a chance for a career because they have been excluded from the schools both by their own attitudes and by the schools themselves. So the federal government, since 1964, has enacted two major pieces of legislation which encourage the use of paraprofessionals. Under this legislation, five programs presently are funded and in operation today.

UNDER THE ECONOMIC OPPORTUNITY ACT

Under the Economic Opportunity Act of 1964, three programs use paraprofessionals.

The new careers program

The major program under this Act is the New Careers program. Congress was impressed by the program's potential for twinning the need for professional personnel with our reservoir of unused talent. Since 1964, actually since 1965 when the program was funded, over 20,000 people have been trained in the New Careers program. These people include health specialists, dietetic aides, child care aides, and teacher aides.

As you know, the concept behind New Careers is that you place a person in an entry level job where the skills are relatively minimal. Then you build into that job components which will increase the person's sophistication both in general knowledge and also in the skill for the job so that he can advance up a career ladder until he eventually attains the professional level.

The New Careers program, the first major-scale program of this type, has had problems with confusing guidelines, with the reluctance of professional personnel to take nonprofessionals in, and with the disadvantaged themselves who have been very skeptical about the program. But it has been a success to a limited degree. Since 1964, New Careers has been known as the program most easily identifiable with federal support for paraprofessionals, and its type of approach has been written into many other pieces of legislation.

The Head Start program

Under the Economic Opportunity Act, the second major program which uses paraprofessionals is the Head Start program. This differs from the New Careers type of program in that it is not anticipated that all the people in the program will move up a career ladder and eventually become professionals. Many people who have been excluded by the normal job requirements are given an opportunity to get into a field and gradually advance as their own willingness dictates. Presently under the Head Start program, which is geared toward poor children in the early years before school and which seeks to give them some sort of compensatory education to prepare them for school, approximately 25,000 paraprofessionals are being used.

The community action program

Another related program under the Economic Opportunity Act is the Community Action Program (CAP). Under the Economic Opportunity Act, local agencies were set up for coordinating or for initiating or operating local antipoverty efforts. The Office of Economic Opportunity estimates that there are approximately 20,000 auxiliary personnel involved in various local programs conducted by CAP agencies.

UNDER THE EDUCATION ACT

The second major federal act which encourages the use of auxiliary personnel is the Elementary and Secondary Education Act.

Title I

The major program under this Act is Title I. This program which the federal government funds at approximately a billion dollars a year is meant for compensatory education—to concentrate in areas of greatest need within cities and rural areas, giving disadvantaged students an opportunity to compensate for their different types of backgrounds.

Approximately 100,000 paraprofessionals will be hired under Title I during the fiscal year 1970. It is estimated that by fiscal 1977, there might be 1.5 million paraprofessionals involved in these programs as teachers' aides. Most of these people—as in the Head Start program and the CAP agencies—are drawn

from the community itself and are put into the classroom to supervise the children, do clerical work, and otherwise provide a link between the school and community.

Title VII

The second type of program under the Elementary and Secondary Education Act is the bilingual education program. Title VII. This program is geared toward poor areas where children, by reason of their ethnic backgrounds, are not conversant in English. Most schools by state law require instruction only in English. Only within the last couple of years have several states, such as California and Texas, sought to loosen their requirements for the use of English in the classroom. Teacher aides are used in this program to supervise youngsters in the classroom, grade papers, and do the tasks which detract the teacher's attention away from the major task of educating the child. There are not many aides under the program, but it also serves as a link between the community and the school.

Under these five programs which have been in operation only since 1965, three under the Economic Opportunity Act, two under the Elementary and Secondary Education Act, the federal government is supporting approximately 170,000 paraprofessionals. They range from auxiliary personnel who are solely attached to a professional to help with simple tasks, to the New Careers type person who is supposed to advance up a ladder and become an assistant teacher and then a certified teacher.

NINE NEW PROGRAMS

Besides these five major programs presently funded, Congress has authorized within the last three years nine new programs for the use of paraprofessionals. As I briefly described these nine new programs, bear in mind that all of these programs have been enacted within the last three years—especially in the 90th Congress in 1967 and 1968.

The first, the Health Manpower Act of 1968, provides the same type of program as the New Careers program under the Economic Opportunity Act. But it zeroes in on health professions, seeking to broaden training in areas such as dentistry, podiatry, medicine, and psychiatry. This program, just getting under way, is administered by the Department of Health, Education, and Welfare (HEW).

The second new program is under the Vocational Rehabilitation Act of 1968. This, too, is a program newly authorized last year by the 90th Congress. It seeks to use the same type of New Careers thinking to get handicapped people to advance a career ladder starting with an entry skill job so they can learn greater skills and more sophistication and eventually move up to a professional level.

The Housing Act of 1968 is the third new act which authorizes the use of paraprofessionals. Paraprofessionals under this Act are to be used in local, state, and federal government agencies. The reasoning behind this is that frequently people from the community can provide a better link between the government and the community.

The Higher Education Act of 1968 authorizes the fourth program. It also is concerned basically with the use of paraprofessionals in public service. The purpose of this program is to get people who are in college interested in government while they are in school so that they can take a job which would advance them up to a professional level when they gain their college degree.

The fifth new program is under the Social Security Amendments of 1967. As this Act has been interpreted by HEW, paraprofessionals will be required to be used in all states in this fiscal year which began July 1, 1969. Every state must use paraprofessional personnel in social welfare programs. As you know, the federal government is involved in seven public welfare programs such as old age insurance, disability, and Aid to Families with Dependent Children. It also seeks to involve people from the community in the programs and to provide a link between the community and the government.

The sixth new program is under the Omnibus Crime Control and Safe Streets Act of 1968. This Act, passed by the 90th Congress, is a massive program to provide assistance to the states and to the local police departments for the control of crime. The paraprofessionals under this Act would be limited to community relations specialists, which I think is a euphemistic term for people from the community relationships and again provide a linkage between the community and one of the institutions, namely, the police department.

The Juvenile Delinquency Act of 1968 is geared toward providing a link between youth who are delinquent or in danger of becoming delinquent and the institutions of society. These programs are for the use and training of paraprofessionals in the diagnosis, treatment, and rehabilitation of people who are delinquent or conceivably could become delinquent. This program, too, is administered by HEW and is just getting under way in this fiscal year.

The eighth program is the Handicapped Children's Early Education Act of 1968. It seeks to use auxiliary personnel as with the Head Start approach (but not limited to poverty youngsters) in programs for the early education of handicapped children.

The last program is under the Vocational Education Amendments of 1968 which authorize the use of subprofessionals in the basic state-grant program. In other programs under the Amendments the Office of Education and the states jointly administer the research and exemplary programs, both of which encourage the training of paraprofessionals.

EMPHASIS ON DISADVANTAGED

It may seem that the federal government is involved mostly with the use of paraprofessionals in disadvantaged areas. This is true. The 89th and 90th Congresses have been concerned especially with the problems of the disadvantaged in our communities, of trying to bring them into society's mainstream. Consequently, most of the social welfare legislation has sought to bring these people into our institutions, primarily through the use of paraprofessionals and programs aimed specifically at the disadvantaged.

This is just a starting point. The federal government now will begin to fund programs under some of these and other acts for the use of nonpoor paraprofessionals. Auxiliary personnel should not be stigmatized as the dropouts or as the "pushouts" of our society—people who are not able to cope because of their attitudes, backgrounds, or the hostility of the system toward them. The idea of paraprofessionals can be used in a broader sense. However, these have been the programs funded by the federal government. State, local and private industry funds also are being spent in other programs using paraprofessionals.

EDUCATION HAS FAILED MANY

This gets into the question of our educational system. Last year the House General Subcommittee on Education reviewed vocational education throughout the country and found that the educational system is failing many youngsters. Even though vocational education has 8 million enrollees ranging from children to adults, and even though many of these people are being adequately trained and well-placed in jobs through vocational education, the needs of a large part of our population are not being met. More importantly, their potential is not being used. This is why, in the Vocational Education Amendments of 1968, Congress emphasizes the disadvantaged.

Under the Vocational Education Act of 1963, Congress had said that vocational education must meet the needs and tap the talents of disadvantaged youngsters. Yet Congress found that less than 1 percent of the federal funds since 1963 had been used on programs for the disadvantaged. Congress was quite concerned about this. Since three-quarters of a million youngsters drop out of school every year, and almost one-fourth of our 18-year-olds, our educational system must be failing these young people. We find that if these children are not taught in the schools, they will have to be picked up later under manpower remedial programs which spend up to $12,000 per trainee to remedy the impairments to employment which were not caught earlier by the schools or which were caused by the schools.

There is no sense in the federal government's being concerned with the employment of its citizens and yet not investing money in job training in the schools so that people can be taught before they become set in attitudes which preclude them from wanting to or being able to work later. Vocational education had been at fault because it had not reoriented its programs toward the disadvantaged. But Congress also found itself to be at fault because it was appropriating $14 for higher education for every dollar that it was appropriating for vocational education, and it was appropriating $4 for remedial education programs for every dollar appropriated for vocational education. It does not make sense to direct 80 percent of our resources nationally toward higher education and academic programs when only 20 percent of the student population will attain a college degree. What happens to the other 80 percent who drop out somewhere along the line? Only 20 percent of our resources are being used on these people. So Congress decided that in the Vocational Education Amendments of 1968 it would turn to occupational education to meet some of these needs.

CHALLENGE TO VOCATIONAL EDUCATION

Congress challenged vocational education, first of all, to put its house in order, which means to emphasize new job programs and concepts such as the "cluster concept," where you teach the child several related skills so that he will not be tied down later to one job.

It challenged home economics to get into the new area of training for the dual role of homemaking and wage earning. Traditionally, home economics has been challenged to train people for homemaking, but now it is being called upon also to train people for jobs.

In addition, home economists are now being asked, as are all those in vocational education, to address themselves to the problems of the disadvantaged. Congress said that in every state one-third of the money under the home economics section must be used for consumer programs in economically depressed area. That means that if states are not doing it now, regardless of whether there is new money or not, they will have to have consumer education programs in ghetto, slum, and other economically depressed areas.

But both Congressman Roman Pucinski and I have been much impressed by the fact that vocational educators are ready and willing to change. This last year, the House of Representatives increased the appropriation for vocational education from approximately $280 million to almost $490 million. Much of this is meant to be used for programs in new occupational skills and for certain groups of the population such as the disadvantaged and the handicapped. [*Note:* In the final appropriations bill presented by the Congress, vocational education was increas-

ed about $210 million over the $279 million President Nixon sought and in January the President vetoed the bill.]

PREPARE FOR NEW MONEY

Vocational educators are being told to change. They are ready to change, and yet the money is not there. If they do receive this new money, one of their tasks will be to decide how they are going to spend it in a relatively short time. But they must be prepared because there will be an accounting due for the money and if vocational education wants to keep Congress' confidence, it must be ready to move into new occupational fields and to serve all segments of the population.

I hope that from this conference, where you have considered the use of auxiliary personnel, you will start to think about how you can use some of this money from vocational education. I know that you are not all teachers in vocational education, or even in programs presently funded by vocational education, but under the new Act the categories of funding have been broadened to include many private and public institutions which were not eligible before. You are being challenged by Congress. I hope that this conference will help you to think about ways in which you can meet this challenge during the next school year and hopefully during the next decade.

WHY NOT COP MORATORIUM?

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. DERWINSKI. Mr. Speaker, Mrs. Lyn Daunoras, feature editor of the Summit Valley Times, Lyons, Ill., raises fascinating questions concerning the philosophy of the notorious radical, Jerry Rubin, in her column Wednesday, March 18 in the Times. This column is one of the most interesting and thought-provoking commentaries on the subject that I have come across and, therefore I insert it into the RECORD for whatever attention it may receive:

WHY NOT COP MORATORIUM?

(By Lyn Daunoras)

On a TV show recently Jerry Rubin, leader of the Yippies and a vocal member of the Conspiracy Seven, advocated, among other things, the release of all prisoners.

No one should have to sit in jail; this is the lowest form for man to live and there is no reason for such abominable treatment of our fellow man, he averred.

So we start thinking about a world without jails. We're always willing to conjure up the scene that would ensue if these radicals got their way. The first thing that came to mind was that we needed no policemen or judges, since we weren't going to worry about laws and their violation (after all, that is the main reason people go to jail).

So we release all the murders, rapists, thieves and vandals and let them know they can do whatever they want, kill whomever they desire and no one will put them back in that nasty old jail cell again.

Of course, under these circumstances, there will be little need for attorneys either. Close a motagage deal or make out a will, you say? Shucks, going to school six years just to do insignificant things, which won't make a decent living for a professional man, is hardly worth it. We can make our own wills presuming we have anything left to leave and as for mortgages—who will own property under Rubin? He wants no private property, only communes. So who needs lawyers?

Unfortunately, law men are not the only ones who will be unemployed. What man in his right mind would care to construct new buildings when there is no one to protect them and so many to destroy them? Throw out the carpenters, masons and sheet metal workers, too.

Think of the fun we can have with no one to stop us. We can shoot down or in other ways eliminate pesty visitors, unfriendly neighbors or noisy kids. We can run down pedestrians we don't like the looks of—especially if they look at all affluent.

This is freedom! It's Rubin's idea of freedom. Imagine the Sirhans and the Specks roaming the streets with no fear of jail? One thing we know for certain, if Rubin runs for office, he'll surely get the prison vote (after he releases them, that is).

In line with this thought, we propose a police moratorium day. The peace-lovers had their moratoriums, why not the police? How about 24 hours, without pay, of course, since "the taxpayers pay their salaries," without any police protection?

This means no arrests, no help of any kind. Let everyone have fun at everyone else's expense. They can break windows, beat up old and small people, rob people blind, break in homes and club, shoot or kill anyone who gets in their way. Let them speed at 60 in a 30-mile zone. It's one answer to the population explosion.

Perhaps when all the smoke dies down, the silent majority will have finally found their voices and will use them. It takes something drastic to move the spirit and a police moratorium day would be as drastic as things can get.

The idea of prisoners running free and others letting loose their restrained inhibitions may just arouse people enough to put someone like Jerry Rubin in his place.

The only way to show people who think "Rubin has a point" and those who feel sorry for the poor little smart boy who wants a new world is to give them a taste of that world Rubin advocates.

They might not be so sympathetic when they have to cope with it.

JOIN THE MARCH FOR VICTORY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. RARICK. Mr. Speaker, here in Washington, we have seen ad nauseam the parades, marches, demonstrations, and the other activities of those dupes in this country who are aiding the enemy in Hanoi, Peiping, and Moscow.

We have witnessed the desecration of the churches of virtually every denomination, with the pulpits filled by those who would mislead our people down the paths of the new atheistic ritual called humanism—the cult of Lenin the butcher.

The International Council of Churches, representing the great silent, but awakening, majority of loyal Christian Americans has made arrangements for a parade on April 4, 1970, honoring—not mocking—the American virtues. Its full page, paid ad in the local newspaper is worth the attention of all of us, and I include it in my remarks, and invite our colleagues to join in this truly American venture:

[From the Washington (D.C.) Evening Star, Mar. 24, 1970]

JOIN THE MARCH FOR VICTORY, SATURDAY, APRIL 4, 1970, PENNSYLVANIA AVENUE 4TH TO 15TH, MONUMENT GROUNDS, WASHINGTON, D.C.

ALL ARE WELCOME

This is an appeal to all who believe in God and who want the words on our coins, "In God We Trust," to be meaningful in our national life and in winning the war in Vietnam.

47,000 of our choicest youth have died in the war. Shall this continue for another ten years? Surrender is unthinkable. Retreat and defeat are unacceptable to patriots. Victory, and bringing the boys home with honor and a secure peace is the cry which is in our hearts and our prayer to the living God.

The new MOBE and the hippies who came to Washington on November 15, 1969, called our American society "a death machine," demanded withdrawal of all American troops now. Hanoi's radio on February 15, 1967, told the world: "It is clear that the American people's protest movement has become a real second front against U.S. imperialists on the very soil of America. It is the largest, most stirring, and best organized mass movement in U.S. history."

The Paris peace conference has been nothing but a base for Communist propaganda. The black militants, in the Black Manifesto, called our society the most "barbaric" and they want its destruction. Communism, with its repudiation of God and human freedom and dignity, is on its way to take over the world.

Lenin, whose birthday is April 22nd and whose 100th anniversary is being celebrated by the Communist world said: "We have never made a secret of it that our revolution is only the beginning and in order that it may be brought to a victorious conclusion, we will have to light the flames of revolution throughout the entire world. . . ."

The war could and should have been won long ago, Admiral U.S. Grant Sharp, USN (Ret.), in his article in the May, 1969, *Reader's Digest* said, "We could have won the war long ago—perhaps by the end of 1967. . . . Of all the things we should have done but did not do, the most important was to neutralize the port of Haiphong. . . . We should have destroyed the enemy's stockpiles of material on the docks at Haiphong and in the centers of the cities of Haiphong and Hanoi . . . vast amounts of ammunition reached South Vietnam where it was used to kill American and other Allied soldiers." The presence of 15,000 vehicles on the Ho Chi Minh Trail this month and the transporting of the largest contingent of supplies into South Vietnam since the war began, reveal the folly of our "no-win," appeasement policy.

Senator Barry M. Goldwater has just said, "We still can't bomb targets over there that would end the war. There is no reason in my mind for Haiphong (the major North Vietnamese port) being anything but a mud puddle." Our failure to make it a mud puddle has provided a puddle of American blood in South Vietnam, the blood of our beloved heroes, our sons. Those who are responsible for this folly and the loss of these lives must be held to account by the American public!

Daniel P. Moynihan, counsellor to President Nixon, in his confidential memorandum to the President 17 days before Nixon's inauguration, wrote: "At the risk of seeming cynical, I would argue that the war in Vietnam has become a disastrous mistake because we lost it." President Nixon's present plan is an attempt to conceal this defeat, and it will deliver to the Communists the victory of which they constantly boast.

General of the Army, Omar N. Bradley (Ret.), speaking before the National Press Club luncheon, said, "I can't believe that a country as large as we have could not win it

if we set our minds to it." "I think we are fighting as much for ourselves as for the South Vietnamese," and Bradley expressed the conviction that "our greatest danger is imperialist communism" and "those Communist countries which wish to spread their domination throughout the world under the guise of Communist utopia." (*Army Times*, March 18, 1970).

We must abandon the entire "no-win" approach and put victory back on the battlefield and back in the vocabulary of the President of the United States. We call upon the President, as the Commander-in-chief of all our Armed Forces to issue the necessary orders for the military to win the war in the quickest possible time with the loss of the fewest lives on all sides. If the President desires to bring the boys home, let him first bring home the 1,400 prisoners of war. And, if Hanoi will not honor the Geneva Convention, then he should give orders to go in and bring these American heroes out! Honor, self-respect, and the highest obligations of freedom dictate no compromise and no surrender.

President Nguyen Van Thieu of South Vietnam, in his interview with *U.S. News & World Report* March 16 said, "South Vietnam cannot defend itself against a rush from Communist China or from the whole Communist bloc. If you leave a vacuum here, if you withdraw all your troops, what will happen? Communist China will swarm in and exploit it. What happened when you left a vacuum in Europe? The Russians swarmed in. What happened when you left a vacuum in Korea? The North Koreans swarmed in."

The only language which the Communists know is the language of force. They have no God to fear and as our resolve weakens and we are surfeited with our comforts, they exploit every gain.

"The fear of man bringeth a snare." Proverbs 29:25. "The fear of the Lord is the beginning of knowledge." Proverbs 1:7.

Once this country asserts its strength because of our fear of God and our determination to preserve our heritage, the whole tide of battle, the whole world-wide conspiracy of the Communists, can be effectively exposed and met.

The March for Victory is a religious and patriotic demonstration. All are invited to participate in it. In Mainland China not a church is open. All missionaries are gone. In Russia the churches which are open are exhibits for deception. The Jews, too, are being destroyed. There is here now a spontaneous upsurge which has come by the stern realization that the forces of tyranny, riot, revolution, war, have organized to destroy the United States of America. And as this nation goes down then civilization will go into eclipse under the heel of a brutal slavery where man has no soul and all is the property of the state. "Man shall not live by bread alone, but by every word that proceedeth out of the mouth of God." Matthew 4:4.

Religious groups from every section of the nation, with patriotic, veteran, refugee groups and many others are joining to make this the largest manifestation, we believe, ever seen in the nation's capital in behalf of victory.

General Douglas MacArthur said there is no substitute for victory, and had he been permitted to bomb beyond the Yalu River and unite Korea, we would not have spent billions of dollars and even today have 52,000 United States men in South Korea. We must return to the spirit of World War I and World War II.

A dispatch from Da Nang, March 8, quotes retiring U.S. Marine Commander, Lt. Gen. Herman Nickerson Jr., as saying he is "disappointed in the silent majority" for failing to honor Americans who have been killed and wounded in the war. "There are relatively few places where they waved flags and honored our servicemen like they did in the great days when the boys came home with honor."

The tragedy is that President Nixon has forsaken the high and honorable position that he himself championed in 1964. His three articles in the *Reader's Digest* magazine were magnificent. In the January issue he called for the removal of the Russians from the captive nations. In the August issue he said, "We must recognize that we are in a life and death struggle that has repercussions far beyond Vietnam and that victory is essential to the survival of freedom." In the November issue he wanted Cuba to be liberated. This is the President millions thought they were electing.

The No. 1 problem and concern of every American must be, as long as a single American boy is shedding his blood, that it be not in vain and that the war be brought to a victorious conclusion. As soon as the Communists learn that this is our policy, they will soon sue for peace. We have spent multiplied billions for our defenses and all the strength of this nation—yes, the military-industrial complex for which we thank God—must be marshalled and with such power, victory will be ours.

"In the name of our God we will set up our banners" (Psa. 20:5) the greatest factor which the American people are now disdaining is the fact that "God is our refuge and strength, a very present help in trouble. Therefore will not we fear." (Psa. 46:1,2). And thus we pray, "Grant not, O Lord, the desires of the wicked: further not his wicked device; lest they exalt themselves. . . . Let not an evil speaker be established in the earth: evil shall hunt the violent man to overthrow him." (Psa. 140:8,11).

Had our nation refused to aid the godless power of communism, it would not have helped build our enemy in strength to plague us, to "hunt" us.

We came from the battlefields victorious in World War II, with strength to preserve the peace of the world and now have been victimized by a godless conspiracy causing us to retreat in the presence of their troops as they mass them against us in Vietnam and Laos. "And Ephraim being armed and carrying bows turned back in the day of battle." (Psa. 78: 9).

Could it be that the internal activities of the Communists are also responsible? J. Edgar Hoover reported to the Subcommittee on Appropriations, House of Representatives, 87th Congress, March 6, 1961:

"The Communists, foreign agents and potential saboteurs operate behind a masquerade of stealth and deception. They are all-out masters in the art of tactical infiltration, a fact which has been clearly demonstrated by our investigative experience.

"Some 200 known, or suspected, Communist front and Communist-infiltrated organizations are now under investigation by the FBI. Many of these fronts are national in scope with chapters in various cities throughout the United States. They represent transmission belts through which the Communist Party furthers its conspiratorial designs.

"They have infiltrated every conceivable sphere of activity; youth groups; radio, television, and motion picture industries; church, school, educational and cultural groups; the press; nationality minority groups and civil and political units. . . .

"The Soviet intelligence services have reorganized, multiplied their contacts with the American people, and have become aggressively bolder in spearheading their espionage offensive against the United States. The intelligence organizations of the satellite countries, carefully co-ordinated under Soviet leadership and control, have gained increasingly in experience and ability. . . .

"While the Communists speak of peace, their intelligence setup is the most extensive in world history. . . .

"The espionage potential of the Soviet bloc is tremendous. The extreme security hazard inherent in their operations is indicated somewhat by the fact that in June 1960 our State Department estimated that Russian and Chinese Communists bloc countries have some 300,000 trained spies serving throughout the world."

Our March for Victory will be a breakthrough. At last the pressures which have been built up as a result of grievances—prayer and Bible reading thrown out of school; freedom of choice and education being denied; the liberal leftist program which corresponds to much of the Communist demand will be exposed; at last Washington will see on April 4th a gathering together of those who out of fear of God and love of country will be present to march, to pray, to sing, to listen to the patriots, and to join in that last verse of our national anthem:

"Oh, thus be it ever when freemen shall stand
Between their loved homes and the war's desolution;
Blest with vict'ry and peace, may the Heav'n-rescued land
Praise the Pow'r that has made and preserved us a nation!
Then conquer we must, when our cause it is just;
And this be our motto: 'In God is our trust!'
And the star-spangled banner in truimph shall wave
O'er the land of the free, and the home of the home of the brave."

The Palm Sunday march sent the Saviour into Jerusalem. Joshua's march around Jericho brought the walls tumbling down. May the March For Victory be used of God to help return America to the faith of her fathers.

Buses are coming to Washington from every section of the eastern part of the United States. Charter planes and private planes have been engaged to bring those dedicated to victory to the march. At last something has been done which challenges the mass media, the brainwashing, the pollution of our atmosphere, for victory. The cry for victory is breaking through!

The decision to hold this march was made November 11 and a most thrilling development is the manner in which the women across the nation have rallied to the leadership of this cause. Like the women of Brazil they are determined to save the United States from communism. Whole families are coming. Baby carriages will be seen on Pennsylvania Avenue. Expected are 2,500 Cuban refugees who will be marching in one delegation. An Indian chief from Wyoming is to be present. Every group will bring its own banners and signs. The Viet Cong flag was carried down Pennsylvania Avenue on November 15 and the U.S. flag was carried upside down. Now, in the March For Victory, it will be Old Glory, and the Stars and Stripes forever!

When the International Council of Christian Churches met in its Seventh World Congress in Cape May, N.J., August, 1968, the 3,000 delegates representing 140 denominations, voted unanimously for victory and called upon the free world to win the war and to win victory over communism. The resolution stated:

"Communism, which is anti-God, anti-Christ, anti-men and anti-freedom, is an instrument of Satan and as such must be challenged in the name of God, truth, righteousness.

"The ICCC opposes aiding the Communists in any way and especially when their agents and armaments are killing those who fight for freedom in Vietnam. Peaceful coexistence with communism is morally impossible.

"The ICCC identifies itself with the Christians in Russia who are worshiping in the underground.

"The ICCC exposes and opposes all use of the churches by the Communist conspiracy.

"Communism cannot be appeased; it must be exposed and opposed until it is defeated and its imperialistic policies ended. This Council of Churches summons all Christians to the conflict and warns the nations that even peace and peace conferences are strategies of war for the Marxists.

"This Council prays for the day of liberation of Mainland China, North Korea, Russia, the Eastern European lands, Cuba and North Vietnam, and calls upon world leaders to re-evaluate programs which give communism advantage.

"We commend South Vietnam, the United States of America, Korea, Australia, New Zealand, Thailand, the Philippines, and all fighting in Vietnam in the battle against communism. We declare that the struggle in Vietnam must not be relaxed until victory is won. The United States is not the aggressor in Vietnam as the Fourth Assembly of the World Council of Churches officially charged in Uppsala, Sweden, last month. The Communists have always been the aggressors with the world-wide Communist conspiracy promoting it.

"The ICCC calls upon the youth of the churches to give themselves wholeheartedly for freedom in the ideological struggle and repudiate the youth movements which are rebelling against serving their country against Communist tyrannies. To this end, the ICCC appeals to the living God, whose Son warned us: 'No man can enter into a strong man's house, and spoil his goods, except he will first bind the strong man; and then he will spoil his house' (Mark 3: 27). May God enable the free nations to remain strong and courageous, and may He answer the prayers of all of His people for mercy and help."

THIS IS OUR SPRING OFFENSIVE FOR FREEDOM

It is Easter and the whole Christian world is rejoicing in the victory that Jesus Christ won on the cross, His triumph over death and the grave by His resurrection. "If God be for us, who can be against us?" (Rom. 8:31) and it is the faith which the Christians have, born of victory in their great salvation, that enables us to fight and to ask all to join in this fight for victory in Vietnam. This magnificent march with thousands and thousands participating could be the last chance that free men have, or it could be the beginning of a great deliverance, a turning of the tide when free men shall be delivered of despair and confusion. We invite you to join us in the March for Victory. All you need to do is to be there, and with the Communist world watching, every man counts. We invite you on your own responsibility under God to be present with us in Washington April 4th. (*This statement was prepared by Dr. Carl McIntire, Chairman, March For Victory Committee, and President, International Council of Christian Churches.*)

The March is sponsored by the March for Victory Committee with headquarters at 838 National Press Building, Washington, D.C.

National Co-ordinator, William Buckingham, four terms of duty as war correspondent in Vietnam; Southern co-ordinator, Wes Auger, Pompano Beach, Fla., God and Country speaker; Washington co-ordinator, Clifford Peterson; National Committee on Arrangements, Dr. James Shaw, Director, International Christian Relief, Cherry Hill, N.J. Sponsors of the March are hundreds from all sections of the United States, including the following: the Honorable Mendel Rivers, Chairman of the Armed Services Committee of the House of Representatives; Milton Lory, Sioux City, Ia., President Emeritus, American Coalition of Patriotic Societies, Inc.; George C. Wallace, Mont., Ala., former Gov. of Ala.; Dean C. White, New York City, Public Relations; Hon. Lester Maddox, Atlanta, Ga., Governor of the State of Georgia; John Stormer, Florrisant, Mo., Author, "None Dare Call It Treason"; Bob Wells, D.D. Anaheim, Calif., Evangelist; Bob Jones, D.D., Greenville, S.C., President, Bob Jones University; A. A. MacRae, Ph. D., Philadelphia, Pa., President, Faith Theological Seminary, Arthur Froehlich, D.D., Orlando, Fla., President, Central Florida Christian School, A. Graves Williams, Wilmington, Ohio, Industrialist; Hon. John Rarick, Congressman, Louisiana; Frank Gaydosh, Carbondale, Pa., Business Executive; Richard E. Coulter, Ph. D., Cape May, N.J., Dean Shelton College; E. E. Bradley, N. Hollywood, Calif., Public Relations; Sam Morris, D.D., "The Voice of Temperance," San Antonio, Texas, Owner, Radio Station KDRY; Pastor Theodore J. Floyd, Philadelphia, Pa., Director, Christian Hope Fellowship Hour; David T. Myers, Collingswood, N.J., President, International Christian Youth, Victor Sears, D.D., Englewood, Colo,, Editor, Western Voice; Hon. Strom Thurmond, U.S. Senator, South Carolina; Peter Koltypin, Chairman, Freedom For Russia, Bridgeport, Conn.; James W. Slaw, Broomall, Pa., Post Commander, General Douglas A. MacArthur Post No. 1507; Dr. L. Zabko-Potapovich, Chester, Pa., Editor, The Messenger of Truth (Ukrainian); Mrs. C. B. Johnson, Mesa, Arizona, President, Mothers' Crusade, Inc., for Victory Over Communism; Dr. R. R. Staub, Winona Lake, Indiana, Natural Science Research Foundation; Richard H. Roffman, Esq., New York City, Editor and Radio Commentator; Dr. Harris Greeley, Jr., Brooklyn, N.Y., author; Dr. D. M. Atterbury, New York City, author and international lecturer on Asian Affairs; Carl Mau, Media, Pa., Director Veterans Hospital Radio Network; John Kottis, Oxbridge, Mass., Attorney; Rev. Aaron Dumas, New Castle, Pa., Independent Gospel Mission; Paul Voronaeff, Indianapolis, Ind., evangelist and lecturer on Russia; Father George Grabbe, New York City, Russian Orthodox Church Outside Russia; Homer Hyde, San Antonio, Texas, author; Rev. Emanuel Peters, Nanuet, N.Y., Rev. S. W. Roberts, Roanake, Va.; Rev. James Blizzard, Knoxville, Tenn.; Mrs. John Murchie, Baton Rouge, La.; Rev. Melvin Perry, Nashville, Tenn.; Rev. James Andrews, Rockville, Md.; Mrs. W. Chapman, Culpeper, Va.; Rev. Robert Vandermey, Buffalo, N.Y.; Rev. Henry Campbell, Dexter, Mich.; Rev. William Briggs, LaGrange, Ill.; Rev. David Jones, Winston-Salem, N.C.; Rev. John Dekker, Baltimore, Md.; Mrs. Carlton Stoudenmier, Richmond, Va.; Rev. J. Chitwood, Winston-Salem, N.C.; Robert Hodges, Columbia, S.C.; Fred Fries, Atlanta, Ga.; David Rushton, Detroit, Mich.; Rev. Robert Gray, Westchester, Ill.; Rev. Dennis Leaman, Chattanooga, Tenn.; Thomas Meckes, Philadelphia, Pa.; Eusebio Mujal, Secretary General of Labor in pre-Castro Cuba; Dr. Portel Vila, Washington, D.C.; John J. Duncan, Congressman, Tennessee. Mr. and Mrs. Franklin Scudder, Claremont, Calif, Scudder Oaks Country School; Mrs. Bea Ziegler, Chairman, and Mrs. Nancy Harder, Executive Secretary, "Mothers of Servicemen," Pasadena, California; Dr. Roland Rasmussen, Canoga Park, Calif., Pastor, Faith Baptist Church; Mr. James Taylor, Woodland Hills, Calif., "Committee of Christian Laymen, Inc.; Mrs. Leota Brinkman, Mr. Frank Silcock, San Francisco, Calif., "Association of American Voters"; Nancy Perino, United to Serve America, Toluca Lake, Calif.; Sons of the American Revolution, Washington, D.C.

Assemble 11:00 a.m. at 4th and the Mall Parade begins at 12:00 noon—12:00 until 2:00, parade from 4th Street to 15th Street on Pennsylvania Avenue and over to Monument 2:00 p.m. until 5:00 p.m. assembly at Washington Monument to redress grievances.

March for Victory Headquarters, National Press Building, Room 838, Washington, D.C., 737–1133 and 737–1134.

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A MEMORANDUM ON THE PROPOSED EQUAL RIGHTS AMENDMENT TO THE CONSTITUTION

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mrs. GRIFFITHS. Mr. Speaker, it is with pleasure that I spread upon the RECORD a memorandum on the proposed equal rights amendment to the U.S. Constitution as prepared by a study group of the Citizens' Advisory Council on the Status of Women.

THE PROPOSED EQUAL RIGHTS AMENDMENT TO THE UNITED STATES CONSTITUTION—A MEMORANDUM

(By the Citizens' Advisory Council on the Status of Women, Washington, D.C., March 1970)

This paper was presented to the Council by its study group on equal legal rights: Sarah Jane Cunningham, Chairman, Virginia R. Allan, Lorraine L. Blair, Rachel E. Scott, Irene Wischer; Mary Eastwood, Technical Staff.)

The proposed equal rights amendment to the U.S. Constitution would provide that "Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex," and would authorize the Congress and the States to enforce the amendment by appropriate legislation.[1]

The purpose of the proposed amendment would be to provide constitutional protection against laws and official practices that treat men and women differently. At the present time, the extent to which women may invoke the protection of the Constitution against laws which discriminate on the basis of sex is unclear. The equal rights amendment would insure equal rights under the law for men and women and would secure the right of all persons to equal treatment under the laws and official practices without differentiation based on sex.

Joint resolutions proposing that the equal rights amendment be approved for submission to the States for ratification have been sponsored by 75 Senators and 225 Members of the House of Representatives in this (91st) Congress (as of March 11, 1970). Adoption of the amendments would require a ⅔ vote of both Houses of Congress and ratification by ¾ of the States. Thus there are already more than the necessary number of Senators who are committed to support the amendment for its approval by the Senate. These joint resolutions are currently pending in the respective Senate and House Judiciary Committees.

The Citizens' Advisory Council on the Status of Women, at its meeting February 7, 1970, endorsed the equal rights amendment, adopting the following resolution:

The Citizens' Advisory Council on the Status of Women endorses the proposed Equal Rights Amendment to the United States Constitution and recommends that the Interdepartmental Committee on the Status of Women urge the President to immediately request the passage of the pro-

Footnotes at end of article.

posed Equal Rights Amendment by the Congress of the United States.

The Council's recommendation was transmitted to the President on February 13, 1970.

HISTORY OF THE EQUAL RIGHTS AMENDMENT

Resolutions proposing an equal rights amendment have been introduced in every Congress since 1923. Hearings were held by the House and Senate Judiciary Committees in 1948 and 1956, respectively.[2] The amendment has been repeatedly reported favorably by the Senate Judiciary Committee, most recently in 1964 (S. Rept. No. 1558, 88th Cong., 2d Sess.), and has twice passed the Senate, in 1950 and 1953.

Both times it was passed, however, with the so-called "Hayden rider," which provided that the equal rights amendment "shall not be construed to impair any rights, benefits, or exemptions now or hereafter conferred by law, upon persons of the female sex." [3] Both times the rider accomplished its purpose of killing the proposed amendment since, as the Senate Judiciary Committee has noted, the rider's "qualification is not acceptable to women who want equal rights under the law. It is under the guise of so-called 'rights' or 'benefits' that women have been treated unequally and denied opportunities which are available to men." (S. Rept. No. 1558, *supra*)

Since the proposed equal rights amendment has failed to pass Congress for the past 47 years, it may appear to be a loser, although admittedly it took women more than 50 years to secure the adoption of the 19th amendment. However, a revival of the feminist movement has occured during the past four years and it is greatly increasing in momentum, especially among younger women. Thus the demand for equal rights and support for the amendment is becoming more widespread, with a corresponding increase in likelihood of early adoption of the amendment.

LAWS WHICH DISCRIMINATE ON THE BASIS OF SEX

A number of studies have been made in recent years by the President's Commission on the Status of Women, the Citizens' Advisory Council on the Status of Women, and State commissions on the status of women concerning the various types of laws which distinguish on the basis of sex.[4] Opposition to the equal rights amendment in the past has been based in part on "fear of the unknown," *i.e.*, lack of information concerning the types of laws which distinguish on the basis of sex and would therefore be affected by the amendment. Further delay in approving the amendment thus need not await any further study of the kinds of laws that discriminate on the basis of sex.

These studies have shown that numerous distinctions based on sex still exist in the law. For example:

1. State laws placing special restrictions on women with respect to hours of work and weightlifting on the job;

2. State law prohibiting women from working in certain occupations;

3. Laws and practices operating to exclude women from State colleges and universities (including higher standards required for women applicants to institutions of higher learning and in the administration of scholarship programs);

4. Discrimination in employment by State and local governments;

5. Dual pay schedules for men and women public school teachers;

6. State laws providing for alimony to be awarded, under certain circumstances, to ex-wives but not to ex-husbands;

7. State laws placing special restrictions on the legal capacity of married women or on their right to establish a legal domicile;

8. State laws that requires married women but not married men to go through a formal procedure and obtain court approval before they may engage in an independent business.[5]

9. Social Security and other social benefits legislation which give greater benefits to one sex than to the other;

10. Discriminatory preferences, based on sex, in child custody cases;

11. State laws providing that the father is the natural guardian of the minor children; [6]

12. Different ages for males and females in (a) child labor laws, (b) age for marriage, (c) cutoff of the right to parental support, and (d) juvenile court jurisdiction;

13. Exclusion of women from the requirements of the Military Selective Service Act of 1967;

14. Special sex-based exemptions for women in selection of State juries;

15. Heavier criminal penalties for female offenders than for male offenders committing the same crime.

Although it is possible that these and other discriminations might eventually be corrected by legislation, legislative remedies are *not* adequate substitutes for fundamental constitutional protection against discrimination. Any class of persons (i.e., women) which cannot successfully invoke the protection of the Constitution against discriminatory treatment is by definition comprised of "second class citizens" and is inferior in the eyes of law.

THE POSITION OF WOMEN UNDER EXISTING CONSTITUTIONAL PROVISIONS

The Fourteenth Amendment to the U.S. Constitution provides that no State shall "deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." The Federal government is similarly restricted from interfering with these individual rights, under the "due process clause" of the Fifth Amendment.

During the past century, women have been largely unsuccessful in seeking judicial relief from sex discrimination in cases challenging the constitutionality of discriminatory laws under these provisions. As the Committee on Civil and Political Rights, President's Commission on the Status of Women, noted in its 1963 Report,

In no 14th amendment case alleging discrimination on account of sex has the United States Supreme Court held that a law classifying persons on the basis of sex is unreasonable and therefore unconstitutional.[7]

In 1874, the Supreme Court held that the privileges and immunities of citizens of the United States, protected from abridgment by the States under the Fourteenth Amendment, did not confer upon women the right to vote, although the Court conceded that women were persons and citizens within the meaning of the amendment.[8] Similarly, the privileges and immunities clause was held not to confer on women the right to practice law.[9]

The constitutionality of State laws regulating the employment of women (but not men) was upheld in a number of cases brought between 1908 and 1937: maximum hours laws,[10] laws prohibiting night work for women,[11] and laws requiring a minimum wage for women.[12] In 1948, the Court upheld a Michigan law prohibiting (with certain exceptions) the licensing of women as bartenders.[13]

A Florida law providing that women not be called for jury service unless she registers with the clerk of court her desire to serve was held not violative of the Fourteenth Amendment in 1961.[14] However, more recently, a three-judge Federal court in Alabama held that State's law excluding women from jury service violated the rights of women under the Fourteenth Amendment stating:

The Constitution of the United States must be read as embodying general principles meant to govern society and the institutions of government as they evolve through time. It is therefore this Court's function to apply the Constitution as a living document to the legal cases and controversies of contemporary society.

The Alabama statute that denies women the right to serve on juries . . . violates that provision of the Fourteenth Amendment to the Constitution of the United States that forbids any state to "deny to any person within its jurisdiction the equal protection of the laws." The plain effect of this constitutional provision is to prohibit prejudicial disparities before the law. This means prejudicial disparities for all citizens—including women. *White* v. *Crook*, 251 F. Supp. 401, 408 (M.D. Ala., 1969).

In *Abbot* v. *Mines*, 411 F. 2d 353 (C.A. 6, 1969) the Court reversed a case in which the trial judge had dismissed women jurors from the panel because the evidence in the case required testimony concerning cancer of the male genitals. The Court of Appeals stated:

It is common knowledge that society no longer coddles women from the very real and sometimes brutal facts of life. Women, moreover, do not seek such oblivion.

The District Judge's desire to avoid embarrassment to the women jurors is understandable and commendable but such sentiments must be subordinated to constitutional mandates. 411 F. 2d at 355.

As recently as ten years ago, the Supreme Court declined to hear a case in which the Texas Court of Civil Appeals had upheld the exclusion of women from a State college, Texas A & M.[15]

In February 1970 a three-judge Federal court dismissed as "moot" a class action in which women sought to desegregate various all male and all female public institutions of higher learning in the State of Virginia. However, the Court had previously ordered the University to consider without regard to sex the women plaintiffs' applications for admission to the University of Virginia at Charlottesville and to submit a three-year plan for desegregating the University at Charlottesville. *Kirstein et al.* v. *The Rector and Visitors of the University of Virginia, etc., et al.* (E.D. Va., Richmond Div. Civil No. 220-69-R).

Although there are very few female criminals as compared to male criminals, some laws provide for longer prison terms for women than for men committing the same crime. Such laws in Pennsylvania and Connecticut have been held to be inconsistent with the equal protection guarantees of the Fourteenth Amendment.[16]

Thus, in at least two areas—jury service and criminal penalties—women appear to have made progress in invoking the protection of the Fourteenth Amendment. Although jury service is important as a practical matter it is hardly central to the lives of women. Criminal penalties are of real significance to only a very few women. Moreover, the court decisions have not wiped out discrimination even in these areas. The *Kirstein* case noted above represents some progress in an area vital to women—education, but the extent to which women may insist on equal educational opportunities under the Constitution still remains unclear.

Different treatment of men and women for purposes of computing social security benefits has been held not to violate the right to due process and equal protection of the laws. *Gruenwald* v. *Gardner*, 390 F. 2d 591 (C.A. 2, 1968), cert. denied, 393 U.S. 982. The Court of Appeals stated that "the trend of authority makes it clear that the variation in amounts of retirement benefits based upon differences in the attributes of men

Footnotes at end of article.

and women is constitutionally valid." The Court also stated:

There is here a reasonable relationship between the objective sought by the classification, which is to reduce the disparity between the economic *and physical* capabilities of a man and a woman—and the means used to achieve that objective in affording to women more favorable benefit computations. There is, moreover, nothing arbitrary or unreasonable about the application of the principle underlying the statutory differences in the computations for men and women. Notwithstanding the favorable treatment granted to women in computing their benefits, the average monthly payments to men retiring at age 62 still exceeds those awarded women retiring at that age. 390 F. 2d at 592. (emphasis supplied)

In a case involving a violation of the Military Selective Service Act of 1967, the defendant raised the issue of sex discrimination, charging that since men but not women are compelled to serve in the Armed Forces, his rights to due process of law under the Fifth Amendment were violated. *United States* v. *St. Clair*, 291 F. Supp. 122 (S.D. N. Y., 1968). The Court stated:

In the Act and its predecessors, Congress made a legislative judgment that men should be subject to involuntary induction but that women, presumably because they are "still regarded as the center of home and family life" (*Hoyt* v *State of Florida*, . . .), should not. Women may constitutionally be afforded "special recognition" (cf. *Gruenwald* v. *Gardner*, . . .) particularly since women are not excluded from service in the Armed Forces.

In providing for involuntary service for men and voluntary service for women, Congress followed the teachings of history that if a nation is to survive, *men must provide the first line of defense while women keep the home fires burning*. 291 F. Supp. at 124–5. (Emphasis supplied)

In two recent cases, women sought to enjoin State officials from enforcing special restrictions on the hours of work of women on the ground that such laws violate their rights to due process and equal protection of the law under the Fourteenth Amendment. The three-judge Federal courts (convened pursuant to 28 U.S.C. 2281, 2284) held that the constitutional issue was insubstantial and that the three-judge court lacked jurisdiction.[17] The women argued that because of the State restrictive laws, they were deprived of opportunities for better paying jobs and overtime pay.

The President's Commission on the Status of Women stated in its 1963 report, *American Women*, that it was convinced that the U.S. Constitution now embodies equality of rights for men and women. . . . But judicial clarification is imperative in order that remaining ambiguities with respect to the constitutional protection of women's rights be eliminated. Early and definitive court pronouncement, particularly by the U.S. Supreme Court, is urgently needed with regard to the validity under the 5th and 14th amendments of laws and official practices discriminating against women, to the end that the principle of equality become firmly established in constitutional doctrine. (GPO, page 45).

The position of women under the Constitution remains ambiguous in 1970.

RELATIONSHIP BETWEEN THE EQUAL RIGHTS AMENDMENT AND EXISTING CONSTITUTIONAL PROVISIONS

It is, of course, possible that the 5th and 14th amendments will in the future be interpreted by the courts as prohibiting all sex distinctions in the law. Nothing in the proposed equal rights amendment would preclude this from occurring; the amendment would in no way cut back, modify, or qualify any protection against discrimination based on sex which may be afforded by the 5th and 14th amendments. As pointed out in Story, *Commentaries on the Constitution of the United States* (5th Edit. §§ 1938, 1939):

The securities of individual rights, it has often been observed, cannot be too frequently declared, nor in too many forms of words; nor is it possible to guard too vigilantly against the encroachments of power, nor to watch with too lively a suspicion the propensity of persons in authority to break through the "cobweb chains of paper constitution." . . .

Conceding, therefore, that if correctly construed, and applied according to their true intent and meaning, other constitutional provisions, State and national, might afford ample security for individual rights, we may nevertheless pardon the anxiety for further prohibitions, and concede that, even if wholly needless, the repetition of such securities may well be excused so long as the slightest doubt of their having been already sufficiently declared shall anywhere be found to exist.

The proposed amendment would secure the right of all persons to equal treatment under the law without any distinction as to sex. If the protection against sex discrimination provided by the equal rights amendment should prove to be duplicative of protections afforded by enlightened interpretations of the 5th and 14th amendments, no harm would be done.

Supporters of the equal rights amendment believe that the potential of the 14th amendment is too unclear and that women's constitutional rights to equality are too insecure to rely evclusively on the possibility of getting more enlightened court decisions under that amendment.

In a 1963 case, the Supreme Court stated: "The Fifteenth Amendment prohibits a State from denying or abridging a Negro's right to vote. The Nineteenth Amendment does the same for women. . . . Once a geographical unit for which a representative is to be chosen is designated, all who participate in the election are to have an equal vote—whatever their race, whatever their sex. . . . This is required by the Equal Protection Clause of the Fourteenth Amendment. *Gray* v. *Sanders*, 372 U.S. 368, 379."

This interpretation of the 14th amendment reinforced and made doubly secure the right to vote. There are numerous cases in which the Supreme Court has interpreted the 14th amendment to reinforce or to extend rights guaranteed by earlier or, as in the above case, later amendments to the Constitution. For example, the more general due process and equal protection concepts of the 5th and 14th amendments have been used to strengthen more specific rights of individuals to freedom of speech, assembly and religion guaranteed by the First Amendment; and the right to a speedy trial and the right to counsel guaranteed by the Sixth.

If the equal rights amendment is adopted, the courts might well subsequently interpret the Fourteenth Amendment as reinforcing constitutional equality for women. Certainly this possibility does not justify further delay in approving the amendment.

EFFECT THE EQUAL RIGHTS AMENDMENT WOULD HAVE ON LAWS DIFFERENTIATING ON THE BASIS OF SEX

Constitutional amendments, like statutes, are interpreted by the courts in the light of intent of Congress. Committee reports on a proposal are regarded by the courts as the most persuasive evidence of the intended meaning of a provision. Therefore, the probable meaning and effect of the equal rights amendment can be ascertained from the Senate Judiciary Committee reports (which have been the same in recent years):

1. The amendment would restrict only governmental action, and would not apply to purely private action. What constitutes "State action" would be the same as under the 14th amendment and as developed in 14th amendment litigation on other subjects.

2. Special restrictions on property rights of married women would be unconstitutional; married women could engage in business as freely as a member of the male sex; inheritance rights of widows would be same as for widowers.

3. Women would be equally subject to jury service and to military service, but women would not be required to serve (in the Armed Forces) where they are not fitted any more than men are required to so serve.

4. Restrictive work laws for women only would be unconstitutional (e.g. maximum hours, night work and weight-lifting restrictions on women).

5. Alimony laws would not favor women solely because of their sex, but a divorce decree could award support to a mother if she was granted custody of the children. Matters concerning custody and support of children would be determined in accordance with the welfare of the children and without favoring either parent because of sex.

6. Laws granting maternity benefits to mothers would not be affected by the amendment, nor would criminal laws governing sexual offenses become unconstitutional (e.g. rape, prostitution).

Although the proposed amendment would specifically authorize the Congress and the States to enact implementing legislation, the amendment would be largely self-operative. The amendment is patterned after the 15th and 19th amendments, which required equal voting rights for Negroes and women, respectively. The 15th and 19th amendments did not render unconstitutional all State voting laws; they simply required the extension of voting rights to Negroes and women. The equal rights amendment would simply require that men and women be treated the same under the law. In some instances, like the 15th and 19th amendments, the effect of the amendment would be to strike the words of sex identification in the law rather than render it unconstitutional, thereby extending the rights under the law to both sexes. In other cases, where the law serves only to restrict, deny or limit the freedoms or rights of one sex, such restrictions would not be extended to both sexes; the law would be rendered unconstitutional. In still other cases, the law is partially restrictive to persons of one sex in that age limitations are imposed differently on males and females.

Following is a five-point analysis of the impact the equal rights amendment will have on the various types of Federal and State laws which distinguish on the basis of sex:

1. *Strike the Words of Sex Identification and Apply the Law to Both Sexes.*

Where the law confers a benefit, privilege or obligation of citizenship, such would be extended to the other sex, i.e. the effect of the amendment would be to strike the words of sex identification. Thus, such laws would not be rendered unconstitutional but would be extended to apply to both sexes by operation of the amendment, in the same way that laws pertaining to voting were extended to Negroes and women under the 15th and 19th amendments.

Examples of such laws include: laws which permit alimony to be awarded under certain circumstances to wives but not to husbands; social security and other social benefits legislation which give greater benefits to one sex than the other; exclusion of women from the requirements of the Military Selective Service Act of 1967 (i.e., women would be equally subject to military conscription).

Any expression of preference in the law for the mother in child custody cases would be extended to both parents (as against

Footnotes at end of article.

claims of third parties). Children are entitled to support from *both* parents under the existing laws of most States.[18] Child support laws would be affected only if they discriminate on the basis of sex. The amendment would not prohibit the requiring of one parent to provide financial support for children who are in the custody of the other.

2. *Laws Rendered Unconstitutional by the Amendment.*

Where a law restricts or denies opportunities of women or men, as the case may be, the effect of the equal rights amendment would be to render such laws unconstitutional.

Examples are: the exclusion of women from State universities or other public schools; State laws placing special restrictions on the hours of work for women or the weights women may lift on the job; laws prohibiting women from working in certain occupations, such as bartenders; laws placing special restrictions on the legal capacity of married women, such as making contracts or establishing a legal domicile.

3. *Removal of Age Distinctions Based on Sex.*

Some laws which apply to both sexes make an age distinction by sex and thereby discriminate as to persons between the ages specified for males and females. Under the foregoing analysis, the ages specified in such laws would be equalized by the amendment by extending the benefits, privileges or opportunities under the law to both sexes. This would mean that as to some such laws, the *lower* age would apply to both sexes. For example: a lower minimum age for marriage for women would apply to both sexes; a lower age for boys under child labor laws would apply to girls as well. In other words, the *privileges* of marrying or working would be *extended* and the sex discrimination removed.

As to other laws, the *higher* age would apply to both sexes. For example: a higher cut-off age for the right to paternal support for boys would apply to girls as well; a higher age for girls for juvenile court jurisdiction would apply also to boys. In these cases, the *benefits* of paternal support or juvenile court jurisdiction would be *extended* to both sexes.

Thus, the test in determining whether these laws are to be equalized by applying the lower age or by applying the higher age to both sexes is as follows:

If the age limitation restricts individual liberty and freedom the lower age applies; if the age limitation confers a right, benefit or privilege to the individuals concerned and does not limit individual freedom, the higher age applies.

4. *Laws Which Could Not Possibly Apply to Both Sexes Because of the Difference in Reproductive Capacity.*

Laws which, as a practical matter, can apply to only one sex no matter how they are phrased, such as laws providing maternity benefits and laws prohibiting rape, would not be affected by the amendment. The extension of these laws to both sexes would be purely academic, since such laws would not apply differently if they were phrased in terms of both sexes. In these situations, the terminology of sex identification is of no consequence.[19]

5. *Separation of the Sexes.*

Separation of the sexes by law would be forbidden under the amendment except in situations where the separation is shown to be necessary because of an overriding and compelling public interest and does not deny individual rights and liberties.

For example, in our present culture the recognition of the right to privacy would justify separate restroom facilities in public buildings.

As shown above, the amendment would not change the substance of existing laws, except that those which restrict and deny opportunities to women would be rendered unconstitutional under the standard of point two of the analysis. In all other cases, the laws presently on the books would simply be equalized, and this includes the entire body of family law. Moreover, the amendment in no way would restrict the State legislature or the Congress in enacting legislation on any subject, since its only purpose and effect is to prohibit any distinction based on sex classification.

OBJECTIONS TO THE PROPOSED EQUAL RIGHTS AMENDMENT

Objection. The equal rights amendment is not needed because women already have equal rights under the 5th and 14th amendments.

Answer. The extent to which women may invoke the protection of the due process and equal protection guarantees of the 5th and 14th amendments is unclear. In fact, some recent court decisions have upheld sex distinctions in the law, in spite of these constitutional provisions. Even if the 5th and 14th amendments are in future cases construed so as to eliminate all sex distinctions in the law, the equal rights amendment would simply make the individual's right to equal treatment doubly secure.

Objection. If the amendment were adopted the courts would be flooded with litigation because the meaning of the amendment is not clear; e.g., what are the various "rights" that would be protected? What does "equality" mean?

Answer. The equal rights amendment would not cause excessive litigation unless there were massive resistance to compliance with the amendment's requirement of equal treatment of men and women. If that happened, it would only prove the great need for the amendment. The "right" protected by the amendment is the right to *equal treatment under the law,* whatever the subject of the law may be, without distinction based on sex.

Objection. The amendment would render unconstitutional a wide variety of State laws which now treat men and women differently.

Answer. Some State laws—those which *deny* rights or restrict freedoms of one sex—would be violative of the equal rights amendment and rendered unconstitutional. Laws which *confer* rights, benefits and privileges on one sex would have to apply to both sexes equally, but would not be rendered unconstitutional by the amendment.

Objection. The amendment would require sweeping changes in laws pertaining to the family.

Answer. The amendment would simply require equality. In States where the law provides for alimony only for wives, courts could award alimony to husbands as well, under the same conditions as apply with respect to wives. (More than ⅓ of the States now permit alimony to be awarded to either spouse.) Mothers and fathers would both be legally responsible for the support of their children, as is generally the case under existing law.

Objection. The amendment would nullify special State protective labor laws for women, such as those governing limitations on hours of work, weightlifting on the job, and prohibitions against night work, for women employees only.

Answer. This issue is fast becoming moot, because the Federal law (Title VII of the Civil Rights Act of 1964) prohibits sex discrimination in employment and requires employers covered by the Act to treat men and women equally. A number of States have already conceded that special restrictions on women may no longer be enforced.

Objection. Women would be equally subject to the draft.

Answer. This is true. Women do serve in the Armed Forces now, but on a volunteer basis. The amendment would also prohibit more stringent eligibility standards for women than for men volunteers.

Objection. The equal rights amendment would require equal rights and responsibilities for women under the law.

Answer. True.

FOOTNOTES

[1] See, e.g., S.J. Res. 61, 91st Cong., 1st Sess.

[2] Hearings on the Equal Rights Amendment to the Constitution and Commission on the Legal Status of Women, House Committee on the Judiciary, Subcommittee No. 1, 80th Cong., 2d Sess. (1948); Hearings on Equal Rights, Senate Committee on the Judiciary, Subcommittee on Constitutional Amendments, 84th Cong., 2d Sess. (1956).

[3] See 96 Cong. Rec. 872–3 (1950); 99 Cong. Rec. 8954–5 (1953).

[4] See especially, *Report of the Committee on Civil and Political Rights,* President's Commission on the Status of Women (GPO, 1963); *Report of the Task Force on Labor Standards,* Citizens' Advisory Council on the Status of Women (GPO, 1968); *Report of the Task Force on Family Law and Policy,* CACSW (GPO, 1968). See also, Kanowitz, *Women and the Law: The Unfinished Revolution,* U. of N.M. Press, 1969.

[5] See, e.g., Calif. Code Civ. Proc., §§ 1811-1819; Nev. Rev. Stats., §§ 124. 010—124. 050.

[6] See, e.g., Code of Ga. Annot., §§ 49–102—49–104; Okla. Stats. Annot., tit. 10, § 5.

[7] GPO, 1963, p. 34.

[8] *Minor* v. *Happersett,* 21 Wall. 162, 168.

[9] *Bradwell* v. *State,* 16 Wall. 130 (1872). *In re Lockwood,* 154 U.S 116 (1894).

[10] *Muller* v. *Oregon,* 208 U.S. 412 (1908); *Riley* v. *Massachusetts,* 232 U.S. 671 (1914); *Miller* v. *Wilson,* 236 U.S. 373 (1915); *Busley* v. *McLaughlin,* 236 U.S. 385 (1915).

[11] *Radice* v. *New York,* 264 U.S. 292 (1924).

[12] *West Coast Hotel Co.* v. *Parrish,* 300 U.S. 379 (1937), overruling *Adkins* v. *Children's Hospital,* 261 U.S. 525 (1923).

[13] *Goesaert* v. *Cleary,* 335 U.S. 464 (1948).

[14] *Hoyt* v. *Florida,* 368 U.S. 57 (1961).

[15] *Alfred* v. *Heaton,* 336 S.W. 2d 251 (1960), appeal dismissed and cert. denied, 364 U.S. 517, rehearing denied, 364 U.S. 944; see also *Heaton* v. *Bristol,* 317 S.W. 2d 86 (1958), appeal dismissed and cert. denied, 359 U.S. 230, rehearing denied, 359 U.S. 999.

[16] *Commonwealth* v. *Daniel,* 430 Pa. 642, 243 A. 2d 400 (1968); *U.S. ex rel. Robinson* v. *York,* 281 F. Supp. 8 (D. Conn., 1968).

[17] *Mengelkoch* v. *Industrial Welfare Commission,* 284 F. Supp. 950, 956 (C.D. Calif., 1968), three-judge order vacated, 393 U.S. 83, rehearing denied, 393 U.S. 993, appeal pending in the Ninth Circuit; *Ward* v. *Luttrell,* 292 F. Supp. 162, 165 (E. D. La. 1968).

[18] *Reciprocal State Legislation to Enforce the Support of Dependents,* Council of State Governments, 1964, page 20.

[19] See Murray and Eastwood, "Jane Crow and the Law: Sex Discrimination and Title VII" 34 G. W. L. Rev. 232, 240-241 (1965).

(NOTE.—Where the term GPO is mentioned in the text or in footnotes, the documents are available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.)

EXECUTIVE ORDER 11126—ESTABLISHING A COMMITTEE AND A COUNCIL RELATING TO THE STATUS OF WOMEN

The President's Commission on the Status of Women, established by Executive Order No. 10980 of December 14, 1961, has in fulfillment of its responsibilities, submitted a report concerning the steps that should be taken to further the effort to achieve the full participation of women in American life.

Enhancement of the quality of American leife, as envisioned by the Commission's report can be accomplished only through concerted action by both public and private groups, through coordinated action within

the Federal Government, and through action by States, communities, educational institutions, voluntary organizations, employers, unions, and individual citizens.

In order to assure effective and continuing leadership in advancing the status of women, it is deemed appropriate to establish an interdepartmental committee and a citizens' advisory council on the status of women.

Now, therefore, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

PART I.—INTERDEPARTMENTAL COMMITTEE ON THE STATUS OF WOMEN

Section 101(a) There is hereby established the Interdepartmental Committee on the Status of Women (hereinafter referred to as the "Committee"), which shall be composed of the Secretary of Labor, who shall be the Chairman of the Committee, the Secretary of State, the Secretary of Defense, the Attorney General, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Health, Education, and Welfare, the Chairman of the Civil Service Commission, the Chairman of the Equal Employment Opportunity Commission, the Director of the Office of Economic Opportunity, and an Assistant Secretary of Labor to be designated by the Secretary of Labor, all ex officio. The Chairman may designate a Vice-Chairman of the Committee from its membership, and the Director of the Women's Bureau of the Department of Labor shall serve as Executive Vice-Chairman of the Committee, and shall be an ex officio member thereof.[1]

(b) When any matter especially related to the area of responsibility of any Federal Department or agency, the head of which is not a member of the Committee, is to be considered by the Committee, the Chairman of the Committee shall invite the head of such department or agency to participate in the deliberations of the Committee with respect to such matter and to be a temporary member of the Committee during such deliberations.

Sec. 102. The Committee shall—

(1) Maintain a continuing review and evaluation of the progress of Federal departments and agencies in advancing the status of women.

(2) Serve as a clearing house for information as to the activities being directed toward, and the progress being made in, improving conditions of special interest to women.

(3) Stimulate cooperation and the sharing of data, views, and information among Federal agencies, State and local governments, State commissions on the status of women, and public and private organizations having responsibilities and interests in areas of special concern to women.

(4) Encourage research on factors affecting the status of women in the areas of education, home and community activities, employment, social insurance, taxes, civil and political rights, labor legislation, and related matters.

(5) Exchange information with the Citizens' Advisory Council on the Status of Women, established by Part II of this order, on progress toward advancing the status of women and on new developments requiring consideration by the Council and the Committee.

Sec. 103. Annually the Committee, after consultation with the Citizens' Advisory Council, shall transmit a report to the President concerning the status of women.[1]

PART II—CITIZEN'S ADVISORY COUNCIL ON THE STATUS OF WOMEN

Sec. 201. There is hereby established the Citizens' Advisory Council on the Status of Women (hereinafter referred to as the "Council"), which shall be composed of 20 members appointed by the President, one of whom he shall designate to serve as Chairman. The Council shall meet at the call of the Chairman of the Committee, but not less than twice a year. Members of the Council shall serve without compensation from the United States.[1]

Sec. 202. The Council shall—

(1) Serve as a primary means for suggesting and stimulating action with private institutions, organizations, and individuals working for improvement of conditions of special concern to women.

(2) Review and evaluate progress of organizations in furthering the full participation of women in American life.

(3) Advise and assist the Committee in the evaluation of total progress made and recommended to the Committee, as necessary, action to accelerate such progress.

(4) Consider the effect of new developments on methods of advancing the status of women and recommend appropriate action to the Committee.

PART III.—FINANCING AND ADMINISTRATION

Sec. 301. The departments the heads of which are, under Section 101(a) of this order, members of the Committee and the Civil Service Commission shall, as may be necessary, furnish assistance to the Committee in accordance with Section 214 of the Act of May 3, 1945, 59 Stat. 134 (31 U.S.C. 691). To the extent practical and not inconsistent with the law, (1) all Federal departments and agencies shall cooperate with the Committee and the Council and furnish them such information and assistance as may be necessary for the performance of their functions, and (2) the Secretary of Labor shall furnish staff, office space, office facilities and supplies and other necessary assistance, facilities, and services for the Committee and Council (including travel expenses and per diem in lieu of subsistence for members of the Council).

[s] JOHN F. KENNEDY.

THE WHITE HOUSE, *November 1, 1963.*

[1] As amended by Executive Order 11221 of May 6, 1965, 30 F. R. 6427.

[1] As amended by Executive Order 11221 of May 6, 1965, 30 F.R. 6427.

COLLISION WARNING

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. PUCINSKI. Mr. Speaker, on January 8, 1960, two F–101B's collided approximately 60 miles from Lambert-St. Louis Airport under positive radar control. Both planes were lost, and two crew members killed. This incident sparked the McDonnell Douglas investigation of collision avoidance, which gave birth to the time resynchronization technology called EROS. EROS is an acronym that stands for "eliminate range zero system," for if range zero is eliminated, no collision can occur.

The McDonnell Douglas investigation followed the now traditional path of a detailed investigation. In a 2-year study, it was determined that none of the previous air safety devices provided the needed protection necessary to handle aircraft over a wide velocity spectrum and in all attitude maneuvering flight.

More recently the examination of this technology has led to a realization, that the same signal structure that provides collision avoidance warning, can also be used as a powerful tool to aid air traffic control.

Earlier this year I entered into the CONGRESSIONAL RECORD an article honoring Mr. Frank C. White or as he is known in the trade, "Mr. Collision Avoidance." Today, I am entering an article by Mr. Joe Dobronski, chief test pilot for the McDonnell Douglas Corp. His article clearly explains the current technology of collision avoidance systems, and points to the urgent need for every aircraft to have such equipment. I am grateful to Mr. Dale May, one of the Nation's top spokesmen for general aviation, for calling this article to my attention.

Since coming to Congress in 1959, I have advocated such equipment be mandatory on all aircraft. Coverage for the entire United States is estimated to cost about $80 million. I urge all my colleagues to read this article very carefully and weigh the benefits and safety factors we are unmindful of. The article follows:

COLLISION WARNING

(By Joe Dobronski)

The test run began at 45,000 feet above the Missouri-Arkansas border. I had just pushed our F–4 Phantom to more than 1000 mph, and the foothills of the Ozarks were sweeping beneath our wings at nearly 20 miles a minute.

Ahead of us, another supersonic Phantom was closing straight for a tiny point in the sky—a spot we both would soon occupy at the same time.

The miles between us were dropping away so fast that I would be unable to identify the approaching speck on the windscreen before it became distressingly huge. The final mile would close in barely more than a second, and we would not see each other in time to take evasive action. Nor would we be warned from the ground.

But we would not collide.

A new concept in airborne collision avoidance was about to receive one of its toughest tests, a head-on pass at supersonic speeds. A slim package of electronic circuitry in the missile well of our airplane was sending and receiving precisely-timed signals that would allow detection of the imminent crash when the two planes were still 35 miles apart—or 60 seconds before we would fly to destruction.

As we held our course and speed, a rasping tone in the headset sounded the warning. On my instrument panel an arrow popped into view. "Fly up", it said. At the same instant an arrow was appearing in the cockpit of the other fighter miles away. "Fly down", it said. Seconds later he saw the sun glint for an instant on the wings of the other half of our potential catastrophe as it passed 1000 feet below.

This mid-air crash was averted by a new collision avoidance system, EROS, since proven on more than 14,000 operational flights. Configured to airline requirements, it may one day soon protect air travellers everywhere.

A CONDITION IN COMMON

The concept demonstrated above the Ozarks was developed as a result of a mid-air crash of two of our supersonic F–101 Voodoos in 1960. We studied backwards from the instant of contact, looking into every possibility for avoiding the accident. We compared it with other recorded mid-air crashes. And we found that, no matter what other circumstances exist, all air collisions have one obvious condition in common. The range between two colliding aircraft eventually closes to zero.

The name and purpose of the new device had emerged: "Eliminate Range O System"—EROS. In pursuit of this goal, engineers at McDonnell Douglas faced a challenge that had frustrated researchers in a score of companies for over a decade. The solution, easier to hypothesise than to achieve, was to avoid range zero by finding a way to measure the range and closing rate between aircraft.

If you know that an aircraft is 20 miles away and you are closing at 20 miles a minute, then you have 60 seconds to react, to maneuver your aircraft out of harm's way. But there was no existing way to determine range and closing rate for a large number of aircraft, all climbing, descending, maneuvering and speeding through a given airspace—at least not with an airborne system smaller than house-sized proportions. The necessity was to find a means for literally hundreds of aircraft to communicate with one another without interference.

The eventual solution was to develop a new technique, now known as "resynchronisation". In simple terms, it precisely divides the few seconds available for solving the collision avoidance problem. Inexpensive, lightweight, airborne clocks (crystal oscillators) are reset every three seconds by a signal from a ground station master clock. This maintains a time reference accurate to 0.0000002 of a second in each aircraft. The continuously synchronised clocks make it possible to allocate time periods, or "message slots," to EROS-equipped aircraft.

A TIME TO TALK AND A TIME TO LISTEN

Each aircraft is assigned a message slot: a time to talk. When the onboard clock reaches the assigned time period for broadcast, the EROS system transmits a signal that includes its identification and altitude.

All other EROS system listen. By measuring the delay between the instant transmission starts and the instant it is received, each EROS set can determine the range between itself and the transmitting aircraft.

In addition, because of Doppler effect, the radio frequency of the signal received changes according to the relative speed between the two aircraft. From this change, EROS logic can determine the time to closest approach, by electronically dividing the range by the range rate. When the flight paths become threatening, the system issues a warning. With the commercial EROS system installed, 2000 aircraft with a 140-mile radius could accomplish all of this communication, interpretation, and presentation every three seconds.

Admittedly, collisions could still occur between aircraft approaching each other at speeds too slow for the Doppler shift to be discernible. (The 1956 Grand Canyon collision between two airliners was at such gradual closing rates.) Consequently, the system warns of aircraft flying at the same altitude and within 1½ miles, regardless of the closing rate.

PROTECTION EVEN WHILE MANEUVERING

Altitude information coded in the incoming EROS signal is compared electronically with the altitude and rate-of-climb or descent in the receiving aircraft. If the comparison finds the paths of two aircraft crossing at the same altitude, a collision situation exists. The warning is sounded. But it doesn't help a pilot to find out he's in trouble if you don't tell him what to do. EROS does.

A buzzer—a loud one—tells him to look at his collision avoidance instrument. Lighted arrows tell him to fly up or fly down. In heavy traffic, where other aircraft occupy altitudes above and below, the instrument will direct a relatively small climb or dive to avoid the collision without disrupting other air traffic.

EROS is a "real time" device. That means it does not store or retrieve information. Its computations are fairly simple. All information needed to avoid a collision is evaluated once every three seconds. Information presented three seconds later is completely new and current.

It is "real time" in another sense. It is not a system dependent on new technological breakthroughs or a long development cycle. EROS, with 14,000 flights behind it, is a proven concept, a proven system, ready to enter quantity production. The system, electronically configured to airline requirements, has been studied and operationally tested by the Air Transport Association. The test programme, in which the McDonnell Douglas system and precise time-base CAS systems of two other manufacturers were evaluated, was sponsored, by a number of major US air carriers and included FAA paticipation.

WHY CAN'T WE HAVE IT NOW?

Various reasons for delaying the system's introduction are cited, but none of them convincing from a pilot's—or passenger's—point of view.

Naturally, there's concern about the cost of CAS equipment, a totally new installation serving chiefly as an adjunct to existing air traffic control systems. But such back-up systems are more common than not on airlines, and EROS also offers system growth potential beyond its basic collision avoidance role.

To extend the EROS system to smaller aircraft also requires a national network of ground stations. These would necessarily number in the hundreds, as compared to the handful needed for airlines (whose more sophisticated airborne equipment requires far fewer ground references). However, the equipment is already developed, and coverage for the entire US is estimated to cost about $80 million—which is hardly prohibitive when measured against the safety benefits offered.

The light plane operator is justifiably concerned about the cost of an airborne system frequently greater than his airplane. Under a contract with NASA's Electronic Research Center, McDonnell Douglas engineers are defining an EROS derivative system of a size, weight and price for the private and business market. This is a necessity; for without equipment on these aircraft, the safety advantages of EROS are denied to this major segment of the flying public, and the safety of the system serving the airlines is compromised. Big and small, all planes need collision protection and we're working to provide it.

The history of electronic system progress is promising. It is characteristic for such systems to drop sharply in price as they are introduced. VHF communication systems, when first developed in the late '40s, were limited in performance and as costly in the dollars of the day as is today's EROS. Yet now, tens of thousands of small aircraft operate quite successfully with lightweight VHF radios costing less than $500 and with a performance 100 times greater than the first sets introduced.

EROS AUGMENTS PRESENT SYSTEM

The EROS system works well with current air traffic control, providing a direct cockpit-to-cockpit backup to existing systems. Moreover, it has the seeds of growth and improvement necessary to accommodate increased air traffic in the decades ahead.

The heart of EROS, the precise time base, conserves radio frequencies. We've developed techniques to use the collision avoidance signal for communication, navigation, and identification, plus station-keeping on other aircraft. The time-frequency concepts of EROS can increase the amount and accuracy of information available to ground controllers. EROS reduces the air-to-ground communication burden, and permits a significant reduction in the airspace allotted to individual aircraft—effectively creating more room for everyone to fly.

I'm frequently asked why a company known for building large jetliners and high performance fighters got into a system like EROS.

In the early '60s, we were facing very high production schedules in our own Phantom programmes. The situation virtually demanded that we add some form of collision protection to our aircraft to achieve our flight test goals. Otherwise, we would become an excessive burden on air traffic controllers, and at our airspeeds we would require an inordinate amount of airspace in which to fly. The answer was EROS.

Today we consider it a requirement. We don't go up without it. And as far as airline operations are concerned, we feel we've discovered a genuine means for safer, more dependable transportation.

THE NATIONAL METROPOLITAN DEVELOPMENT BANK, H.R. 16448

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. FRASER. Mr. Speaker, new procendures are needed to amass credit to build the vast amount of community facilities required in the coming years. H.R. 16448, the Metro Bank Act, does that job.

One estimate of the expenditure needed to replace obsolete facilities, reduce backlogs and provide for an expanding population is $625 billion by 1978. The Institute of Public Administration places a $6 trillion price tag on housing and community facilities up to the end of the century.

Local governments traditionally have borne the burden of providing public capital projects—the infrastructure of community growth—by borrowing up to half the funds through local bond issues. This method of obtaining credit is preferred by many local governments and nothing proposed here diminishes their right or ability to use bond issues whenever they desire. This proposal provides an alternative method for local governments to borrow money—an alternative source of credit. It provides the opportunity to avoid some of the more cumbersome, expensive, and time consuming procedures of issuing bonds, and holds the promise that interest charges can be reduced.

This proposal recommends the creation of a National Metropolitan Development Bank with metropolitan subsidiaries that will issue bonds and debentures on the national investment market and relend these funds to local communities at rates from 30 to 50 percent below the prevailing rates on its bonds. The bank would be authorized to make long-term—40- to 60-year—low-interest loans for building basic community facilities but it would also be able to finance low income housing and community medical facilities and other projects which are, by their nature, public facilities. And equally important, the bank would be able to make soft loans for up to 20 years for economic development, if an area is classified as low income, or depressed, or where an increase in investment is de-

clared to be in the national interest. Such a declaration for the soft loans would come from the Council of Economic Advisers acting upon the advice of the various departments which have expertise in assessing economic conditions.

The Federal Government would pay the difference between the interest rates of the loans and the bonds in annual appropriations. This amount would not be a net budget cost because national bank bondholders would pay Federal taxes on interest income.

The bank would be capitalized at $6 billion. One-half would be borrowed from the U.S. Treasury over a 10-year period. The other $3 billion would be raised by the sale of common stock. Each borrower would be required to purchase a portion of this stock based on the number of people within its jurisdiction, or on some other relevant criteria.

The bank would be chartered by special act of Congress but it would not be a Federal agency. It would work closely with the Federal Government. Representatives of Federal agencies and departments would serve on the board of directors.

Metropolitan areas that are large enough to generate a level of activity sufficient to support the operation of a subsidiary will be serviced through metropolitan branches. The balance of the bank's activities will be available through regional divisions each of which would have an advisory committee representing governments and borrowers within the region. The regional staffs would be expected to develop expertise in regional affairs, city and community problems, and Federal regional policies and practices.

Almost as important as its money-lending function would be the bank's function as expert and information sources on both Federal programs including funding levels and availability of funds—and specific metropolitan area problems. This position would enable the bank to coordinate not only Federal programs but the activities of local units of government as well. There is no greater need in America today than to find a mechanism to coordinate the vast number of Federal programs with the vast number of local governments that use the programs.

The National Metropolitan Development Bank also provides an opportunity to adopt sensible procedures in funding projects at the Federal level. At the present time, if the Federal support for a particular facility is 50 percent, then 50 percent of the entire cost must be appropriated in a single year. Under annual contributions only 50 percent of the annual payment due would be appropriated in a single year. This procedure allows more projects for building facilities to be started rapidly rather than spacing starts randomly over a long period of time according to the vagaries of congressional appropriations. The consequence is that our air and water would be cleaner sooner.

Heretofore, local governments opposed this plan because they would have had to issue two kinds of bonds—one for their share and one for the Federal share—and finance the Federal share—artifically inflating local debt probably beyond the statutory limit—even though each year the Federal Government would pay a proportion of the annual payment.

The Metro Bank Act removes this objection by having the Metro Bank lend money to a local government to cover the entire cost of the project, accepting a note from them for only their share. The balance would be secured by a commitment of the Federal Government—a power the bank would be given in its charter from Congress.

The Metropolitan Development Bank as proposed here not only provides a wholly new alternative that local governments can use in financing facilities but it also opens up the possibility of new approaches for the Federal Government to increase the number of facilities it can support for local government.

The text of H.R. 16448 follows:

H.R. 16448

A bill to establish a National Metropolitan Development Bank to provide an alternative source of credit to State and local governments for the purpose of financing public and quasi-public facilities of all types, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Metropolitan Development Bank Act of 1970".

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) (1) The Congress hereby finds and declares that population increases and rising demands for a safe and prosperous life have created an unprecedented demand for (A) basic community facilities, such as streets, schools, hospitals, housing, water and sewer facilities, waste disposal, mass transit, and parks and playgrounds, and (B) economic development in urban ghettos, disaster areas, and labor surplus areas, as well as in new towns and new cities.

(2) The Congress further finds that the existing institutional structure for providing funds—the municipal bond-Federal grant arrangement—cannot provide at reasonable cost the amounts necessary to satisfy these growing demands. The financial needs of our growing communities require the full mobilization of skills and resources in all levels of government, Federal, State, and local, as well as in the private sector.

(3) The Congress further finds that the most effective use of funds can only be made when information and technical expertise regarding engineering requirements, financial and economic factors, Federal programs and funding levels, and comprehensive area problems and planning are readily available at a single source.

(b) The purpose of this Act is to establish a National Metropolitan Development Bank system that will provide an alternative source of funds for community facilities and economic development, that will involve national investment markets and all groups of investors, and that will provide information to coordinate Federal, State, and local programs with local problems and governments.

CREATION OF BANK

SEC. 3. There is hereby created a body corporate to be known as the National Metropolitan Development Bank, which shall have succession until dissolved by Act of Congress. The bank, which shall not be an agency of the United States Government, shall maintain such offices as may be necessary or appropriate in the conduct of its business.

BOARD OF DIRECTORS

SEC. 4. (a) The bank shall have a board of directors which shall consist of fifteen members to be appointed by the President as follows: One member appointed by the President of the United States from the Federal Reserve System; four members appointed by the President from among the heads of the departments and principal agencies of the executive branch of the Government; two members who are Governors of States, selected from among nominees to be presented by the National Governors' Conference; two members who are elected officials of city government, selected from among nominees to be presented by the National League of Cities; two members who are elected officials of county government, selected from among nominees to be presented by the National Association of County Officials; and four members who are representatives of the general public, one of whom shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and shall serve as president of the bank and chairman of the board.

(b) Those directors who are appointed by the President of the United States shall serve at the pleasure of the President and until their successors have been appointed and have qualified. Except as provided in section 5, the remaining directors shall be elected by the stockholders for terms of two years, staggered so that one-half shall be elected annually. Elective seats on the board which become vacant during their term shall be filled by the board, but only for the unexpired portion of the term. Any director who is a full-time officer or employee of the United States shall not receive compensation for his services as director.

(c) The board shall meet at the call of its chairman, who shall require it to meet not less often than once every two months.

(d) Subject to the general policies of the board, the management of the bank shall be vested in the president and he shall be the chief executive officer of the bank.

APPOINTMENT OF INITIAL BOARD OF DIRECTORS

SEC. 5. The initial members of the board shall all be appointed by the President (with those members who under section 4 are to be nominated by the National Governors' Conference, the National League of Cities, and the National Association of County Officials and elected by the stockholders being appointed from amongst the nominees presented by those organizations). The members who under section 4 are to stand for election but who under this section are initially appointed by the President shall serve until the second annual meeting of stockholders following the date of the first sale of the bank's stock at which time the remaining board members shall designate which of the members then elected shall serve for one year and which shall serve for two years so that thereafter the terms of the elected board members shall be staggered.

INITIAL EXPENSES

SEC. 6. In order to facilitate the formation of the bank, the Secretary of the Treasury is authorized to pay initial organizing and operating expenses. There is hereby authorized to be appropriated a sum not to exceed $500,000 for this purpose.

AUTHORITY

SEC. 7. (a) Subject to the provisions of this Act, the bank is authorized—

(1) to make commitments to purchase, and to purcahse, service, and sell, on terms and conditions determined by the bank, any obligation (or participation therein) of a State or local government issued wholly or partly to finance the construction of basic community facilities or public works of any type;

(2) to make or guarantee loans to State and local governments to finance the construction of basic community facilities and public works of all types (including loans to nonprofit or quasi-governmental organiza-

tions and entities to finance the construction of housing, medical facilities, and other facilities which are supported by Federal or State programs and are determined by the bank to have the attributes of public facilities); and

(3) to make loans for the purpose of facilitating economic development in geographical areas designated by the Council of Economic Advisers as being low income, depressed, or labor surplus areas, disaster areas, or areas in need of direct investment to further the national public interest or other special help to stimulate economic activities within those areas.

(b) The bank shall develop criteria to assure that projects assisted by it are not inconsistent with comprehensive planning for the development of the communities in which they will be located or disruptive of Federal programs which authorize assistance for the development of like or similar categories of projects.

(c) A loan made under this section may not exceed the total capital cost of the project to be financed, and shall be made for a term determined by the bank; except that the term of a loan made under paragraph (2) of subsection (a) shall not exceed the life of the project or sixty years, whichever is less, and the term of a loan made under paragraph (3) of subsection (a) to a private person for a project consisting primarily of profitmaking facilities shall not exceed twenty years.

(d) All obligations purchased and loans made pursuant to this section shall bear interest at a rate determined by the bank which shall be low enough to be competitive with municipal bonds.

(e) In any case in which the bank undertakes to provide assistance to a State or local government under subsection (a) for the construction of a project for which a department or agency of the Federal Government (under another law of the United States) will also provide funds—

(1) the assistance provided by the bank under subsection (a) may be in the full amount needed by the State or local government to finance such construction (including the amount of the funds which will be provided by such department or agency), with the funds to be provided by such department or agency with respect to such construction thereupon becoming payable (notwithstanding any contrary provision in the law under which they are payable) to the bank in lieu of being paid directly to such government, and

(2) the bank may accept in return (A) an obligation or obligations of such State or local government covering only the difference between such full amount and the amount of the funds which are payable with respect to such construction by such department or agency, plus (B) a commitment from such department or agency to pay the funds which are to be provided by it and are payable to the bank as described in paragraph (1),

in order to insure that such State or local government will not have to include within its debt limit that portion of the indebtedness incurred for the financing of such construction which is attributable to funds provided by the Federal Government.

(f)(1) The bank is authorized to charter a subsidiary metropolitan development bank to operate in any metropolitan area upon a determination by the board that the amount of borrowing and lending activity in such area is sufficiently large to support a full financial and technical staff. Each subsidiary metropolitan development bank shall be chartered for the smallest possible geographical area consistent with the required level of activity, to insure that it will reffect local problems and issues in its loan priorities and its technical and advisory services.

(2) Each subsidiary metropolitan development bank shall be authorized—

(A) to borrow funds from the bank;

(B) within its area of charter—

(i) to make loans to State and local governments, community nonprofit groups, and area development corporations to assist in financing the construction of public facilities, with the same maturities and interest rates as those prescribed by subsections (c) and (d) for loans made by the bank under subsection (a) (1) and (2); and

(ii) to make loans to individuals, quasi-public corporations, and business and commercial development concerns operating in the area of charter if such area or the part of such area within which they are operating is certified by the Council of Economic Advisers as a low income, depressed, or labor surplus area, a disaster area, or a new community requiring direct investment to further the public interest, with maturities of not more than twenty years and interest rates fixed at levels which will stimulate economic development but without being otherwise restricted by conventional lending practices or prevailing interest rates;

(C) to obtain certifications from the Council of Economic Advisers with respect to whether a particular area or part thereof is an area described in subparagraph (B) (ii); and

(D) to maintain a staff of financial, technical, and management personnel which is comparable to the staff maintained by the bank and which will provide information and assistance in planning and constructing public facilities and in aiding economic planning and activities.

To the extent permitted by its charter from the bank and not inconsistent with this subsection or with other provisions of this Act, each subsidiary metropolitan development bank shall have (with respect to the area in which it operates) the same functions, powers, and authorities as those vested in the bank by this Act.

(3) Each subsidiary metropolitan development bank shall have a board of directors elected by the holders of the bank's class B stock denominated for that particular bank. Such board shall consist of seven members, one representing local governments, one representing metropolitan councils or planning organizations, and the remainder broadly representative of economic and social groups within the area involved.

(4) The earnings of the subsidiary metropolitan development banks shall be applied to restore any impairment of capital, make up any losses in reserves, create and maintain a reserve account for bad debts, and purchase stock in the bank.

(5) Each subsidiary metropolitan development bank shall make an annual report to the bank and submit to an annual audit by the bank. At regular intervals each such bank shall be audited by the General Accounting Office in the same manner as is provided (with respect to the bank) in section 16.

(g) Except as otherwise specifically provided in this Act, the bank may impose charges or fees for its services with the objective that all costs and expenses of its operations should be within its income derived from such operations.

REGIONAL OPERATING DIVISIONS

SEC. 8. (a) The bank shall establish regional operating divisions. Each division (subject to the exception in subsection (b)) shall be charged with responsibility for assessing borrower eligibility, making loans, and supplying technical and advisory personnel within its region or geographical area. To the maximum extent feasible, the boundaries of the regions or geographical areas respectively represented by the several regional operating divisions shall be the same as the boundaries of the areas respectively served by the regional offices of the various Federal departments and agencies.

(b) Each regional operating division shall transact all of the bank's business within its region, except that no such division shall exercise functions in any area for which a subsidiary metropolitan development bank has been established.

(c) Each regional operating division shall be supervised by a three member panel appointed by the board. In addition, an advisory committee of not less than eighteen nor more than twenty-five persons representing all governments and all socioeconomic levels within the division's region shall be appointed by the board to develop policies and guidelines for the division's activities.

TECHNICAL ASSISTANCE

SEC. 9. (a) The bank shall have, in addition to a staff adequately equipped in the field of development banking, personnel qualified to give advice in the following fields (and any other categories of advice appropriately related to the bank's activities):

(1) The Federal Government, particularly its organization and operation relating to State and local governments.

(2) All phases of all Federal grant-in-aid programs.

(3) Methods of administering the development and operation of community facilities.

(4) Technical data and requirements in fields appropriately related to the bank's activities, including the following:

(A) roads, hospitals, schools, and airports;

(B) urban mass transit systems and bridges;

(C) housing, municipal buildings, and parks;

(D) courthouses;

(E) water and sewage facilities and air pollution controls; and

(F) commercial developments.

(b) The bank shall give any necessary technical assistance under this section to applicants for assistance under section 7. No fees for preliminary advice shall be charged; however, after an application has been accepted for processing, the bank may charge reasonable fees for continued assistance under this subsection.

(c) The bank is also authorized to undertake research and information gathering, and to facilitate the exchange of advanced concepts and techniques relating to municipal growth and development among State and local governments.

STOCK

SEC. 10. (a) The bank shall have two classes of common stock, both of which shall have voting rights and have a par value of $100 per share. Class A stock shall be sold to investors throughout the country. Class B stock, which shall be issued by the bank to provide local investment and control in the various subsidiary metropolitan development banks established under section 7 (f) and accordingly limited to and denominated as the stock of a particular metropolitan development bank, shall be sold only within the area of charter of the named metropolitan development bank to local investors, groups, and governments. Holders of class B stock shall have all the privileges of holders of class A stock, including a vote in the election of the board, and in addition shall have the right to vote in the election of the directors of the metropolitan development bank named on the stock.

(b) All moneys received by the bank in return for its common stock shall be accumulated in a capital surplus account. All net earnings from the operations of the bank shall annually be transferred to its general surplus account. Such dividends as may be declared shall be paid by the bank to the holders of its common stock and shall be charged against the general surplus account,

but in any one fiscal year dividends shall not exceed 6 per centum of the par value of the common stock issued and outstanding and shall be payable out of the net earnings of the bank for that year.

CAPITALIZATION OF THE BANK

SEC. 11. The bank's capital shall be limited to $6,000,000,000, of which $3,000,000,000 shall be raised by the sale of the bank's common stock and the remainder shall be provided as follows:

(1) The Secretary of the Treasury is authorized to purchase obligations of the bank in the amount of $300,000,000 a year for a period of ten years. If the Secretary finds it is necessary for the successful operation of the bank to waive the payment of interest and principal for any given year such interest shall then be added to the principal of the obligation. The bank is authorized to include appropriate provisions in the instruments evidencing the obligations provided for in this paragraph. Each purchase of obligations by the Secretary under this paragraph shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturities. The Secretary may sell, upon such terms and conditions and at such price or prices as he shall determine, any of the obligations acquired by him under this paragraph. All redemptions, purchases, and sales by the Secretary of such obligations under this paragraph shall be treated as public debt transactions of the United States.

(2) The Secretary of the Treasury is additionally authorized to purchase debentures of the bank in the amount of $300,000,000 from public debt proceeds on emergency call of the bank.

(3) Each public borrower from the bank at the time of receiving loans shall be required to purchase stock until it holds an amount of stock equivalent to $2.14 per capita for each person within its jurisdiction or for each person expected to be served by the facility or facilities involved. The borrower shall purchase stock equal to one-twentieth of the amount of his loans until he reaches the $2.14 per capita maximum requirement.

(4) The amount of bank's indebtedness outstanding at any one time shall be limited to fifty times the bank's paid-in capital surplus.

OBLIGATIONS OF THE BANK

SEC. 12. The bank is authorized to issue and have outstanding obligations (including but not limited to the obligations and debentures described in section 11) having such maturities and bearing such rates of interest as may be determined by the bank. Such obligations may be redeemable at the option of the bank before maturity in such manner as may be stipulated therein.

FEDERAL PAYMENTS TO THE BANK

SEC. 13. (a) With respect to such amounts of loans of the bank as may be specified in appropriation Acts, the Secretary of the Treasury is authorized to make, and to contract to make, annual payments to the bank in such amounts as are necessary to equal the amount by which the dollar amount of interest paid by the bank on account of its outstanding obligations exceeds the dollar amount of interest received by the bank on account of obligations purchased or loans made by it pursuant to section 7.

(b) There are authorized to be appropriated to the Secretary of the Treasury such sums as may be necessary to carry out his functions under this Act, including such sums as may be necessary to make the annual payments required by contracts entered into by the Secretary pursuant to subsection (a) of this section.

FEDERAL INSURANCE OF OBLIGATIONS TO THE BANK

SEC. 14. (a) The Secretary of Housing and Urban Development (hereinafter in this section referred to as the "Secretary"), upon application by the bank, is authorized to insure any loan made by the bank under section 7(a) (including, for purposes of this section, any obligation purchased as provided in paragraph (1) thereof), and to issue a commitment for the insurance of any such loan prior to the date of its execution or disbursement thereon upon a determination that all of the applicable criteria established by or under this Act will be met with respect to such loan.

(b) The insurance of any loan under subsection (a) and any payments pursuant thereto shall be made on such terms and conditions, and in such manner and form, as the Secretary shall by regulations prescribe, and shall provide for the payment in full to the bank of the outstanding principal balance of the loan together with any unpaid interest, upon default by the borrower, in accordance with procedures set forth in such regulations.

(c) The Secretary is authorized to charge and collect premiums for insurance under this section. Such premiums shall be fixed at the lowest possible levels which are determined by the Secretary to be reasonable and sufficient to keep the insurance program under this section in a sound and secure condition and maintain the fund established by subsection (d) at a level adequate to meet all anticipated losses, but in any event shall be lower for loans made under paragraphs (1) and (2) of section 7(a) than for loans made under paragraph (3) of such section.

(d) (1) There is hereby established a revolving fund to be used by the Secretary in carrying out his functions under this section. All premiums charged as provided in subsection (c), and all other receipts under the insurance program, shall be deposited in the fund; and all payments with respect to insurance under this section shall be made from the fund. Moneys in the fund not needed for the payment of current operating expenses or the payment of insurance under the program may be invested in bonds or other obligations of, or bonds or other obligations guaranteed as to principal and interest by, the United States.

(2) There is authorized to be appropriated as initial capital for the revolving fund established by paragraph (1) the sum of $____.

(e) In the performance of, and with respect to, the functions, powers, and duties vested in him by this Act, the Secretary shall (in addition to any authority otherwise vested in him) have the functions, powers, and duties set forth in section 402 (except subsection (c) (2)) of the Housing Act of 1950.

GENERAL POWERS

SEC. 15. The bank shall have power—

(1) to sue and be sued, and complain and defend, in its corporate name and through its own counsel;

(2) to adopt, alter, and use a corporate seal, which shall be judicially noticed;

(3) to adopt, amend, and repeal, by the board, such bylaws, rules and regulations as may be necessary for the conduct of its business;

(4) to conduct its business, carry on its operations, have offices, and exercise the powers granted by this Act in any State without regard to any qualification or similar statute in any State;

(5) to lease, purchase or otherwise acquire, and own, hold, improve, use or otherwise deal in and with, any property, real, personal, or mixed, or any interest therein, wherever situated;

(6) to accept gifts or donations of services or of property, real, personal, or mixed, tangible or intangible, in aid of any of the purposes of the bank;

(7) to sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of its property and assets;

(8) to appoint such officers, attorneys, employees, and agents as may be required, to determine their qualifications, to define their duties, to fix their salaries, and to require bonds for them and fix the penalty thereof; and

(9) to enter into contracts, execute instruments, incur liabilities, and do all things which are necessary or incidental to the proper management of its affairs and the proper conduct of its business.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 16. (a) The financial transactions of the bank shall be audited by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where the accounts are normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, financial records, reports, files, and other papers things, or property belonging to or in use by the bank and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians.

(b) The expenses of any audit performed under this section shall be borne out of appropriations to the General Accounting Office, and appropriations in such sums as may be necessary for this purpose are authorized. The bank shall reimburse the General Accounting Office for the full cost of such audit as billed therefor by the Comptroller General, and the General Accounting Office shall deposit the sums so reimbursed into the Treasury as miscellaneous receipts.

AUDIT REPORT TO CONGRESS

SEC. 17. A report of each such audit of the bank for a fiscal year shall be made by the Comptroller General to the President and to the Congress not later than six months following the close of such fiscal year. The report shall set forth the scope of the audit and shall include a statement (showing intercorporate relations) of assets and liabilities; a statement of capital and surplus or deficit; a statement of surplus or deficit analysis; a statement of income and expense; a statement of sources and application of funds; and such comments and information as may be deemed necessary to keep the Congress informed of the operations and financial condition of the bank, together with such recommendations with respect thereto as the Comptroller General may deem advisable, including a report of any impairment of capital or lack of sufficient capital noted in the audit. A copy of each report shall be furnished to the Secretary of Housing and Urban Development, the Secretary of the Treasury, and the bank.

TAX EXEMPTION

SEC. 18. The bank, its property, its franchise, capital, reserves, surplus, security holdings, and other funds, and its income shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority; except that (1) any real property and tangible personal property of the bank shall be subject to Federal, State, and local taxation to the same extent according to its value as other such property is taxed, and (2) any and all obligations issued by the bank shall be subjected both as to principal and interest to Federal, State, and local taxation to the

same extent as the obligations of private corporations are taxed.

OBLIGATIONS AS LAWFUL INVESTMENTS AND SECURITY

SEC. 19. All obligations issued by the bank shall be lawful investments, and may be accepted as security, for all fiduciary, trust, and public funds the investment or deposit of which shall be under authority or control of the United States or of any officer or officers thereof. All stock and obligations issued by the bank pursuant to this Act shall be deemed to be exempt securities within the meaning of laws administered by the Securities and Exchange Commission, to the same extent as securities which are direct obligations of or obligations guaranteed as to principal or interest by the United States.

PREPARATION OF OBLIGATIONS

SEC. 20. In order to furnish obligations for delivery by the bank, the Secretary of the Treasury is authorized to prepare such obligations in such form as the board may approve, such obligations when prepared to be held in the Treasury subject to delivery upon order by the bank. The engraved plates, dies, bed pieces, and so forth, executed in connection therewith, shall remain in the custody of the Secretary of the Treasury. The bank shall reimburse the Secretary of the Treasury for any expenditures made in the preparation, custody, and delivery of such obligations.

UNITED STATES NOT LIABLE

SEC. 21. The United States shall not be liable for any debts, defaults, acts, or omissions of the bank.

ANNUAL REPORT

SEC. 22. The bank shall, as soon as practicable after the end of each fiscal year, transmit to the President and the Congress an annual report of its operations and activities.

AMENDMENTS RELATING TO FINANCIAL INSTITUTIONS

SEC. 23. (a) The sixth sentence of the seventh paragraph of section 5136 of the Revised Statutes (12 U.S.C. 24) is amended by inserting "or obligations of the National Metropolitan Development Bank," immediately after "or obligations, participations, or other instruments of or issued by the Federal National Mortgage Association or the Government National Mortgage Association,".

(b) Section 5200 of the Revised Statutes (12 U.S.C. 84) is amended by adding at the end thereof the following new paragraph:

"(14) Obligations of the National Metropolitan Development Bank shall not be subject to any limitation based upon such capital and surplus."

(c) The first paragraph of section 5(c) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)) is amended by inserting "or in obligations of the National Metropolitan Development Bank;" in the second proviso immediately after "any political subdivision thereof;".

(d) Paragraph (2) of section 14(b) of the Federal Reserve Act (12 U.S.C. 355) is further amended by inserting ", or any obligation of the National Metropolitan Development Bank" immediately before the period at the end thereof.

DEFINITIONS

SEC. 24. As used in this Act—

(a) The term "bank" means the National Metropolitan Development Bank created by section 3, and the term "board" means its board of directors.

(b) The term "State" means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands, or any agency or instrumentality thereof.

(c) The term "local government" means any county, municipality, or other political subdivision of a State, or any agency or instrumentality thereof, or any school or other special district created by or pursuant to State law.

(d) The term "obligation" means any bond, note, debenture, or local government which has sold its obligations to the National Metropolitan Development Bank pursuant to section 7(a)(1).

(e) The term "obligation" means any bond, note, debenture, or other instrument evidencing debt.

SEPARABILITY

SEC. 25. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 26. There are authorized to be appropriated, without fiscal year limitation, such sums as may be necessary to carry out the purposes of this Act.

NOISE POLLUTION

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. SCHEUER. Mr. Speaker, the problem of incessant and excessively loud noise has often been overlooked in the battle for a better environment. Today, the public is fortunately more and more aware that "environment" is not an esoteric term referring to a distant forest dotted with numerous lakes, but rather concerns the interaction of man and his surroundings everywhere. They are realizing that our dilapidated urban areas demand imaginative and resourceful action from those who seek a cleaner and safer environment.

The problem of intolerable noise, resulting mainly from urban industry and supersonic aircraft, is fast becoming a chief concern of urban ecologists. In the Bronx the residents of many apartment houses, most notably the Parkchester apartments, are subjected daily to annoying and possibly dangerous levels of noise resulting from aircraft.

The fact that this noise has gone from a simple annoyance to a possible menace makes it all the more disturbing. Recently some scientists have discovered evidence of possible damage to unborn babies from this noise pollution. I insert the following two articles from the New York Times and the Washington Post into the RECORD:

[From the Washington Post, Dec. 29, 1969]

SOUNDS OF MODERN SOCIETY ENDANGERS ITS LISTENERS

(By Stuart Auerbach)

BOSTON, December 28.—The loud noises of modern society—from sonic booms to rock 'n' roll music—were listed today as health hazards potentially more dangerous than air or water pollution.

One scientist reported the possibility that sonic booms threaten the future health and mental stability of still unborn babies. Another said noises could cause heart attacks in people with existing cardiac conditions "by adding insult to injury." And an Australian pharmacologist noted that heavy thunderclaps made laboratory rats sick.

"We now have millions with heart disease, high blood pressure and emotional illness who need protection from the additional stress of noise," Dr. Samual Rosen of the Mt. Sinai School of Medicine in New York told a special section on noise pollution at the annual meeting of the American Association for the Advancement of Science.

He added that no one becomes indifferent to noise which inflicts "stress, tension and sometimes intolerable nervous strain. People become irritable, unsociable and more quarrelsome at work and at home.

"There seems to be little doubt that noise pollution is a health hazard," concluded Rosen, blaming loud noises for causing blood vessels to constrict, cutting the amount of blood that flows to key parts of the body.

Rabbits exposed to noise for 10 weeks showed higher levels of blood cholesterol and more clogging of the arteries than a group of rabbits not exposed to noise, he reported.

In another paper, Dr. Lester W. Sontag, director of the Fels Research Institute in Yellow Springs, Ohio, reported experiments showing that loud noises disturb unborn children in the late stages of fetal development.

He cited studies showing babies kick in their mother's womb in response to loud noises. And he said he found "a statistical relation between sudden movements before birth and "social apprehension" 2½ years later—a hesitation to join groups, for instance, and reluctance to go to nursery school.

It was enough, he said, "to justify concern about the possibility of fetal damage from such violent sounds as sonic booms."

Dr. Chauncey D. Leake of the University of California at San Francisco said that noise can affect the whole autonomic nervous system that regulates a person's blood pressure and heart beat.

It could be, Associated Press quoted Dr. Leake as saying, that stress from loud noise could affect the nervous system of a pregnant woman so that her unborn baby is affected, too, by stress chemicals of hormones that pass from her bloodstream through the placenta to the baby.)

Other evidence was offered on the adverse effects of noise to the health of humans and animals:

Dr. Francis M. Forester of the University of Wisconsin Medical Center said seizures in about one per cent of epileptics are caused by the brain's reaction to some form of noise—not always loud and sometime as innocent as a new piece of music.

Dr. Mary F. Lockett, an Australian pharmacologist, found that laboratory rats excreted abnormally high amounts of the hormone oxytocin from their pituitary gland after heavy thunderclaps. This increased the amount of water and salt in their bodies, and made them ill.

Another report estimated the noise in an average household at 40 decibels, a rock-and-roll band at 120 decibels and a jet plane at 115 decibels when it is 500 feet over an airport.

"We are constantly bombarded by noise, whether is it the background music at the supermarket or a supersonic jet breaking the sound barrier, and these increases in noise level have joined industrial wastes and the car as a major source of pollution in our environment," said Drs. Kenneth R. Henry and Robert E. Bowman of the University of Wisconsin.

"The adverse effects of noise, however, are not as readily apparent as smog or dirty water."

SCIENTIST ASSERTS VIOLENT NOISE MAY HARM BABIES BEFORE BIRTH

(By Sandra Blakeslee)

BOSTON, Dec. 28—Violent noise, such as sonic booms, may have permanently damaging effects on unborn babies, a scientist warned today.

The warning, presented to a noise pollution panel at the annual meeting of the American Association for the Advancement of Science, was issued by Dr. Lester W. Sontag, director of the Fels Research Institute in Yellow Springs, Ohio. The paper by Dr. Sontag, who could not be present today, was read by a colleague.

Too much noise in the everyday environment—noise pollution—has been shown to cause health problems in adults. Loss of hearing, increased mental stress and heart disease have been linked to the assault of excess noise in daily living.

The human fetus, according to Dr. Sontag, is equally vulnerable to the noxious effects of too much noise. Forty years ago many people believed that the human fetus was protected from unpleasant conditions in the outside world in the comfort of the mother's womb, but recent experiments have shown that the fetus is not so isolated after all, Dr. Sontag said. The fetus seems to react to harmful environmental conditions just as the mother does, he said.

Supersonic transport jets may therefore pose a threat to the health of unborn infants in that the planes will be one more noxious addition to the total assault of an increasingly noisy environment. It is estimated that one such jet, crossing the United States, would cut a swath of noise 25 miles wide on each side, within earshot of up to 50 million people.

Experiments in recent years, Dr. Sontag said, have shown that the fetus is indeed not in a world by itself. Smoking mothers generally have smaller babies than do nonsmoking mothers. Fetal death is more common among offspring of smoking mothers.

Emotional stress in a mother can make an infant more active in late pregnancy. Severe stress can elicit up to five or six times as much activity in the fetus than is normal.

Children born by mothers suffering such excessive anxiety during pregnancy have been shown to cry more, have more problems of the gastrointestional tract and to be more active after birth, Dr. Sontag said. In early childhood such children, through statistical correlation, have been shown to experience greater anxiety than their peers.

Animal experiments, too, have shown the vulnerability of the fetus to environmental factors. Rats born of mothers that were handled frequently and lovingly in pregnancy differ from rats born of mothers that experience pregnancy in total isolation. Adolescent rats of "deprived" mothers were slow to leave their cages, for example, and were less prone to explore their surroundings.

It is difficult to isolate noise as a determining factor in the behavioral problems of children, Dr. Sonag said, because so many other factors play upon the development of a human infant after birth and the maturation process of humans is so long compared with that of other animals.

It had been shown in animal studies, however, that rats born of mothers exposed to noise pollution during pregnancy had more difficulty in learning maze patterns than rats born of unstressed mothers.

Human festuses do react to noise, Dr. Sontag said. Loud clapping, for example, will cause an unborn infant to stir in the womb.

In one recent experiment mothers late in pregnancy were asked to choose their favorite music and to listen to it for 10 minutes. Both fetal and maternal heart rates rose in response to the music.

Dr. Sontag said he thought the mother's psychophysiological response to the music was probably what caused the unborn infant to respond. Thus, environmental factors were transported to the fetus through the mother's emotional response to the situation. Both soothing music and annoying sounds, presumably, could affect the fetus in this way.

Dr. Sontag said he now felt he had mustered enough evidence regarding the vulnerability of the human fetus to environmental stress to "justify our concern about the possibility of fetal damage from such violent sounds as sonic booms.

"It seems not unlikely that adults are not alone in their objection to such noxious stresses," he said. "The fetus, while he cannot speak for himself, may have equal or greater reason to object to them."

LEAD, GASOLINE ADDITIVES, AND SMOG: 1961–70

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. BROWN of California. Mr. Speaker, air pollution confronts us as the most visible—and most potentially dangerous—of current environmental problems.

I think, also, it is the most easily solved.

Unfortunately, however, despite all the rhetoric, all the proposals, all the current laws and regulations, we do not seem to be making necessary headway.

There is no need for multiyear, exotic research projects to find the means of eliminating smog. I remain convinced that existing technology could clean all our air—if sufficient pressure were brought by citizens and public bodies upon polluters.

For example, today I would like to concentrate upon just one element of this crucial struggle—the place of motor vehicle fuels and the relationship between fuel composition and air pollution. Motor vehicle exhaust emissions still comprise the single greatest cause of smog, and significant changes in fuel composition can be a major component in lowering vehicle-caused pollution.

Nine years ago this week, as a member of the California State Assembly, I introduced a new bill, A.B. 2335, which proposed a gradual elimination of lead in gasoline to be sold in California. I now insert a copy of that bill in the RECORD at this point:

ASSEMBLY BILL NO. 2335

An act to add Sections 20784 and 20785 to the Business and Professions Code, relating to standards of purity for gasoline and diesel fuel

The people of the State of California do enact as follows:

SECTION 1. Section 20784 is added to the Business and Professions Code, to read:

20784. It is unlawful for any person to sell, offer for sale, assist in the sale of, permit to be sold or offered for sale, or delivery or offer to deliver to any premises for the purpose of sale any gasoline which:

(a) Has a sulfur content in excess of one-twentieth of 1 percent by weight.

(b) Has an acid heat of reaction when tested by the American Society of Testing Materials, Designation D 481–39, in excess of 30 degrees Fahrenheit. On November 1, 1961, and on the first day of each month thereafter, the maximum heat of reaction permitted by this subdivision shall be reduced 1½ degrees Fahrenheit until the maximum heat of reaction allowable has been reduced to 12 degrees Fahrenheit.

(c) Contains any metallic additive, except tetraethyllead.

(d) Has a tetraethyllead content in excess of three milliliters per gallon. On November 1, 1961, and on the first day of each month thereafter, the maximum amount of tetraethyllead which may be contained in gasoline shall be reduced three-tenths of a milliliter until the use of tetraethyllead in gasoline is prohibited.

SEC. 2. Section 20785 is added to said code, to read:

20785. It is unlawful for any person to sell, offer for sale, assist in the sale of, permit to be sold or offered for sale, or deliver or offer to deliver to any premises for the purpose of sale any diesel fuel which has a sulfur content in excess of one fourth of 1 percent by weight.

Almost 7 months later, a special assembly interim committee conducted a 1-day hearing on the subjects of motor fuel composition, use of fuel additives and their relationships to smog creation.

I have recently gone through the transcript of that hearing, and I have picked out a number of excerpts which I think are relevant today. For, as can be seen, 9 years ago, the very serious dangers of lead additives were well known, the dramatic increase of lead and other additives were shown as key factors in smog formation, and viable existing solutions and remedies were available.

Here, for instance, is testimony on health hazards of lead in gasoline.

Mr. Charles Willard, Citizens' Anti-Smog Action Committee:

Any statement that is made to you that lead poisoning is not serious is untruthful. There is no other way to describe it.

Lead poisoning is in the ancient historical books of metallurgy and this poison goes back a thousand years or more. The French Government barred the use of lead paint some fifty years ago because painters became poisoned in the way that was known as painters colic, it was actually lead poisoning. A few years ago, maybe two years ago, our county medical department banned the sale of toys because they were painted with lead paint. And yet that same medical department came before you today and put up a long mixed conversation as to whether or not the lead was poisonous. In a conversation with a doctor of chemistry last week the subject of this lead poisoning came up, and he said, "If the people knew what goes on at the laboratory, they would immediately demand restriction in the use of the lead material in gasoline." His exact words or nearly exact words were, "The people should know how many men who are chasing butterflies up and down the river are on the pension rolls of this company." He further said, "Every so many days you will see a man with a little patch on his ear. He has been to the plant doctor and had a sample of his blood taken. And when they become loaded to a certain extent they very carefully are sent off to another department." And further, "If the public knew how many people that have worked in this business were loaded with lead to the point they had to be pensioned, people would no longer want this lead in the gasoline."

Mr. Chandler Phillips, Consulting Mechanical Engineer:

You will die just as surely from small amounts of lead poisoning inhaled over a period of time as you would if you swallowed the same amount of a less toxic lead.

Chairman THELIN. Mr. Phillips, are there any medical or scientific authorities who support the views that you have expounded relative to the condition of lead in our atmosphere in this area?

Mr. PHILLIPS. I have private communications that I was asked not to divulge where public health officials said that one of the symptoms of air pollution poisoning was an incipient or almost a chronic type of lead poisoning.

Chairman THELIN. You cannot give us the source of this statement though?

Mr. PHILLIPS. I can if I am required to.

Mrs. Clara McDonald, Citizens' Anti-Smog Action Committee:

Public Health Bulletin No. 253 shows that 47.4 percent lead of what we breathe into the lungs stays there until death.

On additives now used in gasoline, as well as in the lubricating oil, it further increases our pollution, creates intolerable health conditions and deaths, according to the findings of engineers, chemists, and the majority of the medical profession.

Mr. John Maga, chief, bureau of air sanitation, State department of public health:

However, there has been, and this is somewhat related to additional measurements in the area, a widening out or spreading out of the [smog] levels, so that areas which were not affected with this high value, such as Riverside, San Bernardino and the San Fernando Valley, are now having higher exposures, more frequent and higher levels of air pollution. This is probably a result of the growth in the fringe areas, the expanding out from the center of the population spreading people in cars throughout the area. It still is quite high. Quite high levels of air pollution are experienced, severe eye-irritation, of course, on frequent intervals.

Assemblyman RUMFORD. That's all I have, Mr. Chairman.

Chairman THELIN. Any other questions. Mr. Brown?

Assemblyman GEORGE BROWN. Mr. Maga, I want to ask you a few questions on this lead matter if I may. Your Table 4 on atmospheric lead does show that Los Angeles has the highest average concentration of any of the cities tested, is that right?

Mr. MAGA. That's correct.

Remember now, this hearing took place 9 years ago.

Dr. Robert Kehoe, University of Cincinnati:

Assemblyman BROWN. Yes. It seems to me that what you are saying is that a larger percent of the lead which is breathed is absorbed than that which is eaten.

Dr. KEHOE. Under equivalent conditions with reference to solubility and so forth, yes, this is distinctly true.

Assemblyman BROWN. Your testimony concurred with that previous witness that the level of lead in the atmosphere in Los Angeles is substantially higher than it is in Cincinnati or the average of other cities in the United States. Your figure was, well, two to four or six times as much, is that right?

Dr. KEHOE. No. Two to perhaps four times as much, depending on where you are centered. I was very cautious, however, if you will remember, in saying that in connection with these, such observations in which we have problems of analysis we have more particularly problems of sampling to get something that is characteristic. The difference between two and four here. This is something that causes you to elevate your eyebrows. Statistically there is a difference, but in fact there is not much.

Assemblyman BROWN. I'm just stating this to confirm the testimony that we had from the Department of Public Health which showed several samples that run from, well, in one case 3.6 for Los Angeles compared with 2 for Cincinnati which is about twice as much, and another study showed 6.6 which I presume would compare the two and Cincinnati which is about 3.3.

Dr. KEHOE. Well, our figures for Los Angeles in connection with the study that was carried out here during a period of inversion, gave us an average figure of about 6.7. Corresponding average in Cincinnati is a little under 2.

Assemblyman BROWN. Yes. That would be your range of 4 then.

Dr. KEHOE. But the question here is, what is the average throughout the year? And this I must confess I don't know.

Assemblyman BROWN. No one would know. The point that I'm leading up to is this, that under these circumstances with this considerably greater concentration in Los Angeles which is inhaled and gets into the respiratory system, how do you account for the fact that there is no observable trace of this in terms of a difference in your mean blood lead level.

Dr. KEHOE. I think this can be accounted for. And please don't hold me strictly accountable for my interpretation, because this is something in which I have to go on the basis of my judgment. What I would say is probably the reason that the amount which we actually absorb from the lungs is not as great as the calculated sum which we've made.

Next, on the increase of lead and other additives in motor fuels. First, this statement by Mr. John Maga:

With the information that is now available, it would not be possible to write standards for fuel composition which would prevent the formation of "smog".

Chandler Phillips:

This chart from Public Health Bulletin shows the increase in sulfur in our premium fuel from 1941 to 1954 by the petroleum industry and it is over threefold. Here is our prewar level, here is what it was after the war. Notice what happened in wartime? We can leave it in the fuel, so why not leave it in. It's cheaper than the cleaning up of gasolines and hauling of tars and slugs and gums out and dumping them in the ocean because the Fish and Game Commission doesn't like that. Now those gums and tars can be removed and the product can be sold at a profit because what the sulfuric acid treatment removes from the fuel by the prewar treatment was acidic oxygen groups, reactive hydrocarbons, and nitrogen compounds. You get a large amount of nitrogen compound. Sometimes as much as 50% in the gasoline is composed of nitrogen compounds and California fuel proves to have the highest percentage of nitrogen. By adding hydrogen in the cracking process you convert the nitrogen to ammonia. You convert the sulfur to hydrogen sulfide which can be burned to produce acid and you create the acidic oxygen groups which are converted to water.

Charles Willard:

I want to point out to you, gentlemen, and you members of this board, that we in this country submit to some ten or fifteen tons of this material a day being distributed on our ground and over the two hundred odd days of dry weather that we have, with no rain to bog it down into mud, it blows. They are quite truthful when they say to you, "Oh, well, there is lead over here in the reservoir and there is lead over here and there." Of course, it's over there, how can it be elsewhere? There is bound to be lead. We want the elimination of it.

No later than yesterday I was in the chemical conference with a Ph. D. and a doctor of chemistry who is employed by one of the large oil companies. Inadvertently the subject of lead got loose. He said the refineries have cleaned up all the smog; there is no smog at the refineries. He should go up to the observatory in the morning and see it boiling up out over the refineries and then he would know. He said it is all up to the automobiles. I said, "What are you going to do with the lead that comes out? You are a chemist. You know you can't destroy an atom. There is no way to destroy an atom. You can chase the poor little thing around a cyclotron until it gets dizzy and falls apart. But if you are way below the atom pieces that are left, possibly make allowance to the energy that has been lost, you'll find you have the same thing in the end as you had at the start. The matter is indestructible. What you put into the gasoline tank must come out of the tailpipe. Sulphur and lead." So he said these words, "Well, the oil industry is beginning to realize that in all probability lead will be outlawed in the not too distant future."

Mr. Howard E. Hesselberg, Ethyl Corp., Research and Development Department:

Chairman THELIN. As I heard your testimony, you would state that we do not have any higher concentration of the lead anti-knock elements in California than they have elsewhere in the nation?

Mr. HESSELBERG. In September we just had these data available and I thought since this was a current hearing, it was pertinent to the State of California. These were the best data that might be presented. This varies seasonally. There are times when certain areas of the State of California have higher average TEL concentration than other areas of the country. As I commented before, the use of anti-knock compound is subject to a lot of variables and by and large I think that in Los Angeles it is true that there is, because of the specific refinery situation here, somewhat more lead used than in certain other areas of the country.

Mr. Harry Morrison, assistant manager, Western Oil & Gas Association:

Gasoline, like other products in our modern society, is constantly being improved. It must be changed to meet the new requirements and conditions of use. This must be done at a minimum cost to the consumer as this commodity has now become a necessity.

Fifty years ago gasoline was an unblended, unsophisticated, straightforward, simple hydrocarbon mixture. Many a Model T Ford has been run right on the job at a well site from a completely unrefined product. The engines were simple, compression ratios were low, and the requirements were few.

However, the American society has required better engines and the oil industry provided the gasoline to meet its requirments. Current gasoline quality and quantity demands could not be met at a minimum cost to the consumer if present day use of additives were prohibited.

Mr. Lewis J. Fuller, Chief Deputy, Air Pollution Control Office, Los Angeles County:

It is very possible that the use of lead in gasoline adds to the smog as manifested in Southern California. Without the use of counteradditives, lead, used to raise octane, would cause fouling of spark plugs, thus leading to increased amounts of hydrocarbon losses. From an air pollution standpoint, unleaded gasoline of an acceptable octane rating would be preferable to leaded gasoline.

The hearing brought out that the means of eliminating lead from motor fuels already existed, but that there were severe hesitations by industry. Once again, Chandler Phillips:

Remember the heavier this gasoline, the higher the boiling point. This is like adding sugar to water. It boils at a higher temperature. So more heavy ends are in this fuel, this is the final boiling point. The cleaner the fuel, the lower this is. This is premium gasolines from Southern California in the summertime and this is premium gasolines in the winter. You see the same reports. This is the heaviest fuels, this is the lightest fuels. We see the same picture in the regular gasolines. Both summer and winter. We are getting now a gasoline that is heavier than our peak wartime condition. It was patriotic to burn it then; it is not today, gentlemen, it's deadly. Our lung cancer has increased at alarming rates. We have twice as many tooth cavities in our children as any other area. We have a limited air supply. Why should we release known poisons into the air and have to breathe them? Without proper study, they would release a new poison methyl. Tetramethyl lead. This is even more volatile than ethyl lead and without any—absorbing any tests of this in the air, they conclude because it does not kill rats, it kills rats not quite as quickly as tetraethyl lead, it is safe to release to the public.

My experiments have been proven, and I released them to the public in 1954. I took on my automobile a device to analyze the vapors that were being put out and this took two forms. I equipped my motor to run on either butane or propane, a clean burning fuel, and then I could turn on a sample of gasoline I wished to test. The chamber I had on the back of my car was approximately four feet long. It had a light beam that went between two prisms and went into a photoelectric cell. I could adjust the intensity of the light source and I would in burning a clean fuel set up the intensity of the light source so my photoelectric cell read 100 on my reference fuel. I would then turn on the electric pump and pump in gasoline and keep the motor at the same speed. These other fuels burned dirtier. I took that same gasoline and treated it by the refining method known as the 98% sulfuric acid treatment and it removed these impurities and the fuel when retested, burned clean and reduced light by the cleanliness was five or six times. I took the vapors out and passed them through a large plastic bag and irradiated them to see the photochemical reaction that would take place on the two fuels. The cleaned up gasoline produced very much less. I brought this up before the Air Pollution Control District and they performed part of my experiments. They checked the photochemical reaction of a cleaner fuel with one with a higher content. They reported that they could reduce air pollution two-thirds in the aerosols by this method. They also had the Bureau of Mines testing station at Bartleville, Oklahoma perform the test on the other half and using a regular motor gasoline compared the iso-octane, they reported a sevenfold reduction in air pollution by cleaning up the fuel. I claim that if iso-octane was available today for all the cars and the lead was eliminated from the air, we would have a substantial reduction in our air pollution problem.

And:

Mr. PHILLIPS. I think the answer to your question is this, that to have a cleaner fuel that won't knock in the motor, a large part of that fuel would have quite a bit of the reactive hydrocarbon removed. However, if you notice the bill proposed to you, we proposed the sulphuric acid heat of reaction to determine the reactive hydrocarbons in the fuel and control of this method because this is the most effective way to do it and this takes in those particular reactive hydrocarbons that Dr. Haagen-Smit is speaking about that create the smog effect by the chemical reaction with the presence of nitrous oxides.

Assemblyman CAMERON. Then it is your contention that a catalytic process or cracking process of some sort is available, that not only would it make it possible to remove but would make it possible to eliminate the necessity for all additives and at the same time would take from the fuel itself the reactive hydrocarbons. Is this correct?

Mr. PHILLIPS. Such a process is now available. It takes a reactive hydrocarbon and olefin and combines it with a saturated carbon hydrocarbon and produces a chemical known as iso-octane, which has a rating of 100 percent of 100 anti-knock rating. It contains no lead as used in the reference for checking the proponents of all fuels produced by the refinery.

Assemblyman CAMERON. Now, what about the further burning of this fuel in an internal combustion engine in the effect that this would have on the release of additional hydrocarbon compounds or olefin compounds that were not present in the refined fuel that are present in the combusted fuel.

Mr. PHILLIPS. Two studies have been made on that compared to my original research which proved that by cleaning up the fuel with a 98 percent sulfuric acid treatment that the ability of the fuel to pollute the air was directly related to its acid head of reaction. Now the air pollution control district with research of Dr. Matter has proved that a fuel not completely cleaned up but with a lower olefin content would not produce as many air pollutants by approximately two-thirds. The Bureau of Mines have also found out—and this was taking the fuel and combusting it in the engine then irradiating it for two hours with sunlight and bringing it back and checking it—and they found that a cleaner fuel did not produce this photochemical reaction. The Bureau of Mines also found out that using iso-octane, which I have just mentioned to you—as a motor fuel compared with present day motor fuels, that air pollution could be reduced on approximately an eight fold reduction.

Assemblyman CAMERON. And it is your contention that these fuels can be produced from the crudes that are available in the market area in Southern California with a great variance and specific gravities of the crudes available?

Mr. PHILLIPS. Yes, this will require hydro cracking process to remove these from the fuels. But the oil company receives an increased yield by doing such a process.

Assemblyman CAMERON. Increased yield in what sense?

Mr. PHILLIPS. Increased yield of more products. They combine hydrogen with it and the olefins become saturated hydrocarbons which do not have this ability to react and the impurities of nitrogen and sulfur are removed and can be sold commercially.

Assemblyman CAMERON. Is this the process that is being used by the American Oil Company you keep referring to?

Mr. PHILLIPS. I imagine it is partially being used by oil companies in this area, but not to an extent great enough——

Assemblyman CAMERON. This is not an answer to my question, sir—my question is what is the American Oil Company doing that makes their fuel so distinct and different from that that is available by other companies?

Mr. PHILLIPS. Well, I can't answer that question on what they are doing in their refineries, because I don't know, I've never been there.

Assemblyman CAMERON. Your favorable comment to the American Oil Company then is solely attributable to a 1954 advertisement in Life Magazine?

Mr. PHILLIPS. No, not solely. There is no reason why if one company can do it that another can't do it.

Assemblyman CAMERON. You are not aware of what the specific gravity or the type of crude is that they are using from which they are producing this unleaded fuel.

Mr. PHILLIPS. I am aware that they are producing it in Texas and I am also aware that the Shell Oil Company has some very high crudes from West Texas that they have sulfur removal plants and they are making competitive products with them now. So I would say that that could be done with any type crude if they are willing to hydrogenate it.

Assemblyman CAMERON. This is not based upon any specific technical knowledge, though, as to what American Oil Company is or is not doing, but this is rather an assumption that you are making based upon your engineering background, is this correct?

Mr. PHILLIPS. No, I know the quality and what the composition is fairly well of the American Oil Company's gasoline, but I do know they are making right in this area iso-octane which is even superior to the American Oil Company. We make it in Wilmington refinery. And this does not produce air pollution as proven by tests by the Bureau of Mines. So I see no reason why this process cannot be expanded and by a slow method of changing this that there is no big economic dislocation to the oil companies. It will cost maybe a half million dollars just to put devices on the tailpipes of cars, and hundreds of employees to check and you will have only at best a device that will save 50% average efficiency. If you can reduce air pollution eight fold or even two-thirds by a cleaner fuel at a cost to the oil companies that they have already estimated, it is about one-fourth the amount the public will have to spend for afterburners. It certainly seems that this is a better method to proceed or a way to proceed.

Then, Mr. Phillips noted:

There never has been a history of a pollutant put into the air that was voluntarily removed where it was more profitable not to do so unless it was by legislative action.

Now, Mr. Charles Willard:

No later than yesterday I was in the chemical conference with a Ph. D. and a doctor of chemistry who is employed by one of the large oil companies. Inadvertently the subject of lead got loose. He said the refineries have cleaned up all the smog; there is no smog at the refineries. He should go up to the observatory in the morning and see it boiling up out over the refineries and then he would know. He said it is all up to the automobiles. I said, "What are you going to do with the lead that comes out? You are a chemist. You know you can't destroy an atom. There is no way to destroy an atom. You can chase the poor little thing around a cyclotron until it gets dizzy and falls apart. But if you are way below the atom pieces that are left, possibly make allowance to the energy that has been lost, you'll find you have the same thing in the end as you had at the start. The matter is indestructible. What you put into the gasoline tank must come out of the tailpipe. Sulphur and lead." So he said these words, "Well, the oil industry is beginning to realize that in all probability lead will be outlawed in the not too distant future."

Mr. Howard Hesselberg commented on the industry's vantagepoint:

Chairman THELN. You apparently are convinced if you eliminated the anti-knock compounds that the price to the public would go up considerably?

Mr. HESSELBERG. It certainly is going to go up to the man that is going to have to make the gasoline, and I think normal economics indicate that a certain percentage of this increase would be expected to be passed on to the consumer.

Chairman THELIN. You feel that the factors of production and so on do have something to do with the price we pay for gasoline?

Mr. HESSELBERG. This is true in our business.

So did Mr. Harry Morrison:

Anything is economically possible. It depends upon what people want and what they'll pay for. I feel that there is no question but what at some kind of a price somewhere you could make gasoline that was unleaded. Let me come directly to the point and answer the question that hasn't been put yet. We ourselves, out here, ask ourselves, what would it cost to provide unleaded gasoline? And we ask all of our members. Give us a number. What—how do you think you could do it? I'm not trying to be at all light about this, but with fairly light hearts they went at it to see what they could come up with, and then I began to get telephone calls back, and they said, we can put numbers down, but we can't guarantee that we can meet the requirements in octane and the requirements in quantity day in and day out that we would be required to provide, because we can't segregate, there is no point in making unleaded gas for Los Angeles County and leaded gasoline for Orange County, aside from the very fact of the unfairness of it. And you can't stop at state borders. So that what they finally concluded to me was that they are unwilling to state as engineers and as chemical engineers that there can be provided at all times adequately unleaded gasoline at any price. That's the answer.

Chairman THELIN. Are there any further questions of Mr. Morrison?

Assemblyman BROWN. You heard the testimony earlier that the American Oil Company premium gas was priced at one cent per gallon higher than the competitive gasoline. Is that right? Presumably that represents the minimum differential that would be required?

Mr. MORRISON. Actually, Mr. Brown, although I don't know of my own knowledge, I have been told that subsequently that one cent was eliminated and that the gasoline is being sold at a price competitive with the others. I do not believe—I'm sorry, but I have to answer your question this way—I do not believe that the price at which Amoco sells its gasoline can in any way be considered to be a function of the difference in cost.

Assemblyman BROWN. In other words, you're lending credence to the testimony we also heard that there is no relationship between the market price and the cost of production. Is that right?

Mr. MORRISON. No, I'm not at all, sir. Because I believe that we have to consider that Amoco is selling three grades of gasoline and is competing in a market.

Assemblyman BROWN. Are you familiar with the statement made by the—by Mr. Griswold earlier last month to the effect that the cost of selling unleaded gasoline would probably run about two cents a gallon?

Mr. MORRISON. I heard that Gris said that.

Assemblyman BROWN. Do you have any knowledge of the economic basis on which he made this statement?

Mr. MORRISON. No, sir, I do not.

Assemblyman BROWN. It didn't come from your industry, then?

Mr. MORRISON. No, sir.

Assemblyman BROWN. You made the earlier statement here that the products of combustion resulted in the formation of carbon dioxide and water, which would be harmless. You are referring only to these particular organic additives that we are speaking of, not the lead additives. Is that right?

Mr. MORRISON. No, I'm referring only to these nonmetallic additives.

Assemblyman BROWN. The earlier testimony on the lead additives seem to indicate that the result was a substantial lowering in the lead content of the blood of the people in Los Angeles compared with other parts of the United States. So presumably, if the lead causes a reduction in the lead in the blood and you're—the organic components have no effect, then probably we would be unwise to remove either of them, since the only result could be unhealthful?

Mr. MORRISON. I'm sorry, sir. I lost you.

Assemblyman BROWN. I was trying to make a rather obtuse point, actually I'm quite a bit concerned about this economic situation as far as removing the lead from the gasoline is concerned. You state that American Oil Company sells their unleaded gas at no difference in price. Another witness said one cent higher. Griswold has stated in some testimony that unleaded gas could be produced at two cents higher, and we've also had evidences to the effect of lead on the exhaust devices which is somewhat inconclusive. The testimony from the Ethyl Corporation was to the effect that they had not road tested unleaded gasoline on their catalytic devices, so they had no evidence on its—as to its effect on the life of the catalyst. You are not prepared to testify on that, I presume, are you?

Mr. MORRISON. No, sir, not on the lead item.

Assemblyman BROWN. Well, I hope that the witness from the Air Pollution Control District can testify on that because the article which I read indicated that the lead had the effect of decreasing substantially the life of the catalyst. Now, you are not in a position to offer any testimony.

Mr. MORRISON. Well, I've read what Gris had to say on that subject in his report and have discussed this just as an individual with a number of people and it is my understanding that there has been a problem there. However, I was rather encouraged, I say, encouraged because from a personal point of view because the least expenditure called upon to eliminate smog the better off we all are was when Mr. Griswold, in his report, stated that one company had developed a catalyst which was showing good signs of not being affected by leaded gasoline and again, expressing a personal viewpoint, I would think that this is a field which should lend itself and it should require a great deal of additional work to find out what the answer is.

Assemblyman BROWN. Well, let me make this economic statement and see if you can concur with it. If it would cost, say, two cents a gallon to take the lead out of the gas, which would amount to around $16 per year for the average motorist, which is the figure that Griswold used, and that results in the ability to use a catalytic exhaust device which can be manufactured at an amortized cost of—which is $16 per year cheaper, then it would actually cost nothing, if we require a catalytic exhaust device within the near future which we apparently will, it would actually cost the motorist nothing, or it would cost the consumer nothing by virtue of the cheaper device if you were to take the lead out of the gasoline. In other words, the extra cost of the gasoline would be compensated by the lower cost of the catalytic device.

Mr. MORRISON. I'm familiar with that point, Mr. Brown, as I understand what you're saying is that it costs two cents to take the lead out and you could save a year of your catalyst, you would be saving "X" additional dollars and you'd be ahead and that would make good reasoning if the two cents were a proper figure. I'm not prepared to say it is. What I have already stated I stand on, that's the problem.

Assemblyman BROWN. Yes. I bring this out to indicate the importance of trying to get a figure here, because we can't make a judgment on this, speaking as a legislator, unless we do have some figures.

Mr. MORRISON. I can see your problem and we will do everything we can to give it to you. I talked to these engineers about this thing and, if you don't mind, let's put ourselves in their position. The boss says, or your folks request, how much will it cost to do this? They have to be pretty darned positive as to where this will lead them. Right now, they are not in any position to reach any conclusions at all.

Assemblyman BROWN. This would completely disregard the health effects of the lead because if it is economically more desirable to have an unleaded gasoline in terms of its total cost to the consumer considering gasoline and catalytic exhaust device, then economically it's better business to operate that way even if it has no effect on the health.

One final area discussed was the possibility of leaded gasoline reducing effectiveness of catalytic smog control devices. The witness, Lewis Fuller:

Assemblyman BROWN. I don't like to belabor this, Mr. Chairman, but I was very much interested in this question of the effect of lead on the catalytic devices. Do you have—are you able to testify on that subject?

Mr. FULLER. I have the report, sir, which you have in front of you. The relevant portions there are on pages 11, 12, and 13. This was the report which Mr. Griswold just made after his return from Michigan, where he visited those manufacturers.

Assemblyman BROWN. Well, he states here that the total life of the catalyst is substantially reduced. Some estimates indicate that the same catalyst could well perform for as well as 50,000 driving miles if exposed only to the exhaust from nonleaded fuels as contrasted to 12,000 miles if the vehicle is operated on leaded gasolines. In other words, it seems to me that we are saying that the device will last, well, we'll say essentially one year, which would be 12,000 miles in driving or it would last for four years, if it were on unleaded gasolines and if the cost of these devices runs around $75 each or somewhere in that vicinity, we could be saving somewhere in the neighborhood of $300 by—well, we could be saving in the neighborhood of $75 per year—we'll say, $60 per year, if we used unleaded gasoline and the unleaded gasoline would cost us $16 per year. In other words, we could save ourselves about $40 per year in the cost of devices if we used unleaded gasoline. That arithmetic is very rough, but——

Mr. FULLER. That is the report, sir, which Mr. Griswold made upon his return.

Assemblyman BROWN. Well, that, of course, assumes the two cents per gallon cost for removing the lead which is open for question because the industry hasn't been able to testify as to the cost.

Mr. FULLER. That's correct.

Assemblyman BROWN. This is the only point I wanted to make, Mr. Chairman.

Assembly bill 2335 never passed the California Legislature, and the next year I was elected to the Congress. Nevertheless, I feel that the October 1961 hearing raises many points which deserve current attention.

Many of us rejoiced when the major automobile manufacturers and the fuel companies announced within the past month or so that they were aiming to eliminate lead from gasolines. Their first notices indicated that such action was on slate for the near future.

However, if what the following article from the Los Angeles Times says is true, then we must be prepared to adjust our thinking once again. The article follows:

GM MODIFIES CALL FOR LEAD-FREE GASOLINE

(By Dan Fisher)

SACRAMENTO.—General Motors Corp. Thursday modified its call for lead-free gasoline, suggesting a low-lead content grade be permitted until the 1975 model year.

Edward M. Cole, GM president, said the modification would ease the changeover burden on the oil industry and reduce cost to consumers, yet permit auto companies to meet 1972, 1973 and 1974 emission standards.

He proposed a two-fuel system—paralleling the position expressed Wednesday by Fred L. Hartley, Union Oil Co. president, before a special two-day State Air Resources Board meeting here.

Cole said that for California, regular-grade fuel should be modified from the present 94 octane level to 91 octane, permitting a maximum of 0.5 gram of lead per gallon. Currently, regular leaded fuels contain about 2.5 grams per gallon of lead.

LEAD-FREE

Meanwhile, Cole suggested, a premium leaded fuel, containing up to four grams per gallon of lead, and registering 97 octane should be permitted.

That fuel would be available as long as old cars required it, but the 91 octane regular would have to be completely lead-free by the time 1975 models appear, Cole said.

The GM president revealed experimental cars running now that will meet 1980 federal emission standards, but must have lead-free fuel to operate.

The cars are so clean that GM's equipment cannot measure emissions from them, Cole testified. "I have no fear of our technological competence to meet the standards for 1980 if the proper fuel is available," he said.

The company is known to have antismog catalysts that will last for 60,000 miles or more as long as fuel is lead-free.

Cole said, however, that he was not asking for legislation to force removal of lead.

Hartley, meanwhile, told the board legislation is needed that would limit oil companies to producing only one grade of leaded fuel and at least one grade of leadless gasoline.

He suggested that the board require a low-lead or leadless fuel be available by Jan. 1, 1971. If it is a low-lead grade, he said it should be outlawed by Jan. 1, 1974.

REQUIRE MODIFICATION

Hartley's proposal, which would have a 97 octane, leaded fuel as well as the leadless 91 octane grade, would require many motorists to have their current cars modified to run satisfactorily on the lower octane grades. This would involve, Cole told the board, a minor modification in spark timing that would take "less than 20 minutes of labor" and could be done in any service station. If the change was made as part of a normal tune-up, it would cost nothing extra, Cole said.

Hartley suggested that before an owner could relicense his car he would have to show he had made the modifications.

The Air Resources Board's technical advisory committee will make recommendations on the lead issue at the board's March 18 meeting.

Contrary to Mr. Cole, I believe that it is possible to have all lead out of motor fuels within 2 years, and I plan to sponsor legislation which will accomplish that objective.

If it was possible to produce a lead-free gasoline in 1961, then it is certainly within our capabilities to do the same today. For example, the following "Smog-o-gram"—distributed by the People's Lobby, one of the most active environmental quality groups in the southern California area—discusses technical aspects of attaining leadless fuel:

SMOG-O-GRAM

Changes in refining methods during World War II brought serious health menacing air pollution to southern California and 1943 was the first year that widespread crop damage was reported.

Former method: *Thermal cracking.* We had cracked gasolines prior to World War II:

(1) The gasoline was cracked in tightly enclosed chambers where none of the dangerous gases escaped into our air.

(2) Then the gasoline was treated with 98% sulphuric acid which *removed* (a) Impurities of sulfur, nitrogen compounds, oxygen compounds (b) Certain reactive hydrocarbons which would have reacted in sunlight to create ozone. Less lead was needed because more impurities were removed.

Present method: *Catalytic cracking.* The change to this type of cracking process caused serious air pollution because—

(1) The gasoline is *not* cracked in tightly enclosed chambers and the dangerous gases are expelled from stacks at the refineries.

(2) The gasoline is *not* treated with 98% sulfuric acid treatment and our motor fuels contain (a) More impurities which make them dirty burning, producing greater amounts of pollution from *combustion* and (b) More reactive hydrocarbons that will react with sunlight when they escape *unburned* due to incomplete combustion, evaporation, loading operations, storage, etc. More impurities require more lead.

Modern method: *Hydrocracking.* Not used in the L.A. area. This cracking process is the most beneficial for all concerned because:

(1) It increases the yield (to repay the cost of conversion).

(2) Reduces air pollution by *removing dirty burning impurities* (a) Saturating the reactive hydrocarbons with hydrogen making them non reactive in sunlight, (b) Increases the heat content of the fuel causing more complete combustion, (c) Gasolines cracked in enclosed chambers eliminating large emissions of pollution now expelled from catalytic cracking process at refinery. Less impurities requires less lead.

HOW TO MAKE HIGH OCTANE GASOLINE FOR MODERN MOTORS

Remove the impurities, saturate the hydrocarbons with hydrogen and make a white, clean burning motor fuel which needs *no lead or other additive.*

American Oil Company, in the East, makes a 96 octane, unleaded white gasoline that will not knock in any modern high compression motor.

Gulf Refining Company, in the Midwest, removes a *Teacup* of dirty burning tailends from each gallon of their gasoline.

Lead is just one gasoline additive, and even a complete elimination of lead will not cause a full reduction of motor vehicle exhaust emission pollution. The following article about Dr. Agatha Magnus puts the issue into a somewhat broader perspective:

THE PUBLIC MAY LOSE BECAUSE IT DOESN'T KNOW WHAT SMOG IS ALL ABOUT: DR. AGATHA MAGNUS, WORRIED SCIENTIST

(By Leslie Berkman)

As Los Angeles County fights to retain a federal conspiracy suit against auto manufacturers for delaying smog control and citizens around the country sign petitions to put an anti-smog amendment on the national ballot, a senior citizen from Pasadena with a Ph. D. in biology and a lifetime working interest in practical science worries that the public will lose its case because it doesn't know what smog is all about.

Dr. Agatha Magnus, who was an electronic scientist at the Naval Ordnance Laboratory in Corona before becoming an independent inventor, says that for 10 years people have been misled to believe that hydrocarbons are the culprits in the production of nitrogen dioxide, commonly known as smog.

She said that ever since A. J. Haagen-Smit, professor of biology at Cal-Tech, proposed that smog was the product of a photochemical combination of hydrocarbons and ozone by ultraviolet light, the United States government and automobile manufacturers have spent hundreds of thousands of dollars to remove hydrocarbons from the atmosphere.

Much time and money were spent to develop automobile engines that would more completely burn—and thus eliminate—hydrocarbons during combustion, Dr. Magnus notes. But unexpectedly, she explains, the scientists and automobile manufacturers found that while the new engines reduced the emission of hydrocarbons into the atmosphere by 33 per cent, they increased emissions of nitrogen oxides by 66 per cent.

The premise that smog is caused by hydrocarbons in the atmosphere thus proved a fallacy, says Dr. Magnus. Instead, she adds, scientists learned that the more thoroughly any fuel is burned, the more nitrogen oxides are produced.

Dr. Magnus explains that the nitrogen and oxygen in the confined air of a combustion engine unite chemically when heated to a high temperature. A new nitrogen-oxygen combination — nitrogentetraoxide — forms when the nitrogenoxides from the engine spill out of the automobile's exhaust pipe to unite with oxygen in the atmosphere. The colorless nitrogentetraoxide on cooling rises into the air and splits into gaseous molecules of poisonous brown carbon dioxide.

Dr. Magnus proposes that although scientists and manufacturers discovered that hydrocarbons are not the chief cause of smog, they have concentrated on the elimination of these pollutants because they don't know how to begin eliminating nitrogen dioxide. She fears that the public will be overwhelmed by the manufacturers' success story in reducing atmospheric hydrocarbons and fail to see the seriousness of rising nitrogen dioxide levels.

"Hydrocarbons are smelly and unpleasant, as anybody who has been in a gas station knows, but nitrogen dioxide is poisonous," Dr. Magnus emphasizes.

The supervising engineer of the State Air Resources Board, John Chipman, says that Dr. Magnus's theory on the cause of smog is shared by other reputable scientists, but is only one of many theories. Chipman admits, however, that until now virtually total attention has been directed at ridding the atmosphere of hydrocarbons rather than the more harmful nitrogen dioxide. He also admitted that the process developed for reducing hydrocarbons has increased the amount of nitrogen dioxide in the air.

"There is no device to control nitrogen dioxide at this moment," says Chipman. He adds that the State Air Resources Board supports the findings behind the adoption of State Assembly Bill 357 that by 1972 requires automobile manufacturers to learn to reduce nitrogen dioxide emissions to the level of 1966. That was the year that new devices were required in automobile engines to clean the air of hydrocarbons.

Currently, controversy in California—and other Western States—rages over the value of a new additive, F-310, which was introduced in fuel marketed by the Standard Oil Co. of California earlier this year.

Standard claims that fuel with F-310 can reduce certain emissions by up to 50 percent—and they have a group of test reports showing it. At the same time,

other companies and some of the anti-smog citizens organizations contend that Standard's new fuel is not only not as effective as the claims say, but that the company has been employing false advertising procedures.

Last month I wrote to the Federal Trade Commission asking for investigation of the F-310 advertising, and I hope that the Commission finishes this study within the near future.

Another public body, the Hawaii State Legislature, has before it a resolution calling for a major study of F-310, and I would like to submit for the RECORD a copy of that resolution, which was introduced by Senator Donald S. Nishimura, along with articles from the Honolulu Star-Bulletin and Honolulu Advertiser describing the furor over F-310:

SENATE RESOLUTION RELATING TO CLAIMS MADE ON F-310 BY STANDARD OIL COMPANY OF CALIFORNIA

Whereas, the adverse health effects of air pollution have aroused public interest and concern; and

Whereas, President Richard M. Nixon cited the automobile as the worst polluter of the air in his State of the Union address; and

Whereas, Standard Oil Company of California has introduced in Hawaii a new product, named F-310, a gasoline additive which has gained wide recognition through the popular media because of the many claims made by Standard's executives on the effectiveness of F-310, the most significant maintaining that F-310 is the first commercial product that will decrease pollution-causing exhaust emissions by half; and

Whereas, the opposing views of three knowledgeable and competent specialists representing three separate groups have been publicized: *Mr. Robert S. Nekomoto, chief sanitation engineer with the Department of Health, has said that F-310 will not do anything to cut down on air pollution; Dr. Sanford Siegel, University of Hawaii botanist and air pollution researcher, has stated that Standard's methods of testing F-310 are inferior and falls short of generally acceptable standards of research which results in unreliable and invalid findings;* and Mr. Robert Wenkam, conservationist, has reported that the People's Lobby, a California environmental organization, claims F-310 is actually more dangerous than gasolines without additives because it only reduces carbon monoxide and visible chemical pollutants but does nothing to eliminate the most dangerous pollutants of all—oxides of nitrogen and tetraethyl lead; and

Whereas, Mr. Robert L. Kunzig, head of the General Services Administration, recently testified at a Senate commerce environmental subcommittee hearing that trials with a natural gas auto fuel have been so successful in eliminating pollution that plans are under way to convert as many as 1,000 government cars to the new system by the end of this year; and

Whereas, it is the responsibility of the State to research and control atmospheric substances that may be injurious to the health of the general public as well as to protect the general public as consumers; now, therefore,

Be it resolved by the Senate of the Fifth Legislature of the State of Hawaii, Regular Session of 1970, that the Senate Consumer Protection Committee investigate the claims made on F-310 by Standard Oil Company of California; and

Be it further resolved that the Senate Consumer Protection Committee, after consultation with the Attorney General and the Director of the Office of Consumer Protection, report his findings to the Legislature, Regular Session of 1970; and

Be it further resolved that certified copies of this Resolution be transmitted to the Chairman of the Senate Consumer Protection Committee and the President of the Senate.

[From the Honolulu Star-Bulletin, Mar. 6, 1970]

UNION OIL CO. SAYS F-310 DOESN'T IMPROVE ITS FUEL

(By Russ Lynch)

Union Oil Co. told the Consumer Protection Committee of the State Senate last night cars running on Union gasoline were not improved in tests with Standard Oil Co. of California's new F-310 additive.

Honolulu attorney Frank D. Padgett read to the committee, investigating Standard's claims for F-310, a statement by Union's planning and research manager, Dr. James B. Gregory.

Union 76 gasolines have contained "effective proprietary detergent additives" since 1956, Gregory's statement said.

"The present Union 76 gasoline detergent additive is an improved formulation . . . it contains a hydrocarbon amine different but chemically related to the polybutene amine announced as the basis for additive F-310," Gregory added.

His statement said tests in January and February by Scott Research Laboratories (the organization whose tests have been cited by Standard as the basis for most of its claims) showed that:

Operation of automobile engines using Union 76 gasolines containing Union Oil Co.'s proprietary detergent-dispersant additive cannot be improved by using gasoline containing F-310 additive from the standpoint of hydrocarbon or carbon monoxide exhaust emissions."

Gregory's statement said Union's own tests showed that miles per gallon in 11 test cars which had operated exclusively on Union gasolines from 26,000 miles to 66,000 miles did not improve after 1,700 miles on gasoline with F-310.

Eneas D. Kane, the Standard research chief here for the hearings, was given the right to reply to the Union statement by committee chairman Sen. Donald S. Nishimura, D-7th Dist. (Palolo-Hawaii Kai.)

Kane said he agreed with Gregory's general findings as to what happens in an engine.

"I do want to emphasize, however, that a carburetor detergent and F-310 are two different things," Kane said.

And he said Standard Oil itself produced the first detergent additive in 1954, 16 years ago.

"It's been successively improved until we developed F-310," Kane said.

Under questioning, he reaffirmed his belief that F-310 produces a better result towards clean air by cutting exhaust emissions than any other gasoline additive.

[From the Honolulu Advertiser, Mar. 7, 1970]

F-310 CLAIMS DISPUTED BY UNION OIL

A Union Oil Co. spokesman told legislators Thursday that Standard Oil's highly publicized F-310 gasoline doesn't do anything that his firm's product hasn't done for years.

Standard Oil Co. of California has advertised its new gasoline additive as a breakthrough in reducing air pollution and in keeping automobile engines clean.

The State Senate's Committee on Consumer Protection and Criminal Code Revision has held two nights of hearings on Standard's claims.

A statement was read to the committee from Dr. James B. Gregory, manager of Union's Planning and Research Department.

Gregory's statement said Scott Laboratories of San Bernardino, Calif.—the same lab which tested F-310 for Standard—also ran tests in which F-310 was added to Union's gasoline.

He said the tests showed that Union's product "cannot be improved by using gasoline containing F-310 additive from the standpoint of hydrocarbon or carbon monoxide exhaust emissions." These are major causes of automobile-produced smog.

His statement said other tests by Union show that mileage is not improved by adding F-310 to gasoline.

Robert Nekomoto, chief of the Air Sanitation Branch of the State Department of Health, told the Consumer Protection Committee that Scott Laboratories has the reputation of being "a top research agency."

Nekomoto said the Health Department does not have the necessary equipment to make its own tests of Standard's claims about F-310.

But he said that if the claims can be proved Standard will have made "a substantial contribution" to air pollution control.

Eneas D. Kane president of Standard's Chevron Research Co., told the Committee headed by Sen. Donald S. Nishimura. Palolo-Hawaii Kai Democrat, that F-310 was not the final answer to automotive smog prevention but was "a step toward the solution."

He said that Standard had taken a substantial step in reducing air pollution by adding F-310 to its gasoline and had presented its claims fairly in its advertising.

Of Union's claims that F-310 did nothing more for that gasoline, Kane said that was Union Oil's opinion, not that of Scott Laboratories.

He said Union was not using Scott's statements, but had made its own analysis of data submitted by the laboratory.

Improved motor fuels can contribute immensely to abating smog. However, we must have thorough knowledge of the effects caused by altering fuel composition, and we must urge—indeed, we must legislate—the petroleum industry to sell only fuels which produce the least amount of harmful pollutants. California failed to do it in 1961, and the smog which covers the State today is proof enough of this failure. We cannot afford such failure today—for California or for the Nation.

THE CONSUMER FIGHTS BACK

HON. HENRY C. SCHADEBERG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. SCHADEBERG. Mr. Speaker, "law and order" has become a much-used phrase in today's world. But the essence of this phrase is the protection of the individual from those elements who violate the patterns of conduct and trust which are necessary for a stable society.

With the passage of the District of Columbia crime control bill, Congress has addressed itself to the most pronounced aspect of crime—street crime. This passage was needed. But there is another form of crime that is even more disastrous in its total effects that we must address ourselves to—white-collar crime.

White-collar crime has been described as a violation of trust between a dealer and a client. These violations fall into two main types: misrepresentation and duplicity, or the doublecross.

The Christian Science Monitor recently ran a 12-series article by Lucia Mouat, formerly of Janesville, Wis., of my district, that analyzed the problems involved in consumer protection, or the protection of the individual from white-collar crime that touches him as a consumer. Her articles do the best job I have seen of describing the problem and the efforts that are presently being made to correct it.

It is with real pleasure that I place Miss Mouat's article in the RECORD for the attention of my colleagues:

[From the Christian Science Monitor, Jan. 24–26, 1970]

THE CONSUMER FIGHTS BACK—I

(By Lucia Mouat)

(NOTE.—For years business has said "the customer is always right." Lately the customer is beginning to believe it. A correspondent of The Christian Science Monitor has just spent two months tuning in on the consumer climate in all regions of the United States. This is the first of 12 articles on a buyers'-reform movement armed with more facts and greater persistence than ever before.)

It is afternoon rush hour in the New York subway's Essex Station. Across the tracks a young man drops 15 cents into a machine offering three kinds of ice cream bars. He makes his choice and expectantly lifts the lid. Nothing. He pushes the coin-release button. Nothing again. In desperation he lifts the lid on each of the three choices and slams it down with increasing impatience. He turns to complain to the passersby, but they are all intent on home and supper.

Such, in essence, is consumer frustration in the machine age. It's that feeling that you didn't get your money's worth and that, as one small voice in a world of millions, you're powerless to do much about it.

The poor have felt it. Ask the East Harlem man about the $500 he had to pay for a $200 TV set on Third Avenue—just to get credit—or the housewife from the Buffalo ghetto about how her neighborhood market resorts to air spray (and some don't even bother with that) to camouflage the odor of spoiling meat. In Detroit, it's a standing joke that patrons of one market have seen the same rabbit displayed in the freezer so long that they walk by and greet it with "Hi, Harold."

UNFINISHED SYMPHONY

The middle-class buyer knows that feeling, too. Ask the man in Seattle about the set of 21 Beethoven records he ordered and how he received the canceled check promptly but never the records. Ask the Washington career girl who had to send back her coffeepot four times before it was repaired to the point where it would work. Or ask the man in Birmingham, Ala., who was driving his new car down local city streets when a tremendous noise developed. Mechanics found a carburetor screw embedded in the head of a piston. They also found the air conditioner leaking—factory workers had placed a kinky piece of rubber in its drain.

Everyone has his story. Even Mrs. Virginia H. Knauer, special assistant to the President for consumer affairs and a woman who looks confidently to the 1970's as "the decade of the consumer," has been having her buyer troubles. Her new sofa arrived last August with a broken leg. When she called to complain, the store promised a replacement by early November. As of early January, she was still waiting.

"If I had subpoena power, I'd call in the president of that company," she jokes.

Admittedly, the task of being a well-informed consumer has never been more difficult. The pressure to buy is intense. Discount and dime stores announce over loudspeakers that for the next 12 minutes—and only those—"fantastic bargains" are available in rubber-tree plants and vegetable cutters. Skilled door-to-door salesmen do not ask you whether you want their product but how you want to pay for it. All this, in a mobile society of self-service shopping where word of mouth is not the same consumer weapon or source of information it once was.

Moreover, the prevailing climate has not been conducive to consumer complaints. In this "age of approval," some call it, it is considered almost impolite (and certainly poor taste) to fully read the contract you sign rather than take the salesman's word or to admit to a desire to comparison shop.

A newly married New Yorker recently shopped with paper and pencil in her neighborhood supermarket in an attempt to get the best buy. The manager, noticing the practice was attracting the attention of other shoppers, told her: "Do me a favor, lady, and shop somewhere else after this."

A frozen-food salesman, on a no-obligation visit to a Virginia family, had the contract almost signed and sealed for a five-year supply of food. She left in a huff when the man of the house quietly asked what might happen if the family were not happy with the quality of food after two months time. Asked further for a price list, so the family could think it over, she icily replied that the company had none.

City weights and measures officials insist that a good share of their complaints about market shopweighting are anonymous. Complainants who must continue to shop at their local stores are concerned that they might be found out and penalized accordingly.

RETICENCE ON THE WANE

But this kind of consumer reticence now is fast on the wane. Spurred on by occasional success stories and their own rising indignation, a growing number of consumers are choosing to speak up loudly for what they see as their buyers' rights.

They are heartened by such examples as Ralph Nader, and his one-man crusade on auto safety, an effort that so challenged the billion-dollar auto industry that one model was forced off the market, seat belts and headrests became standard equipment, and designers began to look at the pollution problem.

It is an open question as to whether the American Bar Association report on the Federal Trade Commission would have been so sharply critical had not Mr. Nader's report, along the same line, preceded it.

Such examples prove that, even in the complex 1960's and 1970's, one individual well-armed with facts and figures can make a difference. To some degree this challenge to the establishment holds the same kind of excitement for adult shoppers, who see that the marketplace is not as it should be, as it does for student dissidents working on war moratoriums and helping the poor.

Measures of the increased consumer concern are many:

Mail. Letters often heavy with samples and tourn-out magazine ads now pour into Mrs. Knauer's office at the rate of 2,000 or more a month. Writers complain of everything from buying apple pies that have no apples to dresses with seams that unravel on the first wearing. "Often the letters are like legal briefs, with photostats of warranties and bills," says Mrs. Knauer. The letters also pile up at the offices of state attorneys general, independent consumer groups, Consumers Union (the nonprofit testing agency which puts out Consumers Report magazine), a wide range of congressional committees and federal regulatory agencies, and, of course, to individual consumer advocates.

Legislation. The handful of major federal consumer protection laws on the books have all been passed in the past two or three years. Currently in Congress well over 100 consumer-oriented bills have been introduced. The courts have shown a marked shift in favor of the consumer in the area of product liability cases.

State activity. Some 33 states now have consumer protection agencies of one form or another. Only a handful, however—Massachusetts, New York, Pennsylvania, New Jersey, Washington, California (attorney general's office) and a few others—are viewed as really strong. The will to help depends in large measure on strong protection laws.

Independent groups. The Consumer Federation of America, organized two years ago, now has close to 150 organizational members ranging from the Alabama Rural Electric Association to the Michigan Credit Union League. In the past few years volunteers have banded together in consumer groups in more than 30 states.

Involvement of the poor. As the consumer movement broadens to include buyers of all income levels, there is a noticeable increase in co-ops, buying clubs, and local organizations. Such groups as the Consumer Education and Protection Association in Philadelphia, which engages in direct picketing of businesses, are considered pace setters. The Office of Economic Opportunity-funded National Consumer Law Center, headquartered at Boston College and operating only since June, has nine full-time lawyers and 20 part-time law students working on legal reform steps for protection of low-income consumers.

Press. A number of newspapers now have full-time consumer writers. "Action line" columns are common and extremely popular. More newspapers are mentioning brand names. The Detroit News regularly publishes the names of merchants accused of impure food and weights and measures violations.

Certainly it's a big shift from the mid-1960's. Mrs. Esther Peterson, the first of the presidential consumer advisers under President Johnson and one who first suggested the merit of a national group such as the Consumer Federation of America, recalls: "I felt we'd never get anything done until we made people realize they were consumers, to start questioning things they'd been taking for granted." Today, she admits, she has "real satisfaction in that awareness."

ADVERTISING SHOWS

She also credits business with some strides forward since the days when industry made personal attacks on her and attempted to have her removed from office. Much of business still holds to the theory that all the "fuss" over consumerism is only a measure of society's affluence and that the consumer has really never had so much free choice. A number of prominent businessmen, however, are warning their colleagues they had better listen to consumer pleas or suffer the consequences of much more government regulation.

Some businessmen are putting out educational materials, running experiments in giving consumers more buyer information in grocery and department stores, and trying to get consumer input on their advisory boards.

Businessmen consistently argue that they, too, are consumers, but this concern often seems to show up most graphically in moments such as when a South Dakota retailer (interviewed for this series) pointed to a stack of defective merchandise he is returning to the manufacturer—"Workmanship just isn't what it used to be."

Perhaps advertising shows industry's keenest awareness of what bothers the consumer. Appliance and auto ads now stress safety and repairability. And it is noteworthy that Consumers Union (CU) is suing both Joseph B. Seagram & Sons and the Theodore Hamm Brewing Company for $500,000 apiece for capitalizing in their ads on CU copyrighted finds which put their products high on the preference list.

While even the staunchest consumer advocates do not lump all business in the "voltures" category (as some businessmen contend), they are convinced that business in general has not responded nearly as constructively as it should to the consumer movement.

"Much of what should be changed should be initiated by business rather than by legislation," says Mrs. Bess Myerson Grant, commission of consumer affairs for New York City. "Instead of fighting the bills and the rebellion of the consumer, business should start fighting the problem.

"Business keeps screaming about government intervention but it's been asking for it with this attitude of 'how much can I get away with and for how long?' The federal packaging bill is a perfect example. They knew they had to cut down on the number of package sizes and they didn't. If this attitude continues to prevail, there's going to be much more of a consumer revolt than there has been."

EXAMPLES RECEIVED

Ralph Nader is equally, if not more, indignant on the subject of business taking advantage of the consumer. In his view, the thousands of examples each day of illegal credit transactions, auto repair work never even done, of shortweighting, passing off low grade meat and high grade meat and of pumping water into poultry and hams ("The consumer is paying $32 million a year for all that water.") adds up to "unbelievable" and "very lucrative fraud."

"The whole process is systematic thievery on the part of corporations," he said in a conversation with this reporter. "Every day I get letters enclosing examples. The other day I got a piece of material that was four inches short of the four feet long it was supposed to be. And someone sent me a bottle of instant coffee that was supposed to weigh 16 ounces net—the whole thing weighed 16 ounces. . . . Corporations know with infinite precision what's going into their packages. All they've got to do is tell the consumer."

Mr. Nader characterizes the consumer movement as a "powerful, conservative" movement dedicated to such solid 19th century Sherman Antitrust Act ideals as fairness in the marketplace and more comparative information for the consumer.

Arguing that "price fixing is totally a way of American business" and that the base of competition has been narrowed to such details as games of chance and the color of bank checks, he says "the consumer movement will show that industry and commerce have been living a lie and that they're the greatest subverters of the free enterprise system there are. The leftist radicals don't even come close in terms of daily destruction of the system."

For at least the 1970's, consumer advocates predict heavy stress on environmental problems, with strong participation expected at the nationwide April 22 college teach-in. The scope of consumer concern long ago outgrew its early and narrow connotation of the housewife picketing a grocery store. Now it encompasses such diverse concerns as travel, interstate moving, taxes, and tenant problems.

MORE MILITANCY EXPECTED

More low-income militancy and direct picketing of business is expected. More of the professional and young poverty lawyers are interested. Class action court suits on behalf of groups of consumers with dollar returns will become more common.

Whatever momentum the consumer movement may have—and, as its critics allege, it may be due more to the zeal of the few than of the many—the fact remains that there is still a good deal of old-fashioned American apathy on the part of the much-discussed "silent majority."

One deputy attorney general tells of seeing a home improvement scheme in a television ad which he was sure was fraudulent. Since he had no pattern of evidence with which to build a case, he paged through the lists of contracts signed and wrote to the last 40 people on the company's list. Once contacted, more than 30 people indicated they had been cheated in some way but had not complained because they didn't feel it would do any good.

Some longtime consumer advocates, such as Rep. Lenor K. Sullivan (D) of Missouri, argue that such apathy has taken a toll in legislation.

"Congress has always been agonizingly slow in passing urgently needed consumer protection laws," she commented during a hearing last fall of the Commission on Product Safety. "The consumer drive to force us to act is still in low gear. . . . Most of what still needs to be done hasn't been done because the public hasn't cried out loudly enough."

GREAT POTENTIAL SEEN

Mr. Nader, a man who has proven that numbers don't mean everything, sees the potential of the consumer movement as the broadest-based the nation has yet seen.

"The rush is overwhelming—it's almost becoming a fad," he comments. "Other issues such as Vietnam and civil rights have divided the country into camps. Granted that sellers and buyers are opposed in the consumer movement, but there's no split at the grass-roots level. It's a 'people's movement.'"

This series stems from more than 200 personal interviews with leading consumer advocates, citizen leaders of the consumer movement, state law officials charged with curbing consumer fraud, poverty program workers, labor officials, educators, and businessmen. Some of the most common complaints in consumer mail will be explored—auto repairs, product safety, appliance warranties, food packaging, and credit problems. Also, assessments will be made of the growth of consumer education efforts, industry response to consumerism, organizational strength of the consumer movement, and the extent of legal protection. Concluding the series will be a few pointers on what the consumer may do to help himself.

From the Christian Science Monitor, Jan. 29, 1970]

THE CONSUMER FIGHTS BACK—II: AUTO REPAIRS SPUTTER, MISS

(By Lucia Mouat)

(NOTE.—Some 67 million Americans are married to their automobiles. They spend up to $25 billion a year on repairs to maintain the compact (as well as the station wagon, the family sedan, and so forth). But all is not bliss. Consumers face problems in the repair business that range from a shortage of mechanics—many of whom are untrained if not plain incompetent—to calculated fraud.)

TUCSON, ARIZ.—The gas gauge was nearing "empty" so the University of Arizona co-ed pulled off the freeway into the nearest service station. All went routinely enough until suddenly she noticed white smoke billowing out from under the open hood. The attendant, standing over it with a properly concerned expression, informed her that the car needed "a new accelerator in its generator" and that if she tried to drive out of the station without having it fixed, the car would be ruined.

One tank of gas and $119 later the student was back on the freeway, heading for the university campus. To confirm her growing suspicion, she took the car to her regular mechanic for a recheck. His verdict: Potassium powder had been used to simulate smoke, and she had been "conned" (a generator does not have an accelerator).

The case is not as exceptional as one might think. Despite stepped-up efforts by law-enforcement agencies and more widespread and vehement complaining on the part of car owners, deceptive auto-repair practices persist as a major consumer problem.

In California several gas stations near the southern border were suspected of pulling the same trick as the Arizona mechanic. But when the attorney general's office tried to amass a pattern of evidence, it found all 20 of its witnesses were from out of state. All had been carefully selected by their license plates. A suit was impossible.

DRIVERS LACK KNOWLEDGE

The American automobile, a complex machine of more than 15,000 parts, is regarded as an absolute necessity by most of the 67 million Americans who own one. But most motorists are in the weakest possible bargaining position when it comes to judging what, if any, repairs are needed, whether they have been done well, and what is a fair price to pay for them.

Yet each year motorists pay a whopping $20–25 billion—almost as much as a year's outlay for the Vietnam war—for auto repairs.

The consumer is a captive in more ways than one. Once his car's motor is disassembled and the trouble is found, there is usually little, if any, opportunity to shop around.

If the final bill shoots above the estimate the consumer again has little recourse but to pay—even after a hot verbal sound off.

Only if the estimate appears in print and is consistently violated can law authorities build a case for fraud.

Often it is hard to draw the line between fraud and honest incompetence. As cars have become more complex and mechanics more specialized, the varied causes of auto trouble are tested almost in isolation. It becomes a hit-and-miss process.

CHARGES COMPARED

Take the case in "Points and Plugs," part of National Educational Television's process (NET) consumer-oriented "Your Dollar's Worth" series. A woman driving a freshly tuned-up car with marked spark plugs made the rounds of several gas stations which had "mechanic on duty" signs. Each time, just before she drove in, a mechanic employed by NET adjusted the points slightly to cause stalling and rough running.

She was charged variously from $1.58 for opening the points (a fair price for the right work) to $32 for new spark plugs, points, condenser, and an adjusted carburetor (all unneeded). Other experiments run by auto clubs in Denver, Greater Atlanta, and Greater Portland, Maine, rate half of the minor repairs done by garages sampled as unsatisfactory.

Recalls Boris Holtzman, who wrote and produced the NET program: "There was very little attempt to repair instead of replace and to really define the cause of the trouble. . . . There is a great surplus of untrained mechanics who are essentially gas pumpers."

LICENSING THE ANSWER?

It is such random guessing and mistaken analysis that have led some consumers into paying for the same job twice.

Part of the problem is a nationwide shortage of mechanics. An estimated 50,000 a year will be needed over the next decade just to keep pace with population growth. The glamourless, grass-monkey image of the trade, held by many young men and their parents, has not helped.

Although licensing mechanics has been suggested as one answer to the quality problem (a few House bills propose it), the idea is rejected now by many on the grounds it would only tighten an already short supply of manpower.

Meanwhile, as Congress and consumers mull possible solutions, a number of motorists are turning to diagnostic centers as one answer. Here for $8 to $20 you can run your

car through a series of compresensive machine tests and pinpoint what ails it.

Diagnosic centers also have potential for those consumers who suspect repairs done have not been done well and for used-car shoppers.

American Automobile Association Affiliates in both St. Louis and San Francisco have launched such centers. Conceding its sampling is far from random, the Automobile Club of Missouri reports that of some 2,000 cars brought to it for a repair recheck over one chunk of time, one-third were found to be unsatisfactory.

One Arizonan, in the market for a used car, ran six specimens through a diagnostic center in Tuscon before deciding on the best buy. Chet Fullington, service adviser of this center at O'Reilly Chevrolet, says the diagnostic idea also holds strong potentials for those "oversensitive" to their car troubles.

"Some people are ready to believe anything," he reports. "We had one man drive all the way down that mountain over there at 15 miles an hour because he was convinced the idler arm was going to fall off. We found absolutely nothing was wrong."

There are those who argue an intensive course in auto repairs for every motorist would go a long way toward improving a bad situation. But many consumers feel that matching expertise in this field should be no more necessary than it is in barbering, plumbing, or in mastering the trade of the airplane mechanic. They argue that the consumer who pays has a right to expect some quality.

Prices and parts delays are as much of a concern to car owners as poor workmanship. It is estimated that parts prices are generally about 60 percent higher than a decade ago. With regional variations, the average labor and service charge is between $7 and $9 an hour now. The manufacturers' argument—that in fact repair costs are down because less frequent maintenance service is called for these days—is small comfort to most motorists.

Some suggest dividing repair bills into parts, labor, and service, since the mechanic only gets about half of the current "labor" charge.

"Even the unskilled laborer gets more than $3.50 or $4.00 an hour," comments Barry McNulty, executive vice-president of the Independent Garage Owners of America, with headquarters in Chicago.

OWNERS' COSTS STRESSED

"The assumption that garage people are getting rich on the poor consumer is a big joke. The public has no idea of the cost of equipment or space. If you were repairing watches, you would work in a place the size of my office. But with car repairs, it's a different story."

Some pinpoint the problem as the piecework basis for paying mechanics. The quicker they move on to the next repair, the more they make. This is encouraged, dealers argue, by the flat-rate manuals published by manufacturers, which set time and price for each type of warranty repair.

Interestingly enough, each facet of the auto-repair business—manufacturers, dealers and independent shops, insurers, and mechanics—all side with the consumer on one or another of his many complaints. Each is ready to blame the other for negligence in coping with the problem.

This point has come up vividly in the three sessions on auto repairs held over the past year by the Senate antitrust and monopoly subcommittee. Chaired by Philip A. Hart (D) of Michigan, the state which is home to three of the big four U.S. auto manufacturers, the committee began with an investigation into high auto-insurance premiums and quickly turned the spotlight to auto-repair problems.

Design, defects, and delays figured heavily in the hearings.

Robert D. Knoll, director of the auto-test division of Consumers Union, reported to the subcommittee, for instance, that he had found an average of 36 defects in 1969 cars (more than two times the numbers he found in 1967 models) and argued that delays in receiving parts for even current model cars were "appalling"—often one to six months.

Manufacturers, of course, retort that they do recall cars for defects whenever they discover them and that they are working toward faster parts distribution.

General Motors, for instance, has just launched a giant computer operation to better feel out the geography of supply and demand.

A General Motors spokesman in Detroit argues that the "confusion" of the "paperwork empire" set in motion when parts are ordered is more to blame for delays than the number of parts.

Ford Motor Company has set up a new distribution facility in Detroit which it describes as being as big as 53 football fields, including the end zones. Ford dealers now stock catalogs of 27,000 pages of parts listings. Officials concede that in a single year parts managers may have to replace as many as 26,000 pages just to keep their listings current.

INSURANCE MEN SPEAK UP

Consumers are currently urging manufacturers to consider ease of repairability in their new car designs. They cite bumpers that sometimes need to be removed to get at the directional signals and air conditioners in the way of spark plugs under the hood. They say that with more careful planning some of the most common repair jobs could be done by less skilled mechanics—so "you wouldn't need a Ph. D. just to adjust the window panel," as one consumer advocate charges.

In a very interesting turnabout insurance spokesmen have taken to befriending the consumer in his protest against the high cost of parts and the need for design change.

In testimony before the Hart subcommittee, the insurers argued that the most common repairs are often the most expensive. The most graphic illustration of this point came with the filmed test results of four standard medium-priced cars which were crashed into barriers at 5 miles an hour. The Insurance Institute for Highway Safety, which did the experiment, reported repair bills in crashes averaged $200 each.

When one manufacturer revealed no repairs would be necessary if its cars were traveling at a 2.8 mile-an-hour speed, it brought a quip from the Rowan and Martin "Laugh In" that companies had "agreed to meet the problem by building cars that would go only 2.8 miles an hour."

For those who despair of a solution to auto-repair problems, there are signs of progress:

From the manufacturers, there is increasing emphasis on repairability in advertising. Ford has sold more than two million of its $15 home-auto tune-up kits and devotes 25 pages of the Maverick owner's manual to do-it-yourself repairs. With a new Volkswagen, a buyer gets coupons entitling his "bug" to four free diagnostic inspections for the first two years. Both Ford and General Motors have indicated bumpers on their 1971 models will be more crash-absorbent. Manufacturers are heavily involved in training new mechanics. The "big four" are at least talking of building more repairability into their designs, with parts in clusters which can be easily removed and replaced. One manufacturer has assigned an engineer to its senior stylist.

Insurance companies, no longer assured of virtually automatic rate increases and parts discounts, are considering adoption of a rating system which takes into account the varying costs of the same repair jobs in different models of cars. Consumer advocates are hopeful that this in turn might influence motorists in their choice of a car and in turn the manufacturer in his choice of design.

MORE TRAINING EFFORT SOUGHT

Dealers, service stations, and independent shops are trying with sporadic success to increase their training efforts. Just a few months ago the Independent Garage Owners of America, Automotive Service Industry Association, and the National Congress of Petroleum Retailers launched a voluntary certification program in which mechanics will be certified in accord with specific skills.

It is also worth mentioning that not all consumers put their auto-repair experiences into the "horror story" category. Consider the man from New York driving to Atlanta to visit his daughter and son-in-law. After an overnight stop in Spartanburg, S.C., he discovered his car wouldn't start. A gas-station mechanic tried for an hour to find the trouble and called in first a generator and finally an ignition specialist, fresh from his all-night shift at a nearby tractor factory. A few hours later the trouble was found—a missing piece of insulation in the ignition—and the motorist had to prod the men who had helped to take any money.

The government's role in improving the auto-repair situation (admittedly limited) is expected to be more regulatory than legislative.

The fourth and final set of the Senate subcommittee's auto-repair hearings will be held in March with representatives from the Departments of Health, Education, and Welfare, Labor, and Transportation on hand to testify. It is expected that they will be pressed to use the authority their departments now have to beef up federally aided mechanic training to develop a system of licensing garages and perhaps master mechanics with industry certification of the others, and to devise minimum federal standards for a more effective system of state motor-vehicle inspection.

WARRANTIES RESTUDIED

Changes are expected, too, in warranty regulations.

An increasing rift between dealers and manufacturer on this issue makes warranty clarification all the more imperative. It caused no small stir this month when Senator Hart released a letter, purportedly sent by the Chevrolet Motor Division of GM to its 7,000 dealers, asking that warranty repairs be restricted to defects affecting safety unless customers requested repairs.

Just this year manufacturers reduced protection time from two years or 24,000 miles to one year or 12,000 miles, whichever is longer. The five-year or 50,000-mile protection still holds on the drive trains and a few other specified parts.

Bills have been introduced in the Senate to encourage fuller and more responsible disclosure on warranties.

Also, legislative recommendations from the Federal Trade Commission, which held hearings on automobile warranties last February and has a scathing staff report on the subject, are expected to be released. No indication is given as to when—"I wouldn't try to second guess the commission," explains an FTC press officer.

[From the Christian Science Monitor, Feb. 2, 1970]

THE CONSUMER FIGHTS BACK—III: WILL THE REAL BARGAIN STAND UP?

(By Lucia Mouat)

(NOTE.—When is a supermarket bargain really a bargain? Many see present pricing and packaging practices in the food industry as versions of the old shell game. A bill before Congress would enforce unit pricing, making comparative pricing practical.)

ST. LOUIS.—Needs of a supermarket bargain hunter: one free afternoon, an advanced

degree in mathematics, and an iron determination not to be impressed by the size of a package.

This puts the case rather strongly—but so do a number of housewives. It has been estimated that collectively the dollars they "waste" in guessing wrong on economy choices run into the billions every year.

The average supermarket stocks 8,000 items, displayed in a dazzling array of weights, sizes, and brands. Though most housewives consider quality as well as price in their decisions, some say modern packaging practices make comparative pricing almost impossible. Slide rules and cardboard calculators (dispensed glady now by many retailers) generally are not viewed as a great help.

In addition to a stated price per unit of weight, some shoppers want uncoded dating of perishables and percentage labeling of ingredients.

WATER WEIGHED IN, TOO

Mr. Ruth Vasterling, a St. Louis housewife, argues that listed net weights often are no real indicators of contents. In weighing canned vegetables, for instances, she has found that often water accounts for half the net weight.

"Why should we be paying all that money to ship water around the country?" asks Mrs. Vasterling, who began weighing canned goods in accord with an ounces-per-day diet plan. "It's grossly unfair to consumers."

She contends that the canning practice is costly and a sound argument for percentage labeling and stricter content control. Manufacturers she has contacted, she says, do not take the problem so seriously. One major company, prodded by a phone call and a letter from her, sent a representative to her doorstep one day to offer her two free cans of peas. "That was supposed to pacify me," she says.

Perhaps one reason housewives and consumer advocates have delved so zealously into the area of food packaging, pricing, and labeling practices is that they find the results both fascinating and personally useful. Some are hard pressed to draw the line between confusion and outright deception.

Among their findings:

Manufacturers package prices.

It's the old story of the nickel candy bar "shrinking" inside its spacious wrapper. Rather than raise the price of his product or reduce the size of the box, the manufacturer simply "packages" the cost by cutting down the quantity. It is estimated that hundreds of items, from chile to pancake mix, are so packaged.

HOUSEWIFE JUST GRABS

"It's deliberately deceptive, a hidden cost increase that you'd never notice in a casual glance," comments Mrs. Sarah Newman, executive secretary of the National Consumers League, who points to salted peanuts and crackers as examples of such price packaging. "If prices have to go up, you might as well let the housewife know. She's still going to buy."

Often many packages of different weights look alike. Sidney Margolius, veteran consumer columnist, tells of the day recently when he and his wife spotted three loaves of bread varying from 22 to 27 ounces, all looking alike.

"The average woman spends a little over three seconds buying her baked goods," he says. "She's just going to grab, and if she thinks she's got the biggest, she may be in for a shock."

The large "economy" size is not always cheapest. A Washington, D.C., supermarket employee tells of buying three packages of aluminum foil and getting more foil for less money than in the large "economy" size. Similarly shoppers have found in the course of price surveys that "house" brands are not necessarily cheapest.

Pictures often don't tell the story.

Witness the charge that Campbell Soup feigned thickness in its product by tossing in a few marbles for its picture ads.

In last October's issue of Consumer Reports, Consumers Union did a telling picture layout on frozen pies. It pitted the picture on the package cover, usually a succulent slice, against an actual picture of the contents.

In addition to the campaign for transparent packaging of meat, weights-and-measures and consumer officials are constantly on the lookout for short-weighting and other deceptive practices. In December the Nassau County, N.Y., Office of Consumer Affairs charged that cheaper meat cuts were being priced and labeled as better cuts (such as shank passing for beefsteak boneless chuck) in 34 of 40 outlets it checked.

"Specials" aren't always special.

Consider the Portland, Oreg., housewife who found a 13-ounce bottle of shampoo on "sale" at the front counter of her neighborhood store costing more than 16 ounces of the same shampoo on the regular shelf in the rear.

Or Mrs. Alberta Slavin, who heads a two-year-old St. Louis price-survey group called "Housewives Elect Lower Prices" (HELP). She noticed baby food at a "low discount rate" of 9 cents cost more than it did the week before in the same store. When she noticed a similar aisle-end "sale" on peanut butter, with the jars the same price they had been for the last month, she was told by a clerk that for every 10 cases the store purchased, it got one free.

"This is the kind of 'Mickey Mouse' we all have to put up with because we can't remember from week to week," says the attractive housewife. "When hundreds of thousands of items are advertised constantly, it's impossible to keep track—unless you take a survey."

FTC CONSIDERS RULING

The Federal Trade Commission (FTC), through its own surveying, has charged that advertised "specials" are often overpriced or unavailable. It is considering a ruling on the subject. The food industry is expected to rebut FTC findings during March hearings.

The high price of food is probably the one issue which most annoys the majority of this nation's shoppers. Yet without concerted organizational effort—a tall order for most consumer groups—they are powerless to do much about it.

Packaging and labeling reforms appear to some consumers to hold much more potential than changes in the pricing area. But many feel that so far there has been far more talk than action.

The Fair Packaging and Labeling Act (FPLA), aimed at cutting down the proliferation of sizes and making labels more informative and easier to read, passed in 1966 after five years of hearings. Many feel it emerged much the worse for the wear.

The most noticeable improvement to the average shopper is the larger type and standardized position of the net weight on labels. Some businesses, like Jewel Food Stores in Chicago, took advantage of the already expensive opportunity to add a few other points for customers. Miss Jane Armstrong, home economist and member of Jewel's packaging committee, reports that labeling on the stores' frozen-food line was changed to include information on where the product is grown and tips for cooking and proper storage.

FPLA regulations on slack-fill and cents-off practices have yet to be shaped and funded.

Some consumers feel that the progress made in cutting back the number of package sizes has been almost as negligible. The trimming was left to industry's voluteer efforts, with strategic prodding allowed from the secretary of commerce and National Bureau of Standards (NBS).

PROMISES VERSUS PRACTICE

Producers and trade associations in 21 product areas agreed to specific reductions, largely during 1969, in their size ranges.

David Edgerly, a weights-and-measures coordinator at NBS (and one of only two men there working on the proliferation problem), says that with the exception of spokesmen for the instant-coffee industry, which offered suggestions for improvement on its own initiative, NBS went "knocking on doors."

Weights-and-measures officials in 40 states have been checking the promises against practice. Mr. Edgerly, who stresses that progress could and should have been a good deal better across the board despite the problems involved, says the soft-drink industry (which agreed to trim its inventory size range by one-third as of last July) scored fairly high, while a few areas such as adhesive bandages (which had pledged to cut the number of its sizes from 33 to 16 by last January) ranked low. Presumably the time needed to get rid of old stock is longer for the latter product. Mr. Edgerly adds that, contrary to popular myth, it is the large manufacturers rather than the small ones which produce most of the "off" or fractional sizes.

Certainly there are problems, particularly with products which range widely in density.

"With cereals you've got puffed wheat at one end and grape nuts at the other," says Robert Thurston, vice-president of Quaker Oats Company. He says his company has eliminated all fractional ounces except on a few cookie and cracker products. "You're either going to end up with all packages of the same size and a tremendous variety of weights or vice versa."

IF COMPETITION IS LET OFF

Also, if the competition is not required to follow suit, motivation is hard to develop. Mrs. Mary Gullberg, a home economist with the Consumers Cooperative of Berkeley, Calif. (CCB), which has more than 48,000 member families, says that, though the CCB has standardized weights of several items such as dried fruits and rices, its products stand almost alone.

CCB peanut butter, for instance, is in pound jars, while competing brands are packaged in 18-ounce lots. Mrs. Gullberg, who considers standardization the best answer to the problem and suggests most food products can be boxed in one-half, one-quarter, or three-quarter pounds or multiples of these, reports there was little change in standardized weights on co-op shelves between 1964 and '69.

The average consumer, who may never have seen the full range of 50 olive sizes in her particular market, may not even have noticed (or felt her pricing problems eased) when the industry cut back to 20 sizes. The same would apply to products such as cookies and crackers, which slimmed down from 73 to 56 sizes.

The basic question now is "What next?"

Some want to toughen the packaging law as it stands. To date, Sen Philip A. Hart, (D) of Michigan, author of the bill, who concedes it was "pushed, pulled, and hammered fiercely" before final passage, has put his stress on more funding for the regulatory agencies charged with enforcing and watchdogging progress.

He credits the law with having cracked the "hard line" He feels business generally held against consumerism and argues there is nothing "intrinsically" wrong with business disciplining itself.

UNIT PRICING VERSUS PROFITS

At the moment the consumer push is strong to get retailers to calculate the price per unit of each product for the shopper. Sen Gaylord Nelson (D) of Wisconsin is the sponsor of such an amendment to the packaging act. The idea has been endorsed by the

Consumer Federation of American and Consumers Union, among others.

Retailers and manufacturers argue that unit pricing, particularly on the individual can or package, as the Nelson bill stipulates, would be prohibitively expensive. Industry spokesmen estimate $300 million at least to tag and update the 210 billion items on the shelves. They stress that their profit margin on sales is a slim 1.3 percent, though based on a capital investment figure that slides upward to 12.5 percent.

Several experiments are under way to find out more about cost and consumer behavior with respect to unit pricing. None so far involves stamping the new figure on the individual product itself.

New York is scheduled to begin enforcement of a citywide price-per-measure ruling Feb. 20 (more on this in a later article).

Safeway Stores in Washington has been conducting unit-pricing experiments in two stores in low-income neighborhoods for the past three months and, since December, in two more-affluent neighborhoods in Alexandria, Va. Some 70 percent of the stores' packaged products are affected.

A similar experiment in three Jewel stores in the Chicago area was begun in January.

Methods in both cases include a variety of shelf labels, posters, and cardboard and mechanical calculators. Evaluation of both projects is yet to be made.

The Berkeley co-op unit has been pricing a number of food items since 1960. Mrs. Gullberg counts the hours of labor involved in posting and updating the pricing as not worth the return in customer use.

"We've sold I don't know how many slide rules, and I've yet to see anybody use one," she comments. "If you want to calculate three things, you often forget the first by the time you get to the third. As for the information sheets we put up, people are usually pleased to see them, but they're too much work to use."

But the Berkeley home economist stresses that she thinks consumers do need more information than they get. "Arguing against that is like saying you don't need books in a library because nobody reads them; when somebody does need the information it should be there." She simply favors standardization of weights as the better method.

A recurring theme in any conversation with businessmen on unit pricing is use and the consumer's willingness to pay the cost.

"We need to be very careful we don't get boxed in with regulations that don't fill the needs and objectives of consumers," says Joseph F. Grimes, vice-president of sales at Jewel.

"Evidently there's a dearth of causes right now," adds the Chicago executive. "Consumerism has become like motherhood and the flag, with everybody jumping on the bandwagon. . . . We tend to think we're a little closer to the consumer and her thinking than many consumer advocates. We've done quite a bit of research [into unit pricing] land—we're not inflexible on this—but we find the great majority of consumers don't know what it's all about and don't want it, particularly if it's going to be very expensive."

"The danger of the consumer movement is precipitous action," says William Kagler of the Kroger Company, headquartered in Cincinnati, which has changed some 3,400 "house" labels in accord with the packaging law. "There are consumers and there are consumer advocates, but I'm not sure there's any broad-seated demand for unit pricing. . . . The problem is that nobody knows if it will really work. A cost-benefit ratio is needed to determine whether the system would be desirable or not."

CAMPUS RESEARCH PUSHED

Consumer Research Institute in New Jersey, run by James Carman, a business-administration professor on leave from the University of California at Berkeley, is digging into just such questions. Supported by trade associations for food chains, wholesale grocers and manufacturers, and food advertising agencies and magazines, the new institute manages some 20 research projects on university campuses in such fields as cents-off practices, European testing and grading programs (for comparison purposes in this country), and unit pricing. Consumer behavior receives a heavy emphasis.

Clarence Adamy, president of the National Association of Food Chains, cautions against being "absolute" on either unit pricing or standardized packages. He says the food industry can most successfully do "parts of both" and criticizes the proposed unit-pricing amendment as being too narrow in the scope of methods allowed.

In Mr. Adamy's view, the biggest problem, which he says cannot be solved by either suggested method, is that money comes in tenths and package weight in sixteenths.

"Nobody is approaching the honest problem, which is the complexity of our basic system," he says. "I believe with a great deal of integrity that the only answer is going to the metric system, and I think it's inevitable. Only three nations are left which don't have it."

In addition to the push for information that would make pricing comparison easier, there is also currently a move for percentage labeling of ingredients. Consumer spokesmen argue it is a fact that one knows more about dog food, with its thorough list of ingredients and nutrients by percentages, than about most human food.

PERCENTAGE LABELING QUESTIONED

George M. Koch, president of the Grocery Manufacturers Association, says he is quite sure that customers want and are willing to pay for the convenience of flip-top cans and the like, but he is not at all sure about percentage labeling.

"Whether that measure comes this year because of political reasons or five years from now may mark the difference between sanity in the consumer movement and regulation by panic and chaos," he says.

"We strongly support any consumer legislation that will really be helpful. But does the consumer really want this? We'd be adding a new dimension without a common denominator. If it put 2 percent more beans in my can than another manufacturer with a different pork-and-beans recipe, is the consumer further informed or more confused?"

Mrs. Esther Peterson, first presidential consumer adviser, sums up her consumer view: "The packaging bill is really a labeling bill. In some areas there are more package sizes than ever. We've either got to have forced standardization or unit pricing. If unit pricing, the simpler the better. All this gadgetry is what we want to avoid. . . . There's no reason why it can't be done. All these crazy arguments are the same ones we've run into on every possible social advance. It's always, 'It will cost too much' or 'It isn't needed.' "

[From the Christian Science Monitor, Feb. 5, 1970]

THE CONSUMER FIGHTS BACK—IV: WHAT PRICE SAFE PRODUCTS?

(By Lucia Mouat)

(NOTE.—Ten years ago consumers could rarely sue manufacturers when products were unsafe. But new laws and mounting court cases now are pointing the finger of liability toward business. Though voluntary reform in the field of product safety has gained, many see increased governmental action in the future.)

DETROIT.—"Everybody's in favor of safety, but it costs money," says Detroit lawyer Richard Goodman.

He and his colleague Paul Rosen, who work full time on behalf of injured consumers in product-safety cases, were showing this reporter their rogue's gallery of judicial evidence. Items ranged from an aluminum beer keg which had corroded enough to explode at a wedding to detailed photographs of a tractor-lawnmower whose loosely attached gas tank also had exploded.

Product-safety court-cases totaled some 300,000 last year, triple the number filed the year before. However severe the problem—and all admit statistics are badly needed—probably no field illustrates so well the decisive change in this nation's consumer climate over the past few years.

Court decisions are one major indicator. The responsibility for loss has been shifting gradually from the consumer to the manufacturer, even though the manufacturer may not be at fault morally. He now must anticipate possible misuse of his product by the consumer and, under the doctrine of "strict liability" being adopted in an increasing number of states, possibly accountability. He usually invests heavily in product liability insurance.

BREAKTHROUGH DESCRIBED

Prof. Thomas F. Lambert, editor in chief of the American Trial Lawyers Association (ATLA) Journal, describes this legal chance in the past 25 years as "the most dramatic breakthrough in the history of accident law."

Probably most responsible for this judicial change is ATLA, which operates a clearinghouse in the product-safety field at its Cambridge, Mass., headquarters. Here lawyer members can turn for records of similar cases to get tips on the most persuasive kinds of witnesses and testimony.

"Aggressive lawyers in the American Trial Lawyers Association have essentially changed the law by arguing and convincing many judges that manufacturers do have a responsibility for the safety of their products," comments Morris Kaplan, technical director of Consumers Union, publisher of Consumer Reports. "They've been accused of feathering their own nest, but the thrust of their actions is socially useful."

In the manufacturer's view, some consumers are simply "cashing in" on the favorable climate whether their cases really deserve it or not.

It is also true that even the threat of a court suit and even a case settled in favor of the manufacturer have been known to result in change on the consumer's behalf.

Witness the string of suits involving Corvair, largely, if not all, unsuccessful from the plaintiffs' view. Presumably the combination of these cases and the stinging publicity from consumer advocate Ralph Nader's "Unsafe at Any Speed" quashed sales to the point where General Motors took the car off the market.

Another key factor in the developing product-safety field has been the work of the National Commission on Product Safety (NCPS). Appointed by Congress two years ago and due to expire this June, it was set up to pinpoint dangerous products, review existing safety legislation and industry's self-regulation efforts, and to come up with some of its own recommendations.

Through the intensive work of its seven-member bipartisan commission, three task forces, and several contracted outside firms, the group has earned a reputation, by all measures, that few study commissions can match. Ralph Nader predicts there will not be an agency in the government in the next 10 years that will have more "impact" than the commission has had.

NCPS hearings around the country, research, and prodding are given a large share of the credit for:

Passage of the Child Protection and Toy Safety Act of 1969, which has just gone into effect. To the narrow 1966 act on the same subject, this law adds possible banning by the Food and Drug Administration of toys

with thermal, mechanical, and electrical hazards.

Improvements in glass safety. The Federal Housing Authority (FHA) minimum property standard (to which almost everyone builds these days) now requires that safety glass be used in sliding glass door and in panels around doorways as well as in shower and tub enclosures in all FHA-approved homes. Legislatively, Florida, Maryland, and Oregon (and several individual cities) have stepped up requirements for the use of safety glazing in building and installation.

An across-the-board reexamination of the stringency of safety standards (which industry stresses it does periodically anyway) in such fields as ladders and lawnmowers by individual trade groups and by the American National Standards Institute (ANSI), a national standards clearinghouse. Certification groups also show increased concern.

Manufacturer action. In addition to standards revision, a few manufacturers have voluntarily recalled products. Rapaport Brothers, Inc., with its toy tunels (subject of one of the commission's hearings in Boston) is an example. Appliance manufacturers also voluntarily applied federal refrigerator safety requirements to freezers. Such groups as the Outdoor Power Equipment Institute feature TV spot commercials instructing viewers in the safe use of their equipment.

But consumer advocates insist many more manufacturers have been lax and, in fact, defensive. Technology is available, these advocates say, but safety legislation has been "piecemeal," usually passed in response to a crisis, and largely unimplemented.

The Flammable Fabrics Act of 1953, for instance, was aimed mainly at getting "torch" sweaters off the market. A federal standard was established as to what constituted too much flammability in the fabric. With 1967 amendments, the act was broadened to include upholstery, carpets, draperies, and the full range of fabrics. The secretary of commerce was authorized, after determining that any one of the materials presented a problem, to set a standard of flammability for it.

MANY AREAS NOT COVERED

So far the secretary has pinpointed rugs and carpets and children's sleepwear, underwear, and dresses as problem areas. But, red tape being what it is, the old standard of the 1953 act still prevails.

Arnold B. Elkind, the New York lawyer who is chairman of the National Product Safety Commission, describes the amended act as "an absolute farce."

Any further progress for the consumer in the product-safety field hinges on resolution of the standard problem and of whose responsibility it should be.

Of the 234 products that were to be reviewed by NCPS it was found that 48 areas, including playground, camping, winter sports equipment, and bicycles, had no standards at all. Many others were found to be very weak.

Standards have been compiled by industry on a voluntary basis. As a result, some have no teeth and most have no means of being enforced.

Industry, however, is making a concerted effort to prove that the voluntary system can work. The ANSI, for instance, in addition to a more aggressive role in telling industry where standards improvement is needed, is firmly enforcing its longtime rule that standards must be reaffirmed or rewritten every five years. Furthermore, the ANSI has been moving into the certification business, with independent third-party testing of products for compliance with ANSI-accepted standards.

Underwriters Laboratories, which has tested products for safety for 75 years and now tests about 28,000 a year, has moved toward more comprehensive "casualty testing." As of last year, for instance, UL drew a halt on allowing its seal to be used on appliance cords unless the whole appliance had been checked out for safety. Also, rather than test a product for one hazard such as the possibility of fire, UL expands its tetsing to include such other possibilities as mechanical, biological, and chemical hazards.

A tour of UL's Chicago testing lab, one of several scattered around the country, leaves the layman reporter with a convincing impression of thoroughness. One sees a maze of electric ranges, industrial switches, jukeboxes, electric guitars, and the like being tested for voltage, heat generation, and other safety considerations. There are explosion, hydraulic, and heat tests. UL also maintains a staff of 500 inspectors who keep an eye out for any changes in quality of production through periodic visits to factories.

GOVERNMENT STEP-UP PUSHED

The argument is building for a stronger government role in the field of standard-setting or at least in standard clearance and enforcement, even though industry and agencies like UL have employed most of the short supply of those with expertise to write product standards. Even some spokesmen for industry are willing to concede the need for more governmental involvement. Consumer advocates were somewhat stunned to hear the president of the Association of Home Appliance Manufacturers testify at an NCPs hearing last fall that though industry has the expertise, the government should decide which products need safety standards, pass on the adequacy of those standards, and enforce them.

Industry spokesmen, understandably inclined to think in terms of numbers and dollars, are by and large not convinced. Consider a comment at an NCPS hearing from a bottle manufacturer. He argued that 360 claims resulting from bottle accidents out of a total of 48 billion bottles sold over a four-year period is really not very much.

"The joke in that kind of response," says ATLA's Mr. Lambert, "is the calculus of numbers. It's trying to argue you have to show more probability than not. But safety isn't a question of majority vote. The gravity of the threat and the consequences are constant."

"In the consumer movement we should be working to give the buyer the maximum for his money," says Baron Whitaker, president of UL.

Consumers and industry also argue over the questions of "how safe is 'safe?' " Will it be carried to the extreme of no more kitchen knives? "There is no such thing as absolute safety as long as you've got people," comments UL's Mr. Whitaker.

Consumer advocates, however, say they are talking about products only where the risk is not apparent to the eye, and they insist many of these can be made much safer than they now are.

All sides agree that safety does not "sell" as it should and that for many consumers it is not a high priority in choosing a product. "There's a tired public attitude toward safety," concedes Mr. Elkind, who admits that he never has faced such a "difficult intellectual challenge" in his career as the chairing of the product-safety commission. "Accident prevention is something for the do-gooder, and nobody wants to be called a do-gooder."

But industry and the consumer divide again on the solution to this problem. "There are those who advocate consumer education as a solution to all these problems," says Mr. Kaplan of Consumers Union. "Our reply is that it's often easier to adapt the products than the people."

Further changes are expected on the court front in product safety. About half the states have adopted the strict liability ruling in which a manufacturer's "negligence" in producing a defective product is no longer a question. Mr. Lambert, who can recite a long list of legal defenses still open to manufacturers of unsafe products, counts it an "urgent necessity" that the remaining states follow suit. "It's a battle of the experts, and industry has the experts," he says.

CLASS-ACTION SUITS URGED

Increased use of class-action suits, in which one injured consumer can file suit and recover damages on behalf of many others, is expected. The technique is viewed as especially helpful for small damage claims which private lawyers cannot now afford to take on.

In all, a much stronger role for the government is expected, particularly in education and regulation. Some want to see the National Commission on Product Safety given permanent status. They view its potential role as an advocacy and study group as strengthening other consumer areas.

At any rate its final report, due in June, is expected to include recommendation for a strong government role in standard-setting (possibly requiring pretesting before marketing) and for uniformity in state product-safety law. In the months between, the commission will be paying particularly close attention to the revised standards of the glass bottle industry and to fireproofing of television receivers.

In crusading fashion, the commission has not hesitated to name brands of television sets its research shows most fire prone. Color-TV sets also are being watchdogged for X-ray leakage, in accord with a 1968 law, by the Department of Health, Education, and Welfare. HEW has authority to set regulations on minimum leakage rates and is expected to do so shortly.

A study done for the commission by an outside firm of technical engineers and released in late January showed that the following manufacturers, in descending order, exceeding the industry average of 0.120 smoke-and-fire incidents per thousand color sets: Lear Siegler (Olympic), Packard Bell, Magnavox, Sylvania, Philco-Ford, and RCA.

[From the Christian Science Monitor, Feb. 7–9, 1970]

THE CONSUMER FIGHTS BACK—V: WARRANTY WOES BUG BUYER

(By Lucia Mouat)

LOS ANGELES.—At the moment Mrs. Marie Briehl would not mind at all having her 20-year-old stove back. At least it worked. That's more than she has been able to say for her new two-oven, self-cleaning range during most of the eight months that she has had it.

"I never thought to say, 'Hook it onto the gas and see if it works,' " she recalls. "You just assume that with a warranty everything is well. I thought I was getting the best there was on the market."

Today she has no such illusions. Despite her heavy investment, she says she was sent "from pillar to post" in trying to get satisfaction under the terms of her warranty. Finally, the appliance store here where she bought the range grudgingly referred her to the Pennsylvania manufacturer's local service agency.

The repairman has made the trek to Mrs. Briehl's Hollywood home six different times. The range is still not working properly.

She strongly suspects she has either a secondhand or inherently defective model, but she has no way of finding out. The repairman insists that under the warranty his responsibility is limited to trying to make the repairs.

Actually Mrs. Briehl is better off in some ways than many appliance owners. Through letters to the manufacturer, she has at least won agreement to a one-year warranty extension.

NUISANCE HARDLY WORTH EFFORT

Hundreds of others with warranties have had trouble getting repairmen to come at all. Some have had to pay prohibitive prices to ship major appliances back to the factory or nearest service center.

Often they have been told they must pay for the repairs either because the defective part is not covered by the warranty or because they themselves have "abused" the product.

Couple these factors with the business hours of many service agencies (evenings and Saturdays, prime time for most working consumers, are rare), and a warranty sometimes adds up to a nuisance hardly worth the effort.

One Arlington, Va., man, owner of a $12.95 electric toothbrush in need of repair, reasons that in these inflationary times it is cheaper and easier to buy a new one than to take a day off from work to go 10 miles to the nearest agency.

Certainly warranties have never been easy to read. Most run heavy with fine print and legal jargon. And those consumers who have managed to decipher them have found that, like apartment leases, they are usually drafted with an eye to maximum protection and minimum liability for the seller himself.

Indeed, technically, the buyer without a written warranty often is more comprehensively protected by the simple act of purchase. With that he is at least legally entitled to the "implied" warranty of "merchantability" and "fitness."

Mrs. Shirley Goldinger, southern California president of the Association of California Consumers with a degree in consumer economics (and a mother of two), says most warranties are full of "unintelligent gobbledygook" which is "evasive" and "not worth the paper it's printed on."

COMMON COMPLAINT HEARD

As a former employee of a major appliance firm, her interest is the keener. She has testified at State Senate hearings on warranty protection and keeps handy a fistful of examples from her own appliances.

Among them: a warranty for her electric frying pan which leaves off the full identification of the manufacturer, and one for a TV antenna, guaranteeing one year of parts and labor. "I thought I was getting a terrific buy, but the company went out of business, and no one will service its equipment under the warranty."

One of the most common complaints is that warranties cannot speed up delivery on parts.

Donald DaDeppo of Tucson, Ariz., waited three months for replacement of a $1.46 part for his $850 stereo tape recorder. First there was the usual retailer-distributor-manufacturer shuffle, he reports, and then just the waiting. Eventually the part arrived, but Mr. DaDeppo is not much consoled. Is it worth suing for a $1.46 part? he asks.

In effect, explains Addison Mueller, professor of law at the University of California at Los Angeles, the warranty in its present state is simply a promise by the company that the consumer is buying something which will work "sooner or later."

But sometimes there is no substitute for getting one's money back.

Mrs. Bess Myerson Grant, commissioner of New York City's Department of Consumer Affairs, tells of being in the department's touring mobile unit on the lower East Side one day when a woman came in with a $16 blender in his shopping bag.

She explained it was her second in a week, and it was still not working. The manager had refused to give a refund on the first but had offered a replacement of the same brand, adding perceptively, "It probably won't work, either."

This time Mrs. Grant agreed to accompany the woman to the store for a second try at getting her money back. The manager immediately recognized the commissioner and handed over the cash to the shopper. He insisted he had never told her she could not have her money back.

In Mrs. Grant's view, there is no "morality" left in the marketplace if people "deliberately" sell things they know won't last.

Some consumers contend—in a point that never fails to raise the ire of manufacturers—that today's products are designed more with replacement than durability in mind. Firm subscribers to the theory include a Wisconsin man who tried to replace a rubber part missing from his garbage disposal and was told, "Oh, that's four years old—we can't get that anymore."

"Nowadays we just accept the fact that it's cheaper to throw away a toaster than to get it fixed," comments New York's Commissioner Grant. "When my mother bought an appliance, she thought of including it in her will—it became part of the family inheritance."

Manufacturers insist the charge of "planned obsolescence" is ridiculous. Some point to a United States Department of Agriculture study, based on a Census Bureau sampling of more than 17,000 American households, which showed that as of June, 1959, the average product life of a sewing machine was 24 years, while the average electric or gas range would last 16 years.

REASONS FOR PROBLEMS

Obsolescence is caused more by the demand for new, more modern products than anything, argues William S. Comstock, an executive of the three-year-old Association of Home Appliance Manufacturers. He adds that "about 75 percent of the refrigerators we replace, for instance, are still working."

"Ideally," he explains, "all parts should wear out at the same time, but that's technologically impossible and prohibitively expensive. The manufacturer may put in a part he knows will wear out before the rest because it's cheaper to replace than to build to last longer."

Reasons for the growing number of consumer-warranty problems are many.

Industry now is churning out about 96 million home appliances a year, all with increasing gadgetry. This, after all, is the age of the self-defrosting refrigerator, electric can opener, and 16-speed blender. The Association of Home Appliance Manufacturers (AHAM) estimates the average household has a full 18 appliances. But consumers often have several of these out of working order at the same time.

Certainly a key factor in warranty troubles is the haziness of the relative responsibilities of the manufacturer, retailer, distributor, and independent service companies or factory centers. Rates of repair are another bone of contention. Sometimes the manufacturer sends a warranty-payment schedule to the dealer, indicating what he will and won't pay.

SERVICE AGENCIES SET UP

Rarely can the dealer return the product to the factory and get it replaced by a new one. If he gives the customer a replacement on his own, he must get the defective item repaired and sell it (under Federal Trade Commission rules) as "used." The market is slim.

At California Senate hearings on warranty problems last fall, appliance retailer Virgil Gaither told of having to sell a defective refrigerator to five different customers before the manufacturer would take it back and replace it with a functioning model.

These and similar problems have impelled some manufacturers to set up their own service agencies. General Electric Company, the nation's largest producer of household appliances and in the service business on its own for many years, has some 130 service centers around the country, including one for small household appliances in Grand Central Terminal.

The Whirlpool Corporation, which has been paying its dealers full out-of-warranty rates but found that customers were still charged for some items that were under warranty, recently opened a pilot repair agency in Rochester, N.Y., and plans several more.

Although the Federal Trade Commission (FTC) issued guidelines on warranty advertising almost a decade ago, problems of the content of warranties really have only been under bright lights for the past two years or so.

In his consumer message of 1968, former President Johnson set up a task force of the Secretaries of Commerce, and Labor, the chairman of the FTC, and the President's special assistant for consumer affairs to probe the warranty problem and suggest improvements.

After intensive discussion of the problem with industry and consumers and study of some 200 warranties and more than 1,000 letters of complaint to the White House and the FTC, the group issued its report the following January.

Just a few months ago in his consumer message, President Nixon reactivated that task force (with new personnel in the starring roles). That group is expected to report an administration position on warranty legislation by March.

Two major pieces of legislation currently are before Congress. Sen. Warren G. Magnuson (D) of Washington and Sen. Frank E. Moss (D) of Utah, two of the capital's longtime "consumer" legislators, refer to their bill as a truth in lending for warranties.

WORD ABUSE CHARGED

No manufacturer, under the bill's provisions, would have to issue a guarantee; but if he did, he would have to follow minimum standards spelled out in the bill. The word "guaranty," which Senator Magnuson says has been "too long twisted, abused, and debased," would be reserved only for performance of electrical, mechanical, and thermal parts of any product.

The bill further proposes that guarantors be encouraged to set up informal procedures for handling disputes and that consumers could seek justice in the courts and recover attorney fees as part of their judgment.

Another bill sponsored by Reps. James G. O'Hara (D) of Michigan and John E. Moss (D) of California would make a guaranty compulsory for any product costing more than $10. If a defective product were not repaired or replaced within a 60-day time limit, the consumer would be entitled to his money back, plus damages, court costs, and attorneys' fees. If the manufacturer were found guilty of violating the act, the consumer would be able to recover from $100 to $5,000.

There are also strong rumblings of action lately at the state level.

California has been considering legislation to force dealers to honor warranties and even perhaps require a bond to ensure their performance. In an unusual attempt to utilize legal expertise on behalf of consumers, a group of lawyers in this state (at the bidding of the Association of California Consumers) has been making a comprehensive review of existing legislation and of California's commercial code to see where fuller consumer-warranty protection is needed.

"You can try to solve client-warranty problems until you're blue in the face," comments Richard Elbrecht, chairman of the group and an attorney with the Legal Aid Society of Santa Clara County, "but if the law itself is unbalanced you can't win. . . . The ship has been leaning toward the seller,

and it's time it was put back on an even keel."

OTHER SUGGESTIONS MADE

California is also noteworthy in the warranty field for its six-year-old Bureau of Electronic Repair Dealer Registration. While Connecticut, Indiana, Massachusetts, Louisiana, and several cities now license repairmen in hope of ensuring competency, California is aiming at fraud by requiring registration of shops which repair radios, phonographs, and television sets and compliance with strict rules on advertising, parts, return, invoices, and estimates.

William Hayes, assistant chief of the bureau, points to a thick stack of revoked registrations and explains that the office relies heavily on consumer complaints for its tips. It can run TV sets with controlled defects through repair agencies to check out their honesty.

Estimates are that the bureau, which was nearly scratched in an economy move by Gov. Ronald Reagan at one time, saves Californians some $15 million a year.

Among other suggestions for improved warranty protection for the consumer are establishment of methods for dispute arbitration and a clearer policy on replacement of defective products.

The average consumer with a small appliance which doesn't work has little legal recourse besides "persisting and enduring," argues Professor Mueller. Author of a highly readable article on the subject—"Contracts of Frustration" in the March, 1969, Yale Law Journal—he suggests establishment of neighborhood fact-finding tribunals, preferably open at night, with enough leverage for action.

Simultaneously, Professor Mueller calls for an easing of the FTC definition of "used" in appliances. He distinguishes between actual use over a period of time and the brief time necessary to discover inherent defects.

Business representatives across the nation have been working night and day to ward off the prospect of any new restrictive regulation or legislation.

AHAM and the Gas Appliance Manufacturers Association, which worked with President Johnson's task force, issued a joint response last spring to its suggestions for improvement. Among other things the two have pledged to make more and clearer warranty information available to consumers and to set up a major appliance complaint council of independent consumer "authorities" to audit and suggest improvements in industry treatment of complaints.

In addition, the manufacturing groups have been drawing up guidelines for warranty-advertising practices, for the definition of "authorized service," for the location of model numbers on products, and the like. AHAM also is compiling a directory of parts availability, which will include the whereabouts of parts for discontinued models.

There has been a noticeably strong effort on the part of several manufacturers (AHAM estimates at least three-fourths of its members) to simplify and clarify the meaning of warranties. Whirlpool, Maytag, Corningware, GE, and Sears are among those who have made changes for the better.

CONSUMER MOOD SENSED

Coverage has not necessarily increased—often parts and labor for the first year and parts alone for the second year—but warranties usually are more specific about which parts are covered, and many lack the disclaimer clause which in effect freed the manufacturer from any other obligation to his customer.

There are other signs that manufacturers are well aware of consumer exasperation on the warranty issue.

One of the most widely publicized and commended service efforts is the Whirlpool Corporation's two-year-old "Cool Line." Some 125 customers a day call the Benton Harbor, Mich., toll-free number.

Juel Ranum, chairman of the board of AHAM and Whirlpool's executive director of corporate and public affairs, has monitored many of these calls. He reports that about 50 percent pertain to the location of qualified service representatives. The rest are wondering by and large why they are having trouble with an appliance and what they can do about it.

Whether Congress and the FTC will count the warranty situation improved enough to forgo legislation and further regulation—as the Chamber of Commerce of the United States has urged—remains to be seen. Most estimates are that government action still will come.

[From the Christian Science Monitor, Feb. 12, 1970]

THE CONSUMER FIGHTS BACK—VI: CHARGE NOW, CRY LATER

(By Lucia Mouat)

(NOTE.—As the cashless society approaches, the need for moderation and integrity in consumer credit faces both lenders and borrowers. This page details key problems as well as reform efforts.)

SEATTLE.—You don't have to listen long to learn why the clean-cut young man in the yellow sport shirt is shifting uncomfortably in the witness chair. It is 10 a.m. in Seattle's King County Courthouse and representatives of half a dozen finance companies are here to prove that he borrowed from them under "fraudulent" conditions. They are contesting his right to file for bankruptcy, charging that he did not list all his debts on the loan applications.

The defendant, a Boeing employee in his early 20's, protests that he was told by the companies to list only his monthly debts. Well, yes (leaning forward to inspect his signature on the applications), he apparently had signed a line below declaring he had listed *all* his debts, but that just wasn't the way they had explained it to him.

One could see how it all happened. Newly married, he had borrowed first to pay for the refrigerator and the range, using the mortgage on his furniture as security. Meanwhile, the obligations kept piling up: bills from the car-insurance company, the dairy, the Puget Sound Power & Light, the Internal Revenue Service. . . . The more he borrowed, the deeper in he got. Finally bankruptcy looked like the only way out.

MONEY ISN'T EVERYTHING

It's 1970—and the credit is easy. A downtown Detroit billboard, flashing the corner of a charge card, tempts: "Money Isn't Everything." No one misses the message.

From the District of Columbia's 14th Street, where a business school advertises "Everybody Has Credit With Us," to the "easy payment" signs of small-loan companies strung out along San Francisco's South Taylor Street, the theme is the same.

Deluged by mail with unsolicited credit cards, mail-order catalogs, and time-payment offers, the individual is urged to charge everything from his church contributions to his income taxes. With outstanding consumer credit totaling more than $120 billion, the cashless society described in Edward Bellanmy's "Looking Backward" no longer smacks of the impossible.

But for many of the nation's poorest consumers the price of the credit ease comes high. It matters where one lives. On East Harlem's Third Avenue, for instance, furniture and appliance prices are often 150 to 300 percent of what they are in the downtown stores because of credit costs.

On nearby 116th Street, Stephen Press, an articulate young lawyer for the New York Institute for Consumer Education and Development, found it almost impossible to get a loan for his office, even with a government guarantee behind him. "I finally had to go to a high official in Chase Manhattan Bank to get one," he says.

FTC STUDIES THROW LIGHT

The credit plight of the poor is pointed up further by Federal Trade Commission (FTC) studies and such books as David Caplovitz's "The Poor Pay More" and Warren Magnuson and Jean Carper's "The Dark Side of the Marketplace."

Inner-city businesses counter that they must charge more because of high risks and is a highly profitable business straight across income levels. All told, losses for gross consumer credit extended nationally average 2 to 3 percent.

Furthermore, the creditor who lends without fully checking his client's financial ability nevertheless has a strong arsenal of collection weapons at his command.

In most states he can both repossess the goods and sue for the balance of what the borrower owes. In most states a man is bound to pay in full once he signs a contract—even if he never received the goods, if they are damaged, or if he wants to change his mind five minutes after a high-pressure sales talk. Though the truth-in-lending law (federal Consumer Credit Protection Act) says no man may be fired if his wages have been garnisheed for the first time and that no more than 25 percent of his weekly earnings may be taken. Garnishment as a means of collecting debts has been flatly abolished only in Pennsylvania and Texas.

OTHER DEVICES SKETCHED

Some finance companies also resort to a number of other devices to keep the client a captive customer. One way is to refuse to share favorable information on him with credit bureaus. Another is to require weekly payments. Just one slipup could mean legal action which would mar the customer's credit rating for any other store.

Some finance companies do not insist that a borrower list all his debts on a loan application. Often there is space to list only five or six debts. The borrower, admittedly as eager to get the money as the creditor is to lend it, is happy to tailor his story accordingly. This laxness coupled with the creditor's ability to go after the cosigner of the application, results in a powerful tool for creditors to counteract the bankruptcy process.

"I blame easy credit," says Milwaukee attorney Jack N. Eisendrath; he handles many bankruptcy cases but counts bankruptcy by and large a failure in terms of solving a debtor's problems. In most cases, he says, the major debts are soon reaffirmed and/or the creditor uses one of the two legal means mentioned above to prevent bankruptcy.

"All this is such a drain on emotional and mental health," he says. "I find myself on innumerable occasions saying, 'Why did you make the loan?' Once I was told, 'Because we knew the cosigners were good.' The need for profit too often destroys concern for the social effect."

MARKET SOMETIMES MISSED

Some who befriend the nation's poorest consumers argue that credit needs are often most legitimate and that there needs to be a sharp reexamination of credit criteria by banks and other reputable sources.

William F. Willier, director of the National Consumer Law Center in Boston, a legal-service agency funded by the Office of Economic Opportunity, estimates Massachusetts banks miss a good 10 percent of the potential credit market. He tells of sending one ghetto resident, earning $3,200 a year in combined welfare and part-time maid pay, to make the rounds of Boston banks for a $150 loan. She had worked for the same family for 12 years and lived at the same place for nine years. Not one bank would risk lending to her. Her treatment varied from a torn-up application

to a lecture on why she did not really need the money.

The law center is currently researching the problem on a broad scale and drafting suggestions it hopes credit bureaus may adopt.

This nation's 2,200 credit bureaus have been under sharp attack recently for some of the criteria used in gathering information. They have been criticized for instance, for keeping an eagle eye out for names of people involved in court proceedings but not following up on the disposition of the cases.

William J. Mangan, general manager of the Credit Bureau of Greater Boston, concedes that this is something of a "flaw." But he says that to remedy it would cost too much in time and money and adds that any creditor can pursue disposition of a case if it is really pertinent to his decision to grant credit.

DIMLY LIT LOFTS DENIED

"Too many people think credit bureaus are dimly lit lofts where a bunch of men with shirt-sleeves, eye-shades, and quill pens decide who gets credit and who doesn't. We don't decide, and our purpose is to see that as many get credit as possible. Many in town on relief can get credit because our records show they can handle it."

Last June Massachusetts passed a strong law to tighten regulation of credit bureaus. Now any Bay State resident denied credit or fired because of his credit rating is to be so notified by the credit bureau, allowed to examine his record, and submit his own version of the story. Also no credit information more than seven years old—with the exception of bankruptcy—can go on his record.

An even stronger federal proposal along these lines passed the Senate last fall and awaits hearings in the House. Sen. William Proxmire (D) of Wisconsin, author of the bill, is also sponsoring legislation to make senders more responsible for issuing unsolicited credit cards. The bill would also increase the supply of reasonably priced credit available to low-income consumers by establishment of federally insured urban-development banks. (Mr. Willier of the National Consumer Law Center says of Senator Proxmire, "Every time I get an idea, he is six months ahead of me.")

CO-OP BUYING AND CREDIT UNIONS

Some consumers have found co-op buying and credit unions helpful in coping with the problem. James Armstrong, director of the South Dakota Credit Union League, reports most of the loans made by three new member unions on Indian reservations are used for medical, clothing, and school expenses. Repayment is often slow, he reports, but there are very few bankruptcies.

Existing credit law, sometimes archaic and traditionally favorable to the lender, varies widely from state to state. Often what protection there is for the consumer has been nullified by creditors' imaginative use of legislative loopholes.

Usury-law ceilings on annual interest rates, for instance, average a low 6 percent, but some credit experts estimate that in the strict sense of the law a whopping 75 percent of the nation's credit transactions are illegal.

Many feel that the disclosure aspect of the federal truth-in-lending law, aimed at sharpening competition in the credit field, is getting similar bypass treatment. Some creditors have tacked on finance charges where there were none before and discontinued old discounts for prompt payment, arguing it is "required" under the new law. The habit has been common enough to cause the FTC to issue a clarifying, condemning statement on the subject last October.

UNIFORM CODE DRAWS FIRE

The hottest point of credit debate in state legislatures at the moment concerns the 127-page Uniform Consumer Credit Code (UCCC), aimed at codifying and updating existing state credit laws. Four years in the drafting by the National Conference of Commissioners on Uniform State Laws, it was originally intended as a substitute for the federal law and passed virtually intact in Utah and, with major amendments, in Oklahoma.

Among other things, this highly controversial code would set ceilings on interest rates on small loans (such as 36 percent on the first $300), installment purchases, and revolving charge accounts (such as 24 percent on the first $500). Also, the UCCC would require fuller disclosure of rates, open the credit field to newcomers (in hopes of increasing competition), standardize credit forms, and tighten up on existing collection remedies (a creditor could not both repossess and sue for the balance).

The opposition stems in part from the Consumer Federation of America, the American Bankers Association, finance companies, and labor unions. Business interests are largely concerned about the increased competition expected from the free-entry provision. The consumer and labor groups are concerned that the admittedly high interest ceilings may become the norm and do not want to sacrifice the strength of existing laws in some states for the new.

EMOTION CHARGED

Interviewed in his office just as he returned from rebutting a TV editorial on the subject, William Warren, professor of law at the University of California at Los Angeles and one of the drafters of the code, said that he and his colleagues have been thoroughly surprised "at the kind of attack we've had."

"Emotion has been the key ingredient of the response," he says. "This is not an industry bill, but if anybody thinks they're not going to be in on the drafting, they're living in a dream world."

In his view, the interest ceilings are needed both to protect the man who doesn't realize what rate of interest he pays and also to protect creditors against bad risks.

Those consumer interests which do support the code (largely poverty lawyers) do so mainly because they see it as an improvement on credit legislation in their particular states and because they think it has some chance of passing.

"It's not a black-and-white situation at all," says Benny Kass, head of the ad hoc consumer committee in the District of Columbia and chairman of a new city commission there to study the code. "I'm not an advocate of the code. I'm simply supporting it politically, with amendments, because I think it's better than existing law here in the district."

CAN'T START WITH COMPROMISE

A section-by-section amended version of the code, known as the National Consumer Act, will be introduced in state legislatures this year. It was drafted by the National Consumer Law Center.

"If I've learned one thing from my work with legislatures, it's that you don't start with a compromise," explains the center's Mr. Willier. "UCCC does and it leaves you nowhere to go but backwards."

Credit counselors insist that, even with good laws, they still face a mammoth job educating clients who buy on impulse and think no further ahead than the next monthly payment.

Harry Strain, head of the Consumer Credit Counseling Service in Portland, Ore., one of the more than 100 affiliate counseling groups, nonprofit and industry supported, which have sprung up in the past few years, pins much of the blame on high expectations of his increasingly young clients.

"They look at dad and see he has a TV and two cars in the driveway and they get married and want the same thing yesterday," he says. "The only answer to this whole thing is education. We spend 16 years teaching children how to earn money but we don't spend 16 minutes to teach them how to spend it wisely."

There are also a number of middle-income people who just plain don't know where their money goes or how to shop at all economically. John Gohlston, manager of Milwaukee's Northside Community Credit Union, says a number of his businessmen clients don't know if they are making a profit or not. One contractor on his list so consistently underbids the cost of his jobs that he is often forced to quit at the halfway point.

COLLEGE TEACHERS OWED $28,000

Al Horner, president of Credit Counseling Centers, Inc., in Michigan, one of the most widely respected counseling groups in the country, tells of a college couple among his clients (one teaching economics and the other home economics) who were run out of the last town they taught in by creditors. When they left, they owed $28,000 to 78 creditors!

Mr. Horner says the couple now is on the road to reform, using the counseling service's credit forms in their classes and making no hasty judgments without the agency's advice.

[From the Christian Science Monitor, Feb. 14–16, 1970]

THE CONSUMER FIGHTS BACK—VII: BUYERS GET SMART

(By Lucia Mouat)

(NOTE.—Consumer education today, in a step beyond home economics, involves development of intelligent buyers who are aware of the many choices that confront them in the marketplace.)

YONKERS, N.Y.—In suburban Yonkers a class of seniors in Lincoln High School bites into crackers spread with three different brands of grape jelly. A slight majority of the youngsters, who know neither the brands nor the prices, vote the least expensive jelly the most tasty.

"Aside from the fact that you're fed well in this class, what does it mean?" asks teacher Stephen Frey. The hands go up, and the point that price and brand names are not necessarily the clue to performance is driven home.

Meanwhile, in Room 707 of Detroit's rough and sprawling Central High School, where BB-gun holes dot the light fixtures and windows, a student at the teacher's desk details the many assets of a home life-insurance policy.

Linda and Dixon, taking the role of a married couple in the market for insurance, listen nearby. From the back of the room teacher Kathy Meagher, a petite blonde who is very much in control of her classroom, coaches: "Remember, you're working on commission."

Student "salesmen" for other policies take their turn until, finally, Linda announces the family decision: high premiums or not, she wants an endowment policy.

AIDE WARMLY WELCOMED

And in the southeast section of Portland, Oregon, Mrs. Bobbie Gary, a lively mother of four and a nutrition aide for the county extension service, makes her morning rounds of low-income families. First stop is a Mexican family of 10, newly on food stamps. She is warmly welcomed at the door with hugs and kisses. Then Mrs. Gary joins several of the children on the sofa in the sparsely furnished room. After catching up on the news of the family, Mrs. Gary soon tactfully shifts the conversation to a "wonderful" recipe she has for meatless patties—"only 19 cents a serving."

All three examples fit "consumer education," a term as narrow or as broad as anyone wants to define it.

Mrs. Gary's work is part of the relatively new urban thrust of the Cooperative Extension Service, with aides who have known eco-

nomic hardship themselves doing the teaching.

The Detroit course, called consumer economics, is hardly new. The vocational department's substitute for precollege economics, it dates back to 1933.

The Yonkers course, oldest (1962) and most widely publicized of courses arising out of the "new wave" of consumer education interest, is recognized as an acceptable elective by the high school's business education and social studies departments.

The new interest in the subject stems in part from the carrot of available federal vocational educational funds and from free-wheeling teen-age spending habits. Cars and charge cards are common.

"My students are amazed to find out how much it really costs to finance a car," says Mrs. Marian Woods, a home economist who teaches a family-living course in the Chicago schools. "They don't know from nothin' about these things. One of our girls was going to two dances a week, $2 each time, and was appalled to learn she was spending $200 a year."

A further prod comes from a look at the difficulties the youngsters' parents are having.

Mrs. Meagher, who maintains most youngsters don't know how much it costs to live, tells of one budgeting assignment in which many students asked their parents for "real-life" advice. It caused such chaos among families who didn't know where their money went that Mrs. Meagher was urged to stress that the assignment was strictly "pretend."

SUBJECT CALLED IMPORTANT

Consumer education in its newest sense is far broader than the traditional "stitching and sewing" of old home-economics courses. It is not, as its critics sometimes charge, intended as a forum for a teacher to point out the best buys.

Rather, its proponents insist, its aim is to develop an "intelligent consumer attitude" by exposing students to the range of alternatives he faces in purchasing and managing his money.

"Many home economists would say they teach consumer education because they teach about cooking and clothing," comments Dr. Gordon Bivings, a professor in the University of Missouri's department of family finance and editor of the American Council on Consumer Interests' scholarly Journal of Consumer Affairs.

"But knowing how much money you should devote to clothing and what you're giving up to get it is quite different from buymanship. It's hard to teach and much less tangible, but much more important."

Consumer advocates vary widely in the degree of importance they place on consumer education. Some see it as a good 50 percent of the battle for buyer protection. Others who see legislation as the primary goal argue that the curriculum is crowded enough already and the educational results to date are not that promising.

The Rev. Robert J. McEwan, past president of the Consumer Federation of America and a professor at Boston College, points out that deceptive dance-studio and magazine-subscription practices hit Massachusetts headlines hard a decade ago but that the problem is still present.

"The supply of gullible consumers for these rackets is relatively inexhaustible," he says. "For every one you reach, there are 10 you don't. My theory is that consumer education will pay off in 20 years, but we need some payoff a lot sooner. It could become a smokescreen to divert our attention from the need for immediate action."

David Schoenfeld, who used to teach consumer education at Yonkers' Lincoln High and is now director of educational services at Consumers Union, takes a more sanguine view:

"We need consumer education, if nothing else, for effective use of legislation. It isn't the whole pot by any means but it's one of the essential ingredients. . . . If consumers acted intelligently, the quality and level of competition in our society could be immeasurably improved."

An estimated dozen or more states now are involved in concerted efforts to increase consumer education. Joseph N. Uhl, head of a seven-man Purdue University team which has just finished a one-year study on the status of high-school level consumer education for the United States Office of Education, reports that separate courses are rare.

Most often the subject is woven into existing courses in home economics (most unusual), social studies, business education, driver education, and health classes, and it is most commonly offered to seniors.

ILLINOIS REQUIRES COURSES

The only state with a law making consumer education a mandatory part of the curriculum is Illinois. Passed in late 1967, it stipulates that students in grades 8–12 take courses which include but are not limited to installment purchasing, budgeting, and price comparisons.

Cecil Partee, author of the law and a state Senator who carefully courted consumers, businessmen, and school officials to get it passed, calls its language "abominably simple."

"School people, understandably, have a real aversion to being told what to teach," he says. "I wanted to give them as much latitude as possible, to give a feeling of opening new vistas rather than of pinning down."

The Illinois Department of Public Instruction has issued a curriculum guide but implementation is still very much in the pilot stage.

Indeed, consumer-education courses are far more common in New York State (an estimated 300 high schools are involved) where the state department of education merely smiles benignly on the idea and supplies anyone interested with a hefty 230-page curriculum guide.

Certainly a major stumbling block in the spread of academic consumer education is the dearth of qualified and enthusiastic teachers. The subject is often handed to a young teacher already trying to juggle two or three subjects other than her own specialty. Many feel overwhelmed by the scope of projects to be covered.

"Too many people assume anyone can teach this subject because everyone is a consumer," comments Dr. Thomas Brooks, a professor of family economics at the University of Connecticut. "Very few really know the ins and outs."

In Illinois, the teacher problem has led to a flurry of in-service workshops and a suggestion from state officials that schools turn to the specialization allowed by team teaching or call in outside resource people.

A bottleneck second only to teacher training in this field is the shortage of really good teaching materials. Probably handiest all-round reference as to what is available is the bibliography put out by the President's Committee for Consumer Interests.

Currently business provides the bulk of consumer-education material. An estimated 500 sponsors are involved. Some of the material is of fairly high academic caliber. Often the line is hazy between propaganda information, and education. Teachers, everwary of the distinction, will often assign the materials to the wastebasket if in doubt.

"Teachers haven't been articulate about what they want in industry publications," asserts a National Association of Manufacturers spokesman.

Most sought-after materials are those put out by trade associations and foundations (generally slim on brand names) and by individual companies, such as J. C. Penney's and Procter & Gamble, which play down their own involvement, relatively speaking.

"It's natural for enlightened business to want to provide information," says Thomas B. Hanchett, vice-president of the Continental Illinois National Bank & Trust Company, a firm which discreetly mentions its name only once in a series on credit and budgeting it supplies free of charge to Chicago schools.

"We've tried to make ours as objective as possible. It's bound to have a certain bank flavor since that's the only place you can get checking accounts, but we point out such things as the higher return on savings available from a savings and loan institution than from a bank. We'd be foolish to hide it—it's in every ad in the papers."

In some cities business interests have taken the initiative to supply both the materials and the speakers in consumer-education programs.

EDUCATION PLANS PREFERRED

In St. Paul, Minn., for instance, the chamber of commerce, credit bureau, and better business bureau approached school officials in 1968 to launch a comprehensive five-topic program. Starting with three high schools last year, the program now reaches all nine in the city.

At a recent noontime class in the Johnson High School music room, youngsters did not appear too fascinated to have the 10 rules of buymanship spelled out for them, including such maxims as never shop when tired. But they perked up considerably when their turn came to ask questions about car insurance and warranties.

Another educational program started on business initiative is the National Foundation for Consumer Credit's eight-week course for low-income consumers. It began on a pilot basis for District of Coluumbia residents (largely welfare recipients) last spring. The free course covers the gamut from financial planning to comparative shopping and is only disappointing to some in that a graduation certificate is not a ticket to an acceptable credit rating at area stores.

When it comes to consumer protection, businessmen much prefer the educational to the legislative route. However, their definition of consumer education often differs from that of the consumer spokesman.

Businessmen can match every consumer "horror" story with one or two of their own. They can tell you about the ladies who write in to order new "felt mats" (lint residue) for their driers, who try to cook steaks in the storage drawers of their electric ovens, and think paprika "tenderizes" chicken.

Then there are some who return goods bought two years ago from a department store, and who call the serviceman when the only problem is that they forget to put in the plug or turn "on" the switch.

In such a context, consumer education can mean giving the buyer an appreciation of the complexity of the marketplace and some insight into how it operates. In that sense a movie or pamphlet (such as many businesses churn out) tracing the development of the tomato to catsup, for instance, becomes perfectly appropriate.

As some businessmen see it now, much of what currently passes for consumer education is really more mistrust than information. Some consumer advocates agree.

"When there's something to be taught, the schools should help teach it," says Robert J. Klein, economics editor of Consumer Reports. "Right now they're teaching mainly misinformation and skepticism—perhaps even cynicism."

One of the problems that most perplexes those interested in consumer education is getting through to the low-income consumer. Though prone to brand-name buying and probably the most victimized by deceptive practices, he often appears the least in-

terested and least affected by suggestions for improvement. Many say the resistance has its degree of logic.

"There are problems—like not having enough money to buy a two-pound sack of sugar even though it's more economical than the small size," says Robert A. Murphy, principal of Chicago's Hilliard Adult Education Center.

GREAT EDUCATIONAL POTENTIAL

Since statistics have it that low-income families watch twice as much TV as their suburban counterparts, that media is viewed as having great educational potential for this group. University extension division in Missouri, California, and Connecticut have been particularly active on this score.

The Connecticut Cooperative Extension Service sponsors closed-circuit TV programs in credit and consumer laws for close to 200 neighborhood poverty leaders in extension centers around the state. These, in turn, pass along the information to their own block clubs or other community groups.

Dr. Elsie Fetterman, associate professor of family economics at the University of Connecticut and the one who did much of the program drafting, counts it a strong success. She is gearing now to volunteer her time to work with factory workers, through closed-circuit TV, with the same message.

However successful the isolated examples, most who watch over consumer education shake their heads as to the best method for success with the nation's poorest consumers.

"We just don't know that much about motivation," says Karl W. Kepner, Purdue agricultural economist. "Maybe the final conclusion will be that you can't do that much in education for the blue-collar worker—that you have to put the emphasis on protection instead."

Popularity of consumer periodicals, such as Kiplinger's "Changing Times," U.S. Consumer, Credit Union National Association's Everybody's Money, Consumer Bulletin, and Consumer Reports remains as proof that there is a large group of consumers which does care and wants more information.

Consumer Reports, which combines product-testing information with strong editorial views on consumer legislation and its effects, has doubled circulation in the last five years, and Consumers Union (CU), its publisher, has recently opened a Washington office.

Many consumers would not think of making a substantial purchase without consulting this monthly magazine. Its strength is seen in its thoroughness. The visitor to CU's busy Mount Vernon, N.Y., laboratories is apt to see everything from raincoat swatches being tested for fiber strength, waterproofing and dozens of other criteria to a disposal grinding away on different ingredient mixes, from olive pits to 2-inch bones. Any product which fares poorly is usually tested a second and/or third time, using other samples.

"We can't afford to make a mistake," explains Frank Pollack, an assistant to CU's president. "The most important thing we have is our credibility."

As consumer periodicals continue to gain and consumer education makes new inroads in the schools, some consumer advocates now look to the establishment of local consumer centers at which any buyer with interest may pick up a wide variety of consumer-education materials. He may even get some impartial advice on which are the best—not just the least ethical—of the local service representatives to patronize.

[From the Christian Science Monitor, Feb. 19, 1970]

THE CONSUMER FIGHTS BACK—VIII: IS THE CUSTOMER STILL RIGHT?

(By Lucia Mouat)

(NOTE.—Many businessmen look upon the consumer movement as a trumped-up issue. Yet in a number of ways business now courts customers more warmly than ever. Some see this response as one of enlightened self-interest.)

COLUMBUS, OHIO.—The tags dangling from the percolators, blenders, and steam irons drew passing glances from shoppers at Lazarus, a Federated department store. Some even paused to inspect them—learning how many speeds each blender had and how much liquid it would hold. But just how crucial the tags were in their buying decisions even the shoppers may be hard put to measure. Still, Federated Department Stores, Inc., which launched the three-month, three-appliance experiment in standardized point-of-sale information, is now doing its best by mail and telephone questionnaires to evaluate the results.

The Lazarus experiment, an adaptation of Britain's "Tel-Tag" system, is one of dozens of visible business efforts to respond constructively to the consumer movement—and to act before legislation forces it.

The head-in-the-sand approach is no more, even though some businessmen are still convinced that consumerism is largely a trumped-up political issue which will soon fade. Many would agree with the Californian who wrote Mrs. Virginia Knauer, Special Assistant to the President for Consumer Affairs, that consumers have only their own "stupidity" to blame for their problems. He wrote her that he does not want the added tax burden of consumer protection legislation.

Most businessmen now are at least aware of the problem. Some have shifted noticeably from the automatic reflex of stepped-up public relations to a considerably more sensitive reaction.

RESENTMENT FELT BY SOME

Mixed with such positive efforts, however, is a tinge of resentment that those customers they have been serving well for years, thank you, have been suddenly "discovered" by "outsiders." To some, the very word "consumer" is objectionable.

"It has a dramatic, negative connotation," argues Richard Maxwell, president of the National Better Business Bureau. "The buyer is pictured as taken advantage of by the unseen, uncaring establishment. . . . To business, he is still a customer."

At the moment, many businesses feel grossly misunderstood. Somehow, they reason, they have failed to communicate to their customers and must now suffer the consequences, however unjustified.

Businessmen, almost to a man, are indignant about what they think consumerism has done to their image. They feel that good and bad have been blackened by the same, damaging paintbrush. Indeed, some consumer advocates concede that a failure on the part of many consumers to distinguish at least between the relatively good and the relatively bad is a prime factor in the unity of business ranks on the subject. It is well known that retailers and manufacturers, as well as the ethical and the dishonest in business, have their differences; usually, however, in the face of consumer criticism or impending legislation, they stand as a united front.

LAZARUS OPEN TO EXPERIMENT

Much of the new business effort is in increased and clearer point-of-sale information.

The Lazarus experiment, admittedly limited in scope, was prompted in part by discussions between Federated officials and Rep. Benjamin Rosenthal (D) of New York, who has a provision for a feasibility study of the "tel-tag" idea in his bill proposing a "Consumer Affairs Department." Another key factor was the receptivity of Charles Y. Lazarus, and president of the American Retail Federation.

Lazarus officials see tagging as primarily the manufacturer's rather than the retailer's responsibility. Their intent in supporting the project was simply to get something startled, perhaps encouraging a more scientific look at the concept.

There is activity on the manufacturing front. North Carolina's Southern Furniture Manufacturers Association is putting firm stress on its members for more wearability, serviceability, and cleaning information. The Association of Home Appliance Manufacturers makes specific similar suggestions in its new guidelines for members. Whirlpool, one of these, tags its products with yellow "buy guides" and has produced a 90-minute musical—called Care-a-Van—on how to buy and care for appliances.

SOME EFFORTS NOTABLE

Some companies are making modest efforts to help low-income consumers. Montgomery Ward & Co. had a two-month special fabric sale in Detroit's inner city (and claimed they lost money in the process). Also, in a new national program in several cities, Ward is preparing to extend credit to 3,000 National Welfare Rights Organization recipients on revolving credit charge accounts of $100 limits each.

Much of the new awareness is at the executive level. E. B. Weiss, vice-president of Doyle Dane Bernbach, Inc., considered one of business' more "progressive" thinkers on consumer matters, says consumerism is being accepted at the top as "a new dimension of corporate social responsibility." But he adds "that a tearful defense of the status quo" still prevails at the marketing level.

A Chicago legal firm, a group of 24 businessmen headed by Gordon Sherman, head of Midas-International, is being funded in the public interest by business. The three-man legal staff has filed air pollution suits against Commonwealth Edison Company and the United States Steel Corporation, among others.

Many businesses show their concern structurally by setting up special consumer departments and establishing consumer advisory councils. Some put out educational materials and sponsor research and TV efforts.

COMMUNICATIONS GAP TACKLED

Local chambers of commerce have been holding business-consumer dialogue meetings in the past year in an attempt to bridge the communications gap. Significantly, an estimated one-third of those attending the recent consumer assembly in Washington (a consumer-oriented meeting if there ever was one) were business representatives. Some of these have joined various state consumer groups.

Now that industry is so carefully avoiding confrontation, some consumers are becoming concerned that, if they are not alert, the consumer movement may simply be "co-opted" and absorbed by business interests. They point to consumer advocate Ralph Nader, who says he was asked by General Motors in January, 1966, to "come over and put some of your ideas to use."

Similarly, there is concern that in the rush to set up government consumer commissions at the local and state level, business is being overrepresented.

Mrs. Esther Shapiro, consumer affairs representative for the Michigan Credit Union League, who characterizes herself as a 'token' consumer on several such commissions, argues business has no place on a consumer committee. "There's just a difference in the philosophy of approach," she says.

REGULATION RESISTED

Now, more than ever, business resists government regulation and legislation. If not openly opposed, many businessmen simply remain mutely neutral. Although such legislation is aimed at the dishonest few, all others feel they are often hurt in the process.

As evidence that no more laws are needed, businessmen point to their own efforts at self-regulation.

Oldest and best known example is the national system of Better Business Bureaus which dates back to 1912. Some consumers turn to the BBBs almost automatically for help when trouble occurs.

Caliber of bureaus ranges widely from city to city. Many are understaffed and have short enough telephone hours to discourage some consumers from calling. This reporter had difficulty in several cities. Also, as bureau staffers readily admit, the BBB's strongest weapon is publicity (which some consumers feel they use with too much discretion).

"You can do a great deal in this business by just publicizing gimmicks," comments Lyle Janz, head of the BBB in Portland, Ore., one bureau credited with being frank in its radio, TV, and office bulletins about which businesses are not reputable. "We don't hesitate to name names if we feel it's justified. The best defense against libel is the truth."

ADVERTISING ROLE CRUCIAL

Although there is some feeling among bureau personnel that new governmental and voluntary consumer units are intruding on their job, most make it plain and clear that the bureaus were largely started by advertising clubs and that truth in advertising remains a prime goal.

Mrs. Knauer says she likes to spread the word of the good work some businesses are doing and to throw out a challenge for action to business groups she addresses. Soon after getting her way in restricting fat content of hot dogs to 30 perecnt, she issued such a challenge. She reports that John Morrell & Co. was the first to respond by putting out a whole sandwich line that was only 12 to 14 percent fat.

A number of factors keep business from doing more than it does:

Paramount is the fact that social improvement is just not that profitable and profit is business's No. 1 interest.

There is concern—though some critics assume it may be simply a convenient excuse for inaction—about violation of antitrust laws.

Also many businessmen say they are subject to the censure of their colleagues if they pinpoint unethical practices of others or try to upgrade standards on their own.

HEARING AIDS CITED

John B. Flowers, for example, owner of the Tri-State Hearing Center in downtown Columbus, Ohio, fought a lonely battle to tighten standards in the hearing aid business. Many people came to the center who had paid as much as $1,500 for hearing aids from door-to-door salesmen—far too high a price.

First Mr. Flowers complained to the local Better Business Bureau and says he was told that complaints from one dealer against another were not accepted. Next he wrote to the state attorney general's office and got a "political" reply.

Finally he got some help from the City Commissioner on Consumer Protection and began to work for a law to upgrade standards of the profession. The law was passed and will go into effect in July, but Mr. Flowers notes that one of his competitors spent $30,000 to fight it and the state trade association in that field remained firmly opposed until it was apparent the law would pass.

UPGRADING ETHICS

Some companies have tried to upgrade ethics in their field by direct visits to other companies.

In door-to-door selling, for instance, where many instances of consumer fraud occur, Avon Products takes the position that unethical practices are even more harmful to honest business than to the consumer. Robert R. McMillan, a lawyer who directs Avon's government and public affairs department, says company representatives have visited firms whose actions were detrimental to its own. Also, Avon has given a no-strings-attached $3,500 grant to a Connecticut educational TV experiment in consumer education.

There are those who think business has come a long way in the past year or two in responding to consumer concerns. One of them is Mrs. Knauer. On the whole, she says she is "impressed" with the "intelligent" response.

"To get them to do anything at all, it has to be enlightened self-interest," she says. "It's sort of the American way of life. I think they should have maximum encouragement and publicity."

Other consumer advocates argue that only the surface has been scratched. Consumer advocate Nader, conceding that some businessmen have "started making some interesting speeches," says that essentially "nothing has changed." In his view business is simply pouring more money into its lobbying efforts—"the whole theory is to keep one step ahead of the truth seeker," he says.

[From the Christian Science Monitor, Feb. 24, 1970]

THE CONSUMER FIGHTS BACK—IX: VOLUNTARY ACTION GETS RESULTS

(By Lucia Mouat)

(NOTE.—"They kick up a lot of sand and get people listening," says one expert on the subject of voluntary consumer groups. If still short on members, these activist consumer organizations are proving more and more to be long on results.)

PORTLAND, ORE.—"Nobody ever dreamed we could fight the banks and win," said Mrs. Jan Rathe, executive secretary of the Oregon Consumer League, as she poured tomato sauce into the skillet on her kitchen stove. Tonight she was putting a little of her home-economics training to use by fixing her family of seven an economical—"but tasty"—kidney creole.

She was recalling the fight three years ago in this state over a bill proposed by the major banks to raise credit-card interest rates from 16 to 18 percent. League and labor-union members in all parts of the state let go with a concentrated letter-writing and legislator-buttonholing campaign that saw the bill defeated by a dramatic margin.

Such clear-cut victories are still rare in the annals of the more than 30 statewide voluntary consumer organizations around the country.

But the Oregon Consumer League, with its 300 individual and 50 organizational members, is typical of many in the character and scope of its efforts. Its activities range from lobbying and food-price surveys to newsletter publication and work with state officials on a consumer-education program for the schools. More unusually, the league has drafted (and received a $30,000 grant for) a model-city proposal to open a branch office in Portland's Albina section. And it holds a once-a-month "sound off" session for anyone who wants to air a grievance or share consumer information.

IT'S LIKE GOING TO SCHOOL

Like most of her counterparts, Mrs. Rathe gives heavily and freely of her time. Fortunately she likes it: "It's like going to school, an education in itself." Only a handful of executive secretaries in consumer groups are paid—largely by small matching grants offered by New York's Consumers Union. Headquarters of the Oregon League is high in the west hills of Portland in the Rathe family den. The latest addition on the desk piled high with papers is a green telephone specially installed to handle league calls.

State voluntary consumer groups range in age from the 70-year-old New Jersey Consumers League (formed to fight for fair labor standards) to an Iowa group which is less than a year old. Some sprouted three or four years ago under the direct prodding of Howard Frazier, then director of field operations on the staff of Mrs. Esther Peterson, first of the presidential consumer advisers. Many state groups are adding city chapters, while a few city groups (such as the Consumer Assembly of Greater New York) are slowly moving to statewide status.

These are the groups of citizen-consumers which Mrs. Virginia H. Knauer, the President's special assistant for consumer affairs, refers to affectionately as "the climatemakers—they kick up a lot of sand and get people listening."

VOCAL MINORITY CHARGED

Some do not view them quite so charitably. Critics charge that members are few, yet act as if they had been tapped to speak for the many. Also, they argue, such groups are often stronger on zeal and righteous indignation than in their homework and in a sense of "political realism."

It is true that membership is a touchy subject. But several groups have more than 1,000 individual and 100 organizational members. "If you could get 25,000 members the legislators would really listen," insists James Webster, past president of the South Dakota Consumers League.

In the democratic spirit of consumerism several dozen members are often placed on the groups' boards of directors, a factor which encourages membership but sometimes inhibits action. All consumers are not necessarily united on the issues. The board of the Association of Massachusetts Consumers, Inc., for instance, reached an impasse not long ago on the subject of a beef boycott and on a stand on auto-insurance reform. One board member, who felt keenly on the anti-ballistic-missile controversy, managed to squeeze a short editorial on the subject into the group's consumer newsletter, much to the consternation of his colleagues, who learned of it only after the fact.

QUALITY VERSUS QUANTITY

"People on the board are selected with great care," says Miss Velia DiCesare, president of the group, "but everyone is an independent thinker."

In general, say leaders of these voluntary groups, the quality of the membership—lawyers, legislators, professors, labor-union members, housewives—makes up for quantity at this stage. All, they say, do the best that time and budget limitations allow.

However valid the criticism, these voluntary groups provide plenty of graphic evidence of the grass-roots, activist nature of the consumer revolt in 1970.

Drop in on Mrs. Sylvia Siegel, executive director of the Association of California Consumers, and you may find her deep in a telephone conversation with a woman who, following all the standard procedures, is unable to get her new car in working order. "Tell the dealer," suggests Mrs. Siegel, "you'll put a sign on the car saying, 'This is a lemon, purchased at. . .' You'll get some fast action."

Or, if you should drop in on Dr. Currin V. Shields, president of the Arizona Consumers Council and director of the Institute of Government Research at the University of Arizona, you may find him comparing the high price of milk in various Tucson supermarkets. Likely as not, in the process he may buy a carton of filled milk (still labeled "milk" and still in the dairy case despite new restrictive legislation) to take as an exhibit of violation to the dairy commissioner.

The scope of interests of any voluntary consumer group is vast. Even for the group that started on a single issue, interests now range from moving charges and health insurance to taxes and pollution. The idea is to keep those new members coming in and give the organization some lasting power after an individual issue has been successfully dealt with.

However, most groups are beginning to pinpoint priorities in the interests of concerted action. The Oregon League, for instance, divides consumer legislative issues into "push, pull, and praise" categories and lends its degree of support accordingly.

Certainly state legislation ranks high on any consumer group's priority list. The key issue last year and again this year is the Uniform Consumer Credit Code (UCCC), which the Consumer Federation of America (CFA), umbrella organization of the voluntary groups, strongly opposes. The federation keeps members apprised of the best rationale and tactics to use in work against such legislation. So far the code, also firmly opposed by labor groups, has passed in only two states.

MINNESOTA HEARINGS SCORED

Money and time are tight for lobbying and testifying for consumer legislation. Mrs. Tobey Lapakko, president of the Minnesota Consumers League and one who holds a full-time job in another field, points out that, in the last session of her state's Legislature hearings were limited to one hour each and few, if any, were held in the evening.

"It's unfair," she says. "Business can afford to send someone during the day, but most consumers have other jobs. And their point of view is just as important."

In legislative fights, well-established labor groups are fast becoming an invaluable ally for consumers. It was the Minnesota Federation of Labor (AFL–CIO), for instance, which last year worked hard—and successfully—to defeat the UCCC and to get an improved wage-garnishment law in that state.

"Years ago the labor movement was interested only in the wages and working conditions of its members," says David Roe, president of the federation, "but it soon found high interest rates and sales taxes could eat up any wage increase. Now if it's got anything to do with the consumer, we want to be involved. We're in it up to our ears."

Though labor groups have more clout than their consumer counterparts, most still cannot match the budget that business can put forth. Thus a consumer victory with labor effort is still impressive. The shock waves among business interests in the state of Washington are still reverberating from the referendum a few years ago which rolled back maximum retail credit interest from 18 to 12 percent.

It all started with a Washington State Labor Council petition for such a referendum. Joe Davis, red-haired council president, led the signature drive which netted 147,000 names. He reports that banks made dire predictions that they would be forced out of business and waged a $500,000 (compared to $50,000 from labor) campaign to defeat the move.

While Mr. Davis is not jubilant—"nothing is permanent, it can be changed back any time"—he points out that consumers (and any group with similar interests) have the referendum-initiative route open to them in 21 states.

Legislators have mixed feelings about the strength of consumer groups. One in California says he is far more interested in labor's position on a bill than in that of one of the "fly by night" consumer groups. Another in Illinois insists that the housewife who presses for action "doesn't even know you're up for reelection, but business never forgets."

LEAGUE SUPPORT WELCOMED

Certainly the consumer-minded legislator is happy to have some vocal support. Don S. Willner, first president of the Oregon League and a state senator who had frequently sponsored consumer legislation in the past ("usually passed in weakened version and with colossal effort," he recalls), was delighted to have league support against the bill to raise bank interest rates on credit in 1967.

"Admittedly this was kind of a negative victory; it's easier to defeat something than to pass it," he says. "But it had been awfully lonely being a consumer spokesman in the Legislature until then. And league members really worked their heads off to defeat that bill."

In the Arizona Legislature, Sen. Clovis Campbell, who happens to be a vice-president of the Arizona Consumers Council, credits that group with passage of a clean-bedding bill which stipulates that pillow stuffing from sanitoriums and convalescent homes be sanitized and accurately labeled for any resale. "The bill was sponsored by minority members of the lower chamber, and normally that kind of legislation just doesn't move," says Senator Campbell. "The bill was virtually dead until the letters from league members started coming in."

However weak some consumer groups may be and however feeble their lobbying efforts, most involved feel even their presence counts for something.

In South Dakota the telephone company planned to raise rates without a hearing. The newspapers and the South Dakota Consumers League got wind of it and publicized the facts. A hearing was announced shortly thereafter, and in the end the telephone company did not get its full request.

"We were the only people that objected, and if we didn't save people any money, at least we made them aware someone was watching," says Mr. Webster, past president of the group.

With an eye to compliance, members of the Illinois Federation of Consumers have sent questionnaires to school boards around the state asking them what if anything they have done toward enforcing the law which makes consumer education mandatory for grades 8 to 12.

There are those in the consumer movement who feel the legislative emphasis has been much too strong.

LETTER WRITING HARD TO SPARK

"The real higher-ups who could provide leadership are interested only in legislation," comments Mrs. Sandra Helmick, who edits the Missouri Association of Consumers newsletter and works with a chapter of the group in Columbia, Mo.

"It's pretty hard to get housewives fired up about writing their congressmen," she says. "They want to get out in the marketplace and confront the merchant. They want to picket and boycott and do all sorts of irrational things. I don't belittle the need for legislation, but there needs to be something else to get these people excited."

The reason that most consumer groups find themselves "goading the government" full time these days is because there is so much "catching up" to do, counters Mrs. Helen Nelson, vice-president of CFA and executive secretary of the Illinois Federation of Consumers. "There hasn't been anything done on the consumer's behalf for so long," she charges, "and the leadership understands it's in government that the rules of the game are made."

Nonetheless, in her view, consumer interests far outrange government concern and control, and she predicts that in the long run citizen consumer groups will prove much more valuable than government consumer groups.

Certainly one thing that interests all consumers is prices. Most groups engage in some price surveys, however sporadic. Rarely nowadays do they boycott as a follow-up. Part of the reason is the knowledge that the effects would probably be short term.

Other tactics are available. The Lousiana Consumer League frankly admits it builds its membership by making available a regularly published survey of drug and food prices. A St. Louis housewives' group, concentrating on food prices, has held "buy-ins" at stores with the lowest prices. Arizona's Dr. Shields, who perhaps is the only consumer with a 700-year-old saguaro cactus in his backyard, has had his league members embarked on surveys of both toy and food prices. He is convinced that supermarket chains are using Arizona as a test case to see how high they can administer the prices. Bread and milk prices, he says, have taken such a uniform jump he has been considering testing the state's strong antitrust statutes with a class-action suit on behalf of consumers.

TEN PICKETS AT A TIME

As low-income consumer groups become more common, however, boycotting may become fashionable once again. It is the prime tactic, once discussion with the merchant has failed, of Philadelphia's Consumer Education and Protection Association (CEPA). Using only 8 to 10 pickets at a time, the group has managed to recover more than $200,000 due consumers, according to Max Weiner, CEPA education director and editor of its newspaper.

As they grow, voluntary consumer groups are being pressed to handle individual consumer complaints. Philadelphia's CEPA exists for that purpose alone. To some extent groups in Virginia, Arizona, Wisconsin, and the District of Columbia, among others, are doing it. The potential for this function is much greater for a local chapter or a consumer group, particularly if complaints can be publicized. For a state group, Mrs. Erma Angevine, executive director of the Consumer Federation of America, likens it to "holding a finger in the dike." In her view most groups have neither the staff nor the power to do an adequate job.

For all consumer groups, membership and money remain critical problems. Every group this reporter visited was embarked on an intensive drive for new members.

"Our membership is growing fantastically and we aren't working that hard at it," reports Mrs. Diane Hostetter, president of the Flagstaff chapter of the Arizona Council. In addition to welcoming complaints and conducting price surveys, this group is considering prodding merchants to establish a code of ethics in hopes of improving the city's tourist reputation. Lasting power and some continuity of direction are considered crucial in gaining legislative respect.

"I think the immediate problem is with the political forces," says Mrs. Angevine. "They have to overcome the attitude that consumers aren't important—that they're 'just housewives.' Everybody's a consumer."

Some, like Senator Willner in Oregon, are convinced that the day of such recognition is fast approaching.

"The people crying against pollution are no longer considered antibusiness, as they were five years ago," he notes. "We won't see the same thing on consumerism until it becomes a 'good guy,' too. But it's making progress."

[From the Christian Science Monitor
Feb. 26, 1970]

THE CONSUMER FIGHTS BACK—X: SHOULD CITIES "RESCUE" THE CONSUMER?

(By Lucia Mouat)

(NOTE.—People on both sides of the consumer issue see New York City's Department of Consumer Affairs as a bellwether organization. It has power to get things done for the consumer. But some question the "balkanization" of consumer laws that results from activist city agencies.)

NEW YORK.—Behind-the-desk administration is not for Mrs. Bess Myerson Grant. She wants to be where the action is—and action at her New York City Department of Consumer Affairs is ample and everywhere at once.

Described as "a real can-do and does-do" person by former presidential consumer adviser Mrs. Esther Peterson, "the commis-

sioner" (as all of her staff calls Mrs. Grant) may be found on a typical day weighing chickens in a Brooklyn market (for possible shortweighting violation), cruising around Harlem to check on advertising and pricing practices, or perhaps leaving the department's "consumobile" on the Lower East Side with a resident who wants to show her a new rug that the seller refuses to take back.

Or, on a more legalistic day, Mrs. Grant might be in Washington testifying against the administration's class action bill or announcing in New York, at a hearing of her own department, new tightened restrictions on used-car dealers in the city.

"I don't think I could function and get the kind of nourishment I need in this work if I were in a stratum that had no contact with people," she commented during a luncheon interview at her Manhattan apartment last month.

Even there, as this reporter was let in the back door to the Grants' blue and white kitchen, the commissioner was busily taking notes and, with the indispensable help of the "hold" button, trying to juggle three or four phone calls at once.

She briefed a new employee on what his job would entail, checked in on a departmental hearing ("pretty dull, huh?"), explained to an old friend why she hadn't had time to get over to see her, and politely but firmly "turned off" the salesman for a bicycle exerciser.

In almost a year on the job, Mrs. Grant has proved to be far more intense and concerned about her mission than most of New York's eight million consumers expected from a former "Miss America" beauty queen. While she stresses she has not allowed her work to become a 24-hour-a-day job, she admits: "I've never worked so hard in my life."

Many observers of the consumer movement feel some of the most dramatic and innovative consumer action is taking place in the cities. A consumer-oriented city council, with the right kind of mayoral and grassroots support, can leave a conservative state legislature far behind in terms of consumer protection. New York city provides a prime case in point.

PIONEERING ENTHUSIASM

Currently only a handful of cities have such governmental units—usually an extension of weights and measures and licensing divisions and usually catering heavily to consumer complaints on the local level—but the potential in these urban times is viewed as great.

Commissioner Grant herself says she would like to see a network of such agencies around the country and would welcome "a web" of individual consumer divisions even within New York's city boroughs.

As the most talked-about governmental consumer unit in the country, next to the President's Committee on Consumer Interests, the New York department at 80 Lafayette Street, with 3,500 employees and a $4 million annual budget, has wasted no time in setting an exemplary record of action in its year and a half on the job.

Most of the staff is young and imbued with the same kind of pioneering enthusiasm as the commissioner, a fact which has led to some paternal criticism from longer established, slower moving agencies and, of course, from local businessmen.

Indeed, the department's official motto of "Wise up," a message to consumers stamped on thousands of yellow buttons, might be more aptly directed to local businessmen, who have been feeling the heat to the point of becoming the department's staunchest critics.

The City Council's passage of the Consumer Protection Act (CPA), which in effect elevates the department to a small-scale Federal Trade Commission, is viewed as the major accomplishment. "We were told it was never going to be introduced and would never get through," says the still slightly amazed commissioner.

Phillip G. Schrag, chairman of the department's consumer advisory council and the young lawyer who drafted the proposal, describes it as a combination of the Uniform Consumer Sales Practices Act and court class action bills—"Two of the best consumer proposals around." With the CPA, New York now can sue on consumers' behalf and recover collective damages.

"I think it's the strongest consumer-protection law in the country at any jurisdictional level," says Mr. Schrag. "Other cities will be looking to it as a model."

"Fraud has been against the law for generations," adds Simon Lazarus, young Yale Law School graduate who is executive director of the Department of Consumer Affairs, "but this law makes it also unprofitable."

MERCHANTS PROTEST

However, the department action which has brought the strongest business retaliation to date is its controversial decision to require unit pricing on more than a half-dozen grocery items ranging from carbonated soft drinks and paper napkins to cereal and bread.

The regulation was originally slated for effect last November, but a loud protest, largely from the New York State Food Merchants Association, led to a delay in the starting date to Feb. 20. The Mayor was bombarded with letters from supermarket executives and standardized postcards sent by 10,000 grocers in the city complaining that they would be driven out of business by the action and that the regulation "defrauds" the people it purports to protect.

"All of a sudden, everyone in the supermarkets was 'hard-core unemployed' and didn't know how to count or divide by two," says Mrs. Grant of the complaints and the delay.

Nonetheless, over the dire predictions of the Food Merchants Association that it will add $50 million a year to the grocery bill of New York shoppers, the regulation went into effect last week. Methods of posting the information are flexibly up to the retailer, and Commissioner Grant is confident that in the long run "everyone will use it."

"We don't say people have to buy cheaper but they at least ought to know which brands are cheaper," says Henry J. Stern, a lawyer who serves as the department's associate commissioner. "The advantage of unit pricing is that it will end package trickery—the whole panoply of false bottoms, slack fill, the shattered ounce, and the minidecimal."

The success or lack of it in the New York experiment will be closely watched. Even other consumer leaders are happy it is New York and not they taking the action. "Mrs. Grant really stuck her neck out on this one," says Sidney Margolius, writer and consultant on consumer problems. "Believe me, it was a very brave, pioneering thing for her to do. It's easy to say this is a federal or a state problem."

Handling consumer complaints is considered a most important function of the New York department. All new employees spend a week or two of their training handling them.

The "consumobile" rolls into low-income neighborhoods complete with loudspeaker and equipment for recording individual complaints. Some who turn out are given copies of the department's 25-page pamphlet on how to sue in small claims court.

Also, at the department headquarters, six specially designated telephones manned by volunteers take in about 400 calls a day. When lines are busy or after hours, the consumer can leave a name and number and be called back.

However, even Commissioner Grant, who would like the department to serve as a "people's lobby," is the first to concede that the consumer is not always right.

"I'm terribly conscious of the fact that it's easy to flail out and hit everybody," she says. "That's simple, and it's not the way it should be done. It would be terribly unfair. Whenever we've accused a particular area of business of less than ethical conduct, the evidence has been there."

But neither she nor her staff hold out much hope for voluntary self-regulation on the part of business.

"It leaves the best people in industry at the mercy of the worst," comments Mr. Stern. "The decent people who would respond can't afford to. It's no more sensible to ask for it in consumerism than in school desegregation."

And if one ever needs a little graphic evidence that some city policing is needed, he should step out for a day with Basil Capers and Hyman Hendler, two of the department's 160 inspectors.

A special team assigned to follow up on specific complaints of shortweighting and other grocery volations, the two set off one recent Friday for Staten Island wearing trenchcoats and carrying black satchels (containing weights and violation and certificate of inspection forms).

SUMMONS ISSUED

At the first stop on Victory Boulevard, the market manager was issued a summons on several counts. He had goods in front of the scales so shoppers could not see the tally, few prices were posted on any items (New York law insists that prices be visible), and fresh meats were in the freezer with prices only for the asking.

At the second stop Mr. Hendler checked the weight on five packages of chicken cutlets and found 11 cents difference between weight price and package price. Several more violations were issued by the end of the day.

"Often we're told 'a new girl came on yesterday' or asked, 'Don't you ever make mistakes?' " says Mr. Hendler. "If they made me a judge, it might be different. But we're just here to enforce the law. . . One of these days maybe everybody will become honest and we'll be out of a job."

Until that day, city consumer departments have their work cut out for them.

Mr. Stern, who would like to see a governmental unit in every city take in consumer complaints, argues: "The better the consumer protection agency, the better business will do in handling complaints themselves. The very existence of a department is a spur to businessmen."

Just what kind of a department is best is still an open question.

"I rather lean toward an agency not answerable in any department, which can kind of stand back and throw darts without getting defensive—sort of like the Federal Reserve Board with the money supply," says Marian Ego, president of the new Boston Consumer Council.

A few city departments are slightly in awe of their own strength. The two-year-old commission on consumer protection in Columbus, Ohio, for instance, is authorized among other things to investigate consumer complaints and to help enforce the new city ordinance (the state has nothing comparable that allows a three-day "cooling off" period to cancel a sale solicited in a person's home. The law, passed in September, already has been well used.

C. R. Mercurio, superintendent of weights and measures in Columbus, is critical of the local Better Business Bureau for opposing several proposed city ordinances that would strengthen the commission: "It's perfectly logical for business to want to protect itself, but the BBB is trying to wear two hats. It can't expect to be paid by business and still serve the consumer."

HASTY PURCHASE CANCELED

The Ohioan, who keeps a full display of phony cents-off offers on his bookcase, considers the handling of consumer complaints perhaps the most important function of his office.

Among those he has helped is Mrs. Donald Van Culim, who took advantage of a postcard offer of a free camera with "no gimmicks." When she called to ask for the camera, she was asked if her family likes music. One thing led to another, and after a home demonstration of a stereo tape recorder the Van Culims signed a contract for more than $800 worth of equipment. Although this was before the "cooling off" law, the family was able to cancel the contract through the city commission's help.

Chicago's Department of Consumer Sales, Weights, and Measures was established in 1966, well before that of New York City, but it does not have the same breadth of regulatory or licensing power.

Blond, miniskirted Mrs. Jane Bryne, who has been commissioner of the department for the past 1½ years, admits she would like more licensing powers. Not long ago work of her department netted 121 convictions of gas-station owners (a licensed business) who among other things did not post the same price for gas at the curb and on the pump. The commissioner points out that home maintenance workers and auto and appliance repairmen are not licensed.

"We have little regulatory power over anyone not licensed," she explains. "With licensing we have a bigger stick with which to protect the consumer."

Some watching the development of consumer-protection law are concerned about the constitutionality and the wisdom of having cities step heavily into this field on their own.

Should neighboring towns have different laws, such "balkanization" could be dangerous, they say. Also, if a practice is bad enough to warrant a law, why not one at the state level?

The problem, as some of the consumer guardians see it, is that the states don't always see the need. If city councils do, they say, why not take advantage of it?

[From the Christian Science Monitor, Feb. 28–Mar. 2, 1970]

THE CONSUMER FIGHTS BACK—XI: GIFT HORSES THAT BITE

(By Lucia Mouat)

(NOTE.—Deceptive sales gimmicks entice Americans to pay more than $1 billion a year—often for shoddy merchandise. Consumer officials warn: "If you hear you're going to get something for nothing, it's the time of your life to be careful.")

SACRAMENTO, CALIF.—The ad for a side of beef—U.S. choice at 69 cents a pound—looked intriguing enough to the Elmer Dewings of Sacramento. But when it came right down to samples, the 89-cents-a-pound variety was obviously (as the seller emphatically pointed out) far superior.

The Dewings promptly ordered a 280-pound side at the higher price. When the beef arrived at their home, they double-checked the weight and found 100 pounds was missing. Assured by neighborhood butchers that waste should account for no more than 40 pounds, the Dewings called the seller and politely suggested that the remainder might still be in his freezer.

When they recovered from the belligerent outburst at the other end of the line, they had nothing more to show for their efforts than the original inflated bill for goods never fully delivered.

In Dallas, Mrs. B. S. Calvin was similarly intrigued but slightly skeptical when a teacher colleague offered her a deluxe $40 blender free. All she had to do was give away one blender a month for the next seven months and persuade the recipients to agree to the same conditions. In the unlikely event that she could not find agreeable friends within the time limit, she would pay $10 per remaining blender to the company.

Reluctantly, she accepted the "gift." In the end, she managed to give away only two and wrote a $50 check to the company, more than covering the cost of the $40 blender. Her two friends, who could find no recipient, ended up paying a full $70 each.

THOUSANDS TRY GIMMICKS

Such deceptive sales gimmicks are tried by the thousands every day. All are carefully designed to get the consumer to part with more money than he originally intended or than the goods are worth. Only an estimated 10 percent of white-collar fraud is reported. But even at that the loss in cash and goods runs more than a billion dollars a year.

"Most of us wouldn't gyp anybody, and it doesn't occur to us that somebody might do it to us," comments Miss Kay MacDonald, investigator in the consumer protection-antitrust division of the Washington state attorney general's office. She cautions: "If you ever hear you're going to get something for nothing, it's the time of your life to be careful."

Gimmicks are not necessarily new. Just last year a newly widowed Seattle woman was talked into $17,000 worth of dance lessons. A Maryland man, approached by a door-to-door salesman who said he was taking a survey, found in five minutes he had ordered $100 worth of magazine subscriptions. An elderly Pittsburgh couple signed on the dotted line for a $1,395 aluminum-siding job—the assessed value of their home was a mere $650 in comparison. And just last year Missouri clamped down on furnace companies at work in the Kansas City area that were using scare tactics to persuade homeowners that the time was ripe for furnace replacements.

OLD METHODS STILL WORK

Some firms are busy thinking up imaginative new ways to gyp people. But many are content to stick with the old, proven methods because they still work. Also the legal system, particularly at the federal level, moves in at a slow gait to crack down on consumer fraud.

It took the Federal Trade Commission (FTC) 30 years to work up to a $100,000 fine in the Holland furnace case. With 500 offices around the country, the firm had used scare tactics—its agents misrepresenting themselves as safety engineers—to sell people unneeded furnaces.

When the heat is really on, a business in trouble sometimes packs up and tries the same game (often successfully) in another state.

"The big-scale fraud operators know that to keep moving and changing corporate structures is the way to do it," says Kit Bond, a lawyer in the Missouri attorney general's office.

Some think they are more apt to escape detection by arranging contracts for delivery of goods and services in another state.

Donald Navoni, a Seattle lawyer and former assistant attorney general in that state, tells of a scheme used by a firm at the Seattle World's Fair by which anybody interested "won" a quarter-acre tract of land near water in New Mexico. All recipients had to pay were certain "closing costs" (worth more than the price of the land).

The water turned out to be 900 feet underground, and the "fertile, gently rolling hills" were described in the ensuing state attorney general's suit as "hills of granite which rise conspicuously above the lava-capped plateau."

As the relatively new field of consumer-protection law develops at the state level, some of the more blatantly deceptive and unfair practices are being singled out by legislators and judges as illegal.

Massachusetts, for instance, enjoys a rating of "consumers' paradise" from many who count its protective legislation the strongest in the country. Specifically, it legalizes the keeping of unsolicited gifts; provides a three-day "cooling-off" period in which a buyer may cancel any retail-sales agreement made in his home; and abolishes the "holder in due course" contract clause which minimizes any finance company's liability to the buyer.

"TIGHT LITTLE BATTLES"

Structurally, Massachusetts is well supplied with a Consumers Council at the executive level, a consumer division in the attorney general's office, a new city-government unit in Boston, and a voluntary state consumer association. Also, as a pioneer legislator in this field, Massachusetts has good reason to think twice about laws it enacts.

Both its truth-in-lending and credit-bureau laws have served as models for federal legislation. Neither, however, passed without a fight.

"We've had some tight little battles," recalls Dermot Shea, executive director of the Consumers Council. He says most of the laws have served as "deterrents."

The fight has been no less elsewhere.

"Business fought our 'cooling-off' provision tooth and nail," says Edwin Palumbo, executive director of the Rhode Island Consumers Council. "We were upsetting a relationship they thought had been fair for years."

Business finds it especially hard to tolerate state laws which are tougher than their federal counterparts. Armour & Co., Wilson & Co., Inc., and Geo. A. Hormel & Co., for instance, are suing the Michigan Department of Agriculture to try to keep it from enforcing its relatively stringent standards on the content of processed meat.

Currently 28 states have a law similar to the Federal Trade Commission Act. Five—Hawaii, Vermont, Washington, Massachusetts, and North Carolina—exactly duplicate the language, prohibiting "unfair methods of competition and unfair or deceptive acts or practices in business."

Much of the impetus behind state consumer-protection laws has come in the last few years with the increased threat of federal legislation. Minnesota, for instance, passed 21 consumer laws just last year.

Although consumerism remains a fairly bipartisan issue, politics has its role. In 1967 in California, for instance, Gov. Ronald Reagan appointed Mrs. Kay Valory, one of his county campaign managers, to the long-established post of consumer counsel. Promptly whittling the budget and the staff, she put the thrust of her efforts into consumer education and has conceded: "Perhaps I could accomplish more working for industry."

"It's become a political controversy as to whether the consumer counsel is protecting the consumer or not," allows Donald Livingston, head of California's Division of Consumer Affairs.

"Our concept of the office is dramatically different from our predecessors, and we don't walk away from that. They made a blanket indictment of all industry. We're not business apologist, but we start on the premise that the vast majority of businessmen are honest, and we're not just going out to harass them with overregulation."

Much of the enforcement work in state consumer legislation falls on state attorneys general. With New York leading the way in 1957, some 30 states now have separate consumer-protection divisions within that office. They commonly have at their disposal (though for limited use) the injunction weapon which the FTC now is trying to obtain.

PINPOINTING SPECIFICS

Most feel the broader their state statute of consumer-fraud authority, the better. The

courts, they say, are perfectly capable of pinpointing the specifics. In New York, for instance, courts often have liberally interpreted a provision in the Uniform Commercial Code (law, in most states) which restrains a creditor from making "unconscionable" agreements. In a case last year involving a welfare recipient who, with credit and insurance charges, was paying $1,235 for a home-freezer unit actually worth about $300, a New York court ruled that, fraud or not, the pricing itself was "unconscionable" and grounds for cancellation of the contract.

"The unconscionability doctrine is the most important weapon the consumer has today in the fight against white-collar fraud," says Stephen Mindell, New York assistant attorney general. "By it, courts can effectively cut through technicalities and combat the whole theory of 'let the buyer beware.' "

Flexibility is seen as key. "If you're solving modern problems, you have to be as sophisticated as the people committing the fraud," says Herschel Elkins, California's deputy attorney general. "You can't be hamstrung by antiquated methods."

Most attorneys general have found it good politics, though time consuming, to accept consumer complaints. Many have file drawers full and find them useful for building patterns of evidence on various cases if they can keep from getting bogged down in the process.

CUSTOMERS DISGRUNTLED

"A lot who write in are just disgruntled customers," admits Douglas Head, Minnesota Attorney General. "We're kind of caught because we want complaints, but we can't act as individual lawyers for people."

"Sometimes people think all they have to do is complain to the attorney general's office," adds Wayne Hoecker, assistant attorney general in Missouri's Kansas City office. "I had a lady the other day who wanted me to get her out of a health-club contract because the club had 'embarrassed' her."

A minute fraction of complaints actually end up in court cases, and that's the way state law-enforcement officials like it. They view mediation as one of their most important tasks.

The states are increasingly active in consumer-education work. Talk shows, educational pamphlets (often in Spanish and English), and school-assembly programs are common. In accord with a legislative mandate, the Rhode Island Consumers' Council is helping people meet out their income to pay the bills through credit counseling.

The Kentucky Consumer Affairs Commission was set up by the governor of that state in 1968 for the prime purpose of stimulating consumer education. Conveniently, Mrs. Oscar Sowards, whom the governor tapped as chairman, heads the 14,000-member Kentucky Federation of Women's Clubs, and she has put the women immediately to work developing teaching units on credit and food buying which they now are teaching in all parts of the state.

EDUCATION QUESTIONED

Those in the law-enforcement field who see the problems firsthand generally are not optimistic about education as a solution to consumer problems. Many would agree with Gale P. Gotschall, the FTC's assistant general counsel for federal-state cooperation, who told a Kansas City, Mo., audience last year that it is far easier to try to reach a few thousand businessmen and dissuade them from unfair, deceptive practices than try to educate 200 million consumers in the "myriad ways in which they might get cheated."

Auto repairing is a field where there is much abuse of the consumer. Some auto repair shops frankly admit they would be selling out to their competition if they advertised the actual price they will charge for work. Such firms invariably lure the motorist with a low posted price—then tack on "unforeseen charges."

Reaching such businessmen, however, is not an easy task, even after the deceit is committed. The offices of most attorneys general are understaffed and underbudgeted. If they can afford to handle consumer cases at all, they must concentrate on the very worst offenders and hope that the ripple effect of publicity will work on the rest.

Also the line between hard sell and fraud is hard to distinguish. Many of the most questionable sales and collection practices are still perfectly legal.

CONTRACT RULED INVALID

"Our legal machine is on the side of the exploiter," insists Howard Frazier, president of the Consumer Federation of America.

Many consider the Office of Economic Opportunity's legal-services program one of the best things that ever happened to the consumer movement. These poverty lawyers have been instrumental in fighting the uniform consumer-credit code. They have also taken on a number of borderline-gray consumer cases for the poor and have fared well.

Last year in Detroit, for instance, a judge ruled a contract invalid which involved an elderly lady and an upholstery job with the Famous Furniture Company. She thought she was signing the contract to get the job done, but when a dispute arose later, company officials maintained she had temporarily sold them her furniture while they did the job (according to a small-print clause on the back of the contract) and that they had the right to repossess it. She had neither seen nor been told about the clause.

"You can usually defend a consumer case and win," says V. Paul Donnelly, the consumer lawyer on the case and consumer-fraud coordinator for Wayne County neighborhood legal services. "Business has gotten by for so long without a challenge that it tends to be careless in drawing up its contracts."

Although technically prevented from lobbying, some of these poverty lawyers think the day is not far off when they will be able to do so.

"If there's one thing we're learning fast," says John H. Schlegel, attorney in Chicago's Legal Aid Bureau, "it's that legislation is lobbying."

For middle-income consumers, the right to a day in court at this point is less well established than it is for the poor. Until recently private lawyers have not bothered to steep themselves in consumer law because the profit involved in most cases is so slim.

Although lawyerless small-claim courts are slowly raising claim ceilings (some like Washington State are as low as $50) and are working toward more evening and Saturday hours (New York City has succeeded well), they are often used far more by business than by the consumer. Garnishments and default judgments are common.

It may be noted, however, that one Oregon professor, in tune with the "pollution" times and aware of his court rights, recently used the small-claims court in Eugene to sue a firm with a smokestack for $20 in paint damages to his house. He was not overly surprised that he lost the case.

Occasionally justice in such courts, in the words of one critic, "depends on whether the judge's wife burned the toast." Judge John Patrick O'Brien of Detroit's Common Pleas Court counters that the job is "tough on a judge because you get so much heresay evidence." He says the largest number of cases he is called upon to settle involve cleaners, and often no sales slip can be produced.

"There has to be some bit of evidence to make you believe one party rather than another," says Judge O'Brien.

Phillip G. Schrag, a lawyer for the National Assocation for the Advancement of Colored People's legal defense and educational funds, has conducted extensive test litigation in the consumer field. He describes the general court atmosphere toward consumer cases as less "hostile" than "indifferent."

GROUP ACTION URGED

Certainly the current proposal to allow group-consumer action (class action) in federal courts is seen as a valuable addition to consumer options. Through it, collection-dollar restitution would be possible, and more private lawyers would then be induced to take on consumer cases.

In the days ahead, consumers may also look toward increased state and federal protective legislation. So far, the development has been more hodgepodge than orderly.

"You have a few progressive states and many more that do nothing," notes Robert L. Meade, director for legislative affairs in the President's Committee on Consumer Interests and formerly a drafter of much of the successful Massachusetts legislation. "If all were the same there's no need for federal legislation."

To some, the dividing line between needed state and federal activity in the consumer field appears crystal clear.

"With individual grievances, it's logical that action should be at the state level," comments Miss Diane McKaig, executive director of the Michigan Consumers Council and formerly special assistant for consumer affairs at the Department of Health, Education, and Welfare. "But there's a large area for federal action. Take product safety. What are we going to do—stand on the state line and reject every lawn mower that isn't safe?"

Given the mobility of business and the variation in state law, some, like California's Mr. Elkins, are pressing for expanded federal concern. The deputy attorney general points to a case in which individuals in New York signed contracts for delivery of cars in California and, only at the pickup scene, found them to be rundown taxicabs.

"The federal government has to get into this sort of thing," he says. "No one else has jurisdiction. . . . Many such out-of-state frauds we shouldn't have to get into."

So far, the FTC has resisted efforts of the administration and others to expand its province of concern from practices "in" interstate commerce to those "affecting" such commerce. FTC officials, argue that their tight budget would keep them from doing a good job. They urge the states to adopt legislation similar to the FTC act, and they encourage Congress to subsidize state enforcement efforts.

In any case, many state officials think the FTC should be taking a much stronger lead in coordinating the activities of the many states and serving as an informational clearinghouse. The commission has had a special office of federal-state cooperation since 1965, but it is virtually a one-man office. Also, although regional FTC manpower often exceeds an attorney general's staff in a city by 5 to 1, the federal employees need permission from Washington to take even the slightest action of investigation.

[From the Christian Science Monitor, Mar. 5, 1970]

THE CONSUMER FIGHTS BACK—XII: CONSUMERS WANT A LOUD, PERMANENT VOICE

(By Lucia Mouat)

(NOTE.—A flurry of bills in Washington all seek to aid the consumer. The federal government already does much for buyers. But consumer advocates want to focus and tighten these efforts and open new ones.)

WASHINGTON.—In Washington this year, consumer efforts focus on building a loud and permanent voice in the name of the public interest. For the moment, spotty protective

legislation is definitely second in importance. What consumer advocates and Congress seem most eager to see is an organizational setup that would ensure firm consumer representation in government decisionmaking.

Just what form this voice would take—whether it should come from inside or outside the government and whether from one office or two—is being hotly debated. The only point on which virtually everyone now agrees is that it should not be a Cabinet-level department, an idea which has been kicking around Capitol Hill for a good decade. Some 39 agencies now shoulder the government's consumer protection burden, and it is considered a Herculean (and in many ways unwise) task to try to unite them.

President Nixon's "buyer's bill of rights" proposal would divide powers between a permanent "Office of Consumer Affairs" in the Executive Office and a new "Division of Consumer Protection" within the Department of Justice. The latter would advocate the consumer's position before regulatory agencies and enforce the administration's consumer protection act which pinpoints 11 areas of unfair and deceptive practices.

Rep. Florence P. O'Dwyer (R) of New Jersey, in a bill with widespread political support (66 Republican and Democratic cosponsors), would keep advocacy and enforcement functions within a permanent executive office of consumer affairs. That office on its own could conduct hearings, conferences, and surveys.

INDEPENDENT AGENCY WEIGHED

Still another proposal would establish a full-fledged independent agency—such as NASA for space affairs—as a central voice for consumers. Reasoning that the White House is the center of political pressure, Rep. Benjamin S. Rosenthal (D) of New York, chairman of the Democratic Study Group, consumer task force, and sponsor of the bill, wants an agency that can move with as much freedom as possible. Among many duties, it would intervene in the consumer's interest before regulatory agencies and conduct economic investigations and studies as it saw fit.

A fourth suggestion as to "who shall represent the consumer" comes from Sen. Philip A. Hart (D) of Michigan. He proposes an independent nongovernmental council with local units to receive complaints and arbitrate issues "too small for courts and too big to ignore." Supported by government and foundation funds, the council would serve as an ombudsman, dispense product information, and represent the consumer before governmental agancies. Senator Hart sees a number of "enlightened" business representatives on the council—a point which some consumer advocates criticize.

There is also strong interest in Washington in the government's role in product testing and information.

Thousands of products from raincoats to tires are tested for the General Services Administration, Department of Defense, Department of Agriculture, and the like, but few taxpayers ever know the results.

PRODUCT TESTING A POSSIBILITY

In addition to requiring release of all current government testing information, Mr. Rosenthal's bill, which has the noteworthy support of the Consumer Federation of America, Consumers Union, and consumer advocate Ralph Nader, would establish facilities to carry on more extensive product testing.

Mrs. O'Dwyer's bill would require release of current testing information and give the National Bureau of Standards increased authority to set up facilities to test any products voluntarily submitted. Industries would be free to advertise results. The administration's bill would put the emphasis on certifying methods used in private testing labs.

"We wouldn't put the government in the testing business," explains Mrs. Virginia Knauer, the President's special assistant for consumer affairs. "Standardizing of procedures is what we're after."

Mrs. Knauer is, quite naturally, a strong supporter of her employer's consumer policy: "I think President Nixon personally and the whole administration are sensitive to consumer problems," she commented in a recent interview. "The President's 'buyer's bill of rights' proves that without a doubt. It is the strongest message any president has produced."

However, the former director of Pennsylvania's Bureau of Consumer Protection did not hesitate to take issue—at a discrete distance—with Secretary of Commerce Maurice Stan's comment during a speech last fall that "the wave of consumerism [might] move too far and destroy the freedom of choice of consumers." She responded coolly but firmly to a question at a press conference later that "it won't get out of hand."

Mr. Nader, who credits her with some "very good speeches," describes her as in a "hostile environment" by virtue of the exbusinessmen in the administration to whom she must report.

Mrs. Knauer, who spent eight years as a member of the Philadelphia City Council and is familiar with the political realities of working in government, insists "we have to have the cooperation of business and regulate it with legislation where necessary." She counts it a victory that she got clearance from the White House to contact business directly on complaints received and sometimes writes company presidents to get the the action desired.

A LAWYER—FILING PAPERS

Reform of the nation's regulatory agencies is seen as crucial to some as a permanent voice for consumers. The bureaucracy, entangling red tape, and limited power of many of these agencies are well known to all. The Food and Drug Administration, for instance, has no authority to summon witnesses or require companies to divulge their records. In the Federal Trade Commission all five commissioners must be involved in the proceedings before a company can even be told there is a complaint against it, and cases normally drag on for years.

"Most of my cases were older than I am," says 26-year-old John Hayward, who recently resigned as one of FTC's attorneys. "More manpower isn't the problem. There's just not that much work to do. I spent all my time filing papers. A high-school graduate with a little knowledge of legal terms could have done it."

The administration's consumer proposals would help. In part, they seek the preliminary injunction weapon for the FTC which would add to its power. Also called for are a review of the Food and Drug Administration's internal procedures and a study of the safety of all food additives, regardless of how long they have been on the market.

Meanwhile, there are increased private efforts to establish consumer representation in such agencies. Concerned about a quiet "consent" settlement between the FTC and the Campbell Soup Company on a charge of false advertising, a group of George Washington University Law School students organized as Students Opposed to Unfair Practices (soup). They are working to establish a public right to intervene in all FTC hearings and agreements.

Similarly law students in the new Center for Law and Social Research in Washington (supported by charitable grants) are aiming to establish the same right on a broader scale.

Some consumer advocates think the day is coming when such public spokesmanship will extend directly to the marketplace.

"Today a Ford is a Plymouth is a Chevrolet," comments George Brunn, municipal court judge in Berkeley, Calif., and a member of the board of the Association of California Consumers. "All sell for roughly the same price, are equally unsafe, and expensive to maintain. A reasonable society doesn't have to put up with this. I'd like to see consumers have a direct voice in how cars are designed and manufactured and sold."

Most businessmen counter that competition is alive and well and that consumers do vote with their dollars for what they like. These are also skeptical of the government's increasingly "paternal" role in consumerism and wonder aloud how many consumers really want what's being pushed their way.

"The trouble with consumers is they're trying to put business out of business," snaps one. "It's either going to get the price out of sight or break down the whole distribution system."

Although business and the consumer are essentially tugging for the most in the same dollar, some observers think there are points of unity which both sides are missing. Some businesses could patch their image effectively in the eyes of some buyers by at least appearing to cater to consumerism rather than defiantly turning their backs. Similarly, some businessmen feel consumers are not doing their fair share in the effort to separate the good from the bad. Until the distinctions begin, they say, consumer mistrust of business will result in a united front.

It is fairly certain that consumers are not likely to be a well-organized group anytime in the immediate future. They will continue to lean on labor and other allied support, knowing full well there are points at which the interests diverge. But the interest is growing—with the inclusion of pollution, students are swelling the ranks—and if they stick with the facts, the cause of consumerism may very well make up for what they now lack in numbers and organization.

Some, like Judge Brunn, consider the movement at a critical juncture.

"The average citizen is getting more and more frustrated about the impact he has . . . The great thing about someone like Ralph Nader or Rachel Carson is that it suddenly gives people the feeling that one person can make a difference . . . If consumerism doesn't catch on and give people that feeling, they're likely to turn away or engage in unorganized or hostile behavior. We've seen it in race relations where hopes and expectations rose faster than any political system could deliver."

A GOOD CANDIDATE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. PUCINSKI. Mr. Speaker, recently, an editorial appeared in the Chicago Polish Daily News, the oldest and one of the largest American-Polish dailies published in Chicago, concerning the need to select an excellent candidate, namely, Lawrence F. O'Brien, to be chairman of the Democratic National Committee.

This editorial appeared on February 16, almost 3 weeks before Larry O'Brien was chosen for his present position. It placed into proper perspective the need for the Democratic Party to have someone of Larry O'Brien's stature to reunite the party and resolve the difficult problems facing it.

I agree with the editorial that with Larry O'Brien at the helm, the Democratic Party will again be victorious at all levels of government.

Mr. Speaker, the editorial follows:

A GOOD CANDIDATE

The former co-worker of President Kennedy and President Johnson, Lawrence F. O'Brien, who is considered to be an outstanding political leader, is being considered for Chairmanship of the Democratic National Committee.

He is an excellent candidate.

In the past, he has proven to be a great tactician as well as organizer and an outstanding political and Party leader. He has also shown impressive abilities as Chairman of the Democratic Party during the difficult period of Vice President Humphrey's race for the Presidency.

Mr. O'Brien has the kind of qualifications which are needed by the Democrats, from the Party point of view, because they need a person who is thoroughly familiar with the national political machinery; who is practical in his approach, and who can unite all the factions which form the Democratic Party.

The Party faces difficult times financially, is disunited, suffering from defeat; all these factors must be overcome to face the congressional elections this year and in two years another Presidential election.

If the Party is to rebuild itself after being weakened by the loss of the White House; if it wishes to recapture many of the gubernatorial seats it lost, and if it wants to retain its leadership in both Houses, it needs a man like Larry O'Brien, who is a truly great organizer and Party leader to head the National Committee.

It must be admitted that former President Johnson weakened the National Committee and lessened its role in the political life of our country. Since he insisted that he is the leading Democratic political leader, he permitted the National Democratic Committee to run down and limited its role among all factions of our country, including the nationalities groups, and thus made it very difficult for a candidate like Humphrey to win.

Thus, the Democrats again must become united, work together in setting up a strong, effective political organization from the Democratic National Committee down to the precinct level, and they again can expect victories in the races for the State Houses and Congress. They should assume firm leadership, strong position on issues and they can win even againt the functioning Republican "machine."

TRIBUTE TO DR. THEODORE BRAUN

HON. VANCE HARTKE

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Thursday, March 26, 1970

Mr. HARTKE. Mr. President, tucked away in obscure corners of the world are some really "beautiful people." Only occasionally do their names come to our attention, and then we learn of an Ida Scudder of Vellore or an Albert Schweitzer of Lambarene. For the most part, they quietly love God with their lives and touch fellow men with healing.

One such model of love and healing is Dr. Theodore Braun, a Lutheran pastor's son from Wyerts, Nebr., whose career is briefly sketched in an essay by Wilson C. Egbert. I ask unanimous consent that the essay be printed in the RECORD.

There being no objection the essay was ordered to be printed in the RECORD, as follows:

ALL IN THE DOCTOR'S BAG

(By Wilson C. Egbert)

The Mandated Territory of New Guinea is a little more than twice the size of Louisiana and a little less than the size of Wyoming. Its tropical swamps along the seacoast will match the tidewater swamps of Louisiana and its mountains range to the heights of Wyoming.

In 1930 a medical graduate of the University of Chicago increased the number of doctors by 14% when Dr. Theodore Braun came to serve a mission hospital at Amele, eight miles inland from Madang, New Guinea. He was the eighth doctor in this sector of the world's second largest island. For three years he divided his time between the ALC hospital at Amele and the Finschhafen hospital of the German missions.

Malaria and yaws, battle injuries from arrow and stone axe, leprosy and tuberculosis were all in this medic's bag of work. And in some of those years Dr. Braun would top a thousand operations. When he came to the island, a lifetime of isolation was the lot of lepers, and natives thought it strange that the government would only punish murder with a six-year sentence while the leper got "life." Now new drugs and treatment patterns have taken the terror out of "Hansen's disease" and have as well controlled malaria and tuberculosis.

There was a nurse at Amele hospital who couldn't "see" the new doctor for sour apples. Her name was Hattie Engeling and she had already served in New Guinea for five years. "He seemed arrogant to me," she said. But Hattie Engeling became Mrs. Theodore Braun. She stayed with him as his operating room nurse, was imprisoned with him during the Japanese invasion in World War II, lived through the deadly strafing of the prison ship on which they were being moved to an ugly internment camp at Hollandia, and came back after the war's end for a four-year stint at Finschhafen while mission builders were building the Yagaum hospital near Madang.

Last summer Dr. Braun resigned as chief of staff at Yagaum, the 395-bed hospital he helped to bring into being. The leave-taking of this senior doctor in the territory was a gala affair. He was honored by churches and government, by nationals he had served and nurses he had trained. Lutheran and Catholic missionaries, legislators, and national pastors said, "Thanks—and be sure to come back."

On New Year's Day, Queen Elizabeth II announced the Empire's honors. To Dr. Theodore Braun, a pastor's son from Wyerts, Neb., came the "Order of the British Empire," Australia's prime minister, John Gorton, sent a telegram, "well-merited honor."

Dr. Braun has seen many changes in what was once a Stone Age culture. Now there are 160 doctors to serve the nearly three million people. He took part in the early training programs of national medical aides. "Our nurse's training program was the first (1950) coeducational institution in New Guinea," he said. In the years before World War II, the training of nurses was made difficult by tribal languages, and by the need for basic education in reading and numbers. But Dr. Braun is quick to point out that "these people are as intelligent as we are—they simply had chosen a different mode of life."

He said that while the tribal groups had no overall government, they had a lot of law rooted in their own culture. Two tribes, for example, fought a battle regularly once a year—trading battle sites from one to the other and never attacking the invader until they were rested from their journey. Dr. Braun became a "military surgeon" inadvertently in one of these tribal wars. Tribes in the central highlands, where the territory was just being opened to mission work, heard that there was a doctor on the ridge above the battlefield. He was soon treating casualties from both sides, and weapons were checked outside.

Over the years, Dr. Braun observed, "the medical work we had did have a good effect not only on the New Guinea tribes but also on the Chinese and white population." The national church would testify to that—it wants to keep medical work going as a church contribution to what may some day be a new nation.

In July, Dr. Theodore Braun, O.B.E., and Mrs. Braun will be heading home to New Guinea. Awaiting them will be Teddy, their New Guinean adopted son, now a pre-law student in Australia. And on a lot given them by a grateful national, they'll build a home.

Some years ago a missionary friend told me of his chance meeting with an Australian newsman who said, "You chaps have a Schweitzer up there in New Guinea—only nobody seems to know about it." It looks as though he were right.

FEDERAL BUDGET REDUCTION

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. BOW. Mr. Speaker, the American Farm Bureau has just released its annual review of the Federal budget with suggestions for reductions that would assure a sizable surplus in the next fiscal year. This is always a helpful analysis and, without endorsing any specifics of the document, I wish to insert it in the RECORD for the consideration of the Members, as follows:

FARM BUREAU'S RECOMMENDED REDUCTIONS IN THE FEDERAL BUDGET, FISCAL 1971

The Budget for 1971 has again created some confusion in that it projects a surplus for the year, yet the debt will rise. This comes about as a result of the new unified budget first adopted two years ago.

For the stated purpose of showing the full impact of the Budget on the economy the receipts and expenditures of the several trust funds are included in budget totals. During 1971 it is estimated that trust fund receipts will exceed trust fund expenditures by $8.6 billion. However, federal fund receipts will fall $7.3 billion short of federal fund expenditures. The difference between the $8.6 billion trust fund surplus and the $7.3 billion federal fund deficit is $1.3 billion—the announced budget surplus for 1971. Since the trust fund surplus cannot be used to cover federal fund expenditures, it will be necessary to borrow funds to cover the federal fund deficit if the Budget is adopted as presented.

Also, there is no certainty that receipts will be as high as estimated. The Budget estimate on receipts assumes that Congress will adopt new, and extend expiring taxes in the amount of $1.6 billion, adopt a $1.2 billion postal rate increase, and be able to sell some $1.3 billion of Farmers Home Administration loans in the open market.

In the area of federal spending, Farm Bureau policy for 1970 states in part as follows:

"Inflation is a serious threat to economic stability. Excessive federal government spending is the basic cause of our current problem of inflation. Deficit spending by the federal government and policies which

expand the supply of money and credit faster than production clearly lead to inflation. Both Congress and the Executive Branch of government must face up to this fact and bring expenditures into balance wtih income at tax rates which are not oppressive."

The following pages include recommendations for reductions in New Spending Authority of nearly $12 billion. These reductions could bring about expenditure savings of nearly $6.5 billion during fiscal 1971. If these recommendations are followed by the Congress and the Executive the prospects for a cash deficit would be nearly eliminated.

RECOMMENDED BUDGET REDUCTIONS, FISCAL 1971

[In millions]

		Expenditures	New spending authority
051	ABM research	$49	$132
	Military housing		116
057	Military assistance	600	454
058	Atomic weapons		143
151	U.N. Building		20
152	Foreign aid	44	1,116
	Pan-Am Highway	4	20
401	Corps of Army Engineers	133	110
	Waste treatment		3,400
405	Land acquisition	68	182
501	Supersonic transport, airports	439	583
502	Shipbuilding	30	90
506	Secretary of Transportation	12	20
507	Appalachian development	25	13
551	OEO	710	869
	Model cities	230	230
554	Planning and research		43
555	Low-rent housing	189	180
601	Elementary and secondary education		288
602	Higher education	101	5
604	New manpower training	714	677
701	Social security		204
702	Food stamps	425	400
908	Law enforcement	191	212
	Revenue sharing	275	275
	Other pay increases	1,400	1,400
	Contingency funds	800	800
	Total reductions	6,439	11,982

An explanation of each of the reductions proposed in the summary table follows:

NATIONAL DEFENSE

051—Increase of $132 million of NSA and $49 million of expenditures for ABM research should be absorbed through reductions in other areas.

051—Increase of $116 million of NSA for additional family housing should be denied.

057—Since military assistance is difficult to distinguish from regular defense operations, Farm Bureau again recommends NSA of $454 million and expenditures of $600 million be transferred to and absorbed within regular defense appropriations without increases due to the transfer.

058—Increase of $143 million of NSA for additional atomic weapons should be denied.

INTERNATIONAL AFFAIRS AND FINANCE

151—Proposal to donate $20 million to U.N. for new headquarters should be denied saving NSA of that amount.

152—In line with spending levels suggested over the years for foreign aid NSA of $541 million can be saved in development loans, economic assistance and Alliance for Progress. Another $575 million of NSA and $44 million of expenditures should be denied for new international banking ventures.

152—Proposal to build 250 miles of road in Panama and Columbia as a part of Pan-Am Highway should at least be delayed saving NSA of $20 million and expenditures of $4 million.

SPACE RESEARCH AND TECHNOLOGY

Sharp budget cuts have already been made in NASA. Without more information than is generally available, it would be difficult to suggest further cuts.

AGRICULTURE AND RURAL DEVELOPMENT

Major expenditures under Functional Code 350, Agriculture and Rural Development, are made by the Commodity Credit Corporation. Since these expenditures are mandatory by law, there is no opportunity to reduce them through the appropriation process. Farm Bureau is supporting major changes in basic farm law which, if adopted, would greatly reduce Commodity Credit Corporation expenditures over the next five years by substituting less expensive land retirement and commodity loan programs for the annual diversion and income support payments now being made to producers of cotton, wheat and feed grains.

NATURAL RESOURCES

401—Corps of Army Engineering construction should be held to last year's level saving NSA of $110 million and expenditures of $133 million.

401—It is proposed that $4 billion be appropriated for waste treatment to be used over the next 5 years. This should be handled annually. By using previously unspent funds during 1971, an appropriation of $400 million will be more than adequate to meet needs saving NSA of $3,400 million.

405—Land acquisition should be held to last year's level saving NSA of $182 million and expenditures of $68 million.

COMMERCE AND TRANSPORTATION

501—NSA of $290 million and expenditures of $275 million for the super-sonic transport should be denied. Also, new airport development programs should be denied saving NSA of $293 million and expenditures of $164 million.

502—Maritime ship building should be held to general level of recent years saving NSA of $90 million and expenditures of $30 million.

506—Office of the Secretary nearly doubles in one year. Holding to 1970 levels would save NSA of $20 million and expenditures of $12 million.

507—Appalachian development program held to last years level would save NSA of $13 billion and expenditures of $25 billion.

COMMUNITY DEVELOPMENT AND HOUSING

551—The OEO Should be abolished, with essential programs being transferred to other agencies of government saving NSA of $869 million and expenditures of $710 million.

551—Model Cities program outlays should be held to 1970 level saving NSA of $230 million and expenditures of $230 million.

554—Requests for comprehensive planning and for urban research should be kept in line with spending plans saving NSA of $43 million.

555—Low-rent housing contributions should be held to last year's levels saving NSA of $180 million and expenditures of $189 million.

EDUCATION AND MANPOWER

601—Increase for elementary and secondary education should be denied saving NSA of $288 million.

602—Programs for higher education should be held to last year's level saving NSA of $5 million and expenditures of $101 million.

604—New Manpower Training Act calls for $677 million of NSA and expenditures of $714 million. This should be denied and if additions are needed should be provided under the Manpower Training and Development Act.

INCOME SECURITY

701—Farm Bureau opposes proposed increase in Social Security wage base saving NSA of $204 million.

702—It is proposed that the number of food stamps recipients be increased by about 40 percent, but costs more than double. Holding the costs to a level consistent with recipient increase would save NSA of $400 million and expenditures of $425 million.

GENERAL GOVERNMENT

908—Increased aid to states for law enforcement should be denied saving NSA of $212 million and expenditures of $191 million.

OTHER

Revenue sharing should be denied saving NSA of $275 million and expenditures of $275 million.

Recent government pay raises have placed government employees out of line with private sectors. Pay increases should be withheld saving NSA of $1,400 million and expenditures of $1,400.

A contingency of $100 million is adequate saving NSA of $800 million and expenditures of $800 million.

THE ABM ISSUE

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Thursday, March 26, 1970

Mr. FANNIN. Mr. President, shortly the Senate will again be asked to consider the issue of expanding the ABM program in light of the defense needs of the Nation and the best judgment of administration officials.

A cogent editorial published recently in the Cleveland Plain Dealer has, I think, a sufficient bearing on the issue to be printed in the RECORD.

The editorial writer notes:

Deescalating the arms race and reducing military expenditures is much easier said than done. That sad truth must be contemplated by Americans in their consideration of (Secretary) Laird's warning.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection the editorial was ordered to be printed in the RECORD, as follows:

[From the Cleveland Plain Dealer, Feb. 24, 1970]

NO ARMS LETUP

While there might be the temptation to dismiss it as only a pitch for expansion of the Safeguard antiballistic missile system, Secretary of Defense Melvin R. Laird's warning about Russia's continuing missile buildup should be taken seriously.

Laird reported to a joint session of the Senate Armed Services and Appropriations committees that the Russian buildup could place this country "in a second-rate strategic position" by 1975.

Much as the United States might want to reduce military expenditures by cutting back on costly arms programs, it cannot, in the face of such a warning, do so. In these turbulent world times, it cannot risk vulnerability. It has little choice but to maintain costly arms programs in the face of a threat such as that posed by the Russian buildup.

About the only recognized hope for slowing or stopping the arms race depends upon the outcome of strategic arms limitation talks which will be resumed with Russia in April. That situation is ironical, however, because if the United States and the Soviet Union are to negotiate from positions of strength, they must in the meantime con-

tinue doing the very things they intend to talk about not doing.

De-escalating the arms race and reducing military expenditures is much easier said than done. That sad truth must be contemplated by Americans in their consideration of Laird's warning.

QUESTIONNAIRE RESULTS

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. BROYHILL of Virginia. Mr. Speaker, a few weeks ago I mailed questionnaires to 115,000 families, representing approximately 210,000 registered voters in the 10th Congressional District of Virginia, asking their opinion on some of the many urgent issues before the Congress.

Some 42,000 of my constituents have now responded to this questionnaire, and I shall make their responses a part of the RECORD.

I believe the opinions expressed by voters of northern Virginia are particularly significant, because they have for many years proven a very accurate reflection of national opinion, as is demonstrated by the fact that northern Virginia voters have, since 1956, voted closely in proportion with the nationwide vote in each presidential election; that is, in 1956 former President Eisenhower received 56.4 percent of the 10th District vote, and 57.7 percent of the national vote; candidate Nixon received 51.1 percent of the 10th District vote in 1960 as opposed to 49.9 percent nationally; candidate GOLDWATER received 37.8 percent of the 10th District vote in 1964, while receiving 38.4 percent of the national vote, and President Nixon received 46.6 percent of the 10th District vote as opposed to 43.6 percent of the national vote.

The overall results, as of March 25, are as follows:

OVERALL RESULTS

[In percent]

	Husband	Wife	Total
1. Do you think we should settle the Vietnam War by—			
(a) All out military escallation	20	16	18
(b) Seeking settlement through negotiation as President Nixon has proposed	51	50	51
(c) Unilateral withdrawal of our Armed Forces	26	31	28
(d) No response or invalid response	3	3	3
2. Do you feel the proposed ABM system as a part of our National defense structure is—			
(a) Necessary	60	57	58
(b) Unnecessary	35	36	35
(c) No response or invalid response	5	7	7
3. Which action do you feel is most important for the Government to take to fight inflation—			
(a) Raising taxes	5	3	4
(b) Reducing Federal spending	46	44	45
(c) Adopting wage and price controls	42	46	44
(d) No response or invalid response	7	7	7
4. Do you think the war on poverty for which more than $9,000,000,000 has been appropriated, has been successful in helping poor people—			
(a) Yes	13	13	13
(b) No	68	67	67
(c) Undecided	16	18	17
(d) No response or invalid response	3	2	3
5. Do you favor President Nixons proposed welfare reforms—			
(a) Yes	55	51	53
(b) No	20	19	20
(c) Undecided	22	26	24
(d) No response or invalid response	3	4	3
6. Do you favor lowering the legal age of contract responsibility and voting from 21 to 18—			
(a) Yes	40	39	40
(b) No	55	55	55
(c) Undecided	3	4	4
(d) No response or invalid response		2	1
7. Do you favor cutting off Federal loans and grants to students convicted of campus disorders—			
(a) Yes	85	85	85
(b) No	12	11	11
(c) Undecided	2	3	2
(d) No response or invalid response	1	1	2
8. Should students in good standing continue to receive draft deferment—			
(a) Yes	63	68	66
(b) No	30	24	27
(c) Undecided	5	6	5
(d) No response or invalid response	2	2	2
9. Should the Congress delegate complete control and rule of the Nation's Capital to those residing within its boundaries—			
(a) Yes	31	32	31
(b) No	62	59	60
(c) Undecided	5	7	6
(d) No response or invalid response	2	2	3
10. Do you favor a multibillion-dollar Federal ecological program for eliminating pollution of our air, water and land resources as proposed by the President—			
(a) Yes	86	85	86
(b) No	7	6	7
(c) Undecided	5	6	5
(d) No response or invalid response	2	3	2
11. Do you rate your postal service—			
(a) Good			40
(b) Fair			38
(c) Poor			17
(d) No response or invalid response			5

In order to obtain a more accurate reading on the quality of postal service, responses were tabulated separately for each postal mailing area. The postal patrons responding prior to the postal work stoppage rated their postal service as follows:

POST OFFICE COMPARISONS

[In percent]

	Good	Fair	Poor	No response
Burke	74	18	5	3
Annandale	45	36	15	4
Vienna	45	34	14	7
Springfield	44	39	14	3
Falls Church	43	38	14	5
Alexandria	42	38	17	3
Arlington	40	40	16	4
Fairfax	39	39	19	3
Merrifield	38	32	15	15
Fairfax Station	38	40	19	3
McLean	29	38	30	3

The separate tabulation by post office also revealed that the percentage response was uniform throughout the district, indicating that 10th District residents, regardless of their specific location, accurately reflect the views of the majority of Americans:

[In percent]

Question	Majority	Falls Church	Springfield	McLean	Arlington	Annandale	Fairfax	Alexandria
1	B	49	54	54	50	52	51	50
2	A	60	59	59	57	59	59	58
3	B	45	46	47	45	46	49	43
4	B	68	70	68	66	70	70	66
5	A	52	56	55	53	55	54	52
6	B	56	54	54	56	53	56	54
7	A	86	88	86	84	86	88	83
8	A	67	69	69	64	65	69	65
9	B	61	61	62	61	60	62	59
10	A	86	90	86	85	87	87	85

Mr. Speaker, it gives me great pleasure to offer the views of 42,000 individuals who live in a congressional district with one of the highest educational levels in the United States. These citizens, both men and women, have perhaps greater knowledge and greater interest concerning Federal Government affairs than any other such group in the Nation. Their high interest is demonstrated by the huge percentage that responded.

The results of this questionnaire are worth careful consideration by anyone who is concerned with our Nation, because these people have shown continually that their views are in almost exact keeping with the national consensus.

In concluding, let me say that I am indeed proud that I have the honor to be chosen as the representative for constituents of such intelligence and perception with such interest in the problems with which our Nation is confronted.

OPPORTUNITIES INDUSTRIALIZATION CENTERS

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Thursday, March 26, 1970

Mr. BOGGS. Mr. President, the Subcommittee on Employment, Manpower, and Poverty recently held a hearing on the Opportunities Industrialization Centers. The OIC's, primarily financed with private donations, are possibly the finest self-help, job-training programs in the Nation.

The session was attended by OIC representatives from across the Nation, as well as dozens of OIC trainees and graduates from Washington, Philadelphia, and other cities. Many more OIC supporters could not be accommodated in the hearing room to listen to testimony on the important work and accomplishments of this fine program.

To enable Senators and others across the Nation to gain a better understanding of the work of the Opportunities Industrialization Centers, I ask unanimous consent that a portion of the prepared testimony be printed in the Extensions of Remarks. Specifically, I ask unanimous consent to have printed in the RECORD the comments of the Reverend Dr. Leon H. Sullivan, the Philadelphia minister who is founder and chairman of the OIC's, and Representative SHIRLEY CHISHOLM, within whose Brooklyn, N.Y., district the OIC has established a very successful jobs program.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

TESTIMONY GIVEN BEFORE U.S. SENATE SUBCOMMITTEE ON EMPLOYMENT, MANPOWER AND POVERTY ON THE MANPOWER TRAINING ACT—MARCH 19, 1970

(By Rev. Leon H. Sullivan)

New and restructured efforts towards training the unemployed and the underemployed in America must be taken in the immediate future, or the entire country will be covered by a sea of welfarism and a gulf of hopelessness. It is generally known that scores of millions of our citizens are prepared to perform only the most menial kinds of jobs; and that whereas often jobs are plentiful and available, requiring some minimal technical skill, still the jobs go unfilled even though the manpower supply is great, because there are not enough people amply trained to fill the jobs. This is particularly true among America's minorities of color, and the White Southern and Appalachian poor.

By the year 2000, the American population will have grown to nearly 300 million. By that time, due to technological developments, one-half the jobs being performed today will not even exist. This means that if meaningful manpower and re-training efforts are not successfully instituted and developed on a broad nationwide scale, by the year 2000, tens of millions of the American population, White and Black, will have to be subsidized to some degree by some form of welfare or income assistance, even if they are willing and able to work.

Especially, there is a need for successful massive training and re-training programs in the concentrated communities and rural areas where minority citizens of color are so numerous. In these areas, in addition to skill training, there is need for attitudinal and self-motivational training to assist men and women to qualify on a realistic and sustaining basis for employment opportunity in "non dead-end jobs," and to also help them to become a greater beneficiary, overall, within the national economy. For the needs of the poor and the unemployed and the underemployed are not only job related, but involve the training of attitudes and basic remedial communication and computational skills.

It is encouraging that the United States Senate is taking a hard new look at Manpower Legislation to see that new goals should be set and new methods utilized to fill some of the realistic needs of the unemployed and underemployed of America. Up to now, as far as the Black community particularly is concerned, federal manpower programs have failed utterly in reaching the real manpower and basic training needs of the masses. The effect has been tantamount to "a camel passing through the eye of a needle." The benefits of traditional manpower programs in the Black, Brown and Red minority communities in particular, have been so ineffective as to be "insignificant!"

Mechanisms have to be provided that will run the gamut of manpower delivery service to the employment market. These mechanisms will have to include recruitment, prevocational and attitudinal training, technical and skill education, job development, referral, and essential follow-up, once a person is on the job. It is essential, also, that the participation of the community be taken into account. Because, unless the people in the communities are involved in the manpower delivery and training services, any government sponsored, or privately sponsored effort, is doomed to failure.

The vast majority of the population in the concentrated community has lost faith in traditional manpower programs and services and is looking for other forms of programs and projects designed to adequately meet their needs.

In this respect I can see value in the Manpower Training Acts S1362, S2838 and it's proposed Amendment 440, especially in those areas where major emphasis is placed on a program's ability, public or private, to provide comprehensive employment services and job opportunities for low income persons who are unemployed or underemployed. Such services hopefully, too, must include recruitment, counseling, remediation, vocational training, job development, job placement and other appropriate services; and be such a program in which residents of the area to be served shall fully participate in the creation of, the operation of, and the development of the center; and where the business community in the area to be served is considered in its services and operation.

One program that fits these needed and essential requirements, that was begun six years ago in Philadelphia, and that has since spread into communities large and small across the United States, across the Ocean to African nations and to Latin America, is the Opportunities Industrialization Center (OIC). This is a program which fits into the true American tradition of the people finding a solution to their own problems.

The Opportunities Industrialization Center Program was founded in an old abandoned jailhouse in the City of Philadelphia in 1964, to provide attitudinal development and skill training (for available jobs), and placement and follow-up assistance, for the unskilled and unemployed and underemployed in the concentrated communities and rural areas of America.

The OIC has been phenomenally successful and makes taxpayers out of tax consumers. The program has developed a national reputation, particularly among industrial leaders, for its success in the development of manpower to meet the needs of industry and business.

The Philadelphia OIC prototype, since its beginning in 1964 through 1969, has trained and placed on jobs 9,600 men and women with new useful skills, one-third of whom had been on relief rolls and 95 percent of whom were classified in poverty categories. In Philadelphia alone, there are some 5000 additional persons at this time on a waiting list.

Emulating the Philadelphia prototype, 51 operational and 39 partially operable and developing OICs were reported at the end of 1969, making a total of 90 OICs throughout the nation. Among these 90, Philadelphia, Washington, Brooklyn, New York, Boston, Oklahoma City and Seattle OICs have the characteristics of having the best recruitment, job placement, retention and performance records of any training programs in the country.

In spite of the lack of adequate resources, the OIC's generally in America, comprise the best training programs *overall* in the nation, with an average national cost of approximately $1000 per person. This amounts to less than one-third the cost per individual in other federally sponsored training programs.

Up to February of 1970, nearly 50,000 (49,116) trainees have been helped in OIC's across the country, with 28,000 having been placed into training related jobs; and with additional thousands having received job placements and help directly from the OIC Feeder Program, which provides self-help motivational assistance to all OIC trainees.

Since 1964, the Opportunities Industrialization Centers have displayed a marked capability to provide the kind of training necessary to reduce the incidence of unemployment, and place significant numbers of disadvantaged workers on the road to economic security. OIC's, also, by their very existence in cities, have inspired new hope among the deprived masses in these communities where people have found in OIC a "training program that really cares about their needs."

Although the large majority of OIC trainees are African Americans, the OIC serves all Americans regardless of race or color.

One of the most unique and significant characteristics of the OIC Program is that it relates to, and is totally involved with the community. OIC's are initiated, regulated, administered and developed by community leadership; and recruiting is done in the "concentrated community" by community recruiters, on the sidewalks, in the poolrooms, and all places where the unemployed "hang out." Industry is involved in every process of OIC's local development.

Recruits are then placed in a pre-vocational or "Feeder Program" where they are taught hygiene, poise, speech, self-pride, American heritage appreciation and adaptation to the "world of work." Trainees are then "fed" into OIC Skill Centers which are established with the assistance of industry, where students receive training in skills for jobs that are known to be available.

A subsidiary of OIC, the Adult Armchair Education Program, preassists by going into the community and into the homes of the indigenous where work is done to help people with the three Rs, American heritage appreciation, and other self-help personal and community development skills.

Of the 90 OICs under development as of December 1969, only 30 of the operating OICs were receiving comprehensive federal funding, the remaining 60 OICs for the most part, are totally dependent upon private sources of support.

If OIC could do what it has done in just a few years, with piecemeal, fragmented and uncertain funds, borrowing from Peter to pay Paul, and at the same time developing our capabilities and management skills as we go along, imagine what OIC could do for America if we were given ample funds to do the

job it is clear we are able to do! I believe we deserve to have all America help us to "help ourselves."

The total funding of the 59 operating centers up to 1969 came to almost 25 million dollars, of which 21.8 million dollars came from government funding sources and 2.6 million dollars from private sources. This breakdown shows that about 88% of OICs operating income came from government sources, half of which was tri-agency—DOL, OEO and HEW and the rest, 12%—from business and foundation areas.

As far as the major reason for our existence is concerned the OICs of America graduated 33,463 trainees up to 1968, and another 15,653 in 1969, giving us a grand total of 49,116 graduates to-date from our 74 centers in 59 cities. The current enrollment for classes in January 1970, comes to 9,916. From 35 to 40,000 people will graduate during 1970 alone.

Our job placements through 1968 came to 17,141 with another 11,062 put into jobs in 1969, giving us a total of 28,203 graduates placed. More important the retention rate after 6 months on the job (based on a sample survey of graduates from 3 centers) came to 79% with only a small slippage to 76% after 1 year.

We can all be proud of these figures, for they signify among other things, that the OICs have come of age as a potent force for dealing with the training and placement of the disadvantaged and hard-core unemployed by returning them to a useful civic occupation.

The future will probably bring serious competition for the manpower dollar. Right now, the focus of manpower attention is upon the disadvantaged and so-called hard-core. OIC can continue to play a significant role in training and placing these groups of unemployed—of all colors—in the job market. Those of us in the national work are aware of potential competition for jobs in the market place from two large groups of potential workers.

One is from returning Vietnam Veterans, both black and white—who will be demanding equal access to available jobs, who will also have their well known Veterans preferences.

The other will be the hundreds of thousands of semi-skilled, blue collar workers, laid off by civilian defense industries and Military installations as the Pentagon continues to make necessary post Vietnam cutbacks. Government's attention and manpower dollars will be focused upon them.

OIC can and does serve as a catalyst in labor relations. Despite rumors to the contrary, that we only focus our efforts on the needs and desires of business and industry it is a fact that OIC is also labor oriented and conscious of its ties with the labor unions. We are conscious that the employer is not the only source of problems. Our instruction to trainees has always included union orientation and has encouraged active union participation where it is possible. The records of our former trainees now in full employment and membership in the organized labor force are symbols of this cooperation. Where union membership is a problem OIC must work on that problem. Continued good relations in the future between OIC and the unions are imperative in any efforts to increase our influence among the male population to get more male enrollees into our programs. The key is good available jobs at top pay and the fulfillment of the American dream of equal opportunity for the growth and development of each individual.

The immediate future projection of OIC is to train 100 thousand persons per year into useful jobs with upgrading possibilities. If OIC is provided the resources to train 100 thousand persons for jobs, it would mean a gain of $66 million dollars annually to the government in the form of welfare payment savings; and $200 million dollars annually in additional income. All of which would represent a broadened base of purchasing power for the nation. At the average cost of $1000 per trainee, the investment would be returned three dollars to one at the end of the first year.

I have a distant dream of what the OIC program might be like ten years hence—1980—if they are properly funded. I believe that if the federal, state and local governments, foundations and private enterprises were to invest some $300 million dollars a year in the OIC program in American cities throughout the country over the next decade, that over 2 million men and women could be trained for skilled productive jobs that would add more than $30 billion dollars in new incomes to the national economy, plus untold savings in relief and welfare checks.

This would mean a one thousand percent dividend in ten years for each dollar invested in the OIC across the United States of America.

The need actually is for OICs to be established like supermarkets in the neighborhood areas of our concentrated communities all over the country. A supermarket chain does not put one market in one city and another in another city; it locates the markets in every neighborhood, in every community where the need for food exists. OIC programs should be established in every neighborhood in every concentrated community in America, providing massive evening training programs, as well as daytime ones.

Upgrading of skills is just as important as training the underemployed, for the great need for jobs is not just among the so-called "hard-core unemployed" but among the millions who are willing to work now but ill prepared to meet the labor needs and demands of the day. We can lift the employment level of the underemployed and thereby provide an extra space for the hard-core unemployed. Otherwise, we may find ourselves in the position of trying to put a bushel of potatoes in a basket that is already filled with a bushel of wheat.

If supported and expanded into hundreds of smaller communities as we develop and prove our successes, it is conceivable that OICs could well promote such a rise in the economy and productivity of the nation as to lead to the seemingly impossible end of establishing national economic stability.

Through the medium of the OICs, the nation can turn the corner away from a rising "welfare" state for the disadvantaged, to a new "Workfare" state of self-help for all who are able to work and do a job.

In the event of possible recessions, the OICs would provide an essential "holding action" for the re-training and re-direction of individuals into public and private type job markets, and be a prime factor in the concentrated communities towards working helpfully and positively with the people in a time of national economic stress. Further, in such situations, OICs would aid in the development of para-professionals for community services, daycare work and other forms of educational programs that would be so vitally necessary for neighborhood rehabilitation projects.

It is also crucially important to know that OIC is vitally interested in the development of programs in our great rural areas. This is a necessity if we are to really solve the problems of our big cities. We can erase poverty in the big cities of America altogether, and in five (5) years have the same problem all over again—because of the migrants from the rural areas who will see what has happened in the large cities and view them as the places with "pots of gold."

Interestingly, the OIC program has made such an impact that the news of its work has spread around the world. To the effect that OIC programs are now in process of development in Nigeria, Ghana, and the Dominican Republic, and inquiries about the establishment of OICs are being received from all over the world.

It is my hope, therefore, that support for the Opportunities Industrialization Center type programs be specifically encouched without necessarily naming it, in new manpower legislation in order for the program to adequately and qualitatively do the job that it has already demonstrated it is capable of doing.

It is my hope that the expertise and services of the OIC National Program, which provide technical assistance to OIC developmental efforts, will be utilized more extensively to serve non OIC programs, should they desire that service, in order that the OIC techniques developed might be made more broadly available.

I can see how OIC type programs might be utilized in communities large and small where there is a need for skill manpower training and development in those particular communities. The program is organized in such a way that it can develop linkage with any institution, or group, public or private, operating anywhere, in order for the job to be done to "help people to help themselves."

In this respect I honestly feel that the bill should mandate a more positive participation of the Office of Education and HEW, at both of the national (Washington) and regional levels, both operationally and from the standpoint of committeed and active leadership. I believe that this is essential if we are to make any kind of in-depth, root attack on the problem of Black Americans and other minority groups.

For some time I have felt we are oversimplifying the dilemma of getting people into jobs. While I, of all people, certainly wouldn't want to underestimate the importance of the job in our value system, we have got to consider, also, the present and long-range goals of minority group Americans in a broader context. HEW, especially the Office of Education with its link to the educational community, is somewhat peculiarly suited, program-wise and philosophically, to work with the total human being and all of the myriad of conditions of mind and body resulting from years of deprivation and second class citizenship.

Those who understand the concept of OIC know that we are more than just a job training program. In OIC we are concerned with the whole human spirit. In our centers our aims and objectives we talk about "the whole man concept." That's why in Baltimore and other locations, reports show that there is less turnover of OIC graduates than with employees from other sources.

Another reason I am hopeful that this manpower bill will mandate more positive HEW and Office of Education involvement is that our OICs are just beginning to link up with the regular school systems across the country. The Office of Education is presently accelerating its efforts to have OICs funded through State Education agencies, while not destroying the distinct and basic characteristics of OIC as totally a community based program. While I am convinced that the remedial work we are doing with disadvantaged school dropouts is of great importance, as a realist I recognize that the really important goal for OICs and similar training groups is to influence change in the regular school systems and other Constitutional units of Government. Considering the funds from the property tax base and non-discretional Federal funds available to the regular school systems, we have go to work with them to achieve meaningful changes if we hope to enhance the quality of life for the 20 or 25 million Black Americans and for 10 million Spanish speaking Americans, and our many, many American Indians. I feel certain that it would be in the best interest of the people

to be served, the taxpayers, and the Government if this Bill provided for stronger Office of Education/HEW leadership and a more natural link to the country's education community.

OIC has developed working relationships with many of the Employment Security agencies across America. This linkage has proven mutually beneficial and OIC is expanding these relationships wherever possible. Continuing linkages with the Employment Services will provide additional job opportunity exposure to OIC graduates. OIC is committed to complement the activity of the agencies rather than act as a competitor.

Through our advisory committees we have cultivated excellent contacts with the business community across the country. Hopefully, some of these contacts could also be used to build bridges linking the disadvantaged with the business community and with the State Education agencies and other elements of the community.

I repeat, as of now, of the 90 or more OIC projects and programs under development in the United States, only a third of them receive federal funds and even the flow of these funds for those federally supplemented programs is extremely poor.

It is my hope that specific consideration be given to broadening support to programs such as OIC through the appropriate federal agencies, into as many communities as possible, in order that a spirit of hope might come to the tens of millions of people shut out from the benefits of the free enterprise system due to lack of motivation, attitude, and adequate skill training, and other kinds of educational aids so crucially needed at this time!

TESTIMONY PREPARED FOR DELIVERY BY CONGRESSWOMAN SHIRLEY CHISHOLM BEFORE THE SENATE SUBCOMMITTEE ON EMPLOYMENT, MANPOWER, AND POVERTY, MARCH 19, 1970

Thank you, Mr. Chairman, I appreciate the opportunity of appearing before this subcommittee to support—with all the strength at my command—legislation designed to guarantee Federal funding for opportunities industralization centers throughout the country.

Mr. Chairman, approximately 25 million Americans are impoverished. Close to forty percent of the Black community fall into this category of desperate citizens who cannot afford the essential of a happy, healthy, full life. I speak to you, therefore, about a problem which is quite close to me physically as well as emotionally.

The sense of poverty that engulfs the individual; that isolates him from the community of the living, and that deadens his spirit is a feeling not easily comprehended by we who sit in this Chamber. And yet this unfathomable sense of despair and frustration is compounded to an even greater degree each time the unemployed or unskilled victim of poverty becomes aware that there are decent jobs available, each time welfare mothers discover that there is a training center just across town but travel and babysitter expenses prohibit taking advantage of its services.

In too many cases, Mr. Chairman, an escape from poverty can be facilitated but the nature of our anti-poverty programs make it much more difficult: so close and yet so far.

To illustrate this point, I have compiled a table showing the number of people unemployed in selected States as of November, 1969. I have also listed the amount of available jobs on record at the State employment offices at the same time. (I am told that the openings recorded by the employment offices usually represent anywhere from one-quarter to one-third of the total job availabilities.) I hasten to add that the table is not completely foolproof. Obviously there are several hidden variables such as temporary unemployment, openings for menial or unskilled jobs, and so on. Nevertheless, I feel that the table can and does show that in spite of available jobs, many people do without work. One must also introduce the fact that a large group of those who work do so for the minimum wage which—it must be stressed—yields an annual income below the already unrealistic poverty line set by the Federal Government. And all the while, there are higher paying jobs in the offing.

Now as you no doubt are aware, there are generally two methods for assimilating the unemployed or lowly employed into adequately paying work: Those oriented towards on-the-job experience and those which stress training. Opportunities industrialization centers, conceived in 1964 out of the awareness that there are jobs available and people to fill them if only they had the skill, are dedicated to the training approach.

It should be pointed out that the Heineman Commission Report to the President on Income Maintenance indicated recently that the training programs are more effective and economical than the work experience alternative. Furthermore, among available training programs, O.I.C.'s are far more economical than virtually any other. For while it costs the Government an estimated $3600 to train an individual, O.I.C. provides a more complete service at a national average of slightly more than $1000 per trainee. In our Brooklyn O.I.C. center the Federal cost per head is running at about $1,857. This higher cost in part reflects outlays for machinery, renovation of building space, and the like which are one-time investments.

Mr. Chairman, I will not recount for you the details of the O.I.C. program because I am certain that the committee members have familiarized themselves with the essentials. Moreover, permit me to mention several facets of the O.I.C. approach which I feel must be emphasized.

Too many of our present anti-poverty and manpower development programs are condescending in nature. They are initiated and administered, in many cases, by people whose main concern is removing guilt from their consciences rather than really helping those who need it. The result is a thwarting of the identity and a stifling of the enthusiasm of those who participate in the programs.

But, Mr. Chairman, there are exceptions. O.I.C. is an example of those programs which are genuinely concerned with the individual: with developing backbone, channeling drive, creating confidence—each so vitally necessary for "making it" in today's society. O.I.C. graduates have not been mass-produced. On the contrary, they have gone through a program which, to the greatest extent possible, attempts to cater its services to the individual needs of each participant. The class-room atmosphere of teacher-student relationships is de-emphasized while small, flexible, open discussions characterize the all-important feeder program. O.I.C.'s are not manned by patronizing instructors who instill an unnecessary and unhealthy dependence on themselves in their students. Rather, the O.I.C.'s are dedicated to the "self-help" philosophy best captured in the motto over the doors of one center: "If you cannot lift yourself by your own bootstraps because you don't have boots, O.I.C. will give you a pair."

There is a second aspect of the O.I.C. program which must be highly commended, Mr. Chairman. In my trips around the country, I have grown aware of the fact that too frequently our manpower development programs suffer from a lack of coordination. That is, men and women participate in programs and get trained for jobs which are not at all in demand in the city or environs in which the center is located; or, skills necessary for jobs open in a specific area are often not taught. At the same time, people have emerged from "training programs" prepared to do useless, time-wasting tasks.

Gentlemen, we have got to put an end to these types of irrelevant, ineffective programs. Now is the time to stop applying a series of isolated bandages to this sickness known as poverty, and begin to coordinate our treatment of this malaise before it overwhelms us. We must develop and fund programs that make sense, which train area people for area jobs, jobs that will not be obsolete by the time the trainee graduates.

Because of its close working relationship with the local entrepreneurial organizations, the O.I.C. training programs can be geared closely to the needs of business and industry in the area. In fact, each training subject is closely advised and partially directed by competent, dedicated men already established in their field. Graduates are therefore in great demand and can be quickly absorbed into the economic life of the community. A member of the Philadelphia O.I.C. remarked in 1966 that "support from the business community has become so great that failure of the O.I.C. would mean almost as great a disillusionment in the business community as in the Negro community."

A few figures will, I believe, demonstrate the effectiveness of the program and the worthiness of the cause. The centers have graduated 32,700 students in the past five years; 27,900 were placed in respectable jobs. The figures for Brooklyn are 3,310 enrolled (November 26, 1967–December 31, 1969) and 1,287 placed in jobs or referred to appropriate training programs. In 1969 alone, O.I.C. centers have graduated 13,100 and 10,900 have already been placed. The current enrollment is almost 10,000; slightly less than one-tenth of these are enrolled in one O.I.C. in my own borough of Brooklyn, where there is a waiting list of close to 5,000. Thus, Mr. Chairman, the demand for the program can be clearly seen.

Yet, another point must also be considered. Here in Washington, those who went through O.I.C. had an average income of about $1800 prior to coming to the program. Many were on welfare and few paid taxes. However, the O.I.C. graduates in the District currently have a combined economic power approaching $2.5 million. This trend has been duplicated all over the country. In my own Brooklyn centers the average number of welfare recipients who receive training in the day and evening programs is 201 (161 per day, 40 per evening). Additionally, about 39 of the people participating in day training are unemployment insurance recipients who are getting retraining or new training for another job.

The point is that appropriating Federal money for efficient, effective training programs, such as O.I.C., will not be lost at all. Training will mean fewer and fewer people on welfare rolls and greater and greater numbers contributing to the tax base. As has been pointed out by a chamber of commerce official in Philadelphia: "If you could double the Negro income in this country in ten years you would add a market the size of Canada—our largest foreign customer."

Up to this point, Mr. Chairman, I have attempted to zero in on several characteristics of the O.I.C.'s. It seems to me that the two basic elements of the opportunities industrialization centers—emphasis on self help and identity building, along with the relevant and effective training for available jobs—mark it as one of the most worthwhile training programs, one which has proven itself despite its short history, and one, therefore, for which Federal funds must be guaranteed.

I would like now, if I may, to concentrate on some crucial problems currently faced by the O.I.C.'s which it is imperative that this committee consider before acting—favorably it is hoped—on the proposed O.I.C. legislation.

Mr. Chairman, I have already stated that

graduates of the program in 1969 are 40 percent of the total graduate body since the program began some 5 years ago. Yet in spite of the drastic increase in enrollment, the O.I.C. budget has not come close to keeping pace. In some cases, not only has there been a budget lag, but there has been no increase whatsoever over the last couple of years. What the limited resources mean in human terms is that the formation of additional or supplementary facilities has been prevented. The absence of these centers means that people eager for training but who cannot afford the travel or babysitter expenses have been unable to take advantage of O.I.C. services. It means that the Brooklyn center has a waiting list of 5,000 while I get calls by industries in my area begging me to send them skilled workers. This trend, Mr. Chairman, must be stopped. By inserting O.I.C. services right into the Manpower Training Act, O.I.C.'s can hopefully receive more Federal funds than if it were simply another program.

This brings me to the second problem. Up to this point, Federal aid to O.I.C.'s has come from various agencies and has been haphazard. There is never complete assurance of funding continuing for a full fiscal year. Centers throughout the country have been forced to operate on contingency plans from month to month. Planning for the future is virtually out of the question since there is rarely a long-term commitment to O.I.C.'s. They wait for an emergency before spending their meager resources resulting in far greater expenses than had they been able to look ahead and prevent certain inevitable things from materializing.

Moreover, it should be realized that O.I.C.'s, because of their success, have been stabilizing forces between inner-city residents and business and industry. But this stability can no longer be guaranteed if O.I.C. financing is not, itself, made more stable.

There is a further problem in this regard. Whenever the sporadic grants do come through, there is a time lapse before the money arrives. For example, the Brooklyn O.I.C. was awarded a $1.2 million contract from the Federal Government on June 24, 1967, but they didn't receive any money until Dec. 6, 1967. This type of delay makes an efficient operation of any organization most difficult. Again, this problem can be alleviated if federal financial assistance to O.I.C.'s is explicitly stated in the manpower act.

The third problem is one which disturbs me greatly and is one which must be reckoned with. I direct your attention to several phrases in Senator Bogg's bill S 1362 and his amendments to S 2838: "Such services shall include recruitment, counseling, remediation, vocational training, job development, job placement, and other appropriate services." The point is, Mr. Chairman, that the basic thrust of O.I.C. and the prime reason for its success has been its wholeness. O.I.C. is involved in the entire training process—from recruitment in bars and pool halls, to character and aptitude development, to guidance and follow through, and to "adult armchair education." The O.I.C. staff knows and relates to each participant over a period of time and as thoroughly as humanly possible.

Now it has come to my attention that because of supposed economic necessities, some Government agencies on various levels are attempting to incorporate the corresponding O.I.C. activity into their realm of responsibility. That is, for example, state employment agencies are tying to assume the placement function, schools are trying to take on the job of recruitment, and so on. This diffusion of O.I.C. functions appears to be going on in Oakland, Seattle, and—to some extent—in my own district, to name only a few victims of this encroachment.

In my view, if this is allowed to continue, it would totally destroy O.I.C. as an effective program. Its basis, I repeat, is its integral nature: Staff can relate to the individuals; they know them well and can, therefore, suggest individualized plans for their futures. This simply could not be duplicated by several agencies sharing heretofore solely O.I.C. responsibilities. Intra-agency communication is poor; "O.I.C. type" participants and government bureaucrats would find it difficult to relate to each other; and agencies could not give good advice based on their necessarily skimpy knowledge of the people involved.

After all, Mr. Chairman, the manpower training programs grew out of just this awareness: That government agencies were not executing these responsibilities effectively. We cannot afford to risk giving them another chance—by default or otherwise. For the human resources with which we are dealing are far too precious.

It is for this reason that I am extremely critical of the emphasis upon state employment agencies in the Nixon administration's family assistance plan. I repeat, the whole reason manpower programs came into existence in the first place in that the state employment agencies were not doing their jobs. It seems ludicrous to me to reward them for their failure just because it fits into someone's philosophical scheme of decentralization. It would be fine if it worked but it doesn't.

Since the inception of the various manpower programs, the state employment agency people have not been goaded into significant improvements.

If you think federal bureaucrats are difficult you ought to see them on the state and local level. The state employment agencies are limited in their thinking with respect to the real needs of people and many haven't the foggiest notion of what outreach or intensive recruitment is all about. Their offices are "downtown" not in the ghetto. If one works up the courage to go into their cold, uninviting offices, he will most likely be shuffled to one or more people; fill out a series of forms, wait; wait some more and then finally he will speak to some irrelevant civil service individual who will, with a touch of noblesse oblige; give him a list of instructions and referrals. If he tried to ask questions in Spanish or the non-standard English which is the linqua franca of the black ghetto, forget it, because he won't be understood. Recruitment, training, and placement should be part of a package and it must be ghetto oriented.

In reference to this whole decentralization theory which is in vogue now, I would like to make another point. At this time in an effort to decentralize the cumbersome Federal machinery and to get the decision-making process closer to the people concerned, the Labor Department has given a great deal more authority and responsibility to its regional offices. I think this is good and useful, but there are certain practical problems which must be considered. It means that in the south people who are interested in training programs for blacks must deal with people who are more susceptible to political pressure from State governments and people who themselves have a white southern point of view. This set-up inhibits the creation and functioning of black-oriented training programs. Aggressive, black-run and black-oriented programs simply won't get funded or refunded. This is already happening. I know because they come to me and the other nine black members for help. They come to us because they feel that the state government, regional office of the Labor Department, and their own representatives are not responsive or sympathetic.

If you are going to have this decentralization and the enhancement of the regional office, there ought to be a review procedure at the Federal level—a last court of appeal if you will. I am not putting the South down. I think an appeal procedure is necessary for people in all regions in the country, but we must recognize that there are special problems in the South. That is why the phase "southern strategy" is such a loaded one.

Another point is that the present administration is placing too much emphasis on the private sector in its manpower programs. For example the Department of Labor has cut back the out-of-school neighborhood youth corps program three times; the last time by one-third. These out-of-school slots did not go into the in-school neighborhood youth corps program. Instead the Labor Department has been funneling all these monies into the jobs program of the national alliance for business. I think business can and should play a bigger role in manpower training, but I also know that businessmen are not going to train the really hard-core. They are not going to initiate programs for ex-felons and ex-drug addicts or other people with serious problems.

Right now inflation and tight money have caused layoffs in our big industries. All those guys who were trained in the much-celebrated NAB programs in Detroit are being laid off. It is the old rule of last hired first fired.

It is just plain foolish to put all our eggs in one basket. We need a variety of manpower programs for a variety of needs.

Finally, I would like to point out the very real need for day care facilities to meet the needs of women workers. Day care facilities are necessary not only during the training program but later when the woman has found a job.

In the Brooklyn O.I.C. program the majority of the enrollees are women. The breakdown is: 1,405 men and 1,905 women. The directors of O.I.C. report that the highest rate of dropouts and absenteeism is due to the lack of child care facilities. If the babysitter doesn't show up or Tommy gets sick and has to go to the clinic, mommie has to take him.

We have 32 million working women and many more who want to work. We have five million pre-school children but only 641,000 day care spaces available. Many women, approximately 3 million, are rearing their children in fatherless homes. Among blacks, 24% of the families are headed by women. These women need jobs and in order to work they need adequate day care facilities.

As Elizabeth Koontz, of the women's bureau, has pointed out the lack of day care facilities has been the chief drawback in the implementation of the win day care program. It is not enough to provide stipends for day care. The stipend is no good if there are no day care centers. It is like giving someone grocery money where there is no grocery store. We need to spend money, big money, on facilities and teacher training for day care if we want our training and employment program to work.

This is the situation as I view it, gentlemen. Permit me to summarize my sentiments with this final observation: Opportunities industrialization centers were started in a jail house late in 1964 and have developed, within five years, into a many-faceted program which seeks to assist those whose lives have been marred by discrimination and poverty. It effectively enables its participants to rise above the squalor of the slums and to assume a control over their destiny.

An O.I.C. graduate once remarked that "it's like a year of storms and then all of a sudden the sun starts shining." Former President Johnson described O.I.C. as composed of a "spirit that wants to say 'yes' to life itself, that wants to affirm the dignity of man, whatever his origins, whatever his race, whatever his religion."

Mr. Chairman and members of this subcommittee, we cannot say "no" the spirit; we cannot let it die. Opportunities industrialization centers have proven themselves. They deserve our wholehearted support.

Thank you!

RELATIONSHIP BETWEEN LABOR FORCE AND LABOR MARKET IN SELECTED STATES [1] [2]

State	Number of job vacancies [3]	Number of unemployed
California	22,059	372,000
Colorado	2,210	31,100
Illinois	21,432	156,000
Iowa	3,534	29,800
Massachusetts	12,659	101,800
Missouri	7,945	62,300
Minnesota	8,507	49,300
New Jersey	17,586	122,500
New York	35,959	310,000
Ohio	17,598	158,800
Oklahoma	1,193	36,300
Pennsylvania	17,592	142,000
Rhode Island	3,293	13,800
Texas	14,903	135,000
Vermont	1,589	5,400
West Virginia	929	31,400
Wisconsin	8,919	71,300

[1] Source: U.S. Department of Labor.
[2] Data as of November 1969.
[3] On record at the State employment offices.

PUBLICATION OF DRUG COMPENDIUM NEEDED TO COUNTER EXORBITANT DRUG PRICES

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. HALPERN. Mr. Speaker, I am today introducing legislation to require the Federal Government to publish a listing of the generic equivalents of name brand prescription drugs. This would counter artificially high prices which are hurting consumers, especially the elderly.

There is no difference between a chemical composition drug and brand name drugs except the price.

This bill would provide for publishing a drug compendium with accompanying descriptions of drugs, price information, warnings, and evaluation of drug's efficacy. It would be made available to physicians and druggists, periodically updated, and financially supported by charging the drug firms on an equitable basis determined by the volume of their business.

It is ridiculous for consumers to pay for brand name drugs, because they can buy an identical prescription under its generic name for as much as 1,000 percent less. For example, a drug used to control high blood pressure is sold by its manufacturer for $7.50 per 100 tablets. Under its generic name, it can be purchased at 75 cents per 100.

Indeed, prescription drug prices have risen 50 percent in the last 10 years. The drug industry is spending $600 million a year to promote its products and it passes the cost onto the consumer.

This promotion includes advertising in medical journals, advertising sent directly to doctors, salesmen who personally call upon physicians urging them to use particular drugs, and widespread distribution of free samples of new drugs.

Drug firms spend $3,000 a year on each one of the Nation's more than 200,000 physicians—for a total of $600 million. That total exceeds by $100 million the amount spent by the same firms on new drug research.

Indeed, a recent study which focused on the leading 41 industries in this country found that the drug industry was first in profits in 6 of the 10 years ending in 1966. In the 4 years since then, their profits were not lower than third in rank.

Those hardest hit by exorbitant drug prices are the elderly. Senior citizens constitute less than 10 percent of the population, but account for 23 percent of the money spent on prescription drugs.

Physicians do not recommend generic equivalents because they are faced with a phenomenal assortment of drugs from which they must choose. They rely heavily on advertising and other promotional materials from drug firms for their information. This compendium would provide a comparative basis from which to choose more inexpensive, but effective prescription drugs.

There is not in existence today a comparative drug price list which the physician can use to choose the more inexpensive brand for his patients.

In 1968, Dr. Philip R. Lee, then Assistant Secretary of Health, Education, and Welfare for health and scientific affairs, sent every doctor in the country a letter asking for their comments on the idea of having such a compendium published and made available to every doctor. Of those who replied to the letter, 77 percent favored the idea.

What my bill proposes, Mr. Speaker, is that such a compendium be created, kept up to date, and that the cost of printing it be charged to the drug firms on an equitable basis to be determined by volume of business conducted.

The compendium would also include a description of the drug, indications and contraindications, warnings, adverse reactions, and management of overdosage.

In an effort to drive down the ridiculously high price of prescription drugs and to protect consumers—particularly the elderly—from being fleeced, I would urge careful consideration of my proposal for a comprehensive drug compendium.

FREEDOMS FOUNDATION AWARD-WINNING SPEECH

HON. VANCE HARTKE

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Thursday, March 26, 1970

Mr. HARTKE. Mr. President, for the benefit of Members of Congress who have not had an opportunity to read it, I ask unanimous consent that the 1969 Freedoms Foundation award-winning speech by Mr. Brian L. Bex be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

FREEDOMS FOUNDATION AWARD-WINNING SPEECH

Shakespeare once wrote "The fault, dear Brutus, is not in our stars, but in ourselves..."

There is a tragic irony that a country and a people as great as the United States and the great body of energetic and resourceful Americans should find themselves in a dilemma which every day becomes more manifest.

The greatest, richest, and most progressive nation in all history now stands like some ancient monument which is slowly eroding away under the action of the sands, the winds, and the weather.

Ours is a country whose gross national product in goods and services has reached a fantastic level of one trillion dollars this year. It is a country with more automobiles, more telephones, more automatic appliances, more people living on a standard of comfort than any other in the world.

But ours is a country sadly vexed and greatly beset. We mass produce everything in this country: everything except character.

It used to be that when you wanted something, you worked to earn it. Now you stage a riot and get it given to you at someone else's expense.

If your father or grandfather lost his job, he took whatever work he could get. Now hordes of relief "clients" refuse a job unless it is to their liking, and they demand the job be brought to them.

This nation was built by immigrants who struggled here for opportunity, and would have scorned the false idea of "something for nothing." Now it seems to be an almost universal (and all-too-often) ambition.

It used to take a lifetime of gruelling work and scrimping for a family or a country to earn a little surplus, a taste of security. Now mobs of so-called "students" and whole "emerging nations" demand they be given it, out of your earnings and with no effort on their part.

"Minority groups" all over the earth seem to think the world owes them everything they want.

Have you ever wondered what happened to the America of yesterday? Yesterday, you paid your debts as quickly as possible, and sacrificed to do so. You disciplined your children, but disciplined yourself, first. You spent less than you earned, and demanded your government do the same. You went to church, your children to Sunday school, you held daily prayers, and no court would have dared to interpose any law into your private religion. You would have been horrified at (and quick to change) men in high places who made "deals." You expected to prosper only by doing a better and better job. You obeyed the law, but took an active enough part in government to see that the laws were just. You "walked softly but carried a big stick." And that was the character which brought this country victory in three wars in your lifetime, built it back from a shattering depression and fed and saved the civilized world.

Today, America is becoming a nation of drifters so accustomed to turning to the government or someone else for help that it is losing its heritage of hard work, thrift, and above all, individual responsibility. The mood of today is to say: If we have a disaster, let the government declare us a disaster area and send help; if we get out of work, we have unemployment insurance; sooner or later, we will have Social Security, so why worry?

I do not think we can continue to function as a free society unless people take some sense of responsibility for themselves and their own future.

Morality, integrity, law and order, and other cherished principles of our great heritage are battling for survival in many communities today. They are under constant attack from degrading and corrupting influences which, if not halted, will sweep away every vestige of decency and orderliness remaining in our society.

Certain groups, numerically weak but vociferously strong, appear determined to destroy all acceptable standards of personal conduct

and sane behavior patterns. They seem bent on eliminating all ethical practices relating to our established order.

It is becoming increasingly more apparent that a philosophy of the left (in all its shadings, from Communism to the welfare state to the "mixed economy" concept) can only be successfully fought by a positive philosophy of freedom. Ideas must be fought with other ideas, not emotions. It is not enough to know what one believes in, it is equally important to know why one holds certain convictions. An attack against a position is best met by a strong counterattack, whether the battle is one of physical force or the force of opposing philosophical and economic ideologies.

Clearly, it is time for each one of us to examine basic premises. It is time to reexamine our convictions and delve into the underlying reasons for them. Most of us know what our opinions are; it is just as important to discover where these opinions came from, what are the fundamental moral and philosophical premises on which they are based. It is time to stop fighting a defensive battle against leftist ideologies and turn the tide back with a strong showing of clear, rational, carefully considered ideas.

Most people are aware that our way, the American way of life, is being seriously challenged—that if something isn't done, things will get worse instead of better. There may not be agreement on which issue or issues are the most crucial, but among those most frequently mentioned are apathy, conformity, lack of a sense of responsibility, racial conflict, inflation, internationalists, socialism-Communism, juvenile delinquency, automobile accidents, government spending, monopoly union, foreign competition, and the like.

Yet, we find even those persons most seriously concerned asking this question: "But what can I do about it?" I'd like to have a nickel for every time I have heard this expression from those who earn more than I do. I say it this way to emphasize the fact that so many people, whose capabilities in business fields far exceed mine, plead full ignorance in the all-important business of fulfilling their duty as American citizens.

Salesmen who make hundreds of contacts before they make a sale, advertisers who are happy with a few orders per thousand broadsided mailed, fishermen who will go to any lengths in the mere hope of landing the big one, become very different people when it comes to performing their civic duties. Here, they seem to expect immediate and overwhelming results with a minimum of effort. They underestimate the competition. The grafter, the subversive, and the special interest groups have much to gain by imposing their wills upon legislators and upon the public; and what they gain is immediate. You and I, who want the blessings of liberty secure for ourselves and our posterity, perhaps are less aware of what we gain by defending and advancing Americanism.

Whatever the reason, the fact remains: People seem to like to believe they can't do anything—so they do nothing, yet, what each person is capable of doing, and has the ability to do, is most substantial.

First, you must have an opinion, as soundly based and firmly established as possible. Second, you must see that this opinion is expressed in public, for an unknown opinion has no more value than any other form of unknown wealth.

Most of us aren't going to hire a hall, put on our own TV show, or even write a book. But we can, at least in conversations, say we are not convinced (when we aren't), and let those who have made a good point know that we think they have done well. Even those who would remain least involved can do this much.

You are busy, but you do read widely to keep informed. Good! As you read, mark articles, underline cogent phrases, check summarizing paragraphs. Then, send these on to others. If you have the time, include a note such as, "This also confirms what you said," or "You may be right, but there does appear to be another side." Formal letters of transmittal are seldom necessary. Just mail these materials where you think they would do the most good.

You may doubt the effectiveness of this technique until you see an editor, to whom you have sent a mailing or two, permanently change his policies; or a legislator change his vote on an issue. Or, a friend who has been in disagreement with you will come around one day and say: "You know that last item you sent really has something to it. I never thought of it that way."

If most of us did just this much, the principles and institutions of Americanism wouldn't be as contorted and corroded as they are now. Of course, you could go much further. You could refrain from letting purely commercial considerations "force" you to contribute and support movements and actions that you know are wrong. You could initiate correspondence with governmental officials, trade association executives and editors.

No matter how "big" or "small" you may consider yourself, realize that you may be the sole initiator of an idea—and that if you stop, everything stops. And this works both ways; for others need support, too. This you can do. You can support those who are supporting that which you believe is right.

The big question is not, "What can I do about it?" But rather, "How can I possibly afford not to do something?"

In this business of being a citizen, start! Keep moving! And you'll find you have really begun to "do something about it."

You see—today too many of us believe in the free enterprise system until the going gets tough—

We need a new dedication, a renewed devotion to our American private enterprise system.

There is no room for a Doubting Thomas. The preacher who wishes to preserve freedom of religion must also be a fighter for our free enterprise system, without any buts!

We have a responsibility to fight against the slow erosion of our free enterprise system. To preserve the right to our American heritage we must work harder at our responsibilities. We must oppose the "gimme" pressure groups and the political "handerouts." We must militantly challenge the philosophy that government can do everytihng for us and charge the bill to others. There are no others—they are you. We must stand, as individuals, for the right to own, to save, to invest in our free enterprise system. Without this freedom, other freedoms will soon be of little value.

Freedom is not hereditary.

Freedom has a price: and that price is vigilance.

The time has come for us to reestablish the rights, for which we stand—To reassert our unalienable rights to human dignity, self-reliance—To be again the kind of people who once made America great. And how shall we approach this problem? And will our answer be the needed vaccine for the rendering important of the collectivist cancer? I think it shall. I think the answer lies in this:

Today in America, everyone is a negativist, i.e., one who is anti: anti-Communist, anti-Nazi, anti-federal aid to education. Now there is little wrong with being a negativist, except when it prevents the same from being constructive. You see, the first thing a person is going to ask you when he knows you are anti-something is: "What are you for? What do you believe in?" No fairer question could be presented. Now the problem arises due to the fact that those of the anti-grouping seldom can find the answer to this all-important question. What do you propose? This is the very problem. Not what a person is against, but what he is for; not anti, but pro; an alternative, something better, not merely more of the same, under a different label.

I suggest that we become pro-free enterprise, pro-capitalism, rather than anti-Communism. Now for the person who understands the systems in question, he will readily understand and realize that to be for one, you by definition must be against the other. To be a Communist, you must be against capitalism. Rather than talking about the evils of collectivism, speak on the benefits of capitalism, the advantages of living in a free enterprise, competitive society.

You see, Americans in general regard the collectivist system, no matter what the "isms," as something alien and unrelated to America, and in turn we would never join the Socialist or Communist parties.

Yet, we clamor loudly for every piece of socialistic legislation which is offered—so long as it is sugar-coated with an American label or wrapped in the American Flag.

It seems to me that this must be very disheartening to sincere socialists to note the continuing impotence of their party, while, at the same time, a pseudosocialism in free enterprise wrapping has been able to command such a tremendous following from the rank and file. This is indeed a sad commentary on the political and economic ignorance of the American people.

We dismiss socialism with a wave of the hand, and then line up in droves behind Social Security, socialized medicine, industry, housing, and education. We denounce collectivism, and yet innocently and ignorantly spout its doctrines day in and day out. The reason for this is so simple that we Americans often overlook it: We just do not understand our own system. We as Americans do not understand capitalism, which just happens to be the only system devised by man which allows for human freedoms and justice in the same breath.

There is little question that the collectivistic proposals seem logical, just, and humanitarian. They sound like the idealistic answer for a muddled world's prayer. In one breath, they denounce the slavery of totalitarianism and the "crazy quilt of capitalism," and offer the Utopian "middle way," which eliminates the liabilities and retains the assets of both collectivism and individualism. It is all very intoxicating and consoling—until one realizes that oil and water do not mix. When one arrives at this conclusion in the discussion, the proponent of such a heaven and earth begins to delete himself from the dialogue.

Address those who would replace our system with collectivism: Mr. Collectivist: Show me! Show me a spot of God's green earth where collectivism has increased individual freedom and eliminated poverty. Show me where it has not meant rigorous and arbitrary regulation. Show me where it has proved the road to escape to true freedom as well as to peace and plenty. Show me your Utopia, not on paper, but in reality! You admit in your writings that socialism in Germany, Italy, and Russia resulted in Nazism, Fascism, and Communism, but you say that these were perversions of true socialism—and you abhor them. That is fine; I do, too. But show me where socialism has avoided these pitfalls and led to freedom and prosperity for everyone, as your blueprints say it will. Show me!

Despite the continued emphasis on increased production via collectivism, we can find no examples of such results in proof. All on paper, nothing in reality. Show me a socialized or even a half-socialized country which has remotely approached our free enterprise record of production and plenty. Show me a socialized or half-socialized coun-

try which has produced a higher standard of living for workers than capitalistic America. Show me where socialism has produced cheaper cars, telephones, radios, movies, gadgets and comforts, and where they have been more widely distributed among the average people. Show me a collectivist society where 72 percent of the population have life-insurance policies and 49 percent have bank accounts. If you know a better, happier, more envied workers' republic than we have right here in America, where is it? Please show us.

To this the collectivist has no answer. And why? He knows that capitalism and free enterprise have made it this way. This system, based on individual initiative and profit, has produced the best for the most. Socialists and Communists make the same mistake: They place security ahead of freedom. America is the prime example of a nation which founded itself on the basic principle of individual freedom. Our Constitution bristles with limitations upon the government—and the result has been (exclusive of the last thirty years) a greater measure of security for Americans than for all other nations. America offers unlimited rewards for initiative, enterprise, and wisdom, and she must never guarantee the same for laziness, incompetence or failure. This free way of life is a rugged, painful business at times; but it has paid the biggest dividends on earth and is well worth every weary mile of it.

You see, freedom appeals to men's strengths; socialism and Communism appeal to man's weaknesses. Freedom teaches a man to stand independently on his own feet; the others teach him to lose himself in the protective herd.

Our argument for capitalism is that America has proved beyond any doubt that she has the best economic and political system yet devised. This is proven by our glorious record, not by some hypothetical blueprint that some over-educated-under-worked humanitarian visioned in a dream. America did not become the bread-basket, the factory, the bank, and the hope of the world by following the wrong systems or believing the wrong principles. Her solution is visible in every home, in every city, in every store, in this country.

For you see, when the 55 men went to Philadelphia in 1787, they had a dream. It was with great courage and conviction that they hoped to form an enduring basis of government for the nation which had been a-borning and whose future destiny and greatness existed only in their minds as a vision. These men agreed and disagreed—there was argument and counter-argument. There was anger and there was calm thought. There was prayer and there was blasphemy. Finally there was compromise, the final product of their toil being the Constitution of the United States of America—a profound composite of their highest judgment and aspirations.

The Constitution having been completed, an arduous task lay ahead. These "salesmen of democracy" had to sell their product to the people whom they represented. A man must have confidence in the value of the product he is marketing. These 55 men had faith in the Constitution, yet they knew that it takes much more than faith to sell a concept.

Despite the many handicaps they had to overcome in communication and transportation, Madison, Franklin, Hamilton, and their colleagues, sold their product to the people of the young nation.

In the intervening years since 1789, many events of great political importance have occurred. Systems of government have risen and fallen. Yet in this time period, the Constitution of the United States has remained the most prominent expression of the American ideal of freedom and justice. Yes, the years have confirmed the founding fathers faith in their product.

For nearly two centuries, this Constitution has been the efficient framework within which a free and vibrant people have been able to realize their fullest potential.

In every period of our history, outside forces have tried unsuccessfully to weaken our democratic structure. During times like these, past generations of dedicated Americans, including our fathers and grandfathers, have reaffirmed their faith in democracy and their devotion to country. Many Americans have given their lives so that others might be able to pick the fruits of a bounteous nation. In war and peace, they have dedicated themselves to solving the problems of a growing nation. Our democratic framework is a stimulating atmosphere for their free quest for knowledge.

In order for our nation to continue resisting destructive influences, my generation must also be willing to re-affirm its faith in America. Our men in Vietnam are fighting to preserve free choice, and our students are sharpening their minds and skills in order to deal with the problems of an increasingly complex society. Despite the overwhelming loyalty of the majority, a minority of young Americans are evoking a genuine concern by their apathy and inane dissension.

You often hear it asked: But, how can citizens show America how it feels? How can the youth of America and their elders express their appreciation for the riches of opportunity and fulfillment that this country has provided? We, you and I, can participate, actively, in civic affairs. We can become operating members of the brain trust so vital to the success of our nation. For if America should fall to the collectivist disease, if she should die from bread and circuses, the epitaph of her gravestone may read as follows:

Here lies the only civilization which perished at the peak of its power, with its power unused.

Here lies a decent people who wanted love, not empire, and got neither; who tried to trade power for popularity and lost both.

Here lies a nation of advertisers who know how to change consumer tastes in cigarettes, but were themselves manipulated on all the issues that really mattered to their salvation and survival.

Here died a sort of Lancelot in the court of nations, who granting all his grievous flaws, was still somehow the noblest knight of all; except this Lancelot, crippled with an undeserved guilt complex, let his weapons and ideals fall unused, and so condemned all mankind to the thousand-year night of the Russian bear and the Chinese dragon.

Ladies and gentlemen:

The future of America lies in the hands of my generation. It is an awesome responsibility, but the obligation has been accepted by generations before us. The commitment is now ours. Of the many duties in this endeavor, the most vital to America's future lies in salesmanship. We must believe in our nation enough to go out and sell its principles to those outside our domain and to the apathetic within, so that future generations will have the drive to sustain the "Voice of America."

To sell America to American youth and American youth to America—this is the opportunity and this is the challenge. The generation that accepts this challenge will change the history of the world.

I thank you!

A MARINE SPEAKS OUT

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. GOODLING. Mr. Speaker, long hair seems to be the vogue today, apparently symbolic of many youths who are short on order, loyalty, and contentment.

About 25 years ago there was a type of young man who characterized our youth of that time. His hair was short, but his dedication to God, his loyalty to country, and his respect for law and order were, indeed, long.

Fearing that this quite remarkable and very unique youth of not-too-long-ago might be forgotten, Mr. Robertson Page, an officer of Franklin National Bank of New York, wrote an interesting article that recaptures this youth of yesterday and introduces him to us again.

Mr. Page's article appears in a recent issue of the publication Banking under the title "A Marine Speaks Out." I submit for inclusion, the article in the RECORD, strongly recommending that everybody read it and ponder it deeply, lest they forget:

A MARINE SPEAKS OUT

(By Robertson Page)

Hey you! Yes, you with the beard and long hair and marijuana! Sorry, I didn't know they called it "grass" these days. You see, I just haven't been around much lately. Not since I was killed more than 25 years ago at a place called Wake Island.

You might say I'm on temporary leave from my grave. I've heard a lot of things about you and I wanted to see you for myself.

For example, I understand you accuse my generation of hypocrisy. Therefore, I assume you mean me.

Could be, Long Hair, I really don't know.

What I do know is that I was plenty scared when that Jap lunged at me with a fixed bayonet. Because that was the end of everything for me.

I also admit to being a little scared when I enlisted in the Marine Corps in wartime. But I did enlist—because I loved my country.

Now I learn that you don't care much for my country! I hear you have a demeaning word for it—something about "the Establishment." And that some of our newspapers support you in your infamy.

More than 30,000 tides have washed over the sandy beaches near my grave at Wake, and 25 years is a long time. But I never expected this. Not in America!

I further understand that you burned your draft card and ran for the sanctuary of a church. That others fled to Canada to escape the draft.

All in the name of *Idealism!*

It also has come to my attention that some of your bearded friends burned the American Flag in New York's Central Park. That must have been a real blow at hypocrisy!

Perhaps I'm too severe on you. It just so happens that my grave is quite shallow and I hear many things.

For one, I understand you have led violent demonstrations for the right to use four-letter words. That's a joke, pal! We Marines invented them! But, I'll tell you one thing we didn't do; we never regarded them as a constitutional right.

And I hear you demand a voice in running the universities. Gosh! I guess you must be pretty smart to know more than the professional educators!

I also hear that in the summer of 1969 more than 400,000 of you went to a "rock festival" in the Catskills, living off narcotics and group sex and having a real ball, while your peers were getting killed fighting Communists in Vietnam.

You know, it used to be that people back home rolled bandages for the men up front. I don't think I like your response very much. But forget that. I knew so many dedicated, wonderful guys who died for their country

at Wake—and at Anzio and Iwo Jima and Omaha Beach and Bastogne—that I can't get very upset over a draft card burner.

But I'll tell you one thing that I find repulsive.

In all of the disruptive protests you have fomented on the campus, you have consistently tried to destroy those institutions that have made the United States strong against its enemies—ROTC, military recruitment, and research to strengthen our national security.

It makes me wonder about you. Are you an unwitting pawn of the enemy? Or just unthinking?

That's for someone else to decide. Right now, my moment is up and I must get back to Wake Island; this time forever.

In parting, I like to think that my death was not a waste; that in supporting my country on this narrow strip of sand I defended something worthwhile for a new and better generation of Americans.

But now that I've seen you, I begin to wonder. Perhaps I should have fled to Canada!

On second thought, I'm glad death came when it did.

You see, when I left this world I held a special belief, something you idealists would call square. It consisted of a deep-seated reverence for my God, for my heritage, for my parents, and for my country.

No one can take this from me. Not even in death.

I pity the fact that you choose not to share this belief, to express this simple faith in America.

ARIZONA/HAWAII STUDENT EXCHANGE OPERATION OPPORTUNITY

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Thursday, March 26, 1970

Mr. FANNIN. Mr. President, on March 18, 20 fifth-grade students from Waianae, Maile, and Nanakuli left Hawaii to spend 2 weeks as exchange students in Steamboat Rock, Ariz., which is located on our Navajo Indian Reservation. On April 23, Navajo and Hopi Indian fifth graders will arrive in Hawaii to spend 2 weeks as exchange students.

Both States view this exchange as a cultural and educational experience that will be valuable not only for the students involved, but also for their families, their communities, and their parents.

I ask unanimous consent that newspaper articles published in the Honolulu newspapers and a resolution of the Senate of Hawaii be printed in the RECORD.

There being no objection the articles and resolution were ordered to be printed in the RECORD, as follows:

SENATE RESOLUTION 154

Resolution congratulating the Leeward Cultural Exchange and KHVH–TV for their roles in establishing a student exchange program for Waianae

Whereas, on March 18, 1970, twenty fifth grade students from Waianae, Maili and Nanakuli will leave Hawaii to spend two weeks as exchange students in Steamboat Rock, Arizona, which is located within a Navajo Indian reservation; and

Whereas, on April 23, 1970, twenty Navajo and Hopi Indian fifth grade students will arrive in Hawaii to spend two weeks as exchange students in Waianae; and

Whereas, this exchange is the first exchange ever made between children from Hawaii and children of American Indian ancestry; and

Whereas, these visits will result in valuable cultural and educational experiences not only for the children involved, but also for the parents of the children involved and other adults in the community; and

Whereas, the Leeward Cultural Exchange was formed for the purpose of promoting and developing this student exchange, and KHVH–TV led the fund drive for this exchange program under the name of "Operation Opportunity"; and

Whereas, more than $8,000 was raised from the community in order to make this exchange economically possible; now, therefore

Be it resolved by the Senate of the Fifth Legislature of the State of Hawaii, Regular Session of 1970, that the Leeward Cultural Exchange and KHVH–TV be and they hereby are congratulated for their roles in establishing a student exchange program in Waianae; and

Be it further resolved that certified copies of this Resolution be transmitted to Edward J. McGrath, President of the Leeward Cultural Exchange, and Lawrence S. Berger, President of KHVH–TV.

NAVAJO LAND BECKONS LEEWARD YOUNGSTERS

Twenty Leeward Oahu fifth graders will leave next week to spend two weeks living and going to school in a little Navajo Indian settlement named Steamboat Rock, Arizona.

The trip, which will be countered in April by a visit of 20 Navajo youngsters to Leeward, was dreamed up by two federal Teacher Corps volunteers and was made possible by enthusiastic community support.

The idea started last year when Edward J. McGrath and Craig Thompson joined the Teacher Corps together.

Teacher Corps is a federally funded program that sends non-education college graduates to various areas to help local teachers innovate new out-of-the-classroom programs.

McGrath was sent to Leeward and Thompson was sent to the Arizona Navajo Reservation. The two threw around the idea of a cultural exchange and decided to sound out their respective communities on the idea.

"Everyone was really enthusiastic about the idea," McGrath said. "Both the Leeward and Navajo people have very definite and unique cultural features and both are very proud of them."

So the Leeward Cultural Exchange was formed and an appeal for funds locally brought an immediate community response that resulted in the donation of the $8,401 necessary for the Leeward youngsters to make the trip.

KHVH–TV led the fund drive under the name "Operation Opportunity."

The group will leave a week from Wednesday at 11:30 a.m. on Continental Airlines flight 766. The public is invited to see them off.

Steamboat Rock is in Northeastern Arizona, about 160 miles northeast of Flagstaff. It is in the center of the Navajo Reservation and sits on the outskirts of the Hopi Reservation, which is surrounded by Navajo land.

The Leeward students will stay at Toyei Boarding School, which is just outside Steamboat Rock. The boarding school houses both Navajo and Hopi children, who live there during the school week and go home on weekends.

Activities include visits to the hogans (mud dwellings) of Navajo families, visits to such scenic and cultural attractions as the Grand Canyon, and a visit to Disneyland on the way home.

WAIANAE KIDS READY FOR A SWAP WITH THE INDIANS

(By Bob Krauss)

Mrs. Roy Yamada out in palm-shaded Waianae is knitting a pair of woolen mittens for her fifth-grade son, Derek.

Mrs. Elizabeth Saragosa at Maili (where the temperature averages 75 degrees) bought a pair of flannel pajamas last week for her 10-year-old son, Jeffrey.

Mrs. Herbert Amina in tropical Nanakuli, mother of 10-year-old Brian Amina, is shopping for a warm jacket.

These cold weather activities popped up on the sun-splashed Waianae Coast yesterday where 20 mothers are preparing their kids for a trip to Arizona. There they will spend two weeks on the Navajo Reservation.

Last night the temperature in Navajoland was below freezing.

That's not the only problem facing Waianae mothers.

"I have twins," said Mrs. Raymond Rodrigues. "My daughter, Ramy, was chosen to make the trip but her sister, Raelene, isn't going. They've never been separated before. I don't know how they'll take it."

A fifth-grader from Makaha, who has never been away from Hawaii, is concerned about visiting the reservation because of snakes.

"Don't worry," her teacher told her. "You wouldn't stop swimming in the ocean just because of the sharks out there, would you?"

The trip to Arizona begins a week from tomorrow and marks the beginning of the first cultural exchange ever attempted between kids from Hawaii and American Indians.

For more than a month the Waianae Coast community has been raising funds to meet the budget of $8,401.65.

"We now have $8,000 cash in hand with pledges for the rest," said Edward McGrath, president of the Leeward Cultural Exchange, sponsoring organization. "We are still taking donations.

"Any money we get beyond our own budget will be used to help the Indian kids come to Hawaii."

McGrath said the Leeward children are hoping to accept an invitation to visit a session of the State Legislature this week. Meanwhile they are practicing Hawaiian songs and dances after school every Monday and Wednesday.

"We had a picnic in Makaha on Sunday," McGrath said. "The kids performed for their parents."

Robert Moore, principal of Waianae Elementary School, said the significance of the cultural exchange is that it will be a carefully planned and supervised educational experience.

"This isn't like sending another baseball team to Disneyland," said Moore. "The object of this trip is education. Our kids have been having two classes a week since Jan. 28 in Hawaiian language, dance, music, arts and crafts, history.

"They've heard Navajo speakers, seen movies about the Navajo Reservation so they'll have some idea of what to expect. I'm hoping this will turn out to be a pilot program for other exchanges in the future."

The kids put on a car wash in Waianae two weeks ago to help raise money for the trip. They made $100. Donations have come in from all over the State.

Movie actor Richard Boone collected over $800 by passing a calabash in Waikiki night clubs.

On the reservation, McGrath said, the kids will visit Navajo hogans (mud houses), attend class with Navajo fifth-graders, perform hulas, tour the Grand Canyon, go on a hayride, see Indian dances and ride horses. They will spend a day at Disneyland on the way home.

A group of Navajo fifth-graders will ar-

rive in Hawaii April 23 for the second half of the exchange.

McGrath said Leeward parents are now signing up to house the children during the two-week stay. They will go swimming and fishing, attend a luau, tour the Island and attend school with the Leeward youngsters, McGrath said.

Donations can be mailed to Leeward Cultural Exchange, P.O. Box 1017, Waianae, Hawaii 96792.

NATION CANNOT AFFORD POSTAL REFORM DELAY

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. CHAMBERLAIN. Mr. Speaker, leading mid-Michigan newspapers, the Jackson Citizen Patriot, and the State Journal of Lansing devoted extensive editorials on the current postal crisis. As ways are being sought to resolve not only the questions raised by the illegal work stoppage, but to bring about the badly needed reform of the entire postal system, I believe these commentaries deserve wider circulation, and I commend them to the attention of my colleagues. The editorials follow:

[From the State Journal, Mar. 22, 1970]

NATION CANNOT AFFORD POSTAL REFORM DELAY

Nobody, least of all members of Congress, should have been surprised by the postal strike which hit various parts of the nation last week and threatens a complete breakdown of the U.S. mail system.

The strike, of course, is in violation of federal law and now raises the unhappy question of what the government will do to enforce that law against thousands of workers who left their jobs last week.

It is a crisis that might well have been avoided if Congress had stopped the political footdragging of recent years and faced up to the issue of postal reform.

A strong effort to bring about that reform started under the administration of President Johnson when he appointed a special commission to come up with a plan to revitalize the obsolete and deficit-ridden postal operations. The commission made its study and came back with a call for reorganization of the Post Office Department on a self-governing basis as a non-profit government corporation.

The plan, which called for a corporate business style operation, was designed to make the postal system self-supporting within five years. It received strong bi-partisan backing across the nation and was subsequently endorsed by President Nixon when he took office.

Among those who backed the proposal were former Democratic Postmaster General Lawrence F. O'Brien and former Republican National Committee chairman Thruston B. Morton, as well as many members of both major political parties.

Yet, when the plan reached Congress last year it bogged down in committee and failed to get off the ground. In addition, Congress has failed to act on the President's $175 million request for postal pay increases. Perhaps most aggravating of all is the point noted by postal union officials that Congress has still taken no action on a 5.4 per cent wage hike that was supposed to have taken effect last October.

Some breaking of the ice started about 10 days ago when the House Post Office Committee finally approved the bill designed to turn the postal service over to a government-owned corporation.

A vote on the bill was delayed until after the Easter recess. The Senate, meanwhile, is still wrestling with its version of the same bill. It is obvious that certain key members of congressional committees are most reluctant to give up their traditional political influence over the postal system. Progress seems to come by inches.

It has been demonstrated by long and careful research that the present postal system is obsolete and due for overhaul. Figures released last year pointed out that the Post Office has a $1.2 billion deficit and this is expected to increase steadily in the years ahead.

One Michigan congressman stressed that the fault is not with local clerks and letter carriers, but with a lack of updated and efficient management systems.

Under proposals in the present House bill, a postal service authority would be established under a bi-partisan 13-member executive council representing postal union, mail users and the public. It would permit collective bargaining with binding arbitration. Strikes would still be prohibited.

All postal workers would still be protected by civil service, salary step increases would be reached in a shorter period of time.

In short, the plan would sever the historical and political relationship between Congress and the Post Office Department. Among other things the postal corporation could set mail rates, finance itself and still draw on tax revenues for help.

It has also been noted that the plan does not set any precedents. Government owned corporations such as the Tennessee Valley Authority and Federal Deposit Insurance Corporation have been in operation for many years.

Unfortunately, the rash of postal worker walkouts has now created another headache on the question of how the federal government is going to deal with an illegal strike. Hopefully, current negotiations between the government and postal union officials will bring about a compromise settlement.

Meanwhile, it is clear that the time has arrived for Congress to start moving on the long overdue issue of postal reform.

[From the Jackson Citizen Patriot, Mar. 21, 1970]

POSTAL SYSTEM NEEDS OVERHAUL

The problems of the United States Postal system have been piling up for years and now they are coming to a head with the walkout of mailmen in New York City and across the country.

Whether moves to end the walkouts will be effective remain to be seen.

The militant local of the National Association of Letter Carriers in New York City ostensibly walked off their jobs as a demand for higher pay in a city that costs more to live in than any other city in the United States.

Since federal employes are forbidden to strike, the walkout is illegal. Militant union leaders, however, aware that defiance of the law in these times is one of the best ways to capture an objective, are ignoring restraining orders issued by the federal courts.

As one postal official admitted:

"You can't jail thousands of workers."

Indeed you can't and trying to jail the leaders would probably only inflame the situation.

Postal workers, like other federal employees, have their wages set by Congress. The Letter Carriers Union negotiates with Post Office Department officials who in turn pass on the appeal to Congress.

Since the postal workers are forbidden to strike, they have little clout in their dealings with postal officials or Congress.

The threat of a strike is the ultimate weapon wielded by unions in their negotiations with management. Without that weapon, the postal workers have had to accept what pay raises a fickle Congress wants to grant.

There is sound reasoning behind not allowing federal employes to strike as the present situation dramatically shows. In most cases it means the stoppage of functions vital to the public interest.

So many of the everyday functions of our government are taken for granted that we are just not aware of what it is like to be without them until they are halted.

Halting the flow of mail is creating crises in both the public and private sector of proportions never thought of before.

Pensioners are being deprived of their meager paychecks, Wall Street business is seriously threatened, companies are unable to send out their billings or collect money due them.

The seriousness of the situation indicates that there must be a drastic overhaul of the postal system. A recent blue ribbon report called for making the mails a public corporation rather than a government agency with a responsibility for making it a financially sound operation.

The rank and file postal worker opposed the move, fearful that the long history of postal patronage jobs and political power in Congress would be abandoned.

That left the postal workers right back where they started—dependent on Congress for annual wage increases and benefits.

The postal system does not pay for itself. The annual appropriation to subsidize the system grows each year. It is woefully in need of overhauling to make it more efficient. Postal workers, indeed should be making more money. There should be no need to work a second job to support a family.

If the system is to pay its own way without a subsidy from Congress then postal rates would have to be jacked to new heights.

The postal system like the railroad system, has been allowed to decline during the 20th Century with little attention to the decay process.

Now the problems are coming to a head.

Postal workers, long underpaid in relation to other civilian jobs, need an immediate pay raise.

Then Congress needs to bite the bullet and launch an overhaul of the postal system, cutting out patronage along the way, to insure that the taxpayer who subsidizes the postal operation is getting the best deal for his money.

And the postal unions which have resisted change in their conclave need to be awakened to the fact that if they are to expect pay increases commensurate with their longevity and ability then some of the money has just got to come from tightening up much of the wasted money in the postal system.

CRISPUS ATTUCKS DAY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. RODINO. Mr. Speaker, I rise at this time to pay tribute to the memory of one of America's black heroes. On that great day in Boston when the colonies dissolved forever the oppressive ties of colonialism, Crispus Attucks was there to take up the cause of freedom for all men. As he led that charge against tyranny, his mind was focused on the higher good which all men should count

as their inalienable right. His blood was among the first to be shed so that America might be born. Let us all remember what Crispus Attucks gave his life for, and never lose sight of our continuing battle for the self-determination of all men.

BYELORUSSIAN INDEPENDENCE DAY

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. HELSTOSKI. Mr. Speaker, 52 years ago, the people of Byelorussia proclaimed their independence through the establishment of the Byelorussian Democratic Republic. This great event in the lives of the Byelorussian people took place on March 25, 1918, and signified the unquenchable thirst for freedom by gallant people who were under constant Russian oppression.

The known history of the Byelorussian people dates back to the ninth century. Also known as the White Russians and White Ruthenians, these people settled in the area south of the Baltic countries, north of Ukraine and east of Poland. They had their own distinctive language and culture.

In the 18th century the Byelorussian lands were seized by the czars. Briefly, between 1918 and 1921, they enjoyed a productive freedom but soon the Russian Communists seized control of Byelorussia and ever since the Soviet bear has tried to stamp out the national spirit and national culture. Since then the Byelorussians have had no way to assert their national identity. Being denied their individual history, culture, and national pride, they are simply a ward of the Kremlin, which through its ruthless rulers has annihilated more than 6 million of the Byelorussian population.

Today's Byelorussia does not maintain diplomatic relations with other nations and is not permitted to have a distinctive identity. The Byelorussian delegation to the United Nations is merely a rubberstamp for the U.S.S.R.

The drive for russification continues relentlessly, with young people being educated in Russia, Byelorussian literature is ever on the decrease, the rising rate of use of the Russian language in schools, severe religious persecution and the mass transfer of educated and technically trained citizens to other parts of the Soviet empire.

Discrimination and persecution continue, but those who have fled the slavery are keeping alive the flame of freedom for their country of national origin.

This 52d anniversary of Byelorussia's proclamation of independence is a fitting time to commemorate those who have given their lives in the name of freedom as well as those in the free world who today continue their untiring effort to give strength and hope to the Byelorussian people behind the Iron Curtain.

Those of us who enjoy liberty won for us by our forefathers join the patriotic Byelorussians in the United States in observance of their independence day. The Declaration of Independence of Byelorussia was a modern, inspiring document, and its spirit continues to inspire the people as they patiently bear Communist oppression.

Mr. Speaker, to help commemorate this historic anniversary, I include as part of my remarks the text of the Third Constitutional Act which established Byelorussian independence:

PROCLAMATION OF INDEPENDENCE—THE THIRD, CONSTITUTIONAL ACT

One year ago the people of Byelorussia, jointly with the peoples of Russia, cast away the yoke of the Russian monarchy which was oppressing Byelorussia most of all. Without consulting the people, the czar had involved our country in the tragedy of war, which razed to the ground Byelorussian towns and villages. Now we, the Rada of the Byelorussian Democratic Republic, are liberating our country from the last vestige of state dependency imposed by the Russian monarchy upon our free and independent country.

From now on, the Byelorussian Democratic Republic is proclaimed a free and independent state. The people of Byelorussia through their elected Constituent Assembly shall themselves determine the future relations of Byelorussia with other states.

This present act nullifies all previous state relationships which gave a foreign government the power to sign the treaty in Brest also on behalf of Byelorussia; the treaty that spells death for the Byelorussian people and cuts their country into pieces. On the basis of this present act the Government of the Byelorussian Democratic Republic shall approach the interested parties and propose the revision of that part of the Brest treaty which concerns Byelorussia and the conclusion of the peace treaty with all belligerent States.

The Byelorussian Democratic Republic shall embrace the whole territory inhabited by the Byelorussian people as a majority and namely it should include the governorship of Mienisk, Vilnia, Horadzien, Viciebsk, Smalensk, Cernihau and adjacent parts of districts inhabited by Byelorussians.

The Rada of the Byelorussian Democratic Republic confirms all those rights and Civic liberties which were granted by the act of March 9th, 1918. Proclaiming the independence of the Byelorussian Democratic Republic, its Rada hopes that all freedom-loving nations will render assistance to the Byelorussian people in their endeavor to secure full realization of their political ideals of statehood.

March 25, 1918, in Mienisk.

RADA OF THE BYELORUSSIAN DEMOCRATIC REPUBLIC.

Mr. Speaker, in addition to the proclamation of independence, I would like to have incorporated as part of my remarks an essay prepared by the Byelorussian Congress Committee of America on the historical development of the Byelorussian nation. The essay follows:

ESSAY ON BYELORUSSIA

March 25, 1970, marks an anniversary of great significance for American citizens of Byelorussian origin, for on that day Byelorussians everywhere in the countries of the free world will celebrate the 52nd anniversary of the proclamation of independence of the Byelorussian Democratic Republic. In Byelorussia, however, a national celebration of independence is replaced by the observance of 100th anniversary of the birth of Vladimir Ulianoff (Lenin), former leader of the Russian Bolshevik Party and former head of Soviet Russian Government, glorified as the alleged benefactor of the Byelorussian people.

The United Nations' Commission on Human Rights on March 13, 1969 has adopted a resolution to commemorate the 100th year since the birth of Vladimir Ulianoff (Lenin), former leader of the Russian Bolshevik Party and former head of Soviet Russian Government, as a great humanitarian. This celebration will take place on April 20, 1970.

Byelorussian people is enslaved by Soviet Russia today and is unable to express freely its past and present experiences under communism and its opinion on the humanitarianism of Lenin. Therefore, we would like to present an opinion on the humanitarianism of Lenin with respect to the Byelorussian people and its country.

As a theorist of Russian Bolshevism, Lenin appeared as a decisive defender of the integrity of the Russian Empire, many years before usurping power in Russia. In his program for the Russian Social-Democratic Workers' Party (Bolsheviks), Lenin acknowledged the right of non-Russian nations for selfdetermination down to separation from Russia. However, he was granting only the right of separation, but not real separation. Lenin was against separation of non-Russian nations from Russia. His position was for holding them inside the borders of the Russian state and to convince his own party members to take the same attitude (Letter, by Lenin, from Krakau to S. Shaumian, November 23, 1913).

After usurpation of power in Russia on November 7, 1917 Lenin showed utmost hostility toward the liberation of all non-Russian nations, dominated by the Russian Empire. The Declaration of Rights for nations of Russia, accepted by the Bolshevik Government, was a repetition of the national policy as it was formulated previously in the program of the Bolshevik Party by Lenin.

The treatment of Byelorussia, headed by the Lenin government—was as follows. The First All-Byelorussian Congress consisting of 1,872 representatives convened in Mienisk on December 15, 1917. This was a national Byelorussian assembly, whose aim was to decide the future statehood of Byelorussia. Bolshevik-Russian delegates were in a small minority. They were not able to influence the Congressional decisions. The Congress has chosen independence for the Byelorussian state. On December 17, 1917 the Red Russian Army dispersed the Congress by order of the Soviet Russian Government.

During the continuing war, at a favorable situation, the Council of the First All-Byelorussian Congress proclaimed independence of the Byelorussian Democratic Republic on March 25, 1918. In opposition to this independent Byelorussian state Lenin ordered the creation of the Byelorussian Soviet Socialist Republic (BSSR). This fictitious state, as well as its government, were created by the Soviet Government in Moscow, Proclamation of the BSSR took place on January 1, 1919 in the city of Smalensk which was conquered by Russia.

Later, the Soviet Russian Army conquered most of Byelorussia. Concluding peace treaty with Poland in Riga in 1921, Lenin without representatives from the BSSR divided the territory of Byelorussia as follows: The BSSR was alloted a territory of six counties of the Miensk district only, with a population of approximately 1.2 million. Poland was given approximately 100,000 sq. km. of Byelorussia with a population of approximately 4 million. Directly to Russian SFSR there was annexed approximately 250,000 sq. km. of Byelorussian territory with a population of over 9 million. This partition of Byelorussia and subjugation of her people existed until the death of Lenin. In this way Lenin brutally suppressed the aims of the Byelorussian

people for self-determination and independence, and turned into a colonial people of Soviet Russia.

By introduction of his own totalitarian communist regime in Byelorussia, Lenin deprived Byelorussian people of all its human rights and freedoms, the rights recognized by the Western World at this time, and proclaimed earlier by the Byelorussian Democratic Republic. Those rights being: freedom of speech, freedom of assembly, freedom of press, freedom of association, freedom of worship, freedom of economical activity, freedom to elect one's own government, freedom to choose one's habitat and travel abroad, immunity of home, independence of judiciary, etc. Freedom of activity was given to the Bolshevik Party only, which was executing orders from the central government in Moscow. The leadership of this party in Byelorussia was composed of non-Byelorussians. It was a reliable instrument for domination over the Byelorussian nation.

The constitution of the BSSR, as well as the USSR, guaranteed in writing most of the above mentioned freedoms. However, these constitutions exist on paper only to mislead the foreign opinion. In reality the Bolshevik Party is using such policies which are suiting her aims, ignoring completely existing constitutions.

Lenin introduced a very brutal tyranny by governing Bolshevik Party superiors. Called by him, hypocritically, "workers' and peasants' government", as well as a Central Committee of the Bolshevik Party, included neither a single worker, not a peasant. The Communist Party occupied a privileged place, that which was previously held by nobility in czarist era.

The Bolshevik Party represented a new ruling class of fascist type. It used a limitless and merciless exploitation of working people. Starvation and hunger, shortage of all necessary articles existed in reality during Lenin's rule. Only the members of the Communist Party were supplied through special exclusive distribution stores, unaccessible to the rest of the population.

This oppression of people was possible only by the use of mass and ruthless terror. In this field Lenin showed extraordinary ability. He organized Cheka (Extarordinary Committee—Secret Police) headed by the notorious F. Derzhynsky. This mill of death had no other predecessor in modern history. The infamous czarist security service (okhranka) in comparison with Cheka was a very liberal institution. The surveillance by police was raised to systematic denunciation of each person. The Cheka kept an accumulative personal file on all. A new crime was discovered in which each person became a suspect—the potential enemy of the Soviet Government. The arrests of innocent people in mass as those potential enemies; the relentless savage abuse and torture of imprisoned people, who were admitting the non-committed crimes; the shooting of people en mass without trial—all this, as a sword of Damocles, was hanging over a defenseless people, murdered by Lenin's bureaucrats, immune to any responsibility.

Lenin is the father of Russian Bolshevism, that which is oppressing Byelorussian people for over 50 years. This period is the most severe and tragic of all Byelorussian history. During this time the Bolshevik Moscow annihilated over 6 million Byelorussians. But, at the present time, using systematic Russianization, deportations of Byelorussians to Siberia, and colonization of Byelorussia by Russians, the Moscow Government is attempting a complete removal from the globe of the separate Byelorussian nation and transforming it into a part of Russia. This genocide is a direct result of the Leninist national policies applied towards non-Russian nations of the USSR.

Miss Svetlana Alliluyeva, daughter of J. Stalin, recently made this public statement, ". . . all of this did not begin with my father. So many people think that he invented the system, the dictatorship, the police, the spying. But he didn't. He inherited it all from Lenin."

Lenin projected conquest of the entire globe by Bolshevism. He designed a universal USSR, of course, under the hegemony of Soviet Russia. This design is used by the present government of Moscow as a current program of realization. Soviet Russia is giving top priority to the development of her own military power, and is gradually realizing the testament of Lenin on the conquest and enslavement of the remaining independent countries. This subjugation of nations of central Europe after the 2nd World War, communist expansion in Greece, Korea and Vietnam, the recent military invasion into Czechoslovakia, all these are the concurrent steps leading towards the realization of the expansionist plan designed by Lenin.

We are assuming, that proposal to commemorate the birthday of Lenin in the United Nations was initiated by the representatives from Soviet Russia, or by their subservient countries-satellites. The real aim behind this diversionist maneuver is to disorient nations of the free world, and to make them more vulnerable to gradual absorption by Moscow.

We would like to call your kind attention to the fact that this commemoration would be a most cynical humiliation of the idea of humanism. It would be a public mockery of human rights as defined by the Universal Declaration of Human Rights, adopted by the United Nations. It will demonstrate a flagrant injustice expressed by the free countries towards the Byelorussian nation, which was conquered, oppressed and suffered heavily under Lenin's terrorist rule, as well as under the rule, inspired by him, of the present Government of Soviet Russia. We would like to ask you for decisive rejection of this celebration as completely inappropriate for people honoring freedom and justice for all.

At this time, the Byelorussians living in their native country do not have any opportunity to defend their national interests. Therefore, we take liberty to ask you for support of the desires of the Byelorussian people for liberation from Soviet Russian slavery, and for restoration of an independent Byelorussian state.

JUDGE RICHARD E. FIELDS ELEVATED

HON. L. MENDEL RIVERS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. RIVERS. Mr. Speaker, the elevation of Associate Judge Richard E. Fields to the judge of the municipal court of Charleston was a very popular decision by the County Council of Charleston.

Judge Fields is the first Negro in the memory of modern Charlestonians to serve as municipal judge—or to hold any judgeship.

Judge Fields has distinguished himself by training, by demeanor, by temperament, and professional legal ability to hold the positions which he has held and which he will hold.

I am very proud that he succeeds my friend, Judge Condon, who, likewise, has distinguished himself as municipal judge.

Mr. Speaker, under leave to extend my remarks in the RECORD, I insert herewith an editorial from today's News and Courier, America's most outspoken newspaper and the South's oldest daily paper entitled, "Municipal Court":

MUNICIPAL COURT

Elevation of Associate Judge Richard E. Fields to be judge of the Municipal Court of Charleston is a logical and popular decision by unanimous vote of City Council. Judge Fields again makes local history by becoming the first Negro to hold this title. Since we applauded his appointment as associate judge we are pleased to join again in applause at the promotion.

Judge Fields had an outstanding reputation as a lawyer when he accepted the judicial appointment. In his handling of cases he has lived up to expectations. Appointment of Thomas S. Tisdale Jr., an able young attorney, to fill the vacancy created by resignation of Judge Louis E. Condon will fill the quota of judges in an important function of local government.

CAPT. ROBERT W. WILBUR, JR., RECEIVES FAA AWARD

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. BOLAND. Mr. Speaker, I would like to join Secretary of Transportation John Volpe in praising the heroic performance of Eastern Air Lines captain, Robert W. Wilbur, Jr. Captain Wilbur was awarded the Federal Aviation Administration's highest award, the Award for Extraordinary Service, at a presentation at Massachusetts General Hospital.

Captain Wilbur was shot in both arms by John J. Divivo, a passenger who burst into the cockpit of a jet shuttle flight from New York to Boston. Wilbur's copilot, First Officer James Hartley, was mortally wounded as he struggled to disarm the gunman. Captain Wilbur brought the DC–9 Jetliner down safely, in spite of his wounds.

Captain Wilbur was commended by the U.S. Senate for his "extraordinary heroism," and the official citation praised his "masterful feat of airmanship which revealed extraordinary heroism, faultless skill, and courageous equanimity. His poise and professionalism under conditions of maximum adversity warrant the admiration and gratitude not only of the 70 others aboard his aircraft but of the entire aviation community and American public at large."

I agree—and agree wholly.

Secretary Volpe said yesterday:

Captain Wilbur's actions were extraordinary. Wounded, his friend dying beside him, their assailant lying wounded on the floor behind him, Captain Wilbur cooly went through the landing procedures—even to lighting the "No Smoking" and "Seat Belt" Signs, an action which helped calm the passengers—and brought the plane in perfectly.

One of only eight men who have earned the FAA's highest award, Captain Wilbur has amply demonstrated the kind of courage and professionalism the Award for Extraordinary Service demands.

ENCOURAGING ECONOMIC DEVELOPMENT

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. BINGHAM. Mr. Speaker, the majority of American citizens recognize the need to end poverty in the United States. Unfortunately, this is not the case in regard to the need to encourage peaceful economic and social change in the rest of the world. All to many Americans believe that we can ignore the increasing gap between the rich nations and the poor nations.

But we ignore this gap at our own peril Mr. Speaker. Events in areas far removed from our own country can have a profound impact on us here at home. Revolutions, civil wars, wars of national liberation, all feed on the discontent caused by the abject poverty of much of the world's population. Fortunately, groups like the Friends Committee on National Legislation whose policy report on international development included below are aware of the need to build a stable world community in which the distribution of wealth more closely approximates that of equals than of clients and masters.

The policy statement of the Friends Committee on National Legislation follows:

ENCOURAGING INTERNATIONAL DEVELOPMENT: CHALLENGE TO THE CONSCIENCE AND COMMONSENSE OF AMERICA

(A policy statement of the Friends Committee on National Legislation approved at the annual meeting, Washington, D.C., January 18, 1970)

NEW VISION NEEDED

The United Nations has declared the 1970's as the Second Decade of Development in which much greater progress must be made. FCNL educational and legislative goals on international development and trade should incorporate new thinking to answer questions like these:

1. How can the American people and Congress become convinced that there must be a major, new undertaking to assist developing nations in their struggle against poverty, ignorance, hunger and disease—because this is a moral imperative, because it is in the long-range national interest and because it is essential in building a peaceful world?

2. How can the United States both end poverty at home and do its fair share in enabling developing nations to raise living standards? If the United States cannot end poverty at home, does it have much to offer the world?

3. How can developing nations change their existing institutions and attitudes rapidly enough, through non-violent means, to meet people's rising expectations for a better life, dignity and justice?

4. How can mankind develop satisfying ways of living without exhausting the world's resources and ruining the human environment? Is industrialization a means to that end?

5. How can all countries develop public attitudes and social incentives necessary to stabilize world population?

We believe that new vision is necessary in order that mankind may grasp the unprecedented opportunities to become an interdependent, cooperative family. The United States has a moral imperative to share our great wealth and help build a comprehensive world community of all peoples. Even strict, enlightened self-interest requires the United States to provide its share of leadership in this direction. This demands commitment by the people and Congress of the United States to an international trading system which encourages peaceful economic and social development and to an annual investment of at least 2% of American Gross National Product in assistance to the developing nations.

Such commitment must be based on a concept of a world unified in its will and capability to eliminate hunger, illiteracy, and disease and stabilize over-population, but rich in diverse cultural values Such a vision can be realized by reordering priorities replacing the pursuit of the arms race with the pursuit of an enhancement of human dignity. Such a world can be achieved through a strengthening of the institutions of cooperation among nations.

We believe the United States has the economic capacity both to meet our current huge domestic needs and also to play a responsible role in international development. Utilizing even a part of the funds now going for arms would provide a huge reservoir for development. If this proves inadequate we would be prepared to support a reduction in American affluence to achieve these goals.

One challenge of the 1970's is to achieve a cooperative working relationship among the Communist and non-Communist developed nations which will promote rather than retard the process of international development. Another challenge is to encourage a broadening of popular participation in the political life and economic benefits of all nations.

The price of success is small. Increasing the purchasing power of developing nations by lowering trade barriers, easing debt burdens, and stabilizing commodity prices will force painful readjustments on some sectors of the American economy but will in the long run increase U.S. prosperity. The investment of at least 1% of GNP by our government and up to 1% by private industry and by non-governmental agencies will be a small sacrifice in relation to the 9% of GNP now being devoted to military expenditures. However, it will mean a tripling of assistance funds over the present outlay.

The price of failure is frightening. The majority of the world's citizens face desperation as the gap between the rich and the poor nations widens each year. In the greatest migration the world has ever known, cities are doubling their population every ten years, largely through the growth of slums where unemployment, social disorganization and despair are rife. There is an inexcusable waste of human skills and energy and an increased danger of conflict. The nationalism which can create the will to development may, under these conditions, be turned to international tension and war.

We believe that new forces are at work which have potential to achieve this vision and thereby provide a heritage of hope for future generations. These forces are:

TECHNOLOGY

Technology provides many material blessings for man. It can improve significantly his standard of living and the quality of life through more and better food, clothing and housing, through family limitation, desalination of sea water, better communication, transportation, urban development and many other ways. But the rapidly spreading technological culture currently consumes irreplaceable natural resources at an accelerating pace, spreads pollution into our air, rivers and oceans, and exacts a vast human cost. The rapid urbanization of the world poses as yet unsolved problems of mass living in societies where machines and systems increasingly take priority over people. These are the subjects to which the world's scientists and technicians should now be devoting themselves, rather than to military research and development.

YOUTH

Most of the people in the developing world are less than 20 years old. The development of their full human potential is a first priority for the world. The young, not committed to many of the outmoded institutions and politics of the past, often find themselves in conflict with the "establishment." Fortunately, their loyalties often surmount narrow national racial or class boundaries. Many are devoting their full energies to the task of development in their own countries. But to be successful they will need more prophetic vision, imagination and balanced judgment than has been applied to international relations in the past.

DISSATISFACTION

The much discussed "revolution of rising expectations" is being followed by demands for political and economic revolution. Existing institutions in many countries are unable to keep pace with the demand for rapid change which has been created. In many cases, ruling groups represent a narrow segment of the whole population and block proposals for reform. Increasingly there are military governments. Struggles for power in many of these countries can involve major powers on opposite sides of internal disputes, thus diverting national energies from development and increasing conflict among the major powers.

INWARD-TURNING

We sense a world-wide trend to focus national energies on internal problems. On the whole, we believe this is healthy. In the developing countries rapid economic and social development requires hard work, sacrifice and the concentrated energies of the whole nation. There is no easy road to development, although the rate of growth can be stimulated by outside capital and technical assistance. To the extent that nationalism creates a sense of identity, cooperation and a framework for education and effective organization, it is crucial to development. But nationalism should not be diverted to focus on external or internal "enemies" or succumb to the temptation to seek scapegoats when frustrations arise. There must simultaneously be recognition of the fundamental fact of interdependence and awareness of the need for regional and international cooperation. This requires greater limitation on nation-states as such in favor of the common good.

DEVELOPING AS A LEARNING PROCESS

Only in recent years has man consciously attempted through a planned and coordinated effort to achieve rapid economic and social development. There have been many successful projects and in some cases, targets have been met beyond expectations. An analysis of the Pearson Commission report for the World Bank indicates:

Despite burgeoning population growth, incomes per head in developing nations grew at 2.0 to 2.5 percent per year. This per capita income growth compares favorably with the early experience of industrialized countries.

Industrial growth in low income countries in the 1960's has been more rapid than that in the industrialized countries.

New high-yield wheat and rice seeds and methods are bringing an agricultural revolution to the developing countries.

But experience has also been a hard master. There has been waste; there have been mistakes. In our own nation there is still no

clarity as to the best methods to end poverty and raise living standards for all people in the nation. The international problem is even more complex. There are infinitely complicated questions of motivation, priorities, financing, trade standards and administration. Development goals have often been confused with military and political aims to the detriment of sound progress.

Nevertheless, lessons have been learned and experience gained which will be invaluable in the years ahead. We urge a recognition that our knowledge and understanding of the process and requirements for development are improving steadily, providing assurance that future assistance can be more effectively used than in the past.

While we agree more study is needed on the complexities of the process of modernization and how to bring it about most effectively for the benefit of all, we have some unity and clarity on a number of points:

1. Priorities

In allocating scarce resources for development many factors must be considered. We believe several should receive priority:

Need, as indicated by current living standards and number of people affected;

Reasonable assurance that assistance will improve the lot of the lower and middle classes within the country;

Sound development plans which help assure assistance will be effectively and efficiently used and population stabilized.

In many developing nations a small political, military or economic elite enjoys most of the fruits of the system and has reaped the benefits of much of the "foreign aid" which the country has received. These elites are often supported by U.S. military policy and by U.S. business interests. In these nations there must be basic reforms, often including tax reform and land redistribution, if all citizens are to benefit. Development assistance in these cases should aid in the process of reform wherever possible. If programs can be designed to improve the lot of the common people directly through health, education and community assistance programs, and relief, these should be emphasized. Above all, such regimes should not be encouraged by military assistance.

We urge that all U.S. foreign military assistance, defense support and arms sales for credit or cash be ended now.

The United States must base its support of developing nations upon how effectively the Government is meeting the real needs of its disadvantaged people; not on some ideological litmus test such as the form of its government or its economic system.

2. Sharing of skills

The fulfillment of human potential is the keystone to development. We favor a broad increase in the sharing of knowledge and skills with the developing countries especially through voluntary agencies and multilateral technical assistance. We support the initiatives at the UN for establishing an international service corps. We feel that better training facilities and greater professional opportunities within the developing nations can stem the outflow of skilled persons to the industrial states. And better integration of technical assistance into the entire developmental process will increase the effective use of available capital. These and all development programs should be undertaken on the basis of long term commitments extending over a number of years. This permits more orderly and effective use of resources and of skills of competent people who are committing a large portion of their lives to international development.

3. Social development

Economic development and modernization often result in personal insecurity and breakdown of traditional family and community life. We have a special concern that broad community planning and development proceed apace with economic development in order to maximize human values and minimize the human cost of the development process. We urge increased attention to this factor. The best values of the older culture should be retained where possible and new programs adopted where necessary to help build a spirit of community, cooperation and dignity.

4. Adequate capital

Development requires a much larger transfer of capital to the developing countries than is now occurring. We advocate:

That the developed countries devote up to 2% of their gross national product for international development purposes, including at least 1% from official development sources as distinguished from private investment and credits. More transfers should be on a grant or low-interest, long-term-payment basis, in convertible currencies without tying assistance to purchases or pledges of sales of raw materials in the donor country; and

That new sources be found to obtain this additional capital: (a) from the new wealth created annually in the developed countries through increase in the gross national product, as, for example, assignment of a portion of the Special Drawing Rights of the International Monetary Fund to the developing nations; (b) from income resulting from exploitation of generally accepted international areas, such as the high seas and Antarctica; and (b) by immediate reallocation for economic development of the interest and principal on previous development loans as payments are made.

5. International trade and investment

While economic assistance can be a catalyst, nations achieve development primarily through the use of domestic savings and foreign exchange earnings. Increased international and interregional trade, therefore, is essential to sustain long-term development and sound relationships among the nations in our increasingly interdependent world. It is crucial also in the short run to complement development assistance, create jobs and generate foreign exchange. The developed countries must reduce their trade barriers and open channels of trade for products of the developing nations, along the lines recommended by the 77 "have-not" nations at the U.N. Conference on Trade and Development. International price stabilization for basic commodities is imperative.

Skills, technology and capital are also transferred to developing nations to a substantial degree through the activities of international business corporations. Some of these enterprises have been charged with "economic imperialism" and resistance to land tax and other reforms. One way to help avoid such abuses would be to develop and achieve acceptance of an international code of corporate practices, which an appropriate UN agency or the World Bank might take the lead in formulating. The U.S. government should discourage those practices by U.S. corporations abroad which are exploitative in nature. and should encourage fair wages and a fair return to the people of the country involved through taxation, coownership and expansion of indigenous control.

6. Population

Predictions of future population growth are astounding. All public and private efforts to institute sound programs of family planning and population control should be supported. But it should be recognized that there is often only a limited role that "outsiders" can play without generating adverse reactions. As a part of our individual responsibility to stop population growth, we should limit the size of our own families to two children, adopting others if a larger family is desired.

7. Food

The green revolution resulting from new seeds, fertilizers, irrigation, production and organization methods fortunately has created a major breakthrough in food production in many countries. However, there is little prospect of feeding the world until population growth is stopped. Attention must continue to be focused on nutrition in order to insure that growing children, especially, are not damaged by malnutrition. Care must be taken that intensive farming operations do not harm the nutritional quality of the food produced, nor the soil, water or related environment.

Moreover, the U.S. must recognize that the developing countries must also have markets for their agricultural products, therefore the U.S. should not adopt policies which unfairly subsidize sales of U.S. farm products abroad.

8. Channels

The need for assistance is so great that all possible channels must be used—multinational, bilateral, public and private. Each can play an important role in individual situations. We see special advantages in using international channels which strengthen international institutions, reinforce the concept of international cooperation, and are able to draw upon resources and personnel from a wider range than bilateral or national programs. Hence we strongly support the work of the "family" of UN development programs such as the United Nations Development Programme, the Specialized Agencies, the World Bank and its affiliated International Development Association and regional economic commissions. We also support regional organizations for development such as regional banks, common markets and consortia, as well as regional development projects such as those for the Mekong River and the Indus Basin.

Programs by private groups—churches, foundations, universities, cooperatives, and others—supplement large governmental programs and can often play a pioneering and experimental role. They also evidence solid public support for the concept of international development. We commend especially efforts such as the Quaker "One Percent More Fund" which ask contributors to share 1% of their income for international development.

Bilateral programs still provide the bulk of funds for international development. In the past these programs have been viewed with considerable skepticism. Some have seemed designed basically for the military, political or narrow economic advantage of the donor nation. Others have benefitted a narrow sector in the recipient country.

We urge that U.S. bilateral development assistance concentrate on projects which have the support of competent international planning agencies, and which are designed to be of direct benefit to large masses of people, as in those authorized by Title IX of current aid legislation.

Overall, there should be greater international coordination of aid, trade and investment policies. A United Nations sponsored group should make an inventory of world need, recommend priority programs, help coordinate the various international, bilateral and private efforts, and evaulate the quality of performance.

9. Environment

As modernization occurs in the developing nations, they too will be required to deal with some of its byproducts such as pollution, waste of resources and dislocation of balances between man and nature. This raises fundamental questions regarding the nature and extent of desirable economic development. In this context the 1972 UN Conference on the Human Environment becomes especially significant. As a leading technologically oriented nation, the U.S. should take the initiative in formulating new and imaginative proposals for this Conference.

SMOKING CONTROVERSY

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 18, 1970

Mr. CARTER. Mr. Speaker, those of us who attended last year's lengthy hearings on this bill were amazed to find, from the scores of scientific experts who appeared before us, that virtually no significant progress has been made in research to resolve the smoking controversy since the Congress last acted on this matter 5 years ago.

Last month, just as the conferees were about to meet on this bill, the American Cancer Society held a news conference to announce results of certain smoking experiments involving beagle dogs, in which some manifestations of lung cancer were said to have been observed. One witness before our committee had been Dr. Victor Buhler, one of America's most distinguished pathologists and a former president of the College of American Pathologists. Recalling his testimony regarding animal smoke inhalation studies, I wrote to Dr. Buhler and asked him to comment on this latest report. His reply strikes me as a perfect illustration of the difficulty of deriving real meaning from research results which are publicly reported, with great fanfare, before there has been any opportunity for critical scrutiny by qualified scientists.

Dr. Buhler's letter speaks for itself, and, without objection, I would like to share it with our colleagues, as follows:

ST. JOSEPH HOSPITAL,
Kansas City, Mo., February 21, 1970.

Hon. TIM LEE CARTER,
House of Representatives, Longworth House Office Building, Washington, D.C.

DEAR DR. CARTER: Thank you for your recent telegram in which you inquired about an animal smoke inhalation experiment announced by Drs. Auerbach and Hammond earlier this month.

In connection with my testimony before your Committee last April (which, of course, was long before Drs. Auerbach and Hammond announced their results), I stated that in some inhalation experiments "there has been considerable trauma to the respiratory system of the animal by the procedures used." I went on to say that if lung cancer were produced by this experimental method, "I would have to question the effect which the trauma itself might have had in the result."

The method used by Dr. Auerbach is just such an experiment to which I made reference. He used dogs (beagles) who "smoked" in an unnatural way by means of a surgical incision in the neck tissues and trachea which was permanently kept patent by use of a foreign body (a hollow tube). This is certainly much different than the way in which a human being smokes a cigarette.

As you know, a scientist usually informs his colleagues and shares the knowledge of his experimental work by publishing the results of his experiment in a reputable scientific journal. The results of the latest Auerbach experiment have not been so published. My first knowledge of these experiments came from a front page article in our local newspaper.

Immediately after the newspaper article appeared, I obtained a copy of the report which was the basis for the newspaper publicity. I have read this report several times and carefully reviewed its contents. In responding to your request for my comments, I am compelled to say that the report raises several important questions. For example:

1. Experimental results offered as scientific evidence are only as good as, and can be no better than, the experimental model used. With this in mind, how can anyone claim that this experiment approximates the natural method of smoking in humans? The method used by Dr. Auerbach involves the direct delivery of cigarette smoke to the lower trachea, the bronchi and the lungs, thereby bypassing the oral cavity, the pharynx, the larynx and the upper portion of the trachea. A tracheotomy is a most unnatural way for an animal to breathe and certainly introduces the possibility of infection, both bacterial and viral, not only from the tracheotomy, but also by the constant irritation of the hollow tube used to keep the tracheotomy patent. I should think that such a technique would arouse extreme skepticism. Not only were all of the protective mechanisms of the upper respiratory tract not allowed to function, but also the mixing of air and smoke which occurs under normal smoking conditions could not have occurred. In earlier beagle dog experiments, Dr. Auerbach reported that five successive inhalations of smoke were taken in by the dog without intervening inhalation of air. The dog's mouth and nostrils would presumably have to be closed by physical force so as to allow for inhalation through the hollow tube in the throat. These indisputably traumatic conditions could in themselves be causative and therefore create extreme doubt as to the meaning of the reported results.

2. It may well be that the dog is not a suitable animal for lung experimentation. For example, McLaughlin, Tyler and Canada have warned experimenters in their article entitled "A Study of the Subgross Pulmonary Anatomy in Various Mammals", American Journal of Anatomy 108(2): 149–165 (1961), that ". . . great caution should be exercised in the choice of an experimental animal for pulmonary studies if they are to be applied to man. This is especially so if the dog, cat, or monkey are to be used, in view of their marked anatomical differences from man."

3. Why were there only eight control dogs out of a total original population of ninety-seven dogs? Were the control dogs subjected to simulated smoking and otherwise treated in every way as were the other dogs? It does not appear that a properly controlled air stream directed through the tracheostoma was substituted for "smoke" and unless this was done I am inclined to question whether these eight dogs could be deemed adequate controls.

4. It is not at all clear what Dr. Auerbach means by the word "early" in his reference to "early squamous cell bronchial carcinomas." This is not standard terminology so I do not know whether he has reference to "carcinoma-in-situ" or to some other lesion. Since Dr. Auerbach's results have not been published, including adequate photographs, and since the criteria utilized are not clear, one should exercise great caution in drawing any conclusions at this time from the descriptive phraseology used.

5. Most of the "invasive tumors" reported in the dogs that "smoked" were described as being of a bronochioloalveolar type. This is the type of cancer which is infrequent in human beings. Even the Public Health Service has not associated this type of tumor with cigarette smoking. Does Dr. Auerbach refute his previous reports of a relationship of squamous cell carcinoma and smoking in humans by now claiming that the bronchioloalveolar type is more prevalent? [I should add that I *cannot* determine from the report how many "invasive tumors" *in all* were tumors deemed malignant, whether bronchiolo-aleveolar or squamous, had metastasized.]

6. Dr. Auerbach has reported tumors in over sixty percent of the "smoking" dogs in the groups sacrificed. Based on my knowledge and experience, there is no such incidence, similar to these statistics, in any human population.

7. Similarly, an amazing twenty-five percent of the non-smoking dogs were reported to have developed tumors. What might the percentage have been if the dogs had been allowed to live out their entire lives? Serious questions are raised by this reported finding with respect to the use, not just of dogs generally, but of the beagles in this particular experiment. Was any real control of genetic, viral, environmental and other factors imposed?

Medical "breakthroughs", usually announced in newspaper headlines, often turn out to be disappointments when subjected to careful scientific scrutiny. For example, a December 1967 article by Harris and Negroni reported the production of lung tumors in cigarette smoking mice. It was hailed by an American Cancer Society sponsored bulletin, widely distributed to dentists and physicians, as undermining "one of the long-standing defenses of the tobacco industry." The headline on the story read "Lung Cancer: Another Experimental 'First'." But in the published article, the authors cautioned that "the mouse lung cannot be equated histologically with the human lung, and so 'degrees of carcinogenicity' derived in one system may have no validity for the other." Even HEW's *1968 Supplement to The Health Consequences of Smoking* summed up this "scientific breakthrough" as follows: "Harris and Negroni, in experiments with C–57 black mice, *some* of which were inoculated with viruses, achieved *some* enhancement of adenocarcinoma, but *did not* produce any proven squamous cell cancers."

It must be remembered that scientists have failed to induce human type lung cancer in animal experiments for nearly thirty years by having the animals inhale cigarette smoke. In view of these findings, the unpublished report by Dr. Auerback must be viewed with considerable restraint. I sincerely hope that his reporting of "early squamous cell bronchial carcinoma" in only two dogs will not be viewed by your Committee as scientific proof as to whether or not cigarette smoking has been established as the cause of lung cancer in humans.

Respectfully,

VICTOR B. BUHLER, M.D.,
Pathologist.

SUPPORT FOR ISRAEL

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. SCHEUER. Mr. Speaker, the national interest of the United States dictates that we do everything within our power to preserve peace in the Middle East.

Peace in the Middle East is only possible if the Israelis and Arabs sit down and negotiate a peace treaty. History does not record any peace settlement achieved without a joint effort of the contending parties to settle all outstanding claims around the conference table.

It is in this context we must review the recent refusal by President Nixon to provide warplanes for Israel.

This action by the President will not help toward peace, it will hinder it. The Israelis are ready to go to a peace conference tomorrow. It is the Arabs who refuse to negotiate—even to talk. They will continue to refuse to talk as long as they have hope that they can destroy the State of Israel.

Any suggestion that Israel cannot obtain the necessary strength to defend herself only encourages Arab intransigence, perpetuates the present dangerous situation and prevents the achievement of a meaningful peace.

Because of the overwhelming preponderance of Arab manpower, Israel needs desperately control of the air. To maintain that control, a reasonably predictable supply of aircraft and parts is indispensable.

With the commitment of 100 French Mystere jets to Libya by the French Government, it is obvious that Israel faces a major challenge within the near future.

The Nixon policy seems to be one of brinkmanship, a painful reminder of the John Foster Dulles failures of the past.

I urge the President to rethink this policy now and to assure Israel the support necessary for its self-defense and survival.

AGAINST ALL ENEMIES

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. WYMAN. In the March 1970 issue of the U.S. Naval Institute Proceedings appears an article authored by Capt. Robert J. Hanks, U.S. Navy, that deserves the attention of each Member of this and the other body. This article is apparently the Institute's "prize essay for 1970" and is a lucid and penetrating piece which offers real insight into the problems confronting our dedicated but very much maligned members of our Armed Forces by a segment of today's society that should know better.

The essay entitled "Against All Enemies" follows:

AGAINST ALL ENEMIES

(By Capt. Robert J. Hanks, U.S. Navy)

"For it's Tommy this an' Tommy that, an' 'Chuck him out, the brute!'
But it's 'Savior of 'is country' when the guns begin to shoot;"

When Rudyard Kipling penned these words nearly 80 years ago, he described the British regular soldier as he was traditionally viewed by his countrymen. Though the United States of 1970 bears no resemblance to Kipling's Victorian England, the words could nonetheless be applied today to America's fighting men. In fact, some phrases now being tossed about are much more vitriolic than the second line of the above stanza.

Those who currently wear the uniform of the nation's armed forces are being branded as everything from idiots to conspirators. Military men—together with a large group of "conniving industrialists"—are charged with having formed an insidious coalition designed solely to extract unending self-enrichment from the labors of the American people. This conspiratorial concept holds that the military man's payoff comprises large amounts of money and liquor, the favors of co-operative women, and promises of lucrative jobs following retirement. Moreover, his basic perfidy is compounded by a narrow-minded and potentially disastrous willingness to destroy all life on earth if Communism—man's ultimate enemy in his benighted view—seems to be a serious threat. And finally, along with the vast army of bellicose veterans he has trained and indoctrinated in the past quarter of a century, he has transformed the United States into a militaristic and predatory nation which now preys upon the rest of the world.

Examined from any angle, this is a shocking picture. And it poses a rash of questions: Who levels such charges? Are the accusations true? How dangerous are they? Most important of all: What should be done about the assault?

To begin with, it must be understood that this is no academic exercise, for upon the answers to these questions most assuredly rests the future security of the United States. The charges cannot, therefore, be brushed aside and ignored on the assumption that, like previous anti-military campaigns in America, they will fade away before any grave damage is done. This is especially true if today's critics are more numerous or, above all, more influential than the usual lunatic fringe—those who will senselessly attack any available target at any given opportunity.

A survey of these critics—both actual members of the anti-military clique, and those whose utterances the cabal exploits—reveals that we are confronted with a highly articulate and extremely influential body. It therefore behooves us to listen most carefully to and examine as objectively as possible the charges that are being made.

The following spokesmen formulate probably the most effective pronouncements currently trumpeted by the anti-militarists. It should not be inferred, however, that the former individuals are labeled herein either as leaders or members of the anti-military movement. Nor are they being classified anti-military per se. But because their words serve as eminent fuel for use by those who tend the anti-military fires, the views of these critics are vitally important. Lastly, one must note that their views will be scrutinized quite without regard to any particular order of motivation, influence, believability or sincerity.

At the outset it might be wise to digress or to speculate about the atmosphere within America that has spawned and nurtured the current outcry.

It seems reasonably clear that there are two basic causes. First and foremost is the war in Vietnam. This Southeast Asian conflict is one of the least understood—and therefore most unpopular—wars in our history, primarily because the attempts of three Administrations have failed to explain to the American people in convincing terms the nature of the war and the stakes involved. This failure and America's historic impatience syndrome have combined to disillusion and discourage a large segment of the population. With disenchantment has come increasingly vocal opposition to the war—and to the military.

The second major cause is strictly domestic: an explosive drive by minority groups—ethnic and economic—for instant political power, social equality, and financial affluence. This drive directly re-enforces the anti-war fever insofar as it involves competition for the national dollar; most especially, competition for that portion of the American budget presently devoted to defense.

Taken together, these two fundamental factors have contributed heavily to growing disrespect for constituted authority, urban riots, academic chaos, moral decline, predominance of personal aspirations over national well-being and, in extreme cases, the spectre of revolution and anarchy. It is against this backdrop that one must view the phrases now being lobbed into the military camp.

Perhaps the most widely known dissenter in the United States is Senator J. William Fulbright. He has long been a critic of defense spending; in particular, of how the arms produced by that spending are used. His objections to the Bay of Pigs and Dominican Republic crises are well known. So are his 1964 expressions of astonishment over the "uncritical support" the American people annually give to military funding. Since 1965, of course, the Senator has used his position as Chairman of the powerful Senate Foreign Relations Committee as a springboard for an unswerving campaign against the war in Vietnam; an issue he has clung to with the tenacity of a bulldog worrying a bone.

Until recently, however, Senator Fulbright's efforts have affected the military itself only indirectly. Deeply concerned with nationalism, which he considers the most dangerous force in this century, he advocates co-operative international approaches in almost every field of endeavor. He admits that nationalism cannot be legislated out of existence and therefore insists that the United States must lead the way by moving in the direction of a broader world community, while simultaneously directing substantially more of its collective energies toward the welfare of individuals. Implicit in this program is a considerable reduction in U.S. defense spending, first of all, to provide greater welfare support and, secondly, to demonstrate by example American willingness to lay down her arms. The Senator confesses that "to bring about [such] fundamental changes in the world we would have to take certain chances." Among them would be assuming the risk—he admits this is great—that other countries would read our "generous initiatives" wrongly and "bring about a calamity."

There is another thrust to Senator Fulbright's actions. Since 1965, he has hammered away incessantly at a "Constitutional erosion" which, in his view, has at once shouldered the Senate out of the foreign policy arena and witnessed Pentagon usurpation of all State Department prerogatives in the formulation and conduct of that foreign policy. One wonders parenthetically if the Senator believes that the locus of this usurpation has now shifted from the Pentagon to Henry Kissinger's basement office in the White House. In any event, this segment of Senator Fulbright's dissent has been directed mainly at the civilian portion of the Executive Branch rather than—a few instances excepted—at the military services themselves.

In recent months, as his apparent frustration over Vietnam continued to grow, and as he increasingly turned his attention to arms control negotiations with the Soviets, Senator Fulbright expanded his target list to include direct questioning of military leaders, their beliefs and judgment. Again, using the ready-made forum of the Senate Foreign Relations Committee, he first trained his sights on U.S. overseas deployments, bases, and commitments. Then, in early 1969, he moved on his most spectacular target, the Safeguard Anti-Ballistic Missile System. Devoting special attention to military evaluations and recommendations, he achieved more than a little success in opening up a military credibility gap. His efforts drew loud hurrahs from hard-core anti-militarists across the country.

Nevertheless it must be emphasized that the Senator's campaign has been more implicit than explicit insofar as direct ef-

fects on the military itself are concerned. At the same time it must also be recognized that if his view of the external threat to the United States is overly sanguine, the net impact of his dissent could prove as dangerous as the fulminations of those who advocate immediate and complete unilateral disarmament of the United States.

More prolific in a literary sense and certainly more direct in his approach is another spokesman to whom the anti-military group looks for words and dogma. John Kenneth Galbraith is a long-time and most articulate liberal, a writer of some note—author of best-sellers—and former courtier of John Kennedy's Camelot. Mr. Galbraith is also an unabashed and outspoken battler against what he sees as the ultimate evil: the military-industrial complex. Perhaps the most revealing view of the beliefs held by this former chairman of the Americans for Democratic Action is provided by an article published in the June 1969 issue of *Harper's Magazine:* "How to Control the Military." As the title of his dissertation suggests, Mr. Galbraith claims that the military and its industrial allies have seized control of the country, placed its war chariot out in front, and are busily whipping the horses into a lather—in a headlong race to disaster. If any uninformed man has lingering doubts about the seriousness of the challenge confronting him or the capabilities of those who espouse the anti-military cause, he had better devote a few unemotional minutes to reading Galbraith's article.

Mr. Galbraith disclaims any belief in the conspiracy concept. He does so unconvincingly, however, observing almost immediately thereafter that "It would be idle to suppose that presently serving officers—those for example on assignment to defense plants—never have their real income improved by wealthy contractors with whom they are working, forswear all favors, entertain themselves, and sleep austerly alone." Then having neatly assassinated the entire officer corps, he reveals that he actually objects to the conspiracy theory, not because it is fallacious, but because it is gravely damaging to an understanding of the "military power," a commodity he forthwith defines for the benefit of the unanointed.

Comprising the "four Armed Services" [sic—with due apologies to the U.S. Marine Corps], the military industrialists, intelligence agencies, Foreign Service Officers, the Defense-oriented think-tanks, and the Congressional Armed Services Committees, "military power" makes decisions based upon its own private needs, quite without regard for the imperatives of the nation or the national good. Such is the Galbraithian view.

Unlike the unthinking anarchists and idealists who seem to predominate on dissident picket lines, however, the sage of Cambridge has a solution. After explaining how this military juggernaut came to power, he offers an Olympian "political Decalogue"—his own Ten Commandments—to guide those of his disciples who seek to regain "control of the military."

His program is a broad one. It entails the election of a new President, purge of Congressional Armed Services Committees, and above all: organization. Its goal is control of the military through resistance to military programs, mobilization of scientific judgment, and negotiation with the Soviets. Galbraith professes that his is not a crusade against the military man himself, then states that World War II military leaders would be appalled to find their modern counterparts handmaidens of the arms producers. One might note at this point that the pen—herein at its innuendo best—is indeed mightier than the sword.

Because his academic robe is figuratively festooned with professorial, ambassadorial, doctoral, and liberal service badges, Galbraith exerts considerable influence in the land, especially amidst the political left and in the realm of academe. His assertions and dictums cannot therefore be ignored. They must be exposed and rebutted.

Then there is another sort of spokesman for those who today are producing the kitchen heat which all in uniform feel. He is the military leader turned town-crier.

Certainly as far as military men are concerned, the most publicized and best known such pronouncement in recent months has been Marine General David M. Shoup's article in the April 1969 issue of *The Atlantic:* "The New American Militarism." Motivation for General Shoup's efforts (Colonel James A. Donovan, U.S.M.C., Ret., got precious little credit for his co-operation) is most difficult to assess. Available explanations range all the way from the General's apparent failure to become one of the "New Team" during the Kennedy years to the possibility that, having looked war square in the face, he has become a true convert to pacifism. The truth, of course, must as usual lie somewhere in between. Regardless of his motivation, though, one may be forgiven for agreeing with the *National Observer's* astute conclusion that he "has provided a distinct disservice."

As anyone who has read the article will agree, the General laid about his person with a king-sized club. After bowing briefly in the direction of President Dwight Eisenhower's farewell address—a statement to which many critics of the military allude, but which few quote in its entirety—the ex-Commandant of the Marine Corps brought in a plethora of indictments. Those who wear the military uniform—especially with insignia of senior rank—are enthralled with war, viewing it as a competitive game, and the highroad to promotion. They have only a narrow, military education (and, therefore, neither liberal nor cultural understanding); their primary loyalty is to their parent Service and the Department of Defense; they really do not understand Communism, either as a doctrine or a form of government; and they are more concerned with competing against aggression than with preserving the security of their own country. Moreover, they have brainwashed two generations of civilians—who initially held humanistic views—into becoming a bellicose, sword-waving second front. Unless these military officers are brought to heel, the poisonous weed they typify will surely kill the nation they have sworn to defend.

To the extent that articles such as this undermine the nation's security by destroying the credibility of those who manage the U.S. armed forces or by demanding unwarranted reductions in those forces, they are truly a "distinct disservice." Moreover, such articles are far more insidious than others because the authors appear to the layman as idealistic and high-minded insiders who, unable to change nefarious conditions from within, have undertaken full public exposure as the only remaining means of averting disaster. There seems little doubt that, in this instance, the General became an instant hero to the New Left, SDS, and others of similar persuasion. Far more importantly, he has probably sown a significant crop of doubt amongst the vast body of people. *Time* termed "middle Americans"—the bulk of the population, the people who dutifully pay their taxes, keep the nation running, and suffer radicals as well as their children in silence. And after all, it is this group which will ultimately decide the issue at hand.

Other voices are being raised in different ways, and they should not be overlooked. The messages vary widely.

Perhaps the most critical proposals are being made on Capitol Hill, because action taken there can force inordinate reductions in and unwise withdrawals of American military forces. For example, Senators Clifford P. Case and Walter F. Mondale—with their young staff assistants—have mounted a campaign against aircraft carriers. Senators Michael J. Mansfield and Stuart Symington were temporarily deflected from their drive to slash U.S. force levels in Europe only by the Soviet invasion of Czechoslovakia. New York's Senator Charles E. Goodell is attempting, at the time of this writing, to legislate complete troop withdrawal from Vietnam by 1 December 1970—regardless of the consequences.

Then there are the ignorant and intemperate tirades of the racial left. Such screechings will not be dignified with comment by this examination.

In microcosm, these are the kinds of words being used today to assault the American military. During the past months charges and accusations have grown from a trickle to a flood; a torrent which could ultimately submerge the military power of the United States. And the real danger in this assault lies in a few simple truths about the world in which we live.

It is a world of power politics. In that world are nations which wish America ill—perhaps one should be blunt: nations seeking, at the very least, our political demise. It matters not whether these nations act in concert or individually. (For this reason the issue of "monolithic Communism" is specious.) So long as one or more of these nations have the military power to inflict upon or threaten the United States with grievous national harm, then our security is in jeopardy. And so long as the United States has the military prowess to prevent such harm, or to deter it through assured capability to retaliate in greater measure, that security is preserved.

Our foreign antagonists clearly understand this power equation which has governed international relations, particularly since the beginning of World War II. After that war, those nations and blocs of nations who would profit from our political passing attempted to circumvent that equation. They tried in Europe, in Korea, Cuba, and now in Vietnam, but to date they have failed. Always, America's armed strength and dedicated fighting men have blocked the way. As a result, the United States remains—as she has been for two-and-a-half decades—the Free World's main bulwark against the omnipresent tide of slavery and totalitarianism.

The outcry against all things military in the United States, if carried to its ultimate end, would upset that international power equation and destroy American as well as Free World security. Thus, while the threat from without remains, we now face an equally potent challenge from within. It makes little difference whether that challenge is generated and sustained by those who, because of myopia, fail to perceive the external dangers confronting us; by those who, through misunderstanding or wishful thinking, believe our enemies would benignly allow us to turn our backs on the world and concentrate all our efforts on our domestic ills; or by those who are enemies in the true sense of the word—idolaters of Mao and the deceased Ho—seeking a revoluntionary Communist America. Nor does it matter if—as the *Long Beach Dispatch* put it—"a collection of liberals, misfits and ivory-tower dreamers, aided and abetted by either naive or calculating members of the media, are out to destroy the military itself." What does matter is that the continued existence of a free and democratic United States is at issue. There is an enemy within, regardless of his appearance or the design of the mantle with which he cloaks himself.

The question that now assumes critical importance for the military is: What should be done about it? The answer is not simple. One thing is abundantly clear, however, and that is what we should *not* do.

If the United States is to be protected against the efforts of those who would place her in peril—whether through apathy, ignorance, or malice—we in the military cannot

stand idly, silently by and watch it done. Our oath of office will not permit it.

Now is the time for everyone who wears the uniform of the American armed forces to take that oath out of the attic trunk, brush aside the dust it has collected, and read again the words upon it.

In concentrating on the main task of the past 30 years—the external threat—some of us may have forgotten that we solemnly swore to support and defend the Constitution of the United States against all enemies, foreign *and domestic*. That pledge is not directed to a particular Service, a partisan belief, nor is it a license to hunt for personal gain. It is instead a dedication to prevent violent overthrow of a form of government Abraham Lincoln saw as the "last, best hope of earth." Our mission is clear: to ensure our country is not militarily weakened to the point that external enemies can, through the use of force, overthrow the U.S. Government and its Constitution.

No. We cannot remain either inactive or silent. Our oath of office most certainly does not condone such behavior.

But, before deciding what should be done, we must first ask ourselves another most difficult, but nonetheless vital question. How much truth is there in the accusations being hurled at the military?

In an organization as large as the U.S. armed forces, there are bound to be isolated cases of wrongdoing—cases which, when brought to light, are dealt with promptly by our uniformed services' leaders to the hilt of their political permissibility. Unfortunately, it takes only one such case to lend credibility to exaggerations and gross falsehoods that, though unrelated groundless, inevitably follow.

In an organization as large as the U.S. armed forces, there could be a very few who, as General Shoup claims, hunger for glory and are quite willing to sacrifice much to obtain it; there could be a very few who compromise principle and integrity for personal material gain; and there could be a few others who subjugate national need to individual Service pre-eminence. We in the military must redouble our efforts to guard against these isolated cases and, if and when they occur, we must continue to deal with them promptly and effectively.

Thus, if we in the armed services are to do our part in frustrating the aims of those who would turn the American eagle into a lamb, we must continue to single out and eliminate those among us who, by their avarice and indiscretion, despoil our integrity and destroy our credibility. Our regulations require it; American citizens deserve it. It is, moreover, not enough that we remain vigilant against wrongdoing itself; we must strengthen that vigilance against the exercise of poor judgment which gives the *appearance* of wrongdoing.

Secondly, we must police our own requirements even more rigidly if we are to disarm the critics who decry "unrestrained military spending." Specifically, we must continue our efforts to forestall justifiable criticism by attacking the problem of national military needs with hardheaded pragmatism and absolute honesty, necessarily leavened with political realism and fiscal responsibility. We cannot forget that, all too often, the vociferous critic needs only a small bit of evidence, real or apparent, to make believable a broad spectrum of accusations.

When John Kenneth Galbraith points his pen at bureaucratic institutionalism, for example, he can cite just enough evidence to make his follow-on shotgun condemnation credible; especially to the layman. When a senator uncovers one badly-written or carelessly monitored contract entailing any waste of funds, he can easily render a thousand ideal contracts suspect. When the armed services are accused of squandering public funds—be it on hardware, travel, research, or what have you—everything else we are trying to accomplish may be jeopardized.

We must continually ask ourselves, for instance, whether the American military establishment does contain some bloated staffs, worthless bases, unneeded weapons systems, or other examples of costs that cannot be supported on any rational basis—austere funding or otherwise. Insofar as the current budgetary reductions may cause us to eliminate such possible inefficiencies, they will serve us and the nation. If, on the other hand, we eliminate combat forces—the cutting edge of American military prowess—in order to hang onto a gaggle of military sacred cows, we will surely bring down on our own heads the legitimate anger of the very people we are pledged to defend. Like charity, responsibility begins at home. And, within the parameters of political reality, we must continue to be responsive to this responsibility.

We need to maintain unstinting self-vigilance because our very integrity is at issue. If, through indiscretions and sloppy practices, we permit our credibility to be shattered—it patently is chipped and cracked today—we can be sure that our sound advice and realistic requests soon will be *totally* ignored, even with respect to those issues which, in fact, mean life or death for the United States.

Safe in the knowledge that we are properly policing our *own* conduct and environment, we are free to turn our attention increasingly to those domestic critics who would, knowingly or inadvertently, gamble away U.S. national security.

And here it is pertinent to observe that while silence may be golden when fighting an aggressive external enemy, it is akin to sheer folly when combating assaults from within. In the latter instance, ammunition comprises words both spoken and written, and there is no place in such a conflict for a silent service. Moreover, the military man's historic reluctance to speak out must be overcome. Unless it is, and unless the military spokesman—buoyed by confidence in his own integrity and experience—confronts his critics directly, rather than speaking in bland, ineffectual generalities, he will make no headway at all in stemming the anti-military tide.

There is another vital requirement. As the very shrewd Galbraith noted, "There must be organization." Here we in the military are well endowed. (Certainly the SDS and others think so, judging from their efforts to subvert that organization from below.) It is an organization in being, needs only to be directed, and provides an almost infinite capacity for passing our own considered and documented view of American security needs to those most directly concerned: the vast, silent majority of the American people.

There is no other way, for instance, to counter assertions such as the one recently made by Marcus Raskin (co-director of Washington's Institute of Policy Studies) at the Conference on the Military Budget and National Priorities. He urged the abolition of the CIA, the National Security Agency, and the Defense Department within the next ten years. Only in this way, he claimed, can the "national security state" be eliminated and the continuance of a free society be assured. One can readily envisage two reactions to unchallenged irresponsibilities of this sort: chuckles of incredulity and delight in Moscow and Peking; and, in the United States, picket signs being hastily lettered by war, draft, and ROTC opponents.

Similarly, we owe it to the oath under which we serve to refute, item by item, the inaccuracies, half-truths and, in too many instances, utter nonsense which currently inundate American media.

Our approach to the problem must, of course, be a dual one. Refutation and rebuttal are essentially negative reactions. A set of positive answers is equally important; answers built around our carefully reasoned and convincingly documented conception of this nation's security needs in today's real world. Inherent in such a view is an accurate, up-to-date assessment of the external threat and what the United States needs to meet it. Those needs must be arrived at not only in the traditional way, but with the leavening provided by an objective consideration of domestic political and fiscal realities as well. Unless this latter input is included, we will fashion not just a credibility gap, but a vast chasm of distrust; one that will multiply the risks facing the United States just as surely as will many of the anti-military proposals being propounded today.

Let there be no mistake about it; the current attack upon the American military is acute—and it is growing in intensity. Joseph Kraft recently expressed the view that to succeed in "chaining the defense monster," the critics must keep shooting away. This view is widely held.

Carried to fruition, the anti-military campaign threatens to so weaken this nation's defenses as to place the United States in the greatest jeopardy in its history. After all, since we do live in a world of power politics, our ability to control our own national destiny continues to depend upon the military power which at once protects us from external attack, and constitutes the backbone of our foreign policy posture. Reasonable and informed Americans recognize that this state of affairs will probably continue to exist until the arrival of that elusive millenium when men and nations will at last conduct themselves according to the Ten Commandments—God's; not Galbraith's.

This particular domestic battle will not be easily won. Like the war in Vietnam, it is somewhat different from anything we in uniform have experienced in our past. Barbs hurled by the New Left, or by public figures who seek to convert public confusion and unease into political capital are neither new to U.S. society nor difficult to understand. Complexity enters the picture when current domestic ills are added, and the waters are muddied by self-seeking cop-outs from responsibility, on the one hand, and opportunists on the other. Finally, the confrontation is further complicated by an ingredient uncomfortably unfamiliar to the modern American fighting man: the necessity for him to defend to his own countrymen his motivation, his judgment, and above all, his integrity. This latter, of course, is the hardest cheese of all to swallow. Nevertheless, it must be done.

We have the resources and the capability to combat the assaults now being made upon the military. Even General Shoup admits that the American armed forces include large numbers of intelligent and articulate individuals. They must make themselves heard. In speeches, in writings, and in general conversation. The opportunities are myriad; we need only seize them.

Again one must insist that this is the worst possible moment for the American Servicemen to react to the current attacks with injured feelings, righteous indignation, panic, or withdrawal. Unlike Tommy Atkins, no Kipling speaks for us to remind Americans, as Kipling warned the British, that "Tommy ain't a bloomin' fool—you bet that Tommy sees!" To honor the oath we have taken, we must speak for ourselves. If we do so with the same dedication and professionalism that we have so abundantly displayed on wartime battlefields, we shall be equally successful in protecting this nation against those who now endanger it from within.

For, given the whole picture—not just the slanted and perverted glimpse being broadcast these days—the American people will speak out with the sound and reasoned majority voice which will preserve the United States and its democratic processes. They have done thus for two hundred years. If we

in the military keep our heads and faithfully honor the *whole* of our oath of office, they will be able to do so for another two hundred.

(NOTE.—A graduate of the U.S. Naval Academy with the Class of 1946, Captain Hanks served in the USS *St. Paul* (CA–73) from August 1945 to January 1949. He was assigned to AirASRon 892 in 1951–1952 and to the NROTC Unit at Oregon State University from 1952 to 1954. He was operations officer of the USS *Arnold J. Isbell* (DD–869) from 1954 to 1956, and for ComDesRon Eleven in 1956–57. He was executive officer of the USS *Floyd B. Parks* (DD–884) in 1960–1961, and commanded the USS *Boyd* (DD–544) from 1961 to 1963. Following two years on the staff of ComCruDesPac, he attended the Naval War College and, in 1966, he served first as Assistant for NATO Affairs, and then as Deputy Director for Nuclear Planning Affairs in the Office of the Assistant Secretary of Defense (International Security Affairs). He is currently Commander Destroyer Squadron Thirteen.)

POSTAL REFORM AND THE UNION SHOP

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. ASHBROOK. Mr. Speaker, one feature of the present legislation regarding postal reform which has been advanced by the administration is the introduction of the union shop principle for Federal employees. In his testimony before the House Post Office and Civil Service Committee, Postmaster General Winton Blount conceded that in States not having right-to-work statutes the union shop can be put into effect among postal workers. And there seems to be doubt as to whether those States having right-to-work laws would be excepted.

The March 20 issue of the Coshocton Tribune ran a column by the author and columnist, John Chamberlain, which warns against the use of the union shop in the postal reform package now being considered by Congress. His column "Flaw in Postal Reform Bill" follows:

FLAW IN POSTAL REFORM BILL

(By John Chamberlain)

President Nixon's blueprint for turning the mails over to an independent government corporation similar to the Tennessee Valley Authority has been approved by the House of Representatives Post Office Committee. So the postal reform people—and this includes most of us—may very well feel like giving three cheers.

On second thought we had better limit ourselves to two cheers or maybe a cheer-and-a-half. For, while an efficient government-owned but independently run postal corporation might do something to eliminate mail deficits, the bill, as it goes to the Rules Committee of the House, contains what has been called by the National Right to Work Committee the "hidden menace" of compulsory unionism.

Indeed, the bill would never have gotten past the formidable opposition of James Rademacher, the boss of the letter carriers union, if Postmaster General Winton Blount had not given in on the union shop question. If the bill goes through as it is now shaped up, it will be considered an unfair labor practice if the proposed new independent postal corporation refuses to bargain over the union shop.

This amounts to a 180-degree turnaround by President Richard Nixon. It was just about six months ago that the President reaffirmed the old John F. Kennedy principle that no federal worker should be compelled to join a union in order to hold his job. But now this principle—of according non-discrimination in hiring to U.S. citizens—is to be abandoned.

True enough, Postmaster General Blount has a rationale which he offers as an excuse for surrendering to the Rademacher union demands. By an ingenious quibble he argues that, once the post office is turned over to an independent body, the postal workers will no longer be "federal" employees. The Nixon executive order about a federal right-to-work guarantee would therefore, in Blount's estimation, cease to be operative. And the labor law of the land, which permits bargaining over the union shop in all the non-right-to-work-law states, must hold for all non-federal workers under the equal rights provision of the Constitution.

Such reasoning, however, is faulty on two counts. One is that it does not reckon with a logical inconsistency in the bill itself. The proposed legislation contains a clause that would prohibit strikes against the new corporation. Well, if the right to strike is to be denied, surely the right to bargain for a union shop could be prohibited, too. If Mr. Blount's stipulated "principle" can be ignored once, it can be ignored twice.

The more important objection to the Blount rationale is that turning a government function over to an "independent" corporation owned by the government does not "de-federalize" it. The hope is that a TVA-like mail corporation will be able to operate in the black. But what if it doesn't? What if it can't raise enough money in the private money market to construct new offices and to pay its bills? The Federal government would have to stand behind its obligations as the owner. If deficits should prove to be chronic, the taxpayer would be called upon to satisfy the creditors. Thus it is specious reasoning to say that the executive order shielding government employes against compulsory unionism should not be applied to postal workers under the proposed new law. A federally-owned corporation must, by definition, have federal employes.

The White House is going all out to push the new postal authority bill through. And Heaven knows it is time for postal reform. An independent mail-carrying body, whose ruling executive council would be composed of two Senators, two members of the House, seven Presidential appointees, and a director general and his deputy, would be an improvement on the present patronage-ridden organization. It would be even better if private enterprise were permitted to compete with the new government body. But if we are to continue with a national mail monopoly, there is no excuse for saddling it with a union shop, which could deny employment to non-union taxpayers who are, after all, part owners of anything that their government possesses.

HON. "TIC" FORRESTER

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. RHODES. Mr. Speaker, I was saddened to learn of "Tic" Forrester's death last week—over the years we served together in the House I valued his friendship and admired his ability. "Tic" was small in stature, but he had a mighty voice and a great heart. He had strong opinions, and fought hard—and effectively—for his beliefs. I believe all who knew "Tic" derived benefit simply from knowing him and the way he lived his life—with strength and integrity and loyalty to his principles. While he was in Congress, "Tic" served the Nation and his district ably and honorably, and during his retirement he continued to be a valuable and contributing citizen. I am grateful for having had the opportunity to know "Tic," and I extend my deepest sympathy to Mrs. Forrester on his death, and share her loss.

RAILROAD EMPLOYMENT ACT AMENDMENT NEEDED TO HELP UNEMPLOYED WORKERS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. HORTON. Mr. Speaker, I would like to take our colleagues' time this afternoon long enough to explain a serious situation which has come about as a result of legislation passed unanimously by this House in the 90th Congress.

In February 1968, President Johnson signed into law the 1968 amendments to the Railroad Unemployment Insurance Act. While this act included many improvements of the railroad unemployment insurance program, it also included a provision which adversely affects those railroad employees who need unemployment insurance protection most.

I am referring to section 4(a)(1)(iii), which makes railroad employees who receive severance pay or separation allowances ineligible to receive unemployment insurance benefits for the period covered by their severance pay. On its face, this may appear to be a reasonable limitation, but in practice it poses serious and unnecessary hardship.

As an example, I cite the case of over 400 employees in my congressional district, most of whom will be out of work after the Penn Central Railroad closes its car shop facilities in East Rochester, N.Y., on April 1.

I think, overall, the Penn Central, considering its shaky financial condition, has tried to be fair to these employees. The railroad offered jobs outside of the Rochester area—most outside New York State—to any employee who was willing to move.

Also, the railroad is paying the equivalent of 360 days pay as severance pay to employees remaining in the Rochester area. But in most cases, the employees involved are men who have given the best years of their lives to the railroad. They have worked at the car shops 10, 20, or 30 years. They and their wives and children—and in some cases grandchildren—have deep roots in their community. From many standpoints, it is difficult to imagine how they could relocate to a

strange and distant community. This is borne out by the fact that the vast majority of these Penn Central employees have decided to remain in East Rochester.

But even with the severance pay they will receive, almost to a man they and their families face a very difficult economic future: In a softening employment market, these men are finding equivalent jobs, and in some cases any jobs, difficult to find. Men earning $3.78 an hour find that the only jobs they can find mean a cut in pay of 30 to 40 percent of their present wage. A great number of these men are over 40, and thus find it even more difficult to find suitable reemployment. While their jobs have disappeared, their family and economic obligations remain.

Some would argue that the 360-day severance allowance is enough to compensate for these hardships. Not so. Assuming it will take many weeks, or even months for many of these men to find new work, the severance pay is in fact far less than the income these men have received on the railroad.

The severance pay is equivalent to wages not including any of the substantial fringe benefits these men have enjoyed as railroad employees. These men will be required to purchase health insurance amounting to $50 or more a month for their families. They are ineligible for sick pay. The fact that severance pay is paid to them in lump sum has a tremendous adverse effect on the withholding computation. The withholding tax rate is figured as if the total severance payment is the amount the employee earns in a single pay period, rather than over a full 16-month period.

So the severance allowance is in no sense equivalent to compensation these men would receive if the car shop facility were to remain open. Nor should it be looked upon as income to cover the period of 360 working days—or 16 months—which it supposedly covers. In a sense, this payment is a subjective valuation of the hardship caused to the employee and his family by his termination of employment by the railroad. It has only theoretical relationship to his compensation over any given period of time.

Mr. Speaker, if these employees were to receive severance pay after termination of nonrailroad job, they would nonetheless be allowed to collect unemployment benefits, since New York State does not make recipients of severance pay ineligible for unemployment.

The fact that this prohibition in the 1968 amendments to the Railroad Unemployment Insurance Act was agreed to by both labor and management representatives in negotiations does not help to alleviate the hardship of those workers and their families who are affected by this provision. This was a step backward in our legislative program of helping terminated and retired railroad workers to adjust to their loss of railroad work.

Mr. Speaker, I therefore urge my colleague to give favorable and prompt support to this measure.

DR. B. JEAN APGAR HONORED BY FEDERAL GOVERNMENT

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. ROBISON. Mr. Speaker, I would like to congratulate a remarkable young scientist, Dr. B. Jean Apgar, a research biochemist with the Agricultural Research Service, U.S. Department of Agriculture, on her selection as one of the outstanding women in the Federal Government. Dr. Apgar, who is stationed at the U.S. Plant, Soil, and Nutrition Laboratory in Ithaca, N.Y., is the youngest scientist ever to receive the Federal Women's Award.

For someone so young, Dr. Apgar has succeeded in making an extraordinary contribution to the field of nucleic acid chemistry and nutritional biochemistry. She played a vital role in determining the molecular structure of a ribonucleic acid—RNA—the first time that the structure of any nucleic acid had been revealed. This was an extremely significant piece of work, as RNA's help determine how living cells make and utilize proteins. And any understanding we have of the process by which this is done brings us that much closer to eventual control of genetic defects and certain diseases, including cancer.

Research had been in progress for 5 years before Dr. Apgar joined the team. Shortly afterward, she developed the critical techniques for using enzymes to split the RNA molecules. Her work provided the evidence that made it possible to finally identify and describe an RNA, a scientific finding of the highest magnitude. The information and techniques developed by Dr. Apgar and other members of the research team made it possible for the group to identify a second RNA in only 18 months' time. The man who directed the work—Dr. Robert Holley—was awarded the 1968 Nobel Prize in Physiology or Medicine.

Dr. Apgar maintains an interest in RNA and is considered an authority in the field. Scientists call upon her for advice and consultations on problems of ribonucleic acid chemistry and related areas of molecular biology.

In other studies, Dr. Apgar found that pregnant animals required much higher levels of dietary zinc than had been thought, in order to deliver their young safely. Her discovery will have marked effects on the dietary standards suitable for a number of animal species. And it will undoubtedly result in improved diets for pregnant women. Dr. Apgar's perceptive insight into the nature of research problems and her creative approach in resolving them mark her as a scientist of exceptional abilities. She combines the highest standards of scientific integrity with the highest personal values. She is a splendid example of what women in Government can offer—and achieve. I would hope that her example could attract more women of equal talent.

Dr. Apgar was born in Tyler, Tex. She holds B.A. and B.S. degrees from Texas Women's University, and M.S. and Ph. D. degrees from Cornell University.

JUDGE GEORGE HARROLD CARSWELL

HON. WILLIAM L. DAWSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. DAWSON. Mr. Speaker, I was first elected to Congress on November 3, 1942, and I am now completing the best 28 years of my life—the years I have served with my dedicated colleagues and good friends—both Democratic and Republican—from all sections of our beloved country.

During these years we have worked together to make this a better Nation for all our people to live in. We have taken tremendous strides in improving our economy, in building schools, in helping the needy, and in providing security and health care for our older citizens.

Perhaps most gratifying to me have been the advances we have made in civil rights for all citizens. Unfortunately, to be precise, I must amend that to say—advances we have made until very recently in civil rights.

In my 28 years we have seen the Armed Forces desegregated, we have seen the right of all citizens to vote assured, and we have seen decisions made and laws passed to give all citizens equality in housing, travel, public accommodations, employment, and education—in short—in all the rights of citizenship.

But we now have an administration in the White House that is obviously determined—for cold-blooded political reasons—to reverse our progress and to set us back to where we were when I came to Congress 28 years ago. The details are well known and I shall not repeat them here.

The crowning insult to those of us who have fought for true equality is the nomination of Judge George Harrold Carswell to the Supreme Court. Here we have a politician, lawyer, and judge with a 100-percent negative record. While many learned jurists have attested that his actions have demonstrated mediocre ability, what ability and cunningness he possesses have been unfailingly devoted to suppressing the well recognized rights of our minority citizens. Time after time he has avoided, evaded, or ignored the Constitution and law of the land. He has entered into petty schemes and conspiracies to the same end. And he has insulted and abused those lawyers who have appeared before him in efforts to uphold our constitutional rights.

On June 30, 1969, I wrote to the President about certain actions of the Department of Health, Education, and Welfare. In closing the letter, I said:

In addition, I wish to point out that the record of the Department since January 20, 1969, is most dismal. The enforcement of the

Constitution and the laws of our nation and the preservation of the rights of our citizens are two of the most sacred trusts placed in the President of the United States. The confidence of our people and the stability of our Nation stand in the balance. Mr. President, you have taken a most solemn oath to preserve and to protect the Constitution and laws of the United States. You must not let the American people down.

In nominating Judge Carswell, President Nixon has let the American people down. This nomination must be rejected.

DEATH OF A GREAT AMERICAN CITIZEN: MAJ. GEN. JAMES EARL RUDDER

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. TEAGUE of Texas. Mr. Speaker, it is with infinite regret that I advise this body that one of the truly great citizens of our time is dead.

The citizen—who also happens to have been a remarkably close and affectionate friend of mine—was Maj. Gen. James Earl Rudder, who died on March 23, at the age of 59, while he occupied the position of president of Texas A. & M. University—the institution of which I, also, have the honor of being an alumnus.

The career of James Earl Rudder is an example to every generation of Americans—the ideal citizen-soldier, the inspirational leader of men, the enlightened educator of youth.

He was born in Brady, Tex. and worked his way through high school, just as so many of us in the depression generation were forced to do. He worked his way through Texas A. & M., too—and made a splendid record in every aspect of his college career. He was known not only as a student of the first rank, but also as an outstanding leader among his contemporaries.

After graduation he returned to Brady and began ranching on a small scale. Typically, in view of his lifelong interest in the development of youngsters, he coached the local high school team.

While at Texas A. & M. he had been a particularly impressive member of the corps and, naturally, was a reserve officer in the Army. When World War II broke out, he was called to be a leader of men in the protection of his beloved homeland.

His record as a soldier is one of the great stories of the war.

He was called to action in 1941, and organized and trained the famous 2d Ranger Battalion, which produced a great deal of significant history in the European theater.

Undoubtedly the greatest moment in the life of James Earl Rudder came on D-Day. His assignment was to assault and take the promontory of Point du Hoe—a sheer, 100-foot cliff standing between Omaha and Utah Beaches. If the impressively fortified Point due Hoe were not taken, it was highly unlikely that either of these vital beaches could be secured.

Earl Rudder and his men assaulted the promontory, climbed it under a withering fire, and captured it. Rudder was twice wounded in the engagement but remained in action.

Gen. Omar Bradley has made the definitive statement on what James Earl Rudder—then a lieutenant colonel—did on that day. He wrote:

> No soldier in my command has ever been wished a more difficult task than that which befell the 34-year-old commander of this ranger force.

If I may make a personal observation, Mr. Speaker, I would like to say that I returned to the Normandy Beaches in the company of General Rudder on the 20th anniversary of the invasion. We walked over the terrain together, both of us with long memories of deeds past, and of departed comrades.

We came to the foot of Point du Hoe and stared at it. I must say that I was personally appalled at the problem which had faced Earl Rudder and his men on that day. And yet it was exhilarating to know that men had such courage, such determination, such strength, and such skill as to turn such an assault into a victory.

Eventually, we went to the top of the promontory. Since we were both 20 years older, we did not make the same frontal assault which Earl Rudder and his men had made on that pivotal day in Western history. The amenities—and the reception—were very much better on this anniversary occasion than they had been on D-Day.

When we reached the top, I was deeply moved to find that the French—who, unfortunately, have been less than generous in allotting praise to the men of other nations who freed their land—had erected a monument in honor of the almost unbelievable heroism of James Earl Rudder and his men.

When he returned from the wars, General Rudder resumed ranching. But he also found time to serve as mayor of his hometown, and never relinquished his passionate interest in his alma mater.

In 1959 he was asked to accept the presidency of Texas A. & M. He did so, just as he accepted every worthwhile challenge in life.

His record as president has already become one of the most inspiring legends of the university.

In 1959, Texas A. & M. was a great, but smallish, institution, recognized far less than it should have been outside the boundaries of our State. It had only 7,500 students—all conspicuously male—and a reputation based principally upon its Spartan virtues, its insistence upon hard physical and mental work, and the excellence of the performance of its alumni in the defense of their country.

As president, General Rudder preserved all the virtues inherent in the university, but determined also to broaden its scope and widen its horizons. He even embarked on the course—at first considered heretical and abominable—of making Texas A. & M. coeducational. When he died, on March 23, the student body had doubled in number, and it had representatives from every State of the Union, and from 75 foreign nations as well.

And, I might add, the masculine students at Texas A. & M. are still conspicuously male, and that feminine students are still conspicuously female. There are, unfortunately, too few university student bodies today about which this statement could be made.

I cannot imagine General Rudder presiding over any institution in which this situation did not exist. He was a man of impressive intellectual attainment and of great compassion, but he was also devoted to, and insistent upon, the fundamental virtues which, in his opinion, and in mine, have made the Nation great and which must be encouraged if the Nation is to remain great.

Some while ago I rejoiced publicly that Texas A. & M. was alone among all the colleges of Texas in that it did not have on campus a chapter of the Students for a Democratic Society—a misnomer, if I ever heard one. This was not because of any repressive policies on the part of General Rudder. It was simply because he ran the kind of institution which would not be attractive to the SDS type, and he attracted a student body which would not be responsive to such activity.

Under General Rudder's administration, professors, and even deans, walked the campus in safety, in friendship and in mutual respect as far as the undergraduates were concerned.

During the past 11 years there were no demonstrations at Texas A. & M., no sit-ins, no occupations of university buildings, no hysterical outbursts of frenzied violence which have created so many nightmares on so many other campuses.

General Rudder was in charge at A. & M.; there never was any doubt about that, and he intended to keep it that way. He once announced that if agitators ever tried to create trouble on his campus, they would have "one hell of a fight."

"And," he added, "this pot-bellied President will be in the front ranks, leading it." It occurred to no one to doubt his word.

Mr. Speaker, when James Earl Rudder died I lost a dear and highly treasured friend. The loss is great and unforgettable, but it is purely personal.

Of much greater importance is the fact that when James Earl Rudder died, the Nation lost a magnificent citizen; a unique character, an enormous contributor to the well-being of our future generations.

It is often said that no man is irreplaceable. Perhaps this is true. But James Earl Rudder was a citizen of such a stature that I feel he was as close to being irreplaceable as any man I have known in public or private life.

All those who knew him, loved him. We are all vastly impoverished by his passing.

More importantly, the State of Texas

and the entire Nation are impoverished by this loss of a magnificent citizen, a magnificent soldier, and a magnificent educator of men.

GET RID OF THE BOMBERS

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. WYLIE. Mr. Speaker, recently a series of bombings has shocked the national conscience. Bomb terrorists have struck in California, Colorado, Washington, Michigan, and Maryland. From the evidence that has been gathered, it appears that a small group of young radicals and anarchists have decided that the only way to implement the social reforms they expouse is through violence and destruction. There is information that some of these individuals are affiliated with the Weathermen, a left-wing faction of the Students for a Democratic Society. In addition to the actual bombing, many cities have been gripped by telephone threats and numerous bomb scares, including Columbus. Lives have been lost, public facilities have had to be evacuated, and property has been destroyed. Existing Federal law, covering the sale and transportation of explosives, is not adequate to meet this new problem.

Today I have joined Congressman WILLIAM H. MCCULLOCH and others of my colleagues in cosponsoring President Nixon's legislation to strengthen our laws dealing with explosives. This proposed legislation provides a penalty of 10 years in prison and/or a fine of $10,000 for anyone involved in the transportation or receipt of explosives intended to be used for unlawful purposes. It further provides for capital punishment when there has been a death to an individual, as the result of such bombings. There appeared in today's Washington Daily News an editorial which I feel is worthy of note by all Members of this body, concerning "Bombers." I commend this editorial to my colleagues with a request that we act, and act immediately to stop these destardly deeds:

GET RID OF THE BOMBERS

President Nixon has sent to Congress a bill intended to crack down—and crack down hard—on bomb throwers, would-be bomb-throwers and those kooks who call up and say falsely a bomb has been planted in your home or your office, or your car, or somewhere.

This is a first-class bill, and Congress should pass it as fast as the legislative process will permit.

It is a first-class bill because it is tough. It proposes to impose hard penalties on the offenders.

Simple possession of a bomb, or any other destructive device of this type, would draw an imprisonment of up to 10 years. Transporting one of these lethal gadgets or using it to damage a building could draw like penalties. If the explosion injured anybody, the penalty would be doubled, and if anyone should die the punishment could be a death sentence.

None of this is excessive. Screwballs who resort to bombs, whatever their motives or pretended motives, deserve no sympathy at all. There is only one way to deal with them—put them out of business.

As the President noted, there recently has been an alarming increase in this type of murderous mischief. And there is no reason to meet this problem with "patience or indulgence." Violence demands the sternest type of government enforcement. If Congress chooses to make the Nixon bill even tougher, it is all right with us. Just pass it, and fast.

MANNED SPACE SHUTTLE STATION SHOULD BE LOCATED AT CAPE KENNEDY

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. ROGERS of Florida. Mr. Speaker, the United States has put four men on the moon and other flights under the Apollo program will be forthcoming.

Yet, we must look beyond the next year or two. We must look toward other achievements and progress in the exploration of space.

One project being planned by the National Aeronautics and Space Administration is a space shuttle station which will be our first effort in the establishment of regularly planned space trips which will originate from an orbiting space station.

This space shuttle station will be launched within a few years, and the site for that launching is presently under consideration by the House Committee on Science and Astronautics.

I would like to enclose at this point in the RECORD, for the benefit of my colleagues, two editorials from newspapers which serve the Cape Kennedy, Fla., area concerning the location of the proposed space shuttle launching site.

The editorials follow:

[From Today, Mar. 7, 1970]

A CHANCE TO SPEAK

Brevard County, the state of Florida and the often forgotten taxpayer apparently are going to get an opportunity to speak up for the space shuttle program.

The Manned Space Flight Subcommittee of the House Committee on Science and Astronautics will hold a hearing in Brevard on where the shuttle should be launched from.

We know the answer. From the Kennedy Space Center.

KSC has the space (paid for), the buildings (paid for) and the talented people, trained and ready to go to work on the important shuttle program.

That any other area of the country could even be considered is incredible. KSC has a billion dollars invested in building a national resource, plus the necessary thousands of people to do the job.

We're glad the subcommittee, which wields considerable influence in Congress, sees fit to come down on the eve of Apollo 13 to hold hearings and get our side of the story.

But it's not just Brevard County's sales pitch that we want them to hear, it's the pitch of the long ignored taxpayer.

Remember him?

He's the guy who was totally ignored when the Manned Spacecraft Center was built in Texas, and ended up footing the bill for political foolishness.

Obviously other states would like to have the space shuttle located within their borders. When the time comes that shuttle craft are as common as airplanes, they'll get their share.

But until that time, only one place in the United States has all the necessary ingredients for a truly low-cost shuttle development and operation.

A word of caution to zealous Brevard boosters:

Let's not get so carried away with our own importance that we take the future for granted, or that we let something this important to our future get muddled down in local politics and personalities.

When the subcommittee shows up to hear our side of the shuttle story, let's approach it as a unified community showing genuine concern and support.

[From the Orlando (Fla.) Sentinel, Mar. 8, 1970]

ECONOMY AND COMMON SENSE DEMAND CAPE SHUTTLE STATION

The Nation made one space mistake when it put the manned spacecraft center at Houston under political pressure.

But it must not make another by locating the proposed space shuttle station anywhere but at the Kennedy Space Center.

Virtually everything needed for the shuttle station is at the Cape already. Duplicating facilities somewhere else would cost easily $1 billion. In a time of inflation and austerity in government, the nation cannot afford a needless waste of this magnitude.

The space shuttle has been described by Dr. Leroy Day, chief of NASA's space shuttle working group, as "the cornerstone of our future plans for doing anything in space."

Space shuttles to ply between earth and orbiting space stations are needed in the same way elevators are to reach the tops of buildings.

Envisioned by NASA are reusable space shuttle vehicles which can burn ordinary fuels and can take off and land from air bases or major airports.

Utilizing this concept would bring the price of a space flight down from about $1,000 to $100 a pound. Space officials, both military and civilian, have made a space shuttle system their No. 1 priority. Without it, our exploration of the space medium will be slowed.

Brevard County is asking to be heard before a federal decision is made on the shuttle transportation center.

President Nixon should grant this request, for Brevard County with its 80,000 acres of NASA-owned land plus millions in equipment, can make a stronger case than any other area of the country.

The strongest case of all, of course, is that the Cape will continue to be the No. 1 launching site for all future space missions.

No good purpose can be served by scattering our space effort.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

ARKANSAS GENERAL ASSEMBLY URGES ACTION ON POW PROBLEM

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. HAMMERSCHMIDT. Mr. Speaker, the 67th general assembly of the State of Arkansas had adopted a resolution concerning U.S. servicemen who are being held as prisoners in North Vietnam. In part the measure commends efforts to increase interest in and awareness of the problems of POW's by the Arkansas Chapter of Concern for Prisoners of War, Inc., Mrs. Judy Fagan Hornibrook, chairman.

The resolution has been transmitted to me by the secretary of state, the Honorable Kelly Bryant. It was sponsored in the State senate by the Honorable Ben Allen of Little Rock.

I commend to my colleagues Senate Concurrent Resolution 4 of the General Assembly of Arkansas as an expression of concern for the plight of U.S. servicemen being held as prisoners by North Vietnam and a call for greater action in their behalf:

SENATE CONCURRENT RESOLUTION COMMENDING THE ARKANSAS CHAPTER, CONCERN FOR PRISONERS OF WAR, INC., MRS. JUDY FAGAN HORNIBROOK, CHAIRMAN, FOR THEIR EFFORTS TO MAKE THE CITIZENS OF ARKANSAS AWARE OF PROBLEMS RELATING TO PRISONERS OF WAR AND URGING PRESIDENT NIXON TO MAKE EVERY EFFORT TO SECURE AGREEMENT BY THE NORTH VIETNAMESE TO ABIDE BY RULES OF THE GENEVA CONVENTION

Whereas, the lives of many families in Arkansas are being adversely affected by the continuing refusal of the North Vietnamese government to abide by the articles of the Geneva Convention relating to prisoners of war, i.e., no exchange of frequent and regular mail between the prisoners of war and their families, no valid list of prisoners of war furnished, no impartial inspection of prison camps made, and no assurance that prisoners of war receive humane treatment; and

Whereas, the shortage and sometimes total lack of communication with these prisoners of war has led to great uncertainty and distress in the lives of wives, parents, and children of these Arkansas servicemen, thereby causing great anguish among these families;

Now, therefore, be it resolved by the Senate of the first extraordinary session of the sixty-seventh general assembly of the State of Arkansas, the Senate concurring therein:

Section 1. That the General Assembly of the State of Arkansas, meeting in Extraordinary Session on this date, does hereby commend the endeavors of the Arkansas Chapter, Concern For Prisoners of War, Inc., Mrs. Judy Fagan Hornibrook, Chairman, in its efforts to make the citizenry of Arkansas aware of these problems and conditions, and to urge President Richard M. Nixon to use every feasible method in cooperating with the concerned departments and agencies of our government, the United Nations, and the governments of other nations to secure North Vietnamese agreement to abide by the aforementioned rules of the Geneva Convention; we further urge all citizens of Arkansas to sustain vigorous efforts to secure the release of these servicemen.

Section 2. Upon adoption of this Resolution, the Secretary of the Senate shall cause a copy thereof to be transmitted to the President of the United States, to each member of the Arkansas Congressional Delegation, the Secretary of Defense and the Secretary of State of the United States.

FOREIGN MILITARY SALES ACT AMENDMENTS

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. HARRINGTON. Mr. Speaker, yesterday I voted against the amendments to the Foreign Military Sales Act. This bill authorized up to $350 million in credits for arms sales, principally to less developed countries. I voted against the bill because I believe that the sale of such arms only serves to contribute toward discord in the rest of the world and encourages nations to purchase armaments which they do not need at the expense of essential domestic priorities.

Since 1945 some $66 billion worth of armaments have been sold in world markets by both governments and private arms merchants. These weapons have been used in all of the dozens of large and small wars since that time. There are virtually no international restrictions on this destructive and wasteful trade. In point of fact arms sales are actively promoted by all of the weapons manufacturing nations, our own included. This year alone U.S. sales of conventional weapons will total $1.9 billion.

At the same time that we are engaged in the strategic arms limitation talks we have, by passing the Foreign Military Sales Act, aggravated the very problem we hope to solve—increased armaments and increased world tension. We need to formulate a stricter policy of our Government's role in supplying arms to the rest of the world.

The President must undertake a comprehensive review of our military assistance programs, particularly with respect to sales of conventional arms. We must initiate discussions with other major powers and in the United Nations on ways to control the worldwide armaments trade, and I urge the President to signify the intention of the United States to control this trade.

If we are truly interested in arms control, we should not hold out inducements to other countries to buy arms, especially when those countries are underdeveloped and need to establish a stable economy which will provide for the most basic needs of their populations.

In this regard, I would like to have inserted in the RECORD at the conclusion of my remarks a copy of an article entitled, "Poor Nations Spend Fortune on Arms Purchases," which appeared in the New York Times on August 18, 1969. The article clearly demonstrates the fact that we and other nations are exporting and selling large quantities of arms to underdeveloped nations.

The article states that the Pentagon "has estimated the arms market of the non-Communist world during the period 1965–74 at $100 billion of which $70 billion would be domestically manufactured. This would put the arms trade at $30 billion or $3 billion a year, aside from sales within the Communist world. The Pentagon's own goal was to take half of this market, or $1.5 billion a year." The article also states that the "United States is rated the largest arms exporter in the world."

Mr. Speaker, this is a disgraceful situation which should command far more public attention than it has received. We must take a careful look at our present military policy. It is not consonant with our avowed foreign policy objective of disarmament and a world of peace.

The article follows:

POOR NATIONS SPEND FORTUNE ON ARMS PURCHASES

(By John L. Hess)

PARIS, August 17.—An ironic exception to the theme that the poor countries are getting poorer is in the possession of weapons.

Throughout the emerging nations, in Asia, Africa and Latin America, the poor man's arms race is gathering speed. For reasons of prestige and defense, so-called underdeveloped countries are buying everything from pistols to the most advanced and costly fighter-bombers, missiles, tanks, radar systems, even submarines.

The purchases are fueling such brushfire conflicts as the ones in Nigeria, the Middle East, the Sudan and Portugal's African territories.

Military expenditures of the underdeveloped countries are rising faster than their gross national products, a fact that means that a growing share of their slender resources is being diverted to weaponry.

Interviews with practitioners and scholarly analysts of the trade suggest that the arms race is virtually out of control, as all the industrial powers, from the United States and the Soviet Union to Portugal, Yugoslavia and Israel, compete actively for one of the world's most lucrative markets.

All but a trickle of the vast arms trade is theoretically under government control, since exports are licensed and closely watched. Nevertheless, rather than seeking to restrain the boom, nearly all governments of industrial or semi-industrial powers are actively promoting arms sale, either through public agencies or, as in the case of West Germany, through private or semiprivate organizations.

A few current examples demonstrate the problems.

A handful of private arms dealers have received mimeographed letters from the South Vietnamese Defense Ministry offering to sell them 202,887 small arms.

According to a dealer whose Saigon agent inspected the weapons, they range from "perfect" to "battlefield salvage," which he described as "covered with mud and blood."

Since these are only the first installment on a huge stock of surplus arms in South Vietnam, that country seems likely to become an important supply base for any new brushfire wars of the near future.

Current scandals in Sweden and Switzerland show that even the best intentions are often incapable of controlling the arms trade. Both countries are neutrals that manufacture arms to defend their neutrality. They also sell arms, to keep their weapons industries strong, but forbid exports to troubled areas.

Sweden was upset to learn that light planes made by Saab had been armed in France and used by Count Carl Gustaf von

Rosen to bomb Nigerian bases on behalf of Biafra. An investigation is under way.

SWISS PREPARING CASE

The Swiss are preparing a prosecution in what has become known as the Oerlikon affair. Details have been withheld, but it is reliably affirmed that more than $21-million worth of Oerlikon antiaircraft guns and ammunition—some of it unused Government surplus—were delivered to the United Arab Republic, Israel, Lebanon, Nigeria, South Africa and Saudi Arabia. All are on the Swiss embargo list.

Oerlikon says "two or three employes" swung those deals without the knowledge of top management. It is reliably reported that the employes obtained from French customs officials documents professing that the destination for the arms was France. Most of them are said to have been shipped through Marseilles.

The crash of a planeload of arms on the way from Belgium to Nigeria a year ago brought questions in the Belgian Parliament, which had thought there was an embargo.

BELGIUM A SPECIAL CASE

In the trade, Belgium has the reputation of being an exceptionally easygoing transit point, and Antwerp is said to have a "bourse" in forged certificates. In any case, it is said, anyone who badly wants arms can obtain them, and even the lack of funds is not insurmountable.

Portugal and South Africa are reportedly major suppliers of Biafra, along with the French and, curiously, the Czechoslovaks—although just as curiously, the Soviet Union, Britain and the United Arab Republic are helping the Nigerian federal forces.

Rebel Sudanese are said to have obtained rifles from Ethiopia, which detests the Government at Khartoum, and the Kurds of Iraq gets arms from Iran, Turkey and Israel. Insurgents of the Portuguese territories in Africa are based in Algeria, Tanzania and the Congo and use small arms of Soviet design. The Portuguese use arms of their own manufacture and some French and American aircraft, despite a United States embargo.

NO PROOF OF C.I.A. ROLE

The United States Central Intelligence Agency is often said in the trade to be involved in some of these situations, but no proof has been forthcoming. A dealer said to have served the agency on occasion simply smiled and waved away a question about it.

But all this more or less clandestine small-arms business has about the same relation to the world arms trade as the windshield-wiper replacement business has to the automobile trade.

Samuel Cummings, an American who is president of the International Armaments Corporation, the world's largest private dealer in arms, puts private trade in small arms at a few tens of millions of dollars a year. This may be an underestimate, but in any case the total falls well short of a single important deal for planes, missiles, tanks, submarines or electronic defense systems.

$2.5-BILLION A YEAR

The Institute for Strategic Studies, a highly regarded private organization based in London, lists about 70 major arms transactions announced in the fiscal year 1967–68. The announced cost to the buyers totaled nearly $2.5-billion—not including 16 deals for which no cost figures were available.

Among the deals were huge sales of West German tanks to Italy and of American and French aircraft and missiles to Israel, as well as the Soviet rearmament of the United Arab Republic. All these would probably bring the total to $4-billion or more.

The Pentagon has estimated the arms market of the non-Communist world during the period 1965 through 1974 at $100-billion, of which $70-billion would be domestically manufactured. This would put the arms trade at $30-billion, or $3-billion a year, aside from sales within the Communist world. (The Pentagon's own goal was to take half of this market, or $1.5-billion a year.)

SALES EXCEED ESTIMATE

The figures for 1967–68 show that this estimate was already being exceeded a year ago.

As long as five years ago, underdeveloped countries were estimated by the Institute for Strategic Studies to be spending $10-billion a year on defense, of which $1-billion went for arms imports. Later studies, under way in Stockholm, London and Boston, are not yet available, but figures on military spending by individual countries in the underdeveloped world show a pattern of sharp increases in spending since 1965, both in cash totals and as a proportion of gross national product.

The third world may now be not far from the United States, which spends nearly one-tenth of its resources on military forces.

U.S. IN FIRST PLACE

Published figures are unreliable, but the United States is rated the largest arms exporter in the world, followed by the Soviet Union. France appears lately to have pushed Britain out of third place.

All four offer a complete range of arms for sale, except for the "ultimate" weapons—nuclear bombs and their carriers. (A German student of the arms race suggested tongue in cheek in an interview that since there have been no wars within the atomic club, the way to assure peace would be to give all countries atomic weapons.)

Behind the top four in arms sales come the specialist producers: Italy, West Germany, Switzerland, Sweden, the Netherlands, Czechoslovakia, Japan, Israel, Yugoslavia and Spain.

MOTIVES ARE THE SAME

The motivation for this drive, for both Communist and non-Communist countries, is the same. All countries engaged in modernization of their forces are generating large amounts of surplus weapons. Many, notably the United States, have balance-of-payments problems, that is, they are endangering their reserves of gold by paying more to foreigners than foreigners pay them. The Pentagon offsets its spending abroad by selling arms.

The weapons industry has become so large that layoffs would cause social unrest. In any case, most countries regard a strong and varied arms industry as essential to their defense and except for the big powers, none could afford such industries were it not for exports.

Major governments use arms deliveries as a political as well as economic instrument. A skeptic is John Stanley, a specialist of the Institute for Strategic Studies, who observed in an interview in London: "You don't make friends by delivering arms, but you certainly make enemies by stopping."

The institute, as a scholarly organization, takes no position on any political question. Mr. Stanley, speaking for himself, also voiced his opinion on a related matter. He said: "I see no justification for private people being engaged in the sale of surplus arms."

ARGENTINE CASE CITED

* * * vation, he cited the Argentine general's "Plan Europa"—the Europeanization of their weaponry, which had been almost entirely American. Orginally, their goal was modernization; they simply wanted the latest, most prestigious equipment, including fast, heavy tanks.

Washington refused to sell, arguing that such costly weapons were of no possible use to Argentina. Angered, the Argentines turned to France, which was eager to sell AMX 30's, among the finest tanks of their class in the world.

Mr. Cummings, the arms dealer, says that at the time he offered to sell the Argentines the tanks they originally sought, M–47 Pattons. The tanks would have come from West Germany, which is replacing the Pattons with its own Leopards, but the sale could have been made only with United States approval.

BID IS TURNED DOWN

Mr. Cummings said that his price, about $40,000 a tank, was less than one-third the United States price for Pattons and one-fifth the cost of the AMX. But, he said, a high Argentine official told him, "We are sick of the United States." Argentina bought French.

American efforts to keep supersonic fighters out of South America were similarly frustrated by Peruvian and Brazilian purchases of French equipment.

A current affair of the same nature involves India and Pakistan. In their border war of 1965, both sides used mainly American equipment, provided for their defense against China and the Soviet Union. Washington was reluctant to replace their losses, not only because it did not want a repetition of the fighting, but also because sales to either side incurred the enmity of the other.

A LEAKY EMBARGO

But India began obtaining Soviet equipment, and Pakistan got some Chinese tanks. The American embargo, officially maintained, sprang large leaks. West Germany sold surplus American F–86 Sabre jets to Iran, which sold them to India, and the West Germans also sold surplus British Sea Hawks to Italy, which sold them to Pakistan.

Deals by Pakistan to obtain more Patton tanks by way of West Germany, Italy and Turkey have so far not been completed, but have generated considerable resentment or embarrassment for all the countries involved, including the United States.

Individual supplier countries have proved incapable of effectively halting the sale of arms to troubled areas or curbing the supply of intricate and costly equipment to countries that cannot afford them and indeed can hardly use them. (Some countries have bought tanks too heavy for their roads and bridges, and the Institute for Strategic Studies says one government owns tanks it has not issued to its army "for reasons of internal security.")

EVEN MODEST ATTEMPTS FAIL

In the absence of an international arms control agreement, the principle that prevails is, "If we don't sell them, somebody else will." But even the most modest proposals for international cooperation have foundered.

The closest allies of the United States in Europe have steadfastly resisted the Pentagon's program for standardization of arms in the Western alliance. Their view is that although this might save money it would mean total dependence on the American industry. As a result, a salesman for an American plane company said, "a lot of unnecessary money is being spent on reinventing the wheel."

Denmark tentatively suggested in the United Nations last year that all arms sales be registered. This met reactions ranging from indifference to hostility—notably from the third world. India, especially, argued that arms-trade controls automatically discriminated in favor of the arms-producing countries and against the have-not countries. The proposal was dropped.

Some students of the arms trade, among them Mr. Stanley of the Institute for Strategic Studies, hold that the public conscience is nevertheless a potential brake on undesirable dealings. He felt that governments should be held accountable for their countries' arms-sales policy, and that when they are, changes sometimes result. He cited the 1967–68 Senate arms hearings that ended the huge, secret revolving credit fund used by the Pentagon to promote exports without knowledge of the Congress.

"The United States has tried to be responsible and not to fuel the arms race," Mr. Stanley said, "but these principles are con-

stantly being undermined by economic compulsions."

Dr. Morris Pearton, a British historian who has been studying economic aspects of the arms race for the institute, was struck by attitudes he had met in the United States. He said:

"Some American firms told us that 'being in the arms business is good for us in the stock market.' Nobody in Europe said that. The fact that business wants some things needs no further justification in the United States."

PRIVATE DEALERS SCORED

John Kenneth Galbraith, the economist and author, has suggested that all companies whose business comes mainly from the government be nationalized.

Governments do use private dealers to dispose of weapons for a variety of reasons, among them to avoid publicity. The dealers say that with their worldwide networks of agents, they know better than some governments where surplus arms may be sold, although the service is one that military and commercial attachés of embassies are supposed to render.

To the extent that one motive for poor countries to buy arms is to enrich their leaders, the private dealer is in a better position than governments to satisfy the demand. Mr. Cummings, who is reputed to be a "straight" operator, or one who abides by United States and British controls, says the payoff—"dash" in Africa, "baksheesh" in the Middle East and "mordida" in Latin America—is prevalent throughout the third world.

Interviewed in London while he was visiting one of his plants, where thousands of rifles were being reconditioned or "sporterized," Mr. Cummings estimated that there were about 15 serious private arms brokers in the trade.

He himself has agents in every country of the world, he said. They are wealthy men—planters, industrialists, retired generals or politicians—who take no salary but negotiate their commissions for each deal. He hesitated to make an estimate, but said that 5 per cent would be "safe" on a big deal.

COSTA RICA GETS PRAISE

All this is small in relation to the business done by government agencies of the United States, Britain, France, the Soviet Union and Czechoslovakia, or by many private corporations. For example, at least 45 American aerospace companies have offices in the major West European capitals, promoting sales that run into billions of dollars a year. They have a trade organization and are indistinguishable in their work and style of living from colleagues in other lines of business.

Mr. Cummings is not worried about the competition. "We are bound to be kept busy," he said, "in Africa, Latin America and, you can say, the Middle East."

"The only country in Latin America with any brains about military equipment," he added, "is Costa Rica: it has no tanks, no real fighters and no navy—and it gets along fine."

"There is no plumbing the depths of the arms trade," he concluded, "any more than there is plumbing the depths of human folly."

THE HONORABLE JAMES B. UTT

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. EDWARDS of California. Mr. Speaker, when I first came here nearly 8 years ago, Congressman James Utt was very kind and courteous making my first few months in Washington so much easier, and from that time his kindness never faltered and was always a great comfort.

For nearly 20 years he ably served his district, his State, and his Nation. It was an honor to have served in the California delegation with James Utt. The vital energy, expertise and concern he evidenced both in this Chamber and in his life will be greatly missed.

My sympathy is extended to his gracious widow, Charlena, and the other members of his fine family.

TAX REFORM ACT OF 1969

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. HUNGATE. Mr. Speaker, I think the following article in reference to the Tax Reform Act of 1969 will be of interest:

[From the Christian Science Monitor]

FEDERAL TAX LOOPHOLES PLUGGED

(By Richard A. Nenneman)

WASHINGTON.—"We know the tax reform was a good law," a high Treasury Department official jested—"You should see the mail we're getting complaining about it."

He was referring to the Tax Reform Act of 1969, passed in a hurry before the Christmas recess of Congress. At first glance it looked more like a tax giveaway than a real reform.

Not everyone agrees with this man's estimate of the law. Dr. Arthur M. Okun, for example, former chairman of the Council of Economic Advisers under President Johnson, sad: "I am disappointed with the tax reform act. . . . For every dollar we gained, we had to give up three. What we have left of the federal revenue is better, but we lost some of it in the process."

These are the views, not only of Dr. Okun, but of many liberal economists who say the tax cuts in the act undermine the financial base for needed federal programs in the coming years.

REFORMS CALLED REAL

Joseph W. Barr, who was Mr. Johnson's last Treasury secretary, points out, however, that the reforms in the act are indeed reforms. He distinguishes these from the tax-relief provisions which, like Dr. Okun, he dislikes. (Mr. Barr now is president of the American Security & Trust Company in Washington.)

"You never pick up revenue on a reform bill itself," says another source, adding that rates can be boosted later.

"Just look at the major loopholes under the old law," said Mr. Barr. (It was he who last year called public attention to the 154 persons with incomes over $200,000 who paid no federal taxes at all.)

"There were six main loopholes that caused the inequities under the old law—capital gains, exemption of municipal-bond interest, accelerated depreciation, the unlimited charitable contribution, farm losses, and depletion. They closed up every one of them except municipals."

The municipal-bond-interest exemption would have gotten changed, most observers say, if the nation's mayors and governors hadn't panicked and pressured Congress not to end the tax shelter for their indebtedness. So this remains for the "next time" around.

EXEMPTION HELD COSTLY

As matters stand, the holders of municipals save in income taxes far more than the municipalities save in extra interest expense. This is one of those social arrangements that helps rich individuals more than the groups it was meant to help. It is, in short, a costly exemption. The Treasury Department in 1969 estimated the municipal-interest exemption costs the government $2 billion annually.

As for the other five loopholes, they were indeed changed. Accelerated depreciation of real estate has been severely limited. Farm losses, that can be balanced against regular income, are limited to $25,000 annually. The oil depletion allowance was cut back from 27½ percent to 22 percent. And the unlimited charitable deduction was curbed, although at the same time the regular charitable contributions deduction was raised from 30 to 50 percent of income.

The change that may hit the greatest number of people is in the capital-gains tax. It previously had a top limit of 25 percent. That rate remains on the first $50,000 of capital gains in any one year, and then goes up to a maximum of 35 percent for individuals. (The rate was changed to 30 percent for corporations.)

ESCAPE DEVICES CLOSED

In cases where taxpayers also have substantial earned income, large capital gains may cause some to lose their 50 percent maximum tax bracket on the earned income and pay the old rate of 70 percent. (This is because "preference" income from capital gains, for example, in excess of $30,000 takes away the 50 percent limit for an equal amount of earned income.) In extreme cases, the new capital-gains tax could be an effective 46.5 percent.

In dollars, these changes may not be terribly significant. The capital-gains change, for instance, is supposed to haul in only $275 million extra a year from individuals and $175 million from corporations.

This doesn't make the loophole adjustments unimportant, however. These were the main devices by which the rich escaped taxes. To the extent that they have been closed, it is now a fairer system.

Critics of the federal tax system previously have claimed that as fast as one set of loopholes was closed, tax attorneys found a new set. Some of those who worked on this law doubt that this now will be the case. They think not only that major progress was made in closing loopholes, but that the increase in the capital-gains tax will blunt the incentive to qualify as much income as possible as a capital gain.

LOSSES SET AT $9 BILLION

With capital-gains rates up and the maximum rates on earned income down from 70 to 50 percent, the maximum tax-rate differential between the two kinds of income is cut by two-thirds. The result is that both kinds of income tend to be treated more equally under the tax laws.

The staggering revenue losses, coming to $9 billion, under the total reform act are its most disturbing feature. When all the provisions have been phased in (by 1973), there will be an annual loss of $4.8 billion from the increase in the personal exemption; $1.6 billion from the increased standard deduction; $2.1 billion from the low-income allowance (which removes 5.5 million persons from the tax rolls); and $420 million from the adjustment of single-person income-tax schedules (although there is a considerable improvement in fairness here).

There is a further loss of $4.4 billion from the increase in social-security payments. The funds come from a separate trust fund, however, and social-security officials said there is no need yet to raise social-security taxes. They will doubtless go up in the course of time, though.

In general, there is a tendency here to minimize the importance of the tax-relief provisions. The main thing is that a major reform was passed. The revenue losses as

noted above, tend to be regarded as the price of reform.

ACCOMPLISHMENTS LISTED

Stanley Surrey, professor at Harvard Law school, Cambridge, Mass., summarized the improvements in the law:

The taxes on the poor and near-poor were reduced, through the low-income allowance. However, Professor Surrey asked, if we have decided that the poor shouldn't have to pay income tax, why do they still have to pay the regressive social-security tax?

A greater degree of equity exists for those earning up to $20,000 a year. The increase in the standard deduction to $2,000 tends to put apartment dwellers, who have neither mortgage interest nor property taxes to deduct, on an even footing with their suburban home-owning cousins.

Some feel it might be more equitable for most of the personal deductions to be removed in toto. This is one of those simplifications of the law that would run into much organized opposition, however; much the same effect is gained by giving a larger deduction to everyone. The Internal Revenue Service expects an additional 11 million taxpayers to start using the simplified 1040 form next year instead of itemizing deductions.

The increased exemptions are most valuable to the lower- and middle-income classes. They also are more valuable to big families.

WAGE-EARNERS' EQUALIZER

The reduction in the maximum rate on earned income to 50 percent equalizes taxes for those whose main income is from wages—such as professional people or athletes—vis-a-vis those who have more opportunities to use tax shelters.

There is a new 10 percent flat tax on 10 classes of income previously exempted. This will bring in only about $600 million in revenues to start. But it should end the spectacle of very wealthy people escaping all taxation.

All in all, there will be somewhat less likelihood of those with similar real incomes paying substantially different taxes. (Economists call this horizontal equity.)

It isn't as clear what has happened to vertical equity—the relative equity between divergent income groups. It depends, in the first place, on how much of a load one thinks the rich ought to carry. But that consideration aside, it isn't even that easy to tell what has happened. The poor and lower-income groups get the most benefit from the reform as far as direct taxes go.

But this tax reform is being "paid" for largely by a higher burden being placed on the corporate-income tax. To the extent that this is really borne by the public, by increased prices, etc. (the next article takes up this point), it can be argued that what the poor gained in lower direct taxes has been put back on their shoulders through the corporation income tax.

The most significant thing about the law to this reporter is that the system has shown itself capable of at least being nudged.

DIRECTION RULED IMPORTANT

The degree of change may not be as important as the direction. If the oil industry is not hurt by the change in depletion allowances, it will probably be cut again. If the accumulation of capital does not suffer noticeably, the capital-gain tax may be pushed up some more.

As a postscript, it is perhaps time for the public to become more aware of the role of capital formation by individuals in a capitalistic society. Is it passé or do we still need to encourage it?

Dale Wickham, a Washington tax lawyer who served as special counsel to the Senate Finance Committee last year, goes so far as to question whether we might not eventually tax capital gains as regular income. The use of income averaging, he says, would cushion the burden on anyone realizing large gains in any one year.

In last year's reform, we went a long step in the direction of his suggestion. Before going any further, we need to decide more clearly whether it is still meaningful to talk of a capital gain as some special kind of income. In the past, society has recognized a risk inherent in all capital investment. To encourage that risk-taking, it held out a special incentive.

Whatever remains to be done with the federal income tax, one point should be remembered: it is the shining jewel among American taxes. This will become more apparent after the corporation income tax, sales tax, and the property tax have been analyzed.

OUR SAGGING MERCHANT MARINE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. BOB WILSON. Mr. Speaker, one of the most critical problems facing our Nation is the pressing need to revitalize our sagging merchant marine fleet. During the past decade, our merchant marine posture has sunk to an all-time low, but the Nixon administration is determined to remedy this situation by making a substantial investment in the improvement of the merchant fleet.

I am pleased to include the following article by John Farina, maritime writer for the San Diego Evening Tribune, in the RECORD:

[From the San Diego Evening Tribune, Mar. 18, 1970]

PORTS OF CALL: MARITIME NEWS

(By John Farina)

The Russians are coming, says Federal Maritime Commission Chairman Helen Delich Bentley, and they're coming by the sea. The result has been a slippage of prestige for the United States in maritime power during the past 10 years.

The Soviets, remarks Mrs. Bentley, appointed to her post last year by President Nixon, "speak of the profits made by their ships in trade with the world. They speak of the foreign ports they enter and they boast of the fact that their seamen serve as ambassadors, cementing friendship for Russia and advancing the Communist view.

"What they do not speak of publicly, but what has become evident to maritime nations, is the extent to which modern, newly constructed Russian ships have now begun to undercut world shipping rates in competition with ships of other nations."

The competitive position of the United States vis-a-vis the Soviet Union will improve, Mrs. Bentley believes, with adoption by the Congress of President Nixon's program to revitalize the maritime industry.

The House recently authorized expenditure of $429.3 million for the maritime administration in fiscal 1971.

About half of that amount—$199.5 million—would be earmarked for construction of 19 merchant ships. Only 10 ships are being funded in the current fiscal year.

Nixon has recommended early enactment of the legislation, which will permit the construction of 300 merchant ships over a 10-year period. A 30-ships-a-year rate would be reached in fiscal 1973.

The second largest item in the authorization bill is $193 million for ship operation subsidies.

THREE SIGNIFICANT MARITIME CHANGES NOTED

The legislation, according to Rep. Hugh L. Carey, D-N.Y., would bring about three significant changes in this country's maritime efforts.

First—It would broaden the merchant marine program by encouraging the development of all segments of the industry.

Second—It would significantly increase the number of new ships being built each year in American shipyards, tripling the number constructed in recent years and projecting a steady high level of ship building for at least the next decade.

Third—It would give impetus to U.S. efforts to increase the American-flag share of imports and exports.

This last point, Carey says, is the "keystone of the program—because building ships without seeing to it that they have cargo would be a gross waste of the taxpayer's money.

"The ultimate success of the Maritime Act of 1970 will be determined by how significantly we increase the amount of cargo moving in the holds of American vessels."

The program thus is an ambitious one, Carey says, marking an important upward surge in the nation's maritime investment.

LEGISLATION PROVIDES BARE-BONES EFFORT

Even so, he adds, the legislation in his opinion is a "barebones maritime" effort.

"Because of the state of the economy, the funds that this program represents may be all that we can expect in the coming fiscal year. But they do not even come close to what I think we should be spending—or to what I think we must spend in the future."

Development of the U.S. maritime industry is vitally important, Carey says, "in terms of increased self-reliance in bringing raw goods to America to fuel our industrial complex and in carrying finished products to waiting consumers around the globe—in terms of a more adequate defense capability—in terms of our balance of payments—and, of even greater importance, in terms of sustaining life on this planet in the decades to come."

Maritime Administrator Andrew E. Gibson says challenge and opportunity are the important keys to development of the merchant marine fleet.

"The Maritime Commission is challenged," he says, "to better serve the maritime industry and the American public. American importers and exporters are challenged to use American-flag ships. And American investors are challenged to provide the $5 billion or so in new capital the shipping and shipbuilding industries will need to modernize their operations and provide new ships and equipment. The President's program will offer this last group the opportunity to achieve this."

PUBLIC MORE AWARE OF SEAPOWER VALUE

In San Diego, John V. Banks, executive vice president of National Steel and Shipbuilding Co., comments that during the past two years "there has been an increasing public awareness of the fundamental value of seapower that has, since the days of the clipper ships, made our country economically and militarily strong.

"They saw ships, not planes, delivering more than 95 per cent of the cargo needed to support the war in Vietnam. They saw the uncontestable value of our aircraft carriers sustaining two years of air strikes without a single loss.

"They saw our balance of payments getting incredibly out of balance. And some of them saw the growing threat of Russian seapower.

"Perhaps fortuitously, many started to question the relative priority of space exploration to the needs here on earth . . . As a result of this awareness, important shifts in priorities have taken place. President Nixon has wisely committed his administration to the rebuilding of the Navy and the merchant marine."

DAUGHTERS OF PENELOPE

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mrs. HECKLER of Massachusetts. Mr. Speaker, women leaders are more and more in the news every day. In fact, there is a redefinition of the rights and responsibilities of women occurring in our society.

I should like to share with my colleagues a pertinent speech by Joanna—Mrs. Charles J.—Panagopoulos, grand president of the Daughters of Penelope and proponent of a most positive approach to this subject.

In her speech, Mrs. Panagopoulos paid tribute, on behalf of the Daughters of Penelope, to one of America's most noted women, the Honorable MARGARET CHASE SMITH. As a tribute to Senator SMITH and to women, I should like to include this fine address in the RECORD.

The festivities of this evening constitute a significant milestone in the 40 year history of the Daughters of Penelope.

Heretofore, our Order, in the national, district and local levels, has concerned itself, and engaged in, activities of a charitable nature—such as scholarship assistance, financial aid to our religious institutions, drives for the collection of funds in support of various charities, and programs designed to preserve the best of our Hellenic heritage and traditions, and adapt them to, and thus enrich, our American culture.

All laudable and necessary activities, which must be continued and intensified. But they are also the traditional aims of most women's organizations.

This evening marks the addition of a new dimension to our perspective of life—an expansion of the limits of our concern and the boundaries of our activities.

This new concern, for us as an organization, is the awareness and acknowledgement that the Daughters of Penelope must take part, in some form, in the general attempt to obtain for the women of our country the guarantees, under the law, of the equal treatment, rights, privileges and opportunities in all aspects of life, which modern thinking demands for every individual—male and female.

We all have heard that statement that "The hand that rocks the cradle, is the hand that rules the world"—A man said that!—And no doubt that when those lines were first written over one hundred years ago, women could only rule the world, or help rule it—vicariously—, they were too busy rocking the cradle and performing the chores attendant to that circumstance.

However, to use a trite but true phrase—Things have changed! That cradle is now automated. Modern technology has taken care of that. And, therefore, woman now has far more time to interest herself and participate in fields which once she barely had time to hear about.

Much better educated, far more aware of the world around her as a result of advanced communications and with more available time, the woman of today aspires not to rule the world, but to be a full and effective partner in its development—in the arts and sciences, in education, in business and banking, and in that area of human endeavor which most immediately affects the lives of all of us—government.

However, due to encrusted and antiquated attitudes which have been allowed to remain unchanged because of our own passivity—woman has not been granted her full freedom to give of her understanding, abilities and talents to the advancement of our society.

This year will mark the fiftieth anniversary of the 19th Amendment under which women were granted the constitutional right to vote. Five decades have passed—progress has been made—but the pace is too slow. Another decade should not be permitted to pass without woman's achieving full equality in all fields of endeavor.

That is why the Daughters of Penelope, as an organization, must concern itself with this cause.

By participation, I certainly do not mean taking to the streets with protest signs, or disrupting the normal processes and procedures of government.

Rather, I mean the participation in efforts, projects, and activities designed to constantly remind those in authority of the inherent injustice of the status of women as it exists in our society today.

And that brings us to the purpose of this evening's affair. What would be more fitting and proper to publicly signal this new area of concern of the Daughters of Penelope than to recognize and salute those women, who have been, and still are, in the forefront of this cause of obtaining equal rights and opportunities for all persons—regardless of sex.

This evening, we have chosen to express our gratitude and appreciation to those women who have selected as their field of endeavor the art and science of politics and government, because that field, as I previously said, most immediately affects our daily lives.

We hope and expect that these events, which will be held biennially, will recognize and honor other women who have shown by their achievements in the field of education, the arts and sciences, the business world, and in the medical, legal and judicial professions, that there is truly no difference between the sexes in ability and talent in these respective fields.

At this time, I would like to thank Sister Elizabeth Athanasakos and her committee for the arrangements of this evening's program.

However, this event is given depth and significance by the presence of our honored guests, who have been introduced by our Chairman.

To these remarkable ladies, whose dedicated service to our country, and outstanding records of personal achievement serve as an example and an inspiration to us all, I personally, and on behalf of the Grand Lodge, and all the members of the Daughters of Penelope, express my sincere appreciation for their presence here this evening.

Yet, we cannot speak of remarkable women, outstanding records, dedicated service, without singling out for very special mention and honor the name of Senator Margaret Chase Smith, and I am certain that no one here is of a different opinion, for here is a woman who has carved out for herself a niche as one of the most dedicated servants and greatest women in the history of our country.

To give a short resume of her record and her accomplishments would do her a great injustice, but I am just as certain that an itemized accounting of her lifetime achievements would be even more embarrassing to her.

However, I would be very remiss in my duties if I did not recite just some small part of the record of this great woman whom the Daughters of Penelope have selected as the first recipient of our Salute to Women Award.

I should first comment on the fact that the lovely rose has become a symbol and trademark of this charming personality. And if the gentlemen in the audience will forgive me, I cannot help but think, as a woman, that it is a symbol of her status as the sole woman in the Senate—a rose among all those thorns!

A native of Showhegan, Maine (or as we say up North in Massachusetts a Downeaster')

Quote—Republican—end of quote.

A member of the United States House of Representatives from 1940 to 49, and a member of the United States Senate from 1949 to date.

She has broken all records of votes received by candidates in the State of Maine—both percentagewise and in actual numbers.

She is the only woman to have ever been elected to four full terms in the United States Senate.

She is the first woman, at a National Convention of a major political party, to have her name placed in nomination for the office of President of the United States.

She is the only woman to have served in both houses of Congress, and prior to her political career, which began in 1930, when she served on the Republican State Committee of Maine, she was successively a teacher, an executive of a telephone, newspaper and a woolen company and a nationally syndicated columnist.

Her committee service in the House and Senate has been most extensive as witness by that fact that she is now serving on the Appropriations Committee—the Armed Services Committee—the Preparedness Investigations Sub-Committee—and the C.I.A. Sub-Committee.

She has served as a Lt. Col. in the Air Force Reserve. She has been awarded by outstanding and leading colleges and universities throughout the country the grand total of 51 degrees.

She has received awards in almost every category granted to those in public office—but the one which most tellingly points up the sum total of her life was the award which she received in 1967 from the United Press International Poll, as one of the ten most influential women of the World.

Rated as one of America's most effective Ambassadors of Good-Will, and one who has been proposed by many for several years for the Vice-Presidency of the United States, she is truly a most outstanding representative of women in the United States and in the World.

PRESIDENT NIXON'S SMALL BUSINESS PROPOSALS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. CONTE. Mr. Speaker, I should like to voice my wholehearted support for President Nixon's constructive proposals to help small business.

In this era of bigness, we should never forget that many of the corporate giants today started out as a one-man shop in a leaky garage. But the inventive tinkerers of the past could never have become successful without a favorable business climate, without adequate financing, without favorable tax policies.

It is to help preserve this climate, and help provide needed assistance for small businessmen that the President has recently acted.

I especially want to endorse his recommendations in behalf of minority enterprise.

Minority members make up 15 percent of our population, but they own less than than 3 percent of our businesses. If our free enterprise system is to mean what it says in the way of offering equal op-

portunity for all, we must redress this imbalance.

One of the President's proposals will help strengthen the program known as MESBIC—Minority Enterprise Small Business Investment Company. Under the able direction of Secretary of Commerce Maurice H. Stans this program is being vigorously pushed, and I think it holds tremendous potential to help qualified minority members start their own businesses. The MESBIC program is a joint undertaking between Government and private business to provide venture capital. A private firm sets up a MESBIC with at least $150,000, which is matched two for one by Government. This $450,000 can generate as much as $2 million in loans for new enterprise.

The President has proposed that this be strengthened in two ways: first, by authorizing banks to become involved as a MESBIC sponsor, and second, by providing for ordinary income tax deductions for contributions to MESBIC's operating under nonprofit corporation statutes.

I intend to support these and the other proposals which have been made by the President. I feel it is extremely important for all of us to back the President in his efforts on behalf of the millions of small businessmen of this Nation who need and deserve our assistance.

THE FLEET RESERVE ASSOCIATION—WIDOWS' EQUITY BILL

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. GUBSER. Mr. Speaker, as you know, I was privileged to introduce the widows' equity bill at the request of the Fleet Reserve Association. This legislation, if enacted, would provide the surviving widows of deceased military retirees with the same consideration insofar as an annuity is concerned as is now enjoyed by the widows of civil service employees.

Mr. Speaker, this is a longstanding inequity that Congress should correct.

I am pleased that my efforts and those of the Fleet Reserve Association are beginning to be noticed across the Nation. Mrs. Ted D. Fickes, president of the Retired Officers Wives and Widows Club in Long Beach, Calif., recently wrote a letter to the editor of the Santa Ana Register on this subject which I include in the RECORD at this point:

[From the Santa Ana Register, Feb. 11, 1970]

WIDOWS' PENSION

I would like to inform the service people in your area of a very important piece of legislation now pending in the Armed Services Committee.

Congressman Charles Gubser of California introduced H.R. 6226, the Widows Equity Bill. If passed, this bill would give service widows a pension equal to that of Civil Service widows. The men would pay into it. It is not aid! H.R. 6226 would replace that costly and unsatisfactory thing called the serviceman's family protection plan. Only 15 per cent of the servicemen can afford it. On a depressed salary, the enlisted and low rank find it a hardship, and for the retired people it is prohibitive.

Many men in the service do not realize there are widows who are left without any pension after the death of their husbands, even after 30 years of service!

Readers, please write your congressman and senator to vote for and support H.R. 6226.

Mrs. TED D. FICKES,
President, Retired Officers Wives and Widows.

UNSOLICITED CREDIT CARDS FLOOD NATION

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. EVINS of Tennessee. Mr. Speaker, Life magazine in its current issue contains an article concerning the flooding of the Nation with credit cards—including millions of unsolicited cards.

Because of the implications of this indiscriminate distribution of credit cards, the House Small Business Committee is looking into the matter with respect to the impact of these cards issued by big lending institutions and others on small business.

Because of the interest of my colleagues and the American people in this most important matter, I place the article from Life magazine in the RECORD.

The article follows:

A LITTLE GIFT FROM YOUR FRIENDLY BANKER

(By Paul O'Neil)

American banks have mailed more than 100 million credit cards to unsuspecting citizens of the Republic during the last four years, and have offered each recipient not only a handful of "instant cash" but a dreamy method of buying by signature after the lettuce runs out. One should not conclude that bankers no longer consider money a sacred commodity. They do. They do. But the soberest of trust institutions now suggest that we forget those strictures on thrift with which they belabored us so vigorously in the past and "live better" by refusing to "settle for second best." This means that our friendly banker hopes we will run up credit-card bills we cannot pay off in 25 days and will allow him to charge us EIGHTEEN percent a year on the resultant debt. It does not mean that he trusts us. He will put us on the "hot list" in a flash if we go broke in the process or try to support mistresses at his expense.

We tend to be such 1) slippery, 2) careless or 3) compulsively extravagant louts that bankers have always viewed our attempts to wheedle loans from them with vast suspicion, and have kept the notes by which such transactions are solemnized locked up in fortress-like vaults. The credit-card concept has led them to something very like mailing off hundred-dollar bills to every Tom, Dick and Harry in town, with accompanying notes pledging the receiver to act like a good chap and pay it all back later. They have gamely stifled an instinctive sense of horror in so doing because the cards also present them with an irresistible opportunity for new commercial accounts and the quick, vastly profitable development of widespread consumer credit. Still, some of the effects have been hilarious. In Chicago, during 1966, banks fought each other like jackals to get their cards into the hands of the public only to discover that brigades of thieves, con men and deadbeats were galloping through stores with them and running up disastrous sums in fraudulent or uncollectable debt. And bankers have had to endure incessant complaint at the invasion of privacy inherent in unsolicited distribution, the most vehement of it from innocents discovering—on receipt of bills for mysterious purchases—that cards bearing their names had been waylaid, forged and misused without ever reaching them.

Credit cards, and particularly bank cards, have inspired new and enduring types of white-collar crime, have attracted the beady attention of the Mafia, and have revealed a fascinating capacity for dishonesty in employes of the postal system, who steal them from the mails and sell them for prices up to $50. Their vulnerability to theft while being manufactured, embossed and transported in bulk suggests the possibility of even more spectacular crime in the future; so does the possibility that some larcenous-minded electronics expert might jam up the big computers which record and assess the credit buying they inspire. One of the banks' fondest selling points—that the cards are devices which "simplify" life—is the subject of ironic controversion: insurance companies insist on offering policies to protect the citizen against lawsuits if his cards are lost or stolen. Legislators, meanwhile, view the proliferation of cards with increasing alarm and offer bills to restrict the presumptuousness, even insolence, with which banks utilize the mails in recruiting converts.

But bank cards are here to stay. At least 20 million of the people on whom they have thus far been dumped seem absolutely delighted with them. Most of these enthusiasts are proving perfectly capable, moreover, of maintaining a steady if sometimes precarious balance between improvidence and solvency while using them. Seventy-eight percent of these users are even more obliging; they not only "roll their credit"—by paying off less than they owe each month and thus staying in debt for indeterminate periods—but show no slightest restiveness at the "small service charge of one and one half percent a month" this privilege costs them.

An enormous number of people have thrown their cards into the garbage can, of course, or have cut them up and mailed the pieces back with ill-tempered instructions as to methods of eventual disposal. New York's indignant Democratic Congressman Jonathan B. Bingham has gone further: he has been able to register his objections to plastic credit on the floor of the House of Representatives. These began when Boston's State Street Bank and Trust Company sent him an unsolicited BankAmericard last winter with "my name slightly misspelled." He sent it back with an "angry note." The bank answered with statement of credit-card indebtedness: a bill for a "$10.79 purchase my wife had made by mail from S. S. Pierce Co.—and which she had already paid by check." He dashed off another angry note. "What naiveté," he cried later, on the floor. "The computer was completely unimpressed." He just got another statement, this one with 16¢ in interest added and a "sharp reminder" of his financial delinquency. "I feel," he has told his fellow legislators, "like a character in a Kafka novel!"

But such soreheads—even if they are soreheads who have been elected to high office—do not count. The average man, his senses dulled by an endless reception of junk mail, simply chucks his card into a desk or cupboard or dresser drawer if he is among those who are not instantly galvanized by their bank's sudden new interest in their well-being. He may eventually betray reactions characteristic of the sorehead group: when the bank sends him a follow-up statement (which shows no charges but is simply intended to goad him into revealing whether

he still has his card), he may poke holes in it or punch it full of staples and send it back to confuse the bank's computer. But as long as the card stays in his dresser he is subject, though he is not aware of it, to a curious and enduring sort of subconscious temptation. Bank records indicate he will eventually dig it out and give it a try and will thereafter tend to use it again . . . and again . . .

Banks themselves, meanwhile, have hacked away a good deal of the naiveté inefficiency and confusion which hampered their early efforts to invent and play the new credit game. They have largely abandoned their efforts to go it alone while doing so. Nothing so suggests that the bank card is now a permanent and significant part of American life—and an instrument of social as well as financial change—as the fact that banks have now aligned themselves into the same pattern of dual national organization which has produced Republicans and Democrats, the A.F.L. and the C.I.O. and all those National and American Leagues into which professional sport has so unerringly divided itself. The overwhelming majority of banks now involved in, or just entering, the credit-card business utilize one of two national licensing systems: Bank Americard (developed locally and over a long period of time by California's Bank of America) and the Master Charge card (which competing San Francisco banks hurriedly conceived in 1967 as a response to it).

Promoters of the belated Master Charge card have been forced to play "catch up," as they say in football, and have displayed a certain tendency to fumble and throw long on first down. They have exerted themselves mightily, nevertheless, and both systems are now racing along almost exactly neck and neck. Each card is presently being issued by more than 3,000 banks.

Each system claims slightly more than 20 million "holders." Federal Reserve economists estimate that half of them—10 million possessors of BankAmericards and another 10 million owners of Master Charge cards—use their credit accounts actively and maintain an average indebtedness of $185 apiece. The remaining 20 million members of plastic society have yet to use their cards but still have not, to the banks' best knowledge, tied them to the legs of carrier pigeons, scuffed them up by forcing locks with them, or otherwise abandoned, destroyed or mutilated them.

These overall figures make it dramatically plain that American banks have hoisted themselves, almost overnight, into a position of strategic dominance in the credit-card business. The grand total of all other such credit symbols—oil company cards, restaurant cards, "travel and entertainment" cards and department store charge plates—still exceeds the total of all bank cards, but no single competing company comes close to matching either Bank Americard or Master Charge. The bank card's rate of growth, moreover, is still dizzying; the number of issuing banks has increased nationally by 68% in the last 12 months.

Bank cards still encounter areas of resistance. Most big department stores refuse to honor them since these institutions use their own credit lists to push merchandise by mail and have no impulse to surrender this means of communicating with their customers. Restaurants in many places will have no part of them. They do not yet threaten the three established "travel and entertainment" cards—American Express, Diners' Club and Carte Blanche, which charge a $15.00 annual fee, spurn applicants making less than $7,500 a year unless they have lots of money in the bank, and grant unlimited credit on a 30-to-60-day interest-free basis. But Master Charge and BankAmericard are already so pervasive (the first good in 49 states, the second in 44 and both honored in dozens of foreign countries) and so broadly usable (almost 600,000 retail outlets ranging from pet shops to airlines) that it is difficult not to think they will wipe out most other cards in the long run. Both bank systems tirelessly seek new uses for plastic; holders in 10 different states where banks have made the proper arrangements can now use them in paying up to $500 worth of federal income taxes.

The bank card is still in a state of fiduciary adolescence, but it has already experienced several distinct evolutionary phases—the last, and most stable, of which can be said to have begun last year when four of the biggest New York banks and three lesser ones finally got into the franchised card game. These moratory giants gave plastic credit the sort of ultimate endorsement which, say, pot might achieve if Fifth Avenue dowagers began smoking it in the Oak Room at the Plaza.

It has taken two decades of experimentation to bring the big card game (initially conceived in New York in 1951) to this degree of sophistication. California's Bank of America, which seized upon the idea in 1961, was first to start it toward fruition. As it became apparent that the boys in California were dredging something comparable to the riffle at Sutter's Mill, colleagues all over the country began to catch the prospecting fever too, to shed their trepidation at the public's lamentable tendencies toward insolvency and, one by one, to try panning all those faceless folks out thar beyond the bank for traces of dust which had not yet been paid out for the mortgage, the car and the grocer. The charge card promised to be an instrument which could extract pay dirt from several types of gravel—the banks asked merchants for discounts or kickbacks of from 1% to 6½% on all card credit transactions (in return for which they guaranteed the stores immediate cash for the goods involved in such sales) and, by assuming the job of long-term bill collecting themselves, stood ready to make another 18% per annum on customer indebtedness which endured longer than 25 days. And since a merchant had to open an account to get his dough every day, the card-issuing bank was also presented with a kind of secondary opportunity, a chance to snatch all his other commercial business from some less adventurous competitor.

During the early years of the great plastic rush, however, most of these visions proved to be mirages—and mirages, worse yet, which hid all sorts of quicksand, loco weed and rattlenake nests. Bankers setting out to play the new credit game were involved, almost instantly, in a sort of interlocking dilemma: they could not ask the public to use their cards if no merchants would honor them, and could not ask a merchant for acceptance and discounts without being able to suggest that an army of buyers was gathering outside his showroom windows. They were usually forced, thus, to launch both processes at once—and had to be fast, fast, fast in "getting their plastic on the air" (creditese for card distribution) so that gangs of salesmen could hurry to the task of reciting mailing statistics and hauling tradesmen into the fold. They did so, in many cases, with a kind of eager innocence which none of them would have countenanced for a moment in firms with which they did business; a few of them, caught up in the excitement of the unfamiliar chase, seem to have become as blithely careless of consequences as a drunken sailor shooting craps in a Mexican whorehouse on New Year's Eve.

Some families got six or seven cards from one Chicago bank just before the holiday buying season of 1966 and were occasionally puzzled to discover that the plastic was embossed in the names of infant children. Endless thousands of cards have gone astray in every big city—at times as many as 10% of those put into the mails—because metropolitan cliff dwellers move so continuously. They have been mailed off to unemployables, drunks, narcotics addicts and to compulsive debtors, a process President Johnson's Special Assistant Betty Furness found very like "giving sugar to diabetics."

A study of 84 representative card operations which San Jose Attorney Richard N. Salle and Economist Constantine Danellis conducted last year for the Charge Account Bankers Association showed that only a fifth of the banks investigated checked the credit background of those to whom cards were mailed. Only a third required some minimum balance when sending cards to their own customers. Thirty percent used mailing lists of people with whom the bank had no experience at all, and the citizen who actually came forward and requested a card was welcomed with open arms between 50% and 75% of the time—a fifth of the banks did not even bother to find out if he had a job.

Since bankers try to stay as far as possible from the purlieus of venality, they should doubtless be forgiven for failing to anticipate some of the excited skulduggery they triggered with their mass mailing campaigns. Few if any of them realized that every big city has specialized thieves who prowl apartment house mailboxes on the first of every month looking for relief checks. By sending credit cards out on the first, too, they automatically introduced hundreds of light-fingered parasites to a new and heady means of sustenance. Banks seldom stopped to consider the folly of mailing vast heaps of cards on Friday, thus immobilizing them in substations or post offices over the weekend and all but inviting clerks with low moral thresholds (and correspondingly low salaries) to adopt a few of them at their leisure. Least of all did the new plastic entrepreneurs anticipate the hundreds of small store operators who have formed alliances with possessors of forged, stolen cards, "sold" them hundreds of dollars' worth of fictitious goods, and blithely billed the bank for the resultant nontransactions.

Neither the Department of Justice nor the FBI will make any estimate of the number of bank-card frauds in recent years. Chief Postal Inspector William J. Cotter, while admitting to 80 arrests of postal employes last year and a 700% increase in the last four years in time spent on credit-card investigation by his department, likes to blame the trouble on "long-haired musicians who use stolen cards in one town today and another tomorrow." People who would never steal property or forge a check will run up bills on a stray credit card. The letter carrier who finds himself returning unwanted cards to the bank, the garbage man who discovers discards in the rubbish, the resident of a boarding house who finds one misaddressed on the hall table or the slum housewife who gets one in the mail, all tend to feel fate has sent them a handy little present. So many have been lost, stolen or have gone astray during big orgies of distribution that the smart cheater has been able to use one for a few hours or a few days, throw it away and start using another with only the remotest risk of being caught. If you know the right people in New York today you can buy a validly stamped but unsigned driver's license for $150, forge it, and thus furnish spurious proof of identity if questioned about a forged bank card.

Sixteen retailers, three gas station operators, a postal employe and ten co-conspirators have recently been indicted by a federal grand jury in Chicago—but not before two and a half years of untrammeled larceny in which they did five banks out of "millions of dollars." Brooklyn District Attorney Eugene Gold rails at "helter-skelter card distribution" and, like many another prosecutor, feels he is being called upon to sweep up

mistakes the banks could have avoided with care and foresight. Credit-card fraud has become Brooklyn's leading "white-collar crime," and Gold's office handles 20 complaints which stem from it and institutes one new criminal prosecution involving it every day.

The banks have gone to a great deal of trouble to soothe the misgivings which criminal misuse raises in the breasts of prospective holders and to assure them that they will not be liable for debts incurred after loss or theft—IF (ah, dulcet phrase) they report the incident within 24 hours. There is nothing in the fine print, however, about the fellow who may not miss his plastic for a week or 10 days after it has fallen into the hands of some rascal. This is doubtless wise. The average bank will launch itself after such an unfortunate like a grizzly charging a rabbit if it decides he has been "negligent," and could hardly improve its image by publicizing the ominous fiduciary snuffling and the squeaks of horror and dismay which characterize these undignified little episodes. There is nothing unique, for instance, about the methods with which New York's First National City Bank is attempting to extract dough from a hapless Brooklyn bug exterminator, Daniel Orlick.

Orlick and his wife Gloria were not only delighted but flattered when First National City invited them to sign up for one of its credit cards last year—a fellow in insect eradication does not make much money or hear much applause as he practices his specialty, and both felt a sense of improved status when they were embraced by plastic society. But Orlick, alas, seldom actually used his card and had no idea how long it had been missing when he duly wrote the bank, last April 16, to say he had lost it.

He was not only horrified but astonished (since the card had a credit limit of $400) to receive a statement for $558.82 by return mail. Another statement quickly followed, this time for $1,137.06. Gloria telephoned the bank in agitation to say 1) that her husband had reported the loss, 2) to ask how a crook could evade the $400 limit and 3) to protest that the Orlicks didn't have $1,137.06 to pay for anything, least of all some nogoodnik's illegal pursuit of *la dolce vita*. "Nobody at the bank seemed to know what was going on," she says. "I had an awful time just getting somebody who would talk to me. And when they finally switched me to a man in the collections department he was terribly cold and nasty . . . he just told me to get the money and said he didn't care how we did it."

Statement, meanwhile, followed statement—the last of them for $1,636.02. One of them listed the license number of a car for which Orlick's personal crook had bought gasoline. "I thought I'd hit gold," cries Gloria. "I called the cops. I called the bank's security department. But they both told me it had been a rented car or something." Rented car or not, the Orlicks stubbornly went on refusing to pay, and First National City, having failed to squeeze the crook's total expenditures out of them, now calculates that his spending amounted to no more than $963.98 at the time Orlick reported the loss of his card. The bank is presently hacking at them through the offices of a lawyer, who has added legal fees to the $963.98 which bring it up to $1,156.76 and has hauled them into court to attempt to collect it. The Orlicks have consulted a lawyer, too. "*He* tells us to settle," says Gloria, "since he won't defend us for less than $500. We dont' know *what* to do. Right now we're living with it, y'know?"

Plastic society will doubtless go on producing similar vicitims, since its members will inevitably go on losing their status symbols, too, but bank-card fraud is nevertheless being reduced in many sections of the country. Progressive banks check the credit of prospective holders with increasing diligence, and have hit on simple but effective means of tightening up their mailing techniques. Manufacturers Hanover Trust Company of New York, for instance, now hides its cards in pieces of paperboard to prevent their being "felt" by mail handlers, encloses these "carriers" in plain envelopes of varying colors, sorts the envelopes into batches intended for specific neighborhoods, and delivers each batch to its particular substation in mailbags which remain sealed until turned over to letter carriers. Unsolicited mass mailing itself, meanwhile, has largely served its purpose and is dwindling away; banks which have utilized it to recruit their basic cadres of users are abandoning it to court volunteer applicants by more selective means, and are inventing methods (free bottles of wine for those who pay restaurants with credit cards rather than vulgar cash) of "activating" all that old but virgin plastic lying around, unused, in the cupboards of stubborn, debt-shy and unspeakably old-fashioned burglars.

There are those who believe the credit card is provoking a revolution in banking as profound as that which ensued after London's goldsmiths began issuing notes rather than actual cash during the 17th Century, and that the arrogance, haste and confusion attendant on its introduction must be accepted, even forgiven, as by-products of inevitable and salutary change. Whatever the validity of this view, one must guess that plastic credit is equally significant as a social phenomenon and, salutary or not, will influence the values and living habits of the average man at least as dramatically as it influences the techniques of the counting-house. Millions of card users, for instance, are already the creatures of big, third-generation computers, machines which provide the real key to successful card systems since they eliminate paper work and can oversee and monitor the financial condition and buying habits of enormous masses of people.

Both BankAmericard and Master Charge banks have banded into regional "interchange" associations which finance and operate this electronic hardware on a communal basis. The Master Charge groups alone, for instance, maintain 13 central computer centers in the U.S., the biggest and most fascinating of them in an industrial park at Long Island's Lake Success. The Long Island plant now represents 220 banks in New York, New Jersey, Connecticut, Pennsylvania, West Virginia, Ohio, Florida, Wisconsin and Delaware. Its gleaming, white-brick building houses complex machinery which "captures" data from an endless flow of sales slips, and two IBM 360–50 computers which not only store the resultant torrent of information, but can vomit back status reports on any of two million cards in the twinkling of an eye.

How deeply has a card user eaten into his $200 or $400 credit limit? The computer knows. Has a card been used to make "suspicious" purchases—three sports jackets in one day, say, or seven automobile tires? The computer will express a kind of electronic anxiety when it is next asked for comment. Eastern Master Charge merchants, 30,000 of whom now operate under the jurisdiction of the Long Island installation, must dial a telephone code number and communicate with the computer before charging any item of $50 or more. Rows of girls, who wear telephonic headsets and spend their days facing television screens at the center, act as intermediaries in this process; the merchant reads his customer's Master Charge number over the telephone, the girl punches it on a numerical keyboard, and the screen instantly reveals the condition of the card account in question. The Lake Success plant maintains its own private police—a knot of poker-faced ex-cops in vaguely unnatural sports jackets—who cut in on the line if the computer announces that a card has been lost, stolen or has been misused, and tell the merchant to grab the plastic if he can do so without bodily harm and attempt to detain the customer while they alert the local cops.

All this screening—and the fact that banks themselves are assembling larger and larger "security" forces which investigate fraud and turn their evidence over to the police—is gradually bringing misuse under control. There are still gaps in these *chevaux-de-frise:* the advent of the bank cards usuable anywhere in the country or in Europe has offered the credit crook something of the same opportunity zone defenses offer the pass receiver in football: if he moves fast enough from one computer area to the next while entertaining blondes and running up hotel bills, he can very probably stay a jump ahead of the law for a long time. And the card associations nervously anticipate bigger crime. The embossing machines which imprint names and numbers on plastics blanks at Lake Success are installed in a glasswalled room. The women who run them must lock up their coats and handbags on reporting to work and endure the constant scrutiny of guards while on shift. Both blanks and finished cards are taken in and out of the industrial park in armored cars.

But if credit-card crime can be expected to go on providing the kind of headlines bankers deplore, it is far less important than the antidotes it inspires. The controls and communications systems which are being developed to make plastic credit fraud-free and efficient also involve the ordinary card user and will do so more dramatically in the future. The bank card is an imperfect medium of exchange at the moment because nobody can be absolutely certain that it, unlike the impersonal $20 bill, is always backed by real buying power. If a seller could make sure a credit-card buyer is who he says he is on every occasion and could discover whether he has enough cash in his account to pay for his purchase, this difficulty could be eliminated. Bank associations, thus, are pressing for means of achieving "instant communication and instant credit verification."

IBM and TRW, Inc., are currently engaged, for instance, in the development of an experimental system known as Omniswitch. Banking alliances such as the eastern Master Charge institutions, which have commissioned this particular work, hope in the end to achieve computers which can not only be reached, automatically, from any telephone in the country, but which will recite the state of the customer's account in clear English ("audio-response") and, on being instructed by a few taps of a touch-tone button, will deduct the price of his purchase at the very moment he makes it.

It would be hard to guess just how completely Americans might embrace the sort of social implications such a system could inspire—although millions have already cast a vote for some of them by signing their present cards and millions more will doubtless follow suit. The credit card is inflationary (merchants must be expected to ooch prices a bit to compensate for their kickbacks to the banks), even though it is responsible for only 2% of today's $98.2 billion on consumer debt. It is expensive, at least for the majority which pays 1.5% a month on its bills. It can still lead to hideous embarrassments if lost. But it remains, in its curious way, a status symbol; most banks refer to it as a "charge" card rather than a credit card, since they have discovered that a vast segment of the middle class believes debt is sinful but charging is chic. More fascinating yet, it seems to be a kind of key to dreams. Bank-card advertising, like those airline commercials which call upon us to drop everything and take fly-now-pay-later flights to Hawaii or, God save us all, Zurich, subtly suggest that actual money is not really involved.

There is a possibility, thus, that credit cards could become a major medium of exchange and that the future American could end up with just one of them as his means of paying for almost everything—his house and car as well as his suits and lunches. The one-card man would be called upon to tell his bank's computer more about his life, times, financial condition and fondness for drink or drugs than many of us might like to confess today, but he might be privy to delights which we are denied. Take lifetime credit for newly married couples, calculated on an actuarial basis from estimates of total potential earnings and expenses. Such couples could get a kind of emotional bonus, too—at least according to New York Marketing Consultant Lawrence G. Chait: "Their credit man would become their family counselor."

And a one-card world might just provide realization, at last, of that splendid concept, the Universal Number. One would be privileged, if so, to possess a personal number from the cradle to the grave: it would be printed on one's baby bracelet, stamped on one's schoolbooks, utilized as one's lifetime license number and as one's serial number in the service—and, of course, embossed on one's all-time credit card. Those who pine for a simplistic and revelatory society will be comforted to know that a committee of the American Bankers Association is aware of the opportunity and is considering the added efficiency it could bring to plastic credit.

A REASONABLE BILL

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. VAN DEERLIN. Mr. Speaker, I am today introducing legislation designed to relieve an inequity in the Communications Act. My bill would amend the act to exempt certain categories of commercial fishing vessels from existing equipment and operator requirements.

I am convinced that an injustice was committed when fishing vessels were subjected to the same standards as cargo boats by 1965 amendments to the act.

As most of our colleagues know, the domestic fishing industry has been losing ground to foreign competitors thrust forward by the helpful policies of their own governments.

To comply with the 1965 requirements will impose serious additional hardship on our already hard-pressed fishermen. I am told that costs of the necessary modifications will average about $1,000 in smaller vessels, and that the requirement that fishing boats displacing 1,600 gross tons or more carry a radio telegraph station and operator has effectively ruled out these larger, more efficient vessels for our own fishermen.

International conventions, to which the United States subscribes, have clearly differentiated between cargo and fishing boats in setting forth standards for radios and other communications gear.

Our own fishermen should not be hobbled by unduly stringent requirements that are not imposed on their foreign rivals.

SOUTH CAROLINA POSTAL EMPLOYEES ARE ON THE JOB

HON. ALBERT W. WATSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. WATSON. Mr. Speaker, it now appears that the mammoth postal strike which for the past few days has literally paralyzed many of our major urban areas, has subsided to the extent that we can now look back on this national crisis and make some observations.

Without question, the postal employees have some justifiable grievances, no less of which is salary, especially in view of the substantial increases given in many of the higher echelons of Federal employment, which includes the Congress. Of course I introduced a resolution to disapprove the congressional increase in the light of the serious financial situation; nevertheless, many postal employees look upon this as justification for immediate action in meeting their salary demands.

Since I first came to Congress in 1962, I have argued consistently that our postal workers are not receiving adequate compensation. I have introduced and supported legislation over the years to correct this inequity and I will certainly continue to do so. The day should have long ago passed when our postal or any other Federal employee had to moonlight in order to support his family.

If there was ever a time to commend our loyal, dedicated, and patriotic postal workers who, day in and day out, fair or foul weather, are on the job, it is right now. Now I am not talking about those who abandoned their responsibilities to the people, whom they are sworn to serve, and walked off their jobs several days ago. When one considers the totality of the situation, the strikers only constituted a fraction of American postal employees. Despite incredible pressure, the great majority of employees stood fast and made certain that the mails were not interrupted. In this connection, I want to commend, in the highest fashion, post office employees in my State of South Carolina. I know of no group more dedicated and devoted to the public than postal workers in South Carolina.

In every town and city in our State which has a post office, they are considered pillars of the community. Oftentimes in our smaller cities, the post office is the only Federal installation and for many people this is the only physical contact that they will have with the Federal Government. With very few exceptions, in South Carolina, the post office workers are ambassadors of good will for the Government. The events of the past few days have served as a symbolic reminder of their faithfulness to the public trust. Rather than defy the law, post office employees in South Carolina were on the job as usual.

I feel confident that Congress will enact a meaningful postal pay raise bill this year, but Congress cannot legislate under a threat by a small minority of workers who participate in an illegal work stoppage. Last year I supported H.R. 13000, the Federal Salary Comparability Act of 1969. The object of this bill is to keep Federal wage scales comparable to those in private industry as well as include a pay raise for most postal workers and reducing from 21 to 8 years the time required to reach top postal pay levels. I believe that we must enact this legislation in behalf of our loyal postal workers. While we deplore the irresponsible strike of the few, let us not forget the responsible actions of the overwhelming majority.

KANSANS LIKE "SESAME STREET"

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. SHRIVER. Mr. Speaker, one of the most exciting new programs for children is a half-hour presentation called "Sesame Street" which is produced by the Children's Television Workshop and supported by the U.S. Office of Education. It is aimed at the Nation's 12 million preschool children and constitutes a major breakthrough and promises for the first time to plant the seeds of learning in young minds before they reach school through television.

Under leave to extend my remarks in the RECORD, I include the following article from the Kansas Teacher, official publication of the Kansas State Teachers' Association, which illustrates the enthusiastic reaction to "Sesame Street" in Kansas. The article follows:

KANSANS LIKE "SESAME STREET"

100 percent raves.

That's how Mrs. Dorothy Stafford, television curriculum specialist for KTWU in Topeka, describes the letters and telephone calls thanking the station for "Sesame Street," the National ETV show for preschoolers.

"We get thank-you's every day from both children and adults," she said, adding the only criticism has been from parents asking if the show could be changed to the afternoons or repeated on Saturdays.

A telephone call from a Topeka mother is typical. She said "My son has just sat still in front of the television for an hour. That's the first time he's ever done that."

Mrs. Stafford's mail shows that critics come in all ages and sizes. One four-year-old girl writes "I like 'Sesame Street' a lot but once you called a whale a fish. A whale is not a fish."

Another child's letter had the number "2" on a page. His mother's note of explanation: "My two-year-old has just made his first '2' while watching 'Sesame Street.' It's such a relief to know this show requires no monitoring."

"Sesame Street" is successfully competing according to an Abilene mother. She writes: "Our three-year-old son knows that when the 'Lucy Show' comes on it's time for 'Sesame Street' and he changes stations."

Variety magazine reports that Nielson ratings for the first week in December show that between five and six million children watch the show each day. This represents about half of the nation's preschoolers.

In a recent memo to the stations carrying

"Sesame Street," Joan Cooney, executive director of the Children's Television Workshop (CTW), says plans are being made to continue the show next fall.

CTW produces the show, partially supported by the U.S. Office of Education. CTW and USOE are studying the show's audience and its educational effects. Results will be available this spring.

AIR POLLUTION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. DINGELL. Mr. Speaker, the March 26 issue of the Wall Street Journal carried an informative article written by Mr. John V. Conti on the efforts of private citizens and State authorities to control and eliminate air pollution through our judicial system.

The article notes that the judiciary of this country is being given an opportunity to join the legislative and executive branches in recognizing the danger inherent in man's misuse of the environment. Therefore, I include the text of this article at this point in the CONGRESSIONAL RECORD:

CLEANING UP IN COURTS: CONSERVATIONISTS PRESS SUITS TO ASSERT RIGHT TO A CLEAN ENVIRONMENT—PHOENIX ACTION SAYS SMOKE DAMAGES NATURAL BEAUTY; ILLINOIS TACKLES AIRLINES—INDUSTRY FEARS THE COSTS

(By John V. Conti)

Do you have a legal right to fresh air?

A growing number of conservation groups and governmental agencies contend that you do—and that you likewise are legally entitled to clean waterways, clear blue skies and surroundings where a reasonable number of scenic wonders and breeding grounds for wildlife are left undisturbed. They contend, moreover, that it doesn't take a special law to guarantee your right to these things—they're simply yours.

That may sound like a novel idea, but it's inspiring a broad legal attack in courts across the nation against all sorts of degradation of the environment. Scores of lawsuits have been filed recently by conservation organizations, irate individuals and public officials determined to establish the right of everybody to pollution-free surroundings. Many suits contend that ordinary legal concepts of nuisance and negligence should be expanded to protect the environmental rights of the citizen, while others argue that such rights are protected by the Constitution.

RESTRICTED VISIBILITY

In Phoenix, for example, two university professors and their wives are seeking $2 billion in damages from six copper companies that operate nearly all the copper smelters in Arizona. The suit charges that smoke from the smelters not only is injurious to health but also restricts visibility and "damages the natural beauty of the environment." The plaintiffs are asking that the damages be divided among the 700,000 residents of the Salt River Valley, which encompasses Phoenix.

In Alexandria, Va., a citizens association and two conservation groups have filed suit to block an apartment development that would require filling about nine acres of the Hunting Creek Estuary, one of a number of estuaries that shelter wildlife along the Potomac River. The suit, brought on Constitutional grounds, contends that the development would damage a valuable natural resource of the people.

The Justice Department recently filed a civil suit against Florida Power & Light Co., charging that the utility is creating thermal pollution of Biscayne Bay with heated water discharged by two of its power plants. Contending that the thermal pollution is "rapidly ruining marine life," the suit asks a court order requiring the company to set up and adhere to a schedule for ending the pollution.

There's ample evidence that the suits filed so far are just a start. The battle is increasingly taking on the character of a well-organized campaign coordinated by various environmentalist groups.

NEWS OF LITIGATION

The Conservation Foundation, a Washington-based research and information group, plans to start publishing an environmental law "reporter" this summer to bring details of significant pollution litigation to lawyers. The American Trial Lawyers Association recently formed an environmental law committee, and it has held seminars on environmental suits for lawyers, scientists, law students and others.

Just last weekend a group known as the Natural Resources Defense Council Inc. was formed at a meeting in Princeton, N.J. Modeled after the NAACP Legal Defense and Education Fund, the group plans to bring pollution suits and to help others do so just as the fund has done in civil rights cases. The group's organizers are a number of New York attorneys, including Wall Street lawyer Stephen Duggan.

The defendants in environmental suits are nearly always corporations, and the specter of an explosion of such litigation has confronted U.S. industry with a huge potential for damage liability. Corporate executives also are worried about the delay and disruption of planned expansions that are challenged by environmentalists.

The potential cost to industry in existing claims is already sizable. "The amount in litigation over the country is staggering," says Frank L. Seamans, a Pittsburgh lawyer who has defended such companies as U.S. Steel, Aluminum Co. of America, Sun Oil Corp. and Monsanto Chemical Co. against pollution damage suits.

One suit, filed in Federal court in New York on behalf of "all the people of the United States" including "generations yet unborn," demands a colossal $30 billion in damages from eight producers of DDT for punishment and restitution of damage allegedly done to the environment by the pesticide. The suit was filed by Carol A. Yannacone of Patchogue, N.Y., wife of a lawyer who has been active in environmental causes.

BILLIONS FOR SMOG

Another potentially huge claim was filed by the state of California earlier this month against the four major auto makers and the Automobile Manufacturers Association. Charging that the companies and the trade associations conspired to halt development of auto smog-control devices, the suit asks redress for damages caused in the state by auto exhaust pollution. The amount is unspecified, but state officials say it could run into billions of dollars.

Most companies that have been named as defendants in environmental suits are reluctant to discuss the details of the cases. But a spokesman for U.S. Steel, which has been involved in a number of cases, says, "We take all these suits very seriously."

Many of those filing pollution suits say they are doing so because they feel anti-pollution laws and those who enforce them simply don't do an adequate job. "If there's a theme to all these suits, it's an attempt to circumvent relatively ineffective regulatory agencies," says Joseph L. Sax, a University of Michigan law professor who is writing a book on environmental law.

In Illinois, under a controversial new law, state Attorney General William J. Scott can bring civil action on his own against any polluter, whether or not the matter is being considered by any other state agency.

"We saw that all the discourse relating to pollution was between industry and the boards of enforcement, which were more or less dominated by industry-oriented people. The public, which was being polluted, was never part of the discussion," says Allen A. Freeman, deputy attorney general. "So we developed the concept that the attorney general is the lawyer for the people and therefore wil bring lawsuits on behalf of the people in the field of pollution."

Among the results is a suit filed just Tuesday against the city of Chicago, charging the city with illegal dumping and open burning of refuse at O'Hare Field. The suit alleges the burning causes air pollution and hampers the visibility of airlines pilots when landing. It asks a permanent injunction to prevent the city from continuing the dumping and burning.

The attorney general's office also has filed suit against 23 airlines that use the airport, seeking to force them to install new pollution-control devices on all aircraft engines. Other suits seek court-enforced timetables that would force U.S. Steel and Republic Steel to clean up discharges by their plants into Lake Michigan and the Calumet River. Mr. Scott also has filed an antitrust suit against the four major auto makers, alleging a conspiracy to avoid installation of smog-control devices on cars.

To be sure, the criminal laws pertaining to pollution aren't being entirely ignored. In recent weeks, the Federal Government has filed criminal suits against Olin Corp., Procter & Gamble Co., International Harvester Co., and others, charging them with polluting Chicago-area waterways. New Jersey's Department of Health is pushing a program against industrial pollution that has resulted in 140 complaints and $140,000 in court-ordered penalties.

At this point, no one knows what the results of most civil pollution suits will be. "Very few of these matters are beyond the pleading stage," says James Jeans, a professor at the University of Missouri law school who is chairman of the American Trial Lawyers Association's environmental law committee.

But, emboldened by a few early successes, environmentalists feel they stand a good chance of expanding the established legal concepts of nuisance or negligence to cover environmental questions.

Such legal concepts traditionally have been tied closely to property rights. "Until recently you didn't have a damage claim except for physically demonstrable damage, such as if your cow died or your tree died" as a result of pollution, says Pittsburgh lawyer Seamans.

But now environmental litigants are seeking both to prove harm that is other than economic and to assert rights less tangible than property rights. This has raised a question known to lawyers as "standing" to sue—or the ability to prove that you have a right to bring your problems before a court.

MORE LIBERAL CONCEPT

In the past, if a man couldn't show any direct personal economic harm, courts tended to throw his claim out on grounds that he didn't have any standing in the case. But in recent years the courts have become far more liberal in their concept of standing, permitting persons to come before the court as members of the public alleging damage to the public interest.

One of the most important decisions on the question of standing occurred in what is probably, in terms of legal precedent, the most important environmental case argued so far—the battle of conservationists to prevent construction of a power plant at Storm King Mountain in the Hudson River in New York. The conservationists succeeded in getting standing in court to challenge the Federal Power Commission's approval of Consolidated Edison Co.'s plans to build the plant. (At the moment, after years of litigation, the case is back before the FPC under a Federal court order requiring the FPC to reconsider its approval of the plant, taking environmental factors into account.)

The Storm King case established that conservationists do have standing to argue against planned projects that they contend would harm the environment.

Once in court, of course, environmentalists still must prove damage to the environment is occurring. "The courts want something a little more definite than people coming in and saying the sky isn't as blue as it used to be, or that the fumes are aggravating their sinuses," says Roderick A. Cameron, executive director of the Environmental Defense Fund, a Long Island-based coalition of lawyers and scientists.

INTANGIBLE INTERESTS

Still, he notes, "the courts are now a little more inclined to move in the direction of protecting these intangible interests."

One of the problems faced by environmental groups is coming up with the technical data to prove that pollution exists and to show its effects. To help with technical problems, Mr. Cameron's Environmental Defense Fund has put together a committee of about 300 scientists who are willing to lend their expertise and testify in environmental cases. "We're acquiring a stable of expert witnesses," says Mr. Cameron, who, at 31, is himself both a lawyer and an engineer.

The fund also plans a program of mock trials at universities, using law students as lawyers and faculty members as expert witnesses so that all those involved will get some experience with pollution litigation. "Scientists are a little leery of getting involved in litigation, but once they get their feet wet they're a little less so," Mr. Cameron says.

MINORITY ENTERPRISES

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. ANDERSON of California. Mr. Speaker, minorities represent about 15 percent of our country's population, but only 2.9 percent of America's businesses. Efforts are being made, however, to bring these figures into equilibrium so that the minorities of America will be better able to participate as owners and employers in our free enterprise system. One of the leading agencies behind this drive has been OMBE—the Office of Minority Business Enterprise—U.S. Department of Commerce.

My understanding of OMBE and its programs has been broadened, thanks to some welcome assistance. A brief but concise outline of the program has been prepared by a Dominguez State College student from my 17th California District, Wilhelm "Bill" Pickens. His outline is based on information gathered at an OMBE meeting held on February 12, 1970, in Los Angeles and from the study of publications dealing with Federal assistance programs for minority business enterprises.

I have found the outline an excellent ready reference and information source and believe it may be of interest to some of my colleagues. So that others will be able to take advantage of Mr. Pickens' outline, I submit it for the RECORD:

MEETING

Office of Minority Enterprises (OMBE) held at the Federal Building, Los Angeles, Calif., on Friday, February 6, 1970, at 9:10 a.m. until 11:00 a.m. with one hour lecture and one hour question-answer period.

I. Creation of the OMBE.

A. Evolved from dialogue between Richard Nixon and Hubert Humphrey during the 1968 Campaign.

B. Nixon Executive Order 11458: Focuses efforts on minority businesses from private business, federal, state, and local business enterprises.

C. Advisory Council for minority enterprises.

II. Problem.

A. The minority is 15% of the population.

1. Out of 5,400,000 businesses, minorities own only 2.9% of the businesses.

2. Three leading minority ownerships of businesses are:

a. Life insurance, .2% assets.

b. Banks, .04% assets.

c. Gas stations, assets unknown.

B. Difficulties of minority businesses.

1. Qualifications.

2. Business heritage.

3. Opportunity.

4. Capital.

5. Business know-how.

III. Focus of Change for the OMBE.

A. Commitment of the Nixon Administration.

B. Minority determination to get a piece of the action.

C. Rising income (consumer market).

D. Improve education and skill level.

E. Increase commitment by the majority of the community.

IV. Role of OMBE.

A. Programs of Federal Government.

B. Programs of private sector.

C. Enlist State and local organizations.

D. Stimulate minority communities.

E. Act as information center.

V. Ingredients of Minority Businesses.

A. Qualifiable individual.

B. Realistic opportunity.

C. Adequate capital.

D. Managerial assistance.

VI. Sources of candidates.

A. Existing businesses.

B. Returning veterans.

C. Educational institutions.

D. Community organizations.

VII. Sources of opportunities.

A. Individuals.

B. Franchises.

C. Turnkey (Spin-off corporation businesses)

D. Government procurement.

E. Business procurement.

VIII. Sources of Capital.

A. Government.

B. Business.

C. Credit.

IX. Sources of Assistance.

A. SBA Program.

B. Industry.

C. Progressions.

D. Educational institutions.

E. Community action.

F. Trade organizations.

X. Co-ordination of government activities.

A. Inter-agency committees.

B. Task force and work groups.

C. Publicity of federal assistance programs.

D. Fixed program goals—$31 million for fiscal 1970.

E. Initiated pilot programs.

XI. Information.

A. Monthly publication of OMBE outlook.

B. Public direction of private assistance programs.

C. Information center on minority enterprise activities.

D. Fifty-three workshops with community organizations.

E. The present program enlarged to 48 national forums.

F. Company data banks available.

G. Statement of policy for minority enterprise programs.

XII. Business Opportunity Programs.

A. Franchising.

B. Gas service stations.

C. Auto dealerships.

D. Contract preferences: Survey of minority manufacturers capabilities.

XIII. Minority Small Business Investment Company (MESBIC Plan)—Major Ideas of MESBIC Program.

A. Provisions.

1. Corporate involvement.

2. 85% of capital will be private.

3. Technical assistance.

4. Minimum interference from government.

5. Non-profit motivation.

B. Example of MESBIC Plan:

Sponsor capital (minimum)	$150,000
SBA Matching (two for one)	300,000
Total	450,000
Bank loans, capital with SBA guarantee	1,800,000
Total	2,250,000

XIV. Assistance Program.

A. Professions.

B. Trade associations.

C. Graduate and undergraduate schools of businesses.

XV. Pending Programs

A. Census of minority business population.

B. Survey of minority businesses.

C. Activities of community organizations.

D. Resources directories.

E. National conferences with foundations, banks, universities.

F. Public service advertising of OMBE.

G. State OMBE.

H. Scholarship assistance programs.

XVI. Business opportunities.

A. Veteran's Programs.

B. Indian Reservation Programs.

C. Spin-off programs.

D. Opportunity in retailing.

E. Urban coalition.

XVII. Financial assistance.

A. One hundred MESBICS.

B. Major insurance commitment.

C. Foundation seed money.

D. Minority bank deposit programs.

E. AMANA Plan (not clarified).

F. Minority insurance coverage.

G. Government guaranteed bonding for contractors.

H. Subsidy guaranteed SBA loans.

OVERALL PLAN: THE ANSWER?

Qualifiable individual, Capital, Business opportunity, and Managerial Assistance, working with a local organization equals new business enterprises.

Comment: This meeting that I attended was very interesting and enlightening in some ways, but I saw a lack of minorities in attendance. The foundation of this program follows the 1965 Bedford-Stuyvesant Project sponsored by Senator Robert F. Kennedy, except that his program included minority leadership and participation.

THE CONSTITUTION—NEED AND FULFILLMENT

HON. GLENN R. DAVIS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. DAVIS of Wisconsin. Mr. Speaker, the American Legion national speech contest, on the subject of the Constitution, is an excellent experience for youths—boys and girls—of high school age. The contestants give a 10-minute prepared speech, and then give a 5-minute presentation after 5 minutes of preparation, on a Constitution-related subject drawn out of a hat.

This year's Virginia State winner was James "Mac" Davis, a senior at Wakefield High School in Arlington County. On April 6, he will compete against several other State winners at Rocky Mount, N.C. His prepared speech, submitted here for the CONGRESSIONAL RECORD, is entitled "The Constitution—Need and Fulfillment."

"Mac," incidentally, is my son. His speech follows:

THE CONSTITUTION—NEED AND FULFILLMENT

(By James "Mac" Davis)

"We the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

This is my introduction. It is also the introduction to the Constitution of our Nation as it was written 183 years ago. The Preamble sets forth the purpose and aim of the document it introduces. It also reflects the pressing need of the time for that document.

Cornwallis' surrender at Yorktown ended the Revolutionary War for all practical purposes. Thereafter, a period of instability in finance and politics settled upon the fledgling, newly independent states along the Atlantic Coast. Each individual state considered itself sovereign, and each selfishly guarded its affirmed right to govern itself. In fact, these thirteen individual states regarded each other with open jealousy. Several highly inflated and unstable currencies sprang up, including the continentals issued by the Continental Congress; pieces of paper so worthless that even today we hear the adage "not worth a continental." States raised tariff barriers against each other. State legislatures, which had assumed Revolutionary War debts, refused to pay them. Private credit was destroyed by irresponsible acts allowing debtors to escape payment of their obligations. Great Britain refused to reopen vital trade channels between the British Commonwealth and the American states, and British troops continued to occupy what was then known as the Northwest territory. On two occasions armed conflict over boundary disputes erupted between adjoining states. In Massachusetts Captain Daniel Sharp led thousands of armed farmers in a march on the State Capital at Boston.

This unrest was manifested in a petition circulated among the officers of the Continental Armies by a Colonel Nicola. The petition asked George Washington to become a military-supported dictator. Although General Washington vigorously refused, he and other patriots were apprised of the seriousness and depth of the economic and political crisis which confronted America; thus he joined with Madison, Hamilton, Franklin, and others in supporting the calls for a Constitutional convention.

These were the turbulent background years which brought the delegates of the thirteen states together at Philadelphia in May of 1787.

In less than four months under the wise and patient chairmanship of a great Virginian who was to become known as the Father of our Country, these delegates, drawing upon their knowledge of history, upon their experiences under prerevolutionary tyranny and post revolutionary domestic anarchy and international affront, through compromising their strongly expressed, and strongly felt feelings, drafted a document which will forever stand as a milestone in the story of freedom, a document which eventually fulfilled the needs of a new America, a document which British statesman William Gladstone called "the most wonderful work ever struck off at a given time by the brain and purpose of man."

When Gladstone made that statement he had the advantage of years and history to sustain him. The men of Revolutionary times, however, had only the strength of their faith and determination to guide the Constitution to fulfillment. These brave men recognized that great words alone cannot assure a successful government. Thus when Benjamin Franklin was asked at the close of the Convention "What kind of a government do we have now?" his answer was *"A Republic if we can keep it so."*

A framework of government carefully designed to protect free people from tyranny on the one hand and anarchy on the other, a government of three separate co-equal branches, a government of checks and balances, *if we can keep it so.*

The Constitution was boldly designed to preserve and nurture the creed of liberty. But however pure the truths of the Constitution, they are not self sustaining. Laws can only do so much. The writers of the Constitution gave us an outline for preserving the principles they cherished. The rest is up to us, the people of the United States.

In the second generation of our Republic's existence, the French historian, Guziot, while visiting in the United States asked the American James Russell Lowell in what was probably a cynical manner, how long will the American Republic endure? Lowell's answer was "So long as the ideals of our founding fathers continue to dominate." In these words did this great American writer remind the Americans of his generation and of all generations to shoulder the burden of responsibility as citizens of the American Republic, as well as savor the benefits of that citizenship.

And so, like James Russell Lowell, let me remind you, the Americans of this generation, that our prized rights of free speech, free press, and that of dissent are useless unless used. So I urge those with something constructive to say to speak up, those with something constructive to write to print it, and those with something to oppose to constructively dissent. But use your rights, don't abuse them. There may be those who truly believe that our government is bad and our Nation evil, and that the only remedy is verbal desecration and material destruction.

Because of these people and for our own sake, the American citizens, like us, who do cherish our Constitution should speak out and be felt throughout the land. If you love this country, protect it, for it is your God given duty to protect what you love. Speak out for the Constitution, and do so proudly. Be a constructive American citizen.

The Constitution has given us a government strong enough to defend us, to protect us, and yet limited in its authority, thus protecting our individual rights as citizens. Clearly justice will be established, domestic tranquility will prevail, the defense will be assured, the general welfare will be promoted, and liberty will be secured to ourselves and our posterity only to the extent that we, the citizens of today, preserve the ideals of our founding fathers and adhere to the just principles of the Constitution which they ordained and established. The Constitution can fulfill the needs of America only if we the people make it work.

The patriots of this nation's birth recognized the task for men of retaining liberty. They wrote a Constitution to aid in liberty's protection. The patriots of a hundred years later recognized the task for men of expanding liberty. They fought Civil War to preserve unity and extend freedom. The patriots of today face an awesome task for man. They must preserve unity and protect the ancient, delicate and powerful concept of liberty in a modern world.

This is the challenge of our time. This is the torch we carry. This is our dream for the future. Responsible leadership of the free world, staunch support of Constitutional principles and of the laws of our land which implement our Constitution.

Love of our Country, respect for its institutions, vigorous participation in American citizenship, respect for the decisions of the majority while guarding the rights of the minority.

These are the ideals of the founding fathers. These are the principles. These are the traditions of those who gave us "One Nation, under God, Indivisible, with Liberty and Justice for all."

THE TEMPTATIONS: SPECIALISTS IN SOUL

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. CONYERS. Mr. Speaker, some people achieve success and on attaining it soon forget whence they came. Then there are others for whom personal success seems not to interfere with their concern for those less fortunate. It is in this last category that I would place the Temptations.

If there are any of my colleagues who may not be familiar with the Temptations, may I point out that they are the top male vocal recording group in America—specializing in soul music. They are by name—Paul Williams, Dennis Edwards, Melvin Franklin, Otis Williams, and Eddie Kendricks. Under the guiding hand of Berry Gordy, Jr., president of Motown, the Temptations have risen to the heights as indicated by Trade magazine's vote for them as "the world's most successful singing group." They have an enthusiastic following among the young as well as the not so young.

In these troubled times, too often we fail to take notice of some of the more positive things that young people are doing. For that reason I would draw your attention to these five young men who have used their talents and their popularity in a very constructive way. From their humble Alabama origins through formative teen years in Detroit, they have

carried with them a concern for others which was apparently instilled in them early in their lives through family training and regular church attendance.

There are few artists that I know who have devoted more of their time and talents to public service. They have committed themselves to at least four benefits a year—netting for civic and charitable purposes over a quarter of a million dollars. Through a scholarship fund which they established in memory of Dr. Martin Luther King, Jr., they provide the means for a number of young persons to attend college. They spend a great deal of their leisure time visiting schools in order to stress the value of education and to encourage young people to remain in school. Each of the group has established businesses in the Detroit area which have created jobs and training opportunities for black youngsters. Their involvement is total and sincere, and whether they are communicating with young people on the basketball court, the baseball field, by personal speaking appearances or through their music, the effect has been inspirational to many and appreciated by all.

They have also contributed as ambassadors of good will and understanding in their travels abroad from Asia to Europe. Most recently they were received in London by the Archbishop of Canterbury who had heard of their good works and invited them to meet with him in his efforts to get a better understanding of racial problems and solutions in this country. I understand that this meeting has resulted in a continuing friendship and dialog.

As a Member of Congress from the Detroit area, I have observed these young men moving about in the community giving encouragement, speaking out on pressing civic problems and, oftentimes by just lending their presence, making their concern for a better city and Nation known to everyone. They have become great but have remained humble and loyal to the concept of raising the standards of those less fortunate so that all can participate in the opportunities this country affords. I am proud to be among their fans who are legion. May the Temptations continue to spread their special brand of soul-music and meaningful concern for others.

APPROVAL OF COMMITTEE ON INTERNAL SECURITY

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. PETTIS. Mr. Speaker, due to a committed speaking engagement, I was unfortunately absent yesterday when the roll was called for the vote on House Resolution 844, to authorize funding for the Committee on Internal Security. If I had been present, I would have voted "yea" for approval of the requested funds required for the operation of this valuable committee for calendar year 1970.

SMILE, YOU'RE ON CANTED CAMERA

HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. LANGEN. Mr. Speaker, lights, camera, action—are the missiles neatly stacked; be sure the men smile as the camera moves in for a closeup; the pounding of pistons and the roar of the sea; screaming jet engines gleaming against the background of a sunny sky; what power. And they do all this for you and me.

The sights and the sounds—what is this all about? Very simple—the Department of Defense is concerned about its image—concerned to the tune of spending over $28,000,000 of the taxpayers' money this past year for public relations activities. Just exactly what are they trying to prove?

I raise this question not because I am "anti-Defense"—there are already too many people around who would disarm this Nation unilaterally; that is their burden to bear.

But I am profiscal responsibility and integrity in Government spending; I am prodemanding a dollar value for a dollar spent; and most important of all, I am protaxpayer. It puzzles me how, in listing national priorities—regardless of which expert is volunteering his views for public consumption—somehow, the taxpayer always winds up on the bottom. I am sick and tired of this—and so are the millions of law-abiding, industrious, respectable, and exceedingly patient American citizens who are increasingly voicing their exasperation at having to finance the ever-expanding and maddening spending schemes and bureaucratic monstrosities which are sapping the very strength of this Nation.

We have all heard a great deal about inflation in recent years—the Defense Department has known more than its share. But in the 10 years since 1959, while the Consumer Price Index has risen 25.8 percent, and the overall defense budget has increased by over 80 percent, the DOD publicity budget has skyrocketed from $2.8 million to $28,000,000—a 1,000-percent increase—now that is really what I call inflation.

So the Department of Defense has concluded it must spend $28,000,000 of the taxpayers' money for promotional activities. One might expect this type of thing from a tobacco company, or from an agency that wants to urge a new "miracle cleaner" on the country, or to remind all children to eat their munchie crunchies for breakfast. But is such a staggering sum of money necessary or justifiable merely to put polish upon our military hardware?

I wish to include in the RECORD an article by the National Tax Foundation—March 1970—which gives a better understanding of the magnitude of this big business operation. I hope each of my colleagues will read it—and be convicted by it. The article follows:

SAY DOD PROMOTIONAL COSTS NINEFOLD HIGHER THAN 1959'S

Spending to publicize the Defense Department's and the armed services' activities has increased nine-fold over that of ten years ago and by recent figures reached $28 million. Congress set a $2.8 million ceiling on such publicity expenditures in 1959—when the defense budget was $43 billion. Between 1959 and this fiscal year, notes Tax Foundation, Inc., the overall defense budget has increased to $79 billion. It will be trimmed a little in fiscal 1971.

To try to halt this rising promotional cost, Sen. Fulbright (Ark.) late last year introduced a bill which would limit such spending. He claims the size of the armed forces increased 36 percent in the 1959–69 period, and the cost of living, 25 percent. Limiting expenditures for promotion and publicity to $10 million, he says would still allow a 370 percent hike over the 1959 spending ceiling.

As of last year, according to the Senator, the activities of the 200 military and civilian personnel employed by the Assistant Secretary of Defense for Public Affairs cost $3.7 million.

In 1969, Navy public relations activities—a full-time staff of 1,086, plus 1,600 to 1,800 part-timers, were employed—cost about $9.9 million.

The Army in 1969 employed 442 military personnel and 170 civilians in "public affairs" activities at an estimated cost of $4.9 million, while the Air Force spent an estimated $9.4 million for similar activities, using the full-time services of 944 people.

Highlights from the Senator's lengthy exposure:

1. Seven pages of the *Congressional Record* listed films made by Navy;

2. Another 14 pages listed dignitaries, press, etc., taken on trips (on Air Force planes) to AF installations;

3. Another 15 pages listed persons transported to various Army bases. Two pages were used to show the distribution of an Army film, "The Big Picture," over a two-year period. The film cost $902,529.34.

JACKSONVILLE UNIVERSITY TEAM; CINDERELLA SPORTS TEAM OF 1970

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. BENNETT. Mr. Speaker, Poet Berton Braley wrote:

If I should lose, let me stand by the road.
And cheer as the winners go by!

The National Collegiate Athletic Association basketball championships were held recently at the Cole Field House on the University of Maryland campus.

It was my pleasure to witness the Jacksonville University basketball team playing in the NCAA tournament for the first time in the school's short history as a 4-year degree granting institution—the first class was graduated in 1959.

While the University of California at Los Angeles team won—its sixth national title—Jacksonville University's basketball team unified my hometown of Jacksonville, Fla., like no other single group or event in history. All Florida identifies with the winning young Dolphins—they are a symbol of happiness and good feeling because they are the Cinderella sports team of 1970. They lost only two games of 29 played, including a victory over the No. 1 ranked team Kentucky, and one of the games they

lost was to UCLA, a winning basketball legend.

Mr. Speaker, I am proud to recognize Jacksonville University and its dynamic president, Robert H. Spiro, its 3,000 students, its faculty, 50 percent of whom have doctorate degrees, and its great basketball team, coached by Joe Williams, assisted by Dr. Judson Harris, the athletic director, and Tom Wasdin, and the players: All-Americans Rex Morgan and Artis Gilmore, Rod McIntyre, Pembrook Burrows III, Chip Dublin, Mike Blevins, Greg Nelson, Vaughn Wedeking, Rusty Baldwin, Denny Hawkins, Curtis Kruer, and Ken Selke.

The Jacksonville basketball team did not win the 1970 NCAA championship, but if I may add to Poet Braley's quotation:

If I should lose, let me stand by the road.
And cheer as the winners go by! Because
the losers sometimes win too!

Jacksonville University is a winner to its many supporters and new fans across America today.

MISSISSIPPI FARM INCOME

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. GRIFFIN. Mr. Speaker, 5 years ago the Mississippi Extension Service initiated an ambitious project to increase farm income in our State to $1.5 billion by 1975.

The value of Mississippi products have increased from $926 million in 1964 to $1,099 million in 1969, nearly 20 percent gain despite losses suffered by Hurricane Camille.

Credit for the progress so far must go to the dedicated men and women of the Cooperative Extension Service, agricultural leaders, and cooperating leaders from commerce and industry.

The McComb, Miss., Enterprise Journal recently carried an editorial on this endeavor of Mississippians to expand the rural economy of our State. It follows:

STATE FARM INCOME HEADS TO '1.5 IN '75'

Mississippi has a 10-year goal set in the area of agricultural production which is indicated by the term, "1.5 by '75." This means the aim to expand agricultural production to $1.5 billion by the year 1975.

This program was launched by the Mississippi Cooperative Extension Service in 1965. The fourth year of this 10-year campaign was recently recognized. Between the years 1965 and 1969 farm production went from $926 million to over one billion dollars. The billion dollar mark was reached for the first time in Mississippi history in the year 1967. And it is predicted that the goal of $1.5 billion will be attained by 1975.

Gains and losses about balanced each other to keep the 1969 value of Mississippi farm production at the record $1.1 billion of 1968. Production of meat animals and of poultry and eggs each exceeded $200 million for the first time ever. Forestry also made a big gain. Soybeans, in spite of lower yields and prices this year, are still ahead of planned projections. The values of these major areas equal or exceed the planned projection.

Poor weather pushed the value of cotton below both 1968 and the base year, 1964. The beginning upward climb of horticultural crops was cancelled at least partly by the almost complete destruction of the $5 million tung industry by Hurricane Camille.

Value of milk production continued a slow but steady increase. Food grains and feed crops again declined.

The greatest gain in 1.5 by '75 has been in meat animals. Although good prices helped the meat animal industry, the recent gain represents greater stability and higher quality. Mississippi cattlemen are an important source of feeders for the Corn Belt and other areas. Management aims at making more money from each calf.

The quarterly sales of the 12 feeder pig associations approached $1 million for the first time. These sales add to the incomes of many families on small farms. There are more hog feeders and complete operations with 50 to 100 or more sows.

The continued rise in consumer incomes has brought a strong demand for red meat. Feeder cattle prices in 1970 are expected to remain above those of recent years. Hog prices may decline during the second half of the year.

Some of the latest facts about agri-business in Mississippi are:

Total wages in agricultural related industries climbed from $580 million in 1967 to $660 million in 1968, or 14 percent.

Employment in specified farm related industries rose from 147,000 in 1967 to 152,000 in 1968. This was 41 per cent of all employment covered by the Mississippi Employment Security Law.

Farm production expenses increased from $597 million in 1967 to $632 million in 1968.

Mississippi farmers have $5 billion invested in plant, equipment, and operating capital. This investment will likely exceed $7 billion by 1975.

Credit for farm operating loans is $250 million a year. It is expected to approach $500 million by 1975.

NATIONAL CENTER FOR VOLUNTARY ACTION, PRIVATE SOLUTIONS FOR PUBLIC PROBLEMS

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. WINN. Mr. Speaker, Willard W. Garvey, chairman of the board of Garvey Industries, Wichita, Kans., has been appointed to the Board of Directors of the National Center for Voluntary Action by President Nixon. I would like to bring to the attention of my colleagues Mr. Garvey's remarks relating to the creation of this unique organization. I commend President Nixon for the establishment of the National Center for Voluntary Action, for the selection of Bud Wilkinson as its president, and for the appointment of an outstanding Kansas citizen, Willard Garvey, to its Board of Directors.

The remarks follow:

STATEMENT GIVEN TO PRESS BY WILLARD W. GARVEY REGARDING THE NATIONAL CENTER FOR VOLUNTARY ACTION FEBRUARY 16, 1970

The National Center for Voluntary Action is a unique undertaking to find *Private Solutions to Public Problems*. The President of the United States desired to unite the public and private resources of the country in a "creative partnership" to bring Americans together. This national volunteer effort is directed at mobilizing volunteers to help solve some of our pressing social problems in order to enhance the quality of life for all people.

This National Center is a privately funded tax-exempt Corporation in the District of Columbia. It is the private enterprise member of a "creative partnership." President Nixon is the Honorary Chairman of the National Center and Max M. Fisher is the Chairman of the Board of Directors. Eighty citizens representing many different backgrounds combine to create a unified national spirit. The "creative partnership" concept is carried out further by having several Cabinet Officers serve on the Board by virtue of their positions.

(Bud) Wilkinson serves as the President. He coordinates the Voluntary Sector Activities as well as the Cabinet Committee.

President Nixon cited the many valuable ongoing volunteer efforts undertaken by people across the country in his October 1968 speech, "The Voluntary Way." He observed that (a) most problems have already been solved in individual cases someplace, but need to be communicated; (b) there are nearly a million existing voluntary agencies or groups to help people; and (c) a Gallup Poll shows 69 million Americans who desire to spend several hours a week as volunteers to help other people.

The National Center for Voluntary Action implements this program and is an effort to reverse the trend toward total government control by providing alternative private actions projects together with tools to help solve their own problems.

The Center (1) plans a computerized clearinghouse of these volunteer programs to provide information about such private solutions to public problems to groups throughout the country; (2) provides an "Equal Time" public education and communication campaign to bring attention to and stimulate the public to become involved in volunteer efforts; (3) convenes task forces and conferences in specific project areas. It utilizes the best available expertise from both the government and private sectors to develop innovative solution-oriented programs. It channels and implements such programs through existing on-going organizations.

Wichita has played, and will continue to play, a major role in the Center's activities. Our Wichita Volunteer Bureau has already been utilized as a pilot project, upon which many of the National Center's Activities are based.

A great deal of time and effort have been expended over the years by myself and members of various organizations with which I am involved in "beating the drum" for voluntary action. We are proud to see many of these ideas incorporated into the program at the national level and expect to see Wichita have a truly vital role in reconstituting the individual, the family, and the community through Voluntary efforts.

We look forward to working with President Nixon and the Board of Directors of the National Center and invite all citizens of Wichita to become involved and participate in this exciting new era.

TO CONTROL CRIME

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. PEPPER. Mr. Speaker, the Select Committee on Crime was fortunate in its Washington hearings of last month

to receive the excellent and knowledgeable testimony of three of Washington's most respected citizens—Mr. Joseph B. Danzansky, president of Giant Food Stores and chairman of the Mayor's Economic Development Committee; Mr. Leroy Libel, president of Aristo Cleaners, and Mr. Basil Winstead, vice president of Safeway Stores, Inc., and chairman of the Crime Committee of the Metropolitan Washington Board of Trade. The full text of the 4 days of hearings in the Metropolitan Washington area, including the recommendations made by Messrs. Danzansky, Libel, and Winstead, will soon be available as a committee document.

It was in a recent issue of the Washington Star that I read a letter to the editor written by Mr. Danzansky. It is a clear, concise statement that goes beyond describing the District's crime problem—Mr. Danzansky offers solutions. For the benefit of the many readers of the CONGRESSIONAL RECORD, I include Mr. Danzansky's letter.

I also offer an editorial that appeared in the Alexandria Gazette of March 13 concerning the need for a commitment of additional funds to prevent and control crime in America and a March 6 editorial from the Albuquerque, N. Mex., Tribune, which is representative of numerous editorials that have appeared since members of the Crime Committee introduced legislation to place a quota on the number of amphetamine or "pep pills" produced in the United States each year:

[From the Washington Star, Mar. 17, 1970]

TO CONTROL CRIME

SIR: If you ever wondered whether the good citizens of our community read your paper, I can set your mind at ease. Since my testimony before the House Select Committee on Crime was reported in The Star of February 26, I have been bombarded with letters and telephone calls from readers. This might have been pleasantly flattering to the ego, except that the communications ranged from mildly enraged to apopletic. Furthermore, I might have chalked it up to a lack of sensitivity to the public mood on my part, except that I did not say what they thought I did.

While your reporter recorded my words faithfully, they were unfortunately removed from the protective clothing of the proper context. Standing shivering, naked and alone, they appear to say that the crime problem in the District is overexaggerated. In fact, my testimony urged a strong program to bring crime in the District under control and to eliminate its root causes.

To calm the indignation of some of your letter-writers and telephone-callers, and to set the record straight, I offer the following digest of my testimony:

The criminal reign of terror in the Nation's Capital must be brought to a halt. It is incumbent upon the Congress to give the professional law enforcement officials of our city the tools they need to do the job. I urge that the strongest possible legislation be enacted to come to grips with this problem.

IN THE GRIP OF FEAR

The people of the Washington area are in the grip of fear. It is not proportional to the reality of the situation. The chances of the average shopper becoming a victim of crime are still minuscule. But that is not important. People believe they are in danger, and are reacting accordingly. Therefore, our streets are becoming deserted, our economy is declining, and government revenues are falling. We must act with all possible energy and haste to restore the confidence of the average citizen in the ability of his government to provide elementary protection of person and property.

I applaud the steps now being taken by Mayor Washington to increase police foot patrols. There is no better deterrent to crime and nothing more reassuring to the average citizen than the foot patrolman. I hope that we will see more policemen hired from the inner city. The policeman drawn from the inner city knows the neighborhoods and the people. He has the best chance of eliminating police-community hostility and alienation.

There ought to be a greatly expanded program of lighting the alleys and the dark places where street criminals might lie in wait. The use of helicopters to provide additional surveillance sounds like an excellent proposal. So does the proposed establishment of a joint police flying squad, to deal with the problem of apprehending fugitives who cross over from one metropolitan jurisdiction to another.

EVERY BOY NEEDS A HERO

A key area for immediate attention is a better relationship of police officers and the youths of our inner city. Every boy needs a hero. Many of these youngsters do not have a father in the home, and the adult males they do know are criminals, dope pushers, hustlers, or other shady characters. These are the examples they emulate. I would strongly urge the establishment of broad programs under the sponsorship of police organizations to reach out to these alienated youth.

And, while we are on the subject of heroes, I think we are ignoring the best potential inner-city hero we have—Mayor Walter E. Washington. We ought to stop sniping at him and hold him up as an example to inner city youth. We ought to be saying: Here is a man who overcame much stronger racial barriers of a more unenlightened time to become the mayor of the most important city in the world. He is living proof that nothing is impossible in our system for the man who really wants to get ahead in the world and is willing to discipline himself for a worthwhile goal.

In dealing with the problem of crime, we often fail to recognize the full dimensions of the problem. We must realize that if a young man is arrested and thrown into a prison that is little better than a human sewer, he is likely to emerge a rat. Jails that punish without rehabilitating foster crime rather than reduce it. We need a corrections system where a young man does not get the equivalent of an advanced degree in street crime from older—and more experienced—inmates. We need a corrections system where prisoners receive counseling, schooling and training to prepare themselves for honest work. We need more parole officers and counselors, and more halfway houses where prisoners about to be released can adjust to society. We need to give rehabilitated ex-convicts a chance to go straight and to support their families without returning to crime.

TASK EVEN BROADER

But our task is even broader than that. Our social maladies must be corrected if we are to have any hope of rescuing our cities and bringing crime down to manageable proportions.

First, every able-bodied person who can work and wants to work must be given an opportunity to work with dignity and at decent wages. Business cannot do the job itself. It is going to take a massive federal investment, and possibly the government may have to become an employer of last resort.

Second, the ghetto must be destroyed and replaced with a wholesome environment for all the residents of our cities. Slums are degrading to the human spirit.

The Mayor's Economic Development Committee has prepared an Overall Economic Development Program, which is a blueprint for making the Nation's Capital the nation's model city by the end of the decade. It is a workable plan, but it will require a commitment from the federal government to recognize its special responsibility for the District of Columbia and provide the needed financial support for the solution of its great problems.

JOSEPH B. DANZANSKY.

[From the Alexandria Gazette, Mar. 13, 1970]

BILLIONS TO FIGHT CRIME

It should cost the federal government a billion dollars to start, if not two or three billions the first year, and more each year thereafter, if it is to defeat crime in the streets, the House Select Committee chairman has concluded after the first four hearings. Rep. Claude Pepper, Florida Democrat, who mentioned these figures, compared them with the amount the Nixon administration had asked for, $480 million, under the Law Enforcement Assistance Act.

Pepper's first hearings were all held in Washington, known caustically as the "crime capital of the world." This month, the committee moves to Baltimore to study the problems of youth crime. It goes on from one big city to another until it has obtained a general crime picture. But even in its first confrontation with crime, it did not hesitate to condemn as too little the administration request and to suggest it must be multiplied several times to be effective.

One testimony that perhaps tells the crime story of Washington was told the committee by a man who had been robbed of $15,000 in 1968. He has installed an elaborate system at his front door to stop intruders. Asked if it had not restricted the evening activities of his four daughters, the victim said simply, "They don't go out. The risk is too great."

Crime in the street has done that to life in the nation's capital. It is the sort of thing that makes even the spending of billions, to stamp it out, look good to more and more supporters.

[From the Albuquerque Tribune, Mar. 6, 1970]

QUOTA NEEDED FOR PEP PILLS

Three measures have been introduced in the House to impose a strict quota system curtailing the number of amphetamine tablets produced in this country.

It may not matter which is enacted into law—they differ primarily in enforcement provisions—but the need for a quota on these pep pills seems unquestionable.

Rep. Claude Pepper of Florida, chairman of the House Select Committee on Crime—a bipartisan majority of which supports a quota system—stated:

"Amphetamine or 'pep' pills alone pour out of the drug factories at a rate of 5 billion tablets a year and account for 8 per cent of all prescriptions written.

"This is highly questionable, given the testimony of expert witnesses before our committee such as Dr. Sidney Cohen of the National Institute of Health who said only several thousand are needed for non-controversial medical purposes. It appears that as much as half go into illicit use while the remainder are prescribed for such medically questionable uses as weight reduction and to combat fatigue."

A quota system would help choke off the supply of these pills now flowing into the black market.

THE PROMISE OF THE KENNEDY CENTER

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. BRADEMAS. Mr. Speaker, Members of the House have from time to time heard arguments that the Kennedy Center for the Performing Arts, presently under construction, is an overpriced and unnecessary addition to the Washington, D.C., skyline.

For that reason, I was pleased to read an article in the March issue of the Washingtonian magazine, which effectively refutes this viewpoint.

The article, entitled "The Kennedy Center: Cultural Bonanza or White Marble Elephant," describes the careful planning evident in the concept of the Center as well as its potential for enriching the cultural life of our Nation's Capitol and the country as a whole.

Mr. Speaker, at this point I would like to insert the text of the article, by Julius Duscha, into the RECORD, as follows:

THE KENNEDY CENTER: CULTURAL BONANZA OR WHITE MARBLE ELEPHANT?

(By Julius Duscha)

The three thousand words that follow are dedicated to the quite unfashionable proposition that the John F. Kennedy Center for the Performing Arts will succeed. It will become a world-famous center where the best in music, opera, ballet, theater, and film will be presented and where new ideas and new approaches to the performing arts will be tried.

The center, however, will never be self-supporting. No one involved in the construction of the building or in the planning for its programming and other activities has ever expected the center to pay its own way.

And why should it? Municipal auditoriums and baseball and football stadiums have seldom made money; yet they have been lavishly supported by state and local governments.

Success is more than just making money. For the Kennedy Center, success should be measured in terms of the excellence of its programming, the boldness of its efforts to encourage new developments in the arts, and the willingness of the center's Board of Trustees to develop such ancillary activities as a conservatory of music, a national theater company, national ballet and opera companies, and a really good symphony orchestra.

To help pay for such programming and activities, the Kennedy Center will need help from both private and federal sources. A relatively few million dollars a year will probably be enough, and if the center's leadership turns out to be as good as it now seems to be, there is every reason to believe that Congress and private philanthropy will make sure the center succeeds. It is certainly more deserving of subsidy than, say, the oil millionaires or the factory farmers.

The leaders of the Kennedy Center come to their jobs with first-rate credentials. Roger L. Stevens, chairman of the center, is a successful Broadway producer and theater owner who understands both the practicalities and the potential of the theater. Stevens is largely responsible for raising the more than $20 million in private funds that have been contributed to the center. Without his interest and work, the center would never have been built. Once the center is in operation, Stevens probably will take on the added duties of theatrical advisor.

General director of the center is William McCormick Blair, Jr., an associate of the late Adlai Stevenson, a respected lawyer, and like Stevens a man of imagination and flair.

George London, the operatic and concert singer, is the center's artistic administrator. He is well known in Europe and the United States and is highly respected throughout the musical world.

London is working under Julius Rudel, conductor and general director of the New York City Opera, who is the Kennedy Center's musical advisor. The forty-nine-year-old Rudel, born in Vienna and now an American citizen, is internationally recognized as one of the great conductors and outstanding leaders of the musical world.

The only publicly announced programming for the center is its plan to open in September 1971 with a festival of music and drama to be highlighted by a new work by Leonard Bernstein and by a festival of great American orchestras.

QUALITY OF CENTER'S FACILITIES

It is still chic to argue at Georgetown or even Bethesda cocktail parties that (a) the Kennedy Center should never have been built; (b) if it had to be built it was put in the wrong place; (c) there should have been three or four smaller buildings rather than one huge, 630-foot-long structure; (d) the whole thing smacks of official culture; and (e) who needs it in these days of pop art and free-form entertainment?

However, smart these arguments may sound when mixed well with martinis, they are irrelevant in 1970. The center is almost two-thirds completed. Enough Federal and private money is available to finish construction at an estimated total cost of $66.4 million.

The question that ought to be occupying the self-appointed leaders and guardians of the performing arts in Washington and elsewhere in the country is how best to use Edward Durell Stone's marble building on the banks of the Potomac.

The facilities will rank among the best in the world. In the center of the building will be a 2,300-seat Opera House designed for productions ranging from opera and ballet to musical comedy. On one side of the Opera House a 2,700-seat Concert Hall is being built, and on the other side the 1,100-seat Eisenhower Theater for drama is taking form. Above it will be a 500-seat theater primarily for film but also for lectures and chamber music. On the same roof-terrace level as the film theater will be space for receptions, band concerts, and meetings as well as room for an art gallery and restaurant facilities.

Each of the three major halls will have the finest in stage equipment, acoustics, and soundproofing. The seating capacity of the Opera House, for example, has been held down so that it will be an optimum size for singers. Behind both the Opera House and the Eisenhower Theater will be rehearsal halls.

A grand foyer—with floor-to-ceiling windows rising six stories and providing a dramatic view of the Potomac, Roosevelt Island, and the Virginia skyline—will connect the three principal auditoriums. They will be separated by a Hall of States and a Hall of Nations leading from the center's entrance plaza on the side of the building opposite the river. Beneath the center is a three-story garage with room for 1,600 cars.

Encased in white marble—a gift from Italy in memory of John F. Kennedy—and surrounded by soon-to-be-bronzed steel pillars, the Kennedy Center is already becoming as familiar a part of the Washington skyline as the nearby Lincoln Memorial—which some felt it would overshadow, but doesn't—and the Washington Monument.

The center's location, controversial since it was selected by Congress in 1958, has turned out to be as good a spot as could have been found. The center will be easily accessible from Rock Creek Parkway, Virginia Avenue, and the Inner Loop Freeway, which connects with the Theodore Roosevelt Bridge. If the center had been located near downtown, as the merchants there wanted it to be, it would now be facing the same problems as the rest of the center city at night. It will be a long time before Washingtonians go downtown the way they used to after dark.

THE KENNEDY CENTER AND OTHER CULTURAL CENTERS

Okay, so the building may turn out to be beautiful and may even get a few kind words from Wolf Von Eckhardt and Ada Louise Huxtable, but doesn't everyone know that the real problem with a cultural center only begins once the palace for the performing arts is finished? How in the world is anyone going to keep this newest monument solvent? Congress doesn't like ratholes, even when they are surrounded with Italian marble.

Remember what happened to the mere $13 million Atlanta Memorial Arts Center? The Atlanta Municipal Theater was in deep financial trouble soon after it began its productions in the fall of 1968. Don't forget either the problems of the $35 million Los Angeles Music Center, which must rely on substantial subsidies from private sources. And even baseball fans know of the struggles of the $175 million Lincoln Center in New York, where deficits run to $11 million or so each year.

But the Kennedy Center will have important advantages over the centers in Atlanta, Los Angeles, and New York. It is in the nation's capital and will be truly a national center. It will command the attention of the President, the Congress, and the country. The millions of tourists who come to Washington each year will be attracted to the center not only because of its location and newness but also because of the mystique of the Kennedy name.

As a national institution, the Kennedy Center should expect to get operating money from Congress. The center's Board of Trustees should make it clear from the very beginning that Federal operating money will be needed and expected. Rep. Frank Thompson (D.–N.J.), responsible for getting the legislation establishing the center through a balky House of Representatives in 1958, says, "I expected then and I expected now that the center will operate at a deficit. But that doesn't bother me in the least. I think the government has an obligation to make it run because in a sense we will have a national workshop here."

Yes, but who wants some Congressman from Pocatello telling us tastemakers what we should present at the Kennedy Center? This question is about as irrelevant as the continuing discussion over whether the center should have been built.

Congress and the Federal government are already hip deep in the Kennedy Center. The center would never have been built without Congressional approval and appropriation of Federal funds. The center is in fact a unit of the Federal government. Although it operates under the guidance of a forty-five-man Board of Trustees representing a wide variety of cultural and political strains in the country, the center is a part of the Smithsonian Institution. The construction of the center is being supervised by the General Services Administration. Of the $66 million cost, $23 million is being met by Federal grants and another $23 million by Federal loans. The

loans are being used for the parking garage, which will be available by day to Federal employees and others who work near the center, and which presumably will earn enough money to pay off the loans.

But no one on Capitol Hill has put on a hard hat and supervised the construction of the center. Nor are members of Congress likely to become artistic directors for the center. The legislation which created the center laid down guidelines spelling out the center's purposes as a national institution to enhance the performing arts. It is the center's Board of Trustees and not Congress that will make the ultimate decisions about what the center does and how it responds to national interests, and the thirty private citizens on the board are appointed by the President for ten-year, politically-safe terms. The other fifteen members are government officials who serve as long as they hold their jobs.

MEMBERS OF THE BOARD

Members of the board include such Washingtonians as businessman Floyd D. Akers and lawyer Ralph E. Becker; Broadway types such as Richard Adler, Robert W. Dowling, and Richard Rodgers; such friends of the Kennedys as K. Lemoyne Billings, Arthur M. Schlesinger, Jr., and William Walton; and of course Sen. Edward M. Kennedy and Mrs. Stephen E. Smith, sister of the late President. Mrs. Aristole Onassis is an honorary chairman of the board.

Mrs. Onassis, widow of the late President, has not shown much interest in the center since her remarriage, although several years ago she did get involved in the center's programming plans. For example, she tried to get Leonard Bernstein to take on the job of artistic director for the center.

Mrs. Onassis also made a last-minute effort in 1964 to try to change the center's location from Foggy Bottom to a site on the Mall near the National Gallery of Art, but by then plans for the center were too far along to change them without causing a sharp rise in costs. It is generally thought that Walton, who has always opposed the center's Foggy Bottom site as well as the concept of a cultural center, persuaded Mrs. Onassis to try to change the location.

There also have been disagreements on the board between some of the grand-design oriented members and the more practical directors, such as Stevens and Becker, who have been immersed in the project since its beginnings and have insisted that the board take one step at a time, concentrating all its energies first on raising money for the building, and then moving on to the even more difficult problems of finding money to pay for programming.

The board, in fact, is just now getting into programming matters, which are likely to be far more controversial than the tough but more mundane problems of putting together enough public and private money to construct a building. There is general agreement among board members, however, that the center must do a great deal more than just provide dull nights out for tired and bored businessmen, members of Congress, and Cabinet members and their socially ambitious and overdressed wives.

James E. Allen, Jr., U.S. Commissioner of Education, who by virtue of his office is a member of the board, is now conducting some preliminary studies of the kind of programming the center might do to attract ghetto youngsters—and their parents—as well as others who might otherwise never think of going to a cultural center.

S. Dillon Ripley, II, the secretary of the Smithsonian Institution and an ex officio member of the board, is also interested in the educational aspects of the center's programming. Ripley's detractors think he would like to take over the Kennedy Center, should it fail. At the very least, it is thought that Ripley's ambitions are to run the educational programs of the center. "But never underestimate the energies of Dillon Ripley," one member said in discussing the disagreements over programming that are expected on the board.

Although Mrs. Onassis shows little interest in the center, Ted Kennedy and Jean Smith are interested and do attend Board meetings. Bill Blair makes certain that the Senator and Mrs. Smith are kept informed on all developments as they occur and is quite solicitous of them and their involvement in the center.

CONTRIBUTIONS FROM OUTSIDE

John F. Kennedy himself was never particularly interested in the performing arts or in other cultural activities. But if the center had not been designated by Congress early in 1964 as the official memorial to John F. Kennedy in the District of Columbia, it probably never would have been built.

What is now the Kennedy Center was originally the National Center of the Performing Arts. Authorized by Congress in 1958, the National Center was to have been built entirely with private funds on a seventeen-acre site in Foggy Bottom put together by the Federal government. (Most of the land was already Federal property.) But until the center was renamed for John F. Kennedy, and Federal funds were made available, private contributions proved hard to get. "The assumption was that this was a Federal project that didn't really need private money," Roger Stevens has noted.

Ironic, too, was the decision by the center's trustees last year to name the theater after President Eisenhower, another nontheatergoer and non-culture-lover who happened to sign the original bill providing for a National Center of the Performing Arts. But it is certainly useful for fund raising and other purposes to have a bit of bipartisanship injected into the center's nomenclature.

Although the Kennedy name has helped far more than it has hurt the center, there are still plenty of Kennedy-haters around and at times the name has carried some disadvantages with it. In the spring of 1968, for example, when it became clear that additional Federal funds would be needed to complete the center, Roger Stevens decided to wait a year before asking Congress for the money because of the heat then being generated by the late Robert F. Kennedy's campaign for the Democratic presidential nomination. When Stevens finally brought a request for an additional $7.5 million in Federal funds before Congress in 1969, he got the money but he also was criticized by some members for waiting to go to Congress until practically all the available funds were already committed to construction contracts, in effect giving Congress no choice but to ante up the needed money.

About $20.4 million of the center's funds are from private sources and foreign governments. A total of $9 million has been contributed and $5 million by corporations. All but $2.5 million of this $20.4 million has been raised. The largest private gift came from the Ford Foundation, which donated $5 million. The Rockefeller Foundation gave $1 million, the Old Dominion Foundation $500,000, and the Joseph P. Kennedy, Jr., Foundation $500,000. Almost 400 industrial and business firms have made contributions. Only $2 million in private contributions has come from residents of the Washington area. One of the largest contributions in the Washington area came from the Hattie M. Strong Foundation.

Italy donated all of the marble needed for the exterior and the interior of the building, a gift valued at $1 million. From Austria will come a huge crystal chandelier for the Opera House. The Danish government will decorate and furnish the north lounge of the Opera House. The German government is donating bronze panels for the center's entrance area. Ireland is giving a crystal chandelier for the presidential lounge of the Opera House. From Japan the center will receive a red and gold silk curtain for the Opera House. Norway is donating eleven crystal chandeliers for the center's Concert Hall. Sweden is giving fourteen crystal chandeliers for the center's grand foyer.

The delays in the construction of the center have resulted, however, in a doubling of the original cost estimates. In a decade the center's price tag has increased from $11 million to $66.4 million. Most of the increase can be attributed to inflation, but some is due to faulty estimating. The steel work, for example, cost over $2 million more than originally estimated because of just bad arithmetic. Another $1 million was added to the costs when jets were allowed into National Airport and more soundproofing materials had to be built into the center, which is just off the final approach pattern to the airport.

LESSONS LEARNED

It would have been nice to have had the center in operation for the last decade, but delay in its construction and opening has meant that Stevens and his aides can benefit from the mistakes and lessons of the Lincoln Center, the Atlanta Center, and the Music Center in Los Angeles. And the principal lesson to be learned from the troubles of the existing centers is the importance of starting slowly and of making certain that money is in hand before commitments are made for attractions, programs, and festivals with interesting artistic possibilities but murky commercial outlooks.

Stevens is very much aware of the importance of having money in hand before committing the center to big programming ideas. When pressed for details on the center's plans for noncommercial attractions, Stevens replies, "If people want public service operations, they've first got to find a way to pay for them."

Stevens also is determined that the center not take on the financial problems of such organizations as the Washington National Symphony. If the National Symphony presents its concerts at the center instead of at Constitution Hall, this does not mean that the center will provide an economic umbrella for the Symphony's money problems.

During its first year or two the Kennedy Center will rely heavily on established commercial attractions in all of its halls. There will be some noncommercial programming such as the American College Theater Festival, which the Friends of the Kennedy Center sponsored last spring at Ford's Theater, and a tent theater on the Mall, and probably a similar jazz festival.

Although Stevens says he has commitments for a million dollars or so in operating capital, there is not yet money in sight for ambitious programming that would make it possible for the center to sponsor an opera company or a national theater company. In the meantime, Stevens believes that it is of the utmost importance for the center to make a good beginning with commercially sound attractions, and when money is forthcoming, to go on from there to experimental and riskier ventures.

In the first years, for instance, the Opera House will be used for opera and ballet no more than six months of the year. The Metropolitan Opera and distinguished European companies will perform in the Opera House. The rest of the year it will be available for musical comedies either on their way to Broadway or touring after a successful New York run.

"The musical comedies will be commercial and money-making ventures," George London acknowledges, "but this is defensible artistically, too, because the musical at is best is the great American lyric form."

In addition to housing the National Symphony, the Concert Hall probably will be the site of the many concerts by well-known musical artists now presented by Patrick Hayes and others in Constitution Hall and Lisner Auditorium.

In the Eisenhower Theater, six months of each year will be given over to Broadway plays, and the other six months will be available for such noncommercial programming as the College Theater Festival.

The film theater will be used largely for experimental work, and it is expected that George Stevens, Jr., the son of the eminent director, a filmmaker in his own right and director of the American Film Institute, will be in charge of the film programming.

What about pop culture, rock music, and off-Broadway kinds of productions? "If Janis Joplin wants to play the Kennedy Center, we would be happy to book her in," Roger Stevens says, "but I don't really think the Kennedy Center is the place for *Oh! Calcutta!*"

"Our main concern will be with good things," London says in summing up his approach to programming. "If it's new it isn't necessarily good. Art has to have discipline. Sure, we're going to play it close to the vest, because we also want to stay alive. But the sky's the limit if we have the money."

Impresario Patrick Hayes thinks that too many Washingtonians are concerning themselves only with what the center is going to do in its first year or two rather than looking at the center in the perspective of ten to forty years. Within such a period, for example, Hayes sees the center as becoming the home of a great conservatory of music.

CRITICISMS

There are, of course, critics of the center's leadership, and one of the most articulate is Ralph Black, manager of Washington's National Ballet and a former manager of the National Symphony.

"Six months opera, six months musical comedy," comments Black. "I think that's just tragic. I'm not opposed to musicals, nor am I a snob about them. I just don't think the Opera House should be a Broadway house. I don't have any question that it can be filled with artistic works. You're building audiences today."

Another critic is Richard Pearlman the manager of the Washington Opera Society and a former stage manager for the Metropolitan Opera, who asks, "What could be more dead end than bringing musicals to the Kennedy Center? Artistically, musicals are at a dead end in this country."

Rather than staging Broadway musicals at the Kennedy Center or even presenting opera in a familiar setting and a traditional way, Pearlman believes that the center should experiment by perhaps trying to combine opera, Broadway, and rock in a new kind of musical and by "scraping off the barnacles from existing operas to see what is really there" instead of "just grinding out sausages from a machine and thinking that a production is all right as long as no one falls off the stage."

However critical men like Black and Pearlman may be of the center, they and almost everyone else in Washington looking for a showcase for singers, dancers, musicians, or actors want to get on one of the center's stages. Black, for example, has had a long argument with Stevens over whether the National Ballet ought to be the resident ballet company at the center. But Stevens has stuck to his 1968 decision making the American Ballet Theater of New York the resident company. It will play at the center for a few weeks in both the spring and the fall.

The New York City Opera is expected to be named the resident opera company for the Kennedy Center. Julius Rudel, conductor of the City Opera, is already the center's musical advisor. But Pearlman, like Black, thinks his group should be the resident company because it is actually headquartered here while the New York City Opera, like the American Ballet Theater, remains a New York-based company and will be in residence in Washington only a few weeks of every year. Artistically, of course, the New York groups are superior to the Washington companies.

Washingtonians look on the center as their own bauble, but Stevens, Blair, and London continue to emphasize its national character. And they are right. The center would not have been built without $46 million in Federal funds collected from all the taxpayers, not just those in the Washington area. Only five percent of the $20.4 million raised so far from private sources has come from Washingtonians.

"Everybody will want to play in the place," Patrick Hayes says. "The magnificence and beauty of the center will attract people. And given a good show, people will storm the doors."

THE CENTER AND OTHER WASHINGTON FACILITIES

There is apprehension about the center among such people as Scott Kirkpatrick, the manager of the National Theater, and Tom and Zelda Fichandler, who have built the Arena Stage into a nationally known theater. And what about Constitution Hall and Lisner Auditorium? Will they be dark and deserted once the Kennedy Center opens?

The National Theater and the Kennedy Center will be competing for Broadway shows. But the National, with its 1,700 seats and excellent acoustics, will still be a formidable competitor for plays with the 1,100-seat Eisenhower Theater. Those 600 extra seats each night will look awfully good to the producer of a hit. The Kennedy Center's Opera House undoubtedly will drain away musicals from the National. But the affluent Washington area ought to be able to support more than one theater for Broadway productions. Furthermore, the Kennedy Center will be in the Broadway business no more than half of each year.

As for the Arena, it has developed a loyal audience by presenting old and new plays which often are not directly competitive with Broadway. The non-commercial attractions at the Kennedy Center will be more directly competitive with the Arena, but again there would seem to be room for such competition.

Constitution Hall and Lisner will not be as busy as they are now, but Patrick Hayes, for one, believes that both will be heavily booked within five years of the opening of the Kennedy Center. Hayes thinks that the cultural boom of the post-World War II years will continue and that the Kennedy Center will by no means be able to handle all of it. And as for Sol Hurok and others who bring expensive attractions to the United States from abroad, Constitution Hall will still look good with its 3,800 seats compared with the 2,700 seats in the Kennedy Center's Concert Hall or the 3,200 seats in its Opera House.

The Kennedy Center itself also ought to turn a lot more Washingtonians into theatergoers and concertgoers. The newness of the center and the mystique of the Kennedy name will be as attractive to Washingtonians as it will be to tourists. Conscious of the large amount of Federal money that has already gone into the center and the need for additional Federal funds to help meet operating deficits, Stevens, Blair, and London seem determined to make good on the center's slogan: "The Kennedy Center is for everyone."

Tickets will be made available at low prices to students and others who cannot afford the regular scale. Special programs will be put on for school audiences. The center's three major halls are equipped for live television broadcasting and for filming and taping.

THE CENTER'S PROMISE

The Kennedy Center will, of course, have its troubles and frustrations. Its deficits will be decried in the halls of Congress. Rival impresarios will accuse the tax-free subsidized Kennedy Center of unfair competition. And the center will surely be picketed from time to time by confrontation-prone, pop-culture militants.

There may be plain old structural and logistical problems, too. Some people are still worried over the sufficiency of the center's soundproofing. The self-park garage also could result in jarring traffic jams, but Roger Stevens believes there will be enough entrances onto Rock Creek Parkway, Virginia Avenue, and the Inner Loop to empty the garage in the fifteen minutes. the engineers who built it claim it will take. Staggered curtain times will be used so that more than 6,000 persons won't be converging on the place at the same hour.

All new buildings and all ambitious new projects encounter problems when getting under way, and there will be troubles for the Kennedy Center, but by being in the nation's capital and by already having the Federal government deeply involved, the center's chances for success and for continued Federal financial support are excellent. And this is why it will become one of the world's leading cultural centers.

POLLUTION

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. ROGERS of Florida. Mr. Speaker, the Public Health Subcommittee has held 2 weeks of hearings on extensions of the Clean Air Act and the Solid Waste Disposal Act and I must say that I am very dissatisfied and discouraged with the way the law has been administered and enforced.

It has become very clear that these programs lack priority, are underfunded and unenforced. There must be a drastic redirection of efforts and priorities if we are to honestly meet the problems of air pollution and solid waste disposal.

About 60 percent of the air pollution comes from automobile pollution and the law provides for standards for auto emissions.

But we have found that between 70 and 80 percent of the cars which come under these standards are not meeting them. This makes those standards about useless and they will remain so unless there is adequate enforcement.

What is amazing is that the National Air Pollution Control Administration knows this and has known for some time now that the standards were not being met. Yet car after car was certified, was sold and taken to the highways, soon to be polluting the air in direct violation of the Federal standards and the intent of the law.

And NAPCA, although knowing that the certification of these cars was not worth the paper it takes to write it on, never made public the results which

showed that these cars were polluting and not meeting standards, until questioned before our committee.

I feel something could have been done if the Congress had known about the situation.

NAPCA could have gone to the manufacturers and asked that they improve their antipollution systems on their cars. If nothing were done to improve the situation, NAPCA could have made public disclosures of the offending automobiles. And then too, there was the remedy that NAPCA could have come to the Congress and told us that the certification program was not working.

But they did not. Instead they continued to perpetrate this sham on the American public. People buying cars for the past 3 years have paid extra money for air pollution devices or systems on cars that did not work. And in effect, the National Air Pollution Control Administration was a partner in deceiving the public.

There has also been a lack of enforcement under the abatement provisions of the law.

During hearings, NAPCA told us that there were only 10 air pollution abatement suits filed. I daresay that there are more than 10 places where people or industries or municipalities are fouling the air. This just points to the lack of aggressiveness of the Federal Government in making the Clean Air Act work.

In addition, NAPCA was instructed to designate air quality regions under the provisions of the law. This was supposed to be accomplished within 18 months of the passage of the law.

Yet, we found that during the hearings, only one air region has been approved and only 29 have been submitted. When the law was passed, we envisioned that there would be between 55 and 75 air regions. So we see that here, too, NAPCA has dragged its feet and failed to live up to the law.

In fact, I think that there is a very good probability that the slowness which has characterized NAPCA's action has actually slowed down States' progress. The States have had to wait for the Federal Government to move.

Under the law, NAPCA was to register gasolines, but again, this portion of the law has not been carried out.

There has also been a lack of interest and priorities in the area of solid waste disposal.

The problem of air pollution has received a great deal of attention and it should. But the problem of solid waste disposal may be even more pressing. This is something that is as close as your backyard. Every community in the United States, no matter what size, has the problem of what to do with the trash that is discarded daily. And this problem is growing at a tremendous rate. We average about 20 pounds per person per day. We are spending $4.5 billion a year on an antiquated system of hauling away our solid waste. Yet the Federal budget for solid waste disposal is only $15.3 million. That means that we are spending about the same amount for solving the entire Nation's solid waste problems as we are on one F-111 fighter plane.

During the hearings, one proposal seemed very encouraging. A new incinerator plant has been developed which will reduce waste drastically and at the same time will provide power. The burning required will produce heat that turns turbines. A representative of the company doing work on the project said that if these plants were spotted around the Nation in sufficient numbers, they could add 10 percent to the Nation's electrical output, at the same time that they took care of the cities' solid waste.

This is an example of what can be done. We are working now on recycling of metals and we must do more in order to reuse what we discard.

If the administration will place a proper priority on solid waste disposal, then we can accomplish something. But to date, we have heard that "we owe a debt to nature" and that it is a "now or never proposition." Yet the administration's action has not corresponded with its rhetoric.

CONSERVATION SHOWCASE IN CONNECTICUT

HON. WILLIAM L. ST. ONGE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. ST. ONGE. Mr. Speaker, I am inserting into the RECORD a very interesting article which appeared in the March issue of Soil Conservation, a publication of the Soil Conservation Service of the Department of Agriculture. It describes a 76-acre conservation showcase located in Windham County in the northeastern section of my congressional district in Connecticut.

The project was established by the Windham County Soil and Water Conservation District, and serves as an outdoor catalog where visitors may study the performance of plants before using them on their own properties. It thus provides a firsthand view of the numerous means by which the landowner may engage in conservation practices.

I particularly commend this article to my colleagues as an example of the outstanding work being performed by the Soil Conservation Service. Its achievements in preserving our irreplaceable water and soil resources serve as a blueprint for the type of effort which must be undertaken if our environment is to be saved from the excesses of unregulated human activity.

The article is written by Albion L. Weeks and Elmer E. Offerman, district conservationist and resource planning specialist, respectively, at Brooklyn and Storrs, Conn. It reads as follows:

SHOWCASE FOR COUNTRY LIVING

A 76-acre Conservation Showcase in northeastern Connecticut is helping to orient former urban residents to country living.

The Windham County Soil and Water Conservation District established the show case to give newcomers a firsthand view of the alternatives in land uses and conservation practices available to improve their lands. It serves as an outdoor catalog where observers can study the performance of plants before using them on their properties.

The Soil Conservation Service assisted the district in establishing suitable plants for the demonstration area. SCS test performance of plants at its Big Flats, N.Y., and Cape May Court House, N.J., plant materials centers before they are recommended to the district. The Windham showcase includes nearly 75 introduced species of plant materials being evaluated under a cooperative agreement between SCS and the district. Emphasis is on multi-purpose plants that have values for wildlife, erosion control, and beautification, especially those useful in a situation of changing land use.

One of the most versatile plants on the showcase grounds is the perennial flatpea, Lathyrus Sylvestrus. Its dense mat of leaves and stems produces excellent surface protection against erosion. It is similar in appearance and growth habit to the ornamental sweetpea, although flowers are less numerous and showy. The plants reach a height of 2 to 3 feet during the growing season, then settle to less than a foot during the winter.

At the Windham Showcase, an area cleared for a woods road was seeded in the fall of 1963 to a mixture of perennial flatpea and Kentucky 31 tall fescue. The pea became the dominant species and has successfully competed with quackgrass and woody plants.

Perennial flatpea when used as cover for woods roads, access roads, firebreaks, nature trails, hiking and bridle paths, and powerline rights-of-way, requires little maintenance and provide food and cover for wildlife. Use of this plant for sediment control in urban areas seems feasible.

Showcase visitors also see examples of excellent ground covers of reed canarygrass, smooth brome, birdsfoot trefoil, and crownvetch. They observe wildlife feeding on Cardinal autumn olive, a special strain introduced by the U.S. Department of Agriculture. Amur honeysuckle also provides winter food for pheasants, rabbits, other game, and songbirds.

Through its showcase, the Windham County Soil and Water Conservation District is able to demonstrate many ways to practice conservation on private lands.—Albion L. Weeks and Elmer E. Offerman, district conservationist and resource planning specialists, SCS, Brooklyn and Storrs, Conn.

A UNION WITH SOUL

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. MOORHEAD. Mr. Speaker, I would like to call my colleagues' attention to an article which appeared in the Sunday New York Times Magazine, March 22, 1970.

This outstanding piece by A. H. Raskin, tells the success story of Local 1199, Hospital and Nursing Home Employees Union. This group has successfully fought antiunion sentiment and bettered workers' conditions in a number of cities including Pittsburgh, my home.

Local 1199 has been a success both in the traditional labor organizing sense and in its ability to bring blacks and whites together for a common cause.

Let me quote from the article:

What gives Local 1199 its special magic is the extent to which it has coupled the substantial bread-and-butter gains it has brought its rank and file with equally solid

progress toward making unionism a way of life, an integral element in the freedom struggle.

Mr. Speaker, I insert this article into the RECORD with my personal salute to Local 1199 for a job well done:

A UNION WITH "SOUL"

(By A. H. Raskin)

Where is the Union now, friend,
At the Strike's end?
Inside my heart, friend.

There is little soul music in American labor today. Most unions have become dispiriting mirror images of the corporations with which they bargain. Their leaders are men of substance, more comfortable at Moriarty's than at Le Pavillon but not strangers to either. They receive respectful hearing on Capitol Hill or at City Hall, administer billions of dollars in trust funds, build headquarters that rival the temples of the money-changers and serve on countless boards dedicated to civic uplift.

The bigger the union, the more remote its rank and file—hundreds of thousands of names in computerized files, new members brought in automatically under union-shop agreements, dues collected by employer checkoff in the same inexorable way that Uncle Sam plucks his taxes out of the pay envelope. The chief breaks in this disembodied pattern come when the members upset a proposed contract or insurgents challenge the entrenched leadership as Joseph A. Yablonski tried to do in the United Mine Workers before a murderer's bullets cut him down. Or the disruption can come from outside in the form of clamor by Negroes and other minorities against the monopolistic control over job opportunities exercised by unions in construction and other skilled trades.

In the spiritual wasteland these problems of success have created for a movement born of worker discontent, two unions stand out as nurturers of the old idealism, perhaps because they move into the nineteen-seventies still obliged to fight the elementary battles for human dignity that gave unions their great emotional appeal in the turbulent thirties.

One is the United Farm Workers Organizing Committee, headed by Cesar Chavez, which for four frustrating years has been striking the growers of California table grapes to gain some measure of security for the nomadic army of Mexican-American and Filipino pickers.

The other is Local 1199 of the Drug and Hospital Union, a New York-based organization that is combining soul power and union power to bring higher pay and a new sense of group identity to growing numbers of hospital employes across the nation, the great majority of them black and Puerto Rican. The Rev. Dr. Martin Luther King Jr. used to call Local 1199 his favorite union. Three weeks before his assassination, Dr. King told a "Salute to Freedom" rally conducted by the hospital union here: "You have provided concrete and visible proof that when black and white workers unite in a democratic organization like Local 1199 they can move mountains."

In this period of racial polarization, when even so sophisticated a city as New York has demonstrated through its still smoldering conflict over school decentralization how fragile are the bonds of tolerance that tie the community together, the experience of Local 1199 affords encouraging evidence that a racially integrated approach within existing institutions can redistribute power and thus begin to satisfy the yearnings of those in the cellar of opportunity for self-direction toward a place in the sun.

Here is a union formed by Jewish drug clerks in Harlem and the Bronx at the start of the Great Depression nearly four decades ago. It went into the hospital field in 1958 almost by accident. A Negro porter at Montefiore Hospital compared notes with a relative working as a porter in a Bronx pharmacy. The hospital porter was earning $36 for a 44-hour week; the drugstore porter was getting $72 for 40 hours, plus employer-paid pension, health and welfare protection.

The Local 1199 member told the union's president, Leon J. Davis, that hospital workers could use its help. A day or two later, Elliott Godoff, now a vice president of Local 1199 but then an unemployed registered pharmacist came into the union hiring hall seeking a job as a druggist. He stopped to chat with Davis, an old friend, who remembered that in the nineteen-thirties Godoff had organized workers in the municipal hospitals for the old United Public Workers. Out of that recollection came an assignment to Godoff and Ted Mitchell, a black organizer who had originally worked as a drugstore porter, to begin signing up members in Montefiore.

Workers in the city's voluntary hospitals earned so little in those days that many needed supplementary relief from the Welfare Department to feed, clothe and house their families. They were the left-outs in all the laws guaranteeing collective bargaining, minimum wages, unemployment compensation and other statutory protections for workers. They had neither Blue Cross nor sick-pay insurance, and it was a tragic joke in the hospitals that none of their nonprofessional employees could afford to be sick.

The philanthropists who sat on hospital boards did not cheer the advent of Local 1199. Bitter strikes in 1959 and 1962—strikes in which the union defied injunctions and found itself under constant attack for imperiling patients' lives—preceded full status in New York. Today, 36,500 hospital workers in the metropolitan area belong to Local 1199, more than seven times the 5,000 in the parent division of pharmacy employees. The current minimum wage of $100 for a 40-hour week is triple the pay floor of a little more than a decade ago.

The upsurge here brought stirrings of unionization in other parts of the country, but the drive did not gain real momentum until a strike of 500 black hospital workers in Charleston, S.C., last year welded organized labor and civil-rights groups into an indomitable alliance. It took 113 days and more than a thousand arrests before the coalition won a full victory in that most Southern of cities, with its graceful mansions, moss-hung trees and a museum on the site of the old slave mart.

Even while National Guard men with fixed bayonets turned Charleston into a military compound, the dominant force in the strike was a massive spiritual involvement. When the first breakthrough was achieved on the strike's 100th day, the Rev. Ralph Abernathy, Dr. King's successor as head of the Southern Christian Leadership Conference, was fasting in the Charleston jail. A dozen of his associates from S.C.L.C. and Local 1199 came to his cell with a bail bond to free him so he could speak at a victory rally. His refusal to go until a complete settlement had been won sparked an impromptu revival meeting in which everyone linked arms and sang "We Shall Overcome." As the last notes cut through the 115-degree heat, all sank to their knees on the concrete floor and Abernathy led them in prayer.

When the imminence of an accord was announced in a crowded Negro church, the entire congregation wept and knelt in prayer. One man sobbed: "It's so terrible. We've been so together; now it's over." Dozens of letters after the settlement testified to the impact on the strikers, almost all of whom were women. Mrs. Claire G. Brown, an obstetric technician, who went to prison with several of her five children for strike activity, wrote of her surprise that organizations like Local 1199 and the S.C.L.C. "would risk jail, time, money and their very lives to help hundreds of poor people like me, whom a lot of other people may think wasn't important enough even to consider."

"It helped me to realize how important I am as a person, which I'm afraid I didn't quite realize before," Mrs. Brown said. "I further realized that the power structure isn't all-powerful, but that they are to do the bidding of the people, and the people can make them do it."

A similar realization on the part of many Baltimore hospital workers helped bring 7,500 nonprofessional employes there under union contract after the Charleston triumph. Progress was made easier by the decision of the most prestigious of the city's institutions, the Johns Hopkins Medical Center, not to hide behind the absence of any state law requiring hospitals to deal with unions.* Though far from joyous at the prospect of unionization, Johns Hopkins agreed to let the workers make their own decision through an election and the union won by a 2-to-1 margin. Wages, which had been $1.60 an hour before Local 1199 came on the scene last summer, are now up to $2.10. The present New York floor of $2.50 an hour and $100 a week will be reached next Dec. 1, an increase of more than 50 per cent in a little over a year.

With organizers already at work in Pittsburgh, Philadelphia, Cincinnati, Detroit, Durham, N.C., and many Connecticut and New Jersey communities, Local 1199 has now become the founding father of a full-fledged National Union of Hospital and Nursing Home Employes. The goal is to enroll as many as possible of the country's 2.5-million hospital workers into locals that will acknowledge their paternity by retaining the 1199 number, with an identifying initial tacked on for each new city. Thus, Charleston is 1199 B, Baltimore 1199 E and Pittsburgh 1199 P.

So far as the labor hierarchy is concerned, the new union is an offshoot of the Retail, Wholesale and Department Store Union, the A.F.L.–C.I.O. international with which Local 1199 itself is affiliated. Having a local union sprout a whole treeful of affiliates under a distinct national charter is decidedly unorthodox, but the prestige Local 1199 enjoys and the diversity of the power centers with which it is linked made its own international decide it was the course of wisdom to bless the new venture rather than fight it. In a year or two the fast-growing infant may well dwarf its parent international and ask the A.F.L.–C.I.O. to give it the key to a house all its own.

What gives Local 1199 its special magic is the extent to which it has coupled the substantial bread-and-butter gains it has brought its rank and file with equally solid progress toward making unionism a way of life, an integral element in the freedom struggle. New York City has given official recognition to the local's contributions in that direction by designating it as sponsor for a $30-million urban-renewal project to be built on the Harlem bank of the East River. The project will provide cooperative apartments for 1,350 families, many of them headed by hospital employes, on a 9.5-acre riverfront tract now populated mostly by rats. The union's aim is to turn the development into a center for inter-racial living through the inclusion of a dozen community facilities.

*Fewer than 10 states have laws that firmly guarantee hospital workers the right to join unions, hold representation elections and bargain collectively, rights that most workers won 35 years ago. New York passed such a law only in 1963. Where there are no such laws, hospital administrators have generally interpreted their absence as a prohibition on dealing with unions.

In all its activities, 1199 tries to prove that "a good union doesn't have to be dull." Its home-produced film, "Like a Beautiful Child," surpasses any television documentary in poignancy and effectiveness, an understated epic of workers in quest of "the little things that make the difference." The 1959 strike here led to publication of a book of poems in the Joe Hill tradition by Marshall Dubin, the union's educational director. (The poem at the start of this article is from that collection.) Live theater programs, seminars and $40,000 a year in college scholarships for the children of 1199 members are among the raisins in the union-baked bread.

Through all its four decades the local has been on the far left of New York's labor movement. It broke with the labor establishment to support Senator Eugene J. McCarthy for the Democratic Presidential nomination in 1968. It lined up with Ocean Hill-Brownsville and other champions of community control in their fight with the United Federation of Teachers. When the Central Labor Council went all-out to prevent Mayor Lindsay's reelection last year, the hospital workers put all their energies into insuring the Mayor a second term.

Despite such walkaways from conventional union "solidarity," the local has had vigorous support from the rest of labor in its organizational battles. Indeed, its leaders give a large share of the credit for their success in the make-or-break 1959 hospital strike to Harry Van Arsdale Jr., president of the Central Labor Council, who currently rates as a kind of ogre to many black unionists. When the hospitals dug in to repel unionization, Van Arsdale mobilized the construction trades—then even more lily-white than they are now—to walk the picket lines night and day with the Negro and Puerto Rican strikers. Equally important, he used his considerable political influence with Mayor Robert F. Wagner to put the heat on the balky hospital trustees and thus end the Lady Bountiful brand of economic feudalism.

Leon Davis, who has remained president of Local 1199 almost from its inception, is still an enthusiastic Van Arsdale booster, for all their fallings-out over Lindsay and the school strike. "When we were striking in Charleston," Davis says, "Van Arsdale couldn't have worked harder to rally help if it were his own electricians on strike."

Indeed, help in the Charleston strike came from labor nationally. George Meany took the lead in raising $100,000 from the A.F.L.–C.I.O. and its affiliates. The rival Alliance for Labor Action, headed by Walter P. Reuther, contributed $35,000. Perhaps the most potent assistance of all came from Thomas W. (Teddy) Gleason, tough-talking head of the International Longshoremen's Association, whose threat to shut down the port got a lot of Charleston businessmen interested in a settlement.

Davis, whose radicalism once made him a pariah to most other top unionists, is mildly amused by the eagerness they now show to embrace him and his organization. "For the labor movement," he says, "identifying with us is like going to church or synagogue. We are a badge of holiness, a mezuzah they can wear around their neck. They all want to help. A racket guy, a guy who runs a no-good union, sent me a $1,000 check to help the Charleston strike."

The most unusual testimonial to Local 1199's probity came from Simone Rizzo (Sam the Plumber) DeCavalcante, the New Jersey *mafioso*, whose tapped telephone conversations covered a couple of thousand pages of F.B.I. transcript. In one bugged talk, he advised Local 1199 to stop bothering a Plainfield nursing home. Murray Kempton, a man with an ear for such things, culls from the record these deathless words of DeCavalcante: "This is a slap in the face to me. . . . I got money in there. . . . You better watch your step where you put your feet. . . . Tell [Davis] he better not threaten people or I will wash every street with him. . . ." The union didn't scare and in two days DeCavalcante decided it would be smart to settle.

Even more remarkable, however, is the steady strengthening of the ties between 1199 and the civil-rights movement in a period when white-black relationships in the rest of labor are more down than up. When the Charleston strike ended, Abernathy's chief assistant, the Rev. Andrew Young, told the victory rally: "We won this strike because of a wonderful marriage, the marriage of the S.C.L.C. and Local 1199. The first of many beautiful children of this marriage is Local 1199 B here in Charleston, and there are going to be as many more children like 1199 B as there are letters in the alphabet."

The support for the local comes not just from moderates like Roy Wilkins and A. Philip Randolph but from such militants as the late Malcolm X. His enthusiasm for 1199, he said in a talk shortly before his murder, rose from the fact that its leaders were not "afraid of upsetting the status quo or the apple cart of those people who are running City Hall or sitting in Albany or sitting in the White House."

The heads of all the feuding national black groups got together for the first time in years to sign a joint declaration backing the Charleston strikers. Dr. King's widow, Coretta Scott King, as honorary chairman of the national organizing drive. She has helped to make the blue-and-white 1199 cap a countrywide freedom symbol.

One explanation for this united support is that 1199 has been a good deal more enterprising than have other white-led unions with a majority of "minority" members in seeking out, developing and utilizing leadership potential among its black and Puerto Rican rank and file. Typical is Fred Punch, a year ago an orderly at St. Barnabas Hospital in the Bronx, who has been running the whirlwind organizing campaign in Baltimore and is now a vice president of the new national union.

He is no token black in the Local 1199 command structure, either. Mary Moultrie, a nurse's aid in the State Medical College Hospital at Charleston, whose firing was one of the triggers of the strike there, not only got her hospital job back but is now president of 1199 B and a national union vice president as well. She was a featured speaker at the national convention of the A.F.L.–C.I.O. in Atlantic City last October, the first black rank-and-filer ever to make such an address.

The secretary-treasurer of the national union is Henry Nicholas, a male aide at Mt. Sinai in the 1959 New York strike, who never got beyond elementary school in his native Mississippi but who played a lead role in Charleston and is currently top man in the effort to unionize Pittsburgh hospitals. Most prominent of all the up-from-the-ranks leaders is Doris Turner, a former diet clerk at Lenox Hill, who distinguished herself in the initial strike and now heads the entire hospital division in New York, with 20 area directors and organizers on her staff.

She is secretary of the national union and is about to move up to executive vice president of the New York local as part of a reorganization that will expand black and Puerto Rican representation on the 1199 staff. When the new structure becomes operative after the local's elections next month, 8 of the 15 vice presidents will be Negro or Puerto Rican. So will 8 of the 11 organizers.

Davis, born in Russia 57 years ago, will still head the cast, both locally and nationally. But he is not counting on seniority to keep him on top permanently. When asked how long he thinks he and other pioneers of the old Pharmacists Union can maintain seats of power in an organization now 80 per cent "minority" members, Davis replies cheerfully: "Oh, we'll have to go. We know that. The old leadership is here to prepare new leaders. They are coming from the hospital ranks, black, Puerto Rican, white. The assets they have are that they understand their own people much better than any of us. We have great practical and administrative experience, which they largely lack and which you need to run a union today."

But there is a great gun between the cool rationality of such pronouncements and the black-power pressures that throb in the ghetto and find their way into the life of the union. Davis, a soapboxer from way back, is not above utilizing demagogy of the raw-meat variety in the crisis stages of contract negotiations. At such junctures, he often couples appeals to passion with strike threats—despite the fact that the New York law which opened up a statutory right to collective bargaining for hospital employes in 1963 specifically requires that disputes not settled through direct negotiations be submitted to binding arbitration. This heedlessness of a legal mandate to prevent the sick from becoming hostages in labor-management battles only worsens race divisions, in the view of hospital administrators.

So does the union's use of confrontation techniques—imprisoning hospital executives in their offices while black delegates "tell it like it is," and staging "high noons" at which all union workers walk out in a show of strength. In Baltimore, Elliott Godoff warned officials that the union "could make Charleston look like a poker game," and Fred Punch talked of "tearing the damn town down."

My own wanderings through the cavernous halls of Johns Hopkins after the peaceful contract signing there made it plain that the campaign had left a bad residue of racial friction, with most of the white workers in the bargaining unit—the bulk of them maintenance mechanics and engineers—sullen about the union's victory. Even the fact that they were earning more as a result had not turned them into boosters.

This carry-over of bitterness depresses Dr. Russell Nelson, president of the medical center. He is a thoughtful man, in tune with progressive trends in medicine and society, no counterpart of the union-baiters and their racist supporters in Charleston. It was largely his influence that prompted the Johns Hopkins trustees to authorize an election, despite their lack of legal duty to deal with the union.

"The campaign did polarize this institution," Dr. Nelson told me. "The tension is still here. One of the biggest challenges to both sides is to create the right psychological atmosphere for taking care of sick people. People can hate one another and make steel, but that kind of hatred is not good for treating sick people. I can see this union in this town being one of the most powerful social and economic tools in the black power struggle. They literally can control health services; until now they controlled only the streets."

He paused, and his gaze wandered around the dignified room, its furniture eloquent of the old South. "I can understand the mood. 'It's our turn; we're going to take over; were going to get ours,' " he said. "At least in my time, it's a force that's going to separate, not unite—a negative force rather than a positive one."

When I told Punch of Dr. Nelson's fears, the union leader was sympathetic. "You say what you have to say in a campaign," he said. "They said a lot, too. After it's over, you have to live together. We know that, and we're going to work at it. We must build bridges on both sides. A few years from now, we'll be giving testimonials to one another."

A decade of union experience in New York offers considerable support for the Punch forecast—at least as far as day-to-day hospital operation is concerned. I talked to the directors of three of the biggest institutions under contract here—Drs. Martin Cherkasky of Montefiore, S. David Pomrinse of Mt. Sinai

and Ray E. Trussell of Beth Israel—and found them in agreement that unionization had made their workers more prideful and thus helped raise performance standards. This year marks the start of a joint union-employer program for taking the dead end out of hospital jobs by upgrading blacks and Puerto Ricans at the bottom of the skill ladder to posts as nurses, technicians and clerical workers.

Turnover is down appreciably in a field which workers used to leave after a month or two, and the hospitals themselves have been spurred to retain personnel experts and improve their whole approach to human relations, to the benefit of patients as well as workers. Dr. Pomrinse noted another side benefit: "The presence of the union has given minority groups a vehicle for expression so that there is less need for them to be intemperate or irresponsible."

But this applause does not extend to the union's conduct in contract negotiations. Dr. Cherkasky, who gave 1199 its first major victory by persuading the Montefiore trustees to recognize it without a strike in 1958, has no doubt of the genuineness of Davis's desire for racial harmony, but feels "he plays with fire on the theory that he always can cool it later."

The future holds three very dissimilar challenges for 1199. One, of course, is the task of getting into hospitals that do not want it. In New York, nearly half of the city's largest hospitals—including Columbia-Presbyterian and New York Hospital—have so far managed to keep their employees contented without unionization. In Pittsburgh, the principal hospitals have countered 1199's organizing efforts with a two-step voluntary pay boost that has brought the minimum up from $1.60 to $1.95 an hour. ("The mere mention of 1199 is enough to send wages up," is the wry comment of Moe Foner, the union's executive secretary. "If we should announce we were going to Kansas City, there would be a 15-cent increase before the first organizer arrived.")

The second challenge is presented by the forces of black power and community control. Last year, a tiny but highly vocal group in New York contended that it was wrong for Local 1199, with its egalitarian tradition, to keep unskilled hospital employes and white-collar and technical groups in separate divisions. The insurgents argued that the separation catered to "prejudices and feelings of superiority based upon different skills or status or pay." The union leadership opposed a merger of the two divisions on the ground that each had special problems. In balloting last September, the service employees killed the merger proposal 8 to 1.

Currently, the union is in the middle of a battle between Beth Israel and a Lower East Side neighborhood council allied with the ultramilitant Health Revolution Unity Movement. Some union members employed at the hospital's Gouverneur Health Center teamed up with the neighborhood council in trying to take over the center, on the ground that it should come under community control.

When the rebels were fired, 163 of the union's 180 members at Gouverneur signed a petition saying that the ousted workers were mainly interested in disruption and deserved no support. On that basis, the union refused to authorize a strike for reinstatement. Davis issued a statement reiterating 1199's devotion to the principle of community control but denying that the community really backed the revolutionary movement.

Even though Davis emphasized that the local was fighting minority disruption and not the right of a community to make its own decisions, the whole union position had an embarrassing resemblance to the mumbo-jumbo U.F.T. statements on Ocean Hill-Brownsville. Undoubtedly, there will be more such difficult choices for 1199 as the hospitals become a new battleground in fights by widely divergent organizations to establish themselves as the only bona fide voices of their neighborhoods. None of this, however, has altered Davis' faith that poor people must be brought into the mainstream of society by giving them economic power and facing the risks that go with any exercise of power.

Finally, there is the challenge that will confront 1199 when its present two-year contracts with the New York hospitals expire on June 30. That challenge arises out of the bind in which all hospitals find themselves in an era when Medicare, Medicaid and Blue Cross account for 85 per cent of all income and the hospitals serve as middlemen for the public in deciding how much people can afford to pay for a day of hospital care.

It was easy for 1199 to marshal public sympathy for its argument that hospital employes should not be expected to subsidize the patients when take-home pay for the pushers of trays and the ironers of bedsheets was $28 to $30 a week. But that sympathy may not come so readily now that the workers have crossed the $100 line and the cost of a hospital bed has soared above $100 a day.

The hospitals are making common cause with Davis in fighting to keep the state from putting them in a cost-control straitjacket, but even if they win they expect to have to turn to Governor Rockefeller and Mayor Lindsay for help in negotiating a new contract without a strike. The Greater New York Hospital Association estimates that the last agreement added $100-million to the labor bill of the voluntary hospitals and pushed up the cost of patient care by $25 a day.

The real decision on how much higher hospital wages ought to go will rest with the public. There are no more "philanthropists" now—not on hospital boards or in hospital kitchens. The public pays the bills. It sits in the employer's seat, even though the hospitals do the bargaining. Davis himself says: "We must make up our mind as a people whether we want to pay for high-quality care." As one who went to jail for 30 days in the New York strike of eight years ago and for eight days more in the Charleston strike last year, he has no illusions about the tests that lie ahead.

But there is more mellowness than belligerence in his tone as he speculates on what will replace the discarded ideologies of a disordered society. "The tragedy for us with a left-wing background is that we had everything worked out and we see how empty were many of our certainties," he says. "The kids are going through that now. We failed them by destroying their fantasies. In the old days kids could draw on the past for hope in the future. Now they look back on the Hitler period, the Stalin period. They see that the kitchen is a mess, full of broken dishes. The Socialist idea, the Communist idea, sustained people for a long time. They learned to make their peace with disappointments. Now no picture of hope comes forth, and people are turning against history in their search for hope."

He believes the labor movement could help open the doors of hope for the excluded if there were a young John L. Lewis around to enroll the 10-million unorganized in the service industries. But he sees no hope of that. When well-intentioned unions in New Jersey assigned some organizers to help 1199 in the hospitals there, Davis soon sent them back. "They came to work at 10 A.M. and went home at 3 P.M.," he explains. "They were ruining our organizers, who came in at 6 A.M. and were still working at midnight."

The Spartan tradition still governs the union's own salaries. Davis draws $335 a week; other top officers, $295, and organizers, $135. The local is about to move out of its gloomy three-story building on Eighth Avenue to a 14-story structure it is putting up two blocks south on 43d Street. Davis is a bit sheepish about appearing to emulate his fellow union chiefs in erecting monuments to themselves. "We probably could have rented the space more cheaply, but it is partly psychological for our members," he says. "It will give them the feeling: 'You were nobody yesterday, now you've put up your own tall building.'"

I have talked to a good many of these ex-nobodies in the last few weeks. There was about all of them a quality of self-respect, a joy in being able to make ends meet without welfare and, above all, a sense of collective strength in not having to worry about arbitrary dismissal or other humiliation.

"You can live without being scared to death that next morning you'll be out of a job," said Mrs. Mozell Smith, a 50-year-old food preparer at the Hospital for Joint Diseases. "The hospital is a happier place, not full of tension all the time." She told of the special pains she takes to make sure that the babies' formulas she works on are exactly right. "A little bit of elbow grease and work ain't going to hurt you," she said. Mrs. Smith, a nursemaid before coming to the hospital seven years ago, is a delegate to the union's monthly assemblies. All the meetings, dances and annual dinners are "just like a pot of flowers—black and white, no difference, we have a wonderful time." Her earnings now are $107 a week, "not a lot of money, but it's a lot if you're used to getting $65."

A score of such testimonials made it hard to doubt that 1199 was living up to the pledge Davis gave in its name after Dr. King's assassination: "We will build no stone monuments to commemorate him. We will pass no pious resolutions. We will build our union in his image. We will raise high the banner of struggle in the fight against poverty, discrimination, ignorance, hate and war."

It is a fight that may never be wholly won, but it is a fight America cannot afford to lose.

TV NEWS COVERAGE THREATENED BY GOVERNMENT INTIMIDATION

HON. TORBERT H. MACDONALD

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. MACDONALD of Massachusetts. Mr. Speaker, last year our colleague, Congressman LIONEL VAN DEERLIN, wrote for Television Age magazine on the troubled relationship between some officeholders and the broadcast press.

The gentleman from California (Mr. VAN DEERLIN) was primarily concerned about certain actions in Congress, which he felt were a potential threat to the integrity of television news operations.

I believe his comments are even more timely today. In the 9 months since the article was published, the threat has become ominous indeed—only it is emanating now from the executive branch. The harsh criticism of the media by the Vice President, the talk of subpenas to obtain newsmen's notes for the Justice Department demonstrate just how shaky the underpinnings of press freedom have become in our Nation's Capital.

Mr. VAN DEERLIN's article, as published in the June 16, 1969, issue of Television Age, follows:

INTIMIDATION—THE THREAT TO TV NEWS

Congress shall make no law . . . abridging the freedom of speech, or of the press . . .

The First Amendment could hardly be clearer, a simple yet eloquent statement of one of the basic principles on which our nation was founded.

To me, the first 10 amendments, known as the Bill of Rights, have always meant what they said. But there are men of good intentions, both in and outside Congress, who feel otherwise. To them, the freedoms guaranteed by the founding fathers are something to be tinkered with in times of stress.

Right now, broadcast journalism is under attack by important segments of the political establishment. The House Commerce Committee is pondering legislation which, among other things, would empower government to punish broadcasters for "falsification" in newscasts by revoking their licenses to operate.

I am confident this bill will never be approved—and if by some remote chance it were, that it would immediately be struck down by the courts as grossly unconstitutional.

But what prompted the preparation of such a bill in the first place?

I think we have to go back to the Republican National Convention of 1964, in San Francisco, when the assembled delegates jeered and hooted at the very mention of the press. As many politicians do, they assumed the newsmen must be biased against them if they were not actively boosting their candidate. And the GOP standard bearer that year did have inordinate troubles conveying his message through our main political medium, television.

Unfortunately for us Democrats, the shoe was on the other foot last year. It was we who were piqued at the networks for alleged damage done our cause in the reporting of our national convention in Chicago. One of my colleagues, a man of distinction in the House of Representatives, seriously believed the broadcasters were trying to "kill" the Democrats as a major political party by covering the streets disturbances that attended the convention.

As a former television news commentator, I found this anomaly more than passing strange: how the network executives, in some bewildering massive shift of partisan loyalties, could logically be seen as tormenting the Republicans in 1964, and then turning right around and blasting the Democrats only four years later.

Be that as it may, a lot of office holders have been harboring a grudge against television—and especially televison news coverage—for some time. Remember, the average politician almost literally exists on his publicity; if it's good, he's usually got it made, and if it's bad, he'd better start looking around for a new career. Not surprisingly, this group is unusually sensitive to what is said or written about themselves and their friends. And, as in any love-hate relationship, their reactions to real or imagined affronts tend to be both emotional and excessive.

Broadcasters have had some success in keeping would-be government watchdogs at bay by frequently pointing out that television doesn't *make* news, only *reports* it. If there is ugliness in the world, the reasoning goes, it is not the fault of television which, after all, only mirrors events.

Unfortunately, there are some flaws in this logic, since people, being only human, react to cameras while tending to overlook the reporter with a pad and pencil. Responsible broadcasters, of course, are fully aware of this, and in recent years have been striving mightily to make TV a less visible presence in volatile situations such as riots.

Occasionally, though, a case comes along which provides both ammunition and encouragement for those who would encroach on the First Amendment. In this category is the *Pot Party at a University* program, produced in November, 1967, by WBBM–TV, the CBS-owned station in Chicago.

Charges that the program was "staged" by the station, and that the young reporter involved actually purchased marijuana from one of the participants, seem to me to have some validity—although they are denied by CBS. Nevertheless, because there was reason to believe that a station in its treatment of a controversial subject may have actually been more than a mere recorder of events, the damage was done.

THE SUBCOMMITTEE POUNCES

To the Special Investigations Subcommittee of the House Committee on Interstate and Foreign Commerce, the program seemed like fair game for a full-scale probe. Accordingly, after several weeks of hearings by the Subcommittee in Chicago and Washington, the full Commerce Committee assembled last March 13 to consider a bombshell of a report, which was adopted after a discussion lasting only one hour.

The five legislative recommendations in the report almost outdo each other in offensiveness. The proposals would:

1. Broaden the law barring "deceptive practices" in quiz shows to cover "falsification" in news broadcasts as well.

2. Make "commission of a crime" by a broadcaster grounds for the revocation of his license or construction permit.

3. Require stations to keep news film, including outtakes, for at least six months for possible review by Government investigators.

4. Obligate broadcasters to show news previews to "all interested parties."

5. Authorize a study of possible limitations on the sponsorship of newscasts.

It's quite a package, one to raise the hackles of most constitutionalists. And it did not sit well with all my colleagues in the Commerce Committee. Seven of them joined me in filing dissenting opinions of varying intensity with the committee report.

In nearly every instance, these recommendations raise the spectre of government censorship. Take the vague word "falsification." When applying it to news broadcasts, who would define it? The FCC? A federal judge? Or perhaps an irate politician?

As anyone who's ever been a newsman knows, the way to handle news inevitably and unavoidably involves a choice of judgments in that somewhere along the line someone has to decide what to print or air, and what to withhold. And, almost invariably, someone else not in that decision-making process is going to feel there is "falsification" in what is said, or unsaid, on the news program.

And are the news reporters and directors then to be held responsible for the actual "falsifications" voiced by persons interviewed for their programs? Even our highest officials have, from time to time, asserted their "right to lie" in the interests of national security. Is the newsman through some wonderful sort of telepathy supposed to know just when the news source is prevaricating—and then call his bluff—or else face possible retaliation for not being a mind reader?

AN EMPTY THREAT

The recommendation that licenses of law breakers be revoked is meaningless, since the FCC already has authority to challenge any license at any time. I was particularly intrigued by the strong implication in the report that any newsman who withholds knowledge of a crime from the authorities is invariably acting contrary to the public interest.

It is one thing to say that broadcasters should not be contemptuous of the laws—but quite another to tell them they cannot even observe a criminal activity in order to expose it to public view.

A few years ago, CBS did another program, *Biography of a Bookie Joint*, which also ruffled the powers-that-be. For several months—not hours or days—the network secreted cameras and tape recorders in a Boston establishment that was replete with communications equipment, tote boards and about 1,200 cash customers a day. Only after the meticulous investigation was completed was the U.S. Attorney General advised.

And the resulting exposé was a blockbuster. Because the CBS team had gone *quietly* about its business, enough evidence was gathered to bring about the convictions of nine bookmakers, the resignation of the corruption-tainted Boston police commissioner and a thorough shake-up of the city's police department.

Are we now to say that reporting of this type threatens the public interest?

The report's suggested requirement that news departments retain their film "for inspection by duly constituted authorities" seems very simple on the surface. A TV editor orders his film or tape cut and sequenced for clarity, for effect, and always for staying within the limitations of air time. Much of the cameraman's product is unused. But do we really wish to tell a newsman that some Government sleuth, in effect, is looking over his shoulder as he edits his film or script—that he may be judged by some future court of inquiry not alone on the basis of what he puts on the air, but by what he decides to omit as well?

The fourth proposal, to open previews to all interested parties, falls on its face without any help from me. Here, in a way-out extension of the Fairness Doctrine, a licensee is asked to circularize everyone involved or even "interested" in certain film footage if anyone at all is allowed to see it. Under this heavy-handed edict, it would conceivably be unlawful to "play back" a filmed or taped interview for scanning even by the man interviewed.

The fifth and final suggestion—for a further study of advertising and ratings in connection with the news—looks relatively inoffensive. But I am unhappy with the implied premise that the right to exercise editorial judgment is somehow compromised if one of the purposes of a news documentary is to increase ratings or circulation. The courts have long held against the idea that one forfeits his First Amendment rights, if his "press" or "speech" is a profitmaking instrument.

In considering this report, we should also ask ourselves what the press, printed and electronic, is all about in this country. There are many station licensees and newspaper publishers with whose views completely disagree. Yet I shudder when I think of the alternative: the media speaking in one monotonous voice, on direct cue from Government. We can be thankful for "difficult" television stations like KQED in San Francisco, with its bearded commentators, and for contentious journals of opinion like *New Republic* on the left and *National Review* on the right. You will never find a Government publication with their zesty—and stimulating—approach to public affairs.

I am afraid that the main effect of the recommendations in the Commerce Committee report would be to discourage the bold reporting and provocative programming which often makes mistakes, but which always helps vitalize democracy. In their place would be a diet of bland programming carefully tailored to exclude thought and discussion from the American living room.

Just by issuing the pot party report, we may have tended to discourage, if not to intimidate, those licensees who are most dedicated to programming enterprise.

A POSITIVE PROGRAM TO AID IN THE FIGHT AGAINST POLLUTION

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. ROBISON. Mr. Speaker, through the thoughtfulness of Mr. John T. Pollack, president of the Thatcher Glass Manufacturing Co. of New York City—which operates a plant in my district—I was recently sent a copy of the testimony of Richard L. Cheney, executive director of the Glass Container Manufacturers Institute, before the Subcommittee on Air and Water Pollution of the Senate Committee on Public Works, chaired by Senator MUSKIE.

I think that Mr. Cheney's statement is excellent and worthy of serious consideration by my colleagues here in the Congress. It also emphasizes industry's willingness—most of it, anyway—to cooperate in solving the environmental problems of our Nation. As President Nixon has so well pointed out, the battle to save our environment should not be a search for villains but should be a partnership effort including such simple contributions as citizens willingness to "segregate" their own trash between degradables and nondegradables. Mr. Cheney outlines a very positive program in this direction, and I think after reading the following statement all will agree that his program can become a major step toward a long-range rather than a stopgap solution to one aspect of our overall problems.

STATEMENT OF RICHARD L. CHENEY

I am Richard L. Cheney, Executive Director of the Glass Container Manufacturers Institute, a national trade association whose members, both large and small, collectively manufacture over 90 per cent of the glass containers and well over half of the closures (other than crowns) produced in the United States. Our members have 125 plants in twenty-seven states employing more than 70,000 people.

I am a graduate of Massachusetts Institute of Technology with a degree in Civil Engineering, and in the course of my responsibilities with GCMI have devoted much time and effort to the search for practical solutions to the highly complex problems of litter and solid waste disposal.

I am also the current President of the Materials Disposal Research Council, an organization of trade associations representing all facets of the packaging materials industry which was established approximately two years ago for the principal purpose of assisting in the search for solutions to the problems of solid waste disposal as they may be affected by consumer packages.

I am pleased to have the opportunity to appear before you today on behalf of the glass container industry to express our support for the fundamental objectives of the legislation you have under consideration and to tell you of the extensive activities GCMI and its members have conducted in recent years in the areas of environmental pollution control and solid waste disposal and comment upon certain aspects of the proposed legislation. Upon completion of my statement, I shall be pleased to attempt to answer any questions you may have regarding our comments.

I might note at the outset of my statement that GCMI for many years has been a leader in the nation's litter prevention movement, through its own extensive educational activities and through its founding and substantial support of Keep America Beautiful, Inc. In the past several years GCMI has also been extremely active in investigations and research designed to solve the problems that glass containers may present in solid waste disposal. We believe that we were the first to institute such a program on an industry-wide basis.

As you requested in your invitation to appear before this Subcommittee, I shall address myself principally to the following three areas:

1. Technical and economic solutions to the problems associated with the disposal of glass containers.

2. The need to consider recovery, recycling, and reuse in the design and manufacture of consumer goods.

3. Comments on the pending legislation.

As to the first area of concern, we have seen two trends in the evolutions of the packaging industry and of waste disposal systems. The packaging industry has been technologically progressive in researching and developing the types of packages demanded by modern modes and standards of living. However, there have been relatively few corollary technological improvements in waste disposal systems to keep pace with the demands of modern living. This has not, however, been the fault of public works officials and the municipal governments but is largely due to insufficient funds, the major changes in our living habits since World War II and the burgeoning population in our urban areas. Unfortunately, the funds which have heretofore been committed to waste disposal have, in most instances, been sufficient only to deal with collection activities.

Furthermore, the character of refuse has changed radically with the changes in our mode of life. Not so many years ago, solid waste consisted principally of food waste and ashes from coal burning furnaces. Today, these items are a minor factor, having been replaced by a vast quantity of paper, packages, discarded appliances and the like.

For the reasons I have just indicated, outdated waste disposal methods have been perpetuated and consequently have compounded the problems presented by the change in the size and nature of the solid waste accumulation.

Since World War II, there also has been a trend away from the prior practice of segregating waste materials at the household and institutional sources to a concept of combined collection. This has had a steadily diminishing effect on the commercial salvaging of glass containers. For example, the salvage of glass containers was a thriving business in Los Angeles until the separation of waste in the home and elsewhere was abandoned a few years ago.

Another important factor affecting solid waste disposal has been the enactment of much needed air and water pollution regulations throughout the country which have resulted in many instances in the prohibition of open dumps and open burning, practices that are costly, cumbersome, wasteful of resources and conducive to land, air and water pollution. Most cities today are turning to the sanitary landfill as an emergency short term solution to the solid waste problem while other cities are turning to incineration. A very few are currently experimenting with composting and salvage.

It seems that all of us are largely still living in the first generation of solid waste collection and disposal, that is, the generation of the traditional garbage man and his truck. Of course, most municipal governments are now looking beyond this first generation concept. We strongly feel that burying and burning should, in the long run, be eliminated as primary methods of disposal and we also feel that sanitary landfill is, at best, only a short term solution, particularly for urban areas.

It is clear that this first generation concept of collection and disposal cannot possibly cope with the great diversity of materials which have been developed to respond to the requirements of our modern society. Moreover, it is no exaggeration to say that modern American life is highly dependent on the convenience and economy of modern packaging technology. The scientifically-oriented packaging industry, producing some $17 billion dollars worth of goods a year, should not be required to revert to outmoded packaging systems to accommodate outdated waste disposal methods. We think, rather, that waste disposal systems should join the ranks of the technologically progressive.

That is the aim of our work in the glass container industry. Before explaining this in more detail, however, I think it would be helpful to comment briefly on the role of glass in today's overall conservation, environmental, and waste disposal picture.

Glass is made of highly abundant raw materials—silica sand, limestone and soda ash. Sand accounts for 73 per cent of the composition of container glass. Thus glass manufacturing is not a serious drain on our natural resources. If properly crushed in disposal processes, the glass fragments return to the soil in virtually their original state. And being inert, they do not leach, rust, rot, mold, putrify, cause disease or noxious gases, nor pollute in any way.

Several recent studies have shown that glass constitutes an average of only about six percent by weight of residential solid waste, and an almost negligible percent by volume, if the glass is crushed in efficient landfill, incineration and composting operations. In fact, all packaging accounts for only about 13 percent of total residential, commercial and industrial waste.

We also have found that glass as a material is not a problem in present waste disposal systems. Preliminary findings in studies being conducted under our sponsorship at Drexel Institute of Technology, in Philadelphia, on the performance of glass containers in sanitary landfills indicate that if glass is properly crushed its volume is reduced to a minimum and there is no significant leaching. Glass, therefore, contributes to a firm landfill and does not contribute to water pollution. Further, glass bottles readily break up in the incineration process to help aerate the furnace charge, thus contributing to efficient combustion. As the glass is inert, it cannot contribute to air pollution in the incineration process. In the composting, crushed glass provides a valuable soil conditioner.

Proposals are frequently advanced that all packaging should be made of materials that readily decompose when discarded, on the theory that this would solve both the litter and solid waste problems. This is not a viable solution since the process of decomposition only threatens to shift the problem to one of pollution of the air, land or water. We have already seen, for example, that the inertness of crushed glass is an asset in solid waste disposal. Discarded package remains cluttering our roadsides and gradually decomposing may be more difficult and costly to pick up than present packaging. Moreover, the decomposing material may present a health hazard.

We in the glass container industry see salvage and re-use as the long-range solution of the waste problem. I think that in this we are in full agreement with the objectives of the legislation you are considering today.

We believe that conservation of raw materials demands salvage and that the long-range, efficient management of waste calls for re-use. We are convinced that salvage

will materially reduce pollution. All our research is predicated on this conviction. We have concluded at this point that there are more potential uses for waste container glass than there is glass available from refuse now or in the predictable future. In addition, the waste glass is reusable without elaborate refinement.

We are also sponsoring research at Stanford Research Institute and the Sortex Company to develop mechanical means for separating container glass from raw refuse and then sorting it optically by color for recycling back into the bottle making process. We believe that as much as 30 per cent of our raw materials for manufacturing could consist of crushed glass, or cullet as we call it.

We have cooperated with the U.S. Bureau of Mines on its successful development of means of magnetically separating glass and metal fractions from incinerator residue. It also has developed technology for converting the salvaged glass into building bricks and glass wool insulation. I have with me today examples of them for your examination. With color sorting and automatic removal of contaminants, which appear to be feasible, this glass could also be used as cullet to make new bottles.

An even larger potential exists in the use of crushed waste glass as aggregate in glasphalt, a product being developed by the University of Missouri, in Rolla, Missouri, in which the glass substitutes for crushed limestone in asphalt for paving streets. Estimates indicate that the need for such aggregate in most cities would far exceed the available glass. Most municipalities have their own hot batch asphalt plants and would need only to remove the glass from their own refuse for such a use.

The feasibility of this reuse of glass is being thoroughly tested in pilot projects consisting of sections of roads at the University of Missouri at Rolla and at a member company plant paved with this glasphalt material. GCMI will provide the crushed waste glass for a further major road test at the University. We are quite optimistic that this will prove to be a development of major commercial value.

The ultimate solution, of course, should be the separation of all the components out of waste and returning them for reuse to their respective industries, such as, paper back to the paper mill; aluminum back to the smelter; and scrap iron to the foundry.

Thus, separation becomes the major problem. There is no question that the closer to the consumer the separation starts, the tighter the recycling loop and the more efficient the system. Home separation was common in the past and a number of communities still practice it to varying degrees. Even one separation of combustibles from non-combustibles in households and commercial establishments would open new avenues to salvage and re-use. We feel that a significant market exists for glass properly separated from refuse and we and our members are currently exploring the means and economics of establishing pilot retrieval programs in certain major urban areas. We are hopeful that this may give rise to meaningful commercial opportunities in urban centers throughout the country.

New methods and concepts for waste collection, salvage and disposal are being developed by industry, and need only the opportunity for a full-scale pilot program in a typical community to demonstrate their worth. One such development is a unique wet system capable of crushing and separating glass, metals and paper pulp from other materials, we are told, at a cost of approximately $2.50 a ton of raw refuse, including operating costs and amortization, in a proposed plant designed to handle 500 tons of waste per day. GCMI is working with various research organizations to further refine glass from this process for re-use in glass furnaces.

The prospect of pipe transportation of wastes also is being investigated. The Bureau of Solid Waste Management of the U.S. Public Health Service has awarded contracts and grants to research organizations to determine the feasibility of pneumatic and hydraulic transfer.

We estimate that some twenty to twenty-five new refuse management systems are presently in varying stages of development in the private sector. These include volume reduction by high temperature incineration with a potentially reusable by-product of slag, composting methods which incorporate all refuse into a useful soil conditioner and salvage techniques recovering some or all usable materials in refuse.

Projects such as these place us at the threshold of what we might term the second generation of solid waste disposal. This will be the generation of systems and automation. We have reached a point in time when the designers and manufacturers of packaging should work with those in government responsible for waste disposal to gain a better understanding of mutual problems. Certainly the package producer should understand the problems his products may cause in waste disposal. And it is equally as important that the officials responsible for waste disposal understand industry's problems in supplying the consumer with the packages he needs and demands. Indeed, the package producer's intimate knowledge of his raw materials can make a very real contribution to the ultimate solutions.

Likewise, the views of knowledgeable government officials on the technical aspects of disposal would be significant. In this connection, we are currently sponsoring a national survey of public works officials to determine their views on these matters. As a further contribution to a mutual understanding of the problems involved, we are in the process of publishing for national distribution a factbook on solid waste.

It is our hope that the Materials Disposal Research Council, which I mentioned earlier, will help bridge the gap between industry and government in the waste disposal area. We anticipate that the Council will operate to discharge industry's responsibilities in seeking solutions in three major areas: litter prevention, solid waste management and the conservation of natural resources. We see it as a major instrument in furthering meaningful dialogue between government and industry.

Through such government-industry cooperation we can begin to prepare for what could be called the third generation of solid waste management. This would be an age in which mechanization and automation would coordinate complete systems involving environmental protection and virtually complete conservation of natural resources.

I think we have now reached a point from which we can look ahead to tie up the loose ends of solid waste management and conservation. The terms must be virtually synonymous and the systems of the future must embrace mining and agricultural wastes. We feel that the Resource Recovery Act and the National Material Policy Act can play extremely effective roles in the national thrust for a comprehensive management of our environment.

Now, before addressing myself specifically to this proposed legislation, I would like briefly to consider the second point you asked me to discuss; namely, the role of design and manufacture in the ultimate disposability of the products in question. To most people this means designing products that are rapidly degradable. I think you can surmise from what I already have said that we do not consider this to be a very fruitful approach. In the first place, if we consider salvage and re-use the ultimate solution, degradability becomes virtually meaningless or it could conceivably become a negative factor. Then, too, as I already noted, degradability carries with it the potential for creating new and different problems of land, air and water pollution.

However, there are circumstances in which design factors can contribute benefically to present-day waste disposal systems. I will use glass containers, with which I am most familiar, as an example. Over the last twenty years we have succeeded through design and manufacturing improvements to reduce the weight of the average glass container about 20 per cent while maintaining and even improving the strength of the bottles. Such a decrease in weight is an advantage in the ultimate disposal of these containers under present methods. The modern one-way beer and soft drink bottles provide an even more dramatic example. The one-way containers weigh anywhere from a half to a third of the average returnable bottle, thus enjoying an obvious advantage over returnables in waste disposal. Further, our long-range research is seeking to develop chemically tempered bottles that will be very light in weight and extremely strong, but that when broken, as in the processing of solid waste, will crumble into harmless granules or sand.

Finally, with regard to the legislation you have under consideration, we support the basic objectives of the Resource Recovery Act (S. 2005) and the National Material Policy Act (Amendment 153) which seek the salvage of useable materials and the modernizing and upgrading of municipal refuse systems. It is imperative that federal funds, along with possible state support, be used to promote studies and long-range efforts of local government and industry alike to deal with these problems. Properly placed governmental funds are essential to developing regional programs which are a key to solving the solid waste crisis.

A constructive government-industry program in urban solid waste management should avoid emotional, unsound, and piecemeal solutions. We would consider a tax or ban on a specific package such an unsatisfactory solution.

We believe any new legislation in this area should seriously consider the following factors as basic to solving the municipal solid waste problem:

1. The urban solid waste problem today is essentially one of economics. It is basically a materials handling problem, and thus should be administered by people knowledgeable in materials handling technology.

2. The program must be geared to resource recovery. It is our natural resources that are being burned and buried. Those materials that are reusable must be revitalized and returned to the economy.

3. A new partnership must be established between government and industry. Industry should certainly be permitted to have direct input into the reform programs. This could be accomplished through grants-in-aid, contracts, or subsidies to industry, since it has the expert personnel and the knowledge of its materials that are a necessary contribution to the solution of the problems.

4. Such grants should be dedicated to research and development with the major emphasis on new and progressive means of collection, transportation, separation, and disposal, and not to merely perpetuate present out-dated methods. The grant program could, in fact, be in two phases. Phase I could last through the study period designated under Amendment 153 for delineating the problem. Phase II would begin with the implementation of the recommendations foreseen by that Amendment.

In addition, while we fully support the objectives of S. 2005, we are concerned with one aspect of this bill as presently written. Specifically, we have doubt as to the practicability of Section 209(a) which would gen-

erally authorize the Secretary to recommend standards for solid waste collection and disposal systems within eighteen months after enactment of the bill. If, as we suggest, our nation needs to have new systems implemented and not simply to have outmoded systems perpetuated, it will take 18 months or more just to build pilot projects. "Standards" may be too rigid to allow the competitive process to develop fully the best long range solutions. Therefore, we urge that the term "guidelines" would be more appropriate than "standards" and that they be sufficiently broad to accommodate the widely differing conditions prevailing throughout the country. We also feel that the eighteen months time period is inadequate to complete the research and studies which constitute necessary prerequisites to any development of effective guidelines for collection and disposal systems. Further, we trust that the Secretary in formulating such guidelines will seek the knowledge of private industry during the course of the investigation and study contemplated by Section 205(a) of the bill.

We are in full agreement with the objectives of Amendment 153 and we assume that the composition of the Commission to be created by the bill will fairly represent industry as well as government. We also assume that this Commission in the course of its activities would consult to the fullest extent with representatives of the private sector.

In summary, we would like to reiterate that government funds, if made available, should be used first to stimulate immediate research in recycling and reuse of solid wastes and to set up pilot plants at key points across the country. The funding program should include several approaches, such as wet separation and dry separation for salvage purposes; high temperature incineration, compaction or composting for volume reduction; and design improvements in standard incinerator and pyrolysis units. Landfills should be used to bury the unusable by-products of these processes. After the feasibility and efficiency of these various methods have been determined, municipalities should decide which techniques would solve their particular problems. This will allow time for competition in design and construction of waste disposal systems to function and hopefully to provide the best answers at the lowest cost. Such research might well run concurrently with the longer range investigation called for by Amendment 153 in order to determine:

1. The critical factors of our society and its economy that are of foremost importance in influencing our materials policy.

2. A flexible policy toward supply and availability.

3. Our capacity for efficient and systematic utilization.

4. The economics and practical aspects of salvage and disposal.

The long-range preservation of natural resources sought by Amendment 153 is of prime concern to all industry. We in the packaging industry most certainly appreciate its implications. In this connection, I might add that we also support the overall approach to solving the solid waste problem recently recommended by the National Academy of Sciences—National Academy of Engineering, particularly the following:

1. That the solid waste crisis is basically an economic problem, primarily one of materials handling rather than one of health.

2. That solid wastes are largely products of our natural resources and should be recovered for reuse.

3. That there must be closer coordination between industry and government.

In conclusion, I again thank the Subcommittee for affording me the opportunity to appear and express our views on these extremely important matters. We hope that you will give favorable consideration to these views in your deliberations on the proposed legislation. I wil be pleased to answer any questions you may have.

Thank you.

THE CURRENT HOUSING SHORTAGE

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. HELSTOSKI. Mr. Speaker, in recent weeks we have been reading and hearing much about the administration's plan for the assembly line production of houses to meet the Nation's critical shortage of good and substantial dwellings at reasonable sale prices and rentals.

As might be expected the idea came from an official recruited from the automobile industry who apparently believes many of the Nation's problems can be solved by the assembly line approach.

Is it possible to overcome the housing shortage by such a method? Before anyone arrives at a definitive conclusion, may I suggest that they read an article from the February 1970 issue of House & Home, the marketing and management publication of housing and light construction.

The article, written by experts in the housing field, raises grave doubts in my mind about the administration's labeled "Operation Breakthrough" as a solution to the housing shortage.

The House & Home article follows:

AN OPEN LETTER TO THE PRESIDENT, THE CONGRESS, THE SECRETARY OF HUD

GENTLEMEN: In the face of the worst housing crisis this country has seen since the 1940s, the Department of Housing and Urban Development has put forth a remedy—Operation Breakthrough—that may well do more harm than good. The real problems have been virtually ignored, and it is all too possible that in the flood of publicity Operation Breakthrough is receiving, they will continue to be ignored until the crisis has turned into a disaster.

There are those who see the present situation as merely a difficult but temporary housing shortage that can be cured by jacking up house production. Their view puts too little weight on two vital factors: the rate at which the gap between supply and demand has been widening, and how long this has been going on. As much as four years ago, HOUSE & HOME pointed out that the then-current production of 1.5 million units a year was not meeting basic demand, and that unless production reached at least two million units by 1970 we'd find ourselves in very big trouble.

Well, it's 1970, we're still building about 1.5 million units a year, and we are indeed in very big trouble. Worst of all, most of that trouble is falling on the families least able to handle it.

Needless to say, the homebuilding industry would like very much to alleviate the housing shortage. And not just to create a lot of business: a growing segment of the industry is seriously concerned with the wide sociological problems of which housing is a part.

Unfortunately, the housing industry can't do the job by itself. Most of the obstacles can only be overcome if the federal government will help. And such help must be much more realistic than that offered by recent programs—particularly Operation Breakthrough.

Responsible criticism requires more than just a few simplistic slogans. So on the next 18 pages, House & Home presents its detailed argument on the nature of the housing crisis, the reason present remedies won't cure it, and the real problems that must be faced before anything constructive can begin.

We respectfully submit that few national issues are more deserving of your immediate and close attention.

RICHARD W. O'NEILL,
MAXWELL C. HUNTOON, Jr.,
(For the staff of House & Home).

The housing shortage cuts across all categories and all price ranges. The main cause is expensive money; with permanent mortgages up to 10% and 11% and apartment construction money as high as 14%, both builders and buyers have been pushed right to the wall. The fact that 1969's output will be close to 1.5 million units despite this pressure shows just how desperate the housing demand has become.

Behind the money shortage, of course, is the Viet Nam war. Hopefully, as the war and its resultant inflation are throttled back, and as the money situation swings back towards normal, much of the housing picture will get a lot better.

But easier money won't do a thing for low-income housing. And that's the most critical category among the 30 million units we need to build during this decade.

It's critical because between 1970 and 1980 some nine million low-income units will be demolished or become uninhabitable. Unless they are replaced, nine million families will either have no roofs over their heads or be forced to live in the slum circumstances that are helping create so much violent unrest today.

It's critical because even those nine million units will just barely keep us even. More than 13 million new families will be formed between 1970 and 1980, and an estimated three million of them will also need low-income housing.

It's critical because without those low-income units, the housing industry and all it's allied industries will continue to lose ground in the fight to share the growth of the gross national product. In 1960 that share was 4.5%; in 1969 it was only 2.9%.

And it's critical because there's a desperate need, particularly among low-income groups, for the jobs that another million-plus housing units a year would create.

Obviously, if anything is to be done about low-income housing, the federal government will have to be the prime mover.

Private enterprise can't do the job because it has to make a profit on what it builds. And as things stand today, a housing unit that turns a reasonable profit for its builder must be priced beyond the reach of low-income families.

Local government can't do the job because it has neither the muscle nor the will. Most local governments—both state and municipal—are, literally, either in or near bankruptcy. And they are highly sensitive to pressures by constituents who already feel themselves overtaxed—chiefly by increasing school costs.

The federal government has the financial muscle to do the job. It can finance low-income housing on the fairest possible basis because much of its revenue comes from the graduated income tax. And within certain limits, it has the power to override local objections and see that projects get built.

Equally obviously, up to now the federal government has done relatively little towards getting low-income housing built.

Put together all the federal low-income programs for 1968—the best year such housing ever had up to that time—and you get a grand total of 120,000 units. That's roughly 15% of the annual low-income need. And the all-time totals are even less inspiring. Three decades of public housing have pro-

duced just over 700,000 units; and all of the rent-supplement, 221d3, rehab, and senior-citizen programs have given us fewer than 300,000 units. Plainly, at this rate the crisis can only deepen.

Does the federal government have any new plans to deal with the crisis? Yes—Operation Breakthrough.

Operation Breakthrough is supposed to be the miracle that will suddenly start low-income housing pouring out of our factories.

It is the brainchild of HUD Secretary George Romney, who apparently believes, as have many others in the past, that (1) present methods of house construction are hopelessly obsolete and expensive, and (2) if they are modernized, costs will plummet and hundreds of thousands of houses that otherwise would not be built will begin going up.

The response to the program has surprised even those HUD officials who were highly optimistic. HUD expected perhaps a couple of hundred entries from which it planned to pick 20 or so for subsidized prototype projects. It actually got more than 600 entries, and 236 of them were so-called Type A entries (complete structural systems). The rest were Type B entries (components of systems).

There are a lot of reasons for that flood of industrialized systems, and they'll be discussed further on. There are also a couple of significant aspects to the entries received:

1. Almost all of them would eliminate the builder as we know him today. In his place would be either the system manufacturer himself, who would presumably take over all real estate, developing, marketing, and management operations, or the same developer-investor who builds most of today's apartment projects.

2. Almost all of them are based on small modules which could be made on a mobile-home-sized assembly line. But the need—particularly in urban areas—is for big multi-family buildings. And grouping or stacking small modules to make big buildings—particularly high-rise, as some systems propose—has yet to be proven more efficient than conventional high-rise techniques.

But Operation Breakthrough presupposes that industrializing will cut costs. And it won't.

We know that industrialization won't work cost miracles because we've tried it again and again in different forms. It hasn't made a dent yet, and there's no sign that anything is about to change radically now.

Let's look briefly at industrialization's record.

Take the truss. Introduced to homebuilding in the early '50s, it proved to be structurally strong and, with its full-width span, a means of closing in houses much more quickly. Builders or lumber dealers could slap trusses together on a simple jig with hammers, nails, and maybe a little glue. There was no need to invest in heavy machinery, and the total labor in a typical truss might have run as high as $5. So even though trusses were built in a shop instead of in the field, it isn't really accurate to call them a form of industralization. But then some people did set out to industrialize the truss. They bought big gang saws to cut truss members, hydraulic jigs to hold them in place, power rolls to set in truss plates. This kind of equipment cut maybe half the labor out of truss making. But it cost tens of thousands of dollars, so amortizing it required huge volumes. Some prefabbers and large lumber dealers made the investment—sometimes to their regret. And today, surprisingly many trusses are still produced on simple jig tables with hammers and nails because experience has shown that's the least expensive way to do it.

Now let's look at the one-time favorite candidate for industrialization, the wall panel.

Under certain circumstances, the shop-built panel is great. Used with trusses, it lets a builder close in a house in a day instead of, say, a week—and in some climates, he may have to wait a month during the winter to get those five good building days in a row. So you could say that in some areas and some climates, panels produced some respectable indirect cost savings. But whether the builder builds them himself or buys them from a lumber dealer or a prefabber, he pays no less for panels than for conventional walls.

But panelization was the heart of the prefab industry of the '50s. In fact, except for trusses, it was about all the industrialization many prefabbers offered. So a lot of money was spent to industrialize the panel-building process. There were automatic power nailers and such esoteric equipment as the flipper that speeded the finishing of two sides. When you consider that a couple of men and a hand hoist could do the same thing in only a minute or so more time, this was carrying industrialization to pretty far-out extremes. Predictably, there were serious problems. If these machines had been allowed to spew out the same panel for days at a time, they might have made some cost inroads. But housing has never offered much chance for such standardization. In most houses, few panels are alike. And it's physically as well as economically impossible for most companies to stockpile a big inventory. Constant changeovers mean more flexible—and hence more expensive—machines and slower production. These factors wiped out any appreciable savings and helped bring about the demise of the prefab industry as we knew it in the '50s.

A lot of big corporations got hung up on the industrialized-panel idea. We had a spate of panel systems with hardboard facings, aluminum facings, foamed-plastic cores, spacer cores, etc. Some of them had some very good qualities. And some of them seemed promising enough to persuade their manufacturers and a few progressive builders actually to build prototype panelized houses. But almost without exception, these panel systems proved to be much more expensive than conventional stud-and-skin construction. The upshot: not one is on the market today.

These were all attempts to industrialize the shell of the house, which comprises only about 25% of the total value. What about the more expensive mechanical parts?

Mechanical or utility cores got some brief experimental attention about ten years ago, although nothing on the order of what panels received. The cores usually consisted of wet plumbing walls for the kitchen, one and one-half or two baths, and, sometimes, the heating plant and electrical service panel. The idea behind them was unassailably logical: the mechanicals are the most expensive parts of the house; if you group them and mass-produce the resultant unit, big savings should follow. But big savings didn't follow. For one thing, the cores were designed for field, rather than factory, assembly, so there were few savings in the shop. More important, the standardized cores were terribly limiting on design. Every house had to have its baths and kitchens in fundamentally the same spot, and these areas also had to be pretty much the same size. The buyer of a 2,500-sq.-ft. house wants bigger and snazzier kitchens and baths than he'd get in a 1,500-sq.-ft. house, and he wants a choice of floor plans, too. Since the utility core gave him neither, and saved little or no money in the bargain, it died.

The Lustron house, put out right after World War II, was the first real attempt to industrialize the whole house. It was steel framed, with a skin of enameled steel, and in many respects it was a very good home indeed. Thanks to the steel it was made of, it was fireproof, vermin proof, rot proof, and inordinately strong. Today Lustron houses built 20 years ago look as good as new. Thus in many ways the Lustron house was the best production house ever built—which proved to be its undoing. It was too expensive. While there are those who believe that volume production would have pulled the price into line, the fact is that the first Lustrons were built under subsidies from the Reconstruction Finance Corp., so their price was artificially low. In any event, few Lustron houses were built, and the system died.

Despite the Lustron failure, it was followed by other industrialized systems which used materials other than the traditional wood and masonry. There were other steel systems as well as aluminum and reinforced-plastic systems. All of them had one thing in common: they had to be factory-built by methods other than traditional homebuilding methods. And most of them required fairly expensive factory equipment. Finally, they all shared a fatal flaw: they cost more than traditional methods and materials, and there was no promise that volume production would bring their costs down far enough. Without exception, these systems folded—most of them before reaching any real production at all.

The failure of Lustron and the other non-traditional industrialized systems should have taught people three basic lessons:

1. Old fashioned wood-and-masonry construction is still the least expensive there is and, thanks to its easy workability in the field, the most flexible. Every other system, no matter how highly industrialized, has turned out to be more expensive.

2. All of homebuilding is geared to wood-and-masonry construction, and the introduction of other materials, particularly those requiring special skills and equipment, is bound to be costly.

3. Homebuyers are leery of unfamiliar building materials. Only a very low price will tempt them away from the traditional.

But it took one more great big industrialization fiasco to convince everyone. In 1963 Alside Inc. put together an $8-million plant to produce a steel-framed, aluminum-paneled house of highly contemporary design. The combination of sophisticated machines and automated controls were supposed to pull costs down to the point where a buyer would pay only about $7 a sq. ft. for the house erected on his lot. But even before the assembly lines began running, prices started to inch up. Buyers might have been interested at the originally estimated price, but when it reached the neighborhood of $15 a sq. ft. they balked. Some models were built, but the plant never went into full production.

All right, what about the mobile home? It's industrialized to the point where carpets are laid and furniture is installed in the plant, and it costs less than a conventional house of the same size. Can't this be called a successful example of cost cutting by industrialization? Yes—except for one thing. By current housing yardsticks, the mobile home is substandard. It has 2x2 studs, thin skins, and bottom-of-the-line hardware, windows, plumbing fixtures, etc. A lot of people buy mobiles, chiefly because they need shelter and there isn't anything else at the price. And chances are that within seven or eight years a mobile will depreciate to the point where it has virtually no resale value—which makes it a rather dubious economy.

So much for mobiles, but what of the sectional house? It is usually built on the same assembly lines as the mobiles, so it's full industrialized. And most sectionals are built to completely conventional specifications, so they can qualify for FHA financing. But thanks to these healthy specifications, sectionals are no less expensive than most conventional houses, and they are considerably more expensive than similar houses produced on site by volume builders. Among other reasons, they must be heavily reinforced to sur-

vive over-the-road travel and handling by crane.

Sections make sense in rural or vacation areas where labor is high priced or nonexistent, but they have not as yet produced any cost-saving miracles. The same is true of the so-called modular box systems. They seem likely to find their greatest use in townhouses, where a standardized appearance is a relatively minor drawback, and where speed of construction is of major importance because it means renters can be in much more quickly. It's also quite possible that where a small project is concerned—say, 50 units or less—a low-volume builder might find sectionals less expensive than conventional construction. But for larger volume, a builder with an efficient field operation should be able to produce townhouses at lower cost by conventional methods.

So as things stand now, stick building in the field, though seemingly obsolescent, is still the least costly way to produce houses. And there's a key reason for this that most advocates of industrialized housing have missed: industrialization saves money by reducing labor, but it is materials, rather than labor, that accounts for the bulk of housing costs. Most manufactured products have a low ratio of raw-materials costs to in-plant costs. In fact, it's not unusual for a manufacturer to add about 1,000% to the value of raw materials as they move through his plant; in other words, his materials-to-labor cost ratio is roughly 1-to-10. By contrast, the materials-to-labor ratio is about 2-to-1 for the average field builder, and for some high-volume builders, it can reach 4-to-1. Now, if the whole process were put on a factory assembly line, extra efficiency could boost the ratio still higher. But a plant operation also adds costs of its own—factory overhead, for example, profit, and the cost of transporting the house from factory to site. And these added costs can easily cancel out, or even exceed, assembly-line savings.

Does all this mean that industrialization is a dead duck as far as housing is concerned? Not at all. There are very sound reasons for assuming that during the early '70's factory-built housing will become much more significant than panelized prefabrication ever was during the '50s and '60s. But the reason for this swing to factory production will not be to cut costs; as you've just read, industrialization usually increases costs. The reason, as you'll read later on, is that regardless of its cost, industrialization will, in a few years, be the only possible answer to a serious labor shortage. But right now, and for the immediate future, it offers no solution to the critical problem of producing low-cost housing.

If industrialization won't do the job now, why is everyone so excited about Operation Breakthrough?

Everyone's excited about Operation Breakthrough because:

1. It fits the American dream that our assembly lines can do anything.

We've seen these lines turn out TV sets, automobiles, and countless consumer products that would be prohibitively costly if they were hand made, and put them within reach of anyone of moderate means. And we reason that the same thing should be possible with housing. The trouble is, few people outside of housing have learned the lessons of the last six pages. They don't realize that only about half the cost of a typical house is in the structure itself; the rest is in land, foundations, financing, and other areas that industrialization can't touch. And they don't realize that the kind of quality-cutting that helps the mass production of other consumer goods simply won't go in housing. We are committed—and rightly so—to a product that with any care at all should last a century.

2. It seems to offer big industry a bigger share in housing's future.

The roster of submissions for Operation Breakthrough includes some of the most imposing corporate names in the nation. And there's a strong tendency, particularly in the present administration, to assume that what's good for big business is probably also good for housing, for people, or for anything else you can name. But many of these same giant corporations, and others too, have tried the housing field before with, to put it mildly, indifferent results. Some of the biggest baths in housing have been taken by some of America's biggest corporations. So neither size nor success in other fields is a guarantee of success in homebuilding.

3. It seems to offer a lot of people a shot at federal boodle.

The present Operation Breakthrough program won't make anyone very rich: only $15 million has been allocated, and it will be spread among at least 20 companies for further experimenting and prototype construction. But everyone has seen what can happen when the federal government gets interested in an industry: witness the space program, for example. And Operation Breakthrough looks to many like increased government interest in housing.

4. Most important, Operation Breakthrough effectively obscures the fact that we as a nation have made almost no commitment to housing our low-income families.

A lot of very pious talk has been committed. But the true measure of commitment is not words, but dollars, and some excerpts from the current federal budget are very revealing indeed.

We have a strong commitment to defense—$68.6 billion worth.

We have a strong commitment to farm subsidies—$5.4 billion worth.

We have a strong commitment to space—$3.7 billion worth.

We have a strong commitment to air and highway travel—$2.26 billion worth.

But our total commitment to helping poor people get decent homes is a measly $375 million. And even that shameful figure suffers more of a picking over by congressional budgeteers than most of the much larger amounts above.

So the first step out of our low-income housing crisis would be to face the fact that we'll have to spend more money.

It doesn't have to be an astronomical figure; compared to other items in the federal budget, a little housing money can go a long way. For example, just this year's overruns on the Defense Dept. budget can easily top $10 billion. Used as capital, that amount could build 500,000 low-income housing units; used as rent subsidies or matching funds for local budgets, it could generate up to five million low-cost units—enough to carry us through the first three or four years of this decade.

What will it take to get this kind of commitment? First of all, a realization by the public that we really do face a critical housing shortage; and second, enough political courage on the part of Congress and the Administration to push for more and better housing before 1972—the next presidential election year.

All right, say we do make the commitment. Then what? Then we go after the real problems.

To understand the real problems that block low-income housing you have to start with what a family pays each month for its apartment.

The chart below is excerpted from the rent roll of a 15-story elevator building containing more than 100 units. It represents the breakdown of the $228 a month a family would pay for a typical three-bedroom apartment in a typical urban area. And it's the place you have to start if you want to understand why the federal government has to help if we're going to build low-income housing, and where that help has to be applied.

The first thing that has to be understood is that $228 a month is far more than a typical low-income family can pay. Just how much more depends on several factors, including location; let's say that in this case, the family can afford only $150 a month.

The second problem is that the builder and/or owner of the building can't charge anything less than $228; if he did, he couldn't make a reasonable profit.

So it's this $78 gap between what the tenant can pay and what the owner must charge that has to be filled. And the most direct way to study that problem is to look at where the rent money goes—as shown in the chart.

It can legitimately be asked why such a study is based on rental, rather than owned, housing. The answer is simple: most low-income families can't afford to own their homes, even under federally-subsidized ownership programs. For the foreseeable future, at least, just about all our low-income housing will have to rental housing.

Payroll management and administrative expenses:	
Percent of total	11
Dollars per month (rent)	$25
Utilities:	
Percent of total	9
Dollars per month (rent)	$20
Decorating maintenance, repair:	
Percent of total	6
Dollars per month (rent)	$14
Taxes:	
Percent of total	14
Dollars per month (rent)	$31
Insurance:	
Percent of total	2
Dollars per month (rent)	$5
Interest:	
Percent of total	25
Dollars per month (rent)	$58
Debt retirement (principal):	
Percent of total	17
Dollars per month (rent)	$39
Vacancies and bad debts:	
Percent of total	9
Dollars per month (rent)	$21
Profit and reserves:	
Percent of total	7
Dollars per month (rent)	$15
Total occupancy costs:	
Percent of total	100
Dollars per month (rent)	$228

With the rent roll as a background, it's relatively easy to identify the problems that must be solved. These are the biggest:

1. PROBLEM: MONEY

Two categories of the cost of money are included in the preceding chart. They are based on the cost of the apartment, $20,000 (which indicates that the builder is a very efficient operator), and the interest on a 9%, 25-year mortgage (which most apartment builders would give their eye teeth to get today). Together they comprise 42%—nearly half—of the monthly rent (the actual proportion between the two will, of course, vary with the time the mortgage has been in force; the figures in the chart represent the average over the entire life of the mortgage). Let's look at the two separately:

Is there any way to reduce the debt service? Yes—as long as somebody pays the difference between the going rate of money and the desired reduced rate. The government has already recognized this with FHA 236, which subsidizes interest payments. If the subsidy were to cover all interest payments, 25% could be cut from the rent.

Is there any way to reduce the principal? No. Construction costs just can't really be cut, Breakthrough or no Breakthrough.

But there is a way to eliminate that entire

42% of the rent taken up by money: if the Federal government were to create a capital budget to build low-income housing, there would be no principal, hence no interest. And while the initial impact on the budget would be high, the ultimate cost would be less than that of a heavy rent-subsidy program.

2. PROBLEM: TAXES

On this particular rent breakdown, local taxes are a very reasonable 14%; in some cases the proportion can go as high as 30% or more.

Can these property taxes be cut? Not as far as local municipalities are concerned. Most of those with low-income housing problems are already on the verge of bankruptcy. If that 14% (or more) is to be cut out of the rent, another level of government—obviously the federal—must make up the loss to the local level.

Direct subsidy is one way. If it proved politically unpalatable, there is the indirect or hidden subsidy whereby the federal government makes up the loss at the local level by paying for other services: welfare, recreation, public health, etc. It is in that way that the federal government now subsidizes air travel, agriculture, etc.

3. PROBLEM: MAINTENANCE

On the rent-breakdown chart, only 6% is allotted to this category. But that's misleading: maintenance and repair of low-income housing affects—and is affected by—many other categories.

Case in point is the construction cost of the apartment. Raising the specifications for equipment, wearing surfaces, and finishing material would increase the principal portion of the rent. But it would also cut the amount that had to be spent on maintenance and repair—probably enough to more than cancel the increased construction cost. Moreover, if capital costs were to be borne by the government, the decrease in maintenance costs would benefit the tenant who must pay them.

Consider utility costs—9%. Upgraded specifications—better insulation, for example—could make appreciable cuts in the cost of heating, cooling, and electricity.

Consider administration expenses—11% of the monthly rent. Decreasing repairs would cut such overhead as paperwork and supervision.

Can we cut maintenance costs? Yes—if the appropriate government agencies will initiate and carry through an intelligent re-evaluation of house specifications.

4. PROBLEM: LAND

There is no figure specifically allotted to land costs in the rent breakdown. It is included in the "principal" category, and is a little less than 10% of the total of the apartment.

Can land cost be cut? That depends. The 10% figure is very reasonable for an urban housing project, and there are seldom any land bargains in the downtown areas where much of our low-income housing will be built.

Suburban land, however, could be very much less expensive. The trouble is, most suburbs don't want low-income housing, and have gone to great trouble to keep it out. Their chief weapon is zoning: by holding to large-lot requirements and severely limiting multifamily zoning, they make sure that only higher-income housing can be built.

The federal government can help here by gently but firmly forcing the suburbs to open their land to low-income families. Some states are already working on legislation that would override local zoning statutes to permit low-income housing; the federal government could lend its weight to such programs and press for their adoption by all states.

5. PROBLEM: RED TAPE

This is such a monumental problem that it's useless to try to assign a cost figure to it. Any builder who has worked with a government program knows that, at best, red tape will delay his project, force him to use extra administrative personnel, and thus boost his overhead costs; at worst, it will strangle him and kill his project.

Can red tape be eliminated? Probably not. But anything that the government can do towards standardizing, simplifying, and debureaucratizing the procedures of its housing agencies—and pressuring state and local bodies to do the same—will cut the cost of low-income housing—and in some cases, drastically.

6. PROBLEM: MANPOWER

Here at last is an area where industrialization may eventually help.

Industrialization will eventually help because it can bring more housing production from less skilled—hence less scarce—workers.

It's not a question of trying to find cheap labor, it's a question of finding any labor. Even at the current inadequate rate of housing production, in some areas carpenters are impossible to find. And the shortage of plumbers, electricians, and other craftsmen has helped push mechanical costs of housing clean out of sight.

The promise of industrialization is that by standardizing many of these skilled operations, it will allow less skilled labor to perform them. It might also bring new people into an industry that for the past decade has only seen its labor departing.

Industrialization will eventually help because it drastically cuts the weather-vulnerable part of the construction process.

Typically, only one day is necessary to drop a factory-built house into place; by contrast, a conventionally built job may be open to weather delays for weeks. And there are both short-and long-term advantages to the quicker way. The builder's money isn't tied up as long, so his overall costs drop; and he knows just what his structure will cost, so his safety margins can be reduced. On a larger scale, industrialization could eventually bring an end to the seasonability of homebuilding in many areas and the consequent higher wages that must be paid to workers who may be idle much of the winter.

On the other hand, industrialization can't do everything. Foundations must still be built outside, and no one yet knows how to prefab a hole in the ground.

Industrialization will eventually help because it will make more possible the use of new materials in housing.

Up to now, wood and wood products have been the predominant housing materials. Aside from the relatively low cost, their great asset is the ease with which they can be cut and fastened in the field with hand tools.

Metals and plastics, on the other hand, usually must be worked with heavy equipment that can't be brought into the field and that requires volume production to justify its expense. Since housing's present labor force is geared to wood-frame construction, many materials that could improve housing never had a chance to be used.

Industrialized housing could change that. It is built in a factory where machinery can be installed; it can be standardized to the point where volume production is possible; and its new labor force can certainly be taught to work with new materials.

So there's no doubt that industrialization will play a useful role in producing low-income housing

True, there are limitations inherent in factory-built housing. Because of trucking requirements, the size and shape of modules is limited, and that in turn puts restrictions or design; there are only so many things you can do with a box. Also, while modules can logically be combined to form townhouses and garden-apartment buildings, most urban low-income housing will have to be in medium- and high-rise buildings. And although some Breakthrough proposals show module boxes stacked up 15 and 20 stories, few housing experts believe this to be a practical concept.

Within these limitations, however, industrialization promises to be the best—and perhaps the only—way to increase housing production in the face of a dwindling labor supply.

But we don't need Operation Breakthrough to achieve industrialization.

The housing industry will industrialize anyway—when industrialization is feasible and necessary. Indeed, many of the most promising proposals for Operation Breakthrough are systems that were designed, and in some cases put in production, long before Breakthrough was conceived. While it's fair to say that Breakthrough may have led to the faster evolution of some good systems, its equally fair to question whether that faster revolution was necessary, or even desirable.

Regardless of HUD's intentions in creating Operation Breakthrough, the unhappy fact is that for the next few months all of the sound and fury that will inevitably attend the building of prototypes of winning Breakthrough systems is going to hide all the problems of money, land, taxes, and above all, lack of concern, that keeps us from mounting an effective program for low-income housing.

It's too late to do anything about Operation Breakthrough; it's already rolling. If we're very lucky, it may produce some useful results.

What's important now is that we stop kidding ourselves. When that smokescreen finally clears, we'll still have a crisis on our hands.

The time to start dealing with it is right now.

BISHOP HITS PREJUDICE

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. BOLAND. Mr. Speaker, the Most Reverend Christopher J. Weldon, Catholic bishop of the Springfield, Mass., diocese, pointed out this week that prejudice against one's fellow man flouts the fundamental principles of Christianity. Speaking Monday at the pulpit of Springfield's Old First Church—marking the first time a Catholic bishop has preached from that pulpit—Bishop Weldon said it was God's "intention that we would learn to live together in love with one another."

The Bishop's message, given on the first day of Holy Week noontime ceremonies sponsored by the Council of Churches of Greater Springfield, is highly appropriate for the Easter season.

With permission, Mr. Speaker, I put in the RECORD at this point a Springfield Union article describing Bishop Weldon's talk:

BISHOP HITS PREJUDICE AS DENIAL OF MESSIAH

Prejudice is a denial of the message of Christ and God's program for redemption of man, the Most Rev. Christopher J. Weldon,

Roman Catholic bishop of Springfield, said yesterday.

He preached from the pulpit of Old First Church, Court Square, on the first day of the Council of Churches of Greater Springfield-sponsored 34th annual Holy Week noonday services.

It was the first time in the history of Springfield that the Roman Catholic bishop had preached from the pulpit of First Church. Today, the Very Rev. Malcolm W. Eckel, canon of Christ Church Cathedral, Episcopal, will give the sermon.

Speaking on the topic of "What does Christ mean to me—what does my fellow man mean to me?", the leader of the Roman Catholics in Western Massachusetts equated the two questions.

"God created us intelligent and free," the prelate said, "and trusted to the intellect He has given us—trusted us—to understand the meaning of life."

"It was His intention that we would learn to live together in love with one another even as the three persons of the Blessed Trinity live together in heaven," he explained.

"Adam and Eve made the mistake of giving keener, more intelligent attention to the tempter," than to God, he added. But in spite of their having had to suffer the consequences, God never abandoned man, he explained.

"For men lived after Adam and Eve, in hopes that they would be able to profit" from God's redemptive process which would come to its fullness in the redeemer who was to come.

"In Old Testament times," the bishop continued, "human beings were just like they are today—superficial—too busy to pay attention to their religious teachings."

"But in the fullness of time the redeemer came in His human nature and showed us how to use (our own) human nature," the bishop continued.

He spoke of Christ's human side cringing before the "physical torture" and "psychological rejection and torment" which He would face, and therefore He turned into the Garden of Gethsemane to pray, after which he said "not my will but thine be done."

"That Christ, who came to earth and lived . . . and taught us by His example, is still alive today—still loves us today—still invites us to use our own full stature to understand" the program of redemption which, the bishop said, is very simple:

"That we find God in one another; if we really want to be with Him we must take His teachings in their fullness," he added. "If we took Him seriously we would seize the opportunity to allow the Christ within us to go out to meet the Christ within others."

"Who has the responsibility for continuing the program of redemption that is going on? It must be developed in every generation and today we have the responsibility."

HORTON URGES INCREASE IN VETERANS' INCOME LIMITATIONS TO PREVENT LOSS DUE TO SOCIAL SECURITY INCREASES

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. HORTON. Mr. Speaker, veterans should not be penalized because social security has been increased by 15 percent. Yet, under the present law, social security increase or increases in any other retirement program will adversely affect the level of VA pension payments.

For this reason, I am today cosponsoring a bill which was originally introduced by my friend and colleague, Hon. OLIN E. TEAGUE, which would increase income limitations for veterans.

Mr. Speaker, I am certain that we have all received letters from veterans who will be placed in a very difficult situation if this bill is not passed. These men have served the country well, and it is ironic that an increase in social security will tax their right to have freedom from financial strain, and deny them what is their due.

My bill would increase the income limitations for a veteran or widow without dependents from $2,000 to $2,300, and for the veteran or widow with dependents from the current $3,200 to $3,500.

World War I veterans' income limitations would also be increased. The old pension law limitations will be increased by $300 a year. Thus, the income limitation for a veteran or widow without a dependent would be increased to $1,900 and for a veteran with a dependent to $3,200.

I feel that the $300 increase in income limitations would prevent any pensioner from having a net loss in his social security and Veterans' Administration benefits.

Another inequity that my measure will correct deals with the cutoff of drugs and medicine to a veteran whose income exceeds the limitation. My bill authorizes the VA to furnish drugs and medicine to a veteran who is so helpless or blind that he has qualified for the special aid and attendance allowance. The VA would have the authority to continue to furnish drugs and medicine even if the pension were stopped. However, the veteran's annual income could not exceed the maximum annual income limitation by more than $500.

Mr. Speaker, I feel this measure must be enacted before 1971 so that our veterans will not be adversely affected by the social security increase. I urge my colleagues to consider the justice of this measure and to strongly support it.

A BLACK AT THE GRIDIRON DINNER

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. BINGHAM. Mr. Speaker, the article that follows is one of the most moving, and at the same time one of the most important, that I have read in a long time. I hope all my colleagues will read and ponder it.

The inertia, the resistance to change, that afflicts many of our national institutions is appalling. In this day and age, it is almost incredible that the annual Gridiron Dinner could be as Mr. Wilkins describes it. No one should argue that this is a private affair, a dinner run by a private club. The Gridiron is in fact a quasi-public institution of importance.

I have only one quarrel with Mr. Wilkins' article: He does not mention the fact—indeed he does not seem to have been conscious of the fact—that one very large group of Americans was totally excluded from the dinner: the women. If, next year, Katherine Graham, Mary McGrory, Flora Lewis, Marjorie Hunter, and some of the other stellar women reporters want to picket the dinner, I will march with them .

The Congress is not the only place in this town where anachronistic customs are thoughtlessly followed. Some self-examination is in order, and some shaking up.

The article follows:

A BLACK AT THE GRIDIRON DINNER

(By Roger Wilkins)

(NOTE.—*The writer, former Assistant Attorney General of the United States, is now a Ford Foundation executive.*)

When it was all over, a number of men had tears in their eyes, even more had lifted hearts and spirits, but a few were so dispirited that they went upstairs to get drunk. We had just heard the President and Vice President of the United States in a unique piano duet—and to many old Gridiron Dinner veterans, it was a moving show-stopper. To a few others, it was a depressing display of gross insensitivity and both conscious and unconscious racism—further proof that they and their hopes for their country are becoming more and more isolated from those places where America's heart and power seem to be moving.

The annual dinner of the Gridiron Club is the time when men can put on white ties and tails and forget the anxiety and loneliness that are central to the human condition and look at other men in white ties and tails and know that they have arrived or are still there.

The guests are generally grateful and gracious. But the event's importance is beyond the structures of graciousness because it shows the most powerful elements of the nation's daily press and all elements of the nation's government locked in a symbiotic embrace. The rich and the powerful in jest tell many truths about themselves and about their country. I don't feel very gracious about what they told me.

Some weeks ago, to my surprise and delight, a friend—a sensitive man of honor—with a little half-apology about the required costume, invited me to attend the dinner.

The first impression was stunning: almost every passing face was a familiar one. Some had names that were household words. Some merely made up a montage of the familiar faces and bearings of our times. There were Richard Helms and Walter Mondale and Henry Kissinger and George McGovern and Joel Broyhill and Tom Wicker and William Westmoreland and John Mitchell and Tom Clark (ironically placed, by some pixie no doubt, next to each other on the dais) and Robert Finch and Ralph Nader, and of course, the President of the United States.

One thing quickly became clear about those faces. Apart from Walter Washington—who, I suppose, as Mayor had to be invited—mine was the only face in a crowd of some 500 that was not white. There were no Indians, there were no Asians, there were no Puerto Ricans, there were no Mexican-Americans. There were just the Mayor and me. Incredibly, I sensed that there were few in that room who thought that anything was missing.

There is something about an atmosphere like that that is hard to define, but excruciatingly easy for a black man to feel. It is the heavy, almost tangible, clearly visible, broad assumption that in places where it counts, America is a white country. I was an American citizen sitting in a banquet room in a hotel which I had visited many

times. (My last occasion for a visit to that hotel was the farewell party for the white staff director and the black deputy staff director of the United States Commission on Civil Rights.) This night in that room, less than three miles from my home in the nation's capital, a 60 per cent black city, I felt out of place in America.

That is not to say that there were not kind men, good men, warm men in and around and about the party, nor is it to say that anyone was personally rude to me. There were some old friends and some new acquaintances whom I was genuinely glad to see. Ed Muskie who had given a very funny and exquisitely partisan speech (the Republicans have three problems: the war, inflation, and what to say on Lincoln's Birthday) was one of those. I was even warmly embraced by the Deputy Attorney General, Mr. Kleindienst, and had a long conversation with the associate director of the FBI, Mr. De Loach.

But it was not the people so much who shaped the evening. It was the humor amidst that pervasive whiteness about what was going on in this country these days that gave the evening its form and substance. There were many jokes about the "Southern strategy." White people have funny senses of humor. Some of them found something to laugh about in the Southern strategy. Black people don't think it's funny at all. That strategy hits men where they live—in their hopes for themselves and their dreams for their children. We find it sinister and frightening. And let it not be said that the Gridiron Club and its guests are not discriminating about their humor. There was a real sensitivity about the inappropriateness of poking fun that night about an ailing former president, but none about laughing about policies which crush the aspirations of millions of citizens of this nation. An instructive distinction, I thought.

There was a joke about the amendments to the Constitution (so what if we rescind the First Amendment, there'll still be 25 left), and about repression (you stop bugging me, I'll stop bugging you), and there were warm, almost admiring jokes about the lady who despises "liberal Communists" and thinks something like the Russian Revolution occurred in Washington on November 15. There was applause—explosive and prolonged—for Judges Clement Haynsworth and Julius Hoffman (the largest hands of the evening by my reckoning.)

As I looked, listened and saw the faces of those judges and of the generals and of the admirals and of the old members of the oligarchies of the House and Senate, I thought of the soft, almost beatific smile of Cesar Chavez; the serious troubled face of Vine Deloria Jr., and the handsome, sensitive faces of Andy Young and Julian Bond of Georgia. All those men and more have fought with surely as much idealism as any general ever carried with him to Saigon, with as much courage as any senator ever took with him on a fact-finding trip to a Vietnam battlefield, or even as much hope, spirit and belief in the American dream as any Peace Corps kid ever took to the Andes in Peru. But the men I have named fought for American freedom on American soil. And they were not there. But Julius Hoffman was.

As the jokes about the "Southern strategy" continued, I thought about the one-room segregated schoolhouse where I began my education in Kansas City. That was my neighborhood school. When they closed it, I was bused—without an apparent second thought—as a 5-year-old kindergartener, across town to the black elementary school. It was called Crispus Attucks.

And I thought of the day I took my daughter when she was seven along the Freedom Trail, in Boston, and of telling her about the black man named Crispus Attucks who was the first American to die in our revolution. And I remember telling her that white America would try very hard in thousands of conscious and unconscious ways both to make her feel that her people had had no part in building America's greatness and to make her feel inferior. And I remember the profoundly moving and grateful look in her eyes and the wordless hug she gave me when I told her, "Don't you believe them because they are lies." And I felt white America in that room in the Statler Hilton telling me all those things that night, and I told myself, "Don't you believe them because they are lies."

And When it came to the end, the President and the Vice President of the United States, in an act which they had consciously worked up, put on a Mr. Bones routine about the Southern strategy with the biggest boffo coming as the Vice President affected a deep Southern accent. And then they played their duets—the President playing his songs, the Vice President playing "Dixie," the whole thing climaxed by "God Bless America" and "Auld Lang Syne." The crowd ate it up. They roared. As they roared I thought that after our black decade of imploring, suing, marching, lobbying, singing, rebelling, praying and dying we had come to this: a Vice Presidential Dixie with the President as his straight man. In the serious and frivolous places of power—at the end of that decade—America was still virtually lily white. And most of the people in that room were reveling in it. What, I wondered, would it take for them to understand that men also come in colors other than white. Seeing and feeling their blindness, I shuddered at the answers that came most readily to mind.

As we stood voluntarily, some more slowly than others, when the two men began to play God Bless America, I couldn't help remembering Judy Collins (who could not sing in Chicago) singing "Where Have All the Flowers Gone?"

So, later, I joined Nick Kotz, author of "Let Them Eat Promises" and we drank down our dreams.

I don't believe that I have been blanketed in and suffocated by such racism and insensitivity since I was a sophomore in college when I was the only black invited to a minstrel spoof put on at a white fraternity house.

But then, they were only fraternity brothers, weren't they?

FRED HALL

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. SHRIVER. Mr. Speaker, on March 18, 1970, death claimed former Kansas Gov. Fred Hall. A native of Dodge City, Kans., Fred Hall served one term as Kansas chief executive in 1955–56. He also served on the Kansas Supreme Court following his resignation as Governor. Following his public service in Kansas, he moved to California where he also became active in politics. Fred Hall left his mark on Kansas politics.

Mrs. Shriver and I extend our heartfelt sympathy to his wife, Leadell, and the family on the great loss which they have suffered. Under the leave to extend my remarks in the RECORD, I include the following editorials on Fred Hall published in the Hutchinson, Kans., News and the Wichita, Kans., Beacon:

[From the Hutchinson (Kans.) News]

FRED HALL

Fred Hall won't go into the record books as Kansas' most able governor or its best governor.

But the former Dodge Citian who died this past week at the age of 53 after serving one term in 1955–56, will be remembered as an important chief executive.

Hall helped lead the heavily outnumbered progressive forces within the GOP. He fought the unbendable, established Old Guard.

He infuriated many. He refused to heed the advice of party leaders. But his intransigence brought doubt. And this doubt brought thought. And this thought brought change and the Republican Party into a new age.

Hall resigned as governor before his term was up and served on the state Supreme Court. He tried to seek the GOP gubernatorial nomination again, but was defeated in the primary. He went to California.

The new life only fed his thirst for public life. He became active in California politics and ran against movie actor George Murphy for the U.S. Senate. Murphy still holds the seat.

Hall's career was erratic but brilliant. He was a maverick and a dissenter long before the age of dissent.

His passing is a loss for Kansas.

[From the Wichita (Kans.) Beacon]

FRED HALL

Fred Hall burst over the Kansas political scene like a comet over a primitive village. He appeared suddenly out of nowhere and was almost as quickly gone. But while he was visible he caused consternation, panic, and even a measure of admiration in some quarters that amounted almost to worship.

Certainly the Republican party in the state has never been quite what it was before his day.

Hall was brilliant, erratic, and eminently unbiddable. Probably the biggest reason he was a one-term Republican governor in a state where most governors of his party think of their second terms as being automatic was that he refused to heed the advice of the party leaders or those who thought they were party leaders.

In a day before anyone really knew anything about John and Jackie Kennedy, Fred and Leadell Hall were their Kansas counterparts, and the somewhat stuffy society of the state capital buzzed with talk of his red dinner jackets and her up-to-the-minute modishness.

Fred Hall angered some Kansans virtually to the point of speechlessness. He amused others, and he greatly pleased a few. He wasn't one of our soundest governors, but he had many good ideas and during his incumbency there was never a dull moment and now he's dead at 53.

Such a person in public life accomplishes more than the record shows, for he changes political habits and individual thinking. And that's a considerable contribution.

ON JUSTICE AND PUBLIC SAFETY

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. CARTER. Mr. Speaker, the Honorable Kenneth J. Newman retired as director of public safety in Louisville, Ky., in February of this year after a long and distinguished career as an attorney who has served as domestic relations judge and special judge of the circuit court criminal branch.

On his retirement, he embodied his ideas on law, crime, and safety in an article which should be of great interest to the Members of this House. I personally want to congratulate Judge Newman on his distinguished career and to include his remarks for the perusal of this body:

[From the Louisville Courier-Journal magazine, Mar. 22, 1970[

ON JUSTICE AND PUBLIC SAFETY

(By Kenneth J. Newman)

English novelist Edward George Bulwer-Lytton said in 1848, "Life consists in the alternate process of learning and unlearning but it is often wiser to unlearn than to learn."

My experience as Director of Public Safety for the city of Louisville in the administrations of three mayors has proven the wisdom of the novelist's words. Often firmly fixed opinions are altered when confronted with stark reality.

We live in a world of goodness, ignorance, evil and charity, and all aspects of these have been displayed during the course of my duties. If my influence served to better mankind in any phase of survival I will have been compensated.

I could relate in detail the many problems confronting a Director of Public Safety—the tense moments during civil disorders; the disciplinary hearings; the tragic deaths of police officers killed in line of duty; the awesome duty of informing a woman in faltering words that her husband and the father of her children is no more; the box score of our achievements, frustrations and failures.

But rather than dwell on the past, I shall set out my innermost thoughts on those things which I consider basic before improvement in the area of crime can be discerned.

I am convinced that any effort of a Director of Safety is not a strong reed upon which to lean in perilous times. I am persuaded that one man's feeble effort is not enough to stem the onslaught of hate, ignorance and suspicion so rampant in our society. Scientific approaches to law enforcement and crime prevention have to a degree failed because the heart of man must change before scientific advances can prove effective. The noblest charities, the best fruits of learning, the richest discoveries, the best institutions of law and justice, every great thing the world has seen, represents, more or less directly, the fruitfulness and creativeness of religion and education.

We have been made aware of the rapid increase in crime and the growing evidence of disrespect for law among many parts of our nation. We all recognize that it is a basic requirement of public officials to secure justice and to maintain public order. We also must recognize that disobedience of law and disrespect for law-enforcement officers can never be the right means of securing justice for the individuals of our nation or for groups in our society.

At this point, we need to remind ourselves of the basic functions of government as described in the preamble to the Constitution of the United States:

"We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

The functions of government are designed to maintain and preserve the blessings of liberty for all our citizens. If, however, we ever depart from the concept of liberty under law no one will be secure and no one will be safe. No person recognized this with greater clarity and conviction than President Abraham Lincoln when he said that reverence for law should become the political religion of the nation. Here are his words:

"As the patriots of '76 did to the support of the Declaration of Independence, so to the support of the Constitution and laws let every American pledge his life, his property, and his sacred honor—Let every man remember that to violate the law is to trample on the blood of his father, and to tear the character of his own, and his children's liberty. Let reverence for the law be breathed by every American mother, to the lisping babe that prattles on her lap. Let it be taught in schools, in seminaries, and in colleges; let it be written in primers, spelling books, and in almanacs—Let it be preached from the pulpit, proclaimed in legislative halls, and enforced in courts of justice. *And, in short, let it become the political religion of the nation;* and let the old and the young, the rich and the poor, the grave and the gay, of all sexes and tongues, and colors and conditions, sacrifice unceasingly upon its altars. Upon these let the proud fabric of freedom last, as the foundation of its basis."

This then becomes a task for our nation's schools, churches and homes. As a former Director of Safety, another conviction has become deeply rooted in my thinking and that is the necessity of faith in Almighty God for the functioning of our society and our system of government.

It must always be remembered that reverence for God and respect for law go together. It is not an accident that practically all of the 50 states in their charter of government refer directly or indirectly to Almighty God as the source of our blessings and as the governor and ruler of all men and all nations. As the year 1970 is upon us, we are constantly reminded of this by our calendar. We refer to each year as "Anno Domini" (in the year of the Lord) and thus acknowledge the rule of God in the affairs of our everyday lives. No amount of money and training or organization can be a substitute for the spiritual heritage which underlines all our religious and civil institutions.

We need men in public life who will stand for principle and for right. The honorable Frank Carlson, formerly senator from the state of Kansas, called our attention to the fact that three major forces have brought about chaos and frustration in our age. These are, he said, universal *conformity*, universal *change* and universal *criticism*. They have left our people in a sea of doubt and uncertainty and threaten to sink the ship right before our eyes. The world today, he said, is looking for:

"Men who are not for sale;

"Men who are honest, sound from center to circumference, true to the heart's core;

"Men with consciences as steady as the needle to the pole;

"Men who will stand for the right if the heavens totter and the earth reels; men who can tell the truth and look the world right in the eye;

"Men who neither brag nor run;

"Men who neither flag nor flinch;

"Men who can have courage without shouting it;

"Men in whom the courage of everlasting life runs still, deep, and strong;

"Men who know their message and tell it;

"Men who know their place and fill it;

"Men who know their business and attend to it;

"Men who will not lie, shirk or dodge;

"Men who are not too lazy to work, nor too proud to be poor;

"Men who are willing to eat what they have earned and wear what they have paid for;

"Men who are not ashamed to say 'No' with emphasis and who are not ashamed to say 'I can't afford it.'"

As my own legacy to the future as a former director of the Department of Safety, I can suggest certain principles which will be fundamental for future occupants of this office in Louisville or in any other city in the United States.

I emphasize first that there is no substitute for character and ability in the men and women we obtain to serve in the Police Department and the Fire Department. It is very important for the future that we lay premium emphasis on the professional competence and character of those who serve the public in the area of law enforcement and the protection of property. I am proud of the spirit and attitude of our personnel and believe they will compare favorably with the personnel of any other community in the United States.

The spirit of cooperation existing between both divisions has been truly magnificent, and the Louisville Fire Department has been acclaimed nationally for excellence. Such results are a testimony to our recruitment policies.

One of the dangers for the future which we must recognize is that of public indifference and apathy. People are quick to criticize when they feel that some error has been made in law enforcement, but they are not always as quick to appreciate the unnoticed acts of faithfulness and loyalty by police and firemen in the daily carrying out of their duties. This means in effect that the public mind must have a sound system of priorities if government of the people, by the people and for the people is to be a living reality in the United States.

It is probably no exaggeration to say that the decline of every major civilization has been marked by unsound priorities. To their sorrow, the citizens find this out too late to arrest the destructive processes of decay and decline. It was pointed out by a famous historian that one of the major causes of the decline of the government of the Roman Empire was the incessant desire for pleasure and the search for entertainment on the part of individuals, along with the breakup of the home as a dependable unit of society.

The craze for pleasure is not necessarily the same thing as the pursuit of happiness which is regarded as an inalienable right, along with life and liberty in the American system. A proper respect for law and law-enforcement procedures requires an unselfish attitude, on the part of the individual and the society, which will be increasingly essential in the future of our community and the future of the nation.

Too often the police force has become victimized by a tug-of-war in the community of conflicting social forces. Law enforcement must have top priority in all of our lives or we will inevitably degenerate into anarchy, which is usually followed by some form of tyranny. This would mean the end of our precious heritage of liberty under law and one nation under God.

I would like to place renewed emphasis on the constant need for reinvigoration of local government, especially in the time of tension and change in the urban environment. In Western civilization, especially in England and the United States, the system of law and justice operates primarily at the local level of city and county government. It is for this reason that in the United States we have never had a system of national police. This means that the burden of law enforcement depends on the insight and sense of responsibility of our local communities.

There is nothing which could have greater urgency than a reawakening of a sense of local responsibility for the maintenance of public safety and order and a live and vital interest on the part of the citizens in the functions of local government. We will inevitably suffer a slow strangulation and decay if any vital function of government at the local level fails and if there is a lack of confidence by the citizens in their local officials.

So, what we face is a two-fold challenge: A new sense of urgency on the part of the people, and an abiding sense of dedication on the part of local officials. Perhaps this can be stated in the unforgettable words of a

former president: "This nation must have a new birth of freedom." Only in this way will the proper function of government be fulfilled and the goal of an orderly and just society be maintained.

There are few of us who do not have a strong propensity to diminish our present strength by entertaining fears of future weakness. This is an obstacle we must overcome—and overcome it we will with a renewed faith in duties we accept.

In 1635, Pascal said "Justice without force is powerless, force without justice is tyrannical." May all safety directors succeeding me establish this compassionate and honorable rule to guide the destinies of the Department of Public Safety in the daily pursuit of excellence. To do less would be a sin; to do more would be impossible.

PURIFICATION OF NATION'S WATERS EXPECTED TO BE LONG AND COSTLY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. DINGELL. Mr. Speaker, the New York Times of March 17, 1970, carried a most informative article by Mr. Gladwin Hill under the headline of "Purification of Nation's Water Expected To Be Long and Costly." So that my colleagues may have an opportunity to read this article, I include it in the RECORD at this point:

[From the New York Times, Mar. 17, 1970]

PURIFICATION OF NATION'S WATERS EXPECTED TO BE LONG AND COSTLY

(By Gladwin Hill)

Federal experts are finding that restoration of the nation's waters to something approaching satisfactory cleanliness is many years—and many billions of dollars—in the future.

Into a computer at the Interior Department's Federal Pollution Control Administration's building, overlooking the dirty Potomac River, these experts have fed reams of figures that can instantly give a statistical profile of sewage-plant construction in Buffalo or recapitulate Federal grants to the state of Michigan.

Up to now, according to the officials who must translate the data into action, the computer has presented this picture:

The condition of the nation's waterways is disheartening, perhaps worse than a decade ago.

The over-all problem is being aggravated by new types of pollution.

Current plans to step up antipollution efforts are promising, but their realization hinges on forthcoming judgments of Congress on some highly controversial questions.

President Nixon, in his environmental message of Feb. 10, outlined a $10-billion, four-year plan for new sewage plants ($4-billion in Federal subsidies, $6-billion to come from states and localities); a system of new financing aid to localities, and greatly expanded Federal authority in combating water pollution.

No one familiar with the problem is suggesting that this will be a cure-all. Ten billion dollars is only a drop in the nation's bucket of dirty water. The cost of cleaning up Lake Michigan alone has been expertly estimated as high as $10-billion. The ultimate prospective cost of cleaning all the nation's waterways is out of sight, somewhere beyond $100-billion.

"But this new program is the springboard we need," says Carl L. Klein, the burly, aggressive Assistant Secretary of the Interior for Water Quality and Research.

The water section of President Nixon's message came right from Mr. Klein's desk, and the former Illinois lawyer-legislator comments buoyantly: "We went for broke in what we asked. And the White House bought it."

HEARINGS TO BEGIN SOON

Typical of a dozen major proposals in bills that Congressional Committees will soon begin hearings on is a potentially controversial provision extending Federal pollution abatement powers from interstate waters to virtually all waters of the country.

Another is a requirement that the states establish "effluent standards," or permissible discharge limits, for each and every pollution source—standards subject to Federal approval.

These are radical steps, measured against fast pollution-control measures, and they are expected to elicit opposition of many sorts from members of Congress, states, cities and industry. It has taken years of argument and maneuvering simply to shape a law covering the relatively uncontroversial problem of maritime oil spills.

A complicating element in the whole outlook is the fact that Mr. Nixon's party does not control Congress. Moreover, the chief Congressional shepherd of water pollution legislation for years has been Maine's Senator Edmund Muskie, who has criticized the Nixon program as inadequate and who is a putative electoral opponent of the President.

But the sweeping new proposals were conceived as vital to getting pollution abatement off what Assistant Secretary Klein calls "dead center."

REASON FOR CONCERN

Why all the attention to dirty water when, with modern drinking water systems, instances of death or sickness have become almost nonexistent?

Essentially the reason is that the nation needs clean water not only for drinking but also for industry, agriculture and recreation.

In the last two decades, waterways became so overburdened with fluid refuse as to point toward only one conclusion: a day not far off when rivers and lakes would be nothing but open sewers.

It was evident to all concerned that rehabilitating enough water for domestic and commercial uses would be problematical or prohibitively expensive and that the natural attributes serving recreation—fish and plant life and general beauty—might be destroyed forever.

Federal efforts against large-scale water pollution date to 1956, when a law set forth what has become known as the "conference procedure." Under this, Federal officials step into an interstate pollution situation, join with state officials in a public hearing on conditions and formulate a scheduled corrective program theoretically enforceable by Federal court action.

PROGRAM OF INCENTIVES

Using this procedure, 50 formal abatement actions have been instituted, involving most of the states, 2,000 communities and 2,000 industrial sources.

This policing action was coupled with an incentive program: Federal subsidies to localities to cover up to 55 per cent of construction costs of sewage treatment facilities. Some 9,000 projects have been so aided.

Secretary of the Interior Stewart L. Udall, calculated in 1968 that this carrot-and-stick approach had brought improvement to upward of 50,000 miles of waterways.

But with population, industry and the volume of pollutants increasing by the day, these tactics began to appear glaringly insufficient.

There is general agreement that the subsidy program has been hamstrung by Federal budget-cutting. The conference procedure has proved cumbersome and slow. Abatement actions have dragged on for years while Federal officials tried to cajole, prod and cudgel state authorities—many of them plainly under the influence of polluters—into taking decisive action.

Progressive segments of industry have spent hundreds of millions of dollars on pollution abatement. Hundreds of municipalities have improved their sewerage systems. New York State alone mounted a billion-dollar water cleanup program, as the first phase of what Governor Rockefeller sees as a $3-billion task.

But such activities seemed neither extensive enough nor coherent enough. A factory's reduction of its discharges into a river might be offset by increased emissions from an over-taxed sewage plant.

ACCOUNTING OFFICE STUDY

A Federal General Accounting Office study last year concluded that despite the expenditure of $1.2-billion in Federal grants and $4.2-billion by localities for new sewage treatment facilities, there had not been improvement in the quality of the nation's waterways.

"In the last 10 years," says David D. Dominick, the youthful, bespectacled Commissioner of the Federal Water Pollution Control Administration, "the quality of the nation's water has probably degenerated."

While it has always been assumed that community water systems could transform even tainted supplies into something harmless and potable, that assurance is wearing thin.

"Our treatment plants," says Dr. C. C. Johnson, head of the Department of Health, Education, and Welfare's consumer protection division, "are not designed for, nor are they prepared to take the chemical onslaught now coming from our streams."

FEW PURE STREAMS LEFT

For evidence, most citizens need look no farther than the nearest river. The only conspicuously unsullied streams in the country are the few that have been insulated in the Federal "Wild Rivers" wilderness preservation program.

The Hudson's lower reaches are filthy. Major rivers like the Ohio, the Mississippi and the Missouri are still heavily polluted. The Detroit River, the Cuyahoga at Cleveland, and the Houston ship canal are essentially industrial sewers. Lake Erie, in scientists' estimation, is an ecological disaster area. Lake Michigan is heavily contaminated in some areas. Even the clarity of Lake Superior is threatened.

All of these situations and many others are theoretically in the course of improvement under Federal abatement actions. But abatement involves design, engineering and construction—a process measured in years, not months. Polluters haggle endlessly with state and Federal officials over their technical and financial capabilities.

A new industrial facility can, generally speaking, incorporate proper waste-water treatment for no more than 10 per cent of total construction costs. With an old facility, economically marginal already, a big corrective outlay may be a back breaker. This is when the foot-dragging sets in, mainly.

NEED FOR MONEY CITED

Many communities have long since bonded themselves to the limit for public facilities. They plead that they just can't raise the money for the new sewage plant they need.

According to the latest data of the pollution control agency, only some 140 million of the nation's 200 million people are served by any kind of sewer system. The sewage of nearly 7 percent of those 140 million, including many right in New York City, is dis-

charged "raw," or untreated. With only about 85 million of the nation's people does sewage get the "secondary," or two-stage, treatment now considered minimal.

Yet many states have resisted Federal intervention. Iowa contended last year that it was unconstitutional. Colorado's Gov. John A. Love is on record as saying it would be "traitorous" for states to submit to Federally prescribed water quality standards.

Such attitudes are so prevalent that the Federal states standards program enacted by Congress in 1965 is still bemired, despite repeated official statements that water quality commitments from all 50 states had been "approved."

A recent check with the Pollution Control Agency disclosed that arduous negotiations were still going on with most of the states to bring their stated water quality goals—not accomplishments—to a satisfactory level.

CUTS IN APPROPRIATIONS

States and cities, on their part, have been vexed that Federal appropriations for matching-fund subsidies for sewer-plant construction over the last three years have run nearly $1-billion short of what Congress originally authorized, and that the Government owes 19 states some $800-million as its share of construction projects approved and started. (The largest such obligation is $382,618,000 to New York.)

As an interim move to outflank the various obstacles to expeditious abatement, Secretary of the Interior Walter J. Hickel last September invoked an unused section of the 1965 water pollution law providing for direct Federal action against individual polluters.

Over bitter protests from the State of Ohio, he gave four steel companies there and the City of Toledo six months to get specified corrective measures under way or face Federal suits.

The action elicited quick compliance. But the maneuver of bypassing state administration was exemplary rather than a serviceable long-term tactic. There are countless thousands of polluters, industrial and municipal, and the Federal Government does not have the machinery to pursue them individually.

Recapitulating the highlights of this travail in a recent interview, Assistant Secretary Klein said: "It was imperative that we get new tools to do the job people are expecting to be done."

The measures now before Congress in effect shrink down to six months the indefinite period of years over which the law now allows meaningful remedial action to be protracted.

If a polluter does not start satisfactory remedial action in six months after due notice and a hearing, the Secretary of the Interior could ask the Department of Justice to bring court action leading to fines of up to $10,000 a day.

In place of the present often tortuous process of establishing that pollution is interstate, the Interior Department would have jurisdiction over any water pollution, even of invisible ground-water.

Communities' financing problems would be eased by creating a new Federal agency to buy their bonds and in turn issue its own bonds with the more marketable Federal imprimatur.

A TACIT COMMENT

The matching-grant subsidy program would be continued, on the $4-billion four-year basis, with a tacit commitment from the Nixon Administration to fund Congress's authorizations instead of chopping them with the budgetary cleaver.

President Johnson cut a $700-million authorization for fiscal year 1969 to $214-million and President Nixon last year cut a $1-billion authorization to $214-million, but Congress overrode him and appropriated $800-million.

Thus, regardless how long it takes Congress to broaden Interior's policing powers, the subsidy program is on a firmer footing.

How big a dent it will make on the over-all problem remains to be seen. Secretary Udall a year ago estimated basic national pollution control needs through 1973 as totalling nearly $30-billion—$8-billion for sewage treatment plants, over $6-billion for sewer lines, some $6-billion for industrial treatment facilities, and nearly $6-billion for new operating and maintenance costs.

Senator Muskie has suggested that the Federal Government should be spending $12.5-billion in matching-fund grants over the next five years, to stimulate upward of $25-billion in construction rather than the $4-billion in the Nixon program.

Current projections, by whomever, are generally premised on providing only two-stage treatment for sewage—precipitation of gross solids, and neutralizing of most of the other pollutants by biological or chemical action. But this leaves some stubborn residual substances, notably nitrogen and phosphorous—natural fertilizers that propagate undesirable plant growths in waterways, disrupting their entire ecology.

The belief is growing that the only ultimate solution is widespread "tertiary" or three-stage treatment, which will remove practically all adulterants and leave clean, if slightly saline, water.

This cost twice as much as two-stage treatment (including amortization of plant costs), but is already being applied on a small scale in a number of places. Assistant Secretary Klein sees it as essential, for instance, in rehabilitating the Potomac, now overburdened with inadequately treated District of Columbia sewage.

"THERMAL" POLLUTION

Meanwhile the over-all water pollution problem has been growing in complexity. A new focus of attention is the detergents—of which some 5 billion pounds were sold last year—because they consist of up to 44 per cent of phosphate.

The detergent industry contends that its product is only a secondary source of such troublesome nutrients (human waste being another). But Canada has announced plans to ban phosphate detergents, and a Federal representative recently told an international conference that his agency favored "an immediate reduction of phosphate levels in detergents."

Another growing problem is "thermal" pollution of waterways by heat from industrial cooling water, particularly power plants. Some fish species are blighted by as little as a four-degree chronic alteration of their accustomed milieu.

Thermal pollution will worsen as atomic power plants, which produce more waste heat, replace conventional fossil-fueled plants. The pollution control agency in February instituted its first thermal pollution abatement proceeding, against a Florida electric plant that is heating part of Biscayne degrees, an intolerable temperature for fish and aquatic plants.

Nor do any of the current cost estimates cover two big pollution sources that will have to be controlled to really clean up the nation's waters.

One is agricultural wastes, ranging from manure to fertilizers, which some officials have suggested may be responsible for as much contamination as municipal and industrial wastes. Little has been done about this because it is hard to get at.

The other problem is urban storm-water runoff. In most communities it goes down the same pipe as sewage, and often is nearly as dirty. But the volume at the time of a downpour is more than any sewage plant can handle. So sewage plants customarily "blow the switch," diverting large amounts of both storm water and sewage toward waterways untreated.

The only solution is to separate sewage and storm-water conduits and somehow handle storm water by itself.

VOLUNTEER ACTION AND WILLARD GARVEY

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. SHRIVER. Mr. Speaker, Mr. Willard W. Garvey, of Wichita, Kans., who is chairman of the board of Garvey Industries, Inc., has been appointed to the board of directors of the National Center for Voluntary Action by President Nixon. The President has made an excellent choice in naming Mr. Garvey as one of 80 distinguished citizens, representing many different backgrounds, to serve as a director of the National Center.

Recently, two commentaries on the Volunteer Action program written by Mr. Robert Carroll, of Wichita, were brought to my attention. They effectively discuss the origin of voluntarism in America as well as the individual leadership of Willard Garvey in his community and the Nation in this important program of volunteer action. They are worthy of the attention of my colleagues in the House of Representatives. The articles follow:

VOLUNTEER ACTION PROGRAM—I

Unawareness? — ignorance? — disdain? — sometimes it's difficult to know exactly what the average American feels about his national heritage; but, whatever his feeling about the young country's history, his frequent reluctance to acknowledge either historic accomplishment or precedent does two things:— it cuts today's and tomorrow's citizens off from an important learning resource; and, it permits the Russians to stake claims of precedence in several sensitive areas of American originality—including baseball . . .

Specifically, are you aware that the concept and practices of the unpaid Community Volunteer originated in the earliest days of settlements that became the United States of America?—that volunteer programs, or *voluntarism*, originated with the signing of an agreement, drawn up by one set of founding fathers—a document known, later, as the Mayflower Compact?

Of course, that sturdy cradle of New England's population—the Mayflower—made several trips to America; but, at least one shipload agreed, together, to create, in their new country " . . . a just and equal way of life . . .". And this resolve is the earliest evidence of planned volunteer activity—a program of people helping people—in the New World—or the Old, for that matter.

(An interesting piece of research might uncover, incidentally, some evidence that the Pilgrim fathers learned more than just how to talk turkey from the original Americans—the Indian tribesmen—in that area. After all, the tribal customs of Indian-Americans have demonstrated, even prehistorically, the benefits of community-centered activities, based on a philosophy of mutual help and participation of the individual in a program designed for group-benefit.)

Forty-one members of that Mayflower shipload signed the first community-volunteer agreement; and, by 1969, the precedent set by those forty-one "neighborly-helpers" had grown into a still-growing army of 50-million volunteers. This mass of citizens was occupied in varying programs (and in varying degrees of participation) throughout the United States, and abroad; and thirty-four nationwide organizations were needed to contain them as, altogether, they raised over 8-billion-dollars! The 34 groups—now organized into the American Association of Fund-Rais-

ing Councils—will raise, during 1970, over 9-billion-dollars!—and, as of January 1970, the Gross National Product has been calculated at 903-billion dollars!

Much of the fund-raising in America, today, is done with combined efforts of professional (paid) workers and the volunteers of the original concept—the unpaid workers. Today, the funding of innumerable campaigns, nationwide, has become a vital adjunct of the national economy—in a phrase: Big Business; and, like many over-fertilized growing-things; and, if we follow a botanical analogy, such rich growing conditions can create a plant with an overdeveloped, weak structure, incapable of bearing either much-needed fruit, for harvest, or vital seeds for replenishment and continuation of the genus.

Remember, now, the original intent of volunteer-action was to utilize the talents and energies of unpaid individuals who'd work—outside the requirements of day-to-day business and family-duties—to create a better community for all . . .

Perhaps it's time for the unpaid volunteers—the people-helping-people types who, many of them, are losing both heart and interest in volunteer-action as it originated in this country—perhaps it's time for these practical-minded idealists to step back, take a good objective look at the 'organized voluntarism' that threatens both the concept and goals of the original community-helpers, and call for a re-examination of voluntarism's basic principles as articulated and practiced in the 17th-century settlements that were to become the United States of America.

. . . and some people are doing just this: they're aware of the dangers inherent in the Big-Business aspect of voluntarism today. Not only is there danger of compromising original purposes; but many of the important and admirable efforts being made—programs that encourage research which, in turn, has accomplished miraculous benefits for mankind—programs that frustrate the questionable motives of empire-builders within the governmental structure—programs dedicated to the well-being of the individual within a, consequentially, healthy society—even the successful programs are being used to mask exploitation and dubious intent, or blatant self-aggrandizement, in spurious prorgams that are financially inflationary and morally indefensible. Worst of all: the genuine volunteer is beginning to retire from the action in disillusionments and a jaundiced view of all voluntarism.

These, then, are reasons for aggressive action in several areas—and the action is beginning to attract people of proved capability as well as unquestionable motive—people who already have a pattern as well as inspiration for reversing the tide of doubt that's swelling against voluntarism.

These people are already at work. Their objective: to create better communities across the nation by using the talents, energies, and inherent instincts of Americans '. . . to create a just and equal life . . .' for all.

VOLUNTARY ACTION PROGRAM—II

A few hundred years ago, forty-one members of the Plymouth Colony signed an agreement called The Mayflower Compact—thus memorializing the amazing little ship that hauled them, in extreme discomfort and anxiety, to a new world and a new life.

Now, the Mayflower Compact was more than a salute to a ship. It was, and is, a statement of beliefs in the rights of the individual in a community of individuals; and, more than that, it is a practical acknowledgment of an individual's responsibility for the well-being of the entire community—not just as compensation for his personal rights, but as the best means of assuring and perpetuating those rights. Another way of saying this: what one doesn't know *can* hurt one; or, the best-informed society is the most secure society. . . .

Obviously, these earliest new citizens of an unformed nation realized the need for a structured government—and their entire perilous journey into both a new country and a new philosophy was predicated on the fact that any acceptable government must be self-government.

With equally obvious design, the leadership of the New Plymouth group required total participation by members of the community in whatever planned program, or unforeseen problem, might affect the well-being of the total community:—no time limits—no part-time participation—no half-asked questions of 'Why me?' or 'Right now . . . ?'—total-participation for the total-good as a guarantee of private enterprise and personal freedom.

This was the gist of the contract they signed with each other under the specific wording, '. . . to create a just and equal life . . .' These then were the first community-volunteers—implementing the first people-helping-people program in America—or in the recorded history of their peoples.

A hundred-or-so years later, the necessity for a compact arose again; and, again, the designers felt that a new, untried philosophy was the only certain element in a mass of even more complicated uncertainties—because these freedom-loving individuals were, without question, deliberately staking their lives on their philosophy. They were guilty of treason!—and they knew it!—but, they volunteered, a few of them for the many; and—we can thank God, today—their gamble was successful. In addition, another dramatic chapter was added to the history of voluntarism in America.

It's true, of course, that Tom Jefferson, George Wyeth, Patrick Henry, George Mason—and several more of the freedom-loving, free-enterprise boys who authored the Virginia Declaration of Rights—would be aghast at the corruption of their principles implicit in the monolithic structure, dedicated to empirical Federalism, that stands on the banks of the polluted Potomac today; but they would be heartened and find value, with proper safeguards, in use of the nation's capital as a coordinating center for the countless thousands of volunteers, now, who—like those hard-nosed idealists—serve their communities, in fifty states, with selflessness and devotion to basic principles of the original philosophy of American voluntarism.

The early compact-signers, all of them, would applaud President Nixon's stated design and purpose in creating a National Council for Volunteer Action. The President, joined by an imposing list of action-oriented supporters, sees merit in recognizing community-oriented citizens who serve their neighbors in such numbers, with such willingness.

To encourage this traditional, sometimes tarnished, gift of an individual's time and talents, and facilitate their participation in programs for common advantage, Mr. Nixon has formed a national committee of advisors to help him promote genuine volunteer-action; and one of his personal appointees is Willard W. Garvey, of Wichita.

Mr. Garvey, already active in his commitment to the President's request, has taken positive steps to help direct national attention toward this national workforce of unpaid contributors to the nation's communities; to create—and implement, where necessary—planning and prepared programs, some adaptable to enfranchisement, within areas, and communities, where programs and planning do not exist or have failed; to encourage and reassure some would-be, and have-been, volunteers who have begun to suspect that the spirit of neighborly assistance is no longer part of the American dream or scene.

In rapid and constructive moves, Mr. Garvey has directed his executive-assistant, David Bowers (with offices in the R. H. Garvey Building; Wichita) to begin a working study of volunteer-action and community-service programs in Wichita, in Kansas, and nationally; and, Mr. Bowers, in activating such studies with appropriate urgency, has enlisted the highly-qualified help of Mrs. Beth Hoben, a 20th-century pioneer in community-service through Wichita's remarkable Volunteer Bureau; and other specialists in areas vital to the community's welfare and security have joined Mr. Bowers's recruitment program.

Everyone concerned with these initial efforts, and the program's broad implications, is enthusiastically hopeful that a return to basic principles of American doctrine and philosophy will activate, once more, the American citizens' inherent instincts to contribute time and talent, whatever the individual's personal limitations, to the common good of the individual's own community.

Such commitment will create, without question, an identity for both the individual and the community and, of more importance, it will make secure, for coming generations, the principles of citizenship and economy that have kept America secure thus far.

AFTERTHOUGHT

An optimism—guarded by experience—exists in the minds of those involved deeply at this stage of reappraisal and renewal of old principles; and a hopefulness, hedged with caution, expresses concern that this community-oriented program will be guided, in Washington, with an acute awareness that the banks of the Potomac, and the halls of the catacombs rising from them, are peopled with empire-building opportunists looking for fresh pedestals upon which to create more monuments to self-sought significance upon the national scene.

Perhaps a primary course of action, for the *Volunteer-Action Program: Model '70*, is creation of a watchful group of volunteers, well-prepared and well-positioned, to see that multiple efforts, about to begin, are directed toward *all* American communities—and not solely toward the too-often-isolated community of Americans abroad—in Washington.

KEEP DR. KING IN PERSPECTIVE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. ASHBROOK. Mr. Speaker, there was understandably a great outpouring of sentiment and emotion following the movie on Tuesday night which described the life story of the late Dr. Martin Luther King. While I recognize his contributions, the fact that he is a symbol to many people, and, without doubt, he gave meaning to many dreams of the black minority, at the same time we should not let the emotionalism of his tragic death obscure the fundamental issues. Much of the lawlessness that we have with us today can be traced to Dr. King who advocated the notion that the individual can take the law into his own hands when he does not agree with it. In an interview on the program "Meet the Press" on March 28, 1965, Dr. King stated:

I do feel that there are two types of laws. One is a just law and one is an unjust law. I think we all have moral obligations to disobey unjust laws.

I think that the distinction here is that when one breaks a law that conscience tells him is unjust, he must do it openly, he must do it cheerfully, he must do it lovingly, he must do it civilly, not uncivilly, and he must do it with a willingness to accept the penalty.

Even a liberal and permissive U.S. Supreme Court 2 years later chose to disagree with this fallacious reasoning when it affirmed his Birmingham jail sentence:

This Court cannot hold that the petitioners were constitutionally free to ignore all the procedures of the law and carry their battle to the streets. One may sympathize with the petitioners' impatient commitment to their cause. But respect for judicial process is a small price to pay for the civilizing hand of law, which alone can give abiding meaning to constitutional freedom.

We should not forget in assessing the legacy he has left the American people that on the very eve of his tragic death he had announced that on the very next day he would once more violate court orders and our orderly legal process in Memphis, Tenn. It should be noted that he advocated doing this even after the Supreme Court of the United States had upheld his jail sentence for openly violating the law. This is the negative and dangerous aspect of the legacy which he has left. The present defiance of law which we are experiencing today was aided and encouraged by national leaders such as Dr. King. Any emotional effort to enshrine his memory or give him sainthood should take into consideration the good and the bad he did during his lifetime.

DISTINGUISHED JOURNALIST COMMENTS ON WASHINGTON SCENE—WORKING PRESS ATTENDS EDITORIAL CONFERENCE

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. EVINS of Tennessee. Mr. Speaker, Mr. James W. R. White, a distinguished publisher and journalist of McMinnville, Tenn., in a recent column in the McMinnville Southern Standard outlined his views and observations following a week in Washington attending an editorial conference and workshop.

Mr. White, publisher of the McMinnville Southern Standard and the Smithville Review, relates his impressions following numerous briefing sessions with Federal officials and leaders and Members of Congress.

Because of the interest of my colleagues and the American people in these most important matters in the public interest, I place Mr. White's column in the RECORD.

The column follows:

WASHINGTON WORKSHOP: GLEANING FROM THE PUBLISHER'S NOTEBOOK

(Last week Standard Publisher James W. R. White attended an editorial workshop in Washington which afforded him the opportunity to hear and talk with numerous federal officials including members of the Congress, a Supreme Court Justice and various administrative officials. Below appears a capsule account of his trip.)

The first session was in the form of a briefing in the Rayburn House Office Building by four members of the House—Rep. Carl Albert (D. Okla.), Rep. Brock Adams (D. Wash.), Rep. John Anderson (R. Ill.), and Rep. John Myers (R. Ind.).

Rep. Albert, who is Floor Leader for the Democrats in the House, warned that the present high interest rates feed the fires of inflation and said this country is headed into a recession unless present policies are changed. He said the federal government must take over the welfare program and make its application uniform in all states. He thinks the farmers are not getting a fair shake and says a new farm bill must be written. "Medicare and Medicaid were dirty words ten years ago, but are acceptable today. . . . improvements must come in the program."

Rep. Anderson, too, expressed the view that the farmer is not enjoying a fair share of the nation's bounty. He called for reform instead of revolution. He predicted a change in the nation's foreign policy pointing out that the President has been trying to anticipate what the world will be like 5 years from now in formulating that policy.

Rep. John Myers, a dynamic speaker, is a Conservative. Although a banker before being elected to Congress, he criticized the policy of high interest rates and seemed to be of the opinion that the government could drive interest rates down by offering a lower rate on treasury borrowings including treasury notes and bills. He believes the Federal government should live within its income and should exercise more leadership working with state and county governments in seeking solutions to our problems.

Rep. Adams, who represents the Seattle area, said his district is actually in a depression as a result of layoffs (12,000 to 18,000) in the aircraft industry. He predicted that Vietnamization of the war will be unsuccessful . . . Congress won't do anything about it and during the summer we'll have to face the fact that the South Viets can't take over. He, too, insists on a balanced budget.

We heard next from Sen. Daniel K. Inouye (Dem.-Hawaii), who spoke at a luncheon in one of the many dining rooms in the $150 million Rayburn Building. Inouye, it will be recalled, delivered the keynote address at the Democratic National Convention last summer in Chicago. He faulted the Republican party for its "gross mishandling of our economy, the approach to race relations, media intimidation and court appointments", in a strictly partisan speech.

Inouye went on: "The rate of price rise has increased, not decreased, since the Republicans took over the White House. This past year it was 6.2 percent compared to the 2 percent average during the Kennedy-Johnson years. The President has refused to attack one of the prime contributors to the inflationary spiral. One of his first announcements . . . was to give the green light to the big industry—to steel, copper, aluminum, automobiles, and other basic industries, as well as to financial institutions, to increase their prices."

We moved from the Rayburn Building to the Senate Office Building and heard from three senators—Tennessee's Howard Baker (Rep.), George McGovern (Dem.-S.D.) and Richard Schweiker (R.-Pa).

Sen. Baker said that our involvements in both Korea and Viet Nam were a result of World War II foreign policy and that President Nixon is now in the process of changing our foreign policy. He said that if there is increased activity now in Laos it is because the North Vietnamese have chosen to increase their activity there. He noted a growing belief that Idealism and Separatism is desirable, but termed that supposition tragic.

Sen. McGovern chastised the Nixon administration for misleading the people and accused it of flirting with war in Laos. He said we are sending over 500 missions a day from Laos against the North Vietnamese and are not allowing the people or the press to know about it or learn what is going on.

"Have we learned nothing from the long years in Viet Nam, are we traveling the same bloody, futile path as in Viet Nam," McGovern asked. "I firmly believe we are at war in Laos on a dangerous scale," McGovern said.

Another highlight of the workshop was a trip to the stately Supreme Court building with its massive 12-ft. columns where we were privileged to meet Justice William O. Douglas and ask a few questions.

Justice Douglas, one of the Court's majority of liberals, a soft spoken, articulate and scholarly man, explained the function of the court and noted that Congress over the years has been protective of the court's jurisdiction, despite periodic hues and cries to curb it.

He submitted to many questions one of which was in regard to the ban on public school prayer. Justice Douglas explained it this way: "The First Amendment protects all religions—not just the one to which the School Board chairman adheres to." He said the Moslems are dedicated to the eradication of non-Moslems. "Now wouldn't it be a hell of a note," he said, "if the School Board prescribed a recitation from the Koran each day which implores that its followers go out and kill all the non-Moslems."

Justice Douglas said that he could not foresee any circumstance under which the Supreme Court could be subjected to the indignities which occurred in the courtroom at the recent trial of the "Chicago 7." He said that only lawyers argue before the Supreme Court and that the members considered only the transcript of the trial. No witnesses appear before that body and therefore he could not see how the Supreme Court proceedings could be disrupted in such a manner. We thought he avoided the thrust of the inquiry.

Douglas said the Constitution was designed to keep the government off the backs of the people and it is the court's duty to see that each citizen receives a fair trial as prescribed by the Constitution. He said that a free press presents problems to a fair trial, but a free press is a safety valve on the whole system. He said that he had not read or heard Vice-President Agnew's speeches that chastised the press, so he could not comment directly. However, he said he understood the Vice-President was fair game for the press, so he imagined Mr. Agnew accepted this and considered the press fair game for him.

He noted that the President appoints members to the Court who will reflect his philosophy in his decisions. "But President's have been fooled," he noted wryly.

Thursday evening a reception was held for members of Congress in the Graphic Arts section of the Smithsonian Institution Building. Present from Tennessee were Sen. and Mrs. Albert Gore, Rep. and Mrs. Joe L. Evins, Rep. and Mrs. William Anderson, Rep. and Mrs. Ray Blanton, and Rep. John Duncan. Following the reception Sen. and Mrs. Gore, Rep. and Mrs. Evins, and Rep. Duncan had dinner with the Tennessee publishers Sam Kennedy, of the Columbia Daily Herald, Horace Wells of the Clinton Courier—News, Glenn McNeil, secretary of the Tennessee Press Association and the Standard publisher.

It will be recalled that Rep. Blanton was in McMinnville a few weeks ago speaking at the Junior Chamber of Commerce Outstand-

ing Citizen Banquet and attending services at First United Methodist Church. At that time many of us understood he was sounding out the state political situation and considering very strongly tossing his hat into the gubernatorial ring. In conversations with him Thursday evening we got the distinct feeling that he is still very much in the race and an announcement may be forthcoming in that regard soon.

Sen. Gore, the seasoned and wise politician that he is, appears more confident of re-election, but at the same time realizing that he is in for a strong battle. He is not discounting the appeal of Republican Candidate Tex Ritter, particularly to the Wallace voters. Gore believes he has the support of a vast majority of the young people including the college students but is not sure how to evaluate their overall contribution to his vote. Obviously, he is worried about the negative effect that long-haired students may have on the older voters (or should we say, silent majority).

Rep. Evins has been extremely busy in committee hearings. He looks real good and appears to have recovered from a heart attack last year. In his job as Chairman of the House Appropriations Committee, Rep. Evins had the task of considering legislation providing for approximately $20 billion—one-tenth of the entire national budget. In our conversations with members of Congress and other government officials, we constantly heard the comment that our own Joe L. Evins is one of the most powerful men in the nation's capital. He has been a member of the House of Representatives since 1946.

Rep. Evins predicts that the efforts to depose House Speaker John McCormack will be unsuccessful and that McCormack will run again because all the talk that he step down has displeased him. "I don't believe he would have run this time," Evins said, "if all this had not arisen." Evins blames the ultra-liberals and several newly elected Congressmen for working to oust the House Speaker. However, should McCormack step down as Speaker, Evins predicts that Arkansas' Wilbur Mills will succeed him.

Friday morning we visited the fastest growing and I believe the largest agency, the Pentagon excepted, the Department of Health, Education and Welfare. Here we heard from John G. Veneman, the Under Secretary and two lesser lights. We got the impression that a family of four may expect a guaranteed annual wage of $1,600 with an additional earnings of $720 exempt from taxes in the coming scheme of the Welfare program and that payments will be uniform in all states. All Washington seems to think the guaranteed wage is coming.

A walk across the street to the Department of Transportation was next. Here we heard from three outstanding men: Francis Turner, Administrator, Federal Highway Administration; Carlos C. Villarreal, Urban Mass Transportation Administrator; and Douglas W. Toms, National Highway Safety Bureau Director.

Turner told us that the Interstate Highway System Carries 20% of all traffic and that the accident rate there is one-third that on other systems. When the system is complete in 1976 (66% complete now) we will be saving 8,000 lives every year and millions of dollars in travel time and operating costs!

Toms told us about safety plans for automobiles. He said alcohol presents a tremendous safety problem because 90% drink and drive. He said approximately 10,000 lives are lost each year as a result of alcohol. No real solutions were offered.

During the afternoon we visited the Executive Offices of the White House and heard from Mr. Daniel P. Moynihan, counselor to the President, who, incidentally, has been in the news this week for memoranda he gave President Nixon purportedly calling for a "cooling off period" in race relations. The do-gooders and the left are out to get Mr. Moynihan for suggesting such a thing and especially so because he was always considered "one of them." Mr. Moynihan told us that he thinks we should be lowering our voices and that the time has now arrived to consolidate some of the gains made in the field of Civil Rights. "Put some of those gains to practical use," he said.

Mr. Moynihan is a brilliant man, but he had trouble communicating with his audience because his mind was always ahead of what he was saying.

A briefing on Drug Abuse by representatives of the National Institute of Mental Health, turned out to be a lecture on how to rear our children. Which was good but did not tell us what we expected to hear: What the government knows and is doing about the problem of Narcotics. Many of the publishers cited cases where students in junior high and even the eighth grade were involved with narcotics in their respective cities.

SENATE—*Tuesday, March 31, 1970*

The Senate, in executive session, met at 12 o'clock meridian and was called to order by Hon. THOMAS F. EAGLETON, a Senator from the State of Missouri.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Our Father God, we thank Thee for the day of resurrection attesting the invincibility of truth and the omnipotence of love. We thank Thee too for the renewal of faith and hope in all who follow Thee in spirit and in truth.

As Thy servants here enter upon the waiting tasks of the new week, grant them a solemn sense of the stewardship of public office. Equip them with patience and perseverance for strenuous hours, sound judgment in difficult decisions, and the vision to see beyond the day's duties the working of Thine eternal kingdom.

O God, bless this Nation and so mend every flaw, heal every sickness, and perfect her in ways of justice and righteousness as to make her a blessing to all mankind.

In the name of Him who is the Light of the World. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 31, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. THOMAS F. EAGLETON, a Senator from the State of Missouri, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. EAGLETON thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on March 25, 1970, the President had approved and signed the following acts:

S. 495. An act for the relief of Marie-Louise (Mary Louise) Pierce; and

S. 3427. An act to increase the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior.

REPORT OF THE NATIONAL ENDOWMENT FOR THE ARTS—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. EAGLETON) laid before the Senate the following message from the President of the United States which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

For all of our arts institutions, these are times of increasing financial concern. The Fiscal Year 1969 Report of the National Endowment for the Arts, which I am transmitting herewith, notes that "the services offered by arts institutions, and the costs which they incurred, continued to expand at a faster rate than earned income and contributions. Therefore as the year continued, these institutions were confronted by mounting financial pressures."

The sums appropriated by the Congress for the Endowment during this period were at the levels established in prior years. Its programs, though limited in size, were of benefit to all of the fifty States and the five special jurisdictions, and in some instances were the means by which fine institutions in the performing arts were enabled to survive.

It was in response to the growing financial problem that on December 10, 1969, I sent to the Congress a special message on the Arts and the Humanities. I noted then that "Need and opportunity combine . . . to present the Federal government with an obligation to help broaden the base of our cultural legacy. . . ." Accordingly, I asked the Congress to extend the legislation creating the National Foundation on the Arts and the Humanities, and to provide appropriations for the National Foundation in Fiscal 1971 in an amount "virtually double the current year's level."

In urging the Congress to approve a $20 million program for the National Endowment for the Arts, and an equal amount for the National Endowment for the Humanities, I maintained that few investments we could make would give us so great a return in terms of human satisfaction and spiritual fulfillment. More than ever now, I hold to that view.

RICHARD NIXON.

THE WHITE HOUSE, *March 31, 1970.*

REPORT ON UNITED STATES-JAPAN COOPERATIVE MEDICAL SCIENCE PROGRAM—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91-289)

The ACTING PRESIDENT pro tempore (Mr. EAGLETON) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

The United States-Japan Cooperative Medical Science Program was undertaken in 1965 following a meeting between the Prime Minister of Japan and the President of the United States. This joint research effort in the medical sciences focuses upon diseases which are widespread in Asian nations: cholera, tuberculosis, leprosy, viral diseases, parasitic diseases, and malnutrition. Its efforts are significant not only for the people of Asia, however, but for all people—wherever they may live.

The Cooperative Medical Science Program is only now beginning to reach maturity. Yet it has already made substantial progress—progress which is highlighted in the report of the Program which I am today submitting to the Congress.

This joint undertaking is an important contribution to world peace as well as to world health. By providing a way in which men of different nations can work together for their mutual benefit, this Program does much to foster international respect and understanding.

RICHARD NIXON.

THE WHITE HOUSE, *March 31, 1970.*

DISTRICT OF COLUMBIA BUDGET—MESSAGE FROM THE PRESIDENT (H. DOC NO. 91-240)

The ACTING PRESIDENT pro tempore (Mr. EAGLETON) laid before the Senate the following message from the President of the United States, which, with the accompanying document, was referred to the Committee on Appropriations:

To the Congress of the United States:

I am transmitting to the Congress the budget for the District of Columbia for the fiscal year beginning July 1, 1970.

This budget represents the programs and policies of the government of the District of Columbia for providing the municipal services and for the local needs of our Nation's Capital City. It also reflects the financial contributions of the Federal Government in providing resources to help finance the local budget.

Washington, D.C., is a great city of monumental beauty, national history, and governmental activity vital to the Nation's domestic and international affairs. Washington is also the center city of one of the Nation's fastest growing metropolitan areas and as such is the hub of business and commercial activity and the home of 828,000 residents. To protect and promote the interests of the residents, visitors, employees in both the public and private sectors, national and international leaders, requires critical attention to the needs of the Capital City and the urban problems it shares with the other cities of our country. It also requires that the best and most effective use be made of the local and Federal tax dollars which are used to finance the District's budget.

This budget, as approved by the Mayor and the City Council, proposes prudent and realistic programs and means of financing to move toward our goal to establish a quality environment for Washington and make it the kind of city we all look for and want as a Nation's Capital.

This budget recommends appropriations of $881 million for the fiscal year 1971 and includes $654 million for operating programs and debt service and $227 million for local public works projects. The estimates for operating expenses and debt service, which cover the basic ongoing programs and provide for the city's services, represent an increase of $86 million or 15% above the amount estimated for the current fiscal year.

SOURCES OF FINANCING

The proposed $881 million in budget authority for fiscal 1971 will require total local expenditures of $647 million for operating and debt service expenses and $227 million for capital outlays. The operating and debt service requirements are to be financed by $488 million of local taxes from existing sources; $21.5 million from a proposed increase in individual income tax rates as contained in Section 301 of H.R. 15151; $1.5 million from a proposed 1-cent increase in the gasoline tax; and $136 million in Federal funds which includes $4 million for water and sewer services provided for Federal agencies and $132 million for the annual Federal payment to defray the operating expenses of the City Government on the basis of a proposed formula which would set the Federal payment authorization at 30% of local District revenues.

The proposed 30% Federal payment authorization would provide for an equitable sharing by the Federal Government in meeting the needs of the District Government—including better law enforcement capability, strengthened crime prevention and control activities, health and welfare programs, and pay increases for District employees, including an increase for its teachers, policemen, and firemen which is now pending before the Congress.

These various local requirements make it imperative that the Congress promptly enact the proposed Federal payment and local income tax measures in order that they will become effective this fiscal year. If the Congress fails to take timely action on these financing proposals the city will lose an estimated $15 million in resources for fiscal year 1970 which are needed to fund programs both in the current year and in fiscal 1971.

NEW DIRECTIONS

As part of this administration's effort to shift priorities, turn toward new directions, and take stock of past practices—this budget for the District of Columbia proposes several changes in Federal financing and includes significant local initiatives.

Changes in Federal financing.—The budgets for the Federal and District Governments are based on several new changes in Federal financing which are designed to strengthen the local government and reflect a proper balance between Federal and District responsibility. In addition to the proposed 30 percent Federal payment formula the budget proposals for fiscal year 1971 would—

Shift the direct responsibility for the city's public works loan financing from the U.S. Treasury to the private investment community by authorizing the city to issue its own local bonds. This will place the District's capital outlay program on a basis similar to that of other cities and will permit immediate savings to the U.S. taxpayer who must otherwise shoulder the immediate burden of direct Federal borrowing. Offsets accruing to the Federal budget are estimated at about $55 million for fiscal year 1971;

Provide direct Federal capital contributions, estimated at $20 million for 1971, for the permanent facilities for Federal City College and Washington Technical Institute;

Shift the responsibility from the District to the Federal Government for financing the operating expenses of the National Zoological Park which is a part of the Smithsonian Institution's national museum complex. This proposal reflects the Federal and metropolitan character of the National Zoo for which the District alone has been bearing the burden of its operating expenses. The $3 million estimated for fiscal year 1971 has been included in Federal budget totals thus providing equivalent relief to the city government;

Reallocate parkland between the Federal and District Governments. Those local parks serving primarily the local community which do not have national historical or monumental significance are to be transferred directly to the District. This will eliminate the need for the city to continue to make reimbursements to the National Park Service which will assume full financial responsibility for the parks remaining under its jurisdiction. This measure represents a shift of about $7 million from the District to the Federal budget.

Freeze the level of reimbursements by the city to Saint Elizabeth's Hospital pending a determination of future arrangements for an appropriate relationship between the Federal and District Governments concerning the financing and administration of the Hospital.

Local initiatives.—The most significant local initiatives proposed in the District's budget are directed to establishing a Capital City with safe streets and a quality environment.

Safe streets.—This budget provides for strengthened law-enforcement capability, improved administration of justice, and augmented action measures to reverse the City's crime rate. The 1971 budget estimates include $130.5 million for operating expenses of police courts and corrections. This amount represents an increase of $46 million—or 55%—over the level for 1969 and would provide—

Increased street patrols by an actual

police strength of 5,100 policemen on the force compared to an actual strength of 3,589 men as of June 30, 1969;

Increased police mobility and effectiveness through additional scout cars, patrol scooters, and communications equipment as well as more civilians to support police operations and relieve policemen from civilian duties;

An augumented program of narcotics treatment and control, including centralized local responsibility under a new narcotics treatment agency;

A roving leader corps of 282 to work with delinquent prone and other youth, compared to a staff of only 37 for fiscal 1969;

A reserve of $4 million to provide for costs of additional judges and other expenses related to reorganization of the court system of the District of Columbia upon enactment of S. 2601;

Strengthened court support services through expansion of public defender services, the D.C. Bail Agency, and juvenile probation services;

Construction of police stations—to support consolidation of 14 police precincts into 6 police districts, and planning and construction of a new jail and a new courthouse; and

An allowance for pending police pay raises which would increase starting salaries for new recruits from $8,000 to $8,500.

Quality environment.—New and increased efforts to improve the environment of the Nation's Capital include—

$40 million for waste treatment facilities to reduce pollution in the Potomac River;

Development of additional facilities for recreation activity including a campsite in Scotland, Maryland, to provide about 3,000 inner city youth with summer camping opportunities, and construction of swimming pools and other recreation projects in Anacostia; and

Balanced transportation.—The budget continues the efforts to provide a balanced transportation system for the District. In particular, the long-awaited rail rapid transit system for the entire metropolitan region takes a major stride forward with the $34.2 million for the city's share of the rail rapid transit program. Contracts for over 16 miles of subway within the District will be let during the fiscal year, giving tangible evidence of a program which is truly designed to unify the central city with the surrounding suburban communities. Increased employment, reduced air pollution, and reduced congestion are some of the benefits residents and visitors in the area can look forward to as this dynamic project moves ahead. Other elements in the city's transportation program include $12 million for the District local matching share for previously authorized highway construction and funding of local street improvement projects.

Better education.—Improved education is not only a national goal, but one which must be carried out at the local levels. This budget takes important steps in improving educational opportunity for one of the city's most precious resources—its youth.

For the first time in the District's history per pupil expenditures will be over $1,000.

In order to encourage students to stay in school, a dramatic new system-wide career development program will be initiated. The resources of private industry, colleges, and government will be marshalled in a cooperative effort to insure that students remain in school and are able to realize their full potential in choosing and working toward their employment goals.

Over 12,000 students will be able to continue their education at the District's institutions of higher learning.

A new means of financing the permanent facilities of Washington Technical Institute and the Federal City College is anticipated as part of a master plan for higher education to be developed by the affected institutions. The plan will provide the basis for the coordinated long-range growth and development of higher education in the District.

For the first time, the Board of Education is provided with appropriate staff assistance. The $100 thousand requested in the budget will help to increase the Board's ability to analyze the complex educational problems of a large city school system and increase the Board's ability to respond to community desires and interests.

This is only a summary, of course, of the most significant budget initiatives. A further indication of the directions for fiscal 1971 is contained in the Mayor's transmittal letter. These recommendations have been carefully sifted and weighed, first by the Mayor and his departments and agencies within the executive branch of the District Government, then by the public and community organizations, and finally by the City Council. The result of this thorough examination of programs and priorities is a sound and prudent budget based on a minimum of new revenue measures. I again urge the Congress to take early action on the pending local income tax and Federal payment authorization proposals.

None of our aspirations for our Capital City can be achieved, including augmented police protection, improved system of courts and offender rehabilitation, reduced pollution and congestion, and better education—unless the District is given the resources to do the job. At the same time, however, money alone can not achieve the objectives the city officials have set for themselves. I am proud, as is the Congress, of the dedicated and judicious manner in which the recently reorganized Government of the District of Columbia has proceeded forward with the tasks it faces. In fulfilling the expectations of the Reorganization Plan of 1967, the Mayor is continuing to further improve and streamline the internal organization of the City Government. Most noticeable among these efforts is the establishment of a new Department of Economic Development, an Office of Budget and Executive Management, a new Department of Human Resources, an Office of Community Services, and most recently—an Office of Youth Opportunity Services to strengthen the coordination of the city's various youth activities, including planning responsibility for juvenile delinquency prevention and control programs.

None of the tasks with which the City is faced can be completed tomorrow. Significant progress can be made with strong leadership, adequate resources, and sound programs to achieve a viable urban environment. I ask the Congress to continue its support for the Capital City through its budget and financing proposals. I recommend approval of the District of Columbia Budget for fiscal 1971.

RICHARD NIXON.

MARCH 31, 1970.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, March 26, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE MESSAGES REFERRED

The ACTING PRESIDENT pro tempore (Mr. EAGLETON) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

ORDER FOR CONVENING OF THE SENATE TOMORROW AND ORDER FOR RECOGNITION OF SENATOR HARTKE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate convene tomorrow morning at 9:30 o'clock a.m., and that the distinguished Senator from Indiana (Mr. HARTKE) be recognized for not to exceed 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(Later in the day, the Senate entered an order for its convening at 10 a.m. tomorrow.)

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR AIKEN

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Vermont (Mr. AIKEN) be allowed to proceed for not to exceed 10 minutes today, following the conclusion of the remarks of the distinguished Senator from Ohio (Mr. YOUNG).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR MANSFIELD

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may be permitted to proceed for not to exceed 15 minutes, following the conclusion of the remarks of the Senator from Vermont (Mr. AIKEN).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR CONVENING OF THE SENATE AT 9:15 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, instead of the Senate convening at 9:30 a.m. tomorrow, it convene at 9:15 a.m. and that the first 15 minutes be allocated to the distinguished Senator from Ohio (Mr. YOUNG), to be followed, then, by the remarks, not to exceed 30 minutes, of the distinguished Senator from Indiana (Mr. HARTKE).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BYRD OF WEST VIRGINIA

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, following the remarks of the able majority leader today, for which an order has already been entered, I be recognized for not to exceed 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Ohio (Mr. YOUNG) is now recognized for not to exceed 30 minutes.

NOMINATION OF G. HARROLD CARSWELL

Mr. YOUNG of Ohio. Mr. President, Judge G. Harrold Carswell is a mediocre judge at best. Furthermore, as a judge he has in recent years displayed personal bias against members of the Negro race. On many occasions he has been hostile and tyrannical against black defendants and their lawyers. As a citizen in his community and as a judge, his conduct has been such as to cause trial lawyers to regard him as prejudiced against those who believe in complete civil liberties and civil rights for all Americans regardless of race or color.

Four distinguished New York lawyers, Bruce Bromley, former New York appeals court judge, Francis T. P. Plimpton, president of the Association of the Bar of the City of New York, and two former presidents of that prestigious bar association, Samuel I. Rosenman and Bethuel M. Webster, have issued a statement that—

> We do not believe that Judge Carswell has the legal or mental qualifications essential for service on the Supreme Court or any high court in the land, including the one where he now sits.

They expressed deep concern that in 1956, in Tallahassee, Fla., Carswell, then U.S. states attorney was connected with and contributed money to the incorporation of a private golf club. Then, the public golf course of the city of Tallahassee, which had been constructed with WPA grant of public funds, was leased to the private golf club Judge Carswell had participated in incorporating. The lease was for 99 years at $1 a year.

At the time and during preceding years, there had been agitation in Tallahassee to force desegregation of the city's public golf course. U.S. Attorney Carswell was active in the transfer of this public golf course to his all-white private golf club.

What U.S. Attorney Carswell did was to join with others for the purpose of denying blacks the right to use a golf course supported by their taxes at a time when he was sworn not to deny constitutional rights but to uphold them.

Mr. President, it is evident to me that Judge Carswell is a bigot. I will vote against his confirmation.

Furthermore, I do not go along with the views of those who say that possibly he is a mediocre judge, but we need some ordinary, mediocre persons as judges of our courts. Very definitely, there should not be mediocrity on the Supreme Court of the United States.

Mr. President, starting with Judge C. William O'Neill of the Ohio Supreme Court and considering Republican judges of our Circuit Courts of Appeals, Common Pleas Courts and Ohio Federal Court judges, I can tick off the names of 10 or more Republican Ohio judges who are far superior to Judge G. Harrold Carswell as jurists and students of law. Any one of them, I am certain, would be far better qualified to serve with distinction on the U.S. Supreme Court.

I would expect President Nixon to fill Federal court vacancies with Republicans who hold to conservative views. I go along with all that. However, I am sure there are hundreds of Republican judges of the various U.S. courts among about 440 Federal judges who are extremely well qualified. Also, judges in our 50 States who would qualify as conservatives and have backgrounds and records as distinguished lawyers and jurists. Very easily it seems to me, our Attorney General and President Nixon should have come forward with such an eminent jurist respected and admired for his wisdom, integrity, and his compassion in dealing with lawyers and witnesses. It is my opinion that Judge Carswell is not such a man.

It is unfortunate for this administration that the Attorney General, who is supposed to advise the President on his judicial nominations, was a Wall Street lawyer considered an expert on municipal bonds, but altogether lacking in trial experience. He knows little or nothing firsthand regarding court trials and trial lawyers and the caliber of lawyers, students of the law and experienced judges capable of serving on the highest court of our land.

Mr. President, it happens that I was a trial lawyer for more than 50 years trying lawsuits in the State and Federal courts of Ohio and frequently in Pennsylvania. Some years ago I was chief criminal prosecuting attorney of Cuyahoga County. I have personally prosecuted hundreds of felony cases, including more than a hundred homicide cases and later as a trial lawyer, over the years I have defended some hundreds of men and women defendants in criminal cases in U.S. district courts and in the trial courts of my State. Also, in past years I have served as president of two bar associations in Cuyahoga County. I believe I know something about the qualifications essential for a judge.

That Judge Carswell signed a covenant on real estate he deeded a couple of years ago with an illegal restriction that his property must not be sold to anyone except of the Caucasian race is some evidence of his personal unfitness to sit as an Associate Justice of the most powerful court in the world.

Incidentally, in 1960 I purchased the Washington residence which I now occupy. At that time this home in northwest Washington was occupied by Adm. George Dufek. In my negotiations with the admiral and a real estate agent, I encountered no real difficulty in agreeing on the purchase price and having made my downpayment was about to pay the balance. A group of real estate agents, including an attorney, came into my Senate office. I read the deed they had prepared for me and was shocked to find it provided that the grantee—that is I, buying the property—agree he would not sell this real estate to any person other than a member of the Caucasian race. This was the same restrictive covenant that Judge Carswell signed regarding his property. I refused to sign this restrictive covenant. Real estate agents and their lawyers gathered in my office like vultures around a dead body. Their arguments rolled off me like water off a duck's back. I said, "I know the law. Since you claim this bigoted restriction is unlawful and, therefore, meaningless, you go ahead and blot it out. You go ahead and draft a new deed. I will sign it without that restriction. Otherwise, very definitely the deal is off." They brought in another deed which I signed.

Of course, Judge Carswell could have refused to agree to that restriction the same as I refused. The real estate agents provided me with a deed without this unconstitutional, bigoted restriction. In my opinion that Judge Carswell signed such a restriction is an indication of his insensitivity to complete civil liberties for all. It already reveals his personal unfitness to sit as an Associate Justice of our Supreme Court.

Particularly distressing about the nomination of Judge Carswell is the fact that it is one more symbol of the indifference to racial justice displayed by this administration. Those who believe that the so-called southern strategy exists only in the minds of partisan journalists should consider this nomination as a part of the following pattern of administration actions: The award of defense contracts to textile firms with a history of racial discriminations; the proposal of a voting rights bill which was designed to weaken, if not destroy, our commitment

to equal suffrage in the South; the dismissal of Leon Panetta for attempting to enforce civil rights legislation, and the elevation to high public office of those who believe that the law should not be fully enforced.

The Supreme Court is too vital an institution to be embroiled in any sectional political stratagems. It is the one institution which has represented the last hope for redressing the grievances of those denied their fundamental rights and opportunities.

If President Nixon really wanted "geographical balance," he could have named John Wisdom, Griffin Bell, Frank Johnson, or a variety of other distinguished southern jurists—all of whom are fair and impartial judges. Throughout the Southern States, possibly in almost every county, there are excellent lawyers and judges who are not narrowminded and bigoted as advocates of white supremacy and whose qualifications and life records are superior to the record of Judge Carswell.

Our Founding Fathers provided three equal coordinated branches of our Federal Government and the Supreme Court of the United States has throughout nearly 200 years been made up of the most eminent men learned in the law in our country. Considering his record of the past, it is evident to me that Judge Carswell does not come close to measuring up to the high standards we must adhere to.

Mr. President, President Nixon has nominated, for a place on the Supreme Court—occupied in the past by some of our Nation's greatest jurists—an undistinguished judge whose actions in recent years have been to continue segregationist policies.

Judge Carswell, during the period when he was a judge of the U.S. district court, was unanimously reversed by judges of the U.S. court of appeals in at least 15 cases involving civil and individual rights. Eight of these cases were filed on behalf of Negroes. In every one of those eight cases the decision of Judge Carswell was reversed by the unanimous vote of the judges of the Federal circuit court of appeals. The remaining seven cases were based on alleged violation of other legal rights of defendants. In each case, Judge Carswell decided against the defendants and, in each case, his decision was also reversed by unanimous vote of the appeal court judges.

Judge Carswell indicated in those 15 cases a deep judicial hostility toward the fundamental concept of human rights. His mind was closed; he was oblivious to repeated appellate rebuke. In many of these cases Judge Carswell refused even to grant a hearing, although clearly called for by judicial precedents. In some he was reversed more than once.

In expressing this criticism of Judge Carswell's conduct and actions on the Federal bench, I call attention to the fact that five of these 15 cases were decided in 1 year—in 1968. Not one judge of the U.S. Court of Appeals in his area expressed agreement with his views and his decisions.

Mr. President, several distinguished lawyers and legal scholars testified before the Senate Judiciary Committee that Judge Carswell berated black defendants and their northern lawyers whether black or white. Prof. Leroy Clark of New York University, who supervised the NAACP legal defense fund litigation in Florida between 1962 and 1968 testified:

> Judge Carswell was the most hostile Federal District Court judge I have ever appeared before with respect to civil rights matters.

He either could not or would not separate his judicial functions from his personal prejudices. Several members of the Judiciary Committee were forced to conclude:

> In Judge Carswell's court, the poor, the unpopular, and the black were all too frequently denied the basic right to be treated fairly and equitably.

The testimony of Judge Carswell himself before the Judiciary Committee reveals another reason for denying confirmation. Judge Carswell displayed what might graciously be interpreted as a lack of candor in responding to questions about his involvement in the incorporation of the private golf club in Tallahassee, Fla. The judge claimed he was unaware that the purpose of the private club was to exclude blacks—this from the man who was the principal Federal prosecutor in the area at the time.

Judge Carswell was less than frank in his statements before the Senate Committee on the Judiciary. He even stated that he thought the papers he signed and his check for $100 were to "fix up the old clubhouse." He even said that the matter of discrimination against blacks was never mentioned to him and that he did not have it in his mind.

One of his neighbors, the wife of the chairman of Florida's oldest bank, a white lady, stated she refused to join the new club. Her affidavit on record here stated:

> I would have been surprised if there was any knowledgeable member of the community who was not aware of the racial aspect of the golf course transaction.

Personally, I believe the statement of this lady who was born with a white skin and who did not associate herself with those seeking to form a club the purpose of which was to take from golf players, who happen to be black, a public golf course on which they were seeking to play.

In a secret meeting on January 26 with representatives of the American Bar Association Judge Carswell admitted that he was an incorporator of a segregated country club in Tallahassee. The following day he testified before the Senate Judiciary Committee, under oath, that he had no such role.

Mr. President, perhaps perjury proceedings would be more in order at this time than confirmation proceedings.

Mr. President, disregarding for the moment all of the evidence about Judge Carswell's personal and judicial insensitivity toward civil rights, no facts have been presented which would indicate that he has the professional qualifications to serve on the world's most prestigious judicial body. The fact is that Judge Carswell is seriously deficient in the legal skills necessary for an Associate Justice of the Supreme Court.

Judge Carswell was reversed on 58.8 percent of the appeals from all his printed decisions. This is three times the average for all Federal district judges in the country and two and one-half times the average for district judges of the fifth circuit.

Other judges accorded only minimal authoritative weight to Judge Carswell's decisions. His opinions were cited by other U.S. judges less than half as often, on the average, as those of all district judges and fifth circuit district judges.

Compared with the average of all district judges, Carswell's opinions were about two-fifths as well documented with case authority, and less than one-third as well documented with secondary source authority. His opinions were less than half as extensive as those of most other district judges.

The Ripon Society, a group which I understand includes no Democrats, has conducted an examination of 7,000 Federal district court cases appealed to the Fifth Federal District Court from 1959 through 1969, the years when Carswell was a Federal judge in Florida. Their study revealed that Judge Carswell ranked in the bottom tenth of all Federal judges in the number of his decisions upheld—61st of 67 judges.

It is a fact that Judge Carswell lacks any legal distinction whatever. He has written no scholarly articles. His judicial opinions have been mediocre at best.

Louis Pollak, dean of the Yale University Law School, after studying Judge Carswell's opinions testified:

> I am impelled to conclude that the nominee presents more slender credentials than any nominee for the Supreme Court put forth in this century.

Some of those who urge confirmation of Judge Carswell would have us overlook his mediocrity and his segregationist viewpoint. One proponent claims that Judge Carswell's outstanding qualification for service on the Supreme Court is the fact that he was nominated by the President. Another pro-Carswell Senator has suggested that a little mediocrity would help provide balance on the Court. Others have stated that the Supreme Court may at present be too heavily weighted with integrationists.

Mr. President, if the Senate were to accept the arguments of these supporters of the nominee before us today, we would be obligated to confirm any man—from the chairman of the American Communist Party to the imperial wizard of the Ku Klux Klan to Tiny Tim—if only he were nominated by the President. However, those who are concerned with the honor and integrity of the highest court in the land cannot condone or laugh away mediocrity and advocacy of white supremacy.

Mr. President, I feel that unless President Nixon withdraws this nomination, a majority of the Senators should vote against confirmation. Americans have every reason to honor and respect the fine men who have served as Chief Justices of the United States for nearly 200 years and for those who have served as

Associate Justices of our Supreme Court. We know that we may be proud of all of the present Associate Justices of our Supreme Court. No public official in our Government, except the President himself, has greater power or bears a greater responsibility than one of the Associate Justices of the Supreme Court or the Chief Justice of the United States.

This Court has a huge volume of most important legal questions argued before it. The decisions of the Court are of the utmost importance to the welfare of our country. Each and every member has a huge obligation and responsibility. If an Associate Justice is to fulfill his share of this obligation, as does each one at the present time, then he must study records and briefs day after day and night after night, listen to arguments of counsel and then write at least a dozen complete opinions each year.

The President should withdraw this nomination. I know that there is a unanimity of feeling in the Senate of a desire to fill this vacant chair on the Supreme Court which has been vacant far too long and we would do it immediately if the President and his advisers exercise a small degree of good judgment instead of sending us one unworthy nominee and now another. Furthermore, should Judge Carswell be confirmed by a small majority, he would be discredited from the outset.

Again, I report the Supreme Court of the United States must not be a place for any lawyer or judge whose record is that of mediocrity. Nor must it become a place for any lawyer or judge who holds opinions offensive to the basic concept of equal justice for all, black and white alike.

On Monday, April 6, there will be a vote to recommit the nomination of Judge Carswell to the Judiciary Committee where it will remain unwept, unhonored, and unsung. I hope the motion to recommit carries. I shall cast my vote in favor of this motion.

Mr. President, the St. Louis Post Dispatch recently published an editorial regarding Judge Carswell under the caption "Wrong for the Court." I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection the editorial was ordered to be printed in the RECORD, as follows:

WRONG FOR THE COURT

One of the opponents of the nomination of Judge G. Harrold Carswell for the Supreme Court has asked how any Senator who voted against Judge Clement Haynsworth for that post could go home and explain why he accepted Judge Carswell.

Explanations should not be easy. No doubt most Senators would rely on the point that they had discovered no potential conflict of interest regarding Judge Carswell, as they did against Judge Haynsworth. Yet this explanation would disregard a number of points in which the latter was the superior candidate for the high court.

There is first of all, Judge Carswell's record of obstructionism against civil rights progress. What was mildly questionable in the Haynsworth case is clear in the Carswell case: this judge consistently found against or attempted to delay desegregation actions. A judge so lacking sympathy with the law of the land and the absolute necessity for racial equality before the law has no place on the Supreme Court.

There is what a group of 400 prominent lawyers termed "a mind impervious to repeated appellate rebuke." The lawyers reviewed 15 cases in which Judge Carswell found against Negro or individual claims of rights; in every case his decision was reversed and reversed *unanimously* by a higher court. Is this the kind of record for a man to take to the highest court of all?

There is an evident lack of candor exceeding Judge Haynsworth's hazy recollections of his business dealings. What Judge Carswell insists he never realized was that the incorporation of a Tallahassee public golf course as a private course was done to further segregation. At the time the Judge helped to incorporate the club he was United States district attorney, and several federal suits were already under way in Florida to integrate other public golf courses. If Judge Carswell did not know what was going on, everyone else in Tallahassee seems to have known.

There is, finally, a record of unrelieved intellectual and judicial mediocrity which many attorneys find especially repugnant in a candidate for the highest court. How, they wonder, can a man who has contributed nothing to the law or to the study of the law take a place on a bench that has seated many of history's greatest judicial minds? How, they ask, can President Nixon so demean the court?

Lacking an answer to such a question, we may only observe that it is totally unnecessary to demean the third branch of government. If Mr. Nixon, fixed in his Southern strategy, wants to use the court to woo the South, he can easily find Southern judges, and conservative judges, who are far more distinguished, have far better judicial records and who have demonstrated far less indifference or hostility to the Constitution.

Simply because the President might have done better instead of worse, it should be difficult indeed for Senators who voted against Haynsworth to explain a vote for Carswell. On that point we would hope that more and more members would join the score or so of Senators now determined to stand against the Carswell appointment.

There is no excuse for complicity by the United States Senate in a wrong against the Supreme Court.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Vermont is recognized for 10 minutes.

PRESIDENTIAL TENURE

Mr. AIKEN. Mr. President, as a Member of the Senate, I have served under six Presidents—two Republicans and four Democrats.

Each of them contributed much to the growth and welfare of our country.

Each of them made mistakes.

They all had one thing in common.

Each wanted to be a good President.

Quite naturally each wanted to be the best President we ever had.

And, hopefully perhaps, on my part I wanted each one to be the best.

They had another thing in common.

With the possible exception of President Eisenhower, each one was assailed and harassed not only by members of the opposite party but also by dissatisfied members of his own party.

In some instances, we might say that the opposition they engendered was warranted and contributed to the security and prosperity of the country.

In other instances, it may be said that harassment and embarrassment of the President was politically motivated and has proved costly to the people of America.

We have only one President at a time and the manner in which he conducts the duties of his office determines to a great degree whether the people of the United States are secure or insecure—prosperous or poor—happy or sad.

With this overweening belief in mind, I have to the best of my ability tried to help each to serve his country well—regardless of party.

Each President I have known has, to a great extent, been at the mercy of the times during which he served.

Each has had to establish and maintain his credibility in the field of international politics, with varying degrees of success.

And upon the success of the President in making the right decisions and in maintaining the respect of the world rested the prestige of our Nation and of you and me in the eyes of the world.

Temptation and desire are hardy and ruthless characters—possessed by all of us in varying degrees.

Each of us wants to be important, and in order to be important we seek power.

There are many kinds of power eyed by our ambition—economic, social, political and, in some cases, racial.

We seek power as individuals and we seek it collectively, although collective success inevitably leads to the rise of individual desire within the successful group.

Democracy is the best form of government.

Our two-party system is the best method yet devised for running a democracy.

Yet, democracy and the two-party system are found to be grievously wanting in some respects.

Within months after an elected President takes office he is under attack not only by those who never wanted him to be President in the first place but also by those who may have voted for him but find themselves neglected in the distribution of the political spoils, or upset by their inability to make decisions for him which coincide with their own philosophies.

An internal warfare develops, with the President on one side and the dissident and disappointed voters on the other.

And throughout the verbal bombing and incendiary malignments fired at him, the President is expected to maintain the domestic economy, defend the security of the United States, raise the standard of living, and improve the image of our country in world affairs.

A major purpose behind the attacks on the President is to put him in such a bad light that he cannot hope for reelection even if he desires to run for a second term.

President Johnson undoubtedly decided against trying for reelection in 1968 largely because of the intensity and apparent success of the attacks made upon him.

Certainly, he made mistakes of judgment which proved to be costly; yet it is possible—indeed quite probable—that any other President elected at the time he was would have made the same errors in the belief that stability could be achieved in Southeast Asia by the greater involvement of American military strength on a temporary basis.

President Johnson was assailed full force for his mistakes, but given very little credit for the good he did.

When Richard Nixon became President 14 months ago, he was confronted with almost unprecedented problems.

Over a million American military men were stationed overseas in positions best calculated to prevent the spread of what was called a "monolithic Communist conspiracy."

About 540,000 of these troops were in the small, war-ravaged country of South Vietnam.

At home, galloping inflation and a rapidly increasing crime rate—both stepchildren of war—were running rampant.

The new President was promptly met by new demands—the most insistent, the most vociferous, and the best organized coming from those who had opposed his election.

They insisted that the troops be withdrawn from South Vietnam almost immediately, regardless of consequences to the native population.

Crime and inflation were to be controlled without delay.

Domestic programs affecting health, education, and welfare were to be expanded many times over and far beyond the means of our democratic Nation to sustain.

Of course, no President could possibly meet such demands.

He has now withdrawn just over 100,000 military personnel from Vietnam in the last 8 months, and the withdrawal continues on schedule.

He has improved our standing with many other countries and has repaired our prestige where it had been damaged.

Inflation and crime are not yet under control and will not be so long as we are involved in a foreign war to the extent we are now.

President Nixon has made mistakes, but on the whole his record to date may be given a high passing mark.

Like his predecessors, he wants to be the best President we ever had.

With a congressional election coming up on November 3 this year and a presidential election 2 years later, his present high rating has only intensified the attacks on him and his decisions both from political aspirants of the opposition party and disillusioned and angry dissidents within his own.

They make the work of his office more difficult.

Not only are impossible demands made upon the executive branch but by more indirect means many undertake to lessen the President's standing both at home and abroad.

A current example of this will be found in the Carswell case now before the Senate.

I do not know Judge Carswell and I do not know for sure how good a Justice of our Supreme Court he would make; neither do those who so enthusiastically condemn him.

Certainly, if the same microscopic scrutiny had been applied to all nominees to this Court over the last 30 years as is being applied to Mr. Carswell, I fear that the Court might have a quite different complexion today.

In fact, we might not have any sitting Justices at all if each one had to qualify under the strict requirements for brilliance and purity demanded by Judge Carswell's critics.

And yet, strangely enough, most of those Justices who for one reason or another might have been disqualified have turned out to be very good Judges.

For the last 2 weeks, Members, of the Senate have received hundreds or even thousands of letters and telegrams urging the rejection of Judge Carswell's nomination.

I am quite sure that many of these protesters did not know much of anything about Judge Carswell until they were advised by organization leaders to stir up all the opposition possible.

Some others were doubtless prompted to register their opposition by unfavorable and in some instances misleading publicity.

They did not know Carswell, but they did know President Nixon, and for most of them he is their No. 1 target.

I doubt that many of them voted for him in 1968, and I doubt that many would vote for his reelection.

I am not making this statement today as criticism of those who are simply following practices well established by tradition or of those who sincerely believe that each appointment to public office, especially to the judiciary, should be as wise as Solomon and as pure as Caesar's wife.

A loyal opposition is fully warranted so long as, in its zeal, it does not weaken those qualities that have made our Nation great.

I am making this statement to call attention to the indisputable fact that no President can give his best to the Nation or maintain our prestige in the world so long as he is constantly being fired upon by those whose principal purpose is to keep him from being reelected.

On January 17, 1969, I joined the Senator from Montana (Mr. MANSFIELD) in introducing Senate Joint Resolution 21, proposing an amendment to the Constitution limiting the President to a single term of 6 years.

The one-term limitation has worked well in other countries.

It permits the President to devote all his time and efforts to the service of his country.

This constitutional amendment would go far in discouraging would-be successors to the office from wasting their time in harassing him or trumping up unwarranted charges or impeding his work because he could not run against any of them anyway.

Mr. President, I hope that this Congress will seriously consider the amendment proposed by Senator MANSFIELD and myself.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. AIKEN. I yield.

Mr. MANSFIELD. Let me say that I am delighted that the dean of the Republicans has indicated his strong support for the resolution which he and I introduced some months ago. We think it is a way to allow any President—regardless of party—to be himself and not to be subject to political harassments. It is a way that allows the President to assume his office with one purpose in mind—to do a good job, regardless of the consequences, and then to depart.

The ACTING PRESIDENT pro tempore. The time of the Senator from Vermont has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Vermont may have 5 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. May I express the hope that, on the basis of the speech made by the distinguished Senator, the appropriate subcommittee within the Committee on the Judiciary would undertake hearings on this matter as soon as possible. Senator AIKEN's most positive statement has placed this issue in its proper context indicating that it is aimed at the Presidency—at the office itself—and is not concerned so much with the man.

Mr. President, I was impressed by what the distinguished Senator from Vermont had to say on page 2 of his speech:

> With this overweening belief in mind, I have to the best of my ability tried to help each—

That is, each President—

> to serve his country well—regardless of Party.
>
> Each President I have known has, to a great extent, been at the mercy of the times during which he served.
>
> Each has had to establish and maintain his credibility in the field of international politics, with varying degrees of success.
>
> And upon the success of the President in making the right decisions and in maintaining the respect of the world rested the prestige of our Nation and of you and me in the eyes of the world.

All I want to say is that the distinguished Senator has certainly lived up to those words in his many years of service in this body.

I only hope that as a Senator from the State of Montana and as majority leader, I can do almost as well as the distinguished Senator from Vermont, who has just addressed us.

Mr. AIKEN. I thank the Senator from Montana. It has been a privilege to be associated with him on certain proposed constitutional amendments. I still feel they are all amendments which should be approved by Congress.

Since I have enough time remaining, I am happy to yield to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, I wish to indicate my great appreciation for another very significant statement made by the dean of Republicans in the U.S. Sen-

ate. It is a statement which is very important. Of course, it reaches far beyond the matter of the nomination of Judge Carswell. However, I am very conscious of the fact that the distinguished Senator from Vermont by his statement has placed the opposition to the nomination of Judge Carswell in proper perspective.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Vermont yield?

Mr. AIKEN. I yield.

Mr. WILLIAMS of Delaware. I join the Senator from Montana and the Senator from Michigan in complimenting the Senator from Vermont upon his remarks today. The Senator from Vermont has called our attention to some of the major problems confronting our country and has offered a solution. I wholeheartedly support the proposal that he and the Senator from Montana have made, that there be a constitutional amendment to limit the term of the President to 6 years. I think that would be the most constructive step that could be taken toward a better government, so far as Congress is concerned. I join in expressing the hope that some consideration will be given to that resolution.

Mr. AIKEN. Mr. President, if the Senator from Montana is agreeable, we might add the name of the Senator from Delaware as a cosponsor of this constitutional amendment.

Mr. MANSFIELD. I would be delighted to have the Senator from Delaware join us.

Mr. WILLIAMS of Delaware. I would be pleased to join as a cosponsor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana for 15 minutes.

CAMBODIA AND SOUTHEAST ASIA

Mr. MANSFIELD. Mr. President, I see on the front page of the Washington Post a number of interesting headlines:

First. "Army Favors Pullout Delay of 6 Months." That, of course, refers to Vietnam and Southeast Asia, but to Vietnam primarily.

Second. "Cambodia May Seek U.S. Arms."

The New York Times contains a headline: "Cambodia Wants Check by U.N. on Red Intrusion."

Elsewhere, I have read that the Cambodians are going to ask for aid from "friendly countries." The friendly countries mentioned are Australia, New Zealand, France, and, I believe, Thailand, but not the United States—and let us hope that the United States will never be approached.

We should keep in mind that in 1966, as I recall, our aid to Cambodia was ended at the request of the then Chief of State, Prince Norodom Sihanouk, and has not been resumed since that time. Cambodia is one of the few countries in the world that I know of which has brought about a termination of American assistance, both military and economic. As I recall, even at that time our State Department was very much perturbed and disturbed that Cambodia and Sihanouk had the temerity to ask this country to stop giving aid to Cambodia.

I have just returned from 5 days in the State of Montana. I had the opportunity during that time to travel the eastern counties, along the high line, into the mountain west, and into the southern part of the State. It was a heartening experience for me, because it gave me an opportunity to find out what the people whom I have the honor and privilege to represent were thinking about.

They are thinking about inflation, which now stands at about 6.2 or 6.3 percent, and has over the past year.

They are thinking about unemployment, which stands at about 4.25 percent at the present time, and the curve seems to be up.

They are thinking about the high cost of mortgage money. They cannot afford to build homes, even if they have rather sizable incomes, because the rates they are asked to pay are entirely too high, out of reach; and if one undertook to obtain a loan to build a house today, it would not be a case merely of paying interest on principal; at present rates, it would be the payment of principal on principal on principal, if the period were for 25 or 30 years.

The people of Montana are also worried about the condition of the wheat rancher, who has been getting it in the neck for a good many years, not only so far as prices are concerned, but also as far as boxcars are concerned. They wonder what the policy of the administration will be. They wonder at the declining strength of the farm segment of the population and what can be done about it. There is a declining farm strength; the farm population today numbers between 6 and 8 percent of the total; and of the rest, from 75 to 80 percent live in the congested areas, where most of the Nation's problems are also centered.

The people are wondering about the farm organizations. There are six or seven, maybe eight, farm organizations, and no two of them have got together on more than a temporary basis

The people are also wondering about the recreational development of our State. They are worried about pollution of the air and water and the effect on flora and fauna, and on marine life.

They are worrying, too, about growth in population, not in Montana, but throughout the world.

They are worrying about what is going to happen next in Southeast Asia. They read the newspapers. They listen to the radio. They look at television.

They have sent their sons to war, and they have paid their share in the way of casualties. They see what is happening in Laos. They see what is happening in Cambodia. They wonder if we are going to become involved, and they wonder if the war is going to spread from Vietnam. They wonder if it is going to spread beyond Vietnam. They wonder if it is going to spread beyond Laos, and if it is going to take in Cambodia. They want no part of such an expansion of this war, which has cost this country well over $100 billion. In the form of casualties to date—and these figures are up to last Thursday—we have had 270,583 wounded in battle, 41,057 killed in combat, 7,691 killed in noncombat incidents, for a total of 319,331 Americans. And for what? For a war which was a mistake, for a war which is a continuing tragedy.

This war may well cover all of Indochina, so that the same area of military operations may again come into being as was involved at the time of the French withdrawal in 1954.

I think that the overthrow of Prince Norodom Sihanouk marked the end of an era in Southeast Asia. Sihanouk was able to maintain a united country and a reasonable stability which insured a degree of neutrality that was badgered by war from all sides. He had to operate on a trapeze, but he did the best he could. I think he did very well in keeping a holocaust from overtaking his country and his people. We gained indirectly by his effectiveness because it acted to limit the area of our military involvement.

Of course, we went into Cambodia from time to time, as did the Vietcong and the North Vietnamese. There were other stresses and strains connected with his neighbors, Thailand and South Vietnam, because there was enmity between the two or, I should say, among the three. During all that period, Cambodia was in a very difficult position. All during that period, conditions for an upheaval existed. How could Cambodia avoid being a sanctuary for the Vietcong and the North Vietnamese? What could a Cambodia with an army numbering 33,000—and even that number strained its economy—do against a force of Vietcong and Vietnamese, well equipped, numbering somewhere between 50,000 and 60,000?

Not much. Sihanouk realized it. I am afraid that the present rulers in Cambodia do not. He was aware of the fact that in Laos more bombs have been dropped, for example, than in either North Korea or North Vietnam. He was aware that, as a neutralist, he was in a most delicate position. He was aware of the common border and the troubles with all the countries surrounding Cambodia. He was always aware of the fact that in so far as Thailand was concerned, it was in effect a stationary aircraft carrier used for activities in various parts of Indochina at various times.

Present developments in Cambodia, Mr. President, are a cause for deep concern. Preserved for a decade and a half by Prince Sihanouk, the tranquillity of this small kingdom appears to be coming to an end in civil war. Cambodian independence, moreover, now lies in the path of a threatened extension of the Vietnamese war.

The course of events in Cambodia has been predictable since the military coup several weeks ago. It was not to be expected that Prince Sihanouk would accept the military seizure of power which was perpetrated during his absence. Barred from Cambodia by the coup government, the Prince has announced his intention, nevertheless, of returning. Pre-

dictably, he has sought aid, as usual, from any available source to that end.

Nor was it to be expected that Prince Sihanouk's dedicated followers in Cambodia—and his support is widespread, among the peasants, the Buddhists, and the young people and in the army and civil service—it was not to be expected that his followers would accept without quarrel the unseating of his leadership. Now that the first shock of the coup has worn off, the standard of revolt has been raised against the new government in the name of Sihanouk. North Vietnamese forces in Cambodia are reported to be giving support and aid to this movement.

As for the tens of thousands of hostile Vietnamese lodged along the border, the new Cambodian Government, predictably, does not have the military capacity to dislodge them, any more than Sihanouk had while he was in control. It has issued demands for an evacuation of these forces, but the demands have had no impact whatsoever. On the contrary, the coup has provided the North Vietnamese with a rationale for moving openly in Cambodia and for penetrating more deeply into the country.

Predictably, too, the first feelers for the extension of military aid have already been sent abroad by the new government in Cambodia. It is difficult to see to whom else these feelers might be directed, if not to us or to the South Vietnamese or to the Thais. Since those nations are already dependent on U.S. aid and would have to draw on us for any assistance which they might extend to Cambodia, there is no point in blinking the fact that it is to this Nation that the Cambodian aid appeal is addressed.

A request for assistance from the new Cambodian Government is plausible enough on the surface. That government gives indications of being hostile to forces which are hostile to us. To all appearances it is "friendly"—indeed, has it not just released a hijacked U.S. ship? It is military-based and presumably is willing to fight the Vietcong and North Vietnamese and to cut their supply routes. Would aid to that government not make our situation easier in Vietnam and save American lives?

These questions, Mr. President, at this late date, can best be answered by other questions. Have we not heard the same questions raised elsewhere in Asia since World War II? Have we not already concurred elsewhere in the plausibility of aid requests of this kind? Have we not extended assistance in Vietnam alone at a cost of more than $100 billion and over 319,000 U.S. casualties, including almost 50,000 dead? Where are we now in Vietnam? Is our situation easier? Where is the end of the road which began with the plausibility of military aid to Vietnam so many years ago?

It seems to me that while we are still free of the situation, we should confront the likelihood that assistance to Cambodia will be only the prelude to further U.S. military involvement. It would be my hope, therefore, that the President will resist these pressures—as he has up to this time, and I hope he will continue—which, in effect, will require him to alter the course of U.S. withdrawl which he has set. And again I refer to the headline in today's Washington Post—it involves a leak somewhere—"Army Favors Pull Out Delay of 6 Months." In my judgment, he has been following, wisely, the signposts which lead out of Southeast Asia. The signposts which now beckon from Cambodia point deeper into the morass. To pursue them, in my judgment, will be to spread the Vietnamese conflict throughout Indochina and very possibly throughout Southeast Asia. To pursue them will be to multiply U.S. costs and casualties and to forfeit a last chance for an orderly disengagement from this tragic and mistaken war.

So I repeat, Mr. President, the events in Cambodia are a cause for deep concern. The urgency in them, as I see it, is not to thrust into a new military involvement by way of aid. Rather, it is an urgency for diplomatic action. I would hope that there would be new diplomatic initiatives, before the tides of conflict swamp Cambodian independence and engulf us in the war's extension.

I would urge most respectfully, therefore, that the Secretary of State seek to bring together all the foreign ministers of the Geneva Pact powers, or any of them who will come, in a joint effort to reestablish conditions which will permit a return to neutrality in Cambodia. If we commit ourselves unilaterally through aid to the new government in Cambodia or if we immerse ourselves directly or through support of allies in military operations in that country, we can hardly bring plausible credentials to that purpose.

Mr. President, the crisis is in Indochina, but, in a sense, it is also here in this Capital. The Nation has been brought to a point of vital decision by the sudden developments in Cambodia. What is at stake, as I see it, is the President's policy of orderly withdrawal from Vietnam upon which so much else depends at home and abroad. That policy cannot be maintained, in my judgment, if we go down the road of aid ever deeper into Cambodia, as we have done in Vietnam and in Laos. The time to clamp down the lid on a further U.S. involvement in Southeast Asia is now.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. I ask unanimous consent that I may proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AIKEN. Mr. President, I want to say that the majority leader of the Senate has just made the kind of speech which we can all approve, the sort of speech that can be very helpful to the President of the United States and to the Secretary of State.

The Senator from Montana has rightly pointed out that at present the principal issue which we might expect to find in the November election would be that of inflation and the lack of housing in the United States. In my own State, although income has gone up and wages have gone up, home building construction has gone down 28 percent last year, and interest rates are abominable; but the Senator from Montana is performing a greater service in pointing out to the country and to the President and the executive branch what could become a much greater issue—even a fatal issue—if the President does not resist the demands of those who insist that the war now be expanded to cover greater territory in Asia. That would certainly be disastrous to the United States.

I believe it was in May of 1967 that I spoke, advising President Johnson that unless there was a change of policy as to Asia and the Vietnam war he could not be expected to get reelected in 1968. I am not saying that to brag but merely to point out that the distinguished Senator from Montana is giving the same advice now to the administration of President Nixon.

Mr. President, I believe that President Nixon and Secretary of State Rogers do not want to expand the war into Laos, and certainly not into Cambodia. I feel that they are determined that they will not do so. I think they will show the resistance necessary to hold out against such persons as those who advised President Johnson to expand the war, such persons who will probably spend the rest of their lives trying to prove to the world that their advice would have been effective had President Johnson taken it to the extent they wanted him to. Well, he took it too much as it was.

I do not believe that President Nixon will fall into the same trap. I am sure that Secretary of State Rogers has every intention of keeping as far away as possible from Cambodian internal affairs, and even those in Laos, aside from what may be considered necessary to protect our own people.

(At this point Mr. HUGHES took the chair as Presiding Officer.)

Mr. COOPER. Mr. President, I join in support of the statement just made by the distinguished majority leader. His analysis of the situation in Cambodia, and the consequences which would result if we should become deeply involved are unassailable.

I, too, believe as the Senator from Vermont (Mr. AIKEN) has said that President Nixon does not want the United States to become involved in a further expansion of the Vietnam war in Cambodia or Laos. I hope very much that the counsel of the distinguished majority leader has just given will be followed. I have every expectation that it will be. I join the distinguished Senator from Vermont (Mr. AIKEN) in support of his statement.

As usual, we have heard a pithy statement from the able Senator from Vermont, giving us the benefit of his commonsense and judgment which we have learned to respect, and which he has never failed us.

I am sure that the proposal made with the majority leader for a constitutional amendment deserves the full consideration of the Senate.

Mr. MANSFIELD. Mr. President, if the Senator will allow me to make a reply, I should like to proceed by expressing my appreciation to the distingushed Senator

from Vermont (Mr. AIKEN) and the distinguished Senator from Kentucky (Mr. COOPER), for both of whom I have nothing but the highest regard—I might say, affection and respect as well.

I should like to quote from the remarks just made by the Senator from Vermont. I have quoted this before, because it is the theory behind the speech I just made, and behind the remarks I made last Friday on the same subject.

The Senator from Vermont said in his very thoughtful and worthwhile speech:

We have only one President at a time and the manner in which he conducts the duties of his office determines to a great degree whether the people of the United States are secure or insecure—prosperous or poor—happy or sad.

With this overwhelming belief in mind, I have to the best of my ability tried to help each to serve his country well—regardless of Party.

Each President I have known has, to a great extent, been at the mercy of the times during which he served.

Each has had to establish and maintain his credibility in the field of international politics, with varying degrees of success.

And upon the success of the President in making the right decisions and in maintaining the respect of the world rested the prestige of our Nation and of you and me in the eyes of the world.

Mr. President, I intend to support any President regardless of party to the best of my ability, because I would far rather see the country benefited, the country secure, the welfare of the Nation placed first and ahead of the welfare or the success of any political party, or any individual within any political party.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia (Mr. BYRD) is recognized for a period not to exceed 20 minutes.

NOMINATION OF G. HARROLD CARSWELL

Mr. BYRD of West Virginia. Mr. President, I speak in behalf of the nomination of Judge G. Harrold Carswell to be an Associate Justice of the U.S. Supreme Court.

The opponents of this nomination are attempting to use as their chief argument the charge that Judge Carswell is undistinguished, and that he does not possess the legal credentials that an appointee to the High Court should have.

We have heard the word "mediocre" bandied about very carelessly in this debate. Some critics of Judge Carswell have said outright that he is a mediocre appointee. Others have taken a more circuitous route to say much the same thing.

The term "mediocre," Mr. President, applied to this nominee or to any nominee, or to any official of government elected or appointed, is a wholly relative term based on a subjective judgment.

By what standards is a judicial appointee or any other official mediocre? By whose arbitrary criteria is he judged?

Suppose for a moment that Judge Carswell's record were as liberal as his opponents contend that it is conservative. If it were, I suspect that—mediocre or not—he would be welcomed with open arms by many of those who now oppose him.

It is Judge Carswell's apparent conservatism, Mr. President, that probably bothers his critics more than their allegations of his mediocrity.

A review of the record made in the hearings establishes beyond question that Judge Carswell is well qualified for elevation to the Supreme Court.

During the course of this speech, I will undertake to compare the credentials and qualifications of Judge Carswell with those of every other sitting member of the Supreme Court at the time each was nominated.

Before I make this comparison, I think it is pertinent to note that the issue of Judge Carswell's legal competence and distinction was first significantly raised by certain segments of the press, especially the New York Times and the Washington Post. Each of these influential newspapers began to assert very shortly after the President submitted this nomination that Judge Carswell was undistinguished and mediocre. They have hammered consistently and hard on this issue and so have some Senators.

These newspapers and others have been lenient in their assessment of the qualifications of other nominees, depending on their judicial philosophy.

It is my view that one of the chief factors in determining whether a nominee has the necessary professional qualifications for nomination to the Supreme Court is whether or not he has had prior judicial experience.

Of course, there have been many appointees to the Supreme Court who have not had previous judicial experience but who have become outstanding and eminent jurists. So, it is not necessarily something that is required of an appointee in order for him to become a great judge. But I think that previous judicial experience is a positive factor to be considered in favor of any nominee.

Judge Carswell is eminently qualified in this regard, as he has served as U.S. district judge for the Northern District of Florida for more than 11 years, and has served as a judge of the Court of Appeals for the Fifth Circuit for almost 1 year. In addition, he was U.S. attorney for the Northern District of Florida prior to being appointed to the Federal bench for almost 5 years.

From the standpoint of prior judicial experience, as will be developed in this speech, Judge Carswell is better qualified than was any present member of the Supreme Court at the time of his appointment, except for Chief Justice Warren E. Burger.

I would assume that the New York Times and the Washington Post and other great newspapers share my view that prior judicial experience is an important factor in determining whether a nominee is qualified for appointment to the Supreme Court. In its edition of Sunday, June 30, 1968, the New York Times discussed the appointment of Justice Fortas and Judge Homer Thornberry to the Supreme Court which had been made the previous Wednesday, June 26, by President Johnson. I believe that my colleagues would find it very interesting to note what the New York Times had to say about the professional qualifications of these nominees. In referring to Justice Fortas and Judge Thornberry, the Times said:

Both men have impressive credentials to qualify them for the Supreme Court.

In discussing the qualifications of Judge Thornberry, the Times said:

Judge Thornberry, 59, has been on the bench since 1963 and has more judicial experience than any sitting member of the Supreme Court had at the time of his appointment except William J. Brennan Jr.

One of the writers for the Washington Post discussed Judge Thornberry's nomination in the issue of June 27, 1968, the day after the nomination was made:

He has had more judicial experience than any sitting member of the Supreme Court at the time of his appointment except William J. Brennan Jr.

I am very pleased that the New York Times and the Washington Post agree with me that prior judicial experience bears great weight on the issue of legal qualifications and distinction.

Perhaps some clue can be gained as to why these newspapers assessed the legal qualifications of Judge Thornberry in such a manner by referring to a headline which appears on page 30 of the New York Times issue of June 27, 1968, which describes Justice Fortas and Judge Thornberry as "Liberal Nominees for Supreme Court Posts," and to the Washington Post article of June 27, above mentioned, which describes Judge Thornberry's record in the following manner:

President Kennedy nominated Thornberry to the Federal district bench shortly before his death in 1963. President Johnson promoted him to the Fifth Circuit Court of Appeals in 1965. He has had more judicial experience than any sitting member of the Supreme Court at the time of his appointment except William J. Brennan Jr.

A quick look at Thornberry's opinions on the Fifth Circuit Court—which has handled all the difficult racial cases from the Deep South—suggests a liberal stance on civil liberties and civil rights.

I do not intend any disrespect to Judge Homer Thornberry in making these remarks. I personally feel that he is a thoroughly competent and able judge of the Fifth Circuit Court of Appeals. He has endorsed the nomination of his colleague, Judge Carswell, to be an Associate Justice of the United States Supreme Court, for which I commend him.

I do feel, however, that the contrasting assessments made by these two great and influential newspapers of Judge Thornberry and Judge Carswell highlight the profound wisdom of the distinguished Republican leader in opening this debate on March 13, in stating:

I think the "lack of distinction" argument is really a make-weight for those whose real ground of objection is that the nominee is not sufficiently in accord with their views. (S. 3729)

I now proceed to compare Judge Carswell's qualifications from the standpoints of education, legal experience, and judicial experience with those of the present members of the Supreme Court.

First, I start with our standard of comparison, which is the qualifications of

Judge Carswell himself. The record shows that he received his undergraduate education at Duke University, Durham, N.C., from which institution he received a B.A. degree in 1941.

Most of us would agree that Duke University is one of the outstanding institutions of higher learning in this Nation. The President of the United States received his law degree from Duke. There may be a few people in the academic and legal and political communities who think that this fact makes Duke mediocre, but I certainly do not share that opinion.

Judge Carswell attended the University of Georgia Law School at Athens, Ga., for 1 year, 1941–42, and at the conclusion of that school year he enlisted in the U.S. Navy to serve with distinction in World War II.

After the war, he completed his legal education at the Mercer University Law School, Macon, Ga., which awarded him an LL.B. degree in 1948.

In 1949 Judge Carswell moved to Tallahassee, Fla., and became an associate in the firm of Ausley, Collins, and Truett. His practice of law in that firm was varied, and he acquired the reputation of being an able and outstanding lawyer. Judge Carswell left the Collins law firm in 1951 and formed his own firm in Tallahassee, where he continued to actively engage in the practice of law.

Judge Carswell's reputation as a lawyer attracted such notice that in 1953, at the age of 33, he was nominated by President Eisenhower to be U.S. attorney for the Northern District of Florida. He served in that capacity in an able and conscientious fashion. No complaint has ever been publicly stated—or at least I have heard none—as to his treatment of any litigant or lawyer during his service as U.S. attorney. In this position, he handled a broad range of cases encompassing the entire area of Federal criminal jurisdiction.

He made such a fine record as U.S. attorney that President Eisenhower nominated him as U.S. district judge for the northern district of Florida in 1958, and he became a Federal district judge on April 18 of that year. Contrary to the assertions of a few people, he served with great ability and distinction as a trial judge in our Federal court system. The area of litigation handled by Judge Carswell encompassed the entire spectrum of Federal criminal law and Federal civil law.

He did such a good job as district judge and acquired such an outstanding reputation that President Nixon in 1969 appointed him to be judge of the U.S. Circuit Court of Appeals for the Fifth Circuit. The Senate again confirmed his nomination, and he became a circuit judge on June 27, 1969. For the third time, therefore, the U.S. Senate unanimously confirmed Mr. Carswell's nomination to a high position on or associated with the Federal judiciary.

So, in summary, we find that Judge Carswell has a very good educational background; he engaged in an active general practice of law for approximately 4 years; he served as U.S. district attorney—which required Senate confirmation—for almost 5 years; he was a U.S. district judge—which required Senate confirmation—for more than 11 years; and he has been a U.S. circuit judge—which required Senate confirmation—for almost a year.

These seem to me to be impressive credentials, and should settle the question as to whether Judge Carswell has the legal competence and training and experience which would qualify him for appointment to the Supreme Court.

Let us compare his qualifications with those possessed by each of the present members of the Supreme Court at the time of his nomination.

First, as to Mr. Justice Black, we find that he received his law degree from the University of Alabama in 1906. He began the practice of law in Birmingham in 1907 and served as police judge in that city for 18 months during the years 1910–11. He held the office of solicitor, which is prosecuting attorney in Alabama, during the years 1915–17. He engaged in the general practice of law in Birmingham for 8 years from 1919 to 1927. He was elected to the U.S. Senate in 1926 and served in the Senate from 1927 to the time of his appointment to the Supreme Court by President Roosevelt and his confirmation by the Senate on August 17, 1937.

Thus, we find that Justice Black, at the time of his nomination, had had prior judicial experience of 18 months as police judge in Birmingham; he had engaged in the private practice of law for approximately 16 years, and had served as State prosecuting attorney for about 2 years; he had also served in the Senate for 10 years.

Of course, each of us can judge and assess these facts according to our own best judgment, but it seems to me that Judge Carswell possesses legal qualifications comparable, if not superior, to those held by Justice Black at the time of his appointment.

Let us look at the Justice who is next senior in service, Mr. Justice Douglas. He received his undergraduate degree from Whitman College, Walla Walla, Wash., in 1920, and received his LL.B. degree from Columbia University Law School in 1925; he engaged in the private practice of law in New York City from 1925 to 1927, and was a member of the law faculty of Columbia University from 1925–28. He was on the Yale law faculty for 6 years from 1928–34 and was named by President Roosevelt to be a member of the Securities and Exchange Commission in 1936, and he served as Chairman of that Commission from 1937 to 1939. He was nominated by President Roosevelt to be an Associate Justice of the Supreme Court of the United States at the age of 40, and took his seat on the Court on April 17, 1939.

Justice Douglas had had no prior judicial experience. He had been engaged in the practice of law for less than 5 years, and had a background of approximately 9 years in the legal academic community.

There may well be a place on the Supreme Court for one with the legal qualifications and credentials of Justice Douglas, but how can one possibly unfavorably compare Judge Carswell's qualifications to those of Justice Douglas?

Next we come to Justice John M. Harlan. In my opinion, at the time of his nomination he possessed very high qualifications. He received his B.A. degree at Princeton University and advanced degress in jurisprudence from Oxford University, and his law degree from New York Law School. He was an associate and a member of the distinguished New York law firm of Root, Ballatine, Harlan, Bushley & Palmer, for over 20 years, and was appointed by President Eisenhower to the Second Circuit Court of Appeals in 1954, where he served for 1 year, and then was appointed by the President on March 17, 1955, to be an Associate Justice of the Supreme Court. During the time he was in private practice, he served in such capacities as special assistant attorney general of the State of New York and chief counsel to the New York State Crime Commission.

Realistically speaking, it must be considered that Justice Harlan's qualifications pertaining to his background in the private practice of law were extremely outstanding, and were superior to those possessed by Judge Carswell. On the other hand, in the area of prior judicial experience, Judge Carswell's qualifications would have to be rated above those of Justice Harlan.

In my opinion, from the standpoint of professional qualifications, Justice Harlan stands as a giant among the present members of the Supreme Court.

I think it is no accident that Justice Harlan also happens to be the leader of the strict constructionist forces on the Supreme Court. His outstanding background as a lawyer has taught him the true and correct function of a judge under our constitutional system.

We now come to Justice William J. Brennan, Jr. As I have noted, the New York Times and the Washington Post stated that the prior judicial experience of Justice Brennan was greater than that of any other member of the Supreme Court at the time of his appointment. Justice Brennan received his B.S. degree from the University of Pennsylvania and his LL.B. degree from Harvard. He engaged in the private practice of law in Newark, N.J., as an associate in the firm of Pitney, Hardin & Skinner for 6 years, and was a member of the firm for another 9 years. His work with the law firm was interrupted by 3 years of service in the U.S. Army in World War II.

Justice Brennan was appointed to the New Jersey Superior Court in 1949, and was appointed to the appellate division of that court in 1951. Thereafter, he was appointed in 1952 to be an associate justice of the Supreme Court of New Jersey, where he served for approximately 4 years until appointed by President Eisenhower to the Supreme Court in 1956.

Thus, at the time of his appointment, Justice Brennan had had 15 years' experience in the private practice of law and had served 7 years as a judge of the State courts of New Jersey. From the standpoint of prior judicial experience, Justice Brennan had had 7 years of serv-

ice in the State courts, while Judge Carswell has had almost 12 years of experience in the Federal courts.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may proceed for an additional 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, Mr. Justice Potter Stewart received his undergraduate and law degrees from Yale. He engaged in the private practice of law in New York City for 3 years, which was interrupted by his service in the U.S. Navy during World War II. He then practiced in Cincinnati, Ohio, for 7 years, from 1947–54. At that time he was appointed by President Eisenhower to be a judge of the U.S. Court of Appeals for the Sixth Circuit. He served on that court for 4 years, until he was nominated by President Eisenhower in 1958 to be an Associate Justice of the Supreme Court.

Mr. Justice Stewart, at the time of his appointment to the Supreme Court, had had 4 years of prior judicial experience and 10 years in the private practice of law. This is almost the reverse of Judge Carswell's qualifications, in that Judge Carswell has had 4 years in the private practice of law and almost 12 years of prior judicial experience. In addition, Judge Carswell has served for 5 years as U.S. attorney.

I do not see how anyone can say that Judge Carswell's qualifications do not compare favorably with those of Mr. Justice Stewart.

As to the qualifications of Associate Justice Byron R. White, who would ever have contended at the time of his appointment that he would make the good Associate Justice that he is making in his service on the Court today?

To most Americans in March, 1962, when he was named by President Kennedy, "Whizzer" White was known only as a great football player. From 1935 through 1937 he had starred at the University of Colorado, leading his team in his final year of play to an undefeated season, and excelling all college backs in scoring and ground gaining.

He went on to play with the Pittsburgh Steelers and the Detroit Lions, led the National Football League in ground gaining twice as a professional player, and in 1954 was named to the National Football Hall of Fame.

He practiced law in Denver, organized the State of Colorado in support of the Kennedy campaign, became a deputy Attorney General to Robert Kennedy, and in March 1962 was appointed to the Supreme Court. A good and enviable record, yes. But background and qualification for the Nation's highest court? I wonder.

Many at the time thought not. Yet, Byron White, in my opinion and the opinion of many others, is serving with diligence and competence on the Supreme Court.

Let us now examine the background and qualifications of Justice Thurgood Marshall at the time of his appointment to the Supreme Court. He received his college education at Lincoln University and his law degree in 1933 from Howard University. Upon his graduation from law school he entered the private practice of law in Baltimore, and in 1934 became counsel for the Baltimore branch of the NAACP. In 1936, he joined that organization's national legal staff, and in 1938 was appointed its chief legal officer. He served from 1940 until 1961 as director-counsel of the NAACP legal defense and educational fund. On September 23, 1961, he was appointed by President Kennedy as a judge of the Second Circuit Court of Appeals, on which he served until nominated by President Johnson to be Solicitor General of the United States on July 13, 1965. President Johnson nominated him to be an Associate Justice of the Supreme Court on June 13, 1967.

Justice Marshall was very active in the private practice of law, but his practice was confined exclusively to the civil rights field and the representation of the NAACP and its affiliated organizations.

As a matter of fact, he was often referred to as "Mr. NAACP." He was engaged in the private practice of law for a very long time, 28 years, but it cannot be said that his practice was of a general nature. He then served as a judge of the second circuit for almost 4 years, and as Solicitor General for 2 years.

Last, we come to the most recent appointment, that of Chief Justice Warren Burger, named by President Nixon as Chief Justice on May 22, 1969.

Chief Justice Burger received his college education at the University of Minnesota and his law degree from St. Paul College of Law. He was a member of a St. Paul law firm for 22 years, from 1931 to 1953. At that time he was appointed by President Eisenhower as an Assistant Attorney General of the United States. He held that position until 1956, when he was appointed by the President to be a judge of the U.S. Court of Appeals for the District of Columbia Circuit. He was a judge of that court for more than 13 years until he was nominated by President Nixon to be Chief Justice of the United States.

The solid judicial experience which Chief Justice Burger brought to the Court, it should be noted, exceeds Judge Carswell's equally solid experience on the Federal bench by only about a year.

What a contrast these two eminently qualified men—with their judicial backgrounds—provide to former Chief Justice Earl Warren. When Governor Warren was nominated, his prior experience in government was almost wholly political. Yet, his nomination was confirmed, although he brought to the Court no judicial experience of any kind and little knowledge bearing on the complicated legal issues with which he was to be confronted.

The imperious manner in which he dispensed decisions, as from on high, indicated how little he understood or valued this country's vital and historical constitutional processes. It is my considered judgment, Mr. President, that many of the increasingly serious difficulties in which our country finds itself at this point arise directly from the unwise rulings of the Court during the years of Mr. Warren's tenure as Chief Justice.

The type of opposition to Judge Carswell that we are witnessing now—and which brought about the defeat of the nomination of Judge Clement Haynsworth—is not new. It has happened before many times, and subsequent events more often than not have shown how poorly taken such opposition has often been in the past. Conservatives as well as liberals have indulged in such opposition, and almost always the opponents of nominees to the Court have attacked them on the grounds that they were not fit to serve.

In the long history of the U.S. Supreme Court many men have been appointed—and have served with distinction—the first mention of whose names brought opposition and even ridicule.

One of the towering figures of the Court, Joseph Story, of Massachusetts, appointed by President James Madison in 1811, was such a man—bitterly opposed by the conservatives of that time.

He was an unknown in most of the young Nation, although he had served a term in Congress and had been speaker of the Massachusetts House of Representatives. He had held no judicial office, and the reasons for President Madison's appointment of him have never been learned. He was the youngest man ever appointed to the Court.

Jefferson made repeated expressions of personal antipathy to Story, and the Federalists reacted to his appointment with ridicule and condemnation.

But, as Charles Warren, the former U.S. Assistant Attorney General, writes in his book "The Supreme Court in United States History":

> As in so many other instances in the history of the United States when comparatively unknown men have been raised to positions of high authority, the nation was singularly fortunate in the event.
>
> In Story's case, as in so many other instances in the history of the court, there was shown the utter futility of the expectations, frequently entertained by politicians, that the judicial decisions of a judge would accord with his politics at the time of his appointment to the supreme bench.
>
> Time and time again it has been proved—and to the great honor of the profession—that no lawyer, whose character and legal ability would warrant his appointment to that lofty tribunal would stoop to smirch his own record by submitting his judgment to the political touchstone; and no president has dared to appoint to that court a lawyer whose character and ability could not meet the test.

One does not have to go back to the early history of the court, however, to find nominees who have served with distinction to themselves and with benefit to their country whose credentials were questioned at the outset and who were bitterly assailed while their nominations were under consideration.

The case of Associate Justice Louis D. Brandeis comes readily to mind. Again in this instance it was the conservatives who were after him. I alluded to the fight over the Brandeis nomination when I spoke in this Chamber in support of the

nomination of Judge Haynsworth, and much of what I said at that time is once again applicable in this debate over Judge Carswell.

I said then that the real reasons for the bitter fight half a century ago against the confirmation of Justice Brandeis were his social and economic ideas and the fact that he was a Jew, and that the real reason for the high pressure to defeat Judge Haynsworth were his judicial philosophy and the fact that he was a white, conservative southerner. The same may be said in considerable measure of the opposition to Judge Carswell.

Justice Brandeis was appointed to the Court in 1916 by President Wilson, and the fight over the nomination that ensued is generally regarded as one of the most celebrated senatorial confirmation contests in history.

In the study of the confirmation of appointments by the Senate made by Joseph P. Harris in his book, entitled, "The Advice and Consent of the Senate," the following comment concerning the Brandeis case appears on page 113, and I believe that it has validity in the present connection:

> The case illustrates that a person who has . . . taken a definite stand on controversial public issues, particularly if he has incurred the hostility of powerful groups of society, will face strong opposition. Such a person can be confirmed only by the greatest effort, whereas a middle-of-the-road individual who has never participated in economic and social struggles or offended powerful groups is usually confirmed without opposition.
>
> The opposition to Brandeis was due chiefly to the fact that his opponents regarded him as a dangerous radical and a crusader and hence unfit to serve on the Supreme Court, which they regarded as the bulwark of conservatism. . . .
>
> Their stated reasons for opposing him, however, were entirely different—that he was not trustworthy and had been guilty of unprofessional conduct. Their charges of unprofessional conduct did not stand up under the examination of the subcommittee, though at the end, the Senators who were opposed to Brandeis gave credence to practically all the charges. . . .
>
> In the cases investigated by the subcommittee, it was found that the conduct of Brandeis was not only ethical and correct but indeed indicated that he had extraordinarily high professional standards.

Mr. President, there are many more cases of ill-founded opposition to nominees to the Supreme Court that could be cited. But the point that I wish to emphasize is that Judge Carswell compares very favorably with the men who presenty sit on the Supreme Court, and, in my opinion, is superior to some.

If Judge Carswell were not as well qualified as he actually is—if he were indeed mediocre as critics have said—he would still be much to be preferred over William O. Douglas, who had no judicial experience when he was confirmed for the Court, and who has now written a book which encourages violence and revolution in America.

As John F. Bridge, writing in the National Observer on March 2, observed

> Those who are so upset about the intellectual qualifications of Judge Carswell ought to read the book Justice Douglas has just written, Points of Rebellion, in which, among many other wild assertions, this sitting Associate Justice says:
>
> "We must realize that today's establishment is the new George III. Whether it will continue to adhere to his tactics, we do not know. If it does, the redress honored in tradition, is also revolution."

As the National Observer writer noted, this is no black militant screaming. This is a member of the Nation's court of last resort.

One need not bother to condemn Justice Douglas; his own words condemn him. Consider this passage:

> . . . where grievances pile high and most of the elected spokesmen represent the Establishment, violence may be the only effective response.

The "Puritan ethic," the "highway lobby," the "industrial-military complex," all are targets for Mr. Justice Douglas. As an author, he sounds more like a spokesman for the SDS than a guardian of constitutional processes. In my judgment, he is a disgrace to the U.S. Supreme Court.

As I have already noted, Mr. Douglas' words ought to be of more than passing interest to the critics of Judge Carswell, for, to quote the reviewer of his book again:

> Mr. Douglas has a lot to say . . . about mediocrity in American life. At least mediocrity is one subject on which he conceivably could be an expert.

The confirmation of Judge Carswell's nomination, Mr. President, could help to restore a badly-needed balance to the Court on which Justice Douglas sits. In this regard, Mr. President, if Judge Carswell's nomination were to be rejected by the Senate, I should hope that impeachment proceedings would be immediately instituted in the other body, and I would like to see Senators who oppose the Carswell nomination have to show down on a trial of Mr. Douglas, who presently is a member of the U.S. Supreme Court and whose own words condemn him, not as one who is just mediocre, but as one who advocates violence and revolution in America.

I discern a definite pattern in the nominations President Nixon has made to the Supreme Court—a pattern of seeking out men who have had experience where it really counts, in the Federal judiciary itself.

Chief Justice Burger was eminently qualified in that respect, as was Judge Haynsworth and as is Judge Carswell. I commend President Nixon for seeking this quality in making his appointments to the Court. I believe that many people in America share my opinion on this matter.

There are other factors to be taken into consideration, but certainly prior judicial experience should be a major one. The survey of the qualifications of the present members of the Supreme Court I have made shows that President Nixon is seeking to restore a balance on the Court in more ways than one. We do need to have more Justices on the Court with great prior judicial experience, and Judge Carswell is certainly qualified in this regard.

As the distinguished chairman of the Judiciary Committee pointed out on the floor of the Senate on March 17, it is very strange that the Washington Post has taken the position all of President Nixon's nominations to the Supreme Court have been undistinguished. This, of course, includes Chief Justice Burger.

I think that the ideological bias underlying this opinion of the Washington Post gives us a clue to the motive of some who say that Judge Carswell is "mediocre" or "undistinguished."

The record and the facts completely negate such an assertion. The truth of the matter is, Mr. President, that seldom has so much been made out of so little. Weeks have been dragged out in the hope that with the passage of time a hostile press could encourage wavering Senators to join the opposition.

Judge Carswell is eminently qualified from the standpoint of professional background and qualifications. The prestigious Standing Committee on the Federal Judiciary of the American Bar Association has affirmed and reaffirmed that Judge Carswell is qualified. As the Honorable Lawrence E. Walsh, the chairman of the standing committee, wrote Chairman EASTLAND, the committee investigated Judge Carswell as to his integrity, judicial temperament and professional competence.

On the basis of this investigation, Judge Carswell was unanimously found to be qualified for appointment to the Supreme Court.

After the hearings had been concluded by the Judiciary Committee, and all of the charges against Judge Carswell had been aired, the standing committee reaffirmed its previous judgment that the nominee was qualified.

I hope and trust that no one will vote against this confirmation on the misguided belief that Judge Carswell does not possess the necessary legal qualifications.

I intend to vote, if a tabling motion is made, to table the motion to recommit.

If such a tabling motion is not made, I intend to vote against the motion to recommit. If that motion to recommit is not sustained, I intend, of course, to vote for the confirmation of the nomination of Judge Carswell.

I urge the Senate to consent to the nomination of G. Harrold Carswell to be an Associate Justice of the Supreme Court of the United States.

Mr. President, I yield the floor.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. EAGLETON) laid before the Senate the following letters, which were referred as indicated:

REPORT ON REAPPORTIONMENT OF AN APPROPRIATION

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of Justice for the Federal Prison System "Support of United States Prisoners," for the fiscal year 1970, had been reapportioned on a basis which in-

dicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

REPORT ON MODIFICATION OF A LOAN TO THE CORN BELT POWER COOPERATIVE OF HUMBOLDT, IOWA

A letter from the Acting Administrator, Rural Electrification Administration, Department of Agriculture, reporting, under the provisions of Senate Report No. 497, modication of a loan made to the Corn Belt Power Cooperative of Humboldt, Iowa, in the year 1964; to the Committee on Appropriations.

PROPOSED AMENDMENT OF TITLE 37, UNITED STATES CODE

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend title 37, United States Code, to provide that enlisted members of a uniformed service who accept appointments as officers shall not receive less than the pay and allowances to which they were previously entitled by virtue of their enlisted status (with an accompanying paper); to the Committee on Armed Services.

REPORT OF SECURITIES AND EXCHANGE COMMISSION

A letter from the Chairman, Securities and Exchange Commission, Washington, D.C., transmitting, pursuant to law, a report of that Commission, for the fiscal year ended June 30, 1969 (with an accompanying report); to the Committee on Banking and Currency.

REPORT ON DEPARTMENT OF DEFENSE PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on Department of Defense procurement from small and other business firms for July 1969–January 1970 (with an accompanying report); to the Committee on Banking and Currency.

PROPOSED LEGISLATION RELATING TO THE DISTRICT OF COLUMBIA

A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a draft of proposed legislation to authorize the District of Columbia to issue obligations to finance District capital programs, to provide Federal funds for District of Columbia institutions of higher education, and for other purposes (with an accompanying paper); to the Committee on the District of Columbia.

A letter from the assistant to the Commissioner, government of the District of Columbia, Washington, D.C., transmitting a draft of proposed legislation to provide improvements in the administration of health services in the District of Columbia, and for other purposes (with an accompanying paper); to the Committee on the District of Columbia.

A letter from the assistant to the Commissioner, government of the District of Columbia, Washington, D.C., transmitting a draft of proposed legislation to provide for improvements in the administration of the government of the District of Columbia, and for other purposes (with accompanying papers); to the Committee on the District of Columbia.

A letter from the Assistant to the Commissioner, Government of the District of Columbia, Washington, D.C., transmitting a draft of proposed legislation relating to the rental of space for the accommodation of District of Columbia agencies and activities, and for other purposes (with an accompanying paper); to the Committee on the District of Columbia.

A letter from the Assistant to the Commissioner, Government of the District of Columbia, Washington, D.C., transmitting a draft of proposed legislation relating to crime in the District of Columbia (with accompanying papers); to the Committee on the District of Columbia.

REPORT ON SOCIO-ECONOMIC PROGRESS IN LATIN AMERICA

A letter from the President, Inter-American Development Bank, transmitting, pursuant to law, a report on Socio-Economic Progress in Latin America, for the year 1969 (with an accompanying report); to the Committee on Foreign Relations.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on examination of financial statements, Bureau of Engraving and Printing Fund, fiscal years 1968 and 1969, Department of the Treasury, dated March 26, 1970 (with an accompanying report); to the Committee on Government Operations.

BILLS INTRODUCED

Bills introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. MANSFIELD:

S. 3655. A bill to amend the Internal Revenue Code of 1954 to allow a total of four personal exemptions for a taxpayer, and the spouse of a taxpayer, who has attained the age of 70; to the Committee on Finance.

(The remarks of Mr. MANSFIELD when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. CRANSTON:

S. 3656. A bill to amend chapter 37 of title 38, United States Code, to authorize guaranteed and direct loans for mobile homes if used as permanent dwellings, to authorize the Administrator to pay certain closing costs for, and interest on, certain guaranteed and direct loans made under such chapter, to remove the time limitation on the use of entitlement to benefits under such chapter and to restore such entitlements which have lapsed prior to use or expiration, to eliminate the guaranteed and direct loan fee collected under such chapter, and for other purposes; to the Committee on Labor and Public Welfare, by unanimous consent, then referred to the Committee on Banking and Currency when reported.

(The remarks of Mr. CRANSTON when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. CRANSTON (for himself, Mr. YARBOROUGH, Mr. SCHWEIKER, Mr. RANDOLPH, Mr. WILLIAMS of New Jersey, Mr. KENNEDY, Mr. NELSON, Mr. MONDALE, Mr. EAGLETON and Mr. HUGHES):

S. 3657. A bill to amend chapter 34 of title 38, United States Code, to authorize advance educational assistance allowance payments to eligible veterans at the beginning of any school year to assist such veterans in meeting educational and living expenses during the first two months of school, and to establish a veterans' work-study program through cancellation of such advance payment repayment obligations under certain circumstances; to the Committee on Labor and Public Welfare.

(The remarks of Mr. CRANSTON when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. GORE:

S. 3658. A bill to amend title II of the Social Security Act so as to raise from $64 to $100 the minimum primary insurance amount thereunder; to the Committee on Finance.

(The remarks of Mr. GORE when he introduced the bill appear later in the RECORD under the appropriate heading.)

MESSAGE FROM THE HOUSE— ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 13448. An Act to authorize the exchange, upon terms fully protecting the public interest, of the lands and buildings now constituting the United States Public Health Service Hospital at New Orleans, Louisiana, for lands upon which a new United States Public Health Service Hospital at New Orleans, Louisiana, may be located; and

H.R. 14289. An Act to permit El Paso and Hudspeth Counties, Texas, to be placed in the mountain standard time zone.

S. 3655—INTRODUCTION OF A BILL GIVING ADDITIONAL EXEMPTIONS TO TAXPAYERS WHO HAVE ATTAINED THE AGE OF 70

Mr. MANSFIELD. Mr. President, in the past several years I have been receiving a great deal of mail from our elder citizens who have legitimate complaints about the problems they face in attempting to exist on limited retirement incomes during an inflationary period. When the Congress passed the tax reform bill last year, I believe that more consideration should have been given to our elder citizens. I think it is generally recognized that, when a person reaches the age of 70, his earning power is somewhat limited but, at the same time, there is no comparable decrease in the cost of living. In fact, there are often unusual claims against their daily income.

It is for this reason that I ask the legislative counsel to prepare legislation which would give persons who have attained the age of 70 additional personal exemptions. I introduce a bill which would amend the Internal Revenue Code to allow a total of four personal exemptions for a taxpayer who has attained the age of 70.

The PRESIDING OFFICER (Mr. EAGLETON). The bill will be received and appropriately referred.

The bill (S. 3655) to amend the Internal Revenue Code of 1954 to allow a total of four personal exemptions for a taxpayer, and the spouse of a taxpayer, who has attained the age of 70, introduced by Mr. MANSFIELD, was received, read twice by its title, and referred to the Committee on Finance.

INTRODUCTION OF VETERANS LEGISLATION

REPORT OF PRESIDENT'S COMMITTEE ON THE VIETNAM VETERANS

Mr. CRANSTON. Mr. President, I note with great interest and a welcoming spirit the publication this past Saturday, March 28, of the Report of the President's Committee on the Vietnam Veteran. This report was released by the White House as it broke the news that the President had signed into law—on March 26—H.R. 11959, the Veterans' Education and Training Assistance Act of 1970, Public Law 91–219. As chairman of the Veterans' Affairs Subcommittee

and of the Senate conferees on this bill, I am most delighted that the President decided not to veto that bill as many had interpreted his October 21, 1969, statement to imply he might.

I also wish to express to the President's committee a "welcome on board" with the bipartisan congressional effort to provide new and special programs to attract and assist educationally disadvantaged and academically deficient veterans under the GI bill. Although administration support for these programs could surely have been of great assistance in the recent conference negotiations over them and would have expedited agreement, I am sure that all who worked so hard on these measures in both Houses are pleased to see the administration take an affirmative position, even so belatedly.

This interagency, Cabinet-level committee was appointed by the President on June 5, 1969, and charged with submitting its final report no later than October 15, 1969. Although almost 5½ months behind schedule, issuance of this report marks the first clear commitment by the executive branch to the importance of developing special programs to expand substantially GI bill participation by the most educationally and financially needy veterans. For this major shift of viewpoint I congratulate the Administrator of Veterans' Affairs, the chairman of the committee, and its members, and I extend my pledge of further cooperation toward these ends to him and those members—the Secretary of Defense, the Secretary of Health, Education, and Welfare, the Secretary of Labor, the Postmaster General, the Director of the Office of Economic Opportunity, and the Chairman of the Civil Service Commission.

Mr. President, I commend the report to the attention of all Senators and others interested in Vietnam era GI bill participation. I ask unanimous consent, Mr. President, that the full report be printed in the RECORD at this point, and then I will comment briefly on its recommendations.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT OF THE PRESIDENT'S COMMITTEE ON THE VIETNAM VETERAN

INTRODUCTION

Throughout our history the American people have recognized a special obligation to those who have served in our Armed Forces.

President Nixon, on June 5, 1969, created a Committee on the Vietnam Veteran to evaluate how well the Nation is meeting its debt to today's veterans.

Committee members include the Administrator of Veterans Affairs (Chairman), the Secretary of Defense, the Secretary of Health, Education, and Welfare, the Secretary of Labor, the Postmaster General, the Director of the Office of Economic Opportunity and the Chairman of the Civil Service Commission.

Early in its deliberations, the Committee determined that readjustment programs should be emphasized—those programs which should be emphasized—those programs which provide education and training assistance to returning Vietnam veterans so they can obtain productive and challenging career opportunities in our domestic life.

The President has now signed H.R. 11959. This legislation provides increased educational benefits for disabled veterans, war orphans, and war widows, and additional assistance to those who need special help to prepare for and pursue further education and training.

The benefit allowance increases should both promote participation and insure completion of training for those veterans who might otherwise be forced to discontinue their training due to financial incapacity. But we must go beyond increasing GI bill benefits on an across-the-board basis. Other important innovations have been studied by this Committee and appropriate recommendations to accomplish them are contained in this report.

The Committee obtained basic information on the Vietnam-era veteran population from surveys sponsored by the Committee and from surveys already conducted by Federal agencies, including:

The Bureau of the Budget interagency survey of the disadvantaged veterans, October 1969.

Department of Defense data on enlisted reservists and project 100,000 trainees, October 1969.

Veterans Administration "Survey of expenses and income for veterans attending school under the GI Bill", July 1969.

The Committee also obtained the views and recommendations of private citizens. Requests for views were sent to national and local business, banking and industrial organizations, the National Governors Conference and the U.S. Conference of Mayors, labor unions, associations of educational institutions and educators, Members of Congress involved with veterans' legislation, and veterans service organizations.

THE VIETNAM-ERA VETERAN

Large-scale commitment of American forces to Southeast Asia began late in 1964. Since that time, 3.7 million men and women have left military service. The annual rate of separations has increased gradually from 531 thousand in calendar 1965 to 958 thousand in 1969. In 1970 and 1971, the annual rate will climb to an estimated one million. This report refers to this group of veterans as "Vietnam-era veterans".

These men and women show great potential. They are generally young with more than half falling in the age bracket 20–24. They are better educated than veterans of earlier wars. About 78 percent have completed high school at separation, compared with 63 percent of veterans of the Korean Conflict and 45 percent of World War II. The Vietnam-era veterans reflect the same racial proportions as the total American society. The economic potential of this group is high. Data available on veterans of earlier conflicts demonstrate their promise. Average earnings of post-Korean veterans are considerably higher than those of non-veterans in the same age groups. We are satisfied that the same general "economic advantage" will pertain to the Vietnam-era veteran.

VETERANS WITH PHYSICAL HANDICAPS

Significant numbers of returning veterans, however, enter the economy with severe handicaps. In 1970, over 120,000 Vietnam-era veterans are receiving VA compensation for service-connected disabilities.

In 1970, 25,000 of these disabled veterans are enrolled in VA's vocational rehabilitation program which provides for full cost of tuition, books, supplies, a substantial subsistence allowance augmented for dependents, in addition to their service-connected compensation. The VA hospital system accords them top priority for admission to care for their service-connected disabilities. In 1970, an estimated 64 thousand Vietnam-era veterans will receive VA hospital care. Because these men in many cases have difficulty qualifying for commercial insurance, they are eligible to convert the $10,000 Servicemen's Group Life Insurance to commercial coverage under a pooled risk arrangement and they can obtain an additional $10,000 coverage under VA's Service-disabled Insurance Program.

VETERANS WITH EDUCATIONAL AND SKILL DEFICIENCIES

Seven times more veterans than those who are disabled and entitled to compensation carry the invisible handicaps of inadequate or defective education and training. Measured by lack of a high school education, 16% of Vietnam-era veterans now being released from service are educationally disadvantaged. This is not, however, a full measure of those with educational deficiencies. Test results show that 30 percent of high school graduates in the Armed Forces scored as poorly or worse than the average score of those who had not completed high school.

Ironically, these factors are an important determinant in placing men in military occupations. Those who had not completed their high school education and those who perform poorly on the qualifications tests have less opportunity while in the service to acquire skills applicable to civilian jobs.

Upon discharge, the veteran with education deficiencies suffers a rate of unemployment significantly higher than that of his fellow veteran. A recent survey of veterans living in impoverished areas indicates that jobs are their main concern. The survey, based upon intensive interviews with more than 3,000 veterans, revealed 62% of those contacting Federal agencies wanted assistance in finding employment.

Statistics on the employment experience of educationally handicapped veterans bears out their need for concern. A recent survey reported unemployment rates of 5.8% for white veterans who had completed high school and 8.8% for those white veterans with less than a high school education. These rates compare with a 4.6% unemployment rate for all non-veterans in the comparable age range. The same survey reported unemployment rates of 9% for Negro veterans who had completed high school and 18.5% for Negro veterans with less than a high school education. For Negro non-veterans in the same age group, the unemployment rate was 5.9%.

The problems of many returning Vietnam veterans are demonstrated by these statistics. But they are, above all, human problems. The Vietnam veterans often return to civilian life very much the same as they entered active service, except that they are a bit older, jobless, and anxious. For many of them job prospects are worse than for non-veterans in the same age brackets.

Having assessed the problems of disabled veterans and veterans with educational and skill deficiencies, the Committee has determined that this report should concentrate on ways in which veterans readjustment benefits for education and training can be made available to all veterans on a basis of equal access.

As of February 1970, 1.06 million, or 27.8% of the 3.8 million eligible Vietnam-era veterans had used GI Bill education or training benefits. An additional 3.1 million veterans were eligible who had served in the period January 1955 and August 1964. Of these veterans, 1.7 million, or 24.6% have participated in GI Bill training. At present, approximately 70% of veterans in training are Vietnam-era veterans.

Available survey data show that participipation in GI Bill training is inverse to need. Nearly 50% of the veterans who already have college training at the time of discharge and therefore have the best prospects for immediate employment seek to upgrade their education under the GI Bill. On the

other hand, those who have serious education deficiencies show participation rates as low as 10%.

RECOMMENDATIONS

The Committee has developed three types of recommendations: (A) recommendations to improve the veteran's access to education; (B) recommendations to improve the veteran's access to jobs and job training; and (C) recommendations in related readjustment areas.

A. Recommendations to improve the veteran's access to education

Recommendation No. A–1

Encourage veterans to enter and follow through with a training program by providing an advance education assistance payment to help the veteran meet the initial costs of entering training.

The GI Bill provides monthly allowances for veterans enrolled in and attending approved programs of education. These payments do not begin, however, until after the veteran has enrolled, and completed each month of training. The effect of this after-the-fact method of payment can be to discourage program participation by the veteran who cannot afford the initial outlay required by most schools for prepayment of fees, tuition, books, and the necessary money for subsistence for himself and his family until the first payment is received. The intent of the program is thus jeopardized. Even for the financially more fortunate veteran, the prepayment of tuition and other costs constitutes a burden since the educational allowance is partial assistance rather than a full subsidy.

The proposal would authorize an advance payment to help the veteran enroll in school. This would be done on an individual application basis. The amount advanced can be gradually recouped over the whole period of enrollment.

Recommendation No. A–2

Establish an in-service program to assist servicemen to prepare for post-secondary training while on active duty. Eligibility criteria should be revised to permit participation following completion of six months active duty.

The U.S. Armed Forces Institute (USAFI) of the Department of Defense currently sponsors educational programs offering elementary, secondary, and college-level courses for servicemen. In 1969, 90,000 servicemen who had dropped out of high school took courses on an off-hours basis leading to a certificate of high school completion ("GED").

This program offers many opportunities for servicemen to upgrade their education at little cost. Its chief limitations regarding veterans with educational deficiencies are:

Lack of tuition support for non-careerists.

Lack of flexibility to get courses and remedial instruction in schools near the man's military base.

Under existing provisions of the GI Bill (38 U.S.C. 1652) men in the active military service can qualify for GI Pill payment of tuition and fees, provided they already have served at least two years. The proposal would bestow these benefits upon short-term draftees, provided they had served six months. For veterans with educational deficiencies, this benefit would provide without charge to their future GI Bill entitlement courses for high school completion or refresher or deficiency courses for admission to college or technical schools. The proposal would result in greatly increasing the options of each educationally handicapped veteran to enroll in courses of colleges and vocational schools of his home community or those near his military base. This would increase the possibility of local classroom instruction (where he now is limited to correspondence courses of college-run studies or to group study sponsored by his military base). In concert with recommendations A–4 and A–5, this proposal would provide a financial basis for enrolling educationally handicapped veterans in colleges which develop special remedial courses and offer full-time enrollment after discharge.

Recommendation No. A–3

The Office of Education and the Veterans Administration jointly work with the major organizations of universities, colleges and community colleges to develop the following types of assistance to educationally deficient servicemen and veterans desiring college enrollment:

Prior to discharge, provide clearing house services giving information on college programs for disadvantaged students and put men in contact with colleges of their choice;

After discharge, facilitate contact with VA-certified colleges by providing referrals of veterans with their consent;

Facilitate, in behalf of servicemen making commitments to particular colleges in advance of discharge, the packaging of scholarship-loan-GI Bill arrangements;

Arrangements for entry into college soon after discharge, avoiding lengthy waits for application processing and beginning of the next school term.

Testimony available to the Committee indicates widespread support of the academic community for building better bridges for returning veterans into college, particularly for veterans with educational deficiencies who need special help in the initial college years.

This testimony also indicates that a major problem is timely and effective communication between colleges and servicemen:

Colleges are willing to help recruit if there can be worked out with the Government a mutually satisfactory referral system which protects the serviceman's interests and is administratively feasible.

Colleges can include veterans in their packaging of scholarship-loan-work study arrangements if they have a commitment from the student sufficiently in advance of his enrollment.

Veterans coming out of service in mid-semester face long waits to be accepted and processed for the next school term. This waiting period can divert or discourage the educationally handicapped veteran who already may doubt his ability to qualify and succeed.

In 1970, as a part of the Hope for Education project, Michigan State University is operating a national clearing house between colleges and servicemen, financed by a Talent Search grant of the Department of Health, Education and Welfare. Participation in this type of program by men in Vietnam can meet a genuine need.

Recommendation No. A–4

The Office of Education and the Veterans Administration jointly assist the educational community in developing special programs for educationally handicapped veterans. In approving grants under the Special Services to Disadvantaged Persons program, the Commissioner of Education should give priority to institutions which indicate that their programs will include significant numbers of student veterans with educational handicaps.

Veterans with educational deficiencies need special help in making up the courses which are prerequisites to college and other training. The ability of the academic community to modify its curriculum and service is critically important to effective use of GI Bill benefits for veterans. A recent survey by the Twentieth Century Fund has shown that 59% of some 400 colleges and universities surveyed had already established or were planning special education programs for "high risk" students. These programs included such elements as special recruiting, extra financial aid, and special courses, special counseling, and reduced course load in the first year. Building upon this base, the Office of Education in HEW and the VA should develop a program of technical assistance to encourage schools to set up remedial, restorative and related programs to serve veterans with educational deficiencies.

The President has included in his 1971 budget $10 million in 1970 and $15 million in 1971 to finance a new program of Special Services for Disadvantaged students, authorized by the Higher Education Amendments of 1968. Under this program, students of deprived educational, cultural, or economic background or physically handicapped, can be given special services to initiate, continue, or resume their post-secondary education. An institution receiving a grant from the Office of Education under the program provides counselling, tutoring, summer programs, career guidance and placement, and other specialized services. In approving grants, the Commissioner of Education should give priority to institutions which indicate that their programs will include significant numbers of student veterans with educational handicaps.

Recommendation No. A–5

Authorize GI Bill payment for individual tutorial assistance when the school certifies this is necessary to overcome educational deficiencies.

The first year in post-secondary schooling is the most critical for the disadvantaged veteran. Colleges with experience in programs for disadvantaged students report attrition rates of 50% in the freshman year. The veteran with educational deficiencies must adjust his way of life to a competitive surrounding where other students have had a continuity as well as familiarity with the course material.

Situations will arise where the veteran will need some personal, specialized tutoring to comprehend and master the material and to progress at the same rate as the average student. By providing this support, the veteran can be helped to achieve his goal and be prevented from dropping out of school.

This proposal supplements any tutorial assistance provided under recommendation A–4 which is limited to grantee institutions under the Special Services to Disadvantaged Students program.

B. Recommendations to improve the veteran's access to jobs and job training

Recommendation No. B–1

The President issue an executive order authorizing a program of veterans readjustment appointments to positions in the Federal Civil Service.

The Federal Government as an employer must lead the way in meeting the Nation's obligations to returning veterans. Federal agencies must do more to facilitate employment and concurrently provide developmental opportunities appropriate to veteran's needs, potential, and aspirations.

Employment under a veterans readjustment appointment should be coupled with developmental activities tailored to the needs of the veteran and the agency in which he works.

A new system is needed which permits Federal agencies to appoint Vietnam era veterans to entry level positions up to GS–5 without regard to Civil Service lists, provided the veteran completes a program of education or training.

The Civil Service Commission should be authorized by executive order to prescribe regulations providing for the readjustment appointment system.

Recommendation No. B–2

Intensify recruiting activities at Military Separation Centers, Veterans Assistance Centers, and through community action agency programs.

Although personnel reductions are taking place in some agencies, normal turnover will continue to create many job vacancies. Eli-

gible veterans can and should be appointed to fill a high proportion of these vacancies under the veterans readjustment appointment program.

All Federal agencies should make their job vacancies known to Military Separation Centers, U.S. Veterans Assistance Centers, and community action agencies.

Recommendation No. B–3

The Secretaries of Labor and Health, Education, and Welfare, in cooperation with the Department of Defense, should use MDTA Skill Centers near major Defense separation bases to furnish educational or vocational training to servicemen prior to release from active duty.

At present, the Manpower Development and Training Act (MDTA), administered by the Departments of Labor and HEW, finances some sixty Skill Centers offering a wide variety of vocational training, together with counseling and job placement services. Several of the larger Skill Centers are located near major Defense separation centers in each quadrant of the United States.

While veterans presently are eligible for MDTA training after discharge, and before discharge in Project Transition, there has never been a concerted DoD/Labor/HEW effort to bring to educationally handicapped servicemen the diversity and specialized training resources of MDTA Skill Centers.

Growing out of the need for skill training centers for servicemen discussed in this Committee's interim report, the President already has included funds in the 1971 budget for expanding MDTA training of returning veterans. However, the following additional actions should be initiated.

MDTA contracting institutions should be encouraged to expand and diversify course offerings;

At least 10,000 additional training slots for veterans with educational deficiencies should be provided;

Defense should identify and where feasible route servicemen to the separation center nearest a Skill Center offering the vocational courses they desire. The system should attempt to assign servicemen to bases near their home to facilitate job placement. Where this is not possible, job placement will be accomplished by special arrangements among Skill Centers and offices of the U.S. Employment Service, using techniques found successful in other Federal manpower programs.

Recommendation No. B–4

The Department of Labor, in cooperation with the Department of Defense and other affected agencies, provide linkage of key facilities for veterans job assistance with the Labor Department's system of computerized job banks and thereby improve the matching of manpower needs with the skills of individual veterans who are seeking employment.

Servicemen now returning to civilian life have skills and abilities that may be in demand by both government and private industry. A critical problem is the time required to match the trade or skills of the returning servicemen with the jobs available from private and government employers. To the extent that this process of job placement can be accelerated, the veteran avoids a nonproductive, frustrating period of job search and needless drawn-down of unemployment compensation. The veteran with educational deficiencies is most likely to need assistance for job placement and to become discouraged by delays.

At present, the typical returning veteran in need of job-finding assistance returns to his place of residence prior to service. Each of the 2,100 local offices of the Federal-State Employment Service receives notice of his discharge and each includes staff ready to accord him the veterans preference for employment assistance and other services authorized by law. Each veteran's options, however, are limited by the amount and quality of job information available at the separation center and in his home community.

The Employment Service is establishing a network of computerized Job Banks to upgrade information on job availability by disseminating job information throughout each metropolitan area on a daily basis. In 1970, Job Banks will be activated in 56 cities, expanding to 81 cities by 1971.

The interim report of this Committee contained several recommendations for computerized job bank and job matching services for servicemen and veterans. Based on these recommendations and on a $20 million increase in the 1971 budget for Job Bank and job matching activities, the Departments of Labor and Defense, with any necessary assistance from the Veterans Administration, should take steps to include the larger military separation centers, Skill Centers, USVAC's, and other key veterans contact points into the Job Bank system, to the extent permitted by system capacity, locations, and other feasibility factors. In 1971, it is estimated that local Job Bank services could be extended to veterans contact points near almost all 81 metropolitan areas. In addition, selected larger military separation centers could be used as focal points for national Job Bank listings. In both cases, the Employment Service should provide interviewing and placement services at regular intervals. The proposal also contemplates that veteran job placement activities will take full advantage of automated job matching systems being tested in 14 States as these systems become operational. This proposal would have the effect of reinforcing improvements in veterans counselling and skill training in Recommendations Nos. B–3 and B–6.

Recommendation No. B–5

The Departments of Defense and Labor and the Veterans' Administration should:

(a) Conduct a survey to identify the major roadblocks to transferability of military skills to civilian jobs;

(b) Develop a program for more fully utilizing service acquired skills in related civilian occupations; including work with private groups to adopt new certification procedures which will take military training into consideration.

Many servicemen receive training and experience in military service which has potential value for civilian employment. These skills and talents often are not put to use because veterans cannot find related employment where they live. There is a lack of coordination between the military and the civilian economy as to the training these men receive, its pertinence to non-military employment, and its general acceptability. Military experience is often not recognized for credit towards obtaining a license or degree and therefore the veteran pursues employment in other fields. In areas where military experience is not fully accepted, refresher courses, credit for service experience, or revised standards could accommodate the entrance of the skilled veteran into the particular field.

We must tap this source of training to meet critical manpower shortages in the civilian economy. For instance, servicemen who served as "medics" in active service have a valuable knowledge and skill that should be tapped to meet the great need for medical technicians, aides, and related medical assistance jobs in civilian life.

At present, the Departments of Defense and Labor and VA have initiated a joint survey of the job experience of men returning to depressed areas. These agencies have additional studies underway or planned on military job transferability which should be expedited. In addition, the agencies should cooperate to identify the major road-blocks to job transferability and develop a program for promoting a greater degree of transfer of military job skills, particularly for veterans with educational deficiencies.

Recommendation No. B–6

The Departments of Defense and Labor and the Veterans Administration develop a cooperative program of civilian career counseling for servicemen with educational deficiencies, supported by DoD test data and other current relevant data on the client and job and training opportunities. This program should assure adequate coverage of overseas commands.

Within the Department of Defense, Project Transition provides civilian job counseling and training to servicemen in 290 bases of the Army, Navy, and Air Force in the continental United States. In the 18 months between program inception and June 30, 1969, 72,000 servicemen (about 5 percent of all separatees) were given training and 445,000 men received counseling. The program's strong points include the concept of enlisting private industry and government agencies to conduct on-the-job training and providing an opportunity for men in the last six months of service to prepare for civilian employment.

The Transition program needs to identify men with educational deficiencies earlier in their military careers, to give them special priority for selection, to sponsor counseling opportunities for those who spend their last months of service in overseas areas, and to improve the quality of counseling, including provision of current job data (see Recommendation B–4).

VA regularly contacts over 310 military installations and 184 military hospitals, including seven locations in Vietnam. The VA representative primarily aims to acquaint servicemen with their VA benefits, largely through mass briefings. In the third quarter of 1969, VA briefings were reaching servicemen at an annualized rate of 600,000. VA also conducts personal interviews, running at an annualized rate of 85,000 in military hospitals and 96,000 on military bases.

The Department of Labor outstations or makes available a representative of the Veterans Employment Service to each large military separation center for briefing and counseling on veteran employment rights and job opportunities.

At present, there is no system assuring VA and Labor interviews will successfully reach men with educational deficiencies, will be based upon current data on the client and job openings and available education and training programs, and will supplement military counseling efforts with a minimum of gaps and duplication. The VA's experience with quick deployment of trained counsellors to Vietnam indicates the feasibility and desirability of devising a plan whereby trained counselor teams can be readied on a standby basis for dispatch to any overseas area needing such services.

Recommendation No. B–7

The Veterans Administration utilize existing GI Bill authority to develop additional on-the-job training and cooperative education programs in areas which would serve a public need and/or provide vocational outlets for veterans for whom institutional training is not suitable. This effort should be conducted in such a manner as to take maximum advantage of other related Government programs.

The Department of Labor include returning disadvantaged veterans in the new Public Service Careers program.

VA assistance for on-the-job training is directed primarily at helping to train veterans for occupations requiring special skills.

Traditionally, such training has served to train veterans for jobs as bricklayers, carpenters, electricians, plumbers, machinists, mechanics, and repairmen. On-the-job training is a method that lends itself to preparing trainees for work in the "new technology" industries, such as automation and data processing, jet-age transportation, and the repair and servicing of household appliances and business machines and equipment.

With increasing demands for public services, a critical need has developed for specially trained personnel. Programs have already been instituted to meet the need of municipalities for additional police and firemen. Other public service occupation groups in short supply include recreational personnel, health and medical technologists, teaching assistants and sanitation workers. In line with the recommendations of the interim report for developing public service careers for veterans, VA should take steps to expand OJT opportunities in these fields. In addition, VA should develop with the assistance of the Civil Service Commission, HEW, and Labor, some public service intern programs involving use of GI Bill authority for cooperative education payments. In several areas, e.g., social work training under the Social Security Act, there is authority to pay training stipends which can augment GI Bill allowances to constitute attractive, feasible programs for educationally handicapped veterans. Another HEW program showing promise is the Career Opportunities Program authorized by the Education Professions Development Act (EPDA). The President's budget provides $25 million for this program in each of the years 1970 and 1971, in which 40% is targeted to accommodate 8,000 veteran trainees. The program aims to attract new talent into careers in education, with added opportunities for on-the-job training. The veterans component of this program is based upon favorable experience with a 1969 pilot program in which 200 Vietnam veteran trainees participated, most of them recruited from inner-city, low-income areas. Accordingly, it is important that VA work with the Department of Health, Education, and Welfare and State and local agencies in developing the new programs.

The Department of Labor's Public Service Career program, launched in 1970, is another Federal initiative which should be utilized for expanding opportunity for disadvantaged veterans. The 1971 budget contains $51 million for hiring and training 32,000 disadvantaged persons for regular positions in Federal, State, and local governments. Priority in this program should be given to veterans.

Recommendation No. B–8

The bar against the duplication of educational and training benefits be repealed.

Section 1781 of Title 38, U.S. Code, bars the payment of Federal educational assistance when it would constitute a duplication of benefits. Through the years certain federally supported programs were not subject to this bar and concurrent entitlement existed. More recently provisions enacted in Public Law 90–574 and 50–575 specifically exempted certain awards, loans and grants made to students from the non-duplication prohibition. Equivalent types of programs offered through some agencies continue to remain under the bar.

The most significant area affected by the existing bar is Manpower and Training Assistance (MDTA) programs. The lifting of the bar would entitle veteran trainees to an MDTA stipend averaging $200 per month (varies by State) in addition to the GI Bill allowance, bringing his total training income to almost $400 monthly—and more if he has dependents. This proposal likely will serve as a strong inducement for veterans to enter vocational training under MDTA sponsorship.

C. Recommendations in related readjustment areas

Recommendation No. C–1

Support minority entrepreneurship through a combination of Small Business Administration loans and cooperative GI Bill education.

Most Vietnam veterans do not have the financial capacity for starting or expanding a business of their own. The veteran requires knowledge, experience, money and business guidance to successfully operate a business.

There is need for small business, locally owned and operated in areas where a concentration of disadvantaged or minority group veterans may be found. Of those who now attempt such enterprises, many fail because of lack of business training.

Financial institutions require some training and expertise on the part of the borrower before lending money for business purposes, and consider this in determining the risk involved.

Cooperative training programs can provide the veteran with the necessary experience to carry on the business functions, the managerial, bookkeeping and other needs. Under the Small Business Administration program the veteran who agrees to take GI Bill training in a related field would be qualified for a loan up to $25,000 for the purpose of initiating or expanding a business venture. Additionally, the SBA can provide business counseling and technical advice in operating the business, and give priority to those veterans loans.

Recommendation No. C–2

VA loan guaranty underwriting of mobile home financing in order to promote an adequate supply of low cost housing for low and moderate income veterans.

Cost of single family home and mortgage financing have increased in recent years to the point that low and moderate income veterans are priced out of the housing market for all practical purposes. Some way must be found to enable these veterans to purchase suitable housing on terms that are within their payment ability.

The mobile home represents an enormous potential in meeting the housing needs of many veterans with low to moderate incomes. The increasingly higher construction cost of conventional homes is a principal factor in the sudden popularity of mobile homes. Manufacturers are able to produce these homes at relatively low price.

Existing provisions of the VA home loan guaranty law were designed to promote real estate mortgage loans to purchase conventional type housing and do not contemplate the purchase of mobile home structures on a chattel mortgage loan basis which is the customary type of loan made to individuals purchasing mobile homes. The 30 years, 100% real estate first mortgage GI loan vehicle is not a suitable mobile home financing vehicle.

To induce lenders to make loans available to veterans on liberal terms for the purchase of mobile homes, a special type of loan guaranty or insurance underwriting vehicle should be designed which will be attractive to lenders in terms of investment return and loss exposure. At the same time, it is essential that the Government's exposure be limited to the minimum required in order to insure an adequate supply of mobile home financing for veterans in the low and moderate income brackets.

Mr. CRANSTON. Mr. President, almost all the data contained in the Introduction to the report was contained in the Senate committee report on the recently enacted H.R. 11959 (S. Rept. No. 91–487) and my floor statement of March 23 on behalf of the Senate conferees on that bill, now Public Law 91–219. But the recognition by the executive branch of how disparate are the educational needs of certain categories of veterans as compared to the very low rate of GI bill participation is itself of great significance.

Regarding the report's specific recommendations:

RECOMMENDATION NO. A–1

This would be carried out by a bill I am introducing today, and which I described publicly on March 4 and have been working on for many months, to authorize advance educational assistance allowance payments to eligible veterans at the beginning of any school year to assist them in meeting educational and living expenses during the first 2 months of school and to establish a veterans' work study program through cancellation of such advance payment repayment obligations under certain circumstances.

RECOMMENDATION NO. A–2

These proposals for inservice preparatory training, it seems to me, have already been fully authorized in the predischarge education program—PREP—now enacted in Public Law 91–219—new sections 1695–97.

RECOMMENDATION NO. A–3

I support these proposals for joint Veterans' Administration/Office of Education efforts and administrative coordination and clearinghouse activities for returning veterans. These actions apparently can be implemented within existing authority and no significant expenditures are apparently contemplated.

RECOMMENDATION NO. A–4

This proposal carries out substantially the crux of Commissioner of Education James Allen's June 24 testimony before our subcommittee regarding S. 2361, a bill introduced by Senator KENNEDY—which I cosponsored—to amend chapter 34 of title 38, United States Code, in order to provide special educational services to veterans. This bill was ultimately embodied in large part in provisions of title II of the Senate version of H.R. 11959 and now in Public Law 91–219, but the authorization of appropriations for special veterans' program grants to educational institutions—section 1693 in section 202(a)(3) of the October 23 Senate version—was dropped in conference at the insistence of the House conferees. I am delighted to learn that the administration intends to use its existing authority under the special services for disadvantaged students program set up by the Higher Education Amendments of 1968. These sorts of seed money grants should dovetail nicely with the new title II program of Public Law 91–219.

RECOMMENDATION NO. A–5

This provision for individual tutorial assistance is fully covered in the new program for payment of a special supplementary assistance allowance—new section 1692—in Public Law 91–219.

RECOMMENDATION NO. B–1

The President has already exercised his executive discretion in adopting this worthy recommendation by signing Executive Order No. 11521 on March 26.

I ask unanimous consent to have the Executive order printed in the RECORD.

There being no objection, the Executive order was ordered to be printed in the RECORD, as follows:

EXECUTIVE ORDER 11521—AUTHORIZING VETERANS READJUSTMENT APPOINTMENTS FOR VETERANS OF THE VIETNAM ERA

Whereas this Nation has an obligation to assist veterans of the armed forces in readjusting to civilian life;

Whereas the Federal Government, as an employer, should reflect its recognition of this obligation in its personnel policies and practices;

Whereas veterans, by virtue of their military service, have lost opportunities to pursue education and training oriented toward civilian careers;

Whereas the Federal Government is continuously concerned with building an effective workforce, and veterans constitute a major recruiting source; and

Whereas the development of skills is most effectively achieved through a program combining employment with education or training:

Now, therefore, by virtue of the authority vested in me by the Constitution of the United States, by sections 3301 and 3302 of title 5, United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. (a) Subject to paragraph (b) of this section, the head of an agency may make an excepted appointment, to be known as a "veterans readjustment appointment", to any position in the competitive service up to and including GS–5 or the equivalent thereof, of a veteran or disabled veteran as defined in section 2108(1), (2), of title 5, United States Code, who:

(1) served on active duty in the armed forces of the United States during the Vietnam era;

(2) at the time of his appointment has completed not more than fourteen years of education; and

(3) is found qualified to perform the duties of the position.

(b) Employment under paragraph (a) of this section is authorized only under a training or educational program developed by an agency in accordance with guidelines established by the Civil Service Commission.

(c) An employee given a veterans readjustment appointment under paragraph (a) of this section shall serve subject to:

(1) the satisfactory performance of assigned duties; and

(2) participation in the training or educational program under which he is appointed.

(d) An employee who does not satisfactorily meet the conditions set forth in paragraph (c) of this section shall be removed in accordance with appropriate procedures.

(e) An employee serving under a veterans readjustment appointment may be promoted, reassigned, or transferred.

(f) An employee who completes the training or educational program and who has satisfactorily completed two years of substantially continuous service under a veterans readjustment appointment shall be converted to career-conditional or career employment. An employee converted under this paragraph shall automatically acquire a competitive status.

(g) In selecting an applicant for appointment under this section, an agency shall not discriminate because of race, color, religion, sex, national origin, or political affiliation.

SEC. 2. (a) A person eligible for appointment under section 1 of this order may be appointed only within one year after his separation from the armed forces, or one year following his release from hospitalization or treatment immediately following his separation from the armed forces, or one year after involuntary separation without cause from (i) a veterans readjustment appointment or (ii) a transitional appointment, or one year after the effective date of this order if he is serving under a transitional appointment.

(b) The Civil Service Commission may determine the circumstances under which service under a transitional appointment may be deemed service under a veterans readjustment appointment for the purpose of paragraph (f) of section 1 of this order.

SEC. 3. Any law, Executive order, or regulation which would disqualify an applicant for appointment in the competitive service shall also disqualify a person otherwise eligible for appointment under section 1 of this order.

SEC. 4. For the purpose of this order:

(a) "agency" means a military department as defined in section 102 of title 5, United States Code, an executive agency (other than the General Accounting Office) as defined in section 105 of title 5, United States Code, and those portions of the legislative and judicial branches of the Federal Government and of the government of the District of Columbia having positions in the competitive service; and

(b) "Vietnam era" means the period beginning August 5, 1964, and ending on such date thereafter as may be determined by Presidential proclamation or concurrent resolution of the Congress.

SEC. 5. The Civil Service Commission shall prescribe such regulations as may be necessary to carry out the provisions of this order.

SEC. 6. Executive Order No. 11397 of February 9, 1968, is revoked. Such revocation shall not affect the right of an employee to be converted to career-conditional or career employment if he meets the requirements of section 1(d) of Executive Order No. 11397 after the effective date of this order.

SEC. 7. This order is effective 14 days after its date.

RICHARD NIXON.

THE WHITE HOUSE, *March 26, 1970.*

RECOMMENDATION NO. B–2

Mr. CRANSTON. Mr. President, this proposal to intensify Federal agency recruiting of veterans was included as to job placement and vocational guidance in section 1698 in section 202(a)(3) in the Senate version of H.R. 11959 passed October 23, 1969. As to VA efforts to employ Vietnam veterans, section 241(c) in section 204(a) of the October 23 Senate version called for special efforts to hire returning veterans as Outreach workers in their local communities.

RECOMMENDATION NO. B–3

This proposal for Labor, Defense, and Health, Education, and Welfare Departments expanded cooperative skill centers constitutes a beefed-up version of the Department of Defense's transition program, described in the appendix to Senate Report No. 91–487. Provision of 10,000 additional MDTA training slots for veterans is most welcome and appropriate.

RECOMMENDATION NO. B–4

This reiterates the program outlined at our August 12 subcommittee hearing by Assistant Secretary of Labor for Manpower Arnold Weber and contained in general in the administration's comprehensive manpower bill, S. 2838, introduced on August 12, 1969.

RECOMMENDATION NO. B–5

Such a program for more effective utilization of military service-acquired skills in the civilian economy is badly needed. With respect to one of the major fields for such civilian employment—that of health care—I announced on March 4, and expanded on this in my floor statement upon introduction by Senator RALPH YARBOROUGH of S. 3586—a bill to amend title VII of the Public Health Service Act to establish eligibility of new schools of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, and podiatry for institutional grants under section 771 thereof, to extend and improve the program relating to training of personnel in the allied health professions, and for other purposes—my intention to introduce shortly a bill to expand greatly the Veterans' Administration's mandate and capacity to educate, train, and employ in VA hospitals and clinics allied health professionals and especially physician's assistants and other new types of paramedical personnel, utilizing the skills of veterans with military health care experience wherever possible. As pointed out in Senate Report No. 91–487, however, many military skills may not be able to be made transferable, thus necessitating PREP program and transition program retraining.

RECOMMENDATION NO. B–6

This sort of interagency cooperation for career counseling of veterans as well as expansion of the transition program should be productive. Stress on military base counseling by the Veterans' Administration was laid in the new sections 1697 and 241 added to title 38, United States Code, by Public Law 91–219.

RECOMMENDATION NO. B–7

Again, with respect to the Veterans' Administration and public service careers, I plan the steps I discussed under recommendation No. B–5. The additional public service career funding for fiscal year 1971 with priority for veterans is commendable.

RECOMMENDATION NO. B–8

This repealer of the nonduplication of benefits bar was contained in section 213(1) of Public Law 91–219, after having been previously adopted separately by the House and Senate in May and October 1969, respectively.

RECOMMENDATION C–1

Given my doubts about the present effectiveness of the Small Business Administration, especially its so-called program of minority entrepreneurship, I am skeptical of the success of this recommendation, especially without any proposal for increases in funding. Also, I am unclear on the details of working out coordination between the SBA program and the GI bill training program.

RECOMMENDATION NO. C–2

On March 26 I announced my intention to introduce, in coordination with the chairman of the House Veterans' Affairs Committee, a bill to provide, among other expansions of the VA home loan program, for VA-guaranteed and direct loans for mobile home financing. Only an unexpectedly early adjournment prevented introduction of the bill that day, and I introduce it today.

As the above comments make clear, I am in basic agreement with the committee's recommendations, and as to most

of them either the Congress has already acted or I have proposed necessary legislation—generally authorizing programs broader than the report seems to recommend.

S. 3656—INTRODUCTION OF THE VETERANS HOUSING LOAN AMENDMENTS ACT OF 1970

Mr. CRANSTON. Mr. President, today I am delighted to introduce, for appropriate reference, in coordination with the distinguished chairman of the House Veterans' Affairs Committee who introduced a companion bill on March 26, 1970—H.R. 16710—a bill to amend chapter 37 of title 38, United States Code, to authorize guaranty and direct loans for mobile homes used as permanent dwellings, to authorize the Administrator to pay certain closing costs for, and interest on, certain guarantee and direct loans made under such chapter, to remove the limitation on the use of entitlement to benefits under such chapter and to restore such entitlements which have lapsed prior to use or exhaustion, to eliminate the guaranty and direct loan fee collected under such chapter, and for other purposes. I had intended to introduce this bill on March 26 but was prevented from doing so by an unexpectedly early adjournment.

Mr. President, jurisdiction over the subject matter of this bill has historically been split between the Labor and Public Welfare Committee, which has jurisdiction over the VA loan guarantee program, and the Banking and Currency Committee, which is responsible for the VA direct loan program. Mr. President, I ask unanimous consent that the bill I have just introduced be first referred to the Committee on Labor and Public Welfare and, if that committee completes action on the bill and reports it to the Senate, the reported bill be then immediately referred to the Committee on Banking and Currency. This procedure has been discussed with the staff director of the Banking and Currency Committee as well as the staff director of the Subcommittee on Housing and Urban Affairs, and they concur with this dual referral.

This bill, which would be known as the Veterans Housing Act Amendments of 1970, would make six improvements in the current VA guarantee and direct loan program.

First, the bill would extend the period during which World War II, Korean conflict and post-Korean conflict veterans may apply for VA guaranteed home loans. This provision would save from expiration of eligibility this coming July 25 approximately 2.1 million World War II veterans, approximately 223,000 of whom now reside in California. Entitlements of Korean conflict veterans under present law would expire on February 1, 1975, and this deadline would be eliminated by the bill.

Regarding post-Korean conflict veterans—those who served after January 31, 1955—under 38 U.S.C. section 1818, the duration of their entitlements are computed as follows: 10 years from the date of discharge or release from active duty plus an additional period of 1 year for each 3 months of active duty, with a maximum of 20 years' eligibility and a minimum of 10 years from March 3, 1966. So that a veteran discharged after January 31, 1955, with a full 2-year active duty tour would have an eligibility period of 18 years.

Post-Korean veterans discharged or released for service-connected disability are given a flat 20 years to apply. This bill would make both of these eligibility periods open-ended.

Second, the bill would restore entitlements of World War II and Korean conflict veterans whose entitlements have lapsed by virtue of exhaustion of their eligibility period after July 25, 1962, when the same eligibility formula now applicable to post-Korean veterans became applicable to World War II and Korean conflict veterans—with the same exception for those discharged or released with a service-connected disability. It is estimated that 8.2 million veterans have lost all or part of their guaranteed and direct loan eligibility during these last 8 years, of whom approximately 903,000 currently reside in California. Restoration of these lost entitlements was not included in H.R. 16710, the companion bill introduced in the House, but I believe it is generally consistent with the philosophy in the House bill and will be acceptable to its sponsor.

These first two provisions of the bill would aid substantially in revitalizing our badly depressed and demoralized home buying and construction industry. In this tight money market the VA loan eligibility period for many veterans has been eaten up or exhausted because they just have not been able to afford buying a home under prevailing interest conditions.

Third, the bill includes in both the guaranteed and direct loan programs for the first time loans to finance the purchase of mobile homes and land and improvements to land for such homes as long as the homes are to be used for permanent dwellings. These new provisions are modeled after amendments to the FHA program by the Housing and Urban Development Act of 1969, which, as a member of the Banking and Currency Committee and its Housing and Urban Affairs Subcommittee, I strongly supported. Under this new program the VA could guarantee up to $10,000 at the rate of 50 percent of the total loan value for a mobile home intended for use as a residence at a fixed location. Such guarantees could be increased by up to $3,000 for land to be used as the mobile homesite and by an additional reasonable amount to cover expenses necessary for appropriate preparation of such site, again up to 50 percent of the loan value for these purposes. Loans made under this provision would mature in no more than 15 years.

Unlike H.R. 16710, the companion bill introduced in the House, no downpayment would be able to be required as a condition for receiving a VA direct or guaranteed loan under this program.

Loans for low cost mobile housing are urgently needed in these days of tight money with decent homes priced out of the reach of lower- and middle-income families. Over this past weekend, the need for and desirability of such a program for veterans was recognized by release of the report of the President's Committee on the Vietnam Veteran. That report states in part:

RECOMMENDATION No. C–2

VA loan guaranty underwriting of mobile home financing in order to promote an adequate supply of low cost housing for low and moderate income veterans.

Cost of single family home and mortgage financing have increased in recent years to the point that low and moderate income veterans are priced out of the housing market for all practical purposes. Some way must be found to enable these veterans to purchase suitable housing on terms that are within their payment ability.

The mobile home represents an enormous potential in meeting the housing needs of many veterans with low to moderate incomes. The increasingly higher construction cost of conventional homes is a principal factor in the sudden popularity of mobile homes. Manufacturers are able to produce these homes at relatively low price.

Existing provisions of the VA home loan guaranty law were designed to promote real estate mortgage loans to purchase conventional type housing and do not contemplate the purchase of mobile home structures on a chattel mortgage loan basis which is the customary type of loan made to individuals purchasing mobile homes. The 30 year, 100% real estate first mortgage GI loan vehicle is not a suitable mobile home financing vehicle.

To induce lenders to make loans available to veterans on liberal terms for the purchase of mobile homes, a special type of loan guaranty or insurance underwriting vehicle should be designed which will be attractive to lenders in terms of investment return and loss exposure. At the same time, it is essential that the Government's exposure be limited to the minimum required in order to insure an adequate supply of mobile home financing for veterans in the low and moderate income brackets.

Fourth, the bill would eliminate the fee, presently set at the statutory maximum of one-half of 1 percent of the total loan amount, which post-Korean conflict veterans receiving guaranteed and direct loans are required to pay to the VA. Such moneys are accumulated in a revolving fund used to cover defaults and pay guaranty claims. According to the 1969 Annual Report of the Administrator of Veterans' Affairs, 91st Congress, second session—House Document No. 91–233:

For the third consecutive year, the number of defaults reported and guaranty claims paid declined substantially. Of the 3.5 million loans outstanding only 33,342 were in default, compared to 36,970 at the end of the previous year, and 43,561 at the end of fiscal year 1967. . . . The decrease in guaranty claims also resulted in a further decline in the number of properties acquired as the result of defaulted loans. At the end of the year VA owned fewer than 12,000 properties.

The revolving fund currently contains $458,049,000 available for these purposes. Although $163,232,000 has been paid out of the fund during fiscal 1970 through February 28, recoveries and property sales during the first half of this fiscal year have produced a net profit of $9,334,524. For example, in fiscal year 1969 a total of $282,955,000 and in fiscal

year 1968 $328,089,000 were paid out of the revolving fund, but total fiscal year receipts yielded a profit of $1,266,503 for fiscal 1969, down from a loss of $3,482,098 in fiscal 1968. At the end of fiscal year 1967, the accumulated loss for the prior 22 years of the program was $105,083,596, averaging a loss of about $5 million per year.

With respect to a similar revolving fund under the FHA program, I have received substantial expert advice from the California homebuilding community that fees being paid into that fund were no longer necessary to sustain it. In light of the above financial data, the same certainly apears to be true with respect to the VA loan guarantee revolving fund.

Fifth, the bill would entitle a veteran receiving a guaranteed or direct loan to VA payment of the first point of interest accruing on the loan principal for the first 5 years of the loan. The spreadout period proposed in the bill, rather than a one-half or full interest subsidy for 1 year, would defer maximum budgetary impact during the present period of repressed Federal spending. The companion House bill extends the subsidy for 3 years.

Finally, the sixth new loan provision in the bill would entitle a veteran recipient of a VA guaranteed or direct loan to payment by the Veterans' Administration of closing costs on the loan up to an amount equaling 1 percent of the loan amount. Under the original World War II program, a gratuity of 4 percent of the loan guarantee, limited to $4,000, was paid the veteran borrower—making the maximum gratuity $160. Assuming that generally VA guaranteed loans do not exceed $25,000, a closing cost payment of up to $250 under this bill would be comparable to the World War II program gratuity, given inflation over the last 25 years—during which the Consumer Price Index has increased 115 percent.

Mr. President, I believe that this bill provides urgently needed relief for our returning Vietnam veterans, as well as World War II and Korean conflict veterans, who have been most sorely pressed by escalating housing costs aggravated by a tight money market. I want to thank the distinguished chairman of the House Veterans' Affairs Committee for his cooperation with me in developing this important bill.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. EAGLETON). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3656) to amend chapter 37 of title 38, United States Code, to authorize guaranteed and direct loans for mobile homes if used as permanent dwellings, to authorize the Administrator to pay certain closing costs for, and interest on, certain guaranteed and direct loans made under such chapter, to remove the time limitation on the use of entitlement to benefits under such chapter and to restore such entitlements which have lapsed prior to use or expiration, to eliminate the guaranteed and direct loan fee collected under such chapter, and for other purposes; introduced by Mr. CRANSTON, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, by unanimous consent, then referred to the Committee on Banking and Currency, when reported, and ordered to be printed in the RECORD, as follows:

S. 3656

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans Housing Loan Amendments Act of 1970".

SEC. 2. The last sentence of section 1802 (b) of title 38, United States Code, is amended to read as follows: "Entitlement restored under this subsection may be used by World War II veterans or Korean conflict veterans at any time."

SEC. 3. (a) Subsection (a) of section 1803 of title 38, United States Code, is amended to read as follows:

"(a)(1) Any loan to a World War II or Korean conflict veteran for any of the purposes, and not in conflict with the provisions, specified in this chapter is automatically guaranteed by the United States in an amount not more than 60 percent of the loan if the loan is made for any of the purposes specified in section 1810 of this title, and not more than 50 percent of the loan if the loan is for any of the purposes specified in section 1810a, 1812, 1813, or 1814 of this title.

"(2) Any unused entitlement of World War II or Korean conflict veterans which expired under provisions of law in effect prior to the date of enactment of the Veterans' Housing Loan Amendments Act of 1970 is hereby restored."

(b) Subsection (b) of such section 1803 is amended by inserting immediately after "1810" the following: ", 1810a,".

SEC. 4. Subchapter II of chapter 37 of title 38, United States Code, is amended—

(1) by inserting immediately after section 1810 thereof the following new section:

"§ 1810a. Purchase of mobile homes

"(a) Any loan to a veteran, if made pursuant to the provisions of this chapter, is automatically guaranteed if such loan is for the purchase of a mobile home which will be owned and occupied by him as his residence and will be so used at a fixed location. A loan made under this section may also include the purchase of land suitable for use as a site on which the mobile home will be located and the expenses necessary for the appropriate preparation of such site, including but not limited to the installation of utility connections and sanitary facilities, and the construction of a suitable pad.

"(b) No loan may be guaranteed under this section unless—

"(1) the proceeds of such loan will be used to pay for the property purchased and the site preparations made;

"(2) the mobile home has not been previously sold at retail in commerce, and the mobile home or the site, or both, as the case may be, meet or exceed such minimum requirements for general acceptability and, in the case of the mobile home, such minimum requirements for construction, as shall be prescribed by the Administrator;

"(3) the contemplated terms of payment required in any mortgage to be given in part payment of the purchase price bear a proper relationship to the veteran's present and anticipated income and expenses;

"(4) the veteran is a satisfactory credit risk; and

"(5) the loan to be paid by the veteran for such property or the cost of site preparation does not exceed the reasonable value therefor as determined by the Administrator.

"(c)(1) The amount of guaranty entitlement available to a veteran under this section shall not be more than—

"(A) $10,000 in the case of a loan covering only the purchase of a mobile home, or

"(B) $13,000 in the case of a loan covering the purchase of a mobile home and a suitable site for the home, plus such an amount as is determined by the Administrator to be appropriated to cover the cost of necessary site preparation,

less such entitlement as may have been previously used under this section or other sections of this chapter.

"(2) The maturity of any loan made under this section shall not be more than 15 years."; and

(2) by inserting immediately after section 1818 the following new section:

"§ 1819. Special closing cost and interest payments by the Administrator

"(a) In the case of any loan guaranteed or made under this chapter after the effective date of this section, the Administrator—

"(1) shall, if the loan is guaranteed, pay on behalf of the veteran recipient of the loan to the lender (A) the closing costs for the loan, or (B) an amount to be applied toward such costs equal to 1 percent of the amount of the loan, whichever is smaller; and

"(2) may not, if the loan is made under section 1811 of this title, charge the veteran for (A) the closing costs for the loan, or (B) an amount equal to 1 percent of the face amount of the loan, whichever is smaller.

"(b) In the case of any loan guaranteed or made under this chapter after the effective date of this section, the Administrator shall—

"(1) if the loan is guaranteed, pay on behalf of the veteran recipient of the loan to the lender 1 percent of the interest which will accrue on the principal of the loan during the period of 60 consecutive months beginning with the month after the month in which the loan is closed; and

"(2) if the loan is made under section 1811 of this title, take such action as may be necessary to reduce the payment of interest by the veteran with respect to such loan during the period of 60 consecutive months beginning with the month after the month in which the loan is closed by an amount equal to 1 percent of the interest which would accrue on the principal of the loan during such period.

"(c) The Administrator shall by regulation establish such procedures as may be necessary and appropriate to carry out this section."

SEC. 5. Section 1811 of title 38, United States Code, is amended—

(1) by inserting immediately after "1810" in subsections (a) and (b) the following: "and 1810a";

(2) by inserting immediately after "1810(a)" in subsection (b) the following: ", or for the purpose listed in 1810a,";

(3) by inserting immediately after "1810" in subsections (c) and (g) the following: "or 1810a";

(4) by striking out "The" in subsection (d)(2) and inserting in lieu thereof "(A) Except for any loan made under this chapter for the purpose described in section 1810a of this title, the";

(5) by inserting immediately after subsection (d)(2) (as amended by clause (4) above) the following new paragraph:

"(B) The original principal amount of any loan made under this section for the purpose described in section 1810a of this title shall not exceed the amount specified in subsection (c)(1)(A) or (B) of such section, as appropriate."; and

(6) by striking out subsection (h) and relettering subsections "(i)" and "(j)" as "(h)" and "(i)", respectively.

SEC. 6. Section 1818 of title 38, United States Code, is amended by striking out sub-

sections (d) and (e) thereof, and by amending subsections (c) and (d) to read as follows:

"(c) Direct loans authorized by this section shall not be made after January 31, 1975, except pursuant to commitments issued by the Administrator on or before that date.

"(d) Any entitlement to the benefits of this section which had not expired as of the date of enactment of the Veterans' Housing Loan Amendments Act of 1970 and any entitlement to such benefits accruing after such date shall not expire until used."

S. 3657—INTRODUCTION OF THE VETERANS' EDUCATIONAL ASSISTANCE ALLOWANCE ADVANCE AND WORK-STUDY PROGRAM ACT OF 1970

Mr. CRANSTON. Mr. President, last Monday, March 23, the Senate approved the conference report on H.R. 11959, the Veterans' Education and Training Amendments Act of 1970. And on March 26, the President signed the bill into law—Public Law 91–219.

The scope of the new special programs for educationally disadvantaged and academically deprived veterans in that bill—outlined in my floor statement last week—are beginning to be clearly understood. And I ask unanimous consent, Mr. President, that at the conclusion of my remarks and all other insertions the following articles on the bill be printed in the RECORD: an excellent account by Gene Koretz in the March 21 issue of Business Week; syndicated columns of March 10 and 13 by William Stief of Scripps-Howard; and an article from the March 27 New York Times by David Rosenbaum.

I am today introducing for appropriate reference and with bipartisan support, a bill designed to make another important and long overdue, though less comprehensive, improvement in that program. This bill, which I described in a March 4 speech to the American Legion and which I have been working out for many months, would amend chapter 34 of title 38, United States Code, to authorize advance payments of educational assistance allowances to eligible veterans upon their application at the beginning of any school year to assist them in meeting education and living expenses during the first 2 months of school. It would also authorize a work-study program under which veterans who had received such advances could perform certain services for the VA to encourage and assist other veterans in taking better advantage of their GI bill entitlements.

These two features of the bill will be of special assistance in encouraging low-income veterans and educationally disadvantaged veterans to take advantage of some of the new special veterans programs in title II of the new Public Law 91–219. But they will also benefit most every collegiate veteran, especially those with families to support, by providing initial capital to cover prepayment of fees and tuition, costs of books and supplies, and living expenses for the veteran and any dependents.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD immediately at the conclusion of my remarks and before other insertions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, briefly, the present system of assisting veterans who are attending school operates as follows:

In order to establish eligibility for GI bill benefits under title 38, United States Code, a veteran must first submit an application together with proof of separation from the armed services—form DD–214—and, when dependencies are claimed, other supporting documents, to the Veterans' Administration. If these papers are in order, the VA mails the veteran a certificate of eligibility.

The veteran presents the certificate of eligibility to his college or university registrar, who verifies the veteran's actual enrollment and provides details regarding it, so certifies on the certificate of eligibility, and mails it to the VA. Upon receipt of that certification, the VA is then authorized to issue an educational assistance allowance payment to the eligible veteran, and an account for him is then established at the VA's computerized payment center in Hines, Ill. From this point, the check should reach him within 10 to 15 days.

There are two points at which the system may in many cases break down, causing financial and emotional hardship for the veteran. One is during the processing of enrollment certificates at colleges and universities, which occurs during the first month of school when the school administration has an unusually heavy registration workload anyway.

The second difficulty may occur when the Veterans' Administration receives these hundreds of thousands of enrollment certificates in the space of a few weeks. Armed only with an authorization for an increase in overtime, rather than any augmentation of staff, the VA must process these certificates and authorize the release of the first month's educational assistance allowance payment. Prior to this past fall, it was not at all uncommon for the first check to reach the collegiate veteran in mid- or late November, or even December.

In testimony last summer before the Veterans' Affairs Subcommittee, which I am privileged to chair, the VA announced the initiation of an accelerated payment procedure increasing from five to nine per month the number of check processing cycles at the Hines Data Processing Center. It was hoped that this procedure would approximately halve the timelag in getting checks out to veterans.

Unfortunately, the new system, helpful as it has been in expediting the issuance of checks by the computer, cannot rectify delays which arise before an authorization for payment can be relayed to the Hines Center. And under that system the earliest that the first check reaches the veteran is mid- or late October; and it may well not arrive until November. Even then, the first check generally covers only a partial month's payment, since the first college month is usually abbreviated. For veterans beginning a new school year, this is too little, too late.

On September 25, 1969, I asked a number of veterans service organizations to provide me with information on the timeliness of initial payments to veterans then registering for college courses. I also requested advice on possible measures that could be taken to expedite and simplify the process of making the initial payment. Both the VFW and the American Legion were kind enough to provide very helpful replies, and Mr. Ralph J. Rossignuolo, national director of programs for AMVETS, undertook an extensive survey of 34 national service officers and accredited representatives which has been extremely useful in my study of this entire situation. The AMVETS survey will be made a part of the hearing record on this bill. Mr. President, I ask unanimous consent that my letter to the three veterans organizations and their responses be printed in the RECORD at the conclusion of my remarks and after the text of the bill itself is set forth.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, the most common reasons for delay cited in the AMVETS survey involved tie-ups at either the college or in the VA regional office which processes the claims. In my experience, these delays range anywhere from 1 to 6 months or more beyond a normal 1-month processing time.

For example, in October of 1969 I received a letter from Charles F. Herndon, director of financial aids at the College of Marin in Kentfield, Calif., which indicated just how serious the delays have been for some veterans. Mr. Herndon's letter said in part:

> Each year the processing of enrollment certifications takes longer and longer so that the typical date for receiving the first benefit check for the academic year is late in November or early December.
>
> As I am sure you are aware, the period when a student most needs money for education is at the beginning of a term in order that he may firmly establish his school residence, purchase his books, supplies, etc.
>
> Many colleges are striving to acquire funds to assist in the education of the many disadvantaged young people in our society. The college cannot set aside large sums of money for temporary loans to veterans who will receive aid when it means it will not then be available for needy students.
>
> May we please request that you investigate the possibilities of improved service to the veterans receiving educational benefits from the G.I. Bill.

Mr. President, an example of an excessively long delay and an interesting suggestion resembling the approach contained in the bill I introduce today, were described in a letter I received in September 1969 from a veteran's wife in Oxnard, Calif.:

> During the Nixon administration, there has been discussion about the veterans not taking advantage of their benefits. *Time* Magazine went so far as to infer that the Vietnam veteran is apathetic about continuing his education.
>
> The red tape and time involved in obtaining veterans benefits is overwhelming. My husband applied for GI bill educational

benefits the first of April, 1969, shortly after commencing studies at University of California at Santa Barbara. This past week [September 1969] he received authorization from Veterans Administration to University of California at Santa Barbara to begin payments. It will now be another four to six weeks until payments begin—a total of five to six weeks of waiting. During this time he attended spring quarter and summer session. It was necessary for us to borrow $350.00 to meet educational expenses because of delays involved in receiving benefits. My husband had planned to attend a private institution but we could not meet that institution's tuition payments without having first received GI benefits.

If all states offered a lump sum payment to GI's returning to school, this would help bridge the gap until Veterans Administration benefits begin.

Most veterans cannot return to school without having first received benefits of the GI bill but they cannot get these benefits until after they return to school. In order for more veterans to take advantage of these benefits, modifications must be made to provide for more rapid service from the Veterans Administration.

These incidents are not restricted to California, where more Vietnam veterans reside—340,000, about 11 percent of those discharged—and go to school—about 15.3 percent over the life of the post Korean GI bill program. Many other Senators have told me of receiving similar complaints.

The bill I am introducing today is cosponsored by five members of the Veterans' Affairs Subcommittee—Mr. YARBOROUGH, Mr. SCHWEIKER, Mr. RANDOLPH, Mr. MONDALE, and Mr. HUGHES—as well as by Senator WILLIAMS of New Jersey, Senator KENNEDY, Senator NELSON, and Senator EAGLETON. I am delighted to be joined in sponsoring this bill by the distinguished chairman of the full Labor and Public Welfare Committee, who is also the ranking majority member of the subcommittee, Senator YARBOROUGH, and by Senator SCHWEIKER, the ranking minority member of the subcommittee.

The bill would seek to overcome the delays I have just described in two ways. First, an advance payment of not more than $250 would be authorized for an eligible veteran applying for it in order to assist in meeting postsecondary education and living expenses during the first 2 months of a school year. The advance payment could be made up to 30 days before the intended date of registration, but would not be available to a veteran who intends to pursue a program of education on less than a half-time basis or a program exclusively by correspondence.

Second, in addition to, and as a part of, the advance payment program, this bill would establish a new special work-study program for veterans. Under it, any veteran who has received an advance payment would have the option of offering his services to the VA to assist in preparing and processing necessary applications and other documents either at educational institutions or in VA regional or other offices or in performing the outreach functions which, by virtue of Public Law 91–219, are now the responsibility of the VA—subchapter IV of chapter 3 of title 38, United States Code. In return for such work, as a WOC—without compensation—intermittent VA employee, the veteran would have his advance obligation partially or totally canceled at the rate of $2 for each hour of services performed.

The advance payment would be made to a veteran upon receipt of evidence of eligibility as defined in 38 U.S.C. 1652 (a) (1) (a discharge paper—form DD 214—showing that he served for at least 180 days of active duty and was discharged under conditions other than dishonorable or that he was discharged for a service-connected disability) and certification by the veteran of the basic prerequisites to eligibility under the GI bill. He would certify that he intends to enroll, and has been accepted for enrollment or has enrolled, in a specified educational institution to pursue a specified approved course of education during that school year; that he still has at least 6 months' entitlement to educational assistance allowance; and the number of semester hours or equivalent he intends to pursue. Unless the local office files contain conclusive evidence contradicting the facts so certified, the VA would not be authorized to examine into the veteran's actual GI bill eligibility.

Thus, an eligible veteran would be given the advance on the basis of his good faith in truthfully certifying the facts and intentions I have just outlined. There would be no time-consuming processing by the educational institutions, which, according to the AMVETS survey, are responsible for much of the delay in processing regular GI bill payments.

I recognize that this good faith certification procedure may be subject to some abuse, and that some payments may thus be made to ineligible recipients. But I am satisfied that any abuses would be small. If I am mistaken in that, the VA has a 95-percent record of collecting regular GI bill overpayments, and the program could always be modified later legislatively.

In order to further simplify the processing and issuance of the advance payments authorized by this bill, the amount of $250 would automatically be paid to any veteran certifying his intention to pursue a program of education on a full-time basis, assuming his papers were in order. The majority of veterans who are enrolled in full-time courses and who apply for the advance payment can be expected to need the full $250 to help meet initial school and living expenses, especially the 40 percent with at least one dependent.

Any amount advanced to a veteran under the bill would be repaid, insofar as practicable, by equal deductions from his regular monthly educational assistance allowance over the school year—generally 9 months—unless the veteran should qualify for cancellation of all or part of his obligation under the new work-study program in the bill. Should a veteran fail to qualify for a regular GI bill monthly allowance within 30 days, the advance payment would become due and would bear interest at an annual rate of 6 percent.

I have considered at least two modifications to the good faith certification procedures in the bill but rejected them as too dependent on action by educational institutions to serve the purpose of the advance system: getting the money to the veteran when he needs it. The alternatives I explored were: First, requiring that the school certify to the VA that the veteran has actually registered before the VA makes any advance; or second, requiring that the veteran present proof of acceptance by an approved educational institution—the latter would have required schools to issue a special document for other than newly-admitted students. Although I have initially determined against these formats, I remain open to new arguments and proposals for tightening and improving the mechanics of the advance payment program.

This program of advance payments at the beginning of a school year would provide a vital source of funds, at a time when none are now available under the GI bill and when the collegiate veteran's needs are probably the greatest, to meet the many expenses involved in beginning a school year, as well as such living expenses and initial charges as deposits for rent, heat or telephone. The VFW, in replying to my inquiry, suggested that, because it is so important for the veteran to have "a certain amount of capital to buy books, pay fees and tuition, and meet other expenses before he can actually become enrolled in school," consideration should be given to paying for the entire first semester, or as much as would be feasible, at the time of enrollment. I believe the advance payment system in the bill offers a feasible and truly beneficial response to this demonstrated need.

Enactment of this bill should thus help prevent a veteran from being placed in a precarious financial situation vis-a-vis his schooling or his personal life as a result of a delay, justified or not, in receipt of the first regular educational assistance allowance check.

Equally important, however, is the contribution I believe the work-study part of the bill would make to improving and expediting the regular processing and certifying of enrollment of veterans in order that educational assistance allowances may be received in timely fashion.

This is particularly critical for veterans with families and for the 27 percent of veterans who enroll in nonpublic schools. The recently enacted rate increase in Public Law 91–219 would provide $1,575 over a full 9-month period. Although this is sufficient to cover average tuition, room and board charges at a public institution, it is far less adequate in meeting the average costs at nonpublic institutions.

The proposed work-study program in the bill would enable full-time GI bill postsecondary trainees with a demonstrated financial need in geographic areas where such services are determined to be appropriate and desirable to increase their total school-year income by $250, while at the same time contributing to the improvement of the entire GI bill program through increased efficiency and speed in certificate and claims processing and through outreach work per-

formed by these student veterans. Students would be limited to an average over a semester of 15 hours per week of providing part-time services, and their educational institution would have to certify their ability to maintain good standing while performing such services.

The VA would be expected to establish equitable guidelines for determining financial need and need for the services and for selecting and using the services of veterans applying to "work off" their advances. Appropriate guidance for determining financial need should be available in the Office of Education's regulations for its work-study program under the Higher Education Act of 1965, as amended.

Veterans performing such services would be deemed intermittent employees of the Veterans' Administration, serving without compensation—WOC—for all purposes—such as under the Federal Employees' Compensation Act and the Federal Tort Claims Act—except that they would not be considered VA employees for purposes of Federal employment laws administered by the Civil Service Commission—such as those governing application and selection for Federal employment, retirement and other length-of-service Federal employment benefits, and Federal employment fringe benefits such as group health and life insurance programs. Also, funds retained under the advance cancellation provision would be exempt from taxation as a "payment of a benefit under any law administered by the Veterans' Administration," as provided in 38 U.S.C. 3101(a).

A prototype for this kind of program exists at the University of Illinois, where two falls ago the Illinois Federation of Veterans in College organized 20 or so veteran students to accomplish the college's GI bill certification on the same day the veteran registered. This past fall some funds for part-time stipends for this work were squeezed from the university, but future prospects for funding this kind of program are not encouraging. The results, however, are encouraging: all veterans who registered promptly received their first checks in October.

In an effort to deal with these GI bill allowance delays, the VA allows collegiate veterans to obtain early certification for the coming school year at the end of the previous year or during the summer when the veteran completes preregistration and so notifies the VA by filling out the appropriate forms. This procedure, which is permissible at only a small number of colleges, is designed to minimize the delay in issuing the first check at the beginning of the year for which the veteran has preregistered. An effort should be made to encourage those veterans who preregister to utilize this new procedure to the maximum extent.

Finally, I want to focus on one other very important aspect of the work-study program. Veterans who have received advance payments could also work them off by performing outreach services under the just-enacted subchapter IV of chapter 3 of title 38. I tend to agree with the VA that using GS–12's or GS–13's to "pound the pavement" in search of educationally disadvantaged veterans is highly questionable on a cost-effectiveness basis. But this provision would make it possible and very economical, at $2 per hour, for the VA to improve substantially its existing program of contact and outreach.

The present outreach program has not done the necessary job to reach the large numbers of high school dropouts and other educationally disadvantaged veterans who are separated from service each year. Whereas 23 percent of those separated during fiscal year 1969 were high school dropouts, only about 8 percent of that target population have been taking advantage of their education and training entitlements. I believe that, in many cases, this serious lack of participation by those who desperately need to take advantage of their benefits can be remedied through more effective dissemination of information and more personalized and intensive counseling of potential trainees about the great advantages of the benefits available to them.

As was stressed in section 241(c) of the outreach services program originally passed by the Senate on October 23, the most effective outreach worker is one with whom the potential trainee can identify most immediately and fully. Veterans who are themselves pursuing an education should fit this prescription perfectly.

A beginning is being made in instituting this concept in the east Los Angeles community, where I have been working closely with Congressman EDWARD ROYBAL in assisting the Los Angeles County Board of Supervisors to develop with the VA and the Department of Labor an intergovernmental crash program to establish a veterans service center in east Los Angeles. In response to my request, the VA will provide for this center at least two contact officers and one clerical worker, and the Department of Labor will make arrangements to add at least one employment counselor. Los Angeles County will also assign one clerical worker and a claims counselor to the center. Negotiations are just about concluded with the Office of Education and various colleges in the east Los Angeles area to obtain funding for 20 part-time community outreach workers—Mexican-American college students currently using the GI bill—who will operate out of the east Los Angeles center, which is expected to be open in April.

Another promising new outreach program for veterans has been set up at the Harrisburg Area Community College and Pennsylvania State University's Capitol Campus. A group of student veterans have organized a fraternity—Chi Gamma Iota—one of whose major activities has been to encourage other veterans to continue their education and to counsel them in such problem areas as filling out applications, choosing courses and a college major, availability of financial assistance, and general orientation to the academic environment. The group has asked other campus organizations to refer any veterans in their organizations, in their family or neighborhood, or among their friends to the veterans' fraternity.

Robert D. Ford, the program's director, whose January 28, 1970, letter to me is among the exhibits to be printed in the RECORD at the conclusion of my remarks, has described the group's primary job in terms which apply equally well to the outreach concept embodied in title II of Public Law 91–219:

> Many aspects of college life which seem elementary to other students are simply unknown to persons who did not have college interests in high school and who now lack the channels of communication to seek their answers.

A preliminary VA estimate of the administrative costs of the bill has not been forthcoming as of today, but such costs should not be appreciable. Nor is a firm estimate yet available of the cost of the advance payment cancellations under the work-study program, but it could be considerable depending on the need for the additional services and the degree of financial need required in order to qualify for the program.

It is expected that during fiscal year 1971 there will be about 500,000 full-time postsecondary level trainees under the GI bill. Although VA statistics show that approximately 70 percent of full-time GI bill postsecondary trainees hold full- or part-time employment during school, it is estimated that perhaps as many as 25 percent—many with more than one dependent, which status generally hinders a veteran's wife from having substantial earnings—will apply for work-study cancellation and be able to demonstrate a clear need for the extra $250. It also seems reasonable to estimate that for at least 20 percent of these needy applicants there will be no appropriate or desirable work, Thus, if 20 percent of the 500,000 full-time fiscal year 1971 postsecondary trainees should apply, be considered to be in need of GI bill augmentation, and be in areas where their services are appropriate and desirable, the cost of the work-study program would be approximately $25,000,000 during fiscal year 1971.

Mr. President, I ask unanimous consent that there be printed in the RECORD at the conclusion of my remarks, and following the text of the bill and my exchange of correspondence with the veterans service organizations, a number of letters which will serve as a representative sample of the letters I have received during the past year from veterans confronted with delayed educational payments. This nationwide problem has seriously hampered or even thwarted the efforts of many veterans to obtain education and training which, as we all know, is today so vital in our increasingly complex technological society.

Furthermore, we can no longer tolerate the exclusion of large numbers of disadvantaged young men and women from participation in a program of education uniquely qualified to assist them in making the difficult transition from military to civilian life and in maximizing their future opportunities.

I believe this bill, as a complement to the new programs in Public Law 91–219, represents an important step toward the correction of these inequities. And I am delighted to note in closing that the administration will apparently support the advance payment portion of this bill, for

recommendation No. A–1 in the report of the President's Committee on the Vietnam Veterans, belatedly issued on March 28, which I discussed earlier on the floor today, states:

Encourage veterans to enter and follow through with a training program by providing an advance education assistance payment to help the veteran meet the initial costs of entering training.

The PRESIDING OFFICER (Mr. EAGLETON). The bill will be received and appropriately referred; and, without objection, the bill and material submitted by the Senator will be printed in the RECORD.

The bill (S. 3657) to amend chapter 34 of title 38, United States Code, to authorize advance educational assistance allowance payments to eligible veterans at the beginning of any school year to assist such veterans in meeting educational and living expenses during the first 2 months of school, and to establish a veterans' work-study program through cancellation of such advance payment repayment obligations under certain circumstances; introduced by Mr. CRANSTON, for himself and other Senators, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 3657

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans' Educational Assistance Allowance Advance and Work-Study Program Act of 1970".

SEC. 2. Chapter 34 of title 38, United States Code, is amended by adding at the end of subchapter IV a new section as follows:

"§ 1688. Advances to eligible veterans; work-study program

"(a) Notwithstanding the provisions of section 1681 of this title, and under such regulations as the Administrator shall prescribe, an eligible veteran shall, upon application therefor and subject to the provisions of this section, be paid an educational assistance allowance advance payment of not to exceed $250 immediately prior to or at the beginning of any school year to assist such veteran in meeting his education and living expenses during the first two months of such school year. An advance payment of $250 shall be paid to any eligible veteran who intends to pursue a course of education on a full-time basis as provided in section 1684 of this title, and the Administrator shall prescribe by regulation the amount to be paid to veterans intending to pursue courses of education on less than a full-time basis, but in no event shall an advance be paid to a veteran who intends to pursue a course of education on less than half-time basis or a program exclusively by correspondence. Any veteran making application for an advance under the provisions of this section shall receive a complete explanation of the repayment requirements of this section.

"(b) Any amount advanced to a veteran under this section shall be considered a loan and shall be repayable by the veteran over the period of his enrollment by deductions, in approximately equal amounts, being made from his monthly educational assistance allowance by the Administrator, or if the veteran fails to qualify for such allowance, the advance shall be repayable in such manner as shall be prescribed by the Administrator. Advances made under this section shall bear no interest if the veteran enrolls in an approved course of education and qualifies for an educational assistance allowance under this chapter, except that in any case in which the Administrator determines that a veteran has failed to enroll in and pursue an approved course of education within 30 days after an advance payment is made to him under this section, the amount so advanced shall (1) become due and payable on the first day of the next month following the month in which the Administrator makes such determination, and (2) from that date bear interest at the rate of 6 per centum per annum on the unpaid balance.

"(c) An advance payment shall be made under this section to any eligible veteran no more than 30 days prior to his expected date of enrollment if such veteran—

"(1) submits evidence to the Administrator showing such veteran to be an eligible veteran as defined in section 1652(a)(1) of this chapter.

"(2) certifies to the Administrator in writing (A) that he is enrolled in, or has applied for, been accepted by, and intends to enroll in a specified educational institution and is pursuing or plans to pursue a specified approved course of education during such school year at such educational institution, and (B) the expected date of enrollment if he has not yet enrolled in an educational institution,

"(3) certifies to the Administrator in writing whether the educational institution defines such course as a full-time course and the number of semester hours (or equivalent) or clock hours he intends to pursue, and

"(4) certifies to the Administrator in writing that he has at least 6 months' entitlement to educational assistance remaining under this chapter.

"(d) In determining whether any veteran is eligible for an advance payment under this section, the information submitted by such veteran pursuant to subsection (c) shall be conclusive evidence of his eligibility unless there is evidence in the file of the veteran in the processing office establishing that such veteran is ineligible for such advance payment.

"(e) In order to process applications for advance payments and regular educational assistance allowance payments under this subchapter as expeditiously as possible and otherwise to carry out the purposes of this chapter, the Administrator shall utilize, to the maximum extent practicable and where he determines such services to be appropriate and desirable, the services of any veteran who has received an advance under this section and who (1) is pursuing full-time training as determined under section 1684 of this title; (2) agrees to perform services, averaging not in excess of fifteen hours per week over a semester or other applicable term, in connection with the preparation and processing of necessary applications and other documents at educational institutions or regional offices of the Veterans' Administration, or services in connection with the outreach services program under subchapter IV of chapter 3 of this title, in return for a partial or total cancellation of his loan; (3) is in need of augmentation of his educational assistance allowance entitlement in order to pursue a program of education under this chapter, as determined in accordance with regulations which the Administration shall prescribe; and (4) is capable, as certified by the educational institution concerned, of maintaining good standing in such program while performing services under this subsection. The obligation of any veteran shall be cancelled at the rate of $2 for each hour of such services performed by the veteran.

"(f) As used in this section the term 'at the beginning of any school year' means the beginning of any quarter, semester, or other term on which an educational institution operates. While in the performance of such services, veterans shall be deemed to be intermittent employees of the United States serving without compensation; except that for purposes of laws administered by the Civil Service Commission such veterans shall not be deemed to be such employees."

SEC. 3. The table of sections at the beginning of chapter 34 is amended by adding after

"1687. Discontinuance of allowances."

the following:

"1688. Advances to eligible veterans; work-study program."

The material submitted by Mr. CRANSTON is as follows:

SEPTEMBER 16, 1969.

DEAR (VETERANS SERVICE ORGANIZATION): In testimony on June 24 before the Veterans Affairs Subcommittee, Mr. Arthur Farmer, then Chief Benefits Director of the Veterans' Administration, stated as follows regarding new procedures to expedite payment of educational assistance allowances to veterans enrolled in college:

"This summer we did make arrangements which we are convinced will make a substantial improvement. We now have an agreement with our folks at the computer at Hines, Illinois, that we will run a cycle on fixed dates, nine of them a month, whereas before they were running only five cycles a month.

"This, we are confident, will improve, so that he will actually get a half-month's check sometime in October. . . ."

This subject has been the subject of recent correspondence between me and the Administrator of Veterans Affairs, and a copy of the Administrator's September 9 letter to me is enclosed for your information. I would very much appreciate your advice regarding two questions:

(1) Beginning this October, are veterans enrolled in college receiving educational assistance allowance payments for their September participation under the G.I. Bill?

(2) What can be done to expedite and simplify the process of making the initial such payment?

I recognize that you will not be able to respond to the first question until sometime in November, but I am writing now with the hope that you will be able to devise an appropriate system of obtaining the necessary feedback on that question. Thank you for your continuing support and your cooperation in this matter.

Sincerely,

ALAN CRANSTON,
Chairman, Subcommittee on Veterans Affairs.

VETERANS OF FOREIGN WARS OF THE UNITED STATES,
Washington, D.C., September 25, 1969.

Hon. ALAN CRANSTON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CRANSTON: This is in response to your letter of September 16 respecting educational assistance allowance payments under the GI Bill, which has been read and noted with much interest.

Please find enclosed a copy of comments by the V.F.W. National Rehabilitation Service which was requested to respond to these two questions.

The V.F.W. is strongly in favor of paying the first check to a veteran under the GI Bill upon certification of his entitlement without waiting for a report. As soon as the VA gets this certification, a check should go forward for the first month.

The V.F.W. also supports the proposition that a veteran should be paid in a lump sum at the time of his enrollment for the first semester or as much of the first semester as would be feasible. As indicated in the attached memorandum, a lump sum payment

would be extremely helpful to the veteran who needs a certain amount of capital to buy books, pay fees and tuition, and meet other expenses before he can actually become enrolled in school.

We will respond further to your first question concerning GI allowance payments for September participation as soon as we have obtained such information.

Hoping this has satisfactorily responded to your question and with kind personal regards, I am

Sincerely yours,

FRANCIS W. STOVER,
Director, National Legislative Service.

INTER-OFFICE MEMORANDUM

This is in reference to Senator Cranston's letter of September 16, 1969. Concerning Question (1) there are a lot of factors involved, namely, if the veteran delivers the COE to the school promptly, the enrollment certification is sent by the school promptly to the proper Regional Office then the veteran would receive his check within the first week of October. However, in most of the universities the enrollment certifications are not forwarded to the VA in proper time to meet the October cycling at Hines. Last year, in this office alone, on every case we have checked on regarding a complaint of non-receipt of educational assistance check, it was learned that the school although claiming to the veteran that they had promptly submitted the certification to the Regional Office did not submit the certification until after the first of October. The veterans who were attending school last year and intended to return to the same school this year were given a card in June to be returned to the VA Regional Office and the schools were issued by the VA a supply of enrollment certificates. Therefore, when the veteran enters the same school this year the school should immediately forward the enrollment certificate to the Regional Office and the veteran's check for September should be received the first week in October. On this procedure we will have to wait and see if it will work out properly.

On Question (2) I firmly believe that if Congress would enact legislation to permit the VA to pay a lump sum payment to the veteran at the time of enrollment, this would eliminate the problem involved as the majority of veterans have to meet an initial payment at the school for tuition, books, fees, etc., and I would safely say that 90% of them do not have the initial payment to meet his needs and even the partial payment that he would receive in October would still not be enough in order that he can adjust financially. In the cases I know of personally, the veterans are in debt until the first week in December and they are only able to get by with assistance from their working wives or parents. (We recommended this proposal to the President's Committee on the Vietnam Veteran August 1, 1969, Page 6.)

THE AMERICAN LEGION,
Washington, D.C. September 23, 1969.

Hon. ALAN CRANSTON,
Chairman, Subcommittee on Veterans' Affairs, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR SENATOR CRANSTON: In reply to question (1) of your letter of September 16, the Veterans Administration advised on September 5 that they were abandoning the present fixed date of the 10th of each month for recurring institution-of-higher-learning payments. Instead, all payments, retroactive and recurring, from any payment cycle will be released by Treasury as quickly as possible. The October check will include the amount due for September attendance.

With respect to question (2), the law requires that payment of educational assistance may not be made until a certificate of attendance is received from the veteran and from the educational institution, a certification, or endorsement on the veteran's certification, that he was enrolled in and pursuing a course of education.

Notwithstanding this legal stricture, I have asked my staff to review the problem. I will be in touch with you after they have given me their discussion and recommendation.

Sincerely,

E. H. GOLEMBIESKI,
Director, Rehabilitation Commission.

THE AMERICAN LEGION,
Washington, D.C., October 16, 1969.

Hon. ALAN CRANSTON,
Chairman, Subcommittee on Veterans Affairs, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR SENATOR CRANSTON: This has further reference to my letter of September 23, 1969, stating I would have my staff study Question (2) of your letter dated September 16, 1969 to ascertain what steps have or could be taken to expedite and simplify initial payments of educational assistance from the Veterans Administration.

Our study of this problem reveals that the Veterans Administration is continually amending their instructions relating to educational payments to assure that those entering training will receive their checks as promptly as possible. For an example, instructions were issued in 1967 to provide for advance processing of awards to in-residence college students upon receipt of an enrollment certification from the school prior to the beginning of the term, quarter or semester. To further expedite payments, these instructions were amended on September 4, 1969 to provide the educational award without pre-enrollment certification from the school. The VA regional offices will notify the school of the new procedural change and that the success of these procedures depends upon the school assuming the responsibility of furnishing the Veterans Administration immediately the names of any students who did not enter after pre-enrollment.

The Veterans Administration has also amended the veterans "Certificate of Eligibility" by placing the Enrollment Certification on the reverse side. This change was made to expedite enrollment procedures.

The payments to veterans re-enrolling into school has created problems equal to those found in the initial enrollment.

On September 24, 1969, the Veterans Administration revised their Fall re-enrollment procedures. Under this amendment, the Hines Data Processing Center will produce and furnish regional offices pinfeed computer generated enrollment certificates and award transaction forms for students in institutions of higher learning at the end of the months of June, July and August of each year. Prior to this amendment, the enrollment certifications and award transaction forms were only disseminated at the end of August of each year.

In addition, in order to facilitate and expedite processing re-enrollment awards and payments for the Spring term for those students who have not been certified by the school for the entire year beginning with the end of the month of November 1969 and each November thereafter, a set of re-enrollment forms will be produced and furnished to each regional office for all institutions of higher learning students whose entitlement will not be exhausted with a scheduled termination at the end of the Fall term.

We believe that these procedures will expedite educational assistance payments for both initial enrollments and re-enrollments.

In conclusion, we will maintain a surveillance on this problem to assure that educational payments provided under title 38, United States Code, are made without unnecessary delay.

Sincerely,

E. H. GOLEMBIESKI,
Director, Rehabilitation Commission.

AMVETS,
NATIONAL HEADQUARTERS,
Washington, D.C., October 17, 1969.

Senator ALAN CRANSTON,
Chairman, Subcommittee on Veterans Affairs, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR SENATOR: I received your recent letter wherein you wanted me to answer the following two questions:

1. Beginning this October, are veterans enrolled in college receiving educational assistance allowance payments for their September participation under the G.I. Bill?

2. What can be done to expedite and simplify the process of making the initial such payment?

I have immediately sent a memorandum to our National Service Officers and Accredited Representatives asking them to forward answers to these questions. As soon as I receive these answers, I will forward them to you.

We genuinely appreciate your interest in this matter and we are constantly hopeful that this session of Congress will enact a legislation that will provide an increase in the subsistence allowance. Meanwhile, if I can be of some other service, feel free to contact me.

Sincerely yours,

RALPH J. ROSSIGNUOLO,
National Director of Programs.

(Full survey will be set forth in subsequent hearing record on the bill.)

REDWOOD CITY, CALIF.,
April 22, 1969.

DEAR SIR: I'm a veteran of four years of military, one of which was spent in Vietnam serving my country with the best of my ability. Presently I'm a student at Canada College in Redwood City.

So far I've done everything the government has asked of me, giving them no problem. They pulled me out of college to serve and I went, they take my money in income tax and I don't complain, the state wants their share and I give. They get everything they feel they have coming. It's now time for me to get what I feel I have coming. I want the money I have coming for going to school, and I haven't got it!

The problem has come about since January 1969, at that time I transferred from College of San Mateo (where I went half time at night) to Canada College (full time). On January 24 I applied for my transfer papers, it took them until March 14 to reissue my papers of eligibility. On March 15 Canada College sent out my verification of units which are 15 to the V.A. in San Francisco, it is now April 22 and I'm still looking for my first check.

I've tried many times to find out what the hold up is by calling them and it's a toll call each time, but all I get from them is a statement like "sorry we don't know what the problem is or call us back in a week or so". It's not as if I applied one day and expected my money the next! My God it's been almost four months, and I need this money to live on, it's my only income. My bills are building up and I can't pay my rent and good meals are coming few and far between.

It's hard enough supporting a family with the money, without it it's impossible.

I know you must be a very busy man, but if you could please find time to look into my problem and try to find some way of getting my money to me the fastest way possible I would surely appreciate it.

Respectfully yours,

MICHAEL POTRAKUS.

VETERANS' ADMINISTRATION,
San Francisco, Calif., May 16, 1969.

Hon. ALAN CRANSTON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CRANSTON: We have your letter of May 2 concerning the claim of Michael G. Potrakus, 1433 Oxford Street, Apartment 7, Redwood City, California.

His enrollment certification covering his attendance for the spring semester was received March 14. Although an award was not approved until April 11, checks totaling $411.33 have been issued and should have been received by now. This payment covers the period February 3 through April 30.

The Honorable Paul N. McCloskey, Jr. has also expressed interest in this claim and has been furnished similar information.

We appreciate your expression of interest in Mr. Potrakus and regret any inconvenience our delay has caused him.

Sincerely yours,

GORDON R. ELLIOTT,
Manager.

HAYWARD, CALIF.,
March 19, 1969.

Mr. CRANSTON: Sir, I am writing you in the hope that you may be able to help me get my G.I. educational benefits. I have been attending college full time since January 2, 1969. I have filled out all of the forms and followed all of the prescribed directions and have yet to receive my check.

This same thing happened to me last year I attended full time from January until June, and didn't receive any money until July. Because of the delay I had to quit school and work until December. I have a wife and child and I cannot afford to live on the money my wife earns from working part time. I am 25 years old and cannot indefinitely go on working and saving for six months and then going to school.

I would appreciate any help you can give me in speeding up the payment of my benefits.

Thank you and peace.

ROBERT BUSCHINI.

PALO ALTO, CALIF.,
March 31, 1969.

Senator ALAN CRANSTON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: My son, recently returned (last September) from Vietnam, is planning to complete his education at Stanford. In order to do this it has become necessary that he matriculate at Foothills College for three quarters. He is currently attending classes there.

On admission (the first week in January) he applied for his GI educational benefits from the local office of the Veterans' Administration (File Identification Number 24287603, Alfred J. Coppel III). He has now completed one quarter and is beginning his second. As of this date, he has received exactly nothing from the VA, nor have we been able to determine the cause (if any) of the delay in benefits. Can you help us?

I tend to wonder what his situation would be if he were not able to live at home and rely on me for subsistence. GI educational benefits are meagre enough without encountering the ponderous delay of the VA's bureaucracy. To keep a boy who has served his country without the funds promised by the law is intolerable. As a constituent, I ask that you light a fire under the responsible chair-polishers.

I am sorry that after so many years my first communication should be a complaint. We met a number of times in the United World Federalist days in Los Altos, when we were all younger and more sanguine, as well as at Darwin Teilhet's house. We have followed your political fortunes with an air of some satisfaction, since my wife and I share many of your convictions. Liz, my wife, works at Stanford and sees Hildegarde occasionally. She is well, as you probably know.

Please do what you can about this VA business. I hope I am not presuming on an old acquaintanceship, but I can get no satisfaction from any other source, and you are, after all, our Senator.

With best wishes for your continued success.

Your sincerely,

ALFRED COPPEL.

VETERANS ADMINISTRATION,
San Francisco, Calif., April 10, 1969.

Hon. ALAN CRANSTON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CRANSTON: We have your inquiry of April 3, 1969, concerning educational assistance payable to Mr. Alfred J. Coppel, III.

Benefits of $95 per month have been awarded to Mr. Coppel for the period January 2, 1969, to March 31, 1969, based upon three-quarter time school attendance, and $130 per month for the period March 31, 1969, to June 17, 1969, based upon full-time school attendance. If not already received, he may expect an adjustment check for the period January 2, 1969, through March 31, 1969, by the middle of April. Thereafter, monthly payments will be made.

Your expression of interest in behalf of Mr. Coppel is appreciated.

Sincerely yours,

GORDON R. ELLIOTT,
Manager.

ALAMEDA, CALIF.,
December 8, 1969.

Senator ALAN CRANSTON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CRANSTON: I have been a resident of the State of California for 14 years. I served in the United States Navy from 1955 to 1958. Since being out of service I have held various jobs, but nothing to substantially take care of my family the way I would like to.

In the summer of 1968 I thought I would take advantage of the benefits offered to me by being a veteran. I enrolled in a private cosmetology school. After finishing this course I decided I would like to obtain a degree in this field. In September of 1969 I enrolled in Pasadena City College. As of this month I have now been in school three months and have not received any benefits.

The reason I am writing to you sir is because I have run out of sources to contact. I have called, written and gone down to the Veteran Administration Offices, but everyone seems to just pass the buck. I have contacted Councilmen, but no one seem to be able to give me the advice I need.

I am not the only person in this predicament. Most of the other veterans I have talked to at school are in the same shape as I. They, like me, are married men with families and responsibilities and cannot continue on like this. With going to school on a full time basis, I can only work part-time, thus I need my money very, very bad.

Any information or advice you can send me will be greatly appreciated.

Very truly yours,

HARVEY N. HUNTER.

MARCH 10, 1970.

DEAR SENATOR CRANSTON: I write you as a last resort. I was discharged from the Army under Honorable Conditions on 25 August 1969 from the First Armored Division at Fort Hood, Texas, in order to attend the University of California at Santa Cruz. I returned to California and subsequently applied for the G.I. Bill benefits in September of 1969.

I have yet to receive any money from the V.A., which to date has failed to pay me any of the more than $750 they owe me. My wife and I both have worked part-time during the school year and we are *both* attending U.C.S.C. Quite frankly, the Santa Cruz area is not inexpensive and we have finally run out of money. I had no money to pay my tuition (fees for the spring quarter of 1970, and therefore have obtained a Fee Deferment which is valid only until April first. My academic record at U.C.S.C. to date is excellent.

I contacted the Financial Aid Office at U.C.S.C. about my predicament, and they have contacted the V.A. in San Francisco (where my records are being "processed") on numerous occasions to no avail. * * *

The Financial Aid Office finally has recommended that I "write my congressman." I might also add that I have yet to receive a W–2 Form from the Army despite repeated correspondence.

My records are (apparently) located in San Francisco. I recognize an inevitable inefficiency of bureaucratic structure, but in my case knowledge does not feed my wife and me, nor does it educate us. I write you as a final recourse, Senator Cranston. Please help me. No one has been able to do/done so to date.

GRANT C. GENTRY.

SAN DIEGO, CALIF.,
December 7, 1969.

DEAR SENATOR CRANSTON: I am a disabled veteran with eighteen years of service prior to my injury. I was retired with fifty-percent disability pay December 1, 1968. My complaint is this, I have not received any school benefits and I have a family. And the long delay in receiving my check from the Veterans' Administration is causing a hardship in my home. I attend law school at night, here in San Diego, and attend City College in the day time. I carry 15 units there, and 9 at the Law School. I would appreciate it very much, sir, if you would inquire about the matter. I hope you are successful. I will not have any money for Xmas, unless you are. My name is Harris Strozier, Jr. File Number Identification is 24 505 345.

I am a registered Democrat and proud of it.

Thanking you, Sir.

HARRIS STROZIER, Jr.

COLLEGE OF MARIN,
October 29, 1969.

Hon. ALAN CRANSTON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CRANSTON: I feel it a necessity to bring to your attention an extremely serious problem concerning the veterans attending this college and, I am sure, many other colleges.

Each year the processing of enrollment certifications take longer and longer so that the typical date for receiving the first benefit check for the academic year is late in November or early December.

As I am sure you are aware, the period when a student most needs money for education is at the beginning of a term in order that he may firmly establish his school residence, purchase his books, supplies, etc.

Many colleges are striving to acquire funds to assist in the education of the many disadvantaged young people in our society. The college cannot set aside large sums of money for temporary loans to veterans who will receive aid when it means it will not then be available for needy students.

May we please request that you investigate the possibilities of improved service to the veterans receiving educational benefits from the G. I. Bill.

This college stands ready to be of any assistance that we may be able to provide. This concern involves 538 veterans on this campus alone.

Sincerely,

CHAS. F. HERNDON,
Director of Financial Aids.

DUNCANNON, PA.,
January 28, 1970.

Senator ALLEN CRANSTON.
Chairman OLIN E. TEAGUE.

DEAR CHAIRMAN TEAGUE and SENATOR CRANSTON: I am currently in my senior year at the Capitol Campus, Pennsylvania State University. I am going to school on the G.I. Bill, and recognize the various reasons why many veterans do not take advantage of this program. Many persons have expressed the critical reason as the veterans feeling uncertain about their ability to go to college. There is, however, an even more critical reason which, combined with uncertainty, prevents many veterans from reaching the campus. This is the problem of *"HOW"*.

Many veterans are simply unaware of the basic procedures required to enter college. Accompanying this, they are unaware of all aspects of college life such as: types of courses available, study methods, and in general, just what will be required of them as a college student.

This unawareness has been repeatedly overlooked because of one main reason. The reason is that virtually everyone who is concerned with higher education is himself a product of higher education, either as a graduate or a current faculty member. These persons have been college oriented since high school days. They prepared to go on, were counseled in this respect, and finally entered the world of higher education. Because of this atmosphere, or "college orientation," persons who today are in a position to effect the enrollment of veterans are also, through no fault of their own, overlooking the critical reason for what appears to be a lack of interest in the G.I. Bill.

Many veterans indeed became veterans because of a poor economic background or simply a lack of interest in their own education. The maturity, discipline, and motivation which they gain in the service still leaves them in the dark as far as college is concerned. If anything, college has become even more unknown. In short, many veterans want to go to college if someone would only show them how.

For this reason, the veterans fraternities of Harrisburg Area Community College and the Capitol Campus, Pennsylvania State University, have initiated a program designed to recruit veterans into college. From discussions among ourselves, we have found that most of us had experienced the same problems when we were attempting to enter college.

I cannot over-emphasize the value of the human aspect of our approach. We are veterans talking to veterans. We speak the same language, and through this means we first describe our own experiences in college and generally try to reduce the fear of the unknown. We then describe different courses and methods of scheduling to fit jobs or other situations. We try to answer any questions about college and we even help to submit applications. We also have an unwritten code that once a veteran becomes a student, our best students in any particular course will tutor any G.I. who is having trouble in that particular course. In other words, when we counsel, we tell veterans, "If you go to school, we'll make sure you stay."

I feel that our methods would be highly successful nationwide with an adequate program. I am enclosing a few items about us with the hope that we may shed some light on the current problems connected with the G.I. Bill. As veterans who are now college students, we do know what others are up against and we hope to help them overcome these problems by using our experiences.

Concerning the current proposals, I have noticed that Senator Cranston's bill would provide finances for special, or developmental courses. This is most important particularly to our fellow veterans belonging to minority groups or from poor economic backgrounds. In many cases, these special courses are their only hope to be able to compete academically in the classroom with the younger students.

I would welcome the opportunity to expand on these and many other areas at your request, and hope that I have been of some assistance.

Respectfully yours,

ROBERT D. FORD.

[From Business Week, Mar. 21, 1970]

A NEW GI BILL FOR VIETNAM VETS

A new, broadened version of the GI Bill was headed toward Congressional passage this week as a House-Senate conference group came to agreement on its features—a 35% boost in basic benefit levels and a number of highly innovative provisions to attract educationally disadvantaged veterans to the groves of academe.

The measure grows out of concern over Vietnam veterans' half-hearted involvement in the government-sponsored educational program as compared with the enthusiastic participation of the education-hungry vets of past wars. Aided by the GI Bill, almost half of all World War II veterans enrolled in some sort of training program—including 450,000 future engineers, 360,000 future teachers, and countless aspiring doctors, lawyers, businessmen, salesmen, and mechanics. About 45% of Korean veterans also went back to school. By contrast, only about 23% of Vietnam's crop of ex-servicemen have made use of available educational benefits thus far.

BLACK AND DISADVANTAGED VETS HAVE SPURNED THE GI BILL OF RIGHTS

Particularly disturbing has been the failure of black and disadvantaged GIs to seize the educational opportunities offered them. With the unemployment rate rising, some government officials feel their frustrations and anger could dangerously swell the tide of urban unrest. The GI Bill is viewed as an ideal vehicle to bring them into the educational and economic mainstream.

Amendments. The new bill, a series of amendments to the "Cold War GI Bill of Rights" enacted in 1966, seeks to breach the financial barrier to participation in the benefits. The present monthly stipend of $130 for a single man covers only two-thirds of average college tuition costs—compared with the Korean and World War II bills which covered 98% of both tuition and living expenses. By raising payments 35% to $175 a month, the new measure will enable men attending public universities or community colleges to pay for virtually all of their tuition and living expenses out of their stipends.

The most innovative and far-reaching aspect to the measure is its attempt to breach the psychological barriers to college enrollment. Recognizing that many educationally disadvantaged GIs need both encouragement and considerable remedial work to succeed in college, it funds several programs to ease the transition to the lecture hall.

INNOVATIONS MAKE THE BILL MORE USEFUL TO DISADVANTAGED

The bill allows high school drop-outs to take college preparatory programs at junior colleges and regular universities instead of returning to night classes in high school, where they tend to lose interest and motivation. It provides GIs with extra funds to take special pre-discharge college orientation and remedial courses, which will be set up by colleges on military bases. It makes funds available for special tutoring and allows students to count some non-credit remedial courses toward the full-time course load requirement needed to qualify for benefits. Finally, the bill gives the Veterans Administration a mandate to set up special offices around the country to seek out and counsel new veterans.

A veto? Senator Alan Cranston (D-Calif.), a leading architect of the new measure, feels it will "go a long way toward boosting participation and getting drop-out veterans turned on educationally." The only hurdle remaining is the possibility of a White House veto due to the bill's high cost—estimated at $275-million annually. But in view of the pending Congressional elections, it seems likely that any veto would be overridden.

Meanwhile, state and private groups are already preparing to implement the bill's provisions. The American Assn. of Junior Colleges is developing a program for returning servicemen. In Pennsylvania, Governor Raymond Shafer has set up a committee to mobilize business and university support.

[From the Memphis Press-Scimitar, Mar. 10, 1970]

CONGRESS AGAIN TRIES TO UPDATE GI BILL FOR VIETNAM VETERANS

(By William Steif)

WASHINGTON.—House and Senate conferees were scheduled to meet late today to try again to resolve an impasse that since last fall has prevented Vietnam veterans who are going back to school on the GI bill from getting an increase in their monthly stipends.

But insiders were not optimistic about winning agreement to break a stalemate that has grown from a combination of Texas politics, congressional sloth and Nixon administration determination to hold down spending even where ex-GIs are involved.

As a result, the unmarried Vietnam veteran who now gets $130 a month to pay his college tuition, fees, book expenses and living costs probably will continue to get just that—nothing more—for the rest of this academic year.

By contrast, a bill passed by the Senate, 77–0, last Oct. 23 promised to raise the unmarried ex-GI's stipend to $190 a month, retroactive to Sept. 1, with proportionate increases permitted to veterans with dependents.

The Senate action came after House passage on Aug. 4 of a bill to increase the stipend to $165. So a compromise seemed assured. But:

The White House pressured Chairman Olin E. Teague, D-Texas, of the House Veterans' Affairs Committee to delay a compromise because it wanted the stipend increase held to 13 per cent to fight inflation. The conservative Teague, a much-decorated infantry veteran of World War II, was amenable.

Then, even though the House already had passed its own bill, Teague took the Senate bill to the House floor Dec. 18, stripped much of it away, and reduced the basic stipend to $170 a month with no retroactivity. Among provisions Teague had deleted through amendments were two specially favored by Chairman Ralph W. Yarborough, D-Texas, of the Senate Labor and Public Welfare Committee, where the Senate bill originated. One of these provisions would have authorized loans for private pilots' training program that critics consider outmoded.

When Sen. Alan Cranston, D-Calif., chairman of a Senate subcommittee under Yarborough's jurisdiction, sought a meeting to compromise Senate-House differences last December, Teague refused, delaying a compromise meeting until Congress reconvened in late January.

The first meeting finally took place Feb. 5. It was fruitless.

A second meeting was canceled in late February because Yarborough was ill. The liberal Yarborough takes great pride in being "author" of the GI bill; so does Teague.

At this point, a Texas Republican who is challenging Yarborough for his Senate seat this year got into the act. Rep. George H. W. Bush on Feb. 26 assailed Yarborough, Cranston and the other Senate conferees for want-

ing "to make political hay" on the proposed GI increases. "The veterans are the losers in all of this," Bush said.

That brought Cranston to his feet to defend Yarborough and to accuse Bush of making a "wholly unwarranted and counterproductive attack."

The White House position, reflected by Veterans Administration boss Donald E. Johnson, is that GI bill stipends should be increased no more than the cost of living rises.

Thus, spending in the current fiscal year for 1,325,000 veterans using the GI bill is budgeted at $891,700,000. For fiscal 1971, spending is budgeted at $990,400,000, with 147,000 more veterans expected to be in school. The Nixon budget says average cost per trainee both years will be $673.

But Cranston points out that the present stipend covers less than two-thirds of the present average cost of going to college, while the GI bill of World War II and the Korean War covered 98 per cent of the cost.

The House bill, raising the basic stipend to $170 a month, would raise the program's cost by $226,200,000 a year; the Senate bill, raising the stipend to $190, would raise the cost by $323,000,000.

[From the Rocky Mountain News, Denver, Colo., Mar 13, 1970]

PREPARING VETERANS FOR SCHOOLS

(By William Steif)

WASHINGTON.—A hidden issue has complicated the fight going on here since last summer over increasing the monthly stipend of Vietnam veterans going to school on the GI Bill.

The issue is whether or not the GI Bill should be used as an instrument of social change.

Sens. Ralph Yarborough, D-Tex., and Alan Cranston, D-Calif., the leading Senate sponsors of a measure to raise the stipends, are trying to needle the Veterans Administration (VA) into starting a program to prevent slum-raised GIs from returning to the slums. They want the VA to work with the Defense Department to prepare servicemen to return to school even before the GIs are discharged.

Cranston says about 230,000 servicemen who have not completed eighth grade leave the service each year. Only eight per cent of these men use benefits available to them to upgrade themselves at school.

After World War II 18 per cent of ex-GIs who hadn't completed eighth grade went back to school.

Most of the 230,000 are black, Spanish-speaking or Indian. They inevitably gravitate back to the ghetto life from which Uncle Sam drafted them.

The chairman of the House Veterans Affairs Committee, Rep. Olin E. Teague, D-Tex., and the committee's ranking Republican, Rep. Charles M. Teague, California (no relation), think the GI Bill shouldn't be used for social purposes.

Their philosophy is that the benefits are available as a right, but the Federal Government shouldn't be in the business reaching out to encourage—or discourage—exercise of that right.

VA Administrator Donald E. Johnson, who last June promised a report to Congress on this situation by Oct. 15, still hasn't produced his report, but the VA tends to lean toward the passive view of the two Teagues.

Cranston's view was expressed in a recent talk to American Legion officers here. He said failure to start the program he proposes in the Senate-passed bill would "waste the resources" of minority group men. He said the nation couldn't afford this waste.

New studies show the need for the program, he said. Of 109,000 Army veterans discharged in 1968, the studies "show that a veteran's likelihood of taking advantage of GI Bill benefits is determined almost entirely by his preservice educational achievement rather than by his aptitude," Cranston said.

"Three times more veterans with some prior college experience returned to school than those who hadn't gone to college. Yet both groups were found to be equally intelligent . . . men of average intelligence who complete high school are twice as likely to further their education as high school dropouts with the same aptitude. Participation rates . . . seem inverse to need."

Cranston's program would cost $4 million to $6 million to start, and would rise close to $50 million if it caught on. That is more than a couple of bucks, but it could be a lot cheaper than cops, courts and jails.

[From the New York Times, Mar. 27, 1970]

NIXON SEEKS TO SPUR SCHOOLING OF THE UNDEREDUCATED VETERAN

(By David E. Rosenbaum)

WASHINGTON, March 26.—President Nixon is expected to disclose in a few days a new [program to send] more poor, undereducated veterans back to school.

Administration sources also say that the President will somewhat reluctantly sign legislation that raises stipends under the G.I. Bill of Rights by 35 per cent and, for the first time, provides special assistance for veterans who require remedial training or tutoring.

The new Administration policy is outlined in a report of the Cabinet's Committee on Vietnam Veterans, which was delivered to the President this week.

At about the same time, Congress was completing action on the veterans legislation after more than a year of disagreement, in which Mr. Nixon hinted that he would veto the measure as inflationary.

The Administration still feels that the bill, which Congress cleared Monday, is too expensive. It wanted benefits to be raised, but only by about 15 per cent.

What worries Administration officials is that the bill will cost the Government $90-million additional in the current fiscal year and $275-million more than budget estimates in the fiscal year that begins July 1.

But there is little likelihood that the President would veto a measure that passed both the House and the Senate unanimously. Such a veto, Administration sources believe, would surely be overridden.

Furthermore, the President is said to be especially pleased that the legislation contains provisions to help returning servicemen who have poor educational backgrounds.

To keep expenditures down in the current fiscal year, the Administration may hold off until summer on its concentrated effort to get more veterans into school.

STUDY UPHOLDS EDUCATORS

The details of its plans then will not be available until the report of the veterans committee is released. But indications now are that the Veterans Administration and the Office of Education will then begin intensive recruiting of veterans into the program and put pressure on colleges to take them.

Repeated studies have shown that the G.I. Bill is not being used now at the same rate it was used by servicemen after World War II and the Korean War. About 25 per cent of the veterans released from the military in recent years have gone back to school, against 50 per cent after World War II and 42 per cent after Korea.

A further study, made by the Defense Department, documents what educators have long believed: That the better educated a veteran is when he goes into the service, the more likely he is to go back to school when he is discharged.

Of a sample of veterans who were high school dropouts, 13 percent had returned to school 10 months after they were discharged, the study showed. It also found that nearly 10 percent of these men without high school diplomas were unemployed 10 months after discharge.

Congressional leaders and Administration officials believe that the new legislation will alter these trends.

First of all, the legislation raises the monthly stipends to $175 from $130 for single veterans who are in school fulltime. There are similar 35 percent increases for married veterans and those with more than one dependent.

Perhaps just as significant are several provisions aimed to help the veteran with a limited education to go back to school.

Such veterans would be permitted to take a limited number of noncredit college courses, such as remedial reading, and still receive the stipend for going to school full-time.

A $50-a-month additional payment was made available to those who need special tutoring.

And a new program was created to pay for those who attend nearby community colleges while still in the service.

If these programs are to be successful, however, new initiatives by the Government and private sources will have to be developed to recruit poorly educated veterans into the programs and to persuade universities to seek out returning servicemen.

It is to these ends that the report of the Committee on Vietnam Veterans is expected to be directed.

OFFICIALS SIGN REPORT

There were nine months of interdepartmental negotiations before the report was finally finished this week and signed by Donald E. Johnson, Administrator of Veterans Affairs; James E. Johnson, chairman of the Civil Service Commission; Winton M. Blount, Postmaster General; Donald Rumsfeld, director of the Office of Economic Opportunity; Melvin R. Laird, Secretary of Defense; George P. Schultz, Secretary of Labor, and Robert H. Finch, Secretary of Health, Education and Welfare.

According to sources familiar with the negotiations, the Veterans Administration was at first reluctant to see the G.I. Bill used as a social force. Most of the officials directing the program have worked on it for many years, and for a time they took attacks on the program as personal criticism.

But the Veterans Administration had a major role in drafting the final version of the report. And officials in other, more socially conscious agencies see its endorsement as a milestone.

"They've finally turned the corner," one official said. "Now they're willing to go after—I mean really go after—the poor, black kid who dropped out of high school to go fight in Vietnam."

The task of the Office of Education, as described in the report, is to encourage colleges and universities to accept the veterans.

Mr. BYRD of West Virginia subsequently said: Mr. President, earlier today the able junior Senator from California introduced a bill to amend chapter 37 of title 38, United States Code, to authorize, guarantee, and direct loans for mobile homes used as permanent dwellings, to authorize the administrator to pay certain closing costs for and interest on certain guaranteed and direct loans made under such chapter, and so forth.

At the request of Mr. CRANSTON, I ask unanimous consent that the bill which he introduced earlier today be first referred to the Committee on Labor and Public Welfare, and if that committee completes action on the bill and reports

it to the Senate, the bill be then immediately referred to the Committee on Banking and Currency.

The PRESIDING OFFICER (Mr. GOLDWATER). Without objection, it is so ordered.

S. 3658—INTRODUCTION OF A BILL RELATING TO SOCIAL JUSTICE AND SOCIAL SECURITY

Mr. GORE. Mr. President, the time has come for the Senate to take a truly significant step in achieving a new level of social justice for the elderly in this country. I am today introducing a bill that will increase the minimum social security benefits from the present level of $64 to a higher and more reasonable level of $100 for each single person, and $150 for each married couple.

Those of our people who rely on the minimum social security payments as their sole means of obtaining food, clothing, and shelter—the bare necessities of life—simply cannot do so on $64 a month. It is true that this minimum figure was increased from $55 to $64 with the 15-percent increase on social security benefits that Congress passed last December. I was pleased to cosponsor that effort, and I am even more pleased that this Friday, April 3, millions of social security recipients around the country will receive a larger check to reflect this congressional recognition of the need to alleviate the cruel burden of inflation that is falling so heavily on those living on fixed incomes.

Suitable civic rallies to celebrate this forward step on the path of social justice are being held at Jackson, Tenn., on April 4, and at Kingsport, Tenn., April 7, 1970.

But, Mr. President, this 15-percent increase represents only a modest beginning toward achieving that minimum level of subsistence which should be the birthright of all our elderly citizens. My proposal to increase the minimum social security benefit to $100 per month will constitute a much more significant step to insure that retired persons may be able to live in dignity, free of the haunting specter of financial disaster.

In this time of mounting inflation, a person whose sole income is $64 per month cannot pay for the skyrocketing prices of food. Food prices were up 0.6 percent in February, bringing the Consumer Price Index for food to a level of 131.5, up from 122.0 when this administration took office. Nor can he pay for badly needed services. According to the Department of Labor, the Consumer Price Index for all services is now 150.7, up from 139.0 in January 1969. And the Consumer Price Index is now at a level of 132.5, compared to a Consumer Price Index of 124.1 when President Nixon assumed office last January. To offset this skyrocketing inflation, the person living on his minimum social security payment has received an increase of $9 per month. How can anyone pay rent or make a small monthly payment on his modest home and still try to buy the food and clothing and pay for the services he so badly needs on such small sums?

Retired persons in Tennessee write to me to tell me that they are going to have to give up their homes because they can no longer afford to make the monthly payments out of their social security benefits. This is a cruel reward for those who have looked forward to their retirement years with so much hope. Mr. President, a nation founded on the principles of social justice cannot countenance such a situation.

We should not delay further in bringing minimum social security benefits to a level that will provide a base of financial security for our retired citizens.

Mr. President, the distinguished majority leader and the distinguished junior Senator from West Virginia offered an amendment to the tax reform bill last year which would have increased the minimum social security benefit to $100 per month. That amendment, however, coupled this increase with larger payroll taxes. I think payroll taxes are already high enough. That is why I voted against that amendment as a separate item. I supported it, of course, on passage as part of the total bill.

The proposal that I am offering today does not contain a payroll tax increase. The increased benefits are to be financed out of the general revenues of the Government.

I am strongly opposed to any further increase in social security taxes, whether through an increase in the rate or through increasing the wage base, as a means of financing an increase in the minimum monthly social security benefit.

The increase in social security taxes that would have been generated by the amendment proposed last year would have virtually eliminated the tax reduction that I and others fought so hard to obtain through an increase in the personal exemption. This tax increase would have fallen most heavily on the middle-income taxpayer who realized the primary benefit from my proposal to increase the personal exemption to $750. For example, a wage earner with a wife and two children making $12,000 per year received a tax reduction under my proposal of approximately $250 per year. Increasing the wage base to $12,000 in 1973 would increase this man's social security taxes by $237.30. This tax increase would have gone into effect just after the full benefits of the tax reduction package that I succeeded in obtaining had been fully implemented.

Mr. President, we should move the social security system away from total reliance on payroll taxes alone. The man earning a hundred thousand dollars a year pays no more into the social security tax system than does the man who is earning only $7,800 a year and trying to feed, clothe, house, and educate his children at the same time. My proposal will, for the first time, place at least a part of this system for social justice on a progressive tax system.

Current high interest rates are already driving small businessmen to the brink of bankruptcy, as they are being deprived of badly needed funds to finance the expansion that is required if they are to stay in business. The Senate Finance Committee has just approved an unemployment compensation bill that will require these same small businesses to pay an increased Federal unemployment tax. Small business cannot afford the kind of tax increase that would accompany an increase in the social security wage base.

Social security is not just the concern of business in this country; it is the business of everyone. And the person who receives all his income from dividends, capital gains, and other investment income derives just as much benefit from a sound and healthy social security system as does the wage earner and his employer. Minimum social security benefits provide a cushion and a floor in times of general economic slowdown which aids the investor as well as the businessman. Placing part of the burden of financing the social security system on all taxpayers will constitute an important recognition of this fact.

But some will argue that financing the increase in the minimum monthly benefits to $100 out of general revenues will constitute a departure from the insurance principle that has been the basis for financing the social security system. So it does and so it should. The benefits for many of those who rely on the minimum social security payments are not paid on the basis of an insurance principal. Many of these persons have not paid in amounts equal to the benefits they receive. This result can flow from any number of factors—employment during low wage periods in our economy, inability to work through disability, lack of education, lack of equal employment opportunity because of race or sex, and many other factors. But these factors do not, and should not, serve to deny these persons from that minimum level of financial dignity and security to which they are entitled.

My proposal to finance the increase of minimum social security benefits is a frank recognition of this fact, and, in my opinion, is long overdue. It will mark an open acceptance that providing minimum monthly benefits to our retired persons benefits all of us. And those of us who have benefited most richly from our free enterprise system should properly contribute the most to insure that the least fortunate in our society can be guaranteed a minimum subsistence during their retirement years.

Finally, there will be those who argue that our budgetary needs will not permit shifting part of the burden of financing social security benefits to the general revenues. Mr. President, this is a question of our national priorities. My proposal will require that our society address squarely the alternatives facing it. Is the alleged security sought through an ABM system more important than the security of our own people who have reached retirement years? Is the dignity of America achieved through stationing troops abroad more important than enabling our elderly to live out their final years in the dignity that financial independence can give them? Is a defense budget that eats up more than half of our general revenues more critical than permitting those in need to have a budget that will provide them with the minimum necessities of life?

Mr. President, the United States lags far behind other civilized and highly developed countries in Western Europe

in the level of social security benefits that are paid to our retired citizens. It is time to close the gap. My proposal to increase the minimum monthly payment to $100 for each single person and $150 for each married couple is a matter of first priority.

The PRESIDING OFFICER (Mr. ALLEN). The bill will be received and appropriately referred.

The bill (S. 3658) to amend title II of the Social Security Act so as to raise from $64 to $100 the minimum primary insurance amount thereunder, introduced by Mr. GORE, was received, read twice by its title, and referred to the Committee on Finance.

ADDITIONAL COSPONSORS OF BILLS

S. 3623

Mr. GOLDWATER. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Utah (Mr. BENNETT) be added as a cosponsor of the bill I introduced on behalf of myself and the senior Senator from ARIZONA (Mr. FANNIN), S. 3623, to amend title 39 of the United States Code to prevent insulting and profane use of the U.S. mail as a means to distribute unsolicited and unwanted sexually offensive advertisements.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

S. 3643

Mr. DOLE. Mr. President, on behalf of the Senator from Pennsylvania (Mr. SCOTT) I ask unanimous consent that, at the next printing, the names of the Senators from Nebraska (Mr. HRUSKA and Mr. CURTIS), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from New York (Mr. JAVITS), and the Senator from Oregon (Mr. HATFIELD), be added as cosponsors of S. 3643, to provide for the issuance of a gold medal to the widow of the Reverend Dr. Martin Luther King, Jr., and the furnishing of duplicate medals in bronze to the Martin Luther King, Jr., Memorial Fund at Morehouse College and the Martin Luther King, Jr., Memorial Center at Atlanta, Ga.

The PRESIDING OFFICER (Mr. GOLDWATER). Without objection, it is so ordered.

ADDITIONAL COSPONSOR OF A JOINT RESOLUTION

S.J. RES. 181

Mr. YOUNG of Ohio. Mr. President, for the distinguished junior Senator from Missouri (Mr. EAGLETON) presently presiding over the Senate, I ask unanimous consent that, at the next printing, the name of the Senator from Alaska (Mr. STEVENS) be added as a cosponsor of Senate Joint Resolution 181, proposing an amendment to the Constitution to provide for the direct popular election, of the President and Vice President of the United States and for the determination of the result of such election.

The ACTING PRESIDENT pro tempore (Mr. EAGLETON). Without objection, it is so ordered.

NOMINATION OF JUDGE G. HARROLD CARSWELL TO THE SUPREME COURT

Mr. YOUNG of North Dakota. Mr. President, the time is long overdue for the Senate of the United States to vote up or down President Nixon's nomination of Judge G. Harrold Carswell, as Associate Justice of the Supreme Court of the United States. This nomination has been before the Senate for more than a month and there has been ample opportunity for everyone to study his qualifications in detail.

A motion to recommit would mean an unnecessary delay. A substantial majority of the circuit court judges with whom he served, have expressed strong support for his confirmation. This, together with the unanimous approval of the American Bar Association's Committee on Judicial Selection, Tenure, and Compensation, provides a strong and convincing argument, for confirmation by the U.S. Senate. These attorneys should be the best judges of his professional qualifications.

Judge Carswell's membership on the Supreme Court of the United States, would provide a better philosophic balance. He has established an enviable reputation of being able to write opinions that are short, concise, and understandable. The Supreme Court of the United States, in recent years, has an overbalance of Justices who may be considered by some, as intellectual giants, but whose opinions lack both judgment and clarity.

Judge Carswell may be no Abraham Lincoln, but Lincoln, too, was belittled and ridiculed for not being a great intellectual. Time has proven the great wisdom of his judgment. The writings and speeches of this man, who was not looked upon as an intellectual giant of his time, are among the most revered of any, in all the history of this Nation.

I shall vote against recommital and for the confirmation of the nomination of Judge Carswell.

Mr. CRANSTON. Mr. President, yesterday I made a statement concerning the nomination of G. Harrold Carswell to the Supreme Court. I discussed the support or the lack of support, or the nature of that support from civil rights attorneys who have practiced before Judge Carswell in Florida.

I ask unanimous consent that my statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR CRANSTON

On March 18, I publicly accused Judge G. Harrold Carswell of bias and hostility against civil rights attorneys who argued cases in his court, in violation of Canons 5, 10, and 34 of the Canons of Judicial Ethics.

I did so on the basis of:

1. An analysis of the record of hearings conducted by the Senate Judiciary Committee, and

2. Personal conversations I had with four civil rights attorneys who had appeared before Judge Carswell. They included John Lowenthall, law professor at Rutgers University; LeRoy D. Clark, an associate professor of law at New York University—both of whom had previously testified before the Committee—and Theodore Bowers, an attorney in Panama City, Florida, who had not testified.

Mr. Bowers accused Judge Carswell of being emotional, excitable and hostile on civil rights matters, of having criticized Supreme Court civil rights decisions from the bench, and of having verbally attacked U.S. attorneys appearing on civil rights matters, as well as private civil rights attorneys.

Professor Lowenthall accused Judge Carswell of overt and close-minded hostility, of pre-judging civil rights cases, and of having acted toward him in a threatening manner.

Professor Clark charged Judge Carswell with being extremely hostile, intemperate and intimidating—especially toward civil rights attorneys—and of deliberately confusing legal proceedings to throw civil rights attorneys off balance and muddy the record so as to make successful appeals difficult. He said the other civil rights lawyers in northern Florida, all of whom he knew, had voiced similar complaints against Judge Carswell.

The fourth civil rights attorney I had talked with also had not testified before the Committee. He too confirmed Judge Carswell's biased and hostile behavior. But he asked that his identity not be made public. I, of course, honored his request. But since my March 18 statement, this attorney has decided to come forward and has given me permission to make his identity known.

He is Earl M. Johnson, an attorney in Jacksonville, Florida. Mr. Johnson is a member of the Jacksonville City Council.

I and my staff have continued this line of investigation. We have tried to contact every civil rights attorney who had argued a case before Judge Carswell while he was a federal judge in the northern district of Florida. Over the past two weeks, we have spoken to ten attorneys, including the four I have already identified. The others are: Jerome Borstein, James Sinderlin, Tobias Simons, Maurice Rosen, Reece Marshall, and Sheila Rush Jones.

Every one of the 10 attorneys told us that Judge Carswell was unfair and biased, had pre-judged his clients' cases and had a statewide reputation for being anti-civil rights. Every one declared strong opposition to the confirmation of Judge Carswell.

In addition, one of these attorneys has furnished me with an affidavit swearing that "Judge Carswell was very discourteous to me, interrupting me with frivolous comments as I attempted to argue the motion. In general he treated me in a mocking, ridiculing way. Only after I began prefacing my remarks with such statements as 'Let the record reflect I am attempting to say etc.' did he cease to interrupt and allow me to complete my argument. I have never before or since received such disrespectful treatment from a federal judge."

The signer of this affidavit is Sheila Rush Jones. Mrs. Jones had appeared before Judge Carswell in January 1967, less than two years after she had been admitted to the bar. At the time, she was 26 years old.

Thus, so far as we have been able to determine, civil rights attorneys who practiced before Judge Carswell unanimously agree to his bias and hostility in civil rights matters and unanimously oppose his confirmation.

There has been only one apparent exception.

He is Charles F. Wilson. Mr. Wilson has been with the Equal Employment Opportunity Commission in Washington since last fall. He is Deputy Chief Conciliator.

On February 5, Mr. Wilson sent a letter to the Chairman of the Judiciary Committee stating that he had represented plaintiffs in civil rights cases before Judge Carswell from 1958–1963.

In that letter, Mr. Wilson said in part:

"As a black lawyer frequently involved with representation of plaintiffs in civil rights cases in his court, there was not a single instance in which he was ever rude or discourteous to me, and I received fair and

courteous treatment from him on all such occasions. I represented the plaintiffs in three of the major school desegregation cases filed in his district. He invariably granted the plaintiffs favorable judgments in these cases, and the only disagreement I had with him in any of them was over the extent of the relief to be granted."

Supporters of Judge Carswell have given this letter great weight and credence.

In his March 17 speech on the Senate floor in which he announced his decision to support Judge Carswell, Senator Fanning, for example, said he had "relied to a great extent" on statements of "lawyers and judges who have known and worked with Judge Carswell over the years."

He said he was "particularly impressed" with the Wilson letter and urged every Senator to read it.

"It is true that some witnesses appeared before the Senate Judiciary Committee and testified that Judge Carswell was biased and prejudiced against civil rights litigants," Senator Fannin said. "However, none of these witnesses had nearly as much experience in dealing with Judge Carswell as Mr. Wilson."

Balancing the "impressive testimony" of Mr. Wilson's letter against those other allegations, Senator Fannin said, "it is not difficult for me to make my decision."

On March 19, in a colloquy with Senator Hart, and again on March 20, in colloquy with Senator Mondale, Senator Gurney repeatedly cited Wilson's letter in attempting to refute my charges of ethics violations and bias against Judge Carswell. He called Mr. Wilson's letter a "very persuasive" refutation of anti-civil rights charges against Judge Carswell and said the letter was "weighty evidence" of Judge Carswell's "senisitivity" in human rights matters.

"For the life of me," Senator Gurney said, "I cannot see how Senators, in the face of evidence like that [letter], can come here and say that Judge Carswell is insensitive, that he is not interested in human rights, that he does not like black people, that he does not give them a fair shake in his court."

And the majority of the Judiciary Committee itself relied heavily on the Wilson letter in an effort to refute charges against Judge Carswell of anti-civil rights bias.

In its Feb. 27 report recommending the Judge's confirmation, the majority singled out the Wilson's letter to answer allegations by other civil rights attorneys that Judge Carswell "had evidenced hostility toward them and toward their clients' claims."

"If Judge Carswell were discourteous to civil rights attorneys or biased against civil rights litigants," the majority report declared, "Mr. Wilson would certainly know of it."

The fact is, Mr. Wilson did know of Judge Carswell's discourtesy to civil rights attorneys. Mr. Wilson did know of Judge Carswell's bias against civil rights litigants. But Mr. Wilson withheld that information from the Committee.

I have received an affidavit from Theodore R. Bowers, a Panama City attorney, who took over a number of civil rights cases from Mr. Wilson when the latter was appointed legal counsel for the Technical Assistance Program of the State of Florida.

Mr. Bowers, one of the leading civil rights attorneys in the state, declares that on September 8, 1965, he and Wilson had "a long discussion" about the cases and about Judge Carswell, who was then presiding over them.

Mr. Bowers discloses that Mr. Wilson apmeanor" in regard to school desegregation cases and swears that "Mr. Wilson described Judge Carswell as having segregationist views and tendencies and stated that Judge rised him of the Judge's "attitude and de-Carswell was antagonistic toward such cases."

Why, then, did Mr. Wilson send a letter to the Committee which he knew would be interpreted as an endorsement of Judge Carswell?

Mr. Vincent H. Cohen, an attorney in Washington, D.C., provides the answer. Mr. Cohen has given me an affidavit in which he swears that Mr. Wilson told him on Mar. 26 that his letter "was written at the request of the Department of Justice" and that "if he had not been contacted by the Department of Justice, he would have never sent his Feb. 5, 1970, letter to the Judiciary Committee.

Cohen further swears that Mr. Wilson informed him that he "does not now nor has he ever supported Judge Carswell's nomination", that "as a U.S. attorney and U.S. District Judge as well as in his private affairs, Judge Carswell has gone beyond the bounds of all propriety in taking part in discriminatory schemes and plans designed to thwart federal law," and that "Judge Carswell lacks the necessary intellectual and moral capacity to sit in judgment on the issues facing the court which are critical to the well being of American citizens, both black and white".

Besides being subjected to this pressure by the Justice Department, Mr. Wilson also acted out of loyalty to Judge Carswell.

In his affidavit, Mr. Bowers avows that Mr. Wilson confided that Judge Carswell had written "a magnificent recommendation" to help him get his new job with the Florida Technical Assistance Program.

After carefully reviewing all these facts:

1. I charge that [out of nearly a dozen civil rights attorneys who had appeared before Judge Carswell, the administration sought out the one attorney who was vulnerable to pressure—a government employee, beholden to Judge Carswell, who could be dismissed at Executive discretion.]

2. I charge that the administration used Mr. Wilson in a deliberate effort to mislead the Committee, the Senate and the American people.

3. I charge that the administration led Mr. Wilson to withhold from the Committee what he knew to be the full truth about Judge Carswell's unethical bias and hostility against civil rights attorneys and their clients.

4. I charge that this deception by the administration and Mr. Wilson materially contributed to Judge Carswell being approved by a majority of the Judiciary Committee.

I believe that President Nixon, himself, has been misled by his advisors as to Judge Carswell's qualifications and fitness for the Supreme Court. I call upon him to withdraw the nomination.

Short of that, I believe this additional evidence certainly provides new and conclusive reasons for recommitting the nomination to the Judiciary Committee.

Clearly, the full and accurate record of Judge Carswell's anti-civil rights bias, and his repeated violations of Canons 5, 10, and 34 of the Canons of Judicial Ethics, was not presented to the Committee before it sent Judge Carswell's nomination to the floor.

Mr. CRANSTON. Since I made my statement, a variety of statements have been made by those involved in this situation. The statements have been inconsistent and contradictory in a great many ways. They have also, I think, been quite revealing.

In this controversy over the letter sent to the Committee on Judiciary on February 5 by Charles Wilson, Deputy Conciliator for the Equal Employment Opportunity Commission, we must not lose sight of the main issue; that is, the qualifications and fitness of Judge Carswell to serve on the Supreme Court, particularly in light of evidence that he holds segregationist views, that he has been biased against civil rights cases, and that he has been involved in the discriminatory practices of private groups.

Mr. Wilson's letter was written to help offset this image, and it worked for a while.

Senate supporters of Judge Carswell, taking the letter on its face value, have relied heavily on it as evidence that he is not biased against or hostile to the black community, especially to civil rights attorneys and their clients.

Mr. Wilson's letter was widely interpreted as an implied endorsement of Judge Carswell's nomination by a black civil rights attorney.

On March 20, the Senator from Florida (Mr. GURNEY) placed in the RECORD a telegram from one Julian Bennett, which reads:

> First counsel for Negro plaintiffs was Charles F. Wilson, Pensacola, Florida, who I understand has filed a letter supporting Judge Carswell's nomination to Supreme Court.

There in the RECORD is a flat suggestion that the letter did amount to an endorsement of Carswell by Wilson. It is no accident that this letter has been interpreted as an endorsement. It was carefully written to give that impression. The letter was sent at the request of the Department of Justice. Mr. Wilson himself admits this. So does Mr. William H. Rehnquist, Assistant Attorney General for the Office of Legal Counsel.

More than that, the letter was actually written by Mr. Rehnquist acting as a top official of the Department of Justice. The letter was submitted to Mr. Wilson for his approval and signature.

I read from this morning's Philadelphia Inquirer:

> Wilson acknowledged he wrote the letter at the request of a Justice Department official.

I read from this morning's Baltimore Sun:

> Mr. Rehnquist asked him whether he would testify before the Judiciary Committee, prepare an affidavit, or write a letter. He chose to present his views by letter, Mr. Wilson said.

I read from this morning's New York Times:

> Mr. Rehnquist said that he had drafted the letter.

However, the letter was made to appear to be a personal, unsolicited letter from Mr. Wilson to the committee. Obviously, it was no such thing.

There is a world of difference between a letter spontaneously written, drafted by the writer himself of his own volition, and a letter requested and actually drafted by an important representative of Attorney General John Mitchell, the leading Presidential adviser charged with the responsibility of securing the confirmation of the nomination he recommended to the President.

The PRESIDING OFFICER. The time of the Senator from California has expired.

Mr. CRANSTON. Mr. President, I ask unanimous consent that I may proceed for not more than 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, how, under these circumstances, can the Wilson letter be considered an unbiased and complete statement of fact, as Mr. Wilson intended it?

It cannot. Mr. Wilson himself now concedes that he did not intend his letter to be an endorsement of Judge Carswell.

Mr. Wilson told the press yesterday:

> My letter was a statement of fact. It was neither an endorsement nor a commendation.

I think Mr. Wilson should have said his letter was a statement of partial fact. Though given repeated opportunities by the press yesterday to endorse Judge Carswell, Mr. Wilson consistently refused to take a stand in support of the Judge's confirmation.

I read from this morning's New York Times again:

> Mr. Wilson replied that his letter had not been intended as an endorsement of Judge Carswell—as it has been characterized by some of the judge's supporters—and that he personally would have chosen a more liberal nominee.
>
> He added that he had "stated facts and not conclusions, limited to my own experience," and had not meant to say how other civil rights lawyers might have been treated by Judge Carswell. Mr. Wilson also said that he "didn't intend to say one way or another whether he [Judge Carswell] was biased."

Mr. DOLE. Mr. President, will the Senator yield?

Mr. CRANSTON. Let me close with these remarks.

Mr. Wilson is an intelligent man. He knew that a letter requested by the Justice Department and written by the Justice Department would be used to support Judge Carswell's nomination. He knew that his letter would be used to put on the Supreme Court a man whom he now admits he does not endorse. The question that Mr. Wilson must now explain is, What induced him to write such a misleading letter?

Mr. DOLE. Mr. President, will the Senator yield?

Mr. CRANSTON. I yield to the Senator from Kansas.

Mr. DOLE. As I recall last evening on television, Mr. Wilson indicated the pressure may be coming from the anti-Carswell forces and not from others. Does the Senator from California have any comment on that?

Mr. CRANSTON. It is for that reason that I did not speak, myself, or have any member of my staff talk to Mr. Wilson prior to the revelations I made yesterday. I suspected that he would then say that he had been pressed by a U.S. Senator. I did not want to give him that opportunity.

It seems to me that the administration singled out the one man who had appeared in Judge Carswell's court as a civil rights attorney who would be vulnerable to pressure, a man working for the Government now, and solicited this letter from that man, knowing it would be easier to get such a thing from him than from any other person who could give testimony.

Mr. DOLE. If the Senator will yield, I think he may do a disservice to Mr. Wilson. I understand he is a very well qualified attorney.

I have read his letter, which appears on pages 328 and 329 of the hearings. I read it as a statement of fact, as a statement indicating that he did receive courteous and fair treatment before Judge Carswell's court.

I might add that he was very active in integration activities in Tallahassee. He did practice before Judge Carswell's court many times. I assume that he has a right to make that statement, whether or not he is an employee of the Federal Government. I accept his word when he says he was not pressured by anybody in the administration; that he did make a statement and is going to stand by it. He deserves great credit for doing so, notwithstanding the indirect pressures being brought upon him.

Mr. CRANSTON. I would say the issue is, did this man write a letter that amounted to an endorsement of Judge Carswell as it has been interpreted by supporters of Judge Carswell? The fact is that he did not. He stated that it was not an endorsement; and the fact is that the main question in regard to the origin of the letter, then, is, why did he write a letter which he knew would be used to support a man whom he, himself, does not support for the Supreme Court?

Mr. DOLE. The letter speaks for itself. That is the best evidence, as the Senator from California knows. I would be happy to read the letter but we can read the letter in the RECORD. The New York Times can read the letter, though they failed to read Senator COOPER'S statement of Saturday. It did not even appear in the first edition of their paper on Sunday. We can all make our own determination concerning opponents of Judge Carswell.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. CRANSTON. I yield.

Mr. BROOKE. Is it the Senator's contention that the letter which the distinguished Senator from Kansas has referred to was not written by Mr. Wilson?

Mr. CRANSTON. Yes. It now develops that Wilson admits he did not write the letter; that Mr. Rehnquist, the Assistant Attorney General, states he did write the letter. He submitted it to Wilson, and Wilson made a minor change, according to the press accounts, and the letter was sent to the Senate. It is an administration letter, written by officials of the administration.

Mr. BROOKE. But the Senator states that the letter was signed by Mr. Wilson, though Mr. Wilson was not the author?

Mr. CRANSTON. Yes.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CRANSTON. I ask unanimous consent that I may proceed for 5 additional minutes.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD of West Virginia. Mr. President, reserving the right to object—and I shall not object—is the Senate now in the period for the transaction of routine morning business, with statements therein limited to 3 minutes?

The PRESIDING OFFICER. As in legislative session.

Mr. BYRD of West Virginia. I thank the Presiding Officer.

The PRESIDING OFFICER. Without objection, the Senator from California may proceed for 5 additional minutes.

Mr. CRANSTON. I yield to the Senator from Massachusetts.

Mr. BROOKE. I offer no judgment on this matter. I do not know Mr. Wilson, and I certainly have all respect for the distinguished Senator from California. I think the distinguished Senator from California has provided a great service to the Senate in this debate, particularly a great service insofar as the motion made by the distinguished Senator from Indiana is concerned. He raises the question as to whether the letter written by Mr. Wilson constitutes an endorsement of the candidate. As I understand it, he raises that question because he believes—and I think justly so—that several of our colleagues have relied upon this letter as an endorsement in making their decision as to whether they should vote for the confirmation of the nomination. Is that correct?

Mr. CRANSTON. That is correct.

Mr. BROOKE. So it seemed to me that this would be a perfect opportunity for the Judiciary Committee to conduct a hearing, at which time they could call Mr. Wilson before that committee, under oath, and question him as to the purpose for which the letter was written—whether pressures were brought to bear on him at the time he agreed to sign the letter, which was written by someone in the administration, as the Senator says, and whether in fact he does endorse this nominee for confirmation to the Supreme Court of the United States.

Does the Senator agree with this?

Mr. CRANSTON. I agree with that. I would add to that that the members of the committee, themselves, should reappraise their action, because the majority report cited the Wilson letter as one of the convincing elements of the case for Judge Carswell. The specific comment they make, after inserting the letter, is as follows:

> If Judge Carswell were discourteous to civil rights attorneys or biased against civil rights litigants, Mr. Wilson would certainly know of it.

The fact is that Mr. Wilson never has made any statement on that subject. He never has said that he did not know of bias being employed by Judge Carswell in his court against civil rights attorneys other than himself.

Mr. BROOKE. Mr. President, will the Senator yield further?

Mr. CRANSTON. I yield.

Mr. BROOKE. Does the Senator know whether Mr. Wilson was given an opportunity to appear personally before the Senate Judiciary Committee?

Mr. CRANSTON. No; he was given no opportunity, except that Mr. Rehnquist, of the Department of Justice, states that he offered him three alternatives; to write a letter or to appear before the committee were among those alternatives. I gather that it was decided that

it would not be wise for Mr. Wilson to appear before the committee, because under cross-examination by those who have doubts about Judge Carswell's qualifications, it would emerge that this man by no means was endorsing him, as the simple matter of a letter would enable them to imply he was endorsing Carswell.

Mr. BROOKE. The question has been raised about the best evidence. I ask this question of the distinguished Senator from California: Does he have any knowledge as to whether there was any impediment or any reason why Mr. Wilson did not—could not—appear before the Senate Judiciary Committee?

Mr. CRANSTON. I think the officials of the administration would not want him to appear, because it would become apparent under cross-examination that he was not a supporter of their cause within his heart.

It is also a fact that this man holds a position in Government and apparently is seeking promotion, a promotion which depends upon—or can depend upon—decisions made in the White House.

A further point is that I made affidavits available yesterday, and I have more, in which people swear that Mr. Wilson told them privately that he is opposed to Judge Carswell because he knows he is biased.

Mr. BROOKE. Well, with all due respect to the distinguished Senator from California, that is the Senator's opinion as to why he did not appear?

Mr. CRANSTON. That is right.

Mr. BROOKE. It would seem to me that a motion for recommittal should carry if, in effect, it would give an opportunity to the Judiciary Committee to go deeper into the several matters upon which doubt has been raised during the course of this rather lengthy debate on this confirmation. One was the question of credibility concerning the golf course incident where the committee would call in Mr. Horsky, for example, and question Mr. Horsky so that they could make some determination as to what the other facts are in that matter.

The Senator has raised another point which I think certainly would be a proper subject for inquiry by the Judiciary Committee; namely, did Mr. Wilson intend an endorsement by the letter which he sent to the Judiciary Committee? It would seem to me that this is the contribution the Senator from California has made because I am sure that many Senators feel there are matters which have not been thoroughly examined by the Judiciary Committee in its deliberations on the confirmation; is that not correct?

Mr. CRANSTON. That is correct. I thank the Senator for his comments on my efforts in this regard. Others have raised many other questions which remain unanswered beyond those cited by the Senator from Massachusetts. They all add up to a very strong, I believe, totally convincing case for recommittal of the nomination to the committee so that it can explore the unanswered questions which have arisen since they reported the nomination from that committee.

ORDER OF BUSINESS

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I be allowed to proceed for not to exceed 10 minutes.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

FUNDAMENTAL QUESTIONS ON LOCKHEED'S FINANCIAL CONDITION REMAIN UNANSWERED

Mr. PROXMIRE. Mr. President, I would like to make an interim report on the information I have been able to gather so far concerning the request of the Lockheed Aircraft Corp. for $641 million to alleviate its financial difficulties on its military contracts.

On March 10, I formally requested the Comptroller General of the United States to investigate Lockheed's financial condition and its ability to continue performance of its military contracts. Because of the urgency of the situation, I asked that the report be completed within a very short time period, just 10 days. Not unexpectedly, the data that has been gathered is incomplete and raises additional questions. I have therefore asked the Comptroller General to continue gathering information in answer to my original request and to provide additional facts.

LACK OF FACTS

Regrettably, I must report that as of this date, no one in the Congress or in the Department of Defense has the facts on which to base an intelligent decision on the Lockheed request.

In effect, Lockheed is asking for payment of claims growing out of four military contracts, the C–5A cargo plane, the Cheyenne helicopter, the SRAM missile, and several shipbuilding projects.

In each case, the claim is disputed by the Government.

Normally a contractor continues in the performance of his contracts regardless of the claims that he may have filed against the Government, awaiting adjudication by the administrative process. In this case, however, Lockheed complains that the amounts in question are so great that it will not be able to continue performance unless it receives immediate payment. Another way of viewing Lockheed's position is to say that it has threatened to quit working on programs deemed by the Pentagon to be necessary to national security unless the Government pays up and pays up in a hurry.

QUESTIONS NEED ANSWERS

At this point, several fundamental questions need to be answered before any decision is made.

First. What is Lockheed's financial condition?

Second. How did Lockheed's financial problems develop? Are they the result of Pentagon mismanagement, or contractor inefficiency?

Third. Do similar financial difficulties exist with respect to other military contracts with Lockheed?

Fourth. To what extent is Lockheed's present difficulty the result of problems with its non-Government, commercial ventures?

Fifth. If the Government provides Lockheed with the funds it is requesting, is there any assurance that this contractor will not come back for more in the future?

I am shocked that none of these questions can be answered at the present time. On March 10, the New York Times, on the basis of Deputy Defense Secretary David Packard's testimony to the House Armed Services Committee, reported that the "Pentagon backs aid for Lockheed." I fail to see on what basis the Pentagon could have made its decision to support Lockheed's request, if indeed such a decision has been made. In fairness, it should be observed that spokesmen for the Department of Defense have stated that they are exploring all ways to resolve this problem.

EXPLORATIONS IN THE DARK

But I cannot help but wonder whether these explorations are being carried on in the dark. For example, I asked in my letter to the Comptroller General for a list of all Lockheed military, space, and related contracts, their dollar amounts, the funds authorized and appropriated so far, and the sums paid to Lockheed as reimbursement to date. To my surprise, we learned that no such list had yet been prepared in the Department of Defense. Of course, Lockheed complains about its financial plight on only four programs. But Lockheed has many military contracts. It is the biggest defense contractor we have. It would seem to me to be fundamental to any consideration of such a monumental request for funds—that is $641 million—for the Government to review all of its dealings with this contractor.

I am now assured that such a listing is being compiled by the Pentagon, and that it will be made available within the next few days.

By the way, it is interiguing to me that only four contracts have been selected for the basis of the extraordinary claim that is being made. It is true, of course, that huge cost overruns infect each of the four programs.

But other Lockheed contracts are similarly infected. There is a multibillion-dollar cost overrun on the Poseidon program. And there is a huge overrun on the deep submersible rescue vehicle. How have these programs affecetd Lockheed's financial capability?

There is also the S–3A aircraft contract, awarded only last year to the Lockheed Corp. This is a $3 billion program and, according to my information, it is already in trouble.

NO CASH FLOW STATEMENT

A more shocking example than the lack of information is the fact that the Pentagon does not have a cash flow statement of Lockheed's finances.

The cash flow statement is the most fundamental information necessary for an analysis of short-term cash needs. It is essential for any examination of short-

run financial movements, and has become a required tool for management, and a measuring stick for creditors.

No bank in its right mind would extend substantial credit to a corporation without seeing a cash flow statement. A typical cash flow statement would show monthly disbursements and receipts over a given period of time. Using such figures, the cash requirements throughout the time period can be ascertained.

WHAT ARE CASH REQUIREMENTS?

Two of the questions I directed to the Comptroller General concerned Lockheed's cash flow statement. One question asked for the cash requirements for all major Lockheed Aircraft programs over the next 2 years. Another question asked for the cash deficts and surpluses for all major Lockheed programs. The response to these questions was most disappointing. The Pentagon responded by supplying a copy of Lockheed's letter of March 2, 1970, to Secretary Packard, and copies of Secretary Packard's testimony before the House and Senate Armed Services Committees. According to Robert C. Moot, the Assistant Secretary of Defense:

These attachments summarize Lockheed's cash deficits and cash requirements on Government programs with which the company has major problems.

I beg to differ with Secretary Moot, who should know better. Lockheed's letter and Packard's testimony, copies of which I already had, do not summarize Lockheed's cash deficits and cash requirements on Government programs with which the company has major problems. There is no way of constructing a cash flow statement from the paucity of information contained in those statements. Further, I requested information for all major Lockheed programs, not for only the four about which Lockheed is now complaining. I have pointed out that these amount to billions of dollars and some of them are in serious trouble. There is also no question about overruns in some of the others.

BOTH PENTAGON AND LOCKHEED INFORMATION INADEQUATE

The response for cash flow information from Lockheed is equally disappointing. In a letter from Keith Anderson, vice president of Government Contracts and Pricing, dated March 19, 1970, to the General Accounting Office, Lockheed claims that its earlier letter of March 2 outlined its "cash requirements on the major programs on which contractual procedures and disputes have created financial problems."

Again, I disagree. The Lockheed letter outlines its "cash requirements" only in the sense that it asks for an enormous amount of money which it claims it requires. It is a totally inadequate explanation of its condition, however, from the point of view of the Government's need to make a decision.

Lockheed also states in its letter of March 19 that it is developing additional information with respect to its cash position on its major military contracts, and that this information will be made available to the Defense Department in the near future.

I have now been assured that the Defense Department is putting together a cash flow statement on Lockheed, and that this information will be made available by April 8.

What is disturbing, though, is the fact that the Pentagon has gone for so long without this information that it ought to have.

Why did it not require a cash flow statement from Lockheed before now? Any bank would have.

Why should it take 2 weeks for the Pentagon to put together a cash flow statement? Is it possible that Lockheed has not itself prepared a cash flow statement? I could well understand how financial disaster could meet a firm too shortsighted to analyze its own short-term cash requirements. On the other hand, if Lockheed has a cash flow, why could the Pentagon simply not ask for it and not take 2 weeks to put it together?

In all of this, I detect an appalling lack of knowledge about Lockheed's financial condition on the part of the Department of Defense. It is inconceivable to me that a Government agency could have placed literally billions of dollars worth of military contracts with a corporation while knowing so little about the condition of that corporation and its ability to perform its contracts.

PUBLIC INTEREST NOT PROTECTED

I am not satisfied that the Department of Defense has acted responsibly in this matter or that the public interest, as opposed to Lockheed's corporate interest, is being given adequate consideration.

I have been informed that the administration is seriously considering submitting to the Congress within the next few days an amendment to the fiscal 1971 budget to make provision for the Lockheed claims. Such an action on the part of the administration could indicate that it has already made its decision to pay Lockheed's claims despite the current ignorance about Lockheed's finance and the reasons for Lockheed's condition.

I would hope that if a budget amendment is transmitted to the Congress, it would be accompanied with a detailed explanation of the administration's position and its analysis of the entire situation.

Presently there are many more questions than there are answers, and it would be a serious breach of the public trust if the decision were made before these questions were completely answered.

I ask unanimous consent to have printed in the RECORD the letter from Lockheed to the GAO dated March 19, 1970, and the letter from Secretary Moot to the GAO dated March 19, 1970, two articles from the Washington Post dated March 6 and March 7, an article from the New York Times dated March 10, and two articles from the Armed Forces Journal dated March 14 and March 21, 1970.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LOCKHEED AIRCRAFT CORP.,
Burbank, Calif., March 19, 1970.

MR. JAMES H. HAMMOND,
Associate Director Defense Division,
U.S. General Accounting Office,
Washington, D.C.

DEAR MR. HAMMOND: In accordance with your oral request we have furnished you a list of Lockheed military, space, and related contracts and the funded face value of each. (As discussed, the general rule followed was to exclude contracts with backlog values less than $1 million.) Offices within the Government must be the source for information respecting funds authorized and appropriated, and we have suggested to you that the sums paid to date could best be obtained from the Department of Defense or other Government offices.

Further in accordance with such request we provide you the information below.

The amount expended through 1969 on the model L–500 which is potentially a commercial cargo aircraft derivative of the C–5A, is $10,776,888. Such expenditures commenced in 1966. There has been no decision to proceed with a model L–500 program. Activities on the L–500 to date have been directed mainly to studies and investigations of a commercial configuration and commercial cargo aircraft system, and have also included wind tunnel tests, a cargo loading simulator and flight station mock-up.

The amount expended on the L–1011 Tri-Star commercial jet transport is included in our Lockheed Annual Report which, upon completion of the printing of copies currently in process, will be publicly released and we will at that time deliver a copy to you. Meanwhile, we have provided to you a preliminary proof copy[1] of that Report but request that no public disclosure be made of information therein other than that which was disclosed in our press release March 5, 1970, issued prior to completion of audit.

Lockheed assets values were disclosed in the condensed financial statement included in our press release mentioned above.

You requested the total amount of Government-owned property held by Lockheed. The total amount of Government-owned facilities in possession of Lockheed as of 1969 year end, had an acquisition cost of $227,723,000.[2] The estimated net depreciated value is $58,599,000. Such facilities do not include certain other Government-owned property in Lockheed's possession. For example, the dollar amount of equipment furnished by the Government from time to time for incorporation in deliverable end items is not readily ascertainable or calculable. Similarly, property is continuingly being acquired under cost reimbursement contracts, the title thereto vesting in the Government.

Progress payments totals received by Lockheed from the Government were as follows:

Unliquidated balance at 1968 end	$1,167,553,147
Amount received in 1969	972,209,201
Amount liquidated in 1969	576,494,197
Unliquidated balance at 1969 end	1,563,268,151

You have also asked us for information regarding cash requirements for all major Lockheed programs over the next two years, including the L–1011, and information on cash deficits and surpluses for all major Lockheed programs, including the L–1011, on Lockheed premises and customer premises.

[1] On delivery of this letter the preliminary proof copy was returned to lockheed at its request.

[2] Gen. Stanwix-Hay says $212 million.

In our letter to Secretary Packard of March 2, which we understand has been made available to you, we outlined our cash requirements on the major programs on which contractual procedures and disputes have created financing problems. We are developing additional information with respect to our cash position on these and other major Department of Defense programs in response to a recent request from the Department of Defense. This information will be made available to the Department in the near future.

Concerning the L–1011 aircraft, as you can appreciate, information reflecting projections on any highly competitive commercial program is extremely sensitive. However, it may become necessary or desirable to furnish the Department of Defense certain information respecting the L–1011 program to show its possible relationship to the overall financial situation. In that event, it is our intention to advise the Department that the sensitivity of such information requires that we furnish it in confidence so that it will be within the exception provided for "trade secrets and commercial or financial information obtained from any person and privileged or confidential" under the Public Information Act of 1966 and also will be protected from disclosure under 18 USC 1905.

We have not studied the cash effect if the C–5A program were terminated at 58 aircraft. If such termination were to occur and the amounts now in dispute were amplified as a consequence, the C–5A cash problems would seem to be similarly amplified.

You also alluded to "possible solutions to the Lockheed crisis considered by the Department of Defense including bankruptcy, break-up of the Lockheed Corporation, and substitution of new tenants for the Government's Marietta, Georgia, and Sunnyvale, California, plants". Serious consideration of bankruptcy or break-up of the corporation as possible solutions defies both equity and common sense. Any such steps would seriously interfere with performance of these and other major programs and in effect would resolve contractual disputes against this corporation without the benefit of adjudication.

Substitution of tenants at the Marietta and Sunnyvale plants would be grossly impracticable if not impossible. For example, at Marietta while the total operation of the plant involves the use of Government-furnished facilities, a greater amount of contractor-furnished facilities is involved as follows:

[In millions]

Contractor-furnished:	
Acquisition cost	$173.4
Net book value	99.4
Government-furnished:	
Acquisition cost	93.6
Estimated depreciated value	19.0

The Lockheed-owned property includes such most essential facilities as the C–5 test center which was built on Lockheed-owned property with Lockheed funds at a cost of $12.7 million; and the machinery and other equipment included in the total facilities amounts above are as follows:

[In millions]

Contractor-furnished:	
Acquisition cost	$65.9
Net book value	33.7
Government-furnished:	
Acquisition cost	38.0
Estimated depreciated value	4.2

Substitution of tenants at Sunnyvale would appear to be equally impracticable and virtually impossible because of the close integration of Lockheed-furnished and Government-furnished facilities as follows:

[In millions]

Contractor-furnished:	
Acquisition cost	$187.7
Net book value	109.6
Government-furnished:	
Acquisition cost	70.6
Estimated depreciated value	26.1

It is our opinion that such vital programs as Polaris, Poseidon, C–5A and C–130 simply could not be carried forward without Lockheed property and equipment which would not be available to another tenant. While conceivably some Lockheed employees including some supervisory and middle management personnel could be obtained by a substitute tenant of the Government-owned property, it is highly unlikely that a sufficient total of such personnel could be obtained to permit continued and uninterrupted performance of these programs.

Should you wish further information respecting the impracticability of tenant substitution, we suggest that your representatives examine the properties at the Marietta and Sunnyvale plants.

Sincerely yours,

KEITH ANDERSON.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., March 19, 1970.

Mr. JAMES H. HAMMOND,
Associate Director, Defense Division,
General Accounting Office,
Washington, D.C.

DEAR MR. HAMMOND: At our meeting last Thursday, we agreed to assist with responses to questions posed by Senator Proxmire in his letter of 10 March 1970, to Mr. Staats, concerning the financial problems of the Lockheed Aircraft Corporation.

The attachments to this letter contain the answers that we are able to provide to questions numbered (4), (5), (9), and (10), in Senator Proxmire's letter. It is our understanding that you will obtain answers to questions numbered (2), (3), (8), and (11), from Lockheed directly or from your own sources.

In response to Question 1, a listing of Lockheed's contracts with the government is being compiled. There are, however, substantial difficulties in bringing this data together from different sources and in programming our computers for a print-out which is responsive to the request. Because of these difficulties, it appears that at least two weeks will be needed to compile this information. In the interim, our answer to Question 9 partially fulfills the requests in Question 1.

In response to Questions 6 and 7, we are attaching Mr. Haughton's letter of 2 March 1970 to Secretary Packard, along with copies of Secretary Packard's testimony before the Armed Services Committees. These attachments summarize Lockheed's cash deficits and cash requirements on government programs with which the Company has major problems.

We also submit the copies of Secretary Packard's testimony as our response to Question 12. In concluding both presentations, Secretary Packard addressed himself to the range of possible solutions. Our analysis of these solutions is still in an exploratory stage, and we are simply unable at this time to outline the details of each alternative approach to this problem.

Sincerely,

ROBERT C. MOOT,
Assistant Secretary of Defense.

[From the Washington (D.C.) Post, Mar. 6, 1970]

HARD-PRESSED LOCKHEED ASKS $655 MILLION IN PENTAGON AID

(By Bernard D. Nossiter)

Lockheed Aircraft Corp., the nation's premier defense contractor, has made an extraordinary appeal to the Pentagon for up to $655 million in "critical" assistance funds.

In a letter to David Packard, the Deputy Secretary of Defense, Lockheed Chairman Daniel J. Haughton blamed "the unprecedented dollar magnitude" of its disputes with all three military services for its plight. Unless the cash is forthcoming, Haughton warned, it will be "financially impossible" for the company to continue producing the controversial C–5A cargo plane and to fulfill three other contracts.

Lockheed contends that the government owes it more than $770 million, a sum that is in dispute. The company wants an advance on this amount while awaiting settlements of its disputes with the government.

The letter was sent on Monday.

Packard and other Defense officials, it was learned, met secretly on Wednesday with six leading bankers, presumably to seek help for the giant company. The results of the meeting could not be learned. However, the Pentagon's release of Haughton's letter yesterday is regarded by procurement experts as the start of a campaign to build support in Congress for the money.

The New York Stock Exchange suspended trading in Lockheed shares yesterday until the company could clarify its position. Last night, Haughton reported that the firm lost $32.6 million last year against profits of $44.5 million the year before. The price of Lockheed shares has fallen from a high of 50 in the past year to 16 on Wednesday.

Defense Secretary Melvin R. Laird reportedly told the House Armed Services Committee in a closed session that the company's plight is "very serious."

He told newsmen that "I understand full well the need and necessity for maintaining this industrial base" and said that the aid request would be reviewed not only by his department but also "the appropriate committees of Congress."

Procurement officials called Lockheed's plea unprecedented and could not recall anything to match its size. The biggest assistance package that experts could remember was the $55 million "provisional claim" given Todd Shipbuilding Corp. last year.

A federal law also provides for relief to companies deemed essential to national security. Between 1960 and 1968, 2,553 requests were approved under this provision and they totaled only $55 million. The Lockheed request is twelve times this amount and that granted Todd.

Lockheed led the list of arms contract winners last year with awards of $2.4 billion. It employs 97,000 workers, including 48,000 at two California locations and 31,000 in Marietta, Ga., where the C–5A is being built in a government-owned plant.

Pentagon specialists said it was unthinkable that the company could be allowed to go bankrupt. They pointed out that Lockheed is the only supplier of Polaris and Poseidon missiles for submarines, the nation's least vulnerable strategic deterrent.

Lockheed argues that its claims against the services total $770 million to $835 million and that it can't wait until these are settled. However the amount of help it seeks, $590 million to $655 million, is more than the stockholder's investment in the company, an amount put at $371 million in 1968.

Sen. William Proxmire (D-Wis.), who warned last fall that Lockheed had wasted funds on the C–5A, said yesterday that the company's plight demonstrated the mistake of concentrating defense contracts in a few firms.

The heart of Lockheed's problem is the big cargo plane. The company expected to sell 120 of them, making good its losses on the first 58 through a repricing formula covering the remainder. But when Congress became aware of the plane's mounting costs, it put so much pressure on the Pentagon that

the Air Force decided to buy only 81. Air Force Secretary Robert Seamans has estimated this cutback alone will cost Lockheed $500 to $600 million.

Although Congress has authorized only 81 planes, Lockheed contends the Air Force signed a binding contract for 120. To cover the losses while this dispute is settled, Haughton asked for $435 million to $500 million in relief.

So far, 11 planes have been delivered and 26 are in what the company calls "final stages of assembly."

The other disputes involve these programs:

Cheyenne Helicopter—The Army cut off this program last year on the ground that Lockheed had not lived up to the contract's performance requirements. Lockheed still has a research and development agreement to complete, however. The company is claiming it is owed $110 million and it wants $45 million now.

Destroyer Escorts and Amphibious Floating Docks—The company is claiming the Navy owes it $175 million, which represents all its losses on nine shipbuilding contracts in the past 11 years. It wants $85 million now.

Short Range Attack Missile—Lockheed is building the missile's rocket motor; claims it is owed $50 million and wants $25 million now.

On Capitol Hill, Rep. Otis Pike (D-N.Y.), a critic of procurement practices in the Armed Services Committee, urged a speedy resolution of the issues between Lockheed and the Pentagon. However, he said, "To go beyond that and just give the money is a kind of defense blackmail we just can't yield to."

Rep. William Moorhead (D-Pa.), who along with Proxmire made public the C–5A affair, warned the Pentagon against "bailing out" Lockheed with a sum "more than three times what we spent on water pollution last year" without first seeking congressional approval.

Lockheed sought immediate aid.

In his letter to Packard, Haughton concluded: "In the absence of prompt negotiated settlements there is a critical need for interim financing to avert impairment of continued performance. We urgently solicit the assistance of the Defense Department in providing such financing."

[From the Washington (D.C.) Post, Mar. 7, 1970]

LOCKHEED'S RESCUE PLEA CREATES DILEMMAS FOR PENTAGON, HILL

(By Bernard D. Nossiter)

Lockheed Aircraft's $665-million plea for help confronts the Pentagon and Congress with a series of interlocking and painful decisions.

As the company's embattled chairman, Daniel J. Haughton, has said, his appeal is rooted in a "recognition of the interdependence of the company and the Department of Defense."

In plainer language, Rep. George Mahon (D-Tex.), the powerful chairman of the House Appropriations Committee, put it this way:

"We have to have the aircraft" but "you don't want to throw good money after bad."

The dimensions of Lockheed's request are illuminated by the company's estimate of its stockholders' investment in the firm. For 1969, this equity amounted to $321 million, or half the aid the plane maker is seeking from the government.

MANAGEMENT BLAMED

Rep. Mahon bluntly blames the Lockheed's management for its plight. "They just didn't do a good job on the C–5A," he says. "They made a lot of mistakes." But then he adds, "To wash this thing out with just a few planes would be a vast loss."

The C–5A, the world's largest cargo plane, has been plagued by cost and performance problems.

ORDER REDUCED

There is also widespread recognition that the Pentagon, under former Defense Secretary Robert S. McNamara, is responsible in part for Lockheed's woes. The Air Force wrote a contract that virtually encouraged the company to run up its costs on the first 58 C–5A planes. Under a complex repricing formula called the "golden handshake," the company stood to recover all these costs, and then some, on the next 62 planes.

The new administration, however, decided that 81 of the high-priced planes were enough. That cutoff accounts for the biggest chunk of Lockheed's claim against the Pentagon.

But if the Air Force concludes, or is ordered to concede, that the company is correct in arguing that it has a binding contract for at least 115 planes, the Pentagon faces another awkward moment.

Congress has only authorized the Air Force to buy 81 planes. The Pentagon may have to explain how it could contract for more planes than the lawmakers allowed.

UNITED STATES COVERS BILLS

Lockheed Chairman Haughton's remark about "interdependence" hints at the peculiar character of big arms makers. Typically, they turn out planes, missiles and ships with plants and machines owned in some substantial measure by the government. At Marietta, Ga., where Lockheed builds the C–5A, the General Accounting Office estimates that $114 million, or 59 per cent, of the investment was made by the taxpayers. Lockheed contends that the government share is nearer 36 per cent, but in either case it is considerable.

Moreover, and again unlike conventional firms, defense contractors spend little of their own working capital on a project. They turn to the government for "progress payments" to cover their bills as they go along. The Pentagon is now considering labeling a relief fund for Lockheed an "accelerated progress payment."

In a sense, the major defense firms own little but their managerial skills and their claims to pools of engineering talent. It is just these assets that are being called into question at Lockheed.

SURVIVAL NECESSARY

The Pentagon is arguing that Lockheed can't go under, that the nation needs uninterrupted production of its C–5A's and Polaris and Poseidon missiles, that 97,000 workers can't be thrown into the streets.

But there is another view. Economic historians point out that almost every railroad has gone through the bankruptcy wringer and continued to operate until new, and perhaps more efficient, management could be found.

A. Ernest Fitzgerald, the former Air Force efficiency expert who began warning of Lockheed's troubles four years ago and ultimately lost his job because of his persistence, points to another alternative.

Yesterday he recalled a 1964 negotiation in which General Dynamics threatened to shut down a missile production line unless its demands were met. Fitzgerald made some informal soundings and discovered that Boeing and even Lockheed would have been delighted to take over the operation. The only persons affected by the change, he discovered, would be two dozen General Dynamics executives who would have been dismissed.

Indeed, Fitzgerald and other procurement specialists like Gordon Rule of the Navy argued that a wasteful industry might mend its ways if one or two major corporate names were allowed to disappear.

At the moment, however, nothing so drastic is in sight. When Deputy Defense Secretary David Packard meets on Capitol Hill next week with the two Armed Services and Appropriations Committees, he is expected to propose a carrot of money not a stick of transferred contracts, for his troubled Lockheed supplier.

[From the New York Times, Mar 10, 1970]

PENTAGON BACKS AID FOR LOCKHEED—PANEL TOLD OF ALTERNATIVES TO SOLVE FISCAL CRISIS

WASHINGTON, March 9.—The Defense Department suggested today that public financial support would be required to solve the funding difficulties of the Lockheed Aircraft Corporation.

In its first public response to a request for about $641-million from Lockheed, the nation's largest defense contractor, the Government suggested that either interim financing of a negotiated settlement over the disputed contract money were the only "attractive solutions to the problem."

The Pentagon's position was outlined by David Packard, the Deputy Defense Secretary, to the House Armed Services Committee in a 13-page statement that noted: "There is no question about the need to preserve this important capability, which Lockheed has provided over many years."

CRITICALLY IMPORTANT

Mr. Packard told the committee, which is usually favorably disposed to Pentagon requests, that Lockheed faced a "severe financial crisis" and that it was a contributor of programs that were critically important to national defense.

"We do not intend to make a hasty decision and are not now prepared to recommend what the final actions should be," Mr. Packard continued.

He suggested two courses of action: resolution by "established procedures," which would require a substantial amount of interim financing by the Government, and a negotiated settlement with the company.

The first alternative would use a law permitting revision of signed contracts in cases that would "facilitate the national defense." If this course of action were approved, the Government would presumably revise the four defense contracts at issue.

These agreements involve the C–5A jet transport, the AH–56A Cheyenne helicopter, a short range attack missile and a number of Navy ships, including five destroyer escorts.

Secretary of Defense Melvin R. Laird has said that the Pentagon and the contractor were about $1-billion apart in estimates of how much Government money is owed on these four programs.

In a letter dated March 2 and made public last Thursday, Daniel J. Haughton, chairman of the board, said that Lockheed could not continue to work on these programs because of "the unprecedented dollar magnitude of the differences to be resolved between Lockheed and the military services."

Most of the money is involved in the C–5A program. The dispute over this contract has gone before the Armed Services Board of Contract Appeals, an administrative agency whose judgments can be appealed to the Court of Claims.

The C–5A dispute centers on the difference between the contractor's original cost estimate and the final cost figure. In this case, the final cost estimate for 81 airplanes is $3.2-billion, compared with $1.9-billion in the 1965 contract.

Lockheed contends that it cannot wait until a final adjudication is made on this contract and on the others. It asked for "interim financing" in the meantime. This is apparently the first alternative mentioned today by Mr. Packard.

He said the second alternative, a negotiated settlement, "would require carefully worked out procedures to protect the public interest." He did not elaborate on this alternative.

"There are other possibilities," Mr. Packard added, "including reorganization of the company, merger possibilities and of course, bankruptcy proceedings."

But he contended that such possibilities "do not, at this time, appear to offer very attractive solutions to the problem, either from the standpoint of the Government or of the company."

Regardless of the alternatives selected, Mr. Packard said, "significant additional financing" will be needed to obtain the products that are now under contract. He added that this would probably require a Congressional appropriation.

The Deputy Secretary indicated that, while no decision had been reached, Lockheed had been asked to provide data that would support their short-term cash needs.

"This will enable us to assure interim funding is available for the company to continue their work on these contracts, pending a final solution to the problems," Mr. Packard said. "We will take every step necessary to assure that the Government's interest is protected during this interim period."

Asked by reporters whether this indicated that the Pentagon had already decided to extend at least some public assistance to Lockheed, Mr. Packard replied: "We are considering a lot of things, but we have made no final decision."

[From Armed Forces Journal, Mar. 14, 1970]

LOOK TO LOCKHEED FOR LEADERSHIP?

(By Joseph Volz)

The slogan on the company letterhead reads: "Look to Lockheed for Leadership." But last week Lockheed officials themselves were looking elsewhere—to DoD, which was asked to keep the company afloat with a $650-million progress payment on four problem programs.

Lockheed's biggest headache is the giant cargo carrier, C–5A. The Air Force—and Congress—lost enthusiasm for the plane. The buy was chopped from 5 R&D and 115 production planes to 81 aircraft after a huge cost overrun surfaced.

DoD and Lockheed are trying to resolve contract differences, but Lockheed Board Chairman D. J. Haughton said, in an unprecedented letter to Deputy Defense Secretary David Packard, that the company couldn't wait out four years of negotiations. In order to complete delivery of the 81 aircraft during 1971 and 1972, Lockheed must have an extra $435- to $500-million, Haughton said.

Other Lockheed problem children are: the Shipbuilding Contract (including DE 1052 and LPD), for which Lockheed wants an $85-million "interim financing" cure; Short Range Attack Missile (SRAM), $25-million; and the Cheyenne helicopter, $45-million.

Lockheed was the top company in defense industry in FY 69, with $2-billion received in contracts. It reported a $4.5-million profit in 1968 and, at one point in 1969, its stock was traded at $50 a share.

But when trading was temporarily halted last week, pending DoD's release of Haughton's letter, the stock was down to $15.87 a share, and the company announced a $32.6-million loss for 1969. Since 1965, Lockheed's stock has ranged from $73⅞ to about $14 per share. As of late 1969, there were 11.259-million shares outstanding. The total market value of these shares dropped from $575-million in late 1968 to $208-million by late 1969.

Although Haughton emphasized Lockheed's financial problems, the company also has been plagued by technology difficulties. The Cheyenne rotor problem became so acute, for example, it was a major factor in the Army decision last May to terminate a letter contract by default.

THE BREAKTHROUGH BROKE DOWN

Yet Haughton blamed a major share of the company's problems on the contracting formulas. Former Defense Secretary Robert McNamara once said the C–5A contract "represents a major breakthrough in contracting techniques," and former Asst. Air Force Secretary Robert Charles said as late as January 1969 that program was "outstanding."

Last week, Haughton had a different outlook: "We believe that hindsight of today shows us that the procurement procedure utilized for these programs (C–5A, Ships, SRAM, and Cheyenne) was imprudent and adverse to our respective interests." He called total package procurement (TPP) "virtually unworkable." TPP is an attempt to fix the final price tag when the intial contract is signed and *before* all R&D is finished.

Haughton also argued that "in absolute candor, we do not consider that Lockheed, even if it were capable of so doing, should be expected alone to sustain for an indefinite period the financial burden while awaiting the outcome of litigation resulting largely from drastic innovations in procurement procedures utilized by the military services."

The Lockheed chairman did not mention the "reverse incentive" formula (strongly criticized in Congress) which plays a major role in the company's C–5A fiscal troubles. Cost overruns on the 58-plane Run A of the C–5A were to be compensated on Run B. Critics charged Lockheed was, in effect, going to be rewarded, not penalized, for overrunning the Run A costs.

But the compensation for losses was not scheduled to begin until production of the 91st aircraft, and the Air Force cut back from a total Run A and Run B buy of 115 planes to only 81. One C–5A critic, A. Ernest Fitzgerald, who was fired by the Air Force after he testified in Congress about the C–5A's mushrooming costs, predicts the Air Force-Lockheed negotiations will eventually result in no loss for the company. Deputy Defense Secretary David Packard told the House Armed Services Committee on 9 March that, by current estimates, Lockheed would lose over $640-million on the 81-aircraft buy—if the Air Force's interpretation of the contract is supported by the Armed Services Board of Contract Appeals. But Lockheed says it cannot wait for a ruling. It needs an infusion of cash—now.

As of early March, Air Force progress payments on the C–5 program totaled $2.04-billion. But DoD estimates the 81-aircraft buy will now cost $3.164-billion, exclusive of spares and other support items. The Air Force contends that it would be obligated to pay Lockheed only $2.516-billion, although Packard admitted last week that the contract at issue has several "ambiguous provisions" and called it a "very inadequate instrument."

DOD FAVORABLE TO INTERIM FINANCING

Packard told the House and Senate Armed Services Committees early this week that he had asked Lockheed officials for "additional data which will support, by specific periods and programs," their short-term cash needs. "This will enable us," he said, "to assure interim financing is available for the company to continue their work on these contracts pending a final resolution to the problems." Packard said, however, that "every step" will be taken to protect the Government's interest. He told the House group that he was not prepared to "recommend what the final actions should be." He termed other possibilities such as "reorganization . . . merger and, of course, bankruptcy proceedings" as not very "attractive" solutions.

MISSING SENTENCE?

In testimony before the Senate Armed Services Committee on 10 March, Packard deleted from his prepared testimony to the House, on 9 March, a sentence on Lockheed's ship contracts. The sentence read: "The contractor cost estimates now appear unrealistic." He also failed to tell the Senate group that he wrote the Navy on 25 February threatening to cancel on 30 June Lockheed's most recent contract, for the S–3A.

THE LOCKHEED LETTER

Here is the text of the 2 March letter from Lockheed Board Chairman Daniel J. Haughton to Deputy SecDef David Packard. (At the bottom of the first page was printed the company slogan, "Look to Lockheed for Leadership."

"DEAR MR. SECRETARY: We have completed a review of the current status of a number of our major Department of Defense programs in connection with which our corporation has filed claims or has been compelled into contractual disputes with the military services. It has become abundantly clear to us that the unprecedented dollar magnitude of the differences to be resolved between Lockheed and the military services make it financially impossible for Lockheed to complete performance of these programs if we must await the outcome of litigation before receiving further financing from the Department of Defense. We consider it imperative that some alternate method of resolution of these differences be immediately and seriously pursued in order to avert impairment of the continued performance of programs essential to the national defense.

"We realize that the military services normally expect their contractors to continue performance, including financing, pending administrative review and resolution of any disputable matter. In the present instances, however, the cumulative impact of the disagreements on four programs create a critical financial problem which cannot be supported out of our current and projected assets and income. We have intensified our cost reduction efforts, have eliminated dividends to our stockholders, have reduced drastically our planned expenditures for fixed assets, and intend to reduce our overhead costs and cut discretionary outlays in all other possible areas. We also intend to continue pursuit of all possibilities of financing from the private sector. Despite these efforts, we must state that we cannot maintain uninterrupted performance on these programs without receiving significant financing assistance from the Department of Defense. Also, in absolute candor, we do not consider that Lockheed, even if it were capable of so doing, should be expected alone to sustain for an indefinite period the financial burden while awaiting the outcome of ligitation resulting largely from drastic innovations in procurement procedures utilized by the military services.

"However, if absolutely necessary the parties may be forced to have their major disagreements involved in these programs settled through litigation. Indeed our obligations to our stockholders will require us to take this course of action if the only settlement proposals which can be evolved would ruinously deplete our corporate resources. Moreover, it should be recognized that contractual disagreements of such enormous magnitude represent a breakdown in the procurement processes.

"Without disregarding our own deficiencies, the common ingredient in three of the four programs which cause our present difficulty, namely, the C–5A, the SRAM, and the AH–56, is the fact that under the Total Package Procurement procedure development was required to be undertaken under a fixed price type contract with concurrent production commitments with respect to price, schedule, and performance. Although it was assumed that state-of-the-art advances were not required in these programs, it is generally admitted that these assumptions were incorrect. Although industry generally, including our company, perhaps erred in competing for contracts under this system, the system itself and its use were the responsibility of the military departments.

"We believe that the hindsight of today shows us that the procurement procedure

utilized for these programs was imprudent and adverse to our respective interests. We did not contemplate, nor do we believe anyone in the Department of Defense ever contemplated, that these contracts could generate differences of opinion involving such vast monetary amounts as, for example, exist on the C–5A program. Nor did either party appreciate the major hazards involved in undertaking production on the Cheyenne program before technical problems on the development program had been solved. Considering that these problems were known to the Army at the time the letter contract for production was issued in January 1968, and that the parties subsequently had been unable to reach agreement on a definitive contract, the unprecedented action of terminating this letter contract under a fixed price default clause is difficult to understand.

"Despite the growing awareness that the total package method utilized in these programs is virtually unworkable, there seems to be little disposition to correct existing contracts on terms which most contractors can accept or to recognize that litigation is a seriously inadequate avenue. Even on the shipyard contracts where the total package concept was not involved, the fact the bulk of the shipbuilding industry has encountered grave trouble as indicated by the more than a billion dollars in contract claims suggests that the system, rather than solely individual deficiencies, was a major contributor to the problem.

"Apart from the disastrous potential for our own company and its effect on Department of Defense programs, litigation of these problems may well have grave consequences on the Department of Defense's ability to secure the industrial support which it traditionally has required, regardless of who ultimately wins. With this in mind, whatever steps may be taken to alleviate our immediate financial problems I wish to urge that the way be left open to negotiate settlements which are within the ability of the corporation to absorb.

"Although I know you are generally familiar with the aforementioned programs, I would like briefly to recapitulate the critical financial problems they cause and to urge interim financing actions which should be taken immediately to avoid impairment of continued performance.

"C–5A

"On January 19, 1970, our appeal from the Contracting Officer's decision concerning the C–5A contract dispute was docketed by the ASBCA and our complaint has been filed. All parties are cooperating toward the earliest possible resolution of these issues by the Board, but most optimistically it would appear this cannot be accomplished before late 1971.

"In addition, there is a distinct possibility that the decision of the Board may be appealed to the Court of Claims, and consequently a final decision may not be made until 1973 or 1974. The Air Force has indicated it will not provide funds for this contract which will exceed the estimated contract price as the Air Force interprets this contract. Under these conditions, the Air Force funding would at best be adequate only until near the end of this year. However, in order to complete the delivery of 81 aircraft and related items during 1971 and 1972 an additional $435 million to $500 million will be required to cover production expenditures. Lockheed cannot provide such funding and believes the Air Force should advance the necessary funds pending the outcome of the litigation. This could be accomplished by an amendment to the current contract which could contain appropriate safeguards for both parties with respect to preserving their rights in litigation.

"SHIPYARD CLAIMS

"At the present time, the Lockheed Shipbuilding and Construction Company has performed, or is performing, on 9 contracts for several classes of new ships. More than $175 million of contractual adjustment claims have been presented to the Navy to date. As of December 29, 1969, amounts expended by Lockheed on these claims exceed $100 million and are expected to continue at a rate of $3 to $4 million per month. These claims have been under consideration for many months with provisional payments of only $14 million made to date.

"We believe the solution to this problem lies in an immediate increase in provisional payments to an aggregate of $85 million. We understand the Department of the Navy plans to settle the majority of these claims during the last three months of 1970 which should permit the payment of the balance of the amounts due Lockheed Shipbuilding and Construction Company by the end of this year. Should there be any delay in the Navy's present schedule an additional amount of provisional payments would be required. Immediately increasing provisional payments to $85 million would substantially ease the financial burden at the Shipbuilding Company and permit continued work toward the completion of the DE 1052 and LPD class ships now in process. In addition, arrangements can be made which will not impair the rights of either Lockheed Shipbuilding and Construction Company or the Navy with respect to negotiation and final settlement of these claims.

"AH–56A, PHASE III

"On May 19, 1969, the Army Contracting Officer issued a final decision terminating this letter contract for default. Lockheed's appeal from this decision was made to the ASBCA on May 22, 1969, and both Lockheed and the Army are proceeding in accordance with the rules of the Board. It is unlikely that the Board will hear this case before midyear and that a final decision can be made before the first quarter of 1971. As of the end of 1969, total costs incurred by Lockheed (both prior and subsequent to the Contracting Officer's decision) amount to approximately $89 million. Prior to the Contracting Officer's decision the Army had made progress payments amounting to $53.8 million. We have reached an agreement with the Army under which these progress payments may be retained by us pending a decision by the ASBCA. However, during the early part of 1970, costs incurred may reach a total of some $110 million requiring a total cost participation by Lockheed of some $60 to $65 million which may be increased by the necessity of payment by Lockheed to subcontractors of additional amounts. We suggest that the Army increase the amount of progress payments to a minimum of 90% of the costs incurred, and continue such payments until resolution of this case by the Board of Contract Appeals or the Court of Claims. The same agreement under which Lockheed is currently retaining the $53.8 million or progress payments could apply to these additional provisional payments.

"SRAM

"The Lockheed Propulsion Company is the propulsion system subcontractor to the Boeing Company under its prime contract with the Air Force for DDT&E [sic] of the Short Range Attack Missile (AGM–69A). On December 29, 1969, Lockheed Propulsion Company and the Boeing Company presented a Contract Adjustment Claim to the Air Force under Contract AF33(657)–16584 in the amount of $50 million. At the present time, Lockheed Propulsion Company is continuing its performance of its subcontract and has incurred costs approximating $30 million in excess of the $16.9 million received to date. Continued performance during 1970 is expected to add more than $15 million. Negotiations of the issues involved in our claim are currently being sought jointly by Lockheed Propulsion Company and Boeing with the Air Force. It is possible that most of all of the issues will become the subject of an ASBCA case in the next few months. We believe that a provisional payment to Lockheed Propulsion Company of $25 million should be authorized under the Boeing prime contract pending final resolution of the issues. As is the case with the AH–56A and the C–5 programs, suitable arrangements protecting the rights of both parties could be arranged.

"In summary, in the absence of prompt negotiated settlements there is a critical need for interim financing to avert impairment of continued performance. We urgently solicit the assistance of the Department of Defense in providing such financing.

"Very truly yours,

"D. J. HAUGHTON,
"Chairman of the Board."

LOCKHEED'S BIGGEST PROBLEM

Lockheed is now complaining it cannot continue with the C-5A unless it receives an infusion of $435- to $500-million from DoD.

D. J. Haughton, Board Chairman, argues that "hindsight of today shows us that the procurement utilized . . . was imprudent."

"Hindsight" also reveals other factors about the C-5A, however, which Haughton did not mention in his letter to Deputy Defense Secretary David Packard last week.

Contractors bidding on the program, for example, were not given the detail criteria (weightings or "measures of merit in percentages") by which their proposals would be judged. Nor were the same weightings used throughout the source selection process.

Additionally, the findings of the principal group evaluating the relative merits of the competing contractors' proposals were overturned. A 23 September 1965 Air Force memorandum shows an evaluation board headed by two AF major generals and two brigadier generals unanimously recommended Boeing, not Lockheed, for the job. That recommendation, however, was overruled by a three-fourths majority vote when the Air Force Chief of Staff, the AFSC Commander, the Military Airlift Commander, and the Air Council cast their votes (Journal, 22 November).

A 1965 Air Force independent cost estimate put the C-5A program cost at $3.3-billion. By 1969, AF officials estimated the total cost of the program, without spares, at $4.348-billion (Journal, 26 April 1969).

In mid-1969, AF Secretary Robert Seamans said the C–5A program had suffered a $1.1-billion cost overrun (Journal, 2 August). A. Ernest Fitzgerald, AF cost expert, contended, however, that the figure was more like $2-billion.

Seamans also revealed comparative target prices submitted by Lockheed and its two competitors, Boeing and Douglas (now McDonnell-Douglas). The proposals were for Runs A and B (115 aircraft) plus RDT&E (five aircraft), without engines.

Lockheed was low bidder with a target price of $1.886-billion, compared to a $1.972-billion bid by Douglas and $2.216-billion by Boeing. Lockheed critics contend that the company bought in low at an unrealistic target price, hoping for additional funds later.

The Journal noted editorially on 25 January 1969: "One of the reasons the Air Force picked Lockheed as the C-5A contractor was that Lockheed's airplane was cheaper. The program has been an expensive way to save money. For what the overrun alone will cost, the Army could equip, train, and operate for five years a full airmobile division force of close to 40,000 men."

PACKARD TELLS NAVY HE MAY CANCEL S–3A, BUT FAILS TO MENTION IT TO CONGRESS

No mention of S–3A problems was made in Lockheed's 2 March letter to DoD, or in Packard's statement to Congress of 9 March on the company's "severe financial crisis." But reliable Pentagon sources tell The Journal that the $2.9 billion ASW program may soon become one more nightmare for Lockheed stockholders. Deputy Defense Secretary David Packard told the Navy on 25 February that unless S–3A costs were brought under control, the ASW program would be "subject to cancellation" on 30 June.

Testifying before Congress on 9 March, Packard referred to the S–3A only briefly as an example of Lockheed's contributions (along with the still-in-production P–3) "to this country's anti-submarine warfare capability." No hint was given of problems on the program, either in Packard's prepared testimony or in subsequent discussion with the House Armed Services Committee.

S–3A bears Packard imprimatur

Packard stressed that the present "Lockheed financial problem results from contracts which were executed before the present Administration took office." The S–3A, by contrast, is the first major weapon system to bear Packard's personal imprimatur: in previous Congressional testimony, DoD officials have cited the S–3A's milestone contracting technique as a key example of DoD's new way of doing business to avoid C–5A type of cost overruns.

Navy planning estimates originally cited a total S–3A program cost of $1,763.8-million. The latest Selected Acquisition Report (SAR) given to Congress shows a total program cost of $2891.1-million. According to one source, Packard's memo to the Navy was prompted by a revised SAR showing still higher costs.

The Navy's latest cost estimate shows roughly a $100 million increase in S–3A production costs. It also "confused the issue," The Journal was told, by showing the ceiling instead of the target cost for the R&D program. Previous SARs had referred only to the lower target cost figure.

The $100 million cost increase apparently results from a proposed stretch-out of S–3A production to meet FY 71 and FY 72 budget constraints.

In his 25 February memo, Packard directed the Navy to review the S–3A program at an exceptional, as opposed to normal, 19 March meeting of the Defense Systems Acquisition Review Council. The meeting since has been called off, however.

June 30 cancellation?

Packard told the Navy to determine areas in which S–3A "costs can be reduced" and in which "simplification can be achieved." He specifically told the Navy that unless it could demonstrate by 30 June that S–3A costs were being brought under control, the program would be "subject to cancellation on that date."

Navy sources confirmed that Packard explicitly mentioned that he would "consider" cancelling the S–3A contract. But these same sources told The Journal that "there is little or no basis for the concern expressed in [Packard's] letter." As one senior official put it, "We don't have any wild programs—our aircraft programs are on cost, on track. So far, everything seems to be okay." He said that Packard's memo, which he termed "very stern," resulted from a "misunderstanding" and that Packard had been "poorly informed" by subordinates in OSD on how to interpret the S–3A SAR report.

Packard gave no hint whatever of possible S–3A problems in his testimony before Congress on 9 March about Lockheed's current financial crisis. One Representative, The Journal was told, asked Packard bluntly if he would have okayed the S–3A award to Lockheed last summer if he had known then of the company's pending cash flow crisis. Packard "dodged the question," according to a Capitol Hill source, by replying that he did not then know of Lockheed's problems and that he had "not made any such conjecture." One senior Congressman told The Journal that Congress "would take a dim view" of any DoD proposal to "bail Lockheed out, if while asking for help on four Lockheed programs, DoD is hiding problems it suspects may exist on another."

The S–3A contract was awarded to Lockheed on 1 August (Journal, 9 August).

INDISCREET SENTENCE

Perhaps the most intriguing sentence in Lockheed Chairman D. J. Haughton's five-page letter to DoD is one about the troubled Cheyenne helicopter program that begins: "Considering these (technical) problems were known to the Army at the time the letter contract for production was issued in January 1968 . . ."

Army sources flatly deny any such contention. One very senior Army official told The Journal: "That sentence is an overdramatization—an indiscretion is about the only thing I could call it and still be polite."

Discussing Lockheed's problems before Congress last Monday, Deputy Defense Secretary David Packard also disputed the Lockheed claim. As he put it: "Evidently it was not apparent to the Army that there were significant developmental problems at the time the production option was exercised (January 1968) and Lockheed expressed confidence in its ability to meet the production schedule."

One Army official who apparently was unaware of any major Cheyenne technical problems at the time of contract award is Deputy Assistant Secretary of the Army (Research and Development) Charles L. Poor. In a Journal interview (14 December 68), 11 months after the contract was signed, Poor said flatly: "There are no red flags flying." He said the Army had had "some problems" with the chopper's transmission systems and rotor but emphasized "the transmission problems are behind us and the rotor is beginning to look good. . . . Present indications are there are no serious problems outstanding. It looks as if we will have almost a zero retrofit posture."

Haughton, in asking DoD for a $45-million progress payment on the program, argued that because the Army was aware of technical difficulties when the contract was signed, the "unprecedented action of terminating this letter contract under a fixed price default clause is difficult to understand." Haughton said that the AH–56 program might require "a total cost participation by Lockheed of some $60- to 65-million," pending settlement of its contractural dispute with the Army. The statement confirms an earlier Journal report (20 September 1969) citing an early September visit from Haughton to Army Secretary Stanley Resor in which estimates were made that an additional $20- to $70-million of R&D work would be needed for Lockheed to bring Cheyenne's performance up to contract specifications.

If the Army position prevails on Lockheed's obligations under the March 1966 developmental contract, and on Lockheed's liability on the defaulted January 1968 production contract, Lockheed will have spent in the range of $200-million more than it could receive under the two contracts. According to Packard, Lockheed already has incurred costs of about $72-million above the $96-million ceiling on the R&D contract. Haughton's estimates show that an additional $45-million will be needed to complete performance under a restructured developmental program.

Lockheed's original bid for R&D program was $77.5-million, against a Sikorsky bid of $13.7-million (Journal 22 November).

HOW FORBES RATES LOCKHEED

In a recent annual survey of American industry, *Forbes Magazine* rated Lockheed 132nd (out of 563 companies surveyed) in terms of 5-year return on equity, 427th in terms of return on equity for the latest 12-month period, 86th in five-year return on total capital (equity plus debt financing), 563rd in terms of 5-year annual sales growth, and 529th in terms of 5-year annual *growth in earnings per share*. Source: January 1, 1970 Forbes 22nd Annual Report on American Industry.

LOCKHEED SALES TO U.S. GOVERNMENT

Calendar year	Sales in billions		Percent of sales to Government
	Total	Government	
1960	1.332	1.105	83.0
1965	1.818	1.682	92.7
1966	2.084	1.909	91.6
1967	2.335	2.128	91.0
1968	2.217	1.969	88.0

LOCKHEED'S DOD PRIME CONTRACTS

Fiscal year	Rank	Dollar volume in billions	Percent of DOD total
1960	2	1.071	5.1
1961	3	1.175	5.2
1962	1	1.420	5.6
1963	1	1.517	5.9
1964	1	1.455	5.8
1965	1	1.715	7.1
1966	1	1.531	4.6
1967	3	1.807	4.7
1968	2	1.871	4.8
1969	1	2.040	5.5

DOD, CONGRESS DEBATE LOCKHEED PLIGHT—PACKARD CALLS FOR FINANCIAL BLOOD DONORS—WILL MAKE PERSONAL REVIEW AT LOCKHEED-BURBANK—LOCKHEED'S SINGAPORE VENTURE MAY HURT COPTER INDUSTRY—PROXMIRE AIMS GAO AT LOCKHEED

(By the Journal Staff)

DOD, Congress, and the press have not been idle during the past week since The Journal's first report (14 March) on Lockheed Aircraft Corporation's "critical financial problem." The company itself describes the problem as being of "enormous magnitude," with "disastrous potential" and "grave consequences" for four military weapons programs—C–5A, AH–56 Cheyenne, SRAM, and shipbuilding.

In response to Lockheed's unprecedented 2 March importunity for financial succor, Deputy SecDef David Packard has been meeting with big bankers (see box) to seek a means of financial resuscitation for the nation's number one defense prime contractor ($2.04-billion in 1969, 5.5% of DOD's total).

Prompted by a question from the press—and just as The Journal broke in its 14 March issue the news about possible trouble with a fifth Lockheed program, the S–3A—Deputy Assistant Secretary of Defense (Public Affairs) Jerry W. Friedheim admitted that the S–3A program has been the subject of correspondence and talks between Deputy Secretary Packard and the Navy.

Friedheim said Packard had gigged the Navy in a 25 February letter on a number of possible management discrepancies, including alleged cost increases in the S–3A program.

Friedheim quickly added, however, that the Packard letter had resulted from a misunderstanding. After further talks with Navy officials, Friedheim said, Packard issued another memo to the Navy on 11 March which in effect cancelled the 25 February blast.

Friedheim quoted excerpts from the 11 March memo which called for S–3A cost reduction through "sound management," said that "a full-scale review" of the program by the Defense Systems Acquisition Review Council (DSARC) would not now be necessary—The Journal reported 14 March that the exceptional meeting had been called off—

and that he, Packard, would visit Lockheed-Burbank in early April to conduct a personal review of the program.

The planned trip to California for a personal S–3A review, however, is considered by many observers almost as "unprecedented" as the whole Lockheed *contretemps* itself. As one observer was heard afterwards to ask: "If the S–3A program is, as Mr. Friedheim and the Navy say, 'satisfactory, on track, and continuing,' why should it be necessary for Mr. Packard to make a personal trip to the plant for a review?"

(One Navy official suggested to The Journal that both Packard actions—the initial 25 February stern letter and the promised personal review at Lockheed-Burbank—are "for the record." Inasmuch as the S–3A program is a Laird-Packard "baby" under the new "milestone contracting technique" Defense wants to be covered "whether the program is really in trouble or not," the Navy official said.)

BIG BUREAUCRACY

Asked for specifics about the apparent difficulty in communications between Packard's OSD analysts and Navy's Office of Program Appraisal which had prompted the stern 25 February memo, Friedheim could only reply: "Well, its an awfully big bureaucracy here in the Pentagon."

As if Lockheed's "sea of troubles" was not adversity enough, skeletons in other nooks and crannies of the conglomerate's corporate house began to appear. First to see the light of day was Lockheed's Singapore aircraft repair venture, uncovered by Col. R. D. Heinl, jr, USMC-Ret, military editor of the *Detroit News* (see Heinl article).

Lockheed, according to Heinl has paid the Singapore government some 10-million Straits Dollars (about $4-million U.S.) for the privilege of setting up an aircraft repair facility which will utilize RAF shops and airfields, due to be abandoned upon Britain's 1971 East-of-Suez withdrawal.

The shops, employing Singapore's abundance of cheap but skilled overseas Chinese labor, will rework Singapore Government aircraft. It was revealed by Heinl, however, that Lockheed will also repair the UH–1 series of Bell helicopters, a high-density item for all four U.S. Services and South Vietnamese forces in SVN. The machines are now being reworked at Bell facilities in Texas and Louisiana. Both U.S. full-employment objectives and balance of payments would seem to suffer under the Lockheed Singapore plan.

An additional question raised by the Heinl article relates to the source of the nearly $4-million—if Lockheed needs a $650-million transfusion how can it come up with $4-million for a foreign venture or, alternatively, is the $4-million part of the $650-million shortage?

(Heinl suggests that Lockheed may be acting in neutral Singapore more or less as a corporate "cover" for the Pentagon. And in all fairness it should be pointed out that Sikorsky and Boeing-Vertol helicopters used in Vietnam are repaired in Japan under programs similar to Lockheed's proposed Singapore plan.)

Meanwhile, back on Capitol Hill, the Congress was fulfilling its responsibilities. Senator William Proxmire (D-Wisc), on the day after Deputy Secretary Packard 9 March message to Congress on Lockheed, transmitted a coupe of messages of his own in his role as Chairman of the Subcommittee on Economy in Government of the Joint Economic Committee.

Proxmire's first *billet doux* was dropped on the desk of Elmer Staats, Comptroller General and head of GAO. It requested Staats "to immediately undertake an investigation of the financial condition of Lockheed and its ability to continue performance of its military contracts," and gave him 10 days to report. The bill of particulars amounted to 12 brutally pointed questions, three of which mentioned Lockheed's bid for the commercial air-bus market, the L–1011, which also is reputed to be in difficulty through lack of enough orders for production to reach the break-even point.

OLD THEMES, NEW WAYS

The second missive was to SecDef Melvin R. Laird, informing him of the GAO investigation and laying down guidelines on Congress' expectations from DoD in the matter. Proxmire established as his basic premise the requirement "that an application for funds of this magnitude ($641-million) be passed upon by the Legislative Branch." He then requested "that no administrative actions be taken to approve the Lockheed application"—for what the news release from Proxmire's office dubbed "bail-out money"—prior to the GAO report and its consideration by the Congress.

Proxmire revealed skepticism about Lockheed's plight in echoing the question, uppermost in many minds in both the military and financial worlds, "as to whether we are witnessing only a variation of one of the oldest military procurement themes: buy-in-now get-well-later.

"Is it possible," Proxmire asked, "that the contractor is attempting to develop a new way to pay for massive cost overruns?"

The General Accounting Office investigative report on the "financial condition" of "all of Lockheed's military, space, and related contracts" is due in the office of Senator Proxmire by Monday 23 March.

FINANCIAL BLOOD DONORS

As previously reported (Journal March 14) the Lockheed Aircraft Corporation entered, in a 2 March letter from Board Chairman Daniel J. Haughton to Deputy SecDef David Packard, an "urgent plea for a financial blood transfusion" to cure four ailing and cost-overrun military weapons programs.

In a statement to the House and Senate Armed Services Committees 9 March, Mr. Packard indicated that program contingency and budget funds—representing three-fourths of the $650-million interim financing rquested by Lockheed—are sufficient to see Lockheed through Calendar Year 1970 on the C–5A. The balance of the amount, as well as financing for CY 71, may be a different matter, however.

The Pentagon last week announced—just after The Journal broke the story on the fifth Lockheed program, the Navy's S–3A ASW aircraft, in financial trouble—that Secretary Packard has been meeting with a group of bankers to discuss Lockheed's "continuing severe financial situation."

Secretary Packard stressed several points at the meeting, DoD said:

Any action which may be taken to assure the continuing availability of required facilities for national defense needs will be based on the public interest.

DoD has established a special team of experts to pursue studies into all aspects of the complex situation involving the four financially ailing programs—C–5A, AH–56 Cheyenne, SRAM, and shipbuilding.

"Precipitate action should not be taken" but the matter "must continue to receive priority consideration."

In no case will any solutions to the major problem be implemented "without prior consultation and discussion with appropriate Congressional committees."

Among those at the meetings were:

David Packard, Deputy Secretary of Defense

Barry J. Shillito, Assistant Secretary of Defense (Installations and Logistics)

Robert C. Moot, Assistant Secretary of Defense (Comptroller)

Fred J. Leary, Jr., Senior Vice President, Bankers Trust Co.

John Breeden, Executive Vice President, Wells Fargo Bank

James P. Mitchell, Vice President, Chase Manhattan Bank

Dewitt Peterkin, Jr., Executive Vice President, Morgan Guaranty Trust Co.

Ronald G. Ross, Vice President, Bank of America

Robert C. Suhr, Senior Vice President, Continental Illinois National Bank and Trust Co.

LOCKHEED SINGAPORE DEAL

(By Col. R. D. Heinl, Jr.)

WASHINGTON, March 14.—Lockheed Aircraft Corporation, which has asked the U.S. taxpayers for an immediate $655-million financial transfusion to avert "ruinous consequences" to the company, has just put nearly $4-million to finance a Singapore aircraft overhaul venture which will drain U.S. dollars abroad and deprive the foundering U.S. helicopter industry of badly needed government business.

In deep financial trouble with what the company recently described to the Defense Department as a "disastrous potential" over four (and possibly five) foundering major defense programs, Lockheed has privately informed the Pentagon it has signed "a firm and binding contract" to establish Lockheed Air Service Corporation Singapore which will take over two former British RAF Stations. Besides putting up $10-million Straits Dollars (equal to $3.7-million U.S.), the company will pay the Singapore Government the substantial royalty of six cents U.S. for every hour of maintenance work performed.

Although the nominal purpose of the new company will be to maintain military and civil aircraft for Singapore on a six-year contract, Defense Department sources said one of its primary activities would be the overhaul of UH–1 "Iroquois" helicopters from the Southeast Asia theater of war.

The Bell UH–1, used by all Services, is one of the principal U.S. helicopters in Vietnam. Until now, major overhaul on the Iroquois has been performed in the United States by Bell and other concerns primarily located in Louisiana and Texas. The new Lockheed plant (using cheap Chinese labor) will deprive these companies of multimillion dollar repair business.

The U.S. helicopter industry has been recently described by the authoritative Armed Forces Journal as "in desperate flight." After Fiscal Year 1971, Kaman, Sikorsky and Hughes will have no funded defense production at all. Boeing and Bell (which will suffer by this venture) will have a small military production base, which will apparently be further undercut by the Singapore transaction.

Where Lockheed—which Senator William Proxmire's Joint Economic Subcommittee has characterized as facing possible bankruptcy, corporate breakup, or substitution of new contractors to complete its disastrous C–5A Air Force cargo plane contract—found the $4-million to fund its Singapore venture is regarded as something of a mystery by Pentagon and Congressional observers . . .

One speculation advanced here is that, conceivably, Lockheed may be acting as a conduit to set up a nominally private U.S. Military aircraft overhaul facility in neutral Singapore using the extensive Royal Air Force facilities at Seletar and Changri which would otherwise be abandoned as the British Socialist Government retreats from Southeast Asia. Under this theory, U.S. Government funds might, in some elaborate bookkeeping legerdemain, be channeled via Lockheed as a cover activity.

Such an explanation would solve the mystery of where Lockheed has found the money and why, in its precarious financial circumstances, it is launching out into a distant risk venture in Southeast Asia and paying Singapore in U.S. dollars for the privilege.

THE FEDERAL EMPLOYEES' STRIKE AGAINST THE GOVERNMENT

Mr. GOLDWATER. Mr. President, the time has come in the minds of most citizens of this country, and I hope in the minds of many Members of Congress, that we must give serious consideration and discussion to whether or not a Federal employee may strike against the people. I have always believed that the right to strike is really the only weapon that a worker has; but when a person goes to work for the Federal Government, he is in effect working for the people, and in my opinion, he should be denied the right to strike.

At the same time, the Congress should pay constant attention to the problems of the various jobs involved in working for the Government, and they should be always alert to the needs of the workers, both as to salary, retirement, and the other facets of employment that concern the worker.

Two hundred million Americans should not be made to wait for mail, or to circle airports in holding patterns, or to wait hour after hour for transportation to and from different cities of this country, or to and from loved ones with whom they might spend a few precious days of a vacation.

Title 5, section 7311 of the United States Code says in part:

> An individual may not accept or hold a position in the Government of the United States or the District of Columbia if he . . . participates in a strike, or asserts the right to strike, against the government of the United States or the government of the District of Columbia;

I wish to point out that I have been a pilot for over 40 years and have kept abreast with most of the problems of aviation and its associated industries.

I have had great sympathy for the dedicated professional air traffic controllers and expressed my feelings before this body on February 25, 1970, during the airport/airways user bill debate. I would like to read into the RECORD a portion of my remarks at this time:

> Mr. President, I would like to mention a fact that we have not talked about as yet. This is the continuing problem that our airway controllers face—not just the controllers who operate the control towers, but also the man who sits in the Washington center, the Albuquerque center, or wherever it may be, and is required to look at a very difficult radar screen most of the period of his 8-hour working day.
>
> Mr. President, any of us who have been acquainted with radar knows that this is a very, very difficult assignment. It is difficult on their eyes. And it is difficult mentally. It is an extreme responsibility to place on one man, the responsibility for a dozen or more aircraft in a heavily congested part of the airway system. This would include both those controllers in centers and those controllers in the tower.
>
> I am glad to see that in the pending legislation there is a recognition of this problem.
>
> I do not go along with those who feel that the controllers should be allowed in effect to join a union so that they could threaten the system with strikes or even to strike. I think we should be a head of them and provide all they are asking. We are long overdue on this. In that way, we could prevent another catastrophe from happening such as the sick-out we had before or a strike because the controllers justifiably think they should be getting something more than they get today.
>
> I cannot think of a job today that is more exacting or demanding on a man's physical ability than the jobs I am talking about.

The deliberate defiance by the controllers of their responsibility to the traveling public, to the Federal Government, and to the courts of our land is inexcusable. These controllers have refused to recognize that Congress is cognizant of their problems. The airways/airport bill was passed by both Houses of Congress last month and is now in conference committee.

Under subsection 2(b) of section 204 we provided a provision for improving air navigation facilities. It states:

> The Secretary is authorized within the limits established in appropriations acts to obligate for expenditure not less than $250,000 for each of the fiscal years 1970 through 1979.

Last year Congress authorized hiring 2,000 new controllers and the new legislation provides for additional controllers. The number of controllers will be increased in 1971 by 4,141; in 1972 we will add another 1,075 new controllers; in 1973 another 1,380 will be added and so on, with the result that between today and 1980 we will have provided funds to hire an additional 19,109 air traffic controllers.

The controllers that have refused to work have been so gullible as to be led by the "Pied Piper," F. Lee Bailey, who has only his own interest at heart. He has convinced 50 percent of the air traffic controllers to join his organization PATCO. He guaranteed these controllers that his competency as a criminal attorney enables him to protect them from any harm coming to them as the result of defying Federal law by walking off their jobs and then sweetened the pot by guaranteeing each controller shorter working hours, better equipment, and an increase in pay.

Mr. President, since the time I have prepared these remarks and the present time, I am glad to note that the head of the FAA has read the riot act to them and stated that they will be back to work at the end of the first shift or they will be fired and will be subject to rather heavy fines.

The controllers who have left their jobs have certainly lost my support. They are playing with the lives, safety, and well-being of all air travelers. This utter disregard for safety is inexcusable and cannot be tolerated. I have listened and read with disgust the TV, radio, and newspaper coverage of F. Lee Bailey and his attempt to justify his irresponsible actions.

He has organized the most militant group of controllers into striking for additional benefits, shorter working hours, improved equipment and more controllers. Yesterday, F. Lee Bailey finally indicated what his real goal is, the removal of air traffic controllers out of Government service into a quasi-public corporation such as the one proposed to operate the strife-torn postal service. Bailey would, as head of such a corporation, have all the dictorial powers he indicates he must have to improve the conditions of the controllers.

The selfishness of the controllers has resulted in tragic financial losses to our already depressed airline industry. Executives of one airline inform me that the first week of the controller slow down has resulted in a loss in excess of $2½ million. They were forced to cancel 740 hours of revenue flying and the additional holding over airports waiting to land have totaled in excess of 730 hours of additional flying time.

It is my hope that Congress will voice unanimous support of the administration's ultimatum that those controllers who abided by the law be rewarded and those controllers who defied the responsibility they accepted when they became controllers be suspended or dismissed.

If we add to the two crippling strikes, whether they be called sick-ins or what, the threatened strike of the Teamsters Union, this country can face total economic paralysis within the coming few weeks.

I think it is past time that the Congress conduct hearings to look into the problems involved relative to the complaints of the workers and to, at the same time, reassess the position of the Federal Government that it is illegal to strike against the Government, which in effect is striking against the people.

ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further morning business?

Mr. BROOKE addressed the Chair.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. BROOKE. I am happy to yield.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator from Massachusetts may be permitted to proceed for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator may proceed.

Mr. BROOKE. I thank the distinguished Senator from West Virginia.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 15 minutes.

THE NOMINATION OF JUDGE CARSWELL

Mr. BROOKE. Mr. President, there are several ways in which the matter of G. Harrold Carswell can be disposed of: First, Mr. Carswell could withdraw his name from consideration; second, the Senate could vote on confirmation and vote favorably on that confirmation and thus confirm him; third, the President could withdraw Mr. Carswell's name, and that has been suggested by the very distinguished and able senior Senator from Oregon (Mr. HATFIELD).

Mr. President, I ask unanimous consent to have printed in the RECORD a telegram which was addressed to the President by the Senator from Oregon (Mr. HATFIELD), and sent to the President on Thursday, March 26, 1970.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

MARCH 26, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I shall vote yes on the motion to recommit the nomination of Judge Carswell to the Judiciary Committee and I am prepared at this point to vote the nomination up or down.

I write you as one of your early supporters for the Presidential nomination and as one who has remained publicly uncommitted on Judge Carswell. I write also as reflecting my own evaluation of the mood of the Senate and the thinking of many of my close colleagues.

You and I share the common goal of restoring the needed balance to the Supreme Court. We share a common concern about the need to restore confidence in our entire judicial process. I was a strong supporter of Chief Justice Warren Burger and would welcome the nomination of a man of his stature.

I stand ready to support a nominee from any geographical area of the country. Just as every section should be open for consideration for an appointment, so should any nominee represent the best in professional excellence and personal integrity. There are men within the Southern states who represent these composite traits and who do justice to the best and to the future of that region.

As I spoke very recently with my constituents and with many others from throughout the country, I have become more deeply concerned about the crisis of confidence that confronts our governmental process. In all such discussions I continually urge the full utilization of our constitutional and judicial process in seeking the orderly redress of grievances. Yet, the name of G. Harrold Carswell has become a symbol of the despair, distrust, and disillusionment that beguiles our admonitions to work peacefully within our democratic institutions.

You and I share the commitment to promote a national reconciliation between the polarized factions in our land. We can do no better than to give our words the ring of authenticity by granting to our institutions the assurance of complete credibility.

Therefore, I respectfully urge you to withdraw the nomination of G. Harrold Carswell.

Sincerely,

MARK O. HATFIELD.

Mr. BROOKE. Mr. President, then the nomination could be sent back to the Committee on the Judiciary for further hearings and further study and examination. Most of the debate which has taken place on the floor of the Senate has been addressed to confirmation. Proponents have argued for confirmation and the opponents, of course, have argued against confirmation. But we now have before the Senate a motion to recommit, and by unanimous consent the Senate has agreed to vote on that motion on April 6 at 1 p.m.

Mr. President, my purpose today is to suggest that in the waning days of this debate the opponents of Mr. Carswell and those who have questions in their minds address themselves mostly to reasons why the motion for recommittal should carry. Many persons have suggested both in the press and in conversation that the purpose of the motion to recommit is really to deny Mr. Carswell's confirmation. But I suggest there are many valid reasons for this motion to recommit, and that, in fact, the Senate would be doing Mr. Carswell a great service, doing the President a great service, doing the country a great service, and doing itself a great service by acting favorably upon the motion to recommit.

I will not go into all of the questions of doubt that have been raised, but certainly one was raised on the floor of the Senate today by the distinguished junior Senator from California relating to a letter which was sent by a Government employee to the Committee on the Judiciary stating, in effect, that he, as an attorney appearing before Judge Carswell, received fair and courteous treatment. The Senator from California has raised the issue as to why this letter was sent by Mr. Wilson. He has charged that Mr. Wilson was acting under pressures from the administration. He has further charged that Mr. Wilson's letter did not constitute an endorsement, but that, in fact, several Senators had used this letter as the basis for their decision to vote favorably upon confirmation. I do not propose to argue the truth or the falsity of these charges, for, in fact, I do not know, Mr. President, but they do raise a very serious question which I think should be resolved.

One of our distinguished Senators, the senior Senator from Arizona, said that his decision—and his decision was to vote favorably upon the nomination—was based primarily, if not entirely upon Mr. Wilson's letter which was certainly favorable to Mr. Carswell. This raises a question as to the weight of that letter, a question as to the reasons why the letter was sent. I think these questions can be resolved only by calling Mr. Wilson before the committee, placing him under oath, and asking him these questions instead of speculating upon them, as we have heard done.

Mr. DOLE. Mr. President, will the Senator yield at that point?

Mr. BROOKE. I am pleased to yield to the Senator from Kansas.

Mr. DOLE. I wish to point out that the letter appears in the RECORD as part of the hearings on pages 328 and 329. I do not think anyone questions Mr. Wilson's honesty and integrity and see no reason to have further hearings. The letter is in the transcript of the hearings and it speaks for itself. The letter states that he is a civil service employee. Mr. Wilson states in the letter that he was treated courteously in the courts of Judge Carswell. It seems to me that just because someone says Judge Carswell is courteous does not mean we should start a new hearing.

I assume many hundreds of lawyers appeared before Judge Carswell, and under the thesis the Senator is pursuing, perhaps we should call all of these people before the Committee on the Judiciary, every one of them.

Mr. BROOKE. Will the Senator yield?

Mr. DOLE. The Senator from Massachusetts has the floor.

Mr. BROOKE. I wish to say to the Senator that I think a question of integrity has been raised.

Mr. DOLE. Not of Mr. Wilson.

Mr. BROOKE. Yes. I think the question of Mr Wilson's integrity has been raised. This is the sort of question I think could and should be resolved by the Committee on the Judiciary. I think that by raising the issue as to his motives, stating publicly and on the floor of the Senate that Mr. Wilson was not motivated by anything other than his desire to tell the truth to the committee, one does raise a question as to the man's integrity.

I think that, whether it is raised directly or indirectly, the effects are the same. Mr. Wilson is an employee of the Justice Department, and as such was appointed by the present administration. He has given testimony in the form of a letter to the Judiciary Committee. The distinguished Senator from California says that that letter was drafted by a member of the Justice Department in the present administration, and that it was signed, after some minor corrections, by Mr. Wilson.

If the facts are as the Senator from California states them, it certainly raises a doubt in my mind, and as the distinguished Senator from Kansas well knows, I try to be as fair and as objective as I can. As I say, I do not know the facts in this case. I do not know Mr. Wilson, I do not know whether he would be motivated by career considerations; whether he feels his job may have been in jeopardy had he not signed the letter. I do not know that.

I do not make any such charge. I do state that the best way to resolve the question is by letting the Judiciary Committee conduct hearings on this issue; let members of the committee ask Mr. Wilson questions. Let them sit, look into his eyes to judge whether he is telling the truth; whether he really believes Mr. Carswell is the man to sit on the Supreme Court of the United States; whether the statements he signed were, in fact, truth and fact. I think that question can best be resolved by giving him the opportunity to testify. I do not know of any impediment——

Mr. DOLE. Mr. President, will the Senator yield?

Mr. BROOKE. In just a moment I shall be pleased to yield.

I do not know why this man cannot appear before the committee, or why he did not appear before the committee. Apparently he is in good health. He is right here in Washington, D.C. He would not have had to travel very far to come before the Senate and testify before the committee.

I certainly do not want the Senator to feel that I am now suggesting that all the possible witnesses in the whole country be brought in to take the committee's time, but the committee, at least, had before it the letter of Mr. Wilson, on which several members said they based their judgment. From what I read in the RECORD, these Senators not only based their judgment on it, but said they were voting for the nomination because of the high endorsement made by Mr. Wilson.

Now, did he make an endorsement, or did he not?

Mr. DOLE. I do not know which Senators the Senator from Massachusetts is referring to. Several Senators have commented on this letter—I have, myself—as an indication that Judge Carswell was courteous to civil rights lawyers

appearing before his court. But the basic question raised is that every time somebody says Judge Carswell was a fair and a courteous man, we question his integrity. What about the others? Are they entitled to different treatment?

Mr. BROOKE. No; I think they should be called before the committee and given an opportunity to testify. Many testified that Judge Carswell was discourteous, that he was downright rude to them when they appeared before him in court. I do not know. I am not charging anyone with anything. All I am saying is that, under our system of law, when a man has some testimony to give to a committee, he ought to be given that opportunity to come before that committee, that he ought to take an oath, that he ought to testify, and be subjected to examination and cross-examination. I think there is nothing wrong with that.

The fact that a man is a Federal employee does not make him immune to this sort of procedure. In fact, there is a stronger case that he ought to be given an opportunity to come before the committee, particularly, as I said, as he is here in Washington and could readily testify. I suggest to the Senator that this is a wonderful way to give him that opportunity; namely, by sending this nomination back to the committee and inviting him back to testify.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. DOLE. I will comment generally on that. That is one way to defeat the nomination of Judge Carswell. If that is what the Senator from Massachusetts has in mind, that is one way to proceed. But I believe the President has a right to have the nomination voted up or down on the Senate floor. We have a right, under the Constitution, to advise and consent to nominations. We should have the courage to express ourselves; we should be willing to vote them up or down. I see no reason why we should resort to a stratagem or subterfuge of sending it back to committee, where it can die an unnatural death. Why not vote on the nomination on the Senate floor?

Mr. BROOKE. That is precisely why I raised this question on the Senate floor. I am glad the distinguished Senator from Kansas, in his customary and usual honest and forthright stance, has come out and said what many have been saying quietly—that the only purpose of the motion to recommit is to, in effect, kill the Carswell nomination. I am saying today that there are many reasons—very valid and compelling reasons—for recommitting this particular nomination.

Mr. DOLE. Mr. President, will the Senator yield at that point?

Mr. BROOKE. Certainly.

Mr. DOLE. Does the Senator know any Senator who is promoting the motion to recommit who might vote for Judge Carswell if there were further hearings?

Mr. BROOKE. I, frankly, have not asked any Senator that question.

Mr. DOLE. What about the Senator from Massachusetts?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BROOKE. Mr. President, I ask unanimous consent that I may be permitted to proceed for an additional 15 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator from Massachusetts may proceed for an additional 15 minutes.

Mr. BROOKE. Let me say to the distinguished Senator from Kansas that I have already stated very clearly my intent to vote against the nomination of G. Harrold Carswell. I have stated my reasons for such a decision, and a painful decision it was. And still is.

I have also stated that I hope that there will never be a time in my life when I cannot change my mind. I think a man who cannot change his mind should not serve in the U.S. Senate.

Mr. DOLE. Or on the Supreme Court.

Mr. BROOKE. Or on the Supreme Court. I quite agree with that. So I will not say I cannot change my mind. Perhaps some evidence will come before the Judiciary Committee, and ultimately the Senate, which would cause me to change my mind. There is that possibility. I do not rule out that possibility. I do not rule it out for my colleagues, either.

As I have said, there are many valid and compelling reasons for recommitting the nomination to the Senate Judiciary Committee, where I think it may be given a more thorough and exhaustive examination and inquiry than it had in the first instance.

Mr. DOLE. Mr. President, if the Senator will yield further, I think the nomination might be given a more quiet burial in the Judiciary Committee than on the floor. If we are being practical, as I think the Senator from Massachusetts is——

Mr. BROOKE. Is that a fair statement, that it will be given a quiet burial if it goes back to the Senate Judiciary Committee?

I have great faith that members of the Judiciary Committee will perform their duties, as they should; and that if there is new evidence to come before them, they will hear that evidence and judge it fairly. If there are witnesses who can shed light on some of these areas of darkness—and there are areas of darkness—I think the Judiciary and the country should be given an opportunity to hear, and judge, and ultimately decide about that testimony.

I would be less than candid if I did not say that I certainly recognize the possibility that the committee may not vote to return the nomination to the floor. But the committee certainly could also vote to report the nomination favorably a second time or it could report it adversely.

Mr. DOLE. Mr. President, will the Senator yield at that point?

Mr. BROOKE. I yield.

Mr. DOLE. I am merely discussing this nomination. I have no quarrel with the Senator from Massachusetts.

Mr. BROOKE. I think the Senator's comments have been helpful.

Mr. DOLE. I respect his position and trust he respects mine.

Mr. BROOKE. That is a proper assumption.

Mr. DOLE. I know how a motion to commit is used in the other body.

I would point out to the Senator from Massachusetts that this is a straight motion to recommit. There are no instructions to report the nomination back.

Mr. BROOKE. That is correct.

Mr. DOLE. I am advised by the Parliamentarian that it is too late to change that motion, to add instructions. The Senator from Indiana made the motion last Thursday. It was accepted and is a straight motion to send the nomination back to committee.

I would say, based on my experience in Congress, that what we are doing is, in effect, killing the nomination. I can visualize that there are Senators saying, "Send the nomination back to committee," who will say if they are successful, "The President should withdraw the nomination. Why should we continue hearings on it? The Senate has indicated it is not in favor of the nomination. There are 50–x votes for recommittal"—ad infinitum.

This might be a fair argument. I believe the President recognizes the practicality of it. My only point is—and I would hope that the Senator from Massachusetts might agree with me——

Mr. BROOKE. Is that not true at the present time? Could not the President withdraw the name now because of speculation that at this very moment at least 40 Senators are prepared to vote against confirmation?

Mr. DOLE. At least 40 other Senators might vote the other way.

Mr. BROOKE. Such widespread opposition, such widespread doubt would seem to me to be more than cause for a motion to recommit. Does the President have to withdraw a name merely because 51 Senators said the name should be recommitted?

Mr. DOLE. In a case where there is a yea-and-nay vote, and it is on a motion to recommit, I would hope the Senator from Massachusetts would favor a motion to table the motion to recommit. The Senator from Massachusetts and other Senators recognize that we have an obligation to vote the nomination up or down. We have had adequate hearings. Only a few votes were cast against the nomination in committee.

Mr. BROOKE. That is precisely what I am saying. We did not have adequate hearings, as is borne out by the many clouds, the many areas of doubt, that have been raised since the Committee on the Judiciary reported this nomination to the Senate.

Mr. DOLE. Did the Senator from Massachusetts raise those doubts when he made his speech against confirmation? Did he raise the question that there should be more hearings?

Mr. BROOKE. I made my speech relatively soon after the Committee on the Judiciary had reported the nomination, and the report had been completed. I studied the record as best I could, and based my decision upon the record and my own personal inquiries. But since that time many things have come to light which I, frankly, did not know of, and I think many other Senators did not know of.

Take the matter of Judge Tuttle. There

is certainly some question as to Judge Tuttle's endorsement or withdrawal of his endorsement, about how, in fact, the judge stands on this nomination. Things of that nature could be cleared up, once and for all, if the nomination goes back to the committee.

Questions were raised by the Senator from California (Mr. CRANSTON) yesterday and today about the letter of Mr. Wilson. Mr. Wilson's credibility and the credibility of Judge Carswell himself have been questioned. Those are important things to consider and I think the Judiciary Committee should consider them.

No one wants to have sitting on the Supreme Court a man whose credibility has been challenged, unless that issue has been resolved. I do not make such a charge. I do not say Judge Carswell did not tell the truth to the Committee on the Judiciary at the time I believe my distinguished colleague from Massachusetts (Mr. KENNEDY) was interrogating him as to whether he knew when he signed the incorporation papers that he was setting up a device to circumvent the law of the land as determined by the Supreme Court. But there is a question—a doubt—in my mind. I would like to know whether Judge Carswell was or was not telling the truth. I do not think the interrogation was exhaustive or complete.

I think that certain things which have happened since the hearings have raised doubts in my mind and have raised doubts in the minds of other Senators. I am looking for a means to resolve those doubts.

It seems to me that if I were in Judge Carswell's position and my name were before the Senate for confirmation, and if some doubt had been raised as to my credibility, and I were about to sit on the Supreme Court of the United States, I would want any and all doubts resolved promptly and decisively. I would want them resolved by the official body that should resolve them.

I do not think the Senate has all the facts before it at the present time. Nor has it an opportunity to get those facts. The Senate itself does not take testimony. The Committee on the Judiciary does. I think that a further hearing by that committee is the only way these doubts can be resolved.

Mr. DOLE. If the name of the Senator from Massachusetts were before the Senate, I would vote for its confirmation.

Mr. BROOKE. I am certainly honored. I thank the Senator from Kansas.

Mr. DOLE. Many statements have been made since the hearings were concluded. There was the telegram, released the past Sunday, by 11 of 15 active members of the fifth circuit, endorsing the nomination of Judge Carswell. Judge Wisdom was the only one who said he could not endorse Judge Carswell because of his record on civil rights. The others said they felt they should not because of the doctrine of the separation of powers.

Seventy-nine lawyers in Tallahassee, who have engaged in Federal practice before Judge Carswell endorse the Judge's experience and nomination.

So if we were to reopen the hearings on a day-by-day basis, the hearings would never end. When would we start, and when would we stop and say to the committee, "You have performed your task"?

If we want to kill the nomination, let us do so on the Senate floor next Monday, April 6—at 1 o'clock.

Mr. BROOKE. Would not the Senator agree that the whole question of the weight that should be given to the American Bar Association's endorsement is one that should be resolved? Certainly the American people have been led to believe that when the American Bar Association gave its approval to Mr. Carswell's nomination, the American Bar Association, the most distinguished and most prestigious legal body in the country, had conducted a rather extensive, if not exhaustive, investigation; and that, therefore, if they approved a nomination, their approval was one upon which the Senate, the President, and the Nation could rely.

But it would appear now that no such thing happened. The American Bar Association did not conduct an extensive examination into Mr. Carswell's qualifications. The American Bar Association merely gave him a rating of "qualified," whatever this means.

As I have said, I am a member of the American Bar Association, but I think it was certainly misrepresentation to the Senate, to the President, and to the Nation for that association to say that Judge Carswell was qualified, considering the minimum of investigation which the ABA's committee conducted.

I think the same thing applies to the Department of Justice. I think it is a shame, some would say a scandal, frankly, that the Justice Department did not know or did not report to the Committee on the Judiciary the statement which some television reporter discovered, by happenstance or through diligence—well, not by happenstance, but by diligence—that created some serious doubts in my mind and in the minds of other people across the Nation as to this nominee's fitness to serve on the Supreme Court.

Many of these things came out after the Judiciary Committee had made its report. If these were just more things that had already come before the Committee on the Judiciary, then, as the Senator from Kansas has wisely pointed out, we could not keep the record open for an indeterminate period. The hearings have to be ended at some time.

All I say now is that serious questions of doubt have been raised since the Senate began to consider this nominee. We can resolve those doubts and the way to do that is to vote favorably upon the motion to recommit and thereby give the Committee on the Judiciary an opportunity to conduct further hearings, which conceivably and hopefully could resolve those doubts.

Is that not a logical argument?

Mr. DOLE. That is a logical argument; I will agree to that. I would add—this is my notion again—that we have the right to have differing opinions. Surely many headlines have been written about the fact that 400 or so lawyers had signed petitions saying that Judge Carswell was not fit to sit on the Supreme Court.

If we review that—and that is a great number of lawyers—we find that of those 400 lawyers, only 126 are practicing attorneys; the other 300 odd are law professors. About 4,000 law professors teach in 145 law schools in America. We find the names of 126 practicing lawyers appeared in the advertisement published in certain newspapers.

The PRESIDING OFFICER. The Senator's additional time has expired.

Mr. BROOKE. Mr. President, I ask unanimous consent that I may be permitted to proceed for an additional 15 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD of West Virginia. Mr. President, reserving the right to object—I shall not object—there is other morning business; and I would hope that after this 15 minutes the Senator will not request additional time.

The PRESIDING OFFICER. Without objection, the Senator from Massachusetts may proceed for 15 additional minutes.

Mr. DOLE. There are 300,000 practicing attorneys in America. 143,500 of them are members of the American Bar Association. The ad carried the names of 126. My point is this: That is approximately .3 percent who oppose, at least publicly, the nomination of Judge Carswell. There may be others. But there has been so much notoriety and so much publicity given to 126 out of 300,000, and 334 law professors out of 4,500, why not call these people in if there are to be more hearings.

Mr. BROOKE. Does the Senator know whether a poll was taken of every lawyer in this country and every law professor in this country?

Mr. DOLE. In the State of Kansas we have approximately 3,000 practicing lawyers—and not a single Kansan's name appeared in the ad. Perhaps there are some Kansas lawyers who oppose Judge Carswell and I am certain there are.

The point is some seem to put great reliance on and give great credit to small numbers of people if they oppose Carswell, and it makes little difference how many are not opposed. We find one who is or five who are; then we should take this into consideration and weigh it very heavily, but should we forget about the 300,000 we have not heard from, the 3,000 in Kansas, or the approximately 1,480 members of the bar association in my State.

Mr. BROOKE. Does the Senator want to state that all 3,000 lawyers in Kansas agree that G. Harrold Carswell should sit on the Supreme Court?

Mr. DOLE. No. And they do not all agree that I should be in the Senate.

Mr. BROOKE. The Senator knows the realities of these things. I would presume that those names were solicited by some interested group from one side or the other.

Mr. DOLE. One side or the other.

Mr. BROOKE. They would get the

people they were interested in, and they would make out the best case they could. In the list of lawyers to which the Senator has referred are some of the most distinguished lawyers in the country who practice law, deans of law schools, members of faculties, who are merely stating that in their opinion G. Harrold Carswell should not sit on the Court.

The Senator has referred to 11 judges in the fifth circuit who said G. Harrold Carswell should sit on the Supreme Court, and he has also very fairly pointed out that Judge Wisdom was not one of them. I think we can point out now that Judge Tuttle also did not sign that telegram.

Mr. DOLE. But he is not an active circuit judge. I believe he is on call.

Mr. BROOKE. I am merely saying that these men disagree. So do other men disagree on this serious constitutional question. We have an almost evenly divided Senate at the present time. We had an equally close division on the nomination of Mr. Haynesworth, as the Senator will recall. I do not put too much weight on that. I certainly respect the rights of all these lawyers, law school deans, members of the faculties, members of the judiciary, and others to voice their opinion. But when we get to the question of how much weight should be given to a particular piece of evidence and how much weight should be given to a statement or a petition, that really becomes an individual matter. I think that is as it should be.

We have been having all sorts of discussion about this judge as a conservative. A speech was delivered on the floor of the Senate today the thrust of which was that if this man were a liberal, perhaps those opponents who are arguing most eloquently against him now would be arguing in favor of him. That distressed me when I heard it. I do not believe it to be true; let me say that. We are not here to decide whether a man is a Republican or a Democrat or whether he is a liberal or a conservative. The Senate's job is to decide whether this particular individual is qualified to sit on the Supreme Court of the United States. That is a very weighty and a very heavy responsibility. I think frivolous considerations should not be taken seriously by any of us, frankly.

It does not matter to me whether the man is from Florida or from Massachusetts. If he is not qualified to sit on the Supreme Court, he should not sit on the Supreme Court. It does not matter to me whether he is a Republican or a Democrat. Mr. Carswell happens to be a Republican; I happen to be a Republican. But if I do not think he is qualified to sit on the Supreme Court, I should vote against him.

I do not know where I fall on the philosophical spectrum. Whether some put me in all three camps—liberal, moderate, and conservative—does not matter to me. At any rate, if I am considered a liberal-moderate and he is a conservative that matters not to me. The issue is the question whether Judge Carswell is qualified to sit on the Supreme Court of the United States. This is what we are trying to determine, and I think this is what this debate is all about.

I am merely saying to the Senator from Kansas, at this time, that in my opinion there are sufficient questions which have not been resolved, there is sufficient doubt which should be resolved, in fairness to Mr. Carswell; in fairness to the President, who has made this nomination; in fairness to the American people, who have the right to expect only the best, and in fairness to the Senate, which has this very grave responsibility.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. DOLE. Who would the Senator call as additional witnesses? I will not trespass on the Senator's time further. I realize that I have interrupted too often.

Mr. BROOKE. I certainly would call—I have not gone over it in detail—Mr. Horsky, for one.

Mr. DOLE. He is a former adviser to President Johnson. I assume he might have a little leaning against a Republican nominee.

Mr. BROOKE. I just cannot presume that a Democrat is going to come before the Senate Judiciary Committee and, under oath, is going to give testimony which is not truthful, merely because he is a Democrat. I have to presume that he would be honest and forthright.

The Senator is a distinguished lawyer. He knows that there is a presumption of truthfulness, and we have to go on that presumption. I have traveled all my life on that presumption, and I have been very happy with it. I have never presumed a man to be wrong until he is proved wrong, and I think that is what this country stands for.

Mr. Horsky should be called. Then I think Mr. Wilson should be called before the committee. I will not repeat the reasons.

I think Mr. Carswell should come back before the committee because of the question of credibility which has been raised. I think very serious questions have been raised about his credibility.

I would call before the committee some of the incorporators of the golf course in Florida. I think they should come before the committee so that the committee might question them.

I think our judicial system is the best that has ever been devised by man. Although I know that under our system of laws at times we have to use affidavits, I think the best system is to have a man appear before a committee so that its members can look into his eyes and make a determination as to whether that man is telling you the truth or the untruth. You cannot always tell by this method; but, generally speaking, judges and juries have been very successful. They might convict the wrong man occasionally, or a convicted man might escape occasionally. But, generally speaking, our system of examination and cross examination, as I have said, is pretty reliable. I do not think we should change that system insofar as making a decision on the confirmation of a nominee for the Supreme Court of the United States.

So I just want to say to the Senator that I know he has some serious doubts as to the reason for a motion to recommit, and generally his doubts might be very valid. He has served in the House, and he has said that generally in the House a motion to recommit is a motion to kill. But I merely am trying to point out—and I hope I have—that sufficient questions have been raised since the Judiciary Committee reported this nomination that would justify recommittal of this particular nomination to the Judiciary Committee for the purpose of resolving those doubts.

I do not think I could make any stronger statement than to say that I think that in the end Mr. Carswell's interests will be better served if the Senate, in its wisdom, votes favorably upon the motion to recommit. I do not say this in any threatening manner at all. I do not mean by that that if it is not, he will be denied confirmation. I frankly really do not know that. But I think the Senator would agree that at this moment the Senate is so divided, there are some who still do not know how they will ultimately vote. The issue hangs in the balance. But we have the opportunity to resolve the doubts and I think the way to do that is by voting favorably upon the motion to recommit. I hope that the motion carries when it is voted upon on April 6.

I understand that the Senator intends to make a motion, prior to that vote, to table the motion. He invited my support of that motion to table but I will have to say that unless I hear more convincing arguments than I have heard so far, I would be disposed at this moment to vote against the motion to table and vote for the motion to recommit and hope that these questions can then be favorably resolved.

I thank the distinguished Senator from Kansas for joining this colloquy, which I hope will set the tone for the few remaining days of debate. I think that we have practically exhausted all the arguments on the evidence that we have before us, and fear that we soon may get into the area of speculation, charges, countercharges, innuendoes, guilt by association, and all of that murky area, which would make our decision even more difficult. I think that we can avoid that pitfall if we direct the few remaining days to intelligent and exhaustive debate on why we should or should not vote favorably on the motion to recommit.

Again I thank the distinguished Senator from Kansas.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that I may proceed for 10 minutes.

The PRESIDING OFFICER (Mr. GOLDWATER). Without objection, it is so ordered.

Mr. WILLIAMS of Delaware. Mr. President, President Nixon has nominated Judge G. Harrold Carswell to be Associate Justice of the Supreme Court and the question before the Senate is, Should he be confirmed?

For the past several days I have carefully reviewed the testimony before the Senate Judiciary Committee and I have also followed the arguments presented in the Senate by those who would support and those who would oppose his con-

firmation. It appears that the principal arguments against his confirmation are confined to two basic points:

First, there are those who oppose his confirmation because they do not want a man of Judge Carswell's conservative background to be a member of the Supreme Court. These opponents criticize some of his earlier decisions as a judge on the basis that they were not as favorable to labor or the civil rights movement as they would like.

Second, others base their arguments on the premise that while Judge Carswell may be a man of integrity they do not think he is the best qualified man that the President could have found to fill this vacancy.

I first comment just on argument No. 1; namely, that Judge Carswell's conservative background would justify a vote against his confirmation.

As I have stated on earlier occasions, in my opinion agreement or disagreement with a man's political philosophy is not a valid basis for support or opposition to the confirmation of a Presidential appointment.

In fact, if this argument were to be accepted as the basis for a decision all conservatives would have voted for Judge Haynsworth and they would have opposed the confirmation of men such as Justice Goldberg, and many others who admittedly had liberal views. Yet men with liberal views were confirmed with scarcely any opposition by the Senate.

At the time of Justice Goldberg's appointment, I received many letters of protest on the basis that as a former representative of labor he would be prejudiced against management. I took the position then that, while Mr. Goldberg's views were more liberal than mine and that had it been my choice I would have selected a man with a more conservative background, this was the President's appointment and Mr. Goldberg was in my opinion a man of high integrity. I supported his confirmation.

Justice Goldberg proved to be an able member of our Court and no one has challenged his decisions as being biased. Justice Black had been a member of the Ku Klux Klan, yet he proved to be a liberal on the Court.

Under our constitution nominations to fill vacancies on the Supreme Court are made by the President and it is expected that in making this selection the President will nominate men whose social or political philosophy more nearly coincides with his own. Had Mr. Humphrey been elected President I am sure he would have named a liberal to fill this vacancy, and the country expects Mr. Nixon to name a man of more conservative background.

Therefore, in my opinion objection to or approval of Judge Carswell's conservative record is not a valid basis upon which to base our decision.

That brings us to the second question; namely, is Judge Carswell qualified for this position and does he represent the best possible choice the President could have found to fill this vacancy?

As to his qualifications, I point out that the Senate has on three occasions unanimously confirmed Judge Carswell, once as a U.S. attorney and twice as a member of the Federal court.

In 1953 Harrold Carswell was appointed and confirmed by the Senate as the U.S. attorney in the Jacksonville, Fla., area. He served in this position until 1958 at which time he was appointed and again unanimously confirmed by the Senate to be a Federal district judge in that same district. He served in that capacity until 1969. In June 1969—just last year—President Nixon recommended that Judge Carswell be elevated to the position as a member of the U.S. Court of Appeals for the Fifth Circuit.

At the time of this later appointment, in 1969, Judge Carswell had already served as a Federal Judge for over 10 years or between 1958 and 1969.

The Senate Judiciary Committee again considered both his qualifications and his record as a Federal Judge and in June 1969—less than one year ago—unanimously reported his nomination to the Senate and the Senate unanimously confirmed his appointment.

Significantly, while some may disagree with certain of his decisions, at no time has anyone presented any challenge to the honesty or integrity of this man.

I repeat three times Judge Carswell has been unanimously approved by the Senate Judiciary Committee and three times he has unanimously been confirmed by the U.S. Senate and at no time was any question raised as to his qualifications.

That brings us to the last argument, namely do we think that Judge Carswell is the very best qualified man that President Nixon could have found to fill this important position.

I will answer that question in exactly the same manner as if the question was, did I think that I or any of the other 99 Members of this body are the best qualified men that our States could have found to represent them in the U.S. Senate. Let's face it, no man is so great that it would be impossible to find a better man to replace him and I would hope that there is not a single Member of this Senate who is so egotistical that he would try to claim that he is the best man his State could have selected.

This is true of every other man in public or private office and I would suggest that Senators not push this argument too far, our constituents may get ideas.

One last point: an argument has been raised concerning a speech that Judge Carswell made about 20 years ago wherein he supported segregation.

Twenty years ago when Judge Carswell made that statement we had segregated schools, segregated restaurants, and segregated clubs in every State in the North as well as the South. Right here in Washington Members of Congress lived in, ate in, and were members of such segregated facilities.

On June 7, 1948, the Senate by a rollcall vote of 67 to 7 rejected an amendment which would have abolished segregation in our Armed Forces. Only two of the present Members of the Senate supported that amendment and as I recall no effort was made in the House to eliminate this discrimination in our Armed Forces. Who are we to point the finger at Judge Carswell for his views of 20–25 years ago?

Then too, Judge Carswell has been criticized because of a segregation clause in a deed. Senators know such clauses have been declared null and void years ago by our courts; therefore, they have no meaning. Besides half the property on the Atlantic seaboard carries such a historic clause. This includes much of the property right here in Washington and its surrounding areas.

In one area of my own State all property—including some property which I own carries such a clause that was initiated years ago by some former owner.

Only recently it was pointed out that one of the candidates for President on the Democratic ticket had owned property bearing such a clause.

Did this mean that he or the other property owners were segregationists? Certainly not. I doubt if many of them even knew such a clause was in their deed. I did not until 10 years later.

Then too, how many Senators have made speeches, cast votes, or done something during the past 25 years that we would rather have forgotten?

Mr. President, in the light of the Senate's own record on civil rights I suggest we be careful as to how we point a finger of criticism at Judge Carswell for his views of 25 years ago.

I respect all my colleagues who are members of the American Bar. Early in life my ambition had been to be a lawyer but let it be remembered that there is nothing in the Constitution which requires even a member of the Supreme Court to be a lawyer. Ability, integrity, and good commonsense are the essential ingredients for public offices and not the least of these is good commonsense.

Mr. President, in my opinion Judge Carswell's 17-year record as a public servant with 10 years service as a Federal judge fully justifies our support. He is a man of high integrity, well qualified to be a member of the Supreme Court and I shall vote for his confirmation.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. GRIFFIN. Mr. President, I know that the Members of the Senate and the American people have waited with interest to hear the views of the distinguished Senator from Delaware on this nomination.

Of course, the Senator from Delaware is generally acknowledged to be, and often is referred to as, the "conscience of the Senate."

Naturally, I am pleased that his conclusions concerning the nomination of Judge Carswell coincide with mine; I am pleased that the distinguished Senator from Delaware supports the nomination.

Speaking of the qualifications of Judge Carswell, I dare say that there have been few Supreme Court nominees in this century who have had the training, qualifications, and experience on the bench that Judge Carswell would bring to the High Court. Having served as a district attorney, as a trial judge on the district court, and as a member of the circuit court of appeals, he is much bet-

ter qualified than most who have been nominated.

When one considers the number of nominees in the past with less experience and had less background who over the years developed into outstanding Supreme Court justices, it occurs to me that we have good reason to believe that this nominee is even more likely to develop into a great justice of the Supreme Court.

I wish to commend the distinguished senior Senator from Delaware for his very excellent statement—a statement which is bound to have an important effect upon the vote to confirm this nomination.

Mr. WILLIAMS of Delaware. Mr. President, I agree completely. I reviewed this matter very carefully.

In making this selection we are confirming a man to a very high and very important position. In my opinion, he is fully qualified. His record during the time he has been in public service as a district judge and later as a judge of the circuit court of appeals reflects to the credit.

I think Judge Carswell's record fully justifies the support of the Senate, and I welcome the chance to vote for his confirmation.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, first I commend the Senator from Delaware.

As the distinguished acting minority leader, the Senator from Michigan, has pointed out, many of us applaud the statement of the Senator from Delaware. The Senator from Delaware has a unique way of cutting through much of the morass and putting things in proper perspective by example and by illustration which is very helpful to this Senator.

I would say, as the Senator from Michigan has said, and as the Senator from West Virginia (Mr. BYRD) said earlier today, that Judge Carswell has more experience than all of the present occupants of the Supreme Court combined, having been a U.S. attorney, a Federal district judge, and a judge of the circuit court of appeals.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. BYRD of West Virginia. That is true with the exception of Chief Justice Burger.

Mr. DOLE. The Senator is correct.

Mr. President, I fear that the merits of the Carswell nomination have recently been obscured by a swelling tide of misleading statements on the part of those who oppose confirmation. Whether this represents desperation tactics in the stretch drive, or whether it is the normal way opponents go about trying to influence public opinion, I do not say. I believe the U.S. Senate and the American public are entitled to fair play on this issue.

Let me take only the most recent example of these tactics. Yesterday the junior Senator from California called a press conference to make the charge that Charles F. Wilson, a black lawyer who had submitted a letter to the Judiciary Committee telling of fair treatment he had received at the hands of Judge Carswell, had been "pressured" into doing so. He further stated that the administration had used Mr. Wilson in a "deliberate effort to mislead" the Senate committee. He further stated, according to the Washington Post account of the matter this morning, that the "letter was widely cited by Senate supporters as showing a leading civil rights lawyer felt Carswell was fair."

As I said before and as I say again—and it appears on pages 328 and 329 of the hearings record—there is not one word of his statement that constitutes an endorsement. It states a fact, and that fact is that he was a black attorney, a civil rights attorney who had appeared many times before the court presided over by Judge Carswell. And he said, and I repeat, that he had never been treated discourteously, that the had been treated fairly every time and any time he appeared before that court.

Now, what are the facts of the matter? Mr. Wilson told the newsmen who swarmed around him after the junior Senator from California's press conference that, and here again I quote from the news account, that "he had 'absolutely not' been mistreated in court by Carswell and had 'absolutely not' been used by the administration."

He said that he had not been pressured or used by the administration in an effort to gain support for the nomination of Judge Harrold Carswell.

It also is a fact that Mr. Wilson holds a civil service position, from which he could not have been dismissed without good cause.

So the record is now straight. The charges are demonstrated to be false. But what of the tactics used? What of the tactic of making public statements indicating that a man has repudiated a position he has taken, without ever going to the man himself? What of the tactics of relying only on hearsay affidavits to support such a conclusion? What would some of our great advocates of civil liberties say if one of the Internal Security Committees of the Senate or of the House of Representatives formed its conclusions as to a witness' testimony on such a basis—on the basis of third-party affidavits.

Unfortunately, this is but one of several similar forays in which the opposition has recently engaged. On Friday, March 27—less than a week ago—the Baltimore Sun carried a leading article containing, among others, two statements which were totally without factual foundation.

First, it attributed to Clarence M. Mitchell, Jr., the National Association for the Advancement of Colored People representative in Baltimore, the report "that the FBI did an exceedingly thorough investigation into Judge Carswell's background and turned up, among other things, the 1948 white supremacy speech."

"However," he continued, "somewhere along the way it got dropped."

The Attorney General and the Director of the FBI categorically denied the truth of this statement later the same day, and the record on that has now been set straight.

Second, the Sun attributed to "a source in the Senate" that "according to 'unimpeachable information' he had received, Senator GEORGE MURPHY, Republican of California, who is facing a reelection campaign this fall, will vote to recommit the nomination in the face of minority group pressures being brought to bear at home."

That very evening, the senior Senator from California issued a flat denial of any intention on his part to vote to recommit the nomination, and reaffirmed his strong support for Judge Carswell.

And so the record is now straight on these two matters. But what of the tactics of the opponents in resorting to misstatements, distortions, and falsehoods such as this?

This does not by any means exhaust the list. The United Auto Workers news release of February 1970, for example, states that Dean Pollak of Yale Law School, an opponent of Judge Carswell, supported Judge Haynsworth. Dean Pollak did not support Judge Haynsworth. Such a statement is critically misleading, because it suggests that Dean Pollak is actually quite neutral in matters of liberalism versus conservatism, that he supported one conservative nominee of the President, but could not bring himself to support the second nominee. Actually, Dean Pollak, as vice president of the NAACP's lawyers defense fund, has been a leading activist and liberal in the field of civil rights. He is certainly entitled to his opinion as to whether or not Judge Carswell should be confirmed, but no one ought to suggest in opposing the nomination that Dean Pollak is neutral or unbiased on the ideological issue involved.

Let me carry my catalog of misleading information one additional step further. We have recently been treated to long lists of law school deans and law school professors who have opposed Judge Carswell. The Washington Post this morning devoted the latest in what must have been at least a dozen editorials attacking Judge Carswell to a list of law school deans, pro and con, and of law school faculty members.

Now, the question that comes to my mind, is whether or not these law school deans and professors are against Judge Carswell because they are teachers of the law, or whether they are against him because they are liberal Democrats. A liberal Democrat has every bit as much right as any other kind of Democrat, or any kind of Republican, to express his view about the nomination of Judge Carswell or about any other matter in the public forum. And a liberal Democratic newspaper, in its campaign to help defeat the nomination of a conservative, has every right to quote liberal Democrats. But is there not some departure from strict accuracy when law school deans and professors are treated by editorialists as if they were a neutral or relatively neutral class of participants in the debate? To be more specific, and

a good deal more blunt, how many of the law school deans and law school professors who have opposed Judge Carswell's confirmation voted for or supported in any way President Nixon in the 1968 election?

And while I am on the subject of the Washington Post's editorial of this morning, after observing that 79 lawyers in Tallahassee supported Judge Carswell, the editorial noted that "it is useful to note there are 284 lawyers in that city listed in a national directory." A national directory, no doubt, kept in the editorial office of the newspaper in question. But the important point here is that the Washington Post recognizes in this context that it is not just the number of signers, but the number of nonsigners out of the class as a whole that is important. Unfortunately, it has not chosen to recognize this fact in the case of a very similar petition circulated by law school professors and practicing lawyers opposing Judge Carswell's confirmation. Here, the news media headlined that 400-odd prominent attorneys and law professors opposed Judge Carswell's confirmation. They did not point out that of this 400-odd, only 126 were practicing lawyers, as opposed to law professors. Nor did they point out the number of nonsigners of this petition, the way they did with respect to the Tallahassee lawyers. Since the press did not do it, I am going to do it for them. On this petition, 334 law school professors signed in opposition to Judge Carswell. There are 4,062 professors who teach at the 145 law schools approved by the American Bar Association. This is useful to note.

There are 126 practicing lawyers, as opposed to law professors, who signed the petition. There are approximately 300,000 practicing lawyers in the United States, excluding law professors. This is useful to note.

Finally, there are 143,449 members of the American Bar Association as of December 31, 1969. If all 400-odd signers of this petition against Judge Carswell were members of the American Bar Association, that number would represent something like three-tenths of 1 percent of the membership of the American Bar Association. This is useful to note.

In my State of Kansas, there are 2,974 lawyers, and 1,480 members of the American Bar Association. Not a single practicing lawyer in Kansas signed this petition. This, too, is useful to note.

The senior Senator from Iowa, in his very able speech on the floor of the Senate March 20, made the following comment, and I quote:

> Not being a member of the Judiciary Committee and not having any personal knowledge of Judge Carswell, it seemed prudent for me to study the hearings record before reaching a final decision on this matter. To do otherwise would be to make a judgment on a most important matter without considering the evidence—to indulge in "trial by the press" and to thus shirk the duties of a Member of a separate, co-equal branch of our federal government in his exercise of the constitutional power of confirmation.

I fully endorse the comments of the senior Senator from Iowa with respect to the dangers of "trial by press." I deplore the misleading tactics of the opponents of this confirmation in these closing days of the debate. I reaffirm more strongly than ever my determination to vote against recommital of the nomination—I shall offer a motion to table the motion to recommit—and vote in favor of Judge Carswell's confirmation.

Mr. CURTIS. Mr. President, the Senate of the United States is on trial. For some months there has been a vacancy on the Supreme Court waiting to be filled.

President Nixon's nomination of G. Harrold Carswell is before the Senate. This nomination should have been confirmed a long time ago. Now there is a move underway which would avoid a vote for or against the confirmation of Judge Carswell. This is through a motion to recommit the nomination to the Committee on the Judiciary.

Mr. President, the people of the United States and the President of the United States are entitled to have the Carswell nomination voted upon. The motion to recommit it to the Judiciary Committee should be tabled and I shall vote for the tabling motion that will be offered by the distinguished Senator from Kansas (Senator DOLE).

Few nominees for the Supreme Court have possessed the fine qualifications of Judge Carswell. It was the late President Dwight D. Eisenhower who appointed him as U.S. Attorney. Judge Carswell's many years in that capacity gave him valuable courtroom experience. President Eisenhower, recognizing the high qualifications of the then U.S. Attorney Carswell, appointed him as U.S. District Judge. This gave him a decade or more of experience as a trial judge. It was logical that some months ago President Nixon should elevate this outstanding man to the U.S. Court of Appeals. Judge Carswell has been confirmed by the U.S. Senate three times prior hereto.

This fight against President Nixon's nomination of Judge Carswell to the Supreme Court is being carried on by an unholy alliance of rank partisans and militant pressure groups. Their arguments are phony and the facts are against them.

Mr. President, the people of the United States are entitled to have a balanced court made up of jurists who can act independently of all vested interests and pressure groups. The President of the United States is entitled to have his nominee voted upon and confirmed.

Mr. HUGHES. Mr. President, in considering a nominee to the Supreme Court, those of us who are not lawyers must inevitably give some special weight to the views of the legal profession. I have found it to be a particularly persuasive factor that Judge Carswell is widely opposed by his professional colleagues, including those who might have been expected to follow their custom of refraining from entering into this controversy if it were merely "political," as recently asserted by the Deputy Attorney General.

When law faculties and members of leading law firms throughout the Nation join in opposing a nominee, it is ridiculous to suggest that their position stems from either political or regional bias.

Mr. President, I ask unanimous consent that there be included in the RECORD at this point a letter signed by 45 members of the well-known Washington law firm of Hogan and Hartson, and an editorial from the Washington Post of March 31, 1970.

There being no objection the material was ordered to be printed in the RECORD, as follows:

MARCH 17, 1970.

Hon. HUGH SCOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SCOTT: We, the undersigned are all lawyers practicing in the District of Columbia, and many of us have worked in the United States Government. We write in strong opposition to the appointment of Judge G. Harrold Carswell to the Supreme Court of the United States.

The hearings which were held with regard to his appointment, the attitudes and judicial temperament of Judge Carswell himself, the judicial posture which he has taken on significant issues, and the careful analysis of his fitness for the Supreme Court by respected members of the legal profession throughout the nation demonstrate beyond any question that Judge Carswell does not possess the requisite attitudes or abilities which warrant his being made a member of the highest court in the land.

Not only has he demonstrated callous disregard for, and open hostility to, the clear constitutional rights of Black Americans, but he has, in his capacity as a United States Attorney and United States District Judge, as well as in his private affairs, gone beyond the bounds of all propriety in taking part in discriminatory schemes and plans designed to thwart federal law. If, as he claims, he was not aware of any wrong-doing, then he betrays a shocking lack of awareness of the events around him, which alone should disqualify him from sitting on the Supreme Court of the United States.

Although callous disregard and indifference toward Black Americans is not the same as having been guilty of financial impropriety, it is clear that the Canons of Judicial Ethics require that a judge avoid even the "appearance" of impropriety, and that his personal behavior "not only upon the Bench and in the performance of judicial duties, but also in his everyday life, should be beyond reproach" (Canons of Judicial Ethics, No. 4). Clearly, it cannot be said that Judge Carswell has met this critical test.

Finally, at a time when Black Americans are finding it increasingly difficult to believe that the leadership of this country is concerned about their legitimate and constitutional rights, the appointment of a Justice of the Supreme Court whose past history is full of denial of those rights, both in his public and private life, would represent a most serious blow and one from which it may well be difficult to recover. Particularly when so many issues critical in the well-being of our citizens are awaiting judgment by the Supreme Court, this country cannot afford to have on that Court one who lacks the necessary intellectual and moral capacity to sit in judgment.

Because you and those Senators to whom we are sending copies of this letter are in a position to prevent this appointment, and thus, a tragic mistake, we urgently request that you heed the advice of the legal community, as well as other concerned Americans, and reject the appointment of Judge

G. Harrold Carswell to the Supreme Court of the United States.

Very truly yours,

James A. Hourihan, Edward A. McDermott, Jay E. Ricks, George W. Miller, William T. Plumb, Jr., Joe Chartoff, Harold Himmelman, Vincent Cohen, Peter F. Rousselot, Eric H. Smith, Stanley Marcuss, Robert H. Kapp, Seymour S. Mintz, Arthur J. Rothkopf, Timothy J. Bloomfield, Bob G. Odle, Raymond E. Vickery, Jr., Curtis E. von Kann, Kevin P. Charles.

Sherwin J. Markman, Jerome N. Sononsky, David B. Lytle, David A. Ludtke, Lee Loevinger, Stuart Philip Ross, Gerald E. Gilbert, Matthew P. Fink, Marvin J. Diamond, William A. Bradford, Jr., Douglas A. Nadeau, Richard S. Rodin, Sara-Ann Determan, C. Ronald Rubley, Alfred T. Spada.

David J. Hensler, Peter W. Tredick, Francis L. Casey, Jr., Alvin Ezrin, James J. Rosenhauer, Robert M. Jeffers, Alfred John Dougherty, Arnold C. Johnson, Austin S. Mittler, Richard B. Ruge, Robert K. Eifler.

JUDGE CARSWELL: KEEPING THE RECORD STRAIGHT

Things are beginning to happen so rapidly in the battle over confirmation of Judge Carswell that it is a little hard to keep them in perspective. The weekend began, for example, with Senator Cooper's announcement of support for the judge, and while we would not wish to pretend to anything but regret about this, the fact is, of course, that his decision was expected and largely discounted in advance, as will be a string of such announcements in the coming days, as both sides play for psychological advantage. Leaving this part of the struggle aside, there were these weekend developments which bear closer examination: 11 judges from the Fifth Circuit Court of Appeals signed a telegram endorsing Judge Carswell: 79 lawyers from Tallahassee, the judge's home, sent a similar endorsement; and Deputy Attorney General Kleindienst unloosed a broadside attack against assorted Carswell critics, expressing the belief that those who oppose him for political reason have run out of "misleading" and "deliberately untruthful" charges against him.

Well, on this last count we would certainly hope so, too. But we would also hope that those who support the judge would be a little more precise in what they say, and a little more to the point, which in the case of the Fifth Circuit judges and the Tallahassee lawyers and some of the complaints of Mr. Kleindienst have to do, at bottom, with what people in the legal profession think of Judge Carswell.

Turning to first things first, Judge Carswell's nomination did get a timely phychological lift from the telegram signed by those 11 judges—which only goes to show what trouble it is in. What would have been the outcry about any preceding nominee if it had become known publicly that any substantial number of his closest colleagues opposed confirmation? Remember that if Judge Carswell is not confirmed his colleagues, specifically including those who did not sign the telegram, must continue to sit on the bench with him. And there are four sitting judges as well as three retired judges who did not sign. Interestingly, only three of the eight judges who were active when that court underwent its most serious attacks between 1955 and 1965 are openly supporting this nomination. And none of the court's big four in those days (three of them, incidentally, appointed by President Eisenhower)—Tuttle, Rives, Wisdom and Brown—signed that telegram.

As to other matters, the Ripon Society did not, as Mr. Kleindienst said, first say Judge Carswell was reversed 54 percent of the time and then on further study change that to 40 percent. It reported originally that Judge Carswell was reversed in 58.8 percent of those cases in which appeals were taken from his printed opinions. No one that we know of has challenged that figure. The Ripon Society subsequently examined all the appeals from all Judge Carswell's decisions and reported the reversal rate was 40.2 percent, noting that the rate got worse the longer he was on the bench—25 percent for the first quarter of his appeals, 33 percent for the second, 48 percent for the third, and 53 percent for the fourth. Either Mr. Kleindienst misread the Ripon Society's statements or chose to ignore its careful distinction between written opinions (which judges usually file only in major cases) and all decisions.

It is true, as Mr. Kleindienst said, that the official voice of the American Bar Association is for confirmation. But we suspect that columnists Mankiewicz and Braden (see letter on this page) were more accurate than was Mr. Kleindienst when they suggested that a majority of that Association's members who have an opinion are against confirmation. At least, that's the feeling we get from reading the Congressional Record, which senators love to stuff with communications from home—and from reading our own mail. With less than a dozen exceptions, all the letters we have seen in the Record or received ourselves from lawyers supporting Judge Carswell come from his home state of Florida. As for the list of 79 Tallahassee lawyers, it is useful to note there are 284 lawyers in that city listed in a national directory.

Certainly one segment of opinion is heavily against Judge Carswell's confirmation; these are the people who teach law. We have collected the following tabulation of the universities which have law schools that have been heard from during this debate:

LAW SCHOOL DEANS

Against confirmation (22)

Boston College, Catholic, Chicago, Columbia, Connecticut, Georgetown, Harvard, Hofstra, Illinois, Indiana, Iowa, Kansas, New York U., Notre Dame, Pennsylvania, Puerto Rico, Rutgers, Stanford, UCLA, Valparaiso, Western Reserve, Yale.

For confirmation (2)

Florida, Florida State.

FIVE OR MORE FACULTY MEMBRERS

Against confirmation (31)

Arizona, Boston U., California (Berkeley), Catholic, Chicago, Columbia, Connecticut, Florida State, Georgetown, Harvard, Illinois, Indiana, Iowa, Kansas, Loyola (Los Angeles), Maine, New York U., New York U. (Buffalo), North Carolina, Notre Dame, Ohio State, Pennsylvania, Rutgers, Stanford, Syracuse, Toledo, Valparaiso, Virginia, Washington & Lee, Willamette, Yale.

For confirmation (0)

None.

It is impossible to dismiss this overwhelming vote of no confidence in Judge Carswell from the legal teaching profession; certainly it reduces to irrelevancies the complaints of Mr. Kleindienst about the calculations of the Ripon Society or the argument over who speaks for the American Bar Association—the members who are plainly split on the matter, or the ABA's 12-man Committee on the Judiciary which rated him "qualified." Still less is it any longer possible to argue from this listing that the opposition to Judge Carswell is narrowly sectional and confined to the northeastern corner of the country, as some of the judge's supporters have argued in the Senate debate. It is in every sense a national list—South as well as North, Midwest and Far West as well as East. And it is a devastating list. For it is made up of men and women who teach lawyers and who therefore care deeply about the quality of the law they must teach.

Mr. BROOKE. Mr. President, the debate thus far has shown that the Senators who oppose Judge Carswell do so because their study of his record has compelled the conclusion that he lacks the basic intellectual qualifications necessary for service on the High Court and that he is hostile to the precepts of the 14th amendment. The discussion has largely dealt wtih the totality of his record, which is, of course, of vital significance in setting the basic theme of the debate. But I believe a further insight can be achieved by examining in depth the judge's performance in a single proceeding. For this purpose I have analyzed Judge Carswell's handling of the case which was most thoroughly discussed in the Judiciary Committee, County of Gadsden against Wechsler. In my view, Judge Carswell's performance in the Wechsler case graphically illustrates his judicial deficiencies. At the outset, I shall summarize the significant aspects of this episode.

First: A fee was required to remove civil rights prosecutions cases to the Federal court despite a square holding by the fifth circuit that no such fee was to be charged. *Lefton* v. *City of Hattiesburg*, 333 F. 2d 280, 285, reprinted in the hearings 460, 465.

Second: Judge Carswell insisted that petitions for habeas corpus be filed on a special form designated by the court, although the rule which prescribed the form was adopted for an entirely different class of cases, so that form called for information which was entirely irrelevant since mere filing of the removal petition entitled the defendants to habeas corpus.

Third: Defendants' attorneys were directed to obtain the signatures of the defendants on the petition, which further delayed their relase, although it is universal practice that court papers are to be signed by attorneys rather than the parties whom they represent.

Fourth: Judge Carswell criticized the defense attorney because he was from out of the State, although no local lawyers were available to represent the civil rights workers. He did so despite the recent opinion of the court of appeals in Lefton which, in the clearest terms, instructed district judges in its circuit to permit out-of-State attorneys to represent civil rights workers who would otherwise be without counsel. See 333 F. 2d 285–286, hearings, 465–466.

Fifth: Judge Carswell refused to permit his marshal to serve the writ of habeas corpus and required defendants' attorney to do so themselves, although 28 U.S.C. 1446 provides that when the court issues its writ of habeas corpus "the marshal shall thereupon" take the defendants into custody and deliver a copy of the writ to the clerk of the State court.

Sixth: Judge Carswell permitted his marshal to notify State authorities of the order of remand by telephone, although 28 U.S.C. 1447(c) provides that such notice shall be given by mail. By this violation and that of 28 U.S.C. 1446(f) Judge Carswell enabled the State to rearrest the civil rights defendants immediately after their attorney served the writ.

Seventh: Judge Carswell remanded the case to the State court without affording the defendants a hearing on the question of the propriety of the removal. He did so, although that question was, at the very least, one of considerable complexity and although the only authority which Judge Carswell cited was not even remotely in point.

Finally, Judge Carswell denied a stay pending an appeal, although such an appeal was expressly granted by Congress, the question raised on the appeal was substantial, and there was no danger that the defendants would flee or commit any illegal acts.

Before discussing these matters in detail, it is appropriate to describe the context in which the Wechsler proceeding arose. A group of civil rights workers came to northern Florida, as they did to some other areas in the South, to engage in a voter registration campaign among Negroes. The activities of these civil rights workers were in the finest tradition of democracy for they recognized, as Congress recognized in the Voting Rights Act of 1965, that Negroes would remain second-class citizens as long as they were denied the franchise. For precisely that reason the white community and more particularly the incumbent Government officials who benefitted from the retention of the status quo and the denial of suffrage to the Negroes resisted these efforts. The atmosphere which greeted the civil rights workers was well described by Norman Knopf who at that time was a law student but who presently is an attorney in the Department of Justice and appeared before the Judiciary Committee pursuant to subpena:

The CORE volunteer workers, many of whom were from Florida itself, and some of whom came from the North, would assist black people in getting to the registration place to register so that they could vote in the Federal elections scheduled in November.

As I heard Mr. Rosenberger testify and as this committee has heard, the project met with a great deal of hostility by the white people of the area. There were assaults. There was a bombing. There was a shooting, and so on. There were frequent arrests.

Specifically with the arrests, this is where the Lawyers' Constitutional Defense Committee attorneys came in, and tried to defend project workers that were arrested or remove the cases." (Hearings 175.)

Mr. Rosenberger testified:

Hostility to us was patent throughout the area. The postman in Quincy would not deliver mail because the mailbox was mounted about 6 inches back from the line of mailboxes.

Senator TYDINGS. Who is "us"?

Mr. ROSENBERGER. Well, sir: volunteers working in voter registration, that is student volunteers, the lawyers and law clerks. All of us stayed in this house in Quincy. Now there were places where voter registration volunteers had put up posters and those posters were regularly torn down by a deputy sheriff.

There were restaurants, several, where I was refused when I tried to enter.

Voter registration workers were assaulted. Firebombs were placed under an automobile. Shots were fired through the window of a house where volunteers were staying. That was just to indicate what the general aura of hostility was in the area at that time." (Hearings 150.)

This characterization of community attitudes was confirmed by Mark Hulsey, Jr., a witness who appeared on behalf of Judge Carswell:

If this were not so serious, this charge of racism against Judge Carswell, it would almost be funny. By that I mean it is certainly ironic, because you know in Florida many people regard certain parts of the northern district of Florida as a little bit to the right of Louis the 14th, and I can tell this committee in all sincerity and honesty that Harrold Carswell has displayed unusual courage I think and faithfulness to the law that he serves in his civil rights rulings, in an altogether hostile climate. (Hearings 107.)

If the President of the Florida Bar Association regards occasionally procivil rights rulings by a Federal judge who is protected by life tenure and the full panoply of Federal power to be a display of unusual courage, what words are there to describe the fortitude of private individuals who came into this altogether hostile climate to help Negroes register to vote? I cannot believe that Judge Carswell was unaware of these community attitudes; indeed, for him not to have known it would display an insensitivity and unworldiness which would ill fit him to perform the functions of a justice of the Supreme Court of the United States. Moreover, he cannot have been unaware of the circumstances under which the Wechsler defendants had been arrested and tried in the State courts, for these were set forth in the papers before Judge Carswell. See hearings 178. The defendants were arrested for trespassing on private, nonposted ground, and without having the opportunity to leave after they were requested to do so:

Mr. ROSENBERGER. Yes, sir; that is correct. In the case of Wechsler, there were seven young people, seven volunteers, who had been arrested in Gadsden County. Three of them were adults and four were under the age of 17. I believe five of the seven were residents of Gadsden County and two were volunteers from elsewhere who had come as voter registration workers. They were arrested for trespassing on lands which were not posted, which were reached by a road leading from the public highway, which had no indication that it was a private road, not posted, not fenced, and they were arrested while they were talking to people about registering. They were arrested by sheriff's officers of Gadsden County, Fla.

The CHAIRMAN. Now someone swore out an affidavit against them in a justice of the peace court; is that correct?

Mr. ROSENBERGER. An affidavit was sworn after the time of the arrest; yes, sir.

The CHAIRMAN. After the time of the arrest?

Mr. ROSENBERGER. They were taken into custody on the road.

Senator TYDINGS. Go into a little more detail. Tell the chairman the whole story.

Mr. ROSENBERGER. All right, sir. These seven people were on this road. This was a place where tenant farmers lived on a larger farm. Actually on this farm there lived, I believe, the cousin of one of the people who had been arrested and she had frequently visited on this farm to visit her family.

Now the overseer of the farm came down the road and saw these people talking to tenant farmers. He came up to them. He told them that they were trespassing, that this was private property. They explained that they were there to talk to people about voting. He said they were trespassing. They said, All right, we'll leave. He said, No, I am having you arrested. And he told them to wait, which they did, and they were arrested there, for trespassing on unposted lands while talking to people about registering to vote.

The CHAIRMAN. What is the Florida statute on posting?

Mr. ROSENBERGER. The Florida statute, as I understand it, did not require posting.

The CHAIRMAN. So they were trespassing. You keep saying that the land was not posted.

Mr. ROSENBERGER. Yes, sir, but there was no way for them to know it was a trespass.

The CHAIRMAN. A man is presumed to know the law, is he not?

Mr. ROSENBERGER. He is presumed to know the law, sir, but he is not presumed to know the fact.

The CHAIRMAN. I know, but a lot of States in this country have got a statute that provides when you are on private property if you are told to get off and you do not do it you commit trespass.

Mr. ROSENBERGER. Yes, sir, if you are told to get off.

The CHAIRMAN. And that is what you tell me the Florida statute is.

Mr. ROSENBERGER. When told it was private property they said they would leave, and the man said, No, you are going to be arrested.

Senator TYDINGS. In other words he would not let them leave?

Mr. ROSENBERGER. He would not let them leave. Had he said get off, that would have been a different circumstance. He said, this is private property. They said, we will leave. He said, No you won't, you will be arrested.

The CHAIRMAN. They stayed there until when? They went to the justice of the peace court?

Mr. ROSENBERGER. No, sir, he did not go to court prior to their arrest. He had them arrested while there, while they were on the premises.

Because the civil rights workers felt that there was no chance for a fair trial in the State courts, they removed the prosecutions to the Federal court. (Hearings 175.) Thereupon the State court was advised that it had been ousted of jurisdiction, and the State court judge not only ignored the removal—in direct definance of Judge Carswell's jurisdiction—but tried and convicted the defendants without giving them the opportunity to be represented by counsel:

Senator TYDINGS. Now go back to the Wechsler case. What happened in the Wechsler case in the local court when the removal papers were filed?

Mr. KNOPF. Did you say local Federal court?

Senator TYDINGS. In the State court.

Mr. KNOPF. In the State court? I was present when Mr. Rosenberger served the papers on the judge, and the defendants were already in the courtroom, and the trial was just about to start when Mr. Rosenberger gave the papers and explained to the judge who appeared to be unfamiliar with removal proceedings exactly what had occurred and that the State court no longer had jurisdiction to try the case.

The judge indicated, as Mr. Rosenberger said, that he was going ahead. He didn't know anything about removal. He wasn't going to pay any attention to it and told him to sit down and get away from these people because he asked Mr. Rosenberger whether he was a member of the Florida Bar, and when he said "No," the judge said, "Well, then, get away from these defendants. You cannot represent them."

I believe sometime before Mr. Rosenberger was thrown out of the courtroom it was stated that there was no attorney present to represent these people, that they could not get an attorney and they would like a continuance at least to get an attorney to represent these persons, and at one point one of

the—when the trial had started the judge had asked the workers some questions. One of the workers turned around to look at Mr. Rosenberger who was sitting in the back, for some kind of advice, and at that point the judge threw Mr. Rosenberger out of the courtroom. He ordered him out and when he was slow in going somebody came along and helped him out.

Senator HRUSKA. Would the Senator yield? That is a reference, when you say the courtroom, that is the city court.

Mr. KNOPF. This is the local Gadsden County.

Senator HRUSKA. The local court?

Mr. KNOPF. That is correct.

Senator HRUSKA. You wouldn't want the impression to be gotten that Judge Carswell suffered any lawyer to be kicked out of his courtroom at any time?

Mr. KNOPF. Oh, no, I am referring to the Gadsden County Court; yes sir. (Hearings 176.)

It was immediately thereafter that the defendants' attorney prepared an application for habeas corpus and presented it to Judge Carswell, which the Judge refused to entertain until it was filed on a form purportedly prescribed by the rules of his court, on which he originally required the signatures of the defendants themselves, and which he granted with obvious reluctance, although it was absolutely mandated by statute.

I shall now discuss separately and in detail the ways in which the release of the civil rights workers from State custody was delayed and ultimately frustrated and the other means by which Judge Carswell demonstrated his dislike of the civil rights workers and his disregard of applicable law.

First. When Mr. Rosenberger, who was representing the Wechsler defendants at the beginning of this episode, filed a removal petition in Judge Carswell's court, he was required to pay a filing fee of either $5 or $15 for each of two removal petitions. See Hearings 165, 180. Such a fee had been exacted in Judge Carswell's court for the removal of other criminal prosecutions. This requirement was contrary to a decision which had been issued approximately 2 months previously by the United States Court of Appeals for the Fifth Circuit in *Lefton* v. *City of Hattiesburg*, 333 F. 2d 280, which is reprinted at pages 460–467 of the hearings. In Lefton the Court of Appeals squarely held:

Filing fees are not to be collected in connection with criminal removal petitions. Such fees are regulated by statute, and a comparison of the present statute with its predecessor shows that there is now no authority for the clerk to charge fees in such proceedings. (333 F. 2d at 285, Hearings at 465.)

The Wechsler defendants were thus denied the right of removal without fee which had been granted them by Congress and recently been declared by the appellate court to which Judge Carswell's court was subordinate. While the amount of money involved may appear to be insignificant to us, it was not to these defendants (hearings 156, 180), and even a petty harassment had symbolic significance under the circumstances. Whereas the Court of Appeals had made clear that the Federal courts should be freely open to defendants seeking protection of constitutional rights who were being jeopardized in State courts, an artificial and illegal barrier was imposed in Judge Carswell's court.

In the Judiciary Committee hearings Judge Carswell's supporters pointed out that the collection of the fee was the immediate responsibility of the clerk of the court rather than that of the judge. However, Judge Carswell did not assert either in his oral testimony or in the letter which he wrote to the Committee in response to opposition testimony that he was unaware of the practice followed by the clerk of his own court, of which he was the only judge. In any event, Judge Carswell bore statutory responsibility for the actions of his clerk, for the clerk and his deputies "shall exercise the powers and perform the duties assigned to them by the Court" 28 U.S.C. section 956. Indeed, the Court of Appeals in Lefton itself recognized it to be the duty of the judge to enforce the statutory right to remove criminal cases without prepayment of filing fees. That case, as the report shows, was a mandamus action against the district judge, and the court declined to issue the writ only on the assumption that the judge—not the clerk—would follow the law as there declared (333 F. 2d at 283–284, 286; hearings at 463–464, 466). Judge Carswells' obligation to instruct the clerk of his court with respect to his duties was particularly manifest where those duties were affected by a judicial decision, for such decisions come to the judge's attention, not the clerk's; the clerk said that he first learned of the Lefton decision when he received a new manual from the administrative office of the United States Courts in 1966 (hearings 198). The upshot is not that Judge Carswell is to be absolved of responsibility for requiring the Wechsler defendants to pay a filing fee; rather, it is that he is chargeable for the denial of the rights declared in Lefton to defendants generally for almost 2 years.

Second. The filing of the removal papers in Federal court automatically ousted the State court of jurisdiction Mr. Rosenberger testified that the following then transpired:

Mr. ROSENBERGER. Now the judge in Gadsden County was Judge Blackburn. I told him the cases had been removed. He said that he had the papers, but that he did not recognize this removal. He was going to proceed. I explained to him the provisions of the statute dealing with removal, that is that he no longer had any jurisdiction. He said he would proceed with the case.

I asked for a continuance. He said he would proceed with the case. I then left the front of the courtroom and seated myself in the spectators' section of the courtroom behind the rail. I sat down there. At that point Judge Blackburn told the sheriff, who was present in the court, to remove me from the court, and I was physically ejected from that courtroom by deputy sheriff Martin.

Senator TYDINGS. Was there any other attorney in there to defend those boys?

Mr. ROSENBERGER. No, sir. They went to trial without counsel, were convicted without counsel, and were sentenced without counsel. I drew an affidavit that covered what had happened, and the next day I left Florida to come back to New York, and I understand that later Mr. Lowenthal served a writ of habeas corpus in the northeastern district based on the facts as I have briefly outlined them here.

Senator TYDINGS. What happened to those four boys and three adults after the trial? Did they go to jail?

Mr. ROSENBERGER. Yes, sir. They were sentenced to jail immediately that morning. (Hearings 154).

The volunteer attorneys for the civil rights workers operated on shifts, and Mr. Lowenthal arrived at 2 o'clock the next morning to replace Mr. Rosenberger. In his words:

It was obvious that since my clients were now in jail, the first move was habeas corpus, so I prepared habeas corpus petitions at once.

It was evident to all those with experience in northern Florida that it was not safe for voter registration people to be in local jails. Moreover, the voter registration drive was stalled while the workers were in jail, and the local blacks were intimidated from registering. (Hearings 141).

Mr. Lowenthal and Mr. Knopf, a law student who was assisting him and who also testified, pursuant to subpena, drafted the habeas corpus petition. Judge Carswell would not entertain it as filed because it had not been prepared on the form prescribed by rule 15 of his local court rules. As Mr. Knopf explained:

In addition I remember typing out, I mean this stuff was done on an emergency basis, the habeas corpus, I remember staying up very late at night typing out a habeas corpus petition only to have it rejected the next day by the judge because we hadn't done it on the special forms his office provided for, and so we had to then go and make out special forms which really involved quite a lot more work. They had to be typed, information had to be gotten, and then when those special forms were filed the matter was before Judge Carswell. In addition I specifically——

Senator TYDINGS. Tell us about those forms. Were they pursuant to, did Judge Carswell say that they were required pursuant to rules of his court?

Mr. KNOPF. I don't really recall. I presume—I don't really recall. I just know he said he couldn't entertain it unless they were on the forms provided by his court. I do know that with regard to the rules of the court, since I was more or less responsible for getting the papers in proper order, and typing them up and so on, I was very sensitive to this. I had been rebuked by Judge Carswell for failing to follow rule 15, a local rule of his court, and I seem to recall on several occasions we had been criticized because our papers were not proper in that they failed to follow local rule 15. (Hearings 180.)

Thus, the prisoners were denied habeas corpus relief while counsel rewrote the application, and while they sought to obtain the signatures of the prisoners as required by the form. Judge Carswell's insistence on compliance with his own rule was contrary to law for two reasons: First, the statute does not authorize the court to delay or deny relief as the basis of a local rule of procedure; and, second, the rule itself was misconstrued because it prescribed for an entirely different class of cases and served no useful purpose for a habeas corpus application in a removal case.

First, the applicable provision of the Judicial Code commands:

If the defendant or defendants are in actual custody on process issued by the State court, the district court shall issue its writ of heabeas corpus * * * 28 U.S.C. § 1446(f).

This language appears to impose upon the district courts an absolute duty to issue the writ of habeas corpus when a prosecution has been removed and does not authorize the court to condition its exercise of that duty on the filing of a particular form or in any other manner. It will be noted that this provision of the Judicial Code serves an important function for the Federal Government. United States Code 28, section 1446(f) applies with respect to all removals of State prosecutions, an important class of which is described in 28 United States Code section 1442(a)(1):

> Any officer of the United States or any agency thereof, or person acting under him, for any act under color of such office or on account of any right, title or authority claimed under any Act of Congress for the apprehension or punishment of criminals or the collection of the revenue.

Plainly, the United States is vitally interested in the immediate release from State custody of United States officers who are being subjected to State prosecution for any acts committed as Federal officers. As the Supreme Court said in the leading case of *Tennessee* v. *Davis*, 100 U.S. 257, 263:

> The Federal Government can act only through its officers and agents, and they must act within the States. If, when thus acting, and within the scope of their authority, those officers can be arrested and brought to trial in a State court, for an alleged offense against the law of the State, yet warranted by the Federal authority they possess, and if the general government is powerless to interfere at once for their protection—if their protection must be left to the action of the State court—the operations of the general government may at any time be arrested at the will of one of its members.

Similarly, 28 United States Code, section 1442(a)(4) gives a right of removal to "Any officer of either House of Congress, for any act in the discharge of his official duty under an order of such House." Obviously, if an officer of the Senate were to be arrested by a State officer in the course of the exercise of his duties, for example while serving subpena authorized by one of our committees, we would be extremely anxious that he obtain habeas corpus immediately to be released from State custody.

Second, even if Judge Carswell had been empowered to promulgate a rule prescribing a form on which an application for habeas corpus under 28 United States Code, section 1446(f), rule 15 of his court was not such a rule, for it had been designed solely for a different purpose. It is clear from the history of rule 15 that its objective was to facilitate the disposition by Federal courts of the growing number of applications by State prisoners, unrepresented by counsel, for release on the claim of an infirmity of their State or Federal convictions.

The language of Judge Carswell's rule is identical to that which had first been adopted by the U.S. District Court for the Northern District of Illinois, which is reprinted at 33 Federal Rules Decisions 391–393. Rule 15 of the Northern District of Florida, reprinted at pages 203–204 of the hearings, is identical except for the numbering and lettering of the paragraphs and, of course, the name of the court to whose clerk petitions should be addressed. Adoption of the Northern District of Illinois' rule had been recommended to all Federal district courts by the judicial conference pursuant to the Report of the Committee on Habeas Corpus of the Judicial Conference dated September 19, 1963, which is reprinted at 33 F.R.D. 367–408. That report makes clear that, as I have stated, the rule was addressed to applications made by prisoners in custody pursuant to a State or Federal court judgment attacking the validity of that judgment. The information which the prisoner was required to supply on the form was prescribed by the rule to enable the Federal court to determine whether a hearing was necessary on such application; particularly pertinent is the observation—33 F.R.D. 382–383—that it was amended in light of the new standards enunciated in 1963 by the Supreme Court in *Townsend* v. *Sain*, 372 U.S. 258; *Fay* v. *Noia*, 372 U.S. 391; and *Sanders* v. *United States*, 373 U.S. 1. The judicial conference report contains nothing which suggests that the rule was to govern applications for habeas corpus under 28 U.S.C. 1446(f). On the contrary, the information called for by the form which Judge Carswell required the Wechsler attorneys to submit is largely if not entirely irrelevant in such a proceeding, since the right to habeas corpus under 28 U.S.C. 1446(f) does not depend on facts which are to be ascertained at a hearing but instead attaches automatically when a State prosecution has been removed to Federal court. As Professor Moore explains:

> The writ of habeas corpus here referred to [in § 1446(f)] is not the "great writ" habeas corpus ad subjiciendum to inquire into the legality of the detention of the petitioner and whose object is the liberation of those who may be imprisoned without sufficient cause. It is in substance the old writ of habeas corpus ad faciendum et recipiendum or writ of habeas corpus cum causa, whose purpose is to transfer custody of the defendant from the state court to the federal court, as a necessary adjunct to the removal of the state proceeding. In issuing the writ, as provided by subsection (f), the federal district court does not pass upon the merits of the case; the defendant's guilt or innocence is not involved; and upon a proper showing being made the federal court has no discretion and should issue the writ." (1 A Moore, Federal Practice, pp. 1310–1311, footnote 2 incorporated into text, other footnotes omitted.)

Judge Carswell either did not understand this distinction or, despite his understanding, insisted that civil rights workers seeking habeas corpus on removal comply with a rule and prepare a form designed and useful only for an entirely separate class of cases wherein a writ of a different nature is sought.

It may be worth noting that the attorneys for the civil rights workers who were confronted with Judge Carswell's erroneous interpretation of the rule were not in a position to question it because they never saw the rule. As Mr. Knopf testified in colloquy with Senator TYDINGS:

> Senator TYDINGS. Tell us about those forms. Were they pursuant to did Judge Carswell say that they were required pursuant to rules of his court?
>
> Mr. KNOPF. I don't really recall. I presume—I don't really recall I just know he said he couldn't entertain it unless they were on the forms provided by his court. I do know that with regard to the rules of the court, since I was more or less responsible for getting the papers in proper order, and typing them up and so on, I was very sensitive to this. I had been rebuked by Judge Carswell for failing to follow rule 15, a local rule of his court, and I seem to recall on several occasion we had been criticized because our papers were not proper in that they failed to follow local rule 15.
>
> I had gone to the clerk's office and tried to get a copy of the local rules, but during the summer the clerk kept on informing me that they were out, they had all been given out and there were none available, he would try to get me a copy. I did not obtain a copy until very nearly the end of the summer when we were going back home, and at that time the copy that the clerk gave me showed that the local rules went from rule 1 through rule 14, there was no rule 15. (Hearings 180–181.)

The reason that Mr. Knopf was unable to find the rule became evident when a copy was produced by Mr. Waits, the present clerk, who testified as follows:

> Sir, rule 15, this copy here, has been attached to the U.S. District Court, Northern District of Florida General Rules of Practice, *Bankruptcy* Rules of Practice, effective July 1, *1959*. This amendment has been attached to this copy of those rules, sir. (Hearings 205, emphasis added.)

In other words, rule 15 of the local rules was not attached to rules 1 through 14, but to another document, the Court's bankruptcy rules. Since the Judiciary Committee did not permit Judge Carswell to be recalled to respond to the testimony, the record does not show whether he was aware of this extraordinary situation. But it is entirely clear, and Judge Carswell has not denied, that he would not even entertain an application for habeas corpus which was not filed according to that rule. Yet, as we have seen, 28 U.S.C. 1446 can accomplish its purpose only if the district courts give prompt obedience to its unequivocal command that when a prosecution has been removed to the Federal court it "shall issue its writ of habeas corpus." Judge Carswell's assumption of power to impose elaborate procedural requirements before issuing the writ was entirely unwarranted.

Third. The forms which Judge Carswell prescribed called for the signature of the prisoners. So, as their counsel testified:

> We had to drive way out to Quincy where the jail was, some 25 miles from Tallahassee, only to learn that the defendants were 25 miles further out on a road work gang. (Hearings 141).

This trip, of course, resulted in a further delay in the ultimate granting of habeas corpus. Insistence on the signature of the prisoners was unjustified not only because rule 15 did not properly apply in this instance, but because as a general proposition the signature of an attorney on a court paper is sufficient. This is an obvious element of our system of representative litigation, in which each party is deemed bound by the acts of his lawyer-agent, see *Link* v. *Wabash Railroad Co.*, 370 U.S. 626, 634, is expressly provided for in rule 11 of the Federal Rules of Civil Procedure, and is

well known to every lawyer. Indeed, the fact that rule 15 called for the signature of the prisoner is itself strong evidence it was not intended to be applied in any case in which counsel appeared. For the great writ, habeas corpus ad subjiciendum, for which rule 15 was designed, is frequently applied for not by the prisoner himself but by someone else, since a person in custody will often be physically unable to make the application, and even his precise whereabouts may be unknown to those seeking his release. See, for example, *U.S. ex rel Toth* v. *Quarles*, 350 U.S. 11, 13 n. 3. This is recognized in 28 U.S.C. 2242:

> Application for a writ of habeas corpus shall be in writing signed and verified by the person for whose relief it is intended or by someone acting in his behalf.

The same practical considerations govern the different class of habeas corpus under 28 U.S.C. 1446(f). This can appropriately be illustrated by the example to which I referred previously, that of a Federal officer in State custody whose prosecution has been removed under 28 U.S.C. 1442(a)(1). Because removal is in the interests of the United States, the removal petition and the request for habeas corpus will often be made by the U.S. attorney. But the U.S. attorney may not know where the State is holding the Federal officer. If he is compelled, before habeas corpus issues, to locate the imprisoned official and obtain his signature, the State could, by spiriting the prisoner away, deny his liberty indefinitely. Thus, neither the removal statute nor 28 U.S.C. 1446(f) requires that the signature of the defendant appear on the papers.

In the committee the able Senator from Nebraska implied that Judge Carswell's ultimate waiver of the prisoners' signatures on the habeas corpus application demonstrated an absence of hostility to the civil rights workers—hearings 189. That suggestion, however, is unsound. Since the attorney's signature on formal court papers was sufficient, as I have shown, the original imposition of this unique and unjustifiable requirement, which delayed action on the habeas corpus application in Wechsler, is a surer clue to Judge Carswell's sympathies than its belated waiver.

Fourth. When counsel for the civil rights workers presented the application for habeas corpus in a form acceptable to Judge Carswell, a hearing was held in his chambers. Mr. Lowenthal described this incident as follows:

> Mr. LOWENTHAL. I attended therefore in Judge Carswell's chambers a session in which I can only describe his attitude as being extremely hostile.
>
> He expressed dislike at northern lawyers such as myself appearing in Florida, because we were not members of the Florida bar. I might add here that we could not find local lawyers willing to represent the voter registration people in Florida. It was either northern lawyers or no lawyers. * * * Judge Carswell indicated that he would try his best to deny the habeas corpus petitions, but I pointed out that he had no discretion in the matter, that the Gadsden County officials had clearly acted in derogation of Judge Carswell's own jurisdiction, since the removal to Judge Carswell's court was wholly proper. Judge Carswell agreed with that and granted the habeas corpus petitions, but at the same time on his own motion, because the Gadsden County officials were not there to ask for it, and without notice to the defendants, the habeas corpus petitioners, and without a hearing or any opportunity to present testimony or argument, he remanded the cases right back to the Gadsden County courts." (Hearings 141–142)

Mr. Knopf, who had assisted Mr. Lowenthal, testified:

> Mr. KNOPF. It is relatively clear in my mind. I remember this. This was my first courtroom experience, really, out of law school, and I remember quite clearly Judge Carswell. He didn't talk to me directly. He addressed himself to the lawyer, of course, Mr. Lowenthal, who explained what the habeas corpus writ was about, and I can only say that there was extreme hostility between the judge and Mr. Lowenthal. Judge Carswell made clear, when he found out that he was a northern volunteer and that there were some northern volunteers down, that he did not approve of any of this voter registration going on and he was especially critical of Mr. Lowenthal in fact he lectured him for a long time in a high voice that made me start thinking I was glad I filed a bond for protection in case I got thrown in jail. I really thought we were all going to be held in contempt of court. It was a very long strict lecture about northern lawyers coming down and not members of the Florida Bar and meddling down here and arousing the local people against—rather just arousing the local people, and he in effect didn't want any part of this, and he made it quite clear that he was going to deny all relief that we requested. At that point, Mr. Lowenthal argued that the judge had no choice but to grant habeas as the statute made it mandatory.
>
> Senator TYDINGS. Did the State send a representative?
>
> Mr. KNOPF. No, sir. I personally had called the county prosecutor to inform him of the hearing to tell him when it would be held so that he could show up, and I remember his response roughly, his attitude, because it was an attitude that I met of numerous other prosecutors while working down there. Their attitude was they were not going to chase all the way over to Federal court to defend this case, that everything would blow over after the summer anyway, and they had much more important things to do in terms of criminal matters or private practice back in their home seat, and they were not going to show up and they didn't want anything to do with it in effect. So there was no one there from the county. There were just the civil rights attorneys plus the judge. So no one had argued against the granting of habeas corpus relief.
>
> But I remember Mr. Lowenthal going on and on with the judge that he had to grant relief because the statute spoke in terms of "shall grant habeas corpus," not "may," and Judge Carswell said that there were very few areas of the law, I am not quoting, I mean this is my impression, it was something along like this, that there were few areas of the law that there wasn't some discretion left to the judge, and he was going to exercise that discretion against us and he would keep these people in jail.
>
> Mr. Lowenthal argued strenuously that we feared for the safety of these people in jail, and that it was quite clear that these persons were convicted in violation of Federal law. They didn't even have an attorney. They were working on voter registration projects and things like that.
>
> Senator TYDINGS. Did Judge Carswell have all of the facts before him?
>
> Did Mr. Lowenthal give him all of the facts as related here by Mr. Rosenberger to this committee this morning?
>
> Mr. KNOPF. Yes, he did, and they were also, most of them. I wouldn't swear to all of them exactly, were in the petition, because I drew up the petition, these facts were set forth either in the removal petition or in the habeas corpus petition, generally setting forth all these facts. There then went on a lengthy discussion between Mr. Lowenthal and the judge exactly as to what the law was, and the judge required some books to be brought out, the statute to be put before him and so on, and he eventually concluded that we were right, I mean Mr. Lowenthal was right, in that he had no choice. He had to grant habeas corpus, because the state court was without jurisdiction. So he then very reluctantly granted it. He said all right, we win, something like that, you know, all right, here it is.
>
> He then said, however, I don't know exactly in what order, but I remember that he then said but he did have discretion with regard to removal, and he would remand the removal petition back to the state court, and Mr. Lowenthal argued that there had been no request from the county prosecutor, no one had showed up to ask for this remanding, and the judge said that he had the power to do it himself, and that he would do it without a request. So on his own motion he remanded.
>
> They then got into a discussion about serving the habeas corpus. At first I was under the impression, and it appeared, the Marshal was there, that the Marshal was taking the habeas papers to serve them, but Judge Carswell announced that the Marshal would not serve the papers, that Mr. Lowenthal would have to drive out to the county jail himself, and serve these papers. (Hearings 177–178.)

There are two highly disturbing elements in this testimony: first that Judge Carswell demonstrated hostility to Mr. Lowenthal because he was a northern lawyer representing civil rights interests, and second, that he stated that he would try if at all possible to deny habeas corpus. Hostility to any attorney is injudicious behavior, as Judge Carswell indeed acknowledges (hearings 320) but in the contest of the Wechsler case it necessarily reflected opposition to the lawyer's cause, namely, the civil rights movement. Even in the absence of any judicial precedent such an attitude would reflect most unfavorably on Judge Carswell, particularly given the background of his 1948 speech; but the court of appeals in Lefton against City of Hattiesburg had instructed the district courts to be hospitable to out-of-State lawyers in civil rights cases. I shall not dwell at length on this point, however, because Judge Carswell has denied that he was ever discourteous to consel (hearings 320). I am sure that Senators will decide for themselves whether that denial is sufficient to dispose of this issue, or whether as I have concluded, that Judge Carswell's behavior in the Wechsler case failed to conform to the teachings of Lefton.

The second charge in the Lowenthal and Knopf testimony cannot, in any event, be dismissed. Judge Carswell's letter does not expressly deny that he had indicted a disposition to withhold habeas corpus relief, if possible. Nor can Judge Carswell's assertion that he has "consistently approached hearings with an open mind, to be convinced by counsel of the merits of the arguments" (hearings 320) be treated as a denial of this charge by implication.

That this was not his invariable prac-

tice is shown by the Wechsler case itself, because he remanded that case without hearing argument on the important and difficult question whether the removal was authorized by 28 U.S.C. 1443. As Dean Pollak put it:

> One element which concerned me as I read his opinions was a repeated use of dispositive techniques which avoided hearings. (Hearings 240).

This criticism gains force from the numerous decisions of the court of appeals which reversed Judge Carswell because of his summary disposition of causes. See cases cited at hearings 240–41 and 290–91.

Fifth. Although Judge Carswell followed 28 U.S.C. 1446(f) to the extent that it mandated the issuance of the writ of habeas corpus, he did not comply with the next clause of that section:

> * * * and the marshal shall thereupon take such defendant or defendants into his custody and deliver a copy of the writ to the clerk of such State court.

It is not disputed that Judge Carswell deliberately refused to permit his marshal to serve the writ of habeas corpus on the State officials or to take the defendants into custody and, instead, required Mr. Lowenthal, the defendants' counsel, to serve the writ. (Hearings 144, 178, 199.) Judge Carswell cannot have been unaware of the statutory language since it was in the same section that Mr. Lowenthal had quoted to him as declaring the judge's duty to issue the writ. Indeed, Mr. Knopf testified that—

> The judge required some books to be brought out, the statute to be put before him and so on, and he eventually concluded that * * * Mr. Lowenthal was right, in that he had no choice. (Hearings 178).

Whatever denials or excuses which Judge Carswell's supporters may make with regard to other aspects of the Wechsler case, they cannot explain away Judge Carswell's willful disregard of the unambiguous mandate of 23 U.S.C. 1446(f). Nor can they possibly reconcile his action with the strict constructionism which the President has stated that he seeks in a Justice of the Supreme Court, and with the duty of all judges to follow the law.

Sixth. When Mr. Lowenthal served the writ of habeas corpus the sheriff presented the prisoners, released them momentarily, and immediately rearrested them. He advised Mr. Lowenthal he had been notified by telephone that Judge Carswell had remanded the cases to the State court. The psychological impact of this on the prisoners can readily be imagined, particularly when it is remembered that they had already been placed on a road gang pursuant to a sentence on a conviction which was patently unconstitutional because they had been denied the right of counsel. Their rearrest was made possible by the fact that Judge Carswell had not permitted his marshal to serve the writ, for the marshal would have been required to bring the defendants into the custody of the Federal court. Another factor, moreover, was evasion of the procedure prescribed in 28 U.S.C. 1447(c):

> A certified copy of the order of remand shall be mailed by its clerk to the clerk of the State court. The State court may thereupon procede with such case.

In this case, the State court was advised of the remand by telephone call from the marshal. There is testimony in the hearings that the marshal acted on his own accord rather than on instructions of Judge Carswell in making the call. But the Judge neither denies knowledge of the marshal's action, nor disowns it; nor, of course, is there any evidence that the judge insisted, as was his duty, that 28 U.S.C. 1447(c) be followed. Moreover, the marshal who made the call would have been serving the writ of habeas corpus on the State court officers if Judge Carswell had acted in obedience to 28 U.S.C. 1446(f). It was only because of this double violation of the removal statute that the State officials were enabled to rearrest the civil rights workers immediately after the writ of habeas corpus was served.

Seventh. Judge Carswell remanded the case to the State court without affording the defendants a hearing on the propriety of the removal. It is true that 28 U.S.C. 1447 does authorize the District Court to remand a case—

> If at any time before the final judgment it appears that the case was removed improvidently and without jurisdiction * * *

But Judge Carswell is subject to serious criticism for taking this action without affording the defendants any hearing on whether removal was improvident, that is to say, whether the Wechsler defendants qualified for removal. That raised difficult questions concerning the meaning of 28 U.S.C. 1443 (1) and (2) which they had invoked.

Judge Carswell's supporters claim that he was later vindicated by the construction of those provisions by the Supreme Court in *Rachel* v. *Georgia*, 384 U.S. 784, hearings 378, and *Greenwood*, 384 U.S. 808, hearings at 407. As Dean Pollak observed, it is "a very subtle problem" whether the Wechsler case was closer to Rachel—where the Supreme Court approved removal—or Peacock—where the Supreme Court held that removal was improper. But like Dean Pollak, I do not believe that the real issue is whether Judge Carswell correctly or incorrectly anticipated the ultimate resolution of that question by the Supreme Court. What is significant, and bears very heavily against his confirmation, is that Judge Carswell disabled himself from making any reasoned determination of this issue because he failed to hold any hearing on the merits. The opinions of both the majority and the minority of the Supreme Court in Rachel and Greenwood reveal that the interpretation of 28 U.S.C. 1443 (1) and (2) presented extremely close complex problems. This is further illustrated by the divergence of views both among and within the courts of appeals which passed on the questions before they were resolved by the Supreme Court and the depth of analysis of the opinions in those cases. Compare *New York* v. *Galamison*, 342 F. 2d 255 (C.A. 2) (2–1 decision), *City of Chester* v. *Anderson*, 347 F. 2d 823 (C.A. 3) (4–3 decision), *Baines* v. *Danville*, 357 F. 2d 756 (C.A. 4) (3–2 decision), all rejecting removal, with *Rachel* v. *Georgia*, 342 F. 336 (C.A. 5), upholding removal. They entailed consideration of the text and legislative history of several statutes which had been enacted in the Reconstruction period, as well as understanding of precedents of the Supreme Court.

Congress itself recognized that the scope of 28 U.S.C. 1443 was a difficult question which should be resolved by the Supreme Court and amended the removal statute to authorize appeals from remand orders of cases which like Wechsler were removed under that section. This history is set forth in the Rachel opinion, 384 U.S. 780, 787 n. 7, hearings 385 n. 7. See also Peacock, 384 U.S. 808 at 835, hearings at 434. In short, the only thing that could be said with assurance about the issues presented by the removal in Wechsler, at the time that they were before Judge Carswell, was that there were strong arguments to be made on either side. But Judge Carswell ruled without giving counsel the opportunity to present any of them.

Instead, Judge Carswell disposed of the case on the basis of the fifth circuit's brief opinion in Dresner against Tallahassee, a case which did not even arise under 28 U.S.C. 1443 and therefore could not possibly have any bearing on the propriety of removal under that statute. Since these opinions are reprinted in the hearings, I invite the Senators to compare the opinion of the court of appeals in Dresner—hearings 172—with those of the Supreme Court in Rachel—hearings 378—and Greenwood—hearings 407. I am confident that each Senator, whether or not he is a lawyer, will agree that the Dresner opinion gave no guidance to the proper disposition of the Wechsler case, as the attorneys for the Wechsler defendants could also have pointed out if Judge Carswell had held a hearing before issuing his remand order. Plainly, an indispensable qualification for a justice of the Supreme Court of the United States is a willingness to hear and consider the legal arguments of counsel.

Eighth. It may well be asked, at this point, why was Judge Carswell in such a hurry to remand the Wechsler case? The State's attorney had made no motion to that effect. Indeed, he had shown disinterest, if not disdain, for the proceedings in Judge Carswell's court, and declined an invitation to appear—hearings 141 and 177. The explanation seems to be that which appears from Mr. Knopf's description—which Judge Carswell did not refute—of the proceedings in chambers. After the judge was forced to acknowledge that 28 U.S.C. 1446(f) absolutely required him to grant habeas corpus—

> He then said but he did have discretion with regard to removal, and he would remand the removal petition back to the state court, and Mr. Lowenthal argued that there had been no request from the county prosecutor, no one had showed up to ask for this remanding, and the judge said that he had the power to do it himself, and that he would do it without a request. So on his own motion he remanded." (Hearings 178)

This damaging interpretation is confirmed by Judge Carswell's final action in this proceeding, his denial of a stay pending an appeal from his order of remand.

Since the defendants had been rearrested, the purport of his order was to subject them to retrial in State court before the higher Federal courts could have determined the validity of the remand order. This tended to frustrate the provision of the 1964 Civil Rights Act which, as I have noted, amended the removal statute to allow appeals from orders of remand in cases like Wechsler. I particularly invite the attention of the senior Senator from Connecticut to this point, for he was one of the sponsors of this provision.

Judge Carswell expressed no reasons for his action and none of the usual grounds for the denial of a stay were present. One significant factor in determining whether such relief should be granted is the likelihood of the success of the appeal. If the recent congressional action in allowing an appeal on this narrow class of cases was insufficient to establish its substantiality, counsel could have presented additional reasons why the appeal might be successful. But Judge Carswell never permitted counsel to be heard on this issue. Another factor normally considered is whether the defendant may flee or create a danger to the community if released. There was no serious possibility that the civil rights workers who had voluntarily come to Florida to help Negroes register would abandon their efforts if they were released; it was, moreover, clear from the papers before Judge Carswell, including the spurious character of the charge that the State had brought against them, that the civil rights workers were not likely to engage in violence or to commit other crimes. Indeed, the only danger which these workers presented to the community was that they would interfere with its racist policies which, in the words of a pro-Carswell witness, were "a little bit to the right of Louis XIV"—hearings 107. Thus, Judge Carswell's denial of the stay was in direct contravention of the admonition of the Court of Appeals in Lefton:

> In civil rights cases, however, Congress has directed the federal courts to use that combination of federal law, common law, and state law as will be best "adopted to the object" of the civil rights laws. (333 F. 2d at 284, Hearings 464).

Judge Carswell having denied a stay pending appeal, the same relief was sought from a judge of the court of appeals. This was promptly granted. It is rare for a judge of the court of appeals to reverse the action of a district judge in granting or denying a stay pending appeal. By doing so in the Wechsler case, the court of appeals judge demonstrated his view, which I submit was entirely justified, that Judge Carswell's denial of the stay in Wechsler was a gross abuse of discretion.

In sum, the deficiencies in judicial performance, which a study of Judge Carswell's record has made clear to so many of us, are presented in sharp focus by the Wechsler case:

First, there is Judge Carswell's unwillingness to follow controlling authority—be it the precedent of a higher court, as the then-recent precedent of Lefton against City of Hattiesburg—or an unambiguous act of Congress—such as 28 U.S.C. 1446(f) of 28 U.S.C. 1447(d). Second, there is his misunderstanding or disregard of settled principles, such as the special nature of habeas corpus on removal, the right of parties to file court papers on the signature of their attorneys, and the standards governing stays pending appeal. Further, there is his refusal to accord to litigants in his court the fundamental requirement of due process of law, namely, the opportunity to be heard. This, perhaps, is Judge Carswell's most pervasive fault as a judge. It appears to represent a habit of thought which will be difficult if not impossible for him to shake at his present age. This alone would, in my view, disqualify him from appointment to the Supreme Court, even if he had justified the confidence that he has abandoned the even more pernicious habit of thought which his 1948 white supremacy speech reflects. Regrettably, however, the Wechsler case counts heavily against Judge Carswell on this great moral issue as well.

Mr. MURPHY. Mr. President, I wish to state that I am pleased that my distinguished colleague from Kansas has set the record straight on the matter of the report, printed, I believe, in the Baltimore Sun, that I had decided to vote to recommit the nomination of Judge Carswell. There is absolutely no truth whatever to that report. To my knowledge it has never been discussed. The report was without any foundation whatever. I intend to speak on this matter on Thursday.

LAOS

Mr. MURPHY. Mr. President, I rise today as a result of the renewed public concern over the presently confused situation in Laos, and I wish to express my amazement at the attempts of some alleged experts to further complicate an already overcomplicated situation, which began back in the middle 1950's and had its roots in a desire out of the Russian and Chinese Communists to subvert and capture the entire area formerly known as Indochina and particularly the Southeast Asian nation of Laos.

It has been suggested by some who must certainly know the facts that Laos might become the Vietnam of the 1970's. I do not share this point of view, nor do I understand the reasoning which suggests it. I have gone back into the records and find without question that Laos is and always has been an important part of the Vietnam of the 1960's and the continuing efforts of the Communists from Hanoi aided, advised, and supplied by the Communists from both China and Russia. It comes as no particular surprise to my colleagues, particularly those who have been considered experts in these matters for a number of years.

On March 23, 1961, President Kennedy told a press conference that the SEATO agreement made specific reference to aggression against Laos and to the commitments which the United States had assumed in that part of the world.

President Kennedy said:

> It is quite obvious that if the Communists were able to move in and dominate this country, it would endanger the security—and the peace of all of Southeast Asia. As a member of the United Nations and as a signatory of the SEATO Pact, and as a country which is concerned with the strength of the cause of freedom around the world, that quite obviously affects the security of the United States.

Almost precisely 9 years later, on March 6, 1970, President Nixon issued a major policy statement on the situation of Laos. I want to quote from that statement:

> I hope that a genuine quest for peace in Indo-China can now begin. For Laos, this will require the efforts of the Geneva Conference Co-Chairmen and the signatory countries. But most of all it will require realism and reasonableness from Hanoi. For it is the North Vietnamese, not we, who have escalated the fighting. Today there are 67,000 North Vietnamese troops in this small country. There are no American troops there. Hanoi is not threatened by Laos; it runs risks only when it moves its forces across borders.

The President concluded that the United States, as it has for all of history, stands ready to cooperate with other countries in every way in its diligent search for peace. He said this country desires nothing more in Laos than to see a return to the Geneva agreements and the withdrawal of North Vietnamese troops, leaving the Lao people to settle their own differences in a peaceful manner.

Mr. President, I commend the President of the United States for cutting through the confusion, some of it obviously contrived, and some of it coming through inattention. He has said clearly that the United States is resolutely seeking only peace.

Now I urge my colleagues in the Senate not to add to that confusion. Certainly, those of us in this body who have closely observed the continuing developments in Southeast Asia should not be surprised by recent events.

The war in Laos and the war in Vietnam are substantially elements of the same conflict. The troops bent on aggression in Laos are not the indigenous Communists, the Pathet Lao. They are playing a minor, almost insignificant role. The enemy in Laos is North Vietnam.

Let me recall for you today the words of Ho Chi Minh, the Viet Minh leader, in an interview published in the Belgian Communist paper, Red Flag, in July 1959:

> We are building socialism in Vietnam but we are building it in only one part of the country, while in the other part we still have to bring to a close the middle class democratic and anti-imperialistic revolution.

To do this—to import communism into South Vietnam, required the approval, tacit or enforced, of the adjoining nations—Laos and Cambodia—for supplying the troops needed to fight the war in the South.

In June and July of 1959, the Viet Minh and Pathet Lao attacked the northern provinces of Laos and pushed in the direction of the royal capital, Luang Prabang. The ostensible purpose of these attacks was to prevent a political alinement away from the left. These operations also had a secondary byproduct for the Communists of drawing everyone's attention, including a considerable part of the small Lao army, to the northwest of Laos. This made it easier for the Viet Minh and their Pathet Lao puppets to use the Ho Chi Minh Trail to South Vietnam. After the fighting stopped, the trail had been partially reactivated. This probably was the entire purpose of the operation.

They were expected to begin the revolution, and they were joined with enthusiasm by the people in South Vietnam, in their effort to bring about the overthrow of the government.

The uprising of the people that had been planned did not take place, and so that force was reinforced from the north. By 1960, the original Vietcong force in South Vietnam had been reinforced to a level of about 10,000, making possible the first battalion-size Vietcong night attack in February 1960 on a large South Vietnamese Army camp near Tay Minh, near the Cambodian-Lao border.

The Soviet Union fully supported these efforts. By mid-December of 1960 several IL-14 Soviet transport planes were beginning to stage through Communist China and Hanoi loaded with military supplies for the Viet Minh and Pathet Lao forces—this is 10 years ago—in the Plain of Jars, a region and a name which recurs in the fighting during the next 10 years.

The fight for control of Laos continued despite the official cease-fire of May 12, 1961. Ambassador Elbridge Durbrow, who served in South Vietnam from 1957 to 1961, says that the Communists pushed west toward Lao capitals after the cease-fire—and fully opened the Ho Chi Minh Trail, which had been only partially opened earlier by the original action.

Why do I trace this long and involved history of that troubled part of the world? Because, Mr. President, the fact is that the war in Vietnam and the war in Laos are one and the same war. Both are being primarily fought—not by citizens of the country under attack—but by North Vietnamese. Let us make this crystal clear once and for all: This is not a civil war. These regular soldiers, and that is what they are, are being supported and supplied by Red China and the Soviet Union.

Ambassador Durbrow has said that in 1954 Hanoi created in violation of the Indochina Geneva Accords its Lao equivalent of its puppet "Vietcong"—the Pathet Lao. Hanoi still controls, supports, and supplies that force—in addition to furnishing 67,000 North Vietnam troops to fight against the recognized government of Laos.

The Government of the United States has been furnishing military aid to the government of Laos for many years. For instance, just before President Kennedy's March 23, 1961, press conference we announced we were increasing our military aid, sending more technicians to train Lao troops and sending, in addition to the T–6 observation planes already given Laos, 16 helicopters to increase Lao troop mobility. A carrier task force from the 7th Fleet was alerted.

President Kennedy again expressed his concern in a speech to the United Nations on September 25, 1961. He warned that South Vietnam was under attack by forces infiltrated through Laos. Furthermore, on November 6, 1961, we publicly confirmed reports from Laos that Soviet transport planes were delivering military supplies to the southern Lao airbase of Tchepone which had been in Pathet Lao hands for months, after being captured by the Communist cadre.

What happened during this period of a shaky cease-fire in Laos and continued useless bickering at the Geneva Conference? Hanoi had diverted everyone's attention to north-central Laos long enough to reactivate fully the Ho Chi Minh Trail, build up its forces in eastern Laos, Cambodia, and South Vietnam sufficiently to open an all-out offensive to try to subjugate South Vietnam.

So, Mr. President, I repeat, it is all part of the same war. It is part of the same Communist plan, drawn in Moscow and in Red China, and activated through their puppets in Hanoi.

Of course, Hanoi no longer needed to press its military operations in Laos because the Communists expected to take over South Vietnam and cause Cambodia and Laos to fall into their hands without any major additional effort.

This did not happen—primarily because the United States came to the aid of the government of South Vietnam. As a result, the Communists still must maintain their principal infiltration route through Laos.

Ambassador Durbrow takes the view—and I share that view—that we must continue operations to block the flow of supplies along the Ho Chi Minh Trail and help the Souvanna Phouma government to preserve its own integrity.

I do not propose—and neither had our President—sending extensive ground troops to fight in Laos. But we must protect our own troops fighting in South Vietnam—and this means we must block the Ho Chi Minh Trail in Laos. We are doing so now with the use of our airpower.

We are dealing here with a nation that agreed to the 1962 Geneva accords—and then promptly began to violate them. We withdrew our 666 Americans while the North Vietnamese pulled out 40 men—and left over 6,000 troops in the country. That is the way they kept their word on the accords.

Mr. President, this has been called our secret war. As a member of the Committee on Armed Services who has listened to testimony about this subject, I have long been aware of developments in Laos. Any other interested Senator, or for that matter ordinary citizen, could do the same by simply reading his daily newspapers.

Certainly, the distinguished chairman of the Committee on Foreign Relations has been a participant in discussions of this subject on a continuing basis. So have others of our colleagues who now appear so alarmed at discovering what they refer to as this new situation.

President Nixon said in his March 6 policy statement on Laos that our Nation has no ground combat forces in Laos. He did confirm, however, what has been reported extensively in the press—that this Nation has used airpower to interdict the flow of North Vietnamese troops—let me emphasize that statement "to interdict the flow of North Vietnamese troops"—along the Ho Chi Minh Trail as it passes from China through Laos.

The purpose of this operation is not to simply protect the Royal Laotian Government; it is primarily aimed at assisting troops from the United States who are fighting in South Vietnam, battling against the North Vietnamese who have invaded a sovereign nation for the purpose of conquest.

Our President told us in his March 6 statement:

> Our goal in Laos has been and continues to be to reduce American involvement and not to increase it, to bring peace in accordance with the 1962 accords and not to prolong the war.

President Nixon also noted the limited nature of our current aid to Laos, which was requested by the recognized government of that country and is—in the President's words—"supportive and defensive."

President Nixon is simply continuing the purposes and operations of two previous administrations—to protect American lives in Vietnam and to preserve an important balance in Laos.

Mr. President, this is no secret war. We have no massive commitment, nor do we plan one. Those who criticize our President know this very well. I have reviewed here our efforts in Laos and the reasons for them. These facts are readily available. I had no difficulty finding them. Neither would anyone else.

Mr. President, I urge an end to attempts to confuse the people of the United States about our commitment in Vietnam—and the effort in Laos, which is a necessary adjunct.

We did not start this war; we are not the invaders—and no efforts by some uninformed, undisciplined, and misled "Peace Now" malcontents will change that fact. The facts of history are clear, to be understood by all who will take the trouble to read. The war was started, is financed, and is being continued by the Communists from the North.

President Nixon does not want to see this war continued, nor does this Senator, nor do I know any Member of this body who feels that way. I have had the privilege of knowing our President personally for many years. He is a peaceful man, not a man of war.

The time has come to dispel the contrived confusion in our Nation. We must let the world know who it is that stands in the way of peace in Vietnam, peace in Laos, and peace in Cambodia. It is not America. It is not the Nixon administration. It is not the American military forces in Vietnam.

The chief barrier to peace in Southeast Asia is the Communists in the North, who persist in an effort to enslave the people of that part of the world—by direct attack, by subversion, and by atrocity.

Those responsible for these problems in Asia are the same group who have been responsible for at least 90 percent of the problems throughout the world over the last 40 years. They are the imperialists in Moscow who would extend their influence and would attempt to gain control over the governments of all the peace-loving nations presently in Southeast Asia. They would attempt to organize the attack on the Middle East Asian nation of Israel. Their responsibility for the problem is the same.

So, Mr. President, I would say to those who are opposed to these problems, those who would like to see them brought to an end, who at long last would like to see peace brought to our troubled world, that they direct their attention and their remarks to the Governments of Moscow and Red China. I think they could start by using their influence to have these governments and their puppets in Hanoi give decent treatment to our prisoners of war.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks an article published in the Chicago Tribune of March 12, the "Foreign Press" segment, entitled "Dilemma in Laos." I recommend it to my colleagues, because it sets out very clearly exactly what the situation is in Laos.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURPHY. Mr. President, I should now like to refer to another subject. It has to do with the burning of a bank in Santa Barbara, Calif.

I ask unanimous consent to have printed at this point in the RECORD a statement entitled "Violence in America, One Company's Position," by the Bank of America, and an exhibit entitled "An Open Letter from the Revolutionary Movement to the Bank of America."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VIOLENCE IN AMERICA—ONE COMPANY'S POSITION

(Statement by Bank of America)

Isla Vista, California, population 11,250. The business district consists of a couple of gas stations, a few small shops, some real estate offices—and a bank. A large campus of the University of California is nearby. All in all, a normal American suburban community—perhaps very much like the one you live or work in. Normal, that is, until Wednesday, February 25, when violence shattered the peaceful calm of Isla Vista.

At about 8:30 p.m. on the night of February 25, rampaging demonstrators—students and non-students—protesting the "capitalist establishment" converged on the community's small business district.

Several protesters rolled a gasoline-soaked trash bin through a smashed front door in a Bank of America branch and set it ablaze. Other students extinguished the fire. But just before midnight, with the angry crowd in a frenzy, the branch was set ablaze again. While police and fire officials were held at bay by a rock-throwing mob, the bank was gutted by fire and totally destroyed. A police patrol car was overturned and burned. Numerous other fires were started. Windows were smashed and life and property threatened.

These events took place in a community called Isla Vista. They could have happened in your community. They can happen anywhere and with even more disastrous results.

Why did the eruption in Isla Vista take place?

Participants in the violence say it was a protest against the "capitalist establishment," "the war in Vietnam," "the Chicago trial," "student repression," "police brutality," and a list of other grievances against America in 1970. Some of these grievances are real, some are fanciful and others are false. But all deserve to be aired. To the degree that they are not aired, are not taken seriously, Americans break faith with their young.

But all Americans, young and old, liberal and conservative, lose by violence. Violence and destruction are the seeds of anarchy and tyranny—whether it be the tyranny of the extreme right or the extreme left.

We believe the time has come for Americans to unite in one cause: a rejection, total and complete, of violence as a means of political dissent.

All of us, young or old, liberal or conservative, have for too long been silent on the issue of violence. We have been afraid of labels or slogans that would brand us as either arch conservatives or traitors to a liberal cause. Such sloganeering does all of us a grave injustice.

Let us, as a nation, find once again our ability to distinguish between protest and revolt; between dissent and chaos; between demonstration and destruction; between non-violence and violence.

Let us cease to condemn those who disagree with us, but let us also be prompt and resolute in putting an end to violence in our land.

To this end we applaud the courageous response of many dedicated public officials. They deserve the cooperation of all citizens. They will have ours.

Every American has a right to walk the streets in safety. No polemic should be allowed to obscure this right. Your wife or husband, son or daughter ought to be safe in visiting a supermarket, a filling station or a bank—regardless of whether another may choose to reject that institution as an onerous symbol.

It is for these reasons that we plan to reopen our Isla Vista ranch on Monday, March 9. We realize that there is danger in this course of action. But we believe the greater danger to ourselves and to all of the people in this nation is to be intimidated by mob violence. We refuse to be so intimidated.

Is the branch worth this much? In monetary terms, the answer is no. It is not, and never has been particularly profitable. But it is there to serve the banking needs of the community and we refuse to be driven out of any community by a violent few.

Is this a bad business decision? Perhaps in a narrow sense it is. But we believe that at some time and in some place Americans must decide whether they intend to have their decisions, indeed their lives, ruled by a violent minority.

We are but one bank, but we have decided to take our stand in Isla Vista.

AN OPEN LETTER FROM THE REVOLUTIONARY MOVEMENT TO THE BANK OF AMERICA

We are deeply disturbed by the wanton acts of aggression perpetrated on the peoples of S.E. Asia engaged in revolutionary struggles. These military interventions are not childish pranks, peaceful demonstrations, nor even non-violent disruptions designed to give symbolic meaning to imperialism. Rather, they are criminal acts of violent proportions directed against the people's democratic struggle. They are fascist gestures of the kind that lead to further violence, bloodshed, and repression. Nor are they isolated instances but rather a continuation of the calculated violence that has been emanating from your banks and financial institutions in the name of the state under the directions of the corporate few.

You compare us in the American Revolutionary Movement to the "brown shirts" of Nazi Germany. Lest you forget, it was the brown shirts of Nazi Germany who came to power in order to repress the Revolutionary movement in pre-Nazi Germany. In whose interests then do you speak of "law and order?"

We accuse your bank, Chairman Lundborg and ex-chairman Peterson, in your plunder of "hungry new markets" and your affiliations with defense contractors like Litton & McDonnell-Douglas, in your magnanimous aid to the CIA through the Asia Foundation, of raping the "underdeveloped world."

We accuse you of continuing the racist hegemony of American Imperialism over Asia, South America, and Africa. We accuse your bank, Director Di Giorgio, of being the largest parasitic landlord in the state of California, owning properties larger in area than the whole state of Delaware, and yet you fight against the minimum wage demands of migrant farmworkers and lobby for the continuation of the "bracero program." Not only do you oppose labor in your control of agribusiness in California, but you have consistently opposed the demands of workers through generous support of anti-labor legislation.

Your retail food outlets distribute food of declining quality, artificially grown, and of little nutritional value. We accuse you of destroying the world's ecological balance through your mining concerns, your manufacturing interests, and your petroleum companies like Union Oil (or have you forgotten the beaches of Santa Barbara?)

In whose interests is law and order when one of your directors, Harry S. Baker, sits on the board of the largest police weapons manufacturer in the world, Bangor Punta?

This is for the people of the world to decide: what is the burning of a bank compared to the founding of a bank? In whose interest is law and order when tyranny prevails?

All power to the people!

Mr. MURPHY. The latter exhibit was in answer to the statement by the Bank of America. I have asked that this material be printed in the RECORD so that my colleagues and all others who are interested may have the opportunity to see and understand exactly what is taking place in this great Nation of ours.

I invite attention to the fact that on the cover of the latter exhibit, "America" is spelled with a "k," which should be indicative to those who have taken the trouble to study these matters over the years.

Mr. President, I sincerely hope that my statements will in some way clear up the so-called confusion about Laos. There is confusion. It is not a new war. It is not a secret war. The record is clear for all those who are interested in the complete historic background and the facts.

I yield the floor.

[From the London (England) Daily Telegraph, Mar. 12, 1970]

DILEMMA IN LAOS

North Viet Nam's present invasion of Laos is by far the most massive and the most successful of a whole series from the same

quarter since the international agreement of 1962 solemnly established the so-called neutrality of Laos.

It is evidently a reaction to the increasingly hard going in South Viet Nam, where President Nixon's policy of "Vietnamization" continues to make good progress. Hanoi's objective seems to be at least to out-flank South Viet Nam, but it might extend to the occupation of the whole or most of Laos.

No doubt another of Hanoi's main objectives is further to forment the political discord in America, from which its gains have been greater than any achieved on the battlefield. And, sure enough, Senators Mansfield and Fulbright and their many followers are critically scrutinizing every move by the 1,040 Americans involved in various noncombatant capacities. They apparently find no fault, however, with the 67,000 North Vietnamese regulars invading Laos in flagrant breach of the 1962 agreement, or with the 100,000 or so who pass thru Laos annually down the Ho Chi Minh trail to the war in South Viet Nam. Particular exception is taken to the activities of American pilots who bomb the trail or support loyal Laotian forces.

It is in fact with the American air force that the best prospect of stopping the invasion seems to rest, and Mr. Nixon plainly intends to use it fully. He has already promised not to send American troops into the ground fighting—a piece of military intelligence of which Hanoi will doubtless make good use. There is not much hope of relief from the Geneva conference powers, a meeting of whom will almost certainly be blocked by Russia—so that America will be left to stew. The results of "neutrality" in Laos are certainly a warning against any repetition in South Viet Nam. Thailand is wise to ask for increased American military aid and to accept the assistance of 2,000 Malaysian troops for anti-terrorist operations.

ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment, in legislative session, until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

REVISION OF UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, on Wednesday, March 25, 1970, the Senate agreed to a unanimous-consent request propounded by the majority leader dealing with the business of tomorrow, Wednesday, April 1, 1970. I ask unanimous consent that all elements of that previous unanimous-consent agreement remain as they were, except the following—and this has been cleared by all sides, and I make this request on behalf of the majority leader: that immediately following the disposition of the reading of the Journal on tomorrow, the senior Senator from Ohio (Mr. YOUNG) be recognized for 15 minutes; that he be followed by the Senator from Indiana (Mr. HARTKE) to be recognized for not to exceed 30 minutes; that following the remarks of the Senator from Indiana (Mr. HARTKE), there be a period for the transaction of routine morning business with statements limited therein to 3 minutes; that the period for the transaction of routine morning business not extend beyond 12 o'clock noon tomorrow; and that at that time the unfinished business, the conference report on H.R. 514, the Elementary and Secondary Education Amendments of 1969, be laid before the Senate and that further debate on that conference report be limited to 4 hours instead of 6 hours, as was requested by the majority leader in the original agreement.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Therefore, Mr. President, the Senate will come in at 10 o'clock tomorrow morning. Debate on the conference report on H.R. 514 will begin at noon and will consume not to exceed 4 hours, rather than the 6 hours under the previous unanimous-consent agreement, and the Senate will vote at the same time as under the previous agreement on the Stennis motion to recommit—to wit, at 4 p.m. on tomorrow.

CONFERENCE REPORT ON H.R. 514—ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

Mr. DOLE. Mr. President, in the light of the fact that the Senate will be asked tomorrow to consider the conference report on H.R. 514, the Elementary and Secondary Education Amendments of 1969, I ask unanimous consent that a table prepared by the U.S. Office of Education, indicating how much each State could receive under the bill under appropriate programs, be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

H.R. 514, Conference Report—State allocation programs,[1] fiscal year 1971

Total	[2] $6,284,638,000
Alabama	179,008,647
Alaska	30,575,111
Arizona	53,199,083
Arkansas	104,616,477
California	493,139,473
Colorado	63,278,209
Connecticut	55,515,667
Delaware	14,676,710
Florida	169,043,533
Georgia	201,539,847
Hawaii	27,879,560
Idaho	20,483,408
Illinois	237,471,538
Indiana	96,726,085
Iowa	78,506,927
Kansas	62,169,136
Kentucky	147,332,890
Louisiana	178,414,009
Maine	25,755,985
Maryland	118,319,515
Massachusetts	115,616,049
Michigan	191,084,645
Minnesota	106,612,494
Mississippi	157,912,460
Missouri	125,628,266
Montana	25,378,576
Nebraska	42,414,039
Nevada	11,925,012
New Hampshire	13,940,998
New Jersey	148,549,738
New Mexico	55,808,088
New York	639,889,546
North Carolina	244,388,783
North Dakota	28,869,222
Ohio	201,433,782
Oklahoma	$94,760,379
Oregon	42,977,243
Pennsylvania	260,586,021
Rhode Island	24,242,599
South Carolina	151,332,840
South Dakota	31,828,422
Tennessee	169,120,222
Texas	380,815,191
Utah	31,507,083
Vermont	11,802,434
Virginia	187,663,749
Washington	76,085,682
West Virginia	78,103,080
Wisconsin	88,293,688
Wyoming	10,980,521
District of Columbia	32,092,450
Outlying areas	145,342,902

[1] Includes all parts of Titles I, II, III and V of ESEA, Title VI–B of ESEA (Handicapped) Adult Education, Vocational Disadvantaged, Vocational Work-Study, and Vocational Residential Facilities. Also includes an estimated distribution for P.L. 874, but excluding public housing and minor amendments for which current State figures are not available. All other programs are project grant proposals for which no meaningful State estimate is possible.

[2] May not add exactly because of rounding.

DWIGHT DAVID EISENHOWER

Mr. DOLE. Mr. President, 1 year ago today, Washington paid its final tributes to Dwight David Eisenhower. It seems remarkable that this great, good man has been gone from us a full year, for his memory remains fresh and warm in the hearts and minds of his countrymen.

An especially fond recollection of General Eisenhower appeared in the March 28, 1970, Washington Post. Written by Edward T. Folliard, who covered Ike during the war and in the White House, the article provides several glimpses which illustrates the qualities of character and personality for which he revered and respected Dwight Eisenhower.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOME MEMORIES OF SOLDIER PRESIDENT IKE

(By Edward T. Folliard)

(NOTE.—The writer, now retired, was The Washington Post's war correspondent in Europe in 1944–45 and its White House reporter in the Eisenhower administration.)

Although he had spent 40 years in the Army, Dwight D. Eisenhower seemed to drop soldier talk from his vocabulary when he become President in 1953. He still had the air and authority of a five-star general; he just stopped talking like one. For a time, while he was President-elect and choosing his aides, he called Sherman Adams his "chief of staff"; we heard no more of that after he assumed the presidency.

Once in a while, at press conferences, President Eisenhower might slip and use a word like "echelon," but most of the time he talked like a man who had never worn the uniform. Then, during his first term, came a delightful reversion; we heard him bark out words that went back to his West Point days.

The President flew down to Augusta, Ga., taking along an oil painting he had done from a photograph of Robert Tyre (Bobby) Jones, the great golfer of "grand slam" fame. The presentation ceromony was to take place near the first tee of the Augusta Golf Club. Reporters and photographers, along with

club members, were assembled, and Ike was about to hand Bobby Jones the portrait when he noticed that Mrs. Eisenhower was missing.

"Where's Mamie?" he asked.

When nobody answered, Ike shouted a request—no, a command—and his voice had a parade-ground ring to it.

"Somebody find Mamie," he roared, "and tell her to fall into this formation."

Somebody did find Mamie, and dutifully she "fell in."

I ran across this anecdote in going through some old notes the other day. There were some others, along with letters, and I thought they might be worthy of a reminiscence on the anniversary of Gen. Eisenhower's death on March 28, 1969.

I found some scribbling that recalled a party Ike gave at the White House for the reporters and photographers who had been covering him. This was just before he was to hand over the presidency to John F. Kennedy. Although he had once told us at a press conference that he was "a tough old guy," Ike this night was a wonderful host.

He was still surprised over the outcome of the 1960 election, and also puzzled. He said he just couldn't understand why the voters chose Senator Kennedy over Vice President Nixon. Andy Tully reminded him that he had recently talked to President-elect Kennedy to arrange for the transition. Was it true, Tully asked, that he and Kennedy had hit it off pretty well?

"Well," said Ike, "I don't know whether you could put it that way. But I could see that he was willing to learn."

Ike's farewell party for us took place at a time when Pennsylvania Avenue was lined with grandstands for the Kennedy inauguration. Washington was about to be taken over by the New Frontier.

"Mr. President," said James E. Warner of the New York Herald-Tribune, "I've been assigned to cover you on your trip to Gettysburg after the inauguration."

Ike was astonished.

"Why in the world would anybody want to cover an old ex-President?" he asked.

"That's my assignment, sir," said Warner.

"Well," said Ike, laughing and grasping Warner's hand, "welcome to the Old Frontier."

Along with other reporters who came to know him in World War II and in his White House days, I used to visit Ike at Gettysburg from time to time. One day the subject of Gen. Douglas MacArthur came up, and Ike made it clear that he thought it had been wrong for President Roosevelt to award the Medal of Honor to MacArthur in April, 1942. He didn't say it was wrong, but his eyes betrayed his displeasure—not with MacArthur but with FDR. He said there were reports that he himself was to be awarded the Medal of Honor when he was Supreme Commander in Europe and driving to victory in 1944–45. He said he told his chief of staff, Gen. Walter Bedell Smith, that he would refuse to accept that most coveted of medals if it were offered to him, and would suggest that it be given to some GI who had really performed a deed of gallantry beyond the call of duty.

I received two letters from Ike in 1967, the second of them in December of that year, from Indio, Calif. In this he commented on an article I had written for The Washington Post about the war in Vietnam, which a copy editor had headed "Don't Underrate GIs in Vietnam." Ike said:

"Sometimes I get baffled when reading so much criticism about American efforts on behalf of freedom in the world and find so little attention paid to the young GIs who are putting their lives on the line for all of us."

Ike was a prolific writer, and had a modest shelf of books to his credit. While he was in Walter Reed Hospital in August, 1967, suffering from a gastrointestinal ailment, I wrote and reminded him that St. Francis de Sales was the patron saint of writers. I said that in my prayers I would ask St. Francis to intercede for him. Ike, a Presbyterian who used to call me a "mackerel snatcher," was soon out of the hospital. From Gettysburg he wrote to say that he was inclined to believe that the saint's intercession had released him "from the clutches of the doctors," and added:

"I hope that St. Francis does no research on the matter because he will quickly find out that my qualifications are scarcely of the kind to excite his particular interest."

Toward the end of his life, the old General of the Army was talking very much like a soldier, even though he was back in the hospital with a heart ailment. The last time I heard him was in his televised address from Walter Reed to the Republican National Convention in August, 1968, when he warned against an American "retreat" in Vietnam.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS OF SENATORS AS IN LEGISLATIVE SESSION

AMBASSADOR TO SWEDEN

Mr. BOGGS. Mr. President, tomorrow Dr. Jerome H. Holland will take the oath as U.S. Ambassador to Sweden.

We in Delaware, and many others throughout this country, are extremely proud that Dr. Holland will be our representative abroad. He has served with great distinction in many areas, and we are most confident his tour in Sweden will bring great credit upon the United States.

The 125th General Assembly of the State of Delaware has recognized the importance of Dr. Holland's appointment and has adopted a resolution extending him its congratulations and best wishes.

Mr. President, I ask that the text of senate concurrent resolution No. 28 be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

SENATE CONCURRENT RESOLUTION No. 28

Expressing the best wishes of the 125th general assembly of the State of Delaware to Jerome H. Holland on his appointment and confirmation as United States Ambassador to Sweden

Whereas, it has been brought to the attention of the members of the 125th General Assembly of the State of Delaware that the United States Senate has confirmed President Richard M. Nixon's appointment of Dr. Jerome H. Holland as United States Ambassador to Sweden; and

Whereas, Doctor Holland first gained national acclaim as "Brud" Holland, All-American football player at Cornell University in 1939; and

Whereas, Doctor Holland received his doctorate in sociology from the University of Pennsylvania in 1950; and

Whereas, Doctor Holland served in a distinguished manner as President of Delaware State College, Dover, Delaware, from 1953 to 1960, during which time the school regained full accreditation; and

Whereas, Doctor Holland attained further academic honors as President of Hampton, Virginia, Institute, from 1960 to 1969; and

Whereas, Doctor Holland, in 1965, was inducted into the National Football Hall of Fame; and

Whereas, Doctor Holland has proven time and time again his genuine ability to lead and to make friends with men of all races and creeds; and

Whereas, Doctor Holland has thousands of friends and supporters in the State of Delaware, particularly U.S. Senator J. Caleb Boggs; and

Whereas, the members of the Senate of the 125th General Assembly are indeed anxious to convey their congratulations to Doctor Holland; and now therefore,

Be it resolved, by the Senate of the 125th General Assembly of the State of Delaware, the House of Representatives concurring, that the warmest of congratulations and good wishes of the General Assembly be extended to the "All-American" Ambassador to Sweden, Jerome H. "Brud" Holland; and

Be it further resolved, that a copy of this Resolution be entered upon the Journals of the Senate and House and copies forwarded to Doctor Holland and his family and to President Richard M. Nixon and to U.S. Senator J. Caleb Boggs, and to U.S. Senator John J. Williams.

WHITE HOUSE RESPONSE TO SENATOR McCLELLAN'S DECENTRALIZATION PLAN

Mr. McCLELLAN. Mr. President, in an address delivered on the Senate floor on March 3 of this year, I suggested that the administration explore the use of existing Federal programs in an effort to decentralize our overly concentrated population and industrial centers, and to encourage the growth and development of our rural areas—see the CONGRESSIONAL RECORD, page 5597.

The objective of such a national policy would be to ease the growing pressures on our large metropolitan centers—which generate so much of today's pollution and waste—and to develop the potential of our rural areas, thereby enabling us to better accommodate the 100 million more Americans expected within the next 30 years and provide them greater economic opportunities and a far more healthy environment.

Such a program would not only facilitate the decentralization of our industrial complex; create new centers of employment and population growth; stimulate the economy in rural America; and ease the pressure on compacted metropolitan areas; it would also facilitate efforts to restore and protect our environment.

In the course of my remarks, I suggested three ways that Federal activities could be used to combat pollution, decentralize industry and population, and to protect the environment.

First. The use of Federal grant-in-aid programs. These grant programs have skyrocketed from less than $1 billion—$0.09—in 1946, to an estimated $28 billion

for the fiscal year 1971. Of this latter amount $19 billion will be spent in standard metropolitan areas, and, while much of it will have to continue being so used, the opportunities for redistributing and channeling national growth through the use of grants-in-aid are practically unlimited.

Second. The use of Federal land holdings. It is estimated that the Federal Government owns one-third of all the land in the United States—more than 750 million acres. In furtherance of a national policy to decentralize our industrial base and reverse our population migration to the urban areas, I suggested that the possibility of using Federal land grants be explored. There is ample precedent for utilizing Federal property in this manner and, since the Government currently owns real property in each of the 50 States, it could be used to develop existing and new communities in rural areas, and used in urban areas for open spaces, park and recreational purposes.

Third. The use of Federal procurement contracts. In fiscal year 1969, the Government expended approximately $55 billion for the procurement of goods and services—$43 billion for defense purposes and the remainder, $12 billion, by the civilian branch of the Government.

I suggested that the administration explore the possibility of seeking a better balanced economy through the use of Federal procurement practices and policies. Certainly, I am not suggesting that we launch an antipoverty system of procurement, but it would seem worth determining if this device could be used to promote a more evenly distributed population growth.

Mr. President, these suggestions were made available to the White House and I was pleased to learn, by letter dated March 18, 1970, from Mr. William E. Timmons, Assistant to the President, that they are receiving active consideration within the administration. In order that the Senate may be fully informed on this matter, I ask unanimous consent that Mr. Timmons' letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, March 18, 1970.

Hon. JOHN L. MCCLELLAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCCLELLAN: Thank you for sending along your remarks on the environment. In reading through them, I was struck at how closely your thoughts paralleled those of the President. As you said, our task is not only to restore now what has been lost, but to insure that the future growth of our population and our economy does not bring new environmental problems as it has in the past.

As you know the President has signed into law S. 2701, establishing the Commission on Population Growth and the American future. The work of his commission should provide the groundwork for directing our population and industrial growth so that our present efforts to restore our environment are not overwhelmed.

In your remarks you suggested three ways that Federal activities could be used to direct future growth and to protect the environment. Federal grant-in-aid programs have a profound impact on internal migration and population concentration. So does location of Federal installations and location of facilities such as highways and airports which the Federal government influences. But in the past these activities have been conducted with only fitful attention to these consequences. A major effort is currently underway within the Administration to determine how these programs could best be used to consciously affect our distribution of population and industry. Since the subject is extremely complex, I cannot be sure exactly when we will be in a position to offer specific legislation. But you can be sure that we are investing a great deal of energy in this task, and hope to have proposals at the earliest possible date.

As you noted, the President's message of February 10 referred only to using Federal land holdings for providing more recreational areas. Insofar as I know, we have not given full consideration to using these assets to influence population distribution. But it seems to me an extremely worthwhile suggestion, and I am passing it on to the appropriate people in the Administration.

Certainly, the enormous leverage of federal procurement contracts could be put to use in seeking a more evenly distributed population and full compliance with environmental protection programs. You will be glad to know that an inter-agency task force has been at work on just this problem since before the first of the year, and that we expect to have some initial proposals ready within a month's time.

I hope that this information is useful, and that you will be in touch should you have any further questions or suggestions.

With best wishes,

Sincerely,

WILLIAM E. TIMMONS,
Assistant to the President.

PRESIDENT NIXON COMMENDED FOR DESEGREGATION STATEMENT

Mr. GRIFFIN. Mr. President, the Wall Street Journal recently commented on President Nixon's statement on school desegregation. The tone of the editorial is set by the first paragraph which describes the President's statement as "so sensible that it makes some of the criticisms sound rather ludicrous."

Mr. President, I ask unanimous consent that the article, appropriately entitled "Rule of Reason," be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

RULE OF REASON

The striking thing about the President's statement on desegreation is its tone—a profound concern for the problem coupled with a wholly realistic approach. So sensible is it, in fact, that it makes some of the criticisms sound raher ludricrous.

The chief objection of the critics is that Mr. Nixon did not demand instant school integration. But are they listening to what he said? He is not backing away from the goal of integration; indeed, he is providing considerable sums to assist court-ordered desegregation and improve education in racially impacted areas, North and South.

What Mr. Nixon does perceive is that in distinguishing between de jure and de facto segregation, the complexities involved in the latter are awesome and almost certainly not susceptible to a purely Governmental solution.

There is a Constitutional mandate, he notes, that dual school systems and other forms of de jure segregation be eliminated totally—and that is Administration policy as well. Within that requirement, however, is a degree of flexibility, a "rule of reason" permitting school boards to formulate desegregation plans that best suit the needs of their localities.

De facto segregation, stemming from housing patterns, is another matter altogether. The President holds it to be undesirable but observes that it is not generally considered to violate the Constitution. Even so, he seems to encourage local school officials to take reasonable steps, if they choose, to diminish racial separation.

Mr. Nixon is especially realistic in discussing the difficulties of doing away with de facto segregation: " 'Racial balance' has been discovered to be neither a static nor a finite condition; in many cases it has turned out to be only a way station on the road to resegregation."

That is, whites leave the public schools, and the public schools founder for lack of support. Moreover, when whites flee the public schools in search of predominantly white schools in the suburbs, the central city itself becomes racially isolated.

"These are not theoretical problems, but actual problems. They exist not just in the realm of law, but in the realm of human attitudes and human behavior. They are part of the real world, and we have to take account of them."

One of the practical problems in trying to abolish de facto segregation is that it entails a wasteful diversion of resources. Thus a state court recently ordered all but uniform racial balance in the Los Angeles schools, and it is expected that it will cost $40 million the first year to lease buses, hire drivers and pay operating expenses. How much better if the money were to be spent to improve education.

In a deeper sense, insistence on total integration derives from a misconception of the source of much of the trouble in the education of Negroes. As the Presidential statement remarks, it is not primarily a matter of race at all; rather, it is a question of economic class and environment. Quite simply, a child from a very poor home, where there are no books or magazines or newspapers or parental encouragement to learn—that child is all too likely to have difficulty in school whether he is black or white.

Finally, to demand total integration (as distinguished from ending de jure segregation) is to overburden the schools. In Mr. Nixon's words, the schools "have been expected not only to educate but also to accomplish a social transformation. Children in many instances have not been served, but used—in what all too often has proved a tragically futile effort to achieve in the schools the kind of multiracial society which the adult community has failed to achieve for itself."

We agree with the President that the call for equal educational opportunity is in the American tradition and that the opportunity unquestionably can be extended at the same time that the quality of the education is being upgraded. But the process preeminently requires wisdom, the kind of basic common sense the President's statement reflects.

WE ARE NOW WAGING SECOND INDO-CHINESE WAR

Mr. YOUNG of Ohio. Mr. President, this comes as no surprise to me. It is what one would expect from the Joint Chiefs of Staff and the leaders of the all powerful military-industrial complex. It is evident that they seek to move our Nation into a militarist state. Unfortunately, it appears that President Nixon is yielding subservience to the militarists in the same degree as did President Johnson.

Now headlined in the Washington

Post we read that General Westmoreland and other Army leaders favor a 6-month delay in U.S. troop withdrawals from Vietnam.

Pentagon officials, of course, claim that further withdrawal of ground forces from Vietnam at this time should be stopped so that our pacification program, so-called, and Vietnamization program may continue.

From 1961 to the present time, American military forces have been occupying Vietnam. There has been no Vietnamization, so-called, of South Vietnam. The militarists led by General Thieu and Air Marshal Ky in control of the Saigon Government represent but a small fraction of the Vietnamese. They have excluded Buddhists and neutralists, so-called, from their militarist government of Saigon. Theirs is a corrupt regime. South Vietnamese forces have no will to fight. Its leaders are continuing the suppression policies of the French colonialists. Eighty percent of the men and women of South Vietnam know that no land reform, not even a semblance of liberty has been offered them by the Thieu-Ky administration and its predecessors.

The Vietcong representing the National Liberation Front have an ideal. They are fighting for land reform and for national liberation. While in Vietnam in 1965 and 1968, I learned that 80 percent of the people living in the Mekong Delta, south of Saigon, supported the National Liberation Front. General Westmoreland and others of our Joint Chiefs of Staff by their actions prove that the Saigon regime is in power only by reason of the presence of the ground and air forces of the United States.

Mr. Nixon, as a candidate for the Presidency, stated repeatedly he had a secret plan to end our involvement in Vietnam. That is still his secret. The facts are this war is now expanding and the United States has now become involved in what should be termed the second Indo-Chinese war. The conflict has spread beyond South Vietnam now. Americans are fighting and dying in Laos and we have invaded Cambodia. Some Americans have been killed there and this conflict is even threatening to extend into Thailand.

The first Indo-Chinese war was waged by the French with the aid of John Foster Dulles and President Eisenhower. When the Japanese suddenly left Southeast Asia in the closing weeks of World War II, the French immediately landed hundreds of thousands of troops and sought to reestablish their cruel but lush Indo-Chinese empire. President Eisenhower instead of enforcing neutrality or coming to the aid of the Vietnamese people seeking national liberation aided the French with billions of dollars in war supplies. He was restrained by action of leading Senators in 1954 from committing our air power to relieve Dienbienphu. Those orders secured on advice of John Foster Dulles and his brother, then head of the CIA, were canceled at almost the last moment. Dienbienphu was overrun on May 7, 1954. More than 12,000 French Foreign Legionnaires were captured.

Following the surrender, the Geneva Agreement fixed a temporary demarcation line at the 17th parallel providing this was not a national boundary but merely a temporary demarcation line. An election was promised for 1956. President Eisenhower, in his memoirs, stated that Ho Chi Minh would have received 80 percent of the vote for President in both sections of Vietnam. Our puppet President Diem canceled the election. Then the civil war in Vietnam was renewed.

Now we Americans are continuing the aggression of the French. In fact, the conflict is now spreading into Laos. The neutrality of Laos was guaranteed in 1962 by the Geneva Conference which we approved. In 1965 when we were violating its neutrality our planes were disguised. Officers of our Army are assigned in Laos. From 1965 on, our warplanes bombing in Laos have no longer been disguised. We know that American airmen have been killed or are missing in action in Laos. We have read in newspaper accounts of our B–52's taking off with huge loads of bombs and hurling more than 50,000 tons of bombs a month in sorties that, on some occasions, according to eyewitnesses, have left the airfields at 1-minute intervals.

Also, the presence of troops from Thailand whose operation in Laos has been secured by Pentagon officials and paid for by American taxpayers via the CIA indicates our involvement on an increasing scale in the civil war being waged in Laos by the Pathet Lao against the troops of Prince Souvanna Phouma.

American presence in Cambodia is increasing day by day. The allegation has been made that our CIA was instrumental in causing the overthrow of Prince Norodom Sihanouk. Now the north Vietnamese troops are said to be increasing their force at the edge of Cambodia. This national insanity despite President Nixon's promise to reduce U.S. presence in Vietnam and Laos, has spread into an all-out war in Vietnam, Laos, and Cambodia. Now top Pentagon generals are urging that the President cancel his previously announced plans to withdraw additional combat troops this year.

Administration leaders should encourage the reconvening of the 1962 Geneva Conference to seek peace instead of expanding our war in Southeast Asia.

These are sad days for Americans who had hoped that President Nixon would bring at least 200,000 U.S. troops home this year from Southeast Asia. Instead we have every reason to fear that at least half a million Americans will be fighting and dying in Laos, Vietnam, and Cambodia at next Christmastime unless some sanity enters the White House.

We have learned very little from the past. The Chinese sage Confucius wrote:

A man who makes a mistake and does not correct it makes another mistake.

A nation which makes a mistake and does not correct it likewise makes another mistake. We Americans are now involved in another civil war in Laos while still involved in a civil war in Vietnam.

PROJECT CITY STREETS

Mr. GOODELL. Mr. President, in keeping with the current focus on private sector involvement in urban problems, I would like to call attention to the work done by the Institute of International Education in developing a program for disadvantaged minorities—Project City Streets.

I am pleased to endorse this program which opens up opportunities for international study and travel to students and leaders from black, Puerto Rican, Mexican-American, and American Indian communities.

Project City Streets was developed as an international response to the domestic urban crisis. It endeavors to offer international experience and training to young people who are otherwise shortchanged in their quest for quality education and who, in the past, have been ignored by traditional exchange programs.

At a time when our country is exacerbated by ethnic conflict and widening polarization it is especially appropriate that our young people have the chance to learn about the diversity and similarities that mark our lives in the hope that it will then be easier for them to establish harmonious relations with their fellows. The Institute of International Education offers one way for dwellers of urban ghettos and rural poverty pockets to expand their understanding of the differences among ethnic groups and the origins of those differences—carefully preplanned observation and study programs abroad.

One of the projects offered, the community leaders program, gives minority group leaders the chance to examine vaious programs abroad. The participants undertake individually tailored projects whereby they can become acquainted with the work of organizations and community action groups in the host countries similar to the work with which they had been involved here. They also have the opportunity to meet leaders and members of local communities, observe life in these areas, and to become acquainted with the range of community efforts designed to promote the well-being of the local people. Upon their return, the participants are expected to be able to contribute more effectively to the progress and development of their own communities.

Through this part of the program, Roger Holguin, one of the founders and past presidents of the United Mexican American Student Association, traveled throughout Mexico meeting with various student and community leaders, government officials, and businessmen. He felt that his experience was essential to his own development as a leader and hopes to see the program expanded for others of his community. "Such an experience enables the young Mexican American leader to become aware of his culture, heritage, and language. He can thus become a whole man who is proud

to be a Mexican American and not ashamed, as so many are today."

As another aspect of this valuable program, Project City Streets broadens the exchange experience of foreign students, particularly potential leaders from developing countries, by taking them out of the classrooms and into the streets and corridors for practical exposure to urban problems. They work as teachers in ghetto remedial projects, as staff members of local antipoverty programs, and as aids in various government and private agencies.

One of the young leaders, a Venezuelan student of architecture, worked last summer for the South Platte Redevelopment Council in Denver. He comments on the experience in saying:

I feel I have a great opportunity here; I can test all the ideas I have gotten in school. And, I can learn how city organizations operate.

Asked whether he could apply American methods to Venezuelan problems, he replied:

Our country is underdeveloped. And, the problems will be different. But the training here will help me know how to attempt to solve them.

The program is a challenging opportunity, offering students practical on-the-job training in fields vital to the development of their homelands. These young leaders observe firsthand the programs working to provide better housing, education, jobs, and social welfare. Placed in the offices of Congressmen, Governors, mayors, and Government agencies, they can see the openness of our Government on all levels. They can witness the commitment of our leaders to the solving of urban problems. And they can know the depth of this Nation's desire to improve the quality of life for everyone.

Project City Streets is entirely supported by the private sector. Business, private clubs, individuals and foundations have all contributed to various aspects of the program. They are to be commended for their initiative, their dedication, and their determination to participate in the betterment of our society and the improvement of intercultural relations.

HITLER SCOURGE SHOULD BY ITSELF BE ENOUGH TO REQUIRE GENOCIDE RATIFICATION

Mr. PROXMIRE. Mr. President, the term "genocide" was defined by the United Nations as "acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group as such."

Concern with genocide has largely been a reaction to the brutal extermination of 6 million Jews and other groups during the 1930's and 1940's. Wholesale murder is not a pleasant thing to witness or even to hear about secondhand. The concentration camps, the terror of the SS guards, the forced labor, and the utter lack of humanity and human feeling were the very essence of the Nazi's attempts to perpetrate genocide.

The conscience of humanity was aroused, and revulsion toward these barbaric acts was worldwide. The culmination of the global reaction to these inhuman acts came in 1948, as the United Nations unanimously passed its Convention on the Punishment and Prevention of the Crime of Genocide. The United States played a vital role in fashioning this treaty.

Now, 22 years later, 75 nations have ratified the Genocide Convention. But the failure of the Senate to do so remains a significant obstacle to the international efforts to eradicate genocide.

Mr. President, the U.S. Senate must ratify the Genocide Convention. The memories and nightmares of these monstrous crimes against humanity as a whole, and the 6 million in particular, must weigh on our minds if we fail in our task.

Mr. President, I ask unanimous consent that an article by Colman McCarthy which appeared in the March 16 edition of the Washington Post be printed in the RECORD. Mr. McCarthy's column demonstrates why the threat of genocide is no less real today than it was a generation ago. His compelling article clearly illustrates why our concern with genocide must be equal to the dangers of the threat, and why the Senate must ratify the Genocide Convention.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE SURVIVORS WHO HAD A STRONG "WHY"

(By Colman McCarthy)

A quiet and heroic anniversary will be marked in the next few months by a small group of quiet and heroic human beings—the handful of Jews who 25 years ago this spring walked, stumbled or crawled out of the German concentration camps. They are the returnees from hell who emerged from the most massive, planned and effective killing operation in the history of the world; men had been group-murdered before by hate, but never had the killing been the result of nationalized hate. The survivors come from places whose names, 25 years after, are still on the map and still in the nightmares: Auschwitz, Dachau, Maidanek, Buchenwald, Ravensbruck, Treblinka, Dora Mauthausen, Belsen, Hohnstein, Belzec, Sachsenhausen and nearly a thousand others. Commander Koch, who ran one of the more "efficient" extermination camps, and the husband of Ilse Koch, had a typical slogan: "There are no sick men in my camp. They are either well or dead."

In a brilliant book, "A Sign For Cain: An Exploration of Human Violence" (Macmillan, 1966), psychiatrist Fredric Wertham writes:

"We are apt to think of concentration camps as enclosures with a few buildings surrounded by barbed-wire fences and located in isolated places. In reality, there were barracks, many buildings, big industrial installations, factories, railway stations with regular railway services, ramps, roads, connections with nearby towns and villages, big warehouses for products from the corpses and the victims' belongings, installations for torture and killing, research institutes, distributions centers, gas ovens, crematory furnaces, human bone-milling plants, gardens for the officials and so on. All this in the aggregate covered large territories and involved wide communications. These ramifications alone show the absurdity of the claim and belief that the population knew nothing about them. Thousands of people in the camps and in the population had working contacts with them. These camps were going concerns."

Six million is the round number history has settled on for the dead. The survivors were no more than a few hundred thousand, if that. Many left the camps only to die pitiably a few days later, proof that torture is a terminal illness that no massive dose of freedom can cure. Some, like novelist Elie Wiesel who is beginning to be noticed, have become watchmen of the unspeakable, letting their published words serve as outposts of reminder. A few survivors have spent the years since 1945 in mental hospitals, wondering in their silence whether it is better to lose your life or lose your mind.

Many survivors came to America, taking up life again as shopkeepers, teachers, artists, perhaps merchants, like the tormented character in "The Pawnbroker." Occasionally, a death camp survivor is met or seen by chance. Not long ago, in a crowded New York subway, an old man clutched an overhead strap-hanger. Branded onto his wrist was a number, and the Jewish star. A group of early-on teenagers, sandwiched behind the old man, were much taken with what they called "that weird tatoo." They laughed and joked, asking each other what kind of cool swinger the old man really was.

Historians have had a field day examining the reasons behind Germany's siege of madness. They largely agree that the German people wanted relief from the social and economic misery following the defeat of World War I, and that Hitler, promising this relief, was a natural drawing card. He is seen as a demonic monster now, but in the early 1930s he gained power on a platform of very reasonable goals: a greater Germany, a state that would "promote the industry and livelihood of all citizens." Old age pensions were promised, as well as state education for gifted children, land reform, etc. The ominous suggestions of racism, a stifled press and suppression of left-wing dissent were often phrased in inoffensive language, with hardly anyone imagining they would be backed up by action anyway.

Once the death camps were established, a lucrative industry sprang up, with honorable corporations contracted to make the crematories, gas chambers, chemicals and so on, for the killing and disposing of bodies. These were the board-room murderers, far from the chimneys that carried aloft the smoke of human corpses or the big boilers where Jews were made into soap; but they were not far from the progress reports, charts and graphs sent to industrialists by Himmler and the SS. In fact, the use of Jews as slave labor conveniently furthered the double purpose of Hitler's politics and Germany's economy.

Because all this happened only a generation ago, many sociologists and journalists have easily gone back for the facts. "What happened to the firms who used slave labor?" asks Wertham. "Many of them, or their successors, are doing fine. Their shares are sound financially, even if not morally. Some of the prominent men and concerns involved in these sources of labor today hold more concentrated economic power than ever." Among the better known firms that used slave labor from the death camps are Volkswagen Works, Krupp, Siemens, Argus-Works, Continental Rubber and Bavarian Motor Works. Adds Wertham: "Some commercial undertakings involved in slave labor are now closely connected with American capital, so that this period merges into our own economic system."

One alumnus of the slave labor camps is Viktor E. Frankl, formerly No. 119104 of Auschwitz. Today, he is one of Europe's most respected psychiatrists, who like Freud and Adler before him, has formed his own

school of therapy. It is based on a central theme of existentialism: to survive the suffering of life, one must find meaning in the suffering. Frankl wrote a small classic, "Man's Search For Meaning" in which he described daily life in his concentration camp and said that often the men who survived were those who had a strong, unwavering reason to survive; "he who has a strong enough *why* can endure almost any kind of *how*."

Frankl's prison-formed psychiatry has not yet found a large following in America, even though millions are trapped in the prison of modern, suburban life. Childhood events and sexual repressions are still blamed by many analysts as the causes of mental illness, whereas, according to Frankl, the victim mainly suffers a lack of meaning. His emotions and soul are hungry for a person or purpose to which they can devote their energy and neutralize life's suffering.

Occasionally, Frankl practiced his therapy in the camp, usually to prevent suicide. "I remember two cases of would-be suicides," he writes. "Both men had the typical argument. They had nothing more to expect from life." Frankl worked with the men, eventually making them realize they had reasons to endure. For one, it was a child waiting in a safe country; the second, a scientist, had a book that needed to be written. Both postponed suicide because they seized a strong *why* and thus endured the *how* of Auschwitz.

The question arises: "Why drag out again the gore and cruelty of the concentration camps? They were just a fluke of history." The question would be unanswerable except for one fact: first, the Nazi madness was not a fluke of history. Mass killing is a part of nearly every "civilized" country's history: the Crusades, the Inquisition to name the ones carried in the history books; but also the 15 million murdered in the colonization of South America, the 1.5 million Armenians massacred by Turkey in 1915, the Amritsar massacre in India, the near-annihilation of the American Indians by the pioneers and the U.S. army, the Hereros in southwest Africa. The engines of genocide may have been idling since 1945, but it is foolish to think they are not fit and ready to run on a moment's notice.

Limiting the arms race—via the much-touted SALT talks—is an honorable goal. But even if by a miracle arms are controlled, the permanent problem of war, of which arms are merely a symptom, is not solved. The great powers still believe in weapons, not words, to settle arguments. Even nations like Egypt or Nigeria, thousands of whose people die of hunger yearly, spend major parts of their budgets on arms, the ultimate perversion.

One way of keeping governments from drifting into conditions that made death camps possible is to meditate on an idea philosopher Immanuel Kant wrote in an essay called Perpetual Peace. "On the day when war breaks out, the government should immediately and voluntarily relinquish its power, for it has demonstrated that it was not able to avert the very thing whose prevention was the whole sense of its office."

If such had happened since the time Kant wrote that sentence, in 1775, at least a few hundred million lives—not counting soldiers—would not have ended in spilled blood, crematoriums or gas chambers.

BENNETT URGES HEARINGS ON POW QUESTION

Mr. BENNETT. Mr. President, war remains an inhumane way to solve world problems. For decades man has attempted to outlaw war, but unfortunately, worldwide peace remains as elusive as ever. Man, however, will not give up and his efforts to find solutions to world conflict will continue.

It is unfortunate, therefore, that in those small areas where man has succeeded in bringing some semblance of humane treatment to war that certain countries choose to ignore it. In the Hague and Geneva conventions, the nations of the world have set down laws and procedures to be followed in the treatment for prisoners of war. This, generally, has been followed in world conflicts. I only wish it would be honored by Hanoi in the Vietnam war. It is with this in mind that I call upon the North Vietnamese Government to meet its responsibilities under the Geneva Convention to make known immediately the names of all American captives. Specifically, I call upon the Government in Hanoi to grant to American prisoners the kind of humane treatment which their men have generally received at the hands of the allies. Certainly, if the Communists and the allies cannot resolve their national problems, Hanoi should at least be willing to meet its responsibility under international law as far as captors as concerned.

Surely the anxiety and the heartbreak forced upon the families at home is ample justification for any government to disclose the fate and the status of men captured in combat. Is this too much to ask?

While I feel the President has done everything within his power, I call upon him and the State Department to pursue this matter relentlessly until Hanoi acts like a civilized government and meets its international responsibilities on this prisoner-of-war question.

Another approach which I think should be pursued is a full and intensive hearing by the Senate Foreign Relations Committee on this subject. That committee has not lost any opportunities to investigate the various aspects of American policy in Vietnam. I think it should now investigate the very serious problem of American POW's. The Foreign Relations Committee could provide a valuable public service by calling to the attention of American and world public opinion the failure of Hanoi in this regard.

A resolution is still pending before the committee signed by several Senators asking that these hearings be held, and I think it is time these responsibilities be met. We can do no less for the American families and for the men involved.

THE SITUATION IN LAMAR, S.C.

Mr. CURTIS. Mr. President, on behalf of the Senator from South Carolina (Mr. THURMOND), I ask unanimous consent to have printed in the RECORD a statement which he had prepared for delivery today, together with an insertion.

There being no objection, the statement and insertion were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR THURMOND

Mr. President, the News and Press of Darlington, S.C., recently published an excellent editorial concerning the situation in Lamar, S.C., entitled "Dear Mrs. Dreitlein." This editorial has had a tremendous response in the Darlington area, and I believe it deserves the attention of a wider audience.

It explains poignantly and eloquently the feelings, the problems and the frustrations of the people in Darlington County in their recent difficulty. This editorial was written by Morrell Thomas, Jr., publisher of the News and Press.

DEAR MRS. DREITLEIN

MARCH 7, 1970.

Mr. MORRELL L. THOMAS, Jr.,
News and Press,
Darlington, S.C.

DEAR MR. THOMAS: I wish to express myself as a white person to the people of Darlington, through your newspaper.

This morning I was ashamed to be white, you made me that way. Many horrid things have happened to both whites and blacks in this country, but Darlington will always remain as the worst. When men, and I find it difficult to use that word, attack children, and arm themselves with ax handles, heavy chain links, screw drivers sharpened to a point and bricks I find it impossible to accept as a human, as a white, but mostly as an American.

You 200 "men", and everyone who wishes them well are trash of the lowest order! I have never said that to anyone before because I have never heard of anyone so low before.

MRS. JOSEPH DREITLEIN.

BOULDER, COLO.

DEAR MRS. DREITLEIN: Ordinarily we do not reply to letters such as yours, but we shall make an exception today.

I, along with several thousand other citizens of Darlington County, do attend church services fairly regularly, and in the past few weeks have heard several sermons devoted to the religious aspects of integration. Your letter therefore brings to mind advice from the Power which created us as we are: "Judge not, that ye be not judged" and "He that is without sin among you, let him cast the first stone". And also a secular quotation, by Spinoza: "I have made it my earnest concern not to laugh at, nor to deplore nor to detest, but to understand, the actions of human beings."

There are about 60,000 of us in Darlington County, not quite equally divided between Black and white. When the national television and radio networks described violence in Lamar, South Carolina, last Tuesday, I daresay ninety-five percent of us were appalled and ashamed.

But a closer look at what actually occurred in Lamar paints a different picture than that which has aroused your hatred. I was not in Lamar myself on Tuesday, but I have talked with responsible law enforcement officers who were. They tell me a crowd of 150 to 200 angry men and women surrounded three school busses which were delivering Black school children to the previously predominantly white Lamar schools. Officers were successful in permitting the first bus to pass. This aroused group, however, ripped loose the ignition wires of the other two busses and began hitting them with various objects, breaking windows and denting the exteriors.

During this time officers were assisting children from the bus and into the safety of the schools. Several children were injured slightly by fragments of broken glass, and as they walked onto the school grounds one child was struck by a flying object and knocked to the ground, again without serious injury.

No children were attacked by this mob. Officers say the disturbance could have been subdued at the outset, but probably at the

cost of several lives. Instead they chose to allow major damage to two state school busses. I think they chose wisely.

After they received this true account, Darlingtonians could be even more sympathetic with the Vice President's recent criticism of the national news media for their editorialized reporting. It is ironic that he himself fell victim to an early account and issued a statement almost as unfair as yours.

It may be easy for you from your lofty perch fifteen hundred miles away in Colorado to judge and condemn Darlington citizens. I do not know much about your state—perhaps no more than you know of mine—but I am aware of Colorado's history of violent warfare between the railroads and among sheep and cattle interests. I do know that bitter union battles were fought in your mines . . . battles which were reminiscent of your early days of Indian warfare. So you do have a mote in your own eye.

You cannot understand the feelings and the frustrations of these 200 people in Lamar, South Carolina, Mrs. Dreitlein, because you have not lived your life in the South. You know nothing of the shoddy treatment which has been accorded our area for years.

We Darlingtonians for years have been appalled by violence in other sections of our country. We watched Watts burn with horror. We were indignant at mob violence and—yes, death—in Maryland, Harlem, Chicago, Arkansas, Alabama, Mississippi, even in our nation's capital. These blots on the character of America make last week's incident at Lamar seem like child's play. No knowledgeable person could consider Darlington "the worst."

But indignant as we were over these evidences of racism elsewhere in our nation, I hope that no Darlingtonians wrote their fellow Americans a letter such as yours. The venom which flows through your pen is to me as detestable as the mob passion last week in Lamar.

Let me add parenthetically that in recent days following our instant integration I have talked with many parents of Black students. Without exception they have been as miserable over the forced changes as the white pupils. This gives hope to those of us who feel that ultimately the people of our great country will rise up and demand a sensible freedom of choice school plan, enforced uniformly and fairly throughout the fifty states.

In the meantime, we covet your fairness and an understanding of our difficult problem.

MORRELL THOMAS.

WELFARE REFORM AND INCOME MAINTENANCE

Mr. GOODELL. Mr. President, I would like to bring to the attention of my colleagues an address I made on Monday, March 30, before the National Conference of Christians and Jews on the subject of welfare reform.

In this speech, I outlined a major welfare bill which I will be introducing soon.

The bill will be based on the recommendations of the Heineman Commission which reported to the President last November.

It will establish a federally financed minimum welfare payment at the poverty line figure of just under $3,800 per year for a family of four.

It will create a true system of national income maintenance; provide universal coverage for all impoverished persons; and abandon the discredited inquisitorial concept of welfare.

Mr. President, I ask unanimous consent that the text of my speech be printed in the RECORD.

There being no objection, the material was ordered printed in the RECORD, as follows:

TOWARD A NATIONAL SYSTEM OF INCOME MAINTENANCE

Two millennia ago, when a sated middle class watched an impoverished underclass starve, the prophet Isaiah reminded the children of Israel:

Is it not to deal thy bread to the hungry,
And that thou bring the poor that are cast out to thy house?
When thou seest the naked, that thou cover him;
And that thou hide not thyself from thine own flesh?
Then shall thy light break forth as the morning . . . (Is. 58: 7, 8).

To his people grown indifferent in their material abundance, Isaiah warned:

The lofty looks of men shall be brought low,
And the haughtiness of men shall be bowed down," (Is. 2: 11).
For they would not care for their brothers.

We, too, have reached such an age.

It is an age of incredible affluence, and it is an age of hunger.

It is an age of proliferating PhD's, and an age of little children mistaking the picture of an elephant for the only animal they have been educated to know—the rat.

It is an age of mink coats for ladies and knitted coats for poodles on Park Avenue, and it is an age of rags for five-year-olds in Harlem and Appalachia, rags that prevent children from going to school for fear their garments will fall from their backs and leave them exposed to the cold of the elements and the derision of their classmates.

This decade, this year, this session of Congress is the time to decide whether we can in conscience allow children to wear rags in a land of riches.

This is the time to affirm in action, not recite in rhetoric, that it is indeed our sacred duty to be our brother's keeper.

This is the time to commit our nation, once and for all, to guaranteeing a minimum liveable income for every one of its impoverished citizens.

Our existing welfare system has failed us. It discriminates among the poor, aiding some and ignoring others in a wholly arbitrary fashion. It provides incentives only for idleness, dependence and family breakup. Designed to save money instead of saving people, it tragically ends by doing neither.

The present welfare structure leaves the amount of welfare benefits wholly to the discretion of the states and localities. This has created a crazy patchwork, in which benefit levels range from a high of $77 per month per child in Massachusetts to the shockingly low figure of $10 per month per child in Mississippi. Those states and localities that take their responsibilities seriously are penalized by high welfare costs and growing welfare rolls. Those states and localities that do not, are rewarded by low welfare costs and succeed in exporting their poor.

The principal existing Federal welfare program—known as Aid to Families with Dependent Children—is designed only to assist the unemployed mother who heads a family. It penalizes families that are intact. It ignores the working poor—those 8 million men, women and children who live in families headed by someone who works all year round, but does not earn a liveable income. These are the families that have accepted American middle-class values, that have tried to follow the vision of Horatio Alger, but have not received their just due.

President Nixon has proposed the most revolutionary reform of our failing welfare system since the New Deal. In place of further studies and further tinkering with an inadequate structure, he has sought fundamental change. His proposals constitute an historic first step towards a national system of income maintenance.

The President's plan will, for the first time, create a Federally-established and Federally-financed minimum welfare assistance level. It thus recognizes the essential principle that a destitute person should be entitled to a nationally prescribed minimum of assistance, no matter where he lives. And it recognizes that only the Federal government has the fiscal resources to carry the main burden of welfare aid—that states and localities simply lack the resources to provide for their poor.

The President's plan is designed to aid intact families and families of the working poor. It makes a family's need the criterion of assistance. Instead of penalizing those that work, it creates new work incentives.

These are far-reaching reforms. They are reforms of which the President can be justly proud.

I am convinced, however, that still more must be done if we are to create a welfare system that is workable and fair. Welfare reform must build upon the President's proposals; it must, however, go beyond them to create a true system of national income maintenance.

The Administration proposal sets the Federal minimum welfare payment at $1,600 per year for a family of four.

This is inadequate.

It is less than all but five of the poorest states are providing under the present, state-operated welfare system.

It is less than half of the amount the Social Security Administration defines as the "poverty level"—which is just under $3,800 per year for a family of four.

This $3,800 "poverty level" figure constitutes the barest minimum needed for subsistence. It is calculated on the basis of the Department of Agriculture's "economy food plan" which, according to the Department, is designed only for "temporary emergency use", and "is not a reasonable measure of the basic money needs for a good diet."

The respected Bureau of Labor Statistics has calculated a substantially higher poverty line figure—a little over $6,500 per year for a family of four. This is a more realistic estimate of the amount actually needed for subsistence.

I believe we can do no less than to set the Federal minimum welfare payment at the $3,800 poverty line. That is not a generous figure. It is barely an adequate one. By going below this amount, there is clear danger of consigning welfare families to malnutrition, inadequate clothing, slum housing—in short, to the most serious poverty and want.

The Administration plan covers only families with minor children. Childless couples and single individuals are excluded. Still more incongruous, a couple with a 17-year-old child would lose their benefits the day the child turns 18.

There is no justification for such discrimination among the poor. All persons below the poverty line should be eligible for assistance, regardless of their marital or family status.

The Administration continues the role of the states in administering the welfare system. This role has largely been one of serving as welfare policeman—of wasting time and money in demeaning field checks of the eligibility of each individual applicant.

It is time to move away from this inquisitorial concept of welfare.

The Federal government should assume the administration of the welfare system and operate it on the pattern of the Social Security system—with written applications,

automatic mailing of payments, and audits or spot checks for enforcement purposes. State welfare agencies should be relieved of their role as welfare policemen, and allowed to perform their proper function of counselling and assisting needy individuals.

The Administration bill requires all welfare recipients, save those specifically exempt, to accept "suitable" work whenever available, as determined by the Labor Department.

This is as impractical as it is offensive.

A similar work requirement has been in existence under the Work Incentive Program (WIN) of 1967, and it has been a spectacular failure. Of 600,000 welfare recipients that qualified under this program by last year, only 100,000 were referred for mandatory work or training—and only 30,000, or 5% actually found jobs or training programs.

In a time of rising unemployment, the prospects of success of a mandatory work requirement are still more remote. Laws cannot force people to take jobs, if jobs are not available.

A work requirement is demeaning. If job openings are perceived as being worthwhile in terms of the income and the personal satisfactions they provide, they will be filled voluntarily. If not, then we should be changing the nature of the openings available. Dead-end jobs inevitably result in high turnover, and no legal compulsion can change that fact.

Above all, a work requirement punishes children for the actions of their parents. It means that if the mother refuses to work, the child will receive no aid, will be brought up in the direst poverty, and will ultimately become incapable of working himself.

In January 1968, President Johnson appointed a distinguished President's Commission on Income Maintenance, under the chairmanship of Ben Heineman, President of Chicago's Northwest Industries. That Commission, with the aid of an outstanding staff, reported to President Nixon in November 1969. Its report was headlined in the *New York Times*, and hailed by virtually every academic expert in the field. Unfortunately, the report appeared after the Administration plan had already been made public. As a result, it was shelved by the Administration and never introduced in the Congress.

The plan proposed by the Heineman Commission seeks the Administration's objectives while meeting the shortcomings of the Administration bill.

The Heineman plan moves towards a minimum income maintenance standard based on the poverty level. It eliminates the categorical structure of the present system, and provides universal coverage of all impoverished persons. It Federalizes the welfare system and abandons the discredited inquisitorial concept of welfare. It provides a work incentive by allowing recipients to retain a part of their earned income, without imposing harsh and unrealistic work requirement.

The Heineman proposal also provides for an annual adjustment of Federal income maintenance levels, designed to reflect the changes in the cost of living. It eliminates the food stamp program—with its demeaning separate food lines at grocery stores—and substitutes the cash needed to buy food. It provides emergency relief for individuals struck by personal disasters and makes special provisions for those who earn seasonally eratic incomes. None of these features are found in the Administration bill.

With one substantial modification, I intend to propose in Congress, as a major alternative to the Administration proposal, the legislation proposed by the Heineman Commission. This is the carefully considered product of a panel which met for nearly two years with highly skilled staff assistance. It deserves the full consideration of Congress.

The Heineman Commission recommended that the Federal minimum welfare payment initially be set at $2,400 per year for a family of four. This is somewhat less than halfway between the Administration's clearly inadequate payment of $1,600 per year and the Social Security Administration's poverty line figure of just below $3,800 per year.

The $2,400 figure is an arbitrary one, arrived by the Commission in recognition of budgetary constraints. The Commission recommended that the Federal minimum payment be increased to the poverty level by 1975.

I will include in my bill a provision for an immediate maintenance level at the poverty line figure of just below $3,800. That is, as I have said before, the barest minimum needed for subsistence. By going below this figure, we are abandoning the poor to still more years of misery and desperation.

My bill will provide work incentives for all welfare recipients, until their incomes rise above the Bureau of Labor Statistics' subsistence figure of about $6,500 per year for a family of four. Welfare recipients earning below this amount will thus be able to retain a portion of their welfare benefits. The Heineman plan contains a similar work incentive, but with a somewhat higher maximum limit.

The total welfare cost under the bill I am proposing will be in the neighborhood of $30 billion a year, with the Federal government contribution amounting to about $25 billion. This compares with an estimated total cost of $17 billion a year for the Administration plan and $11 billion for the persent system.

The additional cost—$13 billion above the Administration plan—is admittedly substantial. No less an investment, however, will be adequate to solve the welfare problem.

One half of this additional cost can be met by extending the 5% surtax beyond its June 30 expiration date—a step which I have long urged.

The other half can be met from existing revenue sources. To assure the budget remains in balance, this would require a further reduction in Vietnam and other military spending. Such a reduction, however, is amply justified on its own merits as well as on the basis of proper national priorities.

On my return to Washington and the reconvening of the Senate after Easter recess, I will introduce this bill. I will fight to ensure that never again will Americans go hungry because their country has refused to treat them as its own. I hope that in this battle, I will have your support.

RETREAT FROM THE BATTLE TO SAVE THE GREAT LAKES

Mr. PROXMIRE. Mr. President, 2 weeks ago I wrote Secretary of the Interior Hickel asking him to reconsider the apparent decision of his Department to virtually dismantle the Federal Great Lakes Fishery Laboratory at Ann Arbor, Mich. It is my belief that this action is a drastic mistake, and could not possibly come at a worse time.

The Ann Arbor laboratory has been in the forefront in the fight to save the Great Lakes. Through its fishing surveys and comprehensive studies of overall environmental quality of the lakes the laboratory has achieved national and worldwide recognition. The Ann Arbor laboratory has been responsible for calling to the attention of the public the rapid environmental deterioration of the Great Lakes in general and Lake Erie in particular. Its studies into the effect of industrial and municipal discharges and heat effluents from thermonuclear powerplants on the environment of the lakes and the fish population have been extremely valuable. The laboratory has also been responsible for warning of the alewife threat and working on means to eliminate it; for developing a selective chemical to control the sea lamprey; for calling attention to the pesticide threat and taking an active role in fighting it; and for the publication of over 400 technical papers relating to the environment and fish stocks of the Great Lakes.

Although the accomplishments of the Great Lakes Fishery Laboratory have been many, the fact remains that the battle is entering a critical stage. Now is not the time to run from the battle, now is not the time to cut back on the personnel who have been effectively waging this fight. The Ann Arbor laboratory and all its programs should remain. To eliminate many of the programs being administered by the Ann Arbor laboratory must be viewed for what it is—a retreat from the battle to save the Great Lakes.

Mr. President, I recently read an article in the Journal of the American Association for the Advancement of Science by Luther J. Carter that goes to the heart of this matter. I, therefore, ask unanimous consent that this article, entitled "Fisheries Research: Rejuggling of Priorities Is Assailed," be printed in the RECORD at this point.

There being no objection the article was ordered to be printed in the RECORD, as follows:

FISHERIES RESEARCH: REJUGGLING OF PRIORITIES IS ASSAILED

According to some biologists and certain members of Congress, the Bureau of Commercial Fisheries (BCF), an agency of the U.S. Department of the Interior, is behaving as though it were deaf to all the talk by President Nixon about arresting environmental deterioration and using resources wisely. A major case cited in point is the bureau's plans, which are part of the President's fiscal 1971 budget, to reduce research activities at its Ann Arbor Biological Laboratory, an institution which has had a major part in identifying and combating problems threatening the Great Lakes.

And the bureau is closing altogether its biological laboratory at Milford, Connecticut, a shellfish research facility which has been doing pioneering work in acquaculture since 1940. The decision to close the Milford laboratory has brought an outcry from a number of fishery biologists who feel that top officials of the BCF are foolishly emphasizing fishing for diminishing stocks of wild fish in the open ocean. What BCF should be doing, these critics contend, is devoting increasing attention to aquaculture, or the production of fish and shellfish under controlled conditions.

The fund cutback at Ann Arbor, which will reduce the laboratory's research effort by nearly a third, is being justified largely as part of the administration's program to check inflation. But it also reflects the BFC's decision to give less emphasis to biological research in the Great Lakes. The Great Lakes fisheries are no longer have an important commercial value, and BCF officials clearly would like to transfer the Ann Arbor laboratory over to a new Interior agency, the Bureau of Sport

Fisheries and Wildlife (BSF&W). The possibility of such a transfer is now under consideration by the two bureaus and the Fish and Wildlife Service, of which they are a part.

Scientists at the laboratory fear that the transfer could be ruinous because the BCF will not, if it can be avoided, give up any of its own funds to the BSF&W; rather, this latter agency (which is having its own budgetary problems) would be left to seek new appropriations for the laboratory. Whatever the laboratory's ultimate fate, its prospects in the short run are plainly discouraging. According to Ernest D. Premetz, the BCF's deputy regional director for the Great Lakes, dismissal notices have gone out to 19 of the 82 people on the research staff and nine of those being dropped are professional biologists.

The Ann Arbor laboratory is the only major fishery research institution on the Great Lakes, and its scientists were the first to warn that Lake Erie was in desperate trouble from pollution. Also, this laboratory is credited with having developed methods for control of the lamprey, a predator which devastated the lake trout fishery in the upper Great Lakes during the 1940's and 1950's. And, at present, the laboratory is deeply engaged in research on questions such as the population dynamics of the alewife (a herring whose massive die-offs have been a major nuisance) and the effect of pesticides on the Great Lakes fishery.

TIES WITH UNIVERSITIES

Karl F. Lagler, professor of fisheries and zoology at the University of Michigan's School of Natural Resources, told *Science* that any setback to the laboratory's research will be keenly felt by the Great Lakes research programs at the University of Michigan and at other institutions. According to Lagler, the laboratory has long had close ties with universities in the Great Lakes area with respect to research and the training of graduate students.

U.S. Representative Marvin L. Esch of Ann Arbor is seeking to rally members of Congress from the Great Lakes area against any action impairing the laboratory's effectiveness. Esch, a Republican, notes that President Nixon recently visited pollution-control facilities in Chicago to dramatize his interest in environmental protection. "Surely this administration does not intend to drain the vitality of the country's only major freshwater research facility," he says.

William M. Terry, BCF's acting deputy director, replies that, while BCF does not question the importance of the Great Lakes as a national resource, its research program at Ann Arbor could not escape reductions. This year the agency has a budget of $52 million, of which far more is for research (over $20 million) than for any other activity; in the President's budget for next year, Terry points out, BCF has been cut to $45 million. A BCF budget document explains that $1.5 million of this $7 million reduction in agency funds will come from "low-priority biological research programs [including those at Ann Arbor and Milford] not critical to programs planned for major emphasis." The same document states that the agency will focus primarily on assessing stocks of fish and shellfish and developing better and cheaper methods to enable fishermen to locate and harvest them.

RALLYING OPPOSITION

The BCF's biological laboratory at Milford, on Long Island Sound, is scheduled to be closed in May, with a budgetary saving of $150,000 for next year resulting. Its staff, which includes six Ph.D.'s and seven other biologists, has been attempting to forestall the closing by rallying the support of scientists and others who know the laboratory. In a letter sent out last month, the staff pointed out that the laboratory, which only 3 years ago moved into a new $1.3-million building, is unique among fishery research facilities, having been designed specifically for aquacultural research.

Recently, a number of scientists have written members of Congress and various administration officials protesting the plans to close the laboratory. In one such letter, Myra Keen, president of the Western Society of Malacologists and professor of paleontology at Stanford, has observed: "Most fisheries' work is on a par with the hunter state of human cultural evolution—taking food where it is found. Aquaculture or mariculture corresponds to the agricultural stage of nomads who settled down to produce food and in the process began civilization. It is tragic that, just when we as a nation are realizing the need to increase food production from the sea, a facility that has pioneered in sound [aquacultural] methods should be . . . scuttled."

BCF officials have said that, except for the work in genetics (which they hope somehow to continue), the research at Milford should be taken over by industry and the coastal states. Commenting on this, Melbourne R. Carriker, director of the systematics-ecology program at the Marine Biological Laboratory at Woods Hole, told *Science* that, even if much of the laboratory's applied research should be left to others, the laboratory should not be closed but, rather, its program should shift to ecological investigations in which shellfish behavior, physiology, and genetics are studied in relation to environmental conditions. Carriker said that the laboratory could, for example, use its exceptional facilities for the spawning and rearing of mollusks in testing the effects of pollutants on the larval stages.

The BCF has had a program of aquacultural research at its biological laboratory at Oxford, Maryland, but this work too is being phased out. However, the Oxford laboratory, where work has been primarily in the field of shellfish diseases, has been spared a budget cut and is in no imminent danger of being closed; it is located in the district of Representative Rogers C. B. Morton, the Republican National Chairman. The Milford laboratory's lack of immunity to closing orders may perhaps be partly explained by the fact that his facility is situated in a district and state represented in the House and Senate by Democrats.

REVERSAL POSSIBLE

The decisions to close the Milford laboratory and to cut back research at Ann Arbor may well be reversed in Congress. Representative Robert N. Giamo (D-Conn.), whose district includes Milford, is a member of the House Appropriations Committee and has appealed for help to Representative Julia Butler Hansen (D-Wash.), the chairman of the Appropriations subcommittee handling the BCF budget. According to one of her aides, Mrs. Hansen, who represents part of the Puget Sound area, takes a keen interest in fishery problems and hopes to see the programs of the Milford and Ann Arbor laboratories continue.

If both of these laboratories should be dismantled, the skies will not fall. And one would not have trouble finding other equally worthy federal research activities that are in jeopardy for lack of funds. However, the case for providing the relatively modest funds necessary to continue the programs at Milford and Ann Arbor is a strong one, especially when the Nixon administration is requesting billions for highly debatable projects such as the supersonic transport and the antiballistic missile.

RIGOROUS NATIONAL AIR POLLUTION STANDARDS

Mr. GOODELL. Mr. President, it is imperative that we tighten up now the weaknesses in existing air pollution legislation. The Air Quality Act of 1967 and other clean air legislation do not provide adequate emission standards and air quality standards for imposition upon industrial and municipal polluters.

In testimony before the Air and Water Pollution Subcommittee of the Senate Public Works Committee, I recommended an agenda for Federal action in the field of air pollution. My proposals include:

Elimination of the inflexible regional structure upon which current air pollution legislation is based, and substitution of naitonal air quality standards;

Establishment of uniform national emission standards, to be incorporated into all State pollution control plans;

Transfer from the Federal Aviation Administration to the Department of Health, Education, and Welfare of the authority to set noise and air pollutant emission standards for aircraft;

Transfer from the Atomic Energy Commission to HEW of the authority to set safety and pollution standards in nuclear development;

Introduction of public hearings into the national standard-setting process and the enforcement process on air pollution;

Provision to HEW of the power to issue cease-and-desist orders to violators of national emission standards; and

Establishment of a number of means by which private parties, including conservation groups, may bring actions for injunctive relief against violators of the emission standards.

Mr. President, I respectfully request that my testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD. as follows:

TESTIMONY BY SENATOR CHARLES E. GOODELL BEFORE THE SUBCOMMITTEE ON AIR AND WATER POLLUTION OF THE SENATE COMMITTEE ON PUBLIC WORKS, MARCH 26, 1970

Mr. Chairman, 19 centuries ago the philosopher Seneca, recognizing the problem of air pollution in urban areas as a threat to public health, complained of "the heavy air of Rome" caused by the "stink of the smoky chimneys" with their pestilent vapors and soot."

Man has, in nearly 2,000 years, changed little. Scientists have recently concluded, after a fruitless search of the remotest corners of this country, that the United States ran out of clean air six years ago when pollution from California finally reached Flagstaff, Arizona. It would seem that man has retrogressed beyond the nightmare of his ancestors.

I. THE UTILITY OF NATIONAL AIR QUALITY STANDARDS

Mr. Chairman, I have cosponsored th Administration's amendments to the Clear Air Act, S. 3466, and I endorse the emphasi, of that proposal—the national ambient air quality standards which are to be imposed by the Secretary of Health, Education and Welfare. I disagree, therefore, with the regionally-based structure of the Air Quality Act of 1967 and of S. 3546, Senator Muskie's proposed National Air Quality Standards Act of 1970.

There is a fundamental difference in philosophy between the nationally-based approach of the Administration bill and the regionally-based approach of the existing legislation and of S. 3546. The first report of the Secretary of Health, Education and Welfare on the Air Quality Act of 1967, made to this

Congress in June 1968, describes the present structure of air quality control regions, and argues that "Because air pollution is essentially a regional problem, the most effective way to attack it is on a regional basis."

I take issue with that approach. According to the Secretary's report, air quality control regions are to be set up not only upon the basis of geographic meteorological variances, but also in light of the location and quantity of pollution emissions, social and governmental factors, projected patterns of urban growth, and various political considerations. It is my belief that the latter factors should not be determinative in measuring the danger to human health from pollutants in the air.

No matter what the social and governmental factors, human beings in different parts of the country will be equally endangered by equal concentrations of any given pollutant under similar atmospheric conditions. That is why I believe that the Federal government ought to set maximum levels for each pollutant and enforce those levels nationally.

Regional standards would impose unequal production costs upon competitive firms in the same industry who happen, though they discharge exactly the same pollutants with exactly the same atmospheric effects, to be on different sides of a regional boundary. This is inequitable.

To account for regional atmospheric variations, it is not necessary to establish defined atmospheric areas within which different standards will be applied. Rather, the Department of Health, Education, and Welfare should, as part of the process of establishing national standards of maximal pollutant levels, calculate a discounting scale which will correct for atmospheric divergencies.

The advantage of a discounting procedure over the present regional structure lies in the elimination of unequal treatment of competitive industries presently on different sides of a regional boundary. Moreover, chronological changes in atmospheric conditions may be far more flexibly corrected by the application of a changed discount ratio than by the changing of regional boundaries.

As I support the national air quality standards, so also do I support the national emission standards suggested by Senator Muskie's Air Quality Improvement Act, S. 3229. As enforcement of national ambient air quality standards would be far easier and less delayed than enforcement of state and regionally-based standards, so also would enforcement of national emission standards be less cumbersome than that of any state-based plan. Consequently, I will introduce an amendment to the Administration's bill which will have the effect of imposing national emission standards. It will do so by mandating that each State or interstate agency shall include in its air quality implementation plan emission standards prescribed by the Secretary of Health, Education and Welfare. The standards would be applicable to emissions from all types of vehicles, vessels, aircraft, and engines.

II. THE PROTAGONISTS OF ENFORCEMENT

Enforcement of regulatory standards has too often been undermined because enforcement responsibility has been given to the wrong agency.

Federal noise abatement legislation enacted in 1968, for example, empowers the Federal Aviation Agency to set noise and sonic boom requirements as part of its authority to certify aircraft. The FAA is essentially an aviation development agency, with close ties to the aircraft industry, which is not likely to impose truly effective noise or air pollutant emission standards.

I will, therefore, introduce legislation which will transfer from the FAA to the Department of Health, Education and Welfare the authority to set noise and air pollutant emission standards for aircraft.

Similarly, placement of responsibility upon the Atomic Energy Commission for enforcement of radiation safety and particulate and gaseous emission standards appears to have been an error. The AEC, too, is an agency which shares the developmental goals of its associated industry, and those goals are in conflict with rigorous enforcement of emission standards.

I will, therefore, introduce legislation, similar to that proposed in the House by Congressmen Bingham and Dingell, which will transfer from the AEC to the Department of Health, Education and Welfare the responsibility for enforcement of safety and pollution standards in nuclear development.

III. THE PROCESS OF ENFORCEMENT

It is crucial that we focus not only upon the rigor of standards, not only upon the agency responsible for enforcement, but also upon maximizing the efficacy of the process of enforcement itself.

That is why I support the provisions in Mr. Muskie's National Air Quality Standards Act of 1970 that public hearings, at which any interested parties—including environmental protection groups—may speak, should become part of the enforcement process of emission standards. So too should public hearings be part of the standard-setting process of the Department of Health, Education, and Welfare. I will introduce amendments to that effect to the Administration bill.

In order that speedy enforcement may be achieved, it is imperative that the Air Pollution Control Administration have the power to issue cease and desist orders to emission standards violators, as provided in Senator Muskie's legislation.

We must reduce the built-in delays in present enforcement and standard-setting structures—which provide for endless conferences, hearings, and other enforcement delays of up to 5 years. Federal standards and cease and desist orders should, presuming public hearings and fact-finding before their issuance, become effective immediately upon their promulgation. Court appeals to stay the promulgation of standards or the enforcement of cease-and-desist orders should be allowed. The standards or orders should, however, remain in effect—as Senator Muskie's proposal provides—unless and until the court issues a stay order.

Moreover, interested private parties should be given, by legislation, the authority to go to court in order to seek enforcement of pollution standards.

The customary argument against private suits is that the lack of decisional standards will lead to a lack of uniformity in enforcement as courts in different jurisdictions adopt different tests of reasonability.

That argument is not applicable here, since the legislation which I support would establish national air quality standards and national emission standards, as well as providing for explicit state implementation plans. Courts could, thus, measure pollution levels in any particular area against fixed statistical standards publicized by the Department of Health, Education and Welfare. They could measure municipal and state efforts to implement standards against the explicit implementation plans which each state will have proposed and the Department will have approved.

Given the existence of explicit standards and implementation plans upon the basis of which courts will be able to make determinations, it would be beneficial to allow private intrested parties to (1) intervene as parties plaintiff in Federal and other governmental suits for equitable relief, such as injunction, to enforce emission standards, (2) file *amicus curiae* briefs in such suits and in governmental damage suits against polluters, and (3) have standing to seek equitable relief against any state, municipal, or interstate body which fails to act in accordance with its own implementation plan which had been approved by the Department of Health, Education and Welfare.

Federal legislation should provide that the full litigation costs—including particularly the costs of providing expert scientific testimony—of such private parties will, upon their winning any suit, be assumed by the unsuccessful defendants. That provision would remove what is probably the largest financial impediment to the litigative effectiveness of private conservation groups.

CONCLUSION

Studies and research, as in the field of solid waste disposal, must continue, but the time for studies and research alone is past. It is the responsibility of Congress to pass, now, effective legislation which will provide for the establishment of rigorous national standards and effective enforcement procedures.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

S. 3425—AMENDMENT OF THE WAGNER-O'DAY ACT—REFERRAL OF BILL

Mr. BYRD of West Virginia. Mr. President, S. 3425, a bill to amend the Wagner-O'Day Act to extend the provisions thereof to severely handicapped individuals who are not blind, and for the purposes, was referred to the Committee on Commerce through error. I, therefore, ask unanimous consent that the Committee on Commerce be discharged from consideration of this bill and that it be rereferred to the Committee on Labor and Public Welfare.

The PRESIDING OFFICER. Without objection, it is so ordered; and the bill will be rereferred to the Committee on Labor and Public Welfare, as requested.

EXTENSION OF PROGRAMS OF ASSISTANCE FOR ELEMENTARY AND SECONDARY EDUCATION—CONFERENCE REPORT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate now proceed to the further consideration of the conference report on H.R. 514, to extend programs of assistance for elementary and secondary education, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is on the adoption of the conference report on H.R. 514, to extend programs of assistance for elementary and secondary education, and for other purposes.

ADJOURNMENT UNTIL 10 O'CLOCK TOMORROW MORNING

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move under the previous order, that the Senate stand in adjournment, in legislative session, until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 4 o'clock and 6 minutes p.m.) the Senate adjourned, in legislative session, until 10 a.m. tomorrow.

NOMINATIONS

Executive nominations received by the Senate March 31, 1970:

U.S. DISTRICT JUDGE

James L. Oakes, of Vermont, to be U.S. district judge for the district of Vermont vice Ernest W. Gibson, deceased.

NATIONAL SCIENCE FOUNDATION

The following-named persons to be Assistant Directors of the National Science Foundation (new positions):

Edward C. Creutz, of California.
Lloyd G. Humphreys, of Illinois.
Louis Levin, of Maryland.
Thomas B. Owen, of Washington.

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

Subject to qualifications provided by law, the following for permanent appointment to the grades indicated in the Environmental Science Services Administration:

To be lieutenant commanders

Floyd S. Ito	William M. Noble
Christopher C. Mathewson	Roger H. Kerley
Irving Menessa	Charles H. McClure

To be lieutenants

Glenn H. Endrud	David M. Chambers
John H. Snooks	Richard S. Young
James P. Travers	Bruce W. Fisher
Douglas F. Jones	Ted G. Hetu
Kenneth W. Sigley	Michael Kawka
Efrem R. Krisher	Michael J. Moorman
Gordon F. Tornberg	Philip D. Hitch
Glenn M. Garte	Clarence W. Tignor
Melvyn C. Grunthal	John J. Lenart
Lawrence C. Hall	Stephen E. Foster
William D. Neff	Gregory R. Gillen
V. Kenneth Leonard, Jr.	William R. Daniels
	Lynn T. Gillman
Douglas A. Danner	Floyd Childress II
Thomas C. Howell III	Charles N. Whitaker

To be lieutenants (junior grade)

James A. Buschur	Pressley L. Campbell
Roland W. Garwood, Jr.	Gerald B. Mills
	David J. Goehler
Tom Gryniewicz	Abram Y. Bryson, Jr.

HOUSE OF REPRESENTATIVES—*Tuesday, March 31, 1970*

The House met at 12 o'clock noon.

Rev. Jack P. Lowndes, Memorial Baptist Church, Arlington, Va., offered the following prayer:

God is our refuge and strength, a very present help in trouble.—Psalm 46: 1.

Lord, we do believe. Help Thou our unbelief. Give us more faith to believe that the Lord of Hosts is with us, that Thou are indeed our refuge.

We acknowledge that Thou art the God of the future as well as the present. May Thy spirit be infused into the wisdom of our modern world giving us the higher wisdom we need. We wait upon Thee for Thou are the living God who alone knowest the secrets of time and space and the good things prepared for them that love Thee. May Thy spirit work upon this Nation and this world so that this will be a decade when our energies will be used for the betterment of all Thy family on earth, through Jesus Christ our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, March 26, 1970, was read and approved.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On March 19, 1970:

H.R. 14944. An act to authorize an adequate force for the protection of the Executive Mansion and foreign embassies, and for other purposes.

On March 25, 1970:

H.R. 1497. An act to permit the vessel *Marpole* to be documented for use in the coastwise trade.

On March 26, 1970:

H.R. 11959. An act to amend chapters 31, 34, and 35 of title 38, United States Code, in order to increase the rates of vocational rehabilitation, educational assistance, and special training allowance paid to eligible veterans and persons under such chapters; to amend chapters 34, 35, and 36 of such title to make certain improvements in the educational programs for eligible veterans and dependents; and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1289. An act to amend the International Travel Act of 1961, as amended, in order to improve the balance of payments by further promoting travel to the United States, and for other purposes;

S. 2999. An act to authorize, in the District of Columbia, the gift of all or part of a human body after death for specified purposes; and

S. 3072. An act to stimulate the development, production, and distribution in interstate commerce of low-emission motor vehicles in order to provide the public increased protection against the hazards of vehicular exhaust emission, and for other purposes.

THE LATE HONORABLE LEONARD WOLF, FORMER MEMBER OF CONGRESS, SECOND DISTRICT OF IOWA

(Mr. KASTENMEIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KASTENMEIER. Mr. Speaker, it is my very sad duty to announce to the House the passing of a former colleague of ours, the Honorable Leonard Wolf of the Second District of Iowa. I do this in consultation with and on behalf of the gentleman who represents the Second District of Iowa at the present time (Mr. CULVER). I also do this for many of his other friends in this body and in my own behalf, because Leonard Wolf was born in Mazomanie, Wis., in my district. He grew up there and tomorrow he will be interred there, at the untimely age of 44.

He, Mr. Speaker, loved this House. I say this, among other things, because only within a matter of the last few months he, in association with others of our former colleagues, was a leading figure in the formation of a group of former House Members.

Mr. Speaker, Leonard Wolf since he left this body at the end of the 86th Congress devoted himself, as he did while he served this body, to mankind. He served exclusively for 9 years in the fields of alleviating hunger and feeding starving people.

He served in Brazil, in the remote areas of Brazil, in the food-for-peace program. He served in connection with the food program for India and more recently as executive director in our own country for the Freedom From Hunger Foundation.

Mr. Speaker, it is not my purpose today to eulogize my late friend but, rather, to make the announcement of his passing.

I further announce to the House that on Saturday in this area there will be a memorial mass in his memory. The details and notice of this mass will be made public at a subsequent date.

Mr. Speaker, I wish to express my deep personal sorrow to his wife, Marilyn, his three children, and his family. I am sure many of my other colleagues join me.

Mr. Speaker, I will state to the House that the gentleman from Iowa (Mr. CULVER) next week will obtain a special order for the purpose of eulogizing our departed colleague.

ATTACKS ON JUDGE CARSWELL VICIOUS

(Mr. FUQUA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include pertinent material.)

Mr. FUQUA. Mr. Speaker, there is a vicious and coldly calculated effort to defeat the nomination of Judge G. Harrold Carswell to the Supreme Court. A distorted picture of a distinguished judicial record is being presented.

Some of his opponents will seemingly stop at nothing. They dwell on trivia and are totally unconcerned that they seek to destroy a man's record of service and integrity.

Take, for example, the bold announcement made by the senior Senator from Maryland that an associate municipal judge of Opa Locka opposed the nomination. Equally devastating was the announcement that one of the municipal judges in Miami is also opposed.

Now what does this prove? I suppose that there are thousands of municipal judges who are concerned with the laws of their communities and cities. They are not a part of the Federal judiciary; they are not even State judges.

The best source of information about the record of Judge Carswell is contained in the one place which his opponents seemingly never get around to mentioning. That is the testimony before the Senate Judiciary Committee.

His opponents have refrained from mentioning that from 1960–61 through 1966–67 Judge Carswell was assigned to sit as a visiting judge longer than any other district judge in the fifth circuit.

During all of this time, the chief judge of the fifth judicial circuit was Elbert Tuttle, a man of impeccable credentials.

It certainly is not the practice to single out "mediocre or insensitive" judges for these assignments.

Instead of two insignificant city officials, let us point out that Judge Carswell has the support of the entire Florida Supreme Court and the State district court of appeals.

Seventy-nine lawyers who have practiced before Judge Carswell have signed a letter attesting to his fairness, ability, and integrity.

In his service on the bench, Judge Carswell has always been noted as a man who ran his court fairly and firmly. His opinions were concise and to the point.

Certainly, there were reversals of his decisions on appeal. In a rapidly changing period of judicial interpretation, a fair appraisal would reveal that he had ruled on the basis of the law as it had been thus far interpreted. As the New York Times said in a story about the judge:

> In most of these cases, Judge Carswell would have had to move beyond clearly settled precedents to rule in favor of the civil rights position. When those precedents have existed, he has struck down segregation in crisp, forthright opinions.

The article also stated:

> Judge Carswell . . . has a virtually unblemished record as the type of "strict constructionist" that Mr. Nixon promised to appoint when he campaigned for the presidency.

Another statement in this article:

> Throughout these opinions runs a consistent tendency to view the law as a neutral device for settling disputes, and not as a force for either legal innovation or social change.

The senior Senator from Maryland should remind himself of the composite photo used against his father which purported to show this late distinguished Senator in conversation with a Communist leader.

As the Florida Times-Union of Jacksonville, Fla., pointed out:

> The campaign against Carswell is not of the same nature. But in its own way, it is just as vicious. A composite word picture is being drawn of him attempting to plant in the public mind that he is a mediocre judge on the one hand and a racist on the other. There is plenty of evidence that he is neither, but we hear little about it from the opposition.

I would ask fairminded Members of the Senate to read this editorial entitled "Keelhauling an Honorable Career."

I reiterate their statement that it is one thing to defeat the nomination, it is another to impugn an honorable career.

The article follows:

KEELHAULING AN HONORABLE CAREER

The "definitive" word has now come in on the confirmation of Judge G. Harrold Carswell to the U.S. Supreme Court.

It came from no less than the senior senator from Maryland, Joseph Tydings. He released the news to the press that an associate municipal judge of Opa Locka opposed the nomination.

This was coupled with the devastating news that one of the judges of the municipal court in Miami was also opposed. The clincher to this announcement seemed to lie in the portentous bit of background that both were former assistant U.S. attorneys.

No doubt, Senator Tydings and his staff are overworked in their round-the-clock vigil to see that justice is done—and presumably if justice is to be done, Judge Carswell is entitled to some miniscule portion of it—so perhaps they won't feel hurt if a gentle reminder is given of some of the support the judge has received.

"We are concerned," said Senators Tydings, Birch Bayh, Philip Hart, and Edward Kennedy, "that Judge Carswell's record indicates that he is insensitive to human rights and that he has allowed his insensitivity to invade the judicial process."

Lest anybody conclude that the aforementioned gentlemen are insensitive to Judge Carswell's right to a fair hearing and are allowing this insensitivity to invade the senatorial process, we would be so bold as to suggest that there is some testimony that tends to offset that of the distinguished associate municipal Judge of Opa Locka and perhaps Tydings et al. would wish to point this out.

The Fifth Circuit Court of Appeals is on the second tier of the federal judiciary, the level just below that of the U.S. Supreme Court.

Sen. Tydings himself mentioned some of its members as "eminent constitutional lawyers . . . who have demonstrated that they are judicious men, able to give any man a fair and impartial hearing." Two of those he mentioned are Judge Bryan Simpson and Judge Robert A. Ainsworth.

Both of these judges sent the Senate Judiciary Committee strong letters of support on behalf of Carswell's nomination as did their colleagues, Warren Jones, Homer Thornberry, David Dyer and Griffin Bell. And there are hosts of other judges who have sent in letters of support.

And if Judge Carswell is so "insensitive to human rights" (the liberal code phrase for "not far enough to the left to suit us") why has the Senate unanimously confirmed him three times—as U.S. attorney, district judge and appelate court judge?

Further, it seems passing strange that a judge so insensitive would have been assigned so often while a district court judge to sit as a visiting judge on the Fifth Circuit bench.

And, it seems most insensitive of Senator Tydings not to acknowledge this fact since our own source is the record of the testimony before the Senate Subcommittee on Improvements in Judicial Machinery on May 28 and 29, 1968. The chairman of that subcommittee is Senator Tydings of Maryland.

The statistics in the record show that from fiscal 1960–61 through fiscal 1966–67, during all of which time the Chief Judge of the Fifth Judicial Circuit was Elbert Tuttle, a man of impeccable liberal and civil rights credentials, who assigned Judge Carswell to sit as visiting judge longer than any other district judge in the Fifth Circuit.

He sat on three-judge panels—composed of two Fifth Circuit judges and himself—for 8½ weeks during those years. Two other judges sat for eight weeks during that period. None of the other 34 district judges assigned to that duty even approached this length of assignment on the appellate court.

Is it a practice to single out "mediocre" or "intensive" judges to help decide cases on a higher bench—and to do so consistently?

The answer to that question is "no" and Senator Tydings well knows that this is the answer.

The effect of the distorted and one-sided picture of Carswell being presented is to defame and vilify the man before the entire world and to do so unjustly.

Perhaps we can draw a parallel which will bring it closer to home to some senators—especially Senator Tydings.

Back in 1950, a composite photo was used in the campaign against Sen. Millard Tydings—father of the present senator—purporting to show the elder Tydings in friendly conversation with Communist Earl Browder. It was a part of a back-alley campaign that helped to defeat the elder Tydings.

The campaign against Carswell is not of the same nature. But in its own way, it is just as vicious.

A composite word picture is being drawn of him, attempting to plant in the public mind the idea that he is a mediocre judge on the one hand and a racist on the other.

There is plenty of evidence that he is neither but we hear little about it from the opposition.

It is one thing to defeat Carswell's nomination. It is another thing to impugn an honorable career.

Let the record show that there are many persons—some of them uniquely qualified to judge in this instance—who believe G. Harrold Carswell to be a decent, sensitive human being of outstanding integrity, a man who has devoted his entire life to public service, and a highly qualified judge.

In his column of March 24, Tallahassee Democrat, Editor Malcolm Johnson pointed out that the 467-page printed record of the Senate Judiciary Committee provides the most powerful refutation of the accusations of bigotry and mediocrity. It reveals exactly the opposite.

Yet, there are those who are so intent on destroying the reputation of

Judge Carswell that they will stop at nothing to gloss over the truth and attack by innuendo, half-truths and distortions.

The very men that his opponents praise as distinguished jurists are often those who have praised the record of Judge Carswell most highly.

Let me point out but two of them, who incidently have been mentioned by opponents of Judge Carswell as outstanding jurists:

Judge Bryan Simpson:

More important even than the fine skill as a judicial craftsman possessed by Judge Carswell are his qualities as a man: superior intelligence, patience, a warm and generous interest in his fellow man of all races and creeds, judgment and an openminded disposition to hear, consider and decide important matters without preconceptions, predilections or prejudices.

Judge Robert A. Ainsworth:

A person of the highest integrity, a capable and experienced judge, an excellent writer and scholar.

I would like to have included that very excellent column by Mr. Johnson:

CARSWELL PRAISE IS OVERLOOKED

Judge Harrold Carswell, it seems, is taking a worse beating from the news reports than he is in the official documents filed for and against his nomination to the U.S. Supreme Court.

The 467-page printed record on the Senate Judiciary committee hearing on his nomination, just received here, provides a powerful refutation of the accusations of bigotry and mediocrity which are being used against him.

Much of it has not heretofore been revealed to his hometown editor who probably has watched the daily reports as closely as anyone.

For example, we have been regaled this last week or so by the supposedly scornful fact that two members of the U.S. Fifth Circuit Court of Appeals have not endorsed his elevation from their bench to the Supreme Court.

Now, mind you, they have not opposed his appointment. They have only not endorsed him. (And retired Judge Tuttle, who praised him highly then withdrew his offer to testify in his behalf, to this day hasn't opposed him either.)

But have you heard, or have you read, what other members of the Fifth Circuit Court have said about him in official letters now a part of the printed record of the Senate?

Judge Homer Thornberry (who was nominated by President Johnson for this very Supreme Court seat, but it didn't become vacant by elevation or resignation of Justice Abe Fortas in time for a Democrat to get it) had this to say about Carswell:

". . . a man of impeccable character . . . his volume and quality of opinions is extremely high . . . has the compassion which is so important in a judge.

Judge Bryan Simpson, who has held up the civil rights lawyers as the kind of Southern judge President Nixon should have chosen, wrote to the Senate:

"More important even than the fine skill as a judicial craftsman possessed by Judge Carswell are his qualities as a man; superior intelligence, patience, a warm and generous interest in his fellow man of all races and creeds, judgment and an openminded disposition to hear, consider and decide important matter without preconceptions, predilections or prejudices."

Judge Griffin Bell, a former campaign worker for President Kennedy whose own name was mentioned for this vacancy: "Judge Carswell will take a standard of excellence to the Supreme Court . . .

Judge David W. Dwyer: ". . . great judicial talent and vigor."

Judge Robert A. Ainsworth: ". . . a person of the highest integrity, a capable and experienced judge, an excellent writer and scholar . . ."

Judge Warren Jones: ". . . eminently qualified in every way—personality, integrity, legal learning and judicial temperament."

Most of these statements have been in the record since January, not recently gathered to offset criticism.

There are similar testimonials from a couple of dozen other Florida state and federal district judges in the record, but our newspaper received a news report from Washington about only a partial list of them (without quotation) only after calling news services in Washington and citing pages in the Congressional Record where they could be found.

And on the matter of anti-racial views, the printed record of the committee contains numerous letters and telegrams disputing contentions of a few northern civil rights lawyers who said Judge Carswell was rude to them when they came to his court as volunteers, mostly with little or no legal experience.

Foremost among them is this letter from Charles F. Wilson of Pensacola:

"As a black lawyer frequently involved with representation of plaintiffs in civil rights cases in his court," he said, "there was not a single instance in which he was ever rude or discourteous to me, and I received fair and courteous treatment from him on all such occasions.

"I represented the plaintiffs in three of the major school desegregation cases filed in his district. He invariably granted the plaintiffs favorable judgments in these cases, and the only disagreement I had with him in any of them was over the extent of the relief to be granted."

Why such statements in the record have been overlooked by Washington news reporters while they are daily picking up any little crumb from the opposition is hard to explain to the public.

It could be that the organized forces opposing Judge Carswell are more alert to press agentry than the loose coalition in the Senate that is supporting him.

The press agent offers fresh news, while the record brings it stale to the attention of news gatherers upon whom there is great pressure to start every day off new with the abundance of news you know is going to develop that day.

That, really, could be a better explanation than the common assumption that our Washington reporters are just naturally more anxious to report something bad about a man—especially if he is a conservative—than something complimentary. But it isn't a very good explanation, at that.

Finally, Mr. Johnson makes even more telling points in his column of March 25, which was entitled, "Carswell's Best Witness."

Again we call attention to the transcript of Judge Carswell before the Senate Judiciary Committee. As honest reading of that testimony will reveal a man who is open and honest, who gave very careful and concise answers to those who questioned him.

There was no deliberate attempt to delude or deceive, and as a matter of fact, he drew high praise for his forthrightness in attempting to answer the multitude of questions propounded for him.

I particularly wanted to note that comments made by Mr. Johnson about two of the most vigorous opponents of Judge Carswell. Judge Carswell is certainly not being judged by the same standard that they would like to see applied to themselves.

Let me pull out of Mr. Johnson's column two paragraphs concerning two of Judge Carswell's most vigorous opponents:

That didn't deter such shouters of "mediocre" as Senator Birch Bayh, who incidentally, flunked the Indiana Bar examination the first time he took it—and he was no mere boy; he was Speaker of the Indiana State House of Representatives at the time. (Carswell) passed the Georgia Bar exam before he was graduated from law school; and he breezed through the first time on the Florida exam, which is one of the nation's toughest.)

Nor has it fazed the ruthless opposition of Senator Ted Kennedy, who was kicked out of Harvard for paying a scholar to take an exam for him, and who—of all people has the gall to question—of all things—Judge Carswell's discretion.

The truth of the matter is that Judge Carswell is a man of integrity, with a distinguished record of public service. He would be a credit to the Supreme Court and his opponents know this.

So much more the shame at these vicious and unprincipled attacks. It would be a sad day for common justice to a fellow man if these attacks were to succeed.

Again, I would like to express my personal recommendation of Judge Carswell. He would make an outstanding member of the Court and I am hopeful that the Members of the Senate will consider their decision in light of the real facts surrounding Judge Carswell's career. If they do, he would be confirmed easily.

The article referred to follows:

CARSWELL'S BEST WITNESS

The very best disproof of the absurd charges his critics are making against Judge Harrold Carswell is in the transcript of his answers to Senate Judiciary committee questions on his nomination to the Supreme Court.

The printed record of that examination, complete with the mischievous nit-picking of Senators Kennedy and Bayh, has just become available—and it counters every suggestion of mediocrity, bigotry and judicial impatience that has been raised against the judge.

Especially, the whole document reveals plainly that Carswell has a rare depth of judicial scholarship which belies the major complaint that has been used to turn the people, the press, and some Senators against him.

Much of the exchange between him and the Senators was on technical points of judicial philosophy, and the Judge more than held his own.

One of these exchanges was with Sen. Philip Hart of Michigan, who has opposed him from the outset. It involved the thin line between legislative and judicial lawmaking authority which is at the crux of the debate between the activism of the present court and the "strict constructionist" President Nixon seeks through appointment of Judge Carswell.

The judge had made it clear he doesn't

think the Supreme Court should sit as a "continuing constitutional convention" changing the law by interpretation; but, he told Hart, "there is a grain, almost inevitably, of law-making power in the judge."

"That is a good answer, Judge," Hart told him. "It is a very good answer. I think specifically I should thank you for having the knowledge that there is an answer."

The next day, in a similar discussion with Senator Scott of Pennsylvania (one of the more liberal Republicans) Judge Carswell gave a very terse rundown of the processes of reaching judicial decisions and ended by inquiring: "Am I responsive? I hope to be."

"Not only responsive," Scott replied, "but I thought your answer may have shocked some in the audience by establishing that a Southerner can also be a scholar. I was appreciative of that."

And Senator Griffin of Michigan, another Republican who leans to the liberal side, made a telling comment on Carswell's ability near the end of the hearing:

". . . I have had an opportunity to read a few, but not all, of your opinions as a judge. Frankly, I must register my disagreement with those who criticize your opinions by comparing them to a plumber's manual or by indicating concern because your opinions are concise and to the point.

"While some Senators may be unable to comprehend that wisdom and sound judgment can be expressed succinctly and briefly, I want to assure you that there are other Senators who think it can be done, and who admire greatly those who have the ability to do it.

"You have made an impressive appearance before the committee to those who, without looking at your record very carefully or listening to your answers, seek to dismiss your nomination by using such words as 'mediocrity'; all I can say is that so far as I have been able to determine, I believe the nation could use a lot more of your kind of 'mediocrity'; obviously that is intended as a high compliment."

Senator Griffin went on: "I believe you have demonstrated before this committee that you are a scholar of law; and that is demonstrated by your opinions, I say that even though I would not agree with each and every one of them."

That should, but didn't deter such shouters of "mediocre" as Senator Birch Bayh who, incidentally, flunked the Indiana bar examination the first time he took it—and he was no mere boy; he was Speaker of the Indiana State House of Representatives at the time. (Carswell passed the Georgia bar exam before he was graduated from law school; and he breezed through the first time on the Florida exam, which is one of the nation's toughest.)

Nor has it fazed the ruthless opposition of Sen. Ted Kennedy, who was kicked out of Harvard for paying a scholar to take an exam for him, and who—of all people has the gall to question—of all things—Judge Carswell's—"discretion."

WHEN THE LAW OF THE LAND IS NOT THE LAW—ANOTHER DOUBLE STANDARD

(Mr. RARICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RARICK. Mr. Speaker, the law of the land is no longer the law, when unenforced.

We of the South, who for years have suffered as a result of judicial fiat and political donnybrook, enforced inequality upon our people under a so-called doctrine of law of the land, now observe another double standard in the enforcement of our basic laws.

The Justice Department, so rabid in attacking what is termed defiance in the South and continuing the conquered province rule by force, can find no violations of the law of the land in strikes by Federal employees. In fact, we find bipartisan support, and news media apology for what is called work stoppage, crisis, everything but a strike threat. The attorney, and strike leaders, for one group of strikers has publicly stated that their strike is not a strike, for that would be illegal.

Parents of schoolchildren make no submission agreements to comply with illegal edicts of unelected bureaucrats. On the other hand, civil service employees voluntarily sign a no-strike pledge before being hired. Wage scales and living standards may indeed be problems but they can never provide an excuse for disloyalty.

Obviously, the law of the land cliche no longer includes the Constitution of the United States and laws of Congress but, rather, it is a mere continuation of the unwritten policy which best fits the political wishes of the party in power at that particular moment. This is but another double standard of Federal justice created in the name of political expediency.

There is no doctrine more dangerous than that the end justifies the means.

Who is chargeable? The violator or the tolerator—both of whom are under oath to preserve and defend the Constitution and laws of the United States, as enacted by the Congress.

I compliment the loyal Federal employees of my district and elsewhere who lived up to their oath of appointment by continuing faithful service to our people. These are the Federal employees worthy of our consideration.

On March 23—page 8588—I called to the attention of the House the pertinent statutes involved in strikes by Federal employees. The noted columnist, David Lawrence, has now told the American people of these laws and the danger of not enforcing them.

I include Mr. Lawrence's column, as follows:

THE LAW AND THE FEDERAL STRIKERS

(By David Lawrence)

Tens of thousands of employes of the U.S. Post Office Department and numerous federal workers engaged in air traffic control at the nation's airports have violated statutes forbidding strikes. Will their action in breaking the law be disregarded by the government?

The statute known as Title V, Section 7311 of the U.S. Code, says:

"An individual may not accept or hold a position in the government of the United States or the government of the District of Columbia if he . . . participates in a strike, or asserts the right to strike, against the government of the United States or the government of the District of Columbia; or

"Is a member of an organization of employes of the government of the United States or of individuals employed by the government of the District of Columbia that he knows asserts the right to strike against the government of the United States or the government of the District of Columbia."

The same U.S. Code declares that whoever violates this provision "shall be fined not more than $1,000 or imprisoned not more than one year and a day, or both."

The federal government has thus far not taken any action with respect to those employes who have joined a union which "asserts the right to strike against the government of the United States." Now, however, thousands of members have actually gone on strike, and the question is what means the government shall use to apply punishment in every case where the law has been violated.

It is quite possible, of course, that many workers will say that they were not aware that a law violation was involved. But each individual who accepts employment with the federal government is required to sign an affidavit that he or she will not violate the above-quoted statute, which includes a specific prohibition against participation in a strike.

Naturally, the employes of the Post Office Department have thought that, when so many were involved, there would be no penalty because it would be difficult to impose this on such a large group. To hold trials, for instance, for all who took part in the strike would mean absences that might disrupt the mail services again unless the government provided substitute employes. Dismissal of striking workers similarly would cause mail stoppages as well as discontent among employes.

The real question is whether the union leaders were correct in their assumption that the decision to carry on a strike could not be punished because it would be impracticable for the government to apply any penalties. But the record left by the case is not a satisfactory one from the standpoint of law and justice. For the government of the United States to allow law violations to be perpetrated by tens of thousands of citizens and to gloss over such transgressions is not a course that wins approval inside or outside the government.

It may be that prosecution of labor leaders will ensue. Inasmuch as relatively small fines are involved, such action would be received with less objection than if the members were corralled by the government for prosecution. Plainly, however, the government has not provided an effective means of forestalling strikes merely by passing a law threatening the loss of jobs or punishment by means of imprisonment or fines.

When the Department of Justice, which is the prosecuting arm of the government, completely ignores flagrant violations of one set of federal laws by a large number of citizens, will citizens generally feel an obligation to obey other statutes? Indifference to law has been growing throughout the nation, and if palpable violations are overlooked by the government itself, there will be a strong feeling that what laws are enforced is based on political expediency.

Many of the federal workers are conscious of their guilt in violating the statutes, and some of the leaders of the postal unions are asking that the final settlement of the strike include an amnesty provision immunizing from punishment all persons who have violated the law. If this is done, little respect will be given in the future to the existing law forbidding strikes by federal employes.

THE SOCIAL SECURITY TRUST FUND

(Mr. VANIK asked and was given permission to extend his remarks at this

point in the RECORD and to include extraneous matter.)

Mr. VANIK. Mr. Speaker, it has recently come to my attention that the Nixon administration is renewing its efforts to stretch out and delay the already enacted schedule of social security tax tables in order to reduce the size of the social security trust fund.

Frankly, I believe that it would be most unfortunate to raid the trust fund and reduce its capacity and purpose to provide income maintenance to the elderly retired who have made contributions over the years. The social security trust fund and its projected growth is not disproportionate to its task. There is great reason to justify its reinforcement.

The social security fund should never be allowed to fall into the inadequate levels of the unemployment compensation trust funds which would be exhausted by the demands of a 2-year, 6 percent unemployed rate of insured workers.

The fund is not only insufficient for a modest recession, but the benefit levels are completely out of date. The average weekly payment to an unemployed worker with a family of four in a State such as Ohio is $56.13 with a maximum of $1,459 per year. Compared to a family of four on welfare under President Nixon's family assistance plan, the welfare recipient receives $1,600 per year in cash; $864 per year in food stamps; and about $500 per year in medical and health benefits. The unemployed insured worker with a family of three dependents would receive annual benefits of $1,459 while the unemployed welfare recipient would receive about $2,964 for the support of himself and his dependents. Thus, it appears that the worker depending on unemployment compensation is committed to a poverty-level existence in a period of prolonged unemployment. Since the family of an unemployed worker has greater debt service, the burdens are intolerable.

The unemployment compensation benefits schedule is thoroughly unrelated to the inflationary impact of the past several years. They are completely out of date—out of touch with reality. The inadequacy of the unemployment compensation schedules relies heavily on reinforcement from public welfare.

Furthermore, the public trust funds are becoming the more consistent investors in the public debt. Since 1968 the public holdings of the Federal debt have decreased from $290 billion to $277 billion—a reduction of 4.4 percent. In the same period, the trust funds have increased their investment in the Federal debt from $79,140,000,000 to $105,503,000,000—an increase of 33.3 percent. Thus, of the 1971 Federal debt of $382.5 billion, $105,503,000,000—or 27.5 percent—will be held by the trust fund accounts.

The security trust funds are in effect an investment in America. To reduce the trust funds would be to reduce their capacity to meet their expected purpose. To reduce the trust funds would be to reduce their investment in the public debt thereby increasing reliance upon private investors. This would result in prolonging the high interest spiral which is defeating most of the major goals in America.

ADJOURNMENT TO THURSDAY, APRIL 2, 1970

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Thursday, April 2, 1970.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISTRICT OF COLUMBIA BUDGET—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-240)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

I am transmitting to the Congress the budget for the District of Columbia for the fiscal year beginning July 1, 1970.

This budget represents the programs and policies of the government of the District of Columbia for providing the municipal services and for the local needs of our Nation's Capital City. It also reflects the financial contributions of the Federal Government in providing resources to help finance the local budget.

Washington, D.C., is a great city of monumental beauty, national history, and governmental activity vital to the Nation's domestic and international affairs. Washington is also the center city of one of the Nation's fastest growing metropolitan areas and as such is the hub of business and commercial activity and the home of 828,000 residents. To protect and promote the interests of the residents, visitors, employees in both the public and private sectors, national and international leaders, requires critical attention to the needs of the Capital City and the urban problems it shares with the other cities of our country. It also requires that the best and most effective use be made of the local and Federal tax dollars which are used to finance the District's budget.

This budget, as approved by the Mayor and the City Council, proposes prudent and realistic programs and means of financing to move toward our goal to establish a quality environment for Washington and make it the kind of city we all look for and want as a Nation's Capital.

This budget recommends appropriations of $881 million for the fiscal year 1971 and includes $654 million for operating programs and debt service and $227 million for local public works projects. The estimates for operating expenses and debt service, which cover the basic ongoing programs and provide for the city's services, represent an increase of $86 million or 15% above the amount estimated for the current fiscal year.

SOURCES OF FINANCING

The proposed $881 million in budget authority for fiscal 1971 will require total local expenditures of $647 million for operating and debt service expenses and $227 million for capital outlays. The operating and debt service requirements are to be financed by $488 million of local taxes from existing sources; $21.5 million from a proposed increase in individual income tax rates as contained in Section 301 of H.R. 15151; $1.5 million from a proposed 1-cent increase in the gasoline tax; and $136 million in Federal funds which includes $4 million for water and sewer services provided for Federal agencies and $132 million for the annual Federal payment to defray the operating expenses of the City Government on the basis of a proposed formula which would set the Federal payment authorization at 30% of local District revenues.

The proposed 30% Federal payment authorization would provide for an equitable sharing by the Federal Government in meeting the needs of the District Government—including better law enforcement capability, strengthened crime prevention and control activities, health and welfare programs, and pay increases for District employees, including an increase for its teachers, policemen, and firemen which is now pending before the Congress.

These various local requirements make it imperative that the Congress promptly enact the proposed Federal payment and local income tax measures in order that they will become effective this fiscal year. If the Congress fails to take timely action on these financing proposals the city will lose an estimated $15 million in resources for fiscal year 1970 which are needed to fund programs both in the current year and in fiscal 1971.

NEW DIRECTIONS

As part of this administration's effort to shift priorities, turn toward new directions, and take stock of past practices—this budget for the District of Columbia proposes several changes in Federal financing and includes significant local initiatives.

Changes in Federal financing.—The budgets for the Federal and District government are based on several new changes in Federal financing which are designed to strengthen the local government and reflect a proper balance between Federal and District responsibility. In addition to the proposed 30 percent Federal payment formula the budget proposals for fiscal year 1971 would—

Shift the direct responsibility for the city's public works loan financing from the U.S. Treasury to the private investment community by authorizing the city to issue its own local bonds. This will place the District's capital outlay program on a basis similar to that of other cities and will permit immediate savings to the U.S. taxpayer who must otherwise shoulder the immediate burden of direct Federal borrowing. Offsets accruing to

the Federal budget are estimated at about $55 million for fiscal year 1971;

Provide direct Federal capital contributions, estimated at $20 million for 1971, for the permanent facilities for Federal City College and Washington Technical Institute;

Shift the responsibility from the District to the Federal Government for financing the operating expenses of the National Zoological Park which is a part of the Smithsonian Institution's national museum complex. This proposal reflects the Federal and metropolitan character of the National Zoo for which the District alone has been bearing the burden of its operating expenses. The $3 million estimated for fiscal year 1971 has been included in Federal budget totals thus providing equivalent relief to the city government;

Reallocate parkland between the Federal and District Governments. Those local parks serving primarily the local community which do not have national historical or monumental significance are to be transferred directly to the District. This will eliminate the need for the city to continue to make reimbursements to the National Park Service which will assume full financial responsibility for the parks remaining under its jurisdiction. This measure represents a shift of about $7 million from the District to the Federal budget.

Freeze the level of reimbursements by the city to Saint Elizabeths Hospital pending a determination of future arrangements for an appropriate relationship between the Federal and District Governments concerning the financing and administration of the Hospital.

Local initiatives.—The most signficant local initiatives proposed in the District's budget are directed to establishing a Capital City with safe streets and a quality environment.

Safe streets.—This budget provides for strengthened law-enforcement capability, improved administration of justice, and augmented action measures to reverse the City's crime rate. The 1971 budget estimates include $130.5 million for operating expenses of police courts and corrections. This amount represents an increase of $46 million—or 55%—over the level for 1969 and would provide—

Increased street patrols by an actual police strength of 5,100 policemen on the force compared to an actual strength of 3,589 men as of June 30, 1969;

Increased police mobility and effectiveness through additional scout cars, patrol scooters, and communications equipment as well as more civilians to support police operations and relieve policemen from civilian duties;

An augmented program of narcotics treatment and control, including centralized local responsibility under a new narcotics treatment agency;

A roving leader corps of 282 to work with delinquent prone and other youth, compared to a staff of only 37 for fiscal 1969;

A reserve of $4 million to provide for costs of additional judges and other expenses related to reorganization of the court system of the District of Columbia upon enactment of S. 2601;

Strengthened court support services through expansion of public defender services, the D.C. Bail Agency, and juvenile probation services;

Construction of police stations—to support consolidation of 14 police precincts into 6 police districts, and planning and construction of a new jail and a new courthouse; and

An allowance for pending police pay raises which would increase starting salaries for new recruits from $8,000 to $8,500.

Quality environment.—New and increased efforts to improve the environment of the Nation's Capital include—

$40 million for waste treatment facilities to reduce pollution in the Potomac River;

Development of additional facilities for recreation activity including a campsite in Scotland, Maryland, to provide about 3,000 inner city youth with summer camping opportunities, and construction of swimming pools and other recreation projects in Anacostia; and

Balanced transportation.—The budget continues the efforts to provide a balanced transportation system for the District. In particular, the long-awaited rail rapid transit system for the entire metropolitan region takes a major stride forward with the $34.2 million for the city's share of the rail rapid transit program. Contracts for over 16 miles of subway within the District will be let during the fiscal year, giving tangible evidence of a program which is truly designed to unify the central city with the surrounding suburban communities. Increased employment, reduced air pollution, and reduced congestion are some of the benefits residents and visitors in the area can look forward to as this dynamic project moves ahead. Other elements in the city's transportation program include $12 million for the District local matching share for previously authorized highway construction and funding of local street improvement projects.

Better education.—Improved education is not only a national goal, but one which must be carried out at the local levels. This budget takes important steps in improving educational opportunity for one of the city's most precious resources—its youth.

For the first time in the District's history per pupil expenditures will be over $1,000.

In order to encourage students to stay in school, a dramatic new system-wide career development program will be initiated. The resources of private industry colleges, and government will be marshalled in a cooperative effort to insure that students remain in school and are able to realize their full potential in choosing and working toward their employment goals.

Over 12,000 students will be able to continue their education at the District's institutions of higher learning.

A new means of financing the permanent facilities of Washington Technical Institute and the Federal City College is anticipated as part of a master plan for higher education to be developed by the affected institutions. The plan will provide the basis for the coordinated long-range growth and development of higher education in the District.

For the first time, the Board of Education is provided with appropriate staff assistance. The $100 thousand requested in the budget will help to increase the Board's ability to analyze the complex educational problems of a large city school system and increase the Board's ability to respond to community desires and interests.

This is only a summary, of course, of the most significant budget initiatives. A further indication of the directions for fiscal 1971 is contained in the Mayor's transmittal letter. These recommendations have been carefully sifted and weighed, first by the Mayor and his departments and agencies within the executive branch of the District Government, then by the public and community organizations, and finally by the City Council. The result of this thorough examination of programs and priorities is a sound and prudent budget based on a minimum of new revenue measures. I again urge the Congress to take early action on the pending local income tax and Federal payment authorization proposals.

None of our aspirations for our Capital City can be achieved, including augmented police protection, improved system of courts and offender rehabilitation, reduced pollution and congestion, and better education—unless the District is given the resources to do the job. At the same time, however, money alone can not achieve the objectives the city officials have set for themselves. I am proud, as is the Congress, of the dedicated and judicious manner in which the recently reorganized Government of the District of Columbia has proceeded forward with the tasks it faces. In fulfilling the expectations of the Reorganization Plan of 1967, the Mayor is continuing to further improve and streamline the internal organization of the City Government. Most noticeable among these efforts is the establishment of a new Department of Economic Development, an Office of Budget and Executive Management, a new Department of Human Resources, an Office of Community Services, and most recently—an Office of Youth Opportunity Services to strengthen the coordination of the city's various youth activities, including planning responsibility for juvenile deliquency prevention and control programs.

None of the tasks with which the City is faced can be completed tomorrow. Significant progress can be made with strong leadership, adequate resources, and sound programs to achieve a viable urban environment. I ask the Congress to continue its support for the Capital City through its budget and financing proposals. I recommend approval of the District of Columbia Budget for fiscal 1971.

RICHARD NIXON.

MARCH 31, 1970

UNITED STATES-JAPAN COOPERATIVE MEDICAL SCIENCE PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91–289)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

To the Congress of the United States:

The United States-Japan Cooperative Medical Science Program was undertaken in 1965 following a meeting between the Prime Minister of Japan and the President of the United States. This joint research effort in the medical sciences focuses upon diseases which are widespread in Asian nations: cholera, tuberculosis, leprosy, viral diseases, parasitic diseases, and malnutrition. Its efforts are significant not only for the peoples of Asia, however, but for all people—wherever they may live.

The Cooperative Medical Science Program is only now beginning to reach maturity. Yet it has already made substantial progress—progress which is highlighted in the report of the Program which I am today submitting to the Congress.

This joint undertaking is an important contribution to world peace as well as to world health. By providing a way in which men of different nations can work together for their mutual benefit, this Program does much to foster international respect and understanding.

RICHARD NIXON.

THE WHITE HOUSE, *March 31, 1970.*

1969 REPORT OF THE NATIONAL ENDOWMENT FOR THE ARTS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Education and Labor:

To the Congress of the United States:

For all of our arts institutions, these are times of increasing financial concern. The Fiscal Year 1969 Report of the National Endowment for the Arts, which I am transmitting herewith, notes that "the services offered by arts institutions, and the costs which they incurred, continued to expand at a faster rate than earned income and contributions. Therefore as the year continued, these institutions were confronted by mounting financial pressures."

The sums appropriated by the Congress for the Endowment during this period were at the levels established in prior years. Its programs, though limited in size, were of benefit to all of the fifty States and the five special jurisdictions, and in some instances were the means by which fine institutions in the performing arts were enabled to survive.

It was in response to the growing financial problem that on December 10, 1969, I sent to the Congress a special message on the Arts and the Humanities. I noted then that "need and opportunity combine . . . to present the Federal government with an obligation to help broaden the base of our cultural legacy . . ." Accordingly, I asked the Congress to extend the legislation creating the National Foundation on the Arts and the Humanities, and to provide appropriations for the National Foundation in Fiscal 1971 in an amount "virtually double the current year's level."

In urging the Congress to approve a $20 million program for the National Endowment for the Arts, and an equal amount for the National Endowment for the Humanities, I maintained that few investments we could make would give us so great a return in terms of human satisfaction and spiritual fulfillment. More than ever now, I hold to that view.

RICHARD NIXON.

THE WHITE HOUSE, *March 31, 1970.*

CITIZENS COMMITTEE FOR POSTAL REFORM

The SPEAKER. Under a previous order of the House, the gentleman from Iowa (Mr. GROSS) is recognized for 30 minutes.

Mr. GROSS. Mr. Speaker, in previous statements I have referred to the activities of the high-flying, well-financed lobbying outfit known as the Citizens Committee for Postal Reform.

It was formed early in 1969 to muster financial and public support for conversion of the Post Office Department into a corporation. Although described as a "citizens" committee, the bulk of the committee's financial support has come from big corporations—particularly publishing houses.

Initially, the organization supported H.R. 11750, the corporation bill sponsored by the gentleman from Arizona (Mr. UDALL) with the blessings of the Postmaster General.

When the frantic lobbying by the citizens committee for this bill failed, it switched its support to a so-called compromise postal reform and pay package. Although it was readily apparent that support for this proposal was practically nil in Congress, the citizens committee came out with a special nationwide mailing in an attempt to promote it.

Again failing to generate support, the citizens committee has now jumped on the bandwagon in support of still another compromise postal reform and pay bill which was rammed through the House Post Office and Civil Service Committee on the morning of March 12—without a word of debate or a single amendment—as a complete substitute for the language contained in H.R. 4, the bill which the House committee had under consideration for months.

I will have more to say about this alleged "compromise" at a later date and in minority views which I plan to file.

For the present, I call attention to the irresponsible and misleading statements made by the citizens committee in half-page advertisements which appeared in Washington and probably other newspapers last week. In bold type the citizens committee proclaimed:

The Post Office strike need never have happened.

The ad goes on to imply that if only the Post Office Department had been converted into a corporation, the illegal strike of postal workers would not have occurred. The truth is that one of the underlying causes of the strike was the action by the House Post Office and Civil Service Committee in approving the establishment of a postal authority or corporation as insisted upon by Postmaster General Blount.

To combine, as the committee did, postal reform with postal pay adjustment, was an open invitation to trouble and it came immediately following action of the House committee. Top postal officials, and the so-called citizens committee, ought to have been aware of the impending catastrophe but their obsession for a postal corporation was greater than their concern for the general welfare.

Moreover, the wheeling and dealing that has been a part of the promotion of corporation legislation has only added to the suspicion and skepticism.

If anyone was so naive as to believe that a postal corporation was the only solution to postal service problems, the recent strike should remove that belief permanently. The simple truth is that enactment of legislation establishing a postal corporation will encourage strikes by employees on a nationwide basis.

Under a postal corporation the profit motive will be substituted for the public interest. The President and Congress would be almost completely removed from any responsibility for the conduct of the postal service.

In its newspaper advertisement of last week, the so-called citizens committee also trots out the old, time-worn argument that the Chicago mail breakdown in 1966 offers proof of the need for conversion of the Post Office Department to a corporation. The committee has constantly used this breakdown as its No. 1 horror story in attempting to sell the corporation concept.

What the committee fails to tell the public is the reason for the breakdown—that it was the direct result of the refusal of the Post Office Department to permit the use of overtime, although postal management in Chicago had accurately predicted what could happen.

And let it be remembered that the Postmaster General in 1966, when the breakdown in Chicago took place, was one Lawrence F. O'Brien. The newspaper ad of last week lists this same Lawrence F. O'Brien as still serving in the capacity of national cochairman of the Citizens Committee for Postal Reform even though he recently was elected chairman of the Democrat National Committee.

As a Republican, I would be the last to suggest that Mr. O'Brien should devote full time to his duties as national

Democrat chairman. On the other hand, it is not inappropriate to question the propriety of a Democrat party leader continuing to serve as cochairman of a supposedly nonpartisan "citizens" committee, a committee which, incidentally, has a huge slush fund at its disposal.

DRUG ABUSE

The SPEAKER. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 60 minutes.

Mr. HOGAN. Mr. Speaker, drug misuse and abuse are increasing at an alarming rate in America. Early in 1969 the U.S. Department of Health, Education, and Welfare issued a statement warning that drug abuse had reached almost epidemic proportions. Once a problem of the ghetto, this plague now strikes all segments of society, regardless of age, racial, social, and economic background. Particularly susceptible, however, are the young people of this Nation.

The figures associated with drug abuse among the young paint a frightening word picture.

In the FBI's annual crime report issued in August 1969, the Bureau of Narcotics and Dangerous Drugs revealed that since 1960 the number of arrests for drug violations for persons under 18 years of age was up 1,800 percent. This compares with 235 percent for persons over 18 years. In 1968, three of every four arrests for drug abuse were of persons under the age of 25.

The number of casualties from drug abuse is alarming. New York City has an estimated 100,000 heroin users who spend $850 million a year on that drug and many times that number who take other dangerous drugs. In the past 3 years New York has spent $250 million on drug problems and has increased the number of beds available for the medical treatment of drug dependent persons from 375 to 5,000. Heroin caused 730 deaths in New York in 1968 and an estimated 900 more in 1969. In a 3-month period in 1969, 71 teenagers died from overdoses of drugs.

The New York Times reported that, in New York City, marihuana can be found in virtually all secondary schools. Of 30 students leaders in the city's schools, more than half said they smoked marihuana occasionally, and the remainder said they had friends who did. Students there estimated that at the average high school in the city, marihuana use ranged from 30 to 80 percent of the student bodies. Estimates of nationwide experimentation with marihuana among teenagers ranges from 2 to 10 million.

Across the Nation reports of drug abuse are similar. In a Los Angeles suburb, police found 13-year-olds shooting methedrine under their tongues. Hospital care for 4,967 San Francisco teenage drug users in 1967 cost the city $3.75 million, and drug use has increased since that time.

According to a newspaper report in January 1969, about one-sixth of the high school students in San Mateo County, Calif., had used "speed"—amphetamines—and more than one-third of them had tried hallucinogens or barbiturates. In San Mateo County juvenile arrests for dangerous drugs jumped 1,448 percent in 8 years and 324 percent in 6 months. Drug arrests in California's larger counties more than doubled during a 6-month period.

Even more alarming is the fact that experimenting with drugs is not limited to teenagers. One member of the New York State Narcotic Control Commission reported that his agency had made arrests of 7-year-old children and even had a 9-year-old heroin addict. Slum residents in New York say that some 8-year-olds are experimenting with heroin bought in the school yards.

According to Dr. Richard Blum, a San Francisco sociologist and former consultant to the President's Commission on Crime, many California fifth graders have already been exposed to marihuana and LSD.

He says:

> In the last eight years we have watched the age level of drug users in California drop from adults to elementary school children. We can't go much lower.

He adds:

> And generally what happens in California happens elsewhere sooner or later.

In some parts of my home State of Maryland, drug use has reached almost epidemic proportions. There is evidence of children in the second grade experimenting with drugs.

With the doubling of arrests for drug violations last year, many suburban and rural communities throughout the Nation are finding out that drug abuse can happen here. And subsequently individuals and communities are waking up to the problem and taking action to confront this plague. Even so, the task ahead is awesome.

One university psychiatrist, testifying before the House of Representative's Select Subcommittee on Crime, expressed concern that it may already be too late for many of our young people. He then made this frightening comment:

> This generation of drug users might just as well be written off because it costs $25,000 to keep an addict off a drug for a single year.

And the director of community development for a halfway house project in Chicago said that only about 35 percent of the "graduates" of this rehabilitative project stay off drugs permanently. He contends, as do I, that the real answer lies in educating youngsters against drugs before they are "hooked."

This is not to say that we can forget those already dependent on drugs. We cannot afford to write off this generation. And if only 35 percent of our drug users can be rehabilitated, that 35 percent is well worth saving. Every effort must be made to help those who are "hooked" to kick the habit and find meaningful, rewarding lives. At the same time, however, it is of prime importance that we concentrate our future efforts toward our youth before they begin experimenting with drugs. It is imperative that they have a full understanding of what it means to become an addict, to see what these drugs will do to the body and mind—to realize that, if abused, drugs "turn on you" rather than "turn you on."

Furthermore, we must inform our youth about those slave-masters who sell narcotics. There is no word in the lexicon repugnant enough to describe those who lure others into drug use for profit and destroy without pity. This criminal element is busily recruiting its clientele, primarily from our youth. While this drug crisis worsens, we hear all sorts of excuses for inaction and complaints of the difficulty we have in bridging the gap between generations. Turned away from parental communication and authority, the young frequently seek guidance elsewhere. Somehow this criminal element seems to have little trouble communicating across the generation gap.

How tragic to think what it forbodes for the future of this country if the criminal mind is capable of rapport and communications with our young, and the responsible segments of our society are not.

Somehow we must open the channels of communication—particularly in the area of drug abuse. We must point out the consequences and dangers of taking drugs without medical supervision. We must emphasize that all drugs, no matter what category, often lead not only to permanent physical damage, but also to psychological damage if abused and misused. In other words, a constant user ceases to be a productive member of society as he withdraws into this nether world, a slave to his addiction, a human vegetable. The life which could have been well spent in a conscious appreciation of reality is wasted. The talents remain unused, undeveloped. The mind is reduced to impotence. This is especially tragic for young people who stand on the threshold of life, facing the challenges, opportunities, and wholesome pleasures which a vibrant existence makes possible. What a calamity if a transitory puff of a weed or an experimental drop of acid snuffed out forever the rewards and joys and accomplishments of a bright young person. What a loss for the individual and for society.

For this reason, enlightened educational efforts aimed at all strata of society are needed at once. We must prevent a further rise in drug use and pave the way for a society free of this plague. To do so we must inoculate potential users with sophisticated and factual information and education rather than misinformation and veiled threats on the effects of drugs.

Young people themselves can and must play a key role in this war on drug abuse. However, we cannot succeed with this war until we enlist the active assistance of every citizen. Parents, counselors, administrators, teachers, nurses, social workers, law enforcement officers, civic and community leaders, and any others who have occasion to work with the young must arm themselves with the facts on drugs.

Mr. Speaker, as a Member of Congress

concerned and deeply disturbed about crime in general and narcotics in particular, I urge my colleagues to dedicate themselves to solve this grave problem. At the same time, however, I urge that all Americans take prompt action to prevent us from becoming a nation of "hopheads."

The future can be a nightmare or the fulfillment of a wonderful dream. It is largely in our hands to make the choice. Let us, therefore, go forth, armed with information, to wage a war against drug abuse to insure that this dream is not an impossible one for our youth.

SOVIETS MUST PERMIT JEWISH CITIZENS TO EMIGRATE

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 20 minutes.

Mr. FARBSTEIN. Mr. Speaker, on November 17, 1969, the Israel Knesset requested that legislative bodies all around the world "employ the full weight of their influence in assisting" Soviet Jews to emigrate to Israel. In this unprecedented move the Knesset acknowledged that the policy of persuasion and negotiation had failed and that the Soviet Union continued to refuse permission to emigrate to a large portion of its Jewish population.

This deplorable situation was spotlighted on November 10, 1969, when Israel submitted to the United Nations a document signed by 18 Jews living in the Soviet Republic of Georgia. The document accused Soviet authorities of preventing them from leaving the Soviet Union. The Government of Israel requested the Secretary General of the United Nations to use his "good offices" to help the 18 families and "to alleviate the situation of Soviet Jewry in general." This marked the first time that Israel had brought the question of Soviet Jews into the United Nations.

I, too, have not raised this question in the belief that the Soviet Government was in the process of easing up on the treatment of her Jewish subjects. I was fearful that such action on my part could prejudice this relaxation. I was also concerned that the Soviet Government might react by adopting a more restrictive attitude toward her Jewish citizens. In short, I feared that the repression and prosecution of the Jews would become more determined and widespread. Nevertheless, the Soviet Government has adopted a restrictive policy, refusing to permit Jewish families to emigrate and continues to deny religious freedom to her Jewish population.

I can no longer refrain from speaking out.

For over 50 years, Soviet Jews have been deprived of virtually every institutional opportunity to perpetuate their culture, religion, and communal life, despite legal and constitutional guarantees of such rights. There is no public instruction in Yiddish, even though, according to Soviet law, such language classes must be held wherever 10 or more parents demand it. The Jewish state theater, which performed in Yiddish, was closed in 1949 and only an amateur Yiddish theater was permitted to open a few years ago.

Few books are printed in the Soviet Union. Prayer books are in scarce supply. Soviet Jews are not permitted to have any sort of national or provincial organization, secular or religious, which other recognized sects have had. Each synagogue struggles along on its own. Even so, the number of synagogues is being quietly reduced. Rabbinical training is not permitted, and there is a shortage of rabbis. Religious articles and foods are difficult, if not impossible, to obtain.

In the Soviet Union, Jews are treated as a nationality, and they must list their nationality in their identity documents as Jewish. Unlike other national groups, however, their distinctive language, activities, and community institutions have been increasingly restricted. I do not understand why the Soviet Union considers the Jew as a nationality instead of a religion, as are other sects. But it is discrimination.

To date, the Soviet Government has not made any significant concessions which would enable Jewish life to flourish in the Soviet Union or even to restore education, cultural and religious institutions that existed before 1948. The Soviet Jew remains a third-class citizen without even the right to emigrate.

There is an increasing amount of evidence available to indicate that the Soviet Jew has had enough. More and more Jews are asking to leave Russia and settle in Israel. Because all exit permits have to be dealt with by the Oddelyl Viv I Registnatoyi—OVIR—the special police bureau which grants visas, there are no exact figures to indicate just how many Jews have applied for emigration. However, according to a reliable source, about 100,000 have by now filed for exit visas. All want to go to Israel and some of the applicants declare openly that they wish to renounce their Soviet citizenship. This is a new development. Until recently only the most courageous would dare to show such a defiant attitude.

When living under a totalitarian regime which denies the human and civil rights to over 3 million of its population such actions must be commended. As in the case of the 18 families who petitioned the United Nations, these people have braved the possibilities of retaliation and reprisal in order to focus worldwide attention on the plight of the Jew in the Soviet Union.

We must help these unfortunate people. We must do what we can to impress upon the Soviet Union that they have nothing to fear if they allow the pitifully small number of Jews still living in the Soviet Union to emigrate.

Perhaps the reason why the Soviet Government will not issue exit visas is concern over the reaction of the Arab world. If this is the case, as I believe it is, it is not worthy of a great nation. The Soviet Union must be convinced that it is better politics to do the right thing, the human thing, than to appease the desires of a group of nations who have sworn to destroy Israel. They must be convinced that the world will hold them accountable for their refusal to either grant religious freedom to the Jews or to permit them to emigrate.

Mr. Speaker, my resolution is designed to help focus world attention on the plight of the Soviet Jew. It is my hope that it will act as a catalyst insofar as world opinion is concerned; that it will direct world attention to the oppressive and discriminatory manner in which the Soviet Union treats her Jewish population. It would express the sense of the Congress that the President instruct the permanent U.S. representative to the United Nations to place the plea of the 18 Jewish families on the agenda of the General Assembly. My resolution would also request the President to do what he deems advisable to urge the Soviet Union to restore full religious freedom to the Jews in the Soviet Union, and above all, to convince them to change their emigration policies.

Mr. Speaker, in the cause of freedom and humanity throughout the world, I would hope that the Congress would adopt my resolution.

ALASKA NATIVE LAND CLAIMS

The SPEAKER. Under a previous order of the House, the gentleman from Alaska (Mr. POLLOCK) is recognized for 5 minutes.

Mr. POLLOCK. Mr. Speaker, I am today inserting in the CONGRESSIONAL RECORD a comprehensive treatise which I have written on the Alaska native land claims question. As many of you know, the Eskimos, Indians, and Aleuts of Alaska have laid claim to large areas of the State. These native claims are derived from "Indian title"—the right to lands continuously used and occupied over many generations.

In order to understand the various arguments which have been adduced to justify or deny settlement of the land claims, one must be acquainted with the evolution of the concept of Indian title and with the historical and legal background of the Alaska native claims. Therefore, my treatise begins with a relatively brief chronology of the relevant constitutional, treaty, statutory, and judicial aspects of the land claims question. In subsequent sections, I have presented the arguments for and against a liberal land claims settlement, and have analyzed the measures presently pending before the House and Senate to forever extinguish the aboriginal land claims of Alaska's native people. Finally, I have made some suggestions and counterproposals of my own for the consideration of the Congress and the citizens of Alaska. My suggestions deal with such facets of the land claims as land allocation, monetary compensation, revenue sharing, participation by the State of Alaska, administration of the settlement moneys, and other matters which must be considered in connection with any land claims settlement. I am hopeful that my conclusions and recommendations will be of assistance to the House and Senate Interior Committees in bringing the Alaska

claims question to a prompt and satisfactory conclusion.

Mr. Speaker, not since the pursuit and achievement of statehood has the Congress dealt with an issue of such immediate and vital importance to the citizens of Alaska. Until the land claims are settled, the social and economic progress of Alaska will continue to be seriously impeded. As a result of the present unresolved land claims situation, the native one-fifth of the Alaskan population remains without title or security on those lands that they and their ancestors have occupied and used for untold generations. Devoid of land ownership and the monetary security that it often brings, many are poor and in need. Moreover, the current land claims situation also has profound implications for the State of Alaska. Because of the imposition of a "super land freeze," the State is halted in the land selection program which was authorized in the Alaska Statehood Act. A third regrettable result of the current situation is that for the first time in the history of my State, the people of Alaska have divided along racial lines. As time passes, the opposing positions of native and nonnative have tended to polarize further, thus making resolution of the land claims question even more complex. So that the people of Alaska can put this divisive issue behind them, I respectfully request you, my distinguished colleagues, to give your careful consideration to the treatise that I have prepared, for it will hopefully provide you with a comprehensive understanding of the various facets of the land claims question.

The treatise follows:

SPECIAL REPORT: THE ALASKA NATIVE LAND CLAIMS

I. INTRODUCTION

At this juncture in history, Alaskans have come face to face with a most difficult matter of substantial importance, which demands the immediate attention of the United States Congress and the earliest possible resolution—settlement of the Alaska aboriginal Native land claims. After more than a hundred years of relative inaction, the United States Congress is at last seriously considering this long-standing and complex question. Not since the pursuit and achievement of statehood has the Congress dealt with an issue of such immediate and vital importance to the citizens of Alaska.

Until the land claims are settled, the social and economic progress of Alaska will continue to be seriously impeded. As a result of the present unresolved land claims situation, the Native one-fifth of the Alaskan population remain without title or security on those lands that they and their ancestors have occupied and used for untold generations. Devoid of land ownership and the monetary security that it often brings, many are poor and in need.

The current land claims situation also has profound implications for the State of Alaska. Because of the "super land freeze" imposed by the previous Secretary of the Interior Stewart Udall, and retained by the present Secretary Walter J. Hickel, the State of Alaska is halted in its land selection program authorized in the statehood enabling legislation.

Because of the deep misunderstandings which have arisen in connection with the land claims, no issue in the history of the State has ever so divided the people of Alaska. Regrettably, with the passage of time, the opposing positions of Native and non-Native have tended to polarize, thus making resolution of the land claims question even more complex. The purpose of this Special Report on the Alaska Native Land Claims is to present some of the historical, treaty, constitutional, statutory, moral, and economic reasons for a land claims settlement, and to propose a solution which hopefully will be of some assistance in bringing the claims issue to a satisfactory conclusion.

II. THE HISTORICAL AND LEGAL BACKGROUND OF THE NATIVE LAND CLAIMS

In order to understand the various arguments adduced to justify or deny settlement of the land claims, one must be acquainted with the historical and legal background of the claims. A relatively brief chronology follows of the relevant constitutional, treaty, statutory, and judicial facets which deal with the concept of "Indian title"—the right to lands continuously used and occupied.

1. The "Treaty of Cession" (1867)—The United States purchased all of the right, title, and interest of Imperial Russia in Alaska. The terms of the treaty drew a distinction between the white inhabitants and "civilized tribes" (those aboriginal inhabitants who traded with the Russians and adopted the Russian Orthodox religion) on the one hand, and the "uncivilized tribes" on the other. Only the former were granted "all the rights, advantages, and immunities of citizens of the United States."

2. The Organic Act of 1884—This legislation was the first explicit Congressional policy pronouncement with respect to Alaska's Native people. Section 8 of the Act stipulates that Alaska's Natives should "not be disturbed in the possession of lands actually in their use of occupancy or now claimed by them." However, the precise terms under which actual title could be acquired were reserved for future legislation.

3. The homestead laws of the United States were made applicable to Alaska under the Homestead Act of May 13, 1898. However, because Alaska's Natives were not granted citizenship until the Citizenship Act of 1924, they were excluded from the benefits to be derived from the Homestead Act and other legislation relating to the acquisition of title to land. While the Act preserved suitable tracts of land along navigable waterways for the landing of Native canoes and other craft, this legislation did not otherwise protect the land holdings or water rights of Alaska's Native people. Section 7 of the Act specifically excluded Indian reservations from the homestead laws.

The legal position of Alaska's Natives prior to 1924 is summarized on page 434 of the Federal Field Committee report, *Alaska Natives and the Land*:

"Physically they comprised the major part of Alaska's population. Officially, they were invisible."

4. Notwithstanding the provisions of Paragraph 3 above, the Congressional Appropriation Act for Fiscal Year 1900 explicitly protected the Native possession of lands in Alaska:

"The Indians . . . shall not be disturbed in the possession of any lands now actually in their use or occupation . . ."

5. *U.S. vs. Berrigan* 2 Alaska 442 (1905) This case held that the vacant, unoccupied, and unappropriated lands in Alaska at the date of cession became a part of the public domain of the United States. The importance of this case is the determination of the Court that the U.S. Congress alone had the power to dispose of lands reserved by it for the use and occupancy of Alaska's Native people.

6. *U.S. vs. Alcea Band of Tillamoos* 329 US 40 (1946): Although it did not deal with the land claims of the Natives of Alaska, this United States Supreme Court case is very helpful in understanding the concept of "Indian title." In defining this concept, the Court said that the title to lands occupied by Indians vested in the federal government by virtue of discovery. However, the Indians obtained the right of occupancy because of their original possession. The Court recognized the right of the sovereign to extinguish Indian occupancy, but held also that taking away original "Indian title" without compensation does not satisfy the "high standards of fair dealing" required of the United States. The right to fair compensation arises from the fact that the Indians have more than a "merely moral claim." Elaborating on the concept of "Indian title," the Court said that the constitutional power of Congress over Indian affairs (Article 1, Section 8 of the United States Constitution) does not enable the federal government to give tribal lands to others or to appropriate them for its own purposes without assuming an obligation to render just compensation. However, once the right of occupancy is extinguished, the land becomes "free and clear."

In another portion of the decision, the Court recognized that the determination of "Indian title" is usually a political question, presenting non-justiciable issues. But, if Congress chooses to do so, it can through legislation confer jurisdiction on the Courts to adjudicate specific cases involving claims arising out of "Indian title."

7. In both the Alaska State Constitution (Section XII) and the Alaska Statehood Act (Section IV), Alaska disclaimed "all right and title to any lands or other property not granted or confirmed to the State . . . and to any lands or other property (including fishing rights), the right or title to which may be held by any . . . Natives, or held by the U.S. in trust for said Natives."

8. *Tee-Hit-Ton vs. U.S.* 348 U.S. 272 (1955)—In this celebrated case, the U.S. Supreme Court further elaborated on the concept of "Indian title." The Court said that "Indian title" is not a property right, but amounts to a right of occupancy which the sovereign grants and protects against intrusion by third parties." Reversing a trend which was discernible in many earlier cases and which reappeared in subsequent decisions, the Court concluded that the "right of occupancy may be terminated and such land fully disposed of by the sovereign itself without any legally enforceable obligation to compensate the Indians." The Court's decision was based in large measure on the finding that the tribe had perfected a proprietary interest in the lands under ajudication before Imperial Russia conveyed the lands to the United States.

9. In the case of *Kake Village vs. Egan* 369 U.S. 60 (1961), the U.S. Supreme Court said that by means of the disclaimer by the State and its people of any right or title to any property held by or for the Natives, which is contained in Section 4 of the Statehood Act, the Congress sought to preserve the status quo with respect to aboriginal and possessory Indian claims, so that statehood would neither extinguish the claims nor recognize them as compensable. The Court observed that the Congressional architects of the statehood legislation intended that the State be left free to choose Indian "property", but that such a taking would leave unimpaired the right of the Natives to sue the United States (not the State) for compensation at a later date.

10. Notwithstanding the Tee-Hit-Ton case, the Court of Claims held in *Tlingit and Haida Indians vs. U.S.* 177 F. Supp. 452 (1959) that the Tlingit and Haida Indians had established use and occupancy, i.e., "Indian title" to certain lands and waters in Southeastern Alaska. The Court said that "the use and occupancy title . . . was not extinguished by the Treaty of 1867 between the U.S. and Russia, nor were any rights held by the Indians arising out of their occupan-

cy and use extinguished by the Treaty." The Court stated that the Treaty "was not intended to have any effect on the rights of the Indians of Alaska, and it was left to the U.S. to decide how it was going to deal with the Native Indian population of the newly acquired territory."

11. The Alaska "Land Freeze"—In December of 1966, then Secretary of the Interior Stewart Udall imposed on informal "land freeze" on all federal land transactions in Alaska including State selection of 103 million acres of land granted by the federal government in the Statehood Act. Under the terms of the land freeze, the Interior Department was ordered not to transfer any additional lands to the State or to any private entryman until the U.S. Congress resolved the Native land claims issue. Following announcement of the freeze, a number of bills were introduced in Congress to settle the Native land claims. None of these bills was reported out of Committee during the 90th Congress. Consequently, on January 17, 1969, Secretary Udall converted the informal land freeze into Public Land Order No. 4582. As a result of this administrative decision, all vacant, unappropriated, and unreserved public lands in Alaska were withdrawn from appropriation and disposition under any Public Land Law.

At his confirmation hearings Secretary-designate Walter J. Hickel agreed not to modify PLO No. 4582 without first obtaining approval from both the U.S. House and Senate Committees on Interior and Insular Affairs. By the terms of PLO 4582, the land freeze will expire on December 31, 1970.

12. *The State of Alaska* vs. *Hickel* Ninth Circuit (December 19, 1969).

In this case, the Court of Appeals for the Ninth Circuit reversed the summary judgment of the Federal District Court of the District of Alaska. The State had argued successfully in the lower court that aboriginal title derived from Native use and occupancy could not affect the status of lands in Alaska as "vacant, unappropriated, and unreserved." In remanding to the lower court for further hearing of the case on its merits, the Circuit Court added:

"In view of the pendency in Congress of proposed legislation which, if enacted, would probably resolve all or most of the issues . . . the district court may, in the exercise of its discretion, hold the trial in abeyance for a reasonable period of time."

III. THE ARGUMENTS PRO AND CON

Using some of the same statutes, treaty provisions and judicial decisions, advocates and adversaries have come to diametrically opposite conclusions on the land claims issue. Accordingly, it would perhaps be useful to a fuller understanding of the entire issue to here briefly summarize some of the more important arguments adduced by proponents and opponents of a meaningful claims settlement.

A. Arguments in support of the native claims

Those who support the Native claims contend that Imperial Russia did not own Alaska, that its traders and agents only barely touched and briefly occupied peripheral and isolated coastal areas of the great land, had never seen nor subjugated most of the aboriginal inhabitants, and were in fact, as the Russian America Company, directed by the Russian government not to spread their rule from the coast where trapping and hunting were taking place, nor, to make any effort to conquer the tribes inhabiting the coasts. It is further advocated that the historical international law of right to possession, title, and sovereignty by conquest did not pertain so far as Alaska and its people were concerned, that the simple planting of a national flag on the soil by a foreign intruder and exploiter would not secure the land of Alaska for that nation or any nation at no cost to it, and, accordingly, that the United States really bought stolen property from Russia.

The spokesmen for the Natives assert that since the land of Alaska has never been wrested from the Indians, Eskimos, and Aleuts by any act of hostility or conquest by either Imperial Russia or the United States, nor taken by a legislative act or judicial determination of abandonment on the part of the Natives, the land continues to belong to them by reason of aboriginal and historic use and occupancy. Further, it is pointed out that Alaska was sold to the United States by the Russian government without consultation with the Indian, Eskimo or Aleut inhabitants, and no time since then has there even been any agreement by aboriginal Natives to extinguish their ownership in the lands of Alaska.

The Native leadership and their counsel point out that in treaties, legislation and numerous judicial decisions there is explicit and implicit government recognition of an existing and continuing right in the lands the Natives have historically used and occupied, known as "Indian Title," and that it has legal basis sufficient to cast cloud on any and all land conveyances regardless of who the parties are, and whether or not the federal government imposes a land freeze.

The Native further asserts that resolution of the land claims issue should not be based in sympathy nor in recognition of the massive needs for bettering his way of life. He wants the matter resolved upon the dignified basis of extinguishment of a governmentally-recognized legal and moral right to use, occupancy, and ownership of lands of Alaska derived by aboriginal claim. The emerging educated and capable young Native leadership contends that the Alaskan Native does not wish to continue in the role where he is considered an incompetent government ward or second class citizen whose affairs must be forever subjected to the scrutiny and approval of a benevolent and paternal governmental trustee; nor does he wish to exist in ignominious indignity as a perpetual recipient of a degrading welfare system. He is acutely aware that only a tiny fraction of the privately held land in Alaska is owned by the first inhabitants and that, with the historic inability of the Native to acquire and hold title to land, relatively little benefit has accrued to him of the economic development and enormous potential of Alaska, the Native feels there must be a significant change in the law to firmly recognize and clarify his status as to land ownership.

With reference to the preference right on land selections, the Native feels that the aboriginal right substantially predates the right of the State of Alaska to select 103 million acres of land under the statehood enabling legislation.

B. Arguments Against a Liberal Land Claims Settlement

Many who oppose the Native view contend that the Native is entitled to no more nor less than any other Alaskan. It is contended that the Native today enjoys the dual benefits of being an Alaskan and American citizen on the one hand, and, on the other hand, of being at the same time in a privileged and select special status group who are beneficiaries of a governmental trustee relationship.

It is the feeling of many that a substantial number of non-Natives have been in Alaska for generation, and, therefore, have as much right to the use, occupancy, and ownership of the land as the Natives have. Some opponents further argue that since the Natives have received untold millions in special benefits over the years for education, health, housing and welfare, they do not deserve any further compensation at this time, that any compensable claims that they might once have had have been satisfied through past largess. Others assert that if any settlement be made, whether based on political expediency or on sound legal or moral principles, the compensation be offset by an amount equal to all the many millions of dollars previously appropriated by the federal and state governments since 1867.

Other non-Natives postulate that if the Natives are successful in claiming millions of acres of land, their ownership will interfere with the efforts of the State to accelerate its economic development for the benefit of all Alaskans. A corollary of this argument is that by providing additional special benefits to the Natives, the Congress and perhaps the State would further segregate Natives from non-Natives, a conception which is abhorent to all Alaskans at a time when emphasis should be on desegregation and acculturation into a single Alaskan society.

A number of non-Natives maintain with substantial vehemence that if the Natives lay claim to million of acres of land and demand millions of dollars of compensation for lands which they now use and occupy as they always have, it is totally unwarranted, and their efforts at obstructing progress in a fully integrated society should not be honored or dignified by recognition or compensation in any manner.

The most aggressive and dogmatic opponents castigate the attorneys for the Natives charging them with chicanery, overreaching opportunism and greed, and lay blame for the whole bothersome issue at their feet.

To the contention of the Natives that they enjoy a preference right over the State of Alaska on land selections since their aboriginal right or "Indian title" substantially predates statehood, the more-informed opponents respond and counter with the assertion that since Congress in the Organic Act of 1884 reserved for itself future legislative prerogatives as to the terms under which Natives of Alaska might acquire title to lands, Congress was aware of its power of determination at the time the Statehood Act was enacted, and nevertheless, with intent to create a preference, gave to the State a subsequent but preferable and preemptive right of selection paramount to all other claims or entries. This position, they contend, is buttressed by the legislative history of the Alaska statehood enabling legislation, and point to the refusal of the Interior and Insular Affairs Committee of the U.S. House of Representatives to exclude or exempt Native property from State selection in the legislation on the ground that this would virtually destroy Alaska's right to select lands (the U.S. Supreme Court took cognizance of this legislative history and intent in *Kake Village vs. Egan*, 369 US 60 (1961)).

These advocates of the non-Native position point to the Supreme Court decision which holds that "Indian title" can be extinguished by the federal government without legal obligations to provide any compensation (*Tee-Hit-Ton vs. U.S.*, 348 US 272 (1955)). To the argument that the State of Alaska and its people had a compact with the federal government in the Statehood Act and ratified the new state constitution, both of which had provisions that they forever disclaim all right or title to any property held by or for the Natives, the opposing spokesmen declare (a) that, short of a few reservations authorized by special legislation, Alaska is not held by nor for the Natives; (b) that the Supreme Court has already recognized that, notwithstanding the disclaimers by the State and its people in the Statehood Act and state constitution, it was the understanding and intention of Congress that the state be free to select any otherwise vacant, unreserved, and unappropriated public lands in Alaska, regardless of claims of "Indian title"; and further (c) that if any compensation were later due the Natives as a result of

any judgment arising out of such State selection, it would be an obligation of the federal government and not the State of Alaska (*Kake Village vs. Egan*, 369 US 60 (1961)).

IV. LAND CLAIMS LEGISLATION CURRENTLY PENDING BEFORE THE UNITED STATES CONGRESS

Notwithstanding the great diversity of opinion as to how the Native land claims issue should be resolved, it is clear (a) that most Alaskans feel that the land claims issue must be resolved as soon as possible, (b) that the Alaska Native is entitled to something, if for no other reason than simply to extinguish the cloud of "Indian title" and to have relief from the land freeze, and (c) that the difficult burden of decision devolves upon the Congress if this divisive issue and its concomitant dislocations are to be put behind us this year or any time in the immediate future. The matter of Native interest in land in Alaska has gone unresolved for more than a century, and it is no wonder that prior Congresses have seen fit to defer coming to grips with this complicated matter that defies easy resolution.

Several bills have been introduced during this Ninety-First Congress to settle the Native land claims, and all are still pending, of course. In addition to these legislative proposals, other interested parties such as the State of Alaska and the Alaska State Chamber of Commerce have made their positions known to the Congress and to the people of Alaska. Following is a brief summary of the pertinent provisions or positions of each. There are fundamental differences in land allocation, monetary compensation, revenue sharing, and subsistence rights.

SUMMARY OF PERTINENT PROVISIONS OF SEVERAL LEGISLATIVE PROPOSALS TO RESOLVE THE NATIVE LAND CLAIMS

	Land	Money	Revenue sharing	Subsistence land	Other significant features
1. Federal Field Committee: H.R. 10193 (House). S. 1830 (Senate).	5,000,000 acres (1 townsite per village).	$100,000,000	10 percent of revenues derived from public lands in Alaska for 10 years, plus 10 percent of revenues from disposition of minerals taken from the Continental Shelf (for 10 years).	No grants of subsistence land. Reliance for protection is placed in State management.	A. Land grants to individuals for remote homesites presently occupied, plus areas for reindeer husbandry. B. Only competitive bidding on mineral leases, with part of proceeds to Native.
2. Department of the Interior: H.R. 13142. Amendments to S. 1830.	10,000,000 acres (2 townsites per village).	$500,000,000 over a 20-year period.	No revenue sharing or overriding royalty.	No provision for subsistence protection beyond the 2-townsite allocation.	A. Monetary settlement to be administered by a statewide Alaska Native Development Corp. B. With a few notable exceptions, this bill follows H.R. 10193.
3. Alaska Federation of Natives. H.R. 14212. S. 3041.	40,000,000 acres (including surface and mineral rights).	$500, 000, 000 over a 9-year period.	A perpetual 2 percent of the gross value of leaseable minerals held in Federal ownership at time of Statehood.	Subsistence is protected by 100-year right to go upon the public lands.	A. Establishes village, regional, and statewide corps. to manage funds. B. All mineral rights are to be conveyed to regional corp. C. Homesites, campsites, and reindeer tracts are conveyed to individuals.
4. Position of State of Alaska.	Approximately 10,000,000 acres of land which would provide for present village needs plus anticipated expansion over next century (maximum of 2 townsites, but only 1 townsite in S.E.).	$500,000,000 paid by Federal Government over a 20-year period.	No overriding royalty or other revenue sharing.	No special hunting, fishing, rights. Protection should emanate from State laws and regulations.	A. No special tax privileges on either the income from 500,000,000 or the land settlement. B. Land settlement should not include State selected, tentatively selected, or patented lands. C. Settlement may include lands in Federal reserves (subject to Federal approval).
5. Position of Alaska State Chamber of Commerce.	Title to lands presently in use and occupancy, plus sufficient land for expansion.	"Equitable and just" monetary settlement, paid entirely by the Federal Government.	No overriding royalty or sharing of state revenues.	No lands to be set aside or special privileges granted for hunting, fishing, et cetera.	No special tax privileges on income from money or lands included in the settlement.
6. Stevens-Gravel tentative Senate compromise.	Grant of village sites and land around them for reasonable expansion.	$500,000,000 by Federal Government in 10 annual installments of $50,000,000.	For 10 years or until $500,000,000 is realized: A. 2 percent of the revenue from State selected land for 10 years. B. 2 percent of Federal revenue from Federal land for 20 years. C. 2 percent of Federal revenue from Continental Shelf of Alaska for 30 years.	Up to 40,000,000 acres; Use by permit; Subject to higher and better use doctrine.	A. Phasing out of the BIA within 5 years. B. Some native contribution to support of state educational system. C. Alaska Native Development Corporation administers the $500,000,000.

The elements of most of the proposals are readily understandable, although there is a wide divergence of opinion as to the desirability of inclusion of each. However, because of this complexity and significance, the 2% overriding royalty feature of H.R. 14212 (and its counterpart in the Senate, S. 3041) deserves special consideration.

Originally, the Federal Field Committee for Development Planning in Alaska proposed a 10% royalty on revenues derived from federal and state lands in Alaska for a ten-year period. The AFN bill would convert the 10% royalty into a perpetual 2% royalty, not on revenues derived from the lands, but rather on the gross value of all leaseable minerals taken from all lands which were in federal ownership at the time of Statehood. This includes all State selections of course.

It is important to understand that 2% of the gross value derived from leaseable minerals really means 2% of the total 100% value of the minerals, not 2% of the 12½% or ⅛ royalty interest retained, from which the federal and State governments normally derive their revenues. The 2% of the gross value is actually equivalent to 16% of the federal and State share. Since, pursuant to Section 28(a) of the Statehood Act, Alaska receives 90% of the revenues from the federal lands in Alaska, and the federal government retains 10% of such revenues for deposit into the general treasury, the 2% overriding royalty provision of the AFN proposal would have an especially detrimental impact on State revenues. The net effect would be that of the 16% of the royalty interest going to the Natives, the State would have to contribute 14.4% and the federal government would contribute only 1.6%.

Thus, instead of receiving 90% of the revenues from federal lands as it now does, the State would receive 75.6%, the federal government would receive 8.4% and the Natives would receive 16%.

At the present time, the various land claims measures are pending before the House and Senate Committees on Interior and Insular Affairs. Both of these Committees are diligently searching for a satisfactory solution to the complex problems posed by the land claims. Although the proposals made by the State of Alaska, the Chamber of Commerce, and Senators Stevens and Gravel have not been incorporated into new or existing legislation, these recommendations are also being carefully considered, and a modified compromise version will surely emerge.

V. SUGGESTIONS AND COUNTERPROPOSALS FOR CONSIDERATION

A. Frame of reference

Some of the factors, guiding principles, and considerations which lend to a sensible compromise solution for this complex controversy are summarized below.

1. As previously stated, it seems clear that the burden of ultimate resolution should rest with the U.S. Congress if we are to put this divisive issue behind us in the near future. A judicial resolution would be costly, time-consuming and otherwise extremely unsatisfactory. Because judicial determinations would most likely take place on a tract by tract basis, the State land selection process would be seriously impeded. As a result, Alaska's economic development likely would be retarded for many years, and it is possible that the State and its people would incur large litigation costs by being compelled to participate in multitudinous individual suits. Also, it is unlikely that a judicial resolution would fully and finally extinguish "Indian title", so the resolution might well not be final.

Moreover, the Natives would also suffer from a judicial solution. There would be difficulty proving an actual taking of lands presently used and occupied by the Natives.

Historically, court judgments have resulted in inadequate money judgments, with no provisions being made for conveyance or issuance of title. Almost always, many aspects of the total problem are left unresolved.

2. In my view, the creation of Native reservations in Alaska where they do not now exist would be extremely undesirable. This is paternalistic segregation, certainly at a wrong time in history. Whatever may be the historic validity of the reservation concept in the "Lower 48" or continental United States, reservations in Alaska can only serve to withdraw the Natives from the mainstream of our society. The initial purpose of the few reservations which still exist in Alaska was not to confine the Natives, as was done elsewhere in the United States, but to protect them from exploitation (See *Metlakatla Indian Community, Annette Islands Reserve vs. Egan* 369 US 45 (1961)), or to preserve hunting and fishing areas for those who only knew how to subsist and survive off the land. The legislation under consideration can meet these diminishing needs by other means. However, the creation of any new reservations would indeed be unfortunate and should be avoided.

3. The land claims solution which is ultimately adopted should protect the rich cultural heritage of Alaska's Indians, Eskimos, and Aleuts. Yet, the claims settlement must be designed to afford the Natives the opportunity to become assimilated into general society of Alaskans. Certainly assimilation can take place without destroying the cultural heritage of our Native people, and the cultures and traditions of both our Native and non-Native citizens will be greatly enriched.

4. The land claims settlement should not create a massive Native superstructure which would exist within but in potential conflict with the general government of the State of Alaska; therefore, the creation of a separate and segregated, powerful Native "government" within a government is not necessary, and would be harmful. For this reason, I advocate the establishment of perhaps twelve regional corporations, each of which would have a single delegate or representative on a statewide coordinating assembly or board, with the settlement monies and land going to the regional corporations, and without the legislation sanctioning creation of a statewide corporation. To insure that benefits sift down to the "grass roots" or local level, it would seem desirable to insure that each Native community had a director on the board of the regional corporation in the area where the community is located. With local representation at the regional level, and regional representation at the state level, the views and desires of the individual Native would be best reflected.

5. One of the primary objectives of any solution must be the economic enhancement of the Native community, not because of sympathy or because of need, but for sound and logical geopolitical and geoeconomic reasons. From the legal point of view, any settlement would be in consideration of the extinguishment of "Indian title" in all of Alaska's land and adjacent waters for now and forever more.

6. All of us must recognize that the $900 million in North Slope oil lease bonus payments which the State of Alaska received last September will have a substantial impact on the final resolution of the land claims question. Congress no longer conceives of Alaska as a "poor stepchild." Of course, Alaska still has massive unemployment, a pitifully inadequate "pioneer" highway system, a tragically inept communications network, a crying need for airports and airport and port facilities, et cetera, et cetera, and yet, to be perfectly candid, this "new wealth" has immeasurably complicated an already complex situation. Paradoxically, the $900 million, which is so essential to the social and economic development of Alaska, may have a detrimental impact on certain aspects of the final claims settlement.

7. One of the most baffling and complex questions concerning the land claims settlement is whether the State or the Natives should have preference with respect to the selection of land. The legal aspects of this matter have been discussed earlier; however, there are other considerations. Alaska is an immense land mass. Roughly one-fifth the size of the rest of the United States, the State contains approximately 375 million acres of land (586,400 square miles). Nevertheless, the amount of usable land is severely limited. Only one-third or approximately 125 million acres of the total land mass of Alaska can be used for extended human habitation. This includes all of the land located below the one-thousand-foot elevation, the point customarily used in Alaska to delineate areas hospitable to the establishment of city and village life, farming, fishing, and other normal human habitation. Viewed from another prospective, Alaska's land mass includes about 10 million acres of inland waters, 85 million acres of federal withdrawals for wildlife refuges, forest areas, parks, and monuments, defense establishments, et cetera, 32.6 million acres of glaciers and icefields, and half a million acres within the periphery of or under the jurisdiction of incorporated communities. Of the usable land in Alaska, the State has already patented 5.8 million acres, obtained tentative approval on an additional 7.9 million acres, and has been granted selection rights on another 26 million acres. Thus, in propounding a satisfactory solution to the land claims issue, one must deal with an amount of land significantly less than the total area comprising the land mass of the State of even the total amount of usable land in Alaska.

Recognizing this situation, the Native community has challenged the selection rights which the State has already acquired. The State itself is caught between the Native challenge and the fact that much of the prime land in Alaska already belongs to the federal government. A solution is later proposed which, hopefully, will contribute to the resolution of the selection issue.

8. In recent weeks, the Secretary of the Interior has requested broad authority to modify the "super land freeze" instituted by former Secretary Udall. Although the present freeze has created serious difficulties for many Alaskans, it has generated continuing great pressure, militating toward an early resolution of the land claims issue. This pressure will likely dissipate if broad modification authority is granted by the Congress before imposition of the freeze. Aside from the need for early resolution of the land claims issue, unquestionably everyone would be delighted with the earliest possible lifting of the land freeze. It is distasteful, uncomfortable and a governmental harrassment which we have endured for some time; yet, the objective for which it was levied has not been accomplished. Passage of a meaningful bill at the earliest possible date will bring about an immediate and fully lifting of the land freeze.

B. The Pollock proposal

1. The Allocation of Land

a. Every person on the Native roll living at the date of enactment of the land claims legislation would be entitled to the personal, individual, private ownership of a small piece of land, perhaps one acre. This land would be held in fee simple absolute title by the Native, not by the village or regional corporation or other entity.

In villages where the houses are built close together, a homeowner should be allowed to select a new site within or outside the village boundaries. In this way, every Native would be assured of his full individual land allotment. However, individual selections should not be allowed to conflict with community needs. To make certain that conflicts do not occur, each village should be permitted to reserve enough vacant land to satisfy both village needs and individual land requirements. Perhaps a five-year time limit should be set on the selection of individual lots. During this period, any alienation of individually owned Native land would be subject to the approval of a Statewide Native Commission. Natives living beyond the boundaries of a Native community should likewise be entitled to select comparable acreage on vacant, unreserved, and unappropriated federal land.

b. Each Native village and community should be entitled to select lands within the boundaries of the community to provide central sewer and water facilities, power generation facilities, community hall and multipurpose area, cemetery space, waterfront and airport facilities, access roads, and churches. Additional lands should be allocated to each village for reasonable expansion. Perhaps the total allotment to each village under this subsection should not exceed three times the present village area, without regard to acreage. This community allotment would not include land needed for wood gathering, fishing, berry picking or for investment purposes, but would be limited to lands needed for general community requirements. As in the case of acreage allotted to individual Natives, land allotments for community purposes would be held in absolute fee title, both as to the surface and mineral estates. However, the title should contain a reverter clause or condition subsequent in the event the area is ever abandoned by reason of the village, settlement or community moving elsewhere.

Native villages located within national forests, game reserves or other federal reserves, or in state land selections should nevertheless be permitted to obtain sufficient lands for community needs and reasonable expansion. However, except as may be specifically authorized in the legislation, neither villages nor individual Natives should be allowed to select lands within national forests, military reservations, national monuments, nor should individual Natives be allowed to select lands within reserves, national parks, or encompassing historical sites.

c. Land areas should also be made available within reasonable proximity to the Native communities for subsistence hunting and fishing, wood gathering, berry picking, the grazing of reindeer, and other surface uses. The ownership of this land would remain in the United States government, but the subsistence needs of Natives and non-Natives alike would be protected as long as subsistence hunting and fishing continued to be important to the livelihood of the people involved. Accordingly, subsistence areas should be established and be given a preferential status over sport fishing and hunting, homesteading, timber harvesting, and similar uses. These areas would be in lieu of reservations. To insure their adequate protection and preservation, the legislation should stipulate that subsistence lands could not be converted to any "higher and better use" without a public hearing held after reasonable notice. In such a hearing, the burden of proof would rest with the individual, corporation, or governmental entity seeking a "higher and better use."

d. A reasonable amount of land should also be allocated to the regional corporations purely for investment purposes, including both the surface and mineral estates in fee, individual land selections, community selections and subsistence area selections should be given precedence over State land selections, it appears equitable and just that the

State should have a preference in selection over a significant portion of the land to be selected by the regional corporations for purely investment purposes. However, if the States were to be permitted to select all its authorized 103 million acres of federal lands before any Native selections were accomplished, it is obvious that virtually all of the valuable land would be chosen by the State. Therefore, a selection preference system must be devised, perhaps as follows.

1. Recognizing that the revenues derived from State-owned lands will be used for the benefit of all Alaskans, it would seem the State should be permitted to selection up to 68.7 million acres or two-thirds of the 103 million acres allocated to it under the Statehood Act before any Native investment selection is made by the regional corporations. The time for the initial State selections should be limited to perhaps eighteen months from the date of enactment of the land claims legislation so that the Natives can commence their land investment program as soon as possible. Since the State has already patented or selected 39.7 million acres to the present time, only 29 million of the initial acreage allotment remains to be selected before the Native regional corporations commence selections.

2. Once the State has completed its initial selection rights of up to 68.7 million acres, each of the twelve Native regional corporations should be permitted within two years to select 300,000 acres within its boundaries for its own corporate purposes. This will involve a total additional selection of 3.6 million acres.

3. Next, the statewide board of advisors or delegates from the regional corporations should then be allowed within an additional two years to select an additional 300,000 acres of available remaining vacant, unreserved and unappropriated public land from anywhere in the state for each regional corporation. This would likewise involve a total additional selection of 3.6 million acres.

4. Thereafter, following the initial Native selections, the State would then again exercise its selection rights within eighteen months on up to 34.3 million acres or the remaining one-third of the acreage to which it is entitled under the Statehood Act.

5. Next, again each regional corporation would be permitted within two years to select an additional 300,000 acres within its boundaries for its own corporate purposes. This would again involve an additional total selection of 3.6 million acres.

6. Finally, the statewide board of advisors or delegates would be permitted to select another 300,000 acres of available land for each of the regional corporations from anywhere in the state, thus utilizing another total additional selection of 3.6 million acres.

The selection process which I have just described would permit Alaska's Natives to claim 14,400,000 acres of land for investment purposes. This amount would be in addition to the individual allotments, the community allotments, and the substantial subsistence acreage previously discussed.

By permitting the statewide board composed of delegates from each of the twelve regional corporations to select one-half of the total 14,400,000 acres of investment land for the regional corporations, the Natives would be able to acquire ownership of large blocks of land in those areas of the State where the investment potential is greatest, or where large amounts of land are necessary to make certain uses feasible, i.e., reindeer herding. Also, the selection method outlined above would help to facilitate a relatively equal distribution of wealth between the richer and poorer regional areas.

2. The Taxation of Lands Privately Owned by Natives

Ultimately lands privately owned by Natives should be subject to the same laws regarding taxation and alienation as are now applicable to lands owned by non-Native Alaskans. However, before equal treatment can become practicable, individual Natives must acquire more knowledge and sophistication about property laws and taxation. Therefore, indoctrination can be accomplished through a program of gradual increased tax liability on personally owned real property. As an example, an individual Native could be required to pay only 10% of any property tax assessed during the first year following his acquisition of property pursuant to the land claims legislation.

In other words, there would be a 90% moratorium on real property taxes in the first year. During the second year, the moratorium would be applicable to 80% of the assessed property taxes, thus, requiring a 20% payment. The third year, the moratorium would be reduced to 60%, then to 40% in the fourth year, and 20% in the fifth year. Thereafter, Natives would be required to pay the same property taxes as non-Natives. If an individual Native conveyed his land anytime during the five-year moratorium period, the moratorium would automatically terminate and the land would be subject to full taxation by the successor in interest, whether he or she was a Native or not.

3. Money Grant as Part of Consideration To Extinguish Claim

The Department of the Interior and the Bureau of the Budget have previously approved a grant of $500 million for the Alaska Natives as part of the settlement, as consideration for the full, permanent extinguishment of all past, present, and future aboriginal claims, i.e., for the abolishment of all claims of whatever nature based upon "Indian title." The $500 million should be authorized by the Congress and the money appropriated according to the following formula. $11.5 million for the first year for each of the twelve regional corporations ($138 million), and thereafter, $5 million per year for each of the twelve regional corporations ($60 million annually) for six additional years (or a total of $360 million after the first year). The remaining $2 million could be placed at the disposal of the statewide board of regional delegates for coordinated efforts in welfare or investment objectives and for administrative expenses.

Anyone who understands the federal budget, fiscal and expenditure process knows that the Congress customarily authorizes funds in one piece of legislation and appropriates in another. Therefore, there is a danger that this Congress might well authorize the full amount according to the legislative formula, but that future Congresses may be reluctant to appropriate the authorized annual allocations. This hazard can be alleviated by a full understanding by the Congress of the good faith commitment and implied contract by the United States in exchange for the extinguishment of a previously recognized and honored "Indian title" held by the Alaska Natives. Of course, this presupposes that the Administration will likewise continue to honor the commitment by annually including the authorized dollars in the budget.

4. Revenue-Sharing

Unquestionably, the most controversial aspect of the entire Native land claims issue is the provision in the AFN proposal calling for 2% of the gross value of all leaseable minerals produced from any lands in federal ownership from the time of statehood as additional consideration for the extinguishment of all aboriginal land claims. This was the proverbial "straw that broke the camel's back", as far as the non-Native community was concerned. Until this revenue-sharing provision was introduced, there was much general support and only passive resistance to the enactment of the land claims legislation. Its introduction began the polarization of advocates and adversaries.

Yet, there is perhaps a middle ground that both sides can tolerate, so that the revenue-sharing concept need not be fully accepted nor fully rejected. Later in this treatise the possibility of State participation is discussed more fully with reference to monetary contributions derived from oil revenues to finance State public works projects in remote areas, such as water and sewer systems, power generation facilities, access roads, schools, refrigeration and storage facilities, and the like. This would be in lieu of a further state contribution of any percentage of the value of leaseable minerals. However, legislation could provide that the federal government contribute 20% of its share of revenues derived from the continental shelf of Alaska for a period of twenty years or until the amount of $500 million of such revenues is sooner contributed.

5. Administration of the Land and Moneys

To the extent possible, each of the twelve regional corporations would be approximately equal in size and population and would encompass a recognizable geographical area. As indicated above, the investment land and the money would be channeled into the regional corporations. Such an allocation of grant funds would result in each of the twelve corporations receiving approximately $41.5 million. Not less than approximately half of this amount, or $21,000,000, should be placed in the regional investment fund. The remaining money might be channeled into a regional welfare fund. The welfare fund would be used for scholarship funding, perhaps community utilities, housing, and for similar endeavors which are not generally recognized economic responsibilities of the state, and possibly even a limited per capita distribution of cash from the investment fund could be used to finance business and other economic ventures for the region.

Each regional corporation would be authorized to issue shares of stock to the Natives enrolled in that region. Each share would represent an individual Native's participation in the financial aspect of the land claim settlement. When it would be financially sound to do so, distributions to the shareholders could be made out of earned surplus. However, it may be desirable that the stock in the regional corporations be inalienable for a period of five or ten years. By that time, the welfare fund would likely be exhausted, and the regional corporation could then assume the status of any other investment venture. At that point in time, the corporation shares could be made public and be traded on the open market to anyone who wished to purchase them because of their sound investment potential.

6. Functions of the Statewide Board of Regional Delegates

The statewide board of regional delegates, alluded to earlier, would have a dual coordinating function. First, it would administer the statewide selection of the second category of acreage for each regional corporation, as previously indicated, and would distribute miscellaneous surplus income to the twelve regional corporations. Second, the statewide board might provide administrative services, legal counseling, and financial and other technical services as may be requested by the regional corporations. The statewide board should be authorized to assess a reasonable service fee to cover costs incurred in connection with these functions, with requirement for annual audit, the results of which should be made available to the regional corporations.

7. State Participation in the Land Claims Settlement

If the resolution of the land claims is to be accomplished by legislation, Congress must determine, among myriad things, whether it will attempt to compel the State of Alaska to participate in the final settlement. Many Alaskans argue with considerable

conviction that there is no valid Native land claim against the State, but only against the federal government. These people point out that no state has ever been compelled to participate financially with the federal government in the settlement of an aboriginal land claim. From this, they conclude that Alaska cannot be forced to share in the federal obligation involved in the land claims unless every other state is also required to participate. Adherents to the non-participation view further contend that the State cannot constitutionally appropriate funds on a racially oriented basis for only one segment of the population.

From a judicial point of view, it would appear that the State could not be forced to participate in the land claims settlement. Nevertheless, the Governor and the Legislature must still make a considered collective determination whether there are moral, economic, or political reasons which would justify a meaningful state contribution. Certainly State participation in the land claims settlement is not a new idea. The Alaska Legislature enacted Chapter 177 in the 1968 session providing $50 million out of revenues derived from lands in Alaska, but conditioned upon passage of federal land claims legislation in the Congress of that year, which did not occur.

Some members of the House and Senate Interior and Insular Affairs Committees feel strongly that the State should participate in some manner. If, in fact, the members of these Committees do have such an opinion, there can be little doubt that State participation would help substantially to insure the enactment of relevant legislation during the present session of Congress.

Should the State determine to participate, its monetary contribution could be derived from oil revenues without otherwise utilizing available state funds. Such a contribution might also be allocated equally to each of the twelve regional corporations, or the state could decide instead to appropriate funds to finance State projects in remote areas. Such funds might be used in areas heavily populated by Natives to construct water and sewer systems, power generation facilities, access roads, community building, schools, and refrigeration storage facilities, as an example. In the wisdom of the Legislature, the contribution of the State could be made contingent upon Congressional action to resolve the land claims situation.

8. Native Enrollment

Historically, one-fourth blood has been used to determine whether or not a particular individual qualifies as a Native for the purpose of receiving benefits under federal land claims legislation. In Alaska, such a criterion would impose a considerable hardship on hundreds of our citizens, for many Natives in Alaska, such as the Aleuts, have been closely associated with non-Natives for over two hundred years. It would seem that the one-fourth blood criterion should be expanded to include any person of lesser Native blood who is actually living as a Native and is considered to be such by the community or regional corporation. Because the qualification decision will often be a difficult one, and because an adverse determination would create severe hardship, an aggrieved applicant should have the right of appeal and ultimate judicial review.

9. Administrative and Judicial Review

In order to resolve disputes concerning blood quantum, to compile a list of Natives who qualify for land claims participation, to settle disputes arising out of land selections, and to process the appeal of any other matter relating to land claims legislation, a five-member Alaska Native Claims Commission should be established for limited duration. This Commission would be appointed by the President of the United States and would have initial administrative jurisdiction over all disputes arising out of the claims settlement. Three members of the Commission should be Alaskan Natives, the fourth would be recommended by the Governor of Alaska and approved by the State Legislature in joint session assembled, and the fifth would be a member-at-large chosen by the President. No more than two of the Native members nor more than three members of the total Commission should be from the same political party. Recognizing that many public entities created for a temporary purpose often manage to achieve a permanent status in contravention to original legislation intent, the life of the Commission should be limited to perhaps five years. The Commission members would be federal employees in an annual salary range approximating $25,000, perhaps with an additional $25,000 for the Commission chairman. The Commission should be authorized necessary staff and allowances. If a further extension of time for the life of the Commission proves necessary and is authorized by the Congress, the compensation of Commission members could then be placed on a per diem basis instead of continuing on an annual salary.

10. Competitive Versus Noncompetitive Mineral Leasing

The legislative proposals which represent the positions of the Federal Field Committee, the Department of the Interior, and the Alaska Federation of Natives all contain provisions that would prohibit the future granting of non-competitive leases on certain minerals, including oil, located in public lands in Alaska. This prohibition should be eliminated from the bills under consideration for two reasons. First, the subject of competitive leasing is not germane to a land claims settlement, and, thus, it is inappropriate in the legislation. Second, there should be a provision in the law for some balance between the awarding of competitive and non-competitive leases. Otherwise, the small mineral developer with little capital will be prohibited from competing in the exploration and development. This opportunity should not be a privilege reserved to large and wealthy petroleum and mining concerns. Alaska has many small and struggling mining firms which rely on non-competitive leases, because they cannot afford to compete on the open market with the very large companies. Also, many individual Alaskans invest in non-competitive oil leases on the geographical fringes of discovery areas and in regions of exploration and often financially assist small concerns in their exploratory ventures. This is healthy involvement of the interested citizen. The continuation of the present system of laws and regulations regarding mineral leasing would insure the prosperity of both the large and small producers.

11. Homesteading and Other Entries versus Native Land Claims

Any homestead or other legal entry made on public lands prior to December of 1966 (when the informal land freeze was inaugurated), should be honored pursuant to existing law, without regard to the Native land claims. Any entry on public lands after that time should be presumed to be with knowledge of the land freeze and the claims of Alaska's Natives.

12. The Bureau of Indian Affairs and the Public Health Service

The benevolent and protective Bureau of Indian Affairs could be phased out of Alaska within a reasonable period of time. Most of the functions now performed by the BIA could be assumed by the State, including the administration of federal educational funds for the Natives of Alaska under the applicable federally administered programs.

In addition, Public Health Service hospitals in remote areas of Alaska, now available only to Natives, should also be made available to non-Native patients when other medical facilities are not readily available. Those Natives and non-Natives who can afford to pay for medical care should do so, but the indigents of all races should be treated on a cost-free basis. Both the BIA and PHS services and facilities in Alaska and elsewhere in the nation are government bureaucracies which foster segregation needlessly at the taxpayer's expense.

VI. CONCLUSION

It must be abundantly clear that we are dealing with an exceedingly complex problem, and a solution totally acceptable to all will not be possible. Thus, it is of utmost importance that every Alaskan citizen, Native and non-Native alike, provide the Alaskan Congressional delegation with trust, understanding, and confidence that the best possible end result will emerge for all. Every possible alternative will be explored and maximum effort will continue to be exerted to achieve a satisfactory balance between the opposing extremes. Hopefully, this treatise will contribute to a satisfactory resolution by bringing about a more comprehensive understanding of the Native land claims issue.

I am convinced that a "political" solution is preferable to a piecemeal of any other judicial determination. Yet, if a legislative solution is not achieved during the present session of Congress, the federal legislature will likely enact enabling legislation to permit the Native community to seek judicial redress from the United States government. Because of the profoundly deleterious impact which the time-consuming judicial alternative would have on the Natives and on the entire State, everything possible must be done to bring about a satisfactory legislative solution.

Recognizing the present wide divergence of opinion as to a proper solution, and the polarization of opposing views, perhaps the ultimate criterion of whether the Congress has handled the matter wisely will be the extent to which all interested parties are equally unhappy. Hopefully, in the near future the matter will be put to rest, and this explosive issue which has divided Alaskans will be but a cloudy moment in the otherwise radiant history of a determined and happy people who are privileged to live in a dynamic, emerging young state.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. GROSS, for 30 minutes, today.

Mr. POLLOCK, for 5 minutes, today, to revise and extend his remarks and to include extraneous matter.

(The following Members (at the request of Mr. ANDERSON of Illinois) and to revise and extend their remarks and include extraneous matter:)

Mr. HOGAN, for 1 hour, today.

(The following Members (at the request of Mr. FUQUA) and to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. FARBSTEIN, for 20 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BOLAND in two instances and to include extraneous matter.

Mr. BURKE of Massachusetts and to include extraneous matter.

Mr. GROSS in two instances and to include extraneous material.

(The following Members (at the request of Mr. ANDERSON of Illinois) and to include extraneous material:)

Mr. LANGEN.
Mr. CHAMBERLAIN.
Mr. STANTON.
Mr. LUKENS.
Mr. MCCLOSKEY in three instances.
Mr. FINDLEY in two instances.
Mr. AYRES.
Mr. SCHWENGEL.
Mr. BUTTON.
Mr. GERALD R. FORD.
Mr. ANDERSON of Illinois.
Mr. HOGAN.
Mr. BYRNES of Wisconsin.

(The following Members (at the request of Mr. FUQUA) and to revise and extend their remarks:)

Mr. FRASER in two instances.
Mr. FARBSTEIN in two instances.
Mr. WILLIAM D. FORD in two instances.
Mr. DIGGS in seven instances.
Mr. MONAGAN in four instances.
Mr. ICHORD in two instances.
Mr. MAHON.
Mr. MINISH.
Mr. RARICK in four instances.
Mr. FUQUA.
Mr. MATSUNAGA.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1289. An act to amend the International Travel Act of 1961, as amended, in order to improve the balance of payments by further promoting travel to the United States, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 2999. An act to authorize, in the District of Columbia, the gift of all or part of a human body after death for specified purposes; to the Committee on the District of Columbia.

S. 3072. An act to stimulate the development, production, and distribution in interstate commerce of low-emission motor vehicles in order to provide the public increased protection against the hazards of vehicular exhaust emission, and for other purposes; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 13448. An act to authorize the exchange, upon terms fully protecting the public interest, of the lands and buildings now constituting the United States Public Health Service Hospital at New Orleans, Louisiana for lands upon which a new United States Public Health Service Hospital at New Orleans, Louisiana may be located; and

H.R. 14289. An act to permit El Paso and Hudspeth Counties, Texas, to be placed in the mountain standard time zone.

BILL PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on March 27, 1970, present to the President, for his approval, a bill of the House of the following title:

H.R. 4148. An act to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

ADJOURNMENT

Mr. FUQUA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 22 minutes p.m.), under its previous order, the House adjourned until Thursday, April 2, 1970, at 12 o'clock noon.

COMMUNICATION FROM NASA

The following communication to the Speaker from the Administrator of the National Aeronautics and Space Administration:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
Washington, D.C., March 25, 1970.

Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: This is a report to the Congress pursuant to Section 4 of the Act of August 28, 1958 (72 Stat. 972), submitted to the Speaker of the House of Representatives pursuant to Rule XL of that House.

During Calendar Year 1969, the National Aeronautics and Space Administration utilized the authority of the above-cited statute as follows:

1. Extraordinary contractual adjustments authorized by the NASA Contract Adjustment Board:

a. Under date of June 10, 1969, the Board authorized the adjustment of a contract for a man-carrying motion generator with Genisco Technology Corporation. The relief granted clarified the intent of an earlier Board decision so as to enable Genisco to obtain consideration on the merits of other claims for equitable adjustment or contractual relief to which it may be entitled. The amount of relief which might be obtained under such claims is not yet ascertainable.

b. Under date of June 10, 1969, the Board authorized the adjustment of a contract for the Saturn S–1B stage for a C–1 launch vehicle with Chrysler Corporation. Relief was granted on the basis of mutual mistake of a material fact, so as to authorize Chrysler to be paid a flight performance incentive fee for a successful space mission. The maximum relief that could be authorized would be $79,400, but it is subject to determination by the contracting officer.

c. Under date of December 18, 1969, the Board authorized the adjustment of a contract for system management for the Scout launch vehicle with LTV Aerospace Corporation. Relief was granted by amending the contract so that LTV could submit its case to an Award Evaluation Board which would decide if LTV is entitled to restoration of all or part of a penalty which had been assessed because vehicle performance requirements specified in the contract had not been fully met, although the mission involved had been adjudged to be successful. The maximum amount which could be granted is $375,000.

2. Actions under Project Stabilization Agreement applicable to construction work at Cape Kennedy, Florida.

Under date of September 26, 1962, the Administrator of NASA made a determination pursuant to the Act of August 28, 1958 (Public Law 85–804), that from and after September 26, 1962, all contracts, or amendments, or modifications thereof, for the performance of construction work at the Patrick Air Force Base, Cape Kennedy, and the John F. Kennedy Space Center, should include a clause requiring contractors and all subcontractors thereunder to abide by money provisions of a Project Stabilization Agreement, to the extent such money provisions are determined by the Government to be reasonable. The Project Stabilization Agreement referred to is an agreement negotiated by and between the Patrick Air Force Base Contractor's Association and other local and national association of contractors, and the Brevard Building and Construction Trades Council of the Building and Construction Trades Department, AFL–CIO. The purpose of this agreement is to promote stability, efficiency, and economy of performance of contracts involving construction work at Patrick Air Force Base and the Cape Kennedy complex. The agreement was originally negotiated in 1962, and amendments were re-negotiated again on April 1, 1964, and April 1, 1967. On June 23, 1969, the unions and employers association agreed to extend the Project Stabilization Agreement without amendments for a two-year period ending March 31, 1971.

Pursuant to this determination, during 1969, one amendment to be an existing contract and two new contracts for construction were awarded for a total of $6,729,073 which included the clause making the money provisions of the above Project Stabilization Agreement applicable.

3. Action under Project Stabilization Agreement applicable to construction work at the Mississippi Test Facility.

Under date of June 22, 1967, the Deputy Administrator of NASA made a determination similar to that described in Paragraph 1 above with respect to contracts and subcontracts for construction work at the Mississippi Test Facility, in implementation of a revised Project Stabilization Agreement dated July 1, 1966, which had been negotiated for that area. (The original Agreement expired on June 30, 1966.) During 1969, there were no amendments to existing contracts. One new construction contract for an amount of $90,000 was awarded in 1969 at the Mississippi Test Facility which made applicable the clause which included the money provisions of the revised Project Stabilization Agreement.

On October 3, 1969, the Administrator of NASA cancelled the determination under Public Law 85–804 dated June 22, 1967, providing for the inclusion of a clause in all construction contracts and subcontracts which required contractors and subcontractors to abide by the money provisions of the Mississippi Test Facility Project Stabilization Agreement. Future construction contracts executed at Mississippi Test Facility will continue to contain a clause providing coverage under the Davis-Bacon Act and the required minimum rate schedule furnished by the Department of Labor.

Sincerely,

T. O. PAINE.
Administrator.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1837. A communication from the President of the United States, transmitting proposed supplemental appropriations and other provisions for the District of Columbia for the fiscal year 1970 (H. Doc. No. 91–288); to the Committee on Appropriations and ordered to be printed.

1838. A letter from the Chief Justice of the United States, transmitting proposed amendments to the Federal Rules of Appellate Procedure which have been adopted by the Supreme Court pursuant to 28 U.S.C. 2072 and 2075 and 18 U.S.C. 3771–3772, together with a report of the Judicial Conference of the United States pursuant to 28 U.S.C. 331 (H. Doc. No. 91–290); to the Committee on the Judiciary and ordered to be printed.

1839. A letter from the Chief Justice of the United States, transmitting proposed amendments to the Rules of Civil Procedure for the U.S. district courts which have been adopted by the Supreme Court pursuant to 28 U.S.C. 2072, together with a report of the Judicial Conference of the United States pursuant to 28 U.S.C. 331 (H. Doc. No. 91–291); to the Committee on the Judiciary and ordered to be printed.

1840. A letter from the Secretary of Agriculture, a report on the agricultural conservation program for the fiscal year ending June 30, 1969, pursuant to the provisions of 50 Stat. 329; to the Committee on Agriculture.

1841. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Justice for the Federal prison system for the fiscal year 1970 has been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to the provisions of section 3679 of the Revised Statutes (31 U.S.C. 665); to the Committee on Appropriations.

1842. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting the report on Department of Defense procurement from small and other business firms for July 1969–January 1970, pursuant to the provisions of section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

1843. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a draft of proposed legislation to authorize the District of Columbia to issue obligations to finance District capital programs, to provide Federal funds for District of Columbia institutions of higher education, and for other purposes; to the Committee on the District of Columbia.

1844. A letter from the Assistant to the Commissioner, District of Columbia, transmitting a draft of proposed legislation to provide for improvements in the administration of the Government of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

1845. A letter from the Assistant to the Commissioner, District of Columbia, transmitting a draft of proposed legislation to provide improvements in the administration of health services in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

1846. A letter from the Assistant to the Commissioner, District of Columbia, transmitting a draft of proposed legislation relating to crime in the District of Columbia; to the Committee on the District of Columbia.

1847. A letter from the Assistant Secretary for Economic Affairs, Department of State, transmitting the 22d report on the Mutual Defense Assistance Control Act of 1951 (Battle Act); to the Committee on Foreign Affairs.

1848. A letter from the Comptroller General of the United States, transmitting a report on the examination of the financial statements of the Bureau of Engraving and Printing Fund for fiscal years 1968 and 1969, pursuant to the provisions of 31 U.S.C. 181; to the Committee on Government Operations.

1849. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on extraordinary contractual actions in which the National Aeronautics and Space Administration utilized the authority granted, pursuant to the provisions of 72 Stat. 972; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[*Submitted March 28, 1970*]

Mr. PATMAN: Committee on Banking and Currency. H.R. 15073. A bill to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in U.S. currency be reported to the Department of the Treasury, and for other purposes; with amendments (Rept. No. 91–975). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 16724. A bill to require local consultation in Federal construction projects; to the Committee on Public Works.

By Mr. WILLIAM D. FORD (for himself, Mr. HAWKINS, Mr. DENT, Mr. BURTON of California, Mrs. MINK, and Mr. ERLENBORN):

H.R. 16725. A bill to amend the Department of Defense Appropriation Act, 1970, to permit the expenditure of funds for the education of children of deceased servicemen overseas; to the Committee on Appropriations.

By Mr. FUQUA:

H.R. 16726. A bill authorizing the Secretary of the Army to make a survey of Black Creek, Clay County, Fla.; to the Committee on Public Works.

By Mrs. HECKLER of Massachusetts (for herself, Mr. MILLER of Ohio, and Mr. COHELAN):

H.R. 16727. A bill to provide for the issuance of a gold medal to the widow of the Reverend Dr. Martin Luther King, Jr., and the furnishing of duplicate medals in bronze to the Martin Luther King, Jr., Memorial Fund at Morehouse College and the Martin Luther King, Jr., Memorial Center at Atlanta, Ga.; to the Committee on Banking and Currency.

By Mr. HELSTOSKI (for himself and Mr. BIAGGI):

H.R. 16728. A bill to reclassify certain positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MONAGAN:

H.R. 16729. A bill to amend the Internal Revenue Code of 1954 by imposing a tax on the transfer of explosives to persons who may lawfully possess them and to prohibit possession of explosives by certain persons; to the Committee on Ways and Means.

By Mr. OTTINGER:

H.R. 16730. A bill to authorize the U.S. Commissioner of Education to make grants to or contracts with public educational and social service agencies for the conduct of special educational programs and activities concerning the use of drugs; to the Committee on Education and Labor.

By Mr. RIVERS:

H.R. 16731. A bill to amend the provisions of title III of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

H.R. 16732. A bill to amend title 37, United States Code, to provide that enlisted members of a uniformed service who accept appointments as officers shall not receive less than the pay and allowances to which they were previously entitled by virtue of their enlisted status; to the Committee on Armed Services.

By Mr. FARBSTEIN:

H. Con. Res. 563. Concurrent resolution condemning Soviet treatment of its Jewish population; to the Committee on Foreign Affairs.

By Mr. PATTEN:

H. Con. Res. 564. Concurrent resolution expressing the sense of the Congress in opposition to the high interest rate policy; to the Committee on Banking and Currency.

By Mr. RARICK:

H. Con. Res. 565. Concurrent resolution expressing the sense of the Congress that the President, acting through the U.S. Ambassador to the United Nations Organization, take such steps as may be necessary to place the question of denial of the right to self-determination, and other human rights, including genocide, in Soviet-occupied Byelorussia on the agenda of the United Nations Organization; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. ICHORD introduced a bill (H.R. 16733) for the relief of Dr. Teresita Guerrero Boylon, which was referred to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

345. The SPEAKER presented a memorial of the Senate of the Commonwealth of Massachusetts, relative to a proposed constitutional amendment abolishing the electoral college and providing for the election of the President and Vice President by popular vote, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

426. By the SPEAKER: Petition of Henry Stoner, York, Pa., relative to enacting pending legislation on various matters; to the Committee on the Judiciary.

427. Also, petition of the legislature of the county of Erie, Buffalo, N.Y., relative to enactment of the bill, H.R. 13982, entitled "Revenue Sharing Act of 1969"; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

STATEMENT TO THE PEOPLE OF VIRGINIA

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, March 31, 1970

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to insert as extension of remarks a statement by me to the people of Virginia on March 17, 1970.

There being no objection the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY U.S. SENATOR HARRY F. BYRD, JR., MARCH 17, 1970

My dear fellow-Virginians: I would like to think out loud with those whom I have the high honor—and the great responsibility—to represent in the Senate of the United States.

I love Virginia. I love every area of Virginia—every mountain, every valley, every seashore. And I love her people.

Our people are, I feel, forward looking, responsible and moderate. We realize, too, that those of us representing the public must be attuned to the 1970's. We realize that times and conditions change—but that fundamental principles do not.

As you know, I have spent most of my adult life serving the people of Virginia to the best of my capabilities. For 18 years I served in the Senate of Virginia. I am now in my fifth year in the Senate of the United States.

During the past four sessions of the Congress, I have cast more than 1,000 recorded votes. My votes, my speeches, my views are a matter of record. This is available to all.

I cannot change that record. I would not change it if I could. I realize that no one will agree with every vote, but in each of them I have voted my convictions.

I have fought for the programs of the President—Democrat or Republican—when I thought he was right. I have fought against the programs of the President—Democrat or Republican—when I thought he was wrong.

I have acted independently of party lines. But I feel I have acted in the best interests of Virginia and of our nation. I have maintained that independence because I believe Virginians are independent, free-thinking people.

My term as United States Senator expires next January. This coming November, Virginians will vote to determine whom they wish to represent them in the United States Senate for the following six years.

I have given considerable thought as to how I can best submit my record to the voters of Virginia for their approval or disapproval.

The problems which face our nation are immense—both at home and abroad. The war. Inflation. Civil Unrest. Crime. Pollution of air and water. Unrestrained government spending. Heavy taxation.

There is no Democratic solution to these problems; there is no Republican solution.

Party labels mean less and less to Virginians—and, indeed, to most Americans. They know that it is principle, rather than labels, upon which this nation was built.

In this modern age, more and more Virginians are thinking in terms of the general election. Fewer and fewer are participating in primaries. The best evidence of this was last year's gubernatorial primary. It drew fewer than one-fourth of the qualified voters.

Another important factor must be taken into consideration.

During 1969, the various candidates for Governor spent a total of $3 million. This is a staggering sum. Never before in Virginia have such huge sums been spent to achieve public office.

This is a deplorable trend. It discourages many from seeking public office. It could lead to undue influence.

Virginia, long noted for its integrity in high office, must not go the way of other states where elections are decided by wild spending.

Obviously, two election campaigns—a Primary followed by a General Election—would be twice as expensive as one campaign. Is this in the best interests of the people of Virginia?

I have listed two factors in my thinking.

Now we come to the most important.

Last month the Democratic State Central Committee took an unprecedented step. For the first time in 40 years, a Virginia Senator, if he is to seek re-election in the Democratic Primary, will be required to sign an oath that he will support for President whoever is selected by the Democratic National Convention.

Veteran political writer John F. Daffron reported for The Associated Press the actions of the committee in these words:

"RICHMOND.—The Virginia Democratic Party agreed yesterday to require candidates for office to pledge support of all Democratic nominees from the courthouse to the White House."

The Committee is within its rights to require such an oath. I do not contest its action.

But this action has made it impossible for me to file in the Democratic Primary.

I cannot, and will not, sign an oath to vote for and support an individual whose identity I do not know and whose principles and policies are thus unknown.

To sign such a blank check would be, I feel, the height of irresponsibility and unworthy of a member of the United States Senate.

I have given this matter a great deal of thought since the Committee action three weeks ago.

I am told that I could sign such an oath and forget it.

Perhaps there is a technicality behind which I could hide, but the intent of the Committee requirement is clear.

Whatever I do, I want to do in good faith.

One reason Americans, and especially our young people, have become cynical about persons in public life is because too many politicians have become cynical, saying one thing prior to election and feeling free to do something else after election.

No one knows today who will be the Democratic nominee for President in 1972—nor who will be the Republican nominee. No one knows what philosophy they will advocate.

The year 1972 will be a crucial one for our nation.

Before making a decision as to whom I shall support for President, I want to know the alternatives—and just where each candidate stands on the dominant issues.

To forfeit now my right to do this is to me unthinkable.

I had thought that this matter of a loyalty oath had been settled 18 years ago when Virginia's Governor John S. Battle told the 1952 Democratic National Convention in these words . . . "We in Virginia are not going to sign any pledge or any commitment which will prevent freedom of thought and freedom of action."

Governor Battle made this statement in the convention four days before a presidential candidate was chosen. I would be required to subscribe to an oath two years before a candidate is chosen.

I am anxious to serve the people of Virginia in the United States Senate. I love our country, and I feel I can continue to make a contribution to Virginia and to the nation as a United States Senator.

Occasionally there comes a time when one must break with precedent, when one must do the unusual.

For me, such a time has come.

I shall take a fresh approach—to some, perhaps, a bold approach.

At this particular time—in this particular situation—in this particular election—I feel I can best serve Virginia by taking my record directly to all of the people of Virginia in November.

Now is not the time—it is too early—to announce my candidacy for the Senate. But being an independent Democrat I shall, at the appropriate time, file as an Independent in order to preserve my freedom of action.

I realize full well the difficulties I face in this decision, the course I am taking is an uncharted one.

But I would rather be a free man than a captive Senator.

I want and need the support of all Virginians—Democrats, Republicans, Independents.

At a later date—between now and November—I shall discuss in detail my Senate record, and I shall continue to make known my views on the great issues facing our nation.

I have been independent in casting my votes in Washington, and I shall take only one oath—and that to the people of Virginia: To conscientiously and impartially serve all the people of our great state.

SHOE INDUSTRY FACING EXTINCTION

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1970

Mr. BURKE of Massachusetts. Mr. Speaker, may I again call to the attention of the Members of the U.S. Congress the growing problem of the domestic footwear industry caused by accelerating imports. The enclosed report by the American Footwear Manufacturers Association reveals in a very graphic manner why the footwear industry is suffering, why shoe factories are closing, and why thousands of shoe workers in the United States are losing their jobs. Indeed, no single industry has been called upon to make the sacrifices now being made by the footwear industry. No group of Americans have lost their jobs as a result of a failure by the Government to give them a minimum of protection—this is the least that the shoe workers could expect. While American dollars are being invested in shoe plants in foreign countries where labor is exploited, unemployment rates in the shoe industry here at home continue to climb. Our unemployment compensation funds are being drained—local communities lose tax producing properties, the tax

revenues of the home State and the Nation are reduced and the shoe industry is being eroded and is facing extinction. I trust this problem will be dealt with in the coming months.

A meeting was held at the White House on September 23, 1969, with President Richard M. Nixon, members of the Congressional Footwear Committee and representatives of the American Shoe Industry to urge President Nixon to offer domestic footwear manufacturers relief from steadily increasing import injury through voluntary quotas.

Present were Congressman JAMES A. BURKE of Massachusetts, Congressman LOUIS C. WYMAN of Maine, Congressman HERMAN T. SCHNEEBELI of Pennsylvania, Congressman PHIL LANDRUM of Georgia, Congressman HASTINGS KEITH of Massachusetts, Congressman MELVIN PRICE of Illinois, Senator MARGARET CHASE SMITH of Maine, Senator THOMAS J. MCINTYRE of New Hampshire, Senator EDMUND S. MUSKIE of Maine, Senator NORRIS COTTON of New Hampshire, Senator EDWARD W. BROOKE of Massachusetts, Senator HUGH SCOTT of Pennsylvania.

Members of the shoe industry who were present included George Fecteau, president, United Shoe Workers of America, AFL–CIO; William Scanlon, Boot and Shoe Workers of America; F. Keats Boyd, president, B. A. Corbin & Son, Co., Marlboro, Mass.; Hadley Griffin, president, Brown Shoe Co., St. Louis, Mo.; Alan Goldstein, Plymouth Shoe Co., Middleboro, Mass.; Robert S. Lockridge, Craddock-Terry Shoe Co., Lynchburg, Va.; Mark Richardson, president, National Footwear Manufacturers Association, William Sheskey, president, Commonwealth Shoe & Leather Co., Whitman, Mass.; A. Meyer, president, Gutmann & Co., Chicago, Ill.

I include for the RECORD the associations' March 13, 1970, report:

AMERICAN FOOTWEAR MANUFACTURERS ASSOCIATION,
New York, N.Y., March 13, 1970.

REVIEW OF A DECADE—AND BEYOND

LEATHER AND VINYL FOOTWEAR

The years 1968 and 1969 represent the end of a dramatic decade favoring imports at the expense of U.S. production. From 1968 to 1969 production decreased in the six age-sex categories, some drastically, with the greatest drop in women's (−17.1%), while imports substantially increased. For all types, production decreased by −9.3%, while imports rose 11.6%. The largest percentage change in imports occured in men's, juvenile and athletic shoe categories, thus portending a replay in these types similar to women's imports over the decade (Table I)

Among the nine types footwear, the trend of production during the Sixties showed either no growth or a decline (except in Men's and Slippers). Therefore, total production showed no growth in these 10 years. (Table II)

On the other hand, imports for the decade rose substantially or phenomenally for the six age-sex categories. (Table III)

The impact of imports is shown in the penetration tables where imports are taken as percentages of production (Table IV) and of market supply (Table V). Although all six age-sex types were deeply penetrated, women's footwear was hit the hardest.

What does the future hold for domestic production? The outlook is bleak! If the January, 1970, volume of imported footwear of 21.4 million pairs is 36.9% ahead of the average month of 1969. The January, 1970, price (F.O.B.) per pair is $1.90 or 13.6% less than the $2.20 per pair figure of 1969. This means that more imports are coming in at cheaper prices.

TABLE I.—DOMESTIC PRODUCTION VERSUS IMPORTS OF LEATHER AND VINYL FOOTWEAR COMPARING PERCENTAGES OF CHANGE IN PAIRAGE BY TYPES BETWEEN 1968 AND 1969

Type of footwear	Percentage of increase or decrease in pairs (1969–1968)	
	Domestic production	Imports
Men's	−3.4	+34.1
Youths' and boys'	+.4	+25.0
Women's	−17.1	+6.5
Misses'	−13.0	+32.1
Children's	−11.4	+14.3
Infants' and babies'	−10.5	+15.4
Athletic	+1.2	+47.1
Slippers	+3.4	−37.9
Other	−19.1	−35.7
Total, all types	−9.3	+11.6

Note: This table is based on tables II and III, respectively Domestic Production of Leather and Vinyl Footwear by Types and Imports of Leather and Vinyl Footwear by Types.

Source: U.S. Department of Commerce and the American Footwear Manufacturers Association.

TABLE II.—DOMESTIC PRODUCTION OF LEATHER AND VINYL FOOTWEAR BY TYPES

[In millions of pairs]

Year	Men's	Youths' and Boys'	Women's	Misses'	Children's	Infants' and babies'	Athletic	Slippers	Other	Total
1960	100.6	24.1	279.8	40.2	32.7	36.6	7.0	73.5	5.5	600.0
1961	103.3	24.2	273.4	39.2	31.7	35.8	6.6	72.6	6.1	592.9
1962	112.7	25.6	288.2	36.8	32.5	37.0	10.1	83.0	7.4	633.2
1963	110.7	24.0	275.2	35.5	30.7	33.5	9.8	77.6	7.2	604.3
1964	119.9	25.4	271.1	37.0	30.4	32.8	6.9	78.9	10.3	612.8
1965	118.2	25.6	279.9	36.5	33.5	32.5	7.0	90.2	[1] 2.8	626.2
1966	126.9	24.6	284.2	35.9	33.6	32.5	7.3	93.8	2.9	641.7
1967	123.7	25.3	258.0	27.6	30.7	30.0	6.9	95.6	2.0	600.0
1968 [2]	126.3	23.5	283.7	33.0	31.4	28.7	8.3	105.4	2.1	642.4
1969 [3]	122.0	23.6	235.2	28.7	27.8	25.7	8.4	109.0	1.7	582.1

[1] Not comparable to previous years due to Government changes in definition of "Other" type of footwear.
[2] Latest revised Department of Commerce figures for 1968.
[3] Preliminary estimates of 1969 production made by the American Footwear Manufacturers Association are based on the 1st 11 months of Department of Commerce data. These estimates are most likely slightly too high due to expected seasonal drop in December domestic production.

Source: U.S. Department of Commerce and the American Footwear Manufacturers Association.

TABLE III.—IMPORTS OF LEATHER AND VINYL FOOTWEAR BY TYPES

[In millions of pairs]

Year	Men's	Youths' and boys'	Women's [1]	Misses'	Children's	Infants' and babies'	Athletic	Slippers [2]	Other	Total
1960	6.4	0.8	14.0	0.4	0.4	0.5	----	4.1	----	26.6
1961	8.1	1.0	21.3	.6	.6	.8	----	4.3	----	36.7
1962	13.1	1.6	36.6	1.1	1.2	1.5	----	7.9	----	63.0
1963	12.4	1.5	37.9	1.1	1.1	1.4	----	7.4	----	62.8
1964	13.5	1.6	49.6	1.5	2.3	2.8	----	4.1	----	75.4
1965	15.2	2.0	52.3	1.5	2.5	3.4	1.1	8.6	1.1	87.6
1966	15.9	2.2	63.7	2.4	3.2	3.0	1.2	3.6	1.0	96.1
1967	19.6	3.0	90.4	3.2	4.7	2.8	1.4	3.1	.9	129.1
1968	26.1	3.6	124.9	5.3	7.0	2.6	1.7	2.9	1.4	175.4
1969 [3]	35.0	4.5	133.0	7.0	8.0	3.0	2.5	1.8	.9	195.7

[1] Women's footwear prior to 1965 included some slippers.
[2] Slippers include soft-type moccasins, slippers, soft soles, and wool felt footwear.
[3] Preliminary estimates of 1969 imports were made by the American Footwear Manufacturers Association. These estimates were based on data provided by the Department of Commerce.

Source: U.S. Department of Commerce and the American Footwear Manufacturers Association.

TABLE IV.—IMPORT PENETRATION OF LEATHER AND VINYL FOOTWEAR BY TYPES, IMPORTS AS A PERCENTAGE OF DOMESTIC PRODUCTION

Year	Men's	Youths' and boys'	Women's	Misses'	Children's	Infants' and babies'	Athletic	Slippers	Other	Total
1960	6.4	3.3	5.0	1.0	1.2	1.4	----------	4.8	----------	4.4
1961	7.8	4.1	7.8	1.5	1.9	2.2	----------	5.0	----------	6.2
1962	11.6	6.3	12.7	3.0	3.7	4.1	----------	7.9	----------	9.9
1963	11.2	6.3	13.8	3.1	3.6	4.2	----------	7.8	----------	10.4
1964	11.3	6.3	18.3	4.1	7.6	8.5	----------	4.3	----------	12.3
1965	12.9	7.8	18.7	4.1	7.5	10.5	15.7	9.5	39.3	14.0
1966	12.5	8.9	22.4	6.7	9.5	9.2	16.4	3.8	34.5	15.0
1967	15.8	11.9	35.0	11.6	15.3	9.3	20.3	3.2	45.0	21.5
1968	20.7	15.3	44.0	16.1	22.3	9.1	20.5	2.8	66.7	27.3
1969	28.6	19.2	56.3	24.3	28.9	11.7	30.1	1.6	52.9	33.6

Note: This table is based on tables II and III, respectively, Domestic Production of Leather and Vinyl Footwear by Types, and Imports of Leather and Vinyl Footwear by Types.

Source: U.S. Department of Commerce and the American Footwear Manufacturers Association.

TABLE V.—IMPORT PENETRATION OF LEATHER AND VINYL FOOTWEAR BY TYPES, IMPORTS AS A PERCENTAGE OF MARKET SUPPLY

Year	Men's	Youths' and boys'	Women's	Misses'	Children's	Infants' and babies'	Athletic	Slippers	Other	Total
1960	6.0	3.2	4.8	1.0	1.2	1.3	----------	4.6	----------	4.2
1961	7.3	4.0	7.2	1.5	1.9	2.2	----------	4.8	----------	5.8
1962	10.4	5.9	11.3	2.9	3.6	3.9	----------	7.3	----------	9.0
1963	10.1	5.9	12.1	3.0	3.5	4.0	----------	7.3	----------	9.4
1964	10.1	5.9	15.5	3.9	7.0	7.9	----------	4.1	----------	11.0
1965	11.4	7.2	15.7	3.9	6.9	9.5	13.6	8.7	28.2	12.3
1966	11.1	8.2	18.3	6.3	8.7	8.6	14.1	3.7	25.6	13.0
1967	13.7	10.6	25.9	10.4	13.3	8.5	16.9	3.1	31.0	17.7
1968	17.1	13.3	30.5	13.8	18.2	8.3	17.0	2.7	40.0	21.4
1969	22.3	16.1	36.0	19.6	22.4	10.5	23.1	1.6	34.6	25.0

[1] Market supply=Domestic production plus imports. Exports of domestic footwear are disregarded due to the insignificant number of pairs shipped. Inclusion of export figures to determine the exact market supply quantities would virtually cause little or no change in the percentages of this table.

Note: This table is based on tables II and III.

Source: U.S. Department of Commerce and the American Footwear Manufacturers Association.

U.S. FOOTWEAR IMPORTS, JANUARY 1970

January unloaded 22 million more pairs of leather and vinyl footwear or more than 37% more than the average month last year, and 153% more than January when the dock strike was on. Leather and vinyl imports were 50% of an estimated domestic production of 44 million pairs.

LEATHER AND VINYL IMPORTS

	Millions of pairs			Percent change	Percent change
	1967	1968	1969	1968–1967	1969–1968
January	10.3	17.9	[1] 8.8	+74	[1] −51
February	10.9	17.0	[1] 15.9	+56	[1] −6
March	13.7	17.2	[1] 19.8	+26	[1] +15
April	11.9	17.0	[1] 27.1	+43	[1] +59
May	12.0	16.2	20.7	+35	+28
June	11.4	11.7	16.0	+3	+37
6 months average	(11.7)	(16.1)	([1] 18.1)	(+38)	([1] +12)
July	9.2	13.2	16.8	+43	+27
August	9.2	12.0	13.9	+30	+16
September	8.2	10.7	13.1	+30	+22
October	9.2	12.5	14.6	+36	+17
November	11.4	13.7	13.1	+20	−4
December	11.7	16.4	15.8	+40	−4
12 months average	(10.8)	(14.6)	(16.3)	(+35)	(+12)
Total year	129.1	175.4	195.7	+36	+12

[1] 1st 4 months 1969 totals affected by dock strike.

Note: Details may not add up due to rounding.

Enclosed with this report is an analysis of footwear imports from 33 nations that shows a powerful surge of imports from many sources of footwear.

The message is clear: as major sources of foreign shoes level off, new entries are exporting to the American Market with great zeal and vigor. Who said imports will taper off? It doesn't look that way.

TOTAL IMPORTS OF OVER-THE-FOOT FOOTWEAR

[Pairs and dollars in thousands]

Type of footwear	January 1970			Average monthly 1969		
	Pairs	Dollar value	Average dollar value per pair	Pairs	Dollar value	Average dollar value per pair
Leather and vinyl, total	21,425.2	41,439.8	1.93	15,616.1	34,986.7	2.24
Leather excluding slippers	10,074.5	32,480.8	3.22	8,041.2	28,689.3	3.57
Men's, youths', boys'	2,392.5	10,102.8	4.22	2,411.5	10,602.0	4.40
Women's, misses'	6,767.6	20,838.7	3.08	4,971.5	16,261.1	3.27
Children's, infants'	629.3	896.9	1.43	429.3	683.3	1.59
Moccasins	39.2	44.9	1.15	52.0	62.7	1.21
Other leather (including work and athletic)	245.9	597.5	2.43	176.9	1,080.2	6.11

Footnotes at end of speech.

TOTAL IMPORTS OF OVER-THE-FOOT FOOTWEAR—Continued

[Pairs and dollars in thousands]

Type of footwear	January 1970			Average monthly 1969		
	Pairs	Dollar value	Average dollar value per pair	Pairs	Dollar value	Average dollar value per pair
Leather and vinyl—Continued						
Slippers	7.6	19.7	2.59	29.8	63.9	2.14
Vinyl-supported uppers	11,343.1	8,939.3	.79	7,545.1	6,233.5	.83
Men's and boys'	1,253.6	1,496.5	1.19	812.0	1,024.5	1.26
Women's and misses'	9,059.7	6,771.7	.75	5,914.1	4,653.4	.79
Children's and infants'	914.6	605.0	.66	675.9	479.4	.71
Soft soles	115.2	66.1	.57	143.1	76.2	.53
Other nonrubber types, total	897.4	947.9	1.06	690.0	807.1	1.17
Wood	253.2	575.3	2.27	127.0	315.9	2.49
Fabric uppers	596.7	312.5	.52	490.6	392.9	.80
Other n.e.s.	47.5	60.1	1.27	72.4	98.3	1.36
Nonrubber footwear, total	22,322.6	42,387.7	1.90	16,306.1	35,793.9	2.20
Rubber soled fabric upper	2,299.6	2,208.8	.96	3,709.4	2,767.0	.75
Grand total, all types	24,622.2	44,596.5	1.81.	20,015.5	38,560.9	1.93

Note: Details may not add up due to rounding. Figures do not include imports of waterproof rubber footwear, zories, and slipper socks. Rubber soled fabric upper footwear includes non-American selling price types.

U.S. LEATHER AND VINYL FOOTWEAR IMPORTS, BY COUNTRY OF ORIGIN

Shoes and slippers (leather and vinyl)	1969 quantity (thousand pairs)	Percentage change, 1969/68	1969 value (thousand dollars)	Percentage change in dollar value, 1969/68
From:				
Japan	63,655	−2.3	55,196	17.6
Italy	60,535	+2.6	195,786	24.7
Spain	20,690	+45.2	73,424	54.2
China (Taiwan)	24,320	+58.8	13,526	73.5
France	2,508	−4.3	9,214	14.0
Hong Kong	3,356	+45.9	2,495	36.8
United Kingdom	3,117	+12.3	20,814	28.9
Mexico	2,396	−2.9	5,144	19.6
India	2,096	+8.9	2,108	4.7
Canada	1,976	+14.2	6,862	31.6
West Germany	1,913	+98.9	10,622	60.9
Sweden	539	+956.9	1,731	846.1
Brazil	377	+1,539.1	1,191	469.0
Denmark	294	+539.1	823	430.1
Greece	228	+174.7	2,042	221.2
Yugoslavia	186	+39.8	1,100	76.0
Ireland	168	+95.3	1,107	109.1
Poland	85	+1,600.0	174	4,032.6
Israel	73	+9.0	410	117.5
Argentina	59	+293.3	220	103.5
Finland	49	+145.0	483	111.7
Panama	33	+3,200.0	31	6,551.2
Philippine Republic	28	+300.0	34	143.3
Norway	27	+285.7	125	197.2
Uruguay	21	+162.5	43	270.5
Turkey	15	+650.0	35	920.8
Venezuela	9	+200.0	79	189.8
Malta	6	+50.0	19	50.5
Lebanon	4	+100.0	13	59.8
East Germany	4	+300.0	21	698.0
Guinea	3	+200.0	5	15.3
Colombia	1	[1] +261.5	7	120.9
U.S.S.R.	1	([2])	3	71.2
Total	188,779	+11.7	404,887	31.9
Other countries	6,894	+8.0	24,639	14.6
Total, all countries	195,673	+11.5	429,526	30.7

[1] Colombia 1968 pairage less than 500.

[2] Not calculated.

DECEPTIVE UTILITY ADVERTISING INCREASES CONSUMER COSTS

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Tuesday, March 31, 1970

Mr. METCALF. Mr. President, millions of Americans face a costly summer because of deceptive advertising by the Nation's largest industry, electric power.

Utility officials have already announced that entire areas may be blacked out this summer. Utility advertising departments, which created a power shortage by overselling their product, are now busy preparing for the emergency by promoting electric heating, rather than electric cooling.

The advertising department is much more important to a utility than its research and development branch. Advertising and public relations are, after all, the means by which utilities keep the public uninformed and the press docile. Advertisements and other public relations devices are now being used to delude the public regarding protection of consumers and the environment, industry regulation, and taxation.

I do not believe the public is being properly prepared for the forthcoming brownout, either by industry or Government. In power matters, I would add, it is often difficult to tell the difference between industry and Government.

I have recently received a report from a reputable, national engineering firm which deals with the costly problems faced by consumers, including businesses, when a brownout forces a voltage reduction. The report, by R. W. Beck and Associates to the Massachusetts Consumers Council, states that voltage reduction heats induction motors, reduces visibility on TV sets, degrades radio reception, shortens the life of some lighting fixtures, and dims others.

I ask unanimous consent to insert the Beck report at this point in my remarks.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

R. W. BECK AND ASSOCIATES,
February 17, 1970.

Mr. DERMOT SHEA,
Executive Secretary, Consumers Council, Boston, Mass.

DEAR MR. SHEA: This is in reply to your letter of February 17th regarding the effects of voltage variation and specifically voltage reduction to electric appliances and equipment normally found in homes and modernized commercial establishments.

Electric utilities have, in the past, been identified as maintaining a high level of service to their customers, and normally have been guided by two main criteria: service continuity and voltage level. Service continuity being identified as always having power available without even momentary interruption, and voltage level being identified as a voltage which had very little fluxuation.

The power companies in the New England area have recently found themselves in a very changed condition because of insufficient generating and transmission capacity to supply the electric power requirements of their consumers. Various articles have appeared in recent months, pointing out this critical power supply situation, and the industry itself is more than just a little concerned as to how they can meet these power

supply demands. It has been interesting to note that very little information has been included in these articles on the effects the ultimate power consumer will see as a result of the power companies' failure to supply their consumers' requirements. Therefore, it was of great interest to me to see that your organization is investigating this area and pointing out some of the effects which will be felt by the individual home owner and business operator.

This lack of available electrical capacity has led to the electric utility companies' adoption of a program of voltage reduction which, in some areas of the country, is now being referred to as "load conservation". This, in effect, is a reduction in the voltage level of the power supply facilities which, in turn, reduces the overall load the companies are required to supply. Remembering our high school physics formula, power is the product of voltage potential and current flow, the power companies have utilized this basic formula to reduce their loads by reducing the voltage levels in amounts which have been identified to range up to 10 percent. Normally, the voltage regulation equipment located throughout the utilities' service area reinstate the desired voltage level when normal load variations cause this voltage to fluctuate and, in the past, this equipment has always provided a fairly constant voltage supply to each consumer. However, the present practice of the utilities of reducing this voltage during high load periods is amplified by the inability of this normally used voltage control equipment to handle these planned variations, and in some cases, can cause voltage variations at individual consumer homes in the range of 15 percent.

Some of the effects that the consumer will feel when the voltage level to his residence or business is reduced by 10 percent is (1) a 30 percent reduction in the light intensity from his incandescent lights, (2) heating equipment will have a near 20 percent reduction in output, (3) induction motors utilized in many types of appliances will have a near 20 percent reduction in their starting ability and an approximate 12 percent rise in their operating temperature, (4) fluorescent lamps now found in many homes and most commercial establishments will have their life cut by 20 percent besides having unsatisfactory starting and (5) electronic devices such as radios and television sets which are very sensitive to voltage fluctuation, will have a noticeable reduction in picture brilliance and sensitivity.

In summary, it can be said that the individual customer will receive a much less satisfactory operation of his electrical appliances under low voltage conditions and will be subject to earlier replacement because of shortened life.

The industrial consumer who has a large investment in automatic control equipment of the computer type and who utilizes electrical and automatic equipment to produce his product sees the effect of voltage reduction quickly and in some cases dramatically, when a substantial voltage variation occurs. Most of his equipment probably would have protective features to adjust for slight or, what can be considered in the past, normal variations in power supply voltage, but many of these facilities were not designed to handle large voltage variations. A momentary outage or severe voltage change causes most electrical equipment to either shut down or otherwise become inoperable. It is quite common for industries with highly mechanized equipment to look closely at the dependability and continuity of power supply service before locating their facilities. Many of the industries that are in the New England area can be identified as this type of industry.

I hope this information will be helpful to you and I would be happy to supply you with a list of references of publications and documents which substantiate the information discussed above.

If there is any other information which I can supply you in this regard, please contact me.

Very truly yours,

ROBERT G. TAYLOR,
Partner and Manager, Northeast Regional Office.

Mr. METCALF. Although practically no one is giving utility customers information about the costly effects of brownouts on them, the utilities have increased their efforts to mislead the public and public officials. Some of you will recall a particularly vicious series of national advertisement by power companies early in the 1960's. Seven long years ago John F. Kennedy shamed them into dropping these ads, which were designed to sow mistrust and fear. Recently this theme has reappeared. I refer specifically to an advertisement carried by Time, Newsweek, Broadcasting, Editor and Publisher, American Press, and U.S. News & World Reports in recent issues—perhaps other media carried it as well.

I shall briefly discuss this ad, headlined "How does it feel to pay more than your share of Federal taxes?" and ask unanimous consent that the text of the ad appear at this point in the RECORD.

There being no objection, the advertisement was ordered to be printed in the RECORD, as follows:

HOW DOES IT FEEL TO PAY MORE THAN YOUR SHARE OF FEDERAL TAXES?

Perhaps it's news to you that many people do.

This is happening because government is in the electric power business in a very big way.

On the one-hand, investor-owned electric light and power companies serve about 80% of electric users in the U.S.A. and are among the largest payers of federal taxes in the nation.

Government power projects, on the other hand, though they sell hundreds of millions of dollars worth of electricity that goes to millions of residential, commercial and industrial users, do not yield any tax revenue to our national treasury. For example, from 1953 to 1968, more than $4,411,000,000 in federal tax revenues were lost through this situation.

This is because consumers who use government electric power are not required to pay in their electric bills the same taxes that other Americans pay. Obviously, everyone else has to make up the difference. That is one reason why so many people are paying more than their share of federal taxes.

What is suggested is that government electric power businesses assume federal tax-paying responsibility, as do the investor-owned electric power companies. This would spread the federal tax more fairly among electric users and open an added source of revenue to help meet the costs of government.

Mr. METCALF. It does not feel good to pay more than your share of Federal taxes. Electric utilities do not know how it feels, however, because they operate on a cost-plus system, with taxes, advertising, research and development and all other expenses included in the before-profit costs.

Furthermore, many utilities collect more for taxes than they turn over to government. The Federal surtax was reduced at the beginning of this year, and will soon be removed entirely. Can anyone cite an example of a utility which reduced rates to reflect the reduction in this tax? I know of none. In summary, no utilities are taxpayers and many of them are taxkeepers. I have dealt with that point before and it need not be belabored here.

I would, however, like to note the thesis of this ad, that "Government is in the electric power business in a very big way."

I doubt that the copywriter got mixed up on that ad. But actually, it should be stated the other way around. The Government is not in the electric power business in a very big way. Actually, the electric power industry is in the Government business in a very big way—from the White House to the schoolhouse, through Budget Bureau advisory committees, the Congress, and Federal Power Commission, State utility commissions and legislatures, and on to county, city, and school officials who are dined and duped by utility dukedoms or their emissaries.

This powerful utility influence is at the expense of the public, which is neither informed about nor represented in this insidious, pervasive system.

Recently I was favored, as I assume other Members were, with a brochure entitled "Some Basic Convictions About Advertising." It was prepared by Procter and Gamble and distributed by the American Advertising Federation. This booklet states that advertising lowers costs to consumers, forces competition, spurs continual product improvement, and complements scientific research.

The brochure is incorrect on all of those points, insofar as utility advertising goes. The record, much of it in the hearings on S. 607, the utility consumers counsel bill, and in the CONGRESSIONAL RECORD, shows that utility advertising increases consumer costs, decreases competition, and supplants expenditures which should be made on research and development.

Mr. President, this era will be known as the scandalous 1970's if the press decides to investigate, rather than profit, from, utilities. Tax policy, industry-government relations, environmental, and consumer protection, as regard utilities, are subjects far too important to be taught by the utilities themselves, through their deceptive advertising and public relations programs.

At the least, regulatory commissions should disallow advertising as a utility operating expense, borne by the customers. I am not optimistic about this being accomplished to a significant degree, without the corporate disclosure and public counsel provisions in S. 607 and without studied attention to utility affairs by inquisitive reporters backed by publishers willing to be snubbed at the club.

What a salutary event it would be were the news media simply to declare a moratorium on electric utility advertising. This decision could not be made lightly by some small publishers, whose large and regular advertising mats from the local power company provide enough income to keep the son and heir in college. Our morning newspaper—and its associated magazine, radio station, and television station—could afford to pioneer in

this field. Several publishing and broadcasting empires could well afford to divert a portion of the handsome revenues they have obtained from utilities into investigation of malpractice by public service corporations. The public's right to know—and much more—are vitally involved.

Mr. President, I ask unanimous consent to insert at this point in the RECORD an article from the Washington Post regarding Potomac Electric Power's "spring sales campaign" and the increased sale of air conditioners and an article from the New York Times regarding power shortages.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 19, 1970]

PEPCO TAILORS ADS TO POSSIBLE SUMMER POWER SHORTAGE

(By Stephen Neary)

Potomac Electric Power Company's spring sales campaign will be concentrated this year on electric heating and cooking utensils instead of air conditioners, apparently because of fears that there will not be enough electricity available this summer to power more cooling units. In Baltimore William O. Doub, chairman of the Maryland Public Service Commission, has formally requested utility companies there to take the same course and to promote conservative use of electric appliances instead of ask customers to purchase more. Yesterday the combine of electric companies supplying a five-state area that includes the District of Columbia was forced twice to reduce its electricity flow despite temperatures that went only into the low 40s. And officials in the Washington area and also the East Coast, are fearful that the unseasonable power reductions portend even greater problems this summer than have occurred in the past.

Charles F. Luce, the chairman of the New York area's Consolidated Edison Company announced Monday that his company may be forced to black out entire residential areas in a few months when the demand for electricity hits its annual peak. These moves are all symptoms of the same problem, one of supply and demand. The demand is growing two-fold as the number of electricity-using customers increases, and each customer uses more and more appliances. Statistics compiled by the Air Conditioning and Refrigeration Institute, a national trade association, show that about $631 million worth of the cooling machines were sold in 1960. In 1968, the most recent year for which figures are available, sales totaled nearly $2 billion. At a meeting in December of the 12 utility companies that make up PJM interconnection, the combine that serves Maryland, Washington, Delaware, New Jersey and Pennsylvania, George Avery, chairman of the District of Columbia's Public Service Commission, called upon the companies to tone down their promotional campaigns for air conditioner sales.

Recalling last summer's "brownout," when Pepco called upon its customers to restrict their electric power usage voluntarily during a two-day period, Avery yesterday predicted "a strong possibility" of more power reductions and requests for voluntary cutbacks again this year. Both Avery and Maryland's Doub said that the utility companies are operating with a reserve capacity estimated at only 9 per cent to 12 per cent. The Public Service Commissions believe a 20 per cent capacity is needed. Working with such a thin reserve, the two chairmen said, requires that when a piece of apparatus breaks down or when customer demand becomes heavy, the utility companies are forced to cut back their output.

Norman Belt, the chief engineer for the Virginia Corporation Commission, pointed out that in addition to increased air conditioner sales and inaccurate market estimates, the electric power industry has been plagued by mechanical failures in its newer and larger power generating installations. Yesterday's reductions here were caused by demands on Pepco resources from utilities in other states serviced by the combine. Such reductions are the first step in controlling over-demand; if necessary, they are followed by pleas to industrial customers to curtail use voluntarily, then by general public appeals for curtailed use, and finally by shutting off entire consumer areas.

[From the New York Times, Mar. 15, 1970]

UTILITIES FACE POSSIBILITY OF FORCED POWER OUTAGES THIS SUMMER

(By Gene Smith)

It's late Friday afternoon in early July. Another hot, humid day . . . the third in a row with the temperature in the high 90's. The air-conditioner is belching out cooled air and half the office has fled early for the beaches and the Catskills. Across the Hudson in New Jersey the thunderheads are piling up. And, all at once, the lights flicker. They bounce on and off and then off completely! The air conditioner grinds to a halt! Outside, the theater marquees disappear. Blackout! That's the prospect facing millions of persons in this area this summer. It might not happen, but then, again, it might. And, in their private conversations, the top executives of many—if not most—of the major electric utilities in the Northeast have their fingers crossed against the possibilities of a total blackout . . . a repeat of that nightmare of Nov. 9, 1965, when the lights went off in the Northeast. That most famous of all power blackouts was the direct result of an almost improbable sequence of circumstances that only pointed up the fact that the improbable can really happen. Since then, the utility industry has worked hard to correct the glaring weaknesses that precipitated the 1965 blackout. Only last week the weekly economic highlights published by American International College in Springfield, Mass., acknowledged that the electric utilities have generally performed quite well since the night of that blackout.

But, the fact remains, the most logical time for a power blackout—or brownout, if not quite as severe—is during a prolonged heat wave, coupled with high power demand for rapid transit services, as just before a week-end, and with a severe thunderstorm tossed in. William G. Kuhns, president of the General Public Utilities Corporation, a utility holding company whose operating subsidiaries serve an area from the Atlantic Ocean in New Jersey to Lake Erie in Pennsylvania, said in an interview last week that his power reserves were much better than a year ago. "We had a negative reserve last summer," he continued. "This summer we should have a 14 per cent reserve."

Mr. Kuhns was quick to point out that last year the Pennsylvania-New Jersey-Maryland power pool had only a 4.7 per cent margin but was expected to have "a little over 12 per cent" this summer. This same power pool of which his system is a vital part has been described by Senator Lee Metcalf, Democrat of Montana, as "one of the most fragile transmission systems" in the United States. Yet, its operation at full power levels could prove vital in preventing blackouts along the Atlantic Coast anywhere from Washington to New England. Senator Metcalf, in a recent attack on the large amounts utilities spend on advertising as contrasted with the lesser expenditures on research and development, charged that the nation's electric power supply was "neither adequate nor reliable." An imponderable in the power supply situation is the after-effect of the strike against the General Electric Company. General Public Utilities, for example, was not too dependent on an order for a gas turbine from G.E., but locally the Consolidated Edison Company had some 130,000 kilowatts of gas turbine orders with G.E. due for operation by June 1. It transferred 96,000 k.w. to the Westinghouse Electric Corporation and expects to have these in service in late summer and still hopes to get four G.E. units in operation by mid-June.

Arthur Hauspurg, vice president for electrical system and project engineering, predicted Con Edison's reserve at the beginning of June would be about 1,376,000 kilowatts, or a 17.8 per cent margin. A month later it should rise to 18.6 per cent, to 23.1 per cent Aug. 1 and 24.7 per cent Sept. 1, assuming all equipment on order is delivered and installed on schedule. "In other words we'll start the summer in about the same condition as last year. If we have hot spells early, there'll probably be some repetition of last year's brownouts. If they come in late summer it looks as if we can get by," Mr. Hauspurg said.

COLUMBUS, IND., DESCRIBED AS ARCHITECTURAL OASIS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1970

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following article from the Sunday, March 27 edition of the New York Times which outlines the new architecture of Columbus, Ind.

The writer, Mr. Bill Thomas, describes this Midwestern city in the Ninth Congressional District of Indiana as an architectural oasis. Since the Cummins Engine Foundation began, in 1954, to finance the architect's fees for public and religious buildings, the community has gained an international reputation as the "Athens of the Prairie."

The article, describing Columbus' excellent program, reads as follows:

THE ATHENS OF THE PRAIRIE IS A RARE ARCHITECTURAL OASIS

(By Bill Thomas)

COLUMBUS, IND.—This small country town of 30,000 in southeastern Indiana calls itself "The Athens of the Prairie"—and with good reason. Seldom, if ever, has so small a community contained so many examples of innovative architectural achievements.

Columbus has averaged two masterpieces a year since 1954, according to an eight-page review in The Architectural Forum; 20 buildings, including churches, schools, a country club and business concerns, were praised for "an exceptionally high level of first-rate contemporary building design."

All are the accomplishments of men such as I. M. Pei, designer of the John Fitzgerald Kennedy Library in Cambridge, Mass.; Robert Trent Jones, known the world over for his golf courses; Eliel Saarinen, co-designer of the national museum in Helsinki, and many others.

Columbus, 40 miles south of Indianapolis on busy Interstate 65, was initially an agricultural town and largely dependent on the surrounding countryside. That has changed. As an indication of the community's transition, the 1964 census showed 1,029 farms in Bartholomew County, of which Columbus is a part. This was a drop of 213 farms from 1959 and a loss of 536 farms since 1954, when there were 1,565 farms in the county.

The transformation began in the late 1930's under the leadership of the Irwin family, founders of the Cummins Engine Company in Columbus, the world's largest producer of diesel engines. Irwin Miller, the grandson of an Irwin daughter, is present board chairman of Cummins.

Miller's first concrete interest in the redevelopment of Columbus came in 1940, when Eliel Saarinen designed the Tabernacle Church of Christ, now known as the First Christian Church, to which the Irwin family contributed generously.

POSTWAR ACTIVITIES

World War II interrupted any new additions in Columbus' building program, but in the early fifties Miller commissioned a building of his own. He selected Eero Saarinen—Eliel's son and a former classmate—to design the Irwin Union Bank.

In designing the bank, Saarinen began with two major considerations: To provide an efficiently functioning structure for present-day banking that would still reflect a friendly old-fashioned atmosphere, and to create a new building that would not clash with its neighboring structures of 1910 vintage.

The solution was found in a low, entirely glass-walled building in the middle of a tree-filled square reminiscent of the small plazas in Seville, Spain. The trees were conceived as part of the architecture, and common materials like brick, glass and concrete were used.

Shallow concrete domes gives variety to the ceiling height and add a simple dignity to the structure. The bank and drive-in facilities are blended into groups of trees and flowers.

About the time the bank was built, the town completed its new high school, and Miller decided that better things could be done. He implemented his architectural plans by establishing the Cummins Engine Foundation in 1954. Through it, he offered to pay the architect's fee for any new school building if the Board of Education would select the architect from a list compiled by experts in the field

Each architect chosen would have total responsibility for the planning and design of that particular building, and would be allowed 12 months to draw up his project. Each new structure would also have a different architect.

So far, five schools have been built according to these ground rules, and a sixth is under way. The schools turned out to be less costly than more standardly conceived ones, and a valuable aid in attracting teachers and administrators.

The Lillian Schmitt Elementary School, designed by Harry Weese of Chicago—his credits include the United States Embassy in Ghana—was the first school to be designed and built under the Cummins Foundation program in 1956. It is impressive for its use of large picture windows and a pleasant feeling of contact with the outdoors.

McDowell Elementary School, designed by John Carl Warnecke and built in 1960, is an example of what the foundation has fostered. McDowell is a cluster of separate buildings resembling a futuristic pagoda.

CLASSROOMS IN FOUR CLUSTERS

Classrooms are in four clusters of three rooms, each group forming the corner of a rectangle. In the center of the rectangle are two larger buildings. These are linked with the classroom clusters by canopied walkways that flank the courtyards.

Or take the W. D. Richards Elementary School (1965), a product of the imagination of Edward Barnes. It has bold, sloping roofs forming angular silhouettes, which complement the First Baptist Church across the street. The saw-toothed skylights provide studio-type lighting and leave the walls free for work space.

Or Lincoln School (1966), designed by Gunnar Birkerts, who also conceived the Fisher Administration Building at the University of Detroit. The center of the school is a freestanding multipurpose room surrounded on three sides (on the second floor on four sides) by a wide corridor. During a regular day, the stage is removed and the room is used as a special classroom.

A grass path separates the street and play areas, and a depressed circular amphitheater provides seating around a huge tree. The classrooms are all carpeted, reducing floor-care costs and also improving the acoustics.

The efforts of the Irwin and Miller families have mushroomed into a townwide undertaking by industry to promote Columbus's architectural well-being. Attempts are being made to preserve the downtown commercial core against the competition of the edge-of-town shopping centers.

Cummins has helped to keep the area lively by transforming an old hotel—it was forced to close because of the success of new highway-oriented motels—into its international corporate headquarters. At present, Columbus has eight motels with a total of 380 rooms.

The most exciting effort to keep the town's main street busy is a storefront renovation project, the effect of which is strikingly visible in the first of 17 blockfronts to be completed. This facelifting—it was directed by Alexander Girard, who designed the Fonda del Sol restaurant in New York's Time-Life Building—capitalizes on the one big architectural asset of downtown Columbus; its wealth of Victorian detail.

LINKED BY CANOPY

On this first blockfront, Girard eliminated a mass of competing signs and stretched a neutral canopy across all the fronts. Each building has received a different color treatment to emphasize the differences in detail, and every store has a new porcelain-enamel sign designed by Girard.

The secondary purpose of this project is to encourage the owners of other old buildings to take pride in them. Its influence can already be seen in some freshly painted structures on nearby blocks. Their owners have avoided soft pastel shades, relying instead on sharp blacks and whites, grays and vivid colors.

This spontaneous action is one more sign—along with the town's policies on schools, parks and redevelopment—that Miller's 10 years of active support for architecture have begun to bear fruit.

Perhaps the most striking and impressive example of contemporary architecture in Columbus is the North Christian Church, its spiral pinnacle piercing the sky from an open field on the north side of town.

This was Eero Saarinen's last design, completed only a short time before his death and built in 1964. "I want to solve [this design]," he said, "so that as an architect, when I face St. Peter, I am able to say that out of the buildings I did during my lifetime, one of the best was this little church . . . that speaks forth to all Christians as a witness to their faith."

The hexagonal shape of the church is a symbolic reminder of the Star of David and the church's roots in the Jewish faith; the cross atop the 192-foot spire proclaims Christian faith to the world.

The church rises alongside U.S. 31 where that road enters town from the north. The church stands isolated from the "ranch houses" of the neighborhood. Its self-contained form is unencumbered by wings, the worldly necessities of offices and classrooms being hidden beneath the stadium seating of the church itself and sheltered by its all-encompassing roof.

FOCAL POINT AMONG RESIDENCES

The First Baptist Church, designed by Weese and built in 1965, is the focal point in a residential area. The congregation wisely chose a low knoll on the northeast frontier of town, across the street from a new elementary school. Together, the two buildings, with their violently angular silhouettes, look like an expressionist miniature of a medieval village; even the pointed evergreens nearby contribute to the effect.

The form of the church is an attempt to integrate the liturgical functions and educational requirements of the modern church. The sanctuary seats 500 on both sides of an off-center aisle that focuses on the communion table and cross.

The greatest contribution of Columbus's first modern building, the First Christian Church, is a well-designed public open space near the center of town. This church is as much a series of well-contained gardens as it is of serene building forms.

The Saarinens placed the church itself on the eastern edge of the block, leaving most of the site for a sunken garden. The larger portion of the garden serves to offset the dour old City Hall across the street.

GIFT OF GOLF COURSE

Other community services have been provided, too. Otter Creek, a public golf course, was designed by Robert Trent Jones, completed in 1964 and donated to the city by the Cummins company. The par-72, 7,115-yard layout has been the site of the Indiana amateur tournament since 1966.

Jones is the designer of some of America's most beautiful courses, including Spyglass Hill in Pebble Beach, Calif., and the Firestone Country Club in Akron, Ohio. Adjoining the Otter Creek layout is a Weese-designed clubhouse.

The Cleo Rogers Memorial County Library, designed by I. M. Pei and built in 1968 at a cost of $2.2-million, includes a brick pavilion whose east and west walls and cornice rise from a brick plaza. Courtyards out of the plaza bring daylight to the lower level. The library has a capacity of 175,000 volumes.

Columbus certainly has enough fine buildings already to make a visit worthwhile, but the future looks even brighter. A study of the town's "design potentials" by graduate students at the University of Illinois indicated some things that might eventually be done to the downtown core of the town. It proposes creation of four superblocks by converting existing streets to malls.

PLAN FOR BACKYARD

The westernmost block—now the backyard of the main commercial district—would be completely rebuilt, with attractive apartment units over stores and parking structures along the main access roads. A new tower would join the existing courthouse and church tower in defining a triangular center of activity.

"The future of Columbus," Miller acknowledges, "depends on the attitudes of its people. The impact of these buildings on them is very subtle; it may take 100 years to show." For the present, he is sure that "there is less opposition to modern architecture than ever before."

A 32-page brochure on the city's architecture, including a suggested tour route and map, is available from the Columbus Area Chamber of Commerce, Columbus, Ind. 47201 (50 cents each to cover shipping and handling).

In that brochure, Sir Winston Churchill is quoted: "First we shape our buildings, then our buildings shape us."

THE 18-YEAR-OLD VOTE: STATUTE OR AMENDMENT?

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, March 31, 1970

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an editorial from the Washington Post, dated March 14, 1970, entitled, "The 18-Year-Old Vote: Statute or Amendment?"

I concur with the editorial's assertion that "when basic changes of this kind are to be made—the proper procedure is a constitutional amendment."

There being no objection the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 14, 1970]

THE 18-YEAR-OLD VOTE: STATUTE OR AMENDMENT?

The Senate's 64–17 vote to lower the voting age to 18 reflects a widespread demand for greater youth participation in the processes of government. It is a salutary trend. This newspaper is fully sympathetic with the objective, but the attempt to attain it by means of a statute instead of a constitutional amendment seems to us highly dubious.

The reasoning that statute alone will suffice is based largely on the Supreme Court's opinion in *Katzenbach* v. *Morgan* and the subsequent projection of the reasoning in that opinion to voting-age requirements by former Solicitor General Archibald Cox. The court, in that case, upset a New York law which made ability to read English prerequisite for voting. The state requirement was in conflict with the Voting Rights Act of 1965 which provided that no person may be denied the right to vote because of inability to read or write English if he had successfully completed the sixth grade in a Puerto Rican school where the instruction was in Spanish. The Supreme Court gave preference to the federal statute because it could "perceive a basis" on which Congress might view the denial of the vote to Spanish-speaking Puerto Ricans "an invidious discrimination in violation of the equal protection clause" of the Fourteenth Amendment.

Mr. Cox and some other constitutional authorities have concluded that Congress is now free to say that the denial of the vote to citizens between 18 and 21, on the ground that they lack the maturity to vote, is also invidious discrimination. It is a long leap, however, from striking down a discriminatory language requirement to fixing an age limit at which voting may begin. In the New York case there was actual discrimination against Puerto Ricans seeking to vote in that state despite the seeming general applicability of the statutory language. But where is the denial of equal protection in a voting-age requirement that is applied without discrimination to citizens of all nationalities, races and so forth? If it is invidious discrimination to deny the vote to 18-, 19- and 20-year-olds, would it not be equally unconstitutional to deny it to 17-year-olds?

The founding fathers unquestionably intended to leave voting-age requirements to the states. This is evident in the provision that voters in congressional elections "shall have the qualifications requisite for electors of the most numerous branch of the state legislature." The effect of the Senate's 18-year-old voting amendment to the voting rights bill would be to transfer to Congress this authority to fix voting requirements, in state as well as federal elections. We agree that the voting age should be lowered, but there are powerful arguments on grounds of policy as well as constitutional law for using the amendment process.

Sponsors of the change by statute, Senators Mansfield, Kennedy and Magnuson, think they have adequately guarded against inconclusive elections under the bill by expediting a test of its constitutionality. Certainly that is a wise precaution. But when basic changes of this kind are to be made (46 states now impose the 21-year-old voting requirement) the proper procedure is a constitutional amendment. Now that senators have had an opportunity to vote for a popular measure, they could logically agree to rest the reform on more secure ground.

TAX REVOLT?

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1970

Mr. GROSS. Mr. Speaker, the warning signals are out that at least some of the citizens of this country are fed up with public spending that fails to take into account governmental income and the sources from which it is derived.

Operators of family farms in Iowa are up in arms and, while their demands are for tax revision on the State and local level, this issue stems from the tax burdens that are being laid upon them by every level of government—Federal, State, and local.

Underway in Iowa is the beginning of a tax revolt through the withholding of the payment of the first half taxes to the State and county in an effort to compel the State legislature and Governor through nonviolent means, to revise the property tax laws.

The following is what might be called a "program for action" which is being widely distributed in Iowa:

PROGRAM FOR ACTION

Today in Iowa we are faced with 20th Century inflation. We are faced with 19th Century tax laws and as far as the earning power of property, farm property in particular, we don't know what Century.

In Winnebago County we do not have a tax association, but we are organized. We have from 2 to 20 people in each township who will go out and ask property owners to withhold their first half taxes. We had a large meeting in Forest City. From a standing count better than 2 out of 3 who attended will withhold.

We did not charter because:

1. There is no time at present.
2. We do not want to become the object of injunctions and or lawsuits.
3. There is the Farm Bureau, N.F.D., Farmers Union, Beef, Hog, Soybean, Corngrowers all active in our county and we all need property tax revision.
4. By not chartering we can use all the leadership in the above organizations with no conflict of interest and also prove that when the family farm is endangered all farm property owners will stand together.

THINGS WE WILL NOT DO

1. Take a large group to Des Moines. Someone will get rough.
2. Picket or march to our county courthouse.
3. We will not intimidate our legislators, they are the only ones who can change the present outdated property laws. We need them.

THINGS WE WILL DO

1. Have 2 or more people visit legislators in Des Moines two or more times per week.
2. Write the Governor. All property owners if they will, and explain their problems.
3. Conduct ourselves at all times as men of honor but also men of determination.
4. Ask for tax revision not tax relief.
5. Withhold first half taxes.

WHY WITHHOLD

1. We must provide a mandate for our Governor and legislators that we are determined but not violent on tax revision.
2. We are getting tired of talking with our mouth; now let's talk with our money.
3. There is no other way to inform all Iowans of the problem facing the Family Farm.

LET US FACE UP TO THE FACTS

HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1970

Mr. LANGEN. Mr. Speaker, during this last generation the American people have witnessed an unprecedented proliferation of the magnitude, scope, and cost of government. Given this situation increasing numbers are feeling the anxiety and frustration of being "swallowed up" by the Establishment, that is, the hopelessness of being trapped in a regimented system of high taxes, court edicts, Government guidelines, and the like.

Most frustrating of all has been the impact of war. And while there are a few who have profited, and there are others who acclaim the virtues of wartime prosperity, these are in the minority and unfortunately, self-deluded. Most of the American people are tired of war, tired of being strung along by false promises of easy victory, and most important disquieted by the terrible economic, moral, and social hardships that have accompanied our involvement.

Sometimes the truth hurts, but I believe we must level with the American people, we must tell them the alternatives, the costs, and the effects of the decisions being made by our national leaders.

A most sobering article which has just come to my attention tells it like it is—a straight-from-the-shoulder no nonsense assessment of the cost of war. May the Vietnam "hawks" and "doves" alike be alerted as I have been.

From "Our Mortgaged Future," by Mr. James Clayton, Playboy, April 1970, has extracted the following:

OUR MORTGAGED FUTURE

Next to the loss of life, the most permanent consequence of war in our history has been the veteran's pension. Although some economists would not include these pensions as a war cost, because over the years they have become more like welfare payments, nothing in the history of U.S. public expenditures has been more costly than veterans' benefits. The original direct cost—major national-security expenditures—of all of America's wars prior to Vietnam was approximately 372 billion dollars. This figure is about ten times higher than our second most expensive purchase—public education. Veterans' benefits for these same wars—when finally paid—will amount to nearly

500 billion dollars, even if the rates and extent of coverage were frozen as of today, which, of course, they won't be.

Veterans' benefits for our first five major wars are now virtually paid out. They have increased the cost of those wars an average of almost four times the original cost, primarily because it takes such a long time to pay out funds to veterans and their dependents. In the case of the War of 1812, veterans' benefits rose for 68 years after the war was over and were not fully paid out until 1946, 131 years after the fighting stopped. In no case have veterans' benefits from past wars lasted less than 113 years.

The main reason these benefits are so long-lived is that most are paid out to dependents, rather than to ex-soldiers, and most have nothing to do with a Service-connected injury but, rather, are a form of welfare assistance. Moreover, benefit rolls tend to become more inclusive and payments tend to increase with time. More than 90 percent of Spanish-American War and 50 percent of World War One veterans are now receiving some kind of compensation. Also rising rapidly is the percentage of those using their GI Bill education benefits. In 1964, 34,000 men were using their GI benefits; today, more than 500,000.

If veterans' benefits for the Vietnam war are anything like those for previous wars, we may expect them to increase annually (after a small initial spurt and decline immediately following the war) until about the year 2020. Then they will fall gradually until near the end of the 21st Century, when they will cease altogether. Assuming no change in present laws, the total cost of Vietnam veterans' pensions will be about 220 billion dollars. Since costs always increase with time, the final bill will undoubtedly be much higher.

After veterans' benefits, the interest on war loans is probably the most significant long-range financial cost of war. It is difficult to measure interest costs, because the interest on war loans is not separated from other interest costs in the national accounts. Interest costs for war debts prior to the Civil War were probably less than 20 percent of original war costs. During the Civil War era, however, interest on the public debt jumped from less than $4,000,000 in 1861 to $144,000,000 in 1867. For the next 25 years, interest payments gradually fell, until they finally leveled off at about $30,000,000. These payments, which are attributable to the Civil War, raised the cost of that conflict by about one third.

The rate of interest costs of recent wars is comparable. The noted economist John M. Clark, using Treasury Department data, once calculated the interest costs of World War One to 1929 at 9.5 billion dollars, or about 37 percent of the original cost of that war to that date. Henry C. Murphy, in his book National Debt in War and Transition, has shown that the Government borrowed 215 billion dollars to finance World War Two. That debt is still on the books and has cost us about 200 billion dollars in interest to date. This interest cost is now 70 percent of the original cost of World War Two.

Although we have reduced our debt after every war prior to 1945, no serious effort has ever been made to reduce the debt from World War Two or from subsequent wars. The Korean War probably added an additional ten billion dollars to the already swollen war-debt ledger. If the principal for the Korean War is not paid off any faster than that for World War Two, the additional interest by 1978 will be about 20 percent of the original cost. If interest costs continue to climb and attitudes toward public debt do not change substantially, it is conceivable that interest costs for World War Two and the Korean War eventually may actually exceed the original cost of those wars.

The amount of indebtedness for the Vietnam war is unknown. Since the war escalation of 1965, however, the public debt has risen almost 70 billion dollars. If this debt is treated like the Korean War debt—i.e., if no more than half of it is attributed directly to the war in Vietnam—then, by 1990, the interest costs on the Vietnam war debt will be 35 billion dollars (at four percent per annum—a conservative estimate rate), with the entire principal still outstanding.

Increased taxes have been an enduring consequence of war because of increased Federal borrowing. Income taxes began in this country as emergency war taxes. The Civil War made them a permanent feature of our Governmental system. By 1911, the high costs of financing the Spanish-American War, which required doubling tax receipts, pushed income from internal revenue above receipts from Customs duties. World War One increased internal-revenue receipts more than fourteenfold, from $380,000,000 in 1914 to 5.4 billion dollars in 1920. Per capita taxes increased nine times during that war. World War Two increased per capita taxes an additional seven times. If neither of these wars had occurred, our per-capita tax rate would have been about one tenth of what it actually was in 1946, assuming no inflation—which is primarily caused by war, as we shall see.

For this reason, it is misleading to view the present surtax either as temporary (as former President Johnson promised and as President Nixon still promises) or as the ultimate tax cost of the Vietnam war. From 1965 to 1967, the most recent date of available data, our per-capita taxes increased 27 percent. This is partly the result of an increase in military-retirement pay, which is now increasing $200,000,000 per year independently of other Department of Defense activities. Obviously, our taxes must go higher yet. The long-range taxation consequences of the Vietnam war are more likely to be an additional and permanent burden on top of an already large tax structure (itself mostly the result of past wars) rather than anything unique or presently unforeseen.

Traditionally, much of the cost of war has been met through inflation. We have had four periods of extreme inflation and deflation since 1800—all produced by war. The Civil War and World War One each doubled prices. World War Two increased prices by 50 percent. The Korean War further increased the cost of living by about ten percent.

Following the Napoleonic Wars, the previous upward surge of inflation tapered off during the 19th Century—a century of relative peace in Europe. Prices generally fell for 100 years. But the 20th Century has been a century of war and the price trend is sharply up. Prices are now five times higher than they were in 1900. If wars continue in the coming decades, the upward trend will continue and prices could be four times higher in the year 2000 than they are now.

Despite the extreme steps being taken by the Nixon Administration, the inflationary effect of Vietnam will probably result ultimately in a ten percent reduction in the standard of living of the average American. Since 1964, the consumer price index has increased 16 percent. If only half of that increase is attributable to the Vietnam war—a conservative estimate—then the inflationary cost of the Vietnam war to our G.N.P. to the first quarter of 1969 has been about 17 billion dollars in only four years. In the past, it has taken 10 to 20 years of peace to erase this war-caused inflation. If peace were to come this year, therefore, we could expect the inflationary effects of the Vietnam war to last at least until 1980 and cost a minimum of 30 billion dollars.

Over the centuries, war has tended to centralize Government; and during all major American wars, the power of the Federal Government has markedly increased. As economist Herman Krooss has shown, each of our three major wars has cost ten and a half times more than the previous one. With new financial obligations and new powers brought on by the war emergency, the Federal Government more than doubled in size during each of the last two major wars. The Vietnam war will continue, if not accelerate, this trend.

It is widely assumed, especially among economists, that the generation that fights the war is the generation upon which the burden of the war falls. For those who are killed and maimed, this is absolutely true. But, as we have seen, many burdens, such as veterans' pensions, last for several generations. These pensions irrevocably commit future funds that might have been used for other, more pressing purposes. Over several decades, these pensions, along with our war-generated graduated-income-tax system, also have tended somewhat to improve the social status of veterans. Partly because of a generous educational subsidy, veterans are better educated than nonveterans; their income is higher, their job security tighter and their rate of unemployment lower. The incidence of poverty among veterans, moreover, is less than that of nonveterans.

The burden of national debt, contrary to the views of some economists, may also have lasting influence. It can, for example, reduce the lifetime income of future generations if they decide, unlike this generation, to pay off the national war debt. In any event, we have been frustrated by the unwillingness of past generations to pay for their own wars, which has led to current inflation and the devaluation of the dollar. May not a future generation also be frustrated by our unwillingness to pay the full costs of the Vietnam war? Millions of people today are living on relatively fixed sources of income. As the cost of living continues to rise because of the war, not only do these individuals suffer decreased purchasing power but their children may fall to the next lower economic class unless the inflationary cycle is broken.

The Vietnam war has unquestionably lowered the standard of living of this generation. It has also lessened our willingness and that of future generations to take enterprising risks, because taxes remain high. It has materially lessened the supply of natural resources available to our children and shifted even further the balance of military vs. civilian priorities—a shift that is now going into its second generation.

Contrary to popular opinion, the Vietnam war will also probably decrease the G.N.P. in the long run. It is true that we have solved the problem of unemployment only in time of war, but this fact has misled many into believing that war means economic progress. Even with the enormous expenditures of the Cold War, our annual rate of increase in the G.N.P. has been less than three percent for the past generation. Historian John Nef, in his book War and Human Progress, looking back to the 15 Century, found that economic progress was faster in times of peace than in times of war and greater in countries less inclined than in those more inclined to war. John J. Clark, in his recent book The New Economics of National Defense, which focuses on the Cold War era, agrees with Nef. In the long run, decisions to continue the Cold War or to delay getting out of Vietnam, based on the alleged necessity of keeping people working and keeping the economy healthy, are at odds with historical experience.

The main reason many people feel that a war economy enhances the G.N.P. rate of growth is an excessive belief in the problem-solving powers of technology and in the generative force of research. Syllogistically, their reasoning runs something like this:

1. Modern war requires enormous amounts of research.

2. Research leads to new technological knowledge.

3. Technological knowledge leads to innovations and makes our economy run more efficiently.

4. Hence, war accelerates economic growth and brings prosperity.

For many, this now seems self-evident truth. But, as economist Robert A. Solo has shown in the Harvard Business Review for November and December, 1962, rising expenditures on research and development may actually be reducing the rate of economic growth in the United States. There is a negative relationship, he shows, between Cold War research expenditures and output per man-hour, inventive activity and the rate of increase of the G.N.P. Nor is the spin-off from defense projects substantial. We must realize that money spent for war is largely lost to other purposes. War—including research for war—depletes society's ability to solve nonwar problems. One can either fight, which is essentially destructive, or one can build. At no time in the past has a nation been able to do both. . . .

BEYOND THE MAIL STRIKE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1970

Mr. DERWINSKI. Mr. Speaker, as a member of the House Post Office Committee who supported postal reform throughout our long deliberation, I take note of the sound and emphatic editorial in the Chicago Daily News weekend edition of March 21–22 which properly emphasizes the procedure that we should follow now that the strike is over. I insert the editorial at this point:

BEYOND THE MAIL STRIKE

Thanks in large part to Congress' overwhelming aversion to ruffling important voter blocs, the rule of law is working at a shamefully and dangerously low level of effectiveness. The mail carriers' strike provides the most immediate example. There are others.

Congress let the mail strike happen, while others who should have known better actually encouraged it. Congress has been playing footsie with both fellow politicians and the unions over President Nixon's postal reform bill, which would work efficiencies and open the way for higher pay for postal workers. At the same time Congress has been haggling for months over just how much the postal workers should be boosted over their present miserably inadequate pay scale, and whether it should be retroactive to last Oct. 1.

When the mailmen decided to strike, and to break their own oaths and the federal law in the process, they felt emboldened by Congress' senseless procrastination and also by the fact that everybody else and his brother has been defying the law and getting away with it. While this was the first strike at the federal level, the difference was not so obvious to a mailman trudging about the streets of New York. When his fellow service workers—policemen, firemen, garbagemen, teachers, motormen—struck in defiance of the law, they all won their strikes and were excused for their trespasses in the bargain. "Why not us?" the mailmen figured.

There are, of course, some good reasons for "why not us." Strikes violating state laws were one thing; strikes against the federal government put the whole nation in the shadow of anarchy. If the rule of law breaks down at the federal level, the American system of government has failed.

The law must be upheld and the public's vital welfare must be served: That is the executive branch's clear responsibility.

Congress' obligation goes beyond that.

When civilians must forfeit the right to strike they do not also forfeit the right to equitable treatment; the case for such treatment becomes all the more imperative.

Congress has the urgent obligation of enacting a fair rate of compensation for the postal workers, and of dating it far enough back to offset the damage caused by its own procrastination.

Congress must also look forward to some related problems that are bearing down upon it, and which it appears sadly unprepared to meet. The latest 37-day delay of the nationwide railroad strike expires on April 11. Now a nationwide trucking paralysis is threatened for April 1 or shortly thereafter. There are other, equally devastating nationwide stoppages in prospect.

In spite of fierce union pressure, Congress must come down to the grim business of outlawing strikes and lockouts that threaten nationwide catastrophe. It must define and proscribe such stoppages and it must set up machinery that will assure that the economic and other interests of the workers will be scrupulously protected in return for surrender of the strike right.

These are imperatives of these drastically changed and changing times.

COMMUNISM—THE NEW LEFT

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1970

Mr. ICHORD. Mr. Speaker, at a time when there are increasing efforts by the New Left to disrupt the harmony and stability of our society, I invite the attention of my colleagues to an excellent article by the commander in chief of the Veterans of Foreign Wars, Ray Gallagher, on the subject of "Communism—The New Left."

During Mr. Gallagher's tenure as commander in chief of that splendid organization, he has provided sustained and inspiring leadership in freedom's cause. My colleagues will recall the program he initiated last fall called "Operation Speak Out." This was one of the most effective nationwide efforts to enlist the voice of the silent majority to support the President in Vietnam.

I commend Mr. Gallagher on this comprehensive article regarding the New Left. I am sure all of my colleagues who voted for the Defense Facilities and Industrial Securities Act of 1970 will find Mr. Gallagher's support of this act most encouraging.

The article follows:

[From the Stars and Stripes, Mar. 5, 1970]

COMMUNISM—THE NEW LEFT EXPLORED BY VFW HEAD

(By Ray Gallagher)

Within a few short months the vocabulary of the average American has been expanded considerably. Words like "flower children," "happenings," "restructuring of the social order," "transformation of the establishment," "yippies," "murderous pigs," "SDS," and "the new mobe" have come in like a whirlwind—almost from nowhere.

At first most of us thought such new words were like fads—and like most things—would soon pass. Only they haven't. The fact is that the protest movement in America is not dead. How much of it is yet alive remains to be seen as we slip into the decade of the seventies.

The fact is there exists in America today a certain traitorous specimen of revolutionary young people, still relatively small in number, but fierce in commitment, who, for a variety of reasons, bitterly oppose our democratic system. The fact is these young people are set to restructure our free society—and many of them are willing to use force and violence to achieve their aims.

What is this new conspiracy? Who are they—these offspring of our generation who mock American heroes, who disparage American history, who contemptuously call our generation corrupt, evil and malignant; who say our American ideals, values and standards are sick and irrelevant to the times; who hiss and boo our elected officials, who scorn their elders and those in authority, who burn their draft cards; who praise Castro, and the recently departed Ho Chi Minh; who quote their revolutionary ideology from Karl Marx; who claim our schools are choking, stifling and stunting the brains of the young, who take and peddle drugs, wallow in filth, riot, burn and kill; denounce and desecrate the flag and never offer anything constructive to replace the system they aim to destroy. Who are they? What is their ultimate purpose? What is their vision?

MANY VARIETIES

I am speaking of the New Left in America, much of which is Marxist-Leninist (communist) dominated. The New Left tells us, "We have within our ranks communists of at least a half dozen varieties, we have leftists, socialists of all sorts, three or four different kinds of anarchists . . . nihilists . . . libertarian capitalists . . . and the articulate vanguard of the psychedelic liberation front."

We hear a great deal of nonsensical chatter from these groups but their underlying theme is deadly serious. The New Left aims to destroy our society. They offer in its place, a parallel governmental authority whose aim is the seizure of political power and the liquidation of constitutional authority.

It just so happens that the aims of America's New Left coincide with the historic aims of the system of the old left. And it just so happens that when the New Left protests in America, the old left also protests in numerous other countries—and for the same reasons and the same ideological causes.

It is also significant that during early February, 1970, some 300 communists party delegates met in Chicago to map out and coordinate new programs and objectives for the youth movement in America. Their objective is to bring the old hard line communists and the fierce new left into confidence.

In 1966 a new book "The New Program of the Communist Party U.S.A." was published. This new book outlines the overall plan for making the transition from capitalism to socialism. It is the Communist's plan of action for the 70's. It provides specific guidance to black power groups, youth groups, urban middle class groups, the intellectual community, minority groups and small businessmen. It tells each of these categories how to carry on the class struggle, how to oppose and eventually destroy the capitalistic system and how to make the transition to the new system of Marxist-Leninist control. There is one sentence in the book which is most interesting for those who say the New Left is something different than the communists of earlier decades. The book says, quote "In reality there is one left, new and old . . ." This new book stresses the fact that the actual contact is between classes and social forces. The communists are using the

younger generation because they are less burdened with old dogmas, more receptive to ideas and change, responsive to the promptings of their teachers and prone to radicalism.

The time has come for enlightened Americans in positions of responsibility to take those actions which will promote unity and domestic harmony at home and increase the possibility of enjoying a few years of liberty's blessings during our lifetime.

NEW LAW NEEDED

A good example of responsible leadership recently occurred in the House of Representatives. By an overwhelming majority the House of Representatives approved in late January of this year the Defense Facilities bill, H.R. 14864. Thus far, the Defense Facilities bill has attracted little press or public attention.

In terms of strengthening the security of the United States, this bill is most important. It is vital to our national interests. Unless and until the bill passes the United States Senate and is signed into law by the President, the Executive Branch has no legal device for keeping subversives out of sensitive positions in our defense facilities. Our defense industries are extremely vulnerable to any type of subversive efforts when they lack the means of self protection.

How many Americans know it is legal for communists and other subversives to work in sensitive defense industries, in such places for instance as missile factories and nuclear weapons plants? In this environment is it any wonder that Soviet leaders have learned so many of our innermost secrets, on military hardware? Is it any wonder that many of the Soviet Union planes, missiles and warships have achieved technical supremacy during a relatively brief span of years?

The Defense Facilities and Industrial Security Act of 1970 empowers the executive branch to establish a screening program for access to sensitive positions in defense facilities. But this new legislation does more than make it possible to weed out subversives, the bill provides a statutory basis for a continuation of the proctection of classified information. Beyond this, the bill revitalizes a screening program so that subversives can be excluded from waterfront facilities and merchant vessels.

I wish to commend the 274 members of the House of Representatives who passed this important bill. At the same time I urge the United States Senate to act swiftly and favorably on the bill.

Our nation simply cannot afford loopholes in our security laws at this time, particularly when we have in our midst a number of trained traitors and subversives who are actively trying to destroy our society and replace it with the Marxist-Leninist concept commonly called Communism.

Communism is an ideological and operational conspiracy, which the leaders, as a small group, use to get complete power over open societies and their social economic systems in order to, and using communist words, restructure or transform the capitalistic system into party controlled socialist systems.

Let us look at some communist achievements.

The murder of between 60 and 84 million people in the U.S.S.R. and the nation states of Eastern Europe.

Destruction of the Russian Empire and the cultures, economies and wealth of all satellite nations—over 500 million people.

The establishment of perpetual class war, revolution and chaos in most of the world.

Spread of the clouds of intrigue, ideological and semantic warfare, degeneration and destruction of the open societies throughout the world.

Establishment and expansion of a worldwide war on Christianity and other faiths.

Liquidation of the capitalist open market economy.

These are the aims of the Marxist-Leninists and their idealistic partisans, "the New Left."

Why has communism lasted for 53 years if it is without a scintilla of justification? The answer is that, because of half-baked education and naivete, it represents a package of plausible sophistries, used to exploit the weaknesses and yearnings of the masses. It provides a smoke screen behind which a limited few can carry on incredible conspiracy for seizure of worldwide open societies and incorporation into the world socialist system. And, unarmed people cannot argue with the business end of a gun.

Therefore, Communism explains why we had World War I, World War II, Korea and Vietnam, and now, the Middle East war. The hidden hand strives to perpetuate disarray, exacerbate hostilities and frictions until they are ready to seize political power.

Responsible forces, despite election results and changes in leadership, have been swept along and have been unable to change the course. Deception, semantic subversion, infiltration and penetration of the thought-control systems have made it possible to brain wash great numbers of people. Skillful exploitation of that basic deficiency of the Anglo-Saxon mind, its inability to comprehend intrigue, has kept many lawyers and naive business leaders from real opposition to communism. In fact, a great many have been so bemused by it as to act like collaborationists in arrangements for their own funeral.

When the Soviet diplomat offers a cocktail, he has hidden in his pocket an undertaker's contract to bury our system of democracy.

Therefore, Americans should know more about the New Left and what these young people aim to achieve, the origin of their inspiration and viewpoint, their tactics, what threat they pose to our country. In recent months, more evidence is accumulating of the tactical and semantic cooperation within the SDS complex, the black power complex and the socialist-communist youth complex.

As part of the adult generation we have an obligation to do everything possible to maintain a dialogue with our youth—to know what they are thinking. Many young people have legitimate complaints. Our society is not perfect. We need to listen to their ideas about the problems facing us. We have a capable, intelligent and sophisticated young generation. We should listen to them.

The vast majority of America's young people seek to take advantage of educational opportunities. They respect the law. They seek changes within the framework of law and order. These young people deserve the best which we as a Nation can give them.

TRIBUTE TO "TIC" FORRESTER

HON. JAMIE L. WHITTEN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. WHITTEN. Mr. Speaker, I join with my colleagues in paying tribute to the life in service of our late friend, E. L. "Tic" Forrester.

Tic, as everyone who knew him was aware, was a sincere man and a rugged fighter, a fine citizen and outstanding Member of Congress. We all treasure our memories of our association with him here. The benefits which flowed to his district and Nation as a result of his work in the Congress will long be felt.

To his loved ones we extend our deepest sympathy on his loss.

FEDERAL CIVILIAN EMPLOYMENT, FEBRUARY 1970

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1970

Mr. MAHON. Mr. Speaker, I include a release highlighting the February 1970 civilian personnel report of the Joint Committee on Reduction of Federal Expenditures:

FEDERAL CIVILIAN EMPLOYMENT, FEBRUARY 1970

Total civilian employment in the Executive, Legislative and Judicial Branches of the Federal Government in the month of February was 2,928,473 as compared with 2,929,564 in the preceding month of January. This was a net decrease of 1,091.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Federal Expenditures.

EXECUTIVE BRANCH

Civilian employment in the Executive Branch in the month of February totaled 2,892,469. This was a net decrease of 1,124 as compared with employment reported in the preceding month of January. Employment by months in fiscal year 1970, which began July 1, 1969, follows:

Month	Employment	Increase	Decrease
July 1969	3,049,502	+9,140	
August	3,015,864		−33,638
September	2,945,752		−70,112
October	2,927,741		−18,011
November	2,913,598		−14,143
December	2,912,661		−937
January 1970	2,893,593		−19,068
February	2,892,469		−1,124

Total employment in civilian agencies of the Executive Branch for the month of February was 1,652,451, an increase of 10,939 as compared with the January total of 1,641,512. Total civilian employment in the military agencies in February was 1,240,018, a decrease of 12,063 as compared with 1,252,081 in January.

Civilian agencies of the Executive Branch reporting the largest increases were Treasury Department with 6,507 and Commerce Department with 2,996. These changes were largely seasonal.

In the Department of Defense the largest decreases in civilian employment were reported by the Army with 4,997, Navy with 3,896 and Air Force with 2,521.

Total Executive Branch employment inside the United States in February was 2,658,563, an increase of 4,346 as compared with January. Total employment outside the United States in February was 233,906, a decrease of 5,470 as compared with January.

The total of 2,892,469 civilian employees of the Executive Branch reported for the month of February 1970 includes 2,581,237 full-time employees in permanent positions. This represents a decrease of 8,254 in such employment from the preceding month of January. These figures are shown in Table 2 of the accompanying report.

The total of 2,892,469 civilian employees certified to the Committee by the Executive Branch agencies in their regular monthly personnel reports includes some foreign nationals employed in U.S. Government activities abroad but in addition to these there were 108,253 foreign nationals working for U.S. agencies overseas during February who were not counted in the usual personnel reports. The number in January was 108,598.

LEGISLATIVE AND JUDICIAL BRANCHES

Employment in the Legislative Branch in the month of February totaled 29,182, an

increase of 7 as compared with the preceding month of January. Employment in the Judicial Branch in the month of February totaled 6,822, an increase of 26 as compared with January.

In addition, Mr. Speaker, I would like to include a tabulation, excerpted from the joint committee report, on personnel employed full time in permanent positions by executive branch agencies during February 1970, showing comparisons with June 1969 and the budget estimates for June 1970:

FULL-TIME PERMANENT EMPLOYMENT

Major agencies	June 1969	January 1970	February 1970	Estimated June 30, 1970 [1]
Agriculture	83,425	81,946	81,853	83,000
Commerce	25,364	25,166	25,222	25,060
Defense:				
Civil functions	31,214	30,368	30,227	30,700
Military functions	1,225,877	1,182,908	1,172,008	1,165,900
Health, Education, and Welfare	102,941	100,515	101,068	102,500
Housing and Urban Development	14,307	14,244	14,301	14,900
Interior	58,156	59,085	59,284	59,300
Justice	35,106	36,090	36,497	37,600
Labor	9,723	9,795	9,775	10,300
Post Office	562,381	562,981	563,538	567,000
State	24,658	24,103	24,057	23,900
Agency for International Development	15,753	14,838	15,109	15,000
Transportation	60,386	60,819	61,240	53,600
Treasury	79,982	84,820	85,249	86,700
Atomic Energy Commission	7,047	6,983	6,990	7,000
Civil Service Commission	4,970	4,957	5,007	5,300
General Services Administration	36,176	35,979	36,173	36,400
National Aeronautics and Space Administration	31,733	31,533	31,489	31,400
Office of Economic Opportunity	2,856	2,057	2,097	2,400
Panama Canal	14,731	14,679	14,641	14,700
Selective Service System	6,584	6,583	6,624	6,600
Small Business Administration	4,099	4,032	4,030	4,100
Tennessee Valley Authority	11,987	12,281	12,347	12,300
U.S. Information Agency	10,500	10,249	10,208	10,200
Veterans' Administration	147,606	146,182	146,291	148,500
All other agencies	26,200	26,298	25,912	27,800
Contingencies				10,000
Total	2,633,762	2,589,491	2,581,237	2,602,800

[1] Source: 1971 Budget Document; figures rounded to nearest hundred.

FEDERAL TELECOMMUNICATIONS SERVICES FOR STATE SURPLUS AGENCIES

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1970

Mr. MONAGAN. Mr. Speaker, I am happy to state that it will soon be possible for the Federal donable property program to benefit from State use of the vast network of the Federal telecommunications system.

The donation program, authorized by subsection 203(j) of the Federal Property Act, permits surplus property from Federal agencies to be made available to States for educational, public health, and civil defense purposes. In fiscal year 1969, personal property which originally cost the Government $292 million and which later became surplus to Federal needs was distributed to the States. To do this required processing over 80,000 applications for property representing 260,000 line items.

Making this program work at the State level are 52 surplus property agencies which the Federal Property Act requires to be established. These agencies represent the 50 States as well as the District of Columbia and Puerto Rico. The donable property program has long been an outstanding example of intergovernmental cooperation at its best.

When the Congress approved the Intergovernmental Cooperation Act of 1968, it provided under title III that specialized or technical services could be made available on a reimbursable basis to State and local governments and units thereof. Pursuant to the act, the Bureau of the Budget issued detailed instructions as to the types of services to be rendered to States and the procedures to be followed. Telecommunications services were among those specified in the Bureau of the Budget Circular A-97, dated August 29, 1969.

The potential of increased savings and efficiency through use by the State surplus property agencies of the Federal telecommunications system was immediately apparent. Each State agency must follow many steps relating to the acquisition, distribution, and control of surplus property items. Long-distance calls to Federal installations holding surplus property, to HEW and GSA regional offices, and to other State agencies must regularly and frequently be made in order that donation program operations can be coordinated and expedited.

The Special Studies Subcommittee of the House Government Operations Committee has jurisdiction over the donable property program. As subcommittee chairman, therefore, I wrote to the Secretary of Health, Education, and Welfare and the Administrator of General Services asking that they take action toward making Federal telecommunications system services available to the State agencies. Both HEW and GSA have been considering the matter. GSA, of course, manages the Federal telecommunications system and hence must make the main decisions.

Through GSA's cooperation, substantial progress has now been made and I am pleased to have received the following letter from the Administrator:

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., March 18, 1970.

Hon. JOHN S. MONAGAN,
Chairman, Subcommittee on Special Studies, Committee on Government Operations, House of Representatives, Washington, D.C.

DEAR MR. MONAGAN: This is in reply to your letter of February 18, 1970, concerning Federal Telecommunications System service to State agencies for surplus property.

We have determined, in cases where existing facilities and personnel are sufficient to meet requirements for the additional service, that FTS service can be made available for State surplus property agencies established in accordance with the requirements of the Federal Property Act.

Requests for FTS service will have to be handled on an individual basis from the State agencies concerned, and we would require each State to establish a single coordinating point to process requests for service and serve as a billing point.

Your interest in this matter is greatly appreciated.

Sincerely,

ROBERT L. KUNZIG,
Administrator.

Each State agency now has the opportunity before it. I believe that each can use the service effectually and responsibly. I urge both State and Federal agencies concerned to work together promptly and earnestly so that this benefit to the program can be realized as soon as possible.

A PRISONER OF THE SYSTEM

HON. WILLIAM H. AYRES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1970

Mr. AYRES. Mr. Speaker, the March 25, 1970, edition of the Wall Street Journal carried an article entitled "A Prisoner of the System."

This timely editorial represents a succinct and, in my judgment, valid assessment of what is perhaps the key factor that continues to affect adversely the Interstate Commerce Commission generally but especially in its relationship with the Nation's railroad system.

Since I earnestly believe that this commentary will be of special interest to many of my colleagues, Mr. Speaker, I would like to include in the RECORD at this time the complete text of "A Prisoner of the System":

A PRISONER OF THE SYSTEM

Railroad regulation is such a mess that it's easy to get angry with the Interstate Commerce Commission, the agency that administers the confusion. Yet it's well to remember that the ICC is, by and large, only the prisoner of the foolish laws it must enforce.

When the ICC sees an opening, it often opts for common sense. Certainly that's true of its decision on the railroad's request for higher rates to haul fresh vegetables and melons from Arizona and California to the East.

Of course the ICC's approval of the in-

creases took time; the laws require that. The railroads asked for the boosts last summer and they were finally cleared by the agency only this month. Food chains and others objected not only to the size of the increases but to the fact that the railroads agreed to pay penalties to shippers if the vegetables and melons were delayed so long that they spoiled.

Opponents claim that the penalties would be illegal kickbacks, but that's really pretty silly. As the ICC said, the payments would be justified compensation for the railroad's failure to deliver promised services.

The case still may be far from settled. Under the law the opponents appealed to a Federal court which has held up everything with an injunction.

No one likes to be hit by higher prices and costs, and it's obviously true that at least part of the higher shipping costs will be passed along to consumers. It's also true that relatively low value commodities have always carried relatively low rail rates. Competition would permit a more accurate setting of rates, but national transportation policy isn't really geared for that sort of thing.

As the late President Kennedy said in 1962, "A chaotic patchwork of inconsistent and often obsolete legislation and regulation has evolved from a history of specific actions addressed to specific problems of specific industries at specific times. This patchwork does not reflect either the dramatic changes in technology of the past half century or the parallel changes in the structure of competition.

Though Mr. Kennedy proposed reasonable changes in the systems he got nowhere at all. The blame for that belongs not to the ICC but to Congress.

CHICAGO POLICE SUPERINTENDENT CONLISK ENDORSES HANDGUN CONTROL EFFORTS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1970

Mr. MIKVA. Mr. Speaker, on March 3, 1970, I introduced H.R. 16250, the Handgun Control Act of 1970. This bill would ban the importation, manufacture, transfer, sale, or transportation of handguns in the United States except by military or law enforcement personnel or certain persons and pistol clubs licensed by the Secretary of the Treasury. In light of the already high and increasing predominance of handguns in criminal violence in America, this bill attempts to limit the huge traffic in handguns which now exists in our country.

One of the most gratifying responses I have received to H.R. 16250 is from a group which has much to gain from effective handgun control: The Nation's law enforcement officers. These men—who are daily on the front lines of the fight against crime—have first-hand knowledge of how important the easy availability of handguns is to the criminal population. One such endorsement of handgun control which is especially gratifying is that from the superintendent of the Chicago Police Department, James B. Conlisk. In response to a letter from me requesting statistics on the use of handguns in Chicago crime and in the murder of Chicago policemen in the line of duty, Superintendent Conlisk wrote a most gracious reply. I quote from the last paragraphs of his letter:

According to the National Commission on the Causes and Prevention of Violence, the manufacture, importation and sale of handguns show a spiraling increase during the past decades. This increase roughly parallels the burgeoning rise in violent crime by use of handguns throughout the United States. Undoubtedly, there is a correlation between violent crime increase and the availability of firearms. Social reformation conceptualized as crime-reducing will be significantly hindered if non-military, non-law enforcement non-sports involved, crime-prone individuals are allowed, through lack of adequate restrictions, to possess and carry handguns for unlawful use. Unfortunately, too many handguns are in plentiful supply and readily acquired by individuals inclined toward crime. We, in law enforcement, applaud your efforts to reduce violent crime through additional handgun control.

I hope that the foregoing statistics, which do not fully or adequately portray the tragic ramifications of violent crime committed by the unlawful use of firearms, mainly handguns, will assist you in your crime prevention efforts.

I insert the full text of Superintendent Conlisk's letter at this point in the RECORD for the benefit of my colleagues.

DEPARTMENT OF POLICE,
Chicago, Ill., March 12, 1970.

Hon. ABNER J. MIKVA,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MIKVA: This is in response to your letter of March 5 addressed to Mr. Paul Quinn of this office. The following data regarding unlawful firearms usage is being submitted to you in compliance with your request.

Estimated number of handguns in private (non-law enforcement) hands in Chicago. Number legally licensed or registered? Number illegal?

As of March 6, 1969, there were 402,732 registered. Nonregistered would be purely guesswork.

Recent trend in handgun sales and ownership in Chicago (1960–69, for example)?

We are unable to submit these statistics. We have no empirical data regarding the foregoing. However, according to George D. Newton and Franklin E. Zimring, who compiled a staff report titled "Firearms and Violence in American Life" to the National Commission on the Causes and Prevention of Violence stated that in 1960 there were 474,677 handguns manufactured in the United States, and during the same year there were 128,166 handguns imported for private sale in the United States. In 1968 these totals were increased to approximately 1,259,356 handguns manufactured in the United States and 1,239,930 handguns imported for private sale in the United States. Accordingly, the importation, manufacture, and demand and sale of handguns, 1969 compared to 1960, indicates a 400% increase in the foregoing categories.

Number of fatal handgun accidents in recent years in Chicago?

Fatal handgun accidents are not tabulated.

Number of handgun homicides in Chicago and what percentage they are of the total homicides for several years? Same for robberies? Same for aggravated assaults?

MISUSE OF FIREARMS (ALL TYPES) IN HOMICIDE CASES

	1965	1966	1967	1968	1969
Total number of homicides	395	512	552	647	715
Homicides committed by use of firearms	194	257	311	375	[1] 438
Youths under 21 using firearms to commit homicides	38	72	95	115	171
Number of homicides committed by youths under 21 using firearms	30	63	70	100	125
Homicides by firearms:					
Youths under 21:					
90 percent increase 1966 versus 1965					
150 percent increase 1967 versus 1965					
203 percent increase 1968 versus 1965					
316 percent increase 1969 versus 1965					

[1] Indicates a 126 percent increase in homicide by use of firearms, all ages, 1969 versus 1965.

In 1968, of the 375 firearms used in homicide cases, 206 were revolvers, 64 automatics, 4 derringers, 27 shotguns, 14 rifles, and 60 were unidentified type guns. In essence, of the 315 identified firearms homicides, 274 were by handguns, or 87% of the firearms used to commit homicides in 1968 were by handguns. The same percentage ratio would probably hold for other years.

SERIOUS ASSAULTS

	1965	1966	1967	1968	1969
Total serious assaults	10,352	11,330	12,346	12,312	12,787
By shooting	1,298	1,873	2,412	2,839	[1] 3,145
Percent by shooting	12.5	16.5	19.5	23.0	24.6

[1] Indicates a 142-percent increase in serious assaults by shooting, 1969 versus 1965.

TYPE OF WEAPON USED IN THE OFFENSE OF ARMED ROBBERY

Year	Handguns	Shotguns	Rifles	Knives	Other: bottles, pipes, bricks, blackjacks	Total
1965	3,880	206	25	2,891	1,078	8,080
Percent of use	47.9	2.8	0.3	35.6	13.3	99.9
1966	4,241	182	35	3,063	1,047	8,568
Percent of use	49.5	2.1	.4	35.7	12.2	99.9
1967	4,941	227	42	2,638	1,129	8,977
Percent of use	54.1	2.8	.5	29.9	12.5	99.8
1968	6,247	268	62	2,417	950	9,944
Percent of use	62.8	2.7	.6	24.3	9.6	100
1969	[1] 7,640	575	124	2,317	1,255	11,911
Percent of use	64.1	4.8	1.0	19.5	10.5	99.9

[1] Indicates a 97-percent increase in the number of robberies committed by use of a handgun, 1969 versus 1965.

HOMICIDES AND SHOOTINGS OF POLICE

	1965	1966	1967	1968	1969
Homicides	1	2	5	5	9
Shootings			24	39	64

Your bill entitled "Handgun Control Act of 1970" has been reviewed with great interest. According to the National Commission on the Causes and Prevention of Violence, the manufacture, importation, and sale of handguns show a spiraling increase during the past decade. This increase roughly

parallels the burgeoning rise in violent crime by use of handguns throughout the United States. Undoubtedly, there is a correlation between violent crime increase and the availability of firearms. Social reformation conceptualized as crime-reducing will be significantly hindered if non-military, non-law enforcement, non-sports involved, crime-prone individuals are allowed, through lack of adequate restrictions, to possess and carry handguns for unlawful use. Unfortunately, too many handguns are in plentiful supply and readily acquired by individuals inclined towards crime. We, in law enforcement, applaud your efforts to reduce violent crime through additional handguns control.

I hope that the foregoing statistics, which do not fully or adequately portray the tragic ramifications of violent crime committed by the unlawful use of firearms, mainly handguns, will assist you in your crime prevention efforts.

Sincerely,

JAMES B. CONLISK, Jr.,
Superintendent of Police.

STRIKES AGAINST FEDERAL GOVERNMENT ILLEGAL

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1970

Mr. DERWINSKI. Mr. Speaker, as the post office strike reaches an end and the Congress properly looks forward to assessing the need for legislative activity, the principle which must be emphasized is that strikes by Federal employees are illegal and against the public interest.

This point is effectively emphasized in a release issued yesterday by the Federal Professional Association here in Washington, the full text of which I insert into the RECORD at this point:

FEDERAL PROFESSIONAL ASSOCIATION HEAD BERATES FEDERAL STRIKES

The president of the government-wide Federal Professional Association has issued a statement strongly condemning strikes by Federal employees and simultaneously has called for legislation to erase a number of Federal employee grievances, including those of postal workers.

"Strikes by Federal employees are both against the law and against the public interest," Lucile Graham of Washington, D.C., President of the Federal Professional Association, stated.

She expressed full sympathy for the salary needs of postal employees while castigating their resort to the strike as a means of making their demands felt.

"A strike of Federal employees trends dangerously close to anarchy. No principle in a democracy is more precious than the requirement that public employees must be inviolably pledged to maintaining public services," she said. "Law, order, and the successful functioning of the Nation require that the strike weapon be denied public employees," she said.

"Yet the fact that Federal workers cannot legitimately resort to the strike places a special burden on society to provide adequately for the protection, the needs, and the rights of its public employees," Miss Graham stated.

She asserted that government is derelict when it allows conditions to develop that are conducive to disobedience of the very laws which Federal employees are pledged to uphold and implement.

The members of the Federal Professional Association, an organization dedicated to improving the quality of the public service and the environment in which it is administered, have repeatedly affirmed a no-strike position. "The function of the Federal government depends in large measure on the commitment, competence, judgment, and integrity of the professional workers in the career service," she said. The Association is not antiunion.

"We do not believe in Federal strikes and we can imagine no circumstance in which we would agree that any group of Federal workers should strike, including the present one," she stated.

Miss Graham said that pay adjustments which would make salaries of Federal professional employees comparable with those paid by private enterprise are lagging by almost 18 months, but that the Association which she heads is seeking and will continue to seek remedial action through established legislative channels, rather than through strikes or other means which would disrupt orderly administration of the government.

SPEECH OF REGRET AT "TIC"" FORRESTER'S PASSING

HON. THOMAS G. ABERNETHY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1970

Mr. ABERNETHY. Mr. Speaker, in my 28 years of service in this body I have been associated with many Members whom I greatly admired for their courage and respected for their forthrightness and character. However, the respect and admiration which I had for these did not exceed that which I had for Elijah Lewis Forrester, whom we all affectionately knew as "Tic."

Our late and lamented friend, though small in stature, was a courageous giant. As a dedicated loyal American he was always ready to take on anyone at any time in defending the principles upon which this Nation was founded and upon which it was designed to progress and prosper through the ages.

He observed with great concern the attacks upon and whittling away of our great Constitution by those who sought, demanded, and achieved by means other than constitutional amendment. He lamented the trespasses committed by the judiciary upon the prerogatives of the legislative branch, as well as by the Chief Executive, through the abused process of Executive order.

Time after time "Tic" Forrester stood on the floor of this House and warned of Washington's departure from constitutional government, of spending beyond our means, of the hands from every nook of this Nation turning toward Washington for more and more Federal handouts and of the politically inspired cleavage that was separating the American people. The mess we are in today proves that "Tic" Forrester knew whereof he spoke.

This late statesman was a good and kind man. He was friendly and courteous. He loved this House. He loved people. And I am happy to say that he was my friend.

Earlier this year he telephoned me from his home in Georgia. At that time the papers were filled with reports of marching in the streets, of misconduct on the part of numerous college youngsters, of inflation and the depreciation of our dollar, of expanding Federal expenditures and so many other things that have come to concern many of us. He said:

Just wanted someone to talk with, someone to express my concern to about the direction of my country which I love so much.

And we talked on for a half hour or more. Indeed, he was concerned, just as every American should be.

Mr. Speaker, I have seen hundreds of men and women come and go from this body. Many of them have been forgotten, but not "Tic" Forrester. He left an impression upon those who served with him that will live throughout their lives; and he left a mark of service and statesmanship in the Halls of this Congress that will live on and on.

I regret the passing of my warm and personal friend, Elijah Lewis Forrester. I sympathize with his surviving wife and the members of his family. I thank the State of Georgia for sending him to this House where he served so ably and so well. And thank the good Lord for the life that He gave him, a life that was lived so well and did so much good for mankind.

WELFARE REFORM: LOOK CLOSER BEFORE YOU LEAP

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1970

Mr. ULLMAN. Mr. Speaker, the House is expected to vote soon on the administration's welfare reform bill. There is no question that the national welfare system should be renovated. The billions of dollars now poured into welfare can and should be spent much more efficiently and effectively.

I believe that the poor people of this State and this Nation should have a better opportunity to lift themselves out of poverty.

I also believe that the Federal Government should provide additional relief to State governments which are struggling to meet the rapidly rising cost of welfare.

In my judgment, then, there is clearly a need for welfare reform. However, the so-called welfare reform bill recommended by the administration and passed out by the Ways and Means Committee earlier this month is not sound reform nor well-considered innovation.

I voted against the bill in committee and I will vote against it on the House floor for several reasons. Reform should be built on the solid foundation of experience, and should be backed by clearly defined principles understood by all.

But in my judgment, the welfare reform bill is deceptive in nature and clearly understood by very few.

The administration says there will be improvement, pointing with much fanfare to work incentives it claims are in

the bill. The administration says that the poor will, for the first time, be able to work themselves out of poverty, and that the welfare rolls will be reduced.

In my judgment, this is a false hope. The heart of welfare reform should be human rehabilitation. There is little of that in this bill. The funding in the bill for job training, for day care to allow mothers with children to work, and for special Government agency training programs is pathetically inadequate—less than 15 percent of the total cost of the new program.

The bill raises the expectations of the poor for jobs, and then dashes them by grossly underfinancing the programs needed to make jobs possible.

On the other hand, more than 70 percent of the cost of the new welfare program would go for cash payments. Here is where the emphasis of the bill really lies.

The bill ultimately establishes the basis for a guaranteed annual income through a negative tax formula. It would permanently consign more than 10 percent of our national population to welfare handouts. The bill would institutionalize poverty, not eliminate it.

The existing welfare system is an administrative mess. The new bill would not clean it up. It would only take us a half step toward nationalization of the program by creating a new Federal layer of administration on top of the present structure.

The bill leaves much of the operation of the program at the State level. Furthermore, no effort has been made to streamline and coordinate the two dozen Federal work programs that should be operating in conjunction with the welfare system.

The bill means more bureaucracy, not less.

The existing welfare program is extremely expensive. It costs Federal taxpayers more than $4 billion a year. The new bill would add more than 12 million persons to the 10 million already on the welfare rolls. This move would double the Federal cost of the program.

Some additional cost to fight poverty is inevitable and necessary. I favor, for example, the provision in the bill for a Federal floor on payments to present welfare beneficiaries. This Federal minimum will help reduce the States welfare burden and bring a measure of equity into the system.

I also fully concur that the Federal payments in the adult categories—to the aged, the blind, and the disabled—should be significantly increased as provided by the bill. The inflationary pressures of the economy make it impossible for individuals in these welfare categories to exist on their present fixed incomes.

But I am opposed to adding millions of new persons to the welfare rolls, and billions of dollars in cost to the taxpayers, until we have improved the structure of the system.

I believe the need is for tighter Federal standards applied to the existing system and aimed at more efficient and effective administration. Above all, the need is for greatly expanded funding of existing programs created to open up jobs. These include the work incentive program, the special projects program for employment in the public sector, the JOBS program coordinated with the business community, and, of course, child care.

The thrust of Federal welfare spending should be placed on these programs, not on cash payments for up to 25 million Americans. Only then can we produce real reform and an effective welfare system that offers a real chance for the poor of this Nation.

Mr. Speaker, I am pleased that the Wall Street Journal in an editorial this week agrees that we should concentrate our efforts now on job training and child care, and build a sound welfare structure on the present foundation before we expand the rolls.

Certainly, there can be no argument with the editorial's contention that we should get behind the rhetoric and examine the facts and consequences of this far-reaching bill much more closely before we vote.

I commend the editorial to the attention of my colleagues:

[From the Wall Street Journal, Mar. 30, 1970]

CANDOR ON WELFARE REFORM

The Nixon Administration offers its welfare reforms not as a guaranteed annual income but as a way to reduce welfare rolls in the long run by putting recipients to work. In nearby columns this interpretation is defended by Jerome M. Rosow, Assistant Secretary of Labor. We're more than happy to print his comments, representing as they do the Administration's most candid explanation of how it hopes the plan will work.

We particularly hope that anyone judging whether the plan will in fact ever reduce welfare rolls will study these closely reasoned arguments rather than the oversimplified and misleading rhetoric emanating from the White House and environs. There has been an attempt to foster the misconception that the present welfare laws offer absolutely no monetary incentive toward work, and that therefore the incentives in the Administration's Family Assistance Plan are a major breakthrough.

In fact, work incentives are already provided under Aid to Families of Dependent Children, by far the largest present welfare program. Benefits are calculated to allow recipients to keep the first $360 a year plus one-third of additional earnings. As Mr. Rosow's explanation makes clear, the new proposal's only changes within the AFDC category are modest increases in the initial "disregard" and training allowances. This means direct incentives will be only marginally higher.

Similarly, it's easy to make too much of the proposed tightening of the requirement that recipients accept work or training. For one thing, even if a recipient's benefits are canceled for refusing "suitable" work, his dependents' benefits continue. For a family of four, the upshot is a cut of $300 in the basic $1,600 allowance, presumably with a similar reduction in state supplements—surely a meaningful sum to welfare families, but not so surely an infallible sanction.

Even less encouraging is the ambiguity about what employment is "suitable." The current Work Incentive Program does not require recipients to accept "dead-end" jobs such as domestics, porters or janitors. Under the new proposals, "suitable" would be defined on a case-law basis. Litigious welfare rights organizations have been spectacularly successful as of late; only last week the Supreme Court ruled that states cannot cancel benefits to ineligible recipients until after formal hearings where recipients are entitled to legal representation. In practice, almost certainly the requirement of "suitable" work will mean that recipients will typically be required to accept only those jobs for which they cannot qualify.

Now, that neither work requirements nor work incentives will be exactly overwhelming does not absolutely mean the Family Assistance Plan will fail in placing welfare recipients in jobs. But its chances of success depend on the more subtle processes and assumptions Mr. Rosow describes.

In fact, the real guts of the plan are the substantial increases in spending for day-care facilities and training programs. The Administration writes off the disappointing past record of these approaches as due to lower funding and undeniably enormous administrative difficulties. It believes that if it can remove the barriers of low skills and child care, welfare recipients will naturally take jobs without greater incentive than they now have.

As Mr. Rosow puts it, a "key assumption" of the plan is that "the great majority of welfare adults prefer work to idleness." On this assumption the Administration proposes to bet, for openers, an additional $5 billion or so.

Yet the assumption is, to say the least, not exactly unquestionable. In some areas welfare benefits are high enough that it would be economically irrational for recipients to work at low-level jobs. Whatever their answers to attitude surveys, many recipients may suffer such social disorientation that only a truly powerful incentive could induce them toward the complete change in life-style employment implies. Many recipients may not prove trainable for the type of jobs likely to be deemed "suitable."

In light of these obvious difficulties and the discouraging experience so far, we think it senseless to expand welfare rolls until we have better evidence that recipients can be managed off the rolls once they are managed onto them. There is no reason why day care and work training cannot be expanded without at the same time enacting what for all practical reasons is a guaranteed annual income. First see whether this approach works, then talk about expanding welfare to include an additional 12 million people.

In political reality, of course, the Family Assistance Plan is backed by the winning combination of Republican Party loyalty and Democratic Party principals. So we're happy to have Mr. Rosow detail what its passage will entail in terms of work incentives and work training. You can agree or disagree with the assumptions behind the bill, but at least the Administration is starting to make those assumptions clear, and the nation can better judge what policy will actually result if the reforms become law.

NEW PRIORITIES

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1970

Mr. McCLOSKEY. Mr. Speaker, as Congress considers new priorities, it may be worthwhile for us to occasionally listen to our younger constituents. I was recently visited by a group of eighth-grade students at Encinal School in Atherton, Calif. I was struck by the nature of their priorities as expressed in the petition they presented to me:

ENCINAL SCHOOL SCIENCE CLUB ESSIC

We of the Encinal School Science Club Essic, proclaim the following acts in which we are trying to stop pollution which is destroying our natural resources. Here are some of the activities in which we are attempting to help the fight to stop pollution:

One group of members are making a newsletter which we will distribute throughout

our community. We will explain to people how pollution is destroying our earth and what they can do about it. Second, we are trying to get television coverage telling the people what is happening and the consequences if pollution doesn't stop. We have bought two water testing kits which we will use for testing the Bay. From this we should be able to find out the pollutants of the Bay and where they are coming from. We are writing the companies which pollute the Bay and asking them why they do it and if they could please stop. Some members are going to clean up a little area around our Bay. Finally, we are urging everyone to write to their U.S. Congressmen. We are all hoping that Congress and President Nixon will continue to help stop pollution. The new bill proposed by President Nixon to help stop water pollution is very encouraging. We hope this type of bills will continue. Thank you for the work you do.

Respectfully,

ESSIC.

PAPER HINTS AMERICANS GET GUERRILLA TRAINING IN CUBA

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1970

Mr. FISHER. Mr. Speaker, under leave to extend my remarks I include a UPI story, dated March 22. The article follows:

PAPER HINTS AMERICANS GET GUERRILLA TRAINING IN CUBA

DETROIT.—The Detroit News reported Saturday that young Americans who have gone to Cuba to harvest sugar cane may actually be undergoing training there for guerrilla warfare.

In a copyright story in its Sunday edition—most of it devoted to the recent wave of bombings and bombing scares across the country—the News said its information comes from classified reports of several free world consulates in Havana.

"The training of American radicals apparently has been going on for at least six months," the News said.

"It was accidentally discovered last fall when a West European consulate member, invited to the site to review Cuban militia operations, was inadvertently driven into the area where the Americans were being trained," the newspaper said.

The News continued: "In a report to his government, the consulate member identified the trainees as Americans beyond reasonable doubt. A large number were blue-eyed blonds, he reported, and he overheard many speaking English replete with the latest American slang.

"His report was supported on several later occasions by consulate members of other countries, who observed American youths in military attire in small towns and villages near the site."

The News quoted "a high-ranking Canadian government source" as saying that most of the approximately 500 young Americans now in Cuba purportedly to cut Fidel Castro's sugar cane crop actually are learning revolutionary warfare at a site 30 miles east of Havana.

"He (the Canadian source) said they are being taught by instructors from Red China and perhaps the Soviet Union. The training site is also used to prepare guerrillas for export to Latin America," the newspaper said.

On Feb. 13, about 480 young Americans gathered at St. John's, New Brunswick, and boarded the Cuban cattle boat Luis Arco Dergenas to go to Cuba. The 14 said they were going to help harvest the sugar crop.

VIETNAM WAR WAS L. B. J.'S DOWNFALL; WILL CIVIL RIGHTS BE NIXON'S WATERLOO?

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1970

Mr. DIGGS. Mr. Speaker, I insert the article, entitled "Vietnam War Was L. B. J.'s Downfall; Will Civil Rights Be Nixon's Waterloo?" from the Washington Daily News, March 24, 1970, in the RECORD:

[From the Washington Daily News, Mar. 24, 1970]

T. R. B.: VIETNAM WAR WAS L. B. J.'S DOWNFALL; WILL CIVIL RIGHTS BE NIXON'S WATERLOO?

At 9:35 Sunday evening, March 31, President Johnson's voice suddenly changed and it became obvious that he had departed from his prepared text. His administration was hemmed in, there was the Tet offensive, the New Hampshire primary was a defeat and the Wisconsin primary promised a disaster. The nation was sullen, frustrated, rebellious.

The speech was taking a strange turn. The tone was humble and painfully intense. There were no flamboyant cliches nor partisan thrusts. The voice was level as Mr. Johnson said simply, "I shall not seek and I will not accept the nomination of my party as your President."

And so, two years ago, the man who started with the highest majority in history ended with his party in shambles and a record he did not care to defend by seeking reelection. Sad too; a man who wanted to be loved; a man of immense gifts who had given the nation a mighty advance in social welfare, consumed by a nasty little war.

One wonders if Mr. Nixon, too will be a one-term President. Currently, he has a substantial majority in the polls but it is below where Mr. Johnson stood at an equivalent time. A moral issue betrayed LBJ, not merely a feeling that he had picked a wrong course, but a widening belief that he was falsifying facts.

In 1968 it was Vietnam. In 1972 the trap for Mr. Nixon may be civil rights.

Walter Lippmann was the nemesis of Mr. Johnson, the most powerful journalist in America, Cook, cosmic, certitudinous, his quiet authority arrested attention in a crowd. Almost alone at first, Mr. Lippmann made the opposition respectable; he laid down these postulates: America cannot fight a war in Southeast Asia with a conscript army; it needs no land war in Asia to assert its presence so long as it controls air and sea; modern military instruments in a jungle are like a herd of elephants fighting a swarm of mosquitoes; America will ultimately tire of such an exercise in futility and will withdraw. Most people now think he was right.

Today, Mr. Nixon has undertaken a new exercise in futility regarding America's most profound problem. Yes, we are a superpower; yes, we are the richest nation on earth; but yes, too, we are a racially divided country unlike any other great nation. Other Western lands willingly or reluctantly gave up their colonies; we cannot drop ours because it is within our boundaries.

One American in 10 is black; the 20 million Black Americans are better off, better schooled, and more aware than their grandfathers who saw the great political sellout of 1876. The morally exhausted North accepted Rutherford Hayes' accession to the Presidency and yielded up in return enforcement of civil rights for the better part of the next century.

Mr. Nixon is pursuing his Southern strategy, which is as much a will-o'-the-wisp in the long run as Mr. Johnson's adventure in Asia. He is trying to barter progress in integration for political advantage, but 1876 can't be repeated; no Grand Coulee can restrain this river.

Mr. Nixon is more oblique than Mr. Johnson. Even some admiring journalists say they don't know where he stands. Always he says that he loves the blacks and always, in practical terms, he has been competing with segregationist George Wallace. In cumulative detail Richard Harris in his book Justice (Dutton, $6.95) shows how Attorney General Mitchell has turned the issue of "law and order" against the Justice Department. That is only one aspect of it. There is school integration, the Supreme Court, and all the rest.

Few whites like, or want, integration. The North begins to see the sacrifices as the South has long known them. But the alternative to integration is repression, which means a different kind of nation. The South had a closed society for a century but that is not viable on a national scale for a modern society.

Southern schools in the past 16 years have made real progress; it is now endangered because Mr. Nixon wants the votes of George Wallace. There is de facto segregation in Northern neighborhoods as whites flee to the suburbs. Like it or not, the problem cannot rest there. It is as unstable as the earthquake fault in California; sooner or later while suburbs and black ghettos must be brought together under unified metropolitan government so that commuters from bedroom suburbs will share taxes and responsibilities with the whole area in which they are involved.

Mr. Nixon's benign neglect policy won't work. The reasons are as simple as those mentioned by Mr. Lippmann about Vietnam. Political economic and moral considerations will not permit second class citizenship for one American in 10 while the U.S. remains a democracy.

(NOTE.—The author of this column, who uses the initials T. R. B., is a veteran Washington correspondent. His column appears on this page every Tuesday. The column also appears in The New Republic magazine.)

THE SHARPEVILLE MASSACRE

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. DIGGS. Mr. Speaker, last Saturday, March 21, marked the 10th anniversary of the massacre at Sharpeville, South Africa. On March 21, 1960, South African police opened fire on several thousand demonstrators protesting against the law requiring Africans to carry passes at all times. On that day 69 persons, including eight women and 10 children, were killed and 180 were wounded. Subsequently, the United Nations General Assembly proclaimed March 21 annually as the "International Day for the Elimination of Racial Discrimination."

The memory of the Sharpeville shooting is fading but the effects of the massacre continue to be vivid. During the last 10 years, the Government of South Africa has remained intransigent and has in fact intensified its efforts to entrench the system of racial discrimination in defiance of appeals by the international community that it abandon its racial policy and seek a new course con-

sistent with respect for universal human dignity. Instead harrassment of opponents of apartheid in violation of the principles of the rule of law has continued. Widespread police activity has developed and laws have been enacted providing for house arrest and detention for 90 days without trial. More recently, the terrorism act has been legalized which allows for indefinite detention.

The conflict in South Africa is between people who were robbed of their birthright to land, liberty, and peace and a regime founded on injustice, inequality, and racial supremacy. In the words of Bishop Ambrose Reeves, whose article I am including below:

Unless there is a radical change in the present political and economic structures of South Africa a terrible and brutal civil war might not easily involve Africa alone but the whole world in a global racial conflict. The choice before the international community has been a clear one ever since Sharpeville. Either it takes every possible step to secure the abandonment of the present policies in South Africa or the coming years will bring increasing sorrow and strife both for South Africa and for the world. Sharpeville was a tragedy showing most plainly that the ideology of apartheid is a way of death and not of life. Can the nations recognize this before it is too late?

The article follows:

A MASSACRE RECALLED

(By Bishop Ambrose Reeves)

(NOTE.—Bishop Reeves, born on 6 December 1899, was an Anglican priest in South Africa from 1949 to 1960. During the latter part of his service in South Africa, he was Bishop of Johannesburg. An outspoken opponent of apartheid, he was active in arranging legal defence and relief for political prisoners and their families in South Africa. He organized relief for the families of those killed and wounded in the Sharpeville incident and arranged for an investigation of the incident. Shortly thereafter, he was deported from South Africa.

(Returning to the United Kingdom, he was for several years in charge of the Student Christian Movement. During the past three years, he has been Bishop of Lewes. He was the first petitioner before the United Nations General Assembly on apartheid, having appeared before the Assembly's Special Political Committee in 1963. He is the author of Shooting at Sharpeville and several pamphlets and articles.)

Events at Sharpeville on 21 March 1960 shocked the world and are still remembered with shame by civilized men everywhere. Early that morning a crowd of Africans estimated at between 5,000 and 7,000 marched through Sharpeville to the municipal offices. It appears that earlier that day people were urged to take part in this demonstration. However, many Africans joined the procession to the municipal offices quite willingly. Eventually this demonstration was dispersed by the police, using tear gas bombs and then a baton charge. Fortunately nobody was hurt.

I was not at Sharpeville when the shooting occurred but it was familiar territory to me. Time and again I officiated at the large African Anglican church there and knew intimately many of the congregation, some of whom were to be involved in the events of that tragic day. I could so well visualize the scene. Near my home in the northern suburbs of Johannesburg was a large zoo situated in acres of parkland. By a curious anomaly the lake near the zoo was the meeting-place for Africans working in the northern suburbs on a Sunday afternoon. After work they would leisurely make their way there in small groups—a gay, colourful, jostling crowd—families and individuals—chatting, laughing, singing, gesticulating and occasionally fighting. The thud of home-made drums could be heard shattering the Sunday calm. It could so easily have been like that on that crisp autumn morning in Sharpeville. Like that, but so very different.

During the morning news spread through the township that a statement concerning passes would be made by an important person at the Police Station later that day. The result was that many drifted to the Police Station where they waited patiently for the expected announcement. And all the time the crowd grew.

Reading from the police report on what subsequently happened, the Prime Minister told the House of Assembly that evening that the police estimated 20,000 people were in the crowd. This seems to have been a serious exaggeration. From photographs taken at the time it is doubtful if there were ever more than 5,000 present at any particular moment. They were drawn to the crowd by a variety of reasons. Some wanted to protest against the pass laws; some were there out of idle curiosity; some had heard that a statement would be made about passes.

Whatever may have brought them to the Police Station, I was unable to discover that any policeman ever tried either to find out why they were there, or ask them to disperse, in spite of the fact that their presence seems to have caused a good deal of alarm to the police. So much so that at 10 a.m. a squadron of aircraft dived low over the crowd, presumably to intimidate them to disperse.

The police claimed that the people in the crowd were shouting and brandishing weapons. The Prime Minister told the Assembly that the crowd was in a riotous and aggressive mood and stoned the police. There is no evidence to support this. On the contrary, while the crowd was noisy and excitable, singing and occasionally shouting slogans it was not a hostile crowd. Their purpose was not to fight the police but to show by their presence their hostility to the pass system. They expected that someone would make a statement about passes. Photographs taken that morning show clearly that this was no crowd spoiling for a fight with the police. Not only was the crowd unarmed, but a large proportion of those present were women and children. All through the morning no attack on the police was attempted.

Even as late as one p.m. the Superintendent in charge of the township was able to walk through the crowd, was greeted by them in a friendly manner and chatted with some of them. Similarly, the drivers of two of the Saracen tanks stated subsequently that they had no difficulty in driving their vehicles into the grounds surrounding the Police Station. This testimony was borne out by photographs taken of their progress.

As the hours passed, the increasing number of people in the crowd was matched by police reinforcements. Earlier there had only been 12 policemen in the Police Station: six white and six non-white. But during the morning a series of reinforcements arrived. By lunch time there was a force of nearly 300 armed and uniformed men in addition to five Saracens.

Yet in spite of the increased force that was then available, no one asked the crowd to disperse. The police strolled around the compound with rifles slung over their shoulders, smoking and chatting with one another.

SCENE WAS SET FOR EXPLOSIVE SITUATION

The scene was set. Anyone who has lived in South Africa knows how explosive that situation had already become. On the one side was the ever-growing crowd of Africans. On the other side was the South African police. Every African fears them, whether they are traffic police, ordinary constables or members of the dreaded Special Branch. Most policemen expect unquestioning deference from Africans.

The only action taken during that morning appears to have come not from the police but from two African leaders who urged the crowd to stay aw y from the fence around the perimeter of the compound in order not to damage it. Then Colonel Pienaar arrived in the compound. He appears to have realized that he had come into a dangerous situation and therefore made no attempt either to use methods of persuasion on the crowd or to attempt to discover what the crowd was waiting for. Instead, about a quarter of an hour after his arrival he gave the order for his men to fall in. A little later he said, "Load five rounds." But he said no more to any of his officers, or to the men. Later, Colonel Pienaar stated that he thought his order would frighten the crowd and that his men would understand that if they had to fire they would not fire more than five rounds.

During this time Colonel Spengler, then head of the Special Branch, was arresting three African leaders. He said subsequently that he was able to carry out his arrest because the crowd was not in a violent mood.

It is extremely difficult to know what happened next. Some of the crowd near the gate of the Police Station compound said later that they heard a shot. Some said that they heard a policeman say, "Fire". Others suddenly became aware that the police were firing in their midst. But all agreed that nearly everyone turned and ran away once they realized what was happening. Colonel Pienaar asserted that he did not give the order to fire. Moreover, he declared that he would not have fired in that situation. It was stated later that two white policemen opened fire and about 50 others followed suit, using service revolvers, rifles and sten guns.

POLICE ACTION CAUSED DEVASTATING CONSEQUENCES

Whatever doubts there may be of the sequence of events in those fateful minutes, there can be no argument over the devastating consequences of the action of the police on 21 March 1960 in Sharpeville. Sixty-nine people were killed, including eight women and 10 children, and 180 wounded including 31 women and 19 children.

According to medical evidence the police continued firing after the people began to flee, for while 30 shots had entered the wounded or killed from the front of their bodies no less than 155 bullets had entered the bodies of the injured and killed from their backs. All this happened in 40 seconds, when 705 rounds were fired from revolvers and sten guns. But whatever weapons were used the massacre was horrible.

Visiting the wounded the next day in Baragwaneth Hospital near Johannesburg, I discovered youngsters, women and elderly men among the injured. These people could not be described as agitators by any stretch of the imagination. For the most part they were ordinary citizens who had merely gone to the Sharpeville Police Station to see what was going on. Talking with the wounded I found that everyone was stunned and mystified by what had taken place. They had certainly not expected that anything like this would happen. All agreed that there was no provocation for such savage action by the police. Indeed, they insisted that the political organizers who had called for the demonstration had constantly insisted that there should be no violence or fighting.

ARRESTS FOLLOW MASSACRE

To make matters worse, some of the wounded with whom I spoke in hospital stated that they were taunted by the police as they lay on the ground, by being told to get up and be off. Others who tried to help were told to mind their own business. At first there was only one African minister of the Presbyterian Church of South Africa who tried to help the wounded and the dying.

Later, 77 Africans were arrested in connection with the Sharpeville demonstration

in some cases while they were still in hospital. In fact, it was clear on my visits to the wards of Baragwaneth Hospital that many of the injured feared what would happen to them when they left hospital.

The attitude of the South African Government to the events at Sharpeville can be seen from its reaction to the civil claims lodged the following September by 224 persons for damages amounting to around £400,000 ($1,120,000) arising from the Sharpeville killings. The following month the Minister of Justice announced that during the next parliamentary session the Government would introduce legislation to indemnify itself and its officials retrospectively against claims resulting from action taken during the disturbances earlier that year. This was done in the Indemnity Act No. 61 of 1961. Money could never compensate adequately for the loss of a breadwinner to a family or make up for lost limbs or permanent incapacity. But it would have been some assistance. It is true that in February 1961 the Government set up a committee to examine the claims for compensation and to recommend the payment of *ex gratia* payments in deserving cases. But this is not the same thing, and in fact by October 1962 no payments had been made.

FAILURE OF POLICE TO COMMUNICATE WITH CROWD

Few commentators since Sharpeville have attempted to justify the action of the police. In fact, many of them have drawn special attention to the complete failure of the police to communicate with the crowd at the Police Station. If it had been a white crowd the police would have tried to find out why they were there and what they wanted. Surely their failure to do so was due to the fact that it never occurred to them, as the custodians of public order, either to negotiate with the African leaders, or to try to persuade the crowd to disperse. Their attitude was summed up by the statement of Colonel Pienaar that "the Native mentality does not allow them to gather for a peaceful demonstration. For them to gather means violence." The same point was demonstrated even more graphically by one of his answers at the Court of Enquiry under Mr. Justice Vessels. When asked if he had learned any useful lesson from the events in Sharpeville he replied, "Well, we may get better equipment."

What happened at Sharpeville emphasizes how far the police in South Africa are cut off from sympathy with or even understanding of Africans. At no time did the police express regret for this tragic happening.

Yet it would be folly to attempt to fasten the whole blame for the events at Sharpeville on the police. By the mass of repressive legislation which has been enacted every year since 1948, the South African Government has given the police a task which becomes ever more difficult to fulfill.

It was this legislation which was indirectly responsible for the tragedy of Sharpeville, and in particular, the "pass laws". Indeed, the immediate cause of many in the crowd assembling at the Police Station was the growing resentment of Africans to the system of passes.

HISTORY OF PASS LAWS

The pass system originated in 1760 in the Cape Colony to regulate the movement of slaves between the urban and the rural areas. The slaves had to carry passes from their masters. Subsequently, the system was extended in various forms to the whole country and was eventually collated in the Native (Urban Areas) Consolidation Act of 1945. This Act made provision for a variety of passes, including registered service contracts and for passes permitting men to seek work in particular areas. But through the years an increasing number of Africans had been given exemption from these laws.

In 1952 a new act, ironically called "The Abolition of Passes Act", made it compulsory for every African male to carry a reference book. To the Africans, reference books are passes for they contain all the details which were previously entered on the various pass documents. Failure to produce it on demand constitutes an offence for which an African may be detained up to 30 days while inquiries are being made about him. In the 12 months ending 30 June 1966 no less than 479,114 Africans were prosecuted for offences against the "pass laws". At the time of Sharpeville there were 1,000 prosecutions a day for these offenses. By 1966, this had risen to over 1,300 a day. These figures speak for themselves.

PASS LAWS EXTENDED TO WOMEN IN 1960

In 1960 the Government decided for the first time in South African history to extend the pass laws to African women. In their case another fear was added that they might be subjected to manhandling by the police with a further loss of human dignity. In fact, by the time of Sharpeville it was estimated that three quarters of African women were in possession of reference books.

African wages in Sharpeville in 1960 were low, partly because African Trade Unions were not, and still are not, recognized for the purpose of bargaining with employers. Moreover, the continuing colour bar in commerce and industry meant, and still means, high minimum wages for white workers and low maximum wages for the black workers who make up the great majority of the labour force.

All this means two wage structures in South Africa which have no relation to one another: in the fixing of the black wage structure the workers frequently have no say at all. Several months before the tragic events at Sharpeville it was becoming obvious that those living in the township were facing an intolerable economic situation.

Sharpeville was not an isolated incident. The 10 years before Sharpeville had seen feverish activity by the opponents of *apartheid*. By means of boycotts, mass demonstrations, strikes and protests, the non-white majority had attempted by non-violent means to compel those in power to modify their racist policies. For example, on 26 June 1952, the Campaign of Resistance to Unjust Laws had been launched, the same day three years later (26 June 1955) 3,000 delegates had adopted the Freedom Charter which had been drafted by the Congress Alliance. This took place at a massive gathering at Kliptown Johannesburg. The following year (1956) the Federation of South African Women held a series of spectacular demonstrations against the extension of the pass system to African women. These culminated in a mass demonstration at the Union Buildings, Pretoria, on 9 August. Some 10,000 women gathered there in an orderly fashion to present 7,000 individually signed protest forms. Again, from 7 January 1957, many thousands of African men and women for months walked 18 to 20 miles a day to and from work in Johannesburg in a boycott of the buses. Although in this particular case they gained their objective, all the various endeavors by Africans to secure change by peaceful means brought little tangible result.

The surprising thing was that in all this activity there was very little violence on the part of boycotters, demonstrators and strikers. In spite of great and frequent provocation by the police, Africans remained orderly and disciplined.

"CIVILIZATION WITHOUT MERCY"

The crowd at Sharpeville was not attacking anything or anyone. Further, there is abundant evidence to show that they were unarmed. As the late Sir Winston Churchill pointed out in a debate in the British House of Commons on 8 July 1920, "There is surely one general prohibition which we can make . . . against what is called 'frightfulness'. What I mean by frightfulness is the inflicting of great slaughter or massacre upon a particular crowd of people with the intention of terrorizing not merely the rest of the crowd, but the whole district or the whole country". This is precisely what the police did at Sharpeville. On that occasion Sir Winston concluded his speech with some words of Macaulay, ". . . and then was seen what we believe to be the most frightful of spectacles, the strength of civilization without mercy". These are words which aptly summarize all that happened at Sharpeville.

Certainly the Government of South Africa, though badly shaken in the days immediately following Sharpeville, soon regained control of the situation. On 24 March 1960, the Government banned all public meetings in 24 Magisterial districts. On 18 April, the Governor-General signed a proclamation banning the African National Congress and the Pan Africanist Congress as unlawful organizations. On 30 March, in Proclamation No. 90, the Governor-General declared a state of emergency which lasted until 31 August 1960. During that time a large number of prominent opponents of Government policy of all races were arrested and detained without trial. In addition some 20,000 Africans were rounded up, many of whom were released after screening.

After some months, at least superficially, life became at least relatively normal. But underneath the external calm dangerous fires continue to smoulder; fires that can never be extinguished by repressive measures coupled with a constant and growing show of force.

Outside South Africa there were widespread reactions to Sharpeville which in many cases led to positive action against South Africa: action which still continues.

It is my personal belief that history will recognize that Sharpeville marked a watershed in South African affairs. Until Sharpeville, violence for the most part had been used by the white minority. Over and over again, non-white civilians were injured by police action or by assaults on them when in prison. Until Sharpeville the movements opposed to *apartheid* were pledged to a policy of non-violence. But on 21 March 1960, when an unarmed African crowd was confronted by 300 heavily armed police supported by five Saracen armoured vehicles, an agonizing reappraisal of the situation was inevitable. Having tried every peaceful method open to them to secure change without avail, the African leadership decided that violence was the only alternative left to them.

As Nelson Mandela said in court at his trial in October 1962, "Government violence can do only one thing and that is to breed counter-violence. We have warned repeatedly that if there is no dawning of sanity on the part of the Government, the dispute between the Government and my people will finish up by being settled in violence and by force."

Outwardly things may go on in South Africa much as before. Visitors may find a booming economy, the white minority may seem secure in their privileged position for any foreseeable future, some urban Africans may have a higher living standard than formerly. But all this should not deceive anybody. The fact is that for the first time both sides in the racial struggle in South Africa are now committed to violence; the white minority to preserve the *status quo;* the non-white majority to change: change from a society dominated by *apartheid* to one that is non-racial in character.

The fact that at the moment this is being expressed through small bands of guerrillas who may be neither very well trained nor well equipped does not mean that they ought therefore to be dismissed as having little significance. After all, we have the examples of Algeria, Cuba and Viet-Nam before us as powerful reminders of what may result from very small and weak beginnings.

Unless there is a radical change in the present political and economic structures of South Africa a terrible and brutal civil war might not easily involve Africa alone but the whole world in a global racial conflict. The choice before the international community has been a clear one ever since Sharpeville. Either it takes every possible step to secure the abandonment of the present policies in South Africa or the coming years will bring increasing sorrow and strife both for South Africa and for the world. Sharpeville was a tragedy showing most plainly that the ideology of *apartheid* is a way of death and not of life. Can the nations recognize this before it is too late?

VILLAGE IN DELTA HAS ONE TV SET AND AUDIENCE IS MOSTLY CHILDREN

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1970

Mr. CHAMBERLAIN. Mr. Speaker, as one who has been greatly concerned about the development of more effective communications in South Vietnam through the establishment of a television network, I read with special interest an article appearing in the New York Times of Wednesday, March 25, describing the impact of this effort, particularly in the Mekong Delta Village at Ninhquoi. I commend to the attention of my colleagues the following article:

[From the New York Times, Mar. 25, 1970]

VILLAGE IN DELTA HAS ONE TV SET AND AUDIENCE IS MOSTLY CHILDREN

(By Gloria Emerson)

NINHQUOI, SOUTH VIETNAM, March 16—The big box is here.

At 7 P.M. every day the villagers of Ninhquoi can tune in to Channel 7, their own station in the Mekong Delta, and find out how the war is supposed to be going. But, like many Americans, most of them prefer to be entertained.

The village television set is not in a living room, and no one eats dinner while watching it. The set is outdoors, protected inside a metal box raised more than six feet. It faces a lumpy, dusty unpaved stretch of street with shops and little houses whose doors seem never to shut.

This community-owned television set, given by the Government of South Vietnam, is a 23-inch screen American model marked Setchel Carlson.

It was an American idea to introduce television to Vietnam. In 1969, it was estimated that there were more than 300,000 television sets in South Vietnam, most of them privately owned.

YOUNG AUDIENCE UNMOVED

"Alexander's Ragtime Band," the musical theme for an old European film on the history of the cinema, blared out in Ninhquoi one recent night. The film did not grip the audience, most of whom looked under 8 years of age.

Ninhquoi, which lies beside a canal, is made up of five hamlets, with over 6,000 people in them. No one can say how many men between the ages of 18 and 38 have gone into the army.

The hamlets are not next door to one another. Many villagers wishing to see the community television set in the biggest hamlet must walk more than a mile.

Some fear the possibility of a Vietcong terrorist incident. Others are farmers who are too tired to make it.

At 7 P.M. it is still light in Ninhquoi. A village dignitary rises on his tiptoes to reach the knob of the television set. The programs end at 10:30.

It is the children of Ninhquoi—including some so little that they toddle rather than walk—who are the most faithful audience. They like the noise coming from the box even when they do not understand the pictures.

ELDERLY WATCH REGULARLY

Adult television watchers are usually elderly people who, like the young, are grateful for distraction. The women in the village like to say that they have too much to do in their homes to sit for three and a half hours watching television, but a few do.

What do the villagers of Ninhquoi most enjoy on television?

"I am ashamed to say," the village chief said. He is 39-year-old Le Thanh Tong, who rarely watches it himself.

The favorite program—as it is all over South Vietnam—is called "Cai Luong," which has no literal translation. The Vietnamese who defend it say it is a kind of renovated theater in which the players both sing and speak in Vietnamese. Others, such as the village chief, consider it a soap opera. The program, which lasts for two and a half hours, has a different plot each week, all satisfyingly complicated and melodramatic to the audiences.

"Fault of Older Sister and Love of Younger Sister" was the title of a recent "Cai Luong" program. It is shown on Friday nights in Saigon but on Saturday nights on Channel 7 in the Delta.

"It is not suitable for children, for it is much concerned with love," the village chief said.

CHILDREN ARE INDULGED

But Vietnamese children live in a splendidly permissive world where mothers do not shriek at them to get to bed. In Ninhquoi, all the smallest infants stayed up until the end of the last program. Even then, they were not rushed to bed.

"Cai Luong"—which the children seem to adore for its melodrama—is so popular in the Delta region that the television station only showed it in installments on Saturday night. The reason given is that other films—mostly propaganda shorts—can then be squeezed in between installments. The villagers would not watch, it is said, unless they were waiting for "Cai Luong" to be resumed.

The propaganda films, usually made in Saigon, include highly idealized short films on South Vietnamese soldiers or men in the militia, and virtuous South Vietnamese citizens.

What difference has television made in the lives of the villagers?

A visitor speaking no Vietnamese cannot easily judge. But the children of Ninhquoi seemed more excited by the landing and take-off of a helicopter in the village, and the wind it raised, than by the magician, the dancers and the newsreels they had seen the night before.

Some observers feel television in Vietnam has come much too early. Others believe that it is an ineffectual way of bringing the Government to the people, who for 20 years have been inundated by propaganda of all kinds.

In Myxuong, another Delta village many miles away, a community television set was given to the people two years ago.

The village chief, an unrelenting anti-Communist Nguyen Thanh Nhon, feels it has made the Government in Saigon more real to the people.

But in this village, too, it was noted that 80 per cent of the television audience were children.

"And also the television set causes more movement at night," Nguyen Thanh Nhon added, when pressed for his opinion on other changes.

The movement comes from the children, who would ordinarily be in their homes, although not asleep.

The villagers of Myxuong—like those in the rest of the region—see only one channel, since it is difficult to receive Saigon's Channel 9. Nor can they very often see Channel 11, which is the United States Armed Forces network for American soldiers in Vietnam.

SAIGON'S FAVORITES LISTED

This means they are missing some of the favorites of the Vietnamese in Saigon who own private sets. "The Dean Martin Show," "Dragnet," "Bonanza," "The Red Skelton Show," "Felony Squad" and "Jimmy Durante's Hollywood Palace," which are all broadcast in English.

Villagers in Myxuong requested set from the district information service, which distributes them. But here again, while the population in the four hamlets exceeds 6,000 only slightly more than 100 people could be seen watching at night.

To operate the Japanese-made Honda generator needed for their television set, and to buy gasoline for it, the villagers pay about $2 a month out of village funds.

Some Americans with the United States Government agency, Civil Operations Revolutionary Development Support, feel television in South Vietnam is "a way to sell the Government."

THIEU VIEWED ON TELEVISION

"President Thieu doesn't travel as much as I wish he would in this part of Vietnam, so the next best thing is for the people here to see him on television," an official of the agency in the Delta said.

Others are not so sure that it makes an important difference.

The impression that the Americans have an unusually keen interest in how the Delta television station is run also comes from talking to the station manager, who is Hoang Thai. He feels he has about 37,000 viewers.

Two pretty, young Vietnamese girls read the news on Channel 7.

"By itself the news is not interesting," Mr. Thai said. "A lady announcer attracts attention and has a more attractive voice and manners."

He studied film production at the University of Southern California in Los Angeles eight years ago, and has worked with Americans in Saigon.

A small budget, decided and provided by the Government, limits his scope in program planning. He has only two cameramen.

No actual scenes of combat, or military operations, are filmed for Channel 7, for financial and technical reasons.

Television in the Delta is playing an important part, Mr. Thai said, in the pacification program. One example: "Wanted" posters of Vietcong suspects are televised.

The Ministry of Information in Saigon estimates that there are 2,330 community-owned sets in all of South Vietnam. Some stand unused—as in the city of Cantho—some have been stolen and some have been given to officials to put in their homes so they can see the programs.

The project started when the United States Government distributed free about 3,500 television sets in pacified hamlets. In 1966, with American aid, advice and urging, the Government of South Vietnam started its own television system, and has been distributing community sets reportedly on its own initiative and with its own funds.

But most of South Vietnam's 17.5 million people depend on radios for news, relaxation and comforting kinds of noise.

CARSWELL'S TAINTED IMAGE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1970

Mr. FRASER. Mr. Speaker, Austin C. Wehrwein often comments incisively upon legal matters on the editorial page of the Minneapolis Star. On Wednesday, March 25, 1970, Mr. Wehrwein discussed the G. Harrold Carswell nomination to the U.S. Supreme Court. This commentary is worthy of a wider audience and I include it in the RECORD today.

The final two paragraphs of Mr. Wehrwein's commentary sum up what many of us feel about President Nixon's choice for the most prestigious court in the world:

At the same time, it may be true enough that any Southerner, especially one with Carswell's political background, is bound to face some automatic opposition. Narrow sectionalism is, of course, unworthy whether it is used for or against a nominee.

But while the case against Carswell is necessarily made in the context of Carswell, the Southerner, the burden of the opposition rests on an assessment of Carswell, the man . . . the lawyer and the judge. Label words like "mediocre" . . . "dull" . . . "callous" . . . are harsh. Yet what has the Nixon administration, especially Attorney General John Mitchell, been able to do by way of counter argument to destroy the image such words have created?

Surely there is a southern jurist or lawyer or legal scholar who will add to the luster of the Supreme Court rather than tarnish it.

The commentary follows:

[From the Minneapolis Star, Mar. 25, 1970]

CARSWELL'S TAINTED IMAGE

(By Austin C. Wehrwein)

What is the case against G. Harrold Carswell's confirmation as a member of the Supreme Court?

Unlike Clement F. Haynsworth Jr., Carswell was not caught off base on the conflicts-of-interest issue, an issue that was considerably warmer at the time of the Haynsworth debate because the Fortas scandal was still fresh in mind.

The contentions do, in fact, seem to boil down to Sen. Hruska's characterization: "mediocre." But while lawyers make very sharp assessments of each other (not normally in public) and of judges (even less so in public), "mediocre" or any similar label alone is too subjective to serve as a public political verdict.

However, there is documentary evidence to support the conclusion of mediocrity . . . and not as the bumbling Hruska used it, in his awkward effort to equate Carswell with the average voter.

But I can't help but feel that somehow that the merits of the Carswell case have not been clarified in the discussion so far. Perhaps this, if, no more, suggests the ordinary character of his mind and the drabness of his personality. In any event, the best anti-Carswell "brief" is a long statement signed by more than 450 lawyers and law deans.

The essence is: "Carswell does not have the legal or mental qualifications. . . ."

The statement, sent to all the senators, added that Carswell was not even fit to hold the U.S. district judgeship he has now.

It said he showed in his testimony no express or implied repudiation of his 1948 praise for white supremacy until disclosure of that attitude jeopardized his confirmation.

It said that the 1956 leasing of a Tallahassee public golf course to a newly-formed private club for 99 years at $1 a year was for the deliberate purpose of excluding Negroes, and Carswell, then a U.S. attorney, was a leader in the maneuver.

The statement based much of its argument on that episode, stopping just short of calling Carswell's Senate Judiciary Committee testimony false. Instead, it used "lack of candor and frankness"; it also said he is "lacking the intelligence of a reasonable man" and was "utterly callous" to the implications of the "scheme."

By 1956, segregated municipal recreational facilities (such as a golf course) were clearly unconstitutional. Meantime, the generally-accepted (but not always successful) ploy was to sell or lease the facilities to a private segregationist group.

Affidavits, signed by both blacks and whites, submitted to the Senate committee showed that the community was fully aware of the obvious: The golf course was being "rented" at $1 a year to a new club solely to keep black players off the premises.

Carswell was an incorporator and director of the club, called the Capital City Country Club. He "subscribed" $100.

He told the committee, however, that he thought the $100 was to be used only to help refurbish the wooden club house. As regards the club's purposes he was blank. Here is some of the tesitmony in truncated form:

Sen. KENNEDY. (Was) . . . the purpose . . . to avoid the various court orders which had required integration of municipal facilities?

CARSWELL. I state again unequivocally . . . that I never had any discussions with anyone, I never heard any discussions about this.

KENNEDY. Did you have any idea that the private club was going to be opened or closed (to Negroes)?

CARSWELL. The matter was never discussed.

KENNEDY. What did you assume?

CARSWELL. I didn't assume anything.

The statement concludes from this line of testimony that Carswell would have to have been "rather dull not to recognize the evasion (of the law) at once."

That is the essence of the case against his "mental" qualifications.

It is tantamount to a saying he is morally suspect. As for legal qualifications, the statement said that a full study of his record found "no indication that the nominee was qualified—by the standards of pure legal capacity and scholarships."

More specifically, it cited 15 decisions involving civil and individual rights. In all, he decided against the individual. In all, he was unanimously reversed by the appellate court. The statement said:

"These 15 cases indicate to us a closed mind on the subject (of civil and individual rights)—a mind impervious to repeated appellate rebuke. In some of the 15 he was reversed more than once. In many of them he was reversed because he decided the cases without even granting hearing although judicial precedents clearly required a hearing."

The statement is, of course, a political tract rather than a bare recitation of facts. Nevertheless, it is persuasive. The rebuttal is that Carswell is being attacked because he is a Southerner and a "constitutional conservative." Unfortunately, only too often "constitutional conservative" means "segregationist."

At the same time, it may be true enough that any Southerner, especially one with Carswell's political background, is bound to face some automatic opposition. Narrow sectionalism is, of course, unworthy whether it is used for or against a nominee.

But while the case against Carswell is necessarily made in the context of Carswell, the Southerner, the burden of the opposition rests on an assessment of Carswell, the man . . . the lawyer and the judge. Label-words like "mediocre" . . . "dull" . . . "callous" . . . are harsh. Yet what has the Nixon administration, especially Atty. Gen. John Mitchell, been able to do by way of counter argument to destroy the image such words have created?

C.F.R. AND OUR COMIC OPERA AFRICAN DIPLOMACY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1970

Mr. RARICK. Mr. Speaker, at the United Nations Organization, leftwing extremists of the Organization of African Unity celebrated their victory over civilization in the paper war against Rhodesia. But, their ill-gotten gains in New York brought little relief to the domestic tensions at home. While they solved world problems on a one-chief one-vote basis, their tribes at home warred against each other and basic human rights enjoyed in civilized countries yield to emotion and expediency.

The comic opera leaders of their African tribal states have emerged again into the usual spear-shaking hostility and the boss-man rule of the traditional tribal state.

On March 12, I addressed the House at length on the tragedy of our foreign policy in Africa—page 7189.

On March 23, the local newspaper carried a human interest story of the new stability enjoyed in the Democratic Republic of the Congo under the dictatorship of the showcase gendarmerie sergeant, Mobutu, who was promoted to general, then to one-party President by his plantation masters, the IMF, and the World Bank. In fact, because he has been a good boy, Mobutu has received compensatory benefits. He has received an extra quota of S.D.R.'s—special drawing rights—paper gold—from the international bankers—just like taking candy from a baby.

The following day, President Ngouabi, the Red stooge and hardline Communist dictator of the other Congo, across the river, reported an attempted coup against his rule which he charged had been instituted by his neighbor, General Mobutu of the Domocratic Republic of the Congo, whom he accused of being "a lacky and running dog of imperialism."

He was probably right, since Mobutu breaks the monotony about every 10 days by threatening to send a company of his Israeli-trained paratroopers on a preventive retaliation mission to take over Ngouabi's Congo. Spear shaking has become so commonplace that the UNO does not even consider the incidents worthy of placing on the agenda. After all, the internationalists could not even get together on Biafra.

But, tribal justice for treason is swift and certain in the Congo. The death penalty for conspiracy was executed 7 days after arrest. The trial court and the supreme court must be one and the same in emerging Africa. It makes one question whether or not the condemned men had right to counsel—change of venue—even a jury trial.

While the Organization of African Unity tribal representatives in New York City were celebrating the diplomatic coup over the U.S. blunders in African foreign policy, and as the tribal chiefs were too busy spear-shaking at one another and executing conspirators to organize an army to realize their dream of conquering the civilized countries to the south, the President of the United States on March 23, celebrated a historic first by wining and dining at the White House with the ambassadors of the 32 members of the Organization of African Unity. Despite the exotic menu, I am pleased to report that there is no cause for alarm over the failure of the President to make a public appearance since the meal.

At the same time the American people were paying for the firewater to entertain the natives, the U.S. Davis Cup committee refused the youth of South Africa a right to play tennis in the 1970 Davis Cup Tournament because the athletes behind the Iron Curtain said they would refuse to play against free people.

And, despite the Anglo-U.S. "kowtowing" to the bloc vote in the United Nations organization, Soviet Russia stole all the diplomatic marbles by telling our new-found allies of the Organization of African Unity that it is all America's fault that we have not sent U.S. troops to preserve world peace in peaceful Africa by conquering warlike Rhodesia.

But the U.S. State Department does not change its "no win" policies easily. So the African expert, Secretary Rogers—fresh from his 10-day African tour of only nonwhite countries, and exuberant at his newly won "compromise sanctions" against Rhodesia—issued paper gold of his own, a 5,000-word document, probably not worth the paper printed on, except being good for more U.S. credit and prestigious backing.

What a tragic comic opera American diplomacy has become since it ceased to serve the interests of the American people in favor of the interests of the CFR.

I submit pertinent newsclippings to be included in the RECORD at this point:

[From the Christian Science Monitor, Mar. 20, 1970]

AFRICANS CELEBRATE ANTI-RHODESIA GAINS—UNITED NATIONS DELEGATES SEE U.S. VETO AS DIPLOMATIC COUP

(By Bertram B. Johansson)

UNITED NATIONS, N.Y.—African, and particularly Zambian, delegates to the United Nations are undisguisedly jubilant over the amount of sudden activity they have stimulated on the Rhodesian question since March 2.

Not only have they obtained another Security Council condemnation of the Ian Smith regime, which the British, to be sure, asked for as well.

They have achieved the closing of some eight consulates and national missions in Rhodesia, including that of the United States, in the time span of the Rhodesian debate here between March 2–18.

They see it as a diplomatic coup of the first order to have forced the United States to exert its first Security Council veto in the 25 year history of the United Nations.

The United States used its veto against an Afro-Asian resolution condemning Britain for failing to use force to overthrow the white minority regime in Rhodesia. Britain also vetoed the resolution.

COMPROMISE ADOPTED

The Security Council finally adopted a compromise resolution moved by Finland which calls on UN members to sever all relations with Rhodesia and to suspend all transportation to and from the rebel British colony.

The African jubiliation is seen by some here as possibly somewhat premature. Even Zambia delegates admit that the Smith regime may begin to feel so politically isolated by Security Council action and the closing of consulates that it might engage in some "military adventures" against neighboring Zambia.

Zambian officials here stated that the Smith government had killed innocent Zambian civilians on several occasions in border actions and had razed several Zambian villages to the ground. They also noted that Zambian territory had been invaded by Portuguese armed patrols from Mozambique.

CUTOFF CALLED POSSIBILITY

These same Zambians posed the possibility that the Smith regime might well attempt to cut off electricity generated at the Kariba Dam, a joint Zambia-Rhodesia operation. Zambia receives 70 percent of its electric power from the Kariba Dam.

From the African point of view, the United States veto represented a "desperate, cynical, and hypocritical move" to support Britain, and to oppose Africans on the use of force against Rhodesia.

From the United States view, the veto was cast as a sign of American awareness of responsibility to prevent the use of force against any government or peoples, no matter how illegal that government may be in the eyes of the international community.

U.S. Ambassador Charles W. Yost acknowledged that "it is natural and proper that the African members of the United Nations should feel deep frustration at the inability of our organization, thus far, to bring about the compliance of a regime (in Rhodesia), representing only 200,000 whites, and not even all of them, among 4.5 million blacks, with the legitimate demands and decisions of this Council. It is equally natural that they should seek further means to make our decisions prevail. . . .

POWER OUTLINED

"However, as we are all aware, the United Nations does not have unlimited powers. The Charter does not convey such powers upon it nor have members been able to agree among themselves to give it in fact all the authority which the Charter conveys, in principle . . . ."

Abmassador Yost reiterated that "in the present instance it seems to us both improper and futile to call upon the United Kingdom to overthrow the Smith regime by force—improper because starting a war anywhere is hardly what the United Nations should recommend and starting a war in southern Africa would be particularly risky business, futile because we all know perfectly well that the United Kingdom is not going to engage in any such hazardous enterprise. . . ."

Mr. Yost also expressed United States disagreement with a proposal to cut off all communications with the Smith regime. Having closed its consulate in Salisbury, the United States the Ambassador said, could not agree to cut off the land and air communications by means of which American citizens could leave southern Rhodesia.

Casting for the first United States veto came under dramatic circumstances. When it became apparent in debate on March 17 that the Soviet and Afro-Asian groups might well be able to summon enough votes to condemn Britain for not using force, several maneuvers were undertaken.

Britain's Lord Caradon asked for a 24-hour period in which to consider two paragraphs of a resolution incorporating a condemnation of Portugal and South Africa. This was denied.

SPEECH DELAYS ACTION

The American delegation, needing to telephone Washington for counsel and advice, asked for a half-hour delay, as a matter of diplomatic courtesy, especially since the African countries had asked, and obtained, several delays early in March. The half-hour delay for the United States was denied on a vote of the Soviet-Afro-Asian groupings.

Mr. Yost then achieved his delay by giving a short speech, and asking that it be translated into the official languages of the Council. Normally, delegates will waive "consecutive translation."

By the time the translations had been accomplished and several other delegates had issued caveats, explanations of position, exceptions, and qualifications—some of them by Africans—the American delegation obtained its precious half-hour of time to talk with the State Department in Washington.

And, to the surprise of everyone, the United States invoked its first veto in UN history.

In the past the Soviet Union has invoked 105 vetoes, the most recent one opposing condemnation of the Russian invasion of Czechoslovakia in 1968. Britain has cast 4 vetoes, including 1 on the Rhodesian question this week; France 3; and Nationalist China, 2.

U.S. spokesmen here were emphasizing they did not feel it was a defeat for the United States finally to have used its veto power. It is looked upon by these spokesmen not as an abuse of power, as many of the Soviet vetoes tend to be regarded, but as a device used to exert big power responsibility.

[From the Washington Post, Mar. 23 1970]

MOBUTU'S CONGO ENJOYS NEW STABILITY

(By Jim Hoagland)

KINSHASA, THE CONGO.—A decade after his unwieldy country burst into the world as a synonym for chaos and bloodshed, General Joseph Desire Mobutu is beginning to edge himself and the Congo forward to claim the leadership mantle in African affairs.

"He feels secure enought at home to start throwing The Congo's considerable weight around," says one astute Mobutu watcher, who sees a pattern in recent initiatives by the Congolese president.

Mobutu's efforts to gain more influence on the African scene apparently stem from his confidence that his grip on The Congo is now absolute, and that this rambling, increasingly rich country has largely cured its chronic instability.

Even for a continent where one-man rule is a feature of most governments, Mobutu's performance since he overthrew President Joseph Kasavubu in 1965 has been remarkable.

The 39-year-old general has extended his control unit until he now personally makes virtually every decision of importance for The Congo, which is as large as the United States east of the Mississippi, and inhabited by at least 16 million people.

This style of governing—termed by one diplomat who admires Mobutu as "paternal dictatorship"—is based on advice he receives from a small group of Congolese technocrats, and from Western advisers.

American support has been crucial to Mobutu in overcoming widespread rebellion that plagued the Congo from independence in 1960 until mid-1967. In addition to advice, the United States has poured about a half billion dollars in aid into the Congo from 1960 to 1969.

A success story here could provide a great boost to those who argue that the United States should be more active in Black Africa. If Mobutu and The Congo slip, however, it could be disastrous for American influence in Africa.

Western analysts see The Congo as a

counterweight to the more radical, leftist states in Central and West Africa. For these reasons, recent events that have attracted little public notice elsewhere have been carefully scrutinized here:

Mobutu moved quickly to identify himself more than any other African leader with Nigeria's victory in its civil war against Biafra. He was the first head of state to visit Lagos after the end of the war. The Congo's donation of $600,000 was by far the largest African contribution to the Nigerian relief effort, and The Congo sent military aircraft and personnel to help with relief.

An official of Chad's government recently revealed that The Congo is the only African country that is helping train Chadian troops in their fight against rebels. The official, Antoine Bangui, gave no figures, but said The Congo was helping "reorganize" Chad's army.

In the past few months, Mobutu has been Africa's most peripatetic ruler. He has visited nearly a dozen countries since November, and has noticeably improved his relations with leaders like Jean Bokassa of the Central African Republic.

Significantly, he has visited several English-speaking African countries. Mobuto is thought to feel that The Congo, which is French speaking but which is not tied to France, can be the bridge between the two language blocs in Africa.

CONFIDENT TRAVELER

If such visits demonstrate The Congo's growing interest in influencing Africa, Mobutu's extensive travels outside Africa indicate his self-confidence at home. A long absence by a leader in Africa often triggers a coup or coup attempt.

Mobutu, who has just announced that he will visit the United States in August, went to Europe twice last year. On the second trip, he was greeted by a 51-gun salute and open arms by King Baudouin of Belgium, The Congo's former colonial master.

The visit underscored the complete lack of open Congolese opposition to Mobutu from the left. Several weeks earlier, he had reached a settlement with Union Miniere du Haut Katanga, the giant Belgian firm that owned 80 per cent of The Congo's wealth before Mobutu nationalized its mines in 1967.

Analysts say the long delayed settlement gives the Belgians better financial terms than a similar deal worked out between Zambia and international copper companies recently. But there is no criticism of the settlement in Kinshasa.

Mobutu announced last week that presidential and legislative elections—the first of his five-year reign—will be held in December.

It is likely that Mobutu will be re-elected president without opposition, and that the National Assembly candidates will be handpicked by the hierarchy of The Congo's only political party, Mobutu's Mouvement Populaire de la Revolution.

But by living up to his promise of holding elections within five years of his takeover, Mobutu is showcasing the progress he has made.

PURSE POWER

The new budget discloses that Mobutu has taken all development and research funds away from government ministries and put them under his office. His office has also taken over many powers held in the past at lower levels.

This is the result of a governmental reorganization last August, which was overshadowed at the time by a spectacular cabinet reshuffle in which Mobutu downgraded the two men who were thought to be politically indispensable to him—Justin Bomboko, former foreign affairs minister and now ambassador to Washington, and Victor Nendaka, former finance minister and head of the Congolese Secret Police. He is now ambassador to Bonn.

There was undoubtedly deep political motivation behind the changes, but it has never been sufficiently explained either privately or publicly, sources here say. What has become clear now that the reorganization has begun to take effect is Mobutu's twin desires to tighten his personal control of the government apparatus and to replace political leaders with technocrats.

Nendaka was shoved aside for Louis Namwezi, the new finance minister who is a professional economist and who has close contacts with and the confidence of the International Monetary Fund and U.S. officials here.

The IMF and the World Bank, which coordinate their policies closely in the Congo, have played key roles in advising Mobutu. The IMF, for example, induced him to devalue his currency sharply in 1967. The World Bank, which has been dangling a large development loan in front of The Congo and which pressured Mobutu to settle with Union Miniere, may be even more disposed to granting the loan now that Nendaka has been replaced by Namwezi.

Despite Mobutu's justifiable pride in The Congo's newly found stability "The word stability is used like a religious chant here" says one diplomat, "everybody talks about it all the time." He still has to cope with the scars left by the violent outbursts of the past decade.

From the vantage point of this sweltering, river bank capital it is difficult to judge how far Mobutu's iron grip on his 35,000-man army extends out in the vast forests of The Congo. Some sources report that discipline of the once openly rebellious troops has improved, but is still far from tight.

Mobutu's other main problem of the moment seems to be wrestling with the economic discontent that is openly voiced in Kinshas.

Although workers have regained much of the purchasing power they lost in the 1967 devaluation, they are still caught in an inflationary squeeze.

There is much unemployment. And the people seem to be increasingly concerned that little of the millions of dollars pouring into the treasury are trickling down to the people, as the government hoards its assets to impress foreign investors with the country's stability.

In an election year, even an autocratic ruler like Mobutu is likely to make some moves to ease this discontent.

The most serious problem facing The Congo, in the view of one thoughtful long time foreign resident here, is strangely enough the country's momentary strength—Mobutu's unchallenged position as leader.

"The extent and type of aid the United States and other countries are giving Mobutu's government shows that he has convinced them there is no alternative to him in The Congo," the observer said.

"But by holding the reins so tightly and sending off anybody who might develop as a threat—or a successor to him, Mobutu is putting the country at the mercy of his fate."

[From the Washington Post, Mar. 24, 1970]

BRAZZAVILLE PUTS DOWN COUP, BLAMES OTHER CONGO

BRAZZAVILLE, March 23.—President Marien Ngouabi crushed a coup against his Communist-line regime in Congo-Brazzaville today.

About 50 rebels, apparently led by Pierre Kikanga, seized Brazzaville Radio and several other public buildings about 5 a.m.

Calling themselves the National Liberation Committee, they announced the abolition of the constitution, which Ngouabi proclaimed Dec. 31 when he turned the country into a people's republic with a red flag as its emblem and the International as its temporary anthem. The rebels said that Ngouabi had been deposed and a new government would soon be announced.

Ngouabi, dressed in a commando uniform, was reported to have personally taken command of loyalist forces ringing the radio station and ordered the rebels to surrender.

They chose to shoot it out. After a short battle Ngouabi's forces recaptured the station and it came back on the air to announce that the coup attempt had been defeated.

Kikanga and 29 of his men were killed, the radio announced, and Kikanga's body was put on public display. Two government soldiers were also killed.

The coup attempt seems certain to create new trouble between Brazzaville and the neighboring Congo-Kinshasa of President Joseph Mobutu.

Ngouabi charged in a broadcast today that Kinshasa had supported the coup. The rebels crossed the Congo River from Congo-Kinshasa, Ngouabi charged. He made the same accusation last November when another coup failed.

A radio appeal by Kikanga for military help from Kinshasa will give Ngouabi more ammunition with which to resume the war of abuse against the neighboring Congo. There had been a recent lull in the shouting match between the two Congos.

Kikanga also asked help from Gabon, the Central African Republic and Chad, which is likely to cause new strains in their relations with Brazzaville.

SECOND COUP ATTEMPT

Kikanga was a former army sergeant who fled Brazzaville for Kinshasa after taking part in an unsuccessful coup attempt in 1968. For that effort he had been sentenced to death in absentia.

Informed sources said that Kikanga was a supporter of exiled former President Abbe Fulbert Youlou, who lives in Congo-Kinshasa.

Jim Hoagland of The Washington Post cabled from Nairobi that the real danger to Ngouabi is from his left, not from pro-Youlou rightists.

Most observers expect any serious attempt to topple Ngouabi to come from forces seeking to make Brazzaville's links with Communist China stronger than they are.

"RUNNING DOGS"

"Long live the red flag! Long live the Internationale!" said Ngouabi in his broadcast following the defeat of the coup. He described the insurgents as "lackeys and running dogs of imperialism," a phrase often used by Peking.

Ngouabi said that all the plotters were killed or captured except one—former Defense Minister Augustin Poignet. "He is still in Brazzaville," Ngouabi said, "it is necessary to find him."

Brazzaville calls itself a Marxist revolutionary state with strong ties to Peking and asserts that its giant neighbor across the Congo River harbors and equips subversives. Kinshasa, which depends heavily on American financial and technical aid and views itself as a moderate, accuses Brazzaville of doing the same.

A major irritant in their long-standing dispute is Brazzaville's defensiveness about its small size (900,000 people to Kinshasa's 16 million plus) and lack of real ideology. For all the Marxist rhetoric of the Brazzaville regime, there has been little social change since it took on the trappings of a people's republic.

There are no diplomatic relations between the two Congos and no travel is allowed between them. Kinshasa was formerly the Belgian Congo while Brazzaville was a French colony.

The two Congos have been competing for support from neighboring countries, but they have stymied their neighbors' efforts to cool down their dispute.

Western analysts believe that Congo-Brazzaville is one of the few African countries where communism could establish a strong ideological hold. There are reports that the number of Chinese advisers has doubled from the 50 that were here several months ago.

[From the Washington Evening Star, Mar. 23, 1970]

LOYALISTS FOIL COUP ATTEMPT IN BRAZZAVILLE

KINSHASA, CONGO.—President Marlen Ngouabi of the neighboring Congo Republic announced today his loyal forces had crushed a coup attempt by 30 rebel soldiers he called "lackeys and running dogs of imperialism"—a favorite communist insult.

The rebels led by a Lt. Kikanga seized the radio in Brazzaville capital of the former French Congro across the Congo River from this former Belgian Congo capital. Government troops ringed the radio station with tanks and killed Kikanga.

"A group of adventurers, lackeys of international imperalism, headed by Lt. Kikanga, former officer, refugee in Kinshasa, attempted this morning to seize revolutionary power and wished to speak in the name of the people's army," Ngouabi said in a broadcast.

"But the army remained faithful . . . and as a single man, decided to encircle this group of mercenaries in the pay of the enemy.

"Long live the red flag! Long live the Internationale (the communist anthem)!"

A government communique repeated several times on the radio said, "the traitor Kikanga, running dog of international imperialism, was defeated. His body is at the Brazzaville General Hospital."

An appeal was broadcast for blood donors, apparently for rebels who were wounded. It also called citizens to an afternoon demonstration at the Brazzaville city hall "to decide the fate of the adventurers."

The rebel soldiers took Brazzaville Radio at 5 a.m. (11 p.m. yesterday EST) and announced the replacement of Ngouabi's Marxist government with a provision regime. They said the president has been arrested but was safe.

Appeals for military help from such neighboring nations as Gabon, Chad, the Congo and the Central African Republic went out over Brazzaville radio under the rebel soldiers before the station went dead at 7:45 a.m.

The rebel leader, Lt. Kikanga, was said to have fled the republic after being condemned to death for subversion in 1969. But he returned to engineer the abortive takeover attempt.

Shooting could be heard in Brazzaville from Kinshasa.

Later youths waving red flags, the emblem of the republic since it took to the path of communism in December, marched through the streets of Brazzaville to display support for Ngouabi.

A former army colonel, Ngouabi became president Dec. 31, 1968, and exactly one year later announced a constitution changing the nation's name to the Congo People's Republic and making the "internationale" the national anthem.

The rebel soldiers who seized Brazzaville Radio announced "the hour of liberty has rung . . . it is the end of irresponsibility, end of disorder in the administration, in the army, end of political ignorance, end of arbitrary arrests of officers . . ."

From Pointe-Noire, 220 miles east of Brazzaville on the Atlantic coast, an official loyal to Ngouabi went on the radio and accused the soldiers of distributing "imperialist propaganda" and warned them to give up by 9:15 a.m. or be crushed.

The loyalist troops moved in before that deadline and retook the station from the so-called "military committee of national liberation."

[From the Washington Evening Star, Mar. 30, 1970]

THREE MEN EXECUTED BY BRAZZAVILLE IN COUP ATTEMPT

KINSHASA, CONGO.—Three military men were executed yesterday in the neighboring Congo Republic for trying to overthrow the Marxist regime last week, Brazzaville radio said.

The broadcast said two other condemned leaders of the attempted coup are still at large.

The radio did not say how the men were executed but identified them as Capt. Albert Miaouama, Sgt. Jean-Marie Mengo and Andre Nkoutou, a chief adjutant of the national police.

[From the Washington Post, Mar. 30, 1970]

WORLD BANK PLANS OFFICE, GETS YEN

The World Bank announced yesterday it will establish resident mission in Lagos, Nigeria, next month at the request of the Nigerian government.

The bank also announced the Bank of Japan will lend 36 billion yen equal to $100 million, to the bank for 7.14 per cent annual interest.

World Bank president Robert S. McNamara called the loan "a development that is of prime importance to future financing of our activities. Only through the broadening of sources of funds available to the World Bank can it insure a continuing and sufficient supply of financing for its expanding loan operations."

[From the Washington Post, Mar. 29, 1970]

CONGO'S NEW CURRENCY REFLECTS COUNTRY'S ECONOMIC HEALTH

(By Jim Hoagland)

KINSHASA, CONGO.—"Monsieur, we do not have funny money here now," a Congolese taxi driver said recently with an aggrieved air, as a customer haggled over the $6 fare for a bumpy 10-mile ride from Kinshasa's airport.

There was undoubtedly a lot of self interest ladeled into the driver's remark, but it also indicates growing Congolese pride in an economic recovery that astounds financial experts.

General Joseph D. Mobutu sees this economic progress as perhaps the most important part of his campaign to fuse the 200 or so tribes who inhabit this central African giant into a nation.

CURRENCY STABLE

The driver seemed as proud as the president that Congolese currency, which was once the laughing stock of Africa and which sold on the black market for 300 to 400 percent markups has now stabilized.

The increasingly hard-to-find illicit money changers now give only 20 percent premiums.

President Mobutu introduced the new currency, which is called the zaire and which bears Mobutu's image, in 1967 when he agreed to a strong International Monetary Fund suggestion for a 350 percent devaluation. The Congo, suffering from the aftermath of its civil war and poor financial management, was nearly bankrupt then.

The Congolese disdain the ex-French colonies which have kept the French African franc as their currency and whose budgets therefore are tied to France. One zaire is worth two American dollars.

Mobutu, who has begun in the past few weeks to assert that "operation zaire" has succeeded, also whips up nationalist fervor by pointing to the Congo's healthy foreign exchange reserves ($236 million), compared to almost nothing three years ago and his liberal investment code, which has brought German, Japanese and American investors sniffing around this country, rich in minerals but devoid of infrastructure.

NAME MEANS RIVER

Mobutu checked off the old Congolese franc and went back in history for the name zaire (pronounced zah-ear) which is the answer Congolese tribesmen reportedly gave the the first white explorers who saw the Congo River and asked how it was called. Zaire is an African word that simply means "river."

Experts involved in the Congo's economic recovery credit it to two factors: increasing copper production while copper prices are at an alltime high, and improved budgetary control that has eliminated the inflationary deficit spending of past Congolese governments.

The copper mines of Katanga account for more than 60 per cent of the Congo's export earnings. Other important minerals are gold, tin, diamonds and cobalt (The Congo produces about half of the world's supply).

NATIONALIZED MINES

Mobutu nationalized the mines, which had belonged to a Belgian firm, Union Miniere du Haut Congo, in 1967. But realizing that law suits in Europe could strangle his chances for marketing the copper, Mobutu made a generous settlement with the Belgians a few months ago. About 1,500 Belgian technicians are currently running the mines. This, plus the legislation that gives foreign investors at least a year off from taxes, is attracting renewed attention here, and Mobutu makes the most of it.

He has hoarded the foreign exchange brought in by the mines in a move to increase investor confidence. A half billion dollars in U.S. aid has enabled him to do this and at the same time "keep the country together" in the words of one observer.

"The Congo is now at the transition point, where aid can be used to help the country take off," an economist here noted recently.

CONGO'S OWN BOMBAST

Sometimes the Congolese seem to get carried away with their own nationalistic bombast. This, at least, seems to be the most reasonable explanation of the frequent and loud assertions being made by Congolese officials that their country became the first in the developing world to join the Group of Ten last month.

In fact, the Congo was one of about 30 countries given extra quotas by the International Monetary Fund when the Special Drawing Rights system was put into effect.

This prestige move and vote of confidence in the Congo (which, because of its solid reserve position, is unlikely to need the extra rights), has somehow been translated with considerable chest puffing out as membership in "les dix."

The Congolese economic pride is also tempered by the realization that they still face major hurdles in economic development. The outlook, as one foreign expert describes it, is "fair with a few clouds."

TRANSPORTATION LACKING

The major problem is the lack of transport networks across the Congo, which is larger than Texas and Alaska combined but which has fewer miles of paved roads than Rhode Island, and which has only 25 miles of sea coast.

The Congo needs to double its current production of more than 300,000 metric tons of copper a year to retain its 6 per cent share of the world market, over the next decade, according to economists here.

The mines have the capacity to do this, but no one is sure they will have any way to get it out of Katanga to the sea.

The Congo River is one of the world's mightiest and longest, but is not navigable south of Kinshasa. An expensive and inefficient 1,500-mile rail-water-road system is currently used to ship about half of the copper to the port of Matadi.

The other half goes out along the British-owned Benguela railway through Portuguese Angola to the port of Lobito. But this link is vulnerable to sabotage by guerrillas fighting the Portuguese (and who do not get along with Mobutu), and affects Mobutu's relations with the Portuguese.

The United States, the Common Market's development fund and the World Bank are all considering studies for new transport links for the Congo, either along the river or a new railway. But the cost—likely to be over $250 million for either system—looks prohibitive thus far.

Lack of transportation cost the Congolese an important deal recently when a friendly government offered to buy the surplus corn and manioc crops that are rooting in the Congolese interior.

"Fine," a high ranking Congolese official reportedly told the ambassador who made the offer. "Go ahead and get it." When the ambassador gently suggested that perhaps the Congolese could bring the produce to the port, the Congolese official looked surprised. "We have no way of bringing it in from the bush," he said. The deal fell through.

Finally, there are the enormous social problems of the Congo which Mobutu has not yet begun to deal with effectively. Inflation, while not as bad as it was after the 1967 devaluation just about doubled prices, is still a concern to a population that earns about $100 per capita per year.

Corruption still flourishes and hampers economic gains. A young high school graduate says he would have to pay $10 to $20 to get a job. He would gladly pay if he had $10 to $20. A British businessman who came here hoping to place some new contracts quietly packed his bags and left after he found government officials expected a 25 per cent rake-off on all contracts.

But even these dark spots cannot dampen the enthusiasm of the Congolese about their new money and their burgeoning new economy. Many of them still are hoping that prosperity will eventually trickle down to them.

MALAWI SEIZES AXING SUSPECTS

BLANTYRE, MALAWI, March 16.—President Kamuzu Banda announced last night that police have arrested the alleged leader and members of a gang responsible for a recent wave of ritual axe killings in Blantyre's African townships.

Banda previously said the murders were the work of sorcerers seeking human parts for their medicines. But he has accused Malawian rebels in Zambia and Tanzania of taking advantage of the killings to concoct anti-government propaganda.

The murders, which may have killed as many as 28 persons in the past year, have caused widespread apprehension among Malawians. Most victims were hacked to death in their beds.

[From the Evening Star, Washington (D.C.), Mar. 24, 1970]

PRESIDENT FETES AMBASSADORS: SALUTE TO NEW AFRICA

(By Isabelle Shelton)

President Nixon, entertaining African ambassadors last night at what he called another White House "historic first," pledged U.S. sympathy for the nations on the emerging continent, especially their children.

The dinner, the first at which "all of the African diplomats were honored in this room (the State Dining Room) . . . indicates the escalating manner in which Africa and the nations of Africa have come upon the American as well as the international scene in a very short period of time," Nixon told representatives of the Organization of African Unity.

"I endorse in advance" the report and recommendations that Secretary of State William Rogers will give him in a few days concerning U.S.-African policy, based on Rogers' recent trip there, the President told the group of about 100, which included Rogers and his wife.

TOAST AND RESPONSE

"We only hope that in our policy toward Africa (we) . . . will be able to help you realize your hope, to extend to the greatest opportunity that is possible the ideas that you have for your future, but that, above all, to see that your children realize that they have a chance, a chance for a better world, a more peaceful world, a world of progress, a world of opportunity for them and all of the other children of the world," the Chief Executive went on.

Ambassador Edward Peal of Liberia, responding to the presidential toast on behalf of the 32 members of the Organization of African Unity who were present last night, said he and his colleagues "recognize the earnest altruism that has motivated the assistance, moral and material, extended to our people over many years and in a variety of contexts.

"We will always remain mindful of the close, strong, brotherly ties that link us to that large and creative segment of the American people," he continued, and "so long as there is respect for human dignity, and so long as there is one man who cries out from the dwindling jungle of tyranny, so long, Mr. President, will the American example and pattern be a very relevant and shining example for the building of the African dream."

The dinner for approximately 100, which reporters were not permited to attend, was designed, the White House indicated as a prelude for a New White House African policy (apparently to be enunciated in Rogers' report and recommendations on his recent trip, to be made in a few days.)

The dinner, according to some who attended, presented a colorful scene, with several ambassadors joining their wives in wearing colorful native costumes.

The Ambassador of Ghana and Mrs. Debrah, wearing what a few guests called identical "His and Hers" costumes, in bright red, yellow and black patterned fabric, were cited as especially notable.

"It was a warm and colorful evening all around," with American women at the black tie dinner seeking to match the brilliant colors worn by the African, according to the wife of one U.S. official who was present.

First Lady Pat Nixon wore a long-sleeved, high-necked white gown, belted at the waist and decorated at the neck with brilliants.

The menu called for Supreme of Striped Bass Duglere, Tournedos of Beef Saute Rossini, Artichokes Hascotte, Fresh Asparagus Hollandaise, Bel Paese Cheese, Bibb Lettuce Salad and Charlotte Royale.

The usual after-diner entertainment in the East Room was dispensed with last night, in place of a brief period of singing by the United States Army Chorus during the dessert course.

After-dinner guests mingled briefly with the Nixons over coffee and liqueurs, wandering from room to room on the public floor.

There they could admire the Andrew Wyeth paintings still on exhibit, and the display of spring flowers in the entrance foyer—huge tubs containing blooming cherry blossom trees, pink azalea trees, forsythia bushes and red geraniums.

WHITE HOUSE GUESTS

Guests at the dinner given by President and Mrs. Nixon at the White House last night were:

Secretary of State and Mrs. Rogers.

Ambassador of Liberia and Mrs. Peal.

Ambassador of the Libyan Arab Rep. and Mrs. Abidia

Ambassador of the Central African Rep. and Mrs. Gallin-Douathe

Ambassador of the Federal Rep. of Cameroon and Mrs. Owono

Ambassador of the Rep. of Niger and Mrs. Mayaki

Ambassador of the Rep. of Upper Volta and Mrs. Rouamba

Ambassador of the Rep. of Ivory Coast Timothee N' Guetta Ahoua

Ambassador of the Rep. of Burundi and Mrs. Nsanze

Ambassador of the Rep. of Dahomey and Mrs. Zollner

Ambassador of Morocco Ahmed Osman

Ambassador of the Rep. of Togo and Mrs. Ohim

Ambassador of Malawi Nyemba Wales Mbekeani

Ambassador of Ghana and Mrs. Debrah

Ambassador of the Somali Republic Yusuf O. Azhari

Ambassador of Nigeria and Mrs. Iyalla

Ambassador of the Rep. of Senegal and Mrs. Fall

Ambassador of Mauritius and Mrs. Balancy

Ambasador of Swaziland and Mrs. Sukati

Ambassador of the Rep. of Chad and Mrs. Massibe

Ambassador of the United Rep. of Tanzania and Mrs. Rutabanzibwa

Ambassador of the Rep. of Botswana and Mrs. Kgfaela

Ambassador of the Kingdom of Lesotho and Mrs. Mashologu

Ambassador of the Rep. of Guinea and Mrs. Keita

Ambassador of Kenya and Mrs. Kibinge

Ambassador of Sierra Leone and Mrs. Akar

Ambassador of the Rep. of Rwanda and Mrs. Nkundabagenzi

Ambassador of the Democratic Rep. of the Congo (Kinshasa) and Mrs. Bomboko

Ambassador of the Rep. of Mali and Mrs. Traore

Ambassador of Tunisia and Mrs. El Goulli

Ambassador of the Rept. of Zambia and Mrs. Chona

Ambassador of the Rep. of Gabon Gaston-Robert Bouckat-Bou-Nziengui

Ambassador of the Malagasy Rep. and Mrs. Razafimbahiny

Secretary of the Treasury and Mrs. Kennedy

Secretary of Agriculture and Mrs. Hardin

Sen. and Mrs. George D. Aiken

Sen. and Mrs. J. W. Fulbright

Sen. and Mrs. Gale W. McGee

Rep. and Mrs. Thomas E. Morgan

Rep. and Mrs. E. Ross Adair

Rep. Charles C. Diggs, Jr.

Rep. and Mrs. J. Irving Whalley

Charge d'Affaires a.i. of Ethiopia and Mrs. Mekbib

Charge d'Affaires a.i. of the Republic of Uganda Christopher Katsigazi

Gustavo Envela, Permanent Representative of Equatorial Guinea to the U.N.

Abdou O. Hacheme Charge, Embassy of the Islamic Rep. of Mauritania

Adm. Agency for International Development and Mrs. John A. Hannah

Dir., U.S. Information Agency and Mrs. Frank J. Shakespeare, Jr.

Dir., Peace Corps and Mrs. Joseph Blatchford

Chief of Protocol and Mrs. Emil Mosbacher, Jr.

Assistant to the President for National Security Affairs Henry A. Kissinger

Counselor, Dept. of State and Mrs. Richard F. Pedersen

Assistant Secretary of State for African Affairs and Mrs. David D. Newsom

Asst. Admr. for African Affairs, AID and Mrs. Samuel C. Adams, Jr.

Asst. Dir. for Africa U.S. Information Agency and Mrs. John E. Reinhardt.

Deputy Assistant Secretary of State for African Affairs W. Beverly Carter

Staff Assistant, National Security Council and Mrs. Roger Morris

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[From the Washington Post, Mar. 23, 1970]

RHODESIA NOT AFFECTED: DAVIS CUP NATIONS BAR SOUTH AFRICA

LONDON, March 23.—South Africa was officially barerd today from the 1970 Davis Cup tennis competition at an extraordinary meeting of the Davis Cup nations.

The seven-nation committee took no action on the entry of Rhodesia.

The committee, made up of representatives from Britain, France, the United States, Australia, Uruguay, Russia and Malaysia decided to exclude South Africa after the republic's delegate declined to withdraw South Africa's entry in the European zone.

The banning of South Africa means the

republic's sportsmen are now virtually excluded from all truly representative sports meetings. They were not invited to the last two Olympic Games and are banned from the World Soccer Cup.

RUGBY, CRICKET SHAKY

In minor sports like rugby union and cricket, South Africa still has ties with Australia, Britain and New Zealand, but the recent rugby tour of Britain was marred by demonstrations and trouble is expected on this summer's cricket tour of British Isles.

American delegate Bob Colwell denied his association was influenced by the decision of the South African government to deny Negro tennis star Arthur Ashe of Richmond, Va., a visa to enter the country to play in the South African Nationals, which open in Johannesburg on Tuesday.

"The Arthur Ashe incident was not a prime factor," he said.

U.S. CALLS MEETING

The United States, as the champion nation, felt it was necessary to convene the extraordinary session after the East Bloc nations, the Scandinavian countries and the Latin European entries had served notice they would default rather than play South Africa.

Last year South Africa gained the zone finals against Britain after beating Iran. Both Hungary and Czechoslovakia defaulted.

South Africa gained a bye in the first round of the European "B" section this year. She was due to meet the Finland-Belgium winner.

The seven-man committee met for 90 minutes before reaching a decision. The voting was kept secret, but Colwell said it was not unanimous. It was believed that Britain and France supported the continued representation of South Africa.

The ban is for 1970 only. South Africa will be permitted to enter next year's competition when the committee will again judge her case on its merits and in the light of the political climate.

[From the Washington (D.C.) Post, Mar. 13, 1970]

SOVIET UNION BLAMES UNITED STATES, BRITAIN FOR EXISTENCE OF RHODESIAN REGIME

(By Robert H. Estabrook)

UNITED NATIONS, March 12.—Soviet Ambassador Yakov Malik blamed the United States along with Britain this afternoon for allegedly supporting the white supremacy republic in Rhodesia.

The U.S. and its allies "bear the main responsibility for the emergence and subsistence thus far of the racist regime" of Prime Minister Ian Smith, he charged in a coldwar-style indictment in the Security Council.

Contending that these countries had had a major part in "emasculating" sanctions voted by the council, he accused them of preventing extension of similar measures to Portugal and South Africa.

Why does Britain not apply the treason act to members of the Smith regime, he asked rhetorically, recalling that in the last century treason had brought a death sentence.

"Because Smith and his government are committing crimes not against the United Kingdom but against Africans—against the people of Zimbabwe," (the African name for Rhodesia) he declared. He added that Smith regards the British "as friends and patrons."

Apart from championing an Afro-Asian resolution for extension of sanctions, Malik appeared to be attempting to offset any credit accruing to Western countries for the closure of their consulates in Rhodesia. West Germany today joined the U.S. and six other countries that have recently withdrawn consular representation.

A British spokesman noted today that apart from the U.S. and Germany, Norway, Denmark, Italy, the Netherlands and France have closed their consulates in Rhodesia and that Austria, which had been erroneously reported as having representation there has not had even an honorary consul since 1967.

Belgium and Switzerland are reviewing their policies, the British spokesman said, and only Greece, Portugal and South Africa appear unmoved by pleas to withdraw representation.

Burundi ambassador Nsanze Terence introduced the five-power Afro-Asian resolution calling on all states to sever immediately all remaining ties with Rhodesia including postal, telegraphic and air communications.

But Britain, which asked originally for a simple resolution calling on all states not to recognize the new republic, is understood to be considering a veto if the Afro-Asian measure should be put to a vote in its present form. The total communications ban also would pose constitutional difficulties for the United States.

The Council will continue the debate Friday afternoon.

[From the Washington Post, Mar. 26, 1970]

UGANDA TO BAN OPPOSITION, LINK IT TO ASSASSINATION TRY

(By Jim Hoagland)

NAIROBI, KENYA, March 25.—Uganda's government served notice today that it is going to outlaw opposition political parties.

The announcement made in Kampala and reported here by the Kenya News Agency, came as the government asserted for the first time that the opposition party was linked to the attempted assassination of President Milton Obote in December.

Obote, who has almost completely recovered from the bullet that struck him in the jaw and narrowly missed killing him, was in Nairobi today for a meeting with the presidents of Kenya and Tanzania, Jomo Kenyatta and Julius Nyerere.

They were meeting as heads of the East African Community to coordinate economic and social policies.

The Kampala announcement said that the government would introduce a motion establishing Uganda as a one-party state when the parliament meets again on April 20. The parliament, completely controlled by Obote's United People's Congress, is considered certain to pass the motion, observers here said.

Uganda's move to become a one-party state had been expected even before the assassination attempt.

Tanzania was the first of the three East African countries to do away with political opposition. Kenya has been a de facto one-party country since October, when Kenyatta angrily banned the opposition and threw its leaders into jail.

Leaders of Uganda's opposition Democratic Party, which had been gradually losing strength since Obote came to power in 1966, were jailed after Obote was shot, and the party was banned.

They were arrested under preventive detention laws, and were not charged with a role in the shooting.

But a Ugandan prosecutor told the district court in Kampala today that an unnamed "leader of a political party" now banned had been present when the plan to shoot Obote was drawn up.

The prosecutor, according to reporters who were present at the hearing, also said that the planning had taken place in the home of Princess Ndagire, the sister of the late Kabaka of Uganda, Sir Edward Mutesa.

Obote ousted the Kabaka, who was president of Uganda and hereditary ruler of the Baganda people of sourthern Uganda, in 1966. The Kabaka died in London in November.

The government asserted today that the assassination plot had been financed from London. Five Baganda men who pleaded guilty to conspiring and attempting to kill Obote were bound over at the hearing for sentencing.

A sixth man, who pleaded not guilty, was released when charges were dropped. He was immediately, re-arrested, however, under preventive detention.

The prosecution said that a 33-year-old taxi driver, Mohamed Sebaduka, had shot the president and would probably have succeeded in killing him if the gun had not jammed after the first shot.

Another man threw a grenade at Obote, but it failed to explode, the government said.

The government's portrayal of the assassination attempt as a joint Baganda and Democratic Party effort surprised some observers.

Because of the pattern of the government's investigation, and the still unsolved assassination of the army's second most powerful commander in January, some analysts had speculated that an inner-army or government feud had touched off the violence.

[From the Washington (D.C.) Star, Mar. 29, 1970]

UNITED STATES VOWS AFRICAN COOPERATION

(By George Sherman)

The Nixon administration yesterday formally proclaimed a policy of "constructive cooperation" toward Africa.

In a 5,000-word document entitled the "U.S. and Africa in the 70s," released at the State Department, Secretary of State William P. Rogers asserted the United States wants "no military allies, no spheres of influence, no big power competition in Africa."

The 25-page statement, promised here for more than a month, lays heavy stress on the nuts and bolts issues of economic development in black Africa. But only three pages deal with the politically charged issues of white southern Africa. The section makes no new departure in dealing with the problem of racist regimes.

"The problems of southern Africa are extremely stubborn," says the statement. "Passions are strong on both sides. We see no easy solutions." Without explanatory detail, it adds that "we take our stand on the side of those forces of fundamental human rights in southern Africa as we do at home and elsewhere."

In an accompanying letter, sent with the report to President Nixon, Rogers said American economic aid to Africa in the coming years should "be certainly not less than the present level."

NIXON NOTES APPROVAL

In a brief responding letter Nixon wrote that Rogers' "thoughtfully prepared policy statement on Africa is wholeheartedly approved." The President noted that a special opportunity now exists for the U.S. to "respond to African needs and build that relationship and understanding which we desire."

In over-all terms, a pledge of greater trade, private investment, and measured economic aid to Africa in the Document, fits the guidelines of "low profile" laid down by Rogers during his 10-nation tour of Africa in February.

The document states that the total U.S. shares in foreign aid to Africa has averaged $350 million a year, about 20 percent of all external, assistance to the continent. Officials later noted that this figure—which includes the $154 million in the budget of the Agency for International Development—does not include an additional $250 million contributed to such international programs for Africa as the United Nations Technical Assistance fund.

While pledging greater American participation in national economic development programs in Africa, the statement points to a "more flexible approach" in across-the-board regional and neglected economic field programs. It emphasizes that the U.S. will increase aid through international institu-

tions and "multi-donor arrangements," singling out especially the African Development Bank.

The document admits ambivalence toward dictatorship in Africa. One point it pledges American respect for the institutions "which the Africans themselves create." While stating American preference for democratic procedures, the statement recognizes that forces of change and "nation-building" in Africa "may create governmental patterns not necessarily consistent with such procedures."

But later, at another point, the policy statement shows no such ambivalence about the South African system of racial segregation.

"We continue to make known to them and the world our strong views on apartheid," a key paragraph reads. "We are maintaining our arms embargo. We oppose their continued administration of Namibia (Southwest Africa) and their implementation of apartheid and other repressive legislation there. We will continue to make clear that our limited governmental activities in South Africa do not represent any acceptance or condoning of its discriminatory system."

"We do not believe cutting our ties with this rich, troubled land would advance the cause we pursue or help the majority of the people of that country," it states. It also rejects the "fatalistic view" that "only violence" can end "racial oppression and residual colonialism" in Africa.

"Rather we believe," the statement continues, "that solution lies in the constructive interplay of political, economic and social forces which inevitably lead to changes."

A short paragraph maintains, however, that the United States will not recognize or maintain diplomatic relations with the breakaway white minority regime in Rhodesia. Officials explained that Rhodesia has been recognized by almost no one in the international community since breaking with Britain. Therefore it does not have the long "juridical existence" that justifies the United States maintaining diplomatic ties with South Africa.

HOPEFUL IN OTHER AREAS

The document holds out more hope for the evolution of the Portuguese territories of Mozambique and Angola. The U.S. government, it states, will continue to encourage "peaceful progress" toward selfdetermination in these territories.

"The declared Portuguese policy of racial toleration is an important factor in this equation," it states. "We think this holds genuine hope for the future." In the meantime, it continues, the U.S. will continue the 1961 embargo against arms shipments for use in the Portuguese territories.

On economic aid to Africa, the statement expresses the hope that European nations—with "historic links" to Africa—will continue to provide the bulk of foreign assistance.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

A PROPOSAL FOR A NATIONAL GOALS INSTITUTE

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1970

Mr. McCLOSKEY. Mr. Speaker, Arjay Miller, dean of the Graduate School of Business at Stanford University, recently presented a most interesting and valuable statement to the Joint Economic Committee. As a long-time participant in the debate on national priorities, Mr. Miller is well acquainted with the hard choices which are attendant to rationing limited resources.

As a result of his study and experience in this area, he now proposes that a National Goals Institute be established as a quasi-independent body to advise both the Congress and the executive. Its members would be nationally recognized leaders, and its staff would be drawn from the eminently qualified and dedicated scholars who even now are devoting their own time and energies to the economic analysis of alternative policy choices. The task of establishing national goals should be a continuous process, and the creation of a permanent Institute of this nature would be a first step in this direction.

Because I am certain that Mr. Miller's remarks will be of special interest to my colleagues, the full text of his statement follows:

A PROPOSAL FOR A NATIONAL GOALS INSTITUTE

(By Arjay Miller)

National goals and priorities is a phrase heard frequently these days, most often invoked by partisans of particular causes which are felt to be neglected. I should like to speak to the matter, not in a substantive way, but in terms of a systematic approach to the ordering of such national priorities. I am particularly pleased to be invited to make my remarks to members of that deliberative body which can make a real determination of what national goals should be.

Participants in the dialogue are typically hard-working, public-oriented, genuinely-concerned individuals, who give freely of their own time and talent. In addition, the objectives each supports are collectively desirable. Who is there that doesn't want to eliminate poverty, crime, disease, hunger, war, ignorance, foul air and polluted water? Somehow, then, we must find not only an objective solution to the problem, but some means to resolve the conflicting priorities and methodologies as well. Recognition of very real limits on total resources compared to the conflicting claims against these resources is the essential first step. The hard choices which must be made depend on the availability of comprehensive objective information.

Considerable progress has been made and is being made on this overall problem, of which the work of this committee is an outstanding example. Significant contributions are also being made by such organizations as the Council of Economic Advisors, the Bureau of the Budget, and the National Planning Association, a non-profit organization located here in Washington. Encouraging recent developments include the presidential establishment last July of the National Goals Research Staff within the Executive Office under Mr. Leonard Garment and Mr. Charles Williams, and the recent work being undertaken by The Brookings Institution under the direction of Mr. Charles Schultz.

In my opinion, however, the comfort of all these organizations, valuable efforts, falls short of meeting the enormous needs of the general problem. What we need initially, I am convinced, is an overall approach that will do two things: First, tell us what our economy is capable of producing over a given period of time, and, second, project the cost of present and contemplated national programs.

The first of these tasks is the easier by far. We can project at least the general magnitude of future increases in output. The long-term rate of increase in Gross National Product, as estimated by the Council of Economic Advisors, falls between 4 and 4½ per cent per year. With a current GNP of roughly $935 billion, our total output should advance about $40 billion per year, valued at today's prices.

The second step—projecting the cost of present and contemplated programs—is more difficult. But it can be done, I believe, even if we have to settle for ranges of cost in most of our long-term estimates.

First, we could project the cost of existing programs over, say, the next 10 years. The magnitude of built-in increases in these programs is not generally recognized, so the extent of this existing commitment must be made as we estimate the total demand upon our resources. In this calculation, the enormous cost of providing schools, hospitals, roads, productive facilities, et cetera to keep up with projected population growth should be clearly set forth.

Next we could project the cost of attaining generally recognized goals over the next 10 years. Wherever possible, use would be made of existing estimates contained in reports such as those prepared by Presidential Commissions and private organizations like the Carnegie Commission on Higher Education. At the present time, many valuable reports lose their effectiveness because they have no "home"; no place where their claim on national resources can be recorded and evaluated against competing demands.

Proposed legislation and Congressional Committee recommendations would also be considered. In addition to some mechanism for costing out generally recognized goals, there should also be some means for gathering and analyzing serious major proposals by groups or individuals wanting to press specific ideas. This participation is essential to the eventual implementation of solutions chosen at the grass roots level in our Country. In effect, we would achieve a national forum for airing of new approaches to public needs—a highly desirable objective.

A listing of all our national goals, together with estimated costs and the resources available to meet those costs, would be published on an annual basis. Probably the most significant figure in such a report would be the "gap" between the total cost of our goals and our ability to pay. In 1965, the National Planning Association published a report indicating this "gap" would amount to $150 billion by 1975. Recognition of new social needs, plus inflation, would now make that figure much larger.

General recognition of this "gap" would in itself be valuable, because it would open the eyes of those who believe that our problem is overproduction or that everything is possible in what is sometimes called our "economy of abundance." Furthermore, recognition of this "gap" would throw into perspective such recurrent questions as the shorter work week and technological unemployment. As long as so many recognized needs remain unsatisfied, the overall problem can be correctly portrayed as one of requiring more work, not less.

One big question remains: How is all this to be done? In my opinion, no existing organization seems appropriate to perform this task. This is why I proposed a year ago, in a talk before the American Economic Association and the American Finance Association,

...olishment of a permanent National the... Institute for the express purpose of G...veloping an overview of America's needs and resources.

Under broad and responsible direction, the institute would be made up of a permanent, full-time professional staff drawn from many relevant disciplines—the behavioral sciences, economics, engineering, urban planning, medicine and so forth. Its task would be relatively narrow in scope but almost limitless in its implications for sound, coordinated social progress in the years ahead.

It would be most useful—if this idea has merit—for such an institute to be recommended by the President and established by an Act of Congress. I would recommend that its board of directors include representation from both the Executive Branch and the Congress, as well as from non-governmental areas such as business, labor and education. Its reports should be made directly to the President and to the Congress, and given wide public distribution.

Now let me deal with some of the questions I am sure this proposal will raise. Some might contend that an institute of this kind does not go far enough. They would prefer to see a neat ordering of social objectives that could be contained within our ability to pay. Some such restrictions and cutbacks would, of course, have to be acecpted in any event, but this cannot be the prerogative of any single group or organization in our society. In a democracy, this is a process that all of us must and should share.

Reports by the Institute would have no binding force or direct authority in and of themselves. They would simply point out directions and possibilities, and provide a factual basis for enlightened public discussion and decision-making. Maximum participation in the work of the Institute would provide the mechanism for local "goals" programs to properly "mesh" with national priorities; concurrently, this same mechanism would provide greater local support of stated national priorities. In my home area, for instance, there is presently under consideration a county-wide goals program. The necessity for this area-wide program to be coordinated with national priorities cannot be easily overlooked. Additionally, financial support of positive local programs—through block grants or revenue sharing—could have a mutually beneficial affect.

Institute reports should spell out alternatives and the magnitudes involved in each of the different approaches. Individual directors of the Institute would be free to differ with a majority opinion and to add their own comments or recommendations to the basic report. Thus, these reports would be only the beginning point for orderly planning.

Our concern is not with absolutes, but with choices—with the kind of information that we as a people must have if we are to be able to see clearly the various alternatives open to us and choose rationally from among them. In Russia, a five-year plan carries the full force of government authority and the people have no options.

In our case, elected representatives of the people would choose whether to follow one plan or another—or one part of a plan and not another. Coupled with the "forum" concept and the coordination of local programs, this would mean maximum participation by our citizenry. This kind of planning, then, does not in any way supplant "The People's Choice;" on the contrary, it is meant to increase the people's ability to make clear and informed choices.

A second question that might be raised is why a National Goals Institute is needed now when we have progressed this far without one. The answer lies in the basic shift of emphasis that has occurred from private goods to public goods. The private sector has done such an effective job in meeting the demand for items like automobiles, television sets and radios that the most critical shortages today exist among such social goods as health, education and safety—areas in which public participation and planning is absolutely necessary.

Another question that might be raised about a National Goals Institute is whether it is possible to treat in quantitative terms all the goals of society. There obviously are many values in life that cannot be measured. The dispossessed in our society, however, have no problem in recognizing—and demanding—such basic quantitative objectives as more income, more jobs, more health care, to name just a few. These goals are important in themselves, and they are a foundation for the achievement of such broader goals as dignity and self-respect, social harmony and cultural advancement.

Let me turn now to another part of my subject today—the task of moving effectively toward the goals we choose. Even with a clear sense of priorities and adequate funding, tremendous effort would still be needed to develop a sound and effective attack on social problems. My own experience leads me to believe, however, that new approaches can be made to work if there is general agreement on the broad objectives of the entire community.

For example, I have devoted a great deal of time to the work of the Economic Development Corporation of greater Detroit, an organization of businessmen established to encourage and assist the development of black-owned and operated businesses in the city. There is general agreement among both whites and blacks on the desirability of minority ownership of varied kinds of business in the inner city and there is general agreement as to the kinds of assistance required—financial, technical and legal. But it is clear that these enterprises must be controlled and directed by residents of the inner city. The Economic Development Corporation is responding to requests for help from black entrepreneurs, and is making no effort to tell anyone how he must set up or run his business. This is determined by the black businessmen themselves.

Locally managed programs of this kind will add up to an effective national attack on social problems, I believe, if the local programs are conceived and implemented with clear understanding that they are only part of an overall effort to meet a problem of national dimensions.

This is why I believe so strongly in the idea of a National Goals Institute. Something of this kind is needed if we as a nation are to see our problems whole and learn to deal with them effectively. Unless we adopt a total view, we must resign ourselves to patchwork progress, and probably to eventual failure.

To make gains in one area of need while compounding problems in other areas is not real progress. For example, inner city factories would increase local employment but might at the same time add to the problems of air pollution and urban congestion. So what we must seek, actually, is a synthesis of efforts. All parts of a total program must be mutually consistent, at both the national and local levels.

The proposed National Goals Institute, unlike any existing institution, would have the following three characteristics, all of which would contribute to the successful operation of the organization.

1. *Degree of Independence.*—Although the Institute should be supported by both Congress and the White House, it should not be an integral part or fully dependent on either. A quasi-independent status should make it easier to attract nationally recognized leaders on its board of directors, and qualified scholars on its staff. In turn, this would assure objectivity in the work of the institute, and a recognition of that objectivity by the general public—both of which are essential for success.

2. *Government Support.*—Congressional creation of the Institute and backing by the Executive Branch would give it the kind of support necessary for effective operation, as well as make its output more acceptable to the governmental bodies which would be the primary users. Assurance of continued financial support is essential, and this could probably best be achieved through primary reliance on Congressional appropriations. Compared to the size of the problem, the amounts required would be small indeed. I would estimate expenditures of about $2,000,000 annually would be adequate.

3. *Continuity.*—The task of establishing national goals should be viewed as a continuous process, reflecting changes in the national mood as well as changes in our technology and social institutions. Continuity of employment would also aid in attracting the kind of personnel needed, and in their gaining the experience and expertise required to deal effectively with the complex issues involved.

The task of setting acceptable priorities for our society is a most difficult one. In the accomplishment of this task, the establishment of a National Goals Institute is only one small step, but, nevertheless, a vitally important and necessary one that can and should be taken now.

All the Institute can hope to accomplish is to provide a mechanism to aid in the decision making process; it can not be a substitute for leadership action itself. A specific example may help clarify this point. At the present time, leaders from practically all segments of society are calling out boldly for an end to environmental pollution, yet concrete proposals of exactly what steps should be taken are rare indeed. This should not be too surprising, when we realize that no one really knows how to define in objective terms what we mean by pure air or clean water, or what it will cost to attain these objectives. I have heard one estimate that 200 billion dollars would be required to clean up our environment, yet no one to my knowledge has indicated where funds approaching this magnitude will come from. The real character of the problem is brought home when we remember that previously announced national efforts, like the War on Poverty and the call for 2.6 million housing starts a year, are falling far short of their objectives, primarily because of a shortage of funds.

In other words, what is lacking most today is not a general recognition of what we would like to accomplish, but rather the ability to establish and communicate realistic programs. In my opinion, a National Goals Institute would help meet this need by enabling legislative bodies and sincere citizens in all walks of life to reach decisions based upon comprehensive and factual information. Hopefully, greater understanding of the true nature of problem dimension would lead to the establishment of *attainable* national goals and priorities, supplanting false hopes which can only lead to discouragement, frustration and despair.

We have the ability to make significant progress toward a better life, but only if we make a determined, continuous and intelligent effort. One factor in our favor today is the widespread unrest present among almost all segments of our society. Change is possible only when we are dissatisfied with the status quo. Let us view the present unrest then as a perilous opportunity—as a challenge to build a better future; using all the vision, good will, and power at our command.

AN INJUSTICE TO THE FAMILIES OF OUR SERVICEMEN IN VIETNAM

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1970

Mr. WILLIAM D. FORD. Mr. Speaker, during our visits to the Department of

Defense Overseas Schools, members of the Dent committee have become aware of a special hardship faced by the widows and children of American servicemen who died serving their country in Vietnam.

The committee has discovered cases where the effective result of Department of Defense school policy has been to turn children out of the doors of their school as soon as there is word of the father's death in Vietnam. These children of these men had previously been attending Department of Defense schools abroad without paying tuition as dependents. Then, when their fathers are killed in Vietnam they are no longer technically dependents under the wording of section 607(a) of the Department of Defense Appropriations Act of 1970 and they cannot attend our schools without paying tuition.

For widows without much money who remain living in the home that their husband established, because they have family there who can help to bring up their now fatherless children, it is often impossible to come up with the $630 per child that present rulings have required.

These children are effectively denied an opportunity for an American education which is the right of all other American children. I doubt that it is in the Nation's best interest to deny an American education to the children of men who gave their lives while serving their country in Vietnam.

I am introducing today a bill to provide a solution to eliminate this injustice. The effect of my bill would be to permit the Department of Defense to provide education without payment of tuition where schools were available to the children of these deceased servicemen.

LEGISLATION ON DANGEROUS EXPLOSIVES

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1970

Mr. MONAGAN. Mr. Speaker, I am filing legislation today to regulate and control the traffic in dangerous explosives.

The lack of control over the sale and use of explosives in this country is scandalous. Greater regulation of these dangerous items is urgently needed and the Federal Government can move in the area of interstate commerce to provide some of the needed control. At the same time, State and local laws and ordinances must be modernized and enforcement of the laws must be upgraded.

The revolutionaries who seek to terrorize society to bring about its overthrow must be confronted with the full force of the law to put a stop to the wave of calculated brutality which endangers the lives of our people.

The bill that I am introducing today would first, impose a tax on the transfer of explosives of 1 percent of value; second, provide for the registration of all importers, manufacturers, and dealers of explosives; third, provide for an application procedure for others which would delay the transfer of the explosive until the application was approved. On the application, the transferee would state the use for the explosive and—as in the old Gangster Weapon Control Act of 1934—would be photographed and fingerprinted. The Secretary of the Treasury would have to approve the transfer once he was satisfied that it did not place the applicant in violation of law. Fourth, provide for one-time registration of those who lawfully and regularly use explosives; and fifth, it would prohibit anyone under indictment or who has been convicted of a crime punishable by imprisonment for more than a year, or any fugitive from justice, adjudicated mental defective, or patient of a mental hospital, from receiving or possessing any explosive.

THE WELFARE REFORM BILL

HON. JOHN W. BYRNES

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1970

Mr. BYRNES of Wisconsin. Mr. Speaker, the House will soon consider legislation that the Ways and Means Committee has reported to comprehensively reform our Federal-State-local welfare system. The chairman of the Ways and Means Committee delivered a speech before the National Association of Counties carefully considering the problems of the present welfare system and the recommendations for reform included in the new Family Assistance Act—H.R. 16311—by the Ways and Means Committee on March 11.

In order that all the Members may have an opportunity to review Chairman MILLS' remarks in connection with their consideration of this important legislation, I am inserting his remarks in the RECORD.

REMARKS OF HON. WILBUR D. MILLS

I appreciate your invitation to be here today, because it is always a stimulating and rewarding experience for me to renew my relationship with members of the National Association of Counties. Your organization over the years has contributed so very much to the improvement of our government at all levels.

We are in a period in our history when all levels of our governmental system, the counties, the states and the Federal government, are feeling an urgent need to re-examine their responsibilities and their capabilities. Your organization is playing an important role in this process. As Chairman of the Committee on Ways and Means, I know that your contributions in the areas of our jurisdiction are extremely important.

I want you to know that all of us on the Committee have benefited by your efforts to assist us in the area of welfare reform. Your recent testimony before the Committee was, as always, thoughtful and provocative.

Like many of you, I have been thinking hard about the welfare problem for a long time. Therefore, I welcome the opportunity today to share with you some of my thoughts on welfare reform and, in particular, the new welfare reform bill which the Committee on Ways and Means has recently reported. This legislation is important to you at the county level, as it is to all other levels of government.

I have felt for a long time that we needed to make a new start in welfare. We have been trying to improve and build on the original legislation of 1935, but it has been clear that this was not enough. Welfare has become a serious burden for our society, both in terms of high dollar costs and in its failure to help the people it was supposed to help.

When the President addressed the Nation on television last August, calling for a new system of "workfare" to replace the present inadequate system of "welfare," he obviously struck a very responsive chord with the public. His proposal gained widespread support.

As I listened to the testimony of experts before the Committee on Ways and Means, most of whom endorsed the general concepts, if not all of the fine print, in the Administration bill, I became convinced that this approach was a promising one.

The bill which the Committee on Ways and Means has reported to the House is essentially patterned after the bill presented by the Administration but with some major changes and additions, with which the Administration agreed. Some of these changes are very important, as I will delineate later.

If this bill works as we intend, it will not only provide more adequate assistance to many who are in desperate need, but will also be the catalyst to help move millions of families out of poverty and into economic independence. It is designed to help those who cannot help themselves. It will provide incentives and, where necessary, requirements to help those who are capable of achieving economic independence to do just that.

The bill provides for the creation of an entirely new program for poor families—the Family Assistance Plan. This Plan will be a genuine assistance plan for all families with children, and will eliminate the discrimination of the existing AFDC program, which provides no help for families where the father is present and is working.

One of the most disturbing letters any Members of Congress can receive is from the conscientious, hard-working father who is doing his very best to support his family, and who writes to ask why his taxes should be going to support a family in which no one is working and which is receiving more in welfare than he can earn. There really isn't any answer to this kind of letter.

As a condition of receiving benefits—and this is very important—able-bodied adults would be required to register with the employment service for employment or training. There are, of course, certain groups of people, such as the disabled and mothers of very small children, who may be unable to participate in employment, and the bill recognizes this by excluding them from the registration requirement. Those who are excluded from the registration requirement would be permitted to register voluntarily, however, and receive equal treatment under the work and training program.

However, except for very specific groups, as a condition to receiving benefits, *all* adults would be required to register their willingness to live up to their family responsibilities by agreeing to take suitable work or training.

While I am on this subject, let me address myself to the question of the registration requirement for mothers. Our bill does require mothers, except mothers of small children, to register for employment and training. I think this is fair. There are 11.6 million mothers with children under age 18 in this country who are *already* working. Most of them are working because they have to, and they are paying taxes like all the rest of us. How can we say that these mothers who are working to help their families should support millions of other mothers whether they are willing to work or not?

There are many welfare mothers who *do* want to work—Most of them, in fact, as various surveys show. This bill will give these mothers the best chance they have ever had

to build themselves and their children a better life. We make individualized training available. We assure them of child care. We help them become a part of the world around them, instead of a reject of the world.

A few days ago I read a story of the experiences of one of our present AFDC mothers. She was one of the lucky ones who was getting off of welfare and into a job. Let me tell you what she had to say about her life on welfare.

"If you're on welfare you don't have to work," she said. But—"Having no problems is as bad as having too many. With no problems you're not worth anything. It's OK when the children are little and you're busy taking care of them. But when they're in school, you get up and make the beds and sometimes do the dishes because you have all day to do them."

This woman went on to say: "Talk about incentive. Handing someone an income is not enough. You have to find the right button to push for each person." For her, she said, it was the chance to go to school.

And this is the kind of thing we're trying to do with this welfare legislation. We're trying to find the right kind of button for each person. We're trying to give these mothers a chance.

We expect that a great many mothers who are not required to register will welcome this chance, and will volunteer for registration. That has been our experience under the present Work Incentive Program.

One very significant difference between the Committee bill and the draft sent to us by the President is that we added a requirement for the registration of the working poor with the employment service. This change is an extremely important one. We do not intend that the working poor should be short changed in manpower services. Likewise, we do not expect that they will go on receiving government payments forever. We fully expect and intend that the Department of Labor will provide these citizens a chance to improve their working capabilities by providing the kind of training and other services they need.

We believe that most people want to be independent of government handouts. They will work if they can. But you know as well as I that there will always be a few who will abuse their rights. If we don't require all adults to register for work or training, we run the risk of having a few no-gooders ruin the program for everyone.

This legislation goes a long way toward mobilizing the rehabilitative resources of this country for the benefit of all poor families. It places very heavy emphasis on training and rehabilitation. The Federal government would pay 90 percent of the costs of manpower programs, which the states must match with 10 percent in cash or kind. The Department of Labor and the state manpower and employment services would be required to develop employability plans for each person who is registered. This approach is very different from the traditional manpower programs. We are providing for *individualized* manpower services, following the example of the better WIN programs. We start with the individual and try to meet his needs, rather than try to fit him into whatever training slot happens to be available. We do not envisage useless, unwanted, dead-end training under this program.

We also make it possible for him to get the other kinds of services he needs, such as necessary transportation, work clothes, and so forth, again with 90 percent Federal funding. If he has a major disability and needs vocational rehabilitation, he will receive that. He will get an exemption in earnings as a work incentive, so that he will always be better off working than not working. Child care will be provided when it is needed, and it will be the kind of child care that individual families want for their children.

The legislation provides for up to 100 percent Federal money for grants and contracts or day care programs, so that we can be sure that necessary day care will be provided, and so that we can also be sure that the care is of the quality needed for the welfare of the children.

The day care provision in the bill can go a long way toward breaking the cycle of poverty for many families. It not only will help the family by freeing the parent for work, but it can also provide the kind of preschool care which many poor children need. The right kind of day care center will provide educational, medical, nutritional, and social benefits which can have a decisive impact on their well-being in the future. This is an investment which I believe is necessary and justified.

As I am sure you know, the bill provides a Federal basic payment of $1,600 for a family of four. Families in states which have higher welfare payments now, will have to supplement the Federal payment up to their present levels for all of their recipients, except the working poor. In addition, the families eligible for Family Assistance will also be eligible for food stamps, and the value of the food stamp program to a family with an income of $1,600 a year would be $864, bringing the total value of cash and food stamps to $2,464. The working poor, by definition, will have some additional earnings which would raise them even higher, up to a break-even point of $3,920. All of these factors must be kept in mind when one analyzes the impact of the program on individual families in different circumstances.

The President's proposal also directed itself toward the old, the blind, and the disabled, and provided for the establishment of a single program for them, with a uniform minimum standard of need throughout the country. The move toward uniformity seems a good one, and the Committee agreed to it. However, we improved the provisions regarding these people, who are the most unfortunate in our society. The bill sets a new minimum of $110 a month for each recipient, an increase of $20 over the Administration proposal.

The bill also liberalizes the earnings exemptions for the disabled and for the aged, so that those who can work will be encouraged to do so.

National uniform standards of eligibility are established for these categories, as for needy families, so that there will be equal treatment of the poor throughout the nation in regard to such factors as resources and relative responsibility. In addition, the bill adjusts the Federal contribution to the adult assistance programs to assure that by helping these recipients we weren't wreaking havoc with the financial obligations for welfare of any particular state or locality.

With respect to administration of the program, we have tried to introduce as much uniformity as possible. Various alternative arrangements are possible as to the Family Assistance Plan. We expect, however, that the Federal government will generally administer the family assistance payments through a new Federal agency under the Department of Health, Education, and Welfare, which will have offices in convenient locations so that they can effectively serve the recipients. We also expect that many states will agree to have the Federal government administer the state supplementary payments. To encourage this, the Committee added a provision to the administration proposal which would provide 100 percent Federal financing for the administration of supplementary payments that are paid by the Federal government. If a state chooses to administer its own payments, it gets only 50 percent Federal matching for the costs of administration, as under existing law.

We made the same kind of change regarding administration of the new program of aid to the aged, blind, and disabled, in the expectation that this would also encourage Federal administration for these recipients.

This change should remove some burden not only from the state governments, but from county governments which, in many states, have had to pay part of the costs of administering welfare programs.

The new welfare proposal does ease the costs of welfare to most of the states, shifting a greater burden to the Federal government. Over all, according to estimates of the Department of Health, Education, and Welfare, the bill developed by the Committee shows slightly greater fiscal relief to the states than the bill that was originally introduced by the President.

In general, the effect of the Committee changes in the Administration bill is to give more savings to those states which have been making greater fiscal effort in their welfare programs. In those states that have local financing of public assistance programs a portion of any state savings will be passed on to the localities, including the counties. In addition, most of the counties in those states that pay out significant amounts in general assistance will receive added fiscal relief from the provisions of the bill covering working poor families under the family assistance plan.

I would be the last to suggest that this welfare reform proposal can solve all of our country's grievous social problems. But I do think that it will be a highly significant step forward. It is designed to promote individual integrity and efforts toward self-help. It is designed to help to stabilize poor families. These are important goals, and if we start on the road toward accomplishing them, we will have made a valuable contribution to a happier life for all the people of this country.

SMALL BUSINESS PROGRAM

HON. J. WILLIAM STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1970

Mr. STANTON. Mr. Speaker, I commend the President for his evaluation of small business in modern America and his suggestions for improving it.

It is refreshing to note that while task forces are legion in government, this one appears to have managed an accurate appraisal of its subject matter and made some constructive suggestions for solving problems. In this day and age a task force report that is helpful and to the point is scarce as hen's teeth.

The basic question that underlies all of this is really whether small business can survive, and, more importantly, whether we want it to survive. By his actions and his words the President has answered both in the affirmative. And with that I agree.

If small business can and should survive, and if it is still a practical path to national stability and personal achievement, then I think it has more than ordinary validity for members of our racial minorities.

We are all familiar with the fact that many other minorities—immigrants from other lands—found their way to economic security, community accept-

ance and ultimately full incorporation into the American society through the medium of small, local business. For many it was a difficult but rewarding Americanization.

Not only did these people win a better life for themselves in this way, but they made the Nation immeasurably richer in the process. The same thing can happen to today's minorities—and to the Nation.

For these reasons I applaud the President's proposed small business program and intend to support his efforts.

ECONOMIC PROGRESS OF NEGROES IN THE UNITED STATES: THE DEEPENING SCHISM

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1970

Mr. DIGGS. Mr. Speaker, I include the following:

ECONOMIC PROGRESS OF NEGROES IN THE UNITED STATES: THE DEEPENING SCHISM

(By Andrew F. Brimmer)

To be asked to address this Founder's Day Celebration in honor of the memory of Booker T. Washington is really a way of honoring the one receiving the invitation. Not only on this campus, or in this community, but in the country at large anyone with even the most modest sense of history knows that the memory of Booker T. Washington is honored every day by the simple fact that Tuskegee Institute is here. That memory is embossed and embellished each time that this institution can render another day of service to the Negro community, to its region and to the nation through its commitment to higher education.

Yet, it is also good to pause at least once each year to reflect explicitly on the founding of this institution in rural Alabama in 1881. Since 1917, Tuskegee has found the time for such reflection, and the roster of speakers testifies to the high regard for Tuskegee in this country and in the world. This annual celebration has drawn to this campus a President of the United States, the Head of a foreign government, a Chief Justice of the Supreme Court, members of the President's Cabinet, other leading representatives of the Federal and State governments—as well as eminent scholars and educators and outstanding figures in the private sector. However, in coming here, they came as much to encourage the work of a growing Tuskegee as to honor the memory of its founder. So I am flattered to be a part of this tradition.

Having accepted the invitation to speak before this assembly, I decided that you really did not want me to dwell on the obstacles which Booker T. Washington had to overcome in the creation of a viable institution; nor did you expect me simply to extol the record of Tuskegee's achievements during the last 89 years. Rather, given the nature of my own responsibilities, I assumed that I was invited because you thought I might have something to say with a bearing on some of the central economic issues which we face today—especially those issues of immediate relevance to the Negro community.

On that assumption, I decided that it might be helpful to focus on a question that has generated a considerable amount of debate in the last few weeks: did Negroes make such extraordinary progress during the 1960's that the best course for public policy over the years ahead is one of "benign neglect"? Obviously this is not a trivial question. While the exact meaning of this proposition is far from clear, it has been advanced in a context whose potential impact on public policy in the area of race relations can be considerable. Thus, it is crucial that all of us have a clear understanding of the extent of economic progress which Negroes have made—and we must also have a full appreciation of the extent to which important segments within the Negro community have failed to share in this progress.

To help provide such an understanding, I have pulled together a considerable amount of statistical information relating to the economic experiences of Negroes during the last decade. From an examination of this evidence, I am convinced that it would be a serious mistake to conclude that the black community has been so blessed with the benefits of economic advancement that public policy—which played such a vital role in the 1960's—need no longer treat poverty and deprivation among such a large segment of society as a matter of national concern. To accept such a view would certainly amount to neglect—but it would also be far from benign.

The evidence underlying my assessment is presented in some detail in the rest of these remarks, but the salient conclusions can be summaried briefly:

During the 1960's, Negroes as a group *did* make significant economic progress. This can be seen in terms of higher employment and occupational upgrading as well as in lower unemployment and a narrowing of the income gap between Negroes and whites.

However, beneath these overall improvements, another—and disturbing—trend is also evident: within the Negro community, there appears to be a deepening schism between the able and the less able, between the well-prepared and those with few skills.

This deepening schism can be traced in a number of ways, including the substantial rise in the proportion of Negroes employed in professional and technical jobs—while the proportion in low-skilled occupations also edges upward; in the sizable decline in unemployment—while the share of Negroes among the long-term unemployed rises; in the persistence of inequality in income distribution within the black community—while a trend toward greater equality is evident among white families; above all in the dramatic deterioration in the position of Negro families headed by females.

In my judgment, this deepening schism within the black community should interest us as much as the real progress that has been made by Negroes as a group.

Before concluding these remarks, I would also like to comment briefly on the new program of family assistance, recommended by the President and now being considered by the Congress. It is my impression that this program is a source of much discussion—and some apprehension—within the Negro community. In my personal judgment, there is more reason to support it than to campaign against its enactment.

Let us now turn to a closer examination of each of these main points.

EMPLOYMENT AND OCCUPATIONAL UPGRADING

The economic progress of Negroes can be traced in the trends of the labor force, employment and occupational advancement during the last decade. In 1969, there were just under 9 million nonwhites in the labor force—meaning that they were holding jobs or seeking work. (Well over 90 per cent of nonwhites are Negroes.) This was a rise of 16 per cent since 1960, a rate of increase virtually the same as for whites and for the total labor force. However, employment of nonwhites rose more rapidly than it did for whites (by 21 per cent to 8.4 million for the former compared with 18 per cent to 69.5 million for the latter). Expressed differently, while nonwhites represented about 11 per cent of the total labor force in both 1960 and 1969, their share of the gains in employment during the decade was somewhat larger; they accounted for 12 per cent of the employment growth, although they held just over 10 per cent of the jobs at the beginning of the period.

Advancement in the range of job helds by Negroes in the last decade was also noticeable. This was particularly true of the improvements in the highest paying occupations. Between 1960 and 1969, the number of nonwhites in professional and technical positions increased by 109 per cent (to 692 thousand) while the increase for whites was only 41 per cent (to 10,031 thousand). By last year, the nonwhites had progressed to the point where they accounted for 6½ per cent of the total employment in these top categories in the occupational structure (compared with less than 4½ per cent in 1960), and they got about 11 per cent of the net increase in such jobs over the decade. During this same period, the number of nonwhite managers, officials and proprietors (the second highest paying category) increased by 43 per cent (to 254 thousand) compared to an expansion of only 12 per cent (to 7,721 thousand) for whites. In the 1960's, nonwhite workers left low-paying jobs in agriculture and household service at a rate two to three times faster than did white workers. The number of nonwhite farmers and farm workers dropped by 56 per cent (to 366 thousand) in contrast to a decline of 31 per cent (to just under 3 million) for whites in the same category. In fact, by 1969, nonwhites accounted for the same proportion (11 per cent) of employment in agriculture as their share in the total labor force; in 1960, the proportion for nonwhites (to 16½ per cent) was more than 1½ times their share in the total labor force. The exit of nonwhites from private household employment was even more striking. During the last decade, the number of nonwhites so employed fell by 28 per cent (to 712 thousand); corresponding drop for white workers was only 9 per cent (to 900 thousand). Although roughly half of all household workers were nonwhites in 1960, the ratio had declined to just over two-fifths by 1969. The number of nonfarm laborers also fell (by 8 per cent to 876 thousand) over the last decade while the number of white laborers rose by the same percentage (to 2,809 thousand).

Nevertheless, as already indicated, the accelerated movement of nonwhites out of the positions at the bottom of the occupational pyramid did not carry through the entire occupational structure. For example, nonwhites in 1969 still held about 1.5 million of the service jobs outside private households—most of which require only modest skills. This represented one-fifth of the total—approximately the same proportion as in 1960. Moreover, the number of nonwhites holding semi-skilled operative jobs (mainly in factories) rose by 41 per cent (to about 2 million) during the decade, compared with an expansion of only 17 per cent (to 12.4 million) for whites. The result was that nonwhites' share of the total climbed from 12 per cent to 14 per cent. Taken together, these two categories of low-skilled jobs chiefly in factories or in nonhousehold services accounted for a larger share (42 per cent) of total nonwhite employment in 1969 than they did in 1960—when their share was 38 per cent. In contrast, among whites the proportion was virtually unchanged—26 per cent at the beginning of the decade and 27 per cent at its close.

While nonwhites made substantial progress during the 1960's in obtaining clerical and sales jobs—and also registered noticeable gains as craftsmen—their occupational center of gravity remained anchored in those positions requiring little skill and offering a few opportunities for further advancement. At the same time, it is also clear

from the above analysis that those nonwhites who are well-prepared to compete for the higher-paying positions in the upper reaches of the occupation structure have made measurable gains. These contrasting experiences should be borne in mind because they point clearly to the deepening schism within the black community.

TRENDS IN UNEMPLOYMENT

Over the 1960's, unemployment among Negroes declined substantially. In 1960, about 787 thousand nonwhites were unemployed, representing 10.2 per cent of the nonwhite labor force. Among whites in the same year, about 3.1 million were without jobs, and the unemployment rate was 4.9 per cent. By 1969, unemployment had dropped by 28 per cent (to 570 thousand) for nonwhites and by 26 per cent (to 2.3 million) for whites. Their unemployment rates had fallen to 6.4 per cent and 3.1 per cent, respectively.

The incidence of joblessness among nonwhites continued to be about twice that for whites during the 1960's. Even in those categories where the most favorable experience was registered, nonwhite unemployment rates remained significantly higher than those for whites. For instance, among married nonwhite males aged 20 years and over, the unemployment rate in 1969 stood at 2.5 per cent, compared with 1.4 per cent for white men in the same circumstances. Nevertheless, one should not lose sight of the fact that—taken as a group—Negroes made real strides in escaping idleness in the 1960's.

But, here again, we should not stop with this over-view. On closer examination, one quickly observes that a sizable proportion of the remaining unemployment among Negroes appears to be of the long-term variety. For example, in 1969, just under 20 per cent of the unemployed nonwhites on the average had been without jobs for 15 weeks or longer; among whites the proportion was only 12½ per cent. Moreover, those out of work for more than half a year represented 7 per cent of the joblessness among nonwhites compared with 4 per cent for whites. In 1961, when unemployment rose substantially under the impact of the 1960–61 recession, nonwhites accounted for about 21 per cent of total unemployment and for roughly 24 per cent of those without jobs for at least 3½ consecutive months. However, by 1969, nonwhites made up 27 per cent of the pool of long-term joblessness—although their share of total unemployment had declined slightly to 18 per cent. So, while a significant number of Negroes did find—and keep—jobs during the last decade, a sizable number of others were stuck in idleness for fairly long periods of time.

Still other evidence can be cited which underlines the contrasts within the Negro community. During the first eleven months of 1969, the unemployment rate among nonwhites living in the central cities of the 20 largest metropolitan areas averaged 6.3 percent; it was a full percentage point less among those living in the suburban sections of these areas. Among nonwhite teenagers (those members of the labor force 16 to 19 years old), the unemployment rate averaged 27 per cent. During the same period of 1969, there was very little difference in unemployment rates between whites living in central cities (3.1 per cent) and those living in suburbs (2.9 per cent), and for white teenagers, the rate was 10 per cent.

So, judged by the differential impact of unemployment—as well as by the trend of employment and occupational upgrading—some Negroes have experienced commendable improvement while others have lingered behind in relative stagnation.

TRENDS IN INCOME: A REEXAMINATION

Undoubtedly, income statistics are probably the most closely watched indicators of economic progress. This is true for Negroes as well as for whites. These figures also demonstrate that the Negro community recorded significant gains during the last decade. In 1961, aggregate money income of families in the United States totaled $306.6 billion, of which whites received $290.4 billion and nonwhites received $16.2 billion. Thus, the nonwhites' share was 5.3 per cent. By 1968, the total had risen to $488.4 billion—with $454.5 billion going to whites and $33.9 billion going to nonwhites. In that year, the nonwhites' share had risen to 6.9 per cent.

In terms of median family income, the same indication of progress is evident. In 1959, the median income of nonwhite families amounted to $3,164, or 54 per cent of that for whites—which amounted to $5,893. By 1968, the figure had risen to $8,936 for whites and to $5,590 for nonwhites, thus raising the nonwhite/white ratio to 63 per cent.

These relative family income data are a useful concept for some purposes, but they must be interpreted carefully. Otherwise they yield a misleading picture of the comparative economic status of the nonwhite population. A principal source of error is the failure of data on median family income to account for the fact that nonwhite families on average tend to be substantially larger than white families.

Data on median family income adjusted to a per capita basis to account for much larger minority families are presented in Table 1. (Attached.) When further adjustments are made to differentiate among types of families, several important conclusions result. The first and most important of these is that, for all types of families, nonwhite per capital family income is substantially lower in relation to that for white families than was suggested by the unadjusted figures. It appears that in 1967 the median income data unadjusted for differences in family size may have overstated the relative economic status of nonwhite families by something on the order of 11 per cent.

The information in Table 1 permits a further analysis of growth trends in per capita family income compared to growth trends in relative median family incomes for different types of households. For all families and for husband and wife families, the relative gains on a per capita basis were only slightly less than the relative gains on a total family income basis. The picture for female headed families, however, is completely different. The latter have the lowest median family income in general, and nonwhite families headed by females have the lowest median income compared to their white counterparts. What is perhaps even more disturbing, however, is that—because of the much larger size of nonwhite female headed households [1]—the per capita differences in family income are substantially wider than the differences in median family income. In 1967, the ratio of family income per capita of female headed nonwhite families (at 44 per cent) was 18 percentage points lower than the ratio of Negro to white median family income. The data in Table 1 appear to indicate that the gap between white and Negro per capita family income has not been narrowing as rapidly as suggested by the most widely cited income figures.

The conclusion reached by expressing median family income in per capita terms is that the usually observed ratios convey an unrealistic picture of family well-being because they fail to account for the larger absolute size of nonwhite families.

Another indication of the widening gap within the Negro community is provided by the distribution of income among families and individuals at different levels of income. Data showing these trends, by race and broad groupings of income classes, are presented in Table 2.

In examining these data, the first thing to note is that the distribution of income is by no means equal in either the white or nonwhite community. If it were, each fifth of the families would receive 20 per cent of the aggregate income in each year. In reality, however, only those families around and just above the middle of the distribution come close to receiving approximately this proportion of the total income. The families constituting the lowest fifth receive between 3½ per cent and 6 per cent of the income, while those in the highest fifth receive over 40 per cent of the total. This general pattern of income distribution holds for both white and nonwhite families.

But looking beyond these overall characteristics, it will also be observed that, within the nonwhite community, the distribution of income is considerably more unequal. Among nonwhites, from the lowest through the middle fifth, for each of the years shown, the proportion of aggregate money income received by the families in each category is below that for the white community. The opposite is true for nonwhite families above the middle fifth; their share is greater than that received by white families in the same category. The same tendency is evident when the top 5 percent of the families with the highest incomes in both groups are compared.

Moreover, in the last few years, the distribution of incomes within the nonwhite community has apparently run counter to the trend among white families. In both the 1961–65 period and the 1965–68 period, the income distribution for white families became more equal. For nonwhite families, the same trend toward greater equality was evident in the first half of the decade. However, it remained roughly constant in the 1965–68 years. And the share received by the top 5 per cent particularly showed no further tendency to decline.

Again, these figures seem to underline a conviction held by an increasing number of observers: a basic schism has developed in the black community, and it may be widening year-by-year.

POVERTY IN THE NEGRO COMMUNITY

Poverty is a difficult concept to define in any meaningful sense. Yet, quantitative estimates are necessary if policymakers are to have reliable information on which to make decisions. Since 1965, the United States Government has relied on the estimates developed by the Social Security Administration which, for whatever their defects, appear to be the most reliable data available. The poverty concept developed by the Social Security Administration classifies a family as poor if its income is not roughly three times as great as the cost of an economy food plan for a family of that particular size and farm or nonfarm residence. In 1968, a nonfarm family of four was assumed to be living in poverty if its total money income was less than $3,553. The income deficit of a family is that amount required to raise its income to the poverty threshold.

Table 3 reviews the 1959-68 record of the escape of individuals from poverty. These data demonstrate quite clearly that the rate of decline of poverty for whites has been substantially faster than the rate of decline for nonwhites. Between 1959 and 1968, poverty among whites declined by 39 per cent while poverty among nonwhites declined by 27 per cent. Thus, in 1968 nonwhites made up a greater proportion of the total poor population than they did in 1959—the fraction increasing from 27.9 per cent to 31.5 per cent. This much more rapid rate of exodus by whites from poverty is explained by the fact that in 1959 the average poor white family

[1] In 1967, the average Negro husband-wife family was .76 members larger than its white counterpart, but the average Negro female headed family was 1.26 members larger.

was not nearly as deeply in poverty as the average poor nonwhite family. In 1959, the median income deficit for white families was only $868 while for nonwhites it was $1,280, or 47.5 per cent higher. Clearly, it took less economic achievement to lift the average white family out of poverty. It should be further noted that in 1968 the median income deficit for poor nonwhite families was $1,260 while for white families it was only $907, a difference of 38.9 per cent. Thus, these figures suggest that the future will continue to witness a more rapid rate of escape from poverty by whites than by nonwhites.

The data in Table 3 are of further interest because they permit an analysis of changes in poverty status by type of family. Disaggregating the poverty data into male and female headed families highlights several important points. Between 1959 and 1968, the rate of decline in poverty among individuals in male headed families of whites and nonwhites was roughly equal and also rather rapid. In 1968, the number of individuals classified as poor in male headed households for both races was roughly half the number in 1959.

Distressingly, however, for female headed families, the pattern was quite different. For the white population, the rate of decline among poor individuals in female headed families was substantially below the rate for individuals in male headed families. By 1968, there were only 16 per cent fewer poor individuals in white female headed households compared with 1959. For nonwhites, the data on changes in poverty among individuals in female headed families are extremely disturbing. Between 1959 and 1968, the number of nonwhites in poor female headed families increased by 24 per cent, and the number of nonwhite family members under 18 rose by an alarming 35 per cent. Between 1959 and 1968, there was an *absolute increase* of 609 thousand nonwhite family members 18 or less classified as poor living in a female headed family. So while the 22 million Negroes constituted only 11 per cent of the country's total population in 1968, the 2.3 million poor children in nonwhite families headed by females represented 52 per cent of all such children.

The data on the rate of escape from poverty for different types of families also emphasize the development of a serious schism within the Negro community. Negroes in stable male headed families appear able to take advantage of economic growth and are leaving poverty at roughly the same rates as whites. The opposite appears true for families headed by a female, who appear unable to earn a sufficient income to escape poverty. The rapid increase in the number of poor nonwhites in female headed families—and particularly the very rapid rise of children 18 and under in their families—suggests that the problem of poverty in the black community has by no means disappeared.

Having discussed recent changes in the overall poverty population, it is important to examine briefly the rural experience. For farm families the record is much more encouraging with a decline of almost three-fourths in the number of poor individuals in nine years. Moreover, the rate of decline was roughly equal for whites and nonwhites. These results may in part reflect a growing prosperity in agriculture, but in large part they are due to a migration of the poor of both races from rural to urban settings.

The conclusions from this section are that nonwhite poverty in general has not declined as rapidly as white poverty, primarily because nonwhites classified as poor tended to be substantially poorer than whites classified as poor. This section has also shown that in the last decade there has been an alarming rise in the number of poor nonwhite children under 18 living in female headed families.

PROSPERITY IN THE NEGRO COMMUNITY: THE IMPORTANCE OF EDUCATION

The above discussion has obviously reflected a rather pessimistic assessment of several aspects of economic developments in the Negro community—focusing as it did on nonwhite poverty and the fact that actual white-nonwhite income discrepancies are wider than commonly observed statistics would suggest. To stop here, however, would present a somewhat unbalanced view of Negro economic progress. To present a more balanced picture, it is important to consider the source of some of the recent gains within the Negro community. In particular, it is important to discuss the role of education.

Recent data suggest that Negroes are making considerable gains in both secondary and higher education. Between 1960 and 1969, the per cent of Negro males aged 25 to 29 who had completed 4 years of high school or more increased from 36 per cent to 60 per cent while the white fraction increased from 63 per cent to 78 per cent. Thus, in 1960 the gap had been 27 percentage points, and in nine years this gap had narrowed to only 18 percentage points. In 1968, for the first time a greater percentage of Negro males aged 25–29 completed high school than Negro females.

In the case of higher education, the gains also have been impressive. Table 4 presents data on trends in Negro college enrollment between 1964 and 1968. In these four years, the number of Negroes in college rose by 85 per cent. What is more striking, however, is the fact that during this period, 82 per cent of this enrollment growth occurred in institutions other than the predominantly Negro colleges. Thus, in only four years, the per cent of Negro college students enrolled outside predominantly Negro colleges increased from 49 per cent to 64 per cent. This fact suggests that the larger institutions are becoming increasingly aware of minority problems and are making a concerted effort to assist minority group students. In four years the number of Negro students at these institutions has more than doubled.

The importance of higher education in the economic achievements of whites and Negroes is underlined by the data in Table 5. It is clear that median incomes for men of both races increase dramatically with increasing amounts of education. What is even more important, the ratio of Negroes' income to that of whites rises as the level of education climbs. Stated in a slightly different fashion, the relative gaps within the Negro community between those with higher education and those with lower education are wider than for whites. In 1968 a Negro man, aged 25–54, with a high school education had an income 29 per cent above that for a Negro man with only an 8th grade education, while for whites this gap was 26 per cent.

The case of a Negro with some higher education is of particular interest. This is a man with the highest absolute income and the highest income relative to whites. Unfortunately, due to the unavailability of more data, the figures in Table 5 probably seriously understate the contribution of higher education to Negro income. The last line in Table 5 shows the income of whites and Negroes with 1 or more years of college. This category is really a composite of the categories 1 to 3 years of college and 4 or more years of college. Of all Negro men 25 years of age or over in 1967 reporting one or more years of college, 60 per cent were concentrated in the 1–3 year category. For all white men reporting more than 1 year of college, there was a much greater tendency to have four or more years of college, with only 42 per cent concentrated in the 1–3 year class. If a more complete breakdown of the data in Table 5 were available, they would probably indicate a higher return to Negro higher education.

A second reason why the data in Table 5 may understate the returns to higher education for Negroes is that they fail to account for the age distribution of those achieving higher education. Since major education gains among Negroes have been a rather recent occurrence the better educated Negro man will be substantially younger than his white counterpart. Table 6 documents this point by comparing educational achievements of whites and Negroes at similar age levels. These data show conclusively that the differences in educational achievements are in large part a function of age with the widest gaps among the older segments of the population. It is clear that the best educated within the Negro community are much more highly concentrated in the younger age brackets. Since income increases directly with age, when education is held constant,[2] due to factors of experience and promotions based on length of service, the failure of the data in Table 5 to account for the relatively younger age distribution of the better educated Negro population seriously underestimates the returns to education for Negro males. The figure for white males with higher education refers to an older population and thus, in part, reflects returns to age and experience as well as returns to education. Unfortunately, we will have to wait until the processing of the 1970 Census has been completed to get more complete data.

The conclusions from this discussion of education then are much more encouraging than the results reached above. Younger Negroes are making substantial progress in achieving secondary and higher education, and this increased education is associated with higher absolute income and income relative to whites.

NEGROES AND THE FAMILY ASSISTANCE PROGRAM

As I indicated above, I would like to comment briefly on the proposal to change significantly the principal means through which the Federal Government provides assistance to needy families. In recent years, these programs have become an important source of income for many Negro families headed by females in which a sizable number of children are found. Thus, one can readily understand why the President's recommendation to change them submitted to Congress in August 1969, has generated so much discussion (and some apprehension) in the Negro community.

It will be recalled that, in broad outline, the proposed family assistance program would have the Federal Government pay a basic income to all families who could not provide for themselves—whether they are employed or unemployed. It would be geared to dependent families with children. It would replace entirely the largest of the Federally supported public assistance programs (i.e., aid to families with dependent children). Under the proposal, persons (except mothers with preschool children) who accept assistance would be required to register for work or training. It is estimated that in the first year of the program, over half of the families covered would have one member employed or undergoing training.

As recommended to Congress, the family assistance program would work in the following fashion: A family's basic allowance would consist of $500 for the first two members and $300 per member for each additional member. Thus, for a family of four, the allowance would be $1,600 per year.

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[2] In 1967, the median income of all males aged 25–34, with four years of college, was $8,716, for those with the same education, aged 45–54, it was $12,267, or 40.7 percent higher.

Cash payments to families would be computed by adjusting the basic allowance to account for the earnings of the family. The first $720 of family income would not affect the payments because it is assumed that there are basic costs of transportation, lunches, clothing, etc., associated with taking a job. Cash payments to families would then be reduced by 50 cents for each additional dollar of earnings above the $720 minimum.

A simple numerical example will illustrate the program's operation. Assume a family of four has a cash income of $2,000. The first $720 of this income would be disregarded, leaving a balance of $1,280. A family's cash payment would then be reduced by half this amount, or by $640. Since the family's basic allowance was $1,600, its cash payment after earnings would be $960.

So far only a rough idea can be provided with respect to the probable coverage of the family assistance program. The projections available are shown in Table 7, as prepared by the Department of Health, Education, and Welfare in February of this year. According to these estimates, in 1971, about 3.3 million families would be covered; of these 2 million (three-fifths) would be white, and 1.3 million (two-fifths) would be nonwhites. These families would include close to 18 million persons—of whom 44 per cent would be nonwhites. Gross payments would approximate $3.5 billion, and nonwhites would receive about $1.5 bilion—or 43 per cent. These annual payments would average around $1,060 for all families, about $1,000 for white families, and about $1,154 for nonwhites. However, since nonwhite families are expected to be somewhat larger (averaging 6.0 members vs. 5.1 members for whites and 5.4 members for all families), payments per capita would be about the same: $196 for all families, $198 for whites, and $192 for nonwhites.

It is difficult to compare the differential impact of the proposed program on particular groups of families compared with the existing program. However, it appears that a somewhat greater proportion of the families covered by the new program would be white compared with those covered by aid to families with dependent children (AFDC). In 1968, there were 1.5 million families participating in AFDC, involving 6.1 million persons, of whom 4.6 million were children. Outlays under the Federally aided programs amounted to $3.4 billion, and the average monthly payment per family was $168 (just over $2,000 per year).

In 1967, according to an HEW survey conducted in 1968, about 51.3 per cent of the families covered by AFDC were white, 46 per cent were Negro, and 2.7 per cent were other nonwhites. In 1961, whites constituted 51.8 per cent of the total, Negroes 43.1 per cent, and other nonwhites made up the remaining 5 per cent. So during the decade of the 1960's, Negroes as a proportion of total AFDC coverage increased while the proportion for all other groups was declining.

On balance, it appears that the new family assistance program would represent a considerable improvement—compared with the existing AFDC program—in about 20 States. Of these, 14 are Southern States (with a heavy concentration of Negroes), and most of the remainder are Western States (with a sizable proportion of Indians and Mexican-Americans among their populations). In 1968, the average annual payment under AFDC in the 14 Southern States was approximately $1,116. However, the average payment varies greatly among these States, and in some it is much below $1,000. Thus, given an annual payment of $1,600 for a family of four, there would be an increase of roughly $480 (or well over 40 per cent) compared with the amounts received by the average AFDC family in this region. While the exact status of families under the old and new programs cannot be determined, there appears to be no doubt whatsoever that the new proposal would result in a real improvement.

In 30 States there would also be an opportunity to make further improvements. However, in these cases, the outcome would depend on whether the States and local governments maintained their existing programs at substantially the same level. If these outlays were held at no less than 90 per cent of the 1968 level, assisted families would be better off in virtually every instance. Under the existing AFDC program, the average annual payment in these States in 1968 was $2,195 (of which $1,044 represented non-Federal payments). Under the new program (and assuming the 90 per cent maintenance factor), the average payment per family would rise to about $2,536. Thus, the new arrangement would imply an increase of roughly $340, or 15 per cent. The 30 States include primarily the heavily populated northern industrial States plus California. Most of these have a sizable concentration of low-income nonwhites in urban areas.

So, while these estimates of the probable improvement which might accrue under the new program of family assistance are obviously crude, they are suggestive. They imply that Negroes—and particularly the poverty-stricken families headed by females—would benefit substantially. And above all, it would create a promising basis for checking the increased dependence on public welfare of a growing segment of the population.

CONCLUDING OBSERVATIONS

The analysis presented here has sketched a rather mixed picture of economic progress among Negroes in the United States. While not meaning to deny or demean the recent impressive economic gains by Negroes, we must be careful that no one is lulled into believing (falsely) that the economic problems of Negroes have been solved. In this regard, the commonly observed income statistics, when accepted at face value, convey an unwarranted sense of greater economic parity between whites and Negroes than actually exists.

It was also noted that a closer analysis of the available data shows clearly that a definite economic schism has arisen within the Negro community. Individuals in male headed households appear able to share fairly well in economic advances, while those in female headed households are sinking backwards into poverty. Those individuals who have prepared themselves for challenging careers by seeking and obtaining higher education are registering relatively large improvements in incomes, while those without such training are falling further behind. Clearly, the economic condition of those who currently are lagging should be made a matter of serious national concern.

For this reason, the proposed family assistance program is pointing in the right direction, and—despite reservations many might have about some of its components—it should be viewed with greater receptivity within the Negro community.

TABLE 1.—FAMILY INCOME ADJUSTED TO PER CAPITA BASIS, BY TYPE OF FAMILY, BY RACE OF HEAD, 1959 AND 1967

	All families		Husband-wife families		Female-headed families	
	1959	1967	1959	[1] 1967	1959	[1] 1967
Median family income:						
White	5,893	8,274	6,089	8,269	3,538	4,879
Nonwhite	3,164	5,141	3,663	5,854	1,734	3,015
Ratio	0.54	0.62	0.60	0.71	0.49	0.62
Persons per family:						
White	3.58	3.59	3.66	3.66	2.93	3.03
Nonwhite	4.31	4.35	4.42	4.42	4.04	4.29
Per capita family income:						
White	1,646	2,305	1,664	2,358	1,208	1,610
Nonwhite	733	1,182	829	1,324	429	703
Ratio	0.45	0.51	0.50	0.56	0.36	0.44

[1] Data for 1967 refer exclusively to Negroes.

Source: U.S. Department of Commerce, Bureau of the Census, Income in 1967 of Families in the United States, Series P-60, No. 59, April 18, 1969, and U.S. Census of Population: 1960, vol. 1, Characteristics of the Population, pt. 1, United States Summary, 1964.

TABLE 2.—TRENDS IN THE INCOME OF FAMILIES IN THE UNITED STATES: 1950 TO 1968

[In percent]

Income rank	1968	1967	1965	1961	1950
FAMILIES					
Total, all races	100.0	100.0	100.0	100.0	100.0
Lowest fifth	5.7	5.4	5.3	4.8	4.5
2d fifth	12.4	12.2	12.1	11.7	12.0
Middle fifth	17.7	17.5	17.7	17.4	17.4
4th fifth	23.7	23.7	23.7	23.6	23.5
Highest fifth	40.6	41.2	41.3	42.6	42.6
Top 5 percent	14.0	15.3	15.8	17.1	17.0
WHITE					
Total	100.0	100.0	100.0	100.0	100.0
Lowest fifth	6.0	5.8	5.6	5.2	4.8
2d fifth	12.7	12.5	12.5	12.1	12.2
Middle fifth	17.7	17.5	17.7	17.3	17.3
4th fifth	23.4	23.5	23.4	23.2	23.1
Highest fifth	40.3	40.7	40.8	42.2	42.5
Top 5 percent	14.0	14.9	15.5	17.3	17.6
NEGRO AND OTHER RACES					
Total	100.0	100.0	100.0	100.0	100.0
Lowest fifth	4.8	4.4	4.6	4.0	3.5
2d fifth	10.5	10.4	10.7	9.7	10.2
Middle fifth	16.5	16.4	16.4	15.9	17.6
4th fifth	24.6	24.1	24.7	24.3	25.2
Highest fifth	43.6	44.7	43.5	46.0	43.5
Top 5 percent	16.1	17.5	15.5	17.4	16.6

TABLE 3.—PERSONS BELOW POVERTY LEVEL IN 1959 AND 1968, BY FAMILY STATUS AND SEX AND RACE OF HEAD

[Number in thousands]

	1959	1968	Percentage change
White total	28,484	17,395	−38.9
In Families with male head, total	20,211	9,995	−50.5
Head	4,952	2,595	−47.6
Family members under 18	8,966	4,298	−52.1
Other family members	6,293	3,102	−50.7
In families with female head, total	4,232	3,551	−16.1
Head	1,233	1,021	−17.2

TABLE 3.—PERSONS BELOW POVERTY LEVEL IN 1959 AND 1968, BY FAMILY STATUS AND SEX AND RACE OF HEAD—Continued

[Number in thousands]

	1959	1968	Percentage change
Family members under 18	2,420	2,075	−14.3
Other family members	579	455	−21.4
Unrelated individuals	4,041	3,849	−4.8
Negro and other races, total	11,006	7,994	−27.4
In families with male head, total	7,337	3,710	−49.4
Head	1,452	697	−52.0
Family members under 18	4,097	2,032	−50.4
Other family members	1,788	981	−45.1
In families with female head, total	2,782	3,439	+23.6
Head	683	734	+7.5
Family members under 18	1,725	2,334	+35.3
Other family members	374	371	−0.8
Unrelated individuals	887	845	−4.7

Source: U.S. Department of Commerce, Bureau of the Census, "Poverty in the United States, 1959 to 1968," series P-68, No. 68, Dec. 31, 1969.

TABLE 4.—NEGRO COLLEGE STUDENTS ENROLLED IN 1964 AND 1968, BY TYPE OF INSTITUTION

[Numbers in thousands]

	1964 (fall)	1968 (fall)	Change, 1964–68 Number	Change, 1964–68 Percent
Total enrollment	4,643	6,801	2,158	46
Total Negro enrollment	234	434	200	85
Percent total enrollment	5	6	(1)	(1)
Enrollment in predominantly Negro colleges	120	156	36	30
Percent of all Negroes in college	51	36	(1)	(1)
Enrollment in other colleges	114	278	164	144
Percent of all Negroes in college	49	64	(1)	(1)

[1] Not applicable.

Source: U.S. Department of Labor, Bureau of Labor Statistics; U.S. Department of Commerce, Bureau of the Census; U.S. Department of Health, Education, and Welfare, Office of Education.

TABLE 5.—MEDIAN INCOME OF MEN 25 TO 54 YEARS OLD, BY EDUCATIONAL ATTAINMENT, 1968

	Median income, 1968 Negro	Median income, 1968 White	Negro income as a percent of white
Elementary:			
Total	$3,900	$5,844	67
Less than 8 years	3,558	5,131	69
8 years	4,499	6,452	70
High School:			
Total	5,580	7,852	71
1 to 3 years	5,255	7,229	73
4 years	5,801	8,154	71
College: 1 or more years	7,481	10,149	74

Source: U.S. Department of Commerce, Bureau of the Census.

TABLE 6.—MEDIAN YEARS OF SCHOOL COMPLETED FOR PERSONS 20 YEARS OF AGE AND OVER, BY AGE, 1969

Age (years)	White	Negro	Difference
20 to 21	12.8	12.2	0.6
22 to 24	12.7	12.2	.5
25 to 29	12.6	12.1	.5
30 to 34	12.5	12.0	.5
35 to 44	12.4	10.6	1.8
45 to 54	12.2	9.1	3.1
55 to 64	10.9	7.6	3.3
65 to 74	8.9	6.1	2.8
75 and over	8.5	5.2	3.3

Source: U.S. Department of Commerce, Bureau of the Census.

TABLE 7.—RACIAL DISTRIBUTION OF RECIPIENTS UNDER THE PROPOSED FAMILY ASSISTANCE PROGRAM, 1971 PROJECTION

[Numbers in millions; amounts in billions of dollars]

Race	Families covered Number	Families covered Percent	Persons covered Number	Persons covered Percent	Gross payments Amount	Gross payments Percent
White	2.0	60.6	10.1	56.4	2.0	57.1
Nonwhite	1.3	39.4	7.8	43.6	1.5	42.9
Total	3.3	100.0	17.9	100.0	3.5	100.0

Source: Department of Health, Education, and Welfare "Selected Characteristics of Families Eligible for Family Assistance Plan: 1971 Projection," Feb. 2, 1970.

TEMPEST IN A TEAPOT

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1970

Mr. MONAGAN. Mr. Speaker, the President has brewed a tempest in a teapot with his proposal to abolish the "Board of Tea Tasters." Does he seek revenge on tea drinkers like myself because someone slipped him a badly brewed cup of tea; or does he favor coffee over tea? In any event, Mr. Nixon, who rarely sips a soothing cup, should not aid in taking away the stimulation that many find in a pot of excellent tiffin or even Canton that accompanies Chinese food. Including myself there are many of English, Irish, Scotch, Russian, Jewish, and other extractions who demand quality and purity in their tea.

The tasting of tea also involves our ability to conduct a trade embargo successfully as importation of products originating from mainland China is prohibited under the Trading With the Enemy Act. Because of differences in climate, soil, and local practices, teas originating from a particular geographic area have a remarkably uniform character that is impossible to duplicate in teas grown elsewhere. A good teataster should be able to identify several hundred different teas and to distinguish hundreds more. An experienced taster by making organoleptic distinctions can identify not only the type of tea, the country of origin, but also the province or district and in a few cases the very garden of origin. Thus, teas originating on the Chinese mainland can be spotted by Government teatasters carrying out the functions required of them under the Tea Importation Act, 21 U.S.C. 41–50, and reported to the Bureau of Customs. They are also called upon to identify batches of this tea which have been smuggled into this country. By abolishing the teataster, surely it cannot be the President's intention to allow Communist China to increase its ability to sell tea in the United States.

Mr. Speaker, the recent pronouncements of the administration and the President on tea raise even more serious questions. The President's ability to enforce the Tea Importation Act as enacted by the representatives of the people of this country becomes subject to question due to the Snafu actions of agency bureaucrats. The one time tea importation and representation became a controversial issue the result was a splash—the Boston Tea Party. I urge the President to correct the record, to carry out the law of the land or utilize the constitutional process to change existing law else the tea importation problem could create another splash.

A few weeks ago the President announced in a message to Congress that he had decided to kill off 57 programs that were allegedly obsolescent including as the prime example, "the Board of Tea Tasters." Some administration spokesmen were quoted as saying that the Government would save $1 million a year by abolishing this program. Others reduced the estimate to $127,000 a year. The President himself stated $125,000 a year of taxpayer moneys would be saved by abolishing the "Board of Tea Tasters" which he said he could do on his own authority. The President was quoted as saying:

> Do you know that this government has a board of tea tasters? Now at one time in the dim past, there may have been good reason to single out tea for special tests, but that reason no longer exists. Nevertheless a separate tea-tasting board has gone along, at a cost of $125,000 a year at the taxpayer's expense, because nobody up to now took the trouble to take a hard look why it was in existence.

Mr. Speaker, as chairman of the Special Studies Subcommittee of the House Government Operations Committee undertaking a study of Government advisory groups, I have taken that hard look once in 1969 and again this year. The House and Senate took a hard look at this "Board" in 1940. Other hard looks have been taken at various times by Congress, which in its collective wisdom did not see any reason to abolish the "Board." I do not know of any reason for this "Board" to cease its existence.

There is no "Board of Tea Tasters," but there are two boards with tea examination functions. They are the Board of Tea Experts, 21 U.S.C. 42, and the U.S. Board of Tea Appeal, 21 U.S.C. 46–49, both statutory boards.

In September 1969, the Secretary of Health, Education, and Welfare reported to the subcommittee as follows:

> The Board of Tea Experts is required by the Tea Importation Act of 1897. The Board has met yearly as required to recommend to the Secretary standard samples of tea which constitute the legal standards for the year. It recommends and makes a written report annually to the Secretary. The Board will continue its functions as required by law. The Tea Importation Act of 1897, as amended, forbids the entry into the United States of any tea that fails to meet the standards of quality, purity, and fitness for consumption established annually by the Board.

Despite the above statements during the October 1969 Bureau of the Budget hearings on the fiscal year 1971 budget relative to the required tea examination functions the Administrator for the Consumer Protection and Environmental Health Science, DHEW, informed the Bureau of the Budget Examiner that during fiscal year 1971 the Food and

Drug Administration would discontinue the tea examination functions being performed under the Tea Importation Act and Regulations. In essence, this means that instead of sampling and examining every lot of tea imported into the United States for purity, quality, and fitness for consumption as required by the act, 21 U.S.C. 41–50, only infrequent spot checks will be made by occasional sampling and examination of import batches of tea.

On February 8, 1970, members of last year's Board of Tea Experts were notified they would not be appointed again. Thus, no one has been appointed to the Board as of February 16, 1970, as the statute requires. By law the Secretary of Health, Education, and Welfare, must appoint a Board to consist of seven members for a term of 1 year to prepare and submit to him standard samples of tea to be upheld for that year. Without these standards of quality, purity, and fitness for consumption as established by the Board the executive branch cannot carry the specifically required functions, 21 U.S.C. 41050, of the Tea Importation Act.

In recent testimony, March 17, 1970, before my subcommittee the Assistant Director of Executive Management of the Bureau of the Budget stated that he believed that legislation would be submitted to terminate the Board of Tea Experts, that legislation is required to terminate this Board, that in no way could it be appropriately terminated by administrative action alone. Furthermore, he said, if the Board has been terminated in effect, someone is not carrying out a function specifically required by law.

Mr. Speaker, this is the opinion of all who have read the Tea Importation Act. Yet—despite the statements of the Secretary of Health, Education, and Welfare to the subcommittee and the testimony of the Assistant Director of the Bureau of the Budget it is obvious that the Board of Tea Experts is inoperable possibly for the first time in 73 years and the functions of the Tea Importation Act will not be carried out as required by existing law. The action can be depicted as a thumbing of the nose at an act of Congress and also as ignoring our constitutional process. Such actions by the Executive make it difficult if not impossible to say to our dissidents they should respect and uphold the law and utilize the constitutional process to effect change where ever necessary.

Incidentally, it should be noted that the Board of Tea Experts—Tasters—costs the taxpayers little or no money. The Department of Health, Education, and Welfare submissions to the subcommittee disclose average annual cost figures for the Board of Tea Experts as $700 or $772 a year. The maximum annual budgeted costs for experts for the Board of Tea Appeals is $150. The total sum—costs—for both Boards is a far cry from $1 million or even $125,000 a year. In fact it is a rare year when expenses of the two Boards exceed $800 a year. Further this amount may be partly if not entirely offset as a result of tea examination fees collected on all imported tea and then deposited in the U.S. Treasury as miscellaneous receipts.

But does the figure of $125,000 have any significance. At best the Department of Health, Education, and Welfare's estimated total cost of administering the entire Tea Importation Act annually including inflated costs is slightly under $124,000. The following cost data was prepared by the agency to justify the prior determination that the enforcement of the Tea Importation Act as a program activity was not warranted.

Personal services costs—approximately 11-man years: Staffs at Boston, New Orleans, San Francisco, and New York—including apportioned time of inspectors and examiners, $111,500.

New York has one fulltime examiner.

San Francisco—the examiner spends about half of his time on tea.

The analyst in Boston devotes a fifth of duty time on tea.

New York has the equivalent of two fulltime import inspectors to collect samples.

New Orleans has the equivalent of one, San Francisco and Boston have about half each. The Tea Room Clerk in New York is full time.

Other objects costs at 10 percent	$11,150
Average annual cost for Board of Tea Experts	700
Preparation of tea standards samples	400
Experts for Tea Appeals Board (Maximum annual cost)	150
	123,900

However, this does not cost the taxpayer $123,900 a year as the following are recoverable sums. The Government prepares half-pound tins containing duplicate samples of teas which conformed to the yearly established standards of purity, quality, and fitness for consumption for sale to importers and dealers at a price which approximates the cost of preparation. The average cost of preparing standard samples is approximately $400 per year, and at a price of $2 each, the return is approximately $300 per year.

The tea examiners perform tea examinations for the Defense Supply Administration—DSA, and the General Services Administration—GSA—for which its agency is reimbursed approximately $2,000 per year.

The Tea Importation Act as amended requires payment of fee before examination of tea of 3.5 cents for each hundred weight or fraction thereof of all tea imported in the United States and prior to its release from Customs custody. In the past 2 years these fees have averaged slightly over $50,000 per year. Total $52,300.

Thus, the present cost to the taxpayer is approximately $70,000 to carry out all the functions of the Tea Importation Act. Readjustment of fees for standard samples and tea examination could make up the difference. The Tea Importers and the Tea Associations of the United States have made this proposal to Government officials. So at an approximate present cost to the taxpayer of $70,000 a year every batch of tea that is imported into the United States is checked in accordance with a fixed and uniform standard of purity, quality and fitness for consumption. No tea inferior to the standard may be released. So, for the past 73 years the Tea Importation Act procedures have prevented the importation of unsound contaminated or worthless tea. To do away with the Board of Tea Experts and the tea examination functions of the existing Tea Importation Act is certainly a false claim of economy. It is more so as it is known that tea importers and consumers appear to be willing to pay higher tea examination fees in order to assure coverage of all costs in this way rather than impose any burden on the taxpayer. The administration's proposal to occasionally sample and examine lots of tea by spot checks appears to be going back to the general philosophy of the Tea Importation Act of 1883 which did not prove to be adequate to protect the U.S. importer or consumer of tea.

AGGRESSIVE INDIA CALLS FOR ARMED ATTACK ON RHODESIA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1970

Mr. RARICK. Mr. Speaker, the peoples of civilized nations are utterly aghast at the reactionary announcement by the Indian Government calling for the use of force by Britain to overthrow the Republic of Rhodesia.

First, India's announcement is completely antagonistic to the lives and property of millions of Indians who live in Africa and have already been forced to flee from the north and midland sectors into Rhodesia, South Africa, and Portuguese provinces for safety and sanctuary.

Second, for the Indian politicians in power to attack the Rhodesians as being a "racist regime" is like the pot calling the kettle black. No country in the world has and maintains a stronger system of racial and religious apartheid than that to be found in India, nor do more citizens of any nation starve year after year. Yet, no one has suggested isolating the segregated and ineffective government of India from the world community through economic sanctions nor that England overthrow the Indian Government to liberate the members of the untouchable caste or to feed the starving.

In fact, applying the same standards of conduct and behavior against the Indians that they have accused the Rhodesians of, it would appear more rational for the civilized governments of the world to withdraw their diplomatic recognition from India rather than from Rhodesia. No Rhodesian troops occupy either Kashmir or Goa.

There have been several incidents in India recently which might illustrate the manner in which the caste system prevails in the country despite the laws and the announced good intentions of the Government. In May 1968, seven members of one of the upper castes beat, tortured, and finally cremated an untouchable youth who had been accused of petty thievery. The beating of the young man apparently had a twofold purpose: To force a confession, and to serve as an example to the other untouchables in the

area that they must "stay in line" and not take too literally laws giving them legal equality. The young untouchable, with burns on 50 percent of his body and near death, appealed to an upper caste doctor for treatment—and was turned away. He then went to a police station for help, but was detained for several hours before being offered minor first aid. The next day, he was admitted to a hospital, but it was too late: the following day he died.

The riots of September 1969, when Muslims and Hindus clashed over job discrimination against the Muslim minority, resulted in thousands of casualties. Observers estimate that of those injured and killed, 80 percent were Muslim and 20 percent were Hindu. The reason offered by some sources for the discrepancy was that the predominantly Hindu police force was slow to act as long as the Muslims were receiving the brunt of the attacks, but were quick to act when the Hindus were at the disadvantage. During the same September riots, police were quick to break up labor demonstrations, perhaps an indication of the government's disregard for the working class poor. Other clashes between the Punjabi-speaking and the Hindi-speaking peoples tied up many of the northern cities: The Hindi-speaking peoples consider the Punjabis to be inferior.

Today in India, there are about 3,000 castes or subcastes, each of which is within one of the five major divisions. One is born into a caste, and can change that status only through death and an eventual rebirth in another caste. It is possible, of course, to disassociate one's self from a caste, but it is impossible to join another caste. For each caste, there is a body of laws and duties, derived from the Vedic Law of Manu, which apply to all members of the caste but may not necessarily apply to members of other castes or to castes of apparent equal status. For example, members of one group may marry their first cousins, while the members of another group may not: Or, one caste may eat lamb or goat, another may eat poultry or fish, another may eat eggs, and yet another may eat only vegetables. To violate these rules and duties necessitates a cleansing, if the transgression is minor in nature, or if the violation is major, the offending member of the caste will be "outcaste."

The primary reason for the caste rules is to avoid pollution. The eating of flesh may pollute the member of the caste to a high degree, and touching a person who eats flesh will pollute the caste member to a lesser degree. One may also be polluted by breathing bad air, perhaps talking to a polluted person or standing too close and breathing the fumes from his body. In the 1930's, it was reported in an Indian newspaper that there was a caste in the south of the country that was considered so low that other members of the society could not look at them without becoming tainted. The caste in question was engaged in the occupation of washing the clothes of untouchables. They lived in an isolated village and could travel only at night so that the other people would not see them.

Basically, there are two great schisms in Indian society. The three upper castes of the Brahmans, the Kabatriyes, and the Vaishyas form one group which looks down on the Shudras and the untouchables. The Shudras form a second group which is subservient to the upper three castes but which is superior to the untouchables. The untouchables, despite the constitution and the laws against discrimination, remain on the bottom of the social ladder. There are still some restrictions on occupation. The lowest forms of manual labor and the most degrading jobs are left to the untouchables, who may number as many as 20 percent of the 500 million people of India. Because of the poverty prevalent among the untouchables, there is little chance for them to better their station in life. Most quit school before they have received enough education to enable them to get the better jobs. In many cases, the untouchables are reduced to collecting carrion for their food.

The Shudras are for the most part the peasant community and the agrarian workers of India, although the lower castes of the Shudras are often not much better off than the untouchables. Theirs is a two-way struggle; upward against the entrenched positions of the higher classes in their attempts to increase their station in life, and downward against the rising expectations of the untouchables. The Shudras are occasionally allowed some mobility of caste, for it is the custom among some of the Vaishya castes to choose their wives from among the Shudras. The mobility is not reciprocal, however, for the Shudra men are not allowed to take wives from among the Vaishyas. The enfranchisement of the Shudras and the untouchables has given them great power since between them they constitute the majority of the Indian people and therefore hold the balance of the elections within their grasp.

There are privileges to be enjoyed by the upper castes, such as the control of the government by the Brahmans. Similarly, the Vaishyas, the traditional merchant caste of India, continues to dominate the economic field which they share with the Kahatriyas, who were the traditional warriors and rulers of ancient India. This does not suggest that all members of the government are Brahmans to the complete exclusion of the other castes, for there have been members of the cabinet who were untouchables and there has been a Muslim President in India. But a Brahman has an advantage in seeking a government job, for example, since there is a tendency to treat one's own caste with favor. Similarly, in the business world, the son follows the father, and the members of a caste will turn to those of the same caste as themselves when seeking new recruits for the firm or the industry or when applying favor on a contract or an investment. Discrimination not obvious on the surface is often subtly observed. Two men, of different castes, may work side by side at the same job, but the man of the lower caste would hesitate to approach his social better on an equal basis, using instead a humbling attitude in deference to his superior. The law, however egalitarian, cannot change the minds of the Indian people who prefer to maintain their caste system.

Just as there is a wide gulf between the law and the intention of the law to abolish discrimination and the caste system on the one hand, and the continuance of the discrimination and the maintenance of the caste system in practice on the other hand, there is also a chasm between Indian practice at home and the espousal of egalitarian causes abroad. As an illustration, the Indian Government has, in the past sessions of the United Nations, voted with the majority of the nations in condemning the practice of apartheid in South Africa. But it would appear to many observers that the practice of apartheid in its broadest context is little different from the practice of the caste system within India. In another example, the Indian Government has supported the United Nations resolutions which seek sanctions against the Rhodesian regime, even suggesting the use of armed force to end the white rule in Rhodesia. But the law within the nation of India has not been enough in itself to remove discrimination, no matter how forcefully it is applied. India has also advocated the adoption of the human rights conventions and has voted for the conventions in the United Nations, but the state of India cannot offer the same guarantees of human rights to its own people. India has condemned the colonial practices of Portugal, even attacking, conquering, and annexing, yet India allows a form of colonialism within its own boundaries.

The caste system in all its forms continues to influence the people of India. It is a paradox of history that India, outspoken in its criticism of social systems elsewhere around the world, cannot secure for its own people freedom from the practice of discrimination, any more than it can from hunger.

I include in my remarks a newsclipping stating the Indian position on free and independent Rhodesia:

[From the India News, Mar. 27, 1970]

WITHDRAWAL OF U.S. REPRESENTATION FROM RHODESIA WELCOMED

India has welcomed the decision of the Governments of the U.S., France, the Federal Republic of Germany, Italy, the Netherlands, and Norway to withdraw their consulates from Salisbury.

Mr. Surendra Pal Singh, Deputy Minister for External Affairs, gave the Government's views in a statement in the Lok Sabha (Lower House of Indian Parliament) on March 12. He said: "We consider the act of the racist regime to declare itself a Republic as totally illegal."

"We hope that it will not be recognized by any civilized nation in the world. We also hope that all the states, which continue to maintain diplomatic, consular, economic or military connections with Rhodesia, will sever their connection with it. In this connection, we are happy to note that the governments which had representation in Rhodesia, such as the U.S.A., France, the Netherlands and Norway have decided to withdraw their consulates from Salisbury.

"We are convinced that the illegal regime would not have survived if all members of the United Nations had strictly observed the general and mandatory sanctions adopted by the Security Council. Keeping in view the fact that these sanctions have not succeeded so far, we believe that full support to UN resolutions by all member-states including the use of force by Britain, is the only way to establish the legitimate rights of the people of Zimbabwe."

AND CHARLES EVERS: A CASE IN POINT

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1970

Mr. DIGGS. Mr. Speaker, under leave to extend my remarks, I include the following editorial:

AND CHARLES EVERS: A CASE IN POINT

Turning from what is cumulative and comprehensive—and no less real or pernicious for that—let us take up cases. Let us consider for a moment what his countrymen and his government have said to Charles Evers, who is the black mayor of Fayette, Miss. Mayor Evers is of course a lot more than that. He was born 47 years ago and raised poor in Decatur, Miss. He served in World War II as an army volunteer in the Pacific and again, in the Korean war, as a reservist. He took a bachelor of arts degree at Alcorn College, and in 1951, with his brother Medgar, he undertook a membership drive in Mississippi for the NAACP. That was to cost him his livelihood: because of his NAACP connection he was forced out of business in Philadelphia, Miss. It was also to cost his brother his life: Medgar Evers was murdered in Jackson on June 12, 1963, and Charles Evers, then living in Chicago, came home and assumed his dead brother's job as field secretary for the NAACP in Mississippi.

One hears a great deal about blacks who have been provoked and abused into despair, a great deal about black men and black women who have been forced to the conclusion that separatism or violence or both are the only solutions available to them. On the basis of his experience, Charles Evers would seem a likely prospect for this turn of mind. His recollections of family suffering and humiliation at the hands of white neighbors when he was a boy are vivid; his brother and the political leaders he followed—both Kennedys and Martin Luther King—were murdered; his every attempt to obtain for himself and others the simplest, most fundamental forms of equal justice in his state have been systematically and viciously fought by its citizens and its leaders. And yet this is a man who can still say that he "loves" Mississippi and that he "loves" his country and that he is bent on making justice work—within the system, by means of the traditional American political processes.

Charles Evers has had almost as much trouble on this count from those he describes as the "black extremists" as he has had from his white compatriots. But he has rejected the ridicule and pressures of this one and the ominous warnings of the other. His crime (in the eyes of both) has been his single-minded pursuit of political equity and racial understanding through the instruments of government that are theoretically available to all. A patient campaign led to the accreditation of his delegation at the Democratic convention in Chicago, and he was a stalwart among those who insisted that the delegation and the party it represented be black and white—not just black. His prodigious efforts to take advantage of the Voting Rights Act of 1965 via registration and get-out-the-vote drives and via the fielding of a number of candidates, led to his election as mayor of Fayette last year. None of this was done without risk, but his observations upon election and since have been wholly lacking in any of the vengeance or retaliatory spirit that he might easily have indulged had he wished. On the contrary, Charles Evers declared that his policy for the community he served would be one aimed at economic betterment for all citizens—black and white—and that there would be no racial violence from any quarter tolerated. "We're not going to do to white people what they've done to us," he said. "We're going to have law and order and justice." And again: "We've got to prove to this country we can work together. I know we can."

You would think that the kind of spirit and sense Charles Evers has shown would gain him allies and admirers in high places. But something quite different has occurred. One of the Nixon administration's first acts in the civil rights field was an attempt to eviscerate the Voting Rights Act, the legislation to which Mayor Evers and others could point as evidence that the system might be made to work. Then it pulled out the rug in Mississippi from under those of both races who, like Major Evers, had persisted in championing the worth of desegregating state institutions as a means of achieving racial amity and common justice. It sent Vice President Agnew to Jackson to titillate the fancy of his audience ("The point is this—in a man's private life he has the right to make his own friends . . . men like John Stennis and Jim Easterland have fought with great determination in Washington to preserve the strength and stability of this country . . . we believe that civil rights must be balanced by civil responsibilities . . ." and so on.). Now we learn that Mayor Evers, with the assistance of HEW staff, not long ago put in for an HEW grant to begin a comprehensive health program for his county—the nation's fourth poorest—and an adjoining county. And we learn too that the state's Republican chairman wrote a letter to Washington opposing it and that the grant has been refused.

What are men like Charles Evers to think of an administration that seems at pains to undercut everything that offers hope of achieving progress through the legitimate means and channels of government? Statements on school desegregation, anxious inquiries of selected visitors as to whether and why the administration has a "racist" image are at this point of secondary importance. If, as we believe, the first order of business for Congress is the rejection of Judge Carswell's appointment, so the first order of business for the White House is to cease undermining the legislative gains of the past and undercutting those men and women who are smart enough and brave enough to use them. The President must make plain that when he and his spokesmen talk so lovingly about the "people of the South" they mean *all* the people of the South, including such distinguished people as Charles Evers.

BYELORUSSIAN INDEPENDENCE

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1970

Mr. MINISH. Mr. Speaker, on March 25, Byelorussians everywhere in the free world celebrated the 52d anniversary of the proclamation of independence of the Byelorussian Democratic Republic, for it was on that date in 1918 that the Council of the First All-Byelorussian Congress made its stirring proclamation.

This anniversary is significant to Byelorussians, reminding them as it does of their day in the sun. Unfortunately, Byelorussians living in their native land today are denied the opportunity to mark this occasion so important to them. They are prevented from celebrating the memory of their declaration of freedom, and have been ordered to substitute the observance of the 100th anniversary of the birth of Vladimir Ulianoff in place of their national celebration of independence. Vladimir Ulianoff, otherwise known as Lenin, was the former leader of the Russian Bolshevik Party and head of the Soviet Russian Government. He does not signify in the least the hopes of freedom and sovereignty the Byelorussians cherish.

I want to remind my colleagues that the Byelorussian nation today suffers from a deprivation of most of its human rights and freedoms, the very rights proclaimed earlier by the Byelorussian Democratic Republic. Nonetheless, the stanch Byelorussians have kept hope alive, and believe that they eventually will be restored their independence. Their patience and steadfast resolve must not go unrecognized. It is my hope that their longstanding desire for freedom will soon be granted.

SCHWENGEL PRAISES AMANA MEAT MARKET

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1970

Mr. SCHWENGEL. Mr. Speaker, there has been a good deal of controversy in my home State regarding the need for Federal meat inspection. Without wishing to get embroiled in the controversy itself, I would like to take this opportunity to reaffirm my faith in the Amana Meat Market which seems to have borne the brunt of the controversy. The following editorial, which appeared in the Cedar Rapids Gazette on January 5, and the letter from K. L. Boynton which appeared in the People's Forum on the same date indicates the high regard in which the Amana Meat Market is held. I concur in the comments in this respect which are contained in the editorial and the letter:

AMANA MEANS QUALITY

Down through the years the Amana Society has won a well-deserved nationwide reputation for the quality of its products. Amana-made furniture is considered of heirloom status. Amana-woven woolen goods are much sought after. Amana-manufactured freezers, refrigerators and air conditioners are sold throughout the world. Visitors come from far and wide to taste Amana's fine wines, to sup at its many excellent restaurants and to take home meat and bread specialties.

Amana's people worked long and hard to build this reputation and, once earned, they have continued to work long and hard to maintain it; to make certain the standards that helped to win it are not lowered.

That's why the charge against the Amana Society meat market by a state agriculture department inspector came as a surprise. The Amana people, as much as any of us, are interested in sanitary conditions in their meat market. If there are some things that need to be changed, they are willing to change them. But, caught in a political crossfire between federal inspectors who give them a clean bill of health, and a state inspector, who didn't, it is an admittedly frustrating experience.

That there are political overtones in this unfortunate situation cannot be denied. Secretary of Agriculture Liddy, who thinks the state needs no federal assistance to inspect certain of its meat plants, obviously set out to prove state inspections to be more thorough than federal inspections. He did it in the home congressional district of State Sen. Edward Mezvinsky (D-Iowa City) who has championed federal inspections for Iowa.

But that's water over the dam. Political stump speeches won't work here. The Amana people have a right to know what, if anything, needs to be done to meet federal and state standards and be given a chance to do it—which is the approach the state inspector should have used in the first place instead of involving the Society in a political fight.

AMANA MEAT MARKET PRAISED

MANCHESTER

TO THE EDITOR: We travel a hundred miles from our base here in Manchester to buy meats at the Amana meat market because of the top quality of their product and their high standards of cleanliness.

We always find the shop spic and span, a pleasure to go into, and in talking with other visitors in the market who have just come from a tour of the plant and who are waiting to buy products to take home with them, we find that they too are impressed with the ship-shape and clean manner in which everything is done.

The real test is met in the food itself: Amana Market meat is so fresh and clean that it holds its quality longer in the freezer. . . .

We are old customers of Amana meat market, and will continue to buy their products with pleasure and confidence.

K. L. BOYNTON.

SOUTH AFRICAN THREADS AMONG THE GOLD

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1970

Mr. FRASER. Mr. Speaker, the gentleman from Milwaukee (Mr. REUSS) has again made a notable contribution to our knowledge about international monetary matters. I refer to his March 20, 1970, Commonweal article which criticizes the U.S. Treasury's agreement with South Africa and the International Monetary Fund to support the price for South African gold production. Mr. Reuss, chairman of the Banking and Currency Subcommittee on International Finance and a member of the Joint Economic Committee, is one of our most informed Members concerning international finance. I commend his article to this body. It is a lucid and devastating commentary upon a very questionable decision. The article follows:

SOUTH AFRICAN THREADS AMONG THE GOLD

(By Hon. HENRY S. REUSS)

The United States Treasury apparently just can't stand prosperity. No sooner had the world monetary system won the war by South Africa to force the free market price of gold dangerously out of sight than the Treasury, last December 30, concluded an agreement with South Africa and the International Monetary Fund whereby the IMF—and ultimately the United States—will support the price of South African gold by buying it at $35 an ounce whenever the price dips below that figure in the free market.

To understand the meaning of the year-end gold agreement, let us look at the history of gold and the dollar in the last 25 years. Under the 1945 Bretton Woods Charter on which the international monetary system is based, the United States agreed to sell gold to official foreign monetary authorities for $35 an ounce. The U.S. gold reserve was then some $20 billion, and foreign dollar claims against it were only $7 billion. Thus it looked as if the United States could support this vestige of the gold standard without embarrassment to itself.

But for the last 20 years the United States has been losing gold and accumulating short-term debts it owes foreigners. Today our gold stock is $11.9 billion, and the dollar claims outstanding in foreign hands are $42.6 billion. This four-to-one bookkeeping "insolvency" exposes us to pressures which caused us seriously to retard economic growth in the first half of the 1960's and to impose undesirable controls on American investment and aid in more recent years.

Countries like France have a long history of using financial power for political purposes. France withdrew funds from Austria in 1931 to pressure Austria into avoiding union with Germany—a move that led to the collapse of the Credit-Anstalt bank in Vienna, which in turn led to a collapse of the international monetary system and in part to the rise of Hitler.

More recently, in the mid-1960's, France embarked upon a campaign to harass the dollar. If the United States were forced to give up her gold for French-held dollars, the French authorities reasoned, a panic could well be started which could induce the United States to bolster her flagging reserve position by doubling the price of gold. Thus the French gold speculators would be rewarded in their speculation.

France's efforts to have the price of gold doubled were vigorously joined in by the largest gold producer, South Africa, which today produces three-fourths of the world's newly mined gold. The Soviet Union, the other large gold producer, sat by, hoping that the effort to raise the price of gold would succeed.

These efforts to torpedo the dollar came to a climax in the winter of 1967–1968. The time was propitious, because international financial markets were unsettled by the devaluation of the pound sterling in November, 1967, and by the disastrous fourth-quarter United States balance of payments deficit. The United States, the United Kingdom, and other members of the "gold pool" poured gold into the London market, trying to prevent the speculators from raising the price to well above $35. The fear was that if the free market price of gold went to around $50 an ounce, central bankers would sell their gold in this market for a profit, replace it from the United States at $35 an ounce by presenting their dollars, and then repeat the process until the United States was forced to raise the price of gold. The gold pool poured some $3 billion of gold into the London market within a few weeks. But the price of gold continued to go up, and a catastrophe loomed ahead.

But then, in the nick of time, the seven gold pool countries framed the March 17, 1968, Washington two-tier gold agreement. Professor Richard Cooper of Yale, adviser to both the Johnson and Nixon Administrations, describes that agreement: "To prevent further losses, in March 1968 the pool took the far-reaching step of allowing the market price of gold to go free. The intent of this action was to divide gold into two commodities, one for monetary purposes and one for private uses. All new gold was to be directed to private uses; central banks agreed neither to sell nor to buy gold outside the monetary system. It was as if all monetary gold on March 17 were painted indelibly blue, with the claim that no new gold would be so painted in the future. This blue gold could transfer among central banks in settlement of international debts at a value of $35 an ounce. Metallic gold could sell in the market like any other non-ferrous metal, the price reflecting a balance between supply and demand for private uses. This division of markets was to be policed by the refusal of the U.S. Treasury, the only government committed to buy and sell gold for its currency, to deal in gold with those central banks that traded in gold with the private sector."

Within a few weeks the United States had obtained the adherence to the two-tier gold agreement of more than 80 countries—everybody important but France and South Africa. South Africa for more than a year—until mid-1969—tried to break the agreement by playing the old monopolist game of withholding its product from the market. The free market price of gold accordingly shot above $40 an ounce.

South Africa needs to sell practically all her annual gold production—around $1 billion—in order to overcome her normal balance of payments deficit, also about $1 billion. By keeping her gold off the market, she was able to force the price up, in the hope that central banks would depart from the two-tier agreement and once again threaten the United States with the necessity of doubling the price of gold, or else. But to South Africa's disappointment, the central banks (with one unimportant exception, Portugal) held firm and refused to buy. Thus South Africa, desperate for foreign exchange, was forced to sell gold on the free market in the second half of 1969. The price of gold promptly declined, ending up below $35 an ounce.

You would have thought that the United States Treasury would be rejoicing that the war had been won. There were problems, but they could have been easily handled.

The first problem was that some central bankers were understandably queasy at the prospect of their cherished gold reserves declining in value below $35 an ounce. Their citizens might well question the wisdom of their money managers, who put so much of the nation's reserves into such a fragile commodity as gold. These legitimate fears of central bankers could well have been stilled had the U.S. taken the lead in asking the IMF to guarantee the $35 an ounce value of all legitimate monetary gold.

A second concern was that the world's central bankers might begin to welsh on the March, 1968, two-tier agreement, and openly or clandestinely buy and sell gold in the private market in order to make a quick profit. The House-Senate Subcommittee on International Exchange and Payments pointed out that the Treasury had a splendid weapon for dissuading foreign central banks who might be tempted to violate the March, 1968, agreement. As the Subcommittee recommended: "The Secretary of the Treasury could condition his purchase of gold from a foreign monetary authority on the latter's assurance that it had not obtained 'bootleg' gold, whether newly mined or hoarded, from the private market. This Treasury 'condition' would be intended to, and in all likelihood would in fact, discourage foreign official purchases of 'bootleg' gold because of the knowledge that to do so would cause the withdrawal of any U.S.-financed floor."

The Subcommittee went on to warn that "the U.S. Treasury should under no foreseeable circumstances agree to support—either directly, through the IMF, or by sanctioning the purchases of other industrial countries—the free market price of gold."

RECOMMENDATION IGNORED

The Treasury chose to ignore the Subcommittee's recommendation—as of course it has

a legal right to do. On December 30, 1969, with Congress safely out of session, the Treasury entered into the agreement with South Africa. Under that agreement, South Africa will sell its current gold output in the private gold markets when the price is above $35 an ounce (an agreement of doubtful value, since South Africa had just established that it, for all practical purposes, has to do this in any event in order to avoid a balance of payments crisis for South Africa). When the price is below $35 an ounce, South Africa will be able to sell the IMF whatever amounts of gold are needed in order to pay for South Africa's trade and investment. The IMF would immediately unload its gold to its members. As the only country in the world committed to buy gold at a fixed price, the United States thus undertook an open-ended commitment to act as a purchaser of last resort for any South African gold entering the international monetary system. The agreement concluded, South Africa Finance Minister Nicolaas Diederichs went home to Pretoria, to well-deserved applause.

What is puzzling is that the United States Treasury also apparently expected applause for its agreement. The official Treasury justification for the agreement was that it was "essential to the preservation of the two-tier 1968 agreement." But the 1968 agreement, as Professor Cooper has described it, was to retain existing monetary gold in the system, but not to add to it. Every ounce of South African gold added to official monetary reserves weakens the two-tier agreement. Already the IMF has been purchasing South African gold under the December 30, 1969, agreement, since the free market price has remained below the $35 an ounce level.

Americans were shocked to hear some months ago an American major described the leveling of a South Vietnamese village: "In order to save it, we had to destroy it." Apparently this reasoning appeals to the Treasury: in order to save the two-tier agreement not to introduce new gold into the system, we have to introduce new gold into the system!

The December 30, 1969, agreement is unwise for at lease four reasons:

1. It gives speculators against the dollar a new lease on life. South Africa is given a direct never-below-$35 guarantee. Private speculators, and the Soviet Union, will get the spin-off encouragement that the South African agreement will tend to produce some floor on the free price of gold higher than otherwise would be the case. It thus improves their speculative abilities.

2. January, 1970, saw the distribution of $3.5 billion in paper gold—Special Drawing Rights—by the IMF to its members. This constructive new arrangement is designed to produce an orderly and controlled influx of new reserves into the system, one that will avoid both inflation and deflation. What becomes of the orderly SDR arrangement now that SDR's will be supplemented by uncontrollable amounts of new South African gold coming into the system?

3. The December 30, 1969, agreement rubbed salt in the wounds of the less developed countries. They were understandably distressed because two-thirds of the new SDR's—manna from heaven, in that they do not require the transfer of real resources from the countries receiving them—went to the wealthy developed countries. Stung by the deterioration in the export prices of their basic commodities, such as coffee, cocoa and tin, they succeeded in the September, 1967, Rio meeting of the IMF in getting a resolution adopted dealing with "the decisive importance of the stabilization of prices of primary products at a remunerative level for the economic advancement of the developing countries."

The IMF's first move on "stabilization of primary products" is the December 30, 1969, agreement to stabilize the price of the primary product, gold, of South Africa. That wealthy South Africa is a nation which pursues apartheid as a means of maintaining the control of a white minority over an increasingly persecuted and revolutionary black majority does not make the discrimination any easier to bear.

4. From the standpoint of the United States citizen, the December 30, 1969, agreement exposes us to losing real resources—goods and services that Americans produce by the sweat of their brows—in order to buy gold needed not for legitimate monetary reserve purposes, but to please South Africa. More, this South African gold will be paid for not by the ordinary method of asking for a congressional authorization and appropriation of the necessary millions or billions, but by simply printing the dollars that are used to make the sale. As University of Chicago Professor Milton Friedman has said: "The Treasury is authorized to create money to pay for gold it buys, so that expenditures for the purchase of gold do not appear in the budget and the sums required need not be explicitly appropriated by Congress . . ."

All told, the Treasury's December 30, 1969 agreement is a large step backward. The Congress is unhappy about it. Quite a few citizens and taxpayers, when they study the agreement, will be unhappy about it too.

JUDGES CONFERENCE ON THE FUTURE OF THE WORLD COURT

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1970

Mr. FINDLEY. Mr. Speaker, on April 4, 1970, the Center for International Studies and the School of Law of New York University will sponsor a conference of judges, drawn from both American and Canadian national courts and the International Court of Justice to discuss "The Future of the World Court." The need for re-evaluation of the Court's role is apparent since, at the present time, there is not a single case remaining on the Court's docket.

This conference is predicated on the theory that insight into the adjudicative process gained by experienced judges in national courts can be used to solve the problems of adjudication at the international level. In a world of controversy, of disputes which constantly dissipate national resources and threaten humanity with extinction, law must play a role, alongside politics, in reducing the level of tension and ameliorating the risks. If law is to play such a role, there must be a forum in which legal arguments can be made and in which a judiciary, freed of political constraints, can develop reasoned principles and make just decisions.

It is not an easy matter to develop such an institution in a world climate of jealous state sovereignty, of deep ideological cleavages, of cultural diversity and political polarization.

It is thus particularly meaningful and appropriate that judges of the World Court should be turning for advice to leading members of the United States and Canadian judiciaries. Both operate in federal systems which continue to feature elements of state sovereignty, cultural diversity, and political polarization. In both countries, the Federal judiciary has had ample occasion to experience the problems inherent in such circumstances, yet the federal judicial systems in Canada and the United States have been singularly effective in developing the content of law while also developing a respect for judicial institutions.

On this basis, a comparison of different facets of national and international judicial experience may reveal areas in which the national judicial experience can provide guidance for developing the International Court of Justice into a credible forum in international adjudication. It is particularly gratifying that at this conference on "The Future of the World Court" the executive branch of the Government of the United States, as well as our judiciary, will be working with the judges from the International Court of Justice to find solutions to the problems of the Court's effectiveness. The State Department will be represented by its distinguished legal adviser, Mr. John R. Stevenson, a former president of the American Society of International Law and by the counselor in the Office of the Legal Adviser, Louis D. Sohn, who as Bemis Professor of International Law at Harvard Law School, has long and imaginatively dealt with the problems of creating a world order based on the rule of law.

Among the members of the judiciary participating in the discussion are:

From the International Court of Justice:

Manfred Lachs of Poland (to act as chairman of the conference).

Eduardo Jiménez de Aréchaga of Uruguay.

Hardy Cross Dillard of the United States.

Louis Ignacio-Pinto of Dahomey.

Philip C. Jessup of the United States.

John Erskine Read of Canada.

From the United States:

William O. Douglas, U.S. Supreme Court.

Frank M. Coffin, U.S. Court of Appeals, First Circuit, Portland, Maine.

George Clifton Edwards, Jr., U.S. Court of Appeals, Sixth Circuit, Detroit, Mich.

Walter Ely, U.S. Court of Appeals, Ninth Circuit, Los Angeles, Calif.

Harold Leventhal, U.S. Court of Appeals, District of Columbia, Washington, D.C.

Harrison L. Winter, U.S. Court of Appeals, Fourth Circuit, Baltimore, Md.

John Minor Wisdom, U.S. Court of Appeals, Fifth Circuit, New Orleans, La.

J. Skelly Wright, U.S. Court of Appeals, District of Columbia Circuit, Washington, D.C.

Dudley B. Bonsal, U.S. District Court, Southern District of New York.

Edward Weinfeld, U.S. District Court, Southern District of New York.

Oscar H. Davis, U.S. Court of Claims, District of Columbia, Washington, D.C.

From Canada: Bora Laskin, Supreme Court of Canada.

Out of these high-level deliberations I hope will come ideas that will reactivate the Court. More to the point of this meeting, I hope there will emerge new initiatives on the part of this country to apply concern for law and order to

the international level and to increase our use of the World Court.

It was just this concern over the ineffectiveness of the World Court which prompted me in the fall of last year to write to Judge Philip C. Jessep, the U.S. Judge on the Court and ask him for the opportunity to meet with him and some of the other officials to the Court.

On October 19, 1969, several Members of Congress accompanied me on a trip to the World Court. Those who met with Justices of the Court included Senators PELL, of Rhode Island, EAGLETON, of Missouri and JAVITS, of New York, and Representative QUIE, of Minnesota, and myself.

In addition to Judge Jessup of the United States, these judges were present: Jose Bustamente, former President of Peru, Sir Gerald Fitzmaurice, of Great Britain, Andre Gros, of France, Mandred Lachs, of Poland, Charles Onyeana, of Biafra. Mr. Onyeana was careful to identify himself as being from Biafra, not Nigeria. Clearly, he was a partisan in the Nigerian civil war. Also present was Stanley Aquarone, of Australia, Court registrar.

This meant that our circle included six of the Court's 15 Justices, nearly one-half the total.

In a sense, the turnout may have been less a tribute to the drawing power of our congressional group than to the somber fact that the Court judges had very little else to do.

The Court had only one case on its docket, adjudication of the Barcelona Traction case. That case has since been completed and the Court now has no litigation before it.

We asked why there was no business.

The French jurist supplied this answer: He said governments, like people, dislike litigation and avoid it when they can. He said governments, like people, dislike getting themselves into circumstances in which they may be the loser.

Others gave what may be a more fundamental reason: The foreign office or State Department officials simply prefer not to place matters before the Court. It is not the accustomed way to deal with problems. To an appalling extent, I am afraid, our Department of State could accurately be named the Department of Status Quo when it comes to making the World Court a useful tribunal.

In any case, the World Court gets business only if all parties to a dispute agree to place before it a matter at issue, and this rarely occurs.

In other words, the Traction case went to the Court only because the Government of Spain and the Belgian interests which had originally owned the company agreed to let the Court make the settlement.

The Court itself is housed in a magnificent structure called the Peace Palace. It was financed by Andrew Carnegie in a brief peaceful interlude before the outbreak of World War I.

The courtroom is appropriately colorless, dusty, and musty. Like the palace, the Court is largely a tourist attraction.

Actually, the Court has had success as far as its record goes. Of 60 cases since the Court resumed its work after World War II, the Court's decision has been carried out fully in every decision but one.

But today the world's highest tribunal is a pathetic institution. What is more pathetic is the state of world affairs that has made it so.

What can be done?

Several suggestions developed from our discussion:

First. The availability and high quality of the tribunal should be called to public attention—and especially to governmental attention—at every opportunity. When problems arise, no one seems to think of the Court as a place of settlement.

Second. The Court should be utilized for advisory opinions. Although not binding, these opinions can, nevertheless, be influential. The Court's statute should be changed to permit individual governments to request advisory opinions. Only the U.N. General Assembly or Security Council can presently make such requests.

Third. Future treaties should contain language bringing disputes arising from them under the Court's jurisdiction. This would remove uncertainties caused by the Connolly reservation.

Never in human history has the world had such great need for an international tribunal where disputes are settled, not by force or arms—or by lesser forms of power politics, but by the application of legal principles and precedents through a judicial process of hearings, testimony and cross-examination.

Nowhere is the need more clearly evident than in the Middle East, where clouds of war gather ominously.

Two years ago during the hostilities between Israel and its Arab neighbors, I urged that the United States use its influence to get the major parties in the dispute to place all the complex legal issues there involved before the World Court for adjudication. The issues are complex. Many go back as far as the Palestinian period. They involve refugee questions, seized and destroyed property, boundaries, and right of access. Neither side is without fault or responsibility, but feeling is so intense that a rational solution through negotiation between the parties seems out of the question.

The World Court provides a safe, face-saving fair way out of the present dilemma. If all parties agreed in advance to the Court's adjudiction of particular issues, most likely each would eventually confront a Court order not entirely to its liking. But because of the circumstances of the settlement—the process of adjudication as opposed to arbitration—the outcome would be one which each could defend back home with a minimum of repercussions.

A Jewish rabbi described my proposal as an appeal to reason. I like that description. Put another way, it is a proposal for peace in the Middle East through the application of legal principles and due process.

I have suggested similar measures in respect to the *Pueblo* crisis and the legal issues involved in Vietnam. I made the same suggestion regarding the dispute over the expropriation of an oil company by Peru. As a sovereign nation, Peru has the right to take the property, but it also has the obligation to make a fair settlement. Why not place the whole question before the World Court?

The sad truth, a truth which our trip to The Hague confirmed, is that our State Department and the foreign offices of other countries in the past have had almost no interest in utilizing the World Court.

I hope that initiatives such as this conference can provide the spark which will encourage all governments to warm up to the World Court and recognize its potential for peace.

DAM OUTRAGE

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1970

Mr. McCLOSKEY. Mr. Speaker, the April 1970 issue of the Atlantic contains a perceptive article on the Corps of Engineers which I place in the RECORD at this point for the permanent reference of our colleagues:

DAM OUTRAGE: THE STORY OF THE ARMY ENGINEERS

(By Elizabeth B. Drew)

As times change so do the nation's needs and priorities. But the Army Corps of Engineers just keeps rolling along as it has for decades, working one of the most powerful lobbies in Washington, winning more than $1 billion a year from the Congress to straighten rivers, build dams, and dig canals that frequently serve only narrow interests and too often inflict the wrong kinds of change on the environment. Here the *Atlantic's* Washington editor tells how the Engineers do it, and suggests that a changing public opinion may at last force a change in their habits.

The St. Croix River, one of the few remaining wild rivers in the nation, forms a stretch of the border between Wisconsin and Minnesota before it runs into the Mississippi below Minneapolis. Not long ago, Senator Gaylord Nelson of Wisconsin discovered that the Army Corps of Engineers was considering the construction of a hundred-foot-high dam on the St. Croix. At the same time, Nelson and Senator Walter Mondale of Minnesota were trying to win legislation that would preserve the river in its natural state. Nelson took the unusual step of going before a congressional committee to oppose a Corps project in his own state. "The Corps of Engineers," he said, "is like that marvelous little creature, the beaver, whose instinct tells him every fall to build a dam wherever he finds a trickle of water. But at least he has a purpose—to store up some food underwater and create a livable habitat for the long winter. Like the Corps, this little animal frequently builds dams he doesn't need, but at least he doesn't ask the taxpayer to foot the bill."

Few politicians publicly criticize the Corps, because almost all of them want something from it at some point—a dam, a harbor, a flood-control project. A combination of Corps diplomacy and congressional mutuality keeps most of the politicians content, and quiet. The overwhelming majority of Corps projects are attractive federal bonuses, given free of charge to communities—some local contributions may be involved in small flood-control or municipal-water-supply projects—and therefore they are highly prized. "They take care of all of the states," said one Senate aide. "If there's water in a faucet in one of them, they'll go in there and build a dam."

There is no question that the civil works program of the Army Corps of Engineers, viewed over its long history, has benefited the country. It has made waterways navigable and provided hydroelectric power and flood control. Communities to which it has brought help have been genuinely grateful. Now, however, it is a prime example of a bureaucracy that is outliving its rationale, and that is what is getting it into trouble. As the Corps, impelled by bureaucratic momentum and political accommodation, has gone about its damning and dredging and "straightening" of rivers and streams, it has brought down upon itself the wrath of more and more people disturbed about the effects on the environment. A secret poll taken by the White House last year showed environmental concerns to be second only to Vietnam in the public mind. This rather sudden general awarencss of the science of ecology—the interrelationships between organisms and their environment—has brought projects which disturb the environment and the ecology, as Corps projects do, under unprecedented attack. The Corps' philosophy, on the other hand, was recently expressed in a speech by its chief, Lieutenant General F. J. Clarke. "With our country growing the way it is," he said, "we cannot simply sit back and let nature take its course."

Criticism of the Corps and what its programs are all about is not based solely on environmental issues. The broader question, given the claims on our national resources, is whether it makes sense to continue to wink at traditional public works programs, and the self-serving politics which sustain them. The nation is now committed, for example, to making Tulsa, Oklahoma, and Fort Worth, Texas, into seaports, although each is about 400 miles from the sea, at costs of at least $1.2 billion and $1 billion respectively. There are other questions that might be raised at this point, such as whether subsidizing the barge industry should be a national priority; or whether we want to continue to dredge and fill estuaries and build flood-control projects for the benefit of real estate developers and wealthy farmers. The Army Corps of Engineers and its work have been a very important force in American life, with few questions asked. Yet it is not fair simply to castigate the Corps, for the politicians have made the decisions and the public has gone along. General Clarke had a point when he said that the Corps is being put "in the unhappy and, I can't help feeling, rather unfair position of being blamed for presenting a bill by people who have forgotten that they ate the dinner."

The Corps is part of a growing hodgepodge of federal bureaucracies and programs that work at cross-purposes. The Department of Agriculture drains wetlands while the Department of Interior tries to preserve them. The Corps dams wild rivers while the Department of Interior tries to save them. The Corps and the Bureau of Reclamation in Interior provide farmlands for crops which farmers are paid not to produce. The government spent $77 million to build the Glen Elder Dam in Kansas, a Bureau of Reclamation project which provided land to produce feed grains, for which the government pays out hundreds of millions of dollars a year to retire. The Tennessee Valley Authority is also still building dams, and it does strip-mining.

But of these water programs, the Corps is by far the largest. Each year Congress gives it more than a billion dollars, and each year's budget represents commitments to large spending in the future. In a deliberate effort to spread the money around, new projects are begun and ones already under way are permitted to take longer to complete, in the end driving up the costs of all of them.

The annual Public Works appropriations bill provides money for, among others, the Panama Canal, the Water Pollution Control Administration and the Bureau of Reclamation in the Interior Department, and various public power administrations, as well as the Corps of Engineers. This year it came to $2.5 billion, of which the Corps received $1.1 billion. The Corps is now at work on 275 projects. The total future cost of these will be $13.5 billion, not accounting for the customary price increases. Another 452 projects have been authorized by Congress, but have not yet been started. The Corps says that the total cost of these would be another $10 billion, clearly an under-estimation of some magnitude. For every project to which the country is already committed, the Corps, the politicians, and the local interests who stand to gain have many, many more in mind.

"DESTINY . . ."

The Corps' official history traces its beginnings to a colonel who dug trenches "in the darkness of the morning" during the Battle of Bunker Hill, and the subsequent orders of President Washington to establish a corps of military engineers and a school to train them. In 1802, the Corps was established, and West Point was designated to provide its members. The history of the Corps is interwoven with that of the country and its frontier ethic. It is a very proud agency. "They led the way," its history says, "in exploring the great West. They were the pathfinders sent out by a determined government at Washington. They guided, surveyed, mapped, and fought Indians and nature across the continent. . . . They made surveys for work on the early canals and railroads. They extended the National Road from Cumberland to the Ohio and beyond. They made the Ohio, Missouri, and Mississippi safe for navigation in the Middle West. They opened up harbors for steamships on the Great Lakes." After the war with Mexico, in which "the part played by the Army Engineer officers was impressive . . . the last segment of the great Western Empire was soon annexed. These things were all accomplished by the application of America's greatest power. That is the power of Engineering Character, Engineering Leadership, and Engineering Knowledge. All employed to fulfill our destiny." Following the Civil War, the civil works program of the Corps "was revived to benefit all sections of the reunited nation," and that is how the Corps has been fulfilling our destiny ever since. In 1936 the Corps was given major responsibility for flood control (until then largely a local function).

The major activities of the Corps are the damming, widening, straightening, and deepening of rivers for barge navigation, building harbors for shipping, and construction of dams and levees and reservoirs for flood control. It also works on disaster relief and tries to prevent beach erosion. A project can serve several purposes: building waterways, providing flood control, hydroelectric power, or water supply. As the Corps completed the most clearly needed projects in these categories, it found new purposes, or rationales, for its dams. The newer justifications are recreation and pollution treatment.

Pollution treatment (the government calls it "low-flow augmentation") is provided by releasing water from a dam to wash the wastes downstream. But there are now more effective and less expensive ways of dealing with pollution.

Recreation is provided in the form of still-water lakes behind the dam, for speedboating, swimming, and fishing. But the fish that were previously there often do not continue to breed in the stilled water. And the recreation, not to mention the scenery, of the natural river that used to be there, is gone. A flood-control channel is usually surrounded by cement banks, and the trees are cut down when a levee is built. When the water in a reservoir is let out during the dry months, or for "low-flow augmentation," the "recreation" area can become a mud flat.

These problems arise because the Corps of Engineers' mission has been narrowly defined. Other ways of dealing with transportation, power, and pollution are not in the Corps' jurisdiction, so the Corps is left to justifying what it is permitted to do. What hydroelectric power is left to be developed will make a very small contribution to the nation's power needs. The Corps builds its projects on sound engineering principles. If a highway cuts through a park or a city, or a dam floods more land than it protects, those are the breaks. A "straight" river is an engineer's idea of what a river ought to be. A talk with a Corps man will bring out a phrase like, "When we built the Ohio River . . ."

The Corps argues that having military men conduct civil works "is an advantage of outstanding importance to national defense." Actually, the military men in the civil works section of the Army Corps of Engineers represent only a thin superstructure over a large civilian bureaucracy. Most of the 1100-man uniformed Corps work solely on military construction. The civil works section of the Corps, in contrast, comprises about 200 military men, and under their direction, 32,000 civilians.

Generally, the career military engineers come from the top of their class at West Point, or from engineering schools. Once they join the Corps, they rotate between military and civil work, usually serving in the civil works division for three-year tours. The civil work is sought after, because it offers unusual responsibility and independence in the military system, and the experience is necessary for reaching the high ranks of the Corps. Through the civil work, a Corps officer can gain a sharpening of political acumen that is necessary for getting to the top. And there is the tradition: "The Corps built the Panama Canal," one officer said, "and every Corps man knows that Robert E. Lee worked on flood control on the Mississippi." It is a secure life, and when he retires, a military corps officer can get a good job with a large engineering firm or become director of a port authority.

The civilian bureaucracy is something else. The Corps, like other government agencies, does not attract the brightest civilian engineering graduates, for it does not offer either the most lucrative or the most interesting engineering careers. The Corps work is largely what is known in the trade as "cookbook engineering." A ready-made formula is on hand for each problem. The Corps' bureaucracy draws heavily from the South, where the engineers who built the first dams and controlled the floods are still heroes.

The military patina gives the Corps its professionad aura, its local popularity, its political success, and its independence. The military engineers are, as a group, polite, calm, and efficient, and their uniforms impress the politicians and the local citizens. The engineer who heads one of the Corps' forty district offices, usually a colonel, is a big man in his area; the newspapers herald his coming, and he is a star speaker at the Chamber of Commerce and Rotary lunches. But the military man gets transferred, so smart money also befriends the civilian officials in the district office. These men stay in the area, and want to see it progress. The Tulsa office of the Corps, for example, has about 1500 employees, of whom only three are military. The local offices are highly autonomous, for the Corps operates by the military principles that you never give a man an order he can't carry out, and that you trust your field commanders. If a district engineer believes strongly in a project, it is likely to get Corps endorsement. The Corps has mastered the art of convincing people that its projects are desirable, and so the projects are not examined very closely. Corps engineers are impressive in their command of details that non-engineers cannot understand, as-

siduous in publishing books that show what the Corps has done for each state, and punctilious about seeing that all the right politicians are invited to each dedication of a dam.

And so the Army Corps of Engineers has become one of the most independent bureaucracies in the federal government. The Corps' civil works section is neither of great interest to the Pentagon nor answerable to more relevant civilian bureaucracies. It makes its own living arrangements with the Congress, and deals not with the Armed Services Committees of the House and Senate, but with the Public Works Committees. Theoretically, the Corps reports to the appointed civilian chiefs of the Department of the Army, but these men are usually preoccupied with more urgent matters than Corps projects, and after a spell of trying to figure out what the Corps is doing, or even to control it, the civilians usually give up. "It was," said one man who tried not long ago, "like trying to round up the Viet Cong for an appearance on the *Lawrence Welk Show.*"

"I THINK I UNDERSTAND . . ."

The power of the Corps stems from its relationships with Congress. It is the pet of the men from the areas it has helped the most, who also usually happen to be among the most senior and powerful members, and the ones on the committees which give the Corps its authority and its money. Thus, when the late Senator Robert Kerr of Oklahoma was a key member of the Senate Public Works Committee as well as the Senate Finance Committee, he devoted his considable swashbuckling talents to winning final approval of a plan to build a navigation system stretching 450 miles from the Mississippi, up the Arkansas River, to Catoosa, Oklahoma, giving nearby Tulsa an outlet to the sea. The $1.2 billion project is said to be the largest since the Tennessee Valley Authority was built. The entire Oklahoma and Arkansas delegations, quarter-backed by a member of Kerr's staff, carried it through. The story goes that President Kennedy, having been advised to oppose the Arkansas River project, met with Kerr to seek his help on a tax bill. Kerr, not a very subtle man, told the President "I hope you understand how difficult I will find it to move the tax bill with the people of Oklahoma needing this river transportation." "You know, Bob," the President is said to have replied, "I think I understand the Arkansas River project for the first time." After Kerr's death, Senator John McClellan inherited the mantle of chief protector of the project, which reached the Arkansas-Oklahoma border last December, an event that was marked by a grand dedication.

The legislation that authorizes and appropriates the money for Corps projects encourages manipulation and swapping because of the unusual way in which it parcels out the money on a project-by-project basis. It is as if a housing bill had designated X dollars for a development here and Y dollars for a development there.

A very formal document—known around Capitol Hill as "eighteen steps to glory" explains the procedures by which a project is initiated. In actuality, what happens is that local interests who stand to gain from a Corps project—barge companies, industrialists, contractors, real estate speculators—get together, often through the Chamber of Commerce, with the district engineer and ask for a project. The Corps literature is quite explicit about this: "When local interests feel that a need exists for any type of flood control, navigation, or other improvement, it will be most profitable for them to consult at the outset with the District Engineer. He will provide full information as to what might be done to solve their particular problem, the authorities under which it might be accomplished, and the procedures necessary to initiate the action desired." Then the local groups ask their congressman, who is responsive to this particular segment of his constituency, to secure legislation authorizing the Corps to make a study of the project. Usually the Corps man is already aboard, but if not, he is not very far behind. "Sometimes," said a congressman who, like most of his colleagues, declined to be named when talking about the Corps, "the Chamber of Commerce will call me, and I'll say get in touch with Colonel So-and-so in the district office and he's over there like a shot; or the Corps will make an area survey and go to the community and drop hints that they might have a dam if they work on it." Freqeuently the project's promoters will form a group—the Mississippi Valley Association, the Tennessee-Tombigbee Association, the Arkansas Basin Development Association, and so on. The Florida Waterways Association, for example, boosters of the controversial Cross-Florida Barge Canal, has among its directors a realtor, representatives of a consulting engineering company, a dredging company, chambers of commerce, port authorities, newspapers, and a construction company. The associations meet and entertain and lobby. The Lower Mississippi Valley Association is noted for its days-long barge parties. Some twenty- to thirty-odd people from an association descend on Washington from time to time, to testify and to see the right people in Congress and the Executive Branch.

The power to authorize the study of a project, then to initiate it, and to appropriate the money for it is held by the Senate and House Public Works Committees, and by the Public Works Subcommittees of the Appropriations Committees of the two bodies. This is a total of seventy-one men; as is usual with congressional committees, a very few of the most senior men wield the key influence. It all comes down to a chess game played by the same players over the years—the committees, their staffs, and the Corps. There are always demands for more projects than can be studied, authorized, or financed, and so the Corps and the politicians are always in a position to do each other favors. One study can be moved ahead of another by the Corps if a man votes correctly. One project can get priority in the authorizing or appropriating stages. "Everyone is in everyone else's thrall," said a man who has been involved in the process, "unless he never wants a project."

The Corps has managed to arbitrate the demands for more projects than its budget can include through its highly developed sense of the relative political strengths within the Congress, and by making sure that each region of the country gets a little something each time. "We try to satisfy 10 percent of the needs of each region," said a Corps official. From time to time, the Corps has been pressed by the Budget Bureau to recommend instead the most feasible projects in the nation as a whole, but the Corps has resisted this impolitic approach. The Secretary of the Army rarely changes the Corps' proposals. The Budget Bureau does examine the Corps' proposals on a project-by-project basis, but it runs a poor third to the Corps and Capitol Hill in deciding what the Corps program should be. The President, who is but a passerby, cannot establish control over the public works process unless he decides to make the kind of major political fight that Presidents usually do not think is worth it. On occasion, the White House will oppose a particularly outrageous project—or, out of political exigency, support one. Outsiders are unable to penetrate the continuing feedback between the Corps and the congressional committees, and are insufficiently informed to examine the rationale, the nature, and the alternatives of each project.

There may have been a Corps of Engineers project that was rejected on the floor of Congress, but no one can recall it. Every two years—in election years—a rivers and harbors and flood-control authorization bill is passed by Congress, and every year, money is appropriated. It has been calculated that, on the average, the authorization bills have provided something for 113 congressional districts (or more than one fourth of the House of Representatives) at a time, and the appropriations bills for 91 districts. "We used to say," said a man involved in the process, "that we could put our mortgage in that bill and no one would notice, and then the appropriations committees would cut it by 15 percent." The most recent appropriation carried something for 48 states. On occasion, a senator, Paul Douglas of Illinois for one, or William Proxmire of Wisconsin for another, has spoken out against a particular Corps project, or the "pork-barrel" technique of legislating Corps projects, but they have not been taken seriously. "One hundred fifty-five million dollars has been spent as a starter," Proxmire once argued on the Senate floor in futile opposition to the Cross-Florida Barge Canal, "that is what it is, a starter—to make many more jobs, to make a great deal of money, and a great deal of profit. That is the essence of pork. That is why senators and congressmen fight for it and win re-election on it. Of course people who will benefit from these tens of millions of pork profit and jobs are in favor of it. That is perfectly natural and understandable. It will snow in Washington in July when a member of Congress arises and says spare my district the pork. What a day that will be."

Douglas fought rivers and harbors projects for years and then, in 1956, made a speech saying that he was giving up. "I think it is almost hopeless," he said, "for any senator to try to do what I tried to do when I first came to this body, namely, to consider these projects one by one. The bill is built up out of a whole system of mutual accommodations, in which the favors are widely distributed, with the implicit promise that no one will kick over the applecart; that if senators do not object to the bill as a whole, they will 'get theirs.' It is a process, if I may use an inelegant expression, of mutual back scratching and mutual logrolling. Any member who tries to buck the system is confronted with an impossible amount of work in trying to ascertain the relative merits of a given project."

"GROWING BANANAS"

The difficulty in understanding what a given Corps project will do, and what its merits are, comes not from a lack of material supplied by the Corps, but from an overabundance of it. A Corps report on a proposed project—the result of a survey that may take three to five years—is a shelf-long collection of volumes of technical material. Opponents of the project are on the defensive and unequipped to respond in kind.

Most of the projects that Congress asks the Corps to survey are, of course, turned down, because a congressman will pass along a request for a survey of almost anything. By the time a project moves through the Corps' Bureaucracy to the Board of Engineers for Rivers and Harbors in Washington—what the Corps calls an "independent review group"—it has a promising future. The Board is made up of the Corps' various division engineers, who present their own projects and have learned to trust each other's judgment.

The supposedly objective standard for deciding whether a project is worthy of approval is the "benefit-to-cost" ratio. The potential benefits of a project are measured against the estimated costs, and the resulting ratio must be at least one-to-one—that is, one dollar of benefit for each dollar spent (the Corps prefers the term "invested")—to qualify. There is, however, considerable flexi-

bility in the process, and at times the benefit-cost ratios of controversial projects are recomputed until they come out right. This was true of the Trinity River project to make Fort Worth a seaport, the Cross-Florida Barge Canal, and projects along the Potomac River. "There is enough room in the benefit-cost ratio," said a man who has worked with the Corps on Capitol Hill, "for the Corps to be responsive to strong members of Congress who really want a project." It has been remarked that the measurements are pliant enough to prove the feasibility of growing bananas on Pikes Peak.

There is much argument over the Corps' method of arriving at prospective benefits. For example, business that might be drawn by a project is considered among the benefits, even though there is no real way of knowing what business the project will attract and what the effects will be. The lower prices to a shipper of sending his goods by barge rather than by rail is also considered a national benefit; such a benefit may involve the fact that a wheat farmer is growing and shipping more wheat because of the lower prices, even though we do not need the wheat. The windfalls to real estate investors who have been lucky or clever enough to have bought inexpensive land—some of it underwater—in the path of a future project can turn up as a boon to us all in the form of "enhanced land values." The land, which can then be sold and developed for industrial, housing, or resort development, undergoes extraordinary value increases.

There are serious questions about how to estimate future benefits of flood control; the 1955 Hoover Commission report said that they are often "considerably overstated." In any event, in the three decades since the Flood Control Act was passed, annual losses due to floods have increased (in real prices). The apparent explanation is that the construction of flood-control dams, which cannot be built to guarantee protection against all manner of floods, do nevertheless encourage developers to build expensive properties on lands that will still be hit by floods. The protection of buildings which a flood-control dam attracts is counted as a national benefit, even though the buildings might have been built in a safer place, and there are less expensive ways to protect them. Anti-pollution treatment and hydroelectric power are counted as benefits even though there are cheaper ways of cleaning water and providing power. The benefits and costs are not compared with the benefits and costs of doing these things any other way. Promised benefits appear higher than they will turn out to be because of an unrealistic way of projecting the decline of the value of the dollar. Projected recreation benefits, which have accounted for an increasing proportion of the benefit to the nation from building these projects, are based on an assumption of how much people would be willing to pay for recreation privileges, even though they don't. The Corps lobbies to keep its parks free, in contrast to other national parks. The life of a project used to be estimated at 50 years in adding up the benefits; as fewer projects qualified, the Corps has simply shifted to a basis of 100 years. The cost of the loss of a wilderness, or a quiet river valley, is not deducted, there being no market value for that.

Since more projects are authorized than are given money to be begun, hundreds of them lie around for years, forgotten by all but the sponsors, or the sponsors' sons, and the Corps. If a project becomes too controversial, its backers can simply outwait the opponents. When old projects, sometimes thirty years old, are dusted off, they may be started without reconsideration of either the original purposes or the benefits and costs.

Once a project is begun, it costs almost invariably outrun the estimates. Project proponents, on the other hand, argue that the benefits are consistently underestimated. The Corps is very sensitive about cost "overruns." They say that one must keep inflation in mind, and that such projects get changed and enlarged as they go along. Such changes, undermining the original benefit-cost rationale, do not seem to trouble the Congress. The Trinity River project, estimated at $790 million when it was authorized in 1962, is now expected to cost a little over $1 billion, and construction has not yet begun. The increases are not limited to the controversial projects. A look at project costs in a 1967 Corps report, the most recent one available, shows "overruns" of over 300 percent.

"THE WILDEST SCHEME"

Last year, despite a tight budget policy against "new starts," money to begin the Trinity River project was included in Lyndon Johnson's final budget, and was approved by the Congress. During most of his White House years, Mr. Johnson was sensitive about bestowing federal rewards upon Texas, which had benefited so handsomely from his congressional career. Nonetheless, in the end, he overcame his scruples. The fact that he did can be credited to the persistence, and the excellent connections, of the Texas lobbyists for the project.

The major purpose of the Trinity project is to build a navigable channel from the Fort Worth-Dallas area 370 miles to the Gulf of Mexico. Like many other projects, this one has been boosted for a long, long time. It is said that Will Rogers was brought down to Texas once to make a speech in behalf of the Trinity, which is barely wet during some of the year. "I think you're right," Rogers told the Trinity Improvement Association, "I think you ought to go ahead and pave it." There have been a number of restudies of the feasibility of the Trinity project. At first it was justified on the basis of the shipping of wheat. The current justification assures a great deal of shipping of gravel, although there is some question as to the need to ship gravel from one end of Texas to the other. "It's the wildest scheme I ever saw," said a Texas politician who dared not be quoted. "They have to dig every foot of it. Then they have to put expensive locks in. You could put five railroads in for that price. I'm not carrying any brief for the railroads. You could put in a railroad and make the government pay for every inch of it and call it the United States Short Line and save a hell of a lot of money."

The Trinity River will feed barge traffic into another Texas-based waterways scheme, the Gulf Intracoastal Canal, which, when completed, will run from Brownsville, Texas, on the Mexican border, to the west coast of Florida. From there it will link up with the Cross-Florida Barge Canal, and then another channel all the way to Trenton, New Jersey. This has given the whole network a great deal of backing, which comes together in Washington through the efforts of Dale Miller, a longtime representative of a number of Texas interests. Miller, a white-haired, soft-spoken Texan came to town in 1941 with his ambitious, ebullient wife, Scooter, and took up his father's work in promoting projects for Texas. Miller represents the Gulf Intracoastal Canal Association, the Port of Corpus Christi, the Texas Gulf Sulphur Company, and the Chamber of Commerce of Dallas, for which the Trinity project is "the number-one program." He is also the vice president of the Trinity Improvement Association. ("So I have a direct interest in the Trinity at both ends.")

From the time they arrived in Washington, Dale and Scooter Miller played bridge almost every weekend with the young Corps lieutenants who lived at Fort Belvoir, just outside Washington, and now they are "good friends" with the important members of the Corps. "We move in military social circles," says Miller. "We have them to our parties, and they have us to theirs." The Millers also moved in Washington's political circles, and were close friends of Lyndon and Lady Bird Johnson's, and other powerful Washingtonians. Miller was the chairman of Johnson's inauguration in 1965. But he and his wife had the good sense to maintain bipartisan contacts. Last year they gave a large party that was described in the social pages as "50–50 Democrats and Republicans." Miller says that the coming of a Republican Administration has not hindered his work: "I just put on a more conservative tie, and I'm still in business." He works out of a suite in the Mayflower Hotel, its rooms filled with photographs of Johnson and Sam Rayburn, a harp, and a painting of the Dale Miller Bridge over the Intracoastal Canal in Corpus Christi. "It gives me an opportunity for that wonderful line," says Miller, "'I'm not too big for my bridges.'"

Miller is also president and chairman of the board of the National Rivers and Harbors Congress, an unusual lobbying organization made up of politicians and private interests who support federal water projects. The chairman emeritus of the Rivers and Harbors Congress is Senator John McClellan. Among its directors are Senators Allen Ellender of Louisiana (chairman of the Public Works Appropriations Subcommittee) and Ralph Yarborough of Texas, and Congressmen Hale Boggs of Louisiana and Robert Sikes of Florida. Other officers of the group represent industries which use water transportation for their bulk cargo—such as Ashland Oil, farmers, and the coal business—and the Detroit Harbor and dredging companies. The resident executive director in Washington is George Gettinger, an elderly Indianan who has been in and out of a number of businesses and was a founder of the Wabash Valley Association, and "learned from my cash register" the value of federal water projects. "Your directors of your churches have businesses," says Gettinger, "your trustees of your universities have businesses. Sure our people make a living in water resources, just like other people. So help me, it's time we sat down and started looking at the benefits that have derived from this program. It's one of the bright spots in solving the population problem. It has settled people along rivers so they don't have to live in the inner city. The ghettos in this country are something it's not good to live with."

COST INCREASES ON CORPS PROJECTS

Name of project	Cost estimate at time project was authorized	Amount spent through fiscal year 1966	Percentage overrun
Whitney (Texas)	$8,350,000	$41,000,000	391
John H. Kerr (North Carolina and Virginia)	30,900,000	87,733,000	185
Blakely Mountain (Arkansas)	11,080,000	31,500,000	184
Oahe Reservoir (North and South Dakota)	72,800,000	334,000,000	359
Jim Woodruff (Florida)	24,139,000	46,400,000	92
Chief Joseph (Washington)	104,050,000	144,734,000	39
Fork Peck (Montana)	86,000,000	156,859,000	82
Clark Hill (Georgia and South Carolina)	28,000,000	79,695,000	185
Bull Shoals (Arkansas)	40,000,000	88,824,000	122

In its pursuit of a solution to the urban crisis, the Rivers and Harbors Congress meets every year in Washington, at the Mayflower Hotel. Its members discuss their mutual interests and then fan out about town to talk to politicians and government officials. There is a projects committee which chooses priorities among the various proposed projects. "It asks the federal agencies about the projects," explains Gettinger. "Until the Rivers and Harbors Congress there was no kind of national clearance. Their endorse-

ment has meant so much because it comes from a group that serves without pay." The project committee holds hearings at each convention, and then it adjourns to Dale Miller's suite to decide the public works priorities. As it turns out, the projects that are mainly for navigation receive the most support. "We have no axes to grind," says Miller. "We're just in favor of development of water resources."

The nationwide coalition of interested groups keeps the momentum behind the public works program, and gives the barge industry, probably the program's largest single beneficiary, and an important national industry some seventy-five years ago, the strength to continue to win its federal largesse. Besides working with the Rivers and Harbors Congress, the barge companies have their own trade associations, which have warded off tolls for the use of the federally constructed waterways.

The only major group that opposes most Corps projects is the railroad industry, which inevitably resists federally subsidized competition. On occasion, it succeeds. It is generally believed, for example, that the railroads, working through the Pennsylvania state government, blocked "Kirwan's ditch," a controversial project named after Mike Kirwan of Ohio, the chairman of the House Public Works Appropriations Subcommittee. At a cost of almost $1 billion, "Kirwan's ditch" was to link Lake Erie and the Ohio River.

The railroads also opposed the Trinity River project, but they did not succeed. Trinity had too much going for it: Jim Wright, a congressman from Fort Worth and a friend of President Johnson's, is a senior member of the House Public Works Committee. Dale Miller, with valuable assistance from Marvin Watson when Watson was the President's appointments secretary and later when he was the Postmaster General, was able to help the representatives of the Trinity Improvement Association get a sympathetic hearing from all the important people, including the President. Balky officials were called into Postmaster General Watson's office to be persuaded of the value of the Trinity project.

Watson, as Miller put it, had "great familiarity with water projects in the Southwest." He had worked for the Red River Valley Association, and the Chamber of Commerce of Daingerfield, Texas, and then Lone Star Steel, which is located just outside Daingerfield. Watson had been a major force in securing, with the help of then Senator Johnson, a Corps water project which left Lone Star Steel with water and several of the surrounding little towns with higher taxes to pay off bonds which they had approved, in the mistaken impression that they too could draw water from the project. (It was later determined that they were too far away, and Watson became a very controversial figure in East Texas.) Watson maintained his efforts on behalf of the Red River Valley projects after he took up official positions in Washington. The Red River navigation project, to build a waterway from Daingerfield, Texas, to the Mississippi River, was authorized in 1968 to go as far as Shreveport.

After many years of success, Dale Miller's projects, like so many others, are now coming under fire because of what they will do to the environment. There is a "missing link" between the Gulf Intracoastal Canal and the Cross-Florida Barge Canal on the long way from Brownsville, Texas, to Trenton, New Jersey. The link has been authorized, but construction is being opposed. A navigation channel from Miami to Trenton already exists. "That doesn't carry a tremendous amount of tonnage," Miller says, "but it carries a tremendous amount of recreational traffic, people in their yachts and everything.

"The problem which all developers—which we are—now face is the growing awareness of environmental problems. I mean ecological change. It's a very difficult area because we don't know too much about it—what effects dredging will have on baby shrimp, or marine life. It cuts both ways. We had developed that whole Gulf part of it before anyone raised the question of the effects. Nature is much more resilient than people think it is. In dredging, you may disturb an estuary where baby shrimp and marine life were, but it didn't mean permanent destruction, just change. They were breeding somewhere else in a year. In this missing link we're going to have to satisfy the ecologists in advance, and it's going to be very difficult. I'm convinced that the developers and the preservationists are not as far apart as people think. I think the difference can be reconciled and then we can move even faster. The problem a lot of us have, paraphrasing the little-old-ladies-in-tennis-shoes approach, is that we're not dealing with the knowledgeable and experienced people in ecology, but the bird watchers and butterfly-net people who don't want anything changed anywhere, and you can't deal with them."

As the country runs out of choice land near the cities, the solution has been to fill in the adjacent waterways. Besides what such schemes do to the scenery, it is now beginning to be understood what they do to natural life. Estuaries, or those places where rivers meet the sea, provide a special balance of salt and fresh water that is essential to certain fish, such as oysters and shrimp. They also provide food and habitats for waterfowl. The damming of rivers has also damaged estuarine life. Local governments are often willing to have the estuaries dredged and filled, for this raises the real estate values, and hence the local tax base. One third of San Francisco Bay, for example, has already been filled in, most of it for airport runways, industrial parks, and areas proposed for residential subdivisions. "It is conceivable," said Congressman Paul McCloskey, who had fought for conservation as a lawyer before coming to Congress in 1967, "that by 1990 the filling of shallow waters of the Bay could reduce it to the status of a river across which our grandchildren will be skipping rocks."

In response to criticism of its easiness with granting land-fill permits, and to a recent federal requirement that the Corps consider the effects on fish and wildlife, the Corps has begun to deny some permits. One such denial, however, was challenged in court, and a district judge in Florida ruled that the Corps did not have discretion to deny a permit on any grounds other than that it would impede navigation. The case is still in the courts. The Corps argues, with some validity, that it should not be making zoning decisions for local governments. This points up the fact," said McCloskey, that some new national land-use authority must be created which will have the power to put federal zoning on waterways, historic sites, and land areas of particular national significance." Such a policy would protect such areas as the Everglades. Congressman Richard Ottinger of New York, also a man interested in conservation before it became fashionable, has been pushing legislation to require that the effects on the environment must be taken into account in any federal program which contributes to construction or issues licenses—the Corps, airport and highway programs, and so on.

"LUXURIOUS AREAS"

The Corps of Engineers public works program has been, among other things, an income-transfer program, and this is a good time to look more closely at who has been transferring what to whom. The federal government has been paying for the Corps program—or rather, all of the taxpayers have. And the Corps program consists in the main of subsidies for irrigation, navigation, and flood control. Some projects have been for the benefit of only one particular industry. Former Senator Douglas has charged, for example, that a project to deepen the Detroit River was for the benefit of the Detroit Edison Company alone, and that a project to deepen the Delaware River from Philadelphia to Trenton was to serve one mill of the United States Steel Corporation, which was quite able to pay for the project itself. An industry or developer builds on a flood plain and then asks the federal government to save it from floods. A wild river is converted for use by an industry; subsequently a federal subsidy is given to clean up the industry's pollution of the river. The barge industry is kept afloat because it is there.

Robert Haveman, an economist and author of *Voter Resource Investment and the Public Interest,* has shown that the preponderance of Corps projects has gone to three regions; the South and Southwest, the Far West, and North and South Dakota, but mainly to the South, in particular the lower Mississippi River area. Within an area, the rewards are not evenly spread. The major beneficiaries of the flood-control projects which also provide water for irrigation have been the large landholders—in particular, in the Mississippi Delta and San Joaquin Valley. These are the same landowners who are paid the largest federal farm subsidies for not growing the crops which the federal water projects make it possible for them to grow. The Corps is still preparing to produce more farmland, in the name of flood control in the Mississippi Delta region.

The Corps, in a publication called "The Army Engineers' Contributions to American Beauty," notes: "Dallas, the flood-control project for channeling the flood waters of the Trinity River through the center of town (once some of the least desirable real estate in the city) is being made into a long, winding stretch of parkway. In Los Angeles and other Pacific Coast cities built below mountain slopes, the development of attractive and sometimes luxurious residential areas has been made possible by Army Engineer projects which curb flash floods."

"AN IDEA"

The Corps established an environmental division a few years ago to advise on the environmental effects of its projects. This summer it is sponsoring a seminar on how it can better "communicate" with the public. Corps officials have been urging greater environmental concerns on the Corps members, and on their clientele, appealing, among other things, to their self-interest. In a recent speech, Major General F. P. Koisch, director of the Corps' Civil Works Division, told the Gulf Intercoastal Canal Association to listen to "the voice of the so-called 'New Conservation.'

"By and large," he said, "its advocates oppose the old concepts of expansion and development. Yet they are not merely negative, for they are willing to lavish huge sums on programs which embody their own conceptions of natural resource management. Their theories and concepts are not always consistent nor fully worked out. They are less concerned with means than with ends and goals—their vision of a better America. But they do seem to represent an idea whose time has come. So it grows clearer every day that it is up to us, who like to think of ourselves as scientific, practical men who know how to get things done, to make this new idea our own and make it work. . . . This can open a whole new career for the Gulf Intercoastal Canal Association. . . . This business of ecology," says General Koisch, "we're concerned, but people don't know enough about it to give good advice. You have to stand still and study life cycles, and we don't have time. We have to develop before 1980 as much water

resource development as has taken place in the whole history of the nation."

"It is a fact," said General Richard H. Groves, his deputy, in a speech, "that our nation is engaged in a struggle to survive its technology and its habits. It is a fact, too, that we are defiling our waters, polluting our air, littering our land, and infecting our soil and ourselves with the wastes which our civilization produces. These are serious problems, but we cannot permit ourselves to yield to an emotional impulse that would make their cure the central purpose of our society. Nor is there any reason why we should feel guilty about the alterations which we have to make in the natural environment as we meet our water-related needs."

In an interview, General Groves said he did not believe that the basic role of the Corps would change. "Certainly, parts of it will. One part that is obvious is control of pollution, control of the ecology, which is more or less the same. There are very heavy pressures that have developed, and nobody in this business can ignore them. We would hope that in responding to these pressures we don't lose sight of the need to keep everything in perspective. The program keeps growing. The program as you know is tied to people, and the people double every forty years. . . . We build the program," he said—and here is the heart of it all—"on the notion that people want an ever-increasing standard of living, and the standard of living is tied to water programs. If you conserve undeveloped areas, you're not going to be able to do it. If you double the population and they double their standard of living you have to keep going. It's not as simple as the people who take an extreme view say."

Clearly, no rational settlement of the conflict between "progress" and the environment is going to come from dam-by-dam fights between the Corps and the conservationists. The conservationists have been out there all alone all these years, and they have worked hard, but they have lacked a national strategy. In some instances, they have tried to have it all ways: opposing not only hydroelectric projects but also alternatives such as generating power through burning fuels (air pollution) or building a nuclear plant (thermal pollution and radiation hazards). Some conservationists have been interested in "preserving" the wildlife so that they could shoot it. Where engineers have been pitted against engineers, as in the case of the Oakley and Potomac dams, the opponents have been more successful. "The only way to resist," says Representative John Saylor of Pennsylvania, a critic of the Corps for years, "is to know a little more about the Corps than the Chambers of Commerce do." The new approach of trying to build a body of law on the basis of the "rights of the people" against a public works project could be of profound importance.

Some water economists have suggested quite seriously a ten-year moratorium on water projects. There is an ample supply of water, they say. Problems arise where industries use it inefficiently because it is provided so cheaply, and pollute much of it. The answer for the pollution, the experts say, is sewage treatment at the point where the pollution originates.

So one solution to the problems the Corps program creates would be simply to stop it. The Corps and the Public Works Committees and the river associations could give themselves a grand testimonial dinner, congratulate themselves on their good works, and go out of business. There are more effective ways of transferring money—for instance, directly—if that is what we want to do; there are others who need the money more. But such suggestions are not, of course, "practical."

For as long as anyone can remember, there have been proposals for removing the public works program from the military, and transferring the Corps' civil functions, or at least the planning functions, to the Interior Department or a new department dealing with natural resources. President Nixon considered similar ideas, but rejected them in preparing his message on the environment. The Corps likes being where it is, and the powerful Forest Service and Soil Conservation Service, which are secure in the Agriculture Department, and the congressional committees whose power derives from the present arrangements, have habitually and successfully resisted up to now. "The two most powerful intragovernmental lobbies in Washington are the Forest Service and the Army Engineers," wrote FDR's Interior Secretary Harold Ickes in his diary in 1937, in the midst of a vain effort to reorganize them and Interior into a new Department of Conservation. Whatever the chances for reform, it has never been clear who would be swallowing whom as a result of such a change. The closed-circuit system by which public works decisions are made should be opened to other interested parties. Certainly a federal program that is more than a century old should be overhauled. The Corps is now at work on some internal improvements, but bureaucracies are not notably rigorous about self change, and the water interests do not want change.

If there are to be a Corps and a Corps public works program, then proposals to expand the Corps' functions make sense. Making the Corps responsible for sewage treatment, for example, would give it a task that needs to be done, local governments a benefit which they really need and which would be widely shared, and politicians a new form of largesse to hand around. Antipollution could be spared the pork barrel through a combination of requirements for local action and federal incentives, and through adequate financing. Yet making antipollution part of the pork barrel may be just what it needs. Programs which appeal to greed are notably more politically successful than those that do not. The Corps' engineering expertise, in any event, could be put to use for something other than building dams and straightening rivers. It is the judgment of just about every economist who has studied the public works program that there should be cost-sharing and user charges. There have been proposals for making the beneficiaries of flood-control and navigation projects and harbors pay for them, or at least part of them.

In a period of great needs and limited resources, a high proportion of the public works program amounts to inefficient expenditures and long-range commitments of money on behalf of those who make the most noise and pull the most strings. Despite all the talk about "reordering priorities," the Nixon Administration's budget for the next year increases the money for the Corps. Even if the nation should want to double its standard of living (leaving aside for the moment the question of whose standard of living) and even if the public works programs really could help bring that about, it would be good to know more about the nature and price of such a commitment. At a time when a number of our domestic arrangements are coming under re-examination, this one is a prime candidate for reform. Meanwhile, the changes it is making in the nation are irreversible.

Controversial Corps of Engineers Projects

Cross-Florida Barge Canal

The Oklawaha River in northern Florida is—or was—one of the few remaining wild rivers in the nation. A fast-moving clear river, the Oklawaha runs through cypress swamps and wilderness. The river itself holds bass, sunfish, and other fish, and the woods contain deer, bear, and wild turkey; this was the country of *The Yearling*. But it was also in the path of the Cross-Florida Barge Canal, whose dams will turn some 45 miles of the Oklawaha into shallow lakes, and flood 27,000 acres of the surrounding forests.

The Cross-Florida Barge Canal was talked about as a possibility as far back as the early 1800s, at that point as a way of protecting shipping from pirates. The idea was revived in the 1930s as a job-producing program, and then again in the 1940s as a way of defending shipping from enemy submarines. It is now under way. Work on it finally began in 1964 as a navigation and recreation project. A Florida legislator who is taking the unusual posture of opposition to the project says, "The villain in the case of the barge canal is like an octopus. One of the tentacles is the Corps of Engineers and its blundering construction. Another consists of self-serving politicians, and still another is made up of the special interests, such as the phosphate, transportation, and paper industries. And finally, there are the state agencies, which from the start ignored the conservationists' warnings."

The benefit-cost ratio of the project has been a thing of change. From time to time new "benefits" have been added—flood control, "land-enhancement benefits" from the improved real estate around the reservoirs, and recreation. The interest rate charged against benefits is unusually low. Still, the benefits are to be only $1.50 for every $1.00 "invested."

At one time the U.S. Fish and Wildlife Service wrote a report on the project predicting that the dredging and damming and flooding of the area would destroy the game, the fishing, and the land; that the habitats supporting waterfowl, deer, and squirrel would be ruined. The Florida Board of Conservation, however, said that "it is inaccurate to think of the river as being destroyed or despoiled. Instead, a different set of wildlife and esthetic values will emerge. . . . The river in its original form is admittedly a stream of great beauty, but its retention in its original state would become a preservationist ideal involving enjoyment by a comparatively small group of elite purists rather than fuller use and greater enjoyment by a broad segment of the people. The economic benefits that would be foregone by a failure to complete the canal would place an extraordinarily high premium and economic burden on a less elite but overwhelming majority." The Florida Board of Conservation (now with a new title) contains the Division of Waterways Development. The head of the division was the Corps' district engineer for the project at the time it was revived in 1962.

One dam on the Oklawaha has already been completed. Behind it was created a giant, shallow, still pool filled with debris, logs, and weeds. The Corps has been trying to clear the pool; it sprayed the weeds with chemicals, which led to rotting weeds. This is expected to lead to algae and dead fish. The pool caused a new outcry over the project, and conservationists and ecologists from around the country have joined to try to stop it or move it. In a new approach a suit has been filed against the Corps to stop the canal. The grounds are that the Corps committed the people of the United States to expenditures "far in excess of the amounts contemplated" and that it denies "the rights of the people . . . to the full benefit, use and enjoyment of the economic, recreational, educational, social, cultural and historic values of the *Oklawaha Regional Ecosystem*."

The project's defenders suggest that the railroads are behind the uproar. The canal's supporters have been holding meetings and ceremonies and fish fries to drum up enthusiasm for the project. They stress that the canal will provide business growth and add to the national defense.

EVERGLADES NATIONAL PARK

To the south of the canal, the Everglades National Park has been endangered by Corps projects. The park's plant life, fish, alligators, and birds are linked in a complicated state of mutual dependence, all dependent in turn on a steady flow of fresh water from the North. A good part of that water has been diverted by the Corps for the benefit of farmers and developers in South Florida, and during a drought a few years ago, the park did not receive the necessary water from the flood-control project. This led to the death of thousands of birds and fish, and turned grassy areas into cracked, lifeless flatlands. The park has not yet recovered.

Now the Corps proposes to expand the South Florida water project. Yet it refuses to guarantee that in times of water shortages the park would receive the necessary water. It says that it cannot impose such a requirement on the state of Florida. Senator Nelson, who had been leading the fight in Washington to protect the park, charges that "the Corps is playing the game with the industrial development of Florida, and not protecting the other constituency, the Everglades, a park that belongs to the country."

The controversial plan to build a jetport in the Everglades does not involve the Corps. The plan has now been scaled down to one for a temporary training strip, which some predict will still have serious consequences for the park. There are yet other schemes for developing South Florida that would change the flow of the water in the park. Without some national protection, the Everglades could well be doomed.

THE OAKLEY DAM

In Illinois, a dam to supply water to the city of Decatur, population 100,000, has been filling with silt, and so the city's Chamber of Commerce and the Corps dusted off a 1939 plan for a larger dam, the Oakley Dam. The new dam is to provide water, flood control, and recreation, with the water supply being the smallest component of the project. When the benefit-cost ratio came out negative, the Corps added "low-flow augmentation" as a purpose. Decatur real estate developers have formed the Oakley Land Owners Association in anticipation of the real estate profits—they expect the price to go from $300 to $3000 an acre—from the land near the new dam. The opposition to the dam arose when it was realized that the reservoir would flood Allerton Park, a 1500-acre nature area maintained by the University of Illinois.

The Allerton Park opposition was better equipped than opponents in the usual Corps controversy because the university hired an engineering consultant. The engineering report showed that there was an underground supply of water for Decatur, and that advanced waste treatment was more efficient than "low-flow augmentation." But both are alternatives which the Corps, by the definition of its job, does not consider. And both would cost Decatur, as opposed to the federal government, more money.

OTHER DAMS

In Indiana, conservationists are fighting a dam on a Wabash River tributary, Big Walnut Creek, which would flood one of the few virgin forests remaining in the Midwest.

In Arkansas, Corps plans to dam the free-flowing Buffalo River raised so much controversy that even the state's senators are proposing that it be preserved as a wild river.

There are disputes over proposals by the Corps to place some dams along the Potomac River, at one time justified on the basis of hydroelectric power, then on pollution treatment, and then on water supply and recreation. The basis of the opposition is that it would destroy a beautiful valley and the natural life that lies within it.

Opponents of the project retained a consulting engineer, who reported that there were more feasible methods of obtaining both a water supply and pollution abatement.

The Corps has plans to place a dam on the last natural stretch of the Columbia River in the Northwest, a breeding ground for salmon, bass, and other fish as well as birds; the main purpose is water navigation.

TREND IN MANY NATIONS IS TOWARD VOTE FOR YOUTHS

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1970

Mr. DIGGS. Mr. Speaker, I include the following:

[From the New York Times, Mar. 8, 1970]

TREND IN MANY NATIONS IS TOWARD VOTE FOR YOUTHS

LONDON, March 7.—Increasing numbers of young people around the world will soon be voting in national elections as a movement toward lowering the legal voting age steadily gathers momentum.

Britain, under the 1969 Family Reform Act, lowered the voting age from 21 to 18 on Jan. 1, and teen-agers will vote for the first time in a parliamentary special election next Thursday at Bridgewater in Somerset.

Several Commonwealth countries, including Canada, are debating whether to allow the British initiative. The United States also is considering a proposed constitutional amendment to lower the voting age from 21 to 18.

In many parts of the world, the movement toward younger voters is not new. Most Communist and Latin-American nations granted 18-year-olds the franchise many years ago.

The Soviet Union lowered the voting age to 18 in its 1936 Constitution. The same rules apply in Bulgaria, Rumania and Hungary.

SOCIALISTS APPARENTLY GAINED

Austria, adjoining the Communist nations of eastern Europe, lowered the voting age from 20 to 19 in 1968. Judging by returns in a general election March 1, the youth ballot helped increase the Socialist vote.

In Britain, Prime Minister Wilson hopes that the three million additional votes of people in the 18-to-21 age bracket will help get his Labor Government elected for another five years. But public opinion polls indicate that the new voters are as divided as their parents.

The election at Bridgewater, to fill a parliamentary vacancy, should provide an indication of how the teen-agers will vote in the next British general election, expected anytime between this spring and the end of Mr. Wilson's five-year term in May 1971.

It is estimated that 4,000 youngsters will be able to vote in the three-cornered contest at Bridgewater, where the Conservatives had a majority of 3,000 votes against Labor and Liberal candidates four years ago.

Britain's last major change in the franchise came in 1928 when the vote was given to women over the age of 21. At the time women won the vote in 1918, the minimum age was 30.

CAUTION BY ELDER VOTERS

A principal argument for suffrage for teen-agers is that television, radio and other modern means of communication enable youth to comprehend the major issues of the day far better than their parents did at the same age.

Their vote and interest in politics would channel youthful energies in the ballot box instead of into street demonstrations, according to the politicians.

But the older generation fears that the teen-agers are too impetuous, that they might vote to overthrow the established order or elect a dangerous demagogue.

Many Latin-American nations now allow 18-year-old youths to vote as a result of recent changes in their constitutions.

Chileans over 18 will get the vote Nov. 4—after a general election in September. Colombia promises a change in April—after presidential elections.

In Mexico, the voting age is 18 for men and women, as it is in Ecuador, Uruguay, Venezuela, El Salvador, Guatemala and the Dominican Republic. Brazil permits 18-year-olds to vote if they are literate and can speak Portuguese, the national language.

The trend toward the younger voter transcends geographical and even ideological boundaries. Some Latin-American nations still cling to the 21-year-old principle while countries in other parts of the world strike a compromise at 20.

Sweden lowered the voting age last year to 20—the same age accepted by Japan and the Swiss national Government. But several cantons in Switzerland are seeking to lower the voting age in local elections to 19 or 18.

In Ceylon, the voting age was lowered from 21 to 18 a decade ago, New Zealand reduced the age to 20 last year.

South Africa has allowed 18-year-olds to vote since 1958; but in Black Africa, the general level so far has been 21.

EMERGENCY OPERATIONS CENTER

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1970

Mr. HOGAN. Mr. Speaker, I am pleased to call the attention of my colleagues to an article in the April 1970 issue of the FBI Law Enforcement Bulletin, entitled "Emergency Operations Center." This article describes the efficient emergency communications operation of the Prince Georges County Police Department in my congressional district and is written by an outstanding police officer and one of my good friends, Capt. John J. Magruder, Sr., special operations commander of the Prince Georges County Police Department.

Organization and efficiency are the hallmark of excellence in any emergency situation. There are no groups which encounter such situations more frequently and deserve assistance and support for their efforts than our policemen and fire fighters.

The communications operation which Captain Magruder describes in this article will be of interest to police departments throughout the country. It will be of particular usefulness, however, to the adjoining police departments in the Washington Metropolitan area who are especially aware of the problems incidental to emergency situations in the wake of riots, marches, and demonstrations.

The article follows:

EMERGENCY OPERATIONS CENTER

(By Capt. John J. Magruder, Sr.)

In our modern society, communities are so structured that near total dependence is placed on government and community resources when an event takes place which causes apprehension or emotional tension among the citizenry. While procedures and techniques for the proper solutions may differ with each type of incident, the basic responsibility for effective performance by all concerned lies with the elected head of local government. Coordination and cooperation must be effected with all participating units by and through him.

If a program is being considered that will affect each and every person within a given locale, citizen involvement is a necessity. To be successful, government programs must have the support and cooperation of a majority of the people. In some instances, total community effort and involvement could be as important as the project or program being considered.

If the goal of total effort and cooperation is to be accomplished, we must first organize the entire government structure to facilitate continuity of thought and action within our organizations.

In Prince Georges County, we are represented by five elected commissioners who have total responsibility and accountability for all government activity. The county itself is purported to be one of the fastest growing communities in the Nation. Over 600 people move into the county each week. Prince Georges County has an area of 494 square miles and over 650,000 population. Geographically, it is located east of Washington, D.C., and north of Virginia. There is dense urbanization for at least 10 miles from the Nation's Capital; then the area begins to include larger estate-type homes, while the southern portion is still mostly rural tobacco growing farmlands. The inhabitants are extremely mobile. Many are employed in the District of Columbia, Virginia, or other sections of Maryland.

EMERGENCY "CALL-OUT"

During the past several years, we have experienced times when consolidation of effort was required to accomplish specific purposes. On these occasions, conventional methods of communications have been overloaded and at times inadequate.

Recognizing the communications problem, our county commissioners arranged a meeting of all department heads and their assistants. The purpose of the meeting was to establish plans to streamline methods, procedures, and facilities of all departments so that the entire county operational resources could be quickly mobilized in the event of a natural disaster—fire, flood, epidemic—internal disorder or any other type of local or national emergency. The chief of police, who is more involved in daily contacts of the citizen than most county officials, was designated to develop an operational plan to achieve the desired results. Each executive was aware that cooperation was essential to the success of any plan developed and that his department's support was needed.

Capt. John Rhoads, Commanding Officer of the Planning and Research Unit, and I, at the time head of the Training Unit, and our staffs, were given the assignment to coordinate the logistical problems. As always, the first problem was "money." However, Chief of Police Vincent S. Free was given assurance of adequate financing by the commissioners.

Each executive was required to provide complete lists of all manpower, vehicles, and other equipment and supplies available through his particular organization.

Each department was asked to develop an emergency "call-out" procedure and furnish plans for the procedure, as well as the names of four other officials in the agency who would be authorized to act with complete authority for the department under emergency conditions. Response and cooperation from all departments were beyond all expectations. The excellent cooperation demonstrated that each official visualized the potential of this effort. No doubt, each departmental head could recall occasions in the past when such procedures would have been of immense help.

The concept of this operation revolves around the principal of having the agencies involved in an operational problem in one area assist each other by consolidating management, communications, and equipment.

BASE OF OPERATIONS

In order to consolidate management and communications, we decided to set up an Emergency Operations Center (EOC) similar to a military "situation room" with modifications which would make the basic idea workable for civilian operation. Because of its location, the auditorium of the Police Academy was selected to be the base of operations. It is located near the Capital Beltway (Rt. 495) which encircles Washington, D.C., and, therefore, is easily accessible to all participants. Response time to and from this location is minimal to all parts of the county. The academy has no security problem to speak of and does not affect the needs of the general public when operating as an emergency center as there is little civilian activity within the building. The auditorium affords the necessary space for the command center and other offices and classrooms can be used without disrupting any vital installation or normal operation of the police department.

Within the county, many radio frequencies are allotted to various public service agencies, such as, building inspections, electrical inspections, plumbing inspections, board of education, park and planning commission, suburban sanitary commission (water department), fire department, civil defense, sheriff's department, four State police frequencies, as well as our four police operational frequencies. Transmitter-receivers on all these frequencies were installed in a small room adjacent to the auditorium to provide complete control of equipment from agencies involved in emergency operations. Remote desk sets were placed on desks normally assigned to officers of the Planning and Research Unit.

The Maryland State Police furnished a base station on the frequency allotted to our patrol area. Also, a classroom was reserved for their use as a staff command post where the barrack commander would establish a headquarters command for any emergency operation in the county. A radio on the headquarters frequency was installed in this room, permitting radio communication between the barrack commander and his headquarters in Pikesville, Md.

COMMUNICATIONS

We bought monitors for the radio frequencies used in the adjoining precincts of our neighboring police jurisdiction, the Metropolitan Police of Washington, D.C. (All of this is in addition to the normal intercommunications within the Washington suburban area. There has been a metroradio facility among nine police agencies of the area for a number of years; but, the capability exists within the central communications complex at our headquarters in Seat Pleasant, about 7 miles away. Tie-in is available, however, by using a direct telephone line from the Academy to headquarters.)

The telephone company installed a bank of call directors capable of using all of the 25 existing telephone lines within the Academy. Switches were placed in the lines so that the normal telephone operation can be cut off and diverted to the EOC.

Our County Public Works Department built map cases on two walls of the auditorium for 10 4' x 9' county maps. Telephone communication is available from the map areas to the communication hub, but at police and fire maps, two-way radios are installed. This enables personnel assigned to the maps to communicate with the communications area, headquarters, or field personnel by telephone or radio. All telephones from the map and the communication areas of the Academy to the central communications complex at headquarters are on a direct "hot line" status.

The facility for the fire department is similar, except its connection is with the Fire Control Center in Hyattsville, Md.

The police and fire departments are assigned two maps each, one for status guide and the other for existing problem operation. The remaining maps are allocated to other agencies on a need and priority basis. During normal auditorium use the map areas are encased with painted plywood enclosures.

All emergency telephones are stored in locked cabinets, and installation is accomplished by a normal "telephone jack" on each phone which has previously been numbered for a particular location.

An extra telephone (red) is located on the stage with the number known only to the Governor's office and the superintendent of the Maryland State Police. By law, should our commissioners need assistance from the National Guard, it is necessary to request this aid either through the superintendent of the State Police or directly from the Governor.

"PROBLEM TABLE"

A large conference table is on the stage for the five commissioners and their administrative assistants enabling them to set up operation at the EOC and to conduct any business necessary.

Other large conference tables are placed in a line down the center of the auditorium with space provided for representatives of the FBI, the Maryland State Police, the Prince Georges County Police, the Board of Education, Washington Suburban Sanitary Commission, the Public Works Department, the Sheriff's Department, the Maryland National Capital Park and Planning Commission, and the National Guard. These agencies and units can provide information, personnel, equipment, supplies, and/or facilities needed in an emergency. Together, they make up what is known as the "Problem Table" representatives. The chief of police has been designated as chairman of the Problem Table. Under existing instructions, the chief of police takes command of any emergency arising within the county.

Other smaller tables are located around the room for organizations which are considered to be important supporting elements. These include civil defense, disaster analysis (composed of the offices of the building inspector and the fire marshal) press relations, purchasing department, State attorney's office, county attorney, welfare department, health department, and community relations groups.

EOC IN EFFECT

The physical facility was completed, with radios installed and telephone service, 5 days after the project commenced. The telephone company worked two shifts on a 24-hour basis for 4 days to complete their portion. The radio supplier excelled in speedy delivery and installation of the radio units. Public Works completed and painted the map cases, and the Park and Planning Commission provided the special-sized maps necessary. To those of us involved in the planning, it was like a dream unfolding—everyone putting forth maximum effort, harmoniously and cheerfully cooperating to complete his portion of the plan ahead of schedule. In less that a week after the project started, our EOC was operational.

The entire program is designed to assist

the man doing the job on the street. I am sure many officers have had the experience of trying to call the power company during a storm to report hot wires down, or the highway department to request sand on icy roadways, and found it virtually impossible to make contact through the usual means.

What we have done is to bring, during emergencies, representatives of vital county units together in one room. Thus, emergency calls from workers and officers on the streets are received at a central headquarters. Response and supervision are immediately available through restricted telephone numbers and two-way radios.

When operating, the EOC is staffed by dividing each department into two shifts to provide 24-hour coverage. Each department is responsible for its own manpower. All police cadets are assigned to EOC as runners or telephone operators. Central communications personnel serve as radio operators. Female clerks and secretaries, normally assigned to units within the Academy, work as EOC telephone operators.

A complete list of information data, and services available from each participating organization, filed earlier with EOC, is ready for the use of each group's representative when he reports for duty during an emergency. Each organization has one head representative who may have a staff of not more than two assistants. Accurate records must be maintained during an emergency to show exactly what has been allocated for use, to give current availability of manpower and equipment, and to reflect the number of personnel and equipment ready for reassignment after completing their projects.

The representatives at the Problem Table play a most important role. When a problem is presented, they must know if the requested resource is available or obtainable, and, if so, its present location and time of availability.

With the cooperation of all concerned, EOC was ready for a "shakedown run" at the end of one week. One of our first problems encountered was the need for distinguishable, visible identification for those persons authorized to enter the EOC room. Blue identification cards were issued to all persons permitted to enter the building and the EOC room without challenge by the security guard. Red identification cards were issued to persons who had free access to all areas, including the communications section where access was very limited. All participants were required to use the front entrance, and all other entrances were secured. An intercom was installed for the security guard between the front entrance and the communications section so that names of people requesting entry could be checked.

NEWS MEDIA

Accommodations were also made for newsmen. Since they were not permitted in the EOC, a classroom was set aside as a pressroom and telephones installed for their use. Under actual emergency conditions, the community-press relations officer will prepare press releases, have them approved by the chief of police or the county commissioners, and then make the release in the pressroom. He will have a schedule for appearances at the pressroom, and will try to keep reporters informed of all activities.

Theoretical problems were forwarded to the EOC during the shakedown experiment, and all were resolved promptly and efficiently. A problem relayed from a field commander is taken from the radio section to the Problem Table by a cadet runner. The chairman evaluates the problem and gives it to the proper person or group for solution.

For example: The field commander needs two bulldozers, plywood, a streetsweeper, 100 policemen, and men to board up three business establishments. Public Works, the Park and Planning Commission, and the Washington Suburban Sanitary Commission could provide the bulldozers. Public Works has the streetsweeper and carpenters to board up the stores. The County Purchasing Department has, by prior planning, listed certain lumber companies which have agreed to maintain an inventory of specific lumber and material; they would tell Public Works where the plywood could be obtained, and give them the purchase order number at the same time. The police agencies would determine where the police manpower could be obtained. Each representative would prepare a written communication order for his portion of the problem and the cadet would relay all orders to the communications section for transmission and further action.

The problem is plotted by each group on its assigned map with the personnel and equipment allocated. Upon completion of the problem, the map is cleared, and the representative at the table notified that his group is ready for another assignment.

During these trial runs, we found many agencies had facilities and equipment that would be available or could be adapted for use in ways we had never considered. Also, we try to plan for any situation, and the problems presented were considered to be within the scope of reality.

As to emergency supplies, our fiscal officer and the Purchasing Department have arranged with various private sources to keep inventories of certain items such as plywood, food, ammunition, tear gas, and other essentials on hand at all times. We can send trucks to these business establishments to pick up the required material. Open purchase numbers have already been established and placed in the emergency category.

During the disorders of April 1968, there came a time when police agencies needed food, rest areas, and shower facilities. The representative from the Board of Education was queried, and a junior high school 1 mile from the EOC was set aside for our use. Cafeteria facilities were staffed by cafeteria personnel from four high schools that were closed because of the disorders. Food in large quantities was supplied by three large warehouse distributors, by prior commitment of the Purchasing Department, and transported in Public Works trucks. The junior high school housed 275 riot-trained police officers and staff, and hot food was prepared for distribution to the patrol force. The entire EOC had hot meals on a 24-hour basis for 6 days. Over 900 people were fed daily.

Some changes have been found necessary as a result of our experiences. Our radio communications unit has been tied in with the existing public address system so that conversations with the patrol can be broadcast throughout the Center. During the past year, the police department has enlarged its units in the building, and a switchboard is being installed which will improve operations.

An area has been set aside for intelligence evaluation where information is gathered from all available sources and forwarded to the chief for consideration and possible preventive action.

The Sheriff's Department has been designated to transport and incarcerate all prisoners. In addition to the county jail at Upper Marlboro and a lockup facility at Hyattsville, arrangements have been made to use other compounds at strategic locations throughout the jurisdiction. Also, court hearings at the place of confinement have been approved by the Chief Judge of the Peoples Court. For the most part, school buildings will be used with the gymnasiums serving as the compound. These were selected because almost all of the equipment was removable, there were no low windows, and a minimum number of deputies could provide security.

BETTER UNDERSTANDING

Originally, many people were of the opinion that this facility was solely for civil disturbance operations, but it has proved invaluable to our governmental structure on many instances. Snowstorms in the Washington area are notorious for the traffic problems they create. The EOC has helped involved agencies to alleviate some of the congestion resulting from these storms. Much duplication of effort has been eliminated. Better decisions are being made due to more accurate information and a deeper appreciation of the problem by all involved.

As a result of the interaction between the administrators of the various departments, they are now on a first-name basis and have a better understanding of each other's problems.

In order to gain greater public support, most of the civic clubs and organizations in the county were invited to attend demonstrations of the EOC. For the most part, citizens throughout the country have given full support to the project.

The understanding of the total problem and the need for cooperation have not only made this endeavor successful, but have also improved relations between the agencies on a day-to-day basis. We hope, of course, that the Center will never have to be used in a man-made problem again.

RHODESIA

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1970

Mr. GROSS. Mr. Speaker, Mr. Anthony Lejeune is a British journalist whose articles appear in American newspapers, including the Indianapolis Star, from which this is reprinted.

The efforts of Great Britain, joined in by misguided officials of the United States, to destroy the Government of Rhodesia are disgraceful and if persisted in may result in engulfing a substantial area of Africa in a bloody war.

The well-reasoned article follows:

BRITAIN, UNITED STATES UNREALISTIC ON RHODESIA

(By Anthony Lejeune)

LONDON.—The first rule in international affairs is "Be realistic." To deceive oneself is, at best, folly; at worst, an invitation to catastrophe. As an example of obstinate unrealizing it would be hard to beat the policies adopted by the Western powers, particularly Britain and America, toward Rhodesia.

So let's state a few plain truths.

1. Everything which has happened in Rhodesia has been inevitable and predictable for at least 10 years—since Britain first tried to push the white Rhodesians into accepting constitutional changes which would have meant the loss, in a very short while, of their country as they had built it and known it.

2. It was equally inevitable and predictable that sanctions would fail. When Harold Wilson said, four years ago, that the Rhodesian rebellion would be over "within weeks, not months" he was either being flagrantly and short-sightedly dishonest, in the hope of warding off pressure from the Afro-Asian members of the Commonwealth, or else he was crassly refusing to believe what everybody who knew anything about Africa must have told him.

3. International disapproval matters very little to Rhodesia, so long as the back door to South Africa remains open. And South Africa must, in practice, support Rhodesia, because if Rhodesia could be brought down, the same

weapons would certainly be turned against South Africa.

4. Rhodesia, South Africa and the Portuguese provinces are perfectly capable of dealing with any foreseeable threat, whether from internal subversion or from Communist-equipped infiltrators.

5. Short of some lunatic and (one hopes) inconceivable military adventure, there is nothing the outside world, however disapproving, can do about the Republic of South Africa or the Republic of Rhodesia.

Ian Smith's declaration of a republic is, we are told, "illegal." But very few republics were born legally—certainly neither the United States nor the Soviet Union was. Sooner or later, and generally sooner, the world had to accept them. There is nothing uniquely wicked about Rhodesia; on the contrary, there is far less cruelty and injustice there than in many states which occupy honored places at the United Nations.

The only difference lies in the sanctions which Wilson was foolish enough to invoke, and the United Nations to impose, on the ludicrously false grounds that it was Rhodesia, not the African nationalists menacing her from neighboring territories, which constituted "a threat to world peace."

It is a great pity that America connived at this hypocrisy, this foolishness, this unrealism. And it is a pity that the secretary of state, Rogers, should still be identfying America with the "unfinished business" of trying to overthrow the government of Rhodesia, South Africa and Portuguese Africa.

Let's be realistic again. What are, or should be, the objects of British and American policy in southern Africa?

First, surely, the protection of our own interests, the West's interests, in this strategically and commercially very important part of the world. We need the sea routes around the Cape. We need Rhodesian chrome. We need friendly governments there.

Secondly, we desire the happiness, freedom and well-being of the people, both white and black, who live there. Can we really believe that they would be better off under the sorts of regime which now prevail north of the Zambezi?

All we have succeeded in doing so far is to drive Rhodesia into South Africa's arms, and to make South Africa a more united country than she has ever been before. Sanctions have strengthened Rhodesia: It is Britain and the West they hurt.

The wisest and kindest course for America would be to help Britain off the hook on which a decade of unrealism has impaled her.

RHODESIAN SANCTIONS MEANT TO CONCEAL TRUTH

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1970

Mr. RARICK. Mr. Speaker, it is more than likely that the silly sanctions imposed by the UNO Security Council on the Republic of Rhodesia are intended to conceal from the world the truth rather than have any significant effect on the growth and development of the Rhodesian people.

In any event, they have been a blessing to Rhodesian industry—and to the making of a nation. Hardships conquered have a way of building morale among free men, and it is more than likely that the Rhodesians of the future will remember this time somewhat as we remember our Valley Forge.

The self-development hastened by the sanctions also add another similarity between the Rhodesian and the American people—our status as a viable nation in the 18th century and a world power in the 20th century is due in large part to the development of our own manufacturing industry—against the will of the London government. The error of the present government in London has forced the Rhodesians to develop their own basic industries, as did a similar error and attempted isolation lead to a similar development of self-sufficiency in South Africa.

I include in my remarks pertinent extracts from the Rhodesian Commentary.

MR. SMITH LUNCHES WITH ACE FIGHTER PILOT

Air Vice-Marshal Johnny Johnson, one of Britain's greatest flying aces in World War Two, lunched in Salisbury with Prime Minister Ian Smith who flew in Spitfires in the wing commanded by the Vice-Marshal. The picture shows them in the garden of the Prime Minister's residence.

Describing himself in an interview as a friend of Rhodesia, he said he was very interested still in the defense of the English-speaking nations, and in particular the countries around the Indian Ocean.

"It baffles some of us in Britain to see the stupidity of our own Government.

"We must be losing hundreds of millions of pounds in trade.

"We hope that when we get a sensible Government, we can once again take an interest in this tremendous area of strategic importance."

He warned that Communism was becoming more aggressive in the struggle between the two super powers.

The Russians had now achieved parity in military strength and were poised to begin their struggle for world domination.

BRIGHT FUTURE PREDICTED FOR RHODESIA BY MINISTER OF FINANCE

The outlook for Rhodesia in the 1970s is one of sustained growth and unbounded opportunities, according to the Rhodesian Minister of Finance, Mr. John Wrathall.

He said recently that the extent to which the national economy has recovered in recent years to reach the buoyant conditions that now exist, even in the face of international restraints, clearly demonstrates Rhodesia's inherent strength and the determination and drive of the Rhodesian people.

One of the most significant features, he said, has been the high level of investment in the economy in recent years. There was every indication that capital formation in 1969 will be even greater than the impressive level of R.$138m. achieved in 1968.

This level will be entirely matched by domestic savings.

Fixed investment in 1968 at constant prices was more than 34 per cent higher than the previous year and about one-third above its 1965 pre-sanctions level.

Fixed investment in mining increased by 80 per cent, compared with 1965 and investment in building and works in the private sector increased two and a half times over that period.

The 1968 total of almost R.$38 was the highest since 1960 and there is every likelihood that building activity in 1969 will have surpassed the 1960 total of R.$46m.

Industrial production has shown a steady increase and the 1969 output from mining can be expected to exceed the 1968 record of R.$68m. substantially.

Other indicators showing buoyancy include a marked increase in retail trade; the remarkable improvement in the operations of the Rhodesia Railways and the appreciable rise in electrical energy consumed.

There are no signs, said the Minister, of any slackening in building or manufacturing activity nor in investment in plant and machinery; and prospecting is continuing on an unprecedented scale.

Mandatory sanctions have been an inhibiting factor since 1965 but they are already eroding and can be expected to erode at a faster rate as time goes on.

The balance of payments position is sound and will enable Rhodesia to generate the major part of its foreign currency requirements of capital goods.

There are tremendous prospects for the mining industry, the Minister said. In the next few years the value of mineral production already topping previous record levels, can be expected to show an upsurge.

In agriculture great strides had been made in diversifying crop production.

Government policy in the past few years of introducing and supporting Local Government enable one to look forward to the Tribal Trust Lands making a major contribution to the country's export effort as well as providing for its own needs.

MOVE TOWARD A GREATER FREEDOM IN THE ECONOMY

Reviews of policy affecting both commercial and industrial sectors and representing the first step towards a return to conditions of greater freedom in the economy, were announced by the Minister of Commerce and Industry, Mr. Jack Mussett, in a statement presented to the Midlands Chamber of Industries.

"No country has achieved greatness without the development of a soundly based industry," said the Minister.

"By 'manufacturing' I refer to the increasing variety of goods that are now coming out of our factories.

"They range from shoe laces and Christmas cards at the bottom end through ploughs and plough shares, fertilizers, diamond drills and hydraulic pumps to alloys and steel at the top end—the latter being comparable with the best in the world as to quality and price.

RAW MATERIALS

"One does not require much of an imagination to appreciate the value of the contribution to the national economy of converting the raw materials of Selukwe, and Bukwa through the proper use of Kariba power and Wankie coal into the products I have mentioned.

"Greater advances are just around the corner. Without consulting the management of RISCO, I forecast that by the turn of this decade we will be fabricating our railway trucks entirely from the raw material of our own iron ore mines. This is real positive development and continued success in this direction means success over-all.

"Government has set its sights high in the knowledge that, despite certain limitations in the availability of foreign exchange, industry is in a position to expand at an even faster rate towards our ultimate objective of a balanced, broadly based economy.

"It is intended furthermore, that this development should be spread over the entire country so that the benefits that must inevitably flow will be felt by as many people as possible."

DECENTRALIZATION

He had appealed to industrialists to give serious consideration to the question of decentralization of industry. The inherent dangers and disadvantages which result from the concentration of industrial development

in a few select areas—social and health problems aside—were apparent to all.

"Government has long been conscious of the necessity for an in-depth study of the question of industrial development on a nation-wide basis, in the belief that a more dispersed distribution of development will be to the ultimate benefit of the economies of the smaller centres.

"I am pleased to be able to announce that I am shortly setting up a committee to examine and report on this subject."

Its terms of reference would embrace the examination of the possibility of providing inducements to overcome the locational attractiveness of the larger centres for industrial expansion and of controlling the urban migration of work-seekers.

The question of decentralization of industry could not, however, remain one-sided. Whilst the exercise will be aimed at encouraging the establishment of industry in the smaller centres, it remained the responsibility of the smaller centres to look after their own interest with every means at their command.

NORMAL TIMES

While on the subject of expansion, said the Minister, it had become evident that the time for holding back, to see if sanctions would be lifted, must end.

"These are normal times for Rhodesia and we know how we stand in relation to the rest of the world.

"We know who our friends are and that, in spite of all efforts to the contrary, we can still sell our products on world markets.

"We must prepare and proceed now to secure those world markets, and where possible, obtain a larger share of international trade. We cannot afford to wait because if we do others will take over what is rightfully ours."

If we could make the words "Made in Rhodesia" synonymous with value, we would find a ready export market for our products.

DIRECT PROTECTION

"If it is uncertainty over the future of the local market, when import controls are lifted, that is causing hesitation, let me assure you that in such circumstances not only will certain industries continue to be afforded direct protection if it is in the national interest to do so, but so also will those industries which are potentially viable but underdeveloped.

"Whilst, therefore, the ultimate object is to return to the use of the Customs tariff as the major means of protecting industry against outside competition, assistance will also include protection by means of import control for selected industries for specified periods of time."

IMPORT CONTROLS

Mr. Mussett said although import controls might have seemed somewhat harsh and restrictive, there was no doubt they had had the desired effect.

"Not only have we established a reputation for prompt payment in the international field, thereby engendering goodwill towards the country as a whole, but internally our financial position is such that we can look into the seventies with thoughts of greater foreign earnings, expansion, increased production and a quickening of the over-all tempo of development."

Government had been able to review policy on import allocations in respect of the industrial sector.

Policy on the distribution of local industrial products had also been reviewed.

NEW PROJECTS

The Minister finally spoke about the system of approval of new industrial projects, a system much maligned in the past, but which was vital in determining the rate and direction of expansion, and the over-all balance of the economy.

"When considering approval of industrial projects in the past we have taken into account a total of some 16 factors.

"Although in considering future applications these factors will continue to be taken into account, even greater emphasis will now be placed on four particular aspects which we consider to be of prime importance to our future rate of economic development, namely;

"(a) Where the project has substantial export potential.

"(b) Where such project utilizes local sources of raw materials.

"(c) Where it increases industrial efficiency or quality.

"(d) Where the savings in foreign exchange on imports would, in a short period, cover the outlay of currency involved in establishing the project.

"Since our assumption of independence in 1965 almost every sector of the economy has developed to a greater or lesser extent. But looking ahead it is becoming increasingly evident that we must, more and more, depend upon manufacturing industry for the future prosperity of this country.

GENERAL STABILITY

"Manufacturing has one marked advantage over the primary sectors of the economy; that of general stability.

Primary producers are, to a greater or lesser degree, susceptible to conditions over which the producer has very little control. Agriculture in particular is prone to the vagaries of the weather, and mining to the prevailing conditions of demand. Both these factors can have severe consequences on the country as a whole.

"The continued growth of manufacturing industry will help to iron out the effect of droughts, surpluses and falling world commodity prices.

"This is not to say that we must become a nation of industrialists. Our future lies in a balanced economy with the three productive sectors moving forward in unison.

RACIAL EQUALITY IN JOBS, AND UNIONS, COLLECTIVE BARGAINING, AND THE BURGER COURT

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1970

Mr. DIGGS: Mr. Speaker, I include the following:

[From Michigan Law Review, December 1969]

RACIAL EQUALITY IN JOBS AND UNIONS, COLLECTIVE BARGAINING, AND THE BURGER COURT

(By William B. Gould*)

"Makin' a road
For the rich old white men
To sweep over in their big cars
And leave me standin' here."
—Langston Hughes [1]

I. INTRODUCTION

In the foreseeable future, the Supreme Court of the United States will be called upon to resolve many disputes resulting from the existence of racial inequality in the collective bargaining process and from the lack of full integration in union leadership. Those disputes will arise primarily because black workers are now challenging employers' and unions' practices which have hitherto been thought to be protected under the rubric of free collective bargaining.

No one can deny that there is a new-found willingness among black workers to challenge previously accepted practices. Yet some courts seem unaware of that developing militancy. The recent decision of the Court of Appeals for the District of Columbia Circuit in *United Packinghouse, Food and Allied Workers v. NLRB*,[2] provides an example. In that case, the court, speaking through Judge Skelly Wright, held that an employer's "invidious discrimination on account of race or national origin," [3] was impermissible under the National Labor Relations Act (NLRA). Judge Wright observed that such discrimination has a twofold effect: it leads to apathy on the part of those who are discriminated against, and it results in an "unjustified clash of interests" [4] between black workers and white workers and thereby considerably reduces the effectiveness of the bargaining unit. Undoubtedly, some will object to the result reached in that case on the ground that the NLRA was not intended to be a fair employment practices statute.[5] But there is another significant flaw in the opinion. That flaw is the attempt to equate the effects of racial inequality in public education—effects that existed in the situation in *Brown v. Board of Education* [6]—with the effects of racial discrimination in employment. Such an equation is not at all in step with current events. Thus, Judge Skelly Wright's conclusion, in *Packinghouse Workers* that "racial discrimination creates in its victims an apathy or docility which inhibits them from asserting their rights against the perpetrator of the discrimination" [7] is arguably anachronistic.

The problem with such an observation is that it comes at a time when the black worker is anything but docile. Indeed, employers and unions in such metropolitan areas as Detroit and Chicago are well aware of the new militancy of Negro employees who are frustrated by what they regard as discriminatory or poor working conditions and by the failure of the almost lily-white union leadership to correct those conditions.

The explosiveness of the situation can be seen not only in the frustrations of the black workers, but also in the increasingly organized hostility of those white workers who are just a rung above the Negro on the economic ladder, and who constitute what is probably the most alienated group in our society today. Moreover, the measures which have been taken to assist the cause of racial equality in employment, and which appear threatening to the white workers, have been ineffective to eliminate the practices which arouse the blacks. Indeed, Congress has thus far failed to provide the appropriations and the enforcement authority which are necessary if the Equal Employment Opportunity Commission (EEOC) is to enhance the likelihood that racial equality in jobs will become a reality for blacks. As EEOC Chairman Brown recently said, "[t]he only thing we can do if we find discrimination is to sit down with the employer or with the union and negotiate or conciliate the particular case. . . . It is almost impossible for us to do the job that has to be done unless and until we get cease-and-desist powers." [8] Thus, the net effect of the remedial steps that have been taken has been to increase the frustrations of both groups. While increased hostility on the part of white workers may be an inevitable side-effect of curing racially discriminatory employment practices, the situation would be considerably less explosive if the cure could eliminate the frustrations of at least the black workers.

When the rules of the collective bargaining game were being created and developed under the NLRA, discrimination in employment was still being openly engaged in; in fact, Congress did not address itself to the problem until 1964.[9] But when Congress did enact title VII of the Civil Rights Act of 1964[10] (title VII), and when it voted appropriations for the Executive Order which the Act took cognizance of,[11] it operated under the assumption that in a substantial number of instances black workers were not being dealt

Footnotes at end of speech.

with fairly in the collective bargaining process. Had it not thought so, the detailed debate[12] and the comprehensive legislation would have been unnecessary. Accordingly, if the national labor law is to reflect current congressional views of collective bargaining activities insofar as race is concerned, then the NLRA, and the assumptions and practices which have developed under it, must be accommodated to the objectives of civil rights legislation. But until the principle of equality for black and white workers is effectuated in the labor-management context, it is the duty of the courts, operating under both the NLRA and title VII, to root out the past practices and to fashion remedies which mirror the more recently developed policy against discrimination.

The Supreme Court has taken such action in many similar areas. It has demonstrated an unflagging hostility to racial discrimination in voting, education, selection of juries, and housing. With respect to voting, the Court has held that eligibility requirements which were not applied to whites when discrimination was previously practiced must be set aside in order to root out the remnants of past inequality.[13] The Court's inclination to read civil rights statutes and constitutional guarantees of equality expansively is also typified by its treatment of the Voting Rights Act of 1965 in *Allen* v. *State Board of Elections*.[14] In that case, the legislature had enacted laws which altered the previously existing election procedures in three ways: they changed the basis of county elections from district-wide voting to at-large voting; they provided that some county officials were to be appointed rather than elected; and they created more difficulties for potential third party candidates than had previously existed. Despite damaging indications in the legislative history of the Act, the Court held that these laws had to be submitted for approval either to the Attorney General of the United States or to the District Court for the District of Columbia, since they constituted a "voting qualification or prerequisite to voting, or standard, practice or procedure with respect to voting,"[15] as contemplated by the Voting Rights Act. The Court stated: "The Voting Rights Act was aimed at the subtle, as well as the obvious, state regulations which have the effect of denying citizens their right to vote because of their race."[16]

In education, the Court has announced that the test for compliance with the fourteenth amendment is whether the school board's desegregation plan *in fact* accomplishes the stated objective—integration of the races.[17] Thus, in order to devise an effective remedy in this area, race must be consciously taken into account.[18] Discrimination in the jury system has been measured to some extent, although perhaps not as much as it should be, by statistics.[19] Finally, with respect to housing, the Court recently held in *Jones* v. *Alfred H. Mayer Company*[20] that the Civil Rights Act of 1866 prohibits racial discrimination in housing, and it indicated that the Constitution is especially concerned with remedying the vestiges of slavery for the American Negro.[21]

But the Warren Court never had the opportunity to interpret the provisions of title VII or to accommodate the NLRA to the legally recognized problems faced by racial minorities.[22] Indeed, the Court's last holding of major significance in this area was *Steele v. Louisville & Nashville Railroad Company*[23] which is a quarter of a century old and thus antedates Chief Justice Warren's appointment by almost ten years. Therefore, for better or worse, it is the Burger Court which will have the chance to shape the law of employment discrimination. That Court will be faced with few problems, if any, which will be more important than the question of the precise limitations on discriminatory employment practices. On those decisions will hinge the ability of Negro workers to compete economically with whites and to educate their children effectively. If the decisions interpret civil rights law expansively, the cost pressures of the black protest will be imposed upon employers; and the business community may perforce become more interested in correcting the many other ailments of the ghetto.

In dealing with the problems of employment discrimination, the Burger Court will have to face several new and major issues. This Article is concerned with two of the most important of those issues. The first is whether the present requirement that workers seek redress of their grievances through the exclusive representation of the union is applicable to victims of racial discrimination; and if not, what other remedies should be available to those workers. The second is whether quotas and ratios based on race are permissible; and if so, whether it is required that they be used to integrate union leadership after a merger of two previously segregated unions. While the main focus of this Article is on these problems, it will also deal briefly with the effect of the Supreme Court's decision in *Gaston County v. United States*[24] on remedies for existing discriminatory employment practices resulting from past segregation.

II. THE FAILURE OF THE UNION AS EXCLUSIVE BARGAINING REPRESENTATIVE IN DISCRIMINATION CASES AND POSSIBLE REMEDIES

Both the NLRA[25] and the Railway Labor Act[26] provide that a union selected by a majority of the workers within a particular craft or industrial unit is the exclusive bargaining agent for each worker in that unit, whether or not he is a member of the elected union. In interpreting those statutory provisions, the Supreme Court has held that individual employment contacts can be contravened by the union's exclusive authority, and that an employer is prohibited by statute from negotiating with individual employees rather than with the exclusive agent.[27] The neat order lines of those principles, coupled with a faith in the benefits of the arbitration process,[28] convinced the Warren Court that proceeding to arbitration is the union's prerogative unless the union has engaged in bad faith conduct,[29] and that an individual worker cannot obtain a judicial hearing of a complaint until he has exhausted any negotiated grievance-arbitration machinery which is applicable to his situation.[30] Moreover, since resort to the judiciary for the adjudication of contract claims would undermine arbitration, the employee in most instances cannot have his case reviewed on the merits.[31] These principles of law, however, were articulated in a nonracial context, and they should, ideally, have no adverse impact on the interests of workers of minority races.

In *Steele v. Louisville & Nashville Railway Company*,[32] the Supreme Court imposed on unions a duty of fair representation.[33] In that case, the Court held that a union acting as the exclusive bargaining representative of a craft or class of employees has the obligation to represent all employees in the craft without discrimination on the basis of their race, and that the courts have jurisdiction to protect the minority of the craft or class from a violation of that obligation.[34] Nevertheless, history has shown that the procedures requiring workers to seek redress solely through the exclusive representative have been inadequate to solve the problems of victims of racial discrimination.[35] Accordingly, in some situations involving racial discrimination against a worker, the Court has abandoned its ordinary rules and has allowed the worker to go directly to court without first proceeding through the union. Thus, the courts have agreed that when a worker alleges racial discrimination, but not a contractual violation, exaustion of the grievance-arbitration machinery is not required.[36] When both are alleged, however, it is much more doubtful that bypassing the union's procedures will be permitted.[37] Nonetheless, in *Glover v. St. Louis-San Francisco Railway*,[38] a case presenting allegations of both racial discrimination and contract violation, the Court unanimously held that exhaustion is not required when the reactions of union officials plainly indicate that the processing of grievances through machinery controlled by the union and the employer would be a futile act. In that case, which concerned a dispute over seniority and promotions, the Court relied heavily upon the demonstrated failure of the union to respond when the plaintiffs had "called upon" it to seek redress. As of this date, the question whether a mere *allegation* of racial discrimination and contract violation, without the union hostility demonstrated in *Glover*, permits a plaintiff to bypass privately negotiated arbitration procedures has not been answered.[39]

The significance of *Glover* and the need for an extension of the doctrine expressed in that case can best be seen by reference to the enactment of title VII of the Civil Rights Act of 1964. Title VII implicitly recognized both the ineffectiveness of the *Steele* doctrine of fair representation[40] and the unwillingness of labor and management to take affirmative action against discrimination. By enacting that statute, Congress determined that, despite the plaudits which American unions and employers had given one another for good race relations, and despite the supposed "bulwark" provided by *Steele* and the duty of fair representation,[41] legislation was necessary. Yet although some commentators have praised both the craft and the industrial unions for their progress after the enactment of title VII,[42] that progress has, on the whole, been quite insignificant. Developments during the five years since the passage of the Act do not support any greater confidence in the handling of racial issues at the bargaining table than that expressed by Congress in 1964. The rise of the black militant, whose logic is sometimes unsteady and irrational, is evidence of the distance between the white leaders of organized labor and the young Negro rank-and-file which is not afraid to challenge authority. Thus, it appears that the present procedures for handling the grievances of black workers—procedures requiring that those workers proceed through their union—are inadequate.

In some cases, the use of the *Glover* decision will be able to cure that inadequacy. Such cases are those in which the conflict between the collective agreement and the law clearly demonstrates that arbitration through the union would be inappropriate and useless.[43] But in situations in which the futility of using established arbitration procedures is not clear, other solutions must be sought. One possible solution involves an extension of the *Glover* decision to exempt *all* cases involving racial discrimination from the exhaustion doctrine.

But if *Glover* is not so extended, then some other type of protection for the Negro worker, who is less than confident about how the parties to the bargaining agreement will dispose of his claim, is necessary if the exhaustion doctrine is to be upheld as fair. In formulating that protection, it is imperative that the minority group worker himself become involved in the adjudication of his grievances, and that he have, if he wishes, the assistance of a representative who has his trust and confidence, such as a civil rights organization or a black worker's committee. Even if *Glover* is extended, so that the exhaustion requirement becomes totally inapplicable to racial discrimination cases, some kind of third party involvement should still be available to black workers. That conclusion is supported by three considerations.

Footnotes at end of speech.

First, the other principal avenues for relief—those established by title VII—are heavily congested because of a lack of appropriations and because of the statutory defects alluded to by Chairman Brown.[44] Second, while the grievant may allege racial discrimination, the heart of the issue may be white insensitivity about the conditions of employment which are not cognizable either as a violation of a no-discrimination clause or as a statutory violation. Third, the availability of third party intervention would eliminate any need for resort to the courts, and it would thus make possible the use of arbitrators who, as the Court so clearly indicated in the *Steelworkers* trilogy,[45] have a good deal of expertise to bring to bear on plant grievances of all kinds.

Thus far, the courts have not looked with favor on the principle of third party intervention and have viewed it as an unnecessary intrusion on a stable collective relationship. The leading case in this area is *Acuff* v. *United Paperworkers*[46] which did not involve consideration of race. In that case, the United States Court of Appeals for the Fifth Circuit held that wildcat strikers had no right to separate representation in an arbitration proceeding because there was no evidence of bad faith on the part of the union. The court reasoned that since the union has almost plenary authority to decide whether a grievance is to be pursued to the highest step of the conflict-resolution ladder,[47] it should also be able to control every phase of the grievance procedure, including the question of participation in the hearing.

There is, however, some question as to the continuing validity of the *Acuff* decision, for it is at least arguable that the tendency of the Warren Court toward adulation for union-negotiated grievance machinery will not be the pattern of the Burger Court. Furthermore, *Vaca v. Sipes*[48]—which initially set the stringent standards for establishing a violation of the fair representation duty,[49] and thus laid the foundation for *Acuff*—is hardly a balanced opinion. More important, the logic of *Vaca* does not require the result reached in *Acuff*. Indeed, *Vaca*'s reasoning that the union has broad discretion to decide whether to go to arbitration does not compel, as the court in *Acuff* apparently thought it did, the conclusion that the union has absolute control over the grievance procedure. If the court's reasoning in *Acuff* were sound, it would follow that whenever an employee had a grievance, the union could fashion that grievance into whatever form it desired—even one to which the employee was unalterably opposed. Finally, in *Humphrey v. Moore*,[50] Justice White seriously discussed the possible need for third party representation and thereby gave credence to the notion that its availability is a necessary element in the duty of fair representation.[51]

However, the Court can devise effective arbitral remedies for racial discrimination in employment without rejecting either *Vaca* or *Acuff*. That fact is clear from the approach taken by Justice Douglas in *Textile Workers Union v. Lincoln Mills*.[52]

"The Labor Management Relations Act expressly furnishes some substantive law. It points out what the parties may or may not do in certain situations. *Other problems will lie in the penumbra of expressed statutory mandate. Some will lack expressed statutory sanction but will be solved by looking at the policy of legislation and the fashioning of remedies that will effectuate that policy. The range of judicial inventiveness will be determined by the nature of the problem.*" [53]

Certainly the labor and management practices which give rise to title VII's prohibitions against racial discrimination make proposals for representation of workers by third parties compatible with the Court's instructions in *Lincoln Mills*, since civil rights legislation dealing with employment practices must be regarded as part of the substantive law to which the Court referred. In addition, the nation has a special obligation to Negro workers—an obligation which results from the existence of slavery and from the systematic discrimination that followed it.[54] Thus, some form of third party involvement is a minimum protection for the black worker who desires it and whose grievance alleges both racial discrimination and contract violation. Such a procedure is hardly at variance with the principle of exclusivity or with the objective of uniformity, since it incorporates the dissidents within the union-employer structure rather than forcing them out of that structure. It is therefore much more consistent with the uniformity principle than is the procedure allowed in *Glover*, which permits the circumvention of the private machinery.

Third party intervention would be particularly important when "disadvantaged" workers are hired, because the employment of such persons is likely to lead to disputes over the discharges and disciplinary measures that result from absenteeism and poor work habits. Such disputes will probably be common in these circumstances, because a tradition of inferior housing, poor environment, and inadequate education frequently makes adjustment difficult for the newly hired black worker, particularly if he has never held a long-term job. Moreover, the lack of free or inexpensive transportation for the worker to his job-site increases the likelihood that he will miss numerous days of work.[55] Although a dual standard of discipline for blacks and whites is a possible solution to the problems which arise in this area, it is not a satisfactory one. The resentment of the white worker who is given a two-day suspension for excessive tardiness, while his black counterpart goes unpunished, would know no bounds.[56] Although that factor normally should not be taken into account in civil rights controversies[57]—even those in the employment area[58]—any management operating under such a system is likely to have severe morale problems. Furthermore, it would not be economically desirable to require employers to ignore absenteeism and poor work habits. Indeed, it would be extremely difficult for a company which is in competition with other businesses for a profit to tolerate practices which impair productivity.[59] Thus, a dual standard of discipline would probably be an ineffective method for dealing with the adjustment problems of a new disadvantaged worker.

A preventive approach is another solution. Under it, labor and management would provide temporary help during the period of adjustment for the employee who has not previously been exposed to the discipline of the work place. But for that solution to be effective, unions and employers must be willing to teach new employees how to tell time, how to read bus stop signs, and so on; and they must also be willing, perhaps, to provide free or inexpensive transportation to work. These efforts require both a substantial expenditure of time and money and a great deal of willingness on the part of labor and management, and neither is to be anticipated. Indeed, the infrequency with which such assistance has been provided was pointed out by Saul Wallen:

"[S]ome unions have been willing to negotiate special probationary arrangements to apply to their company's hard-core employment problems. But this has been far from universal. No data are available and one can only speculate on the extent to which rigid agreement provisions, drawn for typical labor market conditions, have thwarted the recruitment and training of the special population that makes up the hard-core unemployed.[60]"

Since no solution appears to be easy, then, the difficult practical problems involved in hiring disadvantaged workers are likely to lead to discharges and disciplinary measures. Those measures, in turn, lead to complex disputes which cannot, or will not, be solved either by employers or by unions. Thus, third party representation—the "triangular relationship," as one court referred to it[61]—is necessary for the resolution of such disputes.

III. THE PERMISSIBILITY OF QUOTAS BASED ON RACE AND THEIR USE IN INTEGRATING UNION LEADERSHIP

Nearly twenty years have passed since the Supreme Court unanimously decided in *Hughes* v. *Superior Court*,[62] that the California courts could enjoin civil rights picketing which was aimed at the alleged practice of job discrimination and which was designed to result in the hiring of Negroes in proportion to the Negro patronage of the picketed establishment. Justice Frankfurter, who wrote the opinion, was careful to qualify the Court's holding by emphasizing that the injunction was permissible only in light of California's good judicial record in dealing with racial discrimination in employment.[63] The *Hughes* opinion contains many defects, but its primary effect was to inhibit race consciousness in devising remedies for employment discrimination and to encourage the labeling of all such attempts as forbidden "quotas." That situation is changing now. Outside the labor area, the most notable recent instance of a policy reversal is *United States* v. *Montgomery County Board of Education*.[64] In that case, a unanimous Court, speaking through Justice Black, held that the use of a "ratio" of white to Negro faculty members was an appropriate means of dealing with past discrimination in the public school system. The Court specifically noted that it was not holding that racially balanced faculties were constitutionally required on all instances; but it also rejected the holding of the court of appeals that the ratio should be "substantially or approximately" complied with and that compliance with the desegregation orders should not be tested solely in terms of ratio.[65] Although the Supreme Court admitted that the ratio would be "troublesome" if it were regarded as an inflexible approach which might cause an injustice to the school board, it stated that such was not the case in the circumstances before it.[66] The Court based that conclusion on the district court's careful analysis of prior discriminatory practices[67] and on the facility with which the school board could achieve the required ratio.

There is a similar trend in the labor area. That trend can be seen in the Department of Labor's recent announcement of the Revised Philadelphia Plan.[68] There the Department took the position that an "effective affirmative action program" under the President's Executive Order[69] requires that certain racially oriented factors be considered in determining a definite standard for minority employment in the better-paid trades in Philadelphia. Those standards are (1) the current extent of minority group participation in the trade; (2) the availability of minority group persons for employment in the trade; (3) the need for training programs in the area or the need to assure a demand for those who are in an existing program or who have recently left one; and (4) the impact of the proposed program upon the existing labor force. The Department of Labor has argued persuasively that its plan is not prohibited by the antipreferential-treatment provision of the Civil Rights Act of 1964.[70] But without regard to the legal issues, the very existence of such a plan provides an indication, as do some recent court rulings,[71] that the mere thought of a quota no longer prevents the implementation of truly effective remedies for past discrimination.

Footnotes at end of speech.

It is unclear, however, whether the principles of race consciousness enunciated in *Montgomery County* and the Revised Philadelphia Plan are pertinent to the critical problem of integrating union leadership so that the races may share power equitably. Many of the difficulties that were discussed in connection with third party intervention and the black workers' distrust of union leadership [72] result from a confrontation between a black rank-and-file and a predominantly white union officialdom. The problem of integrating union leadership is particularly important when two local unions that have been segregated in the past—one all white and the other all black—merge as required by title VII.[73] Great tension will arise after such a merger if Negro local officers are voted out by a white majority, especially when past discrimination in employment conditions has been engaged in by the white local.[74] Can title VII be said to require the use of a quota or a ratio in order to insure that in these circumstances the minority group will have some representation?

Since it was the white leadership which initially negotiated the discriminatory conditions, and which probably imposed the segregation of the locals, that leadership's unchecked control of the union's position after a merger hardly bodes well for a collective bargaining process which is supposed to be fair to the Negro minority. If black elected officers are not able to participate in policy judgments, then the union's policy-making body is akin to a malapportioned or gerrymandered legislature. Even more analogous to the situation at hand is that which arose in *Allen v. State Board of Elections*.[75] In that case, the Supreme Court held that a state which is within the coverage of the Voting Rights Act of 1965 cannot convert its district system of election to an at-large system without a declaratory judgment or approval by the Attorney General, because the proposed conversion might result in a dilution of the Negro vote. The Court found that, "[v]oters who are members of a racial minority might well be in the majority in one district, but in a decided minority in the county as a whole. This type of change could therefore nullify their ability to elect the candidate of their choice just as would prohibiting some of them from voting." [76] Similarly, in the labor situation, when two segregated unions merge and black workers become the minority, the merger could cause those workers to lose all representation in the union leadership as effectively as would a total prohibition on their right to vote.[77]

Some of these issues arose in *Chicago Federation of Musicians, Local 10 v. American Federation of Musicians*.[78] In that case, the international union proposed to merge a local which was all Negro with one which was all white. Its merger plan provided that members of the black local would have the right to select a certain number of local union officials during a transitional period consisting of the first six years of the merged local's existence. The white local then challenged the international's proposal on two grounds: that a trusteeship had been formed in violation of the Landrum-Griffin Act,[79] and that such a trusteeship, together with the merger proposal, violated title VII of the 1964 Civil Rights Act.[80] A federal district court rejected those contentions and held that the merger arrangement was not improper from a "practical standpoint," since the international union was attempting to induce the merger through a guarantee of representation to members of the black locals.[81] Although the court noted that title VII was not effective at the time that the suit was filed, it did indicate that, because the plan was designed to promote integration and to protect the smaller local, the statute was not violated.[82]

The *Chicago Federation* case indicates only that a plan which allocates seats to each local is permissible under title VII; it does not deal with the question whether the statute can be read to *impose* black representation upon the merged local in certain circumstances. But the clear intent of title VII would be undermined if the use of subtle devices—such as the voting out of black leaders—to lessen the value of the black vote were permitted. As the *Allen* case demonstrated in connection with the Voting Rights Act of 1965, the use of such evasionary measures cannot be allowed.[83] Thus, it appears that title VII should be read to require some fixed or proportionate number of blacks in union leadership positions when the alternative is complete exclusion. The EEOC apparently accepted that type of reasoning, for, by holding in a recent case that title VII prohibits the dismissal of a black local's officials by white leadership after a merger,[84] it indicated that it will review merger terms.[85]

The problem of using ratios to integrate union leadership will presumably become more intense as the statute's effect becomes stronger in dealing with segregation. It is extremely unrealistic to believe that the election of white trade unionists who have practiced segregation in the past is compatible with the even-handed treatment which title VII supposedly contemplates for the plant community. Assuming, then, that the statute does require that there be some Negro representation, the extent of that required representation and the size of the quota or ratio necessary for implementing it depend upon the size of the merged local and, perhaps, upon the severity of the discrimination previously practiced. It is clear that when the EEOC and the courts make judgments of this nature, they must articulate them on an ad hoc basis, in order to provide the kind of flexibility contained in both *Montgomery County* and the Philadelphia Plan.

Required representation in leadership is hardly inconsistent with the Landrum-Griffin Act, since such a requirement simply adheres to the democratic choice of the employees in each local union. Furthermore, required integrated leadership is a necessary step, because the alternative to it, black separatism, is not a feasible, let alone desirable, objective in this country. If a merger of two segregated locals is allowed to dilute existing black power in the unions, there will surely be industrial strife of a racial nature which is antithetical to the policies of the NLRA; [86] and the circumstances of that dispute will be bound to favor the rhetoric of the separatists. Thus, the color line in unions, as well as in jobs, must be erased, and integrated leadership must be ensured by an active and compulsory use of quotas and ratios.

IV. GASTON COUNTY AND THE GRANTING OF COMPENSATORY SENIORITY AND TRAINING

While it is clear that black leadership in elected policy-making positions at both the international [87] and local level is a *sine qua non* for equality, the matter cannot be considered in a vacuum. Discriminatory employment conditions, which have their origins prior to the effective date of the Civil Rights Act of 1964, still exist and must be completely eliminated. During the past three years this subject has been examined in detail, particularly with respect to the problems of seniority and advancement,[88] and there is no need to reiterate those views here. However, a recent development may shed some light on one of the most perplexing of those problems—that faced by black workers who have been in an all-black department of a plant and who are transferred to a department which had previously been all white. In the usual case, those workers will have no seniority in their new positions, and they will have little opportunity for advancement since title VII expressly compels advancement only for those workers who are qualified [89] and the newly transferred black workers will usually have neither the experience nor the seniority to qualify them. Because this situation is the result of prior discrimination, it is reasonable to argue that title VII requires unions and management to rectify their previous practices by granting the transferred workers compensatory seniority credit in their new positions and by providing to those with adequate potential the additional training necessary to qualify them for promotion.[90] A recent decision of the Supreme Court, *Gaston County* v. *United States*,[91] in which analogous issues were raised, provides considerable support for that view.

The question in *Gaston County* was whether a state could escape coverage of the Voting Rights Act of 1965 because the low number of registered voters was attributable to their lack of literacy. The Court held that when the illiterate condition of Negro residents is attributable to past inferior educational opportunities, the statute is applicable and the state's literacy test must be suspended. The Court emphasized the relationship between the existing conditions and the past inequality:

"It is only reasonable to infer that among black children compelled to endure a segregated and inferior education, fewer will achieve any given degree of literacy than will be so among their better-educated white contemporaries. And, on the Government's showing, it was certainly proper to infer that Gaston County's inferior Negro schools provided many of its Negro residents with subliterate education, and gave many others little inducement to enter or remain in school." [92]

The lesson of *Gaston County* is that the state cannot take the illiterate Negro as it finds hi mif he state educational facilities are responsible for his condition. Much of the current fighting over seniority systems and other employment condiitons involves very similar issues and contentions. Like the state in *Gaston County*, unions and management argue that the denial of compensatory seniority and training results from the previous practice of discrimination, and that the denial is not discriminatory in itself; no more should be required to them than that they put an end to discriminatory employment practices. That viewpoint deserves no greater acceptance by the Burger Court than that which the Warren Court gave to the comparable defense in *Gaston County*.

In a recent case, however, the Court of Appeals for the Fifth Circuit failed to take cognizance of the full implications of *Gaston County*. In that case, *Local 189, United Papermakers v. United States*,[93] the court, while accepting the general principle that title VII does not permit unions and employers to carry forward the effects of past discrimination in the employment relationships, stated in dicta that the statute assists only those Negro workers who have "qualifications," that is, existing skills, which qualify them for promotion without training.[94] The court found that "business necessity" would preclude the employment of black workers in jobs for which the schools had failed to prepare them.[95] But the court did not take account of the situation in which unions and employers become involved in the discriminatory pattern by placing Negro workers in nonpromotable, unskilled jobs. *Gaston County* indicates that, in those circumstances, unions and managements, because they were originally responsible for the black workers' failure to build up seniority in the new department and to receive adequate training for advancement, must provide those workers with compensatory seniority and training.

Footnotes at end of speech.

V. CONCLUSION

As of this date, one cannot know whether the Burger Court will permit the Negro worker to be left "standin' there" like Langston Hughes' Florida road workers. The Court should not be deceived by those who say that the problem of racial discrimination can be dealt with effectively through full employment policies, although surely effectuation of those policies is the foremost hope of both races. But the immediate legal issues involve equity for the black worker in terms of the jobs that are available now. Without that kind of analysis, we must find ourselves saying with Mrs. Alving in Ibsen's *Ghosts:* "Oh, that perpetual law and order! I often think that that is what does all the mischief in this world of ours." [96]

The issue, then, is whether the law of racial equality will be made applicable to employment in a meaningful sense, that is, whether the Court will alter the black worker's current plight which Langston Hughes put so well when he said:

"Sure,
A road helps all of us!
White folks ride—
And I get to see 'em ride.
I ain't never seen nobody
Ride so fine before.
Hey buddy!
Look at me.
I'm makin' a road!" [97]

FOOTNOTES

†This Article is based on a speech presented by the author to the Labor Law Section of the American Bar Association at Dallas, Texas, on August 11, 1969.

*Professor of Law, Wayne State University. A.B. 1958, University of Rhode Island; LL.B. 1961, Cornell University; Graduate Study 1962–1963, London School of Economics.—Ed.

[1] *Florida Road Workers,* in MODERN AMERICAN POETRY 594 (L. Untermeyer ed. 1950).

[2] 70 L.R.R.M. 2489 (D.C. Cir. Feb 7) 1, *cert. denied,* 37 U.S.L.W. 3173 (U.S. Nov. 10, 1969). On remand from the court of appeals, the NLRB ordered a rehearing. Farmers' Cooperative Compress, 72 L.R.R.M. 1251 (Oct. 9, 1969).

[3] 70 L.R.R.M. at 2497.

[4] 70 L.R.R.M. at 2495.

[5] This argument first appeared with respect to the question whether a failure of a union to fulfill its duty of fair representation of its members constitutes an unfair labor practice. But despite the strong objections of Chairman McCulloch and Member Fanning, a majority of the National Labor Relations Board have never been troubled either by the argument presented in the text or by the absence of legislative history supporting the conclusion that a breach of the duty of fair representation constitutes an unfair labor practice; and they have come to that conclusion. *See* United Rubber Workers v. NLRB, 368 F.2d 12 (5th Cir. 1966), *cert. denied,* 389 U.S. 837 (1967); Miranda Fuel Co., 140 N.L.R.B. 181 (1962), *enforcement denied,* 326 F.2d 172 (2d Cir. 1963). But there are two differences between the duty found by Judge Wright in *Packinghouse Workers* and the duty of fair representation. First, when Congress passed the 1947 amendments to the NLRA, it was presumably aware that the Supreme Court had devised a judicial doctrine of fair representation. Second, the duty of fair representation is a logical corollary to the principle of the union as exclusive bargaining representative. Hence, there is a stronger argument for sustaining the administratively fashioned duty of fair representation than there is for upholding Judge Wright's attempt to make racial discrimination an unfair labor practice for an employer.

[6] 347 U.S. 483 (1954).

[7] 70 L.R.R.M. at 2495.

[8] N.Y. Times, July 21, 1969, at 30, col. 1. However, Chairman Brown's views on the matter have apparently changed. *See* N.Y. Times, Aug. 9, 1969, at 1, col. 5. *See also* JOBS AND CIVIL RIGHTS (Prepared for the U.S. Civil Rights Commission by the Brookings Institution, 1969).

[9] Civil Rights Act of 1964, 42 U.S.C. §§ 2000(a)-(h) (1964), *as amended,* 42 U.S.C. §§ 2000(d)-1(e), -1(g) (Supp. IV, 1965-1968).

[10] Civil Rights Act of 1964, § 703, 42 U.S.C. § 2000e–2 (1964).

[11] Exec. Order No. 10,925, 3 C.F.R. 448 (1959–1963 comp.), *as amended,* Exec. Order No. 11,162, 3 C.F.R. 215 (1964-1965 comp.). The Civil Rights Act of 1964 recognized this order in § 709(d), 42 U.S.C. § 2000e-8(d) (1964). Executive Order No. 10,925 has been superceded by Exec. Order No. 11,246, 3 C.F.R. 339 (1964-1965 comp.), *as amended,* Exec. Order No. 11,375, 3 C.F.R. 320 (1967 comp.), 42 U.S.C. § 2000c (Supp. IV, 1965-1968).

[12] *See,* e.g., 110 CONG. REC. 11,719 (1964) (remarks of Senator Tower); 110 CONG. REC. 12,595 (1964) (remarks of Senator Clark). *See generally* H.R. REP. No. 914, 88th Cong., 1st Sess. (1963); S. REP. No. 872, 88th Cong, 2d Sess. (1964).

[13] Louisiana v. United States, 380 U.S. 145, 154 (1965).

[14] 393 U.S. 544 (1969).

[15] 42 U.S.C. § 1973c (Supp. IV, 1965-1968).

[16] 393 U.S. at 565.

[17] Green v. County School Bd., 391 U.S. 430 (1968); Raney v. Board of Educ., 391 U.S. 443 (1968); Monroe v. Board of Commrs., 391 U.S. 450 (1968). The Court's most recent decision on school desegregation is Alexander v. Holmes County Bd. of Educ., 90 S. Ct. 14 (1969), in which the Court found that *Brown's* requirement of desegregation with "all deliberate speed" was no longer constitutionally permissible. 90 S. Ct. at 15-16. The Court then ordered the school districts involved in the case to begin desegregation "immediately."

[18] *See* United States v. Jefferson County Bd. of Educ., 372 F. 2d 836 (5th Cir.), *affd. with modifications on rehearing,* 380 F. 2d 385 (5th Cir. 1966) (en banc), *cert. denied sub nom.* Caddo Parish School Bd. v. United States, 389 U.S. 840 (1967). *But see* Vieira, *Racial Imbalance, Black Separatism, and Permissible Classification by Race,* 67 MICH. L. REV. 1553, 1603–04 (1969).

[19] Swain v. Alabama, 380 U.S. 202 (1965); Hernandez v. Texas, 347 U.S. 475 (1954); Cassell v. Texas, 339 U.S. 282 (1950); Aikins v. Texas, 325 U.S. 398 (1945); Hill v. Texas, 316 U.S. 400 (1942); Norris v. Alabama, 294 U.S. 587 (1935).

[20] 392 U.S. 409 (1968). *See* Larson, *The New Law of Race Relations,* 1969 Wis. L. REV. 470. *Compare* Dobbins v. Local 212, IBEW, 69 L.R.R.M. 2313 (S.D. Ohio 1968), *with* Waters v. Wisconsin Steel Works of Intl. Harvester Co., 71 L.R.R.M. 2886 (N.D. Ill July 14, 1969), and Harrison v. American Can Co., 2 FAIR EMPL. PRAC. CAS. 1 (S.D. Ala. July 8, 1969), on the applicability of *Jones* to racial discrimination in employment. *See also* Gould, *The Emerging Law Against Racial Discrimination in Employment,* 64 NW. U. L. REV. 359, 376–78 (1969).

[21] 392 U.S. at 437–44.

[22] *See generally* M. SOVERN, LEGAL RESTRAINTS ON RACIAL DISCRIMINATION IN EMPLOYMENT (1966); Aaron, *The Union's Duty of Fair Representation Under the Railway Labor and National Labor Relations Acts,* 34 J. AIR L. & COM. 167 (1968); Sovern, *The National Labor Relations Act and Racial Discrimination,* 62 COLUM. L. REV. 563 (1962).

[23] 323 U.S. 192 (1944). In that case, the Court held that the Railway Labor Act imposed on a union acting as the exclusive bargaining agent for a class of employees the duty to represent all employees without discrimination because of their race. This has become known as the doctrine of fair representation. *See* text accompanying notes, 33–34 *infra.* Of course, there have been a number of fair representation cases decided by the Court subsequent to *Steele* in both a racial and a nonracial context, and some of them were decided by the Warren Court. *See* Vaca v. Sipes, 386 U.S. 171 (1967); Humphrey v. Moore, 375 U.S. 335 (1964); Conley v. Gibson, 355 U.S. 41 (1957); Syres v. Oil Workers, 350 U.S. 892 (1956); Ford v. Huffman, 345 U.S. 330 (1953); Graham v. Brotherhood of Locomotive Firemen, 338 U.S. 232 (1949); Tunstall v. Brotherhood of Locomotive Firemen, 323 U.S. 210 (1944). *See generally* St. Antoine, *Judicial Valour and the Warren Court's Labor Decisions,* 67 MICH. L. REV. 317 (1968), on the role of the Warren Court and labor law.

[24] 395 U.S. 285 (1969).

[25] 29 U.S.C. § 159(a) (1964).

[26] 45 U.S.C. § 152(fourth) (1964).

[27] Medo Photo Supply Corp. v. NLRB, 321 U.S. 678 (1944); J. I. Case Co. v. NLRB, 321 U.S. 332 (1944).

[28] United Steelworkers v. Warrior & Gulf Nav. Corp., 363 U.S. 574 (1960); United Steelworkers v. Enterprise Wheel & Car Corp., 363 U.S. 593 (1960); United Steelworkers v. American Mfg. Co., 363 U.S. 564 (1960).

[29] Vaca v. Sipes, 386 U.S. 171 (1967).

[30] Republic Steel Corp. v. Maddox, 379 U.S. 650 (1965).

[31] Vaca v. Sipes, 386 U.S. 171, 185–86 (1968). It is not entirely clear, however, whether the Court is addressing itself to union exhaustion or to employee exhaustion when it speaks of exhaustion of contractual remedies and indicates that a worker may bring suit against an employer despite the absence of exhaustion in the event that the union has breached its duty of fair representation. The requirement is probably union exhaustion.

[32] 323 U.S. 192 (1944).

[33] *See* note 23 *supra* and accompanying text.

[34] 323 U.S. at 199.

[35] *See* test accompanying notes 40–42 *infra.*

[36] *See* United States v. Georgia Power Co., 71 L.R.R.M., 2784 (N.D. Ga. May 16, 1969); Dent v. St. Louis—San Francisco Ry., 265 F. Supp. 56 (N.D. Ala. 1969), *revd. on other grounds,* 406 F.2d 339 (5th Cir. 1969); King v. Georgia Power Co., 69 L.R.R.M. 2094 (N.D. Ga. 1968); Reese v. Atlantic Steel Co., 282 F. Supp. 905 (N.D. Ga. 1967); Bowe v. Colgate-Palmolive Co., 272 F. Supp. 332 (S.D. Ind. 1967), *revd.,* 2 Fair Empl. Prac. Cas. 121 (7th Cir. Sept. 26, 1969).

[37] *See* Waters v. Wisconsin Steel Works of Intl. Harvester Co., 71 L.R.R.M. 2886 (N.D. Ill. July 14, 1969); *cf.* NLRB v. Industrial Union of Marine & Shipbuilding Workers, 391 U.S. 418 (1968); Brady v. Trans-World Airlines, Inc., 401 F.2d 87 (3d Cir. 1968), *cert. denied,* 393 U.S. 1048 (1969).

[38] 393 U.S. 324 (1969).

[39] *See* note 37 *supra.* In Waters v. Wisconsin Steel Works of Intl. Harvester Co., 71 L.R.R.M. 2886 (N.D. Ill. July 14, 1969), *Glover* was distinguished because there was no showing of futility

[40] *See* text accompanying notes 33–34 *supra.*

In essence, this is the analysis initially set forth in Gould, *Non-Governmental Remedies in Employment Discrimination,* in ABA INSTITUTE PROC. ON EQUAL EMPLOYMENT OPPORTUNITY LAW (1969) [reprinted in 20 SYRACUSE L. REV. 865 (1969)]. That basic theme applies to various aspects of the existing industrial relations system. *See* Gould, *Labor Arbitration of Grievances Involving Racial Discrimination,* 118 U. PA. L. REV. 40 (1969); Gould, *Black Power in the Unions: The Impact upon Collective Bargaining Relationships,* 79 YALE L.J. 46 (1969).

[41] *See* Vaca v. Sipes, 386 U.S. 171 (1968), in which the Warren Court made this exaggerated claim.

[42] *See, e.g.,* F. RAY MARSHALL & V. BIGGS, EQUAL APPRENTICESHIP OPPORTUNITIES: THE NATURE OF THE ISSUE AND THE NEW YORK EXPERIENCE (1968). *Compare id., with* Blumrosen, *The Duty of Fair Recruitment Under the Civil Rights Act of 1964,* 22 RUTGERS L. REV. 465 (1968); Gould, *The Negro Revolution and Trade Unionism,* CONGRESSIONAL

RECORD, vol. 114, pt. 19, p. 24872; O'Hanlon, *The Case Against the Unions*, FORTUNE, Jan. 1968, at 170. *See generally* U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, EQUAL EMPLOYMENT OPPORTUNITY REPORT No. 1 (1967).

[43] *Cf.* United Rubber Workers v. NLRB, 368 F.2d 12 (5th Cir. 1966), *cert. denied*, 389 U.S. 837 (1967); Goodyear Tire & Rubber Co., 45 Lab. Arb. 240 (1965).

[44] *See* text accompanying note 8 *supra*.

[45] *See* note 28 *supra*.

[46] 404 F.2d 169 (5th Cir. 1968), *cert. denied*, 394 U.S. 987 (1969). Justice Black was of the opinion that certiorari should have been granted. *See* Fleming, *Some Problems of Due Process and the Fair Procedure in Labor Arbitration*, 13 STAN. L. REV. 235 (1961); WIRTZ, *Due Process of Arbitration*, in PROC. OF THE 11TH ANNUAL MEETING, NATIONAL ACADEMY OF ARBITRATORS, THE ARBITRATOR AND THE PARTIES 1 (1958).

[47] *See* text accompanying notes 29–30 *supra*.

[48] 386 U.S. 171 (1967).

[49] Those standards are discussed in text accompanying notes 29–31 *supra*.

[50] 375 U.S. 335 (1964).

[51] 375 U.S. at 349.

[52] 353 U.S. 448 (1957).

[53] 353 U.S. at 457 (emphasis added).

[54] *See* Jones v. Alfred H. Mayer Co., 392 U.S. 409 (1968); *Developments in the Law—Equal Protection*, 82 HARV. L. REV. 1065 (1969); Comment, *The "New" Thirteenth Amendment: A Preliminary Analysis*, 82 HARV. L. REV. 1295 (1969). With respect to industrial relations, see Gould, *Labor Arbitration Grievances Involving Racial Discrimination*, 118 U. PA. L. *Rev.* 40 (1969); Gould, *Black Power in the Union: The Impact upon Collective Bargaining Relationships*, 79 YALE L.J. 46 (1969).

[55] The problem of overly expensive transportation to work has been a point of dispute for some time in the Detroit area.

[56] *See* St. Antoine, *Litigation and Meditation Under Title VII of the Civil Rights Act of 1964*, in ABA INSTITUTE PROC. ON EQUAL EMPLOYMENT OPPORTUNITY LAW (1969).

[57] *Cf.* Brown v. Boa.d of Educ., 349 U.S. 300 (1955).

[58] *Cf.* Cooper v. Aaron, 358 U.S. 1 (1958)

[59] Unfortunately, the situation under discussion here cannot be equated with the refusal of Orthodox Jews and Seventh Day Adventists to work at certain times, because in those cases the minority is small and thus the harm to the employer is slight. To the contrary, in the area of programs to hire the disadvantaged, the hope is that the minority will become a sizeable one.

[60] Wallen *Industrial Relations Problems of Employing the Disadvantaged*, PROC. OF THE 22D ANNUAL MEETING, NATIONAL ACADEMY OF ARBITRATORS (1969).

[61] United States v. Hayes Intl. Corp., 70 L.R.R.M. 2926 (N.D Ala. 19683, *revd on other* grounds, 2 FAIR EMPL. PRAC. CAS. 67 (5th Cir. Aug. 19, 1969).

[62] 339 U.S. 460 (1950).

[63] 339 U.S. at 463–64.

[64] 395 U.S. 225 (1969).

[65] United States v. Montgomery County Bd. of Educ., 400 F.2d 1 (5th Cir.), *affg.* 289 F. Supp. 647 (M.D. Ala. 1968).

[66] 395 U.S. at 234–35.

[67] 289 F. Supp. at 649–52.

[68] Department of Labor, Order Requiring Specific Goals for Hiring Minorities in Better-Paying Philadelphia Construction Jobs, June 27, 1969; Memorandum from Assistant Secretary of Labor Fletcher to Heads of All Agencies, June 27, 1969.

[69] *See* Exec. Order No. 11,246, 3 C.F.R. 339 (1964–1965 comp.), *as amended*, Exec. Order No. 11,375, 3 C.F.R. 320 (1967 comp.), 42 U.S.C. § 2000e (Supp. IV, 1965–1968). For a discussion of Executive Order No. 11,246, see JOBS AND CIVIL RIGHTS, *supra* note 8; Powers, *Federal Procurement and Equal Employment Opportunity*, 29 LAW & CONTEMP. PROB. 468 (1964).

[70] 42 U.S.C. § 2000e–2(j) (1964). The Attorney General has approved the Plan. *See* Opinion of Attorney General John N. Mitchell on Legality of Revised Philadelphia Plan, DAILY LABOR REPORT No. 184, at E–1 (Sept. 23, 1969).

[71] Local 53, Intl. Assn. of Heat & Frost Insulators v. Vogel, 407 F.2d 1047 (5th Cir. 1969); Ethridge v. Rhodes, 268 F. Supp. 83 (S.D. Ohio 1967); Weiner v. Cuyahoga Community College Dist., 19 Ohio St. 2d 35, 249 N.E.2d 907 (1969).

[72] *See* text accompanying notes 36–45 *supra*.

[73] 42 U.S.C. § 2000e-2(c) (1964).

[74] Moreover, severe eligibility requirements can often effectively discourage newly hired black workers from participating in internal union political activities and from electing other blacks to leadership positions. *Cf.* Wirtz v. Hotel, Motel & Club Employees, Local 6, 391 U.S. 492 (1968); Wirtz v. National Maritime Union, 284 F. Supp. 47 (S.D.N.Y.), *affd.*, 399 F.2d 544 (2d Cir. 1968).

[75] 393 U.S. 544 (1969).

[76] 393 U.S. at 569.

[77] *See also* note 74 *supra*.

[78] L.R.R.M. 2227 (N.D. Ill. 1964). *Cf.* Gould, *The Negro Revolution and the Law of Collective Bargaining*, 34 FORDHAM L REV. 207, 255–57 (1965). In United States v. Local 189, United Papermakers, 57 CCH Lab. Cas. ¶ 9120 (E.D. La. 1968), a consent decree was issued providing that, during a transitional period, formerly segregated locals would have separate representation. *See also* Daye v. Tobacco Workers, 234 F. Supp. 815 (D.D.C. 1964).

[79] 57 L.R.R.M. at 2230. Section 3(h) of the Landrum-Griffin Act, 29 U.S.C. 403(h) (1964) defines trusteeship as, "any receivership, trusteeship, or other method of supervision or control whereby a labor organization suspends the autonomy otherwise available to a subordinate body under its constitution or bylaws." When a trusteeship is formed, various requirements are imposed upon the labor organization which forms it. *See* Landrum-Griffin Act tit. III, 29 U.S.C. §§ 419–24 (1964).

[80] 57 L.R.R.M. at 2230. Section 703(c) of of title VII, 42 U.S.C. § 2000e-2(c), provides:

It shall be an unlawful employment practice for a labor organization—

(1) to exclude or to expel from its membership, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin;

(2) to limit, segregate, or classify its membership, or to classify or fail or refuse to refer for employment any individual, in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, because of such individual's race, color, religion, sex, or national origin; or

(3) to cause or attempt to cause an employer to discriminate against an individual in violation of this section.

[81] 57 L.R.R.M. at 2227.

[82] 57 L.R.R.M. at 2236.

[83] *See* text accompanying notes 75–76 *supra*.

[84] Case No. NO 7–3–336U, 71 LAB. REL. REP. 339 (EEOC June 18, 1969).

[85] The Commission relied, in part, on the lack of any attempt "to merge the staffs of the two unions on a nondiscriminatory basis so as to approximate the proportions of membership contributed by the two previously segregated locals." 71 LAB. REL. REP. at 340.

[86] 29 U.S.C. §§ 202(a), (b), 203 (1964).

[87] On an international level, the problem is that district lines are drawn on a regional basis, and Negroes are in a minority in each region, even in unions having a large Negro membership, such as the United Automobile Workers and the United Steelworkers. *See Steelworkers Debate Black Representation*, 91 MONTHLY LAB. REV. 16–17 (1968). The UAW circumvented this problem in 1962 by electing to the Board a Negro Member-at-Large, Nelson Jack Edwards. More recently, the first Negro Regional Director-Board Member, Marcellius Ivory, was elected. *See* N.Y. Times, Aug. 1, 1968, at 11, col. 8; Owens, *Negro Is Pilot for 74,000-Member UAW Region*, Detroit Free Press, Aug. 15, 1968, at 2E. *See generally* Henle, *Some Reflections on Militants*, 92 MONTHLY LAB. REV. 20 (1969); Hill, *Black Protest and the Struggle for Union Democracy*, 1 ISSUES IN INDUS. SOCY. 19 (1969); Gannon, *Black Unionists: Militant Negroes Press for a Stronger Voice in the Labor Movement*, Wall St. J., Nov. 29, 1968, at 1, col. 1; Berstein, *Fervor of Racial Protest Starting To Press Unions*, Denver Post, June 15, 1969, § J, at 1; Stetson, *Negro Members Are Challenging Union Leaders*, N.Y. Times, June 29, 1969, at 37, col. 2.

[88] *See* Gould, *Employment Security, Seniority and Race: The Role of Title VII of the Civil Rights Act of 1964*, 13 How. L.J. 1 (1967); Gould, *Seniority and the Black Worker: Reflections on Quarles and Its Implications*, 47 TEXAS L. REV. 1039 (1969); Cooper & Sobol, *Seniority and Testing Under Fair Employment Laws: A General Approach to Objective Criteria of Hiring and Promotion*, 82 HARV. L. REV. 1598 (1969); St. Antoine, *Litigation and Mediation Under Title VII of the Civil Rights Act of 1964*, in ABA INSTITUTE PROC. ON EQUAL EMPLOYMENT OPPORTUNITY LAW (1969); Aaron, *Reflections on the Legal Nature and Enforceability of Seniority Rights*, 75 HARV. L. REV. 1532 (1962); Note, *Title VII Seniority Discrimination and the Incumbent Negro*, 80 HARV. L. REV. 1260 (1967). *See also* Local 189, United Papermakers v. United States, 71 L.R.R.M. 3070 (5th Cir. July 28, 1969).

[89] 42 U.S.C. § 2000E–2(h) (1964). For discussions of the comparable "affirmative action" remedial provision contained in § 10(c) of the NLRA, see St. Antoine, *A Touchstone for Labor Board Remedies*, 14 WAYNE L. REV. 1039 (1968); Note, *The Need for Creative Orders Under Section 10(c) of the National Labor Relations Act*, 112 U. PA. L. REV. 69 (1963). Section 10(c) authorizes the NLRB "to take such affirmative action including reinstatement of employees with or without back pay, as will effectuate the policies of this [Act] . . ." 29 U.S.C. § 160(c) (1964).

[90] I have made this argument before. *See* Gould, 13 How. L.J. 1 (1967), *supra* note 88; Gould, 47 Texas L. Rev. 1039 (1969), *supra* note 88.

[91] 395 U.S. 285 (1969).

[92] 395 U.S. at 295–296.

[93] 71 L.R.R.M. 3070 (5th Cir. July 28, 1969).

[94] 71 L.R.R.M. at 3071. Judge Wisdom's opinion did cite *Gaston County* for the proposition that, in order for title VII to be operative, past discrimination need not be unlawful at the time at which it was engaged in.

[95] The court stated:

Not all "but-for" consequences of pre-Act racial classification warrant relief under Title VII. For example, unquestionably Negroes, as a class, educated at all-Negro schools in certain communities have been denied skills available to their white contemporaries. That fact would not, however, prevent employers from requiring that applicants for secretarial positions know how to type, even though this requirement might prevent Negroes from being secretaries.

. . . Secretaries must be able to type. There is no way around that necessity . . . 71 L.R.R.M. at 3076.

[96] H. IBSEN, *Ghosts*, in 7 THE COLLECTED WORKS OF HENRIK IBSEN 220 (1924).

[97] *Florida Road Workers*, in MODERN AMERICAN POETRY 594 (L. Untermeyer ed. 1950).

YEAR-ROUND SCHOOLS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1970

Mr. WILLIAM D. FORD. Mr. Speaker, there have been many suggestions and

experiments to obtain a more economical utilization of the multibillion-dollar investment that the Nation has made in school buildings and equipment. One suggestion has been that school buildings might be utilized on a more comprehensive basis than the traditional 8-hour day for 10 months of the year. The Atlanta, Ga., school system has conducted an experiment using this concept. They have tried operating some of their schools on a year-round program. On February 28, 1970, the Christian Science Monitor carried an article which assessed the year-round experience in Atlanta which I insert in the RECORD for the attention of all Members of the House having an interest in education:

YEAR-ROUND SCHOOLS—GEORGIA DISTRICTS VIEW FLEXIBILITY AS A MAJOR GAIN

(By Leon W. Lindsay)

ATLANTA.—Year-round school, a concept bandied about in the United States for the better part of the last 100 years, is today an established fact in Atlanta.

Educators here not only figured out why the idea had not caught on, despite many sound arguments in its favor, they also came up with a number of new reasons for having year-round school, and a formula for making it attractive to the community.

In the process, they accomplished a revolution in high-school curriculum.

It's known here as the four-quarter school year, and the designation is one key to surmounting the logistic, scholastic, and public relations problems which have stymied previous attempts at year-round schools. More than 30 tries in the United States since 1900 have failed.

Actually, eight separate school systems in metropolitan Atlanta joined in working out the year-round plan. High-school systems in the cities of Atlanta, Decatur, and Marietta and in Clayton, Cobb, DeKalb, Fulton, and Gwinnet Counties are in various stages of implementing the four-quarter plan.

But Atlanta has gone further than the others. In this city the plan is being fully implemented.

Dr. John W. Letson, Atlanta superintendent of schools, and Dr. Curtis Henson, assistant superintendent for instruction, emphatically state that Atlanta did not adopt the year-round plan in order to cut down on building and operating costs.

The aim is to provide expanded opportunity for students to learn. Flexibility is a basic element in making the plan work.

No one is assigned to attend the summer quarterly—or any other quarter. Students may choose to attend any three of the four quarters—or all four if they wish to graduate early or "enrich" their high-school experience.

Teachers are not assigned to work during the summer quarter. They are given the opportunity to do so, and may increase their annual earnings this way. They still end up with a two-week August vacation, plus the usual school holidays.

Students who have failed courses can use the extra quarter to make up lost ground.

And the opportunity is increased for students to carry a limited school load and hold regular jobs. This is particularly attractive to youths from disadvantaged homes.

Perhaps the greatest indication of the new flexibility, however, is in the curriculum which was devised along with the four-quarter system. No less than 860 course selections are available to Atlanta high-school students. And among these are some not to be found in any traditional high-school curriculum.

Flexibility is also evident in the elimination of sequential arrangement of courses in most subject-matter areas. Of course, there are some, such as mathematics, in which sequential learning must be maintained. But as far as possible rigid requirements of this sort have been dropped.

Not only may high-school students under the four-quarter system take a quarter off at any point to work or travel; they may also devote a quarter solely to one educational activity. The Atlanta school system provides such opportunities.

Six of the eight systems initiated the quarter system in September, 1968. But only Atlanta planned a tuition-free-fourth quarter for the summer of 1969. The others went ahead with their traditional summer schools, for which tuition is required.

Some 12,000 Atlanta high-school pupils indicated they would attend the summer quarter in 1969. Since in this initial year of the new system all students were required to attend the first three quarters, this advance of almost 30 percent enrollment was considered good, says Dr. Henson.

Most of the 12,000 did, indeed, enroll for the fourth quarter. Slightly more than half these took a full load—five academic courses a day, Dr. Henson disclosed. Others were enrolled for the purpose of making up failures or for "enrichment."

That first summer quarter increased Atlanta's overall $70 million school budget by $1.2 million. So much for the old theory that year-round school would save money.

But since Atlanta is emphasizing improved educational quality and opportunity, Dr. Letson and his staff feel that fourth quarter is a bargain at the $1.2 million price.

The public apparently agrees. Despite the fact that 3½ mills was added to the city tax rate to finance the four-quarter plan, objections have been few.

JAYCEES—50 YEARS OF SELFLESS SERVICE

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1970

Mr. FUQUA. Mr. Speaker, the measure of any man or organization is in results.

Truly it can be said of the Jaycees that here is an organization that has gotten results and this Nation and the world is richer for the vision of those young men who a half-century ago began the movement that was to become the world organization we know today.

This year the Jaycees are commemorating the 50th anniversary of their founding. I like the progressive spirit of this celebration, for instead of looking back, the attention is on the future.

Jaycees are young men between the ages of 21 to 35 who are motivated in "service to humanity." Their record of accomplishment in every corner of this Nation is the living tribute to these "Young Men in Action."

My own State is a good example. It was the Jaycees who took the leadership in the development of many of the programs that led to the formation of the Florida Highway Patrol. They were the leaders in developing our welcome stations which have meant so much to our vital tourist industry. They have been in the forefront of fighting for better government and for better communities. There is no area for civic betterment throughout our State which does not carry the imprint of the Jaycees.

Florida was the second State organization of the U.S. Junior Chamber of Commerce. The name Junior Chamber of Commerce came into being because the original group met in a Chamber of Commerce headquarters and a few years ago the name was changed to more accurately reflect its image as an organization of young men who are changing the world—the Jaycees.

From a beginning of a single chapter with an idea for bettering their community through the energy and initiative of young men has come an organization that spread throughout the United States and now as Junior Chamber International, has transported its precepts of selfless service throughout the world.

What has been accomplished in the past half century only portends that which will be done in the next 50 years. The Jaycee movement is founded on sound ground and truly its creed reflects all that is good and needed in this troubled world.

The creed of the Jaycees expresses a belief in God to give meaning and purpose to human life, that hte brotherhood of man transcends the sovereignty of nations, that economic justice is best achieved by free men through free enterprise, that Government should be of laws rather than of men, that the real treasure of earth is man's personality, and that service to humanity is the best work of life.

I have been a Jaycee myself and the thing that impressed me the most about the organization was the opportunity for leadership training for young men during their formative years.

The Jaycees are an active and ever-changing organization, for by its nature, it is of, by, and for the young leader. Here he has an opportunity to experiment with new ideas, to articulate the problems that he feels a community, State or Nation faces, and to attempt to do something about that problem.

I have been particularly impressed with the relevance which this organization gives to current problems. In every decade, the Jaycees have been a moving force of meeting the changing problems of society—ever in the forefront and quite often ahead of Government and other organizations in seeing the real problems that confront our society.

It would be impossible to recount the contributions which the 19 clubs in my congressional district have rendered. Young men who belong to the clubs in Apalachicola, Blountstown, Chattahoochee, Crescent City, Tallahassee, and East Tallahassee, Fernandina Beach, Gainesville, Green Cove Springs, Jasper, High Springs, Monticello, Lake City, Live Oak, Mayo, Orange Park, Palatka, Perry, and Quincy, have made tremendous contributions to our area of the State through the years.

Florida has furnished the leadership of the national presidency in the late, revered Selden Waldo of Gainesville, and 12 other national officers.

Florida Jaycees have come a long way from their beginning in 1923 with Jacksonville to the vibrant organization of

today of over 150 local clubs and a membership of over 10,000 in our State.

This Nation and the world is richer for their having existed. I am proud to have this opportunity to pay tribute to a movement I consider to be one of the finest forces for progress and leadership training that man has ever devised.

All of us have a right to be proud of their accomplishments and to wish for them a second half century of service to humanity.

COURT MAY DEFEND ITSELF—AT LEAST AGAINST CRIMINALS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1970

Mr. RARICK. Mr. Speaker, last February 16—H852—I called to the attention of the House the agitation and propaganda technique of the Communist movement in relation to the abuse of the courts.

It is worth summarizing the purpose and the nature of such assaults on justice at this time.

The radical in the hands of justice does not cease to be a soldier of the conspiracy—he simply adopts a new role. He uses the very concern of our judicial system for the protection of his rights to make that system unworkable. At the same time, he utilizes the stage as an agitation soapbox and as a platform from which to disseminate his propaganda. If he can so disturb the judicial machinery as to make his conviction impossible, so much the better, from the viewpoint of the conspirator.

Today the Supreme Court handed down what will probably become a landmark decision in a criminal case. I say probably, because Justice Douglas has already suggested that this was only an ordinary criminal and he probably did not have the same rights to constitutional protection which will be found in a "political" trial—such as that of a Communist, a subversive, a Negro, or a "civil rights worker" perhaps.

Misbehavior of a defendant, or his attorney, or of anyone else in a court in such a manner as to interfere with the proceedings of the court, and to tend to make the judicial process impossible is a direct and criminal contempt of that court—and has been from a very early time. This is so well settled in our law that the casebook example used in law school is written in the old law French.

The court has an inherent right of "self-defense" and when it is directly attacked it invokes this power of contempt punishments—for the purpose of protecting its very existence. We, in this House, have the same power. Were an unruly body to invade our Chamber and make our proceedings impossible, this House could direct its Sergeant at Arms to secure and incarcerate the miscreants for such time as necessary to enable the House to get about its business. Indeed, we have seen just an event occur in the legislature of one of the States, in Madison, Wis., not too long ago.

Because of the importance to all of us, and to the readers of the RECORD as well, I include in my remarks pertinent newspaper clippings relating to the actions of the U.S. district court in the Chicago conspiracy trial, the current press comments on today's Supreme Court decision, and the decision and opinions of the Supreme Court in Illinois against Allen, the case to which I refer.

The material follows:

[From the Chicago (Ill.) Tribune, Feb. 18, 1970]

HOW CAN A JUDGE PROTECT HIMSELF?

Protests against the contempt-of-court sentences in the riot conspiracy trial are coming from the usual mixed bag of professional liberals, dreamy idealists, and nuts. One of their complaints is that the sentences were too severe. Six months is long enough for contempt of court, they say.

The critics overlook the fact that when the defendants and their lawyers insulted Judge Hoffman and caused frequent disorders in the courtroom they were not merely trying to show off or to exercise exuberance. They were trying deliberately to provoke the judge into declaring a mistrial and sending them to jail for contempt. They figured that the worst they would get would be six-month sentences.

If six months were the limit for the worst possible misbehavior in a courtroom, no defendant ever could be sentenced to more severe punishment, no matter what the offense charged against him. He could simply insult the judge and accept a contempt sentence. When called back for another trial, he could repeat the contemptuous behavior and get another mistrial. This process could be continued indefinitely until witnesses died or disappeared and the prosecution's evidence was gone.

Judge Hoffman outfoxed the riot conspiracy group by submitting to their outrageous abuse and by keeping a careful record of every contemptuous act. At the end of the trial he sentenced the defendants for separate actions and made the sentences run consecutively.

Whether the cumulative sentences are upheld on appeal remains to be seen. If Judge Hoffman is upheld, the stiff sentences should serve as a healthy deterrent to others tempted to use the same tactics. On the other hand, if Judge Hoffman is reversed by the higher courts, they should specify what else he might have done to protect himself.

The only alternative so far suggested is that courtrooms be equipped with soundproofed plastic booths or separate rooms where unruly defendants, could be sequestered. Loudspeakers would permit them to hear the proceedings, and they would have telephones to communicate with their lawyers. Israel used a booth in the 1962 trial of Adolf Eichmann, not because he was contemptuous but to protect him from assassination.

A committee of architects, judges, and lawyers is investigating the possibility of designing courtrooms so that quiet, if not decorum, can be maintained in the trial of revolutionaries. A separate study is being made by a committee of the American Bar Association with the aim of establishing guidelines for dealing with disrupters. Such committees take forever to make reports.

Plastic booths or similar cages for defendants would be a confession of failure by our court system. Surely every judge should have authority to use jail sentences severe enough to maintain the dignity of the court against those trying to force mistrials. Appeals should be available to prevent the abuse of this authority by tyrannical judges.

If there are many more trials like the one recently concluded in Chicago, the riot conspiracy group will have won a major victory in their campaign to destroy the judicial process.

[From the Chicago (Ill.) Tribune, Feb. 26, 1970]

THE JUDICIAL PROCESS MUST BE PROTECTED

Judge Edwin A. Robson of the United States District court, who soon will be its chief judge, has issued an order forbidding defendants, counsel, witnesses, and court personnel to make out-of-court comments about a forthcoming trial of 15 radicals accused of breaking into and destroying the records of a draft center.

Judge Robson's drastic order was necessitated, he said, by the out-of-court activities of defendants, defense counsel, and certain news media during the riot-conspiracy trial of seven revolutionaries in Judge Julius J. Hoffman's court. In an obvious attempt to transfer their case from the courtroom to the country, the defendants held daily press conferences at which they made outrageous statements about the judge, witnesses, the government and its prosecutors, the law under which they were tried, etc., before ever-present television cameras.

Judge Robson asserted that William M. Kunstler, one of the defense lawyers, "repeatedly and brazenly" transgressed court rules and the canons of ethics by "continuous inflammatory statements concerning jurors, witnesses, evidence, the judge, and rulings by the court during the trial."

These extrajudicial activities, together with obstructive conduct by the defendants and their lawyers inside the courtroom, radicalized a considerable section of the nation's youth and resulted in a display of incredible ignorance of the law, the rules of evidence, and the facts of the case by liberal newspapers all over the country.

This newspaper has never condoned restrictions on sources of information to which the press has a legitimate right of access. Restrictions on the right of the press to obtain and to publish information which it deems essential to the public interest, even while a trial is in progress, would not be permissible under the Constitution. We do not believe, however, that Judge Robson's order has any such intent or will have that effect. It simply prevents extrajudicial comments about a judicial proceeding by defendants, witnesses, counsel, and court personnel.

Judge Robson's order, based upon the Supreme Court's decision in the murder case of Dr. Samuel Sheppard, was made necessary by the attempt of revolutionaries in this country to sabotage and undermine the judicial process, which they rightly regard as a bulwark of the system they seek to overthrow. Defendants in the riot-conspiracy case, of whom five were found guilty and all seven were jailed for contempt, together with their lawyers, because of their outrageous conduct during the trial, disdain to conceal their purpose to destroy the courts.

Justices of the United States Supreme Court took cognizance of this threat to the judicial process Tuesday during an oral argument on the case of William Allen, who was convicted of holding up a Chicago tavern and sentenced to 30 years in prison. Allen was sent to jail for disruptive conduct before his trial was concluded, and the question before the Supreme Court is whether this violated his constitutional right to confront his accusers.

Chief Justice Warren E. Burger, Justice Hugo L. Black, and Justice Thurgood Marshall all indicated agreement with the state of Illinois that Allen's conduct was an "ef-

fective waiver" of his right to be present throughout the trial.

"Something has to be done to protect the courts from such indignities and frustrations," said Justice Black.

If the Supreme Court rules against Allen, the courts will have ample authority to protect themselves. Unruly defendants can be dragged off to jail without waiting, as Judge Hoffman did, until their trial is over. Judge Robson has shown how to prevent inflammatory extrajudicial activities by defendants and their lawyers. We may have to enlarge our prison facilities, but the revolutionaries can be contained.

[From the Washington (D.C.) Star, Mar. 31, 1970]

RULING ASSERTS TRIAL DISRUPTERS MAY BE OUSTED

(By Lyle Denniston)

An accused person who disrupts his own trial may be barred from the courtroom, punished for contempt or even bound and gagged, the Supreme Court ruled today.

In a precedent-setting decision which will control trial judges in a series of highly controversial cases, the justices said an unruly defendant had no constitutional right to be present during his trial.

Seven members of the high court supported the decision in full.

The eighth, Justice William O. Douglas, did not file a dissent, but said he thinks the court should not have laid down formal guidelines, particularly because of problems he foresees in "political trials."

Justice Hugo L. Black wrote the brief but far-ranging opinion insisting upon order during criminal trials.

"Our courts, palladiums of liberty as they are, cannot be treated disrespectfully with impunity," the court's senior justice wrote.

BEARING ON HOFFMAN

"It would degrade our country and our judicial system to permit our courts to be bullied, insulted and humiliated and their orderly progress thwarted and obstructed by defendants brought before them charged with crimes."

Emphasizing the worry it apparently had about recent boisterous trials, the court took only five weeks to reach its decision. That is an unusually short time for a major constitutional ruling.

Black's opinion was supported by Chief Justice Warren E. Burger and Justices John M. Harlan, Potter Stewart, Byron R. White and Thurgood Marshall.

A seventh justice who said he agreed with the result, William J. Brennan, Jr., wrote his own opinion giving his reasons.

Brennan suggested, as Black had not, that an accused who is physically removed from his trial should have an opportunity to "communicate with his attorney and, if possible, to keep apprised of the progress of his trial."

Brennan did not say what he meant, except to refer to technological arrangements—presumably telephones or closed-circuit television facilities.

The court's ruling, while giving basic constitutional support to some of the actions of Federal Judge Julius J. Hoffman in the "Chicago Seven" conspiracy trial, did not endorse the precise actions the judge took.

For example, the decision today did not say whether the use of punishment for contempt may be delayed until the trial is all over, as Hoffman did, or must be used at the time the accused becomes unruly and disruptive.

The decision also does not settle the amount of punishment that may be given for contempt by a boisterous defendant.

The decision does give some implied support to a New York State judge, John M. Murtagh, who has refused to go ahead with a case against 13 Black Panthers accused of a bombing conspiracy until they promise to behave themselves in court.

The high court said flatly that a judge may "imprison an unruly defendant . . . and discontinue the trial until such time as the defendant promises to behave himself."

Today's ruling came in a case involving an Illinois man, William Allen, sentenced to a 10- to 30-year prison sentence in 1956 for robbing a bartender at gunpoint.

During his trial, Allen repeatedly spoke abusively, to the judge and said he would not allow his trial to go ahead. He was banished from the courtroom.

The 7th U.S. Court of Appeals ruled, however, that Allen had a constitutional right to be present during his trial. It ruled that he could be bound and gagged to make him behave.

The decision in Allen's case was applied Oct. 30 and 31 by Hoffman during the Chicago conspiracy trial. He ordered one of the defendants, Bobby Seale, bound and gagged to stop frequent outbursts.

Seale later was convicted of contempt of court and was ordered tried separately from the other accused. He is awaiting trial.

The high court ruling today emphasized that the justices felt that shackling and gagging should be used only as a last resort.

"Use of this technique," Black said, "is itself something of an affront to the very dignity and decorum of judicial proceedings that the judge is seeking to uphold."

It is partly because of its distaste for that technique, the court said, that it approved other methods of keeping order.

The justices gave no indication of whether they favored contempt punishment or removal from the courtroom.

However, Black's opinion warned trial judges not to use their contempt power in such a way as to permit an accused to stay in jail while his trial is suspended in hopes of allowing enough time to pass to win an acquittal on the basis that important witnesses were unavailable.

"A court must guard against allowing a defendant to profit from his own wrong in this way," Black said.

Under the decision, a judge apparently has the discretion of whether to keep the trial going after he punishes a person for contempt or to stop the trial until he is assured that the accused will behave.

Black said that punishing for contempt or threatening such punishment might sometimes be enough to make an accused behave. But if that is not enough, he may then be banished, Black said.

Douglas, referring to past cases in which labor leaders, Communists or anarchists and left-wing dissidents were tried in highly controversial prosecutions, said in his separate opinion the court should wait for such a political case to come to it before deciding on rules of conduct.

But, he said, "The Constitution was not designed as an instrument for . . . rough-and-tumble contest. The social compact has room for tolerance, patience, and restraint, but not for sabotage and violence."

Brennan's separate opinion similarly did not endorse unruly behavior in court. "The nation cannot endure if we allow our precious heritage of ordered liberty to be ripped apart amid the sound and fury of our times."

[In the Supreme Court of the United States, Mar. 31, 1970]

STATE OF ILLINOIS, PETITIONER *v.* WILLIAM ALLEN, ON WRIT OF CERTIORARI TO THE U.S. COURT OF APPEALS FOR THE SEVENTH CIRCUIT

MR. JUSTICE BLACK delivered the opinion of the Court.

The Confrontation Clause of the Sixth Amendment to the United States Constitution provides that "In all criminal prosecutions, the accused shall enjoy the right . . . to be confronted with the witnesses against him. . . ." We have held that the Fourteenth Amendment makes the guarantees of this clause obligatory upon the States. *Pointer* v. *Texas*, 380 U.S. 400 (1965). One of the most basic of the rights guaranteed by the Confrontation Clause is the accused's right to be present in the courtroom at every stage of his trial. *Lewis* v. *United States*, 146 U.S. 370 (1892). The question presented in this case is whether an accused can claim the benefit of this constitutional right to remain in the courtroom while at the same time he engages in speech and conduct which is so noisy, disorderly, and disruptive that it is exceedingly difficult or wholly impossible to carry on the trial.

The issue arose in the following way. The respondent, Allen, was convicted by an Illinois jury of armed robbery and was sentenced to serve 10 to 30 years in the Illinois State Penitentiary. The evidence against him showed that on August 12, 1956, he entered a tavern in Illinois and, after ordering a drink, took $200 from the bartender at gunpoint. The Supreme Court of Illinois affirmed his conviction, *People* v. *Allen*, 37 Ill. 2d 167, 226 N. E. 2d 1 (1967), and this Court denied certiorari. 389 U.S. 907 (1967). Later Allen filed a petition for a writ of habeas corpus in federal court alleging that he had been wrongfully deprived by the Illinois trial judge of his constitutional right to remain present throughout his trial. Finding no constitutional violation, the District Court declined to issue the writ. The Court of Appeals reversed, 413 F. 2d 232 (1969), Judge Hastings dissenting. The facts surrounding Allen's expulsion from the courtroom are set out in the Court of Appeals' opinion sustaining Allen's contention:

"After his indictment and during the pretrial stage, the petitioner [Allen] refused court-appointed counsel and indicated to the trial court on several occasions that he wished to conduct his own defense. After considerable argument by the petitioner, the trial judge told him, 'I'll let you be your own lawyer, but I'll ask Mr. Kelly [court-appointed counsel] [to] sit in and protect the record for you, insofar as possible.'

"The trial began on September 9, 1956. After the State's Attorney had accepted the first four jurors following their *voir dire* examination, the petitioner began examining the first juror and continued at great length. Finally, the trial judge interrupted the petitioner, requesting him to confine his questions solely to matters relating to the prospective juror's qualifications. At that point, the petitioner started to argue with the judge in a most abusive and disrespectful manner. At last, and seemingly in desperation, the judge asked appointed counsel to proceed with the examination of the jurors. The petitioner continued to talk, proclaiming that the appointed attorney was not going to act as his lawyer. He terminated his remarks by saying, 'When I go out for lunchtime, you're [the judge] going to be a corpse here.' At that point he tore the file which his attorney had and threw the papers on the floor. The trial judge thereupon stated to the petitioner, 'One more outbreak of that sort and I'll remove you from the courtroom.' This warning had no effect on the petitioner. He continued to talk back to the judge, saying, 'There's not going to be no trial, either. I'm going to sit here and you're going to talk and you can bring your shackles out and straight jacket and put them on me and tape my mouth, but it will do no good because there's not going to be no trial.' After more abusive remarks by the petitioner, the trial judge ordered the trial to proceed in the petitioner's absence. The petitioner was removed from the courtroom. The *voire dire* examination

then continued and the jury was selected in the absence of the petitioner.

"After a noon recess and before the jury was brought into the courtroom, the petitioner, appearing before the judge, complained about the fairness of the trial and his appointed attorney. He also said he wanted to be present in the court during his trial. In reply, the judge said that the petitioner would be permitted to remain in the courtroom if he 'behaved [himself] and [did] not interfere with the introduction of the case.' The jury was brought in and seated. Counsel for the petitioner then moved to exclude the witnesses from the courtroom. The defendant protested this effort on the part of his attorney, saying: 'There is going to be no proceeding. I'm going to start talking and I'm going to keep on talking all through the trial. There's not going to be no trial like this. I want my sister and my friends here in court to testify for me.' The trial judge thereupon ordered the petitioner removed from the courtroom." 413 F. 2d, at 233–234.

After this second removal, Allen remained out of the courtroom during the presentation of the State's case-in-chief, except that he was brought in on several occasions for purposes of identification. During one of these latter appearances, Allen responded to one of the judge's questions with vile and abusive language. After the prosecution's case had been presented, the trial judge reiterated his promise to Allen that he could return to the courtroom whenever he agreed to conduct himself properly. Allen gave some assurance of proper conduct and was permitted to be present through the remainder of the trial, principally his defense, which was conducted by his appointed counsel.

The Court of Appeals went on to hold that the Supreme Court of Illinois was wrong in ruling that Allen had by his conduct relinquished his constitutional right to be present, declaring that:

"No conditions may be imposed on the absolute right of a criminal defendant to be present at all stages of the proceedings. The insistence of a defendant that he exercise this right under unreasonable conditions does not amount to a waiver. Such conditions, if insisted upon, should and must be dealt with in a manner that does not compel the relinquishment of his right.

"In light of the decision in *Hoyt* v. *Utah*, 110 U.S. 574 (1884) and *Shields* v. *United States*, 273 U.S. 583 (1927) as well as the constitutional mandate of the Sixth Amendment, we are of the view that the defendant should not have been excluded from the courtroom during his trial despite his disruptive and disrespectful conduct. The proper course for the trial judge was to have restrained the defendant by whatever means necessary, even if those means included his being shackled and gagged." 413 F. 2d, at 235.

The Court of Appeals felt that the defendant's Sixth Amendment right to be present at his own trial was so "absolute" that, no matter how unruly or disruptive the defendant's conduct might be, he could never be held to have lost that right so long as he continued to insist upon it, as Allen clearly did. Therefore the Court of Appeals concluded that a trial judge could never expel a defendant from his own trial and that the judge's ultimate remedy when faced with an obstreperous defendant like Allen who determines to make his trial impossible is to bind and gag him.[1] We cannot agree that the Sixth Amendment, the cases upon which the Court of Appeals relied, or any other cases of this Court so handicap a trial judge in conducting a criminal trial. The broad dicta in *Hoyt* v. *Utah*, *supra*, and *Lewis* v. *United States*, 146 U.S. 370 (1892), that a trial can never continue in the defendant's absence has been expressly rejected. *Diaz* v. *United States*, 223 U.S. 442 (1912).

We accept instead the statement of Mr. Justice Cardozo who, speaking for the Court in *Snyder* v. *Massachusetts*, 291 U.S. 97, 106 (1968), said: "No doubt the privilege [of personally confronting witnesses] may be lost by consent or at times even by misconduct." [2] Although mindful that courts must indulge every reasonable presumption against the loss of constitutional rights, *Johnson* v. *Zerbst*, 304 U.S. 458, 464 (1938), we explicitly hold today that a defendant can lose his right to be present at trial if, after he has been warned by the judge that he will be removed if he continues his disruptive behavior, he nevertheless insists on conducting himself in a manner so disorderly, disruptive, and disrespectful of the court that his trial cannot be carried on with him in the courtroom.[3] Once lost, the right to be present can, of course, be reclaimed as soon as the defendant is willing to conduct himself consistently with the decorum and respect inherent in the concept of courts and judicial proceedings.

It is essential to the proper administration of criminal justice that dignity, order, and decorum be the hallmarks of all court proceedings in our country. The flagrant disregard in the courtroom of elementary standards of proper conduct should not and cannot be tolerated. We believe trial judges confronted with disruptive, contumacious, stubborn defiant defendants must be given sufficient discretion to meet the circumstances of each case. No one formula for maintaining the appropriate courtroom atmosphere will be best in all situations. We think there are at least three constitutionally permissible ways for a trial judge to handle an obstreperous defendant like Allen: (1) bind and gag him, thereby keeping him present; (2) cite him for contempt; (3) take him out of the courtroom until he promises to conduct himself properly.

I

Trying a defendant for a crime while he sits bound and gagged before the judge and jury would to an extent comply with that part of the Sixth Amendment's purposes that accords the defendant an opportunity to confront the witnesses at the trial. But even to contemplate such a technique, much less see it, arouses a feeling that no person should be tried while shackled and gagged except as a last resort. Not only is it possible that the sight of shackles and gags might have a significant effect on the jury's feelings about the defendant, but the use of this technique is itself something of an affront to the very dignity and decorum of judicial proceedings that the judge is seeking to uphold. Moreover, one of the defendant's primary advantages of being present at the trial, his ability to communicate with his counsel, is greatly reduced when the defendant is in a condition of total physical restraint. It is in part because of these inherent disadvantages and limitations in this method of dealing with disorderly defendants that we decline to hold with the Court of Appeals that a defendant cannot under any possible circumstances be deprived of his right to be present at trial. However, in some situations which we need not attempt to foresee, binding and gagging might possibly be the fairest and most reasonable way to handle a defendant who acts as Allen did here.

II

In a footnote the Court of Appeals suggested the possible availability of contempt of court as a remedy to make Allen behave in his robbery trial, and it is true that citing or threatening to cite a contumacious defendant for criminal contempt might in itself be sufficient to make a defendant stop interrupting a trial. If so, the problem would be solved easily, and the defendant could remain in the courtroom. Of course, if the defendant is determined to prevent *any* trial, then a court in attempting to try the defendant for contempt is still confronted with the identical dilemma that the Illinois court faced in this case. And criminal contempt has obvious limitations as a sanction when the defendant is charged with a crime so serious that a very severe sentence such as death or life imprisonment is likely to be imposed. In such a case the defendant might not be affected by a mere contempt sentence when he ultimately faces a far more serious sanction. Nevertheless, the contempt remedy should be borne in mind by a judge in the circumstances of this case.

Another aspect of the contempt remedy is the judge's power, when exercised consistently with state and federal law, to imprison an unruly defendant such as Allen for civil contempt and discontinue the trial until such time as the defendant promises to behave himself. This procedure is consistent with the defendant's right to be present at trial, and yet it avoids the serious shortcomings of the use of shackles and gags. It must be recognized, however, that a defendant might conceivably, as a matter of calculated strategy, elect to spend a prolonged period in confinement for contempt in the hope that adverse witnesses might be unavailable after a lapse of time. A court must guard against allowing a defendant to profit from his own wrong in this way.

III

The trial court in this case decided under the circumstances to remove the defendant from the courtroom and to continue his trial in his absence until and unless he promised to conduct himself in a manner befitting an American courtroom. As we said earlier, we find nothing unconstitutional about this procedure. Allen's behavior was clearly of such an extreme and aggravated nature as to justify either his removal from the courtroom or his total physical restraint. Prior to his removal he was repeatedly warned by the trial judge that he would be removed from the courtroom if he persisted in his unruly conduct, and, as Judge Hastings observed in his dissenting opinion, the record demonstrates that Allen would not have been at all dissuaded by the trial judge's use of his criminal contempt powers. Allen was constantly informed that he could return to the trial when he would agree to conduct himself in an orderly manner. Under these circumstances we hold that Allen lost his right guaranteed by the Sixth and Fourteenth Amendments to be present throughout his trial.

It is not pleasant to hold that the respondent Allen was properly banished from the court for part of his own trial. But our courts, palladiums of liberty as they are, cannot be treated disrespectfully with impunity. Nor can the accused be permitted by his disruptive conduct indefinitely to avoid being tried on the charges brought against him. It would degrade our country and our judicial system to permit our courts to be bullied, insulted, and humiliated and their orderly progress thwarted and obstructed by defendants brought before them charged with crimes. As guardians of the public welfare, our state and federal judicial systems strive to administer equal justice to the rich and the poor, the good and the bad, the native and foreign born of every race, nationality and religion. Being manned by humans, the courts are not perfect and are bound to make some errors. But, if our courts are to remain what the Founders intended, the citadels of justice, their proceedings cannot and must not be infected with the sort of scurrilous, abusive language and conduct paraded before the Illinois trial judge in this case. The record shows that the Illinois judge at all times conducted himself with that dignity, decorum, and patience that befits a judge. Even in holding that the trial judge had erred, the Court of Appeals praised his "commendable patience under severe provocation."

We do not hold that removing this defendant from his own trial was the only way the Illinois judge could have constitutionally solved the problem he had. We do hold, however, that there is nothing whatever in this record to show that the judge did not act completely within his discretion. Deplorable as it is to remove a man from his own trial, even for a short time, we hold that the judge did not commit legal error in doing what he did.

The judgment of the Court of Appeals is *Reversed*.

FOOTNOTES

[1] In a footnote the Court of Appeals also referred to the trial judge's contempt power. This subject is discussed in Part II of this opinion. *Infra*, at 7–8.

[2] Rule 43 of the Federal Rules of Criminal Procedure provides that "[i]n prosecutions for offenses not punishable by death, the defendant's voluntary absence after the trial has been commenced in his presence shall not prevent continuing the trial to and including the return of the verdict."

[3] See Murray, The Power to Expel a Criminal Defendant From His Own Trial: A Comparative View, 36 U. Colo. L. Rev. 171, 171–175 (1964); Goldin, Presence of the Defendant at Rendition of the Verdict in Felony Cases, 16 Col. L. Rev. 18, 18–31 (1916).

[In the Supreme Court of the United States, Mar. 31, 1970]

STATE OF ILLINOIS, PETITIONER *v.* WILLIAM ALLEN, ON WRIT OF CERTIORARI TO THE U.S. COURT OF APPEALS FOR THE SEVENTH CIRCUIT

NO. 606.—OCTOBER TERM, 1969

MR. JUSTICE BRENNAN, concurring.

The safeguards that the Constitution accords to criminal defendants presuppose that government has a sovereign prerogative to put on trial those accused in good faith of violating valid laws. Constitutional power to bring an accused to trial is fundamental to a scheme of "ordered liberty" and prerequisite to social justice and peace. History has known the breakdown of lawful penal authority—the feud, the vendetta and the terror of penalties meted out by mobs or roving bands of vigilantes. It has known, too, the perversion of that authority. In some societies the penal arm of the state has reached individual men through secret denunciation followed by summary punishment. In others the solemn power of condemnation has been confided to the caprice of tyrants. Down the corridors of history have echoed the cries of innocent men convicted by other irrational or arbitrary procedures. These are some of the alternatives history offers to the procedure adopted by our Constitution. The right of a defendant to trial—to trial by jury—has long been cherished by our people as a vital restraint on the penal authority of government. And it has never been doubted that under our constitutional traditions trial in accordance with the Constitution is the proper mode by which government exercises that authority.

Lincoln said this Nation was "conceived in liberty and dedicated to the proposition that all men are created equal." The Founders' dream of a society where all men are free and equal has not been easy to realize. The degree of liberty and equality that exists today has been the product of unceasing struggle and sacrifice. Much remains to be done—so much that the very institutions of our society have come under challenge. Hence, today, as in Lincoln's time, a man may ask "whether [this] nation or any nation so conceived and so dedicated can long endure." It cannot endure if the Nation falls short on the guarantees of liberty, justice, and equality embodied in our founding documents. But it also cannot endure if we allow our precious heritage of ordered liberty to be ripped apart amid the sound and fury of our time. It cannot endure if in individual cases the claims of social peace and order on the one side and of personal liberty on the other cannot be mutually resolved in the forum designated by the Constitution. If that resolution cannot be reached by judicial trial in a court of law, it will be reached elsewhere and by other means, and there will be grave danger that liberty, equality, and the order essential to both will be lost.

The constitutional right of an accused to be present at his trial must be considered in this context. Thus there can be no doubt whatever that the governmental prerogative to proceed with a trial may not be defeated by conduct of the accused that prevents the trial from going forward. Almost a half century ago this Court in *Diaz* v. *United States*, 223 U.S. 442, 457–458 (1912), approved what I believe is the governing principle. We there quoted from *Falk* v. *United States*, 15 App. D.C. 446 (1899), the case of an accused who appeared at his trial but fled the jurisdiction before it was completed. The court proceeded in his absence, and a verdict of guilty was returned. In affirming the conviction over the accused's objection that he could not be convicted in his absence, the Court of Appeals for the District of Columbia said:

"It does not seem to us to be consonant with the dictates of common sense that an accused person . . . should be at liberty, whenever he pleases, . . . to break up a trial already commenced. The practical result of such a proposition, if allowed to be law, would be to prevent any trial whatever until the accused person himself should be pleased to permit it. . . . This would be a travesty of justice which could not be tolerated. . . . [W]e do not think that any rule of law or constitutional principle leads us to any conclusion that would be so disastrous as well to the administration of justice as to the true interests of civil liberty. . . .

"The question is one of broad public policy, whether an accused person, placed upon trial for crime and protected by all the safeguards with which the humanity of our present criminal law sedulously surrounds him, can with impunity defy the processes of that law, paralyze the proceedings of courts and juries and turn them into a solemn farce, and ultimately compel society, for its own safety, to restrict the operation of the principle of personal liberty. Neither in criminal nor in civil cases will the law allow a person to take advantage of his own wrong."

To allow the disruptive activities of a defendant like respondent to prevent his trial is to allow him to profit from his own wrong. The Constitution would protect none of us if it prevented the courts from acting to preserve the very processes which the Constitution itself prescribes.

Of course, no action against an unruly defendant is permissible except after he has been fully and fairly informed that his conduct is wrong and intolerable, and warned of the possible consequences of continued misbehavior. The record makes clear that respondent was so informed and warned in this case. Thus there can be no doubt that respondent, by persisting in his reprehensible conduct, surrendered his right to be present at the trial.

As the Court points out, several remedies are available to the judge faced with a defendant bent on disrupting his trial. He can have him bound, shackled, and gagged; he can hold him in civil or criminal contempt; he can exclude him from the trial and carry on in his absence. No doubt other methods can be devised. I join the Court's opinion and agree that the Constitution does not require or prohibit the adoption of any of these courses. The constitutional right to be present can be surrendered if it is abused for the purpose of frustrating the trial. Due process does not require the presence of the defendant if his presence means that there will be no orderly process at all. However, I also agree with the Court that these three methods are not equally acceptable. In particular, shackling and gagging a defendant is surely the least of them. It offends not only judicial dignity and decorum, but also that respect for the individual which is the lifeblood of the law.

I would add only that when a defendant is excluded from his trial, the court should make reasonable efforts to enable him to communicate with his attorney and, if possible, to keep apprised of the progress of his trial. Once the court has removed the contumacious defendant, it is not weakness to mitigate the disadvantages of his expulsion as far as technologically possible in the circumstances.

[In the Supreme Court of the United States, Mar. 31, 1970]

STATE OF ILLINOIS, PETITIONER v. WILLIAM ALLAN, ON WRIT OF CERTIORARI TO THE U.S. COURT OF APPEALS FOR THE SEVENTH CIRCUIT

NO. 606 OCTOBER TERM, 1969

Mr. JUSTICE DOUGLAS.

I agree with the Court that a criminal trial, in the constitutional sense, cannot take place where the courtroom is a bedlam and either the accused or the judge is hurling epithets at the other. A courtroom is a hallowed place where trials must proceed with dignity and not become occasions for entertainment by the participants, by extraneous persons, by modern mass media or otherwise.

My difficulty is not with the basic hypothesis of this decision, but with the use of this case to establish the appropriate guidelines for judicial control.

This is a state case, the trial having taken place nearly 13 years ago. That elapse of time is not necessarily a barrier to a challenge of the constitutionality of a criminal conviction. But in this case it should be.

There is more than an intimation in the present record that the defendant was a mental case. The passage of time since 1957, the date of the trial, makes it, however, impossible to determine what the mental condition of the defendant was at that time. The fact that a defendant has been found to understand "the nature and object of the proceedings against him" and thus competent to stand trial[1] does not answer the difficult questions as to what a trial judge should do with an otherwise mentally ill defendant who creates a courtroom disturbance. What a judge should do with a defendant whose courtroom antics may not be volitional is a perplexing problem which we should not reach except on a clear record. This defendant had no lawyer and refused one, though the trial judge properly insisted that a member of the bar be present to represent him. He tried to be his own lawyer and what transpired was pathetic, as well as disgusting and disgraceful.

We should not reach the merits but should reverse the case for staleness of the record and affirm the denial of relief by the District Court. After all, behind the issuance of a writ of habeas corpus is the exercise of an informed discretion. The question, how to proceed in a criminal case against a defendant who is a mental case, should be resolved only on a full and adequate record.

Our real problems of this type lie not with this case but with other kinds of trials. *First* are the political trials. They frequently recur in our history [2] and insofar as they take place

Footnotes at end of speech.

in federal courts we have broad supervisory powers over them. That is one setting where the question arises whether the accused has rights of confrontation that the law invades at its peril.

In Anglo-American law, great injustices have at times been done to unpopular minorities by judges, as well as by prosecutors. I refer to London in 1670 when William Penn, the gentle Quaker, was tried for causing a riot when all that he did was to preach a sermon on Grace Church Street, his church having been closed under the Conventicle Act:

"Penn. I affirm I have broken no law, nor am I Guilty of the indictment that is laid to my charge; and to the end the bench, the jury, and myself, with these that hear us, may have a more direct understanding of this procedure, I desire you would let me know by what law it is you prosecute me, and upon what law you ground my indictment.

"Recorder. Upon the common-law.

"Penn. Where is that common-law?

"Recorder. You must not think that I am able to run up so many years, and over so many adjudged cases, which we call common-law, to answer your curiosity.

"Penn. This answer I am sure is very short of my question, for if it be common, it should not be so hard to produce.

"Recorder. Sir, will you plead to your indictment?

"Penn. Shall I plead to an Indictment that hath no foundation in law? If it contains that law you say I have broken, why should you decline to produce that law, since it will be impossible for the jury to determine, or agree to bring in their verdict, who have not the law produced, by which they should measure the truth of this indictment, and the guilt, or contrary of my fact?

"Recorder. You are a saucy fellow, speak to the Indictment.

"Penn. I say, it is my place to speak to matter of law; I am arraigned a prisoner; my liberty, which is next to life itself, is now concerned: you are many mouths and ears aaginst me, and if I must not be allowed to make the best of my case, it is hard, I say again, unless you show me, and the people, the law you ground your indictment upon, I shall take it for granted your proceedings are merely arbitrary.

"Recorder. The question is, whether you are Guilty of this Indictment?

"Penn. The question is not, whether I am Guilty of this Indictment, but whether this Indictment be legal. It is too general and imperfect an answer, to say it is the common-law, unless we knew both where and what it is. For where there is no law, there is no transgression; and that law which is not in being, is so far from being common, that it is no law at all.

"Recorder. You are an impertinent fellow, will you teach the court what law is? It is 'Lex non scripta,' that which many have studied 30 or 40 years to know, and would you have me to tell you in a moment?

"Penn. Certainly, if the common law be so hard to be understood, it is far from being very common; but if the lord Coke in his Institutes be of any consideration, he tells us, That Common-Law is common right, and that Common Right is the Great Charter-Privileges. . . .

"Recorder. Sir, you are a troublesome fellow, and it is not for the honour of the court to suffer you to go on.

"Penn. I have asked but one question, and you have not answered me; though the rights and privileges of every Englishman be concerned in it.

"Recorder. If I should suffer you to ask questions till to-morrow morning, you would be never the wiser.

"Penn. That is according as the answers are.

"Recorder. Sir, we must not stand to hear you talk all night.

"Penn. I design no affront to the court, but to be heard in my just plea: and I must plainly tell you, that if you will deny me Oyer of that law, which you suggest I have broken, you do at once deny me an acknowledged right, and evidence to the whole world your resolution to sacrifice the privileges of Englishmen to your sinister and arbitrary designs.

"Recorder. Take him away. My lord, if you take not some course with this pestilent fellow, to stop his mouth, we shall not be able to do anything to night.

"Mayor. Take him away, take him away, turn him into the bale-dock."[3] The Trial of William Penn, 6 How. St. Tr. 951, 958–959.

The panel of judges who tried William Penn were sincere, law-and-order men of their day. Though Penn was acquitted by the jury, he was jailed by the court for his contemptuous conduct. Would we tolerate removal of a defendant from the courtroom during a trial because he was insisting on his constitutional rights, albeit vociferously, no matter how obnoxious his philosophy might have been to the bench that tried him? Would we uphold contempt in that situation?

Problems of political indictments and of political judges raise profound questions going to the heart of the social compact. For that compact is two-sided: majorities undertake to press their grievances within limits of the Constitution and in accord with its procedures; minorities agree to abide by constitutional procedures in resisting those claims.

Does the answer to that problem involve defining the procedure for conducting political trials or does it involve the designing of constitutional methods for putting an end to them? This record is singularly inadequate to answer those questions. It will be time enough to resolve those weighty problems when a political trial reaches this Court for review.

Second are trials used by minorities to destroy the existing constitutional system and bring on repressive measures. Radicals on the left historically have used those tactics to incite the extreme right with the calculated design of fostering a regime of repression from which the radicals on the left hope to emerge as the ultimate victor.[4] The left in that role is the provocateur. The Constitution was not designed as an instrument for that form of rough-and-tumble contest. The social compact has room for tolerance, patience, and restraint, but not for sabotage and violence. Trials involving that spectacle strike at the very heart of constitutional government.

I would not try to provide in this case the guidelines for those two strikingly different types of cases. The case presented here is the classical criminal case without any political or subversive overtones. It involves a defendant who was a sick person and who may or may not have been insane in the classical sense[5] but who apparently had a diseased mind. And, as I have said, the record is so stale that it is now much too late to find out what the true facts really were.

FOOTNOTES

[1] See n. 5, *infra*.

[2] From *Spies* v. *People*, 122 Ill. 1, involving the Haymarket Riots. *In re Debs*, 158 U. S. 568, involving the Pullman strike, *Mooney* v. *Holohan*, 294 U. S. 103, involving the copper strikes of 1917; *Sacco & Vanzetti* v. *State*, 255 Mass. 369, 259 Mass. 128, 261 Mass. 12, involving the Red scare of the 20's; to *Dennis* v. *United States*, 341 U. S. 494, involving an agreement to teach Marxism.

As to the Haymarket riot resulting in the *Spies* case, see Commons, History of Labor in the United States, pp. 386 *et seq.* (1918); Swindler, Court & Constitution in the 20th Century, cc. 3 and 4 (1969).

As to the Pullman strike and the *Debs* case, see Pfeffer, This Honorable Court, pp. 215–216 (1966); Lindsey, The Pullman Strike, cc. XII and XIII (1942); Commons, History of Labor in the United States, pp. 502–508 (1918).

As to the *Mooney* case, see the January 18, 1922, issue of *The New Republic;* Frost, The Mooney Case (1968).

As to the *Sacco-Vanzetti case* see Fraenkel, The Sacco-Vanzetti Case; Frankfurter, The Case of Sacco-Vanzetti.

As to the repression of teaching involved in the *Dennis* case, see Kirchheimer, Political Justice, pp. 132–158 (1961).

[3] At Old Bailey, where the William Penn trial was held the baledock (or baildock) was "a small room taken from one of the corners of the court, and left open at the top; in which, during the trials, are put some of the malefactors." Oxford Eng. Dict.

[4] As respects the strategy of German Communists *vis-a-vis* the Nazis in the 1930's, see Heiden, Der Fuehrer, pp. 461, 462, 525, 551–552 (1944).

[5] In a 1956 pretrial sanity hearing, Allen was found to be incompetent to stand trial. Approximately a year later, however, on October 19, 1957, in a second competency hearing, he was declared sane and competent to stand trial.

Allen's sister and brother testified in Allen's behalf at the trial. They recited instances of Allen's unusual past behavior and stated that he was confined to a mental institution in 1953, although no reason for this latter confinement was given. A doctor called by the prosecution testified that he had examined Allen shortly after the commission of the crime which took place on August 12, 1956, and on other subsequent occasions, and that, in his opinion, Allen was sane at the time of each examination. This evidence was admitted on the question of Allen's sanity at the time of the offense. The jury found him sane at that time and the Illinois Supreme Court affirmed that finding. See *People* v. *Allen*, 37 Ill. 2d 167.

At the time of Allen's trial in 1957, the tests in Illinois for the defendant's sanity at the time of the criminal act were the M'Naghten Rules supplemented by the so-called "irresistible impulse test." *People* v. *Carpenter*, 11 Ill. 2d 60, 142 N. E. 2d 11. The tests for determining a defendant's sanity at the time of trial were that "[h]e should be capable of understanding the nature and object of the proceedings against him, his own condition in reference to such proceedings, and have sufficient mind to conduct his defense in a rational and reasonable manner," and, further, that "he should be capable of co-operating with his counsel to the end that any available defenses may be interposed." *People* v. *Burson*, 11 Ill. 2d 360, 369, —— N. E. 2d ——, ——.